



To: Dave Ramsay, City Manager

From: Eric R. Shields, AICP, Director
Michael Bergstrom, AICP, Consultant

Date: July 18, 2006

Subject: RECOMMENDATION ON SINGLE-FAMILY FLOOR AREA RATIOS AND SETBACK ENCROACHMENTS, FILE NO. ZON05-00019

RECOMMENDATION:

1. Schedule a hearing on the SEPA appeal for September 19, 2006.
2. Identify any additional information needed from Staff prior to taking final action on the proposed amendments.
3. Schedule final consideration and action on the proposed amendments for September 19, 2006.

POLICY IMPLICATIONS:

The proposed amendments to the Zoning Code would affect the manner in which Floor Area Ratios (FAR) are calculated for detached dwelling units in low density zones. They would reduce allowable FAR in the RS 5.0 and RSX 5.0 zones, remove the FAR exemption for detached accessory structures, and prohibit building architectural features from projecting closer than 4 feet to any property line. FAR regulations would continue to not be effective in Houghton (see Enclosures 1 and 2).

BACKGROUND DISCUSSION:

At the request of the City Council, over the past several months Staff and the Planning Commission have been examining the City's FAR regulations that apply to detached dwelling units in low density zones. Included in this effort was a review of allowable encroachments into required yards by architectural features such as chimneys, eaves, and bay windows. This review began with a Planning Commission study session on November 10, 2005. Based on direction of the City Council provided at your January 5, 2006 meeting, the following six items were the focus of two additional study sessions held by the Commission on March 9 and April 13, 2006. The Houghton Community Council also held study sessions on these six items on March 27 and April 24, 2006:

1. FAR in the RS 5.0 and RSX 5.0 zones.
2. The FAR exemption for accessory structures located more than 20 feet from primary structures.

3. Allowable setback encroachments.
4. The treatment of vaulted space in FAR calculations.
5. FAR for lots not meeting the minimum lot size of the underlying zone.
6. Determining setbacks based on building massing.

At the conclusion of the study sessions, the Commission determined that options for each of the first four items should be prepared and reviewed through the public hearing process. The final two items were excluded from further consideration.

The Commission chose not to pursue item 5 since the current FAR regulations already serve to reduce allowable house size on smaller lots. Although the FAR percentage (e.g., 50% in RS 7.2 and 8.5 zones) remains constant, that FAR is applied against the actual size of the lot. Therefore, as lots get smaller and smaller, allowable house sizes also get smaller proportionately. The Commission felt that item 6 would be more appropriately included with a more comprehensive review of the City's dimensional regulations. There also was concern about whether, or how, item 6 should apply in the RSX zones since those zones have different yard requirements than the RS zones.

The Planning Commission held a public hearing on June 8, 2006 and received substantial testimony from the public. The hearing was continued to July 13 to allow receipt of a recommendation from the Houghton Community Council, additional written testimony from the public, and further information from Staff.

The Houghton Community Council held a public hearing on June 27, 2006 and concluded that they did not desire to have FAR regulations or any of the amendments that were under consideration extended to Houghton. However, the Community Council did recommend that a broader review of single-family regulations occur in the future, to include a review of required yards and impervious surface coverage provisions, and possibly other regulations.

At the close of the public hearing on July 13, the Planning Commission voted to recommend certain changes to the Zoning Code text. These changes are identified below. Because of the position of the Houghton Community Council taken at their June 27 hearing, the options reviewed by the Planning Commission on July 13 and their recommendations to the City Council (see Enclosure 1) retain the current Zoning Code language that makes the FAR regulations ineffective in Houghton.

The recommendation of the Planning Commission was arrived at after substantial community outreach and public input. In addition to the meetings, study sessions, and public hearings mentioned above, involving the City Council, Planning Commission, and Houghton Community Council, several additional steps were taken to inform the public and elicit input, including:

- Staff held a meeting on April 13 with builders, realtors, and lenders to explain the possible changes and get their feedback;
- Staff attended neighborhood association meetings to discuss the issue and receive input;
- A list-serve was created to keep interested parties up to date on progress of the review;
- Information was posted on the Planning Department's website;
- An article was written and published in the Kirkland Courier; and
- Legal notices were published in advance of meetings as required by law.

This issue has generated significant interest from property owners and building-related industries. The enclosed materials, particularly the written public comments, illustrate the range of questions, concerns, and desires of those parties.

RECOMMENDED AMENDMENTS:

The Planning Commission has recommended the following amendments to the FAR regulations and provisions governing encroachments into required yards. Specific Zoning Text revisions reflecting these amendments are contained in Enclosure 2.

1. Amend KZC 15.10.050, Special Regulation No. 2, to reduce the maximum allowable Floor Area Ratio (F.A.R.) in the RS 5.0 and RSX 5.0 zones from 60% to 50%; provided, that 60% F.A.R. is allowed for the first 5,000 square feet of lot area if:
 1. The primary roof form of all structures on the site is peaked, with a minimum pitch of 4' vertical: 12' horizontal; and
 - b. A setback of at least 7.5 feet is provided along each side yard.
2. Amend KZC 115.42 to remove the F.A.R. exemption for accessory structures located more than 20 feet from the main structure (i.e., eliminate KZC 115.42.c).
3. Amend KZC 115.115.3.c to prohibit building architectural features (chimneys, bay windows, greenhouse windows, cornices, canopies, and awnings) from extending closer than 4 feet to any property line. Continue to allow eaves to project 18 inches into a required yard, regardless of distance from the property line.
4. Make no change to how vaulted spaces are calculated toward F.A.R. (i.e., count vaulted space only once toward F.A.R.).

In addition, the Planning Commission proposed that the effective date of any adopted changes be delayed by a period of four to six months after City Council adoption, to

provide a transition period for builders or homeowners who have started the design process based on existing regulations.

The Planning Commission has also recommended a future work program task to more comprehensively review Zoning Code provisions affecting building design, siting, height, and massing. This recommendation is more fully described in Enclosure 1.

ADDITIONAL BACKGROUND INFORMATION:

Minutes of the June 8 and July 13 Planning Commission meetings are contained in Enclosures 3 and 5. Copies of the Planning Commission packets that were prepared for their June 8 and July 13 public hearing are found in Enclosures 4 and 6. These packets contain the majority of the written public comments that have been received on this topic. Additional public comments, received since the issuance of the July 13 packet, are contained in Enclosure 7. The City Council may also access related information from the three Planning Commission study sessions, the two Houghton Community Council study sessions, and the Houghton Community Council public hearing on the City's website at the address listed below, and clicking on the "Helpful Links" that are listed:

http://www.ci.kirkland.wa.us/depart/Planning/Plans_and_Projects/Floor_Area_Ratio_FAR_.htm

SEPA APPEAL:

A Determination of Non-Significance was issued for this proposal on May 19, 2006. A timely appeal of the DNS was filed by Mike Nykreim on June 2, 2006 (see Enclosure 8). In response to the appeal, the Planning Director sent a letter to Mr. Nykreim clarifying that the City Council is the proper body to hear the SEPA appeal (see Enclosure 9). The SEPA appeal will need to be heard and decided prior to the City Council adopting any of the proposed amendments. We recommend that this hearing be scheduled for September 19, 2006. The hearing will be limited to SEPA-related issues, and will involve testimony only from eligible participants. The Planning staff or City Attorney's office will prepare a memo with more information and guidance prior to the September 19 hearing.

CONCLUSION:

The City Council should review the enclosed information and discuss it at a study session on August 1, 2006. At that study session, the Council should identify any additional information needed to take final action at a future meeting. Because of the SEPA appeal, a hearing needs to be scheduled to resolve that appeal. Resolution of the appeal must occur prior to the Council adopting any of the amendments.

Staff recommends that the City Council hold the SEPA appeal hearing on September 19, 2006. Depending on the outcome of that appeal, we also recommend that the Council consider final action on the proposal that same evening. The City Council has the option, but not the obligation, to conduct its own public hearing on the proposal. If the Council is interested in holding such a hearing, they should direct Staff on August 1 to schedule the hearing for September 19.

ENCLOSURES:

1. Planning Commission Recommendation Transmittal Memo
2. Proposed Zoning Code Amendments
3. Minutes from July 13, 2006 Planning Commission Meeting
4. Planning Commission Packet for July 13, 2006 Public Hearing
5. Minutes from June 8, 2006 Planning Commission Meeting
6. Planning Commission Packet for June 8 Public Hearing
7. Additional Public Comments
8. Appeal of SEPA Determination From Mike Nykreim, June 2, 2006
9. June 7, 2006 Letter From Eric Shields to Mike Nykreim RE: Appeal of SEPA Determination



To: Members of the City Council

From: Planning Commission Chair Janet Pruitt

Date: July 18, 2006

Subject: PLANNING COMMISSION RECOMMENDATION ON SINGLE-FAMILY FLOOR AREA RATIOS AND SETBACK ENCROACHMENTS, FILE NO. ZON05-00019

RECOMMENDATION:

1. Make the following changes to the F.A.R regulations and setback encroachment provisions:
 - a. Amend KZC 15.10.050, Special Regulation No. 2, to reduce the maximum allowable Floor Area Ratio (F.A.R.) in the RS 5.0 and RSX 5.0 zones from 60% to 50%; provided, that 60% F.A.R. is allowed for the first 5,000 square feet of lot area if:
 - i. The primary roof form of all structures on the site is peaked, with a minimum pitch of 4' vertical: 12' horizontal; and
 - ii. A setback of at least 7.5 feet is provided along each side yard.
 - b. Amend KZC 115.42 to remove the F.A.R. exemption for accessory structures located more than 20 feet from the main structure (i.e., eliminate KZC 115.42.c).
 - c. Amend KZC 115.115.3.c to prohibit building architectural features (chimneys, bay windows, greenhouse windows, cornices, canopies, and awnings) from extending closer than 4 feet to any property line. Continue to allow eaves to project 18 inches into a required yard, regardless of distance from the property line.
 - d. Make no change to how vaulted spaces are calculated toward F.A.R. (i.e., count vaulted space only once toward F.A.R.).
 - e. Delay the effective date of any adopted changes by a period of four to six months after City Council adoption.
2. Identify a future work program task to more fully evaluate the City's development regulations that affect the size, siting, height, and massing of single-family residences.

BACKGROUND DISCUSSION:

In late 2005, the Planning Commission began a broad review of the City's Floor Area Regulations pertaining to detached dwelling units in low density zones. Based on City Council direction provided at your January 17, 2006 meeting, the Commission narrowed our focus of review to six items:

1. F.A.R. in the RS 5.0 and RSX 5.0 zones.
2. The F.A.R. calculation exemption for detached accessory structures located more than 20 feet from the primary structure.
3. Allowable setback encroachments (chimneys, bay windows, etc).
4. The treatment of "vaulted space" in F.A.R. calculations.
5. Reduced F.A.R. for lots that do not meet minimum size requirements of the underlying zone; and
6. Establishing setback requirements based on building massing.

The Planning Commission held study sessions this spring to discuss these six items, and to identify and develop options for those which we felt should be more fully considered through the public hearing process. We concluded that of the six items listed above, the first four warranted further review as part of the current effort. The Commission decided to not evaluate item 5 further, since existing regulations already have the effect of limiting house size on undersized lots, since allowable gross floor area is a percentage of actual lot size. In other words, a 6,000 square foot lot in the RS 7.2 zone would only be allowed 3,000 square feet, which is 600 square feet less than the amount allowed on a "full-size" 7,200 square foot lot. Item 6 has possible merit, but the Commission felt that such a change would be better evaluated as part of a larger review of the City's dimensional regulations, such as height, lot coverage, and effect on properties lying in RSX zones.

On June 8, 2006 and July 13, 2006, the Commission held a public hearing in which options addressing items 1 through 4 were debated and evaluated. After considering substantial public testimony, both oral and written, on July 13 the Commission closed the public hearing, deliberated, and arrived at the above recommendation. Because items 5 and 6 were excluded from consideration during the public hearing process, our recommendation addresses only the first four items. However, due to concerns raised by the public about the effect these changes would have on someone who recently purchased property with an expectation to build or make improvements under current regulations, we further recommend that the effective date of any changes be delayed by a period of four to six months after City Council adoption. This would provide sufficient transition time for builders or homeowners who are just embarking on plans for construction under existing regulations.

The Commission also heard much testimony questioning whether changes to the F.A.R. rules address the concerns that led to our review of those rules. Several members of the public believe that house design or siting on the lot should be looked at, either instead of, or in addition to, the F.A.R. rules. Recognizing that F.A.R. is only one zoning regulation among several that affect single-family construction, the Commission recommends that the City Council identify a future

work program item to take a more comprehensive look at the development regulations that affect house design, siting, and massing. The Commission noted that, since F.A.R. rules do not apply in Houghton, studying residential development in that area might provide a useful comparison of development with and without F.A.R. rules. Some of the additional areas that Commission members expressed an interest in exploring are:

1. F.A.R. as a concept. Is there a better approach to addressing house size? Perhaps a volumetric measurement?
2. Setbacks, siting on the lot.
3. Perhaps different setback requirements for upper stories.
4. Incentives for pitched roofs.
5. Landscaping.
6. Basement heights and their relationship to F.A.R.

A comprehensive examination of our regulations would require a more in-depth evaluation of concerns of the community at large as well as of the building industry, to make sure that any regulatory changes that would result from such a review effectively address those concerns. Such examination was outside the scope of our current effort, and is more appropriately undertaken as a separate work program item in the future given the requirement it will have for staff resources and funding. The Commission therefore recommends that such an examination be identified as a future work program task.

Signed: _____

Date: _____

Kirkland Planning Commission
Janet Pruitt, Chair

**Floor Area Ratios – Zoning Code Amendments
Recommended by the Planning Commission
File No. ZON05-00019**

A. FAR in RS 5.0 and RSX 5.0 Zones

Amend KZC 15.10.010, Special Regulation No. 2, as follows:

2. Floor Area Ratio (F.A.R.) allowed for the subject property is as follows:
 - a. In RS 35 zone, F.A.R. is 20 percent of lot size.
 - b. In RS 12.5 zones, F.A.R. is 35 percent of lot size.
 - c. In RS 8.5 zones, F.A.R. is 50 percent of lot size.
 - d. In RS 7.2 zones, F.A.R. is 50 percent of lot size.
 - e. In RS 5.0 zones, F.A.R. is ~~60~~ 50 percent of lot size; provided, that F.A.R. may be increased up to 60 percent of lot size for the first 5,000 square feet of lot area if the following criteria are met:
 - i. The primary roof form of all structures on the site is peaked, with a minimum pitch of 4' vertical:12' horizontal; and
 - ii. A setback of at least 7.5' is provided along each side yard.

This special regulation is not effective within the disapproval jurisdiction of the Houghton Community Council.

See KZC 115.42, Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Residential Zones, for additional information.

Amend KZC 17.10.010, Special Regulation No. 2, as follows:

2. Floor Area Ratio (F.A.R.) allowed for the subject property is as follows:
 - a. In RSX 35 zone, F.A.R. is 20 percent of lot size.
 - b. In RSX 12.5 zones, F.A.R. is 35 percent of lot size.
 - c. In RSX 8.5 zones, F.A.R. is 50 percent of lot size.
 - d. In RSX 7.2 zones, F.A.R. is 50 percent of lot size.
 - e. In RSX 5.0 zones, F.A.R. is ~~60~~ 50 percent of lot size; provided, that F.A.R. may be increased up to 60 percent of lot size for the first 5,000 square feet of lot area if the following criteria are met:
 - i. The primary roof form of all structures on the site is peaked, with a minimum pitch of 4' vertical:12' horizontal; and
 - ii. A setback of at least 7.5' is provided along each side yard.

See KZC 115.42, Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Residential Zones, for additional information.

B. Detached Accessory Structures

Amend KZC 115.42 Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Residential Zones as follows:

1. Gross floor area for purposes of calculating F.A.R. and maximum floor area for detached dwelling units in low density residential zones does not include the following:
 - a. Attic area with less than five feet of headroom.
 - b. Floor area with a ceiling height, including the horizontal supporting members for the ceiling, less than six feet above finished grade. The ceiling height will be measured along the outside perimeter of the building (see Plate 23).
 - ~~c. Accessory structures located more than 20 feet from the main structure (see KZC 115.30 for additional information on the required distance between structures).~~
 - d. Uncovered and covered decks, porches, and walkways.
2. *This section is not effective within the disapproval jurisdiction of the Houghton Community Council.*

C. Allowable Setback Encroachments

Amend KZC 115.115.3 as follows:

3. Structures and Improvements – No improvement or structure may be in a required yard except as follows:
 - a. – c. No change
 - d. Chimneys, bay windows, greenhouse windows, eaves, cornices, awnings, and canopies may extend up to 18 inches into any required yard. Eaves on bay windows may extend an additional 18 inches beyond the bay window. The total horizontal dimension of the elements that extend into a required yard, excluding eaves and cornices, may not exceed 25 percent of the length of the façade of the structure. Except for properties located within the disapproval jurisdiction of the Houghton Community Council, chimneys, bay windows, greenhouse windows, cornices, awnings, and/or canopies may not extend closer than 4 feet to any property line. See Plate 10.
 - e. – o. No change.



KIRKLAND PLANNING COMMISSION
July 13, 2006

DRAFT

1. **CALL TO ORDER/ROLL CALL - 7:00 p.m.**

Members Present: Matthew Gregory, Carolyn Hayek, Byron Katsuyama, Janet Pruitt (Chair), Kiri Rennaker, and Karen Tennyson.

Members Absent: Andy Held.

Staff Present: Eric Shields, Paul Stewart, Nancy Cox, and Michael Bergstrom (Consultant).

2. **ANNOUNCEMENT OF AGENDA - 7:00 p.m.**

3. **REQUESTS FROM THE AUDIENCE - None**

4. **PUBLIC HEARINGS - 8:23 p.m.**

A. Single Family Floor Area Ratio Regulations (File NO. ZON05-00019)

Chair advised that Commission's purpose tonight is to complete and close the public hearing and forward a recommendation to City Council regarding FAR.

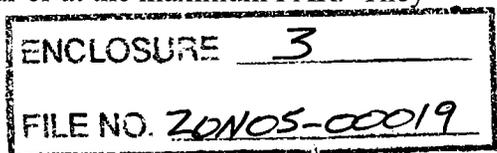
Mr. Bergstrom proceeded with the Staff report and referred to his and Mr. Shields' July 7, 2006 memo to Commission regarding this subject. He said that public comments are included with the memo and additional public comments have been provided to members of the Commission tonight. He reported that the Houghton Community Council expressed to him that they have no interest in FAR; he noted that FAR currently does not apply in Houghton Neighborhood.

Commissioner Held joined the meeting •

Commission posed questions to Mr. Bergstrom regarding the Houghton Community Council's input, which he addressed. Ms. Pruitt and Mr. Katsuyama attended the Council's recent meeting and related their impressions of Houghton Community Council's comments on FAR. Mr. Bergstrom explained Houghton's authority over land use regulations that affect that Neighborhood.

Mr. Bergstrom spoke regarding Commission's direction to Staff to show a comparison of the Cities of Bellevue and Redmond to Kirkland regarding FAR. He commented that each city has vastly different approaches to building elements that weakens comparison among the cities. He cited some differences and provided a comparison chart to Commissioners.

Mr. Bergstrom spoke to the issue of visual aids regarding FAR. He said that he snapped a random sampling of photographs of houses that were built near or at the maximum FAR. They



were included as Attachment 4 in each Commissioner's packet. There was discussion about photos submitted by the public. Mr. Gregory clarified that Staff does not agree with the calculations submitted to them by a citizen. Also submitted were visual aids rendered by "The Makers" that showed FAR housing images, comparing current standards to changes under consideration.

Mr. Bergstrom briefly discussed Staff recommendations. ^{SP.} City Council will study this issue August 1, ~~and it would then be brought back to the Planning Commission.~~

Chair mentioned that public comment on FAR to date opined that the Commission is reacting to a small vocal minority. She reviewed the history of Planning Commission study sessions on this matter and the many comments made in well attended public ~~hearings~~ ^{and neighborhood meetings.} Ms. Tennyson commented that she reviewed her early Market and Norkirk work group notes and stated that "large houses on small lots" was a topic of discussion at each of the meetings that were also well attended. Chair related the comments that overlapped in the Market and Norkirk Neighborhoods. ~~Mr. Gregory said that a lot of the comments received were not regarding the issue the Planning Commission is studying.~~

Chair related her tally of verbal testimony and written comments on proposed exclusions and changes to the FAR regulations in the 5.0 Zone. Ms. Rennaker spoke regarding her tally of comments. Mr. Gregory said he looked at the number of realtors who live in Kirkland who spoke on the subject.

Chair led discussion on the changes in the 5.0 zone. Ms. Hayek raised a question regarding application of the 60% to the first 5,000 sq ft in larger lots in the 5.0 zone, and a lower FAR to the remainder of the lot. Mr. Shields said this would add complexity to the calculations but it is a solution that is preferable to assigning different FAR for different lot sizes in the same zone. Mr. Bergstrom said that some cities have that model for FAR.

Chair listed the four items under discussion tonight:

1. RS and RSX 5.0 zones
- ~~2. Reducing the FAR~~
- ^{3.} ~~2.~~ Detached Accessory Structures ~~and~~ Vaulted Spaces
4. Setback Encroachments

Mr. Shields advised that if Commission were to consider additional options that came up during study sessions, those options would have to be opened for public comment.

There was extensive Commission discussion regarding the above four items. They reviewed photographs of houses and computerized drawings from Makers Architecture. Commissioners related their personal research into these matters and stated their rationale as to action the Commission should take. Mr. Shields clarified some matters for the Commission.

There was extensive discussion about Detached Accessory Structures.

Vaulted Space was discussed. ~~Commissioners agreed on Option 2 by a vote of 4-3.~~

Commissioners discussed Allowable Setback Encroachments.

Discussion was concluded and Chair closed the public hearing on FAR.

Motion to recommend to City Council, amendments to Single Family Floor Area Ratio Regulations (File NO. ZON05-00019):

A. FAR in RS/RSX 5.0 Zones: Option 2, Reduce from 60% to 50%, with incentives to reach 60% where those incentives are both of the following:

- i. The primary roof form of all structures on the site is peaked, with a minimum pitch of 4' vertical:12' horizontal; and
- ii. A setback of at least 7.5' is provided along each side yard.

Motion carried 4-3.

Moved by Andy Held, seconded by Karen Tennyson

Pertaining to the above Motion, additionally Chair Pruitt moved, seconded by Commissioner Held, further to recommend to City Council that the 60% applies only to the first 5,000 sq ft of the lot and the rest of the lot size is to be figured at 50% FAR. Motion carried unanimously.

Staff clarified the intent of the two motions: If the builder does not meet both criteria of the first motion, the FAR is 50% across the board; if those criteria are met, 60% FAR applies to the first 5,000 sq ft.

B. Detached Accessory Structures: Option 1, Remove Exemption. Moved by Commissioner Held, seconded by Commissioner Gregory. Carried 4-3.

C. Vaulted Space: Option 2: No change to existing treatment of vaulted space. Moved by Commissioner Held, seconded by Commissioner Gregory. Carried 5-2.

D. Allowable Setback Encroachments: Option 4, retain the existing language of the Zoning Code, with the additional clause that in no case shall any extensions into the setback be closer than 4' from property line. Moved by Commissioner Held, seconded by Commissioner Hayek. Carried 4-3.

Commission members expressed an interest in spending some time understanding the causes of some citizens' distress over new construction and, if appropriate, look at a broad spectrum of areas such as a more in-depth review of bulk and siting of homes in Kirkland, to include such items as:

- measuring volume rather than Floor Area
- looking at setbacks that may be different for various stories
- increased structure height
- basement heights
- pitched roofs
- house siting
- landscaping

Regarding future direction from City Council, Commissioner Rennaker would like a clear

definition of what the perceived problem is, with pictures. She feels emphatically that graphics are needed to study these issues. Commissioner Tennyson referenced the book "Big, Boring, Ugly Houses" as a valuable tool.

Commissioner Katsuyama noted that the issue of citizen concern over infill of larger homes is not something Kirkland invented. It is a national phenomena that he has tracked through the internet.

There was discussion about the Houghton Neighborhood's special status as being exempted from FAR and its possible use as a control group to study the effects of FAR regulations.

On Mr. Bergstom suggestion, Chair will write a general letter to the City Council advising that Commission has an interest in looking beyond what the Planning Commission has been charged with now, and will list a few examples from the above items.

Commission believes this requested additional work would be a major undertaking. If City Council would direct them to proceed, they will try to build this activity into their work program next year or as soon as practicable thereafter.

Chair declared a break.

Chair reconvened the meeting meeting at 9:51 p.m.

There was brief discussion regarding a suggested lag time for changes in the the FAR regulations as recommended above. *of four to six months*

5. **STUDY SESSIONS - 9:52 p.m.**

A. Miscellaneous Zoning Code Amendments (File NO. ZON05-00001)

PURPOSE: Conduct a study session on proposed amendments to the Zoning Code.

ACTION: Conduct study session and provide direction for consideration at a future public hearing.

Chair requested Staff introduction to this subject. Mr. Bergstrom provided the introduction, explaining attachments to his and Eric Shields' July 7, 2006 memo. He requested direction from the Commission.

Chair invited public comment

Linda Jones, 8725 126th Avenue NE, requested that the term "coffee shop" replace the term "fast food" in the RH-5~~V~~ and RH-8 zones.

B

Chair declared public comment closed.

Mr. Bergstrom discussed the policy issues delineated in his and Mr. Shields' July 7, 2006 memo on the subject.

Commissioners discussed the policy issue amendments:

A. Common recreational open space requirements for multi-family development. No change was recommended by the Commission; however, this requirement will be removed to a more central place in the Code rather than having it repeated in the Use Zone charts individually.

B. Setbacks in RM Zones. Commission agrees to this change which would allow zero-lot-line multi-family development without the need for Planned Unit Development approval.

C. Allowable Height for Multifamily Structures. This amendment would allow increased height (above 25') for multi-family structures that adjoin a low density zone occupied by a school that has been granted increased height. Commission will continue to discuss this issue.

D. Special Parking Provisions in the CBD 1, 2, and 8 Zones. This would increase the \$6,000 per stall fee-in-lieu of parking amount to \$20,000. This proposal is a result of working with the various downtown interests. This codifies what is already an interim ordinance.

E. Fast Food Use in RH 5B and RH 8 Zones. Commissioner Tennyson said the 85th Street Action Team voted this down and recommended allowing a Starbuck's in this area. Various types of facilities were discussed as being acceptable. Commissioners feel that rather than approving "fast food", a "coffee house" that serves food not prepared on site is acceptable, but no drive-throughs.

F. Drainage Basin Reasonable Use Provisions. City Council and City Attorney are reviewing and ~~revision~~ this issue.
revising

G. Calculating Average Building Elevation. This would codify the Zoning Code interpretation on properties that have been built on. There was discussion regarding this issue.

H. Home Occupations. This section includes ADUs; this provision would restructure this section to include only Home Occupations. There was discussion and Staff addressed Commissioners' questions on this issue.

I. Front Porch Encroachments

Commissioner Held left the meeting due to a family emergency.

J. Minor ~~X~~ Modification of a Project Rezone.

K. Development Standards in North Rose Hill Neighborhood - implementing language

6. **UNFINISHED BUSINESS** - 10:52 p.m. - None

7. **NEW BUSINESS** - 10:52 p.m. - None

8. **READING AND/OR APPROVAL OF MINUTES:** - 10: 52 p.m.

A. June 8, 2006

Hayek, Tennyson - approved as amended - add 9. Starbucks, etc.

9. **TASK FORCE REPORTS** - 10:54 p.m. - None

10. **ADMINISTRATIVE REPORTS** - 10:54 p.m.

A. Public Meeting Calendar Update

Commissioner Tennyson will be absent next meeting.

Commissioner Hayek will not be here August 10.

11. **COMMENTS FROM THE AUDIENCE** - 10:55 p.m.

John Kappler, 5025 112th Ave, spoke regarding recreation open space. He said it is a mistake to ...

Aug 1 Council Study Session on FAR. Chair will represent PC and all Commissioners are invited to attend.

12. **ADJOURNMENT** - 10:57 p.m.

Chair
Kirkland Planning Commission



CITY OF KIRKLAND

Planning and Community Development Department
123 Fifth Avenue, Kirkland, WA 98033 425.587.3225
www.ci.kirkland.wa.us

To: Planning Commission

From: Eric R. Shields, AICP, Director *PS*
Michael Bergstrom, AICP, Consultant *MB*

Date: July 7, 2006

Subject: Single-Family Floor Area Ratios (FAR); File No. ZON05-00019

I. RECOMMENDATION

Complete and close the public hearing, and forward a recommendation to the City Council. The Staff is presenting a revised recommendation to the Planning Commission, consisting of the following:

- A. RS/SX 5.0 Zones: Do not reduce FAR to 50%. Either retain the 60% FAR or reduce by a lesser extent (i.e., to 55%).
- B. Detached Accessory Structures: Retain a partial FAR exemption for accessory structures located more than 20 feet from primary structure. Staff recommends an exemption of 500 sq. ft.
- C. Vaulted Space: Count vaulted space twice where such space exceeds a certain height. Staff recommends a height of 16 feet.
- D. Setback Encroachments: Reduce allowable setback encroachment for building-mounted features (e.g., chimneys, bay windows) from 18 inches to 12 inches.
- E. Effect in Houghton: Do not propose extending FAR regulations to Houghton.

II. BACKGROUND

On June 8, 2006 the Planning Commission held a public hearing on potential changes to the City's regulations relating to single-family floor area ratios (FAR) and allowable setback encroachments. The Commission elected to hold the public hearing open until July 13, 2006 for the following purposes:

- A. Receive input from the Houghton Community Council;
- B. Have Staff prepare a comparison of single-family regulations of Kirkland, Bellevue, and Redmond;
- C. Allow Staff to collect or prepare materials to visually portray the issues under discussion;
- D. Receive additional written comments from the public at large; and

- E. Allow Commissioners additional time to consider the oral and written testimony received at the June 8 hearing.

The requested materials have been prepared and are included with this memo. On July 13, the Planning Commission will reconvene to review the requested information, deliberate upon the proposal, and forward a recommendation to the City Council. While additional written testimony from the public is being forwarded to the Commission, the Commission closed the oral testimony portion of the hearing on June 8.

III. ADDITIONAL INFORMATION

As stated in Section I, Staff is presenting a revised recommendation to the Planning Commission. Adoption of the Staff recommendation, or of other options (exclusive of the “no change” options) would require changes to the Zoning Code text. The text revisions for each option are contained in Attachment 1.

The information requested by the Commission at the June 8 is included with this memo. This includes the following:

- A. Houghton Community Council Input: The Community Council held a public hearing on the proposal on June 27, 2006. Following the hearing, the Council determined that they do not want to extend FAR regulations to their jurisdiction. It was agreed that the current language in the Zoning Code that states FAR regulations are not effective in Houghton would remain. Therefore, Attachment 1 no longer shows that language being removed. If the City Council ultimately adopts an ordinance leaving the existing Houghton exemptions in place, it will not be necessary to return to the Community Council for a final vote on the ordinance.

The Community Council also recommended that a broader review of single-family regulations occur in the future, to include a review of setback allowances and impervious surface coverage provisions, and possibly other regulations. Attachment 2 contains the minutes of the June 27 Community Council meeting.

- B. Comparison of Single-Family Regulations: Attachment 3 contains a chart comparing single-family regulations of Kirkland, Bellevue, and Redmond. In addition to the basic regulations for building height, setbacks, lot coverage, etc, the chart compares provisions of the three cities relating to accessory dwelling units and detached accessory structures. Some of the notable differences are:
 - 1. FAR: Neither Bellevue nor Redmond restrict single-family FAR.

2. Building Height: Height allowances and the manner of measurement differ among the three cities, as shown in the following table:

	Kirkland	Bellevue	Redmond
Allowed Height:	25' RS, 30' RSX	30'	35'
Measured from:	Existing grade	Finished grade	Finished grade
Measured to:	Highest point of roof	Highest point of flat roof; mid-point of pitched roof	Highest point of roof

3. Lot Coverage: Kirkland regulates total impervious surface coverage, but not building coverage. Bellevue does the opposite, regulating building coverage but not total impervious surface coverage. Redmond regulates both building coverage and total impervious surface coverage.
4. ADU Size: Kirkland limits an ADU to 800 sq. ft. Bellevue also limits an ADU to 800 sq. ft., but does not allow a detached ADU (however, Bellevue does allow a detached "guest cottage" on lots 13,500 sq. ft. or greater). Redmond limits a detached ADU to 1000 sq. ft., and an attached ADU to 1,500 sq. ft.
5. Accessory Structure Height Limit: Kirkland allows up to 25', Redmond allows 22', and Bellevue allows 15'.
- C. Visual Aids: Staff has collected some photographs and had a consultant prepare some drawings (see Attachments 4 – 7). Following is a brief discussion of each set of materials:

1. Staff Photos: These photos were taken in the Market and Norkirk neighborhoods. Staff randomly chose several addresses from the City's permit database for recent permits for homes at or near the 50% FAR in the Market neighborhood (RS 7.2 zone), and for homes between 50% and 60% in the RS 5.0 zone of the Norkirk neighborhood. Staff is not offering any judgment regarding the quality of design of these homes. We are presenting them to show examples of homes built at or near the maximum allowable FAR. The photos include four "older" homes in Market and Norkirk (for which we do not have FAR data) to illustrate the variety of housing age, condition, and design that exists (see Attachment 4).
2. Baskin Photos: These photos focus on one particular house. The e-mail letter accompanying these photos states that the main issue is the

proximity of the new structure to the neighboring house (see Attachment 5).

3. Spurgeon Photos: These photos provide five examples of where Mr. Spurgeon feels the FAR limits are being exceeded or the FAR provisions are producing undesirable results. Concerns raised by Mr. Spurgeon include: Allowable FAR is exceeded; proximity of related improvements (walls, protruding bay windows, decks) to neighbors; impervious surface coverage; exemption of covered (but not enclosed) upper and lower level decks and entries; and the effect of a detached garage and ADU.

With respect to FAR limits being exceeded, Staff reviewed the permits of the addresses in the photos to determine their FAR, and found that all of the homes were below the maximum 50% FAR. The differing FAR calculations may result from the various exemptions that apply, such as basement area and vaulted space (see Attachment 6).

4. Drawings: The City hired Makers Architecture and Urban Design to prepare drawings to help illustrate issues of building massing and the effects of some of the code amendment options under consideration. These drawings are included as Attachment 7.

IV. AMENDMENT OPTIONS

In the Staff Report presented to the Planning Commission for your June 8 meeting, Staff listed the various code amendment options under consideration and a summary of arguments supporting and opposing each. The report also stated that “no change” was an option for each of the four issues being discussed. The four issues included: (A) Allowable FAR in the RS 5.0 and RSX 5.0 zones; (B) the exemption from FAR calculation of certain detached accessory structures; (C) the exemption from FAR calculation of the upper levels of vaulted space within a structure; and (D) the extent to which certain building elements may encroach into required setbacks. In addition, the options reflected the possibility of extending FAR regulations to Houghton.

The options have been somewhat revised and are again summarized below. For the purpose of brevity, the pros and cons of each option are not repeated here. Instead, the options are listed and the Staff preferred option for each issue is identified, with a summary of the basis for the Staff position. Each issue area includes a “no change” option. The revisions to the Zoning Code text that needs to occur for each option (other than “no change”) is presented in Attachment 1. Based on the feedback of the Houghton Community Council, none of the options foresee extending FAR regulations to Houghton.

A. FAR in RS/RSX 5.0 Zones

Option 1: Reduce allowable FAR from 60% to 50% or 55%:

Option 2: Reduce allowable FAR from 60% to 50%, with incentives/standards to reach 60%:

Option 3: No change. Retain existing FAR of 60%.

Staff Recommendation: Either retain existing FAR of 60%, or, if a reduction is deemed desirable, reduce to 55%. This recommendation is based on the following:

- Due to the smaller size of the lots in the RS/RSX 5.0 zones, it is difficult to separate accessory structures from the primary structure by more than 20 feet and take advantage of the FAR exemption applied to structures so located. Therefore, space that might be excluded from FAR calculation in an RS/RSX 7.2 or RS/RSX 8.5 zone will more often be counted toward FAR in the RS/RSX 5.0 zone, leaving less habitable space. For example, at 50% FAR, a 5,000 sq. ft. lot in the RS 5.0 zone would allow 2,500 gross floor area (gfa). If a 400 sq. ft. garage is attached (or closer than 20 feet), allowable gross floor area is reduced to 2,100 sq. ft., because the garage would count toward FAR. By contrast, a 7,200 sq. ft. lot in the RS 7.2 zone would allow 3,600 gfa with more opportunity to place the garage in a manner that does not reduce that 3,600 gfa.
- Many of the lots in the RS/RSX 5.0 zones do not have alley access. This provides less incentive to place the garage at the rear of the lot, and removes the reduced setback incentive that alley-served lots enjoy. As a result, more garages will be placed closer to the primary structure in the RS/RSX zones, and therefore included in the FAR.
- Staff reviewed data for building permits issued from January 1, 1995 to present in the RS 5.0 zone in the Norkirk neighborhood, and found that permits for 26 new homes were issued during that time (19 of those were issued after FAR regulations went into effect). In addition, 28 permits were issued for additions or remodels. The valuation of the additions/remodels ranged widely, but 5 were \$100,000 or greater (4 of those were issued after FAR regulations went into effect), and another 6 were valued at \$50,000 to \$100,000 (5 of those were issued after FAR regulations went into effect). This represents substantial investment under current rules. A reduction in FAR from 60% to 50% is a 16.7% decrease which, when combined with the reduced opportunity to take advantage of the detached structure exemption,

results in a significant difference in redevelopment opportunity for lots in this zone compared to that enjoyed in the RS 7.2 and RS 8.5 zones.

B. Detached Accessory Structures

Option 1: Remove the FAR exemption for accessory structures located more than 20 feet from the primary structure:

Option 2: Exempt up to a specified limit of accessory structures located more than 20 feet from the primary structure. Variables within this option relate to the type of use in the accessory structure, and the height of the structure. In other words, this exemption could apply only to space used as an Accessory Dwelling Unit, or only to space used as a garage, or to any space regardless of use. Also, the exemption could apply only to accessory structures that are one story in height, or it could apply to accessory structures regardless of height.

Option 3: No change; retain the current exemption provisions.

Staff Recommendation: Select Option 2, with exemption being applicable regardless of use of the accessory structure, and without one-story height restriction. Staff recommends the exemption be set at 500 sq. ft. This option:

- Allows a reasonable exemption for detached structures.
- Acknowledges that separated structures have a different (lesser) impact than a single structure.
- Lets owner/builder choose between exemption for garage or ADU; more flexible than if exemption applied only to ADUs or only to garages.
- Retains some incentive for alley-oriented garage or detached ADU.
- Limiting the FAR exemption will help control impacts to surrounding neighbors.

C. Vaulted Space

Option 1: Require vaulted space be counted twice where ceiling height exceeds a certain height.

Option 2: Retain current code provisions; the floor area of vaulted space is counted only once regardless of height.

Staff Recommendation: Select Option 1, with the threshold set at 16 feet.

- Vaulted spaces can add significant volume to a building, which is counter to the purpose of limiting FAR.
- The proposed 16 foot threshold would still allow reasonable vaulted space, opportunities for clerestories, etc.

- The 16 foot threshold is a reasonable dimension, slightly less than two floors each having a ceiling height of 8 feet and separated by framing.

D. Allowable Setback Encroachments

Option 1: Eliminate allowances for encroachments into required yards by such building features as chimney enclosures, bay windows, and awnings.

Option 2: Reduce encroachment allowance from 18 inches to 12 inches.

Option 3: No change to existing encroachment allowances.

Staff Recommendation: Select Option 2. This option:

- Allows reasonable intrusion into required yards.
- Provides for visual interest to a building façade.
- While not significantly reducing impacts of building mass, the reduced encroachment allowance, in combination with recommended changes to the FAR provisions, will contribute to increased compatibility of neighboring structures.

V. **PUBLIC COMMENT**

The Planning Commission received public comments prior to and during the June 8 public hearing. At the June 8 hearing, several letters were submitted but may not have been distributed to all Commission members. Therefore, they are included in Attachment 8. In addition, Staff has received e-mails and letters from the public since the June 8 hearing. Those comments are also included in Attachment 8.

VI. **CONCLUSION**

Staff recommends the following changes to Zoning Code provisions:

- A. Either retain the existing 60% FAR in the RS/R SX zones, or reduce to 55%. Do not reduce to 50%.
- B. Limit the exemption for detached accessory structures, regardless of type of use contained in the structure and regardless of structure height. Staff recommends an exemption limit of 500 sq. ft.
- C. Calculate the floor area of vaulted space twice where the ceiling height of such space exceeds a certain threshold. Staff recommends a threshold of 16 feet.
- D. Reduce allowable building-mounted encroachments into required yards from 18 inches to 12 inches (except eaves, which would remain at 18 inches).
- E. Do not propose extending FAR regulations to Houghton.

The Planning Commission should make its own recommendation after completing the public hearing on July 13. Following the Commission's recommendation, the City Council is scheduled to have a study session on August 1st, 2006 to review the recommendation and background materials. The Council can then conduct additional study sessions or take action at a future regular Council meeting.

ATTACHMENTS

1. Revisions to Zoning Code Text
2. Meeting Minutes – June 27, 2006 Houghton Community Council
3. Comparison of City Codes - Single-Family Dimensional Regulations - Kirkland, Bellevue, and Redmond, June 30, 2006
4. Photos Submitted by Staff
5. Photos Submitted by Maureen Baskin – House Located at 4th St W and 7th Ave W, Market Neighborhood
6. Photos Submitted by Loren Spurgeon – Various Houses in Market Neighborhood
7. Drawings prepared by The Makers
8. Public Comments



CITY OF KIRKLAND

Planning and Community Development Department
123 Fifth Avenue, Kirkland, WA 98033 425.587.3225
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To: Planning Commission

From: Eric R. Shields, AICP, Director
Michael Bergstrom, AICP, Consultant *MB*

Date: July 3, 2006 - Revised

Subject: Proposal Options: Floor Area Ratios (FAR) and Allowable Building Element Encroachments, File No. ZON05-00019

The following options have been prepared by Planning and Community Development Staff for consideration through Process IV pursuant to chapter 160 KZC. Similar options were presented to the Planning Commission and Houghton Community Council for public hearing on June 8, 2006 and June 27, 2006, respectively. Following those hearings, Staff revised the options somewhat, as reflected below. One of the primary revisions was to remove the extension of FAR regulations to Houghton.

The options reflect different approaches that could be used to address the following components of current FAR regulations and provisions for setback encroachments: (A) Allowable FAR in the RS 5.0 and RSX 5.0 zones; (B) the exemption from FAR calculation for certain detached accessory structures; (C) the exemption from FAR calculation for vaulted space within a structure; and (D) the extent to which certain building elements may encroach into required setbacks.

A. FAR in RS/RSX 5.0 Zones

OPTION 1: Reduce from 60% to 50% or 55%.

Amend KZC 15.10.010, Special Regulation No. 2, as follows:

2. Floor Area Ratio (F.A.R.) allowed for the subject property is as follows:
 - a. In RS 35 zone, F.A.R. is 20 percent of lot size.
 - b. In RS 12.5 zones, F.A.R. is 35 percent of lot size.
 - c. In RS 8.5 zones, F.A.R. is 50 percent of lot size.
 - d. In RS 7.2 zones, F.A.R. is 50 percent of lot size.
 - e. In RS 5.0 zones, F.A.R. is 60 (((50/55))) percent of lot size.

This special regulation is not effective within the disapproval jurisdiction of the Houghton Community Council.

See KZC 115.42, Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Residential Zones, for additional information.

ATTACHMENT 1

FILE NO. ZON05-00019

AND Amend KZC 17.10.010, Special Regulation No. 2, as follows:

2. Floor Area Ratio (F.A.R.) allowed for the subject property is as follows
 - a. In RSX 35 zone, F.A.R. is 20 percent of lot size.
 - b. In RSX 12.5 zones, F.A.R. is 35 percent of lot size.
 - c. In RSX 8.5 zones, F.A.R. is 50 percent of lot size.
 - d. In RSX 7.2 zones, F.A.R. is 50 percent of lot size.
 - e. In RSX 5.0 zones, F.A.R. is ~~60~~ 50 percent of lot size.

See KZC 115.42, Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Residential Zones, for additional information.

OPTION 2: Reduce from 60% to 50%, with incentives/standards to reach 60%.

Amend KZC 15.10.010, Special Regulation No. 2, as follows:

2. Floor Area Ratio (F.A.R.) allowed for the subject property is as follows:
 - a. In RS 35 zone, F.A.R. is 20 percent of lot size.
 - b. In RS 12.5 zones, F.A.R. is 35 percent of lot size.
 - c. In RS 8.5 zones, F.A.R. is 50 percent of lot size.
 - d. In RS 7.2 zones, F.A.R. is 50 percent of lot size.
 - e. In RS 5.0 zones, F.A.R. is ~~60~~ 50 percent of lot size; provided, that F.A.R. may be increased up to 60 percent of lot size, if the following criteria are met:
 - i. The primary roof form of all structures on the site is peaked, with a minimum pitch of 4' vertical:12' horizontal; and
 - ii. A setback of at least 7.5' is provided along each side yard; and
 - iii. The garage utilizes an alley for its primary vehicular access and is setback within 5 feet of the rear property line, as provided by KZC 115.115.3.o (this requirement is not effective within the disapproval jurisdiction of the Houghton Community Council).

This special regulation is not effective within the disapproval jurisdiction of the Houghton Community Council.

See KZC 115.42, Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Residential Zones, for additional information.

AND Amend KZC 17.10.010, Special Regulation No. 2, as follows:

2. Floor Area Ratio (F.A.R.) allowed for the subject property is as follows
 - a. In RSX 35 zone, F.A.R. is 20 percent of lot size.
 - b. In RSX 12.5 zones, F.A.R. is 35 percent of lot size.
 - c. In RSX 8.5 zones, F.A.R. is 50 percent of lot size.
 - d. In RSX 7.2 zones, F.A.R. is 50 percent of lot size.

- e. In RSX 5.0 zones, F.A.R. is ~~60~~ 50 percent of lot size; provided, that F.A.R. may be increased up to 60 percent of lot size, if the following criteria are met:
 - i. The primary roof form of all structures on the site is peaked, with a minimum pitch of 4' vertical:12' horizontal; and
 - ii. A setback of at least 7.5' is provided along each side yard; and
 - iii. The garage utilizes an alley for its primary vehicular access and is setback within 5 feet of the rear property line, as provided by KZC 115.115.3.o.

See KZC 115.42, Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Residential Zones, for additional information.

OPTION 3: Retain current FAR at 60% (no change).

B. Detached Accessory Structures

OPTION 1: Remove Exemption.

Amend KZC 115.42 Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Residential Zones as follows:

1. Gross floor area for purposes of calculating F.A.R. and maximum floor area for detached dwelling units in low density residential zones does not include the following:
 - a. Attic area with less than five feet of headroom.
 - b. Floor area with a ceiling height, including the horizontal supporting members for the ceiling, less than six feet above finished grade. The ceiling height will be measured along the outside perimeter of the building (see Plate 23).
 - c. ~~Accessory structures located more than 20 feet from the main structure (see KZC 115.30 for additional information on the required distance between structures).~~
 - d c. Uncovered and covered decks, porches, and walkways.
2. *This section is not effective with the disapproval jurisdiction of the Houghton Community Council.*

OPTION 2: Exempt up to a specified limit of accessory structures (recommended by Staff, with the limit set at 500 sq. ft, regardless of use, and without the 15 foot height limit). NOTE: This option contains variables related to the type of use in the accessory structure and the height of that structure.

Amend KZC 115.42 Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Residential Zones as follows:

1. Gross floor area for purposes of calculating F.A.R. and maximum floor area for detached dwelling units in low density residential zones does not include the following:
 - a. Attic area with less than five feet of headroom.
 - b. Floor area with a ceiling height, including the horizontal supporting members for the ceiling, less than six feet above finished grade. The ceiling height will be measured along the outside perimeter of the building (see Plate 23).
 - c. No more than 500 sq. ft. of (((an Accessory Dwelling Unit / a garage / an Accessory Dwelling Unit or garage))) contained in an Accessory structures. Such structure shall be located more than 20 feet from the main structure (((and shall be no greater than 15 feet in height above finished grade))) (see KZC 115.30 for additional information on the required distance between structures).
 - d. Uncovered and covered decks, porches, and walkways.
2. *This section is not effective with the disapproval jurisdiction of the Houghton Community Council.*

OPTION 3: No change to existing accessory structure exemption.

C. Vaulted Space

OPTION 1: Count vaulted space twice, where the ceiling height exceeds a specified dimension (recommended by Staff, with threshold set at 16 feet).

Amend KZC 115.42 Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Residential Zones as follows:

1. Gross floor area for purposes of calculating F.A.R. and maximum floor area for detached dwelling units in low density residential zones does not include the following:
 - a. Attic area with less than five feet of headroom.
 - b. Floor area with a ceiling height, including the horizontal supporting members for the ceiling, less than six feet above finished grade. The ceiling height will be measured along the outside perimeter of the building (see Plate 23).
 - c. Accessory structures located more than 20 feet from the main structure (see KZC 115.30 for additional information on the required distance between structures).
 - d. Uncovered and covered decks, porches, and walkways.

2. *This section is not effective with the disapproval jurisdiction of the Houghton Community Council.*
3. Floor area with a ceiling height greater than 16 feet shall be calculated at twice the actual floor area.

OPTION 2: No change to existing treatment of vaulted space.

D. Allowable Setback Encroachments

OPTION 1: Eliminate allowances for wall-mounted encroachments.

Amend KZC 115.115.3 as follows:

3. Structures and Improvements – No improvement or structure, including chimneys, bay windows, greenhouse windows, cornices, awnings, and canopies, may be in a required yard except as follows:
 - a. – c. No change
 - d. ~~Chimneys, bay windows, greenhouse windows, eaves, cornices, awnings, and canopies may extend up to 18 inches into any required yard. Eaves on bay windows may extend an additional 18 inches beyond the bay window. The total horizontal dimension of the elements that extend into a required yard, excluding eaves and cornices, may not exceed 25 percent of the length of the façade of the structure. See Plate 10. Eaves may extend up to 18 inches into any required yard.~~
 - e. – o. No change.

OPTION 2: Reduce allowances for wall-mounted encroachments from 18 inches to 12 inches (recommended by Staff).

Amend KZC 115.115.3 as follows:

3. Structures and Improvements – No improvement or structure may be in a required yard except as follows:
 - a. – c. No change
 - d. For detached dwelling units in low density residential zones, eaves may extend up to 18 inches into any required yards; chimneys, bay

windows, greenhouse windows, cornices, awnings, and canopies may extend up to 12 inches into any required yard; eaves on bay windows may extend an additional 12 inches beyond the bay window. For all other uses in low density residential zones, and for all uses in all other zones, ~~C~~chimneys, bay windows, greenhouse windows, eaves, cornices, awnings, and canopies may extend up to 18 inches into any required yard. Eaves on bay windows may extend an additional 18 inches beyond the bay window. In any zone, ~~T~~he total horizontal dimension of the elements that extend into a required yard, excluding eaves and cornices, may not exceed 25 percent of the length of the façade of the structure. See Plate 10.

e. – o. No change.

OPTION 3: No change to existing setback encroachment allowances.



KIRKLAND HOUGHTON COMMUNITY COUNCIL
June 27, 2006

DRAFT

1. **Call to Order/Roll Call**

Members Present: Hugh Givens, Bill Goggins, David Hess, Betsy Pringle, Rick Whitney (Chair), and James Nickle.

Members Absent: None.

Staff Present: Paul Stewart, and Michael Bergstrom, Consultant.

2. **Reading and/or Approval of Minutes**

A. May 22, 2006 - approved as written.

3. **Announcement of Agenda**

Chair announced the agenda.

4. **Council Member Reports and Comments**

James Nickle thanked the Community Council, especially Hugh Givens, and staff for their time and assistance during his tenure on this Council.

Chair discussed the matter of filling the chair to be vacated by Mr. Nickle. He asked that the deadline be extended one week for this and encouraged members to "talk it up" so that a wide pool of applicants can be contacted. Members of the Community Council concurred. Chair will consult with the City Clerk regarding this.

5. **Work Program Review**

Mr. Stewart said that there is a bundle of miscellaneous Code amendments on this Council's calendar with a courtesy hearing scheduled on July 24. Mr. Bergstrom is working on that. Additionally, there will be special meetings July 31st and August 2nd.

6. **Requests from the Audience**

Chair invited comments from the audience regarding matters not on tonight's agenda.

Jennifer Linden, 10522 NE 48th Place, asked some questions regarding the seat being vacated by Council Member Nickle. The chair addressed her questions.

Myron Richards, 6555 102nd Avenue NE, thanks the Community Council for putting in their

ATTACHMENT 2

time on this Council. He expressed concerns regarding the tree ordinance. *Chair Whitney referred Mr. Richards to Staff for assistance with his questions about removal of trees on his property.*

There being no further comment from the audience, Chair closed public comment.

7. Hearings

A. Single-Family Floor Area Ratio Regulations - Potential Amendments ZON05-00019

Community Council conducted a public hearing on the proposed amendments.

Chair asked if all members of the audience had received the printed information [Staff's June 19, 2006 memo to the Community Council]. All had received the material, so Chair dispensed with the verbal Staff report. He called for public testimony on this matter.

Elizabeth Wange, 5618 104th Avenue NE, spoke regarding FAR and design. She said she feels that those who oppose change are not well represented at these public hearings. She submitted her letter and photos.

Jennifer Linden supports various elements of FAR. She feels regulations should be for the common good.

Mr. Goggins reminded the audience that, although FAR is open for consideration, it does not affect the Houghton area at this time.

Dana Adams, 11016 NE 65th Street, does not support FAR or any change in the regulations.

Lora Hein, 4725 108th Avenue NE, feels that the desired future of the community as a whole should be considered, not just pieces of the problem, such as FAR. She feels that restrictions in Houghton are fine as they are.

Donald Winters, 417 Sixth Avenue S, is opposed to the portion of FAR that reduces the maximum size of the house from 60% to 50% on 5,000 sq ft lots.

Mike Nykreim, 101 Tenth Avenue, opposes FARs.

Hearing no other comment, Chair closed public comment.

Commission asked questions of Staff who clarified various points regarding FAR.

Community Council discussed the potential amendments to FAR regulations.

Motion to withdraw consideration of Single-Family Floor Area Ratio Regulations, File No. ZON05-00019, and suggest that City Council look into addressing setbacks and impervious surfaces to help remedy the situation in the Houghton Neighborhood.

Moved by David Hess, seconded by Bill Goggins

The motion carried unanimously. Chair thanked Mr. Bergstrom for his work.

8. **Unfinished Business/Final Action** - None.

9. **New Business**

Chair declared a short break.

Chair reconvened the meeting at 8:15 p.m.

A. **2006 Comprehensive Plan Amendments** - ZON06-00009

Community Council held a study session on the scope of the 2006 Comprehensive Plan Amendment project and provided comments to staff.

Mr. Stewart reported about the bundle of miscellaneous minor changes to the Comprehensive Plan as set forth in his and Teresa Swan's June 19, 2006 memo to the Community Council. He said that there are no Private Amendment Requests in Houghton this year. One issue that may be substantive relates to the transportation level of service.

10. **Administrative Reports and Community Council Discussion**

A. **Emergency Preparedness** - File number MIS06-00005

Per Community Council's request, Staff provided information on emergency preparedness.

Mr. Stewart reported that information was provided in Community Council's packet. There was brief discussion by the Members. Mr. Goggins recommends that this information be listed on the City website.

11. **Adjournment** - 8:21 p.m.

Chair
Houghton Community Council

Planning Staff
Department of Planning and Community Development

Comparison of City Codes - Single Family Dimensional Regulations - Kirkland, Bellevue, and Redmond

Regulation ↓	Zone District →	Kirkland						Bellevue							Redmond												
		RS / RSX 35	RS / RSZ 12.5	RS / RSX 8.5	RS / RSX 7.2	RS / RSX 5.0	PLA 6C	PLA 6E	PLA 16	R-1	R-1.8	R-2.5	R-3.5	R-4	R-5	R-7.5	RA-5	R-1	R-2	R-3	R-4	R-5	R-6				
Minimum Lot Size (Sq. Ft. X 1,000)		35	12.5	8.5	7.2			5		35	20	13.5	10	8.5	7.2	4.7	196 ¹	35 ¹	18 ¹	12 ¹	7 ¹	5.5 ¹	4 ¹				
Maximum Floor Area Ratio (%) ²		20	35	50				60		N/A ³							N/A ³										
Front Yard/Setback ⁴		20'						35'	30'	20'							30'			20'	15'						
Rear Yard/Setback ⁴		10'						25'							30'			10'									
Side Yard/Setback ⁴		5'						5'							30'	20'	5'										
Side Yard/Setback Total ⁴		15' for RS; 10' for RSX						15'							20'	40'		15' ⁵									
Building Height		25' for RS, 30' for RSX ⁶						25' ⁶							30' ⁷							35' ⁸					
Lot Coverage - Imp Surface		50%						N/A ⁹							20%			40%	60%			65%					
Lot Coverage - Building		N/A ¹⁰						35%							2.5%		12%	30%	35%	40%	45%						
ADU Size Limit - Square Feet		800 sq. ft., whether attached or detached.						800 sq. ft., excluding associated garage. Must be attached to primary structure. ¹¹							If detached, no more than 1,000 sq. ft., excluding garage area. If attached, no more than 1,500 sq. ft.												
ADU Size Limit - % of Whole		40% of primary residence and ADU combined						40% of primary residence and ADU combined, excluding any garage area							If detached, 40% of primary residence and ADU combined.												
Accessory Structure Size Limit		1200 sq. ft. plus 10% of lot area exceeding 7,200 sq. ft.						10% lot coverage; must also meet overall lot coverage allowance of underlying zone (all structures combined).							60% of ground floor area of the primary structure												
Accessory Structure Height Limit		25', or 15' above height of primary residence, whichever is less						15'							22'												
Effect of ADU or Accessory Structure on Maximum FAR		Not counted toward FAR if located more than 20' from primary structure; otherwise, included in FAR calculation.						N/A ³							N/A ³												

¹ These lot sizes are averages rather than minimums
² Not effective in Houghton
³ City does not have single-family FAR regulations
⁴ Applicable to primary structures; each City has various exceptions for accessory structures
⁵ City of Redmond requires 5' on one side, plus 10' on the other (e.g., 7' on one side and 8' on the other is not permissible).
⁶ Measured from average existing grade to highest point of roof
⁷ Measured from average finished grade to top of flat roof or mean height between eaves and ridge of a pitched roof.
⁸ Measured from average finished grade to highest point of structure.
⁹ City does not regulate total impervious surface area coverage
¹⁰ Building coverage is included in maximum impervious area coverage
¹¹ Bellevue allows a detached "guest cottage" for use of guests or domestic employees on residential lots containing at least 13,500 sq. ft.

SINGLE-FAMILY FLOOR AREA RATIOS - FILE NO. ZON05-00019

STAFF PHOTOS



Photo 1: RS 7.2 zone; Market Neighborhood; FAR: 0.49



Photo 2: RS 7.2 zone; Market Neighborhood; FAR 0.49

ATTACHMENT 4
FILE NO. ZON05-00019

SINGLE-FAMILY FLOOR AREA RATIOS - FILE NO. ZON05-00019

STAFF PHOTOS



Photo 3: RS 7.2 zone; Market Neighborhood; FAR: 0.50



Photo 4: RS 7.2 zone; Market Neighborhood; FAR 0.50

SINGLE-FAMILY FLOOR AREA RATIOS - FILE NO. ZON05-00019

STAFF PHOTOS



Photo 5: RS 7.2 zone; Market Neighborhood; FAR: 0.50



Photo 6: RS 7.2 zone; Market Neighborhood; FAR 0.66 (includes ADU)

SINGLE-FAMILY FLOOR AREA RATIOS - FILE NO. ZON05-00019

STAFF PHOTOS



Photo 7: RS 5.0 zone; Norkirk Neighborhood; FAR: 0.60



Photo 8: RS 5.0 zone; Norkirk Neighborhood; FAR 0.59

SINGLE-FAMILY FLOOR AREA RATIOS - FILE NO. ZON05-00019

STAFF PHOTOS

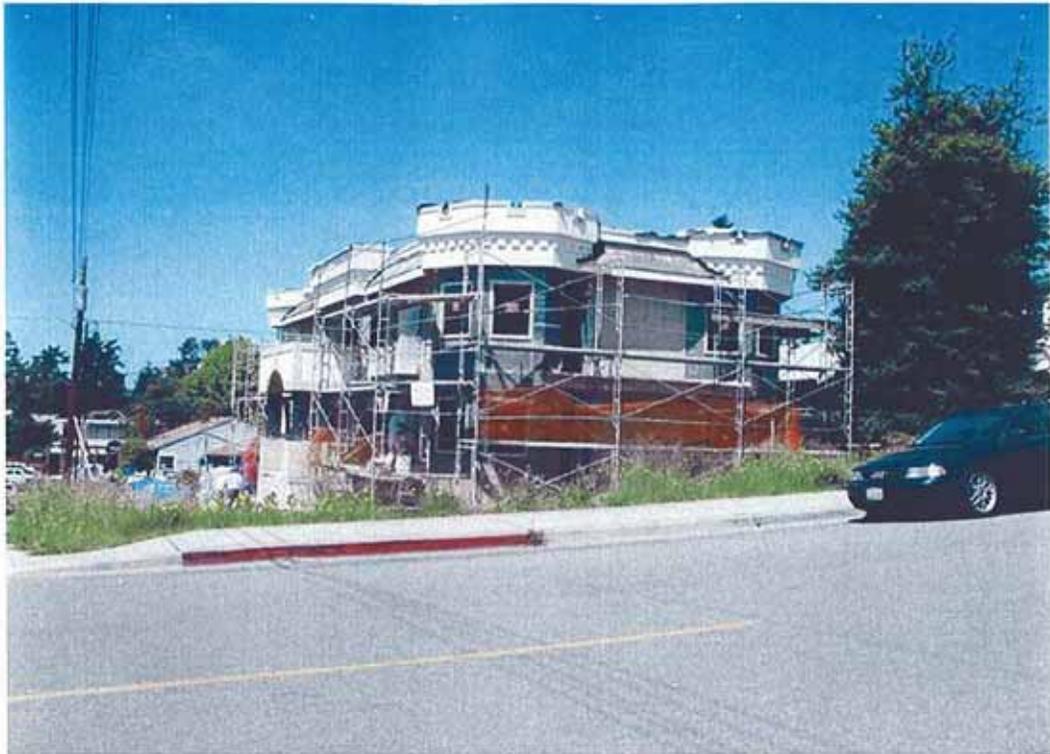


Photo 9: RS 5.0 zone; Norkirk Neighborhood; FAR: 0.57



Photo 10: RS 7.2 zone; Norkirk Neighborhood; FAR 0.51 (includes ADU)

SINGLE-FAMILY FLOOR AREA RATIOS - FILE NO. ZON05-00019

STAFF PHOTOS



Photo 9: RS 5.0 zone; Norkirk Neighborhood; FAR: 0.57



Photo 10: RS 7.2 zone; Norkirk Neighborhood; FAR 0.51 (includes ADU)

SINGLE-FAMILY FLOOR AREA RATIOS - FILE NO. ZON05-00019

STAFF PHOTOS



Photo 11: RS 7.2 zone; Market Neighborhood; Pre-FAR



Photo 12: RS 7.2 zone; Norkirk Neighborhood; Pre-FAR

SINGLE-FAMILY FLOOR AREA RATIOS - FILE NO. ZON05-00019

STAFF PHOTOS



Photo 13: RS 5.0 zone; Norkirk Neighborhood; Pre-FAR



Photo 14: RS 5.0 zone; Norkirk Neighborhood; Pre-FAR

SINGLE-FAMILY FLOOR AREA RATIOS - FILE NO. ZON05-00019

BASKIN PHOTOS (all of the same house)



Photo 1

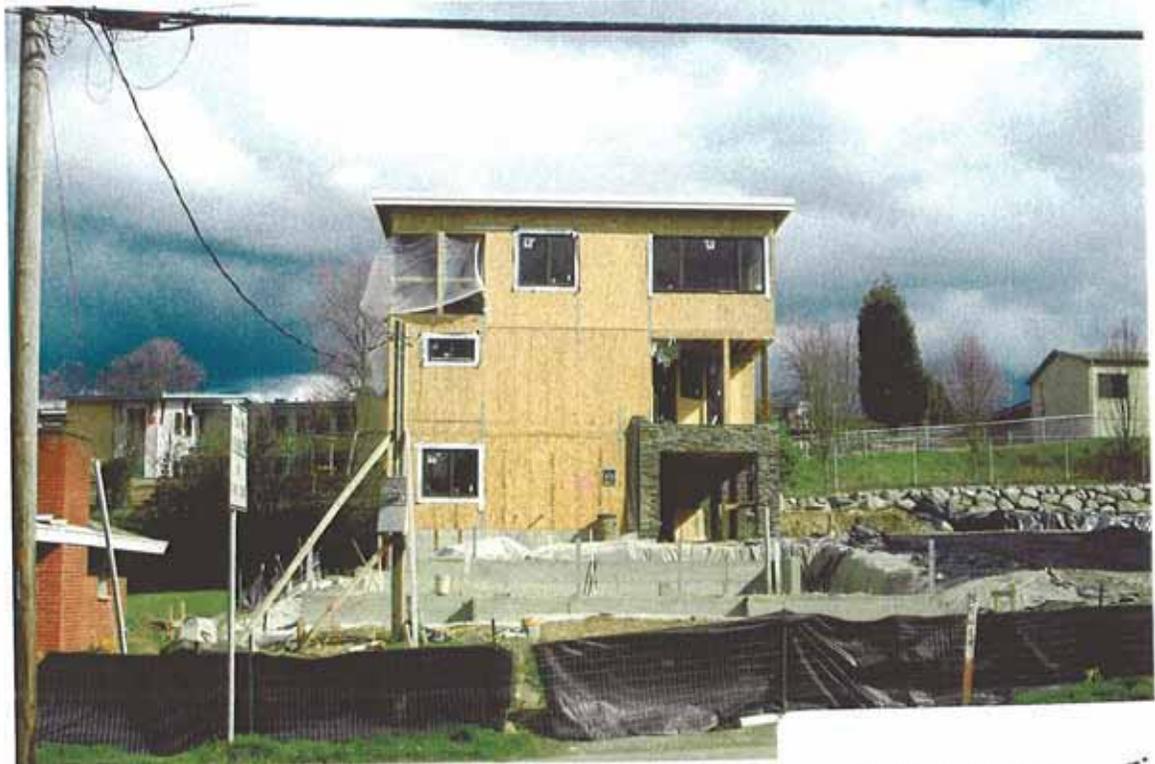


Photo 2

ATTACHMENT 5

FILE NO. ZON05-00019

SINGLE-FAMILY FLOOR AREA RATIOS - FILE NO. ZON05-00019

BASKIN PHOTOS (all of the same house)



Photo 3



Photo 4

SINGLE-FAMILY FLOOR AREA RATIOS - FILE NO. ZON05-00019

BASKIN PHOTOS (all of the same house)



Photo 5



Photo 6

SINGLE-FAMILY FLOOR AREA RATIOS - FILE NO. ZON05-00019

BASKIN PHOTOS (all of the same house)

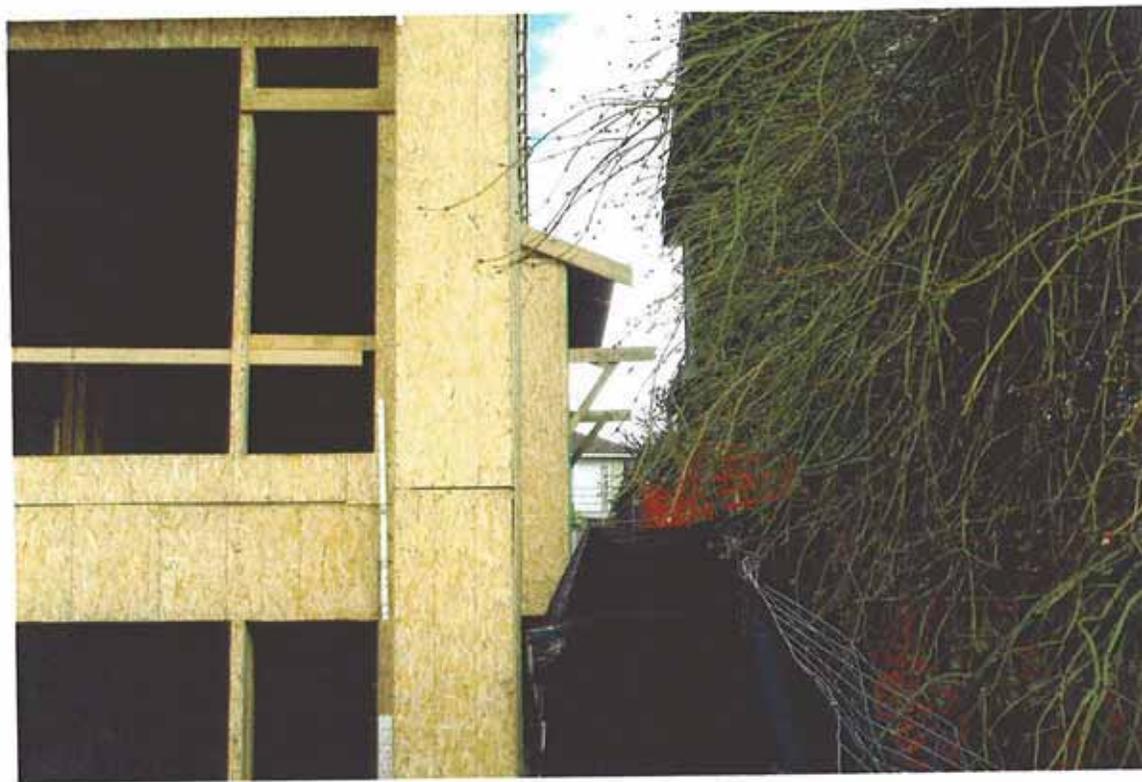


Photo 7



Photo 8

June 8, 2006

Paul Stewart, AICP
Deputy Director
City of Kirkland Planning Department
123 5th Avenue
Kirkland, WA 98033

Dear Paul,

Thanks again for all of the time and effort you have put into the FAR project. Per Kiri Rennaker's request for specific examples of probable overreaches of the existing FAR regulations, I would like to submit the following items. Please keep in mind this is not an all-inclusive list of examples. These are examples of the two issues I mentioned at the meeting Thursday evening.

Example One

This building project is on the northeast corner of 7th Avenue West and 4th Street West. The street address is 340 7th Avenue West and the Tax Parcel number is 3885800825.

The lot square footage is 5,725 square feet. This lot should support a house with a FAR of 2862.50 square feet.

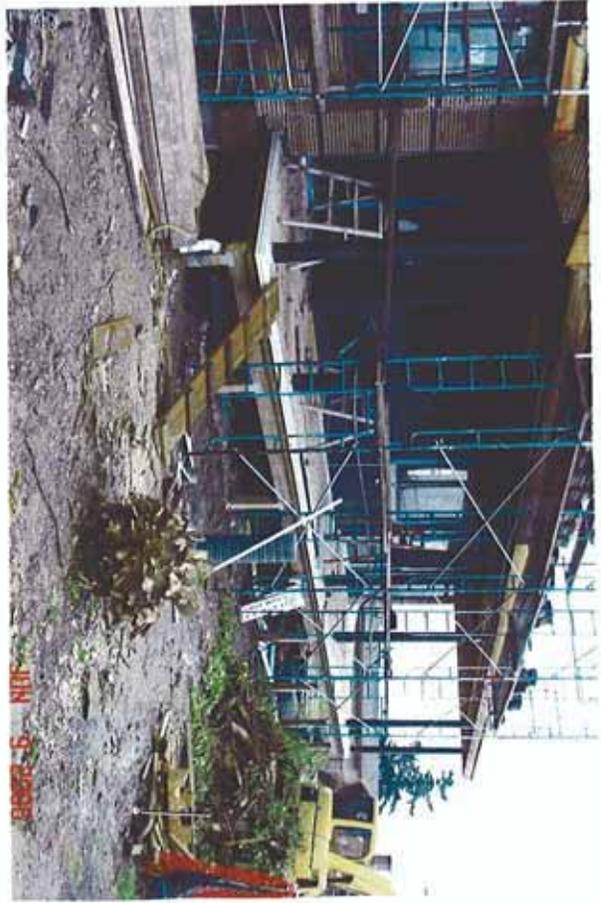
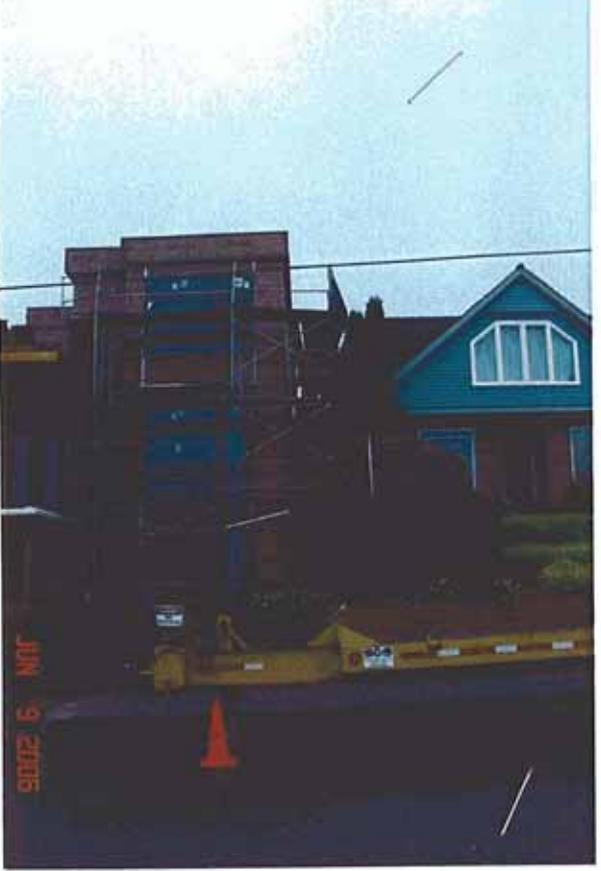
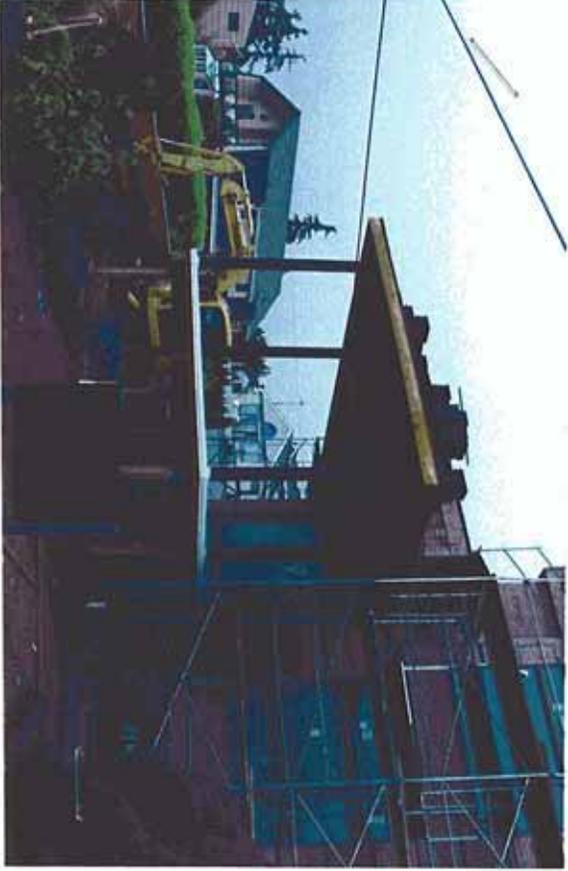
However, if I understand the FAR calculation procedure, the actual FAR on this house so far is:

First Floor Square Footage	1400
Second Floor Square Footage	1090
Attached Garage	<u>480</u>
TOTAL	2970 square feet

The 2970 square foot sum already has a FAR value of 52%. The bay window on the east side of the house is about 5 feet from the neighbor's house. Now a 1200 square foot deck, being built into the side and front setback, is being added. In my opinion, this deck should be counted in the FAR calculation. With the setback variance on the alley, the house will have an impervious surface coverage of about 80%. In my opinion, this house is too large for the lot.



ATTACHMENT 6
FILE NO. 20105-00019



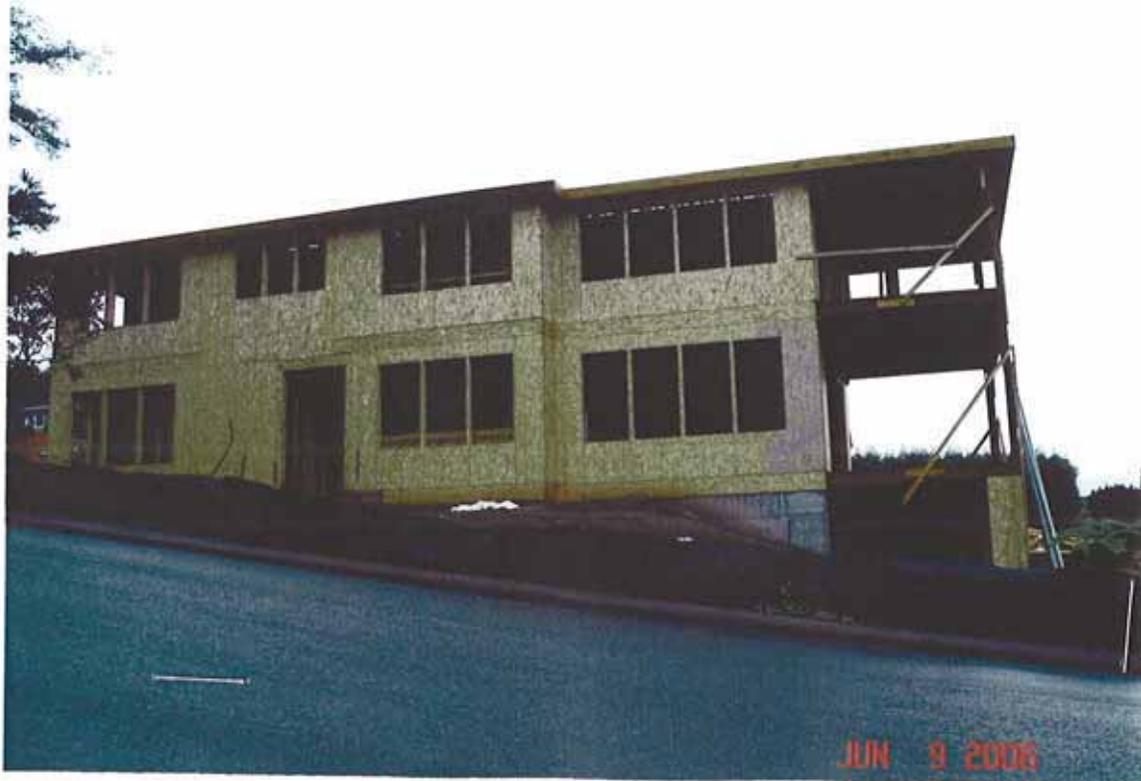
Example Two

This building project is on the corner of Waverly Way and 5th Street West. For some reason, the King County Parcel Viewer has a street address of 502 7th Avenue West. The Tax Parcel number is 3885800715.

The lot square footage is 5,720 square feet. This lot should support a house with an FAR of 2860 square feet.

The house being built has a footprint of more than 1750 feet. The King County Parcel Viewer does not display the updated floor plan of this building. But you can see from the picture below that the added double deck space is in the setback and, once again, should be counted in the FAR.

However, the builder has poured cement pilings on the west side of the house at the entry and will be adding another 200 square feet of porch space.





Example Three

The building project is on the corner of Waverly Way and 2nd Street West. The street address is 409 2nd Street West and the Tax Parcel Number is 3885800135.

The lot is 5,500 square feet. This lot should support a house with a FAR of 2,750 square feet.

However, if I understand the FAR calculation procedure, the actual FAR on this house so far is:

First Floor Square Footage	1160
Second Floor Square Footage	1180
Attached Garage	<u>550</u>
TOTAL	2890 square feet

The 2890 square feet house already has a FAR value of 52.5%. Now a large deck, which protrudes into the side and front setback, is being added. This deck should be counted towards the FAR.

Further, as you can see on the picture below, both this house and the house next door were built with a 5-foot setback. So now there are two 20-foot walls 10 feet apart. This is the "bulk" to which Market residents object.





Example Four

An example of the ADU issue is on the northwest corner of 11th Avenue West and 5th Street West. There are two separate properties with side-by-side ADUs. The street addresses are 1104 5th Street West and 440 11th Avenue West.

They have Tax Parcel Numbers of 3885802260 and 3885802265.

The 1104 5th Street West house has a lot size of 7,206 square feet and should support a FAR of 3,603.

If I understand the FAR procedures, the FAR calculation would be:

First Floor Square Footage	1650
Second Floor Square Footage	1680
Attached Garage	<u>260</u>
TOTAL	3590

Thus, the main dwelling unit has a FAR of 49.8%.

The porch square footage is 340 square feet so the total is 3930 square feet, which would be a FAR of 54.5%.

The 440 11th Avenue West home directly beside it has a lot size of 7,200 square feet and should support a FAR of 3,600.

If I understand the FAR procedures, the FAR calculation would be:

First Floor Square Footage	2080
Second Floor Square Footage	<u>1680</u>
TOTAL	3760

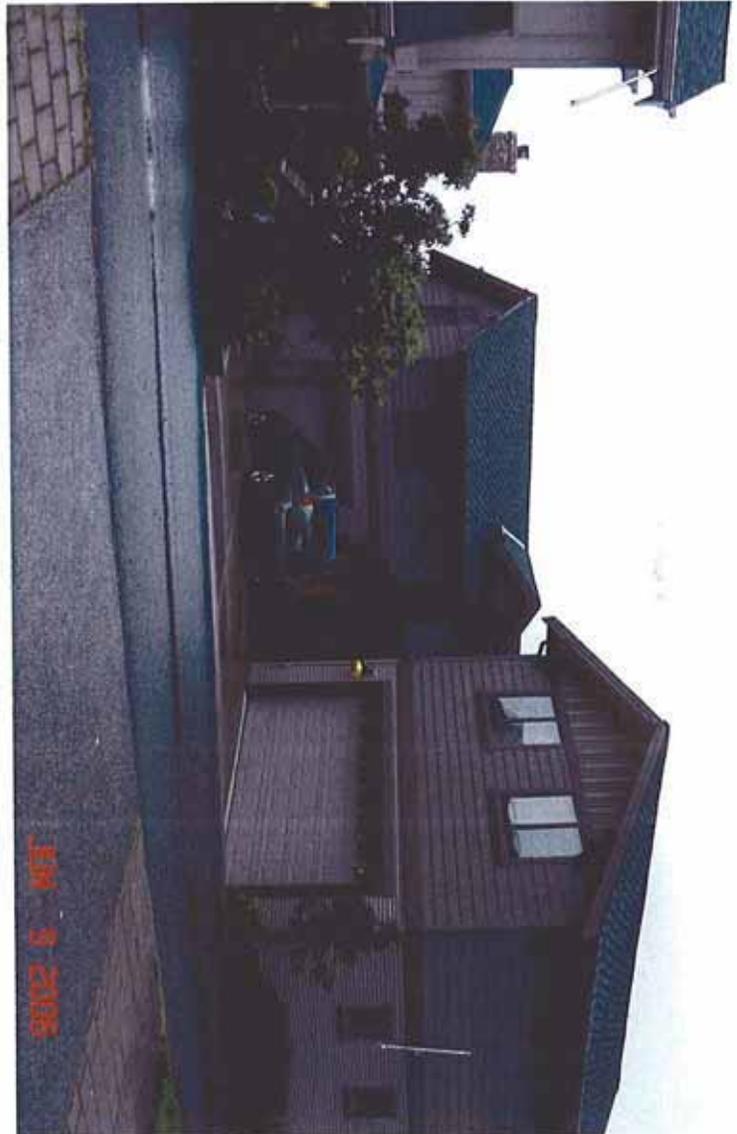
Thus, the main dwelling unit has a FAR of 52.2%.

The porch square footage is 180 square feet, which would be a FAR of 54.7%.

However, the main issue here, as you can see in the pictures is the amount of actual impervious surface due to four dwellings. Even short-term residents remember that until 2002, this was a single 14,400 square foot lot with one 800 square foot house on it.

Now the exact same property boasts four dwellings instead of one.

After much consideration, I think the Planning Commission should include ADU and garage buildings into the FAR.



Example Five

My last example is located at 404 11th Avenue West and has a Tax Parcel number of 3885802325.

The property is a 12,000 square foot corner lot. As you can see from the accompanying flier and the picture, the construction off the alley is a guesthouse. This second house will be a separate residence with a one-car garage.

The primary house will be torn down and replaced with a 6,000 square foot house. This house will also include a two-car garage.

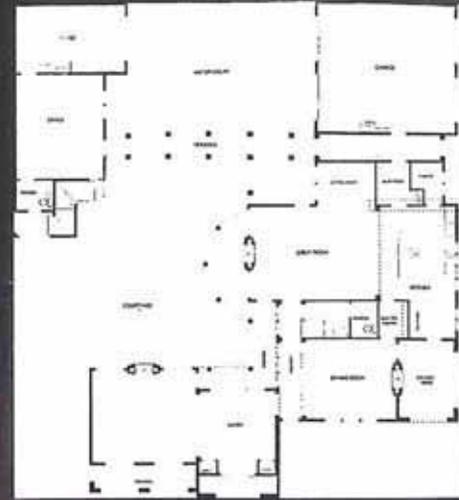
My main concern here is that there will be two complete houses with garages on one lot. And the second building is not just a garage, but also an entire separate guesthouse.

I don't believe that this was the intention of the FAR and ADU zoning ordinances. We are not at the point where every large Kirkland lot can boast two houses.

This is another example of abuse of the ADU intent.



Just Listed



404 11th Ave. West Kirkland WA 98033

New construction by ROBL Development

West of market

6000 square foot home

12,000 square foot lot

Main house expected to be completed by June 2007

Guest house expected to be completed by August 2006

\$3,250,000



4020 Lake Washington Blvd
Suite 210
Kirkland, WA 98033

Ph (425) 284-1505
(888) 821-0556
Fax (425) 284-0302
RobL@shopprop.com

info@shopprop.com



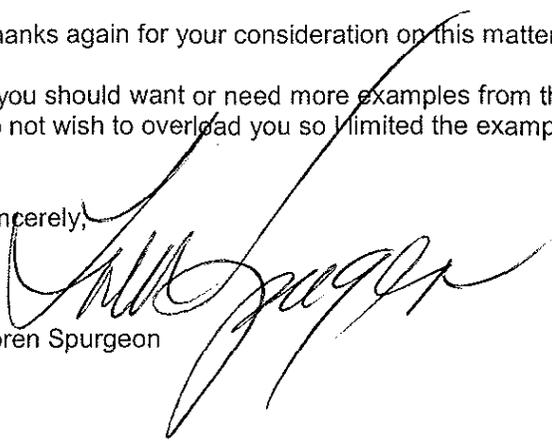
In conclusion, I would like to restate my input.

1. From this point on, all decks and porches should be included in the FAR calculation.
2. All ADU structures should be counted in the FAR.

Thanks again for your consideration on this matter.

If you should want or need more examples from the Market Neighborhood, I will furnish those to you promptly. However, I do not wish to overload you so I limited the examples to five.

Sincerely,


Loren Spurgeon

FAR - HOUSING IMAGES

**RS 5.0 ZONE (5,000 SQ FT LOTS) and
RS 7.2 ZONE (7,200 SQ FT LOTS)**

July 6, 2006

ATTACHMENT 7

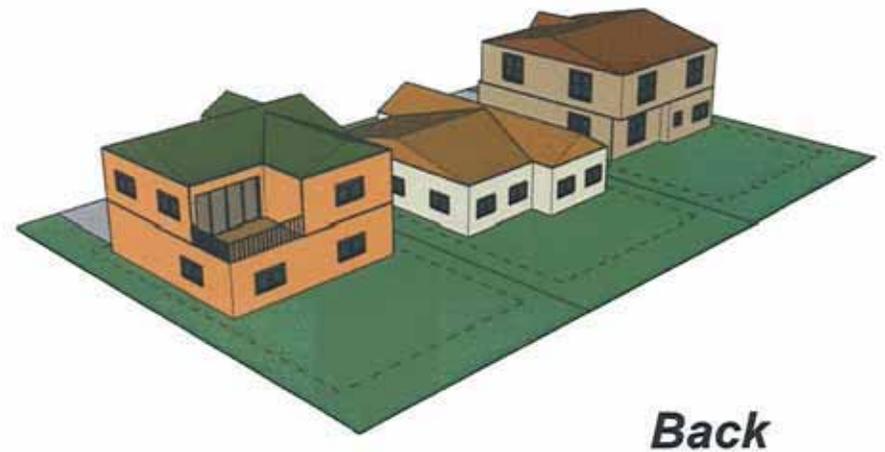
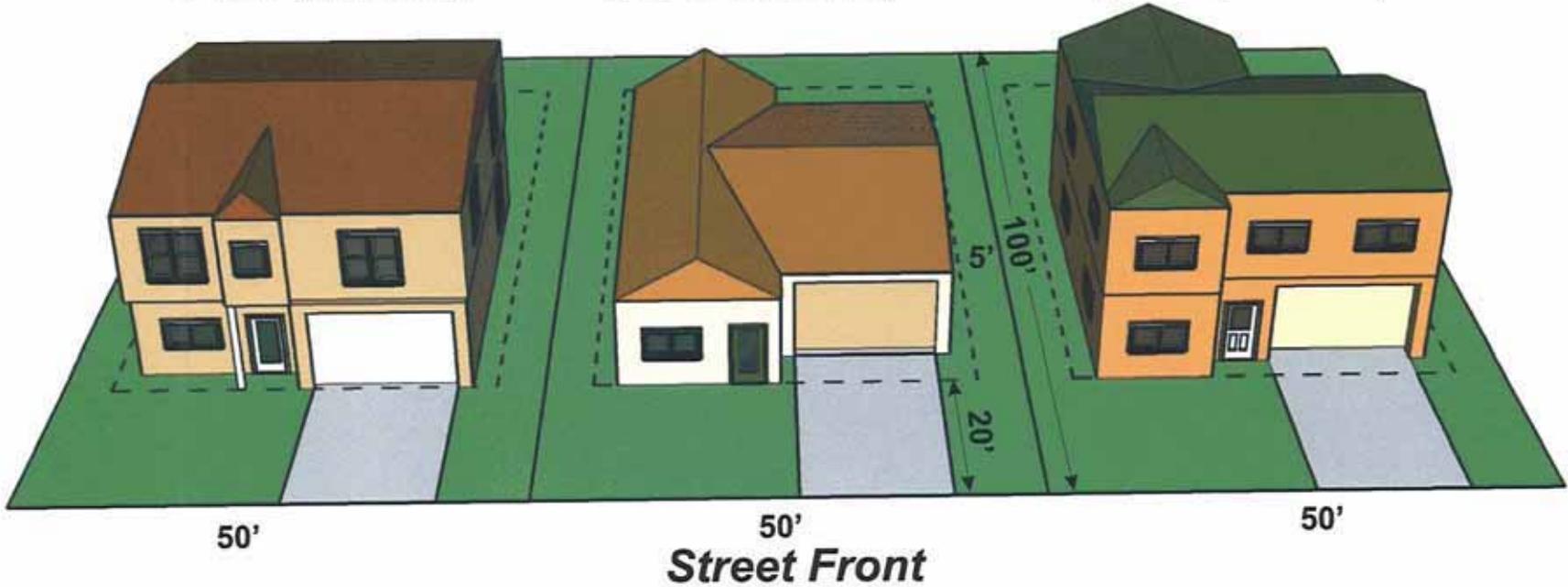
FILE NO. ZON05-00019

RS 5.0 ZONE: 5,000 SF LOTS

House Under
Current Standards:
3,000 SF (0.60 F.A.R.)

Typical
Older Home
1,600 SF (0.32 F.A.R.)

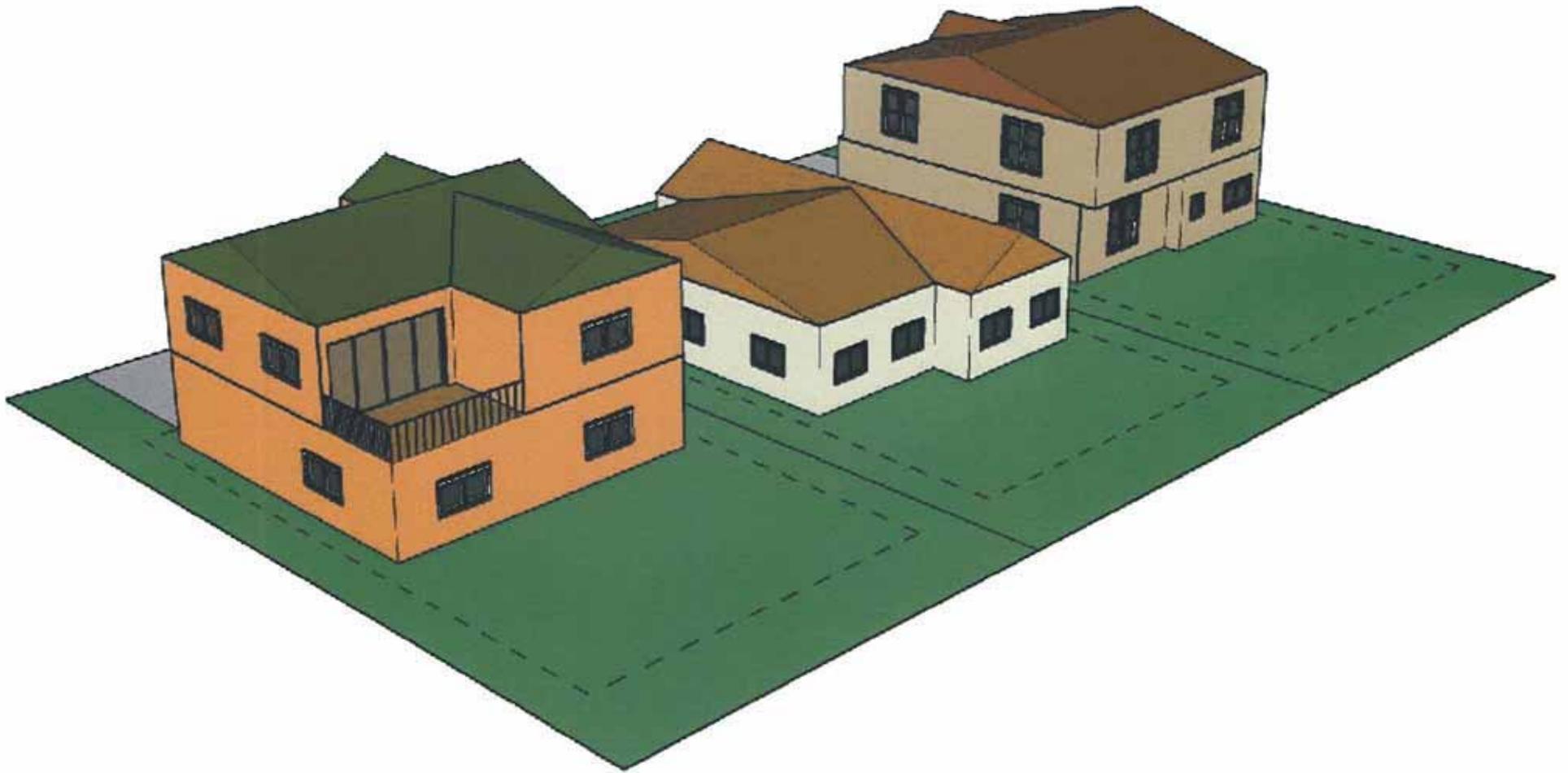
House Under
Proposed Standards:
2,500 SF (0.50 F.A.R.)



RS 5.0 ZONE: 5,000 SF LOTS



RS 5.0 ZONE: 5,000 SF LOTS



RS 5.0 ZONE: 5,000 SF LOTS

House Under
Current Standards:
3,000 SF (0.60 F.A.R.)

Typical
Older Home
1,600 SF (0.32 F.A.R.)

House Under
Proposed Standards:
2,500 SF (0.50 F.A.R.)



50'

50'

50'

Street Front

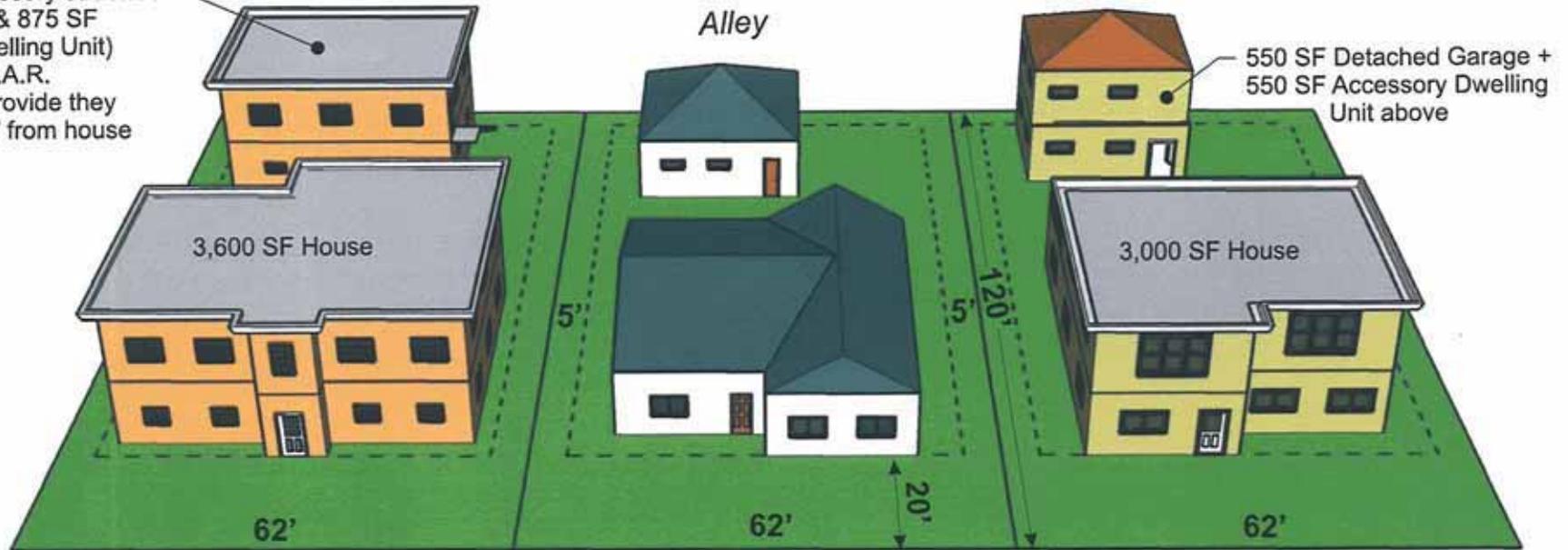
RS 7.2 ZONE: 7,200 SF LOTS

House Under Current Standards:
3,600 SF (0.50 F.A.R.)

Typical Older Home

House Under Proposed Standards:
3,000 SF House +
1,100 SF Accessory Structure -
500 SF Exempt space (accessory str.)
3,600 SF Total (0.50 F.A.R.)

1,750 SF accessory structure (3-car garage & 875 SF Accessory Dwelling Unit) exempt from F.A.R. Calculations provide they are at least 20' from house



Street Front



Street Level



Alley / Back

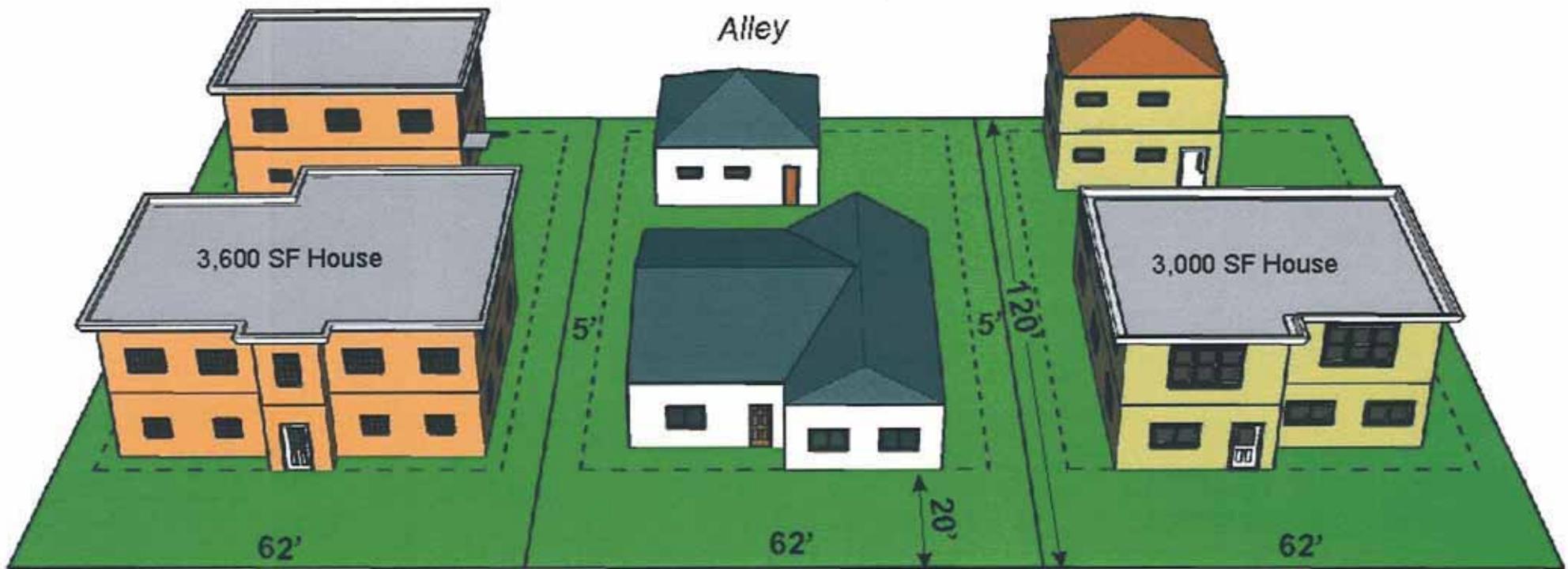
RS 7.2 ZONE: 7,200 SF LOTS



RS 7.2 ZONE: 7,200 SF LOTS



RS 7.2 ZONE: 7,200 SF LOTS



E-Mail and Comment Letters

Single Family Floor Area Ratio Regulations File NO. ZON05-00019

July 6, 2006

ATTACHMENT <u>8</u>
<u>ZON05-00019</u>

July 6, 2006

To: The City of Kirkland Planning Commission
c/o Paul Stewart

cc: Kirkland City Council Members

Re: Response to Proposed FAR regulation changes.

Mr. Stewart and Kirkland City Council Members:

I am writing this letter in response to the City Council Members' current proposal for changes in the current FAR regulations.

I have been a Kirkland property owner since 1974, starting out in Houghton, then moving to East of Market, and now live West of Market in a modest bungalow. I am also a Real Estate Agent practicing for the most part in Kirkland, helping folks buy and sell their homes.

I have attended numerous council meetings regarding the Market Street corridor, as well as the FAR proposal. My observations are arrived at both as a property owner and as a representative of many property owners in Kirkland and the dilemmas they face every time they determine it is time to sell their property.

More often than not, a sale is prompted by some form of a family crisis: the sudden, unexpected loss of a spouse, divorce, unexpected illness, unexpected loss of work. In almost every type of crisis, it was the sale of the "home" that rescued the wife who had never worked outside the home, or the new single mom, or the spouse of a man who suddenly had quadruple by-pass surgery, the same week that his company shut down and he was without a job. In every case, the "home" became the rescuing vehicle because it was worth far more than when the family had originally purchased it.

The man with the by-pass surgery who lost his job did have a home that was paid for...his wife was on disability. Their solution was to sell their home for current market value, take ½ the proceeds to buy a new home, farther out and for less money, and take the remaining ½ of the proceeds and put it in the bank (or stocks) to function as their income. This is exactly what they did, and it saved them...and they avoided the need for "subsidized" or affordable housing.

The single mom had a large piece of land with an old farmhouse on it and actually had a view which had been purchased several years prior to her divorce for much less than it was worth at the time of her divorce...and elected to short-plat it into 4 buildable lots. This enabled her to raise and educate her children...again...taking the burden off society and avoiding the need to be supplemented by affordable housing.

The new widow, with the sudden unexpected loss of her spouse, can now plan her future retirement alone with the aid of their home's appreciation over the years. When it is time for the widow to move into a more assisted living environment, she will have the funds from the proceeds of the sale of her home to do so...once again avoiding supplemental housing, keeping her self-sufficient...which is what she wants, and benefits the community at large.

Finally, there is the 90-year old man who had just lost his wife a year earlier. He had owned a home for over 30 years...it was paid for. It was in a very desirable location with a view in Kirkland. His adult daughter had developed MS, and needed life-long assistance. Because he was able to sell his home at fair market value...he was able to provide for his adult daughter as well as for himself (it was set up in a Trust)...No supplemental housing required...which was very important to him. He was fiercely independent and had relied on himself his whole life...he intended to keep it that way.

Lots of stories to illustrate one point: people buy their homes with the idea that it is their "nest egg"... It will be the source of funds to provide for their retirement and final years. In most cases, it is all they have. For the Kirkland City Council & Planning Commission to arbitrarily reduce that nest egg under the auspices of FAR is not only unfair; it is unconscionable.

Be assured, FAR will do just that...and the City of Kirkland Planning Commission/City Council will reduce the community's "nest egg" value without exercising the same strict standards they require for any change OR any new proposal conforming to the existing codes. The net result is to deny the new widow, the new single mom, the wife of the newly ill husband who just lost his job, the 90-year old man who only wants to take care of his daughter a means to avoid public assistance. To arbitrarily, and without due notice, actively reduce the value of its citizen's one great resource, their "home", the Council is robbing its constituents of their nest egg for which they so strongly worked to build.

That "nest egg" is all they have...it is all my mother had when my father died suddenly at a relatively young age: peace of mind. They have earned it, they have been responsible in preserving it...and the City Council is in a position to annihilate it with this one FAR motion. I urge the council to re-think this decision. We are talking a lot more than curb appeal here.

Respectfully Submitted,

Kathryne Green
(425) 766-1315

Edmonds Rheumatology Associates

Richard AH. Jimenez, MD ♦ Andrew K. Solomon, MD ♦ Jeff R. Peterson, MD

Kruger Clinic ♦ 21600 Highway 99 ♦ Suite 240 ♦ Edmonds, WA 98026 ♦ 425-774-2632

Kirkland City Council

RE: Proposed zoning changes to FAR and ADU

Council members,

I am very concerned about the proposed changes to FAR and ADU in Kirkland. Recently the State enacted urban sprawl legislation and strongly urged cities to implement measures to improve urban density and make housing affordable. Kirkland has adopted this goal as well. By encouraging the use of accessory dwelling units (ADU) in Kirkland, the City Council has taken great strides to accomplishing this goal. Recent proposals to change the incentives for ADU have jeopardized this goal. By removing the exemption for garage space below an ADU there will be no incentive to build an ADU. I purchased my home on 1st ST with the idea of placing an ADU off the alley behind my home. I will not do this if I will have to cut down on the square footage of my home to build an ADU. The proposal to only exempt 500 square feet of an ADU is also not enough incentive to justify the expense and limit the main house. A 500 square foot apartment is VERY small. I have lived in such a unit. It was a studio and I seriously doubt many people would want to live in such a small place. I strongly urge you to maintain the current ADU language in Kirkland code for building.

Thank You,
Jeff R. Peterson, MD
1112 1st ST Kirkland

Paul Stewart

From: Paul Duren [Paul@durenhomes.com]
Sent: Thursday, July 06, 2006 5:04 PM
To: Paul Stewart; KirklandCouncil
Subject: Comments regarding new FAR regulations
Attachments: FAR letter.pdf

July 6, 2006

To: The City of Kirkland Planning Commission, c/o Paul Stewart
CC: Kirkland City Council Members

RE: Proposed FAR changes

Mr. Stewart:

I am writing to express my strong opposition to the proposed changes to Kirkland's FAR regulations. I have attended public meetings regarding this and have read the proposed changes in detail.

I am a Kirkland property owner and builder. My wife and I are presently at work on our personal home in Kirkland as well as other single family homes in Kirkland. Part of why we have chosen to move to Kirkland is the redevelopment that is making the city such a desirable place to live.

As I know you have heard repeatedly from the overwhelming majority of professionals in real estate, architecture, and construction, these proposed regulations will do nothing to address the concerns that a vocal minority have expressed. Without exception, every argument I have heard in favor of these regulations are based on purely aesthetic concerns which have nothing to do with FAR. People are primarily concerned with what they consider to be pleasing street-front elevations. Obviously, FAR and an attractive curb appeal are unrelated. If there really is a problem, a point I do not concede, then the city should be looking at ways to address *the problem*, not just adopt some poorly conceived regulations that will not achieve their stated goals.

Furthermore, the schedule for the adoption of these new regulations will be financially ruinous for a wide array of people. A property owner wanting to sell a "tear-down" will find overnight that their home is worth \$100,000 – 200,000 less than it is in today's market. Hardly a pleasant surprise for a retiree counting on those funds. A developer who owns a parcel that is not able to vest individual building permits under the current regulations would lose proportionally more. From the initial public discussion of these regulations through their scheduled adoption is only a matter of a few months, hardly enough time for people affected by them to make adequate preparations to protect their interests. At the very least, there should be a period of one year from the acceptance of the new regulations to their implementation. I am far from a property rights zealot, but this is the kind of thing that drives people to vote for wrong-headed measures like Initiative 933. If this initiative passes, is the city prepared to compensate the hundreds of property owners who would file claims for damages totaling many millions of dollars?

I could go on at great length on this issue, but many valid points have been raised by the members of the real estate and building community and by this time you are well versed in the arguments. Should the city adopt these new regulations, there will be significant economic dislocation across every strata of the

7/6/2006

community. I will certainly contribute any resources I can to fighting alongside my colleagues against these onerous regulations. I urge you to take the path of reason, to more clearly define what problem is being addressed in the first place, and then to consider regulations that will address this problem without causing such great hardship to so many in our community.

Please continue to notify me of any developments of actions taken on this issue. Thank you for your consideration.

Sincerely,
Paul Duren, President
Duren Homes, Inc.
1529 17th Ave. E.
Seattle, WA 98112
Voice: 425-605-8946
Fax: 425-605-8953
Cell: 206-399-2421
www.DurenHomes.com

From: Randy Both [mailto:rboth@microsoft.com]
Sent: Thursday, July 06, 2006 2:04 PM
To: KirklandCouncil
Subject: Opposition to proposed FAR Regulation Changes

I'd like to formally express my opposition to the proposed changes to the FAR regulations in Kirkland. My name is Randy Both and I live at 1950 3rd St.

There are much better ways to address the concerns of our citizens. As I understand it, the proposal is aimed at eliminating the "Big Ugly House" in our little Kirkland. The current proposal will serve to accentuate the ugly home factor in Kirkland by eliminating undulation in our side yard set backs, putting garages on the street front and pushing roof lines into flat tops. In general, people will build their homes to the capacity regulation allows for...Kirkland is no exception to this rule (in fact, due to land values, it's the rule). By making a decision to build to less than the code allows for, consumers actually miss out on the growth of the value of their property compared to others that do. Ultimately, the proposed regulation changes will result in a less desirable community to live in...both aesthetically and economically.

I'd like to make two primary points:

ADUs: Accessory Dwelling units help us diversify our community. My parents and my wife's parents are getting older and we'd like to have them live with us until they pass. In an era where our families are becoming more fragmented, we want to have our family stay together. With the ability to have ADUs in our community, we accomplish three things; higher density, larger tax base and prettier street fronts. If we do away with our ADU exception, we will have the majority of new homes constructed with garages facing the street like these on 440 4th Ave S and 724 State St respectively (imagine these homes without any side yard exceptions for bay windows, chimneys or eaves for setbacks and you have our new proposed code made manifest.



With ADUs, we can allow for homes that have very nice curb appeal like the home at 130 11th Ave



The Big Ugly Box House: Architecture is a living breathing thing...it's not just lines on a paper or the encroachment toward another structure. As a home owner, I'm appauled that Kirkland is considering further legislating how people choose to design their homes. While I may not like what another person chooses to do with their property, it is exactly that, their property. If what someone does with their property is offensive or unsafe, I am all for protecting people, but not from what a house looks like. When you eliminate side yard setback exceptions, you will create flat walls, when you eliminate vaulted space, you will create less interesting building shapes, when you eliminate ADUs, you will create ugly garage facades.

I certainly hope that our city council takes a more long term approach to this problem and considers both raising the max elevation roof peak and adoption of a land volume ratio to more appropriately address the concerns on the table...that said, I believe that we should not be legislating how people choose to build on their land unless it is unsafe for the neighboring properties.

Sincerely,

Randy Both

Sr. Marketing Mgr. - Windows Mobile USBMO
Microsoft Corporation | Email: rboth@microsoft.com
(425) 705-9813 | Cell: (206) 354-6407

Paul Stewart

From: sharimclaren@comcast.net
Sent: Thursday, July 06, 2006 12:33 PM
To: Paul Stewart
Cc: KirklandCouncil
Subject: FAR Changes -- Property Owner input

July 6, 2006

To: The City of Kirkland Planning Commission
CC: Paul Stewart, Michael Bergstrom, City Council members

Re: Opposition to proposed changes in FAR regulations

To Whom It May Concern:

Unfortunately I was not able to attend the June 8th meeting regarding proposed changes to FAR regulations and want to ensure the City is aware of my concerns. I am extremely dissatisfied and in complete disagreement regarding the proposed changes in FAR regulations very much opposed to these Staff drafted changes. In fact, I believe that there should be **NO CHANGE** in current regulations, as proposed by the Staff at the City of Kirkland.

Should the City of Kirkland, the Planning Commission, the Kirkland City Council, and others involved ignore the overwhelming opposition, there will certainly be severe economic impact, for my family, the residents and property owners of this City, and the City of Kirkland itself. Many property owners, including ourselves, are prepared to go to great lengths to protect our investments.

After reviewing the proposed changes as made by the The Planning Commission, I have to strongly question the validity of the complaints, as claimed, by residents regarding the size of houses being built. Where are these complaints logged, validated and subsequently and appropriately communicated back to the public?

Secondly, I only learned about this significant proposal via a flyer I received 2 days prior to the meeting on the 8th of June. Provided the City felt such a significant need to invest my tax dollars to commission such a study with sweeping impacts to many, I have an expectation that further information regarding such a matter would have been more readily shared. I believe that the Waverly Park issue regarding dogs in late afternoons a few years ago received much more public notice of hearings than this issue has.

Next, in reviewing the proposed changes and reasons for making such broad changes, it appears that the real issue is not being address. In complaints received by the City, it appears to not so much be the size of houses, but rather their aesthetic appeal to the general community. And as outlined in the proposed changes, there are appropriate manners in which to manage this without the realizing severe economic impacts.

Lastly, I invested in my first Kirkland property years ago as I loved the City. But the City needs to also change with its residents and also maintain a balance of economic demands. If the demand for larger houses is being met with the inventory that is available, who is the City to impose a curb? Our first

7/6/2006

Kirkland house is a small cottage that we lived in for over 6 years knowing that if we were patient and sacrificed we would be subsequently rewarded when we finally built our dream home. Now to have the City impose changes to that dream home and to know we have to go back to the drawing board and readjust is both disappointing and appalling.

I cannot stress enough our strong opposition to these changes. I propose that **NO CHANGE** be the solution. I do not perceive a valid problem, nor is there clear evidence that there is a vast majority of parcel owners in favor of the changes. Furthermore, the solutions at hand are not appropriate for the limited banter that does exist.

Sincerely,

Shari McLaren
City of Kirkland Property Owner

July 6, 2006

To: The City of Kirkland Planning Commission
c/o Paul Stewart
cc: City Council Members
Cc: David Leen, Leen and O'Sullivan

Re: Opposition to proposed changes in FAR regulations

To Whom It May Concern:

I am writing today to voice my shock and concern regarding the proposed changes in FAR regulations. I am very much opposed to these Staff drafted changes. In fact, I believe that there should be **NO CHANGE** in current regulations, as proposed by the Staff at the City of Kirkland. I have detailed very specific points of interest in my argument. Should the City of Kirkland, the Planning Commission, the Kirkland City Council, and others involved ignore the overwhelming opposition, there will certainly be severe economic impact, for my family, the residents and property owners of this City, and the City of Kirkland itself. Many property owners and builders, including ourselves, are prepared to go to great lengths to protect our investments.

In addition, I urge the council to remove Janet Pruitt as the chair of the Planning Commission. Her inability to conduct herself in a manner fitting of the position is, in my opinion, directly evidenced by the fact that the commission lost control of the hearing at several times. She was clearly biased and favored those commission members and audience members with comments in favor of change. Her steering, physical reactions, unfair time policies, and conduct within neighborhood meetings should be of GREAT concern to the fellow Planning Commission members, the City Council, the Mayor, and the citizens of this community.

I have spent 10+ years in the real estate industry. I am a licensed real estate agent, a mortgage loan officer, a licensed escrow officer, and a licensed LPO. In addition, my husband and I have been actively involved in investing, building, developing, buying and selling in Kirkland for many years. I am very well versed and studied in numerous aspects of the marketplace, and speaking from personal and professional experience, I am stunned by the financial ramifications of the Staff's proposed changes.

These changes are both economically staggering, and seem to be unconstitutional. I have not seen the City's model for economic impact that these changes will cause, but in my own research and study, the numbers are staggering. The money lost in decreased home values are hundreds and hundreds of thousands of dollars, for homeowners, investors, builders, real estate agents, the City of Kirkland, King County, and the State of

Washington. In addition, this impact will trickle down into all construction trades, mortgage lending, and title companies, just to name a few. All industries that benefit from the physical size of the home as well as the sales price will be affected.

A. Validity of concerns prompting change

In a memo dated May 19, 2006, to the Planning Commission from Eric Shields and Michael Bergstrom, section II, subsection A, states that the staff members and council members have heard, over the past year, concerns that prompted the staff to draft changes to the system. What system was in place to validate, manage, and review these concerns? What is the protocol for dealing with concerns? The proposed changes have severe economic impact on so many. For such a gravely serious issue, the City surely has to follow protocol before investing staff hours to rewrite such serious regulations. What is this protocol? I have seen processes in the past, brought before and ratified by the City Council, that were NOT given due process, even admittedly by a Council Member himself. It is widely believed that a very small group of people is behind the concern for change. Yet such a large majority of residents, investors, and developers will be gravely impacted.

B. Lack of public notice

Frankly, I am appalled at the lack of notice we, as property owners, have received on such a serious matter. Had I not read the damp neighborhood newsletter left under my mat, I would have not received any notice whatsoever. When developing in the City, principals are required to mail notices to adjacent/impacted parcel owners. In addition, they are required to post public notice signs on the property being changed. These requirements are applicable even when operating within existing regulations. As I compare that process to one undertaken for these proposed changes, there is clearly a vast difference in responsibility, even when the stakes are so much higher and all-encompassing. In other words, the City has not delivered any notice to parcel owners affected in CHANGING EXISTING REGULATIONS. This is an unjust imbalance in the system.

C. Define problem

What is the problem? In the limited meetings I have known to occur within the neighborhood associations, the comments are not suited to the solutions proposed by the Staff. In an email submitted to the City by Mr. Jeff Peterson, dated April 26, 2006, this issue was addressed in reference to the neighborhood meeting held. The statement that a woman did not want a big ugly box next to her is a perfect example of this issue. There have been several instances that truly point to design issues, and personal taste, which is not consistent with FAR changes. In an email submitted to the City by Mr. Peter Bartnick, dated May 4, 2006, two of his suggestions for FAR credits are based on design concepts. He mentions the curb appeal of putting garages in the rear of the property, and having front porch structures that appear "friendly" from the street. These are

concerns that are NOT addressed by the City's Staff recommendations. By using these solutions to the people's concerns, I believe the City to be creating a landscape of large, seemingly appealing house, and small ugly houses, all by using the FAR as a puppet and a band aid to a much different issue. I can tell you for certain, my house is maximizing the FAR allowed on my lot. Yet, upon completion of construction this winter, we have had countless neighbors and residents stopping by to compliment us on the design and attractiveness of our home.

D. Market demands do not warrant change

Have you been in the neighborhoods in the last few years? Homes are selling, and selling fast. These homes are NOT on the market long at all. There is a frenzy for buyers in the market for larger homes, and prices are reflecting this demand. In addition to this demand, builders are buying lots that financially are sensible investments for their building projects, due to the demand. In an email to the City by Mr. Lew Bodman, dated May 1, 2006, affordable housing is addressed in respect to FAR. He mentions that the price of homes in the area are out of most people's budgets. In looking at statistical data, I am of a very different opinion. However, all of that aside, is the City of Kirkland willing to control and influence the financial demographics of the city by imposing building regulations? This is both an example of poor, inappropriate government and bad business.

E. Financial impact to City of Kirkland

Why in the world would the City of Kirkland impose changes that take money out of their own pocket? Again, why in the world would the City of Kirkland impose changes that take money out of their own pocket? Consider this simplified example: under the proposed changes to FAR regulations, the owner of a 5000 square foot lot may be subject to a 10% decrease in FAR, and at maximum value, could result in a home of 2500 square feet instead of 3600 square feet. This reduces the size of the home by 30%. Using an average of the City of Kirkland's property tax levy codes, and an estimated decrease in tax assessed value of \$300,000 due to a smaller home being built, this equates to \$2781/yr on just one home! Now, consider excise tax when this home sells. Of the 1.78% charged in the sale of the home, 0.28% is considered local tax. At the estimated value of \$325/sqft for a new home of this size (non-view), the City of Kirkland is choosing to NOT collect \$1001 each time someone sells this one home. (As an interesting side note, the State of Washington would be losing \$5362.50 in that example. What would they think of that?) Is our City budget in such a surplus that the Staff members are comfortable turning down this revenue, and compromising the State's share of those taxes? The last time I reviewed the budget, the City was not operating within budget. In considering 100 units for this example, that adds up to \$278,100/year in forfeited property taxes, \$100,100 in excise tax lost locally, and \$536,250 in excise tax loss for the State.

F. Economic impact to property owners and builders

Every builder and property owner's equations for land-to-home cost ratio are different. For argument's sake, consider the land portion of the builder's equation to be 1/3 of the cost of the project, which is conservatively stated, and in line with current appraisal standards. In the case of view homes, this proportion is MUCH higher. If the above mentioned home from Section E, which is compromised by 1100 square feet, or 30%, then a builder will likely look to reduce the cost of the land proportionately. For those builders and property owners who have already invested in land, they will have a very hard time sinking this loss into the sales price of the home. Lost revenues will be astounding. In an email to the City from Joe Bergevin, President of Bergevin Homes, dated May 26, 2006, he addresses this point specifically, and on the city-wide scale. He gives a very realistic scenario of "\$125 million dollars in today's new home market value (being) at stake." For future purchases, the builder will not pay as much money for the same lot, under proposed FAR regulation changes, therefore taking money out of the pocket of the existing property owner. If a homeowner was selling a property to a builder for \$500,000, a realistic value in today's market for non-view property, the future value of this same lot, under the proposed FAR changes, will be reduced proportionately to compensate for the loss in value of the final product. These changes significantly undermine current and future values of real estate.

G. Affordable Housing

As mentioned above, the affordable housing dilemma is not accurately addressed with FAR changes. Is the City willing to impose FAR regulations city-wide to assist in providing affordable housing? Not only is that an inappropriate means for promoting affordable housing, but it will most likely have an adverse, inflationary effect on the smaller homes. Until the land prices drop proportionately, homes of smaller size will be demanded at a higher price/square foot basis. That will be especially apparent in view homes, to such a higher degree.

In addition, consider what the detached ADUs provide: A family can own an adequately sized home, and either work out of their ADU as an office, provide a dwelling for aging parents, rent to local college kids, or others in need of such similar housing, all which allow that family to cut expenses/add rental income, thus making that property more affordable.

H. Intention of the RS 5.0 Zoning

The RS 5.0 Zoning is a residential area created as a transition zone from the multi-family areas to the more desirable 7.2+ zoning. These areas lie between LARGE residential structures, both in size and units, and the ideal spaces for homes. Doesn't it make sense to taper and transition the multi-family structures that are proportionately very large for their lots, down to a situation that the homes are moderately, proportionately larger, to the ideal sized home on the low density, residential lot? This should be a transition, just as the spirit of these zones was intended.

I. **Due diligence on part of all buyers/property owners**

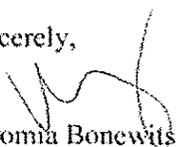
When we invested in property in Kirkland, we were careful to research the factors we considered important. We analyzed countless factors when wisely choosing our investments. For us, one of those items of importance was the size of home we would be able to build. In determining that size, we were able to determine a price for the land we purchased, using a land-to-home cost scenario, and current market prices for homes, as expressed in price/foot. In following through with the Staff recommendations for changing FAR requirements, the City of Kirkland is taking money from my family. It is black and white. **What liability will the City assume in significantly devaluing our investments?**

This question will be explored aggressively, by myself and many, many others, should the City make such a foolish decision to approve of these FAR changes. What about the people that have supposedly raised issue with big homes being built next door to them? Whether the basis of their concerns be design or size, one thing comes to mind: Did these property owners perform their due diligence when purchasing their properties? If size and design are so important, careful research would have given these residents indication as to what may be built beside their home. Perhaps a neighborhood of less density or with strict architectural standards may have been more well-suited. However, my financial investment should not be compromised due to their lack of investigation, self-education, research, and awareness.

I cannot stress enough our strong opposition to these changes. I propose that **NO CHANGE** be the solution. I do not perceive a valid problem, nor is there clear evidence that there is a vast majority of parcel owners in favor of the changes. Furthermore, the solutions at hand are not appropriate for the limited banter that does exist.

I move that there be additional hearings and time for residents to submit and discuss their concerns. The Planning Commission chose June 8, 2006, for their Public Hearing. However, Kirkland's one major high school has graduation on this same date. Thousands of residents could not be in attendance tonight, as they are honoring their children for their graduation accomplishments. At this very meeting, the people witnessed a VERY BIASED chairperson in Janet Pruitt. I feel very strongly that she should be removed as chair for this issue, and possibly others. It is very clear that she is not able to conduct these hearings and neighborhood meetings with the standard of care and professionalism that is both required and expected by a person in such a position.

Sincerely,



Wyomia Bonewits

425-444-6499

wyomia@comcast.net

Paul Stewart

From: Barbara Trunkhill [btrunkhill@earthlink.net]
Sent: Tuesday, July 04, 2006 7:24 PM
To: Paul Stewart
Subject: Floor Area Ratios - File NO. ZON05-00019
Attachments: 2006-07-04 To Planning Commission BET.doc

To Paul Stewart,

I have some concerns I'd like to express in regards to the proposed regulations for Floor Area Ratios. I have written out my thoughts and they are included in the attached document.

Please forward this on to the Planning Commission for their consideration.

Thank you,
Barbara Trunkhill

July 4, 2006

To: Kirkland Planning Commission

Re: Floor Area Ratios
File NO. ZON05-00019

I'm writing with a sense of discouragement because I've come to doubt that the voices of the citizens of Norkirk carry much weight with the Planning Commission. Time and again when there were meetings or petitions or work groups, the neighborhood expressed the desire to reduce the bulk and size of new homes. Rather than hearing and responding to what's already been expressed, the issue is postponed time and again until the everyday folks just weary of the battle. Perhaps that's been the city's intent all along.

So I wonder if it will do any good to express my concerns. But I really do care about the neighborhood in which I live. So here are my comments on the Floor Area Ratio issues.

1. **Do whatever's possible to minimize the appearance of bulk.**
The citizens of Norkirk have expressed their concerns in this regard time and again. It will be difficult to maintain a neighbor friendly city if the houses look like mansions, dominating the surroundings.
2. **Smaller lots should have smaller houses.**
There should be a sense of proportion to the homes being built. Norkirk in particular has had a mix of home sizes and styles over the years. Just such variety encourages the type of neighborhood we'd like to live in.
3. **The builders will always look to maximize their profits, but whatever restrictions they face won't keep them from further development in Norkirk.**
Smaller houses and/or innovations about how to restrict the appearance of bulk could actually encourage the builders to mold new homes to better fit the size and shape of each particular lot. Our neighborhood has proven to be so desirable that they should have no problem making up for smaller building sizes by the appearance and amenities they choose to provide.
4. **The planning process weighs in favor of development.**
The people of the neighborhood have spoken up several times in spite of lack of information and a process that drags on and on. But none of that seems to carry any weight. So it's no wonder that only the developers remain standing at the end of the day.

In making the decision about floor area ratios I would ask you to look back to past comments from the Norkirk neighborhood. Consider the petitions that were signed that included a concern about the bulk and size of new homes. Consider the results of the Norkirk working groups that also expressed these concerns. And consider the comments during neighborhood meetings that once again stressed that the size of new homes has gotten out of hand.

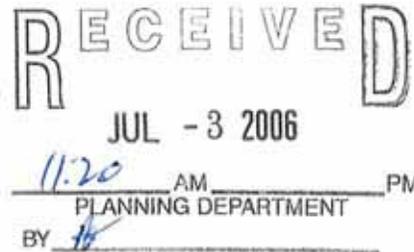
If you've ceased to hear these concerns at this late stage, it's not because we've changed our minds. It's more a matter that you've just plain worn us out. How many times do we have to say the same thing? Most likely the *voices being heard at this point in the process reflect the opinions of builders and developers who have the most financial interest at stake and thus have the staying power to remain in the game until the bitter end.*

Please, please remember the voices of the many and opt for reducing bulk and limiting size in a reasonable manner. The citizens of the neighborhood have expressed these concerns time and again. Hopefully, you will remember our voices as you make your decision.

Sincerely,

Barbara Trunkhill

10522 NE 48th Place
Kirkland, WA 98033
June 29, 2006



City of Kirkland
Planning Commission & City Council
123 5th Avenue
Kirkland, WA 98033

Dear Planning Commissioners and City Council Members:

I wish to comment on the proposed changes to building requirements. I am in favor of more restrictive requirements; in fact, I wish that more limitations were being considered. I am alarmed at some of the houses that have been, and are being, built in Kirkland. I consider that the proposals are baby steps in the right direction, but I have grave doubts that these modest proposals will make a noticeable change in what can be built. I know that a lot of work has been done by staff in researching and coming up with these proposals, but I implore the City Council to open up the issue and consider more sweeping changes that will have a real impact.

Counting vaulted spaces twice in the square footage calculation should reduce some of the volume in the homes being built; I support allowing no more than a 10-foot ceiling height before a space would be counted twice. I think that the accessory units (or at least a substantial portion of the square footage) should count also. The distance that architectural features can protrude into setbacks should be reduced. However, I fear that these will not have a significant impact on the mass of houses being built, since the prevailing mentality seems to be to build the maximum allowable house on a lot. I have heard testimony that the imposition of the FAR regulations on some particular huge houses that loom on their lots, would make no appreciable difference. It appears that a more stringent approach is called for, & I urge the Council to look into one as soon as possible.

Also, the proposed changes are perceived as complex; perhaps tweaking the well-established measurements of lot coverage & setbacks would be a better way to go. That would undoubtedly be perceived as onerous by builders, but at least would be easy to understand & measure. What about decreasing the percentage of a lot that can be covered with impervious surfaces by 10% or more? I have read that other communities have decreased the amount of lot coverage allowed to 45% or less, in an attempt to restore a sense of scale to new houses. Features like driveways, porches, decks, etc. should be included in this percentage. Increasing the setback requirements would also help significantly to buffer new houses from those of their neighbors. I think this would be a more straightforward approach. Another idea I heard mentioned was to come up with a formula for the maximum allowed volume of a house, though it sounds like it would be harder to measure & enforce.

I think that a role of city government is to set regulations for the common good. Sadly, that is not the motivation for many builders and homeowners. It is for the common good that there be enough unbuilt space on a lot for the sake of the environment, for the rain water to soak in, and for plants including big trees to grow and help improve our air quality and climate, and for the benefit of birds and wildlife. When houses are built close together, there is not enough room for significant trees and plantings. The builder who erects a house to the maximum allowable size, gains a benefit from a neighboring lot which has more room for mature plantings. He should be required to leave enough space on the new house's lot for such plantings.

The fact that many lots are being subdivided has a huge impact on the loss of trees and land to soak up rain. I have seen many a lot that was previously wooded, or had one smallish house, be cleared and have numerous big houses built, with token landscaping. Instead of these big houses, I would like to see smaller ones occupying less of a footprint on each subdivided lot.

I understand that some of the homes in Kirkland are of an age and condition such that they need to be replaced. I would like to see them replaced (if that is the decision made) with houses of an appropriate scale to their lots. The big new houses that I admire are ones that are sited on big lots with ample space around them so that they do not look cramped on their lots. If people want a big house, they should get a big lot for it. It would be nice for the city to have a wide variety of house sizes, that are in scale with their lots. The builders & real estate people have been well-organized in their opposition to any restrictions. If the City wishes to gauge the opinion of homeowners in Kirkland, I suggest that a poll or survey be conducted.

I do not believe the argument that there is no market for smaller houses. There are many baby boomers and empty-nesters who wish to downsize, as well as people without children, and families who choose to have a smaller impact on the planet. I recommend the book by Sarah Susanka, *The Not So Big House*, and others in her series. She describes and gives many examples of features that make a house a home for families of assorted sizes.

The argument that more restrictive regulations will lower the value of properties does not hold merit. Think of Carmel, California and Santa Fe, New Mexico. Properties there are highly valued, the more so because of the value placed on aesthetic considerations that are part of the regulations. If regulations serve to make the whole community a more beautiful area, then property values are enhanced. Let Kirkland forge its way into being a leader in livable, rather than overbuilt, residential neighborhood design.

Sincerely,

Jennifer Linden

From: Per-Ola Selander [mailto:p-o.selander@comcast.net]
Sent: Thursday, June 29, 2006 1:38 PM
To: James Lauinger; Joan McBride; Dave Asher; Mary-Alyce Burleigh; Jessica Greenway; Tom Hodgson; Bob Sternoff
Cc: Eric Shields; David Ramsay
Subject: Planning Commission's meeting + copy of letter to the Commission

Dear Council members,

Please find attached a letter that I handed over to the Planning Commission during the June 8th meeting.

That meeting was a farce, but it was NOT due to lack of hard work of the Commission under Janet Pruitt. My opinion is that part of the chaos that we saw during the meeting stemmed from parties in the audience being disrespectful to the process, and to those of us who had, and still have, dissenting views. Some even resented to scare tactics about "reduced tax revenue for the City" if new construction was not allowed, etc, etc. If that was the concern, one (very smart) person in the audience just pointed out that we could always become a Belltown and allow for only condos. That should increase the property tax base. I think most of who currently live in Kirkland now and then complain about the property taxes, but we also do want to pay for the quality of life this City provides for.

But, I believe and many with me that we have to do something about the "Luxification" of Kirkland. Reducing the FAR on a small number of lots west of Market, or adding new restrictions might not be the best way, but **something** has to be done! Once the eclectic mix of houses we have in Kirkland has been replaced by new "McMansions", this place will no longer be what we have become used, and the quality of life we so dearly paid for will be gone.

The other day, I walked again, from where we live to downtown. Between 20 and 30 minutes depending on speed and route. Once again I see "good" houses demolished, lots being subdivided, and builders utilizing the rules to the very maximum in order to squeeze in something that barely fits on a certain lot.

A few builders/owners build big, but they build big on BIG lots, and I salute them for that. Still fewer takes an old structure and restores/updates it, w/o impacting the neighborhood in a negative way - likely because there are so few incentives to "keep" houses.

There was a really good article in Seattle Times earlier in the spring about a Ballard based builder who saw the economics in buying older homes, updating them, and selling them for less than new comparable new construction. A new owner would not only get a house with character, but fully modernized home that also one that strives to retain the character of the neighborhood.

Planning Commission's meeting last week was "business as usual" and we were only a 3 or 4 in the audience that stayed the course until 11 PM. The meeting was conducted properly and progress was made. Even though I might not agree with the views of all members, I salute them for working late nights for the "bettering" of our city. I will try to attend more of these meetings since time is really running out for Kirkland. The number of older houses in certain neighborhoods are getting low, and I live in a neighborhood (Juanita/Little Finn Hill) that seem to be the next target for the developers.

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<<...>>

Where is Kirkland Heading?

Open Letter to the Planning commission:

Cc: City Council

I am writing you, all of you, to ask you to do the following:

Take a very hard look at Kirkland today - and where we are heading as a city. I do not think anyone of you want to live in a future "*Luxville*" or "*Luxland*", to give just two examples of appropriate names.

Kirkland - the city I love so much that I left my (well paid) job in order to remain up here instead of moving to a (financially brighter) future in Texas - that city is changing at a dramatic pace.

I saw Kirkland first time in the fall of 1994 and I like what I saw. In 1998 I had managed to relocated from Dallas to Bellevue (our office was in Kirkland, Yarrow Bay). In late 1999, I met a "girl" at Grape Choice, a girl that in July of 2000 became my wife. In September of the same year we found our house in Kirkland (we actually started west of Market, but settled on Little Finn Hill, across from the Juanita Bay Park due to the view).

But the Kirkland we settled in is no more - it has changed. Dramatically!

Perfectly good houses with nice yards are being torn down, only to be replaced with 1 or 2 oversized boxes, with zero to no yard left - if one does not count the chunk of concrete leading up to the garage...

Houses that would be perfect candidates for a good remodel, are disappearing weekly. Just take a walk somewhere East of Market or in our neighborhood. I walk the dog several times a week, and not one week goes by without me passing a new "development". It leaves me in a mixed state of shock and anger. What is happening to "my" city?

Don't take me wrong. Good things are happening as well. Big houses are being built, big houses on big lots (along Waverly Way). That provides both for some type of aesthetic ratio - houses size relative to yard size - as well as keeping the neighborhood open. New developments; Juanita Village, Kirkland Avenue, Tera, The Villas, are both desired and needed to accommodate more people. But, when (good) houses are being torn down for "nothing", and being replaced by what many are calling McMansions - or maybe they'd better be called "McCraftsmans", the neighborhoods are going through too much of a change in too short time.

The developers don't care what happens to a neighborhood. They are ONLY in it for the short term profit. They "smack" up these new houses, sell them for huge \$\$\$\$, neighbors at arm's length. The buyers like it because they can finally get a sought-after Kirkland address. They do not know any better (they do not know what Kirkland was like), but they will eventually start to notice the changes as well. Changes that eventually will make their huge investment seem less sound. And more importantly, the changes once implemented, are probably impossible to turn-around.

We, the residents of Kirkland, compared to the developers, care about our city. Not just the short term profit when we one day sell our house, but the overall quality of life in the city. Without the quality of life, there are no future property values to care for, or worry about.

We care about housing density (we do not like it), we care about green areas (we like them), we care about the views, the openness, the trees that are left, the ease in our walk to downtown for a coffee or a bite to eat, we care about our parks, we care about our streets, the traffic density and (lack of) side walks.

Yes, Kirkland can grow. I am aware that we have to grow, or rather allow for more people to live inside our boundaries. We can do that easily; we can become a "Belltown" with just new condo complexes, we'd make the Olympia Lawmakers/King County Council happy, but we would not make ANYONE (except for the developers) happy in Kirkland. We would be more accommodating to people NOT living here, than to us, the residents of Kirkland. The ones who actually defines what "is" Kirkland today and tomorrow.

One could say that that is the way the city acts in many ways today, seems like it cares more for the people who do not live here - but want to - than for the people already living here today. Kirkland has - until annexation expands it - a given limited physical footprint. "Squeezing" in more people inside this "box", regardless what the GMA says, is simply not feasible without changing the very nature of our wonderful city - a city that would be nothing without its (current) residents.

I therefore urge you, commission members, to take a very hard look at how we manage growth and allow for new developments - even if it is only one or a few houses. If we need to abide by the GMA, lets do so in areas that are already "dense" (downtown, Totem Lake, North Juanita, Yarrow Bay); build more condos, apartments, taller structures in those areas, but do not change the wonderful openness we have out in the single family/dwelling neighborhoods.

Older home owners are being "pushed out" by developers using various tactics of intimidation, lofty promises, and over development. After a while, you just do not feel "at home" when your neighbor suddenly erects a gigantic house, spends lavishly on all types of "stuff", making the house where the older couple has been living for the past 40 years looking more like a dump - a house that was actually quite nice as long as you compared it to what was common in the neighborhood.

There was a very good article in Seattle Times a few months back about a developer in Ballard. He bought up old houses, gutted them, upgraded them and resold them in great condition - while keeping the both the older style and the quality of the craftsmanship. We can do that in Kirkland as well. People would be willing to pay for it, but for a developer it is trickier and more "complicated" than starting with a clean sheet of paper. So, why should they do it? There's no immediate incentive.

When talking about the craftsmanship, many of us are joking that there is a lot of very expensive "temporary housing" going up in Kirkland today. I can bet that many of the houses being built, will no longer be around - due to shoddy building practices/poor design - in 40 years. On the other hand, the house I am sitting in, was built some 45 years ago, and with some minor upgrades, I am sure it will be around for the coming 45 years as well - as long as no developer succeeds in pushing me out!

Per-Ola Selander
Kirkland

10522 NE 48th Place
Kirkland, WA 98033
June 29, 2006

RECEIVED

JUL - 3 2006

11:20 AM
PLANNING DEPARTMENT PA
BY *fr*

City of Kirkland
Planning Commission & City Council
123 5th Avenue
Kirkland, WA 98033

Dear Planning Commissioners and City Council Members,

I wish to comment on the proposed changes to building requirements. I am in favor of more restrictive requirements; in fact, I wish that more limitations were being considered. I am alarmed at some of the houses that have been, and are being, built in Kirkland. I consider that the proposals are baby steps in the right direction, but I have grave doubts that these modest proposals will make a noticeable change in what can be built. I know that a lot of work has been done by staff in researching and coming up with these proposals, but I implore the City Council to open up the issue and consider more sweeping changes that will have a real impact.

Counting vaulted spaces twice in the square footage calculation should reduce some of the volume in the homes being built; I support allowing no more than a 10-foot ceiling height before a space would be counted twice. I think that the accessory units (or at least a substantial portion of the square footage) should count also. The distance that architectural features can protrude into setbacks should be reduced. However, I fear that these will not have a significant impact on the mass of houses being built, since the prevailing mentality seems to be to build the maximum allowable house on a lot. I have heard testimony that the imposition of the FAR regulations on some particular huge houses that loom on their lots, would make no appreciable difference. It appears that a more stringent approach is called for, & I urge the Council to look into one as soon as possible.

Also, the proposed changes are perceived as complex; perhaps tweaking the well-established measurements of lot coverage & setbacks would be a better way to go. That would undoubtedly be perceived as onerous by builders, but at least would be easy to understand & measure. What about decreasing the percentage of a lot that can be covered with impervious surfaces by 10% or more? I have read that other communities have decreased the amount of lot coverage allowed to 45% or less, in an attempt to restore a sense of scale to new houses. Features like driveways, porches, decks, etc. should be included in this percentage. Increasing the setback requirements would also help significantly to buffer new houses from those of their neighbors. I think this would be a more straightforward approach. Another idea I heard mentioned was to come up with a formula for the maximum allowed volume of a house, though it sounds like it would be harder to measure & enforce.

I think that a role of city government is to set regulations for the common good. Sadly, that is not the motivation for many builders and homeowners. It is for the common good that there be enough unbuilt space on a lot for the sake of the environment, for the rain water to soak in, and for plants including big trees to grow and help improve our air quality and climate, and for the benefit of birds and wildlife. When houses are built close together, there is not enough room for significant trees and plantings. The builder who erects a house to the maximum allowable size, gains a benefit from a neighboring lot which has more room for mature plantings. He should be required to leave enough space on the new house's lot for such plantings.

The fact that many lots are being subdivided has a huge impact on the loss of trees and land to soak up rain. I have seen many a lot that was previously wooded, or had one smallish house, be cleared and have numerous big houses built, with token landscaping. Instead of these big houses, I would like to see smaller ones occupying less of a footprint on each subdivided lot.

I understand that some of the homes in Kirkland are of an age and condition such that they need to be replaced. I would like to see them replaced (if that is the decision made) with houses of an appropriate scale to their lots. The big new houses that I admire are ones that are sited on big lots with ample space around them so that they do not look cramped on their lots. If people want a big house, they should get a big lot for it. It would be nice for the city to have a wide variety of house sizes, that are in scale with their lots. The builders & real estate people have been well-organized in their opposition to any restrictions. If the City wishes to gauge the opinion of homeowners in Kirkland, I suggest that a poll or survey be conducted.

I do not believe the argument that there is no market for smaller houses. There are many baby boomers and empty-nesters who wish to downsize, as well as people without children, and families who choose to have a smaller impact on the planet. I recommend the book by Sarah Susanka, *The Not So Big House*, and others in her series. She describes and gives many examples of features that make a house a home for families of assorted sizes.

The argument that more restrictive regulations will lower the value of properties does not hold merit. Think of Carmel, California and Santa Fe, New Mexico. Properties there are highly valued, the more so because of the value placed on aesthetic considerations that are part of the regulations. If regulations serve to make the whole community a more beautiful area, then property values are enhanced. Let Kirkland forge its way into being a leader in livable, rather than overbuilt, residential neighborhood design.

Sincerely,

Jennifer Linden

Michael Bergstrom

From: "Paul Stewart" <PStewart@ci.kirkland.wa.us>
To: "Michael Bergstrom" <bergstrommike@msn.com>
Sent: Thursday, June 29, 2006 4:05 PM
Attach: Where is Kirkland Heading.doc
Subject: FW: Planning Commission's meeting + copy of letter to the Commission

FYI

From: Per-Ola Selander [mailto:p-o.selander@comcast.net]
Sent: Thursday, June 29, 2006 1:38 PM
To: James Lauinger; Joan McBride; Dave Asher; Mary-Alyce Burleigh; Jessica Greenway; Tom Hodgson; Bob Sternoff
Cc: Eric Shields; David Ramsay
Subject: Planning Commission's meeting + copy of letter to the Commission

Dear Council members,

Please find attached a letter that I handed over to the Planning Commission during the June 8th meeting.

That meeting was a farce, but it was NOT due to lack of hard work of the Commission under Janet Pruitt. My opinion is that part of the chaos that we saw during the meeting stemmed from parties in the audience being disrespectful to the process, and to those of us who had, and still have, dissenting views. Some even resented to scare tactics about "reduced tax revenue for the City" if new construction was not allowed, etc, etc. If that was the concern, one (very smart) person in the audience just pointed out that we could always become a Belltown and allow for only condos. That should increase the property tax base. I think most of who currently live in Kirkland now and then complain about the property taxes, but we also do want to pay for the quality of life this City provides for.

But, I believe and many with me that we have to do something about the "Luxification" of Kirkland. Reducing the FAR on a small number of lots west of Market, or adding new restrictions might not be the best way, but **something** has to be done! Once the eclectic mix of houses we have in Kirkland has been replaced by new "McMansions", this place will no longer be what we have become used, and the quality of life we so dearly paid for will be gone.

The other day, I walked again, from where we live to downtown. Between 20 and 30 minutes depending on speed and route. Once again I see "good" houses demolished, lots being subdivided, and builders utilizing the rules to the very maximum in order to squeeze in something that barely fits on a certain lot.

A few builders/owners build big, but they build big on BIG lots, and I salute them for that. Still fewer takes an old structure and restores/updates it, w/o impacting the neighborhood in a negative way - likely because there are so few incentives to "keep" houses.

There was a really good article in Seattle Times earlier in the spring about a Ballard based builder who saw the economics in buying older homes, updating them, and selling them for less than new comparable new construction. A new owner would not only get a house with character, but fully modernized home that also one that strives to retain the character of the neighborhood.

Planning Commission's meeting last week was "business as usual" and we were only a 3 or 4 in the audience that stayed the course until 11 PM. The meeting was conducted properly and progress was made. Even though I might not agree with the views of all members, I salute them for working late nights for the "bettering" of our city. I will try to attend more of these meetings since time is really running out for Kirkland. The number of older houses in certain neighborhoods are getting low, and I live in a neighborhood (Juanita/Little Finn Hill) that seem to be the

6/29/2006

next target for the developers.

Per-Ola Selander
10830, 101st Avenue NE
Kirkland, WA 98033
+1-425-827-2363 Home
+1-425-894-5339 Mobile
p-o.selander@comcast.net

<<...>>

Paul Stewart

From: Jeremy M [jeremym@pcsmillwork.com]
Sent: Monday, June 26, 2006 11:30 AM
To: Paul Stewart
Subject: FAR CONCERNS

Hi I feel the Far and zoning issues are not a valid recommendation and that there are only a few home owners that are causing this huge issue and that there are way more people interested in making money than loosing it. If the changes go through I feel the builders and home owners will loose out and that the future home owners will eventually pay the cost because builders are only going to raise prices and be forced to build smaller homes for more. I hope you will reconsider the proposal and not in any way allow a few people to ruin it for every one. So this is how I feel and I am completely against every single part of this recommendation. I live on 327 8th ave.

Thank You,

Jeremy Malsam
Team Manager/Sales
PCS Millwork, Inc.
18715 141st Ave NE
Woodinville, WA 98072
Cell: (206) 396-5590
Email: jeremym@pcsmillwork.com

Paul Stewart

From: Margaret Carnegie [carnegiema@netzero.com]
Sent: Thursday, June 22, 2006 9:15 AM
To: Paul Stewart
Subject: FAR

Dear Mr. Stewart,

I was unable to attend the former meeting to give my opinions on the "floor area ratio" issue, so am now providing some input.

I think the size of many recently built houses are out of proportion for the land they sit on. It seems to me that a 50% floor area ratio on a 5000 square foot lot should be the maximum allowed. I personally would prefer an even smaller ratio. And then there are the exceptions, such as the 18 inch rule for side setbacks or decks and basements with no more than 6 feet exposure above ground, that make the houses even bulkier and should not be allowed. I believe the 50% FAR for a 5000 square foot lot, without exceptions, is more than enough. That limit would make the area more appealing for everyone, while still allowing for substantial house size.

Also, at a recent North Rose Hill Neighborhood Association meeting the FAR issue came up and several people expressed similar opinions, while no one expressed the opposing view. I believe most Kirkland citizens favor the reduced FAR, and therefore as acting NRHNA Chair as well as for myself, am offering this information for your consideration.

Sincerely,

Margaret Carnegie 11259 126th Ave. N.E. Kirkland, WA 98033 425-822-2146

Paul Stewart

From: Mike Nykreim [mike@kirklandbuildersgroup.com]
Sent: Thursday, June 22, 2006 5:19 PM
To: greenetr@aol.com
Subject: RE: FAR presentation

Thanks, absolutely super, so can you forward this to:

Paul Stewart [PStewart@ci.kirkland.wa.us]

Mike Nykreim

Kirkland Builders Group

mike@kirklandbuildersgroup.com

101 10th Ave

Kirkland, WA 98033-5522

tel: 425.827.2234

fax: 425.828.8951

mobile: 425.466.2611

From: greenetr@aol.com [mailto:greenetr@aol.com]
Sent: Thursday, June 22, 2006 1:05 PM
To: mike@kirklandbuildersgroup.com
Subject: FAR presentation

My wife and I spent ten years, off and on, looking to move to Kirkland. We feel fortunate to have finally been able to move into our new home this past February. I understand that the planning commission is considering some changes to the floor area and lot size ratios. We would like to weigh in in favor of some of the changes, *We all abhor the mega house-minimum lot look. However, a balance needs to be struck that allows people of more normal incomes to afford to build here.* We are on a 5000 square foot lot. Under some of the commission's proposals, we would have lost 500 square feet of our house. Since 3000 square feet of our house includes the garage, we were left with only 2400 square feet of living space. Of that, the elevator takes up 36 square feet per floor, or another 100 square feet. The 500 square feet that we would have lost from the proposal allowed us to have an elevator (so that we can stay here as we age), an extra garage space, and other necessary features. As empty nesters, having but three bedrooms is fine. Nevertheless, if you allow too restrictive of a floor area-to-lot ratio, then the diversity and the families will be shut out. These are the qualities that make a home unique.

The current system has been abused, but couldn't that be handled in an architectural review? That way, new in-fills could "fit" with the houses around them. Surely, this current proposal will push us (Kirkland) to the DINKS (Dual Income No kids) That would be counter productive.

Paul Stewart

From: Bartnick, Peter A [peter.a.bartnick@boeing.com]
Sent: Wednesday, June 21, 2006 4:09 PM
To: Paul Stewart
Subject: RE: Update on Single Family FAR Regulations

Hi Paul,

Since I can still officially comment, please include this focused rewrite of our earlier e-mail exchange in the comments to include for planning commission consideration:

Current trends in neighborhood land use rule making reinforce that cars/garages in back and the value of alleys (as a means to do that) are big parts of a "traditional" neighborhood. And using those concepts allow for greater density with little impact on quality of life. (see link - <http://mlui.org/growthmanagement/fullarticle.asp?fileid=17057>)

Norkirk's situation is to preserve and encourage retaining and adding to our housing stock as we undergo the "tear down/infill" approach to urban renewal.

That is big part of my concern with the current recommendation to lessen the incentive to build garages (with or without an ADU) separate from the main structure. The separate structure concept can contribute to housing choice and cars in back (whether there in an alley or not, if the rules add that stipulation), both parts of the Comp plan goals. Why do we want to reduce the incentive to build them???

Rather than address the separate structure issue through the FAR tool (a blunt instrument that will discourage "good" separate structures (garages in back, more housing choice through ADUs that "fit" in the neighborhood, etc.). It should be addressed by design rules (based on Comp Plan Goals) that reward good ones (in sync with comp goals) and discourage bad ones (not in sync with comp goals).

Thanks

Peter A. Bartnick

BCA Eng. ACIP, Liaison, & Admin. Support Cust. Relationship Mgmt. (CRM)
 (425)237-2922, 67-HH, Pager (206)416-3381

From: Paul Stewart [mailto:PStewart@ci.kirkland.wa.us]

Sent: Wednesday, June 21, 2006 2:52 PM

To: billv@kirklandchamber.org; Barbara Loomis; Bob Burke; Bob Cornish; christophe@tennysonhomes.com; crafthomes@comcast.net; Cristina Myers; CurtG@gelotte.com; D. Jean Guth; dankr@tpnevents.com; don.stenquist@verizon.net; donjwinters@comcast.net; ddavis@hallmarkrealty.com; ecampbell@camwest.com; gegriffis@aol.com; irish_2@yahoo.com; Jeff Peterson; Jim Tennyson; Joe Bergevin; John Kemas; jrjordan@isomedia.com; katell32@yahoo.com; Kristen Terpstra; LAHein@washingtonea.org; lewbodman@verizon.net; Liz Hunt; lorenfeldman@msn.com; m.eliasen@verizon.net; magriff@verizon.net; m.redmayne@gmail.com; mary@redmaynes.net; MFeldman@portblakely.com; Michael.Jackling@phs.com; mike@kirklandbuildersgroup.com; mikethebuilder@comcast.net; Bartnick, Peter A; PSteinfeld@karrtuttle.com; ramulin@hotmail.com; Samar Mahkloug; Scotty51Lass@aol.com; steveandtrudy@comcast.net; stoneyage@msn.com; Tavigny1@aol.com; Tena.Givens@mackie.com; Tim Attebery ; todd@mossbay.biz; trennaker@capstone-partners.com

6/21/2006

Paul Stewart

From: Paul Stewart
Sent: Wednesday, June 21, 2006 2:52 PM
To: (billv@kirklandchamber.org); Barbara Loomis; Bob Burke; Bob Cornish; christophe@tennysonhomes.com; crafthomes@comcast.net; Cristina Myers; CurtG@gelotte.com; D. Jean Guth; dankr@tpnevents.com; don.stenquist@verizon.net; donjwinters@comcast.net; Doug Davis (ddavis@hallmarkrealty.com); ecampbell@camwest.com; gegriffis@aol.com; irish_2@yahoo.com; Jeff Peterson; Jim Tennyson; Joe Bergevin; John Kemas; jrjordan@isomedia.com; katell32@yahoo.com; Kristen Terpstra; LAHein@washingtonea.org; lewbodman@verizon.net; Liz Hunt; lorenfeldman@msn.com; m.eliasen@verizon.net; magriff@verizon.net; Mary Redmayne (m.redmayne@gmail.com); mary@redmaynes.net; MFeldman@portblakely.com; Michael.Jackling@phs.com; mike@kirklandbuildersgroup.com; mikethebuilder@comcast.net; peter.a.bartnick@boeing.com; PSteinfeld@karrtuffle.com; ramulin@hotmail.com; Samar Mahkloug; Scotty51Lass@aol.com; steveandtrudy@comcast.net; stoneyage@msn.com; Tavigny1@aol.com; Tena.Givens@mackie.com; Tim Attebery ; todd@mossbay.biz; trennaker@capstone-partners.com
Cc: 'Michael Bergstrom'; Paul Stewart
Subject: Update on Single Family FAR Regulations

UPDATE ON SINGLE FAMILY FLOOR AREA RATIO REGULATIONS

On June 8th, 2006 the Planning Commission conducted a public hearing on proposed revisions to the single family floor area ratio regulations. At the hearing the Commission took both written and oral public comments. They then concluded the oral comment portion of the hearing but left the hearing open for anyone to submit written comments and to receive comments from the Houghton Community Council. The Planning Commission requested that additional written comments be submitted by July 6th.

The Planning Commission will meet again on July 13th in the Council Chambers at City Hall starting at 7:00 pm. The Commission will review the written materials and comments, discuss the proposed revisions, and formulate a recommendation that will be forwarded to the City Council. A public hearing before the Houghton Community Council is scheduled on June 27th in the Council Chambers. That meeting begins at 7:00 pm. The City Council is scheduled to review the Planning Commission's recommendation at study session on August 1st. Depending on the discussion at the study session, the City Council could take action on the proposed amendments in September.

Written comments can be sent to the Planning Commission in care of Paul Stewart, Planning Department, 123 5th Avenue, Kirkland, WA 98033 or e-mailed to pstewart@ci.kirkland.wa.us. Please refer to File NO. ZON05-00019.

For more information you can contact Mike Bergstrom, Planning Consultant at 206-633-0595 (bergstrommike@msn.com) or Paul Stewart at 425-587-3227. Additional information can be viewed on the City's website at the following link <http://www.ci.kirkland.wa.us/depart/Planning.htm>.

Paul Stewart

From: Janet Jonson
Sent: Monday, June 19, 2006 4:05 PM
To: City Council
Cc: David Ramsay; Eric Shields; Paul Stewart
Subject: FW: FAR - Leave things as they are

This subject is still with the Planning Commission and will be brought to the Council at a future meeting. JJ

Janet Jonson
City Manager's Office
City of Kirkland
123 Fifth Avenue
Kirkland, WA 98033
425-587-3007
425-587-3019
jjonson@ci.kirkland.wa.us

From: Mike & Annie Griff [mailto:magriff@verizon.net]
Sent: Thursday, June 01, 2006 7:56 PM
To: Paul Stewart
Cc: KirklandCouncil; 'Eric Eng'
Subject: FAR - Leave things as they are

Paul,

Regarding FAR's the city should leave things the way they are. I think it is just right the way it is. We have enough density as it is and we can still increase density via double lots and fill in. There is plenty in Norkirk still available where I live. If you go east to the Kirkland border there is an endless amount of land that can still be developed. My main point is that we do not need to make changes to accommodate more density. Leave things as they are. I have not yet heard of a good reason why we should make any changes. I have twice surveyed my neighbors at our neighborhood meetings and 90% say leave things as they are and the other 10% are undecided.

Michael Griff
212 7th Ave

RECEIVED

JUN 19 2006

June 19, 2006

Hi Eric,

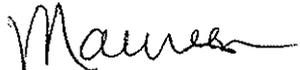
AM _____ PM
PLANNING DEPARTMENT
BY _____

A couple of months back I promised to take some pictures of a building that many folks have expressed great concern over. This is the property on the corner of 4th St. West and 7th Ave. West. Enclosed are the pictures. The main bone of contention was the fact that the builder was able to legally build the home so close to the neighbor's home.

I realize that the Planning Board is in discussion over a few of the building laws in Kirkland. One way to prevent this type of invasive and destructive building (for the neighbor's quality of life and property value) is to require a minimum of space between buildings, regardless of where the first building lies next to or on the property line. For example, if the builder is seeking plans to build on a vacant lot, his building can be no closer than 10 or 15 feet from the present building on the adjoining lot. If you need to, please call me for clarification. I really don't know all the building jargon. I just know it's not right to build a home so close. We don't live in New York City where it's necessary to build so close or actually attach ones building to the one next to it.

As for the other pictures, I'm not sure what this lot is zoned, or if these are townhouses? I just feel if these are residential, the height looks far higher than what other folks are required to stay under.

Thank you for your time,



Maureen Baskin
A concerned neighbor

** Contained in
Attachment 5*

Paul Stewart

From: Karen VanderHoek
Sent: Wednesday, June 14, 2006 5:13 PM
To: Paul Stewart
Subject: FW: F.A.R., ADU Changes June 8th Meeting

This email came into council but I haven't forwarded it yet. Tracy asked me to check with you to see if you want to write a message before the citizen's comments. Let me know. If you do write something, perhaps you could cut and paste the original letter to omit my and JJ's notes. K

*Karen E. Vander Hoek
Administrative Support Associate
City Manager's Office
123 5th Ave.
Kirkland, WA 98033
(425) 587-3006*

From: Janet Jonson
Sent: Tuesday, June 13, 2006 5:20 PM
To: Karen VanderHoek
Subject: FW: F.A.R., ADU Changes June 8th Meeting

I can't think of who did the report for this agenda item. Please follow-up. It seems to me that this is just a comment email and should just be sent to Council but I usually talk with staff first. Thank you again. JJ

From: Mike B [mailto:mikethebuilder@comcast.net]
Sent: Mon 6/12/2006 10:26 PM
To: KirklandCouncil
Subject: F.A.R., ADU Changes June 8th Meeting

Dear Mr. Mayor and Council Members,

I attended the June 8, 2006 meeting with the Planning Commissioners and citizens of our community. It was shocking how blatant it was that Janet Pruitt attempted to control the commissioners opinions. She was so biased in favor of making changes to the existing code even with so much opposition from citizens who were there to voice making no changes at all and with so little definition of what is needed to be fixed. I feel it is a serious conflict of interest to have someone who is clearly so biased about wanting these changes to use power to influence people on the commission. I also attended the April 13th meeting for the Norkirk association. One thing that stands out in my mind is how Janet was there voicing her opinion on how something needs to be done about these huge houses being built. She was one of only four who wanted change. She went on about it and clearly was not there in an official manner, she was there on her own mission for implementing changes. I am not the only person who noticed such a immature negative attitude towards the public opposition. Many citizens have noticed it. It seems to me the City officials should do something about this dictator as she is not representing all the citizens of our community fairly. I officially request to the City Council, the Mayor and City Manager, that Janet be removed as Chairperson from the Planning Commission, for this and potentially other issues. It is clear by the biased manner by which she conducted the public hearing that she is ill suited for the

position.

Please remember your **Planning Department Mission Statement:**

To assist the Kirkland community in planning for the future and to help guide growth consistent with the community vision.

Also please remember, because some people attend a meeting and complain they are not the voice of the majority people.

It was clear to me in that meeting that this topic is a waste of time and City resources. This was not a meeting of community vision. As stated by Michael Bergstrom at the meeting, the recommendations presented to them were not even complete. One of their proposed options haven't even been written or defined yet. How can a commissioner vote on a proposal if all the options haven't been spelled out in detail. This is evident by the question asked by Kiri, "It is not clear to me what we are even trying to change, please show me some examples what we are supposed to be stopping". I applaud her for that. It was a wise and telling statement that took guts to stand for. I could see how awkward some of the commissioners felt with having to decipher through the muck and how they were pressured by Janet to "just make a decision right now and worry about the rest of it later, lets address BULK for now". This position is grossly irresponsible considering how high the stakes are for our property values.

The clear majority community wants no change. A handful of people who want change is a tiny proportion to the people who don't. If the people who want these changes are so important to have such an influence on our laws then where were they at crunch time? The show of hands at that meeting were at least 10 to 1 against change. I feel The City has better things to do than undermine the fundamental value structure to our real estate market. It is unconstitutional. I recommend to the council members and Planning Dept. to take your time, make sensible decisions by gathering information about what it is your are fixing, then use professionals in the industry to help with these issues. Builders, architects, designers don't have to be the enemy. We are glad to give suggestions if you define what you are trying to achieve. Then, when you think you have it then let the people vote on it. Remember, we are supposed to be a democracy.

Or as said at the meeting " You have the option to choose no change"

Sincerely,

Michael Bonewits

mikethebuilder@comcast.net



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Richard A.H. Jimenez, M.D. • Andrew K. Solomon, M.D. • Jeff R. Peterson, M.D.

Kruger Clinic • 21600 Hwy 99, Suite 240 • Edmonds, WA 98026 • (425) 774-2632

June 13, 2006

To: The Honorable Mayor Lauinger and Kirkland City Council

Dear Sirs and Madams,

I write to you with a troubled heart. I have been most interested in following the discourse regarding the Planning Committee Chair Janet Pruitt about the Council's mandated task of reviewing building codes for single family housing in Kirkland.

As you may recall, the Council mandated the Planning Committee to address some citizen concerns about the growing size of single family homes in Kirkland. Some of the areas the Council wished addressed were the floor area ratio (FAR), encroachments into setback areas, and reducing or eliminating the exemption for accessory dwelling units (mother-in-law apartments or ADU's). I first heard of this endeavor by a flier placed at the back door of my residence indicating a neighborhood gathering to discuss this issue. At the Norkirk neighborhood meeting there were about forty people in attendance, all but three to four were against any changes in the current code. One very strong voice for change was Janet Pruitt. At this meeting she represented herself as a concerned citizen, but later we all discovered she was actually Chair of the committee that was trying to bring about these changes. I specifically asked Janet at that meeting where all the people who wanted these changes were, to which she replied "There have been many, many people at community meetings who have expressed concerns." Also to my astonishment, I discovered the City had already hired a consultant who had a plan set up, clearly long before ANY public comment was made on this issue and at what was likely a considerable cost to the taxpayers of Kirkland.

Since that Norkirk meeting I have attended all of the Planning Committee meetings. Each time I am amazed to see Janet Pruitt clearly using her very strong bias to steer the committee. At an earlier meeting the members were discussing what possible changes were to be made and Andrew Held and Kiri Rennaker made strong suggestions that further discussions be held until more guidance came from the city council regarding exactly what questions were to be answered. There was testimony from several sources that indicated changing the size of the homes was not the answer to citizen concerns and rather that architecture and house placement on the lot were more the issue and where a possible answer lay. To this Janet Pruitt immediately dismissed any further comment and called for a vote on the issues with her opinion being stated first. Three committee members ADAM, KIRI, and Byron Katsuyama all wished for further discussion but were overruled. I addressed the Committee and urged them to truly know what the question was they were trying to answer before hastily making suggestions that would affect nearly every property owner in the city. Janet simply smiled at me and said nothing.

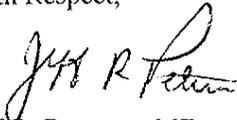
At the Public Hearing regarding these matters nearly one hundred fifty people attended and fifty or so signed up to give testimony. I was the first to speak as I had submitted a

presentation to be loaded on the computer. The second I approached the microphone the timer started but it took nearly thirty seconds of my allotted three minutes for the presentation to appear on the screen, to compensate I started in the middle and rushed through. Before I was at my final two slides Janet called for me to stop and sit down. These two slides were photographs of Councilwoman Jessica Greenway's home that has already taken full advantage of the FAR and ADU exemption. Janet knew the content of my talk beforehand and clearly wished to limit my right to present my opinion. My final comment was that "what is good for the goose is good for the Gander?" Many audience members applauded this sentiment, but were met with harsh words from Janet Pruitt. Shortly thereafter, the first of the proponents approached the microphone and asked if she could have six minutes since she had a letter to read from a neighbor. Janet called the woman by her first name and granted extra time even though there were forty other names of people who had come to the meeting to speak! Several opponents to change had letters to present as well, but were rebuked until the end of the meeting several hours later. No one wished to stay that long calling into question the fairness of Janet's motives. At that meeting only five people spoke in favor of making changes while **over forty spoke in favor of making no changes. Over 10:1 in the audience were in favor of no changes to the current code.** Several times Janet Pruitt strongly raised her voice and struck her gavel at people making comments against her position though no comments were made to anyone who spoke in her favor.

My point is that Janet Pruitt is a very biased person and should not be chair of the committee on this issue. Clearly there is overwhelming public support in favor of not changing the current code and most people believe the answer lies in addressing architecture and home placement. Even the proponents of change were in agreement that in making no change to the ADU language you can maintain access to affordable housing in Kirkland and making homefronts more neighbor friendly by locating the garage in back. Janet Pruitt does not see any other position than her own and is unfit to lead the committee in this important issue before the council.

Thank you for your consideration.

With Respect,



Jeff R. Peterson, MD
1112 1st ST Kirkland
jeff690@msn.com

Paul Stewart

From: Mike B [mikethebuilder@comcast.net]
Sent: Monday, June 12, 2006 10:34 PM
To: Paul Stewart
Subject: June 8th meeting F.A.R. ADU changes

Dear Paul,

I attended the June 8, 2006 meeting with the Planning Commissioners and citizens of our community. It was shocking how blatant it was that Janet Pruitt attempted to control the commissioners opinions. She was so biased in favor of making changes to the existing code even with so much opposition from citizens who were there to voice making no changes at all and with so little definition of what is needed to be fixed. I feel it is a serious conflict of interest to have someone who is clearly so biased about wanting these changes to use power to influence people on the commission. I also attended the April 13th meeting for the Norkirk association. One thing that stands out in my mind is how Janet was there voicing her opinion on how something needs to be done about these huge houses being built. She was one of only four who wanted change. She went on about it and clearly was not there in an official manner, she was there on her own mission for implementing changes. I am not the only person who noticed such a immature negative attitude towards the public opposition. Many citizens have noticed it. It seems to me the City officials should do something about this dictator as she is not representing all the citizens of our community fairly. I officially request to the City Council, the Mayor and City Manager, that Janet be removed as Chairperson from the Planning Commision, for this and potentially other issues. It is clear by the biased manner by which she conducted the public hearing that she is ill suited for the position.

Please remember your **Planning Department Mission Statement:**

To assist the Kirkland community in planning for the future and to help guide growth consistent with the community vision.

Also please remember, because some people attend a meeting and complain they are not the voice of the majority people.

It was clear to me in that meeting that this topic is a waste of time and City resources. This was not a meeting of community vision. As stated by Michael Bergstrom at the meeting, the recommendations presented to them were not even complete. One of their proposed options haven't even been written or defined yet. How can a commissioner vote on a proposal if all the options haven't been spelled out in detail. This is evident by the question asked by Kiri, "It is not clear to me what we are even trying to change, please show me some examples what we are supposed to be stopping". I applaud her for that. It was a wise and telling statement that took guts to stand for. I could see how awkward some of the commissioners felt with having to decipher through the muck and how they were pressured by Janet to "just make a decision right now and worry about the rest of it later, lets address BULK for now". This position is grossly irresponsible considering how high the stakes are for our property values.

The clear majority community wants no change. A handful of people who want change is a tiny proportion to the people who don't. If the people who want these changes are so important to have such an influence on our laws then where were they at crunch time? The show of hands at that meeting were at least 10 to 1 against change. I feel The City has better things to

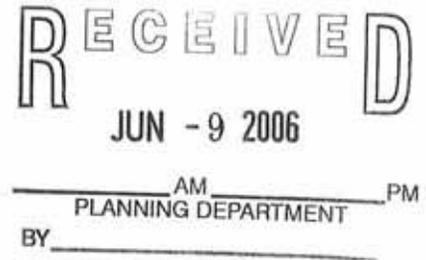
do than undermine the fundamental value structure to our real estate market. It is unconstitutional. I recommend to the council members and Planning Dept. to take your time, make sensible decisions by gathering information about what it is your are fixing, then use professionals in the industry to help with these issues. Builders, architects, designers don't have to be the enemy. We are glad to give suggestions if you define what you are trying to acheive. Then, when you think you have it then let the people vote on it. Remember, we are supposed to be a democracy.

Or as said at the meeting " You have the option to choose no change"

Sincerely,

Michael Bonewits

mikethebuilder@comcast.net



June 8, 2006

Mr. Paul Stewart
Deputy Planning Director
City of Kirkland
Kirkland, WA 98033

RE: City Council Hearing on Floor Area Ratio Ordinance

Mr. Stewart –

Please accept this letter as our statement of opinion regarding the FAR hearing scheduled for today's date by the Kirkland City Council. Although we are unable to attend the hearing as scheduled, we have a significant interest in this issue; a revision of the current ordinance regulating the prescribed Floor Area allowances has a direct economic impact on the nature of this firm's projects within the City.

We would request at this time that all future correspondence, including meeting minutes from this evening's hearing, be forwarded to a designated contact in our office. We would also request the opportunity to address this issue further with the City and/or the Planning department, as the deadline for filing a SEPA appeal for this decision was not received from the City in a clear or timely manner. A reply from your office in recognition of these requests would be greatly appreciated. We look forward to continuing a professional relationship with the City of Kirkland; please do not hesitate to contact our office if there is any capacity in which we may be of assistance.

Please forward all correspondence on this matter to me at the contact information provided below

Kind regards,

Samar Mahklouf
Chaffey Homes, Corp.
Manager, Drafting Dept.
(425) 822-5981
samarm@chaffeyhomes.com

cc: B. Chaffey

Where is Kirkland Heading?

Open Letter to the Planning commission:
Cc: City Council

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JUN - 8 2006

_____AM_____PM
PLANNING DEPARTMENT

I am writing you, all of you, to ask you to do the following:
Take a very hard look at Kirkland today - and where we are heading as a city. I do not think anyone of you want to live in a future "Luxville" or "Luxland", to give just two examples of appropriate names.

Kirkland - the city I love so much that I left my (well paid) job in order to remain up here instead of moving to a (financially brighter) future in Texas - that city is changing at a dramatic pace.

I saw Kirkland first time in the fall of 1994 and I like what I saw. In 1998 I had managed to relocated from Dallas to Bellevue (our office was in Kirkland, Yarrow Bay). In late 1999, I met a "girl" at Grape Choice, a girl that in July of 2000 became my wife. In September of the same year we found our house in Kirkland (we actually started west of Market, but settled on Little Finn Hill, across from the Juanita Bay Park due to the view).

But the Kirkland we settled in is no more - it has changed. Dramatically!
Perfectly good houses with nice yards are being torn down, only to be replaced with 1 or 2 oversized boxes, with zero to no yard left - if one does not count the chunk of concrete leading up to the garage...

Houses that would be perfect candidates for a good remodel, are disappearing weekly. Just take a walk somewhere East of Market or in our neighborhood. I walk the dog several times a week, and not one week goes by without me passing a new "development". It leaves me in a mixed state of shock and anger. What is happening to "my" city?

Don't take me wrong. Good things are happening as well. Big houses are being built, big houses on big lots (along Waverly Way). That provides both for some type of aesthetic ratio - houses size relative to yard size - as well as keeping the neighborhood open. New developments; Juanita Village, Kirkland Avenue, Tera, The Villas, are both desired and needed to accommodate more people. But, when (good) houses are being torn down for "nothing", and being replaced by what many are calling McMansions - or maybe they'd better be called "McCraftsmans", the neighborhoods are going through too much of a change in too short time.

The developers don't care what happens to a neighborhood. They are ONLY in it for the short term profit. They "smack" up these new houses, sell them for huge \$\$\$\$, neighbors at arm's length. The buyers like it because they can finally get a sought-after Kirkland address. They do not know any better (they do not know what Kirkland was like), but they will eventually start to notice the changes as well. Changes that eventually will make their huge investment seem less sound. And more importantly, the changes once implemented, are probably impossible to turn-around.

We, the residents of Kirkland, compared to the developers, care about our city. Not just the short term profit when we one day sell our house, but the overall quality of life in the city. Without the quality of life, there are no future property values to care for, or worry about.

We care about housing density (we do not like it), we care about green areas (we like them), we care about the views, the openness, the trees that are left, the ease in our walk to downtown for a coffee or a bite to eat, we care about our parks, we care about our streets, the traffic density and (lack of) side walks.

Yes, Kirkland can grow. I am aware that we have to grow, or rather allow for more people to live inside our boundaries. We can do that easily; we can become a "Belltown" with just new condo complexes, we'd make the Olympia Lawmakers/King County Council happy, but we would not make ANYONE (except for the developers) happy in Kirkland. We would be more accommodating to people NOT living here, than to us, the residents of Kirkland. The ones who actually defines what "is" Kirkland today and tomorrow.

One could say that that is the way the city acts in many ways today, seems like it cares more for the people who do not live here - but want to - than for the people already living here today. Kirkland has - until annexation expands it - a given limited physical footprint. "Squeezing" in more people inside this "box", regardless what the GMA says, is simply not feasible without changing the very nature of our wonderful city - a city that would be nothing without its (current) residents.

I therefore urge you, commission members, to take a very hard look at how we manage growth and allow for new developments - even if it is only one or a few houses. If we need to abide by the GMA, lets do so in areas that are already "dense" (downtown, Totem Lake, North Juanita, Yarrow Bay); build more condos, apartments, taller structures in those areas, but do not change the wonderful openness we have out in the single family/dwelling neighborhoods.

Older home owners are being "pushed out" by developers using various tactics of intimidation, lofty promises, and over development. After a while, you just do not feel "at home" when your neighbor suddenly erects a gigantic house, spends lavishly on all types of "stuff", making the house where the older couple has been living for the past 40 years looking more like a dump - a house that was actually quite nice as long as you compared it to what was common in the neighborhood.

There was a very good article in Seattle Times a few months back about a developer in Ballard. He bought up old houses, gutted them, upgraded them and resold them in great condition - while keeping the both the older style and the quality of the craftsmanship. We can do that in Kirkland as well. People would be willing to pay for it, but for a developer it is trickier and more "complicated" than starting with a clean sheet of paper. So, why should they do it? There's no immediate incentive.

When talking about the craftsmanship, many of us are joking that there is a lot of very expensive "temporary housing" going up in Kirkland today. I can bet that many of the houses being built, will no longer be around - due to shoddy building practices/poor design - in 40 years. On the other hand, the house I am sitting in, was built some 45 years ago, and with some minor upgrades, I am sure it will be around for the coming 45 years as well - as long as no developer succeeds in pushing me out!



Per-Ola Selander
Kirkland

June 8, 2006

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JUN - 8 2006

To: The City of Kirkland Planning Commission
CC: Paul Stewart, Michael Bergstrom, City Council members

____ AM ____ PM
PLANNING DEPARTMENT
BY _____

Re: Opposition to proposed changes in FAR regulations

To Whom It May Concern:

I am writing today to voice my opinion and concern regarding the proposed changes in FAR regulations. I really am opposed to these Staff drafted changes.

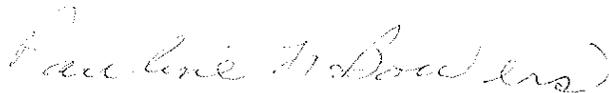
Being a long time resident of Kirkland I've seen many changes. I've seen many homes, large and small, fade away only to be replaced by the many five story condominiums. How could The City of Kirkland allow this to happen and now try to draft changes that will not allow property owners to build the kind of home they desire?

I realize that most of the view property etc. has already been purchased by builders and part of it by the city, and now it seems the City of Kirkland wants to draft new regulations regarding what builders and property owners can do with the land they own. I believe there should be NO CHANGE in the current regulations.

As a landowner myself, I believe this change in regulations would have a grave impact on property owners, including me, and the City of Kirkland. The imposed changes, in my opinion, would affect the amount of money that the City would be getting. Why would the City let this happen? No, I do not agree that there should be changes in the FAR regulations. I believe the regulations should remain as they are.

Thank you for your consideration.

Sincerely,



Pauline F. Bowers

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JUN - 8 2006

AM _____ PM
PLANNING DEPARTMENT
BY _____

Planning Commission
City Hall
Kirkland, WA. 98033

June 8, 2006 re FAR proposed changes

Dear Planning Commission,

It would appear that the proposal to change the FAR in certain areas and worries about changing the "character" of neighborhoods is inconsistent with past policies of allowing large condominiums to be built side by side or in close proximity to one another downtown and in the surrounding neighborhoods. I believe the time has passed to worry about too large houses, the character of the downtown area is already changed and will not be further altered by allowing single family homes, like the ones that already exist on various lots, to be built.

Sincerely,


Diana Preice, Mark Boyer
410 6th Ave. South
Kirkland, WA 98033



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JUN - 8 2006

To: Kirkland Planning Commission, Kirkland City Council

From: Tom DiGiovanni, CPA / 425.753.0289

Re: Thoughts concerning Floor Area Ratios (FAR) as they are currently written _____ AM _____ PM

Date: June 8, 2006

PLANNING DEPARTMENT

BY _____

As a resident of Kirkland since 1993, I have seen an enormous amount of change within our City, perhaps the biggest of which is the redevelopment of many older properties. During my time in Kirkland, I have lived in 3 different neighborhoods (Juanita, Rose Hill and West of Market) and I currently own multiple properties West of Market. After reading all of the materials made available by the City on the FAR issue, I am extremely concerned about any proposed changes to the FAR standards. The current direction we are headed in (proposing a reduction to allowable building area) does not seem to be the will of the majority of Kirkland residents. Further, it will have an extremely negative impact on the desirability of Kirkland for new residents and thereby on the City's tax base overall. Any changes of this magnitude should be put to a public vote before being enacted. The City Council **must** act responsibly and look after the interests of ALL Kirkland residents, not those of the vocal minority who are most resistant to change.

Below is a summary of my thoughts on this issue:

- 1) In my opinion, the current FAR requirements are entirely appropriate to the average size of the lots in the Market and Norkirk neighborhoods.
- 2) Floor Area Ratio (FAR) is just one of a number of currently existing regulations designed to ensure that new homes are of an appropriate scale as compared to their lots. For example, in addition to FAR, there are lot coverage ratios, height restrictions and required setbacks that govern all new construction projects.
- 3) Although there are some exceptions, on a typical lot in the RS and RSX 7.2 zones the required front, rear and side yard setbacks **leave at least 40% of the total land area as non-buildable** under current regulations (see example). This provides plenty of view corridors for the neighboring buildings.
 - a. Yard Setback Example:
 - i. Typical "standard" lot is 60 ft wide x 120 ft deep = **7,200 sq. ft.**
 - ii. Required front yard is 60 ft wide x 20 ft deep = **1,200 sq. ft. +**
 - iii. Required rear yard is 60 ft wide x 5 ft deep = **300 sq. ft.** +**
***on an alley (double that amount if no alley).*
 - iv. Required side yards are 15 ft wide x 95 ft deep = **1,425 sq. ft. =**
 - v. Total required yard setbacks = **2,925 sq. ft or 40% of the lot*****
****if alley present. With no alley, it would be 44% of the lot.*
- 4) As mentioned above, the current yard setbacks leave plenty of room for view corridors around the new structures to be built. The height limit of 25' also serves to protect views, along with preventing houses from becoming too large and out of character for the neighborhood.
- 5) Most of the older homes in the Market neighborhood are non-conforming and do not meet the existing setback requirements. For instance, I personally own 6 older homes in the Market neighborhood. Not one of them meets current setback rules. In fact, at least 3 of the houses were built with walls that sit right on the property lines or are within 3 feet of the line. In my opinion, these older homes have a much more negative impact on view corridors and they go much further toward making the houses feel too close together than does most new construction.
- 6) My belief is that the majority of Kirkland residents have no problem with the size of new homes. However, when a new 2 story home replaces an old single story house, that new second story (regardless of size) will most likely block any views from any remaining single story homes

nearby. In those instances, no amount of tinkering with the Floor Area Ratio will be enough to address the complaints. The only course of action to satisfy those residents living in one story houses would be to limit all houses to one story. These types of changes would have a drastically negative impact on the tax base of the City, as well as the attractiveness of Kirkland as a place to live.

- 7) The main reason prices are now so high in our lakeside community is our proximity to and view of Lake Washington. Higher prices translate into higher tax revenues. With the existing budget stresses, the City Council needs to be very concerned about not making a move that will stagnate or reduce tax revenues. **Smaller houses = lower prices**, which translates into a lower tax base.
- 8) Currently, when older houses are sold to developers, the prices received by the previous owners (many of them long term occupants) are much higher in Kirkland than in many surrounding communities. These prices are directly correlated to the expected sales price of a new home on that same lot. Making new homes smaller will have a drastic impact on the value of currently existing older homes, as well as the new homes. This will dramatically reduce both excise tax and sales tax revenues.
- 9) Kirkland's own 2006 mid-year budget report indicates that the sales tax revenues from construction activities are extremely important, contributing to an estimated 90% of sales tax growth. Sales tax revenues go into the general fund, and are used to cover the salaries of almost 80% of all City employees. This includes police, firefighters, park services and more. Reducing those receipts will put the City in a serious situation that could cause a reduction to all City services. No one wants that to happen.
- 10) Any proposed change to reduce FAR needs to be carefully thought through, as there will be a sizable negative affect on development, home prices and tax revenues. Smaller homes will reduce tax revenues, but will not reduce Kirkland's population. **There will be consistent demand for City services, but less money to pay for those services. This will lead to the need for tax increases across the board. This would have the affect of penalizing every property owner in Kirkland, when only a very few are complaining currently. That is not right and should not be allowed to happen.**
- 11) Will we be changing regulations to allow smaller houses than in Bellevue, Redmond and other surrounding cities? If so, any change will make Kirkland a less desirable place to live for potential new residents (most of them affluent). Once again, this will serve to make property here less valuable, thereby reducing tax revenues.
- 12) None of the City memos covering this issue have indicated exactly how many complaints have been heard, who the complaints are coming from and what exactly the complaints are. Instead, a general statement of "there have been some concerns" is being used to affect FAR changes which are unnecessary. In the City's own memo from October 2005, it was indicated that most building permits (22% in Norkirk and 53% in Market) in the neighborhoods with "complaints" have not been maximizing the FAR as it is currently written. How does this indicate a problem?
- 13) *Instead of reviewing the Floor Area Ratio, we should all be striving to encourage and promote architectural diversity. One of the complaints that I have heard (which has merit) is that many of the newer homes being built in Kirkland look too much like each other. This results in neighborhoods feeling more like just another generic subdivision devoid of character or uniqueness. Architectural diversity is what makes Kirkland stand out and keeps it a unique place to live. Protecting that is a far better goal than forcing smaller homes on neighborhoods that don't want them.*

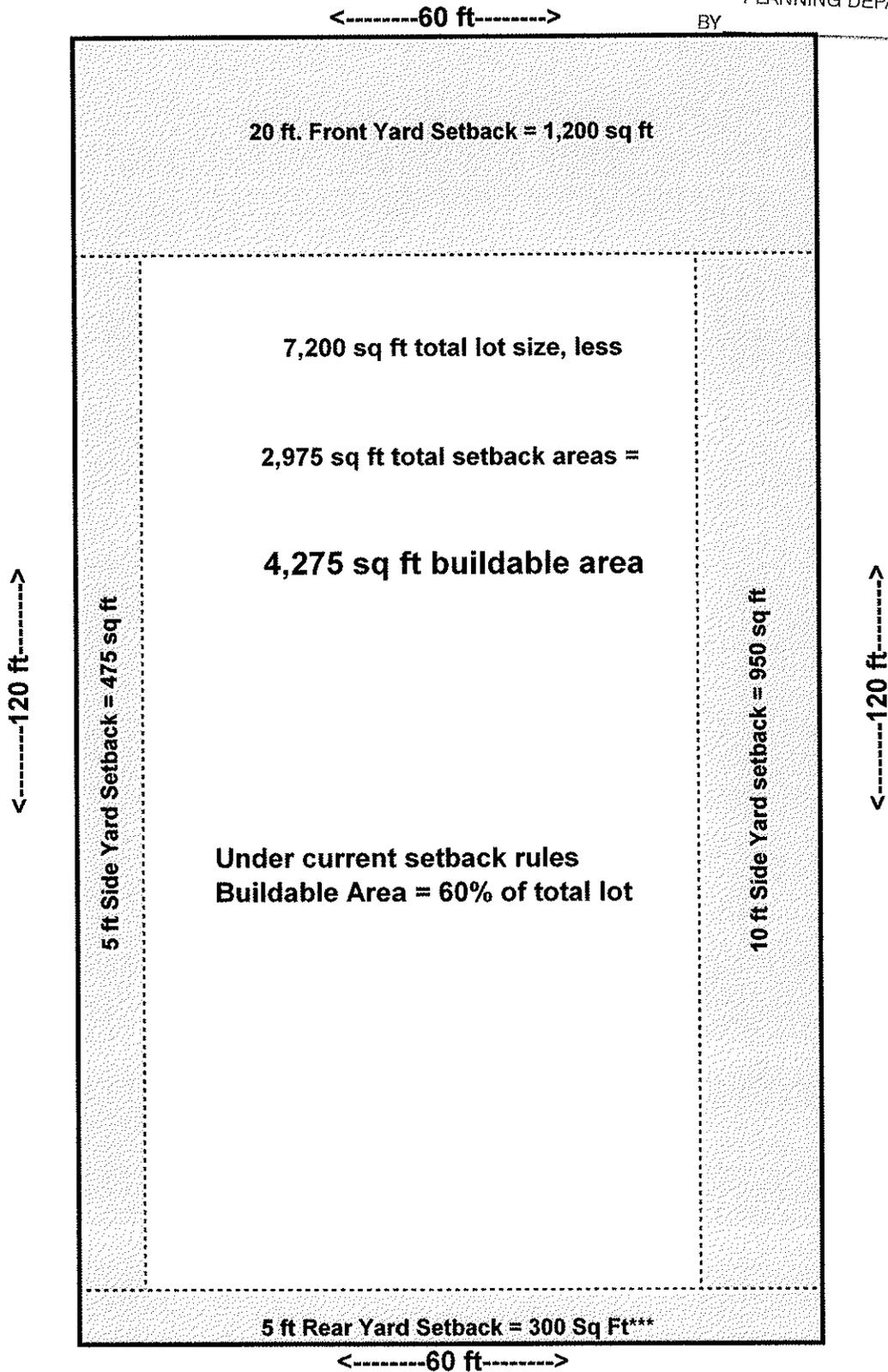
Buildable Lot Area Illustration
 Current Kirkland Setback Requirements
 RS and RSX 7.2 (assumes alley behind property)
 (rear setback assumes alley behind property, otherwise would be 10 ft rather than 5 ft)

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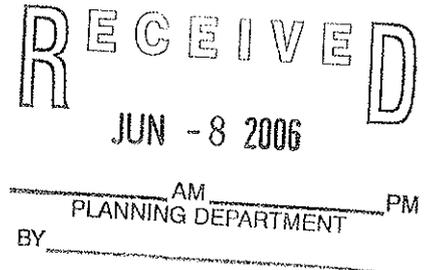
BY _____



*** Rear setback assumes alley behind property, otherwise would be 10 ft rather than 5 ft.

June 8, 2006

Paul Stewart
Planning Department
123 5th Avenue
Kirkland, Washington 98033



Re: Kirkland Planning Commission

PROPOSAL: Potential revisions to Floor Area Ratio (FAR) regulations governing maximum allowable gross floor area for detached dwelling units in low density residential zones. The revisions, if adopted, could revise the allowable Floor Area Ratio in some of all of the following zones: RS 35, RSX 35, RS 12.5, RSX 12.5, RS 8.5, RSX 8.5, RS 7.2, RSX 7.2, RS 5.0, RSX 5.0, PLA 6C, PLA 6E, and PLA 16, and could extend FAR regulations to low density residential zones located within the jurisdiction of the Houghton Municipal Corporation.

Dear Mr. Stewart:

We have been residents of Kirkland for 26 years, moving here from Southern California in 1980. One of the reasons we moved to Kirkland was because it was so charming, and the neighborhoods felt open, alive, and allowed for uniqueness in house design. This was particularly desirable because of our experience in Southern California, where communities (for example, Redondo Beach and Manhattan Beach) allowed large, blocky, square, flat-topped houses to fill up incredible proportions of the lot space, creating an almost impregnable wall of massive stucco sameness. These communities lost their charm, their sense of open space and relationship to nature, and their individuality. They became, essentially, the same as block apartment buildings, with so little space in between as to lose distinction as individual homes.

Filling up a lot with as much floor space as possible and reducing set-backs is not a plan for a suburban, residential community whose character is defined by its charm, its spaciousness, and individuality. These are the characteristics Kirkland has always epitomized, and is already losing to over-sized houses and over-zealous lot coverage and carbon-copy spec houses. When did we stop being a community and start being fishing grounds for contractors and developers? We desperately need more help from the

Planning Commission to retain the unique character and charm of our city and neighborhoods, and allow them to develop more naturally out of a sense of community.

Please, save Kirkland's sense of self. Save Kirkland's character, by choosing to decrease the floor space regulations.

Sincerely,

Handwritten signatures of Melissa Thirloway and Jeff Thirloway in blue ink. The signature on the left is 'Melissa Thirloway' and the signature on the right is 'Jeff Thirloway'.

Melissa and Jeff Thirloway
235 Tenth Avenue West
Kirkland, Washington 98033

Kirkland Planning Commission
Kirkland, WA 98033
June 8, 2006

June 7 the Norkirk Neighborhood Association discussed the Norkirk Vision for 2022. One of the visions was that Norkirk was a friendly neighborhood where people greeted one another. It was explained that it was the vision of Norkirk to be a friendly place where people liked their neighbors. To be frank, we thought this was a bit childish for a vision statement. But after attending the Official Public Hearing regarding changes to the size of the buildings allowed on Kirkland property, we got the picture. People in Kirkland can be very rude. The opponents to the ratio change were immature in their behavior. They were well organized and came in mass to cheer on one another. The old time residents were said to be full of envy and lived in ugly little homes on large lots. The chamber was full of adult school-yard bullies.

The hand full of people who braved the crowd and spoke in favor of lessening the ratio of building to yard space, spoke with truthfulness, honesty and a touch of humor. They were not cheered or egged on by their supporters. We played by the rules and used our manners learned in Kindergarten.

We live in one of the so-called ugly little homes in Kirkland. Built in 1915 and still only 1400 sq feet, we purchased our Bungalow in 1975 and plan to retire here. Our neighbor Bob Carr was born in our home and lived and died next door. Dick Carr, the younger brother to Bob, died in his home on 7th Avenue. This is the history of the ugly homes. Kirkland was a nice place to be born, grow up, retire, and die. The Carr's had over 80 years in Norkirk. After just two years, one of the two mega houses built on Bob Carr's corner lot is for again for sale. A huge profit will be made and they will move on and we will again have new neighbors. Not a real problem but it is hard to get to know neighbors that are chasing the dollar rather than building a neighborhood.

We do not want building restricted to the point that people cannot have a nice comfortable home. But the character of Kirkland will change beyond repair if the mega homes are allowed to continue. People love the charm and character of Kirkland. The developers are out to cash in on this charm and character and leave town with their profits. They will find new communities filled with ugly houses that other people call home.

It would be interesting to know how many of the speakers of June 8th lived in Kirkland 5 years ago. Most were new faces from the last round of hearings. One major change was that the developers did their own speaking. Earlier hearings were attended by many lawyers of the landowners and developers. They too were rude. But the people that jeered on June 8th were shameful.

You have our thanks for putting in the time to study the building ratio. We would like to see the 50% include porches, garages, decks, etc. The speaker that talked about volume...total volume had a good point. We think it deserves some consideration.

Sincerely,
Dale and Loita Hawkinson
246 -9th Avenue, Kirkland, WA 98033
425-827-1950



cc: Kirkland City Council

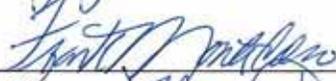
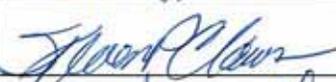
Petition opposing FAR reductions in RS 5.0 areas, including zone PLA 6E

Petition summary and background	The Kirkland Planning Department is proposing a reduction in the Floor Area Ratio (FAR) from 60% to 50% in RS 5.0 areas, which will change the maximum size of allowed housing from the current 3000 sq. ft. to 2500 sq. ft., including garage. This proposal actually means a maximum 2100 sq ft house with a 400 sq ft garage. That size is small and not popular in today's US housing market.
Action petitioned for	We, the undersigned, are concerned citizens who urge our leaders to act now to prevent the FAR reductions in our area from being implemented with the resulting loss of our property value.

Printed Name	Signature	Address	Comment	Date
Betty Jo Davis		412 6 th Ave S KIRKLAND	Area Decrease property value	6-3-06
Erik Ruf		421 6th Ave S Kirkland 98033		6/3/06
GEEMAN YIP		423 6TH AVE S, 98033		6/3/06
STACY PAYNE		434 6 th AVE S 98033		6/3/06
Heidi Jung		407-6 th Ave S. 98033		6/3/06
Nancy Hellstrom		415 6th Ave. S. 98033		6/3/
Greg Griffin		317 6 th AVE So 98033	Decreases Value	6/3/06
Lolana Price		410 6 th AVE South 98033	Decreases Value	6/3/06
MARK BOYER		410 6th Ave SOUTH 98033		6/3/06
Steve Sirich		329 6 th AVE SOUTH 98033		6/3/06
AMY SIRICH		329 6 th AVE South 98033		

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JUN - 8 2006

____ AM _____ PM
PLANNING DEPARTMENT
BY _____

Printed Name	Signature	Address	Comment	Date
ROBIN B. CLAWSON		325 6TH AVE SOUTH		6/3/06
FRANK MonteCalvo		332 6 th Ave. S.		6/3/06
Karen MonteCalvo		332 6 th Ave S		6/3/06
Richard & Nollath		323-6 th Ave S		
EDNA PRICE Edna Price	Edna Price	321-6 th Ave So		6/3/06
STEVE CLAWSON		325 6 th Ave S.		6/3/06
RICHARD D. HOWELL	R. Howell	422 6 th Ave. S.		6/3/06
Trudy Goldkamp	Trudy Goldkamp	450 7 th AVE So		6-3-06
DAN Krehbiel		446-7 th Ave. South.		6-3-06
RON REISWIG		442 7 th Ave South		6-3-06
Natalya Reising	Natalya Reising	442 7 th Ave S		6-3-06
ELSE JENSEN	Else Jensen	440-7 th Ave. So.		6-3-06
LEO COVER	Leo Cover	408 7 th Ave SO		6-3-06
MATT COOPER		420 6 th AVE SO		6-3-06
Leanne Small		420 6 th ave So		6-3-06
Erik Wilaver		418 6 th Ave S		



KIRKLAND PLANNING COMMISSION
June 08, 2006

1. CALL TO ORDER/ROLL CALL - 7:00 p.m.

Chair called the meeting to order and asked for the roll call.

Members present: Matthew Gregory, Carolyn Hayek, Andrew Held, Byron Katsuyama, Janet Pruitt (Chair), Kiri Rennaker, and Karen Tennyson

Members absent: None.

Staff present: Eric Shields, Paul Stewart, Teresa Swan, and Michael Bergstrom (Consultant)

2. ANNOUNCEMENT OF AGENDA - Chair announced the Agenda

3. REQUESTS FROM THE AUDIENCE - None.

4. PUBLIC HEARINGS - 7:02 p.m.

A. Floor Area Ratio (FAR), ZON05-00019

PURPOSE: Conduct a public hearing on proposed code amendments and continue hearing to July 13th to allow receipt of recommendation from the Houghton Community Council.

ACTION: Conduct public hearing and continue to July 13th, 2006.

Chair opened the public hearing on the proposed Zoning Code amendments.

Michael Bergstrom gave an overview and the background on the purpose for the FAR, a zoning rule that helps control the maximum house size on a single-family lot in areas other than the Houghton District. He said there have been some study sessions with the Planning Commission and Houghton Community Council. Direction was given Staff by City Council and those directions have been incorporated in the packet provided the Planning Commission.

Mr. Bergstrom is not asking that the Commission take a position on this tonight. A hearing is set for June 27 (changed from June 19) with the Houghton Community Council. It will return to the Planning Commission July 13 and this Commission's recommendation will then go forward to City Council.

There was an appeal to the SEPA determination on this issue. This appeal was a non-project action, so the Commission's attention does not have to be addressed to this appeal.

Mr. Bergstrom explained the attachments to his and Mr. Shields' May 19, 2006 memo to the Commission. Additional written and oral testimony have been received and more is expected. The options on various topics that were requested by this Commission are addressed in the memo.

He explained the FAR as pertain to the zone wherein the residence resides. The most common floor area-to-land ratio is 50%. He commented on how gross square feet is measured. He referenced a map to show RS/RSX 5.0 Zones that have a FAR of 60%. Mr. Bergstrom addressed Commission questions.

He clarified that the current FAR of 60% on a 5,000 sq ft lot would allow a 3,000 sq ft house. Mr. Bergstrom commented on the various proposed options for FAR changes, what they provide, and explained why Staff supports the options they support.

Ms. Rennaker clarified that the FAR change is for RS/RSX 5.0 Zones only. Mr. Bergstrom concurred and said that this is the focus of the public hearing tonight.

Chair opened the meeting to comments from the audience.

Jeff Peterson, 1112 First St, reviewed the current code and does not support any changes.

Wyomia Bonewits, 1328 Third Street, wants additional opportunity for testimony beyond tonight's hearing. She thinks the problem is design, not size and wants to see an economic model design for the proposed FAR.

Stacy Bouska, 509 Eighth Avenue opposes change in FAR regulations.

Loren Feldman, 9518 130th Avenue NE, opposes FAR regulation changes. He wants the issue of rebuilding after an earthquake addressed.

Jeannette Simecek, 12015 NE 61st St, supports some changes in the FAR, especially exemptions that allow too much volume to homes.

Mike Nykreim, 101 Tenth Street, opposes changes in FAR.

Greg Griffis, 312 Sixth Avenue South, opposes changes in FAR.

Mark Isaacs, 13006 NE 95th St, wants FAR regulations relaxed, not made more restrictive.

Erik Wickman, 13041 NE 94th Street, opposes FAR changes.

Tracy Hendershott, 1314 Fourth Place, supports reduction of footprint size, more green space, wants garages counted as part of the FAR.

Myron Richards, 6555 102nd Avenue NE, wants remind the Commission that their main obligation is to see that Kirkland remains a good place in which to live.

Maury Schafer, 212 Fifth Place South, opposes reduction in the FAR. He opposes reduction in ADUs.

Tom DiGiovanni, 331 Eighth Avenue West, opposes any change to FAR regulations.

Bill Andrews, 8529 132nd Avenue NE, fears that reductions in the FAR will eventually be applied to the City as a whole.

Donald Winters, 417 Sixth Avenue South, opposes FAR regulation changes. He presented a neighborhood petition with 26 signatures to oppose the changes.

Kevin Young, 125 Lake Avenue W, opposes changes to FAR regulations.

Loren Spurgeon, 1021 Fifth Street West, wants to leave FAR at 50%, not include basement in FAR, count all decks in FAR, and allow ADUs in a second building only if it contains a garage.

Greg Slayden, 1314 Fourth Place, supports some FAR changes and cottage housing.

Barbara Loomis, 304 Eighth Avenue West, supports various options of the FAR regulations revisions. She presented a letter from a neighbor who supports FAR regulation changes.

Randy Both, 8664 NE 123rd Pl, opposes FAR regulation changes.

Jim McElwee, 12907 NE 78th Place, generally favors Staff recommendations. Wants to see incentives for setbacks for upper stories and alley garages.

Per-ola Selander, 10830 101st Avenue NE, supports proposed FAR regulation changes. He submitted a letter to the Commission.

Tim Olson, 1571 Third St, wants volume measured, not floor area. He opposes some of the proposed changes.

Todd Woosley, PO Box 3325, Bellevue, agrees that volume should be considered and urges the City not to eliminate ADUs.

Lisa Oelsner 315 Seventh Avenue West, supports FAR regulations changes.

Dana Adams, 11016 NE 65th Street, opposes modifications of the FAR regulations.

Chair, hearing no further comment, closed public testimony and called for a short break.

Chair reconvened the public hearing at 9:20 p.m.

Chair asked if Commission would like to discuss the issues tonight or wait until a later time. The consensus was that, because additional emails and letters are coming in, written comment should be encouraged up to July 6, but spoken testimony should be closed at this time. It was stated that, if citizens desire to give spoken testimony, the Houghton Community Council will hold a public hearing where they may do so.

MOTION to approve closing public comments in the meeting regarding the Floor Area Ratio, ZON05-00019, but allow further written testimony; continue the hearing to July 13th to allow receipt of additional written testimony and recommendation from the Houghton Community Council. Moved by Andrew Held, seconded by Karen Tennyson. Carried.

Ms. Rennaker asked that photographs be submitted to identify what is felt to be the problem, i.e., the reason regulation changes are proposed. Ms. Tennyson stated that Market/Norkirk Working Groups had taken pictures of the "worst" and "best" examples of homes and that those pictures may be available.

Chair reviewed City Council's direction to the Commission on this matter. There was discussion. Mr. Held asked Staff to generate a simple table regarding these issues as relates to neighboring cities.

Mr. Gregory pointed out that Staff's March 2, 2006 letter to the Commission outlines the specific direction from City Council.

5. **STUDY SESSION - 9:46 p.m.**

A. 2006 Comprehensive Plan Amendments, ZON06-00009

PURPOSE: Scope of Work and Schedule for the 2006 Comprehensive Plan Amendments.

ACTION: Review memo and provide comments to staff.

Ms. Swan referred to her and Mr. Stewart's May 30 memo to the Commission. She said that the City's annual Comprehensive Plan Amendments generally do not amend text in neighborhood plans since that is done with each Neighborhood Plan update. She reviewed the proposed amendments. Staff answered Commissioners' questions.

Ms. Swan spoke regarding two PARs reviewed on Page 5 of the memo. She answered Commissioners' questions. Questions put to the Commission were as follows:

1. Should additional items be added to the scope? COMMISSION DECISION: NO OTHER ITEMS SHOULD BE ADDED TO THE SCOPE.

2. Should the study area be expanded for the Daniels request, to look at the properties to the west? COMMISSION DECISION: AGREE TO EXPAND THE STUDY AREA TO INCLUDE THE TWO PARCELS TO THE WEST.

Ms. Swan stated that both property owners will perform wetland and stream studies.

The Meeting Schedule was discussed. Chair thanked Ms. Swan for her report.

6. **UNFINISHED BUSINESS - None.**

7. **NEW BUSINESS - None.**

8. **READING AND/OR APPROVAL OF MINUTES**

A. April 27, 2006: approved as written.

9. **TASK FORCE REPORTS**

Market Traffic Meeting - Mr. Gregory said it was well attended and well organized and presented. He said that there was a project overview for the Market Street access and shared his copy of that paper with the Chair.

Ms. Hayek reported that Downtown Action Team met yesterday and relayed items that were discussed. She said that there is some consensus that DAT needs to concentrate on vision and education and not to concentrate on advocacy for specific projects.

Mr. Gregory submitted a project overview for the Market Street Access project.

10. **ADMINISTRATIVE REPORTS**

A. City Council Actions

Mr. Shields reported that the Council adopted the Totem Lake Zoning plan. He related Council's adjustments to the plan.

B. Hearing Examiner Actions - None.

C. Public Meeting Calendar Update

Mr. Stewart related the rationale for moving the September 28 meeting to September 21.

Mr. Stewart asked interested Commissioners to notify him if they wish to attend the 13th Annual Affordable Housing Conference.

11. **COMMENTS FROM THE AUDIENCE - 10:17 p.m.**

Mike Nykreim asked if public hearing on FAR is still open. Chair answered that written comment is still open as well as comments from the Houghton Community Council. On Mr. Nykreim's request, Mr. Shields will confirm that this is correct procedure.

Jeff Peterson thanks Staff and Commission for their time.

12. **ADJOURNMENT - 10:20 p.m.**

Chair
Kirkland Planning Commission



CITY OF KIRKLAND

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To: Planning Commission

From: Eric R. Shields, AICP, Director *ES*
Michael Bergstrom, AICP, Consultant *MB*

Date: May 19, 2006

Subject: Single-Family Floor Area Ratios (FAR); File No. ZON05-00019

I. RECOMMENDATION

Conduct a public hearing on proposed Zoning Code amendments. Continue the hearing until July 13, 2006 to allow receipt of a recommendation from the Houghton Community Council before forwarding a recommendation to the City Council.

II. BACKGROUND

Although the Planning Commission is familiar with the background of this issue, the general public may not be. Therefore, it is important to include a discussion of existing FAR and related regulations and the purpose of the current review.

A. Why the City is Considering Changes to FAR and Setback Encroachment Regulations

Over the past year or more, Staff and members of the City Council have heard concerns from Kirkland residents about the size of houses being built in their neighborhoods. There is a perception among some residents that many houses are too large and out of scale with their lot or their surroundings. In response to those concerns, the City Council has asked Staff and the Planning Commission to review certain Zoning Code regulations that affect building size and massing and make recommendations on code amendments to address the concern.

B. Current Provisions for Controlling House Size - General

In the late 1990's, the City adopted regulations establishing maximum floor area ratios (FAR) for single-family residences. These ratios are intended to result in houses that are sized in proportion to the lots on which they are built, while reasonably accommodating the demands of the housing market. FAR regulations do not apply within the jurisdiction of the Houghton Community Council, and they only apply to low density residential zones. Multifamily and commercial

development is not subject to these regulations, nor are non-residential uses, such as churches and schools, even if located in low density residential zones.

C. What FAR Does

The FAR determines the maximum allowable gross floor area (gfa) for a given lot in a given zone. See definition of “gross floor area” in paragraph C.2 below. The FAR is expressed as a percentage of the lot size. For example, in the RS 7.2 zone the FAR is 50% of the lot size. Therefore, if a lot in that zone contains 7,200 sf, the maximum gfa allowed is 3,600 sf (50% of 7,200 sf). A 7,800 sf lot would allow 3,900 gfa, an 8,200 sf lot would allow 4,100 gfa, and so forth.

D. Current FAR Regulations - Specific

The sections of the Zoning Code that govern FAR include the following:

1. Floor Area Ratio (FAR) is defined as: “The maximum permitted gross floor area allowed, expressed as a percentage of the lot size (Gross floor area / lot size = FAR). See KZC 115.42.”
2. Gross Floor Area is defined as: “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.”
3. Floor Area Ratios: The Zoning Code establishes the following floor area ratios for the affected zones:

Zone	FAR
RS 35 / RSX 35	20%
RS 12.5 / RSX 12.5	35%
RS 8.5 / RSX 8.5	50%
RS 7.2 / RSX 7.2	50%
RS 5.0 / RSX 5.0	60%
PLA 6C	60%
PLA 6E	60%
PLA 16	20%

4. KZC 115.42 – Floor Area Ratio (FAR) Calculation for Detached Dwelling Units in Low Density Residential Zones excludes the following areas from FAR calculation:

- a. Attic area with less than five feet of headroom;
- b. Floor area with a ceiling height, including the horizontal supporting members for the ceiling, less than six feet above finished grade (this might include a basement or portion of a basement);
- c. Accessory structures located more than 20 feet from the main structure; and
- d. Uncovered and covered decks, porches, and walkways.

Although not specifically addressed in the above, the upper reaches of “vaulted” space, such as a vaulted entry, are not calculated in the FAR since there is not a physical floor separating the lower and upper portions of that vaulted space.

E. Other Zoning Provisions Potentially Contributing to Perceived Building Mass

The Zoning Code allows certain building elements to encroach into setbacks (KZC 115.115), such as chimney enclosures, bay windows, eaves, etc. These features may extend up to 18 inches into any required yard. Because these encroachments might contribute to perceived building mass by bringing portions of a wall closer to a shared property line, the City Council asked that Staff and the Planning Commission review these allowances to determine if changes should be made.

III. STATUS OF REVIEW

The Planning Commission last discussed the issue of single-family Floor Area Ratios (FAR) in a study session on April 13, 2006. At that meeting, the Commission requested that Staff return with certain code amendment options to discuss at a public hearing. The options have been developed and will be discussed at a June 8 public hearing before the Planning Commission (see Attachment 1). Although public comment has been given at prior study sessions, this will be the formal opportunity for the public to comment on the potential code changes.

Following your April 13 meeting, PCD Staff met with the Houghton Community Council in a study session on April 24. The Community Council expressed a desire to stay involved with this effort, but did not have any input at that time that would alter the options requested by the Planning Commission on April 13. Therefore, the options being presented to the Planning Commission for the June 8 public hearing will be the same options that will be the subject of a public hearing with the Community Council on June 19. The Community Council will eventually vote whether to extend FAR regulations to their jurisdiction; currently, FAR regulations do not apply in Houghton.

IV. DISCUSSION OF ALTERNATIVES

Attachment 1 contains draft Zoning Code language for each of the options requested by the Planning Commission at your April 13 study session. These options address the following components of current FAR and building element encroachment regulations: (A) Allowable FAR in the RS 5.0 and RSX 5.0 zones; (B) the exemption from FAR calculation for certain detached accessory structures; (C) the exemption from FAR calculation for vaulted space within a structure; and (D) the extent to which certain building elements may encroach into required setbacks. In addition, the options reflect the possibility of extending FAR regulations to the Houghton area of the city.

Pros and cons of each option are presented below. When reviewing these options, it should be kept in mind that there are general considerations for supporting or opposing any changes to FAR regulations and setback encroachment provisions. Generally, considerations in support of the changes would be based on a desire for smaller building envelopes, neighborhood compatibility, or similar concerns. Considerations opposing changes would generally be based on investment expectations, perceived market demands, appropriateness of the proposed “solution” to the perceived “problem” (i.e., is the problem one of size or one of design), or similar concerns. Additional considerations will no doubt arise during the public hearing process.

When considering the following discussion of each option, the Planning Commission might find it helpful to refer at the same time to Attachment 1, so that you can see the actual Zoning Code language that would be adopted.

A. FAR in RS/RSX 5.0 Zones

Option 1 reduces allowable FAR from 60% to 50% (*recommended by Staff*):

Considerations supporting this option include:

- An FAR of 50% would be consistent with the RS/RSX 7.2 and 8.5 zones, which are the prevailing single-family zones throughout Kirkland.
- The RS/RSX 5.0 zones allow denser development than allowed by other single-family zones, and a higher FAR exacerbates the impacts of dense development

Considerations opposing this option include:

- Today’s housing market expects a 3,000 sq. ft. house or greater. The current FAR of 60% allows a 3,600 sq. ft. house on a 5,000 sq. ft. lot. An FAR of 50% on a 5,000 sq. ft. lot would allow only 2,500 sq. ft.
- A reduction in FAR reduces the expected return on investment by homeowners and/or builders or developers.

Option 2 reduces allowable FAR from 60% to 50%, with incentives/standards to reach 60%:

Considerations supporting this option include:

- It is fair to “give back” through some means what has been “taken away” by a change in regulation.
- An FAR of 60% might be acceptable if designed and built appropriately or has some other extraordinary benefit.

Considerations opposing this option include:

- Not clear what standards for increased FAR would be appropriate.
- Introduction of incentives or standards involves subjectivity and process for review; while this may be a viable alternative, it is not a “quick” response to the issues raised.

Reasons for Staff Support of Option 1:

- A 50% FAR would be consistent with other prevailing single-family zones in Kirkland.
- While a 3,000 sq. ft. house might be demanded by a certain sector of the buying market, it does not represent the minimum demand by buyers as a whole. Recent experiences with “innovative” housing in Kirkland shows that there is a demand for homes smaller than 3,000 sq. ft.
- The RS 5.0 and RSX 5.0 zones contain a small portion of the total number of residential lots in the city. Opportunities to construct a 3,000 sq. ft. or larger house will continue to exist.
- The FAR calculation excludes several enclosed areas from its calculation. For example, if FAR in the RS 5.0 zone is reduced to 50%, an owner would still be allowed 2,500 sq. ft. of gross floor area plus sunken basement space of unlimited area (as long as it is less than 6 feet above finished grade) plus a roof form that contains any amount of square footage with a headroom less than 5 feet plus several hundred square feet of enclosed (but not counted) upper levels of vaulted space plus space contained in an accessory structure that is located more than 20 feet from the primary structure.

B. Detached Accessory Structures

Option 1 removes the FAR exemption for accessory structures located more than 20 feet from the primary structure:

Considerations supporting this option include:

- Total gross floor area (gfa) would be based on all structures on the site added together. Simple to measure and administer.

- Whether the gfa is contained in one structure or more than one structures, it all contributes to building volume and should be counted the same.

Considerations opposing this option include:

- Separation of structures helps relieve the perceived total mass. Two separated structures have less impact than one single structure incorporating the same total area.
- The current exemption encourages the placement of garages near the alley, a community priority.
- The current exemption encourages the provision of ADUs, a community priority.

Option 2 exempts up to 500 sq. ft. of accessory structures located more than 20 feet from the primary structure. Variables within this option relate to the type of use in the accessory structure, and the height of the structure. In other words, this exemption could apply only to space used as an Accessory Dwelling Unit, or only to space used as a garage, or to any space regardless of use. Also, the exemption could apply only to accessory structures that are one story in height, or it could apply to accessory structures regardless of height (*recommended by Staff, with exemption applied to either ADU or garage space, and without the one-story restriction*).

Considerations supporting this option include:

- Retains some incentive for detached ADUs and/or alley-oriented garages.
- Acknowledges that separated structures have a different (lesser) impact than a single structure.
- A one story height limit lessens the impact on neighboring properties.

Considerations opposing this option include:

- A one story height limit will remove the possibility for an over-garage ADU.
- May reduce or remove incentive for alley-oriented garage or detached ADU; may force a choice between the two.

Option 3 would retain the current exemption provisions.

Considerations supporting this option include:

- Retains incentives for both alley-oriented garages and detached ADUs.
- Acknowledges that separated structures have a different (lesser) impact than a single structure.

Considerations opposing this option include:

- Size of detached structure can be significant.

- Amount of potential exemption represents substantial added FAR. A 1,200 sq. ft. accessory structure on an 7,200 sq. ft. lot is equal to 16% added FAR.

Reasons for Staff Support of Option 2, with exemption being applicable regardless of use of the accessory structure, and without one-story height restriction:

- Allows a reasonable exemption for detached structures.
- Acknowledges that separated structures have a different (lesser) impact than a single structure.
- Lets owner/builder choose between exemption for garage or ADU; more flexible than if exemption applied only to ADUs or only to garages.
- Retains some incentive for alley-oriented garage or detached ADU.
- Limiting the FAR exemption to 500 sq. ft. will help control impacts to surrounding neighbors.

C. Vaulted Space

Option 1 requires that vaulted space be counted twice where ceiling height exceeds 16 feet (*recommended by Staff*).

Considerations supporting this option include:

- Vaulted space can affect building volume as much as space that is built as separate floors.
- The proposed 16 foot threshold allows for reasonable vaulted spaces.

Considerations opposing this option include:

- Vaulted spaces are popular with homebuyers/owners.
- Counting vaulted space twice may provide a disincentive for such space, or require room size trade-offs elsewhere.

Option 2 retains current code provisions; the floor area of vaulted space is counted only once regardless of height.

Considerations supporting this option include:

- Vaulted spaces are popular with homebuyers/owners.
- Some vaulted spaces are created by careful selection of roof truss systems or use of other construction techniques that add little increased building volume.

Considerations opposing this option include:

- Vaulted space can affect building volume as much as space that is built as separate floors.

Reasons for Staff Support of Option 1:

- Vaulted spaces can add significant volume to a building, which is counter to the purpose of limiting FAR.
- The proposed 16 foot threshold would still allow reasonable vaulted space, opportunities for clerestories, etc.
- The 16 foot threshold is a reasonable dimension, slightly less than two floors each having a ceiling height of 8 feet and separated by framing.

D. Allowable Setback Encroachments

Option 1 eliminates allowances for encroachments into required yards by such building features as chimney enclosures, bay windows, and awnings.

Considerations supporting this option include:

- Such building elements bring portions of a house closer to a shared property line, affecting sense of privacy and distance.
- Even though such encroachments are limited to 25% of the length of the structure façade, they can affect views as much as a larger encroachment from certain viewpoints.

Considerations opposing this option include:

- Architectural features provide visual interest to a building façade.
- Eliminating the allowances would encourage stark walls along common property lines.
- Architectural features do not contribute significantly to building volume.

Option 2 reduces the encroachment allowance from 18 inches to 12 inches (*recommended by Staff*).

Considerations supporting this option include:

- Allows reasonable intrusion of architectural features into required yards.
- Accommodates such features as greenhouse windows.
- Provides for visual interest to a building façade.

Considerations opposing this option include:

- May affect building design or siting to accommodate certain building features such as chimney enclosures.
- A 6 inch reduction in the encroachment allowance will not produce significant reduction of building mass or privacy/distance impacts.

Reasons for Staff Support of Option 2:

- Allows reasonable intrusion into required yards.
- Provides for visual interest to a building façade.

- While not significantly reducing impacts of building mass, the reduced encroachment allowance, in combination with recommended changes to the FAR provisions, will contribute to increased compatibility of neighboring structures.

V. PUBLIC COMMENT

Although the formal public comment period had not commenced at the time this memorandum was prepared, Staff has received comments from various interested parties over the past several months. Comments received prior to the Commission's April 13 study session were forwarded to the Commission on or before that date.

On April 13, a few hours before the Planning Commission study session, Staff met with representatives of the real estate and building industries to get initial feedback. We verbally reported that feedback to the Commission later that evening. We have since put that feedback into written form. Our understanding of industry concerns expressed at that April 13 meeting is summarized in Attachment 2. One of the concerns raised by the industry has to do with the financial assumptions on which builders or developers have based recent land purchase decisions. Because the length of the time between the signing of a purchase and sale agreement for land and the offering of new homes for sale upon that land can be extensive, the industry is concerned about the financial impact that a reduction in potential house size, and therefore market value, will have on their investment. For that reason, Staff believes that it is appropriate to at least consider delaying the effective date of any Zoning Code changes for a period of several months in order to allow developers and builders who have already invested under existing financial conditions to vest their building permits.

Since the April 13 Planning Commission, Staff has received additional comments via e-mail. Those are enclosed as attachments to this memo (see Attachment 3).

We expect to receive additional public comment prior to the public hearing, which we will forward to the Planning Commission. In addition, we expect to receive testimony at the hearing itself.

VI. SEPA

The proposed code changes are subject to the requirements of the State Environmental Policy Act. A Determination of Nonsignificance was issued on May 19, 2006. The requirements of SEPA have been fulfilled for this proposal (see Attachment 4).

VII. CONCLUSION

Staff recommends the following changes to Zoning Code provisions:

- A. Reduce allowable FAR in the RS 5.0 and RSX 5.0 zones from 60% to 50%.
- B. Limit the exemption for detached accessory structures to 500 sq. ft. regardless of type of use contained in the accessory structure and regardless of structure height.
- C. Calculate the floor area of vaulted space twice where the ceiling height of such space exceeds 16 feet.
- D. Reduce allowable building-mounted encroachments into required yards from 18 inches to 12 inches (except eaves, which would remain at 18 inches).

The Planning Commission should make its own recommendation after holding a public hearing on June 8. The hearing record should be held open until July 13 to allow the receipt and consideration of a recommendation from the Houghton Community Council.

ATTACHMENTS

- 1. Proposal Options, May 19, 2006
- 2. Summary of Concerns Expressed at April 13, 2006 Meeting with PCD and Industry Representatives
- 3. E-mail Comments Received Since April 13, 2006
 - a. April 26, 2006 e-mail from Jeff Peterson to Mike Bergstrom
 - b. April 27, 2006 e-mail from John Kemas to Kirkland City Council, Planning Commission, and Eric Shields
 - c. May 1, 2006 e-mail from Lew Bodman to Mike Bergstrom
 - d. May 4, 2006 e-mail from Peter Bartnick to Paul Stewart and Eric Shields
 - e. May 26, 2006 e-mail from Joe Bergevin to Eric Shields
- 4. Environmental Documents



CITY OF KIRKLAND

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To: Planning Commission

From: Eric R. Shields, AICP, Director
Michael Bergstrom, AICP, Consultant *MB*

Date: May 19, 2006

Subject: Proposal Options: Floor Area Ratios (FAR) and Allowable Building Element Encroachments, File No. ZON05-00019

The following options have been prepared by Planning and Community Development Staff for consideration through Process IV pursuant to chapter 160 KZC. These options are based on prior input from the City Council and Planning Commission, and will be the subject of a public hearing before the Planning Commission on June 8, 2006.

The options reflect different approaches that could be used to address the following components of current FAR regulations and provisions for setback encroachments: (A) Allowable FAR in the RS 5.0 and RSX 5.0 zones; (B) the exemption from FAR calculation for certain detached accessory structures; (C) the exemption from FAR calculation for vaulted space within a structure; and (D) the extent to which certain building elements may encroach into required setbacks. In addition, the options reflect the possibility of extending FAR regulations to the Houghton area of the city.

A. FAR in RS/RSX 5.0 Zones

OPTION 1: Reduce from 60% to 50 (recommended by Staff).

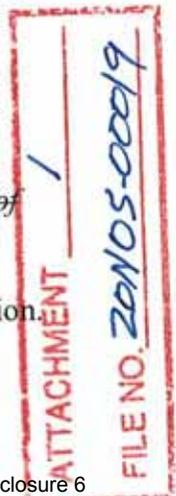
Amend KZC 15.10.010, Special Regulation No. 2, as follows:

2. Floor Area Ratio (F.A.R.) allowed for the subject property is as follows:
 - a. In RS 35 zone, F.A.R. is 20 percent of lot size.
 - b. In RS 12.5 zones, F.A.R. is 35 percent of lot size.
 - c. In RS 8.5 zones, F.A.R. is 50 percent of lot size.
 - d. In RS 7.2 zones, F.A.R. is 50 percent of lot size.
 - e. In RS 5.0 zones, F.A.R. is ~~60~~ 50 percent of lot size.

This special regulation is not effective within the disapproval jurisdiction of the Houghton Community Council.

See KZC 115.42, Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Residential Zones, for additional information.

AND Amend KZC 17.10.010, Special Regulation No. 2, as follows:



2. Floor Area Ratio (F.A.R.) allowed for the subject property is as follows
 - a. In RSX 35 zone, F.A.R. is 20 percent of lot size.
 - b. In RSX 12.5 zones, F.A.R. is 35 percent of lot size.
 - c. In RSX 8.5 zones, F.A.R. is 50 percent of lot size.
 - d. In RSX 7.2 zones, F.A.R. is 50 percent of lot size.
 - e. In RSX 5.0 zones, F.A.R. is ~~60~~ 50 percent of lot size.

See KZC 115.42, Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Residential Zones, for additional information.

OPTION 2: Reduce from 60% to 50%, with incentives/standards to reach 60%.

Amend KZC 15.10.010, Special Regulation No. 2, as follows:

2. Floor Area Ratio (F.A.R.) allowed for the subject property is as follows:
 - a. In RS 35 zone, F.A.R. is 20 percent of lot size.
 - b. In RS 12.5 zones, F.A.R. is 35 percent of lot size.
 - c. In RS 8.5 zones, F.A.R. is 50 percent of lot size.
 - d. In RS 7.2 zones, F.A.R. is 50 percent of lot size.
 - e. In RS 5.0 zones, F.A.R. is ~~60~~ 50 percent of lot size; provided, that F.A.R. may be increased up to 60 percent of lot size, if the following criteria are met:
 - i. The primary roof form of all structures on the site is peaked, with a minimum pitch of 4' vertical:12' horizontal; and
 - ii. A setback of at least 7.5' is provided along each side yard; and
 - iii. The garage utilizes an alley for its primary vehicular access and is setback within 5 feet of the rear property line, as provided by KZC 115.115.3.o (this requirement is not effective within the disapproval jurisdiction of the Houghton Community Council).

This special regulation is not effective within the disapproval jurisdiction of the Houghton Community Council.

See KZC 115.42, Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Residential Zones, for additional information.

AND Amend KZC 17.10.010, Special Regulation No. 2, as follows:

2. Floor Area Ratio (F.A.R.) allowed for the subject property is as follows
 - a. In RSX 35 zone, F.A.R. is 20 percent of lot size.
 - b. In RSX 12.5 zones, F.A.R. is 35 percent of lot size.
 - c. In RSX 8.5 zones, F.A.R. is 50 percent of lot size.
 - d. In RSX 7.2 zones, F.A.R. is 50 percent of lot size.
 - e. In RSX 5.0 zones, F.A.R. is ~~60~~ 50 percent of lot size; provided, that F.A.R. may be increased up to 60 percent of lot size, if the following criteria are met:

- i. The primary roof form of all structures on the site is peaked, with a minimum pitch of 4' vertical:12' horizontal; and
- ii. A setback of at least 7.5' is provided along each side yard; and
- iii. The garage utilizes an alley for its primary vehicular access and is setback within 5 feet of the rear property line, as provided by KZC 115.115.3.o.

See KZC 115.42, Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Residential Zones, for additional information.

B. Detached Accessory Structures

OPTION 1: Remove Exemption.

Amend KZC 115.42 Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Residential Zones as follows:

1. Gross floor area for purposes of calculating F.A.R. and maximum floor area for detached dwelling units in low density residential zones does not include the following:
 - a. Attic area with less than five feet of headroom.
 - b. Floor area with a ceiling height, including the horizontal supporting members for the ceiling, less than six feet above finished grade. The ceiling height will be measured along the outside perimeter of the building (see Plate 23).
 - ~~c. Accessory structures located more than 20 feet from the main structure (see KZC 115.30 for additional information on the required distance between structures).~~
 - d c. Uncovered and covered decks, porches, and walkways.

~~2. This section is not effective with the disapproval jurisdiction of the Houghton Community Council.~~

OPTION 2: Exempt up to 500 sq. ft. of accessory structures (recommended by Staff). NOTE: This option contains variables related to the type of use in the accessory structure and the height of that structure.

Amend KZC 115.42 Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Residential Zones as follows:

1. Gross floor area for purposes of calculating F.A.R. and maximum floor area for detached dwelling units in low density residential zones does not include the following:
 - a. Attic area with less than five feet of headroom.

- b. Floor area with a ceiling height, including the horizontal supporting members for the ceiling, less than six feet above finished grade. The ceiling height will be measured along the outside perimeter of the building (see Plate 23).
- c. No more than 500 sq. ft. of (((an Accessory Dwelling Unit / a garage / an Accessory Dwelling Unit or garage))) contained in an Accessory structures. Such structure shall be located more than 20 feet from the main structure (((and shall be no greater than 15 feet in height above finished grade))) (see KZC 115.30 for additional information on the required distance between structures).
- d. Uncovered and covered decks, porches, and walkways.

~~2. This section is not effective with the disapproval jurisdiction of the Houghton Community Council.~~

OPTION 3: No change to existing accessory structure exemption.

C. Vaulted Space

OPTION 1: Count vaulted space twice, where the ceiling height exceeds a specified dimension (recommended by Staff).

Amend KZC 115.42 Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Residential Zones as follows:

1. Gross floor area for purposes of calculating F.A.R. and maximum floor area for detached dwelling units in low density residential zones does not include the following:
 - a. Attic area with less than five feet of headroom.
 - b. Floor area with a ceiling height, including the horizontal supporting members for the ceiling, less than six feet above finished grade. The ceiling height will be measured along the outside perimeter of the building (see Plate 23).
 - c. Accessory structures located more than 20 feet from the main structure (see KZC 115.30 for additional information on the required distance between structures).
 - d. Uncovered and covered decks, porches, and walkways.

~~2. This section is not effective with the disapproval jurisdiction of the Houghton Community Council.~~

2. Floor area with a ceiling height greater than 16 feet shall be calculated at twice the actual floor area.

OPTION 2: No change to existing treatment of vaulted space.

D. Allowable Setback Encroachments

OPTION 1: Eliminate allowances for wall-mounted encroachments.

Amend KZC 115.115.3 as follows:

3. Structures and Improvements – No improvement or structure, including chimneys, bay windows, greenhouse windows, cornices, awnings, and canopies, may be in a required yard except as follows:
 - a. – c. No change
 - d. ~~Chimneys, bay windows, greenhouse windows, eaves, cornices, awnings, and canopies may extend up to 18 inches into any required yard. Eaves on bay windows may extend an additional 18 inches beyond the bay window. The total horizontal dimension of the elements that extend into a required yard, excluding eaves and cornices, may not exceed 25 percent of the length of the façade of the structure. See Plate 10. Eaves may extend up to 18 inches into any required yard.~~
 - e. – o. No change.

OPTION 2: Reduce allowances for wall-mounted encroachments (recommended by Staff).

Amend KZC 115.115.3 as follows:

3. Structures and Improvements – No improvement or structure may be in a required yard except as follows:
 - a. – c. No change
 - d. For detached dwelling units in low density residential zones, eaves may extend up to 18 inches into any required yards; chimneys, bay windows, greenhouse windows, cornices, awnings, and canopies may extend up to 12 inches into any required yard; eaves on bay windows may extend an additional 12 inches beyond the bay window. For all other uses in low density residential zones, and for all uses in all other zones, chimneys, bay windows, greenhouse windows, eaves, cornices, awnings, and canopies may extend up to 18 inches into any required yard. Eaves on bay windows may extend an additional 18

inches beyond the bay window. In any zone, ~~the~~ total horizontal dimension of the elements that extend into a required yard, excluding eaves and cornices, may not exceed 25 percent of the length of the façade of the structure. See Plate 10.

e. – o. No change.

OPTION 3: No change to existing setback allowances.

CITY OF KIRKLAND

123 FIFTH AVENUE KIRKLAND, WASHINGTON 98033-6189 (425) 587-3225

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

FAR – INDUSTRY CONCERNS

File No. ZON05-00019

The following is a summary of industry concerns related to possible changes to the City of Kirkland Floor Area Regulations, voiced at an April 13, 2006 meeting attended by PCD Staff and industry representatives. They are not listed in order of importance, and are not considered exhaustive.

- If changes are made, they should only apply to new plats, rather than apply zoning-wide.
- FAR does not address the real issue. The issue appears to be more design-related than size-related.
- The City of Clyde Hill has a good approach, essentially requiring greater setbacks for upper stories.
- Kirkland's 25' height allowance is restrictive and encourages boxy structures.
- The use of architectural standards might be a better alternative.
- A 10% reduction in allowable FAR, combined with a requirement to count vaulted space twice, is a significant (undesirable) reduction.
- The City should consider performance zoning; planners should be able to administer such an approach.
- The City should consider allowing greater height in exchange for reduced lot coverage.
- The size of contemporary homes is market driven; the market should be allowed to respond to demand.
- Concern over house size has been expressed by a vocal minority.
- Concerns raised by some members of the public are due more to the effects of change than to house sizes.



Enclosure 6
File No. ZON05-00019

- Reduced building potential would negatively affect property values and would decrease homeowners investments.
- Builders and developers have invested in properties based on certain economic assumptions, and need to feel their investment is secure.
- Overall, Kirkland's current FAR regulations are not ideal, but they're a known quantity and should not be changed.

Prepared by: Michael Bergstrom, AICP, Consultant
Planning & Community Development
City of Kirkland

Michael Bergstrom

From: "Jeff Peterson" <jeff690@msn.com>
To: <pstweart@ci.kirkland.wa.us>
Cc: <bergstrommike@msn.com>
Sent: Wednesday, April 26, 2006 1:31 PM
Subject: Kirkland planning

Hello gentlemen,

I have been thinking about the outcome of the last planning committee meeting and wanted to reiterate some points.

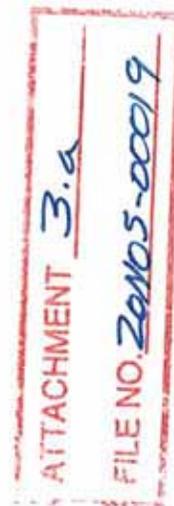
1) It is very clear to me (and several of the committee members) that the problem the committee is trying to solve is still not defined. I was shocked that decisions were made on several topics that seemed to go completely against the trend of discussion. The push to make changes seemed to come from one committee member (Janet) who also voiced the opinion for change at the Norkirk meeting the week before.

2) I was at the Norkirk meeting and there was only three people there who had a say about making changes to the current code. One of them was Janet of the planning committee, the other was a woman who stated " I don't want a big ugly box next to my house", and the third only wanted any changes to be done "green". All the other voices raised were in favor of no change to the current code. Janet's report of the tone of the meeting in Norkirk was completely off base and I wanted to let the other committee members know that the vast majority of voices there were against change.

3) I was dismayed that there was quite a bit of discussion about FAR with input from the builders and real estate agents etc. about the trends of home buying in the area that was completely ignored when it came time to actually vote on the issue.

4) The vote to make changes to the detached structures again is off base. An arbitrary number of 500 square feet for an ADU is very small. I doubt any of the committee members have ever lived in an apartment that small. Under the current recommendations exempting only 500 square feet of ADU and not a detached structure would reduce the possible square footage of a home on my property to 2675 square feet. This is only 675 square feet more than the current home on my property which is only a 2 bedroom house with a small kitchen!

5) I want to reiterate that by limiting the size of houses that the market will not look favorably on this. The trends are for the affluent to purchase homes with larger bedrooms and great rooms and more square footage. By limiting square footage prices WILL drop and the city will not increase it's taxes. For example: a current home valued at 600,000 pays approximately 3000 dollars for taxes, the same property with an adequate remodel valued at 1.2 million would pay 6000 for taxes without any change in needs for services. An extra \$3000 for nothing!. Also any new construction



is required to improve any old or damaged sidewalks and have underground electrical, telephone and cable services which improves the overall look of the neighborhood by reducing unsightly wires.

6) the bottom line is I still do not see the backing for the move to make these changes to the code. There is dissention amongst the committee members if there is even a problem and what the problem is, so making changes that will affect everyone without having a clearly defined problem is a mistake. I urge the committee to re-examine its purpose and goals before making any final recommendations. Perhaps a well publicized city-wide meeting prior to the recs going to the city council would be in order.

Thank you,

Jeff R Peterson, MD
1112 1st St
Kirkland

On the road to retirement? Check out MSN Life Events for advice on how to get there! <http://lifeevents.msn.com/category.aspx?cid=Retirement>

Michael Bergstrom

From: "Paul Stewart" <PStewart@ci.kirkland.wa.us>
To: "Michael Bergstrom" <bergstrommike@msn.com>; <public@andyheld.com>; "Byron Katsuyama" <bkatsuyama@mrsc.org>; "Carolyn Hayek" <chayek@verizon.net>; "Janet Pruitt" <janetpruitt@hotmail.com>; "Karen Tennyson" <tennysonkk@aol.com>; "Kiri Rennaker" <kiri@rennakerco.com>; "Mathew Gregory" <mjg@awerks.com.>
Sent: Friday, April 28, 2006 4:04 PM
Subject: FW: Changes to Kirkland's FAR and Development Regulations

This was received by the City Manager's office. I wasn't sure if you received this so I'm forwarding it just to make sure.

From: John Kemas [mailto:nbkemas@hotmail.com]
Sent: Thursday, April 27, 2006 2:39 PM
To: KirklandCouncil; planningcommission@ci.kirkland.wa.us; eshields@ci.kirkland.wa.us
Cc: dcrowell@nwrealtor.com; todd@woosley.org
Subject: Changes to Kirkland's FAR and Development Regulations

TO: Dear Mayor Lauinger & Council members, and

Planning Commission Chair Carolyn Hayek & Commission members

Courtesy Copy to: Mr. Eric Shields, Director of Planning & Community Development

FROM: Jeanette M. McKague, Asst. Director for Land Use/Planning

Washington Association of REALTORS®

RE: Changes to Kirkland's FAR & Development Regulations

CC: David Crowell, JD, SKCAR Director of Governmental & Public Affairs

(dcrowell@nwrealtor.com)

Todd Woosley, SKCAR Housing Specialist (Todd@Woosley.org)

DATE: April 27, 2006

ATTACHMENT 3.b
FILE NO. ZONDS-00019

Dear Mayor Lauinger, Chair Hayek, Members of the Council and Planning Commission and Mr. Shields:

I'm writing to you on behalf of the 24,000+ members of the Washington REALTORS®.

Our members also include more than 8,000 members of the Seattle-King County Association of REALTORS® who are represented in Kirkland by my professional colleagues, Todd Woosley (Housing Specialist) and David Crowell (Director of Governmental and Public Affairs).

Michael Bergstrom

From: "lewbodman@verizon.net" <lew.bodman@verizon.net>
To: <bergstrommike@msn.com>
Sent: Monday, May 01, 2006 9:42 AM
Subject: FAR

With all this-keep in mind one must not forget **we are a big city and getting bigger** with the addition of all the MS buildings,etc.

We are becoming the core, not the suburbs any more.We need higher density zoning, cheaper lots for smaller homes.

It's nothing new. Most of Seattle, and look at the old Burke and Farrar plat maps on the Eastside, 25x100 lots.Ballard is 30x 100. and then there is Columbia City Md. and Levittown, Long island.

We are talking about affordable housing for the **upper** middle class around here.\$1,000,000 average sale prices(98033) aren't in most people's budgets.There is resistance above \$750,000.

At \$3.50/gal. commuting to Marysville isn't the answer.

The permit process along with demand have all taken their toll on building costs. A builder can't pay \$300,000-350,000 for a lot on Rose Hill (7200) and put an 1800 sq.ft. house on it. (no profit) Result-BIG UGLY.

If a restaurant can't keep it's doors open by selling \$5 sandwiches, it will make 'em twice as big and charge \$10 and add a salad and fries. (Have you noticed this over the last few years ?)

Cottage zoning is part of the answer. Look at lot sizes in the old days W.of Market.

Families are smaller and in case you haven't noticed a lot of single professionals and single parents. We need more of it close to the core of cities such as Kirkland and Redmond.We DON'T need mega homes on 124th NE across from condos and near commercial. 124th NE north of 85th needs to be at least condominiums if not multi use to 116th.

It is crucial to decide these issues ASAP. Changing horses in the middle of the stream will really botch up a neighborhood ambience if it hasn't already. Rose Hill is a great example.

Redmond has a huge parcel in annexation that would be a prime project for higher density zoning. East of 132nd on N.Rose Hill. This area should be studied as a package. It has the most underdeveloped area left this close to the core of Kirkland/Redmond.

.....and what will all this do to the trees ? :)

Lew Bodman
Senior Residential Agent
Since 1970
John L. Scott
N. Rose Hill resident since 1967.

ATTACHMENT 3.c
FILE NO. ZON05-00019

Paul Stewart

From: Bartnick, Peter A [peter.a.bartnick@boeing.com]
Sent: Thursday, May 04, 2006 12:21 PM
To: Paul Stewart; Eric Shields
Cc: mailto:jbrill@ci.kirkland.wa.us; janetpruitt@hotmail.com; eng_eric@hotmail.com
Subject: Comments on proposed changes to F.A.R.s

Paul, Eric,

Speaking as a resident of Norkirk (not representing the NNA), I'd like to encourage leaving the incentives in place for accessory buildings. In Norkirk, we want to encourage folks who live on alley streets to build their garages in back (with or without an ADU). Actually, we want to encourage everyone to build their garage in back.

I'd like to see a rule that states you can get an F.A.R. "break" (either full or partial like 75%) if you build your garage "in back", but not if you build a garage on your main street. So, for those who don't live on alleys, they can still design a plan that has a narrow driveway back to their garage, leaving the front of their property less "car dominated".

Removing the "break" will, I think, result in construction that attaches garages (and big, wide driveways) to the front of houses, and end result, bulkier structures, car dominated properties. Both outcomes contrary to what I'd like to see.

I'd be in favor of not counting front porches as part of a building's F.A.R. (to some reasonable size of course). Again, it's an incentive to make the house friendly to the street.

I am supportive of tightening up the Vaulted space exception. Most of the out of scale structures that I see in the neighborhood have extensive vaulted spaces inside, which I have to believe was used to exceed the 50% F.A.R. rule.

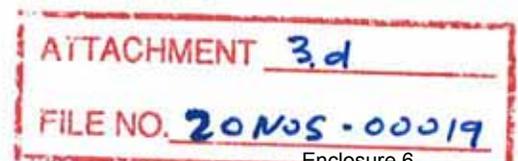
I think by tightening up that rule it would not be necessary to reduce the F.A.R. in the 7.2 and 8.5 zones to 45%.

You're recommending "no change" on a lot of the other factors that all figure in to a neighborhood's outcome as result of changes (smaller lot's, setback encroachment, structure placement) and aren't considering design elements (flat roofs, etc.). I'm concerned with a change that addresses only part of the factors resulting in limiting the ability to enact a more holistic solution.

Tough, tough issues, I appreciate your efforts.

Thanks for your time.

Peter A. Bartnick
BCA Eng. ACIP, Liaison, & Admin. Support Cust. Relationship Mgmt. (CRM) (425)237-2922,
67-HH, Pager (206)416-3381



Enclosure 6

File No. ZON05-00019

From: Joe [mailto:joe@jdbergevinhomes.com]
Sent: Friday, May 26, 2006 1:08 PM
To: Eric Shields
Cc: tattebery@mbaks.com; Mike Nykreim
Subject: Public Notification of FAR Issue in 5000 sf zoning -

Hi Erik,

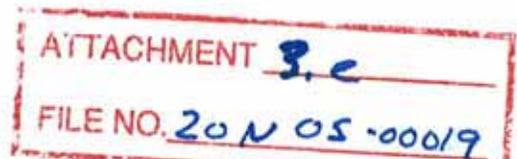
I'd like to pass on some of my thoughts regarding the potential for FAR change (reduction) in the 5000 square foot zoning areas. I do believe that the process should include public notification to ALL property owners who could be effected by ANY change to the use of their property, PRIOR TO scheduling any 'hearing' on this issue. I also believe the zoning change would have a negative financial impact on all the property owners in these zoning areas being considered for FAR reduction. For example, currently I am in the process of planning a home for a property owner that purchased his lot within this zoning area just this month. His purchase price would likely have been much less if the home he was able to build would have been smaller, in fact, the sale may not have happened at all. To put approximate numbers to this scenario - If a 3000 sq foot floor area (60% far) can be built on a 5000 sq foot lot, and a new home with a view in this neighborhood is selling for \$500 per square foot, then a 3000 sq ft FAR could yield a new home worth \$1.3M when you subtract the garage (2600sq.ft. x \$500). By the same token, if it were changed to 50% FAR, the same lot would yield 2500 sq. ft. FAR, or 2100 sq. ft. home, which in turn may sell for \$1.05M, or, \$250K less than the other home. If there were 500 homeowners affected by this change, then the potential for (500 x \$250K) \$125 Million dollars in today's new home market value would be at stake. I'm not sure how many homeowners are affected by the decision, but if we could determine the correct number of homeowners, we could then multiply that number by \$250K and come up with a pretty good assessment of how this decision impacts the everyday Kirkland homeowner. The business impact on the builder of the new home due to lost revenues is still another important component to consider. Just some food for thought.

Thank you for considering my opinion, I look forward to being involved in this discussion. I'm sure there are some valid points I'm not considering for the benefits of making this change, but I'm having a hard time thinking of what they may be, thus, the importance of having a discussion.

Call me at your convenience; I look forward to hearing from you.

Joe

**JOE BERGEVIN, PRESIDENT
JD BERGEVIN HOMES, INC.
425-736-9312**



CITY OF KIRKLAND
123 FIFTH AVENUE, KIRKLAND, WASHINGTON 98033-6189
(425) 587-3225



DETERMINATION OF NONSIGNIFICANCE (DNS) .

CASE #: SEP05-00024

DATE ISSUED: 5/19/2006

DESCRIPTION OF PROPOSAL -----

Amendments to the Kirkland Zoning Code affecting permitted Floor Area Ratios in residential zones.

PROPONENT:

LOCATION OF PROPOSAL -----

CITY-WIDE

LEAD AGENCY is **The City of Kirkland**

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21.030 (2) (c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public upon request.

There is no comment period for this DNS.

Responsible official:

5/19/06
Date

Eric Shields, Director
Department of Planning and Community Development
425-587-3225

Address: City of Kirkland
123 Fifth Avenue
Kirkland, WA 98033-6189

You may appeal this determination to **NANCY COX at Kirkland City Hall, 123 Fifth Avenue, Kirkland, WA 98033 no later than 5:00 p.m., Friday, June 02, 2006 by WRITTEN NOTICE OF APPEAL.**

You should be prepared to make specific factual objections. Contact Nancy Cox to read or ask about the procedures for SEPA appeals.

Please reference case # SEP05-00024.

cc: Case # SEP05-00024

ATTACHMENT 4
FILE NO. ZON05-00019

Distributed By: _____

Date: _____



CITY OF KIRKLAND

Planning and Community Development Department
123 Fifth Avenue, Kirkland, WA 98033 425.587.3225
www.ci.kirkland.wa.us

MEMORANDUM

To: Eric Shields, AICP, SEPA Responsible Official

From: Michael Bergstrom, AICP, Consultant *MB*

Date: May 16, 2006

File: SEP05-00024

Subject: ENVIRONMENTAL DETERMINATION FOR POTENTIAL AMENDMENTS TO THE KIRKLAND ZONING CODE REGULATING (1) MAXIMUM ALLOWABLE FLOOR AREA RATIOS (F.A.R.) FOR DETACHED DWELLING UNITS IN LOW DENSITY RESIDENTIAL ZONES, AND (2) ALLOWABLE SETBACK ENCROACHMENTS.

Background:

The City adopted Floor Area Ratio (FAR) regulations in the late 1990's in an effort to control the size of new or expanding houses. The regulations were intended to result in houses that are sized in proportion to the lot on which they are built, while reasonably accommodating the demands of the housing market. In recent months, City staff and City Council members have heard concerns from some members of the community that the FAR regulations are not effectively controlling the size of new or remodeled homes and the impacts related thereto. In response, the City Council has directed Staff to work with the Planning Commission and develop recommended changes to the regulations.

Over the past several months, Staff has worked with the City Council, Planning Commission, and Houghton Community Council in study sessions to develop options for consideration through the public review process. We have also met with industry representatives to obtain preliminary feedback and input. The City has received some input to date from the public at large and additional input is expected once the formal public hearing process gets underway. Staff has obtained sufficient input and direction to develop a proposal, including options, for public review and evaluation pursuant to SEPA. The proposal is likely to change to some extent as a result of additional public input during the public review process.

The proposal is considered a "Non-Project Action" pursuant to WAC 197-11-704(2)(b)(ii) (SEPA Definitions). The proposal is not categorically exempt from the environmental review requirements pursuant to WAC 197-11-800, and therefore an Environmental Checklist and Threshold Determination are required. An environmental checklist has been prepared for this action, and is enclosed.



CITY OF KIRKLAND ENVIRONMENTAL CHECKLIST

Purpose of Checklist:

The State Environmental Policy Act (SEPA), Chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the City identify impacts from your proposal, and to reduce or avoid impacts from the proposal, whenever possible

Instructions for Applicants:

This environmental checklist asks you to describe some basic information about your proposal. Answer the questions briefly with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply." Complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the City staff can assist you.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The City may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impacts.

Use of Checklist for Non-project Proposals:

Complete this checklist for non-project proposals also, even though questions may be answered "does not apply." IN ADDITION, complete the SUPPLEMENTAL SHEET FOR NON-PROJECT ACTIONS (Part D).

For non-project actions, the references in the checklist to the words "project," "applicant," and "property or site" should be read as "proposal," "proposer," and "affected geographic area," respectively.

File No. ZON05-00019
Enclosure 6

BACKGROUND

1. Name of proposed project, if applicable: **Zoning Code Amendments – Floor Area Ratios (FAR) for Detached Dwelling Units in Low Density Residential Zones and Allowable Setback Encroachments. File No. ZON05-00019, SEP05-00024.**

2. Name of applicant: *City of Kirkland.*

3. Tax parcel number: *City-wide.*

4. Address and phone number of applicant and contact person:

Paul Stewart, Deputy Director, Planning & Community Development, City of Kirkland, 123 Fifth Avenue, Kirkland, WA 98033-6189. (425) 587-3227.

5. Date checklist prepared:

May 9, 2006.

6. Agency requesting checklist:

City of Kirkland.

7. Proposed timing or schedule (including phasing, if applicable):

Amendments are anticipated to be adopted by City Council in Summer, 2006.

8. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal?

New construction of or additions to detached single-family structures will be subject to the revised regulations. Additional revisions to FAR regulations are possible but not proposed at this time. Any such additional revisions will be reviewed through a separate SEPA review process.

9. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

None.

10. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

Any building permit applications which are currently vested or will become vested prior to the adoption and effective date of the proposal will not be affected by the proposal. It is possible that some proposed building activity that is in the design phase but not yet vested by means of a complete building permit application will, depending on the timing of vesting, be subject to the new regulations. Any permit applications vested after the effective date of the proposal will be subject to the new or amended regulations.

11. List any government approvals or permits that will be needed for your proposal, if known.

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City Council adoption of the proposed amendments by ordinance. Houghton Community Council approval or lack of disapproval for amendments within its jurisdiction.

12. Give brief, complete description of your proposal, including the proposed uses, the size and scope of the project and site including dimensions and use of all proposed improvements. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page.

The proposal would revise existing Zoning Code regulations governing allowable Floor Area Ratios (FAR) for single-family detached dwelling units in Low Density Residential Zones, affecting some or all of the following zones: RS 35, RSX 35, RS 12.5, RSX 12.5, RS 8.5, RSX 8.5, RS 7.2, RSX 7.2, RS 5.0, RSX 5.0, PLA 6C, PLA 6E, and PLA 16. The proposal would (a) reduce maximum allowable FAR for some zones, (b) change the manner in which FAR is calculated, (c) clarify FAR provisions through text changes and addition of graphic illustrations (Plates), and (d) expand the geographical area to which the FAR regulations apply to include the jurisdiction of the Houghton Municipal Corporation (if the Houghton Community Council so elects). It would also reduce the extent to which certain building elements may encroach into required yards. A complete copy of the proposal is attached to this checklist, in a memo dated May 3, 2006. The proposal is likely to change to some extent as a result of industry and public input during the public review process.

13. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

The proposed amendments will apply city-wide, unless the Houghton Community Council elects to disapprove the amendments within its jurisdiction.

any, generally describe and give approximate quantities, if known.

N/A - Proposal is a non-project action.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

N/A - Proposal is a non-project action.

c. Proposed measures to reduce or control emissions or other impacts to air, if any:

N/A - Proposal is a non-project action.

3. WATER

a. Surface

1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

N/A - Proposal is a non-project action.

2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

N/A - Proposal is a non-project action.

3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

N/A - Proposal is a non-project action.

4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

N/A - Proposal is a non-project action.

5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

N/A - Proposal is a non-project action.

6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

N/A - Proposal is a non-project action.

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b. Ground

1) Will ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximate quantities if known.

N/A - Proposal is a non-project action.

2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals...; agricultural; etc.) Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

N/A - Proposal is a non-project action.

c. Water Runoff (including storm water):

1) Describe the source of runoff (include storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

N/A - Proposal is a non-project action.

2) Could waste materials enter ground or surface waters? If so, generally describe.

N/A - Proposal is a non-project action.

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

N/A - Proposal is a non-project action.

4. PLANTS

a. Check or circle types of vegetation found on the site:

- deciduous tree: alder, maple, aspen, other
- evergreen tree: fir, cedar, pine, other
- shrubs
- grass
- pasture
- crop or grain
- wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- water plants: water lily, eelgrass, milfoil, other

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_____ other types of vegetation
N/A - Proposal is a non-project action.

- b. What kind and amount of vegetation will be removed or altered?
N/A - Proposal is a non-project action.
- c. List threatened or endangered species known to be on or near the site.
N/A - Proposal is a non-project action.
- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:
N/A - Proposal is a non-project action.

5. ANIMALS

- a. Circle any birds and animals which have been observed on or near the site or are known to be on or near the site:

birds: hawk, heron, eagle, songbirds, other
mammals: deer, bear, elk, beaver, other
fish: bass, salmon, trout, herring, shellfish, other
N/A - Proposal is a non-project action.

- b. List any threatened or endangered species known to be on or near the site.
N/A - Proposal is a non-project action.
- c. Is the site part of a migration route? If so, explain.
N/A - Proposal is a non-project action.
- d. Proposed measures to preserve or enhance wildlife, if any:
N/A - Proposal is a non-project action.

6. ENERGY AND NATURAL RESOURCES

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.
N/A - Proposal is a non-project action.
- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.
N/A - Proposal is a non-project action.

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- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:
N/A - Proposal is a non-project action.

7. ENVIRONMENTAL HEALTH

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.
N/A - Proposal is a non-project action.

- 1) Describe special emergency services that might be required.
N/A - Proposal is a non-project action.
- 2) Proposed measures to reduce or control environmental health hazards, if any:
N/A - Proposal is a non-project action.

b. Noise

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?
N/A - Proposal is a non-project action.
- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.
N/A - Proposal is a non-project action.
- 3) Proposed measures to reduce or control noise impacts, if any:
N/A - Proposal is a non-project action.

8. LAND AND SHORELINE USE

- a. What is the current use of the site and adjacent properties?
The proposal will affect properties that lie within a Low Density Zone, and on which future development or redevelopment may occur. The sites include a combination of currently vacant properties and properties with existing single-family residential structures, as well as possibly some non-conforming uses.

- b. Has the site been used for agriculture? If so, describe.

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N/A - Proposal is a non-project action.

- c. Describe any structures on the site.
It is likely that many of the affected sites contain existing residential structures and structures accessory thereto.
- d. Will any structures be demolished? If so, what?
It is likely that some existing structures will be demolished over time as they become obsolete and the desire to rebuild arises.
- e. What is the current zoning classification of the site?
The proposal some or all of the following Low Density Zones: RS 35, RSX 35, RS 12.5, RSX 12.5, RS 8.5, RSX 8.5, RS 7.2, RSX 7.2, RS 5.0, RSX 5.0, PLA 6C, PLA 6E, and PLA 16.
- f. If applicable, what is the current shoreline master program designation of the site?
N/A - Proposal is a non-project action.
- g. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.
N/A - Proposal is a non-project action.
- h. Approximately how many people would reside or work in the completed project.
N/A - Proposal is a non-project action.
- i. Approximately how many people would the completed project displace?
N/A - Proposal is a non-project action.
- j. Proposed measures to avoid or reduce displacement impacts, if any:
N/A - Proposal is a non-project action.
- k. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:
Proposal will be reviewed through a public review process. A public hearing will be held to invite public comment.

9. HOUSING

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.
The proposal is not expected to have any effect on the number of housing units that might be built in the future.

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- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.
The proposal is not expected to have any effect on the number of housing units that might be demolished in the future in order to accommodate redevelopment.
- c. Proposed measures to reduce or control housing impacts, if any:
The proposal is intended to reduce and control the impacts of new single-family residential development on adjacent residential development, by ensuring that new or expanded residences are in scale with their surroundings.

10. AESTHETICS

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?
Proposal is a non-project action, and will not affect allowable building heights.
- b. What views in the immediate vicinity would be altered or obstructed?
If allowable FAR is reduced as a result of this proposal, future impacts on existing views should be somewhat less than without the FAR reduction.
- c. Proposed measures to reduce or control aesthetic impacts, if any:
The proposal is intended to reduce and control aesthetic impacts of new single-family residential development on adjacent residential development, by ensuring that new or expanded residences are in scale with their surroundings.

11. LIGHT AND GLARE

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?
N/A - Proposal is a non-project action.
- b. Could light or glare from the finished project be a safety hazard or interfere with views?
N/A - Proposal is a non-project action.
- c. What existing off-site sources of light or glare may affect your proposal?
N/A - Proposal is a non-project action.
- d. Proposed measures to reduce or control light and glare impacts, if any:
N/A - Proposal is a non-project action.

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12. RECREATION

- a. What designated and informal recreational opportunities are in the immediate vicinity?
N/A - Proposal is a non-project action.
- b. Would the proposed project displace any existing recreational uses? If so, describe.
N/A - Proposal is a non-project action.
- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:
N/A - Proposal is a non-project action.

13. HISTORICAL AND CULTURAL PRESERVATION

- a. Are there any places or objects listed in, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.
N/A - Proposal is a non-project action.
- b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.
N/A - Proposal is a non-project action.
- c. Proposed measures to reduce or control impacts, if any:
N/A - Proposal is a non-project action.

14. TRANSPORTATION

- a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on-site plans, if any.
N/A - Proposal is a non-project action.
- b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?
N/A - Proposal is a non-project action.
- c. How many parking spaces would the completed project have? How many would the project eliminate?
N/A - Proposal is a non-project action.
- d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or

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private).

N/A - Proposal is a non-project action.

- e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

N/A - Proposal is a non-project action.

- f. How many vehicular trips per day would be generated by the completed project? If know, indicate when peak volumes would occur.

N/A - Proposal is a non-project action.

- g. Proposed measures to reduce or control transportation impacts, if any:

N/A - Proposal is a non-project action.

15. PUBLIC SERVICES

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe.

N/A - Proposal is a non-project action.

- b. Proposed measures to reduce or control direct impacts on public services, if any.

N/A - Proposal is a non-project action.

16. UTILITIES

- a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other

N/A - Proposal is a non-project action.

- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

N/A - Proposal is a non-project action.

SIGNATURE

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: 

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Date Submitted: May 10, 2006

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Enclosure 6

D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS

(Do not use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?
The proposed amendments will have no effect on these elements of the environment.

Proposed measures to avoid or reduce such increases are:
None necessary.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?
The proposed amendments will not affect plants, animals, fish, or marine life.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:
None necessary.

3. How would the proposal be likely to deplete energy or natural resources?
The proposed amendments will not deplete energy or natural resources.

Proposed measures to protect or conserve energy and natural resources are:
None necessary.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?
The proposed amendments will not use or affect environmentally sensitive areas.

Proposed measures to protect such resources or to avoid or reduce impacts are:
None necessary.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?
The proposal will amend the City's regulations governing the maximum size of single-family

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detached dwelling units in low density residential zones, expressed and regulated as Floor Area Ratio (FAR). Through reductions to the allowable FAR and/or revisions to how FAR is calculated, potential house sizes will be reduced. While not all new houses are constructed to the maximum allowable FAR, and therefore may not be affected by the changes, those future homes that do wish to design to the maximum size allowable will be somewhat smaller than they would be without the amendments. The proposal will not allow or encourage uses incompatible with existing plans.

Proposed measures to avoid or reduce shoreline and land use impacts are:
The proposal is intended to reduce impacts of new development on existing residential uses and neighborhoods, while allowing new residential development that reasonably responds to and satisfies current and expected market demand.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?
The proposed amendments will have no effect on transportation, public services, or utilities.

Proposed measures to reduce or respond to such demand(s) are:
None necessary.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.
The proposal will not conflict with such requirements.



CITY OF KIRKLAND

Planning and Community Development Department
123 Fifth Avenue, Kirkland, WA 98033 425.587.3225
www.ci.kirkland.wa.us

To: Interested Parties

From: Eric R. Shields, AICP, Director
Michael Bergstrom, AICP, Consultant *MB*

Date: May 3, 2006

Subject: Potential Revisions to City of Kirkland Floor Area Ratios (FAR) and Allowable Building Element Encroachments, File No. ZON05-00019 and SEP05-00024

The following options have been prepared by Planning and Community Development Staff for consideration through Process IV pursuant to chapter 160 KZC. These options are based on prior input from the City Council and Planning Commission, and are intended to serve as a basis for public discussion.

The options reflect different approaches that could be used to address the following components of current FAR regulations and provisions for setback encroachments: (A) Allowable FAR in the RS 5.0 and RSX 5.0 zones; (B) the exemption from FAR calculation for certain detached accessory structures; (C) the exemption from FAR calculation for vaulted space within a structure; and (D) the extent to which certain building elements may encroach into required setbacks. In addition, the options reflect the possibility of extending FAR regulations to the Houghton area of the city.

A. FAR in RS/RSX 5.0 Zones

OPTION 1: Reduce from 60% to 50% (Staff recommended option).

Amend KZC 15.10.010, Special Regulation No. 2, as follows:

2. Floor Area Ratio (F.A.R.) allowed for the subject property is as follows:
 - a. In RS 35 zone, F.A.R. is 20 percent of lot size.
 - b. In RS 12.5 zones, F.A.R. is 35 percent of lot size.
 - c. In RS 8.5 zones, F.A.R. is 50 percent of lot size.
 - d. In RS 7.2 zones, F.A.R. is 50 percent of lot size.
 - e. In RS 5.0 zones, F.A.R. is ~~60~~ 50 percent of lot size.

This special regulation is not effective within the disapproval jurisdiction of the Houghton Community Council.

See KZC 115.42, Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Residential Zones, for additional information.

AND Amend KZC 17.10.010, Special Regulation No. 2, as follows:

2. Floor Area Ratio (F.A.R.) allowed for the subject property is as follows
 - a. In RSX 35 zone, F.A.R. is 20 percent of lot size.
 - b. In RSX 12.5 zones, F.A.R. is 35 percent of lot size.
 - c. In RSX 8.5 zones, F.A.R. is 50 percent of lot size.
 - d. In RSX 7.2 zones, F.A.R. is 50 percent of lot size.
 - e. In RSX 5.0 zones, F.A.R. is 60 50 percent of lot size.

See KZC 115.42, Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Residential Zones, for additional information.

OPTION 2: Reduce from 60% to 50%, with incentives/standards to reach 60%.

Amend KZC 15.10.010, Special Regulation No. 2, as follows:

2. Floor Area Ratio (F.A.R.) allowed for the subject property is as follows:
 - a. In RS 35 zone, F.A.R. is 20 percent of lot size.
 - b. In RS 12.5 zones, F.A.R. is 35 percent of lot size.
 - c. In RS 8.5 zones, F.A.R. is 50 percent of lot size.
 - d. In RS 7.2 zones, F.A.R. is 50 percent of lot size.
 - e. In RS 5.0 zones, F.A.R. is 60 50 percent of lot size; provided, that F.A.R. may be increased up to 60 percent of lot size, if the following criteria are met:
 - i. The primary roof form of all structures on the site is peaked, with a minimum pitch of 4' vertical:12' horizontal; and
 - ii. A setback of at least 7.5' is provided along each side yard; and
 - iii. The garage utilizes an alley for its primary vehicular access and is setback within 5 feet of the rear property line, as provided by KZC 115.115.3.o (this requirement is not effective within the disapproval jurisdiction of the Houghton Community Council).

~~This special regulation is not effective within the disapproval jurisdiction of the Houghton Community Council.~~

See KZC 115.42, Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Residential Zones, for additional information.

AND Amend KZC 17.10.010, Special Regulation No. 2, as follows:

2. Floor Area Ratio (F.A.R.) allowed for the subject property is as follows
 - a. In RSX 35 zone, F.A.R. is 20 percent of lot size.
 - b. In RSX 12.5 zones, F.A.R. is 35 percent of lot size.
 - c. In RSX 8.5 zones, F.A.R. is 50 percent of lot size.
 - d. In RSX 7.2 zones, F.A.R. is 50 percent of lot size.
 - e. In RSX 5.0 zones, F.A.R. is 60 50 percent of lot size; provided, that F.A.R. may be increased up to 60 percent of lot size, if the following criteria are met:

- i. The primary roof form of all structures on the site is peaked, with a minimum pitch of 4' vertical:12' horizontal; and
- ii. A setback of at least 7.5' is provided along each side yard; and
- iii. The garage utilizes an alley for its primary vehicular access and is setback within 5 feet of the rear property line, as provided by KZC 115.115.3.o.

See KZC 115.42, Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Residential Zones, for additional information.

B. Detached Accessory Structures

OPTION 1: Remove Exemption.

Amend KZC 115.42 Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Residential Zones as follows:

1. Gross floor area for purposes of calculating F.A.R. and maximum floor area for detached dwelling units in low density residential zones does not include the following:
 - a. Attic area with less than five feet of headroom.
 - b. Floor area with a ceiling height, including the horizontal supporting members for the ceiling, less than six feet above finished grade. The ceiling height will be measured along the outside perimeter of the building (see Plate 23).
 - ~~c. Accessory structures located more than 20 feet from the main structure (see KZC 115.30 for additional information on the required distance between structures).~~
 - d. Uncovered and covered decks, porches, and walkways.

~~2. This section is not effective with the disapproval jurisdiction of the Houghton Community Council.~~

OPTION 2: Exempt up to 500 sq. ft. of one story accessory structures (Staff recommended option).

Amend KZC 115.42 Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Residential Zones as follows:

1. Gross floor area for purposes of calculating F.A.R. and maximum floor area for detached dwelling units in low density residential zones does not include the following:
 - a. Attic area with less than five feet of headroom.

- b. Floor area with a ceiling height, including the horizontal supporting members for the ceiling, less than six feet above finished grade. The ceiling height will be measured along the outside perimeter of the building (see Plate 23).
- c. No more than 500 sq. ft. of an Accessory Dwelling Unit or garage contained in an Accessory structures. Such structure shall be located more than 20 feet from the main structure, shall be no more than 15 feet in height above finished grade and, if a garage, shall utilize an alley for primary vehicle access (see KZC 115.30 for additional information on the required distance between structures).
- d. Uncovered and covered decks, porches, and walkways.

~~2. This section is not effective with the disapproval jurisdiction of the Houghton Community Council.~~

OPTION 3: Exempt up to 800 sq. ft. of the portion of accessory structure containing an ADU.

Amend KZC 115.42 Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Residential Zones as follows:

1. Gross floor area for purposes of calculating F.A.R. and maximum floor area for detached dwelling units in low density residential zones does not include the following:
 - a. Attic area with less than five feet of headroom.
 - b. Floor area with a ceiling height, including the horizontal supporting members for the ceiling, less than six feet above finished grade. The ceiling height will be measured along the outside perimeter of the building (see Plate 23).
 - c. No more than 800 square feet of the floor area of an Accessory Dwelling Unit within an Accessory structures, if such accessory structure is located more than 20 feet from the main structure (see KZC 115.30 for additional information on the required distance between structures).
 - d. Uncovered and covered decks, porches, and walkways.

~~2. This section is not effective with the disapproval jurisdiction of the Houghton Community Council.~~

OPTION 4: Combination of Options 2 and 3 (Note: The Planning Commission did not specifically request this option).

Amend KZC 115.42 Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Residential Zones as follows:

extend into a required yard, excluding eaves and cornices, may not exceed 25 percent of the length of the façade of the structure. See Plate 10.

e. – o. No change.

OPTION 3: No change to existing setback allowances.

Additional options have been evaluated over the past several months and are not being recommended by PCD Staff for further consideration at this time. They include:

- Reducing allowable FAR for lots that do not meet the minimum lot size of the underlying zone. For example, if a 6,000 sq. ft. lot exists in the RS 7.2 zone, the 50% FAR could be reduced to 45% or some other number.
- Further reducing the extent to which certain building elements are allowed to encroach into required setbacks. For example, limiting such encroachments to 6 inches, rather than 12 inches or the current 18 inches.
- Requiring the larger side elevation of a structure to maintain the larger side yard setback. While the current side yard setbacks of the RS zone would not be changed from a combined total of at least 15 feet, the larger façade would be required to maintain a setback of 7.5 feet or 10 feet

ADDITIONAL PUBLIC COMMENTS

**SINGLE FAMILY FAR REGULATIONS
FILE NO. ZON05-00019**

ENCLOSURE 7
FILE NO. ZON05-00019

Michael Bergstrom

From: "Eric Shields" <EShields@ci.kirkland.wa.us>
To: "Michael Bergstrom" <bergstrommike@msn.com>
Cc: "Paul Stewart" <PStewart@ci.kirkland.wa.us>
Sent: Monday, July 17, 2006 11:32 AM
Subject: FW: FW: Update on Single-Family Floor Area Ratio (FAR) Regulations

FYI

Eric Shields
Director
Kirkland Dept. of Planning & Community Development

From: Janet Jonson
Sent: Monday, July 17, 2006 9:00 AM
To: City Council
Cc: David Ramsay; Eric Shields; Paul Stewart
Subject: FW: FW: Update on Single-Family Floor Area Ratio (FAR) Regulations

These are comments following the Planning Commission meeting last Thursday night. JJ

Janet Jonson
City Manager's Office
City of Kirkland
123 Fifth Avenue
Kirkland, WA 98033
425-587-3007
425-587-3019
jjonson@ci.kirkland.wa.us

From: Wyomia Bonewits [mailto:wyomia@comcast.net]
Sent: Sunday, July 16, 2006 9:31 PM
To: KirklandCouncil
Subject: FW: FW: Update on Single-Family Floor Area Ratio (FAR) Regulations

Read these obvious comments below regarding Janet's steering of this issue! This is unbelievable – the issue of her unfair and inappropriate handling of the issues at hand needs to be addressed. In addition, the issue itself should be dead. It is hard to believe this is still being kicked around. I urge you to consider removing her from this position. I am of the opinion that failure to do so leaves the Council exposed to equal accountability to favoritism and steering.

Thank you,

Wyomia Bonewits

From: Jeff Peterson [mailto:jeffpeterson65@comcast.net]
Sent: Friday, July 14, 2006 9:04 AM
To: Mike Nykreim
Cc: 'Bob Douglas'; 'Brennan Taylor'; 'Brett Dean'; 'Brian Darrow'; 'Christopher Loisey'; 'Dona Adams'; 'Dori Hanson'; 'Doug Davis'; 'James Bargfrede'; 'Jason Jones'; 'Jeff Ireland'; 'Jim Tennyson'; 'Joe Bergevin'; 'john kappler'; 'John Lux'; 'John Rubenkonig'; 'John Rudolph'; 'Josh Lyson'; 'Kelly Baker'; 'Ken Nash'; 'Laura Westerlund'; 'Mark Alguard'; 'Mark Conner'; 'Paul Duren'; 'Rob Stewart'; Stacy Bouska; 'Steve Holzkecht'; 'Tim Olson'; Wendy Unzelman; Wyomia Bonewits
Subject: Re: FW: Update on Single-Family Floor Area Ratio (FAR) Regulations

Hello everyone,

I attended the planning committee meeting last night. The committee seemed to have spent a lot of time reviewing the data and driving around to look at houses etc. There was a long debate on each of the 4 issues with preliminary voting (4-3) to no change for FAR in 5.0 zones, no change to ADU and no change to vaulting. However in usual fashion, a quick vote was called and when the dust settled they voted (4-3) to 1) reduce FAR to 50% with exceptions i and ii, 2) completely eliminate the exemption for accessory structures, 3) no change to existing vaulting, and 4) no change in encroachments except that they can not be any closer than 4 ft to the side property line. On the FAR issue there was an amendment that 60% could be achieved if i and ii were met but only on the first 5000 sq ft of the lot, after that only 50%.

As you can imagine I was shocked that the vote changed on several major issues just at the end. This has happened before in exactly the same manner. I was about to leave when the city manager and the planning commissioner suggested an extension to the implementation of the changes so property owners can apply for grandfather status. Suggestions were made between 3 and 6 months from the city council vote. The only high point for me.

City Council will hear these recommendations August 1 and likely vote Sept 19, giving us until mid December to have plans submitted for any projects you want grandfathered.

Of serious note, Janet Pruitt again was her usual zealous self and started off the session with statements that many people signed petitions to change the size of houses. She then incredibly stated that there were equal letters and verbal comments presented at public forum (she obviously counted wrong as she stated 26 people gave verbal testimony 8 in favor of changes and 18 in favor of no change. As I recall there were 4 who spoke in favor of change and several people waved their right to speak against changes as the issues had already been addressed. She also neglected the 33 people on the petition. She continued to steer the committee in her usual way "I strongly move for the removal of exemptions" and "I completely agree with Karen(Tennyson) that we need to reduce the FAR". I have the vote on each issue if you are interested. They were considering eliminating basement exemptions and deck exemptions, but the planning commissioner told Janet she could not do that (thank God). Considered a partial increase in height limit but only if you have a pitched roof. Again, the only voice of reason was Kiri Rennaker who seemed to have done the most legwork and felt ADU that were done for the most part were quite nice, but some trees would soften the blow of the structure near the alley. Janet shut her down again and Kiri (exasperated) said she will not do this again and sounded like she would resign from the committee. I hope not.

It is vital that we collect as many signatures on petitions to present to city council on the 1st so that they will call for further study of the issue. It is also vital as many people as possible attend the study session on the 1st (I think there will be public comment taken) or at least on the 19th of September. Otherwise I suggest you flood the building department with applications to get your projects done and start looking in another city to build as Janet Pruitt and Karen Tennyson have won this round. Of interesting note Andy Held was the one who placed the rapid call to vote and voted for removal of the ADU exemption.

Please each of you try to collect as many signatures as possible to present to council and show up in force. Good Luck to us all. Jeff Peterson

On Tuesday, July 11, 2006, at 07:07 PM, Mike Nykreim wrote:

This meeting is for July 13th, this Thursday.

I will be out of town. There is NOT to be a public hearing on this. If there is any public comment allowed, then the PC will be Out of Order. It will be important to see how staff presents Houghton's decision, since Houghton soundly voted this down with NO descending decision. The PC Chair was in attendance at that meeting and if she tries to make it seem that Houghton really wanted 'not' to vote this down, then someone will need to correct her misinformation. Bottom line, only 6 people spoke at Houghton's hearing only 2 were clearly in favor of this new regulation.

This Planning Commission will be counting noses in the audience. It is very important for people to attend to make a 'noisy showing' that this commission should follow Houghton's lead, and vote this policy down.

Thanks and Good Luck to all of us....

Mike Nykreim

Kirkland Builders Group

mike@kirklandbuildersgroup.com

101 10th Ave

Kirkland, WA 98033-5522

tel: 425.827.2234

fax: 425.828.8951

mobile: 425.466.2611

<image.tiff>

From: City of Kirkland [mailto:webmaster@ci.kirkland.wa.us]

Sent: Tuesday, July 11, 2006 1:45 PM

To: mike@kirklandbuildersgroup.com

Subject: Update on Single-Family Floor Area Ratio (FAR) Regulations

<image.tiff>

Subscription Information

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Paul Stewart

From: Ray Hansen [rayshansen@verizon.net]
Sent: Wednesday, July 12, 2006 7:55 PM
To: Paul Stewart
Subject: FAR, Input for July 13 CC Mtg
Attachments: FAR Msg.txt

Hi, Paul,

Attached is a statement for Council package for tomorrow night's meeting. It is same as the below.

Regards,
Ray

Subject: FAR Percentages

I urge Council to approve Staff's recommendations, or even tighten (reduce) them. The FAR percentages are far too high already, from point of view of neighborhood character, at least North Rose Hill's. Even under the existing FAR, most new houses have virtually no "playable" yard for the kids of the family. When houses overwhelm lots, residents' social lives are internalized--essentially confining people to the insides of their homes, and kids to TV sets.

Large FAR's can be a real blow to kids and to front-porch neighborliness in general--both of which are already in short supply. Is that the kind of neighborhoods we want to foster? If it is, you might as well allow row-houses and multi-family.

Developers and real estate folks will argue: Give people what they want. That's pretty specious. If that's the philosophy, might as well forget zoning entirely and turn 'em loose--like in Texas.

Ray Hansen
11034 130 Ave NE
Kirkland WA 98033
827-7315

Paul Stewart

From: mnmisaacs [mnm@mnmisaacs.com]
Sent: Wednesday, July 12, 2006 10:38 PM
To: Paul Stewart
Cc: BergstromMike@msn.com
Subject: Re: Floor Area Ratio

July 12th, 2006.

Dear Paul,

As one of the attendees at the recent Planning Commission meeting seeking input on the proposed changes to the FAR, I was truly disturbed that such an issue even made the agenda of the Commission. I see the proposal as a direct assault on the property rights of individuals whom are granted those rights by the Constitution.

There is absolutely no basis in fact whatsoever which merits such a consideration. If any proponent could justify this proposal with anything other than emotional claptrap then it may be worth considering, the fact is, it is not justifiable.

Some proponents speak of the creation of Luxville which is a direct assault on an independent business which has fulfilled the hopes and dreams of many new home purchasers in the City. Others claim the houses are too big yet they conform to all the stringent regulations in place. Others wish to maintain the charm of Kirkland, whatever that means, any honest observer will admit the City's charm is consistently being enhanced if that were not the case the demand for housing would not be what it is.

Change, is an irrefutable fact of life. Market forces through the supply and demand phenomenon dictate that it is impossible to control the needs and desires of the City's growing population by regulation opposed to human nature. The City of Kirkland is unquestionably a great place to live and that is why the demand for housing is what it is. Are Developers and Builders, who are able to respond to the demand by creating additional lots and subsequently building houses, to be considered evil for making profits? After all, this is America. Which of the proponents in an effort to maintain the character of Kirkland would sell their small ramblers at 50% of their value for that purpose, none, I believe.

Due to the desirability of Kirkland as a place to live, many residents have invested in Kirkland real estate with a view to their retirement in the future. To assault and subsequently negate those hopes and dreams in whole or in part is a travesty. Do not forget, Ken Lay of Enron fame obliterated the hopes of many who trusted him for the future; he did it for personal gain. Apart from satisfying the underlying political desires of a minute vocal minority what would be gained by the approval of this proposal. Nothing, nothing at all apart from injury to those who are looking to the future.

Both the Planning Commission and the Council, as judges in this case, are obligated on my behalf and all the residents of Kirkland to consider this proposal wholly and solely on its merit and benefit to the City and its residents. Emotionalism cannot be the basis for far reaching decisions. Hopefully, the facts will be considered and a sane and sensible decision made to reject the proposal.

Yours truly,

Mark P. Isaacs.

7/13/2006

RECEIVED

JUL 10 2006

AM _____ PM
PLANNING DEPARTMENT
BY _____

June 26, 2006

To: The City of Kirkland Planning Commission
CC: Paul Stewart, Michael Bergstrom, City Council members

RE: FAR regulations and changes

To whom it may concern:

I am writing today to express my concern regarding the proposed changes in FAR regulations. I think there should be no change in the current regulations. I have lived in Kirkland for three years and I am very glad to see my neighborhood improving with the many new homes being built.

For example, when we first moved to Kirkland there was a small home that was an eyesore that had garbage piles all over the front and back yard. I did not like seeing this every time I drove to and from home and I was embarrassed that Kirkland would have areas like this. This neglected home was a small dwelling on a spacious lot – precisely what the proposed regulations would desire. But just because a home fits a certain “FAR ratio” does not automatically make it a desirable home for a neighborhood. Imposing arbitrary size regulations do nothing to improve the aesthetic qualities of an area. Had the new proposed regulations been implemented, then this property would have stayed unchanged due to lack of marketability of the land. However, recently the home was sold to a builder and a nice new, architecturally appealing home is being built in its place, thus removing a negative feature of the neighborhood.

I purposely moved away from the cities in the south end to raise my family in a more self-conscious area where the homeowners value design and take pride in their residences. Placing unrealistically harsh restrictions on development do nothing to improve the future quality of a community, but only offer to placate those residents who yearn for a time that has long-since passed. These proposed regulations would make it so creative developers will pass on looking to Kirkland for building pleasing new residences, and relegate Kirkland to some long-passed ideals of a former sleepy rural town. This is definitely not in the interests of the majority of Kirkland homeowners and residents. Please ignore these few people with unrealistic yearnings, and look forward to allowing a creative, yet managed growth of our beautiful city. Just because a home is small, doesn't necessarily mean that it's architecturally pleasing.

Sincerely,



Beth Kovacevich
10226 NE 110th Street
Kirkland, WA 98033

Paul Stewart

From: Peter Speer [PeterSpeer@filtrona.com]
Sent: Monday, July 10, 2006 10:21 AM
To: Paul Stewart; Eric Shields
Cc: KirklandCouncil; James Lauinger; Joan McBride; Jessica Greenway
Subject: Concern over overly large dwellings on Norkirk lots
Importance: High

Kirkland Planning Commission
Kirkland, WA

To Whom It May Concern:

The stated mission of the City of Kirkland reads as follows: "We are committed to the enhancement of Kirkland as a community for living, working and leisure, with an excellent quality of life which preserves the City's existing charm and natural amenities."

We are writing to express our very strong concerns over current FAR regulations, and the inordinately large and completely out of proportion homes which are being allowed to be built in our Norkirk community.

The latest example of this kind of monstrosity is the building going on at 331 15th Ave, just two blocks from our home. There was a very large home recently built on the lot, which used to have a driveway and a nice, open green front yard facing the public street.

Now another home (or ADU?) is being constructed where the front lawn used to be. Once this is complete, all that will be visible from 15th Ave. is a driveway and two dwellings dominating all of the visible property. This building is completely out of character with Norkirk, and can be considered nothing more than an eyesore. I cannot imagine why the Planning Department would have allowed this project to go forward.

If this kind of project is allowed under existing regulations, we urge you to amend the regulations to provide for more sensible and livable community. There will now be that much more traffic, noise and congestion in the neighborhood and our quality of life we have enjoyed for 20 years gets taken down one more notch.

Please take a stand to prevent the degradation of our Norkirk neighborhood; please amend the FAR regulations now to help maintain the integrity and quality of life in our Norkirk neighborhood.

Best regards,

Peter Speer & Marian Osborne
1520 2nd Street
Kirkland WA 98033

Paul Stewart

From: C.P. Grosenick [Cgrosenick@commonw.com]
Sent: Monday, July 10, 2006 11:06 AM
To: Paul Stewart; Eric Shields
Cc: KirklandCouncil; James Lauinger; Joan McBride; Jessica Greenway
Subject: Concern over overly large dwellings on Norkirk lots

Kirkland Planning Commission

Kirkland, WA

To Whom It May Concern:

The stated mission of the City of Kirkland reads as follows: "We are committed to the enhancement of Kirkland as a community for living, working and leisure, with an excellent quality of life which preserves the City's existing charm and natural amenities."

We are writing to express our very strong concerns over current FAR regulations, and the inordinately large and completely out of proportion homes which are being allowed to be built in our Norkirk community.

We live at 1917 3rd Street. Many of you may remember the Pagel property fiasco that was allowed by the City of Kirkland. By allowing homes to be built out of proportion to the lot sizes, built to the extremes of all of the set - backs and height limits, you have degraded the value of our own property and our neighbors' properties. In our existing property, we have lost our view to the west not to mention the feeling that our own space has been encroached upon by the owners' of these monstrosities that out of character for the neighborhood. Just because the homes are new doesn't mean bigger is better. Don't supersize Kirkland for you'll regret the change of the character of our City.

The latest example of this kind of monstrosity is the building going on at 331 15th Ave. There was a very large home recently built on the lot, which used to have a driveway and a nice, open green front yard facing the public street.

Now another home (or ADU?) is being constructed where the front lawn used to be. Once this is complete, all that will be visible from 15th Ave. is a driveway and two dwellings dominating all of the visible property.

If this kind of project is allowed under existing regulations, we urge you to amend the regulations to provide for more sensible and livable community. There will now be that much more traffic, noise and congestion in the neighborhood and our quality of life we have enjoyed for 20 years gets taken down one more notch.

Please take a stand to prevent the degradation of our Norkirk neighborhood; please amend the FAR regulations now to help maintain the integrity and quality of life in our Norkirk neighborhood.

Carl P Grosenick and Martha T. Grosenick

1917 3rd St., Kirkand, WA 98033

Paul Stewart

From: mank@rocketwire.net
Sent: Friday, July 07, 2006 8:52 AM
To: Paul Stewart
Subject: File NO. ZON05-00019

I have not been able to attend the open house on this matter. Want to let you know that I would like to see current setbacks, FARs, vaulted ceilings, and other tricks builders/developers are using to build larger homes on smaller lots tightened up. Kirkland has already lost considerable charm, and we need designs that keep home sizes smaller. I also feel that the meetings I have been to, were stacked by developers and builders who may not even live in Kirkland. Please listen to the what the citizens of Kirkland want and to my understanding they do not like what is going on.

Thanks
Manny Mankowski
1510 5th Place
Kirkland

Paul Stewart

From: Wyomia Bonewits [wyomiawyomia@comcast.net]
Sent: Friday, July 07, 2006 8:40 AM
To: Paul Stewart; KirklandCouncil
Cc: annaarmsby@comcast.net; barbie.young@gmail.com; Becker, Robert H.; brian@stantonproperties.com; carol@caroltruex.com; Catie Ristow; Clive Egdes; david@davidleen.com; jenisisfitness@hotmail.com; jfisher@Homestone.com; kchildress@windermere.com; Kelly Baker; kyoung@venture2show.com; lacey@tecrealestate.com; Mary Shular; Maury Schafer; mikethebuilder@comcast.net; Paul Duren; Randy Both; Shari McLaren; stacybouska@comcast.net; Tim Cowin; Todd Ormsby; Tom Bach; Wendy Unzelman; danavadams@windermere.com; jeff690@msn.com
Subject: seattletimes.com: Expect to see I-933 on November ballot

Council Members, Planning Commission Members, and City Staff:

If you did not see this article in the Seattle Times, it is certainly worth reading and considering as you move to make decisions on the use of privately owner property in the City of Kirkland. Both myself and others have posed the question as to whether or not the City is prepared to compensate land owners for the extreme financial impact these FAR decisions will have, on homeowners, retirees, builders/developers, etc. This very topic will likely be on the November ballot, which, if passed, could force that issue.

There is a good deal of information out there on this topic, which should be explored.

Thank you,

Wyomia Bonewits
425-444-6499
wyomiawyomia@comcast.net

This message was sent to you by wyomiawyomia@comcast.net, as a service of The Seattle Times (<http://www.seattletimes.com>).

Expect to see I-933 on November ballot

Full story:

<http://archives.seattletimes.nwsourc.com/cgi-bin/texis.cgi/web/vortex/display?slug=proprights07m&date=20060707>

By Eric Pryne
Seattle Times staff reporter

Backers of a controversial property-rights initiative filed petitions Thursday bearing 315,000 signatures in support of the measure, almost guaranteeing it will appear on the November ballot.

They also set the stage for what's likely to be one of the noisiest issue campaigns in the state this fall.

To qualify, Initiative 933 needs the signatures of 224,880 registered voters by today's deadline. While the Secretary of State's office must verify the petition signatures, the property-rights measure appears to have a much larger cushion than what's usually needed.

Its success in reaching the ballot isn't a surprise. Initiative campaigns with the resources to employ paid signature-gatherers almost always qualify, and I-933's supporters, led by the Washington Farm Bureau, had enough money to start paying for

signatures as soon as the petitions were printed.

The initiative, inspired by a similar measure Oregon voters approved in 2004, would require state and local governments either to compensate property owners when regulations lower property values or to waive those rules.

It's retroactive: Owners would be entitled to waivers or compensation for restrictions imposed after 1995.

Farm Bureau spokesman Dean Boyer said I-933 is needed to protect property owners from increasingly intrusive rules that reduce property values.

"Government land-use regulations have increased exponentially in the past 10 years," he said

Opponents said I-933 is a "developer's initiative" that would gut zoning and other regulations that protect communities and the environment, imposing new bureaucratic burdens on local governments and fiscal burdens on taxpayers.

"It will remove a lot of the protections that people take for granted," said Barbara Seitle, president of the League of Women Voters of Washington.

While the election is four months away, total fundraising by both sides is approaching \$1 million.

The pro-933 Property Fairness Coalition consists mostly of farm and local property-rights groups. The most recent reports filed with the state Public Disclosure Commission indicate the coalition has raised more than \$500,000 in cash and in-kind contributions, and spent \$352,000.

Americans for Limited Government, a national organization based in Chicago, has given \$200,000. The group, whose leaders are associated with the term-limits movement and other conservative causes, is backing property-rights and spending-cap measures in 12 states this year.

The state Farm Bureau has donated the equivalent of \$151,000 in staff time, office support and other in-kind contributions, and has loaned the campaign an additional \$69,000.

The lion's share of the pro-933 campaign spending -- \$240,000 through the end of May -- has gone to Citizen Solutions, a Lacey paid-signature-gathering firm.

The opposition group, Citizens for Community Protection, is dominated by environmental, labor and Democratic organizations. It had raised \$388,000 through the end of May and spent \$184,000.

Its largest contributors included the anti-sprawl group Futurewise, \$96,000; retired software entrepreneur Paul Brainerd, \$50,000; and The Nature Conservancy, \$41,000. It has been 11 years since Washington voters considered a property-rights proposal. In 1995, a Republican-dominated Legislature approved a law similar to I-933, but opponents collected enough signatures to put the law on the ballot, and voters repealed it that November by a 60-to-40 ratio.

Eric Pryne: 206-464-2231 or epryne@seattletimes.com

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TO: Kirkland Planning Commission
From: Lora Hein, 4725 108th Ave NE, Kirkland, 98033, 425-822-5302
Re: FAR regulation changes

First of all I would like to say that I hope any decision the Planning Commission, or City Council or Houghton Community Council makes will be with careful consideration of the long term effects on all the citizens of Kirkland and with less willingness to bend to serve the immediate gain that feeds the greed of the commercial interests of a vocal few.

I refer specifically to the following statement in the Kirkland Council Budget document adopted for 2005-2006:

"We commit to the proactive protection of our environment. An integrated system of natural resource management focuses on the preservation of wetlands, trees, open space, and other sensitive areas, water quality, clean air and waste reduction."

To that admirable goal I would like to add energy conservation and reduction of greenhouse gases in keeping with the goals of what are commonly referred to as "The Kyoto Accords", which are in the process of being considered for adoption by our city among many others in the Puget Sound Basin.

Having finally found a means to move within walking distance of my workplace, as well as within walk, bike and bus range of most necessary services, I hope my home, neighborhood and community will not be sacrificed so a few can profit from that which they seem bent on destroying, the very livability of Kirkland. To paraphrase a columnist I read recently: "regulations are the price we pay for living in a nice place." There is much more to neighborhood than square footage and there are many values of property beyond the price it can bring in sale.

Right now, Kirkland as a whole and Houghton in particular are very desirable locations to live. I hope we will not lose that desirability by overbuilding as I have seen happen in other communities. We have the chance now to ensure that Kirkland will continue to be one of the few remaining most livable communities in the region. I doubt that most of the people who have built Kirkland over the last 100 years made their choice to make a home here because they hoped to appreciate a maximum profit on the sale of their property. The people I have met in Kirkland, including a number of realtors, whether they have lived here most of their lives, just moved here, or are hoping to move here someday were and are looking for a comfortable and secure home and the pleasant community where people greet each other walking along the street, from their gardens, or in the local grocery store. Those who desire HUGE isolating and energy guzzling homes, looking to get bigger are mostly looking to get bigger for cheaper than is available in Kirkland. There are plenty of communities sacrificing their character to meet those wishes. I hope Kirkland does not get swallowed up and destroyed in the same game.

Do we see our community primarily as homes where people live? Or as a resource or commodity for investors seeking maximum profit?

If we choose the former, we might find even better ways than tweaking FAR to achieve that goal. I hope the Planning Commission and/or the City Council make any decisions based on the greater good for the best foreseeable future. I also hope that if measures need to be taken to keep the destruction from outpacing the ability to make the wisest long range decision, those decisions will be made before it is too late.

I have heard builders say Kirkland is already too restrictive. I don't want to live in most of the communities that don't restrict as much as Kirkland does. I have seen many other very lovely communities choose even greater restrictions and not go wanting for people willing and eager to make their homes and bring their businesses to such attractive places. I hope Kirkland will not lose sight of itself and what is most precious about it as a place to live and ENJOY living!

Restrictions such as FAR are the necessary agreements we make when we come together in community and consider what is best not just for us today but for the generations we hope will be privileged to enjoy what we make of our community and the planet we leave to them.

As far as expressing my particular preferences on the options currently being considered:

Regarding FAR in RSJRSX 5.0 Zones

Option 1 reduces allowable FAR from 60% to 50%

I support this option because the FAR of 50% would be consistent with the RS/RSX 7.2 and 8.5 zones, which are the prevailing single-family zones throughout Kirkland. This simplifies understanding and reduces confusion about regulations throughout the residential areas of the city.

I also agree that the RS/RSX 5.0 zones allow denser development than allowed by other single-family zones, and a higher FAR exacerbates the impacts of dense development.

I would even be in favor of making the smaller lots comply with even more strenuous restrictions in keeping with the character of the neighborhoods. For example, I know of municipalities that restrict the size of replacement structures to no more than 50% greater than the previously existing structure. If this were the case an example would be that if a 600 sq. Ft. home existed on a 5,500 sq. ft. lot, a replacement home could not be larger than 900 sq. ft. However, if the exceptions for outbuildings were allowed, this would make it possible to add a garage with shop/studio accessory dwelling to also improve on the livable sheltered space as well as contribute to infill which the current 3,000 + sq. ft. structures leave no room for.

In addressing some of the considerations opposing this option, I have heard testimony in each of the hearings I have attended (Planning Commission and Houghton Community Council) claiming that "today's housing market expects a 3,000 sq. ft. house or greater" and that "it is impossible to raise a family in a home that is less than 2400 sq. ft.". The FAR of 50% on a 5,000 sq. ft. lot would allow a home of 2,500 sq. ft. which is sufficient even if one accepts the claim. However, I would dispute it; I was happily and comfortably raised in a very active family of six in a climate with the same amount of rainy days as this in a house half the "minimum" of 2400 sq. ft. If people want a bigger house, there are plenty of communities nearby that will provide that opportunity. None of them has the same character that attracts people to Kirkland.

I have also heard the concern raised that reduction in FAR reduces the expected return on investment by homeowners and/or builders or developers. In today's market, a home of 2,500 square feet that replaces one that is 800 – 1200 sq. ft. will still yield a substantial return on investment.

The city of Kirkland has a decision to make. Is our goal to be a city that is healthy and habitable? Or are we up for sale to the highest bidder for the sake of pure profit?

Additionally, while a 3,000 sq. ft. house might be demanded by a certain sector of the buying market, it does not represent the minimum demand by all buyers. In the last 2 years I have observed the housing market in Kirkland intently. With much effort I was able to snag an affordable house only because the owner had a personal preference to seeing it lived in rather than torn down and refused to entertain any offers by builders. Since I was able to purchase my home a little over a year ago, I have watched numerous smaller homes getting bought up before they are on the market a week, some by builders and others lucky or clever enough to get an offer accepted in spite of the enticements offered by developers. Meanwhile, I have also watched the bigger replacement mansions sit empty or go unsold until the builder moves in themselves or has a family member move in due to lack of a buyer. There are three such examples within one block of me. Unfortunately, it is too late without an enormous waste of resources to replace the mega-houses with something on a more affordable and manageable scale.

As a side note, I was recently privileged to be able to salvage a limited amount of valuable, even pricelessly unattainable, building materials before the remainder were hauled away to the landfill. In addition to FAR, I hope in the near future we make some regulations to halt the wasteful destruction of so much valuable material when sound homes are torn down for profit. Kirkland is a leader in recycling locally. Building materials ought to be considered in that effort.

Additionally, the RS 5.0 and RSX 5.0 zones contain a small portion of the total number of residential lots in the city. Plenty of opportunities to construct houses of 3,000 sq. ft or larger will continue to exist, if not in Kirkland then some other unlucky community. I would like to see some additional regulation ammendment for the other zones to protect more homes from the incursion of light and air blocking structures. I have read a lot of material about "Craftsman" homes recently. The ones being built here today do not deserve the name. They are anything but healthful and are only facades imitating the real thing. The motto of the Craftsman movement was "Have nothing that is not essential for your use or that you do not know to be beautiful." The houses being built today are big for the primary purpose of storing a lot of unessential stuff.

Furthermore, the exemption of up to 500 sq. ft. of accessory structures located more than 20 feet from the primary structure used as an Accessory Dwelling Unit, or as a garage, retains some incentive for detached ADUs and/or alley-oriented garages and a one story height limit lessens the impact on neighboring properties. While a one story height limit will remove the possibility for an over-garage ADU, the option exists for a choice of one or the other for those who may prefer Kirkland's walk-ability in favor of a car-less lifestyle. Or for those who still must have a place to store the stuff that does not fit in an otherwise livable home.

Vaulted Space

I strongly concur with the Option 1 that requires vaulted space be counted twice where ceiling height exceeds 16 feet. Vaulted space does affect building volume as much as space that is built as separate floors. Building volume has a greater impact on adjacent properties than actual floor area. Allowing that vaulted spaces are popular with some homebuyers/owners, they are not in and of themselves energy efficient without very careful design consideration and the proposed 16 foot threshold allows for more than reasonable vaulted spaces, including opportunities for clerestories, etc. Also, the feeling of light and air can more authentically be enjoyed with houses that have some real yard between neighbors.

Allowable Setback Encroachments

I am in favor of Option 1, which eliminates allowances for encroachments into required yards by such building features as chimney enclosures, bay windows, and awnings. Such encroaching elements bring portions of a house much closer to a shared property line, affecting sense of privacy and distance. In my own experience, I can reach across my five foot high fence and touch the gutter on the house next door. The bedroom wall and window are exactly 5 feet from the fence, making for far too intimate encounters being forced on both myself and the teen-ager whose bedroom window is only 12 feet (about average room width) from my kitchen window.

One way to address this would be to pay greater attention to footprint or impervious surface as the limiting factor, especially if combined with a total mass limit instead of FAR. While I agree that Architectural features provide visual interest to a building facade, a stark wall along common property lines would be less obtrusive if it were the full five to ten feet away from the adjacent property, or more if allowing for a sensible overhang of a roof. Also, such features as greenhouse windows can still be tucked under eaves to make them more solar/seasonally efficient.

I oppose Option 2 as a mere 6 inch reduction in the encroachment allowance will not produce significant reduction of building mass or privacy/distance impacts.

Even though overall, I am more in favor of other means towards reducing the encroaching impact of excessively large houses on small lots, I appreciate the provision of an exemption that may be

considered for increasing F.A.R., or mass limitations, by a small (5%?) percent of lot size, if the following criteria are met:

The primary roof form of all structures on the site is peaked, with a minimum pitch of 4' vertical: 12' horizontal; and a minimum setback from the **extreme** outer edge of a dwelling of at least 7.5' is provided along each side yard, including any encroaching elements.

I object to the exemption from the changes to amend KZC 115.115.3 that allows for eaves to extend up to 18 inches into any required yard. Having recently observed at too close range a fire that erupted in the corner of a friend's neighbor's house, placing potential fuel sources that close together is one concern. The other concern is allowing sufficient space for enjoying solar gain into a neighboring house. One of the comments made by one of those who testified at the Houghton hearing was that they appreciate the lightness and airy feeling of their vaulted ceilings. Perhaps such vaulting would not be necessary if we ensured a little more space between the sides of houses, especially on the south side to allow for winter sun to get in between houses.

Door or window?

This brings me to another issue that has been alluded to in some comments linking FAR with the recently adopted Tree Ordinance. I have heard more than one council person speculate that they see some contradiction between "saving trees while restricting houses that do just as much to block views."

Trees make very different neighbors than do built structures. Need I enumerate?

There was an expression we used when I was a kid and someone stood between oneself and something one was trying to see. We said, "You make a better door than a window." Perhaps we should have said "wall" instead of "door" since doors can be opened. Walls are stiff, relatively stark, immobile and opaque structures while trees have perforated density, creating windows to whatever can be seen through them. In the case of deciduous trees, when properly placed they can provide screening with greater access to solar gain in the winter and energy saving shading in the summer. I say this at the risk of curtailing the potential profits of the air conditioning salesfolk, but the solar PV and water heating sellers will benefit in turn as that market grows.

Furthermore, trees provide connection with nature, something we are all in too short a supply of, and they provide changing interest in colors and motion that bring an aesthetic into ones life that even the most architecturally magnificent building can not do.

It may be difficult to dictate taste, but I doubt that anyone can argue that the planet would be better off with more of its natural surfaces covered in manufactured substance. We may very soon come to appreciate the day we saved a little patch of arable soil with access to water and sunlight in close proximity to our dwelling places. Wasn't that what the "Craftsman" movement was really about?

Thanks for considering the many comments you receive and I look forward to a fair and wise decision that will improve rather than destroy the last town I hope to call "home".

To: Eric Shields Re: Appeal of
 From: Mike Nykreim File # ZON05-00019
 101 10th Ave Date: 6-2-6
 Kirkland, WA 98033

Phone: home 425-822-8031

off 425-827-2234

CEW 425-466-2611

Email MIKE@KIRKLANDBUILDERSGROUP.COM



APPEALS (SEPA)

RECEIVED
 JUN - 2 2006
 11:58 AM
 PLANNING DEPARTMENT
 BY

Any person wishing to file an appeal must do the following:

1. Deliver the appeal to the Planning Department within fourteen (14) days of the date the determination is issued by the responsible official. (An appeal of a determination of significance must be filed within seven (7) days of the date it is published under Section 85 of Municipal Code Chapter 24.02.) The appeal must be in the form of a written notice of appeal and must contain a brief and concise statement of the matter being appealed, the specific components or aspects that are being appealed, the appellant's basic rationale or contentions on appeal, and a statement demonstrating standing to appeal. The appeal may also contain whatever supplemental information the appellant wishes to include.
2. Submit to the Planning Department a filing fee along with the appeal.

* Appeal is on behalf of any person who is of stand by any communication to staff concerning their issue.

* My Standing: Owner & Taxpayer of Kirkland property since 1978.

Owner & co owner of 12 homes &/or lots in the City.

Reason: lack of City Wide notification to

(A) affected property owners.

(B) Violation of GMT & SEPA.

Request: City Staff to complete Full

Environmental Impact Statement as to the effects on our environment for our City's current land use policies contributing to SPRAUL.

ENCLOSURE 00
 FILE NO. ZON05-00019



June 7, 2006

Mike Nykreim
101 10th Avenue
Kirkland, WA 98033

RE: Appeal of SEPA Determination; File No. ZON05-00019

Dear Mr. Nykreim:

This confirms that the City received your appeal of the City's issuance of a Determination of Non-Significance (DNS) with respect to the non-project action on the proposed Kirkland Zoning Code amendments to the City's floor area ratio (FAR) regulations. Your appeal was filed on June 2, 2006 within the applicable 14 day appeal period for State Environmental Policy Act (SEPA) determinations.

I would like to explain the process by which your SEPA appeal will be heard. Both state law and the Kirkland Municipal Code (KMC) encourage the hearing of SEPA appeals as part of the process of deciding the underlying government action. See Wash. Rev. Code Section 43.21C.075(2); Wash. Admin. Code (WAC) 197-11-680(3); KMC 24.02.105(f). In addition, the City may not provide for more than one appeal of a threshold determination at the administrative level. See WAC 197-11-680(3).

In this case, the proposed FAR amendments will be considered by the Kirkland Planning Commission. The Planning Commission will make a recommendation to the Kirkland City Council. The City Council will consider the public comments and the Planning Commission's recommendation and ultimately decide which amendments to the FAR regulations to adopt, if any.

Based on the applicable law, and since the City Council is the final decision maker with respect to the proposed FAR amendments, the City Council is the governmental body to hear your SEPA appeal in connection with its consideration of the proposed FAR amendments. Since the Planning Commission only makes recommendations, the Commission is not the appropriate forum for the appeal and will not consider your SEPA appeal as a part of its deliberations. Its role will be limited to making recommendations to the City Council regarding the proposed FAR amendments.

Please let me know if you have any questions regarding the process by which your SEPA administrative appeal will be heard.

Sincerely,

PLANNING & COMMUNITY DEVELOPMENT


Eric Shields, AICP
Director

ENCLOSURE 9
FILE NO. ZON05-00019