

**CITY OF KIRKLAND**  
123 FIFTH AVENUE, KIRKLAND, WASHINGTON 98033-6189 (425) 587-3249

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**DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT**  
**MEMORANDUM**

**To:** David Ramsay, City Manager

**From:** Dorian Collins, AICP, Senior Planner  
Paul Stewart, AICP, Deputy Director

**Date:** June 3, 2009

**Subject:** ADOPTION OF ORDINANCE 4194 AND ITS SUMMARY AMENDING THE  
KIRKLAND ZONING CODE – TL 6A  
(FILE ZONO9-00006)

**RECOMMENDATION**

Consider the recommendation from the Planning Commission and approve the enclosed ordinance amending the Zoning Code. The changes would exempt affordable housing development meeting specific standards in the TL 6A zone from restrictions on ground-floor residential use, and requirements for additional ceiling height on the ground floor of structures.

**BACKGROUND DISCUSSION**

The Planning Commission began their study of possible amendments to the TL 6A zone in March of this year, following discussions of the Council Housing Committee. The Housing Committee had become aware of the problems encountered by St. Andrews Housing Group in their efforts to seek funding for the development of affordable housing in the area. Additional information about the proposal is provided in [PC Hearing Packet](#).

The Planning Commission's recommended amendments for the TL 6A zone, revised as directed by the Planning Commission following the public hearing, appear as Attachment 1 to this memorandum.

Attachments

1. Planning Commission Recommended Amendments – TL 6A

Exhibits

- A. Planning Commission Recommendation Memo

June 10, 2009

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cc: ZON09-00006  
Planning Commission  
ARCH, [ASullivan@bellevuewa.gov](mailto:ASullivan@bellevuewa.gov) and [KNijhuis@bellevuewa.gov](mailto:KNijhuis@bellevuewa.gov)  
St. Andrews Housing Group, Eric Evans, [erice@sahg.org](mailto:erice@sahg.org)

**55.41** User Guide. The charts in KZC 55.45 contain the basic zoning regulations that apply in the TL 6A and TL 6B 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 55.43**

**Zone  
TL 6A,  
6B**

**Section 55.43 – 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. Where feasible, primary access for nonresidential uses within TL 6 shall be from 124th Avenue NE, NE 124th Street, or NE 120th Street.
3. The ground floor of all structures with frontage on a pedestrian or vehicular circulation route, or adjacent to a pedestrian-oriented space shall be a minimum of 15 feet in height. This requirement does not apply to:
  - a. The following uses: vehicle service stations, private lodges or clubs, stacked dwelling units, churches, schools, day-care centers, mini-schools or mini-day-care centers, assisted living facilities, convalescent centers or nursing homes, [residential development in TL 6A where over 80% of the total units in the development are affordable to households earning no more than 60% of King County median income](#), public utilities, government facilities or community facilities;
  - b. Parking garages;
  - c. Additions to existing nonconforming development where the Planning Official determines it is not feasible; or
  - d. Parcels located more than 500 feet north of NE 124th Street, east of 116th Avenue NE.
4. Within TL 6B, at least 50 percent of the gross floor area located on the ground floor of all structures with frontage on a pedestrian or vehicular route, or adjacent to a pedestrian-oriented space, must contain retail establishments, restaurants, taverns, hotels or motels. These uses shall be oriented to a major pedestrian sidewalk, a through block pedestrian pathway or an internal pathway (see also Chapter 105 KZC). This regulation does not apply to parcels located more than 500 feet north of NE 124th Street, east of 116th Avenue NE (see Plate 34G).
5. In addition to the height exceptions established by KZC 115.60, the following exceptions to height regulations in TL zones 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.
6. The review process for development in this zone is as follows:
  - a. In TL 6A, any development activities requiring Design Review approval pursuant to KZC 142.15 shall be reviewed administratively (ADR), pursuant to KZC 142.25. Where gross floor area of an existing building is expanded by less than 10 percent, no design review is required.

- b. In TL 6B, as set forth in Chapter 142 KZC.
  
- 7. Access for drive-through facilities must be approved by the Public Works Official. See Chapter 105 KZC for requirements.
  
- 8. Some development standards or design regulations may be modified as part of the design review process. See Chapter 92 or 142 KZC for requirements.
  
- (GENERAL REGULATIONS CONTINUED ON NEXT PAGE)
  
- (GENERAL REGULATIONS CONTINUED FROM PREVIOUS PAGE)
  
- 9. In TL 6B, development must provide a grid of internal access roads (see Plate 34G) pursuant to the following standards:
  - a. A centralized east-west connection that forms the spine for the site. Such a connection would reduce the need for vehicular circulation on NE 124th Street.
  - b. Two to three north-south connections from NE 124th Street to the east-west connection noted above. A desirable distance between access roads is between 250 and 300 feet. The maximum allowable distance between access roads shall be 350 feet. These may be public or private streets. Wider separation (up to 500 feet) may be considered where properties dedicate a minimum 30-foot-wide public pedestrian corridor.
  - c. Suggested cross-sections for each of these roads:
    - 1) Two travel lanes (one lane each way);
    - 2) On-street parallel parking;
    - 3) Eight- to 12-foot-wide sidewalks on each side of the street with street trees placed 30 feet on-center. Sidewalk width may be reduced where planting strips (minimum four feet wide) are maintained between the street and sidewalk.
 The above access roads may be private or public.
  
- 10. The applicant shall install a through-block pathway or other pathways to link streets and/or activities. (See Plate 34G). Include at least one mid-block east-west pathway connecting uses to 116th Avenue NE and a network of north-south pathways at intervals no greater than 350 feet that link uses to NE 124th Street. Through-block pathways may be integrated with internal access roads and/or provided within separate pedestrian-only corridors. See KZC 105.19(3) for through-block pathway standards. Additional through-block pathways not shown in the Comprehensive Plan may be required by the City on parcels larger than two acres in order to enhance pedestrian access on large sites.

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

Section 55.45

Zone  
TL 6A,  
6B

USE ZONE CHART

USE ↓	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 YARD (See Ch. 115)									
			Front	Side	Rear							
.010 Vehicle Service Station	D.R., Chapter 142 KZC. See Gen. Reg. 6.	22,500 sq. ft.	40'	15' on each side	15'	80%	35' above average building elevation.	A	E	See KZC 105.25.	1. May not be more than two vehicle service stations at any intersection.	
			See Spec. Reg. 2.								2. Gas pump islands may extend 20 feet into the front yard. Canopies or covers over gas pump islands may not be closer than 10 feet to any property line. Outdoor parking and service areas may not be closer than 10 feet to any property line. See KZC 115.105, Outdoor Use, Activity and Storage, for further regulations.	
.020 A Retail Establishment providing vehicle or boat sales or vehicle or boat service or repair. See Spec. Reg. 3.	D.R., Chapter 142 KZC. See Gen. Reg. 6.	None	10'	0'	0'	80%	35' above average building elevation.	A	E	See KZC 105.25.	1. This use is not permitted in the TL 6B zone.	
.030 Restaurant or Tavern			1 per each 100 sq. ft. of gross floor area.	1. For restaurants with drive-in or drive-through facilities: a. One outdoor waste receptacle shall be provided for every eight parking stalls. b. Access for drive-through facilities shall be approved by the Public Works Department. Drive-through facilities shall be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served.								
.040 A Retail Establishment providing storage services. See also Spec. Reg. 1.	D.R., Chapter 142 KZC. See Gen. Reg. 6.	None	10'	0'	0'	80%	35' above average building elevation.	A	E	See KZC 105.25.	1. May include accessory living facilities for resident security manager.	

Section 55.45

Zone  
TL 6A,  
6B

USE ZONE CHART

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Section 55.45	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						
.050	Any Retail Establishment, other than those specifically listed in this zone, selling goods, or providing services including banking and related financial services	D.R., Chapter 142 KZC. See Gen. Reg. 6.	None	10'	0'	0'	80%	35' above average building elevation.	B	E	1 per each 300 sq. ft. of gross floor area.	1. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: <ol style="list-style-type: none"> <li>The assembled or manufactured goods are directly related to and are dependent upon this use, and are available for purchase and removal from the premises.</li> <li>The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail uses.</li> </ol> 2. A delicatessen, bakery, or other similar use may include, as part of the use, accessory seating if: <ol style="list-style-type: none"> <li>The seating and associated circulation area does not exceed more than 10 percent of the gross floor area of the use; and</li> <li>It can be demonstrated to the City that the floor plan is designed to preclude the seating area from being expanded.</li> </ol>	

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TL 6A,  
6B

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				Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage					Height of Structure	
					Front	Side	Rear							
.060	Office Use	D.R., Chapter 142 KZC. See General Regulation 6.	None	10'	0'	0'	80%	35' above average building elevation.	C	D	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.	<ol style="list-style-type: none"> <li>The following regulations apply to veterinary offices only:                             <ol style="list-style-type: none"> <li>May only treat small animals on the subject property.</li> <li>Outside runs and other outside facilities for the animals are not permitted.</li> <li>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.</li> </ol> </li> <li>Ancillary assembly and manufacture of goods on the premises of this use are permitted only if:                             <ol style="list-style-type: none"> <li>The ancillary assembled or manufactured goods are subordinate to and dependent on this use.</li> <li>The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.</li> </ol> </li> </ol>		
.070	Hotel or Motel								B	E			1 per each room. See also Spec. Reg. 2.	<ol style="list-style-type: none"> <li>May include ancillary meeting and convention facilities.</li> <li>Excludes parking requirements for ancillary meeting and convention facilities. Additional parking requirement for these ancillary uses shall be determined on a case-by-case basis.</li> </ol>
.080	A Retail Establishment providing entertainment, recreational or cultural activities												1 per every 4 fixed seats.	
.090	Private Lodge or Club								C	B			1 per each 300 sq. ft. of gross floor area.	

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TL 6A,  
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				Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage					Height of Structure
					Front	Side	Rear						
.100	Attached or Stacked Dwelling Units. See Spec. Reg. 1.	D.R., Chapter 142 KZC. See General Regulation 6.	None	10'	0'	0'	80%	35' to 65' above average building elevation. See Spec. Reg. 2.	D	A	See KZC 105.25.	<ol style="list-style-type: none"> <li>On parcels abutting NE 124th Street or 124th Avenue NE, no more than 10 percent of the ground floor of a structure may be in residential use within 250 feet of these streets, <a href="#">provided however there shall be no such restriction on ground floor residential use in TL 6A where over 80% of the total units in the development are affordable to households earning no more than 60% of King County median income, adjusted for household size.</a></li> <li>Maximum building height may exceed 35 feet above average building elevation if:               <ol style="list-style-type: none"> <li>No portion of a structure on the subject property within 40 feet of Slater Avenue exceeds 30 feet above the elevation of Slater Avenue as measured at the midpoint of the frontage of the subject property on Slater Avenue; and</li> <li>At least 10 percent of the units provided in new residential developments of 10 units or greater are affordable housing units, as defined in Chapter 5 KZC. The number of affordable housing units is determined by rounding up to the next whole number (unit) if the fraction of the whole number is at least 0.66. An agreement in a form approved by the City must be recorded with the King County Department of Records and Elections to stipulate conditions under which required affordable housing units will remain as affordable housing units for the life of the project for rental units, and at least 30 years from the date of initial owner occupancy for ownership units. <a href="#">This regulation does not apply to developments which provide over 80% of their units as affordable to households earning no more than 60% of King County median income, adjusted for household size.</a> Additional affordable housing incentives may be applicable to residential development (see Chapter 112 KZC).</li> </ol> </li> <li>Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.</li> </ol>	

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Zone  
TL 6A,  
6B

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				Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage					Height of Structure
					Front	Side	Rear						
.110	Development containing attached or stacked dwelling units and offices, restaurants or taverns, or retail uses allowed in this zone.	D.R., Chapter 142 KZC. See Gen. Reg. 6.	None	10'	0'	0'	80%	35' to 65' above average building elevation. See Spec. Reg. 4.	D	E	See KZC 105.25.	<ol style="list-style-type: none"> <li>1. A veterinary office is not permitted in any development containing dwelling units.</li> <li>2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.</li> <li>3. No more than 10 percent of the ground floor of a structure may be in residential use within 250 feet of 124th Avenue NE or NE 124th Street, <u>provided however there shall be no such restriction on ground floor residential use in TL 6A where over 80% of the total units in the development are affordable to households earning no more than 60% of King County median income, adjusted for household size.</u></li> <li>4. Maximum building height may exceed 35 feet above average building elevation if:               <ol style="list-style-type: none"> <li>a. No portion of a structure on the subject property within 40 feet of Slater Avenue exceeds 30 feet above the elevation of Slater Avenue as measured at the midpoint of the frontage of the subject property on Slater Avenue; and</li> <li>b. At least three stories of the building are dedicated to residential use; and</li> <li>c. At least 10 percent of the units provided in new residential developments of 10 units or greater are affordable housing units, as defined in Chapter 5 KZC. The number of affordable housing units is determined by rounding up to the next whole number (unit) if the fraction of the whole number is at least 0.66. An agreement in a form approved by the City must be recorded with the King County Department of Records and Elections to stipulate conditions under which required affordable housing units will remain as affordable housing units for the life of the project for rental units, and at least 30 years from the date of initial owner occupancy for ownership units. <u>This regulation does not apply to developments which provide over 80% of their units as affordable to households earning no more than 60% of King County median income, adjusted for household size.</u></li> </ol> </li> </ol>	

(Revised )

Section 55.45

Zone  
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				Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage					Height of Structure
					Front	Side	Rear						
.120	Wholesale Trade See Spec. Reg. 1.  Packaging of Prepared Materials  Wholesale Printing or Publishing  Industrial Laundry Facility	D.R., Chapter 142 KZC. See Gen. Reg. 6.	None	20'	0'	0'	80%	35' above average building elevation.	A	C	1 per each 1,000 sq. ft. of gross floor area.	<ol style="list-style-type: none"> <li>This use is only allowed on property in TL 6A.</li> <li>May include, as part of this use, accessory retail sales or service.</li> <li>The building housing the use shall have been in existence on December 31, 2005, and shall not be altered, changed, or otherwise modified to accommodate the use if the cost of such alteration, change, or modification exceeds 30 percent of the replacement cost of that building.</li> <li>The use must be discontinued when there is an alteration, change, or other work in a consecutive 12-month period to the space in which the use is located, and the cost of the alteration, change or other work exceeds 30 percent of the replacement cost of that space.</li> </ol>	
.130	Church			10'	5' on each side	10'			C	B	1 for every 4 people based on maximum occupancy load of any area of worship. See also Spec. Reg. 2.	<ol style="list-style-type: none"> <li>May include accessory living facilities for staff persons.</li> <li>No parking is required for day-care or school ancillary to this use.</li> </ol>	

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				Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage					Height of Structure
					Front	Side	Rear						
.140	School, Day-Care Center, Mini-School or Mini-Day-Care Center	D.R., Chapter 142 KZC. See Gen. Reg. 6.	None	10'	0'	0'	80%	35' above average building elevation.	D	B	See KZC 105.25.	<ol style="list-style-type: none"> <li>1. A six-foot-high fence is required only 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 set back from all property lines as follows:               <ol style="list-style-type: none"> <li>a. Twenty feet if this use can accommodate 50 or more students or children.</li> <li>b. Ten feet if this use can accommodate 13 to 49 students or children.</li> <li>c. Five feet for a Mini-School or Mini-Day-Care Center.</li> </ol> </li> <li>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 nearby residential uses.</li> <li>5. May include accessory living facilities for staff persons.</li> <li>6. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses.</li> <li>7. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).</li> </ol>	

Section 55.45

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TL 6A,  
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				Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage					Height of Structure
					Front	Side	Rear						
.150	Assisted Living Facility Convalescent Center Nursing Home			Same as the regulations for the ground floor use. See Spec. Reg. 2.					A	Assisted Living: 1.7 per independent unit. 1 per assisted living unit. Convalescent Center or Nursing Home: 1 per bed.	<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. This use may not occupy more than 10 percent of the ground floor of a structure.</li> <li>3. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use.</li> </ol>		
.160	Public Utility	D.R., Chapter 142 KZC. See Gen. Reg. 6.	None	10'	0'	0'	80%	35' above average building elevation.	A	B	See KZC 105.25.	<ol style="list-style-type: none"> <li>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.</li> </ol>	
.170	Government Facility Community Facility								C See Spec. Reg. 1.				
.180	Public Park	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process.											



**CITY OF KIRKLAND**  
**Planning and Community Development Department**  
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## MEMORANDUM

**To:** City Council

**From:** Planning Commission  
Andy Held, Chair

**Date:** June 3, 2009

**Subject:** **PLANNING COMMISSION RECOMMENDATION  
ZONING CODE AMENDMENTS – TL 6A ZONE  
FILE ZON09-00006**

### **I. INTRODUCTION**

I am pleased to submit, on behalf of the Planning Commission, the recommended amendments to the Zoning Code for the TL 6A zone for the consideration of the City Council. The concept for the amendments was initially discussed with the Council's Housing Committee, which supported the Planning Commission's study of the changes. The amendments will be helpful in enabling affordable housing development to locate in the zone, without a restriction on ground-floor residential use, and a requirement for higher ground floor ceiling height. We believe the proposed amendments will address the unique constraints non-profit developers often face in securing funding for affordable housing, including restrictions on the use of funds to residential use.

### **II. RECOMMENDATION**

The Planning Commission recommends that the following amendments to the Zoning Code be approved:

- A. Section 55.43 – General Regulations: Text changes to exempt affordable housing development meeting specific standards for affordability from the higher ceiling height requirement for the ground floor of structures.
- B. Section 55.45.100 and 55.45.110: Revisions to exempt development providing affordable housing at the defined levels from the ground floor requirement for non-residential use.

### **III. KEY ISSUES**

The Planning Commission discussed the proposed amendments at a study session in March, and held a public hearing on May 14<sup>th</sup>. Representatives from St. Andrews Housing Group spoke in support of the amendments. No citizens provided testimony in opposition to the changes.

When the draft amendments were presented to the Commission at the study session, staff had proposed that the exemptions apply to projects that provided at least 50% of their units as affordable. The Commission concluded that since the changes will allow residential use on the ground floor in a

zone where retail uses are also desired, the amendment should be more limited, to ensure that only those projects that are almost exclusively affordable would be eligible for the exemption. Staff revised the text to apply to housing development in which 80% or more of the units are affordable.

At the hearing, some Commissioners questioned the proposed change to the ground floor ceiling height requirement. Since the ceiling height requirement of 15' for the ground floor of structures in the TL 6A zone was originally established to ensure that the space would be appropriate for retail use, some Commissioners wondered if the higher ceiling height should be retained in the event the housing use converted to another use. Representatives from ARCH clarified that the affordable housing agreements that would be placed on the project would be in effect for 50 years, likely beyond the life of the development.

In addition, the St. Andrews representatives provided testimony regarding the importance of allowing affordable housing projects to be exempt from this ceiling height requirement. For their project, St. Andrews hopes to use the existing plans for a former market-rate project currently under City review. If the ceiling height is not required to be 15', the building can be viewed as having four stories of residential use over one floor of basement, enabling it to qualify as residential construction under the Davis Bacon Act for wage determination. The Davis Bacon Act uses the location of the main entrance to determine the first floor of a building. Since the St. Andrews building has been designed to locate the main entrance on the floor above the basement, it meets the standard for residential classification. If the ground floor is required to have a ceiling height of 15', additional burying of the ground floor would be necessary due to the very narrow project site. Either the cost of additional excavation, or the change in classification to "commercial" if the ground floor were to be viewed as a first story, would result in substantial extra costs for the non-profit organization. Prevailing wages for commercial construction are considerably higher than those for residential construction. In the end, the Commission supported the changes.

cc: ZON09-00006  
ARCH, [ASullivan@bellevuewa.gov](mailto:ASullivan@bellevuewa.gov) and [KNijhuis@bellevuewa.gov](mailto:KNijhuis@bellevuewa.gov)  
St. Andrews Housing Group, Eric Evans, [erice@sahg.org](mailto:erice@sahg.org)

ORDINANCE NO. 4194

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE AND AMENDING ORDINANCE 3719 AS AMENDED, THE KIRKLAND ZONING ORDINANCE AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. ZON09-00006.

WHEREAS, the City Council has received a recommendation from the Kirkland Planning Commission to amend certain sections of the text of the Kirkland Zoning Code, Ordinance 3719 as amended, all as set forth in that certain report and recommendation of the Planning Commission dated June 3, 2009 and bearing Kirkland Department of Planning and Community Development File No. ZON09-00006; and

WHEREAS, prior to making said recommendation, the Kirkland Planning Commission, following notice thereof as required by RCW 35A.63.070, on May 14, 2009, held a public hearing, on the amendment proposals and considered the comments received at said 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 Addendum to Existing Environmental Documents issued by the responsible official pursuant to WAC 197-11-600; and

WHEREAS, in regular public meeting the City Council considered the environmental documents received from the responsible official, together with the report and recommendation of the Planning Commission.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Kirkland as follows:

Section 1. Zoning text amended: The following specified sections of the text of Ordinance 3719 as amended, the Kirkland Zoning Ordinance, be and they hereby 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. 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 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 4. 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 \_\_\_\_\_, 20\_\_.

SIGNED IN AUTHENTICATION thereof this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to Form:

\_\_\_\_\_  
City Attorney

**55.41** User Guide. The charts in KZC 55.45 contain the basic zoning regulations that apply in the TL 6A and TL 6B 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 55.43

**Zone  
TL 6A,  
6B**

#### Section 55.43 – 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. Where feasible, primary access for nonresidential uses within TL 6 shall be from 124th Avenue NE, NE 124th Street, or NE 120th Street.
3. The ground floor of all structures with frontage on a pedestrian or vehicular circulation route, or adjacent to a pedestrian-oriented space shall be a minimum of 15 feet in height. This requirement does not apply to:
  - a. The following uses: vehicle service stations, private lodges or clubs, stacked dwelling units, churches, schools, day-care centers, mini-schools or mini-day-care centers, assisted living facilities, convalescent centers or nursing homes, [residential development in TL 6A where over 80% of the total units in the development are affordable to households earning no more than 60% of King County median income](#), public utilities, government facilities or community facilities;
  - b. Parking garages;
  - c. Additions to existing nonconforming development where the Planning Official determines it is not feasible; or
  - d. Parcels located more than 500 feet north of NE 124th Street, east of 116th Avenue NE.
4. Within TL 6B, at least 50 percent of the gross floor area located on the ground floor of all structures with frontage on a pedestrian or vehicular route, or adjacent to a pedestrian-oriented space, must contain retail establishments, restaurants, taverns, hotels or motels. These uses shall be oriented to a major pedestrian sidewalk, a through block pedestrian pathway or an internal pathway (see also Chapter 105 KZC). This regulation does not apply to parcels located more than 500 feet north of NE 124th Street, east of 116th Avenue NE (see Plate 34G).
5. In addition to the height exceptions established by KZC 115.60, the following exceptions to height regulations in TL zones 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.

- 6. The review process for development in this zone is as follows:
  - a. In TL 6A, any development activities requiring Design Review approval pursuant to KZC 142.15 shall be reviewed administratively (ADR), pursuant to KZC 142.25. Where gross floor area of an existing building is expanded by less than 10 percent, no design review is required.
  - b. In TL 6B, as set forth in Chapter 142 KZC.
- 7. Access for drive-through facilities must be approved by the Public Works Official. See Chapter 105 KZC for requirements.
- 8. Some development standards or design regulations may be modified as part of the design review process. See Chapter 92 or 142 KZC for requirements.

(GENERAL REGULATIONS CONTINUED ON NEXT PAGE)

(GENERAL REGULATIONS CONTINUED FROM PREVIOUS PAGE)

- 9. In TL 6B, development must provide a grid of internal access roads (see Plate 34G) pursuant to the following standards:
  - a. A centralized east-west connection that forms the spine for the site. Such a connection would reduce the need for vehicular circulation on NE 124th Street.
  - b. Two to three north-south connections from NE 124th Street to the east-west connection noted above. A desirable distance between access roads is between 250 and 300 feet. The maximum allowable distance between access roads shall be 350 feet. These may be public or private streets. Wider separation (up to 500 feet) may be considered where properties dedicate a minimum 30-foot-wide public pedestrian corridor.
  - c. Suggested cross-sections for each of these roads:
    - 1) Two travel lanes (one lane each way);
    - 2) On-street parallel parking;
    - 3) Eight- to 12-foot-wide sidewalks on each side of the street with street trees placed 30 feet on-center. Sidewalk width may be reduced where planting strips (minimum four feet wide) are maintained between the street and sidewalk.
 The above access roads may be private or public.
- 10. The applicant shall install a through-block pathway or other pathways to link streets and/or activities. (See Plate 34G). Include at least one mid-block east-west pathway connecting uses to 116th Avenue NE and a network of north-south pathways at intervals no greater than 350 feet that link uses to NE 124th Street. Through-block pathways may be integrated with internal access roads and/or provided within separate pedestrian-only corridors. See KZC 105.19(3) for through-block pathway standards. Additional through-block pathways not shown in the Comprehensive Plan may be required by the City on parcels larger than two acres in order to enhance pedestrian access on large sites.

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS														
Section 55.45	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							
.010	Vehicle Service Station	D.R., Chapter 142 KZC. See Gen. Reg. 6.	22,500 sq. ft.	40'	15' on each side	15'	80%	35' above average building elevation.	A	E	See KZC 105.25.	1. May not be more than two vehicle service stations at any intersection. 2. Gas pump islands may extend 20 feet into the front yard. Canopies or covers over gas pump islands may not be closer than 10 feet to any property line. Outdoor parking and service areas may not be closer than 10 feet to any property line. See KZC 115.105, Outdoor Use, Activity and Storage, for further regulations.		
See Spec. Reg. 2.														
.020	A Retail Establishment providing vehicle or boat sales or vehicle or boat service or repair. See Spec. Reg. 3.		None	10'	0'	0'								
.030	Restaurant or Tavern										B	1 per each 100 sq. ft. of gross floor area.	1. For restaurants with drive-in or drive-through facilities: a. One outdoor waste receptacle shall be provided for every eight parking stalls. b. Access for drive-through facilities shall be approved by the Public Works Department. Drive-through facilities shall be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served.	
.040	A Retail Establishment providing storage services. See also Spec. Reg. 1.									See KZC 105.25.	1. May include accessory living facilities for resident security manager.			

Section 55.45

Zone  
TL 6A,  
6B

USE ZONE CHART

0-4194

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

Section 55.45	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						
.050	Any Retail Establishment, other than those specifically listed in this zone, selling goods, or providing services including banking and related financial services	D.R., Chapter 142 KZC. See Gen. Reg. 6.	None	10'	0'	0'	80%	35' above average building elevation.	B	E	1 per each 300 sq. ft. of gross floor area.	<ol style="list-style-type: none"> <li>1. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if:                             <ol style="list-style-type: none"> <li>a. The assembled or manufactured goods are directly related to and are dependent upon this use, and are available for purchase and removal from the premises.</li> <li>b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail uses.</li> </ol> </li> <li>2. A delicatessen, bakery, or other similar use may include, as part of the use, accessory seating if:                             <ol style="list-style-type: none"> <li>a. The seating and associated circulation area does not exceed more than 10 percent of the gross floor area of the use; and</li> <li>b. It can be demonstrated to the City that the floor plan is designed to preclude the seating area from being expanded.</li> </ol> </li> </ol>	

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Section 55.45	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						
.060	Office Use	D.R., Chapter 142 KZC. See General Regulation 6.	None	10'	0'	0'	80%	35' above average building elevation.	C	D	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 to veterinary offices only: <ol style="list-style-type: none"> <li>May only treat small animals on the subject property.</li> <li>Outside runs and other outside facilities for the animals are not permitted.</li> <li>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.</li> </ol> 2. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: <ol style="list-style-type: none"> <li>The ancillary assembled or manufactured goods are subordinate to and dependent on this use.</li> <li>The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.</li> </ol>	
.070	Hotel or Motel								B	E	1 per each room. See also Spec. Reg. 2.	1. May include ancillary meeting and convention facilities.                     2. Excludes parking requirements for ancillary meeting and convention facilities. Additional parking requirement for these ancillary uses shall be determined on a case-by-case basis.	
.080	A Retail Establishment providing entertainment, recreational or cultural activities										1 per every 4 fixed seats.		
.090	Private Lodge or Club								C	B	1 per each 300 sq. ft. of gross floor area.		

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

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				Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage					Height of Structure
					Front	Side	Rear						
.100	Attached or Stacked Dwelling Units. See Spec. Reg. 1.	D.R., Chapter 142 KZC. See General Regulation 6.	None	10'	0'	0'	80%	35' to 65' above average building elevation. See Spec. Reg. 2.	D	A	See KZC 105.25.	<ol style="list-style-type: none"> <li>On parcels abutting NE 124th Street or 124th Avenue NE, no more than 10 percent of the ground floor of a structure may be in residential use within 250 feet of these streets, <a href="#">provided however there shall be no such restriction on ground floor residential use in TL 6A where over 80% of the total units in the development are affordable to households earning no more than 60% of King County median income, adjusted for household size.</a></li> <li>Maximum building height may exceed 35 feet above average building elevation if:                             <ol style="list-style-type: none"> <li>No portion of a structure on the subject property within 40 feet of Slater Avenue exceeds 30 feet above the elevation of Slater Avenue as measured at the midpoint of the frontage of the subject property on Slater Avenue; and</li> <li>At least 10 percent of the units provided in new residential developments of 10 units or greater are affordable housing units, as defined in Chapter 5 KZC. The number of affordable housing units is determined by rounding up to the next whole number (unit) if the fraction of the whole number is at least 0.66. An agreement in a form approved by the City must be recorded with the King County Department of Records and Elections to stipulate conditions under which required affordable housing units will remain as affordable housing units for the life of the project for rental units, and at least 30 years from the date of initial owner occupancy for ownership units. <a href="#">This regulation does not apply to developments which provide over 80% of their units as affordable to households earning no more than 60% of King County median income, adjusted for household size.</a> Additional affordable housing incentives may be applicable to residential development (see Chapter 112 KZC).</li> </ol> </li> <li>Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.</li> </ol>	

Section 55.45

Zone  
TL 6A,  
6B

USE ZONE CHART

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

Section 55.45	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						
.110	Development containing attached or stacked dwelling units and offices, restaurants or taverns, or retail uses allowed in this zone.	D.R., Chapter 142 KZC. See Gen. Reg. 6.	None	10'	0'	0'	80%	35' to 65' above average building elevation. See Spec. Reg. 4.	D	E	See KZC 105.25.	<ol style="list-style-type: none"> <li>1. A veterinary office is not permitted in any development containing dwelling units.</li> <li>2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.</li> <li>3. No more than 10 percent of the ground floor of a structure may be in residential use within 250 feet of 124th Avenue NE or NE 124th Street, <u>provided however there shall be no such restriction on ground floor residential use in TL 6A where over 80% of the total units in the development are affordable to households earning no more than 60% of King County median income, adjusted for household size.</u></li> <li>4. Maximum building height may exceed 35 feet above average building elevation if:                             <ol style="list-style-type: none"> <li>a. No portion of a structure on the subject property within 40 feet of Slater Avenue exceeds 30 feet above the elevation of Slater Avenue as measured at the midpoint of the frontage of the subject property on Slater Avenue; and</li> <li>b. At least three stories of the building are dedicated to residential use; and</li> <li>c. At least 10 percent of the units provided in new residential developments of 10 units or greater are affordable housing units, as defined in Chapter 5 KZC. The number of affordable housing units is determined by rounding up to the next whole number (unit) if the fraction of the whole number is at least 0.66. An agreement in a form approved by the City must be recorded with the King County Department of Records and Elections to stipulate conditions under which required affordable housing units will remain as affordable housing units for the life of the project for rental units, and at least 30 years from the date of initial owner occupancy for ownership units. <u>This regulation does not apply to developments which provide over 80% of their units as affordable to households earning no more than 60% of King County median income, adjusted for household size.</u></li> </ol> </li> </ol>	

(Revised )

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Section 55.45	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						
.120	Wholesale Trade See Spec. Reg. 1.  Packaging of Prepared Materials  Wholesale Printing or Publishing  Industrial Laundry Facility	D.R., Chapter 142 KZC. See Gen. Reg. 6.	None	20'	0'	0'	80%	35' above average building elevation.	A	C	1 per each 1,000 sq. ft. of gross floor area.	<ol style="list-style-type: none"> <li>This use is only allowed on property in TL 6A.</li> <li>May include, as part of this use, accessory retail sales or service.</li> <li>The building housing the use shall have been in existence on December 31, 2005, and shall not be altered, changed, or otherwise modified to accommodate the use if the cost of such alteration, change, or modification exceeds 30 percent of the replacement cost of that building.</li> <li>The use must be discontinued when there is an alteration, change, or other work in a consecutive 12-month period to the space in which the use is located, and the cost of the alteration, change or other work exceeds 30 percent of the replacement cost of that space.</li> </ol>	
.130	Church			10'	5' on each side	10'			C	B	1 for every 4 people based on maximum occupancy load of any area of worship. See also Spec. Reg. 2.	<ol style="list-style-type: none"> <li>May include accessory living facilities for staff persons.</li> <li>No parking is required for day-care or school ancillary to this use.</li> </ol>	

Section 55.45

Zone  
TL 6A,  
6B

USE ZONE CHART

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

Section 55.45	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	School, Day-Care Center, Mini-School or Mini-Day-Care Center	D.R., Chapter 142 KZC. See Gen. Reg. 6.	None	10'	0'	0'	80%	35' above average building elevation.	D	B	See KZC 105.25.	<ol style="list-style-type: none"> <li>1. A six-foot-high fence is required only 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 set back from all property lines as follows:                             <ol style="list-style-type: none"> <li>a. Twenty feet if this use can accommodate 50 or more students or children.</li> <li>b. Ten feet if this use can accommodate 13 to 49 students or children.</li> <li>c. Five feet for a Mini-School or Mini-Day-Care Center.</li> </ol> </li> <li>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 nearby residential uses.</li> <li>5. May include accessory living facilities for staff persons.</li> <li>6. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses.</li> <li>7. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).</li> </ol>	

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Section 55.45	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						
.150	Assisted Living Facility Convalescent Center Nursing Home			Same as the regulations for the ground floor use. See Spec. Reg. 2.					A	Assisted Living: 1.7 per independent unit. 1 per assisted living unit. Convalescent Center or Nursing Home: 1 per bed.	<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. This use may not occupy more than 10 percent of the ground floor of a structure.</li> <li>3. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use.</li> </ol>		
.160	Public Utility	D.R., Chapter 142 KZC. See Gen. Reg. 6.	None	10'	0'	0'	80%	35' above average building elevation.	A	B	See KZC 105.25.	<ol style="list-style-type: none"> <li>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.</li> </ol>	
.170	Government Facility Community Facility								C See Spec. Reg. 1.				
.180	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. 4194

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE AND AMENDING ORDINANCE 3719 AS AMENDED, THE KIRKLAND ZONING ORDINANCE AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. ZON09-00006.

SECTION 1. Amends the following specific sections of the text of Ordinance 3719 as amended, the Kirkland Zoning Ordinance:

- A. Amends text in Section 55.43 – General Regulations
- B. Amends text in Sections 55.45.100 and 55.45.110 – Special Regulations

SECTION 2. Provides a severability clause for the ordinance.

SECTION 3. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Kirkland Municipal Code 1.08.017 and establishes the effective date as five days after publication of this summary..

SECTION 4. Provides for certification of the ordinance by City Clerk and notification of 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 \_\_\_\_\_, 20\_\_.

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

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City Clerk