



CITY OF KIRKLAND

Planning and Community Development Department

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www.kirklandwa.gov

MEMORANDUM

Date: June 9, 2011

To: Kurt Triplett, City Manager

From: Dorian Collins, AICP Senior Planner
Paul Stewart, AICP Deputy Planning Director
Eric Shields, AICP Planning Director

Subject: ADOPTION OF AMENDMENTS TO THE ZONING CODE RELATING TO THE SOUTH KIRKLAND PARK AND RIDE (FILE ZON-10-00014)

Recommendation

City Council approve the attached ordinance amending the Zoning Code to correct Zoning Code text regarding affordability levels applicable to the South Kirkland Park and Ride.

Background

On June 7th the City Council adopted Ordinance 0-4307 amending various sections of the Kirkland Zoning Code related to transit-oriented development at the South Kirkland Park and Ride. Ordinance #4307 added a new Chapter 56 containing regulations for the YBD 1 Zone.

Special Regulation 13.a of that ordinance addresses affordability levels for renter-occupied housing as noted below:

a. For renter-occupied housing:

*A minimum of 20 percent of the total residential units shall be affordable. A minimum of 10 percent of total residential units shall be affordable **at 50% of median income**. The remaining affordable units shall be affordable at no greater than 70% of median income.*

The problem is the word "**at 50% of median income**". The intent is not to restrict affordability to *only* 50% of median income but to allow a range of affordable units up to the 50% level. The revised text would state: "**at no greater than 50% at median income**" so that other income levels would also qualify (e.g. 30% of median income). This is a simple correction that would occur with the adoption of the attached ordinance.

ORDINANCE NO. 4310

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE, REVISING THE CITY'S REGULATIONS REGARDING TRANSIT-ORIENTED DEVELOPMENT AT THE SOUTH KIRKLAND PARK AND RIDE, AMENDING ORDINANCE 3719 AS AMENDED, THE KIRKLAND ZONING ORDINANCE AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. ZON10-00014.

WHEREAS, the City Council approved Ordinance 4307 on June 7, 2011; and

WHEREAS Kirkland Zoning Code Section 56.10.010, Special Regulation 13 must be amended to clarify the reference to the range of affordable housing units to be provided; and

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

Section 1. Zoning text amended: The following specified sections of the text of Ordinance 3719 as amended, the Kirkland Zoning Ordinance, are amended to read as follows:

As set forth in Attachment A attached 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 five days from and after its passage by the Kirkland City Council and publication, pursuant to Section 1.08.017 Kirkland Municipal Code, 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 _____, 2011.

SIGNED IN AUTHENTICATION thereof this _____ day of _____, 2011.

Mayor

Attest:

City Clerk

Approved as to Form:

City Attorney

CHAPTER 56 – Yarrow Bay Business District (YBD) ZONES

56.05 User Guide.

The charts in KZC 56 contain the basic zoning regulations that apply in the YBD 1 zone of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 56.08

Zone
YBD 1

Section 56.08 – GENERAL REGULATIONS

The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.
2. In addition to the height exceptions established by KZC [115.60](#), the following exceptions to height regulations in the YBD 1 zone are established:
 - a. Decorative parapets may exceed the height limit by a maximum of four feet; provided that the average height of the parapet around the perimeter of the structure shall not exceed two feet.
 - b. For structures with a peaked roof, the peak may extend eight feet above the height limit if the slope of the roof is equal to or greater than four feet vertical to 12 feet horizontal.

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 56.10	USE ↓ REGULATIONS ↓	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.010	Attached or Stacked Dwelling Units	DR, Chapter 142 KZC	None	5' See Spec.Reg. 2	0'	0'	100 %	65' above average building elevation. See Spec. Reg.11	C	E. See Spec. Reg. 15	Residential: 1.1 per unit, plus guest parking: .05 per unit. Restaurant/tavern: 1 per each 125 sq.ft. of gross floor area. Retail: 1 per each 350 sq.ft. of gross floor area. Office: 1 per each 350 sq.ft. of gross floor area. Entertainment, cultural, recreational: Chapter 105.25 See also 105.103	<ol style="list-style-type: none"> 1. The required minimum front yard for any portion of the structure containing parking facilities shall be 10'. 2. The front setback may be reduced to 0' where retail uses or other ground floor space is designed to provide direct pedestrian access to the street and located adjacent to a pedestrian oriented street, major pedestrian pathway or adjacent to a transit facility. 3. May include one or more of the other uses allowed in this zone. 4. The following uses are prohibited: <ol style="list-style-type: none"> a. Drive-through facilities. b. The outdoor storage, sale, service and/or rental of motor vehicles, sailboats, motor boats, and recreational trailers 5. At least 50% of the linear frontage of the ground floor along NE 38th Place must include one or more of the following uses: Retail uses selling goods or providing services, including restaurants or taverns; Banking and Related Financial Services; School, Day-Care or Mini School or Mini Day-Care Center; Government Facility; Community Facility; and retail establishments providing entertainment, cultural and/or recreational activities. The required uses shall have a minimum depth of 20 feet and an average depth of at least 30 feet (as measured from the face of the building on the abutting right-of-way). The Design Review Board (or Planning Director if not subject to D.R.) may approve a minor reduction in the depth requirements if the applicant demonstrates that the requirement is not feasible given the configuration of existing or proposed improvements and that the design of the retail frontage will maximize visual interest. Lobbies for residential are allowed within this space subject to applicable design guidelines. The minimum ground floor story height for these uses shall be 13 feet. 6. Commercial uses along NE 38th Place may occupy the first two floors of a structure. Otherwise, gross floor area constructed above the ground floor must be dedicated to residential use.

												<p>KMC 27.04.050.</p> <p>f. Applicants providing affordable housing units may request an exemption from payment of park impact fees for the affordable housing units as established by KMC 27.06.050.</p> <p>g. Applicants providing affordable housing units are eligible for exemption from various planning, building, plumbing, mechanical and electrical permit fees for the affordable housing and moderate income units as established in KMC 5.74.070 and KMC Title 21.</p> <p>h. Property Tax Exemption – A property providing affordable housing units may be eligible for a property tax exemption as established in Chapter 5.88 KMC</p> <p>15. Signs for a development approved under this provision must be proposed within a Master Sign Plan application (KZC 100.80) for all signs within the project.</p> <p>16. Development shall be designed, built and certified to achieve or exceed the following green building standards:</p> <p>a. Evergreen Standard or Built Green 4 star certified for all housing units.</p> <p>b. For the parking garage and non-residential uses, either a LEED Silver CS (Core and Shell) certified or LEED CS checklist with a third party independent verification and inspection to meet the LEED CS Silver Standard.</p> <p>17. This use must be part of a development that includes an increase in the number of parking stalls available exclusively to users of the Park and Ride facility.</p> <p>18. Parking stalls to serve the use must be in addition to those provided as part of the expansion of capacity for the Park and Ride facility.</p>
.020	Office Uses	DR, Chapter 142 KZC	None	20'	5', but 2 side yards must equal at least 15'.	10'	70%	30' above average building elevation.	C	D	If Medical, Dental, or Veterinary office, then one per each 200 sq. ft. of gross floor area. Otherwise, one per each 300 sq. ft. of gross floor area.	<p>1. The following regulations apply to veterinary offices only:</p> <p>a. May only treat small animals on the subject property.</p> <p>b. Outside runs and other outside facilities for the animals are not permitted.</p> <p>c. Site must be designed so that noise from this use will not be audible off the subject property. A certification to this effect, signed by an Acoustical Engineer, must be submitted with the development permit application.</p> <p>2. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if:</p> <p>a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use.</p> <p>b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.</p>
.030	Restaurant or Tavern				10' on each side							20'

.040	Funeral Home or Mortuary				20' on each side				C	B	1 per each 300 sq. ft. of gross floor area.	
.050	Grocery Store, Drug Store, Laundromat, Dry Cleaners, Barber Shop, or Shoe Repair Shop				10' on each side				B	E		<ol style="list-style-type: none"> 1. May not be located above the ground floor of a structure. 2. Gross floor area cannot exceed 3,000 sq. ft.
.060	Retail Establishment providing banking or related financial service											<ol style="list-style-type: none"> 1. May not be located above the ground floor of a structure.
.070	Church	DR, Chapter 142 KZC	None	20'	20' on each side	20'	70%	30' above average building elevation. See Spec. Reg. 8.	C	B	1 for every 4 people based on maximum occupant load of any area of worship. See Spec. Reg. 1.	<ol style="list-style-type: none"> 1. No parking is required for day-care or school ancillary to the use.
.080	School or Day-Care Center			If this use can accommodate 50 or more students or children, then:					D		See KZC 105.25.	<ol style="list-style-type: none"> 1. A six-foot-high fence is required only along the property lines adjacent to the outside play areas. 2. Hours of operation may be limited to reduce impacts on nearby residential uses. 3. Structured play areas must be setback from all property lines as follows: <ol style="list-style-type: none"> a. 20 feet if this use can accommodate 50 or more students or children. b. 10 feet if this use can accommodate 13 to 49 students or children. 4. An on-site passenger loading area must be provided. The City shall determine the appropriate size of the loading areas on a case-by-case basis, depending on the number of attendees and the extent of the abutting right-of-way improvements. Carpooling, staggered loading/unloading time, right-of-way improvements or other means may be required to reduce traffic impacts on any nearby residential uses. 5. May include accessory living facilities for staff persons. 6. The location of parking and passenger loading areas shall be

.110	Hospital Facility	DR, Chapter 142 KZC.	One Acre						B	See KZC 105.25.	
.120	Public Utility	DR, Chapter 142 KZC.	None						A		1. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.
.130	Government Facility Community Facility								C See Spec. Reg. 1.		
.140	Public Park	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process.									

PUBLICATION SUMMARY
OF ORDINANCE NO. 4310

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SECTION 1. Provides that regulations relating to Kirkland Zoning Code Section 56.10.010, Special Regulation 13 and approved in Ordinance 4307 are amended to clarify the reference to the range of affordable housing units to be provided in transit-oriented development at the South Kirkland Park and Ride, and that the amendments are attached to the Ordinance as Attachment A.

SECTION 2. Provides a severability clause for the ordinance.

SECTION 3. Provides that the Ordinance may be subject to the disapproval jurisdiction of the Houghton Community Council.

SECTION 4. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as five days after publication of this summary.

SECTION 5. Provides that the City Clerk shall send a certified copy of the 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 _____, 2011.

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

City Clerk