

ORDINANCE O-4610

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LAND USE AND ZONING, ADOPTING CERTAIN REGULATIONS FOR THE REVIEW PROCESS FOR CITY COUNCIL INITIATED AMENDMENTS TO THE TEXT OF THE ZONING CODE REGARDING TREE PLAN RETENTION REVIEW ON SHORT PLAT AND SUBDIVISION APPLICATIONS IN THE HOLMES POINT OVERLAY ZONE; AND ADDITION OF "SHELTER USE" TO THE ZONING CODE, INCLUDING AMENDMENTS TO PARKING REQUIREMENTS FOR NEW SHELTER USES.

1 WHEREAS, on July 18, 2017, without a public hearing, pursuant
2 to RCW 35A.63.220 and RCW 36.70A.390, the City Council passed
3 Ordinance 4584, establishing a moratorium within the Holmes Point
4 Overlay (HPO) zone regarding short plat and subdivision applications,
5 prohibiting review of tree retention plans via the phased review process
6 and instead requiring review via an integrated development plan (IDP)
7 process; and
8

9 WHEREAS, on September 5, 2017, the City Council held a public
10 hearing with regard to the moratorium prohibiting phased review of tree
11 retention plans in the HPO zone (the "HPO tree moratorium"), and after
12 the hearing enacted Ordinance 4601, continuing this moratorium; and
13

14 WHEREAS, pursuant to RCW 35A.63.220 and RCW 36.70A.390,
15 the HPO tree moratorium is in effect for six months from the date it was
16 first enacted, i.e., it will be in effect until January 14, 2018, at which
17 time it will expire by its own terms unless renewed by the City Council
18 beforehand for another six month period via ordinance after another
19 public hearing; and
20

21 WHEREAS, the City is in the process of developing a Finn Hill
22 Neighborhood Plan to better address impacts that tree removal
23 associated with development activity will have in the HPO zone and the
24 surrounding neighborhood, and this Plan is expected to be implemented
25 in early 2018; and
26

27 WHEREAS, the City is in the process of studying and amending
28 its development regulations, including those effective in the HPO zone.
29 One of the City's goals is to provide improved protection of tree canopy
30 in the HPO zone and, more importantly, to provide additional protection
31 to trees in steep slope areas and on land near steep slopes, so as to
32 help maintain slope stability and help prevent and/or reduce landslides.
33 These amendments are expected to be implemented in early 2018; and
34

35 WHEREAS, the City plans to make the requirement for IDP
36 review of tree retention plans in the HPO zone permanent with its new
37 Finn Hill Neighborhood Plan and development regulation amendments,
38 but is concerned the Plan and required amendments will not be final
39 and adopted before the HPO tree moratorium expires; and

40 WHEREAS, the Kirkland City Council adopted City Work Program
41 for 2015-2016 included an item to "Partner with A Regional Coalition for
42 Housing and non-profit organizations to site a permanent Eastside
43 women's shelter in Kirkland"; and
44

45 WHEREAS, the Kirkland City Council adopted City Work Program
46 for 2017-2018 includes an item to "Partner with A Regional Coalition for
47 Housing, churches and non-profits to construct a permanent women
48 and family shelter in Kirkland"; and
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50 WHEREAS, on February 14, 2017, the City entered into a
51 Memorandum of Understanding (MOU) with Holy Spirit Lutheran
52 Church/Salt House to purchase real property for the future siting and
53 development of a Shelter for adult women and families with children in
54 the City of Kirkland (the "Shelter"); and
55

56 WHEREAS, pursuant to the MOU, the real property for the
57 Shelter is expected to be purchased by December 31, 2017; and
58

59 WHEREAS, the developer of the Shelter is Catholic Housing
60 Services (CHS); and
61

62 WHEREAS, CHS submitted applications for funding to public
63 funders in September 2017, for the purpose of obtaining funds to use
64 for construction of the Shelter. It is anticipated CHS will be notified of
65 funding awards in December 2017; and
66

67 WHEREAS, the Shelter site presents a challenge in locating all of
68 the required parking on the site; and
69

70 WHEREAS, the Shelter site is located in a unique location across
71 from the Kirkland Municipal Cemetery and Lake Washington High School
72 and there is substantial on-street parking on 120th Ave. NE; and
73

74 WHEREAS, the Shelter is expected to purchase a permanent
75 parking easement for 10 parking stalls and enter into a shared parking
76 agreement with Salt House, but such agreement will not continue if the
77 Salt House site is redeveloped; and
78

79 WHEREAS, the peak parking demand is on Saturday afternoon,
80 a time when the on-street parking is readily available; and
81

82 WHEREAS, the design process for the Shelter is expected to
83 begin after funding is confirmed; and
84

85 WHEREAS, the proposed Shelter will be the first shelter
86 constructed in the City. As the Zoning Code is now written, the Shelter
87 development falls under the category of "community facilities." The
88 Shelter is not anticipated to meet Zoning Code requirements for on-site
89 parking, due to the unique circumstances of the Shelter's location.
90 Street parking may be appropriate parking for the Shelter in this
91 location, however, and may be counted toward the required parking if
92 the Code is amended to so allow; and

93 WHEREAS, the City's Zoning Code needs to be amended to
94 address parking requirements for the Shelter where street parking is
95 readily available. Additionally, CHS needs a level of certainty as to
96 parking requirements in order to proceed with Shelter design, which is
97 anticipated to occur as soon as December 2017, and, without this
98 change, any complete development application would be vested in the
99 then-existing regulations, which would not allow for street parking to be
100 counted toward the amount of parking provided for a shelter use; and
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102 WHEREAS, the Planning Commission has been assigned an
103 extensive work program for the fourth quarter of 2017 by the City
104 Council, including the Finn Hill Neighborhood plan, Holmes Point Overlay
105 Zone and tree regulations, Houghton/Everest Business District plan and
106 zoning amendments, comprehensive plan citizen amendment requests,
107 annual comprehensive plan amendments, miscellaneous Totem Lake
108 plan and zoning amendments, and temporary sign regulations; and
109

110 WHEREAS, due to the workload of the Planning Commission and
111 the time sensitivity of the HPO tree moratorium and the Shelter
112 development, it would be beneficial to have the City Council conduct the
113 review of any City Council initiated amendments to the text of the
114 Zoning Code with regard to these two proposed amendments without
115 receiving a recommendation and report from the Planning Commission;
116 and
117

118 WHEREAS, the City Council finds it in the public interest to adopt
119 an ordinance which will enable the Council to hold a public hearing and
120 carefully and thoroughly review Council initiated amendments to the
121 text of the Zoning Code with regard to these two proposed amendments
122 without receiving a recommendation and report from the Planning
123 Commission.
124

125 NOW, THEREFORE, the City Council of the City of Kirkland do
126 ordain as follows:
127

128 Section 1. For amendments to the text of the Kirkland Zoning
129 Code initiated by the City Council with regard to tree plan review for
130 subdivisions and short plats in the Holmes Point Overlay zone, the City
131 Council shall hold a public hearing using the process described in
132 Kirkland Zoning Code (KZC) 160.40 for notice; KZC 160.45 for staff
133 report; KZC 160.55, 160.65 and 160.70 for public hearing; and KZC
134 160.90 for publication and effect. The Planning Official shall notify the
135 Planning Commission in writing about the proposed amendments to the
136 Zoning Code at least 14 days before the public hearing.
137

138 Section 2. For amendments to the Zoning Code initiated by the
139 City Council with regard to parking requirements for the Shelter where
140 street parking is readily available, the City Council shall hold a public
141 hearing using the process described in Kirkland Zoning Code (KZC)
142 160.40 for notice; KZC 160.45 for staff report; KZC 160.55, 160.65 and
143 160.70 for public hearing; and KZC 160.90 for publication and effect.
144 The Planning Official shall notify the Planning Commission in writing

145 about the proposed amendments to the Zoning Code at least 14 days
146 before the public hearing.


147
148 Section 3. If any provision of this ordinance or its application to
149 any person or circumstance is held invalid, the remainder of the
150 ordinance or the application of the provision to other persons or
151 circumstances is not affected.

152
153 Section 4. For amendments to the Zoning Code initiated by the
154 City Council with regard to allowing for shelter uses in the City, and
155 specifically providing parking requirements for shelter uses, to the
156 extent that the subject matter falls within the disapproval jurisdiction of
157 the Houghton Community Council, the provisions of KZC 160.95 shall
158 apply.

159
160 Section 5. This ordinance shall be in force and effect five days
161 from and after its passage by the Kirkland City Council and publication
162 pursuant to Section 1.08.017, Kirkland Municipal Code in the summary
163 form attached to the original of this ordinance and by this reference
164 approved by the City Council.


165
166 Passed by majority vote of the Kirkland City Council in open
167 meeting this 3rd day of October, 2017.

168
169 Signed in authentication thereof this 3rd day of October, 2017.



Amy Walen, Mayor

Attest:



Kathi Anderson, City Clerk

Publication Date: October 9, 2017

Approved as to Form:



Kevin Raymond, City Attorney

PUBLICATION SUMMARY
OF ORDINANCE O-4610

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LAND USE AND ZONING, ADOPTING CERTAIN REGULATIONS FOR THE REVIEW PROCESS FOR CITY COUNCIL INITIATED AMENDMENTS TO THE TEXT OF THE ZONING CODE REGARDING TREE PLAN RETENTION REVIEW ON SHORT PLAT AND SUBDIVISION APPLICATIONS IN THE HOLMES POINT OVERLAY ZONE; AND ADDITION OF "SHELTER USE" TO THE ZONING CODE, INCLUDING AMENDMENTS TO PARKING REQUIREMENTS FOR NEW SHELTER USES.

SECTION 1. Authorizes the City Council to provide public notice as required by law and a public hearing as required by law, regarding City Council initiated amendments to the zoning code regarding tree retention review on short plat and subdivision applications in the Holmes Point Overlay Zone.

SECTION 2. Authorizes the City Council to provide public notice as required by law and a public hearing as required by law, regarding City Council initiated amendments to the zoning code regarding parking requirements for the proposed development of a shelter for adult women and families with children.

SECTION 3. Provides a severability clause for the ordinance.

SECTION 4. Acknowledges the disapproval jurisdiction of the Houghton Community Council with regard to amendments to the zoning code regarding parking requirements for the proposed new shelter.

SECTION 5. 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.

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 3rd day of October, 2017.

I certify that the foregoing is a summary of Ordinance O-4610 approved by the Kirkland City Council for summary publication.



Kathi Anderson, City Clerk