

#### **MEMORANDUM**

**To:** Planning Commission and Houghton Community Council

**From:** Dorian Collins, AICP, Senior Planner

Adam Weinstein, AICP, Planning and Building Director

**Date:** January 16, 2020

**Subject:** Amendments to the Kirkland Zoning Code (KZC) and Kirkland Municipal

Code (KMC) related to accessory dwelling units (ADUs) – joint public

hearing

File CAM19-00282

#### **Staff Recommendation**

Conduct a public hearing to receive comments on the draft amendments to the Zoning Code and Municipal Code. Following the public hearing, staff recommends that the Houghton Community Council (HCC) deliberate and discuss its recommendation to the Planning Commission (PC). Staff recommends that the PC schedule its deliberation for its meeting on February 13. At that time, the PC would consider the recommendation of the HCC and make a recommendation to the City Council. The City Council is anticipated to consider and take action on the recommendation of the PC in March 2020.

#### **Background**

The City is considering amendments to regulations governing accessory dwelling units (ADUs). The amendments include several changes to Zoning Code regulations and two changes to the text of the Municipal Code. Attachment 1 contains a summary of the proposed amendments. The proposed amendments to the KZC appear in Attachment 2. The proposed amendments to the KMC appear as Attachment 3.

The <u>materials prepared for the June 13, 2019 Planning Commission study session</u> provide background information about the <u>Housing Strategy Plan</u> approved by the City Council in May 2018, and the subsequent tasks included in the Housing Strategy Work Program to implement recommendations of the Plan for ADUs. The first step in the implementation included a research effort that concluded that the most effective strategy to increase the supply of ADUs within the City would be to provide greater flexibility in zoning regulations. Key suggested changes include removing regulations that require the property owner to live on site, reducing requirements for on-site parking spaces and eliminating restrictions on the size of the ADU relative to the size of the primary residence.

The scope of the current code amendment task focusses on this recommendation and includes a variety of additional changes (see Attachment 1). The PC held two study

sessions on the proposed amendments (see the <u>materials prepared for the June 13, 2019 PC study session</u> and the <u>materials prepared for the August 8 PC study session</u>). The HCC also held two study sessions on the topic (see the <u>materials prepared for the July 22 HCC study session</u> and the <u>materials prepared for the August 26 HCC study session</u>). Attachment 4 provides a summary of the input received from the PC and HCC at each of the study sessions.

## Recommended Amendments to the Zoning Code

The proposed amendments generally incorporate the direction provided to staff at study sessions on the topic of ADUs. The proposals include several additional amendments intended to clarify the text of the Zoning Code and to address additional suggestions from the PC related to setback issues. The proposed amendments, direction from the PC and HCC, and a brief discussion of each proposal follows. Additional discussion on the proposed changes can be found in Attachment 4 and in the staff memorandums contained in the links provided above.

1) <u>Size and scale</u>: Existing regulations (KZC 115.07.4) limit the size of an ADU to 40% of the primary residence and the ADU combined. For detached ADUs (DADU), the regulation further limits the size to the lesser of 800 square feet or 40% of the DADU and the primary residence combined.

# a. Attached ADUs (AADU):

<u>PC and HCC Direction:</u> The PC and HCC indicated initial support for an amendment to eliminate the scale restriction.

<u>Staff Recommendation (see Attachment 2)</u>: Support the removal of the regulation that limits the size of an AADU to 40% of the primary residence and the AADU combined and establish a maximum size for AADUs of 1,200 square feet.

<u>Discussion</u>: The elimination of the scale restriction would allow owners of smaller homes to consider adding an AADU. The total size of the primary residence and the AADU would continue to be regulated through a combination of FAR requirements and building setbacks.

During the study sessions, staff had not suggested that the PC and HCC consider setting a maximum size for an AADU. Since that time, internal staff discussions have concluded that establishing a maximum size for an AADU would be consistent with regulations in most other cities and would ensure that these units do not become overly large, and thereby potentially less affordable.

Setting a maximum size for an AADU would also establish a clear distinction between AADUs and duplexes. With no limit to the maximum size of an AADU, the two units could function more like duplexes, while not being subject to the impact fees that apply to duplexes. The option to create the new unit as a duplex would remain for a homeowner if

more than 1,200 square feet is desired.

# b. Detached ADUs (DADU):

<u>PC and HCC Direction:</u> The PC and HCC indicated initial support for an amendment to eliminate the scale restriction and to increase the maximum size for a DADU from 800 to 1,200 square feet.

# <u>Staff Recommendation (see Attachment 2)</u>:

- Support the removal of the regulation that limits the size of a DADU to 40% of the primary residence and the DADU combined.
- Increase the maximum size for DADUs to 1,200 square feet.

<u>Discussion</u>: As with an AADU, elimination of the scale restriction would allow owners of smaller homes to add a DADU on their property. Several members of the public have provided written or oral testimony in support of increasing the size of a DADU (see Attachment 5). Some testimony suggested that at least 1,000 square feet is necessary to accommodate two bedrooms which may be desirable to house a family or a caregiver for a resident. Additional comments suggested that an additional 100 square feet would be necessary to allow a DADU to integrate Universal Design principles, in order to accommodate wheelchairs and other specialized design features within the unit.

Ploor Area Ratio (FAR) exemption for detached ADUs: Existing regulations (KZC 115.42.1) provide exemptions from FAR requirements for portions of DADUs that are located at least 20 feet from and behind the main structure. The exemption varies by lot size, allowing an exemption of 500 square feet on lots under 8,500 square feet, and an exemption of 800 square feet on lots 8,500 square feet or larger.

<u>PC Direction:</u> The PC indicated that it supported exempting the entire DADU from FAR requirements for a property if it meets the distance requirements noted above. Note that FAR regulations for single family homes do not apply within the jurisdiction of the HCC.

<u>Staff recommendation (see Attachment 2):</u> Retain the existing approach to exemptions from FAR requirements for DADUs but reduce the distance (from 20 feet to 10 feet) that a DADU must be located from and behind the primary residence to be eligible for the exemption.

<u>Discussion:</u> Planners who review applications for DADUs report that the requirement that a DADU be located at least 20 feet from or behind the main structure to be eligible for the FAR exemption is typically more challenging for homeowners to meet than the limit on FAR. Staff suggests that a reduction in this separation requirement would be more effective in providing flexibility in working within the constraints of a lot, while retaining compatible FAR within a neighborhood. In some cases, a DADU is planned as extra space for a homeowner rather than as an

additional housing unit. Retention of the standard FAR provisions would prevent excessive building massing on a lot, while not compromising the number of new ADUs that could be developed in the City.

Regarding the proposal to exempt DADUs from FAR, if the entire DADU were exempt from the FAR calculation, the effective FAR on these properties would be considerably higher than the FAR maximum for the zone. The chart below provides a comparison of the FAR that could be achieved if the entire DADU were exempt from the calculation. On smaller lots in particular, this approach could result in a significant increase in building mass on a property.

				Effective
L - + C'	Maximum	M	Maximum	FAR if
Lot Size (square feet)	house size	Maximum DADU	FAR for	DADU is
	(square feet)	(square feet)	zone	100%
				exempt
5,000	2,500	1,200	.5	.74
6,300	3,150	1,200	.5	.69
7,200	3,600	1,200	.5	.66
8,500	4,250	1,200	.5	.64
12,500	4,375	1,200	.35	.44
35,000	7,000	1,200	.20	.23

3) <u>Number of ADUs</u>: Existing regulations (KZC 115.07) limit the number of ADUs associated with a <u>single family dwelling</u> to one.

<u>PC Direction:</u> The PC indicated initial support for allowing two ADUs per lot – one attached and one detached.

<u>HCC Direction</u>: The HCC indicated initial agreement with the PC that two ADUs, one AADU and DADU, should be allowed per lot. The HCC expressed some concerns about the need for a parking space to be provided if a second ADU were allowed (see discussion related to parking standards, below).

<u>Staff recommendation (see Attachment 2)</u>: Increase the number of ADUs allowed per single family dwelling from one to two. The two ADUs could include one AADU and one DADU (but not two AADUs or two DADUs).

4) **Owner occupancy**: Existing regulations (KZC 115.07.2) require that one of the units, either the principal dwelling unit or the ADU, must be the principal residence of the property owner(s).

<u>PC Direction:</u> The PC indicated initial support for eliminating the requirement for owner occupancy. At its meeting in August, members of the PC suggested that a "pilot program" could be considered as a means to limit the number of ADUs that could be approved under this revised regulation, to provide an opportunity to review the success of the

regulations. The program would provide an opportunity to assess complaints or other problems associated with the absence of a requirement for owner occupancy during a specific period or for a set number of units. If it were determined that the problems were substantial, the owner occupancy requirement could be reinstated. If the pilot program were found to be successful, the limitation would be eliminated.

The notion of a "hardship option" was also discussed. This type of provision could establish conditions under which owner occupancy might not be required for a period of time.

<u>HCC Direction</u>: The majority of the HCC indicated it did not support eliminating the requirement for owner occupancy, nor did it support the pilot program approach suggested by the PC.

<u>Staff recommendation (see Attachment 2)</u>: Staff recommends that the requirement for owner occupancy of any of the units (principal residence or ADUs) be eliminated.

<u>Discussion</u>: The <u>materials provided for the August 8 2019 PC meeting</u> (pages 3-4) provided a discussion of the challenges posed for ADU development by owner occupancy requirements according to author Kol Peterson (<u>Backdoor Revolution</u>, 2018), who refers to the regulation as a "poison pill." The requirement contributes to a reduction in how a property owner may use an ADU, difficulties in obtaining financing, increases in non-registered ADUs as property owners seek ways to rent both units, and problems created by the sale or inheritance of a home with an ADU and a current tenant. In addition, owner occupancy requirements do not currently apply to duplexes and triplexes (or standalone single-family residences), and no problems have been observed.

Staff notes that the Zoning Code contains regulations to address concerns about possible impacts cited by the PC and HCC that may occur from a lack of owner presence on-site (noise, debris, etc.). If the PC and/or HCC are interested in retaining the owner occupancy requirement, but wish to provide increased flexibility for property owners, two alternative approaches that may be considered include:

Pilot program: As described above, the owner occupancy requirement could be temporarily eliminated during the duration of the pilot program. The City would later assess the success of ADUs built as part of the pilot program and could reinstate the owner occupancy requirement if necessary. The pilot program could be designed in a similar fashion to the standards in place in the Rose Hill and Totem Lake business districts that establish less stringent affordability levels for the first 50 units of affordable housing in these areas to encourage "pioneer developments".

Staff recommends that if this option is selected, a period of at least

five years or 135 ADUs be established for the assessment to provide sufficient data. Over the past five years, an average of 27 ADUs have been created per year. Staff would also note that even without a pilot program, owner occupancy requirements could be modified at any time with simple code amendments.

• Hardship option: ADU regulations in the City of Anacortes allow the Planning Director to waive the owner occupancy requirement for three years if a letter is submitted that provides evidence of "good cause" for a waiver. Examples of eligible "good causes" cited include job dislocation, military employment, sabbatical leave, education or illness. Draft regulations under consideration by the City of Kenmore also include a "hardship" option that may be considered in cases where either a representative of the property owner will reside at the property or there is a need for the owner to leave the premises due to business, health, family or other issues.

The implementation of a "hardship option" could be challenging for several reasons. Staff would be required to evaluate evidence of the property owner's situation, and possibly consider renewals if conditions, such as illness, remain. Staff recommends that if the hardship option is selected, a period of at least three years be established to provide a realistic time frame for a variety of eligible circumstances.

5) **Parking Requirement**: Existing regulations (KZC 115.07.7) require that one off-street parking space be provided for an ADU.

<u>PC Direction:</u> The PC indicated initial support for eliminating the requirement for one off-street parking space for the first ADU and requiring that one parking space be provided if two ADUs are proposed, unless street parking exists or the property is located near transit.

<u>HCC Direction</u>: The HCC indicated initial support for the elimination of the parking requirement for one ADU but expressed concerns about whether the parking provisions suggested for a second ADU would be sufficient.

Staff recommendation (see Attachment 2): Staff recommends eliminating the requirement for one off-street parking space for the first ADU, and that one parking space be required on lots with more than one ADU. Staff also recommends that the parking space requirement be waived if street parking exists within 600 feet of the property, or the property is located within one-quarter mile of transit service with 15-minute headways during commute hours. While a distance of one-half mile was discussed during the study sessions in 2019, staff recommends reducing this distance to one-quarter mile upon further analysis of transit routes.

Discussion: The <u>materials provided for the August 8 2019 PC meeting</u> (pages 4-5) provide additional background on this topic.

Number of unrelated people: Existing regulations (KZC 115.07.1) limit the number of occupants in the principal dwelling unit and an ADU to the maximum number established for a single family dwelling. According to the definitions contained in the Zoning Code, a single-family dwelling is occupied by one family, which is defined as including not more than five unrelated persons.

<u>PC Direction:</u> The PC indicated initial support to expand the number of unrelated people to reside on the property as suggested by staff. The PC asked that staff add language to the Zoning Code definition to refer to the Federal Fair Housing Act.

<u>HCC Direction</u>: The HCC indicated initial agreement with the PC. The HCC asked staff to investigate whether the presence of a DADU condo (if the DADU were sold as a separate unit) would affect the number of unrelated people who could reside on the property (see the discussion in "Separate Ownership" below).

<u>Staff recommendation (see Attachment 2)</u>: Staff recommends that the number of occupants allowed on a property be increased to eight unrelated persons when one ADU exists on a lot, and to twelve unrelated persons when two ADUs exist.

<u>Discussion:</u> Staff consulted with the City Attorney's office on this topic. The City Attorney confirmed that "unrelated persons", unlike race, religion, disability, etc., is not a protected class as defined by the Federal Fair Housing Act. As a result, the definition of "Family "(below) in the Zoning Code is valid and does not merit revision.

Since the definition of "Family" and the proposed changes that increase the number of occupants on a lot are not related to ownership type, the presence of a DADU condo would not affect the number of unrelated persons who may reside on a property.

#### .300 Family

One (1) or more persons (but not more than five (5) unrelated persons) living together as a single housekeeping unit. For purposes of this definition and notwithstanding any other provision of this code, persons with familial status within the meaning of Title 42 United States Code, Section 3602(k) and persons with handicaps within the meaning of Title 42 United States Code, Section 3602 (h) and RCW 35A.63.240 will not be counted as unrelated persons. "Adult family homes," as defined by RCW 70.128.010, shall be included within this definition of "family." Facilities housing individuals who are incarcerated as the result of a conviction or other court order shall not be included within this definition of "family." (Ord. 4650 § 1, 2018; Ord. 3852 § 1, 2002)

7) <u>Separate ownership (condominium)</u>: Existing regulations (KZC 115.07.3) prohibit ADUs from being subdivided or otherwise segregated in ownership from the principal dwelling unit.

<u>PC Direction:</u> The PC indicated initial support for allowing DADUs as condominiums.

HCC Direction: The HCC indicated that it was generally supportive of the

concept, but requested additional information regarding the process for creating a condominium, whether the DADU would still be "accessory", whether this type of condominium would be an "airspace" condo, whether connection fees would be affected, and whether the ownership status would affect the number of unrelated persons who may live on the property.

<u>Staff recommendation (see Attachment 2):</u> Staff recommends that a DADU be allowed to be segregated in ownership from the principal dwelling unit, but that the prohibition on subdivision of the lot be retained.

<u>Discussion:</u> The City would not be involved in the created of a DADU condominium, as this process is regulated by state law and administered by King County. To create a condominium, a homeowner would likely consult with an attorney to create a homeowner's association and to assist with recording the required documents with the county. According to the City Attorney, these would probably include a Condominium Declaration, a survey and plans for the site.

In response to the questions posed by the HCC:

- The DADU condo would likely not be an "airspace" condo, since the roofs and exterior walls would be considered "common area".
- The definitions of "condominium" and "accessory" are different under City and State law. It is possible the condominium would not be truly "accessory," although in the vast majority of cases it would be smaller than the primary residence. The standards that apply to DADUs, such as maximum size, setbacks, distance from the primary residence, etc., would not be affected by ownership status.
- Connection fees do not apply specifically to DADUs. The King County sewer capacity charges would be unchanged by ownership status. The county sewer capacity charge for an ADU is 0.6 of the "Residential Customer Equivalent (RCE), or about \$40.00 per month for a period of 15 years.
- The total number of occupants in the principal dwelling unit and ADU(s) is not affected by ownership status. In practice, however, this issue could complicate occupancy of the dwellings on the site. If the principal unit contained 8 unrelated persons, for example, the ADU could be left with no allocation for residents.

The flexibility to create a DADU as a condominium would provide another option for a homeowner. It is likely that these units would provide more affordable home ownership opportunities. DADU condos in Seattle appear to be fairly expensive, although on a per-unit basis are substantially more affordable than conventional single-family houses. Three known DADU condos in Seattle, all approximately 800 square feet, sold at prices ranging from \$560,000-\$660,000 during the last two years. An article in

<u>Curbed Seattle</u> provides a story about one DADU condo created in Seattle's Central District last year.

8) ADUs on lots created through small lot and historic subdivision provisions: Existing regulations (KZC 22.28.042 and 22.28.048) prohibit ADUs on these lots.

<u>PC and HCC Direction:</u> The PC and HCC indicated initial support for eliminating the prohibition on AADUs and DADUs on these lots. Both bodies expressed support for staff's suggestion that all other standards established for these lots (lot size, lot coverage, design, FAR, etc.) be retained.

<u>Staff recommendation (see Attachments 2 and 3)</u>: Staff recommends that the restriction on ADUs on lots created through these types of subdivisions be eliminated. All other standards established for development on these lots would be retained.

In addition, staff recommends that new text be added to the Location section of the ADU regulations in Chapter 115 indicating that, on lots approved using the historic preservation subdivision regulations, DADUs are required to be located behind the historic residence. Staff who review these applications report that in some cases, particularly for potential applications that include mid-century modern homes, the placement of the structure on the site contributes to the context of the historic home. Consequently, the historic home should retain its original siting and visibility.

Staff suggests that several additional changes to regulations governing the creation of ADUs be considered. Two of the additional changes are proposed as a result of discussions with staff who administer the City's regulations, and two are proposed in response to requests from the PC.

1) <u>Definition of an ADU: Existing regulations (KZC 5.10.017)</u> define an Accessory Dwelling Unit as:

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

<u>Staff recommendation (see Attachment 2)</u>: Staff proposes the following revised definition of an ADU:

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

<u>Discussion:</u> Staff recommends that the definition of an ADU be revised to simplify the reference to basic requirements to be incorporated within an

ADU. During the review of applications for ADU permits, staff have struggled to evaluate components of units that are related to eating and cooking, which in many cases may be quite minimal (e.g., a counter space that can accommodate a microwave). Similarly, basic requirements for sleeping can be met with a sleeper sofa, futon or murphy bed and need not be provided in a separate room.

Since the objective of this code amendment process is to encourage the creation of more ADUs, the simplification of requirements and process to create the units is desirable. The proposed changes to the definition will enable more units to be registered as ADUs, which is useful in tracking the units for:

- Monitoring purposes to evaluate the effectiveness of the updated regulations in encouraging the development of ADUs.
- Annual population estimate the City must have accurate unit counts to provide to the State each year.
- Compliance to ensure that the regulations are being met.
   For example, ADU regulations require that "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." If units are not determined to be ADUs, this requirement and others such as those related to parking and owner occupancy cannot be enforced.

The costs associated with the creation of an ADU are not overly burdensome. The costs are limited to the one-time fee to record the ADU registration (approximately \$100), and the sewer capacity charge (approximately \$40/month).

2) <u>Distance between DADU and the principal residence</u>: Existing regulations (KZC 115.07) do not establish a minimum distance between the main house and the DADU (except as it applies to the FAR exemption).

<u>Staff recommendation (see Attachment 2)</u>: Staff proposes that new text be added to the regulations related to the location of a DADU to clarify that a DADU must be fully contained in a separate structure that is detached from and located at least five feet from the principal unit.

<u>Discussion</u>: Occasionally, applications for DADUs have proposed to locate a DADU immediately adjacent to the principal unit. These proposals are challenging to review, as the DADU may appear to be integrated into the footprint of the principal unit, and therefore difficult to evaluate in terms of maximum square footage. The proposed changes will clarify the requirements for a DADU and provide certainty to permit applicants

seeking project approval.

3) Required yards – reduced setbacks for DADUs: Existing regulations (KZC 115.115.3.o) allow a DADU to be located above a garage which is 0-5 feet from a rear property line if the garage uses the alley as its primary vehicular access.

<u>PC Direction:</u> Commissioners requested that staff study opportunities to provide flexibility for DADUs to be located within side and rear setback yards.

# a. Setbacks related to alleys

<u>Staff recommendation (see Attachment 2)</u>: Staff recommends that the following additional flexibility be provided for DADUs:

- 1. Allow DADUs *without* alley access to be located within 5 feet of rear property line if:
  - The portion of the structure within the rear yard is no taller than 15 feet, and
  - The rear yard does not abut an access easement that is regulated as a rear property line.
- 2. 115.115.3.o.4: Allow DADUs that are not above garages to be located within 5 feet of an alley.

#### b. Setbacks from rear and side property lines

<u>Staff recommendation (see Attachment 2)</u>: The PC directed staff to prepare a "bold" amendment for consideration that would allow a DADU to be developed within a side or rear setback yard. The following draft amendment could be added to Section 115.115.3.o to provide this flexibility:

- 5) Within the required rear yard, detached accessory dwelling units may be located within zero (0) feet of the side and rear property lines provided that:
  - a) The portion of the structure that is located within the required rear and side yards is no taller than 15 feet above average building elevation; and
  - b) Separation requirements of the building code are met.

Staff does not recommend the draft amendment to Section 115.115.3.o noted above. In discussions with residents during the plan update underway for the Market, Norkirk and Highlands neighborhoods, residents consistently report concerns about open space and shadow impacts from neighboring homes that meet the existing regulations. Further encroachments with structures along property lines in these setback yards may not be supported by many Kirkland residents.

#### **Public Comments and Outreach Efforts**

Public comments on the proposed ADU code amendments project are included in Attachment 5.

The <u>Accessory Dwelling Units webpage</u> has been continually updated with meeting dates and links to materials prepared for study sessions of the PC and HCC.

Staff presented the objectives and draft amendments for the project to the City Council Planning and Economic Development Committee and to the Master Builders Residential Builders Council in July 2019. Study sessions of the PC took place in June and August 2019, and the HCC studied the topic in July and August 2019. In the fall of 2019, staff presented the topic and draft amendments to a variety of neighborhood groups including the Kirkland Alliance of Neighborhoods (KAN), and the Norkirk, Highlands and Everest neighborhood associations.

The code amendment effort was also discussed in <u>an article on January 8, 2020 in the Kirkland Reporter, "Unlocking Kirkland's housing diversity"</u>, by Planning Commissioner Rodney Rutherford.

Notices of the public hearing were published prior to the public hearing pursuant to the requirements of Chapter 160 of the Zoning Code. The notice included emails to interested parties (those who have submitted comments or otherwise requested notification), the Chamber of Commerce, the Kirkland Library, all neighborhood associations, KAN, the HCC and PC, Cascade Water Alliance, Seattle City Light and the Department of Transportation.

#### **Criteria for Amending the Zoning Code**

The proposed amendments to the text of the Zoning Code must satisfy the criteria contained in Chapter 135 of the Zoning Code. The criteria and a brief analysis of how the proposed changes meet them are discussed below.

Chapter 135 of the Zoning Code contains four criteria for amending the text of the Zoning Code:

- 1. The proposed amendment is consistent with the applicable provisions of the Comprehensive Plan;
- 2. The proposed amendment bears a substantial relation to public health, safety, or welfare;
- 3. The proposed amendment is in the best interests of the residents of Kirkland; and
- 4. When applicable, the proposed amendment is consistent with the Shoreline Management Act and the City's adopted shoreline master program.

The proposed amendments to the Zoning Code are consistent with the criteria listed above. Amendments to expand opportunities for the development of ADUs support more efficient use of the existing housing stock. Potential income from the units also helps residents to supplement maintenance and mortgage costs, thereby enabling seniors and lower income residents remain in their homes. The proposed increases to the size of DADUs support the development of units appropriate for seniors or residents

with disabilities who rely on wheelchair ramps or other accommodations to design that require larger unit sizes. The proposed amendments implement the following Housing Element policies:

Policy H-2.2: Promote the development of accessory dwelling units on single-family lots.

Policy H-3.9: Promote housing options, programs, and services that allow seniors to stay in their homes or neighborhood. Encourage universal design improvements that increase housing accessibility.

The proposed amendments to the text of the Zoning Code support the public health, safety and welfare of the community, and are in the best interests of the residents of Kirkland in that they implement policies of the Housing Element contained in the Comprehensive Plan.

# **Notice to Department of Commerce**

Under Revised Code of Washington (RCW) 36.70A.106, the City is required to submit a Notice of Intent to Adopt any amendments to development regulations to the Washington Department of Commerce (DOC) at lease sixty days prior to final adoption. The DOC reviews the draft regulations to confirm that they are consistent with the Growth Management Act (GMA), and with multi-regional and regional planning policies. The City submitted the Notice of Intent to Adopt the code amendments to the DOC on July 15, 2019. The DOC responded to the submittal with a letter of support for the code amendments (see Attachment 5). Adoption is planned for February or March 2020.

#### **Next Steps**

Following the public hearing, the HCC will deliberate and forward a recommendation to the Planning Commission. At a subsequent meeting, the Planning Commission will consider the recommendation of the HCC, deliberate and forward a recommendation to the City Council. The Planning Commission recommendation for amendments to the Zoning Code and the Municipal Code are anticipated to be considered by the City Council in March 2020.

A subsequent task to be initiated later this year will be the "ADU Project," called for in the 2019-21 Work Program. That project will involve tasks aimed at education and assisting homeowners in creating ADUs. It may include efforts such as 1) hiring architects to create preapproved design and construction ADU plans, which could then be provided or sold inexpensively to the public; 2) establishing a program to waive permit fees for applicants or ADUs meeting certain requirements; and 3) developing new educational resources that would help people navigate the ADU design, permitting, development, and rental processes. The City could consider implementing a tool similar to Seattle's "ADU Navigator". The ADU Navigator assists homeowners in determining whether their properties are suitable for an ADU, evaluates development regulations, and provides financial guidance.

#### Attachments

- 1. Summary of proposed code amendments
- 2. Proposed amendments to the Kirkland Zoning Code

- 3. Proposed amendments to the Kirkland Municipal Code
- 4. PC and HCC direction from study sessions
- 5. Public Comments

cc: CAM19-00282
Interested Parties
Adam Weinstein
Sean LeRoy
Allison Zike
Lindsay Masters, ARCH, Imasters@bellevuewa.gov

# Proposed Amendments to Accessory Dwelling Units Regulations Summary

Topic			Proposed Amendment			
		Existing Regulation	Code Section(s) <sup>i</sup>	New Regulation		
Size/Scale	Attached (AAD		≤40% of primary residence & AADU combined	115.07.3	Eliminate scale restriction and establish maximum size of 1,200 square feet.	
	Detache (DAD		≤40% of primary residence & DADU combined & ≤800 s.f.	115.07.3	Eliminate scale restriction and increase maximum size to 1,200 square feet.	
FAR exemption for DADUs			Portion (500-800 s.f.) of square footage of DADU is exempt from FAR if located at least 20' from and behind main structure.	115.42	Portion (500-800 s.f.) of square footage of DADU is exempt from FAR if located at least 10' from and behind main structure.	
Numbe	r of ADUs		One	115.07	Allow two – one attached, one detached	
Owner (	Occupancy	/	Required (either unit)	115.07.2	Eliminate requirement	
Parking			One off-street space	115.07.6	One ADU: none Two ADUs: one required, with exceptions	
Number of u	nrelated p	eople	≤5	115.07.1	One ADU: ≤8 Two ADUs: ≤12	
Separate ownership  ADUs on lots created through small lot and historic subdivisions			Not permitted	115.07.2	Allow for detached (DADU) as a condominium. Subdivision of land would still be prohibited.	
			Not permitted	<sup>iv</sup> KMC 22.28.042 KMC 22.28.048	Eliminate restriction to allow ADUs (either AADU or DADU).	
Minor additional			•	sed Amendment		
amendment study sess	•	Ex	isting Regulation	Code Section(s)	New Regulation	
ADU definition "subord			es reference to ADU as dinate" to primary nce, and detailed	5.017	Eliminates reference to "subordinate" and	

	description of functions provided in unit.		simplifies functions within unit
Distance between DADU and principal residence	None	115.07.4	5' minimum separation
Required yards: Reduced setbacks for DADUs without alley access (similar to garages)	Allowed as second story uses in detached garages within 0'-5' of rear property line with alley access only	115.115.3.o.3- 4	Expand to allow on sites:  • Without alley access within 5' of rear property line • Within 5' of an alley
Required yards: Reduced setbacks for DADUs	Must conform with setbacks established for primary residence	115.115.3.o.5	Allow DADUs within 0 feet of side and rear property lines, if ≤15' in height.

<sup>&</sup>lt;sup>i</sup> References are to the Zoning Code unless otherwise noted.

ii AADU: Accessory dwelling units that are added to or included within the principal unit. iii DADU: Accessory dwelling units that are located in a detached structure.

iv KMC: Kirkland Municipal Code

## 115.07 Accessory Dwelling Units

TwoOne (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. \_\_\_\_Number of <u>Occupants</u> The total number of <u>occupants</u> in the principal <u>dwelling unit</u> and the ADUs combined <u>mayshall not</u> exceed the maximum number established for a <u>single-family dwelling</u> as defined in KZC <u>5.10.300-as follows:</u>
  - 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
  - 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 detached 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 <u>accessory dwelling unit</u> shall not exceed 40 percent of the primary residence and <u>accessory dwelling unit</u> combined. If the <u>accessory</u> unit is completely located on a single floor, the <u>Planning Director</u> 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.
- c) 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 1,200the lesser of 800 square feet of gross floor area. For attached ADUs, 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. 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:
  - <u>1. a</u>) Area with less than five (5) feet of ceiling height, as measured between the finished floor and the supporting members for the roof.
  - 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. The 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 115.15.3.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).
- <u>56.</u> Entrances. The primary entrance to the <u>accessory dwelling unit</u> 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.

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- 67. Parking. On lots with more than one accessory dwelling unit, take 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. <u>Accessory dwelling units</u> are prohibited on lots smaller than the required minimum <u>lot size</u> approved using the small lot single family and historic preservation subdivision regulations contained in KMC <u>22.28.042</u> and <u>22.28.048</u>.
- 79. Applicable Codes. The portion of a <u>single-family dwelling</u> in which an <u>accessory dwelling unit</u> 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 <u>International Building Code</u> (IBC) ceiling height requirements if it was legally constructed as habitable space.

#### 810. Permitting

#### a. Application

- 1) The property owner shall apply for an <u>accessory dwelling unit</u> 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 <u>accessory dwelling unit</u> 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 <a href="accessory dwelling unit">accessory dwelling unit</a>, and reference to other standards outlined in this section. The covenant shall run with the land as long as the <a href="accessory dwelling unit">accessory dwelling unit</a> 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 finaled, an ADU inspection will be required for issuance of an ADU permit. The

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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 <u>Planning Official</u> is appealable using the applicable appeal provisions of Chapter <u>145</u> 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 <u>F.A.R.</u> regulations is to limit the perceived bulk and mass of residential structures as they relate to the <u>right-of-way</u> and adjacent properties and to ensure houses are proportional to <u>lot size</u>. 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. <u>Gross floor area</u> for purposes of calculating <u>F.A.R.</u> and maximum floor area for <u>detached dwelling units</u> in low density <u>residential zones</u> and <u>attached dwelling units</u> 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 <u>finished grade</u>. The ceiling height will be measured to the top of the structural members for the floor above. The <u>finished grade</u> will be measured along the outside perimeter of the building (see Plate <u>23</u>). For window wells, <u>finished grade</u> 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 <u>accessory dwelling unit</u> or garage contained in an <u>accessory</u> structure, when such <u>accessory</u> structure is located more than 20 feet from and behind the main structure, or 10 feet from and behind the main structure if the <u>accessory structure contains an accessory dwelling unit</u> (see subsection (3) of this section for additional information on the required distance between structures); provided, that the entire area of an <u>accessory</u> structure, for which a building permit was issued prior to March 6, 2007, shall not be included in the <u>gross floor area</u> used to calculate <u>F.A.R.</u> 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 <u>easement</u> serving the residence.

- d. On lots greater than or equal to 8,500 square feet, the first 800 square feet of an <u>accessory</u> dwelling unit or garage contained in an <u>accessory</u> structure, when such <u>accessory</u> structure is located more than 20 feet from and behind the main structure, or 10 feet from and behind the <u>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 <u>accessory</u> structure, for which a building permit was issued prior to March 6, 2007, shall not be included in the <u>gross floor area</u> used to calculate <u>F.A.R.</u></u>
- 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 <u>dwelling unit</u> 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 <u>F.A.R.</u> 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 <u>finished grade</u>.
  - 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, <u>bay windows</u>, greenhouse windows, eaves, <u>cornices</u>, 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, pPorches extending no more than five (5) feet from the wall of a structure if:
  - i) The porch is no higher than one (1) <u>story</u> and the finished floor of the porch is no more than four (4) feet above <u>finished grade</u>;
  - 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 <u>residential zones</u>:
  - 1) Detached garages, including second <u>story</u> uses, utilizing an alley for their <u>primary</u> <u>vehicular access</u> may be located within five (5) feet of the rear <u>property line</u>, if:
    - a) Garage doors will not extend over the <u>property line</u> when open; and
    - b) The garage complies with KZC  $\underline{115.135}$ , which regulates sight distance at intersections.
  - 2) Detached garages, including second <u>story</u> uses, utilizing an alley for their <u>primary</u> <u>vehicular access</u> may extend to the rear <u>property line</u>, 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 <u>115.135</u>, which regulates sight distance at intersections.
  - 3) Garages <u>and detached accessory dwelling units</u> 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 <u>average building elevation</u>; and
    - b) The rear yard does not abut an access <u>easement</u> 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 <u>subordinate dwelling unit residence</u> added to, created within, or detached from a <u>single-family structure</u>, that provides basic requirements for living, <u>sleeping</u>, <u>eating</u>, <u>cooking</u> 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.
- (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. SHARE

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 <u>75</u> 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)

# ACCESSORY DWELLING UNITS (ADUs) PROPOSED AMENDMENTS – KZC AND KMC

	TROTOSED AMERICATO RECEARD RIVE										
ТОРІС	KIRKLAND CURRENT STANDARD	POTENTIAL  AMENDMENTS TO  KZC/KMC	BOLDER OPTION	STAFF COMMENTS	PC DIRECTION FOR FUTURE STUDY 6/13/19	HCC COMMENTS & DIRECTION 7/22/19	STAFF RECOMMENDATION (PRIOR TO 8/8/19)	PC DIRECTION 8/8/19 (SEE STAFF REC)	HCC COMMENTS 8/26/19		
Floor Area Ratio (FAR) and size restrictions for detached ADUS (DADUS).	Square footage of detached ADU must be ≤ 800 s.f. of gross floor area or 40% of ADU and primary residence combined.¹  DADU: When located more than 20' from and behind the main structure, the first 500 s.f. (lots ≤ 8,500 s.f.) or the first 800 s.f. (lots ≥ 8,500 s.f.) of an ADU in an accessory structure is not included in FAR. (Accessory structures may not exceed 1,200 s.f., plus 10% of lot area)¹i	Eliminate restriction that detached ADU not exceed 40% of size of ADU and primary residence combined. (Maximum size of detached ADU would be 800 feet.)	In addition:  Exempt entire size of DADU from FAR calculation.  Expand maximum size of DADU to 1,000 s.f., while retaining maximum size of accessory structures to 1,200 s.f.  Reduce 20' separation to 10 or 15 feet.	Size requirements dependent on the size of the primary residence limit options for residents with smaller homes. Retention of maximum size requirement for accessory structures (includes garages and other outbuildings) would provide flexibility for ADUs, while maintaining overall mass of structures on site.	Support to study bolder option, with the following:  • Yes, exempt DADU from FAR calculation  • Expand max size of DADU to 1,200 s.f., while retaining max square footage of all accessory structures of 1,200 s.f.  • Reduce separation to 10-15'	Most support some expansion.     Comment that 1,000 s.f. is needed for 2 bedrooms.     DADU: 1) consider incremental increase for larger lot size (as with accessory structures). 2) Consider expanded FAR exemption for ADU (e.g. to 600 s.f.) with separation.	1,000 s.f.	<ol> <li>1. 1,200 s.f.</li> <li>2. No.</li> <li>3. Yes.</li> <li>4. Exempt entire DADU from FAR.</li> </ol>	Generally agree with PC.		
Floor Area Ratio (FAR) and size restrictions for attached ADUs.	ADU (attached): ≤ 40% of primary residence and ADU combined.	Eliminate restriction that attached ADU not exceed 40% of size of ADU and primary residence combined.     Add maximum size for attached ADU, such as 1,000 s.f.	No limit on size of attached ADU, if dwelling is not expanded.	Size requirements dependent on the size of the primary residence limit options for residents with smaller homes.	Support to study bolder option, to eliminate the limit on size of attached ADU, if dwelling is not expanded.	Address subsequent expansion of primary residence (if attached ADU is not restricted to 40%). Is later expansion prohibited?	Eliminate restriction limiting size of attached ADU to no more than 40% of primary residence and ADU combined. The size of the primary residence would continue to be regulated through a combination of FAR requirements and building setbacks.	Agree with staff.	Agree with PC.		
Number of ADUs allowed per lot	1	Allow two ADUS per primary residence. Options: When two ADUS exist, require property owner occupancy on site. Allow no more than one detached ADU.	2 No restrictions on owner occupancy.	"Precedent" table (attached to PC packet) notes that, only Vancouver, BC allows more than 1 ADU per lot. Recently adopted regulations in Seattle allow 2 ADUs per lot.	Interest in allowing two: one attached and one detached. Consider issues such as parking and separation of primary residence and detached ADU (DADU).	Mix of opinions.     One comment of support if paired with owner occupancy requirement.	Increase number of ADUs allowed on a single property to two, one attached and one detached. The following conditions apply to a property with two ADUs:     a. One parking space shall be provided as described below in the discussion of requirements for "Off-street parking for ADU", and     b. One of the three dwelling units on the property must be the principal residence of the property owner. (SEE)	1. Agree with staff on number of ADUS (one attached and one DADU) and: a. Yes b. No	Open to allowing two ADUs per lot. Concerns about the lack of parking requirements for the second ADU.		

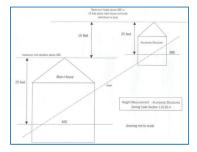
TOPIC	KIRKLAND CURRENT STANDARD	POTENTIAL  AMENDMENTS TO  KZC/KMC	BOLDER OPTION	STAFF COMMENTS	PC DIRECTION FOR FUTURE STUDY 6/13/19	HCC COMMENTS & DIRECTION 7/22/19	STAFF RECOMMENDATION (PRIOR TO 8/8/19)	PC DIRECTION 8/8/19 (SEE STAFF REC)	HCC COMMENTS 8/26/19
							OWNER OCCUPANY DISCUSSION)		
Owner Occupancy	Required (either unit)	Eliminate requirement that property owner reside in one of the units (allow both the primary residence and the ADU to be rental units).			Retain existing requirement.	Retain existing requirement.	1. If one ADU is proposed, no requirement for owner occupancy. 2. If two ADUs are proposed, one of the units must be the principal residence of the property owner.	No requirement for owner occupancy. Establish a limitation to be placed on the number of ADUs that may be permitted under the proposed new regulations for owner occupancy to provide an opportunity to review the success of the regulations. If complaints or problems associated with the absence of a requirement for owner occupancy are reported, the requirement could be reinstated. If the regulations have been successful, the "pilot project" limitation would be eliminated.	Although two members are open to no requirement for owner occupancy, the HCC does not generally support this amendment or the use of a pilot program.
Off-street parking for ADU	1 space	Provide exemption from off-street parking requirement for:     A DUs within .5 mile of defined business districts and	0	Proximity to transit is considered in several other cities (see "Precedent" table). Seattle (in Urban Villages), Santa Cruz, San Diego and Honolulu provide an exemption for ADUS	Interest in eliminating parking requirement, possibly only in areas with transit access, in 10-minute 2neighborhood, etc. Interested in studying options.	HCC asked that comments made during their discussion of MMH amendments apply to ADUs:  Personal experience with neighbors in duplexes: teens, significant others, parking demand  Request to study micro housing parking impacts.	If one ADU is proposed, no requirement for off-street parking.     If two ADUs are proposed, one parking space must be provided unless:	Agree with staff.	Concerns about the lack of parking requirements for the second ADU.

ТОРІС	KIRKLAND CURRENT STANDARD	POTENTIAL AMENDMENTS TO KZC/KMC	BOLDER OPTION	STAFF COMMENTS	PC DIRECTION FOR FUTURE STUDY 6/13/19	HCC COMMENTS & DIRECTION 7/22/19	STAFF RECOMMENDATION (PRIOR TO 8/8/19)	PC DIRECTION 8/8/19 (SEE STAFF REC)	HCC COMMENTS 8/26/19
		neighborhood centers (Comprehensive Plan, Figure LU-2) and transit service. b. ADUs with fewer than 2 bedrooms. c. ADUs located within 600 feet of available onstreet parking.		within .5 mile of transit.  Smaller ADUs will typically have fewer residents and less demand for parking (Santa Cruz reduces parking requirement if under 2 bedrooms).  KZC 105.20.3.a provides an exemption from guest parking requirement (for multifamily use) where less than one stall is required, and on-street parking is available within 600 feet.		Concern re: more parking demand from unrelated people.     Proximity of transit not viewed as viable consideration for reduced parking.	b. The property is located within ½ mile of transit service, with 15-minute headways during commute hours.		
Number of unrelated people in ADU and primary unit combined (and number of related people may reside in the units).	5	Expand number of unrelated people to 7.  If two ADUs are allowed on site, expand number to 9.	Eliminate restriction on number of unrelated people to reside on site.	Expanding the number to 7 for one ADU and 9 for two, would enable two unrelated people to reside in each ADU without affecting the total for the primary residence. However, it may be desirable to eliminate the regulation.	Support for eliminating restriction on number of people allowed to reside on the property.	<ul> <li>Mix of opinions.</li> <li>Some open to concept, one "absolutely opposed", noting that existing definition meets Federal guidelines.</li> <li>Direction needed from City Attorney.</li> </ul>	The City Attorney's office has confirmed that the City of Kirkland's limit of 5 unrelated people for each property may continue to be used.  Staff recommends that some limit be considered, such as that recently adopted in Seattle: "If unrelated persons occupy any dwelling unit, the total number of persons occupying all dwelling units may not altogether exceed eight if there is one ADU on the lot. If two ADUs exist on the lot, the total number of unrelated persons occupying all units may not altogether exceed total number of unrelated persons occupying all units may not altogether exceed 12". See <u>City of Seattle regulations</u> .	Agree with staff regarding total number of unrelated persons but add language to KZC definition of "Family" that refers to the federal Fair Housing Act.	Generally agree with PC. Asked that staff provide information as to whether the creation of an ADU condo would affect the number of unrelated people who could reside on the property.
Ownership of detached ADU	Not allowed – ADU may not be sold separately from primary residence.		Allow separate ownership of detached ADU as a condominium.	Allowing a detached ADU to be owned as a condominium would be similar to the ownership options available for cottages,	Interest in exploring this concept.	Generally not supportive.  One comment that "airspace condos" can be useful technique.	Staff supports allowing ownership of DADUs. Following additional research, staff will provide additional background and a recommendation on this topic.	Yes.	Generally supportive, but interested in more information on the following topics:  How does the homeowner

ТОРІС	KIRKLAND CURRENT STANDARD	POTENTIAL AMENDMENTS TO KZC/KMC	BOLDER OPTION	STAFF COMMENTS	PC DIRECTION FOR FUTURE STUDY 6/13/19	HCC COMMENTS & DIRECTION 7/22/19	STAFF RECOMMENDATION (PRIOR TO 8/8/19)	PC DIRECTION 8/8/19 (SEE STAFF REC)	HCC COMMENTS 8/26/19
				carriages and two/three-unit homes. This change would promote entry-level ownership housing.					create an ADU condo?  • Would the ADU still be "accessory"?  • Does this differ from an "airspace condo"?  • How would this affect connection fees?  • Does this affect the number of unrelated people who may live on the property?
Building height - DADUs	Same as maximum height of detached dwelling units in underlying zoning. However, the height of an accessory structure may not exceed the maximum height allowed by the underlying zone or 15 feet above the existing height of the primary residence, whichever is less.		Eliminate restriction that the ADU not extend 15 feet above the primary residence.	On sloped sites, the current restriction may pose challenges to developing a detached ADU.	Support for eliminating restriction related to height of primary residence.	Mix of opinions.     Support for concept to allow ADUs over garages     Concern about unintended consequences including flat roofs.	The regulation has rarely prevented the development of an ADU and may continue to provide some benefit in some areas. Staff recommends that the regulation not be eliminated at this time.	Agree with staff (no change).	Agree with PC (no change).
Small Lot Single-Family and Historic Preservation	ADUs are prohibited on lots smaller than the required minimum lot size (small lot single family and historic preservation), as approved via Small lot subdivision regulations.	Revise to allow attached ADUs on lots approved through small lot and historic preservation provisions, where FAR restrictions are met (30-35% of lot size for small lots, 50% for historic).	Allow detached ADUs, subject to FAR requirements.	The proposed change (not "bold option") would not affect the overall FAR for approved small lots.	Support for studying bold option.	Support with retention of existing proportional requirements. Concern about massing and scale.	Allow attached and DADUs, subject to existing FAR requirements. Consider not allowing exemptions from FAR (see FAR and size restrictions for detached ADUs, discussed above) for these smaller properties.	Agree with staff.	Agree with PC.

TOPIC	KIRKLAND CURRENT STANDARD	POTENTIAL  AMENDMENTS TO  KZC/KMC	BOLDER OPTION	STAFF COMMENTS	PC DIRECTION FOR FUTURE STUDY 6/13/19	HCC COMMENTS & DIRECTION 7/22/19	STAFF RECOMMENDATION (PRIOR TO 8/8/19)	PC DIRECTION 8/8/19 (SEE STAFF REC)	HCC COMMENTS 8/26/19
Reduced setbacks for detached ADUs (DADUs)	Detached ADUs must conform with setbacks for single family dwelling units.	Reduce or eliminate rear yard setback adjacent to an alley	In addition, reduce rear yard setback from 10' to 5' on all lots.		Interest in studying this topic.	Comments that this issue should be studied in context of other potential amendments.	Staff does not have a recommendation at this time and would appreciate more direction from the PC on this topic.	Request that staff provide options for reduced setbacks, particularly from rear and side yard setbacks.	Generally not supportive. Asked that staff provide information as to how the proposed tree code changes might affect these potential amendments.
Cottage, carriage and two/three- unit home	ADUs allowed under proposed Missing Middle Housing (MMH) regulations.	No proposal for this housing type.		These amendments will be considered separately, within the MMH <u>study of</u> <u>amendments</u> to KZC Chapter 113.	NA	NA	Staff recommends that the ADU amendment project be consolidated with the Missing Middle project for the public hearing and subsequent meetings of the City Council.	Agree with staff.	Agree with PC.
Registration Requirement	A registration form is required and includes a property covenant filed by the property owner.	If owner occupancy is not required, remove registration requirement, while ensuring that ADUs can still be tracked.		The registration requirement has been cited as a barrier.	NA	NA	Staff recommends that a revised method be developed to track ADUs if owner occupancy requirements are eliminated.	Staff note: Tracking would be included with "pilot project".	NA
Tiny Homes <sup>w</sup> and Care Pods or "Med Cottages" <sup>v</sup>	Not allowed when on wheels, as the home may be considered an oversized vehicle. Utility issues may also prevent approval of this type of unit.	Consider adding to scope of study.		Study of ADUs could be expanded to include these additional concepts.  *Vehicles larger than 9' in height and 22' in length (all parts) may not be stored on a lot in a residential zone.	Added to project scope to study further.	Comment that these unit types should be studied in MMH study rather than with ADUs. Comment that Care Pods should possibly be allowed as a temporary use.	Staff recommends that these types of homes be studied in a subsequent project. Additional research will be necessary that could otherwise delay the schedule for the current project.	Interest in considering this topic in the near future.	Agree with PC.
Short-term rentals <sup>vi</sup>	Short-term rentals are permitted in single family residences, when the property owner (or agent) occupies the property at least 245 days per year. ADU regulations do not address short-term rentals.				Added to project scope. Interest in studying the impact of short-term rentals on affordability.	Support for short term rentals only if owner occupancy is required.	Staff recommends retaining existing short-term rental rules, including those that apply to ADUs, and revisiting the issue more comprehensively at a later date if problems arise. Staff has not seen evidence that short-term rentals of ADUs are more problematic in Kirkland than short-term rentals of single-family residences (and would note that overall short-term rental problems in the City have been fairly modest in number).	Agree with staff.	Agree with PC.

EXC 115.08: The height (roof peak elevation) of an accessory structure may not exceed the maximum height allowed by the underlying zone or 15 feet above the existing height (roof peak elevation) of the primary residence, whichever is less. See image below:



h" "Tiny homes" are generally considered to be mobile residential structures, containing about 400 square feet. See Wikipedia and Senate Bill 5383, effective 7/28/19, which provides flexibility to Washington cities and counties to authorize tiny house developments.

<sup>&</sup>lt;sup>1</sup> The square footage of the detached ADU shall not exceed the lesser of 800 square feet of gross 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:

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

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.

ii KZC 115.08: Structures, to be used as a tool shed, greenhouse, private garage, accessory dwelling unit, barn or similar use are permitted. The total size of all such structures may not exceed the gross floor area of 1,200 square feet plus 10 percent of the lot area that exceeds 7,200 square feet. An accessory structure which contains an accessory dwelling unit must also comply with KZC 115.07 which may further limit its size.

VADUs designed with on-site medical equipment. Companies such MEDCottage supply backyard cottages or units that may be located within a garage, providing wheelchair accessible showers and toilets, rail systems, etc. available to rent for approximately \$750/month. See MEDCottage.

vi Rentals of less than 30 days.

From: Jeremy McMahan

Sent: Wednesday, January 15, 2020 8:10 AM

**To:** Dorian Collins; Sean LeRoy

**Subject:** FW: I support ADUs

From: Bruce Dawson <bruce.dawson@gmail.com>

Sent: Tuesday, January 14, 2020 9:51 PM

To: Planning Commissioners <planningcommissioners@kirklandwa.gov>

Subject: I support ADUs

I live in Kirkland, west of market. I've watched housing prices in Kirkland go up every year and as a homeowner I could just sit back and count my money. But I don't want to live in a city that is so expensive that all of the baristas, waiters, and sales clerks have to drive in from many miles away. Financial segregation is corrosive. We need a diverse neighborhood, and that includes a diversity of income levels. My street (5th Ave W between 2nd St W and Market) has a triplex and a duplex and the world isn't ending. We hang out with those renters, just like with our other neighbors who own \$3+ million dollar homes.

If Kirkland doesn't allow more ADUs then *that* will change the character of the neighborhood, from a charming village for all, to an elite town that only interacts with the middle class when being served at downtown stores.

And, contrary to the fear mongers, building more ADUs should not cause parking problems. Having hundreds of employees drive to Kirkland every day because they can't afford to live nearby is a significant factor for parking congestion, and we currently have a surplus of street parking in most of Kirkland (away from the downtown core) anyway.

**Bruce Dawson** 

From: Jeremy McMahan

Sent: Wednesday, January 15, 2020 8:09 AM

To:Dorian Collins; Sean LeRoySubject:FW: Against ADU changes

----Original Message-----

From: Pat Wilburn <patrick\_wilburn@hotmail.com>

Sent: Tuesday, January 14, 2020 10:03 PM

To: Planning Commissioners <planningcommissioners@kirklandwa.gov>

Subject: Against ADU changes

### Planning Commission -

I am writing to express my strong opposition to the proposal to allow more flexibility and density for ADUs. The City of Seattle has faced backlash for a similar policy that has allowed developers to ruin the character of single family neighborhoods, creating situations where ADUs look down onto previously private backyards. Kirkland can, and should, do better. Please prioritize the integrity and character of our neighborhoods, and reject this proposal.

Thank you, Pat

From: Jeremy McMahan

Sent: Wednesday, January 15, 2020 8:07 AM

**To:** Dorian Collins; Sean LeRoy

**Subject:** FW: ADU Policy

From: Erin Hofmann <hofmannerin@hotmail.com> Sent: Wednesday, January 15, 2020 7:41 AM

To: Planning Commissioners <planningcommissioners@kirklandwa.gov>

Subject: ADU Policy

To Whom it May Concern,

I understand that you are proposing to liberalizing the ADU policy in Kirkland. Please don't. I think any proposal that would allow residents in Kirkland to add up to two "cottage" homes on their property and rent them out or sell them as "condos" is crazy. Kirkland use to be a community that had home with lawns where kids could play but we have turned into a community with 2-3 homes where one should be and schools that are overcrowded even though they are new. Please put a stop to this proposal. I've been living here for over 16 years and thought about retiring in Kirkland but it's becoming so overcrowded with people and traffic that it's increasingly unattractive to live here.

Adding even more people and traffic to Kirkland by liberalizing the ADU policy is not the answer.

Thanks, Erin

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From: S. Davis <spicker76@yahoo.com>
Sent: Thursday, January 9, 2020 7:01 PM

**To:** Dorian Collins; Sean LeRoy

**Subject:** Public comment for PERMITS: CAM19-00282 and CAM19-00152

Hi Dorian and Sean, Could you please forward my public comment to the appropriate groups? Thank you.

#### 

Dear Planning Commission and associated city staff,

I am writing public comment regarding CAM19-00282 and CAM19-00152. I ma glad to see the possibility of more housing options in our city. I feel that the documents I have read there has been little to no discussion on the impact of increasing residential density and the need to pay single family home impact fees. I support the current law for owner occupancy of one of the dwelling units on a single-family property. Among the reasons cited for the preference were preventing development speculation and the likelihood that a property owner living on site would be more involved in the neighborhood and more likely to maintain the homes.

I believe duplex/triplexes should not be allowed in the middle of single family neighborhoods. Modest affordable single family homes will be torn down by developers to build these unaffordable homes. We need to maintain the character of single family neighborhoods. Example of this the tri-plex (considered condos) built in South Rose Hill by LW Methodist Church recently sold for approximately \$645 per livale sq ft. https://blue.kingcounty.com/Assessor/eRealProperty/Detail.aspx?ParcelNbr=8584500030 These condos sold for much more than the price per sq foot than a new single family home located nearby. Developers are pushing for this type of home because they can make more money per sq feet while optimizing their profit margin because they will avoid many fees. These duplex/triplexes should not be allowed in the middle of single-family neighborhoods unless they pay single family home impact fees, provide enough on-site parking, same lot coverage and set back requirements as the single family homes. I think this housing type should only be allowed between single family homes and multi-family zoned housing (not in the middle of single family neighborhoods), and they should pay single family home impact fees.

Cottage homes should not be allowed to increase in size. The whole point for cottage houses is to have a smaller footprint and make them more affordable. If cottage homes can increase in size they should have to pay the single family home impact fees and be required to have the same setbacks, parking, etc. The size of a 1,700 square feet home is large than many of the single-family homes (built before 2000) in our city. A 1,700 sq ft cottage can easily be three or four bedrooms and more than likely only families with children who will use the local public schools, parks and drive on our streets will live in these large cottage homes that are really single family homes. Single family impact fees should be paid.

I have owed a home in NorKirk neighborhood that had a legal ADU built in 2006 (new building with ADU above a Garage) and it was accessed via an alley. The current codes for ADUs should not be changed. I cannot image reduced set backs from the alley and property lines, and the need for more than 800 sq ft of living space. What about neighbors who will now be impacted because there can now be encroachment of the setbacks?

If the owner would like to add more than one ADU to their property they need to pay impact fees for the second ADU. As you are aware our city needs funds for roads, parks, schools etc. We need to make sure the increased population is supported by these new residents and not the expense of current tax payers. If a

home owner wants to set up a "rental business" and add more than one ADU they should have to pay impact fees and live on site in one of the units. The population will increase in our neighborhoods and somebody needs to pay for the extra services required. That somebody should be the developer or property owner that is benefiting.

Maximum size of a detached ADU should stay at 800 sq ft. The lot coverage and set backs should be the same as the single family homes on both sides of the property. The maximum size will easily fit a 2-bedroom home. The inhabitants of these ADUs will increase the need demand for public services and multi-family impact fees should be paid. If a bigger unit is built it should be required to pay single family impact impact fees. An ADU is just an accessory dwelling unit not another single-family home! I do NOT support the following:

- -Increase maximum unit size for cottage homes to 1,700 square feet;
- -reductions in setbacks for ADUs from alleys and/or rear and side property lines
- -expansion of the size limit for a detached ADU.
- -reduction in side setbacks from 10 feet to 5 feet
- reduction in open space requirements.
- -allow separate ownership of detached ADU as a condominium

In closing if these new forms of housing are going to increase the population in our existing neighborhoods (on an existing parcel with an existing single family home)single family impact fees need to be paid for there will be an increase in residential density which will increase the demand for public services. Impact fees need to be established and should be close in value of fees paid for new single-family homes. I also do not support the possible legislation that an ADU would be exempt from property taxes for a few years. Thank you for your time and energy on making more housing options in our city.

Susan Davis

Susan Davis spicker76@yahoo.com 12923 Ne 101 Place 98033

From: Jeremy McMahan

Sent: Monday, January 13, 2020 1:14 PM

**To:** Dorian Collins; Sean LeRoy

**Subject:** FW: ADUs

Follow Up Flag: Follow up Flag Status: Flagged

From: Suzanne Ingrao <suzanne.ingrao@yahoo.com>

Sent: Monday, January 13, 2020 1:10 PM

To: Planning Commissioners <planningcommissioners@kirklandwa.gov>

Subject: ADUs

I am a Market neighborhood resident and business owner. I have lived in the Market neighborhood for the last 10 years. I am concerned with the city's plan to encourage "cottage homes" in our neighborhood. This is essentially allowing people and investors to add multifamily units to a single family neighborhood, by adding multiple homes on a single lot. This has been done in Seattle to the detriment of single family neighborhoods, adding congestion, parking issues and many transient residents. I understand the city desires to add density, but single family neighborhood are not where this should be encouraged. The few hundred cottage homes in our neighborhood are not going to solve the problem of housing in Kirkland and threaten to destroy what we all love about this neighborhood. If we want to create more housing density, we should be doing so in the areas already zoned for multifamily dwellings and increased height. Also, if we want to allow seniors to stay in their homes, we should lower their property tax burden, rather than force them to become landlords. I am unable to attend the meeting on Jan 23rd, but I hope that you will consider the feedback of current Market neighborhood residents, many of whom are against liberalizing the building of ADUs and subdividing lots further.

Thank you,

Suzanne Ingrao

From: Kevin Hansen < khansen@prklaw.com>
Sent: Tuesday, January 7, 2020 9:26 PM
To: Adam Weinstein; Dorian Collins

**Subject:** Comments on proposed amendments to KZC re: ADUs

#### Dear Adam and Dorian:

Thanks again for taking the time to meet with me before the holidays to talk about the proposed amendments. I fully support the idea of encouraging more ADUs in Kirkland and support most of the proposed amendments. I would like, however, to suggest some revisions that would provide greater incentives for Kirkland homeowners to provide a greater diversity of housing options.

- 1. A second ADU should not be limited to a DADU. If the concern is retaining the appearance of a single family house to blend into other single family homes, attached ADUs would be better suited, particularly for smaller lots where there would not be sufficient room to add a detached unit. My hope is to add two ADUs to my home; both would be subordinate to the main entrance of my home, and the second, smaller ADU would be built towards the rear of my house, partially within an unfinished daylight-basement-sized crawlspace. So visually and aesthetically, it would not take away from the single-family appearance of my home. One idea to consider is to allow a second, attached ADU if the entrance is more than, say, 20' behind the front of the home.
- 2. <u>A larger FAR should be allowed under certain circumstances</u>. I understand the concern about bulky, box homes. I suggest that the amendments increase the FAR to 60% when one or more of the following circumstances are present:
  - a. The house has at least a 3-12 pitched roof; or
  - b. The garage is built below-grade; or
  - c. One of the ADUs is built below-grade; or
  - d. One of the ADUs is not visible from the street; or
  - e. One of the ADUs is used for affordable housing.

As I said to you, my wife and I would like to add two ADUs to our home – one that would be approximately 800 square feet and the other approximately 250 square feet, and we want to use at least one of them as affordable housing. If the two above changes are made to the proposed amendments, we could do both. As proposed, however, the amendments do not go far enough and we would be limited to one ADU.

Please let me know if you have any questions or would like to discuss my proposals further. My address, in case it's needed, is 429 10<sup>th</sup> Avenue.

Regards,

Kevin

# KEVIN B. HANSEN | PRK Livengood Attorney



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From: Charles Wickers <charles.wickers@gmail.com>

Sent: Tuesday, December 31, 2019 12:26 PM

**To:** Dorian Collins

**Subject:** Kirkland ADU Code Changes - January 23rd Hearing?

Follow Up Flag: Flag for follow up

Flag Status: Flagged

Hi Dorian -

My name is Charlie Wickers. My wife Jess and I live in the Norkirk neighborhood and have been following the developments on the updated ADU code changes.

We purchased an older home in early 2019, with a plan to rebuild and add a DADU for my in-laws to move into. This would allow them to stay in King county, close to the services they need.

The last update about code changes was the result of the December 4th community meeting. We are really hoping that the change is approved to allow an ADU to be 1,200 sq ft, as our goal is to build a 800-850 sq ft ADU, which is above the current code restrictions.

My understanding is that there is a hearing on January 23rd ad 7pm. This was on one of the printed orange flyers from the December 4th meeting. I visited the Kirklandwa.gov website and was unable to find information on the upcoming hearing.

I was hoping you could help me understand the timeline for the proposed changes. Is the hearing when a vote will take place to pass changes?

Thank you so much for your help! Hope to hear from you soon.

Charlie

--

Charles Wickers
Charles.Wickers@gmail.com
425-698-8869

### Memorandum

To: Kurt Triplett, Kirkland City Manager

From: Kevin Hansen, Kirkland resident

Date: January 17, 2019

Subject: Kirkland Zoning Code for Accessory Dwelling Units in RS 7.2 Zone

I understand that the City of Kirkland would like to encourage more accessory dwelling units ("ADUs") within the City to increase affordable housing options. Unfortunately, I believe that the current rules for ADUs discourage residents (such as myself) from adding ADUs to their property. I suggest two changes to the code that I believe would encourage more ADUs.

# Floor Area Ratio ("FAR")

The maximum FAR for properties in the RS 7.2 zone is 50% of the lot size. For example, my lot size in Norkirk is 7,200 square feet, which means that the maximum FAR for my property is 3,600 square feet. The FAR includes all interior living space and garage – with my garage, the FAR for my property is 36.75% (2,645 square feet / 7,200 square feet). To build an ADU, I would like to add approximately 1,400 square feet (we would replace our 400 square feet "closed-in-carport-family-room" and replace it with a 1,800 square feet addition – 900 for the ADU and 900 for our living space above the ADU). This, however, would put our FAR at 56.18% (4,045 square feet / 7,200 square feet).

The code currently excludes the first 500 square feet of a *detached* ADU from FAR calculations. KZC 115.42(1)(c). This would not apply to my desired *attached* ADU. If the code were amended to exclude the first 500 square feet of *any* ADU (whether attached or detached), I would be able to build my desired ADU. Another option to encourage the construction of more ADUs would be to increase the FAR to 60% for properties with an ADU.

### Off-Street Parking

Currently, KZC 115.07 requires one off-street parking space for an ADU. When taking into account lot coverage requirements, this may exclude some properties from building an ADU. My street (10<sup>th</sup> Avenue) is a wide street and with lots of on-street parking – there has never been an occasion when I have been unable to find a parking spot on the street in front of my property. On-street parking is safer for pedestrians because the parked cars both slow traffic speed and provide a buffer from moving traffic. Even if on-street parking were a problem, the incremental amount of new ADUs would have a *de minimis* effect on parking in my neighborhood. I suggest eliminating the off-street parking requirement for ADUs, at least in the less dense neighborhoods that are not immediately adjacent to commercial zones.

**From:** Yadi Li <yadili58@gmail.com> **Sent:** Tuesday, October 22, 2019 9:13 PM

**To:** Dorian Collins

**Subject:** Thanks for supporting ADU development

Dear Senior Planner Collins,

I am writing to show my 100% support and appreciation to the Kirkland Planning and Building department for considering different ways to encourage the building of ADUs.

I support all the proposed amendments in the 8/98/2019 Planning Commitions Packet, especially the ones related to FAR and size restrictions, and short term rentals. Here are some of my thoughts and personal issues encountered with trying to get a permit and build an ADU.

- 1. I live in a single-family housing at Kirkland Hunt Club (a gated community with HOA) at Bridle trails. This gated community I lived in seems to be very restricted with the idea of the City and also against the idea of short term rental in our neighborhood. In the HOA documents, they do not allow part of the house to be rented, meaning if I build an ADU, I cannot rent it unless I also rent out my primary residence with the ADU to one family regardless short-term or long-term rental. But the City seems to be supportive of the idea of renting an ADU to create more affordable housing to the community which I fully agree with. So my question is could an HOA Rules and Regulations overwrites city's ordinance and if the city has a plan to educate single family HOA's board members in building and utilizing ADUs? I think it is important to make the HOA's board members understand the importance and benefit of ADU.
- 2. For proposed amendments related to FAR and size restrictions, Per staff recommendation in Attachment 1 of the 8/98/2019 Planning Committons Packet, "

Expand max. size for DADU to 1,000 s.f. Allow an additional 100 square feet (1,100 square feet in total) if the ADU is designed according to Universal Design.", would it makes more sense to allow single-family with larger lot to build a relatively larger sized DADU to a maximum of 1200sf? For example, my lot is 0.6 acre, instead of allowing 1000sqft, it would be feasible and reasonable to build an ADU with a limit of 1200sqf because such lot would normally have at least 1 parking for the residents who live in the ADU, and enough setback on the lot.

My first issue may be unique because there are not many gated single-family neighborhoods with an HOA in Kirkland, but I would really appreciate it if such issue can be addressed with the city's help. Thank you very much for your time. I look forward to seeing the amendments being adopted in the future. Thank you for all your hard work!

Yadi Li

Mobile(the US):+1 206 472 8986 yadili58@gmail.com

**Subject:** FW: development changes

From: Margaret Bull < wisteriouswoman@gmail.com >

Sent: Saturday, September 14, 2019 11:51 AM

To: Houghton Council < houghtoncouncil@kirklandwa.gov >; Planning Commissioners

<planningcommissioners@kirklandwa.gov>

Subject: development changes

Dear Houghton Community Council and Planning Commission,

I have several concerns related to some of the proposals.

Here is my central theme: many people moving here are young and single. They will have sex on occasion with a partner or a stranger. In some instances this activity with result in a live birth. Are you willing to consider this when you are changing codes?

It sounds like a cold way to look at something that in many cultures is a welcome event. But what about Kirkland?

In Redmond they are much more pet-friendly in their new housing than child-friendly. Many places have a gym that is geared toward an adult and would be dangerous for a child to play in. The roof decks are geared toward adults sitting around a fire with drinks. Sometimes they have courtyards but I'm not sure how safe and child-friendly they are. Can you play ball or ride a trike or play tag?

Are we looking at housing as age-in-place (good for the baby and good for the elderly)? Or do we want to cram people into apartments and housing without any consideration for our youngest citizens?

I don't want to hear that it is easy to take a 3 year old to the park after you have had a long day at work. Yes, we have few parks in Kirkland. But look what happened in the lean times: no garbage pick-up, no bathrooms open, no portapotties and a general lack of maintenance. Many of our parks are concentrated along the waterfront which is down a hill and not near where much of the growth is happening. There is limited parking and bus service to many areas of greater Kirkland. By building apartments with limited parking you are encouraging people to forgo car ownership. Those that do have a car are often forced to park on the street. This means that they are taking up limited public parking spaces making it harder for families to find a place to park near our city parks. Many of the parks are on slopes and cannot easily be used for a game of catch or riding a trike. There are several nice parks that have been redesigned. But they are not necessarily on a convenient bus route. Many do not include a swing set which is one of the most important pieces of equipment that I can think of. It is a great way to burn off energy and develop the vestibular system especially for children with disabilities. Waverly is a good example of a useable park for a whole range of activities. But it is on a steep hill which makes it harder to walk to (with a 3 year old) especially since the road way to the entrance doesn't have sidewalks on both sides. There is limited bus service and the parking can fill up on a busy day.

So what is the solution? Build more parks? I don't think so. The city doesn't have enough budget to maintain all the parks it already has or put in restrooms. Put in more bus routes to parks? I don't think so. Most the bus routes are designed to serve commuters and children are never part of the formula. The city puts a lot of emphasis on people not owning cars and getting out exercising. Great idea, but how practical are the city's plans to do this?

Where I see room for accommodating children is in our actual building designs. If you allow roof top appurtenances does that mean places for adults to hang out and look at the view and drink a glass of wine? Isn't there something missing from that picture? Children! When you see lovely design drawings for all the apartments and mixed use development under consideration how many of the fake thin happy healthy people that you see walking in the picture

are under 10? You probably see more dogs than toddlers. But the sad fact is that many children spend the weekend visiting Daddy in his apartment on the weekends and have nothing to do that doesn't require electricity. Wouldn't it be nice if one of those 'exercise rooms' in apartment complexes were set aside for children's play? Or a courtyard was included that was trike or ball friendly? Do we want most of the apartments built in Kirkland to be 'adult-only'?

The other thing I want to mention is some of the changes that are proposed in single family neighborhoods. I am fully supportive of cottage housing or duplexes instead of the huge houses on single lots. I lived in an old Victorian house in Berkeley at one time. It was amazing how many of us fit into that house. I shared a room with another working gal and one of the guys had his bed on the screened-in porch. So I see the big houses in Houghton and wonder how many college kids could fit in them or how many small families could. So splitting a house in half to make two apartments seems reasonable. I also lived in a four-apartment complex in Goleta. It was the same situation. There were three or four adults in each apartment. Not all of us had cars but those of us that did were glad we had a driveway to park in. I feel parking is essential. Very few families in Kirkland with children under 10 can live without a car. I don't think parking requirements should be reduced from what is already required for single family homes and ADUs. If there are children, they can at least play in the driveway. The kids in my daughter's condo complex even play in the street that circles within the complex. So when we think of garages and driveways we have to realize they have potential as places to store play equipment as well as places near the watchful eye of a parent to actually play.

In the same vein let us consider what kind of yards houses or duplexes or DADUs should have in Houghton. If you let houses be built up to 5 feet from a lot line you basically only have room for a path around the building. If the developer takes out a 100 year old tree there will be no place to plant a replacement. Most trees need more than a five feet space to grow. People need green spaces. My children grew up running around in the back yard and playing in the 'dirt pit' with Tonka trucks. Don't we want to think about what our children experienced growing up and what we can do to insure that children living in Kirkland in the future have some place to play near their own backdoor? You might be able to play on a 15 square foot section of lawn but 5 feet is hardly enough room to lie down on.

I haven't really studied what is being considered but just felt I wanted you to envision what could happen if we continue putting in housing projects that are lacking in the amenities needed for a healthy active childhood. I just wonder if Design Review Board looks over the plans for a new development and ask the developer, 'where is the play space'? We should be thinking about this before it ever gets that far by carefully considering any changes to current regulations and continue to make our neighborhoods whether urban or suburban into child-friendly places. I would much rather live next door to a child than a yappy dog if I lived in an apartment. With housing so difficult to get many people with never have a chance to move out of their first apartment or starter home into something larger.

Best Regards, Margaret Bull



### STATE OF WASHINGTON

# DEPARTMENT OF COMMERCE

1011 Plum Street SE • PO Box 42525 • Olympia, Washington 98504-2525 • (360) 725-4000 www.commerce.wa.gov

September 9, 2019

Ms. Dorian Collins, AICP Senior Planner City of Kirkland 123 Fifth Avenue Kirkland, Washington 98033

RE: Intent to Adopt Development Regulations related to Accessory Dwelling Units (ADUs) to the Kirkland Zoning Code and Kirkland Municipal Code, File No. CAM19-00282

Dear Ms. Collins:

Thank you for sending Growth Management Services the proposed amendments to Kirkland's development regulations regarding ADUs that we received on July 16, 2019.

These are excellent efforts to chip away at the barriers to housing affordability in your community.

We applaud your direction to remove barriers to the development of ADUs. ADU's provide an affordable option for housing, and allow property owners to supplement their income to help pay for the high costs of housing in your region.

Some of these tools align with funding opportunities to address affordable housing. Good ideas that E2SHB 1923 and your proposed changes share include:

- Allowing one attached and one detached on a dwelling unit. This maximizes opportunities for affordable housing with minimal visual impact on the neighborhood.
- Reducing parking requirements. This especially makes sense in areas close to high frequency transit and in areas with on-street parking. Many occupants of ADUs may not even own a personal automobile.
- Increasing the size of an ADU to 1000 square feet can help house a family, instead of an individual, providing crucial housing.
- Allowing separate sale of the ADU, allowing home ownership in area that may be unattainable for many.

Ms. Dorian Collins, AICP September 9, 2019 Page 2

We applaud your actions to consider reduced setbacks for ADUs. This flexibility can allow ADUs to be placed in tighter spaces. Also, allowing for manufactured tiny homes and med-cottages provides an easy way to bring in an ADU, even as a temporary measure.

We encourage you to consider removing the owner occupancy requirement. If renters are living in a single family house, duplex, triplex or other small scale housing arrangement, there is no owner on site. Applying owner occupancy rules only to an ADU may be overly cautious in this housing environment.

If you have any questions or concerns about our comments or any other growth management issues, please call me at (360) 725-3062. We extend our continued support to the City of Kirkland in achieving the goals of growth management.

Sincerely,

Valerie Smith, AICP

Senior Planner

Growth Management Services

VS:lw

cc: David Andersen, AICP, Managing Director, Growth Management Services Ike Nwankwo, Western Region Manager, Growth Management Services Valerie Smith, AICP, Senior Planner, Growth Management Services

# August 24th, 2019

# To the Houghton City Council, Chair, Vice Chair and Members.

I'm writing a quick like note to state that I hope HCC adopts the new ADU concepts into the Houghton community! It would be fantastic to add two ADU's plus the primary residence to help with affordable housing in Kirkland! The elimination of the off street parking would help a great deal in the designs of the ADU's. If setbacks could be changed, this would also help in the layout and designs as well. The one item that would help would be that the owner doesn't have to live onsite. This would permit the owner to keep the property if the owner choose too. If this wasn't permitted the owner would have to sell the property losing a income stream and paying a large Federal Income tax. If the owner needed long term care or assisted living and had to move out of the ADU or primary residence, the only choice would be to sell the property.

Thanks for your time in reading this and please adopt the above items!

Best Regards,

Jeff Nouwers
Jon 777 Djuno. com

**From:** Inge Theisen <inge\_theisen@hotmail.com>

Sent: Thursday, August 8, 2019 8:14 PM

**To:** Dorian Collins

**Cc:** Planning Commissioners

**Subject:** Re: ADU Amendments - 8/8/2019

Follow Up Flag: Follow up Flag Status: Flagged

I am the original owner of 12231 95th Place NE, Juanita/Kirkland since 1962. I have been a Precinct Officer of Kirkland precinct 2923 for most of the years since 1968. In the years when voters voted at local schools, I checked the voting statistics for all the precincts in that school to ascertain if there were differences in voter turn-out in neighborhoods where Republican PCOs and Democratic PCOs doorbelled their known preference voters. I, on the other hand, knocked on every door and discussed elections and governance issues with any resident regardless of party. The voting % of 2923 was always greater than any of the other precincts at that school.

This is my preamble to say that, like Robert Mueller said in his recent testimony, "Americans need to pay attention."

I paid attention and knew which home owners had informal, ADUs or mother-law-units on their property. I began to understand the relationship between how many vehicles, boats, recreational vehicles, commercial work vehicles & pick-up trucks were parked on the city streets adjacent to houses.

When I studied the history of Westward Expansion and Pacific Northwest History as part of my later in life studies to become a seasonal Park Ranger in the National Park Service, I learned that one of the contributing reasons (beyond the land-development reasons) that families moved westward was that as streams, lakes and soils became saturated with residue from outhouses in the NE and SE areas, the westward bound settlers wanted to leave the sewage contaminated diseases of the EAst Coast. This is a side comment on why I had long felt guilty that when Juanita Parkway 1 and 2 houses were built in 1962, WE were on a septic drainage system (though we were 1/2 mile from Juanita Beach and though Juanita Creek meandered through our neighborhood. I, too, found the cost to hook up to the Northshore Utility/King County METRO sewage system to be costly, my environmental ethic caused me to save the money to hook up. Some of my neighbors still are not hooked up.

ADU Amendment issues and reported concerns of citizens:

1. COST OF PERMITTING: I was one of the first 5 applications to create an ADU. How we all spend the money we earn (or inherit if we are lucky) is our own choices. Its all about CHOICES. I chose to leave my research center job at the UW to study to become a park ranger in 1982. I paid my own tuition, sometimes with 3 part time jobs, sometimes w/only 2. Becoming a seasonal park ranger was a labor of love and a personal life-dream. The hourly rate was GS4-Step 1. My first job in 1983 paid 50 cents an hour less than my half day liquor store clerk job in the Wallingford state liquor store. Seasonal park rangers have no benefits. We buy our own health insurance. NPS toilet cleaners earn almost twice the hourly rate as a naturalist NPS employee. Toilet cleaners need to be paid a competitive rate, whereas we naturalists and historians and archeologists are reimbursed by

the scenery and the desire "to make a difference". In December 1991 (after working at Grand Canyon for 6 months and Mt. Rainier NP for 4 months, I applied to a blind ad that read "ENVIRONMENTAL OUTREACH--RECYCLING". In 1990, I was in the first class taught in King County and the City of Seattle for MR/C (Master Recycler/Composter) training in the hopes that I might combine being a half time suburban recycling coordinator as well as a seasonal park ranger. The job was actually in the U.S. EPA. Recently deceased Congressman Dingle from the great state of Michigan invented a tricky funding arrangement by which the EPA could have 10% more staff without paying them a salary. He had received letters from organizations like the AARP and others lamenting that there was no one in the EPA who had a touch of grey in their hair - they were only young college graduates. Congressman Dingle found 2 other colleagues with whom he proposed a system to give EPA more staff. EPA was directed to take some of their travel budget and some of their supply budget set up the funds into a "grant" and then hire educated citizens over the age of 55 to serve in one-year appointments for the federal minimum wage of \$6.25 with no benefits. Every year we had to sign a waiver which began with the words "For the honor and privilege of providing our skills, expertise, and experience to the EPA we would relinquish all rights to a regular GS position on a yearly basis, with no benefits." The program is called SEE (Senior Environmental Employee). This explanation may seem redundant to you, the reader, but it relates to the stated position that the COST OF PERMIT FEES is viewed as a deterrant why home owners cannot build a ADU. It took me 5 years before being accepted for a HUD low income home improvement loan. After than I took out another loan at the local Bank of America. I PAID THE FEES. I didn't dine out, I didn't buy coffee from Starbucks or any barista. I paid my own tuition. MY SUGGESTION IS THAT YOU CONSIDER GIVING SCHOLARSHIP FOR REDUCED PERMITTING FEES BASED ON HOUSEHOLD INCOME. THE SCHOLARSHIP COULD ALLOW OLDER HOME OWNERS (like the citizen at the Mayor-City Mgr. mtg) built an ADU for his daughter) but would NOT ALLOW a future developer the same loophole. OR, THE FEES COULD BE PAID IN TWO INSTALLMENTS. SUGGESTION #2: Why not incentivize existing property owners w/informal ADUs to update and acquire legal status by reducing their up-dating fees?

2. OWNER LIVING ON SITE VS. OFFSITE AND PARKING ON SITE: Many years ago when attorney Cassandra Noble was the chair of the Planning Commission and I was the recorder, Ms. Noble was directing a question to a developer about his application. The developer asked "Are you trying to ask me why developers like me do "QUICK & DIRTY" construction?" Ms. Noble replied that she was trying to find more appropriate words to ask that very question. The developer said "If you folks in Kirkland cared about the way your city looks over time, you'd pay attention to the people or companies who apply to build multiple-unit buildings. You see, people like me make the highest profit by building as fast as possible, as cheaply as possible and getting out of town. You should be looking for people or organizations who are local who will build a building knowing that they will be meeting the people who live there in the restaurants, on the street and in churches. We "quick and dirty" builders get out of town. Local developers stay." The house on the SE corner of 95th Place and NE 124th was bought by an out of town owner (first in the Middle East and now in California) and placed in the hands of bldg. mgt. company. The first tenants about a decade ago were a brother/sister from Costco. They complained that the absentee landlord never finished electrical and other flaws. They left at the end of their lease. Mona Sharma has been the lease holder for the past 8 or 9 years. Originally she intended to create an "adult family home". She was a licensed care giver. While waiting for the permit she began to rent out all the rooms, upstairs and downstairs, to pay the then-\$2,000 month rent. The absentee landlord still does not take care of repairing the flimsy fence and gate along NE 124th or any other visible aspect of the house. Mona is a good hearted woman (she died this summer as the result of a stroke). One of the 8-year long residents is Steve, a contractor who travels for various companies. Steve has received a 3-month lease. He owns a long recreational vehicle, a boat and a trailer and a white construction van. Another long time resident is the head night custodian of the Northwest University. Most of the single adults have been men, sometimes a woman and for a time a 3member family. Sometimes there are cars and pickups in the backyard, mostly they are on the street. There is a one car garage and one car driveway. Of course, cars are parked alongside the driveway, in the street and in the yard. Periodically I have asked Mona to take care of her lawn so that the weed seeds do not float around the neighborhood. Sometimes her brother drives over from Shoreline to cut the grass. The absentee landlord does not hire professional (not amateur) tree services to trim the trees. One of the trees caused a major power line fire some years ago that was interesting to watch. ABSENTEE LANDLORDS don't pay attention the way a home owner on site does. When I applied for my ADU, I was required to provide off street parking. I paid to have

my single driveway expanded to a legal 2-car driveway. I charge lower rent for teachers -- in the belief that it is important for teachers to have affordable housing. This house has between 6 to 9 cars and vehicles. Currently there are 5 to 6.

As a precinct committee officer, I've long known which houses within the 52 houses of Juanita Parkway have informal ADUs since before ADUs were permitted and which houses either HAVE or may have permits. For more than 20 years, the brother of one of my neighbors has lived in the driveway and in the backyard in a series of vehicles. Other owners have built-out their split level houses informally. Some of the informal ADUs have between 4 and 8 vehicles. The suggested amendment re parking which our city is proposing relates to distance from a bus stop (in the belief that residents of ADUs would take the bus). ADUs are often thought to be especially desirable for seniors as they downsize their dwelling space. Seniors, on the other hand, may have more difficulty walking to and from bus stops carrying groceries, etc. Though it may be hard to administer, why not in include in the ADU permit the requirement that an apt. may only be rented to cyclists and pedestrians? Perhaps it could be incentivized by informing the property owner that by saving the cost of a driveway construction, they could reduce the rent for cyclists or walkers. As seniors go into their 80s and 90s, they are less likely to bike or walk for groceries and would need off street parking. One of the houses on 94th Place for many years operated a catering service and had numerous tenants who parked on the street, the lawns and the driveways.

PARKING IS A DIFFICULT ISSUE and can really change the complexion of a neighborhood. One of my neighbors' son used to park between 6 and 8 cars from the used-car business he works for and from his own limo service. I've reminded him of the city regulations and asked him to cease parking 2-3 cars in front of my house. He reassures me that since he doesn't "live" in his parents house that the rules don't apply. I've asked him not to throw his cigarettes in front of my house so that none of them ignite the evergreen needles (before I sweep them up). He now only parks 3-4 in the street and 1-2 in the driveway. His parents only have one car. That makes 5 to 6 cars for one house.

Please forgive or indulge the long narrative way of writing to you about the ADU amendments. Park rangers educate w/stories and narratives. As an EPA employee I learned to communicate in "bullets". I learned (as an environmental educator and park ranger) that people are more likely to change their environmental behavior via narratives, experience, and stories than by bullets.

I've been in the hospital and rehab unit as a result of a fall in the Columbia Athletic Club and tonight is my 2nd night home.

I've been thinking a lot about the need for affordable housing, God knows, I'm one of those who need it. I have worked hard to sustain myself on my part-time Census Bureau and park ranger hourly income plus income from my ADU.

From: Dorian Collins < DCollins@kirklandwa.gov>

**Sent:** Monday, July 22, 2019 3:35 PM

To: inge\_theisen@hotmail.com <inge\_theisen@hotmail.com>

Cc: Brian Eckert <BEckert@kirklandwa.gov>

**Subject:** ADU Amendments

Hello Inge,

I understand that you are interested in providing comments on the proposed changes to the regulations for accessory dwelling units. There is definitely still time for you to provide comments, as the Planning Commission (PC) is still studying the proposed changes. The hearing date for the Planning Commission to consider the amendments and make a recommendation to the City Council has not yet been set.

**Subject:** Support and suggestions for MMH/ADU proposal

From: Rodney Rutherford < <a href="mailto:rodneyr@gmail.com">rodneyr@gmail.com</a> Sent: Wednesday, August 7, 2019 6:11 PM

To: Planning Commissioners <planningcommissioners@kirklandwa.gov>

Cc: Angela Rozmyn <angela@pantley.com>; Adam Weinstein <AWeinstein@kirklandwa.gov>

**Subject:** Support and suggestions for MMH/ADU proposal

To the City of Kirkland Planning Commissioners:

I offer you these suggestions with the intention of increasing the economic viability of building more inexpensive and diverse housing throughout Kirkland, while also encouraging additional residential capacity into 10-minute neighborhoods.

# Missing Middle Housing (MMH)

In general, I support the proposed changes. Here are some further adjustments I encourage the City to adopt:

### Table 1:

- Density: Further loosen the density limits within 10-minute neighborhoods to enable more housing capacity in these areas.
- Parking Requirements:
  - o Don't reduce these requirements based on today's routing of frequent buses, as the routing of buses through areas with less amenities is likely to change over time.
  - Instead, reduce these requirements around existing amenities, such as commercial zones and institutional sites, as these land uses help ensure that frequent transit will continue to serve these areas in the future.
  - o Clarify the (½ mile) distance as being a walking distance, not an straight-line/aerial distance or driving distance.
- Minimum required yards: I would like to find reasonable ways to reduce these minimums, but I have no specific proposals.
- Common Open Space: Allow less common open space if the development is adjacent to public open space (such as a park or school).

Beyond the currently proposed MMH update, I would encourage the City to pursue further expansion of the MMH options (such as fourplex, courtyard apartment, bungalow court, 8-plex, and live/work spaces). However, I am open to deferring those enhancements for a future iteration with the intent of expediting approval of the current MMH proposal.

# **Accessory Dwelling Units (ADU)**

In general, I support the proposed changes. Here are some further adjustments I encourage the City to adopt:

Owner Occupancy: This requirement should not be based on the existence of a third dwelling unit, but rather the existence of a third concurrent rental contract. For example, a home with an AADU could be used in its

Attachment 5

entirety by a tenant under a single rental contract, while an on-site DADU could be rented under a separate rental contract. This provides the owner with the flexibility to rent out all the living space if the owner needs to move out.

Off-street parking: Rather than hand-crafting an artesian parking policy compendium, we need a simple overarching on-street parking management strategy, such as that proposed by Donald Shoup: set on-street parking prices to ensure that some percentage of on-street parking is normally available on each block. With such a policy, off-street parking requirements are unnecessary, and the builder/investor will be solely responsible for determining the amount of parking necessary for a site to succeed.

Thank you for considering these suggestions.

Rodney Rutherford 8222 122nd Ave NE Kirkland, WA 98033 206.973.7579

Matthew Grummer Owner Representative

Krekow Jennings 2011 E Olive St Seattle, WA 98122 206.658.7992 City of Kirkland Planning Commission In Care of Dorian Collins, AICP 123 5th Avenue, Kirkland WA 98033

Dear Planning Commission,

I am writing today to affirm that the Accessory Dwelling Unit development code amendments dated August 1st, 2019 are supported by myself and my client, Linda Woodrich, who has applied for a DADU building permit located on the Houghton Neighborhood lot her sister, related to increasing the allowed gross square footage & scale proposed by Mrs. Collins Meryl Keim, has resided on for almost 40 years.

vertical circulation (a stair from a basement garage and elevator) to accommodate universal was designed using Universal Design Principles for the client to age-in-place on her sister's footage allowed by the development code. Due to an oversight in the interpretation of the developed the plans for a reasonably sized Detached Accessory Dwelling Unit. This DADU lot, in her own separate dwelling. The building department has reviewed application and current development code, the design had excluded almost 90sf of gross floor area in calculated the square footage to be 858 square feet, exceeding the maximum square Over the past several years with the effort of a dozen of professional consultants, we access on the sloped lot. The design is incredibly compact fitting a master bedroom, kitchen-living space and a care-provider's quarters into the floorplan. The proposed DADU project is an ideal use-case scenario to apply to the Accessory Dwelling code amendment recommendations related to increasing the allowed gross square footage Unit development code, and we strongly recommend the Planning Commission accept the & scale. These amendments will make the ADU development code more feasible for a variety of applicants seeking residency in the City of Kirkland.

Warm regards,

Runds

From: Michael VanBemmel <michael.vanbemmel@gmail.com>

Sent: Sunday, August 4, 2019 7:41 PM
To: Adam Weinstein; Dorian Collins

**Subject:** Please support the bolder option for missing middle housing and ADUs

Follow Up Flag: Flag for follow up

Flag Status: Flagged

Hi,

I live in Kirkland. I have space to build an ADU, but to make sure it works out for me I don't plan on doing that until we end the owner occupancy and parking requirements. I intend to live in this house forever, but putting in an ADU is a major financial decision and I don't want to be stuck selling a unit that's undervalued or having to evict a renter if something in my life changes. In line with this, I support the bolder options in the proposed amendments to expand missing middle housing and ADUs. This is a good start and we should continue expanding options for affordable housing in our city.

Thank you and please pass my comments along to the Planning Commission,

Michael VanBemmel North Rose Hill

From: Elizabeth VanBemmel <ecvanbemmel@gmail.com>

**Sent:** Sunday, August 4, 2019 3:33 PM **To:** Adam Weinstein; Dorian Collins

**Subject:** In Support of Missing Middle Housing & ADUs

Follow Up Flag: Follow up Flag Status: Flagged

Hi,

I'd like to express my support for the plans to expand ADUs and other missing middle housing types in the city of Kirkland, and specifically the bolder option for both plans.

According to the National Low Income Housing Coalition, a person working full time needs to earn between \$35.19-\$40.96 an hour, or \$73,000-85,000 a year in order to afford a one bedroom apartment in Kirkland—well above the minimum wage even in two-earner households. Those looking to buy to escape rising rents are even worse off; there is not a single single-family house available in Kirkland today for less than \$550,000, which requires an annual household salary of \$138,000, or \$66 an hour, for a family with no other debt and a modest downpayment.

The rare condo units currently available in Kirkland are half as expensive as single family homes. Opening up all of Kirkland's residential zones to more housing options like ADUs, DADUs, duplexes, triplexes, and cottage housing will bring more of that kind of desperately needed naturally affordable housing to Kirkland, allowing more people to share in our great community. EMTs, baristas, cashiers, and other vital but low-wage workers shouldn't have to commute from the far reaches of Snohomish County. We should make sure we're building a city that lets people work, shop, and play in the same neighborhood where they live.

This kind of gentle density has other advantages. Research from Sightline Institute and the Oregon DEQ found that having just three "plexes" on a block can cut the block's average carbon footprint by about 20%, even if we change nothing else and the City of Kirkland doesn't spend a dime on new green infrastructure. Multifamily buildings have fewer exterior walls and unused rooms, so they waste less energy. They make neighborhood shops, services, and bus lines more viable, reducing driving by about 1,000 miles per year per household. Fewer miles driven also means less traffic congestion, something most people living in and driving through Kirkland can appreciate.

I know Kirkland is also in the process of preparing a sustainability master plan—given all of the sustainability benefits of missing middle housing, we should make sure that making it easy to build diverse housing types is a central part of that plan. That's one of the reasons I'd like to see the bolder options vs. the proposed amendments. It should be as easy, if not easier, to build missing middle housing vs. wasteful, expensive, exclusionary McMansions that seem to be the bulk of new construction in Kirkland today.

I'm also interested in this personally. I'm currently building a new Built Green certified home in North Rose Hill, right along a bus line and just south of the new developments in Totem Lake, which I intend to live in for the rest of my life. I have a quarter acre lot that is larger than I need but too small to be subdivided under current minimum lot size regulations. If these amendments had been in place, I would have built a duplex or triplex instead. I'm too far along in the building process to switch now, but I do have space for an ADU or two. I would love to have the security of an income property, but until and unless owner occupancy and parking requirements are eliminated in Kirkland, I won't put in an ADU. As someone who grew up in a military family, moving every few years, I'm acutely aware that life can change in an instant. Work can make you pack everything up and leave for years at a time. So can family caretaking responsibilities. Owner occupancy requirements ignore all that. Even people who intend to live on the same lot as their

Attachment 5

ADU for decades need flexibility to rent out their whole home if they have to leave for a few years and intend to return. Owner occupancy would force someone in that situation to decommission their ADU before they could rent out their home, adding unnecessary stress to people already in a stressful situation, not to mention the stress of the renter pushed out of their ADU apartment unexpectedly. Owner occupancy also harms people who would prefer to sell in that situation, limiting them to selling only to other owner occupants, likely bringing in a lower sale price because their buyer pool is smaller. Owner occupancy makes putting in an ADU a much riskier proposition, which means fewer ADUs will end up built in Kirkland and our broken housing status quo will continue. People shouldn't be punished for doing the right thing, and reducing carbon footprints and creating more affordable housing is the right thing to do.

As for parking, it's ridiculous to add more car infrastructure now, so close to a major climate crisis tipping point. Electric cars won't save us. We need to reduce dependence on cars as much as possible by making our city as walkable, bikeable, and mass transit-friendly as possible, starting with eliminating parking minimums.

I'd also like to encourage you to go beyond the bolder option. Call it the boldest option. The missing middle housing amendment should at least allow up to fourplexes in all residential neighborhoods. Allowing more units under one roof means more projects will pencil out at a lower price point. Thanks to a little-known federal housing law, <u>fourplexes</u> would also bring more wheelchair-ready, <u>ADA-accessible units to our city</u>, key for allowing our aging population to stay in their community, even if they can't stay in their current home. According to Sightline Institute, "Under the Fair Housing Act, the fourth home within any structure triggers a requirement that every new ground-floor home be wheelchair-accessible." Kirkland's current missing middle housing proposal misses out on this major benefit by only legalizing triplexes, not fourplexes.

Thank you and please pass my comments along to the Planning Commission,

Liz VanBemmel North Rose Hill July 22, 2019

Barbara Loomis 304 8<sup>th</sup> Ave. West Kirkland, WA 98033

I've lived in my West of Market home for 47 years and I would like to continue to "Age in Place" on my property. I plan on building a DADU over a new detached garage in a couple years. I will move into the new space and my daughter and her family will move into my old bigger house.

Last December, I was appointed to the Kirkland Senior Council. Tonight, I'm speaking as a private citizen. However, it's as a Senior Council member that I've gained a broader insight of what it means to be a senior citizen and what their needs are.

I would like to encourage you to increase the allowable square footage of a DADU from 800 SF to *at least* 1,000 SF of living space for several reasons:

- 1. With 1,000 SF it would be possible to build a unit with (2) bedrooms and (2) bathrooms. For a senior citizen and/or someone with accessibility needs this would also accommodate a care giver.
- 2. Ability to utilize Universal Design It's easier to design and build from scratch rather than to go back and make changes as a person's needs change. Universal Design provides a multitude of elements that don't necessarily look like it's for someone with accessibility challenges, such as:
  - •Open Concept design very popular now for everyone!
  - •Wider halls and doorways (36" instead of 32" doors) minimal upfront cost
    - Bigger master bathroom to accommodate the turning radius of a wheelchair
    - •Zero threshold in a larger shower that will accommodate a wheelchair or a caregiver

- 3. Universal Design is sustainable it anticipates change to avoid expensive renovation, retrofitting and wasting of building materials.
- 4. Increased square footage for inside stairs and framing for an elevator.

Please keep the following in mind in hiring architects for pre-approved designs.

 Experience in designing/building DADU's, utilizing Universal Design concepts, using Sustainability principals, and experience in creative design for storage solutions

Lastly, please streamline the permitting and construction process. It's too costly, confusing, and time consuming.

Thank you,

Barbara Loomis bloomis304@gmail.com Draft – Proposed Amendments to Municipal Code and Zoning Code

	POTENTIAL AMEI			
CURRENT ADU REQUIREMENTS	RECOMMENDATION	BOLDER OPTION	PC DIRECTION FOR FUTURE STUDY (6/13)	LOOMIS RECOMMENDATION (7/22/19)
Number: One accessory unit is permitted as subordinate to a single-family dwelling. An ADU may be within or detached from the principal dwelling unit.	No change	Two (one attached, one detached)	Interest in allowing two: one attached and one detached. Consider parking and separation of primary residence and detached ADU (DADU).	If 2 are allowed – look at parking requirements. At a minimum there should be 1 parking space for each ADU/DADU.
Owner occupancy: The primary unit or the accessory unit must be owner occupied.	Eliminate requirement	NA	Retain existing requirement.	No recommendation
scale:  a. An attached ADU cannot exceed 40% of the total area of the principal residence and the ADU combined.  b. The size of a DADU may not exceed 800 square feet. The total area of all detached accessory structures on your property may not exceed 1,200 square feet plus 10% of the lot area that exceeds 7,200 square feet.	<ul> <li>a. Eliminate percentage for attached ADU, with max size of 1,000 s.f.</li> <li>b. Allow DADU to be 1,000 s.f. but retain 1,200 s.f. max for accessory structures.</li> </ul>	a. No limit for attached ADU, if dwelling is not expanded.	Interest in studying the following:  a. No limit on size of attached ADU if dwelling is not expanded.  b. Exempt DADU from FAR.  c. Allow DADU to be 1,200 s.f. (retain max of 1,200 s.f. for all accessory structures on site).  d. Reduced separation between primary residence and DADU from 20' to 10'-15'.	a. Agree with No limit on size of attached ADU if dwelling is not expanded. b. Personally I need a better understanding of FAR and how it works. c. Agree to staff recommendation for 1,000 s.f. DADU  Disagree with the PC recommendation of retention of 1,200 s.f. max for all accessory structures on site, including the garage. d. Agree with PC recommendation for reduced separation between primary residence.
Number of residents: The number of residents of the ADU and the principal dwelling unit combined must not exceed five unrelated individuals.	Increase to 7 (one ADU), or 9, if two ADUs are allowed.	Eliminate restriction	Eliminate restriction on number of people allowed to reside on the property.	Agree with PC to increase to 7 (1 ADU) or 9 if 1 ADU and 1 DADU.

# ACCESSORY DWELLING UNITS

City of Kirkland

Draft – Proposed Amendments to Municipal Code and Zoning Code

Draft – Proposed Amend	ments to Municipal Code and	Zoning Code		
Parking: One off-street parking space, in addition to the two required for the primary unit, must be provided for the ADU.	Consider exemptions for ADUs within 0.5 mile of neighborhood centers and transit, ADUs with fewer than 2 bedrooms, and/or those within 600 feet of on-street parking.	No parking requirement for ADU	Interest in eliminating parking requirement, possibly only in areas with transit access or in 10- minute neighborhoods.	Agree with current off street parking requirement of one parking space per ADU. Disagree with walkable 10 minute neighborhoods to use transit and not provide off street parking.
Separate ownership (condominium): An accessory unit may not be subdivided or otherwise segregated in ownership from the principal dwelling unit.	No change	Allow separate ownership of DADU (condominium)	Interest in exploring this concept.	Agree with current ADU requirement.  An ADU may NOT have separate ownership
Lots created through "Small lot single- family" and "historic preservation" provisions of Subdivision ordinance: ADUs are prohibited.	Allow attached ADUs, where FAR restrictions (30- 35% of lot size) are met.	Allow DADUs, with FAR restrictions.	Allow attached ADUs and DADUs, subject to FAR restrictions.	This is a confusing requirement since there are two different types of "historic designations".  It needs further clarification.
Tiny homes and care pods ("Med-cottages"): Not allowed when on wheels and larger than 9' in height and 22' in length.	Consider adding to study		Interest in adding these to study.	Should be studied separately – Finish ADU regulations first.
Reduced setbacks for DADUs: DADUs must conform with setbacks for single family units.	Reduce or eliminate rear yard setback adjacent to an alley.	Reduce rear yard setback from 10' to 5' on all lots.	Interest in reduced setbacks, including allowing DADUs to be closer to property line (0-5').	Agree with staff recommendation
Short-term rentals <sup>1</sup> : Not addressed in ADU regulations. Short-term rentals on the property would be regulated through the business license requirements that apply to single family residences.	No recommendation		Added to scope by PC. Interest in studying the impact of short-term rentals on the ability of the unit to provide affordable housing.	Further study is needed.  Most people who rent out rooms or apartments thru Airbnb do not comply with the business license requirements!!

**Subject:** FW: comments about recent meeting

From: David Schwartz <david\_vcp@hotmail.com>

Sent: Tuesday, July 23, 2019 1:55 AM

To: Houghton Council < houghtoncouncil@kirklandwa.gov >

Subject: comments about recent meeting

I attended the July 22 meeting and I have the following comments:

#### **ADUs**

• For the ADU fairness issue, why not make a rule that the person who lives in the main part of the house, whether owner or renter, has the final say over who lives in the ADU(s)?

## Duplex/triplexes

- I loved the comments about not putting duplex/triplexes in the middle of single family neighborhoods; about maintaining the character of single family neighborhoods. I hope everyone on the council saw the value in that position.
- Regarding property values when there are duplex/triplexes, I am sure that it will not reduce property values. Where there is higher density housing, land becomes more expensive, I would imagine. But I am not suggesting that we optimize for that, at least, in my neighborhood.
- I have heard City Manager Kurt Triplett say that for the data he has seen, the most successful city implementing duplex/triplexes is Portland, OR, and the rate of duplex/triplexes there is about 1 house in 50. It makes me wonder why City of Kirkland is putting so much effort into a strategy that they do not expect to create a significant amount of housing. FYI, you can see Kurt make this comment at 1:22:25 at <a href="https://www.youtube.com/watch?v=gVZ">https://www.youtube.com/watch?v=gVZ</a> CXS5nSI&t=5323s.
- For some reason, when I think of duplex/triplexes, sidewalks come to my mind. At what point does increased housing density require sidewalks?. I wonder, for the cities where duplex/triplexes have been built, are those duplex/triplexes built in blocks that have sidewalks? Consider the area where I live. The closest street with sidewalks on both sides of the street is NE 70 St.. I don't think duplex/triplexes on NE 70 St. would be a terrible idea. Many of the streets in the single family neighborhoods do not have sidewalks.

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# Attachment 5

RCW, and may be subject to disclosure to a third party requestor, regardless of any claim of confidentiality or privilege asserted by an external party.

From: Adam Weinstein

Sent:Thursday, July 18, 2019 12:16 PMTo:Sean LeRoy; Dorian CollinsSubject:FW: ADUs and Missing Middle

Follow Up Flag: Follow up Flag Status: Flagged

Sean and Dorian,

Another ADU/MMH comment.

Thanks, Adam

Adam Weinstein, AICP

Director of Planning and Building

City of Kirkland 123 5th Avenue Kirkland, WA 98033

(425) 587-3227 aweinstein@kirklandwa.gov

From: Tyler Simpson <tylsimp@uw.edu> Sent: Thursday, July 11, 2019 2:10 PM

To: Adam Weinstein < AWeinstein@kirklandwa.gov>

Subject: ADUs and Missing Middle

Hi Adam Weinstein,

I'm just writing to give support for the Kirkland Planning Commission's proposals to allow more ADU and missing middle housing. These policies bring gentle density across historically wealthier neighborhoods while reducing risk of displacement and demolition for existing rental single family dwellings. Kirkland's proposed new policies meet and exceed what Seattle recently accomplished and could prove Kirkland a great model for the region in allowing more affordable of housing everywhere. The plan for homeownership opportunities in ADU condos is particularly exciting!

I published a paper addressing the concerns many have with these kinds of regulation changes, and if you're interested in reading it, it's here: <a href="https://tylsimp.com/adu/">https://tylsimp.com/adu/</a>

I encourage Kirkland to also explore public financing models for ADU construction, such as the models Santa Cruz CA have implemented: <a href="http://www.sccoplanning.com/Portals/2/County/adu/Forgivable%20Loan%20Program.pdf">http://www.sccoplanning.com/Portals/2/County/adu/Forgivable%20Loan%20Program.pdf</a> <a href="https://www.santacruzsentinel.com/2017/04/24/santa-cruz-habitat-for-humanity-build-granny-flats-for-seniors-to-age-in-place/">https://www.santacruzsentinel.com/2017/04/24/santa-cruz-habitat-for-humanity-build-granny-flats-for-seniors-to-age-in-place/</a>

Thanks for your time, take care!

Sincerely, Tyler Simpson

1402 Third Avenue, Suite 500 Seattle, WA, 98101

www.sightline.org 206 447 1880



July 17, 2019

RE: Amendments to Kirkland Zoning Code and Kirkland Municipal Code--Accessory Dwelling Units File CAM19-00282

**Dear Planning Commissioners:** 

We are writing to strongly urge you to support the proposed amendments on accessory dwelling unit (ADU) regulations, and in particular to support all of the "bolder" options, which are well-aligned with nationally recognized best practices.

Sightline is a public policy think tank that has conducted extensive research on ADUs from 2012 to the present. Sightline supports ADUs because they can provide the following benefits:

- Affordability: more modest, affordable home choices in all Kirkland neighborhoods
- Opportunity: more options for people of all incomes to live near jobs, schools, transit, and parks
- Flexibility: freedom for homeowners to age in place, care for family, and earn income from a small rental
- Stability: workforce housing near jobs that strengthens economic security for middle- and low-income families
- Sustainability: small, energy-efficient homes in existing neighborhoods that help prevent sprawl, cut traffic and commutes, tame infrastructure needs, and fight climate change

Sightline's <u>research</u> has identified the biggest regulatory barriers to ADU construction, and Kirkland's current code imposes three of the worst offenders:

- Requiring off-street parking for ADUs
- Requiring that the owner lives on site
- Restricting the number of ADUs to one per lot

Kirkland's current restrictions on ADUs are likely the biggest reason the city's ADU production has been so low. City data shows that while the city received 417 ADU permit applications, the city only permitted 245 total ADUs since 1995.

The proposed "bolder options" for changes to Kirkland's ADU rules would eliminate all the most important barriers, listed below in order of importance:

- Remove all off-street parking quotas for ADUs
- Remove requirements for the owner to live on site
- Allow two ADUs per lot, instead of just one
- Loosen development standards for ADUs, including size, height, and FAR restrictions.
- Remove the limit on unrelated residents per lot
- Allow separate ownership of DADUs

In conclusion, we strongly support the bolder amendments, and encourage Commissioners to recommend those changes to the City Council. If Kirkland succeeds in implementing all of these changes, it will set a national example for progressive ADU policy that maximizes the benefits ADUs can provide for the city and its residents.

Thank you for your consideration.

Dan Bertolet Senior Researcher Sightline Institute Nisma Gabobe Research Associate Sightline Institute

Migna Fible

From: Sarah Gustafson <sarah.c.gustafson@gmail.com>

Sent: Saturday, July 13, 2019 4:17 PM

To: Adam Weinstein; Dorian Collins

Subject: Support for Expanding ADU Options

Dear Director Weinstein and Senior Planner Collins:

My heartfelt appreciation goes to you, and to the Kirkland Planning Commission, for considering ways to encourage the building of accessory dwelling units (ADU's).

I'm a former resident of Kirkland. Though I've since moved up the road to Bothell, I still patronize Kirkland businesses on a regular basis.

As Eastsiders, we need to allow flexible ADU requirements. Encouraging the building of more ADU's can increase affordable housing. Moreover, ADU's help seniors and people with special needs live close to their families, while still maintaining their independence.

Many citizens would like to see more ADU's built. But unfortunately, current ADU requirements make building ADU's a financially difficult proposition.

Thus, I support all the proposals listed in your June 4, 2019 Planning Commission Agenda (File CAM19-00282). In particular, please consider: **Remove requirement that property owner must live on site.** Owner-occupancy requirements make it harder for residents to get loans for ADU construction -- even if they have no intentions of moving out!

Furthermore, I urge Kirkland to become a leader in streamlining the ADU building process. Kudos to you for considering the following: **Create a Kirkland-specific ADU handbook. Streamline the permitting process**. This kind of work is essential, not only for Kirklanders, but for citizens across the Eastside.

Our City Council in Bothell has recently taken steps to encourage ADU construction. As a Bothellite, I'd love for our community to learn from -- and build upon -- what's working in Kirkland. We Eastsiders can do this together!

Sarah Gustafson, Bothell

--

Sarah Gustafson 323.691.4509