



MEMORANDUM

DATE: February 5, 2013

To: Planning Commission

FROM: Jeremy McMahan, Planning Supervisor

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

RECOMMENDATION

Provide staff with direction on potential 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 establish draft regulations and a date for the public hearing.

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.

An example of an adopted use zone chart for the use is included as Attachment 1. Since the adoption of the regulations, the City has received once application for a Conceptual Design Review of a mixed use project on the Crab Cracker site. The Design Response Conference application for the project is expected very soon.

OPTIONS

As staff understands it, the concern of the City Council is that multiple Residential Suites projects could be built in close proximity before the City has an opportunity to evaluate the new regulations. Potential solutions would restrict the quantity and/or proximity of Residential Suites projects. This is similar to current restrictions on cottage housing projects in Kirkland, where a cottage development may not be closer than 500'-1,500' (depending on the number of units in the project) of another cottage development.

The magnitude of the restriction will ultimately be dependent on the perceived magnitude of the problem. Staff suggests the following two options for consideration:

- Restrict the number of Residential Suites projects that may be built in each CBD zone. For example, since the use is allowed in six CBD zones, one project per zone would ensure that no more than six projects are built.
- Restrict the construction of a Residential Suites project within a set radius of another project. For example, Attachment 2 illustrates an approximate 1,000' radius from the Crab Cracker property. At 1,000', only two or three projects could likely be built in the CBD (depending on where a second project might locate). The Commission could direct a greater or lesser radius, depending on the magnitude of the concern. Attachment 2 also indicates the location of the Antique Mall property because it is centrally located and a candidate for redevelopment at some point given the high land value and low improvement value on the site.

ISSUES FOR DISCUSSION

- The Commission should discuss the magnitude of the concern about multiple projects in the CBD. It is difficult to say with certainty how many Residential Suites projects are feasible. There are a limited number of sites in the CBD that are clearly candidates for redevelopment. There are also a limited number of developers currently building this product type. For example, there are currently two sites under development review in the CBD that were submitted after the adoption of the Residential Suites regulations. The Crab Cracker site is proposed for mixed use, including Residential Suites, traditional apartments, and retail. The White Swan site is proposed for mixed use including only apartments and retail.
- The Commission should consider the possibility of multiple projects submitted within the limited adjacency and how to decide which project gets the right to build. This has been a potential issue with the City's cottage regulations where two developers considered submitting adjoining projects. Since cottage projects are reviewed through a Process I zoning permit, the first project in with a complete application would be vested and control the right to build for the life of the vested permit. Because design review does not vest a project in Kirkland, vesting would not occur until submittal of a building permit. This creates the risk to a developer of a much more expensive "race" to establish their right to build.

Staff would suggest a regulation that reserves the right to build for some reasonable time period after filing for the Design Response Conference application.

Attachments

1. Example of Residential Suites Regulations
2. CBD Map

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 50.47	USE ↓ REGULATIONS ↓	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required 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						
.125	Residential Suites	D.R., Chapter 142 KZC.	None	20'	0'	0'	80%	41' above average building elevation.	D	A	See Spec. Reg. 2.	<ol style="list-style-type: none"> 1. This use may be located on the street level floor of a building only if there is a retail space extending a minimum of 30 feet of the building depth between this use and the abutting right-of-way. The Planning Director may approve a reduction to the depth requirement for the retail space if the applicant demonstrates that the proposed configuration of the retail use provides an adequate dimension for a viable retail tenant and provides equivalent or superior visual interest and potential foot traffic as would compliance with the required dimension. 2. For parking managed pursuant to Special Regulation 3, parking shall be provided at a rate of 0.5 per living unit plus one per on-site employee. Otherwise parking shall be provided at a rate of one per living unit plus one per on-site employee and modifications to decrease the requirement are prohibited. See KZC 50.60. 3. The required parking shall be 0.5 per living unit where the parking is managed as follows and the property owner agrees to the following in a form approved by the City and recorded with King County: <ol style="list-style-type: none"> a. Rentals shall be managed such that the total demand for parking does not exceed the available supply of required private parking. If the demand for parking equals or exceeds the supply of required private parking, the property owner shall either restrict occupancy of living units or restrict leasing to only tenants who do not have cars. b. The property owner shall prepare a Transportation Management Plan (TMP) for review and approval by the City and recording with King County. At a minimum, the TMP shall include the following requirements: <ol style="list-style-type: none"> 1) Charge for on-site parking, unbundled from the rent, for tenants who have cars. 2) Bus pass or equivalent alternative transportation mode subsidies for tenants who don't have cars. 3) Lease provisions and monitoring requirements for the property owner to ensure that tenants are not parking off site to avoid parking charges. 4) Adequate secured and sheltered bicycle parking to meet anticipated demand. 5) Designation of a Transportation Coordinator to manage the TMP, provide commute information to all new tenants, and be a point of contact for the City. 6) At the time the project attains 90 percent occupancy, the property owner shall provide an accurate and detailed report of initial resident parking demand and alternative commute travel. The report format shall be reviewed and approved by the City.

REGULATIONS CONTINUED ON NEXT PAGE

Section 50.47

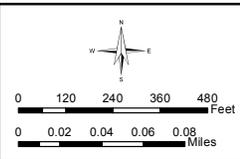
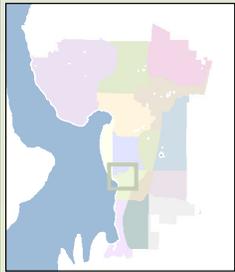
Zone
CBD-7

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS													
Section 50.47	USE ↓ REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required 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							
.125	Residential Suites (continued)									REGULATIONS CONTINUED FROM PREVIOUS PAGE			
										7) Following the initial survey, the property owner shall submit a biennial survey of residents prepared and conducted by a licensed transportation engineer or other qualified professional documenting on-site and potential off-site parking utilization and alternative commute travel. The Planning Director may increase or decrease the frequency of the survey based on the documented success of the TMP. 8) Acknowledgement by the property owner that it shall be a violation of this code for the actual parking demand for the project to exceed the available supply of required parking or to fail to comply with the provisions of the TMP or reporting requirements. c. After one year of project occupancy, the Planning Official may allow a decrease in the required number of spaces if the number of spaces proposed is documented by an adequate and thorough parking demand and utilization study of the property. The study shall be prepared by a licensed transportation engineer or other qualified professional, and shall analyze the operational characteristics of the use which justify a parking reduction. The scope of the study shall be proposed by the transportation engineer and approved by the City traffic engineer. The study shall provide at least two days of data for morning, afternoon and evening hours, or as otherwise approved or required by the City traffic engineer. 4. All residential suites and all required parking within a project shall be under common ownership and management. 5. Development shall be designed, built and certified to achieve or exceed one or more of the following green building standards: Built Green 5 Star certified, LEED Gold certified, or Living Building Challenge certified.			
.130	Public Utility, Government Facility, or Community Facility	D.R., Chapter 142 KZC.	None	20'	0'	0'	80%	41' above average building elevation.	D See Spec. Reg. 1.	B	See KZC 105.25.	1. Landscape Category C is required if the subject property is adjacent to Planned Area 7B. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on nearby uses.	
.140	Public Park	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process.											

CBD Zones that allow Residential Suites (shown in red)

- Tax Parcel Boundaries
- Commercial



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