



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

MEMORANDUM

Date: June 7, 2007

To: David Ramsay, City Manager

From: Joan Lieberman-Brill, AICP, Senior Planner
Paul Stewart, AICP, Deputy Director
Eric R. Shields, AICP, Planning Director

Subject: STUDY AND ADOPTION OF MARKET AND NORKIRK SMALL LOT SINGLE-FAMILY AND HISTORIC PRESERVATION REGULATIONS (FILE MIS06-00053)

RECOMMENDATION

Staff recommends that council do the following:

- Review the proposed zoning and subdivision regulations implementing the Market and Norkirk Neighborhoods' small lot single-family and historic preservation incentives and direct changes as appropriate prior to adopting the attached Ordinance 4102.
- Following adoption of Ordinance 4102 for small lot and historic preservation, adopt attached Ordinance 4103 to establish a new \$1000 fee for Process I historic residence designation applications and a new \$600 fee for Planning Official historic residence alteration applications.

COUNCIL REVIEW

Staff suggests that the Council consider the Planning Commission's memorandum of transmittal (**Exhibit A**) and recommended subdivision and zoning amendments. The Planning Commission recommended regulations would result in the following:

- New sections in Kirkland Municipal Code Title 22 – Subdivision Ordinance (see **Attachments 1 and 4** to the enclosed Planning Commission transmittal memo)
- New and revised sections of the Zoning Code (see **Attachment 2, 3 and 5** to the enclosed Planning Commission transmittal memo)

At your meeting, Karen Tennyson, Planning Commission Chair, will transmit the Commission's recommendation and staff will present an overview of the recommended regulations. Staff suggests that the Council consider the regulation highlights and issues listed in the Commission's transmission memo as a guide for discussion of the recommended development regulations.

Staff recommends that the effective date of the ordinance be on August 31 in order to provide lead time to train staff and establish procedures.

BACKGROUND DISCUSSION

Small Lot Single-Family Regulations Summary (Attachment 1, 2 and 3 to Exhibit A)

A new concept adopted in the Market and Norkirk Plans allows reduced lot size beyond what the underlying zoning allows, in order to provide an incentive to retain or create smaller homes on smaller lots. This policy intends to encourage housing diversity by providing more housing choice, and to offer a viable alternative to the market trend toward large homes maximizing the building envelope and changing the character of the neighborhoods.

Historic Residence Preservation Regulations Summary (Attachment 3, 4, and 5 to Exhibit A)

Another new concept adopted in the Market and Norkirk Neighborhood Plans allows reduced lot size in order to provide an incentive to preserve historic residences. This policy intends to encourage voluntary retention of remaining historic homes that would otherwise be torn down, making way for larger homes on larger lots and changing the character of the neighborhoods.

New fees are necessary to pay for this historic residence preservation incentive. The proposed amendments to the Zoning Code establish a review process to determine if a house in the Market or Norkirk Neighborhoods can be designated a historic residence based upon decisional criteria to be evaluated by an expert meeting federal standards, who makes a recommendation to the Planning Director through Process I. The zoning amendments also establish a review process to evaluate requests to alter the designated historic residence. These alteration applications are also subject to decisional criteria evaluated by a qualified expert meeting federal standards who makes a recommendation to the Planning Official for a Planning Official decision. King County Historic Preservation Program staff has the expertise to evaluate the criteria.

To take into account the County's review time and costs, in addition to the basic City fee to process these permits, there is a pass-through fee to the County for their review services. This arrangement is authorized through an interlocal agreement with King County for historic preservation services. The pass-through fee is based upon a task authorization attached to the two-party contract between the City and the applicant. It establishes the specific tasks and time it will take to process both types of applications, and the total fee based on County staff hourly rates.

Because preserving historic residences is a public benefit, and because most of the substantive review of these applications is carried out by the King County Historic Preservation staff, staff recommends that the City's zoning permit fee to designate a historic residence be reduced from the \$3,000 average fee for a process I to \$1,000. The fee for the alteration request remains an average fee for modifications - \$600. The attached ordinance would also acknowledge the applicants' additional County pass through fee, as cited in the General Notes, paid after entering into a 2-party contract.

History

The updated Market and Norkirk Neighborhood Plans were adopted in December 2006 (Ordinances 4077 and 4078, respectively). Both have new policies regarding small lot single-family and historic residence preservation incentives. These draft regulations implement the policies adopted with the neighborhood plans.

The Planning Commission held three study sessions on these incentives, where they discussed the various issues and took public comments. At several of their meetings, Housing Consultant Mike Luis provided information on the economic viability of the small lot single family incentive, and King County Historic Preservation Officer, Julie Koler, provided background and direction on the historic preservation incentive. Public involvement efforts also included staff presentations to the Market and Norkirk Neighborhood Associations prior to the public hearing, to explain the proposed regulations. All Planning Commission meetings were advertised on public notice sign boards, on the project website, and in e-mails sent to the list serve subscribers.

The Planning Commission public hearing on the draft regulations was held on April 26. Of the 7 people who spoke at the hearing, four addressed the small lot single-family incentive and three addressed the historic preservation incentive. Regarding the small lot single-family regulations, two of the four speakers were asking for clarification that 1) the proposal was voluntary not mandatory and 2) whether these regulations could be used on lots that currently are large enough to be subdivided (yes, as long as no more than half the resulting lots created with a subdivision are small and on the small lots a small home is retained or created). No one spoke against the proposal, and several spoke about their favored F.A.R. for the small lot. One spoke in support of a F.A.R. of .3 and the other supported a .35 F.A.R. in all zones except the RS 8.5 zone, where a .4 F.A.R. was supported.

The three speakers commenting on historic preservation regulations addressed 1) the desire to broaden this incentive by making the criteria less strict; specifically, the age of the home be the sole criteria regardless of its historic integrity, 2) the desire to permit a historic home to be moved from its original location to another lot within either neighborhood, in order to take advantage of this incentive and 3), the opinion that these regulations would not be an effective incentive to retain a historic home for someone who owned a lot that currently can be subdivided using existing regulations. The memorandum prepared for the hearing is available for viewing at:

http://www.ci.kirkland.wa.us/depart/Planning/Code_Updates/mnh/MN_Workprogram.htm

The audio of the hearing, to listen to the public comments, is available at http://www.ci.kirkland.wa.us/depart/Planning/Planning_Commission/Planning_Commission_Meetings_Online.htm. All other Commission meetings are also available on-line.

All written comments received on this project are included as **Exhibit B** to this memorandum. All Planning Commission meeting minutes are included as **Exhibit C**.

SEPA COMPLIANCE

An addendum to the City's Draft and Final EIS for the 2004 Kirkland Comprehensive Plan was issued prior to the final Planning Commission public hearing in April. It is included as **Exhibit D**.

EXHIBITS:

- Exhibit A Planning Commission Transmittal Memorandum, dated May 7, 2007
- Exhibit B Public Comments received on the Project
- Exhibit C Planning Commission Minutes
- Exhibit D SEPA Addendum

Cc: File IV-03-27Kirkland Chamber of Commerce
Market Neighborhood Association
Norkirk Neighborhood Association
Thelma Shanks, 815 18th Avenue West
The Kirkland Heritage Society, Heritage Hall, 203 Market Street, Kirkland, WA 98033
Marguerite B. Oprea 1250 6th Street West, Kirkland, WA 98033
Julie Koler, King County Historic Preservation Program, King Co. Office of Business
Relations and Economic Development, 701 5th Avenue, Suite 2000, Seattle, WA
98104
Fee Schedule - Alphabetical File
File MIS06-00053



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MEMORANDUM

To: City Council

From: Kirkland Planning Commission
_____, Chair
Karen Tennyson

Date: June 6, 2007

Subject: PLANNING COMMISSION RECOMMENDATION TO ADOPT NORKIRK AND MARKET SMALL LOT SINGLE-FAMILY AND HISTORIC PRESERVATION ZONING AND SUBDIVISION AMENDMENTS, (MIS06-00053)

Introduction

We are very pleased to submit the recommended zoning and subdivision regulations to implement the small lot single-family and historic residence preservation incentives for the Market and Norkirk Neighborhoods for consideration by the City Council. This effort culminates the work started with the adoption of the policies contained in the recently adopted Market and Norkirk Neighborhood Plans, which are the basis for these regulations. These regulations address very distinct and compelling concerns that we heard expressed during the Plans update process; that these neighborhoods are losing housing size diversity and neighborhood character. Both incentives provide voluntary solutions to these challenges by allowing smaller lots sizes than would otherwise be allowed when subdividing if small homes are retained or created or historic homes are preserved.

Regulation Highlights and Planning Commission Issues

1. Small Lot Single Family Regulations

Highlights

Small lot single-family incentives are addressed in Policy M 4.2 in the Market Neighborhood Plan and Policy N 4.2 in the Norkirk Neighborhood Plan. The Policy and narrative states:

“Encourage diversity in size of dwelling units by preserving and/or promoting smaller homes on smaller lots.

Diversity can be achieved by allowing properties to subdivide into lots that are smaller than the minimum lot size allowed in the zone if at least one of the lots contains a small home.

This incentive encourages diversity, maintains neighborhood character, and provides more housing choice.

Up to 50% of the lots to be subdivided should be allowed to be smaller than the zoning designation allows if a small home is retained or built on the small lots. The lots containing the small homes should be no less than 5,000 square feet in the RS 7.2 and RS 6.3 zones and no less than 6,000 square feet in the RS 8.5 zone. The size of the homes on one or both lots would be strictly limited by a reduced floor area ratio and all other zoning regulations would apply. “

The purpose of these new regulations is to implement the policy to promote housing diversity by creating or retaining smaller homes. Regulations provide an incentive by allowing half the lots to be smaller when subdividing, if the smaller lots contain a reduced sized home.

The proposed small lot single-family regulations to implement this policy are **Attachments 1, 2 and 3** to this memorandum. This incentive may be utilized in the RS 8.5, RS 7.2, and RS 6.3 zones by enabling properties of at least 14,500 square feet in the RS 8.5 zone, 12,200 square feet in the RS 7.2 zone, and 11,300 square feet in the RS 6.3 zone, to be subdivided into two lots if a small house is built or retained on the smaller of the two newly created lots. In the RS 8.5 zone, one lot would remain 8,500 square feet and other would be 6,000 square feet. In the RS 7.2 zone, one lot would remain 7,200 square feet, and the other smaller lot would be 5,000 square feet. In the RS 6.3 zone, one lot would remain 6,300 square feet and the other would be no smaller than 5,000 square feet. Larger aggregations of land would be allowed to be subdivided utilizing this new regulation, as long as no more than half of the resulting lots were smaller than otherwise allowed in the zone, and a small home were located on each of the small lots.

The recommend reduced floor area ratio (F.A.R.) for the small home is 30 percent of the small lot size, provided that it can be increased to 35 percent of the lot size if roof pitch is 4:12 (4 foot vertical to 12 feet horizontal) and side yard setbacks are a minimum of 7.5 feet. The other, regular sized lot must comply with the F.A.R. requirement in effect for the underlying zone. In the case of all three zones where the small lot single family subdivision incentive may be utilized, the home may be 50 percent of the lot size.

Additionally, to make small lot single-family subdivisions more compatible with the surrounding residential development and to ensure acceptance, certain restrictions apply. We recommend that for those situations where flag lots are utilized, the narrow portion of a flag lot (up to 30 feet in width) that provides access to the small lot be excluded from the calculation of lot area of the small lot. This is to ensure that the house is in scale with the lot configuration. We also recommend that accessory dwelling units (ADU) be prohibited on the small lot to reduce crowding, and in response to the neighborhoods concerns about density. These restrictions would be noted on the face of the Plat to ensure compliance and reinforced in the F.A.R. zoning regulations for single-family development and ADU regulations.

Issues

Floor Area Ratio

The Planning Commission felt that it was important to balance the neighborhoods concerns about density with the need to provide a sufficient F.A.R. to ensure that the small lot single-family incentive is economically viable and will be used. We looked at what the reduced F.A.R. for the small lot should be and whether to require a reduced F.A.R. on all lots or just on the small lots. We took into account information provided by Housing Consultant Mike Luis on economic feasibility, information provided by staff on subdivision processing costs, and information presented by others on how current F.A.R. exemptions result in bigger homes than measured using Kirkland's F.A.R calculations.

The housing consultant concluded that:

- A reduced F.A.R. on both lots is not economically feasible,
- If the reduced F.A.R. is not attractive, the small lot single-family incentive won't be used, and a larger home on a larger lot will be built instead,
- The cost of subdividing reduces the profit margin.

Staff concluded that even a .4 F.A.R. for one new small home and a .5 F.A.R. for one new regular size home in a two lot plat compared to one new large home on the same undivided lot, would be only marginally profitable. This is based upon the City's subdivision processing fees, impact fees, and utility fees, and soft costs a developer pays, like carrying costs and planning, engineering and legal costs. However, staff also concluded that if an existing small home were retained, rather than constructing a new small home, the soft costs would be reduced, which would increase the economic feasibility of this incentive.

We also considered the information gathered from Mike Luis's interviews with developers/builders regarding the innovative housing demonstration project in North Rose Hill, which will be presented to you with the innovative housing project, and which coincidentally is consistent with our preference for the small home to be a minimum size of about 1,500 square feet without a garage. Builders commented that a one car garage within the 1,500 square feet compact single family homes at the Cam West Bungalows project doesn't provide enough living space for the occupants. Those homes are similar to the type that is anticipated utilizing the small lot single-family incentive in the Market and Norkirk Neighborhoods. We feel comfortable that a one car garage of 200 square feet, plus 1,500 square feet of living space would be a functionally reasonable sized home. The total (1,700 square feet) is comparable to a .35 F.A.R.

Finally, we considered how the City's F.A.R. rules that exempt below grade space, vaulted space, and other spaces that aren't counted in the F.A.R. calculations, can add to the square footage of homes as discussed and illustrated in a public comment from architect Tim Olsen . We believe that these exempt spaces add to heated floor area and tilt the argument back toward a smaller F.A.R. Additionally, since we have an existing F.A.R. bonus template in place in RS 5.0 zones that

was formulated to encourage better design, we think that utilizing it for this small lot single-family incentive will encourage good design and less bulk. The bonus requires peak roofs at a minimum pitch of 4 feet vertical: 12 feet horizontal, and increased side yard setbacks from minimum 5 feet to equal a total of 15 feet, to 7.5 feet on all side yards.

The bottom line is that establishing the tipping point for the F.A.R. to be both economically viable and yet address the need for truly smaller homes is a judgment call. We must keep in mind that the purpose of this incentive is to provide house size diversity. We can always increase F.A.R. later if this incentive isn't used, but it would be difficult to decrease it. Based on all the information we considered, we recommend the reduced F.A.R. be applied to the small lots only and that it be a F.A.R. that truly provides house size diversity that we can distinguish from the street. We think that a .3 F.A.R. with a bonus to a .35 F.A.R. if the home meets setback and roof form design criteria consistent with what has been adopted for the RS 5.0 zone, is the right size.

Flagged lots

Limiting building mass has been a concern to both neighborhoods throughout the plan update process. In order to ensure that the small home that is either retained or newly constructed doesn't appear out of scale and crowded on the small lots, we recommend not including the portion of a flag lot used for access (referred to as the flag pole) up to 30 feet in width, in the lot size calculation for the small lot.

Accessory Dwelling Units

Because more lots can be created by utilizing the small lot single-family incentive than otherwise are allowed in both neighborhoods, there is concern about the resulting increased housing density. We believe that one way to address it is to limit the ability for more than one unit to be allowed on small lots. Although the increased density will occur over time, and site specific conditions may make this incentive unattractive for some lots that otherwise are eligible (e.g. a large home may have been recently constructed) we remain sensitive to this concern. With the small lot single-family subdivision we're allowing two homes rather than one, but if we also allow an ADU, we would be allowing three homes. We feel that we need to respect the concerns of the neighborhood. Therefore, we recommend that ADU's be prohibited on small lots.

Mechanism for ensuring that a small home remains on the small lot in perpetuity.

The F.A.R. restriction will be recorded on the face of the Plat and could only be removed through a plat alteration process. This restriction will be reinforced in the Zoning Code and also be noted in the City's permit tracking program and flagged in our parcel data files. If the original small home is demolished, and a new home constructed, the building permit review will reveal the F.A.R. requirement.

2. Historic Residence Preservation Regulations

Highlights

Historic preservation incentives are addressed in Policy M 1.2 in the Market Neighborhood Plan and Policy N 1.2 in the Norkirk Neighborhood Plan. The Policy and narrative states:

“Provide incentives to encourage retention of identified buildings of historic significance

Allow flexibility in lot size requirements for lots that contain historic buildings. This incentive will allow lots containing historic buildings to be subdivided into smaller lots than would otherwise be permitted if the historic buildings meet designated criteria and are preserved on site.

Minimum lot size in this situation would be 5,000 square feet in an RS 6.3 or 7.2 zones, 6,000 square feet in a RS 8.5 zone and 7,200 square feet in a Waterfront District II (WD II) zone. This incentive would allow up to two smaller lots, including the one containing the historic building, if the recognized integrity of the historic building were preserved. If additional lots were created by the subdivision, they would have to meet the lot size requirements for the zone.”

The purpose of the new regulations is to implement the policy incentive to preserve historic residences in the Norkirk and Market Neighborhoods by allowing up to two smaller lots when subdividing a lot that contains a historic residence, if that residence is preserved. We know that some of the homes inventoried in the mid 1990's by Mimi Sheridan for the Kirkland Heritage Society may now be lost to demolition or altered so significantly that the original character has been lost. However, there are probably others not included in the inventory that may meet the decisional criteria, and so we are excited about the potential for saving some of these “gems”.

The proposed historic preservation regulations to implement this policy are **Attachments 3, 4 and 5** to this memorandum. In the WD II, RS 8.5, RS 7.2 and RS 6.3 zones the proposed regulations would allow a subdivision on properties of at least 10,000 square feet in the RS 7.2 and 6.3 zones, 12,000 square feet in the RS 8.5 zone, and 14,400 square feet in the WD II zone, containing recognized historic buildings. In the RS 7.2 and 6.3 zones, both resulting lots would be at least 5,000 square feet. In the RS 8.5 zone both resulting lots would be at least 6,000 square feet. In the WD II zone, both lots would be at least 7,200 square feet. The designated historic residence would remain on either of the resulting small lots. Even in subdivisions containing more lots, only two of the lots could be undersized, and one of these would retain the designated historic residence.

The nomination of a residence for historic designation is voluntary and may be processed either prior to or concurrently with subdivision approval, through a Process I, Planning Director Decision. The criteria used to authenticate that the home is eligible for this incentive is based upon the existing local, state and federally recognized criteria now used to designate the Historic Landmark Overlay Zone. A recommendation from the King County Historic Preservation Program staff would be considered by the Director. The current interlocal agreement with King County to Landmark historic properties in Kirkland will be utilized to administer the historic residence designation in the Market and Norkirk Neighborhoods based on these criteria. The decisional criterion include that the nomination must be at least 40 years old and is either associated with events or lives of persons contributing to national, state or local history, or embodies distinctive architectural design, or it is outstanding work of designer or builder. The intent is to construe liberally the designation criteria in order to preserve what remaining structures we have in the Market and Norkirk Neighborhoods, which also meet the minimum lot size criteria.

Similar to small lot single family subdivisions, in order to address the neighborhoods concern over density increase, as well as to reduce crowding on the small lots, we recommend that undersized lots resulting from historic preservation subdivisions prohibit ADU's and do not use the portion of a flag lot (up to 30 feet in width) providing access to the buildable portion, to calculate the area of the undersized lots.

We also recommend that we allow certain non-conformances to exist on the lot created to contain the historic residence, where the allowance of the nonconformance may be necessary to make the subdivision feasible. Nonconformances would be limited to those necessary for setbacks, F.A.R., and lot coverage on the lot that contains the historic residence. The maximum deviations would be a reduction by 2 feet to required yards, an increase of 5 percentage points to floor area ratio (resulting in an increase from .5 to .55 F.A.R.), and an increase of 5 percentage points to lot coverage (resulting in an increase from 50 percent to 55 percent lot coverage).

Once historic residence designation has been granted, subsequent repairs or alterations to the historic residence would be based upon decisional criteria from the Secretary of the Interior's Standards for Rehabilitation and on our existing Historic Landmark Overlay Zone alteration criteria. These would be administered by the Planning Official who would confer with King County Historic Preservation Program staff. The idea is to recognize normal evolution of use and functionality without losing those historic character-defining features that were identified during the designation process.

Finally, we recommend that once the historic preservation subdivision is approved to create two lots as small as 5,000 square feet and the historic residence has been designated, it is in the best interest of the City that the historic home is preserved in perpetuity. We recommend that the owner is strongly deterred from demolishing, re-locating or altering the historic residence inconsistent with alteration criteria. The way this is done is by establishing disincentives that make this very unappealing and costly to the owner. We feel confident that requiring a replacement home to either replicate the footprint and exterior of the designated historic residence or that it be

replaced with either a home having a .25 F.A.R., or limiting the replacement home to 75% of the original size, whichever is less, will be such a deterrent. (The initial designation process will require documentation of size, dimensions and photos.)

On the other hand, if the home is destroyed as a result of actions beyond the owners control, such as fire or earthquake, the replacement F.A.R would be the same as for a small lot single family home on the small lot – a .3 F.A.R. or .35 F.A.R. if the roof pitch and side yard set backs meet more design friendly criteria. In all these cases the historic designation would be removed.

Issues

Relocating an historic residence

During the public hearing discussion the issue was brought forward as to whether we should allow a designated historic residence to be moved from its original location within the Market or Norkirk Neighborhood's to another lot within either neighborhood large enough to be subdivided (lot size would be dependent upon the zone in which it would be located – 10,000 sq. ft in RS 7.2 or RS 6.3 zones, 12,000 sq. ft. in the RS 8.5 zones or 14,400 sq. ft. in the WDII zone). The idea is to allow a historic residence to be moved to a lot that could utilize the incentive and maybe retain more of our historic resources. The Commission agreed that this would be a good idea, and reiterated that while this isn't a practice that would be allowed in strict Historic Landmarking, the intent of the historic preservation incentive is to save more historic residences in Market and Norkirk Neighborhoods, regardless of the size of lot where the home originally was found within either neighborhood.

Public Participation

All public comments received on these regulations, are attached to this packet as Exhibit B. All Planning Commission meeting minutes are attached as Exhibit C.

Activities

- The Planning Commission held 3 study sessions leading up to the April 26, 2007 public hearing.
- Prior to the public hearing, staff presented the draft regulations at the Market and Norkirk Neighborhood Associations' regular meetings (on March 21 and April 4, respectively).

Notices

All of these events were open to all members of the public and except for the neighborhood association meetings, which are administered by the associations, all meetings were advertised on eight large public-notice boards located throughout both neighborhoods. In addition, the City sent

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out direct postcard mailings to all property owners and neighborhood residents prior to the public hearing and advertised via the *Seattle Times*.

Three hundred and nine subscribers to the list service for the MN Neighborhood Plan update project have been kept informed of the status of the MN small lot single-family and historic preservation regulations project. All staff memorandums were available for viewing on line on the project website. Additionally, the project website advertised the meeting schedule.

cc: File MIS06-00053

Attachments:

1. Recommended Small Lot Single-family Subdivision Regulation
2. Recommended Small Lot Single-family Zoning Special Regulation Amendment for Single Family Residential (RS) Zones Section 15.10.010.
3. Recommended Small Lot Single-family and Historic Preservation Amendment to Zoning Code Section 115.07.9 Accessory Dwelling Units
4. Recommended Historic Preservation Subdivision Regulation
5. Recommended Historic Preservation Amendment to Zoning Code Chapter 75 Regulations – Historic Landmark Overlay Zone

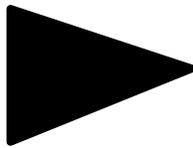
KMC Title 22 Subdivisions
Chapter 22.28 Design Requirements

New Section 22.28.42

Lots – Small Lot Single Family

In the Market and Norkirk Neighborhoods, as defined in the Comprehensive Plan, for those subdivisions not subject to the lot size flexibility provisions of Sections 22.28.030 and 22.28.040 and historic preservation provisions of Section 22.28.48, the minimum lot area shall be deemed to be met if at least one half of the lots created contain no less than the minimum lot size required in the zoning district in which the property is located. The remaining lots may contain less than the minimum required lot size, provided that such lots meet the following standards:

- (a) Within the RS 6.3 and RS 7.2 zones, the lots shall be at least 5,000 square feet.
- (b) Within the RS 8.5 zone, the lots shall be at least 6,000 square feet.
- (c) The portion of any flag lot that is less than 30 feet wide, and used for driveway access to the buildable portion of the lot may not be counted in the lot area.
- (d) The floor area ratio (FAR) shall not exceed 30 percent of lot size, provided that FAR may be increased up to 35 percent of the lot size if the following criteria are met:
 - 1) The primary roof form of all structures on the site is peaked, with a minimum pitch of 4 feet vertical: 12 feet horizontal; and
 - 2) All structures are set back from side property lines by at least 7.5 feet
- (e) The FAR restriction shall be recorded on the face of the plat.
- (f) Accessory dwelling units are prohibited. This restriction shall be recorded on the face of the plat.



USE ZONE CHART

DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS

Section .010	USE REGULATIONS ↓ ↑	Required Review Process	MINIMUMS					MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Req'd Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure					
				Front	Side	Rear							
.010	Detached Dwelling Unit	None	As established on the Zoning Map. See Spec. Reg. 1.	20' See Spec. Reg. 3.	5', but 2 side yards must equal at least 15 feet.	10'	50% See Spec. Reg. 5.	25' above average building elevation.	E	A	2.0 per dwelling unit.	<ol style="list-style-type: none"> Minimum lot size per dwelling unit is as follows: <ol style="list-style-type: none"> In RS 35 zones, the minimum lot size is 35,000 square feet. In RS 12.5 zones, the minimum lot size is 12,500 square feet. In RS 8.5 zones, the minimum lot size is 8,500 square feet. In RS 7.2 zones, the minimum lot size is 7,200 square feet. In RS 6.3 zones, the minimum lot size is 6,300 square feet. In RS 5.0 zones, the minimum lot size is 5,000 square feet. In RS 35, 12.5, 8.5, 7.2, 6.3 and 5.0 zones, not more than one dwelling unit may be on each lot, regardless of the size of each lot. Floor Area Ratio (F.A.R.) allowed for the subject property is as follows: <ol style="list-style-type: none"> In RS 35 zones, F.A.R. is 20 percent of lot size. In RS 12.5 zones, F.A.R. is 35 percent of lot size. In RS 8.5 zones, F.A.R. is 50 percent of lot size. In RS 7.2 zones, F.A.R. is 50 percent of lot size. In RS 6.3 zones, F.A.R. is 50 percent of lot size. In RS 5.0 zones, F.A.R. is 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: <ol style="list-style-type: none"> The primary roof form of all structures on the site is peaked, with a minimum pitch of four feet vertical: 12 feet horizontal; and A setback of at least 7.5 feet is provided along each side yard. <i>This special regulation is not effective within the disapproval jurisdiction of the Houghton Community Council.</i> See KZC 115.42, Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Residential Zones, for additional information. <u>A reduced F.A.R. may be required pursuant to subdivision design requirements in Chapter 22.28 KMC</u> On corner lots with two required front yards, one may be reduced to the average of the front yards for the two adjoining properties fronting the same street as the front yard to be reduced. The applicant may select which front yard will be reduced (see Plate 24). Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. Residential lots in RS 35 zones within the Bridle Trails neighborhood north of Bridle Trails State Park must contain a minimum area of 10,000 permeable square feet, which shall comply with Special Regulation 6 for large domestic animals in KZC 115.20(4) (chart). 	

115.07 Accessory Dwelling Units

One accessory dwelling unit (ADU) is permitted as subordinate to a single-family dwelling; provided, that the following criteria are met:

1. Number of Occupants – The total number of occupants in the principal dwelling unit and the ADU combined shall not exceed the maximum number established for a single-family dwelling as defined in KZC 5.10.300.
2. Owner Occupancy – One of the units must be the principal residence of the property owner(s).
3. Subdivision – Accessory dwelling units shall not be subdivided or otherwise segregated in ownership from the principal dwelling unit.
4. Scale – The square footage of the accessory dwelling unit shall not exceed 40 percent of the primary residence and accessory dwelling unit combined. If the accessory unit is completely located on a single floor, the Planning Director may allow increased size in order to efficiently use all floor area.

Detached accessory dwelling units shall not exceed 800 square feet of gross floor area. The gross floor area shall not include area with less than five feet of ceiling height, as measured between the finished floor and the supporting members for the roof. When calculating the square footage of the ADU (see KZC 5.10.340, definition of “gross floor area”), covered exterior elements such as decks and porches will not be included; provided, the total size of all such covered exterior elements does not exceed 200 square feet. An accessory dwelling unit will be considered to be “detached” from the principal unit if it has any of the following characteristics:

- a. It does not share a common roof structure with the principal unit.
 - b. It is not integrated into the footprint of the principal unit.
 - c. The design is inconsistent with the existing roof pitch, siding treatment, and window style of the principal unit.
5. Location. The accessory dwelling unit may be added to or included within the principal unit, or located in a detached structure. Detached structures must conform with the setbacks, height restrictions, lot coverage and other applicable zoning regulations required for single-family dwellings in the applicable use zone; provided, that an accessory dwelling unit shall not be considered a “dwelling unit” in the context of Special Regulations in Chapters 15 through 60 KZC which limit the number of detached dwelling units on each lot to one.

6. Entrances. The primary entrance to the accessory dwelling unit shall be located in such a manner as to be clearly secondary to the main entrance to the principal unit and shall not detract from or alter the single-family character of the principal unit.
7. Parking. There shall be one off-street parking space provided for the accessory dwelling unit.
8. WD I and WD III Zones. Properties located in the WD I and WD III Zones which develop accessory dwelling units must provide public pedestrian access consistent with the regulations contained in KZC 30.15.020 and 30.35.020 for attached or stacked dwelling units.
9. Market and Norkirk Neighborhoods. Within the Market and Norkirk Neighborhoods, as defined in the Comprehensive Plan, accessory dwelling units are prohibited on lots smaller than the required minimum lot size approved using the Small Lot Single-family and Historic Preservation subdivision regulations contained in KMC Sections 22.28.42 and 22.28.48.
9. Applicable Codes. The portion of a single-family dwelling in which an accessory dwelling unit is proposed must comply with all standards for health and safety contained in all applicable codes, with the following exception for ceiling height. Space need not meet current Uniform Building Code (UBC) ceiling height requirements if it was legally constructed as habitable space.
10. Permitting
 - a. Application
 - 1) The property owner shall apply for an accessory dwelling unit permit with the Building Department. The application shall include an affidavit signed by the property owner agreeing to all the general requirements outlined in this section.

In the event that proposed improvements in the accessory dwelling unit do not require a building permit, a registration form for the unit must be completed and submitted to the Planning Department.
 - 2) The registration form as required by the City shall include a property covenant. The covenant must be filed by the property owner with the City for recording with the King County Department of Records and Elections to indicate the presence of the accessory dwelling unit, and reference to other standards outlined in this section. The covenant shall run with the land as long as the accessory dwelling unit is maintained on the property.
 - 3) If an ADU was or is created without being part of a project for which a building permit was or is finalized, an ADU inspection will be required for issuance of an ADU permit. The ADU inspection fee will cover a physical inspection of the ADU. This fee will be waived if the ADU existed on January 1, 1995, and the ADU permit is applied for by December 31, 1995.

- b. Eliminating an Accessory Dwelling Unit – Elimination of a registered accessory dwelling unit may be accomplished by the owner filing a certificate with the Planning Department, or may occur as a result of enforcement action.
- c. Preexisting Units – That portion of a single-family residence which meets the definition of accessory dwelling unit which existed on January 1, 1995, may be legally established, and not subject to zoning violation fines, if the following requirements are met:
 - 1) An application for an accessory dwelling permit is filed by December 31, 1997;
 - 2) The accessory dwelling unit is determined to meet the requirements of this section, as well as the other code requirements referred to in KZC 115.65(5)(g).
- d. Appeals. An applicant may appeal to the Hearing Examiner the decision of the Planning Official in denying a request to construct an accessory dwelling unit. A written notice of appeal shall be filed with the Planning Department within 14 calendar days of the date the Planning Official's decision was mailed or otherwise delivered to the applicant. The City shall give notice of the hearing to the applicant at least 17 calendar days prior to the hearing. The applicant shall have the burden of proving the Planning Official made an incorrect decision. Based on the Hearing Examiner's findings and conclusions, he or she may affirm, reverse, or modify the decision being appealed.

KMC Title 22 Subdivisions
Chapter 22.28 Design Requirements

New Section 22.28.48

Lots – Historic Preservation

In the Market and Norkirk Neighborhoods, as defined in the Comprehensive Plan, for those subdivisions not subject to the lot size flexibility provisions of Sections 22.28.030, 22.28.040, and the small lot single-family provisions of Section 22.28.42, the minimum lot area shall be deemed to be met if no more than two lots are created that contain less lot area than the minimum size required in the zoning district in which the property is located, and if an “historic residence” is preserved on one of the lots, pursuant to the process described in Chapter 75 of the Kirkland Zoning Code. The lots containing less than the minimum required lot area shall meet the following standards:

- (a) Within the RS 6.3 and RS 7.2 zones, the lots shall be at least 5,000 square feet.
- (b) Within the RS 8.5 zone, the lots shall be at least 6,000 square feet.
- (c) Within the WDII zone, the lots shall be at least 7,200 square feet.
- (d) The portion of any flag lot that is less than 30 feet wide, and used for driveway access to the buildable portion of the lot, may not be counted in the lot area.
- (e) Accessory dwelling units are prohibited. The restriction shall be recorded on the face of the plat.

Lots containing historic residences shall also meet the following standards:

- (f) If an historic residence is destroyed, damaged, relocated, or altered inconsistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties (Rehabilitation) (Code of Federal Regulations, 36 CFR Part 68), the replacement structure shall be reconstructed in accordance with the criteria established in Section 75.105 of the Kirkland Zoning Code. The replacement restriction shall be recorded on the face of the Plat.
- (g) As part of subdivision approval, the City may allow the following modifications to regulations in the Kirkland Zoning Code regarding minimum required yards, maximum lot coverage, and floor area ratio on the lot containing the historic residence if the modifications are necessary to accommodate the historic residence.
 - 1) Required yards may be 2 feet less than required by the zoning district as shown on the Kirkland zoning map.
 - 2) Floor area ratio may be 5 percentage points more than allowed by the zoning district as shown on the Kirkland zoning map.
 - 3) Lot coverage may be 5 percentage points more than allowed by the zoning district as shown on the Kirkland zoning map.
- (h) At the time of recording the plat, a notice of applicable restrictions for the lot containing the designated historic residence shall be recorded.

Chapter 75 – HISTORIC LANDMARK OVERLAY ZONE AND HISTORIC RESIDENCE DESIGNATION

Sections:

75.05	User Guide
75.10	<u>Historic Landmark Overlay Zone</u> Designation – Required Review
75.15	<u>Historic Landmark Overlay Zone</u> Designation – Who May Apply/Special Fee Provision
75.20	<u>Historic Landmark Overlay Zone</u> Designation – Criteria
75.25	<u>Historic Landmark Overlay Zone</u> Designation – Required Elements of Recommendation
75.30	<u>Historic Landmark Overlay Zone</u> Effect – General
75.35	<u>Historic Landmark Overlay Zone</u> Effect – Review Requested To Alter
75.40	<u>Historic Landmark Overlay Zone</u> Effect – Criteria for Alteration
75.45	<u>Historic Landmark Overlay Zone</u> Effect – Nonconforming Elements
75.47	<u>Historic Landmark Overlay Zone</u> Effect – Modification of Code Provisions
75.50	<u>Historic Landmark Overlay Zone</u> Effect – Bonds
<u>75.55</u>	<u>Historic Residence Designation - Intent</u>
<u>75.60</u>	<u>Historic Residence Designation – Required Review</u>
<u>75.65</u>	<u>Historic Residence Designation – Who May Apply/Special Fee Provision</u>
<u>75.70</u>	<u>Historic Residence Designation – Criteria</u>
<u>75.75</u>	<u>Historic Residence Designation – Required Elements of Recommendation</u>
<u>75.80</u>	<u>Historic Residence Effect – General</u>
<u>75.85</u>	<u>Historic Residence Effect – Review Requested To Alter</u>
<u>75.90</u>	<u>Historic Residence Effect – Criteria for Alteration</u>
<u>75.95</u>	<u>Historic Residence Effect – Secretary of the Interior’s Standards for the Treatment of Historic Properties (Rehabilitation)</u>
<u>75.100</u>	<u>Historic Residence Effect – Nonconforming Elements</u>
<u>75.105</u>	<u>Historic Residence Effect – Demolition, Alteration or Damage</u>
<u>75.110</u>	<u>Historic Residence Effect – Bonds</u>

75.05 User Guide

This chapter establishes mechanisms for designating certain areas or improvements in the City as historic landmarks or historic residences. This chapter also contains regulations that govern the use and alteration of any area or improvement that has been designated as an historic landmark or historic residence.

1. Historic Landmarks: Various places on the Zoning Map contain an “HL” within a dashed line. This indicates that this area has been designated as an Historic Landmark Overlay Zone where special regulations apply. These special regulations add to and in some cases supersede the other regulations of this code.

If you are interested in proposing that an area or structure be designated as an historic landmark or if you wish to participate in the City’s decision on a proposed designation you should read KZC 75.10 through 75.25.

If you are interested in conducting a use or altering the appearance of an area or structure that has been designated as an historic landmark or if you wish to participate in the City’s decision on a proposed use or alteration of a designated historic landmark, you should read KZC 75.30 through 75.50.

2. Historic Residences: In the Norkirk and Market Neighborhoods, where an historic residence has been designated, special regulations apply. These special regulations add to and in some cases supersede the other regulations of this code.

If you are interested in proposing that a structure be designated as an historic residence or if you wish to participate in the City's decision on a proposed designation you should read KZC 75.55 through 75.70.

If you are interested in altering the appearance of a structure that has been designated as an historic residence, or if you wish to participate in the City's decision on a proposed alteration of a designated historic residence, you should read KZC 75.75 through 75.110.

75.10 Historic Landmark Overlay Zone Designation – Required Review

The City will review and decide upon each proposal to designate an area as an Historic Landmark Overlay Zone on the Zoning Map using the nonproject quasijudicial rezone provisions of Chapter 130 KZC.

75.15 Designation – Who May Apply/Special Fee Provision

The City, the person holding fee title to the subject property, or any member of the general public may apply to designate a property as an Historic Landmark Overlay Zone. To the extent that these provisions are inconsistent with the provisions of Chapter 130 or 152 KZC, the provisions of this section govern.

75.20 Historic Landmark Overlay Zone Designation – Criteria

1. The City may approve the designation of an area as an Historic Landmark Overlay Zone only if it finds that:

a. The applicable criteria of Chapter 130 KZC are met; and

b. Either:

1) The property contains an object, improvement, or site that is more than 40 years old, and that possesses integrity of location, design, setting, materials, workmanship, feeling and association, and:

a) Is associated with events that have made a significant contribution to the broad patterns of national, state or local history; or

b) Is associated with the lives of persons significant in national, state or local history; or

c) Embodies the distinctive characteristics of a type, period, style or method of design or construction, or that represents a significant and distinguishable entity whose components may lack individual distinction; or

d) Has yielded, or may be likely to yield, information important in prehistory or history; or

e) Is an outstanding work of a designer or builder who has made a substantial contribution to the art; or

- 2) The property contains an object, improvement or site which does not meet the criteria listed in subsection (1)(b)(1) of this section but which is:
- a) A religious property deriving primary significance from architectural or artistic distinction or historic importance; or
 - b) A building or structure removed from its original location but which is significant primarily for its architectural value, or which is the surviving structure most importantly associated with an historic person or event; or
 - c) A birthplace, grave or residence of an historic figure of outstanding importance if there is no other appropriate site or building directly associated with his/her productive life; or
 - d) A cemetery that derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events; or
 - e) A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived; or
 - f) A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own historic significance; or
 - g) A property achieving significance within the past 40 years if it is of exceptional importance.

NOTE: The criteria listed in subsection (1)(b) of this section are, with slight modification, the criteria used in evaluating entries to the National Register under the National Historic Preservation Act of 1966.

~~3) This subsection applies only to those areas annexed to the City on January 1, 1988, by Ordinance 3062, 3063, and 3064 (known as the Lower Juanita, North Rose Hill and South Rose Hill areas).~~

~~For a 12 month period beginning January 1, 1988, and ending December 31, 1988, the City shall approve the designation of an area as an Historic Landmark Overlay Zone if the site has been proposed by the King County Landmarks Commission subject to the conditions of Chapter 130 KZC.~~

75.25 Historic Landmark Overlay Zone Designation – Required Elements of Recommendation

If City Council adopts an ordinance designating an area as an Historic Landmark Overlay Zone on the Zoning Map, this ordinance must include the following information:

1. The boundaries of the area and description of the improvement, object, or site or significance, sufficient to identify its location.
2. The significant features of the improvement, object, or site to which the restrictions of KZC 75.30 through 75.50 apply.

75.30 Historic Landmark Overlay Zone Effect – General

If the City Council enacts an ordinance to designate an area as an Historic Landmark Overlay Zone, an “HL” will be placed on the area on the Zoning Map. This will have the following effects:

1. No feature identified as significant under KZC 75.25(2) may be altered in any manner except as provided in KZC 75.35 through 75.50.
2. The City may require that a sign be conspicuously posted on the subject property identifying the historic landmark.
3. The other requirements of this code apply to the subject property unless they conflict with a specific provision of this section through KZC 75.50. Where a conflict exists, the provisions of this chapter govern.

| 75.35 Historic Landmark Overlay Zone Effect – Review Requested To Alter

The City will review and decide upon any proposal to alter a designated significant feature of an Historic Landmark Overlay Zone using Process IIB, described in Chapter 152 KZC.

| 75.40 Historic Landmark Overlay Zone Effect – Criteria for Alteration

The City will review any proposed alteration to a significant feature of an historic landmark using the following criteria:

1. The extent to which the proposed alteration would adversely affect the significant features or site as an historic landmark; and
2. The reasonableness of the proposed alteration in light of other alternatives available to achieve the objectives of the applicant; and
3. The extent to which the proposed alteration may be necessary to meet the requirements of any other law, statute, ordinance, regulation, code or ordinance.

| 75.45 Historic Landmark Overlay Zone Effect – Nonconforming Elements

Nonconformance on the subject property need not be corrected if correcting the nonconformance would require altering a feature designated as significant or the acquisition of additional property or facilities.

| 75.47 Historic Landmark Overlay Zone Effect – Modification of Code Provisions

1. General – The provisions of this section establish the circumstances under which the City may modify any of the provisions of this code for an historic landmark, except:
 - a. The City may not modify any of the provisions of this chapter; and
 - b. The City may not modify any provision of this code that specifically states that its requirements are not subject to modifications under this chapter; and
 - c. The City may not modify any of the procedural provisions of this code; and
 - d. The City may not modify any provision that specifically applies to development on a wetland, flood plain, or regulated slope; and

- e. The City may not allow any use in a low density zone that is not specifically allowed in that zone unless the subject property contains at least 35,000 square feet.
2. Review Procedure – The City will review and decide upon any proposal to modify the provisions of this code for an historic landmark using Process IIB, described in Chapter 152 KZC. Modifications may be proposed in conjunction with or subsequent to a proposal to designate the subject property as an Historic Landmark Overlay Zone as provided in KZC 75.10 through 75.25.
 3. Criteria for Modification – The City may approve a modification under the provisions of this section only if it finds that the following requirements are met:
 - a. The proposed modification would promote or aid in the preservation or rehabilitation of an historic landmark; and
 - b. Either:
 - 1) The historic landmark for which the modification is proposed is located on property which abuts one of the following rights-of-way:
 - a) Market Street between Central Way and N.E. 106th Street.
 - b) State Street between N.E. 68th Street and 2nd Avenue South.
 - c) Lake Washington Blvd. and Lake Street South between Northup Way and Third Avenue South; or
 - 2) The proposed modification would not promote traffic, noise, light view blockage or other impacts which are incompatible with adjacent properties or the surrounding neighborhood.

75.50 Effect – Bonds

The City may require a bond under Chapter 175 KZC to ensure that any alteration to an historic landmark complies with the conditions of its approval.

75.55 Historic Residence Designation – Intent

The Norkirk and Market Neighborhoods contain many historic houses representing a variety of architectural styles and historic time periods, and providing a record of Kirkland's residential development. The loss of any historic houses in these neighborhoods would constitute an irreparable diminishment of community character. Preventing this loss and protecting community character and historic resources are consistent with and supported by the Community Character Element and by the Norkirk and Market Neighborhood Plans within the Comprehensive Plan. It is in the public interest to preserve this rich architectural diversity and tangible connections with Kirkland's past. The historic residence designation process provides an opportunity for historic houses in the Market and Norkirk Neighborhoods to be preserved.

A house may be considered for historic residence designation if it retains its overall original form, massing and sufficient original architectural elements to convey its historic character. This could include, for example, a house that has been moved, changes to windows that do not significantly change the original window placement or form, and replacement of siding. Additions and alterations to the historic house will be evaluated on a case by case basis.

75.60 Historic Residence Designation – Required Review

The City will review and decide upon each proposal to designate a house as an Historic Residence using the provisions of Process I, Chapter 145 KZC. Noticing is required pursuant to the noticing provisions of Chapter 150 KZC. The review process will include an assessment to determine eligibility for designation as an historic residence. The assessment, funded by the applicant, must be conducted by staff or consultants meeting the Secretary of the Interior's Historic Preservation Professional Qualification Standards (Code of Federal Regulations, 36 CFR Part 61).

75.65 Historic Residence Designation – Who May Apply

The person holding fee title to the subject property in the Market or Norkirk Neighborhoods, as defined in the Comprehensive Plan, may apply to designate a home as an Historic Residence.

75.70 Historic Residence Designation – Criteria

The City may approve the designation of an Historic Residence if it finds the criteria of Section 75.20 1.b are met.

75.75 Historic Residence Designation – Required Elements of Recommendation

The approval must include the following information:

1. The address of the historic residence.
2. The gross floor area of the historic residence and dimensioned drawings of each floor.
3. A digital photograph of each building elevation and significant feature.
4. A description of the historic residence and its significant features to which the restrictions of KZC 75.80 through 75.110 apply.

75.80 Historic Residence Effect – General

The City designation of an Historic Residence will have the following effects:

1. No feature identified as significant under KZC 75.75 may be altered in any manner except as provided in KZC 75.85 through 75.110.
2. All other requirements of this code shall apply to the subject property unless they conflict with a specific provision of KZC 75.55 through KZC 75.110. Where a conflict exists, the provisions of this chapter govern.

75.85 Historic Residence Effect – Review Request To Alter

The Planning Official will review and decide upon any proposal to alter a designated Historic Residence. This decision is appealable using applicable appeal provisions of Chapter 145 KZC.

75.90 Historic Residence Effect – Criteria for Alteration

1. The Planning Official shall review all proposed alterations to a designated historic residence. No further review is required if the alteration constitutes:

- a. Ordinary repairs and maintenance that do not alter the appearance of an exterior significant feature and do not utilize substitute materials, or
- b. Repairs or replacement of utility systems, provided that such work does not alter an exterior significant feature.

The Planning Official shall document the proposed alteration. If the proposed alteration does not meet the criteria of 1a or 1b then the criteria in KZC 75.90.2 below must be met.

2. The Planning Official shall review and may approve restorations, major repairs, alterations in appearance, replacement of historic materials and new construction to a designated historic residence, considering the following factors:
 - a. The extent to which the proposal would utilize in-kind materials,
 - b. The extent to which the proposal would adversely affect the significant character defining features of an historic residence.
 - c. The reasonableness of the proposed alteration in light of other alternatives available to achieve the objectives of the applicant; and
 - d. The extent to which the proposed alteration may be necessary to meet the requirements of any other law, statute, ordinance, regulation or code.

The review by the Planning Official shall be based on The Secretary of the Interior's Standards for the Treatment of Historic Properties (Rehabilitation) in KZC 75.95. The Planning Official shall arrange for an analysis funded by the applicant to determine if the Criteria for Alteration are met. The person conducting the analysis shall meet the Secretary of the Interior's Historic Preservation Professional Qualification Standards (Code of Federal Regulations, 36 CFR Part 61);

75.95. Historic Residence Effect – The Secretary of the Interior's Standards for the Treatment of Historic Properties (Rehabilitation)

In determining the adverse impact of an alteration on the significant features of an historic residence, the Planning Official shall consider the following Secretary of the Interior's Standards for the Treatment of Historic Properties (Rehabilitation) (Code of Federal Regulations, 36 CFR Part 68):

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

75.100 Historic Residence Effect – Nonconforming Elements

Any nonconformance on the subject property shall not be required to be corrected if doing so would require the alteration of a feature designated as significant or the acquisition of additional property or facilities.

75.105 Historic Residence Effect – Demolition, alteration or damage

1. If an historic residence is destroyed, relocated, or altered as a result of the action of the property owner, and such action is inconsistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties (Rehabilitation), the following standards apply:
 - a. The structure shall be reconstructed pursuant to the Secretary of Interior's Standards for the Treatment of Historic Properties (Reconstruction) (Code of Federal Regulations, 36 CFR Part 68) to replicate the footprint and exterior of the historic residence; or
 - b. The maximum Floor Area Ratio (F.A.R.) of any altered or new structure shall not exceed 25 percent of the lot size, or 75% of the gross floor area of the historic residence, whichever is less.
2. If an historic residence is destroyed or damaged for any reason outside the control of the property owner, the maximum FAR of the resulting structure shall not exceed 30 percent of the lot size, provided that FAR may be increased up to 35 percent of the lot size if the following criteria are met:
 - a. The primary roof form of all structures is gabled, with a minimum pitch of 4 feet vertical: 12 feet horizontal; and

b. A setback of at least 7.5 feet is provided along each side yard.

3. Accessory dwelling units shall be prohibited in connection with the resulting structure.

4. The historic residence designation shall be removed from the resulting structure.

75.110 Historic Residence Effect – Bonds

The City may require a bond under Chapter 175 KZC to ensure that any alteration to an historic residence complies with the conditions of its approval.

Joan Lieberman-Brill

From: angelique.reiss@comcast.net
Sent: Tuesday, January 09, 2007 12:08 AM
To: Joan Lieberman-Brill
Subject: Please support .30 FAR on small lot single family option homes; subtract private road footage

c/o Joan Lieberman-Brill (please forward to Councilmembers and Planning Staff prior to 1/11 meeting- thank you!)

Dear Councilmembers and Planning Department Staff,

I have spoken to a number of other Norkirk residents, including some of the other Norkirk Neighborhood Board Members, who are disappointed that the small lot single family rezoning option passed in December. We are very concerned about the FAR component that has not yet been determined. This rezone was promoted and justified as a method of creating smaller homes and more affordable housing through reduced FARs, yet Councilmember Sternoff stated at the December city council meeting when this was passed that he would not support the smaller FAR number, as it is not what developers want. What should matter is what constituents want. Many neighborhood residents are opposed to higher density in single family home areas of Norkirk, and opposed to more big houses. We strongly support limiting the FAR for this option at .30, not larger, on at least one and preferably both lots.

Meeting growth targets, particularly of affordable housing, will require high density housing such as apartments and condos. They should be built in appropriate areas that are within a short walking distance of retail shops, restaurants and services. In the housing study packet given to councilmembers before last week's city council meeting, the packet noted that on the Eastside it is Bellevue that has been able to successfully meet affordable housing targets. Bellevue has not met those targets by destroying the quality of life in established single family home neighborhoods such as Clyde Hill and Enatai; those neighborhoods still have large lots, with front and back yards, and many trees. Rather, high density housing has been added in other neighborhoods that had undeveloped spaces to accomodate high density housing. High density housing is an excellent option for creating a high volume of units, and accomodating the needs of residents who have no cars. (This is not just a "NIMBY" letter; my husband and I lived in extremely high density housing for ten years, starting in a 180 sf apartment in Japan and moving up to a 540 sf apartment in California. We had no car or shared one car for five of those years. Our housing situation was well suited to our lives then.)

The notion that the small lot single family option will provide "affordable" housing is completely unrealistic given the price of any new single family home in Kirkland, and anything greater than a .30 FAR ensures that the homes will be large and extremely expensive: well over a million dollars. In Norkirk, families on a very limited budget such as single parents trying to keep their kids in the local schools, are often only able to rent modest old rental homes. The bigger the FAR number on this rezone, the more older homes will be sold and turned into two new homes where there was one old one, and the fewer rentals there will be. Sadly, more families like several of the neighbors on our street will be evicted from their rental homes so that owners can cash in on this real estate windfall, forcing these families to leave the community they love and the schools where their kids' friends and teachers are. We had a very sad farewell party for a divorced single mom and her two sons recently, a nice family that was heartbroken about having to move because the owners couldn't resist selling their subdividable lot. The small lot single family option will have the effect of reducing affordable housing in Norkirk by increasing the number of subdividable lots, and only the smaller FAR numbers will mitigate this negative impact by protecting our neighborhood from more extremely expensive, unattractive monster homes with no yards, trees, or privacy.

Another important issue is calculating the square footage of lots on private streets, when the lots include part of the street. When calculating the square footage of lots on private streets for the purpose of qualifying for the 12,200 square foot threshold for subdividing, the portion of the lot that is actually street surface should be subtracted from the total area. For example, a "12,500 sf foot lot" that includes a 70' x 10'

portion of street surface in front of the lot, should have the 700 sf of street subtracted, since it is actually only an 11,800 sf lot of usable land, and therefore does not qualify for the small lot single family option. (Our "8700 square foot lot" is actually only 8000 sf because it includes the paved road in front.) Narrow private streets with no sidewalks and very limited parking need to be protected from overdevelopment. Language to this effect should be included in the final draft.

Any response and comments regarding these elements will be welcome. I would be happy to meet with any councilmembers or planning department staff who have an interest in discussing this further, or taking a brief walk around Norkirk to see examples of the negative impact of homes recently built under the .50 FAR limit. During the years I spent working for legislators as an aide and district director, I saw the value of site visits for elected officials and government staff who want to see the everyday results of current policy, and how they affect constituents.

Thank you for your consideration,

Angelique Reiss

428 16th Lane
Kirkland, WA 98033
cell 425-533-8138

Joan Lieberman-Brill

From: robert stonefelt [stoneyage@msn.com]
Sent: Saturday, January 27, 2007 12:20 PM
To: Angela Ruggeri; Joan Lieberman-Brill
Cc: Eric Shields; Paul Stewart
Subject: Norkirk/Market Neighborhoods (Please Forward to PC)

Dear Planning Commission Members,

After attending last PC meeting, Thursday night, it appears Compact Small Home option adopted by City Council, will be controversial. Afterall, this is Norkirk.

Sort of reluctant to share my thoughts, since, it was never my intention to get involved with the details of this newly adopted option. I mainly would like to speak on behalf of Market Neighborhood property owner, Thelma Shanks. I understand, Thelma has been for 2 1/2 years, trying to find an avenue to split her whopper of a lot of 15,600 sqft in a RS8.5 zoning. She falls just 150 sqft short.

I think of my 1 1/2 year involvement seeking a similiar avenue to split the Stonefelt large lot. She has been at it one year more. As you review FAR for Compact Small Home option; for both Norkirk and Market Neighborhoods; might you consider some destinction in a less restrictive FAR requirement for her large lot split. Especially, since it is in Market Neighborhood.

The destinction could be as a simple zoning designation. Greater FAR latitude for lots in RS8.5 zoning. It would seem that this has merit solely due to it being a larger lot to split to begin with. Again, it comes down to what is fair and reasonable. Would it harm or be out of character in this surrounding neighborhood? If too restrictive FAR, then, it looks like a 7,800 plus sqft home is the odds on favorite, result.

One final thought. Last year, Commission and Council already reduced FAR from .6 to .5 in RS5 zone.

Thanking you in advance for considering the above, in your recommendations for City Council review, I remain

Sincerely Yours,
Robert Stonefelt

PS Would like to share more on Green Zoning incentives in future emails; for you to consider in FAR discussion.

RECORDED

JAN 30 2007

PLANNING DEPARTMENT

PM

BY

To: Kirkland Planning Commission

City Council Members

Attn: Joan Lieberman - Brill

From: Chelma Shanks

815 18 av w Kirkland WA 98033

RE: Market Neighborhood Small Lot Single Family Option
6 properties in the current 8.5 zone.

DATE: JANUARY 29 2007

I extend my appreciation and thanks for the December 2006 passing of the Market Neighborhood Small Lot Single Family Option. It was gratifying to receive unanimous support from the City Council members.

As Regulations are drafted for the zoning changes with F.A.R. to be determined, I submit the following for consideration

The map (attachment 9 of the P.C. memo dated 8/17/06) identified six properties which could utilize this option if desired:

# 1	1688	10 St. W.	15,306 sq. ft.	Brill 2002
# 2	880	16 Av W	14,659 " "	
# 3	818	16 St. W	14,557 " "	
# 4	803	18 Av W	15,600 " "	(corner lot)
# 5	815	18 Av W	15,600 " "	
# 6	1835	9 St. W	15,000 " "	

Kirkland Planning Commission
City Council Members
Attn: Joan Lieberman - Brill

In my opinion it is unlikely that properties # 1 & # 2 would utilize the option because of the condition of the current homes. Therefore, it appears four properties may choose to do so.

My property is # 5 on the list. Property # 4 is a corner lot so may have reduced building potential. I feel my property of 15,600 sq. ft. should be granted at least a .4 F.A.R.

$$\begin{array}{r} 15,600 \\ - 8,500 \\ \hline 7,100 \text{ small lot} \end{array}$$

Minimum small lot size is 6000 sq. ft.

If properties that fall in the 7.2 zone (which I am not addressing) utilize the option, we would see a same ratio in sizes of homes and lots that suggests the desired end result of diversification.

In 2003 two homes in the 8.5 zone - 1824 & 1820 10th & 7300 sq. ft & 8300 sq. ft. respectively) were permitted with less than the 8500 sq. ft. requirement.

Thank you for your consideration.

February 15, 2007

Kirkland City Council
125 5th Avenue
Kirkland Wa. 98033

re: Updated Market Neighborhood Plan

As reported in the Kirkland Courier of February 2007, I am in favor of policies to encourage the preservation of historic homes and to promote the retention of small homes in the Market Neighborhood.

For fifty years I have lived in my home and had given up all hope of its survival. It has been very depressing to see my close neighborhood disintegrate. It is so wasteful to knock down a good house and haul it to the dump. I have McMansions being built on each side of my home.

Paul Hayden Kirk was the renowned local architect for my home, a plan which was one of the ten award-winning homes selected by the American Institute of Architects--Sunset Magazine, the cover of the 1957 October issue. I am the original owner and this house has been a delight.

It saddened me to think that when I die (I am 90 years of age) this home will be trashed. My roof and carpeting would have replaced if I had not thought that it was a useless expense. My neighbor, Ruth Lindsay, put on a 20-year roof and 2 years later her house was knocked down.

Perhaps the tipping point has been reached in Kirkland's gentrification. A city's homes are a clear expression of its values.

I do not have a computer and my age keeps me from attending the various meetings, but I am very interested in the outcome of your considerations.

Respectfully Yours,

Marguerite B. Oprea

Marguerite B. Oprea
1250 6th Street West
Kirkland Wa 98033

RECEIVED

FEB 15 2007

CITY OF KIRKLAND
CITY MANAGER'S OFFICE

Joan Lieberman-Brill

From: Loren Feldman [lorenfeldman@msn.com]
Sent: Monday, March 12, 2007 10:41 AM
To: Joan Lieberman-Brill
Subject: Loren Feldman - Comments to the Planning Commission for the City of Kirkland

Dear Planning Commission,

We are glad we went to the meeting on March 8th 07. Our initial reaction and final analysis based on the .3 FAR for the new small lot code is that it will not justify the risk to take advantage of the new code.

As your consultant points out the margins are razor thin and we agree. The .3 does not render a product large enough to justify the costs, and associated risks. I think you all are on the right track but if the .3 is adopted we will have to see how many really take advantage of the new small lot code.

We will follow this proposal as we see potential with a .4 FAR assuming the second lot is only 5000'. From a development standpoint we see the difference between .3 and .4 as the difference between doing the project and not.

We also would like to attend future meetings regarding these topics.

Thanks again for your service to our community. We really appreciate your time to put together the study, and potential code as we believe the intent is great.

Sincere regards,

Loren Feldman
9520 130th Ave NE Kirkland
WA 98033

To: Kirkland Planning Commission
From: Chelma J. Shanks - 815 18 av W, Kirkland
Date: March 12, 2007
Attn: Joan Lieberman - Bill
Re: Small Lot - Single Family Home Regulations

I submit the following for consideration following the Planning Commission's meeting of 3/8/07.

I am addressing only RS 8.5 zone W of market:

1. 6 properties could use this option. (You will note from my previous memo that it appears two would not elect to do so because of age, size & condition of current homes.)
2. In recent rezoning in the Norkirk area, 82 properties are now zoned RS 6.3 with a .5 F.A.R. (Peter, President of the Norkirk Neighborhood Assn. reported at the 2/8/07 P.C. meeting that at their 1/6/07 neighborhood meeting, the majority of attendees voted for a .4 F.A.R. ^{Small Lot.} _{Option})
3. At the 3/8/07 P.C. meeting, members seemed to favor either a .3 or .35 F.A.R. with a 1700 sq. ft home being acceptable in the R.S. 7.2.

5000 min lot	x .3	=	1500 sq. ft.
5000 min lot	x .35	=	1750 sq. ft.

(RS 8.5 minimum lot increases to 6000 sq. ft.)

4. With development costs being estimated to be \$47,000 +, it appears to me that less than a 3.5 F.A.R. would decrease the number of property owners wanting to utilize this permanent F.A.R. for the smaller lot.
5. It was noted the \$47,000 could be reduced if the current home is preserved. If a .4 F.A.R. is regulated, my current home built in 1954 could be retained by removing the garage & creating a flag lot for the larger home.
6. If .4 is not an option for the smaller home, could the regulations be written so a developer, on an individual basis, request splitting the F.A.R.'s between both lots resulting in 2 smaller homes?

My property originally consisted of two 50 foot lots which were married when the house was built.

Thank you for your consideration as you adopt the regulations. I appreciate your hard work & time spent in this endeavor.

Joan Lieberman-Brill

From: Tim Olson [tim.olson6@verizon.net]
Sent: Tuesday, March 20, 2007 10:53 AM
To: Eric Shields
Cc: Joan Lieberman-Brill
Subject: Big Lot Small Lot Scenario

Follow Up Flag: Follow up
Flag Status: Red

Attachments: BigLotSmallLotSite1.pdf



BigLotSmallLotSite1.
pdf (53 KB...

Hi Eric and Joan,

Attached is a pdf site plan for a "maxed out" Big Lot/Small Lot scenario with a .5/.3 FAR. My point is to demonstrate that the vision of quaint little "Chapinesque" cottages on small lots carved from the 12,200 lots may...with the right terrain, a bulldozer, flat roofs, retaining walls, and covered decks and porches...look much different.

The house on Lot #1 has an 1896 SF basement with a four car garage, large media room, wine room; an 1896 SF Main Floor with a 9' ceiling containing an entry, bedrooms and den opening onto a large covered deck, sewing/craft room and more; the Upper Floor has an 11' ceiling with a huge covered deck overlooking the lake. Total SF for the house is roughly 5688 SF.

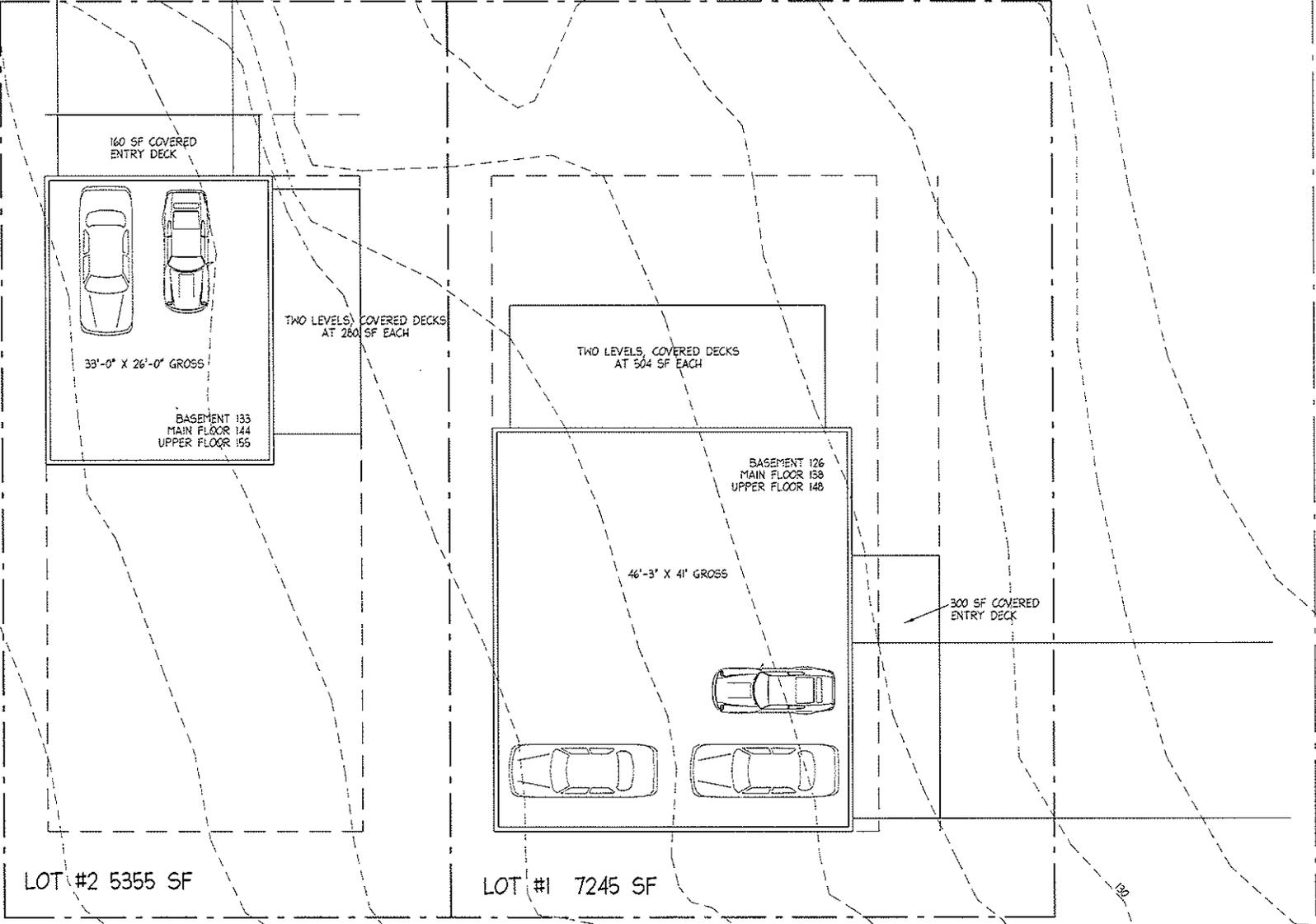
The small house on Lot #2 (.3 FAR) is a "lite" version of the big house (two car basement garage, smaller wine closet) totalling 2574 SF.

This scenario uses an actual lot with topography pulled from the aerial photo w/ overlaid contour lines. I've also looked at other lots (including Pete Bartnick's and his neighbor's). There are numerous opportunities to develop scenarios like the one I've shown here.

I tried to find email addresses for Janet Pruitt, Kiri Rennaker, and other PC members...no luck. Can you forward to them if you think appropriate.

Thank you,
Tim Olson

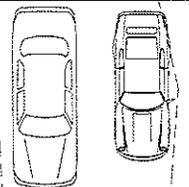
PS. I'll try to produce a quick 3D version when I have time.



LOT #2 5355 SF

LOT #1 7245 SF

160 SF COVERED ENTRY DECK



33'-0" X 26'-0" GROSS

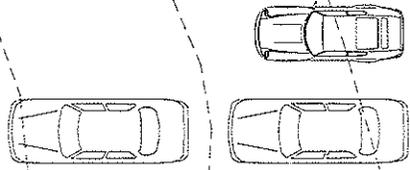
BASEMENT 133
MAIN FLOOR 144
UPPER FLOOR 156

TWO LEVELS COVERED DECKS
AT 2800 SF EACH

TWO LEVELS, COVERED DECKS
AT 504 SF EACH

BASEMENT 126
MAIN FLOOR 138
UPPER FLOOR 148

46'-3" X 41' GROSS



300 SF COVERED ENTRY DECK

140

135

136

137

132

130

128

126

142

140

144

138

136

134

132

130

Joan Lieberman-Brill

From: Robert Burke [rgburke2@verizon.net]
Sent: Thursday, April 26, 2007 3:44 PM
To: Joan Lieberman-Brill
Subject: Planning Commission Hearing

Joan:

As we discussed, I am not going to be at the public hearing tonight, but want to express my support for the incentives being discussed for preservation of residential structures that meet historic criteria. These provide another tool to encourage structures that preserve the historic character of our community. The two-tier system and replacement in the same style would seem to add incentives to retain a structure.

Thank you for all the work of the Commission and Staff in preparing these ordinances in response to the policies adopted in the Market and Norkirk Neighborhood Plans.

Bob Burke

Joan Lieberman-Brill

From: Jean Guth [djguth@yahoo.com]
Sent: Tuesday, April 24, 2007 3:51 PM
To: Joan Lieberman-Brill
Subject: Comments for the Planning Commission meeting April 26

Hi Joan:

My husband Eric Holtz and I live in the Norkirk neighborhood. We would like to let the members of the Planning Commission know that we support the idea of regulations to help historic preservation and also support the small lot\single family home initiative. I think for the latter, the small lot program that would allow large lots to subdivide and build a smaller home, we would endorse a FAR for these homes that is around 2000 square feet.

Additionally, we continue to support the reduced FAR for the Norkirk area. Our neighborhood continues to see the construction of "big box" style houses with little relationship to the style of surrounding existing homes and that reduce the street views of the lake.

We also support the implementation of the proposed Market Street Commercial Corridor zoning changes. We would like to encourage a change in the Market Street zoning to allow neighborhood coffee shops, small local restaurants and pubs. It seems like a maximum square footage of 2000-2500 square feet might encourage the establishment of some of the neighborhood places we enjoy and patronize and minimize the neighborhood impact. Please feel free to contact me for any clarification. And let me know if there is any further information you need from me. Thank you, Jean Guth 425-889-4769

Do You Yahoo!?

Tired of spam? Yahoo! Mail has the best spam protection around <http://mail.yahoo.com>

Joan Lieberman-Brill

From: Mary Williams [mary@estrofest.com] on behalf of williams@knoepp.com
Sent: Tuesday, April 24, 2007 8:39 AM
To: Joan Lieberman-Brill
Subject: A letter to the Planning Commissioners in support of the proposed Norkirk zoning changes

April 24, 2007

Dear Kirkland Planning Commissioners,

We are writing regarding proposed zoning changes to the Norkirk neighborhood. We are owners of 11-21st place, a property that abuts Market St. (Our address for this property used to be 2008 Market St., but we changed access to the back of the lot.) We have owned this property since, I think, 1994. We lived in the home for about five years and now maintain it as a rental.

We believe that rezoning this portion of Kirkland for moderately higher density makes sense. Kirkland is a growing town, and development is inevitable. Also, due to its central location and proximity to major employers, value of property in the area is rising and will continue to do so. Allowing higher density for smaller, more affordable homes, specifically, will help maintain affordability and diversity in the city. Folks who work in lower wage jobs in Kirkland will be able to live where they work.

This plan will also help to contain sprawl and, resultantly, reduce wider traffic congestion by helping folks live nearer their work and services (markets, post office, restaurants, etc.) We appreciate that the boundaries of this zone change preserves environmentally sensitive areas by containing increased density to areas not near watersheds, wetlands, etc.

Kirkland is in the unique position of being a suburban, urban village with the benefits, and draw, of both. By picking a careful path between those who want to make a quick development buck and those who would freeze the city as-is, Kirkland has the potential to be a leader in smart, far-sighted urban planning. Good luck!

Mary Williams and Kevin Knoepp
600 Wellington Ave
Seattle, WA 98122
(206) 720-1098

Joan Lieberman-Brill

From: Pat Byers [PByers@FPCBellevue.org]
Sent: Thursday, April 26, 2007 10:35 AM
To: Joan Lieberman-Brill
Subject: Planning Commission Meeting Tonight

Hello Joan,

My name is Patricia Byers and I live at 25 20th Ave in Kirkland. I am unable to make the Planning Commission Meeting tonight as I need to prepare for a memorial service on Saturday. Kiri Rennaker suggested that I e-mail you to let you know that I am in full support of the proposals that are being presented. Hopefully this e-mail will substitute for my not being there in person.

I am a long time resident of the city. 25 20th Ave has been my family home since 1954 and I have returned to live there fulltime since 1996. I am excited to know that you want to maintain the integrity of Kirkland by preserving the historic homes and retaining the small homes on small lots atmosphere of the city.

Thank you for your consideration in this manner,
Patricia G. Byers
25 20th Ave
Kirkland, WA 98033
425-822-2866

Joan Lieberman-Brill

From: Peter Loft [peterloft@hotmail.com]
Sent: Thursday, April 26, 2007 1:18 PM
To: Joan Lieberman-Brill
Subject: norkirk zoning changes

Hi Joan, I want to go on the record as stating that the city needs to put more money/incentives into dealing with the congestion caused already by the increased density in Norkirk.

It is a great idea to increase density **with** mitigations to reduce cut through traffic, increased city funding for pedestrian safety, and increased funding for police enforcement of traffic violations, for without you are slowly but surely eroding the very qualities of life that attract young families to Kirkland in the first place, and that would be a shame.

As far as I can tell there is lots of rhetoric from the city council and city government employees regarding quality of life valuing families and pedestrian walkways etc., but if you look at the facts, the traffic continues to worsen, parent's concerns about child pedestrian safety continues to increase, while the number of cars on our streets and new homes in our neighborhoods accelerates dramatically. All while the city council a few years ago REPEALED the law that required new developments to provide sidewalks. Peter Loft 1214 6th street.

Will be
included in
4/19 Packet

CC: Council
Dave
Eric
Paul
Jan. L.

To: City Council Members
Dave Ramsey, City Manager
Paul Stewart / Eric Shields

RECEIVED

MAY 22 2007

CITY OF KIRKLAND
CITY MANAGER'S OFFICE

From: Chelma Shanks
815 18 Av W Kirkland

Re: Small Lot Single Family Home

MIS 06-0053

Date: May 22, 2007

I submit the following for your consideration before the
June 19, 2007 City Council meeting.

The Planning Committee will be recommending a
.3 FAR with a potential of .35 with design elements.

I feel a .3 FAR seems questionable that many,
if any, would utilize the Small Lot Single Family
Home Option. This reduced FAR will be a permanent
requirement and will be noted on the plat.

The cost of getting us to this stage has been great -
not only staff man hours, consulting fees, volumes
of paperwork, signage & lengthy meetings but nearly
four years for me as a property owner. I would like
to see this be given a chance to succeed.

1. 22 properties were rezoned in the Nor Kirk neighborhood
to R.S. 6.3. The FAR is .5.
2. There are 5,000 sq. ft. properties with .5 FAR.

3. There are only 6 properties in my current 8.5 zone eligible for this Regulation. From my prior memo. you will note that as few as 5 or 6 could be interested.
4. With a .4 FAR my 1954 house could be retained.
5. The small lot on my property of 7100 sq. ft. is larger than #1 & #2 mentioned above.

I personally talked to three builders who were skeptical that the reduced FAR of .3 or .35 would warrant the developmental costs and time for utilizing this concept.

Thank you for your interest and consideration. I would invite you to visit my property as you review my concerns.

Attachment

RECEIVED

JAN 30 2007

PLANNING DEPARTMENT PM
BY _____

To: Kirkland Planning Commission
City Council Members

Attn: Joan Lieberman - Bill

FROM: Chelma Shanks

815 18 Av W Kirkland WA 98033

RE: Market Neighborhood Small Lot Single Family Option
6 properties in the current 8.5 zone.

DATE: JANUARY 29 2007

I extend my appreciation and thanks for the December 2006 passing of the Market Neighborhood Small Lot Single Family Option. It was gratifying to receive unanimous support from the City Council members.

As Regulations are drafted for the zoning changes with F.A.R. to be determined, I submit the following for consideration

The map (attachment 9 of the P.C. memo dated 8/17/06) identified six properties which could utilize this option if desired:

# 1	1688	10 St. W.	15,306 sq. ft.	Built 2002
# 2	880	16 Av W	14,659 " "	
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# 4	803	18 Av W	15,600 " "	(Corner lot)
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# 6	1835	9 St. W	15,000 " "	

Kirkland Planning Commission
City Council Members
Attn: Joan Lieberman - Brill

In my opinion it is unlikely that properties # 1 & # 2 would utilize the option because of the condition of the current homes. Therefore, it appears four properties may choose to do so.

My property is # 5 on the list. Property # 4 is a corner lot so may have reduced building potential. I feel my property of 15,600 sq. ft. should be granted at least a .4 F.A.R.

$$\begin{array}{r} 15,600 \\ - 8,500 \\ \hline 7,100 \text{ small lot} \end{array}$$

Minimum small lot size is 6000 sq. ft.

If properties that fall in the 7.2 zone (which I am not addressing) utilize the option, we would see a same ratio in sizes of homes and lots that suggests the desired end result of diversification.

In 2003 two homes in the 8.5 zone - 1824 & 1820 10~~th~~
7300 sq. ft & 8300 sq. ft. respectively) were permitted with less than the 8500 sq. ft. requirement.

Thank you for your consideration.

**Market Neighborhood Small Single Family Option
Undersized Lots Between 14,500 SF and 15,725 SF
in RS 8.5 Zone**

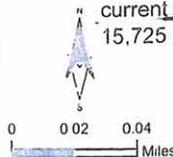


Legend

-  Potential Market Boundary
-  RS 8.5 Zoning
-  Market neighborhood area
-  Market 14500-15725sf 1,2

Note:

1. There are 6 lots that have potential for subdivision under the small lot single family option.
2. Lots that have the potential for subdivision under current subdivision flexibility standards are at least 15,725 sq. ft. in area (17,000 sq. ft. minus 15% of 8,500 sq. ft.)



ATTACHMENT
18 11/16/2010



KIRKLAND PLANNING COMMISSION
January 25, 2007

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

Members Present: Matthew Gregory, Andy Held, Byron Katsuyama, Carolyn Hayek, Karen Tennyson, Vice Chair, and Janet Pruitt, Chair.

Members Absent: Kiri Rennaker.

Staff Present: Joan Lieberman-Brill, Angela Ruggeri, Paul Stewart, and Teresa Swan.

2. **ANNOUNCEMENT OF AGENDA**

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

1. Robert Stonefelt, 901 1st Street. Spoke in favor of the Norkirk Neighborhood rezone.

4. **PUBLIC HEARINGS**

The Chair opened the public hearing on the 2006 City Initiated Comprehensive Plan Amendments and related Zoning Map Amendments for the Mark Twain Park Land Exchange-File No. ZON06-00009

Teresa Swan gave a brief history and timeline of the land exchange for Mark Twain Park. This has already been authorized by the City Council on May 2, 2006. She also explained that amendments for the land exchange are a carry-over of the 2006 Comprehensive Plan amendments adopted in December 2006.

Ms. Swan showed a map of the exchange and discussed the planned access easement for a future public road connection as part of a future subdivision of the property. She responded to questions of the commission regarding the easement.

The chair asked for public comment. There were none.

Motion to recommend to City Council the Staff's recommendation.
Moved by Karen Tennyson, Vice Chair, seconded by Carolyn Hayek

Discussion ensued, beginning with clarification of the public lands indicated on the Neighborhood Land Use Map (attachment 4, 8 and 11).

Mr. Stewart indicated we will review corrections to the map where public lands are indicated.

Vote: Motion carried 6-0

Yes: Matthew Gregory, Andy Held, Byron Katsuyama, Carolyn Hayek, Karen Tennyson, Vice Chair, and Janet Pruitt, Chair.

The Chair closed the Public Hearing portion of the meeting. The Commissioners moved to the study session area of the Chambers.

5. **STUDY SESSIONS**

- A. Drafted Work Program for Market and Norkirk Neighborhoods' Small Lot Single-Family and Historic Preservation Regulations- File No.MIS06-00053. Held study session to review proposed work program schedule and public involvement. Provided direction on changes to work program.

Joan Lieberman-Brill discussed her goal for tonight's meeting.

The Chair asked for public comment.

1. Pete Bartnick, 313 11th PL. Mr. Bartnick is a member of the Norkirk Neighborhood association and invited any of the Commissioners to attend the March meeting when this subject is on the agenda. Mr. Bartnick also spoke regarding Small Lot Single-Family and would like to see more restrictions on the smaller lot.

2. Robert Stonefelt, 901 1st Street. Spoke against FAR restrictions on Small Lots.

The Chair directed the meeting back to Ms. Lieberman-Brill.

The Commission discussed and received clarification on how the calendar is scheduled. Ms Lieberman-Brill clarified the intent of the meetings being out of sequence.

The commission clarified the timeline and the expectations at the different meetings.

Angela Ruggeri responded and clarified her role in this process. Ms. Lieberman-Brill also responded regarding the tight timeline.

The Chair summarized how the process and timeline would work.

Planning staff noticed a discrepancy in the schedule. Discussion ensued.

Planning staff clarified how the appropriate neighborhood associations are informed during this process via website list service and mailed memorandums, in hopes that they will attend the PC meetings to obtain information and to have an opportunity to voice their opinions.

The commission discussed neighborhood involvement, and the Planning Commission's opportunities for outreach.

Ms. Lieberman-Brill clarified the mechanism for how public can sign up to receive e-mails through the City's web-site. She further described the

various ways in which this the public has been notified. She mentioned that the web-site for the Plan Updates has received a substantial amount of 'hits'.

The Chair asked for discussion on issues to address, there were none.

- B. Drafted Work Program for the Market Street Commercial Corridor Design Regulations. Held study session, reviewed proposed work program schedule and public involvement. Provided direction on changes to work program.

The Commission agreed that most of the discussion points for the public involvement and scheduling discussed on the previous item were applicable to this agenda item as well.

Ms. Ruggeri outlined the key issues to the Market Street Corridor Design Regulations including design review process for Historic intersection and possibly the rest of the corridor; tweaking the zoning requirements; and possibly expanding the retail uses allowed along the corridor because they are presently limited due to old zoning language.

6. UNFINISHED BUSINESS

- A. Drafted Planning Work Program and Joint Meeting with City Council. Reviewed the revised Planning Work Program and discussed joint meeting with City Council. Recommended Council adopt Planning Work Program, identified discussion topics for joint meeting, and approved letter of transmittal to the City Council.

Mr. Stewart summarized some of the key issues discussed during the Planning Commission Retreat held December 14th.

The Commission discussed roles of both the Houghton Community Council and the CAC (Citizen Advisory Committee) in the neighborhood plans. There is a concern of double representation.

Mr. Stewart agreed with the Commission ideas on recruitment and how to work with the CAC and HCC.

Ms. Lieberman-Brill clarified the schedule changes.

The Chair asked for public comment.

1. Robert Stonefelt 901 1st Street. Spoke again regarding incentives to builders. Spoke about environmental issues, and stewardships.

The Commission extensively discussed better ways to articulate the letter of transmittal to the City Council.

The Commission discussed how to prioritize three key topics for the joint meeting with the city council.

Further discussion on which Commissioners will present the key topics to the City Council.

The Commission adopted the work program as ammended.

The Chair called for a break - 8:40

The meeting resumed - 8:49

- B. Planning Commission Revised Rules of Procedure. Reviewed proposed revised rules of procedure. Adopted rules.

Staff clarified for the Commission that the department should be referred to as Planning and Community Development Department.

Discussion on Section 3, Order of Business. When public comment should be heard. Commission agreed that this should be moved to Section 8, Item C and should include language to allow the Chair the flexibility to get comment when it makes sense.

Discussion on Section 9, item C, when to close the public hearing.

Motion to approve the Rules of Procedure as amended.

Moved by Karen Tennyson, Vice Chair, seconded by Matthew Gregory

Vote: Motion carried 6-0

Yes: Matthew Gregory, Andy Held, Byron Katsuyama, Carolyn Hayek, Karen Tennyson, Vice Chair, and Janet Pruitt, Chair.

The Chair was provided a copy of Roberts Rules of Order for reference.

7. **NEW BUSINESS - NONE**

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

- A. October 26, 2006

No vote was recorded after the motion to approve Miscellaneous Zoning Code Amendments.

Motion to approve October 26, 2006 minutes as amended.

Moved by Karen Tennyson, Vice Chair, seconded by Matthew Gregory

Vote: Motion carried 6-0

Yes: Matthew Gregory, Andy Held, Byron Katsuyama, Carolyn Hayek, Karen Tennyson, Vice Chair, and Janet Pruitt, Chair.

- B. November 9, 2006

Item 10, A; Administrative Reports, there is no detail of what the Planning Commission presented to the City Council.

Motion to approve November 9, 2006 minutes as amended.

Moved by Andy Held, no second required

Vote: Motion carried 6-0

Yes: Matthew Gregory, Andy Held, Byron Katsuyama, Carolyn Hayek, Karen Tennyson, Vice Chair, and Janet Pruitt, Chair.

9. **TASK FORCE REPORTS**

City has hired consultants for the update to the Downtown Strategic Plan.
Commission received clarification regarding the Strategic Plan.

10. **ADMINISTRATIVE REPORTS**

A. City Council Actions

Mr. Stewart mentioned that the City Council agreed with the Planning Commission to move forward with the Innovative Housing regulations, and are starting that process.

B. Hearing Examiner Actions

C. Public Meeting Calendar Update

The Chair reminded the commission of their meeting on February 6th with the City Council.

11. **COMMENTS FROM THE AUDIENCE - NONE**

12. **ADJOURNMENT - 9:04**

Motion to Approve

Moved by Matthew Gregory, seconded by Karen Tennyson, Vice Chair

Chair
Kirkland Planning Commission



KIRKLAND PLANNING COMMISSION
February 08, 2007

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

Members Present: Matthew Gregory, Andy Held, Byron Katsuyama, Kiri Rennaker, Carolyn Hayek, Karen Tennyson, Vice Chair, and Janet Pruitt, Chair.

Members Absent: None.

Staff Present: Paul Stewart, Dorian Collins, Joan Lieberman-Brill, Angela Ruggeri, and Eric Shields.

2. **ANNOUNCEMENT OF AGENDA**

3. **REQUESTS FROM THE AUDIENCE**

The Chair clarified the new rules of procedure adopted by the Planning Commission regarding Public Comment.

1. George Tuton, 1936 4th St. Asked if the Commission had considered his earlier recommendation to have a time capsule. Paul Stewart offered to check and have someone get back to Mr. Tuton regarding this.

2. Robert Stonefelt, 901 1st St. Spoke in favor of .4 FAR for Small Lot Single Family Incentives. He attended a meeting of the Norkirk Neighborhood, and felt that the majority (20-25 residents) were also in favor of the .4 FAR. Also spoke in favor of the flexibility of the proposed zoning code amendments to the Market Street Commercial Corridor Plan.

The Chair was also in attendance of the Norkirk Neighborhood meeting and she did say that the majority was in favor of .4 FAR, but clarified that they preferred smaller (.3 FAR), but they felt that no one would be motivated by the .3 FAR.

5. **STUDY SESSIONS**

A. Innovative Housing Regulations - Work Program -- File No. ZON07-00005. Reviewed draft work program for development of permanent innovative housing regulations. Provided direction for any changes to approach.

Senior Planner Dorian Collins reviewed the Innovative Housing Regulations Work Program for the year.

The City has contracted with Michael Luis, who will lead an advisory group consisting of architects, builders, developers and realtors. The intent is they will help provide input for permanent innovative housing regulations for the City.

She discussed the timeline for the various advisory meetings and the community workshop.

Ms. Collins responded to questions regarding the advisory group. Followed by discussion on how the participants were chosen for the advisory groups.

The Commission discussed examples of various innovative housing projects they would like to receive information about and possibly visit.

The Chair asked for public comments regarding innovative housing. There were none.

Paul Stewart distributed copies to the Commissioners of the 2006 King County benchmarks on Affordable housing. This was done at the request of the City Council.

Eric Shields discussed a recent meeting he attended with ARCH. They are putting together an advisory group to provide strategic input. Participation from Planning Commission members is welcome. Janet Pruitt and Carolyn Hayek expressed an interest.

- B. Small Lots & Historic Preservation -- File No. MIS06-00053. Discussed issues and reviewed draft regulations to implement small lot single-family and historic preservation policies. Provided direction on changes to the draft regulations.

Joan Lieberman-Brill began her presentation by stating the format for tonight's meeting.

She summarized the purpose of the Historic Preservation Regulations for the Market and Norkirk neighborhoods. She then discussed the proposed policies to provide incentives for retaining historically significant residences.

Planning staff clarified flag lots for the Commission.

Ms. Lieberman-Brill continued her overview by discussing Historic Residence Designation Standards, Criteria and Process.

Planning staff responded to questions regarding enforcement of improvements or alterations to historical residences.

Ms. Lieberman-Brill introduced Julie Koler, with the King County Historic Preservation Program. Ms. Koler described the interlocal agreement between the City of Kirkland and King County. She summarized how the proposed process for a residence to be considered historically significant is a less extensive process than obtaining a Landmark Designation.

Ms. Koler responded to clarifying questions of the Commission.

Ms. Koler discussed the role of the Landmarks Commission. She mentioned that there currently are incentive packages available for owners of historic residences; tax breaks, low interest loans, and direct grant and aid.

Planning staff responded to questions of the Commission. Ms. Koler concluded her presentation.

The Chair asked for public Comment.

1. Pat Tuton, 1936 4th St. Spoke in favor of historic preservation, but feels that it may not be a realistic investment because there isn't a market for historic homes as residences due to comfort (small bathrooms, small closets) and maintenance issues.

2. Bob Burke, 1032 4th St. Mr. Burke lives in an older home. He spoke in favor of incentives to help ensure historic preservation.

The Chair directed questions of the overlay zone to Mr. Burke.

3. George Tuton, 1936 4th St. Spoke in favor of historic preservation but feels it is difficult and costly to maintain an older home.

4. Pat Tuton, 1936 4th St. Ms. Tuton asked how burdensome it would be to obtain permits for needed repairs to a historic residence.

Ms. Koler responded that a health and safety issue is not required for review at King County. The King County process takes about a month for approval of routine maintenance and repair.

5. Barbara Loomis, 304 8th Ave W. Ms. Loomis lives in a designated historic residence. Spoke in favor of incentives to help preserve historic residences.

The Chair asked for public comment. There were none.

Joan Lieberman-Brill resumed her presentation of Historic Residence Designation Criteria and Process. Ms. Lieberman-Brill responded to questions regarding how many potentially historic homes on subdividable properties exist in Market and Norkirk based on an inventory done for the Kirkland Heritage Society in 1999.

Planning Staff and Commission discussed various lists available of potential historic properties. They also discussed to what extent homeowners would be made aware that their home is a potentially historic residence and might be eligible for voluntary nomination as a designated historic residence.

The Commission discussed the staff recommendation on process.

Ms. Lieberman-Brill discussed mechanisms to ensure compliance. Followed by further commission discussion.

Julie Kohler responded to questions regarding the possibility of rebuilding a historic home after it was destroyed. King County does not support this because they strive to save history and not provide a recreation of it.

Continued discussion on mechanisms to ensure compliance and criteria for repair and maintenance.

Ms. Koler clarified for the Commission by explaining the differences between historic residences and Landmark Properties.

The Chair asked for public comment.

1. Pete Bartnick, 313 11th Pl. Mr. Bartnick asked if there were any stipulation to allow a home to be moved to another lot and allow the same incentive. The Commission responded that the house may be moved to another location on the lot, but not another piece of property.

2. Robert Stonefelt, 901 1st St. Asked for clarification regarding criteria for historic homes.

Ms. Lieberman-Brill resumed her presentation with Small Lot Single Family Regulations Purpose. She described the different standards; lot size, zoning and FAR's.

The Commission received clarification on the concept of the flag lot.

Ms. Lieberman-Bill showed graphics of the FAR options for small lot single family regulations that would be feasible incentives to homeowners.

Commission and Staff discussion ensued, followed by the conclusion of Ms. Lieberman-Brill's presentation.

The Chair asked for public comment.

1. Thelma Shanks, 815 18th Ave W. Ms. Shanks clarified the options for her property. She spoke in favor of .4 FAR.

Commission discussion on FAR.

2. Pete Bartnick, 313 11th Pl. Would like to see incentives for encouraging both houses to be built on the street, instead of one behind the other.

Ms. Lieberman-Brill provided key issue discussion items for small lot single family regulations. She suggested the Commission begin with FAR.

Commission and Staff extensively discussed FAR.

The Commission discussed Mr. Luis' study regarding economic viability.

The Commission received clarification on what is expected during tonight's meeting.

The Chair called for a break - 9:39

The meeting resumed at 9:51.

Staff and Commission discussion on whether to move tonight's third study session item (Market Street Commercial Corridor Design Regulations) to a

future meeting. The decision was made to include all items tonight and stay late.

Ms. Lieberman-Brill clarified for the Commission the items she will have prepared for the next Public Hearing meeting.

The Chair invited public comment.

1. Robert Stonefelt, 911 1st. Spoke in favor of .4 FAR, he felt that it provides more options for homeowners and builders.
2. Pete Bartnick, 313 11th Pl. Mentioned some issues discussed at the Norkirk Neighborhood meeting held the previous night regarding recommended FAR and stated those present supported the concept of small lot single family regulations.

- C. Market Street Corridor Design Regulations -- File No. MIS07-00007 Discussed issues and draft regulations to implement the Market Street Corridor design policies. Provided direction on the draft regulations.

The Chair invited public comment.

1. Pete Bartnick, 313 11th Pl. Spoke against allowing non-conforming lots.

Angela Ruggeri gave a brief background to the Market Street Corridor Design Regulations. She clarified the potential changes to the zoning of the subareas. She responded to questions of the Commission regarding the plan, and began discussion with Subareas One and Four.

Lengthly Staff and Commission discussion on retail uses.

Ms. Ruggeri continued with discussion on Subareas One and Four; requiring administrative design review with design standards relating to building frontage, street corners, pedestrian oriented space, parking garages, scale and materials. Discussion followed regarding commercial parking and standards for administrative design review.

Ms. Ruggeri continued her presentation by moving on to Subarea Two (Zip Mart Area). Staff and Commission discussion on the goals to allow for greater flexibility in retail uses and ways to improve the Market Corridor streetscape.

Commission and Staff discussion on Subarea Three and ways to retain the character of the Historic District. Commission agreed to require support from the Design Review Board to maintain character of the district.

Brief discussion on Subareas One through Four, how zoning areas will be shown for the Market Street Corridor.

The Chair invited public comment. There was none.

6. **UNFINISHED BUSINESS**

7. **NEW BUSINESS**
8. **READING AND/OR APPROVAL OF MINUTES - NONE**
9. **TASK FORCE REPORTS**
10. **ADMINISTRATIVE REPORTS**
 - A. City Council Actions
 - (1) Brief discussion on observations from Joint Meeting with City Council.
 - B. Hearing Examiner Actions
 - C. Public Meeting Calendar Update * February 22 Meeting is cancelled
11. **COMMENTS FROM THE AUDIENCE - NONE**
12. **ADJOURNMENT - 10:57PM**

Chair
Kirkland Planning Commission



KIRKLAND PLANNING COMMISSION
March 08, 2007

1. CALL TO ORDER/ROLL CALL - 7:03

Members Present: Byron Katsuyama, Kiri Rennaker, Carolyn Hayek, and Janet Pruitt, Chair.

Members Absent: Matthew Gregory, Andy Held, and Karen Tennyson, Vice Chair.

Staff Present: Paul Stewart, Eric Shields, Joan Lieberman-Brill, and Angela Ruggeri.

2. ANNOUNCEMENT OF AGENDA

3. REQUESTS FROM THE AUDIENCE

1. Loren Feldman, 9520 130th Ave NE. Had a question regarding incentives for historic preservation.

Eric Shields responded to Mr. Feldman's question.

2. Bruce Johnson, 1013 6th St. Had a question regarding Small Lot Single-Family regulations.

Eric Shields responded to Mr. Johnson's question.

4. STUDY SESSIONS

A. Market and Norkirk Neighborhoods' Small Lot Single-Family and Historic Preservation Regulations, File No. MIS06-00053. Continued to discuss issues and draft regulations to implement small lot single-family and historic preservation policies. Provided direction on the draft regulations.

Joan Lieberman-Brill clarified that the policies and incentives regarding Small-Lot Single Family and Historic Preservation have already been adopted in December 2006 with the adoption of the Market and Norkirk neighborhood plans. The intent of the study sessions is to draft regulations to implement the two policies. She stated the format of tonight's meeting and began her presentation with a background on Historic Preservation Regulations.

Ms. Lieberman-Brill responded to Mr. Feldman's question.

She noted the changes that clarify the issue of flag lots and how their lot area is proposed to be calculated.

She then summarized the proposed new section in Zoning Code Chapter 75 that has been revised to ensure that the historic character giving features of

the residences are retained. She then described the hierarchy of alteration criteria.

Ms. Lieberman-Brill summarized the direction they are looking for from the Commission prior to the Public Hearing next month. She then concluded her presentation.

The chair invited public comment.

1. Loren Feldman. 9520 130th Ave NE. Asked what the eligibility criteria is for a historic home.

2. Joe Bergevin 12838 NE 95th St. Asked what would happen if a homeowner wanted to redevelop a historic home.

Mr. Shields and Mr. Stewart responded to Mr. Bergevin's question.

Ms. Lieberman-Brill responded to questions regarding how any interior remodeling would affect the historic designation of a home.

Staff and Commission discussion on the difference between Small-Lot Single Family and Historic Preservation regulations.

The Commission asked Ms. Lieberman-Brill for statistical information on the square footage of those historic residences, identified on the "Historic Preservation" maps introduced during the Plans adoption process. She will provide assessor information for the next meeting.

Mr. Bergevin (speaker number two, above) was allowed to address the Commission. He questioned if a historic home could be moved to another site on the lot. The Commission responded 'yes' to his inquiry.

The Commission discussed eligibility requirements.

Ms. Lieberman-Brill introduced Julie Koler, from The King County Historic Preservation Program. Ms. Koler responded to Commission questions about how the criteria for Historic Designation is applied.

The Commission and Staff discussed different types of penalties that could be applied when alterations to a historic residence are made that violate the criteria. Further discussion on how to handle homes that have health and safety issues, or that have burned. Also, what would be done if someone maliciously intends to take advantage of the regulation.

The Commission concluded their discussion on historic preservation. They then verified the timelines and the upcoming meetings planned regarding Market and Norkirk neighborhoods.

The Chair invited public comment.

1. Todd Owens, 218 Main St. Is interested in sidewalks, and wanted to know the best way to make comments. Mr. Shields suggested several options for Mr. Owens.

2. Joe Bergevin, 12838 NE 95th St. Asked for a clarification on the differences between Small-Lot Single Family and Historic Preservation. He spoke against smaller FAR for the Historic Preservation regulation.

There were no further comments. The Chair concluded the historic preservation discussion of the meeting.

The Chair called for a break at 8:12.

The meeting resumed at 8:28.

The Chair invited Public Comment.

1. Angelique Reiss, 428 16th Ln. Spoke against small lot single family proposal. Spoke in favor of reduced (.3 or less) FAR.
2. Josh Reiss, 428 16th Ln. Spoke against small lot single family proposal.
3. Robert Stonefelt, 901 1st St. Spoke in favor of small lot single family proposal.
4. Pete Bartnick, 313 11th Pl. Spoke in favor of .3 FAR, but questioned some of the housing data included in the packet.

Joan Lieberman-Brill resumed her presentation with the Small-Lot Single Family portion of the study session. She summarized the changes made since February, and discussed some of the reports prepared by housing consultant Michael Luis that are included in the packet. Mr. Luis was in attendance at the meeting.

Ms. Lieberman-Brill showed some graphics of possible visual impact of different FAR in the RS 7.2 and RS 8.5 zones. These were prepared at the request of the Council.

Ms. Lieberman-Brill introduced housing consultant Mike Luis who responded to Pete Bartnick's (speaker number four, above) previous comments regarding his reports. He then clarified some of the main points of his report and how his data was compiled.

Mr. Luis responded to questions from the Commission regarding how square footage is measured and land prices.

Mr. Bergevin (audience member) was allowed to address the Commission with questions regarding corner lots. Mr. Shields responded. Mr. Bergevin then commented that many of the homes being built in this area are custom, and not 'spec' houses.

Following the Key Issues, the Commission briefly discussed reducing FAR on one or both lots, driveway portion of a flag lot, and mechanisms to ensure compliance.

The Commission discussed in length Key Issue number one, recommended FAR.

Ms. Lieberman-Brill responded to questions with respect to whether or not a detached garage is included in the FAR. Followed by Commission discussion on detached garages.

Staff and Commission discussed possible scenarios for different FAR's.

Mr. Shields reminded the Commissioners of a public comment that asked them to consider measuring overall lot coverage rather than just FAR.

Mr. Shields clarified the Commission's opinions regarding FAR, ADU's and detached garages.

Ms. Lieberman Brill reminded the Commission of the upcoming meetings.

The Chair invited public comment.

1. Angelique Reiss, 428 16th Ln. Ms. Reiss received clarification on how easements are calculated in the lot area. She also asked the Commission to consider different FAR's for one and two story homes.
2. Tim Olson, 1571 3rd St. Asked the commission to not consider the visual examples from the packet. He then received clarification on parking requirements. He also encouraged the Commission to recommend more detailed language in the regulation.
3. Pete Bartnick, 311 11th Pl. Asked Mr. Luis regarding the feasibility of development of smaller homes. Mr. Luis responded. Mr. Bartnick encouraged the Commission to try to be innovative when making recommendations about exceptions that could be made regarding FAR.
4. Joe Bergevin, 12838 NE 95th St. Asked the Commission to consider zero lot lines and encouraged them to look at his project located in Juanita as an example.

The Chair called for a break at 9:49.

The meeting resumed at 9:58.

Market Street Corridor Design Regulations, File No. MIS07-00007. Continued discussion of draft regulations to implement the Market Street Corridor policies. Planning Commission provided direction on the draft regulations.

The Chair asked for public comment. There was none.

Angela Ruggeri began her presentation by briefly summarizing what has taken place so far.

Ms. Ruggeri went through each subarea for discussion beginning with the PR zones (north and south of the historic district). This zone has proposed changes to allow a more general small retail category for the Market Street Corridor.

Ms. Ruggeri clarified that the intent is to allow neighborhood oriented retail, but not to make it a retail destination. Staff and Commission discussed existing businesses and store square footage. There was also discussion of specific retail uses that should be allowed.

Ms. Ruggeri briefly discussed funeral homes, size limit for retail uses, and minimum lot size requirement for retail uses in the Market Street Corridor.

Staff and Commission discussed special regulations to limit fast food restaurants.

Staff and Commission discussed the reduced front yard setback in subarea four. This was followed by a brief discussion on horizontal facade regulation and front yard setback in subareas one and four.

Staff and Commission discussed the allowance of Dwelling Units in the PR zones. Followed by discussion on Dwelling Units in the BN zone (Zip Mart area).

Continued discussion on floor area size limit for retail uses in the BN zone. Further discussion on types of limited fast food uses in the Market Street Corridor.

The Commission briefly discussed the suggestion for requiring administrative design review in the BN and PR zones and Design Review Board review in the historic district.

Ms. Ruggeri briefly discussed an e-mail from Commissioner Matthew Gregory regarding the boundry for the Historic District.

Ms. Ruggeri concluded her presentation.

The Chair asked for public comment.

1. Robert Stonefelt, 901 1st St. Mr. Stonefelt asked for clarification on the PR 3.6 zone. Mr. Shields responded.

5. **READING AND/OR APPROVAL OF MINUTES:**

A. December 14, 2006

Motion to approve December 14, 2006 minutes as written.

Moved by Carolyn Hayek, seconded by Kiri Rennaker

Vote: Motion carried 4-0

Yes: Byron Katsuyama, Kiri Rennaker, Carolyn Hayek, and Janet Pruitt, Chair.

6. **TASK FORCE REPORTS**

Commissioner Hayek mentioned that the Downtown Action Team seems to be evolving. They are readdressing the downtown strategic plan and are asking for more involvement. Mr. Shields clarified the role and vision of the Downtown Action Team.

Motion to appoint Carolyn Hayek as a representative to the Downtown Advisory Committee.

Moved by Byron Katsuyama, seconded by Kiri Rennaker

Vote: Motion carried 4-0

Yes: Byron Katsuyama, Kiri Rennaker, Carolyn Hayek, and Janet Pruitt, Chair.

7. **ADMINISTRATIVE REPORTS**

A. City Council Actions

B. Hearing Examiner Actions

C. Public Meeting Calendar Update - Discussion on rescheduling March 22 and April 12 Planning Commission meetings.

8. **COMMENTS FROM THE AUDIENCE - None.**

9. **ADJOURNMENT - 11:06**

Motion to Approve adjourn.

Moved by Kiri Rennaker, seconded by Byron Katsuyama

Chair
Kirkland Planning Commission



KIRKLAND PLANNING COMMISSION
April 26, 2007

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

Members Present: Matthew Gregory, Andy Held, Byron Katsuyama, Kiri Rennaker, Carolyn Hayek, Karen Tennyson, Vice Chair, and Janet Pruitt, Chair.

Members Absent: None.

Staff Present: Paul Stewart, Eric Shields, Joan Lieberman-Brill, and Angela Ruggeri.

2. ANNOUNCEMENT OF AGENDA

3. REQUESTS FROM THE AUDIENCE - None.

4. PUBLIC HEARINGS

- A. Market and Norkirk Neighborhoods' Small Lot Single-family & Historic Preservation Regulations, File No. MIS06-00053. Held a public hearing on the Market and Norkirk Neighborhoods' Small Lot Single-Family and Historic Residence Preservation regulations. Took public comment at the hearing and then provided staff with direction on zoning and subdivision regulations and a recommendation for City Council.

Joan Lieberman-Brill began by stating the format for tonight's public hearing and explained the intent of the proposed regulations.

She reviewed the Small Lot Single-Family Standards that are being proposed. She then discussed minimum lot size and the incentives that being considered for the various zones.

She displayed maps that show the lots that may potentially take advantage of this incentive in both Market and Norkirk neighborhoods. She then showed what revisions have been made to the proposed regulation since the March study session.

Ms. Lieberman-Brill summarized the direction that Staff will be looking for from the Commission following tonight's Public Hearing.

The Chair addressed the audience to ensure they understood the purpose of tonight's Public Hearing.

1. Karin Munro, 309 10th Ave W. Ms. Monroe asked for clarification regarding the lots impacted by this proposed regulation.

2. Pete Bartnick, 313 11th PL. He spoke in favor of the Small Lot Single-Family Regulation with the .35 FAR but would prefer .30 FAR.

3. Brad Hinkel, 1820 10th PL W. Mr. Hinkel asked for clarification on how this regulation would impact his lots. Mr. Shields and Commissioners responded to Mr. Hinkle's questions.
4. Robert Stonefelt, 901 1st ST. Mr. Stonefeld spoke in favor of Small Lot Single-Family Regulation but asked the Commission to reconsider and allow .4 FAR in the RS8.5 zone.

There were no further public comments.

Commissioner Hayek responded to one of the comments from the public regarding subdivision of lots.

Mr. Shields added by explaining current subdivision regulations.

Ms. Lieberman-Brill responded to Commission questions regarding allowing an ADU on the smaller lot. Further Commission and Staff discussion on different ADU options.

The Chair asked for indication from the Commission on how they felt regarding how the reduced FAR should be applied. The Commission concurred that the reduced FAR should only be on the smaller lot.

The Commission continued discussion of FAR.

Mr. Shields responded to questions of the Commission. He then encouraged the Commission to not complicate their recommendations regarding this FAR regulation.

The Chair asked each Commissioner to indicate their preference for the recommended FAR.

Motion to recommend to City Council on the Small Lot Single-Family Home incentive that small lots can be created with a reduced FAR of .3 on the reduced lot size lot only, but can be increased to .35 with design requirements as specified in the zoning code for RS 5.0 zones; a minimum side yard setback of 7-1/2 feet on both sides and a roof pitch of 12:4.

Moved by Andy Held, seconded by Karen Tennyson, Vice Chair

Mr. Held amended his motion.

Motion to recommend to the City Council on the Small Lot Single-Family Home incentive that small lots can be created with a reduced FAR of .3 on the reduced lot size lot only, but can be increased to .35 with design requirements as specified in the zoning code regarding minimum roof pitch and minimum side yard setbacks of 7-1/2 feet. ADU's are not allowed on the small lots and all the other proposed zoning amendments related to the Small Lot single-Family regulations are as proposed by staff in the packet dated April 18, 2007.

Moved by Andy Held, seconded by Carolyn Hayek

The Commission discussed side yard setbacks.

Vote: Motion carried 7-0

Yes: Matthew Gregory, Andy Held, Byron Katsuyama, Kiri Rennaker, Carolyn Hayek, Karen Tennyson, Vice Chair, and Janet Pruitt, Chair.

Ms. Lieberman-Brill resumed her presentation with the Historic Preservation Regulation portion of the Public Hearing.

She summarized the purpose and proposed standards for the Historic Residence Preservation incentives.

Ms. Lieberman-Brill discussed Historic Residence Designation Criteria and Process. She then introduced Julie Koler from King County Preservation Office. Ms. Koler provided examples of homes with historical significance when they were built, and how they look currently. She addressed the issue of eligibility to preserve historic homes.

Ms. Lieberman-Brill continued her presentation by briefly reviewing details of the regulations regarding repairs, maintenance, alterations and violation enforcement.

She then summarized the revisions made to the Historic Preservation Regulation since the March study session.

Ms. Lieberman-Brill clarified the next steps and the timeline for this Regulation.

The Chair asked for public comment regarding the Historic Preservation Regulations.

1. Margaret Carnegie, 11259 126th Ave NE. Ms. Carnegie commented that the restrictions are so strict that not many homes would qualify as a historic residence, and that other older homes still add value to the neighborhood.
2. Pete Bartnick, 313 11th Pl. Mr. Bartnick spoke in favor of Historic Preservation and asked the Commission to consider allowing a historic residence to be moved to another location.
3. Greg Harris, 420 10th Ave. Mr. Harris asked what the incentives are to potential Historic Homeowners. The Commission and Staff responded to Mr. Harris' questions.
4. Pete Bartnick, 313 11th Pl. Mr. Bartnick wanted to clarify his previous comment that he was asking the Commission to consider allowing a historic residence to be moved to different lot, and not somewhere on the same lot, which is currently allowed.

The Chair closed the public hearing portion of the meeting.

Ms. Koler and Mr. Shields responded to the last public comment regarding moving a historic residence to another lot.

The Commission discussed moving historic homes. Staff clarified that this proposed regulation would only apply to the Market and Norkirk neighborhoods at this time.

Ms. Lieberman-Brill emphasized that Historic Preservation is not the same process as obtaining a Historic Landmark Designation.

The Commission discussed whether or not to allow ADU's on either lot.

Staff responded to Commission questions regarding protecting a historic residence and how many of these potential historic residences exist.

Ms. Koler and Staff responded to questions in regard to demolition, alteration or damage to a historic residence. Commission discussion ensued.

The Chair asked for final discussion from the Commission regarding possible disincentives if a historic residence is destroyed.

The Commission briefly discussed non-conformance. They then discussed impact fees.

Staff responded to Commission discussion regarding impact fees.

Motion to recommend to City Council the Staff recommendation as proposed, but the FAR on a historic lot would revert to a .25 if the residence were removed or 75% of the existing house whichever is smaller or the house would need to be restored to the original form and area

Moved by Matthew Gregory, seconded by Karen Tennyson, Vice Chair

The motion was amended by Commissioner Held, and supported by Commissioner Gregory.

Motion to to recommend to City Council the Staff recommendation as proposed, but the FAR on a historic lot would revert to a .25 if the residence were removed or 75% of the existing house whichever is smaller or the house would need to be restored to the original form and area. If the house were destroyed not due to the intent of the owner, the FAR could be .3 with incentives to .35 based upon roof pitch and setbacks.

Moved by Matthew Gregory, seconded by Karen Tennyson, Vice Chair

Vote: Motion carried 7-0

Yes: Matthew Gregory, Andy Held, Byron Katsuyama, Kiri Rennaker, Carolyn Hayek, Karen Tennyson, Vice Chair, and Janet Pruitt, Chair.

The Chair called for a break at 9:01.

The meeting resumed at 9:10

Motion to close the Public Hearing on the Market and Norkirk Neighborhoods' Small Lot Single-Family & Historic Preservation Regulations.

Moved by Karen Tennyson, Vice Chair, seconded by Matthew Gregory

Vote: Motion carried 7-0

Yes: Matthew Gregory, Andy Held, Byron Katsuyama, Kiri Rennaker, Carolyn Hayek, Karen Tennyson, Vice Chair, and Janet Pruitt, Chair.

B. [Market Street Corridor Design Regulations, File No. ZON07-00007.](#) Held a public hearing on the Market Street Corridor regulations and design guidelines. Took

public comment at the hearing and then provide staff with direction on regulations and design guidelines for the Market Street Corridor and a recommendation for City Council.

Angela Ruggeri began her presentation by giving a background on the Market Street Corridor Plan. She then showed a map and detailed the Subareas.

She discussed the new zoning format that is being proposed. Subarea one and four are being combined together because they are similar in the proposed regulations. She then discussed the proposed changes and the review process that may be required.

She itemized the proposed changes to subarea one and four regarding Retail categories, multi-family, limiting the types of restaurant uses, parking, and historic streetlights.

Ms. Ruggeri then discussed the subarea two proposed changes to retail category as well as the design review requirement. The language is more open to allow for potential redevelopment of this area.

She discussed subarea three and the requirements for design review. The proposed Changes also include a more general retail category, reducing the maximum retail size, prohibiting gas stations and car dealerships and adding noise restrictions.

Ms. Ruggeri explained design regulations in Chapter 92 of the zoning code which includes the regulations that Staff will use to review proposals along the corridor, except the Historic District. She then discussed design guidelines for Pedestrian-Oriented Business Districts that will be used by the Design Review Board, for the Historic District.

The Chair asked for public comment.

1. Scott McDonald, 6350 NE 159th St, Kenmore. Mr. McDonald owns the building at 410 Market St, and had comments regarding parking. He feels the design guidelines should encourage underground parking in the Market Street Corridor.

2. Robert Stonefelt, 901 1st St. Mr. Stonefelt had questions for Ms. Ruggeri regarding building height in Subarea One and asked for clarification regarding adjoining property. He then spoke in favor of reducing front setbacks and allowing flexibility in horizontal facade in the Market Street Corridor.

The Commission began their discussion by clarifying front yard setback in the Subarea two. Mr. Shields and Ms. Ruggeri responded to questions regarding parking and setbacks. Followed by a more detailed discussions on parking.

Ms. Ruggeri responded to the issue of underground parking that was brought up by the first public comment.

The Commission discussed retail size in Subareas two and three. They offered a suggestion to increase the maximum retail size to 4000 square feet. This would be the same as the maximum square footage allowed for restaurants.

The Commissioners conveyed the sentiments of a working group that to discussed the Market Street Corridor, and talked about the one existing drive through business (a small coffee vendor).

Commission continued discussion on drive through facilities and a concern for the only existing drive through business in the corridor.

Continued extensive Commission and Staff discussion regarding drive-through businesses in the corridor.

Ms. Ruggeri clarified for the Commission the special regulations in the use zone chart 40.10.

Ms. Ruggeri asked the Commission to take a look at some proposed changes to design regulations for use during Administrative Design Review. She also mentioned that she may be proposing more changes to the language in the guidelines for the Historic District.

The Chair announced that this public hearing will be continued to May 24th.

5. **READING AND/OR APPROVAL OF MINUTES:**

A. January 25, 2007

Motion to approve the January 25, 2007 meeting minutes.

Moved by Carolyn Hayek, seconded by Karen Tennyson, Vice Chair

Vote: Motion carried 7-0

Yes: Matthew Gregory, Andy Held, Byron Katsuyama, Kiri Rennaker, Carolyn Hayek, Karen Tennyson, Vice Chair, and Janet Pruitt, Chair.

B. February 8, 2007

Motion to approve the February 8, 2007 meeting minutes.

Moved by Karen Tennyson, Vice Chair, seconded by Carolyn Hayek

Vote: Motion carried 7-0

Yes: Matthew Gregory, Andy Held, Byron Katsuyama, Kiri Rennaker, Carolyn Hayek, Karen Tennyson, Vice Chair, and Janet Pruitt, Chair.

6. **ADMINISTRATIVE REPORTS**

Public Meeting Calendar Update - Brief discussion on the Innovative Housing Community workshop that is scheduled for April 30th.

Task Force Reports - Commissioner Carolyn Hayek attended an ARCH meeting and reported on the discussions.

7. **COMMENTS FROM THE AUDIENCE - None.**

8. **ADJOURNMENT - 10:20**

Motion to adjourn.

Moved by Kiri Rennaker, seconded by Karen Tennyson, Vice Chair

Chair
Kirkland Planning Commission

NOTICE OF AVAILABILITY

April 12, 2007

The City of Kirkland has issued an addendum to the Draft and Final Environmental Impact Statements for the 2004 Kirkland Comprehensive Plan. The Draft and Final EIS's were issued on July 1, 2004 and October 15, 2004 respectively. **The subject of the EIS addendum are the Small Lot Single Family and Historic Residence Preservation regulations, which implement adopted Norkirk and Market Neighborhood Plans policies pursuant to Chapters 135 and 160 KZC and KMC 22.04.050 - Process IV.** File No. MIS06-00053.

The Draft Small Lot Single-Family regulations encourage housing diversity by creating or retaining some small homes so that there is more housing choice in the Market and Norkirk Neighborhoods in Kirkland. The draft regulations allow smaller lots when subdividing than would otherwise be permitted, if either both or only smaller lots contain a reduced sized home.

The Draft Historic Residence Preservation regulations create an incentive for owners of historic houses in the Market and Norkirk Neighborhoods to retain them by allowing smaller lot sizes when subdividing a lot that contains an historic residence, if the residence is preserved.

The following steps will occur in the City of Kirkland's review of this proposal: Public Hearing conducted by the Planning Commission on April 26, 2007; Planning Commission public meeting on May 24, 2007; and decision and action by City Council on June 19, 2007. All dates are subject to change.

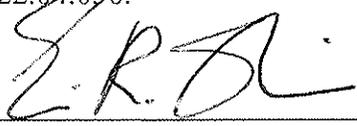
If you wish to receive a copy of the proposed Small Lot Single-Family and/or Historic Residence Preservation Amendments or the EIS Addendum, or have any questions, please contact Joan Lieberman-Brill, Kirkland Senior Planner at (425) 587-3254. You may also send requests for copies via e-mail, at jbrill@ci.kirkland.wa.us.

cc: File MIS06-00053

Fact Sheet

Action Sponsor and Lead Agency City of Kirkland
Department of Planning and
Community Development

Proposed Action Legislative adoption of zoning and
subdivision regulations
implementing small lot single-family
and historic residence preservation
policies in the recently adopted
Norkirk and Market Neighborhood
Plans pursuant to Chapters 135, and
160 KZC (Process IV).and KMC
22.04.050.

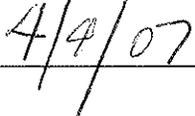
Responsible Official 

Eric R. Shields, AICP
Planning Director

Contact Person Joan Lieberman-Brill AICP Senior
Planner, City of Kirkland (425) 587-
3254.

Required Approvals Adoption by Kirkland City Council

Location of Background Data File MIS06-00053
City of Kirkland
Department of Planning and
Community Development
123 Fifth Avenue
Kirkland, WA 98033

Date of Issuance 

City of Kirkland

Small Lot Single-Family and Historic Residence Regulations Implementing Norkirk and Market Neighborhood Plan Policies - Process IV Zoning and Subdivision Amendments

EIS Addendum dated April 12, 2007

File No. MIS06-00053

I. Background

The City of Kirkland proposes to adopt regulations implementing recently adopted Market and Norkirk Neighborhood Plans policies to encourage small lot single family development and preservation of historic residences in the Market and Norkirk Neighborhoods. Amendments to the Subdivision Chapter of the Kirkland Municipal Code and to the Kirkland Zoning Code are necessary to implement the neighborhood plan policies. The amendments will be reviewed using the Chapter 160 KZC, Process IV with adoption by City Council.

This Environmental Impact Statement (EIS) Addendum is intended to fulfill the environmental requirements pursuant to the State Environmental Policy Act (SEPA) for the proposed Comprehensive Plan, Zoning Code, and Zoning Map amendments.

II. EIS Addendum

According to the SEPA Rules, an EIS addendum provides additional analysis and/or information about a proposal or alternatives where their significant environmental impacts have been disclosed and identified in a previous environmental document (WAC 197-11-600(2)). An addendum is appropriate when the impacts of the new proposal are the same general types as those identified in the prior document, and when the new analysis does not substantially change the analysis of significant impacts and alternatives in the prior environmental document (WAC 197-11-600(4)(c) -625, and -706.

The City published a Draft and Final EIS on its Comprehensive Plan in 2004. This EIS addressed the 2004 Comprehensive Plan, Zoning Code and Zoning Map updates required by the Washington State Growth Management Act (GMA). Elements of the environment addressed in this EIS include population and employment growth, earth resources, air quality, water resources, plants and animals, energy, environmental health (noise, hazardous materials), land use, socioeconomics, aesthetics, parks/recreation, transportation, and public services/utilities.

In September 2006 the City issued two Addendums to the *City of Kirkland 2004 Draft and Final Comprehensive Plan 10-Year Update EIS*. One was for the updated Norkirk Neighborhood Plan Chapter of the Comprehensive Plan and related Zoning Map and

Small Lot Single Family and Historic Residence Regulations for
the Market and Norkirk Neighborhoods
EIS Addendum

April 2007

- 2 -

Zoning Code amendments and the other was for the updated Market Neighborhood Plan Chapter of the Kirkland Comprehensive Plan and related Zoning Map amendments. Those addendums evaluated the expected impacts associated with the updated Norkirk and Market Neighborhood Plans goals and policies and implementing regulations. Those impacts encompassed the same general policy direction, land use pattern and environmental impacts that were identified with the 10 year update.

The current addendum to the *City of Kirkland 2004 Draft and Final Comprehensive Plan 10-Year Update EIS* is being issued pursuant to WAC 197-11-625 to meet the City's SEPA responsibilities. The EIS evaluated plan alternatives and impacts that encompass the same general policy direction, land use pattern, and environmental impacts that are expected to be associated with the regulations implementing the recently adopted Norkirk and Market Neighborhood Plans goals and policies for small lot single-family and historic preservation discussed herein. While the specific location, precise magnitude, or timing of some impacts may vary from those estimated in the 2004 EIS, they are still within the range of what was evaluated and disclosed there. No new significant impacts have been identified.

III. Non-Project Action

Decisions on the adoption or amendment of Comprehensive Plans and zoning and subdivision regulations are referred to in the SEPA rules as "non-project actions" (WAC 197-11-704(2) (b)). The purpose of an EIS in analyzing a non-project action is to help the public and decision-makers identify and evaluate the environmental effects of alternative policies, implementation approaches, and similar choices related to future growth. While plans and regulations do not directly result in alteration of the physical environment, they do provide a framework within which future growth and development – and resulting environmental impacts – will occur. The adoption of the Comprehensive Plan evaluated in the *City of Kirkland 2004 Draft and Final Comprehensive Plan 10-Year Update EIS*, the Norkirk Neighborhood Plan and implementing zoning regulations and rezones and the Market Neighborhood Plan and implementing rezones evaluated in the two September 7, 2006 Addendums, and eventual action on the small lot single family and historic preservation regulations are "non-project actions".

IV. Environmental Analysis

The *Comprehensive Plan EIS* (City of Kirkland, 2004) evaluated the environmental impacts associated with adoption of proposed policies and land use designations. The plan's policies are intended to accomplish responsibilities mandated by the Washington State Growth Management Act (GMA), and to mitigate the impacts of future growth. In general, environmental impacts associated with the proposed Norkirk and Market small lot single family and historic preservation Zoning Code and KMC Subdivision amendments are similar in magnitude to the potential impacts disclosed in the *2004 Comprehensive Plan EIS*. As this proposal is consistent with the policies and designations of the Comprehensive Plan and the environmental impacts disclosed in the

Comprehensive Plan EIS, no additional or new significant impacts beyond those identified in the EIS for the Comprehensive Plan are anticipated.

Traffic Impacts

The adopted small lot single family and historic preservation policies could generate additional residential units in both the Norkirk and Market neighborhoods. The following analysis of traffic impacts was taken from the 2006 addenda, and modified to acknowledge that the minimum lot area threshold for small lot single family was revised upward to 12,200 square feet in Norkirk's RS 7.2 zones, thereby reducing the number of lots eligible for this incentive.

Norkirk Neighborhood - There are 11 properties in the RS 7.2 zone with recognized historic buildings meeting the minimum lot size threshold of 10,000 square feet, which could produce a net increase of 11 units if subdivided. Also in Norkirk, there are 53 lots meeting the minimum size threshold of 12,200 square feet which could be subdivided to preserve or create small homes on small lots, producing a net increase of 53 units. Together, these changes will generate 640 additional Average Daily Trips, approximately 64 (10%) of which will occur in the PM peak hour, which is within the range expected with infill of the neighborhood at current zoning. 64 additional vehicle trips in the PM peak hour within a neighborhood planning area would present an insignificant traffic impact to the City transportation system. The addition of 64 units would have negligible impact to our concurrency LOS standards for the planning horizon of 2022.

Market Neighborhood - There are 8 properties in the RS 7.2 zone with recognized historic buildings meeting the minimum lot size threshold of 10,000 square feet; one property in the RS 8.5 zone with a recognized historic building meeting the minimum lot size threshold of 12,000 square feet; and 2 properties in the Waterfront District II (WDII) zone with recognized historic buildings meeting the minimum lot size threshold of 14,400 square feet, which could produce a net increase of 11 units if subdivided. An additional 10 lots meet the minimum size threshold of 12,200 square feet in the RS 7.2 zone and 6 lots meet the minimum size of 14,500 square feet in the RS 8.5 zone and can be subdivide to preserve or create small homes on small lots. They will potentially produce a net increase of 16 units. Together, these changes will generate 270 additional Average Daily Trips, approximately 27 (10%) of which will occur in the PM peak hour, which is within the range expected with infill of the neighborhood at current zoning. The Kirkland Public Works Department traffic analysis indicates that these additional 27 units and PM peak hour trips would present an insignificant traffic impact to the City transportation system and a negligible impact to our concurrency Level of Service standards for the planning horizon of 2022.

V. Description of the Proposed Zoning and Subdivision Amendments.

Development regulations have been prepared to implement the neighborhood plans policies that were adopted in December 2006 to encourage preservation of historic

residences and encourage creation or retention of small homes on small lots within the Market and Norkirk neighborhoods. New subdivision and zoning regulations implement these policies.

a. Historic Residence Regulations –

The proposed historic residence regulations create an incentive for owners of historic houses to retain them by allowing smaller lot sizes when subdividing a lot that contains an historic residence, if the residence is preserved.

Proposed historic residence regulations allow smaller lots than would otherwise be permitted in Norkirk's RS 7.2 or 6.3 zones in order to retain a designated historic residence, if the recognized integrity of the historic residence is preserved. Subdivision of a 10,000 square foot lot into two 5,000 square foot lots is allowed as an incentive to preserve the designated historic residence on one of the two lots. Within the Norkirk Neighborhood, up to 11 additional units could be created if land parcels of at least 10,000 square feet containing designated historic residences are subdivided, utilizing the historic preservation policy to preserve historic homes.

Similarly, in Market's RS 7.2, 8.5 and Waterfront II zones, historic residence regulations allow smaller lots than would otherwise be permitted. Regulations allow subdivision of a 10,000 square foot lot into two 5,000 square foot lots as an incentive in Market's RS 7.2 zone, while in Market's RS 8.5 zone, subdivision of a 12,000 square foot lot into two 6,000 square foot lots would be allowed as an incentive; and subdivision of a 14,400 square foot lot into two 7,200 square foot lots would be allowed in the WD II zone to preserve the designated historic residence on one of the two lots. Within the Market Neighborhood up to 16 total additional units could be created if land parcels of at least 10,000 square feet in the RS 7.2 zone, 6,000 square feet in the RS 8.5 zone, and 7,200 square feet in the WD II zone are subdivided, utilizing the historic preservation regulations to preserve historic homes.

The designation of historic residence is voluntary, and is based on criteria found in the existing KZC Section 75.20 for historic landmark overlay zone designations. Historic residence designation would be approved by a Planning Director decision. Approval could be obtained concurrently as part of a subdivision application. This decision could be appealed to the Kirkland Hearing Examiner. The King County Historic Preservation Program staff or other qualified consultants would conduct an assessment to determine eligibility for designation and make a recommendation to the Planning Director.

Requests to alter or add on to the designated historic residence would be approved by the Planning Official based upon review by King County Historic Preservation Program staff or other qualified consultants. The decisional criteria would be those used for alterations to the Historic Landmark Overlay Zone designation and the Secretary of the Interior's Standards for Rehabilitation. Decisions are appealable to the Kirkland Hearing Examiner.

Demolitions, relocations, or alterations inconsistent with the criteria for alteration of the designated historic residence will result in loss of the designation and reduction of the Floor Area Ratio (FAR) on the subject property. The replacement FAR is still undecided but will likely end up in the range of .2 to .4 in order to deter a person from taking the action.

Kirkland Subdivision and Zoning Code amendments

The following amendments are being considered in order to implement the proposed Historic Residence Preservation regulations.

- **Kirkland Municipal Code Chapter 22.28 Subdivision Design Requirements** – Addition of a new section addressing Historic Preservation Lots. This section establishes the minimum lot sizes, eligibility, floor area ratio, and restriction requirements.
- **Zoning Code Chapter 75 Historic Landmark Overlay Zone** – Addition of Historic Residence regulations to this chapter address the process and criteria to designate and alter the historic residence.
- **Zoning Code Chapter 115.07 Accessory Dwelling Units** – Addition to this section addresses the prohibition of accessory dwelling units on all lots utilizing the Historic Preservation subdivision regulations in the Market and Norkirk Neighborhoods.

b. Small Lot Single-Family Regulations

Proposed small lot single-family regulations encourage housing diversity by creating or retaining some smaller homes so that there is more housing choice, and to counter the market trend toward large homes maximizing the building envelope and changing the character of the neighborhood. The proposed regulations allow smaller lots than would otherwise be permitted, if small homes are either created or retained on both lots or on the smaller of the newly created lots. The program is entirely voluntary.

In the Norkirk Neighborhood, this would occur in the RS 7.2 and RS 6.3 zones by allowing properties of at least 12,200 square feet in the RS 7.2 zone, and 11,300 square feet in the RS 6.3 zone, to be subdivided into two lots if a small house is built or retained on either both lots or on the smaller of the two newly created lots. In the RS 7.2 zone, one lot would remain at least 7,200 square feet, and the smaller lot would be a minimum of 5,000 square feet. In the RS 6.3 zone, one lot would remain at least 6,300 square feet and the other lot would be no smaller than 5,000 square feet. Up to 53 detached units would potentially result if those lots were subdivided, taking advantage of the proposed small lot single-family regulations to create or preserve small homes on small lots.

In the Market Neighborhood, this would occur in the RS 8.5 and RS 7.2 zones by allowing properties of at least 14,500 square feet in the RS 8.5 zone and 12,200 square feet in the RS 7.2 zone to be subdivided into two lots if a small house is built or retained either both lots or on the smaller of the two newly created lots. In the RS 8.5 zone, one

lot would remain at least 8,500 square feet and the other lot would be no smaller than 6,000 square feet. In the RS 7.2 zone, one lot would remain at least 7,200 square feet, and the smaller lot would be a minimum of 5,000 square feet. Up to 16 detached units would potentially result if those lots were subdivided, utilizing the proposed small lot single-family regulations to create or preserve small homes on small lots.

The mechanism to ensure compliance would be a restriction recorded on the face of the Plat. The size of the small home would be limited to a Floor Area Ratio (FAR) below what is allowed in the low density zones in the Market and Norkirk low density zones. The FAR contemplated is in the .3 to .4 range. The FAR limitation is reinforced with a proposed Zoning Code Special Regulation.

Kirkland Subdivision and Zoning Code amendments

The following amendments are being considered in order to implement the proposed Small Lot Single Family regulations.

- **Kirkland Municipal Code Chapter 22.28 Subdivision Design Requirements** – Addition of a new section addressing Small Lot Single-Family Lots. This section establishes the minimum lot sizes, eligibility, Floor Area Ratio, and restriction requirements.
- **Zoning Code Chapter 15 Single Family Residential (RS) Zones** – Addition to the Detached Dwelling Unit special regulations to recognize that small homes on small lots created through the new subdivision regulations requires a FAR of .3 to .4 (to be decided).
- **Zoning Code Chapter 115.07 Accessory Dwelling Units** – Addition to this Section addresses the prohibition of accessory dwelling units on small lots created utilizing the Small Lot Single-Family subdivision regulations in the Market and Norkirk Neighborhoods.

VI. Public Involvement

Opportunities to solicit public input on the regulations included presentations at the Market and Norkirk Neighborhood Association's regular meetings and study sessions before the Planning Commission.

Planning Commission meetings were open to the public and advertised in the Seattle Times, in a City Update article in the Kirkland Courier, via the City's cable channel and on public notice signboards in the area. In addition, the City sent out direct mailings to all property owners and neighborhood residents, prior to public hearing. Additionally, public notice sign boards were posted to advertise the study sessions and the hearing. Finally, all information was advertised in the City's Market/Norkirk website and the project list service alerted email subscribers when various public meetings were scheduled.

The Planning Commission will hold a public hearing on April 26th. Public notice of the amendments and the public hearing and subsequent public meeting on May 24th are being provided in accordance with State law. The City Council could take final action on the proposal on June 19, 2007. All dates are subject to change.

VII. Conclusion

This EIS Addendum fulfills the environmental review requirements for the proposed small lot single family and historic residence development regulations. The impacts of the proposal are within the range of impacts disclosed and evaluated in the *2004 City of Kirkland Draft and Final Comprehensive Plan EIS*; no new significant impacts have been identified. Therefore, issuance of this EIS Addendum is the appropriate course of action.

Attachments:

1. Proposed KMC Chapter 22.28 Subdivision Design Requirements “Lots - Historic Preservation” amendment
2. Proposed KZC Chapter 75 “Historic Landmark Overlay Zone and Historic Residence Designation” amendment
3. Proposed KMC Chapter 22.28 Subdivision Design Requirements “Lots - Small Lot Single-Family” amendments
4. Proposed KZC Chapter 15 Single Family Residential Special Regulation amendment
5. Proposed KZC Chapter 115.07 Accessory Dwelling Unit amendment

KMC Title 22 Subdivisions
Chapter 22.28.xx Design Requirements

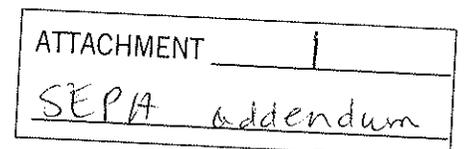
New Section

Lots – Historic Preservation

In the Market and Norkirk Neighborhoods, for those subdivisions not subject to Sections 22.28.030, 22.28.040, and 22.28.xx, the minimum lot area shall be deemed to be met if no more than two lots are created that contain less lot area than the minimum size required in the zoning district in which the property is located, and if a “historic residence” is preserved on one of the lots, pursuant to the process described in Zoning Code Chapter 75. The lots containing less than the minimum required lot area shall meet the following standards:

- (a) Within the RS 6.3 and RS 7.2 zones, the lot shall be at least 5,000 square feet.
- (b) Within the RS 8.5 zone, the lot shall be at least 6,000 square feet.
- (c) Within the WDII zone, the lot size shall be at least 7,200 square feet.
- (d) The portion of a flag lot that is less than 30 feet wide, and used for driveway access to the buildable portion of the lot may not be counted in the lot area.
- (e) Accessory Dwelling Units are prohibited. The restriction shall be recorded on the face of the plat.

Lots containing historic residences shall also meet the following standards:



- (a) If the historic residence is demolished, destroyed or the historic features are altered without required City approval, the Floor Area Ratio (FAR) on the lot thereafter shall be .3 or .4. The FAR restriction shall be recorded on the face of the Plat.
- (b) The City may modify provisions described in Title 23 of this code that regulate setbacks, lot coverage, and floor area ratio of the lot containing the historic residence if the modification is necessary to accommodate the existing historic residence.
- (c) Prior to or at the time of recording the short plat, a notice shall be recorded against the subject property containing the designated historic residence to ensure compliance with the provisions of Chapter 75 of the Kirkland Zoning Code.

Chapter 75 – HISTORIC LANDMARK OVERLAY ZONE AND HISTORIC RESIDENCE DESIGNATION

Sections:

75.05	User Guide
75.10	<u>Historic Landmark Overlay Zone Designation – Required Review</u>
75.15	<u>Historic Landmark Overlay Zone Designation – Who May Apply/Special Fee Provision</u>
75.20	<u>Historic Landmark Overlay Zone Designation – Criteria</u>
75.25	<u>Historic Landmark Overlay Zone Designation – Required Elements of Recommendation</u>
75.30	<u>Historic Landmark Overlay Zone Effect – General</u>
75.35	<u>Historic Landmark Overlay Zone Effect – Review Requested To Alter</u>
75.40	<u>Historic Landmark Overlay Zone Effect – Criteria for Alteration</u>
75.45	<u>Historic Landmark Overlay Zone Effect – Nonconforming Elements</u>
75.47	<u>Historic Landmark Overlay Zone Effect – Modification of Code Provisions</u>
75.50	<u>Historic Landmark Overlay Zone Effect – Bonds</u>
75.55	<u>Historic Residence Designation - Intent</u>
75.60	<u>Historic Residence Designation – Required Review</u>
75.65	<u>Historic Residence Designation – Who May Apply/Special Fee Provision</u>
75.70	<u>Historic Residence Designation – Criteria</u>
75.75	<u>Historic Residence Designation – Required Elements of Recommendation</u>
75.80	<u>Historic Residence Effect – General</u>
75.85	<u>Historic Residence Effect – Review Requested To Alter</u>
75.90	<u>Historic Residence Effect – Criteria for Alteration</u>
75.95	<u>Historic Residence Effect – Secretary of the Interior's Standards for Rehabilitation</u>
75.100	<u>Historic Residence Effect – Nonconforming Elements</u>
75.105	<u>Historic Residence Effect – Demolition or Damage</u>
75.110	<u>Historic Residence Effect – Bonds</u>

75.05 User Guide

This chapter establishes a-mechanisms for designating certain areas or improvements in the City as historic landmarks or historic residences. This chapter also contains regulations that govern the use and alteration of any area or improvement that has been designated as an historic landmark or historic residence.

1. Historic Landmarks: Various places on the Zoning Map contain an "HL" within a dashed line. This indicates that this area has been designated as an Historic Landmark Overlay Zone where special regulations apply. These special regulations add to and in some cases supersede the other regulations of this code.

If you are interested in proposing that an area or structure be designated as an historic landmark or if you wish to participate in the City's decision on a proposed designation you should read KZC 75.10 through 75.25.

If you are interested in conducting a use or altering the appearance of an area or structure that has been designated as an historic landmark or if you wish to participate in the City's decision on a proposed use or alteration of a designated historic landmark, you should read KZC 75.30 through 75.50.

2. Historic Residences: In the Norkirk and Market Neighborhoods, where an historic residence has been designated, special regulations apply. These special

regulations add to and in some cases supersede the other regulations of this code.

If you are interested in proposing that a structure be designated as an historic residence or if you wish to participate in the City's decision on a proposed designation you should read KZC 75.55 through 75.70.

If you are interested in altering the appearance of structure that has been designated as an historic residence, or if you wish to participate in the City's decision on a proposed alteration of a designated historic residence, you should read KZC 75.75 through 75.110.

75.10 Historic Landmark Overlay Zone Designation – Required Review

The City will review and decide upon each proposal to designate an area as an Historic Landmark Overlay Zone on the Zoning Map using the nonproject quasijudicial rezone provisions of Chapter 130 KZC.

75.15 Designation – Who May Apply/Special Fee Provision

The City, the person holding fee title to the subject property, or any member of the general public may apply to designate a property as an Historic Landmark Overlay Zone. To the extent that these provisions are inconsistent with the provisions of Chapter 130 or 152 KZC, the provisions of this section govern.

75.20 Historic Landmark Overlay Zone Designation – Criteria

1. The City may approve the designation of an area as an Historic Landmark Overlay Zone only if it finds that:

- a. The applicable criteria of Chapter 130 KZC are met; and
- b. Either:

- 1) The property contains an object, improvement, or site that is more than 40 years old, and that possesses integrity of location, design, setting, materials, workmanship, feeling and association, and:

- a) Is associated with events that have made a significant contribution to the broad patterns of national, state or local history; or
- b) Is associated with the lives of persons significant in national, state or local history; or
- c) Embodies the distinctive characteristics of a type, period, style or method of design or construction, or that represents a significant and distinguishable entity whose components may lack individual distinction; or
- d) Has yielded, or may be likely to yield, information important in prehistory or history; or
- e) Is an outstanding work of a designer or builder who has made a substantial contribution to the art; or

- 2) The property contains an object, improvement or site which does not meet the criteria listed in subsection (1)(b)(1) of this section but which is:

- a) A religious property deriving primary significance from architectural or artistic distinction or historic importance; or
- b) A building or structure removed from its original location but which is significant primarily for its architectural value, or which is the surviving structure most importantly associated with an historic person or event; or
- c) A birthplace, grave or residence of an historic figure of outstanding importance if there is no other appropriate site or building directly associated with his/her productive life; or
- d) A cemetery that derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events; or
- e) A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived; or
- f) A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own historic significance; or
- g) A property achieving significance within the past 40 years if it is of exceptional importance.

NOTE: The criteria listed in subsection (1)(b) of this section are, with slight modification, the criteria used in evaluating entries to the National Register under the National Historic Preservation Act of 1966.

~~3) This subsection applies only to those areas annexed to the City on January 1, 1988, by Ordinance 3062, 3063, and 3064 (known as the Lower Juanita, North Rose Hill and South Rose Hill areas).~~

~~For a 12-month period beginning January 1, 1988, and ending December 31, 1988, the City shall approve the designation of an area as an Historic Landmark Overlay Zone if the site has been proposed by the King County Landmarks Commission subject to the conditions of Chapter 130-KZC.~~

75.25 Historic Landmark Overlay Zone Designation – Required Elements of Recommendation

If City Council adopts an ordinance designating an area as an Historic Landmark Overlay Zone on the Zoning Map, this ordinance must include the following information:

- 1. The boundaries of the area and description of the improvement, object, or site or significance, sufficient to identify its location.
- 2. The significant features of the improvement, object, or site to which the restrictions of KZC 75.30 through 75.50 apply.

75.30 Historic Landmark Overlay Zone Effect – General

If the City Council enacts an ordinance to designate an area as an Historic Landmark Overlay Zone, an “HL” will be placed on the area on the Zoning Map. This will have the following effects:

1. No feature identified as significant under KZC 75.25(2) may be altered in any manner except as provided in KZC 75.35 through 75.50.
2. The City may require that a sign be conspicuously posted on the subject property identifying the historic landmark.
3. The other requirements of this code apply to the subject property unless they conflict with a specific provision of this section through KZC 75.50. Where a conflict exists, the provisions of this chapter govern.

| 75.35 Historic Landmark Overlay Zone Effect – Review Requested To Alter

The City will review and decide upon any proposal to alter a designated significant feature of an Historic Landmark Overlay Zone using Process IIB, described in Chapter 152 KZC.

| 75.40 Historic Landmark Overlay Zone Effect – Criteria for Alteration

The City will review any proposed alteration to a significant feature of an historic landmark using the following criteria:

1. The extent to which the proposed alteration would adversely affect the significant features or site as an historic landmark; and
2. The reasonableness of the proposed alteration in light of other alternatives available to achieve the objectives of the applicant; and
3. The extent to which the proposed alteration may be necessary to meet the requirements of any other law, statute, ordinance, regulation, code or ordinance.

| 75.45 Historic Landmark Overlay Zone Effect – Nonconforming Elements

Nonconformance on the subject property need not be corrected if correcting the nonconformance would require altering a feature designated as significant or the acquisition of additional property or facilities.

| 75.47 Historic Landmark Overlay Zone Effect – Modification of Code Provisions

1. General – The provisions of this section establish the circumstances under which the City may modify any of the provisions of this code for an historic landmark, except:
 - a. The City may not modify any of the provisions of this chapter; and
 - b. The City may not modify any provision of this code that specifically states that its requirements are not subject to modifications under this chapter; and
 - c. The City may not modify any of the procedural provisions of this code; and
 - d. The City may not modify any provision that specifically applies to development on a wetland, flood plain, or regulated slope; and
 - e. The City may not allow any use in a low density zone that is not specifically allowed in that zone unless the subject property contains at least 35,000 square feet.
2. Review Procedure – The City will review and decide upon any proposal to modify the provisions of this code for an historic landmark using Process IIB, described in

Chapter 152 KZC. Modifications may be proposed in conjunction with or subsequent to a proposal to designate the subject property as an Historic Landmark Overlay Zone as provided in KZC 75.10 through 75.25.

3. Criteria for Modification – The City may approve a modification under the provisions of this section only if it finds that the following requirements are met:

a. The proposed modification would promote or aid in the preservation or rehabilitation of an historic landmark; and

b. Either:

1) The historic landmark for which the modification is proposed is located on property which abuts one of the following rights-of-way:

a) Market Street between Central Way and N.E. 106th Street.

b) State Street between N.E. 68th Street and 2nd Avenue South.

c) Lake Washington Blvd. and Lake Street South between Northup Way and Third Avenue South; or

2) The proposed modification would not promote traffic, noise, light view blockage or other impacts which are incompatible with adjacent properties or the surrounding neighborhood.

75.50 Effect – Bonds

The City may require a bond under Chapter 175 KZC to ensure that any alteration to an historic landmark complies with the conditions of its approval.

75.55 Historic Residence Designation – Intent

The Norkirk and Market Neighborhoods contain many historic houses representing a variety of architectural styles and historic time periods, and thus provide an excellent record of Kirkland's residential development. The loss of historic houses in these neighborhoods constitutes an irreparable diminishment of community character. Preventing this loss and protecting community character and historic resources is consistent with and supported by the Norkirk and Market Neighborhood Plans within the Comprehensive Plan. It is in the public interest to preserve this rich architectural diversity and tangible connections with the city's past. The designation of historic residences provides an opportunity to do so.

A house may be considered for historic residence designation if it retains overall original form and massing, and sufficient original fabric to convey its historic character. This could include for example, a house that has been moved but retains its character, changes to windows that do not significantly change the placement or form of the window, and replacement of siding. Additions and alterations to the historic house will be evaluated on a case by case basis. These provisions shall be construed liberally in favor of making historic residence designation.

75.60 Historic Residence Designation – Required Review

The City will review and decide upon each proposal to designate a house as an Historic Residence using the provisions of Process I, Chapter 145 KZC. Noticing is required pursuant to the noticing provisions of Chapter 150 KZC. The review process will include an assessment to

determine eligibility for designation as an historic residence. The assessment must be conducted by staff or consultants meeting the Secretary of the Interior's professional qualification standards (Code of Federal Regulations, 36 CFR Part 61.

75.65 Historic Residence Designation – Who May Apply

The person holding fee title to the subject property in the Market or Norkirk Neighborhoods, as defined in the Comprehensive Plan, may apply to designate a home as an Historic Residence.

75.70 Historic Residence Designation – Criteria

The City may approve a designation of Historic Residence if it finds the criteria of Section 75.20 1.b are met.

75.75 Historic Residence Designation – Required Elements of Recommendation

If the City designates an Historic Residence through Process I, the approval must include the following information:

1. The boundaries of the area and its location, address of the historic residence.
2. a description of the historic residence and it's significant features to which the restrictions of KZC 75.80 through 75.110 apply.

75.80 Historic Residence Effect – General

If the City designates an Historic Residence it will have the following effects:

1. No feature identified as significant under KZC 75.70.2 may be altered in any manner except as provided in KZC 75.85 through 75.110.
2. The other requirements of this code apply to the subject property unless they conflict with a specific provision of KZC 75.55 through KZC 75.110. Where a conflict exists, the provisions of this chapter govern.

75.85 Historic Residence Effect – Review Requested To Alter

The Planning Official will review and decide upon any proposal to alter a designated Historic Residence. This decision is appealable using applicable appeal provisions of Chapter 145 KZC.

75.90 Historic Residence Effect – Criteria for Alteration

1. The Planning Official shall review all proposed alterations to a designated historic residence. No further review is required if the alteration constitutes:
 - a. Ordinary repairs and maintenance which do not alter the appearance of an exterior significant feature and do not utilize substitute materials, or
 - b. Repairs or replacement of utility systems provided that such work does not alter an exterior significant feature.

The Planning Official shall document the proposed alteration. If the proposed alteration does not meet the criteria of 1a or 1b then the criteria in KZC 75.90.2 below must be met.

2. The Planning Official shall review and approve restorations, major repairs, alterations in appearance, replacement of historic materials and new construction to a designated historic residence, considering the following factors:

1. The extent to which the proposed alteration would utilize in-kind materials and adversely affect the significant character defining features of an historic residence. Such review shall be based on The Secretary of the Interior's Standards for Rehabilitation in KZC 75.95. An analysis to determine if the Criteria for Alteration are met shall be conducted by staff or consultants meeting the Secretary of the Interior's professional qualification standards (Code of Federal Regulations, 36 CFR Part 61);

2. The reasonableness of the proposed alteration in light of other alternatives available to achieve the objectives of the applicant; and

3. c. The extent to which the proposed alteration may be necessary to meet the requirements of any other law, statute, ordinance, regulation or code.

~~3. Demolition, relocation, or unauthorized alteration of the historic residence results in removal of the historic residence designation. The maximum Floor Area Ratio (F.A.R.) on the subject property will be .~~

75.95. Historic Residence Effect – The Secretary of the Interior's Standards for Rehabilitation

In determining the adverse impact of an alteration on the significant features of a historic residence, the Planning Official shall consider the Secretary of the Interior's Standards for Rehabilitation (36 CFR Part 67).

~~*The Secretary of the Interior's Standards for Rehabilitation are ten basic principles created to help preserve the distinctive character of a historic building and its site, while allowing for reasonable change to meet new needs.*~~

~~*The Standards (36 CFR Part 67) apply to historic buildings of all periods, styles, types, materials, and sizes. They apply to both the exterior and the interior of historic buildings. The Standards also encompass attached, adjacent, or related new construction.*~~

~~*The Standards are applied to projects in a reasonable manner, taking into consideration economic and technical feasibility.*~~

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

75.100 Historic Residence Effect – Nonconforming Elements

Nonconformance on the subject property need not be corrected if correcting the nonconformance would require altering a feature designated as significant or the acquisition of additional property or facilities.

75.105 Historic Residence Effect – Demolition, alteration or damage

If an historic residence is demolished or relocated pursuant to Section 75.90.3, destroyed by fire or for any other reason, or altered inconsistent with the Secretary of the Interior's Standards for Rehabilitation:

1. the historic residence designation shall be removed;
2. the maximum Floor Area Ratio (FAR) of the resulting structure shall not exceed .2 or .3; (to be decided) and
3. Accessory dwelling units shall be prohibited in connection with the affected residence.

75.110 Historic Residence Effect – Bonds

The City may require a bond under Chapter 175 KZC to ensure that any alteration to an historic residence complies with the conditions of its approval.

KMC Title 22 Subdivisions
Chapter 22.28.xx Design Requirements

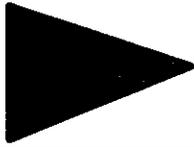
New Section

Lots – Small Lot Single Family

In the Market and Norkirk Neighborhoods, for those subdivisions not subject to Sections 22.28.030 and 22.28.040, the minimum lot area shall be deemed to be met if at least one half of the lots created contain no less than the minimum lot size required in the zoning district in which the property is located. The remaining lots may contain less than the minimum required lot size, provided that such lots meet the following standards:

- (a) Within the RS 6.3 and RS 7.2 zones, the lot shall be at least 5,000 square feet.
- (b) Within the RS 8.5 zone, the lot shall be at least 6,000 square feet.
- (c) The portion of a flag lot that is less than 30 feet wide, and used for driveway access to the buildable portion of the lot may not be counted in the lot area.
- (d) The Floor Area Ratio (FAR) shall not exceed .3 or .4. The FAR restriction shall be recorded on the face of the Plat.
- (e) Accessory Dwelling Units are prohibited. This restriction shall be recorded on the face of the Plat.

ATTACHMENT <u>3</u>
<u>SEPA addendum</u>



USE ZONE CHART

DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS

Section .010	USE REGULATIONS ↓ ↑	Required Review Process	MINIMUMS					MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Req'd Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure					
				Front	Side	Rear							
.010	Detached Dwelling Unit	None	As established on the Zoning Map. See Spec. Reg. 1.	20' See Spec. Reg. 3.	5', but 2 side yards must equal at least 15 feet.	10'	50% See Spec. Reg. 5.	25' above average building elevation.	E	A	2.0 per dwelling unit.	<ol style="list-style-type: none"> Minimum lot size per dwelling unit is as follows: <ol style="list-style-type: none"> In RS 35 zones, the minimum lot size is 35,000 square feet. In RS 12.5 zones, the minimum lot size is 12,500 square feet. In RS 8.5 zones, the minimum lot size is 8,500 square feet. In RS 7.2 zones, the minimum lot size is 7,200 square feet. In RS 6.3 zones, the minimum lot size is 6,300 square feet. In RS 5.0 zones, the minimum lot size is 5,000 square feet. In RS 35, 12.5, 8.5, 7.2, 6.3 and 5.0 zones, not more than one dwelling unit may be on each lot, regardless of the size of each lot. Floor Area Ratio (F.A.R.) allowed for the subject property is as follows: <ol style="list-style-type: none"> In RS 35 zones, F.A.R. is 20 percent of lot size. In RS 12.5 zones, F.A.R. is 35 percent of lot size. In RS 8.5 zones, F.A.R. is 50 percent of lot size. In RS 7.2 zones, F.A.R. is 50 percent of lot size. In RS 6.3 zones, F.A.R. is 50 percent of lot size. In RS 5.0 zones, F.A.R. is 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: <ol style="list-style-type: none"> The primary roof form of all structures on the site is peaked, with a minimum pitch of four feet vertical: 12 feet horizontal; and A setback of at least 7.5 feet is provided along each side yard. <u>In the Market and Norkirk Neighborhoods as defined by the Comprehensive Plan, F.A.R. is ((30 percent / 40 percent of lot size)) for small lot(s) created through Section 22.28.xx of the Subdivision Ordinance.</u> <i>This special regulation is not effective within the disapproval jurisdiction of the Houghton Community Council.</i> See KZC 115.42, Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Residential Zones, for additional information. On corner lots with two required front yards, one may be reduced to the average of the front yards for the two adjoining properties fronting the same street as the front yard to be reduced. The applicant may select which front yard will be reduced (see Plate 24). Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. Residential lots in RS 35 zones within the Bridle Trails neighborhood north of Bridle Trails State Park must contain a minimum area of 10,000 permeable square feet, which shall comply with Special Regulation 6 for large domestic animals in KZC 115.20(4) (chart). 	

EXHIBIT D - ATTACHMENT 4

ATTACHMENT 4
SEPA addendum

115.07 Accessory Dwelling Units

One accessory dwelling unit (ADU) is permitted as subordinate to a single-family dwelling; provided, that the following criteria are met:

- 8. WD I and WD III Zones. Properties located in the WD I and WD III Zones which develop accessory dwelling units must provide public pedestrian access consistent with the regulations contained in KZC 30.15.020 and 30.35.020 for attached or stacked dwelling units.
- 9. Market and Norkirk Neighborhoods. Within the Market and Norkirk Neighborhoods, as defined in the Comprehensive Plan, accessory dwelling units are prohibited on lots smaller than the required minimum lot size per dwelling unit approved using the Small Lot Single-family and Historic Preservation subdivision regulations contained in KMC Sections 22.28xx and 22.28.xx.
- 9. Applicable Codes. The portion of a single-family dwelling in which an accessory dwelling unit is proposed must comply with all standards for health and safety contained in all applicable codes, with the following exception for ceiling height. Space need not meet current Uniform Building Code (UBC) ceiling height requirements if it was legally constructed as habitable space.

10. Permitting

a. Application

- 1) The property owner shall apply for an accessory dwelling unit permit with the Building Department. The application shall include an affidavit signed by the property owner agreeing to all the general requirements outlined in this section.

In the event that proposed improvements in the accessory dwelling unit do not require a building permit, a registration form for the unit must be completed and submitted to the Planning Department.

- 2) The registration form as required by the City shall include a property covenant. The covenant must be filed by the property owner with the City for recording with the King County Department of Records and Elections to indicate the presence of the accessory dwelling unit, and reference to other standards outlined in this section. The covenant shall run with the land as long as the accessory dwelling unit is maintained on the property.
- 3) If an ADU was or is created without being part of a project for which a building permit was or is finalized, an ADU inspection will be required for issuance of an ADU permit. The ADU inspection fee will cover a physical inspection of the ADU. This fee will be waived if the ADU existed on January 1, 1995, and the ADU permit is applied for by December 31, 1995.

b.

ATTACHMENT <u>5</u>
<u>SEPA addendum</u>

ORDINANCE NO. 4102

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, LAND USE, AND SUBDIVISION OF LAND AND AMENDING ORDINANCE NO. 3705 AS AMENDED, THE KIRKLAND SUBDIVISION ORDINANCE CHAPTER 22.28 DESIGN STANDARDS; AND AMENDING THE KIRKLAND ZONING CODE (TITLE 23 OF THE KIRKLAND MUNICIPAL CODE); CHAPTER 75 HISTORIC LANDMARK OVERLAY ZONE, CHAPTER 115 MISCELLANEOUS USE DEVELOPMENT AND PERFORMANCE STANDARDS, CHAPTER 15 (SINGLE-FAMILY RESIDENTIAL (RS) ZONES) ALL TO ESTABLISH REGULATIONS FOR SMALL LOT SINGLE-FAMILY AND HISTORIC PRESERVATION SUBDIVISIONS, FILE NO MIS06-00053.

WHEREAS, in regular public meeting on June 19, 2007, the City Council considered the recommendation of the Planning Commission to amend certain portions of the Kirkland Zoning Code (Title 23 of the Kirkland Municipal Code) and to amend certain sections of the text of the Kirkland Subdivision Ordinance, Ordinance 3705 as amended, all as set forth in that certain report and recommendation of the Planning Commission dated June 7, 2007 and bearing Kirkland Department of Planning and Community Development File No. MIS06-00053; and

WHEREAS, prior to making said recommendation the Planning Commission, following notice thereof as required by RCW 35A.63.070, held a public hearing on April 26, 2007 on the amendment proposals and considered the comments received at said hearings; and

WHEREAS, pursuant to the State Environmental Policy Act (SEPA), there has accompanied the legislative proposal and recommendation through the entire consideration process, a SEPA Addendum to Existing Environmental Documents, issued by the responsible official pursuant to WAC 197-11-600; and

WHEREAS, in regular public meeting the City Council considered the environmental documents received from the responsible official, together with the report and recommendation of the Planning Commission; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Kirkland as follows:

Section 1. Subdivision Ordinance text amended: The following specified sections of the text of Ordinance 3705 as amended, the Kirkland Subdivision Ordinance, are amended as follows:

- A. Chapter 22.28 Design Requirements:
Text amendment to add a new Section 22.28.042 Lots– Small Lot Single-Family as set forth in Exhibit A attached to this ordinance and incorporated by reference.
- B. Chapter 22.28 Design Requirements:
Text amendment to add a new Section 22.28.048 Lots– Historic Preservation as set forth in Exhibit B attached to this ordinance and incorporated by reference.

Section 2. Zoning Text amended: The following specified sections of the text of the Kirkland Zoning Code (Title 23 of the Kirkland Municipal Code) are amended as follows:

- C. Chapter 15. Single Family Residential (RS) Zones:
Text amendments to Section 15.10.010 as set forth in Exhibit C attached to this ordinance and incorporated by reference.
- D. Chapter 75. Historic Landmark Overlay Zone:
Text amendments to the title and existing sections, and the addition of new Sections 75.55 through 75.110 pertaining to Historic Residence Designation as set forth in Exhibit D attached to this ordinance and incorporated by reference.
- E. Chapter 115. Miscellaneous Use Development and Performance Standards:
Text amendments to Section 115.07 Accessory Dwelling Units as set forth in Exhibit E attached to this ordinance and incorporated by reference.

Section 3 If any section, subsection, sentence, clause, phrase, part or portion of this ordinance, including those parts adopted by reference, is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 4. This ordinance shall be in full force and effect on August 31, 2007, pursuant to Kirkland Municipal Code 1.08.017, in the summary form attached to the original of this ordinance and by this reference approved by the City Council as required by law.

Section 5. A complete copy of this ordinance shall be certified by the City Clerk, who shall then forward the certified copy to the King County Department of Assessments.

Passed by majority vote of the Kirkland City Council in open meeting this _____ day of _____, 2007.

SIGNED IN AUTHENTICATION THEREOF this _____ day of _____, 2007.

Mayor

Attest:

City Clerk

Approved as to Form:

City Attorney

KMC Title 22 Subdivisions
Chapter 22.28 Design Requirements

New Section 22.28.42

Lots – Small Lot Single Family

In the Market and Norkirk Neighborhoods, as defined in the Comprehensive Plan, for those subdivisions not subject to the lot size flexibility provisions of Sections 22.28.030 and 22.28.040 and historic preservation provisions of Section 22.28.48, the minimum lot area shall be deemed to be met if at least one half of the lots created contain no less than the minimum lot size required in the zoning district in which the property is located. The remaining lots may contain less than the minimum required lot size, provided that such lots meet the following standards:

- (a) Within the RS 6.3 and RS 7.2 zones, the lots shall be at least 5,000 square feet.
- (b) Within the RS 8.5 zone, the lots shall be at least 6,000 square feet.
- (c) The portion of any flag lot that is less than 30 feet wide, and used for driveway access to the buildable portion of the lot may not be counted in the lot area.
- (d) The floor area ratio (FAR) shall not exceed 30 percent of lot size, provided that FAR may be increased up to 35 percent of the lot size if the following criteria are met:
 - 1) The primary roof form of all structures on the site is peaked, with a minimum pitch of 4 feet vertical: 12 feet horizontal; and
 - 2) All structures are set back from side property lines by at least 7.5 feet
- (e) The FAR restriction shall be recorded on the face of the plat.
- (f) Accessory dwelling units are prohibited. This restriction shall be recorded on the face of the plat.

KMC Title 22 Subdivisions
Chapter 22.28 Design Requirements

New Section 22.28.48

Lots – Historic Preservation

In the Market and Norkirk Neighborhoods, as defined in the Comprehensive Plan, for those subdivisions not subject to the lot size flexibility provisions of Sections 22.28.030, 22.28.040, and the small lot single-family provisions of Section 22.28.42, the minimum lot area shall be deemed to be met if no more than two lots are created that contain less lot area than the minimum size required in the zoning district in which the property is located, and if an “historic residence” is preserved on one of the lots, pursuant to the process described in Chapter 75 of the Kirkland Zoning Code. The lots containing less than the minimum required lot area shall meet the following standards:

- (a) Within the RS 6.3 and RS 7.2 zones, the lots shall be at least 5,000 square feet.
- (b) Within the RS 8.5 zone, the lots shall be at least 6,000 square feet.
- (c) Within the WDII zone, the lots shall be at least 7,200 square feet.
- (d) The portion of any flag lot that is less than 30 feet wide, and used for driveway access to the buildable portion of the lot, may not be counted in the lot area.
- (e) Accessory dwelling units are prohibited. The restriction shall be recorded on the face of the plat.

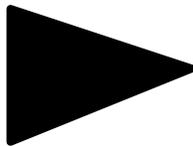
Lots containing historic residences shall also meet the following standards:

- (f) If an historic residence is destroyed, damaged, relocated, or altered inconsistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties (Rehabilitation) (Code of Federal Regulations, 36 CFR Part 68), the replacement structure shall be reconstructed in accordance with the criteria established in Section 75.105 of the Kirkland Zoning Code. The replacement restriction shall be recorded on the face of the Plat.

- (g) As part of subdivision approval, the City may allow the following modifications to regulations in the Kirkland Zoning Code regarding minimum required yards, maximum lot coverage, and floor area ratio on the lot containing the historic residence if the modifications are necessary to accommodate the historic residence.
 - 1) Required yards may be 2 feet less than required by the zoning district as shown on the Kirkland zoning map.
 - 2) Floor area ratio may be 5 percentage points more than allowed by the zoning district as shown on the Kirkland zoning map.
 - 3) Lot coverage may be 5 percentage points more than allowed by the zoning district as shown on the Kirkland zoning map.

- (h) At the time of recording the plat, a notice of applicable restrictions for the lot containing the designated historic residence shall be recorded.

Section 15.10



USE ZONE CHART

DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS

Section .010	USE REGULATIONS ↓ ↑	Required Review Process	MINIMUMS					MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Req'd Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure					
				Front	Side	Rear							
.010	Detached Dwelling Unit	None	As established on the Zoning Map. See Spec. Reg. 1.	20' See Spec. Reg. 3.	5', but 2 side yards must equal at least 15 feet.	10'	50% See Spec. Reg. 5.	25' above average building elevation.	E	A	2.0 per dwelling unit.	<ol style="list-style-type: none"> Minimum lot size per dwelling unit is as follows: <ol style="list-style-type: none"> In RS 35 zones, the minimum lot size is 35,000 square feet. In RS 12.5 zones, the minimum lot size is 12,500 square feet. In RS 8.5 zones, the minimum lot size is 8,500 square feet. In RS 7.2 zones, the minimum lot size is 7,200 square feet. In RS 6.3 zones, the minimum lot size is 6,300 square feet. In RS 5.0 zones, the minimum lot size is 5,000 square feet. In RS 35, 12.5, 8.5, 7.2, 6.3 and 5.0 zones, not more than one dwelling unit may be on each lot, regardless of the size of each lot. Floor Area Ratio (F.A.R.) allowed for the subject property is as follows: <ol style="list-style-type: none"> In RS 35 zones, F.A.R. is 20 percent of lot size. In RS 12.5 zones, F.A.R. is 35 percent of lot size. In RS 8.5 zones, F.A.R. is 50 percent of lot size. In RS 7.2 zones, F.A.R. is 50 percent of lot size. In RS 6.3 zones, F.A.R. is 50 percent of lot size. In RS 5.0 zones, F.A.R. is 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: <ol style="list-style-type: none"> The primary roof form of all structures on the site is peaked, with a minimum pitch of four feet vertical: 12 feet horizontal; and A setback of at least 7.5 feet is provided along each side yard. <i>This special regulation is not effective within the disapproval jurisdiction of the Houghton Community Council.</i> See KZC 115.42, Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Residential Zones, for additional information. <u>A reduced F.A.R. may be required pursuant to subdivision design requirements in Chapter 22.28 KMC</u> On corner lots with two required front yards, one may be reduced to the average of the front yards for the two adjoining properties fronting the same street as the front yard to be reduced. The applicant may select which front yard will be reduced (see Plate 24). Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. Residential lots in RS 35 zones within the Bridle Trails neighborhood north of Bridle Trails State Park must contain a minimum area of 10,000 permeable square feet, which shall comply with Special Regulation 6 for large domestic animals in KZC 115.20(4) (chart). 	

Chapter 75 – HISTORIC LANDMARK OVERLAY ZONE AND HISTORIC RESIDENCE DESIGNATION

Sections:

75.05	User Guide
75.10	<u>Historic Landmark Overlay Zone</u> Designation – Required Review
75.15	<u>Historic Landmark Overlay Zone</u> Designation – Who May Apply/Special Fee Provision
75.20	<u>Historic Landmark Overlay Zone</u> Designation – Criteria
75.25	<u>Historic Landmark Overlay Zone</u> Designation – Required Elements of Recommendation
75.30	<u>Historic Landmark Overlay Zone</u> Effect – General
75.35	<u>Historic Landmark Overlay Zone</u> Effect – Review Requested To Alter
75.40	<u>Historic Landmark Overlay Zone</u> Effect – Criteria for Alteration
75.45	<u>Historic Landmark Overlay Zone</u> Effect – Nonconforming Elements
75.47	<u>Historic Landmark Overlay Zone</u> Effect – Modification of Code Provisions
75.50	<u>Historic Landmark Overlay Zone</u> Effect – Bonds
<u>75.55</u>	<u>Historic Residence Designation - Intent</u>
<u>75.60</u>	<u>Historic Residence Designation – Required Review</u>
<u>75.65</u>	<u>Historic Residence Designation – Who May Apply/Special Fee Provision</u>
<u>75.70</u>	<u>Historic Residence Designation – Criteria</u>
<u>75.75</u>	<u>Historic Residence Designation – Required Elements of Recommendation</u>
<u>75.80</u>	<u>Historic Residence Effect – General</u>
<u>75.85</u>	<u>Historic Residence Effect – Review Requested To Alter</u>
<u>75.90</u>	<u>Historic Residence Effect – Criteria for Alteration</u>
<u>75.95</u>	<u>Historic Residence Effect – Secretary of the Interior’s Standards for the Treatment of Historic Properties (Rehabilitation)</u>
<u>75.100</u>	<u>Historic Residence Effect – Nonconforming Elements</u>
<u>75.105</u>	<u>Historic Residence Effect – Demolition, Alteration or Damage</u>
<u>75.110</u>	<u>Historic Residence Effect – Bonds</u>

75.05 User Guide

This chapter establishes mechanisms for designating certain areas or improvements in the City as historic landmarks or historic residences. This chapter also contains regulations that govern the use and alteration of any area or improvement that has been designated as an historic landmark or historic residence.

1. Historic Landmarks: Various places on the Zoning Map contain an “HL” within a dashed line. This indicates that this area has been designated as an Historic Landmark Overlay Zone where special regulations apply. These special regulations add to and in some cases supersede the other regulations of this code.

If you are interested in proposing that an area or structure be designated as an historic landmark or if you wish to participate in the City’s decision on a proposed designation you should read KZC 75.10 through 75.25.

If you are interested in conducting a use or altering the appearance of an area or structure that has been designated as an historic landmark or if you wish to participate in the City’s decision on a proposed use or alteration of a designated historic landmark, you should read KZC 75.30 through 75.50.

2. Historic Residences: In the Norkirk and Market Neighborhoods, where an historic residence has been designated, special regulations apply. These special regulations add to and in some cases supersede the other regulations of this code.

If you are interested in proposing that a structure be designated as an historic residence or if you wish to participate in the City's decision on a proposed designation you should read KZC 75.55 through 75.70.

If you are interested in altering the appearance of a structure that has been designated as an historic residence, or if you wish to participate in the City's decision on a proposed alteration of a designated historic residence, you should read KZC 75.75 through 75.110.

75.10 Historic Landmark Overlay Zone Designation – Required Review

The City will review and decide upon each proposal to designate an area as an Historic Landmark Overlay Zone on the Zoning Map using the nonproject quasijudicial rezone provisions of Chapter 130 KZC.

75.15 Designation – Who May Apply/Special Fee Provision

The City, the person holding fee title to the subject property, or any member of the general public may apply to designate a property as an Historic Landmark Overlay Zone. To the extent that these provisions are inconsistent with the provisions of Chapter 130 or 152 KZC, the provisions of this section govern.

75.20 Historic Landmark Overlay Zone Designation – Criteria

1. The City may approve the designation of an area as an Historic Landmark Overlay Zone only if it finds that:

a. The applicable criteria of Chapter 130 KZC are met; and

b. Either:

1) The property contains an object, improvement, or site that is more than 40 years old, and that possesses integrity of location, design, setting, materials, workmanship, feeling and association, and:

- a) Is associated with events that have made a significant contribution to the broad patterns of national, state or local history; or
- b) Is associated with the lives of persons significant in national, state or local history; or
- c) Embodies the distinctive characteristics of a type, period, style or method of design or construction, or that represents a significant and distinguishable entity whose components may lack individual distinction; or
- d) Has yielded, or may be likely to yield, information important in prehistory or history; or
- e) Is an outstanding work of a designer or builder who has made a substantial contribution to the art; or

- 2) The property contains an object, improvement or site which does not meet the criteria listed in subsection (1)(b)(1) of this section but which is:
 - a) A religious property deriving primary significance from architectural or artistic distinction or historic importance; or
 - b) A building or structure removed from its original location but which is significant primarily for its architectural value, or which is the surviving structure most importantly associated with an historic person or event; or
 - c) A birthplace, grave or residence of an historic figure of outstanding importance if there is no other appropriate site or building directly associated with his/her productive life; or
 - d) A cemetery that derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events; or
 - e) A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived; or
 - f) A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own historic significance; or
 - g) A property achieving significance within the past 40 years if it is of exceptional importance.

NOTE: The criteria listed in subsection (1)(b) of this section are, with slight modification, the criteria used in evaluating entries to the National Register under the National Historic Preservation Act of 1966.

~~3) This subsection applies only to those areas annexed to the City on January 1, 1988, by Ordinance 3062, 3063, and 3064 (known as the Lower Juanita, North Rose Hill and South Rose Hill areas).~~

~~For a 12 month period beginning January 1, 1988, and ending December 31, 1988, the City shall approve the designation of an area as an Historic Landmark Overlay Zone if the site has been proposed by the King County Landmarks Commission subject to the conditions of Chapter 130 KZC.~~

75.25 Historic Landmark Overlay Zone Designation – Required Elements of Recommendation

If City Council adopts an ordinance designating an area as an Historic Landmark Overlay Zone on the Zoning Map, this ordinance must include the following information:

1. The boundaries of the area and description of the improvement, object, or site or significance, sufficient to identify its location.
2. The significant features of the improvement, object, or site to which the restrictions of KZC 75.30 through 75.50 apply.

75.30 Historic Landmark Overlay Zone Effect – General

If the City Council enacts an ordinance to designate an area as an Historic Landmark Overlay Zone, an “HL” will be placed on the area on the Zoning Map. This will have the following effects:

1. No feature identified as significant under KZC 75.25(2) may be altered in any manner except as provided in KZC 75.35 through 75.50.
2. The City may require that a sign be conspicuously posted on the subject property identifying the historic landmark.
3. The other requirements of this code apply to the subject property unless they conflict with a specific provision of this section through KZC 75.50. Where a conflict exists, the provisions of this chapter govern.

| 75.35 Historic Landmark Overlay Zone Effect – Review Requested To Alter

The City will review and decide upon any proposal to alter a designated significant feature of an Historic Landmark Overlay Zone using Process IIB, described in Chapter 152 KZC.

| 75.40 Historic Landmark Overlay Zone Effect – Criteria for Alteration

The City will review any proposed alteration to a significant feature of an historic landmark using the following criteria:

1. The extent to which the proposed alteration would adversely affect the significant features or site as an historic landmark; and
2. The reasonableness of the proposed alteration in light of other alternatives available to achieve the objectives of the applicant; and
3. The extent to which the proposed alteration may be necessary to meet the requirements of any other law, statute, ordinance, regulation, code or ordinance.

| 75.45 Historic Landmark Overlay Zone Effect – Nonconforming Elements

Nonconformance on the subject property need not be corrected if correcting the nonconformance would require altering a feature designated as significant or the acquisition of additional property or facilities.

| 75.47 Historic Landmark Overlay Zone Effect – Modification of Code Provisions

1. General – The provisions of this section establish the circumstances under which the City may modify any of the provisions of this code for an historic landmark, except:
 - a. The City may not modify any of the provisions of this chapter; and
 - b. The City may not modify any provision of this code that specifically states that its requirements are not subject to modifications under this chapter; and
 - c. The City may not modify any of the procedural provisions of this code; and
 - d. The City may not modify any provision that specifically applies to development on a wetland, flood plain, or regulated slope; and

- e. The City may not allow any use in a low density zone that is not specifically allowed in that zone unless the subject property contains at least 35,000 square feet.
2. Review Procedure – The City will review and decide upon any proposal to modify the provisions of this code for an historic landmark using Process IIB, described in Chapter 152 KZC. Modifications may be proposed in conjunction with or subsequent to a proposal to designate the subject property as an Historic Landmark Overlay Zone as provided in KZC 75.10 through 75.25.
 3. Criteria for Modification – The City may approve a modification under the provisions of this section only if it finds that the following requirements are met:
 - a. The proposed modification would promote or aid in the preservation or rehabilitation of an historic landmark; and
 - b. Either:
 - 1) The historic landmark for which the modification is proposed is located on property which abuts one of the following rights-of-way:
 - a) Market Street between Central Way and N.E. 106th Street.
 - b) State Street between N.E. 68th Street and 2nd Avenue South.
 - c) Lake Washington Blvd. and Lake Street South between Northup Way and Third Avenue South; or
 - 2) The proposed modification would not promote traffic, noise, light view blockage or other impacts which are incompatible with adjacent properties or the surrounding neighborhood.

75.50 Effect – Bonds

The City may require a bond under Chapter 175 KZC to ensure that any alteration to an historic landmark complies with the conditions of its approval.

75.55 Historic Residence Designation – Intent

The Norkirk and Market Neighborhoods contain many historic houses representing a variety of architectural styles and historic time periods, and providing a record of Kirkland's residential development. The loss of any historic houses in these neighborhoods would constitute an irreparable diminishment of community character. Preventing this loss and protecting community character and historic resources are consistent with and supported by the Community Character Element and by the Norkirk and Market Neighborhood Plans within the Comprehensive Plan. It is in the public interest to preserve this rich architectural diversity and tangible connections with Kirkland's past. The historic residence designation process provides an opportunity for historic houses in the Market and Norkirk Neighborhoods to be preserved.

A house may be considered for historic residence designation if it retains its overall original form, massing and sufficient original architectural elements to convey its historic character. This could include, for example, a house that has been moved, changes to windows that do not significantly

change the original window placement or form, and replacement of siding. Additions and alterations to the historic house will be evaluated on a case by case basis.

75.60 Historic Residence Designation – Required Review

The City will review and decide upon each proposal to designate a house as an Historic Residence using the provisions of Process I, Chapter 145 KZC. Noticing is required pursuant to the noticing provisions of Chapter 150 KZC. The review process will include an assessment to determine eligibility for designation as an historic residence. The assessment, funded by the applicant, must be conducted by staff or consultants meeting the Secretary of the Interior's Historic Preservation Professional Qualification Standards (Code of Federal Regulations, 36 CFR Part 61).

75.65 Historic Residence Designation – Who May Apply

The person holding fee title to the subject property in the Market or Norkirk Neighborhoods, as defined in the Comprehensive Plan, may apply to designate a home as an Historic Residence.

75.70 Historic Residence Designation – Criteria

The City may approve the designation of an Historic Residence if it finds the criteria of Section 75.20 1.b are met.

75.75 Historic Residence Designation – Required Elements of Recommendation

The approval must include the following information:

1. The address of the historic residence.
2. The gross floor area of the historic residence and dimensioned drawings of each floor.
3. A digital photograph of each building elevation and significant feature.
4. A description of the historic residence and its significant features to which the restrictions of KZC 75.80 through 75.110 apply.

75.80 Historic Residence Effect – General

The City designation of an Historic Residence will have the following effects:

1. No feature identified as significant under KZC 75.75 may be altered in any manner except as provided in KZC 75.85 through 75.110.
2. All other requirements of this code shall apply to the subject property unless they conflict with a specific provision of KZC 75.55 through KZC 75.110. Where a conflict exists, the provisions of this chapter govern.

75.85 Historic Residence Effect – Review Request To Alter

The Planning Official will review and decide upon any proposal to alter a designated Historic Residence. This decision is appealable using applicable appeal provisions of Chapter 145 KZC.

75.90 Historic Residence Effect – Criteria for Alteration

1. The Planning Official shall review all proposed alterations to a designated historic residence. No further review is required if the alteration constitutes:
 - a. Ordinary repairs and maintenance that do not alter the appearance of an exterior significant feature and do not utilize substitute materials, or
 - b. Repairs or replacement of utility systems, provided that such work does not alter an exterior significant feature.

The Planning Official shall document the proposed alteration. If the proposed alteration does not meet the criteria of 1a or 1b then the criteria in KZC 75.90.2 below must be met.

2. The Planning Official shall review and may approve restorations, major repairs, alterations in appearance, replacement of historic materials and new construction to a designated historic residence, considering the following factors:
 - a. The extent to which the proposal would utilize in-kind materials,
 - b. The extent to which the proposal would adversely affect the significant character defining features of an historic residence.
 - c. The reasonableness of the proposed alteration in light of other alternatives available to achieve the objectives of the applicant; and
 - d. The extent to which the proposed alteration may be necessary to meet the requirements of any other law, statute, ordinance, regulation or code.

The review by the Planning Official shall be based on The Secretary of the Interior's Standards for the Treatment of Historic Properties (Rehabilitation) in KZC 75.95. The Planning Official shall arrange for an analysis funded by the applicant to determine if the Criteria for Alteration are met. The person conducting the analysis shall meet the Secretary of the Interior's Historic Preservation Professional Qualification Standards (Code of Federal Regulations, 36 CFR Part 61);

75.95. Historic Residence Effect – The Secretary of the Interior's Standards for the Treatment of Historic Properties (Rehabilitation)

In determining the adverse impact of an alteration on the significant features of an historic residence, the Planning Official shall consider the following Secretary of the Interior's Standards for the Treatment of Historic Properties (Rehabilitation) (Code of Federal Regulations, 36 CFR Part 68):

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

75.100 Historic Residence Effect – Nonconforming Elements

Any nonconformance on the subject property shall not be required to be corrected if doing so would require the alteration of a feature designated as significant or the acquisition of additional property or facilities.

75.105 Historic Residence Effect – Demolition, alteration or damage

1. If an historic residence is destroyed, relocated, or altered as a result of the action of the property owner, and such action is inconsistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties (Rehabilitation), the following standards apply:

- a. The structure shall be reconstructed pursuant to the Secretary of Interior's Standards for the Treatment of Historic Properties (Reconstruction) (Code of Federal Regulations, 36 CFR Part 68) to replicate the footprint and exterior of the historic residence; or
 - b. The maximum Floor Area Ratio (F.A.R.) of any altered or new structure shall not exceed 25 percent of the lot size, or 75% of the gross floor area of the historic residence, whichever is less.
2. If an historic residence is destroyed or damaged for any reason outside the control of the property owner, the maximum FAR of the resulting structure shall not exceed 30 percent of the lot size, provided that FAR may be increased up to 35 percent of the lot size if the following criteria are met:
 - a. The primary roof form of all structures is gabled, with a minimum pitch of 4 feet vertical: 12 feet horizontal; and
 - b. A setback of at least 7.5 feet is provided along each side yard.
3. Accessory dwelling units shall be prohibited in connection with the resulting structure.
4. The historic residence designation shall be removed from the resulting structure.

75.110 Historic Residence Effect – Bonds

The City may require a bond under Chapter 175 KZC to ensure that any alteration to an historic residence complies with the conditions of its approval.

115.07 Accessory Dwelling Units

One accessory dwelling unit (ADU) is permitted as subordinate to a single-family dwelling; provided, that the following criteria are met:

1. Number of Occupants – The total number of occupants in the principal dwelling unit and the ADU combined shall not exceed the maximum number established for a single-family dwelling as defined in KZC 5.10.300.
2. Owner Occupancy – One of the units must be the principal residence of the property owner(s).
3. Subdivision – Accessory dwelling units shall not be subdivided or otherwise segregated in ownership from the principal dwelling unit.
4. Scale – The square footage of the accessory dwelling unit shall not exceed 40 percent of the primary residence and accessory dwelling unit combined. If the accessory unit is completely located on a single floor, the Planning Director may allow increased size in order to efficiently use all floor area.

Detached accessory dwelling units shall not exceed 800 square feet of gross floor area. The gross floor area shall not include area with less than five feet of ceiling height, as measured between the finished floor and the supporting members for the roof. When calculating the square footage of the ADU (see KZC 5.10.340, definition of “gross floor area”), covered exterior elements such as decks and porches will not be included; provided, the total size of all such covered exterior elements does not exceed 200 square feet. An accessory dwelling unit will be considered to be “detached” from the principal unit if it has any of the following characteristics:

- a. It does not share a common roof structure with the principal unit.
 - b. It is not integrated into the footprint of the principal unit.
 - c. The design is inconsistent with the existing roof pitch, siding treatment, and window style of the principal unit.
5. Location. The accessory dwelling unit may be added to or included within the principal unit, or located in a detached structure. Detached structures must conform with the setbacks, height restrictions, lot coverage and other applicable zoning regulations required for single-family dwellings in the applicable use zone; provided, that an accessory dwelling unit shall not be considered a “dwelling unit” in the context of Special Regulations in Chapters 15 through 60 KZC which limit the number of detached dwelling units on each lot to one.

6. Entrances. The primary entrance to the accessory dwelling unit shall be located in such a manner as to be clearly secondary to the main entrance to the principal unit and shall not detract from or alter the single-family character of the principal unit.
7. Parking. There shall be one off-street parking space provided for the accessory dwelling unit.
8. WD I and WD III Zones. Properties located in the WD I and WD III Zones which develop accessory dwelling units must provide public pedestrian access consistent with the regulations contained in KZC 30.15.020 and 30.35.020 for attached or stacked dwelling units.
9. Market and Norkirk Neighborhoods. Within the Market and Norkirk Neighborhoods, as defined in the Comprehensive Plan, accessory dwelling units are prohibited on lots smaller than the required minimum lot size approved using the Small Lot Single-family and Historic Preservation subdivision regulations contained in KMC Sections 22.28.42 and 22.28.48.
9. Applicable Codes. The portion of a single-family dwelling in which an accessory dwelling unit is proposed must comply with all standards for health and safety contained in all applicable codes, with the following exception for ceiling height. Space need not meet current Uniform Building Code (UBC) ceiling height requirements if it was legally constructed as habitable space.
10. Permitting
 - a. Application
 - 1) The property owner shall apply for an accessory dwelling unit permit with the Building Department. The application shall include an affidavit signed by the property owner agreeing to all the general requirements outlined in this section.

In the event that proposed improvements in the accessory dwelling unit do not require a building permit, a registration form for the unit must be completed and submitted to the Planning Department.
 - 2) The registration form as required by the City shall include a property covenant. The covenant must be filed by the property owner with the City for recording with the King County Department of Records and Elections to indicate the presence of the accessory dwelling unit, and reference to other standards outlined in this section. The covenant shall run with the land as long as the accessory dwelling unit is maintained on the property.
 - 3) If an ADU was or is created without being part of a project for which a building permit was or is finalized, an ADU inspection will be required for issuance of an ADU permit. The ADU inspection fee will cover a physical inspection of the ADU. This fee will be waived if the ADU existed on January 1, 1995, and the ADU permit is applied for by December 31, 1995.

- b. Eliminating an Accessory Dwelling Unit – Elimination of a registered accessory dwelling unit may be accomplished by the owner filing a certificate with the Planning Department, or may occur as a result of enforcement action.
- c. Preexisting Units – That portion of a single-family residence which meets the definition of accessory dwelling unit which existed on January 1, 1995, may be legally established, and not subject to zoning violation fines, if the following requirements are met:
 - 1) An application for an accessory dwelling permit is filed by December 31, 1997;
 - 2) The accessory dwelling unit is determined to meet the requirements of this section, as well as the other code requirements referred to in KZC 115.65(5)(g).
- d. Appeals. An applicant may appeal to the Hearing Examiner the decision of the Planning Official in denying a request to construct an accessory dwelling unit. A written notice of appeal shall be filed with the Planning Department within 14 calendar days of the date the Planning Official's decision was mailed or otherwise delivered to the applicant. The City shall give notice of the hearing to the applicant at least 17 calendar days prior to the hearing. The applicant shall have the burden of proving the Planning Official made an incorrect decision. Based on the Hearing Examiner's findings and conclusions, he or she may affirm, reverse, or modify the decision being appealed.

ORDINANCE NO. 4103

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO PLANNING DEPARTMENT FEES AND AMENDING KMC SECTION 5,74,070 BY ADDING A FEE FOR HISTORIC RESIDENCE DESIGNATION AND ALTERATION.

The City Council of the City of Kirkland do ordain as follows:

Section 1. The schedule contained in KMC 5.74.070 for Process I Review, Planning Official Review, and General Notes is hereby amended to read as follows:

FEE TYPE	FEE AMOUNT
Planning Official Decision	
Accessory Dwelling Unit (not required if reviewed concurrently with a building permit)	\$300.00
Personal Wireless Service Facility Planning Official Decision	\$6,050.00
Personal Wireless Service Facility Subsequent or Minor Modification	\$600.00
Parking Modification	\$380.00
Sensitive Area Planning Official Decisions or Administrative Design Review	
Fixed Fee	\$1,500.00
Fee per new unit	\$0.00
Fee per sq. ft. new GFA	\$0.00
Master Sign Plan Approval Modification	\$600.00
Off-Site Directional Sign Approval Modification	\$380.00
Design Review Approval Modification	\$760.00
Design Review Approval Extension	\$300.00
<u>Historic Residence Alteration</u>	<u>\$600</u>
Process I Review	
Short Subdivision	
Base Fee	\$3,000.00
Fee per lot	\$700.00
Innovative Short Subdivision	
Fixed Fee	\$4,900.00
Fee per lot	\$700.00

Substantial Development Permit	
General Moorage Facility	\$7,560.00
Other Shoreline Improvements	\$3,240.00
Personal Wireless Service Facility Process I Review	\$7,560.00
Other Process I Review	
Residential	
Base Fee	\$3,000.00
Fee per new residential unit	\$350.00
Nonresidential	
Base Fee	\$3,000.00
Fee per square foot new GFA	\$0.21
Mixed Use	
Base Fee	\$3,000.00
Fee per new unit	\$350.00
Fee per square foot new GFA	\$0.21
Home Occupation	\$1,000.00
Historic Residence Designation	\$1,000
General Notes:	
<p>1. Fee Reduction for Applications Processed Together: When two or more applications are processed together, the full amount will be charged for the application with the highest fee. The fee for the other application(s) will be calculated at 50% of the listed amount.</p> <p>2. Projects with greater than 50 dwelling units or 50,000 sq. ft. non-residential GFA: The per unit and per sq. ft. fee for all units above 50 and all GFA above 50,000 sq. ft. shall be reduced by one half.</p> <p>3. Note for Sensitive Areas permits:</p> <p>a. In cases where technical expertise is required, the planning official may require the applicant to fund such studies.</p> <p>b. Voluntary wetland restoration & voluntary stream rehabilitation projects are not subject to fees.</p> <p>4. Construction of affordable housing units pursuant to Chapter 112 of the Kirkland Zoning Code: The fee per new unit and fee per square foot new GFA shall be waived for the bonus or additional units or floor area being developed.</p> <p>5. Note for Historic Residence permits: An additional fee shall be required for consulting services in connection with designation and alteration of historic residences.</p>	

Section 2. This ordinance shall be in full force and effect five days from and after its passage by the Kirkland City Council and publication, as required by law.

PASSED by majority vote of the Kirkland City Council in open meeting this ____ day of _____, 2007.

SIGNED IN AUTHENTICATION thereof this ____ day of _____, 2007.

Mayor

Attest:

City Clerk

Approved as to Form:

City Attorney