



**CITY OF KIRKLAND**  
**Planning and Community Development Department**  
**123 Fifth Avenue, Kirkland, WA 98033**  
**425.587-3225 - [www.kirklandwa.gov](http://www.kirklandwa.gov)**

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**MEMORANDUM**

**To:** Kurt Triplett, City Manager  
**From:** Eric Shields, Planning Director  
**Date:** November 30, 2011  
**Subject:** Zoning Code Amendments for the Light Industrial Zones

**RECOMMENDATION**

Adopt the attached ordinance providing that a public hearing on proposed amendments to the Light Industrial Technology (LIT) and Planned Area 6G (PLA 6G) Zones be conducted by the City Council, rather than the Planning Commission.

**BACKGROUND DISCUSSION**

Attached is a letter submitted by Andy Loos of SRM Development requesting that the City Council consider two amendments to the LIT and PLA 6G zoning regulations. Mr. Loos asks that processing of the amendments be expedited by having the public hearing held directly by the City Council. Under the Kirkland Zoning Code, the normal review process would be for the Planning Commission to hold the hearing and provide a recommendation to the Council. Mr. Loos's letter indicates that the amendments will help to keep an existing business in Kirkland and may allow the business to expand.

Mr. Loos's proposal was reviewed by the Economic Development Committee on November 28, 2011, at which time the committee members present recommended having the City Council proceed with holding a public hearing on the proposed amendments.

Should the Council agree to Mr. Loos's request, it may do so by adopting the attached ordinance. In such an event, staff anticipates that a hearing before the Council could be scheduled as early as January 17, 2012. The Growth Management Act requires that notice of revisions to any zoning regulations be provided to the Department of Commerce 60 days prior to adoption. To preserve the opportunity for the earliest possible adoption, staff will send notice to the Department of Commerce no later than December 9, 2012. This will in no way bind Council decisions on the processing or final content of the amendments, but will allow adoption as early as February 7, 2012 if Council so chooses.

The following two amendments to the LIT and PLA 6G zones are requested by Mr. Loos:

1. Eliminate the two story height restriction. Currently, LIT and PLA 6G regulations limit building height to both 35 feet above average building elevation and two stories exclusive of parking levels. Mr. Loos's proposal would not change the 35' height limit,

but would allow more than two stories within the 35' building envelope.

2. Eliminate further height restriction adjoining low density zones containing institutional uses. The LIT and PLA 6G regulations further limit building height to 25' within 100' of a low density zone. This restriction was adopted to limit the scale of development near single family neighborhoods. A portion of the PLA 6G zone is adjacent to a low density zone containing Lakeview Elementary School and no single family dwellings. The proposed amendment would remove the 25' height restriction adjoining institutional uses, thereby allowing taller (35') buildings next to Lakeview Elementary School. There appears to be no other case where the LIT or PLA 6G zones adjoin an institutional use. A similar exemption from the 25' height restriction is already provided in the Professional Office Residential zones (PR and PRA).

Attached is a copy of a portion of the Kirkland Zoning Map showing LIT and PLA 6G zones in a light blue color. The map shows the full extent of the LIT and PLA 6G zones. Also attached are the zoning charts for the LIT and PLA 6G zones showing potential the amendments.

The Economic Development Element of the Comprehensive Plan has numerous goals and policies that generally support the Zoning Code Amendments requested by Mr. Loos. Below are four policies which are of particular relevance.

- Policy ED-2.3 *Foster a culture of creativity and innovation.*
- Policy ED-2.4 *Consider the economic effects on businesses and the economic benefits to the community when making land use decisions.*
- Policy ED 3.3 *Encourage infill and redevelopment of existing commercial areas consistent with the role of each commercial area.*
- Policy ED 4.1 *Enhance the competitive advantage for Kirkland businesses.*

In addition, a 2005 report titled "Kirkland Industrial Zoning" prepared by URBANADVISORS Ltd included the following conclusion:

*The trends indicate...that an emphasis should be placed on the creation of higher density employment space for financial, insurance, real estate, services and "tech" uses that can employ higher wage local residents of Kirkland and can afford the land and development costs for higher density.*

Attachments:

1. Letter from Andy Loos
2. Map of areas zoned LIT and PLA 6G
3. LIT & PLA 6G zoning charts

December 2, 2011

Kirkland City Council  
City of Kirkland  
City Hall, 123 5<sup>th</sup> Avenue  
Kirkland, WA 98033-6189

RE: Code Amendments

Dear City Council:

As the owner of property in the LIT zone of Kirkland and the prospective purchaser of properties in the LIT zone of Kirkland we have come across some issues relating to development in the LIT zones.

It is our understanding that the City of Kirkland Comprehensive Plan outlines goals to strengthen the job and wage base in Kirkland and to provide an increased tax base for the City of Kirkland economy.

We are currently in discussions with our existing tenant at 777 6<sup>th</sup> Street South to expand their operations in Kirkland. In order to do this we have explored the development potential of other Light Industrial Zoned properties in the vicinity that could meet the future needs of our tenant. The ability to provide enough space to accommodate their growth could be a critical factor in their decision to remain in the current location as well as any future locations in Kirkland. This decision will be made within the next two-three months.

This places an urgent need on us to try to accommodate their development goals in a timely manner.

The report titled, "Pathway to Kirkland's Economic Future", prepared by TIP Strategies outlined several economic strategies to promote economic growth in Kirkland. The strategies to support economic development include:

1. Strengthening the relationship to technology industries and professional services.
2. Integrating planning and zoning issues with the needs of business and developers.
3. Based upon current trends, emphasizing creation of higher density employment space for professional and technology uses.

Actions to support these goals and policies would include increasing building heights for office and technology uses and to reduce setbacks for office and technology uses.

We are requesting that the City of Kirkland review the current code regarding number of stories in the LIT and PLA 6G zone and the setback requirements in the PLA 6G zone from an institution in a low density zone.

Attachment 1

### **Height Limits**

The height limit in the LIT and PLA 6G zone is defined in terms of feet above average grade- 35', as well as stories- two stories. As indicated above, the Comprehensive Plan provides for additional density in light industrial zones to encourage future office and high-technology development. The inclusion of the "two-story" language limits the flexibility for development. We are requesting that the "two-story" provision in the code be removed but that the 35' height remain.

### **Setback Requirements**

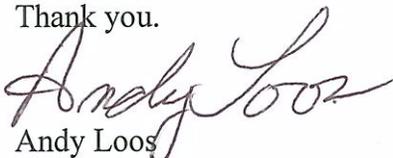
In our specific case our PLA 6G zone is adjacent to a school in a low density zone. The PLA 6G zone mandates a 100' setback in order to build to the full 35' height limit. We believe there are two reasons that the 100' setback is inappropriate in this case:

1. It is reasonable to expect greater setback requirements in light industrial zones when the use is in fact light industrial. However, when the use is professional office or technology it would seem logical that the setbacks would be reduced since the impacts of an office use would be less than the potential impacts from an industrial use. Our use will be technology/office.
2. The school as an institution should not be considered a low-density use while an apartment next door is considered a medium-density use.

The end result of these amendments would not alter the height of any structures nor the context of a development. Our preliminary concepts are similar in design to the existing campus which would include extensive open spaces and buffer to adjacent properties. In addition we would anticipate right-of-way improvements to existing streets.

These minor code amendments could have a significant impact on the economic development of Kirkland and we encourage the City of Kirkland to approve them.

Thank you.



Andy Loos  
SRM Development  
520 6<sup>th</sup> Street South Ste. A  
Kirkland, WA 98033



**Chapter 48 – LIGHT INDUSTRIAL TECHNOLOGY (LIT) ZONES**

**48.05** User Guide. The charts in KZC 48.15 contain the basic zoning regulations that apply in the LIT zones 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 48.10**


Zone  
LIT

**Section 48.10 – 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 provision of this code may apply to the subject property.
2. 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 20 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 Hazardous Waste Treatment and Storage Facilities uses).
3. Except if adjoining a low density zone, structure height may be increased above 35 feet in height through a Process IIA, Chapter 150 KZC, if:
  - a. It will not block local or territorial views designated in the Comprehensive Plan;
  - b. The increased height is not specifically inconsistent with the applicable neighborhood plan provisions of the Comprehensive Plan; and
  - c. The required yard of any portion of the structure may be increased up to a maximum of one foot for each foot that any portion of the structure exceeds 35 feet above average building elevation. The need for additional setback yards will be determined as part of the review of any request to increase structure height.

(Does not apply to Hazardous Waste Treatment and Storage Facilities and Public Parks uses).
4. If the property is located in the NE 85th Street Subarea, the applicant shall install a through-block pedestrian pathway to connect an east-west pathway designated in the Comprehensive Plan between 124th Avenue NE and 120th Avenue NE pursuant to the through-block pathway standards in KZC 105.19(3) (See Plate 34K).
5. Retail uses are prohibited unless otherwise allowed in the use zone charts.

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 48.15	USE ⇓ REGULATIONS ⇓	Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.010	Packaging of Prepared Materials Manufacturing See Spec. Regs. 1 and 2.	Within the NE 85th Street Subarea, D.R., Chapter 142 KZC. Otherwise, none.	None	20'	0'	0'	90%	If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 35' above average building elevation <del>with a maximum of two stories, exclusive of parking levels.</del>	A	C	1 per each 1,000 sq. ft. of gross floor area.	1. The following manufacturing uses are permitted: <ol style="list-style-type: none"> <li>Food, drugs, stone, clay, glass, china, ceramics products, electrical equipment, scientific or photographic equipment, fabricated metal products;</li> <li>Fabricated metal products, but not fabrication of major structural steel forms, heavy metal processes, boiler making, or similar activities;</li> <li>Cold mix process only of soap, detergents, cleaning preparations, perfumes, cosmetics, or other toilet preparations;</li> <li>Packaging of prepared materials;</li> <li>Textile, leather, wood, paper and plastic products from pre-prepared material; and</li> <li>Other compatible uses which may involve manufacturing, processing, assembling, fabrication and handling of products, and research and technological processes.</li> </ol> 2. May include as part of this use, accessory retail sales, office or service utilizing not more than 20 percent of the gross floor area. The landscaping and parking requirements for these accessory uses will be the same as for the primary use.
.020	A Retail Establishment providing storage services									E	See KZC 105.25.	1. May include accessory living facilities for resident security manager.
.030	Warehouse Storage Service									C	1 per each 1,000 sq. ft. of gross floor area.	1. May include, as part of this use, accessory retail sales, office or service utilizing no more than 20 percent of the gross floor area. The landscaping and parking requirements for these accessory uses will be the same as for the primary use.
.040	Wholesale Trade											
.050	Industrial Laundry Facility											
.060	Wholesale Printing or Publishing											

(does not apply to institutional uses in low density zones)  
(See Ch. 105)

Section 48.15

Zone  
LIT

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS													
Section 48.15	USE ↓ REGULATIONS ↑	Required Review Process	MINIMUMS			MAXIMUMS		Lot Coverage	Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)									
				Front	Side	Rear							
.070	Wholesale Establishment or Contracting Services in Building Construction, Plumbing, Electrical, Landscaping, or Pest Control	Within the NE 85th Street Subarea, D.R., Chapter 142 KZC. Otherwise, none.	None	20'	0'	0'	80%	If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 35' above average building elevation <del>with a maximum of two stories, exclusive of parking levels.</del>	B	E	1 per each 1,000 sq. ft. of gross floor area.	1. Outdoor storage for this use must be buffered as established in Chapter 95 KZC for Landscape Category A.	
.075	A Retail Establishment providing rental services												
.080	A Retail Establishment providing banking and related financial services										1 per each 300 sq. ft. of gross floor area.		1. This use is permitted if accessory to a primary use, and: a. It will not exceed 20 percent of the gross floor area of the building; b. The use is integrated into the design of the building; and c. There is no vehicle drive-in or drive-through.
.090	High Technology										A		D

(does not apply to institutional uses in low density zones)

Section 48.15	USE ↓ REGULATIONS ↑	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulation (See also General Regu	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
			Front	Side	Rear							
.100	Office Use	Within the NE 85th Street Subarea, D.R., Chapter 142 KZC. Otherwise, none.	None	20'	0'	0'	70%	35' above average building elevation <del>with a maximum of two stories, exclusive of parking levels</del> except as specified in Spec. Reg. 2.	C See also Spec. Reg. 1a.	E	If a medical, dental, or veterinary office, then 1 per each 200 sq. ft. of gross floor area. Otherwise, 1 per each 300 sq. ft. of gross floor area.	1. The following regulations apply only to veterinary offices: a. If there are outdoor runs or other outdoor facilities for the animals, then use must comply with Landscape Category A. b. Outside runs and other outside facilities for the animals must be set back at least 10 feet from each property line and must be surrounded by a fence or wall sufficient to enclose the animals. See KZC 115.105, Outdoor Use, Activity and Storage, for further regulations. 2. a. If adjoining a low density zone other than RSX, then 25 feet above average building elevation; and b. In the Norkirk Neighborhood, south of 7th Avenue and west of 8th Street, maximum height is 40 feet above average building elevation, <del>with no limit on number of stories.</del>
.110	Auction House See Spec. Reg. 1.	Within the NE 85th Street Subarea, D.R., Chapter 142 KZC. Otherwise, none.	None	20'	0'	0'	80%	If adjoining a low density zone other than RSX, then 25' above average building elevation.	B	E	1 per each 300 sq. ft. of gross floor area.	1. Livestock auctions are not permitted. 2. Outdoor storage for this use must be buffered as established in Chapter 95 KZC for Landscaping Category A.
.120	Kennel	Within the NE 85th Street Subarea, D.R., Chapter 142 KZC. Otherwise, none.	None	20'	0'	0'	80%	Otherwise, 35' above average building elevation <del>with a maximum of two stories, exclusive of parking levels.</del>				1. Outside runs and other facilities for the animals must be set back at least 10 feet from each property line and must be surrounded by a fence or wall sufficient to enclose the animals. See KZC 115.105, Outdoor Use, Activity and Storage, for further regulations. 2. Must provide suitable shelter for the animals. 3. Must maintain a clean, healthful environment for the animals.
.130	Day-Care Center See Spec. Reg. 1.	Within the NE 85th Street Subarea, D.R., Chapter 142 KZC. Otherwise, none.	None	20'	0'	0'	80%	If adjoining a low density zone other than RSX, then 25' above average building elevation.	D	B	See KZC 105.25.	1. This use is permitted if accessory to a primary use, and: a. It will not exceed 20 percent of the gross floor area of the building; b. The use is integrated into the design of the building. 2. A six-foot-high fence is required along the property lines adjacent to the outside play areas. 3. Hours of operation may be limited to reduce impacts on nearby residential uses. 4. Structured play areas must be set back from all property lines as follows: a. Twenty feet if this use can accommodate 50 or more students or children. b. Ten feet if this use can accommodate 13 to 49 students or children.

(does not apply to institutional uses in low density zones)

Section 48.15



USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS													
Section 48.15	USE ⇓ REGULATIONS ⇓	Required Review Process	MINIMUMS			MAXIMUMS		Lot Coverage	Height of Structure	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)									
				Front	Side	Rear							
.130	Day-Care Center (continued)												REGULATIONS CONTINUED FROM PREVIOUS PAGE 5. An on-site passenger loading area may 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. 6. May include accessory living facilities for staff persons. 7. The location of parking and passenger loading areas shall be designed to reduce impacts on any nearby residential uses. 8. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).
.140	Mini-Day-Care See Spec. Reg. 1.	Within the NE 85th Street Subarea, D.R., Chapter 142 KZC. Otherwise, none.	None	20'	0'	0'	80%	If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 35' above average building elevation with <del>a maximum of two stories, exclusive of parking levels.</del>	D	B	See KZC 105.25.	1. This use is permitted if accessory to a primary use, and: a. It will not exceed 20 percent of the gross floor area of the building; b. The use is integrated into the design of the building. 2. A six-foot-high fence is required along the property lines adjacent to the outside play areas. 3. To reduce impacts on nearby residential uses, hours of operation of the use may be limited and parking and passenger loading areas relocated. 4. Structured play areas must be set back from all property lines by five feet. 5. An on-site passenger loading area may be required depending on the number of attendees and the extent of the abutting right-of-way improvements. 6. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses. 7. May include accessory living facilities for staff persons. 8. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).	

(does not apply to institutional uses in low density zones)

Section 48.15	USE ↓ REGULATIONS ↑	DIRECTIONS: FIRST, read down to find use.. (does not apply to institutional uses in low density zones)										SPECIAL REGULATIONS (See also General Regulations)
		Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)		
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					
			Front	Side	Rear							
.150	Recycling Center	Within the NE 85th Street Subarea, D.R., Chapter 142 KZC. Otherwise, none.	None	20'	0'	0'	80%	If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 35' above average building elevation with <del>a maximum of two stories, exclusive of parking levels.</del>	A	C	See KZC 105.25.	1. May deal in metal cans, glass, and paper. Other materials may be recycled if the Planning Director determines that the impacts are no greater than those associated with recycling metal cans, glass, or paper. The individual will have the burden of proof in demonstrating similar impacts.  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.
.160	Public Utility								C	B		
.170	Government Facility Community Facility								See Spec. Reg. 1.			
.180	Hazardous Waste Treatment and Storage Facilities	Within the NE 85th Street Subarea, D.R., Chapter 142 KZC. Otherwise, none.	None	30'	0'	0'	90%	35' above average building elevation with <del>a maximum of two stories, exclusive of parking levels.</del> See Spec. Reg. 2.	A	C	1 per each 1,000 sq. ft. of gross floor area.	1. Must comply with the state siting criteria adopted in accordance with RCW 70.105.210. 2. Structure height may be increased above 35 feet in height through a Process IIA, Chapter 150 KZC, if: a. It will not block local or territorial views designated in the Comprehensive Plan; and b. The increased height is not specifically inconsistent with the applicable neighborhood plan provisions of the Comprehensive Plan; and c. The need for an increase in height is directly related to the hazardous waste treatment and/or storage activity; and d. The required yard of any portion of the structure may be increased up to a maximum of one foot for each foot that any portion of the structure exceeds 35 feet above average building elevation. The need for additional setback yards will be determined as part of the review of any request to increase structure height.
.190	Vehicle or Boat Repair, Services, Storage, or Washing								E	See KZC 105.25.		

Section 48.15



USE ZONE CHART

Section 48.15	USE ↓ REGULATIONS ↓	DIRECTIONS: FIRST, then, across for REGULATIONS										
		Required Review Process	Lot Size	MINIMUMS REQUIRED YARDS (See Ch. 115)			Lot Coverage	MAXIMUMS Height of Structure	Landscaping Category (See Ch. 105)	Sign Category (See Ch. 105)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				Front	Side	Rear						
.195	Automobile Sales	Process I, Chapter 145 KZC	None	20'	0'	0'	80%	If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 35' above average building elevation <del>with a maximum of two stories, exclusive of parking levels.</del>	A	C See Spec. Reg. 7.	See KZC 105.25.	<ol style="list-style-type: none"> <li>1. This use is permitted only on properties that adjoin 8th Street or 7th Avenue in the Norkirk Neighborhood.</li> <li>2. Outdoor automobile sales, storage, and display are not permitted.</li> <li>3. Outdoor sound systems are not permitted.</li> <li>4. Outdoor balloons, streamers, and inflatable objects are not permitted.</li> <li>5. Test drives must be accompanied by an employee through the LIT zone and limited to 8th Street, 7th Avenue, and either 6th Street or 114th Avenue NE enroute to Central Way/NE 85th Street.</li> <li>6. Hours of operation are limited to 7:00 a.m. to 8:00 p.m.</li> <li>7. Cabinet signs are not permitted.</li> <li>8. This use primarily entails the sale of alternative fuel vehicles such as biodiesel, ethanol, and electric vehicles.</li> </ol>
.200	Restaurant See Spec. Reg. 1.	Within the NE 85th Street Subarea, D.R., Chapter 142 KZC. Otherwise, none.							B	E	1 per each 100 sq. ft. of gross floor area.	<ol style="list-style-type: none"> <li>1. This use is permitted if accessory to a primary use, and:                             <ol style="list-style-type: none"> <li>a. It will not exceed 20 percent of the gross floor area of the building;</li> <li>b. The use is integrated into the design of the building; and</li> <li>c. There is no vehicle drive-in or drive-through.</li> </ol> </li> </ol>
.210	Public Park	Development standards will be determined on case-by-case basis. See Chapter 49 KZC for required review process.										

(does not apply to institutional uses in low density zones)

**60.84** User Guide. The charts in KZC 60.87 contain the basic zoning regulations that apply in Planned Area 6G, including sub-zones. 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 60.85**

Zone  
PLA6G

**Section 60.85 – 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 provision of this code may apply to the subject property.
2. Developments creating four or more new dwelling units shall provide at least 10 percent of the units as affordable housing units as defined in Chapter 5 KZC. Two additional units may be constructed for each affordable housing unit provided. In such cases, the minimum lot size listed in the Use Regulations shall be used to establish the base number of units allowed on the site, but shall not limit the size of individual lots. See Chapter 112 KZC for additional affordable housing incentives and requirements.
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 20 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, Attached or Stacked Dwelling Units).
4. The required yard of any portion of the structure must be increased one foot for each foot that any portion of the structure exceeds 25 feet above average building elevation (does not apply to Detached, Attached or Stacked Dwelling Units, Assisted Living Facility and Public Park uses).
5. Except if adjoining a low density zone, structure height may be increased above 35 feet in height through a Process IIA, Chapter 150 KZC, if:
  - a. It will not block local or territorial views designated in the Comprehensive Plan;
  - b. The increased height is not specifically inconsistent with the applicable neighborhood plan provisions of the Comprehensive Plan; and
  - c. The need for additional setback yards to compensate for the added height and bulk will be determined as part of the review of any request to increase structure height.
 (Does not apply to Detached, Attached or Stacked Dwelling Units, Assisted Living Facility and Public Park uses).
6. All vehicular access shall be from the east. The site access shall be configured to structurally prevent the use of 7th Avenue South or other residential streets (does not apply to Detached, Attached or Stacked Dwelling Units, Assisted Living Facility and Public Park uses).

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS													
Section 60.87	USE ↓ REGULATIONS ↑	Required Review Process	MINIMUMS			MAXIMUMS		Lot Coverage	Height of Structure (See Ch. 105)	Use District (See Ch. 105)	Special Regulations (See also General Regulations)		
			Lot Size	REQUIRED YARD (See Ch. 115)									
				Front	Side	Rear							
.010	Manufacturing See Special Regulation 1.	None	None	20'	0'	0'	90%	If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 35' above average building elevation with a maximum of two stories, exclusive of parking levels.	A	C	1 per each 1,000 sq. ft. of gross floor area.	<ol style="list-style-type: none"> <li>The following manufacturing uses are permitted:                             <ol style="list-style-type: none"> <li>Food, drugs, stone, clay, glass, china, ceramic products, electrical equipment, scientific or photographic equipment, fabricated metal products;</li> <li>Fabricated metal products, but not fabrication of major structural steel forms, heavy metal processes, boiler making, or similar activities;</li> <li>Cold mix process only of soap, detergents, cleaning preparations, perfumes, cosmetics, or other toilet preparations;</li> <li>Packaging of prepared materials;</li> <li>Textile, leather, wood, paper and plastic products from pre-prepared material; and</li> <li>Other compatible uses which may involve manufacturing, processing, assembling, fabrication and handling of products, and research and technological processes.</li> </ol> </li> <li>Prior to issuance of a development permit, documentation must be provided and stamped by a licensed professional verifying that the expected noise to be emanating from the site adjoining to any residential zoned property complies with the standards set forth in WAC 173-60-040(1) for a Class B source property and a Class A receiving property.</li> <li>Outdoor storage and fabrication is not permitted.</li> <li>May include as part of this use accessory wholesale, office or retail trade utilizing not more than 20 percent of the gross floor area. The landscaping and parking requirements for these accessory uses will be the same as for the primary use.</li> <li>Use shall not create noise, glare, light, dust, fumes, and other adverse conditions which disrupt the residential character of the surrounding area.</li> <li>Site and building design shall be complementary with surrounding residential, through use of design elements such as roof forms, building modulation, setbacks, and landscaping. The City may require revision of the building design, site plan or landscaping plan in order to minimize noise and enhance the visual character of the area.</li> <li>The Planning Director may allow incidental visitor parking to access from 7th Avenue South; provided, that the applicant can demonstrate that the visitor parking will not adversely affect the residential character of the neighborhood, the parking will not be used by delivery vehicles, and the design precludes expanded use of this parking.</li> </ol>	
.020	Warehouse Storage Service												
.030	Wholesale Trade												
.040	Industrial Laundry Facility												
.050	Wholesale Printing and Publishing												
.060	Wholesale Establishment or Contracting Services in Building Construction, Plumbing, Electrical, Landscaping, or Pest Control												

(does not apply to institutional uses in low density zones)

Section 60.87

Zone  
PLA6G

USE ZONE CHART

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

Section 60.87	USE ↓ REGULATIONS ↑	Required Review Process	MINIMUMS			MAXIMUMS		Special Regulations (See also General Regulations)				
			Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage		Height of Structure (See Ch. 105)			
				Front	Side	Rear						
.070	Retail Establishment Providing Storage Services. See also Special Regulation 1.	None	None	20'	0'	0'	80%	If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 35' above average building elevation with a maximum of two stories, exclusive of parking levels.	A	E	See KZC 105.25.	<ol style="list-style-type: none"> <li>May include accessory living facilities for resident security manager.</li> <li>Site and building design shall be complementary with surrounding residential, through use of design elements such as roof forms, building modulation, setbacks, and landscaping. The City may require revision of the building design, site plan or landscaping plan in order to minimize noise and enhance the visual character of the area.</li> <li>The Planning Director may allow incidental visitor parking to access from 7th Avenue South; provided, that the applicant can demonstrate that the visitor parking will not adversely affect the residential character of the neighborhood, the parking will not be used by delivery vehicles, and the design precludes expanded use of this parking.</li> </ol>
.080	High Technology									D	If manufacturing then 1 per each 1,000 sq. ft. of gross floor area. If office then 1 per 300 sq. ft. of gross floor area. Otherwise, See KZC 105.25.	<ol style="list-style-type: none"> <li>This use may include research and development, testing, assembly, repair or manufacturing or offices that support businesses involved in the pharmaceutical and biotechnology, communications and information technology, electronics and instrumentation, computers and software sectors.</li> <li>Prior to issuance of a development permit, documentation must be provided and stamped by a licensed professional verifying that the expected noise to be emanating from the site adjoining any residentially zoned property complies with the standards set forth in WAC 173-60-040(1) for a Class B source property and a Class A receiving property.</li> <li>Refer to KZC 105.115 for provisions regarding Outside Use, Activity and Storage.</li> <li>The Planning Director may allow incidental visitor parking to access from 7th Avenue South; provided, that the applicant can demonstrate that the visitor parking will not adversely affect the residential character of the neighborhood, the parking will not be used by delivery vehicles, and the design precludes expanded use of this parking.</li> <li>Use shall not create noise, glare, light, dust, fumes, and other adverse conditions which disrupt the residential character of the surrounding area.</li> <li>Site and building design shall be complementary with surrounding residential, through use of design elements such as roof forms, building modulation, setbacks, and landscaping. The City may require revision of the building design, site plan or landscaping plan in order to minimize noise and enhance the visual character of the area.</li> </ol>

(does not apply to institutional uses in low density zones)

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS													
Section 60.87	USE ↓ REGULATIONS ↓	Required Review Process	MINIMUMS			MAXIMUMS		Lot Coverage	Height of Structure	C See Spec. Reg. 5.	D	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage						Height of Structure
				Front	Side	Rear							
.090	Office Use	None	None	20'	0'	0'	70%	If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 35' above average building elevation with a maximum of two stories, exclusive of parking levels.			<p>If a Medical, Dental, or Veterinary office, then 1 per each 200 sq. ft. of gross floor area. Otherwise, 1 per each 300 sq. ft. of gross floor area.</p> <ol style="list-style-type: none"> <li>The Planning Director may allow incidental visitor parking to access from 7th Avenue South; provided, that the applicant can demonstrate that the visitor parking will not adversely affect the residential character of the neighborhood, the parking will not be used by delivery vehicles, and the design precludes expanded use of this parking.</li> <li>Use shall not create noise, glare, light, dust, fumes, and other adverse conditions which disrupt the residential character of the surrounding area.</li> <li>Site and building design shall be complementary with surrounding residential, through use of design elements such as roof forms, building modulation, setbacks, and landscaping. The City may require revision of the building design, site plan or landscaping plan in order to minimize noise and enhance the visual character of the area.</li> <li>Prior to issuance of a development permit, documentation must be provided and stamped by a licensed professional verifying that the expected noise to be emanating from the site adjoining any residentially zoned property complies with the standards set forth in WAC 173-60-040(1) for a Class B source property and a Class A receiving property.</li> <li>The following regulations apply only to veterinary offices:                             <ol style="list-style-type: none"> <li>If there are outdoor runs or other facilities for the animals, then use must comply with Landscape Category A.</li> <li>Outside runs and other outside facilities for the animals must be setback at least 10 feet from each property line and must be surrounded by a fence by a fence or wall sufficient to enclose the animals. See KZC 115.105, Outdoor Use, Activity and Storage, for further regulations.</li> </ol> </li> </ol>		

(does not apply to institutional uses in low density zones)

Section 60.87

Zone  
PLA6G

USE ZONE CHART

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

Section 60.87	USE ↓ REGULATIONS ↓	Required Review Process	MINIMUMS			MAXIMUMS		Special Regulations (See also General Regulations)				
			Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage		Height of Structure (See Ch. 105)			
				Front	Side	Rear						
.100	Day-Care Center See Special Regulation 7.	None	None	20'	0'	0'	80%	If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 35' above average building elevation with a maximum of two stories, exclusive of parking levels.	D	B	See KZC 105.25.	<ol style="list-style-type: none"> <li>1. A six-foot-high fence is required along the property lines adjacent to the outside play areas.</li> <li>2. Hours of operation may be limited to reduce impacts on nearby residential uses.</li> <li>3. Structured play areas must be setback from all property lines as follows:                             <ol style="list-style-type: none"> <li>a. 20 feet if this use can accommodate 50 or more students or children.</li> <li>b. 10 feet if this use can accommodate 13 to 49 students or children.</li> </ol> </li> <li>4. An on-site passenger loading area must be provided if this use can accommodate five or more children. 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.</li> <li>5. May include accessory living facilities for staff persons.</li> <li>6. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).</li> <li>7. This use is permitted if accessory to a primary use, and:                             <ol style="list-style-type: none"> <li>a. It will not exceed 20 percent of the gross floor area of the building; and</li> <li>b. The use is integrated into the design of the building.</li> </ol> </li> </ol>
.110	Mini-Day-Care See Special Regulation 8.			30'					E			<ol style="list-style-type: none"> <li>1. A six-foot-high fence is required along the property lines adjacent to the outside play area.</li> <li>2. Hours of operation may be limited by the City to reduce impacts in nearby residential uses.</li> <li>3. Structured play areas must be setback from all property lines by five feet.</li> <li>4. An on-site passenger loading area may be required depending on the number of attendees and the extent of the abutting right-of-way improvements.</li> <li>5. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses.</li> <li>6. May include accessory living facilities for staff persons.</li> <li>7. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).</li> <li>8. This use is permitted if accessory to a primary use, and:                             <ol style="list-style-type: none"> <li>a. It will not exceed 20 percent of the gross floor area of the building; and</li> <li>b. The use is integrated into the design of the building.</li> </ol> </li> </ol>

(does not apply to institutional uses in low density zones)

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS											
Section 60.87	USE ↓ REGULATIONS ↑	Required Review Process	MINIMUMS			MAXIMUMS		Lot Coverage	Height of Structure	Density (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARD (See Ch. 115)							
				Front	Side	Rear					
.120	Assisted Living Facility	None	3,600 sq. ft.	20'	5', but 2 side yards must equal at least 15'	10'	60%	If adjoining a low density zone other than RSX, then 25' above average building elevation. <del>Otherwise, 35' above average building elevation.</del>	D A	1.7 per independent unit. 1 per assisted living unit.	<ol style="list-style-type: none"> <li>1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility.</li> <li>2. For density purposes, two assisted living units shall constitute one dwelling unit. Total dwelling units may not exceed the number of stacked dwelling units allowed on the subject property. Through Process IIB, Chapter 152 KZC, up to 1 1/2 times the number of stacked dwelling units allowed on the subject property may be approved if the following criteria are met:                             <ol style="list-style-type: none"> <li>a. Project is of superior design, and</li> <li>b. Project will not create impacts that are substantially different than would be created by a permitted multifamily development.</li> </ol> </li> <li>3. A nursing home use may be permitted as part of an assisted living facility use in order to provide a continuum of care for residents. If a nursing home use is included, the following parking standards shall apply to the nursing home portion of the facility:                             <ol style="list-style-type: none"> <li>a. One parking stall shall be provided for each bed.</li> </ol> </li> <li>4. The assisted living facility shall provide usable recreational space of at least 100 square feet per unit, in the aggregate, for both assisted living units and independent dwelling units, with a minimum of 50 square feet of usable recreational space per unit located outside.</li> <li>5. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use.</li> <li>6. Site design must provide for a bicycle and pedestrian path connection to Lakeview Elementary School and be available for public use.</li> <li>7. All vehicular access shall be from 7th Avenue So. Access from 5th Place South is prohibited.</li> <li>8. This use is permitted south of 7th Avenue South and only if the entire PLA 6G zone south of 7th Avenue South is included.</li> </ol>

(does not apply to institutional uses in low density zones)

Section 60.87

Zone  
PLA6G

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 60.87	USE ↓ REGULATIONS ↑	Required Review Process	MINIMUMS			MAXIMUMS		Lot Coverage	Height of Structure	Density (per 100)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.130	Detached, Attached or Stacked Dwelling Units. See Special Regulation 6.	None	3,600 sq. ft. per dwelling unit	20'	5' for detached units. For attached or stacked units, 5', but 2 side yards must equal at least 15'. See Spec. Reg. 7.	10' See Spec. Reg. 8.	60%	If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 30' above average building elevation. See Spec. Reg. 9.	D	A	1.7 per unit.	<ol style="list-style-type: none"> <li>Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use.</li> <li>Chapter 115 KZC contains regulations regarding common recreational space requirements for this use.</li> <li>If any portion of a structure is adjoining a low density zone, then either:                             <ol style="list-style-type: none"> <li>The height of that portion of the structure shall not exceed 15 feet above average building elevation, or</li> <li>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.</li> </ol> </li> <li>Site design must provide for a bicycle and pedestrian path connection to Lakeview Elementary School and be available for public use.</li> <li>All vehicular access shall be from 7th Avenue South. Access from 5th Place South is prohibited.</li> <li>This use is only permitted south of 7th Avenue South and only if the entire PLA6G zone south of 7th Avenue South is included.</li> <li>The side yard may be reduced to zero feet if the side of the dwelling unit is attached to a dwelling unit on an adjoining lot. If one side of a dwelling unit is so attached and the opposite side is not, the side that is not attached must provide a minimum side yard of five feet.</li> <li>The rear yard may be reduced to zero feet if the rear of the dwelling unit is attached to a dwelling unit on an adjoining lot.</li> <li><del>Where the 25-foot height limitation results solely from an adjoining low density zone occupied by a school that has been allowed to increase its height to at least 30 feet, then a structure height of 30 feet above average building elevation is allowed.</del></li> </ol>

(does not apply to institutional uses in low density zones)

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 60.87	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 YARD (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.140	Public Utility	Process IIA, Chapter 150 KZC.	None	20'	0'	0'	80%	If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 35' above average building elevation, <b>exclusive of parking levels.</b>	A	B	See KZC 105.25.	<div style="border: 1px solid red; padding: 2px; color: red; font-weight: bold;">(does not apply to institutional uses in low density zones)</div>
.150	Government Facility or Community Facility							C See Spec. Reg. 1.				
.160	Public Park	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process.										

ORDINANCE O-4342

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LAND USE AND ZONING, ADOPTING INTERIM ZONING REGULATIONS FOR THE REVIEW PROCESS FOR CITY COUNCIL INITIATED AMENDMENTS TO THE ZONING CODE IN LIGHT INDUSTRIAL TECHNOLOGY (LIT) AND PLANNED AREA 6G (PLA 6G) ZONES.

WHEREAS, the City Council received a letter from the owner of property located within a Light Industrial Technology (LIT) Zone; and

WHEREAS, the letter states that the property owner is currently in discussions with its tenant in the LIT Zone about expanding the tenant's operations in the City; and

WHEREAS, the property owner is exploring the development potential for properties in the LIT and Planned Area 6G (PLA 6G) Zones that could meet the present and future needs of the tenant; and

WHEREAS, the ability to provide sufficient space to accommodate the tenant's growth could be critical to the tenant's near term decision to remain it in its current location as well as any future locations within the City; and

WHEREAS, the Economic Development Element of the Kirkland Comprehensive Plan contains numerous policies supporting economic development, including but not limited to the following:

- Policy ED-2.3, "Foster a culture of creativity and innovation."
- Policy ED-2.4, "Consider the economic effects on businesses and the economic benefit to the community when making land use decisions."
- Policy ED-3.3, "Encourage infill and redevelopment of existing commercial areas consistent with the role of each commercial area."
- Policy ED-4.1, "Enhance the competitive advantage of Kirkland businesses;" and

WHEREAS, the letter requests that the City review the current zoning regulations in the LIT and the PLA 6G Zones and consider whether Zoning Code amendments eliminating the restriction on the number of stories, while maintaining existing height limits, and eliminating the greater height restrictions adjoining institutional uses in low density zones should be adopted to encourage future high-technology development; and

WHEREAS, due to the workload of the Planning Commission and the time sensitivity created by the tenant's need to make a decision in two to three months, it would be beneficial to have the City Council conduct the review of any City Council initiated amendments to the Zoning Code without receiving a recommendation and report from the Planning Commission; and

WHEREAS, the City Council finds it in the public interest to adopt an interim zoning regulations which will enable the City Council to carefully and thoroughly review Council initiated amendments to the Zoning Code; and

WHEREAS, the City has the authority to adopt interim zoning regulations pursuant to RCW 35A.63.220 and RCW 36.70A.390;

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

Section 1. Interim Zoning Regulations. As interim zoning regulations, for amendments to the Kirkland Zoning Code initiated by the City Council for Light Industrial Technology (LIT) and Planned Area 6G (PLA 6G) Zones, the City Council shall hold a public hearing using the process described in KZC 160.40 for notice; KZC 160.45 for staff report; KZC 160.55, 160.65 and 160.70 for public hearing; and KZC 160.90 for publication and effect. The Planning Official shall notify the Planning Commission in writing about the proposed amendment to the Zoning Code at least 14 days before the public hearing.

Section 2. Duration of Interim Regulations. The interim regulations imposed by this Ordinance shall continue in effect for a period of up to one hundred eighty (180) days from the effective date of this Ordinance, unless repealed, extended, or modified by the City council.

Section 3. Public Hearing. Pursuant to RCW 35A.63.220, the City Council shall hold a public hearing on these interim regulations within sixty (60) days of its adoption, or no later than February 10, 2012, to hear and consider public comment. Following such hearing, the City Council may adopt findings of fact and may extend the interim regulations for a period of up to six (6) months. If a period of more than six months is required to complete consideration of any amendments to the Zoning Code, the Council may extend this Ordinance after any required public hearing, pursuant to RCW 35A.63.220 and RCW 36.70A.390.

Section 4. Findings of Fact. The recitals set forth on page 1 above are hereby adopted as findings of fact.

Section 5. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance, or the application of the provision to any other persons or circumstances shall not be affected.

Section 6. Effective Date. This Ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication, as required by law.

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