



**City of Kirkland**  
**Planning and Building**  
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## MEMORANDUM

**To:** Transportation Commission

**From:** Scott Guter, AICP, Senior Planner  
Doug McIntyre, AICP, Transportation Program Coordinator

**Date:** January 22, 2025

**Subject:** **WA State Housing Codes Compliance Briefing, File No. CAM24-00561**

## RECOMMENDATION

Receive a briefing to discuss staff's recommended approach to amend City codes to comply with new State-mandated requirements on middle housing, accessory dwelling units, parking, design review, and co-living development within low-, medium-, and high-density residential zones.

## FOCUS AREAS FOR TRANSPORTATION COMMISSION

The City of Kirkland is required to update the City's development standards to comply with State-mandated requirements for middle housing, accessory dwelling units, parking, design review, and co-living development within low-, medium-, and high-density residential zones. Being compliant with the middle housing requirements, in particular, is of utmost importance; if the City is not compliant by the State-mandated deadline of June 30, 2025, the State's "model code" for middle housing<sup>1</sup> would go into effect in Kirkland. The two-phase approach to compliance that is described in this memo allows Kirkland to be compliant with the various State mandates (and deadlines), while also ensuring that the updated codes can be customized to the unique conditions and planning considerations in Kirkland.

The Transportation Commission (TC) should focus on the below questions for discussion while reviewing the memorandum and attachment:

1. Do Commissioners have any questions or feedback on staff's recommended code amendment approach to achieve State-mandated residential code compliance?
2. Are there any additional studies that should be conducted as part of this phase of code amendments?
3. Do Commissioners have any questions or feedback on staff's public engagement plan?
4. Is there any additional information that the TC would find helpful for staff to include in a future study session (if desired) on this phase of code amendments?

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<sup>1</sup> <https://deptofcommerce.app.box.com/s/tfivrrq4t97nggquanr3syaz4zeo8nxd>

## BACKGROUND

Over the past several years the Washington State Legislature has enacted several housing laws<sup>2</sup>. Cities and counties must implement many of the new State requirements within six months after adoption of the major Comprehensive Plan periodic update. Kirkland is required to adopt new development standards to comply with many of these requirements by June 30, 2025<sup>3</sup>.

Staff is recommending that the work to achieve minimum compliance with State-mandated requirements discussed herein be developed and considered as an initial phase of the task to optimize Middle Housing, as adopted by Council in the 2024-2026 Planning Work Program<sup>4</sup>. It should be noted that these amendments are only applicable to State-mandated requirements for housing within the City's residential zones but are being considered within the context of other amendment efforts to implement State legislation, including amending the City's Design Review Guidelines and Process Updates (HB 1293) and local government procedures for new housing permit processing (SB 5290). These other tasks are being undertaken as separate projects.

## PRELIMINARY ANALYSIS

Staff has conducted a gap analysis of the State-mandated requirements to existing City development standards (see Attachment 1). The analysis indicates that many of the requirements of the following chapters of the zoning code must be amended to comply with State requirements. It is anticipated that, at a minimum, the following zoning code chapters will be amended to ensure compliance with State requirements.

Sections of the Zoning Code Requiring Amendments for Minimum Compliance
Chapter 5 – Definitions
Chapter 15 – Low Density Residential Zones (RS, RSX, RSA, WDII, PLA 3C, PLA 6E, PLA 16)
Chapter 20 – Medium Density Residential Zones (RM 5.0; RMA 5.0; RM 3.6; RMA 3.6; WD I; WD III; PLA 2; PLA 3B; PLA 6F, H, K; PLA 7C; PLA 9; PLA 15B; PLA 17)
Chapter 25 – High Density Residential Zones (RM 2.4; RMA 2.4; RM 1.8; RMA 1.8; HENC 2; PLA 5A, D, E; PLA 6A, D, I, J; PLA 7A, B)
Chapter 95 – Tree Management and Required Landscaping
Chapter 105 – Parking Areas, Vehicle and Pedestrian Access, and Related Improvements
Chapter 110 – Required Public Improvements
Chapter 112 – Affordable Housing Incentives – Multifamily

<sup>2</sup> <https://deptofcommerce.app.box.com/s/jfd6j7vsgpiotketm4c09eekocovd4lc>

<sup>3</sup> Requirements of RCW 36.70A.535 (co-living) are not required until December 31, 2025. Requirements of RCW 36.70A.622(2) (parking) have been in effect since June 6, 2024.

<sup>4</sup> [www.kirklandwa.gov/files/sharedassets/public/v/1/planning-amp-building/work-programs/adopted\\_2024-2026-planningworkprogramfeb20-2024.pdf](http://www.kirklandwa.gov/files/sharedassets/public/v/1/planning-amp-building/work-programs/adopted_2024-2026-planningworkprogramfeb20-2024.pdf)

Chapter 113 – Cottage, Carriage and Two/three-unit Homes
Chapter 115 – Miscellaneous Use Development and Performance Standards
Chapter 120 - Variances
Chapter 162 - Nonconformance
Chapter 180 - Plates

### **Staff Amendment Approach**

The City has put together an interdepartmental team of Development Services staff (i.e., staff involved in the review of development permits and the administration of associated building and zoning codes) to study and draft code amendments. Due to the extent of required changes, and the time in which the City is required to adopt the amendments, staff is recommending a two-phase amendment approach, the first phase of which would be scoped to achieve minimum compliance with State-required mandates. As noted above, if the City is not compliant by the State-mandated deadline of June 30, 2025, the State’s “model code” would go into effect in Kirkland. The two-phase approach to compliance that is described in this memo allows Kirkland to be compliant with the various State mandates while also ensuring that the updated codes can be customized to the unique conditions and planning considerations in Kirkland.

As recommended, this first phase of amendments will not seek to optimize development allowances for middle housing but would have the primary objective of complying with new State mandates. An advantage of this approach is that it would allow the City ample time (as part of the second phase of the middle housing work) to engage with the public and conduct additional analysis prior to any major changes to development standards – an approach supported by many of the policies adopted in the 2044 Comprehensive Plan.

This approach in the initial phase would consist of the following elements:

- Add to, and amend, definitions to account for at a minimum 6 of 9 required housing types for middle housing;
- Add State-mandated density allowances in use zone chapters (including co-living housing);
- Adjust cottage, carriage and two/three-unit homes chapter to account for State requirements;
- Add and adjust dimensional standards to account for new housing types to meet minimum State requirements;
- Adopt affordable housing requirements; and
- Amend City parking, access and miscellaneous development standards to account for new allowed housing types and meet minimum State requirements.

Additional amendments would be considered during this phase of code updates. These include adjusting State-mandated affordable housing requirements to align with the City’s current multifamily affordable housing standards. As a general overview, currently if a project in a higher-density residential or mixed-use/commercial zone includes 4 or more units of housing, 10% of the units must be set aside at 50% of the Area Median Income for rental projects and 80% of the Area Median Income for for-sale units, with

provisions for in-lieu fees. Alternatively, the City could further modify its affordable housing standards to apply to all new residential developments, regardless of the number (or type) of units. Another option might be to explore implementing a pioneer affordable housing provision in conjunction with the amendments.

Other amendments that will be considered include requiring public access on shoreline properties that are being developed with multiple dwelling units (similar to existing regulations in multi-family zones).

Staff would explore these, and other amendments, as directed by Council, with this phase of amendments over the next couple of months.

## **Public Engagement**

While there is limited time to conduct public engagement with this phase of code amendments, community outreach will build on K2044 Comprehensive Plan engagement efforts and involve community members, including but not limited to, neighborhood associations and the development/real estate/appraiser community. As this is part of a multi-phased housing-focused policy implementation effort, long-term relationships will be fostered, and engagement tools will be designed with the two-phase process in mind.

At minimum, staff will use the following engagement tools during this phase of amendments:

- Project webpage<sup>5</sup> – A project webpage incorporated into the housing webpage<sup>6</sup>. The housing webpage will be a long-term repository of the City's efforts towards achieving housing-related goals, and for this reason will be easy to find and referenced.
- Email List – A housing email list is available and has been added to the project webpage and general housing webpage for multi-phase project communication.
- Handouts – Project-related handouts will be developed to communicate relevant and timely information accessible to a wide variety of audiences.
- Focus Groups – Conduct focus group meetings with local development, real estate, and appraiser community to gain professional insight and feedback on potential code amendments. Staff will circle back to these groups as code amendments are developed.
- Open House – An open house would provide the community an opportunity to engage with project material, staff, and elected or appointed members of the City. The tentatively scheduled open house could occur prior to a Planning Commission (PC) or Transportation Commission (TC) Study session, and well in advance of a public hearing. It will be scheduled on a day where Commissioners or Councilmembers will have an opportunity to attend.

Other engagement tools may also be employed, such as using the City's social media platforms to inform the community about key project milestones, mailing information to residents, and hosting a Town Hall.

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<sup>5</sup> [www.kirklandwa.gov/Government/Departments/Planning-and-Building/Planning-Projects/Middle-Housing-Code-Amendments](http://www.kirklandwa.gov/Government/Departments/Planning-and-Building/Planning-Projects/Middle-Housing-Code-Amendments)

<sup>6</sup> [www.kirklandwa.gov/Government/Departments/Planning-and-Building/Housing](http://www.kirklandwa.gov/Government/Departments/Planning-and-Building/Housing)

## PLANNING COMMISSION FEEDBACK

On November 14, 2024<sup>7</sup>, staff provided a briefing to PC on the WA State Housing Codes Compliance project. The following bullet list highlights the comments and questions received from the PC at this meeting followed by staff responses.

### PC Comments with Staff Response:

#### PC Comments:

- There was interest among the PC to hold a joint study session with the TC, and possibly with Design Review Board.
- Would like to see options brought forward to consider: 1) minimum compliance with State law compliance; 2) a middle approach; 3) maximum affordable housing requirements and density in a future phase to optimize middle housing standards.
- If the City is only looking at minimum compliance in the first phase, the PC might only need one study session.
- Focus on minimum compliance, and finish faster if we can.
- With regard to ADUs, Kirkland has been put forward as a "showcase" city; we need to build on that success.
- Appreciate continued priority on public engagement.
- Since these are State-mandated amendments, the City should be mindful of the amount of public engagement with this first phase of amendments if there are few areas for the public to influence.

#### Staff Response:

*Per PC feedback, staff may consider a joint PC/TC Study Session however, staff will brief the TC separate from the PC to continue the review process for this phase and a joint session(s) can be prioritized in future phases.*

*While staff would generally give the PC several options for code amendments, due to the limited time available to comply with the State requirements and conduct public engagement, staff believes that focusing the first phase on a single, minimally compliant option is the best approach. However, multiple options will be developed during the phase 2 "optimization" project. Staff will also provide PC and TC development industry feedback gathered through focus groups on this option for the Commissions to consider at their joint study session.*

*With respect to public engagement, staff has developed a project website and an email list to keep the public informed on the this and future City-initiated housing-focused projects. Staff will also provide additional handout materials and an open house as part of this project. Staff will seek to provide additional engagement opportunities within the timeframe of this project.*

### PC Questions and Staff Responses:

- PC: Can we look at minimum lot sizes?

*Staff Response: Staff is not proposing to revise minimum lot sizes as part of this project, but that would certainly be an evaluation topic for phase 2.*

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<sup>7</sup> <https://kirklandwa.primegov.com/Portal/Meeting?meetingTemplateId=1859>

- Would ADUs count towards the minimum density requirement?

*Staff Response: Yes, the City may allow accessory dwelling units to achieve the unit density requirement.*

- PC: With respect to the minimum number of housing types the City will have to allow, can we allow all the housing types? Or are we only going to try to allow 6? Do we have to allow at least 6 housing types citywide? Or at least 6 types in every zone?

*Staff Response: The City must allow up to six housing types required with HB 1110 in all residential zones. Since State requirements pertain to all residential zones, some higher density residential zones may allow for more than the minimum number of State-mandated housing types.*

- PC: What is our largest ADU allowance?

*Staff Response: The current maximum allowed size of an ADU is 1,200 square feet.*

- PC: Does the Building Code allow an ADU to be included in a townhome?

*Staff Response: Yes, but building codes may vary depending on the building configuration of the primary structure and the accessory structure. The Planning and Building Department has developed a "Building and Fire Code Scenarios"<sup>8</sup> tool on the City's Accessory Dwelling Units webpage to help the public understand which codes apply given proposed building configurations.*

- PC: What is the difference between a duplex/triplex and stacked flats?

*Staff Response: Generally, but not always, duplexes and triplexes have attached configurations. A stacked flat contains one housing unit on top of another. A duplex, for instance, can also comprise a stacked flat configuration if one duplex unit is on top of another. Current code allows for a variety of detached, attached or stacked housing types, including single-family, duplex/triplex and stacked flats, in most residential zones. Aside from meeting the unit density requirement, many of the current allowed housing types will meet the criteria to be counted towards minimum allowed housing types required by State legislation.*

- PC: With affordable housing requirements, can we explore a "pioneer provision" so that we could explore something but also make sure we are not immediately inhibiting more middle housing production?

*Staff Response: Staff will explore a pioneer affordable housing provision with this project.*

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<sup>8</sup> [www.kirklandwa.gov/Government/Departments/Planning-and-Building/Housing/Accessory-Dwelling-Units#section-4](http://www.kirklandwa.gov/Government/Departments/Planning-and-Building/Housing/Accessory-Dwelling-Units#section-4)

- PC: How is the City going to address neighborhoods that have existing Homeowner Associations (HOAs) or Covenants, Conditions, and Restrictions (CCRs) that prohibit middle housing types on lots?

*Staff Response: The City's current practice is to review and approve development permits based on applicable City regulations only; staff does not enforce private covenants. However, staff would continue to suggest that State-wide remedies be pursued to address private restrictions that interfere with local governments' attainment of housing goals.*

- PC: For the legislation provision prohibiting the imposition of parking minimums within ½-mile of major transit stops, and the State allowance for exceptions if the City can prove it is not safe, is there a study in progress?

*Staff Response: No parking study is currently being recommended with this project, as past experience has shown that middle housing in Kirkland is typically developed with more parking than the code requires. However, if additional analysis of safety and parking is desired, it could be undertaken as part of the phase 2 project.*

## **CITY COUNCIL FEEDBACK**

On January 7, 2025<sup>9</sup>, staff provided a briefing to City Council (Council) on the WA State Housing Codes Compliance project. The following bullet list highlights the comments and questions received from the Council at this meeting followed by staff responses.

### **Council Comments with Staff Response:**

#### **Council Comments:**

- Council support staff recommendation to focus on minimum compliance in phase 1 and limiting outreach.
- Staff should set clear expectations to community that phase 1 is about minimum compliance and what decisions can be influenced, and where there might not be options.
- Be clear about what non-compliance looks like and what impacts would be.
- Be clear about what an Open House looks like.
- Staff should make sure that the City is still set up to capture community input as it might apply to future phases and take every opportunity we have to collect community input.
- Staff should keep new legislation in mind (new bills in 2025 session) during the draft amendment process.
- Council does not want to see middle housing optimization pushed back too far on Planning Work Program<sup>10</sup>.
- Council did not request any additional studies needed for minimum compliance.

#### **Staff Response:**

*Per Council feedback, staff will work on clear communication and take every opportunity to educate the public on what phase 1 amendments entail. Additionally,*

<sup>9</sup> [www.kirklandwa.gov/files/sharedassets/public/v/1/city-council/agenda-documents/2025/january-7-2025/3b\\_study-session.pdf](http://www.kirklandwa.gov/files/sharedassets/public/v/1/city-council/agenda-documents/2025/january-7-2025/3b_study-session.pdf)

<sup>10</sup> [www.kirklandwa.gov/Government/Departments/Planning-and-Building/Planning-Work-Program](http://www.kirklandwa.gov/Government/Departments/Planning-and-Building/Planning-Work-Program)



*staff will take every opportunity to collect community input during this phase of code amendments to help inform future code amendments.*

*Staff is mindful of and will continue to follow the current Washington legislative session and make any necessary adjustments to phase 1 code amendments as time permits.*

#### **Council Questions and Staff Responses:**

- Council: HB 1998 (co-living) includes provisions for "frequent transit stops". Do we have any in Kirkland, as defined?

*Staff Response: The co-living legislation does have a specific definition of major transit stops that includes "bus or other transit mode providing actual fixed route service at intervals of at least 15 minutes for at least five hours during the peak hours of operation on weekdays". Kirkland currently has two bus routes with buses arriving every 15 minutes or less during peak periods (the 245 and 255). Zones that allow at least six multifamily residential units must allow for co-living. Under the State requirements co-living development within ½ mile of transit stops must meet the State's limited off-street parking requirements.*

- Council: On Middle Housing and ADU requirements, do we have local authority to exempt specific areas (e.g., Goat Hill)?

*Staff Response: Yes, under HB 1110 cities may exempt certain areas (up to 25 percent of lots primarily dedicated to single-family detached housing units) from the State minimum residential density requirements including area that a city can show (and the State certifies) lacks infrastructure capacity. Exempted areas must also include lots, parcels, and tracts designated with critical areas or their buffers.*

#### **PROJECT TIMELINE**

The following draft project timeline is based on PC feedback.

<b>Meetings/Open House</b>	<b>Mtg. Date/Timeframe</b>
<b>Planning Commission Briefing</b>	November 14, 2024
<b>City Council Briefing</b>	January 7, 2025
<b>Transportation Commission Briefing</b>	January 22, 2025
<b>Joint Planning Commission &amp; Transportation Commission Study Session (tentative)</b>	February 27, 2025 (tentative)
<b>Public Open House</b>	February 27, 2025 (prior to joint study session; tentative)
<b>Planning Commission Public Hearing</b>	March 27, 2025



<b>City Council Meeting (first review of PC recommended code amendments)</b>	April 15, 2025
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### **NEXT STEPS**

Staff will include TC's feedback on the questions posed above into the amendment process. It is anticipated that draft code amendments will be brought before the PC in February 2025.

### **ATTACHMENTS**

Attachment 1 – State Requirements & City Development Standards Gap Analysis

# State Requirements & City Development Standards Gap Analysis

## Contents

Compliance with Middle Housing Requirements (HB 1110 and ESHB 2321).....	1
Compliance with State Accessory Dwelling Units Requirements (EHB 1337).....	5
Compliance with State Residential Parking Regulations (SB 6015).....	8
Compliance with State Local Design Review Requirements and Restrictions (ESHB 1293).....	10
Compliance with State Co-Living Housing Requirements (ESHB 1998).....	12
Appendix of Resources .....	15

**General Note:** RCW code sections not applicable to the City of Kirkland have been omitted. This analysis covers zoning code compliance; staff anticipates that other policy, procedure, and administrative updates will be needed with code amendments.

## Compliance with Middle Housing Requirements (HB 1110 and ESHB 2321)

TOPIC	SECTION	ANALYSIS (Kirkland Compliance Status with Existing Zoning)
<b>Minimum number of middle housing units that must be allowed in predominately residential zones (low-, medium-, high-density residential zones)</b>	RCW 36.70A.635 <sup>1</sup> (b) Cities with a population of at least 75,000	---
	(i) ≥4 du/lot <sup>2</sup>	<b>Does Not Comply:</b> Current zoning is not uniformly permissive of the State unit-lot density requirement. While lots in low-density zones comply with this requirement pursuant to the City's middle housing allowances in 113 KZC, lots with minimum lot size standards in residential zones where 113 KZC is not applicable may not meet State requirements for minimum unit-lot density.
	(ii) ≥6 du/lot <sup>3</sup> within ¼ mile walking distance of major transit stop <sup>4</sup>	<b>Does Not Comply:</b> As noted above, current zoning is not uniformly permissive of the State unit-lot density requirement.

<sup>1</sup> Minimum residential density: <https://app.leg.wa.gov/RCW/default.aspx?cite=36.70A.635>

<sup>2</sup> Unless zoning permits higher densities

<sup>3</sup> Unless zoning permits higher densities

<sup>4</sup> Under section RCW 36.70A.030(25) the definition of "major transit stop" includes stops on bus rapid transit routes, including those stops that are under construction: <https://app.leg.wa.gov/RCW/default.aspx?cite=36.70A.030>

		At the time of this analysis Kirkland has one major transit stop under construction, the I-405/Northeast 85th Street Interchange and Inline BRT Station Project. <sup>5</sup> State requirements will also need to be met once King County Metro's Rapid Ride K Line stops are under construction.
<b>Affordable housing</b>	<p>RCW 36.70A.635(2) – (3)</p> <ul style="list-style-type: none"> <li>• Density can increase from four units per lot to six if two of the units are affordable.</li> <li>• Applicable to rental and ownership units</li> <li>• Affordable for a term of at least 50 years</li> <li>• Requires a covenant or deed restriction to maintain affordable housing</li> <li>• Affordable units must be comparable in size, and when practicable, number of bedrooms, to other units in the development. Affordable units must generally be distributed throughout the development</li> <li>• Affordable housing requirements may vary if the city has enacted an affordable housing program under RCW 36.70A.540.</li> </ul>	<p><b>Complies:</b> The City has adopted affordable housing requirements for both middle housing and multifamily development in most, but not all, areas of the City that allow for multi-unit developments.</p> <p>The City should consider adjusting these requirements so that they more uniformly apply across the City, in order to create a more level playing field across multiple housing types.</p>
<b>Alternative density requirements</b>	<p>RCW 36.70A.635(4)</p> <ul style="list-style-type: none"> <li>• A city may choose to limit implementation of the density requirements to 75% of lots that are primarily dedicated to detached single-family houses, subject to specific conditions included in the new state</li> </ul>	<p><b>Notes on Application of Provision:</b> This alternative to density requirements would be limited to low-density zones. Any request for exemption would need to be analyzed under the limitations of this section of the RCW and taken into consideration. In general, staff believes that existing environmental and</p>

<sup>5</sup> <https://wsdot.wa.gov/construction-planning/search-projects/i-405-northeast-85th-street-interchange-and-inline-brt-station-project>

	<p>law. Applicable exemptions include<sup>6</sup>:</p> <ul style="list-style-type: none"> <li>○ Areas that lack of infrastructure capacity</li> <li>○ Critical areas and their buffers</li> <li>○ Areas within 100-year flood plane</li> <li>○ Geological hazardous areas</li> <li>○ Density requirements can be reduced in lots within a city that don't have adequate water supply or public sewer service</li> <li>○ Areas identified having a higher risk of displacement under RCW 36.70A.070(2)(g)</li> </ul>	development regulations are adequate to ensure the protection of streams, wetlands, and steep slopes, even in the context of higher density allowances.
<b>Required middle housing types</b>	<p>RCW 36.70A.635(5) City must allow at least 6 of 9 types of middle housing<sup>7 8 9</sup>:</p> <ol style="list-style-type: none"> <li>1. Duplexes</li> <li>2. Triplexes</li> <li>3. Fourplexes</li> <li>4. Fiveplexes</li> <li>5. Sixplexes</li> <li>6. Townhouses</li> <li>7. Stacked flats</li> <li>8. Courtyard apartments</li> <li>9. Cottage housing</li> </ol>	<p><b>Does Not Comply:</b> Many of the housing types are allowed in Kirkland's residential zones; however, not all are allowed in any one low-, medium-, or high-density residential zone. As part of this amendment process the City should analyze these different housing types and determine which types are permitted in a given zone category.</p>
<b>Design requirements</b>	<p>RCW 36.70A.635(6) (a) (b) Design requirements may only be administrative and may not be more</p>	<p><b>Does Not Comply:</b> The City administers design requirements for middle housing in section 113.35</p>

<sup>6</sup> Unless identified as having a higher risk of displacement, exempted areas may not include: any areas for which the exclusion would further racially disparate impacts or result in zoning with a discriminatory effect; any areas within ½ mile walking distance of a major transit stop; or any areas historically covered by a covenant or deed restriction excluding racial minorities from owning property or living in the area, as known to the city at the time of each comprehensive plan update.

<sup>7</sup> HB 1110 amended RCW 36.70A.030 – Definitions defining many housing types. The Department of Commerce's Model code adopts these definitions and includes some additional definitions the City could consider for adoption with code amendments. State model code: <https://deptofcommerce.app.box.com/s/tfivrrq4t97nggquanr3syaz4zeo8nxd>

<sup>8</sup> A city may allow accessory dwelling units (ADUs) to achieve the unit density requirement.

<sup>9</sup> A city must also allow zero lot line short subdivision where the number of lots created is equal to the unit density requirement.

	<p>restrictive than that required for detached single-family houses. The city may apply objective development regulations that are required for detached single-family residences such as:</p> <ul style="list-style-type: none"> <li>• setbacks</li> <li>• lot coverage</li> <li>• stormwater</li> <li>• clearing</li> <li>• tree canopy and retention</li> </ul>	<p>KZC that are more restrictive than those required for single-family houses. As part of this amendment process the City should analyze these standards and compare them to the design standards allowed in the State's middle housing model ordinance<sup>10</sup>.</p>
<b>Development &amp; permitting processes</b>	<p>RCW 36.70A.635(6) (c) Same as detached single-family residences unless otherwise required by State law including, but not limited to, shoreline regulations under chapter 90.58 RCW, building codes under chapter 19.27 RCW, energy codes under chapter 19.27A RCW, or electrical codes under chapter 19.28 RCW.</p>	<p><b>Does Not Comply:</b> While middle housing is allowed by-right, some housing types identified in RCW 36.70A.635(5) require additional permit review processes (e.g., multi-unit development in many medium density zones requires discretionary approval).</p>
<b>Parking<sup>11</sup></b>	<p>RCW 36.70A.635(6) (d) – (f) No on-site parking requirement within ½ mile of major transit stop<sup>12</sup>; no more than 1 space/unit on lots of 6,000 sq. ft. or less; no more than 2 spaces/unit on lots larger than 6,000 sq. ft.</p>	<p><b>Does Not Comply:</b> Parking requirements will need to be reduced near “major transit stops” once planned stops are under construction to comply with State requirements for lots 6,000 sq. ft. or less. Additionally, KZC 113.25 currently bases parking requirements on unit size and requires additional parking for guests, both of which will need to be amended to comply.</p>
<b>Minimum lot size, subdivision and unit density requirement</b>	<p>RCW 36.70A.635(6) (g) Cities are not required to achieve the per unit density on lots after subdivision below 1,000 square feet unless the city chooses to enact smaller allowable lot sizes.</p>	<p><b>Does Not Comply:</b> Kirkland's smallest minimum lot size is 1,800 square feet; therefore, existing residential zones are not exempt from the unit density requirements.</p>

<sup>10</sup> <https://deptofcommerce.app.box.com/s/tfivrrg4t97nggquanr3syaz4zeo8nxd>

<sup>11</sup> Compliance with State parking requirements by if cities can demonstrate through study that parking limitations will be less safe for vehicle drivers or passengers, pedestrians, or bicyclists than if the jurisdiction's parking requirements were applied to the same location for the same number of detached houses.

<sup>12</sup> Kirkland has no existing “Major Transit Stops.” Future Major Transit Stops will include stops along the STRIDE (I-405) Bus Rapid Transit line and K Line (connecting Totem Lake to Bellevue).

<b>Exemption from minimum density requirements</b>	RCW 36.70A.635(8) <ul style="list-style-type: none"> <li>• Portions of a lot, parcel, or tract designated with critical areas and critical area buffers</li> <li>• Areas designated as sole-source aquifers</li> <li>• A watershed serving a reservoir for potable water</li> <li>• Designated urban separator lots</li> <li>• A lot that was created through the splitting of a single residential lot.</li> </ul>	<b>Notes on Application of Provision:</b> As part of the amendment process the City should conduct an analysis of lands containing critical areas and buffers, urban separators etc.
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#### Compliance with State Accessory Dwelling Units Requirements (EHB 1337)

TOPIC	SECTION	ANALYSIS (Kirkland Compliance Status with Existing Zoning)
<b>Impact Fees</b>	RCW 36.70A.681 <sup>13</sup> (1) (a) Cities may not assess impact fees on the construction of accessory dwelling units (ADUs) that are greater than 50 percent of the impact fees that would be imposed on the principal unit.	<b>Complies:</b> ADUs are currently exempt from impact fees (Chapter 27 KMC). In addition, the Finance and Administrative Department is currently developing proportional impacts fees that would be compliant with this requirement.
<b>Owner Occupancy</b>	RCW 36.70A.681 (1) (b) Cities may not require the owner of a lot on which there is an ADU to reside in or occupy the ADU or another housing unit on the same lot.	<b>Complies:</b> Code does not require owner occupancy.
<b>Number and Configurations of Accessory Dwelling Units</b>	RCW 36.70A.681 (1) (c) (d) Cities must allow at least two ADUs on all lots that are located in all zoning districts within an urban growth area that allow for single-family homes. Must allow the following: <ul style="list-style-type: none"> <li>• 1 attached accessory dwelling unit (AADU) and 1 detached</li> </ul>	<b>Complies:</b> Code allows for two ADUs consistent with State-mandated configurations.

<sup>13</sup> Accessory dwelling units—Limitations on local regulation:  
<https://app.leg.wa.gov/RCW/default.aspx?cite=36.70A.681>

TOPIC	SECTION	ANALYSIS (Kirkland Compliance Status with Existing Zoning)
	accessory dwelling unit (DADU) <ul style="list-style-type: none"> <li>• 2 AADUs</li> <li>• 2 DADUs, which may be comprised of either one or two detached structures.</li> <li>• ADUs in structures detached from the principal unit.</li> </ul>	
<b>Minimum Lot Size</b>	RCW 36.70A.681 (1) (e) Cities must allow an ADU on any lot that meets the minimum lot size required for the principal unit.	<b>Complies:</b> Code does not have minimum lot size requirements.
<b>Size</b>	RCW 36.70A.681 (1) (f) Cities may not establish a maximum gross floor area requirement for ADUs less than 1,000 square feet.	<b>Does Not Comply:</b> Code restricts accessory structures to 1,200 sf +10% of lot area that exceeds 7,200 sf (see 115.08 KZC). Lots not containing enough land area restrict at least one ADU to less than 1,000 sf.
<b>Height</b>	RCW 36.70A.681 (1) (g) Cities may not establish roof height limits on an accessory dwelling unit of less than 24 feet.	<b>Does Not Comply:</b> KZC 115.08 limits accessory structure height to 15 feet above the existing height of the primary residence, or the maximum height in the underlying zone, whichever is less. Minimum residential maximum height is 25 feet, but ADUs can be restricted to maximum heights lower than 25 feet based on current code.
<b>Dimensional Standards</b>	RCW 36.70A.681 (1) (h) Cities may not impose setback requirements, yard coverage limits, tree retention mandates, restrictions on entry door locations, aesthetic requirements, or requirements for design review for ADUs that are more restrictive than those for principal units.	<b>Does Not Comply:</b> Code contains location and entrance requirements inconsistent with State requirements (see KZC 115.07.4 and 5).
<b>Location</b>	RCW 36.70A.681 (1) (i) Cities must allow detached accessory dwelling units to	<b>Does Not Comply:</b> Code does not allow ADUs to be sited at the lot line adjacent to an alley (they must be



TOPIC	SECTION	ANALYSIS (Kirkland Compliance Status with Existing Zoning)
	be sited at a lot line if the lot line abuts a public alley, unless city routinely plows snow on the public alley.	set back 5 feet) (see KZC 115.115.3.o(4)).
<b>Conversions</b>	RCW 36.70A.681 (1) (j) Cities must allow ADUs to be converted from existing structures, including but not limited to detached garages, even if they violate current code requirements for setbacks or lot coverage.	<b>Does Not Comply:</b> While code anticipates conversion (see permitting section of KZC 115.07.8) some conversions may require a variance (see KZC 120.12 - Expansion or Modification of an Existing Structure). The nonconformance chapter KZC 162 limits the ability for ADU conversions (see KZC 162.35.7 (setbacks), KZC 162.35.13 (lot coverage), and 162.45 (prohibition on increasing/intensifying/compounding nonconformance)).
<b>Condominium Sales</b>	RCW 36.70A.681 (1) (k) Cities may not prohibit the sale or other conveyance of a condominium unit independently of a principal unit solely on the grounds that the condominium unit was originally built as an ADU.	<b>Complies:</b> Code allows for condominium sales per KZC 115.07.2.
<b>Street Improvements</b>	RCW 36.70A.681 (1) (l) Cities may not require public street improvements as a condition of permitting ADUs.	<b>Does Not Comply:</b> Code does not exempt ADUs from street improvement requirement. For the purposes of determining public improvements, an ADU project is classified as a single-family dwelling addition/alteration. Per KZC 110.70, public improvements are required if the total addition/alteration value exceeds \$268,000, based on building construction (alteration) (see KZC 110.70 Modifications, Deferrals and Waivers, and Construction-in-Lieu).
<b>Parking<sup>14</sup></b>	RCW 36.70A.681 (2) (a) Cities may not require:	<b>Does Not Comply:</b> The parking standards of KZC 115.07.6 will need to be updated to comply with

<sup>14</sup> Exceptions to compliance with State parking requirements may be granted if cities can demonstrate through study that parking limitations will be less safe for vehicle drivers or passengers, pedestrians, or bicyclists than if the jurisdiction's parking requirements were applied to the same location for the same number of detached houses.

TOPIC	SECTION	ANALYSIS (Kirkland Compliance Status with Existing Zoning)
	<ul style="list-style-type: none"> <li>• off-street parking as a condition of permitting development of accessory dwelling units within one-half mile walking distance of a major transit stop</li> <li>• more than one off-street parking space per unit as a condition of permitting development of accessory dwelling units on lots smaller than 6,000 square feet before any zero lot line subdivisions or lot splits</li> <li>• more than two off-street parking spaces per unit as a condition of permitting development of accessory dwelling units on lots greater than 6,000 square feet before any zero lot line subdivisions or lot splits</li> </ul>	the restriction on off-street parking requirements within ½ mile of a major transit stop requirement.

#### Compliance with State Residential Parking Regulations (SB 6015)

TOPIC	SECTION	ANALYSIS (Kirkland Compliance Status with Existing Zoning)
<b>Garages</b>	RCW 36.70A.622 (1) (a) Garages and carports may not be required as a way to meet minimum parking requirements for residential development.	<b>Complies:</b> City code does not require garages and carports to meet parking requirements.

TOPIC	SECTION	ANALYSIS (Kirkland Compliance Status with Existing Zoning)
<b>Enclosed and Unenclosed Parking</b>	RCW 36.70A.622 (1) (b) Parking spaces that count towards minimum parking requirements may be enclosed or unenclosed.	<b>Complies:</b> City code allows for enclosed and unenclosed parking to meet requirements.
<b>Tandem Parking</b>	RCW 36.70A.622 (1) (c) Parking spaces in tandem must count towards meeting minimum parking requirements at a rate of one space for every 20 linear feet with any necessary provisions for turning radius. For purposes of this subsection, "tandem" is defined as having two or more vehicles, one in front of or behind the others with a single means of ingress and egress.	<b>Does Not Comply:</b> City code does not uniformly regulate tandem parking. KZC 105 contains no standards pertaining to tandem parking.
<b>Gravel Surfaces</b>	RCW 36.70A.622 (1) (d) Existence of legally nonconforming gravel surfacing in existing designated parking areas may not be a reason for prohibiting utilization of existing space in the parking area to meet local parking standards, up to a maximum of six parking spaces.	<b>Does Not Comply:</b> City code's surface material requirement does not allow for use of nonconforming gravel as parking area (KZC 105.100). Currently, if gravel parking exists, it must be brought into conformance if any of the three criteria in KZC 162.35.6 apply.
<b>Size of Parking</b>	RCW 36.70A.622 (1) (e) Parking spaces may not be required to exceed eight feet by 20 feet, except for required parking for people with disabilities.	<b>Does Not Comply:</b> City code on dimensions of parking exceeds the standards of State requirements (see KZC 105.60, 115.115.5, and 180)
<b>Parking and Trees</b>	RCW 36.70A.622 (1) (f) Cities may not require off-street parking as a condition of permitting a residential project if compliance with tree retention would otherwise make a proposed residential development or redevelopment infeasible.	<b>Complies:</b> The City's code does not preclude the maximum development potential (see KZC 95.30.2.b)

TOPIC	SECTION	ANALYSIS (Kirkland Compliance Status with Existing Zoning)
<b>Grass Block Pavers</b>	RCW 36.70A.622 (1) (g) Parking spaces that consist of grass block pavers may count toward minimum parking requirements.	<b>Does Not Comply:</b> City code's surface material requirement does not allow for grass block parking area (KZC 105.100).
<b>Nonconforming Parking</b>	RCW 36.70A.622 (2) Existing parking spaces that do not conform to the requirements of this section by June 6, 2024, are not required to be modified or resized, except for compliance with the Americans with Disabilities Act. Existing paved parking lots are not required to change the size of existing parking spaces during resurfacing if doing so will be more costly or require significant reconfiguration of the parking space locations.	<b>Does Not Comply:</b> City nonconforming code related to parking and associated landscaping per KZC 95.47, KZC 162.25, KZC 162.35.4, and KZC 162.35.6 are inconsistent with State requirement.

Compliance with State Local Design Review Requirements and Restrictions (ESHB 1293)<sup>15</sup>

TOPIC	SECTION	ANALYSIS (Kirkland Compliance Status with Existing Zoning)
<b>Design Review</b>	RCW 36.70A.630 <sup>16</sup> (1) For purposes of this section, "design review" means a formally adopted local government process by which projects are reviewed for compliance with design standards for the type of use adopted through local ordinance.	---
<b>Clear and Objective Development Regulations</b>	RCW 36.70A.630 (2) Cities may apply in any design review process only clear and objective development regulations	<b>Does Not Comply:</b> The City's middle housing code contains subjective standards that are not clear and may be interpreted differently

<sup>15</sup> Note: this tables reflects the application of ESHB 1293 as it relates to middle and multi-unit housing types in low-, medium-, and high-density residential zones only and does not reflect citywide compliance with State requirements in office and commercial zones.

<sup>16</sup> Local design review – Requirements and restrictions <https://app.leg.wa.gov/RCW/default.aspx?cite=36.70A.630>

TOPIC	SECTION	ANALYSIS (Kirkland Compliance Status with Existing Zoning)
	governing the exterior design of new development.	between user and administrator (see KZC 113.35).
<b>Measurable Guidelines &amp; Standards</b>	RCW 36.70A.630(2)(a) Must include one or more ascertainable guideline, standard, or criterion by which an applicant can determine whether a given building design is permissible under that development regulation.	<b>Does Not Comply:</b> Some of the City's middle housing code is not uniformly verifiable by reference to an external and uniform benchmark or criterion.
<b>Dimensional Impacts</b>	RCW 36.70A.630(2)(b) May not result in a reduction in density, height, bulk, or scale below the generally applicable development regulations for a development proposal in the applicable zone.	<b>Does Not Comply:</b> Both the City's middle housing and ADU design standards affect massing outcomes of these building types beyond what is allowed under general development standards.
<b>Exceptions</b>	RCW 36.70A.630(3) The provisions of subsection (2) of this section do not apply to development regulations that apply only to designated landmarks or historic districts established under a local preservation ordinance.	<b>Complies:</b> There are no conflicts between the City's historic residence designation standards and the City's middle housing and ADU regulations.
<b>Decision Process</b>	RCW 36.70A.630(4) Any design review process must be conducted concurrently, or otherwise logically integrated, with the consolidated review and decision process for project permits set forth in RCW 36.70B.120(3), and no design review process may include more than one public meeting.	<b>Complies:</b> The design requirements for middle housing and ADUs are administrative and reviewed concurrently with the building permit.

## Compliance with State Co-Living Housing Requirements (ESHB 1998)

TOPIC	SECTION	ANALYSIS (Kirkland Compliance Status with Existing Zoning)
<b>Allowance of co-living</b>	RCW 36.70A.535 <sup>17</sup> <sup>18</sup> (1) Cities must allow co-living housing as a permitted use on any lot that allows at least six multifamily residential units, including on a lot zoned for mixed-use development.	<b>Does Not Comply:</b> The City regulates co-living facilities as “residential suites” as defined in KZC 5.10.778. This use is only allowed in specific zones within the city.
<b>Room dimensions, unit mixture, and other uses</b>	RCW 36.70A.535 (2) Cities may not require co-living housing to: <ul style="list-style-type: none"> <li>• Contain room dimensional standards larger than that required by the state building code, including dwelling unit size, sleeping unit size, room area, and habitable space.</li> <li>• Provide a mix of unit sizes or number of bedrooms.</li> <li>• Include other uses.</li> </ul>	<b>Does Not Comply:</b> Residential suites have specific dimensional standards and are often required to be part of mixed use developments.
<b>Parking<sup>19</sup></b>	RCW 36.70A.535 (3) Cities may not require co-living housing to: <ul style="list-style-type: none"> <li>• Provide off-street parking within one-half mile walking distance of a major transit stop.</li> <li>• Provide more than 0.25 off-street parking spaces per sleeping unit.</li> </ul>	<b>Does Not Comply:</b> Residential Suites have higher parking standards than State requirements allow.
<b>Restrictive use standards</b>	RCW 36.70A.535 (4) Cities may not require through development regulations any standards for co-living housing that are	<b>Does Not Comply:</b> Residential Suites often have more stringent development standards compared to other multifamily uses.

<sup>17</sup> Co-living housing: <https://app.leg.wa.gov/RCW/default.aspx?cite=36.70A.535>

<sup>18</sup> This RCW contains an Intent and Findings section that may be useful to review when considering amending City standards on co-living requirements.

<sup>19</sup> Exceptions to compliance with State parking requirements may be granted if cities can demonstrate through study that parking limitations will be less safe for vehicle drivers or passengers, pedestrians, or bicyclists than if the jurisdiction's parking requirements were applied to the same location for the same number of detached houses.

TOPIC	SECTION	ANALYSIS (Kirkland Compliance Status with Existing Zoning)
	more restrictive than those that are required for other types of multifamily residential uses in the same zone.	
<b>Permitting</b>	RCW 36.70A.535 (5) Cities may only require a review, notice, or public meeting for co-living housing that is required for other types of residential uses in the same location, unless otherwise required by state law including, but not limited to, shoreline regulations under chapter 90.58 RCW.	<b>Does Not Comply:</b> Residential Suites often have more stringent permitting requirements compared to other types of residential uses.
<b>Affordable housing</b>	RCW 36.70A.535 (6) Cities may not exclude co-living housing from participating in affordable housing incentive programs under RCW 36.70A.540.	<b>Complies:</b> Residential Suites may participate in an affordable housing incentive program.
<b>Unit density</b>	RCW 36.70A.535 (7) Cities may not treat a sleeping unit in co-living housing as more than one-quarter of a dwelling unit for purposes of calculating dwelling unit density.	<b>Does not Comply:</b> Existing unit density requirements will need to be amended in zones where Residential Suites are allowed.
<b>Fees</b>	RCW 36.70A.535 (8) Cities may not treat a sleeping unit in co-living housing as more than one-half of a dwelling unit for purposes of calculating fees for sewer connections, unless the city or county makes a finding, based on facts, that the connection fees should exceed the one-half threshold.	<b>Does Not Comply:</b> Residential Suites are not distinguished from other multi-family residential uses per the Public Works fee schedule.
<b>Definitions</b>	RCW 36.70A.535 (11) The following definitions apply: 1. "Co-living housing" means a residential development with	<b>Notes on Application of Provision:</b> City should make reference to or adopt State definitions.



TOPIC	SECTION	ANALYSIS (Kirkland Compliance Status with Existing Zoning)
	<p>sleeping units that are independently rented and lockable and provide living and sleeping space, and residents share kitchen facilities with other sleeping units in the building. Local governments may use other names to refer to co-living housing including, but not limited to, congregate living facilities, single room occupancy, rooming house, boarding house, lodging house, and residential suites.</p> <p>2. "Major transit stop" means:</p> <ul style="list-style-type: none"> <li>a. A stop on a high capacity transportation system funded or expanded under the provisions of chapter 81.104 RCW;</li> <li>b. Commuter rail stops;</li> <li>c. Stops on rail or fixed guideway systems, including transitways;</li> <li>d. Stops on bus rapid transit routes or routes that run on high occupancy vehicle lanes; or</li> </ul>	

TOPIC	SECTION	ANALYSIS (Kirkland Compliance Status with Existing Zoning)
	e. Stops for a bus or other transit mode providing actual fixed route service at intervals of at least 15 minutes for at least five hours during the peak hours of operation on weekdays.	

#### Appendix of Resources

Planning for Middle Housing, Washington State Department of Commerce:

<https://www.commerce.wa.gov/growth-management/housing-planning/middle-housing/>

Missing Middle Housing, MRSC: <https://mrsc.org/explore-topics/housing-homelessness/housing/middle-housing>

Parking Regulations, MRSC: <https://mrsc.org/explore-topics/planning/zoning/parking-regulations>

Types of Affordable Housing, MRSC (related to Co-living ESHB 1998): <https://mrsc.org/explore-topics/housing-homelessness/housing/types-of-affordable-housing>