



**MEMORANDUM**

**To:** Houghton Community Council

**From:** Angela Ruggeri, AICP, Senior Planner  
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Adam Weinstein, AICP, Deputy Planning Director

**Date:** September 12, 2018

**Subject:** Floor Area Ratio (FAR) and Lot Coverage Amendments, File Number CAM18-00258

**Staff Recommendation**

Receive briefing and discuss potential amendments to the FAR and lot coverage regulations in the Zoning Code. Give staff direction on information needed in advance of a joint public hearing scheduled for October 25, 2018.

**Background**

The City Council has directed the Planning Commission and staff to study FAR and lot coverage regulations to determine if the Zoning Code should be amended. The review of the FAR and lot coverage regulations has been included in the 2018-20 Planning Work Program. Although these two topics should be considered separately, there are some overlaps in the regulations, warranting a review of the potential amendments at the same time.

Staff originally discussed these topics with the Planning Commission at its April 12, 2018 meeting. Since that time, staff has discussed FAR and lot coverage with local architects, the Master Builders Association, Kirkland Alliance of Neighborhoods (KAN), the Public Works Department, and Planning staff with expertise in reviewing applications for single-family housing projects. This outreach did not provide a strong basis for eliminating FAR or lot coverage regulations, since in this robust housing market there seems to be a tendency for single family projects to be built out to the maximum building envelope allowed under Zoning Code regulations. Expanding this envelope further by eliminating FAR or lot coverage regulations would not address community concerns about perceived building mass. Instead, staff identified opportunities for clarifying the existing regulations and incentivizing good design that could address community concerns that many new single-family homes appear too bulky.

The current demand for large houses is reflected in the design trends that are appearing in Kirkland and throughout the region. The two main design issues that were brought up most were that some new single-family houses appear too boxy and massive, and

aesthetically incompatible with Kirkland's older neighborhoods. Community members also expressed concern that many new houses seem to be built too close to existing houses.

As a result of the input from conversations with the stakeholders, staff is proposing the following amendments to the current regulations to help clarify them and to make them more effective. These amendments will also be discussed with the Planning Commission at a study session on September 13, 2018.

## **Proposed Amendments and Analysis**

### FAR Zoning Code Amendments

The FAR regulations were adopted in 1999 (Ordinance No. 3709) to help maintain the character of the Market and Norkirk neighborhoods where extensive redevelopment of primarily single-family residences was occurring. It has been nearly 20 years since these regulations were first put in place. We have learned from experience that the regulations have not completely achieved these objectives and that there are still valid concerns about boxy, and/or large single family residential buildings that to some residents seem to detract from the aesthetic quality of their neighborhoods.

Within the disapproval jurisdiction of the Houghton Community Council, the FAR regulations only apply to lots in PLA 3C that are less than 7,200 square feet or lots that do not meet minimum lot size requirements established in the Zoning Code, including lots created through the small lot provisions of the subdivision ordinance.

Three specific FAR-related issues that staff identified for consideration in the code amendment process are:

1. Attempts to maximize building square footage by adding building features (such as covered porches with walls) that are not included in the FAR calculation.
2. The allowance of more basement square footage by using deep driveways that are buried below the main structure. Staff is not recommending a change in this allowance since we believe it has a minimal effect on the visible massing of structures.
3. The preponderance of flat-roofed single family houses. While some community members expressed concern about the pervasive nature of flat-roofed residences, staff encountered little support for granting additional height as an incentive for peaked roofs (but more support was identified for incentivizing peaked roofs using other means).

The proposed amendments are outlined below and included in Attachment 1.

1. Add an "intent" section at the beginning of Section 115.42 which describes the purpose of the FAR regulations.

2. Clarify that uncovered and covered decks, porches, and walkways are not exempt from gross floor area calculations for FAR if they are not open on at least three sides or are not open along at least 75% of their perimeter.
3. Provide the following new section in the code to encourage building design that reduces perceived building mass:

Allow an additional 5% FAR, if two of the following requirements are met:<sup>1</sup>

- a. The majority of the roof and all primary roof forms is peaked, with a minimum pitch of 4 feet vertical to 12 feet horizontal;
- b. Any portion of a primary dwelling unit above the ground floor<sup>2</sup> and adjacent to the front and side property lines is stepped back from the façade below by an average of 10 feet with a minimum step back of 5 feet; or
- c. All structures are set back from side property lines by at least 7 ½ feet.

Lot Coverage Zoning Code Amendments:

The existing lot coverage regulations were put in place over 30 years ago. They were designed to address aesthetic concerns (e.g., to limit development on a lot) and to manage storm water. More recently, the Public Works Department has enacted new storm water management regulations, which address the storm water concerns.

Staff received minimal comment on lot coverage, with only a few community members indicating that some parts of the code need to be clarified. There was also a general feeling that the regulations have value and that the aesthetic need for open space is still important. Both neighborhood groups and current Planning staff emphasized that the provision of "green space" with new development is highly desirable, especially within front yards. The proposed code amendments listed below and included in Attachment 2 are therefore focused on open space and aesthetics rather than storm water.

1. Replace the term "impervious surface" with "hardscape."

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<sup>1</sup> This type of incentive is currently used for FAR calculations in single family zones with a minimum lot size of 5,000 square feet and for small lot single-family short plats.

<sup>2</sup> Existing "ground floor" definition:

*The floor of a structure that is closest in elevation to the finished grade along the facade of the structure that is principally oriented to the street which provides primary access to the subject property.*

2. Add an "intent" section at the beginning of Section 115.90 which describes the purpose of the lot coverage regulations (i.e., to promote greenery and open space in developed areas).
3. Clarify which areas beneath eaves, balconies, and other cantilevered portions of buildings are exempt from lot coverage calculations.
4. Clarify requirements for landscaped areas located over subterranean structures, which are exceptions from lot coverage.
5. Make the following changes to the "Exemptions" section of the code, which allows certain exemptions to be calculated at a ratio of 50 percent of the total area covered.
  - a. Remove the two references to the stormwater design manual since stormwater management is no longer part of the intent of the lot coverage regulations.
  - b. Add permeable/pervious "pavers" to the exemptions.
6. Provide a definition for "hardscape." The hardscape definition clarifies that gravel and artificial turf are considered hardscape and are not exempt from lot coverage calculations.

### **Next Steps**

The next steps in moving these code amendments forward would be:

- October 25, 2018: Joint Public Hearing (Planning Commission and Houghton Community Council)  
November 8, 2018: Planning Commission Deliberation and Recommendation  
November 26, 2018: Houghton Community Council Deliberation and Recommendation  
December 11, 2019: City Council Decision  
January 2019: Houghton Community Council Decision

### **Attachments:**

1. Proposed FAR Zoning Code Amendments
2. Proposed Lot Coverage Zoning Code Amendments

cc: File Number CAM18-00258

## FLOOR AREA RATIO REGULATIONS

The proposed amendments are shown below. The new wording is **bold and underlined** and the wording to be removed is ~~crossed-out~~.

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 bulk and mass of residential structures as they relate to the right-of-way and adjacent properties. The design incentives in Section 115.42.3 are provided to encourage building massing in the center of each lot, away from 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).
  - 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 (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 (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 and covered decks, porches, and walkways **that are open on at least three sides, or have a minimum 75% of the perimeter of the deck, porch, or walkway open.**

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.

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 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) 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.

**4. An additional 5% F.A.R. will be allowed, if two of the following requirements are met:**

- a. **The majority of the roof and all primary roof forms is peaked, with a minimum pitch of 4 feet vertical to 12 feet horizontal;**
- b. **Any portion of a primary dwelling unit above the ground floor and adjacent to the front and side property lines is stepped back from the facade below by an average of 10 feet with a minimum step back of 5 feet (see Plate #XX); or**
- c. **All structures are set back from side property lines by at least 7 ½ feet.**

*This section is not effective within the disapproval jurisdiction of the Houghton Community Council, except for those lots in PLA 3C that are less than 7,200 square feet or lots that have less than the minimum lot size created through the small lot provisions of KMC 22.28.042, subdivisions.*

EXISTING ZONING CODE DEFINITIONS FOR TERMS USED IN ABOVE REGULATIONS

*5.10.325.5 Floor Area Ratio (F.A.R.)*

The maximum permitted gross floor area allowed, expressed as a percentage of the lot size (gross floor area / lot size = F.A.R.). See KZC 115.42.

*5.10.345 Ground Floor*

The floor of a structure that is closest in elevation to the finished grade along the facade of the structure that is principally oriented to the street which provides primary access to the subject property.



## LOT COVERAGE REGULATIONS

The proposed amendments are shown below. The new wording is **bold and underlined** and the wording to be removed is ~~crossed-out~~.

### 115.90 Calculating Lot Coverage

1. General – The area of all structures and pavement and any other **hardscape** ~~impervious surface~~ on the subject property will be calculated as a percentage of total lot area. If the subject property contains more than one (1) use, the maximum lot coverage requirements for the predominant use will apply to the entire development. Lot area not calculated under lot coverage must be devoted to open space as defined in KZC 5.10.610.

**The intent of these lot coverage regulations is to encourage the provision of open space and limit areas of hardscape, in order to increase green spaces throughout the City.**

### 2. Exceptions

a. An access easement or tract that is not included in the calculation of lot size will not be used in calculating lot coverage for any lot it serves or crosses.

b. Pervious areas, **not constituting hardscape**, below eaves, balconies, and other cantilevered portions of buildings.

c. Landscaped areas at least two (2) feet wide and 40 square feet in area located over subterranean structures if the Planning Official determines, based on site-specific information submitted by the proponent and prepared by a qualified expert, soil and depth conditions in the landscaped area will provide **adequate space for proposed plantings to thrive**. ~~cleansing and percolation similar to that provided by existing site conditions.~~

d. Rockeries and retaining walls, unless located adjacent to or within 12 inches of another impervious surface such as a patio, building or parking area.

e. Public sidewalk if located within a public easement on private property.

3. Exemptions – The following exemptions will be calculated at a ratio of 50 percent of the total area covered. Exempted area shall not exceed an area equal to 10 percent of the total lot

area. ~~Installation of exempted surfaces shall be done in accordance with the current adopted stormwater design manual.~~

- a. Permeable/pervious pavement or pavers (non-grassed).
- b. Grassed modular grid pavement.
- c. Open grid decking over pervious area.
- d. ~~Pervious surfaces in compliance with the stormwater design manual adopted in KMC 15.52.060.~~

PROPOSED NEW ZONING CODE DEFINITION FOR TERM USED IN ABOVE REGULATIONS

#### **5.10.xxx Hardscape**

**Hardscape is a placed, created, constructed or compacted hard surface area, which is unavailable for planting of natural vegetation. Hardscape surfaces include, but are not limited to, building foundations, rooftops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel, artificial turf, packed earthen materials, oiled, macadam materials, or other similar surfaces. Hardscape surfaces do not include open space as defined in this code.**

EXISTING ZONING CODE DEFINITION FOR TERM USED IN ABOVE REGULATIONS

#### **5.10.651 Pervious Surface**

For properties within the jurisdiction of the Shoreline Management Act, see Chapter 83 KZC. Otherwise, as opposed to impervious surfaces, these are surfaces that allow water to infiltrate into the ground. Pervious surfaces include pervious paving, lawn, landscaping, bare ground, wood chips, pasture and native vegetation areas. For the purposes of compliance with storm water development regulations, impervious and pervious surfaces are defined pursuant to Chapter 15.52 KMC.

#### **5.10.610 Open Space**

Vegetated and pervious land not covered by buildings, roadways, sidewalks, driveways, parking areas, plazas, terraces, swimming pools, patios, decks, or other similar impervious or semi-impervious surfaces. (Ord. 4350 § 1, 2012)