



CITY OF KIRKLAND

Planning and Building Department
123 5th Avenue, Kirkland, WA 98033

425.587.3600- www.kirklandwa.gov

MEMORANDUM

To: Planning Commission

From: Allison Zike, AICP, Deputy Planning & Building Director
Adam Weinstein, AICP, Planning & Building Director

Date: February 28, 2023

Subject: 2023 Miscellaneous Code Amendments, File No. CAM23-00134

Staff Recommendation

Receive a briefing on the 2023 Miscellaneous Code Amendments prior to a Planning Commission public hearing scheduled for March 23, 2023.

Background

Staff keeps an ongoing list of miscellaneous code amendments that are necessary to reflect current practice, clarify sections of the Kirkland Zoning Code (KZC) and Kirkland Municipal Code (KMC), maintain consistency with relevant state and/or federal regulations, and promote good planning principles. The KZC and KMC are updated periodically to correct the issues that have been identified and are included on the list.

The proposed 2023 miscellaneous code amendment package consists of a limited number of minor KZC amendments that include administrative and non-policy items. This year's package of amendments is smaller in scope than recent years; the proposed package is proposed to address several "clean-up" items that will be helpful to correct in the near-term, but are not intended to take a substantial effort for staff or Planning Commission to work through as there are several other priority items for review in 2023. Staff will follow all required public notice steps for interested parties to learn more and participate.

Proposed Amendments

1. KZC 15.30, Special Regulations (PLA3C, Density/Dimensions)

Description: Clean-up a special regulation to clarify that Floor Area Ratio (FAR) applies to all lots in the PLA 3C zone, regardless of lot size. This reference was inadvertently omitted from the KZC code amendments associated with the former Houghton Community Council amendments, and is aligned with the policy direction established by City Council and

recommended by Planning Commission during that process (to remove all discrepancies between land use regulations in the former Houghton Community Council jurisdiction and regulations in the rest of the City where conditions are similar).

Effect: Completes implementation of the prior code amendment package; corrects code to align with policy intent of prior direction.

2. KZC 35.20.200 (Permitted Uses Table, Retail Establishments Providing Storage Services, HENC 1 and 3 Zones)

Description: Amend the permitted uses code section in the HENC 1 and 3 zones to specify that storage services are not allowed as a primary use. The amendment was inadvertently omitted from a previous code amendment package that was intended to disallow storage services as a primary use citywide. As in other areas where storage services are allowed, such uses would be permitted as an ancillary use.

Effect: Completes implementation of the prior code amendment package; corrects code to align with policy intent of prior direction.

3. KZC 55.27.010, Special Regulations (Hospital/Medical Uses in TL 3 Zones)
Master Plan fix (Evergreen/NW university)

Description: Amend specifications related to the Evergreen Hospital Master Use Plan required in the TL 3 zones. The amendment would retain the requirement for a Master Use Plan and the components that must be included in a Master Use Plan, but removes specific thresholds from the Zoning Code (e.g., square footage, vehicle trips) to allow increases to be proposed and reviewed for approval by City Council through a Process IIB decision, which is the existing review process requirement.

Effect: Will allow expansions to be proposed and reviewed through a Process IIB decision (current codified thresholds would not accommodate meaningful expansion of the institution).

4. KZC 70.15 (Holmes Point Overlay Standards)

Description: Add reference(s) to the Holmes Point Drive Street Design Standards as adopted by Council.

Effect: No regulatory change. Improves clarity of applicable requirements.

5. KZC 95.46.1.a (Modifications to Land Use Buffer Requirements)

Description: Remove a requirement for adjoining property owners to approve a land use buffer modification, which is an existing requirement in addition to criteria reviewed by the Planning Official. Per the City Attorney's

office, this requirement (unique within the KZC) is not legally defensible as zoning authority cannot be abdicated to a private citizen.

Effect: No regulatory change. Staff has already been directed to cease applying this requirement.

6. KZC 115.42 (Floor Area Ratio Calculation)

Description: Amend the code to clarify that carports are included in the types of building components (along with breezeways or walkways) that render two structures "attached" for purposes of Floor Area Ratio (FAR) calculations/exemptions. Additionally, update the FAR calculation section to consistently include language that clarifies when one structure is considered "behind" another. These amendments would codify interpretations of code that are already being implemented.

Effect: No regulatory change. Codifies staff interpretation of code.

7. KZC 115.25.2 (Work Hours Exceptions)

Description: Add a Work Hours exception allowance (allowing work outside of the normal allowed days/hours for development activity) for instances in which the Public Works Department deems it is necessary to perform work in off-hours in order to avoid significant impacts to traffic, utilities, or other public services. In practice, such work hours exceptions have been granted by the Planning Official out of necessity.

Effect: No regulatory change. Clarifies instances in which a work hours exception may be granted to align with current procedures.

8. KZC 162.20.1 (Abatement of Nonconformance That Was Illegal When Initiated)

Description: Minor amendment to clean-up an incorrect reference to require compliance with the full KZC ("code") instead of just KZC 162 ("chapter").

Effect: No regulatory change. Corrects an error in the code.

9. KZC 180.17B (Plates - Calculating Average Building Elevation)

Description: Amend text in the Plate 17B exhibit to consistently reflect the applicable code language in KZC 115.59 which requires covered porches to be included in the area of a structure used to calculate Average Building Elevation.

Effect: No regulatory change. Corrects an error in the code.

Key Points for Discussion

Staff requests Commissioners provide feedback on the following key points:

- Is there any additional information related to the proposed amendments that staff should provide to Commission prior to the public hearing?
- Given the intent to scope the package to amendments that do not warrant broad public outreach, are there any amendments that should be removed from this package and deferred to a future amendment process?

Next Steps

A public hearing is scheduled with the Planning Commission for March 23, 2023, At the public hearing, the Commission will collect public testimony, deliberate, and make a recommendation to City Council on the proposed amendments. City Council is scheduled to consider the 2023 Miscellaneous Code Amendments on April 18, 2023.

cc: File Number CAM23-00134