



CITY OF KIRKLAND
Planning and Building Department
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MEMORANDUM

To: Kurt Triplett, City Manager

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

Date: April 25, 2019

Subject: Amendments to the Kirkland Zoning Code (KZC) related to regulations for Floor Area Ratio (FAR) and Lot Coverage, File Number CAM18-00258

Recommendation

Adopt enclosed ordinance amending sections of Chapters 5 and 115 of the KZC related to regulations for FAR and Lot Coverage. The amendments contained in the ordinance are consistent with the recommendations of the Planning Commission.

Background

Review of the City's Floor Area Ratio (FAR) and lot coverage regulations was included in the 2018-20 Planning Work Program and has been carried over into the 2019-21 Work Program. FAR regulations are intended to limit the perceived bulk and mass of residential structures as they relate to the right-of-way and adjacent properties and result in houses that are proportional to lot size. 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 zoning district 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. Lot Coverage regulations are applied City-wide across all zoning districts.

Throughout this project, staff has discussed FAR and lot coverage with local architects, the Master Builders Association, Kirkland Alliance of Neighborhoods (KAN), neighborhood residents, the Public Works Department and Planning staff with expertise in reviewing applications for single-family housing projects. One of the options initially presented was elimination of FAR and lot coverage regulations but public input did not provide a strong basis for eliminating the regulations. In this robust housing market, there has been 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, and to clarify the existing regulations and make 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 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 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.
- Attempts to maximize the building square footage within the allowed height by building flat-roofed houses.

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 at least 50% of the perimeter of the deck, porch, or walkway is not open.
3. Clarify how to calculate the subgrade floor area exemption for structures with window wells.
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. A key objective of the lot coverage regulations amendment project was to separate out the provisions of the existing regulations that primarily apply to stormwater, to make the code less redundant and more easily implemented by applicants.

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" within new development is highly desirable, especially in 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 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.
8. Provide a definition for "hardscape."
9. Revise the definition of "landscaping" for clarity.

Public Comment

Staff received several public comments in advance of the March 28, 2019 Planning Commission public hearing (see Attachment 3). The majority of comments received echoed earlier community feedback expressing that new homes in Kirkland are too large, too expensive, and that many are of an undesirable "boxy" design. Several commenters speculated that the preponderance of flat-roofed homes is due to the 25-foot height limit in some single-family zones. There were also a few commenters suggesting that the City should consider implementing a type of design review, or regulate allowed architectural styles, for new homes. Other commenters emphasized that the City should not restrict residents' ability to construct flat-roofed and/or "modern-style" homes if they so choose.

Many comments received were focused on two specific sections of the proposed amendments included in the packet for the Planning Commission hearing. Those two items were: 1) the possibility of eliminating the FAR exemption for sub-grade floor area, and 2) the proposal for a design-based FAR bonus of 5%. The first issue was not moved forward by the Planning Commission in their recommendation to the City Council, and the proposed code amendments do not eliminate the existing exemption for sub-grade floor area. Key considerations behind this recommendation include the potential for large numbers of zoning nonconformances if sub-grade floor area is no longer exempt (limiting some homeowners' ability to undertake building additions) and issues of fairness (new homes would be subject to substantially more stringent square footage allowances). The second issue, a design-based incentive, is included in Planning Commission's recommendation as shown in the enclosed ordinance.

Criteria for Amending the Text of the Zoning Code

Pursuant to KZC 160.60 and KZC 135.25 the City may amend the text of the Zoning Code only if it finds that:

1. The proposed amendment is consistent with the applicable provisions of the Comprehensive Plan; and
2. The proposed amendment bears a substantial relation to public health, safety, or welfare; and
3. The proposed amendment is in the best interest 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 Zoning Code amendments are consistent with the Comprehensive Plan, bear a substantial relation to public health, safety, or welfare, and are in the best interest of the residents of Kirkland because they are intended to clarify the existing regulations and make them more effective.

Environmental Review

A Determination of Non-significance (DNS) was issued for the proposed code amendments on April 8, 2019 (File No. SEP19-00198). No significant environmental impacts were identified.

Planning Commission Recommendation

At their March 28, 2019 meeting ([packet materials](#)), the Planning Commission voted to recommend approval of the draft code amendments, specifying that the sub-grade floor area exemption remain in the FAR code. While the recommended amendments are relatively modest in nature, the Planning Commission provided direction that the upcoming Highlands, Market, Market Corridor, and Norkirk neighborhood plan updates should explore additional ways to address public concerns about large and/or "boxy" houses in a more substantive manner. This may include evaluating new options for FAR, the sub-grade floor area exemption, building height, and design incentives.

Houghton Community Council Recommendation

The Houghton Community Council held a study session ([packet materials](#)) regarding the proposed amendments on February 25, 2019 at which the Council voted 7-0 to forward the proposal in its entirety to Planning Commission.

Effective Date: Staff Recommendation

Staff is recommending the Council adopt the enclosed ordinance with an effective date for the code amendments of 60 days after adoption, rather than the more typical effective date of five days after adoption. This recommendation is based on a request from the Public Works Department to allow time for internal coordination and external communication to the development community regarding the code amendments. 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. Public Works staff have elaborated upon their request in a memorandum included as Attachment 4 to this report.

Attachments:

1. Proposed FAR Zoning Code Amendments
2. Proposed Lot Coverage Zoning Code Amendments
3. Public Comments
4. Public Works Memorandum

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 ½ 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 ground floor.

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. Pervious 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

Allison Zike

From: Mingxi Chen <de8ger@hotmail.com>
Sent: Monday, April 01, 2019 3:07 PM
To: Planning Commissioners; Angela Ruggeri; Allison Zike
Subject: Comment on No. CAM18-00258

Dear planning commissioners,

My name is Mingxi Chen and I am a resident of Kirkland. I love this beautiful city and has been living in Kirkland for almost 7 years. I'd like to comment on the proposal of No. CAM18-00258.

I strongly oppose removing the exception for basement space below 6 feet high. I think removing the basement exemption would push design for more square footage above ground and maximizing allowed Lot Coverage. Basement space is actually a great way to add SF without making the house visibly larger or impacting neighbors.

Also I noticed there is a 10% FAR bonus for RS5.0 lot, my house is on a lot that has 5725 sqft, but it is zoned RS7.2, it is not a 7200 sqft lot but the FAR bonus wouldn't apply to it. Is there any plan to change this in No.CAM18-00258? It would make sense to me that any lot in RS zoning that is less than 7200 should have the 10% bonus FAR.

Thanks,
Mingxi

Allison Zike

From: Angela Ruggeri
Sent: Friday, March 29, 2019 5:54 PM
To: Allison Zike
Subject: FW: form-based codes as an alternative to FAR

Follow Up Flag: Follow up
Flag Status: Completed

From: Adam Weinstein
Sent: Monday, April 09, 2018 11:59 AM
To: 'Rodney Rutherford' <rodneyr@gmail.com>
Cc: Angela Ruggeri <ARuggeri@kirklandwa.gov>
Subject: RE: form-based codes as an alternative to FAR

Thanks Rodney – interesting comment. You’re right on that FAR hasn’t gotten us to the desired outcome in terms of design quality.

Adam

Adam Weinstein, AICP
Deputy Planning Director

City of Kirkland
123 5th Avenue
Kirkland, WA 98033

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aweinstein@kirklandwa.gov

From: Rodney Rutherford [<mailto:rodneyr@gmail.com>]
Sent: Sunday, April 8, 2018 9:37 AM
To: Planning Commissioners
Cc: Adam Weinstein
Subject: form-based codes as an alternative to FAR

Regarding the [proposed changes to FAR in single-family areas](#) (on the [April 12 Planning Commission agenda](#)), it strikes me that [form-based codes](#) could be far more effective in shaping the desired character of these neighborhoods in the way that FAR was originally intended to achieve. Form-based codes would prescribe the exterior form of development far more precisely than FAR, and I'm honestly a bit puzzled about how FAR was expected to achieve the desired outcome. Of course, the success of any form-based code in realizing the desired objectives of the community is entirely dependent on the details of how the form-based code is defined.

The city's existing [Design Guidelines for Residential Development](#) already contains many attributes commonly expressed in form-based codes that could be useful in the areas of concern. This document currently only applies to attached or stacked dwelling units in limited parts of the city, including the Market Street Corridor. Perhaps these guidelines could be augmented for broader application in these areas?

Rodney Rutherford

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Allison Zike

From: Angela Ruggeri
Sent: Friday, March 29, 2019 5:54 PM
To: Allison Zike
Subject: FW: Planning Commission Agenda: FAR & Lot Coverage

fyi

From: NorKirk Neighborhood Association <norkirkna@outlook.com>
Sent: Wednesday, April 11, 2018 2:47 PM
To: Angela Ruggeri <ARuggeri@kirklandwa.gov>
Cc: Adam Weinstein <AWeinstein@kirklandwa.gov>
Subject: Planning Commission Agenda: FAR & Lot Coverage

Hi Angela.

I'd like to include some thoughts on the FAR and Lot Coverage regulations on the agenda for the upcoming meeting tomorrow. I am the Co-Chair of the Norkirk Neighborhood Association as well as an architectural designer who lives and works in Kirkland. As such, I am both familiar with the codes and development process and I hear a lot of community input on how those codes are affecting development in the neighborhood.

As a representative of my community, I can report that there is growing dismay over the change in the appearance and character of the older Kirkland neighborhoods, particularly Norkirk and Market. The top complaints are 1) box houses with flat roofs, 2) new development lacking real back-yards and useable outdoor green space for families, and 3) over-sized houses/garages for the lot size. These three issues are driven primarily by developers who are looking to maximize profit, which needs to be balanced with the interests and integrity of the neighborhood. This preponderance of large houses also makes it more expensive to try to buy a home here and limits access to the wealthy. When regulations changed about 20 years ago to allow larger lots in Norkirk to be sub-divided, the intention was that the existing older home would be retained and a new small house would be built on the sectioned off lot. Instead, older homes are demolished and two or three modern, flat-roofed, yard-less houses are built in its place. Many of us were dismayed to see even a registered historical home be moved off its lot and have a large box house built on the site. We are also seeing developer projects that don't conform to current lot coverage and FAR restrictions, perhaps through the use of variances, exceptions, or other means not readily accessible to most home owners. While most people living in these neighborhoods understand that Kirkland's population is increasing and we need to allow development to meet these housing needs, there is quite a bit of consensus that large, box homes in the historic neighborhoods are not the solution.

As an architectural designer, I know it's harder to design homes in a smaller space that meet clients' expectations. Generally, developers and architects are using box homes as an easy way to stay within the 25' height restriction in the older Market and Norkirk neighborhoods and, at the same time, maximize ceiling height and square footage. While there are many attractive styles of architecture and property owners and developers should be able to apply whatever style they prefer to their houses, architects and developers need to respect the character of neighborhoods, understanding that the appeal of older neighborhoods is the variety of architectural styles. Having some modern-style homes adds to the variety; having most new homes being built in the neighborhood be flat-roofed box homes changes the character of the neighborhood and makes it feel more like a development. In addition, flat roofs are not practical in rainy climates and we frequently see tarps on these new box houses within a few years of construction to address water issues. (I personally avoid designs with flat roofs or sky lights as I feel it would be irresponsible of me.) There are many other techniques to work within the height limit, such as using hanging joists and vaulting ceilings on the 2nd floor, and ways to work within size limitations, such as minimizing the use of hallways, using efficient room planning, and using dormers to add ceiling height in strategic locations. Furthermore, the lack of back-yards means people spend less time outside and children are more confined to playing inside (meaning less time in nature, less fresh air, fewer social opportunities, and more screen time), resulting in the neighborhood becoming more like "downtown" than a residential community. The zoning regulations could encourage architects to use smart, functional designs with pitched roofs and have at least small back yards, both incentivizing such designs and adding size penalties for flat roofs or lack of useable green space.

This is where FAR currently comes in. While to some extent the combination of yard set-backs and Lot Coverage limitations make FAR regulations redundant (and makes the construction project submission a little more complicated), FAR currently provides an incentive to use peaked roofs in several zones in the Norkirk and Market neighborhoods (Kirkland Zoning Code 15.30 DD-12, DD-19, & DD-27) . Could FAR similarly be used to inhibit flat-roofed construction? Could Lot Coverage regulations be changed to create similar incentives and restrictions, thus eliminating the need for FAR? Should we revisit the set-back regulations that have generally resulted in the lack of back-yards in new houses? How you define and limit lot coverage and whether or not to retain FAR requirements has a great and direct impact on the character, life-style, and accessibility of our neighborhoods, so we appreciate the thought and time you are dedicating to this issue.

Please feel free to contact me with any questions and let me know if I can be of further assistance in addressing these issues.

Thank you,
Deanna Mortensen
Norkirk NA Co-Chair
Owner, Dansk Design LLC.

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Allison Zike, AICP, Planner
Angela Ruggeri, AICP, Senior Planner
City of Kirkland

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

Thanks for the opportunity to provide input on the proposed amendments.

Floor Area Ratio (FAR):

Although the addition of “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” to the code is a good step, I don’t see the proposed changes and revisions greatly affecting future residential development. Some of my main concerns are:

Architectural style and character, whether we admit it or not, is a primary reason the community has reacted so strongly to many of the new houses in our neighborhoods. The boxy, flat-roofed structures don’t look like the typical “Kirkland house” on adjacent parcels, and they appear to be packed in, too close to each other. The location (position on the building lot and maximum height) of the actual structure has great impact on the perception of bulk and mass, when viewed from the right-of-way or street. Given a typical 5’ side yard setback and an allowed 18” overhang extending into the setback, at the maximum 25’ above ABE, the structure will appear very massive and bulky, especially with very “tall” fascias are often 15 to 18” vertical, or perpendicular to the roof pitch. The issue is often exacerbated on sloping sites where the calculation of ABE can be manipulated.

I don’t think the proposed Design-based F.A.R. Bonus incentive will encourage improved designs, nor will moving the house 30” further away from the property line greatly affect the overall perception of bulk and mass. Criteria 4.a.3) in the incentive may produce some very interesting or unintended results; I haven’t looked at, or analyzed what a savvy designer or architect might come up with to allow increased FAR.

I’m not in favor of completely eliminating the exemption for lower floor as FAR square footage, typically a basement with garage. It’s been around for many years, and changing the rules now would definitely create many non-conforming cases. Houses built with the lower floor exemption don’t necessarily appear more bulky and massive, except possibly when viewed from directly in front of the house. I prepared a quick 3D model of a generic Kirkland street with 7,200 SF flat lots. Two of the houses have basement garages, the third has a detached garage/ADU on the alley. When viewed from a distance the basements are not really visible; on the sidewalk directly in front of a house the larger façade can create a perception of greater mass and bulk. Other jurisdictions have regulations that limit the height of an individual façade, separate from the allowed building height, something Kirkland may want to consider





I contend, and have for years, the real issue that has contributed to what the community has so strongly reacted to is the 25' maximum allowed building height in the RS and similar zones. It is very difficult to build a house with a pitched roof when the ridge can't poke through the 25' limit: room sizes are smaller and spans are shorter, plate heights are reduced, and roof drainage becomes more complicated. Builders simply max out to the allowed envelope and slap a flat or near flat roof on and that's it. Back to my generic K'ville; the house with the 8:12 pitched roof has the same FAR SF as the adjacent house (although some of its upper floor rooms have 5' exterior wall plate heights...but vaulted ceilings and more interesting interior volumes). Unfortunately, the 8:12 roof does, indeed, poke through the blue 25' allowed height plane. If we allowed greater building height of ridges in the center portions of parcels (somewhat a wedding cake configuration) we may encourage better designs and more variation in our neighborhoods.



Thank you,
Tim Olson Architect

Allison Zike

From: Angela Ruggeri
Sent: Thursday, March 28, 2019 5:19 PM
To: Allison Zike; Planning Commissioners
Subject: FW: Permit No. CAM18-00258

From: radhafrance <france.giddings@gmail.com>
Sent: Thursday, March 28, 2019 4:07 PM
To: Angela Ruggeri <ARuggeri@kirklandwa.gov>
Subject: Fwd: Permit No. CAM18-00258

Subject: Permit No. CAM18-00258

We are submitting our concerns about the City of Kirkland's policy regarding house size and lot size in Kirkland's building plans:

We are referring to two important parts to the proposal (<http://tinyurl.com/y3w5k795>).

Both of these parts of the proposal addresses our concerns. We are concerned about incongruent neighborhoods with boxes for houses. The massive box look is very unattractive. But that is less important than the environmental issue.

Our major concern is the environment. We are disturbed that our City of Kirkland is not considering the footprint of the very huge homes being built, with very little green space to contribute to the environment. **Where is the replacement of the trees that were cleared to build the house?** Some houses may be built as environmentally friendly inside the building and with building materials, though we see no encouragement of that. Houses of 4000+ square feet, typically housing only 4 people, is an example of self-centered consumerism that is contributing to our climate change. Every person has a responsibility to the environment. Our city does, too. Please reduce the footprint by reducing the amount of land that a house can occupy on a lot, and the size of the house.

Diane and Laurence Fennema



--

Allison Zike

From: Milton Lam <milton.lam@gmail.com> on behalf of Milton Lam <milton@mlarc.com>
Sent: Thursday, March 28, 2019 4:34 PM
To: karen@nwnative.us
Cc: Planning Commissioners; Angela Ruggeri; Allison Zike
Subject: CAM18-00258

Hi Karen, please see below my comments regarding the proposed changes to the zoning requirements in red. Thanks!

>>

1. **Allow an additional 5% FAR** if at least two of the design elements below are used in the design and construction of a house. The theory is that this could make the home *look* smaller, although the house could actually *be bigger*.

- Peaked roof (w/ min pitch)
- At least 7½ foot setbacks from all property lines (now one side can be 5 feet)
- Second & third floor setbacks along the side property lines (15% of first floor square footage)

This is a good proposal in spirit, but to some extent a major component to this problem has not been addressed. The additional 5% FAR is a nice incentive, although the main reason for all the flat roofs is actually the building height restriction, which this proposal did not consider. The 25' maximum is in many situations just enough for a 2-story home with a flat roof. In cities like Seattle for example, a bonus of 5' (plate height of the house will still have to be below the original limit) in building height is granted if the roof pitch exceeds 4:12, and I think that's a good way to encourage pitched roofs. The style of the home is so often determined by the roof shape – if no options are available except for a flat roof the contemporary style will naturally dominate. Upper floor setback requirements are a good way to make the homes look less bulky, but they are still going to be contemporary “boxes” if building height limit is not revised.

2. **Remove the exemption for basement space** below 6 feet high. (I.e., include it in the square footage calculation.) Removing this exemption could help discourage three story homes with flat roofs and steep driveways.

Basements should continue to be allowed and be excluded from FAR calcs. Basements are underground spaces, and they do not affect the massing of the house. This is valuable square footage that the market wants. The 6' number is the one that should be examined – as this allow “day-light” basements to be excluded from FAR calcs and those are effectively an extra story. I think reducing the 6' to 4' for a space to qualify as a basement would be effective to ensure that the basement is truly underground. Window wells for egress should still be allowed and be exempt from FAR calc considerations.

Also, the current method of calculating the area that would qualify for FAR exclusion is by connecting points on the footprint perimeter where the space is >6' exposed – so the easy “trick” would be to have three sides of the house (normally the sides and the back) buried and have the front of the house where the garage door would be on grade. What results is the house looking like a three story from the street, exactly what we don't want. The rule should include a condition that the basement of the house cannot have a street facing portion that is >6' exposed, effectively eliminating basement garages at the front of houses.

Another potential way to address this is to allocate the % of square footage to be exempt from FAR calcs according to the total % of the perimeter of the house footprint that is >6' exposed. For example, if a house has a footprint that's 20 width x 30 depth, it will have 100' linear feet of perimeter. If only the back of the house is >6' exposed, then 80' out of 100 or 80% is truly underground. The basement square footage would have been 600sf, and only 80% or 480sf should be exempt from FAR calcs. The current code would have considered the entire 600sf exempt.

Allison Zike

From: John Mc Gee <your_art_teacher@hotmail.com>
Sent: Thursday, March 28, 2019 12:37 AM
To: Planning Commissioners; Angela Ruggeri; Allison Zike
Subject: Permit No. CAM18-00258

Hello, I was encouraged by my fellow citizens to express my opinions to you in regard to Permit No. CAM18-00258 and the direction of growth in Kirkland in general. Here are my thoughts:

I never have understood the drive in new construction to make all the houses ginormous, the same size as the lot, with no backyard or front yard. Maybe some people want that, but everyone? There are whole developments of hundreds of houses around here that look like that. Give me a humble house in the middle a beautiful, well planted lot any day. Walking around the old neighborhoods on Queen Anne in Seattle I see hundreds of beautiful, unique homes with diversity and art in their architecture, and beautiful, interesting, well maintained yards with lots of room, and hundreds of different species of plant to admire. Why can't the Eastside look more like that? Instead what we get around here is a 70' x 70' shoe box on an 80' x 80' lot with few, uninspired, pedestrian plants all inappropriately pruned into stupid little shapes with a little beauty bark and a 2' wide strip of grass.

Seattle, a large urban city, shouldn't be beating a small, lakeside community like us when it comes to spacious yards, creative architecture, beautiful landscaping, craftsmanship, and residential artistry, but they are. Easily. Kirkland used to have that reputation. For decades we were seen like a quaint, lakefront art community. WTF happened?! Oh yeah, money. The needless gold rush mentality that drives our capitalist society. Everyone wants to cash in on the housing market at the expense of our environment, our aesthetics, our local culture, and our people. At Kirkland's current rate of growth, and choices made with the nature of that growth, it will end up eventually being a four square mile grid of contractor boxes, with contractor paint, with contractor plants, with contractor bark, and contractor lighting, inhabited by the vast majority of sheep who only know how to talk about what's on TV. Do you want to know what drives society forward? What gives us the answers to all our problems? What fosters an actual utopia? What gives us the capacity to change the world and drive our economy into the green so that we may all prosper? *Creativity* The endless potential energy of thought. Kirkland, and America as a whole, needs to value that and quit sucking it away in all corners of our society. Our uninhibited, ugly as hell, growth is direct reflection of that phenomenon. I believe it is possible for Kirkland to grow, slowly, wisely, and creatively while reclaiming its artistic, self-reflective roots. Are the city leaders not up to the challenge?

-John Mc Gee


your_art_teacher@hotmail.com

Allison Zike

From: Lynda Riversinc <riversinc2@gmail.com>
Sent: Wednesday, March 27, 2019 9:10 PM
To: Planning Commissioners; Angela Ruggeri; Allison Zike
Subject: CAM18-00258

RE: Permit No. CAM18-00258

I am sending in my comments for your proposal to allow construction even larger homes if they include a few “extra” design features. It is also my understanding that you came up with this proposal to appease the “average” person living in this city who thinks the home currently being constructed are already way too large and horrid, filling almost every square inch of the lot. So allowing for even bigger homes is your answer?? Really??? It is very clear that the planning department along with our current city council makes every rule and regulation to keep these big builders ever so happy and by doing so are destroying our city. We are rapidly losing all of our tree cover. And good grief how large a house does anyone person need, really? Adding a peaked roof does not fix the real issue at hand, that *these houses are just too massive!!*

I believe this city already has more than enough overly large homes to appease the overly wealthy portion of our population. How about we maintain a few of the old growth urban trees, have some lots with actual yards, ground and plants to absorb the run off.... How about you do something for the average citizen instead of just your good friends who “build”. This is a ridiculous proposal!

Lynda Myra


riversinc2@gmail.com

Allison Zike

From: Angela Ruggeri
Sent: Monday, March 25, 2019 1:22 PM
To: Helen Hald; Planning Commissioners
Cc: Allison Zike
Subject: RE: House size, RE CAM18-00258

Thank you for your comments Helen. I am forwarding them on to the Planning Commissioners for their consideration.

From: Helen Hald <helen@helenhald.com>
Sent: Monday, March 25, 2019 1:08 PM
To: Angela Ruggeri <ARuggeri@kirklandwa.gov>
Subject: House size, RE CAM18-00258

Dear Angela,

I am writing in response to the City of Kirkland's regulations for single family residential house size, specifically CAM18-00258.

I understand there is a hearing on this topic scheduled for March 28 at City Hall.

As a resident of Kirkland, an owner of a single family home and an architect I share the following:

Context is critical in this discussion. The discussion is not merely about whether people like or dislike the design of a house, as that is subjective. The context of our single family residential neighborhoods vary, but what is consistent is a house with a garden. The typical American house size has increased over the years. In the mid-fifties, it was common for families to live in 1,500 square foot homes. Today, 2X that is a minimum expectation. As a result, 2-story homes are more common, as are houses that are built clear to the land use setback. Green space, pervious area, views, natural light, sunshine and privacy are being reduced. The current single family land use codes are being and will continue to be exploited, whether by individual homeowners or developers. The current single family land use code is legally allowing us to create an environment where green space, pervious area, views, natural light, sunshine and privacy are reduced. How do I grow vegetables in my garden if the structures don't allow solar exposure? Is this what we call livable? Is this sustainable? Is this what we want?

The single family home will soon be extinct in many neighborhoods in Seattle as the city up-zones in response to the population growth. This comes at a price. The price is livability.

Urban planning is key to making cities livable. For example, European cities thrive with density because they were planned years ago. Public squares, plazas, gathering spaces, green spaces, parks, etc. are scattered amongst the buildings.

A mix of single family and multifamily provides variety. However, there should be a distinction between single family zoned properties and multi-family zoned properties. Single family is by nature less dense than multi-family. Single family should allow for green space, pervious area, views, natural light, sunshine and privacy.

Nature has a positive effect on the well-being of humans. This is not a matter of believing or not believing, it is a fact. We have a vital relationship with trees, not to mention we simply feel good when we sense nature. Preserving gardens, pervious area, views, natural light, sunshine and privacy make our single family residential neighborhoods vibrant places to live.

How can the land use regulations for single-family zones accomplish this? To start with, the size of a house on a single-family lot should be further limited.

For example:

- 1) Side yard setbacks totaling 10' with a minimum of 5' could limit the structure that is located at 5' to a percentage of the length of the structure (for example, 50% or less).
- 2) Second stories could be reduced to a percentage of the first floor (for example, 60% or less), thus preventing the 2-story "box" house which reduces views, natural light and sunshine and privacy.
- 3) Additional FAR allowances could be eliminated.
- 4) Off-street parking could be allowed in street right-of way and be required for only 1 vehicle not 2, thus reducing the 2-car garage, which is what is driving many homes to stretch from one side yard to the other.

I appreciate this opportunity to voice my opinion. Please let me know if I can help participate further in this process. As a community, we can create a built environment that we all take pride in.

Regards,

Helen Hald

[Helen Hald](#)

HELEN HALD ARCHITECTURE



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Allison Zike

From: Allison Zike
Sent: Thursday, April 18, 2019 2:30 PM
To: Allison Zike
Subject: FW: Design Review for Residential Neighborhoods

From: Stephanie Clancy <stephanie.clancy@comcast.net>
Sent: Friday, March 29, 2019 10:19 AM
To: DesignReviewBoard@kirklandwa.gov; Planning Commissioners <planningcommissioners@kirklandwa.gov>
Subject: Design Review for Residential Neighborhoods

Good morning...

I was at the Public Hearing last night that was held by the Planning Commission and it seems to me there is a lot of concern about the aesthetics surrounding much of the newly developed homes that are going into our neighborhoods.

Many residents feel like the new, boxy designs are not at all in keeping with our more traditional neighborhoods. I think new development is great when it blends in and improves what we already have. To look at some of our neighborhoods right now the idea of the word "improvement" is definitely in question.

I'm wondering if the City would consider forming a volunteer Design Review Board of appointed Kirkland citizens specifically for the residential areas so we could keep an eye on what these residential developers are doing and come up with some aesthetic guidelines (not just as they deal with square footage, setbacks, pitched/flat roofs, etc.) but the actual look and feel of what's being built so that they will safely blend in with our neighborhoods after the builders have done their jobs and gone home, leaving we as residents to live with what they've done.

Would the City be open to something like this?

Thank you...

Stephanie Clancy

Kirkland Highlands

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Allison Zike

From: Allison Zike
Sent: Thursday, April 18, 2019 2:34 PM
To: Allison Zike
Subject: FW: Permit No. CAM18-00258

From: Deanna M [danskerd@hotmail.com]
Sent: Wednesday, March 27, 2019 10:18 PM
To: Planning Commissioners; Angela Ruggeri; Allison Zike
Cc: Karen Story
Subject: Permit No. CAM18-00258

Regarding the proposed changes to the FAR requirement and removing the basement exemption, I OPPOSE both of these changes, though I strongly agree with the need for amendments to address the trend of big box houses for new construction. As an architectural designer and former Norkirk neighborhood co-chair, I am in a unique position to both understand the building design process and be familiar with our neighborhood's negative sentiment regarding the many new large, flat-roofed houses that have been built in our neighborhood. The aim of the proposed changes to the zoning codes is to encourage the development of attractive residential areas that provide a sense of community and contain a variety of housing types to accommodate different lifestyles and household sizes; to maintain or improve the character, appearance, and livability of established neighborhoods and to protect or enhance the character of historic structures and areas; and to ensure adequate light, air, and readily accessible open space for each dwelling unit in order to maintain public health, safety, and welfare. These are all good goals, but the proposed amendments do not adequately address them.

From a neighborhood perspective, the overwhelming majority feel these box houses detract from the character and charm of our older neighborhoods and rob the light from neighboring properties. In addition to their shape, the sheer size of these houses on small city lots also contributes to blocking light and means those properties are likely being developed without a real back yard, which is important for allowing people to be outside more, getting more fresh air. While being outside is particularly important for kids to play, it is also good for adults to entertain, garden, relax, soak up some sun, and meet their neighbors. Allowing larger houses to further incentivize developers to choose peaked roofs or smaller 2nd floors each only addresses one aspect of the issue with the box houses. Removing the basement exemption would actually have the wrong effect on development, pushing for more square footage above ground. Basement space is actually a great way to add SF without making the house visibly larger or impacting neighbors.

From the perspective of an architectural designer who both lives and works in Kirkland, the flat roofs are ill-advised in this climate and, with good design (both in terms of floorplan efficiency and structural design), new houses can already be quite large without resorting to flat roofs. Personally, I actually refuse to design houses with flat roofs, the only exception being to have a reasonably sized rooftop deck over a small portion of the house (preferably over a garage or deck) to take advantage of a view or because of the lack of yard on very small city lots. I've found that the box houses are favored by developers to maximize size, hence profit, and very few of my clients actually request them. Furthermore, there is already code along the lines of the first proposed amendment that allows a 10% increase in FAR on lots smaller than 7,200 SF if the majority of the roof is at least a 4/12 pitch.

I do have suggestions for code amendments that would better limit the development of box houses and favor peaked-roofs:

1. Implement a Daylight Plane requirement. Please see attached for example currently in use.
2. Allow a 1 foot additional height exemption for roofs with a minimum peak of 4/12 (or 6/12 or 8/12...) in areas of Kirkland where the current height limit is 25'.
3. Restrict the approval of flat-roof homes, for example set a flat-roof maximum 10% of new single family homes in residential areas or a maximum of 2 flat-roofed hoses per block.
4. Remove the additional 8' garage set-back requirement to reduce wasted lot coverage on driveways allow for larger back yards.
5. Stop allowing exceptions to Lot Coverage and FAR requirements for developers.

Thank you for your attention to this matter and feel free to reach out to me if you would like more detail on any of these suggestions.

Deanna Mortensen


danskerD@hotmail.com

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Allison Zike

From: Allison Zike
Sent: Thursday, April 18, 2019 2:34 PM
To: Allison Zike
Subject: FW: Permit No. CAM18-00258 Proposal

From: Andrew & Trey Sheldon [wearethesheldons@gmail.com]
Sent: Thursday, March 21, 2019 9:38 AM
To: Planning Commissioners; Angela Ruggeri; Allison Zike
Subject: Permit No. CAM18-00258 Proposal

Although I will be unable to attend the hearing due to prior commitments, I wanted to provide feedback as we are likely to be directly affected by these changes in the near future when we rebuild our home in the next few years.

First of all, I'd just like to say that I feel many people are stuck in the past with a mental state of "no change." They don't like anything new and just want things to stay as they are. This is counterproductive to progress. I understand that modern homes are not for everyone, but to that I say, don't have one. For those of us recently moving into the area, settling and planning to spend the rest of our life here, we would like the ability to build our home in our style (within reason). We may think their old, untended homes are ugly, but we aren't trying to create legislation to require them to update them, now are we? That being said... This resistance to flat roofs and steep driveways is exactly that, "no change." As long as the homes are aesthetically pleasing and add value to the area, without being too close to each other this resistance to this new style of home is kind of ridiculous. If they want to impose that type of restriction, start an HOA in their neighborhood, but to apply it to the entire city is wrong.

In regard to the addition of 5% FAR for certain elements. We intend to have a flat roof. We think it looks nice, if it is done right and can provide a rooftop deck to enjoy the views during our beautiful summers.

But we also do NOT want to be right next to the neighbors, so the 7 1/2 foot setback is OK. This would create 15 feet of space between new homes, which sounds appropriate. We need to restrict builders from making our area look like Seattle. We like Kirkland because there is space. I would even go so far as to require builders to have 10 feet on each side. In regard to builders, I think it's more important the houses per acre restrictions are not only maintained, but appropriate setbacks from the street and back of the property need to be put in place. The houses that were recently built on Juanita back right up to their property line and it looks like poop. Especially that one that added the ugly striped awning. Also, the requirement of larger streets for developments and driveways to keep as many cars off the streets as possible and to allow driving space for TWO directions of traffic when vehicles are parked on both sides of the street. (I'm getting off topic, I know, but perhaps you can address this elsewhere).

There needs to be clarity on the 2nd/3rd floor setbacks. Our house is on that is built into a hill. When we rebuild, we will have three stories, but only two from street level. The garage will be on the bottom floor with a steeper driveway. I could not tell from the wording whether the additional 15% "setback" would apply to the street level floor or the 3rd floor. It seemed to indicate the street level floor, but was unclear to me. On the FAR calculation, will garage space be included in that? We intend on having a 4 car, double tandem garage which will be about 1,000 square feet, which will significantly impact the ability to have the rest of the space we want for the rest of the house if garage is included in the FAR.

Of course, as future home builders, we intend to try to keep the charm of Kirkland, using a modern lodge style that matches the area and blends in with our beautiful trees. Most do not want ugly or oversized houses. But I would say to exclude any square footage from the FAR that is below street level. That is, finished basements, garages, etc, that are below, don't contribute to the "massive appearance" of many of the new homes. This would allow people to have larger homes without the appearance of it being too massive.

Those are my views. You all are doing a great job at trying to address the concerns of the community. Just make sure you're addressing everyone's concerns, old, new, and future owners. Not just the people who will be gone in the next decade. It's one of the biggest problems of local government and that is not looking far enough down the horizon.

Thank you for your time and reading my novel (if you made it this far.) :)

Best regards,

Andrew Sheldon



wearethesheldons@gmail.com

The Proposal

Here are two parts of the proposal (<http://tinyurl.com/y3w5k795>). You can let the city know whether you support or oppose each of these.

1. Allow an additional 5% FAR if at least two of the design elements below are used in the design and construction of a house. The intent is that this could make the home look smaller, although the house could actually be bigger.

- Peaked roof (w/ minimum pitch)
- At least 7½ foot setbacks from all property lines (now one side can be 5 feet)
- Second & third floor setbacks along the side property lines (15% of first floor square footage)

2. Remove the exemption for basement space below 6 feet high. (I.e., include it in the square footage calculation.) Removing this exemption could help discourage three story homes with flat roofs and steep driveways.

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Allison Zike

From: Jeremy McMahan
Sent: Monday, March 25, 2019 8:17 AM
To: Angela Ruggeri; Allison Zike
Subject: FW: Permit No. CAM18-00258

From: tanya dimpsey <tanyaschulte@LIVE.COM>
Sent: Friday, March 22, 2019 3:45 PM
To: Planning Commissioners <PlanningCommissioners@kirklandwa.gov>
Subject: Permit No. CAM18-00258

Looks good. Thank you for your hard work.

Tanya Dimpsey



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Allison Zike

From: Stan Gregg <sgbikerdr@aol.com>
Sent: Friday, March 22, 2019 12:25 PM
To: Allison Zike; Angela Ruggeri
Subject: Proposed FAR modifications

Dear Planning Department, Kirkland Planning Commission, and Councilmembers:

I am writing to express my concerns relative changes in residential building requirements that have occurred or are proposed and the negative impacts of these on adjacent home owners. Specifically, I am referring to the rule that decreased side yard setbacks and increased allowed structure height from 25 to 30 feet.

Our home is located at 1603 10th St West and was built in 1987. This area is a waterfront district and at that time the side yard requirements were a minimum of five feet for the south set back and the house height less 10 feet for the north yard set back. The purpose of this increased north yard setback was primarily to allow sunlight access to the neighboring property to the north by limiting the proximity of the southerly residence to the property line. As a former Councilperson during the tenures of Joe Tovar and Eric Shields, I became familiar with the City's planning objectives as well as having voted on many of these.

I believe it is a mistake to fail to take into adequate account the effect of the referenced changes on adjacent properties. The home being to the south of our home illustrates the negative effects of these changes. Our home is now shaded by this 30 foot high 5,200 SF behemoth, as well as it being so close that has destroyed any semblance of privacy between the two homes. Additionally, the additional height allowed results in this home's floors and decks looking down on both levels of our home with the result that all privacy has been destroyed with no realistic way to remedy this situation. There is no doubt that these changes have not only adversely affected our use and enjoyment of our property, but also likely the property's appeal and value to a future purchaser.

Since the City has determined these relaxed rules are beneficial, they should not prevent adjacent owners from availing themselves of the same advantage in the redevelopment of their properties in such event. Particularly, concerning the 30 foot height limit, this should not be denied to any property that has had a 30 foot high structure built to the south. With regard to any future significant changes to building allowances, I urge the Planning Commission and Council to give consideration and weight to the negative effects on adjacent properties in making their decisions. I invite you to visit our property, if you wish to view these first hand.

Sincerely,

Stanley P. Gregg
(Kirkland City Councilmember 1982-1985)

Stan P. Gregg, President
Gregg's Cycle, Inc.



www.greggscycles.com

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Seattle-Bellevue-Lynnwood

Allison Zike

From: Carter Bagg
Sent: Friday, March 22, 2019 10:18 AM
To: Katherine Morris; Planning Commissioners
Cc: Angela Ruggeri; Allison Zike
Subject: RE: New homes in South Rose Hill

Comment on the FAR issue

From: Katherine Morris [katherinesuemorris@gmail.com]
Sent: Thursday, March 21, 2019 8:12 PM
To: Planning Commissioners
Cc: Angela Ruggeri; Allison Zike
Subject: New homes in South Rose Hill

Dear planners,

I used to live in what I would consider a nice neighborhood. Now mid-century homes are being torn down to make way for HUGE, boxy homes that block light for the smaller homes still extant.

Is there anything that can be done about this?

Thanks,
Katherine Morris



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Allison Zike

From: Stephanie Clancy <stephanie.clancy@comcast.net>
Sent: Friday, March 22, 2019 9:16 AM
To: Planning Commissioners; Angela Ruggeri; Allison Zike
Cc: Tim
Subject: Permit No. CAM18-00258 & Public Hearing on March 28, 2019

Good morning...

I understand there will be a public hearing on March 28, 2019, to discuss complaints about the type of new construction that has been popping up all over Kirkland. I also understand this is the proper channel for submitting comments prior to the hearing.

As a resident of Kirkland for 24 years in the Highlands neighborhood, I've never seen the kind of development that is taking place today. The build-plans that are being approved do not match the long-standing look and feel of our suburban area, and I am hoping the Planning Commission would not allow this "look" to continue. Some of the homes in our neighborhood are farmhouse style from years ago that exude charm and a pleasant esthetic. The homes that are now going up in no way blend with the look and feel of our neighborhood, and people from others areas who come to visit comment on how bad it all looks.

I can see this style of house going up in areas where whole new developments are going in. There are certain areas of Seattle that have done this but we are thankfully not Seattle. We have a cozy community that was built on style, good taste, family life and community and these homes, in my opinion, do not support that at all. These developers have been allowed to come in and put their own "cheap signature" on our neighborhoods while ignoring the type of homes they see all around. They have no problem tearing down an old farmhouse. In fact, many of these homes look like commercial office buildings - the kind you would see in a commercially zoned area. I have no problem with developers coming in and upgrading the neighborhood, but they should only be allowed to do it while keeping to a standard and precedent that has been set before them. Not that I'm all for keeping things stagnant, but keeping things within the parameters of the style and design that already exists. The houses going up are a blot on our lovely neighborhoods and I've found it's not only those of us who live in these neighborhoods who think so. It's rather an embarrassment when people from other communities come in and comment on how ugly things have become.

The Planning Commission needs to take better care to preserve what we have while allowing development to occur only if it blends in and improves what currently exists. A lot of people are upset about what has been allowed to take place and now we're going to have to either live with what we've got (which in my opinion is a stain on our streets), or move somewhere else. A boxy, ugly house with a "pitch" to the roof isn't good enough. The Planning Commission needs to take the design of the

house as a whole into consideration and stop the influx of these ugly, boxy, office-building type houses into our long-standing suburban neighborhoods.

About two weeks ago, I received a letter from BDR Construction offering to buy my house fast, for cash. They said they could pay us within 48 hours. I know this is one of the companies who is developing in our area. To me, this was entirely disrespectful. And if I hadn't thrown it away I would have attached it to this email. It's all about the money for them and they don't care what they do to our neighborhood. Their web site shows the types of houses they are building in certain areas and the houses they're putting up in Seattle look exactly like the houses that are going up in Kirkland. Again, we are *not* Seattle. Here's a link to the BDR web site: <http://www.bdrholdings.com/>

Our neighborhoods have their own history and it would be great if the developers were required to respect and honor those people and houses that came before them with designs that complement the area as a whole. The solicitation for business is also concerning. In my opinion, they are preying on our neighborhoods from the time the offer-letters to buy our houses are sent until they sell the monstrosities they build.

Thank you for reading this rather long email. I hope the Planning Commission will take urgent steps to align with its own community. I hope you will improve the way you deal with these builders and begin to scrutinize their blueprints. And I urge you to seriously consider changing the way we as current residents are forced to entertain these development companies and their greedy/ugly agendas (which very apparently do not include preserving the history of our Kirkland neighborhoods).

Sincerely...

Stephanie Clancy



Allison Zike

From: Karen Story <karen@nwnative.us>
Sent: Monday, June 18, 2018 2:04 PM
To: Angela Ruggeri; Allison Zike
Subject: FAR feedback

Angela and Allison,

I know that KAN will be having additional discussions about the FAR question, and I hope to participate in that, but I wanted to send you my initial thoughts now. This is a complex issue, and I'm glad that KAN will be discussing it.

- I believe that single family homes in Kirkland are still too big (and expensive).
- Some of the homes that are being built are so big that they look more like multi-family homes than single family, which really changes the character of neighborhoods.
- Some of these big homes take up so much space on the lot that there is no room for trees unless they are right up against the house (which will damage the foundation and siding) or on the lot line (where they will impinge on the neighboring lot - this is happening to me).
- Flat roofs are inappropriate for this climate and will cost buyers a lot of money to repair and maintain.
- Three-story homes look too tall in single family zones. In addition they block light to neighboring yards and gardens.
- Having FAR restrictions is clearly better than not having them, as in Houghton. I assume that Houghton does have lot coverage and height restrictions, but that is not enough to prevent the 57% FAR example you showed, which I think is just too much house for any lot.
- I suggest reducing the FAR allowance.
- I suggest reducing height limits, to discourage three story homes.
- I would like to have consistent height limits throughout the city.
- I would consider reducing lot coverage allowances.
- In order to encourage ADUs and more affordable housing, I am OK with allowing multiple units on a single family lot, as long as each unit is reduced in size so that the total FAR and lot coverage does not exceed the single family lot allowance. I do not agree with exempting ADUs from the FAR calculation. I know this could discourage builders from building ADUs, so let's think up different incentives to encourage ADU construction.
- We do need more smaller, affordable housing that does not have an HOA (such as ADUs). HOAs are a burdensome restriction for many buyers.

Allison Zike

From: Gina Clark <GClark@mbaks.com>
Sent: Wednesday, May 23, 2018 3:53 PM
To: Adam Weinstein
Cc: Angela Ruggeri; Allison Zike
Subject: Re: Kirkland project on FAR/lot coverage

Hi, All.

In the interest of time, I'm going to apologize and just send the comments in the raw. Nothing fancy, but just cut and paste into this email. I hope that works. Here goes, and again, many, many thanks for the opportunity to ask for feedback from our members.

1. Generally speaking: the big thing for us is FAR is too limiting and as a result inferior product and site development are a result. When you have to design and construct an inferior product eventually the quality of the neighborhood is going to diminish. Would rather have some options to remove FAR by having enhanced architecture or enhanced landscape to remedy. The price of the market is demanding larger product and FAR requires builders to go subgrade to get square footage and that's costly and continues to increase end sales prices.

To answer your questions specifically:

- What specific ways might FAR and lot coverage regulations be altered in Kirkland to arrive at a better design outcome? **Looking at it in totality with lot coverage/impervious surface coverage requirements/product height and FAR. Many times these provisions are opposing each other or addressing the issue already. If Kirkland could take a step back and understand why they have FAR's/how are builders navigating around them (going subgrade) and create something that works in harmony with each other – I think they could create a more effective outcome for all parties involved.**
- Have members worked in communities where these regulations are different from (and more effective than) Kirkland's? If so, where? **FAR's are very limiting and can't say we can point to somewhere we they are "working well". But increasing the ratios in this market and not force the builders to work around it by going subgrade is certainly a start.**
- Would MBAKS members be open to an incentive-based approach to FAR, where FAR requirements are waived if certain design criteria are met? **Yes. Absolutely. But we would want to be careful here to ensure these requirements would be consistent with what we are seeing the market driving in the area.**
- If FAR is abolished completely, what would be the implications for a typical single-family product? **Can't see any implications. Only see positives.**
- If the lot coverage requirement is removed to make way for an "open space" requirement, what would the implications be for a single-family product? **Hard to answer this one. Just really depends on what this is ironed out to look like more. Kirkland is all infill projects now basically so creating more "open space" I don't believe really accomplishes much and will probably land**

us right back to where this all started in limiting what you could get on a property thus impacting values of properties.

2.

- *What specific ways might FAR and lot coverage regulations be altered in Kirkland to arrive at a better design outcome?*

It would be helpful to understand what Staff believes to be the problem with the existing system. Without knowing what's wrong it's really hard to design countermeasures. Lot Coverage allowances and FAR generally track pretty closely in how much house is allowed. "Small lot" provisions are a notable exception, allowing less house in FAR terms, leaving Coverage unchanged.

Is this effort relating to single family, multi-family? Both? Overall, the existing system is consistently applied and predictable, which is crucial to the building community.

- *Have members worked in communities where these regulations are different from (and more effective than) Kirkland's? If so, where?*

I haven't run across another jurisdiction where FAR applies in single family. I'm sure they exist but certainly Kirkland's approach is the exception. I have no information how this would work elsewhere.

- *Would MBAKS members be open to an incentive-based approach to FAR, where FAR requirements are waived if certain design criteria are met?*

This strikes me as a solution looking for a problem. I don't see any great problem with the current system, and am wary of adding complexity.

- *If FAR is abolished completely, what would be the implications for a typical single-family product?*

We would probably see larger houses with smaller patios and driveways. FAR is *generally* the operative constraint but Lot Coverage is close behind. All else equal, removing FAR would probably see houses ~200 SF larger than now. In reality though, minimizing other impervious areas would allow for more house and the home is where the money is, much more than outdoor spaces.

In other marketplaces, building the maximum house isn't always ideal. It costs a lot to build, and each additional square foot is worth less than the previous. So at some point, construction cost (which is flat, per-foot) is more than the market will pay for that foot. In Kirkland at the moment though, we're seeing buyers will profitably pay for every square foot we can build.

- *If the lot coverage requirement is removed to make way for an "open space" requirement, what would the implications be for a single-family product?*

Similar to above, what would be the point of this? Assuming that Open Space is ‘all the surfaces that aren’t improved or paved’, it would be just regulating the inverse of what’s regulated now but with potentially similar results. Any effort in this direction would entirely depend on the details.

It’s possible such a system could be workable, or it could be terrible. It could be reasonably simple or unworkably complex. No examples, numbers, or any further information is provided to even guess how it would affect homesites.

3. The comments I received from my DR Horton folks are all similar.

What does FAR add for control that isn’t already covered by lot coverage, impervious, and building height?

From: Adam Weinstein <AWeinstein@kirklandwa.gov>

Sent: Monday, May 14, 2018 5:43:47 PM

To: Gina Clark

Cc: Angela Ruggeri; Allison Zike

Subject: Kirkland project on FAR/lot coverage

Hi Gina,

You may recall from our last Master Builders/staff meeting (or perhaps a previous Planning Commission meeting) that City staff are considering revisions to Kirkland’s development regulations related to floor area ratio and lot coverage in single-family zoning districts. The key objectives are: streamlining the rules, while arriving at a good design outcome (i.e., well-designed houses on lots with sufficient greenery and open space). We brought this item to the Planning Commission for a general discussion on April 12 and here’s the link to the staff report:

<http://www.kirklandwa.gov/Assets/Planning/Planning+PDFs/Planning+Commission/Floor+Area+Ratio+and+Lot+Coverage+Regulations+Staff+Memo.pdf>

CITY OF KIRKLAND Planning and Building Department 123 ...

www.kirklandwa.gov

3 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

We’d very much be interested in getting input from the Master Builders on this topic, and were wondering if you’d be able to query your members to see if they’d be able to provide any input.

Specific questions on which we’d like input include:

- What specific ways might FAR and lot coverage regulations be altered to arrive at a good design outcome?
- Have members worked in communities where these regulations are different from (and more effective than) Kirkland’s? If so, where?
- Would Master Builders members be open to an incentive-based approach to FAR, where FAR requirements are waived if certain design criteria are met?
- If FAR is abolished completely, what would be the implications for a typical single-family product?
- If the lot coverage requirement is removed to make way for an “open space” requirement, what would the implications be for a single-family product?

Any other feedback that your members would care to provide about these topics would be much appreciated.

Thanks, Adam

Adam Weinstein, AICP

Deputy Planning Director

City of Kirkland

123 5th Avenue

Kirkland, WA 98033

(425) 587-3227

aweinstein@kirklandwa.gov

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CITY OF KIRKLAND
Department of Public Works
123 Fifth Avenue, Kirkland, WA 98033 425.587.3800
www.kirklandwa.gov

MEMORANDUM

To: Adam Weinstein, Planning and Building Director

From: Kathy Brown, Public Works Director
John Burkhalter, Development Engineering Manager
Tuan Phan, Development Engineering Supervisor
Kelli Jones, Surface Water Program Supervisor

Date: April 15, 2019

Subject: REQUEST TO DELAY EFFECTIVE DATE OF LOT COVERAGE REGULATION UPDATES

RECOMMENDATION:

City Council to delay the effective date of the Lot Coverage Regulation updates to July 1st, 2019 to allow the Public Works Department to update surface water regulations and provide outreach to the development community for a seamless transition.

BACKGROUND DISCUSSION:

Current surface water regulations rely upon the Planning Department's lot coverage regulations to determine and plan for the maximum impervious surface area that a development project will be required to mitigate. The proposed update to the lot coverage regulations will eliminate the need to meet surface water design standards to receive the 50% lot coverage area credit. This update will create an opportunity for additional impervious surface area to be created by a development project. Public Works will need to update surface water regulations simultaneously to account for the additional impervious surface area allowed by the new lot coverage regulations.

Public Works and Planning staff have been working together on these changes for the past month; and Public Works has asked Planning for additional time to update the City's surface water regulations to reflect the updated lot coverage regulations. With the additional time, Public Works staff will work on the following to create a smooth transition for the development community:

- 1) Determine alternatives to regulate the additional impervious surface allowed with the updated lot coverage regulations. Our plan is to vet these alternatives with engineers in

the development community to ensure that the process created is feasible, then finalize an alternative recommendation for the Public Works Director.

- 2) Update Public Works Pre-Approved Plans and Policies to reflect the preferred alternative. This will include changes to Policy D-10, the Addendum to the 2016 King County Surface Water Design Manual, and potentially a new policy for further guidance.
- 3) Produce education and outreach materials that may include (but not limited to) flow charts, a one-page summary of updates, and/or other types of notifications, to send to the development community. Staff will potentially hold trainings if it is warranted to further discuss these changes with the development community.

After these tasks are completed, the goal is for the Planning Department and Public Works Department to roll out updated regulations and policies simultaneously on July 1st, 2019.

ORDINANCE NO. O-4684

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING AND LAND USE AND AMENDING THE CITY OF KIRKLAND ZONING CODE, ORDINANCE 3719 AS AMENDED, REGARDING DEVELOPMENT STANDARDS FOR FLOOR AREA RATIO, LOT COVERAGE, AND RELATED DEFINITIONS, AND APPROVING A SUMMARY FOR PUBLICATION, FILE NO. CAM18-00258.

1 WHEREAS, the City Council has received a recommendation
2 from the Kirkland Planning Commission to amend a portion of the City
3 of Kirkland Zoning Code, Ordinance 3719, as amended, as set forth in
4 the report and recommendation of the Planning Commission dated April
5 25, 2019 and bearing Kirkland Planning and Building Department File
6 No. CAM18-00258; and
7

8 WHEREAS, prior to making the recommendation, the Planning
9 Commission, following notice thereof as required by RCW 35A.63.070,
10 held a public hearing on March 28, 2019, on the amendment proposals
11 and considered the comments received at the hearing; and
12

13 WHEREAS, pursuant to the State Environmental Policy Act
14 (SEPA), there has been a final determination of nonsignificance,
15 including supporting environmental documents issued by the
16 responsible official pursuant to WAC 197-11-340 and WAC 197-11-390;
17 and
18

19 WHEREAS, in a public meeting on May 7, 2019, the City Council
20 considered the environmental documents received from the responsible
21 official together with the report and recommendation of the Planning
22 Commission; and
23

24 NOW, THEREFORE, the City Council of the City of Kirkland do
25 ordain as follows:
26

27 Section 1. Zoning Code Amended: The following chapters and
28 sections of the Kirkland Zoning Code are amended as set forth in Exhibit
29 A to this ordinance and incorporated by reference.
30

31 Chapter 5 – Definitions

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

36 Chapter 115.90 – Calculating Lot Coverage
37

38
39 Section 2. Severability: If any section, subsection, sentence,
40 clause, phrase, part or portion of this ordinance, including those parts
41 adopted by reference, is for any reason held to be invalid or
42 unconstitutional by any court of competent jurisdiction, such decision
43 shall not affect the validity of the remaining portions of this ordinance.

44 Section 3. To the extent that the subject matter of this
45 Ordinance is subject to the disapproval jurisdiction of the Houghton
46 Community Council as created by Ordinance 2001, the Ordinance shall
47 become effective with the Houghton community either upon approval
48 of the Houghton Community Council, or upon failure of the Community
49 Council to disapprove this Ordinance within 60 days of its final
50 enactment.

51
52 Section 4. Effective Date: This ordinance shall be in full force
53 and effect 60 days from and after its passage by the City Council and
54 publication, pursuant to Kirkland Municipal Code 1.08.017 in the
55 summary form attached to the original of this ordinance and by this
56 reference approved by the City Council as required by law.

57
58 Section 5. Ordinance Copy: A complete copy of this ordinance
59 shall be certified by the City Clerk, who shall then forward the certified
60 copy to the King County Department of Assessments.

61
62 Passed by majority vote of the Kirkland City Council in open
63 meeting this ____ day of _____, 2019.

64
65 Signed in authentication thereof this ____ day of _____, 2019.

Penny Sweet, Mayor

Attest:

Kathi Anderson, City Clerk

Approved as to Form:

Kevin Raymond, City Attorney

AMENDMENTS TO KIRKLAND ZONING CODE CHAPTER 5 – DEFINITIONS

5.10.107.3 Carport

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

5.10.346.7 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.

5.10.465 Landscaping

~~The planting, removal and maintenance of vegetation along with t~~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.

AMENDMENTS TO ZONING CODE CHAPTER 115, SUBSECTION 42

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 carports measured as the area of the carport roof. It shall not include the following:
 - a. Attic area with less than five (5) feet of ceiling height, as measured between the finished floor and the supporting members for the roof.
 - b. Floor area with a ceiling height less than six (6) feet above finished grade. The ceiling height will be measured to the top of the structural members for the floor above. The finished grade will be measured along the outside perimeter of the building (see Plate 23). **For window wells, finished grade will be measured at the outside perimeter of a window well only when it is designed and constructed to the minimum dimensions required by the current building code adopted by the City of Kirkland.**
 - c. On lots less than 8,500 square feet, the first 500 square feet of an accessory dwelling unit or garage contained in an accessory structure, when such accessory structure is located more than 20 feet from and behind the main structure (see subsection (3) of this section for additional information on the required distance between structures); provided, that the entire area of an accessory structure, for which a building permit was issued prior to March 6, 2007, shall not be included in the gross floor area used to calculate F.A.R. For purposes of this section, "behind" means located behind an imaginary plane drawn at the back of the main structure at the farthest point from, and parallel to, the street or access easement serving the residence.
 - d. On lots greater than or equal to 8,500 square feet, the first 800 square feet of an accessory dwelling unit or garage contained in an accessory structure, when such accessory structure is located more than 20 feet from and behind the main structure (see subsection (3) of this section for additional information on the required distance between structures); provided, that the entire area of

an accessory structure, for which a building permit was issued prior to March 6, 2007, shall not be included in the gross floor area used to calculate F.A.R.

e. Uncovered and covered decks, porches, and walkways **that are open on at least three sides or have a minimum 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 ground floor.

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.

AMENDMENTS TO ZONING CODE CHAPTER 115, SUBSECTION 90

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-Exceptions 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. Pervious 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.

PUBLICATION SUMMARY
OF ORDINANCE NO. O-4684

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING AND LAND USE AND AMENDING THE CITY OF KIRKLAND ZONING CODE, ORDINANCE 3719 AS AMENDED, REGARDING DEVELOPMENT STANDARDS FOR FLOOR AREA RATIO, LOT COVERAGE, AND RELATED DEFINITIONS, AND APPROVING A SUMMARY FOR PUBLICATION, FILE NO. CAM18-00258.

SECTION 1. Provides amendments to the Kirkland Zoning Code.

SECTION 2. Provides a severability clause for the ordinance.

SECTION 3. Establishes that this ordinance, to the extent it is subject to disapproval jurisdiction, will be effective within the disapproval jurisdiction of the Houghton Community Council Municipal Corporation upon approval by the Houghton Community Council or the failure of said Community Council to disapprove this ordinance within 60 days of the date of the final enactment of this ordinance.

SECTION 4. Authorizes the publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as 60 days from and after its passage by the City Council.

SECTION 5. Directs the City Clerk to certify and forward a complete certified copy of this ordinance to the King County Department of Assessments.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the ____ day of _____, 2019.

I certify that the foregoing is a summary of Ordinance O-4684 approved by the Kirkland City Council for summary publication.

Kathi Anderson, City Clerk