

CITY OF KIRKLAND

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**DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
MEMORANDUM**

To: David Ramsay, City Manager

From: Dorian Collins, AICP, Senior Planner
Paul Stewart, AICP, Deputy Director
Eric Shields, AICP, Planning Director

Date: November 8, 2007

Subject: **TRANSMITTAL OF PLANNING COMMISSION'S RECOMMENDATION FOR COTTAGE, CARRIAGE AND MULTIPLEX HOUSING (FILE ZON07-00005)**

RECOMMENDATION

Staff recommends that the City Council:

- Consider the recommendation from the Planning Commission in support of draft regulations for "Cottage, Carriage and Multiplex Housing" and provide direction to staff to move forward with necessary code amendments.
- Discuss the motion made by the Houghton Community Council at their courtesy hearing in September, which supported the draft regulations, with the exception of stand-alone multiplex units. Provide direction as to the Council's preference regarding the options identified by staff on this issue.
- Add the change to Chapter 90 recommended by staff to the set of amendments to be made to the Zoning Code in support of the cottage, carriage and multiplex housing amendments.

BACKGROUND DISCUSSION

Following the City Council meeting in early January of this year, the Planning Commission began the effort toward the development of permanent regulations for cottage housing, multiplexes and carriage units in single family zones. At that time, the Council heard and discussed the findings of the evaluation of interim innovative housing program ([Evaluation Report](#)), and directed staff and the Planning Commission to proceed with the preparation of permanent regulations. Since that time, the Planning Commission has held several study sessions (February 8th, April 10th, May 24th, July 12th, and September 13th) and a public hearing (October 11th) on the draft regulations (see [PC Meeting Packets](#), and [PC Minutes](#) for these meetings). The Houghton Community Council also held a study session in August and conducted a courtesy hearing on September 24th on the draft regulations (see [HCC Meeting Packets](#) and [HCC Minutes](#)).

The Planning Commission's final recommended regulations for Chapter 113 (Cottage, Carriage and Multiplex Housing) appear as Attachment 1 to this memorandum.

The Planning Commission's study of the innovative regulations has been focused on the development of regulations that generally follow the approach and standards used in the interim Innovative Housing Ordinance ([Interim Ordinance](#)) while incorporating changes to address the findings of the evaluation report prepared by Michael Luis, the input from the Advisory Group ([Advisory Group Report](#)), comments from citizens, (see [Exhibits B1-B4](#) and [Exhibit B5-B9](#)) and the direction of the City Council.

One additional letter on this topic has been received since the public hearing (see Attachment 4).

The key conclusions of the evaluation report were:

- The two projects were well-received by all groups
- Similar projects would likely work in other Kirkland neighborhoods
- More work is needed on development standards and housing types
- The projects do not address concerns about affordability

Comments and direction provided by the City Council included the following:

- Good design is very important; need design guidelines/regulations
- Incentives may not be enough to support affordability; explore with advisory group
- Innovative/housing choice is a valid objective
- Concern about acceptance of multiple developments in a single neighborhood
- Functional front porches are important

The advisory group, composed of architects, developers and other professionals was convened by the City at the direction of the City Council at their meeting last January. The group was established to assist the City in understanding how the regulations for innovative housing could be developed to encourage builders to undertake these projects, while achieving the goals of the City. The group met twice, and the final report presenting their views and input can be found at ([Advisory Group Report](#)). Key conclusions from the group are summarized below:

- *Bonuses:* Additional bonuses (beyond those used in the demonstration program) will increase the likelihood that builders will choose to develop innovative housing types. The consultant suggests that the City consider allowing a "blended development based on FAR", to allow various types of homes, with a maximum FAR and unit count overall.
- *Housing Type:* Allowing builders to mix styles of houses within a development may make this type of development more appealing to developers and to home buyers.
- *Process:* A simpler review process should be available for housing types that meet prescribed standards. Additional review may be appropriate for development that desires some flexibility or modifications of the standards. Design guidelines may be desired for projects that require modifications from standards.
- *Design Review:* Design review will be important to ensure high quality projects and public acceptance, but should be limited to administrative review.
- *Flexibility:* Development standards should allow for flexibility at the staff level in reviewing proposals.

- *Affordability*: Requirements for affordable units without an additional density bonus for those units will be a major disincentive for developers to choose innovative housing projects.

At the community workshop held in April, those who spoke at the meeting were generally supportive of the program, and echoed comments made by the Planning Commission, Community Council and City Council in emphasizing the need for design requirements. Specific comments included support for the consideration of a number of factors in evaluating innovative housing proposals, such as proximity to transit, innovative design (such as open space), bonuses for low impact development, open space or “flexible space”, and some suggested greater density may be needed to allow these projects to compete with conventional development. Concerns expressed in written comments from citizens throughout the study process have primarily focused on density and neighborhood character.

Houghton Community Council Input

At their courtesy hearing on September 24th, the Community Council was generally supportive of the draft regulations under discussion by the Planning Commission. Their concerns had to do with the distance requirement between projects, and with the provisions for free-standing multiplexes in neighborhoods. The Community Council passed a motion for approval of the regulations, with the removal of the provisions allowing for individual multiplexes (those that are not included in cottage projects).

ADDITIONAL STAFF RECOMMENDATIONS

Houghton Community Council Concerns

Staff suggests that the City Council discuss the Community Council's concern regarding the provisions for free-standing multiplexes. This item is scheduled for the Houghton Community Council's meeting on November 26th, where staff plans to discuss the issue further with the Community Council following the City Council study session. If, at the study session on November 20th, the City Council indicates that it is open to considering a set of amendments which would prohibit stand-alone multiplexes within the jurisdiction of Houghton, it appears likely that agreement could be reached on the other points.

Staff has identified three options the Council could consider on this issue:

- Revise the regulations to restrict stand-alone multiplexes within the jurisdiction of Houghton
- Revise the regulations to eliminate provisions for stand-alone multiplexes city-wide
- Proceed with the recommendation of the Planning Commission (no change)

Chapter 90 – Drainage Basins

In addition to the amendments proposed by the Planning Commission, staff recommends that the City Council consider one additional amendment to the Zoning Code. Following the public hearing, staff realized that a relatively minor amendment to Chapter 90 will be necessary to ensure that the intention to allow additional density in these projects is fulfilled, even on parcels with wetlands, streams, minor lakes and their buffers. Attachment 3 provides the text revision that staff recommends the Council consider. This change would add text to Section 90.135 to state the bonus density for cottage, carriage and multiplex housing units would be calculated using the maximum dwelling unit potential determined according to the

provisions of Chapter 90. Without this text revision, the densities provided under Chapter 113 for this type of housing could not be achieved.

Staff believes this text revision is consistent with both the intention of the Planning Commission to allow for increased density for cottage, carriage and multiplex housing, and with the objectives of Chapter 90, to adjust the buildable area in the presence of wetlands, streams, lakes, or frequently flooded areas. This approach was also used for Chapter 112, which provides a bonus for affordable housing. Staff has discussed this change with the City Attorney's office, and confirmed that the change would not require that a new public hearing be held.

Attachments

1. Planning Commission recommendation for Chapter 113
2. Additional Zoning Code amendments
 - a. Table of Contents
 - b. Chapter 5 - Definitions
 - c. Section 115.115.5
3. Staff recommended amendment to Section 90.135 KZC
4. Additional Comment Letter, received November 8, 2007, from Marco Lowe, Triad Development

Exhibits

- A. Planning Commission Recommendation Memo

cc: ZON07-00005
Planning Commission
Houghton Community Council
Arthur Sullivan, ARCH

Chapter 113 – COTTAGE, CARRIAGE AND MULTIPLEX HOUSING

Sections:

[113.05](#) User Guide

[113.10](#) Voluntary Provisions and Intent

[113.15](#) Housing Types Defined

[113.20](#) Applicable Use Zones

[113.25](#) Parameters for Cottages, Carriage Units and Multiplex Housing Types

[113.30](#) Community Buildings and Community Space in Cottage Developments

[113.35](#) Design Standards and Guidelines

[113.40](#) Median Income Housing

[113.45](#) Review Process

[113.50](#) Additional Standards

113.05 User Guide

This chapter provides standards for alternative types of housing in Single-Family zones. If you are interested in proposing cottage, carriage or multiplex single family housing units or you wish to participate in the City's decision on a project including these types of housing units, you should read this chapter.

113.10 Voluntary Provisions and Intent

The provisions of this chapter are available as alternatives to the development of typical detached single family homes. These standards are intended to address the changing composition of households, and the need for smaller, more diverse, and often, more affordable housing choices. Providing for a variety of housing types also encourages innovation and diversity in housing design and site development, while ensuring compatibility with surrounding single family residential development.

113.15 Housing Types Defined

The following definitions apply to the housing types allowed through the provisions in this Chapter:

1. Cottage – A detached, single-family dwelling unit containing 1,500 square feet or less of gross floor area.
2. Carriage Unit – A single-family dwelling unit, not to exceed 800 square feet in gross floor area, located above a garage structure.
3. Multiplex – A structure containing two dwelling units (duplex) or three dwelling units (triplex), designed to look like a detached single-family home.

113.20 Applicable Use Zones

The housing types described in this chapter may be used only in the following low density zones: RS 7.2, RSX 7.2, RS 8.5, RSX 8.5, RS 12.5 and RSX 12.5 (see Section 113.25 for further standards regarding location of these housing types).

113.25 Parameters for Cottages, Carriage Units and Multiplex Housing Types

Please refer to Sections 113.30, 113.35 and 113.40 for additional requirements related to these standards.

	Cottage	Carriage	Multiplex
Max Unit Size ¹	1,500 square feet ²	800 square feet	1,000 square feet average unit size Structure total ³ : Duplex: 2,000 s.f. Triplex: 3,000 s.f.
Density	2 times the maximum number of detached dwelling units allowed in the underlying zone ^{4 & 5}		
Max Floor Area Ratio (FAR), ^{6, 7}	.35		

¹ A covenant restricting any increases in unit size after initial construction shall be recorded against the property. Vaulted space may not be converted to habitable space.

² Maximum size for a cottage is 1,500 square feet. A cottage may include an attached garage, not to exceed 250 square feet.

³ Maximum size for a duplex is 2,000 square feet. A duplex may include an attached garage, not to exceed 500 square feet. The maximum size for a triplex is 3,000 square feet. A triplex may include an attached garage, not to exceed 750 square feet.

⁴ Existing detached dwelling units may remain on the subject property and will be counted as units.

⁵ When the conversion from detached dwelling units to equivalent units results in a fraction, the equivalent units shall be limited to the whole number below the fraction.

⁶ FAR regulations are calculated using the entire development site. FAR for individual lots may vary.

⁷ Median income units, and any attached garages for the median income units provided under Section 113.40 shall not be included in the FAR calculation for the development.

	Cottage	Carriage	Multiplex
Development Size	Min. 4 units Max 24 units	Must be included in a cottage project.	Must be a single multiplex or part of a cottage development, unless approved through Process IIA, Chapter 150.
	Maximum cluster ⁸ : 12 units		
Review Process	Process I		Single multiplex: Process I Development containing more than one multiplex (other than a cottage project): Process IIA ⁹
Location	Developments containing cottage, carriage and/or multiplex units may not be located closer than the distance noted below to another development approved under the provisions of this Chapter: 1 to 9 Units: 500' 10-19 Units: 1,000' 20-24 Units: 1,500'		
Parking Requirements	Units under 700 square feet: 1 space per unit Units between 700-1,000 square feet: 1.5 spaces per unit Units over 1,000 square feet: 2 spaces per unit. Must be provided on the subject property.		
Minimum Required Yards (from exterior property lines of subject property)	Front: 20' Other: 10'	Must be included in a cottage project	Front: 20' Other: 10'

⁸ Cluster size is intended to encourage a sense of community among residents. A development site may contain more than one cluster, with a clear separation between clusters.

⁹ See Section 113.45. Carriage units and multiplexes may be included within a cottage housing proposal to be reviewed through Process I provided that the number of multiplex and carriage units does not exceed 20% of the total number of units in the project.

	Cottage	Carriage	Multiplex
Lot coverage (all impervious surfaces) ¹⁰	50%	Must be included in a cottage project.	50%
Height Dwelling Units Accessory Structures	25' (RS Zones) and 27' (RSX Zones) maximum above A.B.E., (where minimum roof slope of 6:12 for all parts of the roof above 18' are provided). Otherwise, 18' above A.B.E. One story, not to exceed 18' above A.B.E.		
Tree Retention	Standards contained in Section 95.35 for Tree Plan III shall apply to development approved under this Chapter.		

¹⁰ Lot coverage is calculated using the entire development site. Lot coverage for individual lots may vary.

	Cottage	Carriage	Multiplex
Common Open Space	400 square feet per unit. Private open space is also encouraged (See Section 113.35)		
Community Buildings	Community buildings are encouraged. See Section 113.30 for further regulations.		
Attached Covered Porches ¹¹	Each unit must have a covered porch with a minimum area of 64 square feet per unit and a minimum dimension of 7' on all sides.		
Development Options	Subdivision Binding Site Plan Condominium Rental or Ownership		
Accessory Dwelling Units (ADUs)	Not permitted as part of a cottage, carriage or multiplex housing development.		

113.30 Community Buildings and Community Space in Cottage Developments

Community buildings and community space are encouraged in cottage developments.

1. Community buildings or space shall be clearly incidental in use and size to the dwelling units.
2. Building height for community buildings shall be no more than one story. Where the community space is located above another common structure, such as a detached garage or storage building, standard building heights apply.
3. Community buildings must be located on the same site as the cottage housing development, and be commonly owned by the residents.

¹¹ Requirements for porches do not apply to carriage or multiplex units.

113.35 Design Standards and Guidelines

1. Cottage Projects

a. Orientation of Dwelling Units

Dwellings within a cottage housing development should be oriented to promote a sense of community, both within the development, and with respect to the larger community, outside of the cottage project. A cottage development should not be designed to “turn its back” on the surrounding neighborhood.

1. Where feasible, each dwelling unit that abuts a common open space shall have a primary entry and/or covered porch oriented to the common open space.
2. Each dwelling unit abutting a public right-of-way (not including alleys) shall have an inviting façade, such as a primary or secondary entrance or porch, oriented to the public right-of-way. If a dwelling unit abuts more than one public right-of way, the City shall determine to which right-of-way the inviting façade shall be oriented.

b. Required Common Open Space

Common open space should provide a sense of openness, visual relief, and community for cottage developments. The space must be outside of wetlands, streams and their buffers, and developed and maintained to provide for passive and/or active recreational activities for the residents of the development.

1. Each area of common open space shall be in one contiguous and useable piece with a minimum dimension of 20 feet on all sides.
2. Required common open space may be divided into no more than two separate areas per cluster of dwelling units.
3. Common open space shall be located in a centrally located area and be easily accessible to all dwellings within the development.
4. Fences may not be located within required open space areas.
5. Landscaping located in common open space areas shall be designed to allow for easy access and use of the space by all residents, and to facilitate maintenance needs. Where feasible, existing mature trees should be retained.
6. Unless the shape or topography of the site precludes the ability to locate units adjacent to the common open space, the following standards must be met:

- a. The open space shall be located so that it will be surrounded by cottages or multiplexes on at least two sides;
 - b. At least 50% of the units in the development shall abut a common open space. A cottage is considered to “abut” an area of open space if there is no structure between the unit and the open space.
7. Surface water management facilities shall be limited within common open space areas. Low Impact Development (LID) features are permitted, provided they do not adversely impact access to or use of the common open space for a variety of activities. Conventional stormwater collection and conveyance tools, such as flow control and/or water quality vaults are permitted if located underground.

c. Shared Detached Garages and Surface Parking Design

Parking areas should be located so their visual presence is minimized, and associated noise or other impacts do not intrude into public spaces. These areas should also maintain the single family character along public streets.

1. Shared detached garage structures may not exceed four garage doors per building, and a total of 1,200 square feet.
2. For shared detached garages, the design of the structure must be similar and compatible to that of the dwelling units within the development.
3. Shared detached garage structures and surface parking areas must be screened from public streets and adjacent residential uses by landscaping or architectural screening.
4. Shared detached garage structures shall be reserved for the parking of vehicles owned by the residents of the development. Storage of items which preclude the use of the parking spaces for vehicles is prohibited.
5. Surface parking areas may not be located in clusters of more than 4 spaces. Clusters must be separated by a distance of at least 20 feet.
6. The design of carports must include roof lines similar and compatible to that of the dwelling units within the development.

d. Low Impact Development

The proposed site design shall incorporate the use of low impact development (LID) strategies to meet stormwater management standards. LID is a set of techniques that mimic natural watershed hydrology by slowing, evaporating/transpiring, and filtering water, which allows water

to soak into the ground closer to its source. The design should seek to meet the following objectives:

1. Preservation of natural hydrology.
2. Reduced impervious surfaces.
3. Treatment of stormwater in numerous small, decentralized structures.
4. Use of natural topography for drainageways and storage areas.
5. Preservation of portions of the site in undisturbed, natural conditions.
6. Reduction of the use of piped systems. Whenever possible, site design should use multifunctional open drainage systems such as vegetated swales or filter strips which also help to fulfill landscaping and open space requirements.

e. Multiplex and Carriage Units within Cottage Projects

Multiplex and carriage units may be included within a cottage housing development. Design of these units should be compatible with that of the cottages included in the project.

f. Variation in Unit Sizes, Building and Site Design

Cottage projects should establish building and site design that promotes variety and visual interest that is compatible with the character of the surrounding neighborhood.

1. Projects should include a mix of unit sizes within a single development.
2. Proposals are encouraged to provide a variety of building styles, features and site design elements within cottage housing communities. Dwellings with the same combination of features and treatments should not be located adjacent to each other.

g. Private Open Space

Open space around individual dwellings should be provided to contribute to the visual appearance of the development, and to promote diversity in landscape design.

h. Pedestrian Flow through Development

Pedestrian connections should link all buildings to the public right of way, common open space and parking areas.

2. Multiplexes not included in Cottage Developments

Duplexes and triplexes are an allowed use on individual lots in the zones listed in Section 113.20. Multiplexes should be consistent in height, bulk, scale and style with surrounding single-family residential uses.

a. Entries

Multiplexes shall maintain the traditional character and quality of detached single-family dwelling units by using design elements such as the appearance of single points of entry addressing the street, pitched roofs, substantial trim around windows, porches and chimneys. Ideally, the multiplex will have no more than one entry on each side of the structure.

b. Low Impact Development (LID)

Projects containing two or more multiplexes shall follow the LID standards set forth in Section 113.35 of this Chapter.

c. Garages and Surface Parking Design

1. Garages and driveways for multiplexes shall meet the standards established in Sections 115.43 and 115.115.5 of this Zoning Code. In addition, no more than three garage doors may be visible on any façade of the multiplex.

2. Surface parking shall be limited to groups of no more than three stalls. Parking areas with more than two stalls must be visually separated from the street, perimeter property lines and common areas through site planning, landscaping or natural screening.

113.40 Median Income Housing

1. Requirement to Provide Median Income Housing – Projects including 10 or more housing units shall be required to provide 10% of the units as affordable to median income households. The level of affordability shall be determined according to the following schedule:

- 10 unit project: 1 unit affordable to households earning 100% of King County Median Income
- 11 unit project: 1 unit affordable to households earning 98% of King County Median Income
- 12 unit project: 1 unit affordable to households earning 96% of King County Median Income
- 13 unit project: 1 unit affordable to households earning 94% of King County Median Income
- 14 unit project: 1 unit affordable to households earning 92% of King County Median Income
- 15 unit project: 1 unit affordable to households earning 90% of King County Median Income

- 16 unit project: 1 unit affordable to households earning 88% of King County Median Income
- 17 unit project: 1 unit affordable to households earning 86% of King County Median Income
- 18 unit project: 1 unit affordable to households earning 84% of King County Median Income
- 19 unit project: 1 unit affordable to households earning 82% of King County Median Income

For projects with 20 units or more, the following schedule will apply:

- 20 unit project: 2 units affordable to households earning 100% of King County Median Income
- 21 unit project: 2 units affordable to households earning 98% of King County Median Income
- 22 unit project: 2 units affordable to households earning 96% of King County Median Income
- 23 unit project: 2 units affordable to households earning 94% of King County Median Income
- 24 unit project: 2 units affordable to households earning 92% of King County Median Income

Median Income dwelling units shall have the same general appearance and use the same exterior materials as the market rate dwelling units, and shall be dispersed throughout the development.

The type of ownership of the median income housing units shall be the same as the type of ownership for the rest of the housing units in the development.

As noted in Section 113.25, any median income units, and any attached garages for the median income units, provided under this section shall not be included in the Floor Area Ratio (FAR) calculation for the development.

2. Agreement for Median Income Housing Units– Prior to issuance of a certificate of occupancy, an agreement in a form acceptable to the City Attorney shall be recorded with King County Department of Records and Elections. The agreement shall address price restrictions, homebuyer or tenant qualifications, long-term affordability, and any other applicable topics of the median income housing units. The agreement shall be a covenant running with the land and shall be binding on the assigns, heirs and successors of the applicant.

Median income housing units that are provided under this section shall remain as median income housing for a minimum of 30 years from the date of initial owner occupancy for ownership median income housing units and for the life of the project for rental median income housing units.

113.45 Review Process

1. Approval Process – Cottage Housing Development

- a. The City will process an application for cottage development through Process I, Chapter 145.
- b. Public notice for developments proposed through this Section shall be as set forth under the provisions of Chapter 150 (Process IIA).

2. Approval Process – Carriage Unit and Multiplex Development

- a. Multiplexes and carriage units that are part of a cottage project shall be reviewed through Process I provided that the number of multiplex and carriage units does not exceed 20% of the total number of units in the project. Noticing requirements shall be as described in paragraph 1.b, above.
- b. All other developments containing carriage and multiplex units shall be reviewed using Process IIA.

3. Approval Process – Requests for Modifications to Standards

- a. Minor Modifications: Applicants may request minor modifications to the general parameters and design standards set forth in this Chapter. The Planning Director or Hearing Examiner may modify the requirements if all of the following criteria are met:
 - i. The site is constrained due to unusual shape, topography, easements or sensitive areas.
 - ii. The modification is consistent with the objectives of this Chapter.
 - iii. The modification will not result in a development that is less compatible with neighboring land uses

4. Review Criteria

- a. In addition to the criteria established for review of development proposals in Chapter 145 and 150, the applicant must demonstrate that:
 - i. The proposal is compatible with and is not larger in scale than surrounding development with respect to size of units, building heights, roof forms, setbacks between adjacent buildings and between buildings and perimeter property lines, number of parking spaces, parking location and screening, access and lot coverage.
 - ii. Any proposed modifications to provisions of this Chapter are important to the success of the proposal as an alternative housing project and are necessary to meet the intent of these regulations.

113.50 Additional Standards

1. Application fees for the Process I or IIA review of the proposed project shall be based on the number of single-family units that would be allowed by the underlying zoning, regardless of the number of units proposed under this Chapter.
2. Impact fees under Kirkland Municipal Code Chapters 27.04 and 27.06 for the proposed project shall be assessed at the rates for multifamily dwelling units, as identified in Appendix A of Kirkland Municipal Code Chapters 27.04 and 27.06.
3. The City's approval of a cottage housing or multiplex housing project does not constitute approval of a subdivision, a short plat, or a binding site plan. A lot that has cottage, carriage or multiplex single family housing may not be subdivided unless all of the requirements of the Zoning Code and Title 22 of the Kirkland Municipal Code are met. A lot containing a multiplex may not be subdivided in a manner that results in the multiplex dwelling units being located on separate lots.

Title 23 ZONING

TABLE OF CONTENTS

Chapter 110	–	Required Public Improvements
Chapter 112	–	Affordable Housing Incentives – Multifamily
Chapter 113	–	Cottage, Carriage and Multiplex Housing
Chapter 115	–	Miscellaneous Use Development and Performance Standards
Chapter 117	–	Personal Wireless Service Facilities
Chapter 120	–	Variances
Chapter 125	–	Planned Unit Development
Chapter 127	–	Temporary Use
Chapter 130	–	Rezone
Chapter 135	–	Amendments to the Text of the Zoning Code
Chapter 140	–	Amendments to the Comprehensive Plan
Chapter 142	–	Design Review
Chapter 145	–	Process I
Chapter 150	–	Process IIA
Chapter 152	–	Process IIB
Chapter 155	–	Process III
Chapter 160	–	Process IV
Chapter 161	–	Process IVA
Chapter 162	–	Nonconformance
Chapter 165	–	Authority
Chapter 170	–	Code Enforcement
Chapter 175	–	Bonds
Chapter 180	–	Plates
Ordinance Table		

Revision to Chapter 5

(Definitions would be incorporated alphabetically into the current set of definitions in the Zoning Code)

Chapter 5 – DEFINITIONS

Sections:

[5.05](#) User Guide

[5.10](#) Definitions

5.05 User Guide

The definitions in this chapter apply for this code.

5.10 Definitions

The following definitions apply throughout this code unless, from the context, another meaning is clearly intended:

1. Cottage – A detached, single-family dwelling unit containing 1,500 square feet or less of gross floor area.
2. Carriage Unit – A single-family dwelling unit, not to exceed 800 square feet in gross floor area, located above a garage structure.
3. Multiplex – A structure containing two dwelling units (duplex) or three dwelling units (triplex), designed to look like a detached single-family home.

Revision to Section 115.115.5

5. Driveways and Parking Areas – Driveways and parking areas are not allowed in required yards except as follows:

a. Detached Dwelling Units, ~~and~~ Duplexes and Triplexes

1) General – Vehicles may be parked in the required front, rear, and north property line yards if parked on a driveway and/or parking area. For the purpose of this section, vehicles are limited to those devices or contrivances which can carry or convey persons or objects and which are equipped as required by federal or state law for operation on public roads. A driveway and/or parking area shall not exceed 20 feet in width in any required front yard, and shall be separated from other hard-surfaced areas located in the required front yard by a landscape strip at least five feet in width. This landscape strip may be interrupted by a walkway or pavers providing a connection from the driveway to other hard-surfaced areas, as long as such walkway or pavers cover no more than 20 percent of the landscape strip. A driveway and/or parking area located in a required front yard shall not be closer than five feet to any side property line (see Plate 14); provided:

- a) That where access to a legally established lot is provided by a panhandle or vehicle access easement measuring less than 20 feet in width, a driveway not exceeding 10 feet in width, generally centered in the panhandle or access easement, shall be permitted (see Plate 14A); and
- b) That any driveway which generally parallels a right-of-way or easement road shall be set back at least five feet from the right-of-way or easement, except for a 20-foot-wide section where the driveway connects with the right-of-way or easement. Such driveway shall not have a width of more than 10 feet within the front or rear yard (see Plate 14B) and shall be separated from other hard-surfaced areas located in the front or rear yard by a landscape strip at least five feet in width. Where more than one driveway is permitted within a front or rear yard, those driveways shall be separated by a landscape strip at least five feet in width.

2) Exception – Driveways and/or parking areas may exceed 20 feet in width if:

- a) The driveway/parking area serves a three-car garage; and
- b) The subject property is at least 60 feet in width; and
- c) The garage(s) is (are) located no more than 40 feet from the front property line; and
- d) The driveway/parking area flares from 20 feet at the property line to a maximum of 30 feet in width.

Attachment 2.c
File ZON07-00005

- 3) The Planning Official may approve a modification to the driveway and/or setback requirements in KZC [115.115](#)(5)(a)(1) if:
 - a) The existing topography of the subject property or the abutting property decreases or eliminates the need for the setback; or
 - b) The location of pre-existing improvements or vegetation on the abutting site eliminates the need for or benefit of a setback; and
 - c) The modification will not have any substantial detrimental effect on abutting properties or the City as a whole.

90.135 Maximum Development Potential

1. Dwelling Units – The maximum potential number of dwelling units for a site which contains a wetland, stream, minor lake, or their buffers shall be the buildable area in square feet divided by the minimum lot area per unit as specified by Chapters [15](#) through 60 KZC, plus the area of the required sensitive area buffer in square feet divided by the minimum lot area per unit as specified by Chapters [15](#) through 60 KZC, multiplied by the development factor derived from subsection (2) of this section:

$$\text{MAXIMUM DWELLING UNIT POTENTIAL} = (\text{BUILDABLE AREA} / \text{THE PRESCRIBED MINIMUM LOT AREA PER UNIT}) + [(\text{BUFFER AREA} / \text{THE PRESCRIBED MINIMUM LOT AREA PER UNIT}) \times (\text{DEVELOPMENT FACTOR})]$$

For purposes of this subsection only, “buildable area” means the total area of the subject property minus sensitive areas and their buffers.

For developments providing affordable housing units pursuant to Chapter [112](#) KZC, or cottage, carriage or multiplex housing units pursuant to Chapter 113, the density bonus and resulting maximum density shall be calculated using the maximum dwelling unit potential of this section as the base to which the bonus units will be added.

For multifamily development, if application of the maximum development potential formula results in a fraction, the number of permitted dwelling units shall be rounded up to the next whole number (unit) if the fraction of the whole number is at least 0.66. For single-family development, if application of the maximum development potential formula results in a fraction, the number of permitted dwelling units (lots) shall not be rounded up, regardless of the fraction. This provision shall not be construed to preclude application of Chapter 22.28 KMC.

Lot size and/or density may be limited by or through other provisions of this code or other applicable law, and the application of the provisions of this chapter may result in the necessity for larger lot sizes or lower density due to inadequate buildable area.

2. Development Factor – The development factor, consisting of a “percent credit,” to be used in computing the maximum potential number of dwelling units for a site which contains a sensitive area buffer is derived from the following table:

**Attachment 3
ZON07-00005**

Percentage of Site in Sensitive Area Buffer			Counted at
< 1	to	10%	100%
> 10	to	20%	90%
> 20	to	30%	80%
> 30	to	40%	70%
> 40	to	50%	60%
> 50	to	60%	50%
> 60	to	70%	40%
> 70	to	80%	30%
> 80	to	90%	20%
> 90	to	100%	10%



Triad Development
701 Third Ave
Seattle, WA 981074

Kirkland City Council
123 5th Ave
Kirkland, WA 98033

To the members of the Kirkland City Council:

Thank you to the City Councilmembers and municipal staff for considering the permitting of cottage housing in Kirkland. As you have already shown with Danielson Grove, cottages are an exciting way to continue to cultivate the already strong sense of community in Kirkland.

We at Triad Development are currently deliberating over a small multi-acre purchase that would be ideal for cottage housing in your city. However, we would like to suggest one addition to the code being considered that would allow us to pursue this project further.

We would ask that you take into account an increase from a maximum of 24 to 48 cottages per development in certain areas if the property adjoins a city designated arterial. We believe that such requirements would ensure minimum traffic impacts on surrounding residents while still protecting the unique nature of cottage housing.

Cottages are sometimes thought to be best in small groups, but in reality, just because the homes are smaller, there is no reason the community needs to be small as well. In fact, we believe that with more cottages built along your design guidelines, the communities can be even more vibrant. For example, Cottage Living magazine recently listed their Top Ten Cottage Communities. All were over 50 homes, some even over 1000! (<http://www.cottageliving.com/cottage/travel/article/0,21135,1196558,00.html>)

Again, thank you for your consideration of cottage housing and we would be happy to answer any questions from the members of the City Council or staff.

Sincerely,

Marco Lowe

Community Development Manager



CITY OF KIRKLAND

Planning and Community Development Department
123 Fifth Avenue, Kirkland, WA 98033 425.587-3225
www.ci.kirkland.wa.us

MEMORANDUM

To: Kirkland City Council

From: Karen Tennyson, Chair Planning Commission

Date: November 7, 2007

Subject: **PLANNING COMMISSION RECOMMENDATION ON PROPOSED AMENDMENTS TO THE KIRKLAND ZONING CODE FOR COTTAGE, CARRIAGE AND MULTIPLEX HOUSING, FILE ZON07-00005**

INTRODUCTION

I am pleased to submit, on behalf of the Planning Commission, the recommended Zoning Code regulations for cottage, carriage and multiplex housing (formerly “Innovative Housing”) for the consideration of the City Council. We believe the proposed amendments will successfully implement the objectives of the City Council, in providing permanent regulations for this housing option in many single family zones throughout the city.

The Planning Commission has been working on the proposed regulations for the past year. If adopted by the City Council the regulations will culminate an effort that began over five years ago to provide more housing choices for a variety of housing types not currently available in single family neighborhoods.

Throughout the process we gathered input from residents, builders, architects, neighborhood associations, ARCH, and the general public. A consultant (Michael Luis of Michael Luis & Associates) was used to conduct an extensive community evaluation of the demonstration projects. We held several study sessions and a public hearing on October 11th. We gave careful consideration to all the input in formulating our recommendations to the City Council.

BACKGROUND DISCUSSION

Key Issues

The Planning Commission has discussed many issues at length throughout our study of the cottage, carriage and multiplex housing regulations. In addition to sharing many concerns with the City Council, such as the need for good design, acceptance of multiple projects within a neighborhood and so forth, the Commission also strived to provide for potential benefits to the public from these projects where possible. Public benefits that we sought to address as we developed the regulations included:

- Community orientation both within projects and to the greater neighborhood beyond the development
- Open space
- Environmental sensitivity

- Affordability

We believe that the design standards that are incorporated into the regulations will ensure that the orientation of entrances and open space will provide a sense of community within the cottage projects, and that the developments will not “turn their backs” on the larger neighborhood. Requirements are established for open space that will provide adequate space for recreation and visual relief as well as provide opportunities to further support the low impact development objectives that are also emphasized in the regulations. Affordability, while not an explicit objective of the program, was also important to the Planning Commission and the community, and we believe we have included incentives that will allow for an element of relative affordability while not detracting from the attractiveness of this option for developers.

The issues that were most challenging for the Planning Commission and our resolution of these issues is summarized as follows:

Unit Sizes

The issue of the size of units has been important throughout our discussions. The advisory group recommended that the cottage and compact single family housing types be combined, and that a 1,500 square foot maximum size be used. We agreed with this conclusion, and understood also that in the case of the Kirkland Bungalows, the 1,500 square foot maximum unit size had resulted in smaller units, since the developer wanted to include attached garages. These units were 1,300 square feet, and included a very tight 200 square foot attached garage.

Based on the recommendations from the advisory group, and input from the developers of the demonstration projects, we concluded that the 1,500 square foot maximum size was appropriate for cottages. We have also included a provision of up to 250 square feet for an attached garage. The same garage size is also established for duplexes (up to 500 square feet total for attached garages), and triplexes (up to 750 square feet total for attached garages).

FAR (Floor Area Ratio)

The conclusions of the advisory group supported the use of FAR as a limiting factor in cottage projects, since it would enable the mixing of different project types and sizes within a single development. The Commission agreed with this approach, but struggled with the specific FAR that would be appropriate for this type of development.

While the standard FAR for traditional single family development is .5, we did not believe this level was appropriate for cottage projects, which would already be granted a significant density bonus. Initial findings from the City's consultant, Michael Luis, indicated that an FAR of .35 might be necessary to compete with traditional development. While we considered this perspective, we also worked to understand the actual FAR that resulted from the two existing cottage developments, which have served as the model for much of our work.

The Danielson Grove and Kirkland Bungalows projects were developed at FARs of approximately .33 and .31 respectively. However, with the increase in size for cottages to 1,500 square feet, and the provision for up to 250 feet for an attached garage, a somewhat higher FAR will likely be needed for a similar development. Input from the developer of Danielson Grove was very useful in our discussions, and helped us to finally settle on the use of an FAR of .35 in the regulations. Our goal is to use a fairly simple formula for determining FAR in these projects, and to include all structures in the FAR calculation.

The discussion regarding affordability follows, but is interrelated to the FAR discussion. We eventually decided to include a “median income” requirement without a bonus in density or FAR, but to allow the square footage of the median income unit to be excluded from the FAR calculation.

Requirement for Median Income Housing

While the Planning Commission understood that the provision of true affordable housing was not an objective of the Innovative Housing program, we felt that some element of affordability has been expected by the neighbors of these projects, and would be a valuable public benefit to include. We eventually concluded that the projects should address “median income” housing, since this may be a more realistic expectation for a detached, single family home.

The proposed regulations include a 10% setaside requirement for projects of 10 or more units, and provide a sliding scale in terms of income level, as the project size increases. In other words, a 10-unit cottage project would be required to provide one unit affordable at 100% of median income, but as the project size increases, and the “lost” income from reduced sales price can be spread over a greater number of market-rate units, the income level for the median income unit would drop. The lowest level of affordability would be achieved in a 19-unit project, where 1 unit affordable to households earning 82% of median income would be required. Once the project contains 20 or more units, two median income units would be required, with the income level beginning again at 100% of median income.

Locations of Projects/Separation Requirements

The interim regulations for innovative housing required that a separation of 1,500 feet be provided between projects approved through the regulations. While this distance was maintained through much of our discussion of regulations for cottage, carriage and multiplex housing, we were also aware of factors that might support variations on the distance needed between projects.

We agreed that some distance may be necessary to preserve the traditional character of a neighborhood, but that this distance may be different for a 24-unit cottage project than for a single, stand-alone multiplex. We also heard concerns from the Houghton Community Council, for example, that the approval of a small 4-unit cottage project could preclude the consideration of a larger project within a 1,500’ radius that might provide a significant source of housing. We eventually settled on a distance restriction that is based on the size of the project:

- 1 to 9 Units: 500’
- 10-19 Units: 1,000’
- 20-24 Units: 1,500’

Standards for multiplexes

While multiplexes were allowed under the interim ordinance, the demonstration projects did not include this housing type. As a result, we discussed the objectives for design standards for these structures at length, and retained a higher level review process for proposals that include more than one stand-alone multiplex. A single multiplex would be reviewed through Process I, while a proposal to develop two duplexes on a parcel, for example, would be reviewed through Process IIA, which requires that a public hearing be held on the proposal.

Design standards for multiplexes emphasize that the structures are to be consistent in height, bulk, scale and style with surrounding single-family residential uses. Standards for the entries and garages are established to ensure that the homes are compatible with surrounding residential design.