



**CITY OF KIRKLAND**  
**Department of Planning and Community Development**  
**123 Fifth Avenue, Kirkland, WA 98033 425-587-3225**  
**www.ci.kirkland.wa.us**

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## **MEMORANDUM**

**To:** David Ramsay, City Manager

**From:** Dawn Nelson, Planning Supervisor  
Dorian Collins, Senior Planner  
Paul Stewart, Deputy Director  
Arthur Sullivan, ARCH Program Manager

**Date:** December 1, 2009

**Subject:** **ZONING CODE AMENDMENTS FOR DEVELOPMENT INCENTIVES FOR AFFORDABLE HOUSING (FILE ZON09-00005)**

## **RECOMMENDATION**

Staff recommends that the City Council:

- Receive an overview of the Planning Commission's recommended Zoning Code amendments for the creation of affordable housing units in multifamily and mixed use developments (see Exhibits A through D);
- Receive an overview of comments received from the Houghton Community Council at their November 23, 2009 meeting;
- Review the attached amendments and direct staff to provide any necessary revisions to the amendments for consideration at the December 15, 2009 Council meeting; and
- Provide input to staff on the potential Kirkland Municipal Code amendments identified on pages 6 and 7, below.
- Direct staff to bring back ordinances for adoption at the December 15, 2009 meeting.

## **BACKGROUND DISCUSSION**

The Planning Commission's recommendation is included as Exhibit A to this memo. Exhibit B is a copy of the staff memorandum to the Planning Commission provided for the public hearing, which was held on November 5, 2009 and continued to and completed on November 16, 2009. They provide a comprehensive summary of the proposed Zoning Code amendments. Exhibits C

and D are updated versions of specific proposed amendments that incorporate the changes recommended by the Planning Commission at the hearing.

The Houghton Community Council discussed the proposed amendments at their October 26<sup>th</sup> and November 23<sup>rd</sup> meetings. Their comments from the second meeting could not be included in this memo due to packet deadlines but will be provided to the Council at the December 1 meeting.

Staff has also worked with the City Council Housing Committee during the development of the proposed amendments. The Housing Committee provided direction early on regarding the scope of the proposed project and was given an overview of the Planning Commission's likely recommendations in October.

### **Key Issues Discussed by Planning Commission**

Following is a list of key issue areas discussed by the Planning Commission in the development of the proposed amendments. It is intended to provide an overview of the rationale that went into the final recommendation developed by the Commission.

*1. Are there areas or zoning districts that should be excluded from the requirement to provide affordable housing?*

The vast majority of zoning districts that allow multifamily residential development are included in the proposed amendments. All zones that have a density limit are included, as are all Totem Lake and Rose Hill zones that currently have a height incentive. Requirements for affordable housing are being proposed in several additional subareas of Totem Lake where it would be consistent with the neighborhood plan. Attachments 1 and 2 to Exhibit B identify the zoning districts included in the Planning Commission's study.

Areas not included in the study included the Central Business District and parts of the Juanita and North Rose Hill business districts where amendments to the Comprehensive Plan to allow more height would be required to provide additional residential development capacity, as required by State law. A few subareas of the Rose Hill and Market Street Corridor were also not included because incentives for housing development were not included in the recently written regulations. Finally, the few Community Business (BC and BCX) zones were not included, as opportunities for future redevelopment in those areas will be explored during the upcoming Central Houghton, Everest and Bridle Trails neighborhood plans.

*2. What is the smallest development size that should be required to provide affordable housing units?*

The Planning Commission is recommending that developments including four or more multifamily units provide affordable housing. They originally considered creating an affordable housing requirement for all multifamily developments of two or more units. Their primary reasoning in choosing a low threshold was that setting a typical threshold of 10 units would result in developers choosing to build only nine units to avoid the requirement

or larger developments building in phases to avoid affordable housing requirements. In addition, some capacity for affordable housing would be lost if a high threshold was set. However, for small developments of two or three units, the density bonus required to offset the affordable housing requirement could have a negative impact on surrounding lower density properties. (Many properties in density limited zones adjoin low density zones.) The density bonus associated with a four unit development is consistent with what neighborhood representatives previously felt comfortable with allowing.

*3. How much affordable housing should be required?*

Two components of the incentives currently in place already require 10% of units to be affordable to use the incentives – the Multifamily Tax Exemption, which provides a significant value in offsetting the cost of providing affordable housing, and the Totem Lake and Rose Hill zoning regulations. The Planning Commission concluded that ten percent of units would provide a significant affordable housing benefit to the City without being overly burdensome to individual developments.

*4. What levels of affordability should be required for rental and ownership units?*

Kirkland's current incentives for affordable housing require that rental units be made affordable to those earning no more than 50% of the King County median income, adjusted for household size, and that for sale units be made affordable to those earning no more than 70% of King County median income. The City chose to be aggressive in its requirements in exchange for what was considered a generous package of incentives that offset the cost of providing units at these affordability levels. A summary of the updated economic analysis of the cost of providing affordable units compared to the value of the incentives that the City can provide in exchange is included in Attachment 5 to Exhibit B.

Staff reviewed the economic analysis with five multifamily and mixed use developers and land owners. All agreed that the approach is sound and that the assumptions are supportable, assuming a return to some level of economic normalcy. A summary of their comments can be found in Attachment 4 to Exhibit B.

The recommended affordability requirements, based on the updated economic analysis are:

- 50% of King County median income for all rental units;
- 80% of King County median income for ownership units in the Totem Lake and Rose Hill Business District zones; and
- 100% of King County median income for ownership units in the density limited zones.

The economic analysis summary shows that the value of all available incentives for rental housing at 50% of median income results in a significant net benefit to the developer. Because the value of the 8 year Multifamily Tax Exemption accrues to the owner of the unit and not the developer, the economic analysis summary shows that the remaining incentives

provide a significant benefit to the developer only at higher income levels for ownership housing.

5. *Should a payment-in-lieu of providing affordable housing units be allowed? If so, should there be a limit on its use?*

A payment in lieu program is necessary when the requirements for affordable housing result in a developer needing to provide fractions of affordable housing units. With a low threshold for requiring affordable housing, intended to create an equitable requirement for all multifamily projects, developments of four to six units would be required to provide 0.4 to 0.6 affordable housing units. Based on rounding requirements in the Zoning Code, a whole affordable housing unit would be required for projects from seven to nine units. A summary of the Planning Commission discussion of this issue can be found on page 3 of Exhibit A.

6. *Should additional building height be allowed in exchange for affordable housing in four TL subareas that did not previously have a housing incentive?*

The three TL 4 subareas are located adjacent to I-405 (TL 4A on the east, and TL 4B and 4C on the west). These mixed use zones are not designated as Housing Incentive Areas in the Totem Lake Neighborhood Plan, and do not provide the building height incentive for affordable housing that exists in many other zones in Totem Lake. The TL 8 zone, which lies just north of Totem Lake itself, and just south of the Totem Lake mall property also allows mixed use, and does not allow additional building height when affordable housing is provided.

The Planning Commission's recommendation is that the requirement for affordable housing be expanded to the TL 4A, 4B and TL 8 zones. Since additional building height had not already been provided with the changes to the Zoning Code for these areas, additional capacity must accompany the requirement. An analysis of potential impacts of the increased building height in the TL 8 zone can be found on page 12 of Exhibit B.

7. *Should the ability to develop housing without commercial uses be expanded where it is currently restricted in some portions of the Parmac area?*

The proposed amendments would allow residential development to occur throughout the TL 10B and TL C zones, but would retain the restriction on "stand-alone" housing in the TL 10D zone.

When the Totem Lake Neighborhood Plan was adopted, the TL 10B, TL C and TL 10D subareas were designated as Housing Incentive Areas, and residential use was anticipated to be allowed throughout the zones. Economic conditions had shifted somewhat when the zoning regulations for Totem Lake were considered by the City Council however, and Council members raised concerns about the need to preserve land for commercial (primarily office) development and to prevent displacement of commercial use with residential development. The Council addressed these concerns through studying the Parmac area (TL

10B-TL 10D) in particular. The regulations adopted by the Council allowed residential use in these areas, but only when located within the westernmost parts of the zones, or when included in mixed use projects.

In their study of this issue, the Planning Commission asked staff to evaluate the impact that a change to the geographic restrictions on residential development in these areas would have on Citywide targets for housing and employment. The analysis concluded that the change would be minimal, resulting in 341 fewer jobs (from .07% of the city's total employment to .05% of total employment citywide), and 164 additional housing units (an increase of .03% in the share of the citywide housing units derived from these zones).

The Planning Commission eventually opted to retain the geographic restrictions on housing development in the TL 10D zone, which has more potential for redevelopment and is located adjacent to the commercially-zoned TL 10E zone, to allow more time for the economy to recover and the Totem Lake Neighborhood Plan's vision for expanded office and high technology uses to be realized.

*8. Should the voluntary incentives for affordable housing be changed to mandatory requirements in the TL 1A, 1B and TL 10B zones?*

While the Planning Commission had initially discussed including these zones in the shift from voluntary incentives to mandatory requirements, the structure of the building height incentive in these zones does not support this approach. The TL 1A and TL 1B zones lie in the core of Totem Center, where expansions to the existing road network are planned. The TL 10B zone also includes property where a new road connection is anticipated to be provided through new development.

The building height incentive in these areas is tied to both the dedication of land for new rights-of-way and the provision of affordable housing. As a result, the additional building height cannot be granted outright as would be necessary to accompany a mandatory requirement, without the loss of the incentive or bonus provided to property owners when land is dedicated for the future roadways. The proposed amendments retain the incentive approach for affordable housing in these zones (see Exhibit D).

**Municipal Code Amendments**

We anticipate bringing several Municipal Code amendments as part of the final package to be brought to the City Council on December 15, 2009. They are described below. ***Staff would like input from the City Council on whether they would support, in concept, each of these amendments.***

*1. Multifamily Property Tax Exemption (MFTE)*

- a. One of the key components in the incentive package the City adopted in 2004 and the currently proposed regulations is the Multifamily Property Tax Exemption (MFTE) ([KMC 5.88](#)). It allows an exemption from property taxes assessed on the improvement value of new multifamily housing for eight or twelve years. The City requires that affordable

housing be provided for the tax exemption to be used. Ten percent of the units must be affordable for the eight year exemption and 20 percent must be affordable for the 12 year exemption. For rental housing, the value of all residential improvements is exempted even though only a percentage of the units are affordable. For housing units that are individually owned, only the affordable units are granted the exemption. For rental housing, the MFTE fills the gap remaining between the cost of providing an affordable housing unit and the value of the land use and fee incentives provided in the Zoning regulations.

Two specific changes that will be proposed are:

- Allowing use of the exemption when a payment-in-lieu of providing affordable units is used; and
- Allowing only a partial exemption for rental housing projects in the Totem Lake and Rose Hill Business Districts where the value of the land use incentives provides a greater offset to the cost of providing the affordable housing.

Staff will work with the Finance Department to analyze the financial impact of the MFTE on the City's revenues. This information will be provided to the Council in your December 15<sup>th</sup> meeting packet.

- b. Another option being explored by staff is whether the MFTE could be used as the sole incentive to encourage the development of affordable housing units in zoning districts where no other incentives for affordable housing are available. For example, the MFTE alone may provide enough economic incentive for a developer to set aside 10% of the units in a rental development for households earning 80% of King County median income (compared to the 50% of median targeted through the Zoning regulations). This could result in the voluntary creation of affordable housing units where none would be required under the proposed regulations, such as in the CBD or the North Rose Hill Business District. Several developers thought that they would seriously consider this alternative if it were available.

Staff will work with the Finance Department to analyze the potential financial impact on the City's revenues and this information will be provided to the Council in your December 15<sup>th</sup> meeting packet.

## *2. Impact Fees*

The City's ordinances for road and park impact fees allow an exemption for affordable housing units. However, they also include a statement that the exempted fees will be paid from public funds other than the impact fee account. The fees total \$4,757 per unit. The City does not currently have revenues to pay the exempted fees, especially if requested for a large number of units. Staff will be recommending that an amendment to the State statutes to remove the requirement that exempted fees be paid be included on the City's

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legislative agenda. In the meantime, minor amendments will be proposed to the Municipal Code to clarify that the City has discretion in granting the exemption.

*3. Sewer Capital Facility Charge*

Another fee waiver that is currently offered in the package of incentives eliminates the Sewer Capital Facility Charge for the bonus units granted in exchange for the creation of affordable housing units. The fee is \$1,956 per unit, and the total cost per affordable unit would be \$3,912 (based on two bonus units per affordable unit). This exemption was also set up so that the City would pay the fee so that the utility fund remains pure. When new development pays the fee, it "buys into" the sewer plant that has been paid for by the utility customers and previous development. Staff will recommend amendments to the Municipal Code to remove this exemption.

**SEPA Compliance**

A SEPA Addendum for the draft code amendments was issued on November 18, 2009 (see Exhibit E). The Addendum was to the City of Kirkland 2004 Draft and Final Comprehensive Plan 10-year Update EIS. No additional significant adverse impacts are anticipated as a result of the proposed amendments.

**EXHIBITS**

- A. Planning Commission Recommendation
- B. Staff Memo to Planning Commission for November 5, 2009 Public Hearing
- C. Updated Proposed Amendments to KZC Chapter 112
- D. Updated Proposed Amendments to TL 1A, 1B and 10B Use Zone Charts
- E. SEPA Addendum



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## **MEMORANDUM**

**Date:** November 18, 2009  
**To:** Kirkland City Council  
**From:** Andy Held, Planning Commission Chair  
**Subject:** **ZONING CODE AMENDMENTS FOR DEVELOPMENT INCENTIVES FOR AFFORDABLE HOUSING (FILE ZON09-00005)**

## **RECOMMENDATION**

I am pleased to submit, on behalf of the Planning Commission, updates to Kirkland's Zoning Code to increase the supply of affordable housing in the City. The Zoning Code updates require builders to include affordable housing units in multifamily and mixed use developments in density limited zones as well as the Totem Lake and Rose Hill Business District zones. We believe the proposed amendments will result in creation of affordable housing units in developments throughout the City and implement the following policies of the Comprehensive Plan:

Policy H-2.1: Strive to meet the targets established and defined in the Countywide policies for low- and moderate-income housing as a percentage of projected net household growth.

Policy H-2.3: Promote the provision of affordable housing by private sector residential developments.

Policy H-2.4: Provide affordable housing units when increases to development capacity are considered.

Policy H-2.5: Ensure that affordable housing opportunities are not concentrated, but rather are dispersed throughout the City.

## **BACKGROUND DISCUSSION**

### **I. History**

The Planning Commission had studied and recommended to the City Council voluntary incentives for the creation of affordable housing as part of multifamily developments in density limited zones. In May 2004, the City adopted these incentives. The program is entirely voluntary and was set up so that the value of the available incentives would exceed the cost to the developer of providing the affordable housing units.

Subsequently, further voluntary incentives were adopted as major rezoning occurred in the Totem Lake and Rose Hill business districts. In those districts, the City has offered the option of significant height increases in some areas in exchange for 10% of new multifamily residential units being affordable.

To date, no affordable housing units have been constructed as a result of the incentive programs. At the request of the City Council, the Planning Commission began studying the proposed code amendments to transition the voluntary incentives for affordable housing to mandatory requirements last spring. The proposed Zoning Code amendments are being recommended to ensure that some amount of affordable housing is constructed as part of market rate housing development in Kirkland. The Planning Commission has worked to create a set of regulations that is fair to both the development community and Kirkland neighborhoods.

## II. Proposed Code Amendments

The proposed amendments build on the strong package of incentives that are currently in place. The package includes increased density or height (in Totem Lake and Rose Hill), flexible site development standards, impact fee and other fee waivers, and potential exemption from certain property taxes. Consistent with State law, increases to residential development capacity must be provided in newly created or expanded incentive programs. In those instances, mandatory requirements for affordable housing are allowed.

The following list summarizes the primary elements of the proposed regulations.

### Affordability Requirements

- 10% of units required to be affordable in projects adding 4 or more multifamily units
- Required affordability levels:
  - 50% of King County median income, adjusted for household size, for rental units
  - 80% of King County median income, adjusted for household size, for for-sale units in TL and RH zones
  - 100% of King County median income, adjusted for household size, for for-sale units in density limited zones
- Allows flexibility for developers and encourages variety in affordable units by incorporating a sliding scale option (project can provide more affordable units than prescribed at a higher percentage of median income or project can provide fewer affordable units than prescribed at a lower percentage of median income)
- Phases in affordability requirement in TL and RH zones to encourage pioneer projects (for example, first 150 rental units developed in TL zones are required to be affordable at 70% of median, next 150 rental units are required to be affordable at 60% of median, all subsequent units are required to be affordable at 50% of median)

### Incentives to Offset Requirements

- Provides package of incentives in density limited zones similar to existing code:
  - Allows 2 additional market rate units for every unit of affordable housing included in base density

- Allows flexible development standards to fit bonus units on site, including
  - increased impervious area and height allowances
  - decreased setbacks, lower additional parking and open space requirements per new affordable unit
- Provides permit fee waivers for bonus units
- Allows use of Multifamily Tax Exemption
- Requires affordable housing based on currently allowed height increases in applicable TL and RH zones, affordable housing required even if extra height not used
- Adds 20' height incentive and requires affordable housing in TL 4A,4B and 8

#### Other Program Elements

- Expands the area where stand-alone housing is allowed in TL 10B and 10C
- Allows some alternative compliance options
  - Payment-in-lieu allowed for 'fractional' units and up to one whole affordable housing unit for first five years of program, after that time period only allowed when 'fractional' affordable units are required
  - Potential for off-site development option expanded to TL and RH zones

An area we discussed at length was the allowance for a *payment-in-lieu* of providing affordable housing. This mechanism is intended to provide equity and balance in the system – equity for developers and balance for the City. Without the option for a payment-in-lieu, smaller projects where less than a whole affordable unit would be required to either provide a greater percentage of affordable units or be given a greater density bonus to offset providing a whole affordable unit. This could result in a greater impact on surrounding properties.

Whether to allow a payment for only fractional units or to expand it to whole units generated significant debate. Restricting payment would ensure that actual affordable units are included in developments and ensure dispersion of affordable units in projects throughout the City. Allowing a broader use of a payment would provide flexibility to developers and could increase the leveraging of those payments, which would be dispersed through the ARCH Housing Trust Fund process. The compromise that was reached was to allow a payment-in-lieu for one whole affordable unit in a project, in addition to the fractional units, and limit the time that payment is allowed for a whole unit to five years. Similar to the phasing in of affordability in the TL and RH zones, this will soften the impact on the pioneer developments. It will also allow the City to evaluate its use over time. We also believe this compromise is sensitive to some concerns raised by the Houghton Community Council.

#### III. Public Involvement

Staff mailed approximately 6,800 postcards to all property owners in the zoning districts that would be affected by the proposed code amendments. The postcards summarized the proposed code amendments, identified the dates of an open house and the Planning Commission hearing and directed people to the Planning Department web page where they could find more information. The notice was also sent electronically to the Neighborhood Services and Developer list serves. Five people addressed the Planning Commission at the public hearing. The majority were supportive of the proposed amendments.



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## **MEMORANDUM**

**Date:** October 29, 2009

**To:** Planning Commission

**From:** Dorian Collins, Senior Planner  
Dawn Nelson, Planning Supervisor

**Subject:** **PUBLIC HEARING ON DRAFT AMENDMENTS TO THE ZONING CODE  
RELATED TO DEVELOPMENT INCENTIVES FOR AFFORDABLE HOUSING  
(FILE ZON09-00005)**

### **I. RECOMMENDATION**

Conduct a public hearing to receive testimony on the proposed amendments to the Zoning Code related to development incentives for affordable housing in multifamily and mixed use zones. Provide direction to staff for any changes to the draft amendments, and prepare a recommendation for consideration by the City Council.

#### *Suggested Public Hearing Format*

- Staff presentation on proposed amendments
- Opportunity for public comment on draft amendments
- Close the public comment portion of the hearing
- Deliberation on the proposal by the Planning Commission
- Planning Commission may either make a recommendation on the amendments to the City Council, or continue the public hearing to another meeting.

This memo is organized into the following sections:

- I. Recommendation
- II. Approval Criteria
- III. Background
- IV. Public Review and Comment
- V. Draft Amendments to Zoning Code
- VI. Related Municipal Code Amendments

### **II. APPROVAL CRITERIA**

The proposed amendments to the Zoning Code are in support of the Council's expressed priority to provide opportunities for affordable housing in the city. The amendments would promote the

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development of affordable housing through adding requirements for the creation of affordable units in exchange for increases in development capacity. The requirements would be in place in the zoning districts identified in Attachments 1 and 2. The proposed amendments are consistent with Section 135.25 of the Zoning Code in that:

- a. The proposed amendments are consistent with the applicable provisions of the Comprehensive Plan. The following policies in the Housing Element specifically support the proposed amendments.

Policy H-2.1: Strive to meet the targets established and defined in the Countywide policies for low- and moderate-income housing as a percentage of projected net household growth.

Policy H-2.3: Promote the provision of affordable housing by private sector residential developments.

Policy H-2.4: Provide affordable housing units when increases to development capacity are considered.

Policy H-2.5: Ensure that affordable housing opportunities are not concentrated, but rather are dispersed throughout the City.

- b. The proposed amendments bear a substantial relation to public health, safety and welfare, as they would address a need in the community for affordable housing.
- c. The proposed amendments are in the best interest of the residents of Kirkland in that they would ensure that housing affordable to people at various income levels is available within the City. This should help to provide a better balance between the jobs and housing that exist in the City and reduce regional traffic.

### **III. BACKGROUND**

#### *Why Does the City Care if Affordable Housing Exists?*

The City is assigned a growth target for new housing as part of the Countywide Planning Policies process, as well as a target for affordable housing. The [Housing Element](#) of Kirkland's Comprehensive Plan includes the following goals from the Countywide Planning Policies:

- Twenty-four percent of growth in new households affordable to low income households (earning up to 50% of the King County median); and
- Seventeen percent of growth in new households affordable to moderate income households (earning between 50% and 80% of the King County median).

The market and other policies of the City have been moderately successful at providing rental housing affordable to moderate income households. However, the City has never achieved its affordable housing goals. Each strategy that the City employs to address this issue needs to be as effective as possible.

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The City Council has also stated a vision that those who work in Kirkland should have an opportunity to live here. Approximately one third of the jobs in the City in 2008 were lower paying retail and service sector jobs. Providing housing that is affordable to workers within the city helps to reduce regional traffic and allows people more time that they may use to engage in their community.

#### *Kirkland's History with Affordable Housing Regulations*

The City of Kirkland adopted a package of incentives, including generous density bonuses, site development flexibility, tax exemptions, and fee waivers in May 2004 to encourage development of affordable housing as part of market rate housing developments in multifamily and mixed use zones. These incentives are contained in Chapter 112 of the Kirkland Zoning Code. The primary goal of the program is to integrate affordable units into multifamily and mixed use developments throughout the City.

The program is entirely voluntary and was set up so that the value of the available incentives would exceed the cost to the developer of providing the affordable housing units. The affordability requirements are ambitious, with rental units required to be affordable to households earning no more than 50% of King County median income and for sale units required to be affordable to households earning no more than 70% of King County median income.

The density bonus and development flexibility incentives apply only in multifamily and mixed use zones that have an established maximum density, such as the RM and PR zones. For example, in the RM 3.6 zone, 3,600 square feet of land area is required for every residential unit and a property that is 36,000 square feet in size could be developed with 10 units. If one affordable housing unit is provided in the 10 units, then two additional market rate units could be built for a total of 12 units (one affordable and 11 market rate).

As major rezoning occurred in the Totem Lake and Rose Hill business districts, the City has offered the option of significant height increases in some areas in exchange for 10% of residential units being affordable. For example, in the TL6A zone, the basic height limit is 35 feet but residential development is allowed to build to 65 feet if at least 10% of the units are affordable housing units. Different subareas were allowed different height bonuses based on locational context and the City's desire to incentivize housing in that area.

Little residential development has occurred in the zones with incentives since the incentives were put in place. Two projects have taken advantage of the incentives, out of nine projects that could have used them. One is a small 6 unit development east of State Street South in the Moss Bay neighborhood and the other is a 165 unit development in the Totem Lake neighborhood. Neither project has been built yet due to changes in the economy.

#### *Legislative Background*

On April 13, 2009, Governor Gregoire signed Engrossed House Bill 1464, which made some minor amendments to [RCW 36.70A.540](#) related to affordable housing incentive programs. Subsection 3 of the statute requires cities that are enacting or expanding affordable housing incentive programs to "... provide increased residential development capacity through zoning changes, bonus densities, height and bulk increases, parking reductions, or other regulatory

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changes or other incentives" [RCW 36.70A.540(3)(b)]. Subsection 3(d) authorizes cities to adopt mandatory affordable housing requirements to address the need for increased residential development.

#### Project Approach

The direction provided by the City Council at the outset of this project was to look at all but a few zoning districts in the City that allow multifamily development to determine where opportunities existed to allow increases in development capacity in exchange for required affordable housing. The exceptions were the BC and BCX zones, which include the Houghton and Bridle Trails shopping districts, and the Central Business District. The Council wanted to defer conversations in those areas to the appropriate neighborhood planning processes. Staff's approach to the project has been to:

- Build on the background work that had previously been done to create the existing incentives; and
- Make only those modifications to the incentives that would be necessary to transition the program from voluntary to mandatory.

The final list of zoning districts included in the proposed amendments can be found in Attachment 1. Attachment 2 is a map showing the locations of all of those zones. The map also includes a blue line depicting the jurisdiction of the Houghton Community Council.

### **IV. PUBLIC REVIEW AND COMMENT**

#### **A. Houghton Community Council**

Planning staff briefed the Houghton Community Council on the proposed Zoning Code amendments at their October 26, 2009 meeting. The HCC was generally not supportive of a mandatory program. While some agreed with the concept of integrating affordable housing units in developments throughout the City, others thought that having just a few units in a development would lead to inefficiencies for the developer and/or property owner. Based on this, they were supportive of allowing broader use of a payment in lieu program that would make funds available to larger affordable housing projects. They also indicated a strong preference for increasing the existing density incentives to further encourage development of affordable units through a voluntary program.

Two possible modifications to the proposed amendments that would help address the concerns raised by Houghton are:

- 1) Expand the payment in lieu program beyond the limited scope identified by the Planning Commission; or
- 2) Explore expansion of the density and height incentives to make a stronger voluntary program.

Expansion of the payment in lieu program is discussed further in Section V.E. on page 9. Expansion of density and height incentives may result in impacts on surrounding properties and

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would need additional study to be realistically considered. In addition, experience around the country has shown that voluntary programs not connected with significant rezones have not been successful.

Another option would be to defer this issue to the Lakeview and Houghton neighborhood plan updates that have recently begun. A corollary to that alternative would be to exempt Houghton from the mandatory provisions and retain the current voluntary approach in Houghton.

Technical issues raised by the HCC were:

- If a payment-in-lieu of providing affordable housing is used for fractional affordable housing units and no on-site affordable housing is provided, then the Multifamily Tax Exemption (MFTE) as currently adopted cannot be used. The MFTE provides a significant incentive to offset the cost of providing affordable housing. How will the value of the incentives offset the cost of providing affordable housing in those instances?

### **Discussion**

This is an issue for developments where the base density is less than 6 units and, therefore, a fractional affordable unit less than 0.66 would be required (see discussion in Section V.E. on page 9 for background). Three viable alternatives for addressing this issue are:

- ✓ Modify the MFTE to allow it to be used in situations where a payment in lieu is provided for fractional affordable housing units.
- ✓ Utilize the allowance for additional density bonus in KZC 112.25 to allow more density to ensure that sufficient economic incentive is provided to offset the affordable housing cost. This item is discussed further in Section V.D on pages 7 and 8, below.
- ✓ Modify the minimum threshold for requiring affordable housing from four units to ten. The negative effect of this is that smaller developments would not participate in creating affordable housing units.

### **The Planning Commission should provide direction as to which of these options, if any, should be pursued.**

- The minimum unit sizes required for affordable units are large. Can they be reduced to provide more flexibility? This issue is addressed in Section V.F. on page 9, below.

## **B. Planning Commission**

The Planning Commission has reviewed the development incentives for affordable housing at four meetings from May through September 2009. The proposed amendments to the Zoning Code (discussed in the following section) are based on input provided by the Commission.

### C. Public Notice and Comment

Staff mailed approximately 6,800 postcards to the owners of all parcels within the zoning districts that are being studied for amendments. The postcards outlined the basic parameters of the proposed code amendments and invited people to attend an open house on the evening of October 21, 2009 and the Planning Commission hearing on November 5, 2009. Similar information was sent to the City's neighborhood services and developers list serve groups via e-mail. Notice of the hearing was also posted on the City's notice boards and published in the Seattle Times.

Little public comment has been received to date. Two citizens attended the open house. Both were supportive of the project. Two e-mail inquiries have been received and are included, along with staff's responses, in Attachment 3.

### D. Multifamily and Mixed Use Developers

Staff reviewed the economic analysis comparing the cost of providing affordable housing units with the value of incentives that could be given in return with five multifamily and mixed use developers and land owners. All agreed that approach is sound and that the assumptions are supportable, assuming a return to some level of economic normalcy. A summary of their comments can be found in Attachment 4. Many of their comments have been incorporated into the proposed code amendments outlined in the next section.

## **V. DRAFT AMENDMENTS TO ZONING CODE**

The proposed amendments to the Kirkland Zoning Code are shown in strikeout and underline format in Attachments 6 through 26. They are based on the recommendations and directions provided by the Planning Commission. The most significant changes are briefly summarized below. Please refer to the memo to the Commission dated September 16, 2009 (September 24, 2009 meeting date) for further background. The proposed amendments to KZC Chapter 112 are included in strikeout and underline format in Attachment 7.a. and in final format in Attachment 7.b.

### A. KZC 5.10.023 – Definition of Affordable Housing Unit (see Attachment 6)

- Changes the definition to establish the maximum income level for owner-occupied affordable housing unit.
- Clarifies the items that are included in monthly housing expenses.
- Retains the existing maximum income level for renter-occupied affordable housing unit.
- Based on economic analysis summary showing value of available incentives relative to cost of providing affordable units (see Attachment 5).

### B. KZC 112.15 – Affordable Housing Requirement (see Attachment 7)

- **Section 1** – Establishes the requirement for 10 percent affordable housing when four or more residential units are added.

- **Section 2** – Clarifies that the number of affordable units will be calculated from the base density proposed, prior to the addition of bonus units.
- **Section 3** – Clarifies that the number of affordable units will be calculated from the total number of dwelling units in RH and TL zones
- **Section 4** – Establishes when rounding up to the next whole number of units is required.
- **Section 5** – Directs reader to alternative compliance allowances.

C. KZC 112.20 – Basic Affordable Housing Incentives (see Attachment 7)

- **Section 1** – Clarifies that no additional permit process is required to use the incentives.
- **Section 2.a** – Establishes that height bonuses will be granted in exchange for affordable housing units as specified in the Rose Hill and Totem Lake Use Zone Charts.
- **Section 3.a** – Allows different density bonuses for providing units that are affordable at levels other than defined, in zones where the density is limited. This will allow flexibility to the developer who wishes to target a different income level and, if used, will provide variety within the affordable housing inventory. Staff is still working on calculating the correct ratio of bonus units to affordable units that will result in costs and benefits equivalent to the defined affordability levels at 50% of median for rental units and 100% of median for owner occupied units. Those ratios will be presented at the Planning Commission Hearing.
- **Section 3.b** – Allows different percentages of affordable units required for providing units that are affordable at levels other than defined, in the RH and TL zones. This will allow flexibility to the developer who wishes to target a different income level and, if used, will provide variety within the affordable housing inventory. Staff is still working on calculating the correct percentage of affordable units that will result in costs and benefits equivalent to the defined affordability levels at 50% of median for rental units and 80% of median for owner occupied units. Those ratios will be presented at the Planning Commission Hearing.
- **Section 3.c** – Establishes phasing in of the affordability requirement in the RH and TL zones to provide more incentive to encourage “pioneer developments” in these business districts.
- **Section 4** – Retains allowable modifications to lot coverage, parking, structure height, required yards, and common recreational open spaces as needed to accommodate the bonus units allowed in density limited zones.
- **Section 5.c** – Removes the exemption from sewer capital facility charges for bonus units (about \$2,000 per unit) allowed in density limited zones because City must find other source of funds to pay charge if applicant does not.

D. KZC 112.25 – Additional Affordable Housing Incentives (see Attachment 7)

- **Section 1** – Continues to allow an applicant to request additional incentives beyond or in place of the basic incentives if specific criteria in subsection 4 are met.
- **Section 2** – Changes the review process for an increase in density bonus from a Process IIA to a Planning Director decision, with the possibility of appeal to the Hearing Examiner by the applicant. There is no public noticing requirement for this type of review. This proposed change is based on a conversation with the Planning Commission

last spring that a public process for a higher density bonus without criteria that the public can reasonably weigh in on simply frustrates the participants. The site envelope for development would remain the same as is otherwise allowed. The approval criteria are technical in nature.

- **Section 3** – Changes the review process for further modification to lot coverage, parking, height, required yards, or common recreational open space (beyond what is allowed in KZC 112.20) from a Process IIA to a Process I. This would retain a review process with public noticing requirements (notice board on property, mailed notice to adjacent residents, publishing) for those projects where the site envelope for development would be changed. It would allow an appeal to the Hearing Examiner by the applicant or anyone who submitted written comments during the public notice process.

### **Discussion**

The Planning Commission did not discuss this item at its meeting in September, so no specific direction was given. Staff's recommended code amendment is intended to simplify the approval process in response to the comments received last spring. ***The question at this point is whether the proposed approval processes provide an appropriate level of public notice and opportunity for public input.***

One of the following criteria must be met for approval of either an increase in density bonus (Section 112.25.2) or further modification to site development standards (Section 112.25.3):

- a. The additional incentive is necessary to provide sufficient economic incentive to the applicant to offset the cost of providing the affordable housing units.
- b. The additional incentive is necessary to reasonably achieve the permitted density, including the bonus units.
- c. The additional incentive is necessary to achieve a greater number of affordable housing units than the defined affordable housing requirements would prescribe or a greater level of affordability than is defined by the term affordable housing unit.

In making its decision on additional incentives, the City will consider the value of any property tax exemptions available to the project from the City as established in Chapter 5.88 KMC, as well as other fee waivers or reductions as established in the Kirkland Municipal Code.

Because they would be developing more units on their property, anyone requesting approval of an increase in density bonus (Section 112.25.2) will likely take greater advantage of the allowed modifications to lot coverage, parking, height, required yards and common recreational open space allowed in KZC 112.20 than someone who is only using the standard density bonus. However, they would not be able to go beyond the limits established in KZC 112.20 without going through a Process I review (Section 112.25.3).

E. KZC 112.30 – Alternative Compliance (see Attachment 7)

- **Section 4** – Adds provisions for payment in lieu of constructing affordable housing units only for portions of required units that are less than 0.66 units.

**Discussion**

The Planning Commission recommendation for payment in lieu of constructing affordable housing was to establish a program that would strongly encourage construction of affordable units where feasible. Based on this, the proposed code language allows payment in lieu only for fractional affordable units that are less than 0.66 units. Rounding up to the next whole number of units is required if the calculated number of required affordable units results in a fraction of 0.66 or more. The Houghton Community Council supports allowing broader use of a payment in lieu program that would make funds available to larger affordable housing projects through the ARCH Housing Trust Fund. They believe that this would eliminate potential inefficiencies that would result from having just a few units in many developments. They also believe that it is appropriate to give developers a variety of options to comply with the requirements. Expansion of the payment in lieu of constructing affordable units could also alleviate problems for sites that are constrained to the point that they cannot reasonably fit the bonus units on site.

**Issues for Planning Commission discussion include:**

- **Should the allowance for payment in lieu be broader than currently defined?**
- **If so, should there be an upper limit for the number of affordable units for which it can be used?**
- **If the allowance is expanded, should some or all of the resources be specifically restricted to projects within Kirkland or should they be directed to the entire ARCH sphere of influence? The potential downfall of directing funds specifically to Kirkland is that there is no guarantee that there will be projects in Kirkland requesting funding through ARCH.**

F. KZC 112.35 – Affordability Provisions (see Attachment 7)

- **Section 1.d** – Reduces the minimum unit sizes allowed for affordable units. Allows affordable units to meet the minimum sizes allowed or be 10 percent smaller than the market rate units, whichever is less. This change is proposed in response to comments from the Houghton Community Council.
- **Section 2** – Changes the required length of affordability from 30 years to 50 years for ownership units based on current underwriting allowances for FHA and Fannie Mae.

G. General Regulations for Various Use Zone Charts (see Attachment 8)

- Adds requirement for affordable housing to Use Zone Charts and refers to KZC Chapter 112 for additional information.

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- Attachment 8 shows the proposed language for the Multifamily Residential (RM) zone. The same requirement would be added to the general regulations for all of the density limited zones identified in the list in Attachment 1).

#### H. Special Regulations in RH and TL Use Zone Charts

##### 1. KZC: TL 1A (Attachment 9)

###### *Attached or Stacked Dwelling Units and Assisted Living Facility:*

- Revises special regulations so the requirement for affordable housing applies to all multifamily and assisted living development regardless of building height. Includes a reduction in the minimum development size threshold from 10 units to 4 units.
- Simplifies text by deleting language regarding rounding of units, affordability agreements, etc. through reference to Chapter 112.

The proposed amendments do not include changes to the height limit range for these uses, since additional measures must be taken to exceed 30' in height in this zone, including participation in the dedication and improvement of public streets, or development of pedestrian-oriented elements where dedication requirements do not apply.

##### 2. KZC: TL 1B (Attachment 10)

###### *Attached or Stacked Dwelling Units, Development containing Both Office and Attached or Stacked Dwelling Units, and Assisted Living Facility:*

- Same changes as those proposed for TL 1A

##### 3. KZC: TL 4A,4B and 4C (Attachment 11)

###### *Development containing attached or stacked dwelling units and offices, restaurants or taverns, or retail uses allowed in this zone:*

- Raises the building height maximum for this use in the TL 4A and TL 4B zones from 45' to 65'.
- Adds new requirement that 10% of dwelling units in developments including four or more units be affordable.
- Adds reference to Chapter 112 for additional requirements or incentives.
- Revises the requirement that "At least one full story of the building must be dedicated to residential use" to "The equivalent of the additional gross floor area constructed above 35' over ABE must be dedicated to residential use. Residential use may be located anywhere in the building above the ground floor". The purpose of this change is to ensure the additional height provides residential use, while allowing flexibility for locating the residential space within the building.
- TL 4C: Does not provide for additional building height beyond the 45' granted for mixed use in previous amendments (Ordinance 4037, 2006). The Planning

Commission concluded that the parcels in this zone were small, and an increase in building height would not be appropriate.

4. KZC: TL 5 (Attachment 12)

*Conceptual Master Plan (allows any combination of uses permitted in the TL 5 zone.):*

- Revises special regulations to remove the reference to the provision of affordable housing units from the criteria for increased building height.
- Adds revised requirement for affordable housing, with reduced development size threshold of 4 units, as discussed above.
- Simplifies text by deleting language regarding rounding of units, affordability agreements, etc. through reference to Chapter 112.

*Attached or Stacked Dwelling Units:*

- Changes the maximum building height, to allow 45' outright, replacing the statement that building height for this use would be the same as that allowed for the ground floor use. Since residential use is not allowed on the ground floor, there is a different ground floor use.
- Adds requirement for affordable housing in developments of 4 or more units.
- Simplifies text by referencing Chapter 112 for additional requirements and incentives.
- Revises wording of requirement that specifies that at least two stories of the development must be dedicated to residential use.

5. KZC: TL 6A and 6B (Attachment 13)

*Attached or Stacked Dwelling Units and Development containing attached or stacked dwelling units and offices, restaurants or taverns, or retail uses:*

- Changes the maximum building height from range of 35'-65' to 65'.
- Revises incentive for affordable housing to require affordability in all developments of 4 or more units.
- Simplifies text by referencing Chapter 112 for additional requirements and incentives.
- Revises the requirement that "At least three stories of the building must be dedicated to residential use" to "The equivalent of the additional gross floor area constructed above 35' over ABE must be dedicated to residential use. Residential use may be located anywhere in the building above the ground floor", to provide greater flexibility within a building.

6. KZC : TL 8 (Attachment 14)

*Attached or Stacked Dwelling Units:*

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- Changes the maximum building height from 45' to 65', to allow for additional development capacity.
- Adds new requirement that 10% of the units in developments over 4 units be affordable.

*Development containing attached or stacked dwelling units and offices, restaurants or taverns, or retail uses:*

- Changes the maximum building height from 45' to 65'
- Adds new requirement that 10% of the units in developments over 4 units be affordable
- Adds requirement that "The equivalent of the additional gross floor area constructed above 35' over ABE must be dedicated to residential use. Residential use may be located anywhere in the building above the ground floor".

### **Discussion**

The Planning Commission asked staff to provide more information regarding the topography in the area surrounding the TL 8 subarea, since an increase in building height is under consideration with these amendments. The proposed increase of 20 additional feet in building height would increase the maximum height for residential or mixed use including residential development from 45' to 65'.

As can be seen in Attachment 15, most land within the TL 8 zone lies at an elevation of about 130'-140' above sea level. A building built to the proposed maximum height of 65' would have an elevation of about 205'.

Beyond the TL 8 zone to the northwest lies the TL 2 zone, where the Totem Lake Mall is located. Ground elevations in TL 2 are very similar to those of land in the TL 8 zone. Allowable building heights in the TL 2 zone are higher (75' and above) than those proposed for TL 8. The additional 20 feet of building height proposed for TL 8 would still be below that allowed within the TL 2 zone.

Directly north of the eastern portion of the TL 8 zone lies a PR 1.8 zone and the Madison House assisted living facility (see Attachment 16). A steep hillside exists beyond the mall property, along the boundary between the TL 2 and PR 1.8 zones. The ground elevation at the base of the hillside is about 140', rising to approximately 190' at the top of the hillside, where the Madison House is built. Consequently, development at the maximum height in the TL 8 zone would rise about 15' above the top of the hillside some distance to the east and northeast.

**Staff concludes that visual impacts to areas east of TL 8 would be minimal due to the topography, and recommends that the height increase of 20 additional feet in TL 8 be supported.**

7. KZC: TL 9B (Attachment 17)

*Stacked/attached dwelling units:*

- Changes the maximum building height from the range of 30'-50' to 50'
- Revises incentive for affordable housing to require affordability in all developments of 4 or more units.
- Simplifies text by referencing Chapter 112 for additional requirements and incentives.

8. KZC: TL 10B (Attachment 18)

*Attached or Stacked Dwelling Units:*

- Deletes Special Regulation 1, which restricted stand-alone housing to parcels west of the 118<sup>th</sup> Ave. NE right-of-way alignment.
- Revises incentive for affordable housing to require affordability in all developments of 4 or more units.
- Simplifies text by referencing Chapter 112 for additional requirements and incentives.
- Clarifies the references to General Regulations governing building height in this zone, citing both General Regulations 3 and 4. The range provided for building height remains unchanged, since two height incentives were in place in this zone, one to encourage the dedication and improvement of the 118<sup>th</sup> Avenue NE right-of-way, and the other to encourage the development of affordable housing. The right-of-way incentives are not affected by these amendments for affordable housing.

9. KZC: TL 10C (Attachment 19)

*Attached or Stacked Dwelling Units:*

- Deletes Special Regulation which restricted stand-alone housing to the westernmost parts of the zone.
- Revises incentive for affordable housing to require affordability in all developments of 4 or more units.
- Simplifies text by referencing Chapter 112 for additional requirements and incentives.

10. KZC: TL 10D (Attachment 20)

*Attached or Stacked Dwelling Units:*

- Revises incentive for affordable housing to require affordability in all developments of 4 or more units.
- Simplifies text by referencing Chapter 112 for additional requirements and incentives

Discussion

No change is proposed to the geographic restrictions for stand-alone housing in the Use Zone Chart for this zone. The Planning Commission concluded that stand-alone housing should not be expanded at this time, to provide more opportunity for the area to redevelop in office and high technology uses, as envisioned in the Comprehensive Plan for this area.

11. KZC: RH 1A (Attachment 21)

*Attached or Stacked Dwelling Units:*

- Changes the maximum building height from a range of 35'-67' to 67'
- Revises incentive for affordable housing to require affordability in all developments of 4 or more units.
- Simplifies text by referencing Chapter 112 for additional requirements and incentives.

12. KZC: RH 2A and 2B (Attachment 22)

*Attached or Stacked Dwelling Units:*

- Changes maximum building height from 35'-67' to 67'
- Revises incentive for affordable housing to require affordability in all developments of 4 or more units.
- Simplifies text by referencing Chapter 112 for additional requirements and incentives.

*Assisted Living Facility, Convalescent Center or Nursing Home:*

- Changes the maximum building height from 35'-67' to 67', since there were no criteria in the special regulations to use in evaluating a proposed height increase (and no requirement for affordable housing). This was an error that was carried over from the attached/stacked use listing without the accompanying affordability requirement.

13. KZC: RH 3 (Attachment 23)

*Development containing: retail establishments selling goods, or providing services including banking and other financial services, restaurants, taverns:*

- Revises the incentive for affordable housing to require affordability in all developments of 4 or more units.
- Simplifies text by referencing Chapter 112 for additional requirements and incentives.

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- The language providing a height incentive for residential use is deleted. Revised text clarifies that the maximum building height for a development containing residential use is 67', with the restriction that, "The equivalent of the additional gross floor area constructed above 45' over ABE must be dedicated to residential use. Residential use may be located anywhere in the building above the ground floor".
- Since the only use allowed to be over 45' in the Use Zone Chart is residential, the range provided in the height column is retained.

14. KZC: RH 7 (Attachment 24)

*Development Containing Stacked Dwelling Units and one or more of the following uses:  
Retail uses including Banking and Other Financial Services, Restaurants or Taverns:*

- Affordable housing was already required for this use. The amendments revise the development size threshold to apply to all developments of 4 or more units.
- Simplifies text by referencing Chapter 112 for additional requirements and incentives.

*Attached or Stacked Dwelling Units:*

- No change proposed. Existing building height maximum for this use is 30', with no height incentive for affordable housing. Staff had not received direction from the Planning Commission to increase building heights in this zone for this use, and the Comprehensive Plan does not specifically encourage residential use (see Attachment 25).

I. KZC: Plate 37 – Stand Alone Housing Areas (Attachment 26)

- Revises the plate to eliminate the shaded areas for TL 10B and TL 10C, since the geographic restrictions on the development of "stand-alone" housing are eliminated through changes to the Use Zone Charts for TL 10B and TL 10C.

**VI. RELATED MUNICIPAL CODE AMENDMENTS**

A. Multifamily Tax Exemption (MFTE)

Staff will be proposing amendments to the MFTE regulations in the Municipal Code to parallel the changes that are being made to the Zoning Code. In addition, staff will be proposing that the MFTE program be expanded to encourage the development of affordable units in zoning districts where no requirements for affordable housing are being proposed. This would be accomplished through targeting higher levels of median income with the affordable units. For example, the MFTE alone may provide enough economic incentive for a developer to set aside 10% of the units in a rental development for households earning 80% of King County median income (compared to the 50% of median targeted through the Zoning regulations).

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B. Impact Fees

The City's ordinances for road and park impact fees allow an exemption for affordable housing units. However, they also include a statement that the exempted fees will be paid from public funds other than the impact fee account. The City does not currently have revenues to pay the exempted fees and will be pursuing amendments to the State statutes to remove the requirement that exempted fees be paid. In the meantime, minor amendments will be proposed to Municipal Code to clarify that the City has discretion in granting the exemption.

Attachments

1. Affordable Housing Study Zone List
2. Affordable Housing Study Zone Map
3. Public Comments
4. Summary of Developer Interview Comments
5. Summary of Economic Analysis of Affordable Housing Incentives
6. Proposed Amendments to KZC Section 5.10.023 – Definition of Affordable Housing
- 7.a. Proposed Amendments to KZC Chapter 112 – strikeout and underline version
- 7.b. Proposed Amendments to KZC Chapter 112 – clean version
8. Proposed Amendments to KZC Section 20.08 – RM Use Zone Chart
9. TL 1A Proposed Amendments
10. TL 1B Proposed Amendments
11. TL 4A, 4B, 4C Proposed Amendments
12. TL 5 Proposed Amendments
13. TL 6A, 6B Proposed Amendments
14. TL 8 Proposed Amendments
15. TL 8 Topography
16. Hillside Topography
17. TL 9B Proposed Amendments
18. TL 10B Proposed Amendments
19. TL 10C Proposed Amendments
20. TL 10D Proposed Amendments
21. RH 1A Proposed Amendments
22. RH 2A, 2B Proposed Amendments
23. RH 3 Proposed Amendments
24. RH 7 Proposed Amendments
25. Comprehensive Plan, NE 85<sup>th</sup> Street Subarea Plan, page XV.F/G-11
26. Zoning Code Plate 37 – Stand-Alone Housing Areas Proposed Amendments

cc: File ZON09--00005  
Arthur Sullivan, [ASullivan@bellevuewa.gov](mailto:ASullivan@bellevuewa.gov)  
Klaas Nijhuis, [KNijhuis@bellevuewa.gov](mailto:KNijhuis@bellevuewa.gov)

## **Multifamily and Mixed Use Zones Where Affordable Housing Requirements are Being Studied**

### **Density Limited Zones (2 bonus units allowed for each affordable unit provided in base density)**

RM 1.8, 2.4, 3.6, 5.0  
PR 1.8, 2.4, 3.6, 5.0  
WD I  
WD III  
PLA 2  
PLA 3A  
PLA 3B  
PLA 5A  
PLA 5B  
PLA 5C  
PLA 5D  
PLA 5E  
PLA 6A  
PLA 6B  
PLA 6D  
PLA 6F  
PLA 6H  
PLA 6I  
PLA 6J  
PLA 6K  
PLA 7A  
PLA 7B  
PLA 7C  
PLA 9  
PLA 15A  
PLA 15B  
PLA 17  
PLA 17A  
JBD 3  
JBD 4  
JBD 5  
JBD 6  
MSC 1  
MSC 4  
NRH 5  
NRH 6  
TL 11  
RH 2C  
RH 4

### **Totem Lake and Rose Hill Zones (Additional height allowed in exchange for affordable housing)**

TL 1A  
TL 1B  
TL 4A  
TL 4B  
TL 4C  
TL 5  
TL 6A  
TL 6B  
TL 8  
TL 9B  
TL 10B  
TL 10C  
TL 10D  
RH 1A  
RH 2A  
RH 2B  
RH 3  
RH 7



**Dawn Nelson**

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**From:** Dawn Nelson  
**Sent:** Friday, October 16, 2009 8:48 AM  
**To:** 'Susan McDermott'  
**Subject:** RE: Development Incentives for Affordable Housing

Hi Susan,

Thanks for the e-mail. You are correct that there are no changes proposed to height restrictions in any of the RM zones. I do want to clarify that there is a current incentive that would continue to be available. It allows up to six feet of additional height to accommodate bonus (additional) units that are allowed to be built as a trade off for including affordable housing units. It is not enough to allow an additional story of height, but could allow a partially underground parking garage.

Please let me know if you have further questions.

*Dawn Nelson*  
*Planning Supervisor*  
*City of Kirkland Planning and Community Development*  
*Phone: 425-587-3230*  
*FAX: 425-587-3232*

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**From:** Susan McDermott [mailto:mcdermott\_susan@hotmail.com]  
**Sent:** Wednesday, October 14, 2009 4:46 PM  
**To:** Dawn Nelson  
**Subject:** Development Incentives for Affordable Housing

Dear Dawn:

Today I received an invitation from the City of Kirkland to attend an Open House and Public Hearing regarding Development Incentives for Affordable Housing and the proposed amendments for the Kirkland Zoning Code.

After reading the materials on the City of Kirkland web site, my understanding is that there are no proposed changes to present height restrictions in Zone RM 3.6, where I live. The proposed height incentives affect only TL4A, 4B and 8 as well as some RH zones.

Please confirm my understanding is correct on this issue.

Thank you for your assistance!

Sincerely,

Susan McDermott  
11230 NE 68th St  
Kirkland, WA 98033

## Dawn Nelson

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**From:** Dorian Collins  
**Sent:** Sunday, October 18, 2009 1:07 PM  
**To:** 'Toofan'  
**Cc:** Dawn Nelson  
**Subject:** RE: Affordable housing meetings

Hello Mr. Namini. Thank you for your inquiry. Yes, the project would affect the two properties you own (214 and 230 4<sup>th</sup> Avenue), since they lie within the PLA 7B zone which is one of the multifamily zones where these regulations would apply. Please take a look at this website for more specific information about what is being considered:  
[http://www.ci.kirkland.wa.us/depart/Planning/Code\\_Updates/Affordable\\_Housing.htm](http://www.ci.kirkland.wa.us/depart/Planning/Code_Updates/Affordable_Housing.htm)

Note that the regulations apply to new development only, so they would not affect your existing development. Please email or call either me at (425) 587-3249 or Dawn Nelson at (425) 587-3230 if you have additional questions.

Thank you for your interest!

Dorian Collins

Dorian Collins, AICP  
(425) 587-3249  
[dcollins@ci.kirkland.wa.us](mailto:dcollins@ci.kirkland.wa.us)

---

**From:** Toofan [mailto:toofan@comcast.net]  
**Sent:** Saturday, October 17, 2009 10:57 AM  
**To:** Dorian Collins  
**Subject:** Affordable housing meetings

Hi Miss Collins;  
We can't come to public meetings but I was wondering if this plan affects these properties that we currently own in Kirkland.  
230 and 214 4<sup>th</sup> avenue.

Shahrzad Namini

## Summary Comments from Developer Interviews Economic Analysis of Affordable Housing Incentives

- Economic analysis approach is generally sound and assumptions are supportable, assuming return to some level of economic normalcy. Some suggested potential modifications/tweaks, but nothing major.
- There is enough uncertainty in the financing of development that future reality could be very different from past reality, on which analysis is based.
- Mandatory affordable housing may be reasonable, especially if:
  - It is paired with increases in development potential that, to some degree, more than offset costs.
  - Developments can economically achieve the incentives (e.g. can take full advantage of height increase without having to shift from wood frame construction to more expensive construction).
  - A sliding scale for affordability is available to be mindful of concerns of restricting too much of the potential upside of a development (percentage of affordable units), and image issue if serving lower income.
  - There is some opportunity for alternative compliance, even if skewed toward actual construction.
  - It addresses transition period issues (e.g. lower affordability requirements for pioneer projects).
- Deep affordability for rental units (50-60% of median) carries with it at least a perception that there would be a tangible affect on the development that includes those units.
- Options for alternative compliance are important, and the more options the better. Understand if options are weighted toward actual construction of units.
- Phasing in of affordability requirement would help pioneer developments in TL.
- MFTE could potentially work as a stand-alone incentive for affordable rental housing at right income level (likely at 80% median).
- City should consider increasing densities around the perimeter of the CBD in exchange for provision of affordable housing.
- City should strip away unnecessary costs to developers, including:
  - Parking studies to reduce parking on an individual project basis
  - Impact fees
  - Permit review times
  - Ground floor retail in low pedestrian traffic areas in TL (in exchange for more affordable?)

# Summary of Economic Analysis of Affordable Housing Incentives

Attachment 5  
Affordable Housing Amendments  
November 5, 2009 PC Hearing

## CHAPTER 112 SCENARIOS (2:1 DENSITY BONUS)

RENTAL	Affordability Level as % of Median Income			
	50%	60%	70%	80%
Cost of Affordable Unit	\$162,500	\$130,400	\$98,300	\$66,200
<b>Incentives</b>				
Density Bonus	\$80,000	\$80,000	\$80,000	\$80,000
Fee Waivers	\$12,681	\$12,681	\$12,681	\$12,681
Reduced Parking	\$6,175	\$6,175	\$6,175	\$6,175
Smaller Units	\$0	\$0	\$0	\$0
Increased Profits	\$13,514	\$13,514	\$13,514	\$13,514
Value of Incentives	\$112,370	\$112,370	\$112,370	\$112,370
Remaining Gap	\$50,130	\$18,030	(\$14,070)	(\$46,170)
Value of 8 Year MF Tax Exemption <sup>1</sup>	\$98,783	\$98,783	\$98,783	\$98,783
Gap After Tax Exempt	(\$48,653)	(\$80,753)	(\$112,853)	(\$144,953)

<sup>1</sup>Exemption applies to all units and accrues to property owner

OWNERSHIP	Affordability Level as % of Median Income			
	70%	80%	90%	100%
Sales Price Gap	\$156,000	\$128,500	\$101,100	\$73,900
<b>Incentives</b>				
Density Bonus	\$80,000	\$80,000	\$80,000	\$80,000
Fee Waivers	\$12,681	\$12,681	\$12,681	\$12,681
Reduced Parking	\$6,175	\$6,175	\$6,175	\$6,175
Smaller Units	\$0	\$0	\$0	\$0
Increased Profits	\$13,514	\$13,514	\$13,514	\$13,514
Value of Incentives	\$112,370	\$112,370	\$112,370	\$112,370
Remaining Gap	\$43,630	\$16,130	(\$11,270)	(\$38,470)
Value of 8 Year MF Tax Exemption <sup>2</sup>	\$9,878	\$9,878	\$9,878	\$9,878
Gap After Tax Exem	\$33,752	\$6,252	(\$21,148)	(\$48,348)

<sup>2</sup>Exemption only applies to affordable units and accrues to owner of unit

## TL/RHBD SCENARIOS (MIN. 3:1 DENSITY BONUS)

RENTAL	Affordability Level as % of Median Income			
	50%	60%	70%	80%
Cost of Affordable Unit	\$134,600	\$102,500	\$70,400	\$38,300
<b>Incentives</b>				
Density Bonus	\$105,000	\$105,000	\$105,000	\$105,000
Fee Waivers	\$4,757	\$4,757	\$4,757	\$4,757
Reduced Parking	\$2,100	\$2,100	\$2,100	\$2,100
Smaller Units	\$0	\$0	\$0	\$0
Increased Profits	\$24,612	\$24,612	\$24,612	\$24,612
Value of Incentives	\$136,469	\$136,469	\$136,469	\$136,469
Remaining Gap	(\$1,869)	(\$33,969)	(\$66,069)	(\$98,169)
Value of 8 Year MF Tax Exemption <sup>1</sup>	\$88,229	\$88,229	\$88,229	\$88,229
Gap After Tax Exempt	(\$90,098)	(\$122,198)	(\$154,298)	(\$186,398)

<sup>1</sup>Exemption applies to all units and accrues to property owner

OWNERSHIP	Affordability Level as % of Median Income			
	70%	80%	90%	100%
Sales Price Gap	\$133,200	\$105,700	\$78,300	\$51,100
<b>Incentives</b>				
Density Bonus	\$105,000	\$105,000	\$105,000	\$105,000
Fee Waivers	\$4,757	\$4,757	\$4,757	\$4,757
Reduced Parking	\$2,100	\$2,100	\$2,100	\$2,100
Smaller Units	\$0	\$0	\$0	\$0
Increased Profits	\$24,612	\$24,612	\$24,612	\$24,612
Value of Incentives	\$136,469	\$136,469	\$136,469	\$136,469
Remaining Gap	(\$3,269)	(\$30,769)	(\$58,169)	(\$85,369)
Value of 8 Year MF Tax Exemption <sup>1</sup>	\$7,388	\$9,709	\$11,609	\$10,142
Gap After Tax Exem	(\$10,657)	(\$40,478)	(\$69,778)	(\$95,511)

<sup>2</sup>Exemption only applies to affordable units and accrues to owner of unit

## 5.10 Definitions

.023 Affordable Housing Unit – (A) ~~a~~An owner-occupied dwelling unit reserved for occupancy by eligible households and affordable to households whose household annual income does not exceed ~~70~~the following percent of the King County median household income, adjusted for household size, as determined by the United States Department of Housing and Urban Development (HUD), and no more than 30 percent of the monthly household income is paid for monthly housing expenses (mortgage and mortgage insurance, property taxes, property insurance and homeowners dues):

(1) 80 percent in zoning districts where additional building height is allowed in exchange for the creation of affordable housing units; or

(2) 100 percent in zoning districts where additional dwelling units are allowed in exchange for the creation of affordable housing units.

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

In the event that HUD no longer publishes median income figures for King County, the city may use any other method for determining the King County median income, adjusted for household size.

1 **Chapter 112 – AFFORDABLE HOUSING INCENTIVES – MULTIFAMILY**

2 Sections:

3 [112.05](#) User Guide

4 ~~[112.10](#) Voluntary Provisions Purpose~~

5 ~~[112.15](#) Applicable Use Zones Affordable Housing Requirement~~

6 ~~[112.20](#) Defined-Basic~~ Affordable Housing Incentives

7 ~~[112.25](#) Additional Affordable Housing Incentives (Non-Defined)~~

8 ~~[112.30](#) Alternative Compliance~~

9 ~~[112.35](#) Affordability Provisions~~

10 ~~[112.40](#) Regulatory Review and Evaluation~~

11 **112.05 User Guide**

12 This chapter offers dimensional standard flexibility and density and economic incentives to encourage  
13 construction of affordable housing units in commercial zones, high density residential zones, medium  
14 density zones and office zones.

15 If you are interested in proposing ~~affordable housing~~four or more residential units in commercial zones,  
16 high density residential zones, medium density zones or office zones, or you wish to participate in the  
17 City's decision on such a project ~~including affordable housing units~~, you should read this chapter.

18 **112.10 ~~Voluntary Provisions~~ Purpose**

19 ~~The provisions of this chapter are available, at the sole discretion of the property owner as incentives to~~  
20 ~~encourage the construction of multifamily affordable housing units.~~ There is a limited stock of land within  
21 the City zoned and available for residential development and there is a demonstrated need in the City for  
22 housing which is affordable to persons of low and moderate income. Therefore, this chapter provides  
23 development incentives in exchange for the public benefit of providing affordable housing units in  
24 commercial zones, high density residential zones, medium density zones and office zones.

25 **112.15 ~~Applicable Use Zones~~ Affordable Housing Requirement**

26 ~~The affordable housing incentives described in this chapter may be used~~

27 1. Minimum Requirement - All developments creating four or more new detached, attached or stacked  
28 dwelling units in commercial, high density residential, medium density and office zones ~~that allow~~  
29 dwelling units shall provide at least 10 percent of the units as affordable housing units and comply  
30 with the provisions of this chapter as established in the General Regulations for the Use Zone or the  
31 Special Regulations in the Use Zone Chart for the specific use.

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

35 3. Calculation in RH and TL Zones – For developments in the RH and TL Zones, the required amount of  
36 affordable housing shall be calculated based on the total number of dwelling units proposed.

37 4. Rounding – In all zones, the number of affordable housing units required is determined by rounding  
38 up to the next whole number of units if the fraction of the whole number is at least 0.66.

39 5. Alternative Compliance - KZC Section 112.30 establishes methods for alternative compliance,  
40 including payment in lieu of construction for portions of required affordable housing units that are less  
41 than 0.66 units.

42 **112.20 Defined-Basic Affordable Housing Incentives**

43 1. Approval Process – The City will use the underlying permit process to review and decide upon an  
44 application for-utilizing the affordable housing incentives identified in this section, through the same  
45 required-review process as if no affordable housing units were provided.

46 2. Density Bonus

47 a. Height Bonus. In RH and TL use zones where there is no minimum lot size per dwelling unit,  
48 additional building height will be granted in exchange for affordable housing, as specified in each  
49 Use Zone Chart.

50 b. Bonus Units. In use zones where the number of dwelling units allowed on the subject property is  
51 determined by dividing the lot size by the required minimum lot area per unit, two additional units  
52 (‘bonus units’) may be constructed for each affordable housing unit provided. (See Plate 32 for  
53 example of bonus unit calculations.)

54 ~~b. Bonus FAR. In use zones where the density allowed on the subject property is expressed as a~~  
55 ~~maximum floor area ratio (FAR), two additional square feet of floor area (‘bonus FAR’) may be~~  
56 ~~constructed for each square foot of floor area constructed in affordable housing units. (See Plate~~  
57 ~~32 for example of bonus FAR calculations.)~~

58 ~~c. Alternative Calculation of Density Bonus. Except in those zones that have an established~~  
59 ~~affordable housing requirement, an applicant may propose alternative affordability levels for the~~  
60 ~~affordable housing units. The ratio of bonus units or bonus floor area per affordable housing unit~~  
61 ~~for alternative affordability levels will be as follows:~~

62

<del>Affordability Level</del>	<del>Density Bonus to Affordable Ratio</del>
<del>Renter Occupied Housing</del>	<del>-</del>
<del>60% of median income</del>	<del>1.33 to 1</del>
<del>70% of median income</del>	<del>1 to 1</del>
<del>Owner Occupied Housing</del>	<del>=</del>

80% of median income	1.6 to 1
60% of median income	2.67 to 1

63 ~~Depending on the level of affordability provided, the affordable housing units may not be eligible for the~~  
64 ~~impact fee waivers described in subsections (4)(a) and (4)(b) of this section.~~

65 dc. Maximum Unit Bonuses. The maximum number of bonus units ~~or amount of bonus FAR~~ achieved  
66 through a defined basic affordable housing incentive shall be 25 percent of the number of units ~~or~~  
67 floor area allowed based on the underlying zone of the subject property.

68 ed. Density Bonus for Assisted Living Facilities. The affordable housing density bonus may be used  
69 for assisted living facilities to the extent that the bonus for affordable housing may not exceed 25  
70 percent of the base density of the underlying zone of the subject property.

71  
72 3. Alternative Affordability Levels~~Alternative Calculation of Density Bonus. - Except in those zones that~~  
73 ~~have an established affordable housing requirement, a~~ An applicant may propose alternative  
74 affordability levels different from those defined in KZC Chapter 5 for the affordable housing units.

75 a. In use zones where a density bonus is provided in exchange for affordable housing units, ~~the~~  
76 ratio of bonus units ~~or bonus floor area~~ per affordable housing unit for alternative affordability  
77 levels will be as follows:

78

<u>Affordability Level</u>	<u>Density-Bonus Unit to Affordable Unit Ratio</u>
<u><b>Renter Occupied Housing</b></u>	
<u>60% of median income</u>	<u><del>1.33 to 1</del> xxx to yyy</u>
<u>70% of median income</u>	<u><del>1 to 1</del> xxx to yyy</u>
<u><b>Owner Occupied Housing</b></u>	
<u><del>80</del>90% of median income</u>	<u><del>1.6 to 1</del> xxx to yyy</u>
<u><del>60</del>80% of median income</u>	<u><del>2.67 to 1</del> xxx to yyy</u>

79 ~~Depending on the level of affordability provided, the affordable housing units may not be eligible~~  
80 ~~for the impact fee waivers described in subsections (4)(a) and (4)(b) of this section.~~

81 b. In use zones where additional height is provided in exchange for affordable housing units, the  
82 percent of affordable units required for alternative affordability levels will be as follows:

<u>Affordability Level</u>	<u>% of Project Units Required to be Affordable</u>
<u><b>Renter Occupied Housing</b></u>	
<u>60% of median income</u>	<u>???</u>

<u>70% of median income</u>	<u>???</u>
<b><u>Owner Occupied Housing</u></b>	
<u>70% of median income</u>	<u>???</u>
<u>90% of median income</u>	<u>???</u>
<u>100% of median income</u>	<u>???</u>

83 c. To encourage “pioneer developments” in the Rose Hill and Totem Lake business districts, the  
 84 definition of affordable housing for projects in the RH and TL zones shall be as provided in the  
 85 following table. This subsection shall apply only to those projects which meet the affordability  
 86 requirements on-site or off-site. This subsection shall not apply to those projects which elect to  
 87 use a payment in lieu of constructing affordable units as authorized in KZC 112.30.4.

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

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

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

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

96 34. Dimensional Standards Modification – To the extent necessary to accommodate the bonus units  
 97 allowed under KZC 112.20.2.a on-site, the following requirements of the Kirkland Zoning Code may  
 98 be modified through the procedures outlined in this subsection, ~~to the extent necessary to~~  
 99 ~~accommodate the bonus units on-site.~~ These modifications may not be used to accommodate the  
 100 units resulting from the base density ~~or FAR~~ calculation.

101 a. Maximum Lot Coverage. The maximum lot coverage may be increased by up to five percentage  
 102 points over the maximum lot coverage permitted by the underlying use zone. Maximum lot  
 103 coverage may not be modified through this provision on properties with streams, wetlands, minor  
 104 lakes or their buffers.

105 b. Parking Requirement. The required parking may be reduced to 1.0 space per affordable housing  
 106 unit. No additional guest parking is required for affordable housing units. If parking is reduced

107 through this provision, the owner of the affordable housing unit shall sign a covenant, in a form  
108 acceptable to the City Attorney, restricting the occupants of each affordable housing unit to a  
109 maximum of one automobile.

110 c. Structure Height. Maximum height for structures containing affordable housing units may be  
111 increased by up to six feet for those portions of the structure(s) that are at least 20 feet from all  
112 property lines. Maximum structure height may not be modified through this provision for any  
113 portion of a structure that is adjoining a low density zone.

114 d. Required Yards. Structures containing affordable housing units may encroach up to five feet into  
115 any required yard except that in no case shall a remaining required yard be less than five feet.

116 e. Common Recreational Space. Common recreational open space per unit, when required, may be  
117 reduced by 50 square feet per affordable housing unit.

118 45. Impact and Permit Fee Calculation

119 a. Applicants ~~proposing-providing~~ affordable housing units may request an exemption from payment  
120 of road impact fees for the affordable housing units as established by KMC 27.04.050.

121 b. Applicants ~~proposing-providing~~ affordable housing units may request an exemption from payment  
122 of park impact fees for the affordable housing units as established by KMC 27.06.050.

123 c. Applicants ~~proposing-providing~~ affordable housing units are eligible for exemption from various  
124 planning, building, plumbing, mechanical and electrical permit fees ~~and sewer capital facility~~  
125 ~~charges~~ for the bonus units allowed under KZC 112.20.2.a as established in KMC 5.74.070 ~~and~~  
126 ~~45.12.063~~ and KMC Title 21.

127 56. Property Tax Exemption – A property providing affordable housing units may be eligible for a property  
128 tax exemption as established in Chapter 5.88 KMC.

129 **112.25 Additional Affordable Housing Incentives (Non-Defined)**

130 1. Approval Process for Additional Affordable Housing Incentives (Non-Defined) – An applicant may  
131 request that the City grant affordable housing incentives in addition to or in place of the ~~defined-basic~~  
132 affordable housing incentives allowed in KZC 112.20 due to specific site conditions. Such a request  
133 shall be reviewed and decided upon as outlined below. ~~Such a request shall be reviewed and decided~~  
134 ~~upon using Process IIA, described in Chapter 150 KZC. If the development, use, or activity requires~~  
135 ~~approval through Process IIB or Process III, the entire proposal will be decided upon using that other~~  
136 ~~process.~~

137 2. Density Bonus – An applicant may propose more than two bonus units ~~or two additional square feet~~  
138 ~~of floor area~~ for every affordable housing unit ~~or square foot of affordable housing unit, as applicable.~~  
139 However, in no event may a project receive a bonus that would result in a ~~total~~ number of bonus units  
140 ~~or floor area~~ that exceeds 50 percent of the number of units ~~or floor area~~ allowed based on the  
141 underlying zone of the subject property. Such a request shall be reviewed and decided upon by the  
142 Planning Director. The decision of the Planning Director in approving or denying a modification under  
143 this subsection may be appealed using the appeal provision, as applicable, of Process I, KZC 145.60  
144 through 145.110..

145 3. Dimensional Standards Modification – An applicant may request further modification from the  
146 dimensional standards listed in KZC 112.20.4(3). Approval of any further modification of the  
147 dimensional standards will be based on the applicant’s demonstration that the subject property  
148 cannot reasonably achieve the permitted density, including the bonus units. Such a request shall be  
149 reviewed and decided upon using Process IIA, described in Chapter 150145 KZC. If the  
150 development, use, or activity requires approval through Process IIA, IIB or Process III, the entire  
151 proposal will be decided upon using that other process.

152 4. Criteria for Approving Additional Affordable Housing Incentives (Non-defined) – The City may approve  
153 one or more of the additional affordable housing incentives listed in KZC 112.25(2) or 112.25(3), in  
154 addition to or in place of the defined-basic affordable housing incentives, if one or more of the  
155 following requirements are met:

156 a. The additional incentive is necessary to provide sufficient economic incentive to the applicant to  
157 offset the cost of providing the affordable housing units.

158 b. The additional incentive is necessary to reasonably achieve the permitted density, including the  
159 bonus units.

160 c. The additional incentive is necessary to achieve a greater number of affordable housing units  
161 than the defined-affordable housing incentives-requirements would prescribe or a greater level of  
162 affordability than is defined by the term affordable housing unit.

163 In making its decision on additional incentives, the City will consider the value of any property tax  
164 exemptions available to the project from the City as established in Chapter 5.88 KMC, as well as  
165 other fee waivers or reductions as established in the Kirkland Municipal Code.

## 166 **112.30 Alternative Compliance**

167 1. Approval Process for Alternative Compliance – As an alternative to providing some or all of the  
168 required affordable housing units on the subject property, the Planning Director may approve a  
169 request for alternative compliance. Alternative compliance may include providing affordable housing  
170 units at another location within the City of Kirkland, payment to the City in lieu of constructing partial  
171 affordable housing units to be used to create affordable housing units, or such other means proposed  
172 by the applicant and approved at the discretion of the Planning Director, consistent with the following  
173 criteria for alternative compliance.

174 2. Criteria for Alternative Compliance – The City may approve a request for alternative compliance if  
175 both of the following requirements are met:

176 a. The applicant demonstrates that the proposed alternative compliance method achieves an  
177 affordable housing benefit to the City equal to or better than providing the affordable housing  
178 units on-site.

179 b. The affordable housing units provided through the alternative compliance will be based on  
180 providing the same type of ownership of units as would have been provided on-site.

181 3. Requirements for Off-Site Alternative Compliance – Off-site affordable housing units are subject to  
182 the following requirements:

183 a. The off-site location chosen for the affordable housing units shall not lead to an undue  
184 concentration of affordable housing either at the off-site location or in any particular area of the  
185 City.

186 b. Any building permits required for off-site affordable housing units shall be submitted prior to  
187 submittal of building permits for the subject property. Certificates of occupancy for off-site  
188 affordable housing units shall be issued prior to issuance of the final certificate of occupancy for  
189 the subject property.  
190

191 4. Requirements for Payment in Lieu Alternative Compliance - Payments in lieu of constructing  
192 affordable housing units are subject to the following requirements:

193 a. Payments in lieu are allowed only for portions of required affordable housing units that are less  
194 than 0.66 units. Rounding up to the next whole number of units and actual construction of the  
195 affordable units is required when the calculated number of required affordable units results in a  
196 fraction of 0.66 or more.

197 b. Payments in lieu shall be based on the difference between the cost of construction for a prototype  
198 affordable housing unit on the subject property, including land costs and development fees, and  
199 the revenue generated by an affordable housing unit. The formula for payments shall be  
200 established by the Planning Director.

201 c. The payment obligation shall be established prior to issuance of any building permits for the  
202 project and shall be due prior to issuance of any certificate of occupancy for the project.  
203 Collected payments shall be deposited in the City's Housing Trust Fund account.

204

205 **112.35 Affordability Provisions**

206 1. Approval of Affordable Housing Units – Prior to the issuance of any permit(s), the City shall review  
207 and approve the location and unit mix of the affordable housing units consistent with the following  
208 standards:

209 a. The affordable housing units shall be intermingled with all other dwelling units in the  
210 development.

211 b. The type of ownership of the affordable housing units shall be the same as the type of ownership  
212 for the rest of the housing units in the development.

213 c. The affordable housing units shall consist of a range of number of bedrooms that are comparable  
214 to units in the overall development.

215 d. The size of the affordable housing units, if smaller than the other units with the same number of  
216 bedrooms in the development, must be approved by the Planning Director. In no case shall the  
217 affordable housing units be more than 10 percent smaller than the comparable dwelling units in  
218 the development, based on number of bedrooms, or less than ~~600~~500 square feet for a one

219 | bedroom unit, ~~800-700~~ square feet for a two bedroom unit, or ~~1,000~~900 square feet for a three  
220 | bedroom unit, whichever is less.

221 | e. The affordable housing units shall be available for occupancy in a time frame comparable to the  
222 | availability of the rest of the dwelling units in the development.

223 | f. The exterior design of the affordable housing units must be compatible and comparable with the  
224 | rest of the dwelling units in the development.

225 | g. The interior finish and quality of construction of the affordable housing units shall at a minimum  
226 | be comparable to entry level rental or ownership housing in the City of Kirkland.

227 | 2. Affordability Agreement – Prior to issuing a certificate of occupancy, an agreement in a form  
228 | acceptable to the City Attorney that addresses price restrictions, homebuyer or tenant qualifications,  
229 | long-term affordability, and any other applicable topics of the affordable housing units shall be  
230 | recorded with King County Department of Records and Elections. This agreement shall be a  
231 | covenant running with the land and shall be binding on the assigns, heirs and successors of the  
232 | applicant.

233 | Affordable housing units that are provided under this section shall remain as affordable housing for a  
234 | | minimum of ~~3~~50 years from the date of initial owner occupancy for ownership affordable housing units  
235 | and for the life of the project for rental affordable housing units.

## 236 | **112.40 Regulatory Review and Evaluation**

237 | At least every two years, the Planning Department shall submit a report that tracks the use of these  
238 | regulations to the Houghton Community Council, Planning Commission and City Council.

1           **Chapter 112 – AFFORDABLE HOUSING INCENTIVES – MULTIFAMILY**

2   Sections:

3   [112.05](#) User Guide

4   [112.10](#) Purpose

5   [112.15](#) Affordable Housing Requirement

6   [112.20](#) Basic Affordable Housing Incentives

7   [112.25](#) Additional Affordable Housing Incentives

8   [112.30](#) Alternative Compliance

9   [112.35](#) Affordability Provisions

10 [112.40](#) Regulatory Review and Evaluation

11           **112.05 User Guide**

12   This chapter offers dimensional standard flexibility and density and economic incentives to encourage  
13   construction of affordable housing units in commercial zones, high density residential zones, medium  
14   density zones and office zones.

15   If you are interested in proposing four or more residential units in commercial zones, high density  
16   residential zones, medium density zones or office zones, or you wish to participate in the City's decision  
17   on such a project, you should read this chapter.

18           **112.10 Purpose**

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

24           **112.15 Affordable Housing Requirement**

25

26   1. Minimum Requirement - All developments creating four or more new detached, attached or stacked  
27   dwelling units in commercial, high density residential, medium density and office zones shall provide  
28   at least 10 percent of the units as affordable housing units and comply with the provisions of this  
29   chapter as established in the General Regulations for the Use Zone or the Special Regulations in the  
30   Use Zone Chart for the specific use.

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

34   3. Calculation in RH and TL Zones – For developments in the RH and TL Zones, the required amount of  
35   affordable housing shall be calculated based on the total number of dwelling units proposed.

36   4. Rounding – In all zones, the number of affordable housing units required is determined by rounding  
37   up to the next whole number of units if the fraction of the whole number is at least 0.66.

38 5. Alternative Compliance - KZC Section 112.30 establishes methods for alternative compliance,  
39 including payment in lieu of construction for portions of required affordable housing units that are less  
40 than 0.66 units.

41 **112.20 Basic Affordable Housing Incentives**

42 1. Approval Process – The City will use the underlying permit process to review and decide upon an  
43 application utilizing the affordable housing incentives identified in this section.

44 2. Bonus

45 a. Height Bonus. In RH and TL use zones where there is no minimum lot size per dwelling unit,  
46 additional building height will be granted in exchange for affordable housing, as specified in each  
47 Use Zone Chart.

48 b. Bonus Units. In use zones where the number of dwelling units allowed on the subject property is  
49 determined by dividing the lot size by the required minimum lot area per unit, two additional units  
50 ('bonus units') may be constructed for each affordable housing unit provided. (See Plate 32 for  
51 example of bonus unit calculations.)  
52

53 c. Maximum Unit Bonuses. The maximum number of bonus units achieved through a basic  
54 affordable housing incentive shall be 25 percent of the number of units allowed based on the  
55 underlying zone of the subject property.

56 d. Density Bonus for Assisted Living Facilities. The affordable housing density bonus may be used  
57 for assisted living facilities to the extent that the bonus for affordable housing may not exceed 25  
58 percent of the base density of the underlying zone of the subject property.

59 3. Alternative Affordability Levels - An applicant may propose affordability levels different from those  
60 defined in KZC Chapter 5 for the affordable housing units.

61 a. In use zones where a density bonus is provided in exchange for affordable housing units, the  
62 ratio of bonus units per affordable housing unit for alternative affordability levels will be as follows:

63

Affordability Level	Bonus Unit to Affordable Unit Ratio
<b><i>Renter Occupied Housing</i></b>	
60% of median income	xxx to yyy
70% of median income	xxx to yyy
<b><i>Owner Occupied Housing</i></b>	
90% of median income	xxx to yyy
80% of median income	xxx to yyy

64 b. In use zones where additional height is provided in exchange for affordable housing units, the  
65 percent of affordable units required for alternative affordability levels will be as follows:

Affordability Level	% of Project Units Required to be Affordable
<b><i>Renter Occupied Housing</i></b>	
60% of median income	???
70% of median income	???
<b><i>Owner Occupied Housing</i></b>	
70% of median income	???
90% of median income	???
100% of median income	???

66 c. To encourage “pioneer developments” in the Rose Hill and Totem Lake business districts, the  
 67 definition of affordable housing for projects in the RH and TL zones shall be as provided in the  
 68 following table. This subsection shall apply only to those projects which meet the affordability  
 69 requirements on-site or off-site. This subsection shall not apply to those projects which elect to  
 70 use a payment in lieu of constructing affordable units as authorized in KZC 112.30.4.

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

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

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

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

79 4. Dimensional Standards Modification – To the extent necessary to accommodate the bonus units  
 80 allowed under KZC 112.20.2.a on-site, the following requirements of the Kirkland Zoning Code may  
 81 be modified through the procedures outlined in this subsection.. These modifications may not be used  
 82 to accommodate the units resulting from the base density calculation.

83 a. Maximum Lot Coverage. The maximum lot coverage may be increased by up to five percentage  
 84 points over the maximum lot coverage permitted by the underlying use zone. Maximum lot

85 coverage may not be modified through this provision on properties with streams, wetlands, minor  
86 lakes or their buffers.

87 b. Parking Requirement. The required parking may be reduced to 1.0 space per affordable housing  
88 unit. No additional guest parking is required for affordable housing units. If parking is reduced  
89 through this provision, the owner of the affordable housing unit shall sign a covenant, in a form  
90 acceptable to the City Attorney, restricting the occupants of each affordable housing unit to a  
91 maximum of one automobile.

92 c. Structure Height. Maximum height for structures containing affordable housing units may be  
93 increased by up to six feet for those portions of the structure(s) that are at least 20 feet from all  
94 property lines. Maximum structure height may not be modified through this provision for any  
95 portion of a structure that is adjoining a low density zone.

96 d. Required Yards. Structures containing affordable housing units may encroach up to five feet into  
97 any required yard except that in no case shall a remaining required yard be less than five feet.

98 e. Common Recreational Space. Common recreational open space per unit, when required, may be  
99 reduced by 50 square feet per affordable housing unit.

100 5. Impact and Permit Fee Calculation

101 a. Applicants providing affordable housing units may request an exemption from payment of road  
102 impact fees for the affordable housing units as established by KMC 27.04.050.

103 b. Applicants providing affordable housing units may request an exemption from payment of park  
104 impact fees for the affordable housing units as established by KMC 27.06.050.

105 c. Applicants providing affordable housing units are eligible for exemption from various planning,  
106 building, plumbing, mechanical and electrical permit fees for the bonus units allowed under KZC  
107 112.20.2.a as established in KMC 5.74.070 and KMC Title 21.

108 6. Property Tax Exemption – A property providing affordable housing units may be eligible for a property  
109 tax exemption as established in Chapter 5.88 KMC.

110 **112.25 Additional Affordable Housing Incentives**

111 1. Approval Process for Additional Affordable Housing Incentives – An applicant may request that the  
112 City grant affordable housing incentives in addition to or in place of the basic affordable housing  
113 incentives allowed in KZC [112.20](#) due to specific site conditions. Such a request shall be reviewed  
114 and decided upon as outlined below.

115 2. Density Bonus – An applicant may propose more than two bonus units for every affordable housing  
116 unit. However, in no event may a project receive a bonus that would result in a number of bonus units  
117 that exceeds 50 percent of the number of units allowed based on the underlying zone of the subject  
118 property. Such a request shall be reviewed and decided upon by the Planning Director. The decision  
119 of the Planning Director in approving or denying a modification under this subsection may be  
120 appealed using the appeal provision, as applicable, of Process I, KZC [145.60](#) through [145.110](#).

121 3. Dimensional Standards Modification – An applicant may request further modification from the  
122 dimensional standards listed in KZC [112.20.4](#). Approval of any further modification of the  
123 dimensional standards will be based on the applicant’s demonstration that the subject property  
124 cannot reasonably achieve the permitted density, including the bonus units. Such a request shall be  
125 reviewed and decided upon using Process I, described in Chapter [145](#) KZC. If the development, use,  
126 or activity requires approval through Process IIA, IIB or Process III, the entire proposal will be decided  
127 upon using that other process.

128 4. Criteria for Approving Additional Affordable Housing Incentives – The City may approve one or more  
129 of the additional affordable housing incentives listed in KZC [112.25\(2\)](#) or [112.25\(3\)](#), in addition to or in  
130 place of the basic affordable housing incentives, if one or more of the following requirements are met:

131 a. The additional incentive is necessary to provide sufficient economic incentive to the applicant to  
132 offset the cost of providing the affordable housing units.

133 b. The additional incentive is necessary to reasonably achieve the permitted density, including the  
134 bonus units.

135 c. The additional incentive is necessary to achieve a greater number of affordable housing units  
136 than the affordable housing requirements would prescribe or a greater level of affordability than is  
137 defined by the term affordable housing unit.

138 In making its decision on additional incentives, the City will consider the value of any property tax  
139 exemptions available to the project from the City as established in Chapter 5.88 KMC, as well as  
140 other fee waivers or reductions as established in the Kirkland Municipal Code.

141 **112.30 Alternative Compliance**

142 1. Approval Process for Alternative Compliance – As an alternative to providing some or all of the  
143 required affordable housing units on the subject property, the Planning Director may approve a  
144 request for alternative compliance. Alternative compliance may include providing affordable housing  
145 units at another location within the City of Kirkland, payment to the City in lieu of constructing partial  
146 affordable housing units to be used to create affordable housing units, or such other means proposed  
147 by the applicant and approved at the discretion of the Planning Director, consistent with the following  
148 criteria for alternative compliance.

149 2. Criteria for Alternative Compliance – The City may approve a request for alternative compliance if  
150 both of the following requirements are met:

151 a. The applicant demonstrates that the proposed alternative compliance method achieves an  
152 affordable housing benefit to the City equal to or better than providing the affordable housing  
153 units on-site.

154 b. The affordable housing units provided through the alternative compliance will be based on  
155 providing the same type of ownership of units as would have been provided on-site.

156 3. Requirements for Off-Site Alternative Compliance – Off-site affordable housing units are subject to  
157 the following requirements:

- 158 a. The off-site location chosen for the affordable housing units shall not lead to an undue  
159 concentration of affordable housing either at the off-site location or in any particular area of the  
160 City.
- 161 b. Any building permits required for off-site affordable housing units shall be submitted prior to  
162 submittal of building permits for the subject property. Certificates of occupancy for off-site  
163 affordable housing units shall be issued prior to issuance of the final certificate of occupancy for  
164 the subject property.  
165
- 166 4. Requirements for Payment in Lieu Alternative Compliance - Payments in lieu of constructing  
167 affordable housing units are subject to the following requirements:
- 168 a. Payments in lieu are allowed only for portions of required affordable housing units that are less  
169 than 0.66 units. Rounding up to the next whole number of units and actual construction of the  
170 affordable units is required when the calculated number of required affordable units results in a  
171 fraction of 0.66 or more.
- 172 b. Payments in lieu shall be based on the difference between the cost of construction for a prototype  
173 affordable housing unit on the subject property, including land costs and development fees, and  
174 the revenue generated by an affordable housing unit. The formula for payments shall be  
175 established by the Planning Director.
- 176 c. The payment obligation shall be established prior to issuance of any building permits for the  
177 project and shall be due prior to issuance of any certificate of occupancy for the project.  
178 Collected payments shall be deposited in the City's Housing Trust Fund account.

179 **112.35 Affordability Provisions**

- 180 1. Approval of Affordable Housing Units – Prior to the issuance of any permit(s), the City shall review  
181 and approve the location and unit mix of the affordable housing units consistent with the following  
182 standards:
- 183 a. The affordable housing units shall be intermingled with all other dwelling units in the  
184 development.
- 185 b. The type of ownership of the affordable housing units shall be the same as the type of ownership  
186 for the rest of the housing units in the development.
- 187 c. The affordable housing units shall consist of a range of number of bedrooms that are comparable  
188 to units in the overall development.
- 189 d. The size of the affordable housing units, if smaller than the other units with the same number of  
190 bedrooms in the development, must be approved by the Planning Director. In no case shall the  
191 affordable housing units be more than 10 percent smaller than the comparable dwelling units in  
192 the development, based on number of bedrooms, or less than 500 square feet for a one bedroom  
193 unit, 700 square feet for a two bedroom unit, or 900 square feet for a three bedroom unit,  
194 whichever is less.

195 e. The affordable housing units shall be available for occupancy in a time frame comparable to the  
196 availability of the rest of the dwelling units in the development.

197 f. The exterior design of the affordable housing units must be compatible and comparable with the  
198 rest of the dwelling units in the development.

199 g. The interior finish and quality of construction of the affordable housing units shall at a minimum  
200 be comparable to entry level rental or ownership housing in the City of Kirkland.

201 2. Affordability Agreement – Prior to issuing a certificate of occupancy, an agreement in a form  
202 acceptable to the City Attorney that addresses price restrictions, homebuyer or tenant qualifications,  
203 long-term affordability, and any other applicable topics of the affordable housing units shall be  
204 recorded with King County Department of Records and Elections. This agreement shall be a  
205 covenant running with the land and shall be binding on the assigns, heirs and successors of the  
206 applicant.

207 Affordable housing units that are provided under this section shall remain as affordable housing for a  
208 minimum of 50 years from the date of initial owner occupancy for ownership affordable housing units  
209 and for the life of the project for rental affordable housing units.

## 210 **112.40 Regulatory Review and Evaluation**

211 At least every two years, the Planning Department shall submit a report that tracks the use of these  
212 regulations to the Houghton Community Council, Planning Commission and City Council.

**CHAPTER 20 – MULTIFAMILY RESIDENTIAL (RM) ZONES**

**20.05** User Guide. The charts in KZC 20.10 contain the basic zoning regulations that apply in each RM 5, RM 3.6, RM 2.4, and RM 1.8 zone of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

**Section 20.08**

**Zone  
RM**

Section 20.08 – 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 detached, attached or stacked 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. See Chapter 112 KZC for additional affordable housing incentives and requirements.
23. If any portion of a structure is adjoining a low density zone or a low density use in PLA 17, then either:
  - a. The height of that portion of the structure shall not exceed 15 feet above average building elevation; or
  - b. The horizontal length of any facade of that portion of the structure which is parallel to the boundary of the low density zone shall not exceed 50 feet.See KZC 115.30, Distance Between Structures/Adjacency to Institutional Use, for further details.  
(Does not apply to General Moorage Facility and Detached Dwelling Units uses).
34. If the subject property is located east of JBD 2 and west of 100th Avenue NE, the following regulation applies:  
Must provide a public pedestrian access easement if the Planning Official determines that it will furnish a pedestrian connection or part of a connection between 98th Avenue NE and 100th Avenue NE. Pathway improvements will also be required if the easement will be used immediately. No more than two complete connections shall be required.  
(Does not apply to General Moorage Facility uses).
45. If the subject property is located within the North Rose Hill neighborhood, east of Slater Avenue NE and north of NE 116th Street, the minimum required front yard is 10 feet. Ground floor canopies and similar entry features may encroach into the front yard; provided, the total horizontal dimension of such elements may not exceed 25 percent of the length of the structure. No parking may encroach into the required 10-foot front yard.
56. Any required yard abutting Lake Washington Boulevard or Lake Street South must be increased two feet for each one foot the structure exceeds 25 feet above average building elevation.  
(Does not apply to General Moorage Facility and Public Park uses).

(GENERAL REGULATIONS CONTINUED ON NEXT PAGE)

(GENERAL REGULATIONS CONTINUED FROM PREVIOUS PAGE)

- 67.** If the subject property is located between Juanita Drive and Lake Washington or 98th Avenue NE and Lake Washington, the following regulations apply:
- a. Must provide a required yard of 15 feet or 15 percent of average parcel depth, measured from the high waterline. To the extent that this provision is inconsistent with other required yard dimensions identified in this chapter, this provision shall govern.
  - b. Must provide public pedestrian access from the right-of-way to and along the entire waterfront of the subject property within the high waterline yard. Access to the waterfront may be waived by the City if public access along the waterfront of the subject property can be reached from adjoining property. In addition, the City may require that part or all of the high waterline yard be developed as a public use area. The City shall require signs designating the public pedestrian access and public use areas.
  - c. A view corridor must be maintained across 30 percent of the average parcel width. The view corridor must be in one contiguous piece. Within the view corridor, structures, parking areas, and landscaping will be allowed, provided they do not obscure the view from Juanita Drive or 98th Avenue NE to and beyond Lake Washington. This corridor must be adjacent to either of the side property lines, whichever will result in the widest view corridor given development on adjacent properties.  
(Does not apply to General Moorage Facility, Detached Dwelling Units and Public Park uses).
- 78.** If the property is located in the NE 85th Street Subarea, the following shall apply:
- a. If the subject property is located south of NE 85th Street between 124th Avenue NE and 120th Avenue NE, the applicant shall to the extent possible save existing viable significant trees within the required landscape buffer separating nonresidential development from adjacent single-family homes.
  - b. If the subject property is located directly north of the RH 4 zone, the applicant shall install a through-block pedestrian pathway pursuant to the standards in KZC 105.19(3) to connect an east-west pedestrian pathway designated in the Comprehensive Plan between 124th Avenue NE and 120th Avenue NE. (See Plate 34K).
- 89.** May not use lands waterward of the high waterline to determine lot size or to calculate allowable density.
- 910.** May also be regulated under the Shoreline Master Program, KMC Title 24.

**Chapter 55 – TOTEM LAKE (TL) ZONES**

**55.05** User Guide. The charts in KZC 55.09 contain the basic zoning regulations that apply in the TL 1A zone of the city. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

**Section 55.07**

**Section 55.07 – GENERAL REGULATIONS**

**Zone  
TL 1A**

1. Refer to Chapter 1 KZC to determine what other provision of this Code may apply to the subject property.
2. All ground floor uses shall be a minimum of 15 feet in height. This regulation does not apply to parking garages or property with no frontage on NE 128th Street.
3. In addition to the height exceptions established by KZC 115.60, the following exceptions to height regulations in TL zones are established:
  - a. Decorative parapets may exceed the height limit by a maximum of four feet; provided, that the average height of the parapet around the perimeter of the structure shall not exceed two feet.
  - b. For structures with a peaked roof, the peak may extend eight feet above the height limit if the slope of the roof is equal to or greater than four feet vertical to 12 feet horizontal.
4. The minimum required front yard is 10 feet, unless otherwise prescribed in the use zone chart. Ground floor canopies and similar entry features may encroach into the front yard, provided the total horizontal dimension of such elements may not exceed 25 percent of the length of the structure. No parking, other than underground parking, may encroach into the required 10-foot front yard.
5. The ability to accommodate new development in the TL 1A zone is dependent upon the construction of two new streets: 119th Avenue NE, between NE 128th Street and NE 130th Place, and NE 130th Place, between 120th Avenue NE and Totem Lake Boulevard NE, as shown on Plate 34A. Consistent with and to the extent authorized by applicable statutes and court decisions, new development on properties across which these streets in whole or in part extend, shall contribute to the creation of the streets as follows:
  - a. With all new development, the portions of these streets crossing the subject property shall be dedicated as public right-of-way consistent with Plate 34A; and
  - b. With all new development exceeding 30 feet in height, the streets shall be improved consistent with Plate 34A.
 Minor deviations in the location and width of the streets may be approved by the Public Works Director if the deviations will not negatively affect the functioning of the streets.
6. Properties located between TL 2 and NE 128th Street may be required to provide a pedestrian connection between TL 2 and NE 128th Street.

55  
TL  
RE  
GU  
LA

**DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS**

(Revised )

Section 55.09

Zone  
TL 1A

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS													
Section 55.09	USE ↓	REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
				Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage					Height of Structure
					Front	Side	Rear						
.040	Attached or Stacked Dwelling Units (continued)										<p>4. On parcels where road dedication is required pursuant to General Regulation 5, the maximum floor area ratio (FAR) may be increased by an additional 0.30 FAR for each 10 percent or portion thereof of the subject property required to be dedicated. Where this use is combined with office use, the maximum FAR for the office use may be increased by an additional 0.2 of office use for each 10 percent or portion thereof of the subject property required to be dedicated.</p> <p><del>5. At least 10 percent of the units provided in new residential developments of 4 units or greater shall be affordable housing units, as defined in Chapter 5 KZC. See Chapter 112 KZC for additional affordable housing requirements and incentives.</del></p> <p><del>56. Building height may be increased as follows:</del></p> <p>a. Building height may exceed 30 feet above average building elevation, if one of the following public improvements is provided:</p> <ol style="list-style-type: none"> <li>1) Dedication and improvement of new streets pursuant to General Regulation 5; or</li> <li>2) Where General Regulation 5 does not apply, the development of pedestrian-oriented elements that exceed the requirements of KZC 92.15 and Chapter 105 KZC. Examples include pedestrian walkways through the subject property, public plazas, public art and fountains; <del>and</del></li> <li>3) <del>Provides for at least 10 percent of the units in new residential developments of 10 units or greater as affordable housing units, as defined in Chapter 5 KZC. The number of affordable housing units is determined by rounding up to the next whole number (unit) if the fraction of the whole number is at least 0.66.</del></li> </ol> <p><del>— An agreement in a form approved by the City must be recorded with King County Department of Records and Elections to stipulate conditions under which required affordable housing units will remain as affordable housing units for the life of the project for rental units, and at least 30 years from the date of initial owner occupancy for ownership units.</del></p> <p><del>— Additional affordable housing incentives may be applied to residential development (see Chapter 112 KZC).</del></p> <p>b. Building height may exceed 80 feet and be increased up to 160 feet above average building elevation, with the height increases to be based on the following considerations:</p> <ol style="list-style-type: none"> <li>1) Development on the subject property complies with 5(a) above.</li> <li>2) Design of buildings meets guidelines for towers set forth in Design Guidelines (Chapter 142 KZC, and Chapter 3.30 KMC).</li> </ol>		

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REGULATIONS FOR THIS USE CONTINUED ON THE NEXT PAGE

Kirkland Zoning Code

Section 55.09

Zone  
TL 1A

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS													
Section 55.09	USE ↓	REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
				Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage					Height of Structure
					Front	Side	Rear						
.070	Assisted Living Facility		D.R., Chapter 142 KZC	None	10'	0'	0'	85% See Spec. Reg. 5.	30' to 160' above average building elevation. See Spec. Reg. 54.	B	A	See KZC 105.25.	<ol style="list-style-type: none"> <li>Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use.</li> <li>The maximum floor area ratio (FAR) for development on the subject property is 3.0, or 300 percent of lot size, except as provided in Special Regulation 3 below. Maximum FAR is determined based on parcel size, prior to any road dedication required pursuant to General Regulation 5 for this zone.</li> <li>On parcels where road dedication is required pursuant to General Regulation 5, the maximum floor area ratio (FAR) may be increased by an additional 0.30 FAR for each 10 percent or portion thereof, of the subject property required to be dedicated.</li> <li>At least 10 percent of the units provided in new residential developments of 4 units or greater shall be affordable housing units, as defined in Chapter 5 KZC. See Chapter 112 KZC for additional affordable housing requirements and incentives.</li> </ol> <p>54. Building height may be increased as follows:</p> <ol style="list-style-type: none"> <li>Building height may exceed 30 feet above average building elevation, if one of the following public improvements is provided: <ol style="list-style-type: none"> <li>Dedication and improvement of new streets pursuant to General Regulation 5; or</li> <li>Where General Regulation 5 does not apply, the development of pedestrian-oriented elements that exceed the requirements of KZC 92.15 and Chapter 105 KZC. Examples include pedestrian walkways through the subject property, public plazas, public art and fountains; and</li> </ol> </li> <li>Provides for at least 10 percent of the units in new residential developments of 10 units or greater as affordable housing units, as defined in Chapter 5 KZC. The number of affordable housing units is determined by rounding up to the next whole number (unit) if the fraction is .66 or greater.</li> </ol> <p>An agreement in a form approved by the City must be recorded with King County Department of Records and Elections to stipulate conditions under which required affordable housing units will remain as affordable housing units for the life of the project for rental units, and at least 30 years from the date of initial occupancy for ownership units. Additional affordable housing incentives may be applicable to residential development (see Chapter 112 KZC).</p>

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REGULATIONS FOR THIS USE CONTINUED ON THE NEXT PAGE

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Kirkland Zoning Code 321

55.11 User Guide. The charts in KZC 55.15 contain the basic zoning regulations that apply in the TL 1B zone of the city. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 55.13

Zone  
TL 1B

Section 55.13 – GENERAL REGULATIONS

1. Refer to Chapter 1 KZC to determine what other provision of this Code may apply to the subject property.
2. In addition to the height exceptions established by KZC 115.60, the following exceptions to height regulations in TL zones are established:
  - a. Decorative parapets may exceed the height limit by a maximum of four feet; provided, that the average height of the parapet around the perimeter of the structure shall not exceed two feet.
  - b. For structures with a peaked roof, the peak may extend eight feet above the height limit if the slope of the roof is equal to or greater than four feet vertical to 12 feet horizontal.
3. The minimum required front yard is 10 feet, unless otherwise prescribed in the use zone chart. Ground floor canopies and similar entry features may encroach into the front yard, provided the total horizontal dimension of such elements may not exceed 25 percent of the length of the structure. No parking may encroach into the required 10-foot front yard.
4. The ability to accommodate new development in the TL 1B zone is dependent upon the construction of a new street: NE 130th Place, between 120th Avenue NE and Totem Lake Boulevard NE, as shown on Plate 34A. Consistent with and to the extent authorized by applicable statutes and court decisions, new development on properties across which this street in whole or in part extends, shall contribute to the creation of the street as follows:
  - a. With all new development, the portions of the street crossing the subject property shall be dedicated as public right-of-way consistent with Plate 34A; and
  - b. With all new development exceeding 30 feet in height, the street shall be improved consistent with Plate 34A. Minor deviations in the location, width and improvement of the street may be approved by the Public Works Director if the deviations will not negatively affect the functioning of the street.

Section 55.15		DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS									
USE	REGULATIONS	Required Review Process	MINIMUMS		MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 100)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARD (See Ch. 115)	Lot Coverage	Height of					

(Revised )

Section 55.15

Zone  
TL 1B

USE ZONE CHART

	↓	→			Front	Side	Rear		Structure			105)	
.010	Office Use		D.R., Chapter 142 KZC	None	10' See Spec. Reg. 3.	0'	0'	85% See Spec. Reg. 4.	30' above average building elevation.	C	D	If a medical, dental, or vet- erinary office, then 1 per each 200 sq. ft. of gross floor area. Otherwise 1 per 300 gross floor area.	<ol style="list-style-type: none"> <li>Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: <ol style="list-style-type: none"> <li>The assembled or manufactured goods are subordinate to and are dependent upon this use.</li> <li>The outward appearance and impacts of this use with ancillary assembly or manufacturing must be no different from other office uses.</li> </ol> </li> <li>The following regulations apply to veterinary offices only: <ol style="list-style-type: none"> <li>May only treat small animals on the subject property.</li> <li>Outside runs and other outside facilities for the animals are not permitted.</li> <li>Site must be designed so noise from this use is not audible off the subject property. A certification to this effect, signed by an acoustical engineer, must be submitted with the development permit application.</li> <li>A veterinary office is not permitted if the subject property contains dwelling units.</li> </ol> </li> <li>Twenty-foot yard required where properties abut NE 132nd Street.</li> <li>Increases in lot coverage may be considered if: <ol style="list-style-type: none"> <li>Land dedication on the subject property provided pursuant to General Regulation 4 limits area available for development on the property; and/or</li> <li>Other techniques used to provide open space result in superior landscaping, such as the use of gardens on lower portions of structures or on rooftops, the provision of visual and pedestrian access to public garden areas, or other approaches that provide for useable green space.</li> </ol> </li> </ol>
.020	Development Containing Both Office Use and Attached or Stacked Dwelling Units				10' See Spec. Reg. 2.			85% See Spec. Reg. 5.	30' to 160' above average building elevation. See Spec. Regs. 43 and 54.			See Chapter 105 KZC.	<ol style="list-style-type: none"> <li>The maximum floor area ratio (FAR) for this use is determined as follows: (% office use x 2) + (% residential use x 3) = FAR of each use allowed on the subject property. In addition, the following regulations apply to this use: <ol style="list-style-type: none"> <li>The maximum floor area ratio (FAR) for this use is 3.0, except as provided in Special Regulation (1)(b) of this section. Office use shall not exceed 10 percent of the total gross floor area of all structures on the subject property.</li> </ol> </li> </ol>

REGULATIONS FOR THIS USE CONTINUED ON THE NEXT PAGE

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Kirkland Zoning Code  
320.4

Section 55.15

Zone  
TL 1B

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 55.15	USE ↓	REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 85) Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
				Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage				Height of Structure
					Front	Side	Rear					
.020	Development Containing Both Office Use and Attached or Stacked Dwelling Units (continued)									b. On parcels where land dedication is required pursuant to General Regulation 4, the maximum floor area ratio (FAR) may be increased by an additional 0.3 of residential use for each 10 percent or portion thereof of the subject property required to be dedicated. 2. Twenty-foot yard required where properties abut NE 132nd Street. 3. <del>At least 10 percent of the units provided in new residential developments of 4 units or greater shall be affordable housing units, as defined in Chapter 5 KZC. See Chapter 112 KZC for additional affordable housing requirements and incentives.</del> 4. Within 100 feet of the centerline of NE 132nd Street, building height may not exceed 30 feet above the elevation of the centerline of NE 132nd Street along the subject property. 5. Building height may be increased as follows: a. Building height may exceed 30 feet above average building elevation, if: 1) One of the following public improvements is provided: a) Dedication and improvement of new streets pursuant to General Regulation 4; or b) Where General Regulation 4 does not apply, the development of pedestrian-oriented elements that exceed the requirements of KZC 92.15 and Chapter 105 KZC. Examples include pedestrian walkways through the subject property, public plazas, public art and fountains; and 2) <del>Provides for at least 10 percent of the units in new residential developments of 10 units or greater as affordable housing units, as defined in Chapter 5 KZC. The number of affordable housing units is determined by rounding up to the next whole number (unit) if the fraction of the whole number is at least 0.66.</del> <del>An agreement in a form approved by the City must be recorded with King County Department of Records and Elections to stipulate conditions under which required affordable housing units will remain as affordable housing units for the life of the project for Kirkland Zoning Code 320.5 from the date of initial owner occupancy for ownership.</del> <del>Additional affordable housing incentives may be applicable to residential development (see Chapter 112 KZC).</del>		

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REGULATIONS FOR THIS USE CONTINUED ON THE NEXT PAGE

Section 55.15

Zone  
TL 1B

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS													
Section 55.15	USE ↓	REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
				Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage					Height of Structure
					Front	Side	Rear						
.050	Attached or Stacked Dwelling Units		D.R., Chapter 142 KZC	None	10' See Spec. Reg. 5.	0'	0'	85% See Spec. Reg. 8.	30' to 160' above average building elevation. See Spec. Regs. <del>7-6</del> and <del>8-7</del> .	C	A	See KZC 105.25.	<p>1. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use.</p> <p>2. Residential development must provide a minimum density of 50 dwelling units per gross acre.</p> <p>3. The maximum floor area ratio (FAR) for development on the subject property is 3.0, or 300 percent of lot size. Maximum FAR is determined based on parcel size, prior to any road dedication required pursuant to General Regulation 4 for this zone.</p> <p>4. On parcels where road dedication is required pursuant to General Regulation 4, the maximum floor area ratio (FAR) may be increased by an additional 0.30 for each 10 percent or portion thereof of the subject property required to be dedicated.</p> <p>5. Twenty-foot yard required where properties abut NE 132nd Street.</p> <p><del>6. At least 10 percent of the units provided in new residential developments of 4 units or greater shall be affordable housing units, as defined in Chapter 5 KZC. See Chapter 112 KZC for additional affordable housing requirements and incentives.</del></p> <p><del>7. Within 100 feet of the centerline of NE 132nd Street, building height may not exceed 30 feet above the elevation of the centerline of NE 132nd Street along the subject property.</del></p> <p><del>8. Building height may be increased as follows:</del></p> <p>a. Building height may exceed 30 feet above average building elevation, if one of the following public improvements is provided:</p> <p>1) Dedication and improvement of new streets pursuant to General Regulation 4; or</p> <p>2) Where General Regulation 4 does not apply, the development of pedestrian-oriented elements that exceed the requirements of KZC 92.15 and Chapter 105 KZC. Examples include pedestrian walkways through the subject property, public plazas, public art and fountains, and</p> <p><del>3) Provides for at least 10 percent of the units in new residential developments of 40 units or greater as affordable housing units, as defined in Chapter 5 KZC. See Chapter 112 KZC for additional affordable housing requirements and incentives.</del></p> <p><del>An agreement in a form approved by the City must be recorded with King County Department of Records and Elections to stipulate conditions under which required affordable housing units will remain as affordable housing units for the life of the project for rental units, and at least 30 years from the date of initial owner occupancy for ownership units.</del></p>

Revised )

54

Kirkland Zoning Code  
320.9

REGULATIONS FOR THIS USE CONTINUED ON THE NEXT PAGE

Section 55.15

Zone  
TL 1B

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 55.15	USE ↓	REGULATIONS ↓	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95) Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
				Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage				Height of Structure
					Front	Side	Rear					
.050	Attached or Stacked Dwelling Units (continued)									<p><b>Additional affordable housing incentives may be applicable to residential development (see Chapter 112-KZC).</b></p> <p>b. Building height may exceed 80 feet and be increased up to 160 feet above average building elevation, with the height increases to be based on the following considerations:</p> <ol style="list-style-type: none"> <li>1) Development on the subject property complies with 7(a) above.</li> <li>2) Design of buildings meets guidelines for towers set forth in Design Guidelines (Chapter 142 KZC, and Chapter 3.30 KMC).</li> <li>3) Floor plates may not exceed 10,000 square feet per floor, for the portion of the building above 80 feet in height.</li> <li>4) Methods for mitigating any significant shadowing and lighting impacts of the increased building height on the residential areas to the north are proposed.</li> <li>5) Taller elements of buildings would be stepped back from the perimeter of TL 1B boundaries, away from adjacent residential zones.</li> <li>6) Portions of structures exceeding 80 feet in height must be separated by at least 60 feet, both on the subject property and from taller building elements on adjacent properties.</li> </ol> <p><b>98.</b>Increases in lot coverage may be considered if:</p> <ol style="list-style-type: none"> <li>a. Land dedication on the subject property provided pursuant to General Regulation 4 limits area available for development on the property; and/or</li> <li>b. Other techniques used to provide open space result in superior landscaping, such as the use of gardens on lower portions of structures or on rooftops, the provision of visual and pedestrian access to public garden areas, or other approaches that provide for useable green space.</li> </ol>		

(Revised )

Kirkland Zoning Code  
320.10

Section 55.15

Zone  
TL 1B

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 55.15	USE ↩ REGULATIONS ↪	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.080	Assisted Living Facility	D.R., Chapter 142 KZC	None	10' See Spec. Reg. 4.	0'	0'	85% See Spec. Reg. 7.	30' to 160' above average building elevation. See Spec. Regs. <del>5 and 6</del> and <del>7</del> .	C	A	1 per assisted living unit.	<p>1. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use.</p> <p>2. The maximum floor area ratio (FAR) for development on the subject property is 3.0, or 300 percent of lot size. Maximum FAR is determined based on parcel size, prior to any road dedication required pursuant to General Regulation 4 for this zone.</p> <p>3. On parcels where road dedication is required pursuant to General Regulation 4, the maximum floor area ratio (FAR) may be increased by an additional 0.30 for each 10 percent or portion thereof, of the subject property required to be dedicated.</p> <p>4. Twenty-foot yard required where properties abut NE 132nd Street.</p> <p><del>5. At least 10 percent of the units provided in new residential developments of 4 units or greater shall be affordable housing units, as defined in Chapter 5 KZC. See Chapter 112 KZC for additional affordable housing requirements and incentives.</del></p> <p><del>6.5. Within 100 feet of the centerline of NE 132nd Street, building height may not exceed 30 feet above the elevation of the centerline of NE 132nd Street.</del></p> <p><del>7.6. Building height may be increased as follows:</del>  a. Building height may exceed 30 feet above average building elevation, if one of the following public improvements is provided:  1) Dedication and improvement of new streets pursuant to General Regulation 4; or  2) Where General Regulation 4 does not apply, the development of pedestrian-oriented elements that exceed the requirements of KZC 92.15 and Chapter 105 KZC. Examples include pedestrian walkways through the subject property, public plazas, public art and fountains; and  3) <del>Provides for at least 10 percent of the units in new residential developments of 4 units or greater as affordable housing units, as defined in Chapter 5 KZC. The number of affordable housing units is determined by the number of units multiplied by the fraction of the whole number is at least 0.66.</del>  — An agreement in a form approved by the City must be recorded with King County Department of Records and Elections to stipulate conditions under which required affordable housing units will remain as affordable housing units for the life of the project for rental units, and at least 30 years from the date of initial owner occupancy for ownership units.</p>

Revised )

REGULATIONS FOR THIS USE CONTINUED ON THE NEXT PAGE

Section 55.15

Zone  
TL 1B

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 55.15	USE ↓	REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95) Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
				Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage				Height of Structure
					Front	Side	Rear					
.080	Assisted Living Facility (continued)									<p>REGULATIONS CONTINUED FROM PREVIOUS PAGE</p> <p><del>Additional affordable housing incentives may be applicable to residential development (see Chapter 112 KZC).</del></p> <p>b. Building height may exceed 80 feet and be increased up to 160 feet above average building elevation, with the height increases to be based on the following considerations:</p> <ol style="list-style-type: none"> <li>1) Development on the subject property complies with 6(a) above.</li> <li>2) Design of buildings meets guidelines for towers set forth in Design Guidelines (Chapter 142 KZC, and Chapter 3.30 KMC).</li> <li>3) Floor plates may not exceed 10,000 square feet per floor, for the portion of the building above 80 feet in height.</li> <li>4) Methods for mitigating any significant shadowing and lighting impacts of the increased building height on the residential areas to the north are proposed.</li> <li>5) Taller elements of buildings would be stepped back from the perimeter of TL 1B boundaries, away from adjacent residential zones.</li> <li>6) Portions of structures exceeding 80 feet in height must be separated by at least 60 feet, both on the subject property and from taller building elements on adjacent properties.</li> </ol> <p>87. Increases in lot coverage may be considered if:</p> <ol style="list-style-type: none"> <li>a. Land dedication on the subject property provided pursuant to General Regulation 4 limits area available for development on the property; and/or</li> <li>b. Other techniques used to provide open space result in superior landscaping, such as the use of gardens on lower portions of structures or on rooftops, the provision of visual and pedestrian access to public garden areas, or other approaches that provide for useable green space.</li> </ol>		

(Revised )

**55.29** User Guide. The charts in KZC 55.33 contain the basic zoning regulations that apply in the TL 4A, TL 4B and TL 4C zones of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

**Section 55.31**



**Section 55.31 – 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 provision of this code may apply to the subject property.
2. The ground floor of all structures with frontage on a pedestrian or vehicular circulation route, or adjacent to a pedestrian-oriented space, shall be a minimum of 15 feet in height. This requirement does not apply to:
  - a. The following uses: vehicle service stations, private lodges or clubs, stacked dwelling units, churches, schools, day-care centers, mini-schools or mini-day-care centers, assisted living facilities, convalescent centers or nursing homes, public utilities, government facilities or community facilities;
  - b. Parking garages; or
  - c. Additions to existing nonconforming development where the Planning Official determines it is not feasible.
3. In addition to the height exceptions established by KZC 115.60, the following exceptions to height regulations in TL zones are established:
  - a. Decorative parapets may exceed the height limit by a maximum of four feet; provided, that the average height of the parapet around the perimeter of the structure shall not exceed two feet.
  - b. For structures with a peaked roof, the peak may extend eight feet above the height limit if the slope of the roof is equal to or greater than four feet vertical to 12 feet horizontal.
4. At least 50 percent of the total gross floor area located on the ground floor area of all structures on the subject property must contain retail establishments, restaurants, taverns, hotels or motels. These uses shall be oriented to a major pedestrian sidewalk, a through block pedestrian pathway or an internal pathway (see also Chapter 105 KZC).
5. Access for drive-through facilities must be approved by the Public Works Official. See Chapter 105 KZC for requirements.
6. Some development standards or design regulations may be modified as part of the design review process. See Chapters 92 and 142 KZC for requirements.

Section	REGULATIONS	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS					Special Regulations
		Required	MINIMUMS	MAXIMUMS	Landscape Sign		

Section 55.33

Zone  
TL 4A, 4B,  
4C

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 55.33	USE ↓	REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
				Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage					Height of Structure
					Front	Side	Rear						
.100	Development containing attached or stacked dwelling units and offices, restaurants or taverns, or retail uses allowed in this zone. See Spec. Regs. 3-4.			Same as the regulations for the ground floor use. See Spec. Reg. 1.			<u>TL 4A and TL 4B: 65'45' above average building elevation. See Spec. Reg. 4.5.</u>  <u>TL 4C: 45' above average building elevation. See Spec. Reg. 5.</u>	D	E	See KZC 105.25.	<ol style="list-style-type: none"> <li>1. A veterinary office is not permitted in any development containing dwelling units.</li> <li>2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.</li> <li>3. No more than 10 percent of the ground floor of a structure may contain residential use.</li> <li>4. <u>At least 10 percent of the units provided in new residential developments of 4 units or greater shall be affordable housing units, as defined in Chapter 5 KZC. See Chapter 112 KZC for additional affordable housing requirements and incentives.</u></li> <li>5. <u>The equivalent of the additional gross floor area constructed above 35' over ABE must be dedicated to residential use. Residential use may be located anywhere in the building above the ground floor. At least one full story of the building must be dedicated to residential use.</u></li> <li>5. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if:               <ol style="list-style-type: none"> <li>a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use.</li> <li>b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.</li> </ol> </li> </ol>		
.110	Church			20'	0'	0'	80%	35' above average building elevation.	C	B	1 for every 4 people based on maximum occupancy load of any area of worship. See also Spec.	<ol style="list-style-type: none"> <li>1. May include accessory living facilities for staff persons.</li> <li>2. No parking is required for day-care or school ancillary to this use.</li> </ol>	

**55.35** User Guide. The charts in KZC 55.39 contain the basic zoning regulations that apply in the TL 5 zone of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

**Section 55.37**

Section 55.37 – 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 provision of this code may apply to the subject property.

Section 55.39

Zone  
TL 5

USE ZONE CHART

Zone  
TL 5

2. The ability to accommodate new development in the TL 5 zone is dependent upon the construction of two new streets: 123rd Avenue NE and NE 120th Street, as shown on Plate 34B. Consistent with and to the extent authorized by applicable statutes and court decisions, new development on properties across which these streets in whole or in part extend shall contribute to the creation of the streets as follows:
  - a. With all new development, the portions of these streets crossing the subject property shall be dedicated as public right-of-way consistent with Plate 34B; and
  - b. With all new development exceeding 35 feet in height, the streets shall be improved as determined by the Public Works Director. Minor deviations in the location and width of the streets may be approved by the Public Works Director if the deviations will not negatively affect the functioning of the streets.
  - c. The street network within the TL 5 zone should be primarily made up of dedicated public rights-of-way with street improvements that meet the current City standards. The Public Works Director may authorize that an access street can be within a private access easement if it is found that the private street allows for a superior site design that also maintains an effective street network. If a private access street is allowed, the standards for the street improvements should be similar to those of public streets, and the maintenance of such streets shall be the responsibility of the property owner. Additionally, if a private access street is allowed, design standards applicable to development abutting a major pedestrian sidewalk continue to apply.
  - d. Development in the TL 5 zone must provide a grid of internal access roads shown on Plate 34B and Plate 34F pursuant to the following standards:
    - 1) A north-south street (123rd Avenue NE) from NE 116th Street on the south leading to the extension of NE 120th Street and a potential future bridge connecting over the BNSF railroad to 120th Place NE. This is intended to be a dedicated public street that can be implemented in phases as redevelopment occurs on applicable sites.
    - 2) An east-west connection with the planned NE 120th Street extension. This is intended to link the proposed 123rd Avenue NE extension above with 124th Avenue NE. This is intended to be a dedicated public street that can be implemented in conjunction with redevelopment on applicable sites.
    - 3) Two or three other east-west access roads from 124th Avenue NE towards interior lots and areas closer to I-405. A desirable distance between access roads is between 250 and 300 feet. The maximum allowable distance between access roads shall be 350 feet. These may be public or private streets implemented in conjunction with redevelopment on applicable sites. Wider separation (up to 500 feet) may be considered where properties dedicate a minimum 30-foot-wide public pedestrian corridor.
    - 4) Suggested cross-sections for each of these roads would include:
      - a) Two travel lanes (one lane each way);
      - b) On-street parallel parking;
      - c) Eight- to 12-foot-wide sidewalks on each side of the street with street trees placed toward the curb 30 feet on-center. Sidewalk width may be reduced where planting strips (minimum four feet wide) are maintained between the street and sidewalk.

(GENERAL REGULATIONS CONTINUED ON NEXT PAGE)

Section 55.39

Zone  
TL 5

USE ZONE CHART

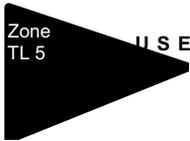
(GENERAL REGULATIONS CONTINUED FROM PREVIOUS PAGE)

3. Maximum allowable building height may be increased to 45 feet above average building elevation on parcels where dedication for roads is provided. Additional building height may be allowed with participation in a Conceptual Master Plan. No portion of a structure may exceed the following heights above the elevation of NE 116th Street, as measured at the midpoint of the frontage of the subject property on NE 116th Street:
  - a. Within 20 feet of NE 116th Street, 35 feet.
  - b. Within 30 feet of NE 116th Street, 45 feet.
  - c. Within 40 feet of NE 116th Street, 55 feet.
4. The ground floor of all structures on the subject property with frontage on a pedestrian or vehicular circulation route, or adjacent to a pedestrian-oriented space shall be a minimum of 15 feet in height. This requirement does not apply to:
  - a. The following uses: vehicle service stations, private lodges or clubs, stacked dwelling units, churches, schools, day-care centers, mini-schools or mini-day-care centers, assisted living facilities, convalescent centers or nursing homes, public utilities, government facilities or community facilities.
  - b. Parking garages.
  - c. Additions to existing nonconforming development where the Planning Official determines it is not feasible.
5. At least 30 percent of the total gross floor area located on the ground floor of all structures on the subject property must contain retail establishments, restaurants, taverns, hotels or motels. Ground floor spaces in structures with frontage on a pedestrian or vehicular route, or adjacent to a pedestrian-oriented space must contain retail establishments, restaurants or taverns.
6. No surface parking may encroach into the required front yard.
7. Access for drive-through facilities must be approved by the Public Works Official. See Chapter 105 KZC for requirements.
8. Some development standards or design regulations may be modified as part of the design review process. See Chapters 92 and 142 KZC for requirements.

(Revised )

Kirkland Zoning Code  
328.9

Section 55.39



USE ZONE CHART

9. The applicant shall install a through-block pathway or other pathways to link streets and/or activities. In addition to the new roads to be developed through the district (123rd Avenue NE and NE 120th Street), designated as major pedestrian sidewalks in Plate 34F, a network of east-west pathways at intervals no greater than 350 feet that link uses to 124th Avenue NE shall be installed. Through-block pathways may be integrated with internal access roads and/or provided within separate pedestrian-only corridors. See KZC 105.19(3) for through-block pathway standards. Additional through-block pathways not shown in the Comprehensive Plan may be required by the City on parcels larger than two acres in order to enhance pedestrian access on large sites.

(Revised )

Kirkland Zoning Code  
328.10

Section 55.39

Zone  
TL 5

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 55.39	USE ↓	REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95) Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
				Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage				Height of Structure
					Front	Side	Rear					
.010	Any use or combination of uses allowed in this zone, when developed within a Conceptual Master Plan. (Continued)									<p>REGULATIONS CONTINUED FROM PREVIOUS PAGE</p> <ol style="list-style-type: none"> <li>1. Location of drive-through facilities to not compromise the pedestrian orientation of the development.</li> <li>4. The following uses are not permitted within a Conceptual Master Plan:               <ol style="list-style-type: none"> <li>a. Retail establishments providing storage services unless accessory to another permitted use.</li> <li>b. Outdoor storage of bulk commodities, except in the following circumstances:                   <ol style="list-style-type: none"> <li>i. If the outdoor storage involves vehicles for sale associated with a vehicle dealership.</li> <li>ii. If the square footage of the storage area is less than 20 percent of the total square footage of the use it is serving; or</li> </ol> </li> <li>c. Storage and operation of heavy equipment except normal delivery vehicles associated with retail uses.</li> </ol> </li> <li>5. Signs for a development approved under this provision must be proposed within a Master Sign Plan application (KZC 100.80) for all signs within the project.</li> <li>6. Land dedicated for roads pursuant to General Regulation 2 may be included in the lot size used to meet the minimum size requirement for a Conceptual Master Plan.</li> <li>7. <del>At least 10 percent of the units provided in new residential developments of 440 units or greater shall bear affordable housing units, as defined in Chapter 5 KZC. See Chapter 112 KZC for additional affordable housing requirements and incentives.</del></li> <li>8. <del>Building height may exceed the limits set forth in General Regulation 3, provided that:</del> <ol style="list-style-type: none"> <li>a. Development on the property within the Conceptual Master Plan does not exceed the maximum floor area ratio (FAR) of 2.0, or 200 percent of lot size. Land dedicated for roads pursuant to General Regulation 2 may be included in the land used to calculate FAR; and</li> <li>b. <del>In buildings over 35 feet in height, at least 10 percent of the units provided in new residential developments shall be affordable housing units, as defined in Chapter 5 KZC. The number of affordable housing units is determined by rounding up to the next whole number (unit) if the fraction of the whole number is at least 0.66. An agreement in a form approved by the City must be recorded with the King County Department of Records and Elections to stipulate conditions under which required affordable housing units will remain as affordable housing units for the life of the project for rental units, and at least 30 years from the date of initial owner occupancy for ownership units.</del></li> </ol> </li> </ol> <p>REGULATIONS CONTINUED ON NEXT PAGE</p>		

(Revised )

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Kingland Zoning Code  
328.13

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Section 55.39

Zone  
TL 5

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS													
Section 55.39	USE ↓	REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
				Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage					Height of Structure
					Front	Side	Rear						
.010	Any use or combination of uses allowed in this zone, when developed within a Conceptual Master Plan. (Continued)										REGULATIONS CONTINUED FROM PREVIOUS PAGE <del>Additional affordable housing incentives may be applicable to residential development (see Chapter 112 KZC).</del> 9.8. Parcels smaller than four acres may be added to a previously approved Conceptual Master Plan (CMP), if the applicable criteria set forth in the notice of approval for the approved CMP are met.		
.020	Vehicle Service Station	D.R., Chapter 142 KZC.	22,500 sq. ft.	40'	15' on each side	15'	80%	35' above average building elevation. See General Regulation 3.	A	E	See KZC 105.25.	1. May not be more than two vehicle service stations at any intersection. 2. Gas pump islands may extend 20 feet into the front yard. Canopies or covers over gas pump islands may not be closer than 10 feet to any property line. Outdoor parking and service areas may not be closer than 10 feet to any property line. See KZC 115.105, Outdoor Use, Activity and Storage, for further regulations.	
.030	A Retail Establishment providing vehicle or boat sales or vehicle or boat service or repair. See Spec. Reg. 1.		None	10'	0'	0'						1. Vehicle and boat rental and used vehicles or boat sales are allowed as part of this use.	
.040	Restaurant or Tavern								B		1 per each 100 sq. ft. of gross floor area.	1. For restaurants with drive-in or drive-through facilities: a. One outdoor waste receptacle shall be provided for every eight parking stalls. b. Access for drive-through facilities shall be approved by the Public Works Department. Drive-through facilities shall be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served.	

(Revised )

Kirkland Zoning Code  
328.14

Section 55.39

Zone  
TL 5

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS													
Section 55.39	USE ↓	REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
				Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage					Height of Structure
					Front	Side	Rear						
.110	Attached or Stacked Dwelling Unit See Spec. Reg. 1.				Same as those regulations for the primary ground-floor use-45'. See Spec. Regs. 1 and 2.				A	1.7 per unit.	<ol style="list-style-type: none"> <li>No more than 10 percent of the ground floor of a structure may contain residential use.</li> <li>At least 10 percent of the units provided in new residential developments of 4 units or greater shall be affordable housing units, as defined in Chapter 5 KZC. See Chapter 112 KZC for additional affordable housing requirements and incentives.</li> <li>The maximum height for buildings may be increased to 45 feet above average building elevation if: At least two stories of the building must be dedicated to residential use.               <ol style="list-style-type: none"> <li>At least two stories of the building are dedicated to residential use; and</li> <li>At least 40 percent of the units provided in new residential developments of 10 units or greater are affordable housing units, as defined in Chapter 5 KZC. The number of affordable housing units is determined by rounding up to the next whole number (unit) if the fraction of the whole number is at least 0.66. An agreement in a form approved by the City must be recorded with the King County Department of Records and Elections to stipulate conditions under which required affordable housing units will remain as affordable housing units for the life of the project for rental units, and at least 30 years from the date of initial owner occupancy for ownership units.</li> </ol> </li> <li>Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.</li> </ol>		

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(Revised )

Kirkland Zoning Code  
328.17

55.41 User Guide. The charts in KZC 55.45 contain the basic zoning regulations that apply in the TL 6A and TL 6B zones of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 55.43

Section 55.43 – GENERAL REGULATIONS

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

Zone  
TL 6A,  
6B

1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.
2. Where feasible, primary access for nonresidential uses within TL 6 shall be from 124th Avenue NE, NE 124th Street, or NE 120th Street.
3. The ground floor of all structures with frontage on a pedestrian or vehicular circulation route, or adjacent to a pedestrian-oriented space shall be a minimum of 15 feet in height. This requirement does not apply to:
  - a. The following uses: vehicle service stations, private lodges or clubs, stacked dwelling units, churches, schools, day-care centers, mini-schools or mini-day-care centers, assisted living facilities, convalescent centers or nursing homes, residential development in TL 6A where over 80 percent of the total units in the development are affordable to households earning no more than 60 percent of the King County median income, public utilities, government facilities or community facilities;
  - b. Parking garages;
  - c. Additions to existing nonconforming development where the Planning Official determines it is not feasible; or
  - d. Parcels located more than 500 feet north of NE 124th Street, east of 116th Avenue NE.
4. Within TL 6B, at least 50 percent of the gross floor area located on the ground floor of all structures with frontage on a pedestrian or vehicular route, or adjacent to a pedestrian-oriented space, must contain retail establishments, restaurants, taverns, hotels or motels. These uses shall be oriented to a major pedestrian sidewalk, a through block pedestrian pathway or an internal pathway (see also Chapter 105 KZC). This regulation does not apply to parcels located more than 500 feet north of NE 124th Street, east of 116th Avenue NE (see Plate 34G).
5. In addition to the height exceptions established by KZC 115.60, the following exceptions to height regulations in TL zones are established:
  - a. Decorative parapets may exceed the height limit by a maximum of four feet; provided, that the average height of the parapet around the perimeter of the structure shall not exceed two feet.
  - b. For structures with a peaked roof, the peak may extend eight feet above the height limit if the slope of the roof is equal to or greater than four feet vertical to 12 feet horizontal.
6. The review process for development in this zone is as follows:
  - a. In TL 6A, any development activities requiring Design Review approval pursuant to KZC 142.15 shall be reviewed administratively (ADR), pursuant to KZC 142.25. Where gross floor area of an existing building is expanded by less than 10 percent, no design review is required.

(Revised )

Kirkland Zoning Code  
328.

Section 55.45

Zone  
TL  
6A, 6  
B

# USE ZONE CHART

b. In TL 6B, as set forth in Chapter 142 KZC.

7. Access for drive-through facilities must be approved by the Public Works Official. See Chapter 105 KZC for requirements.

8. Some development standards or design regulations may be modified as part of the design review process. See Chapter 92 or 142 KZC for requirements.

(GENERAL REGULATIONS CONTINUED ON NEXT PAGE)

(GENERAL REGULATIONS CONTINUED FROM PREVIOUS PAGE)

9. In TL 6B, development must provide a grid of internal access roads (see Plate 34G) pursuant to the following standards:

- a. A centralized east-west connection that forms the spine for the site. Such a connection would reduce the need for vehicular circulation on NE 124th Street.
- b. Two to three north-south connections from NE 124th Street to the east-west connection noted above. A desirable distance between access roads is between 250 and 300 feet. The maximum allowable distance between access roads shall be 350 feet. These may be public or private streets. Wider separation (up to 500 feet) may be considered where properties dedicate a minimum 30-foot-wide public pedestrian corridor.
- c. Suggested cross-sections for each of these roads:
  - 1) Two travel lanes (one lane each way);
  - 2) On-street parallel parking;
  - 3) Eight- to 12-foot-wide sidewalks on each side of the street with street trees placed 30 feet on-center. Sidewalk width may be reduced where planting strips (minimum four feet wide) are maintained between the street and sidewalk.The above access roads may be private or public.

10. The applicant shall install a through-block pathway or other pathways to link streets and/or activities. (See Plate 34G). Include at least one mid-block east-west pathway connecting uses to 116th Avenue NE and a network of north-south pathways at intervals no greater than 350 feet that link uses to NE 124th Street. Through-block pathways may be integrated with internal access roads and/or provided within separate pedestrian-only corridors. See KZC 105.19(3) for through-block pathway standards. Additional through-block pathways not shown in the Comprehensive Plan may be required by the City on parcels larger than two acres in order to enhance pedestrian access on large sites.

(Revised )

**Kirkland Zoning Code  
328.18**

Section 55.45

Zone  
TL  
6A, 6  
B

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS													
Section 55.45	USE ↓	REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
				Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage					Height of Structure
					Front	Side	Rear						
.100	Attached or Stacked Dwelling Units. See Spec. Reg. 1.		D.R., Chapter 142 KZC. See Gen. Reg. 6.	None	10'	0'	0'	80%	35' to 65' above average building elevation. See Spec. Reg. 2.	D	A	See KZC 105.25.	<p>1. On parcels abutting NE 124th Street or 124th Avenue NE, no more than 10 percent of the ground floor of a structure may be in residential use within 250 feet of these streets; provided, however, there shall be no such restriction on ground floor residential use in TL 6A where over 80 percent of the total units in the development are affordable to households earning no more than 60 percent of King County median income, adjusted for household size.</p> <p>2. <del>Maximum building height may exceed 35 feet above average building elevation if:</del></p> <p>a. <del>No portion of a structure on the subject property within 40 feet of Slater Avenue may exceed 30 feet above the elevation of Slater Avenue as measured at the midpoint of the frontage of the subject property on Slater Avenue; and</del></p> <p>3. <del></del></p> <p>b. <del>At least 10 percent of the units provided in new residential developments of 440 units or greater shall be affordable housing units, as defined in Chapter 5 KZC. See Chapter 112 KZC for additional affordable housing requirements and incentives. An agreement in a form approved by the City must be recorded with the King County Department of Records and Elections to stipulate conditions under which required affordable housing units will remain as affordable housing units for the life of the project for rental units, and at least 30 years from the date of initial owner occupancy for ownership units. This regulation does not apply to developments which provide over 80 percent of their units as affordable to households earning no more than 60 percent of King County median income, adjusted for household size.</del></p> <p><del>Additional affordable housing incentives may be applicable to residential development (see Chapter 142 KZC).</del></p> <p>34. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.</p>

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(Revised )

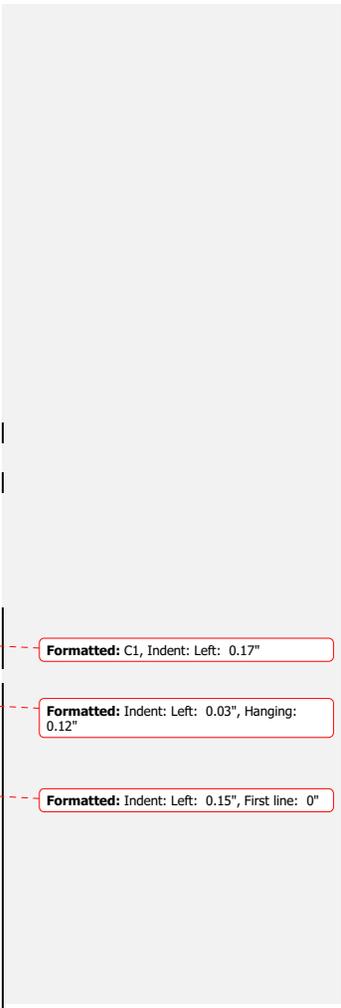
Kirkland Zoning Code  
328.22

Section 55.45

Zone TL 6A, 6B USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 55.45	USE ↓ REGULATIONS →	Required Review Process	Lot Size	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				REQUIRED YARD (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.110	Development containing attached or stacked dwelling units and offices, restaurants or taverns, or retail uses allowed in this zone.	D.R., Chapter 142 KZC. See Gen. Reg. 6.	None	10'	0'	0'	80%	35- to 65' above average building elevation. See Spec. Reg. 4.	D	E	See KZC 105.25.	<ol style="list-style-type: none"> <li>A veterinary office is not permitted in any development containing dwelling units.</li> <li>Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.</li> <li>No more than 10 percent of the ground floor of a structure may be in residential use within 250 feet of 124th Avenue NE or NE 124th Street; provided, however, there shall be no such restriction on ground floor residential use in TL 6A where over 80 percent of the total units in the development are affordable to households earning no more than 60 percent of King County median income, adjusted for household size.</li> <li>Maximum building height may exceed 35 feet above average building elevation if:                             <ol style="list-style-type: none"> <li>No portion of a structure on the subject property within 40 feet of Slater Avenue may exceed 30 feet above the elevation of Slater Avenue as measured at the midpoint of the frontage of the subject property on Slater Avenue; and</li> <li>The equivalent of the additional gross floor area constructed above 35' over ABE must be dedicated to residential use. Residential use may be located anywhere in the building above the ground floor. At least three stories of the building are dedicated to residential use; and</li> <li>At least 10 percent of the units provided in new residential developments of 40 units or greater shall be affordable housing units, as defined in Chapter 5 KZC. See Chapter 112 KZC for additional affordable housing requirements and incentives. The number of affordable housing units is determined by rounding up to the next whole number (unit) if the fraction of the whole number is at least 0.66. An agreement in a form approved by the City must be recorded with the King County Department of Records and Elections to stipulate conditions under which required affordable housing units will remain as affordable housing units for the life of the structure and at least 20 years from the date of initial owner occupancy ownership units. This regulation does not apply to developments which provide over 80 percent of their units as affordable to households earning no more than 60 percent of King County median income, adjusted for household size.</li> </ol> </li> </ol> <p>Additional affordable housing incentives may be applicable to residential development (see Chapter 112 KZC).</p>

(Revised )



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Kirkland Zoning Code 528.23

REGULATIONS CONTINUED ON NEXT PAGE

55.53 User Guide. The charts in KZC 55.57 contain the basic zoning regulations that apply in the TL 8 zone of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 55.55

Zone  
TL 8

Section 55.55 – 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. Ground floor uses on the two westernmost parcels in this zone with frontage on 120th Avenue NE must contain retail, restaurants, and/or taverns.
3. The ground floor of all structures with frontage on a pedestrian or vehicular circulation route, or adjacent to a pedestrian-oriented space shall be a minimum of 15 feet in height. This requirement does not apply to:
  - a. The following uses: vehicle service stations, private lodges or clubs, stacked dwelling units, churches, schools, day-care centers, mini-schools or mini-day-care centers, assisted living facilities, convalescent centers or nursing homes, public utilities, government facilities or community facilities;
  - b. Parking garage; or
  - c. Additions to existing nonconforming development where the Planning Official determines it is not feasible.
4. In addition to the height exceptions established by KZC 115.60, the following exceptions to height regulations in TL zones are established:
  - a. Decorative parapets may exceed the height limit by a maximum of four feet; provided, that the average height of the parapet around the perimeter of the structure shall not exceed two feet.
  - b. For structures with a peaked roof, the peak may extend eight feet above the height limit if the slope of the roof is equal to or greater than four feet vertical to 12 feet horizontal.
5. Shared access points must be used to the maximum extent possible. Curb cuts must be limited to minimize traffic congestion (does not apply to Public Utility, Government Facility or Community Facility and Public Park uses).
6. Development must emphasize Totem Lake as the focal point of this zone (does not apply to Public Utility, Government Facility or Community Facility and Public Park uses).
7. Refer to Chapter 90 KZC regarding restrictions on development around Totem Lake and wetland areas.
8. Parcels located east of the strip of land zoned "P" are exempt from Design Review.

(Revised )

Kirkland Zoning Code  
328.31

Section 55.57

Zone TL 8 USE ZONE CHART

9. Must install a landscape berm on the subject property adjacent to 120th Avenue N.E. and Totem Lake Way consistent with existing landscaped berms along these rights-of-way. (Does not apply to Public Park uses).
10. Access for drive-through facilities must be approved by the Public Works Official. See Chapter 105 KZC for requirements.
11. Some development standards or design regulations may be modified as part of the design review process. See Chapters 92 and 142 KZC for requirements.

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 55.57	USE ↓ REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.010	Hotel or Motel See Gen. Reg. 2.	D.R., Chapter 142 KZC. See Gen. Reg. 8.	None	10'	5' each side	10'	70%	35' above average building elevation.	B	E	See KZC 105.25.	1. The following uses are not allowed: The sale, service, and/or rental of motor vehicles, sailboats, motor boats, and recreational trailers, vehicle service station, and storage services; provided, that motorcycle sales, service, or rental is permitted if conducted indoors. 2. Ancillary assembly and manufactured goods on the premises of this use are permitted only if: a. The assembled or manufactured goods are directly related to and are dependent on this use, and are available for purchase and removal from the premises. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail uses. 3. Outdoor storage and drive-in or drive-through facilities are not permit-
.020	A Retail Establishment providing entertainment or recreational activity											
.030	Athletic, Exercise, or Health Club/Facility See Gen. Reg. 2.											

(Revised )

Kirkland Zoning Code  
328.32

Section 55.57

Zone  
TL 8

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS													
Section 55.57	USE ↓	REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
				Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage					Height of Structure
					Front	Side	Rear						
.070	Attached or Stacked Dwelling Units See Gen. Reg. 2.			5' each side See Spec. Reg. 2.	10' See Spec. Reg. 3.		65' 45" above average building elevation.	D	A		<ol style="list-style-type: none"> <li>1. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.</li> <li>2. <u>At least 10 percent of the units provided in new residential developments of 4 units or greater shall be affordable housing units, as defined in Chapter 5 KZC. See Chapter 112 KZC for additional affordable housing requirements and incentives.</u></li> <li>3. The side yard may be reduced to zero feet if the side of the dwelling unit is attached to a dwelling unit on an adjoining lot. If one side of a dwelling unit is so attached and the opposite side is not, the side that is not attached must provide a minimum side yard of five feet.</li> <li>4. The rear yard may be reduced to zero feet if the rear of the dwelling unit is attached to a dwelling unit on an adjoining lot.</li> </ol>		

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(Revised )

Kirkland Zoning Code  
328.34

Section 55.57

Zone  
TL 8

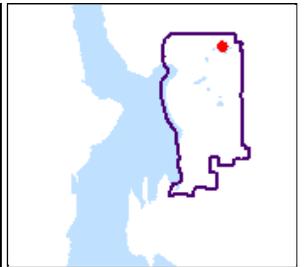
USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS													
Section 55.57	USE ↓	REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
				Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage					Height of Structure
					Front	Side	Rear						
.080	Development containing attached or stacked dwelling units and offices, restaurants or taverns, or retail uses allowed in this zone. See Gen. Reg. 2. See Spec. Reg. 1.	D.R., Chapter 142 KZC. See Gen. Reg. 8.	None	10'	5' each side. See Spec. Reg. 4.	10' See Spec. Reg. 5.	70%	65' <del>46'</del> above average building elevation.	B	E	See KZC 105.25.	<ol style="list-style-type: none"> <li>A veterinary office is not permitted in any development containing dwelling units.</li> <li>Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.</li> <li>Ancillary assembly and manufactured goods on the premises of this use are permitted only if:                             <ol style="list-style-type: none"> <li>The assembled or manufactured goods are subordinate and directly related to and dependent on this use, and are available for purchase and removal from the premises.</li> <li>The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail or office uses.</li> </ol> </li> <li>At least 10 percent of the units provided in new residential developments of 4 units or greater shall be affordable housing units, as defined in Chapter 5 KZC. See Chapter 112 KZC for additional affordable housing requirements and incentives.</li> <li>The equivalent of the additional gross floor area constructed above 35' over ABE must be dedicated to residential use. Residential use may be located anywhere in the building above the ground floor.</li> <li>The side yard may be reduced to zero feet if the side of the dwelling unit is attached to a dwelling unit on an adjoining lot. If one side of a dwelling unit is so attached and the opposite side is not, the side that is not attached must provide a minimum side yard of five feet.</li> <li>The rear yard may be reduced to zero feet if the rear of the dwelling unit is attached to a dwelling unit on an adjoining lot.</li> </ol>	
.090	Private Lodge or Club See Gen. Reg. 2.				5' each side.	10'		35' above average building elevation.	C	B			

(Revised )

Kirkland Zoning Code  
328.35

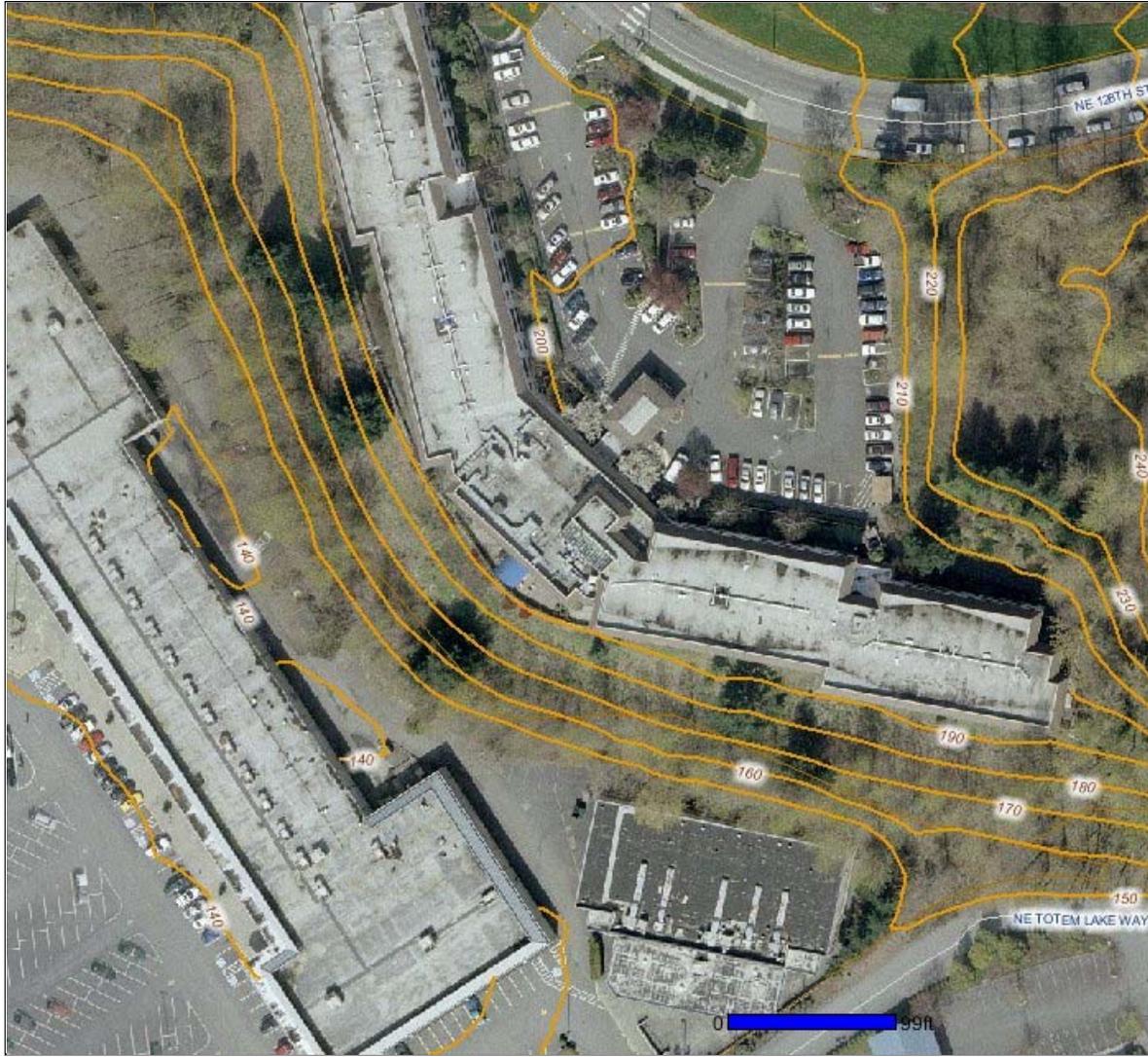
### TL8 Topography



Approximate  
Scale 1:2,084  
1 in = 174 ft

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### Hillside Topography



Approximate  
Scale 1:1,112  
1 in = 93 ft

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55.62 User Guide. The charts in KZC 55.64 contain the basic zoning regulations that apply in the TL 9B zone of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

**Section 55.63**



**Section 55.63 – 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. All development or associated land surface modifications shall be set back 100 feet from the north boundary of the TL 9B zone.
3. Vehicular access shall be from the south of the slope. If necessary, access may be from 132nd Avenue NE; provided, that such access is limited to one point and meets other City standards.

**DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS**

Section 55.64	USE ↓	REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
				Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage					Height of Structure
					Front	Side	Rear						
.010	Detached Dwelling Units		Process IIA, Chapter 150 KZC	5,000 sq. ft.	20'	5'	10'	60%	30' above average building elevation.	E	A	2.0 per unit.	1. For this use, only one dwelling unit may be on each lot regardless of the size of the lot. 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.

Section 55.64

Zone  
TL 9B

USE ZONE CHART

Attachment 17  
Affordable Housing Amendments  
November 5, 2009 PC

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 55.64	USE ↓	REGULATIONS →	Required Review Process	MINIMUMS			Lot Coverage	MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				REQUIRED YARD (See Ch. 115)				Height of Structure					
				Front	Side	Rear							
.020	Detached, Attached or Stacked Dwelling Units			5' for detached units. For attached or stacked units, 5', but 2 side yards must equal at least 15'. See Spec. Reg. 3.	10' See Spec. Reg. 4.		<u>Detached Dwelling units: 30'</u> <u>Attached and/or Stacked dwelling units: 50' above average building elevation;</u> -See Spec. Reg. 5.	D		1.7 per unit.	1. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. 2. Chapter 115 KZC contains regulations regarding common recreational space requirements for this use. 3. The side yard may be reduced to zero feet if the side of the dwelling unit is attached to a dwelling unit on an adjoining lot. If one side of a dwelling unit is so attached and the opposite side is not, the side that is not attached must provide a minimum side yard of five feet. 4. The rear yard may be reduced to zero feet if the rear of the dwelling unit is attached to a dwelling unit on an adjoining lot. 5. For attached and/or stacked dwelling units, <u>at least 10 percent of the units provided in new residential developments of 4 units or greater shall be affordable housing units, as defined in Chapter 5 KZC. See Chapter 112 KZC for additional affordable housing requirements and incentives.</u> <del>the maximum building height may exceed 30 feet above average building elevation if at least 10 percent of the units provided in new residential developments of 10 units or greater are affordable housing units, as defined in Chapter 5 KZC. The number of affordable housing units is determined by rounding up to the next whole number (unit) if the fraction of the whole number is at least 0.66. An agreement in a form approved by the City must be recorded with the King County Department of Records and Elections to stipulate conditions under which required affordable housing units will remain as affordable housing units for the life of the project for rental units, and at least 30 years from the date of initial owner occupancy for ownership units. Additional affordable housing incentives may be applicable to residential development (see Chapter 112-KZC).</del>		

**55.71** User Guide. The charts in KZC 55.75 contain the basic zoning regulations that apply in the TL 10B zone of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

**Section 55.73**

**Zone  
TL 10B**

Section 55.73 – 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. If any portion of a structure is adjoining a low density zone, then either:
  - a. The height of that portion of the structure shall not exceed 20 feet above average building elevation; or
  - b. The horizontal length of any facade of that portion of the structure which is parallel to the boundary of the low density zone shall not exceed 50 feet.See KZC 115.30, Distance Between Structures/Adjacency to Institutional Use, for further details.
3. The ability to accommodate new development in the TL 10B zone is dependent upon the extension of 118th Avenue NE to NE 116th Street as shown on Plate 34C, Chapter 180 KZC. Consistent with and to the extent authorized by applicable statutes and court decisions, new development on properties across which this street in whole or in part extends, shall contribute to the creation of the street as follows:
  - a. With all new development, the portions of this street crossing the subject property shall be dedicated as public right-of-way consistent with Plate 34C; and
  - b. With all new development exceeding 35 feet in height, the street shall be improved as determined by the Public Works Director. Minor deviations in the location and width of the street may be approved by the Public Works Director if the deviations will not negatively affect the functioning of the street.
4. Maximum allowable building height may be increased to 45 feet above average building elevation on parcels where dedication for the road is provided. Additional height increases beyond 45 feet above A.B.E. may be allowed for certain uses, as authorized in the Use Zone Chart.
5. Vehicular access to NE 116th is permitted only via 118th Avenue NE, or if the subject property does not have access to 118th Avenue NE. (Does not apply to Public Park use).
6. Any development activities requiring Design Review approval pursuant to KZC Section 142.15 shall be reviewed administratively (ADR), pursuant to KZC 142.25. Where gross floor area of an existing building is expanded by less than 10 percent, no Design Review is required.
7. Development must be designed to retain the existing hill along NE 116th Street and retain, at a minimum, 25 percent of the viable significant trees. The City may require greater than 25 percent depending on the location and clustering of trees. (Does not apply to Public Park use).

Section 55.75

Zone  
TL 10B

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 55.75	USE ↓	REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
				Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage					Height of Structure
					Front	Side	Rear						
.010	Attached or Stacked Dwelling Units <del>See Spec. Reg. 4.</del>	D.R., Chapter 142 KZC. See Gen. Reg. 6.	None	20'	5' but 2 side yards must equal at least 15'. See Spec. Reg. 5.	10' See Spec. Reg. 6.	70%	35' to 60' above average building elevation See Gen. Regs <del>3 and 4 and Spec. Reg. 2.</del>	D	A	1.7 per unit.	<ol style="list-style-type: none"> <li><del>1. This use is permitted only on parcels located west of the 118th Avenue NE right-of-way alignment (see Plates 36 and 37, Chapter 480).</del></li> <li><del>2. At least 10 percent of the units provided in new residential developments of 4 units or greater shall be affordable housing units, as defined in Chapter 5 KZC. See Chapter 112 KZC for additional affordable housing requirements and incentives. Maximum building height may be increased from 35 feet to 60 feet if at least 10 percent of the units provided in new residential developments of 10 units or greater are affordable housing units, as defined in Chapter 5 KZC. The number of affordable housing units is determined by rounding up to the next whole number (unit) if the fraction of the whole number is at least 0.66. An agreement in a form approved by the City must be recorded with the King County Department of Records and Elections to stipulate conditions under which required affordable housing units will remain as affordable housing units for the life of the project for rental units, and at least 30 years from the date of initial owner occupancy for ownership units.</del></li> <li><del>3. Additional affordable housing incentives may be applicable to residential development (see Chapter 142 KZC).</del></li> <li><del>4. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.</del></li> <li><del>45. The side yard may be reduced to zero feet if the side of the dwelling unit is attached to a dwelling unit on an adjoining lot. If one side of a dwelling unit is so attached and the opposite side is not, the side that is not attached must provide a minimum side yard of five feet.</del></li> <li><del>56. The rear yard may be reduced to zero feet if the rear of the dwelling unit is attached to a dwelling unit on an adjoining lot.</del></li> </ol>	

55.77 User Guide. The charts in KZC 55.81 contain the basic zoning regulations that apply in the TL 10C zone of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

**Section 55.79**



**Section 55.79 – 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 provision of this code may apply to the subject property.
2. Access for drive-through facilities must be approved by the Public Works Official. See Chapter 105 KZC for requirements.
3. When a permitted use is included as an accessory use within the structure of a primary use with a taller height limit, the height limit for the primary use applies.
4. Some development standards or design regulations may be modified as part of the design review process. See Chapters 92 and 152 KZC for requirements.

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 55.81	USE ↙ REGULATIONS ↘	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						

(Revised )

Section 55.81

Zone  
TL 10C

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS													
Section 55.81	USE ↓	REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
				Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage					Height of Structure
					Front	Side	Rear						
.010	Attached or Stacked Dwelling Units See Spec. Reg. 1.		D.R., Chapter 142 KZC	None	20'	5' but 2 side yards must equal at least 15'. See Spec. Reg. 6.	10' See Spec. Reg. 7.	80%	Where adjoining a low density zone, 30' above average building elevation. Otherwise, up to 55' above average building elevation.  See Spec. Reg. 4.	D	A	1.7 per unit.	<p>1. This use is permitted as a freestanding development only in locations identified on Plate 37 as "Stand-Alone Housing Areas" (see Plate 37, Chapter 180). If developed in a mixed-use project with three stories of office or high technology use, it may be located throughout the TL-10C zone.</p> <p>2. At least 10 percent of the units provided in new residential developments of 4 units or greater shall be affordable housing units, as defined in Chapter 5 KZC. See Chapter 112 KZC for additional affordable housing requirements and incentives. At least 10 percent of the units provided in new residential developments of 10 units or greater must be affordable housing units, as defined in Chapter 5 KZC. The number of affordable housing units is determined by rounding up to the next whole number (unit) if the fraction of the whole number is at least 0.66. An agreement in a form approved by the City must be recorded with the King County Department of Records and Elections to stipulate conditions under which required affordable housing units will remain as affordable housing units for the life of the project for rental units, and at least 30 years from the date of initial owner occupancy for ownership units.</p> <p>3. Additional affordable housing incentives may be applicable to residential development (see Chapter 112 KZC).</p> <p>34. No portion of a structure may exceed the following heights above the elevation of NE 116th Street, as measured at the midpoint of the frontage of the subject property on NE 116th Street:</p> <p>a. Within 20 feet of NE 116th Street, 35 feet.</p> <p>b. Within 30 feet of NE 116th Street, 45 feet.</p> <p>c. Within 40 feet of NE 116th Street, 55 feet.</p> <p>45. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.</p> <p>56. The side yard may be reduced to zero feet if the side of the dwelling unit is attached to a dwelling unit on an adjoining lot. If one side of a dwelling unit is so attached and the opposite side is not, the side that is not attached must provide a minimum side yard of five feet.</p> <p>67. The rear yard may be reduced to zero feet if the rear of the dwelling unit is attached to a dwelling unit on an adjoining lot.</p>

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**55.83** User Guide. The charts in KZC 55.87 contain the basic zoning regulations that apply in the TL 10D zone of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

**Section 55.85**

**Section 55.85 – 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. When a permitted use is included as an accessory use within the structure of a primary use with a taller height limit, the height limit for the primary use applies.

**Zone  
TL 10D**

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS													
Section 55.87	USE ↓	REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
				Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage					Height of Structure
					Front	Side	Rear						

Section 55.87

Zone  
TL 10D

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS													
Section 55.87	USE ↓	REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
				Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage					Height of Structure
					Front	Side	Rear						
.100	Attached or Stacked Dwelling Units See Spec. Reg. 1.		D.R., Chapter 142 KZC	None	20'	5', but 2 side yards must equal at least 15'. See Spec. Reg. 4.	0'	80%	Where adjoining a low density zone, 30' above average building elevation. Otherwise, 65' above average building elevation. See Spec. Reg. 1.	D	A	1.7 per unit.	<ol style="list-style-type: none"> <li>This use is permitted as a free-standing development only in locations identified on Plate 37 as "Stand-Alone Housing Areas" (see Plate 37, Chapter 180). If developed in a mixed-use project with three stories of office or high technology use, it may be located throughout the TL 10D zone.</li> <li>At least 10 percent of the units provided in new residential developments of 4 units or greater shall be affordable housing units, as defined in Chapter 5 KZC. See Chapter 112 KZC for additional affordable housing requirements and incentives. <i>Maximum building height may be increased as follows:</i> <ol style="list-style-type: none"> <li>Maximum building height is 45 feet above average building elevation where not adjoining a low density zone, and where affordable housing units as described in 2.b below are not provided; and</li> <li>Maximum building height is 65 feet above average building elevation where not adjoining a low density zone, and where at least 10 percent of the units provided in new residential developments of 40 units or greater are affordable housing units, as defined in Chapter 5 KZC. The number of affordable housing units is determined by rounding up to the next whole number (unit) if the fraction of the whole number is at least 0.66. An agreement in a form approved by the City must be recorded with King County Department of Records and Elections to stipulate conditions under which required affordable housing units will remain as affordable housing units for the life of the project for rental units, and at least 30 years from the date of initial owner occupancy for ownership units. Additional affordable housing incentives may be applicable to residential development (see Chapter 142 KZC).</li> </ol> </li> <li>Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.</li> <li>The side yard may be reduced to zero feet if the side of the dwelling unit is attached to a dwelling unit on an adjoining lot. If one side of a dwelling unit is so attached and the opposite side is not, the side that is not attached must provide a minimum side yard of five feet.</li> </ol>

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(Revised )

Kirkland Zoning Code  
328.62

## CHAPTER 53 – ROSE HILL BUSINESS DISTRICT (RHBD) ZONES

**53.02** User Guide. The charts in KZC 53.06 contain the basic zoning regulations that apply in the RH 1A zone of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

### Section 53.04

#### Section 53.04 – 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. The ground floor of all structures on the subject property shall be a minimum of 15 feet in height. This requirement does not apply to:
  - a. The following uses: vehicle service stations, automotive service centers, private lodges or clubs, attached or stacked dwelling units, churches, schools, day-care centers, mini-schools or mini-day-care centers, assisted living facilities, convalescent centers or nursing homes, public utilities, government facilities or community facilities.
  - b. Parking garages.
  - c. Additions to existing nonconforming development where the Planning Official determines it is not feasible.
3. At least 50 percent of the total gross floor area located on the ground floor of all structures on the subject property must contain retail establishments, restaurants, taverns, hotels or motels. These uses shall be oriented to NE 85th Street, a major pedestrian sidewalk, a through block pedestrian pathway or an internal pathway (see also Chapter 92 KZC).
4. Within required front yards, canopies and similar entry features may encroach; provided, that the total horizontal dimension of such elements may not exceed 25 percent of the length of the structure.
5. Some development standards or design regulations may be modified as part of the design review process. See Chapters 92 and 142 KZC for requirements.
6. The Public Works Official shall approve the number, location and characteristics of driveways on NE 85th Street in accordance with the driveway and sight distance policies contained in the Public Works Pre-approved Plans manual. Taking into consideration the characteristics of this corridor, the Public Works Official may:
  - a. Require access from side streets; and/or
  - b. Encourage properties to share driveways, circulation and parking areas; and/or
  - c. Restrict access to right turn in and out; or
  - d. Prohibit access altogether along NE 85th Street.
7. Access for drive-through facilities must be approved by the Public Works Official. See KZC 105.96 for requirements.
8. For lighting requirements associated with development, see KZC 115.85(2).

Section 53.06

Zone  
RH 1A

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 53.06	USE ↓	REGULATIONS ↓	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				Lot Size	REQUIRED YARDS (See Ch. 115)			Height of Structure				
					Front	Side	Rear					
.080	Attached or Stacked Dwelling Unit							35'—67' above average building elevation. See Spec. Reg. 2.	D	A	1.7 per unit.	<ol style="list-style-type: none"> <li>Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.</li> <li>At least 10 percent of the units provided in new residential developments of 4 units or greater shall be affordable housing units, as defined in Chapter 5 KZC. See Chapter 112 KZC for additional affordable housing requirements and incentives. Building height may be increased above 35 feet to a maximum of 67 feet above average building elevation if the following is provided. At least 10 percent of the units in new residential developments of 10 units or greater shall be affordable housing units as defined in Chapter 5 KZC. The number of affordable housing units is determined by rounding up to the next whole number (unit) if the fraction of the whole number is at least 0.66. An agreement in a form approved by the City must be recorded with the King County Department of Records and Elections to stipulate conditions under which required affordable housing units will remain as affordable housing units for the life of the project for rental units, and at least 30 years from the date of initial owner occupancy for ownership units. Additional affordable housing incentives may be applicable to residential development (see Chapter 112 KZC).</li> </ol>
.090	Private Lodge or Club	D.R., Chapter 142 KZC.	None	10'	0'	0'	80%	67' above average building elevation.	C	B	1 per each 300 sq. ft. of gross floor area.	
.100	Church										1 per every 4 people based on maximum occupancy load of any area of worship. See Spec. Reg. 2.	<ol style="list-style-type: none"> <li>May include accessory living facilities for staff persons.</li> <li>No parking is required for day-care or school ancillary to this use.</li> </ol>

53.20 User Guide. The charts in KZC 53.24 contain the basic zoning regulations that apply in the RH 2A, RH 2B and RH 2C zones of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

**Section 53.22**

**Section 53.22 – 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. For uses in RH 2A and RH 2B, vehicular access shall be from NE 85th Street or 120th Avenue NE. The subject property shall be configured to structurally prevent vehicular access, other than for emergency vehicles, from 118th Avenue NE. Only office and residential uses in RH 2C may access from 118th Avenue NE if vehicle trips do not exceed the trips that would be generated from residential development at 12 units per acre based on the total site area in RH 2C. Any excess of this amount must access from NE 85th Street or 120th Avenue NE.
3. At least 50 percent of the total gross floor area located on the ground floor of all structures in RH 2A shall contain retail establishments, restaurants, taverns, hotels or motels. These uses shall be oriented to NE 85th Street, a major pedestrian sidewalk, a through block pedestrian pathway or an internal pathway (see also Chapter 92 KZC).
4. The ground floor of all structures in RH 2A shall be a minimum of 15 feet in height. This requirement does not apply to:
  - a. The following uses: vehicle service stations, automotive service centers, private lodges or clubs, attached or stacked dwelling units, churches, schools, day-care centers, mini-schools or mini-day-care centers, assisted living facilities, convalescent centers or nursing homes, public utilities, government facilities or community facilities.
  - b. Parking garages.
  - c. Additions to existing nonconforming development where the Planning Official determines it is not feasible.
5. The maximum height of any portion of a building located within 100 feet of a low density zone is 25 feet above the existing grade at the adjacent curbline of 120th Avenue NE. The 25-foot building height shall be measured at the midpoint of the portion of the building wall adjoining the low density zone.
6. Loading and service areas shall be placed away from NE 85th Street, pedestrian areas and adjacent residential uses.
7. Electrical signs are not permitted along 120th Avenue across the street from a residential zone or oriented toward 118th Avenue.
8. Some development standards or design regulations may be modified as part of the design review process. See Chapters 92 and 142 KZC for requirements.

(Revised )

**Kirkland Zoning Code  
292.11**

Section 53.24

Zone  
RH 2A, 2B,  
2C

USE ZONE CHART

9. The Public Works Official shall approve the number, location and characteristics of driveways on NE 85th Street in accordance with the driveway and sight distance policies contained in the Public Works Pre-approved Plans manual. Taking into consideration the characteristics of this corridor, the Public Works Official may:
  - a. Require access from side streets; and/or
  - b. Encourage properties to share driveways, circulation and parking areas; and/or
  - c. Restrict access to right turn in and out; or
  - d. Prohibit access altogether along NE 85th Street.

(GENERAL REGULATIONS CONTINUED ON NEXT PAGE)

(GENERAL REGULATIONS CONTINUED FROM PREVIOUS PAGE)

10. Access for drive-through facilities must be approved by the Public Works Official. See KZC 105.96 for requirements. Drive-through facilities are not permitted in an RH 2B or RH 2C zone.
11. Prior to any of the following uses occupying a structure on a property adjoining a residential zone, the applicant shall submit a noise study prepared by a qualified acoustical consultant for approval by the Planning Official.
  - Establishments expected to operate past 9:00 p.m.
  - Vehicle service station.
  - Automotive service center.
  - Retail establishment providing entertainment, recreational or cultural activities.
  - Retail establishment involving the sale, lease, repair or service of automobiles, trucks, boats, motorcycles, recreational vehicles, heavy equipment, or similar vehicles.
  - Car washes.
  - Veterinary offices.
  - Any establishment where animals are kept on site.
  - Drive-through facilities with loudspeaker systems.
  - Establishments involving a large truck loading dock for deliveries.

The study shall verify that the noise that will emanate from the site adjoining any residential-zoned property complies with the standards specified in KZC 115.95(1) and (2) and WAC 173-60-040(1) for a Class B source property and a Class A receiving property.
12. For lighting requirements associated with development, see KZC 115.85(2).

(Revised )

**Kirkland Zoning Code**  
**292.12**

Section 53.24

Zone  
RH 2A, 2B,  
2C

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS											
Section 53.24	USE REGULATIONS	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)			Height of Structure				
				Front	Side	Rear					
.080	Attached or Stacked Dwelling Unit	In RH 2C the minimum amount of lot area per dwelling unit is 3,600 sq. ft. Otherwise, none.						D	A	1.7 per unit.	<ol style="list-style-type: none"> <li>This use may not be located on the ground floor of a structure in RH 2A.</li> <li>Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.</li> <li>In RH 2A and RH 2B, at least 10 percent of the units provided in new residential developments of 4 units or greater shall be affordable housing units, as defined in Chapter 5 KZC. See Chapter 112 KZC for additional affordable housing requirements and incentives.</li> </ol> <p><del>Building height may be increased above 35 feet to a maximum of 67 feet in RH 2A, and to a maximum of 55 feet above average building elevation in RH 2B.4.</del></p> <p><del>At least 10 percent of the units in new residential developments of 10 units or greater are affordable housing units as defined in Chapter 5 KZC. The number of affordable housing units is determined by rounding up to the next whole number (unit) if the fraction of the whole number is at least 0.66. An agreement in a form approved by the City must be recorded with the King County Department of Records and Elections to stipulate conditions under which required affordable housing units will remain as affordable housing units for the life of the project for rental units, and at least 30 years from the date of initial owner occupancy for ownership units. Additional affordable housing incentives may be applicable to residential development (see Chapter 112 KZC).</del></p>

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Kirkland Zoning Code  
292.17

Section 53.24

Zone  
RH 2A, 2B,  
2C

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS													
Section 53.24	USE ↓	REGULATIONS ↓	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
				Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
					Front	Side	Rear						
.090	Assisted Living Facility, Convalescent Center or Nursing Home	D.R., Chapter 142 KZC.	In RH 2C the minimum amount of lot area per dwelling unit is 3,600 sq. ft. Otherwise, none.	10' adjacent to NE 85th St., otherwise 20'.	0'	0'	In RH 2A and RH 2B: 80%  In RH 2C: 70%	In RH 2C: 35' above average building elevation.  In RH 2B: 55' above average building elevation.  In RH 2A: <del>35</del> 67' above average building elevation.	C	A Convalescent Center or Nursing Home: B	Independent unit: 1.7 per unit. Assisted Living Facility: 1 per unit. Convalescent Center or Nursing Home: 1 per bed.	1. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. 2. In RH 2C 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.	
.100	Hotel or Motel		None				In RH 2B: 55' above average building elevation.	A	E	1 per each room. See also Spec. Reg. 3.	1. This use is permitted in RH 2A and RH 2B only. 2. May include ancillary meeting and convention facilities. 3. Excludes parking requirements for ancillary meeting and convention facilities. Additional parking requirement for these ancillary uses shall be determined on a case-by-case basis.		
.110	Private Lodge or Club						In RH 2A: 67' above average building elevation.	C	B	1 per each 300 sq. ft. of gross floor area.	1. This use is permitted in RH 2B only if developed in conjunction with RH 2A. This use is not permitted in RH 2C.		

(Revised )

Kirkland Zoning Code  
292.18

**53.30** User Guide. The charts in KZC 53.34 contain the basic zoning regulations that apply in the RH 3 zone of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

**Section 53.32**

**Section 53.32 – 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. Within required front yards, canopies and similar entry features may encroach; provided, that the total horizontal dimension of such elements may not exceed 25 percent of the length of the structure.
3. Individual retail uses in this zone are limited to a maximum gross floor area of 65,000 square feet.
4. At least 50 percent of the total gross floor area located on the ground floor of all structures on the subject property must contain retail establishments, restaurants, taverns, hotels or motels. These uses shall be oriented to NE 85th Street, a major pedestrian sidewalk, a through block pedestrian pathway or an internal pathway (see also Chapters 105 and 110 KZC, and Plate 34K).
5. The ground floor of all structures on the subject property shall be a minimum of 15 feet in height. This requirement does not apply to:
  - a. The following uses: vehicle service stations, automotive service centers, private lodges or clubs, attached or stacked dwelling units, churches, schools, day-care centers, mini-schools or mini-day-care centers, assisted living facilities, convalescent centers or nursing homes, public utilities, government facilities or community facilities.
  - b. Parking garages.
  - c. Additions to existing nonconforming development where the Planning Official determines it is not feasible.
6. The Public Works Official shall approve the number, location and characteristics of driveways on NE 85th Street in accordance with the driveway and sight distance policies contained in the Public Works Pre-approved Plans manual. Taking into consideration the characteristics of this corridor, the Public Works Official may:
  - a. Require access from side streets; and/or
  - b. Encourage properties to share driveways, circulation and parking areas; and/or
  - c. Restrict access to right turn in and out; or
  - d. Prohibit access altogether along NE 85th Street.
7. Some development standards or design regulations may be modified as part of the design review process. See Chapters 92 and 142 KZC for requirements.
8. Access for drive-through facilities must be approved by the Public Works Official. See KZC 105.96 for requirements.

Section 53.34



9. A through-block pedestrian pathway shall be installed pursuant to the through-block pathway standards in KZC 105.19(3); see Plate 34K:
  - a. Along the north portion of the zone to make an east-to-west pedestrian connection between 124th Avenue NE and 120th Avenue NE as designated in the Comprehensive Plan; and
  - b. Connecting the north end of the zone to NE 85th Street.
10. For lighting requirements associated with development, see KZC 115.85(2).

Section 53.34



DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS													
Section 53.34	USE ↓	REGULATIONS ↓	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
				Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
					Front	Side	Rear						
.010	Development containing: retail establishments selling goods, or providing services including banking and other financial services, restaurants, taverns	D.R., Chapter 142 KZC. See Spec. Regs. 1 and 2.	More than 6 acres See Spec. Reg. 7	As established with design review process.	80%	45' – 67' above average building elevation along the north end of the zone with a maximum of 45' measured above NE 85th Street. See Spec. Regs. 5 and 7.	See Spec. Reg. 3.	See Spec. Reg. 4.	As established in the CMP.	<ol style="list-style-type: none"> <li>May also include one or more of the other uses allowed in this zone. Development regulations of this section apply to all uses developed within a Conceptual Master Plan (CMP).</li> <li>Development must be part of a Conceptual Master Plan (CMP) for the entire subject property. The proposed CMP shall be reviewed using the Design Review process provisions of KZC 142.35. Subsequent development proposals shall follow DR or ADR as set forth in the Notice of Approval for the Conceptual Master Plan. The Conceptual Master Plan shall incorporate the design guidelines contained in the Design Guidelines for the Rose Hill Business District pertaining to the RH 3 zone.</li> <li>Location of drive-through facilities will not compromise the pedestrian orientation of the development. See KZC 105.96 for other requirements.</li> <li>Signs for a development approved under this provision must be proposed within a Master Sign Plan application pursuant to KZC 100.80 for all signs within the project.</li> <li>Building height shall be 45 feet measured above the midpoint of the frontage of the subject property along NE 85th Street, or if the subject property does not front on NE 85th Street, at the midpoint of the property frontage along any other public right-of-way. If the property abuts more than one public right-of-way, the applicant may select the right-of-way from which to measure.</li> <li><u>At least 10 percent of the units provided in new residential developments of 4 units or greater shall be affordable housing units, as defined in Chapter 5 KZC. See Chapter 112 KZC for additional affordable housing requirements and incentives.</u></li> <li><u>Maximum building height for a development including residential use is 67 feet above average building elevation. However, the equivalent of the additional gross floor area constructed above 45' over ABE must be dedicated to residential use. Residential use may be located anywhere in the building above the ground floor.</u></li> </ol>			

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**Kirkland Zoning Code**  
**292.22**  
Building height may be increased above 45-foot average elevation to a maximum 67 feet above average building elevation if affordable housing is a component of the development. At least 10 percent of the units in new residential developments of 10 units or greater shall be affordable housing units as defined in Chapter 5 KZC. The number of affordable housing units is determined by rounding up to the next whole number (unit) if the fraction of the whole number is at least 0.66. An agreement in a form approved by the City must be recorded with the King County Department of Records and Elections to stipulate

**53.70** User Guide. The charts in KZC 53.74 contain the basic zoning regulations that apply in the RH 7 zone of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

**Section 53.72**

**Section 53.72 – 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. Individual retail uses in this zone are limited to a maximum of 65,000 square feet of gross floor area.
3. The ground floor of all structures on the subject property shall be a minimum of 15 feet in height. This requirement does not apply to:
  - a. The following uses: vehicle service stations, automotive service centers, private lodges or clubs, attached or stacked dwelling units, churches, schools, day-care centers, mini-schools or mini-day-care centers, assisted living facilities, convalescent centers or nursing homes, public utilities, government facilities or community facilities.
  - b. Parking garages.
  - c. Additions to existing nonconforming development where the Planning Official determines it is not feasible.
4. At least 50 percent of the total gross floor area located on the ground floor of all structures on the subject property must contain retail establishments, restaurants, taverns, hotels or motels. These uses shall be oriented to NE 85th Street, a major pedestrian sidewalk, a through block pedestrian pathway or an internal pathway (see also Chapter 92 KZC).
5. Within required front yards, canopies and similar entry features may encroach; provided, that the total horizontal dimension of such elements may not exceed 25 percent of the length of the structure.
6. Some development standards or design regulations may be modified as part of the design review process. See Chapters 92 and 142 KZC for requirements.
7. Drive-through and drive-in facilities are not permitted in this zone.

Section 53.74



8. The Public Works Official shall approve the number, location and characteristics of driveways on NE 85th Street in accordance with the driveway and sight distance policies contained in the Public Works Pre-approved Plans Manual. Taking into consideration the characteristics of this corridor, the Public Works Official may:
  - a. Require access from side streets; and/or
  - b. Encourage properties to share driveways, circulation and parking areas; and/or
  - c. Restrict access to right turn in and out; or
  - d. Prohibit access altogether along NE 85th Street.
9. For lighting requirements associated with development, see KZC 115.85(2).

(GENERAL REGULATIONS CONTINUED ON NEXT PAGE)

(GENERAL REGULATIONS CONTINUED FROM PREVIOUS PAGE)

10. Prior to any of the following uses occupying a structure on a property adjoining a residential zone, the applicant shall submit a noise study prepared by a qualified acoustical consultant for approval by the Planning Official:
  - Establishments expected to operate past 9:00 p.m.
  - Vehicle service station.
  - Automotive service center.
  - Car washes.
  - Retail establishment providing entertainment, recreational or cultural activities.
  - Retail establishment involving the sale, lease, repair or service of automobiles, trucks, boats, motorcycles, recreational vehicles, heavy equipment, or similar vehicles.
  - Veterinary offices.
  - Drive-through facilities with loudspeaker systems.
  - Establishments involving a large truck loading dock for deliveries.The study shall verify that the noise that will emanate from the site adjoining any residential-zoned property complies with the standards specified in KZC 115.95(1) and (2) and WAC 173-60-040(1) for a Class B source property and a Class A receiving property.
11. See Chapters 100 and 162 KZC for information about nonconforming signs. KZC 162.35 describes when nonconforming signs must be brought into conformance or removed.

Section 53.74

Zone  
RH 7

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 53.74	USE ↓	REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				Lot Size	REQUIRED YARDS (See Ch. 115)			Height of Structure				
					Front	Side	Rear					
.080	Development Containing Stacked Dwelling Units and one or more of the following uses:  Retail uses including Banking and Other Financial Services, Restaurants or Taverns  See Spec. Regs. 1 and 2.	D.R., Chapter 142 KZC.	More than 3 acres.	10' adjacent to NE 85th St., otherwise 20'.	0'	0'	80%	45' above average building elevation.	A	E	See KZC 105.25.	<ol style="list-style-type: none"> <li>Development may also include other uses allowed in this zone.</li> <li>The following uses are not permitted in this zone:               <ol style="list-style-type: none"> <li>Vehicle service stations.</li> <li>Automotive service centers.</li> <li>Uses with drive-in facilities or drive-through facilities.</li> <li>Retail establishments providing storage services unless accessory to another permitted use.</li> <li>Retail establishment involving the sale, service or repair of automobiles, trucks, boats, motorcycles, recreational vehicles, heavy equipment and similar vehicles.</li> </ol> </li> <li>The entire zone must be physically integrated both in site, building design, pedestrian access internally and to the street and provide other pedestrian amenities.</li> <li>At least 10 percent of the units in new residential developments of 10 units or greater shall be affordable housing units as defined in Chapter 5 KZC. <u>See Chapter 112 KZC for additional affordable housing requirements and incentives.</u> <del>The number of affordable housing units is determined by rounding up to the next whole number (unit) if the fraction of the whole number is at least 0.66. An agreement in a form approved by the City must be recorded with the King County Department of Records and Elections to stipulate conditions under which required affordable housing units will remain as affordable housing units for the life of the project for rental units, and at least 30 years from the date of initial owner occupancy for ownership units. Additional affordable housing incentives may be applicable to residential development (see Chapter 112 KZC).</del> </li> </ol>

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## XV.F/G. NE 85TH STREET SUBAREA PLAN

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sources of light should be removed or replaced with new fixtures where such would effectively reduce off-site light intrusion; and

- (h) Changes to the existing site topography should be minimized; and
- (i) Prior to issuance of construction permits, the applicant should demonstrate through appropriate civil engineering drawings and data that the project will comply with City-adopted standards for storm water runoff control and treatment. Storm water control should, at a minimum, accomplish the following:
  - (i) Collect all new storm water runoff from newly-introduced impervious surfaces in on-site catch basins;
  - (ii) Detain collected storm water runoff on-site;
  - (iii) Treat collected storm water runoff through approved filtration devices;
  - (iv) Release detained and treated storm water runoff into the City system in 124th Avenue NE; and
  - (v) Demonstrate that the existing drainage along the east edge of the subject parcel will not be reduced, increased, or redirected.

### ***Policy NE85-4.6:***

#### ***Area RH-6a:***

Allow multifamily residential uses at a density of 12 units per acre. Allow a greater density if affordable housing is a component of the development.

#### ***Area RH-6b:***

Allow multifamily residential and office uses only.

#### ***Area RH-6a and 6b:***

Establish design standards to make new buildings compatible in scale and character with the single-family residential development to the south. To the extent possible, save existing significant trees to buffer new development from adjacent single-family homes.



### ***Policy NE85-4.7:***

#### ***Area RH-7:***

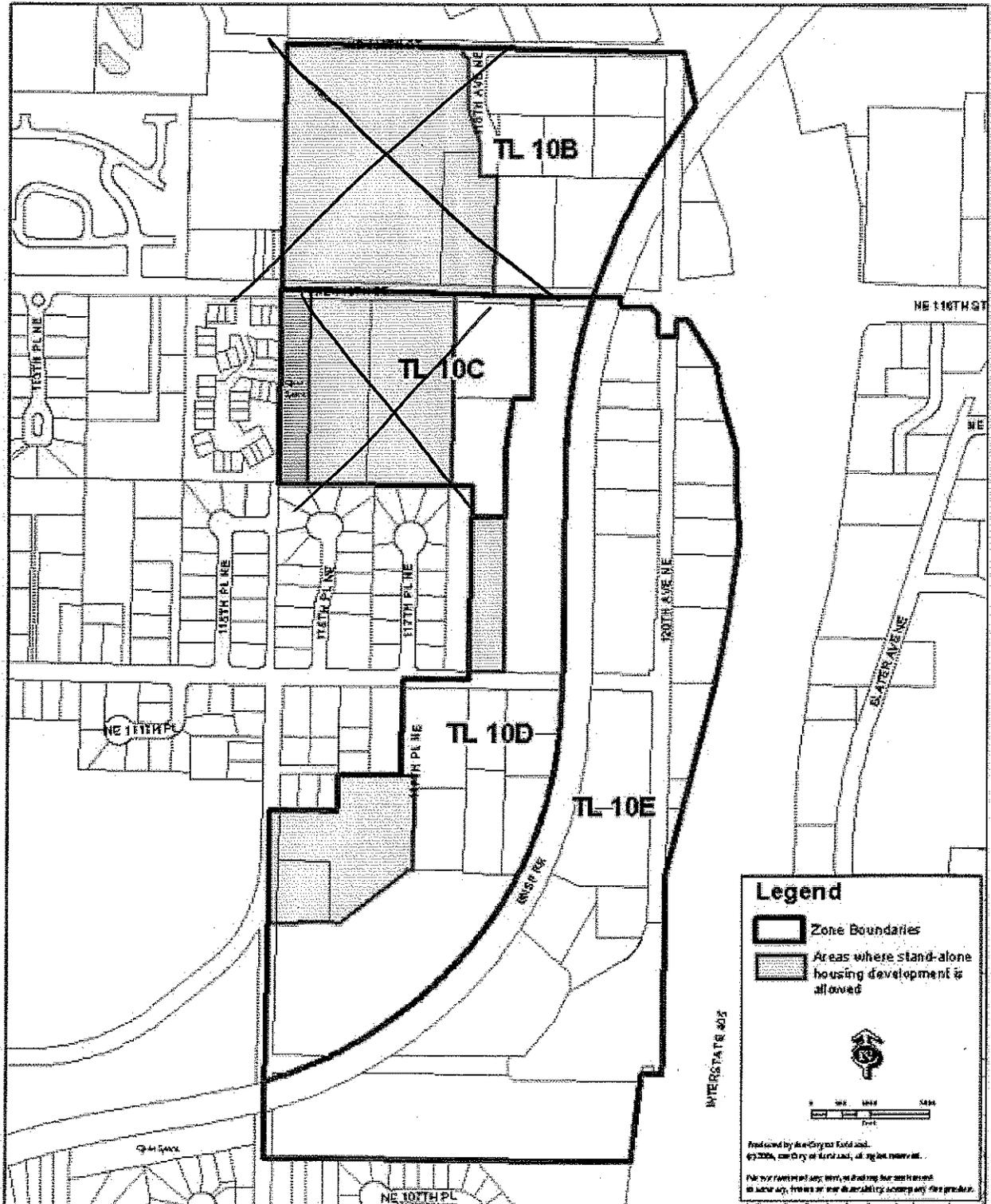
Encourage mixed-use development. Allow additional building heights as an incentive to develop the areas as a single, coordinated project with ground-level retail and pedestrian amenities. Include office, retail, and multifamily residential in any such development; orient the multifamily to the south and east (i.e., towards existing adjacent multifamily-designated areas). Encourage the development of the area as a neighborhood center with a cluster of smaller, primarily neighborhood-oriented businesses. Limit permitted uses to those that generate limited noise, light and glare, odor, and traffic impacts. Examples of uses that would be appropriate in this area include medical/dental offices, insurance offices, dry cleaners, and coffee shops. Examples of uses that would not be appropriate in this location include gas stations, car washes, uses with drive-through windows, and uses with extended hours of operation. Encourage infill or "liner" retail along NE 85th Street as an interim alternative to complete site redevelopment. Require new development to reduce the number of driveways on NE 85th Street, and encourage existing development to consolidate driveways and curb cuts.

### ***Policy NE85-4.8:***

#### ***Area RH-8:***

Allow a range of less intensive office, neighborhood retail, and neighborhood service uses on both sides of NE 85th Street from 128th Avenue NE to 132nd Avenue NE. Limit permitted uses to those that generate limited noise, light and glare, odor, and traffic impacts. Examples of uses that would be appropriate in

### Plate 37 Stand-Alone Housing Areas



## Chapter 112 – AFFORDABLE HOUSING INCENTIVES – MULTIFAMILY

Sections:

[112.05](#) User Guide

~~[112.10](#) Voluntary Provisions Purpose~~

~~[112.15](#) Applicable Use Zones Affordable Housing Requirement~~

~~[112.20](#) Defined Basic Affordable Housing Incentives~~

~~[112.25](#) Additional Affordable Housing Incentives (Non-Defined)~~

[112.30](#) Alternative Compliance

[112.35](#) Affordability Provisions

[112.40](#) Regulatory Review and Evaluation

### 112.05 User Guide

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

If you are interested in proposing ~~affordable housing~~ four or more residential units in commercial zones, high density residential zones, medium density zones or office zones, or you wish to participate in the City's decision on such a project ~~including affordable housing units~~, you should read this chapter.

### ~~112.10~~ **Voluntary Provisions Purpose**

~~The provisions of this chapter are available, at the sole discretion of the property owner as incentives to encourage the construction of multifamily affordable housing units.~~ There is a limited stock of land within the City zoned and available for residential development and there is a demonstrated need in the City for housing which is affordable to persons of low and moderate income. Therefore, this chapter provides development incentives in exchange for the public benefit of providing affordable housing units in commercial zones, high density residential zones, medium density zones and office zones.

### ~~112.15~~ **Applicable Use Zones Affordable Housing Requirement**

~~The affordable housing incentives described in this chapter may be used~~

1. Minimum Requirement - All developments creating four or more new detached, attached or stacked dwelling units in commercial, high density residential, medium density and office zones that allow dwelling units shall provide at least 10 percent of the units as affordable housing units and comply with the provisions of this chapter as established in the General Regulations for the Use Zone or the Special Regulations in the Use Zone Chart for the specific use.

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

3. Calculation in RH and TL Zones – For developments in the RH and TL Zones, the required amount of affordable housing shall be calculated based on the total number of dwelling units proposed.

37 4. Rounding – In all zones, the number of affordable housing units required is determined by rounding  
38 up to the next whole number of units if the fraction of the whole number is at least 0.66.

39 5. Alternative Compliance - KZC Section 112.30 establishes methods for alternative compliance,  
40 including payment in lieu of construction for portions of required affordable housing units that are less  
41 than 0.66 units.

42 **112.20 ~~Defined~~ Basic Affordable Housing Incentives**

43 1. Approval Process – The City will use the underlying permit process to review and decide upon an  
44 application ~~for utilizing~~ the affordable housing incentives identified in this section. ~~through the same~~  
45 ~~required review process as if no affordable housing units were provided.~~

46 2. Density Bonus

47 a. Height Bonus. In RH and TL use zones where there is no minimum lot size per dwelling unit,  
48 additional building height will be granted in exchange for affordable housing, as specified in each  
49 Use Zone Chart.

50 b. Bonus Units. In use zones where the number of dwelling units allowed on the subject property is  
51 determined by dividing the lot size by the required minimum lot area per unit, two additional units  
52 ('bonus units') may be constructed for each affordable housing unit provided. (See Plate 32 for  
53 example of bonus unit calculations.)

54 ~~b. Bonus FAR. In use zones where the density allowed on the subject property is expressed as a~~  
55 ~~maximum floor area ratio (FAR), two additional square feet of floor area ('bonus FAR') may be~~  
56 ~~constructed for each square foot of floor area constructed in affordable housing units. (See Plate~~  
57 ~~32 for example of bonus FAR calculations.)~~

58 ~~c. Alternative Calculation of Density Bonus. Except in those zones that have an established~~  
59 ~~affordable housing requirement, an applicant may propose alternative affordability levels for the~~  
60 ~~affordable housing units. The ratio of bonus units or bonus floor area per affordable housing unit~~  
61 ~~for alternative affordability levels will be as follows:~~

<del>Affordability Level</del>	<del>Density Bonus to</del> <del>Affordable Ratio</del>
<del>Renter Occupied</del> <del>Housing</del>	-
<del>60% of median income</del>	<del>1.33 to 1</del>
<del>70% of median income</del>	<del>1 to 1</del>

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Exhibit C  
Development Incentives for  
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<del>Owner Occupied Housing</del>	=
<del>80% of median income</del>	<del>1.6 to 1</del>
<del>60% of median income</del>	<del>2.67 to 1</del>

63 ~~Depending on the level of affordability provided, the affordable housing units may not be eligible for the~~  
64 ~~impact fee waivers described in subsections (4)(a) and (4)(b) of this section.~~

65 ~~dc.~~ Maximum Unit Bonuses. The maximum number of bonus units ~~or amount of bonus FAR~~ achieved  
66 through a ~~defined basic~~ affordable housing incentive shall be 25 percent of the number of units ~~or~~  
67 ~~floor area~~ allowed based on the underlying zone of the subject property.

68 ~~ed.~~ Density Bonus for Assisted Living Facilities. The affordable housing density bonus may be used  
69 for assisted living facilities to the extent that the bonus for affordable housing may not exceed 25  
70 percent of the base density of the underlying zone of the subject property.

71  
72 ~~3. Alternative Affordability Levels~~Alternative Calculation of Density Bonus. - Except in those zones that  
73 have an established affordable housing requirement, an applicant may propose alternative  
74 affordability levels different from those defined in KZC Chapter 5 for the affordable housing units.

75 a. In use zones where a density bonus is provided in exchange for affordable housing units, the  
76 ratio of bonus units or bonus floor area per affordable housing unit for alternative affordability  
77 levels will be as follows:

78

<u>Affordability Level</u>	<u>Density-Bonus Unit to Affordable Unit Ratio</u>
<b><u>Renter Occupied Housing</u></b> =	
<u>60% of median income</u>	<del>1.33 to 1</del> 1.9 to 1
<u>70% of median income</u>	<del>1 to 1</del> 1.8 to 1
<b><u>Owner Occupied Housing</u></b>	
<del>80</del> <u>90% of median income</u>	<del>1.6 to 1</del> 2.1 to 1
<del>60</del> <u>80% of median income</u>	<del>2.67 to 1</del> 2.2 to 1

79 ~~Depending on the level of affordability provided, the affordable housing units may not be eligible~~  
80 ~~for the impact fee waivers described in subsections (4)(a) and (4)(b) of this section.~~

81 b. In use zones where additional height is provided in exchange for affordable housing units, the  
82 percent of affordable units required for alternative affordability levels will be as follows:

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

83 c. To encourage “pioneer developments” in the Rose Hill and Totem Lake business districts, the  
 84 definition of affordable housing for projects in the RH and TL zones shall be as provided in the  
 85 following table. This subsection shall apply only to those projects which meet the affordability  
 86 requirements on-site or off-site. This subsection shall not apply to those projects which elect to  
 87 use a payment in lieu of constructing affordable units as authorized in KZC 112.30.4.

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

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

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

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

96 34. Dimensional Standards Modification – To the extent necessary to accommodate the bonus units  
 97 allowed under KZC 112.20.2.a on-site, the following requirements of the Kirkland Zoning Code may  
 98 be modified through the procedures outlined in this subsection, ~~to the extent necessary to~~  
 99 ~~accommodate the bonus units on-site.~~ These modifications may not be used to accommodate the  
 100 units resulting from the base density ~~or FAR~~ calculation.

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- 101 a. Maximum Lot Coverage. The maximum lot coverage may be increased by up to five percentage  
102 points over the maximum lot coverage permitted by the underlying use zone. Maximum lot  
103 coverage may not be modified through this provision on properties with streams, wetlands, minor  
104 lakes or their buffers.
- 105 b. Parking Requirement. The required parking may be reduced to 1.0 space per affordable housing  
106 unit. No additional guest parking is required for affordable housing units. If parking is reduced  
107 through this provision, the owner of the affordable housing unit shall sign a covenant, in a form  
108 acceptable to the City Attorney, restricting the occupants of each affordable housing unit to a  
109 maximum of one automobile.
- 110 c. Structure Height. Maximum height for structures containing affordable housing units may be  
111 increased by up to six feet for those portions of the structure(s) that are at least 20 feet from all  
112 property lines. Maximum structure height may not be modified through this provision for any  
113 portion of a structure that is adjoining a low density zone.
- 114 d. Required Yards. Structures containing affordable housing units may encroach up to five feet into  
115 any required yard except that in no case shall a remaining required yard be less than five feet.
- 116 e. Common Recreational Space. Common recreational open space per unit, when required, may be  
117 reduced by 50 square feet per affordable housing unit.

118 **45. Impact and Permit Fee Calculation**

- 119 a. Applicants ~~proposing~~ providing affordable housing units may request an exemption from payment  
120 of road impact fees for the affordable housing units as established by KMC 27.04.050.
- 121 b. Applicants ~~proposing~~ providing affordable housing units may request an exemption from payment  
122 of park impact fees for the affordable housing units as established by KMC 27.06.050.
- 123 c. Applicants ~~proposing~~ providing affordable housing units are eligible for exemption from various  
124 planning, building, plumbing, mechanical and electrical permit fees ~~and sewer capital facility~~  
125 ~~charges~~ for the bonus units allowed under KZC 112.20.2.a as established in KMC 5.74.070 ~~and~~  
126 ~~15.12.063~~ and KMC Title 21.

- 127 **56. Property Tax Exemption** – A property providing affordable housing units may be eligible for a property  
128 tax exemption as established in Chapter 5.88 KMC.

129 **112.25 Additional Affordable Housing Incentives ~~(Non-Defined)~~**

- 130 1. Approval Process for Additional Affordable Housing Incentives ~~(Non-Defined)~~ – An applicant may  
131 request that the City grant affordable housing incentives in addition to or in place of the ~~defined basic~~  
132 affordable housing incentives allowed in KZC 112.20 due to specific site conditions. Such a request  
133 shall be reviewed and decided upon as outlined below. ~~Such a request shall be reviewed and decided~~  
134 ~~upon using Process IIA, described in Chapter 150 KZC. If the development, use, or activity requires~~  
135 ~~approval through Process IIB or Process III, the entire proposal will be decided upon using that other~~  
136 ~~process.~~

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- 137 | 2. Density Bonus – An applicant may propose more than two bonus units ~~or two additional square feet~~  
138 | ~~of floor area~~ for every affordable housing unit ~~or square foot of affordable housing unit, as applicable.~~  
139 | However, in no event may a project receive a bonus that would result in a ~~total~~ number of bonus units  
140 | ~~or floor area~~ that exceeds 50 percent of the number of units ~~or floor area~~ allowed based on the  
141 | underlying zone of the subject property. Such a request shall be reviewed and decided upon by the  
142 | Planning Director. The decision of the Planning Director in approving or denying a modification under  
143 | this subsection may be appealed using the appeal provision, as applicable, of Process I, KZC 145.60  
144 | through 145.110..
- 145 | 3. Dimensional Standards Modification – An applicant may request further modification from the  
146 | dimensional standards listed in KZC 112.20.4(3). Approval of any further modification of the  
147 | dimensional standards will be based on the applicant's demonstration that the subject property  
148 | cannot reasonably achieve the permitted density, including the bonus units. Such a request shall be  
149 | reviewed and decided upon using Process II(A), described in Chapter 150145 KZC. If the  
150 | development, use, or activity requires approval through Process IIA, IIB or Process III, the entire  
151 | proposal will be decided upon using that other process.
- 152 | 4. Criteria for Approving Additional Affordable Housing Incentives (Non-defined) – The City may approve  
153 | one or more of the additional affordable housing incentives listed in KZC 112.25(2) or 112.25(3), in  
154 | addition to or in place of the ~~defined-basic~~ affordable housing incentives, if one or more of the  
155 | following requirements are met:
- 156 | a. The additional incentive is necessary to provide sufficient economic incentive to the applicant to  
157 | offset the cost of providing the affordable housing units.
- 158 | b. The additional incentive is necessary to reasonably achieve the permitted density, including the  
159 | bonus units.
- 160 | c. The additional incentive is necessary to achieve a greater number of affordable housing units  
161 | than the ~~defined~~ affordable housing ~~incentives-requirements~~ would prescribe or a greater level of  
162 | affordability than is defined by the term affordable housing unit.
- 163 | In making its decision on additional incentives, the City will consider the value of any property tax  
164 | exemptions available to the project from the City as established in Chapter 5.88 KMC, as well as  
165 | other fee waivers or reductions as established in the Kirkland Municipal Code.

## 166 | 112.30 Alternative Compliance

- 167 | 1. Approval Process for Alternative Compliance – As an alternative to providing some or all of the  
168 | required affordable housing units on the subject property, the Planning Director may approve a  
169 | request for alternative compliance. Alternative compliance may include providing affordable housing  
170 | units at another location within the City of Kirkland, payment to the City in lieu of constructing partial  
171 | affordable housing units to be used to create affordable housing units, or such other means proposed  
172 | by the applicant and approved at the discretion of the Planning Director, consistent with the following  
173 | criteria for alternative compliance.
- 174 | 2. Criteria for Alternative Compliance – The City may approve a request for alternative compliance if  
175 | both of the following requirements are met:

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- 176 a. The applicant demonstrates that the proposed alternative compliance method achieves an  
177 affordable housing benefit to the City equal to or better than providing the affordable housing  
178 units on-site.
- 179 b. The affordable housing units provided through the alternative compliance will be based on  
180 providing the same type of ownership of units as would have been provided on-site.
- 181 3. Requirements for Off-Site Alternative Compliance – Off-site affordable housing units are subject to  
182 the following requirements:
- 183 a. The off-site location chosen for the affordable housing units shall not lead to an undue  
184 concentration of affordable housing either at the off-site location or in any particular area of the  
185 City.
- 186 b. Any building permits required for off-site affordable housing units shall be submitted prior to  
187 submittal of building permits for the subject property. Certificates of occupancy for off-site  
188 affordable housing units shall be issued prior to issuance of the final certificate of occupancy for  
189 the subject property.  
190
- 191 4. Requirements for Payment in Lieu Alternative Compliance - Payments in lieu of constructing  
192 affordable housing units are subject to the following requirements:
- 193 a. To encourage “pioneer developments” subject to these regulations, payments in lieu are allowed  
194 for one whole required affordable housing unit and portions of required affordable housing units  
195 that are less than 0.66 units during the five years immediately following the effective date of this  
196 Ordinance (until DATE). After that time period, payments in lieu are allowed only for portions of  
197 required affordable housing units that are less than 0.66 units. Rounding up to the next whole  
198 number of units and actual construction of the affordable units is required when the calculated  
199 number of required affordable units results in a fraction of 0.66 or more.
- 200 b. Payments in lieu shall be based on the difference between the cost of construction for a prototype  
201 affordable housing unit on the subject property, including land costs and development fees, and  
202 the revenue generated by an affordable housing unit. The formula for payments shall be  
203 established by the Planning Director.
- 204 c. The payment obligation shall be established prior to issuance of any building permits for the  
205 project and shall be due prior to issuance of any certificate of occupancy for the project.  
206 Collected payments shall be deposited in the City’s Housing Trust Fund account.

207

208 **112.35 Affordability Provisions**

- 209 1. Approval of Affordable Housing Units – Prior to the issuance of any permit(s), the City shall review  
210 and approve the location and unit mix of the affordable housing units consistent with the following  
211 standards:

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- 212 a. The affordable housing units shall be intermingled with all other dwelling units in the  
213 development.
- 214 b. The type of ownership of the affordable housing units shall be the same as the type of ownership  
215 for the rest of the housing units in the development.
- 216 c. The affordable housing units shall consist of a range of number of bedrooms that are comparable  
217 to units in the overall development.
- 218 d. The size of the affordable housing units, if smaller than the other units with the same number of  
219 bedrooms in the development, must be approved by the Planning Director. In no case shall the  
220 affordable housing units be more than 10 percent smaller than the comparable dwelling units in  
221 the development, based on number of bedrooms, or less than ~~600~~500 square feet for a one  
222 bedroom unit, ~~800~~700 square feet for a two bedroom unit, or ~~1,000~~900 square feet for a three  
223 bedroom unit, whichever is less.
- 224 e. The affordable housing units shall be available for occupancy in a time frame comparable to the  
225 availability of the rest of the dwelling units in the development.
- 226 f. The exterior design of the affordable housing units must be compatible and comparable with the  
227 rest of the dwelling units in the development.
- 228 g. The interior finish and quality of construction of the affordable housing units shall at a minimum  
229 be comparable to entry level rental or ownership housing in the City of Kirkland.
- 230 2. Affordability Agreement – Prior to issuing a certificate of occupancy, an agreement in a form  
231 acceptable to the City Attorney that addresses price restrictions, homebuyer or tenant qualifications,  
232 long-term affordability, and any other applicable topics of the affordable housing units shall be  
233 recorded with King County Department of Records and Elections. This agreement shall be a  
234 covenant running with the land and shall be binding on the assigns, heirs and successors of the  
235 applicant.
- 236 Affordable housing units that are provided under this section shall remain as affordable housing for a  
237 minimum of ~~3~~5 years from the date of initial owner occupancy for ownership affordable housing units  
238 and for the life of the project for rental affordable housing units.

239 **112.40 Regulatory Review and Evaluation**

- 240 At least every two years, the Planning Department shall submit a report that tracks the use of these  
241 regulations to the Houghton Community Council, Planning Commission and City Council.

**Chapter 55 – TOTEM LAKE (TL) ZONES**

**55.05** User Guide. The charts in KZC 55.09 contain the basic zoning regulations that apply in the TL 1A zone of the city. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

**Section 55.07**



Section 55.07 – GENERAL REGULATIONS

1. Refer to Chapter 1 KZC to determine what other provision of this Code may apply to the subject property.
2. All ground floor uses shall be a minimum of 15 feet in height. This regulation does not apply to parking garages or property with no frontage on NE 128th Street.
3. In addition to the height exceptions established by KZC 115.60, the following exceptions to height regulations in TL zones are established:
  - a. Decorative parapets may exceed the height limit by a maximum of four feet; provided, that the average height of the parapet around the perimeter of the structure shall not exceed two feet.
  - b. For structures with a peaked roof, the peak may extend eight feet above the height limit if the slope of the roof is equal to or greater than four feet vertical to 12 feet horizontal.
4. The minimum required front yard is 10 feet, unless otherwise prescribed in the use zone chart. Ground floor canopies and similar entry features may encroach into the front yard, provided the total horizontal dimension of such elements may not exceed 25 percent of the length of the structure. No parking, other than underground parking, may encroach into the required 10-foot front yard.
5. The ability to accommodate new development in the TL 1A zone is dependent upon the construction of two new streets: 119th Avenue NE, between NE 128th Street and NE 130th Place, and NE 130th Place, between 120th Avenue NE and Totem Lake Boulevard NE, as shown on Plate 34A. Consistent with and to the extent authorized by applicable statutes and court decisions, new development on properties across which these streets in whole or in part extend, shall contribute to the creation of the streets as follows:
  - a. With all new development, the portions of these streets crossing the subject property shall be dedicated as public right-of-way consistent with Plate 34A; and
  - b. With all new development exceeding 30 feet in height, the streets shall be improved consistent with Plate 34A. Minor deviations in the location and width of the streets may be approved by the Public Works Director if the deviations will not negatively affect the functioning of the streets.
6. Properties located between TL 2 and NE 128th Street may be required to provide a pedestrian connection between TL 2 and NE 128th Street.

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**DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS**

Section 55.09

Zone  
TL 1A

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 55.09	USE ↓	REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
				Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage					Height of Structure
					Front	Side	Rear						
.040	Attached or Stacked Dwelling Units		None	10'	0'	0'	85% See Spec. Reg. 6.	30' to 160' above average building elevation. See Spec. Reg. 5.	C	A	See KZC 105.25.	<ol style="list-style-type: none"> <li>Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use.</li> <li>Residential development must provide a minimum density of 50 dwelling units per gross acre.</li> <li>The maximum floor area ratio (FAR) for development on the subject property is 3.0, or 300 percent of lot size, except as provided in Special Regulation 4 below. When combined with office use, the maximum FAR for this use is determined as follows: (% office use x 2) + (% residential use x 3) = FAR of each use allowed on the subject property. Maximum FAR is determined based on parcel size, prior to any road dedication required pursuant to General Regulation 5 for this zone.</li> </ol>	

REGULATIONS FOR THIS USE CONTINUED ON THE NEXT PAGE

Section 55.09

Zone  
TL 1A

USE ZONE CHART

EXHIBIT D  
DEVELOPMENT INCENTIVES FOR  
AFFORDABLE HOUSING  
DECEMBER 1, 2009 CITY COUNCIL

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 55.09	USE ↓	REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
				Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage					Height of Structure
					Front	Side	Rear						
.040	Attached or Stacked Dwelling Units (continued)										<p>4. On parcels where road dedication is required pursuant to General Regulation 5, the maximum floor area ratio (FAR) may be increased by an additional 0.30 FAR for each 10 percent or portion thereof of the subject property required to be dedicated. Where this use is combined with office use, the maximum FAR for the office use may be increased by an additional 0.2 of office use for each 10 percent or portion thereof of the subject property required to be dedicated.</p> <p>5. Building height may be increased as follows:</p> <p>a. Building height may exceed 30 feet above average building elevation, if one of the following public improvements is provided:</p> <ol style="list-style-type: none"> <li>1) Dedication and improvement of new streets pursuant to General Regulation 5; or</li> <li>2) Where General Regulation 5 does not apply, the development of pedestrian-oriented elements that exceed the requirements of KZC 92.15 and Chapter 105 KZC. Examples include pedestrian walkways through the subject property, public plazas, public art and fountains; and</li> <li>3) Provides for at least 10 percent of the units in new residential developments of <del>4</del> 10 units or greater as affordable housing units, as defined in Chapter 5 KZC. <u>See Chapter 112 KZC for additional affordable housing requirements and incentives. The number of affordable housing units is determined by rounding up to the next whole number (unit) if the fraction of the whole number is at least 0.66.</u></li> </ol> <p><del>An agreement in a form approved by the City must be recorded with King County Department of Records and Elections to stipulate conditions under which required affordable housing units will remain as affordable housing units for the life of the project for rental units, and at least 30 years from the date of initial owner occupancy for ownership units.</del></p> <p><del>Additional affordable housing incentives may be applicable to residential development (see Chapter 112 KZC).</del></p> <p>b. Building height may exceed 80 feet and be increased up to 160 feet above average building elevation, with the height increases to be based on the following <del>conditions</del> <b>Kirkland Zoning Code 318</b></p> <ol style="list-style-type: none"> <li>1) Development on the subject property complies with 5(a) above.</li> <li>2) Design of buildings meets guidelines for towers set forth in Design Guidelines (Chapter 142 KZC, and Chapter 3.30 KMC).</li> </ol>		

(Revised )

Section 55.09

Zone  
TL 1A

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 55.09	USE ↓	REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
				Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage					Height of Structure
					Front	Side	Rear						
.070	Assisted Living Facility		D.R., Chapter 142 KZC	None	10'	0'	0'	85% See Spec. Reg. 5.	30' to 160' above average building elevation. See Spec. Reg. 4.	B	A	See KZC 105.25.	<ol style="list-style-type: none"> <li>Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use.</li> <li>The maximum floor area ratio (FAR) for development on the subject property is 3.0, or 300 percent of lot size, except as provided in Special Regulation 3 below. Maximum FAR is determined based on parcel size, prior to any road dedication required pursuant to General Regulation 5 for this zone.</li> <li>On parcels where road dedication is required pursuant to General Regulation 5, the maximum floor area ratio (FAR) may be increased by an additional 0.30 FAR for each 10 percent or portion thereof, of the subject property required to be dedicated.</li> <li>Building height may be increased as follows:               <ol style="list-style-type: none"> <li>Building height may exceed 30 feet above average building elevation, if one of the following public improvements is provided:                   <ol style="list-style-type: none"> <li>Dedication and improvement of new streets pursuant to General Regulation 5; or</li> <li>Where General Regulation 5 does not apply, the development of pedestrian-oriented elements that exceed the requirements of KZC 92.15 and Chapter 105 KZC. Examples include pedestrian walkways through the subject property, public plazas, public art and fountains; and</li> <li>Provides for at least 10 percent of the units in new residential developments of <del>40</del> units or greater as affordable housing units, as defined in Chapter 5 KZC. <del>See Chapter 112 KZC for additional affordable housing requirements and incentives. The number of affordable housing units is determined by rounding up to the next whole number (unit) if the fraction of the whole number is at least 0.66.</del></li> </ol> </li> </ol> </li> </ol>

(Revised )

**55.11** User Guide. The charts in KZC 55.15 contain the basic zoning regulations that apply in the TL 1B zone of the city. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

**Section 55.13**



Section 55.13 – GENERAL REGULATIONS

1. Refer to Chapter 1 KZC to determine what other provision of this Code may apply to the subject property.
2. In addition to the height exceptions established by KZC 115.60, the following exceptions to height regulations in TL zones are established:
  - a. Decorative parapets may exceed the height limit by a maximum of four feet; provided, that the average height of the parapet around the perimeter of the structure shall not exceed two feet.
  - b. For structures with a peaked roof, the peak may extend eight feet above the height limit if the slope of the roof is equal to or greater than four feet vertical to 12 feet horizontal.
3. The minimum required front yard is 10 feet, unless otherwise prescribed in the use zone chart. Ground floor canopies and similar entry features may encroach into the front yard, provided the total horizontal dimension of such elements may not exceed 25 percent of the length of the structure. No parking may encroach into the required 10-foot front yard.
4. The ability to accommodate new development in the TL 1B zone is dependent upon the construction of a new street: NE 130th Place, between 120th Avenue NE and Totem Lake Boulevard NE, as shown on Plate 34A. Consistent with and to the extent authorized by applicable statutes and court decisions, new development on properties across which this street in whole or in part extends, shall contribute to the creation of the street as follows:
  - a. With all new development, the portions of the street crossing the subject property shall be dedicated as public right-of-way consistent with Plate 34A; and
  - b. With all new development exceeding 30 feet in height, the street shall be improved consistent with Plate 34A. Minor deviations in the location, width and improvement of the street may be approved by the Public Works Director if the deviations will not negatively affect the functioning of the street.

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS											
Section 55.15	USE	REGULATIONS	Required Review Process	MINIMUMS		MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 100)	Special Regulations (See also General Regulations)
				Lot Size	REQUIRED YARD (See Ch. 115)	Lot Coverage	Height of				

Section 55.15

Zone  
TL 1B

USE ZONE CHART

EXHIBIT D  
DEVELOPMENT INCENTIVES FOR  
AFFORDABLE HOUSING  
DECEMBER 1, 2009 CITY COUNCIL

	↓	→		Front	Side	Rear		Structure			105)	
.010	Office Use		D.R., Chapter 142 KZC	None	10' See Spec. Reg. 3.	0'	0'	85% See Spec. Reg. 4.	30' above average building elevation.	C	D	<p>If a medical, dental, or veterinary office, then 1 per each 200 sq. ft. of gross floor area, Otherwise 1 per 300 gross floor area.</p> <ol style="list-style-type: none"> <li>Ancillary assembly and manufacture of goods on the premises of this use are permitted only if:               <ol style="list-style-type: none"> <li>The assembled or manufactured goods are subordinate to and are dependent upon this use.</li> <li>The outward appearance and impacts of this use with ancillary assembly or manufacturing must be no different from other office uses.</li> </ol> </li> <li>The following regulations apply to veterinary offices only:               <ol style="list-style-type: none"> <li>May only treat small animals on the subject property.</li> <li>Outside runs and other outside facilities for the animals are not permitted.</li> <li>Site must be designed so noise from this use is not audible off the subject property. A certification to this effect, signed by an acoustical engineer, must be submitted with the development permit application.</li> <li>A veterinary office is not permitted if the subject property contains dwelling units.</li> </ol> </li> <li>Twenty-foot yard required where properties abut NE 132nd Street.</li> <li>Increases in lot coverage may be considered if:               <ol style="list-style-type: none"> <li>Land dedication on the subject property provided pursuant to General Regulation 4 limits area available for development on the property; and/or</li> <li>Other techniques used to provide open space result in superior landscaping, such as the use of gardens on lower portions of structures or on rooftops, the provision of visual and pedestrian access to public garden areas, or other approaches that provide for useable green space.</li> </ol> </li> </ol>
.020	Development Containing Both Office Use and Attached or Stacked Dwelling Units			10' See Spec. Reg. 2.			85% See Spec. Reg. 5.	30' to 160' above average building elevation. See Spec. Regs. 3 and 4.				<p>See Chapter 105 KZC.</p> <ol style="list-style-type: none"> <li>The maximum floor area ratio (FAR) for this use is determined as follows: (% office use x 2) + (% residential use x 3) = FAR of each use allowed on the subject property. In addition, the following regulations apply to this use:               <ol style="list-style-type: none"> <li>The maximum floor area ratio (FAR) for this use is 3.0, except as provided in Special Regulation (1)(b) of this section. Office use shall not exceed 10 percent of the total gross floor area of all structures on the subject property.</li> </ol> </li> </ol> <p>REGULATIONS FOR THIS USE CONTINUED ON THE NEXT PAGE</p>

(Revised )

Section 55.15

Zone  
TL 1B

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 55.15	USE ↓	REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95) Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
				Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage				Height of Structure
					Front	Side	Rear					
.020	Development Containing Both Office Use and Attached or Stacked Dwelling Units (continued)									<p>b. On parcels where land dedication is required pursuant to General Regulation 4, the maximum floor area ratio (FAR) may be increased by an additional 0.3 of residential use for each 10 percent or portion thereof of the subject property required to be dedicated.</p> <p>2. Twenty-foot yard required where properties abut NE 132nd Street.</p> <p>3. Within 100 feet of the centerline of NE 132nd Street, building height may not exceed 30 feet above the elevation of the centerline of NE 132nd Street along the subject property.</p> <p>4. Building height may be increased as follows:</p> <p>a. Building height may exceed 30 feet above average building elevation, if:</p> <p>1) One of the following public improvements is provided:</p> <p>a) Dedication and improvement of new streets pursuant to General Regulation 4; or</p> <p>b) Where General Regulation 4 does not apply, the development of pedestrian-oriented elements that exceed the requirements of KZC 92.15 and Chapter 105 KZC. Examples include pedestrian walkways through the subject property, public plazas, public art and fountains; and</p> <p>2) Provides for at least 10 percent of the units in new residential developments of 440 units or greater as affordable housing units, as defined in Chapter 5 KZC. <u>See Chapter 112 KZC for additional affordable housing requirements and incentives. The number of affordable housing units is determined by rounding up to the next whole number (unit) if the fraction of the whole number is at least 0.66.</u></p> <p><del>An agreement in a form approved by the City must be recorded with King County Department of Records and Elections to stipulate conditions under which required affordable housing units will remain as affordable housing units for the life of the project for rental units, and at least 30 years from the date of initial owner occupancy for ownership units.</del></p> <p><del>Additional affordable housing incentives may be applicable to residential development (see Section 55.15.020).</del></p>		

(Revised )

Section 55.15

Zone  
TL 1B

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 55.15	USE ↓	REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
				Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage					Height of Structure
					Front	Side	Rear						
.050	Attached or Stacked Dwelling Units		D.R., Chapter 142 KZC	None	10' See Spec. Reg. 5.	0'	0'	85% See Spec. Reg. 8.	30' to 160' above average building elevation. See Spec. Regs.-6 and 7.	C	A	See KZC 105.25.	<ol style="list-style-type: none"> <li>Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use.</li> <li>Residential development must provide a minimum density of 50 dwelling units per gross acre.</li> <li>The maximum floor area ratio (FAR) for development on the subject property is 3.0, or 300 percent of lot size. Maximum FAR is determined based on parcel size, prior to any road dedication required pursuant to General Regulation 4 for this zone.</li> <li>On parcels where road dedication is required pursuant to General Regulation 4, the maximum floor area ratio (FAR) may be increased by an additional 0.30 for each 10 percent or portion thereof of the subject property required to be dedicated.</li> <li>Twenty-foot yard required where properties abut NE 132nd Street.</li> <li>Within 100 feet of the centerline of NE 132nd Street, building height may not exceed 30 feet above the elevation of the centerline of NE 132nd Street along the subject property.</li> <li>Building height may be increased as follows:               <ol style="list-style-type: none"> <li>Building height may exceed 30 feet above average building elevation, if one of the following public improvements is provided:                   <ol style="list-style-type: none"> <li>Dedication and improvement of new streets pursuant to General Regulation 4; or</li> <li>Where General Regulation 4 does not apply, the development of pedestrian-oriented elements that exceed the requirements of KZC 92.15 and Chapter 105 KZC. Examples include pedestrian walkways through the subject property, public plazas, public art and fountains; and</li> <li>Provides for at least 10 percent of the units in new residential developments of <u>440</u> units or greater as affordable housing units, as defined in Chapter 5 KZC. <u>See Chapter 112 KZC for additional affordable housing requirements and incentives.</u> <u>The number of affordable housing units is determined by rounding up to the next whole number (unit) if the fraction of the whole number is at least 0.66.</u></li> </ol> </li> </ol> </li> </ol>

(Revised )

**Kirkland Zoning Code**  
**320.9**

Section 55.15

Zone  
TL 1B

USE ZONE CHART

EXHIBIT D  
DEVELOPMENT INCENTIVES FOR  
AFFORDABLE HOUSING  
DECEMBER 1, 2009 CITY COUNCIL

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 55.15	USE ↓	REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95) Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
				Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage				Height of Structure
					Front	Side	Rear					
.050	Attached or Stacked Dwelling Units (continued)									<p><a href="#">Additional affordable housing incentives may be applicable to residential development (see Chapter 112 KZC).</a></p> <p>b. Building height may exceed 80 feet and be increased up to 160 feet above average building elevation, with the height increases to be based on the following considerations:</p> <ol style="list-style-type: none"> <li>1) Development on the subject property complies with 7(a) above.</li> <li>2) Design of buildings meets guidelines for towers set forth in Design Guidelines (Chapter 142 KZC, and Chapter 3.30 KMC).</li> <li>3) Floor plates may not exceed 10,000 square feet per floor, for the portion of the building above 80 feet in height.</li> <li>4) Methods for mitigating any significant shadowing and lighting impacts of the increased building height on the residential areas to the north are proposed.</li> <li>5) Taller elements of buildings would be stepped back from the perimeter of TL 1B boundaries, away from adjacent residential zones.</li> <li>6) Portions of structures exceeding 80 feet in height must be separated by at least 60 feet, both on the subject property and from taller building elements on adjacent properties.</li> </ol> <p>8. Increases in lot coverage may be considered if:</p> <ol style="list-style-type: none"> <li>a. Land dedication on the subject property provided pursuant to General Regulation 4 limits area available for development on the property; and/or</li> <li>b. Other techniques used to provide open space result in superior landscaping, such as the use of gardens on lower portions of structures or on rooftops, the provision of visual and pedestrian access to public garden areas, or other approaches that provide for useable green space.</li> </ol>		

(Revised )

Section 55.15

Zone  
TL 1B

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 55.15	USE ↓	REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
				Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage					Height of Structure
					Front	Side	Rear						
.080	Assisted Living Facility		D.R., Chapter 142 KZC	None	10' See Spec. Reg. 4.	0'	0'	85% See Spec. Reg. 7.	30' to 160' above average building elevation. See Spec. Regs. 5 and 6.	C	A	1 per assisted living unit.	<ol style="list-style-type: none"> <li>Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use.</li> <li>The maximum floor area ratio (FAR) for development on the subject property is 3.0, or 300 percent of lot size. Maximum FAR is determined based on parcel size, prior to any road dedication required pursuant to General Regulation 4 for this zone.</li> <li>On parcels where road dedication is required pursuant to General Regulation 4, the maximum floor area ratio (FAR) may be increased by an additional 0.30 for each 10 percent or portion thereof, of the subject property required to be dedicated.</li> <li>Twenty-foot yard required where properties abut NE 132nd Street.</li> <li>Within 100 feet of the centerline of NE 132nd Street, building height may not exceed 30 feet above the elevation of the centerline of NE 132nd Street.</li> <li>Building height may be increased as follows: <ol style="list-style-type: none"> <li>Building height may exceed 30 feet above average building elevation, if one of the following public improvements is provided: <ol style="list-style-type: none"> <li>Dedication and improvement of new streets pursuant to General Regulation 4; or</li> <li>Where General Regulation 4 does not apply, the development of pedestrian-oriented elements that exceed the requirements of KZC 92.15 and Chapter 105 KZC. Examples include pedestrian walkways through the subject property, public plazas, public art and fountains; and</li> <li>Provides for at least 10 percent of the units in new residential developments of 440 units or greater as affordable housing units, as defined in Chapter 5 KZC. <a href="#">See Chapter 112 KZC for additional affordable housing requirements and incentives.</a></li> </ol> </li> </ol> </li> </ol> <p><del>The number of affordable housing units is determined by rounding up to the next whole number (unit) if the fraction of the whole number is at least 0.66.</del></p> <p><del>An agreement in a form approved by the City must be recorded with King County Department of Records and Elections to stipulate conditions under which the affordable housing units will remain as affordable housing units for the life of the project for rental units, and at least 30 years from the date of initial owner occupancy for ownership units.</del></p>

(Revised )

Section 55.15

Zone  
TL 1B

USE ZONE CHART

EXHIBIT D  
DEVELOPMENT INCENTIVES FOR  
AFFORDABLE HOUSING  
DECEMBER 1, 2009 CITY COUNCIL

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 55.15	USE ↓	REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95) Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
				Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage				Height of Structure
					Front	Side	Rear					
.080	Assisted Living Facility (continued)									<p>REGULATIONS CONTINUED FROM PREVIOUS PAGE</p> <p><del>Additional affordable housing incentives may be applicable to residential development (see Chapter 112 KZC).</del></p> <p>b. Building height may exceed 80 feet and be increased up to 160 feet above average building elevation, with the height increases to be based on the following considerations:</p> <ol style="list-style-type: none"> <li>1) Development on the subject property complies with 6(a) above.</li> <li>2) Design of buildings meets guidelines for towers set forth in Design Guidelines (Chapter 142 KZC, and Chapter 3.30 KMC).</li> <li>3) Floor plates may not exceed 10,000 square feet per floor, for the portion of the building above 80 feet in height.</li> <li>4) Methods for mitigating any significant shadowing and lighting impacts of the increased building height on the residential areas to the north are proposed.</li> <li>5) Taller elements of buildings would be stepped back from the perimeter of TL 1B boundaries, away from adjacent residential zones.</li> <li>6) Portions of structures exceeding 80 feet in height must be separated by at least 60 feet, both on the subject property and from taller building elements on adjacent properties.</li> </ol> <p>7. Increases in lot coverage may be considered if:</p> <ol style="list-style-type: none"> <li>a. Land dedication on the subject property provided pursuant to General Regulation 4 limits area available for development on the property; and/or</li> <li>b. Other techniques used to provide open space result in superior landscaping, such as the use of gardens on lower portions of structures or on rooftops, the provision of visual and pedestrian access to public garden areas, or other approaches that provide for useable green space.</li> </ol>		

(Revised )

**55.71** User Guide. The charts in KZC 55.75 contain the basic zoning regulations that apply in the TL 10B zone of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

**Section 55.73**

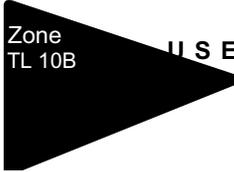
**Zone  
TL 10B**

Section 55.73 – 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. If any portion of a structure is adjoining a low density zone, then either:
  - a. The height of that portion of the structure shall not exceed 20 feet above average building elevation; or
  - b. The horizontal length of any facade of that portion of the structure which is parallel to the boundary of the low density zone shall not exceed 50 feet.See KZC 115.30, Distance Between Structures/Adjacency to Institutional Use, for further details.
3. The ability to accommodate new development in the TL 10B zone is dependent upon the extension of 118th Avenue NE to NE 116th Street as shown on Plate 34C, Chapter 180 KZC. Consistent with and to the extent authorized by applicable statutes and court decisions, new development on properties across which this street in whole or in part extends, shall contribute to the creation of the street as follows:
  - a. With all new development, the portions of this street crossing the subject property shall be dedicated as public right-of-way consistent with Plate 34C; and
  - b. With all new development exceeding 35 feet in height, the street shall be improved as determined by the Public Works Director. Minor deviations in the location and width of the street may be approved by the Public Works Director if the deviations will not negatively affect the functioning of the street.
4. Maximum allowable building height may be increased to 45 feet above average building elevation on parcels where dedication for the road is provided. Additional height increases beyond 45 feet above A.B.E. may be allowed for certain uses, as authorized in the Use Zone Chart.
5. Vehicular access to NE 116th is permitted only via 118th Avenue NE, or if the subject property does not have access to 118th Avenue NE. (Does not apply to Public Park use).
6. Any development activities requiring Design Review approval pursuant to KZC Section 142.15 shall be reviewed administratively (ADR), pursuant to KZC 142.25. Where gross floor area of an existing building is expanded by less than 10 percent, no Design Review is required.
7. Development must be designed to retain the existing hill along NE 116th Street and retain, at a minimum, 25 percent of the viable significant trees. The City may require greater than 25 percent depending on the location and clustering of trees. (Does not apply to Public Park use).

Section 55.75



USE ZONE CHART

EXHIBIT D  
DEVELOPMENT INCENTIVES FOR  
AFFORDABLE HOUSING  
DECEMBER 1, 2009 CITY COUNCIL

8. Some development standards or design regulations may be modified as part of the design review process. See Chapters 92 and 142 KZC for requirements.

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS													
Section 55.75	USE ↓	REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
				Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage					Height of Structure
					Front	Side	Rear						
.010	Attached or Stacked Dwelling Units <a href="#">See Spec. Reg. 1.</a>	D.R., Chapter 142 KZC. See Gen. Reg. 6.	None	20'	5' but 2 side yards must equal at least 15'. See Spec. Reg. 5.	10' See Spec. Reg. 6.	70%	35' to 60' above average building elevation See Gen. Reg. 4 and Spec. Reg. 12.	D	A	1.7 per unit.	<ol style="list-style-type: none"> <li>1. <del>This use is permitted only on parcels located west of the 118th Avenue NE right-of-way alignment (see Plates 36 and 37, Chapter 480).</del></li> <li>1.2. Maximum building height may be increased from 35 feet to 60 feet if at least 10 percent of the units provided in new residential developments of 410 units or greater are affordable housing units, as defined in Chapter 5 KZC. <del>See Chapter 112 KZC for additional affordable housing requirements and incentives.</del> The number of affordable housing units is determined by rounding up to the next whole number (unit) if the fraction of the whole number is at least 0.66. An agreement in a form approved by the City must be recorded with the King County Department of Records and Elections to stipulate conditions under which required affordable housing units will remain as affordable housing units for the life of the project for rental units, and at least 30 years from the date of initial owner occupancy for ownership units.</li> <li>3. <del>Additional affordable housing incentives may be applicable to residential development (see Chapter 112 KZC).</del></li> <li>2.4. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.</li> <li>3.5. The side yard may be reduced to zero feet if the side of the dwelling unit is attached to a dwelling unit on an adjoining lot. If one side of a dwelling unit is so attached and the opposite side is not, the side that is not attached must provide a minimum side yard of five feet.</li> <li>4.6. The rear yard may be reduced to zero feet if the rear of the dwelling unit is attached to a dwelling unit on an adjoining lot.</li> </ol>	

(Revised )

## Fact Sheet

**Action Sponsor and Lead Agency**

City of Kirkland  
Department of Planning and  
Community Development

**Proposed Action**

Legislative adoption of Zoning Code amendments for multifamily and mixed use zones, related to development incentives for affordable housing. The amendments are proposed pursuant to Chapter 135 KZC (Amendments to the Text of the Zoning Code) and 160 KZC (Process IV). Changes to the Multifamily Tax Exemption (MFTE) provisions of the Kirkland Municipal Code are also proposed.

**Responsible Official**



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**Paul Stewart, AICP**  
**Deputy Director**

**Contact Person**

Dorian Collins, Senior Planner, City  
of Kirkland (425) 587-3249

**Required Approvals**

Adoption by Kirkland City Council

**Location of Background Data**

File ZON09-00005  
City of Kirkland  
Department of Planning and  
Community Development  
123 Fifth Avenue  
Kirkland, WA 98033

**Date of Issuance**

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11-18-2009

**City of Kirkland**

**Process IV: Amendments to the Zoning Code – Development Incentives for  
Affordable Housing**

**EIS Addendum dated November 16, 2009**

**File No. ZON09-00005**

**I. Background**

In 2004, the City of Kirkland adopted a package of incentives, including generous density bonuses, site development flexibility, tax exemptions, and fee waivers to encourage development of affordable housing as part of market rate housing developments in multifamily and mixed use zones. These incentives are contained in Chapter 112 of the Kirkland Zoning Code. The primary goal of the program is to integrate affordable units into multifamily and mixed use developments throughout the City.

The program is entirely voluntary and was set up so that the value of the available incentives would exceed the cost to the developer of providing the affordable housing units. The affordability requirements are ambitious, with rental units required to be affordable to households earning no more than 50% of King County median income and for sale units required to be affordable to households earning no more than 70% of King County median income.

The density bonus and development flexibility incentives apply only in multifamily and mixed use zones that have an established maximum density, such as the RM and PR zones. As major rezoning occurred in the Totem Lake and Rose Hill business districts, the City has offered the option of significant height increases in some areas in exchange for 10% of residential units being affordable. Little residential development has occurred in the zones with incentives since the incentives were put in place.

With this current project, the City of Kirkland proposes to adopt amendments to the Zoning Code for many of its multifamily areas, and for several zones in two business districts: Totem Lake and Rose Hill. Changes to the Kirkland Municipal Code are also proposed. The proposed amendments to the Zoning Code are in support of the Council's expressed priority to provide opportunities for affordable housing in the city.

The requirements would be in place in the zoning districts identified in Section V., Description of the Proposal.

This Environmental Impact Statement (EIS) Addendum is intended to fulfill the environmental requirements pursuant to the State Environmental Policy Act (SEPA) for the proposed Zoning Code amendment.

## II. EIS Addendum

According to the SEPA Rules, an EIS addendum provides additional analysis and/or information about a proposal or alternatives where their significant environmental impacts have been disclosed and identified in a previous environmental document (WAC 197-11-600(2)). An addendum is appropriate when the impacts of the new proposal are the same general types as those identified in the prior document, and when the new analysis does not substantially change the analysis of significant impacts and alternatives in the prior environmental document (WAC 197-11-600(4)(c), -625 and -706).

The City published the *City of Kirkland 2004 Draft and Final Comprehensive Plan 10-year Update*. This EIS addressed the 2004 Comprehensive Plan, Zoning Code and Zoning Map updates required by the Washington State Growth Management Act (GMA). Elements of the environment addressed in this EIS include population and employment growth, earth resources, air quality, water resources, plants and animals, energy, environmental health (noise, hazardous materials), land use, socioeconomics, aesthetics, parks/recreation, transportation, and public services/utilities.

This addendum to the *City of Kirkland 2004 Draft and Final Comprehensive Plan 10-year Update* is being issued pursuant to WAC 197-11-625 to meet the City's SEPA responsibilities. The EIS evaluated plan alternatives and impacts that encompass the same general policy direction, land use pattern, and environmental impacts that are expected to be associated with the proposed amendments for affordable housing discussed herein.

As the key change proposed would convert existing voluntary incentives to mandatory requirements, no additional capacity beyond that already anticipated would result from the proposed amendments. The proposed increase in building heights within the TL 4A, 4B and TL 8 zones is also within the scope of development planned for the area in the Totem Lake Neighborhood Plan, and considered in the *City of Kirkland 2004 Draft and Final Comprehensive Plan 10-year Update*. While the specific location, precise magnitude, or timing of some impacts may vary from those estimated in the *City of Kirkland 2004 Draft and Final Comprehensive Plan 10-year Update*, they are still within the range of what was evaluated and disclosed there. No new significant impacts have been identified. The proposed amendments considered by the Planning Commission at their public hearing can be viewed in the staff memo to the Planning Commission and its attachments, dated October 29<sup>th</sup>, 2009. A link to the materials is provided here: [Proposed Amendments](#).

## III. Non-Project Action

Decisions on the adoption or amendment of zoning ordinances are referred to in the SEPA rules as "non-project actions" (WAC 197-11-704(2)(b)). The purpose of an EIS in analyzing a non-project action is to help the public and decision-makers identify and evaluate the environmental effects of alternative policies, implementation approaches, and similar choices related to future growth. While plans and regulations do not directly

result in alteration of the physical environment, they do provide a framework within which future growth and development – and resulting environmental impacts – will occur. Both the adoption of the Comprehensive Plan evaluated in the *City of Kirkland 2004 Draft and Final Comprehensive Plan 10-year Update* and eventual action on the Development Incentives for Affordable Housing Zoning Code amendments and amendments to the Municipal Code are “non-project actions”.

#### **IV. Environmental Analysis**

The *City of Kirkland 2004 Draft and Final Comprehensive Plan 10-year Update* evaluated the environmental impacts associated with adoption of proposed policies and land use designations. The plan’s policies are intended to accomplish responsibilities mandated by the Washington State Growth Management Act (GMA), and to mitigate the impacts of future growth. In general, environmental impacts associated with the proposed Zoning Code and Municipal Code amendments are similar in magnitude to the potential impacts disclosed in the *City of Kirkland 2004 Draft and Final Comprehensive Plan 10-year Update*. As this proposal is consistent with the policies and designations of the Comprehensive Plan and the environmental impacts disclosed in the *City of Kirkland 2004 Draft and Final Comprehensive Plan 10-year Update*, no additional or new significant impacts beyond those identified in the EIS for the Comprehensive Plan are anticipated.

#### **V. Description of the Proposed Amendments**

The proposed amendments to the Zoning Code include:

- Replacing affordable housing incentives with requirements in areas that currently provide height or density incentives.
- Revising the minimum threshold for projects required to provide affordable housing units
- Revising affordability requirements on for sale units from 70% of median to 80% of median in Totem Lake and Rose Hill, and 100% of median in density limited zones
- Phasing in of affordability requirements in Totem Lake and Rose Hill to encourage “pioneer development”
- Expanding the options for alternative compliance to include payment in lieu of constructing affordable housing
- Increasing the building height maximum in the TL 4A, 4B zones for mixed use development, and in the TL 8 zone for residential and mixed use development from 45’ to 65’.
- Expanding the geographic area where stand-alone residential use would be permitted in the TL 10B and TL 10C zones.
- Minor additional changes to the provisions of Chapter 112 – Affordable Housing Incentives – Multifamily

The proposed amendments to the Municipal Code include:

- Modifying affordability requirements in the Kirkland Municipal Code - Multifamily Tax Exemption - to provide an incentive where increases to capacity aren't available, such as in Kirkland's downtown area and other business districts.

The following zones, in addition to additional areas within the City where the Multifamily Tax Exemption could be used, would be affected by this set of amendments:

RM 1.8, 2.4, 3.6, 5.0	PLA 15A
PR 1.8, 2.4, 3.6, 5.0	PLA 15B
WD I	PLA 17
WD III	PLA 17A
PLA 2	JBD 3
PLA 3A	JBD 4
PLA 3B	JBD 5
PLA 5A	JBD 6
PLA 5B	MSC 1
PLA 5C	MSC 4
PLA 5D	NRH 5
PLA 5E	NRH 6
PLA 6A	TL 11
PLA 6B	RH 2C
PLA 6D	RH 4
PLA 6F	TL 1A
PLA 6H	TL 1B
PLA 6I	TL 4A
PLA 6J	TL 4B
PLA 6K	TL 4C
PLA 7A	TL 5
PLA 7B	TL 6A
PLA 7C	TL 6B
PLA 9	TL 8
TL 9B	
TL 10B	
TL 10C	
TL 10D	
RH 1A	
RH 2A	
RH 2B	
RH 3	
RH 7	

The amendments will be reviewed using Chapter 160 KZC, Process IV, with final approval by the City Council.

## **VI. Public Involvement**

Approximately 6,800 postcards were mailed to the owners of all parcels within the zoning districts that are being studied for amendments. The postcards outlined the basic parameters of the proposed code amendments and invited people to attend an open house that was held on the evening of October 21, 2009 and the Planning Commission hearing, which was held on November 5, 2009. Similar information was sent to the City's neighborhood services and developers list serve groups via e-mail. Notice of the hearing was also posted on the City's notice boards and published in the Seattle Times.

The Houghton Community Council also studied the proposed amendments on October 26<sup>th</sup>, and provided input for the Commission. The public hearing before the Commission was continued to November 16<sup>th</sup>, when they may make a recommendation for City Council. Another meeting of the Houghton Community Council will take place on November 23<sup>rd</sup>. The City Council will discuss the proposed amendments on December 1<sup>st</sup>, and may make a decision on December 15<sup>th</sup>. The Houghton Community Council will then have an opportunity to disapprove the resolution or ordinance within 60 days after City Council approval. All dates are subject to change.

## **VII. Conclusion**

This EIS Addendum fulfills the environmental review requirements for the proposed amendments to the Zoning Code and Municipal Code for development incentives for affordable housing. The impacts of the proposal are within the range of impacts disclosed and evaluated in the *City of Kirkland 2004 Draft and Final Comprehensive Plan 10-year Update*; and no new significant impacts have been identified. Therefore, issuance of this EIS Addendum is the appropriate course of action.