



## **MEMORANDUM**

**To:** Planning Commission

**From:** Dorian Collins, AICP, Senior Planner  
Adam Weinstein, AICP, Planning & Building Director

**Date:** August 1, 2019

**Subject:** Amendments to the Kirkland Zoning Code (KZC) and Kirkland Municipal Code (KMC) – Accessory Dwelling Units  
File CAM19-00282

### **Recommendation**

Provide direction to staff on potential amendments to the KZC and KMC to be considered at the public hearing on the topic of regulations for accessory dwelling units (ADUs).

### **Background**

The Planning Commission (PC) considered potential amendments intended to remove regulatory barriers to encourage the development of accessory dwelling units (ADUs) at its meeting on June 13, 2019. Materials prepared for that meeting can be accessed [here](#). At that meeting, Commissioners discussed the topics presented in the matrix (Attachment 1) and provided preliminary direction on some topics and indicated where additional study and discussion was warranted on others. The matrix in Attachment 1 has been updated to include the PC's direction.

The City Council Planning and Economic Development Committee (PED) discussed the topics identified for possible amendments at its meeting on July 8, 2019. The group indicated support for flexibility needed to encourage the development of ADUs. Specifically, the members noted an openness to consider changes such as the elimination of the parking requirement, with considerations such as street parking availability and proximity to transit, changes to the size of ADUs, allowing separate ownership for a detached ADU, and other measures. The PED also indicated an initial preference to retain owner occupancy requirements. The group discussed that a variety of objectives may be met through added flexibility in requirements, including increased affordability, housing choice and density.

Staff also presented the preliminary amendments to the Residential Builders Council of the Master Builders Association on July 11, 2019. Members of the group expressed support for the effort to remove regulatory barriers and encouraged bold changes to incentivize the development of more ADUs.

The Houghton Community Council (HCC) also discussed the potential amendments and provided feedback to staff at a study session on July 22, 2019. A summary of comments and preliminary direction from the HCC is included in the matrix (Attachment 1).

Several comment letters have been received and are provided in Attachment 2 to this memorandum.

### **Discussion of topics identified for further study**

Staff responses to issues or requests for additional information raised by Commissioners at the meeting in June are noted below. The matrix in Attachment 1 includes a preliminary staff recommendation on each topic where possible.

- Floor area ratio and size restrictions – detached ADUs (DADUs):  
The PC indicated support for the “bolder option”, exempting a DADU from the FAR calculation for the property, as well as expanding the maximum size of a DADU to 1,200 square feet (the standard maximum for all accessory structures, to include garages, sheds and other outbuildings on a property). The PC also indicated support for reducing the required distance that the DADU must be from and behind the primary residence.

#### *Staff recommendation:*

- Establish the maximum size for a detached ADU to be 1,000 square feet. This size has been identified by staff to be adequate for a two-bedroom unit, as well as by members of the development community at the meeting of the Master Builders Association Residential Builders Council, which staff attended. [New regulations for ADUs adopted for the City of Seattle](#) also provide a maximum size of 1,000 square feet for a DADU. Staff suggests that a maximum size of 1,000 square feet strikes an appropriate balance between encouraging ADUs with more flexible regulations while providing standards that are more likely to result in a structure that is relatively compact and subordinate in size to the primary residence.
  - Allow additional square footage for DADUs developed according to Universal Design principles (allowing for aging in-place). Comments from the public have encouraged recognition of the benefits of these design concepts which may require additional space for elements such as elevators, wider halls and doorways, larger bathrooms to accommodate wheelchairs, etc. Staff suggests that the maximum size for DADUs built according to these principles be established at 1,100 square feet.
  - Eliminate the restriction tied to the relationship between the primary residence and the DADU. This existing restriction is challenging for properties with smaller primary residences.
  - Increase the FAR exemption for a DADU and reduce the separation requirement (see matrix, Attachment 1).
- Floor area ratio and size restrictions – attached ADUs (ADUs):  
The PC supported the bolder option, to eliminate the relationship of the ADU and the primary residence, if the principle residence were not expanded.

*Staff recommendation:*

Eliminate restriction limiting size of attached ADU to no more than 40% of the primary residence and ADU combined, with no restriction on the expansion of the principle residence. Staff suggests that the limitation on the expansion of the primary residence is not necessary, since the the size of the primary residence would continue to be regulated through a combination of FAR requirements and building setbacks.

- Number of ADUs allowed per lot:

The PC indicated interest in allowing two ADUS, one attached and one detached. The PC suggested that issues such as parking and separation of the primary residence and the DADU be considered.

*Staff recommendation:*

Staff does not see a need for an additional separation requirement with this regulation, since no more than one DADU would be allowed on a property. The same standards that apply elsewhere for a DADU would apply on properties that also have one ADU within the primary residence. However, staff does recommend that a parking space be provided when an additional ADU exists on a property (unless certain conditions, noted below, apply). These conditions are consistent with the staff recommendation for parking requirements discussed on page 4 of this memorandum.

While staff does not recommend that owner occupancy be required when one ADU is provided on a property (see discussion on page 4), concerns expressed by the Planning Commission, the PED committee and the HCC related to owner occupancy may be addressed through the addition of this requirement when more than one ADU exists. The staff recommendation is included in the matrix (Attachment 1) and provided below:

- Increase number of ADUs allowed on a single property to two, one attached and one detached. If two ADUs are proposed,
  - One parking space must be provided unless:
    - The property is located within 600 feet of available street parking or
    - The property is located within 1/2 mile of transit service, with 15-minute headways during commute hours, and
  - One of the three dwelling units on the property must be the principal residence of the property owner.
- Owner Occupancy:

The PC, PED and HCC all indicated preliminary support 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 property. The PC asked for more information about the disadvantages of owner occupancy requirements.

In his book, "Backdoor Revolution", Kol Peterson calls owner occupancy requirements a "poison pill" regulation, citing the following results from this requirement:

- Reduction in the flexibility to choose how to use the ADU, limiting a property owner's ability to move away from the property without selling the ADU.
- Challenges to financing, with lending institutions less prone to loan against properties with deed restrictions such as owner occupancy requirements. Appraisals may not consider the income-generating value of an ADU if the ability to rent the unit is not guaranteed.
- Possible increase in non-registered ADUs. Peterson argues that an owner may opt to create an informal, unregistered ADU within a home to maintain the freedom to rent both units.
- Inheritance: If a home with an ADU is inherited, the recipient would need to either move to the property, evict a possible tenant, or sell the property.

*Staff recommendation:*

To strike a balance between addressing the issues raised by the PC and the objective to remove barriers in regulations, staff recommends that no requirement for owner occupancy be imposed if one ADU is developed on a property, but that owner occupancy of one of the units be required if two ADUs are proposed.

- Ownership of detached ADU:  
The PC indicated interest in exploring this concept. Initially, staff supports allowing owner occupancy, as it has been cited as a way to improve financing opportunities for the construction of ADUs and a way to create a more affordable form of housing. Kol Peterson (in "Backdoor Revolution") notes that one drawback of this approach is that it may eliminate the benefits of an accessory unit over time for the homeowner, where the unit may house a short-term caregiver or provide other options on the property. Staff is continuing to research the use of this mechanism in other jurisdictions and will present more information at the next meeting on this topic.
- Off-street parking for ADU:  
Off-street parking requirements are often viewed as a significant deterrent to the production of ADUs, and even as another "poison pill" regulation, according to Kol Peterson<sup>1</sup>. Although Kirkland's existing parking requirement for an ADU may be accommodated through the presence of a driveway in front of a garage for the primary residence on a property, the requirement may be challenging for some homeowners to accommodate, thus eliminating the potential for an ADU on a site.

The PC asked that staff provide options to consider to eliminate the parking requirement for ADUs. Factors discussed during the meeting in June include nearby on-street parking, proximity to transit and location within a [10 Minute Neighborhood](#). Ten-minute neighborhoods are "communities where residents can walk short distances from home to destinations that meet their daily needs."

---

<sup>1</sup> In "Backdoor Revolution" by Kol Peterson, three regulations are cited as ones that "each effectively kill ADUs in their own right". The regulations cited include owner-occupancy requirements, off-street parking requirements and conditional or discretionary reviews.

Staff consulted the City's Traffic Control Coordinator for information regarding sources of parking complaints in single family neighborhoods. The key sources reported include:

- Overflow from park and rides or people parking in neighborhoods to either access transit or to form carpools
- High school related student overflow parking
- Construction worker parking
- Employee overflow parking (near Google, City Hall, downtown, in Norkirk abutting business/industrial areas, etc.)
- Pick up and drop off parking around schools
- Narrow or curved streets without on-street parking
- Areas around parks, especially beach parks

*Staff recommendation:*

To balance the somewhat competing objectives of encouraging the production of more ADUs and the interests of neighborhoods to be free of excessive overflow parking from ADUs, along with the environmental impacts and cost implications of stormwater management on constrained sites when new impervious surfaces are developed, staff recommends the following approach to parking requirements:

- If one ADU is proposed, no requirement for off-street parking.
- If two ADUs are proposed, one parking space must be provided unless:
  - The property is located within 600 feet of available street parking or
  - The property is located within ½ mile of transit service, with 15-minute headways during commute hours.
- Building height - DADUs:

The PC expressed support for eliminating the restriction that states that building height for an accessory structure is the "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."

Subsequent discussions with Planning staff have confirmed that while this restriction has rarely affected the ability to develop an ADU, it may present challenges for homeowners in some of the recently annexed areas. In some areas, such as along Juanita Drive, steep topography may require additional height to enable a garage/ADU structure near the high elevation of a property and a principal residence below. The regulation was developed specifically to prevent ADUs and other accessory structures from being built on the upper portion of properties along 5<sup>th</sup> Avenue West due to concerns about view impacts from Waverly Way.

*Staff recommendation:*

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.

- Number of unrelated people in ADU and primary unit:  
The PC concluded that the restriction on the number of people to reside on a single family property with an ADU should be eliminated, following discussion regarding the constitutionality of the regulation.

The City Attorney's office has advised staff that the existing restriction on the number of occupants in the primary residence and the ADU combined may continue to be used. The regulation refers to the following definition:

**.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)

*Staff recommendation:*

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 unrelated 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 12". See [City of Seattle regulations](#)

- Small lot single family and historic preservation:  
The PC indicated support for studying the bolder option for this topic. The HCC was also generally supportive but noted a concern about massing and scale on the smaller sites.

*Staff recommendation:*

Existing regulations already restrict FAR to 30-35% for lots which are approved through the small lot provisions of the Subdivision Ordinance. Lots approved through the historic preservation provisions allow an FAR of 50%. Staff recommends that detached ADUs be allowed on these lots only if the maximum FAR limits are retained. To ensure that the mass and scale of development on these smaller sites is appropriate, the Commission could consider not allowing the exemptions from FAR that otherwise apply to DADUs (see discussion on page 2 for "Floor area ratio and size restrictions – detached ADUs (DADUs).")

- Reduced setbacks for DADUs:  
The PC indicated interest in studying this topic. Staff does not have a recommendation at this time and would appreciate more direction from the PC on this topic.
- Cottage, carriage and two/three-unit homes, registration requirements and Tiny homes and Care Pods:  
Please see the staff recommendations in the matrix (Attachment 1) for these topics.

- Short-term rentals:  
The PC indicated an interest in studying the impact of short-term rentals of an ADU on affordability. While there is limited information on this topic, the following may be useful.

The use of ADUs as short-term rentals is currently allowed as described in a response to a question on the [City webpage](#):

I own a single family residence in Kirkland with a registered detached accessory dwelling unit (ADU), also referred to as a mother-in-law unit. Can I rent out the ADU?

[\[Close\]](#)

**Yes, after first obtaining State of Washington and City of Kirkland business licenses. Beyond that, whether you can enter into short-term rentals without restriction or for no more than a total of 120 days per year depends on whether the owner or a registered agent of the owner lives at the property as his or her primary residence either continuously or for at least 245 days per year.**

An [article](#) discussing the issue in Seattle discussed the concern from some members of the Seattle City Council that ADUs should be reserved for long-term rentals to address the affordable-housing crisis. The City's environmental review of Seattle's ADU regulatory changes concluded that it would be unlikely that developers would buy older homes, demolish them and replace them with three rental units.

Another perspective on short-term rentals is that while the units may not provide affordable housing, the rent they provide may enable a homeowner to continue to afford their mortgage and property taxes, allowing them to remain on their property.

*Staff recommendation:*

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).

**Feedback Requested and Next Steps**

Staff requests that the PC provide input and clear direction on the potential amendments described in the matrix. Following the meeting on August 8, staff will prepare draft code amendments to the KZC and KMC for the Planning Commission to consider at a public hearing this fall. Staff will provide an update on the proposed amendments based on the direction from the PC at the next meeting of the HCC.

Attachments

1. Matrix – Potential amendments and preliminary comments and direction
2. Comment Letters

cc: CAM19-00282  
Parties of record  
Allison Zike  
Lindsay Masters, ARCH, [lmasters@bellevuewa.gov](mailto:lmasters@bellevuewa.gov)

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

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
Floor Area Ratio (FAR) and size restrictions for <i>detached</i> ADUs (DADUs).	<p>Square footage of detached ADU must be ≤ 800 s.f. of gross floor area or 40% of ADU and primary residence combined.<sup>i</sup></p> <p>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</p>	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.)	<p>In addition:</p> <ul style="list-style-type: none"> <li>Exempt entire size of DADU from FAR calculation.</li> <li>Expand maximum size of DADU to 1,000 s.f., while retaining maximum size of accessory structures to 1,200 s.f.</li> <li>Reduce 20' separation to 10 or 15 feet.</li> </ul>	<p>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.</p>	<p>Support to study bolder option, with the following:</p> <ul style="list-style-type: none"> <li>Yes, exempt DADU from FAR calculation</li> <li>Expand max size of DADU to 1,200 s.f., while retaining max square footage of all accessory structures of 1,200 s.f.</li> <li>Reduce separation to 10-15'</li> </ul>	<ul style="list-style-type: none"> <li>Most support some expansion. Comment that 1,000 s.f. is needed for 2 bedrooms.</li> <li>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.</li> </ul>	<ol style="list-style-type: none"> <li>Expand max. size for DADU to 1,000 s.f.</li> <li>Allow an additional 100 square feet (1,100 square feet in total) if the ADU is designed according to Universal Design.</li> <li>Eliminate relationship (40% restriction) between size of primary residence and DADU</li> <li>Increase FAR exemption and decrease separation distance for a DADU as follows: <ol style="list-style-type: none"> <li>When located more than 15' behind the main structure, the first 600 s.f.)</li> </ol> </li> </ol>

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
	may not exceed 1,200 s.f., plus 10% of lot area) <sup>ii</sup>						(lots ≤ 8,500 s.f.) or the first 900 s.f. (lots ≥ 8,500 s.f.) of the DADU is not included in FAR.
Floor Area Ratio (FAR) and size restrictions for <i>attached</i> ADUs.	ADU (attached): ≤ 40% of primary residence and ADU combined.	<ul style="list-style-type: none"> <li>Eliminate restriction that attached ADU not exceed 40% of size of ADU and primary residence combined.</li> <li>Add maximum size for attached ADU, such as 1,000 s.f.</li> </ul>	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.	<ul style="list-style-type: none"> <li>Address subsequent expansion of primary residence (if attached ADU is not restricted to 40%). Is later expansion prohibited?</li> </ul>	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.
Number of ADUs allowed per lot	1	2 Allow two ADUs per primary residence. Options: <ul style="list-style-type: none"> <li>When two ADUs exist, require property owner occupancy on site.</li> </ul>	2 No restrictions on owner occupancy.	“Precedent” table (attached to PC packet) notes that, only Vancouver, BC allows more than 1 ADU per lot.	Interest in allowing two: one attached and one detached. Consider issues such as parking and separation of primary residence and	<ul style="list-style-type: none"> <li>Mix of opinions.</li> <li>One comment of support if paired with owner occupancy requirement.</li> </ul>	1. 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:

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
		<ul style="list-style-type: none"> <li>Allow no more than one detached ADU.</li> </ul>		Recently adopted regulations in Seattle allow 2 ADUs per lot.	detached ADU (DADU).		<ol style="list-style-type: none"> <li>One parking space shall be provided as described below in the discussion of requirements for “Off-street parking for ADU”, and</li> <li>One of the three dwelling units on the property must be the principal residence of the property owner.</li> </ol>
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.	<ol style="list-style-type: none"> <li>If one ADU is proposed, no requirement for owner occupancy.</li> <li>If two ADUs are proposed, one of the units must be the principal residence of the property owner.</li> </ol>

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
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, carriages and two/three-unit homes. This change would promote entry-level ownership housing.	Interest in exploring this concept.	<ul style="list-style-type: none"> <li>• Generally not supportive.</li> <li>• One comment that “airspace condos” can be useful technique.</li> </ul>	Staff supports allowing owner occupancy of DADUs. Following additional research, staff will provide additional background and a recommendation on this topic.
Off-street parking for ADU	1 space	Options: <ul style="list-style-type: none"> <li>• Provide exemption from off-street parking requirement for: <ol style="list-style-type: none"> <li>a. ADUs within .5 mile of defined business districts and neighborhood centers</li> </ol> </li> </ul>	0	<ul style="list-style-type: none"> <li>• Proximity to transit is considered in several other jurisdictions (see “Precedent” table). Seattle (in Urban Villages),</li> </ul>	Interest in eliminating parking requirement, possibly only in areas with transit access, in 10-minute neighborhoods, etc. Interested in studying options.	HCC asked that comments made during their discussion of MMH amendments apply to ADUs: <ul style="list-style-type: none"> <li>• Personal experience with neighbors in duplexes:</li> </ul>	<ol style="list-style-type: none"> <li>1. If one ADU is proposed, no requirement for off-street parking.</li> <li>2. If two ADUs are proposed, one parking space must be provided unless: <ol style="list-style-type: none"> <li>a. The property is located within 600 feet of</li> </ol> </li> </ol>

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
		<p>(Comprehensive Plan, Figure LU-2) <i>and</i> transit service.</p> <p>b. ADUs with fewer than 2 bedrooms.</p> <p>c. ADUs located within 600 feet of available on-street parking.</p>		<p>Santa Cruz, San Diego and Honolulu provide an exemption for ADUS within .5 mile of transit.</p> <ul style="list-style-type: none"> <li>• Smaller ADUs will typically have fewer residents and less demand for parking (Santa Cruz reduces parking requirement if under 2 bedrooms).</li> <li>• <a href="#">KZC 105.20.3.a</a> provides an exemption from guest parking requirement (for</li> </ul>		<p>teens, significant others, parking demand</p> <ul style="list-style-type: none"> <li>• Request to study micro housing parking impacts.</li> <li>• Concern re: more parking demand from unrelated people.</li> <li>• Proximity of transit not viewed as viable consideration for reduced parking.</li> </ul>	<p>available street parking or</p> <p>b. The property is located within ½ mile of transit service, with 15-minute headways during commute hours.</p>

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
				multifamily use) where less than one stall is required, and on-street parking is available within 600 feet.			
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		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.	<ul style="list-style-type: none"> <li>• Mix of opinions.</li> <li>• Support for concept to allow ADUs over garages</li> <li>• Concern about unintended consequences including flat roofs.</li> </ul>	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.

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
	primary residence, whichever is less. <sup>iii</sup>						
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 style="list-style-type: none"> <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>	<p>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.</p> <p>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</p>

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
							exceed 12". See <a href="#">City of Seattle regulations</a> .
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 <a href="#">Small lot subdivision regulations</a> .	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.	<ul style="list-style-type: none"> <li>Support with retention of existing proportional requirements. Concern about massing and scale.</li> </ul>	Allow detached ADUs, 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.
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.	<ul style="list-style-type: none"> <li>Comments that this issue should be studied in context of other potential amendments.</li> </ul>	Staff does not have a recommendation at this time and would appreciate more direction from the PC on this topic.
Cottage, carriage and two/three-unit home	ADUs allowed under proposed Missing Middle Housing	No proposal for this housing type.		These amendments will be considered separately, within the	NA	NA	Staff recommends that the ADU amendment project be consolidated with the Missing Middle project for

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
	(MMH) regulations.			MMH <a href="#">study of amendments</a> to KZC Chapter 113.			the public hearing and subsequent meetings of the City Council.
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.
Tiny Homes <sup>iv</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.	<ul style="list-style-type: none"> <li>• Comment that these unit types should be studied in MMH study rather than with ADUs.</li> <li>• Comment that Care Pods should possibly be allowed as a temporary use.</li> </ul>	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.
Short-term rentals <sup>vi</sup>	Short-term rentals are				Added to project scope.	Support for short term	Staff recommends retaining existing

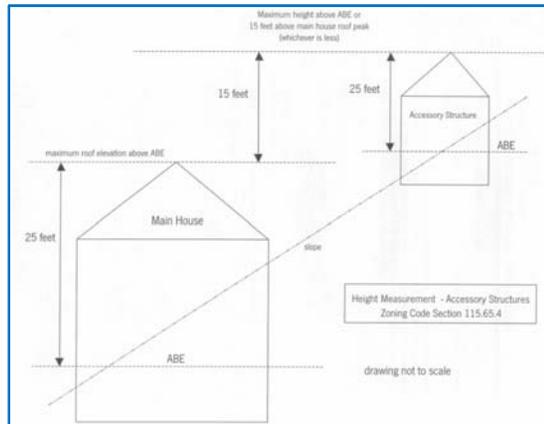
TOPIC	KIRKLAND CURRENT STANDARD	POTENTIAL AMENDMENTS TO KZC/KMC	BOLDER OPTION	STAFF COMMENTS	PC DIRECTION FOR FUTURE STUDY 6/13/19	HCC COMMENTS & DIRECTION 7/22/19	STAFF RECOMMENDATION
	permitted in single family residences, when the property owner (or agent) occupies the property at least 245 days per year. ADU regulations do not address short-term rentals.				Interest in studying the impact of short-term rentals on affordability.	rentals only if owner occupancy is required.	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).

---

<sup>i</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.
- iii KZC 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:



- iv "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.
- v ADUs 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.



**Dorian Collins**

---

**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



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 [research](#) 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 ADUs

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.

A handwritten signature in blue ink, appearing to read "Dan Bertolet". The signature is fluid and cursive, with a long horizontal stroke at the end.

Dan Bertolet  
Senior Researcher  
Sightline Institute

A handwritten signature in blue ink, appearing to read "Nisma Gabobe". The signature is cursive and clearly legible.

Nisma Gabobe  
Research Associate  
Sightline Institute

## Dorian Collins

---

**From:** Adam Weinstein  
**Sent:** Thursday, July 18, 2019 12:16 PM  
**To:** Sean LeRoy; Dorian Collins  
**Subject:** 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](mailto: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: <https://tylsimp.com/adu/>

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

Thanks for your time, take care!

Sincerely,  
 Tyler Simpson

NOTICE: This e-mail account is part of the public domain. Any correspondence and attachments, including personal information, sent to and from the City of Kirkland are subject to the Washington State Public Records Act, Chapter 42.56 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.

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](mailto:bloomis304@gmail.com)

ACCESSORY DWELLING UNITS

City of Kirkland

Draft – Proposed Amendments to Municipal Code and Zoning Code

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

## ACCESSORY DWELLING UNITS

## City of Kirkland

## Draft – Proposed Amendments to Municipal Code and Zoning Code

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

**Dorian Collins**

---

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

**From:** David Schwartz <[david\\_vcp@hotmail.com](mailto:david_vcp@hotmail.com)>

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

**To:** Houghton Council <[houghtoncouncil@kirklandwa.gov](mailto: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 [https://www.youtube.com/watch?v=gVZ\\_CXS5nSI&t=5323s](https://www.youtube.com/watch?v=gVZ_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.

NOTICE: This e-mail account is part of the public domain. Any correspondence and attachments, including personal information, sent to and from the City of Kirkland are subject to the Washington State Public Records Act, Chapter 42.56

Attachment 2  
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.

