



CITY OF KIRKLAND

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MEMORANDUM

To: Planning Commission

From: Nick Cilluffo, Senior Planner
Allison Zike, AICP, Senior Planner
Jeremy McMahan, Planning and Building Deputy Director

Date: November 5, 2020

Subject: 2020 Miscellaneous Zoning Code & Municipal Code Amendments Briefing
File Number CAM20-00616

Staff Recommendation

Receive a briefing on the proposed package of miscellaneous Kirkland Zoning Code (KZC) and Kirkland Municipal Code (KMC) amendments. Provide direction to staff to guide development of the final amendment package and code revision language in advance of a joint hearing with the Houghton Community Council tentatively scheduled for December 10, 2020.

Background

Staff keeps an ongoing list of miscellaneous code amendments that are necessary to reflect current practice, clarify sections of the Zoning and Municipal Codes, 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 2020 miscellaneous code amendment package is ambitious in scale in an effort to update a substantial number of administrative and non-policy items, as well as several items that require immediate attention to reflect recent policy direction. Additionally, the package was scoped to items that do not have broad public interest and necessitate extensive public outreach. Staff will follow all required public notice steps and create a webpage for interested parties to learn more and participate. A summary of the proposed package of amendments, with descriptions of each, is included in Attachment 1.

To facilitate review of these items, each amendment is categorized into one of two groups:

Group A – Clarifying, Ministerial, and Consistency Amendments

These amendments (see Table A in Attachment 1) update administrative practices, improve consistency between the KMC and KZC, maintain KZC/KMC consistency with state or federal regulations, correct references to other code sections, or clarify the code language to be clearer about how a given regulation is already implemented. These

amendments will have little, to no, impact on the community and will not result in any regulatory change. Staff would not expect these amendments to generate significant discussion at the public hearing because of the benign nature of the proposed changes.

Group B – Minor/Moderate Policy Change Amendments

These amendments (see Table B in Attachment 1) represent minor or moderate policy changes. They reflect recent policy direction from Planning Commission and City Council related to other large-scale projects (e.g., rooftop appurtenance amendments and Missing-Middle Housing regulations), or propose changes that will be of high-value to the community and/or staff's implementation of the code. Staff expects that amendments within this category would be the focus of discussion at the public hearing.

Key Points for Discussion

Staff requests Commissioners provide feedback on the following key points:

- Is the proposed approach of categorizing amendments into two groups acceptable for the public hearing?
- If yes, are there any amendment items that should be moved from one group to the other?
- 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

Following Planning Commission direction, staff will prepare the final list of amendments, draft code revisions for each amendment, and bring the package of proposals to a joint Planning Commission (PC) and Houghton Community Council (HCC) hearing. At that public hearing, PC and HCC will receive public comments and deliberate. The HCC will make a recommendation to the PC and the PC will make a recommendation to City Council. The City Council will make a final decision by ordinance, after which the Houghton Community Council will review the ordinance and exercise their jurisdiction.

Attachment(s):

1. Proposed KZC and KMC Code Amendments

cc: File Number CAM20-00616

GROUP A - CLARIFYING, MINISTERIAL, AND CONSISTENCY AMENDMENTS

Amendment ID#	KMC/KZC	CHAPTER	SECTION	SUB-SECTION	SUB-SECTION	SUB-SECTION	DESCRIPTION OF PROPOSED AMENDMENT	COMMUNITY IMPACT
1	KZC	10					<u>Legal Effect/Applicability</u> Add new section that allows administrative amendments by the Planning Director to correct federal or state code reference when the referenced codes are changed (i.e., renumbered).	Streamlines process to keep KZC up to date with state/federal code references.
2	KZC	20	20	60			<u>Medium Density Residential Zones</u> Clarify that the prohibition on stacked dwelling units applies only to RM 5.0 and RMA 5.0 zones, but that stacked dwelling units are allowed in all other RM zones.	Makes code easier to understand by using explicit language consistent with the current application of the code.
3	KZC	20	30	060			<u>Medium Density Residential Zones</u> Add footnote to clarify that 0' side setbacks are allowed for attached dwelling units in the RMA zones.	Makes code clearer by adding a footnote reference consistent with the current application of the code.
4	KMC	22	20	245			<u>Short Subdivisions Appeals</u> Remove the special requirement that appeals of short plats that involve dedication of a new through road are required to be heard by City Council (rather than standard appeal to Hearing Examiner). The revision would result in all short subdivision appeals being heard by the Hearing Examiner. Change requested by Council with adoption of Citywide connections map.	Makes appeal process consistent for all short plats.
5	KMC	22	20	340			<u>Subdivisions with final decision made by the Hearing Examiner</u> Allow Planning Director to sign final short plats decided on by the Hearing Examiner, rather than require the Hearing Examiner sign the recording documents.	Streamlines administrative processing of final short plats.
6	KMC	22	28	030			<u>Subdivision Design Requirements for Lot Sizing</u> Clarify applicability of lot size design options and simplify language for clarity.	Improves usability of subdivision code.

GROUP A - CLARIFYING, MINISTERIAL, AND CONSISTENCY AMENDMENTS

Amend ment ID#	KMC/KZC	CHAPTER	SECTION	SUB-SECTION	SUB-SECTION	SUB-SECTION	DESCRIPTION OF PROPOSED AMENDMENT	COMMUNITY IMPACT
7	KMC	22	Various				<u>Subdivision decisional criteria</u> Update criteria to include all improvements identified in RCW 58.17.100 (add transit stops and sidewalks for walking to school).	Provides consistency with existing state requirements.
8	KMC	22	16	120			<u>Signing of plat documents</u> Allow the Planning Director to sign final plat documents as allowed under 2017 state legislation (SB 5674).	Streamlines administrative processing of final plats.
9	KZC	25	30	050			<u>High Density Residential Zones</u> Add footnote to clarify that 0' side setbacks are allowed for attached dwelling units in RMA zones.	Makes code clearer by adding a footnote reference consistent with the current application of the code.
10	KZC	25	20	050			<u>High Density Residential Zones</u> Remove requirement for Process I review for additional density in the PLA 6D zone. The Process I review was originally established based on the transition to higher densities and need for significant right-of-way improvements. Those conditions no longer exist as most of the zone has been redeveloped. The revision will make PLA 6D consistent with other medium and high density zones.	Streamlines review process to approve allowable density consistent with other multi-family zoning.
11	KZC	50	10	3			<u>Central Business District Zones</u> Revise code language to clarify that street-level retail, restaurant, and similar uses are <u>not</u> required along alleys and similar service access streets. See Zoning Interpretation 09-1. Previously codified but still needs clarification.	Provides greater clarity on existing practice.
12	KZC	75	5				<u>Historic Landmark Overlay Zone and Historic Residence Designation</u> Add a purpose statement to clarify intent of chapter.	Adds explanation for purpose of this chapter.
13	KZC	75	15				<u>Historic Landmark Overlay Zone and Historic Residence Designation</u> Remove language allowing "any member of the general public" to apply to designate a property as a Historic Landmark Overlay Zone; resulting in the property owner being the sole party allowed to apply for designation (consistent with who may apply to designate a historic residence).	Members of the general public cannot apply to designate a property with a historic landmark overlay unless they hold fee title to the subject property.

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14	KZC	105	20				<u>Parking Space Requirements</u> Update parking requirements for multi-family in high-transit availability areas for consistency with new state law (RCW). Currently, in applicable areas, the Kirkland Zoning Code requires more parking spaces than allowed under the RCW for certain affordable units and for studio and one-bedroom units.	Minimal; in high-transit availability areas, the minimum amount of required parking for certain affordable units and for studio and one-bedroom multi-family units will be reduced based on state mandate.
15	KZC	105	103	3			<u>Modifications for vehicular and pedestrian improvements</u> Correct misreferenced code sections and delete duplicative criterion.	Corrects errors in code references and removes duplicative sections.
16	KZC	112	20	5			<u>Impact Fee Exemptions for Affordable Housing</u> Clarify that impact fee exemptions are only applicable to additional affordable housing provided beyond the basic requirement. Also, add possibility of school impact fee exemptions per KMC 27.08.050.	Provides consistency with KMC and clarifies available exemption within the KZC.
17	KZC	114	25	1	b		<u>Low Impact Development</u> Revise lapse of approval standards to be consistent with underlying Process I standards.	Makes code easier to understand by improving consistency.
18	KZC	115	136	1			<u>Size Limitations for Structures Abutting or Within Low Density Zones and Abutting Low Density Uses in PLA 17</u> Clarify which zones are subject to KZC 115.136 by listing those specific zones.	Makes code easier to understand by adding explicit references to applicable zones consistent with the current application of the code.
19	KZC	115	43	5			<u>Garage Requirements for Detached Dwelling Units in Low Density Zones</u> Add explicit language that a carport is not a "preexisting improvement" that can be utilized to receive a deviation from the subject requirements.	Makes code easier to understand by adding explicit reference to how carports are regulated consistent with the current application of the code.

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20	KZC	115	10	5			<u>Definitions and Accessory Uses</u> Correctly reference the renamed Washington State Department of Children, Youth, and Families. KZC still includes references to the previous name, Department of Early Learning. Revise code to clarify that if a Family Childcare home does not require a license it must be otherwise permitted by DCYF.	Clarifies code language consistent with the current application of the code.
21	KZC	115	80	2	c		<u>Legal Building Site Criteria</u> Remove reference to KMC 22.29.042(f) that was removed from KMC with the Accessory Dwelling Unit code updates.	Makes code easier to understand by removing erroneous reference.
22	KZC	115	115	3	o		<u>Required Yards</u> Clarify that eaves and other building projections allowed under 115.115.3.d are allowed to extend into 5 foot setback when detached garages and/or DADUs are utilizing setback flexibility under 115.115.3.o. This serves to clarify only, and is consistent with how staff currently applies the code.	Makes code easier to understand by using explicit language for clarity on an existing practice.
23	KZC	115	115	5			<u>Driveway standards</u> Clarify that paving in shared driveway areas is not subject to the driveway standards applied to individual private driveways (i.e., maximum width and required setbacks).	Provides more flexibility and reduces design challenges for driveways where a shared driveways is used.
24	KZC	118					<u>Hazardous Liquid Pipelines</u> Add requirement for development activity near a hazardous liquid pipelines to submit a Hold Harmless agreement indemnifying the City for any damage resulting from development activity on the subject property which is related to the pipeline. Intention is similar to required hold harmless agreements near geologically hazardous areas. The required agreement will not change development standards near hazardous liquid pipelines.	Makes code more predictable for users by adding an explicit requirement for a hold harmless agreement associated with development near hazardous liquid pipelines.
25	KZC	152	85	3			<u>Challenge to the Hearing Examiner's Recommendation</u> Revise code to simplify delivery requirements for parties filing a challenge of the Hearing Examiner's recommendation.	Simplifies process by providing more convenient notice delivery options for community members challenging a Hearing Examiner recommendation.
26	KZC	All					<u>All Chapters</u> Remove use of term "citizen" from the KZC and replace with "community member".	This revision would remove the term of "citizen" from the Zoning Code, which can be exclusive when interpreted as referring to a person's citizenship status. This revision will instead use a term like "resident, community member, or person" to be more inclusive of all the people our government serves.

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27	KZC	Various					<u>Process IIB/IV/IVA Jurisdiction of the Houghton Community Council</u> Make 60-day HCC disapproval window language consistent with KMC 2.12.040(a).	Improves consistency with KMC and current practice.
28	KZC	Various					<u>Zoning Designations PLA 6c and BC</u> Remove references to zones PLA 6C and BC from KZC since zoning designations no longer exist.	Omits non-existent zoning designations.
29	KMC	22	04				<u>Binding Site Plans</u> Amend binding site plan regulations to match state regulations	Provides consistency with existing state requirements.

GROUP B - MINOR/MODERATE POLICY AMENDMENTS

Amend ment ID#	KMC/KZC	CHAPTER	SECTION	SUB-SECTION	SUB-SECTION	SUB-SECTION	DESCRIPTION OF PROPOSED AMENDMENT	COMMUNITY IMPACT
30	KMC	22	28	50			<u>Subdivision Design Requirements for Cottage Developments</u> Exempt cottage developments from minimum lot width.	Provides greater flexibility in lot design and configuration for cottage developments.
31	KZC	115	23				<u>Common Recreational Space Requirements for Certain Residential Uses</u> Revise code to allow rooftop amenity space to count towards common recreational space requirements for multi-family development.	Provides more flexibility in options to provide common recreational space for residents, but may result in less private common recreational space being provided at-grade. Lot coverage requirements will not be impacted by this change.
32	KZC	115	115	5	b	1	<u>Parking in Required Yards</u> Allow vehicle parking areas within required front yards for attached and stacked dwelling units, consistent with other uses.	Provides the same flexibility for attached and stacked dwelling units as is currently provided for other uses, and may result in less lot coverage on subject properties.
33	KZC	40	10				<u>Noise Studies in Industrial Zones</u> Consider consistently requiring a noise study for manufacturing and other potential noise generating businesses in light industrial zones – potentially only when abutting residential zones. The City already has the authority to require applicants to provide a noise study demonstrating how they comply with the maximum environmental noise levels in KZC 115.95, but has previously required studies on a case-by-case basis in Industrial zones.	Provides clearer requirement for future development applicants.

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34	KZC	50	64	1			<u>Limited Ground Floor Office Use Exceptions for CBD 8</u> Expand the ground floor office use exceptions to another subarea within the CBD 8 zone, identified as "Study Area C" in a 2010-2011 review of ground floor retail requirements. Revisiting expanded flexibility for ground floor uses in this subarea was proposed at the direction of City Council at their October 6, 2020 meeting.	Provides more flexibility for certain types of office uses to occupy the ground floor in a portion of the CBD 8 zone, subject to pedestrian-oriented design standards
35	KZC	115	115	3	p		<u>Mechanical Units in Required Yards</u> Revise code to add flexibility for ground-mounted mechanical units to be installed within required front yards when screened, and to allow legally non-conforming units to be replaced on a like-for-like basis as a Planning Official decision. Both of these conditions are routinely approved through a Variance Exception process.	Reduces the process, time, and cost for applicants to receive more flexibility in locating ground-mounted mechanical units. Currently these locations can be allowed with a Variance Exception (Planning Director) decision, and such decisions have been approved in many cases where no alternative location for the unit exists.

