

January 16, 2012

Mr. Jon Regala
Senior Planner
City of Kirkland
123 5th Avenue
Kirkland, WA 98033-6819

RE: Totem Station Apartments
PUD Application Compliance

Dear Mr. Regala:

We hereby submit a revised application for Planned Unit Development (PUD) approval for the Totem Station Apartments proposal. This revised application makes minor revisions to the prior PUD submittal to the City. Totem Station is located in the NRH1A zoning district. The building will be a four-story¹ mixed use building with approximately 10,166 sf of commercial space and an apartment leasing office on the ground floor, and 108 apartments on the floors above. Two modifications have been requested for approval under the PUD. The first modification is to allow residential parking on the ground floor of the building in the parking garage. Due to an ambiguity in the zoning code related to the calculation of maximum floor height, a second modification is requested to allow an increase in the floor to floor height for the residential levels, and for the ground floor, which will contain a mix of office and retail uses.

Project Description

The Totem Station Apartments project will create a significant new development on a currently vacant lot fronted by NE 115th Place, 124th Avenue NE and NE 116th Street in the North Rose Hill neighborhood. It will provide housing closer to where people work, help minimize auto-dependence and provide affordable workforce housing to complement the more intensely developed commercial uses of the Totem Lake Urban Center where 36% of the Kirkland's jobs are located.²

The residential element of the development is a mix of 108 studio, 1 bedroom and 1 bedroom loft apartments. The ground floor will consist of approximately 11,000 sf of space that will provide a variety of small to medium sized space for commercial tenants and an apartment leasing office. The location of the site along the 124th Avenue NE arterial provides desirable visibility for commercial tenants and the proposed on-street parking along NE 115th Place and 124th Avenue NE ensures the easy access required for successful retail businesses.

Eighty-four ground floor parking stalls are located within the garage of the building behind the commercial space. An additional 28 stalls are provided in a surface parking lot to the

¹ The building will be four stories with the exception of 3 loft apartments on the fourth level that will extend to a fifth story.

² 36% of City of Kirkland Jobs are located in the Totem Lake Urban Center as noted in the City's December 2010 Totem Lake bulletin, "On Track."

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south and west of the building and 16 stalls are provided on street at NE 115th Place and 124th Avenue NE for a total of 128 parking stalls. The parking provided by the project will be shared among both residential and commercial uses.

Modifications Requested

Modification # 1 - Allow Residential Parking on Ground Floor of the Structure,

KZC 54.06.090 (special regulation 1) does not allow stacked dwelling unit uses to be located on the ground floor of a structure in the NRH1A zoning district. The residential apartments proposed are considered a stacked dwelling unit use. The residential units are located above the ground floor of the structure in accordance with the code. The code only allows ground floor residential parking if it is located outside of the structure on a surface parking lot. The project includes a small area of outdoor surface parking. However, most of the parking is located within the garage of the structure and it is designed to be shared by the residential and commercial uses. The code does not allow the residential tenants to use the garage parking. Therefore, we are requesting a modification so that the proposed ground floor parking located within the garage of the structure may serve the residential portion of the building.

The project has multiple objectives, one of which is to provide affordable work-force housing. As stated previously, Totem Station is located immediately adjacent to Totem Lake which is designated as an Urban Center where over a third of the City's jobs are located. As discussed more fully below one of the goals of the comprehensive plan (Policies LU-5.6 and NRH19.1) is to encourage increased residential development in North Rose Hill Business District 1A to help meet housing needs in the area. Locating the majority of the parking spaces within the structure as opposed to consuming a large part of the site with surface parking allows the site to accommodate a significantly larger number of housing units. Expansion of the surface parking to accommodate the residential use would greatly reduce the number of residential units that could be constructed. (See Exhibit A attached hereto.) The reduced number of units would likely increase rental rates. Parking would need to be located below grade to retain the 108 residential unit count proposed for Totem Station. However, that is not an economically viable alternative because rents would not support the increased cost to the project.³ By co-locating residential and commercial parking within the interior of the structure, construction costs will be minimized, housing will be maximized and residential rents will be more affordable.

Another goal of the project is to promote sustainability and to construct only the amount of parking that is needed to support the residential and commercial uses. Surface parking is land consumptive as illustrated by Exhibit A. The use of shared parking by the residential and commercial uses within the garage of the structure minimizes the use of the site for surface parking while providing sufficient parking to accommodate all uses.

Finally, the building design locates ground floor commercial retail and office uses along the project frontages on NE 115th Place and 124th Avenue NE. The project design is intended to activate the adjacent sidewalks to support those uses, while screening most of the ground level parking within the building. The proposed design is far more aesthetically

³ The 2011 ULI Technical Assistance Panel Recommendations for the Totem Lake area concluded that "today's rents do not support structured parking" (see page 9).

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pleasing and inviting than a design that paves a large portion of the site with surface parking. The design provides convenient, accessible parking for the commercial uses by providing multiple parking options including on-street parking, parking within the building or on the small surface lot.

Modification #2 - Increase in Floor to Floor Building Height for Residential and Ground Floor Office Uses.

The proposed project is located in the NRH1A zoning district. The proposed peaked roof building will be comprised of ground floor commercial (both office and retail) and three stories of residential units with the exception of three loft apartments located on the fourth floor which have lofts that extend to a fifth story. The zoning code allows the building to have a total height of 63' as measured from the midpoint of the frontage of the property on NE 115th Place to the top of roof peak.⁴ The highest roof peak of the proposed building will be approximately 62' high.

However, the section of the code addressing building height also appears to set maximum floor heights based upon the type of use. KZC 54.04.2.b.ii and iii state in pertinent part:

2. *In cases where the height of a structure is specified in number of stories, the following applies:*
 - b. *The following heights per story are allowed:*
 - i. *Ground floor retail . . . shall be a minimum of 13 feet in height and a maximum of 15 feet.*
 - ii. *Office . . . shall be a maximum of 13 feet.*
 - iii. *Residential . . . above the ground floor shall be a maximum of 10 feet.*

It could be interpreted that the building's proposed ground floor height of approximately 14' feet for the retail and office uses and the proposed 11' floor height for the residential floors are inconsistent with the code's maximum floor height limits of 13' for ground floor office and 10' for residential uses.

The City's response to the September 8, 2011 updated PUD application states that "[t]hat the Totem Station proposal, in terms of height regulation, is consistent with how the regulation has been applied for previous projects which established maximum height in terms of number of stories" and therefore this modification would be addressed by staff in a memo instead of as part of the PUD. The applicant still believes that the KMZ is ambiguous with respect to maximum office and ground floor retail floor heights. Therefore, due to the ambiguity in the code language we hereby request a modification to allow the ground floor office to have the same floor height as ground floor retail (minimum of 13' and maximum of 15') and to allow the residential portion of the development to have a floor height of 11' per residential story.

The modification for the residential use is requested in order to provide the construction flexibility necessary to achieve 9' apartment ceiling heights. A 9' ceiling height makes the units feel larger and provides a more attractive living space. The residential levels of the

⁴ KZC 54.04.2.a provides that "height is measured at the midpoint of the frontage of the subject property on the abutting right-of-way. If the site abuts more than one right-of-way, the applicant may select the right-of-way from which to measure".

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building will be constructed of wood using either modular construction or site framed construction. The building components of a modular system require a 2' depth from the ceiling of one level to the finished floor of the level above. If the building is site framed, the floor system requires a 14" joist system resulting in a depth of approximately 16" from the ceiling of one level to the finished floor of the level above. Without a modification to the code limitation of 10' floor to floor height, the ceiling height would need to be less than 9' to accommodate these floor system depths.

The modification for maximum ground floor office height is requested in order to provide the flexibility to accommodate both retail and office uses on the ground floor with the same floor height. The code appears to set a minimum height of 13' and a maximum of 15' for ground floor retail while limiting maximum ground floor office height to 13'. In order to attract retail uses which prefer a higher floor height, the first floor would be constructed at a height of approximately 14'.⁵ The modification is requested in order to ensure that both retail and office uses can be located on the ground floor.

While the proposal does increase floor to floor height, the total building height to roof peak will be less than the maximum height allowed under the code.

Compliance with PUD Criteria

The proposed project complies with the criteria for approval of a Planned Unit Development. Pursuant to KZC 125.35 the following criteria must be met:

- 1) *The proposed PUD meets the requirements of this chapter.*

Compliance: The application is consistent with all of the requirements of KZC Chapter 125 – Planned Unit Development.

- 2) *Any adverse impacts or undesirable effects of the proposed PUD are clearly outweighed by specifically identified benefits to the residents of the City*

Compliance: The requested modification does not create any adverse or undesirable impacts and has significant benefits to the residents of the City.

Adverse Impacts:

"Adverse or undesirable impacts" is not defined in the code and therefore requires a somewhat subjective analysis. One can presume an impact is adverse if it contravenes the intent of the code. Code provisions are adopted based upon perceived benefits. KZC 54.06.090 special regulation 1 precludes stacked dwelling unit uses within the ground floor of a structure in the NRH1A zone.⁶

⁵ The retail space on the northeast corner of the building will have a ceiling height of approximately 22'. However, the property slopes down from NE 115th Place. As measured from the midpoint of that frontage per KZC 54.04.2.a, the story height complies with the maximum 15 foot height limit.

⁶ The regulation states: "1. This use [stacked dwelling units] may not be located on the ground floor of a structure."

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One interpretation of this code provision is that the intent was to prohibit locating the dwelling unit itself on the ground floor, but not the associated parking. The City does not interpret the code in this manner. If that were the intent, the requested modification would not be necessary. We understand, however, that staff is reviewing this provision as part of a zoning code review and evaluating whether it should be amended.

Another reasonable interpretation of this code provision is that the purpose is to maximize the commercial uses by precluding any residential use on the ground floor of the structure (i.e. the dwelling units and the associated parking).⁷ If that is the purpose of this code provision, a reduction in commercial space would be a negative or adverse impact.

In order to ascertain how the removal of the residential parking from the garage would affect the development, a conceptual alternative was developed and is set out in Exhibit A hereto. Exhibit A illustrates one scenario of development that could occur on the site if the code is strictly applied and the ground floor of the structure is limited to commercial uses, including parking for those uses. As reflected in Exhibit A the amount of commercial space proposed by the applicant remains unchanged if all residential parking is eliminated from the parking garage within the structure and the garage parking is allocated solely to the commercial use. The residential use is parked outside of the structure on a surface parking lot as allowed by the code. Although the amount of commercial development space remains unchanged, the number of residential units is reduced to 66 from the 108 units currently proposed. As discussed previously, below grade parking could, in theory, be used to accommodate the residential use in order to retain the same number of residential dwelling units proposed for Totem Station. However, below grade parking is not economically viable. Furthermore, below grade parking would not increase the amount of commercial space. It would simply add more parking. Adding more below grade parking would obviate the need to share parking among uses, but it is wasteful and unnecessary. While it might eliminate the need to include the on-street parking to accommodate the peak parking period for the project (which occurs on Saturday night at 11 pm), the fact is that a large number of users prefer to park on the street and the applicant believes that the on-street parking is critical for the success of the commercial portion of the development.

Based upon all these factors, the applicant believes that the proposed modifications requested in the PUD do not create any adverse or undesirable impacts.

Project Benefits:

The proposed project will provide many benefits to the residents of the City, including the following:

- *Affordable Work Force Housing:* By providing smaller, more affordable units and keeping construction costs down, Totem Station will help to address the

⁷ Maximizing commercial space at the expense of a loss in residential units arguably conflicts with Comprehensive Plan Policy LU-5.6 and NRH 19.1. LU-5.6 states: *Encourage increased residential capacity in the North Rose Hill Business District to help meet housing needs.* NRH 19.1 states in pertinent part: *This area should have a regional commercial character that promotes the residential development that is being encouraged to locate there. Uses should be compatible with residential development.*"

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housing needs of the adjacent employment center of Totem Lake. In addition to the overall goal of providing work force housing, the project will also participate in the City of Kirkland's Affordable Housing program under KMC Chapter 5.88. Totem Station will provide 11 units (10%) as affordable apartments at the 80% of medium income level. This provides affordable housing at a level defined as low income by the 2011 HUD Income Guidelines (See Exhibit B). This will be a long term benefit to the City because those apartment units will remain in the affordable program for the life of the project.

- *Pedestrian Oriented Plaza:* The project provides a south facing open plaza area with a sunny southern exposure which will compliment the pedestrian street orientation of the project. The plaza is intended to be a flexible space to accommodate multiple uses. Permanent planters and accent trees will anchor the space while movable planter boxes and seating will be utilized to adjust the space to changing uses over time. It will be a user friendly space and a desirable gathering place. The plaza is a unique amenity in the North Rose Hill community and is expected to attract many types of users. The plaza could have limited reserved areas for businesses (e.g. seasonal outdoor seating for restaurants or special events). It will provide a significant benefit to members of the public, including the patrons and employees of the future businesses and tenants of the building.
- *Urban Forest:* The proposal will include creation of an urban forest in the southwestern portion of the site. This "urban forest" concept and its location were established by the prior developers of the adjacent Luna Sol building and the City during permit review for the Luna Sol project. We are voluntarily proposing to include this amenity. It will provide a visual amenity to the public at large by including a green space in an urban environment. This area will consist of new and existing trees, shrubs, ground cover, off-leash dog area and retention of existing trees. A code required public pedestrian path will be integrated into the urban forest design.
- *Off-Leash Dog Area:* The off-leash dog area element of the Urban Forest provides a significant benefit to the residents of the community. Urban renters increasingly want to live in a building where pets are allowed. Pet owners need an area to walk their pets. Without this amenity residents have few options within the immediate vicinity. This space will reduce impacts on the publically owned park system. This is in addition to the \$271,620 in park impact fees that will be required of the project.
- *Superior Urban Streetscape:* The project proposes a superior urban streetscape which is a benefit to the residents of the City. In addition to the frontage improvements that are required by the City, the Totem Station development is voluntarily constructing 16 parallel parking stalls along the NE 115th Place and 124th Avenue NE frontages. The proposed on-street parking results in a design that better protects pedestrians by separating them from the moving lanes of traffic. Locating highly visible parking in front of the building's commercial uses will promote the success of those businesses. Additionally, the sidewalk proposed along NE 115th Place will be widened to over 10' in width, exceeding

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code requirements. These elements of the design approach contribute toward the creation of a community focused retail experience with a pedestrian orientation. Successful retail along these streets will contribute to the vibrancy of the neighborhood as it redevelops.

- 3) *The applicant is required to provide one or more of the benefits set out in KZC 125.35.3 to the City as part of the proposed PUD:*

Compliance: The applicant is providing the following benefits:

- *KZC 125.35.3(a): Public facilities that could not be required by the City for development of the subject property without a PUD.*

The Totem Station project will voluntarily provide the construction of on-street frontage improvements and parallel parking stalls that would not otherwise be required.

124th Avenue NE Frontage Improvements:

The City is requiring removal and reconstruction of the existing sidewalk along the project frontage on 124th Avenue NE at a location 6' further west than currently located. No right-of way dedication, road widening or other road improvements are required.

The City plans to widen 124th Avenue NE and install a second northbound left turn at some point in the future. The City would relocate the existing curb and associated storm water utilities 6' further to the west as part of that widening.

The Totem Station project will widen 124th Avenue NE and add 9 parallel parking stalls. The project will also relocate the curb and storm water utilities which would otherwise not happen until the City did that work as part of the addition of the second northbound lane. The road widening, parking stalls, relocated curb and a portion of the sidewalk will be located within the existing public right-of-way. A public right-of-way easement will be granted by the property owner to encompass the portion of the sidewalk lying outside of the existing right-of-way.

NE 115th Place Frontage Improvements:

The City is requiring construction of curb, 4.5' planter and 5' sidewalk along NE 115th Place. The road is required to be widened to 44' from the new curb to the existing curb on the opposite side of the road. Right-of way dedication has been requested to encompass the width of the improvements. The resulting dedication would add approximately 2.5' to the right-of-way width.

The Totem Station project as proposed will widen the paved portion of the road to accommodate the 44' width as required by the City and will, in addition, further widen the road to provide for 7 parallel parking stalls. Consistent with the pedestrian emphasis of the project, the proposal will also voluntarily widen the sidewalk along the added parking from 5' to more than 10' in width. The road widening, parking stalls, curb and a portion of the planter strip will be located within the public right-of-way. A right-of-way easement will be granted by the property

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owner to encompass the planter strip and that portion of the first 8' of sidewalk lying outside of the right-of-way.

- *KZC 125.35.3(d): The design of the proposed PUD is superior in one or more of the following ways to the design that would result from development of the subject property without a PUD:*

1) Increased provision of open space or recreational facilities

The project will provide the urban forest as mentioned above. The urban forest will provide a large area of contiguous usable open space. Within the urban forest will be an off-leash dog area that will provide a recreational space for pet owners. The urban forest will provide visual relief to residents, employees and the public at large in a denser urban environment.

Additionally, the proposal will include a 2nd floor garden terrace for the use of the building tenants for passive recreation. Located between the east and west residential "buildings", the terrace will be landscaped with roof top planters and furnished with benches, deck furniture, and barbecues.

2) Superior circulation patterns or location or screening of parking facilities.

The project promotes superior pedestrian circulation by providing a superior urban streetscape along its frontages on NE 115th Place and 124th Avenue NE as discussed above. The increased sidewalk width and the addition of on-street parking result in greater protection of pedestrians, traffic calming and potential for successful pedestrian oriented businesses on the ground floor of the building.

3) Superior architectural design, placement, relationship or orientation of structure.

The proposed Totem Station design is superior to that which would otherwise be required by code.

Under the requirements of the Kirkland Zoning Code, the project is subject to review by the City's Design Review Board ("DRB") for consistency with the City design guidelines. On August 1, 2011 the Design Review Board issued approval for the Totem Station proposal. The proposal not only meets the requirements of the City design guidelines and regulations, it also provides a design superior to that which would otherwise be required.

Though it did not turn out to be a viable project, the Mastro Properties development application for the Totem Station property was approved by the DRB on April 7, 2007. The Mastro proposal provides a good comparison of what could otherwise be constructed on this site. We believe the Totem Station design is superior to the Mastro proposal in a number of ways. The following are three examples.

(i) **Scale and Massing:** The Totem Station proposal provides an effective transition from the commercial uses of Totem Lake Urban Center to the lower density residential uses located to the south of the site. The majority of the Totem Station

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building is proposed as four stories with only the three towers extending to a fifth story. Totem Station utilizes a well-modulated roof line with a mixture of dormers and gables which help break the massing into perceived smaller scale proportions. The pitched roofs of Totem Station provide the feel of a four story building from the street level. The Mastro project proposed a five story building which only utilized a single roof form. The result of the Totem Station approach is well mitigated massing, better scale and a more appropriate relationship to the context of the site.



Totem Station - Perspective Looking NE



Mastro Properties – Perspective Looking NE

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(ii) Pedestrian Plaza: The Totem Station pedestrian plaza is located at the NE 115th Place site frontage. It is oriented such that it has a welcoming sunny southern exposure surrounded on three sides by the adjacent retail uses of the building. This relationship to the building and the lower traffic volumes on NE 115th Place will create an inviting space. The Mastro application included court yards as well. However, these court yards were located on the busy arterials of 124th Avenue NE and NE 116th Ave. The courtyards would have been exposed to significant noise from these high traffic streets. The lack of sunlight for those courtyards with a northerly exposure and the noise from the traffic would not have provided a welcoming environment. The proposed Totem Station courtyard is far more likely to be used and to become a gathering space for tenants and the public at large.

(iii) Superior Urban Streetscape: The Mastro project proposed the standard required frontage improvements along NE 115th Place and 124th Avenue NE which did not include on-street parking. As discussed further above, Totem Station proposes a superior urban streetscape by further widening these streets and adding parking to create a more vibrant retail environment and pedestrian oriented streetscape.

Consistency with Comprehensive Plan Policies

The proposal is consistent with the City's Comprehensive Plan, including the following policies:

- Comp Plan Policy LU-5.6: *Encourage increased residential capacity in the North Rose Hill Business District to help meet housing needs:*

By effectively introducing higher residential uses into the NRHBD Totem Station provides an effective alternative to the lower densities of the surrounding neighborhood while also providing a logical transition to the higher commercial densities of Totem Lake to the north.

- Comp Plan Policy H-2: *Promote the creation of affordable housing and provide for a range of housing types and opportunities to meet the needs of all segments of the population:*

By having smaller more affordable units and keeping construction costs down Totem Station will address the employment needs of adjacent Totem Lake businesses, surrounding employers accessible by transit as well as tenants on a fixed income. The project will also provide 10 units of affordable housing under the City of Kirkland's affordable housing program.

- Comp Plan Policy H-2.7: *Create flexible site and development standards which balance the goals of reduced housing development costs with other community goals:*

Unlike many higher density multifamily buildings, parking for all residents will be located at ground level rather than in a more expensive below grade garage in order

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to reduce costs and provide more affordable housing. The majority of the parking will be screened by the commercial portion of the building and the building cladding and landscaping. This approach enables the project to provide badly needed work force housing at a more affordable cost in an attractive setting that will be an asset to the neighborhood. The ground floor parking will also provide more convenient accessible parking for and help stimulate the commercial ground floor uses.

- Comp Plan Policy ED-3.5: *Encourage mixed-use development within commercial areas:*

With the proposed modifications, Totem Station will be able to attract a diverse mix of retail tenants that will be attractive to the residents of the building as well as residential and commercial neighbors.

Consistency with Design Guidelines for North Rose Hill Business District

The proposal is also consistent with the *Purpose of the Design Guidelines for North Rose Hill Business District* as established in the *Design Guidelines: Pedestrian-Oriented Business District*.

Design Guideline excerpts:

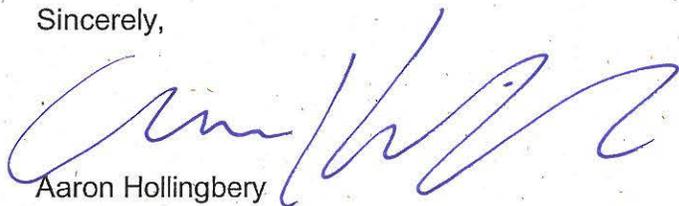
- *Development in the North Rose Hill Business District (NRHBD) is to complement the Totem Lake neighborhood and encourage increased residential capacity to help meet housing needs.*
- *Commercial uses are to be limited to those that are compatible with the residential focus of the NRHBD.*
- *Provide transitions between commercial and residential uses in the neighborhood.*
- *Provide streetscape improvements that contribute to a sense of neighborhood identity and enhanced visual quality.*
- *Provide transitions between commercial and residential uses in the neighborhood.*
- *.....the focus of the NRHBD is on increasing residential capacity while accommodating supportive commercial uses, rather than developing into a destination retail business district....*

Totem Station will be a positive addition to the North Rose Hill Neighborhood. It will help address the need for affordable workforce housing to serve the Totem Lake Urban Center while creating an attractive building that will be an asset to the neighborhood. The size and location of the commercial spaces proposed will attract retail tenants that will be compatible with and support the residents of Totem Station and the surrounding community. The proposed mix of commercial and residential uses will serve to transition from the higher intensity commercial uses of the Totem Lake neighborhood to the north to the lower intensity residential uses of the North Rose Hill neighborhood.

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Thank you for your consideration of our Planned Unit Development proposal. Please feel free to contact me with any questions regarding our submittal.

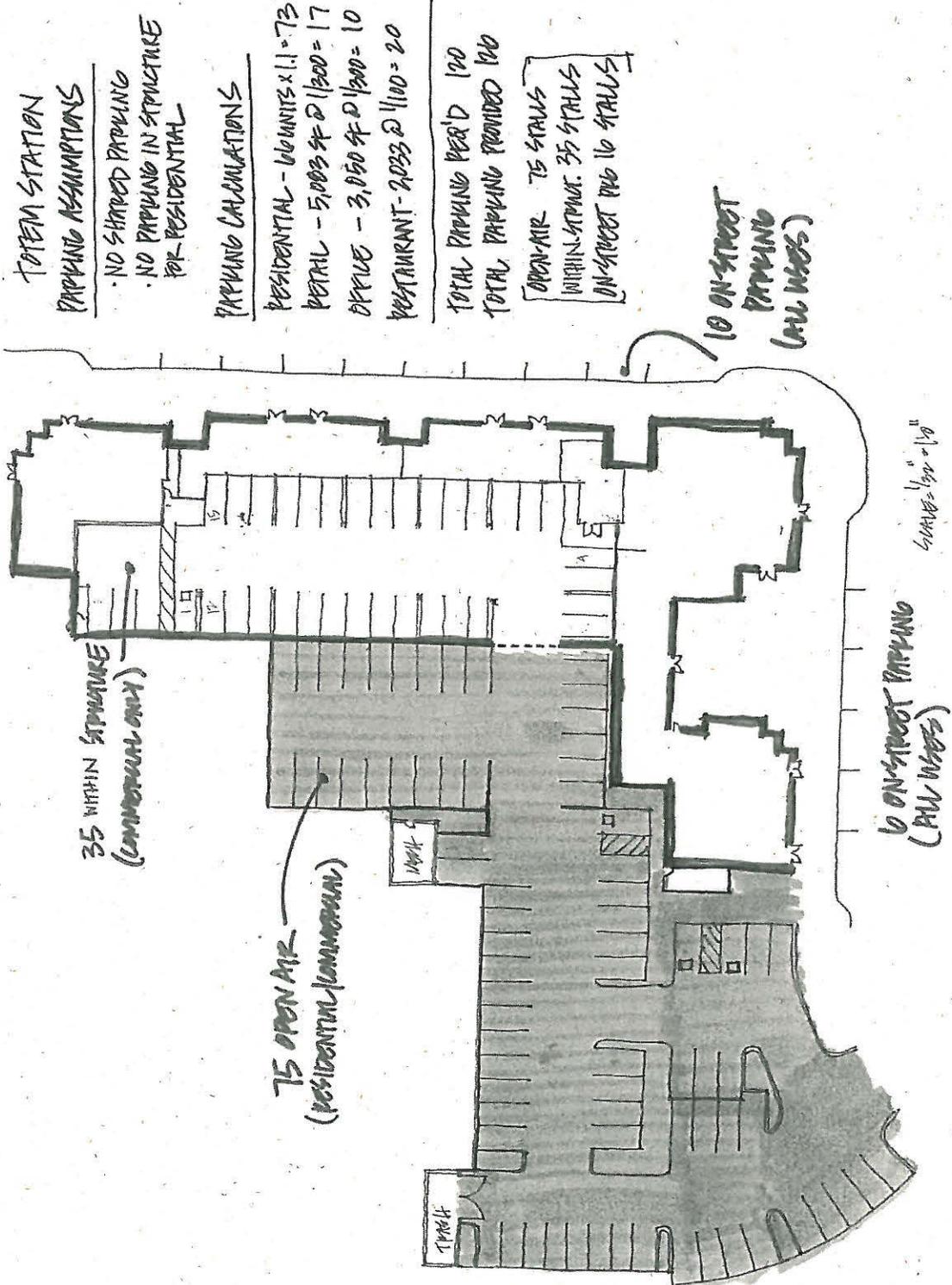
Sincerely,



Aaron Hollingbery

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Exhibit A
Alternative Parking Design



TOTEM STATION
PARKING ASSUMPTIONS

- NO SHARED PARKING
- NO PARKING IN STRUCTURE FOR RESIDENTIAL

PARKING CALCULATIONS

RESIDENTIAL - 60 UNITS x 1.1 = 73
PETHL - 5,000 SF @ 1/300 = 17
OFFICE - 3,050 SF @ 1/300 = 10
RESTAURANT - 2,033 @ 1/100 = 20

TOTAL PARKING PROVIDED 100
TOTAL PARKING PROVIDED 100

OPEN AIR 75 STALLS
WITHIN STRUCTURE 35 STALLS
ON-STREET 100 STALLS

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Exhibit B

2011 HUD INCOME GUIDELINES King County, Washington Median Family Income = \$86,800 Effective June 1, 2011			
FAMILY SIZE	30% MEDIAN EXTREMELY LOW-INCOME	50% MEDIAN VERY LOW-INCOME	80% MEDIAN LOW-INCOME
1	\$18,250	\$30,400	\$44,950
2	\$20,850	\$34,750	\$51,400
3	\$23,450	\$39,100	\$57,800
4	\$26,050	\$43,400	\$64,200
5	\$28,150	\$46,900	\$69,350
6	\$30,250	\$50,350	\$74,500
7	\$32,350	\$53,850	\$79,650
8	\$34,400	\$57,300	\$84,750

<http://www.huduser.org/portal/datasets/il/2011/2011summary.odn>

<http://www.huduser.org/portal/datasets/il.html>

2011 Income Limits – June 1, 2011

CHAPTER 54 – NRH BUSINESS DISTRICT (NRHBD) ZONES

54.02 User Guide.

The charts in KZC [54.06](#) contain the basic zoning regulations that apply in the NRHBD 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 54.04

**Section 54.04 – 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. In cases where the height of a structure is specified in number of stories, the following applies:
 - a. Height measured at the midpoint of the frontage of the subject property on the abutting right-of-way. If the site abuts more than one right-of-way, the applicant may select the right-of-way from which to measure.
 - b. The following heights per story are allowed:
 - i. Ground floor retail; ground floor restaurant and tavern; ground floor entertainment/cultural and/or recreational facility shall be a minimum of 13 feet in height and a maximum of 15 feet.
 - ii. Office; private club or lodge; church; school; day-care center; public utility, government facility, or community facility; public park, ground floor hotel or motel; retail above the ground floor shall be a maximum of 13 feet.
 - iii. Residential; hotel or motel above the ground floor shall be a maximum of 10 feet.
 - c. To determine the allowed height of a structure, determine the number of stories allowed in the use zone charts and apply the allowed height per story specified in subsection (2)(b) of this section. For example, if three stories are allowed and the proposed use is ground floor retail with two stories of residential above, the allowed height would be 35 feet.
 - d. Height shall be measured above the point of measurement (e.g., above average building elevation, or above right-of-way) as specified in the particular use zone charts. For purposes of measuring building height above the abutting right (s)-of-way, alleys shall be excluded.
 - e. In addition to the height exceptions established by KZC [115.60](#), the following exceptions to height regulations in NRHBD zones are established:
 - i. 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.
 - ii. For structures with a peaked roof, the peak may extend eight feet above the height limit if the slope of the roof is equal 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. A pedestrian connection should be developed to link Slater Avenue NE with NE 116th Street.

[link to Section 54.06 table](#)

This page of the Kirkland Zoning Code is current through Ordinance 4345, passed January 17, 2012.

Disclaimer: The City Clerk's Office has the official version of the Kirkland Zoning Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

City Website: <http://www.kirklandwa.gov/> (<http://www.ci.kirkland.wa.us/>)
City Telephone: (425) 587-3190
Code Publishing Company (<http://www.codepublishing.com/>)



USE ZONE CHART

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

Section 54.06	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)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.010	Office Use See Spec. Regs. 1 and 2.	D.R., Chapter 142 KZC.	None	10'	0'	0'	80%	2 stories above abutting right-of-way.	B	D	If a medical, dental, or veterinary office, then 1 per each 200 square feet of gross floor area. Otherwise, 1 per 300 square feet of gross floor area.	<ol style="list-style-type: none"> Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: <ol style="list-style-type: none"> The assembled or manufactured goods are subordinate to and are dependent upon this use. The outward appearance and impacts of this use with ancillary assembly or manufacturing must be no different from other office uses. The following regulations apply to veterinary offices only: <ol style="list-style-type: none"> May only treat small animals on the subject property. Outside runs and other outside facilities for the animals are not permitted. 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. A veterinary office is not permitted if the subject property contains dwelling units.
.020	Vehicle Service Station See Spec. Regs. 1 and 2.		22,500 sq. ft.	40'	15' on each side	15'			A	E	See KZC 105.25.	<ol style="list-style-type: none"> This use is permitted only if the subject property abuts NE 116th Street. May not be more than two vehicle service stations at an intersection. Gas pump islands must be setback at least 20 feet from all property lines. Canopies and covers over gas pump islands may not be closer than 10 feet to any property line. See KZC 115.105, Outdoor Use, Activity and Storage, for further regulations.
.030	Restaurant or Tavern		None	10'	0'	0'			B	D	1 for each 100 sq. ft. of gross floor area.	<ol style="list-style-type: none"> Drive-in or drive-through facilities are prohibited.
.050	Hotel or Motel							4 stories above abutting right-of-way.			1 per each room. See Spec. Reg. 2.	<ol style="list-style-type: none"> May include ancillary meeting and convention facilities. 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.

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

Section 54.06	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)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.060	Any Retail Establishment, other than those specifically listed in this zone and prohibited by Spec. Reg. 1, selling goods and providing services including banking and other financial services. See Spec. Reg. 2.	D.R., Chapter 142 KZC.	None	10'	0'	0'	80%	2 stories above abutting right-of-way.	B	D	1 per each 300 square feet of gross floor area.	1. The following uses and activities are prohibited: <ol style="list-style-type: none"> The sale, service, and/or rental of motor vehicles, sailboats, motor boats, and recreational trailers; provided, that motorcycle sales, service, or rental is permitted if conducted indoors. Retail establishments providing storage services unless accessory to another permitted use; Storage and operation of heavy equipment except normal delivery vehicles associated with retail uses. Outdoor storage of bulk commodities, except in the following circumstances: <ol style="list-style-type: none"> If the square footage of the storage area is less than 20 percent of the retail structure; or If the commodities represent growing stock in connection with horticultural nurseries, whether the stock is in open ground, pots, or containers. 2. This use may not exceed 60,000 sq. ft. of gross floor area.
.070	Automotive Service Center See Spec. Regs. 1, 2, 3, 5 and 6.								A		1 per each 250 sq. ft. of gross floor area. See Spec. Reg. 4.	1. This use specifically excludes new or used vehicle or boat sales or rentals, and any vehicle or boat body work. 2. This use may not exceed 60,000 sq. ft. of gross floor area. 3. No openings (i.e., doors, windows which open, etc.) shall be permitted in any facade of the building adjoining a residential use. Windows are permitted if they are triple-paned and unable to be opened. 4. Ten percent of the required parking spaces on-site must have a minimum dimension of 10 feet wide by 30 feet long for motor home/travel trailer use. 5. Storage of used parts and tires must be conducted entirely within an enclosed structure. Outdoor vehicle parking or storage areas must be buffered as required for a parking area in KZC 95.45. See KZC 115.105, Outdoor Use, Activity and Storage, for additional regulations. 6. Site must be designed so noise from this use adjoining to any residential use complies with the standards set forth in WAC 173-60-040(1) for a Class B source property and a Class A receiving property. A certification to this effect, stamped by an Acoustical Engineer, must be submitted with the development permit application.

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 54.06	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 YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.080	Private Lodge or Club	D.R., Chapter 142 KZC.	None	10'	0'	0'	80%	2 stories above abutting right-of-way.	C	D	1 per each 300 square feet of gross floor area.	
.090	Stacked Dwelling Unit See Spec. Regs. 1 and 2.		Same as regulations for the ground floor use.					5 stories above abutting right-of-way.	Same as regulations for the ground floor use.	A	See KZC 105.25.	1. This use may not be located on the ground floor of a structure. 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
.100	Church See Spec. Reg. 1		10'	0'	0'	80%	30' above average building elevation.	C	B	1 for every four people based on maximum occupancy load of any area of worship. See Spec. Reg. 2.	1. May include accessory living facilities for staff persons. 2. No parking is required for day-care or school ancillary to this use.	
.110	School or Day-Care Center See Spec. Regs. 2, 5, and 7.		10' See Spec. Reg. 3.	0' See Spec. Reg. 3.	0' See Spec. Reg. 3.		2 stories above abutting right-of-way. See Spec. Reg. 1.	D		See KZC 105.25. See Spec. Regs. 4 and 6.	1. A six-foot-high fence is required only along the property lines adjacent to the outside play areas. 2. Hours of operation may be limited to reduce impacts on nearby residential uses. 3. Structured play areas must be setback from all property lines as follows: a. Twenty feet if this use can accommodate 50 or more students or children; b. 10 feet if this use can accommodate 13 to 49 students or children; c. Otherwise, five feet. 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. 5. May include accessory living facilities for staff persons. 6. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses. 7. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).	

Section 54.06

Zone
NRH1A

USE ZONE CHART

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

Section 54.06	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 YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.120	Mini-School or Mini-Day-Care See Spec. Regs. 2, 6, and 7.	D.R., Chapter 142 KZC.	None	10' See Spec. Reg. 3.	0' See Spec. Reg. 3.	0' See Spec. Reg. 3.	80%	2 stories above abutting right-of-way. See Spec. Reg. 1.	D	B	See KZC 105.25. See Spec. Regs. 4 and 5.	<ol style="list-style-type: none"> 1. A six-foot-high fence is required only along the property lines adjacent to the outside play area. 2. Hours of operation may be limited to reduce impacts on nearby residential uses. 3. Structured play areas must be setback from all property lines by at least five feet. 4. 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. 5. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses. 6. May include accessory living facilities for staff persons. 7. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).
.130	Assisted Living Facility See Spec. Regs. 1 and 2.	D.R., Chapter 142 KZC.	None	Same as regulations for the ground floor use.			80%	5 stories above abutting right-of-way.	B	A	1 per assisted living unit.	<ol style="list-style-type: none"> 1. This use may be located on the street level floor of a building only if there is a commercial space extending a minimum of 30 feet of the building depth between this use and the abutting right-of-way. The Planning Director may approve a reduction to the depth requirement for the commercial space if the applicant demonstrates that the proposed configuration of the commercial use provides an adequate dimension for a viable retail tenant and provides equivalent or superior visual interest and potential foot traffic as would compliance with the required dimension. 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
.140	Convalescent Center or Nursing Home			10'	0'	0'		2 stories above abutting right-of-way.	C	B	1 for each bed.	<ol style="list-style-type: none"> 1. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with this use.
.150	Public Utility			A	B	See KZC 105.25.						
.160	Government Facility or Community Facility	C See Spec. Reg. 1.										
.170	Public Park	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process.										

