ORDINANCE O-4936

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING AND LAND USE AND AMENDING THE CITY OF KIRKLAND ZONING CODE, INCLUDING CHAPTERS 57 AND 112, FILE NO. CAM26-00137.

WHEREAS, the City Council previously adopted the 85th Street Station Area Plan (SAP), which relies on the 1-405/NE 85th Street transit investment, to transform the Station Area into a vibrant, mixed-use environment and a model of innovation with abundant affordable housing and a mix of job types linked by transit; and

WHEREAS, per policies adopted in the 2044 Comprehensive Plan, Kirkland's future housing and employment growth will be focused in the 85th Street Station Area; and

WHEREAS, in 2022, Council adopted the first set of Station Area Zoning Code amendments, which implemented a form-based code for the Commercial Mixed Use District, and the NE 85th St Station Area Plan Design Guidelines for the full subarea through Ordinance O-4802; and

WHEREAS, in 2023, Council adopted additional zoning code and zoning map amendments to rezone parcels, implement form-based code for Neighborhood Mixed Use, Civic Mixed Use, and Urban Flex zones in the Station Area, and included affordable housing requirements for residential development through Ordinance O-4885; and

WHEREAS, Council recognized that despite adoption of the ordinances referenced above, redevelopment in the Station Area was not occurring in a way that aligned with its vision for the area and, as a result, Council adopted a 2025–2027 Planning Work Program (PWP) task in Resolution R-5678 to identify potential code amendments intended to spur redevelopment in the Station Area to help accomplish Council's vision; and

WHEREAS, at its October 21, 2025 regular meeting, the City Council directed staff to prepare near-term amendments to the Kirkland Zoning Code, such as amending the regulations to require increased density, intended to support redevelopment in the Station Area; and

WHEREAS, on March 26, 2026, the Planning Commission (PC), following notice thereof as required by RCW 35A.63.070, held a public hearing on the amendment proposals and received public testimony thereon; and

WHEREAS, the City Council received a recommendation from the PC to amend certain sections of the Kirkland Zoning Code as set forth in the staff report dated March 30, 2026, containing the recommendation of the Planning Commission and bearing Kirkland Planning and Building Department File No. CAM26-00137; and

WHEREAS, pursuant to the State Environmental Policy Act (SEPA), there has been a SEPA Addendum to the City of Kirkland 2015 Comprehensive Plan Update Draft and Totem Lake Planned Action Ordinance Final Environmental Impact Statement (EIS), the NE 85th Street Station Area Planned Action Final Supplemental EIS, and the 2044 Comprehensive Plan Update Final Supplemental EIS, that was issued by the responsible official pursuant to WAC 197-11-625 on March 9, 2026 (File No. SEP26-00164); and

WHEREAS, the City Council finds that these changes to the Zoning Code are consistent with the Kirkland Comprehensive Plan and the NE 85th Street Station Area Plan.

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

Section 1. Section 57.05.030 of the Kirkland Zoning Code (KZC), and the corresponding portions of Ordinance No. O-4876 § 1 (2024), is amended as follows, with the new text shown in underline, deletions shown in ~~strikethrough~~, and the intentional omission of unchanged sections or parts of tables indicated with three asterisks (***); all other provisions of these sections remain unchanged and in full force, and these rules for identifying changes apply throughout this ordinance:

KZC 57.05.030 Development Agreements – Catalyst Projects

As a means of encouraging early catalyst transit-oriented development projects within the station area (see Figure 2), projects ~~on sites greater than four acres~~ are ~~encouraged~~ allowed to apply for and negotiate a development agreement with the City pursuant to Chapter 36.70B RCW.

The purpose of such a development agreement is to provide a process for tailoring the regulations and incentives of this chapter as they apply to specific facts and circumstances. A development agreement approved by the City Council pursuant to Chapter 36.70B RCW may approve specific variations or exceptions from the district regulations if the Council finds and concludes in the development agreement that the variations or exceptions result in a project that provides overall greater benefit or overall better mitigation than would a project that strictly complies with the district regulations~~, except that a development agreement may not authorize (1) additional height above the bonus maximum height; or (2) a use that is not otherwise permitted in the district~~.

Section 2. KZC 57.10.040.050, and the corresponding portions of Ordinance No. O-4876 § 1 (2024), is amended as follows:

KZC 57.10.040.050 Neighborhood Mixed Use

1. *Permitted Uses.* Table 2 specifies permitted uses for this zone.

TABLE 2: NEIGHBORHOOD MIXED USE DISTRICT USE TABLE

General Use	Neighborhood Mixed Use (NMU) Permitted (P)/Not Permitted (NP)
Commercial	P
Institutional	P
Residential	P
Industrial	NP
Uses Specifically Prohibited ~~as Primary Use~~	
Detached or Attached Dwelling Units, except that attached dwelling units are permitted for: • proposals that have both a final Design Review Board approval issued prior to the effective date of Ordinance O-4936 and a fully complete building permit application consistent with the proposal that is filed within nine months of the effective date of Ordinance O-4936; or • properties east of 124th Ave NE with a maximum height or bonus maximum allowed height of 65 feet or less.	
Automotive Service Station	
Vehicle Service Station	
Sale, Service, Storage, and/or Rental of Motor Vehicles, Sailboats, Motor Boats, and Recreational Trailers	
Drive-Through Facilities	
Retail Establishment Providing Storage Services	

* * *

Section 3. KZC 57.10.040.070, and the corresponding portions of Ordinance No. O-4913 § 11 (2025), is amended as follows:

KZC 57.10.040.070 Urban Flex

1. *Permitted Uses.* Table 3 specifies permitted uses for this zone.

TABLE 3: URBAN FLEX DISTRICT USE TABLE

General Use	Urban Flex (UF) Permitted (P)/Not Permitted (NP)
Commercial	P
Institutional	P
Residential	P*
Industrial	P

* See section below on residential uses.

Uses Specifically Prohibited ~~as Primary Use~~
Detached or Attached Dwelling Units
Automotive Service Station
Vehicle Service Station
Sale, Service, Storage, and/or Rental of Motor Vehicles, Sailboats, Motor Boats, and Recreational Trailers
Drive-Through Facilities
Retail Establishment Providing Storage Services

2. *Residential Uses.* Residential uses are not permitted on the street level floor, except for residential lobbies.

* * *

Section 4. KZC 57.10.040.080, and the corresponding portions of Ordinance No. O-4913 § 11 (2025), is amended as follows:

KZC 57.10.040.080 Civic Mixed Use

1. *Permitted Uses.* Table 4 specifies permitted uses for this zone.

TABLE 4: CIVIC MIXED USE DISTRICT USE TABLE

General Use	Civic Mixed Use (CVU) Permitted (P)/Not Permitted (NP)
Commercial	P
Institutional	P
Residential	P
Industrial	NP
Uses Specifically Prohibited ~~as Primary Use~~	
Detached or Attached Dwelling Units	
Automotive Service Station	
Vehicle Service Station	
Sale, Service, Storage, and/or Rental of Motor Vehicles, Sailboats, Motor Boats, and Recreational Trailers	
Drive-Through Facilities	
Retail Establishment Providing Storage Services	

* * *

Section 5. KZC 112.20, and the corresponding portions of Ordinance No. O-4920 § 15 (2025), is amended as follows:

KZC 112.20 Basic Affordable Housing Incentives

* * *

3. *Alternative Affordability Levels.* Except for development in low-density residential zones, an applicant may propose affordability levels different from those defined in Chapter 5 KZC for the Affordable Housing Units.

* * *

d. To encourage "pioneer residential development" in the Station Area NMU, UF, and CVU use zones with allowed heights 65 feet or higher, the below base (or fixed) pioneer provisions shall be utilized to calculate the minimum Affordable

Housing Units required for the indicated total number of units constructed in projects vested on or after the effective date of the ordinance codified in this section:

Number of Total Units in NMU, UF, and CVU Zones	**Renter-Occupied: Minimum Percent of Affordable Housing Units and AMI Requirements**	**Owner-Occupied: Minimum Percent of Affordable Housing Units and AMI Requirements**
Units with vested applications on or before December 31, ~~2025~~ 2029, or first 624 units (whichever is later)	10% at 50% AMI, or the alternative affordability level options in KZC 112.20(3)(c) with at least 5% of units required to be provided at 50% AMI	10% at 80% AMI, or the alternative affordability level options in KZC 112.20(3)(c)
All subsequent units	Base requirements in KZC 112.15(2)(a)(2)	Base requirements in KZC 112.15(2)(a)(2)

"Number of total units" shall mean the total number of housing units (affordable and otherwise) with vested applications within the NMU, UF, and CVU use zones where Affordable Housing Units are required and which have not received funding from public sources.

* * *

Section 6. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.

Section 7. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication as required by law, in the summary form attached to the original of this ordinance.

Passed by majority vote of the Kirkland City Council in open meeting on the 5th day of May, 2026.

Signed in authentication thereof this 5th day of May, 2026.

Kelli Curtis, Mayor

Attest:

Anastasiya Warhol, City Clerk

Approved as to Form:

Darcey Eilers, City Attorney

Publication Date: 05/11/2026

PUBLICATION SUMMARY
OF ORDINANCE NO. O-4936

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING AND LAND USE AND AMENDING THE CITY OF KIRKLAND ZONING CODE, INCLUDING CHAPTERS 57 AND 112, FILE NO. CAM26-00137.

SECTION 1. Amends Kirkland Zoning Code (KZC) 57.05.030 related to development agreements for catalyst projects.

SECTION 2. Amends KZC 57.10.040.050 related to permitted uses for Neighborhood Mixed Use.

SECTION 3. Amends KZC 57.10.040.070 related to permitted uses for Urban Flex District Use.

SECTION 4. Amends KZC 57.10.040.080 related to permitted uses for Civic Mixed Use District Use.

SECTION 5. Amends KZC 112.20 related to Basic Affordable Housing Incentives.

SECTION 6. Provides a severability clause for the ordinance.

SECTION 7. Authorizes publication of the ordinance by summary and establishes the effective date as five days after publication of summary.

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 5th day of May, 2026.

I certify that the foregoing is a summary of Ordinance O-4936 approved by the Kirkland City Council for summary publication.

Anastasiya Warhol

Anastasiya Warhol, City Clerk