



# CITY OF KIRKLAND CITY COUNCIL

Penny Sweet, Mayor • Jay Arnold, Deputy Mayor • Dave Asher • Kelli Curtis  
Tom Neir • Toby Nixon • Jon Pascal • Kurt Triplett, City Manager

## *Vision Statement*

*Kirkland is one of the most livable cities in America. We are a vibrant, attractive, green and welcoming place to live, work and play. Civic engagement, innovation and diversity are highly valued. We are respectful, fair and inclusive. We honor our rich heritage while embracing the future. Kirkland strives to be a model, sustainable city that values preserving and enhancing our natural environment for our enjoyment and future generations.*

123 Fifth Avenue • Kirkland, Washington 98033-6189 • 425.587.3000 • TTY Relay Service 711 • [www.kirklandwa.gov](http://www.kirklandwa.gov)

## AGENDA KIRKLAND CITY COUNCIL MEETING City Council Chamber Tuesday, May 7, 2019 6:00 p.m. – Study Session 7:30 p.m. – Regular Meeting

COUNCIL AGENDA materials are available on the City of Kirkland website [www.kirklandwa.gov](http://www.kirklandwa.gov). Information regarding specific agenda topics may also be obtained from the City Clerk's Office on the Friday preceding the Council meeting. You are encouraged to call the City Clerk's Office (425-587-3190) or the City Manager's Office (425-587-3001) if you have any questions concerning City Council meetings, City services, or other municipal matters. The City of Kirkland strives to accommodate people with disabilities. Please contact the City Clerk's Office at 425-587-3190. If you should experience difficulty hearing the proceedings, please bring this to the attention of the Council by raising your hand.

**PLEASE CALL 48 HOURS IN ADVANCE** (425-587-3190) if you require this content in an alternate format or if you need a sign language interpreter in attendance at this meeting.

**EXECUTIVE SESSIONS** may be held by the City Council only for the purposes specified in RCW 42.30.110. These include buying and selling real property, certain personnel issues, and litigation. The Council is permitted by law to have a closed meeting to discuss labor negotiations, including strategy discussions.

**ITEMS FROM THE AUDIENCE** provides an opportunity for members of the public to address the Council on any subject which is not of a quasi-judicial nature or scheduled for a public hearing. (Items which may not be addressed under Items from the Audience are indicated by an asterisk\*.) The Council will receive comments on other issues, whether the matter is otherwise on the agenda for the same meeting or not. Speaker's remarks will be limited to three minutes apiece. No more than three speakers may address the Council on any one subject. However, if both proponents and opponents wish to speak, then up to three proponents and up to three opponents of the matter may address the Council.

**PUBLIC HEARINGS** are held to receive public comment on important matters before the Council. You are welcome to offer your comments after being recognized by the Mayor. After all persons have spoken, the hearing is closed to public comment and the Council proceeds with its deliberation and decision making.

1. *CALL TO ORDER*
2. *ROLL CALL*
3. *STUDY SESSION*
  - a. Joint Meeting with the Park Board
4. *EXECUTIVE SESSION*
  - a. To Discuss Labor Negotiations
5. *HONORS AND PROCLAMATIONS*
  - a. Affordable Housing Week Proclamation
  - b. Bike Everywhere Month Proclamation
6. *COMMUNICATIONS*
  - a. *Announcements*
  - b. *Items from the Audience*
  - c. *Petitions*
7. *PUBLIC HEARINGS*

**\*QUASI-JUDICIAL MATTERS** Public comments are not taken on quasi-judicial matters, where the Council acts in the role of judges. The Council is legally required to decide the issue based solely upon information contained in the public record and obtained at special public hearings before the Council. The public record for quasi-judicial matters is developed from testimony at earlier public hearings held before a Hearing Examiner, the Houghton Community Council, or a city board or commission, as well as from written correspondence submitted within certain legal time frames. There are special guidelines for these public hearings and written submittals.

*8. SPECIAL PRESENTATIONS*

- a. Community Emergency Response Team (CERT) #27 Graduation
- b. City Employee Emergency Preparedness Campaign

*9. CONSENT CALENDAR*

- a. *Approval of Minutes*
  - (1) April 9, 2019
  - (2) April 16, 2019
- b. *Audit of Accounts and Payment of Bills and Payroll*
- c. *General Correspondence*
- d. *Claims*
  - (1) Claims for Damages
- e. *Award of Bids*
  - (1) Kirkland Justice Center, Concrete Floor Epoxy Removal
- f. *Acceptance of Public Improvements and Establishing Lien Period*
  - (1) 2018 Annual Street Preservation Program: Phase II, Street Overlay Project
- g. *Approval of Agreements*
- h. *Other Items of Business*
  - (1) 3<sup>rd</sup> Street Watermain Project- Pre-bid Update
  - (2) Rose Point Lift Station- Pre-bid Update
  - (3) Finn Hill Trail Project Funding Reallocation to Juanita Heights
  - (4) Procurement Report

*10. BUSINESS*

- a. State Legislative Update #8
- b. Ordinance O-4686, Relating to Firearms and Weapons and Restricting the Discharge of Firearms Throughout Kirkland

**RESOLUTIONS** are adopted to express the policy of the Council, or to direct certain types of administrative action. A resolution may be changed by adoption of a

**ORDINANCES** are legislative acts or local laws. They are the most permanent and binding form of Council action, and may be changed or repealed only by a subsequent ordinance. Ordinances normally become effective five days after the ordinance is published in the City's official newspaper.

- c. Rose Hill Neighborhood Amendments to Zoning Code and Zoning Map
  - (1) Option A with RH 8 Zone- Ordinance O-4683, Relating to Zoning, Planning, and Land Use and Amending the Kirkland Zoning Code Ordinance 3719 as Amended, Including Chapters 20, 25, 30, 40, 45, 53, 142, Amending the Zoning Map Ordinance 3710, as Amended, to Include Legislative Rezones, and Approving a Summary Ordinance for Publication, File No. CAM19-00043
  - (2) Option B without RH 8 Zone- Ordinance O-4683, Relating to Zoning, Planning, and Land Use and Amending the Kirkland Zoning Code Ordinance 3719 as Amended, Including Chapters 20, 25, 30, 40, 45, 53, 142, Amending the Zoning Map Ordinance 3710, as Amended, to Include Legislative Rezones, and Approving a Summary Ordinance for Publication, File No. CAM19-00043
  - (3) Ordinance O-4687, Relating to Zoning, Planning, and Land Use and Amending the Kirkland Zoning Code Ordinance 3719 as Amended, to RH 8 Zone Sections 53.82, 53.84.020, 53.84.040, 53.84.050, 53.84.060 and Approving a Summary Ordinance for Publication, File No. CAM19-00043
- d. Ordinance O-4684, Relating to Zoning and Land Use and Amending the City of Kirkland Zoning Code, Ordinance 3719 as Amended, Regarding Development Standards for Floor Area Ratio, Lot Coverage, and Related Definitions, and Approving a Summary for Publication, File No. CAM18-00258
- e. Designating Voting Delegates for Association of Washington Cities 2019 Annual Business Meeting
- f. 2020 Census - Complete Count Funding Options

**CITY COUNCIL COMMITTEE**  
 agendas and minutes are posted on the City of Kirkland website, [www.kirklandwa.gov](http://www.kirklandwa.gov).

**ITEMS FROM THE AUDIENCE**  
 Unless it is 10:00 p.m. or later, speakers may continue to address the Council during an additional Items from the Audience period; provided, that the total amount of time allotted for the additional Items from the Audience period shall not exceed 15 minutes. A speaker who addressed the Council during the earlier Items from the Audience period may speak again, and on the same subject, however, speakers who have not yet addressed the Council will be given priority. All other limitations as to time, number of speakers, quasi-judicial matters, and public hearings discussed above shall apply.

**11. REPORTS**

- a. *City Council Regional and Committee Reports*
- b. *City Manager Reports*
  - (1) Calendar Update

**12. ITEMS FROM THE AUDIENCE**

**13. ADJOURNMENT**



**CITY OF KIRKLAND**  
Department of Parks & Community Services  
123 5<sup>th</sup> Avenue, Kirkland, WA 98033 · 425.587.3300  
www.kirklandwa.gov

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## MEMORANDUM

**To:** Kurt Triplett, City Manager

**From:** Lynn Zwaagstra, Director  
John Lloyd, Deputy Director

**Date:** April 22, 2019

**Subject:** JOINT COUNCIL AND PARK BOARD MEETING

### **RECOMMENDATION:**

That the City Council receive some background information pertaining to recommended agenda items for the joint City Council and Park Board meeting.

### **BACKGROUND DISCUSSION:**

Each year, City Council and the Park Board typically have a joint meeting. Topics focus on top City Council and Park Board priorities. At the April 2019 Park Board meeting the Board recommended the following topics for discussion with City Council. At the April 23 Council meeting, the Council concurred with the City Manager recommendation to also review the Park Board Work Plan at the joint meeting. The Park Board welcomes discussion on any other topics City Council wishes to include during the study session.

Draft Agenda for joint City Council/Park Board meeting on May 7, 2019 at 6pm

1. Off Leash Dog Areas
2. Park Board Work Plan
3. Indoor Recreation and Aquatics Facility

Where pertinent, background information on these topics are presented below.

#### Off Leash Dog Areas

In February 2015 the Park Board received a proposal for expanding off-leash dog opportunities in Kirkland parks from a committee comprised of members of the Park Board, Kirkland Dog Off-leash Group (KDOG—now inactive) and staff. This committee worked extensively on this proposal over the course of a year to develop a robust program of designated off-leash dog areas (DOLA's) throughout the park system. The impetus for the proposal stems from years of community interest in creating opportunities for off-leash dog activity; a history of these initiatives is included in **Attachment A**. The Park Board was generally supportive of this proposal and recommended that it go forward to City Council.

Staff presented the proposal to the City Manager and the City Council's Public Works, Parks, and Human Services Committee in 2015. While the Committee and City Manager were

intrigued by the concept, they expressed concern about the level of effort and organizational resources necessary to conduct public outreach and institute the pilot program at that time. Staff received direction to prepare a public involvement plan that could be implemented in 2016. However, it was determined that some resources would be needed to proceed with an outreach plan; a service package for 250 hours of a Program Assistant to support the project was approved for the 2017-2018 budget cycle.

At the January 2018 City Council Park Board Joint Study Session, the Park Board shared their interest in conducting public outreach for this DOLA concept. The Study Session concluded with an agreement that the next step toward creating more off-leash dog opportunities is a public engagement process to more accurately determine need, interest and support. This community input is the foremost information to be assessed; additional steps would involve compiling and providing more specific information pertaining to enforcement, benchmarking, risk management, costs and logistics.

In response to new community and City Council guidance on creating thorough and transparent community engagement processes, the City Manager's Office formed a new Civic Engagement team in 2018. The team's role is to assist department's in the creation and implementation of public participation processes. The Civic Engagement Team consists of cross-departmental members who have public participation training and experience. Thus, Parks and Community Services staff consulted with this team as work began on the off-leash dog outreach process. The outreach initiative was conducted over four months in three phases: 1) Roadmap 2) Fieldwork and 3) Reports. [A report](#) has been prepared that reflects a culmination of outreach and the findings.

On March 13, 2019, Park Board received a presentation by James Lopez, Assistant City Manager, which summarized the findings of the report. Based on these findings, staff sought feedback from Park Board on possible next steps. Park Board deliberated, and the following recommendation was passed by majority vote and is being conveyed to City Council for consideration.

*"The Park Board recommends that staff proceed with developing options for off leash dog opportunities that include various configurations for further consideration by the Park Board and Council with a focus on areas underserved by dog parks."*

Staff have invited James Lopez, Assistant City Manager, to briefly present the findings to Council at the joint meeting to initiate further discussion with Park Board. Staff is seeking direction from City Council on the Park Board's recommendation. If the City Council concurs with the Park Board, staff will prioritize the effort in the existing 2019-2020 workplan, anticipating an estimated 6 – 12 month timeframe to develop these options. Staff will present the options to Park Board for feedback to bring to City Council for final approval. This would include several options for adding new fenced and unfenced dog areas, including anything needed to make each option successful, such as enforcement, construction, signage, accessibility and maintenance.

#### Park Board Work Plan and Priority Items

The Park Board recently adopted their 2019-2020 work plan (**Attachment B**). This work plan was developed from three major sources: City Council and City priorities, Park Board projects, and high priority Parks and Community Services Department needs. These Department needs centered around critical safety, risk management and infrastructure needs. While many other

interests for the work plan exist, staff and financial resources were not adequate to support additional work plan items. Several items were deferred, and new items were prioritized according to how it pertained to Council and City priorities.

The work plan is divided into three different sections outlined below.

- Work Plan Items – These are items that require discussion and action, either by Park Board or by staff. The column for “Park Board Role / Responsibility” gives a more detailed indication of what type of action is anticipated. The 2 primary forms of action are “input or feedback” and “recommendation”.
  - Input or Feedback – Staff utilizes input and discussion to shape their efforts on the specified subject. Most typically, feedback is used on operational items or in the early phase of a project.
  - Recommendation – Staff is looking to receive a formal recommendation. Most typically, this would be directed towards a policy subject, planning or park development. Oftentimes these recommendations are presented to City Council.
- Information Items – Items of which Park Board should be aware or are of special interest to the Board or the community.
- Educational Items – Items are educational in nature for general knowledge about Department functions.

Following the Cost Recovery study completed in 2018, the Park Board has prioritized and supports the development of several financial policies recommended in the final report. Park Board will discuss a proposed department Scholarship Policy at their meeting on May 8, 2019. Following this discussion, staff will present Park Board feedback to City Council in June. Additional policies of interest to the Board include sponsorship and partnership policies.

#### Indoor Recreation and Aquatics Facility

Park Board recognizes the continued growing demand for recreation programs, with many programs filling to capacity and several with waiting lists. The Board remains interested in the development of a multi-purpose indoor recreation and aquatic facility to better serve the community. While there is likely not time to discuss this during this meeting, the Board wanted to convey their support for this project in the future.

| Designated Off-Leash Dog Area (DOLA) History |  |  |
|--|--|--|
| DATE   | ACTION   | Additional Information   |
| April 1, 1998                                | Public solicits the City requesting permission to make Waverly Park an official off-leash dog area (OLA).  |  |
| June 1, 1998                                 | The Parks Department prepares a report and conducts research on best practices for managing OLA's, and presents findings to the Park Board. A committee of staff and community members was formed to do additional research.   |  |
| August 1, 2002                               | Sections of Waverly Park are closed off for turf restoration. This results in a citizen action group (K-DOG) sending letters to the City to request an official OLA.   |  |
| May 1, 2003                                  | Dogs and Parks Committee is formed at City Council direction.  | Members include: Park Board, K-Dog, LWSD, Audubon, Juanita Bay Ranger Program, Kirkland Am. Little League, citizens at-large |
| February 1, 2004                             | Committee presents findings to City Council  |  |
| October 1, 2004                              | Park Board presents finding and recommendations to City Council/   |  |
| November 1, 2004                             | City Council Adopts Resolution 4478 regarding off-leash dog areas.   | <a href="#">R-4478</a>   |
| June 30, 2008                                | KDOG files a request to the State to become an official citizen action group and received a 501(c)3 status in March 2009.  |  |
| March 1, 2009                                | Park Board recommends that City Council direct the Park Board to conduct further study and form another committee. Council meeting minutes reflect that Council agreed that Park Board continue to explore and identify opportunities or alternatives for off-leash areas and return with recommendation at a future meeting.  |  |
| March 1, 2010                                | At the joint meeting of Park Board and City Council the Park Board presents recommendations for an official OLA. Park Board recommends the Schott property located near Heronfield Wetlands, as an area for a fenced OLA. The Park Board also asks for Council approval to explore unfenced OLA's and a revision to Kirkland's existing park regulations to allow off-leash activity within certain areas of a limited number of existing developed parks. |  |
| April 6, 2010                                | City Council authorizes the Park Board and Park's staff to work with KDOG to investigate the feasibility of utilizing park property south of Heron Wetlands as a designated, fenced off-leash area (OLA)   |  |
| August 24, 2010                              | KDOG raises funding and the wetlands study is completed on the Heronfield property. Staff recommend to the Park Board to proceed with neighborhood outreach and conduct a public hearing.  |  |
| October 13, 2010                             | First Public hearing is conducted.   |  |
| October 20, 2010                             | Parks Staff recommend to City Council to move forward with creating an off-leash Dog Park.   |  |
| January 1, 2012                              | Jasper's Off-Leash Dog Park Opens and the Parks Department enters into an agreement (CON12/11) with KDOG as a community partnership to help maintain the park.   | <a href="#">Contract with KDOG</a>   |
| August 1, 2014                               | KDOG proposes to allow * unfenced designated off-leash dog activities in select parks during specific times of day.  | <a href="#">Unfenced Designated Off-Leash Area Pilot Proposal</a>  |
| October 1, 2014                              | Park Board forms committee to investigate the KDOG proposal and come back with suggestions.  | Committee includes Park Board Rep, KDOG Reps, and Staff  |
| February 16 2015                             | Staff present proposal for moving forward with the KDOG proposal*, with specific parks, and times suggested. Staff work with Council Committee - Public Works, Parks, and Human Services   |  |
| May 7, 2015                                  | Park Board receives update from Staff, City Council Committee recommends postponing public outreach until 2016.  | There is no record of any discussion of off-leash dog parks in 2016.   |
| April 4, 2017                                | KDOG disbands and offers remaining funds to the City to support Parks Maintenance of Jasper's Dog Park. Park staff recommend accepting the money, and propose a trial period for operating Jasper's while working with past KDOG members, and the Parks Foundation to explore fundraising.   |  |
| March 8, 2017                                | Park Board recommends that Parks staff move forward with operating Jasper's for the 2017-2018 trial period and pursue funding and fundraising..  |  |
| August 2, 2017                               | City Council passes Ordinance 4593 – Parks Code Amendment Allowing Dogs Off-leash in designated off-leash parks, portions of parks, and for specific hours. Proposal will be reviewed by the Park Board in 2018. Language reflects current practice.   |  |
| January 1, 2018                              | Discussion with City Council regarding public outreach for DOLA. Council submits follow-up requests for a statistically-valid survey.  |  |
| July 21, 2018                                | Edith Moulton Park Opens with a fenced off-leash dog trail area.   |  |

Updated 1/10/19

| Work Plan Item<br><i>(Feedback, Discussion, or Recommendation Items)</i> | Park Board Role/Responsibility  | Category            | 2019 |    |    |    | 2020 |    |    |    |  |
|--|---|---------------------|------|----|----|----|------|----|----|----|--|
|  |   |                     | Q1   | Q2 | Q3 | Q4 | Q1   | Q2 | Q3 | Q4 |  |
| Off leash dog area -community feedback report                            | Provide recommendation to City Council based on outcomes of public engagement process to be completed in 2019 Q1.                         | Park Board Project  | x    |    |    |    |      |    |    |    |  |
| Parks service levels   | Provide input on service levels   | Parks Operations    | x    |    |    |    |      |    |    |    |  |
| City code update pertaining to park development and master plans         | Provide input on proposed code updates  | Policy              | x    |    |    |    |      |    |    |    |  |
| RFQ for park vendors and concessionaires                                 | Participate in selection process, provide input   | Recreation Services | x    | x  |    |    |      |    |    |    |  |
| 132nd Square Park master plan  | Provide input, participate in community outreach and education efforts and provide recommendation to City Council on master plan adoption | Park Planning       | x    | x  | X  |    |      |    |    |    |  |
| Park Board Park/Facility Naming Procedures                               | Develop standard procedure for Park Board to review/consider naming requests  | Park Board Project  |      | x  |    |    |      |    |    |    |  |
| Department scholarship policy  | Provide input on proposed policies, communicate updates to community and provide recommendation to City Council                           | Policy              |      | x  | x  |    |      |    |    |    |  |
| Department sponsorship/partnership policy                                | Provide input on proposed policies, communicate updates to community and provide recommendation to City Council                           | Policy              |      | x  | x  |    |      |    |    |    |  |
| Property acquisition guidelines and long-term strategy                   | Provide input on proposed guidelines  | Park Planning       |      |    | x  | x  |      |    |    |    |  |
| Update special event guide (includes fee structure and policies)         | Provide recommendation to City Council on proposed changes  | Policy              |      |    |    | x  |      |    |    |    |  |
| Off leash dog area - development of operational plan                     | Develop plan based on City Council response to outreach efforts   | Park Board Project  |      |    |    | x  | x    |    |    |    |  |
| Park volunteer program   | Provide input on proposed updates, communicate updates to community   | Parks Operations    |      |    |    | x  | x    |    |    |    |  |
| Juanita Heights trail construction and development                       | Provide input and participate in community outreach and education efforts on proposed trails  | Park Planning       |      |    |    | x  | x    |    |    |    |  |
| Update city code for parks, recreation and community services            | Provide input on proposed code updates  | Policy              |      |    |    | x  | x    |    |    |    |  |
| Develop 2021-2026 CIP strategy and program                               | Provide input on proposed projects and provide recommendation to City Council on the developed CIP plan                                   | Park Planning       |      |    |    |    | x    | x  |    |    |  |
| PROS Plan Update 2020 for 2021 Adoption                                  | Provide input , participate in community outreach and education efforts and provide recommendation to City Council on draft plan          | Policy              |      |    |    |    | x    | x  | x  | x  |  |
| Define process for 1% art projects to integrate into Parks CIP projects  | Provide input on proposed process   | Park Planning       |      |    |    |    |      | x  |    |    |  |
| Park development guidelines - inclusive, universal design, automations   | Provide input on proposed guidelines  | Policy              |      |    |    |    |      |    | x  |    |  |
| Neighborhood park acquisition  | Provide recommendation to City Council on proposed acquisitions   | Acquisition         | x    | x  | x  | x  | x    | x  | x  | x  |  |

| Informational Updates   | Park Board Role/Responsibility   | 2019    |    |    |    | 2020    |    |    |    |   |
|---|--|---------|----|----|----|---------|----|----|----|---|
|   |  | Q1      | Q2 | Q3 | Q4 | Q1      | Q2 | Q3 | Q4 |   |
| CIP Updates   | Receive monthly update on Parks CIP Projects and communicate updates to community                    | Monthly |    |    |    | Monthly |    |    |    |   |
| Active Ammenities and Playground replacement updates            | Communicate with community about planned updates to park active ammenities and playgrounds           | x       |    |    | x  | x       |    |    |    | x |
| City / School partnership project - FHMS field                  | Monitor progress and communicate updates to community  | x       |    | x  |    |         |    |    |    |   |
| City / School partnership project - Peter Kirk Elementary field | Monitor progress and communicate updates to community  |         |    | x  |    |         |    |    |    |   |
| Sinking Fund Project Updates                                    | Receive annual update on projects funded by Parks Sinking Fund, and look ahead to future projects    | x       |    |    |    | x       |    |    |    |   |
| Year In Review Reports  | Receive annual report on accomplishments and highlights from the various areas within the department | x       |    |    |    | x       |    |    |    |   |

| Educational Item<br><i>(Enrichment and Knowledge based sessions)</i> | Description   | 2019             |    |    |    | 2020 |    |    |    |
|--|---|------------------|----|----|----|------|----|----|----|
|  |   | Q1               | Q2 | Q3 | Q4 | Q1   | Q2 | Q3 | Q4 |
| Inclusive Park Design  | Provide further education to Park Board about inclusive design, including ADA Compliance, Universal design, and PCS Goals and considerations when developing parks, playgrounds, and other facilities | TBD 2019 Meeting |    |    |    |      |    |    |    |
| Park Planning and Design Process                                     | Start to finish: Overview of park planning process, including master plan process, design process, public input opportunities, Park Board role, and other considerations                              | *                | *  | *  | *  |      |    |    |    |

*\*This topic will be covered throughout the year as we progress through the various planning and design phases of actual park projects. Specific dates will be determined to best align with said projects.*





**CITY OF KIRKLAND**  
Department of Parks & Community Services  
123 5<sup>th</sup> Avenue, Kirkland, WA 98033 425.587.3300  
[www.kirklandwa.gov](http://www.kirklandwa.gov)

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## **MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** Lynn Zwaagstra, Director of Parks & Community Services  
Adam Weinstein, Director of Planning & Building  
Leslie Miller, Human Services Supervisor  
Dawn Nelson, Planning Supervisor

**Date:** April 25, 2019

**Subject:** Affordable Housing Week Proclamation

## **RECOMMENDATION**

That the Mayor proclaim May 13 – May 17, 2019 as Affordable Housing Week in Kirkland.

## **BACKGROUND DISCUSSION**

Affordable Housing Week is an annual initiative sponsored by the Housing Development Consortium to highlight the need for affordable housing in King County. Through education and advocacy the Housing Development Consortium works collaboratively with public and private organizations to meet the housing needs of limited-income people throughout the region. The Consortium is comprised of over 160 member organizations.

A number of events are being scheduled throughout the County during Affordable Housing Week to heighten awareness about the need for more affordable housing. On the Eastside an event titled "Affordable Housing 101: Why is it so dang hard?" will be held on Wednesday, May 15 from 6:00 p.m. to 8:00 p.m. at Holy Spirit Lutheran Church in Kirkland. Registration details and information about other scheduled events during the week can be found at the Consortium's website: <https://www.housingconsortium.org/affordable-housing-week/>

Two documents produced by the Housing Development Consortium are attached. **Attachment A** provides data on King County's affordable housing gap, and **Attachment B** provides Kirkland data on the relationship between housing and health.

Joy Horbochuk with Hopelink will represent the Housing Development Consortium to receive the proclamation.

Attachments: A – King County Housing Gaps  
B – Healthy Housing in Kirkland



5,485

people living without shelter<sup>1</sup>

295,000

households spend over

30%

of their income on housing<sup>2</sup>

43%

of renters spend more than 30% their income on housing<sup>3</sup>

# KING COUNTY'S

# AFFORDABLE

# HOUSING

# GAP

\$1920

Median rent for a 1 bedroom apartment ...a \$300 increase in 2 years<sup>4</sup>

54,000

more homes affordable to households with incomes less than 30% AMI are needed to meet demand<sup>5</sup>

A King County resident must earn

\$29.69

per hour to afford a two-bedroom apartment<sup>6</sup>

8,411

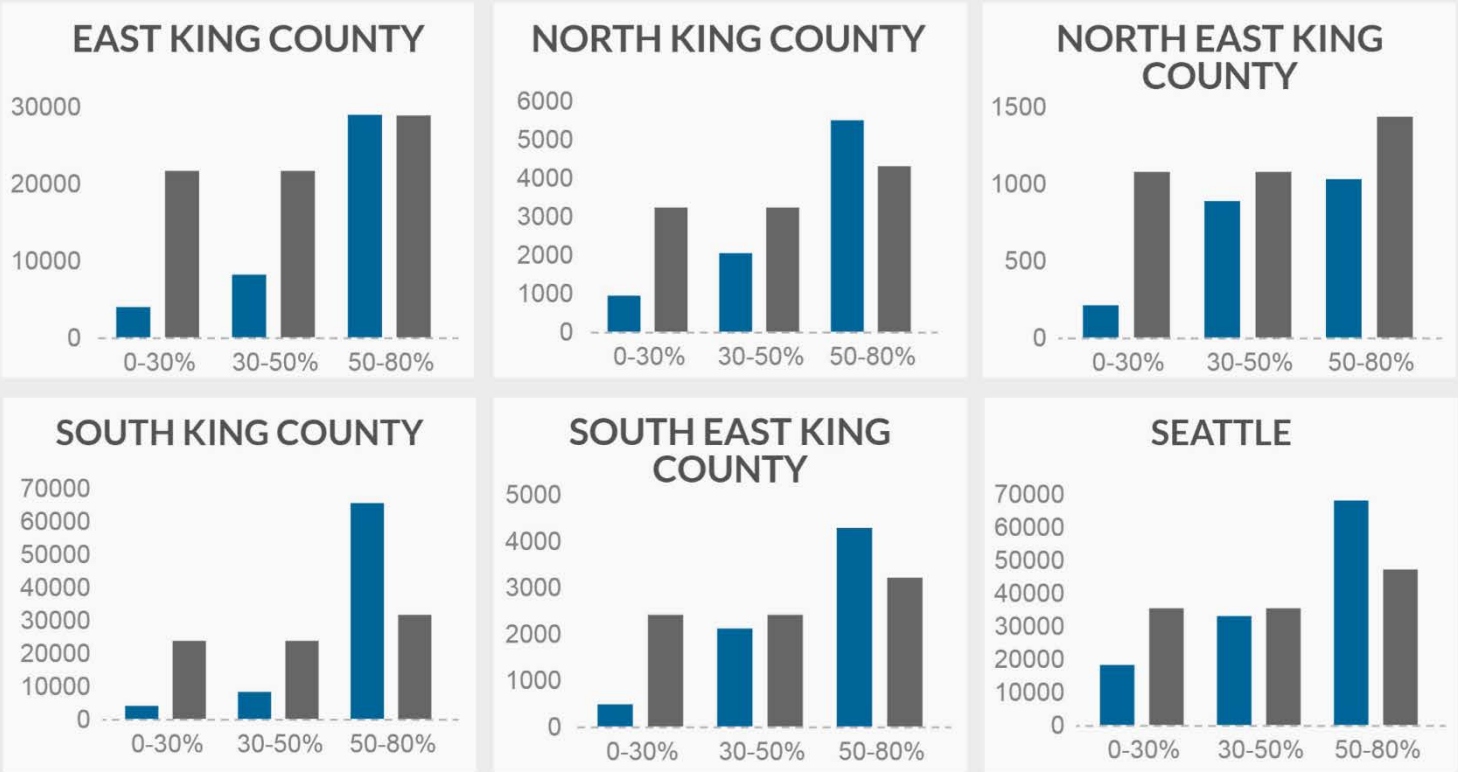
school children without homes in the 2015-16 school year<sup>7</sup>

Only 3 out of 10 rental homes are affordable to extremely low income families<sup>8</sup>

<sup>1</sup> All Home King County, Applied Survey Research. "Count Us In 2017 Comprehensive Report." Accessed July 6, 2017. <http://allhomekc.org/wp-content/uploads/2016/11/2017-King-PII-Count-Comprehensive-Report-FINAL-DRAFT-5.31.17.pdf>  
<sup>2</sup> King County. "2016 King County Comprehensive Plan Update Technical Appendix B: Housing." Accessed July 6, 2017. [http://www.kingcounty.gov/-/media/Council/documents/CompPlan/2016/2016-0155/AppendixB\\_Housing.ashx?la=en](http://www.kingcounty.gov/-/media/Council/documents/CompPlan/2016/2016-0155/AppendixB_Housing.ashx?la=en)  
<sup>3</sup> Ibid.  
<sup>4</sup> Ibid.  
<sup>5</sup> Zillow. "Median Rent List Price (\$), 1-Bedroom." Accessed July 6, 2017. [files.zillowstatic.com/research/public/County/County\\_MedianRentalPrice\\_1Bedroom.csv](https://www.zillowstatic.com/research/public/County/County_MedianRentalPrice_1Bedroom.csv)  
<sup>6</sup> NLIHC. "Out of Reach 2017: Washington." Accessed July 6, 2017. <https://nlihc.org/outofreach/washington>  
<sup>7</sup> Dyer, Melinda, and Jordyn Green. "Homeless Student Data: 2015-16." Office of the Superintendent of Public Instruction. Accessed July 6, 2017. [www.k12.wa.us/LegisGov/2017documents/2017-01-HomelessEducation.pdf](http://www.k12.wa.us/LegisGov/2017documents/2017-01-HomelessEducation.pdf)  
<sup>8</sup> King County. "2016 King County Comprehensive Plan Update Technical Appendix B: Housing." Accessed July 6, 2017. [http://www.kingcounty.gov/-/media/Council/documents/CompPlan/2016/2016-0155/AppendixB\\_Housing.ashx?la=en](http://www.kingcounty.gov/-/media/Council/documents/CompPlan/2016/2016-0155/AppendixB_Housing.ashx?la=en)

# GAPS BY REGION

■ Homes Available ■ County Goal



- 🏠 King County's affordable housing gap is largest for households with incomes 30% AMI or less
- 🏠 No city in King County is meeting the proportional need for homes affordable to households with incomes  $\geq$  30% AMI
- 🏠 Gaps are largest in Seattle, North, and East King County

# GAPS BY CITY

Affordable homes needed to achieve county-wide proportional need now and in 2030

|                    | 0-30% AMI     |               | 30%-50% AMI   |               | 50%-80% AMI  |              |
|--------------------|---------------|---------------|---------------|---------------|--------------|--------------|
|                    | 2016          | 2030          | 2016          | 2030          | 2016         | 2030         |
| <b>East</b>        |               |               |               |               |              |              |
| Beaux Arts Village | 18            | 18            | 18            | 18            | 20           | 20           |
| Bellevue           | 4,958         | 7,032         | 4,573         | 6,647         | Met          | 1,138        |
| Bothell            | 712           | 1,169         | 64            | 521           | Met          | 128          |
| Clyde Hill         | 105           | 106           | 97            | 98            | 134          | 136          |
| Hunts Point        | 22            | 22            | 10            | 10            | 26           | 26           |
| Issaquah           | 1,209         | 1,899         | 1,184         | 1,874         | 171          | 1,091        |
| Kenmore            | 812           | 1,232         | 262           | 682           | Met          | 319          |
| Kirkland           | 3,861         | 4,890         | 2,262         | 3,291         | Met          | 1,121        |
| Medina             | 107           | 109           | 83            | 85            | 137          | 140          |
| Mercer Island      | 926           | 1,166         | 911           | 1,151         | 1,045        | 1,365        |
| Newcastle          | 423           | 567           | 383           | 527           | 21           | 213          |
| Redmond            | 2,237         | 3,461         | 1,607         | 2,831         | Met          | 1,178        |
| Sammamish          | 1,823         | 2,324         | 1,679         | 2,180         | Met          | 2,428        |
| Woodinville        | 431           | 761           | 302           | 662           | Met          | 108          |
| Yarrow Point       | 52            | 54            | 44            | 46            | 39           | 42           |
| <b>Total</b>       | <b>17,696</b> | <b>24,842</b> | <b>13,479</b> | <b>20,625</b> | <b>1,603</b> | <b>9,452</b> |
| <b>South</b>       |               |               |               |               |              |              |
| Algona             | 115           | 138           | Met           | Met           | Met          | Met          |
| Auburn             | 2,359         | 3,514         | Met           | Met           | Met          | Met          |
| Burien             | 1,054         | 1,587         | Met           | Met           | Met          | Met          |
| Des Moines         | 834           | 1,194         | Met           | Met           | Met          | Met          |
| Federal Way        | 3,178         | 4,150         | Met           | Met           | Met          | Met          |
| Kent               | 3,410         | 4,522         | Met           | Met           | Met          | Met          |
| Milton             | 303           | 309           | 178           | 184           | Met          | Met          |
| Normandy Park      | 226           | 240           | Met           | Met           | 251          | 271          |
| Pacific            | 194           | 229           | Met           | Met           | Met          | Met          |
| Renton             | 2,993         | 4,773         | Met           | 1,068         | Met          | Met          |
| SeaTac             | 862           | 1,558         | Met           | Met           | Met          | Met          |
| Tukwila            | 694           | 1,276         | Met           | Met           | Met          | Met          |
| <b>Total</b>       | <b>16,222</b> | <b>23,489</b> | <b>178</b>    | <b>2,252</b>  | <b>251</b>   | <b>271</b>   |
| <b>South East</b>  |               |               |               |               |              |              |
| Black Diamond      | 186           | 414           | Met           | 179           | 137          | 441          |
| Covington          | 662           | 838           | 337           | 513           | Met          | Met          |
| Enumclaw           | 295           | 466           | Met           | Met           | Met          | Met          |
| Maple Valley       | 784           | 1,000         | 605           | 821           | Met          | 201          |
| <b>Total</b>       | <b>1,927</b>  | <b>2,719</b>  | <b>942</b>    | <b>1,513</b>  | <b>137</b>   | <b>642</b>   |
| <b>North East</b>  |               |               |               |               |              |              |
| Carnation          | 88            | 127           | Met           | 32            | Met          | 36           |
| Duvall             | 261           | 398           | 81            | 218           | 168          | 351          |
| North Bend         | 167           | 246           | 27            | 106           | Met          | 60           |
| Skykomish          | 8             | 9             | Met           | Met           | Met          | Met          |
| Snoqualmie         | 342           | 536           | 338           | 532           | 303          | 561          |
| <b>Total</b>       | <b>866</b>    | <b>1,317</b>  | <b>446</b>    | <b>888</b>    | <b>471</b>   | <b>1,008</b> |
| <b>Seattle</b>     |               |               |               |               |              |              |
| <b>Total</b>       | <b>17,161</b> | <b>27,481</b> | <b>2,341</b>  | <b>12,661</b> | <b>Met</b>   | <b>7,125</b> |

Note: Gap calculations are based on King County goals, which are not necessarily reflective of existing demand. Meeting a county goal does not imply that there is enough housing stock to meet the needs of households of all incomes in a particular city.



Photo by SVM Architects

## Housing & Health in Kirkland

The relationship between health and home is well-studied and widely-recognized: the health of our bodies depends on the health of our homes

### Healthy housing is affordable, safe, and supportive

A healthy home is one where the physical, mental, and socioeconomic environment supports the well-being of household members. It is free from hazards like pests or structural deficiencies. It does not impose a cost burden, ensuring household income can be spent on other needs such as food and healthcare.

It should be possible for every Kirkland resident to live in a healthy home.



#### Affordable

Less than 30% of household income is spent on housing, ensuring there is enough for healthy food, health care, and other needs



#### Safe

Home is free from hazards such as toxins, pests, and structural problems



#### Supportive

Household members are supported in making healthy choices, achieving educational and economic success, and engaging with their community

*Hallmarks of Healthy Housing*  
 Dry  
 Pest-Free  
 Contaminant-Free  
 Ventilated  
 Maintained  
 Adequate plumbing & kitchen  
 Not crowded  
 Affordable!

### Healthy housing is critical to well-being

Research shows that affordable, healthy homes are positively correlated to physical and psychological well being.



Poor housing quality is the most consistent and strongest predictor of emotional and behavioral problems in children and youth



Households who spend less on housing are less likely to experience residential instability, which is associated with reduced mental and physical health outcomes

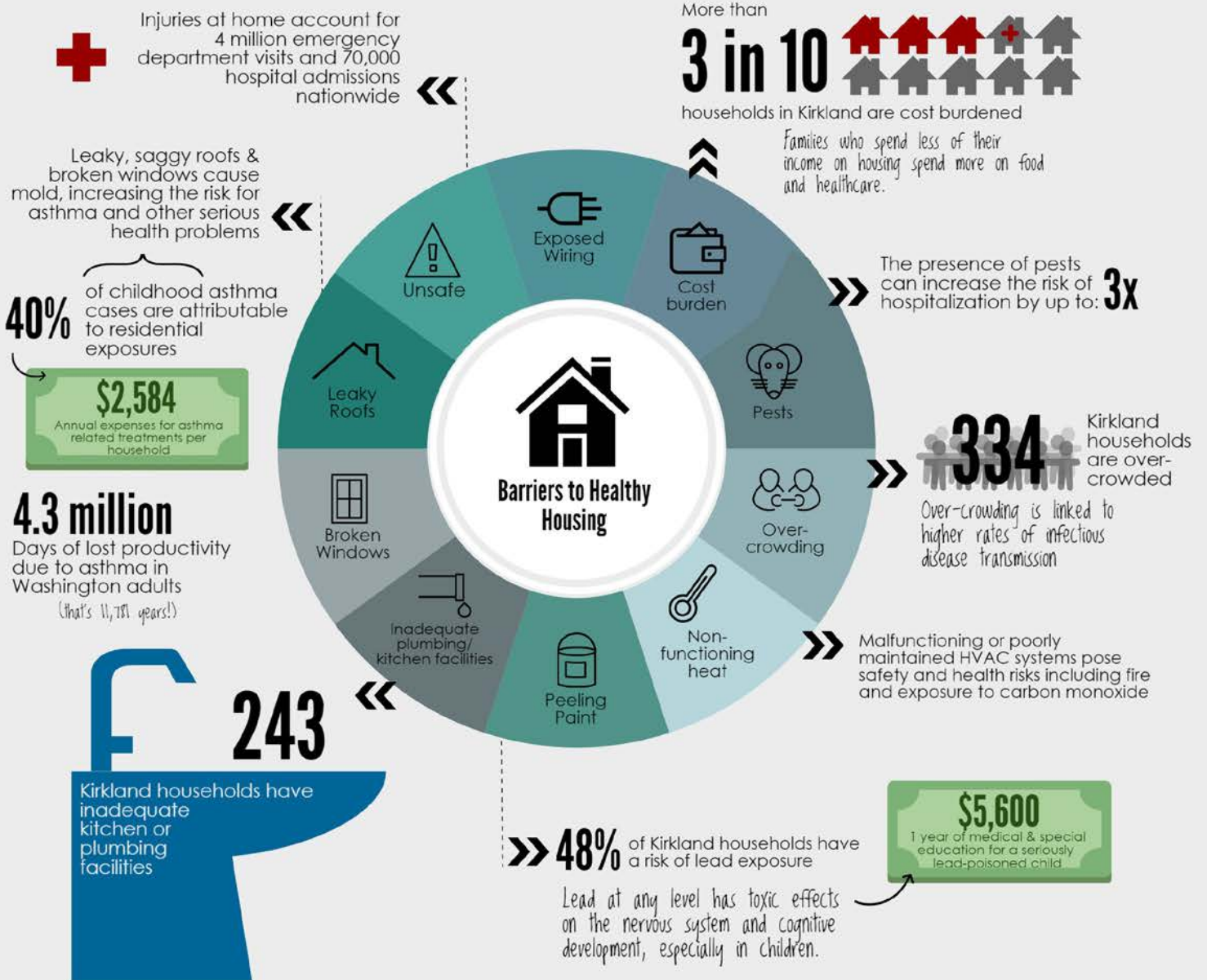


Residential exposures are major contributing factors to serious illnesses

# Impacts of healthy housing barriers in Kirkland



HUD's defined housing problems include overcrowding, inadequate plumbing, inadequate kitchen facilities, and cost-burden. The National Healthy Housing Standard (NHHS) builds on these to include structural integrity, safety & security, heating & energy, moisture, waste, pest management and chemical agents.



Updated March 2017.

American Public Health Association & National Center for Healthy Housing. "National Healthy Housing Standard." 16 May 2014.  
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For more infographics like this one, visit [housingconsortium.org](http://housingconsortium.org)





# A PROCLAMATION OF THE CITY OF KIRKLAND

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## Affordable Housing Week

**WHEREAS**, all people should have access to safe, healthy, and affordable homes within communities of opportunity; and

**WHEREAS**, the 2018 Count Us In survey found over 12,000 individuals experiencing homelessness in King County, 6,320 of them living without shelter, and an increasingly high number of families who are considered "housing insecure," because they are spending more than half of their income on rent & utilities; and

**WHEREAS**, the combined cost burden of housing plus transportation can be substantially reduced by locating affordable housing opportunities in proximity to transit; and

**WHEREAS**, everyone benefits from affordable housing, including the people who reside in these properties, their neighbors, businesses, employers, and the community as a whole; and

**WHEREAS**, research shows that affordable, healthy homes are positively linked to physical and psychological well-being; and

**WHEREAS**, united in an effort to raise public awareness, communities throughout King County are participating in local Affordable Housing Week efforts to inform the public of the critical need to preserve and increase affordable housing in our communities; and

**WHEREAS**, the City of Kirkland has adopted a Housing Element as part of its Comprehensive Plan which includes goals and policies to address housing needs for all income levels and types of households including the homeless and people with special needs; and

**WHEREAS**, the City of Kirkland has adopted legislation that supports affordable housing by exempting impact fees for affordable housing units, requiring affordable housing units in market rate developments, allowing multifamily tax exemptions where affordable housing units are provided, and prohibiting discrimination against Section 8 Housing Choice Vouchers use; and

**WHEREAS**, the City of Kirkland is a member of A Regional Coalition for Housing, a nationally recognized organization, that supports member efforts to create affordable housing throughout East King County, and Kirkland has invested millions of dollars through the ARCH Housing Trust fund over the past two decades to preserve existing and build new affordable housing; and

**WHEREAS**, the City of Kirkland endorses the goals, objectives, and purposes of Affordable Housing Week, and in doing so, recommits itself to ensuring that our community thrives with opportunity, and that all people in it live with dignity in safe, healthy, and affordable homes.

**NOW, THEREFORE, I**, Penny Sweet, Mayor of Kirkland, do hereby proclaim May 13 – 17, 2019 as Affordable Housing Week in Kirkland.

Signed this 7th day of May, 2019

\_\_\_\_\_  
Penny Sweet, Mayor



**CITY OF KIRKLAND**  
**Department of Public Works**  
123 Fifth Avenue, Kirkland, WA 98033 425.587.3800  
[www.kirklandwa.gov](http://www.kirklandwa.gov)

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**MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** Kathy Brown, Public Works Director  
Joel Pfundt, Transportation Manager  
Armaghan Baghoori, Transportation Program Coordinator

**Date:** April 22, 2019

**Subject:** BIKE EVERYWHERE MONTH PROCLAMATION

**RECOMMENDATION:**

The Mayor proclaims May 2019 as "Bike Everywhere Month" in Kirkland.

**BACKGROUND DISCUSSION:**

The City is devoted to building and sustaining a thriving community by creating a livable, walkable, vibrant, accessible, and sustainable Kirkland for all residents. Bike-friendly communities have been shown to improve residents' health, well-being, and quality of life. They also serve to grow the economy, improve traffic safety, and reduce pollution and congestion. To better implement this vision, the City adopted the 2015 *Transportation Master Plan* and the 2009 *Active Transportation Plan (ATP)*. As outlined in those plans, the City continues to provide balance across modes of transportation, increase safety and accessibility for all users, and provide bike facilities for people of all ages and abilities. The City is currently embarking on an update to the ATP to support the implementation of the City's Vision Zero commitment, to build high quality bicycle and pedestrian networks for people of all ages and abilities that will connect people to destinations and transit, and to continue to make Kirkland a more walk and bike friendly community.

Throughout the month of May, the City, in partnership with other regional organizations, will promote greater public awareness of bicycle operation and safety education. The goal is to reduce collisions, injuries, and fatalities, as well as to improve health and safety for everyone on the road. On May 17th, 2019, the City will help our region celebrate Bike Everywhere Day by participating in the setup and staffing of "Celebration Stations" at Marina Park and the lid/park over SR-520 at Evergreen Point that morning between 6:00 a.m. to 9:00 a.m.

May is National Bike Month across the nation and the Council recognizes this as an opportunity to support and emphasize the health, safety, and active lifestyle of residents by proclaiming May as Bike Everywhere Month in Kirkland.

Attachment A: Proclamation



## A PROCLAMATION OF THE CITY OF KIRKLAND

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### Proclaiming May 2019 as "Bike Everywhere Month" in Kirkland, Washington

**WHEREAS**, biking is an economical, healthy, and environmentally sound form of transportation; and

**WHEREAS**, May is recognized and celebrated as National Bike Month across the United States, and Washington State continues to be the top bicycle-friendly state since 2008, according to the League of American Bicyclists ranking; and

**WHEREAS**, the City of Kirkland is dedicated to balanced transportation by reducing reliance on single-occupancy vehicles and improving connectivity and multi-modal mobility in Kirkland in order to maintain and enhance travel times, safety, health, and transportation choices; and

**WHEREAS**, the City Council adopted the Active Transportation Plan in March 2009 and the Transportation Master Plan in November 2015 with the goal of enhancing safety and accessibility for all users and providing bike facilities for people of all ages and abilities;

**NOW, THEREFORE, I**, Penny Sweet, Mayor of the City of Kirkland, Washington do hereby proclaim May as "Bike Everywhere Month" in Kirkland, encourage all residents to participate in this annual activity, and to always consider the safety of bicyclists.

Signed this 7th day of May, 2019

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Penny Sweet, Mayor





**CITY OF KIRKLAND**

123 Fifth Avenue, Kirkland, WA 98033 425.587.3800  
www.kirklandwa.gov

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**MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** Heather Kelly, Emergency Manager  
Joe Sanford, Fire Chief

**Date:** April 23, 2019

**Subject:** COMMUNITY EMERGENCY RESPONSE TEAM #27 GRADUATION

**RECOMMENDATION:**

Recognize the graduates of the City of Kirkland’s 27<sup>th</sup> Community Emergency Response Team (CERT) class and award their CERT Certificate of Course Completion.

It is requested that this recognition occur as the first item of the meeting so the class participants and their supporters may excuse themselves from the chambers to attend a reception in their honor and provide seating for council meeting attendees.

**BACKGROUND DISCUSSION:**

In today’s world, schedules are occupied with school, work, family, and other demands. That these community members chose to dedicate one evening a week for eight weeks learning how to help others speaks volumes of their commitment to their community.

The Community Emergency Response Team (CERT) program educates community members about disaster preparedness and response. This course provides participants the skills necessary to help themselves, their families, and others during a disaster. The 26-hour CERT course is taught by a team of instructors including professional responders and volunteers. Training includes topics related to Incident Command, disaster preparedness, fire suppression, first aid, light search & rescue operations, and teamwork.

CERT 27 highlighted the concept of community engagement as participants came from 11 neighborhoods and a variety of occupations, including but not limited to, doctors, nurses, IT specialists, domestic engineers, environmentalists, and retirees to name a few. This diverse group shares the desire and motivation to make a difference in the City of Kirkland.

The Office of Emergency Management (OEM) would also like to thank the OEM volunteers and Kirkland Fire Fighters that support CERT course delivery.

The next course will be held in the Fall of 2019.

CERT 27 Participant List  
March to May 2019

| <u>First Name</u> | <u>Last Name</u> | <u>Neighborhood</u>      |
|-------------------|------------------|--------------------------|
| Veronica          | Knight           | Bridle Trails            |
| Christopher       | Pansulla         | Everest                  |
| Damien            | Guard            | Evergreen Hill/Kingsgate |
| Scott             | Harder           | Evergreen Hill/Kingsgate |
| Deborah           | Ji               | Finn Hill                |
| Aram              | Matevosov        | Finn Hill                |
| Ash               | Gillespie        | Finn Hill                |
| Ken               | Lapp             | Finn Hill                |
| Victoria          | Lapp             | Finn Hill                |
| Mark              | Rice             | Highlands                |
| Lynette           | Espley           | Juanita                  |
| Tessa             | Hansen           | Juanita                  |
| Doug              | Hicks            | Juanita                  |
| Angela            | Gulick           | Juanita                  |
| Lauren            | Fergot           | Juanita                  |
| Peter             | Chang            | Juanita                  |
| Jill              | Haakenstad       | Market                   |
| Nancy             | Miller           | Market                   |
| Klane             | Anderson         | Moss Bay                 |
| Elena             | Wallace          | Moss Bay                 |
| Habib             | Heydarian        | Norkirk                  |
| Ryan              | Huntington       | North Rose Hill          |
| Joseph            | Rapp             | North Rose Hill          |
| Mary              | Goodwin          | North Rose Hill          |
| Hillary           | Barth            | North Rose Hill          |
| Zach              | Barth            | North Rose Hill          |
| Shelli            | Craig            | North Rose Hill          |
| Brad              | Remington        | Totem Lake               |



## **MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** Heather Kelly, Emergency Manager  
Joe Sanford, Fire Chief

**Date:** April 23, 2019

**Subject:** CITY PREPAREDNESS CAMPAIGN

### **RECOMMENDATION:**

It is recommended that City Council participate in the City Preparedness Campaign by building their workplace preparedness kit during the City Council Meeting.

### **BACKGROUND DISCUSSION:**

Disaster preparedness is key to response and recovery of disasters. For decades the message has been to prepare at home, work, and on the go. Emergency Managers and educators have struggled to motivate and empower large populations and communities to act to personally prepare for disasters. Professionals have spent hours, funding, and implemented numerous campaigns to build community, workplace, and personal preparedness, with limited large-scale success. In January 2019, FEMA released a report (The U.S. Federal Emergency Management Agency (FEMA). 2019. "Building Cultures of Preparedness: A report for the emergency management higher education community." Washington, DC: FEMA.) confirming what Emergency Managers have known for many years. People understand the importance and benefits of preparing for disasters; however, the follow through to build kits, make plans, and get trained does not hold enough importance to override other daily tasks. The FEMA document further reports that the one size fits all concept is not applicable to unique and diverse populations.

Recognizing the importance of a prepared workforce, and guided by the FEMA report, the Office of Emergency Management (OEM) with the support of the City Manager initiated a citywide employee workplace preparedness campaign. The intent of the campaign is to increase resiliency within the workplace while building awareness and empowering staff to act in their household to mirror the efforts occurring at work. OEM staff are leveraging existing department meetings to provide staff with three rounds of information and supplies, so that by the end of 2019 city staff will have a basic disaster kit within arm's reach to assist them through the first few hours of an emergency; complementing the facility-based disaster containers.

It is important for every community to have leadership during disasters; therefore, OEM is providing the City Council with the same three rounds of preparedness information and supplies while at the same time sharing important basic disaster information with the public.

**KIRKLAND CITY COUNCIL SPECIAL JOINT MEETING**

**City Boards & Commissions  
Community Engagement Appreciation Celebration  
Kirkland Performance Center  
350 Kirkland Avenue  
Kirkland, WA 98033**

**Tuesday, April 9, 2019  
5:00 p.m.**

**Minutes**

**1. CALL TO ORDER**

The event commenced at 5 p.m.; In addition to the City Council, due to potential quorums of members of the Houghton Community Council, Cultural Arts Commission, Design Review Board, Disability Board, Human Services Commission, Library Board, Park Board, Planning Commission, Salary Commission, Tourism Development Committee, Transportation Commission, Senior Council and Youth Council in attendance, the event was noticed as a special City Council joint meeting.

**2. ROLL CALL**

City Councilmembers Present: Mayor Penny Sweet, Deputy Mayor Jay Arnold, Councilmembers Dave Asher, Kelli Curtis, Tom Neir, Toby Nixon, and Jon Pascal.

**3. Boards & Commissions Recognition**

Following a buffet dinner, Councilmembers reviewed highlights of the City's Boards and Commissions and Volunteer work programs and events over the past year and recognized members who had completed their terms of service.

**4. ADJOURNMENT**

The April 9, 2019 City Boards & Commissions Recognition Event/Special Meeting of the Kirkland City Council concluded at 7:05 p.m.



KIRKLAND CITY COUNCIL MEETING MINUTES  
April 16, 2019

1. CALL TO ORDER

Mayor Sweet called the study session to order at 6:00 p.m. and the regular meeting to order at 7:30 p.m.

Motion to Excuse Councilmember Asher's absence due to travel.

Moved by Deputy Mayor Jay Arnold, seconded by Councilmember Tom Neir

Vote: Motion carried 6-0

Yes: Deputy Mayor Jay Arnold, Councilmember Kelli Curtis, Councilmember Tom Neir, Councilmember Toby Nixon, Councilmember Jon Pascal, and Mayor Penny Sweet.

2. ROLL CALL

ROLL CALL:

Members Present: Deputy Mayor Jay Arnold, Councilmember Kelli Curtis, Councilmember Tom Neir, Councilmember Toby Nixon, Councilmember Jon Pascal, and Mayor Penny Sweet.

Members Absent: Councilmember Dave Asher.

3. STUDY SESSION

a. February 2019 Snow and Ice Storm After Action Report

Joining the Council for the discussion were City Manager Kurt Triplett, Assistant City Manager Jim Lopez, Director of Public Works Kathy Brown, Communications Program Manager Kellie Stickney, Public Works Superintendent Ray Steiger, and Emergency Manager Heather Kelly. Deputy Fire Chief Tim Day was also available to respond to questions.

4. EXECUTIVE SESSION

None.

5. HONORS AND PROCLAMATIONS

a. 2019 Arbor Day Proclamation

Parks and Community Services Director Lynn Zwaagstra and Planning and Building Department Director Adam Weinstein accepted the proclamation from Mayor Sweet and Councilmember Curtis.

- b. YWCA USA's Stand Against Racism Day Proclamation

Assistant City Manager James Lopez accepted the proclamation on behalf of the YWCA from Mayor Sweet and Councilmember Neir.

6. COMMUNICATIONS

- a. Announcements
- b. Items from the Audience

Reid Borsuk  
Olivia Ahna  
Jin Zhang  
David Aubrey  
Tom Lee  
Marylee Tyler  
Diana Moore  
Bob Gregg  
Junyan Lin

- c. Petitions

7. PUBLIC HEARINGS

None.

8. SPECIAL PRESENTATIONS

- a. 2020 Light Rail Connection Impacts

Public Works Transportation Strategic Advisor June Carlson introduced Sound Transit Corridor Operations Director Marie Olson, Sound Transit Government and Community Relations Officer Ariel Taylor, and King County Metro Service Planner Grace Carlson, who provided coordinated presentations briefing the Council on Sound Transit construction activity impacts and the status of transit and traffic operations in downtown Seattle as a result of the March 2019 Downtown Seattle Transit Tunnel closure to buses.

- b. Transportation Demand Management Programs

Public Works Transportation Program Coordinator Armaghan Baghoori provided updates on current and future transportation programs focused on transportation demand initiatives.

9. CONSENT CALENDAR

a. Approval of Minutes

(1) April 2, 2019

Minutes of the meeting were approved via approval of the consent calendar.

b. Audit of Accounts and Payment of Bills and Payroll

Payroll: \$3,784,286.46

Bills: \$3,318,778.85

CA190403 checks #704755 - 704915 Wire #s 65, 66

LB403B Wire #s 61, 63

CA190410 checks #704916 - 705074

LB411A Wire #68

LB411B Wire #67

CA190415 check #705075

c. General Correspondence

d. Claims

(1) Claims for Damages

Claims received from Eric Larson and Andrew Miller were acknowledged via approval of the consent calendar.

e. Award of Bids

f. Acceptance of Public Improvements and Establishing Lien Period

g. Approval of Agreements

h. Other Items of Business

(1) Goat Hill Storm Drainage Improvements

Council authorized staff to advertise for contractor bids on the Goat Hill Storm Drainage Improvement Project (SDC 0077) via approval of the consent calendar.

Motion to Approve the Consent Calendar.

Moved by Councilmember Tom Neir, seconded by Councilmember Kelli Curtis

Vote: Motion carried 6-0

Yes: Deputy Mayor Jay Arnold, Councilmember Kelli Curtis, Councilmember Tom Neir, Councilmember Toby Nixon, Councilmember Jon Pascal, and Mayor Penny Sweet.

10. BUSINESS

a. State Legislative Update #7

Intergovernmental Relations and Economic Development Manager Lorrie McKay provided an update on 2019 legislative session activities. Planning and Building Director Adam Weinstein also reviewed issues involving HB1923.

b. 2019 Neighborhood Safety Program and Street Light Fund

Senior Neighborhood Services Coordinator Kari Page reviewed the proposed projects and process with the Council. Traffic Control Coordinator Kathy Robertson also presented information and responded to questions.

Motion to Approve the 2019 Neighborhood Safety Program project recommendations as presented at the meeting, with additional direction to staff to bring any project decisions to the Council before any final decisions are made to eliminate projects in the event of funding shortfalls.

Moved by Councilmember Toby Nixon, seconded by Councilmember Jon Pascal  
Vote: Motion carried 6-0

Yes: Deputy Mayor Jay Arnold, Councilmember Kelli Curtis, Councilmember Tom Neir, Councilmember Toby Nixon, Councilmember Jon Pascal, and Mayor Penny Sweet.

Motion to Approve the prioritization process for the Street Light Project list and for staff to continue working with Puget Sound Energy to install street lights and poles at the next locations until the funding is exhausted.

Moved by Councilmember Jon Pascal, seconded by Councilmember Tom Neir  
Vote: Motion carried 6-0

Yes: Deputy Mayor Jay Arnold, Councilmember Kelli Curtis, Councilmember Tom Neir, Councilmember Toby Nixon, Councilmember Jon Pascal, and Mayor Penny Sweet.

Council recessed for a short break.

c. Park Lane Flexible Street Options

Senior Neighborhood Services Coordinator Christian Knight presented information on the proposed Park Lane pilot program, responded to Council questions and received Council support for implementing the pilot on the full corridor May 26 through September 22.

d. Juanita Drive Intersection and Safety Improvements Project Update

Public Works Senior Project Engineer Aparna Khanal provided an update on the project.



Motion to Approve the recommended scope element modification moving improvements R7 and R8 (buffered bike lanes) from STC 0890 to the unfunded NMC 9011 and net-zero impact to the current project budget amendment.

Moved by Councilmember Jon Pascal, seconded by Councilmember Kelli Curtis  
Vote: Motion carried 6-0

Yes: Deputy Mayor Jay Arnold, Councilmember Kelli Curtis, Councilmember Tom Neir, Councilmember Toby Nixon, Councilmember Jon Pascal, and Mayor Penny Sweet.

e. Fire Station 27 Site Condemnation and Authorization to Execute Purchase and Sale Agreement

Deputy City Manager Tracey Dunlap reviewed the proposed transaction, resolution and ordinance.

- (1) Resolution R-5371, Authorizing the City Manager to Execute a Real Property Purchase and Sale Agreement for Real Property Located at 13118 121st Way NE, Kirkland, Washington

Motion to Approve Resolution R-5371, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND AUTHORIZING THE CITY MANAGER TO EXECUTE A REAL PROPERTY PURCHASE AND SALE AGREEMENT FOR REAL PROPERTY LOCATED AT 13118 121st WAY NE, KIRKLAND, WASHINGTON FOR FIRE STATION AND RELATED PUBLIC FACILITY PURPOSES."

Moved by Councilmember Kelli Curtis, seconded by Councilmember Toby Nixon

Vote: Motion carried 6-0

Yes: Deputy Mayor Jay Arnold, Councilmember Kelli Curtis, Councilmember Tom Neir, Councilmember Toby Nixon, Councilmember Jon Pascal, and Mayor Penny Sweet.

- (2) Ordinance O-4685 and its Summary, Authorizing and Providing for the Acquisition of Interests in Land for the Purpose of Construction and Operation of Fire Station No. 27 and Related Public Facilities Within the City of Kirkland, Providing for the Cost of Property Acquisition, and Authorizing the Initiation of Appropriate Eminent Domain Proceedings in the Manner Provided for by Law

Motion to Approve Ordinance O-4685 and its Summary, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND AUTHORIZING AND PROVIDING FOR THE ACQUISITION OF INTERESTS IN LAND FOR THE PURPOSE OF CONSTRUCTION AND OPERATION OF FIRE STATION NO. 27 AND RELATED PUBLIC FACILITIES WITHIN THE CITY OF KIRKLAND, PROVIDING FOR THE COST OF PROPERTY ACQUISITION, AND AUTHORIZING THE INITIATION OF APPROPRIATE EMINENT DOMAIN PROCEEDINGS IN THE MANNER PROVIDED FOR BY LAW."

Moved by Deputy Mayor Jay Arnold, seconded by Councilmember Kelli Curtis

Vote: Motion carried 6-0

Yes: Deputy Mayor Jay Arnold, Councilmember Kelli Curtis, Councilmember Tom Neir, Councilmember Toby Nixon, Councilmember Jon Pascal, and Mayor Penny Sweet.

f. Rose Hill Neighborhood Amendments

Senior Planner Janice Coogan provided an overview of the proposed amendments and process to date and responded to Council questions.

- (1) Ordinance O-4683, Relating to Zoning, Planning, and Land Use and Amending the Kirkland Zoning Code Ordinance 3719 as Amended, Including Chapters 20, 25, 30, 40, 45, 53, 142, Amending the Zoning Map Ordinance 3710, as Amended, to Include Legislative Rezones, and Approving a Summary Ordinance for Publication, File No. CAM19-00043

The motions were tabled with the intent to reconsider a revised draft ordinance at Council's May 7, 2019 regular meeting.

Motion to Approve Ordinance O-4683, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE AND AMENDING THE KIRKLAND ZONING CODE ORDINANCE 3719 AS AMENDED, INCLUDING CHAPTERS 20, 25, 30, 40, 45, 53, 142, AMENDING THE ZONING MAP ORDINANCE 3710, AS AMENDED, TO INCLUDE LEGISLATIVE REZONES, AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. CAM19-00043."

Moved by Deputy Mayor Jay Arnold, seconded by Councilmember Toby Nixon

Motion to Amend Ordinance O-4683, and direct staff to return with an updated ordinance with the proposed amendments to RH3, RH5, and Lake Washington Institute of Technology and the miscellaneous amendments at the next council meeting, and to send back the RH8 amendments to the Planning Commission for further study with a focus on building height and setback, but not preclude any changes as they see fit to meet the goals of the updated Rose Hill Business District Plan.

Moved by Councilmember Jon Pascal, seconded by Councilmember Kelli Curtis

Motion to Table all motions and amendments on the floor.

Moved by Councilmember Toby Nixon, seconded by Councilmember Jon Pascal

Vote: Motion carried 6-0

Yes: Deputy Mayor Jay Arnold, Councilmember Kelli Curtis, Councilmember Tom Neir, Councilmember Toby Nixon, Councilmember Jon Pascal, and Mayor Penny Sweet.

Motion to Direct staff to return to the next Council meeting with an updated draft Ordinance that contains all of the proposed amendments in Ordinance O-4683, with the exception of the RH8 amendments, and to provide a presentation on the RH8 amendments for discussion by the Council with the intention of providing direction to the Planning Commission for further review in this area.

Moved by Councilmember Toby Nixon, seconded by Councilmember Kelli Curtis

Vote: Motion carried 6-0

Yes: Deputy Mayor Jay Arnold, Councilmember Kelli Curtis, Councilmember Tom Neir, Councilmember Toby Nixon, Councilmember Jon Pascal, and Mayor Penny Sweet.

## 11. REPORTS

### a. City Council Regional and Committee Reports

Councilmembers shared information regarding the Kirkland Nourishing Networks Food Box Delivery day; the City of Kirkland Community Engagement Appreciation Celebration; the ground breaking for the new Women and Families Homeless Shelter; a Sound Cities Association Public Issues Committee meeting; the NORCOM Principals Assembly; the upcoming King County Council vote to place a regional Parks levy on the August ballot; an Eastside Rail Corridor Advisory Council meeting; a meeting with eastside Sound Transit Board members, Redmond Mayor John Marchione, and Kenmore Mayor David Baker; ongoing discussions around wastewater management; and a King County Metropolitan Solid Waste Management Advisory Committee meeting.

### b. City Manager Reports

City Manager Kurt Triplett provided an update on the most recent A Regional Coalition for Housing (ARCH) board meeting; and received feedback from the Council on issues to discuss during an upcoming joint meeting with the Park Board.

#### (1) Calendar Update

#### (2) Comment Letter on Draft Supplemental Environmental Impact Statement (SEIS) on Vision 2050

Motion to Authorize the Mayor to sign the letter(s) as drafted.

Moved by Deputy Mayor Jay Arnold, seconded by Councilmember Kelli Curtis

Vote: Motion carried 6-0

Yes: Deputy Mayor Jay Arnold, Councilmember Kelli Curtis, Councilmember Tom Neir, Councilmember Toby Nixon, Councilmember Jon Pascal, and Mayor Penny Sweet.

12. ITEMS FROM THE AUDIENCE

None.

13. ADJOURNMENT

The Kirkland City Council regular meeting of April 16, 2019 was adjourned at 11:02 p.m.

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Kathi Anderson, City Clerk

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Penny Sweet, Mayor



**CITY OF KIRKLAND**  
**Department of Finance and Administration**  
**123 Fifth Avenue, Kirkland, WA 98033 425.587.3100**  
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## **MEMORANDUM**

**To:** Kurt Triplett, City Manager  
**From:** Kathi Anderson, City Clerk  
**Date:** April 25, 2019  
**Subject:** CLAIM(S) FOR DAMAGES

### **RECOMMENDATION**

It is recommended that the City Council acknowledge receipt of the following Claim(s) for Damages and refer each claim to the proper department (risk management section) for disposition.

### **POLICY IMPLICATIONS**

This is consistent with City policy and procedure and is in accordance with the requirements of state law (RCW 35.31.040).

### **BACKGROUND DISCUSSION**

The City has received the following Claim(s) for Damages from:

- (1) Seattle Police Department  
610 Fifth Ave  
Seattle, WA 98124

**Amount:** \$1,535.23

**Nature of Claim:** Claimant states that damage to a Seattle Police Department vehicle occurred when a City of Kirkland vehicle collided with the SPD parked vehicle.

- (2) Jia Lin Grance Chieh  
12815 NE 68<sup>th</sup> St  
Kirkland, WA 98033

**Amount:** \$3,105.06

**Nature of Claim:** Claimant states damage to personal vehicle resulted when a City snowplow collided with their parked vehicle.

- (3) Willmot Tucker and Tomoko Tucker  
5616 123<sup>rd</sup> Avenue NE  
Lake Stevens, WA 98258

**Amount:** \$16,396.00

**Nature of Claim:** Claimant states damage occurred to his vehicle as a result of an accident his son incurred when striking c-curbing located on the roadway median. This is a duplicate/re-filed claim by the registered owner; it was first filed by the driver, who was ineligible to file the claim.

- (4) Jeffrey Stonehocker  
26724 NE Comegys Street  
Duvall, WA 98019

**Amount:** \$5,006.63

**Nature of Claim:** Claimant states damage to personal vehicle resulted from driving over a pothole on 100<sup>th</sup> Avenue NE.

- (5) Mark F. Weiland  
810 Kirkland Ave  
Kirkland, WA 98033

**Amount:** \$TBD

**Nature of Claim:** Claimant (tenant) states damage occurred to 810 Kirkland Avenue resulting from a City sewer pipe blockage.

- (6) Ross Worthington  
14400 160<sup>th</sup> PI NE  
Woodinville, WA 98072

**Amount:** \$TBD

**Nature of Claim:** Claimant (owner) states damage occurred to 810/812 Kirkland Avenue resulting from a City sewer pipe blockage.

**Note:** Names of Claimants are no longer listed on the Agenda since names are listed in the memo.



## **CITY OF KIRKLAND**

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### **MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** Anneke Davis, P.E., Senior Project Engineer  
Dave Snider, P.E., Capital Projects Manager  
Kathy Brown, Public Works Director

**Date:** April 25, 2019

**Subject:** PUBLIC SAFETY BUILDING, PHASE 4 (GGC0131400)  
KIRKLAND JUSTICE CENTER, CONCRETE FLOOR EPOXY REMOVAL  
AWARD CONTRACT

#### **RECOMMENDATION:**

City Council awards a construction contract for the Kirkland Justice Center (KJC) Concrete Floor Epoxy Removal (Project) to Crystal Soda Blast of Tukwila, Washington, in the amount of \$53,934.47.

By taking action on this item under the Consent Calendar, the City Council is awarding a construction contract for the subject Project.

#### **BACKGROUND DISCUSSION:**

The orange flooring epoxy at the KJC must be removed in several areas throughout the KJC because large bubbles have formed on the epoxy surface. These bubbles are up to 3-inches in diameter and create an uneven walking surface. The bubbles have been monitored for the past few years and have continued to get larger. The epoxy needs to be removed to allow water vapor, which is forming the bubbles, to release through the concrete. The epoxy removal completed in the police administrative hallway in 2017 has proven effective.

There are three areas where the work is needed: 1) the police hallway (providing access to the locker rooms) and the equipment issue room (off that same hallway), and the court hallways that provide access to the judge's chambers.

The Project includes three elements: 1) concrete epoxy removal to remove bubbles; 2) concrete polishing in the areas listed in element 1 and in the police administrative hallway where previous epoxy removal took place (in 2017); and 3) epoxy removal in the motorcycle bay.

The concrete polishing effort will bring the hallways, including the police administrative hallway in which the epoxy was removed in 2017, to match the other polished areas (the hallways adjacent to the commons, the commons, and the police lobby) at the Kirkland Justice Center.

The polishing compound specified will allow the concrete surface to “breathe” and effectively eliminates the development of new bubbles. There are no bubbles in the existing polished concrete areas; the specification for the new polish is based on the specifications in the original Kirkland Justice Center construction contract.

The epoxy removal in the motorcycle bay is not for the same purpose; there is no bubbling in the motorcycle bay. The principal issue is a safety concern for motorcycle riders due to water puddling on the floor surface. The motorcycle bay door located at the northwest corner of the Kirkland Justice Center is quite tall and wide, with a high overhang. When opening and closing the door on rainy days, rain water intrudes into the space leaving standing water on the epoxy floor. The rain water, combined with water brought in to the by the motorcycles and other vehicles entering the space, all contribute to puddling. The combination of moisture and the epoxied floor results in a lower than desired level of surface friction and the removal of the epoxy, without polishing, will result in an improved surface for maneuvering through added traction for the rubber tires of the motorcycles.

There is no threat to the maintenance or integrity of the building, and the removal of the epoxy material is the most reasonable and cost-effective solution.

With an engineer’s estimate for construction of \$60,000, the Project was released to the small works roster on March 21, and on April 3, 2019, the City received two contractor bids, as listed below on Table 1:

**Table 1: Bid Results**

| <b>Contractor</b>          | <b>Amount</b>      |
|----------------------------|--------------------|
| <b>Crystal Soda Blast</b>  | <b>\$53,934.47</b> |
| <i>Engineer’s Estimate</i> | \$60,000.00        |
| Leewens Corporation        | \$75,944.56        |

The apparent low bidder meets the City of Kirkland responsible bidder criteria. Therefore, staff recommends awarding the contract to Crystal Soda Blast.

### **Funding**

The competitive procurement process was favorable to the City; the low bid was than the engineer’s estimate.

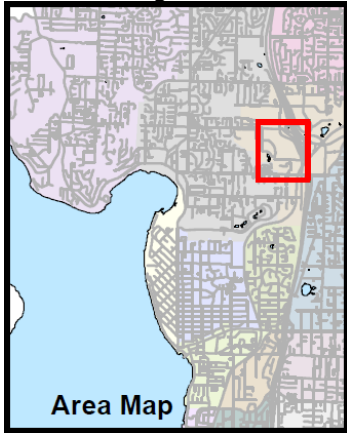
**Table 2: Funding vs. Expenses**

| <b>Anticipated Expenses</b>        | <b>Amount</b>       |
|------------------------------------|---------------------|
| Construction                       | \$ 53,934.47        |
| Contingency                        | \$ 5,065.53         |
| In House                           | \$ 3,000.00         |
| <b>TOTAL</b>                       | <b>\$ 62,000.00</b> |
| <b>Funding</b>                     |                     |
| Public Safety Building (GGC013400) | <b>\$ 86,151.74</b> |
| <b>REMAINING BALANCE</b>           | <b>\$ 24,151.74</b> |

With City Council’s award of the construction contract at the May 7, 2019 meeting, staff will finalize contracting, begin the background screening process, and will schedule the work.

Attachment A: Vicinity Map





- 1 Motorcycle Bay - Epoxy Removal
- 2 Police & Court Hallways - Epoxy Removal and Polish
- 3 Admin Hallway - Polish



**Vicinity Map**  
KJC – Concrete Epoxy Removal Project



**CITY OF KIRKLAND**  
**Department of Public Works**  
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**MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** George Minassian, P.E., Sr. Project Engineer  
Dave Snider, P.E., Capital Projects Manager  
Kathy Brown, Public Works Director

**Date:** April 25, 2019

**Subject:** 2018 ANNUAL STREET PRESERVATION PROGRAM:  
PHASE II, STREET OVERLAY PROJECT (STC0060019)—ACCEPT WORK

**RECOMMENDATION:**

City Council to:

- Accept the work for the 2018 Annual Street Preservation Program—Phase II Street Overlay Project, as completed by Lakeside Industries of Issaquah, Washington, thereby establishing the statutory lien period; and
- Authorize the transfer of the final remaining surplus funding from the 2018 Street Preservation Program funds to the 2019 Street Preservation Program.

By taking action on this memo during approval of the consent calendar, the City Council is accepting the contract work completed for the 2018 Phase II Street Overlay Project and authorizing the use of remaining funds for the 2019 Street Preservation Program.

**BACKGROUND DISCUSSION:**

The Annual Street Preservation Program is accomplished through three separate construction contracts, each representing a different phase and scope intended to maximize work and minimize costs. The three phases are:

- Phase I: Curb, Ramp, and Concrete Repairs Project—this work in the 2018 program was accepted by City Council at its January 2, 2019 meeting;
- Phase II: Street Overlay Project—this work for the 2018 program is requested to be accepted by City Council in this memo; and
- Phase III: Slurry Seal Resurfacing Project—this work in the 2018 program was accepted by City Council at its February 19, 2019 meeting.

This phased approach allows the concrete work to happen earlier in the year, which then is followed by the two subsequent phases during the summer construction season. Each type of work—concrete, asphalt, and slurry—is a specialty. By dividing the work this way, contractors can bid on their construction specialties. This has proven successful for cost savings to the City because of the elimination of added general contractor costs for sub-contractor mark-ups.

**Acceptance of Phase II Street Overlay Project:**

This agenda item is seeking the City Council's acceptance of the work performed for the 2018 Phase II Street Overlay Project (hereafter referred to as the 2018 Overlay Project), which is the final element of the 2018 Street Preservation Program.

The 2018 Overlay Project included subgrade preparation and repair, asphalt grinding, and the application of new surface-layer asphalt totaling approximately 5.6 lane miles at five locations (see Attachment A, "Vicinity Map").

At its June 19, 2018 meeting, the City Council awarded the 2018 Overlay Project to Lakeside Industries in the amount of \$1,696,199.35. Construction began on July 23, 2018, paving continued until September 21, and the work was physically complete on January 23, 2019.

**2018 Street Preservation Program Expenditures and Recommended Transfer of Remaining Funds:**

The 2018 Street Preservation Program had a total budget of \$5,192,872 for all three Phases. As has been the City's practice, a portion of the budget was used to fund pavement preservation work associated with other City capital improvement projects. As appropriate, interfund transfers were made to the Street Preservation Program for pavement-related expenses on utility projects. The schedule of the other capital projects is coordinated with the Street Preservation Program's schedule so that the City realizes economies of scale by having multiple paving locations done by the same contractor.

On an exception basis, when extensive roadway base repair is required, and/or complex coordination is needed with multiple public and private projects, a single site might be contracted separately for overlay work. An example is 6<sup>th</sup> Street South, which will be done this year on a separate contract, and not as part of the City's 2018 Overlay Project. Although done under separate contract, these site-specific projects are budgeted using Street Preservation Program funding, as explained below.

Funding for the entire 2018 Street Preservation Program comes primarily from a share of the Street Levy, General Fund revenues, and CIP-related interfund transfers. There also was a \$50,972 balance from the 2017 Street Preservation Program that was carried forward into the 2018 Program.

As mentioned above, there are some circumstances that warrant separate paving projects to be performed outside of the annual Phase II Asphalt Street Overlay Project. Of the total 2018 Street Preservation Program budget, the City Council approved \$1,690,000 for paving work associated with three separate 2018 CIP projects (see lines 4, 5, and 6 in Table 1 on the following page). This left \$3,502,872 for the 2018 Street Preservation Program.

**Table 1: 2018 Street Preservation Program (Total Funding Less Other CIP Projects)**

| <b>Funding Sources</b>   | <b>Amount</b>                  |
|--|--------------------------------|
| 1. Adopted 2017-2022 CIP   |                                |
| Proposition 1 Street Levy  | \$2,698,300                    |
| General Fund   | \$1,936,600                    |
| 2. Interfund Transfers for Paving Work   | \$507,000                      |
| 3. 2017 Annual Program Carry-forward   | \$50,972                       |
| <b>Total Funding</b>   | <b>\$5,192,872</b>             |
| <b>Encumbrances for Paving Associated with Other Capital Projects</b>            |                                |
| 4. Lake Front Ped. & Bike: NM 89 (Council approved 5/15/18 & 8/6/18)             | (\$1,205,000)                  |
| 5. 6 <sup>th</sup> Street Intersections: TR 65/TR 115 (Council approved 2/20/18) | (\$205,000)                    |
| 6. 6 <sup>th</sup> Street South Rehabilitation Design (Council approved 6/19/18) | (\$280,000)                    |
| <b>Amount Remaining for All Phases of the 2018 Street Preservation Program</b>   | <b>\$3,502,872<sup>1</sup></b> |

Against this 2018 Street Preservation Program budget of \$3,502,872, expenses to date have totaled \$3,135,726<sup>2</sup>, leaving a balance of approximately \$367,146 (10.5%). Savings were realized in all program phases and major budget categories, though equipment issues with the slurry seal contractor (Phase III) means that segments that were not able to be completed in 2018 have been added to the scope of work for the 2019 slurry seal project.

Expenses for the 2018 Overlay Project were \$163,531 less than the contractor's bid, primarily attributable to actual material quantities being less than projected.

**Table 2: 2018 Street Preservation Program—Independent of Other CIP Projects**

| <b>Item</b>  | <b>Funding</b>     | <b>Expense</b>       | <b>Balance</b>   |
|--|--------------------|----------------------|------------------|
| Phase I: Curbs, Ramps, Concrete Repairs                              | \$858,394          | (\$802,342)          | \$56,052         |
| Phase II: 2018 Overlay Project (to be accepted via this agenda item) | \$1,696,199        | (\$1,532,668)        | \$163,531        |
| Phase III: Slurry Seals  | \$304,304          | (\$218,084)          | \$86,220         |
| Engineering, Inspection, Administration to Date                      | \$628,670          | (\$582,632)          | \$46,038         |
| Contingency  | \$15,305           |                      | \$15,305         |
| <b>Total Funding</b>   | <b>\$3,502,872</b> |                      |                  |
| <b>Total Expenses to Date</b>  |                    | <b>(\$3,135,726)</b> |                  |
| <b>Balance at Present</b>  |                    |                      | <b>\$367,146</b> |

At this point, all major expenses for the 2018 Street Preservation Program are known and finalized, leaving a balance at present of \$367,146. There is a small handful of close-out tasks remaining that should total less than \$1,000, which would reduce the final balance by that actual amount.

Staff recommends that the final balance be transferred to the 2019 Street Preservation Program. (See Attachment B, "Project Budget Report.")

Attachment A: Vicinity Map  
Attachment B: Project Budget Report








<sup>1</sup> See Table 2 Funding

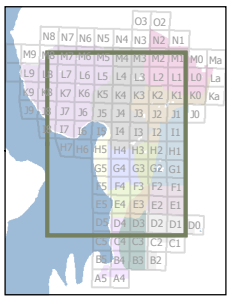
<sup>2</sup> Minor close-out tasks remain to be accomplished, which should total less than \$1,000.

# Attachment A

**Schedule B**  
90th Ave NE

## Schedule A: Bid Items Common to All Schedules

-  2018 Overlay Streets
-  6th St S Design
-  Parks / Open Spaces
-  Schools
-  Cross Kirkland Corridor
-  Regional Rail Corridor
-  City Limits

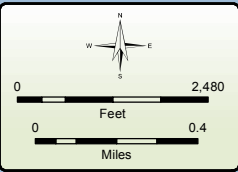


**Schedule C**  
5th St/6th St

**Schedule D**  
NE 80th St/116th Ave NE

**Schedule E**  
2nd St S/3rd Ave S

**6th St S Design**



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 Name: 2018 Overlay Streets Council Accept  
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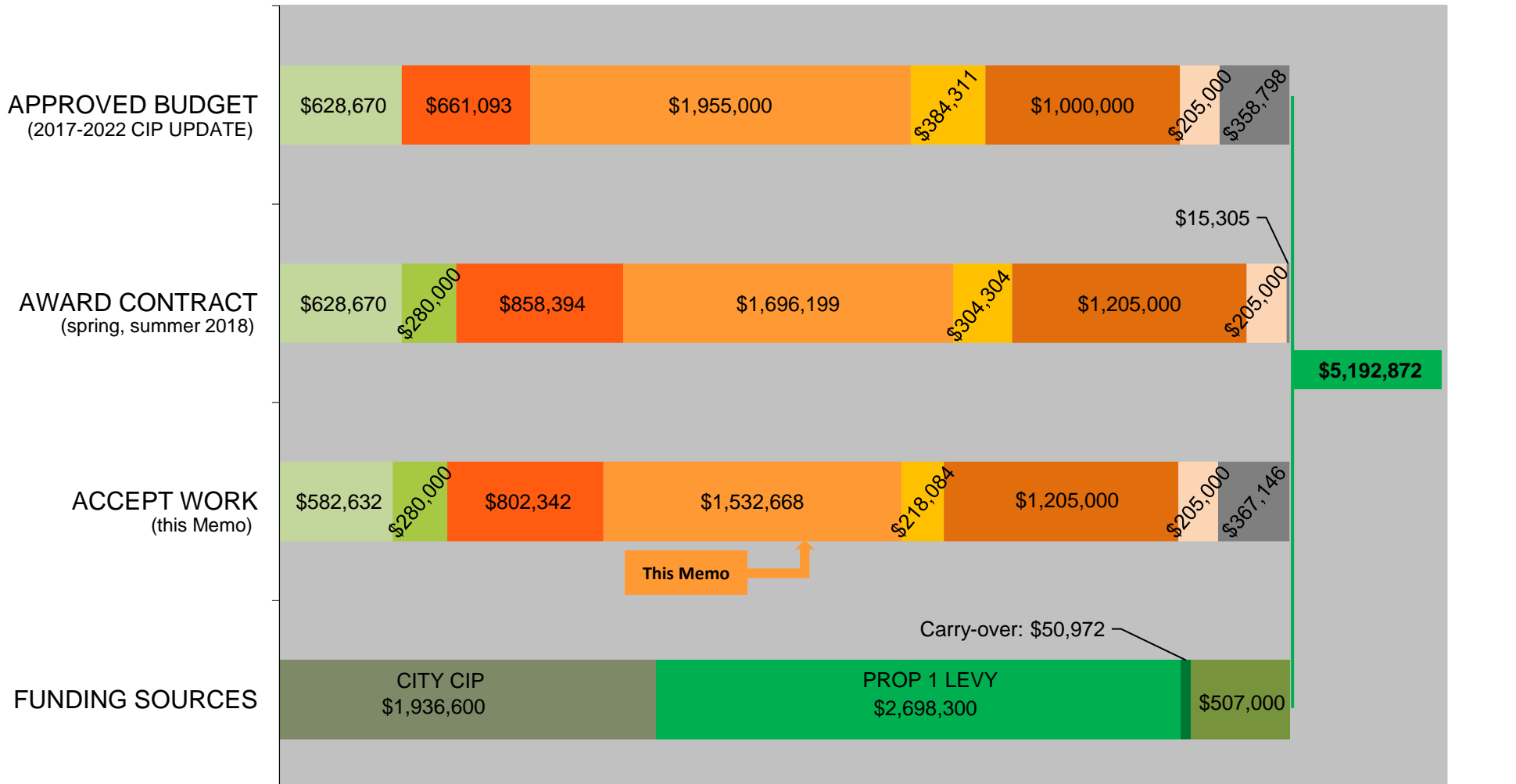
# Vicinity Map

## 2018 Street Overly Project/CST1806

### Project Budget Report

## Annual Street Preservation - 2018 Phase II Street Overlay Project (ST-1806)

Attachment B



\$5,192,872

This Memo

Carry-over: \$50,972

**LEGEND**

- DESIGN & INSPECTION
- CONST - CURB RAMP & CONCRETE REPAIRS (PHASE I)
- CONST - SLURRY SEAL (PHASE III)
- 6th St INTERSECTIONS (TR65/TR115)
- CARRY-OVER
- CIP
- PROP 1 LEVY
- ADVANCED DESIGN 6th St S REHABILITATION (ST0006-006)
- CONST - OVERLAY (PHASE II)
- LWB-Ped & BIKE (MARKET ST) (NM89)
- CONTINGENCY
- UTILITY CONTRIBUTIONS



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**MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** Aaron McDonald, P.E., Senior Project Engineer  
David Snider, P.E., Capital Projects Manager  
Kathy Brown, Public Works Director

**Date:** April 25, 2019

**Subject:** 3<sup>RD</sup> STREET WATERMAIN PROJECT—PRE-BID UPDATE

**RECOMMENDATION:**

City Council receives an update about the 3<sup>rd</sup> Street Watermain Project (Project), which is soon to be advertised for bids.

**BACKGROUND DISCUSSION:**

Kirkland operates its own domestic water utility, the genesis of which began in 1953. The City assumed responsibility for the operation of the water system constructed by the federal government prior to World War II to serve the communities of Houghton and Kirkland. In general terms, Kirkland's water utility serves nearly all areas of the City south of N.E. 124<sup>th</sup> Street and east of Juanita Bay. The northern areas of Kirkland not served by the City's utility are served by the Northshore Utility District and the Woodinville Water District.

In 2015, the City adopted its legally-required six-year update of its *Comprehensive Water System Plan* (Plan). The Plan contains information such as water demand for the current twenty-year timeframe, fire flow calculations to determine adequate water supply and pressure, and system deficiencies. From the Plan, a prioritized list of recommended projects was identified and used to develop the water utility's capital improvement program. Replacing aged and sub-standard water system infrastructure is an on-going priority to ensure a safe, reliable, and resilient water supply. Replacing the 3<sup>rd</sup> Street watermain is one such priority project and is in the 2019-2024 Capital Improvement Plan.

This Project originally was in the scope of work for the 2017 Water System Improvements, which consisted of three projects: 4<sup>th</sup> Street watermain replacement (WA-0154), Kirkland Way watermain replacement (WA-0161), and the 3<sup>rd</sup> Street watermain replacement (WA-0153). Both the 4<sup>th</sup> Street and Kirkland Way projects were completed and accepted by the City Council on December 11, 2018. Staff did not proceed with the 3<sup>rd</sup> Street project for three reasons. One was that during pre-construction utility locates, an abandoned utility line was discovered that was not factored in to the then-final engineering drawings. The second is that a new condominium project was soon to be under construction on 3<sup>rd</sup> Street north of Central Way that would have required cutting into the new water line and its related new paving shortly after the 3<sup>rd</sup> Street project would have been complete. Finally, certain construction progress

issues associated with the 4<sup>th</sup> Street and Kirkland Way improvements meant that the contractor would not be able to begin the 3<sup>rd</sup> Street project until winter. This segment of 3<sup>rd</sup> Street has some considerably steep grades, which could have led to construction difficulties during the rainy months. Given all these circumstances, staff determined that it should not begin the 3<sup>rd</sup> Street work at that time. The 3<sup>rd</sup> Street schedule was removed from scope of work for the 2017 Water System Improvements Project as part of a change order.

Staff also anticipated that the 3<sup>rd</sup> Street project would require a budget increase to pay for the cost of some reengineering required because of the discovery of the abandoned utility line. With the adoption of the 2019-2024 CIP, a revised budget for this Project was established at \$875,000.

Now, with an engineer's estimated construction cost of \$970,300, including contingency, staff has identified a potential project funding shortfall of \$331,800 (see Table 1, below). The actual shortfall, if any, won't be known until bids are submitted and opened.

**Table 1: Expensed Expenses vs. Funding**

| <b>Items</b>                       | <b>Engineer's Estimate</b> |
|------------------------------------|----------------------------|
| Design/Insp./CM/Staff/Permitting   | \$236,500                  |
| Construction/Contingency           | \$970,300                  |
| <b>TOTAL</b>                       | <b>\$1,206,800</b>         |
|                                    | <b>Funding</b>             |
| Design/Insp./CM/ Staff/Permitting  | \$197,000                  |
| Construction/Contingency           | \$678,000                  |
| <b>TOTAL</b>                       | <b>\$875,000</b>           |
| <b>Estimated Funding Shortfall</b> | <b>(\$331,800)</b>         |

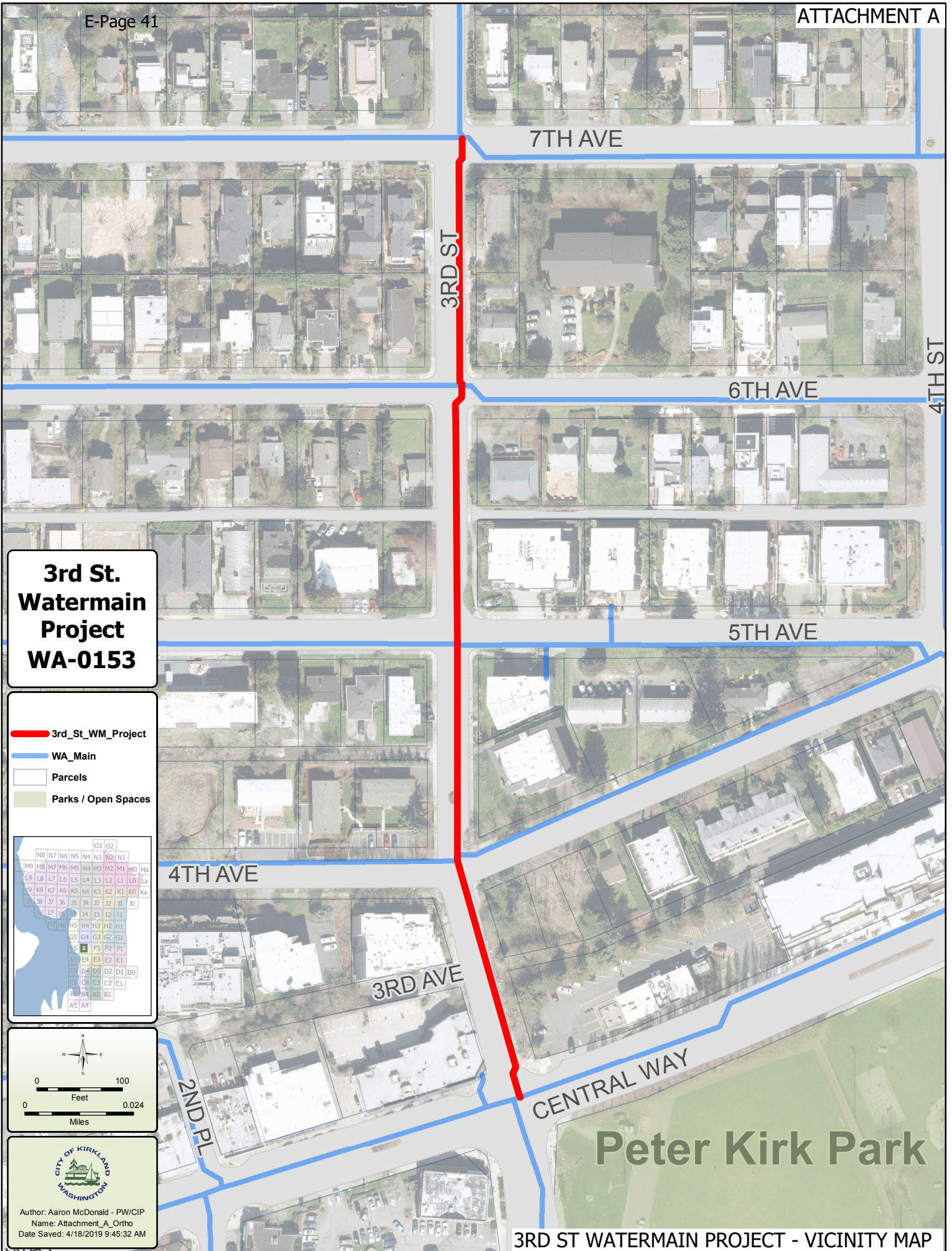
Engineering consultants in this region have been struggling to project contractor and material pricing in their estimates because of the continued robust construction climate and its commensurate demand on materials, equipment, and crews. Staff noted, however, that the current estimate for this Project is similar on a linear-foot basis with the currently ongoing 6<sup>th</sup> Street South Watermain Replacement project.

Though we do not yet have a bid in hand and thus don't know for certain that there will be a funding shortfall, the City plans for such circumstances. The City's utility rates are established to adequately fund operations, capital improvements for the utility systems, and to establish reserves. The reserves enable the City pay for unforeseen expense, whether in operations or the capital program, including funding budget shortfalls for approved capital projects.

Recognizing that time of year influences the bids received (earlier in the year generally leads to more favorable bids because contractors prefer to line-up work for the summer construction season), staff will be moving forward with the bidding process now. Once bids are received and analyzed, staff will determine if additional funds are needed to complete the project. Staff will return to City Council with a recommended action and a source of additional funds, if needed.

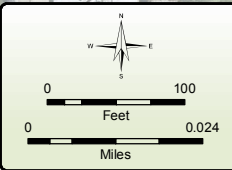
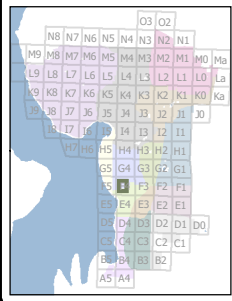
Attachment A: Vicinity Map





### 3rd St. Watermain Project WA-0153

- 3rd\_St\_WM\_Project
- WA\_Main
- Parcels
- Parks / Open Spaces



**CITY OF KIRKLAND WASHINGTON**

Author: Aaron McDonald - PW/CIP  
 Name: Attachment\_A\_Ortho  
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3RD ST WATERMAIN PROJECT - VICINITY MAP



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**MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** Aaron McDonald, P.E., Senior Project Engineer  
David Snider, P.E., Capital Projects Manager  
Kathy Brown, Public Works Director

**Date:** April 25, 2019

**Subject:** ROSE POINT LIFT STATION—PRE-BID UPDATE

**RECOMMENDATION:**

City Council receives an update about a potential need for increased funding for construction of the Rose Point Lift Station Project, which is soon to be advertised for bids.

**BACKGROUND DISCUSSION:**

This Project replaces an aged, high-maintenance sanitary sewer lift station built in the early 1970's with a modern facility that will provide reliable service for perhaps forty years or more. The station serves approximately 70 residential properties in the Market Neighborhood. (See Attachment A, "Vicinity Map.")

Sanitary sewer collection and conveyance systems generally make use of gravity-flow for the transport of sewerage to treatment facilities. This is primarily because gravity-flow systems have lower operating costs and maintenance needs. But in areas with topographic constraints (e.g., hills or valleys) where a gravity-flow outlet is not a viable option, sewerage is collected at a low point and conveyed to a higher elevation using mechanical pumps, where it is then re-conveyed into a gravity collection system.

The current Rose Point facility is requiring an increasing amount of maintenance to ensure operability. On average, there are a half-dozen local power outages per year that require immediate maintenance crew response with a portable power generator. Replacement of the existing station is critical to providing reliable and effective sanitary sewer service to residents and for protecting the environment from potential overflows.

Replacing this lift station will reduce operating costs and minimize potential system failure and/or overflow because the new lift station will have multiple redundant protective systems.

The new station features an updated telemetry system connected to the City's Maintenance & Operations Center, as well as an array of sensors and alarms that allow for early problem identification and response. A dedicated automatic emergency back-up generator for use during power outages also is included in the Project.

The Project is located within the Shoreline Management Zone and was permitted through zoning Process IIA (Utility). The Project complies with Shoreline Master Program policies, *Zoning Code* regulations, and applicable *Comprehensive Plan* policies. Though opportunity was provided, no public comments were received during the application process.

The Project team attended a Rose Point Community Board meeting to present the scope of work. Staff also held two open-houses for residents to learn more about the scope of work, and the team attended a combined Kirkland Alliance of Neighborhoods/Market Neighborhood meeting to present the Project scope.

With the most current opinion of probable construction cost (i.e., engineer's estimate) of \$2,019,000 (including 10% contingency), staff has identified a potential project funding shortfall, as shown in Table 1:

**Table 1: Estimated Expenses vs. Funding**

| <b>Items</b>                       | <b>Estimate Expenses</b> |
|------------------------------------|--------------------------|
| Design/Insp./CM/Staff/Permitting   | \$1,051,000              |
| Construction/Contingency           | \$2,019,000              |
| <b>TOTAL</b>                       | <b>\$3,070,000</b>       |
|                                    | <b>Funding</b>           |
| Design/Insp./CM/ Staff/Permitting  | \$1,069,400              |
| Construction/Contingency           | \$1,490,600              |
| <b>TOTAL</b>                       | <b>\$2,560,000</b>       |
| <b>Estimated Funding Shortfall</b> | <b>(\$510,000)</b>       |

The Rose Point Lift Station is of a size and complexity that typically result in high soft costs attributable to the site civil, building, structural, electrical, mechanical, and plumbing design efforts. In addition to the physical building permitting process, the location of the subject station—within the Shoreline Management Zone IIA—added to the high soft costs shown in Table 1. During the 2+ year permitting activities, including a Hearing Examiner process, modifications to the City's Telemetry and Monitoring system design were deemed necessary to reflect the most current City standards. Further, this mid-process design change to make the Project fully compatible with the City's updated telemetry network, as well as the City's current Maintenance & Operations standards derived from the latest update to the *Comprehensive Sewer System Plan*, added to the overall project design costs.

Some additional storm drainage system work was evaluated during the design phase of the lift station to respond to associated City storm system deficiencies that presented themselves at the time of an adjacent private development project. Since the physical work efforts for the lift station and new force main pipe will occur in the same general vicinity as the storm system

deficiencies, it will be cost effective to make those improvements concurrent with the lift station work. An estimated \$150,000 for design, project management, inspection, and construction costs has also been added to make these drainage improvements. Funding from the Surface Water Utility Fund for those drainage improvements will be recommended, as appropriate, at the time of the lift station contract award.

Though we do not yet have a bid in hand and thus don't know for certain that there will be a funding shortfall, the City plans for such circumstances. The City's utility rates are established to adequately fund operations, capital improvements for the utility systems, and to establish reserves. The reserves enable the City pay for unforeseen expense, whether in operations or the capital program, including funding budget shortfalls for approved capital projects.

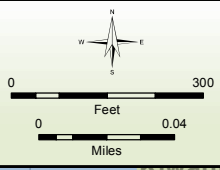
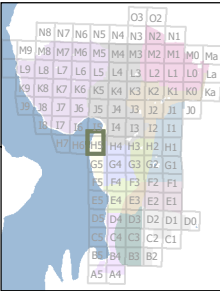
Recognizing the general strong construction cost escalation continuing in our region, and that the time of year does influence the bids received (earlier in the year generally leads to more favorable bids because contractors prefer to line-up work for the summer construction season), staff will be moving forward with the bidding process. Once bids are received and analyzed, staff will determine if additional funds are needed to complete the Project. Staff will return to City Council with a recommended action and a source for additional funds, if needed.

Attachment A: Vicinity Map



### Rose Point Lift Station Project (SS-0073)

- Lift Station (elev. 30')
- SS\_Manholes
- SS\_Main
- Parcels
- Parks / Open Spaces
- Service Area



Author: Name In Map Doc Properties  
 Name: Attachment A - Vicinity Map  
 Date Saved: 4/16/2019 2:02:30 PM

### ROSE POINT LIFT STATION PROJECT - VICINITY MAP



**CITY OF KIRKLAND**  
Department of Parks & Community Services  
123 5<sup>th</sup> Avenue, Kirkland, WA 98033 · 425.587.3300  
www.kirklandwa.gov

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## MEMORANDUM

**To:** Kurt Triplett, City Manager

**From:** Mary Gardocki, Parks Planning and Development Manager  
Lynn Zwaagstra, Director of Parks and Community Services

**Date:** 4/16/2019

**Subject:** Finn Hill Trail Project Funding Reallocation to Juanita Heights

### RECOMMENDATION

The City Council reallocate (approximately \$243,800) funding from the 2018 CIP Budget from the Finn Hill Trail Connections (non-CKC) to a new project titled Juanita Heights Park Trail Feasibility, Acquisition and Development. By approving the consent calendar, Council will be approving the reallocation of funds from the Finn Hill Trail Connections (non-CKC) to a new project entitled Juanita Heights Park Trail Feasibility, Acquisition and Development.

### BACKGROUND

The 2018 Finn Hill Trail Connections CIP project (NM 0109 001) was to provide for the construction of trails other than the Cross Kirkland Corridor in the Finn Hill neighborhood. The project description states that, "Improvements may include sidewalks, mixed use trails, bicycle facilities and as needed, minor pavement widening, walls, lighting, pavement marking and drainage improvements. Property acquisition will often be needed. Trail connections should be coordinated with plans in the Park Recreation and Open Space Plan. Prioritization of projects should be accomplished using the framework established in the Transportation Master Plan."

Staff reviewed the site and examined options identified in the initial scope above. The Finn Hill Neighborhood Alliance (FHNA) has since recommended that the funding be reallocated to a refined scope for a "Billy Goat Trail" specifically connecting the top and bottom of Goat Hill through Juanita Heights Park and newly acquired easements (see Attachment 1- FHNA letter, and Attachment 2 – Proposed Trail). If Council concurs with the reallocation, the proposed trail will require background studies and analysis such as critical area delineation, topographic survey, and limited geotechnical work to more fully understand the constraints of the site. This refined scope will provide the necessary information to determine construction feasibility and cost estimates. Easements and acquisitions may be included in the project as appropriate. The original Finn Hill Trail Connections project was to be managed with in-house staff from Parks and Public Works and was prioritized after the "big 3" projects of Juanita Beach Bathhouse, Totem Lake Park and 132<sup>nd</sup> Square Park Synthetic Turf Field. If the Council reallocates the funds, the new project would be similarly prioritized, but staff will evaluate whether there are alternative ways that the project can be accelerated.

Attachment 1 – Letter from Finn Hill Neighborhood Alliance  
Attachment 2 – Proposed Trail



April 15, 2019

Kurt Triplett  
City Manager  
Kirkland City Hall  
123 Fifth Avenue  
Kirkland WA 98033

Re: NM 0109 001 Finn Hill Connections

Dear Kurt,

The Finn Hill Neighborhood Alliance (FHNA) is writing to request a clarification from the Council on the purposes for which \$250,000 in City funds may be used for the development of trails in the Finn Hill neighborhood. These funds were approved by the Council in 2018 following its adoption of the Finn Hill neighborhood plan.

FHNA is very grateful that the Council set aside these funds for better trail connections in the neighborhood. We believe that they would be put to best use in acquiring land or easement rights to extend Juanita Heights Park at the summit of Goat Hill to the bottom of Goat Hill, creating a green corridor that we have informally christened as the Billy Goat Trail. (See attached maps.) Once the land and easement rights for the connection are acquired, any remaining funds would be committed to trail construction. FHNA would work with the City to locate additional funding to complete the trail development.

FHNA has discussed this proposal with the City's Parks and Public Works Department staff. They support our recommendation but have suggested that we submit this letter to you so that you can seek Council's confirmation that the funds designated for Finn Hill trails may be used to acquire land and rights of way for trails as well as for trail construction.

Our request to use funds to create the Billy Goat Trail corridor is linked directly to creating the Green Loop, one of the principal objectives of the Finn Hill neighborhood plan:

*"Goal FH-5: Establish a Green Loop Corridor that circles the neighborhood connecting parks, open spaces, pedestrian trails, wildlife corridors and natural areas..."*

Acquiring land and rights of way for the Billy Goat Trail, and constructing a pathway along that corridor, comprise the first phase of creating the Green Loop. As you know, the City has already partnered with King County and FHNA to acquire two parcels that expand Juanita Heights Park along the proposed route of Billy Goat Trail to NE 120<sup>th</sup>.

FHNA is now in purchase discussions with the owner of property on 120th that would provide an excellent gateway to the Billy Goat Trail and the future Green Loop. FHNA has also sent a proposal to the owner of parcels located between this property and the expanded boundary of Juanita Height Park to negotiate an easement along unbuildable sections of the parcels that would provide the desired trail connection.

The \$250,000 that the City has designated for Finn Hill trails can be applied to match the \$175,000 of King County Conservation Futures Trust (CFT) funding previously committed to Kirkland for Billy Goat Trail acquisitions. FHNA believes that the resulting total of \$425,000 should be more than sufficient to acquire both the property on NE120th and the easement that would link it to Juanita Heights Park. Any remaining funds can be used for trail development along the corridor acquired between the park and NE 120<sup>th</sup>. FHNA would work with the City to locate funds needed to plan and construct the improvements for a walkable path along the Billy Goat Trail route. FHNA has already raised \$50,000 to help support the City's purchase of parcels that have expanded Juanita Heights Park. It is confident that it can raise additional funds from Finn Hill residents and external sources to complete trail construction.

FHNA is concerned that if the trail funds cannot be used for the proposed acquisitions, we will lose the current opportunity to purchase the land and access rights needed for completing the Billy Goat Trail and that the City will ultimately lose the CFT funds already committed for this purpose. At the same time, we recognize that the Council would like to see the \$250,000 it has committed for Finn Hill trails be put to work in the near future. We request therefore that FHNA be permitted to collaborate with City staff to pursue the Billy Goat Trail acquisition opportunities outlined above through the end of 2019. If we are unable to negotiate the proposed purchases by that time, the trail funding could then be used for improvements to trails in Juanita Heights Park as it currently exists or in other areas of Finn Hill.

We would be pleased to answer any questions that you and Council members may have about this request.

Respectfully submitted.

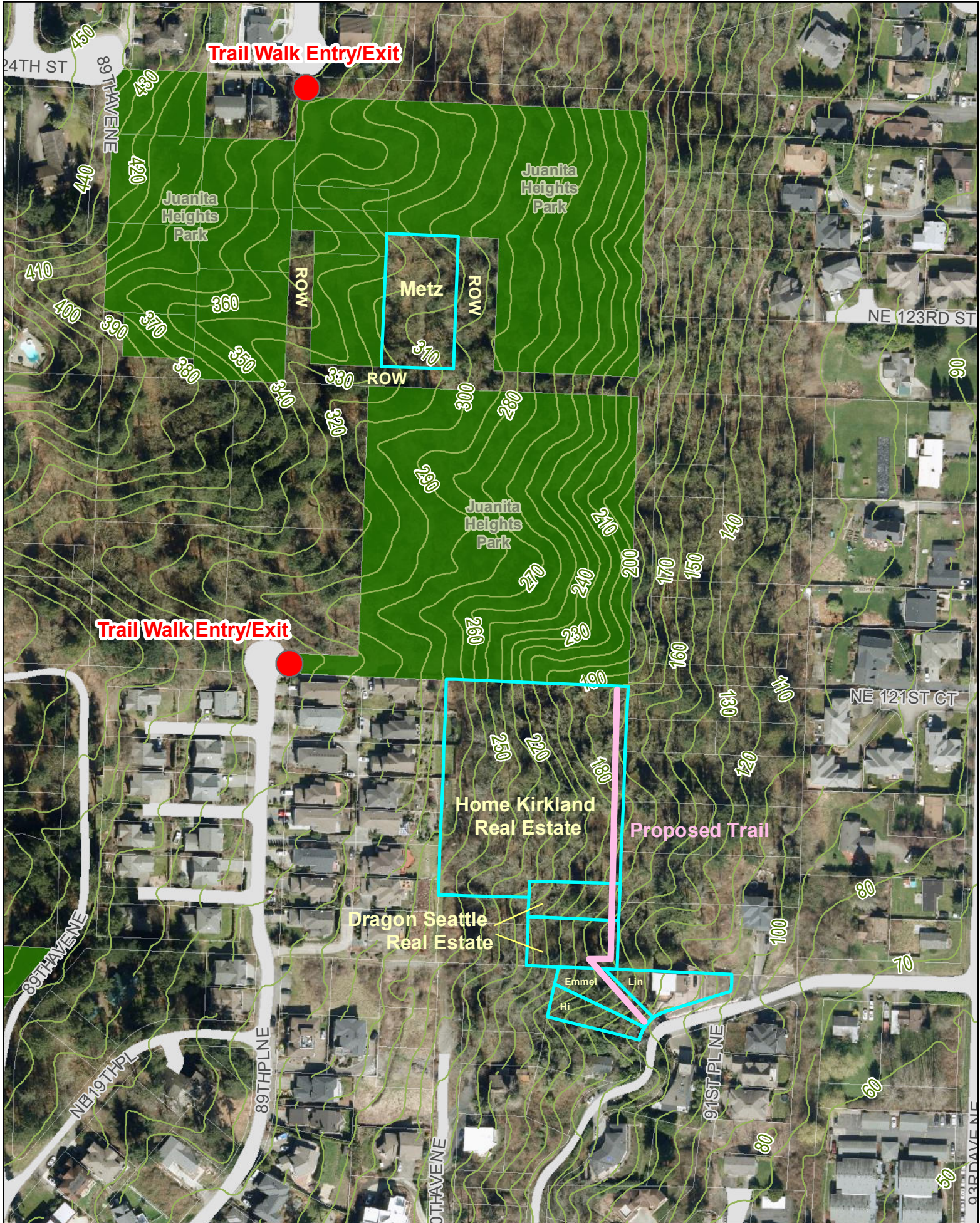
FINN HILL NEIGHBORHOOD ALLIANCE



Scott Morris, President

Cc: Lynn Zwaagstra  
Kathy Brown  
Mary Gardocki  
Christian Knight  
FHNA Board of Directors







## CITY OF KIRKLAND

Department of Finance & Administration  
123 Fifth Avenue, Kirkland, WA 98033 425.587.3100  
www.kirklandwa.gov

### MEMORANDUM

**To:** Kurt Triplett, City Manager

**From:** Greg Piland, Financial Operations Manager

**Date:** April 24, 2019

**Subject:** REPORT ON PROCUREMENT ACTIVITIES FOR COUNCIL MEETING OF MAY 7, 2019.

This report is provided to apprise the Council of recent and upcoming procurement activities where the cost is estimated or known to be in excess of \$50,000. The "Process" column on the table indicates the process being used to determine the award of the contract.

The City's major procurement activities initiated since the last report dated March 21, 2019 are as follows:

|    | Project/Purchase                                       | Process                    | Estimate/Price | Status  |
|----|--|----------------------------|----------------|---|
| 1. | Comprehensive community engagement consultant services | Direct Hire*               | \$84,000.00    | Contract awarded to Leadership Eastside of Bellevue, WA.  |
| 2. | Tourism public relations consultant services           | Request for Qualifications | \$84,000.00    | Contract awarded to Greenrubino, Inc. of Seattle, WA.   |
| 3. | 2019 street preservations consultant services          | Request for Qualifications | \$106,565.00   | Contract awarded to Jennings Consulting Services, Inc. of Stanwood, WA based on qualifications per RCW 39.80. |
| 4. | Kirkland Justice Center cell detox conversion          | Job Order Contracting      | \$319,187.00   | Work order issued to Forma Construction of Seattle, WA.   |
| 5. | Making the connection sidewalk repairs project         | Job Order Contracting      | \$195,853.28   | Work order issued to Forma Construction of Seattle, WA.   |

\*See attached documentation

Please contact Greg Piland if you have any questions regarding this report.



**CITY OF KIRKLAND**  
**City Manager's Office**  
123 Fifth Avenue, Kirkland, WA 98033 425.587.3001  
www.kirklandwa.gov

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**To:** Kurt Triplett, City Manager  
**From:** James Lopez, Assistant City Manager  
**Date:** March 21, 2019  
**Subject:** REQUEST FOR WAIVER OF COMPETITIVE BIDDING – “Welcoming Kirkland” City-wide community engagement project professional services

RECOMMENDATION:

Staff recommends the waiver of a competitive process to enter into contract with Leadership Eastside for the City-wide community engagement project, “Welcoming Kirkland”.

BACKGROUND DISCUSSION:

Resolution R-5240 declares Kirkland a safe, inclusive and welcoming City for all people. As staff strive towards the goals and vision of this commitment, an engagement plan has been established to work towards fulfilling the values outlined in this Resolution.

With the establishment of the workplan, staff sought a partner to assist in the project leadership, planning, input and community learning.

Leadership Eastside has unique experience engaging the community on the Eastside through their leadership enrichment program. This understanding of the community and ability to develop and lead the Welcoming Kirkland initiative in the accelerated timeline, based on staff identified needs, is not likely possible without the knowledge, connections and subject matter experts available through Leadership Eastside.

Working through the project plan, staff have identified an overall cost of \$84,000. The project is expected to start in April and finish in December.

KMC 3.85.210 provides that the competitive process may be waived by the City Manager when the purchase is legitimately limited to a single source of supply. However, for purchases costing more than \$50,000, the purchase must be reported to the City Council. If you approve this purchase, this memo and the supporting documents will be included in the next Procurement Activities Report to the Council.

Please contact James Lopez if you require additional information.

Request Approved -  Request Denied

  
Kurt Triplett, City Manager

**CITY OF KIRKLAND****City Manager's Office**

123 Fifth Avenue, Kirkland, WA 98033 425.587.3001

[www.kirklandwa.gov](http://www.kirklandwa.gov)

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**MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** Lorrie McKay, Intergovernmental Relations and Economic Development Manager

**Date:** April 29, 2019

**Subject:** 2019 LEGISLATIVE UPDATE #8

**RECOMMENDATION:**

Council should receive its eighth and likely final update on the 2019 legislative session.

**BACKGROUND DISCUSSION:**

The legislature concluded its business on April 28, the one hundred and fifth day of this 105-day, long session of 2019. In November of 2018, the City Council adopted six top legislative priorities for the 2019 session and with the final gavel, the City's efforts proved to be remarkably successful. A summary of legislative outcomes is attached (see Attachment A).

**Council's Legislative Workgroup**

Council's Legislative Workgroup consists of Mayor Sweet, Deputy Mayor Arnold and Councilmember Curtis. The Workgroup is staffed by the City Manager, the Intergovernmental Relations and Economic Development Manager and Waypoint Consulting, the City's state legislative advocacy consultants. The Workgroup met weekly on Fridays to track the status of the City's priorities and provide support and oversight of strategies for achieving the priorities. Waypoint will keep the Council and staff updated on actions by the Governor that matter to Kirkland such as section vetoes or bill signing dates. The Legislative Workgroup will hold one final wrap-up meeting in May and then disband until late summer/early fall, when it will convene to plan for 2020.

**Overview of 2019 Session Bill Statistics**

As of 11:30pm, April 28, a total of 2,986 bills had been introduced in Olympia. The House had introduced 1,545 bills, while the Senate introduced 1,441. With the close of session, 486 bills (16.27%) of the total bills introduced were successfully passed by both chambers.

A total of 307 bill proposals were assigned to the City's subject-matter experts for their review, analysis and recommendation. Between April 11 and April 25, bill review continued and was completed on another series of bills and substitute bills (Attachment B). The bill tracker report, updated on Thursday's for the Friday meeting of the Legislative Workgroup, provides an at-a-glance overview of the City's position (Support/Neutral/Monitor/Oppose) on certain bills. The 4/25/19 Bill Position Tracker report (Attachment C) reflects the City's position on bills reviewed. Reports were included in Council packets during session.

## April 28 (Sine Die): Summary of the outcomes of the City's 2019 Legislative Priorities

### Outcomes of the City's Legislative Priorities in the Context of the negotiated final budget

| Negotiated Final Budget                                     | City Priority Program/Project  | Funding Level          |
|---|--|------------------------|
| <a href="#">Operating</a><br><a href="#">ESHB 1109</a>      | <ul style="list-style-type: none"> <li>Basic Law Enforcement Academy<br/><i>(Page 157, Line 22)</i></li> <li>Study home-sharing for privately-owned residential<br/><i>(Page 328, Line 7)</i></li> </ul> | 19 classes<br>\$80,000 |
| <a href="#">Capital</a><br><a href="#">SHB 1102</a>         | <ul style="list-style-type: none"> <li>Intersection Improvements Juanita Dr.<br/><i>(Page 38, Line 38)</i></li> </ul>  | \$750,000              |
|   | <ul style="list-style-type: none"> <li>Crossing project at Kirkland Ave. &amp; Lake Street<br/><i>(Page 53, Line 4)</i><br/>Re-appropriated from the SKPR TOD/CKC project</li> </ul>                     | \$1,000,000            |
|   | <ul style="list-style-type: none"> <li>Key Kirkland Sidewalk Repairs<br/><i>(Page 39, Line 3)</i></li> </ul>   | \$537,000              |
| <a href="#">Transportation</a><br><a href="#">ESHB 1160</a> | <ul style="list-style-type: none"> <li>Authorization for a TOD pilot project at Kingsgate park and ride<br/><i>(Page 32, line 27)</i><br/>Multimodal Transportation Account</li> </ul>                   | \$350,000<br>to WSDOT  |

### New funding and tools to address homelessness and affordable housing

- Flexibility on existing REET and potential expansion  
[EHB 1219](#) providing cities and counties authority to use real estate excise taxes to support affordable housing and homelessness projects (sponsors Rep. Walen-48). 1219 was signed into law by the Governor on April 19. This law extends the sunset six years and caps use of this resource for cities who have not accessed it for this purpose prior to June 30, 2019.
- Provide property tax exemptions for service-connected disabled veterans and senior citizens  
[ESSB 5160](#), concerning property tax exemptions for service-connected disabled veterans and senior citizens (Senator Dhingra-45, sponsor) was amended and passed by the House on April 27. This bill creates an adjustable income threshold of those qualifying for property tax deferrals, and will expand the pool of senior, disabled and veterans who would qualify for property tax relief. The House amended included provisions within HB 2157 concerning updating the Washington tax structure to address the needs of Washingtonians, which Council's Legislative Workgroup prioritized in early April. The Senate concurred with the House amendment and final passage of the 5160 took place today, April 28
- Encouraging investments in affordable and supportive housing  
[SHB 1406](#) provides a sales tax credit for affordable housing for local governments. The bill was amended in Senate Ways & Means which (1) Adds a voter approved property tax levy used solely for affordable housing is eligible to be a qualifying local tax source; (2) Removes provisions regarding calculation of median income for certain cities whose median income is not available from the United States Census Bureau; and (3) Reduces the tax rates in the bill as follows: (a) 0.02% in bill changed to 0.0146%; (b) 0.01% in bill changed to 0.0073%. An amendment to link it to HB 1923, was removed by amendment on the Senate floor on April 28. The House concurred with the Senate's amendments and final passage took place today, April 28.
- Transit Oriented Development (TOD) Pilot Project at the Kingsgate Park and Ride  
Legislative authorization for WSDOT to proceed with a TOD Pilot Project at the state-owned Kingsgate Park and Ride located in Totem Lake was included in the negotiated Transportation Budget [ESHB 1160](#). The negotiated final transportation budget included \$350,000 to WSDOT for implementation work.

○ Funding for research on best practices for shared housing strategies and operations

The negotiated final operating budget ([ESHB 1109](#)) included \$80,000 in funding to the University of Washington School of Public Health to study "home-sharing for privately-owned residential properties. Final passage of the negotiated operating budget happened tonight, April 28 at 11:10 PM.

**Sustainable funding for Basic Law Enforcement Academy (BLEA) and corrections officers**

The negotiated final operating budget ([ESHB 1109](#)) included funding for 19 Basic Law Enforcement Academy classes and three additional Corrections Officer Academy classes each fiscal year. Final passage of the negotiated operating budget happened tonight, April 28 at 11:10 PM.

**Extending and accelerating the construction of express toll lanes on I-405**

[ESSB 5825](#) addressing the tolling of Interstate 405, state route number 167, and state route number 509. 5825 proposes to combine the I-405 express toll lanes (from Lynnwood) and State Route 167 high occupancy toll lanes (to Puyallup) into one express toll lanes corridor and account, making the State Route 167 pilot program permanent, and authorizes the toll funding needed to complete the Gateway Project, located at S.R. 167 and S.R. 512. Further, it allows for the completion of the Express Toll Lanes connecting Renton and Bellevue, dedicating legislatively-assumed tolling revenue to help fund the project. On April 25, the Senate adopted the Zeiger amendment which added the provisions from HB 2132 regarding the issuance of bonds. The bill was heard on Saturday morning in House Transportation. The City of Kirkland sent a letter in support of the bill (Attachment D). The bill was moved out of committee on Saturday. Passage of 5825 required a 60% super majority, which it received. ESSB 5825 was amended and passed by the House on April 27. The Senate concurred with the House amendments and final passage took place today, April 28.

**Support measures that promote safe, responsible gun ownership and reduce gun violence**

1. [SHB 1225](#), concerns law enforcement response to domestic violence victims. 1225 was passed and has been delivered to the Governor for his signature.
2. [SSB 5181](#), concerning involuntary treatment. 5181 was passed and has been delivered to the Governor for his signature.
3. [SHB 1786](#), concerns protection orders. 1786 was passed and has been delivered to the Governor for his signature.
4. [SB 5205](#), concerning provisions governing firearms possession by persons who have been found incompetent to stand trial and who have a history of one or more violent acts. 5205 was passed and has been delivered to the Governor for his signature.
5. [SHB 1739](#), concerning firearms that are undetectable or untraceable. 1739 was passed and has been delivered to the Governor for his signature.

**Funding for prioritized local infrastructure projects:**

Three local projects were included in the negotiated final Capital Budget ([SHB 1102](#))

1. \$750,000 was included for the Intersection Improvements project on Juanita Drive NE at NE 132 & NE 124, sponsored by Representative Kloba (LD 1).
2. \$1,000,000 was included for the Kirkland Scramble project at Kirkland Ave and Lake Street/Lake St S. sponsored by representative Walen (LD 48).
3. \$537,000 was included for several key Kirkland sidewalk repairs and the sidewalk project at NE 104th Street, sponsored by Senator Kuderer (LD 48).

### **Montlake Exit Transit Queue Bypass**

While the temporary transit queue bypass off westbound SR 520 may not be maintained beyond its planned June 2019 closure, mobility improvement solutions identified by WSDOT because of Kirkland's efforts are being implemented. In particular, the improvement of traffic signal interconnectivity on Montlake Boulevard, which has not been updated for decades, will provide a significant benefit to traffic flow in all directions around Montlake Boulevard. The Montlake Project construction is scheduled for completion in 2023.

Attachments:

- A. Summary Outcomes of the City's 2019 Legislative Priorities – 4/28/19
- B. Reviewer Analysis and Recommendations Report – 4/5/19 thru 4/25/19
- C. Bill Position Tracker Report – 4/26/19
- D. City's support letter SB 5825

| 2019 Legislative Priority   | Bill #    | Prime Sponsor | Status   |
|---|-----------|---------------|--|
| <p>New local funding and policy tools to address homelessness and create more affordable housing, such as:</p> <ul style="list-style-type: none"> <li>Flexibility on existing REET and potential expansion</li> <li>Provide property tax deferrals for service-connected disabled veterans and senior citizens</li> <li>Funding research on best practices for shared housing strategies and operations</li> <li>Authorization of TOD Pilot Project at Kingsgate Park and Ride</li> <li>Encouraging investments in affordable and supportive housing</li> </ul> | HB 1219   | Rep. Walen    | 4/19 – Signed by the Governor  |
|   | SB 5160   | Sen. Dhingra  | 4/27 – House PASSED – 98 yeas, 0 nays<br>4/28 – Senate CONCURRENCE – 35 yeas, 11 nays > En route to Governor   |
|   | PSHB 1109 | Rep Ormsby    | 4/27 – Conference committee<br>4/28 – Conference committee report<br>4/28 – Senate CONCURRED – 27 yeas, 21 nays > En route to Governor                 |
|   | PSHB 1160 | Rep Fey       | 4/27 – Conference committee<br>4/28 – Conference committee report<br>4/28 – Senate CONCURRED – 49 yeas, 0 nays > En route to Governor                  |
|   | HB 1406   | Rep Robinson  | 4/27 – Senate PASSED – 33 yeas, 15 nays<br>4/28 – House CONCURRED – 62 yeas, 36 nays > En route to Governor  |
| Support continued sustainable funding to maintain statewide training for law enforcement officers and corrections officers to ensure no waiting period to get trained and in the field  | PSHB 1109 | Rep Ormsby    | 4/27 – Conference committee<br>4/28 – Conference committee report<br>4/28 – Senate CONCURRED – 27 yeas, 21 nays > > En route to Governor               |
| Support extending and accelerating the construction of express toll lanes on I-405 north of Kirkland, and support implementing express toll lanes on I-405 south of Bellevue, to coincide with the 2024 opening of Sound Transit's BRT operations.  | SB 5825   | Sen. Hobbs    | 4/25 – Senate PASSED – 30 yeas, 18 nays<br>4/27 – House PASSED – 60 yeas, 38 nays<br>4/28 – Senate CONCURRED – 32 yeas, 14 nays > En route to Governor |
| Support gun safety measures that promote safe and responsible gun ownership and reduce gun violence, and that are consistent with the 2nd Amendment of the US Constitution and Article I, Section 24 of the Washington State Constitution   | HB 1225   | Rep. Jenkins  | 4/26 – Delivered to the Governor   |
|   | SB 5181   | Sen. Kuderer  | 4/25 – Delivered to the Governor   |
|   | HB 1786   | Rep. Jenkins  | 4/26 – Delivered to the Governor   |
|   | SB 5205   | Sen. Dhingra  | 4/25 – Delivered to the Governor   |
|   | HB 1739   | Rep. Valdez   | 4/26 – Delivered to the Governor   |
| Support capital and transportation budget funding for prioritized local infrastructure projects, such as:   | PSHB 1102 | Rep Tharinger | 4/3 – House PASSED – 94 yeas, 0 nays, 4 excused  |
|   | PSHB 1102 | Rep Tharinger | 4/27 – Senate PASSED – 48 yeas, 0 nays   |
|   | PSHB 1102 | Rep Tharinger | 4/28 – House CONCURRED – 97 yeas, 1 nay > En route to Governor   |
| Support the Transit Bypass Queue, at Montlake Exit from SR-520, open thru 2023 scheduled completion of the Montlake Project   |           |               | WSDOT could maintain a shorter, temporary transit bypass (600/880 ft) for 9-10 months for an additional \$3M to \$4M.                                  |

\* No HIGHLIGHTS = No change in status from last update.

> Fuschia = Signed into Law > Blue = Delivered to the Governor > Green = En route to the Governor



**Reviewer Analysis & Position Recommendation Report (04/11/19-04/18/19)  
City of Kirkland**

| Bill #              | Short Description   | Sponsor | Date Completed | City Priority | Summary  | Rec. Position |
|---------------------|---|---------|----------------|---------------|--|---------------|
| ESHB 1107 (SB 5289) | Concerning nonprofit homeownership development.   | Slatter | 04/04/2019     |               | Not able to determine the fiscal impact to Kirkland. Appears to support affordable housing options.  | Support       |
| 2SSB 5336           | Advancing electric transportation.  | Palumbo | 4/18/2019      |               | Encouraging the adoption of electric vehicles would benefit the transportation system, but we are concerned that the proposal would reduce revenue for City's transportation projects.   | Concerns      |
| SSB 5825 (HB 1899)  | Addressing the tolling of Interstate 405, state route number 167, and state route number 509. | Hobbs   | 04/10/2019     |               | Makes permanent express toll lanes (ETL) on the north section of I-405 and on the south section of I-405. In addition this legislation makes permanent the SR 167 ETLs and authorizes tolls on the Puget Sound Gateway facilities (SR 509 and SR 167 Extensions). This funding is critical for keeping major regional transportation improvements on schedule.Changes made by the Transportation Committee mean that toll revenue from I-405, SR 167 and the Puget Sound Gateway Project will be deposited in three different toll accounts within the Motor Vehicle Fund, one for each corridor. They also maintain the current 45 MPH 90% of the time standard as a goal in terms of dynamic rate setting and performance reporting.Permanent tolling the I-405 ETLs is critical to the success of the I-405 Bus Rapid Transit (BRT) System. It provides a facility that I-405 BRT can operate in so that it can maintain it's commitment for a fast, frequent and reliable connection along the length of the corridor. I-405 BRT will help grow transit ridership. The ETLs have also been proven to actually more efficiently move people traveling in vehicles, as well as freight traffic in the corridor. Ongoing tolling revenue not only will fund the construction of the I-405 ETLs in the | Support       |

**Reviewer Analysis & Position Recommendation Report (04/18/19-04/25/19)**  
**City of Kirkland**

| Bill #              | Short Description  | Sponsor    | Date Completed | City Priority | Summary  | Rec. Position |
|---------------------|--|------------|----------------|---------------|--|---------------|
| ESHB 1793 (SB 5789) | Establishing additional uses for automated traffic safety cameras for traffic congestion reduction and increased safety. | Fitzgibbon | 04/19/2019     |               | Does not appear to apply to Kirkland. Only cities over 500,000 population. Could be useful in the City of Kirkland to assist in the enforcement of vehicle's blocking intersections. | Support       |
| 2SSB 5336 (HB 1664) | Advancing electric transportation.   | Palumbo    | 04/19/2019     |               | Encouraging the adoption of electric vehicles would benefit the transportation system, but proposal would reduce revenue for our transportation projects.                            | Monitor       |

**Bill Position Tracker Report  
City of Kirkland**

| Bill #     | Abbrev. Title                | Leg. Status    | Sponsor    | Position  | City Priority |
|------------|------------------------------|----------------|------------|-----------|---------------|
| E2SHB 1112 | Hydrofluorocarbon emissions  | S Pres Signed  | Fitzgibbon | Support * |               |
| HB 1147    | First informer broadcasters  | S Pres Signed  | Chapman    | Monitor * |               |
| SHB 1225   | Domestic violence/law enf.   | S Pres Signed  | Jinkins    | Support * |               |
| E3SHB 1257 | Energy efficiency            | S Pres Signed  | Doglio     | Support * |               |
| SHB 1350   | Temporary protection orders  | S Pres Signed  | Kilduff    | Support * |               |
| SHB 1377   | Housing dev./religious orgs. | S Pres Signed  | Walén      | Support * |               |
| 2SHB 1444  | Appliance efficiency         | S Pres Signed  | Morris     | Support * |               |
| HB 1462    | Tenant notice/demolish, etc. | S Pres Signed  | Barkis     | Support * |               |
| EHB 1465   | Pistol sales or transfers    | S Pres Signed  | Goodman    | Support * |               |
| E2SHB 1543 | Recycling                    | Del to Gov     | Mead       | Support * |               |
| ESHB 1569  | Product degradability        | S Pres Signed  | Ramos      | Support * |               |
| SHB 1739   | Firearms/undetectable, etc.  | S Pres Signed  | Valdez     | Support * |               |
| 2SHB 1767  | Arrest & jail alternatives   | H Spkr Signed  | Lovick     | Support * |               |
| ESHB 1772  | Motorized foot scooters      | S Pres Signed  | Macri      | Support * |               |
| SHB 1786   | Protection, etc. orders      | S Pres Signed  | Jinkins    | Support * | Yes           |
| E2SHB 1923 | Urban residential building   | H Spkr Signed  | Fitzgibbon | Monitor * |               |
| 2SHB 2042  | Green Transportation         | H Passed 3rd   | Fey        | Support * |               |
| SSB 5012   | Governmental continuity      | Del to Gov     | Takko      | Support * |               |
| SSB 5025   | Self-help housing dev./taxes | S ins/H recede | Das        | Monitor * |               |
| SSB 5106   | Natural disaster mitigation  | Del to Gov     | Das        | Monitor * |               |
| E2SSB 5116 | Clean energy                 | Del to Gov     | Carlyle    | Support * |               |
| SSB 5135   | Toxic pollution              | Del to Gov     | Rolfes     | Support * |               |
| SB 5145    | Hydraulic fracturing         | Del to Gov     | Salomon    | Support * |               |
| SSB 5181   | Invol. treatment procedures  | Del to Gov     | Kuderer    | Support * | Yes           |
| SB 5205    | Incomp. for trial/firearms   | Del to Gov     | Dhingra    | Support * |               |
| E2SSB 5223 | Electrical net metering      | Del to Gov     | Palumbo    | Support * |               |
| ESSB 5272  | Emergency comm. max tax rate | H Spkr Signed  | Hunt       | Support * |               |
| ESSB 5318  | Marijuana license compliance | H Spkr Signed  | Rivers     | Monitor * |               |
| 2SSB 5511  | Broadband service            | S Pres Signed  | Wellman    | Monitor * |               |
| ESSB 5600  | Residential tenants          | S Pres Signed  | Kuderer    | Support * |               |
| SSB 5652   | Impounded vehicle belongings | S Passed FP    | Fortunato  | Support * |               |
| SSB 5723   | Pedestrian, etc. safety      | Del to Gov     |            | Support * |               |



April 26, 2019

The Honorable Jake Fey, Chair  
The Honorable Andrew Barkis, Ranking Member  
House Transportation Committee  
P.O. Box 40600  
Olympia, WA 98504-0600

**RE: Support for ESSB 5825, Addressing the tolling of Interstate 405, state route number 167, and state route number 509**

Dear Chair Fey and Ranking Member Barkis,

On behalf of the City of Kirkland, thank you for hearing Engrossed Substitute Senate Bill 5825, addressing the tolling of Interstate 405, state route number 167, and state route number 509. The City of Kirkland strongly supports this bill, which both authorizes tolling and makes improvements on the north end of the I-405 corridor.

Tolling all of I-405 with express toll lanes is essential to the success of the I-405 Bus Rapid Transit (BRT) System. The I-405 express toll lanes provide the facility in which BRT can operate fast, frequent and reliable connections in Lynnwood, Bothell, Kirkland, Bellevue, Renton, Tukwila, SeaTac and Burien. Continuing express toll lane tolling on the northern half of I-405 and implementing express toll lane tolling on the south half of I-405 is critical to getting the most out of the I-405 corridor, so that it can support our growing communities by moving as many people, goods and services as safely and efficiently as possible.

Providing for the state's transportation system and capacity improvements on key corridors is vital to our communities and to the state's economy. Given dramatic growth in our region, we are pleased to see the capacity improvement projects for I-405/State Route 522 to 527 included in 5825. These investments will allow BRT to truly be rapid and provide a reliable transit option along the corridor when it opens in 2024.

Funding the proposed projects to extend the dual express toll lanes north from where they currently end near the SR 522 interchange to SR 527 at Canyon Park in Bothell and building an express toll lane direct access ramp at SR 527 are important to the overall mobility of the entire I-405 corridor.

Again, thank you for hearing 5825 today. Kirkland is a city through which I-405 runs and we represent many constituents that drive this corridor daily and who are asking for relief from congestion. One key component of that relief is found in this bill. We encourage the Committee to move ESSB 5228 forward.

Sincerely,  
KIRKLAND CITY COUNCIL

Penny Sweet, Mayor  
City of Kirkland

**CITY OF KIRKLAND**

City Attorney's Office

123 Fifth Avenue, Kirkland, WA 98033 425.587.3030

[www.kirklandwa.gov](http://www.kirklandwa.gov)**MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** Cherie Harris, Police Chief  
Kevin Raymond, City Attorney

**Date:** April 25, 2019

**Subject:** FIREARMS AND WEAPONS AND RESTRICTING THE DISCHARGE OF  
FIREARMS THROUGHOUT KIRKLAND

**RECOMMENDATION:**

That City Council approve the attached ordinance adding a new Section 11.41.180 to the Kirkland Municipal Code ("KMC"), restricting the discharge of firearms throughout Kirkland except for the discharge of firearms at licensed rifle and pistol shooting ranges, by law enforcement officers engaged in the performance of their official powers or duties, and by individuals exercising their constitutional right to defend themselves and others.

**BACKGROUND DISCUSSION:**

The City of Kirkland ("City") is committed to remaining a safe, welcoming and inclusive community. As part of this effort, the City supports safe and responsible gun ownership. RCW 9.41.300 authorizes cities to adopt ordinances restricting the discharge of firearms in areas of their jurisdictions where it is determined there is a reasonable likelihood that human, domestic animals or property will be jeopardized, provided such ordinances do not infringe on the constitutional right of individuals under Article I, Section 24 of the Washington Constitution to defend themselves and others.

Kirkland is continuing to grow rapidly and now has a population of nearly 90,000 living in an increasingly urban and built-out environment. It is no longer safe to discharge firearms anywhere in the city without placing life and property at risk, though certain exceptions identified below are recommended for inclusion in the proposed ordinance.

Ordinances restricting the discharge of firearms have been adopted in many cities in the state, including Auburn, Issaquah, Mukilteo, Oak Harbor, Olympia, Port Orchard, Redmond and Spokane Valley. The approach taken in these ordinances has varied. Some ordinances limit the discharge of firearms in areas of cities where the reasonable likelihood of injury exists without defining those areas. Some recognize the constitutional rights of individuals under Article I, Section 24 of the Washington Constitution without specifically identifying the right to defend self and others. The attached ordinance would apply throughout Kirkland and specifically identify the constitutional right of individuals to defend themselves and others.

Some ordinances, such as those adopted in Redmond and Issaquah, create exceptions for licensed rifle and pistol shooting ranges and for police officers engaged in the performance of their official powers or duties. The attached ordinance was initially discussed by the Council at

its April 2, 2019. The ordinance incorporates Council feedback from that discussion and follows the models currently in place in cities like Redmond and Issaquah.

Attachment: Ordinance

ORDINANCE O-4686

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO FIREARMS AND WEAPONS AND RESTRICTING THE DISCHARGE OF FIREARMS.

1           WHEREAS, the City of Kirkland ("City") is committed to helping  
2 keep Kirkland a safe, welcoming and inclusive city for all people; and  
3

4           WHEREAS, as part of that effort the City is committed to helping  
5 foster safe and responsible firearms ownership and practices in Kirkland;  
6 and  
7

8           WHEREAS, Kirkland is a growing city of almost 90,000 residents  
9 in an increasingly urban, built environment; and  
10

11           WHEREAS, the City Council has concluded there are no longer  
12 any areas within Kirkland in which it is safe for individuals other than  
13 law enforcement officers in the line of duty or individuals in the defense  
14 of self or others to discharge firearms without creating a reasonable  
15 likelihood of putting humans, domestic animals or property in jeopardy;  
16 and  
17

18           WHEREAS, RCW 9.41.300 authorizes cities to enact ordinances  
19 restricting the discharge of firearms in any portion of their jurisdiction  
20 where there is a reasonable likelihood that humans, domestic animals  
21 or property will be jeopardized, provided such ordinance does not  
22 abridge the right of the individual guaranteed by Article I, Section 24 of  
23 the Washington Constitution to bear arms in defense of self or others;  
24 and  
25

26           WHEREAS, various cities have enacted such restrictions while  
27 creating exceptions for properly licensed rifle and pistol firing ranges  
28 and for the discharge of firearms by law enforcement officers engaged  
29 in the performance of their official powers or duties.

30           NOW, THEREFORE, the City Council of the City of Kirkland do  
31 ordain as follows:  
32

33           Section 1. A new Section 11.41.180 of the Kirkland Municipal  
34 Code is hereby created to read as follows:  
35

36           11.41.180 Restricting the discharge of firearms.

37           Except for law enforcement officers in the performance of their official  
38 powers and duties and individuals in the lawful defense of self or others,  
39 it is unlawful to discharge any firearm in any portion of the city due to  
40 the reasonable likelihood that humans, domestic animals, or property  
41 will be jeopardized thereby; provided, however, the provisions of this  
42 section shall not apply to a rifle or pistol firing range which has been  
43 issued a business license by the city for such purpose.

44            Section 2. This ordinance shall be in force and effect five days  
45 from and after its passage by the Kirkland City Council and publication,  
46 as required by law.

47  
48            Passed by majority vote of the Kirkland City Council in open  
49 meeting this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

50  
51            Signed in authentication thereof this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Penny Sweet, Mayor

Attest:

\_\_\_\_\_  
Kathi Anderson, City Clerk

Approved as to Form:

\_\_\_\_\_  
Kevin Raymond, City Attorney





**CITY OF KIRKLAND**  
**Planning and Building Department**  
**123 5th Avenue, Kirkland, WA 98033**  
**425.587.3600- [www.kirklandwa.gov](http://www.kirklandwa.gov)**

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## MEMORANDUM

**Date:** April 25, 2019

**To:** Kurt Triplett, City Manager

**From:** Janice Coogan, Senior Planner  
Adam Weinstein, AICP, Planning and Building Director  
Jeremy McMahan, Planning and Building Deputy Director

**Subject:** Rose Hill Neighborhood Amendments to Zoning Code and Zoning Map, File Number CAM19-00043

### Recommendation

That the City Council adopt some version of Revised Ordinance O-4683, Options A or B below. If the Council adopts Option B, then it should consider O-4687, which includes only RH 8 amendments:

- a. Revised O-4683 Option A includes adoption of all amendments recommended by the Planning Commission, including proposed amendments to the RH 8 zone (Exhibit I) and other zones in the Rose Hill Neighborhood (Rose Hill Business District RH 3, RH 5A, RH 5B, RH 7 zones), PLA 14 zone (Lake Washington Institute of Technology), miscellaneous amendments (Exhibits B-I), and rezone of four parcels located at 8519, 8523, 8525, 8527 126<sup>th</sup> Ave NE from the RS 7.2 to RH 5B zone shown in Exhibit A. The original O-4683 was before the Council at the April 16 Council meeting and was tabled by the Council during the deliberations for several reasons, including public comment, the excused absence of Councilmember Asher, and the Planning Commission suggestion that the Council might want additional study of building height and setback regulations in the RH 8 zone. The version of O-4683 presented to Council in this report also includes a revision to exclude multi-family units within 30 feet of the property line along NE 85<sup>th</sup> Street in the RH 8 district in order to ensure the street level is primarily commercial along NE 85<sup>th</sup> Street. This change was added to the ordinance presented to Council on April 16 in response to public and Council comment.
- b. Revised O-4683 Option B **excludes** the RH 8 zone amendments but includes all the other amendments described above (Exhibits A-H). Council requested that this option be made available at the May 7 Council meeting for possible Council action.

Ordinance O-4687 includes **only** the RH 8 zone amendments recommended by the Planning Commission. The Council has several options related to O-4687: a) Council could pass O-4687 as drafted; b) Council could reject O-4687 and leave the current RH 8 zoning in place; c) Council could amend the ordinance at the May 7 or a future Council meeting, or d) Council

could send the RH 8 zone amendments back to the Planning Commission for future review and recommendations.

If the City Council concludes that the RH 8 zone amendments should be re-referred to the Planning Commission for additional study based on concerns expressed, Council should clearly scope the topics for further study and the identify which issues Council would like to see addressed. Staff has put together a chart in this memo that will help City Council's discussion of land use/transition issues related to the RH 8 zone.

### **Background**

Background information for the original O-4683 amendments as recommended by the Planning Commission are included later in this memo under the heading "Background for O-4683." The next few paragraphs are related to Council options at the April 16 Council meeting.

The City Council heard public comment on April 16 under "Items from the Audience" expressing concerns about the RH 8 zoning amendments as recommended by the Planning Commission. One primary concern expressed was that the proposed amendments did not create an appropriate transition from the commercial/multi-family uses allowed on NE 85<sup>th</sup> Street and the single-family residential zoning north of the RH 8 zoning. Related, but more specific concerns expressed were that the height, bulk and mass of development allowed by the RH 8 zoning amendments would allow structures that would impact privacy and would shade the existing homes during winter months. The testimony stated that such shading would impact the quality of life for some home owners and would impact the solar panel investment of another homeowner. Many similar comments were presented to the Planning Commission during the March 28 public hearing on the RH 8 zoning amendments. Those comments are included in the Planning Commission record.

The original O-4683 RH 8 amendments recommended by the Planning Commission and staff did try to address these concerns. The existing development regulations in the RH 8 zone for mixed-use projects are already restrictive and are designed to promote appropriate transitions to surrounding single-family neighborhoods. A detailed chart explaining the mitigating regulations is included later in the memo under "City Council Discussion and Transition Options." The Planning Commission felt the proposed amendments clarify the City's intent in guiding development in the RH 8 zone and properly comply with the Comprehensive Plan requirements for the RH 8 zone, including transitions between single family zones and zones with more intensive uses. Additionally, the clarifications that are part of the proposed code amendments would be helpful for projects currently in the development review process to clarify ground floor uses, where residential uses are allowed on the subject property and that street level commercial uses should be oriented toward NE 85<sup>th</sup> Street. Option A allows the amendments, with the addition restriction on residential use on NE 85<sup>th</sup> Street, to move forward as originally recommended by the Planning Commission.

Option B excludes the RH 8 amendments but includes all the other Rose Hill zoning amendments. The Council requested this as an option to potentially allow the remaining amendments to be adopted on May 7 if the Council concludes that the RH 8 amendments need further deliberation.

### **Background for O-4683**

The [Rose Hill Neighborhood Plan](#) was adopted on December 11, 2018 (O-4670). The proposed amendments are needed to bring the Zoning Map and Zoning Code regulations into compliance with the new policies in the Rose Hill Neighborhood Plan or clarify existing regulations in the Rose Hill Business District zones.

#### *Planning Commission Review Process and Recommendation*

On [February 28, 2019 the Planning Commission](#) held a study session and on [March 28, 2019](#) a public hearing on the proposed amendments. Most of the public comments received focused on how the proposed amendments will affect a proposed development that is currently vested under the existing RH 8 zoning. After closing the public hearing, the Planning Commission recommended to approve all the proposed code amendments (including RH 8 zone) and rezones with the caveat that City Council should consider adding a task to a future Planning Department work program for additional study of the building height and setback regulations in the RH 8 zone.

Below is a summary list of the proposed amendments recommended for approval by the Planning Commission (included in the enclosed Ordinance 4683):

#### Zoning Map Amendment:

- Rezone four properties at 8519, 8523, 8525, 8527 126<sup>th</sup> Ave NE from RS 7.2 zone to RH 5B zone (Exhibit A)

#### Zoning Code Amendments:

- RH 5B zone amendments related to the four parcels above describing the allowed uses and development standards consistent with policies in the Rose Hill Neighborhood Plan (Exhibit B). The properties could be developed as detached, attached or stacked medium density residential development at twelve dwelling units per acre or limited commercial development (depending on the parcel location). Development standards for height, setbacks, etc. are similar to the RM 3.6 zone. If parcels are consolidated with lots abutting NE 85<sup>th</sup> Street (and not adjoining a low-density zone), the commercial uses allowed in RH5B would be permitted.
- RH 3, RH 5A, RH 5B, RH 7 zones (Exhibit B, C, D): Change the term "ground floor" use to "street level floor" use in all of these zones to better reflect the desired orientation of commercial uses to the street (especially with sloped properties) and to clarify use restrictions based on the "street level floor" along NE 85<sup>th</sup> Street, allowing residential uses on the ground floor with commercial uses oriented along NE 85<sup>th</sup> Street and restricting commercial uses above the "street level floor." This change in terminology is consistent with other amendments made to commercial district regulations in the city.
- RH 3 zone (Exhibit D) amendments include the following in response to a request from Madison Development during the Neighborhood Plan update process to refine and clarify regulations:

- Increase lot coverage from 80% to 100%
  - Increase maximum building height to 75 feet
  - Special regulation #7 allows flexibility to construct residential or office uses above the 50-foot building height. If office uses are constructed, payment in lieu of developing affordable housing would still be required based on a density of 7.25 units per acre (the density of the total number of residential units under the latest conceptual plans currently undergoing design review).
  - Special regulation #5 to clarify at what point buildings on the subject property may exceed 45 feet to the maximum building height of 75 feet above average building elevation (the proposed amendment would establish that the maximum building height is 45 feet within a 20-foot setback from a public right-of-way; then the building may go to the 75 above average building elevation)
  - Change ground floor to street level floor as described above
- PLA 14 zone (Exhibit E) related to Lake Washington Institute of Technology (LWIT) to implement policy guidance in the Neighborhood Plan for a future campus expansion to allow market rate, affordable, residential suites or dormitory residential uses per established development standards.
  - Miscellaneous Zoning Code Sections (Exhibit F, G, H) to replace references to the NE 85th Street Subarea Plan with Rose Hill Business District (RHBD) or North/South Rose Hill Neighborhood Plan with Rose Hill Neighborhood Plan.
  - RH 8 zone (Exhibit I) amendments including:
    - Change the term "ground floor" use to "street level floor" as described above.
    - Add a requirement for linear commercial uses oriented to NE 85<sup>th</sup> Street (not side streets) including offices.
    - Add that a minimum depth of the commercial use must be 20 feet with an average depth of at least 30 feet, allowing for a high-quality, retail-ready space.
    - Clarify the amount of commercial use along NE 85<sup>th</sup> Street, add a minimum 60% linear frontage of commercial uses at the street level floor oriented to NE 85<sup>th</sup> Street (this clarification was recommended after Planning Commission review in response to public concerns).
    - In response to public comments and a question from the City Council regarding concerns that a developer could add residential uses along the commercial frontage of NE 85<sup>th</sup> Street the additional amended text below is recommended for Special Regulation #1 to further restrict residential uses (and separate use listing of assisted living, convalescent center or nursing homes) within 30 feet of NE 85<sup>th</sup> Street. This amendment is included in the Option A ordinance:

*Stacked Dwelling Units, Assisted Living Facility, Convalescent Center or Nursing Home uses are not permitted on the street level floor within 30' of the property line along NE 85<sup>th</sup> Street.*

## **City Council Discussion and Transition Options**

### *April 16, 2019 Meeting*

At the [April 16, 2019 City Council meeting](#), Council considered the Planning Commission recommendation and deferred further consideration to the May 7, 2019 agenda. Rather than duplicate earlier information in this memo, the link to the staff memo from April 16, 2019 provides a more detailed description of each proposed amendment summarized above. City Council discussed that if the decision is not to move forward with the RH 8 code amendments at the May 7, 2019 meeting, then Council should provide direction to staff on the types of changes that should be studied for additional amendments.

### *May 7, 2019 Meeting*

For City Council's discussion, and in response to many of the public comments received related to transition issues between mixed use commercial and single-family residential zones, staff has provided the chart below. The chart summarizes the comments; summarizes the existing zoning regulations for such topics as maximum building height, required setback yards, and landscape buffers; summarizes proposed amendments; identifies options for City Council consideration; and provides staff recommendations. Attachment 1 provides graphics or photos further explaining the development standards. If the Council decides to adopt changes to the RH 8 zone that differ substantially from the scope of the changes considered at the Planning Commission public hearing, a new public hearing and public notice may be required. Only one minor new change is recommended by staff to clarify the amendments and restrict residential use within the commercial linear frontage requirement. See conclusion section below. Attachments 2 and 3 include public comments received since the last meeting.

| <b>Comparison of Key Development Regulations in mixed-use commercial RH 8 zone and single-family residential RSX zone (located north and south of RH 8 zone)</b>  |   |  |  |
|---|---|--|--|
| <b>Public Comment or Concern</b>  | <b>Existing Zoning Code Regulations</b>   | <b>Options for City Council Discussion or Additional Study</b>   | <b>Staff Comments/ Recommendations</b>   |
| <p><u><i>Building Height</i></u></p> <p><i>The maximum Building Height of 40 feet above average building elevation (ABE) is too tall adjacent to a low density use in RSX zone</i></p> <p><i>Change how height is measured on properties containing sloped topography higher than single family property</i></p> <p><i>Because the residential at street level does not have to be 15', then the allowed height for residential should be 30' rather than 35'</i></p> | <p>In the RH 8 zone, maximum building height for mixed use commercial allows the following: (See <a href="#">KZC 53, General Regulation #3, #5</a>).</p> <ul style="list-style-type: none"> <li>• 30' above average building elevation (ABE) (Same as adjoining RSX 7.2 zone north/south of RH 8).</li> <li>• 35' above ABE is allowed for larger property aggregation (&gt;18,000 sq. ft.)</li> <li>• Within 30' of an RSX zone structures are limited to 30' high (beyond 30' setback, height may extend to 35').</li> <li>• Additional 5' incentive for peaked roof is allowed for commercial and multi-family buildings</li> <li>• Allowed height is measured above ABE, consistent with how height is measured throughout the city with a few exceptions in pedestrian oriented business districts.</li> <li>• Structure size limitations of KZC 115.136 apply to mixed use commercial uses (see section below)</li> </ul> <p>In the RSX zones the maximum building height allows:</p> <ul style="list-style-type: none"> <li>• Single family use maximum building height is 30' above ABE</li> </ul> <p>See Attachment 1:</p> | <p>A. Should the maximum building height be lowered below 35' above ABE for mixed use or commercial uses?</p> <p>B. Should the taller height allowance for property aggregation be eliminated?</p> <p>C. Should the peaked roof incentive be eliminated?</p> <p>D. Should the method for calculating building height be changed to something other than above ABE (i.e., measured above the elevation of the common property line of RSX zone)?</p> <p>E. Should an upper story stepback be required adjoining RSX zone (i.e., no portion of the structure shall exceed x' in height within y' of the RSX zone)?</p> | <p>The baseline maximum building height limit of 35' for mixed use or commercial uses is 5' taller than allowed in RSX/RMA zones. Averaging height across a site can result in greater apparent height differences between the low end and high end of a site, depending on the size of the site and the change in topography across the site.</p> <p>The incentive for peaked roofs encourages new buildings to incorporate more traditional residential roof forms</p> <p>It is not uncommon for single family homes on sloped lots to appear 2 or 3 stories, depending on slope of property and the vantage point.</p> <p>On the north side of NE 85<sup>th</sup> St., topography of low-density zoned parcels abutting the RH 8 zones tends to be lower in elevation than the RH 8 properties. On the south side of NE 85<sup>th</sup> Street, the</p> |

|  |  |   |
|--|--|---|
|  | <ul style="list-style-type: none"> <li>• Plate 17 A illustrating how average building elevation is calculated.</li> <li>• Photos showing different rooflines and building heights on sloped lots.</li> </ul> | <p>topography of low-density zoned parcels tends to be slightly higher than the RH 8 properties.</p> <p><u>Staff recommendation:</u><br/>             No additional study is needed. Make no changes to maximum building height or how it is measured. Changing the way ABE is measured would not be consistent with standard City-wide practice.</p> <p>Maximum building height for mixed use, commercial or multi-family structures is a small increase in height above what is allowed in adjoining RSX or RM zones. The taller height allows for the required 15' street level commercial floor to ceiling height (to provide for successful commercial tenant spaces).</p> <p>Existing additional limitations on structure size and landscape buffers help mitigate bulk and mass of structures. See discussion in next section</p> <p>If Council concludes that additional height transition restrictions</p> |
|--|--|---|

|   |  |  | <p>are needed, then staff could explore the concept of additional upper story building setbacks.</p>   |
|---|--|--|--|
| <i>Public Comment or Concern</i>  | <b>Existing Zoning Code Regulations</b>  | <b>Options for City Council Discussion or Additional Study</b>   | <b>Staff Comments/ Recommendation</b>  |
| <p><u>Rear yard setbacks and landscape buffer</u></p> <p><i>Buildings on sites near rear yards of single-family residences would tower over single-family residences, reducing privacy and causing impacts related to shading and loss of solar access.</i></p> | <p>RH 8 zone:</p> <ul style="list-style-type: none"> <li>The required rear yard building setback is 15’.</li> <li>The required landscape buffer is 15’ wide for all uses in the RH 8 zone (Landscape buffer Category A, standard 1, KZC 95.40). The 15’ wide buffer is the most restrictive landscape buffer in the Zoning Code. This landscape buffer category was chosen when the business district zoning was created in 2006, to minimize impacts of mixed-use and commercial uses on single family residential uses.</li> <li>Landscape Category A requires installation of a 6’ tall fence along the rear property line and the 15’ wide buffer planted with trees (70% evergreen) shrubs, and ground cover with specific size and spacing requirements.</li> <li>Administrative Design Review KZC 92 (applies to smaller projects, larger developments require Design Board Review) allows several options for rear yard building placement negotiated with single family property owners to provide options:                     <ul style="list-style-type: none"> <li>-Reduced 0-15’ wide</li> </ul> </li> </ul> | <p>A. Should the existing 15’ wide landscape buffer requirement be increased and why (compared to other areas of the city)?</p> <p>B. If increase setback or buffer, why is this area different than other zones of the city where mixed use commercial or industrial zones abut single family zones (see discussion below for other areas of the city)?</p> <p>C. Should there be an “upper-story setback” of the upper floors? If so, from the which floor? If so, how far? Only if the building is located at the required 15’ buffer/setback line but if beyond not require the upper story step-back?</p> | <p><u>Staff recommendation:</u><br/>                 No change to the existing rear yard setback and landscape buffer regulations. The 15’ wide landscape buffer is the most restrictive buffer required between mixed use, or commercial/industrial uses and single family residential uses. It is also a requirement that is used throughout the city.</p> <p>Note that under current zoning, a proposed development in RH 8 would not be permitted to maximize allowed building mass because the proposed buffer and setback would exceed the 15’ minimum requirement.</p> <p>Prior to 2015, the northern-most parcels in the existing RH 8 zone located between 131<sup>st</sup> and 132<sup>nd</sup> Avenues were zoned RSX (height limit of 30’). The required setback for a home in</p> |



|  |   |   |  |
|--|---|---|--|
|  | <p>landscape buffer (with agreement from property owner)<br/>                 -Limit building wall to 15' in height (same as KZC 115.136)<br/>                 -Provide 15' wide landscape buffer</p> <p>See graphic in Attachment 1 showing:<br/>                 Administrative Design Review process (KZC 92) - allowance for building placement options for rear yard setbacks/buffers in the RH 8 zone</p>   |   | <p>the RSX zone would have allowed a 30' tall structure to be built within 5' (side yard setback) of adjoining RSX properties. The rezone to RH 8 increased those setbacks from 5' to 15'. If City Council desires for staff to undertake additional study of solar access, staff would note that there are no existing, adopted standards for solar access – meaning that a standard would need to be established to determine whether the impacts of a future development project on existing solar access are unacceptable.</p> |
| <p><b>Public Comment or Concern</b></p>  | <p><b>Existing Zoning Code Regulations</b></p>  | <p><b>Options for City Council Discussion or Additional Study</b></p>   | <p><b>Staff Comments/ Recommendation</b></p>   |
| <p><i>Structure size: Mixed use buildings may be too wide or too tall next to single family uses</i></p> | <p>RH 8 zones (and most commercial and multi-family zones):</p> <p><a href="#">KZC 115.136</a> limits the structure height and length within 30' of a low-density zone or use:</p> <ul style="list-style-type: none"> <li>• A developer can either limit the building wall to a 15' height or provide a maximum structure length of 50'; <u>or</u></li> <li>• Set back the entire structure 30,' without further restrictions on structure length/height (a proposed</li> </ul> | <p>A. Should additional restrictions on the height and length of structures adjoining the RSX zone be considered?</p> <p>B. Should the code increase the rear yard setback from 15' to 30' or greater to mitigate the structure size?</p> | <p><u>Staff recommendation:</u><br/>                 No change to the rear yard setback or requirement to limit structure size abutting a low-density zone. KZC 115.136 was originally adopted citywide to minimize impacts of larger structures adjacent to single family homes. The 15' height and structure width of 50' are intended to reflect single family scale modulations for larger</p>   |

|  |  |   |  |
|--|--|---|--|
|  | <p>project in RH 8 is using this option)</p> <p>See Attachment 1 showing how to determine if a property is adjoining and must meet building size limitations. This regulation applies citywide.</p>  |   | <p>structures close to single family zones.</p> <p>Requiring a 30' rear yard setback would substantially restrict many of the parcels in the RH 8 zone that are approximately 150' deep.</p>   |
| <p><b>Public Comment or Concern</b></p>  | <p><b>Existing Zoning Code Regulations</b></p>   | <p><b>Options for City Council Discussion or Additional Study</b></p>   | <p><b>Staff Comments/ Recommendation</b></p>   |
| <p><u>Types of commercial uses, location on site, size of use</u></p> <p><i>No residential uses should be allowed on ground/ street level floor.</i></p> <p><i>Require more commercial frontage than 60% or prohibit residential in remaining 40% portion along NE 85<sup>th</sup> Street.</i></p> | <p>The RH 8 zone allows mixed use commercial and stacked dwelling units.</p> <ul style="list-style-type: none"> <li>• The Zoning Code <a href="#">definition of stacked dwelling units</a> assumes there is another use or dwelling unit below it.</li> <li>• Current zoning in RH 8 does not permit residential use on the ground floor.</li> <li>• To clarify the intent where residential units may be located above or behind commercial street frontage, proposed amendments to the Stacked Dwelling Unit and Assisted Living, Convalescent Center or Nursing Home use listing clarify that these uses are allowed on the street level floor <u>behind</u> the commercial uses oriented to NE 85<sup>th</sup> Street.</li> <li>• Existing RH 8 zone regulations do not require a minimum percentage of commercial use along NE 85<sup>th</sup> Street or of the use on the ground floor. The Planning Commission did not</li> </ul> | <p>A. Should the code prohibit all residential uses behind the street level floor commercial uses along NE 85<sup>th</sup> Street?</p> <p>B. Should the code require that residential uses are not permitted at the street level floor within a specified distance of NE 85<sup>th</sup> Street frontage (as recommended above).</p> <p>C. Should the code prohibit residential entirely on the street level floor of structures?</p> | <p><u>Staff recommendation:</u> Staff recommends adopting the Planning Commission recommendation to change "ground floor" to "street level floor" to clarify that residential is an allowed use behind or above commercial street uses (as in most commercial districts in Kirkland).</p> <p>In response to concerns that the 60% commercial frontage implies that a developer could locate residential on the remaining 40% of the property frontage, staff recommends adding clarifying text to prohibit residential uses within 30' of the property line along NE 85<sup>th</sup> Street. As included in RH 8 zone, O-4683 Exhibit I.</p> |

|  |  |  |  |
|--|--|--|--|
|  | <p>recommend such requirements for RH 8 because the desired intensity of commercial uses on the east side of the NE 85<sup>th</sup> Street corridor is distinctly different than the desired intensity of uses farther west, where larger floor plates, regional uses and employment centers are desired.</p> <ul style="list-style-type: none"> <li>• In response to public comments and to clarify the desired amount of commercial use along NE 85<sup>th</sup> Street, a code amendment would require at least 60% of the linear frontage of the property along NE 85<sup>th</sup> Street, and other commercial requirements (minimum 20'/average 30' depth and a ceiling height for street floor spaces of 15').</li> <li>• Certain uses are not permitted in RH 8 like they are in the west portion of the Business District, such as: vehicle service stations, automotive service stations, drive in facilities, retail sales, service, rental of vehicles (to minimize impacts of noise, light, and traffic on surrounding low density residential uses).</li> <li>• For the same reasons as above, the RH 8 zone limits the size of individual commercial uses to gross floor area of 4,000 sq. ft.</li> <li>• Some uses are limited on the second floor to avoid excessive light and noise</li> </ul> |  |  |
|--|--|--|--|

|  | <p>abutting single family homes. Restaurants may not be located above the ground floor (the proposed amendments would change term to street level floor)</p> <ul style="list-style-type: none"> <li>• Applications for some uses must be accompanied by a noise and light study to minimize potential impact on single family uses (required in all Rose Hill Business District zones).</li> <li>• Rose Hill Business District Design Guidelines encourage buildings to orient to NE 85<sup>th</sup> Street and at the corners of 124<sup>th</sup>, 126<sup>th</sup> or 128<sup>th</sup> Avenues, with parking located to the side, rear or underground</li> </ul> |  |  |
|--|--|--|--|
| <i>Public Comment or Concern</i>   | <b>Existing Zoning Code Regulations</b>  | <b>Options for City Council Discussion or Additional Study</b>   | <b>Staff Comments/ Recommendation</b>  |
| <p><u>No other area in City has commercial zoning abutting RS/R SX zones</u></p> | <ul style="list-style-type: none"> <li>• According to the <a href="#">Kirkland Zoning Map</a>, there are many other areas of the city where mixed use commercial (including PR zones similar to the RH 8 zone) or light industrial zones abut RSX or RS zones: portions of RH 5A and RH 5B (east of 126<sup>th</sup> Ave NE), CBD 6, Norkirk and Totem Lake LIT, Market MSC 1, MSC 2, MSC 3, Par Mac TL10C, 10D, Kingsgate Park and Ride PR 1.8, Juanita PRA zone (north of NE 132<sup>nd</sup> Street). These interfaces are why the current transition standards (buffers, heights, setbacks, building massing, etc.) are in place.</li> </ul>                   | <p>A. Study rezoning low density residential RSX zone land adjacent to RH 8 to medium or high-density multi-family to create a transition zone between the commercial district and single family residential RSX zone.</p> <p>B. Consider additional development standards to enhance the transition between the mixed-use RH 8 zone and adjoining RSX zone.</p> | <p><u>Staff recommendation:</u><br/>                 No change. It is true that medium- or high-density residential zoning provides a good transition from commercial to low density residential, but homes are newer in the RSX zone adjacent to the RH 8 zoning district and a rezone is not likely to be supported by the community. An upzoning could also create undesirable change in existing, established neighborhoods.</p> |

|  |   |  |  |
|--|---|--|--|
|  | <ul style="list-style-type: none"> <li>The RH 8 (formerly PO) zone has abutted single family uses since the area was annexed into the City of Kirkland in 1988. The boundaries of the RH 8 zone were expanded to the north in 2015 as part of the Griffis citizen amendment request.</li> </ul> |  | <p>RM medium- and high-density zoning is found adjacent to many of the mixed-use commercial Rose Hill Business District zones. Such zoning would not substantially alter the location/configuration of new residential uses on redeveloped properties.</p> <p>The existing RH 8 zoning already limits the scale of retail uses and allows multi-family uses.</p> <p>Size limitation requirements for mixed-use commercial and multi-family structures, maximum building height and landscape buffer requirements of existing zoning mitigate impacts on adjacent residential uses in the RSX zone.</p> |
|--|---|--|--|

Conclusions: As described above, staff believes the existing Zoning Code regulations for the RH 8 (and other RH zones) related to regulations of transitions between commercial/mixed-use and low-density residential uses – such as maximum building height, required setback yards, limitations on building size – are adequate to minimize adverse impacts to single-family uses. No further amendments are needed to maximum building height, required setback yards or landscape buffers. The proposed code amendments in Revised Ordinance O-4683 Option A and represent reasonable changes that will help clarify where commercial uses should be located on a site to orient toward NE 85<sup>th</sup> Street, the amount of commercial use along the street frontage, and where residential uses should be permitted on the site (behind or above street level commercial uses). Both O-4683 and Ordinance O-4687 (only the RH 8 amendments) include an additional amendment to RH 8 that clarifies that residential uses should not be permitted within 30’ of the property line on NE 85<sup>th</sup> Street. If the Council approves Option B (everything but RH 8 amendments) staff will be looking for direction on whether further discussion of RH 8 should be at the Council or at the Planning Commission.

Attachments:

1. Graphics and photos illustrating code requirements
2. Josh Lysen with Merit Homes letter received 4/25/2019
3. Olivia Ohna email received 4/30/2019

Enclosures:

Ordinance 4683:

Option A Exhibits A-I (includes RH 8 amendments):

- A. Zoning Map amendment
- B. RH 5A-5B amendments KZC 53.52, 53.54.090
- C. RH 7 amendments KZC 53.72
- D. RH 3 amendments KZC 53.32, 53.34.010
- E. PLA 14 amendments KZC 45.20 PU-18
- F. RM, RMA amendments KZC 20.10.020, 20.20 PU-2, PU-27, 25.10.020, 25.20 PU-1, PU-14, 30.20 PU-1, PU-12, PU-22
- G. LIT amendments KZC 40.10.010, 40.20 PU-7
- H. 142 amendments KZC 142.20, 142.25, 142.35, 142.35, 142.37
- I. RH 8 amendments KZC 53.82, 53.84.020, 53.84.040, 53.84.050, 53.84.060

Option B includes Exhibits A-H above; excludes RH 8 amendments:

- A. Zoning Map amendment
- B. RH 5A-5B amendments KZC 53.52, 53.54.090
- C. RH 7 amendments KZC 53.72
- D. RH 3 amendments KZC 53.32, 53.34.010
- E. PLA 14 amendments KZC 45.20 PU-18
- F. RM, RMA amendments KZC 20.10.020, 20.20 PU-2, PU-27, 25.10.020, 25.20 PU-1, PU-14, 30.20 PU-1, PU-12, PU-22
- G. LIT amendments KZC 40.10.010, 40.20 PU-7
- H. 142 amendments KZC 142.20, 142.25, 142.35, 142.35, 142.37

Ordinance 4687 includes RH 8 amendments only, as Exhibit A

cc: File Number CAM19-00043

**Graphics and photos illustrating Zoning Code transition requirements**

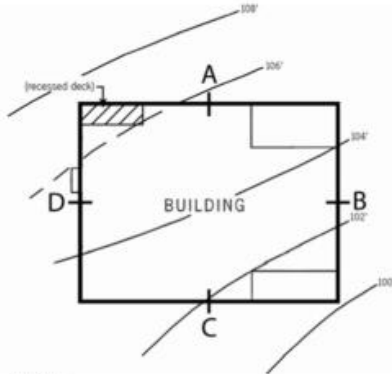
**KZC Plate 17A Calculating Average Building Elevation**

**Plate 17A CALCULATING AVERAGE BUILDING ELEVATION, OPTION 1**



A, B, C, D... Existing Ground Elevation at Midpoint of Rectangle Segment\*  
 a, b, c, d... Length of Rectangle Segment\*

\*Rectangle includes the perimeter of a deck or porch, unless the deck or porch has no walls at or below the deck level and no roof above the deck or porch, as well as cantilevered portions of a building which enclose interior space.



| Midpoint Elevation | Rectangle Segment Length |
|--------------------|--------------------------|
| A = 105.6          | a = 47'                  |
| B = 102.5          | b = 40'                  |
| C = 101.9          | c = 47'                  |
| D = 105.2          | d = 40'                  |

Site Plan  
 Not to scale

FORMULA:

$$\frac{(A \times a) + (B \times b) + (C \times c) + (D \times d)}{a + b + c + d} = \text{Average Building Elevation (ABE)}$$

EXAMPLE:

$$\frac{(105.6)(47) + (102.5)(40) + (101.9)(47) + (105.2)(40)}{47 + 40 + 47 + 40} = \frac{18,060.5}{174} = 103.80 \text{ ABE}$$



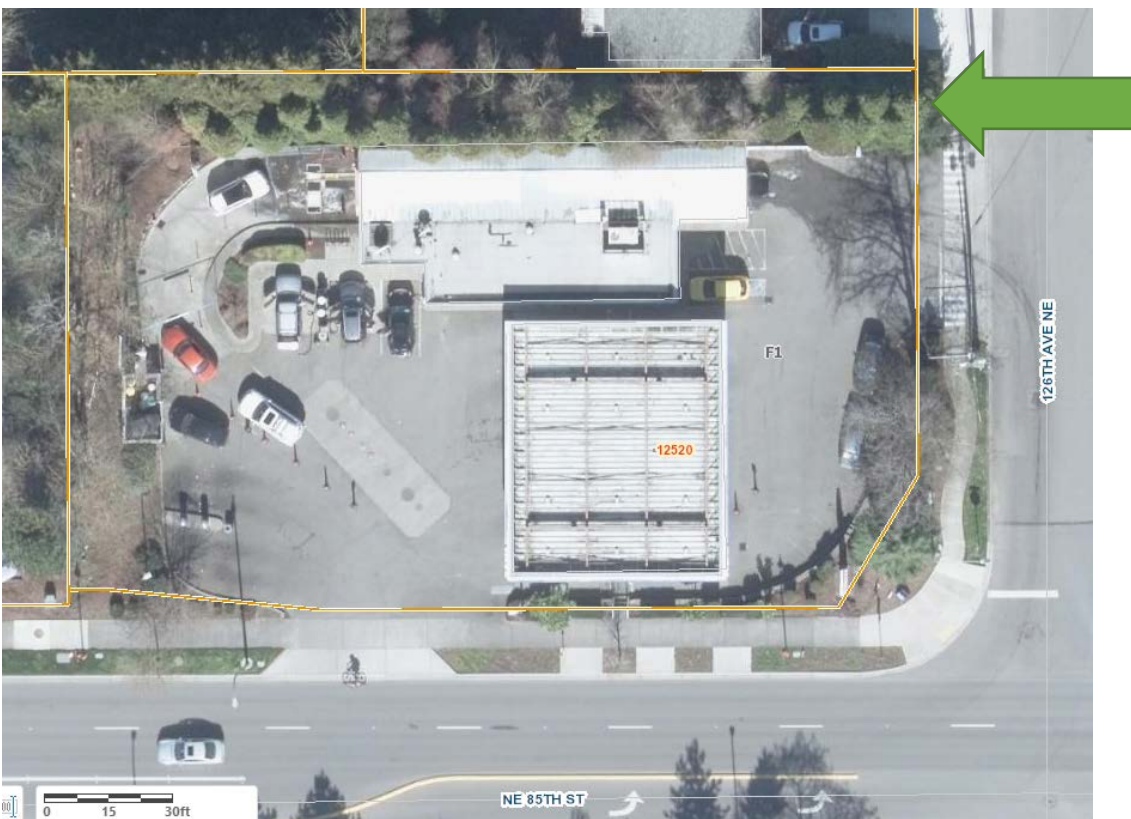
NOTE: PLEASE INCLUDE THE ELEVATION OF THE ROOFLINE ON THE SITE PLAN AND INDICATE ON THE ELEVATION DRAWINGS WHERE THE AVERAGE BUILDING ELEVATION (CALCULATED ABOVE) STRIKES THE BUILDING.

Examples of 15 foot wide landscape buffer between commercial in Rose Hill Business District and adjacent single family residential uses

Safeway on NE 85<sup>th</sup> Street



Shell Gas Station



Rose Hill Mixed Use Building





Administrative Design Review (KZC 92 Design Regulations for East End/RH 8 zone and Totem Lake Business District options for rear yard building placement adjacent to low density zones

Rear Yard Building Placement Options in the RHBD

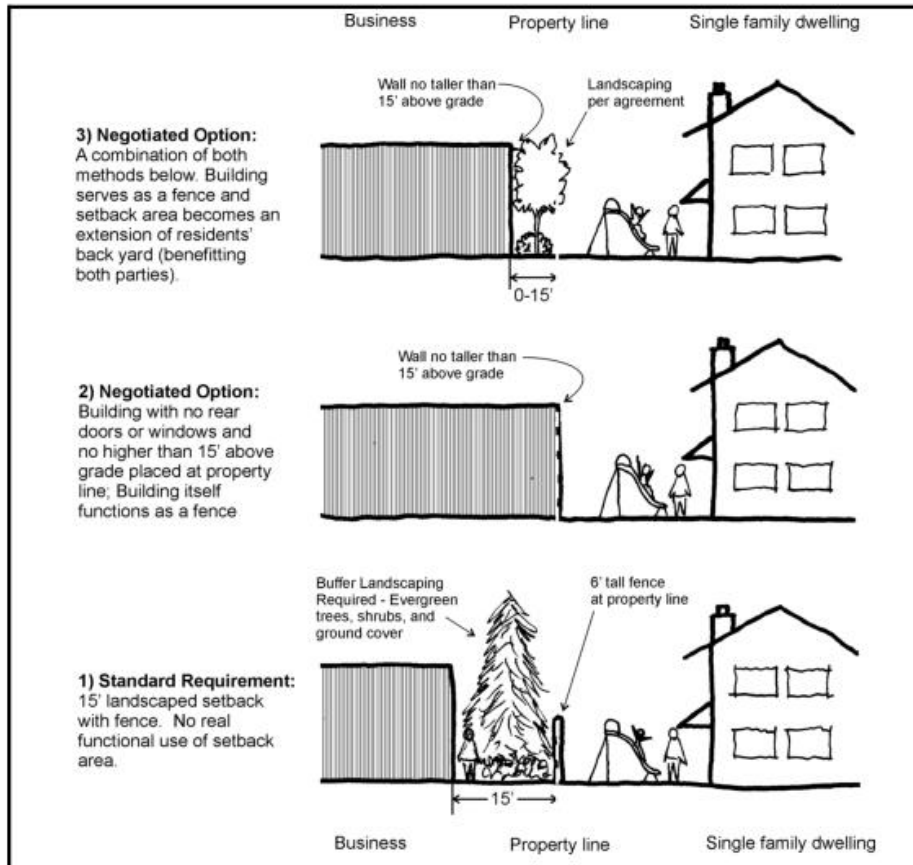
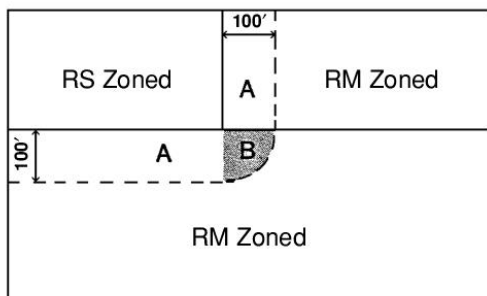


FIGURE 92.10.C

Plate 18 Determining Adjoining Properties and when building size limitations apply

Plate 18 ADJOINING PROPERTIES



- A Area to be considered adjoining property
- B Area not to be considered adjoining property

Photos showing flat and pitched rooflines homes

Flat roof houses on sloped lots



1306 3rd St, Kirkland, WA 98033 - MLS ...



1312 Market St, Kirkland, WA 98033 ...



9619 Slater Ave NE, Kirkland, WA 9803...



Homes for Sale in Norkirk: Kirkland...

Peak roof houses on slopes



Kirkland, WA | State Roofing | Roofing ...



Kirkland, WA Real Estate



Homes for Sale East of Market: Kirkla...

## Rose Hill Neighborhood Code Amendments – CAM19-00043

### RH8

#### Contents:

1. Planning Commission Unanimous decision to adopt proposed staff wording
2. Urgency
3. Shading
4. Commercial Space
5. Height & Density

1. Planning Commission Unanimous Recommendation to adopt proposed staff wording:

Staff has proposed and the Planning Commission has unanimously recommended City Council adopt RH8 code amendments now that:

- replaces the use of the defined term “Ground Floor” with the defined term, “Street Level Floor”.
- Additionally, a requirement is added that commercial space be provided oriented to NE 85<sup>th</sup> Street that is a minimum of 20’ deep, an average of 30’ deep, and at least 60% of the distance along NE 85<sup>th</sup> Street.

In addition to recommending City Council adopt the staff’s proposed wording now, they also asked that an item be placed into their workplan to consider height and setbacks in the RH8 zone at some point to be determined in the future.

At the 4/16/19 City Council meeting, one council member stated that, “With as much work as the Planning Commission has on their plate, for them to ask for more work must mean that they are uncomfortable with the current RH8 zoning.” This conclusion does not reflect the Planning Commission’s actual discussion or motion. Please view the actual discussion at:

[http://kirkland.granicus.com/MediaPlayer.php?view\\_id=12&clip\\_id=4042](http://kirkland.granicus.com/MediaPlayer.php?view_id=12&clip_id=4042)

The Planning Commission discussion regarding RH8 is between 1:30:15 and 1:47:40.

Key comments may be found at the times listed below:

1:35:38 Move forward with changing Ground Floor to Street Level Floor and adding commercial requirements

1:36:00 Discussion about priority of RH8 review relative to other work program projects

1:37:00 Discussion of concern that they have 3 years of work program projects already

1:45:25 Proposed **future** workplan item to consider RH8 height and setbacks

1:45:40 Motion passed unanimously to recommend City Council adopt RH8 wording changes proposed by staff **now** and to put an item into the workplan to consider RH8 height and setbacks at some time in the future to be determined.

By listening to the actual discussion, it is clear that the Planning Commission **does** want the staff proposed wording changes to be adopted by City Council. They do not want that delayed until they get a chance to revisit height and setbacks.

## 2. Urgency

The reason that it is important to adopt the staff proposed wording for the RH8 zone is that under the current “Ground Floor” wording, it is possible to interpret the ground floor as the level below the level of NE 85<sup>th</sup> Street. With that interpretation, there would be no requirement for any commercial on the NE 85<sup>th</sup> Street level and apartments could go all the way to NE 85<sup>th</sup> Street.

We ask that the changes proposed by staff and unanimously supported by the Planning Commission for adoption by the City Council be adopted on May 7, 2019. Attached to such a motion could also be the direction for the Planning Commission to review the RH8 height and setbacks.

## 3. Shading

Enclosed are shading studies for:

- The existing condition prior to any development in the RH8 zone between 131<sup>st</sup> and 132<sup>nd</sup>
- Building houses along the northern portion of this property
- The vested proposal

The Shading Studies show that there is no impact from the vested building for 7 months of the year (March through September) and that shading during October through February is less than or equal to the current shading from existing trees or from what would result from 30’ tall houses 5 feet from the property line.

Design Review could easily request that where neighbors prefer more privacy, bigger, taller, faster growing trees could be specified in the landscape buffer. Where neighbors may have solar panels, Design Review could call for shorter trees or hedges of a limited height. As for a new multifamily building to code height, please remember that 100+ foot tall trees are currently on most undeveloped RH8 parcels and prior zoning allowed 30’ tall house with only a 5’ setback .

## 4. Commercial Space Requirement

There is some public input suggesting that the staff proposal does not require enough commercial space. They are suggesting some percentage of Street Level Floor be required to be commercial. There are many reasons why this would violate good planning, Some of the reasons are:

- 4.1 The underlying goal for the RH8 zone is to provide *less intensive commercial uses (not less residential density* as some are mis-stating) than the zones to the west. There is even a 4,000 sf maximum limit per commercial space. The goal for the RH8 zone is to provide viable commercial space along NE 85<sup>th</sup> Street and oriented to NE 85<sup>th</sup> Street. The 20’

minimum and 30' average depth along at least 60% of the NE 85<sup>th</sup> Street frontage accomplishes that goal and ensures that goal will be met.

4.2 Setting specific commercial depths and lengths is *consistent with what Kirkland wants and what tenants will rent*. Using a percentage of Street Level size will result in varying commercial depths based on the number of lots aggregated and the size of those lots *which has nothing to do with what tenants will rent*. In fact, a percentage condition will work against the stated goal of encouraging lot aggregation because the more lots a developer aggregates, the more of the deeper undesirable commercial space they will be required to build.

4.3 Other local jurisdictions have wrestled with this issue. Edmonds, for example, once required the entire street level floor to be commercial in their Business District zones. They discovered two major problems:

- this created a lot of vacant commercial space beyond 30 feet from the street.
- It drove commercial space into juxtaposition with the residential zones.

Edmond's solution was very similar to what Kirkland staff is proposing. Edmonds now requires commercial to a depth of 30' along commercial streets and then allows residential behind the commercial space. This makes a more viable development and results in new residential use facing the existing residential neighbors. Edmonds imposed a 15' setback between 30' tall mixed-use buildings and residential zones...*which is half* of what Kirkland's RH8 zoning requires.

4.4 Juxtaposition of Commercial/Residential vs Residential/Residential. If a developer had a commercial tenant or tenants that wanted 50% or 100% of the Street Level Floor in the RH8 zone, the public response would very likely (and appropriately) be alarmed.

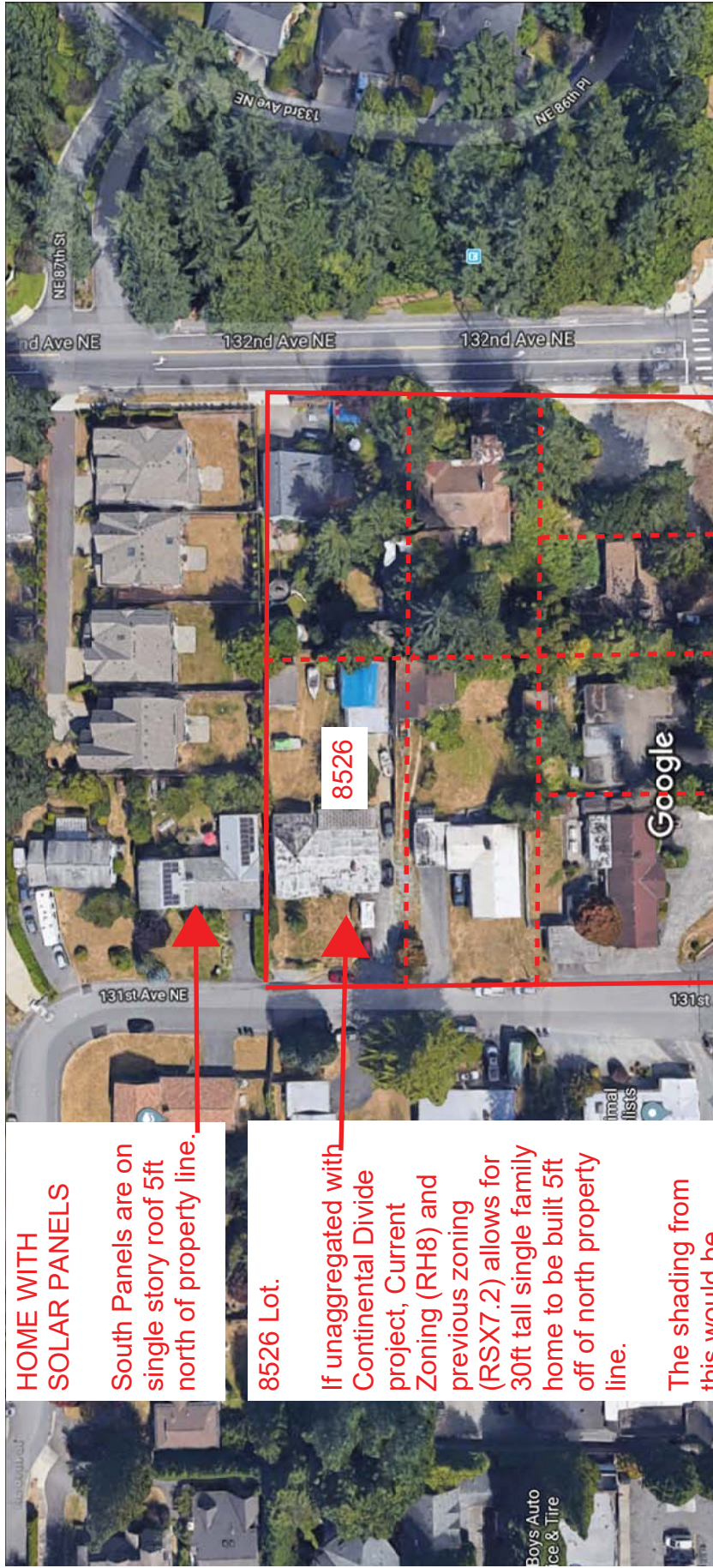
Even with a 30' setback distance and a landscaping buffer, can you imagine placing next to the adjacent residential properties a great Mexican restaurant with outdoor seating and Mariachi music playing until closing time ??

## 5. Other Issues:

- **Height:** This is a discussion we would like to have next time the RH8 zoning is reviewed. The current height limits restrict new development to 3 residential levels. This typically results in what are called "woody walkups" or "garden court" apartments which are accessed via external stairways and surrounded by surface level parking. This is far less compatible for adjacent residential neighborhoods compared to typically taller structures that have internal garages and the residents use elevators to access their apartments rather than walking from large, outdoor, surface level parking. Especially as close as the RH8 zone is to public transportation, a height of 6 stories (5 framed over 1 concrete level) is more appropriate in this Transit Oriented Development area.

- **Density:** A number of public comments have incorrectly said that Continental Divide is 75 units per acre. Three points:
  - At 2.28 acres, the project is actually 58 units per acre.
  - This density is considered “low rise” development.
  - Snohomish County has been actively converting areas to Urban Center adjacent to low density single family residential (SFR) zoning. They allow a 3.75 FAR for mixed use developments next to SFR. For Continental Divide, that would be 375 apartments.

**AERIAL VIEW  
CONTINENTAL DIVIDE SITE**



**HOME WITH SOLAR PANELS**  
 South Panels are on single story roof 5ft north of property line.

**8526 Lot.**  
 If unaggregated with Continental Divide project, Current Zoning (RH8) and previous zoning (RSX7.2) allows for 30ft tall single family home to be built 5ft off of north property line.

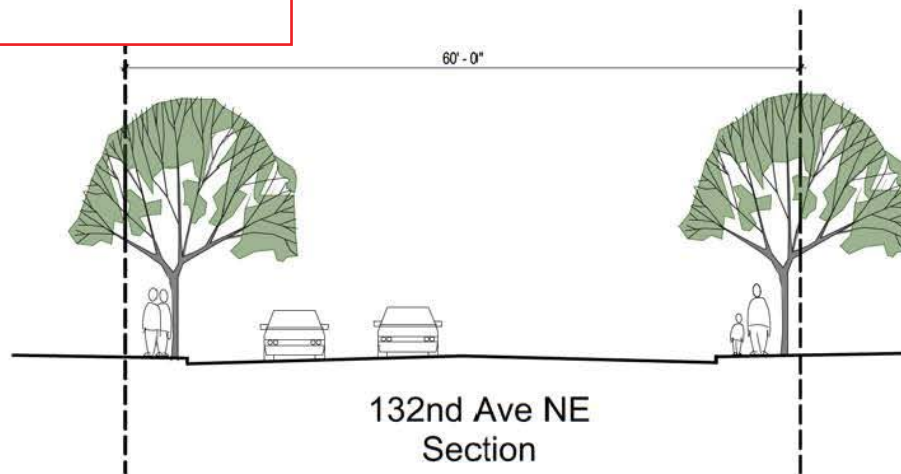
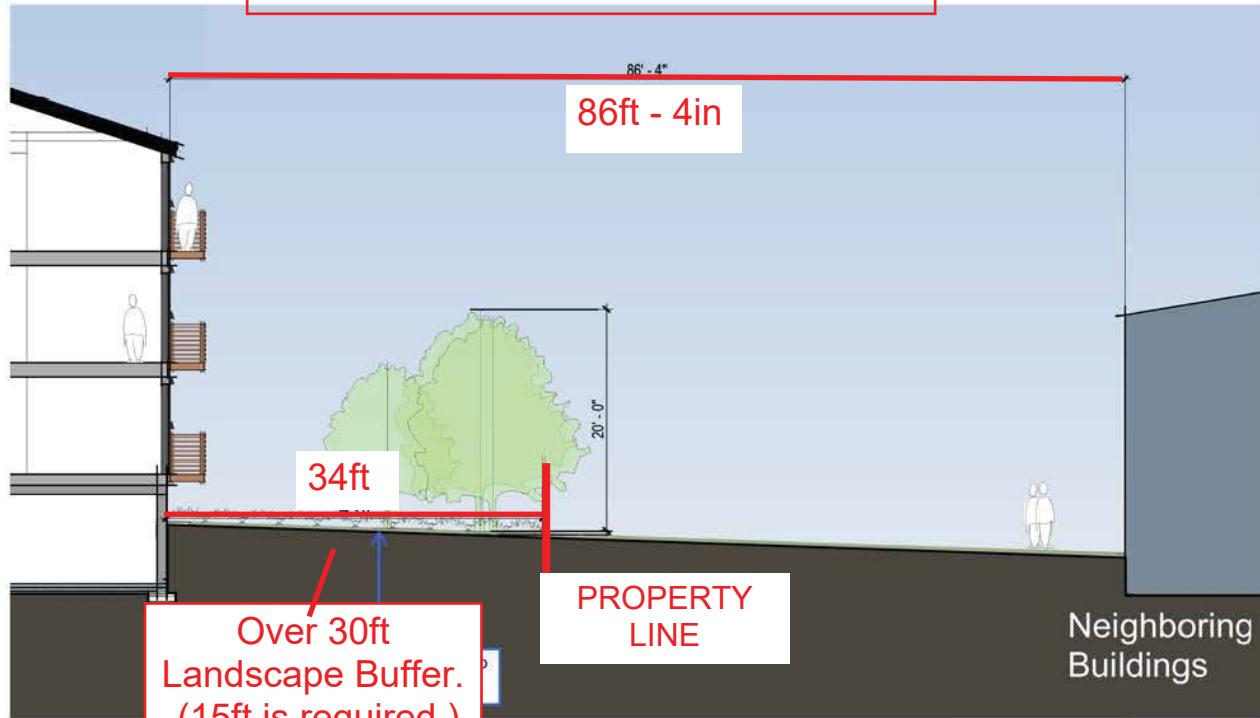
The shading from this would be substantially **MORE** than Continental Divide's Proposed Bld, which is 30ft setback from north property line.

Imagery ©2019 Google, Map data ©2019 Google 50 ft



**CONTINENTAL  
DIVIDE SITE**

SEPERATION BETWEEN CONTINENTAL  
DIVIDE BLD AND HOMES TO THE NORTH  
VIEW FROM 132nd Ave





## SOLAR STUDY

THE FOLLOWING SLIDES SHOW THE SHADING IMPACT FOR THE CONTINENTAL DIVIDE SITE ON TO THE PROPERTY TO THE NORTH.

THE STUDY COVERS THE ENTIRE YEAR FOR THREE DIFFERENT SCENARIOS.

SCENARIO 1 - EXISTING SITE CONDITIONS WITH TREES

SCENARIO 2 - PROPOSED CONTINENTAL DIVIDE BLD

SCENARIO 3 - SINGLE FAMILY HOME ALTERNATIVE ON THE NORTH MOST CONTINENTAL DIVIDE SITE, which is an allowed alternative in RH8 zoning, as well as the previous RSX 7.2 zoning.

THE SLIDES ARE GROUPED INTO TWO SECTIONS.

SECTION 1 - WINTER SOLISTICE. Period of the year with the most shading in all scenarios.

SECTION 2 - REMAINDER OF THE SLIDES, which show the majority of the year has NO or MINIMAL SHADING IMPACT or the shading impact from Continental Divide Bld is similiar or less than the existing condition or single family home alternative.

## SOLAR STUDY COMPARISON

### WINTER SOLSTICE

The time of year when sun is lowest  
in the sky casting the largest  
shadows.

#### COMPARISON OF THE FOLLOWING SCENARIOS:

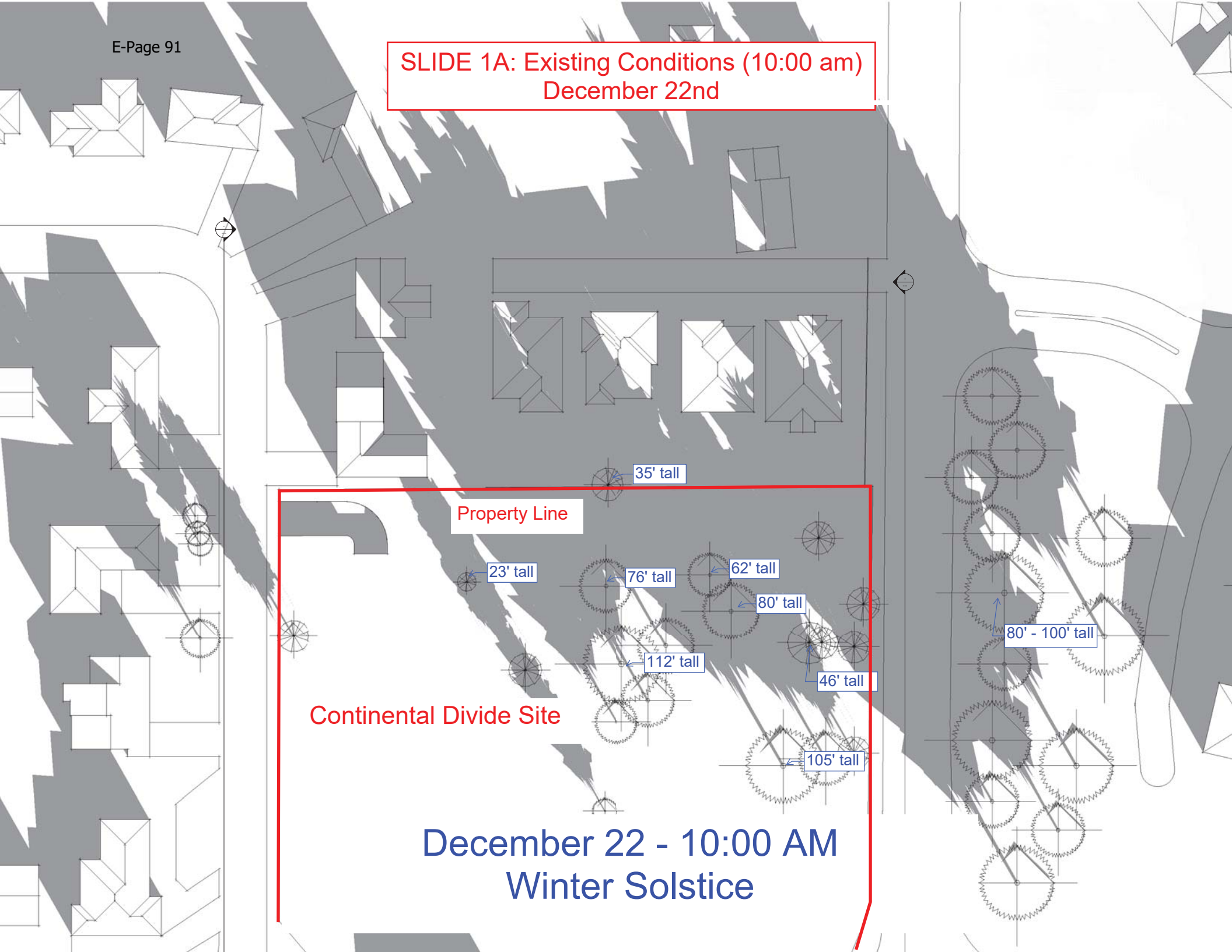
Slide 1a - Existing Conditions

Slide 1b - Continental Divide Bld

Slide 1c - Single Family Homes, as allowed if north lots are unaggregated into Continental Divide site.

**CONCLUSION: Shading caused by Continental Divide Bld is equal to or less than Existing Conditions or Single Family Home Alternative.**

**SLIDE 1A: Existing Conditions (10:00 am)  
December 22nd**

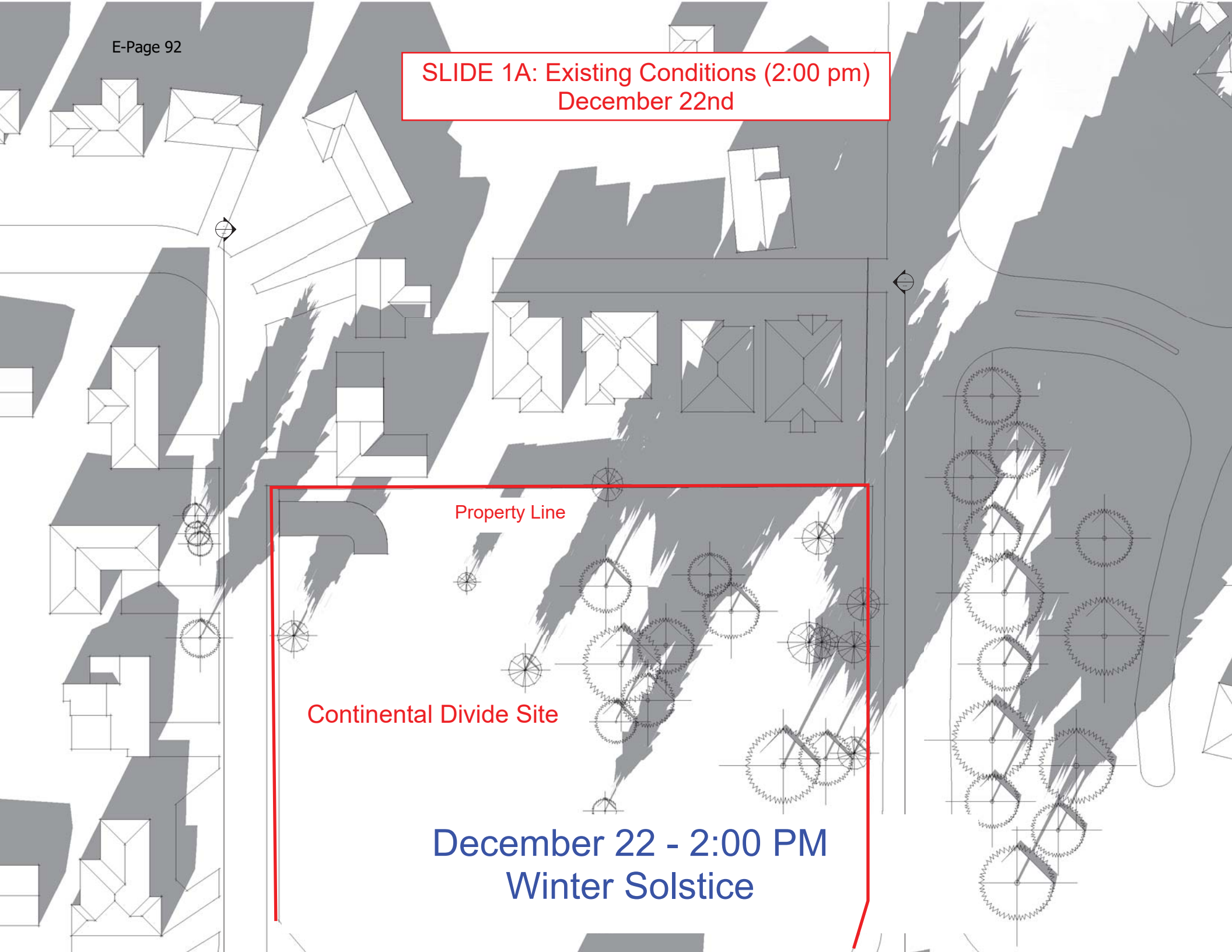


Property Line

Continental Divide Site

December 22 - 10:00 AM  
Winter Solstice

**SLIDE 1A: Existing Conditions (2:00 pm)  
December 22nd**

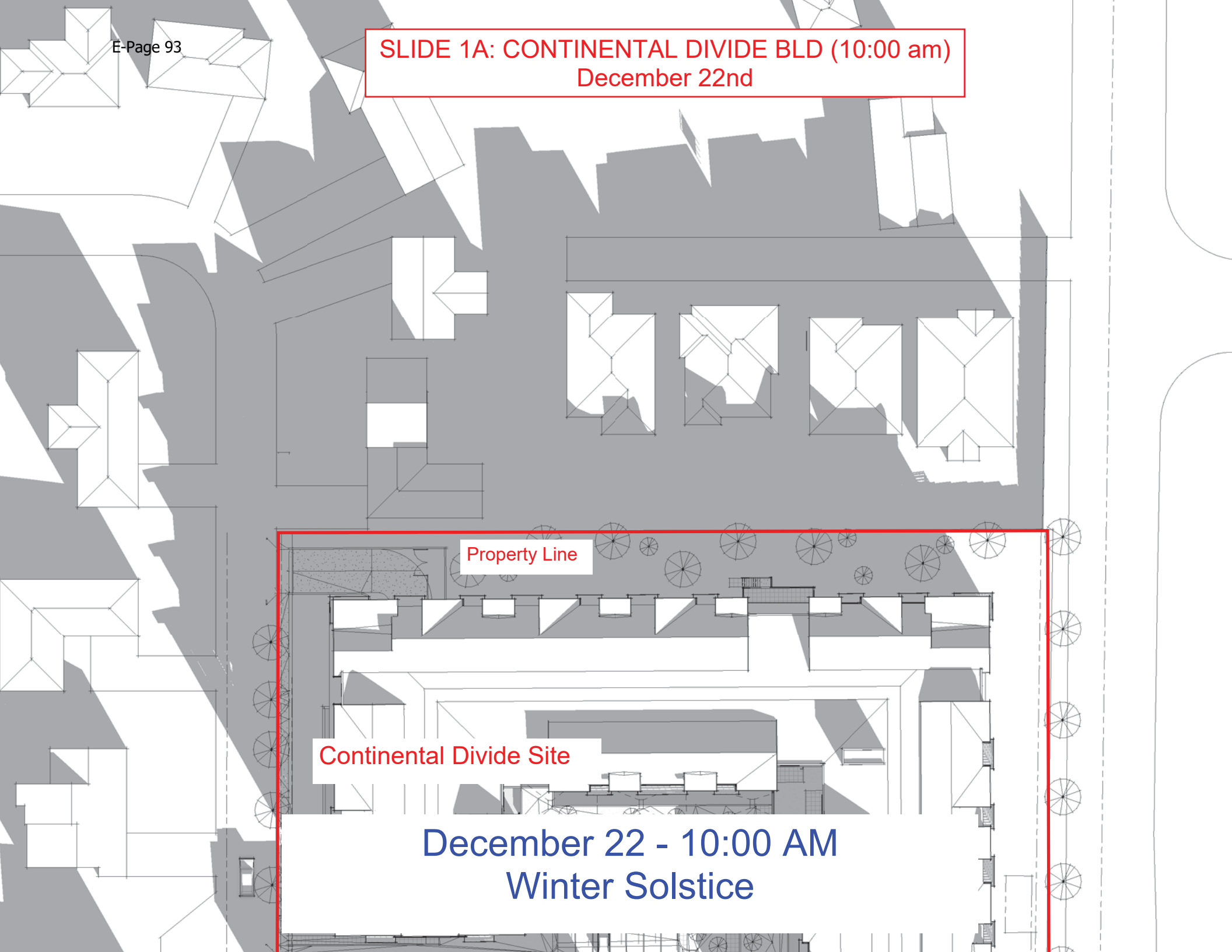


Property Line

Continental Divide Site

**December 22 - 2:00 PM  
Winter Solstice**

**SLIDE 1A: CONTINENTAL DIVIDE BLD (10:00 am)  
December 22nd**



Property Line

Continental Divide Site

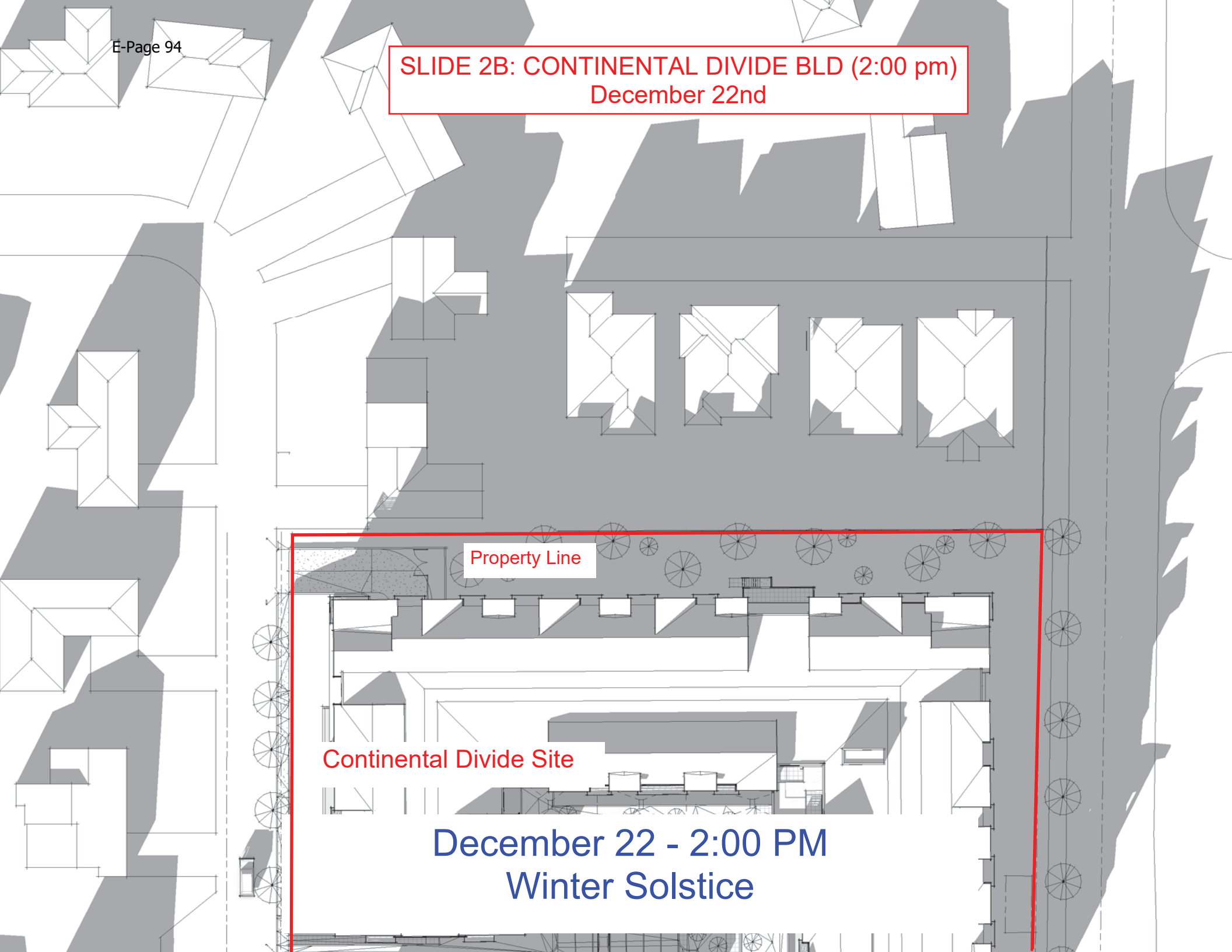
**December 22 - 10:00 AM  
Winter Solstice**

**SLIDE 2B: CONTINENTAL DIVIDE BLD (2:00 pm)**  
December 22nd

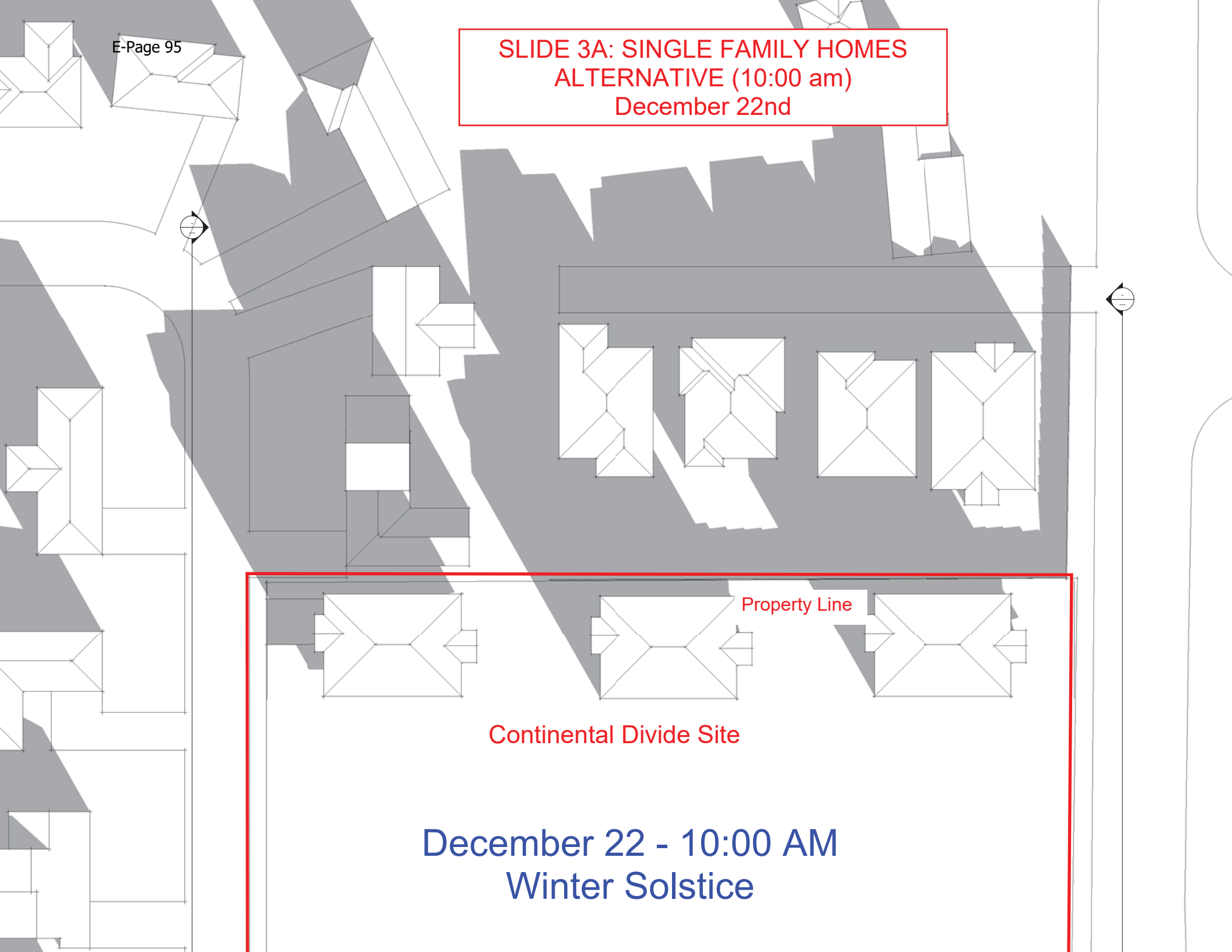
Property Line

Continental Divide Site

**December 22 - 2:00 PM**  
**Winter Solstice**



**SLIDE 3A: SINGLE FAMILY HOMES  
ALTERNATIVE (10:00 am)  
December 22nd**

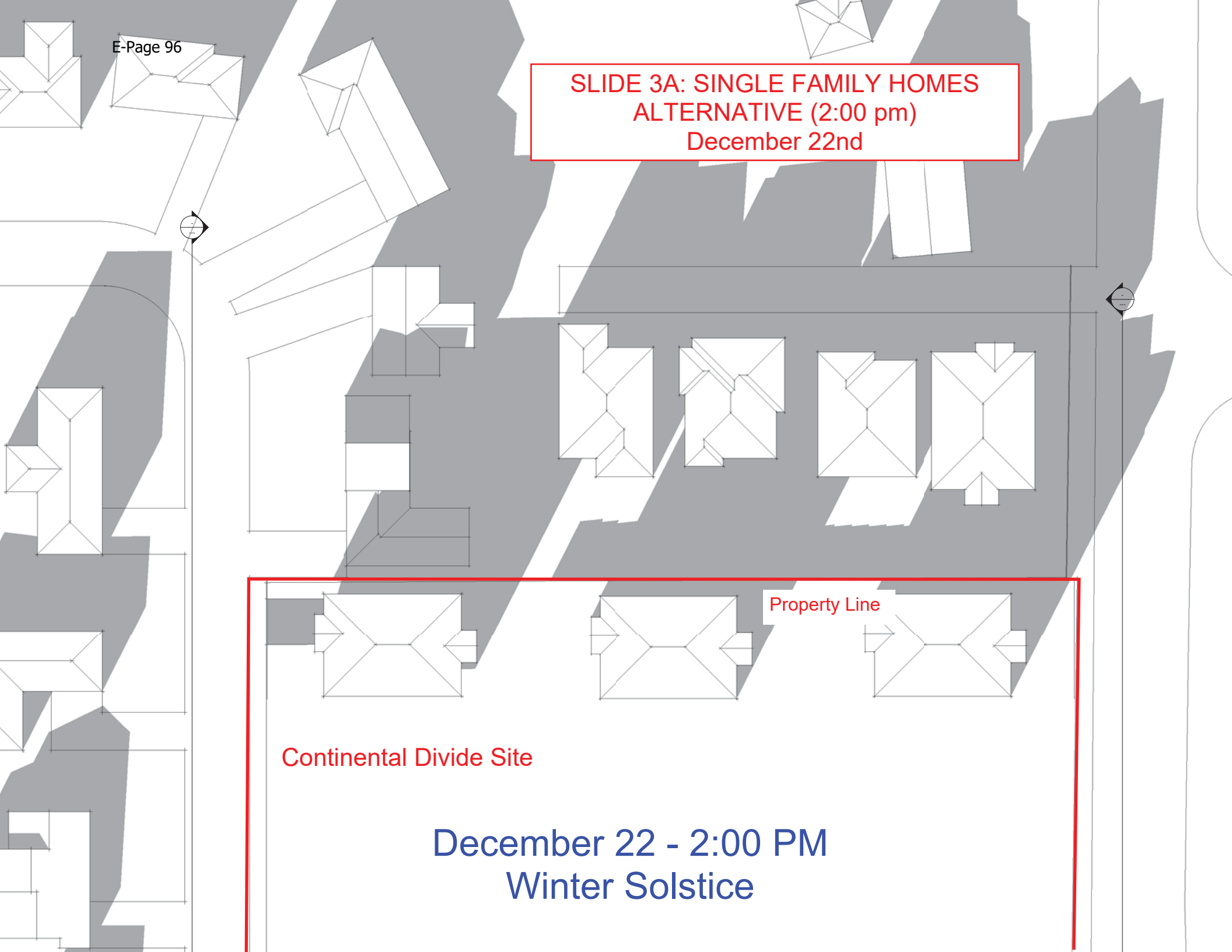


Property Line

Continental Divide Site

December 22 - 10:00 AM  
Winter Solstice

**SLIDE 3A: SINGLE FAMILY HOMES  
ALTERNATIVE (2:00 pm)  
December 22nd**



**Continental Divide Site**

**Property Line**

**December 22 - 2:00 PM  
Winter Solstice**



## SOLAR STUDY

THE FOLLOWING ARE THE REMAINDER OF THE SLIDES FROM THE SOLAR STUDY.

THE MAJORITY OF THE YEAR THERE IS EITHER NO SOLAR IMPACT FROM THE CONTINENTAL DIVIDE BLD OR

THE SHADING IS LESS THAN OR EQUAL TO THE SHADING FROM THE CURRENT EXISTING CONDITIONS OR AN ALTERNATIVE SINGLE FAMILY HOME DEVELOPMENT, which is allowed if the adjacent lots were not aggregated into the Continental Divide project.

EXISTING CONDITIONS



Sep 22 and March 22 - 9:00 AM  
Spring/Fall Equinox

EXISTING CONDITIONS



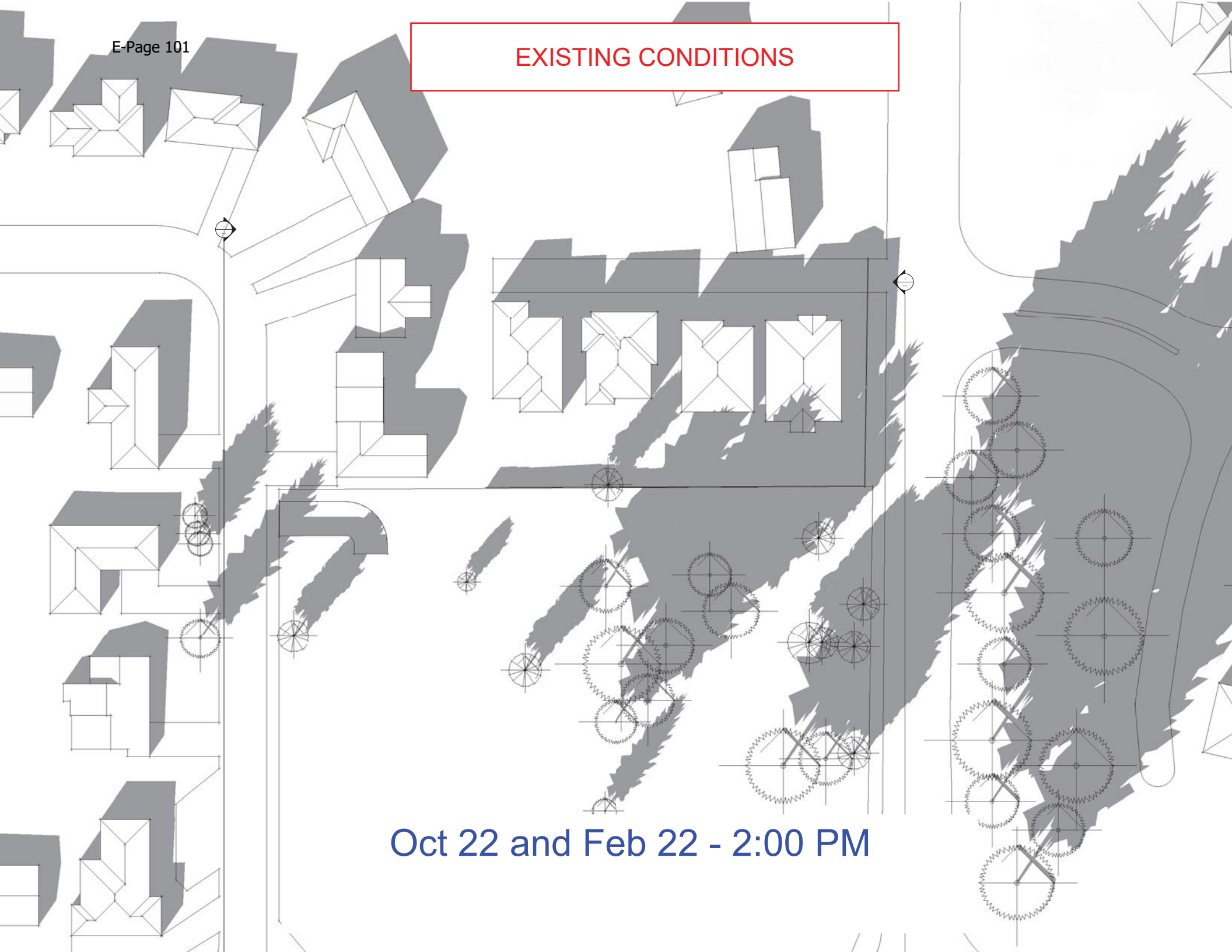
Sep 22 and March 22 - 3:00 PM  
Spring/Fall Equinox

EXISTING CONDITIONS



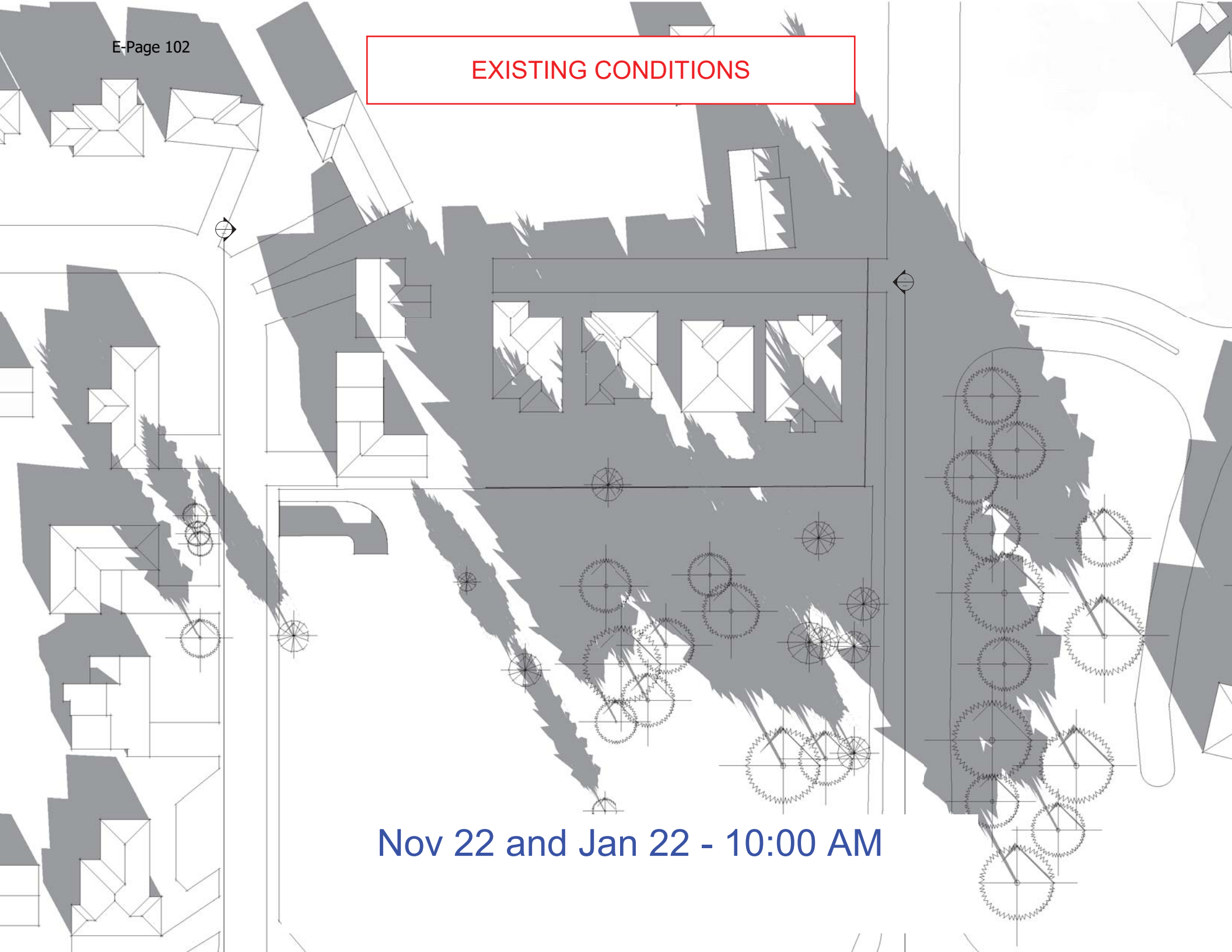
Oct 22 and Feb 22 - 10:00 AM

EXISTING CONDITIONS



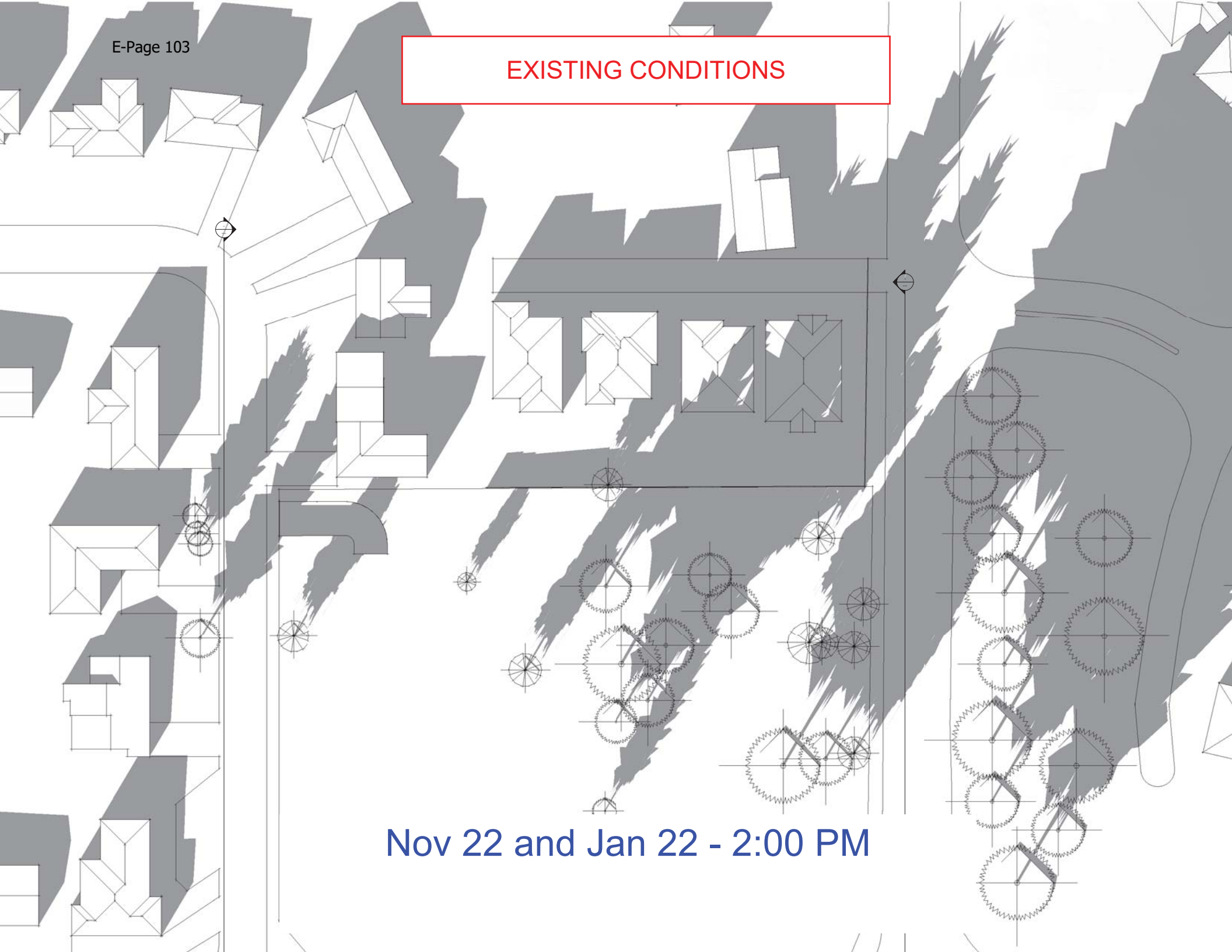
Oct 22 and Feb 22 - 2:00 PM

EXISTING CONDITIONS



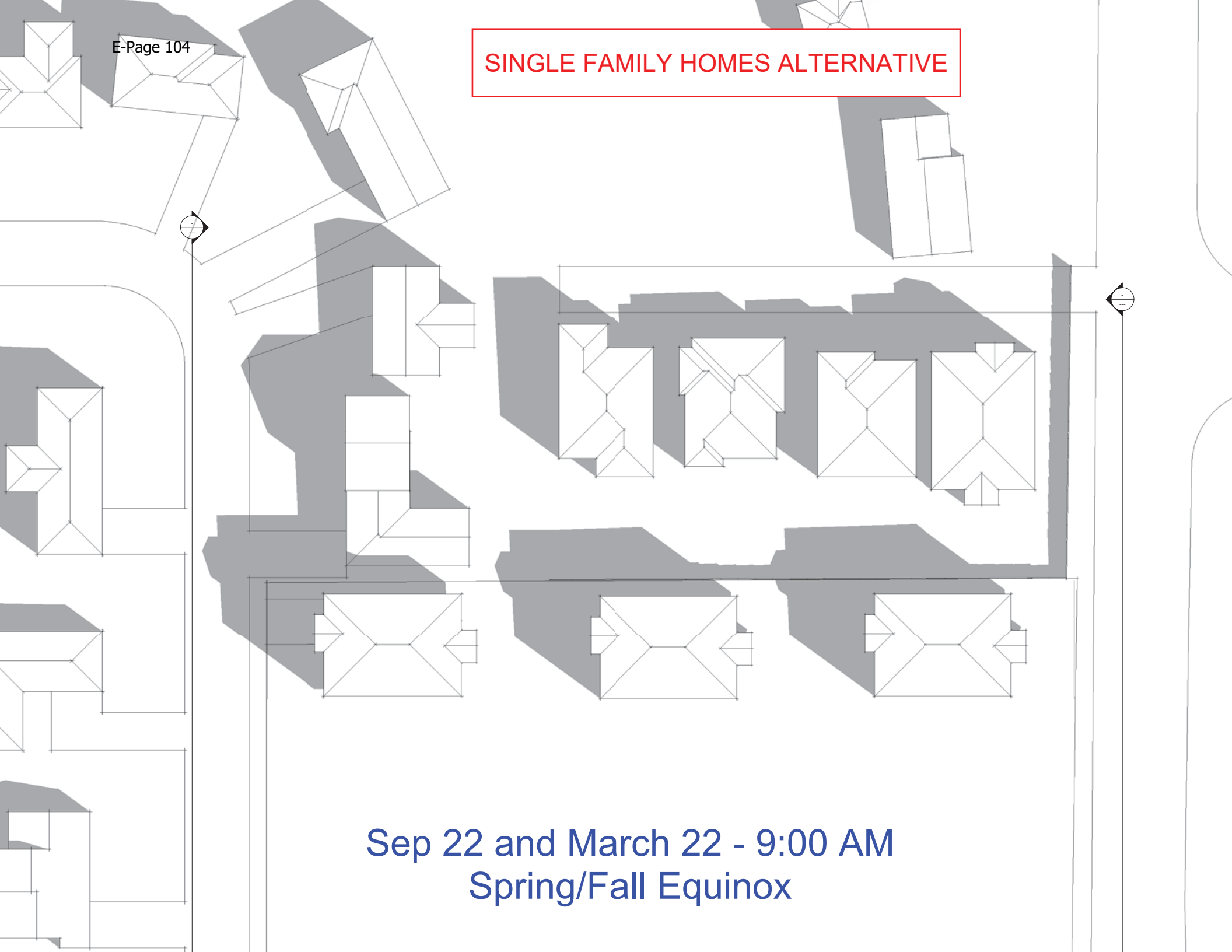
Nov 22 and Jan 22 - 10:00 AM

EXISTING CONDITIONS



Nov 22 and Jan 22 - 2:00 PM

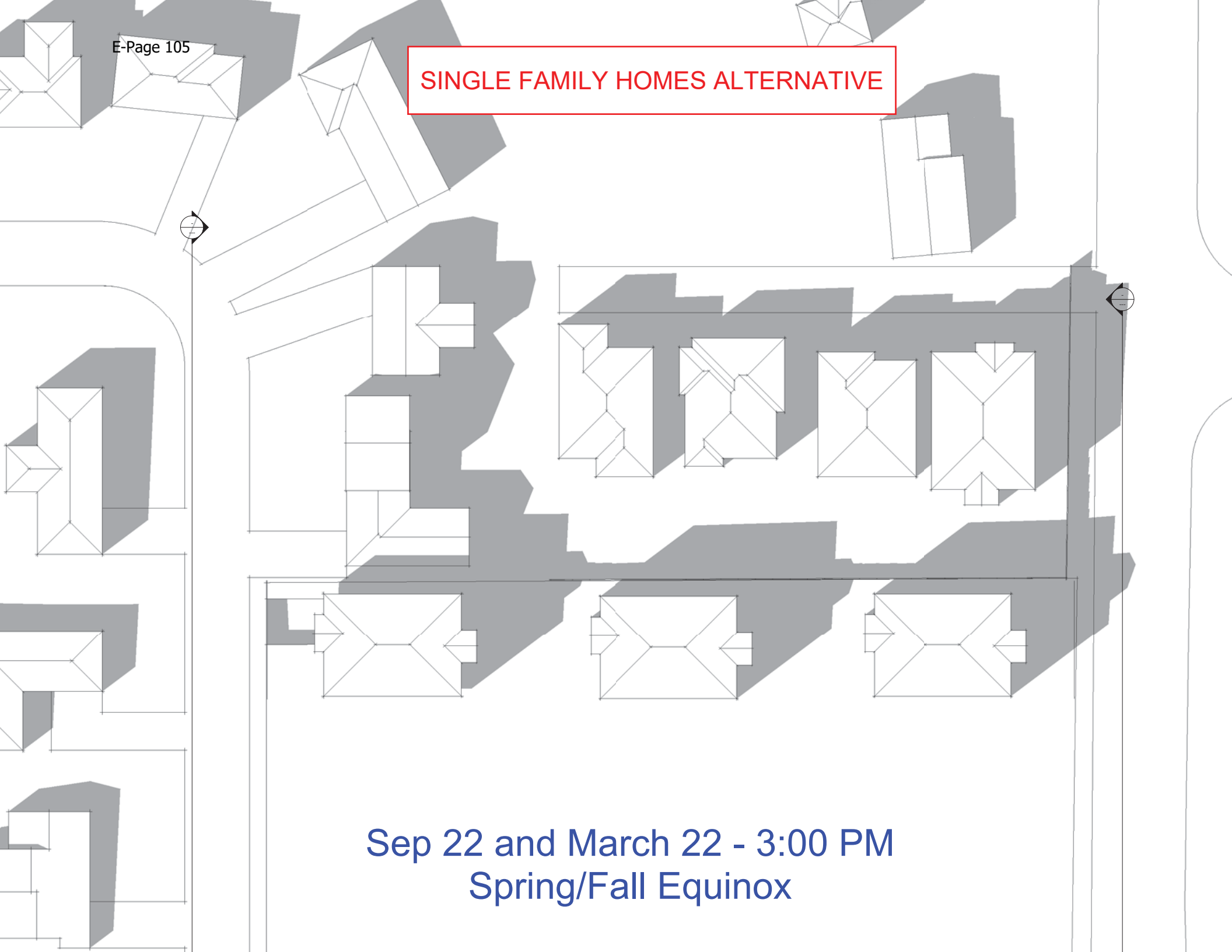
SINGLE FAMILY HOMES ALTERNATIVE



Sep 22 and March 22 - 9:00 AM  
Spring/Fall Equinox

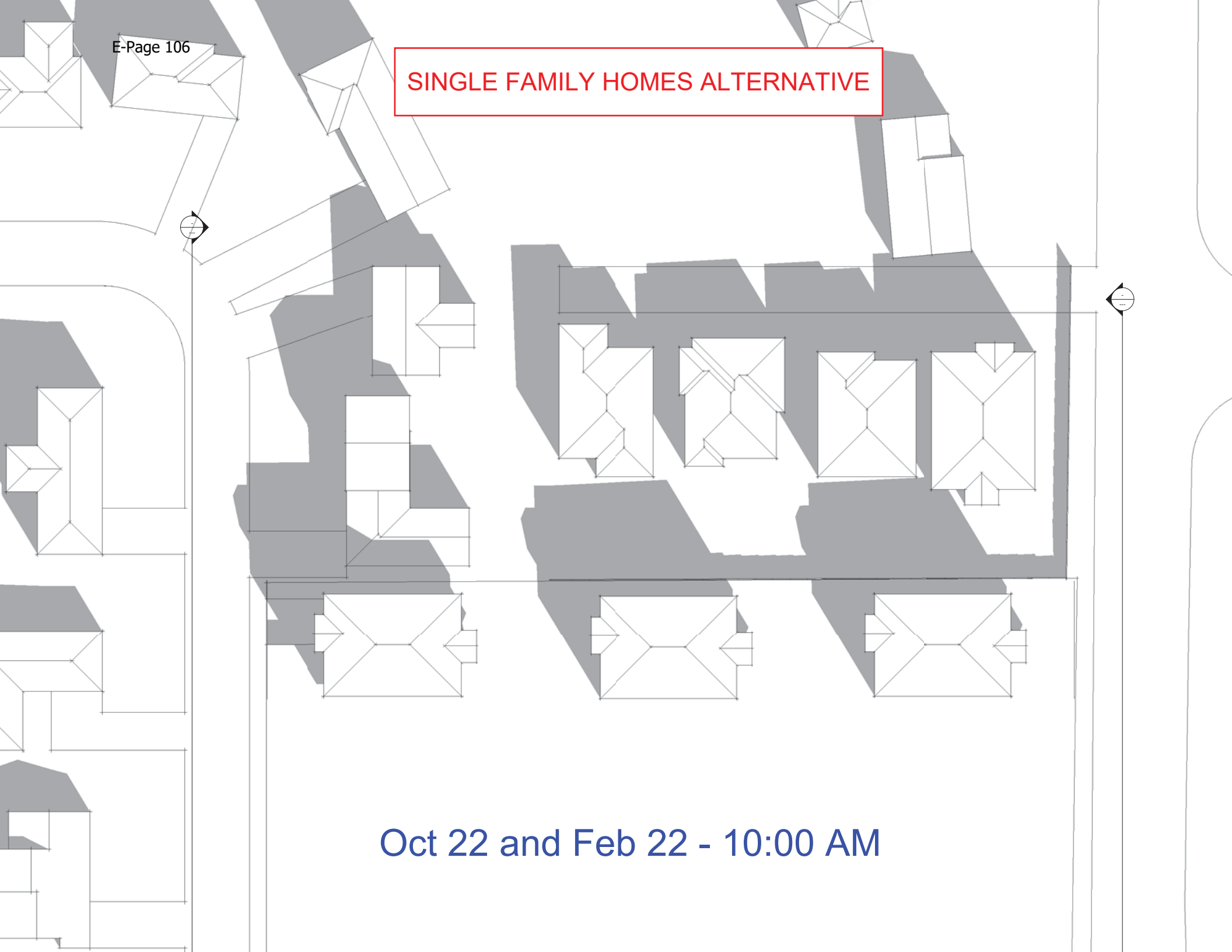


SINGLE FAMILY HOMES ALTERNATIVE



Sep 22 and March 22 - 3:00 PM  
Spring/Fall Equinox

SINGLE FAMILY HOMES ALTERNATIVE



Oct 22 and Feb 22 - 10:00 AM

SINGLE FAMILY HOMES ALTERNATIVE

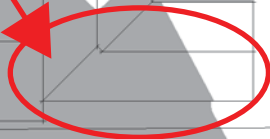
Single story roof  
5ft away from  
property line  
with solar  
panels is  
shaded



Oct 22 and Feb 22 - 2:00 PM

SINGLE FAMILY HOMES ALTERNATIVE

Single story roof  
5ft away from  
property line  
with solar  
panels is  
shaded



Nov 22 and Jan 22 - 10:00 AM

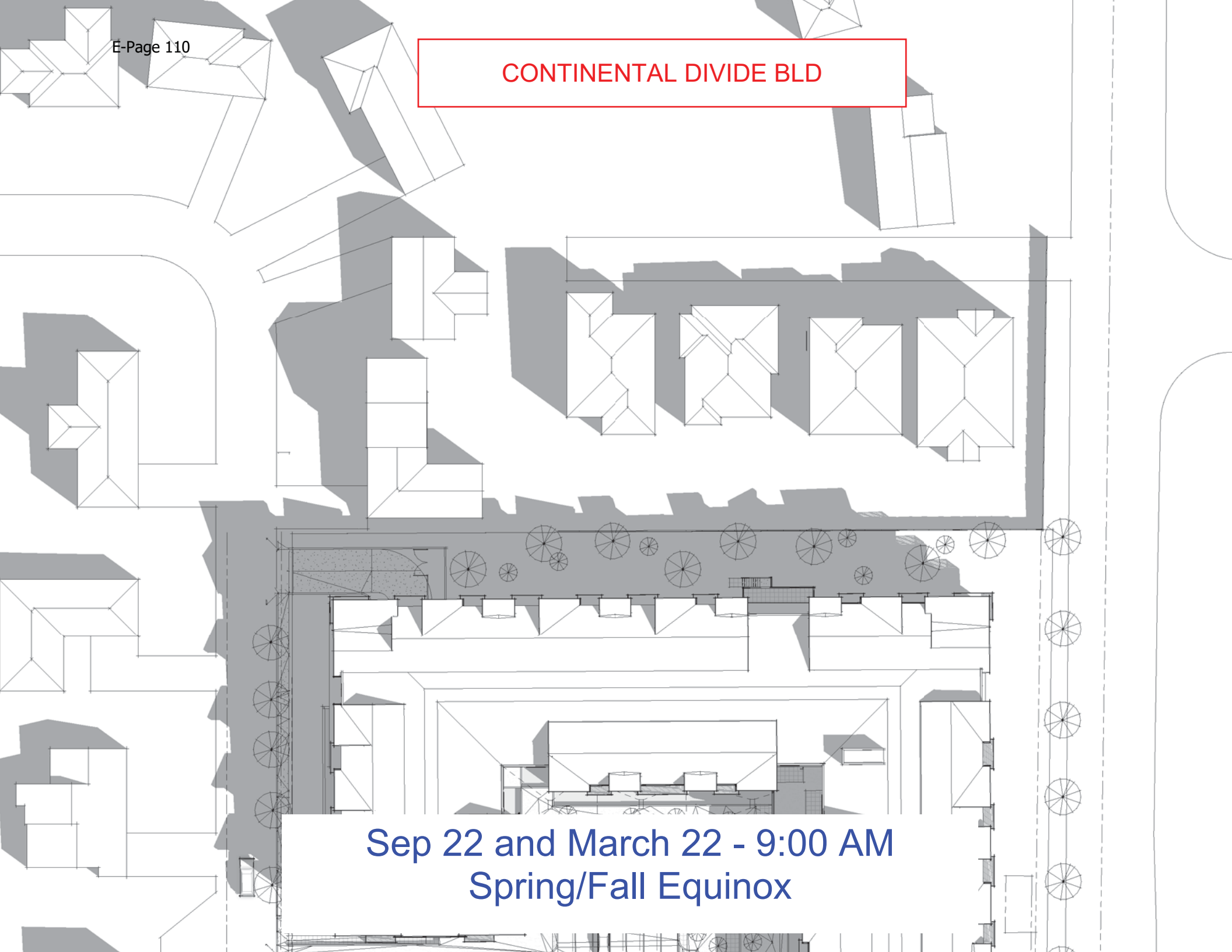
SINGLE FAMILY HOMES ALTERNATIVE

Single story roof  
5ft away from  
property line  
with solar  
panels is  
shaded



Nov 22 and Jan 22 - 2:00 PM

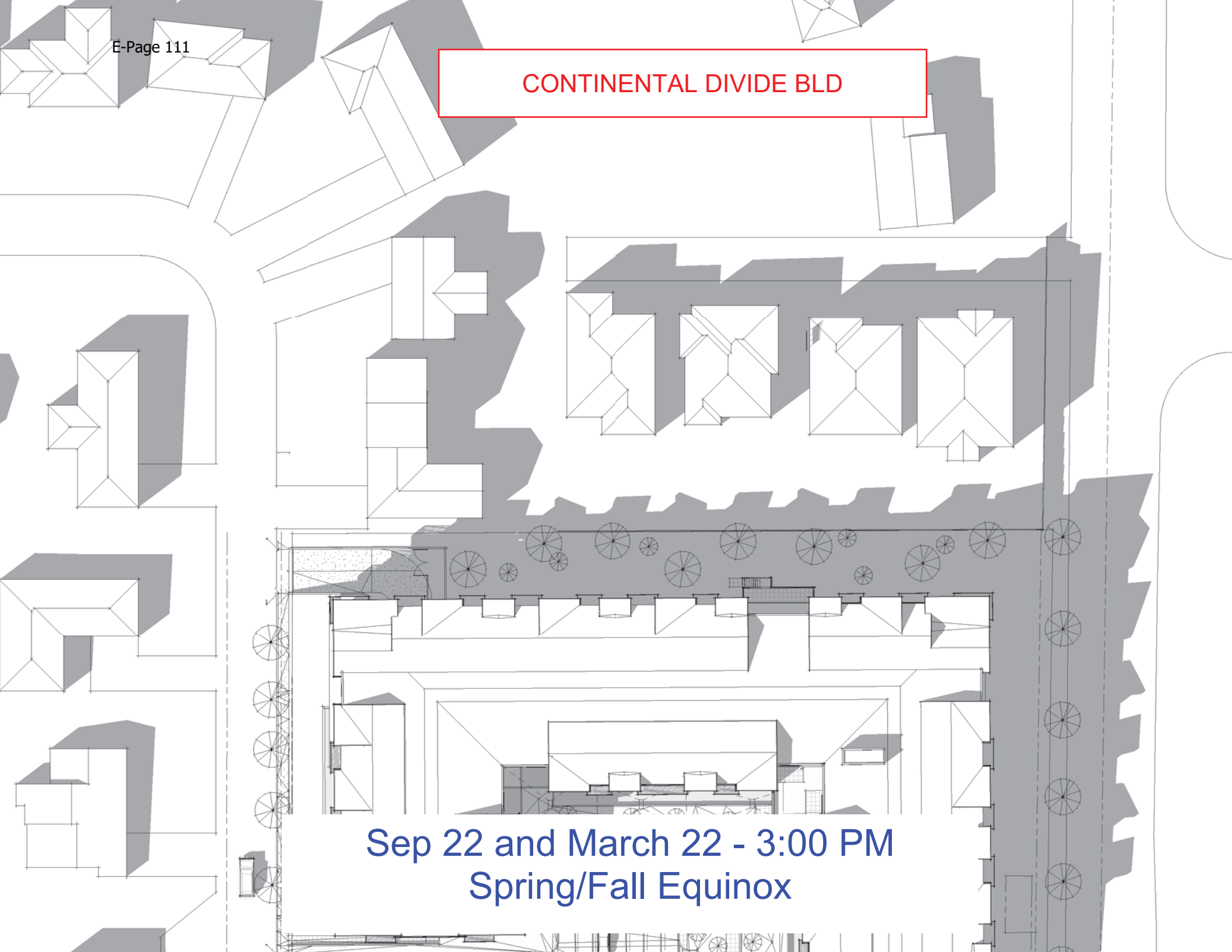
CONTINENTAL DIVIDE BLD



Sep 22 and March 22 - 9:00 AM  
Spring/Fall Equinox

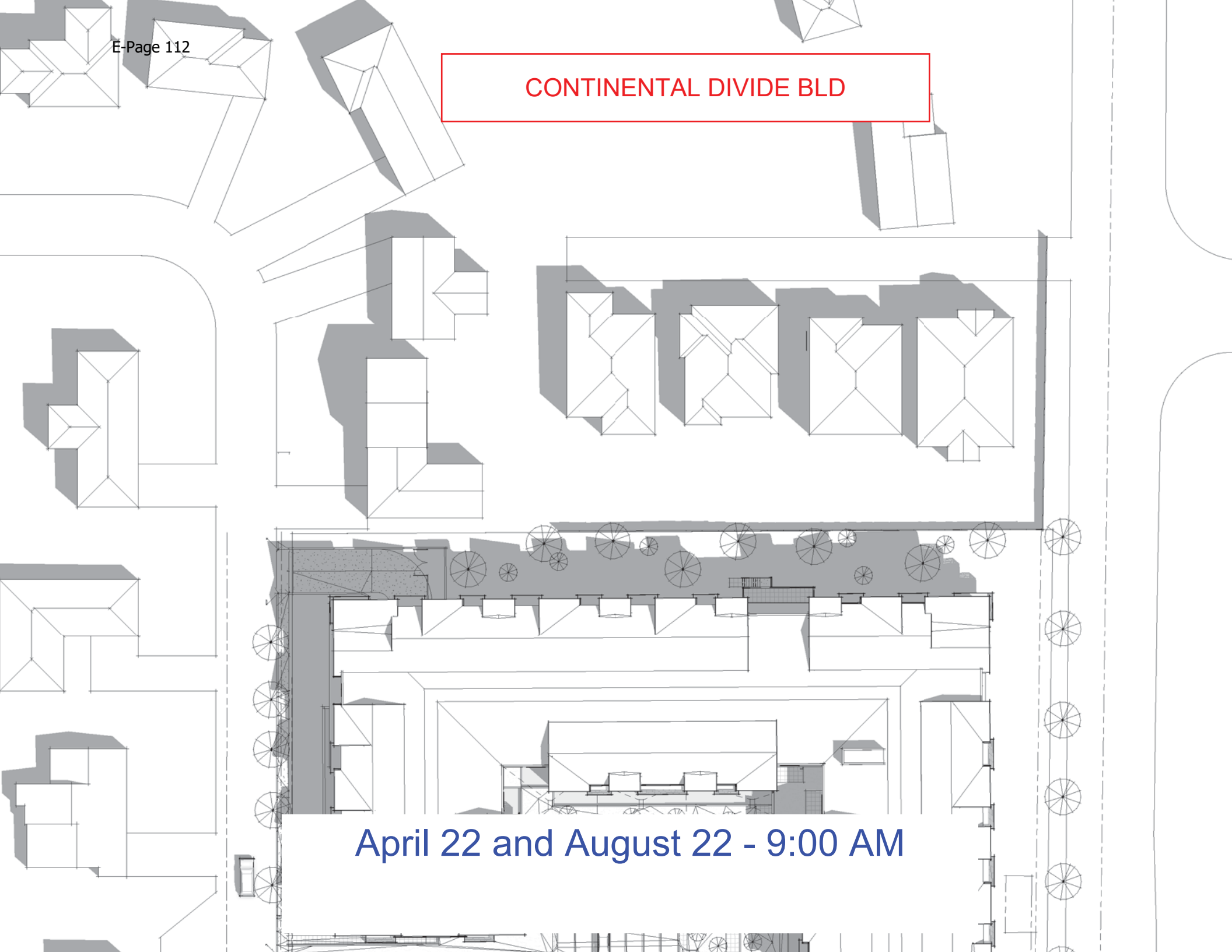
CONTINENTAL DIVIDE BLD

Sep 22 and March 22 - 3:00 PM  
Spring/Fall Equinox



CONTINENTAL DIVIDE BLD

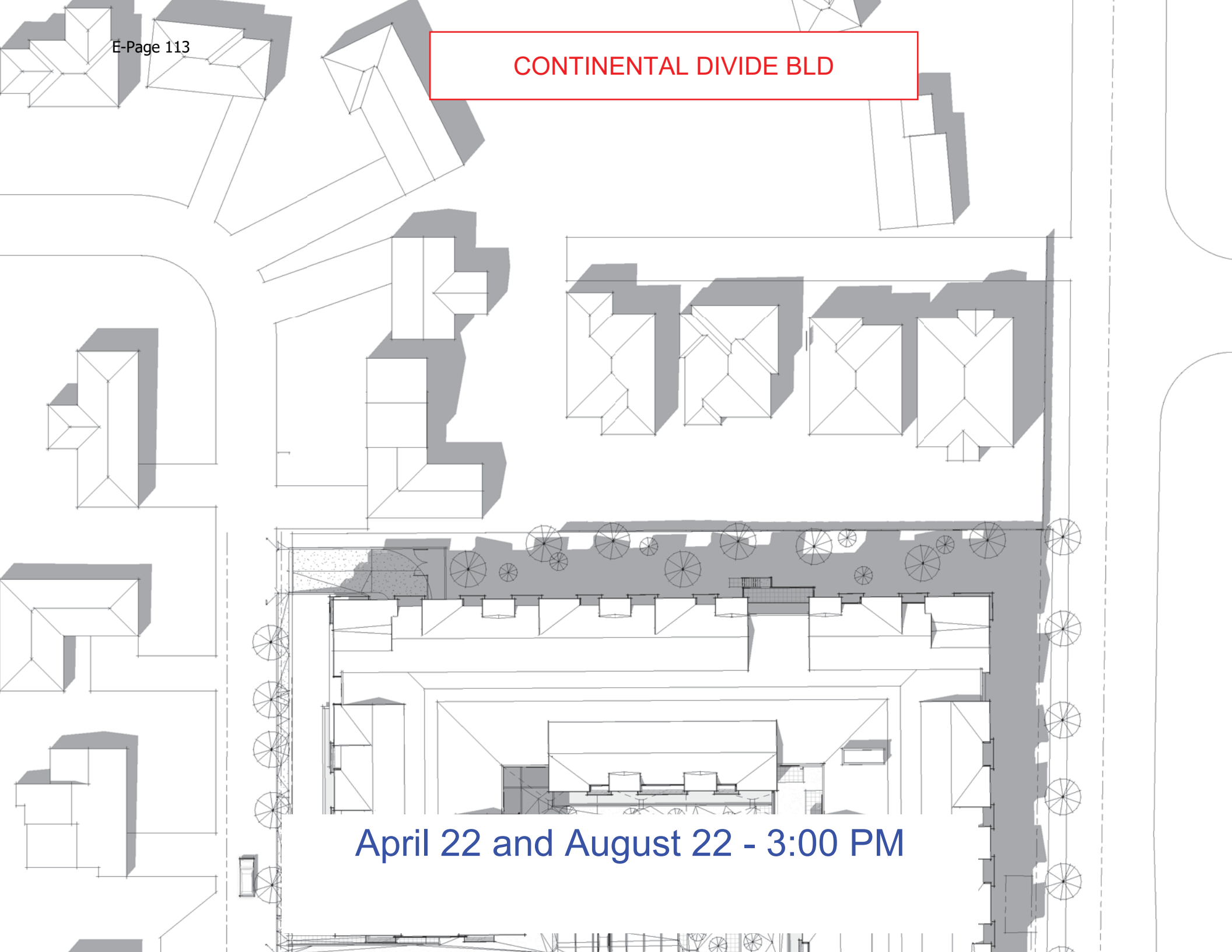
April 22 and August 22 - 9:00 AM



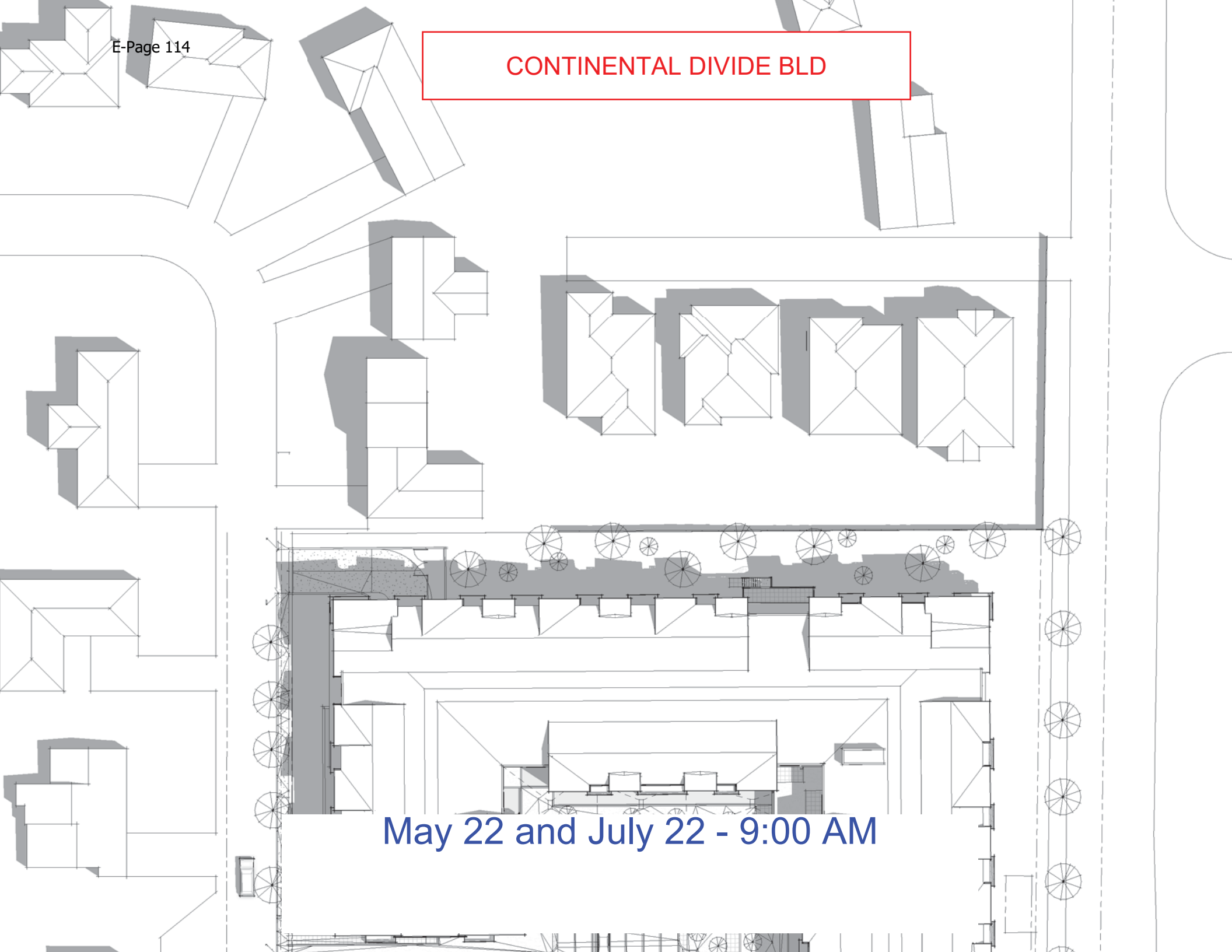


CONTINENTAL DIVIDE BLD

April 22 and August 22 - 3:00 PM

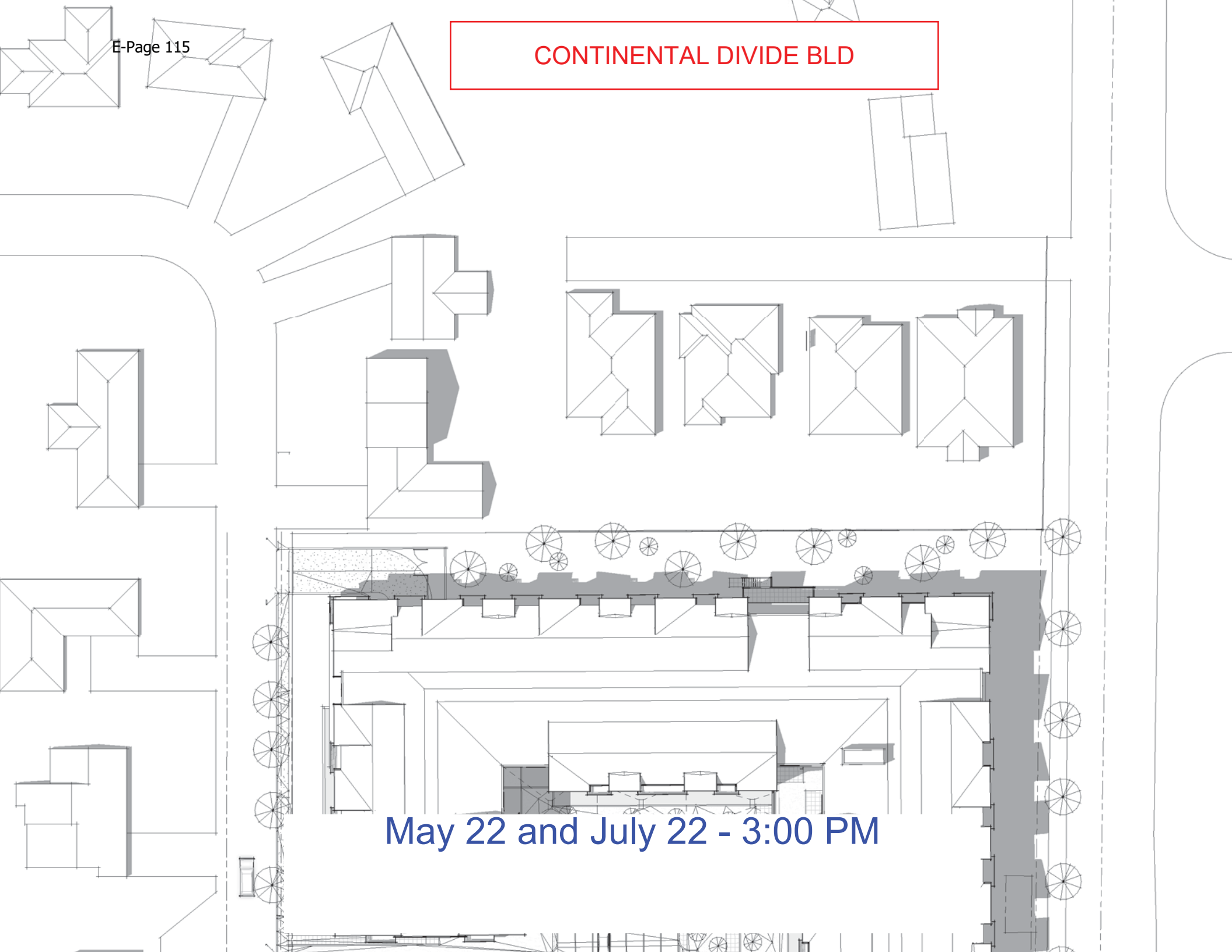


CONTINENTAL DIVIDE BLD



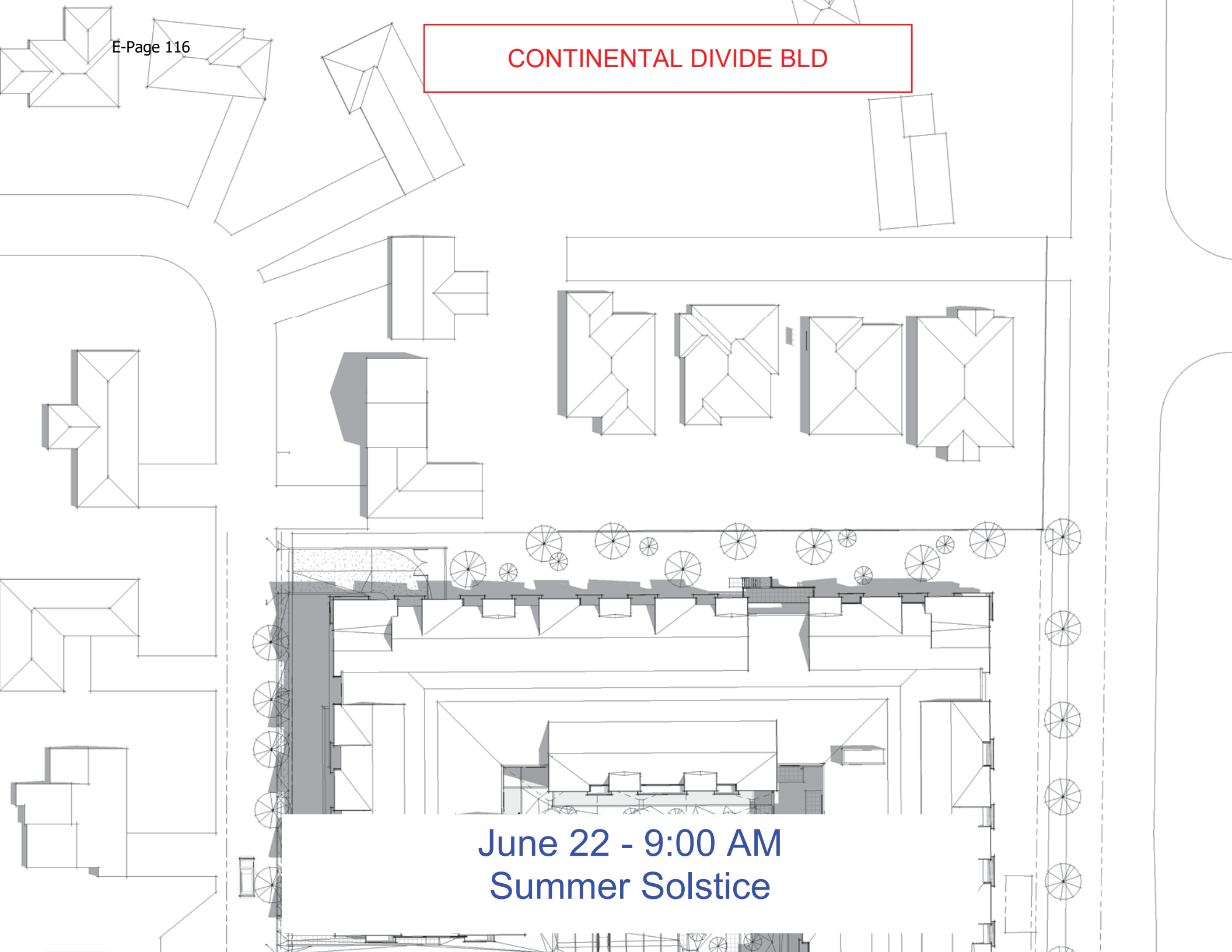
May 22 and July 22 - 9:00 AM

CONTINENTAL DIVIDE BLD



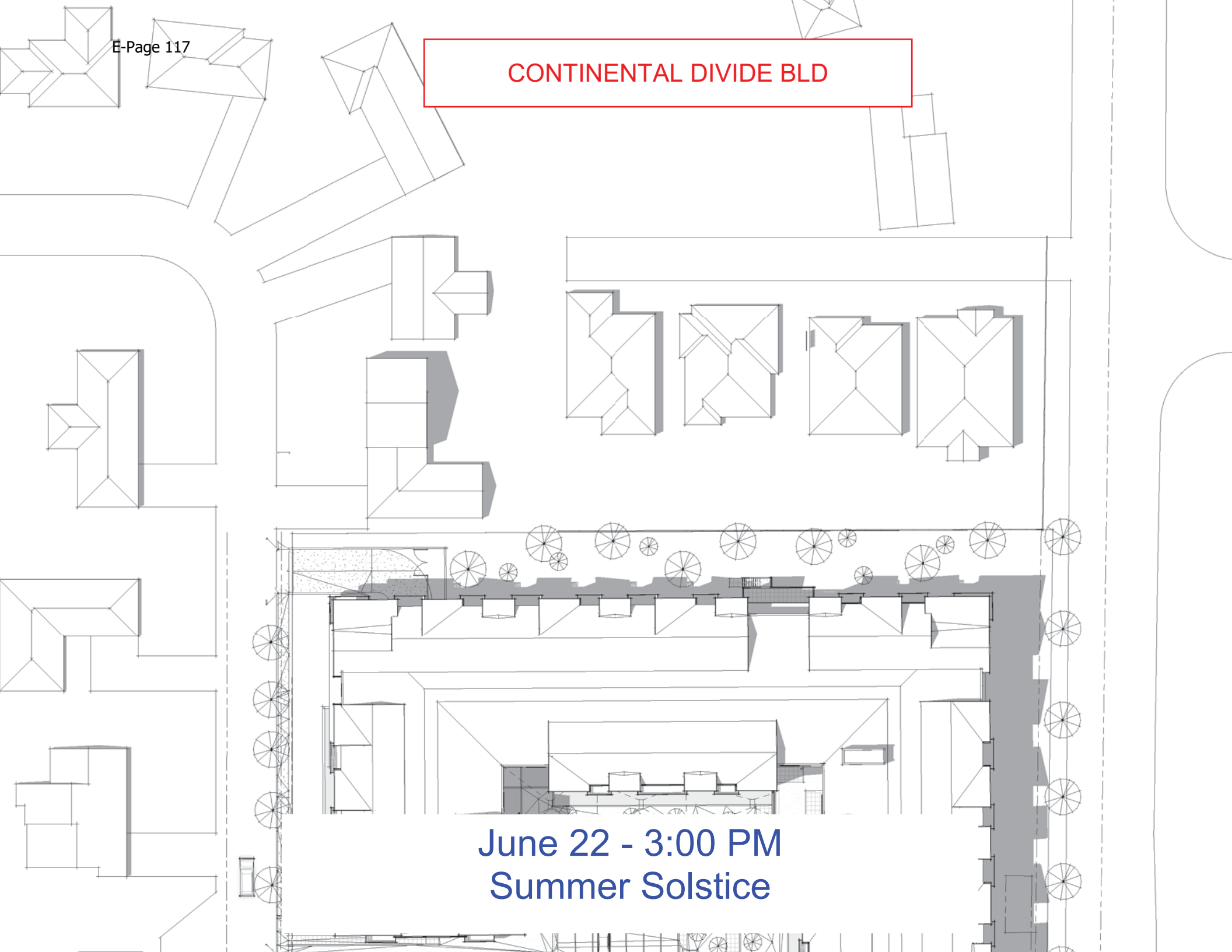
May 22 and July 22 - 3:00 PM

CONTINENTAL DIVIDE BLD



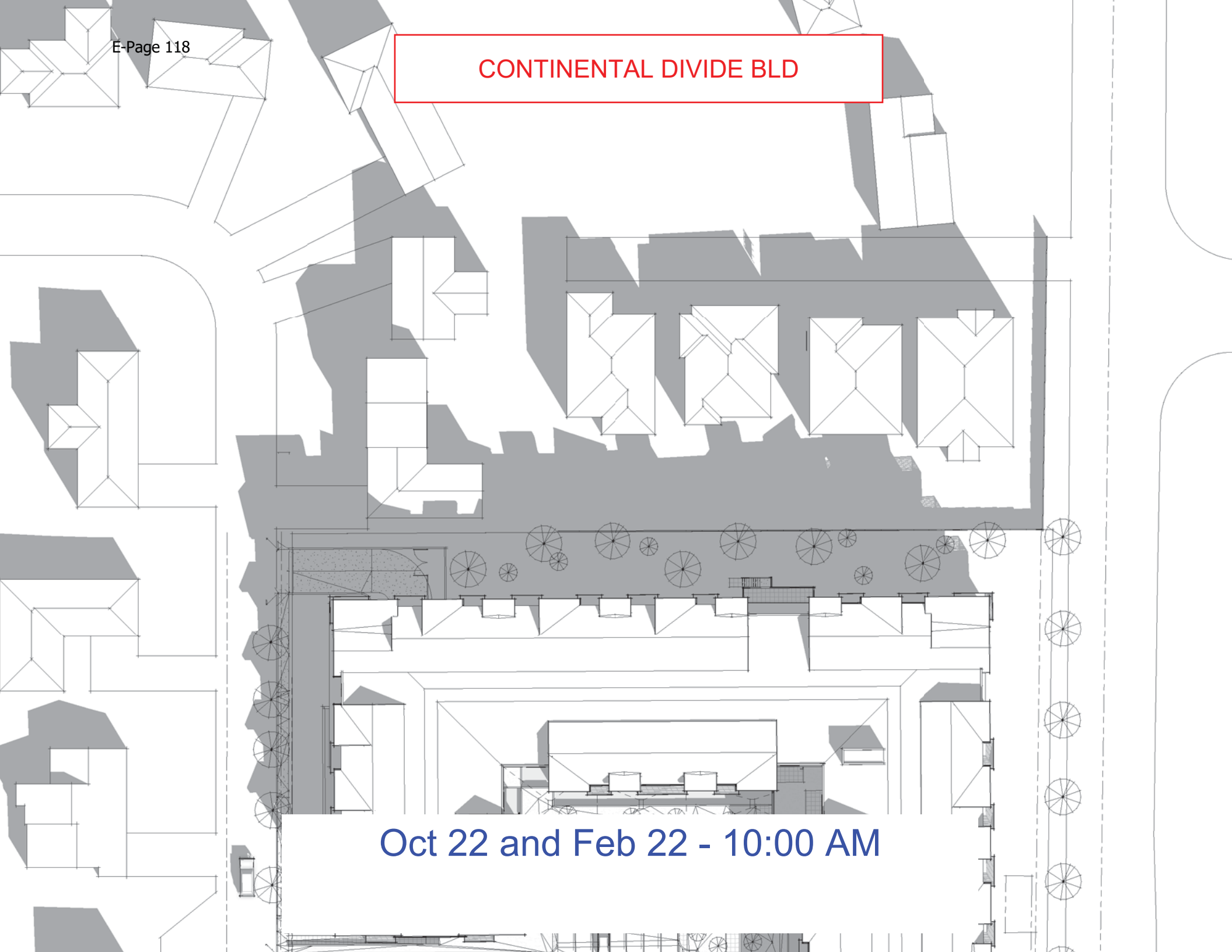
June 22 - 9:00 AM  
Summer Solstice

CONTINENTAL DIVIDE BLD



June 22 - 3:00 PM  
Summer Solstice

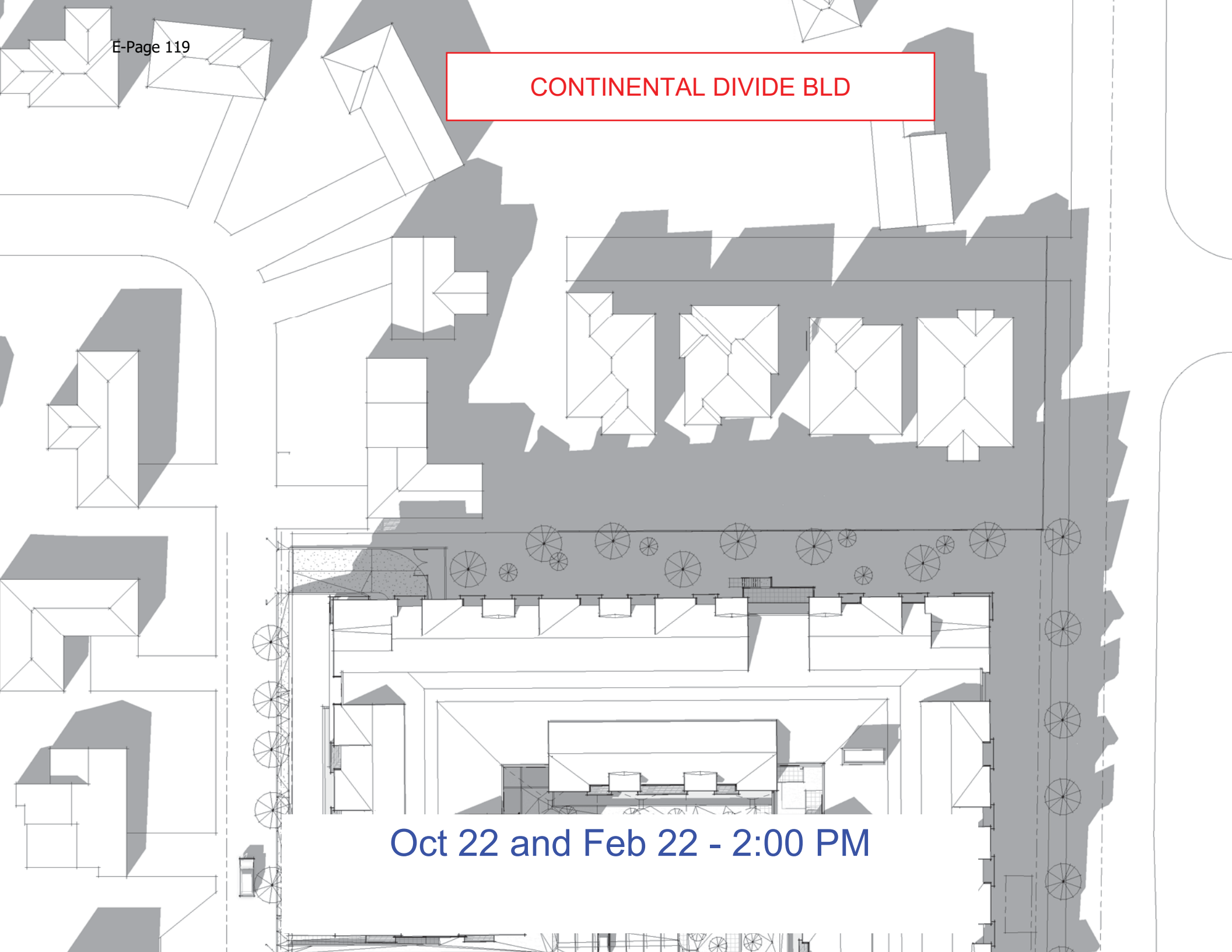
CONTINENTAL DIVIDE BLD



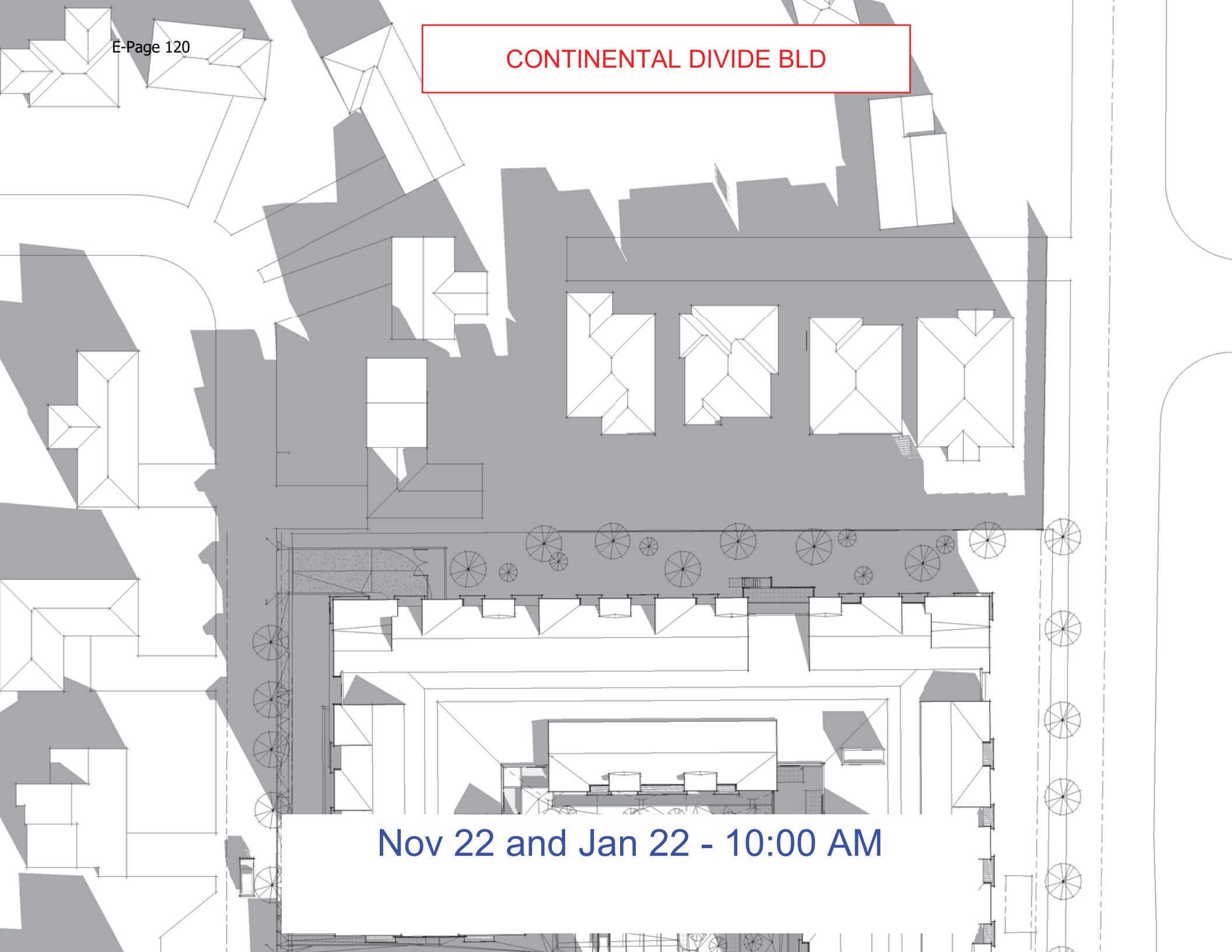
Oct 22 and Feb 22 - 10:00 AM

CONTINENTAL DIVIDE BLD

Oct 22 and Feb 22 - 2:00 PM



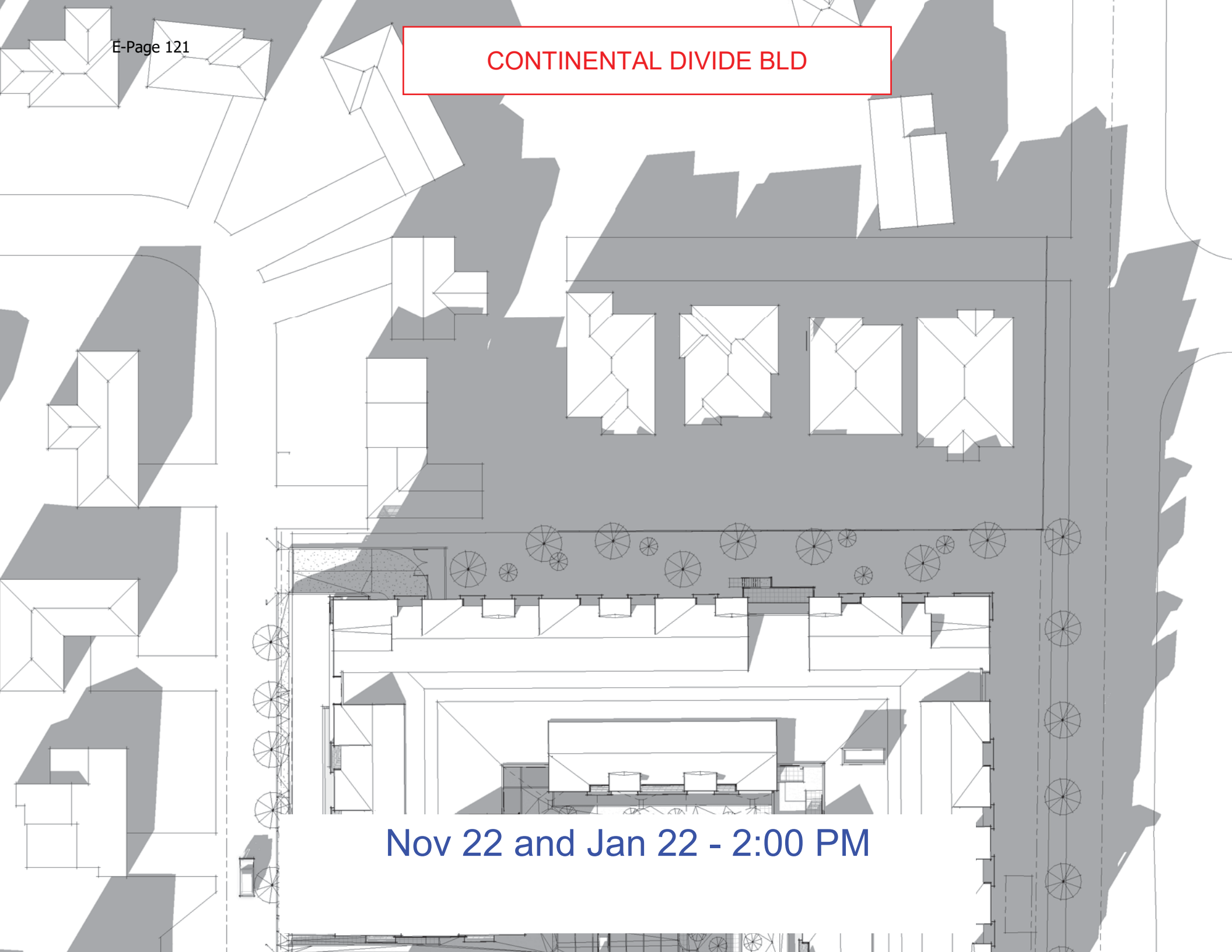
CONTINENTAL DIVIDE BLD



Nov 22 and Jan 22 - 10:00 AM



CONTINENTAL DIVIDE BLD



Nov 22 and Jan 22 - 2:00 PM

TREE  
GND. = 394.74  
TOP = 475.55  
DIF. = 80.81

TREE  
GND. = 399.12  
TOP = 511.14  
DIF. = 112.02

TREE  
GND. =  
TOP =  
DIF. =

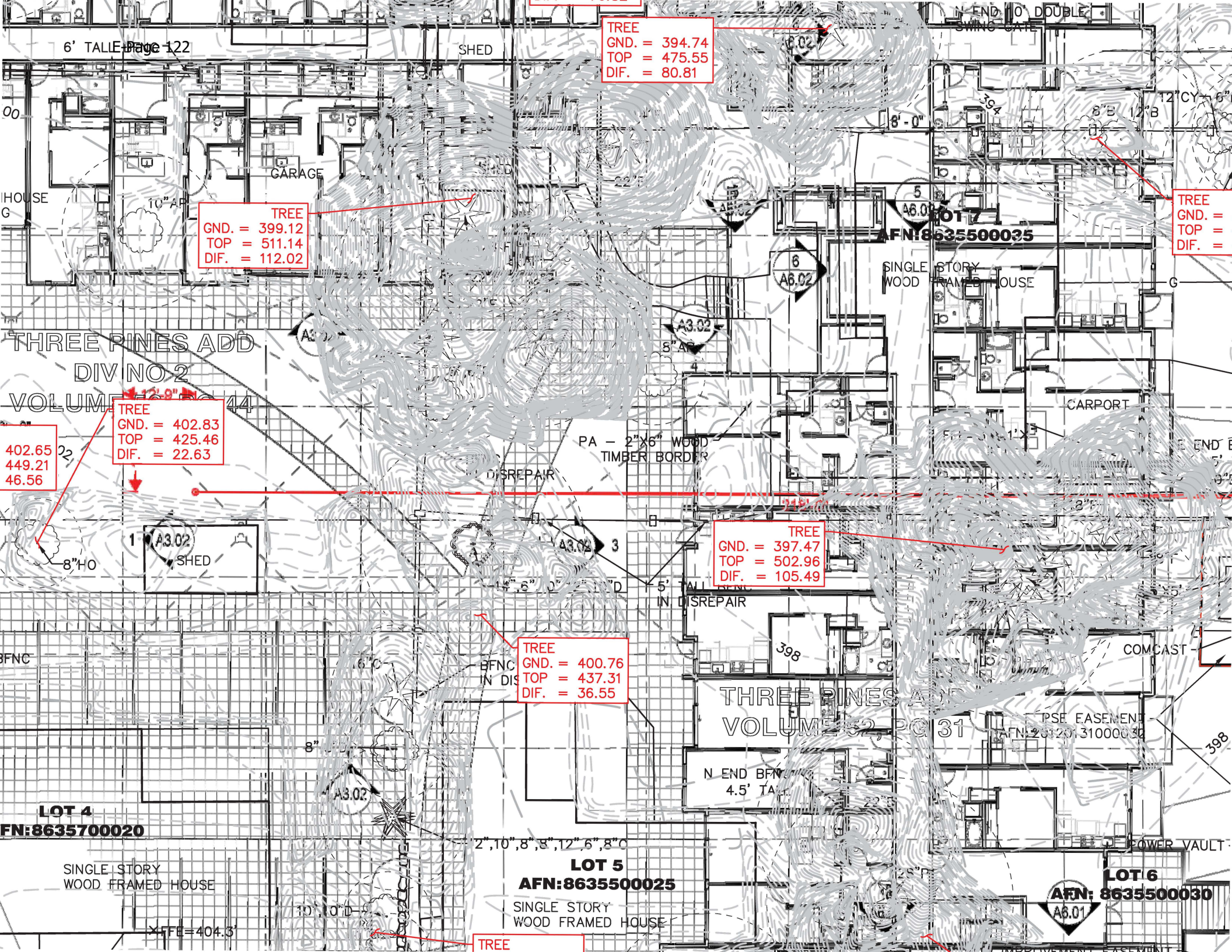
402.65  
449.21  
46.56

TREE  
GND. = 402.83  
TOP = 425.46  
DIF. = 22.63

TREE  
GND. = 397.47  
TOP = 502.96  
DIF. = 105.49

TREE  
GND. = 400.76  
TOP = 437.31  
DIF. = 36.55

TREE



**From:** [Olivia A](#)  
**To:** [Amy Bolen](#); [Adam Weinstein](#); [Janice Coogan](#); [Stephanie Croll](#); [James Lopez](#); [Kurt Triplett](#); [Penny Sweet](#); [Jay Arnold](#); [Tom Neir](#); [Toby Nixon](#); [Kelli Curtis](#); [Dave Asher](#); [Jon Pascal](#)  
**Subject:** Rose Hill Code Amendments - Public Comment  
**Date:** Tuesday, April 30, 2019 4:22:25 PM

---

Dear City Council,

My family lives near the RH-8 zone and the proposed Continental Divide project. I am intensely concerned about the proposed RH-8 code amendments. I agree with the following bullet points and want the City Council to direct the Planning Commission to adopt them in RH-8.

- Increase setbacks or implement a tiered approach to setbacks based on building height adjacent to residential zones.
- Require 50% of the gross street level floor be commercial and retain the prohibition of street level residential along 85th.
- Establish density limits. High Density Residential has similar reasonable limitations of 1,800 sq ft per unit.
- Hold developers responsible for street improvements to mitigate their impact to the surrounding community, including pedestrians, bicyclists, public transit, street parking, and vehicle traffic.
- Require multi-story buildings adjacent to low density zones to be designed and configured to minimize privacy impacts on low density usages, including by orienting windows away from surrounding low density uses.

Please note these justifications for our requests:

**Setbacks** - The surrounding RS/RSX zones as well as the CBD already have similar restrictions with a tiered setback design based on floor count. Blocking the sunlight for months at a time has substantial negative impact to neighboring properties.

**Commercial** - This 50% requirement matches most of the Rose Hill Business District, including RH-5A, 5B, and 7.

**Density** - High Density Residential has similar reasonable limitations of 1,800 sq ft per unit, this will make RH-8 4 times as dense as its neighbors. By removing the current prohibition on first floor residential, you are allowing substantial practical residential density increases in a zone that doesn't restrict residential density today.

**Street Improvements** - This intersection is already challenging during rush hour, and new flow in the right/straight holding area for 132nd will impact large numbers of residents north of us. 131st will experience similar disruption in a low speed intersection with a stop sign.

**Privacy** - This matches the Design Regulations codified under KZC 92.10.4 and should be enforced throughout the Rose Hill Business District.

Who gets hurt?

What kind of impact can it have when a high-density apartment complex is built next to single-family homes? Among my neighbors near the Continental Divide project are these stories:

- A longtime resident who bought solar panels through a Kirkland city program encouraging solar panel installation whose house will now be in the shadow of the complex all winter. The only entrance serving 134 units will be 5 feet from her property line and about 10 feet from her house. The garbage dumpster staging area and gravel pet waste area will be equally as close.
- A row of 4 houses abutting the project that were built in 2015 (not older homes) that will not get sun in their backyards all winter and one whose skylight will allow apartment-dwellers a view into their bathroom. Over 100 windows will look directly at these homes.
- A neighbor has already sold their home and left the neighborhood partially because of this project.
- Another neighbor will likely rent out their home because this project will make it a terrible place to live and decrease its value.

This is life-changing damage that will be done to Rose Hill and you have the opportunity, with the zoning code being amended, to stop this from happening. Please direct the Planning Commission to adopt these bullet points to protect our neighborhood's future. We are counting on you to hear us and make the vital changes necessary.

Sincerely,  
Olivia Ahna

ORDINANCE O-4683

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE AND AMENDING THE KIRKLAND ZONING CODE ORDINANCE 3719 AS AMENDED, INCLUDING CHAPTERS 20, 25, 30, 40, 45, 53, 142, AMENDING THE ZONING MAP ORDINANCE 3710, AS AMENDED, TO INCLUDE LEGISLATIVE REZONES, AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. CAM19-00043.

1 WHEREAS, the City Council has received a recommendation  
2 from the Kirkland Planning Commission to amend certain sections of the  
3 Kirkland Zoning Code, Ordinance 3719, as amended, and Zoning Map  
4 Ordinance 3710 as amended, as set forth in the staff report dated April  
5 25, 2019 containing the recommendation of the Planning Commission  
6 and direction from the City Council from the meetings on April 16, 2019  
7 and May 7, 2019, bearing Kirkland Planning and Building Department  
8 File No. CAM19-00043; and  
9

10 WHEREAS, prior to making the recommendation, the Kirkland  
11 Planning Commission, following notice as required by RCW 36.70A.035,  
12 held a public hearing on March 28, 2019, on the amendment proposals  
13 and considered the comments received at the hearing; and  
14

15 WHEREAS, pursuant to the State Environmental Policy Act  
16 (SEPA), a SEPA Addendum to the *City of Kirkland 2015 Comprehensive*  
17 *Plan Update Draft and Final Environmental Impact Statement (EIS)* was  
18 issued on March 15, 2019 by the responsible official pursuant to  
19 Washington Administrative Code WAC 197-11-340 and 197-11-625; and  
20

21 WHEREAS, in a public meeting the City Council considered the  
22 environmental documents received on May 7, 2019 from the responsible  
23 official, together with the report and recommendation of the Planning  
24 Commission; and  
25

26 WHEREAS, the City Council recognizes that this change to the  
27 Zoning Map is consistent with the Comprehensive Plan land use policies  
28 in this area shown in Exhibit A; and  
29

30 WHEREAS, the City Council intends to amend the  
31 Comprehensive Plan Land Use Map Figure LU-1 to represent this change  
32 in the Zoning Map with the City's 2019 annual Comprehensive Plan  
33 amendments currently planned to be adopted at the end of the year;  
34 and  
35

36 NOW, THEREFORE, the City Council of the City of Kirkland do  
37 ordain as follows:  
38

39 Section 1. Official Zoning Map Changes: The Director of the  
40 Planning and Building Department is directed to amend the official City  
41 of Kirkland Zoning Map as set forth in the following Exhibit A attached  
42 to this Ordinance and incorporated by reference indicating thereon the  
43 date of this ordinance passage:

44 Exhibit A: Zoning Map change to include four properties located  
 45 at 8519 (PIN:123310-0875), 8523 (PIN:123310-0873), 8525  
 46 (PIN:123310-0877), 8527 (PIN:123310-0879) 126<sup>th</sup> Avenue NE  
 47 from RS 7.2 zone to RH 5B zone.  
 48

49 Section 2. Zoning Code Text amended: The following specified  
 50 sections of the Kirkland Zoning Code are amended as set forth in  
 51 Exhibits B-I attached to this ordinance and incorporated by reference:  
 52

- 53 Exhibit B: RH 5A,5B zone Sections 53.52 and 53.54.090
- 54 Exhibit C: RH 7 zone Section 53.72
- 55 Exhibit D: RH 3 zone Sections 53.32 and 53.34.010
- 56 Exhibit E: Institutional PLA 14 zone Section 45.20 PU-18
- 57 Exhibit F: RM, RMA zones Section 20.10.020, 20.20 PU-2, PU-
- 58 27, 25.10.020, 25.20 PU-1, PU-14, 30.20 PU-1, PU-12, PU-22
- 59 Exhibit G: LIT zones Section 40.10.010, 40.20 PU-7
- 60 Exhibit H: Design Review Sections 142.20, 142.25, 142.35,
- 61 142.35, 142.37
- 62 Exhibit I: RH 8 zone Sections 53.82, 53.84.020, 53.84.040,
- 63 53.84.050, and 53.84.060  
 64

65 Section 3. If any provision of this ordinance or its application to  
 66 any person or circumstance is held invalid, the remainder of the  
 67 ordinance or the application of the provision to other persons or  
 68 circumstances is not affected.  
 69

70 Section 4. This ordinance shall be in force and effect five days  
 71 from and after its passage by the Kirkland City Council and publication  
 72 pursuant to Section 1.08.017, Kirkland Municipal Code in the summary  
 73 form attached to the original of this ordinance and by this reference  
 74 approved by the City Council.  
 75

76 Passed by majority vote of the Kirkland City Council in open  
 77 meeting this \_\_\_\_ day of \_\_\_\_\_, 2019.  
 78

79 Signed in authentication thereof this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
 Penny Sweet, Mayor

Attest:

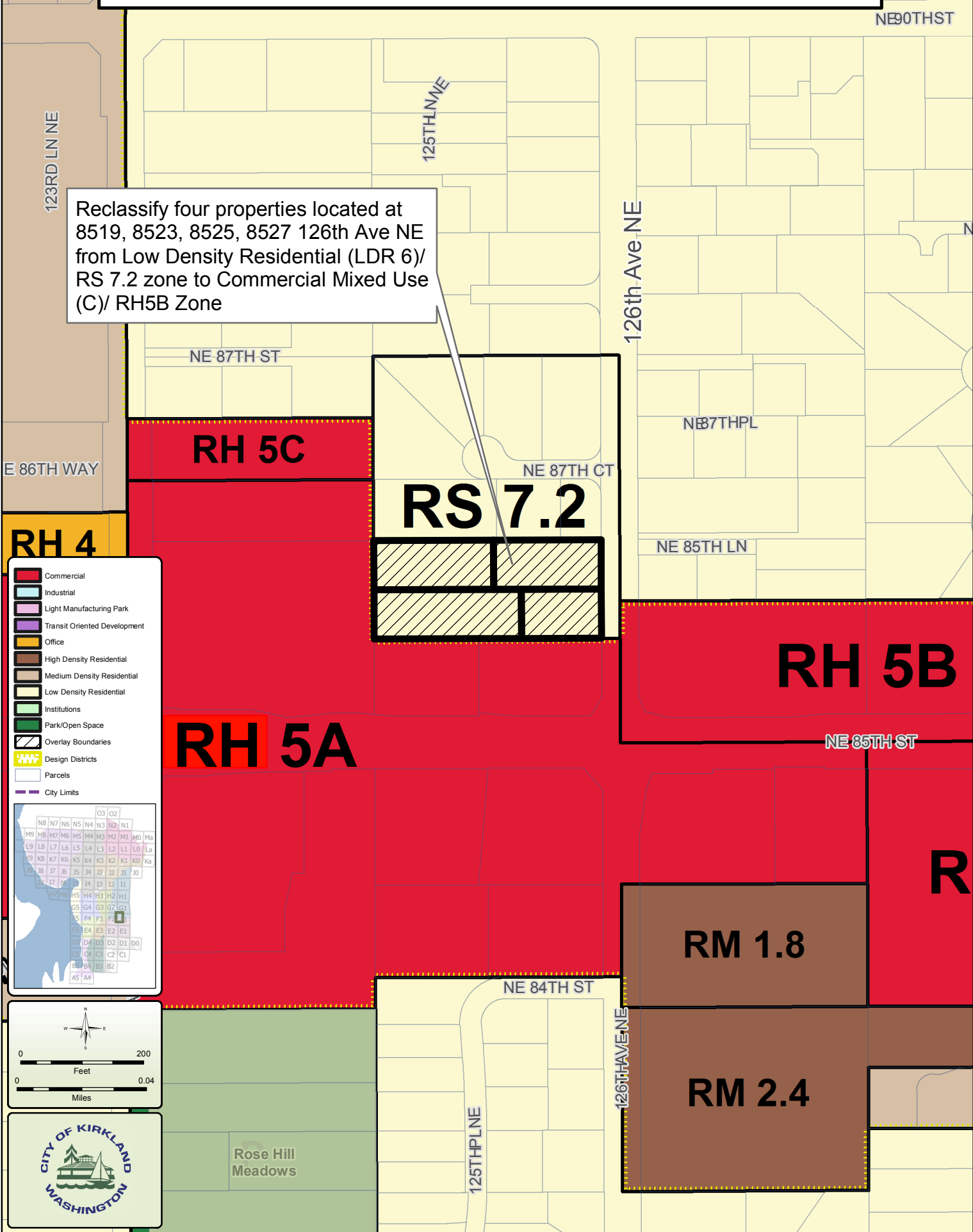
\_\_\_\_\_  
 Kathi Anderson, City Clerk

Approved as to Form:

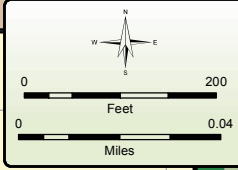
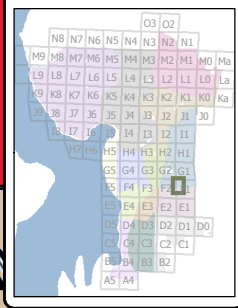
\_\_\_\_\_  
 Kevin Raymond, City Attorney

# 3. PROPOSED ZONING AND LAND USE CHANGE

Reclassify four properties located at 8519, 8523, 8525, 8527 126th Ave NE from Low Density Residential (LDR 6)/ RS 7.2 zone to Commercial Mixed Use (C)/ RH5B Zone



- Commercial
- Industrial
- Light Manufacturing Park
- Transit Oriented Development
- Office
- High Density Residential
- Medium Density Residential
- Low Density Residential
- Institutions
- Park/Open Space
- Overlay Boundaries
- Design Districts
- Parcels
- City Limits



Rose Hill Meadows

**53.50** User Guide. The charts in KZC 53.54 contain the basic zoning regulations that apply in the RH 5A and 5B 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 53.52

Zone  
RH 5A,  
5B

#### Section 53.52 – 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. For structures located within 30 feet of a parcel in a low density zone (or a low density use in PLA 17), KZC 115.136 establishes additional limitations on structure size.
3. To the extent possible, viable significant trees and vegetation shall be retained within required landscape buffers separating nonresidential uses from residential uses. The applicant shall record a greenbelt easement over the required landscape buffer.
4. Individual retail uses in this zone are limited to a maximum of 65,000 square feet of gross floor area.
5. The ground-street level floor of all structures on the subject property shall be a minimum of 15 feet in height. This requirement does not apply to:
  - a. The following uses: vehicle service stations, automotive service centers, private lodges or clubs, detached, attached or stacked dwelling units, churches, schools, day-care centers, mini-schools or mini-day-care centers, assisted living facilities, convalescent centers or nursing homes, 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.
6. At least 50 percent of the total gross floor area located on the ground-street level floor of all structures on the subject property must contain retail establishments, restaurants, taverns, hotels or motels (unless use is not permitted in RH 5B). These uses shall be oriented to NE 85th Street, a major pedestrian sidewalk, a through-block pedestrian pathway or an internal pathway (see also Chapter 92 KZC).
7. Within required front yards, canopies and similar entry features may encroach; provided, that the total horizontal dimension of such elements may not exceed 25 percent of the length of the structure.
8. Some development standards or design regulations may be modified as part of the design review process. See Chapters 92 and 142 KZC for requirements.
9. For lighting requirements associated with development, see KZC 115.85(2).

(GENERAL REGULATIONS CONTINUED ON NEXT PAGE)



Section 53.52

Zone  
RH 5A,  
5B

USE ZONE CHART

(GENERAL REGULATIONS CONTINUED FROM PREVIOUS PAGE)

10. Prior to any of the following uses (unless use is not permitted in RH 5B) occupying a structure on a property adjoining a residential zone, the applicant shall submit a noise study prepared by a qualified acoustical consultant for approval by the planning official:
- Establishments expected to operate past 9:00 p.m.
  - Vehicle service station.
  - Automotive service center.
  - Retail establishment providing entertainment, recreational or cultural activities.
  - Retail establishment involving the sale, lease, repair or service of automobiles, trucks, boats, motorcycles, recreational vehicles, heavy equipment, or similar vehicles.
  - Car washes.
  - Veterinary offices.
  - Any establishment where animals are kept on site.
  - Drive-through facilities with loudspeaker systems.
  - Establishments involving a large truck loading dock for deliveries.
- The study shall verify that the noise that will emanate from the site adjoining any residential-zoned property complies with the standards specified in KZC 115.95(1) and (2) and WAC 173-60-040(1) for a Class B source property and a Class A receiving property.
11. The Public Works Official shall approve the number, location and characteristics of driveways on NE 85th Street in accordance with the driveway and sight distance policies contained in the Public Works Pre-approved Plans manual. Taking into consideration the characteristics of this corridor, the Public Works Official may:
- a. Require access from side streets; and/or
  - b. Encourage properties to share driveways, circulation and parking areas; and/or
  - c. Restrict access to right turn in and out; or
  - d. Prohibit access altogether along NE 85th Street.
12. Access for drive-through facilities must be approved by the Public Works Official. See Chapter 105.96 KZC for requirements. Drive-through facilities are not permitted in the RH 5B zone.
13. ~~See Chapters 100 and 162 KZC for information about nonconforming signs. Chapter 162.35 KZC describes when nonconforming signs must be brought into conformance or removed.~~

New #13: If the subject property is located in RH 5B zone west of 126<sup>th</sup> Ave NE adjoining a low density zone and does not abut NE 85<sup>th</sup> Street, or is not consolidated with lots abutting NE 85<sup>th</sup> Street, development is limited to detached, attached, or stacked dwelling units and the minimum lot size per dwelling unit is 3,600 square feet. Development of detached, attached or stacked dwelling units is subject to Administrative Design Review per 142 KZC.

Section 53.54



USE ZONE CHART

| DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS |  |                         |                |   |                          |                          |              |   |                                 |                             |  |  |
|---|--|-------------------------|----------------|---|--------------------------|--------------------------|--------------|---|---------------------------------|-----------------------------|--|--|
| Section 53.54   | USE REGULATIONS                                      | Required Review Process | Lot Size       | MINIMUMS                                    |                          |                          | MAXIMUMS     |   | Landscape Category (See Ch. 95) | Sign Category (See Ch. 100) | Required Parking Spaces (See Ch. 105)                            | Special Regulations (See also General Regulations)   |
|   |  |                         |                | REQUIRED YARDS (See Ch. 115)                |                          |                          | Lot Coverage | Height of Structure   |                                 |                             |  |  |
|   |  |                         |                | Front                                       | Side                     | Rear                     |              |   |                                 |                             |  |  |
| .010  | Vehicle Service Station<br>See Spec. Regs. 1 and 2.  | D.R., Chapter 142 KZC.  | 22,500 sq. ft. | 20'<br>See Spec. Reg. 4.                    | 15'<br>See Spec. Reg. 4. | 15'<br>See Spec. Reg. 4. | 80%          | If adjoining an RS or RSX zone, then 30' above average building elevation. Otherwise, 35' above average building elevation. | A                               | E                           | See KZC 105.25.  | <ol style="list-style-type: none"> <li>This use is permitted only if the subject property abuts NE 85th Street.</li> <li>This use is not permitted in the RH 5B zone.</li> <li>May not be more than two vehicle service stations at any intersection.</li> <li>Gas pump islands must be set back at least 20 feet from all property lines. 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.</li> <li>See KZC 95.40 through 95.45, required landscaping, for further regulations.</li> </ol>  |
| .020  | Automotive Service Center<br>See Spec. Reg. 1.       |                         | None           | 10' adjacent to NE 85th St., otherwise 20'. | 0'                       | 15'                      |              |   |                                 |                             | 1 per each 250 sq. ft. of gross floor area.<br>See Spec. Reg. 4. | <ol style="list-style-type: none"> <li>This use is not permitted in the RH 5B zone.</li> <li>This use specifically excludes a retail establishment involving the sale, lease, repair or service of automobiles, trucks, boats, motorcycles, recreational vehicles, heavy equipment, and similar vehicles.</li> <li>No openings (i.e., doors, windows which open, etc.) shall be permitted in any facade of a building adjoining any residential zone. Windows are permitted if they are triple-paned and unable to be opened.</li> <li>Ten percent of the required parking spaces on site must have a minimum dimension of 10 feet wide by 30 feet long for motor home/travel trailer use.</li> <li>Parts and tires must be stored entirely within an enclosed structure.</li> <li>Outdoor vehicle parking or storage must be buffered as required for a parking area in KZC 95.45. See KZC 115.105, Outdoor Use, Activity and Storage, for additional regulations.</li> </ol> |
| .030  | Entertainment, Cultural and/or Recreational Facility |                         |                |   |                          |                          |              |   |                                 |                             | See KZC 105.25.  |  |


|      |  |  |  |  |  |  |  |  |  |   |  |
|------|--|--|--|--|--|--|--|--|--|---|--|
| .040 | Restaurant or Tavern<br>See Spec. Regs. 1 and 2. |  |  |  |  |  |  |  |  | 1 per each 100 sq. ft. of gross floor area. | <ol style="list-style-type: none"> <li>1. Taverns and restaurants with drive-in or drive-through facilities are not permitted uses in an RH 5B zone.</li> <li>2. For restaurants with drive-in or drive-through facilities:             <ol style="list-style-type: none"> <li>a. One outdoor waste receptacle shall be provided for every eight parking stalls.</li> <li>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.</li> </ol> </li> </ol> |
|------|--|--|--|--|--|--|--|--|--|---|--|

Section 53.54

Zone  
RH 5A,  
5B

USE ZONE CHART

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

| Section 53.54 | USE REGULATIONS<br>  | Required Review Process | MINIMUMS |   |      | MAXIMUMS |              | Landscape Category (See Ch. 95)   | Sign Category (See Ch. 100) | Required Parking Spaces (See Ch. 105) | Special Regulations (See also General Regulations) |   |
|---------------|---|-------------------------|----------|---|------|----------|--------------|---|-----------------------------|---------------------------------------|--|---|
|               |   |                         | Lot Size | REQUIRED YARDS (See Ch. 115)                |      |          | Lot Coverage |   |                             |                                       |  | Height of Structure   |
|               |   |                         |          | Front                                       | Side | Rear     |              |   |                             |                                       |  |   |
| .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.  | None     | 10' adjacent to NE 85th St., otherwise 20'. | 0'   | 15'      | 80%          | If adjoining an RS or RSX zone, then 30' above average building elevation. Otherwise, 35' above average building elevation. | A                           | E                                     | 1 per each 300 sq. ft. of gross floor area.        | <ol style="list-style-type: none"> <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 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> </li> <li>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> </li> <li>For a retail establishment involving the sale, service or rental of motor vehicles, sailboats, motor boats, or recreation trailers, the following shall apply:                             <ol style="list-style-type: none"> <li>This use is not permitted in the RH 5B zone; provided, that motorcycle sales, service, or rental is permitted if conducted indoors.</li> <li>For the number of required parking stalls see KZC 105.25.</li> <li>Parts must be stored entirely within an enclosed structure.</li> <li>See KZC 95.40 through 95.45, required landscaping, for further regulations.</li> </ol> </li> <li>Retail establishments selling marijuana or products containing marijuana are not permitted on properties abutting the school walk routes shown on Plate 46.</li> </ol> |

|      |            |  |  |  |  |  |  |  |   |   |  |  |
|------|------------|--|--|--|--|--|--|--|---|---|--|--|
| .060 | Office Use |  |  |  |  |  |  |  | B | 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>1. The following regulations apply to veterinary offices only:             <ol style="list-style-type: none"> <li>a. May only treat small animals on the subject property.</li> <li>b. Outside runs and other outside facilities for the animals are not permitted.</li> </ol> </li> <li>2. 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 ancillary assembled or manufactured goods are subordinate to and dependent on this use.</li> <li>b. 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> |
|------|------------|--|--|--|--|--|--|--|---|---|--|--|

Section 53.54



USE ZONE CHART

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

| Section 53.54 | USE REGULATIONS  | Required Review Process                                  | Lot Size   | MINIMUMS                                    |   |            | MAXIMUMS     |   | Landscape Category (See Ch. 95)                  | Sign Category (See Ch. 100) | Required Parking Spaces (See Ch. 105)  | Special Regulations (See also General Regulations)  |
|---------------|--|--|--|---|---|------------|--------------|---|--|-----------------------------|--|---|
|               |  |  |  | REQUIRED YARDS (See Ch. 115)                |   |            | Lot Coverage | Height of Structure   |  |                             |  |   |
|               |  |  |  | Front                                       | Side  | Rear       |              |   |  |                             |  |   |
| .070          | Hotel or Motel<br>See Spec. Reg. 3.  | D.R., Chapter 142 KZC.                                   | None   | 10' adjacent to NE 85th St., otherwise 20'. | 0'  | 15'        | 80%          | If adjoining an RS or RSX zone, then 30' above average building elevation. Otherwise, 35' above average building elevation. | A  | 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> <li>The maximum height of a hotel or motel is 54 feet above ABE on property abutting the LIT zone.</li> </ol>   |
| .080          | Private Lodge or Club  |  |  |   |   |            |              |   |  | B                           | 1 per each 300 sq. ft. of gross floor area.  |   |
| .090          | <u>Detached, Attached or Stacked Dwelling Units</u><br>See Spec. Reg. 1., 2., 5. | <u>One dwelling unit none otherwise D.R. Chapter 142</u> | <u>For RH 5B zone, See General Regulation #13 and Special Regulation #2 Otherwise none</u> | <u>0' See Special Regulation #3</u>         | <u>In RH 5B zone: 10' See Special Regulation #4</u> | <u>60%</u> |              |   | <u>One detached dwelling unit E, Otherwise D</u> | A                           | 1.2 per studio unit.<br>1.3 per 1 bedroom unit.<br>1.6 per 2 bedroom unit.<br>1.8 per 3 or more bedroom unit.<br>See KZC 105.20 for visitor parking requirements.<br><u>One detached dwelling unit: 2.0 per unit</u> | <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><u>This use is allowed subject to the requirements of General Regulations #6 and #13.</u></li> <li><u>Minimum required side yard is 5 feet abutting RS 7.2 zone. 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.</u></li> <li><u>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.</u></li> <li><u>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.</u></li> </ol> |

(Revised 4/16)

|      |        |  |  |  |  |  |  |  |  |   |  |   |
|------|--------|--|--|--|--|--|--|--|--|---|--|---|
| .100 | Church |  |  |  |  |  |  |  |  | B | 1 per every 4 people based on maximum occupancy load of any area of worship. See Spec. Reg. 2. | 1. May include accessory living facilities for staff persons.<br>2. No parking is required for day-care or school ancillary to the use. |
|------|--------|--|--|--|--|--|--|--|--|---|--|---|

Section 53.54



USE ZONE CHART



| DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS |   |                         |          |   |      |      |              |   |  |  |   |   |
|---|---|-------------------------|----------|---|------|------|--------------|---|--|--|---|---|
| Section 53.54   | USE REGULATIONS   | Required Review Process | Lot Size | MINIMUMS                                    |      |      | MAXIMUMS     |   | Landscape Category (See Ch. 95)          | Sign Category (See Ch. 100)  | Required Parking Spaces (See Ch. 105)   | Special Regulations (See also General Regulations)  |
|   |   |                         |          | REQUIRED YARDS (See Ch. 115)                |      |      | Lot Coverage | Height of Structure   |  |  |   |   |
|   |   |                         |          | Front                                       | Side | Rear |              |   |  |  |   |   |
| .110  | School, Day-Care Center, Mini-School or Mini-Day-Care Center  | D.R., Chapter 142 KZC.  | None     | 10' adjacent to NE 85th St., otherwise 20'. | 0'   | 15'  | 80%          | If adjoining an RS or RSX zone, then 30' above average building elevation. Otherwise, 35' above average building elevation. | A  | B  | See KZC 105.25. See Spec. Regs. 2 and 4.  | 1. A six-foot-high fence is required only along the property lines adjacent to the outside play areas.<br>2. 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.<br>3. May include accessory living facilities for staff persons.<br>4. To reduce impacts on nearby residential uses, hours of operation of the use may be limited and parking and passenger loading areas relocated. |
| .120  | Assisted Living Facility, Convalescent Center or Nursing Home |                         |          |   |      |      |              |   | A Convalescent Center or Nursing Home: B | Independent unit: 1.7 per unit.<br>Assisted living unit: 1 per unit.<br>Convalescent Center or Nursing Home: 1 per each bed. | 1. The development must be designed to limit potential impacts from surrounding commercial uses on residents of the subject property.<br>2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. |   |
| .130  | Public Utility  |                         |          |   |      |      |              |   |  | B  | See KZC 105.25.   | 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.   |
| .140  | Government Facility Community Facility                        |                         |          |   |      |      |              |   | C See Spec. Reg. 1.                      |  |   |   |

|             |             |  |  |
|-------------|-------------|--|--|
| <b>.150</b> | Public Park | Development standards will be determined on a case-by-case basis. See KZC 45.50 for required review process. |  |
|-------------|-------------|--|--|



**53.70** User Guide. The charts in KZC 53.74 contain the basic zoning regulations that apply in the RH 7 zone of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

### Section 53.72



Zone  
RH 7

#### Section 53.72 – 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. Individual retail uses in this zone are limited to a maximum of 65,000 square feet of gross floor area.
3. The ground-street level floor of all structures on the subject property shall be a minimum of 15 feet in height. This requirement does not apply to:
  - a. The following uses: vehicle service stations, automotive service centers, private lodges or clubs, attached or stacked dwelling units, churches, schools, day-care centers, mini-schools or mini-day-care centers, assisted living facilities, convalescent centers or nursing homes, 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.
4. At least 50 percent of the total gross floor area located on the ground-street level floor of all structures on the subject property must contain retail establishments, restaurants, taverns, hotels or motels. These uses shall be oriented to NE 85th Street, a major pedestrian sidewalk, a through-block pedestrian pathway or an internal pathway (see also Chapter 92 KZC).
5. Within required front yards, canopies and similar entry features may encroach; provided, that the total horizontal dimension of such elements may not exceed 25 percent of the length of the structure.
6. Some development standards or design regulations may be modified as part of the design review process. See Chapters 92 and 142 KZC for requirements.
7. Drive-through and drive-in facilities are not permitted in this zone.
8. The Public Works Official shall approve the number, location and characteristics of driveways on NE 85th Street in accordance with the driveway and sight distance policies contained in the Public Works Pre-approved Plans Manual. Taking into consideration the characteristics of this corridor, the Public Works Official may:
  - a. Require access from side streets; and/or
  - b. Encourage properties to share driveways, circulation and parking areas; and/or
  - c. Restrict access to right turn in and out; or
  - d. Prohibit access altogether along NE 85th Street.
9. For lighting requirements associated with development, see KZC 115.85(2).

(GENERAL REGULATIONS CONTINUED ON NEXT PAGE)

# USE ZONE CHART

(GENERAL REGULATIONS CONTINUED FROM PREVIOUS PAGE)

10. Prior to any of the following uses occupying a structure on a property adjoining a residential zone, the applicant shall submit a noise study prepared by a qualified acoustical consultant for approval by the Planning Official:
  - Establishments expected to operate past 9:00 p.m.
  - Vehicle service station.
  - Automotive service center.
  - Car washes.
  - Retail establishment providing entertainment, recreational or cultural activities.
  - Retail establishment involving the sale, lease, repair or service of automobiles, trucks, boats, motorcycles, recreational vehicles, heavy equipment, or similar vehicles.
  - Veterinary offices.
  - Drive-through facilities with loudspeaker systems.
  - Establishments involving a large truck loading dock for deliveries.

The study shall verify that the noise that will emanate from the site adjoining any residential-zoned property complies with the standards specified in KZC 115.95(1) and (2) and WAC 173-60-040(1) for a Class B source property and a Class A receiving property.
11. See Chapters 100 and 162 KZC for information about nonconforming signs. KZC 162.35 describes when nonconforming signs must be brought into conformance or removed.

Section 53.74



USE ZONE CHART

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

| Section 53.74 | USE REGULATIONS<br>[?]   | Required Review Process | MINIMUMS |   |      | MAXIMUMS |              | Landscape Category (See Ch. 95)       | Sign Category (See Ch. 100) | Required Parking Spaces (See Ch. 105) | Special Regulations (See also General Regulations) |  |
|---------------|--|-------------------------|----------|---|------|----------|--------------|---------------------------------------|-----------------------------|---------------------------------------|--|--|
|               |  |                         | Lot Size | REQUIRED YARDS (See Ch. 115)                |      |          | Lot Coverage |                                       |                             |                                       |  | Height of Structure  |
|               |  |                         |          | Front                                       | Side | Rear     |              |                                       |                             |                                       |  |  |
| .010          | Restaurants or Taverns   | D.R., Chapter 142 KZC.  | None     | 10' adjacent to NE 85th St., otherwise 20'. | 0'   | 0'       | 80%          | 30' above average building elevation. | A                           | E                                     | 1 per each 100 sq. ft. of gross floor area.        | 1. Fast food restaurants must provide one outdoor waste receptacle for every eight parking stalls.   |
| .020          | Any Retail Establishment other than those specifically listed, limited or prohibited in this zone, selling goods or providing services, including banking and related financial services. See Spec. Regs. 1 and 2. |                         |          |   |      |          |              |                                       |                             |                                       | 1 per each 300 sq. ft. of gross floor area.        | 1. The following uses are not permitted in this zone: <ol style="list-style-type: none"> <li>Vehicle service stations;</li> <li>Automotive service centers;</li> <li>Uses with drive-in facilities or drive-through facilities;</li> <li>Retail establishments providing storage services unless accessory to another permitted use.</li> <li>A retail establishment involving the sale, service or rental of motor vehicles, sailboats, motor boats, recreation trailers, heavy equipment, and similar vehicles; provided, that motorcycle sales, service, or rental is permitted if conducted indoors.</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 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> 3. 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> 4. Retail establishments selling marijuana or products containing marijuana are not permitted on properties abutting the school walk routes shown on Plate 46. |

USE ZONE CHART

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

| Section 53.74 | USE<br>[?]<br>REGULATIONS<br>[?]                     | Required Review Process | MINIMUMS |   |      | MAXIMUMS |              | Landscape Category (See Ch. 95)       | Sign Category (See Ch. 100) | Required Parking Spaces (See Ch. 105)   | Special Regulations (See also General Regulations)  |  |
|---------------|--|-------------------------|----------|---|------|----------|--------------|---------------------------------------|-----------------------------|---|---|--|
|               |  |                         | Lot Size | REQUIRED YARDS (See Ch. 115)                |      |          | Lot Coverage |                                       |                             |   |   | Height of Structure  |
|               |  |                         |          | Front                                       | Side | Rear     |              |                                       |                             |   |   |  |
| .030          | Office Use   | D.R., Chapter 142 KZC.  | None     | 10' adjacent to NE 85th St., otherwise 20'. | 0'   | 0'       | 80%          | 30' above average building elevation. | A                           | 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> </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> |
| .040          | Hotel or Motel                                       |                         |          |   |      |          |              |                                       | 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> |  |
| .050          | Entertainment, Cultural and/or Recreational Facility |                         |          |   |      |          |              |                                       |                             | See KZC 105.25.   |   |  |
| .060          | Private Lodge or Club                                |                         |          |   |      |          |              |                                       | B                           | 1 per each 300 sq. ft. of gross floor area.   |   |  |
| .070          | Attached or Stacked Dwelling Units                   |                         |          |   |      |          |              |                                       | A                           | 1.2 per studio unit.<br>1.3 per 1 bedroom unit.<br>1.6 per 2 bedroom unit.<br>1.8 per 3 or more bedroom unit.<br>See KZC 105.20 for visitor parking requirements. | <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> </ol>   |  |

Section 53.74



USE ZONE CHART

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

| Section 53.74 | USE<br>[?]<br><br>REGULATIONS<br>[?]   | Required Review Process | MINIMUMS           |   |      |      | MAXIMUMS                              |                                       | Landscape Category (See Ch. 95) | Sign Category (See Ch. 100)  | Required Parking Spaces (See Ch. 105)   | Special Regulations (See also General Regulations)  |
|---------------|--|-------------------------|--------------------|---|------|------|---------------------------------------|---------------------------------------|---------------------------------|--|---|---|
|               |  |                         | Lot Size           | REQUIRED YARDS (See Ch. 115)                |      |      | Lot Coverage                          | Height of Structure                   |                                 |  |   |   |
|               |  |                         |                    | Front                                       | Side | Rear |                                       |                                       |                                 |  |   |   |
| .080          | Development Containing Stacked Dwelling Units and one or more of the following uses:<br><br>Retail uses including Banking and Other Financial Services, Restaurants or Taverns<br><br>See Spec. Regs. 1 and 2. | D.R., Chapter 142 KZC.  | More than 3 acres. | 10' adjacent to NE 85th St., otherwise 20'. | 0'   | 0'   | 80%                                   | 45' above average building elevation. | A                               | E  | For residential:<br>1.2 per studio unit.<br>1.3 per 1 bedroom unit.<br>1.6 per 2 bedroom unit.<br>1.8 per 3 or more bedroom unit.<br>See KZC 105.20 for visitor parking requirements.<br>For other uses see KZC 105.25. | <ol style="list-style-type: none"> <li>Development may also include other uses allowed in this zone.</li> <li>The following uses are not permitted in this zone:                             <ol style="list-style-type: none"> <li>Vehicle service stations.</li> <li>Automotive service centers.</li> <li>Uses with drive-in facilities or drive-through facilities.</li> <li>Retail establishments providing storage services unless accessory to another permitted use.</li> <li>Retail establishment involving the sale, service or repair of automobiles, trucks, boats, motorcycles, recreational vehicles, heavy equipment and similar vehicles.</li> </ol> </li> <li>The entire zone must be physically integrated both in site, building design, pedestrian access internally and to the street and provide other pedestrian amenities.</li> <li>At least 10 percent of the units in new residential developments of four units or greater shall be affordable housing units as defined in Chapter 5 KZC. See Chapter 112 KZC for additional affordable housing requirements and incentives.</li> </ol> |
| .090          | Church   |                         | None               |   |      |      | 30' above average building elevation. |                                       | B                               | 1 per every 4 people based on maximum occupancy load of any area of worship. See Special Regulation 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 the use.</li> </ol>                               |   |

USE ZONE CHART

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

| Section 53.74 | USE<br>[?]<br>REGULATIONS<br>[?]  | Required Review Process   | MINIMUMS |   |      | MAXIMUMS |              | Landscape Category (See Ch. 95)       | Sign Category (See Ch. 100) | Required Parking Spaces (See Ch. 105) | Special Regulations (See also General Regulations)   |   |
|---------------|---|---|----------|---|------|----------|--------------|---------------------------------------|-----------------------------|---------------------------------------|--|---|
|               |   |   | Lot Size | REQUIRED YARDS (See Ch. 115)                |      |          | Lot Coverage |                                       |                             |                                       |  | Height of Structure   |
|               |   |   |          | Front                                       | Side | Rear     |              |                                       |                             |                                       |  |   |
| .100          | School, Day-Care Center, Mini-School or Mini-Day-Care Center                    | D.R., Chapter 142 KZC.  | None     | 10' adjacent to NE 85th St., otherwise 20'. | 0'   | 0'       | 80%          | 30' above average building elevation. | D                           | B                                     | See KZC 105.25.  | <ol style="list-style-type: none"> <li>A six-foot-high fence is required only along the property lines adjacent to the outside play areas.</li> <li>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>May include accessory living facilities for staff persons.</li> <li>To reduce impacts on nearby residential uses, hours of operation of the use may be limited and parking and passenger loading areas relocated.</li> </ol> |
| .110          | Assisted Living Facility, Convalescent Center or Nursing Home See Spec. Reg. 1. | D.R., Chapter 142 KZC.  | None     | 10' adjacent to NE 85th St., otherwise 20'. | 0'   | 0'       | 80%          | 30' above average building elevation. | A                           | B                                     | Independent unit: 1.7 per unit. Assisted living unit: 1 per unit. Convalescent Center or Nursing Home: 1 per each bed. | <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> </ol>   |
| .120          | Public Utility  |   |          |   |      |          |              |                                       | A                           |                                       |  |   |
| .130          | Government Facility Community Facility  |   |          |   |      |          |              |                                       | C See Spec. Reg. 1.         |                                       |  |   |
| .140          | Public Park   | Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process. |          |   |      |          |              |                                       |                             |                                       |  |   |

**53.30** User Guide. The charts in KZC 53.34 contain the basic zoning regulations that apply in the RH 3 zone of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

### Section 53.32

Zone  
RH 3

#### Section 53.32 – 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. Within required front yards, canopies and similar entry features may encroach; provided, that the total horizontal dimension of such elements may not exceed 25 percent of the length of the structure.
3. Individual retail uses in this zone are limited to a maximum gross floor area of 65,000 square feet.
4. At least 50 percent of the total gross floor area located on the ground-street level floor of all structures on the subject property must contain retail establishments, restaurants, taverns, hotels or motels. These uses shall be oriented to NE 85th Street, a major pedestrian sidewalk, a through-block pedestrian pathway or an internal pathway (see also Chapters 105 and 110 KZC, and Plate 34K).
5. The ground-street level floor of all structures on the subject property shall be a minimum of 15 feet in height. This requirement does not apply to:
  - a. The following uses: vehicle service stations, automotive service centers, private lodges or clubs, attached or stacked dwelling units, churches, schools, day-care centers, mini-schools or mini-day-care centers, assisted living facilities, convalescent centers or nursing homes, 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.
6. The Public Works Official shall approve the number, location and characteristics of driveways on NE 85th Street in accordance with the driveway and sight distance policies contained in the Public Works Pre-approved Plans manual. Taking into consideration the characteristics of this corridor, the Public Works Official may:
  - a. Require access from side streets; and/or
  - b. Encourage properties to share driveways, circulation and parking areas; and/or
  - c. Restrict access to right turn in and out; or
  - d. Prohibit access altogether along NE 85th Street.
7. Some development standards or design regulations may be modified as part of the design review process. See Chapters 92 and 142 KZC for requirements.
8. Access for drive-through facilities must be approved by the Public Works Official. See KZC 105.96 for requirements.
9. A through-block pedestrian pathway shall be installed pursuant to the through-block pathway standards in KZC 105.19; see Plate 34K:
  - a. Along the north portion of the zone to make an east-to-west pedestrian connection between 124th Avenue NE and 120th Avenue NE as designated in the Comprehensive Plan; and
  - b. Connecting the north end of the zone to NE 85th Street.
10. For lighting requirements associated with development, see KZC 115.85(2).

Section 53.34

Zone  
RH 3

USE ZONE CHART

| DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS |   |   |                                    |  |                              |      |             |   |                                 |                             |                                       |   |                     |
|---|---|---|------------------------------------|--|------------------------------|------|-------------|---|---------------------------------|-----------------------------|---------------------------------------|---|---------------------|
| Section 53.34   | USE<br>?  | REGULATIONS                                     | Required Review Process            | MINIMUMS                                   |                              |      | MAXIMUMS    |   | Landscape Category (See Ch. 95) | Sign Category (See Ch. 100) | Required Parking Spaces (See Ch. 105) | Special Regulations (See also General Regulations)  |                     |
|   |   |   |                                    | Lot Size                                   | REQUIRED YARDS (See Ch. 115) |      |             | Lot Coverage  |                                 |                             |                                       |   | Height of Structure |
|   |   |   |                                    |  | Front                        | Side | Rear        |   |                                 |                             |                                       |   |                     |
| .010  | Development containing: retail establishments selling goods, or providing services including banking and other financial services, restaurants, taverns | D.R., Chapter 142 KZC. See Spec. Regs. 1 and 2. | More than 6 acres See Spec. Reg. 7 | As established with design review process. |                              |      | 80%<br>100% | 45'—67'75' above average building elevation along the north end of the zone with a maximum of 45' measured above NE 85th Street. See Spec. Regs. 5 and 7. | See Spec. Reg. 2.               | See Spec. Reg. 4.           | As established in the CMP.            | <ol style="list-style-type: none"> <li>1. May also include one or more of the other uses allowed in this zone. Development regulations of this section apply to all uses developed within a Conceptual Master Plan (CMP).</li> <li>2. Development must be part of a Conceptual Master Plan (CMP) for the entire subject property. The proposed CMP shall be reviewed using the Design Review process provisions of KZC 142.35. Subsequent development proposals shall follow DR or ADR as set forth in the Notice of Approval for the Conceptual Master Plan. The Conceptual Master Plan shall incorporate the design guidelines contained in the Design Guidelines for the Rose Hill Business District pertaining to the RH 3 zone.</li> <li>3. Location of drive-through facilities will not compromise the pedestrian orientation of the development. See KZC 105.96 for other requirements.</li> <li>4. Signs for a development approved under this provision must be proposed within a Master Sign Plan application pursuant to KZC 100.80 for all signs within the project.</li> <li>5. Building height shall be 45 feet measured above the midpoint of the frontage of the subject property along NE 85th Street, or if the subject property does not front on NE 85th Street, at the midpoint of the property frontage along any other public right-of-way. If the property abuts more than one public right-of-way, the applicant may select the right-of-way from which to measure. <u>A building on the subject property may exceed the 45 feet height limit so long as the portion of the building located within 20 feet of the public right-of-way does not exceed 45 feet.</u></li> <li>6. At least 10 percent of the units provided in new residential developments of four units or greater shall be affordable housing units, as defined in Chapter 5 KZC. See Chapter 112 KZC for additional affordable housing requirements and incentives.</li> <li>7. <del>Maximum building height for a development including residential use is 6775 feet above average building elevation. However, the equivalent of the additional gross floor area constructed above 4550 feet over ABE must be dedicated to residential use. Residential use may be located anywhere in the building above the ground-street level floor. An applicant may elect to not develop residential uses. However, because elimination of residential uses would also eliminate inclusion of required affordable housing in the zone contrary to City objectives.</del></li> </ol> |                     |

(Revised 9/13)



|  |  |  |  |  |  |  |  |  |  |  |
|--|--|--|--|--|--|--|--|--|--|--|
|  |  |  |  |  |  |  |  |  |  | <p><a href="#">the applicant is still required to either provide the affordable housing component or provide payment in lieu of constructing affordable housing pursuant to KZC 112.30.4.b and c. For purposes of calculating the number of required affordable units, the number of affordable units shall be provided at a density of 7.25 units per acre based on the total size of the subject property.</a></p> <p>8. Parcels smaller than six acres may be added to a previously approved Conceptual Master Plan (CMP) if the applicable criteria set forth in the Notice of Approval from the approved CMP are met.</p> |
|--|--|--|--|--|--|--|--|--|--|--|

Section 53.34



USE ZONE CHART

| DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS |   |                        |                         |          |                              |      |          |                                       |                                 |                             |                                       |   |   |   |
|---|---|------------------------|-------------------------|----------|------------------------------|------|----------|---------------------------------------|---------------------------------|-----------------------------|---------------------------------------|---|---|---|
| Section 53.34   | USE<br>[?]                                  | REGULATIONS<br>[?]     | Required Review Process | MINIMUMS |                              |      | MAXIMUMS |                                       | Landscape Category (See Ch. 95) | Sign Category (See Ch. 100) | Required Parking Spaces (See Ch. 105) | Special Regulations (See also General Regulations)  |   |   |
|   |   |                        |                         | Lot Size | REQUIRED YARDS (See Ch. 115) |      |          | Lot Coverage                          |                                 |                             |                                       |   | Height of Structure   |   |
|   |   |                        |                         |          | Front                        | Side | Rear     |                                       |                                 |                             |                                       |   |   |   |
| .020  | Vehicle Service Station                     | D.R., Chapter 142 KZC. | Less than 6 acres.      | 20'      | 0'                           | 0'   | 80%      | 35' above average building elevation. | A                               | E                           | See KZC 105.25.                       | 1. Gas pump islands must be set back at least 20 feet from all property lines. 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.<br>2. See KZC 95.40 through 95.45, required landscaping, for further regulations. |   |   |
| .030  | Automotive Service Center See Spec. Reg. 1. |                        |                         | 10'      |                              |      |          |                                       |                                 |                             |                                       |   | 1 per each 250 sq. ft. of gross floor area. See Spec. Reg. 1. | 1. Ten percent of the required parking spaces on site must have a minimum dimension of 10 feet wide by 30 feet long for motor home/travel trailer use.<br>2. Parts and tires must be stored entirely within an enclosed structure.<br>3. Outdoor vehicle parking or storage must be buffered as required for a parking area in KZC 95.45. See KZC 115.105, Outdoor Use, Activity and Storage, for additional regulations. |
| .040  | Restaurant or Tavern                        |                        |                         |          |                              |      |          |                                       |                                 |                             |                                       |   | 1 per each 100 sq. ft. of gross floor area.                   | 1. For restaurants with drive-in or drive-through facilities:<br>a. One outdoor waste receptacle shall be provided for every eight parking stalls.<br>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.                                 |

|      |  |  |  |  |  |  |  |  |   |  |   |  |
|------|--|--|--|--|--|--|--|--|---|--|---|--|
| .050 | Any Retail Establishment other than those specifically listed, limited or prohibited in this zone, selling goods or providing services, including banking and related financial services.<br><br>[?] |  |  |  |  |  |  |  | C |  | 1 per each 300 sq. ft. of gross floor area. | <ol style="list-style-type: none"> <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 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> </li> <li>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> </li> </ol> <p style="text-align: center;">REGULATIONS CONTINUED ON NEXT PAGE</p> |
|------|--|--|--|--|--|--|--|--|---|--|---|--|

Section 53.34



USE ZONE CHART

| DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS |   |                         |                    |                              |      |      |              |                                       |                                 |                             |  |   |
|---|---|-------------------------|--------------------|------------------------------|------|------|--------------|---------------------------------------|---------------------------------|-----------------------------|--|---|
| Section 53.34   | USE<br>[?]<br>REGULATIONS   | Required Review Process | MINIMUMS           |                              |      |      | MAXIMUMS     |                                       | Landscape Category (See Ch. 95) | Sign Category (See Ch. 100) | Required Parking Spaces (See Ch. 105)    | Special Regulations (See also General Regulations)  |
|   |   |                         | Lot Size           | REQUIRED YARDS (See Ch. 115) |      |      | Lot Coverage | Height of Structure                   |                                 |                             |  |   |
|   |   |                         |                    | Front                        | Side | Rear |              |                                       |                                 |                             |  |   |
| .050  | Any Retail Establishment other than those specifically listed, limited or prohibited in this zone, selling goods or providing services, including banking and related financial services. (continued) |                         |                    |                              |      |      |              |                                       |                                 |                             | REGULATIONS CONTINUED FROM PREVIOUS PAGE |   |
| .060  | Hotel or Motel  | D.R., Chapter 142 KZC.  | Less than 6 acres. | 10'                          | 0'   | 0'   | 80%          | 35' above average building elevation. | C                               | 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> |

|      |  |  |  |  |  |  |  |  |  |  |                 |   |
|------|--|--|--|--|--|--|--|--|--|--|-----------------|---|
| .070 | Entertainment, Cultural and/or Recreational Facility |  |  |  |  |  |  |  |  |  | See KZC 105.25. |   |
| .080 | Office Use   |  |  |  |  |  |  |  |  |  | D               | <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> <p>1. The following regulations apply to veterinary offices only:<br/> a. May only treat small animals on the subject property.<br/> b. Outside runs and other outside facilities for the animals are not permitted.</p> <p>2. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if:<br/> a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use.<br/> b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.</p> |



Section 53.34



USE ZONE CHART

| DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS |                       |                         |                    |  |  |      |              |                                       |                                 |                             |   |  |
|---|-----------------------|-------------------------|--------------------|--|--|------|--------------|---------------------------------------|---------------------------------|-----------------------------|---|--|
| Section 53.34   | USE REGULATIONS       | Required Review Process | Lot Size           | MINIMUMS   |  |      | MAXIMUMS     |                                       | Landscape Category (See Ch. 95) | Sign Category (See Ch. 100) | Required Parking Spaces (See Ch. 105)       | Special Regulations (See also General Regulations) |
|   |                       |                         |                    | REQUIRED YARDS (See Ch. 115)   |  |      | Lot Coverage | Height of Structure                   |                                 |                             |   |  |
|   |                       |                         |                    | Front  | Side   | Rear |              |                                       |                                 |                             |   |  |
| .090  | Private Lodge or Club | D.R., Chapter 142 KZC.  | Less than 6 acres. | 10'  | 0'   | 0'   | 80%          | 35' above average building elevation. | C                               | B                           | 1 per each 300 sq. ft. of gross floor area. |  |
| .100  | Church                |                         |                    | 1 per every 4 people based on maximum occupancy load of any area of worship. See Spec. Reg. 2. | <p>1. May include accessory living facilities for staff persons.</p> <p>2. No parking is required for day-care or school ancillary to the use.</p> |      |              |                                       |                                 |                             |   |  |

|             |  |  |  |  |  |  |  |  |   |  |  |   |
|-------------|--|--|--|--|--|--|--|--|---|--|--|---|
| <b>.110</b> | School, Day-Care Center, Mini-School or Mini-Day-Care Center |  |  |  |  |  |  |  | D |  | 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. 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>3. May include accessory living facilities for staff persons.</li> <li>4. Hours of operation of the use may be limited and parking and passenger loading areas shall be located to reduce impacts on nearby residential uses.</li> </ol> |
| <b>.120</b> | Stacked Dwelling Units, Assisted Living Facility             |  |  |  |  |  |  |  |   |  | 1.2 per studio unit.<br>1.3 per 1 bedroom unit.<br>1.6 per 2 bedroom unit.<br>1.8 per 3 or more bedroom unit.<br>See KZC 105.20 for visitor parking requirements.<br>1 per assisted living unit. | <ol style="list-style-type: none"> <li>1. 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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USE ZONE CHART

| DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS |   |   |                    |                              |      |          |              |                                       |                             |                                       |  |   |
|---|---|---|--------------------|------------------------------|------|----------|--------------|---------------------------------------|-----------------------------|---------------------------------------|--|---|
| Section 53.34   | USE<br>REGULATIONS                        | Required Review Process   | MINIMUMS           |                              |      | MAXIMUMS |              | Landscape Category (See Ch. 95)       | Sign Category (See Ch. 100) | Required Parking Spaces (See Ch. 105) | Special Regulations (See also General Regulations) |   |
|   |   |   | Lot Size           | REQUIRED YARDS (See Ch. 115) |      |          | Lot Coverage |                                       |                             |                                       |  | Height of Structure   |
|   |   |   |                    | Front                        | Side | Rear     |              |                                       |                             |                                       |  |   |
| .130  | Convalescent Center or Nursing Home       | D.R., Chapter 142 KZC.  | Less than 6 acres. | 10'                          | 0'   | 0'       | 80%          | 35' above average building elevation. | C                           | B                                     | 1 per each bed.                                    | 1. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.<br>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. |
| .140  | Public Utility                            |   |                    |                              |      |          |              |                                       | A                           |                                       | See KZC 105.25.                                    |   |
| .150  | Government Facility<br>Community Facility |   |                    |                              |      |          |              |                                       | C<br>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. |                    |                              |      |          |              |                                       |                             |                                       |  |   |



**Chapter 45 – INSTITUTIONAL ZONES (P, PLA 1, PLA 14)**

**Code Amendments to PLA 14. Section 45.20. Special Regulation PU-18 2/15/2019**

**Sections:**

- 45.05 User Guide
  - 45.05.010 Applicable Zones
  - 45.05.020 Common Code References
- 45.10 General Regulations
- 45.20 Permitted Uses
- 45.30 Density/Dimensions
- 45.40 Development Standards
- 45.50 Public Park
- 45.60 Private College and Related Facilities

**45.05 User Guide**

Step 1. Check that the zone of interest is included in KZC 45.05.010, Applicable Zones. If not, select the chapter where it is located.

Step 2. Refer to KZC 45.05.020, Common Code References, for relevant information found elsewhere in the code.

Step 3. Refer to the General Regulations in KZC 45.10 that apply to the zones as noted.

Step 4. Find the Use of interest in the Permitted Uses Table in KZC 45.20 and read across to the column pertaining to the zone of interest. If a Use is not listed in the table, it is not allowed. A listed use is permitted unless “NP” (Not Permitted) is noted for the table. Note the Required Review Process and Special Regulations that are applicable. There are links to the Special Regulations listed immediately following the table (PU-1, PU-2, PU-3, etc.).

Step 5. Find the Use of interest in the Density/Dimensions Table in KZC 45.30 and read across the columns. Note the standards (Minimum Lot Size, Required Yards, Maximum Lot Coverage, and Maximum Height of Structure) and Special Regulations that are applicable. There are links to the Special Regulations listed immediately following the table (DD-1, DD-2, DD-3, etc.).

Step 6. Find the Use of interest in the Development Standards Table in KZC 45.40 and read across the columns. Note the standards (Landscape Category, Sign Category, and Required Parking Spaces) and Special Regulations that are applicable. There are links to the Special Regulations listed immediately following the table (DS-1, DS-2, DS-3, etc.).

*Note: Not all uses listed in the Density/Dimensions and Development Standards Tables are permitted in each zone addressed in this chapter. Permitted uses are determined only by the Permitted Uses Table.*

**45.05.010 Applicable Zones**

This chapter contains the regulations for uses in the institutional zones (P, PLA 1, PLA 14) of the City.

**45.05.020 Common Code References**

1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.
2. Public park development standards will be determined on a case-by-case basis. See KZC 45.50.
3. Review processes, density/dimensions and development standards for shoreline uses can be found in Chapter 83 KZC, Shoreline Management.



4. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with Detached Dwelling Unit uses.
5. Structures located within 30 feet of a parcel in a low density zone or a low density use in PLA 17 shall comply with additional limitations on structure size established by KZC 115.136.

(Ord. 4476 § 2, 2015)

**45.10 General Regulations**

Reserved. (Ord. 4476 § 2, 2015)

45.20 Permitted Uses

Permitted Uses Table – Institutional Zones (P, PLA 1, PLA 14)

(See also KZC 45.30, Density/Dimensions Table, and KZC 45.40, Development Standards Table)

| Use       |  | Required Review Process:   |                    |                   |
|-----------|--|--|--------------------|-------------------|
|           |  | P  | PLA 1              | PLA 14            |
|           |  | IIA = Process IIA, Chapter 150 KZC<br>IIB = Process IIB, Chapter 152 KZC<br>NP = Use Not Permitted<br># = Applicable Special Regulations (listed after the table)<br>None = No Required Review Process |                    |                   |
| 45.20.010 | Church   | NP   | NP                 | 1, 2              |
| 45.20.020 | Community Facility   | 3  | 4 IIB              | 1, 4              |
| 45.20.030 | Detached Dwelling Unit   | NP   | 5 None             | 6 None            |
| 45.20.040 | Government Facility  | 3  | 4 IIA              | 1, 4              |
| 45.20.050 | Mini-School or Mini-Day-Care Center                                  | NP   | NP                 | 7, 8, 9, 10 I     |
| 45.20.060 | Private College and Related Facilities                               | NP   | 11, 12             | NP                |
| 45.20.070 | Professional Football, Baseball, or Soccer Practice or Play Facility | NP   | 13, 14, 15, 16, 17 | NP                |
| 45.20.080 | Public College or University   | NP   | NP                 | 18 IIB            |
| 45.20.090 | Public Park  | See KZC 45.50 for required review process.   |                    |                   |
| 45.20.100 | Public Utility   | None   | 4 IIA              | 1, 4              |
| 45.20.110 | School or Day-Care Center  | NP   | NP                 | 1, 2, 7, 8, 9, 10 |

**Permitted Uses (PU) Special Regulations:**

- PU-1. The required review process is as follows:
- a. If the subject property, including all contiguous property owned by the applicant and held by others for future use by the applicant, is less than five acres, the required review process is Process IIA, Chapter 150 KZC.
  - b. If the subject property, including all contiguous property owned by the applicant and held by others for future use by the applicant, is five or more acres, a Master Plan, approved through Process IIB, Chapter 152 KZC, is required. The Master Plan must show building placement, building dimensions, roadways, utility locations, land uses within the Master Plan area, parking location, buffering, and landscaping.
- PU-2. The property must be served by a collector or arterial street.
- PU-3. If the proposal is for a governmental facility located at the Houghton Landfill site as designated on the Official Zoning Map, Process IIB. Otherwise, Process IIA.
- PU-4. Site design must minimize adverse impacts on surrounding residential neighborhoods.
- PU-5. Not more than one dwelling unit may be on each lot regardless of lot size.
- PU-6. Not more than one dwelling unit may be on each lot, regardless of the size of the lot.
- PU-7. May locate on the subject property only if:
- a. It will not be materially detrimental to the character of the neighborhood in which it is located; or
  - b. Site and building design minimizes adverse impacts on surrounding residential neighborhoods.
- PU-8. A six-foot-high fence is required along the property line adjacent to the outside play areas.
- PU-9. Hours of operation and the maximum number of attendees may be limited by the City to reduce impacts on nearby residential uses.
- PU-10. May include accessory living facilities for staff persons.
- PU-11. If development is consistent with the Master Plan adopted in R-4203, then none. Otherwise, must amend the Master Plan using Process IIB, Chapter 152 KZC.
- PU-12. See KZC 45.60.
- PU-13. None, if part of approved Master Plan adopted in R-4203. Otherwise, Process IIB, Chapter 152 KZC.
- PU-14. One point of vehicular access only is permitted directly onto NE 53rd Street. Secondary access through the college campus is permitted.
- PU-15. No public exhibitions or games shall be permitted.
- PU-16. No helicopter operations shall be permitted, except for emergency situations.

- PU-17. Only one professional sport organization may occupy and use the facility in any consecutive 12-month period.
- PU-18. If the development is consistent with the Master Plan adopted in R-3571, and with the Planned Unit Development adopted in O-3197, or with a subsequently approved Master Plan, then no zoning process is required. The Master Plan must show building placement, building dimensions, roadways, utility locations, land uses within the Master Plan area, parking locations, buffering and landscaping. (Ord. 4476)

Add new text to PU-18: A subsequent expansion of the master plan shall include the following additional requirements:

- a. Site plan that is designed to be an active, walkable, transit supportive campus environment.
- b. May include detached, attached, stacked, residential suites and/or dormitory housing for students, staff or employees or other public agencies as part of this use. Development 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. See Chapter 112 KZC for additional affordable housing incentives and requirements.
- c. Provide bike and pedestrian routes through the campus that connect with the surrounding neighborhoods, integrate with, and help expand the City's network of Neighborhood Greenways described in the Rose Hill Neighborhood Plan including: connection on campus between 132nd Avenue NE on the east to Slater Avenue NE to the west, and connect the campus to NE 113<sup>th</sup> Place at the southwest corner.
- d. Protect the natural greenbelt easement on the west slope of campus. Prioritize the redevelopment potential of existing surface parking areas before considering expansion into natural greenbelt easement. Allow additional building height in lieu of expansion into the greenbelt easement. Allow limited encroachment into the greenbelt easement only if sufficient development potential cannot be achieved in the already-developed area outside the greenbelt easement and subject to environmental assessment.
- e. Ensure new development is compatible with the surrounding residential neighborhood.
- f. Allow no additional driveway access to 132nd Avenue NE to maintain traffic flow and safety on the arterial.
- g. Mitigation may be required for impacts of the proposed expansion and existing non-conformances regarding code compliance including, where feasible, correcting parking lot design and landscaping deficiencies consistent with code requirements.

2, 2015)

**45.30 Density/Dimensions**

Density/Dimensions Table – Institutional Zones (P, PLA 1, PLA 14)

(Refer to KZC 45.20, Permitted Uses Table, to determine if a use is allowed in the zone; see also KZC 45.40, Development Standards Table)

| Use       | Minimum Lot Size   | REQUIRED YARDS<br>(See Ch. 115 KZC)  |  |   | Maximum Lot Coverage              | Maximum Height of Structure<br>ABE = Average Building Elevation |   |  |
|-----------|--|--|--|---|-----------------------------------|---|---|--|
|           |  | Front  | Side   | Rear  |                                   |   |   |  |
| 45.30.010 | Church   | 7,200 sq. ft.  | 20'  | 20'   | 20'                               | 70%   | 30' above ABE.                                  |  |
| 45.30.020 | Community Facility   | None   | 20'<br>P: 1  | 10'<br>P: 1                                       | 10'<br>P: 1                       | 70%<br>P: 1   | 25' above ABE.<br>P: 1                          |  |
| 45.30.030 | Detached Dwelling Unit   | PLA 1: 8,500 sq. ft.<br>PLA 14: 7,200 sq. ft.                                    | PLA 1: 20'<br>PLA 14: 20' <sup>3</sup>                             | PLA 1: 5' <sup>2</sup><br>PLA 14: 5' <sup>3</sup> | 10'                               | 50%   | PLA 1: 25' above ABE.<br>PLA 14: 30' above ABE. |  |
| 45.30.040 | Government Facility  | None   | 20'<br>P: 1  | 10'<br>P: 1                                       | 10'<br>P: 1                       | 70%<br>P: 1   | 25' above ABE.<br>P: 1                          |  |
| 45.30.050 | Mini-School or Mini-Day-Care Center                                  | 7,200 sq. ft.  | 20' <sup>4</sup>   | 5' <sup>2,4</sup>                                 | 10' <sup>4</sup>                  | 50%   | 30' above ABE.                                  |  |
| 45.30.060 | Private College and Related Facilities                               | 5  |  |   |                                   |   |   |  |
| 45.30.070 | Professional Football, Baseball, or Soccer Practice or Play Facility | 10 acres   | 6, 7   |   |                                   | 80%   | 30' above ABE. <sup>8,9</sup>                   |  |
| 45.30.080 | Public College or University   | As established in the Master Plan.   |  |   |                                   |   |   |  |
| 45.30.090 | Public Park  | Development standards will be determined on a case-by-case basis. See KZC 45.50. |  |   |                                   |   |   |  |
| 45.30.100 | Public Utility   | None   | 20'<br>P: 1  | P: 1<br>PLA 1: 10'<br>PLA 14: 20'                 | P: 1<br>PLA 1: 10'<br>PLA 14: 20' | 70%<br>P: 1   | 25' above ABE.<br>P: 1                          |  |
| 45.30.110 | School or Day-Care Center  | 7,200 sq. ft.  | If this use can accommodate 50 or more students or children, then: |   |                                   | 70%   | 30' above ABE. <sup>11</sup>                    |  |
|           |  |  | 50' <sup>10</sup>  | 50' <sup>10</sup>                                 | 50' <sup>10</sup>                 |   |   |  |
|           |  |  | If this use can accommodate 13 to 49 students or children, then:   |   |                                   |   |   |  |
|           |  |  | 20' <sup>10</sup>  | 20' <sup>10</sup>                                 | 20' <sup>10</sup>                 |   |   |  |

**Density/Dimensions (DD) Special Regulations:**

- DD-1. Will be determined on case-by-case basis.
- DD-2. Five feet but two side yards must equal at least 15 feet.
- DD-3. On corner lots, only one front yard must be a minimum of 20 feet. All other front yards shall be regulated as a side yard (minimum five-foot yard). The applicant may select which front yard shall meet the 20-foot requirement.
- DD-4. Structured play areas must be set back from all property lines by five feet.
- DD-5. As established in the Master Plan or as allowed in KZC 45.60.
- DD-6. As established in the Master Plan or as allowed under Special Regulation DD-7.
- DD-7. All structures and practice and play facilities must be set back from exterior property lines at least 50 feet. Parking lots must be set back at least 50 feet from single-family uses and screened and interspersed with landscaping pursuant to Chapters 95 and 105 KZC.
- DD-8. Maximum structure height is determined by the approved Master Plan.
- DD-9. Maximum height of temporary structures shall be 60 feet above finished grade.
- DD-10. Structured play areas must be set back from all property lines as follows:
  - a. 20 feet if this use can accommodate 50 or more students or children.
  - b. 10 feet if this use can accommodate 13 to 49 students or children.
- DD-11. For school use, structure height may be increased, up to 35 feet, if
  - a. The school can accommodate 200 or more students; and
  - b. The required side and rear yards for the portions of the structure exceeding the basic maximum structure are increased by one foot for each additional one foot structure height; and
  - c. The increased height is not specifically inconsistent with the applicable neighborhood plan provisions of the Comprehensive Plan; and
  - d. The increased height will not result in a structure that is incompatible with surrounding uses or improvements.

(Ord. 4476 § 2, 2015)

## 45.40 Development Standards

## Development Standards Table – Institutional Zones (P, PLA 1, PLA 14)

(Refer to KZC 45.20, Permitted Uses Table, to determine if a use is allowed in the zone; see also KZC 45.30, Density/Dimensions Table)

| Use       | Landscape Category<br>(Chapter 95 KZC)                               | Sign Category<br>(Chapter 100 KZC)  | Required Parking Spaces<br>(Chapter 105 KZC)                     |   |
|-----------|--|---|--|---|
| 45.40.010 | Church   | C   | B  | 1 for every 4 people based on maximum occupancy load of worship. <sup>1</sup> |
| 45.40.020 | Community Facility   | C <sup>3</sup><br>P: Will be determined on a case-by-case basis.                            | B<br>P: Will be determined on a case-by-case basis.              | See KZC 105.25.   |
| 45.40.030 | Detached Dwelling Unit   | E   | A  | 2.0 per dwelling unit.  |
| 45.40.040 | Government Facility  | C <sup>3</sup><br>P: Will be determined on a case-by-case basis.                            | B<br>P: Will be determined on a case-by-case basis. <sup>2</sup> | See KZC 105.25.   |
| 45.40.050 | Mini-School or Mini-Day-Care Center                                  | E   | B <sup>4</sup>   | See KZC 105.25. <sup>5,6</sup>  |
| 45.40.060 | Private College and Related Facilities                               | 7   |  |   |
| 45.40.070 | Professional Football, Baseball, or Soccer Practice or Play Facility | C <sup>8</sup>  | B <sup>9,10</sup>  | See KZC 105.25. <sup>11,12,13</sup>   |
| 45.40.080 | Public College or University   | As established in the Master Plan.  |  |   |
| 45.40.090 | Public Park  | Development standards will be determined on a case-by-case basis. See KZC 45.50 and 105.25. |  |   |
| 45.40.100 | Public Utility   | A <sup>3</sup><br>P: Will be determined on a case-by-case basis.                            | B<br>P: Will be determined on a case-by-case basis.              | See KZC 105.25.   |
| 45.40.110 | School or Day-Care Center  | D   | B <sup>15</sup>  | See KZC 105.25. <sup>6,14</sup>   |

**Development Standards (DS) Special Regulations:**

- DS-1. No parking is required for day-care or school ancillary to the use.
- DS-2. One pedestal sign with a readerboard having electronic programming is allowed at a fire station or at the North Kirkland Community Center only if:
- a. It is a pedestal sign (see Plate 12) having a maximum of 40 square feet of sign area per sign face;
  - b. The electronic readerboard is no more than 50 percent of the sign area;
  - c. Moving graphics and text or video are not part of the sign;
  - d. The electronic readerboard does not change text and/or images at a rate less than one every seven seconds and shall be readily legible given the text size and the speed limit of the adjacent right-of-way;
  - e. The electronic readerboard displays messages regarding public service announcements or City events only;
  - f. The intensity of the display shall not produce glare that extends to adjacent properties and the signs shall be equipped with a device which automatically dims the intensity of the lights during hours of darkness;
  - g. The electronic readerboard is turned off between 10:00 p.m. and 6:00 a.m. except during emergencies;
  - h. It is located to have the least impact on surrounding residential properties.
- If it is determined that the electronic readerboard constitutes a traffic hazard for any reason, the Planning Director may impose additional conditions.
- DS-3. 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.
- DS-4. Electrical signs shall not be permitted. Size of signs may be limited to be compatible with nearby residential uses.
- DS-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.
- DS-6. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses.
- DS-7. As established in the Master Plan or as allowed in KZC 45.60.
- DS-8. Perimeter buffering is determined by the approved Master Plan.
- DS-9. A single pedestal or monument sign, non-interior illuminated, shall be permitted on NE 53rd Street.



- DS-10. No graphics or markings shall be permitted on the exterior of the temporary structure, except as required by state, federal or local regulations.
- DS-11. During summer training camp, the public will be directed, by means of pedestal signs at entrances to the college, to the parking areas in the interior of the campus.
- DS-12. All structures and practice and play facilities must be set back from exterior property lines at least 50 feet. Parking lots must be set back at least 50 feet from single-family uses and screened and interspersed with landscaping pursuant to Chapters 95 and 105 KZC.
- DS-13. On-site parking shall be adequate to meet peak season use.
- DS-14. An on-site passenger loading area must be provided. The City shall determine the appropriate size of the loading area 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.
- DS-15. Electrical signs shall not be permitted.

(Ord. 4476 § 2, 2015)

**45.50 Public Park**

- 1. Except as provided for in subsection (3) of this section, any development or use of a park must occur consistent with a Master Plan. A Master Plan shall be reviewed through a community review process, established by the Parks and Community Services Director, which shall include at a minimum:
  - a. One formal public hearing, conducted by the Parks Board, preceded by appropriate public notice. The required public hearing on a Master Plan proposed within the Houghton Community Municipal Corporation shall be conducted by the Houghton Community Council, which may be a joint hearing with the Parks Board;
  - b. The submittal of a written report on the proposed Master Plan from the Parks Board to the City Council, containing at least the following:
    - 1) A description of the proposal;
    - 2) An analysis of the consistency of the proposal with adopted Comprehensive Plan policies, including the pertinent Park and Recreation Comprehensive Plan policies;
    - 3) An analysis of the consistency of the proposal with applicable developmental regulations, if any;
    - 4) A copy of the environmental record, if the proposal is subject to the State Environmental Policy Act;
    - 5) A summary and evaluation of issues raised and comments received on the proposed Master Plan; and
    - 6) A recommended action by the City Council.
  - c. City Council review and approval. The City Council shall approve the Master Plan by resolution only if it finds:
    - 1) It is consistent with all applicable development regulations and, to the extent there is no applicable development regulation, the Comprehensive Plan;
    - 2) It is consistent with the public health, safety, and welfare;

- 3) If the Master Plan is proposed within the Houghton Community Municipal Corporation, it shall become effective according to the procedure in KMC 2.12.040.
2. In addition to the features identified in KZC 5.10.505, the Master Plan shall identify the following:
  - a. Location, dimensions, and uses of all active and passive recreation areas;
  - b. Potential users and hours of use;
  - c. Lighting, including location, hours of illumination, lighting intensity, and height of light standards;
  - d. Landscaping;
  - e. Other features as appropriate due to the character of the neighborhood or characteristics of the subject property.
3. Development and use of a park does not require a Master Plan under this code if it will not involve any of the following:
  - a. Lighting for outdoor nighttime activities;
  - b. The construction of any building of more than 4,000 square feet;
  - c. The construction of more than 20 parking stalls;
  - d. The development of any structured sports or activity areas, other than minor recreational equipment including swing sets, climber toys, slides, single basketball hoops, and similar equipment. (Ord. 4476 § 2, 2015)

#### **45.60 Private College and Related Facilities**

1. The Master Plan, approved by Resolution R-4203, includes a site plan, which is on file with the City. That site plan is, by reference, incorporated as a part of this code as it pertains to the location, configuration and nature of improvements in the PLA 1 zone.
2. In addition to the site plan referenced above, the adopted Master Plan includes the following special regulations:
  - a. Future development permits shall be reviewed by the Planning Director to ensure consistency with the Master Plan.
  - b. The applicant shall indicate all site improvements and landscaping for the areas to be affected by construction which are proposed to accompany the construction of each facility. The Planning Director shall have the authority to require implementation of these related elements of the Master Plan at such time new facilities, structures or additions are being constructed.
  - c. At the time of application for development of the married student housing information relating to the degree of cutting and filling necessitated shall be provided. Plans for stabilization of nearby slopes shall be included in this information. This information shall indicate to what extent the drainage conditions on the eastern portion of the campus will be disturbed, and what measures will be taken to insure that surrounding properties will not be adversely affected by alternate drainage patterns.
  - d. A 30-foot-wide landscape buffer planted as follows:
    - 1) Two rows of trees planted eight feet on center along the entire length of the buffer. No more than 50 percent of the required trees may be deciduous. At the time of planting, deciduous trees must be at least two inches in diameter as measured using the standards of the American Association of Nurserymen; and coniferous trees must be at least five feet in height.

- 2) Shrubs, 18 inches high, planted to attain coverage of at least 60 percent of the buffer area within two years.
  - 3) The buffer shall be provided around the campus perimeter, except along 108th Ave. NE, 114th Ave. NE, I-405, and between on-campus duplex housing and adjacent single-family sites or I-405. The buffer shall incorporate all existing significant trees and vegetation. Where fencing is proposed, it shall be wood, unless alternative fencing is requested in writing by the adjacent neighbor and agreed to by the applicant.
- e. A 15-foot-wide landscape buffer planted pursuant to the requirements of subsections (d)(1) and (2) of this section shall be provided between on-campus duplex housing and adjacent single-family sites. The buffer shall incorporate all existing significant trees and vegetation.
  - f. New construction of buildings and parking areas shall preserve existing significant trees to the maximum extent possible.
  - g. Storm drainage plans shall accompany any applications for development permits. Said plans shall comply with the requirements of KMC Title 15.
  - h. Development permits for additional parking areas shall include a lighting plan for review and approval by the Planning Director. The lighting shall be directed such that it does not negatively impact adjacent residential areas.
  - i. All main interior streets shall maintain a driving width of 24 feet plus curb and gutter improvements on both sides of the streets, for a total of 28 feet. Widths of, and improvements to secondary streets and service roads, shall be subject to the review and approval of the Planning Director. It will be necessary for secondary streets and service roads to provide adequate clearance for emergency vehicle access.
  - j. The location, material and design of any walkway within the campus shall be at the discretion of the College and its representatives, but will be reviewed by the Planning Director; provided, that the pedestrian/bicycle path in 114th Ave. NE shall be asphalt or concrete, eight feet wide.
  - k. The “NO PARKING” signs along 110th Avenue NE, east of the men’s dormitory, shall remain indefinitely, to discourage future parking along this street.
  - l. Within 30 feet of all outer edges of the campus (except along 108th Ave. NE, 114th Ave. NE, and I-405), no institutional uses or new parking areas are permitted, including any future redevelopment of the maintenance buildings.
  - m. The housing unit, south of Gairloch, and west of 114th Ave. NE, shall be separated from abutting properties to the north and east by a dense vegetative buffer of not less than 30 feet.
  - n. Parking lots shall include landscaping islands as required by Chapter 105 KZC.
  - o. Where adjacent to existing single-family residences, existing campus roadways and parking areas shall be landscaped as much as possible in the space available to provide a visual screen of the roadways and parking areas from the nearby residences. The amount and type of landscaping shall be subject to the review and approval of the Planning Director. An effort shall be made to reduce the amount of asphalt surfacing wherever possible.
  - p. Construction of the proposed clock tower shall be subject to the issuance of a Process IIB Permit, to be reviewed by the Houghton Community Council, the Kirkland Hearing Examiner and the Kirkland City Council.
  - q. The two westernmost campus access drives (adjacent to the Seventh Day Adventist Church and opposite 111th Ave. NE) shall be closed to general vehicle use. The driveway serving The Firs married student housing shall be relocated to lie within the 114th Ave. NE right-of-way.
  - r. The District Office shall have only one access point from 108th Avenue NE.

- s. New buildings or building expansions must conform with design guidelines as adopted as part of the Master Plan.
  - t. The City is authorized to implement measures, identified in the approved Master Plan, to protect the surrounding neighborhood from parking impacts.
  - u. For other regulations applicable to this use, see the Master Plan approved under Resolution R-4203.
  - v. Structure height shall not exceed 30 feet above average building elevation if located within 100 feet of the campus perimeter, or 40 feet above average building elevation if located greater than 100 feet from the campus perimeter.
3. Deviations from the approved Master Plan may be administratively approved by the Planning Director:
- a. Unless:
    - 1) There is a change in the use and the Zoning Code establishes different or more rigorous standards for the new use than for the existing use.
    - 2) The Planning Director determines that there will be substantial changes in the impacts on the neighborhood or the City as a result of the change; and
  - b. The proposed modification or deviation satisfies all of the following:
    - 1) No vehicular ingress or egress from surrounding streets may be changed.
    - 2) No roadways, parking lots or structures within 100 feet of the site perimeter may be shifted toward the perimeters. Any other shifting or improvements shall be consistent with the design concept of the College.
    - 3) No buffers shown in the approved site plan may be reduced, unless specifically authorized by some other special regulation.
    - 4) Reconfigurations of the footprint of the structures shown in the approved plan may be permitted; provided, that such changes are not apparent off-site and do not increase building height.
    - 5) Minor new structures not shown on the approved site plan may be permitted; provided, that they are at least 200 feet from the site perimeter, are not apparent from off-site and do not require the significant shifting of roadways, parking areas or other improvements.
  - c. The Planning Director shall notify the Houghton Community Council in writing, at least 40 days before issuance of a decision on a request for a modification of the Master Plan.
  - d. A Process IIB zoning permit review process is required:
    - 1) For any change to the Master Plan that does not meet the above criteria;
    - 2) For leasing of any campus facilities to long-term tenants;
    - 3) For any increase in student population above 1,200; or
    - 4) For a change in all or any part of the Seahawks facility to a use other than a professional football team office and practice facility. (Ord. 4476 § 2, 2015)

**Kirkland Zoning Code**

20.10 General Regulations

20.10.010 All Medium Density Residential Zones

1. 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.
2. May not use lands waterward of the ordinary high water mark to determine lot size or to calculate allowable density (does not apply to PLA 6F, PLA 6H, PLA 6K, PLA 7C, PLA 9 and PLA 15B zones).
3. Structures located within 30 feet of a parcel in a low density zone or a low density use in PLA 17 shall comply with additional limitations on structure size established by KZC 115.136, except for the following uses: KZC 20.20.060, Detached Dwelling Unit, and 20.20.180, Piers, Docks, Boat Lifts and Canopies Serving Detached Dwelling Unit (does not apply to WD I, WD III, PLA 2, and PLA 3B zones).

20.10.020 RM, RMA Zones

1. If the subject property is located east of JBD 2 and west of 100th Avenue NE, the following regulation applies:  
  
Must provide a public pedestrian access easement if the Planning Official determines that it will furnish a pedestrian connection or part of a connection between 98th Avenue NE and 100th Avenue NE. Pathway improvements will also be required if the easement will be used immediately. No more than two complete connections shall be required.
2. If the subject property is located within the North Rose Hill neighborhood, east of Slater Avenue NE and north of NE 116th Street, the minimum required front yard is 10 feet. Ground floor canopies and similar entry features may encroach into the front yard; provided, the total horizontal dimension of such elements may not exceed 25 percent of the length of the structure. No parking may encroach into the required 10-foot front yard.
3. Any required yard abutting Lake Washington Boulevard or Lake Street South must be increased two feet for each one foot the structure exceeds 25 feet above average building elevation. (Does not apply to Piers, Docks, Boat Lifts and Canopies Serving Detached, Attached or Stacked Dwelling Units and Public Park uses).
4. If the property is located in the ~~NE 85th Street Subarea~~, the following shall apply:
 

*Rose Hill Business District (RHBD)*

  - a. If the subject property is located south of NE 85th Street between 124th Avenue NE and 120th Avenue NE, the applicant shall to the extent possible save existing viable significant trees within the required landscape buffer separating nonresidential development from adjacent single-family homes.

## 20.20

## Kirkland Zoning Code

- ← ROSE HILL BUSINESS DISTRICT (RHBD)*
- PU-2. Within the ~~NE 85th Street Subarea~~, D.R., Chapter 142 KZC.
- PU-3. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility.
- PU-4. 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 combined with an assisted living facility use, the required review process shall be the least intensive process between the two uses.
- PU-5. The assisted living facility shall provide usable recreation 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 recreation space per unit located outside.
- PU-6. See Chapter 141 KZC for additional procedural requirements in addition to those in Chapter 145 KZC.
- PU-7. Stacked Dwelling Units are not allowed.
- PU-8. a. If development will result in the isolation of a low density use, site design, building design, and landscaping must mitigate the impact of that isolation.  
b. West of Forbes Lake, site design should provide for the continuation of a bicycle or pedestrian path which generally follows the alignment of Slater Avenue NE and extending south to NE 90th Street.  
c. Adjacent to Forbes Lake, new development should provide for public access to the lake in appropriate locations. Public access should be limited to passive uses, such as walking trails or viewpoints.  
d. No vehicular connection through this subarea to NE 90th Street is permitted.  
e. Viewpoints and interpretive information around streams and wetlands should be provided where possible. These features shall be permitted only where protection of natural features can be reasonably assured.
- PU-9. Detached Dwelling Units are not allowed as part of a development containing Attached or Stacked Dwelling Units.
- PU-10. a. The hotel or motel use may include ancillary meeting and conference facilities for the resident clientele and guests of residents, but not the general public.  
b. The hotel or motel use may not include restaurant, retail, or office uses.
- PU-11. Development must be consistent with an approved Master Plan. The Master Plan must address all properties within PLA 15A and PLA 15B, which are owned by the applicant. The Master Plan will be approved in two stages:  
a. The first stage will result in approval of a Preliminary Master Plan using Process IIB, Chapter 152 KZC. The Preliminary Master Plan shall consist of at least the following:  
1) A site plan which diagrammatically shows the general location, shape and use of the major features of development.  
2) A written description of the planned development which discusses the elements of the site plan and indicates the maximum number of dwelling units and their probable size; the maximum area to be developed with nonresidential uses; the maximum size of moorage facilities and the maximum number of moorage slips; the maximum and minimum number of parking stalls; and the schedule of phasing for the Final Master Plan. The majority of the public use and access areas and off-site right-of-way improvements shall be included in the initial phases of the Final Master Plan.

20.20

Kirkland Zoning Code

- PU-18. A community facility use is not permitted on properties within the jurisdiction of the Shoreline Management Act.
- PU-19. May not include miniature golf.
- PU-20. The following accessory uses are specifically permitted as part of this use:
  - a. Equipment storage facilities.
  - b. Retail sales and rental of golf equipment and accessories.
  - c. A restaurant.
- PU-21. Stacked dwelling units are not permitted in RM and RMA 5.0.
- PU-22. Development located in the RM 3.6 zone in North Rose Hill, lying between Slater Avenue NE and 124th Avenue NE, and NE 108th Place (extended) and approximately NE 113th Place (extended) shall comply with the following:
  - a. Each development shall incorporate at least two acres; and
  - b. Significant vegetation that provides protection from I-405 shall be retained to the maximum extent feasible.
- PU-23. Residential uses may have an associated private shoreline park that is commonly owned and used by residents and guests.
- PU-24. For this use, only one dwelling unit may be on each lot regardless of lot size.
- PU-25. Hours of operation may be limited by the City to reduce impact on residential uses.
- PU-26. The following accessory components are permitted as part of this use:
  - a. Retail sales and rental of sports equipment for activity conducted on the subject property.
  - b. A restaurant encompassing not more than 20 percent of the gross floor area of this use.
- PU-27.
  - a. This use may be permitted only if it is specifically consistent with the Comprehensive Plan in the proposed location.
  - b. May only be permitted if placement, orientation, and scale indicate this use is primarily intended to serve the immediate residential area.
  - c. Must be located on a collector arterial or higher volume right-of-way.
  - d. Placement and scale must indicate pedestrian orientation.
  - e. Must mitigate traffic impacts on residential neighborhood.
  - f. May not be located above the ground floor of a structure.
  - g. Hours of operation may be limited by the City to reduce impacts on nearby residential uses.
  - h. This use is not permitted in an RM zone located within the ~~NE 85th Street Subarea.~~ *Rose Hill Business District (RHBD)*
  - i. Also see Chapter 83 KZC for properties in shoreline jurisdiction.
- PU-28. The following accessory components are allowed if approved through Process IIB, Chapter 152 KZC:
  - a. Boat and motor sales leasing.

**Kirkland Zoning Code**

25.10 General Regulations

25.10.010 All High Density Residential Zones

The following regulations apply to all uses in these zones unless otherwise noted:

1. 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.

25.10.020 RM, RMA Zones

1. If the subject property is located east of JBD 2 and west of 100th Avenue NE, the following regulation applies:

Must provide a public pedestrian access easement if the Planning Official determines that it will furnish a pedestrian connection or part of a connection between 98th Avenue NE and 100th Avenue NE. Pathway improvements will also be required if the easement will be used immediately. No more than two complete connections shall be required.

2. If the subject property is located within the ~~North~~ <sup>delete</sup> Rose Hill neighborhood, east of Slater Avenue NE and north of NE 116th Street, the minimum required front yard is 10 feet. Ground floor canopies and similar entry features may encroach into the front yard; provided, the total horizontal dimension of such elements may not exceed 25 percent of the length of the structure. No parking may encroach into the required 10-foot front yard.

3. Any required yard abutting Lake Washington Boulevard or Lake Street South must be increased two feet for each one foot the structure exceeds 25 feet above average building elevation. (Does not apply to Piers, Docks, Boat Lifts and Canopies Serving Detached, Attached or Stacked Dwelling Units and Public Park uses).

4. If the property is located in the ~~NE 85th Street Subarea~~ <sup>Rose Hill Business District (RHBD)</sup>, the following shall apply:

- a. If the subject property is located south of NE 85th Street between 124th Avenue NE and 120th Avenue NE, the applicant shall to the extent possible save existing viable significant trees within the required landscape buffer separating nonresidential development from adjacent single-family homes.
- b. If the subject property is located directly north of the RH 4 zone, the applicant shall install a through-block pedestrian pathway pursuant to the standards in KZC 105.19 to connect an east-west pedestrian pathway designated in the Comprehensive Plan between 124th Avenue NE and 120th Avenue NE. (See Plate 34K).

5. May not use lands waterward of the ordinary high water mark to determine lot size or to calculate allowable density.
6. Residential uses may have an associated private shoreline park that is commonly owned and used by residents and guests.



**Kirkland Zoning Code**

**Permitted Uses Table – High Density Residential Zones (Continued)**  
(RM 2.4; RMA 2.4; RM 1.8; RMA 1.8; HENC 2; PLA 5A, PLA 5D, PLA 5E; PLA 6A, PLA 6D, PLA 6I, PLA 6J; PLA 7A, PLA 7B)  
(See also KZC 25.30, Density/Dimensions Table, and KZC 25.40, Development Standards Table)

| Use       |  | Required Review Process:   |                                 |                              |                              |                              |  |                              |                              |                              |                          |
|-----------|--|--|---------------------------------|------------------------------|------------------------------|------------------------------|--|------------------------------|------------------------------|------------------------------|--------------------------|
|           |  | RM, RMA  | HENC 2                          | PLA 5A                       | PLA 5D                       | PLA 5E                       | PLA 6A   | PLA 6D                       | PLA 6I                       | PLA 6J                       | PLA 7A, B                |
|           |  | I = Process I, Chapter 145 KZC<br>IIA = Process IIA, Chapter 150 KZC<br>IIB = Process IIB, Chapter 152 KZC |                                 |                              |                              |                              | DR = Design Review, Chapter 142 KZC<br>None = No Required Review Process |                              |                              |                              |                          |
|           |  | NP = Use Not Permitted<br># = Applicable Special Regulations (listed after the table)                      |                                 |                              |                              |                              |  |                              |                              |                              |                          |
| 25.20.100 | Nursing Home   | IIA<br>1, 3  | IIA<br>1, 3                     | I<br>3                       | IIA<br>3                     | IIA<br>3                     | IIA<br>3   | IIA<br>3                     | IIA<br>3                     | IIA<br>3                     | IIA<br>3                 |
| 25.20.110 | Office Uses (Stand-Alone or Mixed with Detached, Attached, or Stacked Dwelling Units)      | NP   | NP                              | NP                           | NP                           | NP                           | NP   | NP                           | NP                           | NP                           | None<br>22, 23, 24       |
| 25.20.120 | Piers, Docks, Boat Lifts and Canopies Serving Detached, Attached or Stacked Dwelling Units | I<br>11  | I<br>11                         | NP                           | NP                           | NP                           | NP   | NP                           | NP                           | NP                           | NP                       |
| 25.20.130 | Public Park  | See KZC 45.50 for required review process.   |                                 |                              |                              |                              |  |                              |                              |                              |                          |
| 25.20.140 | Public Utility   | IIA<br>1, 8  | IIA<br>1, 8                     | None                         | IIA                          | IIA                          | IIA  | IIA                          | IIA                          | IIA                          | IIA                      |
| 25.20.150 | School or Day-Care Center  | IIA<br>1, 10, 15,<br>16, 18, 19  | IIA<br>1, 10, 15,<br>16, 18, 19 | IIA<br>10, 16,<br>19, 20, 21 | IIA<br>10, 16,<br>19, 20, 21 | IIA<br>10, 16,<br>19, 20, 21 | IIA<br>10, 16,<br>19, 20, 21   | IIA<br>10, 16,<br>19, 21, 25 | IIA<br>10, 16,<br>19, 20, 21 | IIA<br>10, 16,<br>19, 20, 21 | IIA<br>10, 16, 19,<br>21 |

**Permitted Uses (PU) Special Regulations:**

*Rose Hill Business District (RHBD)*

- PU-1. Within the ~~NE 85th Street Subarea~~ and HENC 2, D.R., Chapter 142 KZC.
- PU-2. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility.
- PU-3. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses.

**Kirkland Zoning Code**

- f. May not be located above the ground floor of a structure.
- g. Hours of operation may be limited by the City to reduce impacts on nearby residential uses.
- h. This use is not permitted in an RM zone located within the **NE 85th Street Subarea**.

→ Rose Hill Business District (RHBD)

- PU-15. May locate on the subject property if:
  - a. It will not be materially detrimental to the character of the neighborhood in which it is located.
  - b. Site and building design minimizes adverse impacts on surrounding residential neighborhoods.
- PU-16. A six-foot-high fence is required along the property line adjacent to the outside play areas.
- PU-17. Structured play areas must be set back from all property lines by five feet.
- PU-18. To reduce impacts on nearby residential uses, hours of operation of the use may be limited and parking and passenger loading areas relocated.
- PU-19. May include accessory living facilities for staff persons.
- PU-20. May locate on the subject property only if:
  - a. It will serve the immediate neighborhood in which it is located; or
  - b. It will not be materially detrimental to the character of the neighborhood in which it is located.
- PU-21. Hours of operation may be limited by the City to reduce impacts on nearby residential uses.
- PU-22. This use is permitted only in PLA 7B, extending 50 feet west of the property line adjoining 4th Street, south of 4th Avenue.
- PU-23. The following regulations apply to veterinary offices only:
  - a. May only treat small animals on the subject property.
  - b. Outside runs and other outside facilities for the animals are not permitted.
  - c. Site must be designed so that noise from this use will not be audible off the subject property. A certification to this effect, signed by an Acoustical Engineer, must be submitted with the development permit application.
  - d. A veterinary office is not permitted in any development containing dwelling units.
- PU-24. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if:
  - a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use.
  - b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.
- PU-25. May locate on the subject property only if:
  - a. It will serve the immediate neighborhood in which it is located; or
  - b. It will not be materially detrimental to the character of the neighborhood in which it is located; or
  - c. The property is served by a collector or arterial street.

(Ord. 4637 § 3, 2018; Ord. 4476 § 2, 2015)

**Permitted Uses Table – Office Zones (Continued)**  
(PO; PR 8.5; PR 5.0; PR 3.6; PR 2.4; PRA 2.4; PR 1.8; PRA 1.8; PLA 5B, PLA 5C; PLA 6B; PLA 15A; PLA 17A)  
(See also KZC 30.30, Density/Dimensions Table, and KZC 30.40, Development Standards Table)

| Use       |            | Required Review Process:  |         |        |        |        |         |         |
|-----------|------------|---|---------|--------|--------|--------|---------|---------|
|           |            | PO  | PR, PRA | PLA 5B | PLA 5C | PLA 6B | PLA 15A | PLA 17A |
|           |            | I = Process I, Chapter 145 KZC<br>IIA = Process IIA, Chapter 150 KZC<br>IIB = Process IIB, Chapter 152 KZC<br>DR = Design Review, Chapter 142 KZC<br>None = No Required Review Process<br>NP = Use Not Permitted<br># = Applicable Special Regulations (listed after the table) |         |        |        |        |         |         |
| 30.20.290 | Water Taxi | NP  | NP      | NP     | NP     | NP     | I<br>16 | NP      |

**Permitted Uses (PU) Special Regulations:**

*Rose Hill Business District (RHBD)*

- PU-1. Within the ~~NE 85th Street Subarea~~, D.R., Chapter 142 KZC.
- PU-2. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility.
- PU-3. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the less intensive process between the two uses.
- PU-4. The assisted living facility shall provide usable recreation 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 recreation space per unit located outside.
- PU-5. The City may limit access points onto 6th Street and require traffic control devices and right-of-way realignment.
- PU-6. No structures, other than moorage structures or public access piers, may be waterward of the high waterline.
- PU-7. Must provide public pedestrian access as required under Chapter 83 KZC.
- PU-8. A transportation demand management plan shall be provided and implemented for the subject property, including provisions for safe pedestrian crossing and vehicle turning movements to and from the subject property to Lake Washington Boulevard, and bus stop improvements if determined to be needed by METRO. The City shall review and approve the plan.
- PU-9. The design of the site must be compatible with the scenic nature of the waterfront.

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Kirkland Zoning Code

- PU-10. An applicant may propose a development containing residential uses and moorage facilities using this use listing only if the use of the moorage facilities is limited to the residents of the subject property.
- PU-11. The common recreational open space requirements may be waived if the City determines that preservation of critical areas provides a superior open space function.
- PU-12. Within the ~~NE 85th Street Subarea~~ and Yarrow Bay Business District, D.R., Chapter 142 KZC. *Rose Hill Business District (RHBD)*
- PU-13. Site design must minimize adverse impacts on surrounding residential neighborhoods.
- PU-14. Outdoor uses are not permitted.
- PU-15. For this use, only one dwelling unit may be on each lot regardless of lot size.
- PU-16. See Chapter 141 KZC for additional procedural requirements in addition to those on Chapter 145 KZC.
- PU-17. Development must be consistent with an approved Master Plan. The Master Plan must address all properties within PLA 15A and PLA 15B, which are owned by the applicant. The Master Plan will be approved in two stages:
- a. The first stage will result in approval of a Preliminary Master Plan using Process IIB, Chapter 152 KZC. The Preliminary Master Plan shall consist of at least the following:
    - 1) A site plan which diagrammatically shows the general location, shape and use of the major features of development.
    - 2) A written description of the planned development which discusses the elements of the site plan and indicates the maximum number of dwelling units and their probable size; the maximum area to be developed with nonresidential uses; the maximum size of moorage facilities and the maximum number of moorage slips; the maximum and minimum number of parking stalls; and the schedule of phasing for the Final Master Plan.

In approving the Preliminary Master Plan, the City shall determine the appropriate review process for the Final Master Plan. The City may determine that the Final Master Plan be reviewed using Process IIA, Chapter 150 KZC, if the Preliminary Master Plan shows the placement, approximate dimensions and uses of all structures, vehicular and pedestrian facilities, open space and other features of development. Otherwise, the Final Master Plan shall be reviewed using Process IIB, Chapter 152 KZC.
  - b. The second stage will result in approval of a Final Master Plan using Process IIA, Chapter 150 KZC, or Process IIB, Chapter 152 KZC, as established by the Preliminary Master Plan. The Final Master Plan shall set forth a detailed development plan which is consistent with the Preliminary Master Plan. Each phase of the Master Plan shall set forth a schedule for obtaining building permits for and construction of that phase.
- PU-18. a. The following uses and components are also allowed:
- 1) Retail establishment.
  - 2) Office use.
  - 3) Hotel.
  - 4) Boat and motor repair and service if:
    - a) This activity is conducted on dry land and either totally within a building or totally sight screened from adjoining property and the right-of-way; and

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- b) All dry land motor testing is conducted within a building.
- 5) Dry land boat storage. However, stacked storage is not permitted.
- 6) Gas and oil sales or boats if:
  - a) Storage tanks are underground and on dry land; and
  - b) The use has facilities to contain and clean up gas and oil spills.  
May have an overwater shed that is not more than 50 square feet and 10 feet high as measured from the pier deck.
- 7) Meeting and/or special events rooms.
- 8) Boat launching ramp if it is paved with concrete.
- 9) School or day-care center.
- 10) Mini-school or mini-day-care center, or day-care home.
- b. Development must provide opportunities for public access to, use of and views of the waterfront by including all of the following elements:
  - a. A public pedestrian access trail along the entire waterfront of the subject property within connections to Lake Washington Boulevard at or near either end;
  - b. Waterfront areas developed and open for public use;
  - c. Improvements to and adjacent to Lake Washington Boulevard which are open for public use; and
  - d. Corridors which allow unobstructed views of Lake Washington from Lake Washington Boulevard. In addition, obstruction of views from existing development lying east of Lake Washington Boulevard must be minimized.
- c. All nonresidential uses, except office uses, must be located and designed to have substantial waterfront orientation and accessibility from waterfront public use areas.
- d. Marina use must comply with Chapter 83 KZC.
- e. Must provide pumping facilities to remove effluent from boat holding tanks.
- f. Must provide a waste oil tank.
- g. Vehicular circulation on the subject property must be designed to mitigate traffic impacts on Lake Washington Boulevard and Lakeview Drive. Access points must be limited, with primary access located at the intersection of Lake Washington Boulevard and Lakeview Drive. The City may require traffic control devices and right-of-way realignment or limit development if necessary to further reduce traffic impacts.
- h. The regulations for this use may not be modified with a Planned Unit Development.
- i. Restaurant uses with drive-in or drive-through facilities are not permitted in this zone.

PU-19. A veterinary office is not permitted in any development containing dwelling units.

PU-20. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if:

- a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use.
- b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.

PU-21. Primary vehicular access must be directly from 6th Street or 4th Avenue.

PU-22. This use is not permitted in a PR 3.6 zone located in the **NE 85th Street Subarea**.

*Rose Hill Business District (RHBD)*

PU-23. May not be located above the ground floor of a structure.

40.10

40.05.010 Applicable Zones

This chapter contains the regulations for uses in the industrial zones (LIT, PLA 6G) of the City.

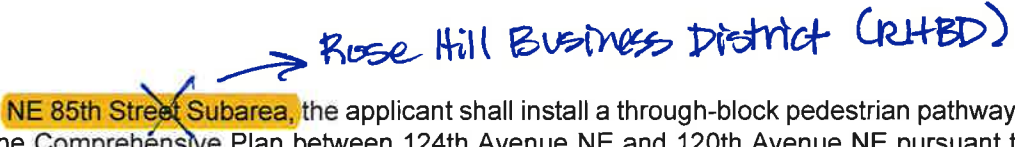
40.05.020 Common Code References

1. Refer to Chapter 1 KZC to determine what other provision of this code may apply to the subject property.
2. Public park development standards will be determined on a case-by-case basis. See KZC 45.50.
3. Development adjoining the Cross Kirkland Corridor or Eastside Rail Corridor shall comply with the standards of KZC 115.24.
4. Refer to KZC 115.105 for provisions regarding outside use, activity and storage.
5. Structures located within 30 feet of a parcel in a low density zone or a low density use in PLA 17 shall comply with additional limitations on structure size established by KZC 115.136.

(Ord. 4494 § 2, 2015; Ord. 4476 § 2, 2015)

40.10 General Regulations

40.10.010 LIT Zones

1. 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 (See Plate 34K).  

2. Retail uses are prohibited unless otherwise allowed in the use zone tables.

40.10.020 PLA 6G Zones

1. 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 Public Park uses).
2. 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).

(Ord. 4494 § 2, 2015; Ord. 4476 § 2, 2015)

**Permitted Uses Table – Industrial Zones (LIT, PLA 6G) (Continued)**  
(See also KZC 40.30, Density/Dimensions Table, and KZC 40.40, Development Standards Table)

| Use       |  | Required Review Process:  |  |
|-----------|--|---|--|
|           |  | LIT   | PLA 6G   |
|           |  | I = Process I, Chapter 145 KZC<br>IIA = Process IIA, Chapter 150 KZC<br>IIB = Process IIB, Chapter 152 KZC<br>DR = Design Review, Chapter 142 KZC<br>None = No Required Review Process<br>NP = Use Not Permitted<br># = Applicable Special Regulations (listed after the table) |  |
| 40.20.245 | Retail Establishment Selling Marijuana or Products Containing Marijuana  | None<br>7, 30, 31   | NP   |
| 40.20.250 | School or Day-Care Center  | None<br>7, 16, 17, 18   | Schools are NP, see KZC 40.20.060 for Day-Care Centers |
| 40.20.260 | Vehicle or Boat Repair, Services, Storage, or Washing  | None<br>7, 25   | NP   |
| 40.20.270 | Warehouse Storage Service  | None<br>7, 14   | None<br>11, 12, 13, 14, 15                             |
| 40.20.280 | Wholesale Establishment or Contracting Services in Building Construction, Plumbing, Electrical, Landscaping, or Pest Control | None<br>7   | None<br>11, 12, 13, 14, 15                             |
| 40.20.290 | Wholesale Printing or Publishing   | None<br>7, 14   | None<br>11, 12, 13, 14, 15                             |
| 40.20.300 | Wholesale Trade  | None<br>7, 14   | None<br>11, 12, 13, 14, 15                             |

**Permitted Uses (PU) Special Regulations:**

PU-1 – PU-6. Reserved.

PU-7. Within the **NE 85th Street Subarea**, D.R., Chapter 142 KZC.

PU-8. Livestock auctions are not permitted.

PU-9. Reserved.

*Rose Hill Business District (RHBD)*

→ Rose Hill Business District (RHBD)

- 2) Any development in the following zones within the NE 85th Street Subarea: RH 8 except development that includes lots or portions of lots located more than 120 feet north of NE 85th Street, between 132nd Avenue NE and properties abutting 131st Avenue NE, PR 3.6, RM, PLA 17A.
  - 3) Any development in the MSC 1 and MSC 4 zones located within the Market Street Corridor.
2. Administrative Design Review (A.D.R.) – All other development activities not requiring D.B.R. review under subsection (1) of this section shall be reviewed through the A.D.R. process pursuant to KZC 142.25.
  3. Exemptions from Design Review – The following development activities shall be exempt from either A.D.R. or D.B.R. and compliance with the design regulations of Chapter 92 KZC:
    - a. Any activity which does not require a building permit; or
    - b. Interior work that does not alter the exterior of the structure; or
    - c. Normal building maintenance including the repair or maintenance of structural members; or
    - d. Any development listed as exempt in the applicable Use Zone Chart.

(Ord. 4498 § 3, 2015; Ord. 4392 § 1, 2012; Ord. 4390 § 1, 2012; Ord. 4177 § 2, 2009; Ord. 4107 § 1, 2007; Ord. 4097 § 1, 2007; Ord. 4037 § 1, 2006; Ord. 4030 § 1, 2006; Ord. 3833 § 1, 2002)

**142.25** Administrative Design Review (A.D.R.) Process

1. Authority – The Planning Official shall conduct A.D.R. in conjunction with a related development permit pursuant to this section.

The Planning Official shall review the A.D.R. application for compliance with the design regulations contained in Chapter 92 KZC, or in zones where so specified, with the applicable design guidelines adopted by KMC 3.30.040. In addition, the following guidelines and policies shall be used to interpret how the regulations apply to the subject property:

- a. Design guidelines for pedestrian-oriented business districts, as adopted in KMC 3.30.040.
  - b. Design guidelines for the Rose Hill Business District (RHBD), the Totem Lake Business District (TLBD) and Yarrow Bay Business District (YBD) as adopted in KMC 3.30.040.
  - c. For review of attached or stacked dwelling units within the NE 85th Street Subarea, the PLA 5C zone, the Houghton/Everest Neighborhood Center, and the Market Street Corridor, Design Guidelines for Residential Development as adopted in KMC 3.30.040.
2. Application – As part of any application for a development permit requiring A.D.R., the applicant shall show compliance with the design regulations in Chapter 92 KZC, or where applicable, the design guidelines adopted by KMC 3.30.040, by submitting an A.D.R. application on a form provided by the Planning and Building Department. The application shall include all documents and exhibits listed on the application form, as well as application materials required as a result of a pre-design conference.
  3. Pre-Design Conference – Before applying for A.D.R. approval, the applicant may schedule a pre-design meeting with the Planning Official. The meeting will be scheduled by the Planning Official upon written request by the applicant. The purpose of this meeting is to provide an opportunity for an applicant to discuss the project concept with the Planning Official and for the

→ Rose Hill Business District (RHBD)



Planning Official to designate which design regulations, or design guidelines, apply to the proposed development based primarily on the location and nature of the proposed development.

4. A.D.R. Approval

a. The Planning Official may grant, deny, or conditionally approve the A.D.R. application. The A.D.R. approval or conditional approval will become conditions of approval for any related development permit, and no development permit will be issued unless it is consistent with the A.D.R. approval or conditional approval.

b. Additions or Modifications to Existing Buildings

1) Applications involving additions or modifications to existing buildings shall comply with the design regulations of Chapter 92 KZC, or where applicable, the design guidelines adopted by KMC 3.30.040 to the extent feasible depending on the scope of the project. The Planning Official may waive compliance with a particular design regulation if the applicant demonstrates that it is not feasible given the existing development and scope of the project.

2) The Planning Official may waive the A.D.R. process for applications involving additions or modifications to existing buildings if the design regulations are not applicable to the proposed development activity.

5. Lapse of Approval – The lapse of approval for the A.D.R. decision shall be tied to the development permit and all conditions of the A.D.R. approval shall be included in the conditions of approval granted for that development permit.

6. Design departure and minor variations may be requested pursuant to KZC 142.37.

(Ord. 4637 § 3, 2018; Ord. 4496 § 2, 2015; Ord. 4495 § 2, 2015; Ord. 4491 § 3, 2015; Ord. 4392 § 1, 2012; Ord. 4357 § 1, 2012; Ord. 4333 § 1, 2011; Ord. 4177 § 2, 2009; Ord. 4107 § 1, 2007; Ord. 4097 § 1, 2007; Ord. 4037 § 1, 2006; Ord. 4030 § 1, 2006; Ord. 3956 § 1, 2004)

142.35 Design Board Review (D.B.R.) Process

1. Timing of D.B.R. – For any development activity that requires D.B.R. approval, the applicant must comply with the provisions of this chapter before a building permit can be approved; provided, that an applicant may submit a building permit application at any time during the design review process. An applicant may request early design review, but such review shall not be considered a development permit or to in any way authorize a use or development activity. An application for D.R. approval may be considered withdrawn for all purposes if the applicant has not submitted information requested by the City within 60 calendar days after the request and the applicant does not demonstrate reasonable progress toward submitting the requested information.

2. Public Meetings – All meetings of the Design Review Board shall be public meetings and open to the public.

3. Authority – The Design Review Board shall review projects for consistency with the following:

a. Design guidelines for pedestrian-oriented business districts, as adopted in Chapter 3.30 KMC.

b. Design Guidelines for the **Rose Hill Business District (RHBD)** and the Totem Lake Business District (TLBD) as adopted in Chapter 3.30 KMC.

c. The Design Guidelines for Residential Development, as adopted in KMC 3.30.040, for review of attached and stacked dwelling units located within the **NE 85th Street Subarea,**

Conceptual Master Plan Conference for TL 5 – The Design Review Board shall consider a Conceptual Master Plan (CMP) for properties over four (4) acres in size in TL 5. The CMP shall incorporate the design principles set forth in the special regulations for the use in the TL 5 zoning chart.

Rose Hill Business District (RHBD)

Conceptual Master Plan Conference for RHBD – The Design Review Board shall consider a Conceptual Master Plan (CMP) in the RH 3 zone within the NE 85th Street Subarea. The CMP shall incorporate the design considerations for the RH 3 zone set forth in the Design Guidelines for the Rose Hill Business District.

10. Approval – After reviewing the D.B.R. application and other application materials, the Design Review Board may grant, deny or conditionally approve subject to modifications the D.B.R. application for the proposed development. No development permit for the subject property requiring D.B.R. approval will be issued until the proposed development is granted D.B.R. approval or conditional approval. The terms of D.B.R. approval or conditional approval will become a condition of approval on each subsequent development permit and no subsequent development permit will be issued unless it is consistent with the D.B.R. approval or conditional approval. The Planning Official shall send written notice of the D.B.R. decision to the applicant and all other parties who participated in the conference(s) within 14 calendar days of the approval. If the D.B.R. is denied, the decision shall specify the reasons for denial. The final D.B.R. decision of the City on the D.B.R. application shall be the date of distribution of the written D.B.R. decision or, if the D.B.R. decision is appealed, the date of the City's final decision on the appeal. Notwithstanding any other provision of this code, if an applicant submits a complete application for a building permit for the approved D.B.R. development within 180 days of the final D.B.R. decision, the date of vesting for the building permit application shall be the date of the final D.B.R. decision.

Additional Approval Provision for TL 2 and TL 5 – The Notice of Approval for a Conceptual Master Plan (CMP) shall set thresholds for subsequent D.B.R. or A.D.R. review of projects following approval of a CMP in TL 2 or TL 5. The Notice of Approval shall also include a phasing plan for all improvements shown or described in the CMP.

Additional Approval Provision for RHBD – The Design Review Board shall determine the thresholds for subsequent D.B.R. or A.D.R. review of projects following approval of a Conceptual Master Plan (CMP) in the RHBD. The Notice of Approval for the CMP will state the thresholds for future review of projects and also include a phasing plan for all improvements shown or described in the CMP.

(Ord. 4637 § 3, 2018; Ord. 4496 § 3, 2015; Ord. 4495 § 2, 2015; Ord. 4491 § 3, 2015; Ord. 4392 § 1, 2012; Ord. 4193 § 1, 2009; Ord. 4177 § 2, 2009; Ord. 4171 § 1, 2009; Ord. 4121 § 1, 2008; Ord. 4107 § 1, 2007; Ord. 4097 § 1, 2007; Ord. 4037 § 1, 2006; Ord. 4030 § 1, 2006; Ord. 3956 § 1, 2004; Ord. 3954 § 1, 2004; Ord. 3889 § 2, 2003; Ord. 3833 § 1, 2002; Ord. 3814 § 1, 2001)

142.37 Design Departure and Minor Variations

1. General – This section provides a mechanism for obtaining approval to depart from strict adherence to the design regulations or for requesting minor variations from requirements in the following zones:
  - a. In the CBD and YBD: minimum required yards; and
  - b. In the Business District Core: minimum required yards, floor plate maximums and building separation requirements; and
  - c. In the RHBD, FHNC, the PLA 5C zone, the HENC, and the TLBD: minimum required yards, and landscape buffer; and

**53.80** User Guide. The charts in KZC 53.84 contain the basic zoning regulations that apply in the RH 8 zone of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

## Section 53.82

Zone  
RH 8

### Section 53.82 – 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. Development creating four or more new dwelling units that includes lots or portions of lots adjoining 131st Avenue NE or 132nd Avenue NE that are located more than 120 feet north of NE 85th Street shall provide at least 10 percent of the units as affordable housing units as defined in Chapter 5 KZC. See Chapter 112 KZC for additional affordable housing incentives and requirements.
3. For structures located within 30 feet of a parcel in a low density zone (or a low density use in PLA 17), KZC 115.136 establishes additional limitations on structure size.
4. On lots that are not abutting NE 85th Street or are not consolidated with at least one lot abutting NE 85th Street, development shall be subject to the permitted uses and regulations in the RSX zone, except that isolated parcels may be developed independently with office use.
5. If the lot area of the subject property is equal to or greater than 18,000 square feet, maximum building height is 35 feet above average building elevation, except maximum building height is 30 feet within 30 feet of an RSX zone, on lots located more than 120 feet north of NE 85th Street, between 132nd Avenue NE and parcels abutting 131st Avenue NE.
6. The ground-street level floor of all structures on the subject property shall be a minimum of 15 feet in height. This requirement does not apply to:
  - a. The following uses: vehicle service stations, automotive service centers, 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, 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.
7. Within required front yards, canopies and similar entry features may encroach; provided, that the total horizontal dimension of such elements may not exceed 25 percent of the length of the structure.
8. Some development standards or design regulations may be modified as part of the design review process. See Chapters 92 and 142 KZC for requirements.
9. The Public Works Official shall approve the number, location and characteristics of driveways on NE 85th Street in accordance with the driveway and sight distance policies contained in the Public Works Pre-Approved Plans manual. Taking into consideration the characteristics of this corridor, the Public Works Official may:
  - a. Require access from side streets; and/or
  - b. Encourage properties to share driveways, circulation and parking areas; and/or
  - c. Restrict access to right turn in and out; or
  - d. Prohibit access altogether along NE 85th Street.

(GENERAL REGULATIONS CONTINUED ON NEXT PAGE)

Section 53.82

Zone  
RH 8

USE ZONE CHART


(GENERAL REGULATIONS CONTINUED FROM PREVIOUS PAGE)

10. Drive-through and drive-in facilities are not permitted in this zone.
11. See Chapters 100 and 162 KZC for information about nonconforming signs. KZC 162.35 describes when nonconforming signs must be brought into conformance or removed.
12. For lighting requirements associated with development see KZC 115.85(2).
13. Prior to any of the following uses occupying a structure on a property adjoining a residential zone, the applicant shall submit a noise study prepared by a qualified acoustical consultant for approval by the Planning Official:
  - Establishments expected to operate past 9:00 p.m.
  - Retail establishment providing entertainment, recreational or cultural activities.
  - Veterinary offices.
  - Any establishment where animals are kept on site.
  - Establishments involving a large truck loading dock for deliveries.The study shall verify that the noise expected to emanate from the site adjoining any residential-zoned property complies with the standards specified in KZC 115.95(1) and (2) and WAC 173-60-040(1) for a Class B source property and a Class A receiving property.
14. A City entryway feature shall be provided on the parcel located at the northwest corner of the intersection of NE 85th Street and 132nd Avenue, or adjacent parcel under common ownership with such parcel. Entryway features shall include such elements as: a sign, art, landscaping and lighting. See Chapter 92 KZC, Design Regulations.

Section 53.84



USE ZONE CHART

| DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS |  |                         |          |   |      |      |              |  |                                 |               |  |   |
|---|--|-------------------------|----------|---|------|------|--------------|--|---------------------------------|---------------|--|---|
| Section 53.84   | USE REGULATIONS<br> | Required Review Process | Lot Size | MINIMUMS                                    |      |      | MAXIMUMS     |  | Landscape Category (See Ch. 95) | Sign Category | Required Parking Spaces (See Ch. 105)  | Special Regulations (See also General Regulations)  |
|   |  |                         |          | REQUIRED YARDS (See Ch. 115)                |      |      | Lot Coverage | Height of Structure  |                                 |               |  |   |
|   |  |                         |          | Front                                       | Side | Rear |              |  |                                 |               |  |   |
| .010  | Office Use   | D.R., Chapter 142 KZC.  | None     | 10' adjacent to NE 85th St., otherwise 20'. | 0'   | 15'  | 70%          | 30' above average building elevation.<br><br>See Gen. Regs. 3 and 5. | A                               | 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> </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> |
| .020  | Restaurant   |                         |          |   |      |      |              |  |                                 | E             | 1 per each 100 sq. ft. of gross floor area.  | 1. May not be located above the <del>ground-floor-street level floor</del> of a structure.<br>1-2. <b>Must be oriented toward NE 85<sup>th</sup> Street.</b><br>2-3. Gross floor area for each individual use may not exceed 4,000 sq. ft.  |
| .030  | Entertainment, Cultural and/or Recreational Facility   |                         |          |   |      |      |              |  |                                 |               | See KZC 105.25.  | 1. Gross floor area for each individual use may not exceed 4,000 sq. ft.  |

|   |  |  |  |  |  |  |  |  |  |
|---|--|--|--|--|--|--|--|--|--|
| <p><b>.040</b> Any Retail Establishment other than those specifically listed, limited or prohibited in this zone, selling goods or providing services, including banking and related financial services.</p> <p style="text-align: center;">❓</p> |  |  |  |  |  |  |  | <p>D 1 per each 300 sq. ft. of gross floor area.</p> | <p>1. The following uses are not permitted in this zone:</p> <ol style="list-style-type: none"> <li>Vehicle service stations.</li> <li>Automotive service centers.</li> <li>Uses with drive-in facilities or drive-through facilities.</li> <li>Retail establishments providing storage services unless accessory to another permitted use.</li> <li>A retail establishment involving the sale, service or rental of motor vehicles, sailboats, motor boats, recreation trailers, heavy equipment and similar vehicles; provided, that motorcycle sales, service or rental is permitted if conducted indoors.</li> <li>Storage and operation of heavy equipment, except delivery vehicles associated with retail uses.</li> <li>Storage of parts unless conducted entirely within an enclosed structure.</li> </ol> <p>2. This use <u>must be oriented toward NE 85<sup>th</sup> Street and</u> may not be located above the <u>ground-street level</u> floor of a structure except for personal service establishments that provide services involving the care of a person, or of a person's apparel, such as laundry and dry cleaning services, beauty shops, barber shops, shoe repair shops and tailors may be located above the <u>ground-street level</u> floor; provided, that the use of exterior areas adjoining residential uses is prohibited.</p> |
|---|--|--|--|--|--|--|--|--|--|

Section 53.84



USE ZONE CHART


| DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS |   |                         |          |                              |      |          |              |                                 |               |                                       |   |                     |
|---|---|-------------------------|----------|------------------------------|------|----------|--------------|---------------------------------|---------------|---------------------------------------|---|---------------------|
| Section 53.84   | USE<br>❓<br>REGULATIONS   | Required Review Process | MINIMUMS |                              |      | MAXIMUMS |              | Landscape Category (See Ch. 95) | Sign Category | Required Parking Spaces (See Ch. 105) | Special Regulations<br>(See also General Regulations)   |                     |
|   |   |                         | Lot Size | REQUIRED YARDS (See Ch. 115) |      |          | Lot Coverage |                                 |               |                                       |   | Height of Structure |
|   |   |                         |          | Front                        | Side | Rear     |              |                                 |               |                                       |   |                     |
| <b>.040</b>   | Any Retail Establishment other than those specifically listed, limited or prohibited in this zone, selling goods or providing services, including banking and related financial services. (continued) |                         |          |                              |      |          |              |                                 |               |                                       | REGULATIONS CONTINUED FROM PREVIOUS PAGE  |                     |
|   |   |                         |          |                              |      |          |              |                                 |               |                                       | <ol style="list-style-type: none"> <li>Gross floor area for each individual use may not exceed 4,000 sq. ft.</li> <li>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> </li> <li>Retail establishments selling marijuana or products containing marijuana are not permitted on properties abutting the school walk routes shown on Plate 46.</li> </ol> |                     |

|      |  |                        |      |   |    |     |     |  |   |   |   |  |
|------|--|------------------------|------|---|----|-----|-----|--|---|---|---|--|
| .050 | Stacked Dwelling Units<br>See Spec. Reg. 1.  | D.R., Chapter 142 KZC. | None | 10' adjacent to NE 85th St., otherwise 20'. | 0' | 15' | 70% | 30' above average building elevation.<br><br>See Gen. Regs. 3 and 5. | A | A | 1.2 per studio unit.<br>1.3 per 1 bedroom unit.<br>1.6 per 2 bedroom unit.<br>1.8 per 3 or more bedroom unit.<br>See KZC 105.20 for visitor parking requirements. | <del>1. This use may not be located on the ground floor of a structure.</del><br>1. <a href="#">At least 60% of the linear frontage of the property along NE 85th Street shall only include commercial use. The commercial use shall be at the street level floor and oriented toward NE 85th Street. Commercial uses shall have a minimum depth of 20' and an average depth of at least 30' (as measured from the face of the building along the street). Stacked Dwelling Units are not permitted on the street level floor within 30' of the property line along NE 85th Street. The Planning Director or Design Review Board may approve a minor reduction in the depth requirements if the applicant demonstrates that the requirement is not feasible given the configuration of existing or proposed improvements and the design of the retail frontage will maximize visual interest.</a><br>2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.                              |
| .060 | Assisted Living Facility, Convalescent Center or Nursing Home<br>See Spec. Reg. 1. |                        |      |   |    |     |     |  |   |   | Independent unit: 1.7 per unit.<br>Assisted living facility: 1 per unit.<br>Convalescent Center or Nursing Home: 1 per each bed.                                  | <del>1. This use may not be located on the ground floor of a structure.</del><br>1. <a href="#">At least 60% of the linear frontage of the property along NE 85th Street shall only include commercial use. The commercial use shall be at the street level floor and oriented toward NE 85th Street. Commercial uses shall have a minimum depth of 20' and an average depth of at least 30' (as measured from the face of the building along the street). Assisted Living, Convalescent Center or Nursing Home is not permitted on the street level floor within 30' of the property line along NE 85th Street. The Planning Director or Design Review Board may approve a minor reduction in the depth requirements if the applicant demonstrates that the requirement is not feasible given the configuration of existing or proposed improvements and the design of the retail frontage will maximize visual interest.</a><br>2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. |
| .070 | Church   |                        |      |   |    |     |     |  |   |   | 1 per every 4 people based on maximum occupancy load of any area of worship. See Spec. Reg. 1.  | 1. No parking is required for day-care or school ancillary to the use.   |

Section 53.84



USE ZONE CHART

| DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS |  |  |          |   |      |      |              |  |                                 |               |                                       |  |
|---|--|--|----------|---|------|------|--------------|--|---------------------------------|---------------|---------------------------------------|--|
| Section 53.84   | USE REGULATIONS<br> | Required Review Process  | Lot Size | MINIMUMS                                    |      |      | MAXIMUMS     |  | Landscape Category (See Ch. 95) | Sign Category | Required Parking Spaces (See Ch. 105) | Special Regulations (See also General Regulations)   |
|   |  |  |          | REQUIRED YARDS (See Ch. 115)                |      |      | Lot Coverage | Height of Structure  |                                 |               |                                       |  |
|   |  |  |          | Front                                       | Side | Rear |              |  |                                 |               |                                       |  |
| .080  | School, Day-Care Center, Mini-School or Mini-Day-Care Center   | D.R., Chapter 142 KZC.   | None     | 10' adjacent to NE 85th St., otherwise 20'. | 0'   | 15'  | 70%          | 30' above average building elevation.<br><br>See Gen. Regs. 3 and 5. | A                               | 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. 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>3. May include accessory living facilities for staff persons.</li> <li>4. To reduce impacts on nearby residential uses, hours of operation of the use may be limited and parking and passenger loading areas relocated.</li> <li>5. For school use, structure height may be increased, up to 35 feet, if:                             <ol style="list-style-type: none"> <li>a. The school can accommodate 200 or more students; and</li> <li>b. The required side and rear yards for the portions of the structure exceeding the basic maximum structure height are increased by one foot for each additional one foot of structure height; and</li> <li>c. The increased height is not specifically inconsistent with the applicable neighborhood plan provisions of the Comprehensive Plan.</li> <li>d. The increased height will not result in a structure that is incompatible with surrounding uses or improvements.</li> </ol> </li> </ol> |
| .090  | Public Utility   |  |          |   |      |      |              |  |                                 |               |                                       | 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.  |
| .100  | Government Facility<br>Community Facility  |  |          |   |      |      |              |  | C<br>See Spec. Reg. 1.          |               |                                       |  |
| .110  | Public Park  | Development standards will be determined on a case-by-case basis. See KZC 45.50 for required review process. |          |   |      |      |              |  |                                 |               |                                       |  |



PUBLICATION SUMMARY  
OF ORDINANCE NO. O-4683

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE AND AMENDING THE KIRKLAND ZONING CODE ORDINANCE 3719 AS AMENDED, INCLUDING CHAPTERS 20, 25, 30, 40, 45, 53, 142, AMENDING THE ZONING MAP ORDINANCE 3710, AS AMENDED, TO INCLUDE LEGISLATIVE REZONES, AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. CAM19-00043

SECTION 1. Zoning Map changes to include rezone of four parcels in Exhibit A attached to the Ordinance.

SECTION 2. Zoning Code text amended in Exhibits B-I, attached to the Ordinance.

SECTION 3. Provides a severability clause for the Ordinance.

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

SECTION 5. Directs the City Clerk to certify and forward a complete certified copy of this ordinance to the King County Department of Assessments.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the \_\_\_\_ day of \_\_\_\_\_, 2019.

I certify that the foregoing is a summary of Ordinance O-4683 approved by the Kirkland City Council for summary publication.

---

Kathi Anderson, City Clerk

## ORDINANCE NO. O-4683

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE AND AMENDING THE KIRKLAND ZONING CODE ORDINANCE 3719 AS AMENDED, INCLUDING CHAPTERS 20, 25, 30, 40, 45, 53, 142, AMENDING THE ZONING MAP ORDINANCE 3710, AS AMENDED, TO INCLUDE LEGISLATIVE REZONES, AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. CAM19-00043.

1 WHEREAS, the City Council has received a recommendation  
2 from the Kirkland Planning Commission to amend certain sections of the  
3 Kirkland Zoning Code, Ordinance 3719, as amended, and Zoning Map  
4 Ordinance 3710 as amended, as set forth in the staff report dated April  
5 25, 2019 containing the recommendation of the Planning Commission  
6 and direction from the City Council from the meetings on April 16, 2019  
7 and May 7, 2019 bearing Kirkland Planning and Building Department File  
8 No. CAM19-00043; and  
9

10 WHEREAS, at the open public meeting on April 16, 2019, the  
11 City Council agreed to accept the recommendations of the Kirkland  
12 Planning Commission with the exception of changes to the RH8 zone,  
13 which the Council is considering separately; and  
14

15 WHEREAS, prior to making the recommendation, the Kirkland  
16 Planning Commission, following notice as required by RCW 36.70A.035,  
17 held a public hearing on March 28, 2019, on the amendment proposals  
18 and considered the comments received at the hearing; and  
19

20 WHEREAS, pursuant to the State Environmental Policy Act  
21 (SEPA), a SEPA Addendum to the *City of Kirkland 2015 Comprehensive*  
22 *Plan Update Draft and Final Environmental Impact Statement (EIS)* was  
23 issued on March 15, 2019 by the responsible official pursuant to  
24 Washington Administrative Code WAC 197-11-340 and 197-11-625; and  
25

26 WHEREAS, in a public meeting the City Council considered the  
27 environmental documents received on May 7, 2019 from the responsible  
28 official, together with the report and recommendation of the Planning  
29 Commission; and  
30

31 WHEREAS, the City Council recognizes that this change to the  
32 Zoning Map is consistent with the Comprehensive Plan land use policies  
33 in this area shown in Exhibit A; and  
34

35 WHEREAS, the City Council intends to amend the  
36 Comprehensive Plan Land Use Map Figure LU-1 to represent this change  
37 in the Zoning Map with the City's 2019 annual Comprehensive Plan  
38 amendments currently planned to be adopted at the end of the year;  
39 and  
40

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

43 Section 1. Official Zoning Map Changes: The Director of the  
44 Planning and Building Department is directed to amend the official City

45 of Kirkland Zoning Map as set forth in the following Exhibit A attached  
46 to this Ordinance and incorporated by reference indicating thereon the  
47 date of this ordinance passage:  
48

49 Exhibit A: Zoning Map change to include four properties located  
50 at 8519 (PIN:123310-0875), 8523 (PIN:123310-0873), 8525  
51 (PIN:123310-0877), 8527 (PIN:123310-0879) 126<sup>th</sup> Avenue NE  
52 from RS 7.2 zone to RH 5B zone.  
53

54 Section 2. Zoning Code Text amended: The following specified  
55 sections of the Kirkland Zoning Code are amended as set forth in  
56 Exhibits B-H attached to this ordinance and incorporated by reference:  
57

- 58 Exhibit B: RH 5A,5B zone Sections 53.52 and 53.54.090
- 59 Exhibit C: RH 7 zone Section 53.72
- 60 Exhibit D: RH 3 zone Sections 53.32 and 53.34.010
- 61 Exhibit E: Institutional PLA 14 zone Section 45.20 PU-18
- 62 Exhibit F: RM, RMA zones Section 20.10.020, 20.20 PU-2, PU-
- 63 27, 25.10.020, 25.20 PU-1, PU-14, 30.20 PU-1, PU-12, PU-22
- 64 Exhibit G: LIT zones Section 40.10.010, 40.20 PU-7
- 65 Exhibit H: Design Review Sections 142.20, 142.25, 142.35,
- 66 142.35, 142.37  
67

68 Section 3. If any provision of this ordinance or its application to  
69 any person or circumstance is held invalid, the remainder of the  
70 ordinance or the application of the provision to other persons or  
71 circumstances is not affected.  
72

73 Section 4. This ordinance shall be in force and effect five days  
74 from and after its passage by the Kirkland City Council and publication  
75 pursuant to Section 1.08.017, Kirkland Municipal Code in the summary  
76 form attached to the original of this ordinance and by this reference  
77 approved by the City Council.  
78

79 Passed by majority vote of the Kirkland City Council in open  
80 meeting this \_\_\_\_ day of \_\_\_\_\_, 2019.  
81

82 Signed in authentication thereof this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Penny Sweet, Mayor

Attest:

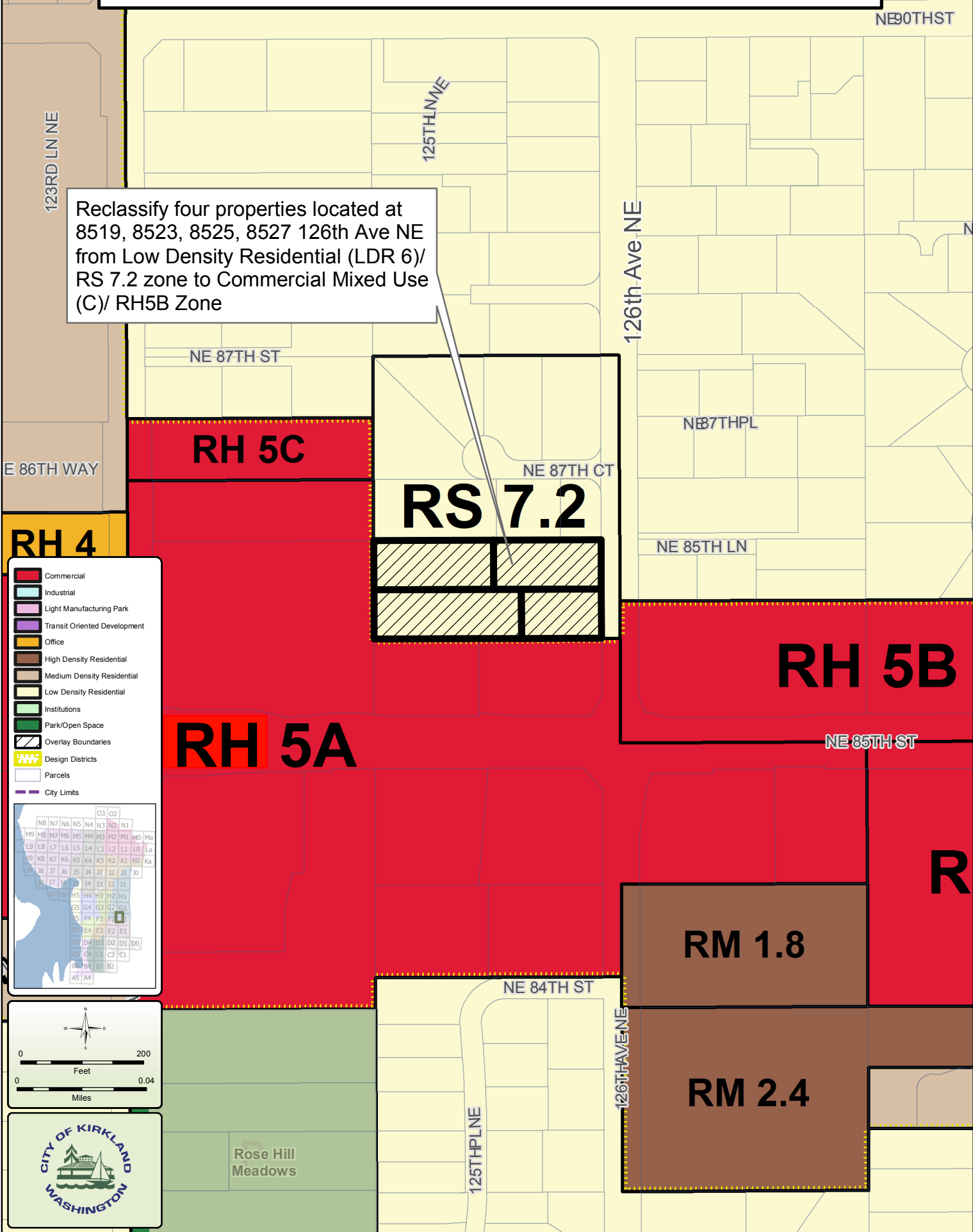
\_\_\_\_\_  
Kathi Anderson, City Clerk

Approved as to Form:

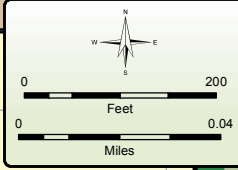
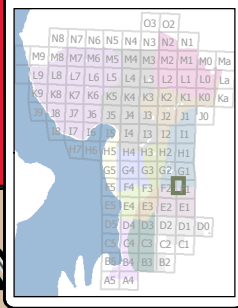
\_\_\_\_\_  
Kevin Raymond, City Attorney

# 3. PROPOSED ZONING AND LAND USE CHANGE

Reclassify four properties located at 8519, 8523, 8525, 8527 126th Ave NE from Low Density Residential (LDR 6)/ RS 7.2 zone to Commercial Mixed Use (C)/ RH5B Zone



- Commercial
- Industrial
- Light Manufacturing Park
- Transit Oriented Development
- Office
- High Density Residential
- Medium Density Residential
- Low Density Residential
- Institutions
- Park/Open Space
- Overlay Boundaries
- Design Districts
- Parcels
- City Limits



Rose Hill Meadows

**53.50** User Guide. The charts in KZC 53.54 contain the basic zoning regulations that apply in the RH 5A and 5B 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 53.52

Zone  
RH 5A,  
5B

#### Section 53.52 – 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. For structures located within 30 feet of a parcel in a low density zone (or a low density use in PLA 17), KZC 115.136 establishes additional limitations on structure size.
3. To the extent possible, viable significant trees and vegetation shall be retained within required landscape buffers separating nonresidential uses from residential uses. The applicant shall record a greenbelt easement over the required landscape buffer.
4. Individual retail uses in this zone are limited to a maximum of 65,000 square feet of gross floor area.
5. The ground-street level floor of all structures on the subject property shall be a minimum of 15 feet in height. This requirement does not apply to:
  - a. The following uses: vehicle service stations, automotive service centers, private lodges or clubs, detached, attached or stacked dwelling units, churches, schools, day-care centers, mini-schools or mini-day-care centers, assisted living facilities, convalescent centers or nursing homes, 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.
6. At least 50 percent of the total gross floor area located on the ground-street level floor of all structures on the subject property must contain retail establishments, restaurants, taverns, hotels or motels (unless use is not permitted in RH 5B). These uses shall be oriented to NE 85th Street, a major pedestrian sidewalk, a through-block pedestrian pathway or an internal pathway (see also Chapter 92 KZC).
7. Within required front yards, canopies and similar entry features may encroach; provided, that the total horizontal dimension of such elements may not exceed 25 percent of the length of the structure.
8. Some development standards or design regulations may be modified as part of the design review process. See Chapters 92 and 142 KZC for requirements.
9. For lighting requirements associated with development, see KZC 115.85(2).

(GENERAL REGULATIONS CONTINUED ON NEXT PAGE)

Section 53.52

Zone  
RH 5A,  
5B

USE ZONE CHART

(GENERAL REGULATIONS CONTINUED FROM PREVIOUS PAGE)

10. Prior to any of the following uses (unless use is not permitted in RH 5B) occupying a structure on a property adjoining a residential zone, the applicant shall submit a noise study prepared by a qualified acoustical consultant for approval by the planning official:
- Establishments expected to operate past 9:00 p.m.
  - Vehicle service station.
  - Automotive service center.
  - Retail establishment providing entertainment, recreational or cultural activities.
  - Retail establishment involving the sale, lease, repair or service of automobiles, trucks, boats, motorcycles, recreational vehicles, heavy equipment, or similar vehicles.
  - Car washes.
  - Veterinary offices.
  - Any establishment where animals are kept on site.
  - Drive-through facilities with loudspeaker systems.
  - Establishments involving a large truck loading dock for deliveries.
- The study shall verify that the noise that will emanate from the site adjoining any residential-zoned property complies with the standards specified in KZC 115.95(1) and (2) and WAC 173-60-040(1) for a Class B source property and a Class A receiving property.
11. The Public Works Official shall approve the number, location and characteristics of driveways on NE 85th Street in accordance with the driveway and sight distance policies contained in the Public Works Pre-approved Plans manual. Taking into consideration the characteristics of this corridor, the Public Works Official may:
- a. Require access from side streets; and/or
  - b. Encourage properties to share driveways, circulation and parking areas; and/or
  - c. Restrict access to right turn in and out; or
  - d. Prohibit access altogether along NE 85th Street.
12. Access for drive-through facilities must be approved by the Public Works Official. See Chapter 105.96 KZC for requirements. Drive-through facilities are not permitted in the RH 5B zone.
13. ~~See Chapters 100 and 162 KZC for information about nonconforming signs. Chapter 162.35 KZC describes when nonconforming signs must be brought into conformance or removed.~~

New #13: If the subject property is located in RH 5B zone west of 126<sup>th</sup> Ave NE adjoining a low density zone and does not abut NE 85<sup>th</sup> Street, or is not consolidated with lots abutting NE 85<sup>th</sup> Street, development is limited to detached, attached, or stacked dwelling units and the minimum lot size per dwelling unit is 3,600 square feet. Development of detached, attached or stacked dwelling units is subject to Administrative Design Review per 142 KZC.

Section 53.54



USE ZONE CHART

| DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS |  |                         |                |   |                          |                          |              |   |                                    |                                |  |  |
|---|--|-------------------------|----------------|---|--------------------------|--------------------------|--------------|---|------------------------------------|--------------------------------|--|--|
| Section 53.54   | USE REGULATIONS<br>                                  | Required Review Process | Lot Size       | REQUIRED YARDS<br>(See Ch. 115)             |                          |                          | Lot Coverage | Height of Structure   | Landscape Category<br>(See Ch. 95) | Sign Category<br>(See Ch. 100) | Required Parking Spaces<br>(See Ch. 105)                         | Special Regulations<br>(See also General Regulations)  |
|   |  |                         |                | Front                                       | Side                     | Rear                     |              |   |                                    |                                |  |  |
|   |  |                         |                |   |                          |                          |              |   |                                    |                                |  |  |
| .010  | Vehicle Service Station<br>See Spec. Regs. 1 and 2.  | D.R., Chapter 142 KZC.  | 22,500 sq. ft. | 20'<br>See Spec. Reg. 4.                    | 15'<br>See Spec. Reg. 4. | 15'<br>See Spec. Reg. 4. | 80%          | If adjoining an RS or RSX zone, then 30' above average building elevation. Otherwise, 35' above average building elevation. | A                                  | E                              | See KZC 105.25.  | <ol style="list-style-type: none"> <li>This use is permitted only if the subject property abuts NE 85th Street.</li> <li>This use is not permitted in the RH 5B zone.</li> <li>May not be more than two vehicle service stations at any intersection.</li> <li>Gas pump islands must be set back at least 20 feet from all property lines. 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.</li> <li>See KZC 95.40 through 95.45, required landscaping, for further regulations.</li> </ol>  |
| .020  | Automotive Service Center<br>See Spec. Reg. 1.       |                         | None           | 10' adjacent to NE 85th St., otherwise 20'. | 0'                       | 15'                      |              |   |                                    |                                | 1 per each 250 sq. ft. of gross floor area.<br>See Spec. Reg. 4. | <ol style="list-style-type: none"> <li>This use is not permitted in the RH 5B zone.</li> <li>This use specifically excludes a retail establishment involving the sale, lease, repair or service of automobiles, trucks, boats, motorcycles, recreational vehicles, heavy equipment, and similar vehicles.</li> <li>No openings (i.e., doors, windows which open, etc.) shall be permitted in any facade of a building adjoining any residential zone. Windows are permitted if they are triple-paned and unable to be opened.</li> <li>Ten percent of the required parking spaces on site must have a minimum dimension of 10 feet wide by 30 feet long for motor home/travel trailer use.</li> <li>Parts and tires must be stored entirely within an enclosed structure.</li> <li>Outdoor vehicle parking or storage must be buffered as required for a parking area in KZC 95.45. See KZC 115.105, Outdoor Use, Activity and Storage, for additional regulations.</li> </ol> |
| .030  | Entertainment, Cultural and/or Recreational Facility |                         |                |   |                          |                          |              |   |                                    |                                | See KZC 105.25.  |  |

|      |  |  |  |  |  |  |  |  |  |   |  |
|------|--|--|--|--|--|--|--|--|--|---|--|
| .040 | Restaurant or Tavern<br>See Spec. Regs. 1 and 2. |  |  |  |  |  |  |  |  | 1 per each 100 sq. ft. of gross floor area. | <ol style="list-style-type: none"> <li>1. Taverns and restaurants with drive-in or drive-through facilities are not permitted uses in an RH 5B zone.</li> <li>2. For restaurants with drive-in or drive-through facilities:             <ol style="list-style-type: none"> <li>a. One outdoor waste receptacle shall be provided for every eight parking stalls.</li> <li>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.</li> </ol> </li> </ol> |
|------|--|--|--|--|--|--|--|--|--|---|--|




Section 53.54

Zone  
RH 5A,  
5B

USE ZONE CHART

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

| Section 53.54 | USE REGULATIONS<br>  | Required Review Process | MINIMUMS |   |      | MAXIMUMS |              | Landscape Category (See Ch. 95)   | Sign Category (See Ch. 100) | Required Parking Spaces (See Ch. 105) | Special Regulations (See also General Regulations) |   |
|---------------|---|-------------------------|----------|---|------|----------|--------------|---|-----------------------------|---------------------------------------|--|---|
|               |   |                         | Lot Size | REQUIRED YARDS (See Ch. 115)                |      |          | Lot Coverage |   |                             |                                       |  | Height of Structure   |
|               |   |                         |          | Front                                       | Side | Rear     |              |   |                             |                                       |  |   |
| .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.  | None     | 10' adjacent to NE 85th St., otherwise 20'. | 0'   | 15'      | 80%          | If adjoining an RS or RSX zone, then 30' above average building elevation. Otherwise, 35' above average building elevation. | A                           | 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> <li>3. For a retail establishment involving the sale, service or rental of motor vehicles, sailboats, motor boats, or recreation trailers, the following shall apply:                             <ol style="list-style-type: none"> <li>a. This use is not permitted in the RH 5B zone; provided, that motorcycle sales, service, or rental is permitted if conducted indoors.</li> <li>b. For the number of required parking stalls see KZC 105.25.</li> <li>c. Parts must be stored entirely within an enclosed structure.</li> <li>d. See KZC 95.40 through 95.45, required landscaping, for further regulations.</li> </ol> </li> <li>4. Retail establishments selling marijuana or products containing marijuana are not permitted on properties abutting the school walk routes shown on Plate 46.</li> </ol> |

|      |            |  |  |  |  |  |  |  |   |   |  |  |
|------|------------|--|--|--|--|--|--|--|---|---|--|--|
| .060 | Office Use |  |  |  |  |  |  |  | B | 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>1. The following regulations apply to veterinary offices only:             <ol style="list-style-type: none"> <li>a. May only treat small animals on the subject property.</li> <li>b. Outside runs and other outside facilities for the animals are not permitted.</li> </ol> </li> <li>2. 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 ancillary assembled or manufactured goods are subordinate to and dependent on this use.</li> <li>b. 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> |
|------|------------|--|--|--|--|--|--|--|---|---|--|--|

Section 53.54



USE ZONE CHART

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

| Section 53.54 | USE REGULATIONS   | Required Review Process   | Lot Size  | MINIMUMS                                     |  |                     | MAXIMUMS     |   | Landscape Category (See Ch. 95)                           | Sign Category (See Ch. 100) | Required Parking Spaces (See Ch. 105)   | Special Regulations (See also General Regulations)  |
|---------------|---|---|---|--|--|---------------------|--------------|---|---|-----------------------------|---|---|
|               |   |   |   | REQUIRED YARDS (See Ch. 115)                 |  |                     | Lot Coverage | Height of Structure   |   |                             |   |   |
|               |   |   |   | Front  | Side   | Rear                |              |   |   |                             |   |   |
| .070          | Hotel or Motel<br>See Spec. Reg. 3.   | D.R., Chapter 142 KZC.  | None  | 10' adjacent to NE 85th St., otherwise 20'.  | 0'   | 15'                 | 80%          | If adjoining an RS or RSX zone, then 30' above average building elevation. Otherwise, 35' above average building elevation. | A   | 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> <li>The maximum height of a hotel or motel is 54 feet above ABE on property abutting the LIT zone.</li> </ol>   |
| .080          | Private Lodge or Club   |   |   |  |  |                     |              |   |   | B                           | 1 per each 300 sq. ft. of gross floor area.   |   |
| .090          | <a href="#">Detached, Attached or Stacked Dwelling Units</a><br>See Spec. Reg. 1., 2., 5. | <a href="#">One dwelling unit none otherwise D.R. Chapter 142</a> | <a href="#">For RH 5B zone, See General Regulation #13 and Special Regulation #2 Otherwise none</a> | <a href="#">0' See Special Regulation #3</a> | <a href="#">In RH 5B zone: 10' See Special Regulation #4</a> | <a href="#">60%</a> |              |   | <a href="#">One detached dwelling unit E, Otherwise D</a> | A                           | 1.2 per studio unit.<br>1.3 per 1 bedroom unit.<br>1.6 per 2 bedroom unit.<br>1.8 per 3 or more bedroom unit.<br>See KZC 105.20 for visitor parking requirements.<br><a href="#">One detached dwelling unit: 2.0 per unit</a> | <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><a href="#">This use is allowed subject to the requirements of General Regulations #6 and #13.</a></li> <li><a href="#">Minimum required side yard is 5 feet abutting RS 7.2 zone. 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.</a></li> <li><a href="#">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.</a></li> <li><a href="#">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.</a></li> </ol> |

|      |        |  |  |  |  |  |  |  |  |   |  |   |
|------|--------|--|--|--|--|--|--|--|--|---|--|---|
| .100 | Church |  |  |  |  |  |  |  |  | B | 1 per every 4 people based on maximum occupancy load of any area of worship. See Spec. Reg. 2. | 1. May include accessory living facilities for staff persons.<br>2. No parking is required for day-care or school ancillary to the use. |
|------|--------|--|--|--|--|--|--|--|--|---|--|---|

Section 53.54

Zone  
RH 5A,  
5B

USE ZONE CHART



| DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS |   |                         |          |   |      |      |              |   |                                 |  |  |   |
|---|---|-------------------------|----------|---|------|------|--------------|---|---------------------------------|--|--|---|
| Section 53.54   | USE REGULATIONS   | Required Review Process | Lot Size | MINIMUMS                                    |      |      | MAXIMUMS     |   | Landscape Category (See Ch. 95) | Sign Category (See Ch. 100)              | Required Parking Spaces (See Ch. 105)  | Special Regulations (See also General Regulations)  |
|   |   |                         |          | REQUIRED YARDS (See Ch. 115)                |      |      | Lot Coverage | Height of Structure   |                                 |  |  |   |
|   |   |                         |          | Front                                       | Side | Rear |              |   |                                 |  |  |   |
| .110  | School, Day-Care Center, Mini-School or Mini-Day-Care Center  | D.R., Chapter 142 KZC.  | None     | 10' adjacent to NE 85th St., otherwise 20'. | 0'   | 15'  | 80%          | If adjoining an RS or RSX zone, then 30' above average building elevation. Otherwise, 35' above average building elevation. | A                               | B  | See KZC 105.25. See Spec. Regs. 2 and 4.   | 1. A six-foot-high fence is required only along the property lines adjacent to the outside play areas.<br>2. 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.<br>3. May include accessory living facilities for staff persons.<br>4. To reduce impacts on nearby residential uses, hours of operation of the use may be limited and parking and passenger loading areas relocated. |
| .120  | Assisted Living Facility, Convalescent Center or Nursing Home |                         |          |   |      |      |              |   |                                 | A Convalescent Center or Nursing Home: B | Independent unit: 1.7 per unit.<br>Assisted living unit: 1 per unit.<br>Convalescent Center or Nursing Home: 1 per each bed. | 1. The development must be designed to limit potential impacts from surrounding commercial uses on residents of the subject property.<br>2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.   |
| .130  | Public Utility  |                         |          |   |      |      |              |   |                                 | B  | See KZC 105.25.  | 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.   |
| .140  | Government Facility Community Facility                        |                         |          |   |      |      |              |   | C See Spec. Reg. 1.             |  |  |   |

|             |             |  |  |
|-------------|-------------|--|--|
| <b>.150</b> | Public Park | Development standards will be determined on a case-by-case basis. See KZC 45.50 for required review process. |  |
|-------------|-------------|--|--|



**53.70** User Guide. The charts in KZC 53.74 contain the basic zoning regulations that apply in the RH 7 zone of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

### Section 53.72

Zone  
RH 7

#### Section 53.72 – 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. Individual retail uses in this zone are limited to a maximum of 65,000 square feet of gross floor area.
3. The ground-street level floor of all structures on the subject property shall be a minimum of 15 feet in height. This requirement does not apply to:
  - a. The following uses: vehicle service stations, automotive service centers, private lodges or clubs, attached or stacked dwelling units, churches, schools, day-care centers, mini-schools or mini-day-care centers, assisted living facilities, convalescent centers or nursing homes, 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.
4. At least 50 percent of the total gross floor area located on the ground-street level floor of all structures on the subject property must contain retail establishments, restaurants, taverns, hotels or motels. These uses shall be oriented to NE 85th Street, a major pedestrian sidewalk, a through- block pedestrian pathway or an internal pathway (see also Chapter 92 KZC).
5. Within required front yards, canopies and similar entry features may encroach; provided, that the total horizontal dimension of such elements may not exceed 25 percent of the length of the structure.
6. Some development standards or design regulations may be modified as part of the design review process. See Chapters 92 and 142 KZC for requirements.
7. Drive-through and drive-in facilities are not permitted in this zone.
8. The Public Works Official shall approve the number, location and characteristics of driveways on NE 85th Street in accordance with the driveway and sight distance policies contained in the Public Works Pre-approved Plans Manual. Taking into consideration the characteristics of this corridor, the Public Works Official may:
  - a. Require access from side streets; and/or
  - b. Encourage properties to share driveways, circulation and parking areas; and/or
  - c. Restrict access to right turn in and out; or
  - d. Prohibit access altogether along NE 85th Street.
9. For lighting requirements associated with development, see KZC 115.85(2).

(GENERAL REGULATIONS CONTINUED ON NEXT PAGE)

(GENERAL REGULATIONS CONTINUED FROM PREVIOUS PAGE)

10. Prior to any of the following uses occupying a structure on a property adjoining a residential zone, the applicant shall submit a noise study prepared by a qualified acoustical consultant for approval by the Planning Official:
- Establishments expected to operate past 9:00 p.m.
  - Vehicle service station.
  - Automotive service center.
  - Car washes.
  - Retail establishment providing entertainment, recreational or cultural activities.
  - Retail establishment involving the sale, lease, repair or service of automobiles, trucks, boats, motorcycles, recreational vehicles, heavy equipment, or similar vehicles.
  - Veterinary offices.
  - Drive-through facilities with loudspeaker systems.
  - Establishments involving a large truck loading dock for deliveries.
- The study shall verify that the noise that will emanate from the site adjoining any residential-zoned property complies with the standards specified in KZC 115.95(1) and (2) and WAC 173-60-040(1) for a Class B source property and a Class A receiving property.
11. See Chapters 100 and 162 KZC for information about nonconforming signs. KZC 162.35 describes when nonconforming signs must be brought into conformance or removed.



Section 53.74



USE ZONE CHART

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

| Section 53.74 | USE REGULATIONS<br>[?]   | Required Review Process | MINIMUMS |   |      | MAXIMUMS |              | Landscape Category (See Ch. 95)       | Sign Category (See Ch. 100) | Required Parking Spaces (See Ch. 105) | Special Regulations (See also General Regulations) |  |
|---------------|--|-------------------------|----------|---|------|----------|--------------|---------------------------------------|-----------------------------|---------------------------------------|--|--|
|               |  |                         | Lot Size | REQUIRED YARDS (See Ch. 115)                |      |          | Lot Coverage |                                       |                             |                                       |  | Height of Structure  |
|               |  |                         |          | Front                                       | Side | Rear     |              |                                       |                             |                                       |  |  |
| .010          | Restaurants or Taverns   | D.R., Chapter 142 KZC.  | None     | 10' adjacent to NE 85th St., otherwise 20'. | 0'   | 0'       | 80%          | 30' above average building elevation. | A                           | E                                     | 1 per each 100 sq. ft. of gross floor area.        | 1. Fast food restaurants must provide one outdoor waste receptacle for every eight parking stalls.   |
| .020          | Any Retail Establishment other than those specifically listed, limited or prohibited in this zone, selling goods or providing services, including banking and related financial services. See Spec. Regs. 1 and 2. |                         |          |   |      |          |              |                                       |                             |                                       | 1 per each 300 sq. ft. of gross floor area.        | 1. The following uses are not permitted in this zone: <ol style="list-style-type: none"> <li>Vehicle service stations;</li> <li>Automotive service centers;</li> <li>Uses with drive-in facilities or drive-through facilities;</li> <li>Retail establishments providing storage services unless accessory to another permitted use.</li> <li>A retail establishment involving the sale, service or rental of motor vehicles, sailboats, motor boats, recreation trailers, heavy equipment, and similar vehicles; provided, that motorcycle sales, service, or rental is permitted if conducted indoors.</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 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> 3. 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> 4. Retail establishments selling marijuana or products containing marijuana are not permitted on properties abutting the school walk routes shown on Plate 46. |

USE ZONE CHART

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

| Section 53.74 | USE<br>[?]<br>REGULATIONS<br>[?]                     | Required Review Process | MINIMUMS |   |      | MAXIMUMS |              | Landscape Category (See Ch. 95)       | Sign Category (See Ch. 100) | Required Parking Spaces (See Ch. 105)   | Special Regulations (See also General Regulations)  |  |
|---------------|--|-------------------------|----------|---|------|----------|--------------|---------------------------------------|-----------------------------|---|---|--|
|               |  |                         | Lot Size | REQUIRED YARDS (See Ch. 115)                |      |          | Lot Coverage |                                       |                             |   |   | Height of Structure  |
|               |  |                         |          | Front                                       | Side | Rear     |              |                                       |                             |   |   |  |
| .030          | Office Use   | D.R., Chapter 142 KZC.  | None     | 10' adjacent to NE 85th St., otherwise 20'. | 0'   | 0'       | 80%          | 30' above average building elevation. | A                           | 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:<br>a. May only treat small animals on the subject property.<br>b. Outside runs and other outside facilities for the animals are not permitted.<br>2. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if:<br>a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use.<br>b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses. |
| .040          | Hotel or Motel                                       |                         |          |   |      |          |              |                                       | E                           | 1 per each room. See also Spec. Reg. 2.   | 1. May include ancillary meeting and convention facilities.<br>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. |  |
| .050          | Entertainment, Cultural and/or Recreational Facility |                         |          |   |      |          |              |                                       |                             | See KZC 105.25.   |   |  |
| .060          | Private Lodge or Club                                |                         |          |   |      |          |              |                                       | B                           | 1 per each 300 sq. ft. of gross floor area.   |   |  |
| .070          | Attached or Stacked Dwelling Units                   |                         |          |   |      |          |              |                                       | A                           | 1.2 per studio unit.<br>1.3 per 1 bedroom unit.<br>1.6 per 2 bedroom unit.<br>1.8 per 3 or more bedroom unit.<br>See KZC 105.20 for visitor parking requirements. | 1. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.  |  |

Section 53.74



USE ZONE CHART

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

| Section 53.74 | USE<br>[?]<br>REGULATIONS<br>[?]   | Required Review Process | MINIMUMS           |   |      | MAXIMUMS |                                       | Landscape Category (See Ch. 95)       | Sign Category (See Ch. 100) | Required Parking Spaces (See Ch. 105)  | Special Regulations (See also General Regulations)  |   |
|---------------|--|-------------------------|--------------------|---|------|----------|---------------------------------------|---------------------------------------|-----------------------------|--|---|---|
|               |  |                         | Lot Size           | REQUIRED YARDS (See Ch. 115)                |      |          | Lot Coverage                          |                                       |                             |  |   | Height of Structure   |
|               |  |                         |                    | Front                                       | Side | Rear     |                                       |                                       |                             |  |   |   |
| .080          | Development Containing Stacked Dwelling Units and one or more of the following uses:<br><br>Retail uses including Banking and Other Financial Services, Restaurants or Taverns<br><br>See Spec. Regs. 1 and 2. | D.R., Chapter 142 KZC.  | More than 3 acres. | 10' adjacent to NE 85th St., otherwise 20'. | 0'   | 0'       | 80%                                   | 45' above average building elevation. | A                           | E  | For residential:<br>1.2 per studio unit.<br>1.3 per 1 bedroom unit.<br>1.6 per 2 bedroom unit.<br>1.8 per 3 or more bedroom unit.<br>See KZC 105.20 for visitor parking requirements.<br>For other uses see KZC 105.25. | <ol style="list-style-type: none"> <li>Development may also include other uses allowed in this zone.</li> <li>The following uses are not permitted in this zone:                             <ol style="list-style-type: none"> <li>Vehicle service stations.</li> <li>Automotive service centers.</li> <li>Uses with drive-in facilities or drive-through facilities.</li> <li>Retail establishments providing storage services unless accessory to another permitted use.</li> <li>Retail establishment involving the sale, service or repair of automobiles, trucks, boats, motorcycles, recreational vehicles, heavy equipment and similar vehicles.</li> </ol> </li> <li>The entire zone must be physically integrated both in site, building design, pedestrian access internally and to the street and provide other pedestrian amenities.</li> <li>At least 10 percent of the units in new residential developments of four units or greater shall be affordable housing units as defined in Chapter 5 KZC. See Chapter 112 KZC for additional affordable housing requirements and incentives.</li> </ol> |
| .090          | Church   |                         | None               |   |      |          | 30' above average building elevation. |                                       | B                           | 1 per every 4 people based on maximum occupancy load of any area of worship. See Special Regulation 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 the use.</li> </ol>                               |   |

USE ZONE CHART

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

| Section 53.74 | USE<br>[?]<br>REGULATIONS<br>[?]   | Required Review Process   | MINIMUMS |   |      | MAXIMUMS |              | Landscape Category (See Ch. 95)       | Sign Category (See Ch. 100) | Required Parking Spaces (See Ch. 105) | Special Regulations (See also General Regulations)   |   |
|---------------|--|---|----------|---|------|----------|--------------|---------------------------------------|-----------------------------|---------------------------------------|--|---|
|               |  |   | Lot Size | REQUIRED YARDS (See Ch. 115)                |      |          | Lot Coverage |                                       |                             |                                       |  | Height of Structure   |
|               |  |   |          | Front                                       | Side | Rear     |              |                                       |                             |                                       |  |   |
| .100          | School, Day-Care Center, Mini-School or Mini-Day-Care Center                       | D.R., Chapter 142 KZC.  | None     | 10' adjacent to NE 85th St., otherwise 20'. | 0'   | 0'       | 80%          | 30' above average building elevation. | D                           | B                                     | See KZC 105.25.  | <ol style="list-style-type: none"> <li>A six-foot-high fence is required only along the property lines adjacent to the outside play areas.</li> <li>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>May include accessory living facilities for staff persons.</li> <li>To reduce impacts on nearby residential uses, hours of operation of the use may be limited and parking and passenger loading areas relocated.</li> </ol> |
| .110          | Assisted Living Facility, Convalescent Center or Nursing Home<br>See Spec. Reg. 1. | D.R., Chapter 142 KZC.  | None     | 10' adjacent to NE 85th St., otherwise 20'. | 0'   | 0'       | 80%          | 30' above average building elevation. | A                           | B                                     | Independent unit: 1.7 per unit.<br>Assisted living unit: 1 per unit.<br>Convalescent Center or Nursing Home: 1 per each bed. | <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> </ol>   |
| .120          | Public Utility   |   |          |   |      |          |              |                                       | A                           |                                       |  |   |
| .130          | Government Facility<br>Community Facility  |   |          |   |      |          |              |                                       | C<br>See Spec. Reg. 1.      |                                       |  |   |
| .140          | Public Park  | Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process. |          |   |      |          |              |                                       |                             |                                       |  |   |

**53.30** User Guide. The charts in KZC 53.34 contain the basic zoning regulations that apply in the RH 3 zone of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

### Section 53.32

Zone  
RH 3

#### Section 53.32 – 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. Within required front yards, canopies and similar entry features may encroach; provided, that the total horizontal dimension of such elements may not exceed 25 percent of the length of the structure.
3. Individual retail uses in this zone are limited to a maximum gross floor area of 65,000 square feet.
4. At least 50 percent of the total gross floor area located on the ground-street level floor of all structures on the subject property must contain retail establishments, restaurants, taverns, hotels or motels. These uses shall be oriented to NE 85th Street, a major pedestrian sidewalk, a through-block pedestrian pathway or an internal pathway (see also Chapters 105 and 110 KZC, and Plate 34K).
5. The ground-street level floor of all structures on the subject property shall be a minimum of 15 feet in height. This requirement does not apply to:
  - a. The following uses: vehicle service stations, automotive service centers, private lodges or clubs, attached or stacked dwelling units, churches, schools, day-care centers, mini-schools or mini-day-care centers, assisted living facilities, convalescent centers or nursing homes, 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.
6. The Public Works Official shall approve the number, location and characteristics of driveways on NE 85th Street in accordance with the driveway and sight distance policies contained in the Public Works Pre-approved Plans manual. Taking into consideration the characteristics of this corridor, the Public Works Official may:
  - a. Require access from side streets; and/or
  - b. Encourage properties to share driveways, circulation and parking areas; and/or
  - c. Restrict access to right turn in and out; or
  - d. Prohibit access altogether along NE 85th Street.
7. Some development standards or design regulations may be modified as part of the design review process. See Chapters 92 and 142 KZC for requirements.
8. Access for drive-through facilities must be approved by the Public Works Official. See KZC 105.96 for requirements.
9. A through-block pedestrian pathway shall be installed pursuant to the through-block pathway standards in KZC 105.19; see Plate 34K:
  - a. Along the north portion of the zone to make an east-to-west pedestrian connection between 124th Avenue NE and 120th Avenue NE as designated in the Comprehensive Plan; and
  - b. Connecting the north end of the zone to NE 85th Street.
10. For lighting requirements associated with development, see KZC 115.85(2).

Section 53.34

Zone  
RH 3

USE ZONE CHART

| DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS |   |   |                                    |  |                              |      |             |  |                                 |                             |                                       |   |                     |
|---|---|---|------------------------------------|--|------------------------------|------|-------------|--|---------------------------------|-----------------------------|---------------------------------------|---|---------------------|
| Section 53.34   | USE<br>[?]  | REGULATIONS<br>[?]                              | Required Review Process            | MINIMUMS                                   |                              |      | MAXIMUMS    |  | Landscape Category (See Ch. 95) | Sign Category (See Ch. 100) | Required Parking Spaces (See Ch. 105) | Special Regulations (See also General Regulations)  |                     |
|   |   |   |                                    | Lot Size                                   | REQUIRED YARDS (See Ch. 115) |      |             | Lot Coverage   |                                 |                             |                                       |   | Height of Structure |
|   |   |   |                                    |  | Front                        | Side | Rear        |  |                                 |                             |                                       |   |                     |
| .010  | Development containing: retail establishments selling goods, or providing services including banking and other financial services, restaurants, taverns | D.R., Chapter 142 KZC. See Spec. Regs. 1 and 2. | More than 6 acres See Spec. Reg. 7 | As established with design review process. |                              |      | 80%<br>100% | 45'—67'75' above average building elevation along the north end of the zone with a maximum of 45' measured above NE 85th Street.<br><br>See Spec. Regs. 5 and 7. | See Spec. Reg. 2.               | See Spec. Reg. 4.           | As established in the CMP.            | <ol style="list-style-type: none"> <li>1. May also include one or more of the other uses allowed in this zone. Development regulations of this section apply to all uses developed within a Conceptual Master Plan (CMP).</li> <li>2. Development must be part of a Conceptual Master Plan (CMP) for the entire subject property. The proposed CMP shall be reviewed using the Design Review process provisions of KZC 142.35. Subsequent development proposals shall follow DR or ADR as set forth in the Notice of Approval for the Conceptual Master Plan. The Conceptual Master Plan shall incorporate the design guidelines contained in the Design Guidelines for the Rose Hill Business District pertaining to the RH 3 zone.</li> <li>3. Location of drive-through facilities will not compromise the pedestrian orientation of the development. See KZC 105.96 for other requirements.</li> <li>4. Signs for a development approved under this provision must be proposed within a Master Sign Plan application pursuant to KZC 100.80 for all signs within the project.</li> <li>5. Building height shall be 45 feet measured above the midpoint of the frontage of the subject property along NE 85th Street, or if the subject property does not front on NE 85th Street, at the midpoint of the property frontage along any other public right-of-way. If the property abuts more than one public right-of-way, the applicant may select the right-of-way from which to measure. <u>A building on the subject property may exceed the 45 feet height limit so long as the portion of the building located within 20 feet of the public right-of-way does not exceed 45 feet.</u></li> <li>6. At least 10 percent of the units provided in new residential developments of four units or greater shall be affordable housing units, as defined in Chapter 5 KZC. See Chapter 112 KZC for additional affordable housing requirements and incentives.</li> <li>7. <del>Maximum building height for a development including residential use is 6775 feet above average building elevation. However, the equivalent of the additional gross floor area constructed above 4550 feet over ABE must be dedicated to residential use. Residential use may be located anywhere in the building above the ground-street level floor. An applicant may elect to not develop residential uses. However, because elimination of residential uses would also eliminate inclusion of required affordable housing in the zone contrary to City objectives.</del></li> </ol> |                     |

(Revised 9/13)

|  |  |  |  |  |  |  |  |  |  |  |
|--|--|--|--|--|--|--|--|--|--|--|
|  |  |  |  |  |  |  |  |  |  | <p><a href="#">the applicant is still required to either provide the affordable housing component or provide payment in lieu of constructing affordable housing pursuant to KZC 112.30.4.b and c. For purposes of calculating the number of required affordable units, the number of affordable units shall be provided at a density of 7.25 units per acre based on the total size of the subject property.</a></p> <p>8. Parcels smaller than six acres may be added to a previously approved Conceptual Master Plan (CMP) if the applicable criteria set forth in the Notice of Approval from the approved CMP are met.</p> |
|--|--|--|--|--|--|--|--|--|--|--|

Section 53.34



USE ZONE CHART

| DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS |   |                        |                         |          |                              |      |          |                                       |                                 |                             |                                       |   |   |   |
|---|---|------------------------|-------------------------|----------|------------------------------|------|----------|---------------------------------------|---------------------------------|-----------------------------|---------------------------------------|---|---|---|
| Section 53.34   | USE<br>?                                    | REGULATIONS<br>?       | Required Review Process | MINIMUMS |                              |      | MAXIMUMS |                                       | Landscape Category (See Ch. 95) | Sign Category (See Ch. 100) | Required Parking Spaces (See Ch. 105) | Special Regulations (See also General Regulations)  |   |   |
|   |   |                        |                         | Lot Size | REQUIRED YARDS (See Ch. 115) |      |          | Lot Coverage                          |                                 |                             |                                       |   | Height of Structure   |   |
|   |   |                        |                         |          | Front                        | Side | Rear     |                                       |                                 |                             |                                       |   |   |   |
| .020  | Vehicle Service Station                     | D.R., Chapter 142 KZC. | Less than 6 acres.      | 20'      | 0'                           | 0'   | 80%      | 35' above average building elevation. | A                               | E                           | See KZC 105.25.                       | 1. Gas pump islands must be set back at least 20 feet from all property lines. 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.<br>2. See KZC 95.40 through 95.45, required landscaping, for further regulations. |   |   |
| .030  | Automotive Service Center See Spec. Reg. 1. |                        |                         | 10'      |                              |      |          |                                       |                                 |                             |                                       |   | 1 per each 250 sq. ft. of gross floor area. See Spec. Reg. 1. | 1. Ten percent of the required parking spaces on site must have a minimum dimension of 10 feet wide by 30 feet long for motor home/travel trailer use.<br>2. Parts and tires must be stored entirely within an enclosed structure.<br>3. Outdoor vehicle parking or storage must be buffered as required for a parking area in KZC 95.45. See KZC 115.105, Outdoor Use, Activity and Storage, for additional regulations. |
| .040  | Restaurant or Tavern                        |                        |                         |          |                              |      |          |                                       |                                 |                             |                                       |   | 1 per each 100 sq. ft. of gross floor area.                   | 1. For restaurants with drive-in or drive-through facilities:<br>a. One outdoor waste receptacle shall be provided for every eight parking stalls.<br>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.                                 |



|      |  |  |  |  |  |  |  |  |   |  |   |  |
|------|--|--|--|--|--|--|--|--|---|--|---|--|
| .050 | Any Retail Establishment other than those specifically listed, limited or prohibited in this zone, selling goods or providing services, including banking and related financial services.<br><br>[?] |  |  |  |  |  |  |  | C |  | 1 per each 300 sq. ft. of gross floor area. | <ol style="list-style-type: none"> <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 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> </li> <li>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> </li> </ol> <p style="text-align: center;">REGULATIONS CONTINUED ON NEXT PAGE</p> |
|------|--|--|--|--|--|--|--|--|---|--|---|--|

Section 53.34



USE ZONE CHART

| DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS |   |                         |                    |                              |      |          |              |                                       |                             |                                       |   |   |                     |
|---|---|-------------------------|--------------------|------------------------------|------|----------|--------------|---------------------------------------|-----------------------------|---------------------------------------|---|---|---------------------|
| Section 53.34   | USE<br>[?]<br>REGULATIONS   | Required Review Process | MINIMUMS           |                              |      | MAXIMUMS |              | Landscape Category (See Ch. 95)       | Sign Category (See Ch. 100) | Required Parking Spaces (See Ch. 105) | Special Regulations<br>(See also General Regulations) |   |                     |
|   |   |                         | Lot Size           | REQUIRED YARDS (See Ch. 115) |      |          | Lot Coverage |                                       |                             |                                       |   |   | Height of Structure |
|   |   |                         |                    | Front                        | Side | Rear     |              |                                       |                             |                                       |   |   |                     |
| .050  | Any Retail Establishment other than those specifically listed, limited or prohibited in this zone, selling goods or providing services, including banking and related financial services. (continued) |                         |                    |                              |      |          |              |                                       |                             |                                       | REGULATIONS CONTINUED FROM PREVIOUS PAGE              |   |                     |
| .060  | Hotel or Motel  | D.R., Chapter 142 KZC.  | Less than 6 acres. | 10'                          | 0'   | 0'       | 80%          | 35' above average building elevation. | C                           | 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> |                     |

|      |  |  |  |  |  |  |  |  |  |  |  |  |
|------|--|--|--|--|--|--|--|--|--|--|--|--|
| .070 | Entertainment, Cultural and/or Recreational Facility |  |  |  |  |  |  |  |  |  | See KZC 105.25.  |  |
| .080 | Office Use   |  |  |  |  |  |  |  |  |  | D<br>If a medical, dental or veterinary office, then 1 pereach 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>1. The following regulations apply to veterinary offices only:             <ol style="list-style-type: none"> <li>a. May only treat small animals on the subject property.</li> <li>b. Outside runs and other outside facilities for the animals are not permitted.</li> </ol> </li> <li>2. 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 ancillary assembled or manufactured goods are subordinate to and dependent on this use.</li> <li>b. 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> |



Section 53.34



USE ZONE CHART

| DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS |                       |                         |                    |  |   |      |              |                                       |                                 |                             |   |  |
|---|-----------------------|-------------------------|--------------------|--|---|------|--------------|---------------------------------------|---------------------------------|-----------------------------|---|--|
| Section 53.34   | USE<br>REGULATIONS    | Required Review Process | Lot Size           | MINIMUMS   |   |      | MAXIMUMS     |                                       | Landscape Category (See Ch. 95) | Sign Category (See Ch. 100) | Required Parking Spaces (See Ch. 105)       | Special Regulations (See also General Regulations) |
|   |                       |                         |                    | REQUIRED YARDS (See Ch. 115)   |   |      | Lot Coverage | Height of Structure                   |                                 |                             |   |  |
|   |                       |                         |                    | Front  | Side  | Rear |              |                                       |                                 |                             |   |  |
| .090  | Private Lodge or Club | D.R., Chapter 142 KZC.  | Less than 6 acres. | 10'  | 0'  | 0'   | 80%          | 35' above average building elevation. | C                               | B                           | 1 per each 300 sq. ft. of gross floor area. |  |
| .100  | Church                |                         |                    | 1 per every 4 people based on maximum occupancy load of any area of worship. See Spec. Reg. 2. | <ol style="list-style-type: none"> <li>1. May include accessory living facilities for staff persons.</li> <li>2. No parking is required for day-care or school ancillary to the use.</li> </ol> |      |              |                                       |                                 |                             |   |  |

|             |  |  |  |  |  |  |  |  |   |  |  |   |
|-------------|--|--|--|--|--|--|--|--|---|--|--|---|
| <b>.110</b> | School, Day-Care Center, Mini-School or Mini-Day-Care Center |  |  |  |  |  |  |  | D |  | 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. 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>3. May include accessory living facilities for staff persons.</li> <li>4. Hours of operation of the use may be limited and parking and passenger loading areas shall be located to reduce impacts on nearby residential uses.</li> </ol> |
| <b>.120</b> | Stacked Dwelling Units, Assisted Living Facility             |  |  |  |  |  |  |  |   |  | 1.2 per studio unit.<br>1.3 per 1 bedroom unit.<br>1.6 per 2 bedroom unit.<br>1.8 per 3 or more bedroom unit.<br>See KZC 105.20 for visitor parking requirements.<br>1 per assisted living unit. | <ol style="list-style-type: none"> <li>1. 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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USE ZONE CHART

| DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS |   |   |                    |                              |      |          |              |                                       |                             |                                       |  |   |
|---|---|---|--------------------|------------------------------|------|----------|--------------|---------------------------------------|-----------------------------|---------------------------------------|--|---|
| Section 53.34   | USE<br>REGULATIONS                        | Required Review Process   | MINIMUMS           |                              |      | MAXIMUMS |              | Landscape Category (See Ch. 95)       | Sign Category (See Ch. 100) | Required Parking Spaces (See Ch. 105) | Special Regulations (See also General Regulations) |   |
|   |   |   | Lot Size           | REQUIRED YARDS (See Ch. 115) |      |          | Lot Coverage |                                       |                             |                                       |  | Height of Structure   |
|   |   |   |                    | Front                        | Side | Rear     |              |                                       |                             |                                       |  |   |
| .130  | Convalescent Center or Nursing Home       | D.R., Chapter 142 KZC.  | Less than 6 acres. | 10'                          | 0'   | 0'       | 80%          | 35' above average building elevation. | C                           | B                                     | 1 per each bed.                                    | 1. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.<br>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. |
| .140  | Public Utility                            |   |                    |                              |      |          |              |                                       | A                           |                                       | See KZC 105.25.                                    |   |
| .150  | Government Facility<br>Community Facility |   |                    |                              |      |          |              |                                       | C<br>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. |                    |                              |      |          |              |                                       |                             |                                       |  |   |



**Chapter 45 – INSTITUTIONAL ZONES (P, PLA 1, PLA 14)**

**Code Amendments to PLA 14. Section 45.20. Special Regulation PU-18 2/15/2019**

**Sections:**

- 45.05 User Guide
  - 45.05.010 Applicable Zones
  - 45.05.020 Common Code References
- 45.10 General Regulations
- 45.20 Permitted Uses
- 45.30 Density/Dimensions
- 45.40 Development Standards
- 45.50 Public Park
- 45.60 Private College and Related Facilities

**45.05 User Guide**

Step 1. Check that the zone of interest is included in KZC 45.05.010, Applicable Zones. If not, select the chapter where it is located.

Step 2. Refer to KZC 45.05.020, Common Code References, for relevant information found elsewhere in the code.

Step 3. Refer to the General Regulations in KZC 45.10 that apply to the zones as noted.

Step 4. Find the Use of interest in the Permitted Uses Table in KZC 45.20 and read across to the column pertaining to the zone of interest. If a Use is not listed in the table, it is not allowed. A listed use is permitted unless “NP” (Not Permitted) is noted for the table. Note the Required Review Process and Special Regulations that are applicable. There are links to the Special Regulations listed immediately following the table (PU-1, PU-2, PU-3, etc.).

Step 5. Find the Use of interest in the Density/Dimensions Table in KZC 45.30 and read across the columns. Note the standards (Minimum Lot Size, Required Yards, Maximum Lot Coverage, and Maximum Height of Structure) and Special Regulations that are applicable. There are links to the Special Regulations listed immediately following the table (DD-1, DD-2, DD-3, etc.).

Step 6. Find the Use of interest in the Development Standards Table in KZC 45.40 and read across the columns. Note the standards (Landscape Category, Sign Category, and Required Parking Spaces) and Special Regulations that are applicable. There are links to the Special Regulations listed immediately following the table (DS-1, DS-2, DS-3, etc.).

*Note: Not all uses listed in the Density/Dimensions and Development Standards Tables are permitted in each zone addressed in this chapter. Permitted uses are determined only by the Permitted Uses Table.*

**45.05.010 Applicable Zones**

This chapter contains the regulations for uses in the institutional zones (P, PLA 1, PLA 14) of the City.

**45.05.020 Common Code References**

1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.
2. Public park development standards will be determined on a case-by-case basis. See KZC 45.50.
3. Review processes, density/dimensions and development standards for shoreline uses can be found in Chapter 83 KZC, Shoreline Management.

4. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with Detached Dwelling Unit uses.
5. Structures located within 30 feet of a parcel in a low density zone or a low density use in PLA 17 shall comply with additional limitations on structure size established by KZC 115.136.

(Ord. 4476 § 2, 2015)

**45.10 General Regulations**

Reserved. (Ord. 4476 § 2, 2015)

45.20 Permitted Uses

Permitted Uses Table – Institutional Zones (P, PLA 1, PLA 14)

(See also KZC 45.30, Density/Dimensions Table, and KZC 45.40, Development Standards Table)

| Use       |  | Required Review Process:   |                    |                   |
|-----------|--|--|--------------------|-------------------|
|           |  | P  | PLA 1              | PLA 14            |
|           |  | IIA = Process IIA, Chapter 150 KZC<br>IIB = Process IIB, Chapter 152 KZC<br>NP = Use Not Permitted<br># = Applicable Special Regulations (listed after the table)<br>None = No Required Review Process |                    |                   |
| 45.20.010 | Church   | NP   | NP                 | 1, 2              |
| 45.20.020 | Community Facility   | 3  | 4 IIB              | 1, 4              |
| 45.20.030 | Detached Dwelling Unit   | NP   | 5 None             | 6 None            |
| 45.20.040 | Government Facility  | 3  | 4 IIA              | 1, 4              |
| 45.20.050 | Mini-School or Mini-Day-Care Center                                  | NP   | NP                 | 7, 8, 9, 10 I     |
| 45.20.060 | Private College and Related Facilities                               | NP   | 11, 12             | NP                |
| 45.20.070 | Professional Football, Baseball, or Soccer Practice or Play Facility | NP   | 13, 14, 15, 16, 17 | NP                |
| 45.20.080 | Public College or University   | NP   | NP                 | 18 IIB            |
| 45.20.090 | Public Park  | See KZC 45.50 for required review process.   |                    |                   |
| 45.20.100 | Public Utility   | None   | 4 IIA              | 1, 4              |
| 45.20.110 | School or Day-Care Center  | NP   | NP                 | 1, 2, 7, 8, 9, 10 |



**Permitted Uses (PU) Special Regulations:**

- PU-1. The required review process is as follows:
- a. If the subject property, including all contiguous property owned by the applicant and held by others for future use by the applicant, is less than five acres, the required review process is Process IIA, Chapter 150 KZC.
  - b. If the subject property, including all contiguous property owned by the applicant and held by others for future use by the applicant, is five or more acres, a Master Plan, approved through Process IIB, Chapter 152 KZC, is required. The Master Plan must show building placement, building dimensions, roadways, utility locations, land uses within the Master Plan area, parking location, buffering, and landscaping.
- PU-2. The property must be served by a collector or arterial street.
- PU-3. If the proposal is for a governmental facility located at the Houghton Landfill site as designated on the Official Zoning Map, Process IIB. Otherwise, Process IIA.
- PU-4. Site design must minimize adverse impacts on surrounding residential neighborhoods.
- PU-5. Not more than one dwelling unit may be on each lot regardless of lot size.
- PU-6. Not more than one dwelling unit may be on each lot, regardless of the size of the lot.
- PU-7. May locate on the subject property only if:
- a. It will not be materially detrimental to the character of the neighborhood in which it is located; or
  - b. Site and building design minimizes adverse impacts on surrounding residential neighborhoods.
- PU-8. A six-foot-high fence is required along the property line adjacent to the outside play areas.
- PU-9. Hours of operation and the maximum number of attendees may be limited by the City to reduce impacts on nearby residential uses.
- PU-10. May include accessory living facilities for staff persons.
- PU-11. If development is consistent with the Master Plan adopted in R-4203, then none. Otherwise, must amend the Master Plan using Process IIB, Chapter 152 KZC.
- PU-12. See KZC 45.60.
- PU-13. None, if part of approved Master Plan adopted in R-4203. Otherwise, Process IIB, Chapter 152 KZC.
- PU-14. One point of vehicular access only is permitted directly onto NE 53rd Street. Secondary access through the college campus is permitted.
- PU-15. No public exhibitions or games shall be permitted.
- PU-16. No helicopter operations shall be permitted, except for emergency situations.

- PU-17. Only one professional sport organization may occupy and use the facility in any consecutive 12-month period.
- PU-18. If the development is consistent with the Master Plan adopted in R-3571, and with the Planned Unit Development adopted in O-3197, or with a subsequently approved Master Plan, then no zoning process is required. The Master Plan must show building placement, building dimensions, roadways, utility locations, land uses within the Master Plan area, parking locations, buffering and landscaping. (Ord. 4476)

Add new text to PU-18: A subsequent expansion of the master plan shall include the following additional requirements:

- a. Site plan that is designed to be an active, walkable, transit supportive campus environment.
- b. May include detached, attached, stacked, residential suites and/or dormitory housing for students, staff or employees or other public agencies as part of this use. Development 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. See Chapter 112 KZC for additional affordable housing incentives and requirements.
- c. Provide bike and pedestrian routes through the campus that connect with the surrounding neighborhoods, integrate with, and help expand the City's network of Neighborhood Greenways described in the Rose Hill Neighborhood Plan including: connection on campus between 132nd Avenue NE on the east to Slater Avenue NE to the west, and connect the campus to NE 113<sup>th</sup> Place at the southwest corner.
- d. Protect the natural greenbelt easement on the west slope of campus. Prioritize the redevelopment potential of existing surface parking areas before considering expansion into natural greenbelt easement. Allow additional building height in lieu of expansion into the greenbelt easement. Allow limited encroachment into the greenbelt easement only if sufficient development potential cannot be achieved in the already-developed area outside the greenbelt easement and subject to environmental assessment.
- e. Ensure new development is compatible with the surrounding residential neighborhood.
- f. Allow no additional driveway access to 132nd Avenue NE to maintain traffic flow and safety on the arterial.
- g. Mitigation may be required for impacts of the proposed expansion and existing non-conformances regarding code compliance including, where feasible, correcting parking lot design and landscaping deficiencies consistent with code requirements.

2, 2015)

#### **45.30 Density/Dimensions**

Density/Dimensions Table – Institutional Zones (P, PLA 1, PLA 14)

(Refer to KZC 45.20, Permitted Uses Table, to determine if a use is allowed in the zone; see also KZC 45.40, Development Standards Table)

| Use       | Minimum Lot Size   | REQUIRED YARDS<br>(See Ch. 115 KZC)  |  |   | Maximum Lot Coverage              | Maximum Height of Structure<br>ABE = Average Building Elevation |   |  |
|-----------|--|--|--|---|-----------------------------------|---|---|--|
|           |  | Front  | Side   | Rear  |                                   |   |   |  |
| 45.30.010 | Church   | 7,200 sq. ft.  | 20'  | 20'   | 20'                               | 70%   | 30' above ABE.                                  |  |
| 45.30.020 | Community Facility   | None   | 20'<br>P: 1  | 10'<br>P: 1                                       | 10'<br>P: 1                       | 70%<br>P: 1   | 25' above ABE.<br>P: 1                          |  |
| 45.30.030 | Detached Dwelling Unit   | PLA 1: 8,500 sq. ft.<br>PLA 14: 7,200 sq. ft.                                    | PLA 1: 20'<br>PLA 14: 20' <sup>3</sup>                             | PLA 1: 5' <sup>2</sup><br>PLA 14: 5' <sup>3</sup> | 10'                               | 50%   | PLA 1: 25' above ABE.<br>PLA 14: 30' above ABE. |  |
| 45.30.040 | Government Facility  | None   | 20'<br>P: 1  | 10'<br>P: 1                                       | 10'<br>P: 1                       | 70%<br>P: 1   | 25' above ABE.<br>P: 1                          |  |
| 45.30.050 | Mini-School or Mini-Day-Care Center                                  | 7,200 sq. ft.  | 20' <sup>4</sup>   | 5' <sup>2,4</sup>                                 | 10' <sup>4</sup>                  | 50%   | 30' above ABE.                                  |  |
| 45.30.060 | Private College and Related Facilities                               | 5  |  |   |                                   |   |   |  |
| 45.30.070 | Professional Football, Baseball, or Soccer Practice or Play Facility | 10 acres   | 6, 7   |   |                                   | 80%   | 30' above ABE. <sup>8, 9</sup>                  |  |
| 45.30.080 | Public College or University   | As established in the Master Plan.   |  |   |                                   |   |   |  |
| 45.30.090 | Public Park  | Development standards will be determined on a case-by-case basis. See KZC 45.50. |  |   |                                   |   |   |  |
| 45.30.100 | Public Utility   | None   | 20'<br>P: 1  | P: 1<br>PLA 1: 10'<br>PLA 14: 20'                 | P: 1<br>PLA 1: 10'<br>PLA 14: 20' | 70%<br>P: 1   | 25' above ABE.<br>P: 1                          |  |
| 45.30.110 | School or Day-Care Center  | 7,200 sq. ft.  | If this use can accommodate 50 or more students or children, then: |   |                                   | 70%   | 30' above ABE. <sup>11</sup>                    |  |
|           |  |  | 50' <sup>10</sup>  | 50' <sup>10</sup>                                 | 50' <sup>10</sup>                 |   |   |  |
|           |  |  | If this use can accommodate 13 to 49 students or children, then:   |   |                                   |   |   |  |
|           |  |  | 20' <sup>10</sup>  | 20' <sup>10</sup>                                 | 20' <sup>10</sup>                 |   |   |  |

**Density/Dimensions (DD) Special Regulations:**

- DD-1. Will be determined on case-by-case basis.
- DD-2. Five feet but two side yards must equal at least 15 feet.
- DD-3. On corner lots, only one front yard must be a minimum of 20 feet. All other front yards shall be regulated as a side yard (minimum five-foot yard). The applicant may select which front yard shall meet the 20-foot requirement.
- DD-4. Structured play areas must be set back from all property lines by five feet.
- DD-5. As established in the Master Plan or as allowed in KZC 45.60.
- DD-6. As established in the Master Plan or as allowed under Special Regulation DD-7.
- DD-7. All structures and practice and play facilities must be set back from exterior property lines at least 50 feet. Parking lots must be set back at least 50 feet from single-family uses and screened and interspersed with landscaping pursuant to Chapters 95 and 105 KZC.
- DD-8. Maximum structure height is determined by the approved Master Plan.
- DD-9. Maximum height of temporary structures shall be 60 feet above finished grade.
- DD-10. Structured play areas must be set back from all property lines as follows:
  - a. 20 feet if this use can accommodate 50 or more students or children.
  - b. 10 feet if this use can accommodate 13 to 49 students or children.
- DD-11. For school use, structure height may be increased, up to 35 feet, if
  - a. The school can accommodate 200 or more students; and
  - b. The required side and rear yards for the portions of the structure exceeding the basic maximum structure are increased by one foot for each additional one foot structure height; and
  - c. The increased height is not specifically inconsistent with the applicable neighborhood plan provisions of the Comprehensive Plan; and
  - d. The increased height will not result in a structure that is incompatible with surrounding uses or improvements.

(Ord. 4476 § 2, 2015)

## 45.40 Development Standards

## Development Standards Table – Institutional Zones (P, PLA 1, PLA 14)

(Refer to KZC 45.20, Permitted Uses Table, to determine if a use is allowed in the zone; see also KZC 45.30, Density/Dimensions Table)

| Use       | Landscape Category<br>(Chapter 95 KZC)                               | Sign Category<br>(Chapter 100 KZC)  | Required Parking Spaces<br>(Chapter 105 KZC)                     |   |
|-----------|--|---|--|---|
| 45.40.010 | Church   | C   | B  | 1 for every 4 people based on maximum occupancy load of worship. <sup>1</sup> |
| 45.40.020 | Community Facility   | C <sup>3</sup><br>P: Will be determined on a case-by-case basis.                            | B<br>P: Will be determined on a case-by-case basis.              | See KZC 105.25.   |
| 45.40.030 | Detached Dwelling Unit   | E   | A  | 2.0 per dwelling unit.  |
| 45.40.040 | Government Facility  | C <sup>3</sup><br>P: Will be determined on a case-by-case basis.                            | B<br>P: Will be determined on a case-by-case basis. <sup>2</sup> | See KZC 105.25.   |
| 45.40.050 | Mini-School or Mini-Day-Care Center                                  | E   | B <sup>4</sup>   | See KZC 105.25. <sup>5,6</sup>  |
| 45.40.060 | Private College and Related Facilities                               | 7   |  |   |
| 45.40.070 | Professional Football, Baseball, or Soccer Practice or Play Facility | C <sup>8</sup>  | B <sup>9,10</sup>  | See KZC 105.25. <sup>11,12,13</sup>   |
| 45.40.080 | Public College or University   | As established in the Master Plan.  |  |   |
| 45.40.090 | Public Park  | Development standards will be determined on a case-by-case basis. See KZC 45.50 and 105.25. |  |   |
| 45.40.100 | Public Utility   | A <sup>3</sup><br>P: Will be determined on a case-by-case basis.                            | B<br>P: Will be determined on a case-by-case basis.              | See KZC 105.25.   |
| 45.40.110 | School or Day-Care Center  | D   | B <sup>15</sup>  | See KZC 105.25. <sup>6,14</sup>   |

**Development Standards (DS) Special Regulations:**

- DS-1. No parking is required for day-care or school ancillary to the use.
- DS-2. One pedestal sign with a readerboard having electronic programming is allowed at a fire station or at the North Kirkland Community Center only if:
- a. It is a pedestal sign (see Plate 12) having a maximum of 40 square feet of sign area per sign face;
  - b. The electronic readerboard is no more than 50 percent of the sign area;
  - c. Moving graphics and text or video are not part of the sign;
  - d. The electronic readerboard does not change text and/or images at a rate less than one every seven seconds and shall be readily legible given the text size and the speed limit of the adjacent right-of-way;
  - e. The electronic readerboard displays messages regarding public service announcements or City events only;
  - f. The intensity of the display shall not produce glare that extends to adjacent properties and the signs shall be equipped with a device which automatically dims the intensity of the lights during hours of darkness;
  - g. The electronic readerboard is turned off between 10:00 p.m. and 6:00 a.m. except during emergencies;
  - h. It is located to have the least impact on surrounding residential properties.
- If it is determined that the electronic readerboard constitutes a traffic hazard for any reason, the Planning Director may impose additional conditions.
- DS-3. 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.
- DS-4. Electrical signs shall not be permitted. Size of signs may be limited to be compatible with nearby residential uses.
- DS-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.
- DS-6. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses.
- DS-7. As established in the Master Plan or as allowed in KZC 45.60.
- DS-8. Perimeter buffering is determined by the approved Master Plan.
- DS-9. A single pedestal or monument sign, non-interior illuminated, shall be permitted on NE 53rd Street.

- DS-10. No graphics or markings shall be permitted on the exterior of the temporary structure, except as required by state, federal or local regulations.
- DS-11. During summer training camp, the public will be directed, by means of pedestal signs at entrances to the college, to the parking areas in the interior of the campus.
- DS-12. All structures and practice and play facilities must be set back from exterior property lines at least 50 feet. Parking lots must be set back at least 50 feet from single-family uses and screened and interspersed with landscaping pursuant to Chapters 95 and 105 KZC.
- DS-13. On-site parking shall be adequate to meet peak season use.
- DS-14. An on-site passenger loading area must be provided. The City shall determine the appropriate size of the loading area 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.
- DS-15. Electrical signs shall not be permitted.

(Ord. 4476 § 2, 2015)

**45.50 Public Park**

1. Except as provided for in subsection (3) of this section, any development or use of a park must occur consistent with a Master Plan. A Master Plan shall be reviewed through a community review process, established by the Parks and Community Services Director, which shall include at a minimum:

a. One formal public hearing, conducted by the Parks Board, preceded by appropriate public notice. The required public hearing on a Master Plan proposed within the Houghton Community Municipal Corporation shall be conducted by the Houghton Community Council, which may be a joint hearing with the Parks Board;

b. The submittal of a written report on the proposed Master Plan from the Parks Board to the City Council, containing at least the following:

- 1) A description of the proposal;
- 2) An analysis of the consistency of the proposal with adopted Comprehensive Plan policies, including the pertinent Park and Recreation Comprehensive Plan policies;
- 3) An analysis of the consistency of the proposal with applicable developmental regulations, if any;
- 4) A copy of the environmental record, if the proposal is subject to the State Environmental Policy Act;
- 5) A summary and evaluation of issues raised and comments received on the proposed Master Plan;  
and
- 6) A recommended action by the City Council.

c. City Council review and approval. The City Council shall approve the Master Plan by resolution only if it finds:

- 1) It is consistent with all applicable development regulations and, to the extent there is no applicable development regulation, the Comprehensive Plan;
- 2) It is consistent with the public health, safety, and welfare;

- 3) If the Master Plan is proposed within the Houghton Community Municipal Corporation, it shall become effective according to the procedure in KMC 2.12.040.
2. In addition to the features identified in KZC 5.10.505, the Master Plan shall identify the following:
  - a. Location, dimensions, and uses of all active and passive recreation areas;
  - b. Potential users and hours of use;
  - c. Lighting, including location, hours of illumination, lighting intensity, and height of light standards;
  - d. Landscaping;
  - e. Other features as appropriate due to the character of the neighborhood or characteristics of the subject property.
3. Development and use of a park does not require a Master Plan under this code if it will not involve any of the following:
  - a. Lighting for outdoor nighttime activities;
  - b. The construction of any building of more than 4,000 square feet;
  - c. The construction of more than 20 parking stalls;
  - d. The development of any structured sports or activity areas, other than minor recreational equipment including swing sets, climber toys, slides, single basketball hoops, and similar equipment. (Ord. 4476 § 2, 2015)

#### **45.60 Private College and Related Facilities**

1. The Master Plan, approved by Resolution R-4203, includes a site plan, which is on file with the City. That site plan is, by reference, incorporated as a part of this code as it pertains to the location, configuration and nature of improvements in the PLA 1 zone.
2. In addition to the site plan referenced above, the adopted Master Plan includes the following special regulations:
  - a. Future development permits shall be reviewed by the Planning Director to ensure consistency with the Master Plan.
  - b. The applicant shall indicate all site improvements and landscaping for the areas to be affected by construction which are proposed to accompany the construction of each facility. The Planning Director shall have the authority to require implementation of these related elements of the Master Plan at such time new facilities, structures or additions are being constructed.
  - c. At the time of application for development of the married student housing information relating to the degree of cutting and filling necessitated shall be provided. Plans for stabilization of nearby slopes shall be included in this information. This information shall indicate to what extent the drainage conditions on the eastern portion of the campus will be disturbed, and what measures will be taken to insure that surrounding properties will not be adversely affected by alternate drainage patterns.
  - d. A 30-foot-wide landscape buffer planted as follows:
    - 1) Two rows of trees planted eight feet on center along the entire length of the buffer. No more than 50 percent of the required trees may be deciduous. At the time of planting, deciduous trees must be at least two inches in diameter as measured using the standards of the American Association of Nurserymen; and coniferous trees must be at least five feet in height.



- 2) Shrubs, 18 inches high, planted to attain coverage of at least 60 percent of the buffer area within two years.
  - 3) The buffer shall be provided around the campus perimeter, except along 108th Ave. NE, 114th Ave. NE, I-405, and between on-campus duplex housing and adjacent single-family sites or I-405. The buffer shall incorporate all existing significant trees and vegetation. Where fencing is proposed, it shall be wood, unless alternative fencing is requested in writing by the adjacent neighbor and agreed to by the applicant.
- e. A 15-foot-wide landscape buffer planted pursuant to the requirements of subsections (d)(1) and (2) of this section shall be provided between on-campus duplex housing and adjacent single-family sites. The buffer shall incorporate all existing significant trees and vegetation.
  - f. New construction of buildings and parking areas shall preserve existing significant trees to the maximum extent possible.
  - g. Storm drainage plans shall accompany any applications for development permits. Said plans shall comply with the requirements of KMC Title 15.
  - h. Development permits for additional parking areas shall include a lighting plan for review and approval by the Planning Director. The lighting shall be directed such that it does not negatively impact adjacent residential areas.
  - i. All main interior streets shall maintain a driving width of 24 feet plus curb and gutter improvements on both sides of the streets, for a total of 28 feet. Widths of, and improvements to secondary streets and service roads, shall be subject to the review and approval of the Planning Director. It will be necessary for secondary streets and service roads to provide adequate clearance for emergency vehicle access.
  - j. The location, material and design of any walkway within the campus shall be at the discretion of the College and its representatives, but will be reviewed by the Planning Director; provided, that the pedestrian/bicycle path in 114th Ave. NE shall be asphalt or concrete, eight feet wide.
  - k. The “NO PARKING” signs along 110th Avenue NE, east of the men’s dormitory, shall remain indefinitely, to discourage future parking along this street.
  - l. Within 30 feet of all outer edges of the campus (except along 108th Ave. NE, 114th Ave. NE, and I-405), no institutional uses or new parking areas are permitted, including any future redevelopment of the maintenance buildings.
  - m. The housing unit, south of Gairloch, and west of 114th Ave. NE, shall be separated from abutting properties to the north and east by a dense vegetative buffer of not less than 30 feet.
  - n. Parking lots shall include landscaping islands as required by Chapter 105 KZC.
  - o. Where adjacent to existing single-family residences, existing campus roadways and parking areas shall be landscaped as much as possible in the space available to provide a visual screen of the roadways and parking areas from the nearby residences. The amount and type of landscaping shall be subject to the review and approval of the Planning Director. An effort shall be made to reduce the amount of asphalt surfacing wherever possible.
  - p. Construction of the proposed clock tower shall be subject to the issuance of a Process IIB Permit, to be reviewed by the Houghton Community Council, the Kirkland Hearing Examiner and the Kirkland City Council.
  - q. The two westernmost campus access drives (adjacent to the Seventh Day Adventist Church and opposite 111th Ave. NE) shall be closed to general vehicle use. The driveway serving The Firs married student housing shall be relocated to lie within the 114th Ave. NE right-of-way.
  - r. The District Office shall have only one access point from 108th Avenue NE.

- s. New buildings or building expansions must conform with design guidelines as adopted as part of the Master Plan.
  - t. The City is authorized to implement measures, identified in the approved Master Plan, to protect the surrounding neighborhood from parking impacts.
  - u. For other regulations applicable to this use, see the Master Plan approved under Resolution R-4203.
  - v. Structure height shall not exceed 30 feet above average building elevation if located within 100 feet of the campus perimeter, or 40 feet above average building elevation if located greater than 100 feet from the campus perimeter.
3. Deviations from the approved Master Plan may be administratively approved by the Planning Director:
- a. Unless:
    - 1) There is a change in the use and the Zoning Code establishes different or more rigorous standards for the new use than for the existing use.
    - 2) The Planning Director determines that there will be substantial changes in the impacts on the neighborhood or the City as a result of the change; and
  - b. The proposed modification or deviation satisfies all of the following:
    - 1) No vehicular ingress or egress from surrounding streets may be changed.
    - 2) No roadways, parking lots or structures within 100 feet of the site perimeter may be shifted toward the perimeters. Any other shifting or improvements shall be consistent with the design concept of the College.
    - 3) No buffers shown in the approved site plan may be reduced, unless specifically authorized by some other special regulation.
    - 4) Reconfigurations of the footprint of the structures shown in the approved plan may be permitted; provided, that such changes are not apparent off-site and do not increase building height.
    - 5) Minor new structures not shown on the approved site plan may be permitted; provided, that they are at least 200 feet from the site perimeter, are not apparent from off-site and do not require the significant shifting of roadways, parking areas or other improvements.
  - c. The Planning Director shall notify the Houghton Community Council in writing, at least 40 days before issuance of a decision on a request for a modification of the Master Plan.
  - d. A Process IIB zoning permit review process is required:
    - 1) For any change to the Master Plan that does not meet the above criteria;
    - 2) For leasing of any campus facilities to long-term tenants;
    - 3) For any increase in student population above 1,200; or
    - 4) For a change in all or any part of the Seahawks facility to a use other than a professional football team office and practice facility. (Ord. 4476 § 2, 2015)

**Kirkland Zoning Code**

20.10 General Regulations

20.10.010 All Medium Density Residential Zones

1. 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.
2. May not use lands waterward of the ordinary high water mark to determine lot size or to calculate allowable density (does not apply to PLA 6F, PLA 6H, PLA 6K, PLA 7C, PLA 9 and PLA 15B zones).
3. Structures located within 30 feet of a parcel in a low density zone or a low density use in PLA 17 shall comply with additional limitations on structure size established by KZC 115.136, except for the following uses: KZC 20.20.060, Detached Dwelling Unit, and 20.20.180, Piers, Docks, Boat Lifts and Canopies Serving Detached Dwelling Unit (does not apply to WD I, WD III, PLA 2, and PLA 3B zones).

20.10.020 RM, RMA Zones

1. If the subject property is located east of JBD 2 and west of 100th Avenue NE, the following regulation applies:  
  
Must provide a public pedestrian access easement if the Planning Official determines that it will furnish a pedestrian connection or part of a connection between 98th Avenue NE and 100th Avenue NE. Pathway improvements will also be required if the easement will be used immediately. No more than two complete connections shall be required.
2. If the subject property is located within the North Rose Hill neighborhood, east of Slater Avenue NE and north of NE 116th Street, the minimum required front yard is 10 feet. Ground floor canopies and similar entry features may encroach into the front yard; provided, the total horizontal dimension of such elements may not exceed 25 percent of the length of the structure. No parking may encroach into the required 10-foot front yard.
3. Any required yard abutting Lake Washington Boulevard or Lake Street South must be increased two feet for each one foot the structure exceeds 25 feet above average building elevation. (Does not apply to Piers, Docks, Boat Lifts and Canopies Serving Detached, Attached or Stacked Dwelling Units and Public Park uses).
4. If the property is located in the ~~NE 85th Street Subarea~~, the following shall apply:
 

*Rose Hill Business District (RHBD)*

  - a. If the subject property is located south of NE 85th Street between 124th Avenue NE and 120th Avenue NE, the applicant shall to the extent possible save existing viable significant trees within the required landscape buffer separating nonresidential development from adjacent single-family homes.

## 20.20

- ← ROSE HILL BUSINESS DISTRICT (RHBD)*
- PU-2. Within the ~~NE 85th Street Subarea~~, D.R., Chapter 142 KZC.
- PU-3. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility.
- PU-4. 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 combined with an assisted living facility use, the required review process shall be the least intensive process between the two uses.
- PU-5. The assisted living facility shall provide usable recreation 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 recreation space per unit located outside.
- PU-6. See Chapter 141 KZC for additional procedural requirements in addition to those in Chapter 145 KZC.
- PU-7. Stacked Dwelling Units are not allowed.
- PU-8. a. If development will result in the isolation of a low density use, site design, building design, and landscaping must mitigate the impact of that isolation.  
b. West of Forbes Lake, site design should provide for the continuation of a bicycle or pedestrian path which generally follows the alignment of Slater Avenue NE and extending south to NE 90th Street.  
c. Adjacent to Forbes Lake, new development should provide for public access to the lake in appropriate locations. Public access should be limited to passive uses, such as walking trails or viewpoints.  
d. No vehicular connection through this subarea to NE 90th Street is permitted.  
e. Viewpoints and interpretive information around streams and wetlands should be provided where possible. These features shall be permitted only where protection of natural features can be reasonably assured.
- PU-9. Detached Dwelling Units are not allowed as part of a development containing Attached or Stacked Dwelling Units.
- PU-10. a. The hotel or motel use may include ancillary meeting and conference facilities for the resident clientele and guests of residents, but not the general public.  
b. The hotel or motel use may not include restaurant, retail, or office uses.
- PU-11. Development must be consistent with an approved Master Plan. The Master Plan must address all properties within PLA 15A and PLA 15B, which are owned by the applicant. The Master Plan will be approved in two stages:  
a. The first stage will result in approval of a Preliminary Master Plan using Process IIB, Chapter 152 KZC. The Preliminary Master Plan shall consist of at least the following:  
1) A site plan which diagrammatically shows the general location, shape and use of the major features of development.  
2) A written description of the planned development which discusses the elements of the site plan and indicates the maximum number of dwelling units and their probable size; the maximum area to be developed with nonresidential uses; the maximum size of moorage facilities and the maximum number of moorage slips; the maximum and minimum number of parking stalls; and the schedule of phasing for the Final Master Plan. The majority of the public use and access areas and off-site right-of-way improvements shall be included in the initial phases of the Final Master Plan.

**20.20**

- PU-18. A community facility use is not permitted on properties within the jurisdiction of the Shoreline Management Act.
- PU-19. May not include miniature golf.
- PU-20. The following accessory uses are specifically permitted as part of this use:
- Equipment storage facilities.
  - Retail sales and rental of golf equipment and accessories.
  - A restaurant.
- PU-21. Stacked dwelling units are not permitted in RM and RMA 5.0.
- PU-22. Development located in the RM 3.6 zone in North Rose Hill, lying between Slater Avenue NE and 124th Avenue NE, and NE 108th Place (extended) and approximately NE 113th Place (extended) shall comply with the following:
- Each development shall incorporate at least two acres; and
  - Significant vegetation that provides protection from I-405 shall be retained to the maximum extent feasible.
- PU-23. Residential uses may have an associated private shoreline park that is commonly owned and used by residents and guests.
- PU-24. For this use, only one dwelling unit may be on each lot regardless of lot size.
- PU-25. Hours of operation may be limited by the City to reduce impact on residential uses.
- PU-26. The following accessory components are permitted as part of this use:
- Retail sales and rental of sports equipment for activity conducted on the subject property.
  - A restaurant encompassing not more than 20 percent of the gross floor area of this use.
- PU-27. a. This use may be permitted only if it is specifically consistent with the Comprehensive Plan in the proposed location.  
b. May only be permitted if placement, orientation, and scale indicate this use is primarily intended to serve the immediate residential area.  
c. Must be located on a collector arterial or higher volume right-of-way.  
d. Placement and scale must indicate pedestrian orientation.  
e. Must mitigate traffic impacts on residential neighborhood.  
f. May not be located above the ground floor of a structure.  
g. Hours of operation may be limited by the City to reduce impacts on nearby residential uses.  
h. This use is not permitted in an RM zone located within the ~~NE 85th Street Subarea.~~ *Rose Hill Business District (RHBD)*  
i. Also see Chapter 83 KZC for properties in shoreline jurisdiction.
- PU-28. The following accessory components are allowed if approved through Process IIB, Chapter 152 KZC:
- Boat and motor sales leasing.

**Kirkland Zoning Code****25.10**25.10 General Regulations25.10.010 All High Density Residential Zones

The following regulations apply to all uses in these zones unless otherwise noted:

1. 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.

25.10.020 RM, RMA Zones

1. If the subject property is located east of JBD 2 and west of 100th Avenue NE, the following regulation applies:

Must provide a public pedestrian access easement if the Planning Official determines that it will furnish a pedestrian connection or part of a connection between 98th Avenue NE and 100th Avenue NE. Pathway improvements will also be required if the easement will be used immediately. No more than two complete connections shall be required.

2. If the subject property is located within the ~~North~~ <sup>delete</sup> Rose Hill neighborhood, east of Slater Avenue NE and north of NE 116th Street, the minimum required front yard is 10 feet. Ground floor canopies and similar entry features may encroach into the front yard; provided, the total horizontal dimension of such elements may not exceed 25 percent of the length of the structure. No parking may encroach into the required 10-foot front yard.
3. Any required yard abutting Lake Washington Boulevard or Lake Street South must be increased two feet for each one foot the structure exceeds 25 feet above average building elevation. (Does not apply to Piers, Docks, Boat Lifts and Canopies Serving Detached, Attached or Stacked Dwelling Units and Public Park uses).
4. If the property is located in the ~~NE 85th Street Subarea~~ <sup>← Rose Hill Business District (RHBD)</sup>, the following shall apply:
  - a. If the subject property is located south of NE 85th Street between 124th Avenue NE and 120th Avenue NE, the applicant shall to the extent possible save existing viable significant trees within the required landscape buffer separating nonresidential development from adjacent single-family homes.
  - b. If the subject property is located directly north of the RH 4 zone, the applicant shall install a through-block pedestrian pathway pursuant to the standards in KZC 105.19 to connect an east-west pedestrian pathway designated in the Comprehensive Plan between 124th Avenue NE and 120th Avenue NE. (See Plate 34K).
5. May not use lands waterward of the ordinary high water mark to determine lot size or to calculate allowable density.
6. Residential uses may have an associated private shoreline park that is commonly owned and used by residents and guests.

**Kirkland Zoning Code**

**Permitted Uses Table – High Density Residential Zones (Continued)**  
(RM 2.4; RMA 2.4; RM 1.8; RMA 1.8; HENC 2; PLA 5A, PLA 5D, PLA 5E; PLA 6A, PLA 6D, PLA 6I, PLA 6J; PLA 7A, PLA 7B)  
(See also KZC 25.30, Density/Dimensions Table, and KZC 25.40, Development Standards Table)

| Use       |  | Required Review Process:   |                                 |                              |                              |                              |  |                              |                              |                              |                          |
|-----------|--|--|---------------------------------|------------------------------|------------------------------|------------------------------|--|------------------------------|------------------------------|------------------------------|--------------------------|
|           |  | RM, RMA  | HENC 2                          | PLA 5A                       | PLA 5D                       | PLA 5E                       | PLA 6A   | PLA 6D                       | PLA 6I                       | PLA 6J                       | PLA 7A, B                |
|           |  | I = Process I, Chapter 145 KZC<br>IIA = Process IIA, Chapter 150 KZC<br>IIB = Process IIB, Chapter 152 KZC |                                 |                              |                              |                              | DR = Design Review, Chapter 142 KZC<br>None = No Required Review Process |                              |                              |                              |                          |
|           |  | NP = Use Not Permitted<br># = Applicable Special Regulations (listed after the table)                      |                                 |                              |                              |                              |  |                              |                              |                              |                          |
| 25.20.100 | Nursing Home   | IIA<br>1, 3  | IIA<br>1, 3                     | I<br>3                       | IIA<br>3                     | IIA<br>3                     | IIA<br>3   | IIA<br>3                     | IIA<br>3                     | IIA<br>3                     | IIA<br>3                 |
| 25.20.110 | Office Uses (Stand-Alone or Mixed with Detached, Attached, or Stacked Dwelling Units)      | NP   | NP                              | NP                           | NP                           | NP                           | NP   | NP                           | NP                           | NP                           | None<br>22, 23, 24       |
| 25.20.120 | Piers, Docks, Boat Lifts and Canopies Serving Detached, Attached or Stacked Dwelling Units | I<br>11  | I<br>11                         | NP                           | NP                           | NP                           | NP   | NP                           | NP                           | NP                           | NP                       |
| 25.20.130 | Public Park  | See KZC 45.50 for required review process.   |                                 |                              |                              |                              |  |                              |                              |                              |                          |
| 25.20.140 | Public Utility   | IIA<br>1, 8  | IIA<br>1, 8                     | None                         | IIA                          | IIA                          | IIA  | IIA                          | IIA                          | IIA                          | IIA                      |
| 25.20.150 | School or Day-Care Center  | IIA<br>1, 10, 15,<br>16, 18, 19  | IIA<br>1, 10, 15,<br>16, 18, 19 | IIA<br>10, 16,<br>19, 20, 21 | IIA<br>10, 16,<br>19, 20, 21 | IIA<br>10, 16,<br>19, 20, 21 | IIA<br>10, 16,<br>19, 20, 21   | IIA<br>10, 16,<br>19, 21, 25 | IIA<br>10, 16,<br>19, 20, 21 | IIA<br>10, 16,<br>19, 20, 21 | IIA<br>10, 16, 19,<br>21 |

**Permitted Uses (PU) Special Regulations:**

*Rose Hill Business District (RHBD)*

- PU-1. Within the ~~NE 85th Street Subarea~~ and HENC 2, D.R., Chapter 142 KZC.
- PU-2. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility.
- PU-3. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses.

**Kirkland Zoning Code**

- f. May not be located above the ground floor of a structure.
- g. Hours of operation may be limited by the City to reduce impacts on nearby residential uses.
- h. This use is not permitted in an RM zone located within the **NE 85th Street Subarea**.

*Rose Hill Business District (RHBD)*

PU-15. May locate on the subject property if:

- a. It will not be materially detrimental to the character of the neighborhood in which it is located.
- b. Site and building design minimizes adverse impacts on surrounding residential neighborhoods.

PU-16. A six-foot-high fence is required along the property line adjacent to the outside play areas.

PU-17. Structured play areas must be set back from all property lines by five feet.

PU-18. To reduce impacts on nearby residential uses, hours of operation of the use may be limited and parking and passenger loading areas relocated.

PU-19. May include accessory living facilities for staff persons.

PU-20. May locate on the subject property only if:

- a. It will serve the immediate neighborhood in which it is located; or
- b. It will not be materially detrimental to the character of the neighborhood in which it is located.

PU-21. Hours of operation may be limited by the City to reduce impacts on nearby residential uses.

PU-22. This use is permitted only in PLA 7B, extending 50 feet west of the property line adjoining 4th Street, south of 4th Avenue.

PU-23. The following regulations apply to veterinary offices only:

- a. May only treat small animals on the subject property.
- b. Outside runs and other outside facilities for the animals are not permitted.
- c. Site must be designed so that noise from this use will not be audible off the subject property. A certification to this effect, signed by an Acoustical Engineer, must be submitted with the development permit application.
- d. A veterinary office is not permitted in any development containing dwelling units.

PU-24. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if:

- a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use.
- b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.

PU-25. May locate on the subject property only if:

- a. It will serve the immediate neighborhood in which it is located; or
- b. It will not be materially detrimental to the character of the neighborhood in which it is located; or
- c. The property is served by a collector or arterial street.

(Ord. 4637 § 3, 2018; Ord. 4476 § 2, 2015)



**Permitted Uses Table – Office Zones (Continued)**  
 (PO; PR 8.5; PR 5.0; PR 3.6; PR 2.4; PRA 2.4; PR 1.8; PRA 1.8; PLA 5B, PLA 5C; PLA 6B; PLA 15A; PLA 17A)  
 (See also KZC 30.30, Density/Dimensions Table, and KZC 30.40, Development Standards Table)

| Use       |            | Required Review Process:   |         |   |        |        |         |         |
|-----------|------------|--|---------|---|--------|--------|---------|---------|
|           |            | PO   | PR, PRA | PLA 5B  | PLA 5C | PLA 6B | PLA 15A | PLA 17A |
|           |            | I = Process I, Chapter 145 KZC<br>IIA = Process IIA, Chapter 150 KZC<br>IIB = Process IIB, Chapter 152 KZC |         | DR = Design Review, Chapter 142 KZC<br>None = No Required Review Process<br><br>NP = Use Not Permitted<br># = Applicable Special Regulations (listed after the table) |        |        |         |         |
| 30.20.290 | Water Taxi | NP   | NP      | NP  | NP     | NP     | I<br>16 | NP      |

**Permitted Uses (PU) Special Regulations:**

*Rose Hill Business District (RHBD)*

- PU-1. Within the ~~NE 85th Street Subarea~~, D.R., Chapter 142 KZC.
- PU-2. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility.
- PU-3. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the less intensive process between the two uses.
- PU-4. The assisted living facility shall provide usable recreation 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 recreation space per unit located outside.
- PU-5. The City may limit access points onto 6th Street and require traffic control devices and right-of-way realignment.
- PU-6. No structures, other than moorage structures or public access piers, may be waterward of the high waterline.
- PU-7. Must provide public pedestrian access as required under Chapter 83 KZC.
- PU-8. A transportation demand management plan shall be provided and implemented for the subject property, including provisions for safe pedestrian crossing and vehicle turning movements to and from the subject property to Lake Washington Boulevard, and bus stop improvements if determined to be needed by METRO. The City shall review and approve the plan.
- PU-9. The design of the site must be compatible with the scenic nature of the waterfront.

30.20

- PU-10. An applicant may propose a development containing residential uses and moorage facilities using this use listing only if the use of the moorage facilities is limited to the residents of the subject property.
- PU-11. The common recreational open space requirements may be waived if the City determines that preservation of critical areas provides a superior open space function.
- PU-12. Within the ~~NE 85th Street Subarea~~ and Yarrow Bay Business District, D.R., Chapter 142 KZC. *Rose Hill Business District (RHBD)*
- PU-13. Site design must minimize adverse impacts on surrounding residential neighborhoods.
- PU-14. Outdoor uses are not permitted.
- PU-15. For this use, only one dwelling unit may be on each lot regardless of lot size.
- PU-16. See Chapter 141 KZC for additional procedural requirements in addition to those on Chapter 145 KZC.
- PU-17. Development must be consistent with an approved Master Plan. The Master Plan must address all properties within PLA 15A and PLA 15B, which are owned by the applicant. The Master Plan will be approved in two stages:
  - a. The first stage will result in approval of a Preliminary Master Plan using Process IIB, Chapter 152 KZC. The Preliminary Master Plan shall consist of at least the following:
    - 1) A site plan which diagrammatically shows the general location, shape and use of the major features of development.
    - 2) A written description of the planned development which discusses the elements of the site plan and indicates the maximum number of dwelling units and their probable size; the maximum area to be developed with nonresidential uses; the maximum size of moorage facilities and the maximum number of moorage slips; the maximum and minimum number of parking stalls; and the schedule of phasing for the Final Master Plan.

In approving the Preliminary Master Plan, the City shall determine the appropriate review process for the Final Master Plan. The City may determine that the Final Master Plan be reviewed using Process IIA, Chapter 150 KZC, if the Preliminary Master Plan shows the placement, approximate dimensions and uses of all structures, vehicular and pedestrian facilities, open space and other features of development. Otherwise, the Final Master Plan shall be reviewed using Process IIB, Chapter 152 KZC.
  - b. The second stage will result in approval of a Final Master Plan using Process IIA, Chapter 150 KZC, or Process IIB, Chapter 152 KZC, as established by the Preliminary Master Plan. The Final Master Plan shall set forth a detailed development plan which is consistent with the Preliminary Master Plan. Each phase of the Master Plan shall set forth a schedule for obtaining building permits for and construction of that phase.
- PU-18. a. The following uses and components are also allowed:
  - 1) Retail establishment.
  - 2) Office use.
  - 3) Hotel.
  - 4) Boat and motor repair and service if:
    - a) This activity is conducted on dry land and either totally within a building or totally sight screened from adjoining property and the right-of-way; and

## Kirkland Zoning Code

30.20

- b) All dry land motor testing is conducted within a building.
- 5) Dry land boat storage. However, stacked storage is not permitted.
- 6) Gas and oil sales or boats if:
  - a) Storage tanks are underground and on dry land; and
  - b) The use has facilities to contain and clean up gas and oil spills.  
May have an overwater shed that is not more than 50 square feet and 10 feet high as measured from the pier deck.
- 7) Meeting and/or special events rooms.
- 8) Boat launching ramp if it is paved with concrete.
- 9) School or day-care center.
- 10) Mini-school or mini-day-care center, or day-care home.
- b. Development must provide opportunities for public access to, use of and views of the waterfront by including all of the following elements:
  - a. A public pedestrian access trail along the entire waterfront of the subject property within connections to Lake Washington Boulevard at or near either end;
  - b. Waterfront areas developed and open for public use;
  - c. Improvements to and adjacent to Lake Washington Boulevard which are open for public use; and
  - d. Corridors which allow unobstructed views of Lake Washington from Lake Washington Boulevard. In addition, obstruction of views from existing development lying east of Lake Washington Boulevard must be minimized.
- c. All nonresidential uses, except office uses, must be located and designed to have substantial waterfront orientation and accessibility from waterfront public use areas.
- d. Marina use must comply with Chapter 83 KZC.
- e. Must provide pumping facilities to remove effluent from boat holding tanks.
- f. Must provide a waste oil tank.
- g. Vehicular circulation on the subject property must be designed to mitigate traffic impacts on Lake Washington Boulevard and Lakeview Drive. Access points must be limited, with primary access located at the intersection of Lake Washington Boulevard and Lakeview Drive. The City may require traffic control devices and right-of-way realignment or limit development if necessary to further reduce traffic impacts.
- h. The regulations for this use may not be modified with a Planned Unit Development.
- i. Restaurant uses with drive-in or drive-through facilities are not permitted in this zone.

PU-19. A veterinary office is not permitted in any development containing dwelling units.

PU-20. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if:

- a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use.
- b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.

PU-21. Primary vehicular access must be directly from 6th Street or 4th Avenue.

PU-22. This use is not permitted in a PR 3.6 zone located in the **NE 85th Street Subarea**.

*Rose Hill Business District (RHBD)*

PU-23. May not be located above the ground floor of a structure.

40.10

Kirkland Zoning Code

40.05.010 Applicable Zones

This chapter contains the regulations for uses in the industrial zones (LIT, PLA 6G) of the City.

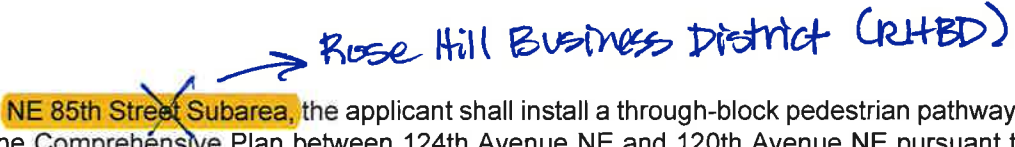
40.05.020 Common Code References

1. Refer to Chapter 1 KZC to determine what other provision of this code may apply to the subject property.
2. Public park development standards will be determined on a case-by-case basis. See KZC 45.50.
3. Development adjoining the Cross Kirkland Corridor or Eastside Rail Corridor shall comply with the standards of KZC 115.24.
4. Refer to KZC 115.105 for provisions regarding outside use, activity and storage.
5. Structures located within 30 feet of a parcel in a low density zone or a low density use in PLA 17 shall comply with additional limitations on structure size established by KZC 115.136.

(Ord. 4494 § 2, 2015; Ord. 4476 § 2, 2015)

40.10 General Regulations

40.10.010 LIT Zones

1. 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 (See Plate 34K).   

2. Retail uses are prohibited unless otherwise allowed in the use zone tables.

40.10.020 PLA 6G Zones

1. 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 Public Park uses).
2. 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).

(Ord. 4494 § 2, 2015; Ord. 4476 § 2, 2015)

**Permitted Uses Table – Industrial Zones (LIT, PLA 6G) (Continued)**  
(See also KZC 40.30, Density/Dimensions Table, and KZC 40.40, Development Standards Table)

| Use       |  | Required Review Process:  |  |
|-----------|--|---|--|
|           |  | LIT   | PLA 6G   |
|           |  | I = Process I, Chapter 145 KZC<br>IIA = Process IIA, Chapter 150 KZC<br>IIB = Process IIB, Chapter 152 KZC<br>DR = Design Review, Chapter 142 KZC<br>None = No Required Review Process<br>NP = Use Not Permitted<br># = Applicable Special Regulations (listed after the table) |  |
| 40.20.245 | Retail Establishment Selling Marijuana or Products Containing Marijuana  | None<br>7, 30, 31   | NP   |
| 40.20.250 | School or Day-Care Center  | None<br>7, 16, 17, 18   | Schools are NP, see KZC 40.20.060 for Day-Care Centers |
| 40.20.260 | Vehicle or Boat Repair, Services, Storage, or Washing  | None<br>7, 25   | NP   |
| 40.20.270 | Warehouse Storage Service  | None<br>7, 14   | None<br>11, 12, 13, 14, 15                             |
| 40.20.280 | Wholesale Establishment or Contracting Services in Building Construction, Plumbing, Electrical, Landscaping, or Pest Control | None<br>7   | None<br>11, 12, 13, 14, 15                             |
| 40.20.290 | Wholesale Printing or Publishing   | None<br>7, 14   | None<br>11, 12, 13, 14, 15                             |
| 40.20.300 | Wholesale Trade  | None<br>7, 14   | None<br>11, 12, 13, 14, 15                             |

**Permitted Uses (PU) Special Regulations:**

- PU-1 – PU-6. Reserved.
- PU-7. Within the ~~NE 85th Street Subarea~~, D.R., Chapter 142 KZC. *→ Rose Hill Business District (RHBD)*
- PU-8. Livestock auctions are not permitted.
- PU-9. Reserved.

→ Rose Hill Business District (RHBD)

- 2) Any development in the following zones within the NE 85th Street Subarea: RH 8 except development that includes lots or portions of lots located more than 120 feet north of NE 85th Street, between 132nd Avenue NE and properties abutting 131st Avenue NE, PR 3.6, RM, PLA 17A.
  - 3) Any development in the MSC 1 and MSC 4 zones located within the Market Street Corridor.
2. Administrative Design Review (A.D.R.) – All other development activities not requiring D.B.R. review under subsection (1) of this section shall be reviewed through the A.D.R. process pursuant to KZC 142.25.
  3. Exemptions from Design Review – The following development activities shall be exempt from either A.D.R. or D.B.R. and compliance with the design regulations of Chapter 92 KZC:
    - a. Any activity which does not require a building permit; or
    - b. Interior work that does not alter the exterior of the structure; or
    - c. Normal building maintenance including the repair or maintenance of structural members; or
    - d. Any development listed as exempt in the applicable Use Zone Chart.

(Ord. 4498 § 3, 2015; Ord. 4392 § 1, 2012; Ord. 4390 § 1, 2012; Ord. 4177 § 2, 2009; Ord. 4107 § 1, 2007; Ord. 4097 § 1, 2007; Ord. 4037 § 1, 2006; Ord. 4030 § 1, 2006; Ord. 3833 § 1, 2002)

142.25 Administrative Design Review (A.D.R.) Process

1. Authority – The Planning Official shall conduct A.D.R. in conjunction with a related development permit pursuant to this section.

The Planning Official shall review the A.D.R. application for compliance with the design regulations contained in Chapter 92 KZC, or in zones where so specified, with the applicable design guidelines adopted by KMC 3.30.040. In addition, the following guidelines and policies shall be used to interpret how the regulations apply to the subject property:

- a. Design guidelines for pedestrian-oriented business districts, as adopted in KMC 3.30.040.
  - b. Design guidelines for the Rose Hill Business District (RHBD), the Totem Lake Business District (TLBD) and Yarrow Bay Business District (YBD) as adopted in KMC 3.30.040.
  - c. For review of attached or stacked dwelling units within the NE 85th Street Subarea, the PLA 5C zone, the Houghton/Everest Neighborhood Center, and the Market Street Corridor, Design Guidelines for Residential Development as adopted in KMC 3.30.040.
2. Application – As part of any application for a development permit requiring A.D.R., the applicant shall show compliance with the design regulations in Chapter 92 KZC, or where applicable, the design guidelines adopted by KMC 3.30.040, by submitting an A.D.R. application on a form provided by the Planning and Building Department. The application shall include all documents and exhibits listed on the application form, as well as application materials required as a result of a pre-design conference.
  3. Pre-Design Conference – Before applying for A.D.R. approval, the applicant may schedule a pre-design meeting with the Planning Official. The meeting will be scheduled by the Planning Official upon written request by the applicant. The purpose of this meeting is to provide an opportunity for an applicant to discuss the project concept with the Planning Official and for the

→ Rose Hill Business District (RHBD)

Planning Official to designate which design regulations, or design guidelines, apply to the proposed development based primarily on the location and nature of the proposed development.

4. A.D.R. Approval

a. The Planning Official may grant, deny, or conditionally approve the A.D.R. application. The A.D.R. approval or conditional approval will become conditions of approval for any related development permit, and no development permit will be issued unless it is consistent with the A.D.R. approval or conditional approval.

b. Additions or Modifications to Existing Buildings

1) Applications involving additions or modifications to existing buildings shall comply with the design regulations of Chapter 92 KZC, or where applicable, the design guidelines adopted by KMC 3.30.040 to the extent feasible depending on the scope of the project. The Planning Official may waive compliance with a particular design regulation if the applicant demonstrates that it is not feasible given the existing development and scope of the project.

2) The Planning Official may waive the A.D.R. process for applications involving additions or modifications to existing buildings if the design regulations are not applicable to the proposed development activity.

5. Lapse of Approval – The lapse of approval for the A.D.R. decision shall be tied to the development permit and all conditions of the A.D.R. approval shall be included in the conditions of approval granted for that development permit.

6. Design departure and minor variations may be requested pursuant to KZC 142.37.

(Ord. 4637 § 3, 2018; Ord. 4496 § 2, 2015; Ord. 4495 § 2, 2015; Ord. 4491 § 3, 2015; Ord. 4392 § 1, 2012; Ord. 4357 § 1, 2012; Ord. 4333 § 1, 2011; Ord. 4177 § 2, 2009; Ord. 4107 § 1, 2007; Ord. 4097 § 1, 2007; Ord. 4037 § 1, 2006; Ord. 4030 § 1, 2006; Ord. 3956 § 1, 2004)

142.35 Design Board Review (D.B.R.) Process

1. Timing of D.B.R. – For any development activity that requires D.B.R. approval, the applicant must comply with the provisions of this chapter before a building permit can be approved; provided, that an applicant may submit a building permit application at any time during the design review process. An applicant may request early design review, but such review shall not be considered a development permit or to in any way authorize a use or development activity. An application for D.R. approval may be considered withdrawn for all purposes if the applicant has not submitted information requested by the City within 60 calendar days after the request and the applicant does not demonstrate reasonable progress toward submitting the requested information.

2. Public Meetings – All meetings of the Design Review Board shall be public meetings and open to the public.

3. Authority – The Design Review Board shall review projects for consistency with the following:

a. Design guidelines for pedestrian-oriented business districts, as adopted in Chapter 3.30 KMC.

b. Design Guidelines for the **Rose Hill Business District (RHBD)** and the Totem Lake Business District (TLBD) as adopted in Chapter 3.30 KMC.

c. The Design Guidelines for Residential Development, as adopted in KMC 3.30.040, for review of attached and stacked dwelling units located within the **NE 85th Street Subarea,**

Conceptual Master Plan Conference for TL 5 – The Design Review Board shall consider a Conceptual Master Plan (CMP) for properties over four (4) acres in size in TL 5. The CMP shall incorporate the design principles set forth in the special regulations for the use in the TL 5 zoning chart.

Conceptual Master Plan Conference for **RHBD** – The Design Review Board shall consider a Conceptual Master Plan (CMP) in the RH 3 zone within the **NE 85th Street Subarea**. The CMP shall incorporate the design considerations for the RH 3 zone set forth in the Design Guidelines for the **Rose Hill Business District**.

Rose Hill Business District (RHBD)

10. Approval – After reviewing the D.B.R. application and other application materials, the Design Review Board may grant, deny or conditionally approve subject to modifications the D.B.R. application for the proposed development. No development permit for the subject property requiring D.B.R. approval will be issued until the proposed development is granted D.B.R. approval or conditional approval. The terms of D.B.R. approval or conditional approval will become a condition of approval on each subsequent development permit and no subsequent development permit will be issued unless it is consistent with the D.B.R. approval or conditional approval. The Planning Official shall send written notice of the D.B.R. decision to the applicant and all other parties who participated in the conference(s) within 14 calendar days of the approval. If the D.B.R. is denied, the decision shall specify the reasons for denial. The final D.B.R. decision of the City on the D.B.R. application shall be the date of distribution of the written D.B.R. decision or, if the D.B.R. decision is appealed, the date of the City's final decision on the appeal. Notwithstanding any other provision of this code, if an applicant submits a complete application for a building permit for the approved D.B.R. development within 180 days of the final D.B.R. decision, the date of vesting for the building permit application shall be the date of the final D.B.R. decision.

Additional Approval Provision for TL 2 and TL 5 – The Notice of Approval for a Conceptual Master Plan (CMP) shall set thresholds for subsequent D.B.R. or A.D.R. review of projects following approval of a CMP in TL 2 or TL 5. The Notice of Approval shall also include a phasing plan for all improvements shown or described in the CMP.

Additional Approval Provision for RHBD – The Design Review Board shall determine the thresholds for subsequent D.B.R. or A.D.R. review of projects following approval of a Conceptual Master Plan (CMP) in the **RHBD**. The Notice of Approval for the CMP will state the thresholds for future review of projects and also include a phasing plan for all improvements shown or described in the CMP.

(Ord. 4637 § 3, 2018; Ord. 4496 § 3, 2015; Ord. 4495 § 2, 2015; Ord. 4491 § 3, 2015; Ord. 4392 § 1, 2012; Ord. 4193 § 1, 2009; Ord. 4177 § 2, 2009; Ord. 4171 § 1, 2009; Ord. 4121 § 1, 2008; Ord. 4107 § 1, 2007; Ord. 4097 § 1, 2007; Ord. 4037 § 1, 2006; Ord. 4030 § 1, 2006; Ord. 3956 § 1, 2004; Ord. 3954 § 1, 2004; Ord. 3889 § 2, 2003; Ord. 3833 § 1, 2002; Ord. 3814 § 1, 2001)

142.37 Design Departure and Minor Variations

1. General – This section provides a mechanism for obtaining approval to depart from strict adherence to the design regulations or for requesting minor variations from requirements in the following zones:
  - a. In the CBD and YBD: minimum required yards; and
  - b. In the Business District Core: minimum required yards, floor plate maximums and building separation requirements; and
  - c. In the **RHBD**, FHNC, the PLA 5C zone, the HENC, and the TLBD: minimum required yards, and landscape buffer; and



PUBLICATION SUMMARY  
OF ORDINANCE NO. O-4683

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE AND AMENDING THE KIRKLAND ZONING CODE ORDINANCE 3719 AS AMENDED, INCLUDING CHAPTERS 20, 25, 30, 40, 45, 53, 142, AMENDING THE ZONING MAP ORDINANCE 3710, AS AMENDED, TO INCLUDE LEGISLATIVE REZONES, AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. CAM19-00043

SECTION 1. Zoning Map changes to include rezone of four parcels in Exhibit A attached to the Ordinance.

SECTION 2. Zoning Code text amended in Exhibits B-H, attached to the Ordinance.

SECTION 3. Provides a severability clause for the Ordinance.

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

SECTION 5. Directs the City Clerk to certify and forward a complete certified copy of this ordinance to the King County Department of Assessments.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the \_\_\_\_ day of \_\_\_\_\_, 2019.

I certify that the foregoing is a summary of Ordinance O-4683 approved by the Kirkland City Council for summary publication.

---

Kathi Anderson, City Clerk

## ORDINANCE NO. O-4687

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE AND AMENDING THE KIRKLAND ZONING CODE ORDINANCE 3719 AS AMENDED, TO RH 8 ZONE SECTIONS 53.82, 53.84.020, 53.84.040, 53.84.050, 53.84.060 AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. CAM19-00043.

1 WHEREAS, the City Council has received a recommendation  
2 from the Kirkland Planning Commission to amend certain sections of the  
3 Kirkland Zoning Code, Ordinance 3719, as amended, as set forth in the  
4 staff report dated April 25, 2019 containing the recommendation of the  
5 Planning Commission and direction from the City Council from the  
6 meetings on April 16, 2019 and May 7, 2019, bearing Kirkland Planning  
7 and Building Department File No. CAM19-00043; and

8  
9 WHEREAS, prior to making the recommendation, the Kirkland  
10 Planning Commission, following notice as required by RCW 36.70A.035,  
11 held a public hearing on March 28, 2019, on the amendment proposals  
12 and considered the comments received at the hearing; and

13  
14 WHEREAS, pursuant to the State Environmental Policy Act  
15 (SEPA), a SEPA Addendum to the *City of Kirkland 2015 Comprehensive*  
16 *Plan Update Draft and Final Environmental Impact Statement (EIS)* was  
17 issued on March 15, 2019 by the responsible official pursuant to  
18 Washington Administrative Code WAC 197-11-340 and 197-11-625; and

19  
20 WHEREAS, in a public meeting the City Council considered the  
21 environmental documents received on May 7, 2019 from the responsible  
22 official, together with the report and recommendation of the Planning  
23 Commission; and

24  
25 NOW, THEREFORE, the City Council of the City of Kirkland do  
26 ordain as follows:

27  
28 Section 1. Zoning Code Text amended: The following specified  
29 sections of the Kirkland Zoning Code are amended as set forth in Exhibit  
30 A attached to this ordinance and incorporated by reference:

31  
32 Exhibit A: RH 8 zone Sections 53.82, 53.84.020, 53.84.040,  
33 53.84.050, and 53.84.060

34  
35 Section 2. If any provision of this ordinance or its application to  
36 any person or circumstance is held invalid, the remainder of the  
37 ordinance or the application of the provision to other persons or  
38 circumstances is not affected.

39  
40 Section 3. This ordinance shall be in force and effect five days  
41 from and after its passage by the Kirkland City Council and publication  
42 pursuant to Section 1.08.017, Kirkland Municipal Code in the summary  
43 form attached to the original of this ordinance and by this reference  
44 approved by the City Council.

45            Passed by majority vote of the Kirkland City Council in open  
46 meeting this \_\_\_\_ day of \_\_\_\_\_, 2019.

47  
48            Signed in authentication thereof this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Penny Sweet, Mayor

Attest:

\_\_\_\_\_  
Kathi Anderson, City Clerk

Approved as to Form:

\_\_\_\_\_  
Kevin Raymond, City Attorney

**53.80** User Guide. The charts in KZC 53.84 contain the basic zoning regulations that apply in the RH 8 zone of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

**Section 53.82**

Zone  
RH 8

**Section 53.82 – 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. Development creating four or more new dwelling units that includes lots or portions of lots adjoining 131st Avenue NE or 132nd Avenue NE that are located more than 120 feet north of NE 85th Street shall provide at least 10 percent of the units as affordable housing units as defined in Chapter 5 KZC. See Chapter 112 KZC for additional affordable housing incentives and requirements.
3. For structures located within 30 feet of a parcel in a low density zone (or a low density use in PLA 17), KZC 115.136 establishes additional limitations on structure size.
4. On lots that are not abutting NE 85th Street or are not consolidated with at least one lot abutting NE 85th Street, development shall be subject to the permitted uses and regulations in the RSX zone, except that isolated parcels may be developed independently with office use.
5. If the lot area of the subject property is equal to or greater than 18,000 square feet, maximum building height is 35 feet above average building elevation, except maximum building height is 30 feet within 30 feet of an RSX zone, on lots located more than 120 feet north of NE 85th Street, between 132nd Avenue NE and parcels abutting 131st Avenue NE.
6. The ground-street level floor of all structures on the subject property shall be a minimum of 15 feet in height. This requirement does not apply to:
  - a. The following uses: vehicle service stations, automotive service centers, 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, 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.
7. Within required front yards, canopies and similar entry features may encroach; provided, that the total horizontal dimension of such elements may not exceed 25 percent of the length of the structure.
8. Some development standards or design regulations may be modified as part of the design review process. See Chapters 92 and 142 KZC for requirements.
9. The Public Works Official shall approve the number, location and characteristics of driveways on NE 85th Street in accordance with the driveway and sight distance policies contained in the Public Works Pre-Approved Plans manual. Taking into consideration the characteristics of this corridor, the Public Works Official may:
  - a. Require access from side streets; and/or
  - b. Encourage properties to share driveways, circulation and parking areas; and/or
  - c. Restrict access to right turn in and out; or
  - d. Prohibit access altogether along NE 85th Street.

(GENERAL REGULATIONS CONTINUED ON NEXT PAGE)

Section 53.82

Zone  
RH 8

USE ZONE CHART


(GENERAL REGULATIONS CONTINUED FROM PREVIOUS PAGE)

10. Drive-through and drive-in facilities are not permitted in this zone.
11. See Chapters 100 and 162 KZC for information about nonconforming signs. KZC 162.35 describes when nonconforming signs must be brought into conformance or removed.
12. For lighting requirements associated with development see KZC 115.85(2).
13. Prior to any of the following uses occupying a structure on a property adjoining a residential zone, the applicant shall submit a noise study prepared by a qualified acoustical consultant for approval by the Planning Official:
  - Establishments expected to operate past 9:00 p.m.
  - Retail establishment providing entertainment, recreational or cultural activities.
  - Veterinary offices.
  - Any establishment where animals are kept on site.
  - Establishments involving a large truck loading dock for deliveries.The study shall verify that the noise expected to emanate from the site adjoining any residential-zoned property complies with the standards specified in KZC 115.95(1) and (2) and WAC 173-60-040(1) for a Class B source property and a Class A receiving property.
14. A City entryway feature shall be provided on the parcel located at the northwest corner of the intersection of NE 85th Street and 132nd Avenue, or adjacent parcel under common ownership with such parcel. Entryway features shall include such elements as: a sign, art, landscaping and lighting. See Chapter 92 KZC, Design Regulations.

Section 53.84



USE ZONE CHART

| DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS |  |                         |          |   |      |      |              |  |                                 |               |  |   |
|---|--|-------------------------|----------|---|------|------|--------------|--|---------------------------------|---------------|--|---|
| Section 53.84   | USE REGULATIONS<br> | Required Review Process | Lot Size | MINIMUMS                                    |      |      | MAXIMUMS     |  | Landscape Category (See Ch. 95) | Sign Category | Required Parking Spaces (See Ch. 105)  | Special Regulations (See also General Regulations)  |
|   |  |                         |          | REQUIRED YARDS (See Ch. 115)                |      |      | Lot Coverage | Height of Structure  |                                 |               |  |   |
|   |  |                         |          | Front                                       | Side | Rear |              |  |                                 |               |  |   |
| .010  | Office Use   | D.R., Chapter 142 KZC.  | None     | 10' adjacent to NE 85th St., otherwise 20'. | 0'   | 15'  | 70%          | 30' above average building elevation.<br><br>See Gen. Regs. 3 and 5. | A                               | 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> </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> |
| .020  | Restaurant   |                         |          |   |      |      |              |  |                                 | E             | 1 per each 100 sq. ft. of gross floor area.  | 1. May not be located above the <del>ground-floor-street level floor</del> of a structure.<br>1-2. <b>Must be oriented toward NE 85<sup>th</sup> Street.</b><br>2-3. Gross floor area for each individual use may not exceed 4,000 sq. ft.  |
| .030  | Entertainment, Cultural and/or Recreational Facility   |                         |          |   |      |      |              |  |                                 |               | See KZC 105.25.  | 1. Gross floor area for each individual use may not exceed 4,000 sq. ft.  |

|   |  |  |  |
|---|--|--|--|
| <p><b>.040</b> Any Retail Establishment other than those specifically listed, limited or prohibited in this zone, selling goods or providing services, including banking and related financial services.</p> <p style="text-align: center;">?</p> |  | <p>D 1 per each 300 sq. ft. of gross floor area.</p> | <p>1. The following uses are not permitted in this zone:</p> <ol style="list-style-type: none"> <li>Vehicle service stations.</li> <li>Automotive service centers.</li> <li>Uses with drive-in facilities or drive-through facilities.</li> <li>Retail establishments providing storage services unless accessory to another permitted use.</li> <li>A retail establishment involving the sale, service or rental of motor vehicles, sailboats, motor boats, recreation trailers, heavy equipment and similar vehicles; provided, that motorcycle sales, service or rental is permitted if conducted indoors.</li> <li>Storage and operation of heavy equipment, except delivery vehicles associated with retail uses.</li> <li>Storage of parts unless conducted entirely within an enclosed structure.</li> </ol> <p>2. This use <u>must be oriented toward NE 85<sup>th</sup> Street and</u> may not be located above the <u>ground-street level</u> floor of a structure except for personal service establishments that provide services involving the care of a person, or of a person's apparel, such as laundry and dry cleaning services, beauty shops, barber shops, shoe repair shops and tailors may be located above the <u>ground-street level</u> floor; provided, that the use of exterior areas adjoining residential uses is prohibited.</p> |
|---|--|--|--|

Section 53.84



USE ZONE CHART

| DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS |   |                         |          |                              |      |          |              |                                 |               |   |  |                     |
|---|---|-------------------------|----------|------------------------------|------|----------|--------------|---------------------------------|---------------|---|--|---------------------|
| Section 53.84   | USE<br>REGULATIONS<br><br>?   | Required Review Process | MINIMUMS |                              |      | MAXIMUMS |              | Landscape Category (See Ch. 95) | Sign Category | Required Parking Spaces (See Ch. 105)   | Special Regulations (See also General Regulations) |                     |
|   |   |                         | Lot Size | REQUIRED YARDS (See Ch. 115) |      |          | Lot Coverage |                                 |               |   |  | Height of Structure |
|   |   |                         |          | Front                        | Side | Rear     |              |                                 |               |   |  |                     |
| <b>.040</b>   | Any Retail Establishment other than those specifically listed, limited or prohibited in this zone, selling goods or providing services, including banking and related financial services. (continued) |                         |          |                              |      |          |              |                                 |               | REGULATIONS CONTINUED FROM PREVIOUS PAGE  |  |                     |
|   |   |                         |          |                              |      |          |              |                                 |               | <ol style="list-style-type: none"> <li>Gross floor area for each individual use may not exceed 4,000 sq. ft.</li> <li>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> </li> <li>Retail establishments selling marijuana or products containing marijuana are not permitted on properties abutting the school walk routes shown on Plate 46.</li> </ol> |  |                     |

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|      |  |                        |      |   |    |     |     |  |   |   |   |  |
|------|--|------------------------|------|---|----|-----|-----|--|---|---|---|--|
| .050 | Stacked Dwelling Units<br>See Spec. Reg. 1.  | D.R., Chapter 142 KZC. | None | 10' adjacent to NE 85th St., otherwise 20'. | 0' | 15' | 70% | 30' above average building elevation.<br><br>See Gen. Regs. 3 and 5. | A | A | 1.2 per studio unit.<br>1.3 per 1 bedroom unit.<br>1.6 per 2 bedroom unit.<br>1.8 per 3 or more bedroom unit.<br>See KZC 105.20 for visitor parking requirements. | <del>1. This use may not be located on the ground floor of a structure.</del><br>1. <a href="#">At least 60% of the linear frontage of the property along NE 85th Street shall only include commercial use. The commercial use shall be at the street level floor and oriented toward NE 85th Street. Commercial uses shall have a minimum depth of 20' and an average depth of at least 30' (as measured from the face of the building along the street). Stacked Dwelling Units are not permitted on the street level floor within 30' of the property line along NE 85th Street. The Planning Director or Design Review Board may approve a minor reduction in the depth requirements if the applicant demonstrates that the requirement is not feasible given the configuration of existing or proposed improvements and the design of the retail frontage will maximize visual interest.</a><br>2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.                              |
| .060 | Assisted Living Facility, Convalescent Center or Nursing Home<br>See Spec. Reg. 1. |                        |      |   |    |     |     |  |   |   | Independent unit: 1.7 per unit.<br>Assisted living facility: 1 per unit.<br>Convalescent Center or Nursing Home: 1 per each bed.                                  | <del>1. This use may not be located on the ground floor of a structure.</del><br>1. <a href="#">At least 60% of the linear frontage of the property along NE 85th Street shall only include commercial use. The commercial use shall be at the street level floor and oriented toward NE 85th Street. Commercial uses shall have a minimum depth of 20' and an average depth of at least 30' (as measured from the face of the building along the street). Assisted Living, Convalescent Center or Nursing Home is not permitted on the street level floor within 30' of the property line along NE 85th Street. The Planning Director or Design Review Board may approve a minor reduction in the depth requirements if the applicant demonstrates that the requirement is not feasible given the configuration of existing or proposed improvements and the design of the retail frontage will maximize visual interest.</a><br>2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. |
| .070 | Church   |                        |      |   |    |     |     |  |   |   | 1 per every 4 people based on maximum occupancy load of any area of worship. See Spec. Reg. 1.  | 1. No parking is required for day-care or school ancillary to the use.   |



Section 53.84



USE ZONE CHART

| DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS |  |  |          |   |      |      |              |  |                                 |               |                                       |  |
|---|--|--|----------|---|------|------|--------------|--|---------------------------------|---------------|---------------------------------------|--|
| Section 53.84   | USE REGULATIONS<br> | Required Review Process  | Lot Size | MINIMUMS                                    |      |      | MAXIMUMS     |  | Landscape Category (See Ch. 95) | Sign Category | Required Parking Spaces (See Ch. 105) | Special Regulations (See also General Regulations)   |
|   |  |  |          | REQUIRED YARDS (See Ch. 115)                |      |      | Lot Coverage | Height of Structure  |                                 |               |                                       |  |
|   |  |  |          | Front                                       | Side | Rear |              |  |                                 |               |                                       |  |
| .080  | School, Day-Care Center, Mini-School or Mini-Day-Care Center   | D.R., Chapter 142 KZC.   | None     | 10' adjacent to NE 85th St., otherwise 20'. | 0'   | 15'  | 70%          | 30' above average building elevation.<br><br>See Gen. Regs. 3 and 5. | A                               | 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. 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>3. May include accessory living facilities for staff persons.</li> <li>4. To reduce impacts on nearby residential uses, hours of operation of the use may be limited and parking and passenger loading areas relocated.</li> <li>5. For school use, structure height may be increased, up to 35 feet, if:                             <ol style="list-style-type: none"> <li>a. The school can accommodate 200 or more students; and</li> <li>b. The required side and rear yards for the portions of the structure exceeding the basic maximum structure height are increased by one foot for each additional one foot of structure height; and</li> <li>c. The increased height is not specifically inconsistent with the applicable neighborhood plan provisions of the Comprehensive Plan.</li> <li>d. The increased height will not result in a structure that is incompatible with surrounding uses or improvements.</li> </ol> </li> </ol> |
| .090  | Public Utility   |  |          |   |      |      |              |  |                                 |               |                                       | 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.  |
| .100  | Government Facility<br>Community Facility  |  |          |   |      |      |              |  | C<br>See Spec. Reg. 1.          |               |                                       |  |
| .110  | Public Park  | Development standards will be determined on a case-by-case basis. See KZC 45.50 for required review process. |          |   |      |      |              |  |                                 |               |                                       |  |

PUBLICATION SUMMARY  
OF ORDINANCE NO. O-4687

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE AND AMENDING THE KIRKLAND ZONING CODE ORDINANCE 3719 AS AMENDED, TO RH 8 ZONE SECTIONS 53.82, 53.84.020, 53.84.040, 53.84.050, 53.84.060 AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. CAM19-00043.

SECTION 1. Zoning Code text amended in Exhibit A, attached to the Ordinance.

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 Section 1.08.017 Kirkland Municipal Code and establishes the effective date as five days after publication of summary.

SECTION 4. Directs the City Clerk to certify and forward a complete certified copy of this ordinance to the King County Department of Assessments.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the \_\_\_\_day of \_\_\_\_\_, 2019.

I certify that the foregoing is a summary of Ordinance O-4687 approved by the Kirkland City Council for summary publication.

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Kathi Anderson, City Clerk



**CITY OF KIRKLAND**  
**Planning and Building Department**  
**123 5th Avenue, Kirkland, WA 98033**  
**425.587.3600- [www.kirklandwa.gov](http://www.kirklandwa.gov)**

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**MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** Allison Zike, AICP, Planner  
Angela Ruggeri, AICP, Senior Planner  
Jeremy McMahan, Planning and Building Deputy Director  
Adam Weinstein, AICP, Planning and Building Director

**Date:** April 25, 2019

**Subject:** Amendments to the Kirkland Zoning Code (KZC) related to regulations for Floor Area Ratio (FAR) and Lot Coverage, File Number CAM18-00258

**Recommendation**

Adopt enclosed ordinance amending sections of Chapters 5 and 115 of the KZC related to regulations for FAR and Lot Coverage. The amendments contained in the ordinance are consistent with the recommendations of the Planning Commission.

**Background**

Review of the City's Floor Area Ratio (FAR) and lot coverage regulations was included in the 2018-20 Planning Work Program and has been carried over into the 2019-21 Work Program. FAR regulations are intended to limit the perceived bulk and mass of residential structures as they relate to the right-of-way and adjacent properties and result in houses that are proportional to lot size. FAR regulations apply to most single-family residential properties in the City. However, within the Houghton Community Council's disapproval jurisdiction, FAR only applies to lots in zoning district PLA 3C that are less than 7,200 square feet or lots that have less than the minimum lot size created through the small lot provisions of KMC 22.28.042. Lot Coverage regulations are applied City-wide across all zoning districts.

Throughout this project, staff has discussed FAR and lot coverage with local architects, the Master Builders Association, Kirkland Alliance of Neighborhoods (KAN), neighborhood residents, the Public Works Department and Planning staff with expertise in reviewing applications for single-family housing projects. One of the options initially presented was elimination of FAR and lot coverage regulations but public input did not provide a strong basis for eliminating the regulations. In this robust housing market, there has been a tendency for single family homes to be built to the maximum building envelope and expanding this envelope further – even marginally – by eliminating FAR or lot coverage regulations would not address community concerns about perceived building mass. Instead, staff identified opportunities for clarifying the existing regulations and incentivizing good design that could address community concerns that many new single-family homes appear too bulky.

The current demand for large houses is reflected in the design trends that are appearing in Kirkland and throughout the region. The two main design issues that were brought up most in staff's conversations with community members were: 1) that some new single-family houses appear too boxy and massive, and aesthetically incompatible with Kirkland's older neighborhoods; and 2) that many new houses seem to be built too close to existing houses. The proposed amendments are intended to address these concerns, without causing an excessive number of non-conformances, and to clarify the existing regulations and make them more effective.

### **Proposed Amendments and Analysis**

#### FAR Zoning Code Amendments

The City's FAR regulations were adopted in 1999 (Ordinance No. 3709). We have learned from experience that the regulations have not completely achieved the initial objectives and that there are still concerns about boxy, and/or large single-family homes that are aesthetically different from existing houses in established neighborhoods.

Three specific FAR-related problems that staff and the Planning Commission identified for consideration in the code amendment process are:

- Attempts to maximize building square footage by adding building features (such as covered porches with walls) that are not included in the FAR calculation but still add mass to the structure.
- Attempts to maximize building square footage by building more exempted basement square footage using deep driveways that are buried below the main structure.
- Attempts to maximize the building square footage within the allowed height by building flat-roofed houses.

The proposed amendments are outlined below and included in Attachment 1.

1. Add an "intent" section at the beginning of Section 115.42, which describes the purpose of the FAR regulations.
2. Clarify that uncovered and covered decks, porches, and walkways are not exempt from gross floor area calculations for FAR if they are not open on at least three sides or at least 50% of the perimeter of the deck, porch, or walkway is not open.
3. Clarify how to calculate the subgrade floor area exemption for structures with window wells.
4. Add a definition for "carport" to clarify areas counted towards FAR.
5. Add a design-based FAR bonus to allow an additional 5% of FAR if certain design elements are used in the design and construction of a detached dwelling unit.

### Lot Coverage Zoning Code Amendments

The existing lot coverage regulations were put in place over 30 years ago and apply to properties city-wide. They were designed to address aesthetic concerns (e.g., to limit development on a lot) and to manage storm water. More recently, the Public Works Department has enacted comprehensive storm water management regulations, which address the storm water concerns. A key objective of the lot coverage regulations amendment project was to separate out the provisions of the existing regulations that primarily apply to stormwater, to make the code less redundant and more easily implemented by applicants.

Staff received minimal comment on lot coverage, with only a few community members indicating that some parts of the code need to be clarified. There was also a general feeling that the regulations have value and that the aesthetic need for open space and vegetation is still important.

Neighborhood groups that staff met with emphasized that the provision of "green space" within new development is highly desirable, especially in front yards. The proposed code amendments listed below and included in Attachment 2 are therefore focused on open space and aesthetics rather than storm water (which is already the subject of an independent set of regulations).

1. Replace the term "impervious surface" with "hardscape."
2. Add an "intent" section at the beginning of Section 115.90 which describes the purpose of the lot coverage regulations (i.e., to promote greenery and open space in developed areas).
3. Change title of "Exceptions" section to "Exemptions" for materials that are completely exempt from lot coverage calculations.
4. Clarify which areas beneath eaves, balconies, and other cantilevered portions of buildings are exempt from lot coverage calculations.
5. Clarify requirements for landscaped areas located over subterranean structures, and related exemptions from lot coverage.
6. Add mechanical unit pads to exemptions for attached and detached dwelling units
7. Make the following changes to the "Exemptions" section of the code, which allows certain exemptions to be calculated at a ratio of 50 percent of the total area covered.
  - a. Change title of "Exemptions" section to "Partial Exemptions".

- b. Remove the two references to the stormwater design manual since stormwater management is no longer part of the intent of the lot coverage regulations.
  - c. Remove "permeable pavement" from partial exemptions since permeability is a stormwater management issue and not part of the intent of the lot coverage regulations.
  - d. Add "pavers" to the partial exemptions.
  - e. Add artificial turf to the partial exemptions.
8. Provide a definition for "hardscape."
9. Revise the definition of "landscaping" for clarity.

**Public Comment**

Staff received several public comments in advance of the March 28, 2019 Planning Commission public hearing (see Attachment 3). The majority of comments received echoed earlier community feedback expressing that new homes in Kirkland are too large, too expensive, and that many are of an undesirable "boxy" design. Several commenters speculated that the preponderance of flat-roofed homes is due to the 25-foot height limit in some single-family zones. There were also a few commenters suggesting that the City should consider implementing a type of design review, or regulate allowed architectural styles, for new homes. Other commenters emphasized that the City should not restrict residents' ability to construct flat-roofed and/or "modern-style" homes if they so choose.

Many comments received were focused on two specific sections of the proposed amendments included in the packet for the Planning Commission hearing. Those two items were: 1) the possibility of eliminating the FAR exemption for sub-grade floor area, and 2) the proposal for a design-based FAR bonus of 5%. The first issue was not moved forward by the Planning Commission in their recommendation to the City Council, and the proposed code amendments do not eliminate the existing exemption for sub-grade floor area. Key considerations behind this recommendation include the potential for large numbers of zoning nonconformances if sub-grade floor area is no longer exempt (limiting some homeowners' ability to undertake building additions) and issues of fairness (new homes would be subject to substantially more stringent square footage allowances). The second issue, a design-based incentive, is included in Planning Commission's recommendation as shown in the enclosed ordinance.

**Criteria for Amending the Text of the Zoning Code**

Pursuant to KZC 160.60 and KZC 135.25 the City may amend the text of the Zoning Code only if it finds that:

1. The proposed amendment is consistent with the applicable provisions of the Comprehensive Plan; and
2. The proposed amendment bears a substantial relation to public health, safety, or welfare; and
3. The proposed amendment is in the best interest of the residents of Kirkland; and
4. When applicable, the proposed amendment is consistent with the Shoreline Management Act and the City's adopted shoreline master program.

The proposed Zoning Code amendments are consistent with the Comprehensive Plan, bear a substantial relation to public health, safety, or welfare, and are in the best interest of the residents of Kirkland because they are intended to clarify the existing regulations and make them more effective.

### **Environmental Review**

A Determination of Non-significance (DNS) was issued for the proposed code amendments on April 8, 2019 (File No. SEP19-00198). No significant environmental impacts were identified.

### **Planning Commission Recommendation**

At their March 28, 2019 meeting ([packet materials](#)), the Planning Commission voted to recommend approval of the draft code amendments, specifying that the sub-grade floor area exemption remain in the FAR code. While the recommended amendments are relatively modest in nature, the Planning Commission provided direction that the upcoming Highlands, Market, Market Corridor, and Norkirk neighborhood plan updates should explore additional ways to address public concerns about large and/or "boxy" houses in a more substantive manner. This may include evaluating new options for FAR, the sub-grade floor area exemption, building height, and design incentives.

### **Houghton Community Council Recommendation**

The Houghton Community Council held a study session ([packet materials](#)) regarding the proposed amendments on February 25, 2019 at which the Council voted 7-0 to forward the proposal in its entirety to Planning Commission.

### **Effective Date: Staff Recommendation**

Staff is recommending the Council adopt the enclosed ordinance with an effective date for the code amendments of 60 days after adoption, rather than the more typical effective date of five days after adoption. This recommendation is based on a request from the Public Works Department to allow time for internal coordination and external communication to the development community regarding the code amendments. Stormwater regulations may impose stricter limitations on installed impervious surfaces than will be permitted by lot coverage (i.e., hardscape) maximums. This will require the Public Works Department to communicate with short plat/subdivision applicants regarding stormwater management and detention vault capacities at the land use review stage and follow up with additional review for impervious surfaces at the building permit stage of development. Public Works staff have elaborated upon their request in a memorandum included as Attachment 4 to this report.

**Attachments:**

1. Proposed FAR Zoning Code Amendments
2. Proposed Lot Coverage Zoning Code Amendments
3. Public Comments
4. Public Works Memorandum

cc: File Number CAM18-00258



## FLOOR AREA RATIO REGULATIONS

The proposed amendments are shown below. The new wording is **bold and underlined** and the wording to be removed is ~~crossed out~~.

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

**The intent of these F.A.R. regulations is to limit the perceived bulk and mass of residential structures as they relate to the right-of-way and adjacent properties and to ensure houses are proportional to lot size. The design incentives in Section 115.42.4 are provided to encourage more interesting design and location of building massing toward the center of each lot, away from neighboring properties.**

1. Gross floor area for purposes of calculating F.A.R. and maximum floor area for detached dwelling units in low density residential zones and attached dwelling units in PLA 3C shall include the entire area within the exterior walls for each level of the structure. It shall also include the area of all carports<sup>1</sup> measured as the area of the carport roof. It shall not include the following:

- a. Attic area with less than five (5) feet of ceiling height, as measured between the finished floor and the supporting members for the roof.
- b. Floor area with a ceiling height less than six (6) feet above finished grade. The ceiling height will be measured to the top of the structural members for the floor above. The finished grade will be measured along the outside perimeter of the building (see Plate 23). **For window wells, finished grade will be measured at the outside perimeter of a window well only when it is designed and constructed to the minimum dimensions required by the current building code adopted by the City of Kirkland.**
- c. On lots less than 8,500 square feet, the first 500 square feet of an accessory dwelling unit or garage contained in an accessory structure, when such accessory structure is located more than 20 feet from and behind the main structure (see subsection (3) of this section for additional information on the required distance between structures); provided, that the entire area of an accessory structure, for which a building permit was issued prior to March 6, 2007, shall not be included in the gross floor area used to calculate F.A.R. For purposes of this section, "behind" means located behind an imaginary plane drawn at the back of the main structure at the farthest point from, and parallel to, the street or access easement serving the residence.

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<sup>1</sup> See proposed definition for "carport" at following code text

d. On lots greater than or equal to 8,500 square feet, the first 800 square feet of an accessory dwelling unit or garage contained in an accessory structure, when such accessory structure is located more than 20 feet from and behind the main structure (see subsection (3) of this section for additional information on the required distance between structures); provided, that the entire area of an accessory structure, for which a building permit was issued prior to March 6, 2007, shall not be included in the gross floor area used to calculate F.A.R.

e. Uncovered and covered decks, porches, and walkways **that are open on at least three sides or have a minimum 50% of the perimeter of the deck, porch, or walkway open. Deck, porch, or walkway perimeters with the following characteristics are considered open:**

**1) Have no walls of any height, and**

**2) Have no guard rails taller than the minimum height required by the Building Code.**

f. One (1) exemption of 100 square feet if the dwelling unit has an internal staircase and/or an area with a ceiling height greater than 16 feet.

2. Floor area with a ceiling height greater than 16 feet shall be calculated at twice the actual floor area toward allowable F.A.R. The ceiling height for these areas will be measured to the top of the structural members for the floor above or, if there is no floor above, to the bottom of the structural members for the roof.

3. Separate structures will be regulated as one (1) structure if any elements of the structures, except for the elements listed in subsection (3)(b) of this section, are closer than 20 feet to each other.

a. Two (2) structures connected by a breezeway or walkway will be regulated as one (1) structure if any element of the breezeway or walkway is higher than 10 feet above finished grade.

b. Elements of structures that may be closer than 20 feet to each other are:

1) Elements of a structure no higher than 18 inches above finished grade;

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

3) Stairs extending no more than five (5) feet from the wall of a structure;

4) Porches extending no more than five (5) feet from the wall of a structure if:

- i) The porch is no higher than one (1) story and the finished floor of the porch is no more than four (4) feet above finished grade;
- ii) Three (3) sides of the porch are open other than railings and solid walls no higher than 42 inches;
- iii) No deck, balcony, or living area is placed on the roof of the porch;
- iv) The length of the porch does not exceed 50 percent of the wall of the structure to which it is attached;
- v) Porch eaves may extend an additional 18 inches from the edge of the porch.

#### **4. Design-based F.A.R. Bonus**

**a. An additional 5% F.A.R. above the maximum F.A.R. for the zone will be allowed if at least two of the design elements below are used in the design and construction of a detached dwelling unit:**

**1) With the exception of accessory features, all roof forms consist of ridgelines peaked near the center of the structure, with a minimum pitch of 4 feet vertical to 12 feet horizontal.**

**2) All structures are set back from side property lines by at least 7 ½ feet.**

**3) The gross floor area of any floor above ground floor shall be reduced by a minimum of 15 percent of the floor area of the ground floor.**

**b. The above design based F.A.R. bonus cannot be combined with any other F.A.R. incentive in this Code or the Kirkland Municipal Code.**

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

PROPOSED ZONING CODE DEFINITION(S) FOR TERMS USED IN ABOVE REGULATIONS

#### **5.10.xxx Carport**

**A roofed area of sufficient dimensions and orientation to park a vehicle which is connected or directly adjacent to a driving surface**

## EXISTING ZONING CODE DEFINITIONS FOR TERMS USED IN ABOVE REGULATIONS

### 5.10.320 Finished Grade

The final contour of the land surface prior to landscaping.

### 5.10.325.5 Floor Area Ratio (F.A.R.)

The maximum permitted gross floor area allowed, expressed as a percentage of the lot size (gross floor area / lot size = F.A.R.). See KZC 115.42.

### 5.10.345 Ground Floor

The floor of a structure that is closest in elevation to the finished grade along the façade of the structure that is principally oriented to the street which provides primary access to the subject property.

### 5.10.340 Gross Floor Area

The total square footage of all floors in a structure as measured from either the interior surface of each exterior wall of the structure or, if the structure does not have walls, from each outer edge of the roof. Exterior areas may constitute gross floor area. See Chapter 115 KZC.

## LOT COVERAGE REGULATIONS

The proposed amendments are shown below. The new wording is **bold and underlined** and the wording to be removed is ~~crossed-out~~.

### 115.90 Calculating Lot Coverage

1. General – The area of all structures ~~and pavement~~ and any other **hardscape** impervious surface on the subject property will be calculated as a percentage of total lot area. If the subject property contains more than one (1) use, the maximum lot coverage requirements for the predominant use will apply to the entire development. Lot area not calculated under lot coverage must be devoted to open space as defined in KZC 5.10.610.

**The intent of these lot coverage regulations is to limit areas of hardscape, place an emphasis on landscaping, and to increase vegetated spaces throughout the City.**

2. ~~Exemptions~~ **Exemptions the following are exempt from the lot coverage calculation.**

- a. An access easement or tract that is not included in the calculation of lot size will not be used in calculating lot coverage for any lot it serves or crosses.
- b. Pervious Areas **of landscaping** below eaves, balconies, and other cantilevered portions of buildings.
- c. **Planted** ~~Landscaped~~ areas at least two (2) feet wide and 40 square feet in area located over subterranean structures, **with a minimum soil depth of 18 inches.** ~~if the Planning Official determines, based on site specific information submitted by the proponent and prepared by a qualified expert, soil and depth conditions in the landscaped area will provide cleansing and percolation similar to that provided by existing site conditions.~~
- d. Rockeries and retaining walls, unless located adjacent to or within 12 inches of another impervious surface such as a patio, building or parking area.
- e. Public sidewalk if located within a public easement on private property.

**f. Hardscape surface under HVAC and similar types of mechanical equipment for detached dwelling units only.**

3. **Partially Exempt Materials** Exemptions – The following **materials** exemptions **shall receive a** will be calculated at a ratio of 50 percent **exemption for the area** of the total area covered **they cover**. Exempted area **However, this exemption** shall not exceed an area equal to 10 percent of the total lot area **size**. Installation of exempted surfaces shall be done in accordance with the current adopted stormwater design manual:

a. ~~Permeable pavement (non-grassed).~~

**a. Pavers no larger than 10"x10" per individual paver**

b. Grassed modular grid pavement.

c. Open grid decking over pervious **non-hardscaped** area.

**d. Artificial Turf**

d. ~~Pervious surfaces in compliance with the stormwater design manual adopted in KMC 15.52.060.~~

**Note that impervious surfaces may be further, or more stringently, regulated by the stormwater design manual adopted in KMC 15.52.060.**

PROPOSED NEW ZONING CODE DEFINITION FOR TERM USED IN ABOVE REGULATIONS

**5.10.xxx Hardscape**

**Hardscape is a placed, created, constructed or compacted hard surface area, which is unavailable for landscaping as defined by KZC 5.10.465. Hardscape surfaces include, but are not limited to: building foundations, patios, driveways, parking lots, concrete or asphalt paving, gravel or other similar walking and driving surfaces. Hardscape surfaces do not include open space as defined in this code.**

PROPOSED REVISIONS TO ZONING CODE DEFINITIONS FOR TERMS USED IN ABOVE REGULATIONS

5.10.465 Landscaping

~~The planting, removal and maintenance of vegetation along with the~~ **The movement and displacement of earth, topsoil, rock, bark and similar substances and/or associated done in conjunction with the planting, removal and maintenance of vegetation.**

EXISTING ZONING CODE DEFINITIONS FOR TERMS USED IN ABOVE REGULATIONS

5.10.610 Open Space

Vegetated and pervious land not covered by buildings, roadways, sidewalks, driveways, parking areas, plazas, terraces, swimming pools, patios, decks, or other similar impervious or semi-impervious surfaces.

5.10.651 Pervious Surface

For properties within the jurisdiction of the Shoreline Management Act, see Chapter 83 KZC. Otherwise, as opposed to impervious surfaces, these are surfaces that allow water to infiltrate into the ground. Pervious surfaces include pervious paving, lawn, landscaping, bare ground, wood chips, pasture and native vegetation areas. For the purposes of compliance with storm water development regulations, impervious and pervious surfaces are defined pursuant to Chapter 15.52 KMC

**Allison Zike**

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**From:** Mingxi Chen <de8ger@hotmail.com>  
**Sent:** Monday, April 01, 2019 3:07 PM  
**To:** Planning Commissioners; Angela Ruggeri; Allison Zike  
**Subject:** Comment on No. CAM18-00258

Dear planning commissioners,

My name is Mingxi Chen and I am a resident of Kirkland. I love this beautiful city and has been living in Kirkland for almost 7 years. I'd like to comment on the proposal of No. CAM18-00258.

I strongly oppose removing the exception for basement space below 6 feet high. I think removing the basement exemption would push design for more square footage above ground and maximizing allowed Lot Coverage. Basement space is actually a great way to add SF without making the house visibly larger or impacting neighbors.

Also I noticed there is a 10% FAR bonus for RS5.0 lot, my house is on a lot that has 5725 sqft, but it is zoned RS7.2, it is not a 7200 sqft lot but the FAR bonus wouldn't apply to it. Is there any plan to change this in No.CAM18-00258? It would make sense to me that any lot in RS zoning that is less than 7200 should have the 10% bonus FAR.

Thanks,  
Mingxi



**Allison Zike**

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**From:** Angela Ruggeri  
**Sent:** Friday, March 29, 2019 5:54 PM  
**To:** Allison Zike  
**Subject:** FW: form-based codes as an alternative to FAR

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

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**From:** Adam Weinstein  
**Sent:** Monday, April 09, 2018 11:59 AM  
**To:** 'Rodney Rutherford' <rodneyr@gmail.com>  
**Cc:** Angela Ruggeri <ARuggeri@kirklandwa.gov>  
**Subject:** RE: form-based codes as an alternative to FAR

Thanks Rodney – interesting comment. You’re right on that FAR hasn’t gotten us to the desired outcome in terms of design quality.

Adam

**Adam Weinstein, AICP**  
*Deputy Planning Director*

City of Kirkland  
123 5th Avenue  
Kirkland, WA 98033

(425) 587-3227  
[aweinstein@kirklandwa.gov](mailto:aweinstein@kirklandwa.gov)

**From:** Rodney Rutherford [<mailto:rodneyr@gmail.com>]  
**Sent:** Sunday, April 8, 2018 9:37 AM  
**To:** Planning Commissioners  
**Cc:** Adam Weinstein  
**Subject:** form-based codes as an alternative to FAR

Regarding the [proposed changes to FAR in single-family areas](#) (on the [April 12 Planning Commission agenda](#)), it strikes me that [form-based codes](#) could be far more effective in shaping the desired character of these neighborhoods in the way that FAR was originally intended to achieve. Form-based codes would prescribe the exterior form of development far more precisely than FAR, and I'm honestly a bit puzzled about how FAR was expected to achieve the desired outcome. Of course, the success of any form-based code in realizing the desired objectives of the community is entirely dependent on the details of how the form-based code is defined.

The city's existing [Design Guidelines for Residential Development](#) already contains many attributes commonly expressed in form-based codes that could be useful in the areas of concern. This document currently only applies to attached or stacked dwelling units in limited parts of the city, including the Market Street Corridor. Perhaps these guidelines could be augmented for broader application in these areas?

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Rodney Rutherford  


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**Allison Zike**

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**From:** Angela Ruggeri  
**Sent:** Friday, March 29, 2019 5:54 PM  
**To:** Allison Zike  
**Subject:** FW: Planning Commission Agenda: FAR & Lot Coverage

fyi

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**From:** NorKirk Neighborhood Association <norkirkna@outlook.com>  
**Sent:** Wednesday, April 11, 2018 2:47 PM  
**To:** Angela Ruggeri <ARuggeri@kirklandwa.gov>  
**Cc:** Adam Weinstein <AWeinstein@kirklandwa.gov>  
**Subject:** Planning Commission Agenda: FAR & Lot Coverage

Hi Angela.

I'd like to include some thoughts on the FAR and Lot Coverage regulations on the agenda for the upcoming meeting tomorrow. I am the Co-Chair of the Norkirk Neighborhood Association as well as an architectural designer who lives and works in Kirkland. As such, I am both familiar with the codes and development process and I hear a lot of community input on how those codes are affecting development in the neighborhood.

As a representative of my community, I can report that there is growing dismay over the change in the appearance and character of the older Kirkland neighborhoods, particularly Norkirk and Market. The top complaints are 1) box houses with flat roofs, 2) new development lacking real back-yards and useable outdoor green space for families, and 3) over-sized houses/garages for the lot size. These three issues are driven primarily by developers who are looking to maximize profit, which needs to be balanced with the interests and integrity of the neighborhood. This preponderance of large houses also makes it more expensive to try to buy a home here and limits access to the wealthy. When regulations changed about 20 years ago to allow larger lots in Norkirk to be sub-divided, the intention was that the existing older home would be retained and a new small house would be built on the sectioned off lot. Instead, older homes are demolished and two or three modern, flat-roofed, yard-less houses are built in its place. Many of us were dismayed to see even a registered historical home be moved off its lot and have a large box house built on the site. We are also seeing developer projects that don't conform to current lot coverage and FAR restrictions, perhaps through the use of variances, exceptions, or other means not readily accessible to most home owners. While most people living in these neighborhoods understand that Kirkland's population is increasing and we need to allow development to meet these housing needs, there is quite a bit of consensus that large, box homes in the historic neighborhoods are not the solution.

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As an architectural designer, I know it's harder to design homes in a smaller space that meet clients' expectations. Generally, developers and architects are using box homes as an easy way to stay within the 25' height restriction in the older Market and Norkirk neighborhoods and, at the same time, maximize ceiling height and square footage. While there are many attractive styles of architecture and property owners and developers should be able to apply whatever style they prefer to their houses, architects and developers need to respect the character of neighborhoods, understanding that the appeal of older neighborhoods is the variety of architectural styles. Having some modern-style homes adds to the variety; having most new homes being built in the neighborhood be flat-roofed box homes changes the character of the neighborhood and makes it feel more like a development. In addition, flat roofs are not practical in rainy climates and we frequently see tarps on these new box houses within a few years of construction to address water issues. (I personally avoid designs with flat roofs or sky lights as I feel it would be irresponsible of me.) There are many other techniques to work within the height limit, such as using hanging joists and vaulting ceilings on the 2nd floor, and ways to work within size limitations, such as minimizing the use of hallways, using efficient room planning, and using dormers to add ceiling height in strategic locations. Furthermore, the lack of back-yards means people spend less time outside and children are more confined to playing inside (meaning less time in nature, less fresh air, fewer social opportunities, and more screen time), resulting in the neighborhood becoming more like "downtown" than a residential community. The zoning regulations could encourage architects to use smart, functional designs with pitched roofs and have at least small back yards, both incentivizing such designs and adding size penalties for flat roofs or lack of useable green space.

This is where FAR currently comes in. While to some extent the combination of yard set-backs and Lot Coverage limitations make FAR regulations redundant (and makes the construction project submission a little more complicated), FAR currently provides an incentive to use peaked roofs in several zones in the Norkirk and Market neighborhoods (Kirkland Zoning Code 15.30 DD-12, DD-19, & DD-27) . Could FAR similarly be used to inhibit flat-roofed construction? Could Lot Coverage regulations be changed to create similar incentives and restrictions, thus eliminating the need for FAR? Should we revisit the set-back regulations that have generally resulted in the lack of back-yards in new houses? How you define and limit lot coverage and whether or not to retain FAR requirements has a great and direct impact on the character, life-style, and accessibility of our neighborhoods, so we appreciate the thought and time you are dedicating to this issue.

Please feel free to contact me with any questions and let me know if I can be of further assistance in addressing these issues.

Thank you,  
Deanna Mortensen  
Norkirk NA Co-Chair  
Owner, Dansk Design LLC.

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Allison Zike, AICP, Planner  
Angela Ruggeri, AICP, Senior Planner  
City of Kirkland

RE: Floor Area Ratio (FAR) and Lot Coverage Amendments, File Number CAM18-00258

Thanks for the opportunity to provide input on the proposed amendments.

Floor Area Ratio (FAR):

Although the addition of “The intent of these F.A.R. regulations is to limit the perceived bulk and mass of residential structures as they relate to the right-of-way and adjacent properties and to ensure houses are proportional to lot size. The design incentives in Section 115.42.4 are provided to encourage more interesting design and location of building massing toward the center of each lot, away from neighboring properties” to the code is a good step, I don’t see the proposed changes and revisions greatly affecting future residential development. Some of my main concerns are:

Architectural style and character, whether we admit it or not, is a primary reason the community has reacted so strongly to many of the new houses in our neighborhoods. The boxy, flat-roofed structures don’t look like the typical “Kirkland house” on adjacent parcels, and they appear to be packed in, too close to each other. The location (position on the building lot and maximum height) of the actual structure has great impact on the perception of bulk and mass, when viewed from the right-of-way or street. Given a typical 5’ side yard setback and an allowed 18” overhang extending into the setback, at the maximum 25’ above ABE, the structure will appear very massive and bulky, especially with very “tall” fascias are often 15 to 18” vertical, or perpendicular to the roof pitch. The issue is often exacerbated on sloping sites where the calculation of ABE can be manipulated.

I don’t think the proposed Design-based F.A.R. Bonus incentive will encourage improved designs, nor will moving the house 30” further away from the property line greatly affect the overall perception of bulk and mass. Criteria 4.a.3) in the incentive may produce some very interesting or unintended results; I haven’t looked at, or analyzed what a savvy designer or architect might come up with to allow increased FAR.

I’m not in favor of completely eliminating the exemption for lower floor as FAR square footage, typically a basement with garage. It’s been around for many years, and changing the rules now would definitely create many non-conforming cases. Houses built with the lower floor exemption don’t necessarily appear more bulky and massive, except possibly when viewed from directly in front of the house. I prepared a quick 3D model of a generic Kirkland street with 7,200 SF flat lots. Two of the houses have basement garages, the third has a detached garage/ADU on the alley. When viewed from a distance the basements are not really visible; on the sidewalk directly in front of a house the larger façade can create a perception of greater mass and bulk. Other jurisdictions have regulations that limit the height of an individual façade, separate from the allowed building height, something Kirkland may want to consider





I contend, and have for years, the real issue that has contributed to what the community has so strongly reacted to is the 25' maximum allowed building height in the RS and similar zones. It is very difficult to build a house with a pitched roof when the ridge can't poke through the 25' limit: room sizes are smaller and spans are shorter, plate heights are reduced, and roof drainage becomes more complicated. Builders simply max out to the allowed envelope and slap a flat or near flat roof on and that's it. Back to my generic K'ville; the house with the 8:12 pitched roof has the same FAR SF as the adjacent house (although some of its upper floor rooms have 5' exterior wall plate heights...but vaulted ceilings and more interesting interior volumes). Unfortunately, the 8:12 roof does, indeed, poke through the blue 25' allowed height plane. If we allowed greater building height of ridges in the center portions of parcels (somewhat a wedding cake configuration) we may encourage better designs and more variation in our neighborhoods.



Thank you,  
Tim Olson Architect



**Allison Zike**

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**From:** Angela Ruggeri  
**Sent:** Thursday, March 28, 2019 5:19 PM  
**To:** Allison Zike; Planning Commissioners  
**Subject:** FW: Permit No. CAM18-00258

**From:** radhafrance <france.giddings@gmail.com>  
**Sent:** Thursday, March 28, 2019 4:07 PM  
**To:** Angela Ruggeri <ARuggeri@kirklandwa.gov>  
**Subject:** Fwd: Permit No. CAM18-00258

Subject: Permit No. CAM18-00258

We are submitting our concerns about the City of Kirkland's policy regarding house size and lot size in Kirkland's building plans:

We are referring to two important parts to the proposal (<http://tinyurl.com/y3w5k795>).

Both of these parts of the proposal addresses our concerns. We are concerned about incongruent neighborhoods with boxes for houses. The massive box look is very unattractive. But that is less important than the environmental issue.

Our major concern is the environment. We are disturbed that our City of Kirkland is not considering the footprint of the very huge homes being built, with very little green space to contribute to the environment. **Where is the replacement of the trees that were cleared to build the house?** Some houses may be built as environmentally friendly inside the building and with building materials, though we see no encouragement of that. Houses of 4000+ square feet, typically housing only 4 people, is an example of self-centered consumerism that is contributing to our climate change. Every person has a responsibility to the environment. Our city does, too. Please reduce the footprint by reducing the amount of land that a house can occupy on a lot, and the size of the house.

Diane and Laurence Fennema



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**Allison Zike**

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**From:** Milton Lam <milton.lam@gmail.com> on behalf of Milton Lam <milton@mlarc.com>  
**Sent:** Thursday, March 28, 2019 4:34 PM  
**To:** karen@nwnative.us  
**Cc:** Planning Commissioners; Angela Ruggeri; Allison Zike  
**Subject:** CAM18-00258

Hi Karen, please see below my comments regarding the proposed changes to the zoning requirements in red. Thanks!

>>

1. **Allow an additional 5% FAR** if at least two of the design elements below are used in the design and construction of a house. The theory is that this could make the home *look* smaller, although the house could actually *be bigger*.

- Peaked roof (w/ min pitch)
- At least 7½ foot setbacks from all property lines (now one side can be 5 feet)
- Second & third floor setbacks along the side property lines (15% of first floor square footage)

This is a good proposal in spirit, but to some extent a major component to this problem has not been addressed. The additional 5% FAR is a nice incentive, although the main reason for all the flat roofs is actually the building height restriction, which this proposal did not consider. The 25' maximum is in many situations just enough for a 2-story home with a flat roof. In cities like Seattle for example, a bonus of 5' (plate height of the house will still have to be below the original limit) in building height is granted if the roof pitch exceeds 4:12, and I think that's a good way to encourage pitched roofs. The style of the home is so often determined by the roof shape – if no options are available except for a flat roof the contemporary style will naturally dominate. Upper floor setback requirements are a good way to make the homes look less bulky, but they are still going to be contemporary “boxes” if building height limit is not revised.

2. **Remove the exemption for basement space** below 6 feet high. (I.e., include it in the square footage calculation.) Removing this exemption could help discourage three story homes with flat roofs and steep driveways.

Basements should continue to be allowed and be excluded from FAR calcs. Basements are underground spaces, and they do not affect the massing of the house. This is valuable square footage that the market wants. The 6' number is the one that should be examined – as this allow “day-light” basements to be excluded from FAR calcs and those are effectively an extra story. I think reducing the 6' to 4' for a space to qualify as a basement would be effective to ensure that the basement is truly underground. Window wells for egress should still be allowed and be exempt from FAR calc considerations.

Also, the current method of calculating the area that would qualify for FAR exclusion is by connecting points on the footprint perimeter where the space is >6' exposed – so the easy “trick” would be to have three sides of the house (normally the sides and the back) buried and have the front of the house where the garage door would be on grade. What results is the house looking like a three story from the street, exactly what we don't want. The rule should include a condition that the basement of the house cannot have a street facing portion that is >6' exposed, effectively eliminating basement garages at the front of houses.

Another potential way to address this is to allocate the % of square footage to be exempt from FAR calcs according to the total % of the perimeter of the house footprint that is >6' exposed. For example, if a house has a footprint that's 20 width x 30 depth, it will have 100' linear feet of perimeter. If only the back of the house is >6' exposed, then 80' out of 100 or 80% is truly underground. The basement square footage would have been 600sf, and only 80% or 480sf should be exempt from FAR calcs. The current code would have considered the entire 600sf exempt.

**Allison Zike**

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**From:** John Mc Gee <your\_art\_teacher@hotmail.com>  
**Sent:** Thursday, March 28, 2019 12:37 AM  
**To:** Planning Commissioners; Angela Ruggeri; Allison Zike  
**Subject:** Permit No. CAM18-00258

Hello, I was encouraged by my fellow citizens to express my opinions to you in regard to Permit No. CAM18-00258 and the direction of growth in Kirkland in general. Here are my thoughts:

I never have understood the drive in new construction to make all the houses ginormous, the same size as the lot, with no backyard or front yard. Maybe some people want that, but everyone? There are whole developments of hundreds of houses around here that look like that. Give me a humble house in the middle a beautiful, well planted lot any day. Walking around the old neighborhoods on Queen Anne in Seattle I see hundreds of beautiful, unique homes with diversity and art in their architecture, and beautiful, interesting, well maintained yards with lots of room, and hundreds of different species of plant to admire. Why can't the Eastside look more like that? Instead what we get around here is a 70' x 70' shoe box on an 80' x 80' lot with few, uninspired, pedestrian plants all inappropriately pruned into stupid little shapes with a little beauty bark and a 2' wide strip of grass.

Seattle, a large urban city, shouldn't be beating a small, lakeside community like us when it comes to spacious yards, creative architecture, beautiful landscaping, craftsmanship, and residential artistry, but they are. Easily. Kirkland used to have that reputation. For decades we were seen like a quaint, lakefront art community. WTF happened?! Oh yeah, money. The needless gold rush mentality that drives our capitalist society. Everyone wants to cash in on the housing market at the expense of our environment, our aesthetics, our local culture, and our people. At Kirkland's current rate of growth, and choices made with the nature of that growth, it will end up eventually being a four square mile grid of contractor boxes, with contractor paint, with contractor plants, with contractor bark, and contractor lighting, inhabited by the vast majority of sheep who only know how to talk about what's on TV. Do you want to know what drives society forward? What gives us the answers to all our problems? What fosters an actual utopia? What gives us the capacity to change the world and drive our economy into the green so that we may all prosper? \*Creativity\* The endless potential energy of thought. Kirkland, and America as a whole, needs to value that and quit sucking it away in all corners of our society. Our uninhibited, ugly as hell, growth is direct reflection of that phenomenon. I believe it is possible for Kirkland to grow, slowly, wisely, and creatively while reclaiming its artistic, self-reflective roots. Are the city leaders not up to the challenge?

-John Mc Gee  


your\_art\_teacher@hotmail.com

**Allison Zike**

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**From:** Lynda Riversinc <riversinc2@gmail.com>  
**Sent:** Wednesday, March 27, 2019 9:10 PM  
**To:** Planning Commissioners; Angela Ruggeri; Allison Zike  
**Subject:** CAM18-00258

RE: Permit No. CAM18-00258

I am sending in my comments for your proposal to allow construction even larger homes if they include a few “extra” design features. It is also my understanding that you came up with this proposal to appease the “average” person living in this city who thinks the home currently being constructed are already way too large and horrid, filling almost every square inch of the lot. So allowing for even bigger homes is your answer?? Really??? It is very clear that the planning department along with our current city council makes every rule and regulation to keep these big builders ever so happy and by doing so are destroying our city. We are rapidly losing all of our tree cover. And good grief how large a house does anyone person need, really? Adding a peaked roof does not fix the real issue at hand, that *these houses are just too massive!!*

I believe this city already has more than enough overly large homes to appease the overly wealthy portion of our population. How about we maintain a few of the old growth urban trees, have some lots with actual yards, ground and plants to absorb the run off.... How about you do something for the average citizen instead of just your good friends who “build”. This is a ridiculous proposal!

Lynda Myra

  
[riversinc2@gmail.com](mailto:riversinc2@gmail.com)

**Allison Zike**

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**From:** Angela Ruggeri  
**Sent:** Monday, March 25, 2019 1:22 PM  
**To:** Helen Hald; Planning Commissioners  
**Cc:** Allison Zike  
**Subject:** RE: House size, RE CAM18-00258

Thank you for your comments Helen. I am forwarding them on to the Planning Commissioners for their consideration.

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**From:** Helen Hald <helen@helenhald.com>  
**Sent:** Monday, March 25, 2019 1:08 PM  
**To:** Angela Ruggeri <ARuggeri@kirklandwa.gov>  
**Subject:** House size, RE CAM18-00258

Dear Angela,

I am writing in response to the City of Kirkland's regulations for single family residential house size, specifically CAM18-00258.

I understand there is a hearing on this topic scheduled for March 28 at City Hall.

As a resident of Kirkland, an owner of a single family home and an architect I share the following:

Context is critical in this discussion. The discussion is not merely about whether people like or dislike the design of a house, as that is subjective. The context of our single family residential neighborhoods vary, but what is consistent is a house with a garden. The typical American house size has increased over the years. In the mid-fifties, it was common for families to live in 1,500 square foot homes. Today, 2X that is a minimum expectation. As a result, 2-story homes are more common, as are houses that are built clear to the land use setback. Green space, pervious area, views, natural light, sunshine and privacy are being reduced. The current single family land use codes are being and will continue to be exploited, whether by individual homeowners or developers. The current single family land use code is legally allowing us to create an environment where green space, pervious area, views, natural light, sunshine and privacy are reduced. How do I grow vegetables in my garden if the structures don't allow solar exposure? Is this what we call livable? Is this sustainable? Is this what we want?

The single family home will soon be extinct in many neighborhoods in Seattle as the city up-zones in response to the population growth. This comes at a price. The price is livability.

Urban planning is key to making cities livable. For example, European cities thrive with density because they were planned years ago. Public squares, plazas, gathering spaces, green spaces, parks, etc. are scattered amongst the buildings.

A mix of single family and multifamily provides variety. However, there should be a distinction between single family zoned properties and multi-family zoned properties. Single family is by nature less dense than multi-family. Single family should allow for green space, pervious area, views, natural light, sunshine and privacy.

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Nature has a positive effect on the well-being of humans. This is not a matter of believing or not believing, it is a fact. We have a vital relationship with trees, not to mention we simply feel good when we sense nature. Preserving gardens, pervious area, views, natural light, sunshine and privacy make our single family residential neighborhoods vibrant places to live.

How can the land use regulations for single-family zones accomplish this? To start with, the size of a house on a single-family lot should be further limited.

For example:

- 1) Side yard setbacks totaling 10' with a minimum of 5' could limit the structure that is located at 5' to a percentage of the length of the structure (for example, 50% or less).
- 2) Second stories could be reduced to a percentage of the first floor (for example, 60% or less), thus preventing the 2-story "box" house which reduces views, natural light and sunshine and privacy.
- 3) Additional FAR allowances could be eliminated.
- 4) Off-street parking could be allowed in street right-of way and be required for only 1 vehicle not 2, thus reducing the 2-car garage, which is what is driving many homes to stretch from one side yard to the other.

I appreciate this opportunity to voice my opinion. Please let me know if I can help participate further in this process. As a community, we can create a built environment that we all take pride in.

Regards,

Helen Hald

[Helen Hald](#)

HELEN HALD ARCHITECTURE



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**Allison Zike**

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**From:** Allison Zike  
**Sent:** Thursday, April 18, 2019 2:30 PM  
**To:** Allison Zike  
**Subject:** FW: Design Review for Residential Neighborhoods

**From:** Stephanie Clancy <[stephanie.clancy@comcast.net](mailto:stephanie.clancy@comcast.net)>  
**Sent:** Friday, March 29, 2019 10:19 AM  
**To:** [DesignReviewBoard@kirklandwa.gov](mailto:DesignReviewBoard@kirklandwa.gov); Planning Commissioners <[planningcommissioners@kirklandwa.gov](mailto:planningcommissioners@kirklandwa.gov)>  
**Subject:** Design Review for Residential Neighborhoods

Good morning...

I was at the Public Hearing last night that was held by the Planning Commission and it seems to me there is a lot of concern about the aesthetics surrounding much of the newly developed homes that are going into our neighborhoods.

Many residents feel like the new, boxy designs are not at all in keeping with our more traditional neighborhoods. I think new development is great when it blends in and improves what we already have. To look at some of our neighborhoods right now the idea of the word "improvement" is definitely in question.

I'm wondering if the City would consider forming a volunteer Design Review Board of appointed Kirkland citizens specifically for the residential areas so we could keep an eye on what these residential developers are doing and come up with some aesthetic guidelines (not just as they deal with square footage, setbacks, pitched/flat roofs, etc.) but the actual look and feel of what's being built so that they will safely blend in with our neighborhoods after the builders have done their jobs and gone home, leaving we as residents to live with what they've done.

Would the City be open to something like this?

Thank you...

Stephanie Clancy

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**Allison Zike**

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**From:** Allison Zike  
**Sent:** Thursday, April 18, 2019 2:34 PM  
**To:** Allison Zike  
**Subject:** FW: Permit No. CAM18-00258

**From:** Deanna M [danskerd@hotmail.com]  
**Sent:** Wednesday, March 27, 2019 10:18 PM  
**To:** Planning Commissioners; Angela Ruggeri; Allison Zike  
**Cc:** Karen Story  
**Subject:** Permit No. CAM18-00258

Regarding the proposed changes to the FAR requirement and removing the basement exemption, I OPPOSE both of these changes, though I strongly agree with the need for amendments to address the trend of big box houses for new construction. As an architectural designer and former Norkirk neighborhood co-chair, I am in a unique position to both understand the building design process and be familiar with our neighborhood's negative sentiment regarding the many new large, flat-roofed houses that have been built in our neighborhood. The aim of the proposed changes to the zoning codes is to encourage the development of attractive residential areas that provide a sense of community and contain a variety of housing types to accommodate different lifestyles and household sizes; to maintain or improve the character, appearance, and livability of established neighborhoods and to protect or enhance the character of historic structures and areas; and to ensure adequate light, air, and readily accessible open space for each dwelling unit in order to maintain public health, safety, and welfare. These are all good goals, but the proposed amendments do not adequately address them.

From a neighborhood perspective, the overwhelming majority feel these box houses detract from the character and charm of our older neighborhoods and rob the light from neighboring properties. In addition to their shape, the sheer size of these houses on small city lots also contributes to blocking light and means those properties are likely being developed without a real back yard, which is important for allowing people to be outside more, getting more fresh air. While being outside is particularly important for kids to play, it is also good for adults to entertain, garden, relax, soak up some sun, and meet their neighbors. Allowing larger houses to further incentivize developers to choose peaked roofs or smaller 2nd floors each only addresses one aspect of the issue with the box houses. Removing the basement exemption would actually have the wrong effect on development, pushing for more square footage above ground. Basement space is actually a great way to add SF without making the house visibly larger or impacting neighbors.

From the perspective of an architectural designer who both lives and works in Kirkland, the flat roofs are ill-advised in this climate and, with good design (both in terms of floorplan efficiency and structural design), new houses can already be quite large without resorting to flat roofs. Personally, I actually refuse to design houses with flat roofs, the only exception being to have a reasonably sized rooftop deck over a small portion of the house (preferably over a garage or deck) to take advantage of a view or because of the lack of yard on very small city lots. I've found that the box houses are favored by developers to maximize size, hence profit, and very few of my clients actually request them. Furthermore, there is already code along the lines of the first proposed amendment that allows a 10% increase in FAR on lots smaller than 7,200 SF if the majority of the roof is at least a 4/12 pitch.

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I do have suggestions for code amendments that would better limit the development of box houses and favor peaked-roofs:

1. Implement a Daylight Plane requirement. Please see attached for example currently in use.
2. Allow a 1 foot additional height exemption for roofs with a minimum peak of 4/12 (or 6/12 or 8/12...) in areas of Kirkland where the current height limit is 25'.
3. Restrict the approval of flat-roof homes, for example set a flat-roof maximum 10% of new single family homes in residential areas or a maximum of 2 flat-roofed hoses per block.
4. Remove the additional 8' garage set-back requirement to reduce wasted lot coverage on driveways allow for larger back yards.
5. Stop allowing exceptions to Lot Coverage and FAR requirements for developers.

Thank you for your attention to this matter and feel free to reach out to me if you would like more detail on any of these suggestions.

Deanna Mortensen

  
[danskerD@hotmail.com](mailto:danskerD@hotmail.com)

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**Allison Zike**

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**From:** Allison Zike  
**Sent:** Thursday, April 18, 2019 2:34 PM  
**To:** Allison Zike  
**Subject:** FW: Permit No. CAM18-00258 Proposal

**From:** Andrew & Trey Sheldon [wearethesheldons@gmail.com]  
**Sent:** Thursday, March 21, 2019 9:38 AM  
**To:** Planning Commissioners; Angela Ruggeri; Allison Zike  
**Subject:** Permit No. CAM18-00258 Proposal

Although I will be unable to attend the hearing due to prior commitments, I wanted to provide feedback as we are likely to be directly affected by these changes in the near future when we rebuild our home in the next few years.

First of all, I'd just like to say that I feel many people are stuck in the past with a mental state of "no change." They don't like anything new and just want things to stay as they are. This is counterproductive to progress. I understand that modern homes are not for everyone, but to that I say, don't have one. For those of us recently moving into the area, settling and planning to spend the rest of our life here, we would like the ability to build our home in our style (within reason). We may think their old, untended homes are ugly, but we aren't trying to create legislation to require them to update them, now are we? That being said... This resistance to flat roofs and steep driveways is exactly that, "no change." As long as the homes are aesthetically pleasing and add value to the area, without being too close to each other this resistance to this new style of home is kind of ridiculous. If they want to impose that type of restriction, start an HOA in their neighborhood, but to apply it to the entire city is wrong.

In regard to the addition of 5% FAR for certain elements. We intend to have a flat roof. We think it looks nice, if it is done right and can provide a rooftop deck to enjoy the views during our beautiful summers.

But we also do NOT want to be right next to the neighbors, so the 7 1/2 foot setback is OK. This would create 15 feet of space between new homes, which sounds appropriate. We need to restrict builders from making our area look like Seattle. We like Kirkland because there is space. I would even go so far as to require builders to have 10 feet on each side. In regard to builders, I think it's more important the houses per acre restrictions are not only maintained, but appropriate setbacks from the street and back of the property need to be put in place. The houses that were recently built on Juanita back right up to their property line and it looks like poop. Especially that one that added the ugly striped awning. Also, the requirement of larger streets for developments and driveways to keep as many cars off the streets as possible and to allow driving space for TWO directions of traffic when vehicles are parked on both sides of the street. (I'm getting off topic, I know, but perhaps you can address this elsewhere).

There needs to be clarity on the 2nd/3rd floor setbacks. Our house is on that is built into a hill. When we rebuild, we will have three stories, but only two from street level. The garage will be on the bottom floor with a steeper driveway. I could not tell from the wording whether the additional 15% "setback" would apply to the street level floor or the 3rd floor. It seemed to indicate the street level floor, but was unclear to me. On the FAR calculation, will garage space be included in that? We intend on having a 4 car, double tandem garage which will be about 1,000 square feet, which will significantly impact the ability to have the rest of the space we want for the rest of the house if garage is included in the FAR.

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Of course, as future home builders, we intend to try to keep the charm of Kirkland, using a modern lodge style that matches the area and blends in with our beautiful trees. Most do not want ugly or oversized houses. But I would say to exclude any square footage from the FAR that is below street level. That is, finished basements, garages, etc, that are below, don't contribute to the "massive appearance" of many of the new homes. This would allow people to have larger homes without the appearance of it being too massive.

Those are my views. You all are doing a great job at trying to address the concerns of the community. Just make sure you're addressing everyone's concerns, old, new, and future owners. Not just the people who will be gone in the next decade. It's one of the biggest problems of local government and that is not looking far enough down the horizon.

Thank you for your time and reading my novel (if you made it this far.) :)

Best regards,

Andrew Sheldon



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

The Proposal

Here are two parts of the proposal (<http://tinyurl.com/y3w5k795>). You can let the city know whether you support or oppose each of these.

1. Allow an additional 5% FAR if at least two of the design elements below are used in the design and construction of a house. The intent is that this could make the home look smaller, although the house could actually be bigger.

- Peaked roof (w/ minimum pitch)
- At least 7½ foot setbacks from all property lines (now one side can be 5 feet)
- Second & third floor setbacks along the side property lines (15% of first floor square footage)

2. Remove the exemption for basement space below 6 feet high. (I.e., include it in the square footage calculation.) Removing this exemption could help discourage three story homes with flat roofs and steep driveways.

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## Allison Zike

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**From:** Jeremy McMahan  
**Sent:** Monday, March 25, 2019 8:17 AM  
**To:** Angela Ruggeri; Allison Zike  
**Subject:** FW: Permit No. CAM18-00258

**From:** tanya dimpsey <tanyaschulte@LIVE.COM>  
**Sent:** Friday, March 22, 2019 3:45 PM  
**To:** Planning Commissioners <PlanningCommissioners@kirklandwa.gov>  
**Subject:** Permit No. CAM18-00258

Looks good. Thank you for your hard work.

Tanya Dimpsey



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**Allison Zike**

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**From:** Stan Gregg <sgbikerdr@aol.com>  
**Sent:** Friday, March 22, 2019 12:25 PM  
**To:** Allison Zike; Angela Ruggeri  
**Subject:** Proposed FAR modifications

Dear Planning Department, Kirkland Planning Commission, and Councilmembers:

I am writing to express my concerns relative changes in residential building requirements that have occurred or are proposed and the negative impacts of these on adjacent home owners. Specifically, I am referring to the rule that decreased side yard setbacks and increased allowed structure height from 25 to 30 feet.

Our home is located at 1603 10th St West and was built in 1987. This area is a waterfront district and at that time the side yard requirements were a minimum of five feet for the south set back and the house height less 10 feet for the north yard set back. The purpose of this increased north yard setback was primarily to allow sunlight access to the neighboring property to the north by limiting the proximity of the southerly residence to the property line. As a former Councilperson during the tenures of Joe Tovar and Eric Shields, I became familiar with the City's planning objectives as well as having voted on many of these.

I believe it is a mistake to fail to take into adequate account the effect of the referenced changes on adjacent properties. The home being to the south of our home illustrates the negative effects of these changes. Our home is now shaded by this 30 foot high 5,200 SF behemoth, as well as it being so close that has destroyed any semblance of privacy between the two homes. Additionally, the additional height allowed results in this home's floors and decks looking down on both levels of our home with the result that all privacy has been destroyed with no realistic way to remedy this situation. There is no doubt that these changes have not only adversely affected our use and enjoyment of our property, but also likely the property's appeal and value to a future purchaser.

Since the City has determined these relaxed rules are beneficial, they should not prevent adjacent owners from availing themselves of the same advantage in the redevelopment of their properties in such event. Particularly, concerning the 30 foot height limit, this should not be denied to any property that has had a 30 foot high structure built to the south. With regard to any future significant changes to building allowances, I urge the Planning Commission and Council to give consideration and weight to the negative effects on adjacent properties in making their decisions. I invite you to visit our property, if you wish to view these first hand.

Sincerely,

Stanley P. Gregg  
(Kirkland City Councilmember 1982-1985)

Stan P. Gregg, President  
Gregg's Cycle, Inc.



[www.greggscycles.com](http://www.greggscycles.com)

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**Allison Zike**

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**From:** Carter Bagg  
**Sent:** Friday, March 22, 2019 10:18 AM  
**To:** Katherine Morris; Planning Commissioners  
**Cc:** Angela Ruggeri; Allison Zike  
**Subject:** RE: New homes in South Rose Hill

Comment on the FAR issue

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From: Katherine Morris [katherinesuemorris@gmail.com]  
Sent: Thursday, March 21, 2019 8:12 PM  
To: Planning Commissioners  
Cc: Angela Ruggeri; Allison Zike  
Subject: New homes in South Rose Hill

Dear planners,  
I used to live in what I would consider a nice neighborhood. Now mid-century homes are being torn down to make way for HUGE, boxy homes that block light for the smaller homes still extant.

Is there anything that can be done about this?

Thanks,  
Katherine Morris



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**Allison Zike**

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**From:** Stephanie Clancy <stephanie.clancy@comcast.net>  
**Sent:** Friday, March 22, 2019 9:16 AM  
**To:** Planning Commissioners; Angela Ruggeri; Allison Zike  
**Cc:** Tim  
**Subject:** Permit No. CAM18-00258 & Public Hearing on March 28, 2019

Good morning...

I understand there will be a public hearing on March 28, 2019, to discuss complaints about the type of new construction that has been popping up all over Kirkland. I also understand this is the proper channel for submitting comments prior to the hearing.

As a resident of Kirkland for 24 years in the Highlands neighborhood, I've never seen the kind of development that is taking place today. The build-plans that are being approved do not match the long-standing look and feel of our suburban area, and I am hoping the Planning Commission would not allow this "look" to continue. Some of the homes in our neighborhood are farmhouse style from years ago that exude charm and a pleasant esthetic. The homes that are now going up in no way blend with the look and feel of our neighborhood, and people from others areas who come to visit comment on how bad it all looks.

I can see this style of house going up in areas where whole new developments are going in. There are certain areas of Seattle that have done this but we are thankfully not Seattle. We have a cozy community that was built on style, good taste, family life and community and these homes, in my opinion, do not support that at all. These developers have been allowed to come in and put their own "cheap signature" on our neighborhoods while ignoring the type of homes they see all around. They have no problem tearing down an old farmhouse. In fact, many of these homes look like commercial office buildings - the kind you would see in a commercially zoned area. I have no problem with developers coming in and upgrading the neighborhood, but they should only be allowed to do it while keeping to a standard and precedent that has been set before them. Not that I'm all for keeping things stagnant, but keeping things within the parameters of the style and design that already exists. The houses going up are a blot on our lovely neighborhoods and I've found it's not only those of us who live in these neighborhoods who think so. It's rather an embarrassment when people from other communities come in and comment on how ugly things have become.

The Planning Commission needs to take better care to preserve what we have while allowing development to occur only if it blends in and improves what currently exists. A lot of people are upset about what has been allowed to take place and now we're going to have to either live with what we've got (which in my opinion is a stain on our streets), or move somewhere else. A boxy, ugly house with a "pitch" to the roof isn't good enough. The Planning Commission needs to take the design of the



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house as a whole into consideration and stop the influx of these ugly, boxy, office-building type houses into our long-standing suburban neighborhoods.

About two weeks ago, I received a letter from BDR Construction offering to buy my house fast, for cash. They said they could pay us within 48 hours. I know this is one of the companies who is developing in our area. To me, this was entirely disrespectful. And if I hadn't thrown it away I would have attached it to this email. It's all about the money for them and they don't care what they do to our neighborhood. Their web site shows the types of houses they are building in certain areas and the houses they're putting up in Seattle look exactly like the houses that are going up in Kirkland. Again, we are *not* Seattle. Here's a link to the BDR web site: <http://www.bdrholdings.com/>

Our neighborhoods have their own history and it would be great if the developers were required to respect and honor those people and houses that came before them with designs that complement the area as a whole. The solicitation for business is also concerning. In my opinion, they are preying on our neighborhoods from the time the offer-letters to buy our houses are sent until they sell the monstrosities they build.

Thank you for reading this rather long email. I hope the Planning Commission will take urgent steps to align with its own community. I hope you will improve the way you deal with these builders and begin to scrutinize their blueprints. And I urge you to seriously consider changing the way we as current residents are forced to entertain these development companies and their greedy/ugly agendas (which very apparently do not include preserving the history of our Kirkland neighborhoods).

Sincerely...

Stephanie Clancy



**Allison Zike**

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**From:** Karen Story <karen@nwnative.us>  
**Sent:** Monday, June 18, 2018 2:04 PM  
**To:** Angela Ruggeri; Allison Zike  
**Subject:** FAR feedback

Angela and Allison,

I know that KAN will be having additional discussions about the FAR question, and I hope to participate in that, but I wanted to send you my initial thoughts now. This is a complex issue, and I'm glad that KAN will be discussing it.

- I believe that single family homes in Kirkland are still too big (and expensive).
- Some of the homes that are being built are so big that they look more like multi-family homes than single family, which really changes the character of neighborhoods.
- Some of these big homes take up so much space on the lot that there is no room for trees unless they are right up against the house (which will damage the foundation and siding) or on the lot line (where they will impinge on the neighboring lot - this is happening to me).
- Flat roofs are inappropriate for this climate and will cost buyers a lot of money to repair and maintain.
- Three-story homes look too tall in single family zones. In addition they block light to neighboring yards and gardens.
- Having FAR restrictions is clearly better than not having them, as in Houghton. I assume that Houghton does have lot coverage and height restrictions, but that is not enough to prevent the 57% FAR example you showed, which I think is just too much house for any lot.
- I suggest reducing the FAR allowance.
- I suggest reducing height limits, to discourage three story homes.
- I would like to have consistent height limits throughout the city.
- I would consider reducing lot coverage allowances.
- In order to encourage ADUs and more affordable housing, I am OK with allowing multiple units on a single family lot, as long as each unit is reduced in size so that the total FAR and lot coverage does not exceed the single family lot allowance. I do not agree with exempting ADUs from the FAR calculation. I know this could discourage builders from building ADUs, so let's think up different incentives to encourage ADU construction.
- We do need more smaller, affordable housing that does not have an HOA (such as ADUs). HOAs are a burdensome restriction for many buyers.

**Allison Zike**

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**From:** Gina Clark <GClark@mbaks.com>  
**Sent:** Wednesday, May 23, 2018 3:53 PM  
**To:** Adam Weinstein  
**Cc:** Angela Ruggeri; Allison Zike  
**Subject:** Re: Kirkland project on FAR/lot coverage

Hi, All.

In the interest of time, I'm going to apologize and just send the comments in the raw. Nothing fancy, but just cut and paste into this email. I hope that works. Here goes, and again, many, many thanks for the opportunity to ask for feedback from our members.

1. Generally speaking: the big thing for us is FAR is too limiting and as a result inferior product and site development are a result. When you have to design and construct an inferior product eventually the quality of the neighborhood is going to diminish. Would rather have some options to remove FAR by having enhanced architecture or enhanced landscape to remedy. The price of the market is demanding larger product and FAR requires builders to go subgrade to get square footage and that's costly and continues to increase end sales prices.

To answer your questions specifically:

- What specific ways might FAR and lot coverage regulations be altered in Kirkland to arrive at a better design outcome? **Looking at it in totality with lot coverage/impervious surface coverage requirements/product height and FAR. Many times these provisions are opposing each other or addressing the issue already. If Kirkland could take a step back and understand why they have FAR's/how are builders navigating around them (going subgrade) and create something that works in harmony with each other – I think they could create a more effective outcome for all parties involved.**
- Have members worked in communities where these regulations are different from (and more effective than) Kirkland's? If so, where? **FAR's are very limiting and can't say we can point to somewhere we they are "working well". But increasing the ratios in this market and not force the builders to work around it by going subgrade is certainly a start.**
- Would MBAKS members be open to an incentive-based approach to FAR, where FAR requirements are waived if certain design criteria are met? **Yes. Absolutely. But we would want to be careful here to ensure these requirements would be consistent with what we are seeing the market driving in the area.**
- If FAR is abolished completely, what would be the implications for a typical single-family product? **Can't see any implications. Only see positives.**
- If the lot coverage requirement is removed to make way for an "open space" requirement, what would the implications be for a single-family product? **Hard to answer this one. Just really depends on what this is ironed out to look like more. Kirkland is all infill projects now basically so creating more "open space" I don't believe really accomplishes much and will probably land**

**us right back to where this all started in limiting what you could get on a property thus impacting values of properties.**

**2.**

- *What specific ways might FAR and lot coverage regulations be altered in Kirkland to arrive at a better design outcome?*

It would be helpful to understand what Staff believes to be the problem with the existing system. Without knowing what's wrong it's really hard to design countermeasures. Lot Coverage allowances and FAR generally track pretty closely in how much house is allowed. "Small lot" provisions are a notable exception, allowing less house in FAR terms, leaving Coverage unchanged.

Is this effort relating to single family, multi-family? Both? Overall, the existing system is consistently applied and predictable, which is crucial to the building community.

- *Have members worked in communities where these regulations are different from (and more effective than) Kirkland's? If so, where?*

I haven't run across another jurisdiction where FAR applies in single family. I'm sure they exist but certainly Kirkland's approach is the exception. I have no information how this would work elsewhere.

- *Would MBAKS members be open to an incentive-based approach to FAR, where FAR requirements are waived if certain design criteria are met?*

This strikes me as a solution looking for a problem. I don't see any great problem with the current system, and am wary of adding complexity.

- *If FAR is abolished completely, what would be the implications for a typical single-family product?*

We would probably see larger houses with smaller patios and driveways. FAR is *generally* the operative constraint but Lot Coverage is close behind. All else equal, removing FAR would probably see houses ~200 SF larger than now. In reality though, minimizing other impervious areas would allow for more house and the home is where the money is, much more than outdoor spaces.

In other marketplaces, building the maximum house isn't always ideal. It costs a lot to build, and each additional square foot is worth less than the previous. So at some point, construction cost (which is flat, per-foot) is more than the market will pay for that foot. In Kirkland at the moment though, we're seeing buyers will profitably pay for every square foot we can build.

- *If the lot coverage requirement is removed to make way for an "open space" requirement, what would the implications be for a single-family product?*

**Similar to above, what would be the point of this? Assuming that Open Space is ‘all the surfaces that aren’t improved or paved’, it would be just regulating the inverse of what’s regulated now but with potentially similar results. Any effort in this direction would entirely depend on the details.**

**It’s possible such a system could be workable, or it could be terrible. It could be reasonably simple or unworkably complex. No examples, numbers, or any further information is provided to even guess how it would affect homesites.**

3. The comments I received from my DR Horton folks are all similar.

What does FAR add for control that isn’t already covered by lot coverage, impervious, and building height?

---

**From:** Adam Weinstein <AWeinstein@kirklandwa.gov>

**Sent:** Monday, May 14, 2018 5:43:47 PM

**To:** Gina Clark

**Cc:** Angela Ruggeri; Allison Zike

**Subject:** Kirkland project on FAR/lot coverage

Hi Gina,

You may recall from our last Master Builders/staff meeting (or perhaps a previous Planning Commission meeting) that City staff are considering revisions to Kirkland’s development regulations related to floor area ratio and lot coverage in single-family zoning districts. The key objectives are: streamlining the rules, while arriving at a good design outcome (i.e., well-designed houses on lots with sufficient greenery and open space). We brought this item to the Planning Commission for a general discussion on April 12 and here’s the link to the staff report:

<http://www.kirklandwa.gov/Assets/Planning/Planning+PDFs/Planning+Commission/Floor+Area+Ratio+and+Lot+Coverage+Regulations+Staff+Memo.pdf>

CITY OF KIRKLAND Planning and Building Department 123 ...

[www.kirklandwa.gov](http://www.kirklandwa.gov)

3 d. On lots greater than or equal to 8,500 square feet, the first 800 square feet of an accessory dwelling unit or garage contained in an accessory structure, when such accessory structure is

We’d very much be interested in getting input from the Master Builders on this topic, and were wondering if you’d be able to query your members to see if they’d be able to provide any input.

Specific questions on which we’d like input include:

- What specific ways might FAR and lot coverage regulations be altered to arrive at a good design outcome?
- Have members worked in communities where these regulations are different from (and more effective than) Kirkland’s? If so, where?
- Would Master Builders members be open to an incentive-based approach to FAR, where FAR requirements are waived if certain design criteria are met?
- If FAR is abolished completely, what would be the implications for a typical single-family product?
- If the lot coverage requirement is removed to make way for an “open space” requirement, what would the implications be for a single-family product?

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Any other feedback that your members would care to provide about these topics would be much appreciated.

Thanks, Adam

**Adam Weinstein, AICP**

*Deputy Planning Director*

City of Kirkland

123 5th Avenue

Kirkland, WA 98033

(425) 587-3227

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

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**CITY OF KIRKLAND**  
**Department of Public Works**  
**123 Fifth Avenue, Kirkland, WA 98033 425.587.3800**  
[www.kirklandwa.gov](http://www.kirklandwa.gov)

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## **MEMORANDUM**

**To:** Adam Weinstein, Planning and Building Director

**From:** Kathy Brown, Public Works Director  
John Burkhalter, Development Engineering Manager  
Tuan Phan, Development Engineering Supervisor  
Kelli Jones, Surface Water Program Supervisor

**Date:** April 15, 2019

**Subject:** REQUEST TO DELAY EFFECTIVE DATE OF LOT COVERAGE REGULATION UPDATES

### **RECOMMENDATION:**

City Council to delay the effective date of the Lot Coverage Regulation updates to July 1<sup>st</sup>, 2019 to allow the Public Works Department to update surface water regulations and provide outreach to the development community for a seamless transition.

### **BACKGROUND DISCUSSION:**

Current surface water regulations rely upon the Planning Department's lot coverage regulations to determine and plan for the maximum impervious surface area that a development project will be required to mitigate. The proposed update to the lot coverage regulations will eliminate the need to meet surface water design standards to receive the 50% lot coverage area credit. This update will create an opportunity for additional impervious surface area to be created by a development project. Public Works will need to update surface water regulations simultaneously to account for the additional impervious surface area allowed by the new lot coverage regulations.

Public Works and Planning staff have been working together on these changes for the past month; and Public Works has asked Planning for additional time to update the City's surface water regulations to reflect the updated lot coverage regulations. With the additional time, Public Works staff will work on the following to create a smooth transition for the development community:

- 1) Determine alternatives to regulate the additional impervious surface allowed with the updated lot coverage regulations. Our plan is to vet these alternatives with engineers in

the development community to ensure that the process created is feasible, then finalize an alternative recommendation for the Public Works Director.

- 2) Update Public Works Pre-Approved Plans and Policies to reflect the preferred alternative. This will include changes to Policy D-10, the Addendum to the 2016 King County Surface Water Design Manual, and potentially a new policy for further guidance.
- 3) Produce education and outreach materials that may include (but not limited to) flow charts, a one-page summary of updates, and/or other types of notifications, to send to the development community. Staff will potentially hold trainings if it is warranted to further discuss these changes with the development community.

After these tasks are completed, the goal is for the Planning Department and Public Works Department to roll out updated regulations and policies simultaneously on July 1<sup>st</sup>, 2019.



ORDINANCE NO. O-4684

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING AND LAND USE AND AMENDING THE CITY OF KIRKLAND ZONING CODE, ORDINANCE 3719 AS AMENDED, REGARDING DEVELOPMENT STANDARDS FOR FLOOR AREA RATIO, LOT COVERAGE, AND RELATED DEFINITIONS, AND APPROVING A SUMMARY FOR PUBLICATION, FILE NO. CAM18-00258.

1           WHEREAS, the City Council has received a recommendation  
2 from the Kirkland Planning Commission to amend a portion of the City  
3 of Kirkland Zoning Code, Ordinance 3719, as amended, as set forth in  
4 the report and recommendation of the Planning Commission dated April  
5 25, 2019 and bearing Kirkland Planning and Building Department File  
6 No. CAM18-00258; and  
7

8           WHEREAS, prior to making the recommendation, the Planning  
9 Commission, following notice thereof as required by RCW 35A.63.070,  
10 held a public hearing on March 28, 2019, on the amendment proposals  
11 and considered the comments received at the hearing; and  
12

13           WHEREAS, pursuant to the State Environmental Policy Act  
14 (SEPA), there has been a final determination of nonsignificance,  
15 including supporting environmental documents issued by the  
16 responsible official pursuant to WAC 197-11-340 and WAC 197-11-390;  
17 and  
18

19           WHEREAS, in a public meeting on May 7, 2019, the City Council  
20 considered the environmental documents received from the responsible  
21 official together with the report and recommendation of the Planning  
22 Commission; and  
23

24           NOW, THEREFORE, the City Council of the City of Kirkland do  
25 ordain as follows:  
26

27           Section 1. Zoning Code Amended: The following chapters and  
28 sections of the Kirkland Zoning Code are amended as set forth in Exhibit  
29 A to this ordinance and incorporated by reference.  
30

- 31           Chapter 5 – Definitions
- 32           Chapter 115.42 - Floor Area Ratio (F.A.R.) Calculation for  
33                                Detached Dwelling Units in Low Density  
34                                Residential Zones and Attached Dwelling  
35                                Units in PLA 3C
- 36           Chapter 115.90 – Calculating Lot Coverage  
37

38  
39           Section 2. Severability: If any section, subsection, sentence,  
40 clause, phrase, part or portion of this ordinance, including those parts  
41 adopted by reference, is for any reason held to be invalid or  
42 unconstitutional by any court of competent jurisdiction, such decision  
43 shall not affect the validity of the remaining portions of this ordinance.

44           Section 3. To the extent that the subject matter of this  
 45 Ordinance is subject to the disapproval jurisdiction of the Houghton  
 46 Community Council as created by Ordinance 2001, the Ordinance shall  
 47 become effective with the Houghton community either upon approval  
 48 of the Houghton Community Council, or upon failure of the Community  
 49 Council to disapprove this Ordinance within 60 days of its final  
 50 enactment.

51  
 52           Section 4. Effective Date: This ordinance shall be in full force  
 53 and effect 60 days from and after its passage by the City Council and  
 54 publication, pursuant to Kirkland Municipal Code 1.08.017 in the  
 55 summary form attached to the original of this ordinance and by this  
 56 reference approved by the City Council as required by law.

57  
 58           Section 5. Ordinance Copy: A complete copy of this ordinance  
 59 shall be certified by the City Clerk, who shall then forward the certified  
 60 copy to the King County Department of Assessments.

61  
 62           Passed by majority vote of the Kirkland City Council in open  
 63 meeting this \_\_\_\_ day of \_\_\_\_\_, 2019.

64  
 65           Signed in authentication thereof this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
 Penny Sweet, Mayor

Attest:

\_\_\_\_\_  
 Kathi Anderson, City Clerk

Approved as to Form:

\_\_\_\_\_  
 Kevin Raymond, City Attorney

## AMENDMENTS TO KIRKLAND ZONING CODE CHAPTER 5 – DEFINITIONS

**5.10.107.3 Carport**

**A roofed area of sufficient dimensions and orientation to park a vehicle which is connected or directly adjacent to a driving surface**

**5.10.346.7 Hardscape**

**Hardscape is a placed, created, constructed or compacted hard surface area, which is unavailable for landscaping as defined by KZC 5.10.465. Hardscape surfaces include, but are not limited to: building foundations, patios, driveways, parking lots, concrete or asphalt paving, gravel or other similar walking and driving surfaces. Hardscape surfaces do not include open space as defined in this code.**

5.10.465 Landscaping

~~The planting, removal and maintenance of vegetation along with t~~**The movement and displacement of earth, topsoil, rock, bark and similar substances and/or associated**  
~~done in conjunction with the planting, removal and maintenance of vegetation.~~

## AMENDMENTS TO ZONING CODE CHAPTER 115, SUBSECTION 42

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

**The intent of these F.A.R. regulations is to limit the perceived bulk and mass of residential structures as they relate to the right-of-way and adjacent properties and to ensure houses are proportional to lot size. The design incentives in Section 115.42.4 are provided to encourage more interesting design and location of building massing toward the center of each lot, away from neighboring properties.**

1. Gross floor area for purposes of calculating F.A.R. and maximum floor area for detached dwelling units in low density residential zones and attached dwelling units in PLA 3C shall include the entire area within the exterior walls for each level of the structure. It shall also include the area of all carports measured as the area of the carport roof. It shall not include the following:

a. Attic area with less than five (5) feet of ceiling height, as measured between the finished floor and the supporting members for the roof.

b. Floor area with a ceiling height less than six (6) feet above finished grade. The ceiling height will be measured to the top of the structural members for the floor above. The finished grade will be measured along the outside perimeter of the building (see Plate 23). **For window wells, finished grade will be measured at the outside perimeter of a window well only when it is designed and constructed to the minimum dimensions required by the current building code adopted by the City of Kirkland.**

c. On lots less than 8,500 square feet, the first 500 square feet of an accessory dwelling unit or garage contained in an accessory structure, when such accessory structure is located more than 20 feet from and behind the main structure (see subsection (3) of this section for additional information on the required distance between structures); provided, that the entire area of an accessory structure, for which a building permit was issued prior to March 6, 2007, shall not be included in the gross floor area used to calculate F.A.R. For purposes of this section, "behind" means located behind an imaginary plane drawn at the back of the main structure at the farthest point from, and parallel to, the street or access easement serving the residence.

d. On lots greater than or equal to 8,500 square feet, the first 800 square feet of an accessory dwelling unit or garage contained in an accessory structure, when such accessory structure is located more than 20 feet from and behind the main structure (see subsection (3) of this section for additional information on the required distance between structures); provided, that the entire area of

an accessory structure, for which a building permit was issued prior to March 6, 2007, shall not be included in the gross floor area used to calculate F.A.R.

e. Uncovered and covered decks, porches, and walkways **that are open on at least three sides or have a minimum 50% of the perimeter of the deck, porch, or walkway open. Deck, porch, or walkway perimeters with the following characteristics are considered open:**

**1) Have no walls of any height, and**

**2) Have no guard rails taller than the minimum height required by the Building Code.**

f. One (1) exemption of 100 square feet if the dwelling unit has an internal staircase and/or an area with a ceiling height greater than 16 feet.

2. Floor area with a ceiling height greater than 16 feet shall be calculated at twice the actual floor area toward allowable F.A.R. The ceiling height for these areas will be measured to the top of the structural members for the floor above or, if there is no floor above, to the bottom of the structural members for the roof.

3. Separate structures will be regulated as one (1) structure if any elements of the structures, except for the elements listed in subsection (3)(b) of this section, are closer than 20 feet to each other.

a. Two (2) structures connected by a breezeway or walkway will be regulated as one (1) structure if any element of the breezeway or walkway is higher than 10 feet above finished grade.

b. Elements of structures that may be closer than 20 feet to each other are:

1) Elements of a structure no higher than 18 inches above finished grade;

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

3) Stairs extending no more than five (5) feet from the wall of a structure;

4) Porches extending no more than five (5) feet from the wall of a structure if:

i) The porch is no higher than one (1) story and the finished floor of the porch is no more than four (4) feet above finished grade;

ii) Three (3) sides of the porch are open other than railings and solid walls no higher than 42 inches;

- iii) No deck, balcony, or living area is placed on the roof of the porch;
- iv) The length of the porch does not exceed 50 percent of the wall of the structure to which it is attached;
- v) Porch eaves may extend an additional 18 inches from the edge of the porch.

#### **4. Design-based F.A.R. Bonus**

**a. An additional 5% F.A.R. above the maximum F.A.R. for the zone will be allowed if at least two of the design elements below are used in the design and construction of a detached dwelling unit:**

**1) With the exception of accessory features, all roof forms consist of ridgelines peaked near the center of the structure, with a minimum pitch of 4 feet vertical to 12 feet horizontal.**

**2) All structures are set back from side property lines by at least 7 1/2 feet.**

**3) The gross floor area of any floor above ground floor shall be reduced by a minimum of 15 percent of the floor area of the ground floor.**

**b. The above design based F.A.R. bonus cannot be combined with any other F.A.R. incentive in this Code or the Kirkland Municipal Code.**

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

## AMENDMENTS TO ZONING CODE CHAPTER 115, SUBSECTION 90

## 115.90 Calculating Lot Coverage

1. General – The area of all structures and pavement and any other **hardscape** impervious surface on the subject property will be calculated as a percentage of total lot area. If the subject property contains more than one (1) use, the maximum lot coverage requirements for the predominant use will apply to the entire development. Lot area not calculated under lot coverage must be devoted to open space as defined in KZC 5.10.610.

**The intent of these lot coverage regulations is to limit areas of hardscape, place an emphasis on landscaping, and to increase vegetated spaces throughout the City.**

2. **Exemptions-Exceptions the following are exempt from the lot coverage calculation.**

- a. An access easement or tract that is not included in the calculation of lot size will not be used in calculating lot coverage for any lot it serves or crosses.
- b. Pervious Areas **of landscaping** below eaves, balconies, and other cantilevered portions of buildings.
- c. **Planted** Landscaped areas at least two (2) feet wide and 40 square feet in area located over subterranean structures, **with a minimum soil depth of 18 inches.** if the Planning Official determines, based on site-specific information submitted by the proponent and prepared by a qualified expert, soil and depth conditions in the landscaped area will provide cleansing and percolation similar to that provided by existing site conditions.
- d. Rockeries and retaining walls, unless located adjacent to or within 12 inches of another impervious surface such as a patio, building or parking area.
- e. Public sidewalk if located within a public easement on private property.
- f. **Hardscape surface under HVAC and similar types of mechanical equipment for detached dwelling units only.**

3. **Partially Exempt Materials** Exemptions – The following **materials** exemptions **shall receive a** will be calculated at a ratio of 50 percent **exemption for the area** of the total area covered **they cover**. Exempted area **However, this exemption** shall not exceed an area equal to 10 percent of the total lot area **size**. Installation of exempted surfaces shall be done in accordance with the current adopted stormwater design manual.

a. ~~Permeable pavement (non-grassed).~~

**a. Pavers no larger than 10"x10" per individual paver**

b. Grassed modular grid pavement.

c. Open grid decking over pervious **non-hardscaped** area.

**d. Artificial Turf**

d. ~~Pervious surfaces in compliance with the stormwater design manual adopted in KMC 15.52.060.~~

**Note that impervious surfaces may be further, or more stringently, regulated by the stormwater design manual adopted in KMC 15.52.060.**



PUBLICATION SUMMARY  
OF ORDINANCE NO. O-4684

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING AND LAND USE AND AMENDING THE CITY OF KIRKLAND ZONING CODE, ORDINANCE 3719 AS AMENDED, REGARDING DEVELOPMENT STANDARDS FOR FLOOR AREA RATIO, LOT COVERAGE, AND RELATED DEFINITIONS, AND APPROVING A SUMMARY FOR PUBLICATION, FILE NO. CAM18-00258.

SECTION 1. Provides amendments to the Kirkland Zoning Code.

SECTION 2. Provides a severability clause for the ordinance.

SECTION 3. Establishes that this ordinance, to the extent it is subject to disapproval jurisdiction, will be effective within the disapproval jurisdiction of the Houghton Community Council Municipal Corporation upon approval by the Houghton Community Council or the failure of said Community Council to disapprove this ordinance within 60 days of the date of the final enactment of this ordinance.

SECTION 4. Authorizes the publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as 60 days from and after its passage by the City Council.

SECTION 5. Directs the City Clerk to certify and forward a complete certified copy of this ordinance to the King County Department of Assessments.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the \_\_\_\_ day of \_\_\_\_\_, 2019.

I certify that the foregoing is a summary of Ordinance O-4684 approved by the Kirkland City Council for summary publication.

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Kathi Anderson, City Clerk



**CITY OF KIRKLAND**

**City Manager's Office**

123 Fifth Avenue, Kirkland, WA 98033 425.587.3001

www.kirklandwa.gov

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**MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** Lorrie McKay, Intergovernmental Relations and Economic Development Manager

**Date:** April 19, 2019

**Subject:** AWC's 2019 ANNUAL BUSINESS MEETING, JUNE 27 IN SPOKANE, WA

**RECOMMENDATION:**

City Council designates by Motion Councilmember Toby Nixon and Councilmember Jon Pascal as its two voting delegates to represent the City of Kirkland at the Association of Washington Cities (AWC) 2019 Annual Business Meeting in Spokane.

**BACKGROUND DISCUSSION:**

The AWC 2019 Business Meeting will be held Thursday, June 27 from 4 to 5:45 held at the Spokane Convention Center. Designated voting delegates (or proxies) must be present at the meeting to cast a vote.

After polling all seven members of the City Council for their interest and availability, Councilmember Toby Nixon and Councilmember Jon Pascal informed staff of their intention to participate in this year's business meeting. The names of the City Council's designated voting delegates need to be filed with the AWC in advance of the June 27 meeting.

The City is allotted three voting delegates. If a third City representative (elected or staff) chooses to attend the business meeting, they may serve as a designated voting delegate or proxy, so long as their name is filed with the AWC in advance of June 27.

Next year's AWC Annual Conference and Business Meeting will be held June 23-26 in Kennewick.

Attachments: A. 2019 Conference Schedule (Updated 4/15/19)

## 2019 Conference schedule


All conference sessions and events are at the Spokane Convention Center, 334 W Spokane Falls Blvd, Spokane, WA 99201, unless otherwise noted.  
*Subject to change.*

### • Get a sneak peek at sessions coming to Annual Conference!

#### Tuesday, June 25


|             |  |
|-------------|--|
| 3 – 6 pm    | <b>AWC Registration Kiosk</b>  |
| 5:30 – 7 pm | <b>President's Welcome Reception</b><br><i>Light appetizers and hosted bar; dinner on your own</i> |

#### Wednesday, June 26

|                |   |
|----------------|---|
| 7 – 8 am       | <b>Morning wellness activity</b>  |
| 7:30 am – 6 pm | <b>AWC Registration Kiosk</b>   |
| 8 am – 5 pm    | <b>Exhibit Hall</b>   |
| 8 – 9:30 am    | <b>Continental breakfast</b>  |
| 8 – 11:30 am   | <b>Early start sessions</b>   |
| Noon – 1:30 pm | <p><b>Welcome and opening lunch</b></p> <p><b>Parade of flags</b></p> <p><b>City award recognition</b></p>  <p><b>Keynote: Courageous collaboration: leading through change and challenge</b><br/> <i>David Dye, Leadership Consultant, Let's Grow Leaders</i></p> <p>Being a municipal leader is challenging. You've got to adapt under pressure, respond in tight timeframes, and incorporate diverse priorities – all in an environment that changes rapidly and without warning. At the same time, people look to you for confidence, inspiration, and hope.</p> |

|                |  |
|----------------|--|
|                | <p>How do you maintain people's energy and motivation when so much is changing? How do you keep them focused on what matters most without adding to their stress? How do you encourage and support your colleagues to come together and solve problems when you don't have all the answers?</p> <p>In this fun, high-energy interactive keynote experience, David will lead you through a mix of improv comedy techniques, strategic stories, and interactive exercises that will have you laughing and building deeper relationships with peers. You'll learn practical ways to inspire and encourage people, to show up strong for your constituents, your colleagues, and yourself, and grow your ability to navigate and lead through times of ambiguity and change.</p> |
| 1:30 – 2 pm    | <b>Exhibit break</b>   |
| 2 – 3 pm       | <b>Concurrent sessions</b>   |
| 3 – 3:15 pm    | Break  |
| 3:15 – 4:30 pm | <b>Concurrent sessions</b>   |
| 5:30 – 7 pm    | <b>Evening Reception at Riverfront Park</b><br><i>Light appetizers and hosted bar; dinner on your own</i>  |


**Thursday, June 27**

|                                    |   |
|------------------------------------|---|
| 6:30 – 8 am<br>Wellness challenge  | <b>AWC Fun Run and Walk</b>   |
| 6:30 am – 5:30 pm                  | <b>AWC Registration Kiosk</b>   |
| 7:30 – 9 am                        | <b>Networking breakfast</b>   |
| 8 am – 3 pm                        | <b>Exhibit Hall open</b>  |
| 9:15 – 10:15 am<br>General session |  <p><b>Leading from any seat: Stories from the cockpit – lessons from the grit project</b><br/><i>Shannon Huffman Polson, Writer and one of the first women to fly the Apache attack helicopter in the U.S. Army</i></p> |

|                  |   |
|------------------|---|
|                  | <p>Tenacity, determination, grit and an innate ability to lead has defined Shannon Huffman Polson. An adventurous young woman, she summited Mount McKinley (now Denali) and, at the time, was the youngest woman to complete the attempt. From there, she was commissioned in the Army and was one of the first women to fly the Apache attack helicopter. Through her leadership and aviation skills she earned the right to lead two flight platoons and was the first woman to command an Apache flight company in the 2nd Infantry Division. With real-world stories and insights from in and out of the cockpit, she offers tangible leadership lessons for audience members to seek out their own targets and, where passion and purpose intersect, incorporate them into their own professional lives. By examining everyday leadership and situational challenges, Shannon empowers others to effectively lead and thrive in any dynamic environment.</p> |
| 10:15 – 10:45 am | Exhibit break   |
| 10:45 – 11:45 am | <b>Concurrent sessions</b>  |
| 11:45 am – Noon  | Break   |
| Noon – 1 pm      | <p><b>AWC Center for Quality Communities fundraising lunch</b></p> <p>Join us as we honor this year's scholarship winners and continue our efforts to raise funds that nurture young community members to take on new leadership roles.</p>   |
| 1 – 1:30 pm      | Exhibit break   |
| 1:30 – 2:30 pm   | <b>Concurrent sessions</b>  |
| 2:30 – 2:45 pm   | Break   |
| 2:45 – 3:45 pm   | <b>Concurrent sessions</b>  |
| 3:45 – 4 pm      | Break   |
| 4 – 5:45 pm      | <b>AWC Annual Business Meeting</b>  |
| 5:45 – 7:30 pm   | <p><b>Exhibitor Reception</b></p> <p><i>Appetizers and hosted bar; dinner on your own</i></p>   |

**Friday, June 28**

|                 |                               |
|-----------------|-------------------------------|
| 6:30 – 10:30 am | <b>AWC Registration Kiosk</b> |
|-----------------|-------------------------------|

|                                    |  |
|------------------------------------|--|
| 6:30 – 8:15 am                     | <b>Networking breakfast</b>  |
| 7 – 8 am                           | <b>Morning wellness activity</b>   |
| 8:20 – 9:20 am<br>General session  |  <p><b>REAL action: Getting started with building racial equity in your city</b><br/> <i>Leon Andrews, Director, NLC’s Race, Equity, and Leadership (REAL) Initiative</i><br/> In the wake of the 2014 unrest in Ferguson, Missouri, the National League of Cities created REAL (Race, Equity And Leadership) to strengthen local leaders’ knowledge and capacity to eliminate racial disparities, heal racial divisions and build more equitable communities. This session will provide participants with practical examples of how city leadership can embed racial equity into their priorities. Learn how local government leaders can reduce racial bias through smart policy decisions and strong civic engagement. Examine how racial tensions have affected cities across the nation. Learn how to shift from a reactive approach to a proactive agenda. Take away concrete steps they can take to advance racial equity and racial healing work in their cities.</p> |
| 9:30 – 10:30 am<br>General session | <b>Advocating for cities is a year-round job – Tips for action in the interim</b>  |
| 10:30 am                           | <b>Adjourn, safe travels!</b>  |

Updated: 4/15/19



**CITY OF KIRKLAND**  
**City Manager's Office**  
**123 Fifth Avenue, Kirkland, WA 98033 425.587.3001**  
**www.kirklandwa.gov**

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## **MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** James Lopez, Assistant City Manager  
David Wolbrecht, Neighborhood Services Outreach Coordinator

**Date:** April 26, 2019

**Subject:** OPTIONS FOR SUPPORTING A COMPLETE COUNT FOR THE 2020 CENSUS

## **RECOMMENDATION:**

That the City Council review options for the City to support a complete count of the 2020 Census through grant funding and provide direction to staff regarding preferred next steps.

## **BACKGROUND:**

At its March 19 meeting, the Council received a briefing about and provided direction on two opportunities to support a Complete Count of the 2020 decennial Census. First, staff requested direction from the Council on whether to support the Mayor's participation in a Complete Count Committee for East King County, about which the Council indicated support.

Staff also sought direction on whether the Council wanted to contribute to the Regional Census Fund created by a partnership of King County, the City of Seattle, and the Seattle Foundation, which will provide grant funds to organizations that could reach hard-to-count communities throughout King County. As indicated during that staff presentation, if Kirkland was to participate in the Regional Census Fund, then the City's funds could be dedicated to fund organizations that serve hard-to-count communities in Kirkland. During its discussion at the March 19 meeting, the Council inquired about potential organizations that might be the recipients of such funding, discussed the possibility of committing funds to support organizations to engage hard-to-count communities in Kirkland, and asked whether participating in the Regional Census Fund would be the most effective investment of money. The Council directed staff to return with options including the City participating in the Regional Census Fund and the City administering its own grant funds.

Staff have identified three options for Council review, identified below.

### **Option A – Participate in the Regional Census Fund**

The City has been invited to contribute to and participate in a Regional Census Fund organized by King County, the City of Seattle, and the Seattle Foundation, a community foundation

serving the greater Seattle area. The Seattle Foundation contributed \$500,000 for county-wide engagement activities, King County contributed \$250,000 also for county-wide engagement activities, and the City of Seattle contributed \$250,000 for engagement activities primarily occurring in Seattle. Since the March 19 Council meeting, the City of Bellevue has committed to signing on to participate in the Regional Census Fund and has committed \$50,000 to fund engagement activities that support a hard-to-count Census engagement in Bellevue.

Similar to the City's use of Share1app as the online portal for applicants of Kirkland's Human Services Grants, the Seattle Foundation operates as the administrator of the Regional Census Fund, providing both a single portal for applicant organizations across the region and coordination amongst the partner organizations in the fund.

If Council decides to participate in the Regional Census Fund, the Memorandum of Agreement (MOA) could stipulate that City funds be granted to organizations and agencies that primarily serve the Kirkland community. This is the strategy employed by the City of Seattle, as referenced in the signed MOA between the Seattle Foundation, King County, and the City of Seattle (see page A3 Attachment A). This is similar to the strategy that the City of Bellevue is pursuing. Additionally, a representative from the City, such as the Mayor or a designee, could sit on the Selection Committee for the fund.

Lastly, if Council decides to participate in the Regional Census Fund, staff estimates that the staff time needed to review and sign the MOA, promote the fund through the City's communication channels, and support the City's representative on the Selection Committee could be accommodated in existing department work plans. There would be no administrative fee from the Seattle Foundation for participating in the Regional Census Fund.

### **Option B - Community Grant Program administered by the City**

Similar to the Community Sparks microgrant program that the City administered during the spring of 2018, an alternative to participating in the Regional Census Fund could be the creation and administration of a community grant program by City staff. In addition to granting funds, another potential outcome of a City-ran community grant program could be the establishment or strengthening of relationships between the City and community-based organizations and non-profit agencies serving the Kirkland community.

To accomplish a community grant program to support hard-to-count Census activities in Kirkland, staff have identified the following tasks that would need to be completed:

- Setting criteria for applicants
- Establishing a prioritization system for evaluating applications
- Creating an application form and submission process
- Developing informational materials, including an RFP
- Evaluating applications
- Notifying applicants of awards
- Contracting with awarded applicants
- Releasing of funds to awardees

Based on the Community Sparks grant process of 2018, staff estimates that the time involved in the above tasks would necessitate modifying existing work plans for 2019. Such a modification



would most likely impact other civic engagement work plan items, such as the City's processes of public participation to collect feedback on policy decisions. Alternatively, the City could hire a consultant for the creation and administration of the community grant program.

It should be noted that the above tasks do not include promotion of the community grant program, which could be accommodated in existing department work plans.

### **Option C – No dedicated funding for hard-to-count Census activities**

If Council chose to not provide dedicated funding for hard-to-count Census activities, the Mayor and City staff would still be able to participate in the East King County Communities Count Committee that is currently forming.

### **Considerations for the Options**

#### *Perspectives from Community Stakeholders*

Prior to the March 19 Council meeting, staff sought insight from community stakeholders on their perspectives about the Regional Census Fund. Staff inquired with members of the Inclusion Network and other contacts who represent or work for organizations that serve hard-to-count populations in Kirkland. The feedback was that, if Kirkland chose to dedicate funding for hard-to-count Census activities, a single portal option, like that provided by the Regional Census Fund, would be the preferred strategy.

Those surveyed described that having a single-portal, regional fund would reduce confusion about which fund to apply to. This is especially true for those organizations that serve communities in multiple jurisdictions. Those surveyed also indicated that having a single portal versus multiple granting agencies would reduce barriers to community-based organizations with less staff resources by decreasing the amount of applications that an applying organization would need to submit.

#### *Timeline*

As of the writing of this memo, the Seattle Foundation is currently accepting applications for the first round of Regional Census Fund applications, with a due date of May 15, 2019. The Request for Proposals (RFP) for this first round of funding is attached as Attachment B. As indicated on the RFP, a second round of funding is planned for the early Fall, with a specific date to be determined.

If Council decided on **Option A - Participate in the Regional Census Fund**, then the Fall round of funding could be the City's main point of involvement in the funding process. Staff confirmed with the Seattle Foundation that the MOA could stipulate that the City's funds could be dedicated to the Fall round of funding. This timing would allow for comprehensive promotion of the fund by the City and could possibly align with City events, such as the annual City Hall for All event, tentatively set to occur in October.

If Council decided on **Option B - Community Grant Program administered by the City**, then City staff could start development of the program within the next three months, with a potential launch date of late summer or early fall. As with Option A above, this timing would

allow for comprehensive promotion of the fund by the City and could possibly align with City events, such as the annual City Hall for All event, tentatively set to occur in October.

*Funding Amount*

For either Options A or B, if Council chose to dedicate funding at a proportionate level to population as the Cities of Seattle and Bellevue, Kirkland's level of funding would be \$30,000, or \$0.34 per capita. Staff have supplied this as the suggested amount below.

**NEXT STEPS**

Staff are seeking direction on which, if any, of the three options described above would Council prefer:

**Option A** – Participate in the Regional Census Fund at \$30,000. This is the staff recommended option.

**Option B** – Community Grant Program administered by the City at \$30,000

**Option C** – No dedicated funding for hard-to-count Census engagement activities

If Council decides to dedicate funding for hard-to-count engagement in the Census, the suggested source is the Council Special Projects Reserve. With Council direction at the May 7 Council meeting, staff could return to the May 21 meeting with a fiscal note authorizing the expenditure.

Attachment A - Memorandum of Agreement between Seattle Foundation, King County, and City of Seattle

Attachment B – Request for Proposals for the Regional Census Fund

## **Memorandum of Agreement (MOA) between King County, City of Seattle, and The Seattle Foundation for 2019/2020 Census Grant Program**

### **Purpose**

This MOA expresses the shared intent of King County, Seattle Foundation, and the City of Seattle, to work together, along with community partners, on the collective goal of a complete and accurate count for the 2020 census in our region. Specifically, it expresses the conditions which lead to the shared intent to create a Regional Census Fund (RCF) to empower organizations and coalitions that work specifically with historically undercounted communities to engage, educate, and activate residents, that are traditionally undercounted, about the importance of the decennial census. The census has historically missed certain communities—communities of color, urban and rural low-income households, immigrants and young children at disproportionately high rates. The Regional Census Fund is committed to ensuring organizations and coalitions representative of these communities have the support and capacity to maximize the opportunities for these populations are counted.

### **Background**

The Census Bureau estimates that *\$883 billion* in federal assistance was distributed in 2016 using census data. According to the George Washington Institute (GWI) of Public Policy, for Fiscal Year 2016, Washington State received a total of *\$16.7 billion* or *\$2,321 per capita* of census guided federal funds. In the 2017-2018 biennium, the King County region is expected to receive a total of *\$8 billion* of direct and indirect federal funds and based on the GWI figures. The City of Seattle in 2017 received a total of *\$81,821,649 million* in direct and indirect federal grant revenue, of which *\$44,746,159 million* went to fund Human Services.

In our communities of color, low income, non-English speaking, and immigrant and refugee communities, as well as other communities that are traditionally undercounted, fear regarding participation in the 2020 Census based on current federal policies could lead to a disproportionately high undercount of these populations and a potential loss of federal funding in King County. For example, an undercount of one percent of the Asian and Hispanic/Latino populations, which compromises a large portion of the Hard-to-Count communities in our region, would result in the loss of *\$87.8 million* of federal funds to this region per year for the next decade.

Parties to this MOA rely on census data to help to understand community conditions, develop and implement strategies that are most responsive to communities, and evaluate the effectiveness of our work. An undercount in our region would have a tremendous impact on our ability to know who we are serving and where we should be providing service, among other things. It would impact our ability to serve our communities effectively. More importantly, an undercount would perpetuate the inequities we seek to eliminate. Being undercounted deprives communities of equal political representation, private and public resources.

Parties to this MOA also recognize and value community-based organizations (CBOs) as resources and experts with deep roots within their own communities. Tenets of our collective commitment to Equity, Race and Social Justice align well to resource and support the capacity of CBO's to increase engagement, education, and outreach with historically and traditionally underserved communities concerning census education. This partnership model will expand our collective capacity and efficiency in census organizing efforts through providing support to organizations with deep roots within undercounted communities.

**Objectives**

The overarching desired outcome of the Regional Census Fund is to organize, educate, and activate residents in historically underrepresented communities that are at risk of being disproportionately undercounted regarding the importance of participating in the 2020 Census. In that context, our efforts will focus on identified historically undercounted communities. This partnership is intended to provide resources, connections, and relationships in order to increase engagement and participation among historically underrepresented and undercounted communities in King County.

**Responsibilities**

To achieve the stated objectives, it is the mutual intent of the Seattle Foundation, King County, and the City of Seattle, to:

- Engage, with each other and with community partners, in planning and design work that will further detail the partnership's outcomes and process steps for the identification of parameters and decision-making for investment in census engagement efforts.
- Utilize collective knowledge to ensure Regional Census Fund is crated with best, current, and most accurate information.
- Work proactively to leverage additional community partners and resources under this collective effort.
- Commit to regional alignment to enhance the efficiency of the partners' efforts, prevent duplication of efforts, and streamline and coordinate efforts in all aspects of execution.
- Commit to strong and transparent communications, and craft common language to describe the Regional Census Fund. Develop monitoring and tracking framework that provides feedback for continuous improvement, course corrections, and takes into account the impact of the partnership on partnering organizations and communities.

**Funding**


In support of our common objectives, all parties will release funding to support the creation of the Regional Census Fund:

- Seattle Foundation agrees to serve as the lead administrator and manager of contracts with awarded organizations.
- Executive or designee of King County, The City of Seattle, Seattle Foundation will serve on the Selection Committee as fund sponsors.
- Awards will be selected collectively by the fund sponsors, with advice from the community representatives of the Selection Committee. Committee membership shall be the following: (2) two representatives of Seattle Foundation, (2) two representatives from King County, and (2) representative from the City of Seattle.

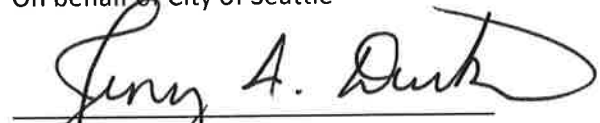
- Grants will be coordinated and distributed from the Seattle Foundation. Staff from signing entities will support this work where appropriate.
- King County moneys will be distributed contingent upon a contract with the Seattle Foundation and upon awardee abiding by King County ordinance 18665.
- The City of Seattle moneys will be distributed contingent upon awardee abiding by the City of Seattle’s Federal Immigration Enforcement Activities protocol.
- King County has appropriated \$250,000 for expenditure between Jan 1, 2019 and June 30, 2020 to fund and resource community partners with capacity to be successful in accomplishing the our collective goals. These funds shall be spent on census organizing activities in King County.
- Seattle Foundation certifies that it has dedicated funds of at least \$500,000 between Jan 1, 2019 and June 30, 2020 to fund and resource community partners with capacity to be successful in accomplishing our collective goals.
- The City of Seattle certifies that it has appropriated \$250,000 between Jan 1, 2019 and June 30, 2020 to fund and resource community partners with capacity to be successful in accomplishing our collective goals. These funds shall be spent on Census organizing activities primarily occurring within the municipal boundaries of the City of Seattle.

Signatures


On behalf of King County

  
 Dow Constantine, King County Executive  
 April 1, 2019  
 Date

On behalf of City of Seattle

  
 Jenny A. Durkan, Mayor  
 April 1, 2019  
 Date

On behalf of Seattle Foundation

  
 Tony Mestres, President and CEO  
 April 1, 2019  
 Date

## Funding Opportunity

### WASHINGTON CENSUS EQUITY FUND AND THE REGIONAL CENSUS FUND

The **Washington Census Equity Fund**<sup>1</sup> is a statewide philanthropic pooled fund to support the 2020 Census efforts to ensure a robust and accurate census. This fund is managed by Philanthropy Northwest.

The **Regional Census Fund**<sup>2</sup> is a partnership of the Seattle Foundation, City of Seattle and King County aimed at a robust and accurate census throughout King County. This fund is managed by Seattle Foundation.

#### WHAT IS THE CENSUS

Every 10 years, the United States Constitution requires that all residents, including non-citizens and undocumented immigrants, be counted through a nationwide census. The goal of the decennial census is to count each person in the United States based on their residence as of April 1, 2020. Accurate census data are essential for federal funding allocations to states and localities. Federal resources are divided up between jurisdictions according to what census data tell us about various communities' demographic characteristics, needs, and assets. For Washington to receive its fair share, the Census Bureau must master the difficult task of accurately counting the state's dynamic, diverse population.

#### STATEWIDE AND REGIONAL FUNDING GOALS

*The Washington Census Equity Fund and the Regional Census Fund maximize the impact of philanthropic resources to support the desired outcome of a robust, fair and accurate 2020 Census count across the state and to create a model for community mobilization beyond. In order to support coordination between funders and equitably resource efforts across the state, the Washington Census Equity Fund and the Regional Census Fund are working together with a shared request for proposal and application portal. The Washington Census Equity Fund will focus on efforts across Washington and the Regional Census Fund will focus on work in King County.*

The overarching desired outcomes of this effort are to organize, inform, and activate residents in historically underrepresented communities that are at risk of being undercounted in the 2020 Census.

<sup>1</sup> Composed of philanthropic fund partners, aligned funders and representatives from community organizations including the Census Alliance. "Resources" throughout the document refer to both financial and non-financial support.

<sup>2</sup> The Regional Census Fund comprises Seattle Foundation, City of Seattle, and King County.

#### SUMMARY INFORMATION

**ANNOUNCEMENT DATE:** April 15, 2019

**PROPOSAL DEADLINE:** May 15, 2019

Second round of funding planned for Fall 2019

#### **TOTAL AMOUNT AVAILABLE FOR ROUND ONE:**

**Statewide Fund:** \$800,000 will be available for grants (grant amounts will vary). Fund is administered by Philanthropy Northwest.

**Regional Fund:** \$700,000 will be available for grants (grant amounts will vary). Fund is administered by Seattle Foundation.

**DESCRIPTION:** Funding will support planning and engagement activities through the 2020 Census such as education and outreach, one-on-one technical assistance, and other gatherings and/or events to support participation of hard to count communities.

**GRANT TYPES:** Organizations are invited to apply at one of two levels: **Census Planning and Mobilization** support ongoing coordination and implementation activities at up to \$50,000. **Census Education and Outreach** will support periodic efforts to raise awareness and support participation of hard to count communities. *(A future grant cycle will provide funding to additional organizations to support outreach during the Census).*

**ELIGIBILITY:** 501(c)(3) organizations (or organizations with a 501(c)(3) fiscal sponsor) and/or tribes.

**INFORMATION SESSIONS:** "Census Friday" calls are scheduled on April 19 and 26, and May 3 at 10 am PST. In-person info sessions will be available in King County. Please check either Philanthropy Northwest's or Seattle Foundation's for more information.

**We are prioritizing applications from:**

- Community-based and grassroots nonprofits, and tribes
- Led, staffed or guided by individuals, reflecting the race, ethnicity and culture of the communities being served;
- Showcase a history or demonstrated ability to reach and engage members from their communities; and
- Have a plan for engaging historically undercounted communities.

**WHAT IS NEW AND DIFFERENT IN THE 2020 CENSUS?**

Currently, the 2020 Census is facing challenges that can potentially impact the accuracy of the count. Two known barriers include:



**Federal Census Budget Cutbacks:** estimates show that the 2020 Census is likely to be one of the most underfunded census counts in history, resulting in fewer federally funded resources necessary to reach residents in all communities.



**Technology Constraints:** 2020 is the first census count that will be conducted mostly online. Yet, with federal budget shortages, previously planned testing has not been completed and an online format will be especially difficult for those who do not have access to the internet.

**WHAT IS THE "HARD-TO-COUNT" POPULATION?**

Historically, the census has missed large numbers of people of low income, indigenous people, immigrants, racial and ethnic minorities, young persons, the highly mobile (such as the people experiencing homelessness and renters), and people living in rural parts of the country.

In Washington, several populations are at greater risk of being **undercounted**:



- **15 percent** of Washington's population, or 1.1 million people, are foreign-born.
- **11 percent**, or 790,000 people, live in hard-to-count neighborhoods.
- At least **53,000** Washingtonians live in rural, tribal, or non-traditional tracts that are harder and more expensive to count.
- Nearly **13 percent** of Washington's households have no or limited internet service, undermining their participation in the first high-tech census.
- Nearly **one in six children** under age five live in hard-to-count communities.

**In Washington, the list of priority populations for funding include:**

- Communities of color
- Indigenous persons
- Immigrant and refugee communities
- Low-income persons
- Persons experiencing homelessness
- Persons with mental or physical disabilities
- Non-English speakers
- LGBTQIA persons
- Young persons (18 years old and younger)
- Geographic localities (e.g., rural)

**APPLICANT ELIGIBILITY CRITERIA**

- Organizations with tax exempt 501(c)(3) status, and/or tribes
- Community groups fiscally sponsored by a 501(c)(3) organization
- Organizations and coalitions working in the identified hard-to-count communities and geographies

## FUNDING TIMELINE AND PROCESS



- **April 15 – May 15, 2019: Round One Open Request for Proposals (RFP)** in which eligible groups may submit a proposal for consideration for funding. Informational sessions, over-the-phone, and email support are available. Contact information is listed in the “How to Submit a Proposal” section.
- **May 15, 2019:** Proposal submission deadline.
- **May 16, 2019 – Early June: Review and selection** will be based on satisfactory responses to the proposal questions and availability of funds, as well as other criteria noted below:
  - **Eligibility and Criteria:** are the factors that will determine who is selected for funding. Eligibility determines who can apply for funding. Criteria guides the decisions made to fund eligible applicants.
  - **Proposal Review Panel:** the review panel includes representation from diverse perspectives and populations, including community partners representative of the funding geography.
  - **Selection:** grant selection will be a consensus-based process in which reviewers’ rate individual applications and seek consensus based upon equitable demographic diversity of the full slate.
- **June 15, 2019:** Round One applicants notified by email of funding decisions.
- **Late June 2019:** Round One grantees awarded funds; interim updates on grant activities expected periodically through the grant period.
- **Fall 2019:** Round Two open request for proposals.
- **April 1, 2020:** 2020 Census Day.
- **April – June 2020: Census Non-Response Follow-Up** (reaching those who have not completed the census).
- **July 2020:** Final grant report due.

## FUNDING ACTIVITIES

With the current availability of funds, our goal is to support an early launch to help organizations raise awareness about the census, make plans, coordinate efforts, and understand their community needs and gaps that need to be addressed for a full census count. In this first round of funding (Spring 2019), applicants are encouraged to assess their readiness to plan, organize and implement activities and decide on one of the funding approaches below that is best suited for their capacity and commitment to undertake census efforts in their community.

### Census Planning and Mobilization – \$20,000 to \$50,000

This tier of funding supports a sustained effort over the next year that provides ongoing outreach, education and technical assistance related to the census up to and through the count. This level would support ongoing operations within a lead organization to lead or coordinate the census work.

#### Examples of funding activities include:

- Local nonprofits and community-based groups create trainings, awareness campaigns, and educational materials about the census.



- Trusted community organizations and leaders engage their constituents to develop a plan for census outreach and participation in April 2020.
- Anchor organizations selected by community to facilitate partnerships and coordinate census planning activities for the next stage of targeted outreach and technical assistance.

**Census Education and Outreach – \$5,000 to \$15,000**

This tier of funding supports one-time or periodic activities to raise awareness of the census and support those completing the count. This level supports events, tabling or other integration of census related activities into programmatic activities of applicants.

**Examples of funding activities include:**

- Outreach activities in diverse communities to raise awareness about the census.
- Technical assistance and communications support such as internet access, language translation, and other accessibility accommodations.
- Workshops, public campaigns, and informal gatherings to address census-related concerns and questions.
- Trainings with nonprofits on effective outreach tactics and methods for identifying and engaging hard-to-reach communities.
- Outreach efforts and messaging during nonresponse follow-up phase.

**A second funding round will take place in Fall 2019, as we anticipate additional funding resources, and these grants will focus efforts on ensuring participation of historically undercounted communities.**

## RFP QUESTIONS

Please address the following questions (see review criteria on page 7):

Indicate the funding opportunity of interest:

- Washington Census Equity Fund
- Regional Census Fund

### Identified Population/Community

a) Which historically undercounted communities do you serve? (Check all that apply)

- Communities of color

Specify: \_\_\_\_\_

- Indigenous people

Specify: \_\_\_\_\_

- Immigrant and refugee communities

Specify: \_\_\_\_\_

- Low-income persons

- Persons experiencing homelessness

Specify: \_\_\_\_\_

- Persons with mental or physical disabilities

Specify: \_\_\_\_\_

- Non-English speakers

Specify: \_\_\_\_\_

- Rural communities

Specify: \_\_\_\_\_

- LGBTQIA persons

Specify: \_\_\_\_\_

- Young persons (18 years old and younger)

Specify: \_\_\_\_\_

Comments (if the population is not reflected here):

\_\_\_\_\_

b) Where will the proposed activities take place?"

City (ies): \_\_\_\_\_

County (ies): \_\_\_\_\_

Neighborhood (s): \_\_\_\_\_

Others: \_\_\_\_\_

c) Briefly describe the major barriers the identified community faces to participating in the census? (250 word limit)

### Proposed Activities

**Planning and Mobilization:** this tier of funding supports a sustained effort over the next year that provides ongoing outreach, education and technical assistance related to the census up to and through the count.

**Education and Outreach:** this tier of funding supports one-time or periodic activities to raise awareness of the census and support those completing the count.

**Approach and Alignment with Census Fund Goal**

- a) **Please share how you plan to engage the identified population/community to overcome barriers of participation and ultimately participate in the census count.**

**In the template below, please document anticipated activities, timeline and location related to phases of 2020 Census work.**

| <b>Census Phase</b><br>(Examples: Planning, Awareness and Education, Questionnaire Assistance, No Response Follow-Up, add your own) | <b>Activities</b> | <b>Locations</b> | <b>Months</b> |
|---|-------------------|------------------|---------------|
|   |                   |                  |               |
|   |                   |                  |               |
|   |                   |                  |               |

- b) **Have the identified historically undercounted communities been involved in this proposal in any manner? If so, briefly describe how. (250 word limit)**
- c) **Describe plans for tracking information about the progress and results of proposed activities. (250 word limit)**

**Capacity and Collaboration**

- a) **Please describe your organization’s experience engaging with the identified communities. If your effort does not have a history of working to mobilize the identified community, please provide a reference letter from a community leader/organization/partner/foundation that can speak on behalf the work you have done together. (500 word limit)**
- b) **How does your organization’s leadership and/or staff reflect the race, ethnicity and/or languages spoken of the identified community? (250 word limit)**
- c) **List partners or organizations needed to help in the successful implementation of your proposed activities. (Community centers, libraries, specific businesses, schools, media)**

**Implementation and Budget**

- a) **Describe the key activities and budget necessary for this proposed project to meet success:**

| <b>Activities</b> | <b>Estimated Cost</b><br>(round to whole dollars) |
|-------------------|---|
|                   |   |
|                   |   |
|                   |   |

- b) **Budget explanatory notes (optional) (250 word limit)**

### Other Information – Optional

- a) **What else would you like us to know that is relevant to the proposed funding request and not addressed in earlier responses?**
- b) **Have you applied for other funding opportunities related to census planning and engagement?**
- c) **How did you hear about this opportunity?**
- d) **Did your organization apply for the Seattle Foundation’s 2019 Voter Education Fund?**

### CRITERIA CATEGORIES

Criteria below will guide the funding decisions. **Please note that they are listed in order of priority.**

#### Identified population/community

- Focuses on hard to count communities/geographic areas.
- Organization reflects strong understanding of the needs within their identified community.
- Identifies specific strategies and plans that address the unique cultural needs of the community.
- Aims to track the results of proposed activities and has ability to modify practices based on lessons learned.

#### Approach and Alignment with the Washington Census Equity Fund and the Regional Census Fund

- Articulates how proposed strategies and/or activities will contribute toward increased census participation among hard to count communities.
- Identifies strategies and/or efforts that are informed and led by the people within the identified community described in the application, and engages that community in the ongoing work, planning and leadership.

#### Capacity and Collaboration

- Has experience working within historically undercounted communities, if not, they can demonstrate understanding of their role as partner with a reference letter.
- Staff/board/designated leaders are representative of the communities they are working with.
- Demonstrates the necessary capacity to carry out the proposed strategy or effort.
- Understands their own community’s barriers to participating in activities to address issues of public and community concern and demonstrates potential to mobilize communities of engagement beyond 2020 Census.

#### Implementation and Budget

- Response demonstrates activities consistent with the approach and anticipated results designed to increase participation in the census count.
- Budget presents a realistic estimate of costs associated with census activities.
- Funding request is reasonable given the scope of work.

## HOW TO SUBMIT A PROPOSAL AND CONTACT INFORMATION

Proposals must be completed online by **5:00 p.m. on May 15, 2019**. Alternatively, if the proposal is mailed, it must be received no later than May 15, 2019 at Seattle Foundation, 1601 Fifth Ave., Suite 1900, Seattle, WA 98101.

For additional questions on submitting a proposal, **please email:**

**Washington Census Equity Fund (Statewide):** Leslie Silverman at [CensusEquity@PhilanthropyNW.org](mailto:CensusEquity@PhilanthropyNW.org)

**Regional Census Fund (King County):** Bao-Tram Do at [B.Do@seattlefoundation.org](mailto:B.Do@seattlefoundation.org)

## INFORMATION SESSIONS

For those interested in learning more, please consider attending one of the optional information sessions over the phone or in-person.

### **Washington Census Equity Fund and Regional Census Fund open call information sessions:**

- Friday, April 19, 2019 (phone call): 10:00 -11:00 am
- Friday, April 26, 2019 (phone call): 10:00 -11:00 am
- Friday, May 3, 2019 (phone call): 10:00 -11:00 am

Regional Census Fund in-person information sessions will be scheduled shortly, please check the Seattle Foundation's website for updates.

### **Stay up-to-date by visiting our websites:**

**Washington Census Equity Fund (Statewide):** <https://philanthropyNW.org/washington-census-equity-fund>

**Regional Census Fund (King County):** <https://www.seattlefoundation.org/nonprofits/nonprofitgrantopportunities>