

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

March 2, 2021 @ 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/84130483520>

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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. CITIZEN 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, March 2, 2021. 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 16, 2021 Planning Commission Meeting Minutes](#)

4. AGENDA ITEMS

Land Use and Housing Element Updates, including Missing Middle
Attachment 1 - Missing Middle Allowances in Other Jurisdictions
Attachment 2 - Map of TOD overlay area
Attachment 3 - TOD Regulations
Attachment 4 - FAR illustration
Attachment 5 - HCT_stations_Kenmore
Attachment 6 - 2018_Sidewalks to Inventory Map

5. ADJOURNMENT

6. UPCOMING MEETINGS:

March 16, 2021, 7:00 p.m. - via Zoom

**City of Kenmore
Planning Commission Meeting
February 16, 2021 @ 7:00 p.m.**

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

Mark Ohrenschall, Chair
Tracy Banaszynski
Suzanne Greathouse
Nathan Loutsis
Dennis Olson
Mike Vanderlinde, Vice Chair

Consultants & Staff

Lauri Anderson, Principal Planner
Debbie Bent, Community Development Director
Maura Query, Administrative Assistant
Rita Moreno, Administrative Assistant
Mike Stanger, ARCH

1. CALL TO ORDER

The meeting was called to order by Chair Ohrenschall at 7:00 p.m.

2. CITIZEN COMMENTS

David Morton from Redmond expressed concerns about what comes out of the stack of Cadman's hot mix asphalt plant in Kenmore.

3. APPROVAL OF MINUTES

January 5th, 2021 Meeting Minutes – A motion to approve was made by Commissioner Greathouse. Commissioner Vanderlinde seconded the motion. The motion passed 6-0 by roll call vote.

4. AGENDA ITEMS

- Land Use and Housing Elements, including “Missing Middle”

Elements are to be reviewed over the next year as the first major step in the next state mandated update of the full Comprehensive Plan which is due in June of 2024.

City Staff gave background information related to the docket.

There was a question about accessory commercial uses/commercial development in the single family neighborhoods. Is there direction from City Council on the subject? Conversation on why Council chose corners with this plan.

Staff gave an overview of the public participation plan. The community survey would see how the community feels about goals and what their priorities are. There was a discussion about goals to be evaluated against others. Commissioners also had questions about the survey and what information would be in the survey.

Mike Stanger and staff went over the information that was collected on Kenmore demographics. Commissioners had questions on the information collected, Hispanic vs. Latino, and homelessness numbers. There was a request to break down the data a little more for income groupings. Discussion continued on data collected, and getting newer/current numbers. Staff will pursue information that Commissioners would find useful.

Commissioners had questions about how the citizen correspondence is being handled. Staff explained that emails/letters received are forwarded immediately to the Commissioners, but also attached to the next upcoming agenda packet. New Commissioner asked what the process is for replying to correspondence. Are they answered via email? Staff explained that correspondence is provided to the Commission for their information, but no response from staff typically is provided.

7. ADJOURNMENT

Chair Ohrenschall adjourned the meeting at 8:43 p.m.

Planning Commission

Approved by Planning Commission on: _____



City Of Kenmore, Washington

Memorandum

Date: February 24, 2021

To: Planning Commission

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

Regarding: Land Use and Housing Element Updates, including Missing Middle

At your meeting on March 2, staff will continue to provide background information for the Land Use and Housing Element updates. We will review approaches to Missing Middle housing in other jurisdictions, the City's Transit-Oriented Development District or TOD, general information on how development intensity is expressed, and follow-up information from your last meeting.

Missing Middle Housing

Attachment 1 is a table showing how Missing Middle housing is handled in jurisdictions surrounding Kenmore and more broadly. The housing types we have included in the analysis are townhouses, duplexes, triplexes, and cottage housing.

Two approaches are used in these jurisdictions. One allows the Missing Middle housing types, or a subset of them, throughout single-family zoning districts. The other approach, taken in Seattle and, potentially, in Tacoma, is to develop a new zoning district that allows Missing Middle housing. The district is then assigned to locations near commercial centers and transitways.

The area-wide approach provides more opportunities to develop Missing Middle housing and supports providing a diversity of housing types for a wider range of income levels throughout the community. The zoning district approach limits opportunities but focuses the increased density where shops and services are more readily available.

Does the Commission have any initial reactions to the two approaches? Community perspectives on this topic will be especially valuable.

Transit Oriented Development District (TOD)

Between 2008 and 2010, the Downtown Task Force (a Council-appointed group similar to the Planning Commission) reviewed standards for a new TOD overlay zone. The City Council deferred final action on this zone until it could be considered in conjunction with the Regional Business rezoning project (2013-2015). Attachment 2 is the map showing the adopted TOD.

The TOD is an "optional" zone, meaning that a property-owner/developer can decide whether to develop under the existing underlying zoning on the property or under the TOD standards. Here is a link to the Zoning Map showing the underlying zoning:

<https://www.kenmorewa.gov/home/showpublisheddocument?id=648>.

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The TOD allows much higher residential densities than the underlying zones, but projects must include affordable housing. See Attachment 3 for the TOD zoning standards.

As part of the update to the Land Use Element, reconsideration of the TOD boundaries is proposed. Questions to ponder include: should the TOD extend along the length of the SR-522 corridor and encompass downtown to support future BRT? Should the TOD standards be incorporated into or replace the existing zoning so that development at TOD scale is always encouraged? Should development at a TOD scale be mandatory?

Development Intensities

As the Planning Commission will be considering changes to areas planned for residential or commercial development, we thought it would be useful to have a brief discussion about how development intensities are regulated in Kenmore and in other jurisdictions. Although the Comprehensive Plan sets out broad direction for the density of land uses, understanding implementing zoning is helpful.

For residential densities in the City (all expressed in either dwelling units per acre or percentages of allowable units), three standards are found in the Zoning Code:

Minimum density means that a project must develop to this density and no lower. For example, if the minimum density is 18 dwelling units per acre, on a 1-acre parcel, no fewer than 18 housing units could be built. Minimum densities are found in the multifamily, Community Business, Downtown Residential, Downtown Commercial, and TOD Overlay zones.

Base density is the maximum density allowable unless affordable housing or other public benefits are provided. For example, if the base density is 12 units per acre, on a 1-acre parcel, no more than 12 units could be built. All zones allowing residential uses, except for the TOD Overlay, have a base density.

Maximum density is the maximum allowable density. Typically, special density incentives in the Zoning Code must be used to achieve more development than the base density. For example, if the base density is 18 units per acre, but the developer proposes to provide affordable housing and receive a density bonus, the maximum density identifies the upper limit that can be achieved.

For commercial densities, many communities use FAR (floor area ratio) to define the maximum size of buildings. Generally, Kenmore uses building setbacks and building heights to establish the building envelope for new construction.

FAR is a ratio that describes the relationship between the size of a property and the amount of buildable square footage on that property. For example, a 1.0 FAR on a 20,000 sq.ft. lot would allow a maximum building size of 20,000 sq.ft. If there were no setbacks, the 20,000 sq.ft. could completely cover the lot. Alternatively, a 2-story building with 10,000 sq.ft. on each floor could meet the FAR standard.

The image in Attachment 4 illustrates varying FARs.

Although setback and height restrictions can manage maximum square footage on a lot, if minimum square footages are desired, an FAR can help achieve that goal. If, for example, a 1.5 FAR was used as a commercial square footage minimum, a 2-story (or maybe even a 3-

story building) would result. Using the 20,000 sq.ft. property size example, the minimum square footage with a 1.5 FAR would become 30,000 sq.ft.—too much to be accommodated in a one-story building.

Additional Kenmore Information

At your last meeting, you asked for several pieces of additional data. Your requests and the new information, if available, follows. For those requests without a response, we will continue to research and provide the information at a future Planning Commission meeting.

- Is there information on how many individuals influence the language spoken at home (does everybody speak a different language or is it only a single family member?)

Response: This data is not available. 2019 ACS data shows that 24% of Kenmore's population speaks a language other than English at home. Of the 24%, 15.1% speak English "very well" and 8.9% speak English less than "very well."

- How many Kenmore residents work in Kenmore?

Response: 2019 ACS data identifies 12,098 workers in Kenmore age 16 and older. Of these, 13.9% work in Kenmore and 86.1% work outside Kenmore. This is a significant change from the 2015 analysis. Census data will be important to verify this information.

- How many Kenmore residents work at home?

Response: 8.4% of Kenmore residents work at home (2019 ACS).

- Where is the "high capacity" public transportation in Kenmore?

Response: The Puget Sound Regional Council (PSRC) has provided a map of "high capacity" transit stops in Kenmore (see Attachment 5). This map is based on frequency of bus service. "Bus rapid transit" or BRT—the Sound Transit project scheduled to open in 2025 or 2026—is proposed only along SR-522.

- Is there a map of sidewalks and trails?

Response: Attachment 6 is the most recent map of sidewalks provided by the Public Works Department.

Information on the following will be provided at a future meeting:

- How many homeless individuals are there in Kenmore?
- What are the household income band percentages in Kirkland and Bothell?
- What is the distribution of the 60% of households in Kenmore that have incomes above the median?
- What is the age of the existing housing stock?

Attachments

Attachment 1: Missing Middle allowances in other jurisdictions

Attachment 2: TOD overlay map

Attachment 3: TOD regulations

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Attachment 4: FAR illustration
Attachment 5: High capacity transit in Kenmore
Attachment 6: Sidewalks map

ATTACHMENT 1

Missing Middle Allowances in Other Jurisdictions (duplexes, triplexes, townhouses, cottage housing)

	Allowed in single-family zoning districts	Unit types permitted	Permanent allowance or demonstration project	Design standards	Review process	Other
Kenmore	Yes	Townhouses	Permanent	No	Conditional use permit	
Bothell	Yes	Duplexes on corner lots	Permanent	No	Building permit only	
Kirkland	Yes	Duplexes, triplexes and cottage housing	Permanent, but started as a demonstration project	Yes	Building permit only	
Redmond	No					Considering actions to support Missing Middle housing as part of a new Housing Action Plan
Shoreline	Yes	Townhouses and duplexes	Permanent	Yes	Building permit only	
Olympia	Yes	Townhouses, duplexes and triplexes	Permanent	Yes	Building permit only	
Seattle (generalized)	No	Townhouses, duplexes, triplexes, and cottage housing	Permanent	Yes	Building permit only	Created new zoning district, "Residential Small Lot" or RSL
Tacoma	No	Considering duplexes, triplexes, townhouses, and cottage housing	"Residential Infill Demonstration Project" began in 2016			Considering new zoning district, "Low Scale Residential"

ATTACHMENT 1

	Allowed in single-family zoning districts	Unit types permitted	Permanent allowance or demonstration project	Design standards	Review process	Other
State of Oregon (generalized)	Yes	Duplexes must be allowed in low density residential zones in all cities with more than 10,000 residents. Townhouses, triplexes, fourplexes, and 4-unit cottage housing must be allowed in all cities greater than 25,000 residents or in the metro area	Permanent	Not specified. Cannot “discourage” development	Not specified. Cannot “discourage” development	Requirements must be put in place in 2021/2022
State of Washington	Incentivized	Townhouses, duplexes, triplexes, and cottage housing encouraged; no SEPA or Growth Management Hearings Board appeals allowed if regulations adopted by April 2023				Mandatory Missing Middle bill in 2020 session (6536) did not pass. House Bill 1232 is currently in the House Rules Committee and would require consideration of duplexes, triplexes, and townhomes in the Housing Element.

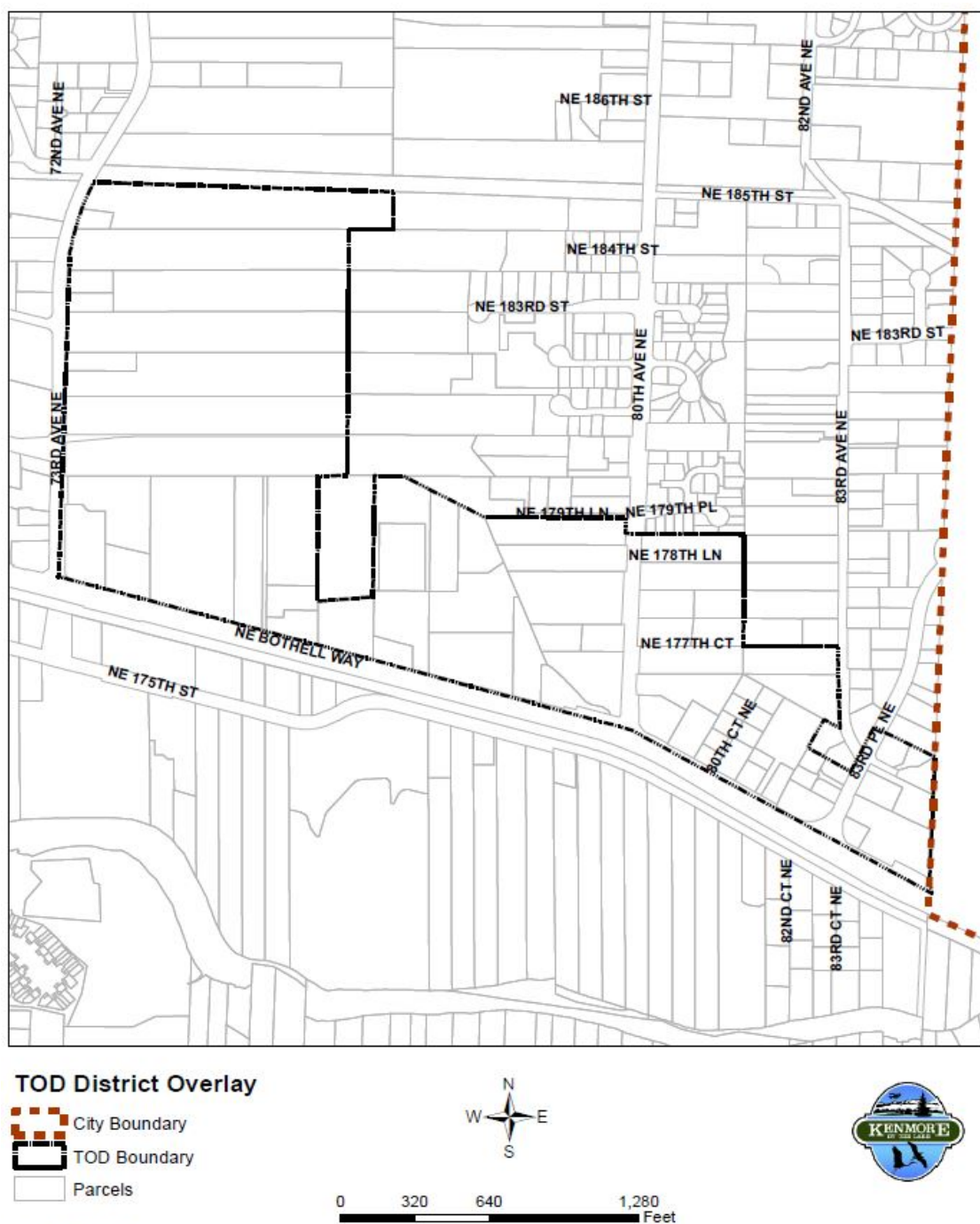


Figure 18.29.020.1

Chapter 18.29

TRANSIT ORIENTED DEVELOPMENT (TOD) DISTRICT OVERLAY

Sections:

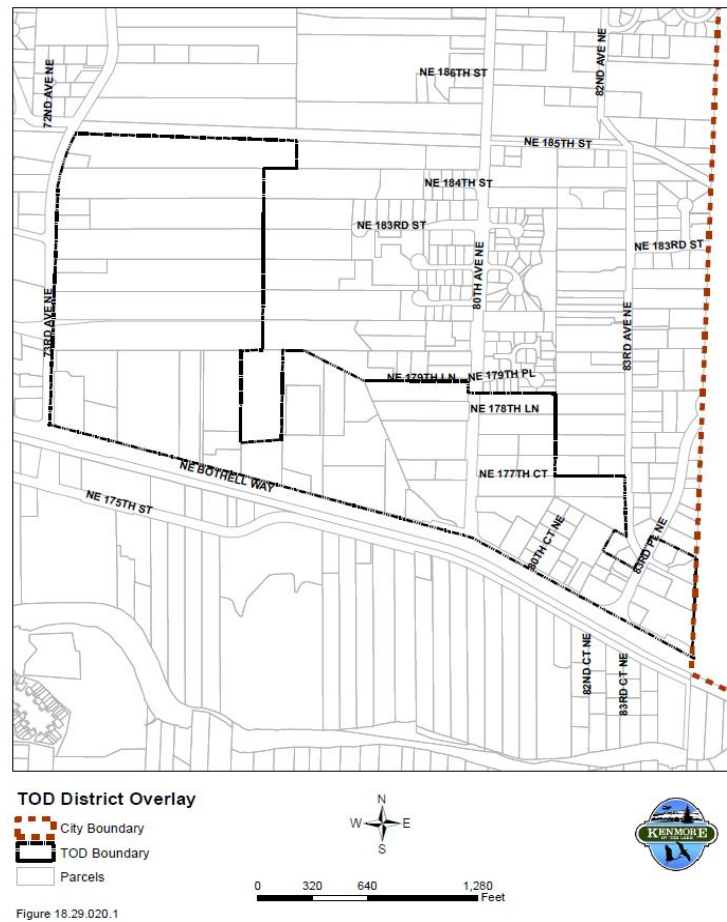
- [18.29.010 Intent.](#)
- [18.29.020 Area.](#)
- [18.29.030 Applicability.](#)
- [18.29.040 Use allowances.](#)
- [18.29.050 Zoning standards.](#)
- [18.29.055 Wireless communication facilities.](#)
- [18.29.060 Affordable housing requirements.](#)
- [18.29.070 Parking.](#)
- [18.29.080 Design requirements.](#)
- [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.



[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](#).

ATTACHMENT 3

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
Manufacturing, light ^{1,3,5}	Regional land use	Business service, intensive

ATTACHMENT 3

**Table A – TOD District Overlay
Use Allowances**

Permitted	Conditionally Permitted	Prohibited
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
		Utility facility
		Vehicle or equipment rental

**Table A – TOD District Overlay
Use Allowances**

Permitted	Conditionally Permitted	Prohibited
		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.

ATTACHMENT 3

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.

ATTACHMENT 3

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.

ATTACHMENT 3

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](#).

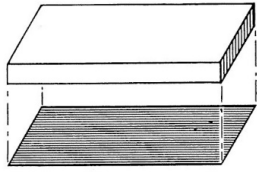
E. Significant Tree Grove Preservation Requirements.

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.

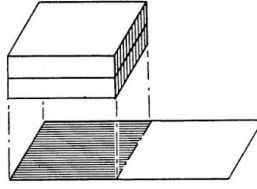
3. Subject to Tree Protection Measures of Chapter [18.57](#) KMC. Significant tree groves protected under this section shall be subject to the tree protection measures during construction found in KMC [18.57.090](#), the post-construction replacement, financial guarantee, and maintenance requirements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

ATTACHMENT 4

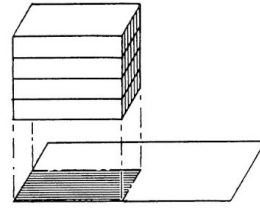


100 % LOT COVERED

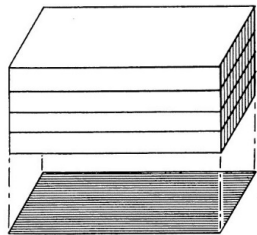
F.A.R. 1.0



50 % LOT COVERED

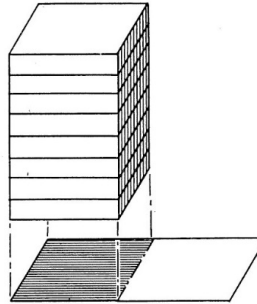


25 % LOT COVERED

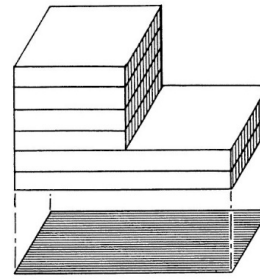


100 % LOT COVERED

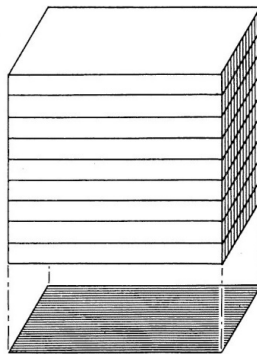
F.A.R. 4.0



50 % LOT COVERED

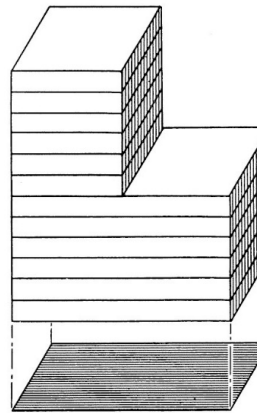


100 % LOT COVERED
(COMBINATION)

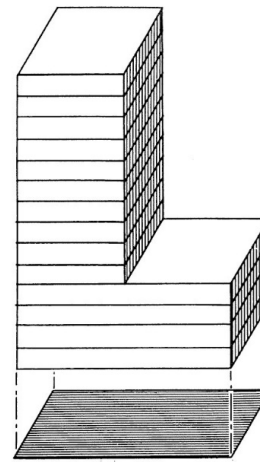


100 % LOT COVERED

F.A.R. 9.0

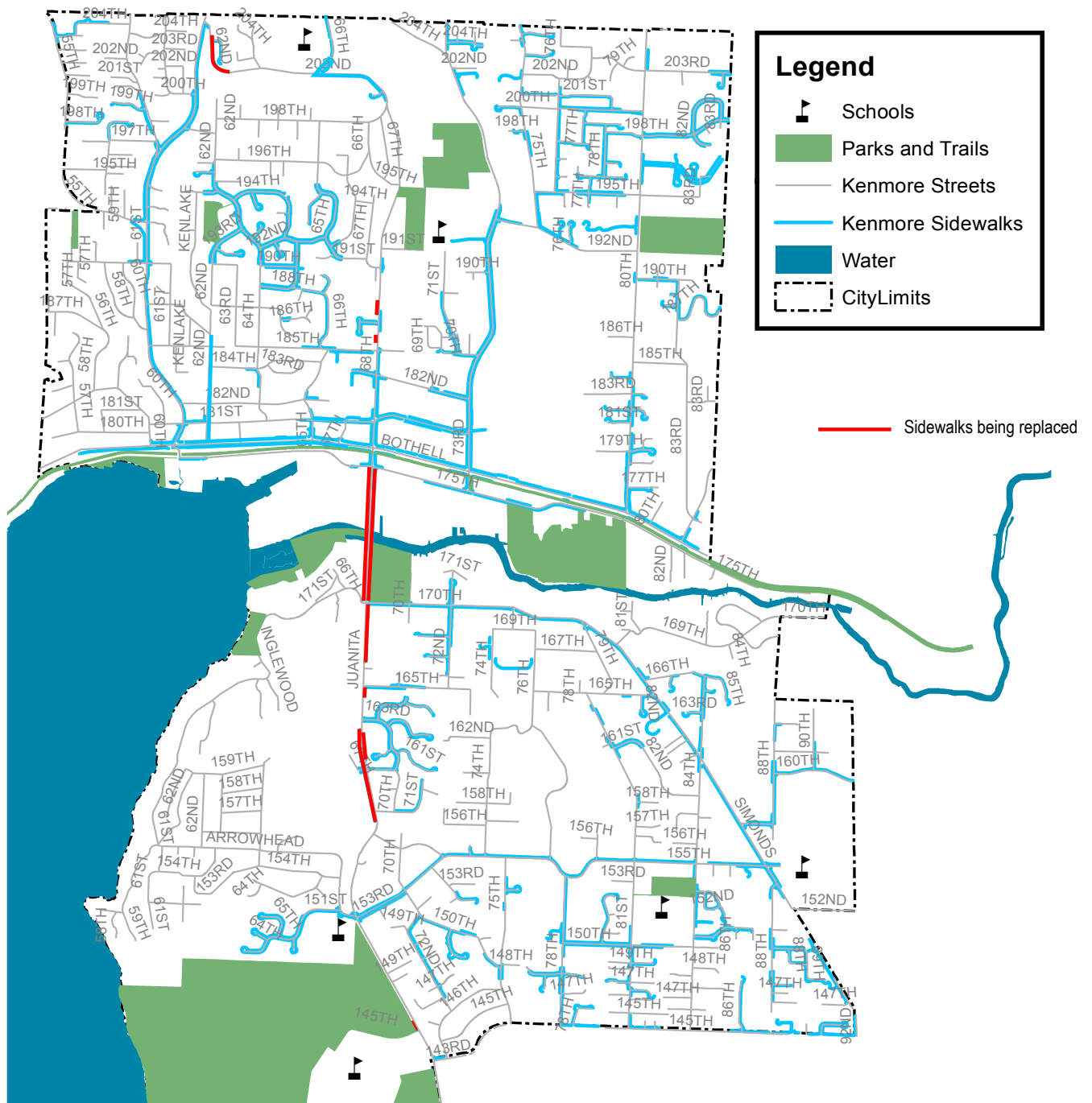


100 % LOT COVERED (COMBINATIONS)



High Capacity Transit Stops with 1/4 mile buffer





Current Sidewalks to Inventory Map



Date: 8/10/2016