

ORDINANCE O-4619

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO AMENDMENTS TO THE KIRKLAND ZONING CODE, AFTER CONSIDERATION AT A PUBLIC HEARING, TO DEFINE SHELTER USES; TO ALLOW THE APPLICANT FOR A SHELTER TO COUNT ON-STREET PARKING TOWARD THE TOTAL REQUIRED AMOUNT OF PARKING, IF AVAILABLE; AND TO PERMANENTLY CODIFY THE MORATORIUM ORDINANCE, O-4584, CONTINUED IN O-4601, REQUIRING COMPREHENSIVE REVIEW OF TREE RETENTION PLANS FOR SHORT PLATS AND SUBDIVISIONS IN THE HOLMES POINT OVERLAY ZONE.

1           WHEREAS, Catholic Housing Services (CHS) is proposing a  
2 shelter for women and families (known as The Kirkland Shelter), to be  
3 located at 11920 NE 80<sup>th</sup> Street, the present location of The Salt House  
4 Church; and  
5

6           WHEREAS, the subject property is zoned RM 3.6, a medium-  
7 density, multi-family zone, which allows shelter uses as Community  
8 Facilities. Since the Zoning Code does not prescribe a specific parking  
9 ratio for Community Facilities in the RM 3.6 zone, pursuant to KZC  
10 105.25, the Planning Official is authorized to establish a parking  
11 requirement on a case-by-case basis; and  
12

13           WHEREAS, CHS is proposing to share parking through an  
14 agreement with The Salt House Church. Preliminary parking studies and  
15 analysis indicate that The Kirkland Shelter will not be able to provide all  
16 the necessary parking on-site, due to the presence of the adjacent  
17 church. The right-of-way to the east (120<sup>th</sup> Ave NE), however, contains  
18 substantial on-street parking available at peak times; and  
19

20           WHEREAS, the Zoning Code, at Kirkland Zoning Code (KZC)  
21 Chapter 5.05, does not contain a specific definition of "Shelter," and  
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23           WHEREAS, pursuant to Ordinance O-4610, Council held a public  
24 hearing on November 8, 2017, on the issue of whether to amend the  
25 Zoning Code to add the definition of "Shelter" to KZC Ch. 5.05; and to  
26 further amend the Zoning Code to allow the applicant of the proposed  
27 Kirkland Shelter, and future shelter applicants, to count on-street  
28 parking toward the total required amount of parking, if available; and  
29

30           WHEREAS, Council finds it in the best interest of the community  
31 to define Shelter uses in the Zoning Code; and  
32

33           WHEREAS, Council recognizes the intrinsic societal need and  
34 community benefit of shelter facilities, and deems that the proposed  
35 zoning code amendment would allow the applicant of the proposed  
36 Kirkland Shelter, and future shelter applicants, to count on-street  
37 parking toward the total required amount of parking, if available; and

38 WHEREAS, on July 18, 2017 the City Council adopted a  
39 Moratorium Ordinance (Ordinance O-4584, continued in Ordinance O-  
40 4601), prohibiting acceptance of phased review of tree retention plans  
41 otherwise allowed by KZC 95.30.6.a, and instead requiring  
42 comprehensive review of tree retention plans for short plats and  
43 subdivisions in the Holmes Point Overlay Zone; and  
44

45 WHEREAS, pursuant to Ordinance O-4610, Council held a public  
46 hearing on November 8, 2017, on the issue of whether to amend the  
47 Zoning Code to codify the Moratorium Ordinance; and  
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49 WHEREAS, Council deems it in the best interest of the  
50 community to amend the Zoning Code to permanently codify the  
51 Moratorium Ordinance; and  
52

53 WHEREAS, pursuant to the State Environmental Policy Act  
54 (SEPA), there has accompanied the legislative proposal and  
55 recommendation through the entire consideration process, a SEPA  
56 Addendum to Existing Environmental Documents issued by the  
57 responsible official pursuant to WAC 197-11-625.  
58

59 NOW, THEREFORE, the City Council of the City of Kirkland do  
60 ordain as follows:  
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62 Section 1. Chapters 5, 105, 70 and 95 of the Kirkland Zoning  
63 Code are amended to read as set forth in Attachment "A" attached to  
64 this ordinance and incorporated by reference.  
65

66 Section 2. If any provision of this ordinance or its application to  
67 any person or circumstance is held invalid, the remainder of the  
68 ordinance or the application of the provision to other persons or  
69 circumstances is not affected.  
70

71 Section 3. To the extent the subject matter of this ordinance is  
72 subject to the disapproval jurisdiction of the Houghton Community  
73 Council, this ordinance shall become effective within the Houghton  
74 Community Municipal Corporation only upon approval of the Houghton  
75 Community Council or the failure of said Community Council to  
76 disapprove this ordinance within 60 days of the date of the passage of  
77 this ordinance.  
78

79 Section 4. Except as provided in Section 3, this ordinance shall  
80 be in force and effect five days from and after its passage by the  
81 Kirkland City Council and publication pursuant to Section 1.08.017,  
82 Kirkland Municipal Code in the summary form attached to the original  
83 of this ordinance and by this reference approved by the City Council, as  
84 required by law.  
85

86 Section 5. A complete copy of this ordinance shall be certified  
87 by the City Clerk, who shall then forward the certified copy to the King  
88 County Department of Assessments.  
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90 Passed by majority vote of the Kirkland City Council in open  
91 meeting this 21st day of November, 2017.

92  
93

Signed in authentication thereof this 21st day of November,  
2017.

  
\_\_\_\_\_  
Amy Walen, Mayor

Attest:

  
\_\_\_\_\_  
Kathi Anderson, City Clerk

Publication Date: November 27, 2017

Approved as to Form:

  
\_\_\_\_\_  
Kevin Raymond, City Attorney

## **SHELTER PARKING**

### **KZC 5.05.836 Shelter**

*A community facility which serves the public in providing temporary housing accommodations and is owned, operated or managed by a nonprofit organization or governmental entity, the primary purpose of which is to provide temporary shelter for people experiencing homelessness in general or for specific populations of the homeless.*

## **CHAPTER 105**

### **KZC - 105.25 Number of Parking Spaces – Not Specified in Use Zones**

If this code does not specify a parking space requirement for a particular use in a particular zone, the Planning Official shall establish a parking requirement on a case-by-case basis. The Planning Official shall base this determination on the actual parking demand on existing uses similar to the proposed use; *provided that Shelters permitted as a Community Facility use may count available on-street parking toward the parking requirement at the discretion of the City. The number of available on-street parking spaces shall be determined by the City traffic engineer based on a study prepared by a licensed transportation engineer or other qualified professional. The scope of the study shall be proposed by the transportation engineer and approved by the City traffic engineer. The study shall provide at least two (2) days of data for morning, afternoon and evening hours, or as otherwise approved or required by the City traffic engineer.*

### **KZC - 105.40 Location of Parking Areas – General**

Unless otherwise specified, the applicant shall provide the required number of parking spaces either:

1. On the lot(s) containing the proposed use which generates the parking space(s) requirement; or
2. On a lot adjoining subsection (1) of this section if that lot is in a zone that permits the use conducted on the subject property.

*For either situation (1) or (2) of this section, Shelters permitted as a Community Facility use, may count available on-street parking toward the parking requirement as determined in KZC 105.25 Number of Parking Spaces – Not Specified in Use Zones.*

For situation (2) of this section, where the lot is not owned by the same person who owns the lot containing the proposed use which generates the parking space requirements, the owner of the lot containing the parking must sign a statement in a form acceptable to the City Attorney,

stating that the lot is devoted in whole or in part to required parking for the use on another lot. The applicant must file this statement with the King County Recorder's Office to run with the property.

## COMPREHENSIVE TREE PLAN REVIEW

### KZC 70.15 – Standards

5. Subdivisions and sshort subdivisions shall be subject to the following requirements:

a. Applications for subdivisions and short subdivision shall provide a comprehensive review of tree retention plans as outlined in KZC 95.30.2 through 95.30.5, including the location of the required PNA. Phased review of tree retention plans as described in KZC 95.30.6.a are not permitted within the Holmes Point Overlay zone.

b. New public or private road improvements shall be the minimum necessary to serve the development on the site in accordance with Chapter 110 KZC. The City shall consider granting modifications to the road standards to further minimize site disturbance, consistent with pedestrian and traffic safety, and the other purposes of the road standards; and

c.~~b.~~ Impervious surfaces and other alterations within each lot shall be limited as provided in subsections (2) and (3) of this section. In townhouse or multifamily developments, total impervious surfaces and other alterations shall be limited to 2,600 square feet per lot or dwelling unit in the R-6 and R-8 zones, and 3,300 square feet per lot or dwelling unit in the R-4 zone.

### KZC 95.30.6 – Additional Tree Retention Plan Standards for Short Plats and Subdivisions

6. Additional Tree Retention Plan Standards for Short Plats and Subdivisions.

a. Phased Review.

1) If during the short plat or subdivision review process the location of all proposed improvements, including the building footprint, utilities, and access, was not able to be established, the applicant may submit a Tree Retention Plan that addresses trees only affected by the known improvements at the time of application. Tree removal shall be limited to those affected areas.

2) A new Tree Retention Plan shall be required at each subsequent phase of the project as more information about the location of the proposed improvements is known subject to all of the requirements in KZC 95.30.

**3) Phased review of tree retention plans are not permitted in the Holmes Point Overlay zone. In the HPO zone, subdivision or short plat applications shall provide a comprehensive review of tree retention plans as outlined in KZC 95.30.2 through 95.30.5.**

b. Modifications to Tree Retention Plan for Short Plats and Subdivisions. A Tree Retention Plan modification request shall contain information as determined by the Planning Official based on the requirements in subsection (5) of this section, Tree Retention Plan. The fee for processing a modification request shall be established by City ordinance.

For Tree Retention Plans approved during the short plat or subdivision review process that established the location of all proposed improvements, including the building footprint, utilities, and access, a modification to the Tree Retention Plan may be approved as follows:

1) Modification – General. The Planning Official may approve minor modifications to the approved Tree Retention Plan in which the minimum tree density credits associated with trees identified for retention are not decreased.

2) Modification Prior to Tree Removal. The Planning Official may approve a modification request to decrease the minimum number of tree density credits associated with trees previously identified for retention if:

a) Trees inventoried in the original Tree Retention Plan have not yet been removed; and

b) The Planning Official shall not approve or deny a modification pursuant to this section without first providing notice of the modification request consistent with the noticing requirements for the short plat.

3) Modification after Tree Removal. A modification request is required to decrease the minimum number of tree density credits associated with trees previously identified for retention after which trees inventoried in the original Tree Retention Plan have already been removed. Such a request may be approved by the Hearing Examiner only if the following are met:

a) The need for the modification was not known and could not reasonably have been known before the tree retention plan was approved;

b) The modification is necessary because of special circumstances which are not the result of actions by the applicant regarding the size, shape, topography, or other physical limitations of the subject property relative to the location of proposed and/or existing improvements on or adjacent to the subject property;

c) There is no practicable or feasible alternative development proposal that results in fewer additional tree removals;

d) The Hearing Examiner shall not approve or deny a modification pursuant to this section without the Planning Official first providing notice of the modification request consistent with the noticing requirements for the short plat and providing opportunity for comments for consideration by the Hearing Examiner; and

e) Said comment period shall not be less than 14 calendar days.

(Ord. 4437 § 1, 2014; Ord. 4252 § 1, 2010; Ord. 4238 § 2, 2010; Ord. 4010 § 2, 2005)

PUBLICATION SUMMARY  
OF ORDINANCE O-4619

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO AMENDMENTS TO THE KIRKLAND ZONING CODE, AFTER CONSIDERATION AT A PUBLIC HEARING, TO DEFINE SHELTER USES; TO ALLOW THE APPLICANT FOR A SHELTER TO COUNT ON-STREET PARKING TOWARD THE TOTAL REQUIRED AMOUNT OF PARKING, IF AVAILABLE; AND TO PERMANENTLY CODIFY THE MORATORIUM ORDINANCE, O-4584, CONTINUED IN O-4601, REQUIRING COMPREHENSIVE REVIEW OF TREE RETENTION PLANS FOR SHORT PLATS AND SUBDIVISIONS IN THE HOLMES POINT OVERLAY ZONE.

SECTION 1. Provides amendments related to requiring comprehensive review of tree plans for short plats and subdivisions located in the Holmes Point Overlay, adopts the definition of "Shelter" and to allow Shelter uses to count on-street parking toward the total required amount of parking in Chapters 5, 105, 70 and 95 of the Kirkland Zoning Code.

SECTION 2. Provides a severability clause for the ordinance.

SECTION 3. Provides that the effective date of the ordinance is affected by the disapproval jurisdiction of the Houghton Community Council.

SECTION 4. 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 5. 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 21st day of November, 2017.

I certify that the foregoing is a summary of Ordinance O-4619 approved by the Kirkland City Council for summary publication.

  
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Kathi Anderson, City Clerk