

ORDINANCE NO. 4257

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LAND USE AND PLANNING; AND REAFFIRMING THE CITY'S ADOPTION OF THE COMPREHENSIVE PLAN AND ZONING CODE AMENDMENTS MADE IN ORDINANCES 4170 AND 4171 AFTER CONSIDERATION OF THE PLANNED ACTION SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT ISSUED ON AUGUST 16, 2010 IN CONNECTION WITH CITY FILE NO. ZON07-00016.

WHEREAS, the City Council received a recommendation from the Kirkland Planning Commission to amend certain portions of the Comprehensive Plan for the City, Ordinance 3481, as amended, and to amend certain portions of the Kirkland Zoning Code (Title 23 of the Kirkland Municipal Code), all as set forth in that certain report and recommendation of the Planning Commission dated November 20, 2008, and bearing Kirkland Department of Planning and Community Development File No. ZON07-00016; and

WHEREAS, prior to making said recommendation, the Planning Commission, following notice thereof as required by RCW 35A.63.070, held public hearings on April 24, 2008, June 12, 2008 and October 23, 2008 on the amendment proposals and considered the comments received at said hearings; and

WHEREAS, pursuant to the State Environmental Policy Act ("SEPA"), the legislative proposals and recommendations were, through the entire consideration process, accompanied by a Planned Action Environmental Impact Statement, the draft of which was issued on April 4, 2008 and the final of which was issued on October 16, 2008 by the responsible official pursuant to WAC 197-11-400 through 197-11-560; and

WHEREAS, on December 16, 2008, the City Council, after consideration of the environmental documents received from the responsible official, together with the report and recommendation of the Planning Commission, adopted Ordinance No. 4170 (An Ordinance of the City of Kirkland Relating to Comprehensive Planning and Land Use and Amending the Comprehensive Plan, Ordinance 3481 as Amended, to Implement Changes to the Downtown Plan Section of the Moss Bay Neighborhood Plan and the Transportation Element, and Approving a Summary for Publication, File No. ZON07-00016) and Ordinance No. 4171 (An Ordinance of the City of Kirkland Relating to Comprehensive Planning and Land Use and Amending the Kirkland Zoning Code (Title 23 of the Kirkland Municipal Code) and the Kirkland Zoning Map, Ordinance 3710 as Amended, to Implement the New CBD5A Zone, and Approving a Summary for Publication, File No. ZON07-00016); and

WHEREAS, on October 5, 2009, the Central Puget Sound Growth Management Hearings Board (CPSGMHB), in the case of Davidson Serles, et al. v. City of Kirkland, et al. (Case No. 09-3-0007c) found that the City's Final Environmental Impact Statement ("FEIS") issued on October 16, 2008 was insufficient for failure to assess reasonable alternatives to the proposal, including offsite alternatives to the nonproject action and that Ordinances 4170 and 4171 failed to meet the consistency requirement of RCW

36.70A.070 (preamble), .070(3)(b, c) and .070(6)(a)(iv) because of the failure to amend the capital facilities plan to include all necessary capital improvements and because of the lack of a multi-year financing plan based on the ten-year transportation needs identified in the Comprehensive Plan; and

WHEREAS, the CPSGMHB did not invalidate Ordinance Nos. 4170 and 4171 but instead remanded the case to the City for additional environmental review under SEPA and; and

WHEREAS, on May 27, 2010, the City issued a Draft Planned Action Supplemental Environmental Impact Statement ("DSEIS") for its Downtown Planned Action Ordinance and related Comprehensive Plan and Zoning Code and Map amendments, which, among other things, addresses the SEPA insufficiencies identified by the CPSGMHB; and

WHEREAS, on June 24, 2010, the Kirkland Planning Commission conducted a public hearing to receive comments on the amendments to the Capital Facilities and Transportation Elements of the Comprehensive Plan and to receive comments on the DSEIS (written comments were also accepted throughout the 30 day comment period); and

WHEREAS, on August 16, 2010 the responsible official issued the final Planned Action Supplemental Environmental Impact Statement; and

WHEREAS, on August 16, 2010, a Notice of Adoption of Existing Environmental Documents was issued for amendments to the City's Capital Facilities and Transportation Elements of the Comprehensive Plan to include necessary capital improvements and a multi-year financing plan based on the ten-year transportation needs identified in the Comprehensive Plan for Totem Center growth; and

WHEREAS, on August 27, 2010, the Kirkland Planning Commission issued a report recommending that the City Council reaffirm its adoption of Ordinance No. 4170 and Ordinance No. 4171; and

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

NOW, THEREFORE, the City Council of the City of Kirkland do ordain as follows:

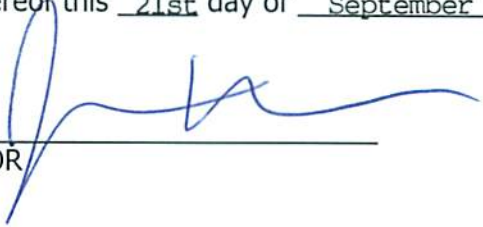
Section 1. Ordinances 4170 and 4171 Reaffirmed. The City Council hereby reaffirms its adoption of Ordinance No. 4170 and Ordinance No. 4171.

Section 2. Severability. Should any section, subsection, paragraph, sentence, clause or phrase of this Ordinance or its application be declared unconstitutional or invalid or unconstitutional for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to any other person or situation.

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.

Passed by majority vote of the Kirkland City Council in open meeting this 21st day of September, 2010.

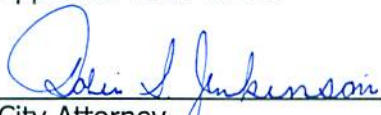
Signed in authentication thereof this 21st day of September, 2010.

  
\_\_\_\_\_  
MAYOR

Attest:

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

Approved as to Form:

  
\_\_\_\_\_  
City Attorney

PUBLICATION SUMMARY  
OF ORDINANCE NO. 4257

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LAND USE AND PLANNING; AND REAFFIRMING THE CITY'S ADOPTION OF THE COMPREHENSIVE PLAN AND ZONING CODE AMENDMENTS MADE IN ORDINANCES 4170 AND 4171 AFTER CONSIDERATION OF THE PLANNED ACTION SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT ISSUED ON AUGUST 16, 2010 IN CONNECTION WITH CITY FILE NO. ZON07-00016

Section 1. Reaffirms City Council adoption of Ordinance No. 4170 and Ordinance No. 4171.

Section 2. Provides severability clause for the ordinance.

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

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 21st day of September, 2010.

I certify that the foregoing is a summary of Ordinance 4257 approved by the Kirkland City Council for summary publication

*Kate Anderson*  
City Clerk