

**DRAFT****March 17, 2011**

**Chart for Residential (Mixed Use) Development ~~and Independent Parking Structure Uses~~  
(Otherwise use PO charts as modified)  
Yarrow Bay Business District 1 (YBD 1) USE ZONE CHART**

**56.05** **User Guide.** The charts in KZC 56.10 contain the basic zoning regulations that apply in the YBD 1 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 56.08 - GENERAL REGULATIONS**

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

1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.
2. In addition to the height exceptions established by KZC 115.60, the following exceptions to height regulations in the YBD 1 zone 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.

**USE ZONE CHART**

**Section 56.010**

- 1) Use: Attached or Stacked Dwelling Units:

See Special Regulations.

Required Review Process: DR, Chapter 142 KZC.

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Minimums:

Lot Size: None  
Required Yards:  
Front: 5' (see Special Regulation 2)  
Side: 0'  
Rear: 0'

Maximums:

Lot Coverage: 100%.  
Height of Structures: 53' above average building elevation.

Landscape Category: C

Sign Category: E. See Special Regulation 9.

Required Parking (See KZC 105.103):

- Residential use: 1.1 per unit. See KZC 105.25.
- Restaurant/tavern: 1 per 125 square feet of gross floor area
- Retail: 1 per 350 square feet of gross floor area
- Office: 1 per 350 square feet of gross floor area
- Entertainment, Cultural, Recreational: Chapter 105.25

**Special Regulations:**

1. The required minimum front yard for any portion of the structure containing parking facilities shall be 10'.
2. The front setback may be reduced to 0' where retail uses or other ground floor space is designed to provide direct pedestrian access to the street are located adjacent to a pedestrian oriented street, major pedestrian pathway or adjacent to a transit facility.
3. May include one or more of the other uses allowed in this zone.

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4. The following uses are prohibited:
  - a. Any retail establishment exceeding ~~7,500~~<sup>15,000</sup> square feet.
  - b. Drive-through facilities.
  - c. The outdoor storage, sale, service and/or rental of motor vehicles, sailboats, motor boats, and recreational trailers.
5. At least 50% of the linear frontage of the ground floor along NE 38<sup>th</sup> Place must include one or more of the following uses: Retail uses selling goods or providing services, including restaurants or taverns; Banking and Related Financial Services; School, Day-Care or Mini School or Mini Day-Care Center; Government Facility; Community Facility; and retail establishments providing entertainment, cultural and/or recreational activities. The required uses shall have a minimum depth of 20 feet and an average depth of at least 30 feet (as measured from the face of the building on the abutting right-of-way). The Design Review Board (or Planning Director if not subject to D.R.) may approve a minor reduction in the depth requirements if the applicant demonstrates that the requirement is not feasible given the configuration of existing or proposed improvements and that the design of the retail frontage will maximize visual interest. Lobbies for residential are allowed within this space subject to applicable design guidelines. The minimum ground floor story height for these uses shall be 13 feet.
6. Gross floor area constructed above the ~~first~~<sup>second</sup> floor must be dedicated to residential use.
7. Development of residential uses within the zoning district shall result in a minimum of 20 percent of total residential units being affordable with affordability levels as follows:
  - a. For rental housing:
    - o A minimum of 20 percent of the total residential units shall be affordable at 50% and 70% of median income, with a minimum of 10 percent of total residential units affordable at 50% of median income. Affordable rent levels will be determined using the same methodology used in the definition of Affordable Housing Unit in Chapter 5 KZC.
  - b. For ownership housing:
    - o A minimum of 20 percent of total residential units shall be affordable housing units as defined in Chapter 5 KZC.
8. The following additional regulations apply to affordable housing units included in development:

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- a. Alternative Affordability Levels – Subject to Director approval, an applicant may propose affordability levels different from those defined in this Chapter. In approving any different affordability levels, the Director shall use ratios similar to those in Chapter KZC 112.20.3.b.
- b. Affordable housing provided pursuant to this section shall also comply with the following sections of Chapter 112KZC: 112.15.4 (Rounding); 112.35.2 (Affordability Agreement)
- c. The following provisions of Chapter 112KZC do not apply to this zoning district: 112.15.5 (Alternative Compliance); 112.20 (Basic Affordable Housing Incentives); 112.25 (Additional Affordable Housing Incentives); 112.30 (Alternative Compliance).
- d. Other provisions for the affordable housing units and moderate income units include:
  - o The type of ownership of the affordable housing units shall be the same as the type of ownership for the rest of the housing units in the development.
  - o The affordable housing units shall consist of a range in number of bedrooms that are comparable to units in the overall development.
  - o The size of the affordable housing units, if smaller than the other units with the same number of bedrooms in the development, must be approved by the Planning Director. In no case shall the affordable housing units be more than 10 percent smaller than the comparable dwelling units in the development, based on number of bedrooms, or less than 500 square feet for a one-bedroom unit, 700 square feet for a two-bedroom unit, or 900 square feet for a three-bedroom unit, whichever is less.
  - o The affordable housing units shall be available for occupancy in a time frame comparable to the availability of the rest of the dwelling units in the development.
  - o The exterior design of the affordable housing units must be compatible and comparable with the rest of the dwelling units in the development.
  - o The interior finish and quality of construction of the affordable housing units shall at a minimum be comparable to entry level rental or ownership housing in the City of Kirkland.
- e. Applicants providing affordable housing units may request an exemption from payment of road impact fees for the affordable housing units as established by KMC 27.04.050.
- f. Applicants providing affordable housing units may request an exemption from payment of park impact fees for the affordable housing units as established by KMC 27.06.050.
- g. Applicants providing affordable housing units are eligible for exemption from various planning, building, plumbing, mechanical and electrical permit fees for the affordable housing and moderate income units as established in KMC 5.74.070 and KMC Title 21.

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- h. Property Tax Exemption – A property providing affordable housing units may be eligible for a property tax exemption as established in Chapter 5.88 KMC
- 9. Signs for a development approved under this provision must be proposed within a Master Sign Plan application (KZC 100.80) for all signs within the project.
- 10. ~~Regulations to address sustainability in development are under study. LEED Silver Certification or better.~~
- 11. ~~This use must be part of a development that includes an increase in the number of parking stalls available exclusively to users of the Park and Ride facility.~~
- 12. ~~Parking stalls to serve the use must be in addition to those provided as part of the expansion of capacity for the Park and Ride facility.~~
- 2) ~~Use: Independent Parking Structure~~  
~~(Standards to be developed. Likely issues: Building height, design guidelines, site design standards. See memo for discussion)~~