



## MEMORANDUM

**DATE:** June 19, 2013

**To:** Planning Commission

**FROM:** Jeremy McMahan, Planning Supervisor

**SUBJECT:** Residential Suites – Adjacency Requirements, File No. CAM13-00178

## RECOMMENDATION

Review draft Kirkland Zoning Code (KZC) amendments that would establish restrictions on the number and/or proximity of Residential Suites projects in the CBD. Based on Planning Commission direction, staff will refine draft regulations and bring them back for a public hearing on July 25<sup>th</sup>.

## 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 Housing Committee of the City Council recommended additional amendments that would limit the number of Residential Suites projects that could be built in the CBD within a given area. The full City Council subsequently directed that such an amendment be considered. Limitations in TL zones are not of concern.

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.

The Planning Commission conducted a study session on February 14, 2013 to review the direction from Council and discuss options. The Commission discussed the following options:

- Restrict the number of projects to one per CBD zone (the use is allowed in six CBD zones, See Attachment 1), or
- Restrict to one project per CBD zone, and establish a three project maximum in the CBD
- Restrict the number of projects to one within an established radius (see Attachment 1), similar to the City's cottage housing rules
- Recommend that the Council not adopt adjacency limits (following a public hearing on the issue)

The Commission also discussed issues around administering the restriction, including:

- Inclusion of a sunset clause to the adjacency limits. The idea would be that the limitations go away after some period of time if/when the Council decides that approved the Residential Suites project(s) are acceptable.
- A mechanism to address "place holding" of projects to ensure that, if there were a permitting race to establish a right to build a residential suites project, there are fair rules for which projects will be accepted and which would be over established limits.

The Commission requested a second study session prior to scheduling the public hearing in order to provide staff with direction on draft code amendments.

### **STAFF RECOMMENDATION**

Staff recommends the following approach for consideration at the public hearing:

- Restrict to one project per CBD zone with a cap of three projects for the entire CBD
- Establish regulations for administration of the limit
- Include a sunset clause

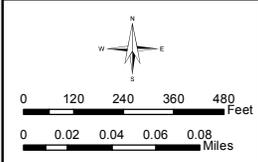
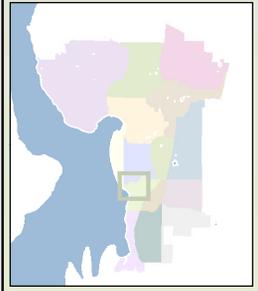
Draft KZC language is included as Attachment 2. Staff will coordinate final language with the City Attorney prior to the public hearing.

### **Attachments**

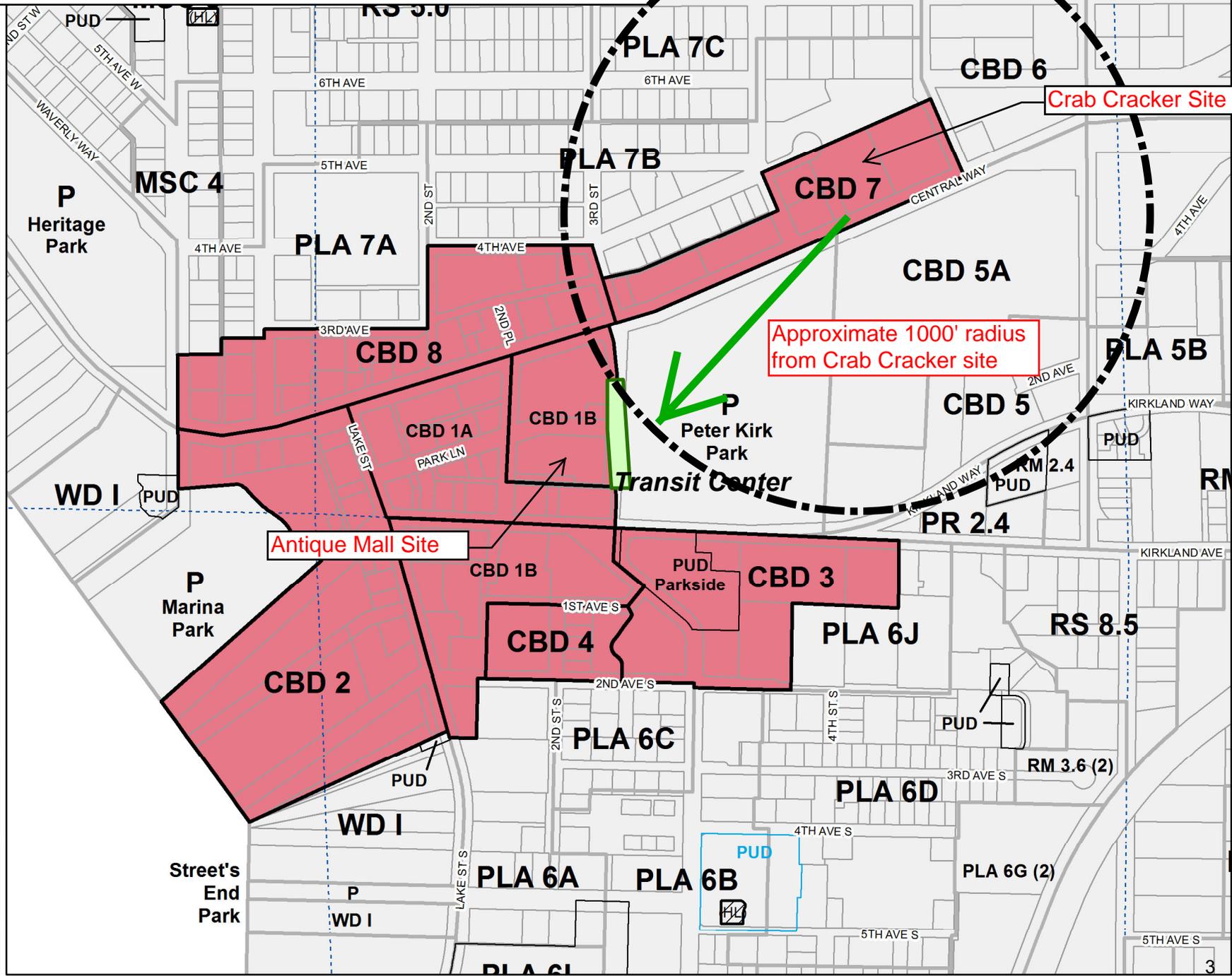
1. CBD Map
2. Draft Code language

# CBD Zones that allow Residential Suites (shown in red)

- Tax Parcel Boundaries
- Commercial



Produced by the City of Kirkland.  
 © 2012, the City of Kirkland, all rights reserved. No warranties of any sort, including but not limited to accuracy, fitness or merchantability, accompany this product.





**DRAFT CODE LANGUAGE****115.\_\_\_\_ Residential Suites Adjacency Restrictions within CBD Zone**

Within the Central Business District (CBD), a maximum of three projects containing Residential Suites are allowed and not more than one project containing Residential Suites is allowed within each CBD zone. For purposes of administering these restrictions, the following rules are established for City acceptance of applications for projects containing Residential Suites:

1. The City will accept not more than one complete building permit application or one complete Design Response Conference application per CBD zone, not to exceed three complete building permits or complete Design Response Conference applications for the entire CBD.
2. For Design Response Conference applications, 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.