



CITY OF KIRKLAND
Planning and Building Department
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MEMORANDUM

To: Planning Commission

From: Dorian Collins, AICP, Senior Planner
Sean LeRoy, Planner
Adam Weinstein, AICP, Planning and Building Director

Date: February 6, 2020

Subject: Deliberation following public hearing on amendments to Kirkland Zoning Code and Kirkland Municipal Code
Missing Middle Housing: Cottage, Carriage and Two/Three-Unit Homes and Accessory Dwelling Units (ADUs) File Numbers CAM19-00152 and CAM19-00282

Note: please bring the materials provided for the public hearing on January 23, 2020 to the meeting on February 13, 2020; please let staff know if you need additional copies

Staff Recommendation

Begin deliberations from the January 23, 2020 joint public hearing with the Houghton Community Council (HCC) on amendments to the Zoning Code and Municipal Code for [Cottage, Carriage and Two/Three-Unit Homes](#) and [Accessory Dwelling Units](#). Consider the HCC's recommendation to the Planning Commission (PC) (Attachment 1). Staff will have the presentation used for the public hearing available for questions and to facilitate the PC's discussion.

For the Accessory Dwelling Unit (ADU) amendments, minor revisions to the draft code language suggested by the HCC for the purpose of clarity and agreed to by staff appear in Attachment 2. Staff recommends that the PC use this version in its discussion.

For the Cottage, Carriage and Two/Three-Unit Homes amendments, the HCC suggested minor revisions to the draft code language for added clarity. Staff recommends that the PC use Attachment 3 in its deliberation which includes these edits.

Background

On January 23, 2020, a joint public hearing with the HCC was held on the proposed code amendments to Kirkland Zoning Code (KZC) Chapters 5, 113, and 115 and to the Kirkland Subdivision Ordinance (KMC) Chapter 22.28. The purpose of the public hearing was to take public comments on the proposed code amendments.

A chronology of the amendment process to-date appeared in the materials provided for the public hearing for both “missing middle” topics: [Cottage, Carriage and Two/Three-Unit Homes](#) and [Accessory Dwelling Units](#).

Draft amendments related to ADUs are presented in Attachments 2 and 4, with clean copies of the amendments provided in Attachments 5-6.

Draft amendments related to Cottage, Carriage and Two-/Three-Unit homes are presented in Attachment 3, with a clean copy of the amendments provided in Attachment 7.

Houghton Community Council Recommendation

Accessory Dwelling Units

The HCC recommendation to the PC is contained in Attachment 1. In general, the HCC supports the overall objectives of the ADU amendment project and most of the recommended changes to the City’s ADU regulations. The three key issues of concern include the elimination of the requirement for owner occupancy, the number of unrelated occupants allowed to reside on a property, and the proposed changes to the definition of an ADU.

As noted above, the minor text changes recommended by the HCC have been incorporated into the draft amendments (Attachment 2). The changes recommended by the HCC are highlighted in yellow. While the HCC recommended that staff draft an interpretation to the Zoning Code to address the concern related to the Planning Director authorization for exceeding the square footage set forth in Section 115.07.3, staff suggests that new text to address the issue be incorporated instead (see **yellow-highlighted** text). Since Zoning Code Interpretations are eventually codified, it is more efficient to provide the clarifying text during this amendment process.

Staff concern: The HCC recommended that the term “subordinate” be retained in the Zoning Code’s definition for an ADU. Staff recommends that the PC consider retaining “subordinate”, followed by the new term, “residence,” used in staff’s proposed amendment rather than the existing term “dwelling unit” included in the HCC’s proposed edit.

The Zoning Code also includes a definition for “dwelling unit”, as “ One (1) or more rooms or structures providing complete, independent living facilities for one (1) family, including permanent provisions for living, sleeping, cooking and sanitation.” If the term “dwelling unit” is reintroduced into the definition of an ADU, the clarification sought by the elimination of the references to “sleeping, eating, cooking” elsewhere in the definition will be lost. As discussed on pages 9-10 of the [staff memorandum](#) prepared for the public hearing on the amendments, these explicit references to activities that must occur within an ADU make the review of applications challenging and could compromise the accurate counting of ADUs.

Cottage, Carriage and Two/Three-Unit Homes

The HCC areas of concern and recommended changes to the text of the proposed amendments and zoning concepts are discussed in Attachment 1. In general, the HCC supports stand-alone duplexes (but not triplexes) in Houghton jurisdiction, as long as duplexes are not permitted to contain attached ADUs. The three main issues of concern include clarification of specific terms and language explaining zoning concepts, parking requirements based on distance between missing middle housing and high-frequency transit routes.

As noted above, minor changes to the text of the proposed amendments recommended by the HCC are included in the final draft amendments (Attachment 3). The changes recommended by the HCC are highlighted in yellow.

Public Comments

Following public testimony, the PC closed the public hearing for further comments. Additional written public comments received after the packet was provided to the Planning Commission are included as Attachment 8 to this memorandum. The comments were also either provided to the PC prior to the meeting by email, or printed copies were made available at the meeting.

Next Steps

On February 13, 2020, the PC should craft a recommendation to City Council on the proposed amendments, taking into account public input received to-date.

The City Council is expected to consider the recommendation of the PC on March 3, 2020 (and possibly March 17, if two sessions are needed), followed by HCC review for jurisdictional approval on March 23, 2020 or April 27.

Attachments

1. HCC Recommendation to PC
2. ADUs: Draft KZC amendments, revised per HCC direction on 1/27/20
3. MMH: Draft KZC amendments, revised per HCC direction on 1/23/2020 and 1/27/2020
4. ADUs: Draft KMC amendments
5. ADUs: Clean copy of KZC amendments, revised per HCC direction on 1/27/20
6. ADUs: Clean copy of KMC amendments
7. MMH: Clean copy of KZC amendments, with HCC comments incorporated
8. ADUs: Additional public comments received after public hearing packet delivery to PC

cc: CAM19-00282
CAM19-00152
Interested Parties
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MEMORANDUM

To: Kirkland Planning Commission

From: Houghton Community Council

Date: February 6, 2020

Subject: Houghton Community Council Recommendation
 Amendments to Kirkland Zoning Code and Kirkland Municipal Code
 Missing Middle Housing: Cottage, Carriage and Two/Three-Unit Homes
 and Accessory Dwelling Units (ADUs) File Numbers CAM19-00152 and
 CAM19-00282

INTRODUCTION

The Houghton Community Council (HCC) respectfully submits our recommendations to the Kirkland Planning Commission for amendments to the Kirkland Zoning Code (KZC) and Kirkland Municipal Code (KMC) for the two “missing middle” housing efforts. The proposals include changes to KZC Chapters 5 (Definitions), 20 (Medium-Density Residential Zones), 25 (High-Density Residential Zones), 113 (Cottage, Carriage and Two/Three-Unit Homes), 115 (Miscellaneous Use Development and Performance Standards) and KMC Chapter 22.28 (Subdivisions). The HCC has considered all of the thoughtful public testimony received over the course of this project, both in writing and at the January 23 public hearing. Overall, we appreciate efforts to support choice and diversity in Kirkland’s housing stock.

KEY ISSUES AND RECOMMENDATIONS

Cottage, Carriage and Two/Three-Unit Homes

We agree with many of staff’s proposed amendments designed to incentivize further development of missing middle housing projects. However, there are a few provisions in the draft code we do not support. In addition to this, we recommend changes to certain portions of the text of the draft code that we feel will add clarity and consistency of use. Overall, HCC supports duplexes (but not triplexes) in single-family neighborhoods, assuming duplexes do not include ADUs, and the associated regulations include other amendments as outlined below.

- Clarification of specific terms and language explaining zoning concepts, utilized in various points of the proposed draft code.

HCC Concern: We recommend revising certain sections of the proposed code, in

order to clarify intent, purpose and references. These various recommended changes include (but are not limited to):

- Clarify the terms “unit” and “units”, specifying which missing middle housing typology is intended and whether or not the number of buildings or actual dwelling units are intended;
 - Utilize the term “base zoning standards” or similar where staff’s intent is to regulate missing middle housing through the underlying zoning for single-family residences, to ensure KZC 113 will consistently reflect any future changes in the underlying zoning;
 - Improve the example of calculating density equivalents in KZC 113.25, see proposed footnote 7;
 - Elaborate on design standards for cottage projects, clarifying what is meant by “variation in unit size, building and site design”, see proposed KZC 113.35.1.b, and KZC 113.35.1.b.(1);
 - Move references to the applicability of zoning standards in the jurisdiction of the Houghton Community Council to the bottom of the section in which they occur, see proposed KZC 113.35.2.b.(2).
- Specific zoning concepts
 - Parking requirements based on distance between missing middle housing and high-frequency transit routes.

HCC Concern: We recommend reducing parking requirements for missing middle housing only within ¼ mile (and not ½ mile) of high-frequency transit. This change will acknowledge and better serve the needs of residents with mobility challenges. It is not anticipated that this change will have a significant adverse impact to the creation of missing middle housing development.

- Standalone Duplexes/Triplexes in Single-Family Zones

HCC Concern: Locating three-unit homes in neighborhoods zoned for single-family residences will detract from the special character of those neighborhoods. Further, allowing ADUs within this housing type would exacerbate their impacts. ADUs with triplexes could result in as many as six dwelling units on one single-family lot. Even a duplex with two ADUs results in a fourplex on a single-family lot. While we initially did not support duplexes or triplexes in single-family zones, we reconsidered our recommendation based on compelling public testimony and our desire to help find housing solutions. Ultimately, we believe that duplexes without ADUs should be allowed in single-family zones.

The HCC recommends minor revisions to the proposed amendments in KZC 113:

- Clarify and revise proposed language as listed above in relevant sections of Chapter 113 of the Kirkland Zoning Code.

- Parking Requirements (KZC 113.25, Chart): Revise the distance of missing middle housing developments relative to high-frequency transit from staff recommendation of 1/2 mile to 1/4 mile.
- Max Unit Size (KZC 113.25 Chart and Footnote 1) – Allow duplexes as standalone units. ADUs, whether attached or detached should not be permitted as part of a standalone duplex.

Accessory Dwelling Units (ADUs)

While we are in agreement with the majority of the proposed changes, there are several provisions in the draft code that we do not support. Based on our deliberations, these are regulations that the HCC will not support within single family neighborhoods:

- Elimination of the owner occupancy requirement in KZC Section 115.07.2.

HCC Concern: We believe that an ADU should be accessory to the primary dwelling unit, and the presence of the property owner as a resident in one of the units significantly reduces the probability of adverse impacts on their neighbors. The owner will be personally impacted by illegal or objectionable behavior by their tenants. They are more likely to be attentive to the appearance and upkeep of their property if they are living there. They also are a direct conduit for their neighbors to address concerns with any adverse impacts. We recommend the addition of a “hardship option” to this section to accommodate circumstances that an owner may encounter that require an absence from the property.

- Increase in the number of unrelated occupants to reside on a property with one or more ADUs in Section 115.07.1.

HCC Concern: We believe that the proposed increase in the number of unrelated people that may reside on a property with one or more ADUs is not warranted. We also believe that adverse impacts, such as an increase in off-site parking demand, are likely to result from this increase. Therefore, we recommend that the number of unrelated people permitted to occupy a single-family property be limited to five persons. This is not a very restrictive limitation when the calculation of five unrelated people counts an unlimited number of related people as one person.

- Revision to the definition of Accessory Dwelling Unit in Section 5.10.017.

HCC Concern: In order to convey the character of an ADU as secondary to the main residence, we believe that the reference to an ADU as a “subordinate” dwelling unit in the definition is important to retain. Instead of the proposed amendment, we propose the following revision to the definition:

The HCC recommends the minor revisions to the text shown below to provide clarity:

.017 Accessory Dwelling Unit

A subordinate dwelling unit added to, created within, or detached from a single-family ~~structured~~dwelling, that provides basic requirements for living, ~~sleeping, eating, cooking~~ and sanitation that are independent from the primary dwelling unit.

- Section 115.07 Accessory Dwelling Units:
 - a. 115.07.2: Subdivision: Revise the text to provide clarity. Toward the beginning of the sentence, insert “property containing a” between “A” and “detached” to clarify that the reference to subdivision applies to the property and not the dwelling unit.
 - b. 115.07.3 - Size: Provide a Zoning Code Interpretation to establish criteria for eligible situations in which the Planning Director will authorize increased square footage in accordance with this section. In the absence of an interpretation, we are concerned that applicants may request approval of overly large attached ADUs where flexibility is not necessary.
 - c. 115.07.4 – Location: Revise the text to provide clarity. Insert “An” and strike “The” at the beginning of the sentence to clarify that the reference is to any ADU and not to one specific ADU.

CONCLUSION

The Houghton Community Council appreciates the dedication of the Planning Commission, community members, and staff in addressing housing issues through the missing middle code amendments. We hope that our collaborative efforts will produce a balanced approach to expanding options and housing choices for the Kirkland community.

Proposed amendments with HCC-recommended text changes

115.07 Accessory Dwelling Units

~~Two~~ ~~One~~ (24) accessory dwelling units (ADUs), including only one attached ADU and only one detached ADU are permitted per is permitted as subordinate to a single-family dwelling; provided, that an accessory dwelling unit shall not be considered a “dwelling unit” in the context of Special Regulations in Chapters 15 through 56 KZC which limit the number of detached dwelling units on each lot to one (1) provided, that the following criteria are met: Accessory dwelling units must be consistent with the following standards:

~~1. 4.~~ Number of Occupants – The total number of occupants in the principal dwelling unit and the ADUs combined ~~may~~shall not exceed the maximum number established for a single-family dwelling as defined in KZC ~~5.10.300~~as follows:

- a. For lots with one ADU, the total number of unrelated persons living in both the primary dwelling unit and the ADU may not exceed eight, and
- b. For lots with two ADUs, the total number of unrelated persons living in all units may not exceed twelve.

~~2. Owner Occupancy~~ One (1) of the units must be the principal residence of the property owner(s).

~~23. Subdivision~~ – A property containing a detached a~~Accessory dwelling units~~ shall not be subdivided but may be or otherwise segregated in ownership from the principal dwelling unit.

~~34. Scale~~ Size –

~~a. Attached ADU: The square footage of the accessory dwelling unit shall not exceed 40 percent of the primary residence and accessory dwelling unit combined. If the accessory unit is completely located on a single floor, the Planning Director may allow increased size in order to efficiently use all floor area. Garages, sheds and outbuildings are excluded from the square footage calculation for the primary residence and the ADU.~~

~~b. Detached ADU:~~

~~1) An accessory dwelling unit will be considered to be “detached” from the principal unit if it has any of the following characteristics:~~

~~a) It does not share a common roof structure with the principal unit.~~

~~b) It is not integrated into the footprint of the principal unit.~~

Proposed amendments with HCC-recommended text changes

~~e) The design is inconsistent with the existing roof pitch, siding treatment, and window style of the principal unit.~~

~~2) The square footage of the detached ADU shall not exceed 1,200 the lesser of 800 square feet of gross floor area. For attached ADUs, if the accessory unit is completely located within existing gross floor area on a single floor, the Planning Director may allow increased size in order to efficiently use all floor area, or 40 percent of the primary residence and accessory unit combined. Garages, sheds and outbuildings are excluded from the square footage calculation for the primary residence and the ADU. When calculating the square footage of the ADU see KZC 5.10.340, definition of "gross floor area." The gross floor area shall not include:~~

~~1. a) Area with less than five (5) feet of ceiling height, as measured between the finished floor and the supporting members for the roof.~~

~~2. b) Covered exterior elements such as decks and porches; provided, the total size of all such covered exterior elements does not exceed 200 square feet. See KZC 115.08 for additional size and height limitations.~~

~~45. Location. AnThe accessory dwelling unit may be added to or included within the principal unit, or located in a detached structure. Detached accessory dwelling units located on lots approved using the historic preservation subdivision regulations must be located behind the historic residence. Detached structures Accessory dwelling units must conform with the setbacks, height restrictions, lot coverage and other applicable zoning regulations required for single-family dwellings in the applicable use zone; except as modified by KZC 115.42 and KZC 115.115.3.o. In addition, detached accessory dwelling units must be fully contained in a separate structure that is detached from and located at least five (5) feet from the principal unit and any attached accessory dwelling unit. A detached accessory dwelling unit may not share a common roof structure with the principal unit and/or attached accessory dwelling unit. provided, that an accessory dwelling unit shall not be considered a "dwelling unit" in the context of Special Regulations in Chapters 15 through 56 KZC which limit the number of detached dwelling units on each lot to one (1).~~

~~56. Entrances. The primary entrance to the accessory dwelling unit shall be located in such a manner as to be clearly secondary to the main entrance to the principal unit and shall not detract from or alter the single-family character of the principal unit.~~

Proposed amendments with HCC-recommended text changes

~~67.~~ Parking. On lots with more than one accessory dwelling unit. There shall be one (1) off-street parking space provided unless: for the accessory dwelling unit:

a. On-street parking is available within 600 feet of the subject property or

b. The property is located within one-quarter mile of transit service with 15-minute headways during commute hours.

~~8. Small Lot Single Family and Historic Preservation Subdivisions. Accessory dwelling units are prohibited on lots smaller than the required minimum lot size approved using the small lot single family and historic preservation subdivision regulations contained in KMC 22.28.042 and 22.28.048.~~

~~79.~~ Applicable Codes. The portion of a single-family dwelling in which an accessory dwelling unit is proposed must comply with all standards for health and safety contained in all applicable codes, with the following exception for ceiling height. Space need not meet current International Building Code (IBC) ceiling height requirements if it was legally constructed as habitable space.

~~840.~~ Permitting

a. Application

- 1) The property owner shall apply for an accessory dwelling unit permit with the Planning and Building Department. The application shall include an affidavit signed by the property owner agreeing to all the general requirements outlined in this section.

In the event that proposed improvements in the accessory dwelling unit do not require a building permit, a registration form for the unit must be completed and submitted to the Planning and Building Department.

- 2) The registration form as required by the City shall include a property covenant. The covenant must be filed by the property owner with the City for recording with the King County Recorder's Office to indicate the presence of the accessory dwelling unit, and reference to other standards outlined in this section. The covenant shall run with the land as long as the accessory dwelling unit is maintained on the property.
- 3) If an ADU was or is created without being part of a project for which a building permit was or is finalized, an ADU inspection will be required for issuance of an ADU permit. The

Proposed amendments with HCC-recommended text changes

ADU inspection fee will cover a physical inspection of the ADU. This fee will be waived if the ADU existed on January 1, 1995, and the ADU permit is applied for by December 31, 1995.

b. Eliminating an Accessory Dwelling Unit – Elimination of a registered accessory dwelling unit may be accomplished by the owner filing a certificate with the Planning and Building Department, or may occur as a result of enforcement action.

c. Appeals. The decision of the Planning Official is appealable using the applicable appeal provisions of Chapter 145 KZC.

(Ord. 4491 §§ 3, 11, 2015; Ord. 4476 § 3, 2015; Ord. 4408 § 1, 2013; Ord. 4372 § 1, 2012; Ord. 4320 § 1, 2011; Ord. 4286 § 1, 2011; Ord. 4252 § 1, 2010; Ord. 4193 § 1, 2009; Ord. 4102 § 2, 2007; Ord. 4072 § 1, 2007)

115.42 Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Residential Zones and Attached Dwelling Units in PLA 3C

The intent of these F.A.R. regulations is to limit the perceived bulk and mass of residential structures as they relate to the right-of-way and adjacent properties and to ensure houses are proportional to lot size. The design incentives in subsection (4) of this section are provided to encourage more interesting design and location of building massing toward the center of each lot, away from neighboring properties.

neighboring properties.

1. Gross floor area for purposes of calculating F.A.R. and maximum floor area for detached dwelling units in low density residential zones and attached dwelling units in PLA 3C shall include the entire area within the exterior walls for each level of the structure. It shall also include the area of all carports, measured as the area of the carport roof. It shall not include the following:

- a. Attic area with less than five (5) feet of ceiling height, as measured between the finished floor and the supporting members for the roof.
- b. Floor area with a ceiling height less than six (6) feet above finished grade. The ceiling height will be measured to the top of the structural members for the floor above. The finished grade will be measured along the outside perimeter of the building (see Plate 23). For window wells, finished grade will be measured at the outside perimeter of a window well only when it is designed and constructed to the minimum dimensions required by the current building code adopted by the City of Kirkland.
- c. On lots less than 8,500 square feet, the first 500 square feet of an accessory dwelling unit or garage contained in an accessory structure, when such accessory structure is located more than 20 feet from and behind the main structure, or 10 feet from and behind the main structure if the accessory structure contains an accessory dwelling unit (see subsection (3) of this section for additional information on the required distance between structures); provided, that the entire area of an accessory structure, for which a building permit was issued prior to March 6, 2007, shall not be included in the gross floor area used to calculate F.A.R. For purposes of this section, "behind" means located behind an imaginary plane drawn at the back of the main structure at the farthest point from, and parallel to, the street or access easement serving the residence.

d. On lots greater than or equal to 8,500 square feet, the first 800 square feet of an accessory dwelling unit or garage contained in an accessory structure, when such accessory structure is located more than 20 feet from and behind the main structure, or 10 feet from and behind the main structure if the accessory structure contains an accessory dwelling unit (see subsection (3) of this section for additional information on the required distance between structures); provided, that the entire area of an accessory structure, for which a building permit was issued prior to March 6, 2007, shall not be included in the gross floor area used to calculate F.A.R.

e. Uncovered decks, and covered decks, porches, and walkways that are open on at least three (3) sides or have a minimum 50 percent of the perimeter of the deck, porch, or walkway open. Deck, porch, or walkway perimeters with the following characteristics are considered open:

- 1) Have no walls of any height; and
- 2) Have no guard rails taller than the minimum height required by the Building Code.

f. One (1) exemption of 100 square feet if the dwelling unit has an internal staircase and/or an area with a ceiling height greater than 16 feet.

2. Floor area with a ceiling height greater than 16 feet shall be calculated at twice the actual floor area toward allowable F.A.R. The ceiling height for these areas will be measured to the top of the structural members for the floor above or, if there is no floor above, to the bottom of the structural members for the roof.

3. Separate structures will be regulated as one (1) structure if any elements of the structures, except for the elements listed in subsection (3)(b) of this section, are closer than 20 feet to each other, or closer than 10 feet if the structures contain an accessory dwelling unit.

a. Two (2) structures connected by a breezeway or walkway will be regulated as one (1) structure if any element of the breezeway or walkway is higher than 10 feet above finished grade.

b. Elements of structures that may be closer than 20 feet to each other, or ten feet if the structures contain an accessory dwelling unit, are:

- 1) Elements of a structure no higher than 18 inches above finished grade;
- 2) Chimneys, bay windows, greenhouse windows, eaves, cornices, awnings and canopies extending no more than 18 inches from the wall of a structure;

- 3) Stairs extending no more than five (5) feet from the wall of a structure;
- 4) For structures not containing an accessory dwelling unit, porches extending no more than five (5) feet from the wall of a structure if:
 - i) The porch is no higher than one (1) story and the finished floor of the porch is no more than four (4) feet above finished grade;
 - ii) Three (3) sides of the porch are open other than railings and solid walls no higher than 42 inches;
 - iii) No deck, balcony, or living area is placed on the roof of the porch;
 - iv) The length of the porch does not exceed 50 percent of the wall of the structure to which it is attached;
 - v) Porch eaves may extend an additional 18 inches from the edge of the porch.

115.115 Required Yards

Section 115.115.3 – Structures and Improvements:

o. In low density [residential zones](#):

1) Detached garages, including second [story](#) uses, utilizing an alley for their [primary vehicular access](#) may be located within five (5) feet of the rear [property line](#), if:

- a) Garage doors will not extend over the [property line](#) when open; and
- b) The garage complies with KZC [115.135](#), which regulates sight distance at intersections.

2) Detached garages, including second [story](#) uses, utilizing an alley for their [primary vehicular access](#) may extend to the rear [property line](#), if:

- a) The lot is 50 feet wide at the rear [property line](#) on the alley;
- b) The garage has side access with garage doors that are perpendicular to the alley;
- c) The garage eaves do not extend over the [property line](#); and
- d) The garage complies with KZC [115.135](#), which regulates sight distance at intersections.

3) Garages [and detached accessory dwelling units](#) without alley access may be located within five (5) feet of the rear [property line](#); provided, that:

- a) The portion of the structure that is located within the required rear yard is no taller than 15 feet above [average building elevation](#); and
- b) The rear yard does not abut an access [easement](#) that is regulated as a rear [property line](#).

[4\) Detached Accessory Dwelling Units may be located within five \(5\) feet of an alley.](#)

.017 Accessory Dwelling Unit

A subordinate dwelling unit residence added to, created within, or detached from a single-family structure, that provides basic requirements for living, ~~sleeping, eating, cooking~~ and sanitation that are independent from the primary dwelling unit.

Chapter 113 – COTTAGE, CARRIAGE AND TWO/THREE-UNIT HOMES

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~~Development Chart for Cottages, Carriage Units and Two/Three-Unit Homes

[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 two/three-unit homes ~~or you wish to participate in the City's decision on a project including these types of housing units~~, you should read this chapter.

(~~Ord. xxxx, 2020~~; Ord. 4152 § 1, 2008; Ord. 4120 § 1, 2007)

113.10 ~~Voluntary~~ Provisions and Intent

The provisions of this chapter are available as alternatives to the development of typical detached single-family homes. In the event of a conflict between the standards in this chapter and the standards in KZC 15-~~or 17~~, the standards in this chapter shall ~~control~~take precedence. These standards are intended to address ~~the changing composition of households, and~~ the need for smaller, more diverse compact, and often, more affordable housing choices in neighborhoods characterized by single-family homes. Providing for a variety of housing types in single-family zones also encourages innovation and diversity-variety in housing design and site development, while ensuring compatibility with surrounding single-family residential development uses.

([Ord. xxxx, 2020](#); Ord. 4152 § 1, 2008; Ord. 4120 § 1, 2007)

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~~ 1,700 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 in a cottage housing development.
3. Two/Three-Unit Home – A structure containing two (2) dwelling units or three (3) dwelling units, designed to look like a detached single-family home.

([Ord. xxxx, 2020](#); Ord. 4152 § 1, 2008; Ord. 4120 § 1, 2007)

113.20 Applicable Use Zones

The housing types described in this chapter are allowed in single-family zones as defined in KZC 05.10.490 – Low Density Zones may be used only in the following low density zones: RSA 4, RSA 6, RS 7.2, RSX 7.2, RS 8.5, RSX 8.5, RS 12.5 and RSX 12.5 (see KZC [113.25](#) for further standards regarding location of these housing types).

([Ord. xxxx, 2020](#); Ord. 4196 § 1, 2009; Ord. 4152 § 1, 2008; Ord. 4120 § 1, 2007)

113.25 Parameters Development Chart for Cottages, Carriage Units and Two/Three-Unit Homes

Please refer to KZC [113.30](#), [113.35](#) and [113.40](#) for additional requirements related to these standards.

	Cottage	Carriage	Two-/Three-Unit Home <u>Home</u>
Max Unit Size ±	1,500 <u>1,700</u> square feet <u>1,2</u>	800 square feet <u>located above a garage structure in a cottage housing development</u>	<u>Maximum size of a two- or three-unit home is determined by the floor area ratio (FAR) in the underlying zone 3</u> 1,000 square-foot average unit size Structure total ⁴ : <u>Two Unit: 2,000 s.f. square feet</u> <u>Three Unit: 3,000 s.f.</u>

	Cottage	Carriage	Two-/Three-Unit Home 1 Home
Density	Two (2) times the maximum number of a detached dwelling unit units allowed in the underlying zone 4, 5, 6, 7, &		
Max Floor Area Ratio (F.A.R.) 8 9	.35 Allow the same FAR as- Equal to the base zoning allowance for single-family residences		
Development Size 9	Min. 4 2 units Max. 24 units Maximum cluster 10 : 12 units	Allowed when included in a cottage project; reviewed as part of cottage project:	No development size limitation Must be limited to either one (1) two-unit home or one (1) three-unit home, or be part of a cottage development, unless approved through Process IA, Chapter 150 KZC.
Review Process	Process I None		None Single two-unit home or single three-unit home: Process I 11 Development containing more than one two-unit or one three-unit home (other than a cottage project): Process IA 12
Location	Developments containing cottage, carriage and/or two/three-unit homes may not be located closer than the distance noted below to another development approved under the provisions of this chapter or under Ordinance 3856: 1 to 9 Units: 500' 10 — 19 Units: 1,000' 20 — 24 Units: 1,500'		
Minimum Lot Size	Beyond density restrictions, there is no required minimum lot size for lots created through the subdivision process. (The number of allowed units on the subject property is determined by the density provision of this chart.)		
Parking Requirements 10	Provided a development is within ½ mile of transit service with 15-minute headways during commute hours: 1 space per unit Provided a development is more than ½ -mile from transit service with 15-minute headways during commute hours: Units which are 1,000 square feet or less = 1 space per unit Units which are over 1,000 square feet = 1.5 spaces per unit		

	Cottage	Carriage	Two-/Three-Unit Home Home
	<p><u>See KZC 105.20 for visitor parking</u></p> <p><u>One Attached ADU = no additional on-site space required</u></p> <p><u>Units under 700 square feet: 1 space per unit</u></p> <p><u>Units between 700—1,000 square feet: 1.5 spaces per unit</u></p> <p><u>Units over 1,000 square feet: 2 spaces per unit.</u></p> <p><u>Must be provided on the subject property.</u></p>		
Minimum Required Yards (from exterior property lines of subject property)	<p>Front: 20'</p> <p><u>Side: 5'</u></p> <p><u>Rear: 10'</u></p> <p><u>Other: 10'</u></p>	<p>Must be included in a cottage project.</p>	<p>Front: 20'</p> <p><u>Side: 5'</u></p> <p><u>Rear: 10'</u></p> <p><u>Other: 10'</u></p>
Lot coverage (all impervious surfaces) <u>11</u>	<p><u>Equal to the base zoning allowance for single-family residences</u></p> <p>50%</p>	<p>Must be included in a cottage project.</p>	<p><u>Equal to the base zoning allowance for single-family residences</u></p> <p>50%</p>
Height	<p><u>Equal to the base zoning allowance for single-family residences</u></p>		
<u>Dwelling Units</u>	<p><u>Equal to the base zoning allowance for single-family residences</u></p>		
Dwelling Units	<p>25' (RS Zones) and 27' (RSA and 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.</p>		
Accessory Structures	<p>One (1) story, not to exceed 18' above A.B.E.</p>		
Tree Retention	<p>The tree retention plan standards contained in KZC 95.30 shall apply to development approved under this chapter.</p>		
Common Open Space	<p><u>300 square feet per unit for cottage developments of containing 5 or more units and not required for duplexes or triplex</u>400 square feet per unit.</p> <p><u>Can be reduced to 200 square feet per unit if a permanent recreational/communal feature, such as cooking facilities, play equipment or permanent outdoor furniture is provided</u></p> <p>Private open space is also encouraged (see KZC 113.35).</p>		

	Cottage	Carriage	Two-/Three-Unit Home 1 Home
Community Buildings	Community buildings are encouraged. See KZC 113.30 for further regulations-		
Attached Covered Porches 12	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-	<u>NA</u>	<u>Attached covered porches are encouraged as a design feature</u>
Development Options	Subdivision Condominium Rental or Ownership		
Accessory Dwelling Units (ADUs)	Not permitted as part of a cottage, carriage or two/three-unit home development. Allow attached ADUs as part of a cottage, carriage or two-/three-unit home development		

~~1— Within the jurisdiction of the Houghton Community Council, this housing type is only allowed where it is included in a cottage project.~~

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~~ 1,700 square feet. A cottage may include an attached garage, not to exceed an additional 250 square feet, and is not included in the maximum square footage limitation.

34 Maximum size for a two- or three-unit home: is

a. Regulated by the floor area ratio (FAR) of the underlying zone. In the disapproval jurisdiction of the Houghton Community Council, where FAR is not applicable, maximum unit size is limited to applicable development regulations found in the underlying zone. 2,000 square feet. A two-unit home may include an attached garage, not to exceed an additional 500 square feet. The maximum size for a three-unit home is 3,000 square feet. A three-unit home may include an attached garage, not to exceed an additional 750 square feet.

~~45—~~ Existing detached dwelling units may remain on the subject property and will be counted as units.

56 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.

67 See KZC 90.170 for density calculation on a site which contains a wetland, stream, minor lake, or their buffers.

78 To determine equivalent units for a two- or three-unit home, the following formula will be used: Lot area/min. lot size per unit in underlying zone x 2 = maximum units (always round down to nearest whole number). Example (RS 7.2 zone): $12,500/7,200 = 1.7 \times 2 = 3.4$ units, rounded down to 3 units $10,800/7200 = 1.5 \times 2 = 3$ units

89 FAR regulations:

a. FAR regulations are calculated using the “buildable area” of the site, as defined in KZC 90.170. Where no critical areas regulated under Chapter 90 KZC exist on the site, FAR regulations shall be calculated using the entire subject property, except as provided in subsection (b) of this footnote.

b. Where Native Growth Protective Easements (NGPEs) for slopes result in a restricted area for development, density may be limited to ensure that the FAR on the developed portion of the site remains compatible with surrounding development and generally consistent with the FAR limitation of this chapter.

c. FAR for individual lots may vary. All structures on site, other than median income units and any attached garages for the median income units provided under KZC 113.40, shall be included in the FAR calculation for the development.

940 Cluster size for cottage developments, is intended to encourage a sense of community among residents. A development site may contain more than one (1) cluster, with a clear separation between clusters.

~~11—Stand-alone two/three-unit homes are not allowed within the jurisdiction of the Houghton Community Council.~~

~~12—See KZC 113.45. Carriage units and two/three-unit homes may be included within a cottage housing proposal to be reviewed through Process I; provided, that the number of two/three-unit homes and carriage units does not exceed 20 percent of the total number of units in the project.~~

10 See KZC 105.20 for requirements related to guest parking.

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

12 Requirements for porches do not apply to carriage or two-/three-unit homes.

The subsection (KZC 113.25 footnote 3 (float area ratio, FAR) is not effective within the disapproval jurisdiction of the Houghton Community Council.

(Ord. xxxx, 2020; Ord. 4551 § 4, 2017; Ord. 4238 § 2, 2010; Ord. 4196 § 1, 2009; Ord. 4152 § 1, 2008; Ord. 4120 § 1, 2007)

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 (1) 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.

(Ord. xxxx, 201920 , Ord. 4152 § 1, 2008; Ord. 4120 § 1, 2007)

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, creating variety and visual interest that is compatible with the character of the surrounding neighborhood., ~~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 facade, such as a primary or secondary entrance or porch, oriented to the public right-of-way. If a dwelling unit abuts more than one (1) public right-of way, the City shall determine to which right-of-way the inviting facade shall be oriented.

b. Variation in unit size, 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) ~~Proposals for cottage developments are encouraged to provide a variety of building styles, features and site diversity in design elements within cottage housing communities. Dwellings with the same combination of features and treatments should not be located adjacent to each other.~~

cb. 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.

Common open space shall meet the following standards:

1) ~~For cottage developments containing 5 or more units, provide a total of 300 square feet per unit; provided that the total square footage of common open space for cottage developments of 5 or more units, may be reduced to 200 square feet if a permanent recreational/communal feature is provided.~~

2) Each area of common open space shall be in one (1) contiguous and usable piece with a minimum dimension of 20 feet on all sides.

3) ~~Land located between dwelling units and an abutting right-of-way or access easement greater than 21 feet in width may not serve as required common open space, unless the area is reserved as a separate tract, and does not contain pathways leading to individual units or other elements that detract from its appearance and function as a shared space for all residents.~~

4) ~~Required common open space may be divided into no more than two (2) separate areas per cluster of dwelling units.~~

5) ~~Common open space shall be located in a centrally located area and be easily accessible to all dwellings within the development.~~

6) ~~Fences may not be located within required open space areas.~~

7) ~~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.~~

8) ~~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 two/three-unit homes on at least two (2) sides;
- b) At least 50 percent 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.

98) 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.

de. 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 (4) 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 four (4) spaces. Clusters must be separated by a distance of at least 20-10 feet.
- 6) The design of carports must include roof lines similar and compatible to that of the dwelling units within the development.

ed. Low Impact Development

Projects constructed under KZC 113 shall include Low Impact Development techniques when feasible, pursuant to the adopted City of Kirkland Surface Water Manual. 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.~~

~~f.~~ Two/Three-Unit Homes and Carriage Units within Cottage Projects

Two/three-unit homes 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. Two/Three-Unit Homes Not Included in Cottage Developments

Two and three-unit homes are an allowed use on individual lots in the zones listed in KZC [113.20](#). These homes should be consistent in height, bulk, scale and style with surrounding single-family residential uses.

a. To maintain and reflect the traditional character of single-family dwelling units, projects shall include the following design elements:

(1) Façade modulation

(2) Entry features that are dominant elements facing the street; and

(3) Utilization of a variety of high-quality materials reflected in the surrounding neighborhood

b. In addition to the three (3) required design elements, applicants shall choose two (2) other design options from the following list:

(1) Architectural articulation in walls and roofs;

(2) Covered entry porch;

(3) Second story step back or modulation; and

(4) Minimize the appearance of garages on the front façade by

(5) Providing garages in the rear yard;

(6) Recessing the garage from the remainder of the façade;

(7) Employing roof forms compatible with surrounding single-family residences

(1) Entries

~~Two and three-unit homes 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 multiple-unit home will have no more than one (1) entry on each side of the structure.~~

b. Low Impact Development (LID)

Projects constructed under this chapter shall provide Low Impact Development techniques if feasible pursuant to the adopted City of Kirkland Surface Water Manual. Projects containing two (2) or more two/three-unit homes shall follow the LID standards set forth in this section.

c. Garages and Surface Parking Design

1) Garages and driveways for two/three-unit homes shall meet the standards established in KZC 115.43 and 115.115(5). In addition, no more than three (3) garage doors may be visible on any facade of the structure.

2) Surface parking shall be limited to groups of no more than three (3) stalls. Parking areas with more than two (2) stalls must be visually separated **by at least a distance of 10 feet** from the

street, perimeter property lines and common areas through site planning, landscaping or natural screening.

([Ord. xxxx, 2020](#), Ord. 4152 § 1, 2008; Ord. 4120 § 1, 2007)

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 percent 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 KZC [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 (F.A.R.) 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 Recorder’s Office. 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 50 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.

([Ord. xxxx, 2020](#); Ord. 4491 § 11, 2015; Ord. 4152 § 1, 2008; Ord. 4120 § 1, 2007)

~~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 KZC.~~

~~b. Public notice for developments proposed through this section shall be as set forth under the provisions of Chapter 150 KZC (Process II A).~~

~~2. Approval Process – Carriage Unit and Two/Three-Unit Home Development~~

~~a. Single two/three-unit homes shall be reviewed through Process I. Developments containing two/three-unit homes and carriage units that are part of a cottage project shall also be reviewed through Process I; provided, that the number of two/three-unit homes and carriage units does not exceed 20 percent of the total number of units in the project. Noticing requirements shall be as described in subsection (1)(b) of this section.~~

~~b. All other developments containing carriage and two/three-unit homes 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:~~

~~1) The site is constrained due to unusual shape, topography, easement or critical areas.~~

~~2) The modification is consistent with the objectives of this chapter.~~

~~3) 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 Chapters 145 and 150 KZC, the applicant must demonstrate that:~~

~~1) 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.~~

~~2) 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.~~

~~(Ord. xxxx, 2019, Ord. 4551 § 4, 2017; Ord. 4372 § 1, 2012; Ord. 4152 § 1, 2008; Ord. 4120 § 1, 2007)~~

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.~~

1.2. 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.

2. 3.—The City’s approval of a cottage housing or two/three-unit home development does not constitute approval of a subdivision or short plat. An applicant wishing to subdivide in connection with a development under this chapter shall seek approval to do so concurrently with the approval process under this chapter. To the extent there is a conflict between the standards set forth in the chapter and Title 22 of the Kirkland Municipal Code, the standards set forth in this chapter shall control. A lot that has existing cottage, carriage or two/three-unit homes 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 two/three-unit home may not be subdivided in a manner that results in the dwelling units being located on separate lots.~~

(Ord. xxxx, 2020; Ord. 4152 § 1, 2008; Ord. 4120 § 1, 2007)

DRAFT**22.28.042 Lots—Small lot single-family.** Amended Ord. 4706

Within the RS and RSX 6.3, 7.2 and 8.5 zones, for those subdivisions not subject to the lot size flexibility provisions of Sections [22.28.030](#) and [22.28.040](#), low impact development provisions of Section [22.28.041](#), and historic preservation provisions of Section [22.28.048](#), the minimum lot area shall be deemed to be met if at least one-half of the lots created contain no less than the minimum lot size required in the zoning district in which the property is located. The remaining lots may contain less than the minimum required lot size; provided, that such lots meet the following standards:

- (a) Within the RS 6.3, RSX and RS 7.2 zones, the lots shall be at least five thousand square feet.
- (b) Within the RSX and RS 8.5 zones, the lots shall be at least six thousand square feet.
- (c) *Repealed by Ord. 4438.*
- (d) The floor area ratio (FAR) shall not exceed thirty percent of lot size; provided, that FAR may be increased up to thirty-five percent of the lot size if the following criteria are met:
 - (1) The primary roof form of all structures on the site is peaked, with a minimum pitch of four feet vertical to twelve feet horizontal; and
 - (2) All structures are set back from side property lines by at least seven and one-half feet.
- (e) The FAR restriction shall be recorded on the face of the plat.

~~(f) Accessory dwelling units are prohibited. This restriction shall be recorded on the face of the plat.~~ (Ord. 4438 § 1 (Att. A) (part), 2014: Ord. 4372 § 2 (Att. B) (part), 2012: Ord. 4332 § 1(C) (Exh. C), 2011: Ord. 4330 § 1 (Exh. A), 2011: Ord. 4102 § 1(A), 2007)

22.28.048 Lots—Historic preservation.  

Within the low density zones listed below in subsections (a) through (d) of this section, for those subdivisions not subject to the lot size flexibility provisions of Sections [22.28.030](#) and [22.28.040](#), low impact development provisions of Section [22.28.041](#), and the small lot single-family provisions of Section [22.28.042](#), 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 an “historic residence” is

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preserved on one of the lots, pursuant to the process described in Chapter [75](#) KZC. The lots containing less than the minimum required lot area shall meet the following standards:

- (a) Within the RSA 6, RS 6.3 and RS and RSX 7.2 zones, the lots shall be at least five thousand square feet.
- (b) Within the RSA 4, RS 8.5 and RSX 8.5 zones, the lots shall be at least six thousand square feet.
- (c) Within the RS 12.5, RSX 12.5 and WDII zones, the lots shall be at least seven thousand two hundred square feet.
- (d) Within the RS and RSX 35 zones not located north or northeast of the Bridle Trails State Park, the lots shall be at least fifteen thousand fifty square feet.
- (e) *Repealed by Ord. 4438.*

~~(f) Accessory dwelling units are prohibited. The restriction shall be recorded on the face of the plat.~~

Lots containing historic residences shall also meet the following standards:

- (g) If a historic residence is destroyed, damaged, relocated, or altered inconsistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties (Rehabilitation) (Code of Federal Regulations, [36](#) CFR Part [68](#)), the replacement structure shall be reconstructed in accordance with the criteria established in KZC [75.105](#). The replacement restriction shall be recorded on the face of the plat.
- (h) As part of subdivision approval, the city may allow the following modifications to regulations in the Kirkland Zoning Code regarding minimum required yards, maximum lot coverage, and floor area ratio on the lot containing the historic residence if the modifications are necessary to accommodate the historic residence.
 - (1) Required yards may be two feet less than required by the zoning district as shown on the Kirkland zoning map.
 - (2) Floor area ratio may be five percentage points more than allowed by the zoning district as shown on the Kirkland zoning map.
 - (3) Lot coverage may be five percentage points more than allowed by the zoning district as shown on the Kirkland zoning map.

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(i) At the time of recording the plat, a notice of applicable restrictions for the lot containing the designated historic residence shall be recorded. (Ord. 4438 § 1 (Att. A) (part), 2014: Ord. 4372 § 2 (Att. B) (part), 2012: Ord. 4102 § 1(B), 2007)

115.07 Accessory Dwelling Units

Two (2) accessory dwelling units (ADUs), including only one attached ADU and only one detached ADU are permitted per single-family dwelling; provided, that an accessory dwelling unit shall not be considered a “dwelling unit” in the context of Special Regulations in Chapters 15 through 56 KZC which limit the number of detached dwelling units on each lot to one (1): Accessory dwelling units must be consistent with the following standards:

1. Number of Occupants – The total number of occupants in the principal dwelling unit and the ADU combined may exceed the maximum number established for a single-family dwelling as defined in KZC 5.10.300 as follows:
 - a. For lots with one ADU, the total number of unrelated persons living in both the primary dwelling unit and the ADU may not exceed eight, and
 - b. For lots with two ADUs, the total number of unrelated persons living in all units may not exceed twelve.

2. Subdivision – A property containing a detached accessory dwelling unit shall not be subdivided but may be segregated in ownership from the principal dwelling unit.

3. Size – The square footage of the ADU shall not exceed 1,200 square feet of gross floor area. For attached ADUs, if the accessory unit is completely located within existing gross floor area on a single floor, the Planning Director may allow increased size in order to efficiently use all floor area. When calculating the square footage of the ADU see KZC 5.10.340, definition of “gross floor area.” The gross floor area shall not include:
 1. Area with less than five (5) feet of ceiling height, as measured between the finished floor and the supporting members for the roof.
 2. Covered exterior elements such as decks and porches; provided, the total size of all such covered exterior elements does not exceed 200 square feet. See KZC 115.08 for additional size and height limitations.

4. Location. An accessory dwelling unit may be added to or included within the principal unit, or located in a detached structure. Detached accessory dwelling units located on lots approved using the historic preservation subdivision regulations must be located behind the historic residence. Accessory dwelling units must conform with the setbacks, height restrictions, lot coverage and other applicable zoning regulations required for single-family dwellings in the applicable use zone; except as modified by KZC 115.42

and KZC 115.115.3.o. In addition, detached accessory dwelling units must be fully contained in a separate structure that is detached from and located at least five (5) feet from the principal unit and any attached accessory dwelling unit. A detached accessory dwelling unit may not share a common roof structure with the principal unit and/or attached accessory dwelling unit.

5. Entrances. The primary entrance to the accessory dwelling unit shall be located in such a manner as to be clearly secondary to the main entrance to the principal unit and shall not detract from or alter the single-family character of the principal unit.

6. Parking. On lots with more than one accessory dwelling unit, there shall be one (1) off-street parking space provided unless:

- a. On-street parking is available within 600 feet of the subject property or
- b. The property is located within one-quarter mile of transit service with 15-minute headways during commute hours.

7. Applicable Codes. The portion of a single-family dwelling in which an accessory dwelling unit is proposed must comply with all standards for health and safety contained in all applicable codes, with the following exception for ceiling height. Space need not meet current International Building Code (IBC) ceiling height requirements if it was legally constructed as habitable space.

8. Permitting

a. Application

- 1) The property owner shall apply for an accessory dwelling unit permit with the Planning and Building Department. The application shall include an affidavit signed by the property owner agreeing to all the general requirements outlined in this section.

In the event that proposed improvements in the accessory dwelling unit do not require a building permit, a registration form for the unit must be completed and submitted to the Planning and Building Department.

- 2) The registration form as required by the City shall include a property covenant. The covenant must be filed by the property owner with the City for recording with the King County Recorder's Office to indicate the presence of the accessory dwelling unit, and

reference to other standards outlined in this section. The covenant shall run with the land as long as the accessory dwelling unit is maintained on the property.

3) If an ADU was or is created without being part of a project for which a building permit was or is finalized, an ADU inspection will be required for issuance of an ADU permit. The ADU inspection fee will cover a physical inspection of the ADU. This fee will be waived if the ADU existed on January 1, 1995, and the ADU permit is applied for by December 31, 1995.

b. Eliminating an Accessory Dwelling Unit – Elimination of a registered accessory dwelling unit may be accomplished by the owner filing a certificate with the Planning and Building Department, or may occur as a result of enforcement action.

c. Appeals. The decision of the Planning Official is appealable using the applicable appeal provisions of Chapter 145 KZC.

(Ord. 4491 §§ 3, 11, 2015; Ord. 4476 § 3, 2015; Ord. 4408 § 1, 2013; Ord. 4372 § 1, 2012; Ord. 4320 § 1, 2011; Ord. 4286 § 1, 2011; Ord. 4252 § 1, 2010; Ord. 4193 § 1, 2009; Ord. 4102 § 2, 2007; Ord. 4072 § 1, 2007)

115.42 Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Residential Zones and Attached Dwelling Units in PLA 3C

The intent of these F.A.R. regulations is to limit the perceived bulk and mass of residential structures as they relate to the right-of-way and adjacent properties and to ensure houses are proportional to lot size. The design incentives in subsection (4) of this section are provided to encourage more interesting design and location of building massing toward the center of each lot, away from neighboring properties.

neighboring properties.

1. Gross floor area for purposes of calculating F.A.R. and maximum floor area for detached dwelling units in low density residential zones and attached dwelling units in PLA 3C shall include the entire area within the exterior walls for each level of the structure. It shall also include the area of all carports, measured as the area of the carport roof. It shall not include the following:

- a. Attic area with less than five (5) feet of ceiling height, as measured between the finished floor and the supporting members for the roof.
- b. Floor area with a ceiling height less than six (6) feet above finished grade. The ceiling height will be measured to the top of the structural members for the floor above. The finished grade will be measured along the outside perimeter of the building (see Plate 23). For window wells, finished grade will be measured at the outside perimeter of a window well only when it is designed and constructed to the minimum dimensions required by the current building code adopted by the City of Kirkland.
- c. On lots less than 8,500 square feet, the first 500 square feet of an accessory dwelling unit or garage contained in an accessory structure, when such accessory structure is located more than 20 feet from and behind the main structure, or 10 feet from and behind the main structure if the accessory structure contains an accessory dwelling unit (see subsection (3) of this section for additional information on the required distance between structures); provided, that the entire area of an accessory structure, for which a building permit was issued prior to March 6, 2007, shall not be included in the gross floor area used to calculate F.A.R. For purposes of this section, "behind" means located behind an imaginary plane drawn at the back of the main structure at the farthest point from, and parallel to, the street or access easement serving the residence.

- d. On lots greater than or equal to 8,500 square feet, the first 800 square feet of an accessory dwelling unit or garage contained in an accessory structure, when such accessory structure is located more than 20 feet from and behind the main structure, or 10 feet from and behind the main structure if the accessory structure contains an accessory dwelling unit (see subsection (3) of this section for additional information on the required distance between structures); provided, that the entire area of an accessory structure, for which a building permit was issued prior to March 6, 2007, shall not be included in the gross floor area used to calculate F.A.R.
- e. Uncovered decks, and covered decks, porches, and walkways that are open on at least three (3) sides or have a minimum 50 percent of the perimeter of the deck, porch, or walkway open. Deck, porch, or walkway perimeters with the following characteristics are considered open:
- 1) Have no walls of any height; and
 - 2) Have no guard rails taller than the minimum height required by the Building Code.
- f. One (1) exemption of 100 square feet if the dwelling unit has an internal staircase and/or an area with a ceiling height greater than 16 feet.
2. Floor area with a ceiling height greater than 16 feet shall be calculated at twice the actual floor area toward allowable F.A.R. The ceiling height for these areas will be measured to the top of the structural members for the floor above or, if there is no floor above, to the bottom of the structural members for the roof.
3. Separate structures will be regulated as one (1) structure if any elements of the structures, except for the elements listed in subsection (3)(b) of this section, are closer than 20 feet to each other, or closer than 10 feet if the structures contain an accessory dwelling unit.
- a. Two (2) structures connected by a breezeway or walkway will be regulated as one (1) structure if any element of the breezeway or walkway is higher than 10 feet above finished grade.
- b. Elements of structures that may be closer than 20 feet to each other, or ten feet if the structures contain an accessory dwelling unit, are:
- 1) Elements of a structure no higher than 18 inches above finished grade;
 - 2) Chimneys, bay windows, greenhouse windows, eaves, cornices, awnings and canopies extending no more than 18 inches from the wall of a structure;

- 3) Stairs extending no more than five (5) feet from the wall of a structure;
- 4) For structures not containing an accessory dwelling unit, porches extending no more than five (5) feet from the wall of a structure if:
 - i) The porch is no higher than one (1) story and the finished floor of the porch is no more than four (4) feet above finished grade;
 - ii) Three (3) sides of the porch are open other than railings and solid walls no higher than 42 inches;
 - iii) No deck, balcony, or living area is placed on the roof of the porch;
 - iv) The length of the porch does not exceed 50 percent of the wall of the structure to which it is attached;
 - v) Porch eaves may extend an additional 18 inches from the edge of the porch.

115.115 Required Yards

Section 115.115.3 – Structures and Improvements:

o. In low density [residential zones](#):

- 1) Detached garages, including second [story](#) uses, utilizing an alley for their [primary vehicular access](#) may be located within five (5) feet of the rear [property line](#), if:
 - a) Garage doors will not extend over the [property line](#) when open; and
 - b) The garage complies with KZC [115.135](#), which regulates sight distance at intersections.
- 2) Detached garages, including second [story](#) uses, utilizing an alley for their [primary vehicular access](#) may extend to the rear [property line](#), if:
 - a) The lot is 50 feet wide at the rear [property line](#) on the alley;
 - b) The garage has side access with garage doors that are perpendicular to the alley;
 - c) The garage eaves do not extend over the [property line](#); and
 - d) The garage complies with KZC [115.135](#), which regulates sight distance at intersections.
- 3) Garages and detached accessory dwelling units without alley access may be located within five (5) feet of the rear [property line](#); provided, that:
 - a) The portion of the structure that is located within the required rear yard is no taller than 15 feet above [average building elevation](#); and
 - b) The rear yard does not abut an access [easement](#) that is regulated as a rear [property line](#).
- 4) Detached Accessory Dwelling Units may be located within five (5) feet of an alley.

.017 Accessory Dwelling Unit

A residence added to, created within, or detached from a single-family structure, that provides basic requirements for living and sanitation that are independent from the primary dwelling unit.

22.28.042 Lots—Small lot single-family. Amended Ord. 4706

Within the RS and RSX 6.3, 7.2 and 8.5 zones, for those subdivisions not subject to the lot size flexibility provisions of Sections [22.28.030](#) and [22.28.040](#), low impact development provisions of Section [22.28.041](#), and historic preservation provisions of Section [22.28.048](#), the minimum lot area shall be deemed to be met if at least one-half of the lots created contain no less than the minimum lot size required in the zoning district in which the property is located. The remaining lots may contain less than the minimum required lot size; provided, that such lots meet the following standards:

- (a) Within the RS 6.3, RSX and RS 7.2 zones, the lots shall be at least five thousand square feet.
- (b) Within the RSX and RS 8.5 zones, the lots shall be at least six thousand square feet.
- (c) *Repealed by Ord. 4438.*
- (d) The floor area ratio (FAR) shall not exceed thirty percent of lot size; provided, that FAR may be increased up to thirty-five percent of the lot size if the following criteria are met:
 - (1) The primary roof form of all structures on the site is peaked, with a minimum pitch of four feet vertical to twelve feet horizontal; and
 - (2) All structures are set back from side property lines by at least seven and one-half feet.
- (e) The FAR restriction shall be recorded on the face of the plat.

. . . (Ord. 4438 § 1 (Att. A) (part), 2014: Ord. 4372 § 2 (Att. B) (part), 2012: Ord. 4332 § 1(C) (Exh. C), 2011: Ord. 4330 § 1 (Exh. A), 2011: Ord. 4102 § 1(A), 2007)

22.28.048 Lots—Historic preservation.

Within the low density zones listed below in subsections (a) through (d) of this section, for those subdivisions not subject to the lot size flexibility provisions of Sections [22.28.030](#) and [22.28.040](#), low impact development provisions of Section [22.28.041](#), and the small lot single-family provisions of Section [22.28.042](#), 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 an “historic residence” is preserved on one of the lots, pursuant to the process described in Chapter [75](#) KZC. The lots containing less than the minimum required lot area shall meet the following standards:

- (a) Within the RSA 6, RS 6.3 and RS and RSX 7.2 zones, the lots shall be at least five thousand square feet.
- (b) Within the RSA 4, RS 8.5 and RSX 8.5 zones, the lots shall be at least six thousand square feet.
- (c) Within the RS 12.5, RSX 12.5 and WDII zones, the lots shall be at least seven thousand two hundred square feet.
- (d) Within the RS and RSX 35 zones not located north or northeast of the Bridle Trails State Park, the lots shall be at least fifteen thousand fifty square feet.
- (e) *Repealed by Ord. 4438.*

Lots containing historic residences shall also meet the following standards:

- (g) If a historic residence is destroyed, damaged, relocated, or altered inconsistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties (Rehabilitation) (Code of Federal Regulations, [36 CFR Part 68](#)), the replacement structure shall be reconstructed in accordance with the criteria established in KZC [75.105](#). The replacement restriction shall be recorded on the face of the plat.
- (h) As part of subdivision approval, the city may allow the following modifications to regulations in the Kirkland Zoning Code regarding minimum required yards, maximum lot coverage, and floor area ratio on the lot containing the historic residence if the modifications are necessary to accommodate the historic residence.
 - (1) Required yards may be two feet less than required by the zoning district as shown on the Kirkland zoning map.
 - (2) Floor area ratio may be five percentage points more than allowed by the zoning district as shown on the Kirkland zoning map.
 - (3) Lot coverage may be five percentage points more than allowed by the zoning district as shown on the Kirkland zoning map.
- (i) At the time of recording the plat, a notice of applicable restrictions for the lot containing the designated historic residence shall be recorded. (Ord. 4438 § 1 (Att. A) (part), 2014: Ord. 4372 § 2 (Att. B) (part), 2012: Ord. 4102 § 1(B), 2007)

Chapter 113 – COTTAGE, CARRIAGE AND TWO/THREE-UNIT HOMES

Sections:

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[113.10](#) Provisions and Intent

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[113.20](#) Applicable Use Zones

[113.25](#) Development Chart for Cottages, Carriage Units and Two/Three-Unit Homes

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

[113.35](#) Design Standards and Guidelines

[113.40](#) Median Income Housing

[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 two/three-unit homes, you should read this chapter.

(Ord. xxxx, 2020; Ord. 4152 § 1, 2008; Ord. 4120 § 1, 2007)

113.10 Provisions and Intent

The provisions of this chapter are available as alternatives to the development of typical detached single-family homes. In the event of a conflict between the standards in this chapter and the standards in KZC 15, the standards in this chapter shall take precedence. These standards are intended to address the need for smaller, more compact, and often, more affordable housing choices in neighborhoods characterized by single-family homes. Providing for a variety of housing types in single-family zones also encourages innovation and variety in housing design and site development, while ensuring compatibility with surrounding single-family residential uses.

(Ord. xxxx, 2020; Ord. 4152 § 1, 2008; Ord. 4120 § 1, 2007)

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 1,700 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 in a cottage housing development.
3. Two/Three-Unit Home – A structure containing two (2) dwelling units or three (3) dwelling units, designed to look like a detached single-family home.

(Ord. xxxx, 2020; Ord. 4152 § 1, 2008; Ord. 4120 § 1, 2007)

113.20 Applicable Use Zones

The housing types described in this chapter are allowed in single-family zones as defined in KZC 5.10.490 – Low Density Zones (see KZC [113.25](#) for further standards regarding location of these housing types).

(Ord. xxxx, 2020; Ord. 4196 § 1, 2009; Ord. 4152 § 1, 2008; Ord. 4120 § 1, 2007)

113.25 Development Chart for Cottages, Carriage Units and Two/Three-Unit Homes

Please refer to KZC [113.30](#), [113.35](#) and [113.40](#) for additional requirements related to these standards.

	Cottage	Carriage	Two-/Three-Unit Home
Max Unit Size	1,700 square feet 1,2	800 square feet located above a garage structure in a cottage housing development	Maximum size of a two- or three-unit home is determined by the floor area ratio (FAR) in the underlying zone 3
Density	Two (2) times the maximum number of a detached dwelling unit allowed in the underlying zone 4, 5, 6, 7,		

	Cottage	Carriage	Two-/Three-Unit Home
Max Floor Area Ratio (F.A.R.) 8	Equal to the base zoning allowance for single-family residences		
Development Size 9	Min. 2 units Max. 24 units	Allowed when included in a cottage project; reviewed as part of cottage project	No development size limitation
	Maximum cluster: 12 units		
Review Process	None		None
Minimum Lot Size	Beyond density restrictions, there is no required minimum lot size for lots created through the subdivision process. (The number of allowed units on the subject property is determined by the density provision of this chart.)		
Parking Requirements 10	<p>Provided a development is within ½ mile of transit service with 15-minute headways during commute hours: 1 space per unit</p> <p>Provided a development is more than ½ mile from transit service with 15-minute headways during commute hours:</p> <p>Units which are 1,000 square feet or less = 1 space per unit</p> <p>Units which are over 1,000 square feet = 1.5 spaces per unit</p> <p>See KZC 105.20 for visitor parking</p> <p>One attached ADU = no additional on-site space required</p>		
Minimum Required Yards (from exterior property lines of subject property)	Front: 20' Side: 5'	Must be included in a cottage project	Front: 20' Side: 5'

	Cottage	Carriage	Two-/Three-Unit Home
	Rear: 10'		Rear: 10'
Lot coverage (all impervious surfaces) 11	Equal to the base zoning allowance for single-family residences	Must be included in a cottage project	Equal to the base zoning allowance for single-family residences
Height	Equal to the base zoning allowance for single-family residences		
Dwelling Units			
Accessory Structures			
Tree Retention	The tree retention plan standards contained in KZC 95.30 shall apply to development approved under this chapter		
Common Open Space	300 square feet per unit for cottage developments containing 5 or more units and not required for duplexes or triplex Can be reduced to 200 square feet per unit if a permanent recreational/communal feature, such as cooking facilities, play equipment or permanent outdoor furniture is provided Private open space is also encouraged (see KZC 113.35)		
Community Buildings	Community buildings are encouraged. See KZC 113.30 for further regulations		
Attached Covered Porches ¹²	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	NA	Attached covered porches are encouraged as a design feature
Development Options	Subdivision Condominium Rental or Ownership		
Accessory Dwelling Units (ADUs)	Allow attached ADUs as part of a cottage or two-/three-unit home development		

- 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 1,700 square feet. A cottage may include an attached garage, not to exceed an additional 250 square feet, and is not included in the maximum square footage limitation.
- 3 Maximum size for a two- or three-unit home:
 - a. Regulated by the floor area ratio (FAR) of the underlying zone. In the disapproval jurisdiction of the Houghton Community Council, where FAR is not applicable, maximum unit size is limited to applicable development regulations found in the underlying zone.
- 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 See KZC 90.170 for density calculation on a site which contains a wetland, stream, minor lake, or their buffers.
- 7 To determine equivalent units for a two- or three-unit home, the following formula will be used: $\text{Lot area}/\text{min. lot size per unit in underlying zone} \times 2 = \text{maximum units (always round down to nearest whole number)}$. Example (RS 7.2 zone): $12,500/7,200 = 1.7 \times 2 = 3.4$ units, rounded down to 3 units
- 8 FAR regulations:
 - a. FAR regulations are calculated using the “buildable area” of the site, as defined in KZC 90.170. Where no critical areas regulated under Chapter 90 KZC exist on the site, FAR regulations shall be calculated using the entire subject property, except as provided in subsection (b) of this footnote.
 - b. Where Native Growth Protective Easements (NGPEs) for slopes result in a restricted area for development, density may be limited to ensure that the FAR on the developed portion of the site remains compatible with surrounding development and generally consistent with the FAR limitation of this chapter.
 - c. FAR for individual lots may vary. All structures on site, other than median income units and any attached garages for the median income units provided under KZC [113.40](#), shall be included in the FAR calculation for the development.
- 9 **Cluster size for cottage developments**, is intended to encourage a sense of community among residents. A development site may contain more than one (1) cluster, with a clear separation between clusters.

- 10 See KZC 105.20 for requirements related to guest parking.
- 11 Lot coverage is calculated using the entire development site. Lot coverage for individual lots may vary.
- 12 Requirements for porches do not apply to carriage or two-/three-unit homes.

The subsection (KZC [113.25 footnote 3](#) (flood area ratio, FAR) is not effective within the disapproval jurisdiction of the Houghton Community Council.

(Ord. xxxx, 2020; Ord. 4551 § 4, 2017; Ord. 4238 § 2, 2010; Ord. 4196 § 1, 2009; Ord. 4152 § 1, 2008; Ord. 4120 § 1, 2007)

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 (1) 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.

(Ord. xxxx, 2020, Ord. 4152 § 1, 2008; Ord. 4120 § 1, 2007)

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, creating variety and visual interest that is compatible with the character of 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 facade, such as a primary or secondary entrance or porch, oriented to the public right-of-way. If a dwelling unit abuts more than one (1) public right-of-way, the City shall determine to which right-of-way the inviting facade shall be oriented.

b. Variation in unit size, 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) **Proposals for cottage developments are encouraged to provide diversity in design elements**. Dwellings with the same combination of features and treatments should not be located adjacent to each other.

c. 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.

Common open space shall meet the following standards:

- 1) For cottage developments **containing 5 or more units**, provide a total of 300 square feet per unit; provided that the total square footage of common open space for cottage developments of 5 or more units may be reduced to 200 square feet if a permanent recreational/communal feature is provided.
- 2) Each area of common open space shall be in one (1) contiguous and usable piece with a minimum dimension of 20 feet on all sides.
- 3) Land located between dwelling units and an abutting right-of-way or access easement greater than 21 feet in width may not serve as required common open space, unless the area is

reserved as a separate tract, and does not contain pathways leading to individual units or other elements that detract from its appearance and function as a shared space for all residents.

- 4) Required common open space may be divided into no more than two (2) separate areas per cluster of dwelling units.
- 5) Common open space shall be located in a centrally located area and be easily accessible to all dwellings within the development.
- 6) Fences may not be located within required open space areas.
- 7) 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.
- 8) 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 two/three-unit homes on at least two (2) sides;
 - b) At least 50 percent 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.
- 9) 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.

d. 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 (4) 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 four (4) spaces. Clusters must be separated by a distance of at least 10 feet.
- 6) The design of carports must include roof lines similar and compatible to that of the dwelling units within the development.

e. Low Impact Development

Projects constructed under KZC 113 shall include Low Impact Development techniques when feasible, pursuant to the adopted City of Kirkland Surface Water Manual.

f. Two/Three-Unit Homes and Carriage Units within Cottage Projects

Two/three-unit homes 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.

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. Two/Three-Unit Homes Not Included in Cottage Developments

Two and three-unit homes are an allowed use on individual lots in the zones listed in [KZC 113.20](#). These homes should be consistent in height, bulk, scale and style with surrounding single-family residential uses.

- a. To maintain and reflect the traditional character of single-family dwelling units, projects shall include the following design elements:
 - (1) Façade modulation
 - (2) Entry features that are dominant elements facing the street; and
 - (3) Utilization of a variety of high-quality materials reflected in the surrounding neighborhood
- b. In addition to the three (3) required design elements, applicants shall choose two (2) other design options from the following list:

- (1) Architectural articulation in walls and roofs;
- (2) Covered entry porch;
- (3) Second story step back or modulation; and
- (4) Minimize the appearance of garages on the front façade by
- (5) Providing garages in the rear yard;
- (6) Recessing the garage from the remainder of the façade;
- (7) Employing roof forms compatible with surrounding single-family residences

b. Low Impact Development (LID)

Projects constructed under this chapter shall provide Low Impact Development techniques if feasible pursuant to the adopted City of Kirkland Surface Water Manual.

c. Garages and Surface Parking Design

1) Garages and driveways for two/three-unit homes shall meet the standards established in KZC 115.43 and 115.115(5). In addition, no more than three (3) garage doors may be visible on any facade of the structure.

2) Surface parking shall be limited to groups of no more than three (3) stalls. Parking areas with more than two (2) stalls must be visually separated **by at least a distance of 10 feet** from the street, perimeter property lines and common areas through site planning, landscaping or natural screening.

(Ord. xxxx, 2020, Ord. 4152 § 1, 2008; Ord. 4120 § 1, 2007)

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 percent 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 KZC [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 (F.A.R.) 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 Recorder’s Office. 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 50 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.

(Ord. xxxx, 2020; Ord. 4491 § 11, 2015; Ord. 4152 § 1, 2008; Ord. 4120 § 1, 2007)

113.50 Additional Standards

1. 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.

2. The City's approval of a cottage housing or two/three-unit home development does not constitute approval of a subdivision or short plat. An applicant wishing to subdivide in connection with a development under this chapter shall seek approval to do so concurrently with the approval process under this chapter. To the extent there is a conflict between the standards set forth in the chapter and Title 22 of the Kirkland Municipal Code, the standards set forth in this chapter shall control. A lot that has existing cottage, carriage or two/three-unit homes may not be subdivided unless all of the requirements of the Zoning Code and Title 22 of the Kirkland Municipal Code are met.

(Ord. xxxx, 2020; Ord. 4152 § 1, 2008; Ord. 4120 § 1, 2007)

Dorian Collins

From: Jeremy McMahan
Sent: Thursday, January 23, 2020 6:39 PM
To: Sean LeRoy; Dorian Collins
Cc: Houghton Council
Subject: FW: ADU Zoning change Kirkland MUST READ

Follow Up Flag: Follow up
Flag Status: Flagged

From: Cooper, Bill <Bill.Cooper@colliers.com>
Sent: Thursday, January 23, 2020 6:27 PM
To: Planning Commissioners <planningcommissioners@kirklandwa.gov>
Cc: Jana Thomas Cooper (jana.cooper@sunriseid.com) <jana.cooper@sunriseid.com>
Subject: ADU Zoning change Kirkland MUST READ

To whom it may concern, I am a Kirkland resident with a primary home in the West of Market area. I have been living in Kirkland for the past 20 years with my family.

Although I agree with the need for affordable housing, I can tell you first hand what it will do to property values and density within neighborhoods by changing the zoning to allow for ADU's. Developers love the idea as it creates income for them and real estate investors will initially flock to the area looking for opportunities. For the short term it will increase real estate activity, in the long term it will change the look and feel of Kirkland neighborhoods and diminish the community feel Kirkland is know for. Period.

I have worked in the real estate industry for 19 years and represent clients in most major cities so I have the unique experience to share the negative affects I have witnessed;

- Increased density will add to the already over crowded roads and traffic.
- Single family housing neighborhoods are not supported by transit as well as areas zoned for multifamily. Bus services will be underserved in areas with ADU's.
- Property values will decrease as the neighborhood profile will change by added car traffic, street parking and lack of yard space. Areas of Seattle and CA you barely see any grass as the majority of the area is all building area.
- Average lot sizes in Kirkland will not support parking onsite so it will be pushed to street parking and will make already narrow streets unsafe.
- Many areas of Kirkland do not have sidewalks but people will still look for parking anywhere.
- Infrastructure and building of these units outweigh the income one might get from a rental.
- Rentals vs. longer term ownership will make the neighborhood transient with shorter term residency etc.
- Overcrowding of already packed schools due to increased density.
- Adding a couple dozen ADU's does not fix a housing problem, an 80 unit affordable project does
- The cost of constructing a unit is too high compared to the rent you will get if it is a income approach

My advice is to look at your current zoning and look for areas within Parmac, Totem Lake and the commercial area near the City of Kirkland Parks department for higher FAR for apartment projects. By adding 2 stories in these areas you could greatly increase affordable housing while not affecting the great neighborhoods of Kirkland.

Lastly there are approximately 2,000+ apartment units being delivered in this area, Wolff, Quadrant, Totem Lake, 85th Street (Baskin Robins site), not mention Kirkland Urban. More are being planned and in the works as we speak, I know as my firm and others are involved in the sales to developers. My parting comment is to focus on zoning changes in existing

commercial and multifamily areas. Areas that are currently residential and close to these areas, think about up zoning. – thank you

Best regards,

Bill Cooper

Executive Vice President | Occupier Services
Dir +1 425 453 3121 | **Mob +1 425 922 2941**
Main +1 425 453 4545 | Fax +1 425 519 2461
Bill.Cooper@colliers.com

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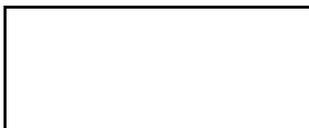
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Dorian Collins

From: Tracy Durnell <Tracy.Durnell@gmail.com>
Sent: Wednesday, January 22, 2020 4:27 PM
To: Dorian Collins
Subject: Comment on ADUs + duplexes/triplexes

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Hi Dorian,

I'm writing as a resident to comment in support of both the proposals for making it easier to build ADUs and duplexes and triplexes in Kirkland. It looks like a lot of thought and effort has gone into creating these proposals, thank you and everyone else involved in the project for all your hard work.

I support eliminating the occupancy requirement and the on-site parking requirement for ADUs. I support eliminating the location requirements for "missing middle" housing types and support seeing more duplexes and triplexes in traditionally single-family neighborhoods.

I am excited to see it become easier and more cost-effective for homeowners to add ADUs. I'm personally eager to see cottage housing become more common.

I live in the Highlands neighborhood. I was lucky enough to buy during the recession, but many friends my age who rent struggle to find affordable housing on the eastside. When I first moved to Kirkland in 2008 I rented an ADU in the Norkirk neighborhood, and it was such a relief to be able to find affordable housing within a couple miles of my workplace in south Kirkland when I was just entering the workforce and had a tight budget.

I believe it is valuable to our community to have affordable housing options, and housing options that provide flexibility for different living situations and needs, so people are able to live close to where they work and so our community is accessible to people with a wider range of incomes. I believe that providing affordable housing is necessary if we want to call ourselves a welcoming community.

Thank you!

Tracy Durnell

To: Houghton Community Council Members

Re: ADU regulations and code updates KMC

Date: January 15, 2020

Dear Council Members,

I have lived in Houghton for over 40 years in a single family residence on 112th Av. NE and am in the process of trying to build an ADU on the back of my lot. Having closely followed the proposals made by Kirkland Planning and the additional concerns raised by the Houghton Community Council on proposed changes to ADU regulations I would appreciate sharing my viewpoint and the challenges I am facing on these issues.

As I am 73 years old and I am hoping to build an ADU for my 76 year old sister, the proposed changes to allow for 1,000 square feet PLUS additional 100 square feet to accommodate aging in place needs are very welcome. Many ADUs will be family affairs to provide comfortable affordable housing to family members or to allow for caretakers if needed in the future.

I am very opposed to Houghton Community Council position on requiring owner occupancy of either the main house or the one ADU.

1. This is Houghton - the median home price is about 1.5 million dollars - on my street it has to be well over 2 million dollars. It is not a low income neighborhood and would not rent as such. I do not share the misplaced fear that property owners who do not live on site would allow misuse or destruction of such valuable assets.
2. There has been a rental triplex on my street for many years with no negative impact on the neighborhood. (not sure how that was grandfathered in but it does exist)
3. Most important to me is the undue burden it puts on the issue of inheritance. My son will inherit the property. Is he suppose to uproot his young family, leave his job and move immediately to live on the property? That is not realistic. Is he forced to immediately sell the property even in a bad market at a loss when he would like to keep it in the family? My home will still have a mortgage on it when I am gone as will many homes with ADU's. If he could rent both my home and the ADU he could cover the mortgage. Without that option it basically cancels out any benefits of inheritance. I have worked hard for many years to build value in this property and feel it is most unfair, shortsighted, and possibly illegal that just because I build an ADU it will lose its value as an inheritance because it cannot be rented out by a non-resident owner. I am sure I am not the only Houghton resident facing this problem as ADU's are often built by seniors to supplement their reduced retirement income and allow them to remain in their homes.

The possibility of reducing setback requirements is a positive move. On my lot there is one and only one possible site for an ADU after all current setbacks are calculated. It is not the best location and would require the removal of most of my large trees. The ability to move it a few feet this way or that would result in a far better outcome for all - including the neighboring properties.

I am pleased to see Kirkland and Houghton working to provide more affordable housing in a way that maintains our open spaces and parks. As it now stands building an ADU here is not an easy process. Before an application/building plan could even be submitted we had to spend over \$30,000 on required arborist reports, soil engineers, earthquake reviews, structural engineers, building plans etc. We have met with almost all the departments at Kirkland City Hall - some many times - with our contractor along to get the information we needed and to make changes to the plan as required. To date we have nothing to show for this expense - not one shovel full of dirt has been moved. I am hopeful that the updates to the current requirements and restrictions will allow us to move forward and I appreciate your work on making that happen. I will be attending the upcoming meeting on the subject on January 23. Thank you.

Sincerely, Meryl Keim

4531 112th Av. NE
Kirkland, WA
meryl@keim.org
425-827-0971

Dorian Collins

From: Jeremy McMahan
Sent: Thursday, January 23, 2020 11:42 AM
To: Sean LeRoy; Dorian Collins
Cc: Houghton Council
Subject: FW: new ADU rules

From: Heidi Kelly <HeidiKelly@msn.com>
Sent: Thursday, January 23, 2020 11:42 AM
To: Planning Commissioners <planningcommissioners@kirklandwa.gov>
Subject: new ADU rules

I'm writing in opposition to the proposed updates to the ADU rules in Kirkland. Our neighborhoods cannot handle what you are proposing. You are pushing too much density on us. Enough. Keep our neighborhoods neighborly.

Heidi Kelly
22 year Kirkland resident

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Dorian Collins

From: Jeremy McMahan
Sent: Thursday, January 23, 2020 11:41 AM
To: Sean LeRoy; Dorian Collins
Cc: Houghton Council
Subject: FW: Rezoning

-----Original Message-----

From: Wendy Klinker <klinkerk@msn.com>
Sent: Thursday, January 23, 2020 11:34 AM
To: Planning Commissioners <planningcommissioners@kirklandwa.gov>
Subject: Rezoning

I oppose the rezoning of ADU's in Kirkland. Our City has changed too much and the traffic is horrible. Stop trying to change our beautiful City and density. Please listen to the citizens.

Wendy Klinker

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January 23, 2020

Barbara Loomis
304 8th Ave. West
Kirkland, WA 98033

First I want to commend the City of Kirkland for its foresight in planning to increase the supply of housing for seniors, and low and middle income residents who live and work in this city. The influx of mega houses for the wealthy has forced our property taxes to skyrocket. Property taxes are based on highest and best use – regardless of what is built on the lot. (my house is valued at \$1,000 while my property is close to a million!)

I also agree that the amendments to the zoning code meet the criteria to make the changes to the zoning code. I support the proposed amendments that implement the Housing Element policies.

I volunteer for a senior group and I know quite a few seniors, because of high taxes, have been forced from their homes. They have raised their families and contributed their time and energy to making this city so desirable!

The addition of Attached Accessory Dwelling Units (AADU) and Detached Accessory Dwelling Units (DADU) is a fair and equitable solution to the problem of the shortage of affordable housing. And it could provide housing for seniors who would otherwise be forced from their home.

I've lived in Kirkland for almost 50 years and in my National Register West of Market home for 48 years. I would like to continue to "Age in Place" on my property by building a DADU over a new detached garage. I will move into the new space and my daughter and her family will move into my old bigger house.

I agree with the recommendation to increase the allowable square footage of a DADU from 800 SF to 1,200 SF of living space which would accommodate Universal Design (UD) principles, which we've talked about before.

However, I wouldn't be able to use UD on a DADU because the garage that the DADU would sit on is not excluded from the calculations. I would however, be allowed to remodel the back of my house and attach a new garage and 1,200 SF (an AADU). Since I live in a Victorian 1889 house I hesitate to alter the integrity of the architecture by an addition. I would urge you to not include garages (which are not considered living space) to the calculations.

I encourage the proposes "ADU Project" which is similar to Seattle's "ADU Navigator" that assists homeowners in determining if they can build an ADU on their property. Hopefully that will streamline the permitting and construction process that is too costly, confusing, and time consuming.

Thank you,

Barbara Loomis

bloomis304@gmail.com

Nicole and Kenneth MacKenzie
kirklandcity@screamforicecream.net
236 7th Ave W
Kirkland, WA 98033

January 23, 2020

City of Kirkland
Planning Commission
123 5th Avenue
Kirkland, WA 98033
email: planningcommissioners@kirklandwa.gov

City of Kirkland
Houghton Community Council
123 5th Avenue
Kirkland, WA 98033
via email: [email: HoughtonCouncil@kirklandwa.gov](mailto:HoughtonCouncil@kirklandwa.gov)

Ref: Accessory Dwelling Units - CAM19-00282
Missing Middle Housing - CAM19-00152
Joint Hearing – Planning Commission and Houghton Community Council

Dear Planning Commissioners and Houghton Community Council Members,

Thank you for the opportunity to comment on the referenced proposals. Our comments are in 5 groups which will be addressed in separate sections:

- Impact on public schools
- Need for a trial/experiment period
- Comments Concerning Accessory Dwelling Units - CAM19-00282
- Comments Concerning Missing Middle Housing - CAM19-00152
- Preserving Kirkland's Lower Cost Housing Stock

Impact on public schools

Kirkland's population has grown rapidly through the addition of large quantities of higher density housing of various sorts and many infill projects. City government continues to encourage and foster this growth and the trend will clearly be accelerating in the coming months and years. The referenced proposals are just two examples.



At the same time, Lake Washington School District (LWSD) schools in Kirkland are generally overcrowded and insufficient new permanent capacity is planned for the future. There are some new projects that have been funded by taxpayer vote, but these will not keep pace with the growing student count. In particular, new planned and anticipated developments in Houghton and Central Kirkland are making the miserable overcrowding at Lakeview Elementary worse and parents have been told that portable classrooms will soon be installed to accommodate

overcrowding at the brand new Peter Kirk Elementary. Parents have been told that portable classrooms now in use at Lake Washington High School are to be relocated to Kirkland Middle and Rose Hill Middle when no longer needed at Lake Washington. Clearly, this ongoing overcrowding at the elementary schools and middle schools will eventually migrate to the High School as the enrollment “bump” progresses through the grade levels and even the expanded High School will be too small.

It’s obviously fair to state that everyone who has looked at the issue understands and agrees that development fees are insufficient to provide for significant school space expansion and are not really intended for that purpose. Instead, significant voter action is required to build and expand schools in response to the growth rate that Kirkland is encouraging.

The first request is that the Planning Commission and the Houghton Community Council should start a meaningful and thorough continuous conversation with LWSD to coordinate policies and judge the feasibility of the proposed code changes in the context of LWSD’s capability to accommodate new students that will arrive in the City to live in the newly built units. Previously when asked about coordinated planning, Kirkland Planning Department officials have talked about quarterly coordination meetings with some of LWSD staff. It’s not apparent that these meetings have resulted in the kind of serious work that the school overcrowding requires.

The second request is that the “Education Opportunity Impact” of every proposed zoning change be evaluated. If the impact is negative because new students brought into the system by the change cannot be accommodated by LWSD, the City of Kirkland is required to delay the change until the impact is mitigated or offset appropriately in partnership with LWSD.

Looking forward on a related issue, the Planning Commission and Houghton Community Council should incorporate the requirement for additional school land when establishing and updating zoning and land use and partner with LWSD to obtain new land for schools. For example, a relatively recent multi-building development was allowed at the corner of State St and NE 68th St adjacent to

Lakeview Elementary. Development is now underway to the north along State St. It would have been wise and appropriate to prevent or at least delay these developments and a negotiation with LWSD should have ensued so that LWSD would have been encouraged by the City of Kirkland to take the opportunity to obtain this land for the inevitable future expansion of Lakeview Elementary. From talking to Kirkland Planning staff, it appears that these sorts of options and considerations are not meaningfully included of Kirkland's land use planning and development permitting.

Need for a trial/experiment period

The changes included in the referenced proposals are immense and far-reaching. Indeed, some advocates find them attractive because of the enormity of the implications, e.g., the elimination of traditional single family zoning throughout Kirkland.

There is no long term evidence that the proposed zoning code changes will actually accomplish the intended purpose. All experiments elsewhere with these sorts of changes are quite recent and there is much more speculation and conjecture about the outcomes than practical experience and hard data seems to be missing. There has also most often been considerable debate in communities and even some strong resistance from residents.



During 2019, the City of Kirkland installed its first-ever automated traffic speed cameras in two schools zones. The path chosen was to try this technology at two locations as “pilot projects”, evaluate the results, and then determine if it should be “rolled out” in other locations, modified, or abandoned. This decision would be based on measured benefits, costs, positives, and negatives. This is a tried and true approach.

We request that any changes to the zoning code made by the current process be implemented:

- As a “pilot project” lasting 2 years
- Only in Houghton because there has been some strong advocacy for these ideas among some of Houghton’s leadership.

At the end of this trial/pilot period:

- Results are evaluated
- Opinions/concerns of all Kirkland residents are heard, considered, and there is a meaningful response by City Government

- Experiences of Houghton residents included
- Ideas of other parties such as licensed real estate professionals and property developers offered
- All available information is presented by City Staff to the Kirkland City Council, Planning Commission, and Houghton Community Council

The usual planning process then takes place resulting in a set of proven and appropriate code changes being recommended for adoption by the Kirkland City Council and Houghton Community Council.

Comments Concerning Accessory Dwelling Units - CAM19-00282

The fundamental comment is that the existing ADU rules work quite well and don't need to be changed.

ADUs are highly used throughout the Norkirk and Market Neighborhoods.

Pictured below is an example in Market where there are 9 residences and 4 have ADUs – 44%:



This block is bounded by 7th Ave W, 2nd St W, 8th Ave W, and 3rd St W.

The Vacant Parcel is in the Market St Corridor and zoned MSC-1 (Mixed use commercial-residential).

ADUs are clearly successfully augmenting the housing supply and meeting the need for additional low-cost dwellings that are integrated into single family neighborhoods. No changes are needed if an appropriate proposal to generalize and extend rules for cottage, carriage and two/three unit homes is adopted.

As a side note, some people have speculated that ADUs may be successful in Norkirk and Market because there are alleys that provide convenient access. Thus it seems that other neighborhoods without alleys would be advised to use duplex, triplex, or cottage development approaches rather than “force fitting” an ADU approach.

With highest priority first, please make these changes to the Accessory Dwelling Units zoning amendments:

1. Continue to disallow separate ownership – owner occupancy is critical for this form of dwelling which augments the main dwelling.
2. Retain existing off-street parking requirements. While an increasing number of people commute to work via transit, the vast majority of Kirkland residents require cars for errands, infrequent special trips, and supporting children’s activities and family activities throughout the week.
3. Preserve the limit of 1 ADU per parcel. If more than one ADU unit is required or appropriate, the project should be developed as a duplex or triplex or cottages.
4. Retain current rules on size/scale since ADUs are intended to augment an existing residence. Use a duplex or triplex arrangement for other situations.
5. Preserve the current FAR exemption rules to preserve open space and provide light and space between buildings on the same lot and between neighbors.

6. Limit ADUs to a maximum of 20% of parcels in each block.

There is lots of practical overlap between Accessory Dwelling Units (CAM19-00282) and Missing Middle Housing (CAM19-00152). Please drop the Accessory Dwelling Units proposal by deleting most of it and instead enhance the Missing Middle Housing proposal to address any remaining needs in the context of Cottage, Carriage, Duplex, and Triplex developments.

Comments Concerning Missing Middle Housing - CAM19-00152

The proposed changes go further than seems appropriate and needed to generalize single family zoning to include more and smaller housing that provides starter homes. The key is to more completely integrate previously disparate housing types. In particular, a duplex or triplex is a really good way to provide more housing options as long as it fits visually and ascetically into the neighborhood.

Here is an example of a three unit development on a parcel previously occupied by a small single family house at the corner of 5th Ave and Market St which has poor visual ascetics, clashes with its surrounding neighborhood, damages the value of the property next door, and is so compressed that the viewer feels confined and unable to breath:



Specific comments, in priority order (highest first) are:

- Retain existing parking requirements. As outlined above, while an increasing number of people commute to work via transit, the vast majority of Kirkland residents require cars for errands, infrequent special trips, and supporting children’s activities and family activities. In Kirkland, proximity to transit does not reduce the need for offstreet parking.

Here is a photo taken on a weekday around 10:30 AM showing 4 cars parked in front of an obvious multi-unit home in a single family neighborhood on NE 143th St. The Metro 236 line passes in front of this house and there is no on-street parking because of the bike lane. One can only imagine the evening parking situation – perhaps 6 or 8 cars?



- ADUs of any sort are not appropriate for a cottage, carriage, duplex, or triplex and should be prohibited. For example, applying the originally proposed ADU rules to a triplex, for example, appears to allow 5 dwelling units on a single lot. This is not appropriate. Five units should instead be a cottage development.
- There's no compelling need to allow cottages to exceed 1,500 square feet. Allowing large cottages adds mass to the group which impacts the surrounding area. 1,500 square feet is a reasonable family dwelling size. Many older Kirkland homes are smaller and provided happy homes to full families.
- The Development Size for a duplex or triplex should continue to be one building. If 6 units are desired, for example, the project should be recast as a cottage development without exception or variance.
- Retain the existing location restrictions (e.g., cottage developments of 1-9 units must be 500 feet apart) in order to fully integrate the various building types into varied and attractive neighborhood.

Preserving Kirkland's Lower Cost Housing Stock



Certainly, the price inflation of Kirkland's housing is partly driven by the overall attractiveness of the City, its location close to Seattle, and the presence of high-paying nearby jobs at places like Microsoft and Google.

It's also clear that the largest likely contributor to the problem is the development community which buys older small houses for demolition and construction speculation. These houses were the long term homes of working families who raised the children of Kirkland. A key piece of housing strategy needs to be the preservation of these parcels as mid-cost single family homes.

The proposed zoning code changes perpetuate the role of the developer in accelerating the inflation of Kirkland housing prices. New buyers come to the city for high paying jobs and buy large houses built by speculators. The proposals feed this frenzy by encouraging these speculators to also build large triplexes or cottage development on old small-home parcels. This approach forces people with less money into small attached units which have little or no outside living space. Some working families may like this but those who want the freedom and space and privacy of single family layouts find that they have no choice.

Instead, Kirkland housing policy needs to preserve the traditional lower cost house which is perhaps 1,000-1,700 square feet by encouraging environmentally-

friendly remodeling, reuse, and updating rather than destruction and speculation. This can be done by setting the FAR at the traditional low value and establishing high setback requirements so that the speculator decides that the property is unattractive. Then it becomes affordable for a family who has enough money to buy an old house with the plan to fix it up over time.

The proposed zoning code changes leave the working family no choices. They are frozen out of the market for traditional old and small houses and are forced to buy a new cottage or triplex unit that is unlikely to really meet their needs. Kirkland's housing policies need to be adjusted to give working families the choices they deserve.

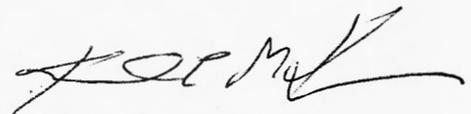
Please rework the zoning code changes to give working families choice, support recycling of existing housing, and reduce the speculator-driven runaway housing cost inflation that has infected Kirkland.

Conclusion

Indeed, Kirkland needs more varied housing types and styles. At the same time, the changes need to fully integrate with and complement the neighborhoods that we have and cherish while also giving all types of buyers choice at a reasonable cost.

Thank you again for considering these comments and responding.

Nicole MacKenzie (by KEM)
Nicole MacKenzie


Kenneth E. MacKenzie

Dorian Collins

From: heather may <heathermay8@gmail.com>
Sent: Thursday, January 23, 2020 1:15 PM
To: Dorian Collins
Subject: Permit No. CAM19-00282

Dorian,

I want to submit a comment in favor of Permit No. CAM19-00282. I fully support this proposed amendment. There has been tremendous population and job growth in the area, and more specifically in Kirkland. I have noticed a huge demand and need for affordable housing as people are looking to live here, but they are having incredible difficulties finding affordable places to live. I believe this proposed amendment can and will support this great need.

Thank you for your efforts and I look forward to this amendment hopefully passing.

Best regards,

Heather May
7803 131st Ave NE
Kirkland, WA 98033
Heathermay8@gmail.com

Heather

Dorian Collins

From: FBM Capital <fbmcapital@outlook.com>
Sent: Thursday, January 23, 2020 1:47 PM
To: Dorian Collins
Subject: Permit No. CAM19-00282

Dorian,

I want to inform you that I am in favor of and fully support the proposed amendment in Permit No. CAM19-00282. As you probably know, Kirkland has experienced tremendous growth with very little affordable housing to support it. This amendment is a very positive step forward to support the population growth and to provide affordable housing with the current land shortage.

Thank you for your efforts,

Best regards,

Stuart May
[7803 131st Ave NE](#)
[Kirkland, WA 98033](#)

Dorian Collins

From: Lincoln Popp <lincolnpopp@hotmail.com>
Sent: Thursday, January 23, 2020 3:21 PM
To: Dorian Collins
Subject: ADU Feedback: Lincoln Popp - West of Market - CAM19-00282

I am a Kirkland resident West of Market and commercial property owner (Market Street) writing in concern to the ADU initiative and joint hearing scheduled for today.

I am strongly opposed to the suggested ADU expansion changes including:

- a. Remove requirement that property owner must live on site. – **Strongly opposed. This will encourage investors to turn single family neighborhoods into multifamily duplex/triplex investments.**
- b. Remove off-street parking requirement. – **Strongly opposed. This will over allocate street parking in neighborhood like West of Market.**
- c. Remove size requirements dependent on floor area ratio (FAR). – **Strongly opposed. This will encourage oversized structures close to lot lines in single family neighborhoods as we see already with existing ADUs.**
- d. Reduction in setbacks – **Strongly opposed. The height of most ADU are already imposing and block light / view and make single family look like multi-family. By reducing setback, light and view corridors will be further impacted as ADU are often put on alleys and at maximum height. In West of Market, this will further block views.**

Further, I am highly supportive of limiting ADUs to existing regulations. Specifically:

Key Existing Regulations

- One ADU is permitted per primary residence – **This is important to keep the neighborhood character of Kirkland vs. negative multifamily in historically single family neighborhoods. Max should be one ADU.**
- One of the units must be the property owner’s residence – **Owner must be a resident in my view. Otherwise, ADU and primary residence will become effectively duplex and triplex type investment properties in single family neighborhoods.**
- One off-street parking spot is required per ADU - **This is important to ensure there is some parking for cases where one ADU is on the property. Otherwise, the street parking will be overly impacted.**
- The ADU must not exceed 40% of the primary unit and the ADU combined or 800 square feet, whichever is less – **Need to keep proportion of ADU to a reasonable size in relation to primary residence.**

Permit No. CAM19-00152

Please let me know if you need further information.

Lincoln Popp
 411 11th Ave W
 Kirkland, WA 98033
 lincolnpopp@hotmail.com

Dorian Collins

Subject: FW: Thoughts on land use code changes for Kirkland

From: Mark Schiller <schiller.mark@gmail.com>

Sent: Tuesday, January 21, 2020 11:41 PM

To: Planning Commissioners <planningcommissioners@kirklandwa.gov>

Subject: Thoughts on land use code changes for Kirkland

After reading the Kirkland Reporter article "Unlocking Kirkland's housing diversity to meet our modern needs" by Rodney Rutherford, I can only conclude that he is intent on destroying everything that makes Kirkland a nice place in which to live.

The reason Kirkland lacks affordable housing is the same reason that other upscale communities, such as Medina and Hunts Point, lack affordable housing. Namely, rich people will always outbid poorer people for available land and housing in desirable areas. That's the brutal economic reality.

If there were an economic incentive for builders to construct affordable housing in Kirkland, they already would have done so. Clearly they have not, as is evident in the Everest neighborhood where I have lived for last 14 years.

When I moved here, there were many perfectly decent small- and medium-size houses on 8th Street South. Over the years, nearly all of them have been demolished to make way for huge, unaffordable (unless you are rich) houses for people who want to live large.

Who do you think is going to live in the accessory dwelling units, duplexes, and triplexes being proposed for Kirkland? I doubt that this new housing will be occupied by the people who work in the service sector (grocery checkers, for example). Rather, they will be bought or rented by tech professionals who want to live close to Google or Kirkland Urban. And they will be paying market rate for this new housing.

You can build all the accessory dwelling units, duplexes, and triplexes, and apartments you want; but it will never be enough to solve the housing affordability problem unless we get serious about stabilizing the population of this country. That is the fundamental problem, the hard reality, and the inconvenient truth that we must face.

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To the Kirkland Planning Commission and the Houghton Community Council,

My name is Amy Tarce and I own a property at 13311 NE 137th Place, Kirkland, WA 98034. I live in one of the first Planned Unit Developments in King County, which clustered the density of the housing units and preserved large areas of natural open spaces. As such, I am comfortable with higher density residential developments.

I am writing to express my support for the City's current efforts to amend the Accessory Dwelling Units (ADUs) standards for the purpose of encouraging the production of more diverse and affordable housing units in the City. I am one of the residents who hope to benefit from these amendments as I hope to retire and make Kirkland my forever home.

First, I'd like to thank the Planning staff for providing me with the staff memos and background information about this initiative. As I am commenting mid-stream through this process, some of the comments below might have already been discussed and considered. If so, my apologies for the repetition, though I hope this will further reinforce the point that others have already made.

As you deliberate on the staff recommendations tonight, my request is that you do not lose sight of the aspirational goals of providing affordable housing through the ADU amendments. While I know there is a concerted effort regionally and through private developers to increase the number of affordable housing, ADUs provide a grassroots supply of affordable units that can supplement our increasing demand for affordable units in the Puget Sound. I appreciate the flexibility afforded to homeowners who want to build these ADUs, through the waiver of impact fees and adjustments in the maximum number of units and floor area for each unit, as well as the reduction in off-site parking requirements.

One objective from the City of Kirkland Housing Strategy Plan that I hope you will keep in mind is the preservation of the residential character of our neighborhoods, even as we push for bolder standards and incentivize the development of ADUs. As a resident of a relatively dense neighborhood, with only one off-street parking space for each 3 bedroom townhouse, I have experience firsthand how residents use their parking spaces and the on-street parking spaces in the neighborhood. While I would be perfectly happy if the current proposed amendments are adopted, I strongly encourage the Planning Commission to consider the following:

1. Allow condominiums for affordable homeownership only. We should leverage the ADU flexibility standards to incentivize affordability. Giving current homeowners the ability to sell a portion of their existing building square footage without an affordability requirement will result in a windfall to homeowners without any public benefit.
2. Work with King County to reduce or freeze the assessed property value of homes that offer affordable rental units to households earning below 80% of the King County median income. While this suggestion is outside the purview of the Planning Commission, I hope this suggestion is put forth in the multi-city regional efforts to solve the housing crisis in the Puget Sound. Older homes are the affordable units of the future. However, I am finding that older home owners are getting hit with the increased tax assessments every year, making these homes unaffordable for long term homeowners like me. I strongly urge the City of Kirkland to advocate for their lower income residents through the reduction of real estate taxes, similar to the benefits already afforded to senior citizens in the County.

Regarding the current recommendations by the Planning Staff, I would like to request consideration for two items:

1. Owner Occupancy: Staff has provided two options for the Planning Commission and the HCC to consider – a pilot program or a “Hardship” criteria. I would like to see the owner occupancy requirement to be retained with the “Hardship” criteria as a way to provide flexibility. The pilot program will be too difficult to administer since there is a risk that homeowners will have to move back to their property if the City decides in a few years that this is not a tenable arrangement. This will create a lot of difficult situations for homeowners who may have already moved out of the neighborhood and established themselves somewhere else.
2. Off-street parking: I am concerned with the minimum of 1 off-street parking space for two ADUs. I already see in my neighborhood how each homeowner with 1 parking garage are parking their second car on the street. While we aspire to create more walkable and transit-friendly neighborhoods, the reality of residents in Kirkland is that most people still drive, especially if they have children. I don’t think we are at the point in our culture that our neighbors are willing to give up their cars. As an alternative, I would tie the required number of off-street parking to the number of bedrooms in the ADU. For example, if there are 2 two-bedroom ADUs on one property, require 1 off-street parking for each ADU at the minimum, since two-bedroom units are more likely to have two or more unrelated adults living in one unit.

Thank you for your consideration. Should you have any questions, please feel free to contact me at halcyonplan@msn.com.

Amy Tarce

Dorian Collins

From: Aimee Voelz <avoelz@yahoo.com>
Sent: Wednesday, January 22, 2020 2:48 PM
To: Dorian Collins
Subject: proposed zoning changes for housing

Hello Dorian,

I'm writing in support of the proposed zoning changes that would make it easier to build ADU's and duplexes and triplexes.

Having lived in Kirkland for 23 years, I've watched countless older and smaller homes torn down and replaced with larger and more expensive housing, leaving a gap for those who don't need and can't afford large or luxury homes. I'm very supportive of duplexes and triplexes because they do blend well with existing homes in predominantly single-family neighborhoods while providing housing for more than one family. If there is any way to provide incentives for developers to build moderately priced duplexes and triplexes instead of luxury units, that would be even better.

I'm also very supportive of ADU's because help meet the housing need for smaller-sized living spaces. They can also be a helpful source of income for the landowners.

Thanks very much,
Aimee Voelz

Dorian Collins

From: Adam Weinstein
Sent: Tuesday, January 21, 2020 4:11 PM
To: Sean LeRoy; Dorian Collins
Subject: FW: Support Missing Middle Housing!

Adam Weinstein, AICP
Director of Planning and Building

City of Kirkland
 123 5th Avenue
 Kirkland, WA 98033

(425) 587-3227
aweinstein@kirklandwa.gov

From: Edward Wang <wangedwa@gmail.com>
Sent: Tuesday, January 21, 2020 4:09 PM
To: Planning Commissioners <planningcommissioners@kirklandwa.gov>
Subject: Support Missing Middle Housing!

Hi,

I am a 28 year-old employee at Tableau Software in downtown Kirkland, and am looking forward to putting down roots in Kirkland to raise my family. **I strongly support the planning commission's efforts to increase the availability of middle housing in Kirkland.** Allowing housing types such as duplexes, triplexes, and townhouses on a wider scale in single-family zones will dramatically improve the livability and affordability of our city.

With property values where they are today, single-family housing has become out of reach for the vast majority of people. Many of my peers have already moved out to Bothell, Renton, or beyond in search of affordable family-friendly housing. Without any action, we will continue to see our friends and family displaced on a large scale.

Thank you for your efforts,
 Edward Wang
 4035 145th Ave NE

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Dorian Collins

From: Sondra Webber <sondra500@hotmail.com>
Sent: Wednesday, January 22, 2020 4:56 PM
To: Dorian Collins
Subject: Input on proposals for ADUs

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Hi, I'm a long-term resident of Kirkland and former owner of one of the Kirkland Bungalows on Rose Hill, one of the cottage-like developments built around 12 years ago, so I've lived that experiment. I'm a big fan of these smaller homes (<1500 sqr feet) for but urge you to be mindful of the goals to expand workforce housing - these smaller homes are at high price point, marketed as "boutique", \$900k-\$1M. They're not going to help expand the type of resident who can afford to live here.

If the goal is really housing density and affordability I'd recommend duplexes/triplexes in a neighborhood setting.

Concerns that need to be addressed include:

- 1) parking - very few people on the eastside use public transit regardless of gov't goals, need to build for the reality
- 2) space on the streets for 2-3x trash/recycling bins
- 3) green spaces to keep a neighborhood feeling like a neighborhood

That's my feedback, good luck with the initiative!

Sondra Webber
6224 Lakeview Drive, Kirkland