



## CITY OF KIRKLAND

Planning and Community Development Department  
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### MEMORANDUM

**To:** Kurt Triplett, City Manager

**From:** Joan Lieberman-Brill, AICP, Senior Planner  
Nancy Cox, AICP, Development Manager  
Paul Stewart, AICP, Deputy Planning Director  
Eric Shields, AICP, Planning Director

**Date:** March 5, 2014

**Subject:** Miscellaneous Zoning and Municipal Code Amendments – Council Action (File CAM13-00669)

### **RECOMMENDATION**

City Council adopts the two enclosed Ordinances consistent with the recommendations of the Planning Commission and Houghton Community Council for the 2013 code amendment project.

- Ordinance 4437 addresses all Zoning Code Amendments
- Ordinance 4438 addresses all Municipal Code amendments

The Municipal Code ordinance is written to take effect on April 3, 2014, eight days after ordinance publication. The Zoning Code ordinance would have an effective date of April 25. These timeframes coincide with when Code Publishing (our development code web host) posts them electronically to the City Website.

Following City Council action, the amendments applicable in Houghton will be considered by the Houghton Community Council at its March 24, 2014 meeting.

### **BACKGROUND DISCUSSION**

All amendments are included as exhibits to the ordinances.

Planning staff periodically forwards miscellaneous KZC/KMC amendments to the Planning Commission (PC) and the Houghton Community Council (HCC) for consideration using the Process IV review process. The City Council considers approval of the amendments after the PC and HCC hold public hearing on the proposal and the PC prepares a recommendation to the City Council.

The amendments are selected from an on-going list of issues, code interpretations, requests from the public, requests from City Council, and needs identified by staff. The roster of

proposed amendments is Attachment 1 to this memorandum. Those amendments within the jurisdiction of the HCC are indicated with an asterisk. Use the following chart to navigate between the roster item number in Attachment 1 and the corresponding identifier (Section Letter) in either the Kirkland Municipal Code (KMC) or the Kirkland Zoning Code (KZC) ordinances. In several instances, the amendment will result in changes to both. For example, for Roster Item 1 go to enclosed Zoning Ordinance (Attachment A) and look at Section O.

Roster Number	Zoning Ordinance Attach. A Section	KMC Ordinance Attach. A Section
1	O	
2	D	
3		A
4	F	
5	A	
6	B	
7	P	
8	G	
9	I	
10	J	D
11	K	
12	T	
13	M	
14		E
15	no change to existing regulation	
16	H	
17	L	
18	removed from roster	
19	E	B
20	S	
21	V	
22	U	
23	R,	C
24	C	
25	Q	
26	removed from roster	
27	N	

The majority of the time in the study sessions and public hearing were spent on the following amendments. These include:

- Roster # 14 Small Lot and Historic Preservation Subdivision lot size calculation
- Roster # 16 Holmes Point Overlay zone
- Roster # 17 Garage setback
- Roster # 22 Time limits for appeals of zoning interpretations
- Roster # 25 New residential ground mounted solar

- Roster # 27 Horizontal Facade

At the Council's March 18 meeting, staff will present an overview of the recommended code amendments. Jon Pascal, Planning Commission Chair, will present the Planning Commission's recommendation. Staff suggests that the Council use the PC recommendations summarized in Exhibit A as a guide for discussion. Those proposed amendments were the subject of discussion at the public hearing and will be the focus of the staff presentation.

A more detailed summary of the proposed amendments is available in the joint January 23 public hearing [Memorandum Part 1 and Part 2](#). Additional information presented by staff after that memorandum was completed are including in Attachment 2. Those written comments received after the memorandum was completed and up until the PC deliberation are included in Exhibit B.

The project started with PC and HCC study sessions in June 2013. Links to staff memorandums, minutes, and audio recordings for all PC and HCC meetings associated with the amendments are provided below. Draft minutes for the remainder are included as attachment 3 to this memorandum because they have not yet been finalized and posted to the City's website:

- June 24 study (HCC) [audio, minutes](#) and [staff memorandum](#)
- June 27 study (PC) [audio, minutes](#), and [staff memorandum](#)
- Sept 12 study (PC) [audio, minutes](#) and [staff memorandum](#)
- Sept 23 study (HCC) [audio, minutes](#) and [staff memorandum](#)
- Nov 21 joint study [audio](#), and [staff memorandum](#)
- Dec 5 study (PC) [audio](#), and [staff memorandum](#)
- Jan 23 joint public hearing (PC and HCC) [audio](#), and [staff memorandum Part 1 and Part 2](#)
- Jan 27 deliberation (HCC) [audio](#), and [staff memorandum](#)
- Feb 13 continued deliberation (PC) [audio](#), and [staff memorandum](#)

### **PC / HCC JOINT PUBLIC HEARING**

After the January 23 joint public hearing was closed, the PC began deliberating on the amendments. The Commission continued the meeting to February 13, to complete deliberation on the remaining amendments and consider the recommendation of the HCC prior to making a recommendation to City Council. The HCC met on January 27 to deliberate and make its recommendation. Both bodies considered the public comment provided during the hearing and up to the January 27 extended public comment period. The decisional criteria found in KZC Section 135.25 were also considered. The PC also considered public comments submitted after January 27, regarding items outside HCC jurisdiction.

### **HOUGHTON COMMUNITY COUNCIL RECOMMENDATION**

The HCC concurred with all of the proposed amendments except for the following:

In new ground mounted solar regulations, the HCC recommended eliminating the allowance for solar collectors that extend over the roof but are not attached to be considered roof mounted collectors. The HCC had expressed discomfort with what they perceived as

ambiguity between ground mounted and roof mounted solar, since technically collectors that are not attached to the roof are free standing and mounted on the ground. Since the proposed standards prohibit ground mounted collectors taller than six feet, and existing regulations for roof mounted collectors require them to be attached to the roof, they thought allowing a solar structure that didn't meet those standards was inappropriate. The HCC wanted to limit any ambiguity as to what qualifies as either a roof or ground mounted collector.

### **PLANNING COMMISSION RECOMMENDATION**

On February 13, the PC recommended approval of the code amendments without the change to the solar regulations recommended by the HCC. However, at the PC deliberation meeting, the HCC representative noted that the HCC would not likely veto the amendments as recommended by the PC. The PC recommendation is Exhibit A to this memorandum.

### **PUBLIC INPUT**

Notice of the public hearing was posted on the City's website and distributed to the Chamber of Commerce, and various individuals interested in this project. In addition, announcement of the hearing was sent to the Kirkland Neighborhood E-Bulletin, Kirkland Developer's Partnership Forum, and the Miscellaneous Zoning and Municipal Code Amendment Project List Serv. Background information is available on the project [website](#).

All written public comment submitted as part of this project has been consolidated in Exhibit B. Except for those written comments received after January 27, (all of which were outside Houghton jurisdiction and only considered by the PC), all were considered by both the Planning Commission and Houghton Community Council during this process.

#### Study Sessions:

The Planning Commission held three study sessions to review the amendments and one joint study with the Houghton Community Council, leading up to the January 23 joint public hearing. The Houghton Community Council held two study sessions. The extra PC study session was held to consider garage setbacks, which is not in HCC jurisdiction, and exemptions from landscape buffer requirements.

Over the course of the study sessions 19 oral and seven written comments were presented to the PC and or the HCC. Some people addressed the advisory boards at more than one meeting, and submitted more than one written comment.

The primary topics that the public commented on, both orally or in writing, were the HPO amendment (Scott Morris representing the Finn Hill Neighborhood Alliance, and others), Ground Mounted Solar amendment (neighbors and Gary Mosher, owner of the subject property in Finn Hill where the two ground mounted tracking solar collectors are installed), horizontal facade regulations, and landscape buffer exemptions.

#### Public Hearing:

#### Written Comment:

A total of eight letters/emails were either included in the staff memorandum or presented at the hearing. The topics covered were solar, garage regulations, the HPO zone, horizontal facade, landscape buffer exemptions, and rounding of fractions for computation of dwelling units in plats in JFK.

The public comment period was extended to January 27 to receive additional comment on those issues in HCC jurisdiction prior to their deliberation. Five were received; one of which regarded topics in Houghton's jurisdiction. That letter came from Brian Gaines, a principal of TechCity Bowl at Bridle Trails advocating for the recommended horizontal facade and landscape buffer amendments. The other four addressed garage setbacks and the HPO. Two letters from Tim Olsen recommended that the garage setback regulations retain the width limit but reduce the setback so that the garage could be at the same plane as the remainder of the front facade. Two letters from Francesca Lyman stated support for the FHNA position articulated by Scott Morris, to strengthen the HPO regulations by changing the word "feasible" to "possible".

Nine more letters on topics outside of HCC jurisdiction were received after January 27 and prior to the PC deliberation meeting on February 13. All but one addressed the HPO amendments. The other, from Tim Olsen, reiterated his support for the garage setback option that was eventually recommended. All the HPO comments expressed support for strong environmental protection. A letter from Scott Morris dated February 5, 2014 provided the official FHNA response to the amendments prior to the PC deliberation on February 13.

#### Oral Testimony:

At the public hearing oral testimony was taken from 10 people on the following proposed amendments:

#### Roster # 14 Small Lot Single Family and Historic Preservation Subdivision lot size calculation amendments\*

Janet Pruitt, a former Planning Commissioner, testified in support of keeping the floor area ratio (FAR) calculation of the small lot from including the handle area of a flag lot, in order to meet the intent of the original regulations. She wanted to prevent the bulk and mass of the small home from being increased. FAR is a calculation of the lot area in proportion to the bulk and mass of a structure. She was not concerned about allowing the handle portion of a flag lot to be included in the lot size. A small lot single family short plat layout that includes a smaller flag lot is attachment 4 to this memorandum.

She noted that these provisions originated with the Norkirk and Market Neighborhood Plan updates in 2007, and that the purpose was to create incentives to encourage housing diversity by allowing smaller houses on smaller lots than otherwise allowed. The intent was to keep the housing stock as small as possible and to make it more affordable to stay in the neighborhood. The requirement to exclude the handle portion of a flag lot from lot size calculation was to ensure that the buildable portion of the small lot and the scale of the smaller home on that lot remained compatible with those neighborhoods.

The final language in the ordinance reflects the PC recommendation to allow the handle of a

flag lot to be used in both lot size and FAR calculations for the smaller lot.

#### Roster # 16 Holmes Point Overlay zone amendments

Two people testified; Scott Morris, the president of the Finn Hill Neighborhood Alliance and Francesca Lyman, a member of the subcommittee tasked with reviewing the amendment. A map showing the Homes Point Overlay is attachment 5 to this memorandum. Both testified about a previous iteration of the proposed amendment that was considered at the public hearing. They supported the proposed regulations and thought that it was an improvement over the existing HPO regulation. However, while they supported prioritizing required delineation of existing viable vegetation (referred to as Protected Natural Areas), rather than planting new areas to be protected in perpetuity, they suggested stronger language than in that iteration. Specifically they requested and commented on the following:

- Change the word used throughout from "feasible" to "possible" to ensure that planning staff will administer the regulations to save existing viable vegetation intended for perpetual preservation, to the extent possible. They believe that this change would make it more difficult for a developer to evade the intent of the rules.
- Prefer the word "feasible" over the word reasonable, which is interpreted to prioritize and prevent diminution of property value over environmental functions and values.

Based on PC direction, the final language in the ordinance retains the word feasible and adds additional explanatory language to address these concerns.

#### Roster # 17 Garage setback amendments

Tim Olson, an architect and member of the City's Design Review Board, testified about a previous iteration of the proposed amendment that was considered at the public hearing. He was supportive of changing the way garage setbacks are regulated but suggested another approach. He suggested that allowing the garage to be at the same plane, but not forward of the remainder of the front of the house, along with limiting garage width, would more effectively minimize the dominance of the garage from the right-of-way. He also suggested minimizing the appearance of the driveway by allowing grass grid pavers, limiting the size of garage doors, and selecting better looking garage doors, as ways to address the appearance of front facades including garages.

Based on PC direction, the final language in the proposed ordinance restricts garages from being forward of the remainder of the front façade of the house, and retains the garage width limit.

#### # 19 Rounding of Fractions in RSA zones in the Juanita, Finn Hill and Kingsgate Neighborhoods

Greg Seiler and Bijan Paradmehr testified in support of the amendment. Both had previously submitted comments to City Council advocating for this change. The amendment would restore King County rules to allow rounding up the number of lots in RSA zones when the maximum number results in a fraction of .50 or greater. They requested that the amendment as written be adopted to allow them to go forward with short plat applications. The language in the proposed ordinance restores the King County rule.

**Roster # 24 Change to Landscape Buffer Requirements \***

Brian Gaines, a principal of TechCity Bowl, supported the amendment to exempt properties adjoining minor arterials from providing a landscape buffer between the street and low density development. The existing rule only exempts commercial or multifamily uses adjoining a principal arterial from providing a landscape buffer when a low density zone is across the street. He agreed that the minor arterial street functions as a buffer between his commercial development and the low density zone in the same way a primary arterial does, so they should be regulated the same.

**Roster # 25 New residential ground mounted solar regulations\***

Lisa McConnell and Thor Carpenter, a neighbor adjoining the ground mounted array in Finn Hill which was the impetus for the proposed amendment, testified about the previous iteration of the proposed amendment. Both favored regulating ground mounted solar collectors.

Comments included the following:

- Consider future regulations to address the potential impacts of nonresidential larger scale solar collectors especially in neighborhood centers,
- Prohibit ground mounted collectors, but if allowed prohibit those that move to follow the sun,
- Screen ground mounted collectors from adjoining properties and right-of-ways.
- Prefer roof top arrays because these aren't currently causing glare impacts to neighbors.
- Clarify that only ground mounted or roof mounted arrays are allowed, so that one couldn't be located on a deck for example.

**Roster #27 Horizontal Façade Regulations**

Three people testified. Two were opposed to the proposed reduction of the transition distance (from 100 to 30 feet), between the more intensive use and the low density zone, but for different reasons. Brian Marshall expressed concern for the loss of sunlight on the abutting low density lot. Lisa McConnell expressed concern over the degree of the proposed reduction. Brian Gaines, principal of TechCity Bowl, interested in redevelopment of a portion of the Bridle Trails shopping center, expressed support for the changes.

**SEPA COMPLIANCE**

State Environmental Policy Act (SEPA) materials may be viewed by following this link to the joint PC/HCC January 23 public hearing [Staff Memorandum Part 2](#)

**Attachments**

1. Amendment Roster
2. Additional information presented at the public hearing by staff after the staff memorandum was completed.
3. Draft Minutes
4. Small Lot Single Family Short Plat

5. Map of Holmes Point Overlay Zone

Exhibits

- A. Planning Commission recommendation dated March 5, 2014
- B. All Public Comment

cc: CAM13-00669  
Mail list

**Roster of Miscellaneous Zoning Code and Municipal Code Amendments**

\*Asterisk notes that amendment is not in the Houghton jurisdiction.

Date(s) note at which study sessions the amendment was reviewed.

**NO POLICY CHANGES**

These proposed amendments result in no changes to current policy but intend to clarify and fix inconsistencies within the code.

**1. June 24 & 27, 2013 Clarify Height of 2nd Story above Garage - KZC Chapter 115 Section 115.115.3.o**

Purpose: Clean up text in Chapter 115 related to garage height because the maximum allowed height for structures is already provided in the use zone chart for each zone.

Recommendation: Eliminate duplicative text in KZC 115.115.3.o.1)c) and 2)e) addressing garage height.

**2. Delete reference to State Statutes for Schools and Daycares - Various use zone charts already being amended**

Purpose: Clean up special regulations for schools, mini-schools, daycares and mini-daycares that reference out of date statutes.

Recommendation: Delete references to WAC Title 388 regulating schools and day cares in the applicable use zone charts.

**3. June 24 & 27, 2013 Correct References to State Statute for Timeframe and for Exclusions from Timeframe for Approval of Development Permits – KMC Title 20 Section 20.12.010 (2) and 20.12.300**

Purpose: Clean up KMC sections that reference an expired state statute.

Recommendation: Change KMC Section 20.12.010(2) and 20.12.300 to reference RCW 36.70B.080 instead of RCW 36.70B.090.

**4. June 24 & 27, 2013 \*Delete Repeated Reference to Horizontal Facade Regulation in PLA 6G – KZC Chapter 60 Section 60.87.130**

Purpose: Clean up Special Regulation 3 in the PLA 6G zone to eliminate redundancy with General Regulation 3 in that zone.

Recommendation: Delete Section 60.87.130, Special Regulation 3.

**5. Sept. 12, 2013\* Add TL 1B Zone to Definition of Residential Zones – KZC Chapter 5 Section 5.10.785**

Purpose: Clarify that the TL 1B zone in Totem Lake should be included in the list of defined Residential Zones.

Recommendation: Add TL 1B to KZC 5.10.785.

**6. Sept. 12 & 23, 2013 Revise Definition of Development Permit – KZC Chapter 5 Section 5.10.215**

Purpose: Clean up an outdated reference in the definition of development permit.

Recommendation: Replace "Uniform Building Code" with "KMC Title 21, Buildings and Construction" in KZC 5.10.215.

7. Sept. 12 & 23, 2013 **Correct the Terminology for Flag Lots – KZC Chapter 115 Section 115.115.5.a (1) (b).**

Purpose: Clarify section KZC 115.115 that addresses required yards for driveway and parking areas when abutting a flag lot in the same plat. Flag lot is a defined term describing certain types of lots, whereas access to a flag lot is through a panhandle. Panhandle is not a defined term.

Recommendation: Replace the term “panhandle lot” with “flag lot” in 115.115.5.a.1)b).

8. Sept. 12 & 23, 2013 **Delete Reference to Day Care Home Uses and Family Day-Care Home Uses in PLA 15B (KZC 60.175.3.b), PLA 16 (KZC 60.180.2.b) and PLA 17 (KZC 60.185.3.c).**

Purpose: Clean up three sections of the General Regulations of KZC Chapter 60 that reference family day care uses. Regulations for this use are located in Chapter 115.

Recommendation: Remove any reference to Day-Care Home and/or Family Day-Dare Home uses in KZC 60.175.3.b, KZC 60.180.2.b and KZC 60.185.3.c.

**MINOR POLICY CHANGES**

The proposed amendments do not clarify existing regulations, but instead change them. However, they are generally not considered significant policy issues.

9. June 24 & 27, 2013 and Sept. 12 & 23, 2013 **Provide Time Limits for Tree Removal Permits Not Associated with Development Activity - KZC Chapter 95 Section 95.23.**

Purpose: To establish a reasonable and predictable timeframe within tree permits for the completion of tree removal.

Recommendation: Add a new subsection, KZC 95.23.4.c to add a one year time limit for tree removal to tree removal permits.

10. Sept. 12 & 23, 2013 **Allow Lots with Low Impact Development Standards as Part of a Conventional Subdivision – KZC Section 5.10.490.5 and 490.7 (new), Chapter 114 and KMC Title 22 Chapter 22.28.041**

Purpose: Change code provisions to allow a portion of lots within a subdivision to utilize the LID techniques, rather than requiring all lots to use them. Currently KZC 114 requires all lots in a plat to utilize LID storm water management standards to receive the benefits provided by this incentive. A more flexible approach may encourage increased utilization of preferred LID techniques.

Recommendation: Amend definition of Low Impact Development in 5.10.490.5, add a new definition of Low Impact Development Project Site in KZC 5.490.7, revise KZC Chapter 114.15 and 114.20, and amend KMC Chapter 22.28.041 accordingly.

11. Sept. 12 & 23, 2013 and Nov. 21, 2013 **Clarify Noise Regulations – KZC Chapter 115 Sections 115.25 and 115.95**

Purpose: Clarify the focus of the two Zoning Code sections that address noise.

Recommendation: Amend KZC 115.25 to address only noise generated by development (construction) activity and KZC 115.95 to address all other noise.

**12. Sept. 12 & 23, 2013 and Nov. 21, 2013 Reorganize and Simplify Process IVA; “Fast Track” Zoning Code Amendments – KZC Chapter 161**

Purpose: Reorganize and simplify the process for amending the Zoning Code for items that are not controversial and do not require policy study.

Recommendation: Amend and reorganize Chapter 161; move the 30 day comment period after the City Council review of the code amendment roster instead of before, and change the Planning Director process from a public hearing to a decision based on written testimony.

**13. Sept. 12 & 23, 2013 Clarify that Subdivision Provisions May Allow Lot Size Reduction Beyond Minimum Lot Size in Zoning Code or Map – KZC Chapter 115 New Section 115.87**

Purpose: Highlight the relationship between the subdivision regulations and zoning regulations by explicitly stating that lot size may be reduced if approved under a subdivision review process. The Zoning Code does not mention the possibility of a lot size reduction due to a subdivision approval.

Recommendation: Add a new section, KZC 115.87 Lot Size Flexibility.

**14. Sept. 12 & 23, 2013 and Nov. 21, 2013 Clarify what is Included in Lot Size Calculations for Small Lot and Historic Preservation Subdivisions – KMC Title 22 Chapters 22.28.042(c) and 22.28.048(e).**

Purpose: Consider whether to include narrow unbuildable portions of a flag lot in the lot size calculation of small lots in small lot single-family and historic preservation subdivisions.

Recommendation: Allow flag lots to be included in the calculation of lot size and floor area ratio (FAR) for the small lot.

**MODERATE POLICY CHANGES**

These are considered more substantive changes to existing regulations.

**15. Nov. 21, 2013 Setback Requirements for Schools/Day Cares in Residential Zones in KZC Chapter 15, 17, 18, 20, 30, 55, 60.**

Purpose: Consider reducing building setbacks for schools and day cares in residential zones in Kirkland, taking into account compatibility impacts to the neighborhood.

Recommendation: DO NOT change current setback standards for schools or day care centers because there is no compelling reason to do so.

**16. Sept. 12, 2013 and Nov. 21, 2013 \*Clustering and Aggregation of Undisturbed Area in Short Plats and Subdivisions in Holmes Point Overlay Zone – KZC Chapter 70 Section 70.15. and KZC 95**

Purpose: Consider the requirement to preserve vegetation, soils, tree cover and wildlife habitat in aggregate rather than by individual lots in new plats as now required in the Holmes Point Overlay Zone. Clarify vegetation replacement and maintenance requirements in this zone.

Recommendation: Amend KZC 70.15 and KZC 95 to codify vegetation and maintenance requirements and establish standards for Protected Natural Areas on individual lots in the Holmes Point Overlay Zone. Do not require aggregation of Protected Natural Areas in plats.

**17. Dec. 5, 2013 \*Garage Setback Requirements for Detached Dwelling Units in Low Density Zones – KZC Chapter 115 Section 115.43**

Purpose: Delete or simplify garage setback requirements.

Recommendation: Amend 115.43.3.a to change the garage setback requirement so that the garage may not extend closer to the right-of-way than the any other ground floor portion of the front façade of a house and KZC 115.43.5.a to add modification criteria.

**18. Removed from roster**

**19. Nov 21, 2013 \*Rounding of Fractions for Calculation of Density in Plats in RSA zones – KZC Chapter 115 Section 115.125 and Chapter 18 Section 18.10.010, and KMC Title 22 Section 22.28.030**

Purpose: Restore King Co. rules which allow rounding of the number of lots in RSA zones in Juanita, Finn Hill and Kingsgate Neighborhoods when calculating for density. Recommendation: Amend KZC 18.10.010 and KMC 22.28.030 to allow rounding up of the number of lots in RSA zones when the maximum number of lots results in a fraction of .50 or greater.

**20. Sept. 12 & 23, 2013 Clarify Process to Amend the Text of the Zoning Code – KZC Chapter 135 and KZC Chapter 160 Process IV**

Purpose: Establish a procedure for studying potential zoning code amendments that are not associated with a proposal to amend the Comprehensive Plan.

Recommendation: Amend several sections of both KZC Chapter 135 and 160 in order to add provisions for zoning code amendments not related to Comprehensive Plan amendments.

**21. Sept. 12 & 23, 2013 Clarify Zoning Code Administration – KZC Chapter 170 Section 170.50**

Purpose: Clarify the relationship between the Comprehensive Plan goals and policies and development regulations in the Zoning Code in a way that is consistent with the Growth Management Act.

Recommendation: Amend KZC 170.50 Conflict of Provisions to generally describe the Comprehensive Plan and Zoning Code and that the Zoning Code prevails in the event of a conflict between the two documents.

**22. Sept. 12 & 23, 2013 Consider Time Limit For Appeal of Interpretations of The Zoning Code – Chapter 170 Sections 170.40 and 170.45**

Purpose: Establish a time limit for an appeal of a formal Planning Director Zoning Code Interpretation.

Recommendation: Codify a time limit for an appeal of a formal Planning Director Zoning Code Interpretation consistent with Process I, establishing a 14 day appeal period from date of notice. Codify a process to notify interested parties of interpretation issuance and appeal procedures.

**23. Sept. 12 & 23, 2013 and Nov. 21, 2013 Reduce Process for Zoning Decisions – Multiple Zones**

Purpose: Review instances where there are opportunities to streamline Process I, IIA and IIB permits and consider reducing the required process, where appropriate.

Recommendation: 23.a) Reduce the review process for Minimum Lot Size in KMC 22.28.030(d) from Process IIB to the underlying plat process; 23.b) Reduce the review

process in Houghton for variances in KZC 120.10 related to detached dwelling units in any zone from Process IIA to Process I; 23.c) DO NOT change the review process for Schools, Daycares and Churches in Single Family zones; and 23.d) DO NOT change the review process for Schools, Daycares and Churches in Multi-family zones.

**24. Dec. 5, 2013 Change to Landscape Buffer Requirements – KZC Chapter 5 Section 5.10.020**

Purpose: Consider allowing more streets to serve as buffers between land uses instead of requiring landscape buffers. Currently only principal arterials are considered adequate separation between land uses so that landscape buffers are not required.

Recommendation: Amend the definition of “adjoining” (KZC 5.10.020) to include minor arterials. This will result in adding minor arterials as a street classification that can serve as a buffer instead of a required landscape buffer.

**25. Sept. 12 & 23, 2013 and Nov. 21, 2013 Consider Screening Standards for Stand Alone Solar Arrays Accessory to Single Family Uses– KZC Chapter 115**

Purpose: A recent installation of a stand-alone solar panel array has prompted concern about compatibility and visual impact. Consider whether screening or other dimensional standards are feasible and appropriate for the free standing arrays in residential settings. Also, consider whether solar arrays which track or move with the sun should be allowed.

Recommendation: Add a new section, KZC Chapter 115.137, to provide performance standards for ground mounted solar collectors in residential zones, including a six foot height limit with no limit on tracking arrays.

**MAJOR POLICY CHANGES**

These are considered substantive changes to existing regulations, and would either have significant policy implications or be a departure from how regulations are currently processed.

**26. Removed from roster**

**27. Nov. 21, 2013 Eliminate or Revise Horizontal Facade Regulations**

Purpose: Consider changing this regulation which limits the height and width of non-residential uses within 100 feet of a low density zone. Consider deleting the regulation, revising dimensions, deleting the application of the requirement on sites adjacent to ROW's and adding a modification provision.

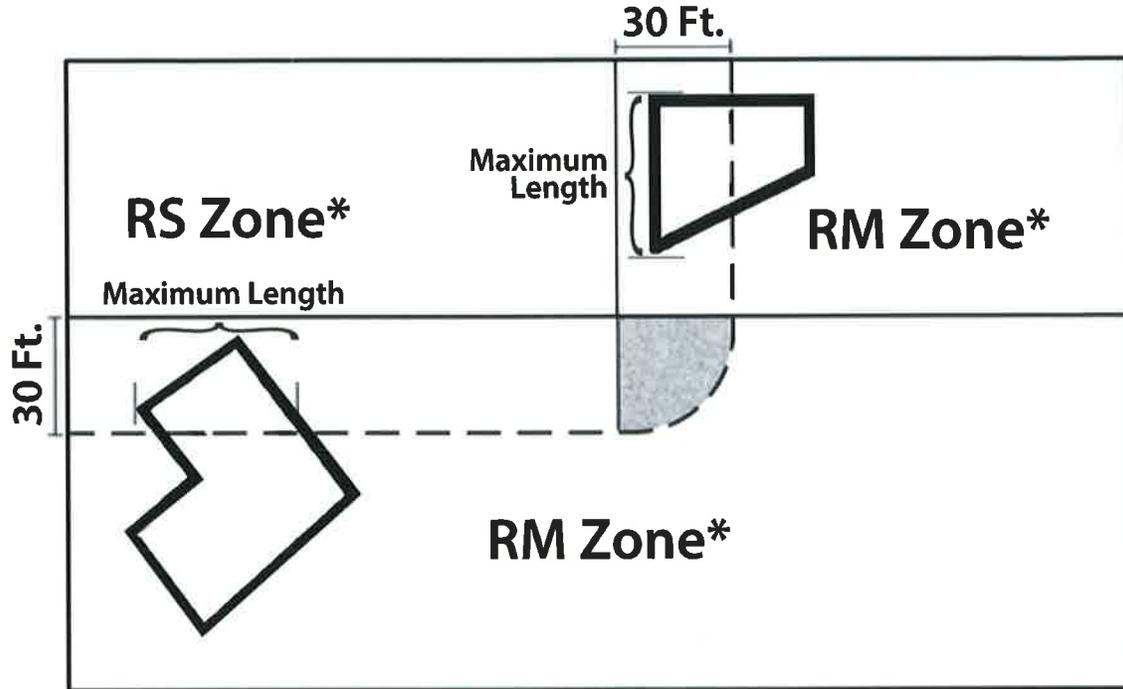
Recommendation: Amend KZC 5.10.020 and .507, and Plate 38 and add a new section 115.136 to reduce the severity of regulations limiting the size of structures on parcels next to low density zones, and to simplify the code correspondingly. Reduce the area subject to the regulation from 100 to 30 feet abutting the low density zone. Eliminate KZC 115.30 and integrate portions from 115.30 pertaining to floor area ratio into KZC 115.42.

## Chapter 115 – MISCELLANEOUS USE DEVELOPMENT AND PERFORMANCE STANDARDS

**115.43 Garage Requirements for Detached Dwelling Units in Low Density Zones**

1. Purpose and Intent – *(no change)*
2. General Requirements *(no change)*
3. Additional Requirements for Garages with Garage Doors on the Front Facade of the Detached Dwelling Unit
  - a. ~~The required front yard for the garage shall be set back eight (8) feet greater than the required front yard for the remainder of the detached dwelling unit~~ The garage shall be five (5) feet behind the longest portion of the front façade. (not including covered entry porches approved under KZC 115.115(3)(n)).
  - b. ~~The garage width shall not exceed 50 percent of the total width of the front facade. (This standard shall not apply if the lot width, as measured at the back of the required yard for the front facade, is less than 55 feet.)~~
  - c. For purposes of this section, the width of the front facade shall not include those items located along the side facades described in KZC 115.115(3)(d), even if they are outside of a required yard.
4. Exemptions – *(no change)*
5. Deviation From Requirements – The Planning Official may allow deviations from the requirements of this section if the following criteria are met:
  - a. The modification is necessary because of the size, configuration, topography or location of the subject property, or the location of a preexisting improvement on the subject property that conformed to the Zoning Code in effect when the improvement was constructed; and
  - b. The modification supports the purpose and intent of the garage setback regulations; and
  - c. The modification includes design details that minimize the dominant appearance of the garage when viewed from the street, access easement or tract (for example, casings; columns; trellises; windows; surface treatments or color; single-stall doors; door offsets; narrowed driveway widths; and/or enhanced landscaping); and
  - d. The modification will not have any substantial detrimental effect on nearby properties and the City as a whole.
6. *(no change)*

**Plate 38: Measuring Size Limitations for Structures Abutting  
Low Density Zones & Low Density Uses in the PLA17 zone.**



 = Area not to be considered abutting property

\* Used for example only. Size limitations required for zones and uses other than low density (See KZC section 115.136).



**KIRKLAND PLANNING COMMISSION**  
**February 13, 2014**

1. **CALL TO ORDER/ROLL CALL (7:01 PM)**

Members Present: C. Ray Allshouse, Andrew Held, Mike Miller, Eric Laliberte, Jon Pascal - Chair, and Glenn Peterson - Vice Chair.

Members Absent: Colleen Cullen.

Staff Present: Eric Shields - Planning Director, Nancy Cox - Development Review Manager, Jeremy McMahan - Planning Supervisor, David Godfrey - Transportation Engineering Manager, Angela Ruggeri - Senior Planner, Joan Lieberman-Brill - Senior Planner, and Jeannie Dines - Recording Secretary.

2. **ANNOUNCEMENT OF AGENDA (7:01 PM)**

3. **COMMENTS FROM THE AUDIENCE (7:03 PM)**

Chair Pascal clarified oral public testimony on the 2013 Miscellaneous/Municipal Code Amendments was closed following the January 23, 2014 public hearing but remained open for written comment. Commissioners may ask questions of audience members who previously provided testimony.

There were no audience comments.

4. **PUBLIC HEARING (7:04 PM)**

A. **Continued Deliberation on Miscellaneous Zoning Code and Kirkland Municipal Code Amendments, File No. CAM13-00669, Address: Citywide**

Planning Director Eric Shields and Senior Planner Joan Lieberman-Brill reviewed the following amendments that are under the Houghton Community Council's jurisdiction and the HCC's recommendation:

- Horizontal Facade (Roster #27)
- Small Lot and Historic Residence Subdivision Lot Size Calculations (Roster #14)
- Time Limits for Appeals of Zoning Code Interpretations (Roster #22)
- Ground Mounted Solar (Roster #25)
- Landscape Buffer Requirements Amendment (Roster #24)
- Garage Setbacks (Roster #17)

HCC Vice Chair John Kappler provided details regarding the HCC's recommendation on each item. He and staff responded to Commissioners' questions and Commissioners deliberated and provided their recommendation on the proposed amendments.

Ms. Lieberman-Brill reviewed the following amendment:

- Holmes Point Overlay Zone (Roster #16)

Staff and Scott Morris, Finn Hill Neighborhood Association, responded to Commissioners' questions. Commissioners deliberated and provided their recommendation. Staff will draft language for review by Commissioner Miller.

Motion to recommend to the Council the package of 2013 Miscellaneous Zoning Code and

Kirkland Municipal Code Amendments as modified by today's hearing.

Moved by Andrew Held, seconded by Mike Miller

Vote: Motion carried 6-0

Yes: C. Ray Allshouse, Andrew Held, Mike Miller, Eric Laliberte, Jon Pascal - Chair, and Glenn Peterson - Vice Chair.

5. **SPECIAL PRESENTATION (8:54 PM)**

A. **Transportation Master Plan and Cross Kirkland Corridor, File No. CAM13-00465 #7, Address: Citywide**

1. Lisa McConnell, Houghton Neighborhood, Kirkland.

Transportation Engineering Manager Dave Godfrey reviewed the Cross Kirkland Master Plan including goals, path types, corridor elements, NE 52nd Corridor Portal, trail heads, access points restrooms, parking, gathering spaces, activities, art, lighting, ecology, map of trail, character zones, 124th crossing, incorporating transit in corridor, possible connection to Redmond Trail. He also reviewed the upcoming schedule.

Mr. Godfrey reviewed the Transportation Master Plan. Mr. Godfrey responded to Commissioners' questions regarding both plans.

6. **STUDY SESSION (9:15 PM)**

A. **Land Use Element, File No. CAM13-00465 #5, Address: Citywide**

Planning Supervisor Jeremy McMahan provided background on the update to the Land Use Element and reviewed the existing land use concept. He reviewed the following key issues and Commissioners provided direction:

1. Does existing concept reflect draft vision statement and guiding principles?
2. Any fundamental/large-scale changes anticipated?
3. Should Element contain a specific metric for land use and transportation linkage?
4. Better address mixed use?
5. Reconsider hierarchy of commercial development areas?
  - a. CBD - Activity Area?
  - b. Distinction between a "Business District" and a "Neighborhood Center"
  - c. Is term "Residential Markets" descriptive of these areas?
6. Impact of Cross Kirkland Corridor especially industrial lands?
7. Other industrial lands?

Mr. McMahan and Mr. Shields responded to Commissioners' questions.

B. **Joint Meeting with City Council, File No. PLN14-00008, ADDRESS: Citywide**

Commissioners discussed the agenda for the March 4, 2014 joint meeting with City Council.

Introduction: Staff

Opening remarks/Comprehensive Plan update: Chair Pascal

Planning Work Plan: Vice Chair Peterson

FAR: Commissioner Miller

Commissioner Allshouse or Laliberte will represent the Planning Commission at Council retreat.

7. **READING AND/OR APPROVAL OF MINUTES** - None

8. **ADMINISTRATIVE REPORTS** - None

A. City Council Actions

B. Hearing Examiner Actions

C. Public Meeting Calendar Update

9. **COMMENTS FROM THE AUDIENCE**- None

10. **ADJOURNMENT (10:07 PM)**

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Chair  
Kirkland Planning Commission



**KIRKLAND HOUGHTON COMMUNITY COUNCIL**  
**January 27, 2014**

1. **CALL TO ORDER/ROLL CALL**

Members Present: Brian Gawthrop, Bill Goggins, Lora Hein, John Kappler ~ Vice Chair, Betsy Pringle, Elsie Weber, Rick Whitney ~ Chair, and Joan Lieberman-Brill ~ Senior Planner.

Members Absent: None.

Staff Present: Nancy Cox ~ Development Review Manager, and Eric Shields ~ Director.

2. **Announcement of Agenda**

3. **Election of Officers**

Rick Whitney was re-elected as Chair and John Kappler was re-elected as Vice Chair.

4. **Reading and / or Approval of Minutes:**

A. **October 24th - 6:30 PM Joint PC / HCC - For HCC information only.** Planning Commission will approve these joint meeting minutes.

Request Planning Commission to revise to reflect that Brian Gawthrop was present but came in late.

B. **October 24th - 7:00 PM Regular HCC**

Revise to delete Jeremy McMahan from the roll call and voting tabulation. Revise to reflect that Bill Goggins was present but came in late. Approve minutes with revisions.

5. **Council Member Reports and Comments**

Elsie Weber noted that previous Houghton Community Councilmember Hugh Givens passed away in August 30, 2013.

Elsie Weber noted that on Tuesday, January 28, 2014 the Neighborhood Association Plan Discussions will be held at City Hall in the Peter Kirk conference room from 6:00 PM - 8:30 PM.

Planning Director Eric Shields commented that the HCC could attend the Neighborhood Association Plan Discussions as participants only.

6. **Work Program Review**

There will be a briefing on the Kirkland 2035 project at the February meeting, and the 2014 Work Program will be reviewed at the March meeting.

7. **Requests from the Audience**

8. **Special Presentation - Transportation Master Plan and Cross Kirkland Corridor**

Dave Godfrey, Transportation Engineering Manager with the City of Kirkland Public Works Department, provided an overview of the Cross Kirkland Corridor and Transportation Master Plan.

9. **Unfinished Business / Final Action**

A. Final Action - 2013 Comprehensive Plan Amendments, FILE NO.: CAM13-01249

Senior Planner Joan Lieberman-Brill presented the elements of the 2013 Comprehensive Plan Amendments.

Motion to Approve Resolution 2014-1 regarding the 2013 Comprehensive Plan Amendments, FILE NO.: CAM13-01249.

Moved by Elsie Weber, seconded by Brian Gawthrop

Vote: Motion carried 7-0

Yes: Brian Gawthrop, Bill Goggins, Lora Hein, John Kappler ~ Vice Chair, Betsy Pringle, Elsie Weber, and Rick Whitney ~ Chair.

B. Study Session -2013 Miscellaneous ZC & KMC Amendments, FILE NO.: CAM13-00669

Senior Planner Joan Lieberman-Brill presented. The HCC commented that the hearing was held last Thursday, January 23, 2014 in a joint meeting with the Planning Commission. Deliberation continued.

10. **New Business**

11. **Administrative Reports**

A. May 26th meeting date change needed

The May 26, 2014 meeting will be rescheduled to Wednesday, May 21, 2014 due to the Memorial Day holiday.

12. **Adjournment**

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Chair  
Houghton Community Council

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Planning Staff  
Department of Planning and Community  
Development

**KIRKLAND PLANNING COMMISSION**  
**January 23, 2014**

1. **CALL TO ORDER/ROLL CALL (7:01 PM)**

Members Present: C. Ray Allshouse, Colleen Cullen, Eric Laliberte , Mike Miller, Jon Pascal - Chair, Glenn Peterson - Vice Chair, Brian Gawthrop - HCC, Bill Goggins - HCC, Lora Hein - HCC, John Kappler - HCC Vice Chair, Betsy Pringle - HCC, and Rick Whitney - HCC Chair.

Members Absent: Andrew Held.

Staff Present: Eric Shields - Planning Director, Paul Stewart - Deputy Planning Director, Nancy Cox - Development Review Manager, Joan Lieberman-Brill - Senior Planner, and Jeannie Dines - Recording Secretary.

(HCC Member Lora Hein was not present for Roll Call but arrived at 7:05 PM.)

2. **ANNOUNCEMENT OF AGENDA (7:02 PM)**

Chair Pascal introduced new Planning Commissioner Eric Laliberte and Commissioner Laliberte described his background.

3. **COMMENTS FROM THE AUDIENCE (7:04 PM)**

There were no audience comments.

4. **PUBLIC HEARING (7:06 PM)**

A. **2013 Miscellaneous ZC & KMC Amendments, File Number: CAM13-00669, Address: Citywide**

Chair Pascal opened the public hearing and described the hearing procedures.

Senior Planner Joan Lieberman-Brill described the purpose of the public hearing, next steps and the hearing format. She introduced the roster of 2013 Miscellaneous Zoning Code and KMC Amendments, identified issues for Planning Commission and Houghton Community Council discussion, and public comment received for each of the following amendments:

1. Horizontal facade
2. Land use buffers adjoining minor arterial
3. Ground mounted solar
4. Small lot and historical preservation subdivision lot size calculations
5. Reduction of various zoning processes
6. Streamlining "fast track" zoning regulations
7. Process to amend zoning regulations
8. Relationship between Comprehensive Plan and Zoning Code
9. Time limits to appeal zoning code interpretations
10. Low Impact Development

11. Setback requirements for schools/daycares in residential zones
12. Juanita/Finn Hill/Kingsgate subdivision density calculations
13. Homes Point Overlay Zone
14. Garage setbacks
15. Remaining No and Minor Policy Amendments

Ms. Lieberman-Brill responded to Planning Commissioners' and HCC Members' questions.

Public Testimony

1. Lisa McConnell, 5905 106th Ave NE, Kirkland.
2. Greg Seiler, 13036 Holmes Point Drive, Kirkland.
3. Brian Marshall, 745 7th Street S, Kirkland. He provided written information.
4. Tim Olson, 1571 3rd Street, Kirkland. He provided written information.
5. Thor Carpenter, 11224 83rd Pl NE, Kirkland.
6. Janet Pruitt, 1623 2nd Street, Kirkland.
7. Francesca Lyman, 11819 73rd Place NE, Kirkland. She submitted written comment.
8. Scott Morris, 11184 Champagne Point Road, Kirkland, President, Finn Hill Neighborhood Alliance.
9. Bisan Parsadmehr, 8430 NE 144th St, Kirkland.
10. Brian Gaines, Tech City Bowl, Bridle Trails, Kirkland.

Hearing no further comment, Chair Pascal closed oral public comments. Written comments will be accepted until 5:00 PM, Monday, January 27, 2013.

Planning Commissioners and HCC Members deliberated and provided direction on the roster items that Ms. Lieberman-Brill described prior to public testimony.

5. **ADJOURN JOINT HEARING (9:21 PM)** - Planning Commission will continue with Study Session

HCC Members left meeting at the 9:21 PM. Chair Pascal declared a brief recess.

The Planning Commission continued their deliberation and provided direction to staff on the roster items that are not within the HCC's jurisdiction:

- Juanita/Finn Hill/Kingsgate subdivision density calculations
- Holmes Point Overlay Zone
- Garage setbacks

6. **PLANNING COMMISSION STUDY SESSION (9:45 PM)**

A. **Proposed 2014-2016 Planning Work Program, Address: Citywide**

Deputy Planning Director Paul Stewart reviewed the draft 2014-2016 Planning Work Program:

Task 1: Comprehensive Plan Update

- Task 2: Economic Development
- Task 3: Code Amendments
- Task 4: Subarea Plans
- Task 5: Housing
- Task 6: Environmental Stewardship/Sustainability

Mr. Stewart reported staff will brief the Council on the Comprehensive Plan update process at their retreat on February 21<sup>st</sup>. The joint meeting with City Council is scheduled for March 4<sup>th</sup> where the Planning Commission will present their recommendation regarding the proposed Planning Work Program and update the Council on the Comprehensive Plan work. He invited Commissioners to identify other issues/questions to be discussed at the joint meeting.

Mr. Shields reported the City Council has asked staff to draft an interim ordinance prohibiting recreational marijuana sales in the MSC1 and 2 zones on Market Street. The interim ordinance would be in place for six months while the Planning Commission reviews and drafts permanent regulations.

Commissioners provided input to staff regarding the Planning Work Program.

Motion to adopt the Work Program with the addition of a discussion of FAR to the Comprehensive Plan update process.

Moved by Mike Miller, seconded by Colleen Cullen

Vote: Motion carried 6-0

Yes: C. Ray Allshouse, Colleen Cullen, Eric Laliberte , Mike Miller, Jon Pascal - Chair, and Glenn Peterson - Vice Chair.

7. **READING AND/OR APPROVAL OF MINUTES (8:59 PM):** None
8. **ADMINISTRATIVE REPORTS(8:59 PM)**
  - A. **City Council Actions**

Chair Pascal relayed his plans to attend each of the Neighborhood Plan meetings and provide an introduction on behalf of the Planning Commission. Commissioners relayed their intent to attend meetings in their neighborhoods.
  - B. **Hearing Examiner Actions**
  - C. **Public Meeting Calendar Update**
9. **COMMENTS FROM THE AUDIENCE**

There were no audience comments.
10. **ADJOURNMENT(10:03 PM)**

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Chair  
Kirkland Planning Commission

DRAFT

**KIRKLAND PLANNING COMMISSION**  
**December 05, 2013**

1. **CALL TO ORDER/ROLL CALL (7:00 PM)**

Members Present: C. Ray Allshouse, Jay Arnold, Andrew Held, Mike Miller, Jon Pascal - Chair, and Glenn Peterson - Vice Chair.

Members Absent: None.

Staff Present: Eric Shields - Planning Director, Paul Stewart - Deputy Planning Director, Joan Lieberman-Brill - Senior Planner, and Jeannie Dines - Recording Secretary.

2. **ANNOUNCEMENT OF AGENDA (7:00 PM)**

(Commissioner Arnold arrived at 7:01 PM)

3. **COMMENTS FROM THE AUDIENCE (7:01 PM)**

1. Brian Gaines, Tech City Bowl. He also provided written information.

4. **STUDY SESSION (7:05 PM)**

A. **Development Capacity Analysis File No.: CAM13-00465, Address: Citywide**

(Commissioner Held arrived at 7:05 PM)

Planning Director Eric Shields reviewed the capacity analysis and growth targets and described next steps.

Mr. Shields responded to Commissioners' questions. Commissioners began discussion and provided direction.

B. **Miscellaneous Zoning & Kirkland Municipal Code Amendments, File No. CAM13-00669, Address: Citywide, except Houghton**

Senior Planner Joan Lieberman-Brill reviewed options for the garage setback amendment. Commissioners discussed the options and provided direction for the public hearing.

Ms. Lieberman-Brill reviewed the proposed expansion of exemptions from land use buffers to streets other than principal arterials and provided staff's recommendation. Commissioners discussed and provided direction.

5. **READING AND/OR APPROVAL OF MINUTES: None**

6. **ADMINISTRATIVE REPORTS (7:59 PM)**

A. City Council Actions

B. Hearing Examiner Actions

C. Public Meeting Calendar Update

Chair Pascal reminded of the Planning Commission meeting next week.

Mr. Shields reported there are 15 applicants for the Planning Commission vacancy.

7. **COMMENTS FROM THE AUDIENCE - None**

8. **ADJOURNMENT(8:01 PM)**

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Chair  
Kirkland Planning Commission

DRAFT



**KIRKLAND HOUGHTON COMMUNITY COUNCIL**  
**November 21, 2013**

1. **Call to Order / Roll Call (6:36 PM)**

Members Present: Lora Hein, Betsy Pringle, Elsie Weber, and Rick Whitney - Chair.

Members Absent: Brian Gawthrop, Bill Goggins, and John Kappler - Vice Chair.

Staff Present: Nancy Cox - Development Review Manager, Jeremy McMahan - Planning Supervisor, Jeannie Dines - Recording Secretary, and Eric Shields - Planning Director.

2. **Announcement of Agenda (6:36 PM)**

3. **Requests from the Audience - None**

4. **Final Action (6:36 PM)**

A. [Cross Kirkland Corridor Interim Regulations, File Number: PLN13-01667](#)

Jeremy McMahan presented and responded to Council Members' questions.

Motion to approve Interim Ordinance 04421, Cross Kirkland Corridor Interim Regulations.  
Moved by Elsie Weber, seconded by Betsy Pringle

Vote: Motion carried 7-0

Yes: Brian Gawthrop, Bill Goggins, Lora Hein, John Kappler - Vice Chair, Betsy Pringle, Elsie Weber, and Rick Whitney - Chair.

5. **Adjournment (6:40 PM)**

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Chair  
Houghton Community Council

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Planning Staff  
Department of Planning and Community  
Development

**KIRKLAND PLANNING COMMISSION**  
**joint meeting with the**  
**HOUGHTON COMMUNITY COUNCIL**  
**November 21, 2013**

1. **CALL TO ORDER/ROLL CALL (6:42 PM)**

Members Present: C. Ray Allshouse, Jay Arnold, Colleen Cullen, Mike Miller, Jon Pascal - Chair, Glenn Peterson - Vice Chair, Brian Gawthrop - HCC, Bill Goggins - HCC, Lora Hein - HCC, John Kappler - Vice Chair HCC, Betsy Pringle - HCC, Elsie Webber - HCC, and Rick Whitney - Chair HCC.

Members Absent: None.

Staff Present: Paul Stewart - Deputy Planning Director, Eric Shields - Planning Director, Jeremy McMahan - Planning Supervisor, Jon Regala - Senior Planner, Joan Lieberman- Brill - Senior Planner, and Jeannie Dines - Recording Secretary.

2. **ANNOUNCEMENT OF AGENDA (6:42 PM)**

3. **COMMENTS FROM THE AUDIENCE (6:43 PM)**

1. Doug Waddell, 5612 Lake Washington Blvd #100, Kirkland. Mr. Waddell responded to questions from the HCC.

2. Brian Gaines, Tech City Bowl.

3. Margaret Bull, 6225 108th Place NE.

4. Scott Morris, 11184 Champagne Point Road.

(HCC Council Member Gawthrop arrived at 6:57 p.m.)

5. Greg Seiler, 13036 Holmes Pt Dr NE. Mr. Seiler responded to Planning Commissioners' questions.

6. Brian Gaines, Tech City Bowl.

7. Thor Carpenter, 83rd Place NE.

8. Dennis Heidner, 11717 NE 135th Street.

9. Greg Griffis, 317 6th Avenue S, and Josh Lyson, 7545 126 Ave NE, Merritt Homes, Inc., owners of property at 13122 NE 85th Street and 8505 132nd Avenue NE.

4. **STUDY SESSION (7:11 PM)**

A. **KZC Amendments and Right Size Parking Briefing, File No. CAM13-02032**

Chair Pascal described the order that items will be presented and discussed.

Planning Supervisor Jeremy McMahan explained Right Sized Parking is a multi-family parking utilization study done by King County that includes pilot grants for cities. Staff is seeking input on the approach, comfort with the direction headed, additional data, etc. Mr. McMahan introduced the consultant team: Dan Bertolet, Via Architects; Chris Breiland, Fehr & Peers; and Wes Edwards, Kirkland Pilot Project Manager, King County.

Dan Bertolet, Via Architecture, a consultant working with King County, described the Right Sized Parking Project. Mr. Bertolet described the Kirkland pilot project.

HCC and Planning Commission requested a copy of the PowerPoint slides, the study and survey data.

Mr. Breiland, Mr. Bertolet and Mr. McMahan responded to HCC and Planning Commission questions.

Chair Pascal summarized there are a lot of questions and interest. There should be further discussion when additional data is provided.

Chair Pascale declared a brief recess.

**B. Miscellaneous Zoning and Kirkland Municipal Code Amendments, File No. CAM13-00669**

Senior Planner Joan Lieberman-Brill presented the staff report and reviewed the project schedule. She identified the two items that are outside the HCC's jurisdiction:

- Restoring rounding of fractions RSA zone
- Holmes Point overlay zone amendments

Ms. Lieberman-Brill reviewed the following:

- Stand-alone Solar Array Screening Standards
- Options for location and height setback and screening

Jeremy Smithson, Puget Sound Solar, made a presentation regarding solar tracking arrays and responded to questions. The HCC and Planning Commission discussed stand-alone solar array screening standards and provided direction.

Development Review Manager Nancy Cox and Ms. Lieberman-Brill reviewed the following amendments that were continued from September:

- Wording change regarding noise regulations
- Fast tracking zoning code amendments
- Confirm what is included in lot size calculations for small lot and historic preservation subdivision lot size calculations
- Reduce review processes

The HCC and Planning Commission discussed the amendments and provided direction.

(HCC Council Member Gawthrop left the meeting at 9:11 p.m.)

Ms.Lieberman-Brill reviewed the following new amendments introduced tonight and the HCC and Planning Commission discussed and provided input:

- Setbacks for schools and daycare centers

Planning Director Eric Shields reviewed the proposed new amendment related to Horizontal Facade Regulation revisions. The HCC and Planning Commission discussed and provided direction.

The HCC left the meeting at 9:55 p.m.

Ms. Lieberman-Brill reviewed the following proposed amendment:

- Rounding of fractions for dwelling units in RSA neighborhoods

The Planning Commission discussed and provided direction.

Ms. Lieberman-Brill reviewed the following amendment:

- Holmes Point Overlay Zone Amendments including location standards for naturalized area on individual lots, vegetation standards in naturalized area and vegetation maintenance requirements. Letters from Scott Morris and Francesca Lyman were provided to Commissioners. The Planning Commission discussed and provided direction.

5. **READING AND/OR APPROVAL OF MINUTES - None**

6. **ADMINISTRATIVE REPORTS**

A. City Council Actions

Mr. Shields reported the City is getting inquiries from potential Planning Commission candidates. Interviews will be held in January. The Planning Commission Chair participates in interviews.

B. Hearing Examiner Actions

C. Public Meeting Calendar Update

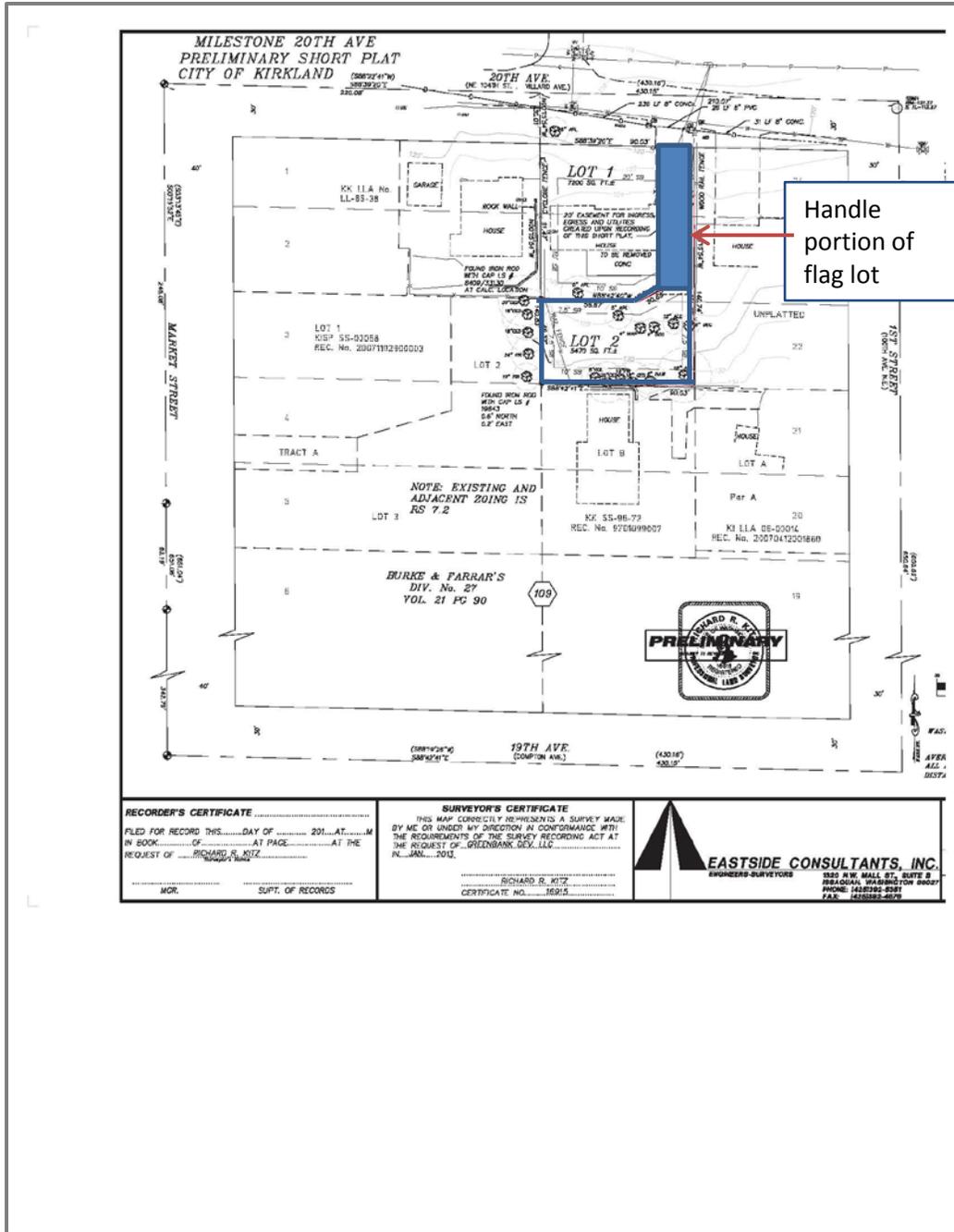
7. **COMMENTS FROM THE AUDIENCE**

10. Brian Gaines, Tech City Bowl.

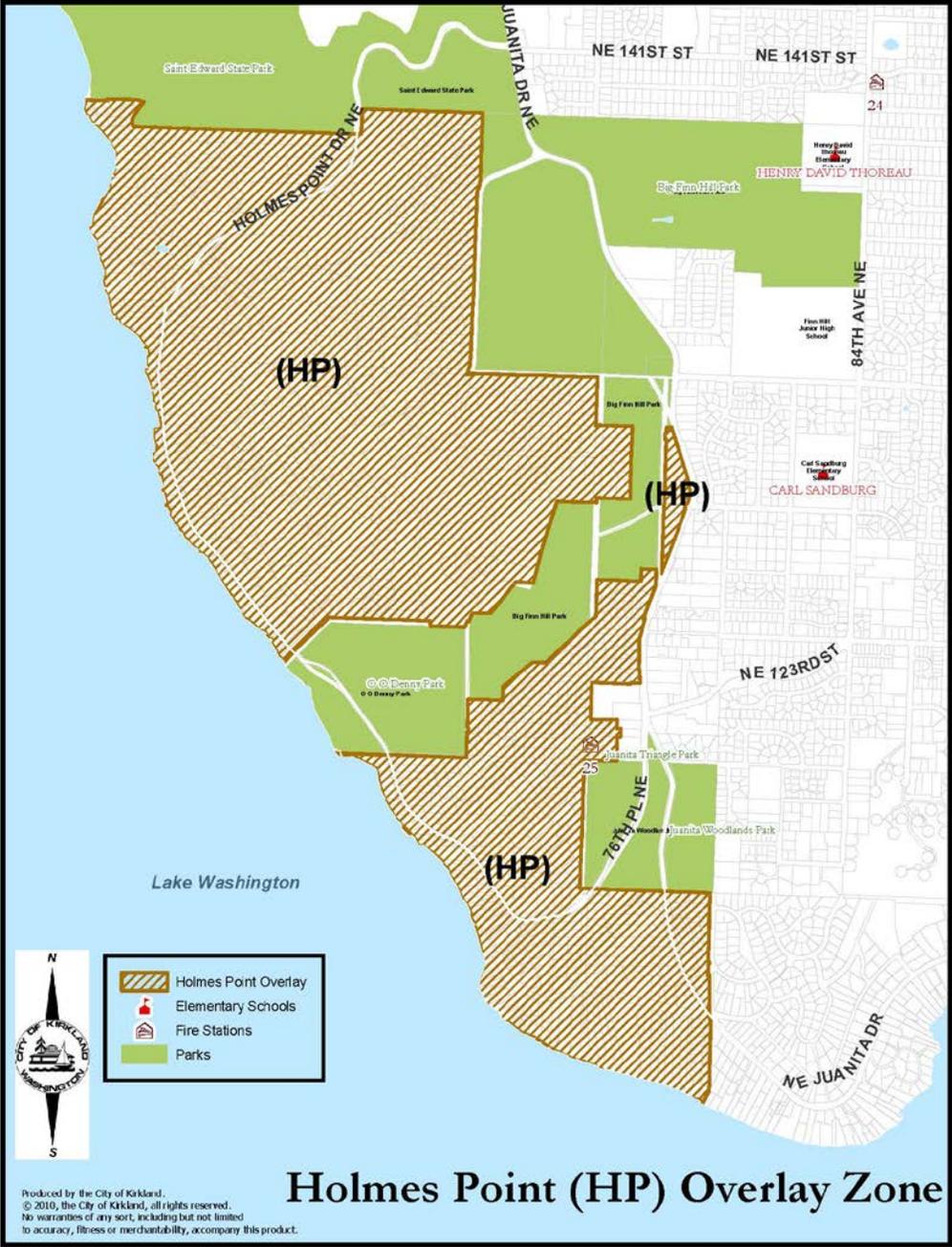
8. **ADJOURNMENT (10:19 PM)**

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Chair  
Kirkland Planning Commission



<p><b>RECORDER'S CERTIFICATE</b></p> <p>FILED FOR RECORD THIS.....DAY OF.....201.....AT.....M IN BOOK.....OF.....AT PAGE.....AT THE REQUEST OF.....RICHARD R. MITZ.....</p> <p>MOR.....SUPT. OF RECORDS</p>	<p><b>SURVEYOR'S CERTIFICATE</b></p> <p>THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE SURVEY RECORDING ACT AT THE REQUEST OF.....GREENBANK DEV. LLC..... IN.....JAN.....2010.....</p> <p>RICHARD R. MITZ CERTIFICATE NO. ....16915.....</p>	 <p><b>EASTSIDE CONSULTANTS, INC.</b> ENGINEERS-SURVEYORS 1820 N.W. MALL ST., SUITE B IRVING, TEXAS 75038-3007 PHONE: (469) 252-8281 FAX: (469) 252-8078</p>
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# Holmes Point (HP) Overlay Zone



**CITY OF KIRKLAND**  
**PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT**  
**123 FIFTH AVENUE, KIRKLAND, WA 98033 425.587.3225**  
**WWW.CI.KIRKLAND.WA.US**

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## **MEMORANDUM**

**Date: March 5, 2014**

**To: Kirkland City Council**

**From: Jon Pascal, Chair, Kirkland Planning Commission**

**Subject: Planning Commission Recommendation to adopt the  
Miscellaneous Zoning Code (KZC) and Municipal Code  
(KMC) Amendments (File CAM13-00669)**

### **Introduction**

We are pleased to submit the recommended Zoning (KZC) and Municipal Code (KMC) Amendments for consideration by the City Council. This effort culminates the work started in June, to clarify, correct, and change these development codes, by addressing various issues identified by the public, the City Council and city staff.

All amendments are included as exhibits to the ordinances.

### **Issues**

The project includes miscellaneous amendments that are listed in the roster as Attachment 1 to the staff transmittal memorandum. Of those, the following issues required the most time for the Planning Commission (PC) to sort through and are discussed in this memorandum. The numbers correspond to the roster. An asterisk (\*) identifies those within the HCC jurisdiction.

Roster # 14 Small Lot and Historic Preservation Subdivision lot size calculation amendments\*  
Roster # 16 Holmes Point Overlay zone amendments  
Roster # 17 Garage setback amendments  
Roster # 22 Time limits for appeals of zoning interpretations amendments\*  
Roster # 25 New residential ground mounted solar regulations\*  
Roster # 27 Horizontal Facade amendments\*

The PC considers all other proposed amendments to have moderate policy implications and recommends adoption.

#### **14. Small Lot and Historic Preservation Subdivision lot size calculation amendment\***

The final PC recommendation concurs with the HCC recommendation. Small Lot and Historic Preservation Subdivisions encourage preservation of historic homes and the preservation or creation of smaller homes than without this incentive, by allowing smaller than usual lot size. The amendment changes what is included in the lot size calculation of small lots in small lot and historic preservation subdivisions. Currently, narrow, unbuildable portions of the small lot that are less than 30 feet wide and defined as "flag lots" may not be used in the calculation of minimum lot size or floor area ratio (FAR) for the smaller lot. The original purpose for excluding this handle portion of a flag lot was to ensure that the lot size and the bulk and mass of the small or historic home are compatible with neighborhood character. We recommend instead, that the portion of a flag lot that provides access to the buildable portion of the small lot be included in the lot area, a departure from current practice.

Our reasoning is that we want to encourage preservation or creation of small homes on small lots and preservation of historic homes. This amendment will enable more lots to be eligible for this incentive by allowing the inclusion of the entire flag lot in the lot area, not just the buildable area. The amendment will also allow floor area ratio (FAR) to be calculated based on the inclusion of this previously excluded handle portion of a flag lot. This is consistent with how FAR is calculated for detached dwelling units for other than small and historic preservation subdivisions.

We understand that this is a departure from when these incentives were originally adopted during the 2007 Market and Norkirk neighborhood plan updates. However, we believe that the continued requirement of a reduced FAR (.3 rather than .5, and a requirement to increase setbacks and provide a pitched roof for an increase to .35 FAR) adequately address the compatibility concerns. On balance any impact from this change will be insignificant as compared to the increased opportunity for innovative housing throughout the City. The PC recommends that the lot area and FAR calculation for the small lot include access flag handles regardless of whether they meet the definition of flag lot.

After discussing the pros and cons, and hearing from developers and the testimony of a former Planning Commissioner who was involved with the creation of these two incentives, the PC came to the conclusion that eliminating the exclusion was preferable to fixing the loophole to encourage use of these incentives.

Background: The original amendment request by staff was to close what they saw as a loophole in the wording of the regulation that establishes how to calculate lot area of small lots. The staff proposal was to exclude flag lot handles from being used in the calculation of FAR, even when the handle does not extend to the right of way.

The recommended amendment is Attachment 1 to this memorandum.

#### **16. Holmes Point Overlay Zone Amendments**

The PC wrestled with some aspects of this amendment but we believe the proposed changes clarify the requirements, create more transparency, and provide guidance to the City in

administration of the Holmes Point Overlay (HPO) regulations. We considered testimony from concerned citizens in the Finn Hill Neighborhood and reviewed current environmental protection requirements and administrative practices in the HPO. The recommendation represents a collaborative effort by staff and the Finn Hill Neighborhood Alliance (FHNA) to achieve the following:

- Address Protected Natural Area (PNA) location on each lot prior to approval of the plat but finalize prior to approval of building permit.
- Prioritize location of the PNA on each lot.
- Require 150 tree density credits in PNA on each lot.
- Codify vegetation maintenance and supplemental planting standards.
- Require recordation of PNA protection easement

Background: Holmes Point is an overlay zone in the western portion of the Finn Hill Neighborhood. The purpose of the HPO zone is to protect the natural environment of the area while allowing infill development. It requires, among other things, that significant trees and native vegetation are retained beyond the requirements of other parts of the City and that an undisturbed area of native vegetation on each lot be set aside on each lot in perpetuity. The proposed amendment refers to the undisturbed area as a Protected Natural Area (aka PNA).

There was concern raised by the FHNA about the term "feasible". That group felt that it made it too soft a regulation and that exceptions would readily be granted based on this word. The PC came to the conclusion that the term "feasible" in lieu of "possible" or "reasonable", is internally consistent with terminology in KZC 95 Tree Management regulations and that working in good faith with a developer to designate a PNA by order of priority, as articulated in the final recommended version of the proposed amendment, will achieve the intended purpose of the HPO regulations. It also articulates that only if designating the Protected Natural Area in the prioritized location significantly restricts the ability to develop the subject property based on applicable zoning regulations, would it be considered infeasible to do so.

The original reason for the proposed amendment was to consider if the undisturbed native vegetation area required on 25 percent of each lot in a plat should or could be located in one area, rather than as separate areas located on each lot. This was a concern that was carried over from King County prior to annexation. After much study we concurred with staff that the work necessary to analyze this subject and time required for neighborhood outreach and discussion was beyond the scope of this amendment project. Instead the amendment addresses those issues identified above.

The recommended amendment is Attachment 2 to this memorandum.

## **17. Garage Setback Amendments**

The PC agreed with the staff recommendation to simplify the garage setback requirements while continuing to ensure that the garage is not the dominant element of the front façade of a home. After much discussion about various options to accomplish this goal, we recommend that the regulation merely require that a garage may be no closer to the abutting right of way than any other ground floor portion of the front facade. The amendment will retain the garage width limitation which allows it to be no greater than 50% of the width of the total front facade but will eliminate the 28 foot setback from the front property line.

After considering testimony from an architect, and examining many examples of various garage setbacks and other neighboring jurisdiction requirements, we decided that the width of a garage plays a more significant role in determining the visual impact from the street than does the setback, with the caveat that the garage should not be permitted to be forward of the remainder of the front facade. We also added an additional modification criterion for situations when an existing non-conforming condition on the property prevents the garage from meeting the garage standards. This eliminates the necessity to go through a lengthy and expensive variance process when major remodeling occurs.

Background: This proposal was initiated by staff to speed up review and simplify garage setback regulations. The intent of the garage regulation is to minimize the dominant appearance of the garage when viewing the front façade of a house. The problem with the current 28 foot garage setback is that it does not necessarily result in the modulation intended because of how it is written. Instead, the entire front facade is often setback more than the required 20 feet front yard so that it is at or close to the garage setback.. It is difficult to perceive a difference from the street, regardless of the setback. Not only is the current regulation not effective in ensuring the intended result, but the impact of various garage offsets on the view from the street is subjective. Finally, the amendment should result in less time to review and administer this aspect of a single family building permit.

The recommended amendment is Attachment 3 to this memorandum.

## **22 Time limits for appeals of zoning interpretations amendments\***

The PC recommends establishing a 14 day time period for the appeal of a formal Planning Director Zoning Code Interpretation. This amendment will result in consistency across all zoning appeal processes. However, both the PC and HCC were concerned that the public should be given adequate notification of zoning interpretations and the process to appeal is provided in a timely manner. With that in mind, the recommended amendment codifies a registration opportunity for those wishing to be notified. Staff proposed that a website will be created called "Code Amendments and Interpretations". Interested parties will be able to sign up for the listserv to receive notification when a zoning interpretation is issued, and it will state the process and time period to appeal. Interpretations will be dated to coincide with the actual web posting date. Once the appeal period is over, the interpretation will be posted to the Zoning Interpretation link on the Zoning Code website.

Background: Staff initiated this amendment because the Code currently allows zoning interpretations to be appealed at any time. This is not consistent with other zoning processes, including Process I, where appeals are allowed within 14 working days of issuance of decision. The existing zoning interpretation appeal process follows all provisions of Process I appeals except for the timing of the appeal period, about which it is silent. Zoning interpretations are issued in response to an inquiry by the public or staff when a provision of the code is unclear as to its meaning, usually as a result of a development permit proposal. Interpretations are based on criteria set forth in the Code; the defined or common meaning of the provision; the general purposed of the provision as expressed in the provision; and the logical or likely meaning in relation to the Comprehensive Plan. The Code is usually subsequently amended to reflect the interpretation.

The recommended amendment is Attachment 4 to this memorandum.

## 25. New Ground Mounted Solar Regulations\*

The PC and HCC discussed this subject in great detail. We strove to balance our concern over the visual impact and compatibility of ground mounted solar collectors in residential zones with the desire to encourage alternative energy applications. The PC's goal was to minimize negative impacts to neighbors. The final recommendation reflects both the HCC and PC preference for roof mounted over ground mounted solar collectors in residential settings. It acknowledges that beyond the longer turnaround time it takes to get a return on the investment as compared to roof mounted systems, the proposed height restriction may further discourage their installation, since they will require a site with minimal shading.

The recommendation for ground mounted collectors is to limit their height to no more than 6 feet and to require that they be placed behind the plane of the front façade of the house. We initially considered screening requirements and tracking prohibition, but came to a consensus that the proposed height cap and location limitation, along with existing glare regulations, adequately address glare and visual impacts, which were the original impetus for drafting these regulations.

This amendment does not address roof mounted solar arrays, except it does clarify that solar collectors which extend over a roof, even if they are not attached to it, will be considered roof mounted. There are strict regulations for roof mounted arrays already. After the HCC had proposed eliminating this provision, the PC added it back in, recognizing that as long as it meets all other zoning requirements, prohibiting these would be inconsistent with how other roof forms are regulated, and be too prescriptive.

The PC and HCC request that the City consider the preparation of additional standards for both residential and non-residential solar applications that may not be addressed in either the proposed or existing solar collector regulations. This future consideration should be within the context of evolving new technologies that may not be either ground or roof mounted. These might include solar siding, solar film, solar window awnings, etc. Our work during this round of amendments was limited to residential ground mounted applications.

Background: A recent installation of a stand-alone ground mounted solar panel array accessory to a detached dwelling unit in Finn Hill prompted concern about compatibility and visual impact. In this unique case the glare impact was a result of the solar panel array being stuck for two weeks in a position where during mid-morning, the sun was directed into the panels at an angle that it reflected into the neighbors windows. We studied the feasibility and appropriateness of screening and other dimensional standards for ground mounted collectors, and whether tracking arrays which move to follow the sun should be allowed.

Ground mounted solar collectors are currently regulated as accessory structures in section 115.10 KZC. Accessory uses, facilities and activities normally associated with a permitted use in a zone are allowed as part of that primary use, and it must be clearly secondary to that use. The KZC establishes specific limitations and regulations for some accessory uses but is silent on solar arrays other than roof mounted. Currently a ground mounted array is regulated by the underlying zoning requirements, including setbacks and height limits. Glare is

regulated by Section 115.50 KZC.

We reviewed neighboring jurisdiction's regulations and those of various cities across the U.S., examined information from solar professionals and organizations, and heard from individuals requesting compatibility standards and those expressing caution on proceeding with regulating aesthetics; since this could be precedent setting for other accessory uses on residential properties.

Jeremy Smithson, a professional solar installer and owner of Puget Sound Solar, addressed the HCC and PC at a joint study session where he provided technical information and answered questions. We learned that there aren't many ground-mounted arrays being installed in western Washington because, from an economic perspective, they cost much more than a roof mounted array. The complexity and cost to install is greater since there is no existing structure to attach to, thereby requiring a concrete foundation and /or pipe and piles underground. At this time the return on investment on roof mounted solar systems is three to five years sooner than a ground mounted system. Therefore there is no compelling reason to think that the recommended regulation will significantly decrease residential solar energy applications. The proposal was reviewed by Mr. Smithson, and he had no comment except to recommend that screening standards be dropped.

In the end, we recommend allowing ground mounted solar collectors on all residential lots that do not exceed six feet in height and are located behind a plane extending the width of the property at the front façade of the dwelling unit or other structure located closest to the front property line.

The recommended amendments are contained in Attachment 5 to this memorandum.

## **27 Horizontal Façade amendments\***

The PC and HCC concurred with staff to relax the horizontal façade regulations, while retaining what we believe is an appropriate transition from low density zones to more intensive development. The intent of these regulations is to moderate the size of commercial and multifamily structures directly next to low density zones so that their scale is comparable to the scale of typical detached dwellings. Our recommendation retains the existing requirement that requires buildings taller than 15 feet to provide a 20 foot separation between wall segments greater than 50 feet wide, within a designated distance (transition area) from the low density zone. While mindful of the positive aspects, we are in agreement with staff that the existing regulations are unnecessarily rigid and overly restrictive. We recommend the following changes to the current regulations:

- Reduce the distance of the transition area between the low density zone from 100 to 30 feet
- Allow portions of a structure less than 15 feet high within the 20 foot separation
- Exempt all properties that are separated by rights-of-way, other than alleys, from this regulation.
- Create a modification process that will be decided upon through the zoning permit process, if one is required, or by the Planning Director, if only a building permit is required. Criteria for a modification are that the modification must provide equal or superior modulation of building bulk and mass facing the low density zone or there is

an existing physical condition of the site or abutting property adequately obscures the visibility of the building.

- Relocate and consolidate these regulations in a new section of the code
- Revise the definition of adjoining
- Eliminate the term horizontal facade
- Create a new plate to illustrate these regulations

The final recommendation follows much discussion about the appropriate distance of the transition area between the low density zone and commercial or multifamily structures, including the position of a minority of the HCC to maintain a transition distance of 60 rather than 30 feet. We considered how required landscape buffers, height limits and building setbacks, and intervening right-of-way provide transitions between these uses. We also considered testimony expressing concern that reducing the depth of a transition area where these regulations apply could increase shading of the low density zone and that reducing the distance from 100 to 30 feet is a drastic reduction. We also heard from developers supporting the transition distance to 30 feet citing difficulties in leasing commercial space in buildings configured to meet the 50 feet maximum wall segment requirements on lots of a limited depth.

Background: Staff initiated this amendment in response to a project that had to seek a variance to reduce the requirements that seemed onerous to staff. The regulations strictly limit the size of adjoining commercial and multi-family structures that are taller than one story to segments that are no more than 50 feet wide and are separated from each other by 20 feet. The limitation applies to an area extending 100' from the low density zone. There is currently no provision for modification. In addition to Horizontal Façade regulations, other zoning regulations designed to protect single family properties are height restrictions within 100 feet of low density zones and required landscape buffers.

The recommended amendment is Attachment 6 to this memorandum.

### **Decisional Criteria**

The decisional criteria found in KZC Section 135.25 were considered when making this recommendation, and can be viewed by following this link to the to the joint PC/HCC January 23 public hearing [staff memorandum](#) (page 22).

### **Public Participation**

A summary of all oral and written comments received over the course of the Code amendment project is provided in the staff transmittal memorandum.

All written correspondence is contained in Exhibit B to the staff transmittal memorandum.

#### Attachments

1. Roster # 14 Small Lot and Historic Preservation Subdivision lot size calculation amendments
2. Roster # 16 Holmes Point Overlay zone amendments
3. Roster # 17 Garage setback amendments
4. Roster # 22 Time limits for appeals of zoning interpretations amendments\*

PC Recommendation to CC

March 5, 2014

Page **8** of **8**

5. Roster # 25 New residential ground mounted solar regulations\*
6. Roster # 27 Horizontal Facade amendments\*

Cc: CAM13-00669

KMC Title 22  
SUBDIVISIONS

22.28.042 Lots—Small lot single-family.

Within the RS and RSX 6.3, 7.2 and 8.5 zones, for those subdivisions not subject to the lot size flexibility provisions of Sections [22.28.030](#) and [22.28.040](#), low impact development provisions of Section [22.28.041](#), and historic preservation provisions of Section [22.28.048](#), the minimum lot area shall be deemed to be met if at least one-half of the lots created contain no less than the minimum lot size required in the zoning district in which the property is located. The remaining lots may contain less than the minimum required lot size; provided, that such lots meet the following standards:

- (a) Within the RS 6.3, RSX and RS 7.2 zones, the lots shall be at least five thousand square feet.
- (b) Within the RSX and RS 8.5 zones, the lots shall be at least six thousand square feet.
- (c) ~~The portion of any flag lot that is less than thirty feet wide and used for driveway access to the buildable portion of the lot may not be counted in the lot area.~~
- (d) The floor area ratio (FAR) shall not exceed thirty percent of lot size; provided, that FAR may be increased up to thirty-five percent of the lot size if the following criteria are met:
  - (1) The primary roof form of all structures on the site is peaked, with a minimum pitch of four feet vertical to twelve feet horizontal; and
  - (2) All structures are set back from side property lines by at least seven and one-half feet.
- (e) The FAR restriction shall be recorded on the face of the plat.
- (f) Accessory dwelling units are prohibited. This restriction shall be recorded on the face of the plat. (Ord. 4372 § 2 (Att. B) (part), 2012: Ord. 4332 § 1(C) (Exh. C), 2011: Ord. 4330 § 1 (Exh. A), 2011: Ord. 4102 § 1(A), 2007)

22.28.048 Lots—Historic preservation.

Within the low density zones listed below in subsections (a) through (d) of this section, for those subdivisions not subject to the lot size flexibility provisions of Sections [22.28.030](#), [22.28.040](#), low impact development provisions of Section [22.28.041](#), and the small lot single-family provisions of Section [22.28.042](#), the minimum lot area shall be deemed to be met if no more than two lots are created that contain less lot area than the minimum size required in the zoning district in which the property is located, and if an "historic residence" is preserved on one of the lots, pursuant to the process described in Chapter 75 of the Kirkland Zoning Code. The lots containing less than the minimum required lot area shall meet the following standards:

- (a) Within the RSA 6, RS 6.3 and RS and RSX 7.2 zones, the lots shall be at least five thousand square feet.
- (b) Within the RSA 4, RS 8.5 and RSX 8.5 zones, the lots shall be at least six thousand square feet.
- (c) Within the RS 12.5, RSX 12.5 and WDII zones, the lots shall be at least seven thousand two hundred square feet.

- (d) Within the RS and RSX 35 zones not located north or northeast of the Bridle Trails State Park, the lots shall be at least fifteen thousand and fifty square feet.
- (e) ~~The portion of any flag lot that is less than thirty feet wide, and used for driveway access to the buildable portion of the lot, may not be counted in the lot area.~~
- (f) Accessory dwelling units are prohibited. The restriction shall be recorded on the face of the plat.

Lots containing historic residences shall also meet the following standards:

- (g) If a historic residence is destroyed, damaged, relocated, or altered inconsistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties (Rehabilitation) (Code of Federal Regulations, 36 CFR Part 68), the replacement structure shall be reconstructed in accordance with the criteria established in Section 75.105 of the Kirkland Zoning Code. The replacement restriction shall be recorded on the face of the plat.
- (h) As part of subdivision approval, the city may allow the following modifications to regulations in the Kirkland Zoning Code regarding minimum required yards, maximum lot coverage, and floor area ratio on the lot containing the historic residence if the modifications are necessary to accommodate the historic residence.
  - (1) Required yards may be two feet less than required by the zoning district as shown on the Kirkland zoning map.
  - (2) Floor area ratio may be five percentage points more than allowed by the zoning district as shown on the Kirkland zoning map.
  - (3) Lot coverage may be five percentage points more than allowed by the zoning district as shown on the Kirkland zoning map.
- (i) At the time of recording the plat, a notice of applicable restrictions for the lot containing the designated historic residence shall be recorded. (Ord. 4372 § 2 (Att. B) (part), 2012: Ord. 4102 § 1(B), 2007)

**Chapter 70 – HOLMES POINT OVERLAY ZONE**

## Sections:

[70.05](#) Purpose[70.15](#) Standards[70.25](#) Variations from Standards

## 70.05 Purpose

The purpose of the Holmes Point minimum site disturbance development standards is to allow infill at urban densities while providing an increased level of **environmental** protection for the Holmes Point area, an urban residential area characterized by a predominance of sensitive environmental features including but not limited to steep slopes, landslide hazard areas and erosion hazard areas, and further characterized by a low level of roads and other impervious surfaces relative to undisturbed soils and vegetation, tree cover and wildlife habitat. These standards limit the allowable amount of site disturbance on lots in Holmes Point to reduce visual impacts of development, maintain community character and protect a high proportion of the undisturbed soils and vegetation, tree cover and wildlife, and require an inspection of each site and the area proposed to be cleared, graded and built on prior to issuance of a building permit.

## 70.15 Standards

Within the parcels shown on the Kirkland Zoning Map with an (HP) suffix, the maximum impervious surface standards set forth in Chapter [18](#) KZC are superseded by this (HP) suffix, and the following development standards shall be applied to all residential development:

1. When review under Chapters [85](#) **KZC (Geologically Hazardous Areas)** or [90](#) **KZC (Environmentally Sensitive Areas Drainage Basins)** or the City of Kirkland's Surface Water Design Manual is required, the review shall assume the maximum development permitted by this (HP) suffix condition will occur on the subject property, and the threshold of approval shall require a demonstration of no significant adverse impact on properties located downhill or downstream from the proposed development.
2. Total lot coverage shall be limited within every building lot as follows:
  - a. On lots up to 6,500 square feet in size, 2,600 square feet;
  - b. On lots 6,501 to 9,000 square feet in size, 2,600 square feet plus 28 percent of the lot area over 6,500 square feet;
  - c. On lots over 9,000 square feet in size, 3,300 square feet plus 10 percent of the lot area over 9,000 square feet;

- c. On a lot already developed, cleared or otherwise altered up to or in excess of the limits set forth above prior to July 6, 1999, new impervious surfaces shall be limited to five percent of the area of the lot, not to exceed 750 square feet;
- d. For purposes of computing the allowable lot coverage within each lot, private streets, joint-use driveways or other impervious-surfaced access facilities required for vehicular access to a lot in easements or ~~access panhandles~~ within flag lots shall be excluded from calculations.

Summary Table:

Lot Size	Maximum Lot Coverage
Less than 6,500 sq. ft.	2,600 sq. ft.
6,501 sq. ft. to 9,000 sq. ft.	2,600 sq. ft. plus 28% of the lot area over 6,500 sq. ft.
9,001 sq. ft. or greater	3,300 sq. ft. plus 10% of the lot area over 9,000 sq. ft.
Developed, cleared or altered lots	New impervious limited to 5% of the total lot area, but not to exceed 750 sq. ft.

- 3. In addition to the maximum area allowed for buildings and other impervious surfaces under subsection (2) of this section, up to 50 percent of the total lot area may be used for garden, lawn or landscaping, provided:
  - a. All significant trees, as defined in Chapter [95](#) KZC, must be retained. The area limits set forth in this subsection are to be measured at grade level; the area of allowable garden, lawn or landscaping may intrude into the drip line of a significant tree required to be retained under this subsection if it is demonstrated not to cause root damage or otherwise imperil the tree's health;
  - b. Total site alteration, including impervious surfaces and other alterations, shall not exceed 75 percent of the total lot area.
  - c. At least 25 percent of the total lot area shall be designated as a Protected Natural Area (PNA), in a location that requires the least alteration of existing native vegetation.

In general, the PNA shall be located in one contiguous area on each lot unless the City determines that designation of more than one area results in superior protection of existing vegetation. The PNA shall be

designated to encompass any critical areas on the lot and, to the maximum extent possible, consist of existing viable trees and native vegetation that meet the minimum vegetation condition standards set forth in subsection 4.a.

If the lot does not contain an existing area meeting the vegetation requirements of subsection 4.a or if the applicant demonstrates to the satisfaction of the of the Planning Official that retaining such vegetation area is not feasible because it would significantly restrict the ability to develop the subject property based on applicable zoning regulations, a PNA shall be restored or established to the standards set forth in subsection 4.b.

- e. d If development on the lot is to be served by an on-site sewage disposal system, any areas required by the department of public health to be set aside for on-site sewage disposal systems shall be contained as much as possible within the portion of the lot altered for garden, lawn or landscaping as provided by this subsection. If elements of the on-site sewage disposal system must be installed outside the landscaped area, the elements must be installed so as not to damage any significant trees required to be retained under subsection 3.a of this section, and any plants that are damaged must be replaced with similar native plants.

#### 4. Minimum Vegetation Conditions in the Protected Natural Area-

- a. Existing Native Vegetation: Priority is given to designate contiguous areas containing native vegetation meeting the following standards:

- 1) Trees – Viable trees at a tree density of 150 tree credits per acre within the PNA, calculated as described in KZC 95.33.

Example: A 10,000 square foot lot requires a 2,500 sq. ft. PNA (10,000 x 25% = 2,500 sq. ft.). Within the 2,500 sq. ft. PNA, 9 tree credits are required (2,500 sq. ft. / 43,560 sq. ft. = .057 acres x 150 tree credits =8.6, rounded to 9 tree credits). Note: the tree density for the remaining lot area is 30 tree credits per acre.

- 2) Shrubs – predominately 36 inches high, covering at least 60 percent of the PNA,
- 3) Living ground covers- covering at least 60 percent of the PNA.

- b. Vegetation Deficiencies -

- 1) If the PNA contains insufficient existing vegetation pursuant to subsection 4.a above, the applicant shall restore the PNA with

native vegetation to meet minimum supplemental vegetation standards pursuant to Subsection 3) below.

- 2) If the Planning Official determines that it is not feasible to retain an existing vegetation area, the applicant shall establish a PNA in a location approved by the Planning Official and planted in accordance with the Supplemental Vegetation Standards in subsection 4.b.3) below.
- 3) Supplemental Vegetation Standards. The applicant shall provide at a minimum:
  - a) Supplemental trees, shrubs and groundcovers selected from the Kirkland Native Plant List, or other native species approved by the Planning Official.
  - b) Trees –planted with a tree density of 150 tree credits per acre as described in KZC 95.33. The minimum size and tree density value for a supplemental tree worth one (1) tree credit in the PNA shall be at least six (6) feet in height for a conifer and at least one (1) inch in caliper (DBH) for deciduous or broad-leaf evergreen trees, measured from existing grade.
  - c) Shrubs - planted to attain coverage of at least 80 percent of the area within two (2) years, and at the time of planting be between two and five gallon pots or balled and burlapped equivalents.
  - d) Living ground covers- planted from either 4-inch pot with 12-inch spacing or 1-gallon pot with 18-inch spacing to cover within two (2) years 80 percent of the Naturalized Area.
- 4) Soil Specifications - Soils in supplemental vegetation areas shall comply with KZC 95.50, particularly those areas requiring decompaction.
- 5) Mulch – Mulch in supplemental vegetation areas shall comply with KZC 95.50.
- 6) Prohibited Plants – Invasive weeds and noxious plants listed on the Kirkland Plant List in the vicinity of supplemental plantings shall be removed in a manner that will not harm trees and vegetation that are to be retained.
- 7) Landscape Plan Required. In addition to the Tree Retention Plan required pursuant to KZC 95.30, application materials shall

clearly depict the quantity, location, species, and size of supplemental plant materials proposed to comply with the requirements of this section. Plants installed in the PNA shall be integrated with existing native vegetation and planted in a random naturalistic pattern. The Planning Official shall review and approve the landscape plan.

4.5 Subdivisions and short subdivisions shall be subject to the following requirements:

- a. 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
- 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.

56 Tree Retention Plan The applicant shall submit a tree retention plan required under KZC 95.30. In addition, it shall include the existing conditions and general locations of all shrubs and groundcover on the subject property.

7. The Department of Planning and Community Development shall conduct site inspections prior to approving any site alteration or development on parcels subject to this (HP) suffix condition as follows:

- a. Prior to issuing a permit for alteration or building on any individual lot subject to this (HP) suffix condition, the Planning Official shall inspect the site to verify the existing ~~amount of undisturbed area, conditions,~~ tree and other plant cover, and any previous site alteration or building on the site. Prior to this inspection and prior to altering the site, the applicant shall clearly delineate the proposed Protected Natural Area and the area of the lot proposed to be altered and built on with environmental fencing, 4-foot high stakes and high-visibility tape or other conspicuous and durable means, and shall depict this area on a site plan included in the application.
- b. Prior to approving any subdivision or building permit for more than one dwelling unit on any parcel subject to this (HP) suffix condition, the Planning Official shall inspect the site to verify

the ~~conditions, amount of undisturbed area,~~ tree and other plant cover, and any previous site alteration or building on the site. Prior to this inspection and prior to altering the site, the applicant shall clearly delineate the proposed Protected Natural Area and the area of the proposed grading for streets, flow control and other common improvements, with environmental fencing, 4-foot high stakes and high-visibility tape or other conspicuous and durable means, and shall depict this area on a plot plan included in the application. Development of individual lots within any approved subdivision or short subdivision shall be subject to an individual inspection in accordance with subsection (~~57~~)(57)(a) of this section.

As part of the subdivision application, the applicant shall choose the tree retention plan options as required by KZC section 95.30.6. If the applicant chooses integrated review (rather than phased review) the applicant shall show the Protected Natural Area (PNA) on the face of the plat.

#### 8. Tree and Landscape Maintenance Requirements

##### a. Protected Natural Area(s):

The PNA(s) shall be retained in perpetuity. Prior to final inspection of a building permit, the applicant shall provide:

- 1) a final as-built landscape plan showing all vegetation required to be planted or preserved and
- 2) a recorded PNA protection easement, in a form approved by the City Attorney, to maintain and replace all vegetation that is required to be protected by the City. The agreement shall be recorded with the King County Bureau of Elections and Records. Land survey information shall be provided for this purpose in a format approved by the Planning Official.
- 3) Plants that die must be replaced in kind or with similar plants contained on the Native Plant List, or other native species approved by the Planning Official.

##### b. All significant trees in the remaining 75% of the lot shall be maintained in perpetuity, and tree removal will be allowed only for hazardous and nuisance trees pursuant to KZC 95.23.5.d.

~~69.~~ Pervious areas not covered by impervious surfaces or altered as provided in (2), (3), or (4) of this section, which are not geologically hazardous or environmentally sensitive areas governed by Chapter 85 or 90 KZC, shall be maintained as open space in an undisturbed state, except for the following activities:

- a. Incidental trimming or removal of vegetation necessary for protection of property or public health and safety, or the incidental removal of vegetation to be used in the celebration of recognized holidays. Replacement of removed hazardous trees may be required;
- b. ~~Areas infested by Noxious weeds may be replanted~~ cleared as long as they are replaced with appropriate native species or other appropriate vegetation and bark mulched to prevent erosion;
- c. Construction of primitive pedestrian-only trails in accordance with the construction and maintenance standards in the U.S. Forest Service "Trails Management Handbook" (FSH 2309.18, June 1987, as amended) and "Standard Specifications for Construction of Trails" (EM-7720-102, June 1996, as amended); but in no case shall trails be constructed of concrete, asphalt or other impervious surface;
- d. Limited trimming and pruning of vegetation for the creation and maintenance of views, and the penetration of direct sunlight, provided the trimming or pruning does not cause root damage or otherwise imperil the tree's health as allowed for in Chapter [95](#) KZC; and
- e. Individual trees or plants may be replaced with appropriate species on a limited basis. Forested hydrological conditions, soil stability and the duff layer shall be maintained.

~~710~~. Conformance with this (HP) suffix condition shall not relieve an applicant from conforming to any other applicable provisions of the Zoning Code, Subdivision Ordinance, or Shoreline Master Program.

#### 70.25 Variations from Standards

For development activity occurring after July 6, 1999, upon written request from the applicant, the Planning Director may allow up to a 10 percent increase in impervious surface on individual lots over the limits set forth above, provided such increase is the minimum necessary to allow reasonable use of the property and meets all other applicable decision criteria for a variance as provided in Chapter [120](#) KZC, and one or more of the following circumstances applies:

- a. Development of a lot will require a driveway 60 feet or longer from the lot boundary to the proposed dwelling unit;
- b. On-site flow control facilities are required by the Public Works Department;
- c. The requested increase will allow placement of new development on the site in such a way as to allow preservation of one or more

additional significant trees, as defined in Chapter 95 KZC, that would otherwise be cleared; or

- d. The requested increase is necessary to provide additional parking, access ramp or other facilities needed to make a dwelling accessible for a mobility-impaired resident.

## Chapter 95 – TREE MANAGEMENT AND REQUIRED LANDSCAPING

### 95.23 Tree Removal – Not Associated with Development Activity

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1. Introduction Tree and vegetation removal in urban areas has resulted in the loss of beneficial functions provided by trees to the public. The majority of tree canopy within the City of Kirkland is on private property. The purpose of this section is to establish a process and standards to slow the loss of tree canopy on private property, contributing towards the City's canopy goals and a more sustainable urban forest.
  2. Permit Required for Removal of Trees on Private Property or City Right-of-Way. It is unlawful for any person (other than City crews) to remove, prune, trim, modify, alter or damage a tree in a public park or on any other City property.
 

No person, directly or indirectly, shall remove any significant tree on any property within the City, or any tree in the public right-of-way, without first obtaining a tree removal permit as provided in this chapter, unless the activity is exempted in KZC [95.20](#) and subsection (5) of this section.
  3. Tree Removal Permit Application Form. The Department of Planning and Community Development and Public Works Department shall establish and maintain a tree removal permit application form to allow property owners to request City review of tree removal for compliance with applicable City regulations. The tree removal application form shall include at a minimum the following:
    - a. A site plan showing the approximate location of significant trees, their size (DBH) and their species, along with the location of structures, driveways, access ways and easements.
    - b. For required replacement trees, a planting plan showing location, size and species of the new trees in accordance to standards set forth in KZC [95.33](#)(3).
  4. Tree Removal Permit Application Procedure and Appeals.
    - a. Applicants requesting to remove trees must submit a completed permit application on a form provided by the City. The City shall review the application within 21 calendar days and either approve, approve with

conditions or modifications, deny the application or request additional information. Any decision to deny the application shall be in writing along with the reasons for the denial and the appeal process.

b. The decision of the Planning Official is appealable using the applicable appeal provisions of Chapter [145](#) KZC.

5. Tree Removal Allowances.

a. Except in the Holmes Point Overlay Zone, Aany private property owner of developed property may remove up to two (2) significant trees from their property within a 12-month period without having to apply for a tree removal permit; provided, that:

- 1) There is no active application for development activity for the site;
- 2) The trees were not required to be retained or planted as a condition of previous development activity; and
- 3) All of the additional standards for tree removal and Tree Removal Permits as described in subsections (5)(b) through (e) of this section are met.

The Department of Planning and Community Development shall establish and maintain a tree removal request form. The form may be used by property owners to request Department review of tree removal for compliance with applicable City regulations.

b. Tree Retention and Replacement Requirements.

1) Tree Retention. For single-family homes, cottages, carriage units, two/three-unit homes, two (2) trees shall be required to remain on the subject property.

2) Tree Replacement.

a) For every significant tree that is removed and is not required to remain based on subsection (5)(b)(1) of this section, the City encourages the planting of a tree that is appropriate to the site.

b) If a tree removal request is for one (1) or both of the trees required to remain, a Tree Removal Permit and one-for-one replacement is required. The replacement tree shall be six (6) feet tall for a conifer and 2-inch caliper for deciduous or broad-leaf evergreen tree.

c) For all other uses not listed in subsection (5)(b)(1) of this section, a Tree Removal Permit is required and the required tree replacement will be based on the required landscaping standards in KZC [95.40](#) through [95.45](#).

c. Shoreline Jurisdiction. Properties located within the City's shoreline jurisdiction are subject to additional tree removal and replacement standards if the tree(s) to be removed are located within the required shoreline setback. See Chapter [83](#) KZC for additional standards.

d. Removal of Hazard or Nuisance Trees. Any private property owner seeking to remove any number of significant trees which are a hazard or nuisance from developed or undeveloped property or the public right-of-way shall first obtain approval of a Tree Removal Permit and meet the requirements of this subsection.

1) Tree Risk Assessment. If the nuisance or hazard condition is not obvious, a tree risk assessment prepared by a qualified professional explaining how the tree(s) meet the definition of a nuisance or hazard tree is required. Removal of nuisance or hazard trees does not count toward the tree removal limit if the nuisance or hazard is supported by a report prepared by a qualified professional and approved by the City.

2) Trees in Critical Areas or Critical Areas Buffers. For hazard or nuisance trees in (a) easements dedicated to ensure the protection of vegetation; (b) critical areas; or (c) critical area buffers, a planting plan is required to mitigate the removal of the hazard or nuisance tree. The priority action is to create a "snag" or wildlife tree with the subject tree. If creation of a snag is not feasible, then the felled tree shall be left in place unless the Planning Official permits its removal in writing.

The intent of preserving vegetation in and near streams and wetlands and in geologically hazardous areas is to support the functions of healthy sensitive areas and sensitive area buffers (see Chapter [90](#) KZC) and/or avoid disturbance of geologically hazardous areas (see Chapter [85](#) KZC).

The removal of any tree in a critical area, or Native Growth Protective Easement will require the planting of a native tree of a minimum of six (6) feet in height in close proximity to where the removed tree was located. Selection of native species and timing of installation shall be coordinated with the Planning Official.

[3\) The removal of any tree in the Holmes Point Overlay Zone requires the planting of a native tree of a minimum of six \(6\) feet](#)

in height in close proximity to where the removed tree was located. Selection of native species and timing of installation shall be approved by the Planning Official.

34) Street Trees. Street trees may only be removed if determined to be a hazard or nuisance. If the removal request is for street trees, the Public Works Official may consider whether the tree(s) are now, or may be in the future, part of the City's plans for the right-of-way. The City shall require a one-for-one tree replacement in a suitable location.

e. Forest Management Plan. (no change)

### **95.30 Tree Retention Associated with Development Activity**

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1. Introduction. The City's objective is to retain as many viable trees as possible on a developing site while still allowing the development proposal to move forward in a timely manner. To that end, the City requires approval of a tree retention plan in conjunction with all development permits resulting in site disturbance and for any tree removal on developed sites not exempted by KZC [95.20](#). This section includes provisions that allow development standards to be modified in order to retain viable significant trees.

In order to make better decisions about tree retention, particularly during all stages of development, tree retention plans will require specific information about the existing trees before removal is allowed. Specific tree retention plan review standards provided in this section establish tree retention priorities, incentives, and variations to development standards in order to facilitate preservation of viable trees.

A minimum tree density approach is being used to retain as many viable trees as possible with new development activity. The requirement to meet a minimum tree density applies to new single-family homes, cottages, carriage units, two/three-unit homes, and new residential subdivisions and short subdivisions. If such a site falls below the minimum density with existing trees, supplemental planting is required. A tree density for existing trees to be retained is calculated to see if new trees are required in order to meet the minimum density for the entire site. Supplemental tree location priority is set as well as minimum size of supplemental trees to meet the required tree density.

The importance of effective protection of retained trees during construction is emphasized with specific protection standards in the last part of this section. These standards must be adhered to and included on demolition, grading and building plans as necessary.

Properties within jurisdiction of the Shoreline Management Act are subject to additional tree retention and protection regulations as set forth in Chapter [83](#) KZC.

Properties within the Holmes Point Overlay zone are subject to additional tree retention and protection regulations as set forth in Chapter 70 KZC

### 95.51 Tree and Landscape Maintenance Requirements

The following maintenance requirements apply to all trees, including street trees, and other vegetation required to be planted or preserved by the City:

1. Responsibility for Regular Maintenance. Required trees and vegetation, fences, walls, and other landscape elements shall be considered as elements of the project in the same manner as parking, building materials, and other site details. The applicant, landowner, or successors in interest shall be responsible for the regular maintenance of required landscaping elements. Plants that die must be replaced in kind. It is also the responsibility of the property owner to maintain street trees abutting their property pursuant to KZC [95.21](#).
2. Maintenance Duration. Maintenance shall be ensured in the following manner except as set forth in subsections (3), (4) and (5) of this section:
  - a. All required landscaping shall be maintained throughout the life of the development. Prior to issuance of a certificate of occupancy, the proponent shall provide a final as-built landscape plan and an agreement to maintain and replace all landscaping that is required by the City.
  - b. Any existing tree or other existing vegetation designated for preservation in a Tree Retention Plan shall be maintained for a period of five (5) years following issuance of the certificate of occupancy for the individual lot or development. After five (5) years, all trees on the property are subject to KZC [95.23](#) unless:
    - 1) The tree and associated vegetation are in a grove that is protected pursuant to subsection (3) of this section; or
    - 2) The tree or vegetation is considered to be a public benefit related to approval of a planned unit development; or
    - 3) The tree or vegetation was retained to partially or fully meet requirements of KZC [95.40](#) through [95.45](#), Required Landscaping.
3. Maintenance of Preserved Grove. Any applicant who has a grove of trees identified for preservation on an approved Tree Retention Plan pursuant to KZC 95.30(2) shall provide prior to occupancy the legal instrument acceptable to the City to ensure preservation of the grove and associated vegetation in perpetuity, except that the agreement may be extinguished if the Planning Official determines that preservation is no longer appropriate.
4. Maintenance in Holmes Point Overlay Zone. Vegetation in designated Protected Natural Areas in the Holmes Point Overlay Zone is to be protected in perpetuity

pursuant to KZC 70.15.8.a. Significant trees in the remainder of the lot shall be protected in perpetuity pursuant to KZC 70.15.8.b

- 54.** Maintenance of Critical Area and Critical Area Buffers. In critical areas and their buffers, native vegetation is not to be removed without City approval pursuant to KZC [95.23](#)(5)(d). However, it is the responsibility of the property owner to maintain critical areas and their buffers by removing non-native, invasive, and noxious plants in a manner that will not harm critical areas or their buffers. See also subsection (6) of this section and Chapters [85](#) and [90](#) KZC for additional requirements for trees and other vegetation within critical areas and critical area buffers.
- 65.** Non-Native Invasive and Noxious Plants. It is the responsibility of the property owner to remove non-native invasive plants and noxious plants from the vicinity of any tree or other vegetation that the City has required to be planted or protected. Removal must be performed in a manner that will not harm the tree or other vegetation that the City has required to be planted or protected.
- 76.** Pesticides, Herbicides, and Fertilizer. The use of plant material requiring excessive pesticide or herbicide applications to be kept healthy and attractive is discouraged. Pesticide, herbicide, and fertilizer applications shall be made in a manner that will prevent their unintended entry into waterways, wetlands, and storm drains. No application shall be made within 50 feet of a waterway or wetland or a required buffer as established by City codes, whichever is greater, unless done so by a state certified applicator with approval of the Planning Official, and is specifically authorized in an approved mitigation plan or otherwise authorized in writing by the Planning Official.
- 87.** Landscape Plans and Utility Plans. Landscape plans and utility plans shall be coordinated. In general, the placement of trees and large shrubs should adjust to the location of required utility routes both above and below ground. Location of plants shall be based on the plant's mature size both above and below ground. See the Kirkland Plant List for additional standards.

## Chapter 145 – PROCESS I

### 145.22 Notice of Application and Comment Period

1. Contents – (no change)

2. Distribution

a. Not more than 10 calendar days after the Planning Official determines that the application is complete, and at least 18 calendar days prior to the end of the comment period, the Planning Official shall distribute this notice as follows:

- 1) The notice, or a summary thereof, will be published in the official newspaper of the City. The published notice does not require a vicinity map.

- 2) The notice, or a summary thereof, including a vicinity map, will be posted on each of the official notification boards of the City.
- 3) The notice, or a summary thereof, including a vicinity map, will be distributed to the residents of each piece of property adjacent to or directly across the street from the subject property.
- 4) The notice will be distributed to each local, state and federal agency that the City knows has jurisdiction over the proposed development activity.
- 5) The notice will be posted on the City's website and the City will provide the public with a means to register to receive all such notices on a timely basis via email or equivalent means of electronic communication.

## Chapter 150 – PROCESS IIA

### 150.22 Notice of Application

#### 1. Contents – (no change)

#### 2. Distribution

a. Not more than 10 calendar days after the Planning Official determines that the application is complete, and at least 18 calendar days prior to the end of the comment period, the Planning Official shall distribute this notice as follows:

- 1) The notice, or a summary thereof, including a vicinity map, will be distributed to the owners of all property within 300 feet of any boundary of the subject property.
- 2) The notice, or a summary thereof, including a vicinity map, will be distributed to the residents of each piece of property adjacent to or directly across the street from the subject property.
- 3) The notice, or a summary thereof, will be published in the official newspaper of the City. The published notice does not require a vicinity map.
- 4) The notice, or a summary thereof, including a vicinity map, will be posted on each of the official notification boards of the City.
- 5) The notice will be distributed to each local, state and federal agency that the City knows has jurisdiction over the proposed development activity.
- 6) The notice will be posted on the City's website and the City will provide the public with a means to register to receive all such notices on a timely basis via email or equivalent means of electronic communication.

## Chapter 115 – MISCELLANEOUS USE DEVELOPMENT AND PERFORMANCE STANDARDS

**115.43 Garage Requirements for Detached Dwelling Units in Low Density Zones**

1. Purpose and Intent – *(no change)*
2. General Requirements *(no change)*
3. Additional Requirements for Garages with Garage Doors on the Front Facade of the Detached Dwelling Unit
  - a. The ~~required front yard for the~~ garage may not extend closer to the abutting right-of-way than shall be set back eight (8) feet greater than the required front yard for the remainder of the any other ground floor portion of the front facade of the detached dwelling unit (not including covered entry porches approved under KZC 115.115(3)(n)).
  - b. The garage width shall not exceed 50 percent of the total width of the front facade. (This standard shall not apply if the lot width, as measured at the back of the required yard for the front facade, is less than 55 feet.)
  - c. For purposes of this section, the width of the front facade shall not include those items located along the side facades described in KZC 115.115(3)(d), even if they are outside of a required yard.
4. Exemptions – *(no change)*
5. Deviation From Requirements – The Planning Official may allow deviations from the requirements of this section if the following criteria are met:
  - a. The modification is necessary because of the size, configuration, topography or location of the subject property, or the location of a preexisting improvement on the subject property that conformed to the Zoning Code in effect when the improvement was constructed; and
  - b. The modification supports the purpose and intent of the garage setback regulations; and
  - c. The modification includes design details that minimize the dominant appearance of the garage when viewed from the street, access easement or tract (for example, casings; columns; trellises; windows; surface treatments or color; single-stall doors; door offsets; narrowed driveway widths; and/or enhanced landscaping); and
  - d. The modification will not have any substantial detrimental effect on nearby properties and the City as a whole.
6. *(no change)*

## Chapter 170 – CODE ADMINISTRATION

## 170.40 Interpretations of This Code – General

1. Criteria – The Planning Director may, acting on his/her own initiative or in response to an inquiry, issue interpretations of any of the provisions of this code. The Director shall base his/her interpretations on:
  - a. The defined or common meaning of the words of the provision; and
  - b. The general purpose of the provision as expressed in the provision; and
  - c. The logical or likely meaning of the provision viewed in relation to the Comprehensive Plan.
2. Effect – An interpretation of this code will be enforced as if it is part of this code.
3. Availability – All interpretations of this code, filed sequentially, are available for public inspection and copying in the Planning Department during regular business hours. The Planning Official shall also make appropriate references in this code to these interpretations. Once issued, interpretations shall be posted on the City's website. The City shall provide the public with a means to register to receive interpretations on a timely basis via email or equivalent means of electronic communication.
4. Content – Each interpretation shall include a summary of the procedures, as established in this chapter, to appeal the interpretation.

## KZC 170.45 Interpretations of This Code – Appeal

1. ~~Who Can~~ May Appeal – Any person who is aggrieved by an interpretation issued by the Planning Director may appeal that interpretation at any time.
2. Time To Appeal/How To Appeal – The appeal, in the form of a letter of appeal, must be delivered to the Planning Department within 14 days following the date the interpretation is posted to the City website, provided that if the fourteenth day of the appeal period falls on a Saturday, Sunday or legal holiday, the appeal period shall be extended through the next day on which the City is open for business. ~~The applicant must file a~~ letter of appeal must ~~indicat~~ ing how the interpretation affects the appellant's property and ~~present~~ ing any relevant arguments or information on the correctness of the interpretation. ~~The applicant shall include~~ The appeals fee as established by ordinance shall be included.
3. Applicable Procedures – All appeals of interpretations of this code will be reviewed and decided upon using the appeal provisions of Process I,

described in Chapter [145](#) KZC.

4. Effect – If the interpretation of the Planning Director is modified, the Planning Official shall:
  - a. Place the modifying decision in the Interpretation File; and
  - b. Change or remove, as appropriate, the interpretation that was modified; and
  - c. Change the reference in this code to reflect the modification.

## Chapter 115 – MISCELLANEOUS USE DEVELOPMENT AND PERFORMANCE STANDARDS

### Sections:

- 115.05 User Guide
- 115.07 Accessory Dwelling Units
- 115.08 Accessory Structure (Detached Dwelling Unit Uses Only)
- 115.10 Accessory Uses, Facilities and Activities
- 115.15 Air Quality Regulations
- 115.20 Animals in Residential Zones
- 115.23 Common Recreational Space Requirements for Certain Residential Uses
- 115.25 Development Activities and Heavy Equipment Operation – Limitations On
- 115.30 Distance Between Structures/Adjacency to Institutional Use
- 115.33 Electric Vehicle Infrastructure
- 115.35 Erosion and Sedimentation Regulation
- 115.40 Fences
- 115.42 Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Residential Zones and Attached Dwelling Units in PLA 3C
- 115.43 Garage Requirements for Detached Dwelling Units in Low Density Zones
- 115.45 Garbage and Recycling Receptacles and Enclosures – Storage Space, Placement and Screening
- 115.47 Loading and Service Areas Placement and Screening
- 115.50 Glare Regulation
- 115.55 Heat Regulation
- 115.59 Height Regulations – Calculating Average Building Elevation (ABE)
- 115.60 Height Regulations – Exceptions
- 115.65 Home Occupations
- 115.80 Legal Building Site
- 115.85 Lighting Regulations
- 115.90 Calculating Lot Coverage
- 115.95 Noise Regulations
- 115.100 Odor
- 115.105 Outdoor Use, Activity and Storage
- 115.110 Radiation
- 115.115 Required Yards
- 115.120 Rooftop Appurtenances
- 115.125 Rounding of Fractions of Dwelling Units
- 115.135 Sight Distance at Intersections
- 115.137 Solar Collectors in Residential Zones
- 115.138 Temporary Storage Containers
- 115.140 Temporary Trailers for Construction and Real Estate Sales Offices
- 115.142 Transit Shelters and Centers, Public
- 115.150 Vehicles, Boats and Trailers – Size in Residential Zones Limited

### 115.137 Solar Collectors in Residential Zones

Only ground and/or roof mounted solar collectors are allowed in residential zones.

- 1) Roof Mounted – Roof mounted solar collectors are allowed in all residential zones pursuant to KZC Section 115.60.2 Height Regulations - Exceptions. For the purpose of this section, a solar collector will be considered to be roof mounted if it extends across the roof of a structure with or without being attached.
- 2) Ground Mounted – Ground mounted solar collectors are allowed in all residential zones subject to the following standards:
  - a) Location: Ground mounted solar collectors shall be placed behind a plane extending across the width of the property at the front facade of the dwelling unit or other structure located closest to the front property line.
  - b) Height: The maximum permitted height of a solar collector is 6 feet above finished grade.

## Chapter 5 – DEFINITIONS

### **5.10. 881.1 Solar Collector:**

Any of various devices for the absorption of solar radiation for the heating of water or buildings or the production of electricity

### **5.10.881.42 Solar Panel**

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A panel designed to absorb the sun's rays for generating electricity or heating.

## Chapter 5 – DEFINITIONS

### 5.10.020 Adjoining

– Property that touches or is directly across a street, other than a principal arterial, from the subject property. For the purposes of applying the regulations that limit the height **and horizontal length of facade** adjoining a low density zone, the regulations shall only apply within an area of 100 feet of and parallel to the boundary line of a low density zone (as shown on Plate 18).

#### **.507 Maximum Horizontal Facade**

~~The widest cross-section of the building(s) in the area adjoining the low density zone or within 100 feet of the adjoining lot containing the detached dwelling unit or low density use. The cross-section width is measured parallel to the zone or lot(s). (See Plate 38.)~~

For the following use zone charts delete the following language and replace it with new language referring to Section 115.136:

RS Zone, 15.08, General Regulation 2	PLA 6A Zone, 60.55, General Regulation 3
RSX Zone, 17.08, General Regulation 2	PLA 6B Zone, 60.60, General Regulation 3
RSA Zone, 18.08, General Regulation 2	PLA 6C Zone, 60.65, General Regulation 2
RM, RMA Zone, 20.08, General Regulation 3	PLA 6D Zone, 60.70, General Regulation 3
PR, PRA Zone, 25.08, General Regulation 3	PLA 6E Zone, 60.75, General Regulation 2
PO Zone, 27.08, General Regulation 2	PLA 6F Zone, 60.80, General Regulation 3
WDII Zone, 30.25.030, 30.25.040, Special Regulation 2	PLA 6G Zone, 60.85, General Regulation 3
WDII Zone, 30.25.050, Special Regulation 1	PLA 6G Zone, 60.87.130, Special Regulation 3
BN, BNA Zone, 40.08, General Regulation 2	PLA 6H Zone, 60.90, General Regulation 3
BC, BC-1, BC-2 Zone, 45.08, General Regulation 2	PLA 6I Zone, 60.95, General Regulation 3
BCX Zone, 47.08, General Regulation 2	PLA 6J Zone, 60.100, General Regulation 3
LIT Zone, 48.10, General Regulation 2	PLA 6K Zone, 60.105, General Regulation 3
P Zone, 49.10, General Regulation 2	PLA 6A Zone, 60.55, General Regulation 3
MSC-1, 4 Zone, 51.08, General Regulation 3	PLA 6B Zone, 60.60, General Regulation 3
MSC-2 Zone, 51.18, General Regulation 2	PLA 6C Zone, 60.65, General Regulation 2
MSC-3 Zone, 51.28, General Regulation 2	PLA 6D Zone, 60.70, General Regulation 3
RH 5A, 5B Zone, 53.52, General Regulation 2	PLA 6E Zone, 60.75, General Regulation 2
RH 5C Zone, 53.57, General Regulation 2	PLA 6F Zone, 60.80, General Regulation 3
RH 8 Zone, 53.82, General Regulation 2	PLA 6G Zone, 60.85, General Regulation 3
NRH1B Zone, 54.10, General Regulation 3	PLA 6G Zone, 60.87.130, Special Regulation 3
NRH2 Zone, 54.16, General Regulation 2	PLA 6H Zone, 60.90, General Regulation 3
NRH3 Zone, 54.22, General Regulation 2	PLA 6I Zone, 60.95, General Regulation 3
TL 10A Zone, 55.67, General Regulation 2	PLA 6J Zone, 60.100, General Regulation 3
TL 10B Zone, 55.73, General Regulation 2	PLA 6K Zone, 60.105, General Regulation 3
TL 11 Zone, 55.97, General Regulation 3	PLA 7A, B, C Zone, 60.110, General Regulation 3
PLA 1 Zone, 60.12.040, 60.12.050, 60.12.060,	PLA 9 Zone, 60.130, General Regulation 3

Special Regulation 2	
PLA 1 Zone, 60.12.070, Special Regulation 1	PLA 14 Zone, 60.168a, General Regulation 2
PLA 3C Zone, 60.25, General Regulation 2	PLA 15B Zone, 60.175, General Regulation 3
PLA 5A Zone, 60.30, General Regulation 3	PLA 16 Zone, 60.180, General Regulation 2
PLA 5B Zone, 60.35, General Regulation 3	PLA 17 Zone, 60.185, General Regulation 3
PLA 5C Zone, 60.40, General Regulation 3	PLA 17A Zone, 60.190, General Regulation 3
PLA 5D Zone, 60.45, General Regulation 3	
PLA 5E Zone, 60.50, General Regulation 3	

~~a. 1. If any portion of a structure is adjoining a low density zone or a low density use in PLA 17, 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 shall not exceed 50 feet in width.~~

~~See KZC 115.30, Distance Between Structures/Adjacency to Institutional Use, for further details.~~

~~(Does not apply to Piers, Docks, Boat Lifts and Canopies Serving Detached, Attached or Stacked Dwelling Units and Detached Dwelling Units uses).~~

For structures located within 30 feet of a parcel in a low density zone (or a low density use in PLA 17) Section 115.136 establishes additional limitations on structure size.

New Section 115.136:

**115.136. Size Limitations for Structures Abutting Low Density Zones and Uses.**

1. Size Limits – On properties located in other than low density zones, any portion of a structure greater than 15 feet in height and located within 30 feet of either a low density zone or a parcel within the PLA 17 zone containing a low density use shall be no greater than 50 feet in length, as measured parallel to the property line separating the subject property from the abutting low density zone or use. In applying this regulation, structures or portions thereof shall be treated as a single structure if any portions of the structures, other than those elements listed in subsection 2.b below, are located within 20 feet of each other.

2. Exceptions

a. The above size limits do not apply to:

1) Structures within 30 feet of a parcel containing an institutional use;

2) Structures separated from a low density zone by another developed parcel or right of way, except alleys; and

3) Detached dwelling units separated from each other by at least 10 feet;

b. The following elements of a structure are not subject to the 20 feet separation established in Section 1 above:

1) Any elements no higher than 18 inches above finished grade;

2) Chimneys, bay windows, greenhouse windows, eaves, cornices, awnings and canopies that extend no more than 18 inches from the wall of a structure;

3) Stairs that extend no more than five feet from the wall of a structure; and

4) Porches that extend no more than five feet from the wall of a structure if:

- a) The porch is no higher than one story and the finished floor of the porch is no more than four feet above finished grade;
  - b) Three sides of the porch are open, other than solid walls or railings up to a height of 42 inches;
  - c) No deck, balcony or living area is on the roof of the porch;
  - d) The length of the porch does not exceed 50% of the wall of the structure to which it is attached; and
  - e) Porch eaves may extend an additional 18 inches from the edge of the porch.
3. Modifications – The City may approve modifications from the dimensional standards specified in Section 1 if it determines that either:
- a. The topography, vegetation or improvements on either the subject property or abutting property adequately obscure the visibility of the structure from the abutting property; or
  - b. The design of the structure moderates its apparent size as well as or better than strict adherence to the dimensions specified in Section 1,

The decision on the modification shall be made by the Planning Director and appeals shall be in accordance with the appeal provisions of Process I, Chapter 145; provided that if the development requires a decision through design review, Process I, Process IIA or Process IIB, the decision on the modification and appeals thereof shall be made using the required review process for the development.

Delete Section 115.30:

### **115.30—Distance Between Structures/Adjacency to Institutional Use**

#### **1. Distance Between Structures**

##### **a. Apply to:**

- 1) ~~Calculation of F.A.R. for detached dwelling units in low density zones, and~~
- 2) ~~Regulation of maximum horizontal facade (See KZC 5.10.507 for definition).~~

- b. General—**For purposes of the regulation in this code regarding maximum horizontal facade for any use in any zone to which the maximum horizontal facade limitations apply, and F.A.R. calculation for detached dwelling units in low density residential zones only, two (2) structures will be treated and considered as one (1) structure if any elements of the structures, other than as specified in subsection (1)(c) of this section, are closer than 20 feet to each other. In addition, two (2) structures connected by a breezeway or walkway will be regulated as one (1) structure if any element of the breezeway or walkway is higher than 10 feet above finished grade.

##### **c. Exceptions**

- 1) ~~Elements of a structure no higher than 18 inches above finished grade may be closer than 20 feet to another structure.~~
- 2) ~~Chimneys, bay windows, greenhouse windows, eaves, cornices, awnings and canopies may extend 18 inches from each structure toward the other.~~
- 3) ~~Detached dwelling units approved and constructed as a “Detached, Attached, or Stacked Dwelling Unit” are excluded from horizontal facade regulations if they are separated by at least 10 feet.~~

- ~~4) Porches and stairs may extend five (5) feet from each structure toward the other if:~~
- ~~a) The porch is no higher than one (1) story and the finished floor of the porch is no more than four (4) feet above finished grade;~~
  - ~~b) Three (3) sides of the porch are open;~~
  - ~~c) No deck, balcony, or living area will be placed on the roof of the porch; and~~
  - ~~d) The width of the porch will not exceed 50 percent of the facade to which it is attached.~~
  - ~~e) Allowed exceptions to the above criteria are:~~
    - ~~i) Solid walls or railings may extend up to 42 inches above the porch floor; and~~
    - ~~ii) Eaves on the porch roof may extend an additional 18 inches beyond the porch.~~
- ~~2. Adjacency to Institutional Uses—If a structure is located adjacent to an institutional use which is located in a low density zone, the maximum horizontal dimension provision of 50 feet may be waived by the Planning Director~~

Integrate existing requirements from 115.30 pertaining to the calculation of FAR into Section 115.42:

**115.42 Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Residential Zones and Attached Dwelling Units in PLA 3C.**

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1. Gross floor area for purposes of calculating F.A.R. and maximum floor area for detached dwelling units in low density residential zones and attached dwelling units in PLA 3C shall include the entire area within the exterior walls for each level of the structure. It shall also include the area of all carports, measured as the area of the carport roof. It shall not include the following:
  - a. Attic area with less than five (5) feet of ceiling height, as measured between the finished floor and the supporting members for the roof.
  - b. Floor area with a ceiling height less than six (6) feet above finished grade. The ceiling height will be measured to the top of the structural members for the floor above. The finished grade will be measured along the outside perimeter of the building (see Plate 23).
  - c. . On lots less than 8,500 square feet, the first 500 square feet of an accessory dwelling unit or garage contained in an accessory structure, when such accessory structure is located more than 20 feet from and behind the main structure (see KZC [115.30](#) for additional information on the required distance between structures); provided, that the entire area of an accessory structure, for which a building permit was issued prior to March 6, 2007, shall not be included in the gross floor area used to calculate F.A.R. For purposes of this section, "behind" means located behind an imaginary plane drawn at the back of the main structure at the farthest point from, and parallel to, the street or access easement serving the residence.
  - d. On lots greater than or equal to 8,500 square feet, the first 800 square feet of an accessory dwelling unit or garage contained in an accessory structure, when such accessory structure is located more than 20 feet from and behind the main structure (see KZC [115.30](#) for additional information on the required

- distance between structures); provided, that the entire area of an accessory structure, for which a building permit was issued prior to March 6, 2007, shall not be included in the gross floor area used to calculate F.A.R.
- e. Uncovered and covered decks, porches, and walkways.
  - f. One hundred square feet if the dwelling unit has an internal staircase and/or an area with a ceiling height greater than 16 feet.
2. Floor area with a ceiling height greater than 16 feet shall be calculated at twice the actual floor area toward allowable F.A.R. The ceiling height for these areas will be measured to the top of the structural members for the floor above or, if there is no floor above, to the bottom of the structural members for the roof.
  3. Separate structures will be regulated as one structure if any elements of the structures, except for the elements listed in Section b.4) below, are closer than 20 feet to each other.
    - a. Two structures connected by a breezeway or walkway will be regulated as one structure if any element of the breezeway or walkway is higher than 10 feet above finished grade.
    - b. Elements of structures that may be closer than 20 feet to each other are:
      - 1) Elements of a structure no higher than 18 inches above finished grade;
      - 2) Chimneys, bay windows, greenhouse windows, eaves, cornices, awnings and canopies extending no more than 18 inches from the wall of a structure;
      - 3) Stairs extending no more than five feet from the wall of a structure;
      - 4) Porches extending no more than five feet from the wall of a structure if:
        - a) The porch is no higher than one story and the finished floor of the porch is no more than four feet above finished grade;
        - b) Three sides of the porch are open other than railings and solid walls no higher than 42 inches;
        - c) No deck, balcony, or living area is placed on the roof of the porch;
        - d) The length of the porch does not exceed 50% of the wall of the structure to which it is attached;
        - e) Porch eaves may extend an additional 18 inches from the edge of the porch.

*This section is not effective within the disapproval jurisdiction of the Houghton Community Council, except for those lots in PLA 3C that are less than 7,200 square feet or lots that have less than the minimum lot size created through the small lot provisions of KMC 22.28.042, subdivisions.*

Delete the following language in Section 142.37:

### 142.37 Design Departure and Minor Variations.

---

1. General – This section provides a mechanism for obtaining approval to depart from strict adherence to the design regulations or for requesting minor variations from requirements in the following zones:
  - a. In the CBD and YBD: minimum required yards; and
  - b. In the Totem Center: minimum required yards, floor plate maximums and building separation requirements; and
  - c. In the RHBD, the PLA 5C zone, and the TLN: minimum required yards, and landscape buffer ~~and horizontal facade requirements~~; and
  - d. In the MSC 1 and MSC 4 zones of the Market Street Corridor: minimum required front yards ~~and horizontal facade requirements~~; and
  - e. In the MSC 2 zone of the Market Street Corridor: height (up to an additional five (5) feet), and minimum required front yards ~~and horizontal facade requirements~~; and
  - ~~f. In the MSC 3 zone of the Market Street Corridor: horizontal facade requirements; and~~
  - ~~g. In the BN and BNA zones: horizontal facade requirements.~~

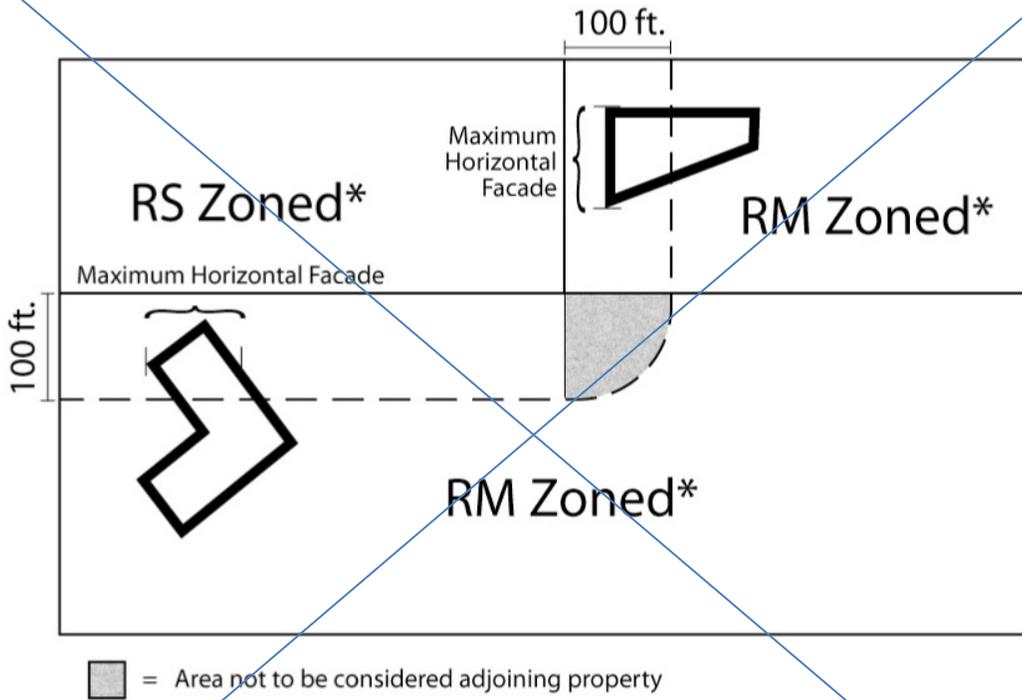
This section does not apply when a design regulation permits the applicant to propose an alternate method for complying with it or the use zone chart allows the applicant to request a reduced setback administratively.

2. Process – If a design departure or minor variation is requested, the D.R. decision, including the design departure or minor variation, will be reviewed and decided upon using the D.B.R. process.
3. Application Information – The applicant shall submit a complete application on the form provided by the Planning Department, along with all information listed on that form, including a written response to the criteria in subsection (4) of this section.
4. Criteria – The Design Review Board may grant a design departure or minor variation only if it finds that all of the following requirements are met:
  - a. The request results in superior design and fulfills the policy basis for the applicable design regulations and design guidelines;

- b. The departure will not have any substantial detrimental effect on nearby properties and the City or the neighborhood.

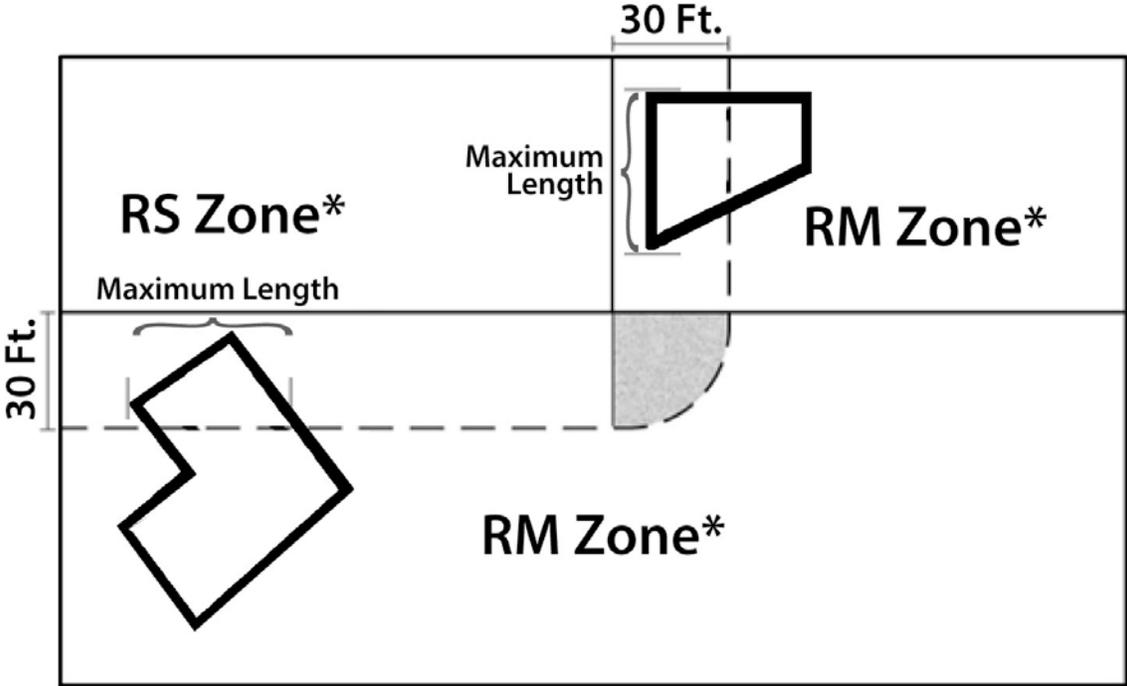
Delete the following Plate 38 and replace with new Plate 38:

**Plate 38 Measuring Maximum Horizontal Facade** [SHARE](#) [f](#) [t](#) [e](#) ...



\*Used for example only. Maximum horizontal facade requirements are specified by individual zoning district.

**Plate 38: Measuring Size Limitations for Structures Abutting Low Density Zones & Low Density Uses in the PLA17 zone.**



 = Area not to be considered abutting property

\* Used for example only. Size limitations required for zones and uses other than low density (See KZC section 115.136).

**Joan Lieberman-Brill**

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**From:** F Lyman <chicha19@comcast.net>  
**Sent:** Thursday, February 13, 2014 2:53 PM  
**To:** Planning Commissioners  
**Cc:** Joan Lieberman-Brill  
**Subject:** Holmes Point Overlay -- another comment

Dear Planning Commissioners,

I'm writing to support your proposed changes to the Holmes Point Overlay, with the caveat that they include the provisions offered by Scott Morris, President of the Finn Hill Neighborhood Alliance, to insure public disclosure of new developments that come under this Overlay, affecting the forested slopes and residents of our hillsides.

As a longtime resident of Finn Hill, I very much appreciate the time that Planning Department staffers have spent on the HPO, adding a "Protected Natural Area" designation, for example, and very sensitive vegetation standards, to retain mature, established forest habitat as much as possible and introduce native plantings as well. If Finn Hill residents knew how hard the city officials have worked to understand and incorporate the HPO into city code, they would be very appreciative too.

These considerations are extremely important because Finn Hill's forests and relatively high inclines and elevations -- some 450-500 feet in places -- can produce drainage and erosion problems, as huge volumes of storm water cascade and percolate down the Holmes Point slopes and pool along the way. All this makes for unique topographic conditions quite different from the lower-elevation areas of Kirkland. Under climate change, with more rain and weather extremes, those natural conditions are likely to become more challenging.

While applauding the city's having strengthened the Overlay, I do worry that any new language allowing property owners to claim that regulations are 'infeasible' or 'unreasonable' could allow this protective code to be watered down. So I agree with Scott Morris of FHNA that, if such allowances are made, any subdivision applications be disclosed to the public in a fair and open way at various phases of permitting. Given where we are, in this 21<sup>st</sup> century Silicon Forest capital of Kirkland, with new technologies -- instant paperless emailing, etc., among municipal departments -- this shouldn't be such an impossible task to engineer.

You are faced with complicated technical decisions that require a lot of time and effort on your part, for which we are indebted. But know that your decisions have far-reaching impacts.

Sincerely,

Francesca Lyman  
Longtime Finn Hill resident  
Member of the Finn Hill Neighborhood Alliance board of directors  
[www.finnhillalliance.org](http://www.finnhillalliance.org)



**Joan Lieberman-Brill**

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**From:** Eric Shields  
**Sent:** Thursday, February 13, 2014 2:19 PM  
**To:** Joan Lieberman-Brill  
**Subject:** FW: Holmes Point Overlay.

Eric Shields

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**From:** [robert.aglow@comcast.net](mailto:robert.aglow@comcast.net) [mailto:[robert.aglow@comcast.net](mailto:robert.aglow@comcast.net)]  
**Sent:** Thursday, February 13, 2014 1:50 PM  
**To:** Planning Commissioners  
**Subject:** Holmes Point Overlay.

Dear Planning Commissioners,

Thus far, nothing that I have read or heard indicates a dramatic reassessment of the Holmes Point Overlay. So to, alight across the countryside with dire warnings, like Paul Revere, seems premature.

Neither the insertion of the word, "feasible" nor a clarification of how 25 percent of mature trees of a particular class, are protected during development necessarily is, by itself, a somber foreshadowing of a process that would lead to the denuding of this precious neighborhood of Holmes Point. I give you wonderful volunteers far more credit for properly weighing development vs. degradation.

So what I wanted to say really deals less with the particulars of future development than with general principles and sensibilities that would guide any future development codes and guidelines, a sensibility that I suspect most of you ,may already share with me:

Development is inevitable. But often decisions are made that are deeply, deeply regrettable.

If one wants to see the most egregious example of thoughtless development, one should really take a kayak or a small boat out from OO Denny Park and look back at the untrammled swath of forest that stretches from St. Edwards Park to Denny Park, greener by far than the shoreline north and south of it. Then you will also see a singular, huge gash that breaks that stunning view. That gash is the One Eagle Place development. You will see oversized McMansions cheek to jowl to one another, devoid of any vegetation.

It represents to many of us, the epitomize of wanton destruction of one of the most beautiful areas of Kirkland.

Market Street is replete with beautiful homes. Kirkland, in general, has lovely neighborhood. And Kirkland, can be proud of the parks and green spaces that continue to make Kirkland a truly privilege, enormously livable communities in the State of Washington. But what takes people's breath away, visitors from across the country, is the wild beauty of Holmes Point.

I understand that local government officials are faced with making specific , practical decisions. And I applaud all of you for doing the work that you volunteer your time towards. But please, keep the broader picture in mind. You are custodians, protectors of what remains of Kirkland, what makes it special.

You can find beautiful homes in Michigan, California, Ohio, pretty much anywhere. But after awhile they all look the same. And what you're left is with suburbia in all it's blandness.

Please think very carefully as the developers push you to make "feasible" synonymous with profit as opposed to wise stewardship of the this unique neighborhood.

We know you will do the right thing as the economy begins to really recover and developers come a calling. Many of us will be watching....very very closely. You have been given enormous power. Please use it wisely.

Much thanks for your time.

RJ Aglow

Sent from Windows Mail

**Joan Lieberman-Brill**

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**From:** Eric Shields  
**Sent:** Thursday, February 13, 2014 9:41 AM  
**To:** Joan Lieberman-Brill  
**Subject:** FW: Trees

Eric Shields

---

**From:** Jan Fite [<mailto:janfite@comcast.net>]  
**Sent:** Thursday, February 13, 2014 9:33 AM  
**To:** Planning Commissioners  
**Cc:** Mic Fite  
**Subject:** Trees

Dear Planning Commission,

If your job is to consider all the voices in your community prior to voting on the SDO, I will share my voice. Mine is one of the quieter voices (literally and figuratively, a voice in the wilderness) and I have been discouraged watching the trees disappear, one by one. I almost didn't write, feeling that it wouldn't really make a difference. I would be there tonight if I didn't have a prior commitment.

I have testified previously about the SDO prior to annexation. In the week before annexation, I watched a beloved 100 year old tree that we would watch eagles fish from, logged and hauled away. I reported it but the code person was almost done with his job and soon Kirkland would take over. They got away with it and I lost faith that there was anything I could do. Across the street, at the same time, most of the trees were cut and now that piece of barren property stands waiting for something more to happen. These two cuttings seemed clearly in violation of our SDO which we worked so hard to get passed but it seemed to make no difference.

There are many voices – the factual ones about mudslides, how many dollars a tree is worth in terms of oxygen and carbon dioxide exchange, but my voice is one rarely heard – a sacred space in which I live and which will serve future generations – a big picture approach. I recently heard a wise naturalist say “when we become too scientific, we lose our reverence.”

We need to preserve some places that are as unique as our own. My husband and I moved here primarily because of the calming rainforest surrounding us. I have watched our quail disappear, the noise level increase and my view has become mainly rooftops. I am always trying to preserve and protect it. When visitors come to stay with us from all over the world they marvel at our unique environment (mainly the trees and wildness of our area). It is very special.

I urge you to do what you can to preserve and protect the wildness of our unique place.

Thank you for reading my letter.

Jan

Jan Fite, Ph.D.

Clinical Psychologist

May you be happy

**Joan Lieberman-Brill**

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**From:** Eric Shields  
**Sent:** Thursday, February 13, 2014 11:01 AM  
**To:** Joan Lieberman-Brill  
**Subject:** FW: Holmes Point Overlay

Eric Shields

---

**From:** Jeff Hoerth [<mailto:jeffhoerth@comcast.net>]  
**Sent:** Thursday, February 13, 2014 10:53 AM  
**To:** Planning Commissioners  
**Subject:** Holmes Point Overlay

Wed., Feb. 12, 2014

Members of the Kirkland City Planning Commission:

I write with regards to the Holmes Point Overlay vote to be taken on the eve of Valentine's Day. A bit of irony in that date I would suggest since creation of the original King County special district overlay was driven by the love Finn Hill residents have for their neighborhood along with the desire to prevent catastrophic mudslides and wanton removal of trees and native vegetation.

Certainly, it is a good and sound step you've taken in moving the protections over into Kirkland's own administrative books. It's sometimes difficult to quantify the value of something if something doesn't go wrong but that doesn't suggest a homeowner should feel installing a security device is a mistake if there hasn't been a break-in. The science that led to the development of the overlay would suggest it has made a difference. And the occasional example of mudslides or water runoff where trees or native vegetation have been removed would support that thought.

With regards to discussion of the words 'feasible' and 'reasonable,' I favor feasible. Reasonable to a developer can be much different than reasonable to a neighbor impacted by a developer's decisions. Feasible is less fuzzy. Kirkland's gotten into trouble in the past with fuzzy.

I am concerned there is no public comment option should a developer or landowner seek to change the location of protected native vegetation in the course of the building permit process. It seems to invite a scenario in which initial planning could be staged for approval with the full intent of changing afterwards. To claim that staff would maintain ministerial oversight suggests that staff is presumed to always operate with a full understanding of the ordinance. With all due respect to the experience and integrity of the current and future staff, that was shown not to be the case with King County personnel, who had a spotty record of enforcement with the special district overlay.

As past president of the Denny Creek Neighborhood Alliance (DCNA), I can testify to a strong passion among residents on Finn Hill with regards to this ordinance. I received several inquiries and requests for action regarding the special district overlay during my years of leading the Board of Directors. In fact, with regard to your Commission's suggestion that staff would be

burdened with an additional comment period, I would suggest that staff should welcome the passion, expertise, and historical recollection of Finn Hill residents. Staff, yourselves, and the Council may well learn something. I know I did and I've come to respect the level of intelligence I encountered while on the board of DCNA. Another public comment period may not necessarily be the best answer but presumption that everything will take place by the book is not either.

Jeff Hoerth  
7027 NE 134th Street  
Kirkland, WA 98034

**Joan Lieberman-Brill**

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**From:** Eric Shields  
**Sent:** Thursday, February 13, 2014 9:41 AM  
**To:** Joan Lieberman-Brill  
**Subject:** FW: Holmes Point Overlay

Eric Shields

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**From:** George Ploudre [<mailto:go.pluto@frontier.com>]  
**Sent:** Thursday, February 13, 2014 8:56 AM  
**To:** Planning Commissioners  
**Subject:** Holmes Point Overlay

Members of the Kirkland City Planning Commission:

I am asking for your support on the Holmes Point Overlay. This overlay has been protecting the western hillside of Finn Hill ever since several large earth slides caused major damage. The HPO was established as a result of a study by King County Planning Division to provide measures to prevent future slides which could lead to severe property damage, lawsuits and even loss of life.

I have witnessed at least three major earth slides in that area which happened prior to the HPO. These slides cost the County approximately two million dollars to repair and prevent reoccurrence. All slides were the result of the extensive removal of then existing trees and natural vegetation, causing this erosion.

Please protect our land by supporting the HPO.

George Ploudre  
7171 NE 126th St  
Kirkland, WA 98034

**Joan Lieberman-Brill**

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**From:** Eric Shields  
**Sent:** Thursday, February 13, 2014 9:41 AM  
**To:** Joan Lieberman-Brill  
**Subject:** FW: Trees

Eric Shields

---

**From:** Jan Fite [<mailto:janfite@comcast.net>]  
**Sent:** Thursday, February 13, 2014 9:33 AM  
**To:** Planning Commissioners  
**Cc:** Mic Fite  
**Subject:** Trees

Dear Planning Commission,

If your job is to consider all the voices in your community prior to voting on the SDO, I will share my voice. Mine is one of the quieter voices (literally and figuratively, a voice in the wilderness) and I have been discouraged watching the trees disappear, one by one. I almost didn't write, feeling that it wouldn't really make a difference. I would be there tonight if I didn't have a prior commitment.

I have testified previously about the SDO prior to annexation. In the week before annexation, I watched a beloved 100 year old tree that we would watch eagles fish from, logged and hauled away. I reported it but the code person was almost done with his job and soon Kirkland would take over. They got away with it and I lost faith that there was anything I could do. Across the street, at the same time, most of the trees were cut and now that piece of barren property stands waiting for something more to happen. These two cuttings seemed clearly in violation of our SDO which we worked so hard to get passed but it seemed to make no difference.

There are many voices – the factual ones about mudslides, how many dollars a tree is worth in terms of oxygen and carbon dioxide exchange, but my voice is one rarely heard – a sacred space in which I live and which will serve future generations – a big picture approach. I recently heard a wise naturalist say “when we become too scientific, we lose our reverence.”

We need to preserve some places that are as unique as our own. My husband and I moved here primarily because of the calming rainforest surrounding us. I have watched our quail disappear, the noise level increase and my view has become mainly rooftops. I am always trying to preserve and protect it. When visitors come to stay with us from all over the world they marvel at our unique environment (mainly the trees and wildness of our area). It is very special.

I urge you to do what you can to preserve and protect the wildness of our unique place.

Thank you for reading my letter.

Jan

**Joan Lieberman-Brill**

---

**From:** Eric Shields  
**Sent:** Thursday, February 13, 2014 9:41 AM  
**To:** Joan Lieberman-Brill  
**Subject:** FW: Holmes Point Overlay Ordinance Amendments

Eric Shields

**From:** Noriko Marshall [<mailto:norikommarshall@gmail.com>]  
**Sent:** Thursday, February 13, 2014 4:08 AM  
**To:** Planning Commissioners  
**Cc:** Jeremy McMahan  
**Subject:** Holmes Point Overlay Ordinance Amendments

Dear Planning Commissioners:

I am writing my opinion on this subject as a home owner of Holmes Point where I raised my children. Thank you for your sensitive approach to our precious verdant neighborhood that we care for. The draft version is apparently much stronger and more appropriate than the current ordinance.

However, I believe that "feasible" should be replaced by "possible" in proposed Section 3.c and 4.b.2. The term "feasible" could allow developers to take advantage of the ambiguity, and it could lead to more destruction of existing vegetation.

As a landscape architecture professional, I understand that stringent regulations could be challenging to design the sites. However, I strongly believe that this kind of challenge can be conquered by smart, thoughtful designs.

I also believe that by changing this term from "feasible" to "possible", it not only would save trees and prevent landslides but also could save habitat for salmon. Healthy vegetation and soils cleanse runoff water before entering Lake Washington to help juvenile salmon to survive.

I trust that you consider this important matter seriously. I always appreciate your knowledge and hard work.

Sincerely,

Noriko Marshall, ASLA

Landscape Architect candidate

Urban Designer

LID certified

[norikommarshall@gmail.com](mailto:norikommarshall@gmail.com)

425.765.2144

Tim Olson Architect  
1571 3<sup>rd</sup> Street  
Kirkland, WA 98033

February 10, 2014

Joan Lieberman-Brill  
Senior Planner  
City of Kirkland  
123 5<sup>th</sup> Avenue  
Kirkland, WA 98033

Dear Joan,

Thanks for the opportunity to offer further comment on the proposed 2013 Miscellaneous Zoning and Municipal Code Amendments, as described in the Staff memorandum to the Planning Commission dated February 4, 2014. My concerns are specifically addressed to Roster #17--Garage Setbacks.

I support Option 2 in the Feb 4<sup>th</sup> staff memo to reinstate the width limit of the garage door "portal" to be no more than 50% of the total width of the front façade...and to adopt Option 3 in the Dec 5<sup>th</sup> staff memo to require that the garage not be forward of the remainder of the façade. Simply put, this means the wall plane containing the garage door or doors can be placed at the 20' front setback, but it can't "stick out" in front of the rest of the house façade. I strongly contend that the size and width of the driveway between the garage doors and the street or other access is far more important than the position of the garage door plane in the attempt to "minimize the appearance of the garage when viewing the front façade of a house".

The two options combined will be much easier for staff to administer and will help to insure that the width of the driveway doesn't dominate the front yard setback.

Sincerely,

Tim Olson Architect



February 5, 2014

Planning Commission  
City of Kirkland  
123 Fifth Avenue  
Kirkland, Washington 98033

Re: Holmes Point Overlay Zone

Dear Planning Commissioners:

I am writing on behalf of the board of directors of the Finn Hill Neighborhood Alliance ("FHNA") with respect to the Holmes Point Overlay ordinance (HPO) amendments that the Planning Commission will consider at its next meeting on February 13.

As you recall, in its letter of January 22 to the Planning Commission, FHNA endorsed the HPO amendments that have been proposed by the Planning Department staff with the exception that "feasible" be replaced by "possible" in proposed Sections 3.c and 4.b.2. After this issue was discussed at the Planning Commission's meeting on January 23, I promised that FHNA would consult with the Planning Department staff regarding the appropriate language to use in Sections 3.c and 4.b.2.

After further discussions with Planning Department staff, and subject to the comments set forth below, FHNA concurs that "feasible" is an acceptable word to describe the standard for locating a PNA over existing native vegetation that meets the requirements set forth in Section 4(a) of the HPO ("Section 4(a) vegetation"). While not free from ambiguity, "feasible" does signify that an owner or developer must provide a strong case for why a PNA cannot be designated to protect such vegetation. FHNA is now confident that the City staff shares this understanding of the word's meaning. Given this definition, "feasible" signifies a more rigorous standard than "reasonable", which in this context would leave exceptionally broad discretion to planning staff to determine when it would be "appropriate" for a PNA to be located elsewhere. If the HPO is to achieve its intended goal of preserving mature trees and native vegetation to mitigate erosion on the steep ravines of Finn Hill, a strong standard is essential.

FHNA's willingness to accept the use of "feasible" in the ordinance is conditioned on the City's providing a transparent process in which PNA decisions will be made. FHNA understands that Chapters 145 and 150 of the City's zoning code incorporate requirements for public notification, provision for the submission of public comments, and appeals. These chapters require that notice be given to affected property owners, that signs be posted and that an advertisement be published in a local newspaper. Significantly, the City's current practice is also to provide electronic notice of subdivision. Because subdivision approvals will require the preliminary designation of PNAs on parcels, Holmes Point neighbors who receive notice of subdivision applications will have an ability to address PNA determinations before vegetation is removed. Nevertheless, the current notification process can be improved. Chapters 145 and 150 do not explicitly require the City to provide the electronic notice that it currently offers. This deficiency should be rectified. FHNA recommends that Chapter 145.22 and

Chapter 150.22 of the zoning code be revised to specify that the public notice requirements for subdivision applications be revised to require that notice be given to all residents who apply for electronic notice using a registration (i.e. list serve) process available on the City's website.

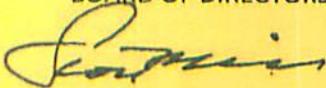
While the foregoing improvement to Chapters 145 and 150 would ensure that the public will have input on preliminary PNA designations when subdivision applications are submitted, a critical gap in the public's ability to comment on the location of PNAs remains at the stage in which an owner or developer applies for a building permit. FHNA understands that, unless an integrated development plan was filed in conjunction with the subdivision application, a PNA's location can be revised at the building permit stage without notice to or an opportunity for comment from the public. Thus, a satisfactory preliminary decision regarding the location of a PNA at the subdivision stage can be undone at the time a building permit is considered, without the public's prior knowledge. Furthermore, parcels that were subdivided before annexation never underwent a preliminary PNA analysis by King County. To ensure that the public has meaningful opportunity to comment on a final PNA determination, FHNA urges that the City revise the HPO to provide that the same notification, comment, and appeal procedures as are used in the Process 1 subdivision application process (Chapter 145) will apply to final PNA determinations if no preliminary PNA determination has been made by the City or if a preliminary determination to locate a PNA over Section 4(a) vegetation would be revised, such that a portion of the Section 4(a) vegetation covered in the preliminary PNA would not be covered by the proposed final PNA. Hopefully, this circumstance would not arise frequently; however, should such a situation develop, it is important that all interested parties, including Holmes Point neighbors, have an opportunity to be heard.

Finally, FHNA notes that the first sentence of Section 3.c of HPO establishes that all PNA determinations – regardless of when they are made – must be located so as to cause the least alteration of existing vegetation. In other words, if it is not feasible to locate a PNA so that it consists of Section 4(a) vegetation, the PNA must be sited in a manner that causes the least damage to existing native vegetation on the parcel. We trust that the City and property owners will bear this overarching principle in mind when considering the designation of a preliminary and a final PNA.

Attached to this letter are proposed revisions of Section 3.c of the HPO and Chapter 145.22 of the zoning code, implementing the recommendations stated above. FHNA endorses the adoption of the proposed revision of the HPO with these recommendations. As always, we appreciate the opportunity to work with the City on this important regulation and we are grateful to have the cooperation of a responsive and knowledgeable Planning Department staff.

Sincerely,

BOARD OF DIRECTORS OF THE FINN HILL NEIGHBORHOOD ALLIANCE



Scott Morris, President

cc: Joan Lieberman-Brill  
Jeremy Mc Mahan

Attachment

**Attachment to FHNA letter to Kirkland Planning Commission**

**February 5, 2014**

**Proposed amendment to Section 3.c**

Add the following sentence at the end of the final paragraph of Section 3.c:

Prior to any determination that it is not feasible to designate a PNA on a lot so that the PNA protects an existing area meeting the vegetation requirements of subsection 4(a), the City shall comply with the public notice and comment provisions of Chapter 145.22 and the provisions of Chapter 145.25 through 145.110 with respect to the PNA designation.

**Proposed amendment to Chapter 145.22**

Revise subsection (2)(5) to read as follows:

The notice will be posted on the City's website and the City will provide the public with a means to register to receive all such notices on a timely basis via email or equivalent means of electronic communication.

**Joan Lieberman-Brill**

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**From:** F Lyman <chicha19@comcast.net>  
**Sent:** Monday, January 27, 2014 5:54 PM  
**To:** Planning Commissioners; Joan Lieberman-Brill; Jeremy McMahan  
**Subject:** map -- to accompany photos of landslide behind home on Holmes Point Drive

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Planning Commissioners,

Please see attached aerial photo showing the location of a landslide several years ago, behind home in circle on left.

I was unable before now to send this to you with my earlier comment, which was addressed, among other issues, to the potential hazards of landslides in the Holmes Point Overlay area [see attached, below]. Could you please enter this photo into the public record as a supplement to my earlier message to you? I know from attending your latest Planning Commission meeting last Thursday that some of your commissioners were interested in some of the special circumstances that gave rise to the Holmes Point Overlay ( landslides and steep slopes being among them).

More info on this aerial shot: The home in the circle on left happened to be for sale when the land simply slid down onto their property, narrowly missing the house. The home owner had to take their real estate listing down, apparently. A neighbor living nearby wrote to me that she believed the landslide was due in part to changes in the land and "the runoff from the neighborhood above." She did not know if the development predated the environmental standards under the Holmes Point Overlay of 1999. She also commented, "Look how far away they look from each other! Yet the impact was devastating." So this issue of Holmes Point having particularly steep slopes is hardly an academic issue--nor is the issue of what happens when "exceptions" are made to environmental protections. All of this deserve due consideration in deliberating any contemplated changes in the city's zoning codes.

Thanks for taking a look at this.

Regards,

Francesca Lyman  
Finn Hill/Holmes Point resident  
& Finn Hill Neighborhood Alliance board of directors





----- Original Message -----

**From:** [F Lyman](#)

**To:** [PlanningCommissioners@kirklandwa.gov](mailto:PlanningCommissioners@kirklandwa.gov)

**Cc:** [Joan Lieberman-Brill](#) ; [JMcMahan@kirklandwa.gov](mailto:JMcMahan@kirklandwa.gov) ; [board@finnhillalliance.org](mailto:board@finnhillalliance.org)

**Sent:** Thursday, January 23, 2014 2:51 PM

**Subject:** comment on Holmes Point Overlay ordinance amendments -- to be considered at Jan 23 public hearing

Planning Commission, City of Kirkland  
123 Fifth Avenue; Kirkland, Washington 98033  
[PlanningCommissioners@kirklandwa.gov](mailto:PlanningCommissioners@kirklandwa.gov)

*Re: Holmes Point Overlay Zone*

Dear Planning Commissioners,

I'm writing to support your proposed changes to the Holmes Point Overlay, with one important request -- that the word 'feasible' be changed to "possible" (as requested by Scott Morris and the FHNA Board of Directors)-- to not dilute the integrity of this carefully-crafted code.

A Finn Hill resident for 16 years, I've raised a family here and served on the board of the *Finn Hill Neighborhood Alliance*. Holmes Point is one of several Kirkland neighborhoods left that is truly is blessed with the emblematic beauty of the Pacific Northwest. With its tall trees and rich patches of actual woods filled with birds and wildlife habitat, it's one of our city's increasingly coveted places. Its rustic country roads (not requiring speed bumps) are safer for children, adding charm as well as naturally-beneficial pervious surfaces

As we're all well aware, this unique neighborhood sits geographically on a dramatic incline sloping down Finn Hill to Lake Washington, over which literally thousands upon thousands of gallons of rainwater flow continuously. Your careful attention to protecting Holmes Point's trees and ravines, apart from their aesthetic appeal, is crucial in preventing landslides and erosion that endanger homes, property, and people.

That's why, while applauding your strengthening provisions of the Overlay to protect this area, I don't want to see you allow exemptions to this code that would enable property owners to claim that certain protections for the environment and safety are "not feasible."

Having just attended a Kirkland focus group convened by your planners, asking residents how they'd like the city develop, I heard residents here call for "saving green spaces, building green," and planning smart, "developing density in areas where there is already infrastructure and transportation to support it." They don't want to see the cookie-cutter subdivisions of yore, like some of the "McMansion" developments built into the hillsides before the Overlay was enacted, that injure the environment and character of our neighborhood.

Please keep up your efforts to protect our hillsides and neighbors on beautiful Finn Hill.

Sincerely,

Francesca Lyman, longtime Finn Hill resident  
Finn Hill Neighborhood Alliance board of directors  
[Francesca@finnhillalliance.org](mailto:Francesca@finnhillalliance.org)

**Joan Lieberman-Brill**

---

**From:** F Lyman <chicha19@comcast.net>  
**Sent:** Monday, January 27, 2014 5:35 PM  
**To:** Planning Commissioners; Joan Lieberman-Brill; Jeremy McMahan  
**Subject:** Photos of Landslide off Holmes Point Drive  
**Attachments:** IMG\_0001.JPG; IMG\_0002.JPG

Dear Planning Commissioners,

Please see attached photos, which I was not able to send to you with my earlier comment, which was addressed to the potential hazards of landslides in our area. Could you please enter these photos of mudslides on Holmes Point Drive into the public record as a supplement to my earlier message to you? [below]. I'll also send you a map of where this occurred.

While these are not very good photos, having been taken with an iPhone, they get across the idea that the Holmes Point area does have slopes that are far more susceptible to drainage and stormwater problems, flooding, and even landslides and mudslides because of their geology, soils, and hydrology. These landslide pictures were taken on Holmes Pt. Drive, facing southeast. It was behind the first house on the right driving up towards the QFC.

Sincerely,

Francesca Lyman  
 Holmes Point resident  
 & Finn Hill Neighborhood Alliance board of directors  
<http://finnhillalliance.org>

Also, here's a whole document related to hazard mitigation, and landslides as part:  
[http://www.emd.wa.gov/plans/documents/ehmp\\_5.6\\_landslide.pdf](http://www.emd.wa.gov/plans/documents/ehmp_5.6_landslide.pdf)

**Jurisdictions at greatest risk** – Areas most susceptible to landslides are difficult to determine, since site specific variables can alter susceptibility. Areas typically susceptible to landslides are steep hillsides (20 degrees and greater) and convergent topography (*where slopes drain towards a point above stream – not sure if there's stream behind that house, but there certainly is a small one that runs along HPD across the road – so I'm guessing this applies to that specific location*). Landforms can also be a factor in landslide susceptibility, such as areas of steep shoreline bluffs, colluvial hollows (bedrock hollows), inner gorges, meander bends, rugged topography (mountainous terrain), and areas with previous deep-seated landslide movement. Features such as alluvial fans can be areas of deposition for debris flows and other landslides.

----- Original Message -----

**From:** F Lyman  
**To:** [PlanningCommissioners@kirklandwa.gov](mailto:PlanningCommissioners@kirklandwa.gov)  
**Cc:** [Joan Lieberman-Brill](mailto:JoanLieberman-Brill@kirklandwa.gov) ; [JMCMahan@kirklandwa.gov](mailto:JMCMahan@kirklandwa.gov) ; [board@finnhillalliance.org](mailto:board@finnhillalliance.org)  
**Sent:** Thursday, January 23, 2014 2:51 PM  
**Subject:** comment on Holmes Point Overlay ordinance amendments -- to be considered at Jan 23 public hearing

Planning Commission, City of Kirkland  
 123 Fifth Avenue; Kirkland, Washington 98033  
[PlanningCommissioners@kirklandwa.gov](mailto:PlanningCommissioners@kirklandwa.gov)

Re: Holmes Point Overlay Zone

Dear Planning Commissioners,

I'm writing to support your proposed changes to the Holmes Point Overlay, with one important request -- that the word 'feasible' be changed to "possible" (as requested by Scott Morris and the FHNA Board of Directors)-- to not dilute the integrity of this carefully-crafted code.

A Finn Hill resident for 16 years, I've raised a family here and served on the board of the Finn Hill Neighborhood Alliance. Holmes Point is one of several Kirkland neighborhoods left that is truly blessed with the emblematic beauty of the Pacific Northwest. With its tall trees and rich patches of actual woods filled with birds and wildlife habitat, it's one of our city's increasingly coveted places. Its rustic country roads (not requiring speed bumps) are safer for children, adding charm as well as naturally-beneficial pervious surfaces

As we're all well aware, this unique neighborhood sits geographically on a dramatic incline sloping down Finn Hill to Lake Washington, over which literally thousands upon thousands of gallons of rainwater flow continuously. Your careful attention to protecting Holmes Point's trees and ravines, apart from their aesthetic appeal, is crucial in preventing landslides and erosion that endanger homes, property, and people.

That's why, while applauding your strengthening provisions of the Overlay to protect this area, I don't want to see you allow exemptions to this code that would enable property owners to claim that certain protections for the environment and safety are "not feasible."

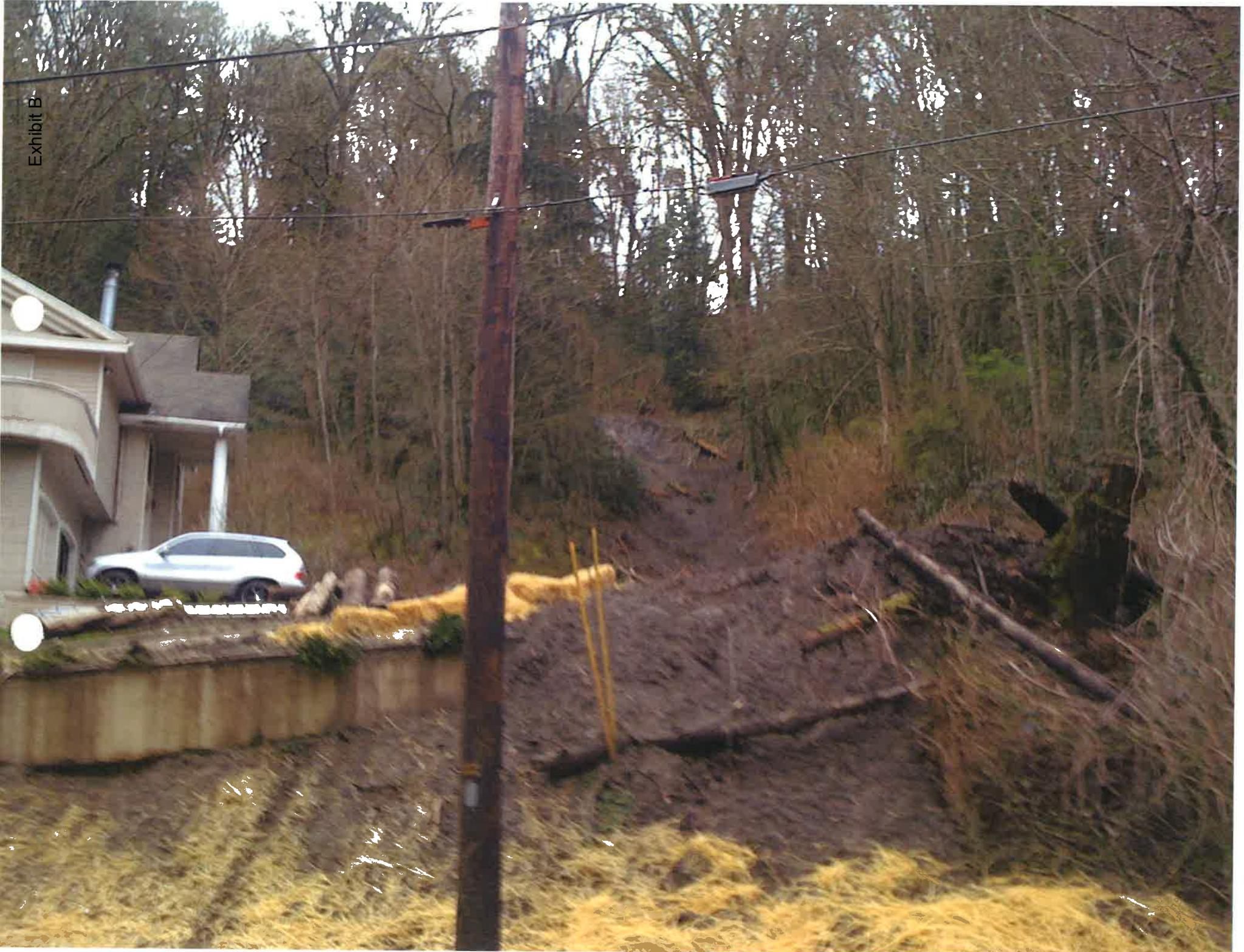
Having just attended a Kirkland focus group convened by your planners, asking residents how they'd like the city develop, I heard residents here call for "saving green spaces, building green," and planning smart, "developing density in areas where there is already infrastructure and transportation to support it." They don't want to see the cookie-cutter subdivisions of yore, like some of the "McMansion" developments built into the hillsides before the Overlay was enacted, that injure the environment and character of our neighborhood.

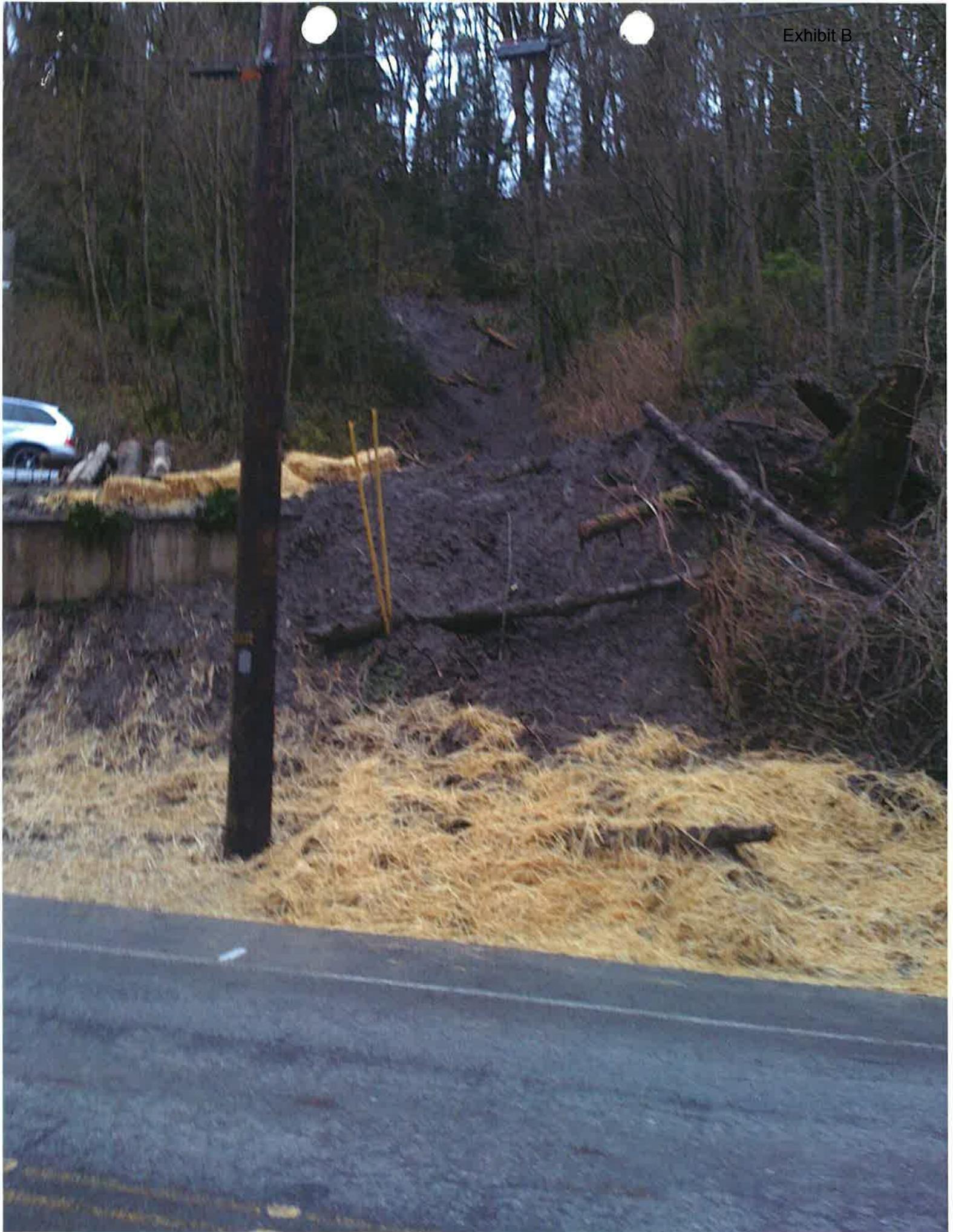
Please keep up your efforts to protect our hillsides and neighbors on beautiful Finn Hill.

Sincerely,

Francesca Lyman, longtime Finn Hill resident  
Finn Hill Neighborhood Alliance board of directors  
[Francesca@finnhillalliance.org](mailto:Francesca@finnhillalliance.org)

Exhibit B





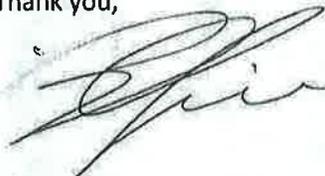
January, 24<sup>th</sup> 2014

To: Houghton Council, Kirkland Planning Commission, and Planning Dept. Staff,

The attached schematic is the vision for TechCity Bowl that I presented to the Bridle Trails and South Rosehill Neighborhood Association last week. My impression and that of the association's President, was that the proposal was well received. In my presentation I mentioned the Horizontal Façade 100 foot restriction and during the break in the meeting a number of the audience told me personally that it made no sense, at least not in our case, and should be removed. No one that I can recall of, in the meeting or at my presentation to the association board of directors the month before, said that the Horizontal Façade restriction should remain or supported any part of it.

You can see in the schematic, how the NE 70<sup>th</sup> driveway access already works to breakup the mass of building as I mentioned in my email. You can also see how the NE 70<sup>th</sup> road easement has already helped significantly to put over 100' separation between the nearest low density residential dwelling unit and how the current restriction would unnecessarily wipe out a significant part of the building.

Thank you,

A handwritten signature in black ink, appearing to read "Brian Gaines", written over a faint circular stamp.

Brian Gaines, a principal of TechCity Bowl at Bridle Trails in Kirkland



# GIS MAPPING PORTAL ~ City of Kirkland, Washington ~ Department of Information Technology



### Legend

- Contours 10F
- Contours 2F
- Address
- City Limits
- Grid
- QQ Grid
- Railroad
- Streets
- Parcels
- ComPlace Names
- Buildings
- Parks
- Schools
- z\_Image09
  - Red: Band\_1
  - Green: Band\_2
  - Blue: Band\_3

1:995



### Notes

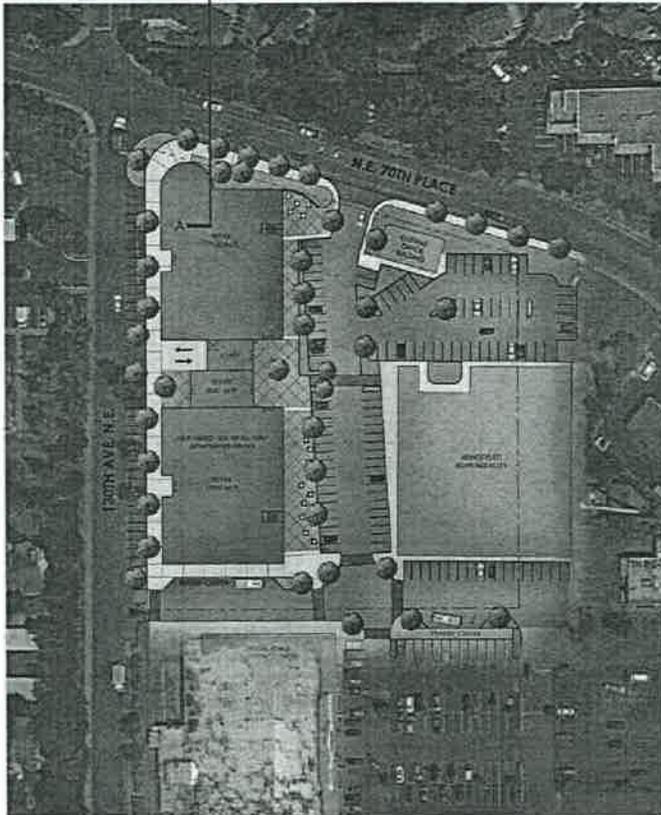
Enter Map Description

0.0 0 0.02 0.03 Miles

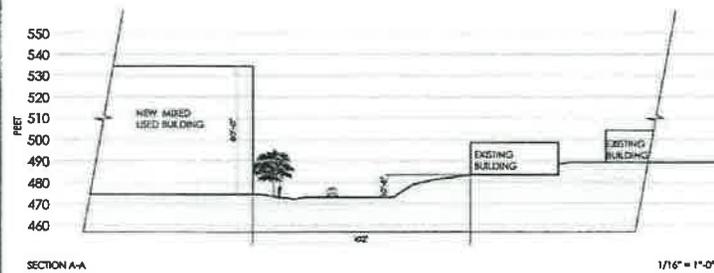
NAD\_1983\_StatePlane\_Washington\_North\_FIPS\_4601\_Feet  
Produced by the City of Kirkland. © 2013 City of Kirkland, Washington, all rights reserved.

No warranties of any sort, including but not limited to accuracy, fitness or merchantability, accompany this product.

THIS MAP IS NOT TO BE USED FOR NAVIGATION



SITE IMAGES



TEHCITY BOWL CENTER, KIRKLAND, WA  
 GAINES DEVELOPMENT CO, LLC

<b>DAHLLIN</b> ARCHITECTS	JOB NO. 5-545	
	DATE 12-3-2013	
	5822 Cherry Drive Pleasanton, CA 94588 925-251-7200	
	A.0	

Tim Olson Architect  
1571 3<sup>rd</sup> Street  
Kirkland, WA 98033

January 25, 2014

Joan Lieberman-Brill  
Senior Planner  
City of Kirkland  
123 5<sup>th</sup> Avenue  
Kirkland, WA 98033

Dear Joan,

Thanks for the opportunity to comment on the proposed 2013 Miscellaneous Zoning and Municipal Code Amendments. I'd like to offer my thoughts on Garage Setback Requirements for Detached Dwelling Units in Low Density Zones – KZC Chapter 115 Section 115.43.

The Background and Issues paragraphs in the staff report fairly and accurately summarize what has been going on with garages since 2008; My experience designing houses since that time is varied. Although I've been able to comply with the 28' setback for the garage door plane, 20' for the main portion of the house, and 13' for the open, covered front porch, the process has been more difficult. The floor plans in most of those houses have suffered greatly, especially on smaller lots. Relationships and connections between interior spaces and the resulting exterior yards and patio or deck areas are much more difficult with that 8' x 24' chunk of garage poking into the main floor volume. The 28' setback number arrived at in 2008 seemed then, and seems now, so arbitrary, almost punitive. It also seems the requirements really don't have a chance to help produce housing stock that meets the goal of minimizing the appearance of the garage when viewing the front façade of a house.

Some of the requirements in sub-Sections 2, 3, 4, and 5 of 115.43 do not make sense. Exemption 4b, for example, deals with houses with below-grade garages. Sounds great in theory, but the reality is much different. The intended "minimized appearance" of the garage door (in this case only 25% visible, 75% hidden from view) is valid only if you are a nightcrawler on the center line of the roadway. If you stand on the sidewalk on the opposite side of a typical street you see over half of the garage door; if you're in a car driving by you see even more, and if you're on the sidewalk at the start of the driveway down to the garage you see 100% of the garage door. And that's if the garage door is at the minimum 20' setback, which is nearly impossible due to the steepness of the driveway. As the setback becomes greater the visibility of the garage door increases in all cases.

In Houghton (where 115.43 is not effective/applied), in numerous PUDs throughout the city where most of the zoning rules have been modified, in the newly annexed area that were developed previously under King County zoning rules, and the many, many existing homes that will be here for 60-80 years before they're redeveloped...they all allowed to have garage doors at the 20' setback line. I've been told that Houghton is a pretty nice place, with high-quality houses and streetscapes. And the PUDs, although some will say they have insufficient parking and they're too densely packed—individual houses and units in the PUD are typically well-designed and very pleasing to the eye. It makes little sense to force the

owner of a new house to place his garage door at 25' (or the current 28') when many of his neighbors have theirs at 20', for the lifespan of both houses.

Back to the purpose and intent to minimize the appearance of the garage...Nearly all of the photos included in the staff report were taken to attempt to emphasize the "façade-ness" of the house, that frontal aspect you would get in an exterior elevation drawing, viewed from infinity; however, from those photos alone you can't tell which garage door planes are at the 20' setback line and which are two feet back, or eight feet back...I needed to read the caption on each photo.

What does stand out in every photo, however, is the driveway, the big, white (often over-exposed in photos) expanse of concrete in front of the garage door. I contend now, and did in 2008 when I spoke before the City Council on this same issue, that it's the driveway that most people react to when they express displeasure at the "appearance" of garages dominating the front facade. If you just flew in from Mars and didn't know the difference between a garage door and a wall of painted fiber-cement siding next to it you would say "So what". Quite frankly, there are many garage doors available that are gorgeous...they look far more attractive than an inexpensive vinyl window or a section of fiber-cement plank siding on the wall. It's the driveway—it's not the location of the wall plane containing the garage door.

I pointed out, back in 2008, that one consequence of the 28' garage door setback, perhaps unintended, was the facilitation of tandem parking of cars in the driveway—the deeper the driveway, the more white concrete visible and more cars parked. The Zoning and Public Works codes both require a minimum 20' x 20' parking pad (essentially filling the front setback); there is no requirement to park cars in a provided garage. The Zoning Code, and I think Public Works as well stipulate that the driveway must be paved with asphalt, concrete, or modular pavers. Grassed modular pavers, typically known as "Grass-crete", are not allowed. Why not? If the visitor from Mars, or a Kirkland citizen, saw the green lawn in the front yard blend into a similar green, or near green, surface in front of those bigger doors they would again say, "So what". It all looks like house.

In summary, to minimize the appearance of the garage when viewing the front façade of a house, as described in the purpose and intent of the sub-Section 1 in the code, don't focus exclusively on the placement of the garage door in relation to the other house elements; instead, consider minimizing the appearance of the driveway and place minimal and reasonable restrictions on garage doors placed at the 20' setback—things like a maximum size for a single door, perhaps nine feet wide by eight feet high, prohibiting flush panel rollup doors that lack any "texture", require rollup doors to have windows or frame and panel construction to produce shadow lines. And definitely encourage or incentivize different surface materials so driveways don't look like the driveways in the photos.

I support Option 3 in the staff report. Simplify the code for the planning staff; get rid of the eight foot, or five foot, or two foot, or whatever foot modulation of garage doors parallel to the front property line. Let them be placed at the 20' setback, but stipulate that they can't "stick out" from the main portion of the house if the house isn't at the 20' setback. Clean and simple.

Sincerely,

Tim Olson Architect

**Joan Lieberman-Brill**

---

**From:** Brian Gaines <brian.gaines57@gmail.com>  
**Sent:** Friday, January 24, 2014 11:36 AM  
**To:** Helen Wattley-Ames  
**Cc:** Joan Lieberman-Brill  
**Subject:** Re: Permit No. CAM13-00669 - comment from owner of Bridle Trails Shopping Center

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Ms Lieberman-Brill, Houghton City Council and the Kirkland Planning Commission and Planning Dept Staff,

First, I would like to thank the Houghton Council and Kirkland Planning Commission for agreeing with the staff recommendation to exempt all commercial zoned properties adjoining low density residential that are separated by an minor arterial from the landscape buffer requirement.

I am writing today to ask that the Houghton Council excuse themselves from consideration of the Section 27 zoning code amendment for those commercial properties that adjoin low density residential that are separated by a minor arterial road and that the Houghton Council defer all consideration for this amendment, regarding commercial zoned property adjoining low density residential but are also separated by a minor arterial road, solely to the Kirkland Planning Commission.

As I stated last night, I firmly believe there are only 3 commercial zoned properties anywhere in Kirkland that adjoin to low density residential that are separated by a minor arterial and that is the TechCity Bowl property, the Bridle Trails Shopping Center property, and a North Juanita Bay shopping center property, and that **Houghton has no commercial property in it's jurisdiction that adjoins a low density residential property that is separated by a minor arterial road.** I would also ask that the staff confirm this for you.

It is also important to mention that because a road separates these particular properties, these commercial properties already have driveway accesses that would break up the mass of buildings into separate buildings, therefore accomplishing what the current code under consideration for amendment is attempting to do. Again, I would ask that the staff confirm this for you. This serves to further differentiate these 3 properties from those in Houghton, and anywhere else in Kirkland for that matter, including that property on NE 85th displayed last night.

As some of your council mentioned last night this is one of a number of valid reasons for consideration on a case by case basis and why you requested that the staff come back again by this Monday with a new proposal for your final deliberation.

Thank you,  
 Brian Gaines, a principal of Tech City Bowl at Bridle Trails in Kirkland.

On Thu, Jan 23, 2014 at 10:52 AM, Helen Wattley-Ames <[helen@urbanrengroup.com](mailto:helen@urbanrengroup.com)> wrote:

**Subject: Amendments to Kirkland Zoning Code, Permit No. CAM13-00669**

Dear Ms Lieberman-Brill:

This e-mail is written on behalf of Bridle Trails Shopping Center, 6501-6625 132<sup>nd</sup> Avenue NE, Kirkland, WA 98033 (zone BCX). The property is owned by PNW BRIDLE TRAILS LLC and represented by property manager Urban Renaissance Group.

Our ownership group continues to give serious consideration to redevelopment of our property, jointly with the adjoining Totem Bowl property, into a mixed-use urban village, which could include housing as well as enhanced retail/service options. The potential benefit of such a redevelopment is the opportunity to create a more walkable, livable neighborhood for the benefit of all Kirkland residents, especially those in the Bridle Trails and South Rose Hill neighborhoods.

We greatly appreciate the City's efforts in reviewing the Roster of Miscellaneous Zoning Code and Municipal Code Amendments included in the City's Notice of Joint Hearing for January 23, 2014.

Height restrictions and setback requirements are significant roadblocks to realizing our vision of a Bridle Trails urban village.

Accordingly, we wish to express our support for the recommendations outlined in Section 24 (Change to Landscape Buffer Requirements – KZC Chapter 5 Section 5.10.020) and Section 27 (Eliminate or Revise Horizontal Façade Regulations).

Thank you again for your efforts. Please don't hesitate to contact me for any further information or if we can be of assistance.

Respectfully submitted,

PNW BRIDLE TRAILS LLC

By: Urban Renaissance Group LLC, its manager

Helen Wattley-Ames, Senior Property Manager

[helen@urbanrengroup.com](mailto:helen@urbanrengroup.com)

(206) 454-3109

--  
Brian Gaines  
Member/Manager  
Gaines Development Company, LLC  
Ambassador Home Builders  
A Member of the Master Builders Association of King and Snohomish Counties  
9805 NE 116th St. #7329  
Kirkland, WA 98034  
425 999 7086  
[brian.gaines57@gmail.com](mailto:brian.gaines57@gmail.com)

## **Statement Against Eliminating or Revising Horizontal Façade Regulations**

**KZC Chapter 5 Section 5.10.020 and 5.10.507 and Chapter 115 Section 115.30, new Section 115.136, and Section 115.42, and Multiple Zones**

Submitted by: Brian Marshall, Resident, 745 7<sup>th</sup> St S.

As a resident of a low-density home adjacent to a higher-density office zone, I would like to point out that removing the horizontal façade regulations would have a significant impact on the quality of natural light available to neighboring homes. Given that Seasonal Affective Disorder (S.A.D.) affects an estimated 10%-15% of the Seattle population<sup>1</sup>, blocking sunlight is a major detriment to the residents.

Using a NOAA sun position calculator, I have calculated the noon maximum solar angle for various times of the year, which in turns yields the length of a shadow of a 25' building. 25' is the maximum height currently allowed next to a low-density residential zone. The data shows that for almost half of the year, a 25' building casts a shadow longer than 30' in Kirkland at noon. Therefore, a home with a south facing lot boundary to higher density would, under the proposed new ordinance, have the boundary line in shadow at noon for half the year at the deepest part of the setback requirement, with the shadow of the setback growing another 40' over the boundary at the winter solstice. This makes a setback of 30' entirely insufficient for allowing sun to enter into the residential property.

Using the shadow length calculator at FindMyShadow.com, I have determined the length of shadow a 25' building casts. On the winter solstice, as we've seen, the minimum is approximately 73', but it is over 100' for all but 4 hours of the day. For east or west facing property boundaries, this means that almost 1/3 of the day's light is completely blocked from the ground floors of neighboring residences. The blockage is both morning and afternoon for south facing property boundaries, blocking 2/3 of the day's light. Even at the March Equinox, for a quarter of the day we still have the shadows of this building falling over the 70' mark in length, casting a significant shadow on neighboring residences.

Given this, allowing unlimited building width at a 30' setback from the residential property is going to block a significant portion of daylight to the residence for half the year. As a resident who moved into a property backing onto a business, and a sufferer from Seasonal Affective Disorder, I can tell you that the daylight corridor between the two 25' tall office buildings that are my neighbors is a significant source of light. This corridor provides a much-needed pathway both for the limited sun we receive in Kirkland winter and yields a much-needed visual respite from a solid wall that would be entirely in shadow.

I petition that the proposed changes to allow for removing the 50' width limit with a 30' setback would have a significant negative impact on existing residential units, and we should not adopt this zoning change. Future proposals to change façade regulations should consider the shadow length of a 25' building (or the maximum allowed height), and ensure that significant sunlight is not entirely blocked by the building shadows for the six month period around the winter solstice.

Thank you,  
 Brian Marshall  
 745 7<sup>th</sup> St S.

**Appendix A: NOAA Sun Angles at Noon throughout the year.**

Month	Sun Angle on 21st	tan(Angle)	Height	25' Shadow (Height / sin(Angle))
December	18.99	0.344132399	25	72.64645833
January	22.5	0.414213562	25	60.35533906
February	31.85	0.621235069	25	40.24241589
March	42.73	0.923743359	25	27.06379404
April	54.41	1.397300394	25	17.89164313
May	62.67	1.934977961	25	12.9200438
June	65.74	2.218883446	25	11.26692799
July	62.59	1.928371736	25	12.96430534
August	54.25	1.389087628	25	17.99742471
September	42.9	0.929257345	25	26.9032041
October	31.52	0.61328104	25	40.76434519
November	22.4	0.412170257	25	60.65454644

**Appendix B: Shadows on Dec. 21, 2014**

Local Time	Azimuth (Degrees from N)	Altitude (Degrees)	Shadow Multiplier	25' Shadow Length
7:58	125.616	RISE	-	
8:30	131.63	3.757	15.228	380.7
9:00	137.521	7.353	7.749	193.725
9:30	143.682	10.557	5.365	134.125
10:00	150.123	13.315	4.226	105.65
10:30	156.833	15.569	3.589	89.725
11:00	163.78	17.271	3.216	80.4
11:30	170.911	18.377	3.01	75.25
12:00	178.151	18.859	2.928	73.2
12:30	185.414	18.701	2.954	73.85
13:00	192.61	17.91	3.094	77.35
13:30	199.659	16.507	3.374	84.35
14:00	206.495	14.527	3.859	96.475
14:30	213.076	12.019	4.697	117.425
15:00	219.379	9.035	6.289	157.225
15:30	225.405	5.631	10.142	253.55
16:00	231.172	1.863	30.745	768.625
16:19	234.703	SET	-	

**Appendix C: Shadows on March 21, 2014**

Local Time	Azimuth (Degrees from N)	Altitude (Degrees)	Shadow Multiplier	25' Shadow Length
6:13	89.128	RISE	-	
6:30	92.268	2.418	23.678	591.95
7:00	97.851	7.454	7.643	191.075
7:30	103.559	12.422	4.54	113.5
8:00	109.484	17.27	3.217	80.425
8:30	115.72	21.938	2.483	62.075
9:00	122.364	26.36	2.018	50.45
9:30	129.512	30.457	1.701	42.525
10:00	137.25	34.136	1.475	36.875
10:30	145.637	37.293	1.313	32.825
11:00	154.676	39.816	1.2	30
11:30	164.295	41.595	1.127	28.175
12:00	174.325	42.541	1.09	27.25
12:30	184.517	42.601	1.087	27.175
13:00	194.585	41.77	1.12	28
13:30	204.27	40.096	1.188	29.7
14:00	213.393	37.667	1.295	32.375
14:30	221.868	34.589	1.45	36.25
15:00	229.692	30.976	1.666	41.65
15:30	236.917	26.932	1.968	49.2
16:00	243.626	22.553	2.408	60.2
16:30	249.916	17.919	3.093	77.325
17:00	255.883	13.099	4.298	107.45
17:30	261.623	8.153	6.98	174.5
18:00	267.226	3.133	18.269	456.725
18:23	271.485	SET	-	

[http://community.seattletimes.nwsourc.com/archive/?date=20051116&slug=qali  
ghttherapy16](http://community.seattletimes.nwsourc.com/archive/?date=20051116&slug=qali<br/>ghttherapy16)

**Caryn Saban**

---

**From:** Scott Morris <Scott.Morris@trilogy-international.com>  
**Sent:** Wednesday, January 22, 2014 6:29 PM  
**To:** Planning Commissioners  
**Cc:** Joan Lieberman-Brill; Jeremy McMahan; board@finnhillalliance.org; scott@finnhillalliance.org  
**Subject:** Finn Hill Neighborhood Alliance comment on Holmes Point Overlay ordinance amendments -- to be considered at Jan 23 public hearing  
**Attachments:** FHNA ltr to Plan Comm re HPO (Jan 22, 2014).pdf; Holmes Pt Overlay Zone (FHNA edits).pdf

Dear Planning Commissioners:

On behalf of the board of the Finn Hill Neighborhood Alliance, I am attaching FHNA's comments on proposed amendments to the Holmes Point Overlay (HPO) ordinance. A copy of the proposed amendment, with two additional revisions recommended by the FHNA board, is also attached.

Please note that although Jon Pascal is a member of the FHNA board, he did not participate in discussions concerning or vote on FHNA's position in regard to the HPO amendments.

If you have any comments or questions regarding the attached letter, please feel free to contact me via email ([scott@finnhillalliance.org](mailto:scott@finnhillalliance.org)) or my cell phone (206-972-9493) at any time.

Best regards,

**Scott Morris**  
**Finn Hill Neighborhood Alliance - President**  
*(formerly Denny Creek Neighborhood Alliance)*  
[www.finnhillalliance.org](http://www.finnhillalliance.org) 206-972-9493  
PO Box 682, Kirkland WA 98083



[www.facebook.com/finnhillalliance](http://www.facebook.com/finnhillalliance)





January 22, 2014

Planning Commission  
City of Kirkland  
123 Fifth Avenue  
Kirkland, Washington 98033

Re: Holmes Point Overlay Zone

Dear Planning Commissioners:

The board of directors of the Finn Hill Neighborhood Alliance writes to express its support – with one important exception – for the revisions that the City Planning Department proposes be made to the Holmes Point Overlay (“HPO”) ordinance. As you know, the Finn Hill Neighborhood Alliance (“FHNA”) was originally formed in the 1990s as the Denny Creek Neighborhood Alliance (DCNA), and prior to Finn Hill’s annexation by Kirkland, DCNA worked with King County to formulate the original HPO in order to protect the western portion of Finn Hill from erosion due to development and to preserve the mature tree canopy of the Holmes Point area. The FHNA is therefore extremely interested in ensuring that the HPO continues to be an important tool for regulating land use on properties west of Juanita Drive.

We are pleased that the proposed revisions continue requirements that significant trees on residential lots be protected, that at least 25% of residential parcels be reserved for Protected Natural Areas and that these areas be maintained with native vegetation in perpetuity. In particular, we also endorse proposed language in Section 3.c of the ordinance clarifying that Protected Natural Areas should consist “to the maximum extent possible” of existing viable trees and native vegetation. Protection of established native trees and shrubs in our neighborhood is vital to limiting landslides on Finn Hill’s slopes and to ensuring that the unique character of Holmes Point is preserved.

After posting the proposed HPO revisions on the FHNA website this weekend, however, we received comments from several Finn Hill residents who have raised concerns about language in Sections 1.c and 4.b.2 that address situations in which it is not “feasible” to designate a Protected Natural Area to encompass existing native vegetation on a parcel. These residents have questioned whether the use of the word “feasible” weakens the general requirement that a Protected Natural Area encompass viable trees and native vegetation to the “maximum extent possible.”

There should be no misunderstanding that the City must work with property owners and developers to take all necessary steps to protect established native trees and shrubs. In order to remove any doubts about the priority that should be given to preserving existing vegetation, it would be appropriate to replace “feasible” with “possible” in both Sections 3.c and 4.b.2 of the proposed amendment. (See

accompanying draft, showing the recommended revision.) Making this change would ensure that the language pertaining to the location of a Protected Natural Area is consistent throughout the ordinance.

We greatly appreciate the opportunities that the Planning Department has given FHNA members to review the draft ordinance and to submit comments. We believe that quality of the proposal that you are now considering has been enhanced by this collaboration between neighbors and the City staff. We hope you will endorse the proposed amendments with the additional revisions to Sections 1.c and 4.b.2 described above and present them to the City Council with a recommendation for final approval.

Sincerely,

BOARD OF DIRECTORS OF THE FINN HILL NEIGHBORHOOD ALLIANCE

A handwritten signature in blue ink, appearing to read "Scott Morris".

Scott Morris, President

cc: Joan Lieberman-Brill  
Jeremy Mc Mahan

## Chapter 70 – HOLMES POINT OVERLAY ZONE

### Sections:

[70.05](#) Purpose

[70.15](#) Standards

[70.25](#) Variations from Standards

### 70.05 Purpose

The purpose of the Holmes Point minimum site disturbance development standards is to allow infill at urban densities while providing an increased level of protection for the Holmes Point area, an urban residential area characterized by a predominance of sensitive environmental features including but not limited to steep slopes, landslide hazard areas and erosion hazard areas, and further characterized by a low level of roads and other impervious surfaces relative to undisturbed soils and vegetation, tree cover and wildlife habitat. These standards limit the allowable amount of site disturbance on lots in Holmes Point to reduce visual impacts of development, maintain community character and protect a high proportion of the undisturbed soils and vegetation, tree cover and wildlife, and require an inspection of each site and the area proposed to be cleared, graded and built on prior to issuance of a building permit.

### 70.15 Standards

Within the parcels shown on the Kirkland Zoning Map with an (HP) suffix, the maximum impervious surface standards set forth in Chapter [18](#) KZC are superseded by this (HP) suffix, and the following development standards shall be applied to all residential development:

1. When review under Chapters [85](#) [KZC \(Geologically Hazardous Areas\)](#) or [90](#) [KZC \(Environmentally Sensitive Areas Drainage Basins\)](#) or the City of Kirkland's Surface Water Design Manual is required, the review shall assume the maximum development permitted by this (HP) suffix condition will occur on the subject property, and the threshold of approval shall require a demonstration of no significant adverse impact on properties located downhill or downstream from the proposed development.
2. Total lot coverage shall be limited within every building lot as follows:
  - a. On lots up to 6,500 square feet in size, 2,600 square feet;
  - b. On lots 6,501 to 9,000 square feet in size, 2,600 square feet plus 28 percent of the lot area over 6,500 square feet;
  - c. On lots over 9,000 square feet in size, 3,300 square feet plus 10 percent of the lot area over 9,000 square feet;

- c. On a lot already developed, cleared or otherwise altered up to or in excess of the limits set forth above prior to July 6, 1999, new impervious surfaces shall be limited to five percent of the area of the lot, not to exceed 750 square feet;
- d. For purposes of computing the allowable lot coverage within each lot, private streets, joint-use driveways or other impervious-surfaced access facilities required for vehicular access to a lot in easements or access panhandles within flag lots shall be excluded from calculations.

**Summary Table:**

Lot Size	Maximum Lot Coverage
Less than 6,500 sq. ft.	2,600 sq. ft.
6,501 sq. ft. to 9,000 sq. ft.	2,600 sq. ft. plus 28% of the lot area over 6,500 sq. ft.
9,001 sq. ft. or greater	3,300 sq. ft. plus 10% of the lot area over 9,000 sq. ft.
Developed, cleared or altered lots	New impervious limited to 5% of the total lot area, but not to exceed 750 sq. ft.

- 3. In addition to the maximum area allowed for buildings and other impervious surfaces under subsection (2) of this section, up to 50 percent of the total lot area may be used for garden, lawn or landscaping, provided:
  - a. All significant trees, as defined in Chapter 95 KZC, must be retained. The area limits set forth in this subsection are to be measured at grade level; the area of allowable garden, lawn or landscaping may intrude into the drip line of a significant tree required to be retained under this subsection if it is demonstrated not to cause root damage or otherwise imperil the tree's health;
  - b. Total site alteration, including impervious surfaces and other alterations, shall not exceed 75 percent of the total lot area.
  - c. At least 25 percent of the total lot area shall be designated as a Protected Natural Area (PNA), in a location that requires the least alteration of existing native vegetation.

In general, the PNA shall be located in one contiguous area on each lot unless the City determines that designation of more than one area results in superior protection of existing vegetation. The PNA shall be designated to encompass any critical areas on the lot and, to the

maximum extent possible, consist of existing viable trees and native vegetation that meet the minimum vegetation condition standards set forth in subsection (4.a).

If the lot does not contain an existing area meeting the vegetation requirements of subsection (4.a) or it is not feasible to retain such an area as a result of proposed development, a PNA shall be restored or established to the standards set forth in subsection (4.b).

- e. d If development on the lot is to be served by an on-site sewage disposal system, any areas required by the department of public health to be set aside for on-site sewage disposal systems shall be contained as much as possible within the portion of the lot altered for garden, lawn or landscaping as provided by this subsection. If elements of the on-site sewage disposal system must be installed outside the landscaped area, the elements must be installed so as not to damage any significant trees required to be retained under subsection (3)(a) of this section, and any plants that are damaged must be replaced with similar native plants.

4. Minimum Vegetation Conditions in the Protected Natural Area-

- a. Existing Native Vegetation: Priority is given to designate contiguous areas containing native vegetation meeting the following standards:

- 1) Trees – Viable trees at a tree density of 150 tree credits per acre within the PNA, calculated as described in KZC 95.33.

Example: A 10,000 square foot lot requires a 2,500 sq. ft. PNA (10,000 x 25% = 2,500 sq. ft.). Within the 2,500 sq. ft. PNA, 9 tree credits are required (2,500 sq. ft. / 43,560 sq. ft. = .057 acres x 150 tree credits =8.6, rounded to 9 tree credits). Note: the tree density for the remaining lot area is 30 tree credits per acre.

- 1) Shrubs – predominately 36 inches high, covering at least 60 percent of the PNA,

- 2) Living ground covers- covering at least 60 percent of the PNA.

- b. Vegetation Deficiencies -

- 1) If the PNA contains insufficient existing vegetation pursuant to subsection a above, the applicant shall restore the PNA with native vegetation to meet minimum supplemental vegetation standards pursuant to Subsection 3) below.

- 2) If the Planning Official determines that it is not feasible to retain an existing vegetation area pursuant to subsection a above, the applicant shall establish a PNA in a location consistent with subsection 3) of this Section, and plant the PNA to meet minimum supplemental vegetation standards.
- 3) Supplemental Vegetation Standards. The applicant shall provide at a minimum:
  - a) Supplemental trees, shrubs and groundcovers selected from the Kirkland Native Plant List, or other native species approved by the Planning Official.
  - b) Trees –planted with a tree density of 150 tree credits per acre as described in KZC 95.33. The minimum size and tree density value for a supplemental tree worth one (1) tree credit in the PNA shall be at least six (6) feet in height for a conifer and at least one (1) inch in caliper (DBH) for deciduous or broad-leaf evergreen trees, measured from existing grade.
  - c) Shrubs - planted to attain coverage of at least 80 percent of the area within two (2) years, and at the time of planting be between two and five gallon pots or balled and burlapped equivalents.
  - d) Living ground covers- planted from either 4-inch pot with 12-inch spacing or 1-gallon pot with 18-inch spacing to cover within two (2) years 80 percent of the Naturalized Area.
- 4) Soil Specifications - Soils in supplemental vegetation areas shall comply with KZC 95.50, particularly those areas requiring decompaction.
- 5) Mulch – Mulch in supplemental vegetation areas shall comply with KZC 95.50.
- 6) Prohibited Plants – Invasive weeds and noxious plants listed on the Kirkland Plant List in the vicinity of supplemental plantings shall be removed in a manner that will not harm trees and vegetation that are to be retained.
- 7) Landscape Plan Required. In addition to the Tree Retention Plan required pursuant to KZC 95.30, application materials shall clearly depict the quantity, location, species, and size of supplemental plant materials proposed to comply with the requirements of this section. Plants installed in the PNA shall be

integrated with existing native vegetation and planted in a random naturalistic pattern. The Planning Official shall review and approve the landscape plan.

4.5 Subdivisions and short subdivisions shall be subject to the following requirements:

- a. 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
- 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.

56 Tree Retention Plan The applicant shall submit a tree retention plan required under KZC 95.30. In addition, it shall include the existing conditions and general locations of all shrubs and groundcover on the subject property.

7. The Department of Planning and Community Development shall conduct site inspections prior to approving any site alteration or development on parcels subject to this (HP) suffix condition as follows:

- a. Prior to issuing a permit for alteration or building on any individual lot subject to this (HP) suffix condition, the Planning Official shall inspect the site to verify the existing ~~amount of undisturbed area, conditions,~~ tree and other plant cover, and any previous site alteration or building on the site. Prior to this inspection and prior to altering the site, the applicant shall clearly delineate the proposed Protected Natural Area and the area of the lot proposed to be altered and built on with environmental fencing, 4-foot high stakes and high-visibility tape or other conspicuous and durable means, and shall depict this area on a site plan included in the application.
- b. Prior to approving any subdivision or building permit for more than one dwelling unit on any parcel subject to this (HP) suffix condition, the Planning Official shall inspect the site to verify the ~~conditions, amount of undisturbed area,~~ tree and other plant cover, and any previous site alteration or building on the site. Prior to this inspection and prior to altering the site, the applicant shall clearly delineate the

proposed Protected Natural Area and the area of the proposed grading for streets, flow control and other common improvements, with environmental fencing, 4-foot high stakes and high-visibility tape or other conspicuous and durable means, and shall depict this area on a plot plan included in the application. Development of individual lots within any approved subdivision or short subdivision shall be subject to an individual inspection in accordance with subsection (57)(a) of this section.

As part of the subdivision application, the applicant shall choose the tree retention plan options as required by KZC section 95.30.6. If the applicant chooses integrated review (rather than phased review) the applicant shall show the Protected Natural Area (PNA) on the face of the plat.

#### 8. Tree and Landscape Maintenance Requirements

a. Protected Natural Area(s):

The PNA(s) shall be retained in perpetuity. Prior to final inspection of a building permit, the applicant shall provide:

- 1) a final as-built landscape plan showing all vegetation required to be planted or preserved and
- 2) a recorded PNA protection easement, in a form approved by the City Attorney, to maintain and replace all vegetation that is required to be protected by the City. The agreement shall be recorded with the King County Bureau of Elections and Records. Land survey information shall be provided for this purpose in a format approved by the Planning Official.
- 3) Plants that die must be replaced in kind or with similar plants contained on the Native Plant List, or other native species approved by the Planning Official.

- b. All significant trees in the remaining 75% of the lot shall be maintained in perpetuity, and tree removal will be allowed only for hazardous and nuisance trees pursuant to KZC 95.23.5.d.

69. Pervious areas not covered by impervious surfaces or altered as provided in (2), (3), or (4) of this section, which are not geologically hazardous or environmentally sensitive areas governed by Chapter 85 or 90 KZC, shall be maintained as open space in an undisturbed state, except for the following activities:

- a. Incidental trimming or removal of vegetation necessary for protection of property or public health and safety, or the incidental removal of

vegetation to be used in the celebration of recognized holidays. Replacement of removed hazardous trees may be required;

- b. ~~Areas infested by~~ Noxious weeds may be ~~replanted~~ cleared as long as they are replanted with appropriate native species or other appropriate vegetation and bark mulched to prevent erosion;
- c. Construction of primitive pedestrian-only trails in accordance with the construction and maintenance standards in the U.S. Forest Service "Trails Management Handbook" (FSH 2309.18, June 1987, as amended) and "Standard Specifications for Construction of Trails" (EM-7720-102, June 1996, as amended); but in no case shall trails be constructed of concrete, asphalt or other impervious surface;
- d. Limited trimming and pruning of vegetation for the creation and maintenance of views, and the penetration of direct sunlight, provided the trimming or pruning does not cause root damage or otherwise imperil the tree's health as allowed for in Chapter 95 KZC; and
- e. Individual trees or plants may be replaced with appropriate species on a limited basis. Forested hydrological conditions, soil stability and the duff layer shall be maintained.

710. Conformance with this (HP) suffix condition shall not relieve an applicant from conforming to any other applicable provisions of the Zoning Code, Subdivision Ordinance, or Shoreline Master Program.

#### 70.25 Variations from Standards

For development activity occurring after July 6, 1999, upon written request from the applicant, the Planning Director may allow up to a 10 percent increase in impervious surface on individual lots over the limits set forth above, provided such increase is the minimum necessary to allow reasonable use of the property and meets all other applicable decision criteria for a variance as provided in Chapter 120 KZC, and one or more of the following circumstances applies:

- a. Development of a lot will require a driveway 60 feet or longer from the lot boundary to the proposed dwelling unit;
- b. On-site flow control facilities are required by the Public Works Department;
- c. The requested increase will allow placement of new development on the site in such a way as to allow preservation of one or more additional significant trees, as defined in Chapter 95 KZC, that would otherwise be cleared; or

- d. The requested increase is necessary to provide additional parking, access ramp or other facilities needed to make a dwelling accessible for a mobility-impaired resident.

## **Chapter 95 – TREE MANAGEMENT AND REQUIRED LANDSCAPING**

### **95.23 Tree Removal – Not Associated with Development Activity**

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1. Introduction Tree and vegetation removal in urban areas has resulted in the loss of beneficial functions provided by trees to the public. The majority of tree canopy within the City of Kirkland is on private property. The purpose of this section is to establish a process and standards to slow the loss of tree canopy on private property, contributing towards the City's canopy goals and a more sustainable urban forest.
2. Permit Required for Removal of Trees on Private Property or City Right-of-Way. It is unlawful for any person (other than City crews) to remove, prune, trim, modify, alter or damage a tree in a public park or on any other City property.  
No person, directly or indirectly, shall remove any significant tree on any property within the City, or any tree in the public right-of-way, without first obtaining a tree removal permit as provided in this chapter, unless the activity is exempted in KZC [95.20](#) and subsection (5) of this section.
3. Tree Removal Permit Application Form. The Department of Planning and Community Development and Public Works Department shall establish and maintain a tree removal permit application form to allow property owners to request City review of tree removal for compliance with applicable City regulations. The tree removal application form shall include at a minimum the following:
  - a. A site plan showing the approximate location of significant trees, their size (DBH) and their species, along with the location of structures, driveways, access ways and easements.
  - b. For required replacement trees, a planting plan showing location, size and species of the new trees in accordance to standards set forth in KZC [95.33\(3\)](#).
4. Tree Removal Permit Application Procedure and Appeals.
  - a. Applicants requesting to remove trees must submit a completed permit application on a form provided by the City. The City shall review the application within 21 calendar days and either approve, approve with conditions or modifications, deny the application or request additional information. Any decision to deny the application shall be in writing along

with the reasons for the denial and the appeal process.

b. The decision of the Planning Official is appealable using the applicable appeal provisions of Chapter 145 KZC.

5. Tree Removal Allowances.

a. Except in the Holmes Point Overlay Zone, Any private property owner of developed property may remove up to two (2) significant trees from their property within a 12-month period without having to apply for a tree removal permit; provided, that:

1) There is no active application for development activity for the site;

2) The trees were not required to be retained or planted as a condition of previous development activity; and

3) All of the additional standards for tree removal and Tree Removal Permits as described in subsections (5)(b) through (e) of this section are met.

The Department of Planning and Community Development shall establish and maintain a tree removal request form. The form may be used by property owners to request Department review of tree removal for compliance with applicable City regulations.

b. Tree Retention and Replacement Requirements.

1) Tree Retention. For single-family homes, cottages, carriage units, two/three-unit homes, two (2) trees shall be required to remain on the subject property.

2) Tree Replacement.

a) For every significant tree that is removed and is not required to remain based on subsection (5)(b)(1) of this section, the City encourages the planting of a tree that is appropriate to the site.

b) If a tree removal request is for one (1) or both of the trees required to remain, a Tree Removal Permit and one-for-one replacement is required. The replacement tree shall be six (6) feet tall for a conifer and 2-inch caliper for deciduous or broad-leaf evergreen tree.

c) For all other uses not listed in subsection (5)(b)(1) of this section, a Tree Removal Permit is required and the

required tree replacement will be based on the required landscaping standards in KZC [95.40](#) through [95.45](#).

- c. Shoreline Jurisdiction. Properties located within the City's shoreline jurisdiction are subject to additional tree removal and replacement standards if the tree(s) to be removed are located within the required shoreline setback. See Chapter [83](#) KZC for additional standards.
- d. Removal of Hazard or Nuisance Trees. Any private property owner seeking to remove any number of significant trees which are a hazard or nuisance from developed or undeveloped property or the public right-of-way shall first obtain approval of a Tree Removal Permit and meet the requirements of this subsection.

1) Tree Risk Assessment. If the nuisance or hazard condition is not obvious, a tree risk assessment prepared by a qualified professional explaining how the tree(s) meet the definition of a nuisance or hazard tree is required. Removal of nuisance or hazard trees does not count toward the tree removal limit if the nuisance or hazard is supported by a report prepared by a qualified professional and approved by the City.

2) Trees in Critical Areas or Critical Areas Buffers. For hazard or nuisance trees in (a) easements dedicated to ensure the protection of vegetation; (b) critical areas; or (c) critical area buffers, a planting plan is required to mitigate the removal of the hazard or nuisance tree. The priority action is to create a "snag" or wildlife tree with the subject tree. If creation of a snag is not feasible, then the felled tree shall be left in place unless the Planning Official permits its removal in writing.

The intent of preserving vegetation in and near streams and wetlands and in geologically hazardous areas is to support the functions of healthy sensitive areas and sensitive area buffers (see Chapter [90](#) KZC) and/or avoid disturbance of geologically hazardous areas (see Chapter [85](#) KZC).

The removal of any tree in a critical area, or Native Growth Protective Easement will require the planting of a native tree of a minimum of six (6) feet in height in close proximity to where the removed tree was located. Selection of native species and timing of installation shall be coordinated with the Planning Official.

3) The removal of any tree in the Holmes Point Overlay Zone requires the planting of a native tree of a minimum of six (6) feet in height in close proximity to where the removed tree was

located. Selection of native species and timing of installation shall be approved by the Planning Official.

34) Street Trees. Street trees may only be removed if determined to be a hazard or nuisance. If the removal request is for street trees, the Public Works Official may consider whether the tree(s) are now, or may be in the future, part of the City's plans for the right-of-way. The City shall require a one-for-one tree replacement in a suitable location.

e. Forest Management Plan. (no change)

### **95.30 Tree Retention Associated with Development Activity**

1. Introduction. The City's objective is to retain as many viable trees as possible on a developing site while still allowing the development proposal to move forward in a timely manner. To that end, the City requires approval of a tree retention plan in conjunction with all development permits resulting in site disturbance and for any tree removal on developed sites not exempted by KZC [95.20](#). This section includes provisions that allow development standards to be modified in order to retain viable significant trees.

In order to make better decisions about tree retention, particularly during all stages of development, tree retention plans will require specific information about the existing trees before removal is allowed. Specific tree retention plan review standards provided in this section establish tree retention priorities, incentives, and variations to development standards in order to facilitate preservation of viable trees.

A minimum tree density approach is being used to retain as many viable trees as possible with new development activity. The requirement to meet a minimum tree density applies to new single-family homes, cottages, carriage units, two/three-unit homes, and new residential subdivisions and short subdivisions. If such a site falls below the minimum density with existing trees, supplemental planting is required. A tree density for existing trees to be retained is calculated to see if new trees are required in order to meet the minimum density for the entire site. Supplemental tree location priority is set as well as minimum size of supplemental trees to meet the required tree density.

The importance of effective protection of retained trees during construction is emphasized with specific protection standards in the last part of this section. These standards must be adhered to and included on demolition, grading and building plans as necessary.

Properties within jurisdiction of the Shoreline Management Act are subject to additional tree retention and protection regulations as set forth in Chapter [83](#) KZC.

Properties within the Holmes Point Overlay zone are subject to additional tree retention and protection regulations as set forth in Chapter 70 KZC

### **95.51 Tree and Landscape Maintenance Requirements**

The following maintenance requirements apply to all trees, including street trees, and other vegetation required to be planted or preserved by the City:

1. Responsibility for Regular Maintenance. Required trees and vegetation, fences, walls, and other landscape elements shall be considered as elements of the project in the same manner as parking, building materials, and other site details. The applicant, landowner, or successors in interest shall be responsible for the regular maintenance of required landscaping elements. Plants that die must be replaced in kind. It is also the responsibility of the property owner to maintain street trees abutting their property pursuant to KZC [95.21](#).
2. Maintenance Duration. Maintenance shall be ensured in the following manner except as set forth in subsections (3), (4) and (5) of this section:
  - a. All required landscaping shall be maintained throughout the life of the development. Prior to issuance of a certificate of occupancy, the proponent shall provide a final as-built landscape plan and an agreement to maintain and replace all landscaping that is required by the City.
  - b. Any existing tree or other existing vegetation designated for preservation in a Tree Retention Plan shall be maintained for a period of five (5) years following issuance of the certificate of occupancy for the individual lot or development. After five (5) years, all trees on the property are subject to KZC [95.23](#) unless:
    - 1) The tree and associated vegetation are in a grove that is protected pursuant to subsection (3) of this section; or
    - 2) The tree or vegetation is considered to be a public benefit related to approval of a planned unit development; or
    - 3) The tree or vegetation was retained to partially or fully meet requirements of KZC [95.40](#) through [95.45](#), Required Landscaping.
3. Maintenance of Preserved Grove. Any applicant who has a grove of trees identified for preservation on an approved Tree Retention Plan pursuant to KZC 95.30(2) shall provide prior to occupancy the legal instrument acceptable to the City to ensure preservation of the grove and associated vegetation in perpetuity, except that the agreement may be extinguished if the Planning Official determines that preservation is no longer appropriate.
4. Maintenance in Holmes Point Overlay Zone. Vegetation in designated Protected Natural Areas in the Holmes Point Overlay Zone is to be protected in perpetuity pursuant to KZC 70.15.8.a. Significant trees in the remainder of the lot shall be protected in perpetuity pursuant to KZC 70.15.8.b
54. Maintenance of Critical Area and Critical Area Buffers. In critical areas and their buffers, native vegetation is not to be removed without City approval pursuant

to KZC [95.23\(5\)\(d\)](#). However, it is the responsibility of the property owner to maintain critical areas and their buffers by removing non-native, invasive, and noxious plants in a manner that will not harm critical areas or their buffers. See also subsection (6) of this section and Chapters [85](#) and [90](#) KZC for additional requirements for trees and other vegetation within critical areas and critical area buffers.

- [65](#). Non-Native Invasive and Noxious Plants. It is the responsibility of the property owner to remove non-native invasive plants and noxious plants from the vicinity of any tree or other vegetation that the City has required to be planted or protected. Removal must be performed in a manner that will not harm the tree or other vegetation that the City has required to be planted or protected.
- [76](#). Pesticides, Herbicides, and Fertilizer. The use of plant material requiring excessive pesticide or herbicide applications to be kept healthy and attractive is discouraged. Pesticide, herbicide, and fertilizer applications shall be made in a manner that will prevent their unintended entry into waterways, wetlands, and storm drains. No application shall be made within 50 feet of a waterway or wetland or a required buffer as established by City codes, whichever is greater, unless done so by a state certified applicator with approval of the Planning Official, and is specifically authorized in an approved mitigation plan or otherwise authorized in writing by the Planning Official.
- [87](#). Landscape Plans and Utility Plans. Landscape plans and utility plans shall be coordinated. In general, the placement of trees and large shrubs should adjust to the location of required utility routes both above and below ground. Location of plants shall be based on the plant's mature size both above and below ground. See the Kirkland Plant List for additional standards.

**Joan Lieberman-Brill**

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**From:** Patricia Anderson <Patricia@LuveraLawFirm.com>  
**Sent:** Thursday, January 23, 2014 6:32 AM  
**To:** Planning Commissioners  
**Cc:** Joan Lieberman-Brill; Scott Morris  
**Subject:** Proposed changes to Holmes Point Overlay and SDO

Dear Commissioners, I support and encourage substitution of the word "possible" for "feasible" in the City's proposed changes to our special environmental protection laws on the west side of Finn Hill, as recommended in the 1/22/14 letter from Scott Morris and the FHNA Board of Directors.

Continued and diligent protection of our fragile glacial slopes is important for public safety and property integrity. We know from experience that both are at risk from erosion and slides if strong and meaningful natural protections are not maintained and enforced.

Allowing exceptions to the code's protections by allowing property owners to claim non-feasibility overly dilutes the protections. The word is so vague as to mean almost anything. Please substitute the word "possible." Please protect our hill and slopes. Thank you.

Patti Anderson  
13323 70th PI NE, Kirkland  
425-442-7478

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**Caryn Saban**

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**From:** F Lyman <chicha19@comcast.net>  
**Sent:** Thursday, January 23, 2014 2:52 PM  
**To:** Planning Commissioners  
**Cc:** Joan Lieberman-Brill; Jeremy McMahan; board@finnhillalliance.org  
**Subject:** comment on Holmes Point Overlay ordinance amendments -- to be considered at Jan 23 public hearing

Planning Commission, City of Kirkland  
 123 Fifth Avenue; Kirkland, Washington 98033

[PlanningCommissioners@kirklandwa.gov](mailto:PlanningCommissioners@kirklandwa.gov)

Re: Holmes Point Overlay Zone

Dear Planning Commissioners,

I'm writing to support your proposed changes to the Holmes Point Overlay, with one important request -- that the word 'feasible' be changed to "possible" (as requested by Scott Morris and the FHNA Board of Directors)-- to not dilute the integrity of this carefully-crafted code.

A Finn Hill resident for 16 years, I've raised a family here and served on the board of the Finn Hill Neighborhood Alliance. Holmes Point is one of several Kirkland neighborhoods left that is truly is blessed with the emblematic beauty of the Pacific Northwest. With its tall trees and rich patches of actual woods filled with birds and wildlife habitat, it's one of our city's increasingly coveted places. Its rustic country roads (not requiring speed bumps) are safer for children, adding charm as well as naturally-beneficial pervious surfaces

As we're all well aware, this unique neighborhood sits geographically on a dramatic incline sloping down Finn Hill to Lake Washington, over which literally thousands upon thousands of gallons of rainwater flow continuously. Your careful attention to protecting Holmes Point's trees and ravines, apart from their aesthetic appeal, is crucial in preventing landslides and erosion that endanger homes, property, and people.

That's why, while applauding your strengthening provisions of the Overlay to protect this area, I don't want to see you allow exemptions to this code that would enable property owners to claim that certain protections for the environment and safety are "not feasible."

Having just attended a Kirkland focus group convened by your planners, asking residents how they'd like the city develop, I heard residents here call for "saving green spaces, building green," and planning smart, "developing density in areas where there is already infrastructure and transportation to support it." They don't want to see the cookie-cutter subdivisions of yore, like some of the "McMansion" developments built into the hillsides before the Overlay was enacted, that injure the environment and character of our neighborhood.

Please keep up your efforts to protect our hillsides and neighbors on beautiful Finn Hill.

Sincerely,

Francesca Lyman, longtime Finn Hill resident  
 Finn Hill Neighborhood Alliance board of directors  
[Francesca@finnhillalliance.org](mailto:Francesca@finnhillalliance.org)

**Caryn Saban**

---

**From:** Greg Seiler <seiler.greg@comcast.net>  
**Sent:** Thursday, January 23, 2014 2:48 PM  
**To:** Joan Lieberman-Brill  
**Subject:** Public Hearing Item #19 "Rounding of Fractions for Calculation of Density....."

Joan,  
My wife and I support this change to the Code.  
In our case, we have owned and maintained our lot to sub divide in the future, since 1985.  
We are depending on the income to pay for the college educations of our three children.  
During the Annexation campaign the promise was made to protect the existing King County zoning and density of our property.  
It is our hope the City sees fit to allow the code to be revised to meet this end.  
Thank you,

Greg Seiler  
Architect / Builder  
206-660-0803  
[seiler.greg@comcast.net](mailto:seiler.greg@comcast.net)

**Caryn Saban**

---

**From:** Joan Lieberman-Brill  
**Sent:** Thursday, January 23, 2014 2:11 PM  
**To:** Caryn Saban  
**Subject:** please make copy for all PC and HCC members, Paul Stewart, Eric Shields for public hearing Jan 23.  
  
**Importance:** High

---

**From:** Helen Wattley-Ames [<mailto:helen@urbanrengroup.com>]  
**Sent:** Thursday, January 23, 2014 10:53 AM  
**To:** Joan Lieberman-Brill  
**Subject:** Permit No. CAM13-00669 - comment from owner of Bridle Trails Shopping Center  
**Importance:** High

**Subject: Amendments to Kirkland Zoning Code, Permit No. CAM13-00669**

Dear Ms Lieberman-Brill:

This e-mail is written on behalf of Bridle Trails Shopping Center, 6501-6625 132<sup>nd</sup> Avenue NE, Kirkland, WA 98033 (zone BCX). The property is owned by PNW BRIDLE TRAILS LLC and represented by property manager Urban Renaissance Group.

Our ownership group continues to give serious consideration to redevelopment of our property, jointly with the adjoining Totem Bowl property, into a mixed-use urban village, which could include housing as well as enhanced retail/service options. The potential benefit of such a redevelopment is the opportunity to create a more walkable, livable neighborhood for the benefit of all Kirkland residents, especially those in the Bridle Trails and South Rose Hill neighborhoods.

We greatly appreciate the City's efforts in reviewing the Roster of Miscellaneous Zoning Code and Municipal Code Amendments included in the City's Notice of Joint Hearing for January 23, 2014. Height restrictions and setback requirements are significant roadblocks to realizing our vision of a Bridle Trails urban village. Accordingly, we wish to express our support for the recommendations outlined in Section 24 (Change to Landscape Buffer Requirements – KZC Chapter 5 Section 5.10.020) and Section 27 (Eliminate or Revise Horizontal Façade Regulations).

Thank you again for your efforts. Please don't hesitate to contact me for any further information or if we can be of assistance.

Respectfully submitted,

PNW BRIDLE TRAILS LLC  
By: Urban Renaissance Group LLC, its manager  
Helen Wattley-Ames, Senior Property Manager  
[helen@urbanrengroup.com](mailto:helen@urbanrengroup.com)  
(206) 454-3109

6

**Joan Lieberman-Brill**

---

**Subject:** FW: FW: 25. Solar Chapter 115.docx

**From:** Jeremy Smithson [<mailto:jeremy@pugetsoundsolar.com>]

**Sent:** Friday, January 03, 2014 8:42 AM

**To:** Joan Lieberman-Brill

**Subject:** Re: FW: 25. Solar Chapter 115.docx

Hi Joan,

Item 'c' stands out as too vague and restrictive. Is screening required for swing sets or other structures that may be installed in people's back yards? To single out a solar array in this manner is not consistent with current practice, in my view, and could be contrary to state law that requires the protection of access to direct sunlight for solar energy. I think it should be dropped altogether.

On Thu, Jan 2, 2014 at 8:48 AM, Joan Lieberman-Brill <[JLiebermanBrill@kirklandwa.gov](mailto:JLiebermanBrill@kirklandwa.gov)> wrote:

Hi Jeremy,

I am checking to see if you've had the chance to review the proposed ground mounted solar regulations in low density residential zones in Kirkland. I'd really appreciate your eyes on this to provide some a reality check.

Either give me a call or shoot me an email. I need to get this finalized no later than tomorrow at 5PM.

I did check with the City Attorney who affirmed that regulations limiting ground mounted would be consistent with the laws already in place.

Thanks again.

Joan

---

**From:** Joan Lieberman-Brill

**Sent:** Tuesday, December 24, 2013 12:07 PM

**To:** Jeremy Smithson ([jeremy@pugetsoundsolar.com](mailto:jeremy@pugetsoundsolar.com))

**Subject:** 25. Solar Chapter 115.docx

Hi Jeremy,

7



**PAGE & BEARD  
ARCHITECTS, P.S.**

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Kirkland, WA 98033**

**T 425.827.7850  
F 425.827.7014  
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www.pageandbeard.com**

**RECEIVED**  
DEC 20 2012

AM PM  
PLANNING DEPARTMENT

December 20, 2012

Eric Shields, Planning Director  
City of Kirkland, Planning and Community Development  
123 Fifth Avenue  
Kirkland, WA. 98033

Re: Request for Zoning Code Modification or Interpretation

**ISSUE:**

The current City of Kirkland Zoning Code should be modified to reduce the required side and rear yard setbacks for Schools and Day Care Centers that accommodate 50 to 125 students. Schools and Daycare Centers have been defined as "Community Facilities" and are a compatible and allowable use within a single family residential zone.

**CURRENT CODE REQUIREMENT:**

In the current Residential Single Family Zones (RS, RSA and RSX) a school or daycare center with 13 to 49 students or children is required to have a 20 foot building setback from all property lines (Front, Side and Rear).

In the current Residential Single Family Zones (RS, RSA and RSX) a school or daycare center with 50 or more students or children is required to have a 50 foot building setback from all property lines (Front, Side and Rear).

This interpretation should be modified to allow a medium size School and Daycare Center with 50 to 125 students or children to have the same 20 foot building setback as the 13 to 49 students facility provided that a more restrictive landscape buffer or screening requirement be implemented.

A 50 foot building setback, on all sides, should only apply to large Schools and Daycare Centers with over 125 students or children and those that do not provide increased landscape buffers and sufficient screening.

The 50' setback, on all sides, should only apply to Schools and Daycare Centers with more than 125 students or children.

Other allowed uses in the RSX zone, such as Churches, are only required a 20' building setback. These structures generally have a much larger scale and footprint than a small to medium size School or Daycare Center.

**INTERPRETATION:**

In other zoning classifications a School or Daycare Center is classified as a "Community Facility" See Zoning Code Interpretation No. 09-2

A 50 foot building setback requirement for a local, nonprofit, daycare center serving the residence of the surrounding residential community should not be subject to such excessive building setback requirements. A small to medium size (50 to 125 student), School or Daycare Center is a compatible use to its residential neighbors. A School or Daycare use is occupied during normal business hours 5 days per week when most, single family, residential homes are not occupied. The impact of a small to medium size School or Daycare use is negligible and is also considered a "Community Facility" as defined within the City of Kirkland zoning code

The Department of Early learning (DEL) licensing restricts group size for licensed childcares to 20 children, maximum, in any given area at one time, indoors or outdoors. This, group size, restriction makes the impact of small and medium sized daycare center virtually the same. The maximum number of children in the outdoor or indoor play area at one time can not exceed 20 kids.

The City of Kirkland Planning Department and the City Council should consider a minor modification to Section 17.10 USE ZONE CHART to reflect the reduced building setbacks for small to medium sized Schools and Daycare Centers in Single Family Residential Zones to 20 foot on all sides with more restrictive landscape buffers and screening.

**APPLICABLE CODE SECTION:**

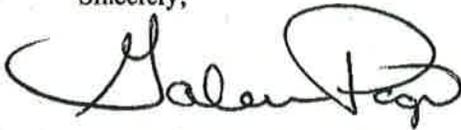
The zoning code defines Community Facility as:

"A use which serves the public and is generally of a noncommercial nature. Such use shall include food banks, clothing banks and other nonprofit social service organizations; nonprofit recreational facilities; and nonprofit performance arts centers"

**ANALYSIS:**

In May, 2009 the City Council determined that a School meets the definition of a "Community Facility Use and directed that this interpretation be drafted.

Sincerely,

A handwritten signature in black ink, appearing to read "Galen Page". The signature is fluid and cursive, with a large loop at the end.

Galen Page, Principal Architect  
Page & Beard Architects, PS



November 13, 2013

Joan Lieberman-Brill  
Senior Planner  
Planning & Community Development  
City of Kirkland  
123 Fifth Avenue  
Kirkland, Washington 98033

Re: Holmes Point Overlay Zone

Dear Joan:

We are writing with respect to the Holmes Point Overlay (“HPO”) ordinance amendments that the Planning Commission will consider at its November 21 study session. As you know, we are an ad hoc committee of Finn Hill residents that was formed in August at the direction Finn Hill Neighborhood Alliance (“FHNA”) board of directors to work with the City on proposed revisions to the HPO ordinance. Our group consists of current and former FHNA board members and volunteers; several of us were intimately involved in writing the original HPO with King County.

We greatly appreciate the opportunities that you have given us to review the draft ordinance and to submit comments. While we haven’t studied the draft that you are submitting today to the Planning Commission, we generally support the language that we have seen. We believe that the proposed revisions clarify the ordinance in several important respects, which should enhance compliance and enable better enforcement. At the same time, the revisions are not so ambitious that they introduce new concepts that cannot be adequately assessed in the short time frame that City has for consideration of this sets of zoning amendments.

In particular, we are pleased that the draft does not include earlier recommendations to encourage the concentration of natural vegetation areas (“Undisturbed Areas” in the parlance of the original HPO) in one of the parcels that results from the subdivision of an existing lot. As we stated in our September 3 letter to you, proposals to aggregate natural vegetation in one portion of a subdivision, as opposed to designating a smaller protected natural area in each of the newly subdivided lots, may have merit; however, we do not have the data to demonstrate that the outcomes would have positive environmental and aesthetic effects in our neighborhood, and it is quite possible that the impact of such a zoning change would be detrimental to the neighborhood overall. Consequently, we have concluded that no such revision to the HPO ordinance should be made until we have had a chance to gather information with the City on how an “aggregation” policy would affect the Finn Hill properties that may

be subdivided in the future. We are, of course, very willing to work with City staff on collecting and assessing data should the City wish to do so.

The draft you are forwarding to the Planning Commission contains an extensive revision of Section 3.c, which defines how a Natural Area should be designated. We are very pleased that it gives priority to protecting existing native vegetation and eliminates any suggestion that mature native trees and shrubs could be removed so long as plantings are installed in a new Natural Area.

We note that the proposed revision of Section 3.c promotes the location of Natural Areas adjacent to similar areas on adjacent lots. We have not reached a conclusion as a committee about the merits of such a requirement. Individual members of the committee may submit comments on this issue to the Planning Commission in the next week.

We generally support the provisions in the HPO ordinance that clarify which types of vegetation may be planted in a Natural Area and how such an area must be maintained. Some of our committee's members have suggested that certain proposals (e.g., those specifying the pot size or tree diameter size of new plantings) may be unnecessarily prescriptive, but we also recognize that the City has an interest in providing clear planting standards to encourage compliance and facilitate enforcement. Individual committee members may submit comments to the Planning Commission on these and other technical issues after we read the draft that you are submitting to the commission.

The foregoing comments reflect the views of FHNA's ad hoc committee to consider the HPO amendments that you have proposed. They do not necessarily represent the opinion of FHNA's board of directors, which has not had an opportunity to consider the amendments. We will advise the FHNA board of our committee's views and distribute them to Finn Hill residents via email and a posting on the FHNA website.

Thank you again for giving us the opportunity to comment on the draft amendments. We look forward to working with the City on strengthening the Holmes Point Overlay Zone.

Sincerely,

Lou Berner	Scott Morris
Ellen Haas	Matt Pruitt
Jeff Hoerth	Frank Radford
Francesca Lyman	Kurt Seiffert
Scott Maco	

cc: Jeremy Mc Mahan



September 3, 2013

Joan Lieberman-Brill  
Senior Planner  
Planning & Community Development  
City of Kirkland  
123 Fifth Avenue  
Kirkland, Washington 98033

Re: Holmes Point Overlay Zone

Dear Joan:

We are writing with respect to amendments that the City of Kirkland may make to Kirkland Zoning Code Chapter 70 (the Holmes Point Overlay Zone or "HPO"). Our ad hoc committee was formed at the direction of the Finn Hill Neighborhood Alliance ("FHNA") board of directors after you advised FHNA that the City would be considering HPO amendments. Our group consists of current and former FHNA board members and volunteers; several of us were intimately involved in writing the original HPO with King County.

We have reviewed the draft recommendations that you sent to us on August 28 and we appreciate this opportunity to provide our initial responses. While there are several areas in which we would suggest technical modifications, our remarks below are limited to comments that address the most important proposals in general terms.

Clause 4 – Standards for Undisturbed Areas: We support your recommendation for a new clause 4 of Section 70.15, which specifies the types of plantings that should be present in or should be installed in any "Undisturbed Area" on a lot within the perimeters of the HPO. Because a principal objective of the HPO is to protect the slopes of Holmes Point from erosion, it is important not only that Undisturbed Areas be retained on Holmes Point parcels but also that they contain the types and extent of native trees, shrubs, and ground covers that best provide soil retention and mitigate stormwater runoff. Clause 4 will help to ensure that Undisturbed Areas perform these functions.

One significant concern that was raised by members of our group is that the language of clause 4 might be read to permit a property owner to remove mature native vegetation in an Undisturbed Area provided that new native plantings are installed in accordance with the specifications of clause 4. While

Letter to Joan Lieberman-Brill  
September 3, 2013

we do not think this is the intent of clause 4, it would be an unfortunate loophole that would jeopardize the benefits that established vegetation provide over newly bedded plants and seedlings. The City should revise the draft language to remove any ambiguity in this regard.

Clause 7 – Maintenance of Plantings: We are pleased to see that the City recommends the addition of a new clause 7 to Section 70.15, which requires property owners to maintain the foliage and trees in Undisturbed Areas and clarifies the requirement that significant trees be preserved in perpetuity on the remainder of the parcel.

Clause 5.c – Aggregation Options: Our ad hoc group has serious concerns, however, about the native vegetation aggregation options that are proposed for clause 5.c of Section 70.15. We understand that these options are being considered in order to permit the developer or owner of a lot that is being subdivided to cluster natural vegetation in one of the subdivided parcels, as opposed to being required to set aside at least 25% of each sub-parcel as an Undisturbed Area.

We recognize that, in some subdivisions, such clustering – if properly executed – might provide greater environmental benefits than would result from the distribution of Undisturbed Areas evenly over all of the subdivided parcels. (This benefit would seem to be most likely in the case where subdivided lots are small and the Undisturbed Area covering 25% of each lot would be insignificant.) On the other hand, an urban forester who is a member of our ad hoc group has advised us that, all other things being equal, canopy preservation and soil retention are better served by creating multiple areas of natural vegetation and significant trees rather than aggregating such foliage in one large area. A hydrologist whom we have consulted has also stated that clustering, even if appropriate in a given location, is probably less important to managing surface water (one of the purposes of the Undisturbed Areas) than ensuring that surface water runoff from impervious areas is directed to areas on each lot where water can be absorbed into the soil.

Finally, members of our ad hoc group who worked on the original HPO note that the concept of aggregating natural areas on subdivided lots was discussed extensively with King County planners at the time the HPO was adopted by the King County Council. Ultimately, King County recognized that developers have a strong economic incentive to concentrate Undisturbed Areas on subdivided parcels that are not commercially suitable for construction in order to provide greater flexibility for the removal of vegetation on the remaining parcels in a subdivision. The County rejected the notion of allowing property owners to aggregate Undisturbed Areas because the potential for abuse was too great.

Based on the foregoing observations, we suspect that concentrating natural vegetation areas on a subdivided parcel will produce environmental benefits only in exceptional cases, rather than as the norm. At the very least, assessing the benefits of clustering appears to be a complex calculation, which will depend on the physical characteristics of the lot to be subdivided and the details of the proposed location of Undisturbed Areas.

Our ad hoc committee feels strongly that the first aggregation option presented in the City's draft is not acceptable because it allows a property owner to aggregate at the owner's discretion, without reference to any environmental consequences whatsoever. In our view, the second option, which would require the owner to demonstrate environmental benefits to the City, is also deficient because we believe that

Letter to Joan Lieberman-Brill

September 3, 2013

the property owner will be in a strong position to present arguments for the benefits of the owner's proposed aggregation plan while the City will be at a disadvantage in critically evaluating the plan.

The third option – in which aggregation would occur only if mandated by the City based on demonstrable environmental benefits – seems to be the safest alternative. However, we are not ready to support it because we remain concerned that, with the passage of time and the limits on planning personnel resources, the evaluation process will devolve into one in which property owners initiate aggregation proposals and the City will merely react to them. In other words, the third option would resemble the second one, with the property owner or developer initiating recommendations and controlling collection of data in support of a clustering proposal.

Despite these concerns, our group believes that FHNA should work with the City in an effort to develop precise criteria that can be used to identify when aggregation provides tangible benefits. We believe that the inclusion of surface water runoff metrics is important in this regard. If such criteria can be articulated, and some measure of public accountability on clustering proposals is added to the City's evaluation process, it may be appropriate to incorporate some version of third aggregation proposal in the HPO. Candidly, we do not know whether a trustworthy and practicable mechanism can be developed. We do feel that the matter should be addressed carefully and that it should not be rushed. In that regard, consideration of an aggregation proposal should be deferred to the process of developing Finn Hill's Neighborhood Plan, when the HPO can be addressed in the context of a comprehensive review of Finn Hill's community objectives.

The foregoing comments reflect the initial views of FHNA's ad hoc committee to consider the HPO amendments that you have proposed. They do not necessarily represent the opinion of FHNA's board of directors, which has not had an opportunity to consider the amendments. We will advise the FHNA board of our committee's views and distribute them to Finn Hill residents via email and a posting on the FHNA website. The board will, we presume, adopt a formal position in the near future.

Thank you again for giving us the opportunity to comment on the draft amendments. We look forward to working with the City on strengthening the Holmes Point Overlay Zone.

Sincerely,

Lou Berner	Scott Morris
Ellen Haas	Matt Pruitt
Jeff Hoerth	Frank Radford
Francesca Lyman	Kurt Seiffert
Scott Maco	

cc: Jeremy Mc Mahan

**Caryn Saban**

---

**From:** Joan Lieberman-Brill  
**Sent:** Monday, September 23, 2013 2:04 PM  
**To:** Caryn Saban  
**Subject:** FW: HCC Please consider this input tonight

Please put this at each HCC member's place for tonight's meeting.

Thanks,  
Joan

-----Original Message-----

**From:** Nancy Cox  
**Sent:** Monday, September 23, 2013 1:47 PM  
**To:** Houghton Council  
**Cc:** Joan Lieberman-Brill; 'uwkkg@aol.com'  
**Subject:** FW: HCC Please consider this input tonight

Houghton Council:  
This email from Karen Levenson will also be copied and at your places tonight.

Nancy Cox  
Development Review Manager  
City of Kirkland Planning Department  
'425) 587-3228

Participate in the Comprehensive Plan update process to plan for Kirkland's future....  
Learn how at [www.kirklandwa.gov/Kirkland2035](http://www.kirklandwa.gov/Kirkland2035) and [www.ideasforum.Kirklandwa.gov](http://www.ideasforum.Kirklandwa.gov)

-----Original Message-----

**From:** John Kappler [mailto:JohnK@KapplerHomePlans.com]  
**Sent:** Monday, September 23, 2013 11:31 AM  
**To:** Nancy Cox  
**Subject:** FW: HCC Please consider this input tonight

Nancy,

It looks like we all got this in our personal emails. I think you should route this to us in our city boxes. Also, a print out for tonight since we just got today may be appropriate???

Please respond to Karen and let her know we got her message (if this is usually done by the city????).

Thanks,

John Kappler, President  
Architectural Innovations  
14311 SE 16th St  
Bellevue, WA. 98007

W 425.641.5320  
F 425.641.5318  
C 425.444.3057  
www.kapplerhomeplans.com  
www.aroundthehomeandmore.com  
www.directradionetwork.com

-----Original Message-----

From: uwkkg@aol.com [mailto:uwkkg@aol.com]  
Sent: Monday, September 23, 2013 11:21 AM  
To: John Kappler; betsy@hotmai.com; go2marine06@yahoo.com; elwhckirk70@yahoo.com; georginef@msn.com; shthornes@comcast.net; rwhit5009@aol.com; heinsight@earthlink.net; betsy@beckermayer.com  
Cc: uwkkg@aol.com  
Subject: HCC Please consider this input tonight

I am sending this to the other email addresses that I have for you. I don't have any email for Mr Gawthrop and I realize that sometimes folks don't have time to access all their city, business and personal addresses prior to a meeting. Perhaps the chair of HCC could forward this to him?

Thanks,  
Karen Levenson

-----Original Message-----

From: uwkkg <uwkkg@aol.com>  
To: Rwhitney <Rwhitney@kirklandwa.gov>; Jkappler <Jkappler@kirklandwa.gov>; Bgoggins <Bgoggins@kirklandwa.gov>; Bpringle <Bpringle@kirklandwa.gov>; Lhein <Lhein@kirklandwa.gov>; Eweber <Eweber@kirklandwa.gov>; Bgawthrop <Bgawthrop@kirklandwa.gov>  
Cc: uwkkg <uwkkg@aol.com>; neighboringproperties <neighboringproperties@gmail.com>  
Sent: Mon, Sep 23, 2013 11:05 am  
Subject: HCC Please consider this input tonight

Hi all:

Here's my thoughts on tonights zoning code issues. This is always a problematic discussion because it has generally shifted more decision-making out of an inclusive process and more to the decisions of just one person, the Planning Director.

Below are some thoughts for you to consider.

Thank you,  
Karen Levenson  
6620 Lake Washington Blvd NE, Kirkland

=====

Minor Policy Changes:

pg 17 of 55 removes the 30 day notice that planning director must give council and HCC to review zoning changes considered uncontroversial.  
(See 161.15 vs 161.25) This is a bad idea since things could be put through very quickly without the opportunity for the public to state that the change is more controversial than staff believes it to be. It can be then used to restrict the opportunity for public input.

161.40 Why is public hearing being removed and only replaced with receipt of public comments. The public feels they need the opportunity to be heard, in person, especially if they do not agree that something is uncontroversial change. The public gets very little feedback on comment letters and often feels that they are ignored or discarded. The public hearing makes sure they can be heard.

161.55 The staff report should be required to include all public comments about the zoning change, otherwise the planning director can merely put public comments into a "round file" or simply ignore that comments were made.

161.60 Why is the requirement for making a sound recording (of public hearing) being eliminated. This recording is important to transparency.

161.95 Why is the distribution of materials to HCC being removed?

=====

#### Moderate Policy Changes

Beginning on page 37 is a MISLEADING comment that the current zoning code amendment process is silent on zoning code amendments that are not associated with comprehensive plan changes.

This is flat out misleading. Currently, there is a process in place and it covers all zoning amendment changes whether they are requiring a Comprehensive Plan change or not.

Breaking this into two different types of Zoning Code changes is just now being introduced and is not supported.

Citizens feel that the zoning code amendment process was recently abused during the past year when Robert Pantley proposed a citizen initiated zoning change which would have been due for presentation by Dec 2012 to be considered in the next cycle of amendments - approximately a year and a half later. Instead, staff decided to push this zoning amendment forward - against citizen opposition to sidestepping the city regulations. This is not a good change to Kirkland zoning code. It again provides too much staff interpretation and dramatically changes the policies that have been established. This is not a moderate policy change, it is a very large change.

pg 43

#### 170.50 Conflict of provisions change

Changing this in this manner is not advisable. Currently the city can go beyond the minimum requirements of zoning code and require more rigorous standards if it is in the best interest of the health, safety, welfare of the citizens. Why would we eliminate this? There are sometimes unforeseen gaps in zoning code and this provision allows the city to protect the intended development by allowing further conditions.

Also in 170.50 # 4

This is a large change. Currently if there are conflicts between zoning code and other policies, standards, regulations, plans, the most restrictive is to prevail. The change in this code would mean that the zoning would always prevail even if a Comp Plan has been updated, or other ordinances or rules have been passed and the zoning has not yet been modified. This is a bad change.

pg 44.

The planning director's interpretation should not be limited to the 14 day appeal window and should remain without a time deadline. This is important because the director might make a decision with a particular development in mind.

Later, when another applicant for another property comes forward, there may be aspects of that proposal that were not considered at the time of the original planning director decision.

=====

### Major Policy Changes

pg 60

#### Common Area Space in Multifamily Buildings:

Multifamily residential, even if within a mixed use building should have mandatory open space requirements sufficient to provide good habitability. It is unusual that mixed use buildings on commercial properties, even if mainly residential are exempt.

#### Horizontal Facade Length:

It is important to keep regulations on the length of horizontal facades when near lower intensity development. It maintains better compatibility and transition of zones if this requirement stays.

## Caryn Saban

---

**From:** Joan Lieberman-Brill  
**Sent:** Monday, September 23, 2013 2:08 PM  
**To:** Houghton Council  
**Cc:** 'Gary.h.mosher@gmail.com'  
**Subject:** FW: stand-alone solar array screening

Houghton Council:

This email from Gary Mosher will also be copied and at your places tonight.

**From:** Gary Mosher [mailto:gary.h.mosher@gmail.com]  
**Sent:** Thursday, September 12, 2013 4:07 PM  
**To:** Joan Lieberman-Brill  
**Subject:** Re: stand-alone solar array screening

I offer the following comments to the City's proposed screening requirements for stand-alone solar array systems:

1. Your characterization of the situation in "Background" is misleading and disingenuous. The City Planning Department approved the system location in March, 2013, with four (4) planning directors signing off on the plan. The plan clearly laid out the location of the support pole (9.5 feet from the SW property line), with the array swinging at the edge of the property line. There is no documented evidence the array crosses onto the adjoining property. The only reason the City chose to impose the 5' set-back requirement on the moveable array, came as a result of the neighbor's complaint.
2. I will vigorously resist any standards based upon subjective and personal judgments of acceptable aesthetics. I've had a least five (5) neighbors who have stopped by my house since the array was installed, complimenting me on my choice to install solar -- in particular the stand-alone system -- without removing the trees in the process.
3. If individuals have the right to force "screening" requirements on a homeowner because of their own personal aesthetic preferences, where will it end? For instance, I don't like the wrought iron fence around the property at 8425 110th Place as it "conflicts" with the contemporary appearance of my house. Do I have standing to ask the city to impose screening around the fence? Also, I object to having to look at my neighbor's (11224 83rd Place NE) exposed concrete septic tank. Do I have standing to ask the city to impose screening around the septic tank? I don't like the appearance of the properties at the north end of 110th Place, as I believe they're affecting my property value. Do I have standing to ask the city to impose screening around their properties?

On Wed, Sep 11, 2013 at 3:03 PM, Joan Lieberman-Brill <[JLiebermanBrill@kirklandwa.gov](mailto:JLiebermanBrill@kirklandwa.gov)> wrote:

Hi Gary,

Thanks for your email. If you wish I can forward this or other comments to the Planning Commission for their meeting tomorrow. You may provide testimony to either of the planning advisory bodies (i.e. Planning Commission and Houghton Community Council) by submitting written comments before or at the meetings, or providing oral testimony at the meetings. You may address your written comments to me and I will forward

them for you. The next meeting, before the Houghton Community Council (HCC), will be held on September 23, also at 7pm in the City Council Chamber at City Hall.

The Planning Commission (PC) is not considering any specific amendment regarding free standing solar arrays at this meeting. Please see the attached staff memorandum # 25 on pages 52-55. Regarding the technical issues, I intend to pursue whether screening is feasible with industry professionals and research how other jurisdictions are addressing this. The next set of study sessions before both PC and the HCC will be held in November on this subject. The City Council will consider adoption of amendments for this and all other proposed amendments addressed in this project in the first quarter of 2014.

Sincerely,

Joan

Joan Lieberman-Brill, AICP

Senior Planner

City of Kirkland Planning and Community Development

[425-587-3254](tel:425-587-3254)

[jbrill@kirklandwa.gov](mailto:jbrill@kirklandwa.gov)

*Mon – Thurs*

*Participate in the Comprehensive Plan update process to plan for Kirkland's future....*

*Learn how at [www.kirklandwa.gov/Kirkland2035](http://www.kirklandwa.gov/Kirkland2035) and [www.ideasforum.Kirklandwa.gov](http://www.ideasforum.Kirklandwa.gov)*

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**From:** Gary H Mosher [mailto:[gary.h.mosher@gmail.com](mailto:gary.h.mosher@gmail.com)]

**Sent:** Wednesday, September 11, 2013 11:09 AM

**To:** Joan Lieberman-Brill

**Subject:** Re: stand-alone solar array screening

I'm currently out of town on vacation and can not attend. I'm concerned about the potential hysterical and technically meritless inputs to this committee given the media circus that occurred a month ago, as I intend to submit a permit request for a second system shortly. I desire an opportunity to respond to their frivolous claims.

Sent from my iPad

On Sep 11, 2013, at 12:55 PM, Joan Lieberman-Brill <[JLiebermanBrill@kirklandwa.gov](mailto:JLiebermanBrill@kirklandwa.gov)> wrote:

Hi Gary,

I am the project manager on a project to amend various provisions in the Kirkland Zoning and Municipal Code. An issue that was added to the roster very recently is possible screening standards for stand-alone solar arrays. This is a consideration as result of the stand along solar array on your property.

The Planning Commission will be holding a study session on this issue among others on the roster of 2013 Miscellaneous Zoning and Municipal Code project, at their meeting on **Thursday, September 12** at 7 p.m. at 123 5<sup>th</sup> Avenue in the Council Chamber at Kirkland City Hall.

No amendment has been drafted addressing this issue for the Planning Commission's consideration at this meeting, but they are being asked to provide staff direction on how to proceed. You are encouraged to attend this and all future meetings to express your views on this subject.

Please follow [this link](#) to view the 2013 Miscellaneous Zoning and Municipal Code Amendments website where you will also find the staff memorandum prepared for this meeting. In addition, the website has a link to the complete roster of proposed amendments, a list serv sign-up to receive emails alerting you to information about upcoming meetings, and a link to all staff memorandums provided to the planning advisory boards.

Please feel free to contact me with questions. I will be working on your item in the coming weeks.

Sincerely,

Joan

Joan Lieberman-Brill, AICP

Senior Planner

City of Kirkland Planning and Community Development

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[jbrill@kirklandwa.gov](mailto:jbrill@kirklandwa.gov)

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**Caryn Saban**

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**From:** Joan Lieberman-Brill  
**Sent:** Monday, September 23, 2013 2:09 PM  
**To:** Houghton Council  
**Subject:** FW: Solar Array on NE 112th in Hermosa Vista

Houghton Council:  
 This email from Debra Wegner will also be copied and at your places tonight.

-----Original Message-----

**From:** Jon Pascal  
**Sent:** Thursday, September 12, 2013 2:13 PM  
**To:** Joan Lieberman-Brill  
**Subject:** FW: Solar Array on NE 112th in Hermosa Vista

---

**From:** Deba Wegner [deba@yourrecipeforsuccess.com]  
**Sent:** Thursday, September 12, 2013 2:10 PM  
**To:** Planning Commissioners  
**Subject:** Solar Array on NE 112th in Hermosa Vista

To whom it may concern:

My husband and I live on NE 114th Street in Kirkland's Hermosa Vista Neighborhood. We have been alarmed since we found out this summer that the freestanding monstrosity on a street below us is a "solar array" which somehow made it through City of Kirkland review process and that, that we former unincorporated King County residents, might be able to look forward to more inappropriate "structures" such as this in the greater City of Kirkland.

Though we observed the install of this unit with amazement, we were under the impression it was a temporary measure, taken by the City of Kirkland, in conjunction with the road work being done, we were dumbfounded to discover that this was actually done by a private citizen.

The circumstances that allowed this structure to be erected are not acceptable for a residential area.

The fact that this unit was installed so that it encroaches into the adjacent property and causes glare for various nearby residents is also not acceptable.

Where was common sense during the review of this installation? I have been communicating with the directly effected neighbors and give them 100+ percent support. The loss of property value for the adjacent lots and sub-dividable lots nearby is substantial. Why was this "unit" which in no way fits the character of the neighborhood allowed to be built?

I was present when the responsible officials from the City of Kirkland visited the site on August 8th at 8am, and looked at the structure and the site for the very first time. I was baffled that these people never thought to visit the site, prior to allowing this to be built. If that had occurred, the inappropriate nature of this eye soar would have been apparent before that date. Everyone present that morning sure agreed that they had no idea that it would look like it does and would stick out like the serious sore thumb that it is.

I had planned to attend the meeting this evening. I will not be able to attend the meeting because I am on jury duty at Superior Court in Seattle and will need to make up the work that I was not able to do today, tonight. I,do, however, want to go on record as voicing my opposition to this type of structure/array in any suburban residential area. My understanding is that the rules, ordinances, permitting for solar as a newer technology is lacking, let us figure out how to not let this kind of obvious mistake happen again.

I also feel very badly, for our neighbors who are directly effected by this particular structure/array...because of it ugliness, the glare and the strife that it has caused and will no question cause going forward.

Very sincerely yours,  
Deba Taiga Wegner  
8041 NE 114th Street  
Kirkland, WA. 98034  
425-241-9023

Sent from my iPad

**Caryn Saban**

---

**From:** Joan Lieberman-Brill  
**Sent:** Monday, September 23, 2013 2:10 PM  
**To:** Houghton Council  
**Subject:** FW: Free Standing Solar Panel Issue -- 110th Place NE

Houghton Council:  
This email from Trinh Vo Yetzer will also be copied and at your places tonight.

----- Original Message -----  
Subject: Free Standing Solar Panel Issue -- 110th Place NE  
From: Trinh Vo Yetzer <[TrinhV@userresearchinternational.com](mailto:TrinhV@userresearchinternational.com)>  
To: Planning Commissioners <[PlanningCommissioners@kirklandwa.gov](mailto:PlanningCommissioners@kirklandwa.gov)>  
CC:

Hello Commissioners,

I am writing to express my concerns with the current solar planning regulations for Kirkland. I live on 110<sup>th</sup> Place NE where we currently have an industrial size free standing solar panel in our neighborhood. Although I value and appreciate the environmental benefits of having a solar panel as an alternative energy source. The implementation and regulations of the current free standing panel is just really unacceptable. I cannot believe that this was approved in a Kirkland community neighborhood. We have had numerous visitors telling us how out of place this looks for this neighborhood. It is truly unfortunate that this was allowed without any permit hearing prior to the installation. There are several concerns that I have with this and I'm sure it's been brought up with other neighbors (glare, size, curbside appeal, property value, community consistency).

I understand that there will be a hearing at City Hall tonight and unfortunately, I am out of town but want to express my concerns with having this size of solar panel in any neighborhood. I hope that we can find a resolution to help resolve this current issue.

Concern Member of 110<sup>th</sup> Place NE,  
Trinh Yetzer

[Trinh Vo Yetzer](#)

Managing Partner | User Research  
International | 425.440.8869 | [userresearchinternational.com](http://userresearchinternational.com)



## Caryn Saban

---

**From:** Joan Lieberman-Brill  
**Sent:** Monday, September 23, 2013 2:11 PM  
**To:** Houghton Council  
**Subject:** FW: Solar panel on NE 110th Place

Houghton Council:

This email from Marilisa Vergottini will also be copied and at your places tonight.

Marilisa Vergottini <[marilisa@microsoft.com](mailto:marilisa@microsoft.com)> wrote:

Hello,

We live at 8319 NE 110<sup>th</sup> Place and would like to send our comments and feedback about the solar panel placed on the side of our road ahead of tonight's council meeting which we may not be able to attend in person.

We wanted to call out the following and ensure that these points are addressed and/or considered as part of tonight's meeting:

- It appears the solar panel was erected without all of the relevant permissions
- Its structure is imposing in a neighborhood that's very well-maintained and respectful of other people's property
- The panel infringes a neighbor's property line
- The panel produces glare which directly negatively impacts and affects other neighbors
- It is not clear whether the panel will have an impact on home values directly around the array and generally on the road itself.
- It's not clear whether Kirkland City Council has relevant permit guidelines set up for an industrial solar array placed in the middle of a residential area. There are no other examples of this type of structure erected in a residential area in King County, that we know of.

Thank you for your consideration of these points.

Best wishes,

Marilisa Vergottini and Matthew Cookson.

8319 NE 110<sup>th</sup> Pl, Kirkland, WA98034

Marilisa Vergottini

Consumer Online Experience PM  
Consumer/Advertising Technology  
Customer Service & Support

Office: +1.425.707.0060  
[marilisa@microsoft.com](mailto:marilisa@microsoft.com)  
[Check out our new team site!](#)



ORDINANCE O-4437

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE AND AMENDING THE FOLLOWING CHAPTERS OF THE KIRKLAND ZONING CODE: 5, 15, 17, 18, 20, 25, 27, 30, 40, 45, 47, 48, 49, 51, 53, 54, 55, 60, 70, 95, 114, 115, 120, 135, 142, 160, 161, 170, 180 AND APPROVING A SUMMARY FOR PUBLICATION, FILE NO.CAM13-00669.

WHEREAS, the City Council has received a recommendation from the Kirkland Planning Commission to amend certain chapters of the Kirkland Zoning Code as set forth in the report and recommendation of the Planning Commission dated March 5, 2014, and bearing Kirkland Department of Planning and Community Development File No. CAM13-00669; and

WHEREAS, prior to making the recommendation, the Kirkland Planning Commission and Houghton Community Council held a joint hearing on the amendment proposals on January 23, 2014, following notice as required by RCW 35A.63.070, and considered the comments received at the hearing; and

WHEREAS, pursuant to the State Environmental Policy Act (SEPA), there has accompanied the legislative proposal and recommendation through the entire consideration process, a SEPA Determination of Nonsignificance issued by the responsible official pursuant to WAC 197-11-340; and

WHEREAS, in open 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, be it resolved by the City Council of the City of Kirkland as follows:

Section 1. Chapters. 5, 15, 17, 18, 20, 25, 27, 30, 40, 45, 47, 48, 49, 51, 53, 54, 55, 60, 70, 114, 115, 95, 120, 135, 142, 160, 161, 170, 180 of the Kirkland Zoning Code are amended as set forth in Attachment A to this ordinance and incorporated by reference.

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. To the extent the subject matter of this ordinance, pursuant to Ordinance 2001, is subject to the disapproval jurisdiction of the Houghton Community Council, this ordinance shall become effective within the Houghton Community Municipal Corporation only upon approval of the Houghton Community Council or the failure of

said Community Council to disapprove this ordinance within 60 days of the date of the passage of this ordinance.

Section 4. Except as provided in Section 3, this ordinance shall be in full force and effect April 25, 2014, after its passage by the Kirkland 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 5. 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 \_\_\_\_ day of \_\_\_\_\_, 2014.

Signed in authentication thereof this \_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
MAYOR

Attest:

\_\_\_\_\_  
City Clerk

**ATTACHMENT A**  
**FILE NO. CAM13-00669**  
**2013 MISCELLANEOUS CODE AMENDMENTS**  
**KIRKLAND ZONING CODE (KZC)**  
**\* - Subject to Houghton Community Council review**

How to read this document:

- New text is underlined
- Existing text to be deleted is covered by a ~~strike-through~~
- ***Italicized*** text identifies the amendment topic
- Amendments are listed in code section order to the extent possible

***A. Proposed Addition of TL IB Zone to Definition of Residential Zones***

**KZC CHAPTER 5 – DEFINITIONS**

**5.10 Definitions**

5.10.785 Residential Zone -

The following zones: RS 35; RSX 35; RS 12.5; RSX 12.5; RS 8.5; RSX 8.5; RSA 8; RS 7.2; RSX 7.2; RS 6.3; RSA 6; RS 5.0; RSX 5.0; RSA 4; RSA 1; RM 5.0; RMA 5.0; RM 3.6; RMA 3.6; RM 2.4; RMA 2.4; RM 1.8; RMA 1.8; WD I; WD II; WD III; TL 9B; PLA 2; PLA 3B; PLA 3C; PLA 5A, D, E; PLA 6A, C, D, E, F, H, I, J, K; PLA 7A, B, C; PLA 9; PLA 15B; PLA 16; PLA 17; TL 11, TL 1B.

***B. \* Proposed Revision to Definition of Development Permit\****

**KZC CHAPTER 5 – DEFINITIONS**

**5.10 Definitions**

5.10.215 Development Permit – Any permit or approval under this code or ~~the Uniform Building Code~~ KMC Title 21, Buildings and Construction that must be issued before initiating a use or development activity.<sup>1</sup>

***C. \* Proposed Revision to Definition of Adjoining to Exempt Property Fronting on Minor Arterials from Landscape Buffer Requirement\****

**KZC CHAPTER 5 – DEFINITIONS**

**5.10 Definitions**

5.10.020 Adjoining– Property that touches or is directly across a street, other than a principal or minor arterial, from the subject property. For the purposes of applying the regulations

that limit the height and horizontal length of facade adjoining a low density zone, the regulations shall only apply within an area of 100 feet of and parallel to the boundary line of a low density zone (as shown on Plate 18).

**D. \*Proposed Deletion of Incorrect Reference to WAC Title 388 for Schools and Day Cares \***

~~These uses are subject to the requirements established by the Department of Social and Health Services (WAD Title 388)~~

This change will be made to KZC Use Zone Chart Special Regulations for the following Zones and sections:

<b>RS Zone:</b> 15.10.030, Spec. Reg. 11, 15.10.040, Spec. Reg. 10	<b>PLA 6D Zone:</b> 60.72.040, Spec. Reg. 8, 60.72.050, Spec. Reg. 8
RSX Zones: 17.10.040, Spec. Reg. 10	<b>PLA 6E Zone:</b> 60.77.030, Spec. Reg. 8; 60.77.040, Spec. Reg. 8
<b>RM, RMA Zones:</b> 20.10.050, Spec. Reg. 7; 20.10.070, Spec. Reg. 7	<b>PLA 6F Zone:</b> 60.82.040, Spec. Reg. 8; 60.82.050, Spec. Reg. 8
<b>RH 5C Zone:</b> 53.59.040, Spec. Reg. 9	<b>PLA 6H Zone:</b> 60.92.040, Spec. Reg. 8; 60.92.050, Spec. Reg. 8
<b>NRH 4 Zone:</b> 54.30.130, Spec. Reg. 7; 54.30.140, Spec. Reg. 7	<b>PLA 6K Zone:</b> 60.107.040, Spec. Reg. 8; 60.107.050, Spec. Reg. 8
<b>TL 11 Zone:</b> 55.99.020, Spec. Reg. 9; 55.99.030, Spec. Reg. 9	<b>PLA 6I Zone:</b> 60.97.040, Spec. Reg. 8; 60.97.050, Spec. Reg. 7
<b>PLA 2 Zone:</b> 60.17.020, Spec. Reg. 10	<b>PLA 6J Zone:</b> 60.102.040, Spec. Reg. 8; 60.102.050, Spec. Reg. 8
<b>PLA 5A Zone:</b> 60.32.040, Spec. Reg. 8; 60.32.050, Spec. Reg. 8	<b>PLA 7A, B, C Zones:</b> 60.112.050, Spec. Reg. 7; 60.112.060, Spec. Reg. 7
<b>PLA 5B Zone:</b> 60.37.060, Spec. Reg. 6; 60.37.070, Spec. Reg. 7	<b>PLA 14 Zone:</b> 60.168b.030, Spec. Reg. 10; 60.168b.040, Spec. Reg. 9
<b>PLA 5D Zone:</b> 60.47.040, Spec. Reg. 8; 60.47.050, Spec. Reg. 8	<b>PLA 15B Zone:</b> 60.177.040, Spec. Reg. 8; 60.177.050, Spec. Reg. 7
<b>PLA 5E Zone:</b> 60.52.040, Spec. Reg. 8; 60.52.050, Spec. Reg. 8	<b>PLA 17 Zone:</b> 60.187.040, Spec. Reg. 9; 60.187.050, Spec. Reg. 8
<b>PLA 6A Zone:</b> 60.57.040, Spec. Reg. 8; 60.57.050, Spec. Reg. 8	<b>PLA 6E Zone:</b> 60.77.030, Spec. Reg. 8; 60.77.040, Spec. Reg. 8
<b>PLA 6C Zone:</b> 60.67.030, Spec. Reg. 9; 60.67.040, Spec. Reg. 9	<b>PLA 6F Zone:</b> 60.82.040, Spec. Reg. 8; 60.82.050, Spec. Reg. 8

**E. Proposed Language to Allow Rounding of Fractions for Calculation of Density in Plats in RSA Zones**

**KZC CHAPTER 18 – Single Family Residential A (RSA) zones**

**18.10 RSA Use Zone Chart**

### Section 18.10.010. Detached Dwelling Units Special Regulation

1. Maximum units per acre is as follows:

- a. (no change)
- b. (no change)
- c. (no change)
- d. No change

Where the maximum number of units results in a fraction, the number shall be rounded up if the fraction is .50 or greater. In RSA 1, 4, 6, and 8 zones, not more than one dwelling unit may be on each lot, regardless of the size of the lot.

### **F. Proposed Deletion of Repeated Reference to Horizontal Façade Regulation in PLA 6G Zone**

#### KZC CHAPTER 60 – Planned Areas

##### 60.87 PLA6G Use Zone Chart

#### Section 60.87.130. Detached, Attached or Stacked Dwelling Units

Lot Size – 3,600 sq. ft. ~~per dwelling unit~~

#### ~~Special Regulation 3-~~

~~If any portion of a structure is adjoining a low density zone, then either:~~

- ~~a. The height of that portion of the structure shall not exceed 15 feet in width above average building elevation, or~~
- ~~b. The maximum horizontal façade shall not exceed 50 feet in width. See KAC 115.30. Distance Between Structures/Adjacency to Institutional Use, for further details.~~

### **G. Proposed Deletion of Reference to Day Care Home Uses and Family Day-Care Home Uses in PLA 15B, PLA 16 and PLA 17 Zones**

#### KZC CHAPTER 60 – Planned Areas

##### 60.174 PLA 15B Use Zone Chart

#### Section 60.175 – GENERAL REGULATIONS

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

- 1.-2. (No change)
3. If any portion of a structure is adjoining a low density zone, 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 shall not exceed 50 feet in width.See KZC 115.30, Distance Between Structures/Adjacency to Institutional Use, for further details. (Does not apply to Detached Dwelling Unit, Attached or Stacked Dwelling Units and Mini-School or Mini-Day-Care Center/~~Day-Care Home~~ uses).

### Section 60.179 PLA 16 Use Zone Chart

#### Section 60.180 – GENERAL REGULATIONS

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

1. (No change)
2. If any portion of a structure is adjoining a detached dwelling unit in a low density zone, 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 shall not exceed 50 feet.See KZC 115.30, Distance Between Structures/Adjacency to Institutional Use, for further details. (Does not apply to Detached Dwelling Unit, Commercial Equestrian Facility, Commercial Recreation Area and Use and Mini-Day-Care Center ~~or Day-Care Home~~-uses).

### Section 60.184 ZONE PLA 17

#### Section 60.185 – GENERAL REGULATIONS

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

- 1.-2. (No change)
3. If any portion of a structure is adjoining a low density zone or low density use in PLA 17, then:
  - a. A building bulk maximum will apply as follows – either:
    - (1) The height of that portion of the structure shall not exceed 15 feet above average building elevation, or
    - (2) The maximum horizontal facade shall not exceed 50 feet in width.See KZC 115.30, Distance Between Structures/Adjacency to Institutional Use, for further details.
  - b. A significant buffer shall be required around all proposed structures and parking areas. This buffer should take the form of up to a 25-foot wide landscaped area OR a lesser dimensioned area furnished with screening walls, fences, berms, or dense stands of trees, but in no case be less than 10 feet.
  - c. A solid screening wall or fence shall be required between any portion of a parking area which is closer than 40 feet to a low density use, low density zone, or the right-of-way of NE 97th Street. Such wall or fence shall be in addition to the landscape materials required by Chapter 95 KZC.(Does not apply to Detached Dwelling Unit, Mini-School or Mini-Day-Care ~~and Family Day-Care Home~~ uses).
4. – 5. (No change)

### **H. Proposed Revisions to Holmes Point Overlay Zone Regulations**

#### **KZC CHAPTER 70 – HOLMES POINT OVERLAY ZONE**

##### **Sections:**

- [70.05](#) Purpose
- [70.15](#) Standards
- [70.25](#) Variations from Standards

##### **70.05 Purpose**

The purpose of the Holmes Point minimum site disturbance development standards is to allow infill at urban densities while providing an increased level of environmental protection for the Holmes Point area, an urban residential area characterized by a predominance of sensitive environmental features including but not limited to steep slopes, landslide hazard areas and erosion hazard areas, and further characterized by a low level of roads and other impervious surfaces relative to undisturbed soils and vegetation, tree cover and wildlife habitat. These standards limit the allowable amount of site disturbance on lots in Holmes Point to reduce visual impacts of development, maintain community character and protect a high proportion of the undisturbed soils and vegetation, tree cover and wildlife, and require an inspection of each site and the area proposed to be cleared, graded and built on prior to issuance of a building permit.

**70.15 Standards**

Within the parcels shown on the Kirkland Zoning Map with an (HP) suffix, the maximum impervious surface standards set forth in Chapter 18 KZC are superseded by this (HP) suffix, and the following development standards shall be applied to all residential development:

1. When review under Chapters 85 KZC (Geologically Hazardous Areas) or 90 KZC (Environmentally Sensitive Areas Drainage Basins) or the City of Kirkland’s Surface Water Design Manual is required, the review shall assume the maximum development permitted by this (HP) suffix condition will occur on the subject property, and the threshold of approval shall require a demonstration of no significant adverse impact on properties located downhill or downstream from the proposed development.
2. Total lot coverage shall be limited within every building lot as follows:
  - a. On lots up to 6,500 square feet in size, 2,600 square feet;
  - b. On lots 6,501 to 9,000 square feet in size, 2,600 square feet plus 28 percent of the lot area over 6,500 square feet;
  - c. On lots over 9,000 square feet in size, 3,300 square feet plus 10 percent of the lot area over 9,000 square feet;
  - c. On a lot already developed, cleared or otherwise altered up to or in excess of the limits set forth above prior to July 6, 1999, new impervious surfaces shall be limited to five percent of the area of the lot, not to exceed 750 square feet;
  - d. For purposes of computing the allowable lot coverage within each lot, private streets, joint-use driveways or other impervious-surfaced access facilities required for vehicular access to a lot in easements or access panhandles within flag lots shall be excluded from calculations.

**Summary Table:**

Lot Size	Maximum Lot Coverage
Less than 6,500 sq. ft.	2,600 sq. ft.
6,501 sq. ft. to 9,000 sq. ft.	2,600 sq. ft. plus 28% of the lot area over 6,500 sq. ft.

9,001 sq. ft. or greater	3,300 sq. ft. plus 10% of the lot area over 9,000 sq. ft.
Developed, cleared or altered lots	New impervious limited to 5% of the total lot area, but not to exceed 750 sq. ft.

3. In addition to the maximum area allowed for buildings and other impervious surfaces under subsection (2) of this section, up to 50 percent of the total lot area may be used for garden, lawn or landscaping, provided:

- a. All significant trees, as defined in Chapter 95 KZC, must be retained. The area limits set forth in this subsection are to be measured at grade level; the area of allowable garden, lawn or landscaping may intrude into the drip line of a significant tree required to be retained under this subsection if it is demonstrated not to cause root damage or otherwise imperil the tree's health;
- b. Total site alteration, including impervious surfaces and other alterations, shall not exceed 75 percent of the total lot area.
- c. At least 25 percent of the total lot area shall be designated as a Protected Natural Area (PNA), in a location that requires the least alteration of existing native vegetation.

In general, the PNA shall be located in one contiguous area on each lot unless the City determines that designation of more than one area results in superior protection of existing vegetation. The PNA shall be designated to encompass any critical areas on the lot and, to the maximum extent possible, consist of existing viable trees and native vegetation that meet the minimum vegetation condition standards set forth in subsection 4.a.

If the lot does not contain an existing area meeting the vegetation requirements of subsection 4.a or if the applicant demonstrates to the satisfaction of the of the Planning Official that retaining such vegetation area is not feasible because it would significantly restrict the ability to develop the subject property based on applicable zoning regulations, a PNA shall be restored or established to the standards set forth in subsection 4.b.

- e. d If development on the lot is to be served by an on-site sewage disposal system, any areas required by the department of public health to be set aside for on-site sewage disposal systems shall be contained as much as possible within the portion of the lot altered for garden, lawn or landscaping as provided by this subsection. If elements of the on-site sewage disposal system must be installed outside the landscaped area, the elements must be installed so as not to damage any significant trees required to be retained under subsection 3.a of this section, and any plants that are damaged must be replaced with similar native plants.

4. Minimum Vegetation Conditions in the Protected Natural Area-

- a. Existing Native Vegetation: Priority is given to designate contiguous areas containing native vegetation meeting the following standards:
  - 1) Trees – Viable trees at a tree density of 150 tree credits per acre within the PNA, calculated as described in KZC 95.33.

Example: A 10,000 square foot lot requires a 2,500 sq. ft. PNA (10,000 x 25% = 2,500 sq. ft.). Within the 2,500 sq. ft. PNA, 9 tree credits are required (2,500 sq. ft.

/ 43,560 sq. ft. = .057 acres x 150 tree credits =8.6, rounded to 9 tree credits).  
Note: the tree density for the remaining lot area is 30 tree credits per acre.

- 2) Shrubs – predominately 36 inches high, covering at least 60 percent of the PNA,
- 3) Living ground covers- covering at least 60 percent of the PNA.

b. Vegetation Deficiencies -

- 1) If the PNA contains insufficient existing vegetation pursuant to subsection 4.a above, the applicant shall restore the PNA with native vegetation to meet minimum supplemental vegetation standards pursuant to Subsection 3) below.
- 2) If the Planning Official determines that it is not feasible to retain an existing vegetation area, the applicant shall establish a PNA in a location approved by the Planning Official and planted in accordance with the Supplemental Vegetation Standards in subsection 4.b.3) below.
- 3) Supplemental Vegetation Standards. The applicant shall provide at a minimum:
  - a) Supplemental trees, shrubs and groundcovers selected from the Kirkland Native Plant List, or other native species approved by the Planning Official.
  - b) Trees –planted with a tree density of 150 tree credits per acre as described in KZC 95.33. The minimum size and tree density value for a supplemental tree worth one (1) tree credit in the PNA shall be at least six (6) feet in height for a conifer and at least one (1) inch in caliper (DBH) for deciduous or broad-leaf evergreen trees, measured from existing grade.
  - c) Shrubs - planted to attain coverage of at least 80 percent of the area within two (2) years, and at the time of planting be between two and five gallon pots or balled and burlapped equivalents.
  - d) Living ground covers- planted from either 4-inch pot with 12-inch spacing or 1-gallon pot with 18-inch spacing to cover within two (2) years 80 percent of the Naturalized Area.
- 4) Soil Specifications - Soils in supplemental vegetation areas shall comply with KZC 95.50, particularly those areas requiring decompaction.
- 5) Mulch – Mulch in supplemental vegetation areas shall comply with KZC 95.50.
- 6) Prohibited Plants – Invasive weeds and noxious plants listed on the Kirkland Plant List in the vicinity of supplemental plantings shall be removed in a manner that will not harm trees and vegetation that are to be retained.
- 7) Landscape Plan Required. In addition to the Tree Retention Plan required pursuant to KZC 95.30, application materials shall clearly depict the quantity, location, species, and size of supplemental plant materials proposed to comply with the requirements of this section. Plants installed in the PNA shall be integrated with existing native vegetation and planted in a random naturalistic pattern. The Planning Official shall review and approve the landscape plan.

4.5 Subdivisions and short subdivisions shall be subject to the following requirements:

- a. 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
- 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.

56 Tree Retention Plan The applicant shall submit a tree retention plan required under KZC 95.30. In addition, it shall include the existing conditions and general locations of all shrubs and groundcover on the subject property.

7. The Department of Planning and Community Development shall conduct site inspections prior to approving any site alteration or development on parcels subject to this (HP) suffix condition as follows:

- a. Prior to issuing a permit for alteration or building on any individual lot subject to this (HP) suffix condition, the Planning Official shall inspect the site to verify the existing ~~amount of undisturbed area, conditions,~~ tree and other plant cover, and any previous site alteration or building on the site. Prior to this inspection and prior to altering the site, the applicant shall clearly delineate the proposed Protected Natural Area and the area of the lot proposed to be altered and built on with environmental fencing, 4-foot high stakes and high-visibility tape or other conspicuous and durable means, and shall depict this area on a site plan included in the application.
- b. Prior to approving any subdivision or building permit for more than one dwelling unit on any parcel subject to this (HP) suffix condition, the Planning Official shall inspect the site to verify the ~~conditions, amount of undisturbed area,~~ tree and other plant cover, and any previous site alteration or building on the site. Prior to this inspection and prior to altering the site, the applicant shall clearly delineate the proposed Protected Natural Area and the area of the proposed grading for streets, flow control and other common improvements, with environmental fencing, 4-foot high stakes and high-visibility tape or other conspicuous and durable means, and shall depict this area on a plot plan included in the application. Development of individual lots within any approved subdivision or short subdivision shall be subject to an individual inspection in accordance with subsection (57)(a) of this section.

As part of the subdivision application, the applicant shall choose the tree retention plan options as required by KZC section 95.30.6. If the applicant chooses integrated review (rather than phased review) the applicant shall show the Protected Natural Area (PNA) on the face of the plat.

8. Tree and Landscape Maintenance Requirements

- a. Protected Natural Area(s):  
The PNA(s) shall be retained in perpetuity. Prior to final inspection of a building permit, the applicant shall provide:

- 1) a final as-built landscape plan showing all vegetation required to be planted or preserved and
  - 2) a recorded PNA protection easement, in a form approved by the City Attorney, to maintain and replace all vegetation that is required to be protected by the City. The agreement shall be recorded with the King County Bureau of Elections and Records. Land survey information shall be provided for this purpose in a format approved by the Planning Official.
  - 3) Plants that die must be replaced in kind or with similar plants contained on the Native Plant List, or other native species approved by the Planning Official.
- b. All significant trees in the remaining 75% of the lot shall be maintained in perpetuity, and tree removal will be allowed only for hazardous and nuisance trees pursuant to KZC 95.23.5.d.
- ~~69.~~ Pervious areas not covered by impervious surfaces or altered as provided in (2), (3), or (4) of this section, which are not geologically hazardous or environmentally sensitive areas governed by Chapter 85 or 90 KZC, shall be maintained as open space in an undisturbed state, except for the following activities:
- a. Incidental trimming or removal of vegetation necessary for protection of property or public health and safety, or the incidental removal of vegetation to be used in the celebration of recognized holidays. Replacement of removed hazardous trees may be required;
  - b. ~~Areas infested by~~ Noxious weeds may be replanted—cleared as long as they are replaced with appropriate native species or other appropriate vegetation and bark mulched to prevent erosion;
  - c. Construction of primitive pedestrian-only trails in accordance with the construction and maintenance standards in the U.S. Forest Service "Trails Management Handbook" (FSH 2309.18, June 1987, as amended) and "Standard Specifications for Construction of Trails" (EM-7720-102, June 1996, as amended); but in no case shall trails be constructed of concrete, asphalt or other impervious surface;
  - d. Limited trimming and pruning of vegetation for the creation and maintenance of views, and the penetration of direct sunlight, provided the trimming or pruning does not cause root damage or otherwise imperil the tree's health as allowed for in Chapter 95 KZC; and
  - e. Individual trees or plants may be replaced with appropriate species on a limited basis. Forested hydrological conditions, soil stability and the duff layer shall be maintained.
- ~~710.~~ Conformance with this (HP) suffix condition shall not relieve an applicant from conforming to any other applicable provisions of the Zoning Code, Subdivision Ordinance, or Shoreline Master Program.

## **70.25 Variations from Standards**

For development activity occurring after July 6, 1999, upon written request from the applicant, the Planning Director may allow up to a 10 percent increase in impervious surface on individual lots over the limits set forth above, provided such increase is the minimum necessary to allow reasonable use

of the property and meets all other applicable decision criteria for a variance as provided in Chapter [120](#) KZC, and one or more of the following circumstances applies:

- a. Development of a lot will require a driveway 60 feet or longer from the lot boundary to the proposed dwelling unit;
- b. On-site flow control facilities are required by the Public Works Department;
- c. The requested increase will allow placement of new development on the site in such a way as to allow preservation of one or more additional significant trees, as defined in Chapter 95 KZC, that would otherwise be cleared; or
- d. The requested increase is necessary to provide additional parking, access ramp or other facilities needed to make a dwelling accessible for a mobility-impaired resident.

## **KZC Chapter 95 – TREE MANAGEMENT AND REQUIRED LANDSCAPING**

### **95.23 Tree Removal – Not Associated with Development Activity**

- 
1. Introduction (no change).
  2. (no change).
  2. Tree Removal Permit Application Form. (no change)
  4. Tree Removal Permit Application Procedure and Appeals. (no change)
  5. Tree Removal Allowances.

a. **Except in the Holmes Point Overlay Zone, A**ny private property owner of developed property may remove up to two (2) significant trees from their property within a 12-month period without having to apply for a tree removal permit; provided, that:

- 1) There is no active application for development activity for the site;
- 2) The trees were not required to be retained or planted as a condition of previous development activity; and
- 3) All of the additional standards for tree removal and Tree Removal Permits as described in subsections (5)(b) through (e) of this section are met.

The Department of Planning and Community Development shall establish and maintain a tree removal request form. The form may be used by property owners to request Department review of tree removal for compliance with applicable City regulations.

b. Tree Retention and Replacement Requirements.

- 1) Tree Retention. (no change).
- 2) Tree Replacement. (no change)

- c. Shoreline Jurisdiction. (no change).
- d. Removal of Hazard or Nuisance Trees. Any private property owner seeking to remove any number of significant trees which are a hazard or nuisance from developed or undeveloped property or the public right-of-way shall first obtain approval of a Tree Removal Permit and meet the requirements of this subsection.
- 1) Tree Risk Assessment. If the nuisance or hazard condition is not obvious, a tree risk assessment prepared by a qualified professional explaining how the tree(s) meet the definition of a nuisance or hazard tree is required. Removal of nuisance or hazard trees does not count toward the tree removal limit if the nuisance or hazard is supported by a report prepared by a qualified professional and approved by the City.
- 2) Trees in Critical Areas or Critical Areas Buffers. For hazard or nuisance trees in (a) easements dedicated to ensure the protection of vegetation; (b) critical areas; or (c) critical area buffers, a planting plan is required to mitigate the removal of the hazard or nuisance tree. The priority action is to create a "snag" or wildlife tree with the subject tree. If creation of a snag is not feasible, then the felled tree shall be left in place unless the Planning Official permits its removal in writing.
- The intent of preserving vegetation in and near streams and wetlands and in geologically hazardous areas is to support the functions of healthy sensitive areas and sensitive area buffers (see Chapter [90](#) KZC) and/or avoid disturbance of geologically hazardous areas (see Chapter [85](#) KZC).
- The removal of any tree in a critical area, or Native Growth Protective Easement will require the planting of a native tree of a minimum of six (6) feet in height in close proximity to where the removed tree was located. Selection of native species and timing of installation shall be coordinated with the Planning Official.
- 3) The removal of any tree in the Holmes Point Overlay Zone requires the planting of a native tree of a minimum of six (6) feet in height in close proximity to where the removed tree was located. Selection of native species and timing of installation shall be approved by the Planning Official.
- 34) Street Trees. Street trees may only be removed if determined to be a hazard or nuisance. If the removal request is for street trees, the Public Works Official may consider whether the tree(s) are now, or may be in the future, part of the City's plans for the right-of-way. The City shall require a one-for-one tree replacement in a suitable location.
- e. Forest Management Plan. (no change)

### **95.30 Tree Retention Associated with Development Activity**

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1. Introduction. The City's objective is to retain as many viable trees as possible on a developing site while still allowing the development proposal to move forward in a timely manner. To that end, the City requires approval of a tree retention plan in conjunction with all development permits resulting in site disturbance and for any tree removal on developed sites not exempted by KZC [95.20](#). This section includes provisions that allow development standards to be modified in order to retain viable significant trees.

In order to make better decisions about tree retention, particularly during all stages of development, tree retention plans will require specific information about the existing trees before removal is allowed. Specific tree retention plan review standards provided in this section establish tree retention priorities, incentives, and variations to development standards in order to facilitate preservation of viable trees.

A minimum tree density approach is being used to retain as many viable trees as possible with new development activity. The requirement to meet a minimum tree density applies to new single-family homes, cottages, carriage units, two/three-unit homes, and new residential subdivisions and short subdivisions. If such a site falls below the minimum density with existing trees, supplemental planting is required. A tree density for existing trees to be retained is calculated to see if new trees are required in order to meet the minimum density for the entire site. Supplemental tree location priority is set as well as minimum size of supplemental trees to meet the required tree density.

The importance of effective protection of retained trees during construction is emphasized with specific protection standards in the last part of this section. These standards must be adhered to and included on demolition, grading and building plans as necessary.

Properties within jurisdiction of the Shoreline Management Act are subject to additional tree retention and protection regulations as set forth in Chapter [83](#) KZC.

[Properties within the Holmes Point Overlay zone are subject to additional tree retention and protection regulations as set forth in Chapter 70 KZC](#)

### **95.51 Tree and Landscape Maintenance Requirements**

The following maintenance requirements apply to all trees, including street trees, and other vegetation required to be planted or preserved by the City:

1. Responsibility for Regular Maintenance. (no change)
2. Maintenance Duration. Maintenance shall be ensured in the following manner except as set forth in subsections (3), (4) and (5) of this section:
  - a. All required landscaping shall be maintained throughout the life of the development. Prior to issuance of a certificate of occupancy, the proponent shall provide a final as-built landscape plan and an agreement to maintain and replace all landscaping that is required by the City.
  - b. Any existing tree or other existing vegetation designated for preservation in a Tree Retention Plan shall be maintained for a period of five (5) years following issuance of the certificate of occupancy for the individual lot or development. After five (5) years, all trees on the property are subject to KZC [95.23](#) unless:
    - 1) The tree and associated vegetation are in a grove that is protected pursuant to subsection (3) of this section; or
    - 2) The tree or vegetation is considered to be a public benefit related to approval of a planned unit development; or
    - 3) The tree or vegetation was retained to partially or fully meet requirements of KZC [95.40](#) through [95.45](#), Required Landscaping.

3. Maintenance of Preserved Grove. (no change)

4. Maintenance in Holmes Point Overlay Zone. Vegetation in designated Protected Natural Areas in the Holmes Point Overlay Zone is to be protected in perpetuity pursuant to KZC 70.15.8.a. Significant trees in the remainder of the lot shall be protected in perpetuity pursuant to KZC 70.15.8.b

54. Maintenance of Critical Area and Critical Area Buffers. In critical areas and their buffers, native vegetation is not to be removed without City approval pursuant to KZC 95.23(5)(d). However, it is the responsibility of the property owner to maintain critical areas and their buffers by removing non-native, invasive, and noxious plants in a manner that will not harm critical areas or their buffers. See also subsection (6) of this section and Chapters 85 and 90 KZC for additional requirements for trees and other vegetation within critical areas and critical area buffers.

65. Non-Native Invasive and Noxious Plants. It is the responsibility of the property owner to remove non-native invasive plants and noxious plants from the vicinity of any tree or other vegetation that the City has required to be planted or protected. Removal must be performed in a manner that will not harm the tree or other vegetation that the City has required to be planted or protected.

76. Pesticides, Herbicides, and Fertilizer. The use of plant material requiring excessive pesticide or herbicide applications to be kept healthy and attractive is discouraged. Pesticide, herbicide, and fertilizer applications shall be made in a manner that will prevent their unintended entry into waterways, wetlands, and storm drains. No application shall be made within 50 feet of a waterway or wetland or a required buffer as established by City codes, whichever is greater, unless done so by a state certified applicator with approval of the Planning Official, and is specifically authorized in an approved mitigation plan or otherwise authorized in writing by the Planning Official.

87. Landscape Plans and Utility Plans. Landscape plans and utility plans shall be coordinated. In general, the placement of trees and large shrubs should adjust to the location of required utility routes both above and below ground. Location of plants shall be based on the plant's mature size both above and below ground. See the Kirkland Plant List for additional standards.

## **Chapter 145 – PROCESS I**

### **145.22 Notice of Application and Comment Period**

1. Contents – (no change)

2. Distribution

a. Not more than 10 calendar days after the Planning Official determines that the application is complete, and at least 18 calendar days prior to the end of the comment period, the Planning Official shall distribute this notice as follows:

1) The notice, or a summary thereof, will be published in the official newspaper of the City. The published notice does not require a vicinity map.

2) The notice, or a summary thereof, including a vicinity map, will be posted on each of the official notification boards of the City.

3) The notice, or a summary thereof, including a vicinity map, will be distributed to the residents of each piece of property adjacent to or directly across the street from the subject property.

4) The notice will be distributed to each local, state and federal agency that the City knows has jurisdiction over the proposed development activity.

5) The notice will be posted on the City's website and the City will provide the public with a means to register to receive all such notices on a timely basis via email or equivalent means of electronic communication.

## **Chapter 150 – PROCESS IIA**

### **150.22 Notice of Application**

1. Contents – (no change)

2. Distribution

a. Not more than 10 calendar days after the Planning Official determines that the application is complete, and at least 18 calendar days prior to the end of the comment period, the Planning Official shall distribute this notice as follows:

1) The notice, or a summary thereof, including a vicinity map, will be distributed to the owners of all property within 300 feet of any boundary of the subject property.

2) The notice, or a summary thereof, including a vicinity map, will be distributed to the residents of each piece of property adjacent to or directly across the street from the subject property.

3) The notice, or a summary thereof, will be published in the official newspaper of the City. The published notice does not require a vicinity map.

4) The notice, or a summary thereof, including a vicinity map, will be posted on each of the official notification boards of the City.

5) The notice will be distributed to each local, state and federal agency that the City knows has jurisdiction over the proposed development activity.

6) The notice will be posted on the City's website and the City will provide the public with a means to register to receive all such notices on a timely basis via email or equivalent means of electronic communication.

### **I. \* Proposed Language Establishing Time Limits for Tree Removal Permits not Associated with Development Activity\***

## **KZC Chapter 95 – TREE MANAGEMENT AND REQUIRED LANDSCAPING**

### **95.23 Tree Removal – Not Associated with Development Activity**

1.– 3. (No change)

4. Tree Removal Permit Application Procedure and Appeals.

a. Applicants requesting to remove trees must submit a completed permit application on a form provided by the City. The City shall review the application within 21 calendar days and

either approve, approve with conditions or modifications, deny the application or request additional information. Any decision to deny the application shall be in writing along with the reasons for the denial and the appeal process

b. The decision of the Planning Official is appealable using the applicable appeal provisions of Chapter [145](#) KZC

c. Time Limit: The removal shall be completed within one year from the date of permit approval.

**J. \* Proposed Language to Allow Lots with Low Impact Development Standards as Part of a Conventional Subdivision\***

**KZC Chapter 5 – DEFINITIONS**

**5.10.490.5 Low Impact Development (LID)**

– A stormwater management and land development strategy applied at the parcel and the subdivision scale that emphasizes conservation and the use of on-site natural features integrated with engineered, small-scale hydrologic controls to more closely mimic predevelopment hydrologic functions.

**10.490.7 Low Impact Development Project Site**

– The site or portion of a site that utilizes Low Impact Development storm water techniques and facilities pursuant to KZC Chapter 114.

**KZC Chapter 114 – LOW IMPACT DEVELOPMENT**

**Sections:**

- 114.05 User Guide (No change)
- 114.10 Voluntary Provisions and Intent (No change)
- 114.15 Parameters for Low Impact Development
- 114.20 Design Standards and Guidelines (No change)
- 114.25 Review Process (No change)
- 114.30 Additional Standards (No change)
- 114.35 Required Application Documentation (No change)

**114.15 Parameters for Low Impact Development**

These standards and incentives address the portion of the project site utilizing the LID stormwater techniques and facilities to meet applicable stormwater requirements. The remainder of the project site must comply with underlying zoning and conventional stormwater requirements. Please refer to KZC [114.30](#) and [114.35](#) for additional requirements related to these standards.

Permitted Housing Types	<ul style="list-style-type: none"><li>• Detached dwelling units.</li><li>• Accessory dwelling units.</li><li>• 2/3 unit homes.</li></ul>
Minimum Lot Size	<ul style="list-style-type: none"><li>• Individual lot sizes must be at least 50% of the minimum lot size for the underlying zone.</li></ul>

Minimum Number of Lots	<ul style="list-style-type: none"> <li>• 4 lots.</li> </ul>
Maximum Density	<ul style="list-style-type: none"> <li>• As defined in underlying zone's Use Zone Chart.</li> <li>• Bonus density is calculated by multiplying number of lots or units by 0.10. If a fraction of 0.5 or higher is obtained then round to the next whole number.</li> </ul>
Low Impact Development	<ul style="list-style-type: none"> <li>• LID techniques must be employed to control stormwater runoff generated from 50% of all hard surfaces. This includes all vehicular and pedestrian access. LID facilities must be designed according to Public Works stormwater development regulations as stated in Chapter 15.52 KMC.</li> </ul>
Locations	<ul style="list-style-type: none"> <li>• Allowed in low density residential zones with the exception of the following: PLA 16, PLA 3C, RSA 1, RSA 8, <u>or the</u> RS 35 and RSX 35 zones in the Bridle Trails neighborhood <u>north and northeast of the Bridle Trails State Park</u>, and the Holmes Point Overlay zone. Any property or portion of a property with shoreline jurisdiction must meet the regulations found in Chapter 83 KZC, including minimum lot size or units per acre and lot coverage.</li> </ul>
Review Process	<ul style="list-style-type: none"> <li>• Short plats shall be reviewed under KMC 22.20.015 and subdivisions shall be reviewed under KMC 22.12.015.</li> <li>• Condominium projects shall be reviewed under KZC 145, Process I.</li> </ul>
Parking Requirements	<ul style="list-style-type: none"> <li>• 2 stalls per detached dwelling unit.</li> <li>• 1 stall per accessory dwelling unit.</li> <li>• 1.5 stalls per unit in multi-unit home, rounded to next whole number.</li> <li>• See KZC <a href="#">105.20</a> for guest parking requirements.</li> <li>• Parking pad width required in KZC <a href="#">105.47</a> may be reduced to 10 feet.</li> <li>• Parking pad may be counted in required parking.</li> <li>• Tandem parking is allowed where stalls are share by the same dwelling unit.</li> <li>• Shared garages in separate tract are allowed.</li> <li>• All required parking must be provided on the LID project site.</li> </ul>
<del>Ownership Structure Development Type</del>	<ul style="list-style-type: none"> <li>• Subdivision.</li> <li>• Condominium.</li> </ul>
Minimum Required Yards (from exterior property lines <del>of the LID project</del> )	<ul style="list-style-type: none"> <li>• 20 feet for all front yards.</li> <li>• 10 feet for all other required yards.</li> </ul>
Minimum Required Yards (from internal property lines)	<ul style="list-style-type: none"> <li>• Front: 10 feet.</li> <li>• Option: Required front yard can be reduced to 5 feet, if required rear yard is increased by same amount of front yard reduction.</li> <li>• Side and rear: 5 feet.</li> <li>• Zero lot line for 2/3 unit homes between internal units.</li> </ul>

Front Porches	<ul style="list-style-type: none"> <li>• Must comply with KZC 115.115.3(n), except that front entry porches may extend to within 5 feet of the interior required front yard.</li> </ul>
Garage Setbacks	<ul style="list-style-type: none"> <li>• Must comply with KZC <a href="#">115.43</a>, except that attached garages on front facade of dwelling unit facing internal front property line must be set back 18 feet from internal front property line.</li> </ul>
Lot Coverage (all impervious surfaces)	<ul style="list-style-type: none"> <li>• Maximum lot coverage <del>for entire site</del> is <del>based on the</del> maximum lot coverage percentage of <del>the</del> underlying zone <del>and may be aggregated</del>.</li> </ul>
Required Common Open Space (RCOS)	<ul style="list-style-type: none"> <li>• Minimum of 40% <del>of entire development</del>.</li> <li>• Native and undisturbed vegetation is preferred.</li> <li>• Allowance of 1% of required common open space for shelters or other recreational structures.</li> <li>• Paths connecting and within required common open space to development must be pervious.</li> <li>• Landscape Greenbelt Easement is required to protect and keep required common open space undeveloped in perpetuity.</li> </ul>
Maximum Floor Area <a href="#">1</a> , <a href="#">2</a>	<ul style="list-style-type: none"> <li>• Maximum floor area is 50% of the minimum lot size of the underlying zone.</li> </ul>

Footnotes:

1. The maximum floor area for LID projects does not apply within the disapproval jurisdiction of Houghton.
2. [The Maximum floor area for LID projects in RS 35 and RSX 35 zones is 20% of the minimum lot size of the underlying zone.](#)

### 114.20 Design Standards and Guidelines

1. Required Low Impact Development Stormwater Facilities – Low impact development (LID) stormwater facilities shall be designed to control stormwater runoff from 50 percent of all hard surfaces created within ~~entire the LID portion of the project site development~~. This includes all vehicular and pedestrian access. LID facilities shall be designed according to Public Works stormwater development regulations, as stated in KMC 15.52.060. The maintenance of LID facilities shall be maintained in accordance with requirements in KMC 15.52.120. The proposed site design shall incorporate the use of LID strategies to meet stormwater management standards. LID is a set of techniques that mimic natural watershed hydrology by slowing, evaporating/transpiring, and filtering water, which allows water to soak into the ground closer to its source. The design should seek to meet the following objectives:

- a. Preservation of natural hydrology.
- b. Reduced impervious surfaces.
- c. Treatment of stormwater in numerous small, decentralized structures.
- d. Use of natural topography for drainage ways and storage areas.
- e. Preservation of portions of the site in undisturbed, natural conditions.
- f. Restoration of disturbed sites.

- g. Reduction of the use of piped systems. Whenever possible, site design shall use multifunctional open drainage systems such as rain gardens, vegetated swales or filter strips that also help to fulfill landscaping and open space requirements.
2. Required Common Open Space – Required common open space shall support and enhance the project’s LID stormwater facilities; secondarily to provide a sense of openness, visual relief, and community for low impact development projects.
- a. The minimum percentage for required common open space is 40 percent and is calculated using the size of the LID portion of the project site. ~~whole development Wetland and streams shall not be included in the calculation.~~ The required common open space must be located outside of wetlands, ~~and~~ streams, and may be developed and maintained to provide for passive recreational activities for the residents of the development as allowed in Chapter 90 KZC.
  - ab. Conventional surface water management facilities such as vaults and tanks shall be limited within required common open space areas and shall be placed underground at a depth to sufficiently allow landscaping to be planted on top of them. Low impact development (LID) features are permitted, provided they do not adversely impact access to or use of the required common open space for passive recreation. Neither conventional or LID stormwater facilities can result in the removal of healthy native trees, unless a positive net benefit can be shown and there is no other alternative for the placement of stormwater facilities. The Public Works Director must approve locating conventional stormwater facilities within the required common open space.
  - bc. Existing native vegetation, forest litter and understory shall be preserved to the extent possible in order to reduce flow velocities and encourage sheet flow on the site. Invasive species, such as Himalayan blackberry, must be removed and replaced with native plants (see Kirkland Native Plant List). Undisturbed native vegetation and soil shall be protected from compaction during construction.
  - ed. If no existing native vegetation, then applicant may propose a restoration plan that shall include all native species. No new lawn is permitted and all improvements installed must be of pervious materials.
  - de. Vegetation installed in required common open space areas shall be designed to allow for access and use of the space by all residents, and to facilitate maintenance needs. However, existing mature trees should be retained.

**K. \* Proposed Language to Clarify Noise Regulations\***

**KZC Chapter 115 – MISCELLANEOUS USE DEVELOPMENT AND PERFORMANCE STANDARDS**

**115.25 Development Activity~~ies and Heavy Equipment Operation~~ – Limitations On**

1. General – It is a violation of this code to engage in any development activity ~~or to operate any heavy equipment~~ before 7:00 a.m. or after 8:00 p.m., Monday through Friday, or before 9:00 a.m. or after 6:00 p.m. Saturday. No development activity ~~or use of heavy equipment~~ may occur on Sundays or on the following holidays: New Year’s Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

2. a. Exception – The Planning Official may grant written permission to engage in a development activity ~~or to operate heavy equipment~~ outside of the hours established by subsection (1) of this section if either:
  - 1) The activity or operation will not impact any residential use; or
  - 2) The permission will facilitate the construction of publicly funded improvements that will serve the general population of the City of Kirkland and such permission is necessary to avoid undue delay of project completion and/or long-term inconvenience or disruption to the general public.
- b. The Planning Official may limit the hours of operation permitted under subsection (1) of this section, if:
  - 1) The reduced hours will best serve the public’s health, safety and welfare; or
  - 2) There have been substantial verifiable complaints received by the Planning Department that the ~~operation of heavy equipment or~~ development activity is interfering with the health and repose of residents of a residential use which is permitted in the zone in which the ~~operation of heavy equipment or~~ development activity is located.

If the Planning Official determines that the hours of operation on a site should be limited pursuant to subsections (2)(b)(1) or (2) of this section, he/she shall provide written notice to the owner of the property affected by this decision one (1) week prior to the imposition of the restriction. The Planning Official shall have the right to repeal this restriction at any time it can be shown that the ~~use of heavy equipment or~~ development activity can and will be conducted so as not to be contrary to subsections (2)(b)(1) and (2) of this section.

### 115.95 Noise Regulations

#### 1. Maximum Environmental Noise Levels

- a. State Standard Adopted – The City of Kirkland adopts by reference the maximum environmental noise levels established pursuant to the Noise Control Act of 1974, Chapter 70.107 RCW. See Chapter 173-60 WAC.
2. Noise – Public Nuisance – Any noise which injures; endangers the comfort, repose, health or safety of persons; or in any way renders persons insecure in life, or in the use of property, is a violation of this code. The operation of power equipment, including but not limited to leaf blowers, shall be deemed a public nuisance if such operation occurs during the following hours: before 8:00 a.m. or after 8:00 p.m. Monday through Friday, or before 9:00 a.m. or after 6:00 p.m. Saturday, Sunday, or the following holidays: New Year’s Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.
3. [See KZC 115.25 for requirements related to development activity \(construction work that requires a permit\).](#)
34. Exceptions – Sounds created by emergency generators are exempt from the provisions of this section when:
  - a. Operating as necessary for their intended purpose during periods when there is no electrical service available from the primary supplier due to natural disaster or power outage;

b. Conducting periodic testing, as required by the manufacturer. Testing shall be limited to the hours after 8:00 a.m. and before 8:00 p.m.

45. Bonds – The City may require a bond under Chapter [175](#) KZC to insure compliance with the provisions of this section.

**L. Proposed Language for Garage Setback Requirements for Detached Dwelling Units in Low Density Zones**

**KZC Chapter 115 – MISCELLANEOUS USE DEVELOPMENT AND PERFORMANCE STANDARDS**

**115.43 Garage Requirements for Detached Dwelling Units in Low Density Zones**

1. Purpose and Intent – *(no change)*

2. General Requirements *(no change)*

3. Additional Requirements for Garages with Garage Doors on the Front Facade of the Detached Dwelling Unit

a. The ~~required front yard for the~~ garage may not extend closer to the abutting right-of-way than shall be set back eight (8) feet greater than the required front yard for the remainder of the any other ground floor portion of the front facade of the detached dwelling unit (not including covered entry porches approved under KZC 115.115(3)(n)).

b. The garage width shall not exceed 50 percent of the total width of the front facade. (This standard shall not apply if the lot width, as measured at the back of the required yard for the front facade, is less than 55 feet.)

c. For purposes of this section, the width of the front facade shall not include those items located along the side facades described in KZC [115.115\(3\)\(d\)](#), even if they are outside of a required yard.

4. Exemptions – *(no change)*

5. Deviation From Requirements – The Planning Official may allow deviations from the requirements of this section if the following criteria are met:

a. The modification is necessary because of the size, configuration, topography or location of the subject property, or the location of a preexisting improvement on the subject property that conformed to the Zoning Code in effect when the improvement was constructed; and

b. The modification supports the purpose and intent of the garage setback regulations; and

c. The modification includes design details that minimize the dominant appearance of the garage when viewed from the street, access easement or tract (for example, casings; columns; trellises; windows; surface treatments or color; single-stall doors; door offsets; narrowed driveway widths; and/or enhanced landscaping); and

d. The modification will not have any substantial detrimental effect on nearby properties and the City as a whole.

6. (no change)

**M. \*Proposed Language to Clarify that Subdivision Provisions May Allow Lot Size Reductions Beyond Minimum Lot Size in Zoning Code or Map\***

**KZC Chapter 115 – MISCELLANEOUS USE DEVELOPMENT AND PERFORMANCE STANDARDS**

**Sections:**

- 115.05 User Guide
- 115.07 Accessory Dwelling Units
- 115.08 Accessory Structure (Detached Dwelling Unit Uses Only)
- 115.10 Accessory Uses, Facilities and Activities
- 115.15 Air Quality Regulations
- 115.20 Animals in Residential Zones
- 115.23 Common Recreational Space Requirements for Certain Residential Uses
- 115.25 Development Activities and Heavy Equipment Operation – Limitations On
- 115.30 Distance Between Structures/Adjacency to Institutional Use
- 115.33 Electric Vehicle Infrastructure
- 115.35 Erosion and Sedimentation Regulation
- 115.40 Fences
- 115.42 Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Residential Zones and Attached Dwelling Units in PLA 3C
- 115.43 Garage Requirements for Detached Dwelling Units in Low Density Zones
- 115.45 Garbage and Recycling Receptacles and Enclosures – Storage Space, Placement and Screening
- 115.47 Loading and Service Areas Placement and Screening
- 115.50 Glare Regulation
- 115.55 Heat Regulation
- 115.59 Height Regulations – Calculating Average Building Elevation (ABE)
- 115.60 Height Regulations – Exceptions
- 115.65 Home Occupations
- 115.80 Legal Building Site
- 115.85 Lighting Regulations
- 115.87 Lot Size Flexibility**
- 115.90 Calculating Lot Coverage
- 115.95 Noise Regulations
- 115.100 Odor
- 115.105 Outdoor Use, Activity and Storage
- 115.110 Radiation
- 115.115 Required Yards
- 115.120 Rooftop Appurtenances
- 115.125 Rounding of Fractions of Dwelling Units
- 115.135 Sight Distance at Intersections
- 115.138 Temporary Storage Containers
- 115.140 Temporary Trailers for Construction and Real Estate Sales Offices
- 115.142 Transit Shelters and Centers, Public
- 115.150 Vehicles, Boats and Trailers – Size in Residential Zones Limited

(new section:)

**115.87 Lot Size Flexibility**

Within a subdivision or short plat, a reduction in the minimum lot size may be approved pursuant to subdivision design requirements in Chapter 22.28.KMC

## **N. \* Proposed Revisions to Horizontal Façade Regulations\***

### **KZC Chapter 5-DEFINITIONS**

#### **5.10 Definitions**

##### **5.10.020 Adjoining**

- Property that touches or is directly across a street, other than a principal arterial, from the subject property. For the purposes of applying the regulations that limit the height ~~and horizontal length of facade~~ adjoining a low density zone, the regulations shall only apply within an area of 100 feet of and parallel to the boundary line of a low density zone (as shown on Plate 18).

##### ~~5.10.507 Maximum Horizontal Façade~~

~~The widest cross-section of the building(s) in the area adjoining the low density zone or within 100 feet of the adjoining lot containing the detached dwelling unit or low density use. The cross-section width is measured parallel to the zone or lot(s). (See Plate 38.)~~

### **KZC Chapter 115 – MISCELLANEOUS USE DEVELOPMENT AND PERFORMANCE STANDARDS**

#### **Sections:**

- 115.05 User Guide
- 115.07 Accessory Dwelling Units
- 115.08 Accessory Structure (Detached Dwelling Unit Uses Only)
- 115.10 Accessory Uses, Facilities and Activities
- 115.15 Air Quality Regulations
- 115.20 Animals in Residential Zones
- 115.23 Common Recreational Space Requirements for Certain Residential Uses
- 115.25 Development Activities and Heavy Equipment Operation – Limitations On
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- 115.47 Loading and Service Areas Placement and Screening
- 115.50 Glare Regulation
- 115.55 Heat Regulation
- 115.59 Height Regulations – Calculating Average Building Elevation (ABE)
- 115.60 Height Regulations – Exceptions
- 115.65 Home Occupations
- 115.80 Legal Building Site
- 115.85 Lighting Regulations

- 115.90 Calculating Lot Coverage
- 115.95 Noise Regulations
- 115.100 Odor
- 115.105 Outdoor Use, Activity and Storage
- 115.110 Radiation
- 115.115 Required Yards
- 115.120 Rooftop Appurtenances
- 115.125 Rounding of Fractions of Dwelling Units
- 115.135 Sight Distance at Intersections
- 115.136 Size Limitations for Structures Abutting Low Density Zones and Uses.
- 115.138 Temporary Storage Containers
- 115.140 Temporary Trailers for Construction and Real Estate Sales Offices
- 115.142 Transit Shelters and Centers, Public
- 115.150 Vehicles, Boats and Trailers – Size in Residential Zones Limited

(This change will be made to KZC Use Zone Chart General and Special Regulations for the following Zones and sections:)

- a. ~~1. If any portion of a structure is adjoining a low density zone or a low density use in PLA 17, 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 shall not exceed 50 feet in width.~~
- ~~See KZC 115.30, Distance Between Structures/Adjacency to Institutional Use, for further details. (Does not apply to Piers, Docks, Boat Lifts and Canopies Serving Detached, Attached or Stacked Dwelling Units and Detached Dwelling Units uses).~~

For structures located within 30 feet of a parcel in a low density zone (or a low density use in PLA 17) Section 115.136 establishes additional limitations on structure size.

RS Zone, 15.08, General Regulation 2	PLA 6A Zone, 60.55, General Regulation 3
RSX Zone, 17.08, General Regulation 2	PLA 6B Zone, 60.60, General Regulation 3
RSA Zone, 18.08, General Regulation 2	PLA 6C Zone, 60.65, General Regulation 2
RM, RMA Zone, 20.08, General Regulation 3	PLA 6D Zone, 60.70, General Regulation 3
PR, PRA Zone, 25.08, General Regulation 3	PLA 6E Zone, 60.75, General Regulation 2
PO Zone, 27.08, General Regulation 2	PLA 6F Zone, 60.80, General Regulation 3
WDII Zone, 30.25.030, 30.25.040, Special Regulation 2	PLA 6G Zone, 60.85, General Regulation 3
WDII Zone, 30.25.050, Special Regulation 1	PLA 6G Zone, 60.87.130, Special Regulation 3
BN, BNA Zone, 40.08, General Regulation 2	PLA 6H Zone, 60.90, General Regulation 3
BC, BC-1, BC-2 Zone, 45.08, General Regulation 2	PLA 6I Zone, 60.95, General Regulation 3
BCX Zone, 47.08, General Regulation 2	PLA 6J Zone, 60.100, General Regulation 3
LIT Zone, 48.10, General Regulation 2	PLA 6K Zone, 60.105, General Regulation 3
P Zone, 49.10, General Regulation 2	PLA 6A Zone, 60.55, General Regulation 3
MSC-1, 4 Zone, 51.08, General Regulation 3	PLA 6B Zone, 60.60, General Regulation 3
MSC-2 Zone, 51.18, General Regulation 2	PLA 6C Zone, 60.65, General Regulation 2
MSC-3 Zone, 51.28, General Regulation 2	PLA 6D Zone, 60.70, General Regulation 3
RH 5A, 5B Zone, 53.52, General Regulation 2	PLA 6E Zone, 60.75, General Regulation 2
RH 5C Zone, 53.57, General Regulation 2	PLA 6F Zone, 60.80, General Regulation 3

RH 8 Zone, 53.82, General Regulation 2	PLA 6G Zone, 60.85, General Regulation 3
NRH1B Zone, 54.10, General Regulation 3	PLA 6G Zone, 60.87.130, Special Regulation 3
NRH2 Zone, 54.16, General Regulation 2	PLA 6H Zone, 60.90, General Regulation 3
NRH3 Zone, 54.22, General Regulation 2	PLA 6I Zone, 60.95, General Regulation 3
TL 10A Zone, 55.67, General Regulation 2	PLA 6J Zone, 60.100, General Regulation 3
TL 10B Zone, 55.73, General Regulation 2	PLA 6K Zone, 60.105, General Regulation 3
TL 11 Zone, 55.97, General Regulation 3	PLA 7A, B, C Zone, 60.110, General Regulation 3
PLA 1 Zone, 60.12.040, 60.12.050, 60.12.060, Special Regulation 2	PLA 9 Zone, 60.130, General Regulation 3
PLA 1 Zone, 60.12.070, Special Regulation 1	PLA 14 Zone, 60.168a, General Regulation 2
PLA 3C Zone, 60.25, General Regulation 2	PLA 15B Zone, 60.175, General Regulation 3
PLA 5A Zone, 60.30, General Regulation 3	PLA 16 Zone, 60.180, General Regulation 2
PLA 5B Zone, 60.35, General Regulation 3	PLA 17 Zone, 60.185, General Regulation 3
PLA 5C Zone, 60.40, General Regulation 3	PLA 17A Zone, 60.190, General Regulation 3
PLA 5D Zone, 60.45, General Regulation 3	
PLA 5E Zone, 60.50, General Regulation 3	

(New Section 115.136:)

**115.136. Size Limitations for Structures Abutting Low Density Zones and Uses.**

1. Size Limits – On properties located in other than low density zones, any portion of a structure greater than 15 feet in height and located within 30 feet of either a low density zone or a parcel within the PLA 17 zone containing a low density use shall be no greater than 50 feet in length, as measured parallel to the property line separating the subject property from the abutting low density zone or use. In applying this regulation, the 30 foot area shall be measured from the perimeter property lines of the properties in low density zones where the zoning boundary is located in a right-of-way. Structures or portions thereof shall be treated as a single structure if any portions of the structures, other than those elements listed in subsection 2.b below, are located within 20 feet of each other.
2. Exceptions
  - a. The above size limits do not apply to:
    - 1) Structures within 30 feet of a parcel containing an institutional use;
    - 2) Structures separated from a low density zone by another developed parcel or right of way, except alleys; and
    - 3) Detached dwelling units separated from each other by at least 10 feet;
  - b. The following elements of a structure are not subject to the 20 feet separation established in Section 1 above:
    - 1) Any elements no higher than 18 inches above finished grade;
    - 2) Chimneys, bay windows, greenhouse windows, eaves, cornices, awnings and canopies that extend no more than 18 inches from the wall of a structure;
    - 3) Stairs that extend no more than five feet from the wall of a structure; and
    - 4) Porches that extend no more than five feet from the wall of a structure if:
      - a) The porch is no higher than one story and the finished floor of the porch is no more than four feet above finished grade;
      - b) Three sides of the porch are open, other than solid walls or railings up to a height of 42 inches;
      - c) No deck, balcony or living area is on the roof of the porch;
      - d) The length of the porch does not exceed 50% of the wall of the structure to which it is attached; and

- e) Porch eaves may extend an additional 18 inches from the edge of the porch.
3. Modifications – The City may approve modifications from the dimensional standards specified in Section 1 if it determines that either:
- a. The topography, vegetation or improvements on either the subject property or abutting property adequately obscure the visibility of the structure from the abutting property; or
  - b. The design of the structure moderates its apparent size as well as or better than strict adherence to the dimensions specified in Section 1.
- The decision on the modification shall be made by the Planning Director and appeals shall be in accordance with the appeal provisions of Process I, Chapter 145; provided that if the development requires a decision through design review, Process I, Process IIA or Process IIB, the decision on the modification and appeals thereof shall be made using the required review process for the development.

(Delete Section 115.30:)

### ~~115.30 Distance Between Structures/Adjacency to Institutional Use~~

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#### ~~1. Distance Between Structures~~

##### ~~a. Apply to:~~

- ~~1) Calculation of F.A.R. for detached dwelling units in low density zones, and~~
- ~~2) Regulation of maximum horizontal facade (See KZC 5.10.507 for definition).~~

- ~~b. General—For purposes of the regulation in this code regarding maximum horizontal facade for any use in any zone to which the maximum horizontal facade limitations apply, and F.A.R. calculation for detached dwelling units in low density residential zones only, two (2) structures will be treated and considered as one (1) structure if any elements of the structures, other than as specified in subsection (1)(c) of this section, are closer than 20 feet to each other. In addition, two (2) structures connected by a breezeway or walkway will be regulated as one (1) structure if any element of the breezeway or walkway is higher than 10 feet above finished grade.~~

##### ~~c. Exceptions~~

- ~~1) Elements of a structure no higher than 18 inches above finished grade may be closer than 20 feet to another structure.~~
- ~~2) Chimneys, bay windows, greenhouse windows, eaves, cornices, awnings and canopies may extend 18 inches from each structure toward the other.~~
- ~~3) Detached dwelling units approved and constructed as a “Detached, Attached, or Stacked Dwelling Unit” are excluded from horizontal facade regulations if they are separated by at least 10 feet.~~
- ~~4) Porches and stairs may extend five (5) feet from each structure toward the other if:
  - ~~a) The porch is no higher than one (1) story and the finished floor of the porch is no more than four (4) feet above finished grade;~~
  - ~~b) Three (3) sides of the porch are open;~~
  - ~~c) No deck, balcony, or living area will be placed on the roof of the porch; and~~
  - ~~d) The width of the porch will not exceed 50 percent of the facade to which it is attached.~~~~
- ~~e) Allowed exceptions to the above criteria are:
  - ~~i) Solid walls or railings may extend up to 42 inches above the porch floor; and~~
  - ~~ii) Eaves on the porch roof may extend an additional 18 inches beyond the porch.~~~~

- ~~2. Adjacency to Institutional Uses—If a structure is located adjacent to an institutional use which is located in a low density zone, the maximum horizontal dimension provision of 50 feet may be waived by the Planning Director~~

(Integrate existing requirements from 115.30 pertaining to the calculation of FAR into Section 115.42:)

**115.42 Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Residential Zones and Attached Dwelling Units in PLA 3C.**

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1. Gross floor area for purposes of calculating F.A.R. and maximum floor area for detached dwelling units in low density residential zones and attached dwelling units in PLA 3C shall include the entire area within the exterior walls for each level of the structure. It shall also include the area of all carports, measured as the area of the carport roof. It shall not include the following:
  - a. Attic area with less than five (5) feet of ceiling height, as measured between the finished floor and the supporting members for the roof.
  - b. Floor area with a ceiling height less than six (6) feet above finished grade. The ceiling height will be measured to the top of the structural members for the floor above. The finished grade will be measured along the outside perimeter of the building (see Plate 23).
  - c. . On lots less than 8,500 square feet, the first 500 square feet of an accessory dwelling unit or garage contained in an accessory structure, when such accessory structure is located more than 20 feet from and behind the main structure (see KZC [115.30](#) for additional information on the required distance between structures); provided, that the entire area of an accessory structure, for which a building permit was issued prior to March 6, 2007, shall not be included in the gross floor area used to calculate F.A.R. For purposes of this section, "behind" means located behind an imaginary plane drawn at the back of the main structure at the farthest point from, and parallel to, the street or access easement serving the residence.
  - d. On lots greater than or equal to 8,500 square feet, the first 800 square feet of an accessory dwelling unit or garage contained in an accessory structure, when such accessory structure is located more than 20 feet from and behind the main structure (see KZC [115.30](#) for additional information on the required distance between structures); provided, that the entire area of an accessory structure, for which a building permit was issued prior to March 6, 2007, shall not be included in the gross floor area used to calculate F.A.R.
  - e. Uncovered and covered decks, porches, and walkways.
  - f. One hundred square feet if the dwelling unit has an internal staircase and/or an area with a ceiling height greater than 16 feet.
2. Floor area with a ceiling height greater than 16 feet shall be calculated at twice the actual floor area toward allowable F.A.R. The ceiling height for these areas will be measured to the top of the structural members for the floor above or, if there is no floor above, to the bottom of the structural members for the roof.
3. Separate structures will be regulated as one structure if any elements of the structures, except for the elements listed in Section b.4) below, are closer than 20 feet to each other.
  - a. Two structures connected by a breezeway or walkway will be regulated as one structure if any element of the breezeway or walkway is higher than 10 feet above finished grade.
  - b. Elements of structures that may be closer than 20 feet to each other are:
    1. Elements of a structure no higher than 18 inches above finished grade;
    2. Chimneys, bay windows, greenhouse windows, eaves, cornices, awnings and canopies extending no more than 18 inches from the wall of a structure;
    3. Stairs extending no more than five feet from the wall of a structure;
    4. Porches extending no more than five feet from the wall of a structure if:
      - a) The porch is no higher than one story and the finished floor of the porch is no more than four feet above finished grade;

- b) Three sides of the porch are open other than railings and solid walls no higher than 42 inches;
- c) No deck, balcony, or living area is placed on the roof of the porch;
- d) The length of the porch does not exceed 50% of the wall of the structure to which it is attached;
- e) Porch eaves may extend an additional 18 inches from the edge of the porch.

*This section is not effective within the disapproval jurisdiction of the Houghton Community Council, except for those lots in PLA 3C that are less than 7,200 square feet or lots that have less than the minimum lot size created through the small lot provisions of KMC 22.28.042, subdivisions.*

(Delete the following language in Section 142.37:)

#### **142.37 Design Departure and Minor Variations.**

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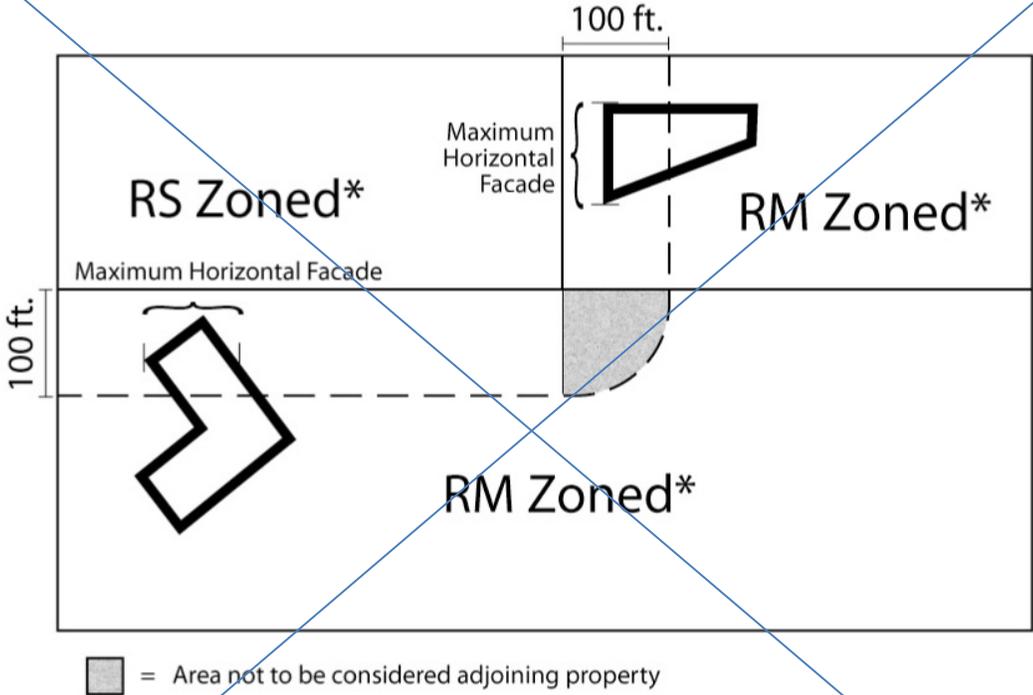
1. General – This section provides a mechanism for obtaining approval to depart from strict adherence to the design regulations or for requesting minor variations from requirements in the following zones:
  - a. In the CBD and YBD: minimum required yards; and
  - b. In the Totem Center: minimum required yards, floor plate maximums and building separation requirements; and
  - c. In the RHBD, the PLA 5C zone, and the TLN: minimum required yards, and landscape buffer ~~and horizontal facade requirements~~; and
  - d. In the MSC 1 and MSC 4 zones of the Market Street Corridor: minimum required front yards ~~and horizontal facade requirements~~; and
  - e. In the MSC 2 zone of the Market Street Corridor: height (up to an additional five (5) feet), and minimum required front yards ~~and horizontal facade requirements~~; and
  - ~~f. In the MSC 3 zone of the Market Street Corridor: horizontal facade requirements; and~~
  - ~~g. In the BN and BNA zones: horizontal facade requirements.~~

This section does not apply when a design regulation permits the applicant to propose an alternate method for complying with it or the use zone chart allows the applicant to request a reduced setback administratively.

2. Process – (no change).
3. Application Information – (no change).
4. Criteria –(no change

(Delete the following Plate 38 and replace with new Plate 38:)

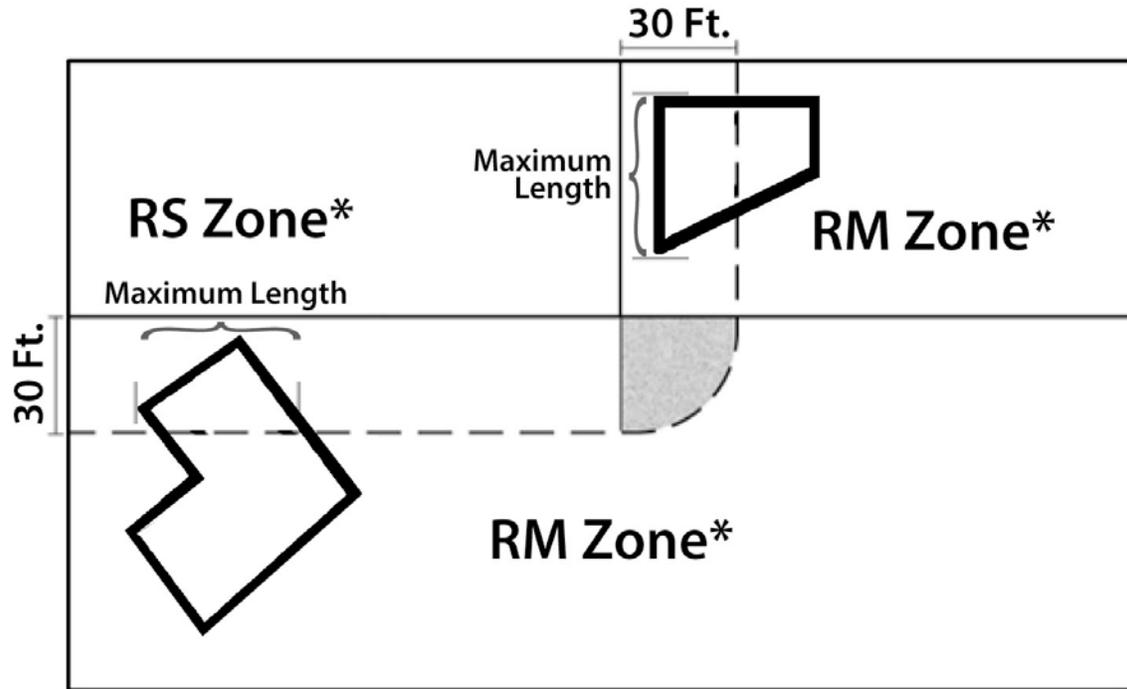
**Plate 38 Measuring Maximum Horizontal Facade** 



\*Used for example only. Maximum horizontal facade requirements are specified by individual zoning district.

(New Plate)pro

**Plate 38: Measuring Size Limitations for Structures Abutting Low Density Zones & Low Density Uses in the PLA17 zone.**



■ = Area not to be considered abutting property

\* Used for example only. Size limitations required for zones and uses other than low density (See KZC section 115.136).

**O. \* Proposed Clarification of Height of Second Story Above Garage\***

**KZC Chapter 115 – MISCELLANEOUS USE DEVELOPMENT AND PERFORMANCE STANDARDS**

**115.115 Required Yards**

3. Structures and Improvements – No improvement or structure may be in a required yard except as follows:

a-n (no change)

o. In low density residential zones:

- 1) Detached garages, including second story uses, utilizing an alley for their primary vehicular access may be located within five (5) feet of the rear property line, if:

- a) Garage doors will not extend over the property line when open; and
  - b) The garage complies with KZC [115.135](#), which regulates sight distance at intersections; and
  - ~~c) The portion of the structure that is located within the required rear yard is no higher than the maximum height allowed in the underlying zone.~~
- 2) Detached garages, including second story uses, utilizing an alley for their primary vehicular access may extend to the rear property line, if:
- a) The lot is 50 feet wide at the rear property line on the alley;
  - b) The garage has side access with garage doors that are perpendicular to the alley;
  - c) The garage eaves do not extend over the property line;
  - d) The garage complies with KZC [115.135](#), which regulates sight distance at intersections; and
  - ~~e) The portion of the structure that is located within the required rear yard is no higher than the maximum height allowed in the underlying zone.~~

**P. \* Proposed Language to Correct the Terminology for Flag Lots\***

**KZC Chapter 115 – MISCELLANEOUS USE DEVELOPMENT AND PERFORMANCE STANDARDS**

**115.115 Required Yards**

1-4 (no change)

5. Driveways and Parking Areas – Driveways and parking areas are not allowed in required yards except as follows:
- a. Detached Dwelling Units, Duplexes, and Two-Unit Homes and Three-Unit Homes Approved Under Chapter 113 KZC
    - 1) General – (no change)
      - a) (No change)
      - b) That for ~~panhandle flag~~ lots; a 5-foot setback is not required from any side property line that abuts a neighboring lot that was part of the same plat.
      - c) (No change)

**Q. \*New Regulations for Ground Mounted Solar Collectors\***

## KZC CHAPTER 5 – DEFINITIONS

### 5.10 Definitions

#### 5.10.881.1 Solar Collector:

-Any of various devices for the absorption of solar radiation for the heating of water or buildings or the production of electricity

#### 5.10.881.12 Solar Panel

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-A panel designed to absorb the sun's rays for generating electricity or heating.

## KZC Chapter 115 – MISCELLANEOUS USE DEVELOPMENT AND PERFORMANCE STANDARDS

### Sections

- 115.05 User Guide
- 115.07 Accessory Dwelling Units
- 115.08 Accessory Structure (Detached Dwelling Unit Uses Only)
- 115.10 Accessory Uses, Facilities and Activities
- 115.15 Air Quality Regulations
- 115.20 Animals in Residential Zones
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- 115.105 Outdoor Use, Activity and Storage
- 115.110 Radiation
- 115.115 Required Yards
- 115.120 Rooftop Appurtenances
- 115.125 Rounding of Fractions of Dwelling Units
- 115.135 Sight Distance at Intersections
- 115.137 Solar Collectors in Residential Zones

115.138 Temporary Storage Containers

115.140 Temporary Trailers for Construction and Real Estate Sales Offices

115.142 Transit Shelters and Centers, Public

**115.150 Vehicles, Boats and Trailers – Size in Residential Zones Limited**

(New section:)

**115.137 Solar Collectors in Residential Zones**

Only ground and/or roof mounted solar collectors are allowed in residential zones.

- 1) Roof Mounted – Roof mounted solar collectors are allowed in all residential zones pursuant to KZC Section 115.60.2 Height Regulations - Exceptions. For the purpose of this section, a solar collector will be considered to be roof mounted if it extends across the roof of a structure with or without being attached.
- 2) Ground Mounted – Ground mounted solar collectors are allowed in all residential zones subject to the following standards:
  - a) Location: Ground mounted solar collectors shall be placed behind a plane extending across the width of the property at the front facade of the dwelling unit or other structure located closest to the front property line.
  - b) Height: The maximum permitted height of a solar collector is 6 feet above finished grade.

**R. \* Proposed Language to Reduce Review Process for Variances in Houghton Relating for Detached Dwelling Units\***

**KZC CHAPTER 120 – VARIANCES**

**Sections**

120.05 User Guide

120.10 Process for Deciding Upon a Proposed Variance

120.12 Expansion or Modification of an Existing Structure

120.15 Application Information

120.20 Criteria for Granting a Variance

120.25 What May Not Be Varied

**120.05 User Guide** (no change)

**120.10 Process for Deciding Upon a Proposed Variance**

~~The following subsection is not effective within the disapproval jurisdiction of the Houghton Community Council:~~

- ~~1.~~ The City will use Process IIA, described in Chapter 150 KZC, to review and decide upon an application for a variance except as to property located within an RS, RSA or RSX Zone or for a detached dwelling unit in any zone. For variance applications as to property located within an RS, RSA or RSX Zone or for a detached dwelling unit in any zone, the City will use Process I described in Chapter 145 KZC; provided, however, that while the content of the notice shall be per KZC 145.22(1), the distribution of the notice shall be per KZC 150.22(2).

~~The following subsection is effective only within the disapproval jurisdiction of the Houghton Community Council:~~

~~2. The City will use Process IIA, described in Chapter 150 KZC, to review and decide upon an application for a variance except as to property located within an RS, RSA or RSX Zone. For variance applications as to property located within an RS, RSA or RSX Zone, the City will use Process I described in Chapter 145 KZC; provided, however, that while the content of the notice shall be per KZC 145.22(1), the distribution of the notice shall be per KZC 150.22(2).~~

**120.12 Expansion or Modification of an Existing Structure** (no change)

**120.15 Application Information**

~~In addition to the application materials required in Chapter 150 KZC, t~~The applicant shall submit a completed application on the form provided by the Planning Department, along with all the information listed on that form.

**120.20 Criteria for Granting a Variance** (no change)

**120.25 What May Not Be Varied** (no change)

***S. \* Proposed Language to Clarify Process to Amend the Text of the Zoning Code \****

## **KZC CHAPTER 135– AMENDMENTS TO THE TEXT OF THE ZONING CODE**

### **Sections**

[135.05](#) User Guide

~~135.15-10~~ [135.15](#) Initiation of Proposals

~~135.1015~~ [135.10](#) Applicable Process

[135.20](#) Threshold Determination for Citizen-Initiated Proposals [Associated with Amendments to the Comprehensive Plan](#)

[135.23](#) [Proposals Not Associated with Amendments to the Comprehensive Plan](#)

[135.25](#) Criteria for Amending the Text of the Zoning Code

[135.30](#) Moratoria and Interim Land Use Regulations

[135.35](#) Response to a Court or Growth Management Hearings Board Appeal or Decision

### **135.05 User Guide**

This chapter establishes a mechanism for the City to amend the text of this code, the Zoning Code [to bring the development regulations into conformity with the Comprehensive Plan or respond to changing conditions or needs of the City](#). If you are interested in proposing an amendment to this code, or if you want to participate in the decision on a proposed amendment, you should read this chapter.

### **135. ~~15~~10 Initiation of Proposals**

An amendment to the Zoning Code may be initiated by the City or requested by the public ~~through the comprehensive planning process~~.

### **135-~~19~~ 15 Applicable Process**

The City generally will use Process IV described in Chapter [160](#) KZC to review and decide upon a proposal to amend the text of this code. However, some minor Zoning Code amendments will be reviewed under an abbreviated process. The abbreviated Process IVA is described in Chapter [161](#) KZC. Process IVA is used for proposals which are not controversial and do not need extensive policy study.

A proposal to amend Chapters [83](#) and [141](#) KZC requires formal review and approval by the Washington State Department of Ecology as described in Chapter [160](#) KZC.

### **135.20 Threshold Determination for Citizen-Initiated Proposals Associated with Amendments to the Comprehensive Plan**

Citizen-initiated proposals to amend the Zoning Code associated with a proposal to amend the Comprehensive Plan must follow the two-step review process described in KZC [140.20](#)(1) and (2), and meet KZC [140.20](#)(3)(a) concerning City resources.

### **135.23 Proposals Not Associated with Amendments to the Comprehensive Plan**

City or Citizen-initiated proposals to amend the Zoning Code not associated with a proposal to amend the Comprehensive Plan shall be docketed by the Planning Official for possible future development regulation amendment. The Planning Official shall introduce all or a portion of docketed proposals to the Planning Commission.

### **135.25 Criteria for Amending the Text of the Zoning Code**

The City may amend the text of this code only if it finds that:

1. The proposed amendment is consistent with the applicable provisions of the Comprehensive Plan; and
2. The proposed amendment bears a substantial relation to public health, safety, or welfare; and
3. The proposed amendment is in the best interest of the residents of Kirkland; and
4. When applicable, the proposed amendment is consistent with the Shoreline Management Act and the City's adopted shoreline master program.

### **135.30 Moratoria and Interim Land Use Regulations**

1. General – Nothing shall prevent the City Council from establishing or extending development moratoria or interim land use regulations in accordance with the procedures set forth in RCW 35A.63.220 and 36.70A.390, as those sections exist or may be hereafter amended or superseded.
2. Disapproval Jurisdiction

If the City Council establishes or extends a moratorium or interim land use regulations within the disapproval jurisdiction of the Houghton Community Council, that City Council action shall become effective only upon:

- a. Approval by a majority of the entire membership of the Houghton Community Council. Such approval shall be by resolution; or
- b. Failure of the Houghton Community Council to disapprove it within 60 calendar days after City Council approves the resolution or ordinance establishing or extending the moratorium or interim land use regulations. The vote to disapprove the action must be approved by resolution by a majority of the entire membership of the Community Council.

### **135.35 Response to a Court or Growth Management Hearings Board Appeal or Decision**

The City may use the process described in KZC [135.30](#) to make an amendment to the Zoning Code in response to a court or Growth Management Hearings Board appeal or decision.

## **KZC CHAPTER 160– PROCESS IV**

### **Sections**

- [160.05](#) User Guide
- [160.15](#) Initiation of Proposals
- [160.20](#) Compliance with SEPA
- [160.25](#) Amendments to Comprehensive Plan and Related Zoning Map and Code Amendments - Threshold Review
- [160.30](#) Amendments to the Zoning Code Not Related to Comprehensive Plan Amendments
- [160.35](#) Official File
- [160.40](#) Notice
- [160.45](#) Staff Report
- [160.50](#) Community Council Proceeding
- [160.55](#) Public Hearing
- [160.60](#) Material To Be Considered
- [160.65](#) Electronic Sound Recordings
- [160.70](#) Public Comments and Participation at the Hearing
- [160.75](#) Continuation of the Hearing
- [160.80](#) Planning Commission Action
- [160.85](#) Planning Commission Report to City Council
- [160.90](#) Publication and Effect
- [160.95](#) Jurisdiction of the Houghton Community Council
- [160.100](#) Jurisdiction of the Washington State Department of Ecology

### **160.05 User Guide**

Various places in this code indicate that certain proposals to amend the Zoning Map, this code, and the Comprehensive Plan must be reviewed and decided upon using Process IV. This chapter describes how Process IV works.

If you wish to participate in a decision that will be made using this process, you should read this chapter. However, this chapter applies only if another provision of this code specifically states that a decision on a proposed amendment will be made using Process IV.

### **160.15 Initiation of Proposals**

A proposal that will be reviewed using this chapter may be initiated by the City Council or Planning Commission. In addition, the public may submit proposals to the City as part of the City's process to amend the Comprehensive Plan or this code.

### **160.20 Compliance with SEPA**

The State Environmental Policies Act (Chapter 43.21C RCW) applies to some of the decisions that will be made using this chapter. The Planning Director shall evaluate each proposal and, where applicable, comply with SEPA and with state regulations and City ordinances issued under authority of SEPA.

**160.25 Amendments to Comprehensive Plan and Related Zoning Map and Code Amendments - Threshold Review**

1. General – The City Council shall make a threshold review of each citizen-initiated proposal to amend the Comprehensive Plan pursuant to KZC [140.20](#) and to amend the Zoning Code and/or Zoning Map done in conjunction with the process to amend the Comprehensive Plan.
2. Threshold Review
  - a. The Planning Commission shall review each proposal and make a threshold recommendation to the City Council to determine those proposals eligible for further consideration. The recommendation shall be consistent with KZC [160.60](#) and based on the criteria described in Chapter [135](#) KZC for Zoning Code amendments and in Chapter [140](#) KZC for Comprehensive Plan amendments.
  - b. The Houghton Community Council may review any proposal within its jurisdiction and also make a recommendation to the Planning Commission and City Council.
  - c. The Planning Department shall provide the Planning Commission and Houghton Community Council with a staff report for the threshold review consistent with KZC [160.45](#) and include an analysis of the threshold criteria.
3. Threshold Decision – After consideration of the Planning Commission and Houghton Community Council recommendations, the City Council shall decide one (1) of the following:
  - a. The proposal has merit and shall be considered by the Planning Commission and City Council during the current year; or
  - b. The proposal has merit, but should be considered at a subsequent amendment phase; or
  - c. The proposal does not have merit and shall not be given further consideration.

**160.30 Amendments to the Zoning Code Not Related to Amendments to the Comprehensive Plan.**

Review – the Planning Commission shall review each proposal and make a recommendation to the City Council. The recommendation shall be based on the criteria described in Chapter 135 KZC for Zoning Code amendments.

160.35 – 160.100 (No Change)

***T. \* Proposed Language to Reorganize and Simplify Process IVA – "Fast Track" Zoning Amendments\****

**KZC CHAPTER 161 – PROCESS IVA**

## Sections

- [161.05](#) User Guide
- [161.10](#) ~~Suitability for Process IVA~~
- [161.15](#) Initiation of Proposals
- [161.20](#) Compliance with SEPA
- [161.25](#) ~~Suitability for Process IVA~~
- [161.35](#) Official File
- [161.40](#) Notice
- [161.45](#) ~~Staff Report~~ [Community Council Proceeding](#)
- [161.55](#) ~~Public Hearing~~ [Staff Report](#)
- [161.60](#) Material To Be Considered
- [161.65](#) ~~Electronic sound Recording~~
- [161.70](#) Public Comments ~~and Participation at the Hearing~~
- [161.75](#) ~~Continuation of the Hearing~~
- [161.80](#) Planning Director Action
- [161.85](#) Planning Director Recommendation to City Council
- [161.90](#) Publication and Effect
- [161.95](#) Jurisdiction of the Houghton Community Council

### **161.05 User Guide**

Certain proposals to amend this code will be reviewed and decided upon using Process IVA. This is an abbreviated process which will only be used if the proposal is suitable for Process IVA as specified in this chapter. If you wish to participate in a decision that will be made using this process, you should read this chapter.

### **161.10 Suitability for Process IVA**

#### **1. General – Process IVA is for:**

- [a. Minor Zoning Code amendments to promote clarity, eliminate redundancy, or to correct inconsistencies; or](#)
- [b. Minor Zoning Map amendments to correct grammatical, labeling, scrivener, or similar errors on the official Zoning Map.](#)

### **161.15 Initiation of Proposals**

Process IVA is used to review and decide upon proposed minor Zoning Code amendments. It is an abbreviated process used for proposals which are not controversial and do not need extensive policy study. The Planning Director [periodically](#) prepares a roster of amendments proposed for review under Process IVA- [and presents the roster to the City Council. The City Council, by motion, may approve the entire proposed Process IVA roster. Otherwise the City Council may ask for more discussion about the suitability of a subject for Process IVA or could remove a subject from the Process IVA roster.](#)

### **161.20 Compliance with SEPA**

The State Environmental Policies Act (Chapter 43.21C RCW) applies to some of the decisions that will be made using this chapter. The Planning Director shall evaluate each proposal and, where applicable, comply with SEPA and with state regulations and City ordinances issued under authority of SEPA.

### **161.25 Suitability for Process IVA**

#### **1. General — Process IVA is for:**

- a. ~~Minor Zoning Code amendments to promote clarity, eliminate redundancy, or to correct inconsistencies; or~~
- b. ~~Minor Zoning Map amendments to correct grammatical, labeling, scrivener, or similar errors on the official Zoning Map.~~

~~The Planning Director may propose amendments for review under Process IVA. To do so, the Planning Director shall periodically present to the City Council a roster of proposed amendments for review and decision under Process IVA. The City Council, by motion, may approve the entire proposed Process IVA roster. Otherwise, the City Council may ask for more discussion about the suitability of a subject for Process IVA or could remove a subject from the Process IVA roster.~~

- 2. ~~Distribution — Thirty days prior to City Council consideration of the roster of proposed amendments, the Planning Director shall distribute a copy of it to the City Council, the Planning Commission, the Houghton Community Council, neighborhood associations and the Chamber of Commerce.~~

### **161.35 Official File**

- 1. Contents – The Planning Official shall compile an official file containing all information and materials relevant to the proposal and to the City’s consideration of the proposal.
- 2. Availability – The official file is a public record. It is available for inspection and copying in the Planning Department during regular business hours.

### **161.40 Notice**

- 1. Contents – The Planning Official shall prepare a notice ~~of hearing~~ for the proposed amendments. This notice shall contain the following information:
  - a. The citation of the provision that would be changed by the proposal along with a brief description of that provision.
  - b. A statement of how the proposal would change the affected provision.
  - c. A statement of what areas, zones, or locations will be directly affected or changed by the proposal.
  - d. ~~The time and place of the public hearing~~comment deadline.
  - e. A statement of the availability of the official file.
  - f. A statement of the right of any person to submit written comments to the Planning Director, ~~and to appear at the public hearing before the Planning Director to give comments orally.~~
- 2. Distribution – ~~The Planning Official shall have this notice, or a summary thereof, published once in the official newspaper of the City at least 14 days before the public hearing. Continued hearings may be held at the discretion of the Planning Director, but no additional notice need be~~

~~published.~~The Planning Official shall distribute this notice, or a summary thereof, at least 30 days before the Planning Director's consideration of the proposed amendments as follows:

- a. The notice will be published in the official newspaper of the City.
- b. The notice will be posted on each of the official notification boards of the City.
- c. The notice will be distributed to the Planning Commission and Houghton Community Council.
- d. The notice will be distributed to the neighborhood associations and Chamber of Commerce.
- e. The notice will be posted on the City's website.

#### **161.45 Staff Report**

- ~~1. General — the Planning Official shall prepare a staff report containing:~~
  - ~~a. An analysis of the proposal and a recommendation on the proposal; and~~
  - ~~b. Any other information the Official determines is necessary for consideration of the proposal.~~
- ~~2. Distribution — the Planning Official shall distribute the staff report to the following persons:~~
  - ~~a. The Planning Director, prior to the hearing.~~
  - ~~b. Any person requesting it.~~
  - ~~c. If applicable, to each member of the Houghton Community Council.~~

#### **161.5545 Community Council ProceedingPublic Hearing**

1. General – If the proposal is within the disapproval jurisdiction of the Houghton Community Council, the Community Council may consider the proposal at a meeting or hold a public hearing.~~General — The Planning Director shall hold one or more public hearings on a proposal.~~
2. Notice – If the Community Council holds a hearing, the Planning Official shall give public notice of that hearing as set forth in KZC 160.40.~~Effect — The hearing of the Planning Director is the hearing for City Council. — City Council need not hold another hearing on the proposal.~~
3. Recommendation – The Houghton Community Council may make a recommendation on the proposal. The Planning Official shall include the recommendation of the Houghton Community Council, if available, in the staff report to the Planning Director before the Planning Director makes a final recommendation to the City Council on the proposal.

#### **161.55 Staff Report**

1. General – The Planning Official shall prepare a staff report containing:
  - a. An analysis of the proposal and a recommendation on the proposal;
  - b. All public comments; and
  - c. Any other information the Official determines is necessary for consideration of the proposal.
2. Distribution – The Planning Official shall distribute the staff report to the following persons:

- a. The Planning Director, prior to his/her consideration.
- b. Any person requesting it.
- c. If applicable, to each member of the Houghton Community Council.

#### **161.60 Material to Be Considered**

Review under Process IVA shall use the decisional criteria established in applicable provisions of this code, including Chapter 135. The City may not consider a specific proposed site plan or project in deciding whether or not an amendment should be approved through this process.

#### **~~161.65 Electronic Sound Recording~~**

~~The Planning Director shall make a complete electronic sound recording of each public hearing.~~

#### **~~161.70 Public Comments and Participation at the Hearing~~**

~~Any interested person may participate in the public hearing in either or both of the following ways:~~

- ~~1. By submitting written comments to the Planning Director either by delivering these comments to the Planning Department, prior to the hearing or by giving them directly to the Planning Director at the hearing.~~
- ~~2. By appearing in person or through a representative, at the hearing and making oral comments. The Planning Director may reasonably limit the extent of the oral comments to facilitate the orderly and timely conduct of the hearing.~~

#### **~~161.75 Continuation of the Hearing~~**

~~The Planning Director may for any reason continue the hearing on the proposal.~~

#### **161.80 Planning Director Action**

1. General – ~~Following the public hearing,~~ The Planning Director shall consider the proposal in light of all of the information submitted to him/her. The Planning Director may modify the proposal in any way.
2. Modifications Requiring a Rehearing~~New Comment Period~~ – ~~If, following the public hearing,~~ the Planning Director materially modifies the proposal, the Planning Director shall give notice of a new public hearing comment period on the proposal as modified.
3. Recommendation – If the Planning Director determines that the proposal meets the applicable decisional criteria established in KZC 161.60, he/she may recommend that City Council give effect to the proposal by amending the appropriate text.

#### **161.85 Planning Director Recommendation to City Council**

1. General – The Planning Director may forward a proposed ordinance to Council which, if passed, would make the recommended amendment to this code. The proposed ordinance may be placed on the City Council consent calendar. The Planning Official shall prepare a Planning Director report on the proposal, containing a copy of the proposal, along with any explanatory information, and the Planning Director recommendation on the proposal.

2. City Council Action – The City Council may pass the proposed ordinance and amend the Zoning Code by passage of the consent calendar. Alternatively, the City Council could carry the topic over as unfinished business or may instead decide to hold a public hearing on the proposed Zoning Code amendment. The City Council may adopt the proposed ordinance at any time subsequent to its receipt of the Planning Director report on the proposed amendment. If the City Council wants to consider adoption of a materially modified ordinance, then the City Council shall first hold a public hearing on the proposal as modified, after notice as provided in this chapter.

#### **161.90 Publication and Effect**

1. Publication – If the City Council adopts an ordinance, the City Clerk shall post or publish the ordinance as required by law.
2. Effect – Except as stated in KZC [161.95](#), the ordinance will be in effect on the date specified in the ordinance.

#### **161.95 Jurisdiction of the Houghton Community Council**

- ~~1. If applicable, all staff reports or Planning Director reports about the proposed amendments will also be distributed to the Houghton Community Council. The Houghton Community Council may decide to take these reports for their information or for their review.~~
- ~~2. Process IVA includes only minor Zoning Code amendments which are not quasijudicial. In turn, the Houghton Community Council may limit its review of the proposals. Alternatively, a majority of the members of the Houghton Community Council may choose to hold a public hearing at any time on one or more of the Process IVA subjects. Such a public hearing would use the procedures set forth in this chapter.~~
3. General - If the City Council approves an ordinance within the disapproval jurisdiction of the Houghton Community Council, that ordinance shall become effective within the Houghton Community only upon:
  - a. Approval by a majority of the entire membership of the Houghton Community Council. Such approval shall be by resolution; or
  - b. Failure of the Houghton Community Council to disapprove the ordinance within 60 days after City Council approval. The vote to disapprove the ordinance must be approved by resolution by a majority of the entire membership of the Community Council.

#### **U. \* Proposed Language to Establish Time Limit for Appeal of Interpretations of the Zoning Code\***

### **KZC CHAPTER 170—CODE ADMINISTRATION**

#### **170.40 Interpretations of This Code – General**

1. Criteria – The Planning Director may, acting on his/her own initiative or in response to an inquiry, issue interpretations of any of the provisions of this code. The Director shall base his/her interpretations on:
  - a. The defined or common meaning of the words of the provision; and
  - b. The general purpose of the provision as expressed in the provision; and

- c. The logical or likely meaning of the provision viewed in relation to the Comprehensive Plan.
2. Effect – An interpretation of this code will be enforced as if it is part of this code.
3. Availability – All interpretations of this code, filed sequentially, are available for public inspection and copying in the Planning Department during regular business hours. The Planning Official shall also make appropriate references in this code to these interpretations. Once issued, interpretations shall be posted on the City’s website. The City shall provide the public with a means to register to receive interpretations on a timely basis via email or equivalent means of electronic communication.
4. Content –Each interpretation shall include a summary of the procedures, as established in this chapter, to appeal the interpretation.

#### **KZC 170.45 Interpretations of This Code – Appeal**

1. Who ~~Can~~ May Appeal – Any person who is aggrieved by an interpretation issued by the Planning Director may appeal that interpretation ~~at any time.~~
2. Time To Appeal/How To Appeal – The appeal, in the form of a letter of appeal, must be delivered to the Planning Department within 14 days following the date the interpretation is posted to the City website, provided that if the fourteenth day of the appeal period falls on a Saturday, Sunday or legal holiday, the appeal period shall be extended through the next day on which the City is open for business. ~~The applicant must file a~~ letter of appeal must ~~indicating~~ how the interpretation affects the appellant’s property and ~~presenting~~ any relevant arguments or information on the correctness of the interpretation. ~~The applicant shall include~~ The appeals fee as established by ordinance shall be included.
3. Applicable Procedures – All appeals of interpretations of this code will be reviewed and decided upon using the appeal provisions of Process I, described in Chapter 145 KZC.
4. Effect – If the interpretation of the Planning Director is modified, the Planning Official shall:
  - a. Place the modifying decision in the Interpretation File; and
  - b. Change or remove, as appropriate, the interpretation that was modified; and
  - c. Change the reference in this code to reflect the modification.

#### **V. \* Proposed Language to Clarify Relationship between Comprehensive Plan and Zoning Code \***

#### **KZC CHAPTER 170–CODE ADMINISTRATION**

##### **170.50 Conflict of Provisions**

1. ~~The standards, procedures, and requirements of the code are the minimum necessary to promote the health, safety, and welfare of the residents of Kirkland. The City is free to adopt more rigorous or different standards, procedures, and requirements whenever this becomes necessary. Except as provided in subsection (4) of this section, if~~ the provisions of this code conflict one ~~(1)~~ with another, or if a provision of this code conflicts with the provision of another ordinance of the City, the most restrictive provision or the provision imposing the highest standard prevails.

2. The Comprehensive Plan is the generalized coordinated land use policy statement of the City and serves as the guide for the adoption of specific zoning regulations.
3. The Zoning Code provides for the implementation of the goals and policies of the Comprehensive Plan through adoption, administration and enforcement of zoning maps, land use regulations, programs, and procedures.
4. In the event of any conflict or inconsistency between the regulations of the Zoning Code and the provisions of the Comprehensive Plan, the regulations of the Zoning Code shall prevail. The Planning Director shall use the criteria in section 170.40 of this Chapter to determine if there is a conflict or inconsistency and may issue an interpretation.

PUBLICATION SUMMARY  
OF ORDINANCE O-4437

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE AND AMENDING THE FOLLOWING CHAPTERS OF THE KIRKLAND ZONING CODE: 5, 15, 17, 18, 20, 25, 27, 30, 40, 45, 47, 48, 49, 51, 53, 54, 55, 60, 70, 95, 114, 115, 120, 135, 142, 160, 161, 170, 180 AND APPROVING A SUMMARY FOR PUBLICATION, FILE NO.CAM13-00669.

SECTION 1. Amends Chapters 5, 15, 17, 18, 20, 25, 27, 30, 40, 45, 47, 48, 49, 51, 53, 54, 55, 60, 70, 114, 115, 95, 120, 135, 142, 160, 161, 170, and 180 of Kirkland Zoning Code.

SECTION 2. Provides a severability clause for the ordinance.

SECTION 3. Establishes that this ordinance, to the extent it is subject to disapproval jurisdiction, will be effective within the disapproval jurisdiction of the Houghton Community Council Municipal Corporation upon approval by the Houghton Community Council or the failure of said Community Council to disapprove this ordinance within 60 days of the date of the passage of this ordinance.

SECTION 4. Approves the summary of the ordinance for publication pursuant to Kirkland Municipal Code Section 1.08.017 and establishes the effective date as April 25, 2014.

SECTION 5. Directs the City Clerk to certify and forward a complete certified copy of this ordinance to the 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 \_\_\_ day of \_\_\_\_\_, 2014.

I certify that the foregoing is a summary of Ordinance O-4437 approved by the Kirkland City Council for summary publication.

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City Clerk

ORDINANCE O-4438

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE AND AMENDING TITLE 20, "DEVELOPMENT PROJECTS," SECTION 20.12.010, "EXCLUSIONS," AND SECTION 20.12.300, "TIME FRAME FOR APPROVAL,"; TITLE 22, "SUBDIVISIONS," SECTION 22.28.030, "LOTS-SIZE," SECTION 22.28.041, "LOTS-LOW IMPACT DEVELOPMENT," SECTION 22.28.042, "LOTS-SMALL LOT SINGLE-FAMILY," AND SECTION 22.28.048, "LOTS-HISTORIC PRESERVATION," OF THE KIRKLAND MUNICIPAL CODE; AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. CAM13-00669

WHEREAS, the City Council has received a recommendation from the Kirkland Planning Commission to amend certain sections of the Kirkland Municipal Code as set forth in the report and recommendation of the Planning Commission dated March 5, 2014, and bearing Kirkland Department of Planning and Community Development File No.CAM13-00669; and

WHEREAS, prior to making the recommendation, the Kirkland Planning Commission and Houghton Community Council held a joint hearing on the amendment proposals on January 23, 2014, following notice as required by RCW 35A.63.070, and considered the comments received at the hearing; and

WHEREAS, pursuant to the State Environmental Policy Act (SEPA), there has accompanied the legislative proposal and recommendation through the entire consideration process, a SEPA Determination of Nonsignificance issued by the responsible official pursuant to WAC 197-11-340; and

WHEREAS, in regular open 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. Title 20, Sections 20.12.010 and 20.12.300 and Title 22, Sections 22.28.030, 22.28.041, 22.28.042 and 22.28.048 of Kirkland Municipal Code are amended as set forth in Attachment A to this ordinance and incorporated by reference.

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. To the extent the subject matter of this ordinance, pursuant to Ordinance No. 2001, is subject to the disapproval

jurisdiction of the Houghton Community Council, this ordinance shall become effective within the Houghton Community Municipal Corporation only upon approval of the Houghton Community Council or the failure of the Community Council to disapprove this ordinance within 60 days of the date of the passage of this ordinance.

Section 4. Except as provided in Section 3, this ordinance shall be in full force and effect April 3, 2014, after its passage by the Kirkland 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.

Section 5. 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 \_\_\_\_ day of \_\_\_\_\_, 2014.

Signed in authentication thereof this \_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
MAYOR

Attest:

\_\_\_\_\_  
City Clerk

Approved as to Form:

\_\_\_\_\_  
City Attorney

**ATTACHMENT A**  
**FILE NO. CAM13-00669**  
**2013 MISCELLANEOUS CODE AMENDMENTS**  
**KIRKLAND MUNICIPAL CODE (KMC)**  
**\* - Subject to Houghton Community Council review**

How to read this document:

- New text is underlined
- Existing text to be deleted is covered by a ~~strike-through~~
- ***Italicized*** text identifies the amendment topic
- Amendments are listed in code section order to the extent possible

**A. *\*Proposed Language to Correct Timeframes and Exclusions Thereof for Approval of Development Permits\****

**Title 20 KMC DEVELOPMENT PROJECTS**  
**Chapter 20.12 Development Review**

**20.12.010 Exclusions.**

(1) By adopting this section, the city is making the following exclusions as provided in RCW 36.70B.140.

(2) The following project permits are excluded from the provisions of RCW 36.70B.060 through 36.70B.~~090080~~ and RCW 36.70B.110 through 36.70B.130, and from the provisions of Sections [20.04.100](#), [20.04.110](#), [20.04.120](#), and [20.12.300](#): street vacations or other approvals relating to the use of public areas or facilities; designation as historic overlay zone; or master plans.

(3) The following project permits are excluded from the provisions of RCW 36.70B.060 and RCW 36.70B.110 through 36.70B.130, and from Sections [20.04.100](#), [20.04.110](#), and [20.04.120](#): lot line adjustments; building and other construction permits; or similar administrative approvals which are categorically exempt from environmental review under Chapter 43.21C RCW, or for which environmental review has been completed in connection with other project permits. (Ord. 3529 § 1 (part), 1996)

**Title 20 KMC DEVELOPMENT PROJECTS**  
**Chapter 20.12 Development Review**

**20.12.300 Time frame for approval.**

The city ~~shall~~should issue its notice of final decision on a project permit application within one hundred twenty days after the city notifies the applicant that the application is complete; ~~provided, that the city shall instead issue its notice of final decision in a time frame similar to that achieved by the city between 1993 and 1995 if, as of the date the application is filed, state law does not require a~~

~~shorter time limit. In addition, the one hundred twenty day time limit is subject to exclusions or extensions provided in this title or by state law, especially by RCW 36.70B.090. This time may be extended if additional materials are required during the review of the permit, if the project is appealed, or if other conditions arise as provided in this title or by state law, including but not limited to RCW 36.70B.080. In the event of an extension, the City shall make written findings as to why additional time is needed.~~ (Ord. 3529 § 1 (part), 1996) (Ord. 3529 § 1 (part), 1996)

***B. Proposed Language to Allow Rounding of Fractions for Calculation of Density in Plats in RSA Zones***

**Title 22 KMC SUBDIVISIONS  
Chapter 22.28 Design Requirements**

**22.28.030 Lots—Size.**

All lots within a subdivision must meet the minimum size requirements established for the property in the Kirkland Zoning Code or other land use regulatory document. The following provisions shall not apply to properties located in an RSA zone.

If a property is smaller than that required for subdivision by an amount less than or equal to ten percent of the minimum lot size for the zoning district as shown on the Kirkland zoning map or as indicated in the Kirkland Zoning Code, subdivision may still proceed as long as the shortage of area is spread evenly over all of the lots in the subdivision. In cases where an existing structure or other physical feature (sensitive area, easement, etc.) makes even distribution of the size shortage difficult, an exception to the even distribution may be made.

If a property is smaller than that required for subdivision by an amount greater than ten percent and less than or equal to fifteen percent of the minimum lot size for the zoning district as shown on the Kirkland zoning map or as indicated in the Kirkland Zoning Code, subdivision may also proceed, as long as:

- (a) The shortage of area is spread evenly over all of the lots in the subdivision (unless an existing structure or other physical feature such as a sensitive area or easement makes even distribution of the size shortage difficult); and
- (b) All lots have a minimum lot width at the back of the required front yard of no less than fifty feet (unless the garage is located at the rear of the lot or the lot is a flag lot); and
- (c) In zoning districts for which the Zoning Code establishes a floor area ratio (FAR) limitation, a covenant is signed prior to recording of the plat ensuring that building on the new lots will comply with an FAR restriction at least ten percentage points less than that required by the zoning district as shown on the Kirkland zoning map; and
- (d) If any lot is smaller than the minimum lot size for the zoning district by an amount greater than five percent of the minimum lot size, the subdivision shall be reviewed and decided using process IIB described in Chapter 152 of Title [23](#) of this code. In addition to meeting the decisional criteria found in Chapter 152 of Title [23](#) of this code, approval of the application may only be recommended if the new lots are compatible, with regard to size, with other lots in the immediate vicinity of the subdivision.

A covenant must also be signed prior to recording of the plat to ensure that the garage will be located at the rear of the lot in cases where this option is chosen under subsection (b) of this section. (Ord. 4196 § 2 (Exh. B) (part), 2010: Ord. 3705 § 2 (part), 1999)

**C. Proposed Language to Allow Reduced Review Process for Minimum Lot Size.**

**Title 22 KMC SUBDIVISIONS  
KMC 22.28 Design Requirements**

**22.28.030 Lots—Size.**

All lots within a subdivision must meet the minimum size requirements established for the property in the Kirkland Zoning Code or other land use regulatory document. If a property is smaller than that required for subdivision by an amount less than or equal to ten percent of the minimum lot size for the zoning district as shown on the Kirkland zoning map or as indicated in the Kirkland Zoning Code, subdivision may still proceed as long as the shortage of area is spread evenly over all of the lots in the subdivision. In cases where an existing structure or other physical feature (sensitive area, easement, etc.) makes even distribution of the size shortage difficult, an exception to the even distribution may be made.

If a property is smaller than that required for subdivision by an amount greater than ten percent and less than or equal to fifteen percent of the minimum lot size for the zoning district as shown on the Kirkland zoning map or as indicated in the Kirkland Zoning Code, subdivision may also proceed, as long as:

- (a) The shortage of area is spread evenly over all of the lots in the subdivision (unless an existing structure or other physical feature such as a sensitive area or easement makes even distribution of the size shortage difficult); and
- (b) All lots have a minimum lot width at the back of the required front yard of no less than fifty feet (unless the garage is located at the rear of the lot or the lot is a flag lot); and
- (c) In zoning districts for which the Zoning Code establishes a floor area ratio (FAR) limitation, a covenant is signed prior to recording of the plat ensuring that building on the new lots will comply with an FAR restriction at least ten percentage points less than that required by the zoning district as shown on the Kirkland zoning map; and
- (d) If any lot is smaller than the minimum lot size for the zoning district by an amount greater than five percent of the minimum lot size, the subdivision ~~may be approved shall be reviewed and decided using process IIB I described in Chapter 152 145 of Title 23 of this code. In addition to meeting the decisional criteria found in Chapter 152145 of Title 23 of this code, approval of the application may only be recommended~~ if the new lots are compatible, with regard to size, with other lots in the immediate vicinity of the subdivision.

A covenant must also be signed prior to recording of the plat to ensure that the garage will be located at the rear of the lot in cases where this option is chosen under subsection (b) of this section. (Ord. 4196 § 2 (Exh. B) (part), 2010: Ord. 3705 § 2 (part), 1999)

**D. \*Proposed Language to Allow Lots with Low Impact Development Standards as Part of a Conventional Subdivision\***

**Title 22 KMC SUBDIVISIONS  
Chapter 22.28 Design Requirements**

**22.28.041 Lots— Low impact development.**

- (a) In multiple lot low impact development subdivisions ~~(four lots or more) not located in an RSA 1 zone or in the Holmes Point Overlay described in LID Chapter 114 of Title 23 of this Code,~~ and not subject to Sections [22.28.030](#) and [22.28.040](#), the minimum lot area shall be deemed to have been met if the minimum lot area is not less than fifty percent of the lot area required of the zoning district in which the property is located as identified on the zoning map; provided, that all lots meet the following standards:
- (1) Within the RSA 6 zone, the lots shall be at least two thousand five hundred fifty square feet.
  - (2) Within the RSA 4 zone, the lots shall be at least three thousand eight hundred square feet.
- (b) The lots within the low impact development meet the design standards and guidelines and approval criteria as defined in Chapter 114 of the Kirkland Zoning Code.

**E. \*Proposed Language to Clarify What is included in Lot Size Calculations for Small Lot Single Family and Historic Preservation Subdivisions\***

**Title 22 KMC SUBDIVISIONS  
Chapter 22.28 Design Requirements**

**22.28.042 Lots—Small lot single-family.**

Within the RS and RSX 6.3, 7.2 and 8.5 zones, for those subdivisions not subject to the lot size flexibility provisions of Sections [22.28.030](#) and [22.28.040](#), low impact development provisions of Section [22.28.041](#), and historic preservation provisions of Section [22.28.048](#), the minimum lot area shall be deemed to be met if at least one-half of the lots created contain no less than the minimum lot size required in the zoning district in which the property is located. The remaining lots may contain less than the minimum required lot size; provided, that such lots meet the following standards:

- (a) Within the RS 6.3, RSX and RS 7.2 zones, the lots shall be at least five thousand square feet.
- (b) Within the RSX and RS 8.5 zones, the lots shall be at least six thousand square feet.
- (c) ~~The portion of any flag lot that is less than thirty feet wide and used for driveway access to the buildable portion of the lot may not be counted in the lot area.~~
- (d) The floor area ratio (FAR) shall not exceed thirty percent of lot size; provided, that FAR may be increased up to thirty-five percent of the lot size if the following criteria are met:

- (1) The primary roof form of all structures on the site is peaked, with a minimum pitch of four feet vertical to twelve feet horizontal; and
  - (2) All structures are set back from side property lines by at least seven and one-half feet.
- (e) The FAR restriction shall be recorded on the face of the plat.
- (f) Accessory dwelling units are prohibited. This restriction shall be recorded on the face of the plat. (Ord. 4372 § 2 (Att. B) (part), 2012: Ord. 4332 § 1(C) (Exh. C), 2011: Ord. 4330 § 1 (Exh. A), 2011: Ord. 4102 § 1(A), 2007)

**Title 22 KMC SUBDIVISIONS**  
**Chapter 22.28 Design Requirements**

**22.28.048 Lots—Historic preservation.**

Within the low density zones listed below in subsections (a) through (d) of this section, for those subdivisions not subject to the lot size flexibility provisions of Sections [22.28.030](#), [22.28.040](#), low impact development provisions of Section [22.28.041](#), and the small lot single-family provisions of Section [22.28.042](#), the minimum lot area shall be deemed to be met if no more than two lots are created that contain less lot area than the minimum size required in the zoning district in which the property is located, and if an "historic residence" is preserved on one of the lots, pursuant to the process described in Chapter 75 of the Kirkland Zoning Code. The lots containing less than the minimum required lot area shall meet the following standards:

- (a) Within the RSA 6, RS 6.3 and RS and RSX 7.2 zones, the lots shall be at least five thousand square feet.
- (b) Within the RSA 4, RS 8.5 and RSX 8.5 zones, the lots shall be at least six thousand square feet.
- (c) Within the RS 12.5, RSX 12.5 and WDII zones, the lots shall be at least seven thousand two hundred square feet.
- (d) Within the RS and RSX 35 zones not located north or northeast of the Bridle Trails State Park, the lots shall be at least fifteen thousand and fifty square feet.
- (e) ~~The portion of any flag lot that is less than thirty feet wide, and used for driveway access to the buildable portion of the lot, may not be counted in the lot area.~~
- (f) Accessory dwelling units are prohibited. The restriction shall be recorded on the face of the plat.

Lots containing historic residences shall also meet the following standards:

- (g) If a historic residence is destroyed, damaged, relocated, or altered inconsistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties (Rehabilitation) (Code of Federal Regulations, 36 CFR Part 68), the replacement structure shall be

- reconstructed in accordance with the criteria established in Section 75.105 of the Kirkland Zoning Code. The replacement restriction shall be recorded on the face of the plat.
- (h) As part of subdivision approval, the city may allow the following modifications to regulations in the Kirkland Zoning Code regarding minimum required yards, maximum lot coverage, and floor area ratio on the lot containing the historic residence if the modifications are necessary to accommodate the historic residence.
- (1) Required yards may be two feet less than required by the zoning district as shown on the Kirkland zoning map.
  - (2) Floor area ratio may be five percentage points more than allowed by the zoning district as shown on the Kirkland zoning map.
  - (3) Lot coverage may be five percentage points more than allowed by the zoning district as shown on the Kirkland zoning map.
- (i) At the time of recording the plat, a notice of applicable restrictions for the lot containing the designated historic residence shall be recorded. (Ord. 4372 § 2 (Att. B) (part), 2012; Ord. 4102 § 1(B), 2007)

PUBLICATION SUMMARY  
OF ORDINANCE O-4438

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE AND AMENDING TITLE 20, "DEVELOPMENT PROJECTS," SECTION 20.12.010, "EXCLUSIONS," AND SECTION 20.12.300, "TIME FRAME FOR APPROVAL,"; TITLE 22, "SUBDIVISIONS," SECTION 22.28.030, "LOTS-SIZE," SECTION 22.28.041, "LOTS-LOW IMPACT DEVELOPMENT," SECTION 22.28.042, "LOTS-SMALL LOT SINGLE-FAMILY," AND SECTION 22.28.048, "LOTS-HISTORIC PRESERVATION," OF THE KIRKLAND MUNICIPAL CODE; AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. CAM13-00669

SECTION 1. Amends Title 20 of the Kirkland Municipal Code relating to Development Projects and Title 22 of the Kirkland Municipal Code relating to Subdivisions.

SECTION 2. Provides a severability clause for the ordinance.

SECTION 3. Establishes that this ordinance, to the extent it is subject to disapproval jurisdiction, will be effective within the disapproval jurisdiction of the Houghton Community Council Municipal Corporation upon approval by the Houghton Community Council or the failure of said Community Council to disapprove this ordinance within 60 days of the date of the passage of this ordinance.

SECTION 4. Approves the summary of the ordinance for publication pursuant to Kirkland Municipal Code Section 1.08.017 and establishes the effective date as April 3, 2014.

SECTION 5. Directs the City Clerk to certify and forward a complete certified copy of this ordinance to the 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 \_\_\_\_ day of \_\_\_\_\_, 2014.

I certify that the foregoing is a summary of Ordinance O-4438 approved by the Kirkland City Council for summary publication.

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City Clerk