



CITY OF KIRKLAND
Planning and Building Department
123 5th Avenue, Kirkland, WA 98033
425.587.3600- www.kirklandwa.gov

MEMORANDUM

To: Planning Commission

From: Allison Zike, AICP, Planner
Angela Ruggeri, AICP, Senior Planner
Jeremy McMahan, Deputy Planning and Building Director
Adam Weinstein, AICP, Planning and Building Director

Date: March 21, 2019

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

Staff Recommendation

- Receive staff briefing and take public comment on proposed Kirkland Zoning Code (KZC) amendments to Floor Area Ratio (FAR) regulations for single-family residential development and Lot Coverage regulations applied City-wide.
- Make a recommendation to City Council on specific code changes.

Background

Review of the City's FAR and lot coverage regulations has been included in the 2018-20 Planning Work Program. FAR regulations apply to most single-family residential properties in the City. However, within the Houghton Community Council's disapproval jurisdiction, FAR only applies to lots in PLA 3C that are less than 7,200 square feet or lots that have less than the minimum lot size because they were created through the small lot provisions of KMC 22.28.042. Lot coverage regulations are applied City-wide across all zoning districts.

The Houghton Community Council discussed FAR and lot coverage during study sessions held on September 24, 2018 and February 25, 2019. Councilmembers discussed the intent of lot coverage, gave staff feedback on how specific materials should count towards lot coverage, and generally evaluated proposed code language.

Staff discussed these topics during study sessions with the Planning Commission on April 12, 2018 and September 13, 2018. At those meetings, Commissioners discussed existing FAR exemptions and lot coverage, and requested that staff provide information on how other jurisdictions regulate FAR and lot coverage. An additional study session was held with the Planning Commission on February 28, 2019. At that meeting, the Commission reached consensus to move the proposed FAR and lot coverage code revisions forward to a public hearing as drafted, except the Commission requested that the proposed FAR code revisions include elimination of certain subgrade floor area exemptions.

Since the last study session, staff has made some minor edits to clarify the proposed regulations, including simplifying the requirements for planting areas above subterranean structures in the lot coverage regulations (KZC section 115.90.2.c). The proposed column size requirement has been removed from the decks, porches and walkways section of the FAR regulations (KZC section 115.42.1.e) in order to allow for design flexibility and more architectural detail.

Prior to the previous study sessions, staff discussed FAR and lot coverage with local architects, the Master Builders Association, Kirkland Alliance of Neighborhoods (KAN), the Public Works Department and Planning staff with expertise in reviewing applications for single-family housing projects. This outreach did not provide a strong basis for eliminating FAR or lot coverage regulations. In this robust housing market, there seems to be a tendency for single family homes to be built to the maximum building envelope and expanding this envelope further – even marginally – by eliminating FAR or lot coverage regulations would not address community concerns about perceived building mass. Instead, staff identified opportunities for clarifying the existing regulations and incentivizing good design that could address community concerns that many new single-family homes appear too bulky.

The current demand for large houses is reflected in the design trends that are appearing in Kirkland and throughout the region. The two main design issues that were brought up most in staff's conversations with community members were: 1) that some new single-family houses appear too boxy and massive, and aesthetically incompatible with Kirkland's older neighborhoods; and 2) that many new houses seem to be built too close to existing houses. The proposed amendments are intended to address these concerns, without causing an excessive number of non-conformances, along with clarifying the existing regulations and making them more effective.

Proposed Amendments and Analysis

FAR Zoning Code Amendments

The City's FAR regulations were adopted in 1999 (Ordinance No. 3709). We have learned from experience that the regulations have not completely achieved the initial objectives and that there are still valid concerns about boxy, and/or large single-family homes that are aesthetically different from existing houses in established neighborhoods.

Three specific FAR-related problems that staff, Houghton Community Council, and the Planning Commission identified for consideration in the code amendment process are:

- Attempts to maximize building square footage by adding building features (such as covered porches with walls) that are not included in the FAR calculation but still add mass to the structure.
- Attempts to maximize building square footage by building more exempted basement square footage using deep driveways that are buried below the main structure.

- The preponderance of flat-roofed single-family houses. While some community members expressed concern about the pervasiveness of flat-roofed residences, staff encountered little support for granting additional height as an incentive for peaked roofs (but more support was identified for incentivizing peaked roofs using other means).

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

1. Add an "intent" section at the beginning of Section 115.42, which describes the purpose of the FAR regulations.
2. Clarify that uncovered and covered decks, porches, and walkways are not exempt from gross floor area calculations for FAR if they are not open on at least three sides or do not have a minimum 50% of the perimeter of the deck, porch, or walkway open.
3. Remove the FAR exemption for floor area with a ceiling height less than six (6) feet above finished grade.

Staff is recommending against removing the exemption and has proposed alternative language to clarify how to measure the exemption area for structures with window wells. This exemption has been included in the FAR regulations since their initial adoption in 1999, and removing it would significantly change the market conditions and development expectations for single-family lots in Kirkland. Many single-family residences in the City are built with partially buried lower floors due to existing topography, and the subject exemption has been widely used city-wide to comply with FAR requirements. In other words, removing the ability to exempt some, or all, of the lower floor would make many existing homes nonconforming to existing FAR regulations. Some implications of changing the code in a manner that will create many nonconformances include, but are not limited to:

- *Remodels of homes that are nonconforming to FAR standards may require a variance to be remodeled.*
- *Some properties will lose their ability to subdivide because to do so will create a lot with nonconforming FAR.*
- *Further restricting FAR may inhibit the creation of ADUs.*

Due to the above-mentioned implications, staff is concerned that eliminating the exemption for subgrade floor area may warrant a more extensive outreach process to stakeholders because it goes beyond the minor amendments that have been considered thus far. Following the public hearing, the Commission may wish to evaluate whether additional outreach and alternatives should be considered before adopting this change.

4. Add a definition for "carport" to clarify areas counted towards FAR.

5. Add a design-based FAR bonus to allow an additional 5% of FAR if certain design elements are used in the design and construction of a detached dwelling unit.

Lot Coverage Zoning Code Amendments

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

Staff received minimal comment on lot coverage, with only a few community members indicating that some parts of the code need to be clarified. There was also a general feeling that the regulations have value and that the aesthetic need for open space and vegetation is still important.

Neighborhood groups that staff met with emphasized that the provision of “green space” with new development is highly desirable, especially within front yards. The proposed code amendments listed below and included in Attachment 2 are therefore focused on open space and aesthetics rather than storm water (which is already the subject of an independent set of regulations).

1. Replace the term “impervious surface” with “hardscape.”
2. Add an “intent” section at the beginning of Section 115.90 which describes the purpose of the lot coverage regulations (i.e., to promote greenery and open space in developed areas).
3. Change title of “Exceptions” section to “Exemptions” for materials that are completely exempt from lot coverage calculations.
4. Clarify which areas beneath eaves, balconies, and other cantilevered portions of buildings are exempt from lot coverage calculations.
5. Clarify requirements for landscaped areas located over subterranean structures, and related exemptions from lot coverage.
6. Add mechanical unit pads to list of exemptions for attached and detached dwelling units.
7. Make the following changes to the “Exemptions” section of the code, which allows certain exemptions to be calculated at a ratio of 50 percent of the total area covered.
 - a. Change title of “Exemptions” section to “Partial Exemptions”.

- b. Remove the two references to the stormwater design manual since stormwater management is no longer part of the intent of the lot coverage regulations.
- c. Remove "permeable pavement" from partial exemptions since permeability is a stormwater management issue and not part of the intent of the lot coverage regulations.
- d. Add "pavers" to the partial exemptions.
- e. Add artificial turf to the partial exemptions

Stormwater regulations may impose stricter limitations on installed impervious surfaces than will be permitted by lot coverage (i.e., hardscape) maximums. This will require the Public Works Department to communicate with short plat/subdivision applicants regarding stormwater management and detention vault capacities at the land use review stage and follow up with additional review for impervious surfaces at the building permit stage of development. To allow time for internal coordination and external communication to the development community regarding the change, staff plans on recommending a delayed effective date if the changes are adopted by City Council.

- 8. Provide a definition for "hardscape." As proposed by staff, the hardscape definition clarifies that gravel is considered hardscape and is not fully or partially exempt from lot coverage calculations.
- 9. Revise the definition of "landscaping" for clarity

Next Steps

The next steps in moving these code amendments forward are:

- March 28, 2019: Planning Commission Public Hearing, deliberation and recommendation to City Council
- April 2019: City Council Decision
- April 2019: Houghton Community Council decision

Attachments:

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

cc: File Number CAM18-00258

FLOOR AREA RATIO REGULATIONS

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

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

The intent of these F.A.R. regulations is to limit the perceived bulk and mass of residential structures as they relate to the right-of-way and adjacent properties and to ensure houses are proportional to lot size. The design incentives in Section 115.42.4 are provided to encourage more interesting design and location of building massing toward the center of each lot, away from neighboring properties.

1. Gross floor area for purposes of calculating F.A.R. and maximum floor area for detached dwelling units in low density residential zones and attached dwelling units in PLA 3C shall include the entire area within the exterior walls for each level of the structure. It shall also include the area of all carports¹ measured as the area of the carport roof. It shall not include the following:

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

b. ~~Floor area with a ceiling height less than six (6) feet above finished grade. The ceiling height will be measured to the top of the structural members for the floor above. The finished grade will be measured along the outside perimeter of the building (see Plate 23).~~ **For window wells, finished grade will be measured at the outside perimeter of a window well only when it is designed and constructed to the minimum dimensions required by the current building code adopted by the City of Kirkland.**

c. On lots less than 8,500 square feet, the first 500 square feet of an accessory dwelling unit or garage contained in an accessory structure, when such accessory structure is located more than 20 feet from and behind the main structure (see subsection (3) of this section for additional information on the required distance between structures); provided, that the entire area of an accessory structure, for which a building permit was issued prior to March 6, 2007, shall not be included in the gross floor area used to calculate F.A.R. For purposes of this section, "behind" means located behind an imaginary plane drawn at the back of the main structure at the farthest point from, and parallel to, the street or access easement serving the residence.

¹ See proposed definition for "carport" at following code text

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

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

1) Have no walls of any height, and

2) Have no guard rails taller than the minimum height required by the Building Code.

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

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

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

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

b. Elements of structures that may be closer than 20 feet to each other are:

1) Elements of a structure no higher than 18 inches above finished grade;

2) Chimneys, bay windows, greenhouse windows, eaves, cornices, awnings and canopies extending no more than 18 inches from the wall of a structure;

3) Stairs extending no more than five (5) feet from the wall of a structure;

4) Porches extending no more than five (5) feet from the wall of a structure if:

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

4. Design-based F.A.R. Bonus

a. An additional 5% F.A.R. above the maximum F.A.R. for the zone will be allowed if at least two of the design elements below are used in the design and construction of a detached dwelling unit:

1) With the exception of accessory features, all roof forms consist of ridgelines peaked near the center of the structure, with a minimum pitch of 4 feet vertical to 12 feet horizontal.

2) All structures are set back from side property lines by at least 7 1/2 feet.

3) The gross floor area of any floor above ground floor shall be reduced by a minimum of 15 percent of the floor area of the first story.

b. The above design based F.A.R. bonus cannot be combined with any other F.A.R. incentive in this Code or the Kirkland Municipal Code.

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

PROPOSED ZONING CODE DEFINITION(S) FOR TERMS USED IN ABOVE REGULATIONS

5.10.xxx Carport

A roofed area of sufficient dimensions and orientation to park a vehicle which is connected or directly adjacent to a driving surface

EXISTING ZONING CODE DEFINITIONS FOR TERMS USED IN ABOVE REGULATIONS

5.10.320 Finished Grade

The final contour of the land surface prior to landscaping.

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

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

5.10.345 Ground Floor

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

5.10.340 Gross Floor Area

The total square footage of all floors in a structure as measured from either the interior surface of each exterior wall of the structure or, if the structure does not have walls, from each outer edge of the roof. Exterior areas may constitute gross floor area. See Chapter 115 KZC.

LOT COVERAGE REGULATIONS

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

115.90 Calculating Lot Coverage

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

The intent of these lot coverage regulations is to limit areas of hardscape, place an emphasis on landscaping, and to increase vegetated spaces throughout the City.

2. ~~Exemptions~~ **Exemptions the following are exempt from the lot coverage calculation.**

- a. An access easement or tract that is not included in the calculation of lot size will not be used in calculating lot coverage for any lot it serves or crosses.
- b. Previous Areas **of landscaping** below eaves, balconies, and other cantilevered portions of buildings.
- c. **Planted** ~~Landscaped~~ areas at least two (2) feet wide and 40 square feet in area located over subterranean structures, **with a minimum soil depth of 18 inches.** ~~if the Planning Official determines, based on site specific information submitted by the proponent and prepared by a qualified expert, soil and depth conditions in the landscaped area will provide cleansing and percolation similar to that provided by existing site conditions.~~
- d. Rockeries and retaining walls, unless located adjacent to or within 12 inches of another impervious surface such as a patio, building or parking area.
- e. Public sidewalk if located within a public easement on private property.

f. Hardscape surface under HVAC and similar types of mechanical equipment for detached dwelling units only.

3. **Partially Exempt Materials** Exemptions – The following **materials** exemptions **shall receive a** will be calculated at a ratio of 50 percent **exemption for the area** of the total area covered **they cover**. Exempted area **However, this exemption** shall not exceed an area equal to 10 percent of the total lot area **size**. Installation of exempted surfaces shall be done in accordance with the current adopted stormwater design manual:

a. ~~Permeable pavement (non-grassed).~~

a. Pavers no larger than 10"x10" per individual paver

b. Grassed modular grid pavement.

c. Open grid decking over pervious **non-hardscaped** area.

d. Artificial Turf

d. ~~Pervious surfaces in compliance with the stormwater design manual adopted in KMC 15.52.060.~~

Note that impervious surfaces may be further, or more stringently, regulated by the stormwater design manual adopted in KMC 15.52.060.

PROPOSED NEW ZONING CODE DEFINITION FOR TERM USED IN ABOVE REGULATIONS

5.10.xxx Hardscape

Hardscape is a placed, created, constructed or compacted hard surface area, which is unavailable for landscaping as defined by KZC 5.10.465. Hardscape surfaces include, but are not limited to: building foundations, patios, driveways, parking lots, concrete or asphalt paving, gravel or other similar walking and driving surfaces. Hardscape surfaces do not include open space as defined in this code.

PROPOSED REVISIONS TO ZONING CODE DEFINITIONS FOR TERMS USED IN ABOVE REGULATIONS

5.10.465 Landscaping

~~The planting, removal and maintenance of vegetation along with the~~ **The movement and displacement of earth, topsoil, rock, bark and similar substances and/or associated done in conjunction with the planting, removal and maintenance of vegetation.**

EXISTING ZONING CODE DEFINITIONS FOR TERMS USED IN ABOVE REGULATIONS

5.10.610 Open Space

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

5.10.651 Pervious Surface

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

