



MEMORANDUM

DATE: July 17, 2013

To: Planning Commission

FROM: Jeremy McMahan, Planning Supervisor
Eric Shields, AICP, Planning Director

SUBJECT: Residential Suites KZC Amendments, File No. CAM13-00178

RECOMMENDATION

- Conduct public hearing to receive public testimony on the proposed amendments.
- Deliberate and make a recommendation on the amendments that will be transmitted to the City Council for consideration.

BACKGROUND

In October, 2012, the City Council adopted amendments to the KZC to allow "Residential Suites" within specific Central Business District (CBD) and Totem Lake Business District (TL) zones. Following adoption of the amendments, the City Council requested consideration of additional amendments that would limit the number of Residential Suites projects that could be built in the CBD within a given area. Limitations in TL zones are not of concern.

The Planning Commission conducted a two study sessions to provide direction for draft code amendments. The Commission also directed consideration of establishing minimum common area requirements for Residential Suites projects.

As a reminder, Residential Suites are defined as follows:

A structure containing single room living units with a minimum floor area of 120 square feet and maximum floor area of 350 square feet offered on a monthly basis or longer where residents share bathroom and/or kitchen facilities. "Residential suites" does not include dwelling units, assisted living facility, bed and breakfast house, convalescent center, nursing home, facility housing individuals who are incarcerated as the result of a conviction or other court order, or secure community transition facility. For purposes of zones where minimum density or affordable housing is required, each living unit shall equate to one (1) dwelling unit.

Since the adoption of the regulations, the City has approved one Design Review application for a mixed use project on the Crab Cracker site. No other applications have been submitted.

PROPOSED KZC AMENDMENTS

The draft amendments to Residential Suites requirements are included as Attachment 1.

The components of the draft regulations are outlined and evaluated below:

Adjacency Limits for CBD Zones:

Because this is a new use listing for the City, the intent is to limit the number of units or projects that can be built in the CBD until the City has an opportunity to evaluate the effectiveness of the regulations. The draft code includes the following:

- Establish a cap on the number of residential suites living units allowed in each CBD zone where the use is allowed

The draft code includes a cap of 240 living units per zone. The use is allowed in seven (counting CBD 1A and 1B as two zones) of the ten CBD zones. The cap is selected because the City has approved a project with 226 living units in CBD 7 and there is no intent to make it nonconforming.

- Establish a cap on the number of living units for the entire CBD

The draft code includes a cap of 720 living units. This would allow three projects of magnitude comparable to the approved project in CBD 7 or multiple smaller projects.

- Establish regulations for administration of the limit

The draft code includes provisions to fairly administer the allocation of the units. While there is no indication that the City will receive a rush of permit application, rules need to be in place to ensure that the allowed units are allocated to legitimate permit applicants and "placeholdering" is not allowed.

- Include a sunset clause.

The Planning Commission is interested in making it clear that the limits are intended as a temporary measure to allow time to assess these new regulations. This is accomplished in the draft code by establishing a five-year sunset clause. That provides adequate time for one or more projects to be completed and the City to evaluate and amend the regulations if needed.

Common Area Requirements:

Because the living space in the individual units is small and amenities are limited, the Planning Commission asked that amendments be considered to ensure that these projects provide adequate common areas for residents to use. The most common shared space in these projects is the central kitchen and dining area. Some projects also provide other community space for recreation, entertainment, and arts.

- Establish a minimum amount of common area for Residential Suites projects

The draft code establishes a requirement that projects provide minimum amount of common area of 250 square feet and an additional 20 square feet per living unit. The code includes provisions for what constitutes common area and what elements will not be included in the common area.

Robert Pantley, builder of residential suites projects on the eastside and Seattle, agreed to provide data for four of his projects to use as a comparison basis. The following table illustrates the differences between the projects. The last two columns are intended to show how the draft regulations would compare, depending on the amount of common area per unit.

	Number of living units	Interior common area	Potential at 250 s.f. +10 s.f./unit	Potential at 250 s.f. +20s.f./unit
Tudor Manor (Redmond)	61	915	860	1,470
Emerald 10 (Seattle)	36	612	610	970
Vision (Redmond)	96	4,896	1,210	2,170
Arete (planned, Kirkland)	226	14,364	2,530	4,810

It should be noted each of these projects has been developed to meet a different market and community need. The design and size of the common area reflects those differences. A large project, like that approved for downtown Kirkland, has significant amenities arranged to attract a specific segment of the market. Comparatively, the Tudor Manor project in Redmond is smaller, has fewer amenities, and is likely more affordable as renters are not paying for those amenities.

The City of Seattle is beginning to establish regulations for "micro dwelling units". In the initial draft staff recommendations, Seattle is proposing rules that allow grouping of a maximum of eight micro units and require a minimum 120 square feet of kitchen/common area for each grouping. For comparison, that would establish a requirement of 15 square feet per unit for an eight-unit group.

PUBLIC NOTICE

Pursuant to KZC 160.40, notice of the hearing was published in the official City newspaper, posted on office notice boards, and posted on the City website.

Memo to Planning Commission

July 17, 2013

Page 4 of 4

PUBLIC COMMENT

Attachment 2 provides copies of public comment.

Attachments

1. Draft Regulations
2. Public Comment

DRAFT CODE LANGUAGE

KZC 50.68 Residential Suites Adjacency Restrictions within CBD Zones

Within each of the Central Business District (CBD) zones where Residential Suites are an allowed use, no more than 240 Residential Suite living units are allowed. Within all CBD zones where the use is allowed, not more than a total of 720 Residential Suite living units are allowed. For purposes of administering these restrictions, the following rules are established for City acceptance of applications for projects containing Residential Suites living units:

1. The City will accept complete building permit applications and/or complete Design Response Conference applications for projects until the limit has been reached. At such time as the limit is reached, no additional projects containing Residential Suites living units are allowed and the City will not accept or process any additional applications that would exceed the limit.
2. For projects requiring Design Response Conference review, the applicant shall submit a complete application for a building permit for the approved D.B.R. development within 180 days of the final D.B.R. decision. After 180 days, any application pursuant to subsection 1 shall replace the subject Design Response Conference application.

This section shall terminate as of September 1, 2018.

Add the following Special Regulations

CBD Zones

Developments containing this use shall provide common area available to all residential suite residents. Common area shall consist of shared kitchens, dining areas, and community rooms. Bathrooms, laundries, utility rooms, storage, and hallways shall not be counted as common area. The minimum amount of common area for each project shall be 250 feet plus an additional 20 square feet per living unit.

50.12.085; new Special Regulation 5

50.17.095; new Special Regulation 7

50.27.075; new Special Regulation 7

50.32.085; new Special Regulation 7

50.47.125; new Special Regulation 6

50.52.115; new Special Regulation 8

TL Zones

Developments containing residential suites use shall provide common area available to all residential suite residents. Common area shall consist of shared kitchens, dining areas, and community rooms. Bathrooms, laundries, utility rooms, storage, and hallways shall not be counted as common area. The minimum amount of common area for each project shall be 250 feet plus an additional 20 square feet per living unit.

55.09.040; new Special Regulation 8

55.15.020; new Special Regulation 9

55.21.060; new Special Regulation 5

From: Margaret Bull [mailto:wisteriouswoman@gmail.com]
Sent: Monday, June 17, 2013 10:08 AM
To: Planning Commissioners
Cc: Wisterious Woman
Subject: micro-housing

May 17, 2013

Dear Planning Commission members,

I didn't read all the documents regarding micro-housing so I'm not sure what guidelines Planning Commission decided upon in the last year. Some of the things I'm concerned about you may have already included in the regulations. I think Robert Pantley's new residential suite development looks well planned. My concern is in regard to what will happen when other developers decide to make similar developments but want to cut corners to get the most out of their investment. There have been problems with these types of developments in other parts of the country especially in regards to zoning regulations. What happens when there is a new Planning Commission or City Council that wants greater density housing developments in Kirkland? If the city officials in the future want to force growth in certain neighborhoods, then they will bend to the will of a developer and allow all kinds of concessions. The regulations need to be clear about many things now while micro-housing is fairly new. As a city we don't have enough experience with extreme density to know the impact this type of housing will have on Kirkland.

Just in case you do revisit the residential suite guidelines I wanted to mention the things I think are important:

1. A window in each room should be one that can be opened and is large enough for someone my size to fit through. We see photos of house fires on the news all the time. I think a person should be able to escape out a window or call for help. Also, I remember how stinky my teenagers' small bedrooms were after the windows stayed shut for a couple of days. Fresh air and light are important elements for anyone's healthy living environment but this is especially true when a human being is confined to an extremely small living area. Often building codes state that you need two exits from a room, not necessarily a window that you can escape out of. I have been surprised when I have visited colleges and have seen that many rooms have very narrow windows that can't always be opened. Since the residential suite rooms are about the size of a small dorm room I worry that this might be an issue. In the Pacific Northwest natural light is extremely important for mental health and can also save on energy because artificial light doesn't always need to be used.
2. There should be a clear requirement on how much communal space is provided. It seems inhumane to limit a person's total living area to a dinky bedroom. There should always be some sort of formula for making sure that there is a certain amount of shared living space per person. I don't know what that formula should be but if 8 people are sharing what might otherwise be called an apartment then there needs to be no less than X amount of shared space. I visited one of Robert Pantley's developments in Redmond. I felt that the shared space that I saw was too small for the amount of people

living there. There was no counter or cupboards next to the sink and stove, no refrigerator, no couch, and no chairs. Most college dorms have a shared living space that is quite large—definitely bigger than the size of a bedroom especially if it is serving as kitchen, living room, and entertainment area. The idea that people will save money living in micro-apartments is in some ways fraudulent. Eating out all the time, buying coffee from Starbucks, and purchasing microwave meals is not a wise way for anyone to eat if they are trying to save money. If your refrigerator is half the size of a dishwasher, than you barely have any room for fresh fruits and vegetables.

3. It is important to include some type of parking regulation. Considering the fact that places of employment on the eastside are often not easily accessible by transit especially after rush hour and that many businesses have several campuses that require a worker to drive, I believe that a parking requirement should be no less than .5 spaces per individual tenant in a micro-housing complex. This has been one of the biggest neighborhood problems with this type of living unit in other parts of the country. Even if a person usually takes public transit they may also own a car that stays parked most of the time. Or if they don't own a car, they may likely have friends, family and business associates that visit regularly and need a place close by to park their car. When apartment owners give statistics on how few people in their complexes have cars I am very skeptical. It is a hard thing to survey and get honest answers. In the project I saw in Redmond, tenants had to park in front of another tenant in the garage in an extremely narrow space. This could potentially block them from leaving when they desperately needed to get somewhere. This situation may make it seem like less parking is needed because tenants are forced to park on the street to avoid the chance that they won't have access to their car. When thinking of citizens surviving in a car-free environment it has to be recognized that we really can't predict the future of public transit on the eastside. As budgets are slashed public transit funding dries up. You can't always get to where you need to go. For example, you can't catch a bus home from a business on Willows Road after 6 pm on a week day and never on a Sunday. There has to be parking for those that leave their car parked during the day, those that need their car for work related activities, and for those visiting the tenants of the apartments. In dense downtown living areas near transit centers much of the street parking will already be taken by commuters, current apartment owners and employees of local businesses. Often paid garages may be too expensive for those living in micro-housing.

4. As cities grapple with increasing density and preserving the livability of a neighborhood it is very clear that not enough forethought is going into 'boarding house' style development complexes. Kirkland needs to make sure this type of development is required to pass Design Review Board standards. It is one of the few ways that neighbors can be alerted to a project and be given a chance to influence the design before it turns out to be a huge ugly eyesore across from their living room window.

5. Developers often want concessions from the city when putting in projects that they think the city desperately needs. Micro-housing should not be given any lower set-back standards than other types of apartment living. There needs to be air space around a building such that windows get as much natural light as possible. Natural light cuts down on energy use and helps keep people sane.

I think it is easy to imagine this type of housing in its best form but perhaps we need to imagine it in its worse form and regulate accordingly. I am very supportive of micro-housing if it is well done and rents are actually half the cost of an apartment twice the size. There have been times where I benefitted by shared housing or very tiny living quarters and know other people that have as well. There are some areas of Kirkland that micro-housing is an appropriate solution to growth management targets. But it is one thing to put in 2 well planned attractive affordable micro-housing developments and quite another to allow 10 such developments of varying quality in a neighborhood due to lack of oversight and regulations. I realize you already had several opportunities for the community to contribute comments on high-density development but I'm afraid most people are totally unaware that this type of development may proliferate in Kirkland as part of a growth management plan.

Best Regards,
Margaret Bull
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