

# Flag Lot Utilizing Small Lot Single Family Incentives

RS 7.2 -zone



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 created shall meet the following standards:

- (a) Within the RS 6.3 and RS 7.2 zones, the minimum lot size is 5000 square feet.
- (b) Within the RS 8.5 zone, the minimum lot size is 6000 square feet.
- (c) Within the WDII zone, the minimum lot size is 7,200 square feet.
- (d) The narrow portion of a flag lot that is usable only for driveway access to the buildable portion of the lot may not be counted in the lot area.
- (e) 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.

ATTACHMENT <u>6</u>
<i>P.C. memo Small Lot S.F. &amp; Hist. Pres.</i>
<i>Feb 8, 07</i>

**Chapter 75 – HISTORIC LANDMARK OVERLAY ZONE AND HISTORIC RESIDENCE  
DESIGNATION**

Sections:

75.05	User Guide
75.10	Designation – Required Review
75.15	Designation – Who May Apply/Special Fee Provision
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75.40	Effect – Criteria for Alteration
75.45	Effect – Nonconforming Elements
75.47	Effect – Modification of Code Provisions
75.50	Effect – Bonds

75.05 User Guide

This chapter establishes a mechanism 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.

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.

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 75.105.

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.

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75.15 Designation – Who May Apply/Special Fee Provision

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ATTACHMENT 7  
P.C. memo Small Lot S.F. & Hist. Res.  
Feb 8, 06

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

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- 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

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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

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- 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 a historic landmark complies with the conditions of its approval.

75.55 Historic Residence Designation – Required Review

The City will review and decide upon each proposal to designate a home as an Historic Residence using the provisions of Chapter 145 KZC. The Director shall ensure that staff or consultants meeting the Secretary of the Interior's professional qualification standards (Code of Federal Regulations, 36 CFR Part 61), in consultation with the King County Historic Preservation Officer, conduct the assessment to determine eligibility for designation as an historic residence.

75.60 Historic Residence Designation – Who May Apply/Special Fee Provision

The person holding fee title to the subject property in the Market or Norkirk Neighborhoods, may apply to designate a home as an Historic Residence. To the extent that the provisions in this Chapter are inconsistent with the provisions of Chapter 145 KZC, the provisions of this Chapter govern.

75.65 Historic Residence Designation – Criteria

Refer to Section 75.20 except for g) 3).

75.70 Historic Residence Designation – Required Elements of Recommendation

If the City designates an Historic Residence, this approval must include the following information:

1. The boundaries of the area and description of the historic residence, sufficient to identify its location.
2. The significant features of the historic residence to which the restrictions of KZC 75.75 through 75.105 apply.

75.75 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 75.80 through 75.105.
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 75.105. Where a conflict exists, the provisions of this chapter govern.

75.80 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 KMC. The Director shall ensure that staff or consultants meeting the Secretary of the Interior's professional qualification standards (Code of Federal Regulations, 36 CFR Part 61), in consultation with the King County Historic

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Preservation Officer, makes a recommendation upon any proposals to alter a designated historic residence.

75.85 Historic Residence Effect – Criteria for Alteration

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

1. The extent to which the proposed alteration would adversely affect the significant features of an historic residence. Such review shall be based on The Secretary of the Interior's Standards for Rehabilitation in KZC 75.90; 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.

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

*(The following alteration criteria are from **The Secretary of the Interior's Standards for Rehabilitation**. These ten basic principles were 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 related landscape features and the building's site and environment as well as attached, adjacent, or related new construction.*

*Rehabilitation projects must meet the following Standards, as interpreted by the National Park Service, to qualify as "certified rehabilitations" eligible for the 20% rehabilitation tax credit.*

*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.

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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.

75.95 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.

75.100 Historic Residence Effect -- demolition or damage

If an historic residence is demolished or destroyed by fire or for any other reason, a replacement structure's Floor Area Ratio (FAR) shall not exceed .3 or .4.

75.105 Historic Residence Effect -- Bonds

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

**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.

ATTACHMENT <u>8</u>
<i>P.C. memo Small Lot S.F. + Hist. Pres.</i>
<i>FEB 8, 07</i>

RECEIVED

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.	Built 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	

ATTACHMENT 9

P.C. memo Small Lot S.F. + Hist. Pres  
FEB 8, 07

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~~8~~ W (7300 sq. ft. & 8300 sq. ft. respectively) were permitted with less than the 8500 sq. ft. requirement.

Thank you for your consideration.

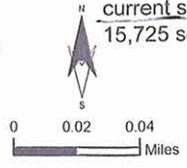
**Market Neighborhood Small Single Family Option  
Undersized Lots Between 14,500 SF and 15,725 SF  
in RS 8.5 Zone**



- 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.)



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ATTACHMENT 9  
Market  
PC Memo 3/17/06