



**CITY OF KIRKLAND**  
**Planning and Community Development Department**  
**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:** Jon Regala, Senior Planner  
Paul Stewart, AICP, Deputy Planning Director  
Eric Shields, AICP, Planning Director

**Date:** June 5, 2008

**Subject:** INTENT TO ADOPT RESOLUTION – GORDON HART PRIVATE AMENDMENT REQUEST (ZON06-00019) & TL9 ZONING IMPLEMENTATION PROJECT (ZON07-00023)

## **RECOMMENDATION**

Adopt the enclosed resolution setting forth the intention of the City Council to approve the requested land use and zoning changes for the Gordon Hart private amendment request and the TL 9 zoning implementation project later this year concurrent with all other amendments included in the city's annual Comprehensive Plan amendments.

## **BACKGROUND DISCUSSION**

At the City Council's May 20<sup>th</sup> meeting, the Gordon Hart/TL 9 agenda item was removed from the consent calendar and was continued to the June 3, 2008 City Council meeting. Subsequently, this item was continued to the June 17, 2008 City Council meeting.

Previously, the Council, at its March 4, 2008 public meeting, unanimously approved a motion to adopt the Planning Commission's recommendations on the Gordon Hart Private Amendment Request (PAR) and the City Initiated TL 9 Zoning Implementation Project and directed staff to bring back an 'intent-to-adopt' resolution at their May 20, 2008 meeting. Since the results of the Hart PAR are to be incorporated into the final TL 9 zoning charts both projects were combined into one 'intent-to-adopt' resolution. The Exhibits of the 'intent-to-adopt' resolution are consistent with the Planning Commission's recommendations. Exhibit A, Condition 7 was slightly revised by staff to clarify that the adopted 100-foot setback applies to any development on the Gordon Hart property as intended by the Planning Commission and the phrase '*Where residential uses are allowed*' was added to Condition 10 to clarify where in the TL 9 Planning District the affordable unit/bonus height provision applies.

Cc: ZON06-00019  
ZON07-00023  
Totem Lake Neighborhood Association  
Kirkland Chamber of Commerce  
Adrienne Brastad, Glacier Management, 12912 NE 125<sup>th</sup> Way, Kirkland, WA 98034  
Teresa Sante, Benaroya Companies, 1100 Olive Way Suite 1700, Seattle, WA 98101  
Gordon Hart, 3 -168<sup>th</sup> Avenue NE, Bellevue, WA 98008  
Bill Kost, 328 – 37<sup>th</sup> Street NW #A, Auburn, WA 98001

RESOLUTION R-4704

A RESOLUTION OF THE CITY OF KIRKLAND RELATED TO COMPREHENSIVE PLANNING AND LAND USE AND EXPRESSING AN INTENT TO AMEND THE KIRKLAND COMPREHENSIVE PLAN, ORDINANCE 3481 AS AMENDED, THE KIRKLAND ZONING CODE ORDINANCE 3719 AS AMENDED, AND AMENDING THE KIRKLAND ZONING MAP ORDINANCE 3710 AS AMENDED, AS A RESULT OF THE GORDON HART PRIVATE AMENDMENT REQUEST (FILE ZON06-00019) AND THE TL9 ZONING IMPLEMENTATION PROJECT (FILE ZON07-00023).

WHEREAS, the City Council has received recommendations from the Kirkland Planning Commission to amend the text of Totem Lake Neighborhood Plan Policy TL-17.3 of the Comprehensive Plan , Ordinance 3481 as amended, and the Kirkland Zoning Code text, Ordinance 3719 as amended, and the Zoning Map Ordinance 3710 as amended, to create the TL 9A and TL9B zoning districts to implement the TL 9 Planning District policies and as a result of the Gordon Hart Private Amendment request, all as set forth in the Planning Commission's recommendations dated February 20, 2008, and bearing Kirkland Department of Planning and Community Development File No. ZON06-00019 (Hart) and ZON07-00023 (TL9); and

WHEREAS, prior to making said recommendation the Planning Commission, following notice thereof as required by RCW 35A.63.070, held on January 24, 2008, a public hearing, on each of the amendment proposals and considered the comments received at said hearings; and

WHEREAS, pursuant to the State Environmental Policy Act (SEPA), there has accompanied the legislative proposal and recommendation through the entire consideration process, a SEPA Addendum to Existing Environmental Documents, issued by the responsible official pursuant to WAC 197-11-600; and

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

WHEREAS, the Growth Management Act, RCW 36.70A.130, requires the city to review all amendments to the comprehensive plan concurrently and no more frequently than once every year.

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

Section 1. The City Council acknowledges the recommended amendment to the Zoning Ordinance as set forth in File ZON06-00019 and ZON07-00023, and will consider adopting said recommendation by ordinance concurrent with all other amendments included in the City's annual Comprehensive Plan amendments.

Section 2. The recommended amendment to the Comprehensive Plan text is set out in Exhibit "A" attached hereto and by this reference incorporated herein.

Section 3. The recommended amendment to the Zoning Ordinance is set out in Exhibit "B" attached hereto and by this reference incorporated herein

Section 4. The recommended amendment to the Zoning Map is set out in Exhibit "C" attached hereto and by this reference incorporated herein.

Passed by majority vote of the Kirkland City Council in open meeting on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

SIGNED IN AUTHENTICATION THEREOF this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

## EXHIBIT A

### ***Policy TL-17.3:***

*Restrict development in identified landslide hazard areas to ensure public safety and conformity with natural constraints.*

High ground water with soft soil conditions in the low-lying parts of the neighborhood may limit or require special measures for development. The presence of loose saturated soils increases the risk for differential settlement and seismically induced soil liquefaction. In these areas, development must demonstrate methods to prevent the settlement of structures and utility systems and to withstand seismic events.

The steep, heavily vegetated hillside in the northeastern portion of the neighborhood lies within an identified high landslide area (see Figures TL-5 and TL-11, District TL 9). Although a range of office, industrial or multifamily uses are permitted in the southern portion of the hillside north of NE 126<sup>th</sup> Place, this development and all development on the hillside is subject to the following conditions:

- (1) Development should be subject to public review and discretionary approval through the City's Process IIA process.
- (2) The base density for residential development on the slope should be eight dwelling units per acre.
- (3) Lot coverage for development should be lower than that allowed for the less environmentally sensitive properties to the south, to enable the preservation of vegetation and watercourses on the site.
- (4) Vegetative cover should be maintained to the maximum extent possible. Clustering of structures may be required to preserve significant groupings of trees.
- (5) Watercourses should be retained in a natural state.
- (6) Development should only be permitted if an analysis is presented that concludes that the slope will be stable. The analysis should indicate the ability of the slope and adjacent areas to withstand development, the best locations for development, and specific structural designs and construction techniques necessary to ensure long-term stability.
- (7) The hillside with the steepest slopes should be left undisturbed in a natural condition and retained as permanent natural open space through the creation of a greenbelt easement or the dedication of air rights. In order to provide property owners with reasonable development potential, some development may be permitted on the southern, lower portion of the hillside. In no case should such development or associated land surface modification extend ~~northward more than 150 feet into any slope in excess of 15 percent, nor~~ closer than 100 feet to existing single-family residential development north of the slope.
- ~~(8) (7)~~ Any part of the hillside which is retained as permanent natural open space, but which has been previously altered from its natural state, or which is so altered as a result of soils testing or watercourse rehabilitation, should be returned to its natural condition.
- ~~(9) (8)~~ Surface water runoff should be maintained at predevelopment levels.
- ~~(10) The developer should indemnify and hold harmless the City by a covenant running with the land in a form approved by the City Attorney.~~
- ~~(11) (9)~~ Vehicular access should be from south of the slope. If necessary, access may be from 132<sup>nd</sup> Avenue NE, provided that such access is limited to one point and meets other City standards.
- (10) Where residential uses are allowed, a total of 5 stories measured above an average building elevation are allowed if at least 10% of the units provided are affordable units.

**Chapter 48 — LIGHT INDUSTRIAL TECHNOLOGY (LIT) ZONES**

**48.0555.59** User Guide TL 9A.

The charts in KZC ~~48.1555.63~~ contain the basic zoning regulations that apply in the LIT-TL 9A 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**  
**48.1055.61**

~~Section 48.1055.61~~ – 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. 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.~~  
~~— (Does not apply to Hazardous Waste Treatment and Storage Facilities uses).~~~~
32. Except if adjoining a low density zone, structure height may be increased above 35 feet in height through a Process IIA, Chapter 150 KZC, if:
  - a. It will not block local or territorial views designated in the Comprehensive Plan;
  - b. The increased height is not specifically inconsistent with the applicable neighborhood plan provisions of the Comprehensive Plan; and
  - c. The required yard of any portion of the structure may be increased up to a maximum of one foot for each foot that any portion of the structure exceeds 35 feet above average building elevation. The need for additional setback yards will be determined as part of the review of any request to increase structure height.

(Does not apply to Hazardous Waste Treatment and Storage Facilities and Public Parks uses).
- ~~4. If the property is located in the NE 85th Street Subarea, the applicant shall install a through-block pedestrian pathway to connect an east-west pathway designated in the Comprehensive Plan between 124th Avenue NE and 120th Avenue NE pursuant to the through-block pathway standards in KZC 105.19(3) (See Plate 34K).~~
53. Retail uses are prohibited unless otherwise allowed in the use zone charts.

**ZONE**  
**TL 9A**

**USE ZONE CHART**  
**Section 48-1555.63**

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

Section 48-1555.63	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						
<b>.010</b>	Packaging of Prepared Materials Manufacturing See Spec. Regs. 1 and 2.	<del>Within the NE 85th Street Subarea, D.R., Chapter 142 KZC. Otherwise, none. None</del>	None	20'	0'	0'	90%	If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 35' above average building elevation with a maximum of two stories, exclusive of parking levels.	A	C	1 per each 1,000 sq. ft. of gross floor area.	<ol style="list-style-type: none"> <li>The following manufacturing uses are permitted: <ol style="list-style-type: none"> <li>Food, drugs, stone, clay, glass, china, ceramics products, electrical equipment, scientific or photographic equipment, fabricated metal products;</li> <li>Fabricated metal products, but not fabrication of major structural steel forms, heavy metal processes, boiler making, or similar activities;</li> <li>Cold mix process only of soap, detergents, cleaning preparations, perfumes, cosmetics, or other toilet preparations;</li> <li>Packaging of prepared materials;</li> <li>Textile, leather, wood, paper and plastic products from pre-prepared material; and</li> <li>Other compatible uses which may involve manufacturing, processing, assembling, fabrication and handling of products, and research and technological processes.</li> </ol> </li> <li>May include as part of this use, accessory retail sales, office or service utilizing not more than 20 percent of the gross floor area. The landscaping and parking requirements for these accessory uses will be the same as for the primary use.</li> </ol>
<b>.020</b>	A Retail Establishment Providing Storage Services								E	See KZC 105.25.	<ol style="list-style-type: none"> <li>May include accessory living facilities for resident security manager.</li> </ol>	

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

.030	Warehouse Storage Service									C	1 per each 1,000 sq. ft. of gross floor area.	1. May include, as part of this use, accessory retail sales, office or service utilizing no more than 20 percent of the gross floor area. The landscaping and parking requirements for these accessory uses will be the same as for the primary use.
.040	Wholesale Trade											
.050	Industrial Laundry Facility											
.060	Wholesale Printing or Publishing											
.070	Wholesale Establishment or Contracting Services in Building Construction, Plumbing, Electrical, Landscaping, or Pest Control	Within the NE 85th Street Subarea, D.R., Chapter 142 KZC. Otherwise, none. None	None	20'	0'	0'	80%	If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 35' above average building elevation with a maximum of two stories, exclusive of parking levels.	B	E	1 per each 1,000 sq. ft. of gross floor area.	1. Outdoor storage for this use must be buffered as established in Chapter 95 KZC for Landscape Category A.
.080	A Retail Establishment Providing Banking and Related Financial Services										1 per each 300 sq. ft. of gross floor area.	1. This use is permitted if accessory to a primary use, and: a. It will not exceed 20 percent of the gross floor area of the building; b. The use is integrated into the design of the building; and c. There is no vehicle drive-in or drive-through.
.090	High Technology								A	D	If manufacturing, then 1 per each 1,000 sq. ft. of gross floor area. If office, then 1 per 300 sq. ft. of gross floor area. Otherwise, see KZC 105.25.	1. This use may include research and development, testing, assembly, repair or manufacturing or offices that support businesses involved in the pharmaceutical and biotechnology, communications and information technology, electronics and instrumentation, computers and software sectors. 2. May include as part of this use, accessory retail sales or service utilizing not more than 20 percent of the gross floor area. The landscaping and parking requirements for these accessory uses will be the same as for the primary use. 3. Refer to KZC 115.105 for provisions regarding outside use, activity and storage.

**USE ZONE CHART**  
**Section 48-1555.63**

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

		<b>DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS</b>										
<b>.100</b>	Office Use	<del>Within the NE 85th Street Subarea, D.R., Chapter 142 KZC. Otherwise, none. None</del>	None	20'	0'	0'	70%	<del>35' above average building elevation with a maximum of two stories, exclusive of parking levels except as specified in Spec. Reg. 2.</del>	C See also Spec. Reg. 1a.	E	If a medical, dental, or veterinary office, then 1 per each 200 sq. ft. of gross floor area. Otherwise, 1 per each 300 sq. ft. of gross floor area.	<ol style="list-style-type: none"> <li>The following regulations apply only to veterinary offices: <ol style="list-style-type: none"> <li>If there are outdoor runs or other outdoor facilities for the animals, then use must comply with Landscape Category A.</li> <li>Outside runs and other outside facilities for the animals must be set back at least 10 feet from each property line and must be surrounded by a fence or wall sufficient to enclose the animals. See KZC 115.105, Outdoor Use, Activity and Storage, for further regulations.</li> </ol> </li> <li><del>a. If adjoining a low density zone other than RSX, then 25 feet above average building elevation; and</del> <ol style="list-style-type: none"> <li>In the Norkirk Neighborhood, south of 7th Avenue and west of 8th Street, maximum height is 40 feet above average building elevation, with no limit on number of stories.</li> </ol> </li> </ol>
<b>.110</b>	Auction House See Spec. Reg. 1.	<del>Within the NE 85th Street Subarea, D.R., Chapter 142 KZC. Otherwise, none. None</del>	None	20'	0'	0'	80%	<del>If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 35' above average building elevation with a maximum of two stories, exclusive of parking levels.</del>	B	E	1 per each 300 sq. ft. of gross floor area.	<ol style="list-style-type: none"> <li>Livestock auctions are not permitted.</li> <li>Outdoor storage for this use must be buffered as established in Chapter 95 KZC for Landscaping Category A.</li> </ol>
<b>.120</b>	Kennel	<del>Within the NE 85th Street Subarea, D.R., Chapter 142 KZC. Otherwise, none. None</del>		20'	0'	0'	See Spec. Reg. 1.					<ol style="list-style-type: none"> <li>Outside runs and other facilities for the animals must be set back at least 10 feet from each property line and must be surrounded by a fence or wall sufficient to enclose the animals. See KZC 115.105, Outdoor Use, Activity and Storage, for further regulations.</li> <li>Must provide suitable shelter for the animals.</li> <li>Must maintain a clean, healthful environment for the animals.</li> </ol>
<b>.130</b>	Day-Care Center See Spec. Reg. 1.	<del>Within the NE 85th Street Subarea, D.R., Chapter 142 KZC. Otherwise, none. None</del>	None	20'	0'	0'	80%	<del>If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 35' above average building elevation with a maximum of two stories, exclusive of parking levels.</del>	D	B	See KZC 105.25.	<ol style="list-style-type: none"> <li>This use is permitted if accessory to a primary use, and: <ol style="list-style-type: none"> <li>It will not exceed 20 percent of the gross floor area of the building;</li> <li>The use is integrated into the design of the building.</li> </ol> </li> <li>A six-foot-high fence is required along the property lines adjacent to the outside play areas.</li> <li>Hours of operation may be limited to reduce impacts on nearby residential uses.</li> <li>Structured play areas must be set back from all property lines as follows: <ol style="list-style-type: none"> <li>Twenty feet if this use can accommodate 50 or more students or children.</li> <li>Ten feet if this use can accommodate 13 to 49 students or children.</li> </ol> </li> </ol> <p style="text-align: center;">REGULATIONS CONTINUED ON NEXT PAGE</p>

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

		<b>DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS</b>										
.130	Day-Care Center (continued)	<p>REGULATIONS CONTINUED FROM PREVIOUS PAGE</p> <p>5. An on-site passenger loading area may be provided. The City shall determine the appropriate size of the loading areas on a case-by-case basis, depending on the number of attendees and the extent of the abutting right-of-way improvements. Carpooling, staggered loading/unloading time, right-of-way improvements or other means may be required to reduce traffic impacts on any nearby residential uses.</p> <p>6. May include accessory living facilities for staff persons.</p> <p>7. The location of parking and passenger loading areas shall be designed to reduce impacts on any nearby residential uses.</p> <p>8. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).</p>										
.140	Mini-Day-Care See Spec. Reg. 1.	Within the NE 85th Street Subarea, D.R., Chapter 142 KZC. Otherwise, none.	None	20'	0'	0'	80%	If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 35' above average building elevation with a maximum of two stories, exclusive of parking levels.	D	B	See KZC 105.25.	<p>1. This use is permitted if accessory to a primary use, and:</p> <p>a. It will not exceed 20 percent of the gross floor area of the building;</p> <p>b. The use is integrated into the design of the building.</p> <p>2. A six-foot-high fence is required along the property lines adjacent to the outside play areas.</p> <p>3. To reduce impacts on nearby residential uses, hours of operation of the use may be limited and parking and passenger loading areas relocated.</p> <p>4. Structured play areas must be set back from all property lines by five feet.</p> <p>5. An on-site passenger loading area may be required depending on the number of attendees and the extent of the abutting right-of-way improvements.</p> <p>6. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses.</p> <p>7. May include accessory living facilities for staff persons.</p> <p>8. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).</p>
.150	Recycling Center	Within the NE 85th Street Subarea, D.R., Chapter 142 KZC. Otherwise, none.	None	20'	0'	0'	80%	If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 35' above average building elevation with a maximum of two stories, exclusive of parking levels.	A	C	See KZC 105.25.	<p>1. May deal in metal cans, glass, and paper. Other materials may be recycled if the Planning Director determines that the impacts are no greater than those associated with recycling metal cans, glass, or paper. The individual will have the burden of proof in demonstrating similar impacts.</p>
.160	Public Utility	None.							C	B		<p>1. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.</p>
.170	Government Facility Community Facility	None.							C See Spec. Reg. 1.	B		

**USE ZONE CHART**  
**Section 48-1555.63**

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

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
<del>.180</del>	<del>Hazardous-Waste-Treatment-and-Storage-Facilities</del>	<del>Within the NE 85th Street Subarea, D.R., Chapter 142 KZC. Otherwise, none. None</del>	<del>None</del>	<del>30'</del>	<del>0'</del>	<del>0'</del>	<del>90%</del>	<del>35' above average building elevation with a maximum of two stories, exclusive of parking levels. See Spec. Reg. 2.</del>	<del>A</del>	<del>C</del>	<del>1 per each 1,000 sq. ft. of gross floor area.</del>	<del>1. Must comply with the state siting criteria adopted in accordance with RCW 70.105.210. 2. Structure height may be increased above 35 feet in height through a Process IIA, Chapter 150 KZC, if: a. It will not block local or territorial views designated in the Comprehensive Plan; and b. The increased height is not specifically inconsistent with the applicable neighborhood plan provisions of the Comprehensive Plan; and c. The need for an increase in height is directly related to the hazardous waste treatment and/or storage activity; and d. The required yard of any portion of the structure may be increased up to a maximum of one foot for each foot that any portion of the structure exceeds 35 feet above average building elevation. The need for additional setback yards will be determined as part of the review of any request to increase structure height.</del>
<del>.190, 180</del>	<del>Vehicle or Boat Repair, Services, Storage, or Washing</del>			<del>20'</del>			<del>80%</del>	<del>If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 35' above average building elevation with a maximum of two stories, exclusive of parking levels.</del>		<del>E</del>	<del>See KZC 105.25.</del>	<del>1. Outdoor vehicle or boat parking or storage areas must be buffered as required for a parking area in KZC 95.40(6) and (7), landscaping regulations. 2. Access from drive-through facilities must be approved by the Public Works Department. Drive-through facilities must be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served.</del>
<del>.195</del>	<del>Automobile Sales</del>	<del>Process I, Chapter 145 KZC</del>	<del>None</del>	<del>20'</del>	<del>0'</del>	<del>0'</del>	<del>80%</del>	<del>If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 35' above average building elevation with a maximum of two stories, exclusive of parking levels.</del>	<del>A</del>	<del>C</del>	<del>See KZC 105.25.</del>	<del>1. This use is permitted only on properties that adjoin 8th Street or 7th Avenue in the Norkirk Neighborhood. 2. Outdoor automobile sales, storage, and display are not permitted. 3. Outdoor sound systems are not permitted. 4. Outdoor balloons, streamers, and inflatable objects are not permitted. 5. Test drives must be accompanied by an employee through the LIT zone and limited to 8th Street, 7th Avenue, and either 6th Street or 114th Avenue NE enroute to Central Way/NE 85th Street. 6. Hours of operation are limited to 7:00 a.m. to 8:00 p.m. 7. Cabinet signs are not permitted. 8. This use primarily entails the sale of alternative fuel vehicles such as biodiesel, ethanol, and electric vehicles.</del>

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

<del>.200</del>	<del>Fast Food or Restaurant See Spec. Reg. 4.</del>	<del>Within the NE 85th Street Subarea, D.R., Chapter 142 KZC. Otherwise, none.</del>							<del>B</del>	<del>E</del>	<del>1 per each 100 sq. ft. of gross floor area.</del>	<del>1. This use is permitted if accessory to a primary use, and: a. It will not exceed 20 percent of the gross floor area of the building; b. The use is integrated into the design of the building; and c. There is no vehicle drive-in or drive-through.</del>
<del>.210, 190</del>	<del>Public Park</del>	<del>Development standards will be determined on case-by-case basis. See Chapter 49 KZC for required review process.</del>										
<del>.220</del>	<del>Commercial Recreation Area and Use</del>	<del>Within the NE 85th Street Subarea, D.R., Chapter 142 KZC. Otherwise, none.</del>	<del>None</del>	<del>20'</del>	<del>0'</del>	<del>0'</del>	<del>80%</del>	<del>If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 35' above average building elevation with a maximum of two stories, exclusive of parking levels.</del>	<del>A</del>	<del>E</del>	<del>See KZC 105.25.</del>	<del>1. The use is permitted only if the property is located between NE 107th Street (extended) and NE 116th Street; and between I-405 and 116th Avenue NE. 2. The use shall be conducted within a wholly enclosed building. 3. The building housing the use shall have been in existence on June 1, 2004, and shall not be altered, changed, or otherwise modified to accommodate the use if the cost of such alteration, change, or modification exceeds 30 percent of the replacement cost of that building. 4. The use must be discontinued when there is an alteration, change, or other work in a consecutive 12-month period to the space in which the use is located, and the cost of the alteration, change or other work exceeds 30 percent of the replacement cost of that space.</del>

**55.65 User Guide**

The charts in KZC 55.67 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 55.66**

Section 55.66 – GENERAL REGULATIONS

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

**ZONE**

**TL 9B**

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 setback 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 132<sup>nd</sup> Avenue NE, provided that such access is limited to one point and meets other City standards.

<b>DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS</b>													
Section 55.67	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						
<b>.010</b>	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.	<ol style="list-style-type: none"> <li>For this use, only one dwelling unit may be on each lot regardless of the size of the lot.</li> <li>Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.</li> </ol>
<b>.020</b>	Detached, Attached or Stacked Dwelling Units		Process IIA, Chapter 150 KZC	5,000 sq. ft.		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.		30' – 50' above average building elevation. See Spec. Reg. 5	D		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>Chapter 115 KZC contains regulations regarding common recreational space requirements for 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> <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> <li>For attached and/or stacked dwelling units, 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).</li> </ol>

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS													
Section 55.67	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						
.030	Church		Process IIA, Chapter 150 KZC.	7,200 sq. ft.	20'	20'	20'	70%	30' above average building elevation.	C	B	1 for every 4 people based on maximum occupancy load of worship. See Spec. Reg. 2.	<ol style="list-style-type: none"> <li>1. The property must be served by a collector or arterial street.</li> <li>2. No parking is required for day-care or school ancillary to the use.</li> </ol>

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

Section 55.67	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					
.040	School or Day-Care Center	Process IIA, Chapter 150 KZC.	7,200 sq. ft.	If this use can accommodate 50 or more students or children, then:  50'   50' on each side   50'  If this use can accommodate 13 to 49 students or children, then:			70%	30' above average building elevation. See Spec. Reg. 8.	D	B	See KZC 105.25.	1. May locate on the subject property only if: a. It will not be materially detrimental to the character of the neighborhood in which it is located. b. Site and building design must minimize adverse impacts on surrounding residential neighborhoods. 2. A six-foot-high fence is required only along the property line adjacent to the outside play areas. 3. Structured play areas must be set back from all property lines as follows:



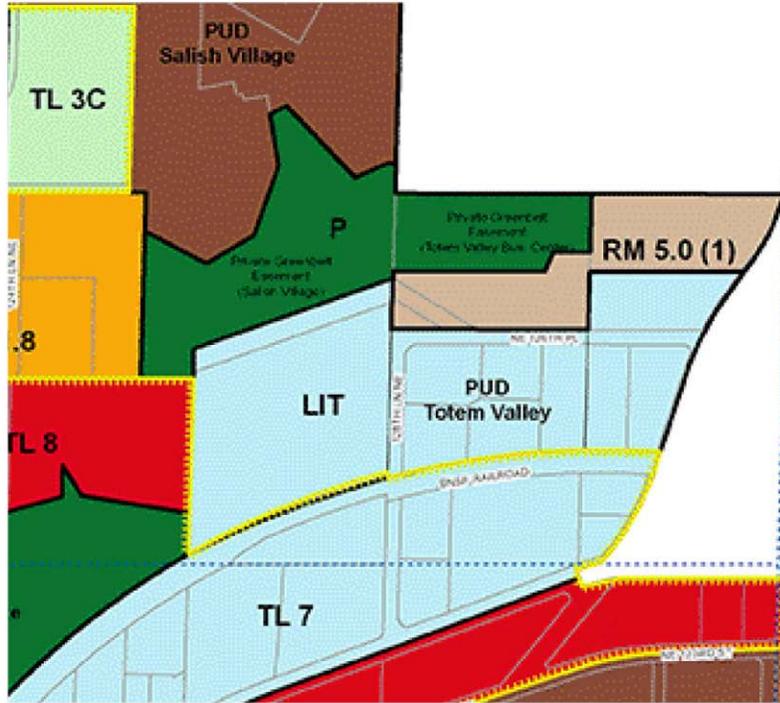
**DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS**

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)	
	Lot Size	REQUIRED YARDS (See Ch. 115)			Height of Structure					
		Front	Side							Rear
		20'	20' on each side	20'					<p>a. <u>Twenty feet if this use can accommodate 50 or more students or children.</u></p> <p>b. <u>Ten feet if this use can accommodate 13 to 49 students or children.</u></p> <p>4. <u>An on-site passenger loading area must be provided. The City shall determine the appropriate size of the loading area on a case-by-case basis, depending on the number of attendees and the extent of the abutting right-of-way improvements. Carpooling, staggered loading/unloading time, right-of-way improvements or other means may be required to reduce traffic impacts on nearby residential uses.</u></p> <p>5. <u>May include accessory living facilities for staff persons.</u></p> <p>6. <u>To reduce impacts on nearby residential uses, hours of operation of the use may be limited and parking and passenger loading areas relocated.</u></p> <p>7. <u>These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).</u></p> <p>8. <u>For school use, structure height may be increased, up to 35 feet, if:</u>                      a. <u>The school can accommodate 200 or more students; and</u>                      b. <u>The required side and rear yards for the portions of the structure exceeding the basic maximum structure height are increased by one foot for each additional one foot of structure height; and</u>                      c. <u>The increased height is not specifically inconsistent with the applicable neighborhood plan provisions of the Comprehensive Plan; and</u>                      d. <u>The increased height will not result in a structure that is incompatible with surrounding uses or improvements.</u></p>	

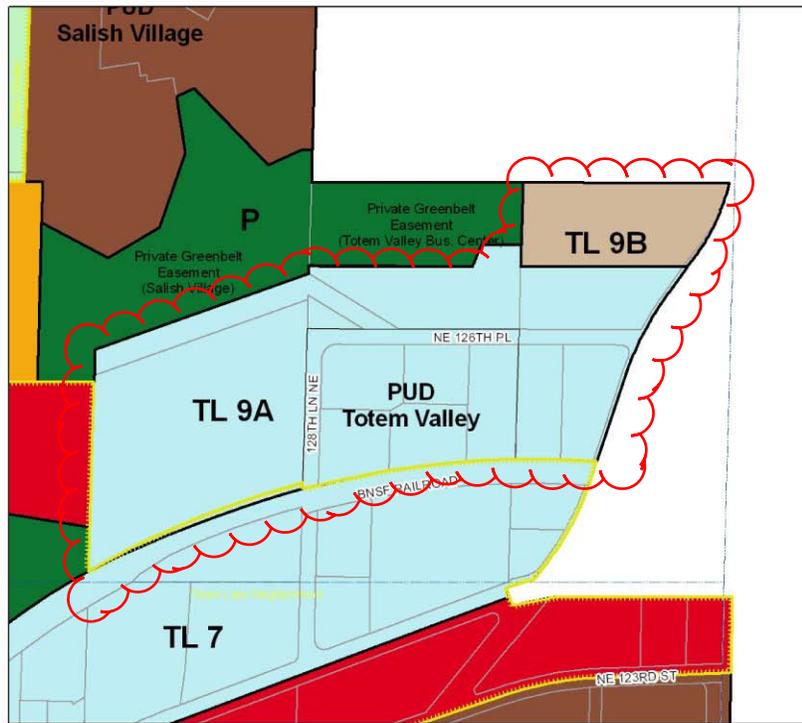
**DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS**

Section 55.67	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					
<b>.050</b>	Mini-School or Mini-Day-Care	Process IIA, Chapter 150 KZC	3,600 sq. ft.					D	B	See KZC 105.25.	<ol style="list-style-type: none"> <li>May locate on the subject property if:                             <ol style="list-style-type: none"> <li>It will not be materially detrimental to the character of the neighborhood in which it is located.</li> <li>Site design must minimize adverse impacts on surrounding residential neighborhoods.</li> </ol> </li> <li>A six-foot-high fence is required along the property line adjacent to the outside play areas.</li> <li>Structured play areas must be set back from all property lines by five feet.</li> <li>An on-site passenger loading area may be required depending on the number of attendees and the extent of the abutting right-of-way improvements.</li> <li>To reduce impacts on nearby residential uses, hours of operation of the use may be limited and parking and passenger loading areas relocated.</li> <li>May include accessory living facilities for staff persons.</li> <li>These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).</li> </ol>	
<b>.060</b>	Convalescent Center or Nursing Home	Process IIA, Chapter 150 KZC.	7,200 sq. ft.		10' on each side		70%	C See Spec. Reg. 2.	B	1 for each bed.		
<b>.070</b>	Public Utility	Process IIA, Chapter 150 KZC.	None	20'	20' on each side	20'	70%	30' above average building elevation.	A See Spec. Regs. 2 and 3.	B See KZC 105.25.	<ol style="list-style-type: none"> <li>Site design must minimize adverse impacts on surrounding residential neighborhoods.</li> <li>Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.</li> </ol>	

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 55.67	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					
<u>.080</u>	Government Facility Community Facility				10' on each side	10'			C See Spec. Regs. 2 and 3.			
<u>.090</u>	Public Park		Development standards will be determined on case-by-case basis. See Chapter 49 KZC for required review process.									



## EXISTING ZONING



## NEW TL9A & TL 9B ZONING