

ORDINANCE NO. 3839

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO PARKING REQUIREMENTS IN THE CBD-1, CBD-2, AND CBD-8 ZONES, AFFECTING THE CONVERSION OF EXISTING COMMERCIAL SPACE TO RESTAURANT/TAVERN USE; AMENDING PORTIONS OF SECTION 50.60 OF THE KIRKLAND ZONING CODE (TITLE 23 OF THE KIRKLAND MUNICIPAL CODE) (FILE NO. IV-02-17).

WHEREAS, the City Council has received from the Kirkland Planning Commission a recommendation to amend Section 50.60 of the text of the Kirkland Zoning Code, Ordinance 3719 as amended, revising parking requirements for the conversion of existing commercial space to restaurant/tavern use in the CBD-1, CBD-2, and CBD-8 zones, all as set forth in that certain report and recommendation of the Department of Planning and Community Development dated April 4, 2002 and bearing Kirkland Department of Planning and Community Development File No. IV-02-17; and

WHEREAS, pursuant to the City of Kirkland's Concurrency Management System, KMC Title 25, this action is exempt from the concurrency management process; and

WHEREAS, prior to making the recommendation, the Planning Commission, following notice thereof as required by RCW 35A.63.070, on April 11, 2002, held a public hearing on the amendment proposals and considered the comments received at the hearing; and

WHEREAS, pursuant to the State Environmental Policy Act there has accompanied the legislative proposal and recommendation through the entire consideration process, a final determination of nonsignificance, including supporting environmental documents, issued by the responsible official pursuant to WAC 197-11-340 and WAC 197-11-390; 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. The following specified sections of the text of Ordinance 3719 as amended, the Kirkland Zoning Ordinance (Title 23 of the Kirkland Municipal Code), be and they hereby are amended to read as follows:

As set forth in Attachment A which by this reference is incorporated herein.

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 Kirkland City Council and publication, pursuant to Section 1.08.017 Kirkland Municipal Code, as required by law.

PASSED by majority vote of the Kirkland City Council in open meeting this 7th day of May, 2002.

SIGNED IN AUTHENTICATION thereof this 7th day of May, 2002.




Mayor

Attest:



City Clerk

Approved as to Form:



City Attorney

ATTACHMENT A

50.60 Special Parking Provisions in the CBD 1, 2, and 8 Zones1. General

The provisions of this section govern parking for uses in the CBD 1,2, and 8 Zones. To the extent that these provisions conflict with the provisions of Chapter 105, KZC, the provisions of this section prevail. Where no conflict exists, the provisions of Chapter 105 KZC apply to parking for uses in the CBD 1,2, and 8 Zones.

2. Number of Spaces

To the extent that subsections (3) and (4) of this section require that uses in the CBD 1,2, and 8 Zones provide parking, the following establishes the number of spaces required:

- a. Residential uses must provide 1.7 parking spaces for each dwelling unit and one parking space for each assisted living unit.
- b. Restaurants and taverns must provide one parking space for each 125 square feet of gross floor area, except as provided in 50.60.3.a.
- c. All other uses must provide one parking space for each 350 square feet of gross floor area.

3. Certain Floor Area Exempt from Parking Requirements

The following paragraphs establish several situations under which properties ~~that are both within Local Improvement District 119 and within~~ the CBD 1,2, and 8 Zones are exempt in whole or in part from providing parking spaces:

- a. ~~The~~ Regardless of use, the owner need not increase the number of parking spaces for any floor area that existed prior to ~~September 18, 1978 (effective date of this ordinance), 2002,~~ unless it is converted to a use requiring more parking spaces under subsection (2) of this section. If floor area is converted to a more parking intensive use, the owner has a parking obligation equal to the difference between the parking required for the former use and the parking

~~required for the new use. Existing off-street parking provided for any use may not be reduced below the number required for that use based on subsection (2) of this section. Provided that the owner may not decrease the number of parking stalls on the subject property below the number of stalls that was required by any previous development permit, unless the owner complies with the provisions of Section 50.60.4.~~

b. The parking obligation of the subject property is reduced as follows:

- 1) If new floor area was created or existing floor area converted to a more parking intensive use between September 20, 1976, and October 4, 1982, the number of stalls required for the subject property is reduced by the amount of the subject property's assessment under LID #119 divided by \$2,300.
- 2) If new floor area is created or existing floor area is converted to a more parking intensive use after October 4, 1982, the number of stalls required for the subject property is reduced by the amount of the subject property's assessment under LID #119 divided by \$6,000.
- 3) If the subject property was vacant as of September 18, 1978, the number of parking stalls required for the subject property is reduced by one for each 350 square feet of gross floor area created on the ground floor of the subject property.

c. Any property that paid into the special parking fund specified in 50.60.4.b shall be credited toward any parking obligations incurred in the future in the amount of one stall for each stall originally paid into the fund.

4. Options for Meeting Parking Obligations

The applicant may meet his/her parking obligation, computed using subsection (2) of this section and after

reductions under subsection (3) of this section, in either or a combination of the following ways:

a. By providing the required number of parking stalls in the building or on the building site containing the primary use conducted on the subject property.

~~b. Providing, or paying the total cost of providing, with the consent of the City, the additional parking spaces in an existing municipal parking facility within the CBD, Planned Areas 6 or 7 Zones, or park/public use zones located adjacent to the CBD.~~

~~c.~~ b. By satisfying both subparagraphs herein:

- 1) Paying \$6,000 for each required parking stall or fraction of a stall into a special fund that will be used to provide and upgrade municipal off-street parking within the CBD, Planned Areas 6 or 7 Zones, or park/public use zones located adjacent to the CBD; and
- 2) Purchasing one annual parking permit for a municipal parking facility for each three parking spaces required for the use by this code. When this results in a fraction, the number shall be rounded up to the next whole number if the fraction is at least 0.66. The parking permit requirement shall be satisfied by obligating business occupants of the subject property to purchase such permits as part of the application for a business license of the annual renewal of at business license. A business owner may request that the number of annual permits required be reduced to no more than the number of workers at the business. The decision on a request for such reduction will be made in the same manner as provided KZC 170.60 through 170.65. Any such reduction will be effective only for permits required for the future and only for the business for which the reduction was requested.