

ORDINANCE O-4337

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO COMPREHENSIVE PLANNING AND LAND USE AND AMENDING THE COMPREHENSIVE PLAN, ORDINANCE 3481 AS AMENDED, AND AMENDING ORDINANCE 3719 AS AMENDED, THE KIRKLAND ZONING CODE, AS REQUIRED BY RCW 36.70A.130 TO ENSURE CONTINUED COMPLIANCE WITH THE GROWTH MANAGEMENT ACT AND APPROVING A SUMMARY FOR PUBLICATION, FILE NO. ZON11-00002.

WHEREAS, the Growth Management Act (GMA), specifically RCW 36.70A.130, mandates that the City of Kirkland review, and if needed, revise its Comprehensive Plan and its official Zoning Code; and

WHEREAS, the City Council has received recommendations from the Kirkland Planning Commission to amend certain portions of the Comprehensive Plan for the City, Ordinance 3481 as amended, and the Zoning Code, Ordinance 3719 as amended, all as set forth in that certain report and recommendation of the Planning Commission dated November 30, 2011 and bearing Kirkland Department of Planning and Community Development File No. ZON11-00002; and

WHEREAS, prior to making said recommendation the Planning Commission, following notice thereof as required by RCW 35A.63.070, held on November 17, 2011, a public hearing, on the amendment proposals and considered the comments received at said hearing; and

WHEREAS, pursuant to the State Environmental Policy Act (SEPA), there has accompanied the legislative proposal and recommendation through the entire consideration process, an Environmental Impact Statement issued by the responsible official pursuant to WAC 197-11-460; and

WHEREAS, in regular public meeting the City Council considered the environmental documents received from the responsible official, together with the reports and recommendations of the Planning Commission; and

WHEREAS, RCW 36.70A.130, requires the City to review all amendments to the Comprehensive Plan concurrently and no more frequently than once every year;

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

Section 1. Comprehensive Plan Text, Figures and Tables, and Zoning Code amended: The Comprehensive Plan,

Ordinance 3481 as amended, and Zoning Code, Ordinance 3719, as amended, are hereby amended as set forth in Exhibit A attached hereto and by this reference incorporated herein as though fully set forth.

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 full force and effect five days from and after its passage by the City Council and publication pursuant to Kirkland Municipal Code 1.08.017, in the summary form attached to the original of this Ordinance and by this reference approved by the City Council as required by law.

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 12th day of December, 2011.

Signed in authentication thereof this 12th day of December, 2011.




Mayor

Attest:



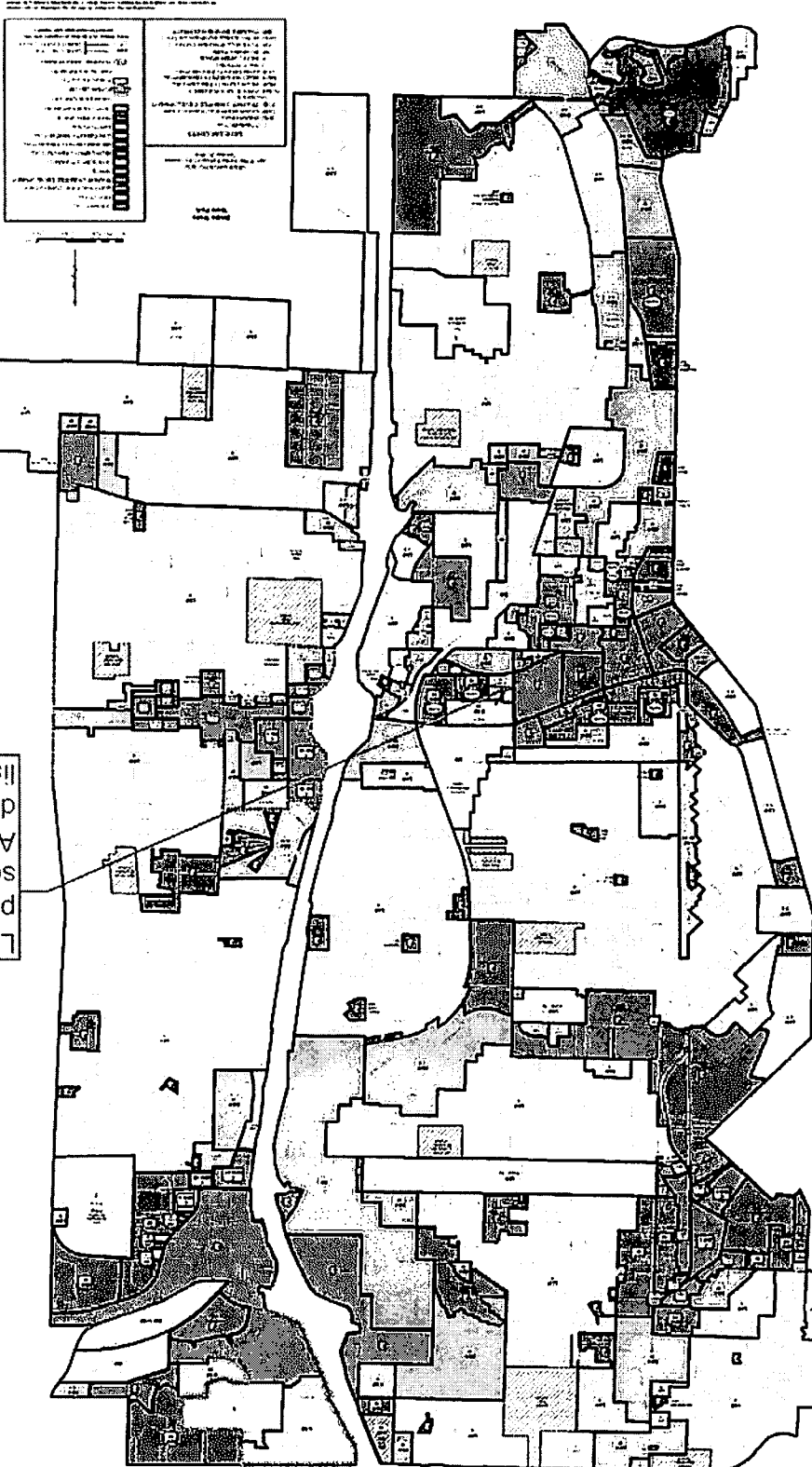
City Clerk

Approved as to Form:



City Attorney

LU-1 Comprehensive Land Use Map



Label to designate
portion of PLA 5C
south of 4th
Avenue "O/M" (no
density limit will be
listed)

Label to designate portion of PLA 5C south of 4th Avenue "O/MF" (no density limit will be listed)

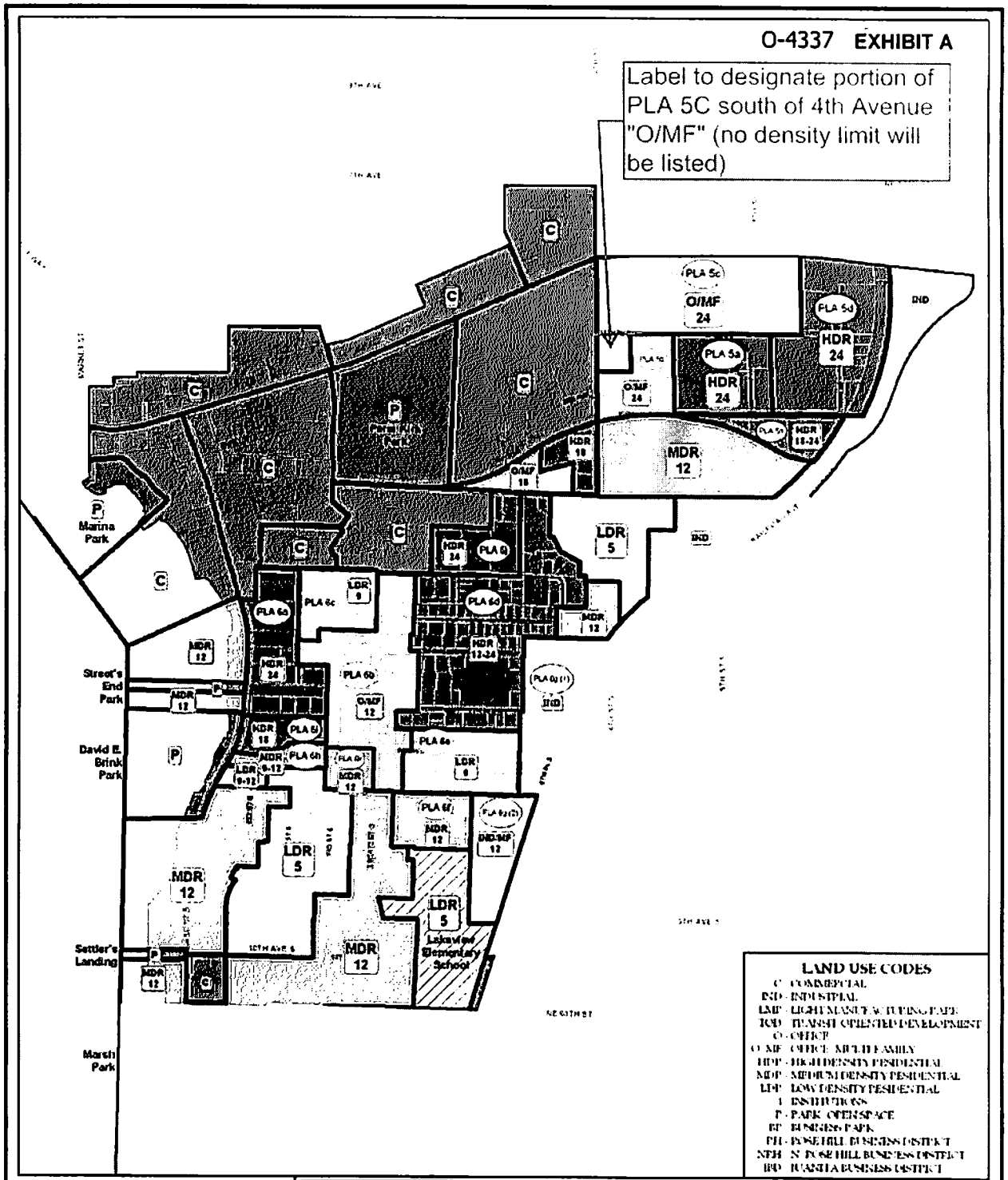


Figure MB-2: Moss Bay Area Land Use

As indicated on Figure MB-2, the majority of the area should develop at 24 dwelling units per acre. No density limit should apply to the area south of 4th Avenue and within 180' of 6th Street.

XV.D. MOSS CREEK NEIGHBORHOOD

4. PERIMETER AREAS

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North C Subarea

Subarea C, located north of Subareas B and A, and north and west of Subarea D, contains office development and the U.S. Post Office facility serving Greater Kirkland. Remaining land should develop as professional office or multifamily residential at a density of up to 24 dwelling units per acre. Structures up to five or six stories in height are appropriate in the area north of Subareas B and A for developments containing at least one acre. The adjacent steep hillside limits potential view obstruction from tall buildings. At the same time, taller than normal structures could themselves take advantage of views to the west while maintaining greater open area on site and enhancing the greenbelt spine. Structures up to four stories in height are appropriate in the eastern portion near Subarea 5D for developments containing at least one acre, if additional building setbacks are provided from residential development to the east in Subarea 5D.

East D Subarea

The easternmost third of PLA 5 is identified as Subarea D. This area has developed in high-density multifamily uses. Any future development should be multifamily residential at a density of up to 24 dwelling units per acre.

South E Subarea

The most southerly subarea is the smallest and is somewhat isolated from the other subareas. Lying between 2nd Avenue and Kirkland Way, this area could develop with high-density multifamily residential (up to 24 units per acre). Due to sight distance problems on Kirkland Way, access to and from this area should be restricted to 2nd Avenue.

D. PLANNED AREA 6

Concept of "Subareas" discussed.

The bulk of the land south of Kirkland Avenue is contained in Planned Area 6 (Figure MB-2). Within this planned area, land is divided into a number of subareas, based on unique conditions including use conflicts, various parcel ownerships, traffic problems, lack of utilities, and other factors which may influence future development of the land. Due to its location, this planned area also has a special relationship with the Downtown.

Land use in Subarea A discussed.

Land contained in Subarea A lies south of the Downtown area, east of Lake Street, and west of State Street. This land is designated for high-density development due to its nearness to the Downtown and adjacency to Lake Street.

Land use in Subarea B discussed.

The lands along State Street are designated as Subarea B. Much of this land is already developed with office uses making future office development also appropriate. Multifamily development should also be allowed due to its compatibility with offices and adjacent residential uses. Such multifamily development should occur at a density of 12 dwelling units per acre.

Standards for future professional office development along State Street are listed.

Future professional offices along State Street should locate only north of 7th Avenue South, in order to encourage a compact office corridor. The standards pertaining to office development should be as follows:

In density limited zones,

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60.39 User Guide.

The charts in KZC 60.42 contain the basic zoning regulations that apply in Planned Area 5C, including sub-zones. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 60.40

Zone
PLA5C

Section 60.40 – GENERAL REGULATIONS

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

1. Refer to Chapter 1 KZC to determine what other provision of this code may apply to the subject property.
2. 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. In such cases, the minimum lot size listed in the Use Regulations 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.
3. If any portion of a structure is adjoining a low density use within PLA 5A, then either:
 - a. The height of that portion of the structure shall not exceed 15 feet above average building elevation; or
 - b. The maximum horizontal facade within 100 feet of the lot containing a low density use within PLA 5A shall not exceed 75 feet.
 See KZC 115.30, Distance Between Structures/Adjacency to Institutional Use, for further details.
(Does not apply to Detached Dwelling Unit uses).
4. Any portion of a structure that exceeds 30 feet above average building elevation must be set back from the front property line one foot for each one foot that the portion of the structure exceeds 30 feet above average building elevation (does not apply to Detached Dwelling and Public Park uses or property within 325 feet of the PLA 5C eastern boundary).
5. 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).

[link to Section 60.42 table](#)

This page of the Kirkland Zoning Code is current through Ordinance 4286, passed January 4, 2011.
Disclaimer: The City Clerk's Office has the official version of the Kirkland Zoning Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

City Website: <http://www.kirkland.wa.gov/>
City Telephone: (425) 587-3150
Code Publishing Company

| DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS | | | | | | | | | | | | |
|---|--|---|---|------------------------------|---|-----------------------|--------------|--|---------------------------------|-----------------------------|---------------------------------------|---|
| Section 60.42 | USE REGULATIONS ↓ ↑ | Required Review Process | Lot Size | MINIMUMS | | | MAXIMUMS | | Landscape Category (See Ch. 95) | Sign Category (See Ch. 100) | Required Parking Spaces (See Ch. 105) | Special Regulations (See also General Regulations) |
| | | | | REQUIRED YARDS (See Ch. 115) | | | Lot Coverage | Height of Structure | | | | |
| | | | | Front | Side | Rear | | | | | | |
| .010 | Detached Dwelling Units | None | 3,600 sq. ft. | 20' | 5' | 10' | 70% | 25' above average building elevation. | E | A | 2.0 per unit. | <ol style="list-style-type: none"> For this use, only one dwelling unit may be on each lot regardless of lot size. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. |
| .020 | Detached, Attached or Stacked Dwelling Units | If the development is south of 4th Avenue and within 180' east of 6th Street, or within 325' of the PLA 5C eastern boundary, then Administrative Design Review for buildings over 30' above average building elevation, Chapter 142 KZC. Otherwise, none. | 3,600 sq. ft. with at least 4,800 sq.-ft. per-unit. | 20' | 5' for detached units. For attached or stacked units, 5', but 2 side yards must equal at least 15'. From easterly edge of PLA 5C - 15'. See Spec. Reg. 4. | 10' See Spec. Reg. 5. | 70% | <ul style="list-style-type: none"> If the development contains at least 1 acre, then the lower of 6 stories or 60' above average building elevation, except for properties within 325' of the PLA 5C eastern boundary, then the lower of 4 stories or 40' above average building elevation. If the development is south of 4th Avenue and within 180' east of 6th Street, and contains at least 0.8 acres, then the lower of 4 stories or 52' above average building elevation. If the development is south of 4th Avenue and within 180 feet east of 6th Street, and contains at least 0.4 acres, then the lower of 3 stories or 40' above average building elevation. Otherwise, 30' above average building elevation. | D | | 1.7 per unit. | <ol style="list-style-type: none"> The City may limit access points onto 6th Street and require traffic control devices and right-of-way realignment. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. Chapter 115 KZC contains regulations regarding common recreational space requirements for this use. 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. 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. 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. <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>7. Minimum amount of lot area per dwelling unit is as follows:</p> <ol style="list-style-type: none"> South of 4th Avenue and within 180' of 6th Street: none Otherwise: 1800 sq. ft. </div> |

| DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS | | | | | | | | | | | | |
|---|--|---|--|------------------------------|---|-----------------------|--------------|--|---------------------------------|-----------------------------|---------------------------------------|---|
| Section 60.42 | USE ↓ REGULATIONS ↑ | Required Review Process | MINIMUMS | | | | MAXIMUMS | | Landscape Category (See Ch. 95) | Sign Category (See Ch. 100) | Required Parking Spaces (See Ch. 105) | Special Regulations (See also General Regulations) |
| | | | Lot Size | REQUIRED YARDS (See Ch. 115) | | | Lot Coverage | Height of Structure | | | | |
| | | | | Front | Side | Rear | | | | | | |
| .040 | Development Containing Stacked or Attached Dwelling Units and Office Uses. See Spec. Reg. 1. | If the development is south of 4th Avenue and within 180' east of 6th Street, or within 325' of the PLA 5C eastern boundary, then Administrative Design Review for buildings over 30' above average building elevation, Chapter 142 KZC. Otherwise, none. | 3,600 sq. ft. with at least 4,800 sq-ft. per-unit. | 20' | 5', but 2 side yards must equal at least 15'. From easterly edge of PLA 5C - 15'. See Spec. Reg. 6. | 10' See Spec. Reg. 7. | 70% | <ul style="list-style-type: none"> If the development contains at least 1 acre, then the lower of 6 stories or 60' above average building elevation, except for properties within 325' of the PLA 5C eastern boundary, then the lower of 4 stories or 40' above average building elevation. If the development is south of 4th Avenue and within 180' east of 6th Street, and contains at least 0.8 acres, then the lower of 4 stories or 52' above average building elevation. If the development is south of 4th Avenue and within 180 feet east of 6th Street, and contains at least 0.4 acres, then the lower of 3 stories or 40' above average building elevation. Otherwise, 30' above average building elevation. | C | D | See KZC 105.25. | <ol style="list-style-type: none"> A veterinary office is not permitted in any development containing dwelling units. The City may limit access points onto 6th Street and require traffic control devices and right-of-way realignment. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. Chapter 115 KZC contains regulations regarding common recreational space requirements for this use. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: <ol style="list-style-type: none"> The ancillary assembled or manufactured goods are subordinate to and dependent on this use. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses. 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. 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. 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. Minimum amount of lot area per dwelling unit is as follows: <ol style="list-style-type: none"> South of 4th Avenue and within 180' of 6th Street: none Otherwise: 1800 sq. ft. |

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and the portion of
PLA5C south of 4th
Avenue and within
180' of 6th Street

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 for the Use Zone or the Special Regulations in the Use Zone Chart for the specific use. This subsection is not effective within the disapproval jurisdiction of the Houghton Community Council.
- 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.

and in the
designated portion
of PLA 5C 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 RH and TL Zones –** For developments in the RH and TL 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.

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.

PLA 5C,

2. Bonus

- a. **Height Bonus.** In RH and TL use zones where there is no minimum lot size per dwelling unit, additional building height has been granted in exchange for affordable housing, as reflected in each Use Zone Chart.
- b. **Bonus Units.** In use 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.)
- c. **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.
- d. **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

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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 |
|--------------------------------|-------------------------------------|
| Renter-Occupied Housing | |
| 60% of median income | 1.9 to 1 |
| 70% of median income | 1.8 to 1 |
| Owner-Occupied Housing | |
| 90% of median income | 2.1 to 1 |
| 80% of median income | 2.2 to 1 |

b. In use zones where additional height is provided in exchange for affordable housing units, the percent of affordable units required for alternative affordability levels will be as follows:

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

PUBLICATION SUMMARY
OF ORDINANCE O-4337

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO COMPREHENSIVE PLANNING AND LAND USE AND AMENDING THE COMPREHENSIVE PLAN, ORDINANCE 3481 AS AMENDED, AND AMENDING ORDINANCE 3719 AS AMENDED, THE KIRKLAND ZONING CODE, AS REQUIRED BY RCW 36.70A.130 TO ENSURE CONTINUED COMPLIANCE WITH THE GROWTH MANAGEMENT ACT AND APPROVING A SUMMARY FOR PUBLICATION, FILE NO. ZON11-00002.

SECTION 1. Amends the following portions of the Kirkland Comprehensive Plan and Kirkland Zoning Code.

- A. Comprehensive Plan – LU-1 Comprehensive Land Use Map
- B. Comprehensive Plan – Moss Bay Area Land Use Figure MB-2
- C. Comprehensive Plan – Moss Bay Neighborhood 4. Perimeter Areas – North C Subarea text
- D. Zoning Code – Zone PLA 5C – Section 60.40 – General Regulations
- E. Zoning Code – Zone PLA 5C Section 60.42 – Use Zone Chart
- F. Zoning Code – Section 112.15 Affordable Housing Requirement
- G. Zoning Code – Section 112.20 Basic Affordable Housing Incentives

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 Kirkland Municipal Code 1.08.017 and establishes the effective date as five days after publication of summary.

SECTION 4. Establishes certification by City Clerk and notification of 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 12th day of December, 2011.

I certify that the foregoing is a summary of Ordinance O-4337 approved by the Kirkland City Council for summary publication.



City Clerk