

ORDINANCE NO. O-4733

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE AND AMENDING THE KIRKLAND ZONING CODE (ORDINANCE 3719 AS AMENDED) INCLUDING CHAPTERS 5, 30, 112 AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. CAM19-00129.

1 WHEREAS, the City Council has received a recommendation
2 from the Kirkland Planning Commission to amend certain sections of the
3 Kirkland Zoning Code, as set forth in the report dated July 27, 2020 and
4 bearing Kirkland Planning and Building Department File No. CAM19-
5 00129; and
6

7 WHEREAS, prior to making the recommendation, the Kirkland
8 Planning Commission, following notice as required by RCW 36.70A.035,
9 on July 23, 2020, held a public hearing, on the amendment proposals
10 and considered the comments received at the hearing; and
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12 WHEREAS, pursuant to the State Environmental Policy Act
13 (SEPA), there has accompanied the legislative proposal and
14 recommendation through the entire consideration process, a SEPA
15 Addendum to Existing Environmental Documents was issued on July 9,
16 2020 by the responsible official pursuant to WAC 197-11-625; and
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18 WHEREAS, in regular public meeting the City Council considered
19 the environmental documents received from the responsible official,
20 together with the report and recommendation of the Planning
21 Commission.
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23 NOW, THEREFORE, the City Council of the City of Kirkland do
24 ordain as follows:
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26 Section 1. The following specified sections of the Kirkland
27 Zoning Code are amended to read as follows:
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29 Exhibit A, KZC Chapter 30, Office PR 1.8 Zones, to add a new
30 Government Facility Parking Structure use listing and related
31 development standards (Sections 30.20.295, 30.30.295,
32 30.40.295), and to add a new Transit Oriented Development
33 Containing Attached, Stacked Dwelling Units or Residential
34 Suites use listing and related development standards (Sections
35 30.20.300, 30.30.300, 30.40.300).
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37 Exhibit B, KZC Chapter 5, Definitions Section 5.10.023 to amend
38 Affordable Housing Unit Definition revision related to Transit
39 Oriented Development in the PR 1.8 zone.
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41 Exhibit C, KZC Chapter 112, Affordable Housing Incentives-
42 Multifamily Sections 112.15 and 112.20 revisions related to
43 Transit Oriented Development in the PR 1.8 zone.

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As set forth in Exhibit A-C attached to this ordinance and incorporated by reference.

Section 2. If any section, subsection, sentence, clause, phrase, part or portion of this ordinance, including those parts adopted by reference, is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication pursuant to Section 1.08.017, Kirkland Municipal Code in the summary form attached to the original of this ordinance and by this reference approved by the City Council.

Section 4. A complete copy of this ordinance shall be certified by the City Clerk, who shall then forward the certified copy to the King County Department of Assessments.

Passed by majority vote of the Kirkland City Council in open meeting this ____ day of _____, 2020.

Signed in authentication thereof this ____ day of _____, 2020.

Penny Sweet, Mayor

Attest:

Kathi Anderson, City Clerk

Approved as to Form:

Kevin Raymond, City Attorney

CHAPTER 30 – OFFICE ZONES (PO; PR 8.5; PR 5.0; PR 3.6; PR 2.4; PRA 2.4, PR 1.8; PRA 1.8; PLA 5B, PLA 5C; PLA 6B; PLA 15A; PLA 17A)

Draft Amendments for TOD at Kingsgate P&R CAM19-00129-August 13, 2020

Sections:

- 30.05 User Guide
 - 30.05.010 Applicable Zones
 - 30.05.020 Common Code References
- 30.10 General Regulations
 - 30.10.010 All Office Zones
 - 30.10.020 PR, PRA Zones
 - 30.10.030 PLA 5B Zones
 - 30.10.040 PLA 5C Zones
 - 30.10.050 PLA 15A Zones
 - 30.10.060 PLA 17A Zones
- 30.20 Permitted Uses
- 30.30 Density/Dimensions
- 30.40 Development Standards

30.05 User Guide

Step 1. Check that the zone of interest is included in KZC 30.05.010, Applicable Zones. If not, select the chapter where it is located.

Step 2. Refer to KZC 30.05.020, Common Code References, for relevant information found elsewhere in the code.

Step 3. Refer to the General Regulations in KZC 30.10 that apply to the zones as noted.

Step 4. Find the Use of interest in the Permitted Uses Table in KZC 30.20 and read across to the column pertaining to the zone of interest. If a Use is not listed in the table, it is not allowed. A listed use is permitted unless “NP” (Not Permitted) is noted for the table. Note the Required Review Process and Special Regulations that are applicable. There are links to the Special Regulations listed immediately following the table (PU-1, PU-2, PU-3, etc.).

Step 5. Find the Use of interest in the Density/Dimensions Table in KZC 30.30 and read across the columns. Note the standards (Minimum Lot Size, Required Yards, Maximum Lot Coverage, and Maximum Height of Structure) and Special Regulations that are applicable. There are links to the Special Regulations listed immediately following the table (DD-1, DD-2, DD-3, etc.).

Step 6. Find the Use of interest in the Development Standards Table in KZC 30.40 and read across the columns. Note the standards (Landscape Category, Sign Category, and Required Parking Spaces) and Special Regulations that are applicable. There are links to the Special Regulations listed immediately following the table (DS-1, DS-2, DS-3, etc.).

Note: Not all uses listed in the Density/Dimensions and Development Standards Tables are permitted in each zone addressed in this chapter. Permitted uses are determined only by the Permitted Uses Table.

30.05.010 Applicable Zones

This chapter contains the regulations for uses in the office zones (PO; PR 8.5; PR 5.0; PR 3.6; PR 2.4; PRA 2.4; PR 1.8; PRA 1.8; PLA 5B, C; PLA 6B; PLA 15A; PLA 17A) of the City.

30.05.20 Common Code References

1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.
2. Public park development standards will be determined on a case-by-case basis. See KZC 45.50.
3. Review processes, density/dimensions and development standards for shoreline uses can be found in Chapter 83 KZC, Shoreline Management.
4. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with Assisted Living Facility; Detached, Attached or Stacked Dwelling Units; Detached Dwelling Unit; Development Containing Stacked or Attached Dwelling Units; and Office Uses.
5. Chapter 115 KZC contains regulations regarding common recreational space requirements for Detached, Attached or Stacked Dwelling Units and Development Containing Stacked or Attached Dwelling Units and Office Uses uses.
6. Development adjoining the Cross Kirkland Corridor or Eastside Rail Corridor shall comply with the standards of KZC 115.24.

30.10 General Regulations

30.10.10 All Office Zones

1. Developments creating four or more new dwelling units shall provide at least 10 percent of the units as affordable housing units as defined in Chapter 5 KZC. Two additional units may be constructed for each affordable housing unit provided (except in the PLA 5C zone where density is not limited and additional building height has been granted). In such cases, the minimum lot size listed in KZC 30.30, Density/Dimensions Table, shall be used to establish the base number of units allowed on the site, but shall not limit the size of individual lots. See Chapter 112 KZC for additional affordable housing incentives and requirements (does not apply to PO zone where residential uses are not permitted).
2. Structures located within 30 feet of a parcel in a low density zone or a low density use in PLA 17 shall comply with additional limitations on structure size established by KZC 115.136, except in the PLA 15A zone.

30.10.20 PR, PRA Zones

1. If the property is located south of NE 85th Street between 124th Avenue and 120th Avenue, to the extent possible, the applicant shall save existing viable significant trees within the required landscape buffers separating nonresidential development from adjacent single-family homes.
2. Within the PRA 1.8 zone, the maximum building height of a structure may be increased to 60 feet above average building elevation if:
 - a. All required yards are increased by one foot for every two feet of height above 35 feet;
 - b. Buildings may not exceed three stories; and
 - c. Rooftop appurtenances may not exceed the maximum height and are screened with sloped roof forms.

30.10.30 PLA 5B Zones

1. If the subject property abuts the 4th Avenue right-of-way or the easterly extension of the alignment of that right-of-way to 10th Street, the following regulations apply:
 - a. The City may require the applicant to dedicate and improve land as shown in the Public Improvements Master Plan adopted by the City for this area.
 - b. Any required yard of the subject property abutting the 4th Avenue right-of-way or the easterly extension of that right-of-way will be regulated as a front yard.
 - c. Service and parking areas must, to the maximum extent possible, be located and oriented away from the 4th Avenue right-of-way unless primary vehicular access to the subject property is directly from that right-of-way.

(Does not apply to Public Park uses).
2. The City may limit access points onto 6th Street and require traffic control devices and right-of-way realignment (does not apply to Detached Dwelling Unit and Public Park uses).

30.10.40 PLA 5C Zones

1. If the subject property abuts the 4th Avenue right-of-way or the easterly extension of the alignment of that right-of-way to 10th Street, the following regulations apply:
 - a. The City may require the applicant to dedicate and improve land as shown in the Public Improvements Master Plan adopted by the City for this area.
 - b. Any required yard of the subject property abutting the 4th Avenue right-of-way or the easterly extension of that right-of-way will be regulated as a front yard.
 - c. Any required yard of the subject property abutting 5th Avenue will be regulated as a rear yard.
 - d. Service and parking areas must, to the maximum extent possible, be located and oriented away from the 4th Avenue right-of-way unless primary vehicular access to the subject property is directly from that right-of-way.

(Does not apply to Public Park uses).

30.10.50 PLA 15A Zones

1. A view corridor shall be provided and maintained across the subject property as follows and as described in Plate 27 (does not apply to Development containing Attached or Stacked Dwelling Units and Restaurant or Tavern and Marina use under an approved Master Plan):
 - a. A view corridor must be maintained across 30 percent of the average parcel width; and
 - b. Along Lake Washington Boulevard, the view corridor of 30 percent of the average parcel width shall be increased 2.5 feet for each foot, or portion thereof, that any building exceeds 30 feet above average building elevation. If the subject property does not directly abut Lake Washington Boulevard, the length of the view corridor along its east property line shall be determined by projecting the view corridor as required along Lake Washington Boulevard across the subject property to the view corridor required along the shoreline; and
 - c. Along the shoreline, the width of the view corridor shall be:
 1. Sixty percent of the length of the high waterline if the height of any building is greater than 30 feet but less than or equal to 35 feet above average building elevation, or
 2. Seventy percent of the high waterline if the height of any building is greater than 35 feet above average building elevation. If the subject property does not directly abut the shoreline, the width of the view corridor along its west property line shall be determined by projecting the view corridor as required along Lake Washington Boulevard across the subject property to the view corridor required along the shoreline; and
 - d. The view corridor must be in one continuous piece; and
 - e. Within the view corridor, structures, parking areas and landscaping will be allowed; provided, that they do not obscure the view from Lake Washington Boulevard to and beyond Lake Washington. Trees or shrubs that mature to a height of greater than three feet above average grade may not be placed in the required view corridor. Parking stalls or loading areas are not permitted in the required view corridor that would result in vehicles obscuring the line of sight from Lake Washington Boulevard to the high waterline as shown in Plate 27; and
 - f. The view corridor must be adjacent to either the north or south property line, whichever will result in the widest view corridor given development on adjacent properties.
2. Structures may extend into the required front yard along Lake Washington Boulevard; provided, that:
 - a. The entire structure within the required front yard is below the elevation of Lake Washington Boulevard; and
 - b. A public use area with superior landscaping is provided over the entire structure within the required front yard, the design of which is approved by the City; and
 - c. The required view corridor is provided for the portion of the structure within the required yard; and
 - d. Landscaping or other similar measures shall be provided to screen the exterior walls of any portion of the structure within the required yard that are visible from Lake Washington Boulevard or adjacent properties.
3. Trees or shrubs that mature to a height that would exceed the height of the primary structure are not permitted to be placed on the subject property.
4. May not use lands waterward of the ordinary high water mark to determine lot size or to calculate allowable density.

30.10.60 PLA 17A Zones

1. A solid screening wall or fence shall be required between any portion of a parking area which is closer than 40 feet to a low density use or a low density zone. Such wall or fence shall be in addition to the landscape materials required by Chapter 95 KZC.
2. All vehicular access must be from NE 90th Street (does not apply to Detached Dwelling Unit, Attached or Stacked Dwelling Units and Office uses).
3. Some development standards or design regulations may be modified as part of the design review process. See Chapters 92 and 142 KZC for requirements.
4. Site design should provide for the continuation of a bicycle or pedestrian path which generally follows the alignment of 120th Avenue and connects to NE 90th Street.

30.20 Permitted Uses

Permitted Uses Table – Office Zones

(PO; PR 8.5; PR 5.0; PR 3.6; PR 2.4; PRA 2.4; PR 1.8; PRA 1.8; PLA 5B, PLA 5C; PLA 6B; PLA 15A; PLA 17A)

(See also KZC 30.30, Density/Dimensions Table, and KZC 30.40, Development Standards Table)

Use		Required Review Process:						
		PO	PR, PRA	PLA 5B	PLA 5C	PLA 6B	PLA 15A	PLA 17A
		I = Process I, Chapter 145 KZC IIA = Process IIA, Chapter 150 KZC IIB = Process IIB, Chapter 152 KZC DR = Design Review, Chapter 142 KZC None = No Required Review Process NP = Use Not Permitted # = Applicable Special Regulations (listed after the table)						
30.20.010	Assisted Living Facility	NP	None 1, 2, 3, 4	None 2, 3, 4	DR 2, 4, 5	None 2, 3, 4	NP	NP
30.20.020	Boat Launch for Nonmotorized and/or Motorized Boats	NP	NP	NP	NP	NP	I 16	NP
30.20.030	Church	None	I 12	I	DR 5	None	NP	DR
30.20.040	Community Facility	I	I 1, 13	I	DR 5	IIA	IIA 6	DR 14
30.20.050	Convalescent Center	I	I 1, 3	I 3	DR 5	I 3	NP	DR
30.20.060	Detached, Attached or Stacked Dwelling Units	NP	None 12	None 31	DR 5	None	IIB 6, 7, 8, 9, 10, 31	DR 11, 31
30.20.070	Detached Dwelling Unit	NP	None 15	NP	None 15	None 15	I 10	None 15
30.20.080	Development containing: Attached or Stacked Dwelling Units; and Restaurant or Tavern; and Marina	NP	NP	NP	NP	NP	17, 18	NP
30.20.090	Development Containing Stacked or Attached Dwelling Units and Office Uses	NP	None 12, 19, 20	None 19, 20, 21	DR 5, 19, 20	None 19, 20	NP	NP
30.20.100	Funeral Home or Mortuary	None	I 12, 22	NP	NP	I	NP	NP
30.20.110	Government Facility	I	I 1, 13	I	DR 5	IIA	IIA 6	DR 14
30.20.120*	Reserved							
30.20.130	Hospital Facility	IIA	NP	NP	NP	NP	NP	NP
30.20.140	Marina	NP	NP	NP	NP	NP	IIB 25	NP
30.20.150	Mini-School or Mini-Day-Care Center	None 26, 27, 28	None 1, 26, 28, 29	None 26, 27, 28, 30	DR 5, 26, 27, 28	None 26, 27, 28, 30	NP	DR 26, 28, 29
30.20.160	Nursing Home	I	I 1, 3	I 3	DR 5	I 3	NP	DR
30.20.170	Office Uses	None 20, 33	None 12, 20, 33	None 20, 33	DR 5, 20, 33	None 20, 33	IIB 6, 7, 8, 9, 10	DR 20
30.20.180	Passenger Only Ferry Terminal	NP	NP	NP	NP	NP	I 16	NP
30.20.190	Piers, Docks, Boat Lifts and Canopies Serving Detached, Attached or Stacked Dwelling Units	NP	NP	NP	NP	NP	I 16	NP
30.20.200	Piers, Docks, Boat Lifts and Canopies Serving Detached Dwelling Unit	NP	NP	NP	NP	NP	I 16	NP
30.20.210	Public Access Pier, Public Access Facility, or Boardwalk	NP	NP	NP	NP	NP	IIB	NP
30.20.220	Public Park	See KZC 45.50 for required review process.						
30.20.230	Public Utility	I	I 1	I	DR 5	IIA	IIA 6	DR 14

Use		Required Review Process:						
		PO	PR, PRA	PLA 5B	PLA 5C	PLA 6B	PLA 15A	PLA 17A
		I = Process I, Chapter 145 KZC IIA = Process IIA, Chapter 150 KZC IIB = Process IIB, Chapter 152 KZC DR = Design Review, Chapter 142 KZC None = No Required Review Process NP = Use Not Permitted # = Applicable Special Regulations (listed after the table)						
30.20.240	Restaurant or Tavern	None 34	I 12, 22, 24, 34	NP	NP	NP	NP	NP
30.20.245*	Retail Establishment including Grocery Store, Drug Store, Laundromat, Dry Cleaners, Barber Shop, or Shoe Repair Shop	None 23	I 12, 22, 23, 24	NP	NP	NP	NP	NP
30.20.250*	Retail Establishment other than those specifically listed, limited, or prohibited in this zone, selling goods or providing services	NP	I 12, 24, 35, 36, 39	NP	NP	NP	NP	NP
30.20.260*	Retail Establishment providing banking or related financial service	None 23	I 12, 24	NP	NP	NP	NP	NP
30.20.270	School or Day-Care Center	None 26, 27, 28	None 1, 26, 28, 29, 37	None 26, 27, 37, 38	DR 5, 26, 27, 28, 32	None 26, 27, 28	NP	DR 26, 28, 29
30.20.280	Tour Boat	NP	NP	NP	NP	NP	I 16	NP
30.20.290	Water Taxi	NP	NP	NP	NP	NP	I 16	NP
<u>30.20.295</u>	<u>Government Facility Parking Garage</u>		<u>None in PR 1.8 TOD zone 40</u>					
<u>30.20.300</u>	<u>Transit Oriented Development Containing Attached or Stacked Dwelling Units or Residential Suites</u>		<u>DR in PR 1.8 TOD zone 41</u>					

Permitted Uses (PU) Special Regulations:

- PU-1. Within the Rose Hill Business District (RHBD), D.R., Chapter 142 KZC.
- PU-2. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility.
- PU-3. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the less intensive process between the two uses.
- PU-4. The assisted living facility shall provide usable recreation space of at least 100 square feet per unit, in the aggregate, for both assisted living units and independent dwelling units, with a minimum of 50 square feet of usable recreation space per unit located outside.
- PU-5. The City may limit access points onto 6th Street and require traffic control devices and right-of-way realignment.
- PU-6. No structures, other than moorage structures or public access piers, may be waterward of the high waterline.
- PU-7. Must provide public pedestrian access as required under Chapter 83 KZC.
- PU-8. A transportation demand management plan shall be provided and implemented for the subject property, including provisions for safe pedestrian crossing and vehicle turning movements to and from the subject property to Lake Washington Boulevard, and bus stop improvements if determined to be needed by METRO. The City shall review and approve the plan.
- PU-9. The design of the site must be compatible with the scenic nature of the waterfront.
- PU-10. An applicant may propose a development containing residential uses and moorage facilities using this use listing only if the use of the moorage facilities is limited to the residents of the subject property.
- PU-11. The common recreational open space requirements may be waived if the City determines that preservation of critical areas provides a superior open space function.

PU-12. Within the Rose Hill Business District (RHBD) and Yarrow Bay Business District, D.R., Chapter 142 KZC.

PU-13. Site design must minimize adverse impacts on surrounding residential neighborhoods.

PU-14. Outdoor uses are not permitted.

PU-15. For this use, only one dwelling unit may be on each lot regardless of lot size.

PU-16. See Chapter 141 KZC for additional procedural requirements in addition to those on Chapter 145 KZC.

PU-17. Development must be consistent with an approved Master Plan. The Master Plan must address all properties within PLA 15A and PLA 15B, which are owned by the applicant. The Master Plan will be approved in two stages:

a. The first stage will result in approval of a Preliminary Master Plan using Process IIB, Chapter 152 KZC. The Preliminary Master Plan shall consist of at least the following:

- 1) A site plan which diagrammatically shows the general location, shape and use of the major features of development.
- 2) A written description of the planned development which discusses the elements of the site plan and indicates the maximum number of dwelling units and their probable size; the maximum area to be developed with nonresidential uses; the maximum size of moorage facilities and the maximum number of moorage slips; the maximum and minimum number of parking stalls; and the schedule of phasing for the Final Master Plan.

In approving the Preliminary Master Plan, the City shall determine the appropriate review process for the Final Master Plan. The City may determine that the Final Master Plan be reviewed using Process IIA, Chapter 150 KZC, if the Preliminary Master Plan shows the placement, approximate dimensions and uses of all structures, vehicular and pedestrian facilities, open space and other features of development. Otherwise, the Final Master Plan shall be reviewed using Process IIB, Chapter 152 KZC.

b. The second stage will result in approval of a Final Master Plan using Process IIA, Chapter 150 KZC, or Process IIB, Chapter 152 KZC, as established by the Preliminary Master Plan. The Final Master Plan shall set forth a detailed development plan which is consistent with the Preliminary Master Plan. Each phase of the Master Plan shall set forth a schedule for obtaining building permits for and construction of that phase.

PU-18. a. The following uses and components are also allowed:

- 1) Retail establishment.
- 2) Office use.
- 3) Hotel.
- 4) Boat and motor repair and service if:
 - a) This activity is conducted on dry land and either totally within a building or totally sight screened from adjoining property and the right-of-way; and
 - b) All dry land motor testing is conducted within a building.
- 5) Dry land boat storage. However, stacked storage is not permitted.
- 6) Gas and oil sales or boats if:
 - a) Storage tanks are underground and on dry land; and
 - b) The use has facilities to contain and clean up gas and oil spills.

May have an overwater shed that is not more than 50 square feet and 10 feet high as measured from the pier deck.

- 7) Meeting and/or special events rooms.
 - 8) Boat launching ramp if it is paved with concrete.
 - 9) School or day-care center.
 - 10) Mini-school or mini-day-care center, or day-care home.
- b. Development must provide opportunities for public access to, use of and views of the waterfront by including all of the following elements:

- a. A public pedestrian access trail along the entire waterfront of the subject property within connections to Lake Washington Boulevard at or near either end;
- b. Waterfront areas developed and open for public use;
- c. Improvements to and adjacent to Lake Washington Boulevard which are open for public use; and Corridors which allow unobstructed views of Lake Washington from Lake Washington Boulevard. In addition, obstruction of views from existing development lying east of Lake Washington Boulevard must be minimized.
- c. All nonresidential uses, except office uses, must be located and designed to have substantial waterfront orientation and accessibility from waterfront public use areas.
- d. Marina use must comply with Chapter 83 KZC.
- e. Must provide pumping facilities to remove effluent from boat holding tanks.
- f. Must provide a waste oil tank.
- g. Vehicular circulation on the subject property must be designed to mitigate traffic impacts on Lake Washington Boulevard and Lakeview Drive. Access points must be limited, with primary access located at the intersection of Lake Washington Boulevard and Lakeview Drive. The City may require traffic control devices and right-of-way realignment or limit development if necessary to further reduce traffic impacts.
- h. The regulations for this use may not be modified with a Planned Unit Development.
- i. Restaurant uses with drive-in or drive-through facilities are not permitted in this zone.

PU-19. A veterinary office is not permitted in any development containing dwelling units.

PU-20. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if:

- a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use.
- b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.

PU-21. Primary vehicular access must be directly from 6th Street or 4th Avenue.

PU-22. This use is not permitted in a PR 3.6 zone located in the Rose Hill Business District (RHBD).

PU-23. May not be located above the ground floor of a structure.

PU-24. This use is allowed in the Lakeview neighborhood if located south of NE 60th Street between Lakeview Drive and Lake Washington Boulevard NE; provided, that:

- a. Both the front building facade and vehicular access are not located along Lakeview Drive.
- b. Internal lit signs are not located along Lakeview Drive and NE 60th Street.
- c. Gross floor area shall not exceed 3,000 square feet.
- d. On Lots 13 and 14 of Block 2 of Houghton Addition Volume 5 of Plats, Page 71 of King County Records if a change of use is proposed within a structure that existed on November 15, 2011, and requires additional parking the following shall apply:
 - 1) The number of required parking spaces shall be determined based on the actual parking demand pursuant to KZC 105.25. The required additional parking for the new use may be provided by adding parking along the frontage of the subject property or across the street within the NE 60th Street right-of-way at the developer's expense.
 - 2) On Lot 13 a historic interpretive sign shall be installed.

PU-25. The following accessory components are allowed if approved through Process IIB, Chapter 152 KZC:

- a. Boat and motor sales leasing.
- b. Boat and motor repair and service if:
 - 1) The activity is conducted on dry land and either totally within a building or totally sight screened from adjoining property and the right-of-way; and

- 2) All dry land motor testing is conducted within a building.
- c. Boat launch ramp if:
 - 1) It is not for the use of the general public; and is paved with concrete; and
 - 2) There is sufficient room on the subject property for maneuvering and parking so that traffic impact on the frontage road will not be significant; and
 - 3) Access to the ramp is not directly from the frontage road; and
 - 4) The design of the site is specifically approved by the City.
- d. Dry land storage. However, stacked storage is not permitted.
- e. Meeting and special events rooms.
- f. Gas and oil sale for boats, if:
 - 1) Storage tanks are underground and on dry land; and
 - 2) The use has facilities to contain and clean up gas and oil spills. May have an overwater shed that is not more than 50 square feet and 10 feet high as measured from the pier deck.

PU-26. A six-foot-high fence is required along the property lines adjacent to the outside play areas.

PU-27. Hours of operation may be limited by the City to reduce impacts on nearby residential uses.

PU-28. May include accessory living facilities for staff persons.

PU-29. Hours of operation of the use may be limited, and parking and passenger loading areas may be relocated by the City to reduce impacts on nearby residential uses.

PU-30. Structured play areas must be set back from all property lines by five feet.

PU-31. Detached Dwelling Units are not permitted.

PU-32. May locate on the subject property only if:

- a. It will serve the immediate neighborhood in which it is located; or
- b. It will not be detrimental to the character of the neighborhood in which it is located.

PU-33. The following regulations apply to veterinary offices only:

- a. May only treat small animals on the subject property.
- b. Outside runs and other outside facilities for the animals are not permitted.
- c. 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.

PU-34. Drive-in or drive-through facilities are prohibited.

PU-35. The following uses are not permitted:

- a. Vehicle service stations.
- b. Entertainment or recreational activities.
- c. Storage services unless accessory to another permitted use.
- d. The sale, service and/or rental of motor vehicles, sailboats, motor boats, and recreation trailers, heavy equipment and similar vehicles.
- e. Storage and operation of heavy equipment, except delivery vehicles, associated with retail uses.
- f. Storage of parts unless conducted entirely within an enclosed structure.

- g. Uses with drive-in or drive-through facilities.

PU-36. A delicatessen, bakery, or other similar use may include accessory seating if:

- a. The seating and associated circulation area does not exceed more than 10 percent of the gross floor area of the use; and
- b. It can be demonstrated to the City that the floor plan is designed to preclude the seating area from being expanded.

PU-37. If this use is adjoining a low density zone, then Process I, Chapter 145 KZC.

PU-38. Structured play areas must be set back from all property lines as follows:

- a. 20 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.

PU-39. Retail establishments selling marijuana or products containing marijuana are not permitted on properties abutting the school walk routes shown on Plate 46.

(Ord. 4683 § 2, 2019; Ord. 4551 § 4, 2017; Ord. 4479 § 1, 2015; Ord. 4476 § 2, 2015)

*Code reviser's note: This section of the code has been modified from what was shown in Ord. 4476 to simplify the code and reflect the intent of the City.

PU-40-A Government Facility Parking Structure use in the PR 1.8 TOD zone within the Totem Lake Business District (TLBD) shall meet the following requirements:

- a. Development may contain the following accessory uses: retail establishments selling goods or providing services; restaurants and taverns; food trucks and retail carts.
- b. Provide an east-west oriented vehicular access road from 116th Way NE into the site to service the parking garage and shared future transit-oriented development to the north. The full build-out of the internal road is contingent upon the future TOD development planned north of the Government Facility Parking Structure. The Public Works Official shall review the design of the main east-west road based on the following design standards:
 - 1) Two travel lanes (one lane each way)
 - 2) May include on-street parking
 - 3) Eight-foot-wide sidewalk on each side of the road with street trees placed in five foot wide landscape strip planted 30 feet on-center
 - 4) A phasing plan shall be submitted indicating construction responsibilities assigned to the Government facility use and responsibility assigned to future transit-oriented development to the north.
 - 5) The Public Works Official may modify these standards if:
 - i. The modification will not affect the ability to provide any property with police, fire, emergency medical, or other-essential services, and
 - ii. The modification will produce landscaping and site design superior to that which would result from adherence to the adopted standard.
- c. Provide coordinated pedestrian amenities for transit riders including, street furniture, signage, trash bins, newspaper boxes.
- d. Provide vertical and horizontal building façade treatments to mitigate size of parking garage, reduce the perceived mass of the building, and provide variety and interest along the east and north building facades visible from 116th Way NE and the development (TOD) to the north. Appropriate mitigation techniques include but are not limited to: vertical and horizontal building modulation; vertical trellises; climbing vines; green screens; perforated mounted screens on building facade; changes in building materials and colors; textured concrete; artwork, such as mosaics, murals, sculptures or bas-relief on blank walls; or landscaped beds (minimum five (5) feet wide or a raised planter bed at least two (2) feet high and three (3) feet wide planted with vegetation that will obscure or screen blank walls.
- e. Provide design techniques that minimize the visibility of parked cars., screen headlights and visible garage lighting sources. Techniques may include a combination of solid walls, perforated metal or mesh panels or decorative grills.
- f. Provide design techniques for garage stair towers and elevator overruns to be distinctive architectural features, using elements such as roof forms, building materials and color.
- g. Submit a lighting plan for site, pedestrian, garage and roof lighting to ensure lighting minimizes light transfer of rooftop and garage lighting to adjacent residential use to the south and west (techniques such as: cut-off light shields, sensors).
- h. Service and storage functions shall be located away from the street edge and generally not be visible from the street or sidewalks.
- i. The Planning Official may approve variations of the above design standards if the proposal is consistent with the Totem Lake Business District Design Guidelines.
- j. Parking garage shall be designed constructed and built using sustainable building and infrastructure standards including:
 - 1) Show compliance with the Sound Transit's Design Construction Manual criteria for sustainable building and infrastructure.
 - 2) Utilize the rooftop or other portions of the parking structure to be photovoltaic (PV) ready with required conduit and wiring installed for future community solar or utility driven PV solar hosting.
- k. Provide electric vehicle charging station parking stalls at a minimum of 2% of the total new vehicle parking stalls. In addition, provide a minimum of 6% of the new parking stalls as EV ready charging stations with the appropriate infrastructure and electrical service.

PU-41. A Transit Oriented Development Containing Attached or Stacked Dwelling Units or Residential Suites use in the PR 1.8 TOD zone within the Totem Lake Business District (TLBD) shall meet the following requirements:
Development must be part of a Conceptual Master Plan (CMP) for the entire subject property. The proposed CMP shall be reviewed using the Design Review process provisions of KZC 142.35. Subsequent development proposals shall follow DR or ADR as set forth in the Notice of Approval for the Conceptual Master Plan. The Conceptual Master Plan shall incorporate the design guidelines contained in the Design Guidelines for the Totem Lake Business District and include the following:

- a. At least 50 percent of the gross floor area of development in the master plan must be residential uses.
- b. Residential development within the master plan shall result in a minimum of 51 percent of total residential units being affordable with affordability levels as follows:
 - 1) For renter-occupied housing:
 - i. A minimum of 25% of the total residential units shall be affordable at no greater than 50 percent of median income and
 - ii. A minimum of 15% of the total residential units shall be affordable at 80 percent of median income and
 - iii. A minimum of 10% of the total residential units shall be affordable at 100% of median income.

- iv. Affordable rent levels will be determined using the same methodology used in the definition of affordable housing unit in Chapter 5 KZC.
- 2) For owner-occupied housing: A minimum of 51 percent of the total residential units shall be affordable housing units as defined in KZC 5.10.023(1)(a).
- 3) Shall provide a portion of affordable housing units for people with disabilities consistent with the applicable State of Washington Low Income Housing Tax Credit (LIHTC) funding criteria.
- 4) See affordability requirements in Chapter 5 KZC.
- 5) See Chapter 112 KZC for additional affordability housing requirements and incentives. The following provisions of Chapter 112 KZC do not apply to this zoning district: 112.20.3, and 112.20.4 (Alternate Affordability Levels and Dimensional Standards Modifications); 112.25 (Additional Affordable Housing Incentives); 112.30 (Alternative Compliance).
- 6) The City Council may consider an alternative approach to meet the affordability objectives including flexibility in parking requirement through approval of a Development Agreement.
- c. For Residential Suites development standards see Special Regulation PU-2 and PU-42 for additional standards.
- d. May also include one or more of the other uses allowed in this zone.
- e. The following uses are prohibited:
 - 1) Drive-through facilities.
 - 2) Retail establishments involving the sale, service, repair or storage of automobiles, trucks, boats, motorcycles, recreational vehicles, heavy equipment and similar vehicles.
 - 3) Vehicle service stations.
- f. Any commercial uses on the street level floor of a building shall be designed to provide a minimum 13' (feet) in height and oriented toward fronting streets and pedestrian pathways.
- g. Circulation system for vehicles and pedestrians that integrates existing and planned circulation throughout the zone including shared vehicular and pedestrian connections to 116th Way NE, Government Facility parking structure to the south, and transit facilities. The Public Works Official shall review the design of the main east-west road between the Government Facility and the TOD property based on the following design standards.
 - 1) Two travel lanes (one lane each way)
 - 2) May include on-street parking
 - 3) Eight-foot-wide sidewalk on each side of the road with street trees placed in five-foot wide landscape strip planted 30 feet on-center
 - 4) The Public Works Official may modify these standards if:
 - i. The modification will not affect the ability to provide any property with police, fire, emergency medical, or other-essential services, and
 - ii. The modification will produce landscaping and site design superior to that which would result from adherence to the adopted standard
- h. Pedestrian connections from 116th Way NE to public plazas and between buildings to the TOD pursuant to requirements of KZC 105.18.
- i. Landscape and tree retention plan. See Special Regulation DS-13.
- j. Where parking garages are not located below grade, provide design techniques for above grade parking structure facades to mitigate visible impacts from adjacent streets and residential uses such as a combination of intervening uses, solid walls, perforated metal or mesh panels or decorative grills, or dense landscape screening. Provide techniques to minimize the visibility of parked cars within a structure to screen headlights and visible garage lighting sources.
- k. Submit a lighting plan for site, pedestrian, garage and roof lighting to ensure lighting minimizes light transfer of rooftop and garage lighting to adjacent residential use to the south and west (techniques such as: cut-off light shields, sensors).
- l. Locate service and storage functions to generally not be visible from the street or sidewalks.
- m. Design and install a City gateway feature to the Totem Lake Business District at the corner of NE 132nd Street and 116th Way NE. The features shall contain elements such as a sign, art, landscaping and lighting and/or a visible and welcoming pedestrian-oriented space between the sidewalk, stairway, and buildings. See Totem Lake Business District Design Guidelines and Totem Lake Enhancement Plan. The specific location and design of the gateway shall be evaluated through the Design Review Process.
- n. Provide publicly accessible space(s) and private common recreation open spaces. Public spaces should have a width and depth of at least 15 feet. Developments with fewer than 50 dwelling units shall provide publicly accessible space(s) ranging from 500 to 1,000 square feet. Larger developments shall provide publicly accessible space(s) ranging from 1,500 to 2,000 square feet in size. A children's play area with equipment shall be provided. The City will review the location, size and dimensions, features and improvements (such as multi-use paths, plazas, seating, public art, landscaping and water features) proposed for the publicly accessible space(s) as part of the Design Review approval. The City may also require or permit modification to the required publicly accessible space as part of the Design Review approval.
- o. The Design Review Board may approve variations of the above design standards if the proposal is consistent with the Totem Lake Business District Design Guidelines.
- p. Development shall be designed, built and certified to achieve or exceed the following green building standards: Built Green 5 Star certified, LEED Platinum certified, or Living Building Challenge Petal certified (Energy Water and Materials petals at a minimum), or Living Building Challenge certified.
- q. A Residential Suites shall meet the following requirements:
 - 1) Development shall be designed, built and certified to achieve or exceed one or more of the following green building standards: Built Green 5 Star certified, LEED Platinum certified, or Living Building Challenge Petal certified (Energy, Water and Material petals at a minimum), or Living Building Challenge certified.
 - 2) Developments containing this use shall provide common living area available to all residential suite residents. Common living area shall consist of areas such as shared kitchens, dining areas, and community rooms. Areas such as bathrooms, laundries, utility rooms, storage, stairwells, mailrooms, and hallways shall not be counted as common living area. The minimum amount of common living area for each project shall be 250 square feet plus an additional 20 square feet per living unit.

30.30 Density/Dimensions

Density/Dimensions Table – Office Zones

(PO; PR 8.5; PR 5.0; PR 3.6; PR 2.4; PRA 2.4; PR 1.8; PRA 1.8; PLA 5B, PLA 5C; PLA 6B; PLA 15A; PLA 17A)

(Refer to KZC 30.20, Permitted Uses Table, to determine if a use is allowed in the zone; see also KZC 30.40, Development Standards Table)

USE		Minimum Lot Size	REQUIRED YARDs (See Ch. 115 KZC)			Maximum Lot Coverage	Maximum Height of Structure ABE = Average Building Elevation
			Front	Side	Rear		
30.30.010	Assisted Living Facility ¹	3,600 sq. ft. PR, PRA: 3,600 sq. ft. ²	20' PLA 5B: 20' ⁶ PLA 5C: 10'	PR, PLA 6B: 5' ³ PLA 5B: 5' ^{3, 6} PRA: 5' PLA 5C: 5' ^{3, 7}	10' PLA 5B: 10' ⁶	70%	PR: 30' above ABE. ^{4, 32} PRA: 35' above ABE. ^{4, 5} PLA 5B: 30' above ABE. PLA 5C: 30' above ABE. ^{8, 18} PLA 6B: 30' above ABE. ⁹
30.30.020	Boat Launch (for Nonmotorized and/or Motorized Boats)	None	30' ¹²	5' ³	See Chapter 83 KZC.	80%	30' above ABE. ³⁰
30.30.030	Church	7,200 sq. ft. PO: None PR, PRA: 7,200 sq. ft. ¹⁶	20' PLA 5B: 20' ⁶ PLA 5C: 10'	20' PLA 5B: 20' ⁶	20' PLA 5B: 20' ⁶	70% PLA 17A: 80%	PO: 30' above ABE. ⁹ PR: 30' above ABE. ^{4, 32} PRA: 35' above ABE. ^{4, 5} PLA 5B, PLA 17A: 30' above ABE. PLA 5C: 60' above ABE. ^{17, 18} PLA 6B: 30' above ABE. ^{9, 22}
30.30.040	Community Facility	None	20' PLA 5B: 20' ⁶ PLA 5C: 10' PLA 15A: 30' ¹²	10' PLA 5B: 10' ⁶ PLA 15A: 5' ³	10' PO: 20' PLA 5B: 10' ⁶ PLA 15A: See Chapter 83 KZC.	70% PLA 15A, PLA 17A: 80%	PO, PLA 6B: 30' above ABE. ⁹ PR: 30' above ABE. ^{4, 32} PRA: 35' above ABE. ^{4, 5} PLA 5B, PLA 17A: 30' above ABE. PLA 5C: 60' above ABE. ^{17, 18} PLA 15A: 30' above ABE. ¹⁹
30.30.050	Convalescent Center	7,200 sq. ft. PO: None PR, PRA: 7,200 sq. ft. ¹⁶	20' PLA 5B: 20' ⁶ PLA 5C: 10'	10' PLA 5B: 5' ^{3, 6}	10' PO: 20' PLA 5B: 10' ⁶	70% PLA 17A: 80%	PO, PLA 6B: 30' above ABE. ⁹ PR: 30' above ABE. ^{4, 32} PRA: 35' above ABE. ^{4, 5} PLA 5B, PLA 17A: 30' above ABE. PLA 5C: 60' above ABE. ^{17, 18}

USE	Minimum Lot Size	REQUIRED YARDS (See Ch. 115 KZC)			Maximum Lot Coverage	Maximum Height of Structure ABE = Average Building Elevation	
		Front	Side	Rear			
30.30.060	Detached, Attached or Stacked Dwelling Units	PR, PRA: 3,600 sq. ft. ^{20, 21} PLA 5B: 3,600 sq. ft. with at least 1,800 sq. ft. per unit. PLA 5C: 3,600 sq. ft. PLA 6B: 3,600 sq. ft. per dwelling unit. PLA 15A: 7,200 sq. ft. with at least 3,600 sq. ft. per unit PLA 17A: 5,000 sq. ft. per unit	20' PLA 5B: 20' ⁶ PLA 5C: 10' PLA 15A: 30' ^{12, 13, 15}	Detached units: PR: 5' PRA, PLA 6B: 5' ¹⁰ PLA 5C: 5' ^{7, 10} Attached or stacked units: PR: 5' ³ PRA: 5' ¹⁰ PLA 5B: 5' ^{3, 6, 10} PLA 5C: 5' ^{3, 7, 10} PLA 6B, PL 17A: 5' ^{3, 10} PLA 15A: 5' ^{3, 15}	10' ¹¹ PLA 5B: 10' ^{6, 11} PLA 15A: 10' ^{11, 15}	70% PLA 15A: 80%	PR: 30' above ABE. ^{4, 22, 32} PRA: 35' above ABE. ^{4, 5, 22} PLA 5B, PLA 17A: 30' above ABE. PLA 5C: 30' above ABE. ^{9, 18} PLA 6B: 30' above ABE. ^{9, 22} PLA 15A: 30' above ABE. ¹⁴
30.30.070	Detached Dwelling Unit	PR, PRA: 3,600 sq. ft. ²⁰ PLA 5C, PLA 6B: 3,600 sq. ft. PLA 15A, PLA 17A: 5,000 sq. ft.	20' PLA 15A: 30' ^{12, 23}	5' PLA 15A: 5' ^{3, 23} PLA 17A: 5' ²⁴	10' PLA 15A: See Chapter 83 KZC. ²³	70% PLA 15A: 80%	PR: 30' above ABE. ^{4, 22, 32} PRA: 35' above ABE. ^{4, 5, 22} PLA 5C: 25' above ABE. PLA 6B: 30' above ABE. ^{9, 22} PLA 15A, PLA 17A: 30' above ABE.
30.30.080	Development containing: Attached or Stacked Dwelling Units; and Restaurant or Tavern; and Marina	5 acres with no less than 3,100 sq. ft. per dwelling unit. ^{25, 26, 28}	27				
30.30.090	Development Containing Stacked or Attached Dwelling Units and Office Uses	PR, PRA: 3,600 sq. ft. ²¹ PLA 5B: 3,600 sq. ft. with at least 1,800 sq. ft. per unit. PLA 5C: 3,600 sq. ft. PLA 6B: 3,600 sq. ft. per dwelling unit.	20' PLA 5B: 20' ⁶ PLA 5C: 10'	PR: 5' ³ PRA: 5' PLA 5B: 5' ^{3, 6, 10} PLA 5C: 5' ^{3, 7, 10} PLA 6B: 5' ^{3, 10}	PR, PRA: 10' PLA 5B: 10' ^{6, 11} PLA 5C, PLA 6B: 10' ¹¹	70%	PR: 30' above ABE. ^{4, 22, 32} PRA: 35' above ABE. ^{4, 5, 22} PLA 5B: 30' above ABE. PLA 5C: 30' above ABE. ^{8, 18} PLA 6B: 30' above ABE. ^{9, 22}
30.30.100	Funeral Home or Mortuary	PO: None PR, PRA: 7,200 sq. ft. ¹⁶ PLA 6B: 7,200 sq. ft.	20'	20'	20'	70%	PO: 30' above ABE. ⁹ PR: 30' above ABE. ^{4, 32} PRA: 35' above ABE. ^{4, 5} PLA 6B: 30' above ABE. ^{9, 22}
30.30.110	Government Facility	None	20' PLA 5B: 20' ⁶ PLA 5C: 10' PLA 15A: 30' ¹²	10' PLA 5B: 10' ⁶ PLA 15A: 5' ³	10' PO: 20' PLA 5B: 10' ⁶ PLA 15A: See Chapter 83 KZC.	70% PLA 15A, PLA 17A: 80%	PO, PLA 6B: 30' above ABE. ⁹ PR: 30' above ABE. ^{4, 32} PRA: 35' above ABE. ^{4, 5} PLA 5B, PLA 17A: 30' above ABE. PLA 5C: 60' above ABE. ^{17, 18} PLA 15A: 30' above ABE. ¹⁹
30.30.120*	Reserved						
30.30.130	Hospital Facility	1 acre	20'	10'	20'	70%	30' above ABE. ⁹
30.30.140	Marina	None	30' ^{12, 30}	5' ^{3, 30}	30	80%	30' above ABE. ^{19, 30}

USE		Minimum Lot Size	REQUIRED YARDS (See Ch. 115 KZC)			Maximum Lot Coverage	Maximum Height of Structure ABE = Average Building Elevation
			Front	Side	Rear		
30.30.150	Mini-School or Mini-Day-Care Center	3,600 sq. ft. PO: None PR, PRA: 3,600 sq. ft. ² PLA 17A: 7,200 sq. ft.	20' PLA 5B: 20' ⁶ PLA 5C: 10'	5' ³ PRA: 5' PLA 5B: 5' ^{3, 6} PLA 5C: 5' ^{3, 7}	10' PLA 5B: 10' ⁶	70% PLA 17A: 80%	PO, PLA 6B: 30' above ABE. ⁹ PR: 30' above ABE. ^{4, 32} PRA: 35' above ABE. ^{4, 5} PLA 5B, PLA 17A: 30' above ABE. PLA 5C: 30' above ABE. ^{8, 18}
30.30.160	Nursing Home	7,200 sq. ft. PO: None PR, PRA: 7,200 sq. ft. ¹⁶	20' PLA 5B: 20' ⁶ PLA 5C: 10'	10' PLA 5B: 5' ^{3, 6}	10' PO: 20' PLA 5B: 10' ⁶	70% PLA 17A: 80%	PO, PLA 6B, PLA 15A: 30' above ABE. ⁹ PR: 30' above ABE. ^{4, 32} PRA: 35' above ABE. ^{4, 5} PLA 5B, PLA 17A: 30' above ABE. PLA 5C: 60' above ABE. ^{17, 18}
30.30.170	Office Uses	None PLA 6B: 7,200 sq. ft. PLA 17AB: 7,200 sq. ft. per unit	20' PLA 5B: 20' ⁶ PLA 5C: 10' PLA 15A: 30' ^{12, 13, 15}	5' ³ PLA 5B: 5' ^{3, 6} PRA: 5' PLA 5C: 5' ^{3, 7} PLA 15A: 5' ^{3, 15}	10' PLA 5B: 10' ⁶ PLA 15A: 10' ¹⁵	70% PLA 15A, PLA 17A: 80%	PO: 30' above ABE. ⁹ PR: 30' above ABE. ^{4, 32} PRA: 35' above ABE. ^{4, 5} PLA 5B, PLA 17A: 30' above ABE. PLA 5C: 30' above ABE. ^{8, 18} PLA 6B: 30' above ABE. ^{9, 22} PLA 15A: 30' above ABE. ¹⁴
30.30.180	Passenger Only Ferry Terminal	None	30' ¹²	5' ³	See Chapter 83 KZC.	80%	30' above ABE. ^{19, 30}
30.30.190	Piers, Docks, Boat Lifts and Canopies Serving Detached, Attached or Stacked Dwelling Units	None	See Chapter 83 KZC.			–	See Chapter 83 KZC.
30.30.200	Piers, Docks, Boat Lifts and Canopies Serving Detached Dwelling Unit	None	See Chapter 83 KZC.			–	See Chapter 83 KZC.
30.30.210	Public Access Pier, Public Access Facility, or Boardwalk	None	See Chapter 83 KZC.			–	See Chapter 83 KZC.
30.30.220	Public Park	Development standards will be determined on a case-by-case basis.					
30.30.230	Public Utility	None	20' PLA 5B: 20' ⁶ PLA 5C: 10' PLA 15A: 30' ¹²	20' PO: 10' PLA 5B: 20' ⁶ PLA 15A: 5' ³	20' PLA 5B: 20' ⁶ PLA 5C: 10' PLA 15A: See Chapter 83 KZC.	70% PLA 15A, PLA 17A: 80%	PO, PLA 6B: 30' above ABE. ⁹ PR: 30' above ABE. ^{4, 32} PRA: 35' above ABE. ^{4, 5} PLA 5B, PLA 17A: 30' above ABE. PLA 5C: 60' above ABE. ^{17, 18} PLA 15A: 30' above ABE. ¹⁹
30.30.240	Restaurant or Tavern	PO: None PR, PRA: 7,200 sq. ft. ¹⁶	20'	10'	PO: 20' PR, PRA: 10'	70%	PO: 30' above ABE. ⁹ PR: 30' above ABE. ^{4, 32} PRA: 35' above ABE. ^{4, 5}
30.30.245*	Retail Establishment including Grocery Store, Drug Store, Laundromat, Dry Cleaners, Barber Shop, or Shoe Repair Shop	PO: None ²⁹ PR, PRA: 7,200 sq. ft. ^{16, 29}	20'	10'	PO: 20' PR, PRA: 10'	70%	PO: 30' above ABE. ⁹ PR: 30' above ABE. ^{4, 32} PRA: 35' above ABE. ^{4, 5}
30.30.250*	Retail Establishment other than those specifically listed, limited, or prohibited in this zone, selling goods or providing services	7,200 sq. ft. ¹⁶	20'	10'	10'	70%	PR: 30' above ABE. ^{4, 32} PRA: 35' above ABE. ^{4, 5}
30.30.260*	Retail Establishment providing banking or related financial service	PO: None PR, PRA: 7,200 sq. ft. ¹⁶	20'	10'	PO: 20' PR, PRA: 10'	70%	PO: 30' above ABE. ⁴ PR: 30' above ABE. ^{9, 32} PRA: 35' above ABE. ^{4, 5}

USE		Minimum Lot Size	REQUIRED YARDS (See Ch. 115 KZC)			Maximum Lot Coverage	Maximum Height of Structure ABE = Average Building Elevation
			Front	Side	Rear		
30.30.270	School or Day-Care Center	7,200 sq. ft. PO: None PR, PRA: 7,200 sq. ft. ¹⁶	20' PLA 5C: 10'	5' ³ PRA: 5' PLA 5C: 5' ^{3, 7}	10'	70% PLA 17A: 80%	PO, PLA 6B: 30' above ABE. ^{9, 31} PR: 30' above ABE. ^{4, 31, 32} PRA: 35' above ABE. ^{4, 5, 31} PLA 5B, PLA 17A: 30' above ABE. ³¹ PLA 5C: 60' above ABE. ^{17, 18}
			PLA 5B: If this use can accommodate 50 or more students or children, then:				
			50'	50'	50'		
			PLA 5B: If this use can accommodate 13 to 49 students or children, then:				
			20'	20'	20'		
30.30.280	Tour Boat	None	30' ¹²	5' ³	See Chapter 83 KZC.	80%	30' above ABE. ^{19, 30}
30.30.290	Water Taxi	None	30' ¹²	5' ³	See Chapter 83 KZC.	80%	30' above ABE. ^{19, 30}
30.30.295	Government Facility Parking Structure	None	PR 1.8 TOD zone: See DD-33 and DS-13			100%	PR 1.8 TOD zone: 60' above ABE.
30.30.300	Transit Oriented Development Containing Attached or Stacked Dwelling Units or Residential Suites	None	PR 1.8 TOD zone: See DD-34, DD 35, and DS-15			80%	PR 1.8 TOD: 85' above ABE^{34, 35}

Density/Dimensions (DD) Special Regulations:

- DD-1. In the PR, PRA, PLA 5B and PLA 6B zones, for density purposes, two assisted living units shall constitute one dwelling unit. Total dwelling units may not exceed the number of stacked dwelling units allowed on the subject property. Through Process IIB, Chapter 152 KZC, up to one and one-half times the number of stacked dwelling units allowed on the property may be approved if the following criteria are met:
- Project is of superior design, and
 - Project will not create impacts that are substantially different than would be created by a permitted multifamily development.
- DD-2. 8,500 square feet if PR 8.5 zone, 7,200 square feet if PR 7.2 zone, 5,000 square feet if PR 5.0 zone.
- DD-3. Five feet but two side yards must equal at least 15 feet.
- DD-4. If adjoining a low density zone other than RSA or RSX, then 25 feet above ABE.
- DD-5. See KZC 30.10.020(2).
- DD-6. The required yard of any structure abutting a lot containing a low density use within PLA 5A must be increased one foot for each one foot that structure exceeds 20 feet above ABE.
- DD-7. From easterly edge of PLA 5C – 15 feet.
- DD-8. a. If the development contains at least one acre, 60 feet above ABE, except for properties within 325 feet of the PLA 5C eastern boundary, then 40 feet above ABE.
- If the development is south of 4th Avenue and within 180 feet east of 6th Street, and contains at least 0.8 acres, 52 feet above ABE.
 - If the development is south of 4th Avenue and within 180 feet east of 6th Street, and contains at least 0.4 acres, 40 feet above ABE.
- DD-9. If adjoining a low density zone other than RSX, then 25 feet above ABE.
- DD-10. The side yard may be reduced to zero feet if the side of the dwelling unit is attached to a dwelling unit on an adjoining lot. If one side of a dwelling unit is so attached and the opposite side is not, the side that is not attached must provide a minimum side yard of five feet; provided, that this special regulation shall not supersede minimum yard requirements when abutting a lot containing a low density use within the PLA 5A zone.
- DD-11. The rear yard may be reduced to zero feet if the rear of the dwelling unit is attached to a dwelling unit on an adjoining lot; provided,

that this special regulation shall not supersede minimum yard requirements when abutting a lot containing a low density use within the PLA 5A zone.

DD-12. The required 30-foot front yard may be reduced one foot for each one foot of this yard that is developed as a public use area if:

- a. Within 30 feet of the front property line, each portion of a structure is set back from the front property line by a distance greater than or equal to the height of that portion above the front property line; and
- b. Substantially, the entire width of this yard, from north to south property lines, is developed as a public use area; and
- c. The design of the public use area is specifically approved by the City.

DD-13. The required front yard for any portion of the structure over 30 feet in height above average building elevation shall be 35 feet. This required front yard cannot be reduced under DD-12 above for a public use area.

DD-14. Structure height may be increased to 40 feet above ABE if:

- a. Obstruction of views from existing development lying east of Lake Washington Boulevard is minimized; and
- b. Maximum lot coverage is 80 percent, but shall not include any structure allowed within the required front yard under the General Regulations in KZC 60.170; and
- c. Maximum building coverage is 50 percent, but shall not include any structure allowed within the required front yard under the General Regulations in KZC 60.170 or any structure below finished grade; and
- d. A waterfront area developed and open for public use shall be provided with the location and design specifically approved by the City. Public amenities shall be provided, such as nonmotorized watercraft access or a public pier. A public use easement document shall be provided to the City for the public use area, in a form acceptable to the City. The City shall require signs designating the public use area; and
- e. The required public pedestrian access trail from Lake Washington Boulevard to the shoreline shall have a trail width of at least six feet and shall have a grade separation from the access driveway; and
- f. No roof top appurtenances, including elevator shafts, roof decks or plantings, with the exception of ground cover material on the roof not to exceed four inches in height, shall be on the roof of the building or within the required view corridors.

DD-15. The minimum dimension of any yard, other than those listed, is five feet. Any required yard, other than the front required yard, may be reduced to zero feet if the side of the dwelling unit is attached to a dwelling unit on an adjoining lot. If one side of a dwelling unit is so attached and the opposite side is not, the side that is not attached shall provide the minimum required yard.

DD-16. 8,500 square feet if PR 8.5 zone.

DD-17. Except for properties within 325 feet of the PLA 5C eastern boundary, then 40 feet above ABE.

DD-18. For properties abutting PLA 5D, any portion of a building exceeding 30 feet above ABE shall be no closer than 50 feet to the easterly edge of PLA 5C.

DD-19. Structure height may be increased to 35 feet above ABE if:

- a. The increase does not impair views of the lake from properties east of Lake Washington Boulevard; and
- b. The increase is offset by a view corridor that is superior to that required by the General Regulations.

DD-20. 8,500 square feet if PR 8.5 zone, 5,000 square feet if PR 5.0 zone.

DD-21. With a residential density as established on the Zoning Map. Minimum amount of lot area per dwelling unit is as follows:

- a. In PR 8.5 zones, the minimum lot area per unit is 8,500 square feet.
- b. In PR 5.0 zones, the minimum lot area per unit is 5,000 square feet.
- c. In PR 3.6 zones, the minimum lot area per unit is 3,600 square feet.
- d. In PR 2.4 and PRA 2.4 zones, the minimum lot area per unit is 2,400 square feet.
- e. In PR 1.8 and PRA 1.8 zones, the minimum lot area per unit is 1,800 square feet.

DD-22. Where the 25-foot height limitation results solely from an adjoining low density zone occupied by a school that has been allowed to

increase its height to at least 30 feet, then a structure height of 30 feet above ABE is allowed.

DD-23. The minimum dimension of any yard, other than those listed, is five feet.

DD-24. On corner lots, only one front yard must be a minimum of 20 feet. All other front yards shall be regulated as a side yard (minimum five-foot yard). The applicant may select which front yard shall meet the 20-foot requirement.

DD-25. Part of the unit count allowed in Planned Area 15A may be developed in Planned Area 15B. The maximum permitted number of dwelling units on the subject property in Planned Area 15A is computed using the following formula:

(The total lot area in square feet divided by 3,100) minus the unit count transferred to Planned Area 15B = the maximum permitted number of dwelling units.

DD-26. The maximum amount of allowable floor area for nonresidential use is computed using the following formula:

(The maximum number of dwelling units allowed on the subject property - the number of dwelling units proposed) x the average square footage of the dwelling units = amount of square footage available for nonresidential use.

DD-27. The City will determine required yards, lot coverage, structure height and landscaping based on the compatibility of development with adjacent uses and the degree to which public access, use and views are provided. Also see Chapter 83 KZC for required shoreline setback.

DD-28. Subsequent subdivision of an approved Master Plan into smaller lots is permitted; provided, that the required minimum acreage is met for the Master Plan.

DD-29. Gross floor area shall not exceed 3,000 square feet.

DD-30. Landward of the ordinary high water mark.

DD-31. For school use, structure height may be increased, up to 35 feet and 40 feet in PRA zones, if:

- a. The school can accommodate 200 or more students; and
- b. The required side and rear yards for the portions of the structure exceeding the basic maximum structure height are increased by one foot for each additional one foot of structure height; and
- c. The increased height is not specifically inconsistent with the applicable neighborhood plan provisions of the Comprehensive Plan; and
- d. The increased height will not result in a structure that is incompatible with surrounding uses or improvements.

This special regulation is not effective within the disapproval jurisdiction of the Houghton Community Council.

DD-32. For that portion of the PR 1.8 zone lying between 120th Avenue NE and 124th Avenue NE, the maximum building height of a structure shall be 60 feet above average building elevation.

(Ord. 4514 § 1, 2016; Ord. 4476 § 2, 2015)

*Code reviser's note: This section of the code has been modified from what was shown in Ord. 4476 to simplify the code and reflect the intent of the City.

DD-33. For a Government Facility Parking Structure use in a PR 1.8 TOD zone within the Totem Lake Business District (TLBD) the minimum required yards and where they are measured from shall be as follows:

- a) East: 20'. The required yard may be reduced to 0' (zero feet) if the street level floor of the building contains a commercial use designed with a pedestrian-oriented facade with direct access to 116th Way NE. Façade treatments shall include overhead weather protection, public spaces with seating, landscaping, and art, and transparent storefronts. The required yard shall be measured from the 116th Way NE right-of-way.
- b) South: 45'. The 45' required yard shall be measured from the common property line between the TOD zone and the adjoining 1.8 zone.
- c) West: 50'. The 50' required yard shall be measured from the common property line between the TOD zone and the adjoining RSX 7.2 zone.
- d) North: 0'. Along common property line with TOD.

DD-34. For Transit Oriented Development Containing Attached or Stacked Dwelling Units or Residential Suites use in a PR 1.8 TOD zone within the Totem Lake Business District (TLBD), the minimum required yards and where they are measured from shall be as follows:

- a. East: 20': The Design Review Board may approve a reduction of the east required yard along 116th Way NE to 0' (zero

feet) for portions of the structure where the street floor of the building contains:

- 1) Commercial use is designed with a pedestrian-oriented façade with direct access to 116th Way NE. Façade treatments shall include overhead weather protection; public spaces with seating, landscaping, and art; and transparent storefronts; or.
- 2) Residential uses or lobbies that incorporate front entries, porches, and stoops oriented to 116th Way NE.
- b. South: 10' along common property line with TOD
- c. West: 50' See Special Regulation DS-15
- d. North: 20'

DD-35. For Transit Oriented Development Containing Attached or Stacked Dwelling Units or Residential Suites use in a PR 1.8 TOD zone within the Totem Lake Business District (TLBD), no portion of a structure located within 10' of the east property line shall exceed 45' above average building elevation.

30.40 Development Standards

Development Standards Table – Office Zones

(PO; PR 8.5; PR 5.0; PR 3.6; PR 2.4; PRA 2.4; PR 1.8; PRA 1.8; PLA 5B, PLA 5C; PLA 6B; PLA 15A; PLA 17A)

(Refer to KZC 30.20, Permitted Uses Table, to determine if a use is allowed in the zone; see also KZC 30.30, Density/Dimensions Table)

Use		Landscape Category (Chapter 95 KZC)	Sign Category (Chapter 100 KZC)	Required Parking Spaces (Chapter 105 KZC)
30.40.010	Assisted Living Facility	D	A	1.7 per independent unit. 1 per assisted living unit.
30.40.020	Boat Launch (for Nonmotorized and/or Motorized Boats)	B	B	See KZC 105.25.
30.40.030	Church	C	B	1 for every 4 people based on maximum occupancy load of any area of worship. ³
30.40.040	Community Facility	C ⁴ PLA 15A: A ⁴	B	See KZC 105.25.
30.40.050	Convalescent Center	C	B	1 for each bed.

Use		Landscape Category (Chapter 95 KZC)	Sign Category (Chapter 100 KZC)	Required Parking Spaces (Chapter 105 KZC)
30.40.060	Detached, Attached or Stacked Dwelling Units	D PLA 17A: D¹	A	1.2 per studio unit. 1.3 per 1 bedroom unit. 1.6 per 2 bedroom unit. 1.8 per 3 or more bedroom unit. See KZC 105.20 for visitor parking requirements. PLA 17A: ²
30.40.070	Detached Dwelling Units	E	A	PR, PRA, 17A: 2.0 per dwelling unit. PLA 5C, PLA 6B, PLA 15A: 2.0 per unit.
30.40.080	Development containing: Attached or Stacked Dwelling Units; and Restaurant or Tavern; and Marina	5	6	For residential: 1.2 per studio unit. 1.3 per 1 bedroom unit. 1.6 per 2 bedroom unit. 1.8 per 3 or more bedroom unit. See KZC 105.20 for visitor parking requirements. For other uses see KZC 105.25.
30.40.090	Development Containing Stacked or Attached Dwelling Units and Office Uses	C	D	For residential: 1.2 per studio unit. 1.3 per 1 bedroom unit. 1.6 per 2 bedroom unit. 1.8 per 3 or more bedroom unit. See KZC 105.20 for visitor parking requirements. For other uses see KZC 105.25.
30.40.100	Funeral Home or Mortuary	C	B	PO: 1 per each 300 sq. ft. of gross floor area. PR, PRA: 1 per each 300 sq. ft. floor area. PLA 6B: See KZC 105.25.
30.40.110	Government Facility	C ⁴ PLA 15A: A⁴	B ¹²	See KZC 105.25.
30.40.120*	Reserved			
30.40.130	Hospital Facility	B	B	See KZC 105.25.
30.40.140	Marina	B	B	1 per each 2 slips.
30.40.150	Mini-School or Mini-Day-Care Center	E PLA 17A: D	B PR, PRA: B¹⁰	See KZC 105.25. ^{7, 8} PR, PRA: See KZC 105.25. ⁷ PLA 17A: See KZC 105.25. ⁹
30.40.160	Nursing Home	C	B	1 for each bed.
30.40.170	Office Uses	C PLA 15A: D	D	1 per each 300 sq. ft. of gross floor area. ¹¹
30.40.180	Passenger Only Ferry Terminal	B	B	See KZC 105.25.
30.40.190	Piers, Docks, Boat Lifts and Canopies Serving Detached, Attached or Stacked Dwelling Units	See Chapter 83 KZC.	See Chapter 83 KZC.	None
30.40.200	Piers, Docks, Boat Lifts and Canopies Serving Detached Dwelling Unit	See Chapter 83 KZC.	See Chapter 83 KZC.	None
30.40.210	Public Access Pier, Public Access Facility, or Boardwalk	See Chapter 83 KZC.	See Chapter 83 KZC.	See KZC 105.25.
30.40.220	Public Park	Development standards will be determined on a case-by-case basis.		
30.40.230	Public Utility	A ⁴ PR, PRA: A	B	See KZC 105.25.
30.40.240	Restaurant or Tavern	B	E	PO: 1 per each 100 sq. ft. of gross floor area. PR, PRA: 1 per each 100 sq. ft. floor area.
30.40.245*	Retail Establishment including Grocery Store, Drug Store, Laundromat, Dry Cleaners, Barber Shop, or Shoe Repair Shop	B	E	PO: 1 per each 300 sq. ft. of gross floor area. PR, PRA: 1 per each 300 sq. ft. floor area.
30.40.250*	Retail Establishment other than those specifically listed, limited, or prohibited in this zone, selling goods or providing services	B	E	1 per each 300 sq. ft. floor area.
30.40.260	Retail Establishment providing banking or related financial service	B	E	1 per each 300 sq. ft. of gross floor area.

Use		Landscape Category (Chapter 95 KZC)	Sign Category (Chapter 100 KZC)	Required Parking Spaces (Chapter 105 KZC)
30.40.270	School or Day-Care Center	D	B	See KZC 105.25. ^{8, 9} PR, PRA, PLA 17A: See KZC 105.25. ⁹
30.40.280	Tour Boat	B	B	See KZC 105.25.
30.40.290	Water Taxi	B	B	See KZC 105.25.
30.40.295	Government Facility Parking Structure	B DS-13 and PU-40	16	See 30.20.295 PU-40 and Bicycle parking¹⁴
30.40.300	Transit Oriented Development Containing Attached or Stacked Dwelling Units or Residential Suites	DS-15 and PU-41	16	17

Development Standards (DS) Special Regulations:

- DS-1. Adjacent to NE 90th Street and existing institutional parking lots, the property must include dense landscaping and a fence or screen wall which provide screening for this use.
- DS-2. If the subject property contains eight or more units, then the parking area shall also include a designated location and facilities to serve on-site residents as they wash or otherwise service their personal vehicles. These facilities shall be so located, improved, and furnished to prevent surface water contaminants, such as detergents, oils, and debris, from entering the lake or wetlands.
- DS-3. No parking is required for day-care or school ancillary to the use.
- DS-4. 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.
- DS-5. The City will determine required yards, lot coverage, structure height and landscaping based on the compatibility of development with adjacent uses and the degree to which public access, use and views are provided. Also see Chapter 83 KZC for required shoreline setback.
- DS-6. All signs must be approved as part of a Comprehensive Design Plan in accordance with KZC 100.80.
- DS-7. 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.
- DS-8. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses.
- DS-9. 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.
- DS-10. Electrical signs shall not be permitted. Size of signs may be limited to be compatible with nearby residential uses.
- DS-11. If a medical, dental, or veterinary office, then one per each 200 square feet of gross floor area.
- DS-12. One pedestal sign with a readerboard having electronic programming is allowed at a fire station only if:
- It is a pedestal sign (see Plate 12) having a maximum of 40 square feet of sign area per sign face;
 - The electronic readerboard is no more than 50 percent of the sign area;
 - Moving graphics and text or video are not part of the sign;
 - The electronic readerboard does not change text and/or images at a rate less than one every seven seconds and shall be readily legible given the text size and the speed limit of the adjacent right-of-way;
 - The electronic readerboard displays messages regarding public service announcements or City events only;
 - The intensity of the display shall not produce glare that extends to adjacent properties and the signs shall be equipped with a device which automatically dims the intensity of the lights during hours of darkness.
 - The electronic readerboard is turned off between 10:00 p.m. and 6:00 a.m. except during emergencies;
 - It is located to have the least impact on surrounding residential properties.

If it is determined that the electronic readerboard constitutes a traffic hazard for any reason, the Planning Director may impose

additional conditions.

(Ord. 4489 § 1, 2015; Ord. 4487 § 1, 2015; Ord. 4476 § 2, 2015)

*Code reviser's note: This section of the code has been modified from what was shown in Ord. 4476 to simplify the code and reflect the intent of the City.

DS-13. A Government Facility Parking Structure use in the PR 1.8 TOD zone within the Totem Lake Business District (TLBD) shall submit a landscape and tree retention plan showing:

- a) Retention of all existing trees (unless deemed hazard or nuisance), vegetation, and berming within the required buffers located within the south and west required yard. Add replacement trees and vegetation in the buffers for any trees and vegetation removed deemed to be hazard or nuisance.
- b) Within the south required yard, the plans shall indicate enhancement of the existing buffer area to create the appearance of a natural, open area, planted with a variety of native trees, shrubs, and groundcover that will provide lower level screening and effective screening of the parking garage over time. Install a 6-foot-high solid screening fence or wall. Design of plan to include CPTED (Crime Prevention through Environmental Design) principles.
- c) Provide landscaping between the north and east parking structure façades and any vehicular access area or interior pedestrian walkway with a minimum 3 feet of landscaping. The Planning Official may modify this requirement if proposed façade treatments will achieve equal or better screening and visual appearance of the parking structure façade.

DS-14. A Government Facility Parking Structure use in the PR 1.8 TOD zone within the Totem Lake Business District (TLBD) shall provide long term and short-term bicycle parking. At a minimum the number of bicycle parking stalls shall be 28. A portion of the bike stalls must be in a secured, locked area such as a bike cage or on-demand lockers within the garage or weatherproof bicycle lockers may be located outside of the garage. The Planning Official may modify this standard based on site constraints, observed utilization, high-quality bicycle infrastructure, or other modes of access. Design must demonstrate that there is an area that could accommodate growth in bicycle parking demand at a rate of twice what was initially provided. To meet this requirement, off site bicycle parking may be approved if the Planning Official finds that the off-site location provides safer and/or more convenient access to Totem Lake/Kingsgate BRT Station.

DS-15. A Transit Oriented Development Containing Attached or Stacked Dwelling Units or Residential Suites use in the PR 1.8 TOD zone within the Totem Lake Business District (TLBD) shall meet the following requirements:

- a) Retention of all existing trees (unless deemed hazard or nuisance), vegetation and berming within the required buffers located within the west required yard. Add replacement trees and vegetation in the buffers for any trees and vegetation removed deemed to be hazard or nuisance.
- b) Along the 116th Way NE property frontage, install plant tree species that will achieve a tall height with a significant amount coniferous to mitigate view of freeway. Install decorative pedestrian lighting pursuant to City Pre-approved Plans.

DS-16. 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 development.

DS-17. A Transit Oriented Development Containing Attached or Stacked Dwelling Units or Residential Suites use in the PR 1.8 TOD zone within the Totem Lake Business District (TLBD) shall meet the following parking rates:

Market Rate Residential: 1.0 per unit, plus guest parking at .05 stall per unit
Affordable Housing: .75 stall per affordable unit

Restaurant/tavern: 1 stall per 125 sq. ft of gfa.

Retail: 1.0 stall per each 350 sq. ft. of gfa.

Office: 1.0 stall per each 350 sq. ft. of gfa.

Hotel/Motel: 1.0 stall per each room.

Public or Private College or University and Related Facilities: see KZC 105.25

Entertainment, cultural, recreational: see KZC 105.25

Residential Suites:

- a. Parking shall be provided at a rate of one stall per living unit plus one per on-site employee, and modifications to decrease the parking requirement are prohibited. However, if parking is managed as provided below, parking shall be provided at a rate of 0.5 per living unit plus one per on-site employee.
- b. The required parking shall be 0.5 per living unit where the parking is managed as follows and the property owner agrees to the following in a form approved by the City and recorded with King County:
 - 1) Rentals shall be managed such that the total demand for parking does not exceed the available supply of required private parking. If the demand for private parking equals or exceeds the supply of required private parking, the property owner shall either restrict occupancy of living units or restrict leasing to only tenants who do not have cars.
 - 2) The property owner shall prepare a Transportation Management Plan (TMP) for review and approval by the City and recording with King County. At a minimum the TMP shall include the following requirements:
 - i. Charge for on-site parking, unbundled from the rent, for tenants who have cars. 2) Bus pass or equivalent alternative transportation mode subsidies for tenants who do not have cars.
 - ii. Lease provisions and monitoring requirements for the property owner to ensure that tenants are not parking off site to avoid parking charges.
 - iii. Adequate secured and sheltered bicycle parking to meet anticipated demand.
 - iv. Designation of a Transportation Coordinator to manage the TMP, provide commute information to all new tenants, and be a point of contact for the City.
 - v. At the time the project attains 90 percent occupancy, the property owner shall provide an accurate and detailed report of initial resident parking demand and alternative commute travel. The report format shall be reviewed and approved by the City.
 - vi. Following the initial survey, the property owner shall submit a biennial survey of residents prepared and conducted by a licensed transportation engineer or other qualified professional documenting on-site and potential off-site parking utilization and alternative commute travel. The Planning Director may increase or decrease the frequency of the survey based on the documented success of the TMP.
 - vii. Acknowledgment by the property owner that it shall be a violation of this code for the actual parking demand for the project to exceed the available supply of required parking or to fail to comply with the provisions of the TMP or reporting requirements.
 - viii. After one year of project occupancy, the Planning Official may allow a decrease in the required number of spaces if the number of spaces proposed is documented by an adequate and thorough parking demand and utilization study.

of the property. The study shall be prepared by a licensed transportation engineer or other qualified professional, and shall analyze the operational characteristics of the use which justify a parking reduction. The scope of the study shall be proposed by the transportation engineer and approved by the City Transportation Engineer. The study shall provide at least two days of data for morning, afternoon and evening hours, or as otherwise approved or required by the City Transportation Engineer.

c. All residential suites and all required parking within a project shall be under common ownership and management.

KZC Amendments to Chapter 5- draft 7/7/2020

KZC Chapter 5 Definitions:

KZC 5.10.023 Affordable Housing Unit

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

- a. Eighty percent in the CBD 5A, RH, TL, HENC 2, and PLA 5C zoning districts and for Transit Oriented Development in the PR 1.8 zone; or
- b. One hundred percent in density limited zoning districts.

2. 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 30 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. (Ord. 4637 § 3, 2018; Ord. 4474 § 1, 2015; Ord. 4222 § 1, 2009; Ord. 3938 § 1, 2004)

KZC Chapter 112 – AFFORDABLE HOUSING INCENTIVES – MULTIFAMILY- Draft Amendments 7/7/2020**Sections:**

112.05	User Guide
112.10	Purpose
112.15	Affordable Housing Requirement
112.20	Basic Affordable Housing Incentives
112.25	Additional Affordable Housing Incentives
112.30	Alternative Compliance
112.35	Affordability Provisions
112.40	Regulatory Review and Evaluation

112.05 User Guide

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

If you are interested in proposing four (4) more residential units in commercial zones, high density residential zones, medium density zones, or office zones, or you wish to participate in the City's decision on such a project, you should read this chapter.

(Ord. 4392 § 1, 2012; Ord. 4222 § 1, 2009; Ord. 3938 § 1, 2004)

112.10 Purpose

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

(Ord. 4392 § 1, 2012; Ord. 4222 § 1, 2009; Ord. 3938 § 1, 2004)

112.15 Affordable Housing Requirement

1. Applicability –
 - a. Minimum Requirement – All developments creating four (4) or more new dwelling units in commercial, high density residential, medium density and office zones shall provide at least 10 percent of the units as affordable housing units and comply with the provisions of this chapter as established in the General Regulations or the Special Regulations for the specific use in Chapters 20 through 56 KZC. This subsection is not effective within the disapproval jurisdiction of the Houghton Community Council, except in the HENC 1 and HENC 2 zones. [For Transit Oriented Development in the PR 1.8 zone, see the Permitted Uses for the minimum amount of affordable housing to be provided and other requirements of this chapter that do not apply.](#)
 - b. Voluntary Use – All other provisions of this chapter are available for use within the disapproval jurisdiction of the Houghton Community Council and in developments where the minimum requirement does not apply; provided, however, the provisions of this chapter are not available for use in developments located within the BN zone.
2. Calculation in Density-Limited Zones – For developments in density-limited zones, the required amount of affordable housing shall be calculated based on the number of dwelling units proposed prior to the addition of any bonus units allowed pursuant to KZC 112.20.
3. Calculation in CBD 5A, RH, HENC 2, TL, [Transit Oriented Development in PR 1.8](#), FHNC and PLA 5C Zones – For developments in the CBD 5A, RH, TL, FHNC, HENC 2 and PLA 5C zones, the required amount of affordable housing shall be calculated based on the total number of dwelling units proposed.

4. Rounding and Alternative Compliance – In all zones, the number of affordable housing units required is determined by rounding up to the next whole number of units if the fraction of the whole number is at least 0.66. KZC 112.30 establishes methods for alternative compliance, including payment in lieu of construction for portions of required affordable housing units that are less than 0.66 units.

(Ord. 4650 § 1, 2018; Ord. 4637 § 3, 2018; Ord. 4636 § 3, 2018; Ord. 4476 § 3, 2015; Ord. 4474 § 1, 2015; Ord. 4392 § 1, 2012; Ord. 4390 § 1, 2012; Ord. 4337 § 1, 2011; Ord. 4286 § 1, 2011; Ord. 4222 § 1, 2009; Ord. 3938 § 1, 2004)

112.20 Basic Affordable Housing Incentives

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

2. Bonus

a. Height Bonus. In RH, PLA 5C, FHNC, and TL use zones where there is no minimum lot size per dwelling unit, and for Transit Oriented Development in the PR 1.8 zone, additional building height has been granted in exchange for affordable housing, as reflected in each Use Zone Chart for the RH, FHNC and TL zones and tables for the PLA 5C and PR 1.8 zones.

b. Development Capacity Bonus. On lots or portions of lots in the RH 8 use zone located more than 120 feet north of NE 85th Street, between 132nd Avenue NE and parcels abutting 131st Avenue NE, in the HENC 2 use zone, and in the CBD 5A use zone, where there is no minimum lot size per dwelling unit, additional residential development capacity has been granted in exchange for affordable housing as reflected in the Use Zone Chart.

c. Bonus Units. In use~~For uses in~~ zones where the number of dwelling units allowed on the subject property is determined by dividing the lot size by the required minimum lot area per unit, two (2) additional units (“bonus units”) may be constructed for each affordable housing unit provided. (See Plate 32 for example of bonus unit calculations.)

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

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

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

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

Affordability Level	Bonus Unit to Affordable Unit Ratio
<i>Renter-Occupied Housing</i>	
60% of median income	1.9 to 1
70% of median income	1.8 to 1
<i>Owner-Occupied Housing</i>	
90% of median income	2.1 to 1
80% of median income	2.2 to 1

b. In the CBD 5A, HENC 2, RH, TL and PLA 5C use zones, the percent of affordable units required for alternative affordability levels will be as follows:

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

c. To encourage “pioneer developments” in the Rose Hill and Totem Lake business districts, the definition of affordable housing for projects in the RH and TL zones shall be as provided in the following table. This subsection shall apply only to those projects which meet the affordability requirements on site or off site. This subsection shall not apply to those projects which elect to use a payment in lieu of constructing affordable units as authorized in KZC 112.30(4).

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

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

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

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

4. Dimensional Standards Modification – To the extent necessary to accommodate the bonus units allowed under subsection (2)(c) of this section on site, the following requirements of the Kirkland Zoning Code may be modified through the procedures outlined in this subsection. These modifications may not be used to accommodate the units resulting from the base density calculation.

a. Maximum Lot Coverage. The maximum lot coverage may be increased by up to five (5) percentage points over the maximum lot coverage permitted by the underlying use zone. Maximum lot coverage may not be modified through this provision on properties with streams, wetlands, minor lakes or their buffers. In addition, this modification would require a shoreline variance as set forth in Chapter 141 KZC for properties within jurisdiction of the Shoreline Management Act. See Chapter 83 KZC.

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

the owner of the affordable housing unit shall sign a covenant, in a form acceptable to the City Attorney, restricting the occupants of each affordable housing unit to a maximum of one (1) automobile.

c. **Structure Height.** Maximum height for structures containing affordable housing units may be increased by up to six (6) feet for those portions of the structure(s) that are at least 20 feet from all property lines. Maximum structure height may not be modified through this provision for any portion of a structure that is adjoining a low density zone. This modification may be permitted or may require a shoreline variance as set forth in Chapter 141 KZC for properties within jurisdiction of the Shoreline Management Act. See Chapter 83 KZC.

d. **Required Yards.** Structures containing affordable housing units may encroach up to five (5) feet into any required yard except that in no case shall a remaining required yard be less than five (5) feet. A modification to the shoreline setback would require a shoreline variance set forth in Chapter 141 KZC for properties within jurisdiction of the Shoreline Management Act. See Chapter 83 KZC.

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

5. Impact Fee and Permit Fee Calculation

a. 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.

b. 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.

c. Applicants providing affordable housing units are eligible for exemption from various planning, building, plumbing, mechanical and electrical permit fees for the bonus units allowed under subsection (2)(c) of this section as established in KMC 5.74.070 and KMC Title 21.

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

(Ord. 4637 § 3, 2018; Ord. 4636 § 3, 2018; Ord. 4498 § 3, 2015; Ord. 4476 § 3, 2015; Ord. 4474 § 1, 2015; Ord. 4337 § 1, 2011; Ord. 4252 § 1, 2010; Ord. 4222 § 1, 2009; Ord. 3938 § 1, 2004)

112.25 Additional Affordable Housing Incentives

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

2. **Density Bonus** – An applicant may propose more than two (2) bonus units for every affordable housing unit or a density bonus exceeding 25 percent of the number of units allowed in the underlying zone of the subject property. However, in no event may a project receive a bonus that would result in a number of bonus units that exceeds 50 percent of the number of units allowed based on the underlying zone of the subject property. Such a request shall be reviewed and decided upon by the Planning Director. The decision of the Planning Director in approving or denying a modification under this subsection may be appealed using the appeal provision, as applicable, of Process I, KZC 145.60 through 145.110.

3. **Dimensional Standards Modification** – An applicant may request further modification from the dimensional standards listed in KZC 112.20(4). Approval of any further modification of the dimensional standards will be based on the applicant's demonstration that the subject property cannot reasonably achieve the permitted density, including the bonus units. Such a request shall be reviewed and decided upon using Process I, described in Chapter 145 KZC. If the development, use, or activity requires approval through Process IIA or IIB, the entire proposal will be decided upon using that other process.

4. Criteria for Approving Additional Affordable Housing Incentives – The City may approve one (1) or more of the additional affordable housing incentives listed in subsection (2) or (3) of this section, in addition to or in place of the basic affordable housing incentives, if one (1) or more of the following requirements are met:

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

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

(Ord. 4286 § 1, 2011; Ord. 4222 § 1, 2009; Ord. 3938 § 1, 2004)

112.30 Alternative Compliance

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

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

- a. The applicant demonstrates that the proposed alternative compliance method achieves an affordable housing benefit to the City equal to or better than providing the affordable housing units on site.
- b. The affordable housing units provided through the alternative compliance will be based on providing the same type of ownership of units as would have been provided on site.

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

- a. The off-site location chosen for the affordable housing units shall not lead to an undue concentration of affordable housing either at the off-site location or in any particular area of the City.
- b. Any building permits required for off-site affordable housing units shall be submitted prior to submittal of building permits for the subject property. Certificates of occupancy for off-site affordable housing units shall be issued prior to issuance of the final certificate of occupancy for the subject property.

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

- a. To encourage “pioneer developments” subject to these regulations, payments in lieu are allowed for one (1) whole required affordable housing unit and portions of required affordable housing units that are less than 0.66 units during the five (5) years immediately following the effective date of the ordinance codified in this chapter (until April 1, 2015). After that time period, payments in lieu are allowed only for portions of required affordable housing units that are less than 0.66 units. Rounding up to the next whole number of units and actual construction of the affordable units is required when the calculated number of required affordable units results in a fraction of 0.66 or more.

- b. Payments in lieu shall be based on the difference between the cost of construction for a prototype affordable housing unit on the subject property, including land costs and development fees, and the revenue generated by an affordable housing unit. The formula for payments shall be established by the Planning Director.
- c. The payment obligation shall be established prior to issuance of any building permits for the project and shall be due prior to issuance of any certificate of occupancy for the project. Collected payments shall be deposited in the City's Housing Trust Fund account.

(Ord. 4222 § 1, 2009; Ord. 3938 § 1, 2004)

112.35 Affordability Provisions

1. Approval of Affordable Housing Units – Prior to the issuance of any permit(s), the City shall review and approve the location and unit mix of the affordable housing units consistent with the following standards:
 - a. The affordable housing units shall be intermingled with all other dwelling units in the development.
 - b. 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.
 - c. The affordable housing units shall consist of a range of number of bedrooms that are comparable to units in the overall development.
 - d. 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 1-bedroom unit, 700 square feet for a 2-bedroom unit, or 900 square feet for a 3-bedroom unit, whichever is less.
 - e. 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.
 - f. The exterior design of the affordable housing units must be compatible and comparable with the rest of the dwelling units in the development.
 - g. 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.
2. Affordability Agreement – Prior to issuing a certificate of occupancy, an agreement in a form acceptable to the City Attorney that addresses price restrictions, homebuyer or tenant qualifications, long-term affordability, and any other applicable topics of the affordable housing units shall be recorded with King County Recorder's Office. This agreement shall be a covenant running with the land and shall be binding on the assigns, heirs and successors of the applicant.

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

(Ord. 4491 § 11, 2015; Ord. 4222 § 1, 2009; Ord. 3938 § 1, 2004)

112.40 Regulatory Review and Evaluation

At least every two (2) years, the Planning and Building Department shall submit a report that tracks the use of these regulations to the Houghton Community Council, Planning Commission and City Council.

(Ord. 4491 § 3, 2015; Ord. 4222 § 1, 2009; Ord. 3938 § 1, 2004)

PUBLICATION SUMMARY
OF ORDINANCE NO. O-4733

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE AND AMENDING THE KIRKLAND ZONING CODE (ORDINANCE 3719 AS AMENDED) INCLUDING CHAPTERS 5, 30, 112 AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. CAM19-00129.

SECTION 1. Amends Kirkland Zoning Code Chapters 5, 30 and 112 relating to zoning, planning and land use.

SECTION 2. Provides a severability clause for the Ordinance.

SECTION 3. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as five days after publication of summary.

SECTION 4. Directs the City Clerk to certify and forward a complete certified copy of this ordinance to the King County Department of Assessments.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the 1st day of September, 2020.

I certify that the foregoing is a summary of Ordinance 4733 approved by the Kirkland City Council for summary publication.

Kathi Anderson, City Clerk