



City of Kirkland
Planning and Building
123 Fifth Avenue, Kirkland, WA 98033
425-587-3600 | www.kirklandwa.gov

MEMORANDUM

To: Planning Commission

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

Date: March 7, 2024

Subject: **2024 Miscellaneous Zoning and Municipal Code Amendments, File No. CAM24-00135**

Recommendation

Receive a briefing on the 2024 Miscellaneous Zoning and Municipal Code Amendments prior to a Planning Commission public hearing tentatively scheduled for April 11, 2024.

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 2024 miscellaneous code amendment package consists of KZC and KMC amendments that include administrative and non-policy items, along with a limited number of amendments necessary to implement citywide policy direction. Staff will follow all required public notice steps for interested parties to learn more and participate.

Proposed Amendments

1. KMC 1.12.100(d)(3)(A) (Code Enforcement for Tree Code Violations)

Description: Correct an obsolete code reference in the description of fees in lieu of restoration related to the number of illegally removed tree credits. Should reference KZC 95.34(2).

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

2. KZC 5.10.35 and 5.10.910 (Definitions)

Description: Revise one, or both, of the respective definitions for “Alteration” and “Structural Alteration” to clearly distinguish differences between the two as utilized throughout the KZC.

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

3. KZC 5.10.153 (Definitions)

Description: Amend the definition of “Community Facility” to clarify that community-service commercial facilities similar to the specific facilities listed in the existing definition can also be defined as a community facility.

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

4. KMC 22.28.30(c) (Lots-Size)

Description: Clarify that design incentives in KZC 115.42.4 to allow an additional 5% FAR above the maximum for the zone are not available to a parcel created via a small-lot short plat or subdivision that has a required FAR covenant restriction.

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

5. KZC 35.10.030 (Commercial Zones)

Description: Add missing subsection (5) for consistent document numbering with note “Reserved”.

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

6. KZC 35.30 – Special Regulations DD-8 and DD-11 (Density/Dimensions Table – Commercial Zones)

Description: Remove reference to 35.10.030(5) that was previously deleted.

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

7. KZC 45.60 (Private College and Related Facilities)

Description: The approved quasi-judicial master plan for Northwest University was previously codified as development standards in this zone. This is inconsistent with how master plan requirements are applied in most cases Citywide, and the codification of the master plan standards unnecessarily complicate code application and any future modifications to the master plan. This change will not result in any changes to the applicable master plan as approved by City Council.

Effect: No regulatory change. Improves consistency of code.

8. KZC 57.10.040.070.3 (Station Area Form-based Code, Urban Flex District Sign Categories)
Description: Add a designated sign category for Industrial Uses in the Urban Flex District within the Station Area Form-based Code; the adopted code doesn't specify the sign category for this use.
Effect: No regulatory change. Corrects an error in the code.

9. KZC 57.10.040.040, 57.10.040.050, 5.10.040.070, and 57.10.040.080 (Station Area Form-based Code, Regulating Districts)
Description: Add retail storage facilities to the list of specifically prohibited uses for all the Station Area zones.
Effect: No regulatory change. Corrects an error in the code to align with the previously adopted prohibition of retail storage facilities as primary uses in these areas.

10. KZC 57.05.070 (Station Area Form-based Code, Relationship to Other Regulations)
Description: Add a reference to sign regulations in KZC 100.
Effect: No regulatory change. Corrects an error in the code.

11. KZC 5.10.410 (Definitions-Institutional Uses)
Description: Add community facilities to the list of uses categorized as an Institutional use.
Effect: No regulatory change. Improves clarity of applicable requirements.

12. KZC 70.15.8(b) (Holmes Point Overlay, Tree and Landscape Maintenance Requirements)
Description: Correct code reference to updated tree code section 95.25.6.
Effect: No regulatory change. Corrects an error in the code.

13. KZC 83 (Shoreline Development Standards)
Description: Amend code to allow for public agency exceptions to install boat canopies at public moorage facilities for emergency watercraft.
Effect: Minor regulatory change for needed public agency emergency watercraft only.

14. KZC 90.185.2(a) (Critical Area Nonconformances)

Description: Remove reference to subsection 4(a) to clarify above ground floor expansions to legally nonconforming structures within critical area buffers may be utilized an unlimited number of times pursuant to all relevant nonconformance regulations.

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

15. KZC 90.120.1(c) (Critical Area Limited Buffer Waivers)

Description: Revise section to clarify staff interpretation that fences, sheds, patios, decks, or other minor structures and impervious surfaces do not qualify as items constituting an interrupted buffer.

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

16. KZC 90.130 (Vegetative Buffer Standards)

Description: Amend code to add a provision tailored to City park projects that eases the burden of buffer vegetation requirements while respecting the necessity to restore substandard critical area buffers commensurate with project scale/scope.

Effect: Regulatory change to recognize unique nature of Parks projects requiring mitigation on very large parcels where the standard mitigation requirements are overly burdensome; provides a more tailored and reasonable requirement for the vegetative buffer standard with park projects.

17. KZC 100.50.1.c (Designated Corridors)

Description: Correct an obsolete reference in the description of a specific section of Lake Washington Boulevard.

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

18. KZC 105.19.2(a) and (b) (Public Pedestrian Walkways)

Description: Add language stating that Public Works Director has discretion to require lighting on neighborhood pathways.

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

19. KZC 110 (Public Improvement Standards)

Description: Clarify that any allowable modifications for required frontage improvements to be installed in dedicated public right-of-way, and specify the relation of any easements for public improvements to development standards such as setbacks, lot coverage, etc.

Effect: Improve consistency of code application.

20. KZC 112.20.4 (Basic Affordable Housing Incentives)
Description: Clarify circumstances in which a development can utilize the dimensional standards modifications.
Effect: No regulatory change. Improves clarity of applicable requirements.

21. KZC 112.15.4 (Affordable Housing Requirement)
Description: Amend code to allow the City to utilize alternative ways to calculate payment in lieu of affordable unit construction and provide the Planning and Building Director the ability to determine changes in the process as needed. ARCH has indicated a desire to simplify the calculation process so it is easier for them to administer, and there is also a desire to ensure that the fee paid in-lieu of providing an affordable housing unit on-site is sufficient to purchase an affordable housing unit elsewhere.
Effect: Will streamline review process for ARCH, improve clarity of applicable requirements, and ensure that the in-lieu fees collected by the City are sufficient to procure replacement affordable housing elsewhere.

22. KZC 115.43.3 (Additional Requirements for Garages with Garage Doors on the Front Façade of a Detached Dwelling Unit)
Description: Revise standards to clarify the included components of garage width for purposes of measuring the maximum garage-total façade percentage.
Effect: No regulatory change. Improves clarity of applicable requirements.

23. KZC 115.42.4 (Station Area Form-based Code, Urban Flex District Sign Categories)
Description: Clarify the structures to which the design incentives must be applied in order to receive an FAR bonus.
Effect: No regulatory change. Improves clarity of applicable requirements.

24. KZC 117.30.11 (Wireless Service Facility Regulations – Pole Replacements)
Description: Correct a reference to the applicable KMC title.
Effect: No regulatory change. Corrects an error in the code.

25. KZC 117.40.3(b) (Wireless Service Facility Regulations – Macro Facility Permit Review Procedures)
Description: Correct reference to required public notice instructions to include a required public notice sign on site.
Effect: No regulatory change. Corrects an error in the code.

26. KZC 117.60.2(g)(2) (Wireless Service Facility Regulations – Substantial Change Criteria)

Description: Correct an erroneous reference in the code related to the allowed extension of appurtenances that do not constitute a substantial change.

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

27. KZC 160.90 (Process IV)

Description: Remove reference to Section 160.95, which is an obsolete section related to the jurisdiction of the Houghton Community Council.

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

28. KZC 161.90 (Process IVA)

Description: Remove reference to Section 161.95, which is an obsolete section related to the jurisdiction of the Houghton Community Council.

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

29. KZC 50.60 (Downtown Parking Standards)

Description: Amend parking standards in the Central Business District (CBD) to eliminate additional parking space requirements that might be generated when a new land use/tenant occupies an existing building.

Effect: Will streamline the review process for change-of-use tenant improvements in the CBD, and make it easier for new businesses to occupy vacant tenant spaces in the CBD.

30. KZC 70.15.4.b.3.b (Tree Replacement Standards)

Description: Revise tree replacement size to be consistent with updated size requirements in KZC 95.

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

31. KZC 95.10(17)(c) (Definitions)

Description: The definition of “hedge trees” includes reference to the trees being in “fair or poor condition”. This is not appropriate for a definition, and the definition should only include language that defines characteristics of a hedge, such as trees of the same species planted in a uniform fashion, which function as a screen or barrier.

Effect: No regulatory change. Aligns with current practices and code application.

32. KZC 95.10(17) (Definitions)

Description: Definitions of dead/dying trees are not included in the definitions section. They are defined in KZC 95.25(6) and included in KZC 95.23(4); however, it would add clarity and simplify the code to include these definitions in KZC 95.10 under subsection 17 – Trees. Additionally, to improve readability of the code, it is recommended that these definitions be removed from KZC 95.25(6), and instead referenced in the definitions section.

Effect: No regulatory change. Aligns with current practices and code application and improves clarity and code readability.

33. KZC 95.23(3)(d) (Landmark Tree Mitigation)

Description: Amend code to explicitly state that the required tree maintenance agreement shall be recorded with the King County Recorder's office.

Effect: No regulatory change. Aligns with current practices and code application.

34. KZC 95.25(3) (Private Property – Tree Removal, Not Associated with Development Activity)

Description: Amend code to correct the code reference for the required tree replacement ratio. The Tree Replacement Standard Table states that public trees in parks or City right-of-way per KZC 95.21(2) shall be mitigated at a minimum 1:1 tree replacement ratio (the KZC 95.21(2) reference should be corrected to KZC 95.20).

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

35. KZC 95.25(6) (Private Property – Tree Removal, Not Associated with Development Activity)

Description: This section includes inaccurate code numbering/lettering and should be revised to include a new subsection 'C'.

Effect: No regulatory change. Corrects a formatting error in the code.

36. KZC 95.30(2) (Tree Retention Associated with Development Activity)

Description: Amendment 1: Update the numbering of subsection 2 by labeling the two paragraphs of existing code language as 'a' and 'b,' respectively.

Effect: No regulatory change. Corrects a formatting error in the code.

Description: Amendment 2: Amend code to clarify when the applicant may start the tree removal process once the submitted Tree Retention Plan is approved. Add a subsection 'c' which states that trees may only be removed once the Tree Retention Plan is approved, and the permits are issued for the development activity, and explicitly state that tree removal is not authorized during the demolition permitting phase unless approved by the Planning Official.

Effect: Improves consistency of code application and aligns with past and present practices.

37. KZC 95.51(2)(a) and (b)(1) (Tree and Landscape Maintenance Requirements)

Description: Amend code to state that the tree maintenance agreement shall be recorded with the King County Recorder's office.

Effect: No regulatory change. Aligns with current practices and code application.

38. KZC 115.08 (Accessory Structure (Detached Dwelling Unit Uses Only))

Description: Amend the code to state that the height allowances for accessory structures used for detached dwelling units, including ADUs (i.e., the maximum height allowed by the underlying zone or 15 feet above the existing height of the primary residence) apply in all residential zones, including in the shoreline zone.

Effect: No regulatory change. Clarifies confusing and potentially conflicting code sections.

Key Points for Discussion

Is there any additional information related to the proposed amendments that staff should provide to Commission prior to the public hearing?

Next Steps

A public hearing is tentatively scheduled with the Planning Commission for April 11, 2024. At the public hearing, the Commission will collect public testimony, deliberate, and make a recommendation to City Council on the proposed amendments (full text of the amendments will be provided). City Council is tentatively scheduled to consider the 2024 Miscellaneous Code Amendments on May 7, 2024.