



CITY OF KIRKLAND
Planning and Building Department
123 5th Avenue, Kirkland, WA 98033
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MEMORANDUM

To: Kurt Triplett, City Manager

From: Dorian Collins, Senior Planner
Eric Shields, Director

Date: June 16, 2016

Subject: CORRECTION OF SCRIVENER'S ERRORS IN TL 1A ZONING REGULATIONS (FILE CAM16-00488)

RECOMMENDATION

It is recommended that the City Council approve the attached ordinance correcting certain scrivener's or clerical errors in Ordinance O-4495, passed on December 8, 2015.

By taking action on this memo during approval of the Consent Calendar the City Council is approving the ordinance.

BACKGROUND DISCUSSION

Following the passage of Ordinance O-4495 at the December 8, 2015 City Council meeting, it was discovered that the Ordinance incorrectly included text from an earlier draft of amendments to the TL 1A zone regulations and did not reflect the version of the amendments recommended by the Planning Commission. In consultation with the City Attorney's office it was determined that this constituted a scrivener's error that could be corrected by an ordinance revision, as now proposed by Ordinance O-4522.

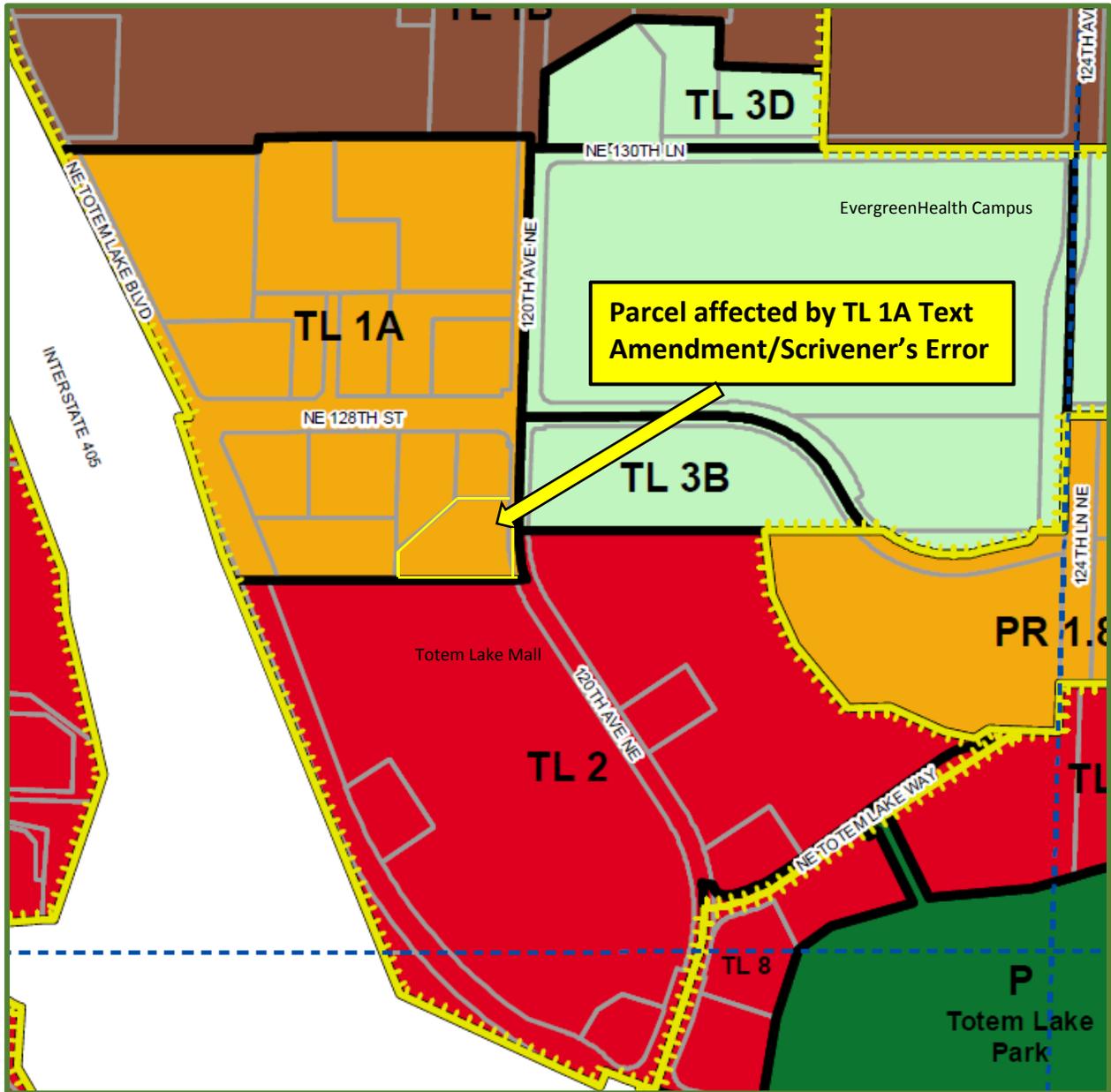
The amendments to the TL-1 zoning regulations were intended to add clarity regarding limitations for vehicle access from a single piece of property that was rezoned TL-1A from TL-2 (the zone that is mostly occupied by the Village at Totem Lake). The property in question has a parking and access easement across the VTL property and this became an issue of dispute between the owner of the rezoned property and VTL. To facilitate a resolution of the dispute, staff agreed to add an additional clause to the revised text, which allows the Public Works Director to approve a future yet to be determined alternative access to the subject property. Based in part on the anticipated correction of the scrivener's error, the dispute is now resolved.

In proposed Ordinance O-4522, deletions are shown with strikethrough text and corrective text is depicted with underscored text. Exhibit 1 contains a map indicating the area affected by the revisions.

Attachments:

Exhibit 1 - Map

cc: CAM16-00488



ORDINANCE O-4522

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LAND USE AND ZONING AND AMENDING AND CORRECTING AN ERROR IN KIRKLAND ZONING CODE SECTION 55.07 WITH RESPECT TO ZONING REGULATIONS IN THE TL 1A ZONE.

1 WHEREAS, on December 8, 2015, the Kirkland City Council
2 adopted Ordinance No. 4495 relating to land use regulations and
3 Comprehensive Plan provisions for the Totem Lake neighborhood; and
4

5 WHEREAS, Ordinance No. 4495 contained an error with respect
6 to amendments to Kirkland Zoning Code ("KZC") Section 55.07.7; and
7

8 WHEREAS, the City Council would like to correct and clarify the
9 language of KZC Section 55.07.7.

10 NOW, THEREFORE, the City Council of the City of Kirkland
11 ordains as follows:
12

13 Section 1. Kirkland Zoning Code Section 55.07 is hereby
14 amended to read as follows:
15

16 Section 55.07 – GENERAL REGULATIONS
17

- 18
- 19 1. Refer to Chapter 1 KZC to determine what other provision of this
20 code may apply to the subject property.
 - 21 2. All ground floor uses shall be a minimum of 13 feet in height. This
22 regulation does not apply to parking garages or property with no
23 frontage on NE 128th Street.
 - 24 3. In addition to the height exceptions established by KZC 115.60, the
25 following exceptions to height regulations in TL zones are established:
 - 26 a. Decorative parapets may exceed the height limit by a maximum
27 of four feet; provided, that the average height of the parapet around
28 the perimeter of the structure shall not exceed two feet.
 - 29 b. For structures with a peaked roof, the peak may extend eight
30 feet above the height limit if the slope of the roof is equal to or
31 greater than four feet vertical to 12 feet horizontal.
 - 32 4. The minimum required front yard is 10 feet, unless otherwise
33 prescribed in the use zone chart. Ground floor canopies and similar entry
34 features may encroach into the front yard, provided the total horizontal
35 dimension of such elements may not exceed 25 percent of the length of
36 the structure. No parking, other than underground parking, may
37 encroach into the required 10-foot front yard.
 - 38 5. The ability to accommodate new development in the TL 1A zone is
39 dependent upon the construction of two new streets: 119th Avenue NE,
40 between NE 128th Street and NE 130th Place, and NE 130th Place,
41 between 120th Avenue NE and Totem Lake Boulevard NE, as shown on
42 Plate 34A. Consistent with and to the extent authorized by applicable
43 statutes and court decisions, new development on properties across

44 which these streets in whole or in part extend shall contribute to the
45 creation of the streets as follows:

46 a. With all new development, the portions of these streets crossing
47 the subject property shall be dedicated as public right-of-way
48 consistent with Plate 34A; and

49 b. With all new development exceeding 30 feet in height, the streets
50 shall be improved consistent with Plate 34A.

51 Minor deviations in the location and width of the streets may be
52 approved by the Public Works Director if the deviations will not
53 negatively affect the functioning of the streets.

54 6. Properties located between TL 2 and NE 128th Street may be
55 required to provide a pedestrian connection between TL 2 and NE 128th
56 Street.

57 7. On the parcel located at the southeast corner of this zone (Tax Parcel
58 No. 6928400025), building height may not exceed 30 feet above
59 average building elevation unless:

60 a. Vehicular access is consolidated with a driveway on property to the
61 south, west or north of the subject parcel; or

62 b. Alternative access to the subject parcel is provided at a location
63 approved by the Public Works Department; or

64 c. Vehicular trip generation onto 120th Ave. NE does not exceed 2015
65 levels.

66 ~~Land located at the southeast corner of this zone (Parcel 692840-0025)~~
67 ~~is subject to the following:~~

68 ~~a.—Vehicular access for development over 30 feet in height must be~~
69 ~~provided from the north or west.~~

70 ~~b.—Maximum building height may not exceed 65 feet above average~~
71 ~~building elevation.~~

72
73 Section 2. This ordinance shall be in force and effect five days
74 from and after its passage by the Kirkland City Council and publication,
75 as required by law.

76
77 Passed by majority vote of the Kirkland City Council in open
78 meeting this ____ day of _____, 2016.

79
80 Signed in authentication thereof this ____ day of
81 _____, 2016.

MAYOR

Attest:

City Clerk

Approved as to Form:

City Attorney