



## **CITY OF KIRKLAND**

**Planning and Community Development Department**

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### **MEMORANDUM**

**Date:** May 6, 2009

**To:** Planning Commission

**From:** Dorian Collins, Senior Planner

**Subject:** **PUBLIC HEARING ON DRAFT AMENDMENTS TO THE ZONING CODE FOR AFFORDABLE HOUSING - TL 6A (FILE ZON09-00006)**

### **RECOMMENDATION**

Conduct a public hearing to receive testimony on the proposed amendments to the Zoning Code for the TL 6A zone. 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.

### **POLICY IMPLICATIONS**

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 development of affordable housing, through eliminating the requirement for non-residential ground floor uses in the TL 6A zone. 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 Totem Lake Neighborhood Plan designates the TL 6A zone as a "Housing Incentive Area", where incentives for residential use are called for.

The neighborhood plan supports the use of a variety of incentives and other measures to encourage the development of affordable housing.

Goal TL-27 is to “Encourage housing that is affordable to the local workforce and meets diverse housing needs.”

- 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 simplify regulations for the development of affordable housing units in a location close to a wide range of retail, medical and other services.

## **BACKGROUND**

The TL 6A zone lies in the eastern portion of the Totem Lake neighborhood, including land north of NE 116<sup>th</sup> Street, east of 124<sup>th</sup> Avenue, south of NE 124<sup>th</sup> Street, and west of Slater Avenue (see Attachment 1). The Totem Lake neighborhood plan envisions a mix of land uses in the area, with commercial development along NE 124<sup>th</sup> Street and 124<sup>th</sup> Avenue NE, and terraced multifamily uses on upper stories and/or along Slater Avenue (see Attachment 2). As noted in the proceeding section, the zone is also identified as a “Housing Incentive Area” in the Totem Lake Neighborhood Plan (see page XV.H-31 of Attachment 3), and additional building height is provided as an incentive for residential uses. Zoning regulations for the area also require that affordable housing be included in any residential development that takes advantage of the provisions for greater building height.

The current zoning regulations for the TL 6A zone restrict residential uses to upper stories, within 250 feet of NE 124<sup>th</sup> Street and 124<sup>th</sup> Avenue NE. The intent of this restriction is to ensure that the potential for commercial development in the area is not lost to residential uses.

### Proposed Amendments

While the requirement for ground-floor commercial use is generally acceptable to those who provide financing for market-rate mixed-use housing development, funders of non-profit affordable housing projects will not generally consider an application that requires that non-residential space be included. Consequently, in order for the City to enable the development of an affordable project in the TL 6A zone, the requirement for non-residential use on the ground floor should be eliminated for these developments.

Attachment 4 contains the Use Zone Chart for the TL 6 zone, with proposed draft amendments that would apply to residential development in the TL 6A subarea only (see pages 6 and 7 of the attachment). The proposed text revision would specify that at least 80% of the dwelling units must be affordable. This represents a change from the draft amendments discussed with the Planning Commission at a study session on March 26<sup>th</sup>, when staff had proposed that a minimum standard of 50% of the units provided be affordable. The Planning Commission suggested at that time that the amendments should be more limited, and exempt only those projects which provide a very high percentage, 80%, of their units as affordable.

Since the March study session with the Planning Commission, staff has become aware of the need to modify the language in this special regulation further, to accommodate a slightly broader range of project type. St. Andrews Housing Group, which has expressed interest in developing low income housing in the TL 6A zone, has brought to the City's attention that in order to secure funding for a 100% affordable senior housing project, rents affordable to households earning up to 60% of King County median income will be required. Since the City's definition of "affordable housing units" (see below) requires that renter-occupied dwelling units be affordable to households whose income does not exceed 50% of median income, the text of the special regulation should be modified to address this situation. As per the Commission's original discussion, the threshold still requires that at least 80 percent of all of the units meet the modified level of affordability. The proposed revision is included in the draft regulations contained in Attachment 4.

Affordable Housing Unit – (A) an owner-occupied dwelling unit reserved for occupancy by eligible households and affordable to households whose household annual income does not exceed 70 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, or (B) 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.

The other change proposed is to the General Regulations for the TL 6A zone (see page 1 of Attachment 4). This revision would exempt development providing at least 80% of its total units as affordable to households earning up to 60% of King County median income from the requirement for taller ground floor ceiling height. The intent of this regulation is to allow sufficient ceiling height to provide appealing retail spaces. Since these developments will not be required to provide ground-floor retail space, the requirement does not apply.

At the meeting on March 26<sup>th</sup>, Planning Commissioners asked staff to incorporate provisions in the regulations that would encourage development to present an external retail appearance on the ground floor, despite the interior residential use. After reviewing the design regulations in Chapter 92, staff has concluded that the existing requirements for pedestrian-oriented facades (see Attachment 5) will continue to apply to residential development under the revised regulations for TL 6A.

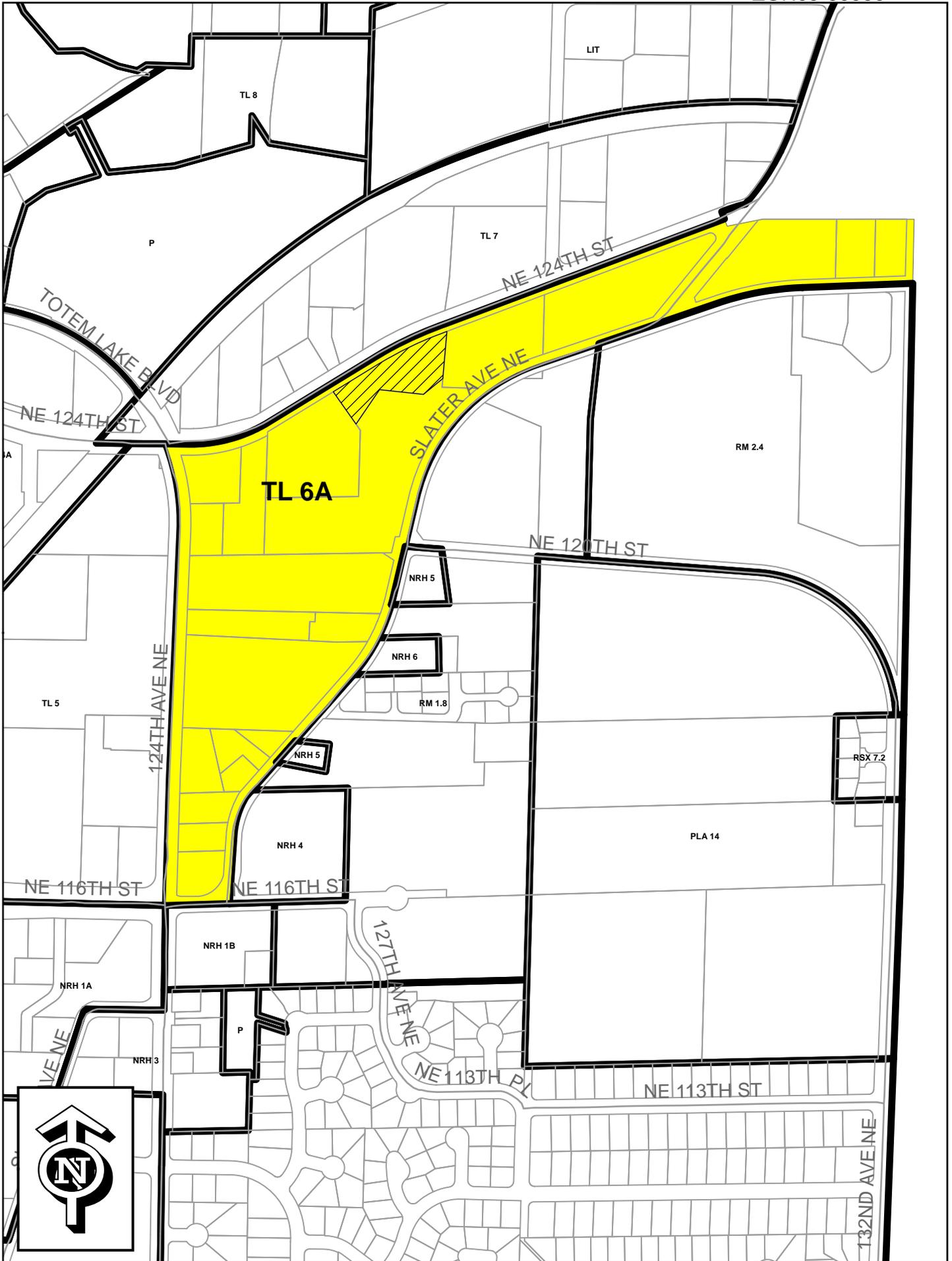
### Next Steps

Direction from the Planning Commission at the meeting on May 14<sup>th</sup> will be incorporated into revised draft amendments, to be forwarded to the City Council with the recommendation from the Planning Commission. Staff will present the proposed amendments to the City Council at their meeting on June 16<sup>th</sup>. The Council could take action at that time, or continue the item to another meeting.

Attachments

1. Map – TL 6A Zone
2. Design Guidelines – Vision for TL 6A
3. Totem Lake Neighborhood Plan – Housing Section
4. TL 6 Use Zone Chart – proposed amendments
5. Design Regulations – Pedestrian-Oriented-Facades

cc: File ZON09--00006  
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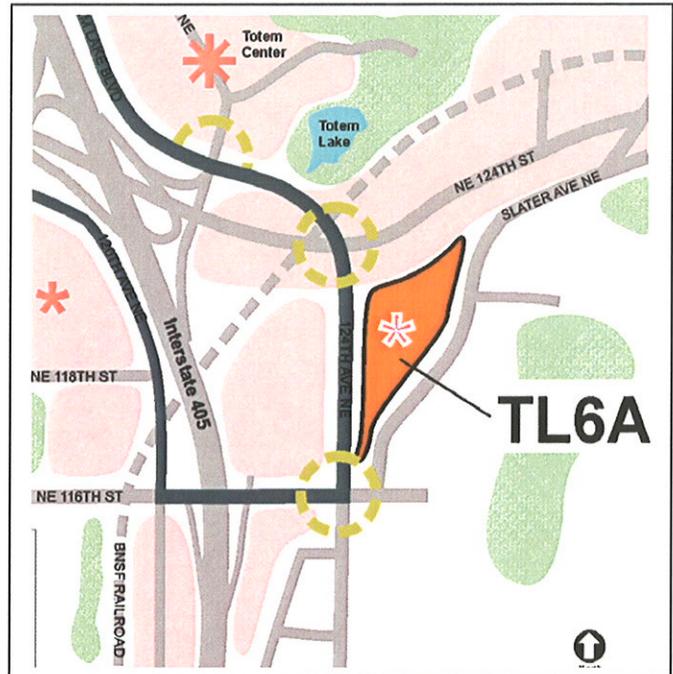




### Vision for District TL 6A

The TL6A district, located at the eastern edge of the Totem Lake Neighborhood, would feature an attractive mix of commercial uses along 124<sup>th</sup> Avenue NE and NE 124<sup>th</sup> Street and terraced multi-family uses on uphill sites towards Slater Avenue NE. The extension of NE 120<sup>th</sup> Street would provide a convenient east-west connection for both pedestrians and motorists between 124<sup>th</sup> Avenue NE and Slater Avenue NE.

Both 124<sup>th</sup> Avenue NE and NE 124<sup>th</sup> Street would be significantly upgraded, featuring landscaped medians in areas that don't conflict with site access, better street lights, sidewalks, and planting strips. While both corridors are likely to remain automobile oriented in their use mix, they would be designed to be more accessible for the pedestrian.



Auto dealers will remain clustered along both 124<sup>th</sup> Avenue NE and NE 124<sup>th</sup> Street. Adjacent to the dealerships, attractive landscaping strips along the sidewalks with seasonal plantings and low level signage will be provided. While some surface parking areas will remain on the lots, many of the dealers will incorporate some structured parking to accommodate their vehicular stock. Other sites along 124<sup>th</sup> Avenue NE and NE 124<sup>th</sup> Street will retain a mix of commercial uses.

Multi-family residential uses will be concentrated on the uphill portion of the district, adjacent to Slater Avenue NE. In areas where significant elevation change exists from the east to west, Individual buildings will be able to stairstep down the hillside, following the natural earth form and creating a dramatic visual setting. The topography also allows parking areas to be hidden under buildings. Buildings can be designed to cluster around small courtyard spaces. A system of pathways will connect buildings within the district to the surrounding streets and to adjacent properties in some areas.

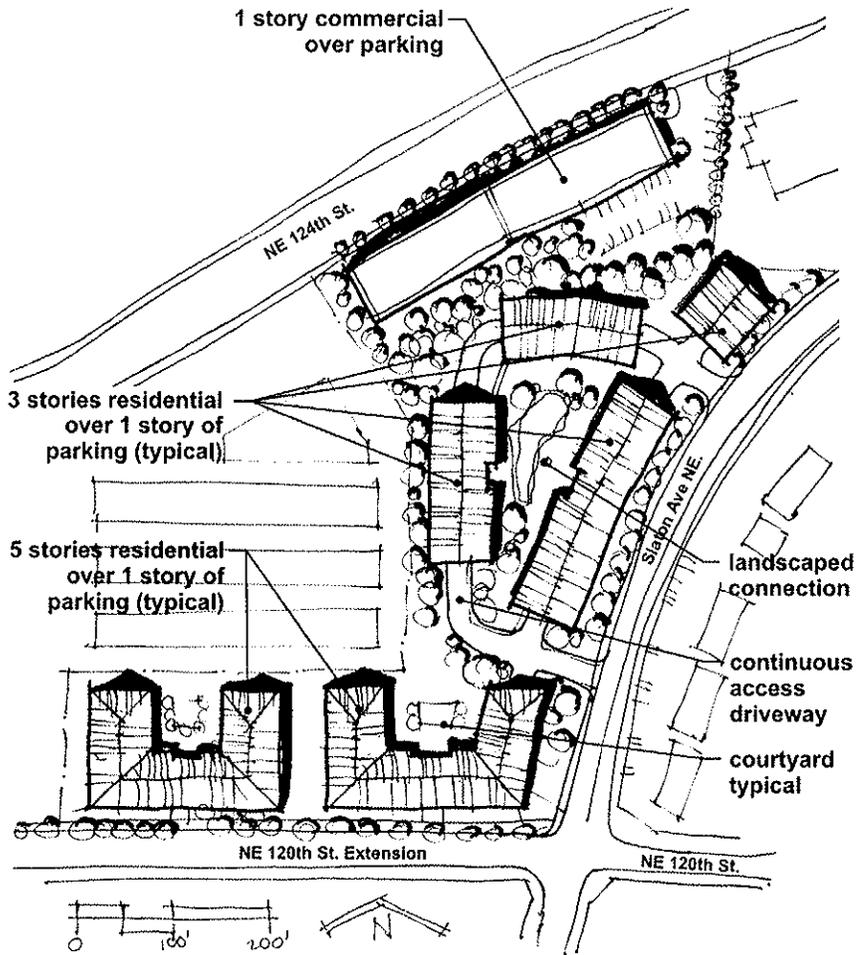
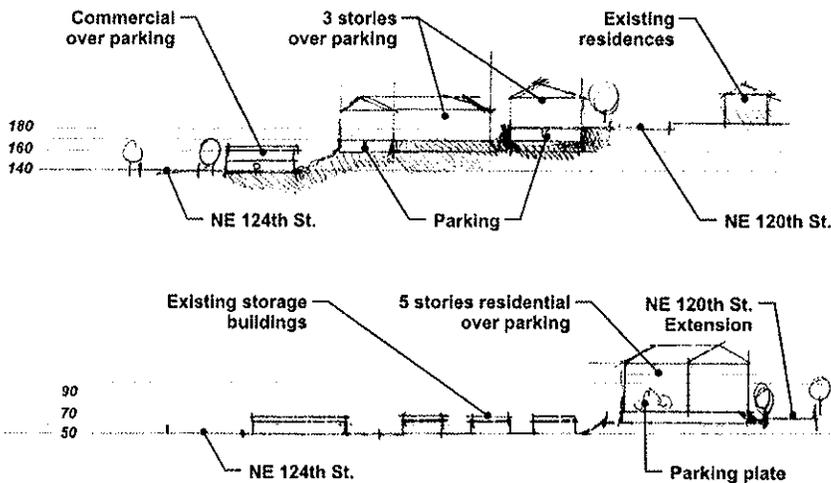


Figure 5. Redevelopment concept incorporating multi-family uses along Slater Avenue NE and planned NE 120<sup>th</sup> Avenue extension. Note how residential buildings are configured towards the street and around common open spaces. The section drawings above illustrate how development can take advantage of slopes.



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## XV.H. TOTEM LAKE NEIGHBORHOOD HOUSING

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### 8. HOUSING

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***Framework Goal: Protect and strengthen diverse residential areas.***

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The Totem Lake Neighborhood is an employment, retail and health services center that contains significant existing residential areas and offers opportunities to expand the housing supply. A central housing goal for the City is to increase housing opportunities while preserving neighborhood quality. Strong residential areas contribute to a sense of community, support retail and service activity, make the neighborhood a more desirable business location and fulfill city-wide housing objectives.

This section provides policy direction regarding residential land uses in the Totem Lake Neighborhood. Broad citywide housing policies are found in the Housing Element (Chapter VII). These policies, while not repeated here, are applicable to the Totem Lake Neighborhood.

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***Goal TL-26: Preserve existing multi-family residential areas and expand housing opportunities in the neighborhood.***

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***Policy TL-26.1:***

Preserve existing residential areas.

West of I-405, established residential areas are primarily located on the north and south sides of NE 124th Street. East of I-405, residential areas are located in the vicinity of Evergreen Hospital, extending east to the eastern boundary of the neighborhood (see Figure TL-3). These established residential areas should be retained and strengthened. Outside of Totem Center, residentially designated areas establish densities of 12 to 24 units per acre.

***Policy TL-26.2:***

Protect multi-family areas from potentially adverse impacts of commercial and office uses.

Some Totem Lake residential areas abut commercial or office uses and may be adversely impacted by these uses. Existing city regulations provide for protection of low-density residential areas from incompatible uses through landscape buffers, building height and location and other measures. To protect the multi-family areas in the Totem Lake Neighborhood, similar measures should be provided for moderate and high-density residential areas.

Non-residential uses adjoining multifamily areas should be subject to design measures. These standards would be intended to preserve and strengthen multi-family residential areas, and could include standards that address height limits, building bulk and placement, landscape measures, driveway location or other similar measures.

***Policy TL-26.3:***

Expand housing opportunities in the Totem Lake Neighborhood.

In the Totem Lake Neighborhood, expanded housing opportunities are provided through high residential densities (minimum of 50 units per acre) and support for mixed-use development in Totem Center. These measures provide for a significant amount of additional housing while preserving existing multi and single family areas in and adjacent to the Totem Lake Neighborhood.

Significant opportunities also exist to encourage housing within some of the general commercial areas of the neighborhood. Since housing development may be less financially profitable than office development where both uses are allowed, relatively high densities must be permitted to ensure that this use is on an equal footing with the development of an office use. To further encourage developers to choose to provide housing, an increase in height should be allowed when upper story residential use is provided. This incentive would enable residential

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## XV.H. TOTEM LAKE NEIGHBORHOOD HOUSING

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use to be included either in mixed-use projects, or in stand-alone developments where retail use is not mandated as a ground floor use.

This incentive for greater height for residential development would be appropriate for the areas listed below, and shown in Figure TL-7:

1. Totem Lake West, north of NE 124th Street, west of 116th Avenue NE,
2. Properties east of 124th Avenue NE, north of NE 116th Street and west of Slater Avenue,
3. Properties east of 124th Avenue NE, south of NE 124th Street,
4. Properties south of NE 116th Street, west of BNSF tracks, and
5. Property north of NE 116th Street, south of NE 118th Street, and west of BNSF tracks.

Within these areas, properties north and south of NE 116th Street and west of I-405 (districts TL 10B and TL 10C in Figure TL-11), should be allowed additional height only if residential uses are provided. As these areas are located near residential uses to the west, and are situated at the southeast gateway to the Totem Lake Neighborhood, residential use in this area will provide an appropriate transition to the commercial areas to the east.

Another possible opportunity for expanded housing supply is located at the Kingsgate Park and Ride, immediately northwest of the Totem Lake Neighborhood, in the North Juanita Neighborhood. At this location, development of housing in conjunction with transit services, retail and commercial uses would provide additional housing supply, support transit usage, increase the possibility for greater affordability and contribute to the vitality of the neighborhood. Because the Kingsgate Park and Ride is in the North Juanita Neighborhood, land use at this location is not considered in this plan. The potential for redevelopment of this site, however, should be considered at the future appropriate time.

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***Goal TL-27: Encourage housing that is affordable to the local workforce and meets diverse housing needs.***

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***Policy TL-27.1:***

Develop a variety of incentives and other measures to encourage development of affordable housing.

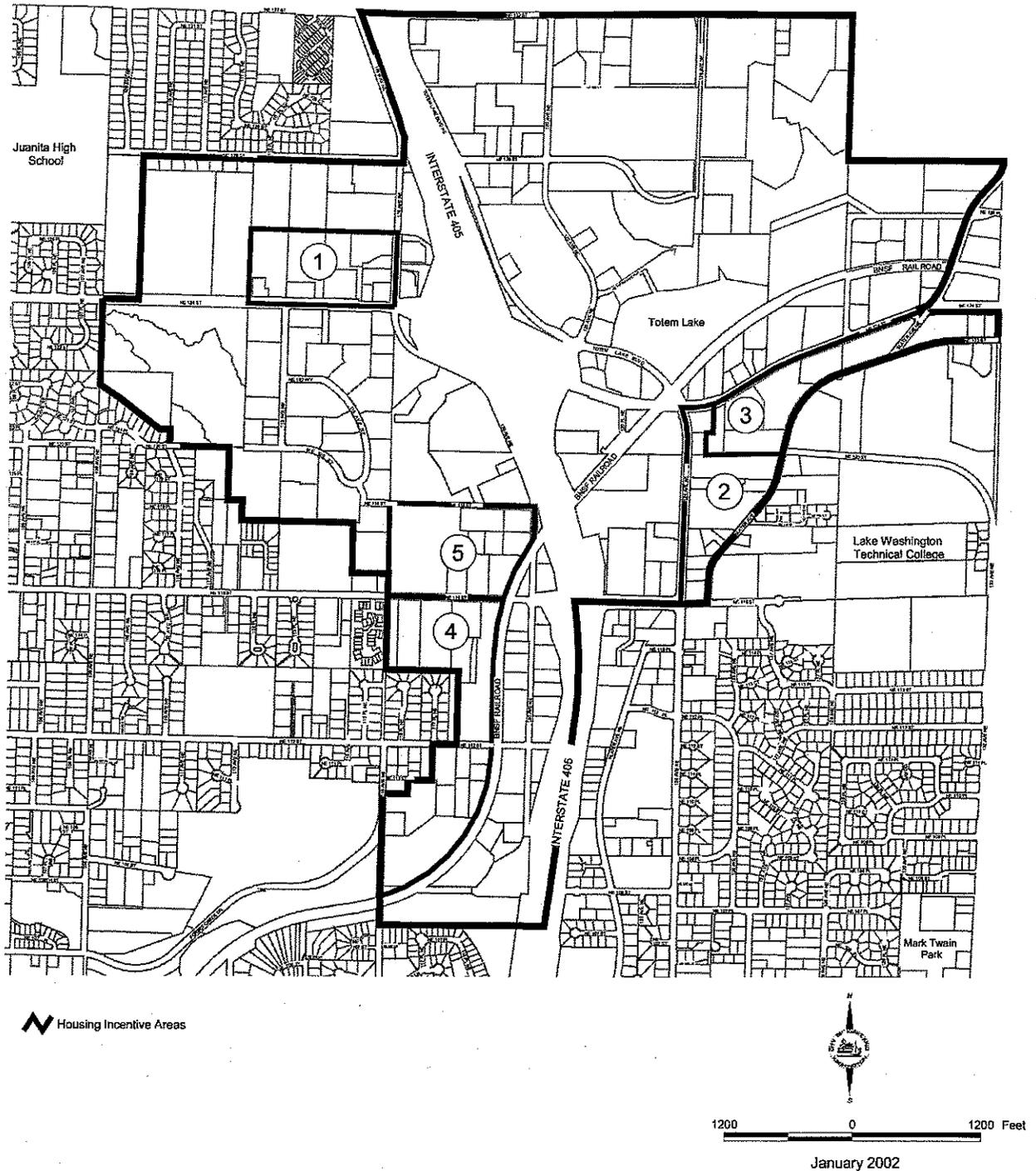
The Totem Lake Neighborhood provides an important source of housing that is affordable to local service and office employees. Zoning and regulatory incentives can help make housing more affordable to low to moderate income households. Additional incentives, such as bonus densities, public funding programs, public land donations, and development fee waivers, may also be needed to develop affordable housing projects. Similarly, partnerships with other public agencies and the private sector can introduce more diverse resources, which can help fund affordable housing. An assortment of affordability measures should be developed to help support housing projects in the Totem Lake Neighborhood.

***Policy TL-27.2:***

Provide incentives that encourage variety in housing style, size and services.

The Totem Lake Neighborhood provides a range of housing types, including ownership and rental multi-family housing, and senior and assisted housing. Incentives should be developed to encourage continued variety in housing types, such as housing in mixed-use developments and housing oriented to use of transit facilities. Incentives could include reduced parking requirements for housing, increases in the floor area allowed for housing, and additional height where appropriate.

Mixed-use housing is another housing option that can increase housing opportunity and add vitality to the neighborhood. Incentives for mixed-use housing are provided in Totem Center.



**Figure TL-7: Totem Lake – Housing Incentive Areas**

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## XV.H. TOTEM LAKE NEIGHBORHOOD HOUSING/TRANSPORTATION

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**Policy TL-27.3:**

Monitor the effectiveness of regulations and incentives in achieving affordability and diversity objectives, and adjust techniques where necessary to obtain success.

The city should regularly monitor the effectiveness of its regulations and incentives in achieving its housing objectives. If needed, regulations and strategies should be changed, or new strategies developed, if the desired number of housing units are not built or if there is insufficient choice in the style, size or cost of housing.

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**Goal TL-28: Provide for sufficient residential density to support and benefit from transit opportunities and to increase the likelihood of greater affordability.**

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In the Totem Lake Neighborhood, highest residential densities are focused in Totem Center. In this District, minimum residential densities of 50 units per acre help satisfy housing demand generated by growing employment areas, reduce dependency on the automobile through improved access to transit, shopping and employment, and increase the potential for improved affordability by increasing overall supply. Please refer to the Totem Center policies for a more specific discussion of Totem Center residential policies.

### 9. TRANSPORTATION

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**Framework Goal: Improve circulation within and through the neighborhood.**

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The concentration of economic activity in the Totem Lake Neighborhood requires an efficient transportation system. The neighborhood has an established network of streets that serve vehicular needs. I-405 provides regional access to the neighborhood. Principal arterials (NE 124th Street, 124th Avenue NE) connect Totem Lake with other regional locations such as Bellevue and Redmond.

Minor arterials (NE 116th Street, Totem Lake Boulevard, 132nd Avenue NE, NE 132nd Street, NE 120th Street) provide connections between principal arterials and serve as key circulation routes within the neighborhood. Collector streets distribute traffic from the arterials to local streets, giving access to individual properties.

The non-motorized system is less well established. In many areas, the pedestrian and bicycle facilities are missing, inconvenient or confusing to use. Sidewalk segments are missing and bicycle facilities are not developed in much of the neighborhood.

The transportation policies below are intended to provide mobility options for residents, workers, and visitors to the Totem Lake Neighborhood. While recognizing the need for some new general-purpose improvements, these options emphasize alternatives to the single-occupant vehicle as a cost-effective means to maintain mobility while minimizing the need for widened streets. Increase use of transit, ridesharing, and non-motorized facilities can help break the cycle of congestion and street widening while maintaining mobility within the neighborhood.

Citywide transportation policies are found in the Transportation Element. These policies, while not repeated here, are applicable to the Totem Lake Neighborhood.

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**Goal TL-29: Provide mobility within the neighborhood through: (1) efficient use of existing rights-of-way as the highest priority; and (2) expansion of arterials where the additional capacity is needed.**

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Over the past decade, the Totem Lake Neighborhood has experienced one of the highest rates of traffic growth in the city. Road improvements have not kept pace with this growth, contributing to significant peak hour traffic congestion. This increased congestion is partially due to growth in the neighborhood, but also due to expanding growth in travel passing through Totem Lake from other areas. In order to maintain mobility within the

**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:

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% of the total units in the development are affordable to households earning no more than 60% of 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.
  - 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.

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	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	Vehicle Service Station	D.R., Chapter 142 KZC. See Gen. Reg. 6.	22,500 sq. ft.	40'	15' on each side	15'	80%	35' above average building elevation.	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.	
See Spec. Reg. 2.													
.020	A Retail Establishment providing vehicle or boat sales or vehicle or boat service or repair. See Spec. Reg. 3.		None	10'	0'	0'						1. This use is not permitted in the TL 6B zone. 2. Outdoor vehicle or boat parking or storage areas must be buffered as required for a parking area in Chapter 105 KZC. See KZC 115.105, Outdoor Use, Activity and Storage, for further regulations. 3. Vehicle and boat rental and used vehicles or boat sales are allowed as part of this use.	
.030	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.								
.040	A Retail Establishment providing storage services. See also Spec. Reg. 1.									See KZC 105.25.	1. May include accessory living facilities for resident security manager.		

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	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	Any Retail Establishment, other than those specifically listed in this zone, selling goods, or providing services including banking and related financial services	D.R., Chapter 142 KZC. See Gen. Reg. 6.	None	10'	0'	0'	80%	35' above average building elevation.	B	E	1 per each 300 sq. ft. of gross floor area.	1. 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 directly related to and are dependent upon 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 uses.</li> </ol> 2. A delicatessen, bakery, or other similar use may include, as part of the use, accessory seating if: <ol style="list-style-type: none"> <li>The seating and associated circulation area does not exceed more than 10 percent of the gross floor area of the use; and</li> <li>It can be demonstrated to the City that the floor plan is designed to preclude the seating area from being expanded.</li> </ol>	

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	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						
.060	Office Use	D.R., Chapter 142 KZC. See General Regulation 6.	None	10'	0'	0'	80%	35' above average building elevation.	C	D	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.	1. 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 that noise from this use will not be audible off the subject property. A certification to this effect, signed by an acoustical engineer, must be submitted with the development permit application.</li> </ol> 2. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: <ol style="list-style-type: none"> <li>The ancillary assembled or manufactured goods are subordinate to and dependent on this use.</li> <li>The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.</li> </ol>	
.070	Hotel or Motel								B	E	1 per each room. See also Spec. Reg. 2.	1. May include ancillary meeting and convention facilities.                     2. 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.	
.080	A Retail Establishment providing entertainment, recreational or cultural activities										1 per every 4 fixed seats.		
.090	Private Lodge or Club								C	B	1 per each 300 sq. ft. of gross floor area.		

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 General Regulation 6.	None	10'	0'	0'	80%	35' to 65' above average building elevation. See Spec. Reg. 2.	D	A	See KZC 105.25.	<ol style="list-style-type: none"> <li>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, <u>provided however there shall be no such restriction on ground floor residential use in TL 6A where over 80% of the total units in the development are affordable to households earning no more than 60% of King County median income (note that the requirements of Special Regulation 2.b. do not apply to this type of development).</u></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 exceeds 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>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> </li> <li>Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.</li> </ol>	

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	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	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>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 be in residential use within 250 feet of 124th Avenue NE or NE 124th Street, <u>provided however there shall be no such restriction on ground floor residential use in TL 6A where over 80% of the total units in the development are affordable to households earning no more than 60% of King County median income (note that the requirements of Special Regulation 4.b. do not apply to this type of development).</u></li> <li>4. Maximum building height may exceed 35 feet above average building elevation if:               <ol style="list-style-type: none"> <li>a. No portion of a structure on the subject property within 40 feet of Slater Avenue exceeds 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>b. At least three stories of the building are dedicated to residential use; and</li> <li>c. 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 22 KZC).</li> </ol> </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 subordi-</li> </ol> </li> </ol>	

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Section 55.45

Zone  
TL 6A,  
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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						
.120	Wholesale Trade See Spec. Reg. 1.  Packaging of Prepared Materials  Wholesale Printing or Publishing  Industrial Laundry Facility	D.R., Chapter 142 KZC. See Gen. Reg. 6.	None	20'	0'	0'	80%	35' above average building elevation.	A	C	1 per each 1,000 sq. ft. of gross floor area.	<ol style="list-style-type: none"> <li>This use is only allowed on property in TL 6A.</li> <li>May include, as part of this use, accessory retail sales or service.</li> <li>The building housing the use shall have been in existence on December 31, 2005, 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.</li> <li>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.</li> </ol>	
.130	Church			10'	5' on each side	10'			C	B	1 for every 4 people based on maximum occupancy load of any area of worship. See also 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>	

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USE ZONE CHART

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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						
.140	School, Day-Care Center, Mini-School or Mini-Day-Care Center	D.R., Chapter 142 KZC. See Gen. Reg. 6.	None	10'	0'	0'	80%	35' above average building elevation.	D	B	See KZC 105.25.	<ol style="list-style-type: none"> <li>1. A six-foot-high fence is required only along the property lines adjacent to the outside play areas.</li> <li>2. Hours of operation may be limited to reduce impacts on nearby residential uses.</li> <li>3. Structured play areas must be set back from all property lines as follows:                             <ol style="list-style-type: none"> <li>a. Twenty feet if this use can accommodate 50 or more students or children.</li> <li>b. Ten feet if this use can accommodate 13 to 49 students or children.</li> <li>c. Five feet for a Mini-School or Mini-Day-Care Center.</li> </ol> </li> <li>4. An on-site passenger loading area must 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 nearby residential uses.</li> <li>5. May include accessory living facilities for staff persons.</li> <li>6. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses.</li> <li>7. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).</li> </ol>	

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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						
.150	Assisted Living Facility Convalescent Center Nursing Home			Same as the regulations for the ground floor use. See Spec. Reg. 2.					A	Assisted Living: 1.7 per independent unit. 1 per assisted living unit. Convalescent Center or Nursing Home: 1 per bed.	<ol style="list-style-type: none"> <li>1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility.</li> <li>2. This use may not occupy more than 10 percent of the ground floor of a structure.</li> <li>3. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use.</li> </ol>		
.160	Public Utility	D.R., Chapter 142 KZC. See Gen. Reg. 6.	None	10'	0'	0'	80%	35' above average building elevation.	A	B	See KZC 105.25.	<ol style="list-style-type: none"> <li>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.</li> </ol>	
.170	Government Facility Community Facility								C See Spec. Reg. 1.				
.180	Public Park	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process.											

## 92.10 Site Design, Building Placement and Pedestrian-Oriented Facades

This section contains regulations which establish the location of a building on the site in relationship to the adjacent sidewalk, pedestrian pathway or pedestrian-oriented elements on or adjacent to the subject property.

1. Building Placement in JBD – All buildings must front on a right-of-way or through-block pathway (see Plate 34).
2. Pedestrian-Oriented Facades Defined for RHBD and TLN – To meet the definition of a pedestrian-oriented facade (see Figure 92.10.A):
  - a. The building's primary entrance must be located on this facade and facing the street. For purposes of this chapter, "primary entrance" shall be defined as the primary or principle pedestrian entrance of all buildings along that street. The primary entrance is the entrance designed for access by pedestrians from the sidewalk. This is the principal architectural entrance even though customers or residents may use a secondary entrance associated with a garage, parking area, driveway or other vehicular use area more frequently.
  - b. Transparent windows and/or doors must occupy at least 75 percent of the facade area between two and seven feet above the sidewalk.
  - c. Weather protection feature(s) at least five feet wide must be provided over at least 75 percent of the facade. This could include awnings, canopies, marquees, or other permitted treatments that provide functional weather protection.
3. Building Placement In RHBD and TLN
  - a. Building Location Featuring Pedestrian-Oriented Facades in RHBD and TLN Zones – Buildings may be located adjacent to the sidewalk of any street (except west of 124th Avenue NE), if they contain a pedestrian-oriented facade along that street frontage pursuant to the standards in subsection (2) of this section. As part of the Design Review process, required yards, setbacks or other development standards may be modified along the street frontage. Buildings not featuring a pedestrian-oriented facade along a street must provide a building setback of at least 10 feet from any public street (except areas used for pedestrian or vehicular access) landscaped with a combination of trees, shrubs, and groundcover per the requirements of supplemental landscape standards of KZC [95.40\(5\)\(b\)](#).