City of Kenmore

City of Kenmore - 18120 68th Avenue NE - Kenmore, WA 98028
Phone: 425-398-8900 - E-mail: cityhall@kenmorewa.gov

City of Kenmore
Planning Commission Meeting Agenda

February 15, 2022 @ 7 p.m. via Zoom

Log-in Information for the Commission Meeting:
Please click the link below to join the webinar or copy and put this link in your address bar in your web browser:
https://us02web.zoom.us/j/87873183729
Or One tap mobile :
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Webinar ID: 878 7318 3729
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If you have any questions or to confirm agenda items prior to the meeting, or if you require special accommodations, please email Rita Moreno at rmoreno@kenmorewa.gov.

1. CALL TO ORDER

2. PUBLIC COMMENTS

This is an opportunity to express your views on issues that are important to you and to the community. Please email comments to Rita Moreno at rmoreno@kenmorewa.gov by 5:00 p.m. on Tuesday, February 15, 2022. All comments received will be forwarded to the Planning Commission for consideration. You also may use the "raise hand" feature in Zoom during the Citizen Comment portion of the meeting or call in at the number listed above. A 3-minute comment limit applies.

3. APPROVAL OF MINUTES

- February 1, 2022 Planning Commission Meeting Minutes

4. AGENDA ITEMS

- TOD Panel Discussion

Staff Memo
Attachment 1 - TOD Panelist Questions
Attachment 2 - TOD Regulations
Attachment 3 - TOD Affordable Housing Regulations

5. ADJOURNMENT

6. UPCOMING MEETINGS:
March 1, 2022, 7:00 p.m.

City of Kenmore
Planning Commission Meeting
Feb 1, 2022 @ 7:00 p.m.

Planning Commission Members – In Attendance (the meeting was held virtually using the Zoom online platform)

Dwight Thompson, Chair
Mike Vanderlinde, Vice Chair
Tracy Banaszynski
Nathan Loutsis
Christiana Matthews
Mariel Torres Mehdipour
Derek Wycoff

Consultants & Staff

Debbie Bent, Community Development Director
Lauri Anderson, Principal Planner
Rita Moreno, Recreation Coordinator/ Admin. Assistant

1. CALL TO ORDER

The meeting was called to order by Chair Thompson at 7:01 p.m.

2. PUBLIC COMMENTS

No Public Comments were given

3. APPROVAL OF MINUTES

The January 4, 2022, Planning Commission Meeting Minutes – Minutes were approved by unanimous consent.

4. AGENDA ITEMS

- Land Acknowledgement

Staff gave an update on the Land Use Acknowledgment and will be doing some additional work to involve tribal members. Commissioners will revisit the Land Acknowledgment in two months.

- Housing Element: Goals, Objectives, and Policies

Staff gave an update on the 2/15 meeting and gave background on the panel that will be in attendance to answer a series of questions that staff has prepared related to Transit-Oriented Development (TOD). Commissioners requested that there be special communication on the presentation taking place at the meeting on 2/15. Staff will work with the Communications Specialist to expand community outreach.

Staff reviewed direction received from the Planning Commission on changes to the Housing Element related to "Missing Middle". Commissioners reviewed the first complete draft of the Housing Element goals, objectives and policies and made recommendations to staff for changes. Commissioner discussion included changing wording, adding stronger language, and combining some policies (Policy H 3.1.1 and H 3.1.2). The Commissioners presented numerous ideas for consideration and staff will bring back an updated draft.

8. ADJOURNMENT

Chair Thompson adjourned the meeting at 8:40 p.m.

____
Planning Commission
Approved by Planning Commission on: _________________________

City Of Kenmore, Washington

Memorandum

Date: February 9, 2022

To: Planning Commission

From: Debbie Bent, Community Development Director
Lauri Anderson, Principal Planner

Regarding: TOD Panel Discussion

As we prepare to draft amendments to the City's Transit-Oriented Development (TOD) zoning, we thought it would be useful to talk with advocates of TOD projects to get their insights on the existing regulations and identify potential roadblocks to TOD development.

We have invited 6 panelists to attend your February 15 meeting. The six are:

- Imad Bahbah, IHB Architects
- Juan Calaf, Sound Transit
- Jenkins Chan, JK Chan Development
- Allen Dauterman, TWG
- Sarah Lovell, King County Metro
- Kevin Merriman, MainStreet Property Group, LLC

All of the panelists have either tried to develop a TOD project in Kenmore or are hoping to develop one in the future.

To start the discussion, staff developed a list of questions and sent them to all participants (see Attachment 1). Lauri will act as the moderator of the panel, and Commissioners should be prepared to ask questions once the panelists have concluded their remarks.

Also attached are the current TOD regulations (Attachment 2), as well as the standards related to affordable housing in the TOD (Attachment 3).

<u>Attachments</u>
Attachment 1: TOD Panelist questions
Attachment 2: TOD regulations
Attachment 3: Affordable housing requirements in the TOD

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ATTACHMENT 1

Questions for TOD Panel

At the meeting on 2/15, we'll first go around the table and give each panelist a chance to respond to these three questions:

1. Tell us a bit about your background and experience with Transit-Oriented Development—particularly in Kenmore or in another north end city.

2. Is the market ready for TOD in Kenmore? If not, why not? What tells you when a market is ready?

3. Thinking about Kenmore's TOD development standards, are there obstacles to TOD development that immediately come to mind?

For this next set of questions, we'll ask about each standard and have panelists volunteer responses:

4. Do any of the following specific standards make developing TOD in Kenmore more difficult?

- Height limitation (65')
- Minimum density (60 dwelling units per acre)
- Maximum density (150 dwelling units per acre)
- Affordable housing requirement (capped at 10% of units, but requiring deeper affordability as density increases)
- Parking requirements (new State law mandates no more than .75 stalls per unit or 1 stall per bedroom within ¼ mile of transit on SR-522).
- Design standards.

5. Are the following development incentives helpful?

- Tree grove retention bonuses
- "Pioneer" project incentives
- Multifamily Tax Exemption

For these next two questions, we'll ask each panelist to respond in turn:

6. Are there other standards or amendments to the regulations that would make TOD in Kenmore more likely?

7. Are there other factors, besides regulations, that affect TOD development in Kenmore (financing, for example)?

For this final question, we'll ask all panelists to volunteer responses:

8. The Planning Commission is considering expanding the minimum/maximum density standards (with affordability requirements) west to the Downtown area in the Downtown Commercial zone. Are there issues or concerns with this approach?

Chapter 18.29
TRANSIT ORIENTED DEVELOPMENT (TOD) DISTRICT OVERLAY

Sections:

18.29.010 Intent.
18.29.020 Area.
18.29.030 Applicability.
18.29.040 Use allowances.
18.29.050 Zoning standards.
18.29.055 Wireless communication facilities.
18.29.060 Affordable housing requirements.
18.29.070 Parking.
18.29.080 Design requirements.
18.29.090 Connectivity requirements.
18.29.100 Significant tree grove retention.

18.29.010 Intent.

The purpose of the transit oriented development (TOD) district overlay is to reinforce the City's planned concentration of pedestrian-oriented mixed use development at intensities that support and are supported by multi-modal transportation options, including high capacity transit. The TOD district overlay revitalizes the City's core by creating incentives and opportunities for a mix of jobs and residences, cultivates a respectful relationship among development within the district, the natural environment, and nearby traditional neighborhoods, and provides a framework for future infrastructure and service decisions. The TOD district overlay provides public benefits in the form of encouraging housing affordable to all economic groups, increased pedestrian connectivity, quality design, and incentive to preserve significant tree groves where they exist. [Ord. 15-0406 § 1 (Att. A).]

18.29.020 Area.

The area of the TOD district overlay is shown on Figure 18.29.020.1. In order to develop under the TOD district overlay, at least 50 percent of a parcel shown on Figure 18.29.020.1 shall be located within the TOD district overlay.

ATTACHMENT 2

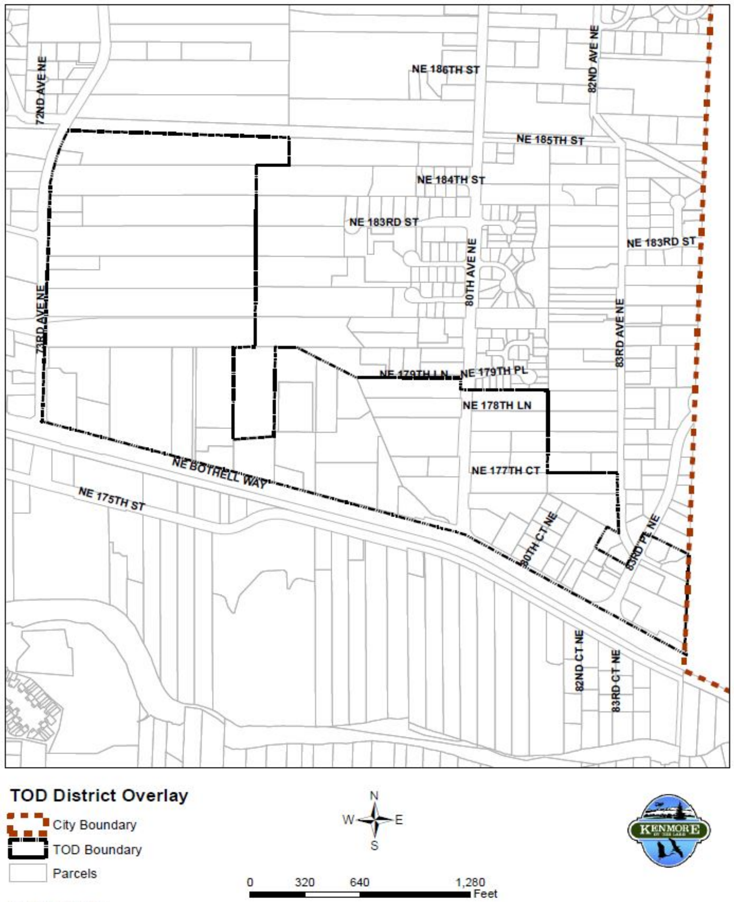

Figure 18.29.020.1

[Ord. 19-0481 § 2 (Att. A); Ord. 15-0406 § 1 (Att. A).]

18.29.030 Applicability.

A. The TOD district overlay is an incentive-based zoning overlay. Applicants who elect to develop under the provisions of the TOD district overlay shall adhere to all development standards set forth in this chapter; except that development standards not addressed in this chapter shall be governed by provisions of the underlying zone.

B. In order to be eligible to develop under the TOD district overlay regulations, a development application shall meet the following criteria:

1. The property must be located within the TOD district overlay area as described in KMC 18.29.020;

2. The proposed development must either:

a. Be considered a mixed use development as defined in KMC 18.20.1740; or

b. Be a residential-only development or mixed use development with commercial permitted only on the ground floor if located in the R-12, R-18, or R-24 underlying zones, which are areas designated as primarily residential.

C. Eligible properties within the TOD district overlay that do not choose to develop under the provisions of this chapter shall comply with the provisions of the underlying zone in their entirety. [Ord. 15-0406 § 1 (Att. A).]

18.29.040 Use allowances.

The following uses listed in Table A are identified as *permitted*, conditionally permitted or *prohibited uses* for properties electing to develop under provisions of the TOD district overlay.

All uses not specifically listed in this section shall be prohibited.

Table A – TOD District Overlay Use Allowances

Permitted	Conditionally Permitted	Prohibited
Arts, entertainment, indoor[1,3]	Ambulatory surgery center[2]	Adult entertainment business
Business service, standard[1,3]	Animal kennel/ shelter[2,5]	Air transportation service
Day care	College/ university[2]	Arts, entertainment, outdoor
Eating and drinking place[1]	Fire or police facility[2]	Auction house
Educational service[1]	Laboratory[2]	Automotive sales and service, marine
Health care and social assistance[1,3]	Park	Automotive sales and service, nonmarine

ATTACHMENT 2

Table A – TOD District Overlay Use Allowances

Permitted	Conditionally Permitted	Prohibited
Manufacturing, light[1,3,5]	Regional land use	Business service, intensive
Mobile food service[4]	Religious institution[2]	Cemetery, columbarium or mausoleum
Multiple-family dwelling	Supportive living facility[2]	Community residential facility
Office[1]		Construction and trade
Personal service[1,3]		Family child-care home
Recreational facility, indoor[1,3]		Funeral home/ crematory
Retail sales[1,3,5]		Hospital
Temporary lodging[1,3]		Manufactured housing community
		Manufacturing, heavy
		Marijuana business
		Recreational facility, outdoor
		Resource land use
		Retail sales, bulk
		Secure facility
		Single detached dwelling unit
		Standalone parking
		Transportation

4.

ATTACHMENT 2

Table A – TOD District Overlay Use Allowances

Permitted	Conditionally Permitted	Prohibited
		Utility facility
		Vehicle or equipment rental
		Vehicle refueling station
		Warehousing
		Wholesale trade

[1] Commercial use limitations in residentially oriented underlying zones: If these uses are proposed for property with underlying zoning of R-12, R-18, or R-24, then each use is limited to maximum 5,000 square feet per use and 15,000 square feet total contiguous nonresidential area within the development.

[2] Conditional use permit required in underlying urban corridor, downtown commercial, and public/semi-public zones. Prohibited in all other underlying zones within the TOD district overlay area.

[3] Conditional use permit required in underlying R-12, R-18, R-24 zones. Permitted in underlying urban corridor, downtown commercial, and public/semi-public zones within the TOD district overlay area.

[4] *Mobile food service* is permitted subject to the following requirements:

a. For a stand, location shall be on a sidewalk or near a storefront consistent with barrier-free regulations;

b. For a stand, location on the sidewalk or near a storefront shall provide for at least four feet of unobstructed sidewalk between the stand and the sidewalk edge for pedestrian movement;

c. No permanent fencing, walls, or other structures are installed which hinder removal of the structure from the site;

d. No required parking stall shall be blocked or rendered unusable as a result of the mobile *food service*;

e. Safe ingress and egress to the site shall be maintained. Visibility for transportation and pedestrian access shall be maintained;

f. The limited duration of the *mobile food service* shall be established as a condition of approval of any applicable permits; if accessory to a use, such operation is removed daily at the time of or prior to the close of business hours;

g. A sign permit is required for exterior signage in accordance with the sign code, Chapter 18.42 KMC.

[5] No *outdoor storage* of materials shall be permitted.

[Ord. 19-0481 § 2 (Exh. A); Ord. 17-0438 § 2 (Att. A); Ord. 16-0426 § 5 (Att. C); Ord. 15-0406 § 1 (Att. A).]

18.29.050 Zoning standards.

The following development standards in Table B apply to properties electing to develop under provisions of the TOD district overlay:

Table B – TOD Overlay District Development Standards

STANDARD	REQUIREMENT
Minimum Density: Dwelling Units/Gross Acre	60[1]
Maximum Density: Dwelling Units/Gross Acre	150[1]
Maximum Height	65'[2]

[1] Portions of any property developing under the TOD district overlay regulations with an underlying zoning of R-1 shall cluster development away from critical areas or corridors such as urban separators or the wildlife habitat network to the extent possible and the open space shall be placed in a separate tract that includes at least 50 percent of the site. The open space tract shall be permanent and meet the provisions of KMC 17.20.130(B).

[2] Portions of any property developing under the TOD district overlay regulations that are within 50 feet of a single-family zone (R-1, R-4, R-6) shall have a maximum height of 35 feet within that area to provide a transition in height to the lower intensity uses.

[Ord. 15-0406 § 1 (Att. A).]

18.29.055 Wireless communication facilities.

Use allowances and development regulations for *wireless communication facilities* in the TOD district overlay shall be as specified in Chapter 18.60 KMC for the underlying zoning district. [Ord. 16-0426 § 6 (Att. D).]

18.29.060 Affordable housing requirements.

For properties choosing to develop under the TOD district overlay, *development* shall provide affordable housing as described in Chapter 18.77 KMC. *Development* choosing to develop under the TOD district overlay shall not utilize the provisions of residential density incentives found in Chapter 18.80 KMC to achieve maximum densities. [Ord. 19-0481 § 2 (Exh. A); Ord. 15-0406 § 1 (Att. A).]

18.29.070 Parking.

Parking in the TOD district overlay should be sufficient to support local businesses and residential development, while at the same time promoting transit ridership, walkable streets, and efficient use of land. Proposed development choosing to develop under the TOD district overlay shall provide parking as follows:

A. Minimum parking requirements for nonresidential uses may be reduced to 75 percent of the minimum requirement computed according to the provisions of KMC 18.40.030.

B. Minimum residential parking shall be supplied at the following ratios:

1. 1.0 parking spaces per market-rate dwelling unit, except as follows:

    a. Pioneer Project Incentive. For purposes of this section, a pioneer project consists of the first 100 bonus housing units provided in the city under the TOD district overlay regulations. The first 100 bonus housing units in a pioneer project(s) may elect to provide parking spaces for market rate bonus units at 0.6 parking spaces per dwelling unit.

2. 1.0 additional parking space per every five market rate dwelling units shall be provided and designated as guest parking for use by all guests.

3. 0.6 parking spaces per dwelling unit for affordable or senior dwelling units.

4. Affordable housing shall be as defined under KMC 18.29.060. Senior housing shall be defined as housing restricted to those meeting the definition of "senior citizen" as found in KMC 18.20.2500.

C. The following factors shall count towards minimum parking standards for residential and nonresidential development:

1. On-street parking immediately adjoining a property proposed for development or provided as part of the proposed development may be counted toward the minimum parking requirement.

2. Minimum on-site parking may be reduced further by provisions of KMC 18.40.090(B) for properties within the TOD district overlay that meet the requirements of KMC 18.40.090(B) for accessibility to high frequency transit service.

3. Shared parking among uses is encouraged within the TOD district overlay. Developments that propose shared parking arrangements shall submit a parking management plan as defined in KMC 18.20.1995 that describes the terms and conditions of shared parking arrangements on site.

D. Parking Provided in Excess of Minimum. Provision of parking in excess of the minimum parking requirements outlined in subsections A and B of this section shall require the excess parking be included in a structured parking garage, or under building and screened from the street frontage, unless the additional parking is associated with a phased, mixed use development, is interim in nature, and is temporarily located on land reserved for future phases not yet built.

E. Maximum parking within the TOD district overlay shall not exceed the minimum requirement calculated under the provisions of KMC 18.40.030.

1. Applicants may be allowed to exceed the maximum parking if the applicant can produce a parking study that demonstrates probable on-site parking needs that are significantly higher than similar uses. This traffic study shall be subject to review by the city manager before approval for additional parking is granted. All parking granted in excess of the maximum shall be provided in a structured parking garage or under building and screened from the street frontage.

F. All other parking requirements shall be as provided in Chapter 18.40 KMC. [Ord. 16-0428 § 13 (Att. I); Ord. 15-0406 § 1 (Att. A).]

18.29.080 Design requirements.

Development within the TOD district overlay shall comply with Standard 1 provisions of the downtown design standards, as set forth in Chapter 18.52 KMC.

In addition, the following design requirements shall apply:

A. Relational Setback Requirements. Any proposed development within the TOD district overlay adjacent to an existing single-family zone (R-1, R-4, or R-6) shall be required to provide an interior ground-level setback of 15 feet on the side of the property facing the single-family zone, unless a larger setback is required in the underlying zone. In that event, the larger of the two setback requirements shall govern. The setback required by this subsection shall be landscaped with Type II landscaping as defined in KMC 18.35.040(B) to provide a visual buffer. [Ord. 15-0406 § 1 (Att. A).]

18.29.090 Connectivity requirements.

The TOD district overlay should remove impediments to pedestrian use of the district and the downtown area by fostering the creation of an extensive network of sidewalks and pedestrian walkways.

Development proposals within the boundaries of the TOD district overlay that elect to develop under the provisions of this chapter shall:

A. Provide any direct pedestrian connections between proposed development and transit facilities, or arterials providing transit access in order to minimize walking distances to transit.

B. Comply with the downtown design standards pertaining to pedestrian walkways, as set forth in KMC 18.52.100.

C. Properties abutting water bodies (i.e., wetlands, rivers, lakes, or streams) shall provide a public access trail paralleling the water body from one property line to the next with setbacks that are consistent with the requirements of KMC Title 16 and Chapter 18.55 KMC. The public access trail shall connect to a public right-of-way.

1. Where a development proposal abuts a property with a public access trail segment, the public access segment on the subject property shall connect to abutting property public access segment(s).

2. The public access easement for public access trails shall be documented on the face of the plat or plan and recorded with the King County Department of Records and Elections. Public access easements shall run with the land in perpetuity. [Ord. 15-0406 § 1 (Att. A).]

18.29.100 Significant tree grove retention.

A. Definitions.

1. Significant Tree Grove Definition. A "significant tree grove" shall consist of two or more trees with a minimum of five and one-half tree units total. A qualifying tree has two tree units minimum. The maximum distance measured in feet between qualifying trees shall be equal to two times the critical root zone in order to be defined as a significant tree grove. For example a 24-inch d.b.h. tree must be within 24 feet of another tree in the grove to be included in the significant tree grove. A tree of any size that is topped or considered a "hazard tree" as defined in KMC 18.20.3084 may not qualify as part of a significant tree grove as herein defined. For purposes of this chapter, a significant tree

grove may not contain trees that are located within a critical area or critical area buffer protected under Chapter 18.55 KMC. A significant tree grove is not the same as a "grove," as defined in KMC 18.20.1273.

2. Tree Units. See KMC 18.57.060(A) for translation of diameter at breast height (d.b.h.) to tree units.

B. Applicability.

1. If the underlying zone within the TOD district overlay requires tree retention as provided in Chapter 18.57 KMC, then the provisions of Chapter 18.57 KMC shall be retained. If Chapter 18.57 KMC exempts a property from tree retention then it shall remain exempt.

2. Development proposals within the boundaries of the TOD district overlay that elect to develop under the provisions of this chapter shall be eligible to benefit from providing less parking or more dwelling units or any combination of the two if the development retains one or more significant tree grove(s) as defined in this section in perpetuity. A development may be able to benefit from both reduced parking and additional dwelling units by preserving a significant tree grove so long as the same tree credits are not counted towards both reductions in parking and additional bonus dwellings. Trees or groves retained through the provision of Chapter 18.57 KMC may count towards the significant tree grove retention if they meet the definitions found in subsection A of this section.

3. Tree on Property Line. In instances where one or more trees that would qualify as part of a significant tree grove is located on a property line such that the tree is on more than one property, and the properties are in separate ownerships, the tree shall qualify to be counted as part of a separate tree grove by each property owner.

C. Reduced Parking. In order to retain qualifying significant tree groves, required parking may be reduced at the maximum rate of one stall per each five and one-half tree units. Parking quantities may be reduced up to a maximum of 20 percent from the parking requirement after other reductions are applied, if any.

D. Residential Bonus Units. In order to retain qualifying significant tree groves, residential units are offered at the rate of one bonus unit per each 11 tree units preserved. Grove bonus units are not included in maximum unit density calculations. Grove bonus units are not subject to the affordability requirements of KMC 18.29.060.

E. Significant Tree Grove Preservation Requirements.

ATTACHMENT 2

1. Tree Protection Plan Required. A tree protection plan as identified in KMC 18.57.050 shall be required for any development application proposing to protect one or more significant tree groves through this section.

2. Recorded on Title. The map of significant tree groves preserved through this section, along with a covenant preventing removal, shall be recorded and shown on the property title.

3. Subject to Tree Protection Measures of Chapter 18.57 KMC. Significant tree groves protected under this section shall be subject to the tree protection measures during construction found in KMC 18.57.090, the post-construction replacement, financial guarantee, and maintenance requirements of KMC 18.57.100, and the penalties and enforcement of KMC 18.57.110. [Ord. 15-0406 § 1 (Att. A).]

ATTACHMENT 3

Chapter 18.77
AFFORDABLE HOUSING

Sections:

18.77.010 Affordable housing – Purpose and intent.
18.77.015 General provisions.
18.77.020 Downtown residential and downtown commercial zones.
18.77.030 Transit oriented development (TOD) district overlay.
18.77.040 Community business zone, Juanita subarea.
18.77.045 Alternative compliance.
18.77.050 Affordability agreement.
18.77.060 Expedited permit processing.

18.77.010 Affordable housing – Purpose and intent.

The purpose of this chapter is to implement, through regulations, the responsibility of the *City* under the Washington State Growth Management Act to consider the housing needs of all economic segments of the community, and to assure an adequate affordable housing supply in the *City*. The *City* recognizes that the marketplace is the primary supplier of adequate housing for those in the upper economic groups, but that some combination of appropriately zoned land, regulatory incentives, innovative planning techniques, and requirements will be necessary to make adequate provisions for the needs of households whose incomes are at or below median income. [Ord. 19-0481 § 2 (Exh. A); Ord. 11-0329 § 3 (Exh. 1).]

18.77.015 General provisions.

A. Determination of Number of Affordable Housing Units Required – Rounding. See KMC 18.30.020(D) for method of rounding to determine the number of affordable housing units required.

B. Adjacent Developments. Adjacent *developments* by the same or affiliated *developer* will be considered as a single *development* for the purpose of applying the thresholds for compliance.

C. Designation of Affordable Housing Units. Prior to the issuance of any permit(s), the *City* shall review and approve the location and unit mix of the affordable housing units consistent with the following standards:

1. Location. The location of the affordable housing units shall be approved by the *City*, with the intent that they generally be intermingled with all other *dwelling units* in the *development*.

2. Tenure. The tenure of the affordable housing units (ownership or rental) shall be the same as the tenure for the rest of the housing units in the *development*.

3. Size (Bedroom). The affordable housing units shall consist of a range of number of bedrooms that is comparable to units in the overall *development*.

4. Size (Square Footage). The size of the affordable housing units, if smaller than the other units with the same number of bedrooms in the *development*, shall be approved by the *city manager*. If there is a proposal that the affordable units be smaller than the market rate units, in no case shall the affordable housing units be less than 500 square feet for a studio unit, 600 square feet for a one-bedroom unit, 800 square feet for a two-bedroom unit, or 1,000 square feet for a three-bedroom unit.

5. Design. The exterior design of the affordable housing units shall be compatible and comparable with the rest of the *dwelling units* in the *development* and shall comply with any applicable design standards. The interior finish and quality of construction of the affordable housing units shall at a minimum be comparable to entry level rental or ownership housing in the *City*.

D. Duration. Housing shall serve only income-eligible households for a minimum period of 50 years from the latter of the date when the affordability agreement between the housing owner and the *City*, as described in KMC 18.77.050, is recorded, or the date when the affordable housing becomes available for occupancy as determined by the *City*.

E. Timing/Phasing. The affordable housing units shall be available for occupancy in a time frame comparable to the availability of the rest of the *dwelling units* in the *development*. [Ord. 19-0481 § 2 (Exh. A).]

18.77.020 Downtown residential and downtown commercial zones.

The provisions of this section shall apply to multifamily residential *developments* proposed on property four acres or greater in size within the downtown residential or downtown commercial zones that lie west of 68th Avenue NE, and which are providing for more than 20 *multiple-family dwelling units*.

A. Twenty-five percent of the total number of units in the *development* shall be *moderate-income affordable housing units*.

B. Subject to *City* authorization, the affordable units need not be provided within the *development*, but must be provided within the downtown commercial, downtown residential, urban corridor, waterfront commercial, or regional business zone. [Ord. 19-0481 § 2 (Exh. A); Ord. 11-0329 § 3 (Exh. 1).]

ATTACHMENT 3

18.77.030 Transit oriented development (TOD) district overlay.

A. Properties developed under the TOD district overlay, Chapter 18.29 KMC, shall include affordable housing units.

B. Cap on Total Number of Affordable Housing Units Required. Affordable housing requirements shall be capped at 10 percent of the total number of *dwelling units* being provided.

C. Number of Affordable Housing Units Required. Affordable housing units shall be provided for any *development* exceeding the base density of the underlying zone as follows:

1. Tier 1. If the number of bonus units is less than or equal to 30 percent of the total number of *dwelling units*, then for every three bonus units, one *dwelling unit* shall be a *moderate-income affordable housing unit* and two bonus *dwelling units* may be bonus market rate *dwelling units*.

2. Tier 2. If the number of bonus units is greater than 30 percent of the total number of *dwelling units* and if the overall project density is less than or equal to 120 *dwelling units* per acre, then a combination of *low-income affordable housing units* and *moderate-income affordable housing units* shall be provided as follows: For every four bonus units allowed beyond that needed to achieve the 10 percent *moderate-income affordable housing units*, one of the *moderate-income affordable housing units* shall be made into a *low-income affordable housing unit* up to a maximum of 33 percent of the affordable housing units (or 3.3 percent of the total *dwelling units* in the *development*).

3. Tier 3. If the overall development density is greater than 120 *dwelling units* per acre, a combination of *very low-income affordable housing units, low-income affordable housing units* and *moderate-income affordable housing units* shall be provided as follows: The required numbers of *low-income affordable housing units* and *moderate-income affordable housing units* shall be equivalent to those that would be required under Tier 2, assuming that the project were to be developed at a density of 120 *dwelling units* per acre. An amount of *very low-income affordable housing* shall be required so that the total combined amount of *very low-income, low-income* and *moderate-income affordable housing units* is equal to 10 percent of the total number of *dwelling units* in the *development*.

4. Affordable Housing Example. Example is a one-and-one-half-acre property with a base density of 48 *dwelling units* (du)/acre. Without the TOD district overlay, the property could achieve up to 72 *dwelling units*.

Tier 1 example: Proposed TOD *development* would achieve 93 *dwelling units* on *site* for 62 du/acre. This provides 21 “bonus” *dwelling units* above the 48 du/acre base density of the zone. Since the number of bonus units (21) is less than 30 percent of the total units (93), seven of the

21 bonus units must be affordable to moderate-income households, meeting Tier 1 affordability requirements.

Tier 2 example: Proposed TOD *development* would achieve 113 *dwelling units* on *site* for 75 du/acre. This provides 41 "bonus" *dwelling units* above the 48 du/acre base density of the zone.

Since the number of bonus units (41) is greater than 30 percent of the total units (113), 11 of the 41 bonus units must be affordable, meeting the 10 percent affordability cap. Nine of these are affordable to moderate-income households and two are affordable to low-income households (33 of the bonus units used toward achieving 10 percent affordable units (11*3) plus eight of the bonus units applied toward making two of the affordable units low-income affordable units (8*.25=2).

Tier 3 example: Proposed TOD *development* would achieve 210 *dwelling units* on *site* for 140 du/acre. The first step is to determine how many affordable units would have been required assuming 120 du/acre using the Tier 2 formula This calculation results in 13 *moderate-income affordable housing units* and five *low-income affordable housing units*. To achieve the requirement that 10 percent of the total units in the *development* be affordable, three additional affordable housing units would be needed (21-18=3). These three units would be required to be *very low-income affordable housing units*. In summary, the *development* would provide 13 *moderate-income affordable housing units*, five *low-income affordable housing units*, and three *very low-income affordable housing units*. [Ord. 19-0481 § 2 (Exh. A); Ord. 14-0391 § 2 (Exh. 1); Ord. 13-0363 § 5; Ord. 11-0329 § 3 (Exh. 1).]

18.77.040 Community business zone, Juanita subarea.

A. For properties choosing to develop at higher residential densities in the CB Juanita subarea, Chapter 18.23 KMC, affordable housing units shall be provided for any *development* exceeding the base density of 24 *dwelling units* per acre as follows:

1. For every four bonus units, one bonus *dwelling unit* shall be a *moderate-income affordable housing unit* and three bonus *dwelling units* may be bonus market rate *dwelling units*.

2. Each *low-income affordable housing unit* provided counts as two *moderate-income affordable housing units* for the purpose of satisfying the affordable unit requirement under subsection (A)(1) of this section.

Example: Proposed *development* would achieve 36 *dwelling units* on a one-acre *site* for a density of 36 du/acre. This provides 12 "bonus" *dwelling units* above the 24 du/acre base density of the zone. Three of the 12 bonus units must be *moderate-income affordable housing units*. Alternatively, the project could provide two *low-income affordable housing units* (rounded). [Ord. 19-0481 § 2 (Exh. A).]

ATTACHMENT 3

18.77.045 Alternative compliance.

Alternative Compliance. The *city manager* may approve a request for satisfying all or part of the affordable housing requirements with alternative compliance methods as follows:

A. Application. Applications for alternative compliance shall be submitted at the time of permit application, and must be approved prior to issuance of any building permit.

B. Off-Site Provision. A project proponent may propose to satisfy all or part of affordable housing requirements off site.

1. The project proponent must demonstrate that off-site provision of new affordable housing achieves a result equal to or better than providing affordable housing on site.

2. Affordable housing units provided through this method must be the same type of units as the units in the project which gave rise to the requirement.

3. Priority is for the project to be located within the same zoning district as the *development* responsible for providing affordable housing. However, the *city manager* may approve a project located outside the zoning district if the location has access to commercial *uses* and transit, does not result in an undue concentration of affordable housing, and has adequate infrastructure.

4. The proposal must demonstrate that the affordable units provided off site will be completed before or within the same time period as the *development* generating the affordable housing requirement. For projects approved for off-site affordable housing, there will be a recorded agreement on both the "sending" property and the "receiving" property. The covenant on the sending site will be released once the affordable housing is completed on the receiving property.

C. Contribution to Preservation of Existing Affordable Housing. A project proponent may propose to satisfy all or part of affordable housing requirements through purchase and long-term preservation of existing affordable housing, particularly in the *City's manufactured housing communities*. The *applicant* shall provide information demonstrating affordability of the units to be preserved and a long-term covenant shall be placed over the preserved units, ensuring preservation and maintenance of the affordable units.

D. Fee in Lieu. Cash payments in lieu of providing actual housing units may be proposed and, if approved by the *City*, shall be used only for the subsequent preservation or provision of affordable housing units by the *City* or other housing provider approved by the *city manager*. Payments in lieu shall be based on the difference between the cost of construction for a prototype affordable housing unit on the subject property, including land costs and development fees, and the revenue generated by an affordable housing unit. The payment obligation will be established at the time of issuance of building permits for the project. [Ord. 19-0481 § 2 (Exh. A).]

18.77.050 Affordability agreement.

A. Prior to issuing any building permit, an agreement in a form approved by the *city manager* that addresses price restrictions, homebuyer or tenant qualifications, phasing of construction, monitoring of affordability, duration of affordability, and any other applicable topics of the affordable housing units shall be recorded with King County Department of Records and Elections. This agreement shall be a covenant running with the land and shall be binding on the assigns, heirs and successors of the *applicant*. The City may agree, at its sole discretion, to subordinate any affordable housing regulatory agreement for the purpose of enabling the owner to obtain financing for *development* of the property.

B. Monitoring and Fees. The *City* reserves the right to establish, in the affordability agreement referred to in subsection A of this section, monitoring fees for the affordable housing unit, which can be adjusted over time to account for inflation. The purpose of any monitoring fee is for the review and processing of documents to maintain compliance with income and affordability restrictions of the affordability agreement. [Ord. 19-0481 § 2 (Exh. A).]

18.77.060 Expedited permit processing.

A. Certain projects containing *very low-income* or *low-income affordable housing units* in the R-12, R-18, R-24, NB, CB, DR, DC, UC, WC, RB, and PSP zones that require a Type 2 land use decision as described in KMC 19.25.020 may have that process reduced to a Type 1 land use decision unless the proposal includes any of the following:

1. Short subdivision, including revisions and alterations;

2. Zoning variance;

3. Conditional use permit;

4. Shoreline permit; or

5. Critical area exceptions, variances or modifications under Chapter 18.55 KMC.

B. Any applicant for a project containing *very low-income* or *low-income affordable housing* units may request that review of the project be expedited. The request may be made on forms provided by the *City*. If a determination is made by the *city manager* that *City* staffing or other permit priorities do not allow expedited permit review, the *applicant* may request that the project be reviewed by a consultant working for the City at the *applicant's* expense. [Ord. 21-0521 § 2 (Exh. A).]