

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

April 19, 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/83999804554>

Or One tap mobile :

US: +12532158782,,83999804554# or +13462487799,,83999804554#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 253 215 8782 or +1 346 248 7799 or +1 669 900 9128 or +1 646 558 8656 or +1 301 715 8592 or +1 312 626 6799

Webinar ID: 839 9980 4554

International numbers available: <https://us02web.zoom.us/j/83999804554>

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

3. APPROVAL OF MINUTES

- [March 15, 2022 Planning Commission Meeting Minutes](#)
- [April 5, 2022 Planning Commission Meeting Minutes](#)

4. AGENDA ITEMS

- "Missing Middle" Zoning Code Amendments, continued
[Staff Memo](#)
[Attachment 1 - Revised Text](#)
[Attachment 2 - Additional MMH amendments](#)

[Attachment 3 - Landscaping screens](#)

[Attachment 4A - Presentation 040722 DEI Task Force](#)

[Attachment 4B - Memo re_covenant restrictions](#)

- [Revised Zoning Map](#)

[Staff Memo 2](#)

[Attachment 1 - Zoning_update_2022_v6](#)

[Attachment 2 - March 2019 Zoning](#)

5. ADJOURNMENT

6. UPCOMING MEETINGS:
May 3, 2022, 7:00 p.m.

**City of Kenmore
Planning Commission Meeting
March 15, 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

3. APPROVAL OF MINUTES

The March 1, 2022, Planning Commission Meeting Minutes – Minutes were approved by unanimous consent.

4. AGENDA ITEMS

- Comprehensive Plan Amendments

- Amended Vision Statement

A motion was made by Commissioner Matthews and seconded by Chair Thompson to finalize the document for public hearing and publication. The motion passed by unanimous consent.

- Housing Element amendments

Staff pointed out 2 updates for Commissioners.

- Staff shared how many housing units built since 2019: 142 net after counting units demolished.
- Second update was description under medium density residential: language was changed.

Commissioners discussed

- Policy 4.1.3, Commissioners suggested adding “existing” after “allow”.
- Strengthen the paragraph on “Relationship to the Natural Environment.”
- A motion was made by Commissioner Banaszynski and seconded by Commissioner Loutsis to add sentence staff created to the paragraph “Relationship to Natural Environment”. The motion passed by unanimous consent.
- Policy H 4.1.4 questions on the language of the policy and changes.
- A motion was made by Commissioner Wykoff and seconded by Commissioner Vanderlinde to add “aspire” the beginning of Policy H 4.1.4. The motion passed 6-1.
- Commissioners asked for language change to page 5-13.
- A motion was made by Commissioner Loutsis and seconded by Chair Thompson to finalize the housing element for Public Hearing. The motion passed by unanimous consent.

- Land Use Element amendments

Staff asked for the commissioners to approve minor changes to the language for a new urban residential zone for land use classifications.

- A motion was made by Commissioner Loutsis and seconded by Commissioner Matthews to add urban residential zone under implementing zoning district under high density row of the table in policy LU-2.1.2. Motion unanimously adopted.

Commissioners discussed other amendments

- A motion was made by Commissioner Vanderlinde and seconded by Commissioner Torres Mehdipour to amend the Land Use element to add new bullet point to Implementation Strategies. Motion unanimously adopted.
- A motion was made by Commissioner Vanderlinde and seconded by Commissioner Loutsis to finalize the Land Use Element for Public Hearing. Motion unanimously adopted.
- Land Use Plan Map

Commissioners discussed the county wide growth center boundary and suggested that the city reach out to landowners on the subject in the name of transparency.

- A motion was made by Commissioner Banaszynski and seconded by Chair Thompson that the red line would be changed to low density as shown on the Land Use Plan Map (Attachment 4). The motion passed unanimously.
- A motion was made by Commissioner Loutsis and seconded by Commissioner Vanderlinde to adopt the Land Use Plan Map, Attachment 4 as amended. The motion passed 5-2. Commissioner Banaszynski noted objection to this motion.

Staff shared the preliminary date for the Public Hearing, May 17th

8. ADJOURNMENT

Chair Thompson adjourned the meeting at 8:38 p.m.

Planning Commission

Approved by Planning Commission on: _____

**City of Kenmore
Planning Commission Meeting
April 5, 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 7:02 p.m.

2. PUBLIC COMMENTS

No public comments.

3. APPROVAL OF MINUTES

3/15 meeting minutes will be available for approval at the next meeting.

4. AGENDA ITEMS

- “Missing Middle” Zoning Code Amendments

Staff presented the “Missing Middle” Zoning amendments to the Commissioners. Amendments were drafted with direction from the Commissioners as well as concerns from members of the community. Staff also asked for Commissioners

to commit to the Public Hearing meeting date of May 17th, for publication and outreach purposes. Staff suggested sharing the Commissioners' preliminary recommendations for the "Missing Middle" Zoning Amendments by sharing each of the meeting packets. Commissioners had concern with sharing unfinished work on the website, but agreed that if the language was clear and the public was "following along" up until the final preliminary recommendation, adding the information was okay. Commissioners clarified that they would take public feedback seriously at the Public Hearing and will consider public feedback and amendments as appropriate and will not rush to meet a certain deadline.

Commissioners discussed the proposed amendments:

- New Definitions for duplexes and triplexes – Concerned that would lead to rentals vs owner occupancy. Would like a condo option added.
- Timing of the changes. Commissioners noted that although change may happen slowly, it could also happen more rapidly than anticipated.
- Driveway Standards – Commissioners would like to see language on landscape and landscape standards in the driveway setback.
- Additional Policy Choice – Commissioners requested more information on "wings."

Commissioners agreed to move forward with the Public Hearing on May 17.

Commissioner Torres Mehdipour shared her concern with duplex/triplex ownership and the establishment of housing associations due to the discriminatory history of housing associations. Commissioners requested the historical information on discriminatory land use practices.

Staff updated commissioners on the upcoming staff presentation to the DEI Taskforce to let them know what the Planning Commission has been working on for "Missing Middle." Commissioners expressed concern with Council comments on the Planning Commission's preliminary recommendations and concerns with a comment that suggested that the recommendations are reminiscent of redlining.

8. ADJOURNMENT

Chair Thompson adjourned the meeting at 8:52 p.m.

Planning Commission

Approved by Planning Commission on: _____



City Of Kenmore, Washington

Memorandum

Date: April 12, 2022
To: Planning Commission
From: Debbie Bent, Community Development Director
Lauri Anderson, Principal Planner
Regarding: "Missing Middle" Zoning Code Amendments, continued

Revised Zoning Code sections

As you requested on April 5, we have made some minor changes to the draft "Missing Middle" housing regulations. Below is a summary of the two changes. New or revised text (not the complete document) is included as Attachment 1.

- Allow duplex and triplex units to be rental units or sold as individual condominiums.

The revised definitions of duplex, triplex, and townhouse clarify that duplexes and triplexes could be divided into condominiums and sold. We worked with the City Attorney to revise these definitions and the Development Services Department also reviewed the changes.

- Add landscaping standards for the 3' setback area permitted between a driveway and a side property line.

Staff reviewed the various landscape standards in the Zoning Code (see Attachment 2) and concluded that a new standard is needed for this circumstance. Given the width of the landscape strip, the new standard focuses on shrubs rather than trees. Existing rules require preparation of a landscape plan signed by a landscape professional and a financial guarantee to ensure that the plantings survive. In an effort to reduce development costs, staff is not recommending either the formal plan or the financial guarantee. Instead, the plantings would be shown on the site plan and reviewed with the permit. A maintenance requirement also is specified.

Supplemental Zoning Code changes

As we mentioned at the last meeting, there are additional sections of the Zoning Code that need adjustment as a result of the proposed regulations. Mostly, these changes relate to the elimination of the "apartment" definition. The new set of amendments is included as Attachment 3.

Additional information

You also requested additional information on a couple of topics:

18120 68th Ave NE, Kenmore, WA 98028

Office: (425) 398-8900

Fax: (425) 481-3236

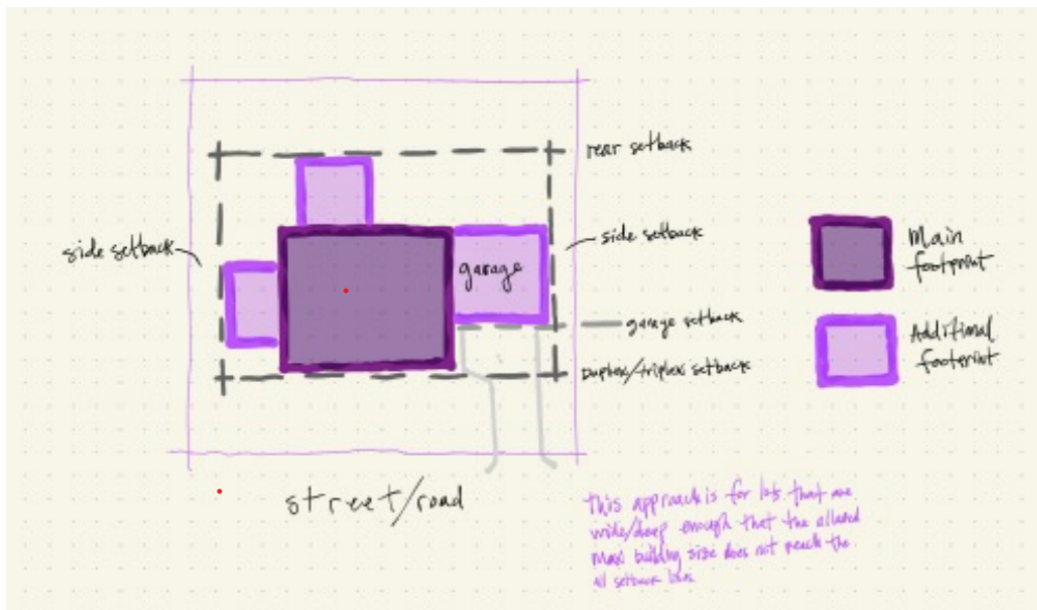
cityhall@kenmorewa.gov

www.kenmorewa.gov

Articulating Building size through Main Body and Wing Approach

As you know, as Opticos prepared the building dimension standards, they suggested an additional approach that could allow a duplex or triplex to take full advantage of a lot without creating a building mass too large for neighborhood compatibility. They term this approach “wings” and have described it as follows:

“Articulating Building Size through Main Body and Wing Approach.” The sketch diagram below illustrates this concept that we’ve been including in our zoning work for 20 years. The approach is intended for lots that are wide and/or deep enough that the building, if allowed to reach the setbacks, will appear too large for its context. By applying maximum “main body” building width and depth dimensions (as you are doing), you can then apply the second part of this through the “wing” part of the approach...”



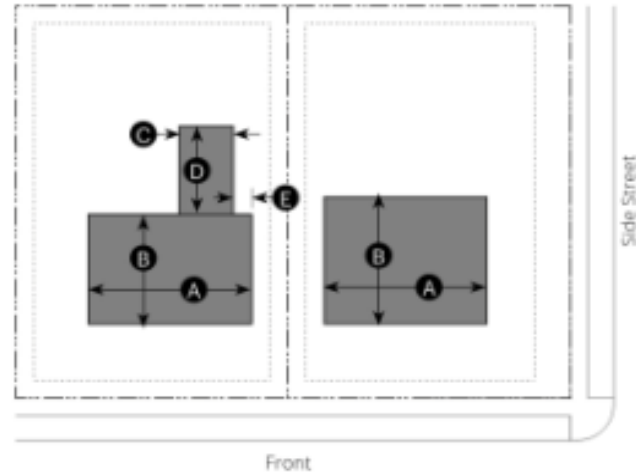
In this diagram, the “wings” are shown as “additional footprint” in lighter purple.

As you requested, we followed up with Opticos to ask about the reason for “wings” and why the idea has proved useful. Here is the response (edited):

... the need will come up when someone says, “Hey, my building isn’t allowed to reach the side setbacks (sometimes the rear) and my side setbacks are going to be larger than required; my lot coverage is too low.” The “wing” approach recognizes that, but limits that additional lot coverage in its footprint and height. So, the applicant gets more lot coverage but in a way that articulates the form differently than if they would have just been allowed more lot coverage.

Opticos provided examples from an adopted code (2021) that uses the “wing” approach. Here are images of those code sections:

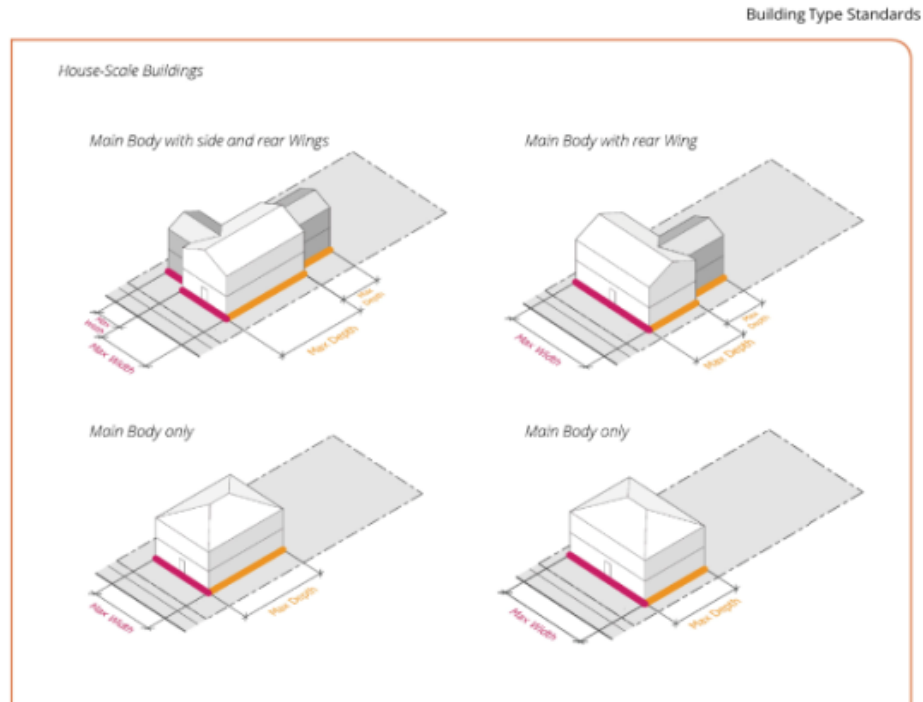
Building Type Standards



Key

--- ROW / Design Site Line ■ Building Type
..... Setback Line

3. Building Size and Massing		
a. Height	T3NG	T4NS
Max. Number of Stories	2.5	2.5
b. Main Body ¹		
Width	50' max.	(A)
Depth ²	50' max.	(B)
c. Wing(s) ¹		
Width	20' max.	(C)
Depth	30' max.	(D)
Separation between wings	15' min.	
Offset from Main Body	5' min.	(E)



If the Planning Commission wishes to pursue this approach, additional standards could be crafted that would dictate building articulation and appropriate “wing” sizes. The ultimate outcome is that duplex and triplex buildings could be larger than the standards the Commission has reviewed to date, but with more articulation.

Inequitable land use practices

Property covenants and “redlining” (discriminatory lending practices) have historically been used to exclude certain people from neighborhoods. Zoning has, to some degree, reinforced this segregation. Attachment 4 is a Powerpoint presentation Debbie made to the Diversity, Equity and Inclusion Task Force on this topic, as well as memo prepared about removing discriminatory covenants.

Attachments

- Attachment 1: Revised “Missing Middle” text
- Attachment 2: Existing landscaping standards
- Attachment 3: Additional Zoning Code sections for amendment
- Attachment 4: Powerpoint presentation and memo prepared by Debbie Bent

“Missing Middle” Zoning Code Amendments Revised Text, 4/19/22

Revised Definitions

A. Duplex. A multiple-family dwelling on a single *lot* designed to look like a *single detached dwelling unit* and containing two *dwelling units*. The two units share a common roof, wall, or floor, although floorplans may vary. Individual units may be side-by-side or stacked one on top of the other.

Both the two dwelling units and the lot are under a single ownership or may be owned through a condominium. A duplex is not a townhouse.

B. Triplex. A multiple-family dwelling on a single lot designed to look like a *single detached dwelling unit* and containing three *dwelling units*. The three units share a common roof, wall, or floor, although floorplans may vary. Individual units may be side-by-side, stacked on top of one another or a combination of side-by-side and stacked. The three *dwelling units* and the *lot* are under a single ownership or may be owned through a condominium. A triplex is not a townhouse.

C. Townhouse. A row of two or more similar or identical attached *dwelling units* in which each unit has its own ground-level access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common walls. Most townhouse units are multi-story. Each *dwelling unit* is independently owned.

Landscaping Screen (Road Standards)

3. For duplexes and triplexes, a driveway may be allowed within 3 feet of any existing side property line if landscaping is provided to screen the driveway from the neighboring property. Landscaping shall minimally consist of a mix of evergreen and deciduous shrubs spaced no more than 6' on center and with an ultimate height of at least 5', along with additional garden plantings spaced to result in total coverage of the majority of the required landscape area within three years. The landscape plan shall be incorporated into the site plan submitted with the permit and the landscaping shall be maintained as specified in KMC 18.35.120. As an alternative, a minimum 6'-tall fence, consistent with the standards in KMC 18.30.040, may be provided.

ZONING CODE AMENDMENTS NEEDED FOR REMOVAL OF “APARTMENT” DEFINITION

18.15.040 Residential zones.

A. The purpose of the residential zones (R and MHC) is to implement comprehensive plan goals and policies for housing quality, diversity and affordability, and to efficiently use residential land, public services and energy. These purposes are accomplished by:

1. Providing, in the R-1 through R-6 zones, for a mix of predominantly *single detached dwelling units*, with a variety of densities and sizes in locations appropriate for residential use;

2. Providing, in the R-6 zone close to transit for a mix of *single detached dwelling units, duplexes, and triplexes*;

23. Providing, in the R-12 through R-48 zones, for a mix of predominantly *apartment and townhouse multiple-family dwelling units*, with a variety of densities and sizes in locations appropriate for residential use;

18.20.830 Dwelling unit, microhousing.

“Microhousing dwelling unit” means an *apartment multiple-family dwelling unit* with a total square footage of less than 320 square feet and a habitable space, as defined in the International Building Code as adopted in the Kenmore Municipal Code, of at least 220 square feet. The room(s) are intended for use solely by the dwelling’s occupant(s), although common kitchen or bath facilities may be provided.

18.20.1375 Hotel.

“Hotel” means a *building* or portion thereof designed or used for transient rental for sleeping purposes. Hotel *structures* are at least two stories in height, with lodging space above the first floor. Lodging space may also be located on the first floor. Individual rooms are typically accessed from a common hallway. A central *kitchen* and dining room and accessory shops and services catering to the general public may be provided. Not included in this definition are *townhouses, apartments multiple-family dwelling units, bed and breakfasts, or motels*.

18.20.1785 Motel.

“Motel” means a *building* or group of detached or connected *buildings* designed or used primarily for providing sleeping accommodations for automobile travelers and typically having a *parking space* adjacent to a sleeping accommodation. This definition excludes *townhouses, apartments multiple-family dwelling units, bed and breakfast guesthouses, and hotels*.

18.21.040 Residential zones R-12, R-18 and R-24 – Use allowances.

35. *Self-service storage* only permitted and only if accessory to an ~~apartmentmultiple - family~~ development of at least 12 units, provided:

- a. The gross floor area in *self-service storage* shall not exceed the total gross floor area of the ~~apartmentmultiple-family~~ dwellings on the site;

18.21.050 Residential zones R-12, R-18, R-24, R-48, and MHC – Development standards.

- ⁷ a. For *developments* consisting of three or more single detached dwellings located on a single parcel, the *setback* shall be 10 feet along any property line abutting R-1 through R-6, except for *structures* in on-site recreation areas required in KMC [18.30.130](#), which shall have a *setback* of five feet.
- b. For ~~townhouse and apartmentmultiple-family~~ development, the *setback* shall be 20 feet along any property line abutting R-1 through R-6, except for *structures* in on-site recreation areas required in KMC [18.30.130](#), which shall have a *setback* of five feet, unless the ~~townhouse or apartmentmultiple-family~~ development is adjacent to property upon which an existing ~~townhouse or apartmentmultiple-family~~ development is located.

18.24.040 Zoning standards.

Specific zone-based development standards for the downtown residential zone in Table B apply to the DR zone as follows:

Table B. Downtown Residential Development Standards

STANDARD	REQUIREMENT
Base Density: <i>Dwelling Units</i> /Gross Acre	48; applies east of 68th Avenue NE
Maximum Density: <i>Dwelling Units</i> /Gross Acre with Density Bonus Incentives	72; density incentives or bonuses not required west of 68th Avenue NE
Minimum Density: <i>Dwelling Units</i> /Net Acre	18 – <i>Townhouse only development</i> 18 – 36 – <i>Townhouse/apartmentother multiple-family combination development</i> 36 – <i>ApartmentMultiple-family development other than townhouses</i>
Minimum Lot Width	<i>Townhouse</i> – 20 ft. <i>ApartmentOther Multiple-Family development</i> – 30 ft.

18.30.130 Recreation space – On-site areas.

A. Single-family detached subdivisions, ~~apartment, townhouse~~*multiple-family development* and *mixed use development* of more than nine units in the R-4 through R-48 and DR zones and standalone ~~apartment or townhouse~~*multiple-family developments* in the NB, UC or DC zone of more than nine units, excluding age restricted *senior citizen* housing, shall provide a common recreational open space area on site, except when facilities are available to the public that meet all of the following requirements:

18.40.030 Computation of required off-street parking spaces.

. . .

E. In any *development* required to provide six or more *parking spaces*, bicycle parking shall be provided. Bicycle parking shall be bike rack or locker-type parking facilities unless otherwise specified.

. . .

5. One indoor bicycle storage space shall be provided for every two *dwelling units* in ~~townhouse and apartment~~*multiple-family* residential uses ~~other than duplexes and triplexes~~, unless individual garages are provided for every unit. The *city manager* may reduce the number of bike rack parking spaces if *indoor storage* facilities are available to all residents.

18.40.110 Off-street parking plan design standards.

. . .

H. Tandem or end-to-end parking is allowed in residential *developments*. ~~Apartment or townhouse~~*Multiple-family* *developments* may have tandem parking areas for each *dwelling unit* but shall not combine parking for separate *dwelling units* in tandem parking areas.

18.40.130 Compact car allowance requirements.

In any *development* containing more than 20 *parking spaces*, up to 50 percent of the total number of spaces may be sized to accommodate compact cars, subject to the following:

A. Each space shall be clearly identified as a compact car space by painting the word "COMPACT" in capital letters, a minimum of eight inches high, on the pavement at the base of the *parking space* and centered between the striping;

B. Aisle widths shall conform to the standards set for standard size cars; and

C. ~~Apartment~~*Multiple-family* *developments* with less than 20 parking spaces may designate up to 40 percent of the required parking spaces as compact spaces.

18.42.090 Residential zone signs.

Signs in the downtown residential, R and MHC zones are limited as follows:

. . .

B. Residential Use.

1. One *sign* not exceeding two square feet is permitted; and
2. One *permanent residential development identification sign* not exceeding 32 square feet is permitted per neighborhood, subdivision, manufactured housing community, ~~apartment/condominium~~ *multiple-family complex development* (but not including a *duplex or triplex*), or other residential area. The maximum height for the *sign* shall be six feet. The *sign* may be freestanding or mounted on a wall, *fence*, or other *structure*.

18.50.060 Attached dwellings and group residences – Applicability.

The standards of KMC [18.50.070](#) and [18.50.080](#) shall apply to all new ~~apartment~~ *multiple-family developments* exceeding four *dwelling units*, ~~new townhouse development~~ and new group residences except Class I *community residential facilities (CRF-I)*. Expansions of existing *development* that involve four or more *dwelling units* shall be subject to compliance with KMC [18.50.070](#) and [18.50.080](#).

18.50.070 Attached dwellings and group residences – Vehicular access and parking location.

Except for *development* located in the downtown commercial or downtown residential zones, or RB-zoned properties that are not subject to P-suffix condition NS-P4 and which lie north of NE 175th Street, which must comply with Chapter [18.52](#) KMC, Downtown Design Standards, the following requirements apply:

- A. On *sites* abutting an *alley* constructed to a width of at least 20 feet, ~~apartment and townhouse~~ *multiple-family development* and all group residences except Class I *community residential facilities (CRF-I)* shall have parking areas placed to the rear of *buildings* with primary vehicular access via the *alley*, except when waived by the *city manager* due to physical *site* limitations.

18.50.080 Attached dwellings and group residences – Building facade modulation.

Except for *development* located in the downtown commercial or downtown residential zones, or RB-zoned properties that are not subject to P-suffix condition NS-P4 and which lie north of NE 175th Street, which must comply with Chapter [18.52](#) KMC, Downtown Design Standards, ~~apartment and townhouse~~ *multiple-family developments*, ~~excluding duplexes and triplexes~~, and all group residences shall provide *building facade modulation* on facades exceeding

60 feet and facing abutting *streets* or properties zoned R-1 through R-6. The following standards shall apply:

. . .

18.50.220 Re-use of facilities – Standards for conversion of historic buildings.

In order to ensure that significant features of the property are protected pursuant to Chapter [2.20](#) KMC, the following standards shall apply to conversion of historic *buildings*:

- A. Gross floor area of *building* additions or new *buildings* required for the conversion shall not exceed 20 percent of the gross floor area of the historic *building*, unless allowed by the zone;
- B. Conversions to ~~apartments~~ **multiple-family dwelling units** shall not exceed one *dwelling unit* for each 3,600 square feet of lot area, unless allowed by the zone; and
- C. Any construction required for the conversion shall require certification of appropriateness from the City landmark commission.

18.80.080 Applicability of development standards.

A. RDI *developments* shall comply with dimensional standards of the zone with a base density most closely comparable to the total approved density of the RDI *development*; provided, that an RDI proposal in the R-4 through R-6 zones shall conform to the height requirements of the underlying zone in which it is located.

B. RDI *developments* in the R-4 through R-6 zones shall be landscaped as follows:

- 1. When 75 percent or more of the units in the RDI *development* consist of ~~townhouses or apartments~~ **multiple-family dwelling units other than duplexes or triplexes**, the *development* shall provide perimeter *landscaping* and *tree* retention in accordance with Chapters [18.35](#) and [18.57](#) KMC ~~for townhouse or apartment projects~~.
- 2. When less than 75 percent of the units in the RDI consist of ~~townhouses or apartments~~ **multiple-family dwelling units other than duplexes or triplexes**, the *development* shall provide *landscaping* and *tree* retention in accordance with Chapters [18.35](#) and [18.57](#) KMC ~~for townhouses or apartments~~ on the portion(s) of the *development* containing such units; provided, that if *buildings* containing such units are more than 100 feet from the *development's* perimeter, the required *landscaping* may be reduced by 50 percent.

18.100.180 Temporary real estate offices.

One temporary real estate office may be located on any new residential *development*; provided, that activities are limited to the initial sale or rental of property or units within the *development*. The office *use* shall be discontinued within one year of recording of a short subdivision of four lots or less

ATTACHMENT 2

or issuance of a final certificate of occupancy for an ~~apartment~~ *multiple-family* development, and within two years of the recording of a formal subdivision or short subdivision of more than four lots.

CHANGES NEEDED TO ADDRESS LOT WIDTH REQUIREMENTS FOR DUPLEXES AND TRIPLEXES

18.30.110 Lot width – Measurement method.

Lot width shall be measured by scaling a circle of the applicable diameter within the boundaries of the *lot*; provided, that an access easement, access tract, access panhandle and building *setbacks* shall not be included within the circle area. See KMC [17.20.120\(C\)](#) for additional standards related to *lot* configuration. See KMC 18.21.030 for lot width measurement methods for duplexes and triplexes in the R-6 Residential zoning district.

EXISTING LANDSCAPING SCREENS (Municipal Code 18.35)

A. Type I *Landscaping* Screen.

1. Type I *landscaping* is a “full screen” that functions as a visual barrier.
2. Type I *landscaping* shall minimally consist of:
 - a. A mix of primarily *evergreen trees* and shrubs generally interspersed throughout the landscape strip and spaced to form a continuous screen;
 - b. Between 70 and 90 percent *evergreen trees*;
 - c. *Trees* provided at the rate of one per 10 linear feet of landscape strip and spaced no more than 30 feet apart on center;
 - d. *Evergreen* shrubs provided at the rate of one per four linear feet of landscape strip and spaced no more than eight feet apart on center; and
 - e. Ground cover pursuant to KMC [18.35.090](#);

. . .

B. Type II *Landscaping* Screen.

1. Type II *landscaping* is a “filtered screen” that functions as a visual separator.
2. Type II *landscaping* shall minimally consist of:
 - a. A mix of *evergreen* and *deciduous trees* and shrubs generally interspersed throughout the landscape strip spaced to create a filtered screen;
 - b. At least 50 percent *deciduous trees* and at least 30 percent *evergreen trees*;
 - c. *Trees* provided at the rate of one per 20 linear feet of landscape strip and spaced no more than 30 feet apart on center;
 - d. Shrubs provided at the rate of one per four linear feet of landscape strip and spaced no more than eight feet apart on center; and
 - e. Ground cover pursuant to KMC [18.35.090](#);

. . .

C. Type III *Landscaping* Screen.

ATTACHMENT 3

1. Type III *landscaping* is a “see-through screen” that functions as a partial visual separator to soften the appearance of parking areas and building elevations.

2. Type III *landscaping* shall minimally consist of:

- a. A mix of *evergreen* and *deciduous trees* generally interspersed throughout the landscape strip and spaced to create a continuous canopy;
- b. At least 70 percent *deciduous trees*;
- c. *Trees* provided at the rate of one per 25 linear feet of landscape strip and spaced no more than 30 feet apart on center;
- d. Shrubs provided at the rate of one per four linear feet of landscape strip and spaced no more than eight feet apart on center; and
- e. Ground cover pursuant to KMC [18.35.090](#).

. . .

CITY OF KENMORE

Housing Regulations

Rob Karlinsey, City Manager

Debbie Bent, Community Development Director



Exclusionary Zoning/Racial Covenants

- **1917:** The Supreme Court ruled exclusionary zoning laws were unconstitutional, so local governments could not continue to enforce housing segregation through exclusionary zoning laws prohibiting the sale of property to racial and ethnic minorities.
- **1926:** The U.S. Supreme Court validated the use of racial deed restrictions (covenants). Agreements between property owners that banned the sale of homes in a neighborhood to certain racial and ethnic minorities. They were an enforceable contract and an owner who violated them risked forfeiting the property.
- **1948:** The U.S. Supreme Court ruled that racial covenants could no longer be enforced by courts. An estimated 50% of housing carried such covenants. It was still legal for realtors and property owners to discriminate based on race.



Racial Covenants

- **1968:** The federal Fair Housing Act banned covenants discriminating based on race, color, religion or national origin and made it illegal to refuse to sell or rent a home to any person in a protected class. The Act did not prescribe how to deal with existing restrictions.
- **1969:** Washington State Law, racial covenants void with no legal effect.
- **2018:** Washington State Law (effective 1/1/19) gave property owners a way to strike covenants from documents affecting the title of their properties. A modification document can be recorded with the county where the property is located.



Racial Covenants

In the King County, Recorder’s Office there is no charge to record the “Restrictive Covenant Modification Document”. There may be a fee to notarize the form. The modification document will refer to the original recorded document that contained the racially restrictive covenant and contain the following statement:

The referenced original written instrument contains discriminatory provisions that are void and unenforceable under [state](#) and federal law. This document strikes from the referenced original instrument all provisions that are void and unenforceable under law.

Recording a modification document provides notice in the land title records that the racially restrictive covenant is void and unenforceable. It will **not** delete the historic record. The modification document legally strikes, but does not physically erase, the void and illegal discriminatory provisions from the original document.



Racial Covenants

Segregated Seattle (<https://depts.washington.edu/civilr/segregated.htm>) part of the Seattle Civil Rights & Labor History Project at the University of Washington has collected segregation maps, photos, documents and newspaper articles that follow the history of segregation in Seattle and King County from 1920 until today. This site also includes research on restrictive covenants from deeds on file in the King County archives.

Racially restrictive covenants found in the northern suburbs (Kenmore, Lake Forest Park and Shoreline). <https://depts.washington.edu/civilr/covenants.htm#north>

In Kenmore the Arrowhead Point subdivision covering 51 parcels includes a restriction that states “None other than persons of the Caucasian race may live upon or hold title to land in this plat”.

In Kenmore The Northlake Terrace Subdivision covering 250 parcels includes a restriction that states “neither the said premises nor any house, building or improvement thereon erected shall at any time be occupied by persons of the Ethiopian race, or by Japanese or Chinese or any other Asiatic or Malay race, save and except as domestic servants in the employ of persons not coming within this restriction”.



Redlining: Housing Discrimination

- **1934** the Federal Housing Administration (FHA) was created as part of the New Deal to restore the housing market. The FHA insisted that the properties they insured use restrictive covenants.
- The Home Owner’s Loan Coalition (HOLC), a federally funded program to help homeowners refinance their mortgages introduced “redlining” policies in over 200 cities.
- The government used “Residential Security Maps” to decide which neighborhoods would make secure investments and which should be off-limits for issuing mortgages. Green and blue neighborhoods, usually had majority-White populations and were considered good investments and easy to get a loan. Yellow neighborhoods were considered “risky” and red areas (those with the highest percentage racial and ethnic minority residents) were ineligible for FHA backing.



Redlining: Housing Discrimination

- The Fair Housing Act of 1968, explicitly prohibited racial discrimination, and legally sanctioned redlining policies like those used by the FHA.
- The impact of redlining goes beyond the individual families who were denied loans based on the racial composition of their neighborhoods. Many neighborhoods that were labeled “Yellow” or “Red” by the HOLC back in the 1930s are still underdeveloped and underserved compared to nearby “Green” and “Blue” neighborhoods with largely White populations.



Zoning Laws

1926: The Supreme Court decision on *Euclid v. Ambler Realty*. Ruling in favor of Euclid

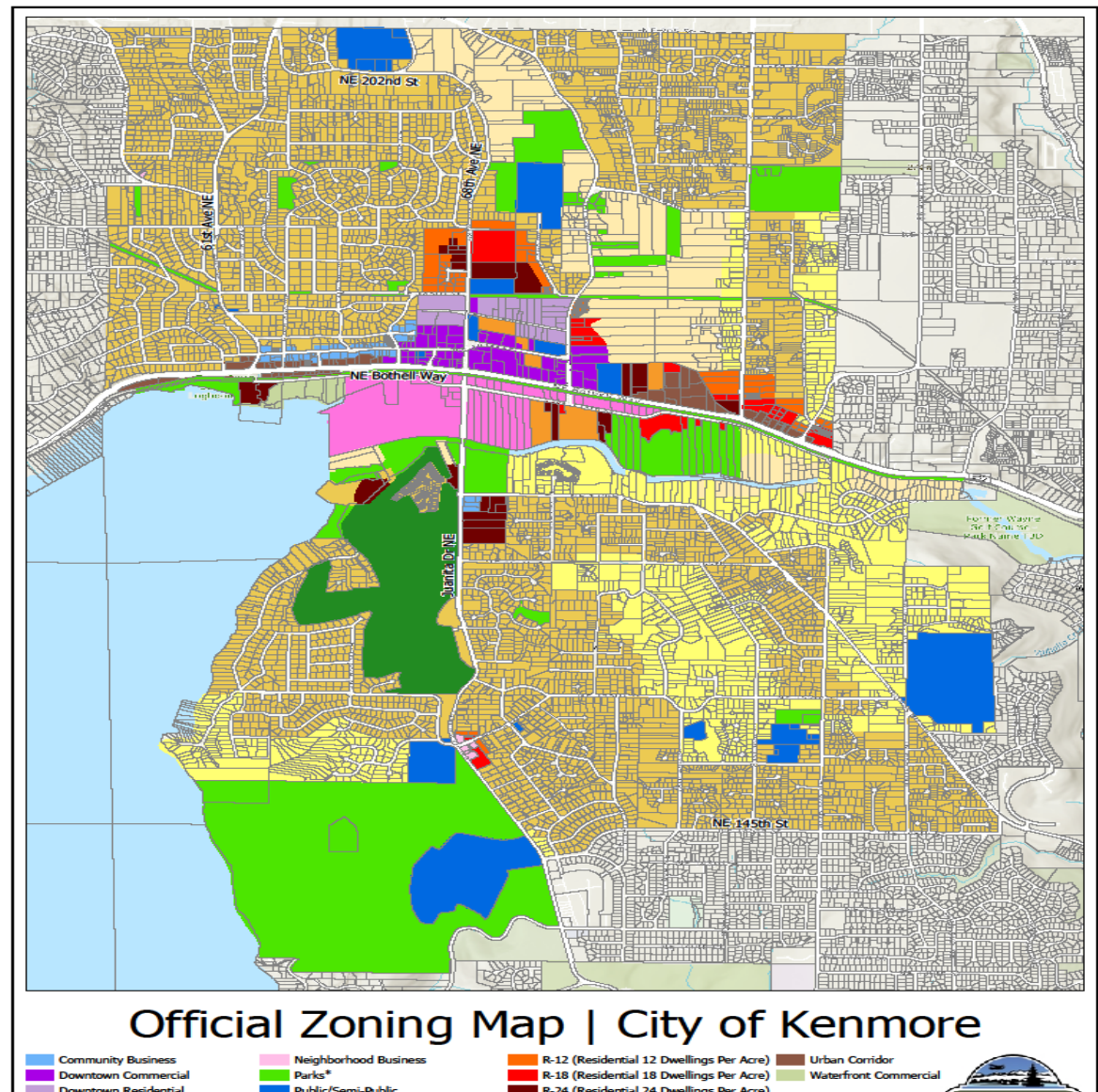
Euclid, Ohio, a rural suburb of Cleveland. Euclid’s zoning set aside large areas for low-density single-family homes. Minimal land was available for either industry or apartments. The law said nothing about race or immigrants and was purportedly all about maintaining Euclid’s rural character from the nuisance of industry and multi-family housing. Ambler Realty Company owned 78 acres of property and wanted to use it for industrial development.

While mandated discriminatory lending, restrictive covenants and redlining ended, large-lot single-family zoning has gone mostly unchallenged. Single-family “exclusionary” zoning keeps most renters and low-income individuals (often people of color) out of a neighborhood.



Zoning Map

- Yellows: Single-family (R1, R4, R6)
- Pink, purples, light blue
Oranges, red, browns:
Commercial/higher density residential
- Greens: Parks/open space (light),
golf course (dark)
- Dark blue: Public facilities (schools, city
hall, park and ride)



Missing Middle Housing

“Missing Middle” housing refers to housing types such as duplexes, triplexes, and cottage housing that offer alternatives to apartment living while providing numerous benefits including:

- Providing more inclusive neighborhoods, fighting systemic racism, and reducing barriers to those who wish to live or stay in Kenmore
- Providing more attainable housing and providing more housing choices in the gap between single family homes and apartment buildings
- Adding a better mix and flexibility of housing types to meet ever changing demographic and generational needs
- Creating more housing choices for middle income workers, such as schoolteachers, first responders, tradespeople, and more.



Missing Middle Housing: Kenmore

The Planning Commission are working on “draft” policies and regulations for Missing Middle housing. A Public Hearing is scheduled in May and a recommendation to Council in June.

The Planning Commission are recommending an incremental implementation approach:

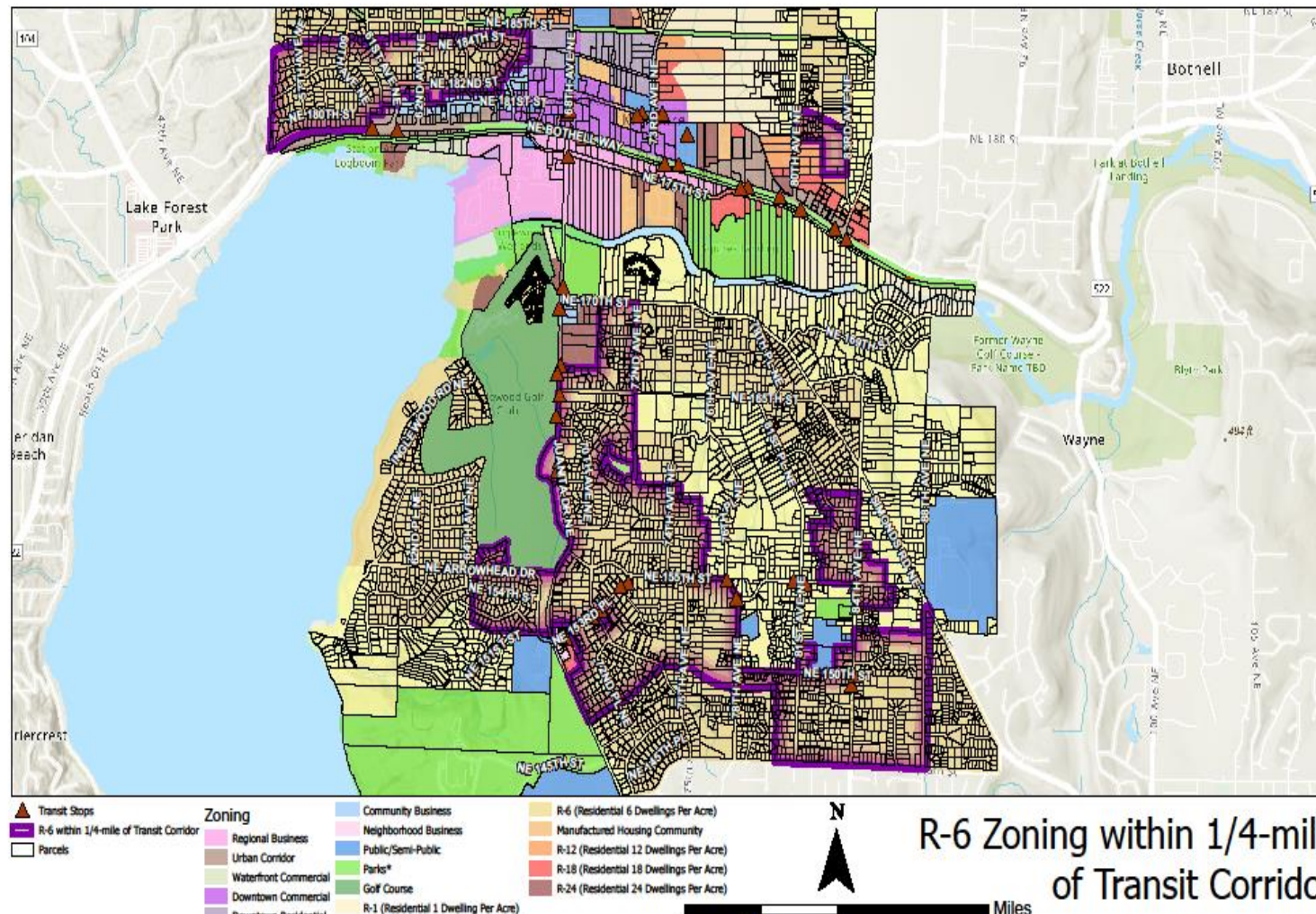
- Allow duplexes and triplexes in the R6 zones around access to transit (1/4 mile)
- Exclude R1 and R4 zones as they are zoned lower density due to presence of critical areas (wetlands/streams/steep slopes)
- The draft housing element of the comprehensive plan includes a future implementation measure: “Continue to consider opportunities to expand locations for medium density residential housing types, such as duplexes, triplexes, cottage housing, and size-restricted houses on smaller lots”.



Missing Middle Housing Proposal

Duplexes & Triplexes
Allowed within the purple
Boundary

R6 zone within ¼ mile of
transit



Missing Middle Housing

Questions?





City Of Kenmore, Washington

Memorandum

Date: 7/13/21
To: Rob Karlinsey, City Manager
From: Debbie Bent, Community Development Director
Subject: Removal of Racially Restrictive Covenants

Summary: The purpose of this memo is to provide background information about racially restrictive covenants recorded on property deeds. These covenants included restrictions and often excluded people from specific races, national origins, ethnic backgrounds, and certain religions from legally purchasing or occupying properties. These covenants are not legal or enforceable.

In 2018, Washington State amended its law (effective 1/1/19) against discrimination to provide property owners a way to legally strike racially restrictive covenants from documents affecting the title of their properties. If your property had a racially restrictive covenant recorded in the past, you can now record a modification document with the county where your property is located.

You do not need to file a modification document to protect your property rights as racially restrictive covenants have been **void** in Washington since 1969. The attempt to enforce such a covenant against your property would be a violation of state and federal law. Your rights are protected by existing law and **do not require** that you record a modification document.

In King County, the Recorder's Office has step-by-step instructions for preparing and recording a "Restrictive Covenant Modification Document" and online forms for both individuals and non-individuals. There is no charge to record the document, but there may be a fee to have the form notarized. <https://kingcounty.gov/depts/records-licensing/recorders-office/restrictive-covenant-modification.aspx>.

Filing a modification document with the King County Recorder's Office, the modification document will refer to the original recorded document that contained the racially restrictive covenant and contain the following statement required by law:

The referenced original written instrument contains discriminatory provisions that are void and unenforceable under [state law](#) and federal law. This document strikes from the referenced original instrument all provisions that are void and unenforceable under law.

Recording a modification document will provide notice in the land title records that the racially restrictive covenant is void and unenforceable. It will **not** delete the historic record. The modification document legally strikes, but does not physically erase, the void and illegal discriminatory provisions from the original document.

Background: Racially restrictive covenants are no longer legal or enforceable. Racial deed restrictions became common after 1926 when the U.S. Supreme Court validated their use. The

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City Of Kenmore, Washington

Memorandum

restrictions were an enforceable contract agreement between buyers and sellers of property that ran with the land and an owner who violated them risked forfeiting the property.

In 1948, the U.S. Supreme Court changed its mind (*Shelley v Kramer*), ruling that racial restrictions could no longer be enforced. It was estimated at that time that more than half of all residential housing built in the country carried deeds with such covenants. However, the decision did not alter the other structures of segregation as realtors and property owners could still discriminate based on race.

Although the Supreme Court decision invalidated racially restrictive covenants from being enforced, it was not until the passage of the federal Fair Housing Act in 1968 that writing these restrictions into deeds became illegal and banned covenants discriminating based on race, color, religion, or national origin. The 1968 law also made it illegal to refuse to sell or rent a home to any person who was included in a protected class. The Fair Housing Act did not however prescribe methods of how to deal with existing restrictions.

A Washington state law (RCW 49.60.224) passed in 1969 rendered racially restricted covenants as void, meaning that they have no legal effect. That law says that it is an unfair practice to attempt to honor a racially restrictive covenant in the chain of title. The chain of title includes all the recorded documents that affect title to a property, back to the original conveyance by the United States.

In 2018, Washington State amended its law (effective 1/1/19) against discrimination to provide property owners a way to strike racially restrictive covenants from documents affecting the title of their properties. If your property had a racially restrictive covenant recorded in the past, you can now record a modification document with the county where your property is located.

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Here is the link to racially restrictive covenants found in the northern suburbs (Kenmore, Lake Forest Park and Shoreline). <https://depts.washington.edu/civilr/covenants.htm#north>
This site finds that in Kenmore the Arrowhead Point subdivision covering 51 parcels includes a restriction that states "None other than persons of the Caucasian race may live upon or hold title to land in this plat". The Northlake Terrace Subdivision covering 250 parcels includes a restriction that states "neither the said premises nor any house, building or improvement thereon erected shall at any time be occupied by persons of the Ethiopian race, or by Japanese or Chinese or any other Asiatic or Malay race, save and except as domestic servants in the employ of persons not coming within this restriction".

Two sources can help determine if a racially restrictive covenant is related to your property. The first source is the land title records maintained by the King County Recorder's Office. These records are public, so you can search them for free. Fees are charged for copies. The second source is your owner's title insurance policy, which is typically issued at the same time the property is purchased.

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City Of Kenmore, Washington

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A title insurance policy identifies documents appearing in the public records that affect title to the property. Your policy may reference deeds recorded decades ago, or covenant documents affecting an entire subdivision. You may be able to request copies from the title company that issued your title policy, although a fee may be charged. You may also use the recording information in your title policy to get copies from the Recorder's Office.

As also noted earlier in the memo, in King County, the Recorder's Office has step-by-step instructions for preparing and recording a "Restrictive Covenant Modification Document" and online forms for both individuals and non-individuals. There is no charge to record the document, but there may be a fee to have the form notarized. <https://kingcounty.gov/depts/records-licensing/records-office/restrictive-covenant-modification.aspx>.

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City Of Kenmore, Washington

Memorandum

Date: April 12, 2022

To: Planning Commission

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

Regarding: Zoning Map Amendments

Attached for your review (Attachment 1) is the revised Zoning Map, changing the designation of the Public Works Facility site from Residential to Public/Semi-Public. This change matches the adjustments made with the Comprehensive Plan Land Use Map.

Other minor amendments to the map reflect new Park designations and a change to R-1, Residential (low density) for two tracts on the east side of 73rd Avenue NE that are reserved for permanent environmental protection.

Staff recommends that you preliminarily approve the revised Zoning Map so that it can be addressed during the May 17 public hearing. For your reference, the current Zoning Map is provided as Attachment 2.

Attachments

Attachment 1: Revised Zoning Map
Attachment 2: Current Zoning Map

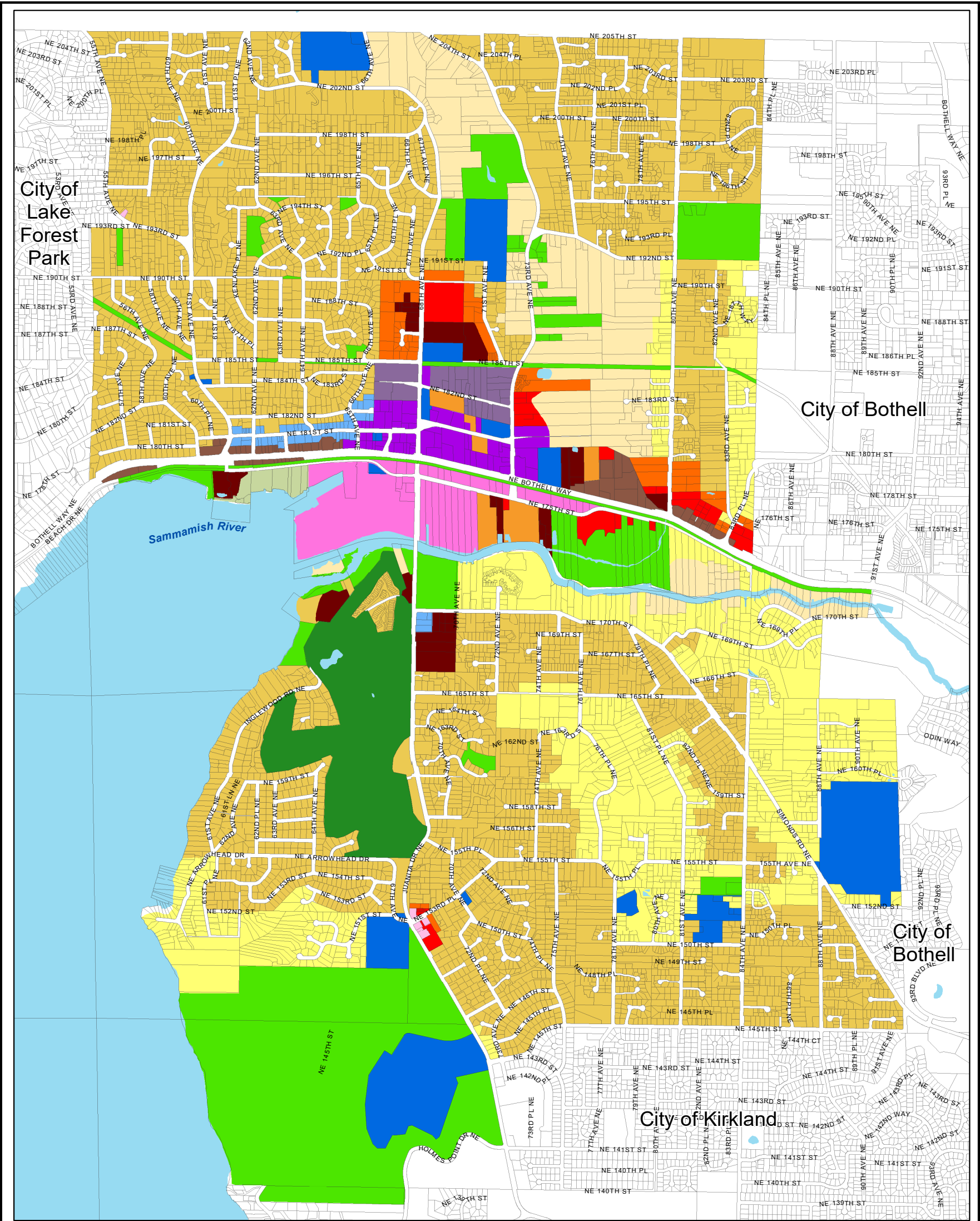
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Official Zoning Map | City of Kenmore

- | | | | |
|-----------------------|-----------------------|--|--|
| Regional Business | Downtown Residential | Parks* | R-6 (Residential 6 Dwellings Per Acre) |
| Urban Corridor | Community Business | Golf Course | Manufactured Housing Community |
| Waterfront Commercial | Neighborhood Business | R-1 (Residential 1 Dwelling Per Acre) | R-12 (Residential 12 Dwellings Per Acre) |
| Downtown Commercial | Public/Semi-Public | R-4 (Residential 4 Dwellings Per Acre) | R-18 (Residential 18 Dwellings Per Acre) |
| | | | R-24 (Residential 24 Dwellings Per Acre) |

* Portions of the Burke-Gilman Trail & Tolt Pipeline occur in rights-of-way and not as separate parcels. However, these facilities are considered to be Parks along their full length.

Map Date: March 2019



This map is intended for planning purposes only and is not guaranteed to show accurate measurements.

