

ORDINANCE NO. O-4788

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, 25, 30, 35, 50, 56, 115 AND 125 AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. CAM22-00046.

1 WHEREAS, the City Council has received recommendations from
2 the Kirkland Planning Commission and the Houghton Community Council
3 to amend certain sections of the Kirkland Zoning Code, as set forth in
4 the report dated March 16, 2022 bearing Kirkland Planning and Building
5 Department File No. CAM22-00046; and
6

7 WHEREAS, prior to making the recommendation, the Kirkland
8 Planning Commission and the Houghton Community Council, following
9 notice as required by RCW 36.70A.035, on February 24, 2022, held a
10 joint public hearing on the amendment proposals and considered the
11 comments received at the hearing; and
12

13 WHEREAS, pursuant to the State Environmental Policy Act
14 (SEPA), there has accompanied the legislative proposal and
15 recommendation through the entire consideration process, a SEPA
16 Addendum to Existing Environmental Documents issued on February 15,
17 2022, by the responsible official pursuant to WAC 197-11-625; and
18

19 WHEREAS, in regular public meeting the City Council considered
20 the environmental documents received from the responsible official,
21 together with the recommendations of the Planning Commission and
22 Houghton Community Council; and
23

24 NOW, THEREFORE, the City Council of the City of Kirkland do
25 ordain as follows:
26

27 Section 1. The following specified sections of the Kirkland
28 Zoning Code are amended to read as follows:
29

- 30 KZC Chapter 5
- 31 KZC Chapter 25
- 32 KZC Chapter 30
- 33 KZC Chapter 35
- 34 KZC Chapter 50
- 35 KZC Chapter 56
- 36 KZC Chapter 115
- 37 KZC Chapter 125
- 38

39 "As set forth in Attachment A attached to this ordinance and
40 incorporated by reference."
41

42 Section 2. If any section, subsection, sentence, clause, phrase,
43 part or portion of this ordinance, including those parts adopted by
44 reference, is for any reason held to be invalid or unconstitutional by any

HIGH PERFORMANCE BUILDING STANDARDS – ZONING CODE AMENDMENTS

115.62 High Performing Buildings

1. Purpose and Intent – The purpose of this section is to establish high performing building standards (HPBS) for developments in residential, commercial and mixed use zones to further reduce energy use in buildings and move towards decarbonizing the built environment. The benefits to occupants of these buildings are healthy indoor air quality, lower energy and water bills, and in some cases where solar and water collection is utilized, no energy or water bills. The benefits the community can expect are a reduction in pollution generation and water consumption, which in turn can promote public health and reduce natural resource use.
2. Requirements
 - a. To be considered a High Performing Building, a development shall be certified to meet the current versions of one or more of the following programs: International Living Future Institute’s (ILFI) Living Building Challenge™, Living Community Challenge™, Petal Recognition (energy, water and materials petals at a minimum), or Zero Energy™ (ZE) and Core programs; Built Green’s 4-Star™ program; the US Green Building Council’s (USGBC) Leadership in Energy and Environmental Design™ (LEED) Platinum program.
 - b. An applicant may propose, and the Planning Official may approve, alternative certification(s) if the Planning Official determines that the alternative certification(s) is equal to or superior to the programs listed above in terms of the resulting building performance.
 - c. Proof of registration in one of the certification programs in section (a) or section (b) must be provided prior to development permit submittal.
 - d. Performance Standards:

All projects shall adhere to the following performance standards and show compliance with them at the time of the development permit submittal:

- 1) In zones where a maximum density is specified the development shall attain that maximum density, or exceed the maximum density through allowed bonuses;
- 2) Provide an Embodied Carbon Assessment of existing and proposed buildings and set embodied carbon limits and reductions;
- 3) At least 20% of all required parking spaces shall be Electric Vehicle (EV) Ready Parking Spaces. In addition, at least 10% of all required parking shall be EV Ready Parking Spaces that are complete with a functioning electric vehicle charger;
- 4) All bicycle storage areas shall include electrical outlets to charge electric bicycles and other micro-mobility modes;
- 5) Provide a deconstruction and material diversion plan;
- 6) Achieve a reduction in water use in buildings and development by at least 20% over Washington State code requirements;
- 7) Demonstrate that buildings are all electric. Excepted from this requirement are

gas commercial cooking appliances, provided that a corresponding and appropriately sized electrical outlet and all related infrastructure is installed for future replacement appliances.

KZC 25.10.080 HENC 2 Zone

3. Development shall be designed, built and certified to achieve or exceed ~~one or more of the following green building certification standards: Built Green 5 star certified, LEED Gold certified, or Living Building Challenge certified.~~ the High Performance Building Standards described in KZC 115.62.

KZC 30.20 (Permitted Uses Table – Office Zones)

Special Regulations: 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:

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.~~ the High Performance Building Standards described in KZC 115.62.

q. A residential suite shall meet the following requirements:

1) Development shall be designed, built and certified to achieve or exceed ~~one (1) 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.~~ the High Performance Building Standards described in KZC 115.62.

KZC 35.10.050 FHNC Zone

2. **Maximum height of structure is as follows:**

a. Thirty-five feet above average building elevation;

b. **Fifty-five feet above** the midpoint of the subject property on the abutting right-of-way, if:

6) Development shall be designed, built and certified to achieve or exceed ~~one or more of the following green building certification standards: Built Green 5 star certified, LEED Gold certified, or Living Building Challenge certified.~~ the High Performance Building Standards described in KZC 115.62.

KZC 35.10.060 HENC 1, HENC 3 Zones

2. In the HENC 1 zone:

- b. **Structure height may be increased to 35 feet above ABE if:**
- 6) Development shall be designed, built and certified to achieve or exceed ~~one or more of the following green building certification standards: Built Green 5 star certified, LEED Gold certified, or Living Building Challenge certified.~~ the High Performance Building Standards described in KZC 115.62.

KZC 50.35 CBD-5

50.35.070 (Office Use Zone Chart) Special Regulation 3.f. The project shall be designed, built and certified to achieve or exceed the High Performance Building Standards described in KZC 115.62.

KZC 50.35.100 (Assisted Living Facility Use Zone Chart) Special Regulation 6. The project shall be designed, built and certified to achieve or exceed the High Performance Building Standards described in KZC 115.62.

KZC 50.35.110 (Stacked or Attached Dwelling Units Use Zone Chart). Special Regulation 6. The project shall be designed, built and certified to achieve or exceed the High Performance Building Standards described in KZC 115.62.

KZC 56 - YBD 1

56.10.010 (Attached or Stacked Dwelling Units Use Zone Chart). Special Regulation 16. Development shall be designed, built and certified to achieve or exceed the High Performance Building Standards described in KZC 115.62.

KZC 125 – Planned Unit Development

125.35 Decision on the PUD – Criteria for Approving a PUD

The City May approve a PUD only if it finds that all of the following requirements are met:

3. The applicant is providing one (1) or more of the following benefits to the City as part of the proposed PUD:

 - f. Incorporation of renewable energy systems (e.g., solar, geothermal or wind) designed to create as much energy as the project uses on an annual basis also known as Net Zero or Carbon Neutral projects, or achievement of ~~other sustainability certifications that include, but are not limited to, International Living Futures Institute (ILFI) Living Building Challenge (full or Petal certification (Energy, Water, Materials)), Leadership in Energy and Environmental Design (LEED) Platinum, Built Green Net Zero, Salmon Safe, ILFI Net Zero or Passive House programs.~~ the High Performance Building Standards described in KZC 115.62. Other sustainability certification programs or carbon sequestration programs not mentioned here can also be considered.

BCX Zone (see Ordinance O-4784)

35.10.040 BCX Zones

2.h. ~~Development shall be designed, built and certified to achieve or exceed one or more of the following green building certification standards: Built Green 5 star certified, LEED Gold certified, or Living Building Challenge certified. An applicant may propose alternative certifications if the Planning Official determines that the alternative certification is equal or superior to the programs listed in the zoning code in terms of building performance.~~ the High Performance Building Standards described in KZC 115.62

KZC Chapter 5 Definitions

5.10.027 All Electric Building

Buildings that use only electricity for the heating and cooling of spaces, and the heating of water, and for cooking purposes.

5.10.272.5 Electric Vehicle (EV) Ready Parking Space

A parking space that is provided with a minimum 208/240-volt dedicated branch circuit for electric vehicle charging station that is terminated at a receptacle, junction box or electric vehicle supply equipment within the parking space in order to allow for future installation of electric vehicle charging stations.

5.10.278.5 Embodied Carbon

Carbon that is released in the manufacturing, production, and transportation of building materials.

5.10.361.7 High Performing Building

Buildings that generally use less energy and water, reduce surface water impacts, and are designed and built with sustainable and healthy materials.

5.10.610.5: Operational Carbon

The amount of carbon emitted during the operational or in-use phase of a building. This includes the use, management, and maintenance of a product or structure.

5.10.562: Net Zero Energy (NZE) Building

Buildings that are energy efficient and produce as much energy as the buildings use on an annual basis.

5.10.563 Net Zero Energy Ready (NZER) Building

Buildings that are constructed using the same energy efficiency specifications as a Net Zero Energy Building, but without the same energy production requirements.

45 court of competent jurisdiction, such decision shall not affect the validity
46 of the remaining portions of this ordinance.
47

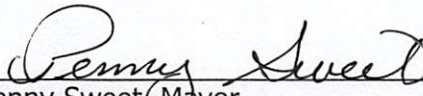
48 Section 3. To the extent the subject matter of this ordinance is
49 subject to the disapproval jurisdiction of the Houghton Community
50 Council, this ordinance shall become effective within the Houghton
51 Community Municipal Corporation only upon approval of the Houghton
52 Community Council or the failure of said Community Council to
53 disapprove this ordinance within 60 days of the date of the passage of
54 this ordinance.
55

56 Section 4. Except as provided in Section 3, This ordinance shall
57 be in full force and effect five days from and after its passage by the
58 Kirkland City Council and publication, pursuant to Kirkland Municipal
59 Code 1.08.017, in the summary form attached to the original of this
60 ordinance and by this reference approved by the City Council, as
61 required by law.
62


63 Section 5. A complete copy of this ordinance shall be certified
64 by the City Clerk, who shall then forward the certified copy to the King
65 County Department of Assessments.
66

67 Passed by majority vote of the Kirkland City Council in open
68 meeting this 05 day of April, 2022.
69

70 Signed in authentication thereof this 05 day of April, 2022.


Penny Sweet, Mayor

Attest:


Kathi Anderson, City Clerk

Approved as to Form:


Kevin Raymond, City Attorney

Publication Date: 04/11/2022

PUBLICATION SUMMARY
OF ORDINANCE NO. O-4788

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, 25, 30, 35, 50, 56, 115 AND 125 AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. CAM22-00046.

SECTION 1. Amends Kirkland Zoning Code Chapters 5, 25, 30, 35, 50, 56, 115 and 125 relating to zoning, planning and land use.

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 05 day of April, 2022.

I certify that the foregoing is a summary of Ordinance 4788 approved by the Kirkland City Council for summary publication.



Kathi Anderson, City Clerk