City of Kenmore

City of Kenmore - 18120 68th Avenue NE - P.O. Box 82607 - Kenmore, WA 98028
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City of Kenmore
Planning Commission Meeting Agenda

Tuesday, May 7, 2019 @ 7:00 p.m.
Kenmore City Hall
18120 68th Ave. NE, Kenmore, WA 98028

If you have any questions or to confirm agenda items prior to the meeting, or if you require special accommodations, please call Bridgit Baker at 425-398-8900. You may also stop by City Hall at 18120 68th Avenue NE, Kenmore. Planning Commission agendas are also available on our website at www.kenmorewa.gov.

1. **CALL TO ORDER**

2. **CITIZEN COMMENTS**

3. **APPROVAL OF MINUTES**

4. **AGENDA ITEMS**

   Critical Areas and Shoreline Master Program Amendments Memo
   Attachment 1 - Recommended Wetland Buffer Enhancements Amendments
   Preliminary Docket Schedule and Manufactured Housing Communities Phase 2 Introduction Memo
   Attachment 1 - 2019 Preliminary Docket Schedule
   Attachment 2 - Resolution 19-319 regarding Manufactured Housing Communities
   Attachment 3 - Ordinance 19-0481 MHC Code Amendments
   Attachment 4 - Example Draft MHC Zoning Amendments
   Attachment 5 - MHC affordability information
   Attachment 6 - 2018 Redevelopment Analysis

5. **ADJOURNMENT**

6. **UPCOMING MEETINGS:**
   May 13, 2019, 7:00 p.m. - Joint meeting with City Council
   May 21, 2019 7:00 p.m.

18120 68TH AVENUE NE
KENMORE, WASHINGTON 98028

MEMO

TO: Planning Commission

FROM: Debbie Bent, Community Development Director DA
Lauri Anderson, Principal Planner LWA

DATE: May 1, 2019

SUBJECT: Critical Areas and Shoreline Master Program Amendments

The joint meeting with the City Council to present the Planning Commission's recommendations on the critical areas and Shoreline Master Program amendments has been scheduled for May 13. The agenda packet will be available on May 3 here:

https://kenmore.civicweb.net/filepro/documents/898.

On May 7, the Commission should discuss roles at the joint meeting. Typically, staff would give an overview and then turn to Commissioners to provide additional context for the recommendations. In the past, Commissioners have spoken to the more controversial amendments, to public involvement in the discussion, and to difficult policy issues.

Additional CAR amendment

Also on May 7, staff will present one additional set of wetland regulation amendments. Although the Department of Ecology did not call out this concern explicitly, staff noted that the Department had recommended reduced standard wetland buffers in their latest communication—in some cases substantially. The Planning Commission adopted these buffer reductions on April 16.

Further reading of Ecology's most recent best available science guidance indicates that these reduced buffers assume a well-vegetated natural buffer—not a degraded buffer – and require that the buffer be either restored or widened if degraded. Considering how and whether to implement this expectation, staff reviewed regulations in surrounding communities. Staff found that other cities include a requirement for degraded buffer enhancement. For this reason, staff is recommending one additional set of changes to the proposed regulations. The recommended amendments are provided in Attachment 1.

In some ways, this proposed approach is the reverse of the current "wetland buffer reduction with enhancement" approach rejected by Ecology. Now, reduced buffer widths apply, but enhancement of degraded buffers is assumed and without that enhancement, the buffer widths are increased. These amendments also address an issue that surfaced when responding to a

Planning Commissioner question about how or if buffer conditions within the City would be improved. Without these amendments, restoration of degraded buffers would only occur through voluntary property owner actions or as a requirement of a critical areas variance.

Staff will review this concept at your meeting and, if the Planning Commission endorses the amendments, staff will present them to the City Council after the May 13 joint meeting.

Attachments
Attachment 1: Recommended wetland buffer enhancement amendments

18.20.665 Degraded wetland buffer or degraded wetland.

"Degraded wetland buffer" or "degraded wetland" means a *wetland* or *buffer* area which ~~cannot adequately protect its adjacent *wetland* due to~~ meets one or more of the following existing conditions:

A. Lack of vegetative cover or presence of bare soils (resulting from disturbance, fill, debris, or trash);

B. Significant cover (over 50 percent) in non*native vegetation*;

C. Significant cover (over 50 percent) in invasive species or *noxious weeds*;

D. Presence of existing nonconforming *structures* or improvements that impair ecological functions, including hydrology, water quality, and fish or wildlife habitat.

18.55.300 Designation and rating of wetlands.

* * *

C.4 Increased *Wetland Buffer* Widths. The *city manager* shall require increased *buffer* widths in accordance with the recommendations of a *qualified professional biologist* and the *best available science* on a case-by-case basis when a larger *buffer* is necessary to protect *wetland functions and values* based on *site*-specific characteristics. This determination shall be based on one or more of the following criteria:

a. A larger *buffer* is needed to protect other *critical areas* or their functions;

b. The *buffer* has a slope greater than 30 percent or is susceptible to *erosion* and standard *erosion*-control measures will not prevent adverse impacts to the *wetland*. In such cases, the *buffer* shall be increased to include the slope or the standard *buffer* shall be drawn from the top of the slope, whichever provides greater protection.

c. A *degraded wetland buffer* is present. In this case, the standard *buffer* shall be increased by 33 percent unless new net *impervious surface* equals or is less than 500 square feet or a *buffer enhancement* plan is provided meeting all of the following criteria:

(1) The *buffer enhancement* plan shall be prepared by a *qualified professional* and the *applicant* shall fund a review of the plan by the *City*'s wetland consultant. Enhancements shall include revegetation with native species appropriate for the site, and may also include installation of special habitat features, such as snags, downed wood, bat boxes, or other

wildlife habitats. The *buffer enhancement* plan shall meet the requirements for a mitigation plan as described in KMC Section 18.55.220, including five years of maintenance and monitoring consistent with KMC Section 18.55.280.

(2) The *degraded wetland buffer* shall be enhanced at a 1:1 ratio relative to the total net new *impervious surface* on the *site*, up to the total on-site square footage of *degraded wetland buffer* outside of any legal *nonconformances*. When the available *degraded wetland buffer* area is exceeded by the new net *impervious surface* area, the equivalent area of *degraded wetland* shall be enhanced, if present on the *site*.

(3) If the total new net *impervious surface* area on the *site* exceeds the area of *degraded wetland buffer* outside of any legal *nonconformances* and degraded *wetland*, the applicant should consider opportunities to convert areas of legal *nonconformances* to enhanced *buffer*.

18120 68TH AVENUE NE PO BOX 82607
KENMORE, WASHINGTON 98028

MEMO

TO: Planning Commission

FROM: Debbie Bent, Community Development Director DB.
Lauri Anderson, Principal Planner LWA

DATE: May 1, 2019

SUBJECT: 2019 Preliminary Docket Schedule and Introduction to Phase 2 of the Manufactured Housing Communities Project

Attached for your review is a preliminary schedule for the 2019 docket projects (see Attachment 1). Review of the PROS plan will continue for most of the year. We expect to tackle accessory dwelling units (ADUs) and incentives to office development beginning next fall.

A new, yet familiar, project directed to you by Council resolution on April 15 (see Attachment 2) is to develop Comprehensive Plan and zoning recommendations on future land use changes for the four manufactured housing communities (MHCs) north of SR-522. These zoning changes would be approved by the City Council this year but would automatically go into effect in 10 years. We anticipate a fast turnaround on this project, given most of the Commission's familiarity with the issues. Ideally, the Commission's recommendations would be presented to the City Council before their August recess.

An introduction to Phase 2 of the MHC project is provided below.

Phase 2 of the MHC project

On April 15, 2019, the Council adopted Ordinance 19-0481 making zoning changes to preserve the City's six existing MHCs (see Attachment 3). The companion Council resolution endorses an option that the Planning Commission recommended in 2018 but is targeted for 10 years into the future (2029). That option was to rezone the MHC properties for greater density, while requiring new development to include affordable housing units.

As an example for the City Council when discussing this issue, staff prepared some preliminary draft Code amendments (see Attachment 4). This attachment provides a flavor of what the amendments might look like, although changes are expected.

Policy questions considered by staff when preparing this example require Planning Commission direction. Those questions include:

1. Should the number of affordable units provided through redevelopment match the number of existing units in the MHCs? Units in the MHCs are as follows:

Lake Terrace (7000 NE 181st Street)	11
Unnamed (7021 NE 181st Street)	20
Kenmore Village (7614 NE Bothell Way)	27
Lakewood (6837 NE 182nd Street)	63

2. Is there a maximum density that should be considered? Currently, the City's highest densities are in the optional Transit-Oriented Development District (TOD) at 150 dwelling units per acre. Existing densities in the MHCs are as follows:

Lake Terrace (7000 NE 181st Street)	12 dwelling units per acre (formerly 48)
Unnamed (7021 NE 181st Street)	12 dwelling units per acre (formerly 48)
Kenmore Village (7614 NE Bothell Way)	12 dwelling units per acre (formerly 24)
Lakewood (6837 NE 182nd Street)	12 dwelling units per acre (formerly 48)

3. What level of affordability should be targeted? Attachment 5 presents general information on affordability in the existing MHCs. Staff recommends that the Planning Commission also consider future affordability levels based on Countywide need. In 2015, 3% of total housing units in Kenmore were affordable at very low-income (30% or less of median income), 13% at low-income (30-50% of median) and 15% at moderate income (50-80% of median). This compares with the most recent estimated Countywide need at 13% for very-low-income, 12% for low-income, and 15% at moderate income.

Mike Stanger, with ARCH, will be available at your next meeting on May 21 to discuss redevelopment scenarios and the tradeoff between increased density and the number and affordability level of units that could be achieved in an economically feasible redevelopment project. Attachment 6 includes some preliminary work Arthur Sullivan with ARCH did on the redevelopment scenario last year.

The Comprehensive Plan also will need amendment to explain and provide justification for the phased zoning.

Attachments
Attachment 1: Preliminary docket schedule
Attachment 2: Resolution 19-319 regarding the manufactured housing communities
Attachment 3: Ordinance 19-0481
Attachment 4: Example draft code amendments
Attachment 5: MHC affordability information
Attachment 6: 2018 redevelopment scenario

Preliminary 2019 Planning Commission Work Program Timelines

(updated 4/25/19)

Meetings and Key Dates	Critical Areas and Shoreline Master Program	Housing Strategy Plan: manufactured housing communities upzoning	Parks, Recreation and Open Space (PROS) Plan	Housing Strategy Plan: ADUs	Economic Development Strategy: office incentives
May 7	Discuss Council presentation	Introduce project			
May 13 – City Council	Joint meeting with City Council				
May 21		Review financial analysis and preliminary recommendations			
June 4		Finalize preliminary recommendations			
June 18			Review of draft Comprehensive Plan goals, objectives and policies, and maps		
July 2		Public hearing and final recommendations			

July 16			Review updated Capital Facilities Plan		
July 22 – City Council		Present recommendations to City Council			
August 6			Community Outreach		
August 20					
September 3			Review final draft Element for public hearing	Introduce project	
September 17			Public hearing	Discuss policy options and recommendations	
October 1			Finalize recommendation	Make preliminary recommendations	
October 15					Introduce project
October 21 – City Council			Joint meeting with Council		
November 5				Public hearing and final recommendations	Discuss policy options and recommendations

November 18 – City Council		Adopt Comprehensive Plan and Zoning Code amendments	Adopt Comprehensive Plan amendments		
November 19					Continue discussion
December 3					Continue discussion
December 17					
Early 2020				Joint meeting with Council	Recommendations and public hearing

CITY OF KENMORE
WASHINGTON
RESOLUTION NO. 19-319

A RESOLUTION OF THE CITY COUNCIL OF KENMORE, WASHINGTON, RELATING TO FUTURE ZONING OF FOUR OF THE CITY'S EXISTING MANUFACTURED HOUSING COMMUNITIES.

WHEREAS, on April 15, 2019, the City Council adopted new Manufactured Housing Community (MHC) zoning through Ordinance 19-0481 and applied the MHC zoning designation to the City's existing manufactured housing communities; and

WHEREAS, the MHC zoning established in Ordinance 19-0481 was based on thorough examination and frequent public engagement by the City Council and the Planning Commission on the need to preserve affordable housing in the City while also respecting the property rights of property owners. A comparable zoning scheme implemented by the City of Tumwater was expressly authorized by the Ninth Circuit Court of Appeals in *Laurel Park Community, LLC v. City of Tumwater*, 698 F.3d 1180 (9th Cir. 2012); and

WHEREAS, the Kenmore Comprehensive Plan contemplates future growth in the Downtown area north of SR-522, which includes four existing manufactured housing communities zoned MHC, and provides for possible future rezones based on increased density needs: "The existing manufactured housing communities in the Downtown provide higher density single-family housing that is more affordable for seniors and lower-income residents. Some of the communities may be appropriate for long-term preservation; others may not be compatible with the future Downtown vision, particularly as high capacity transit comes to the City," and

WHEREAS, the City Council desires that the Planning Commission develop recommendations on Comprehensive Plan amendments and Municipal Code amendments that would codify a future rezone of the four existing manufactured housing communities in the Downtown area north of SR-522, due to the projected growth and need for additional affordable housing in those areas; and

WHEREAS, the Planning Commission previously considered similar future rezones with affordability requirements as an option for the manufactured housing communities during their deliberations on the project in 2018;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON, DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Findings Adopted. The City Council adopts the foregoing recitals as findings, which are incorporated herein as if set forth in full.

Section 2. Planning Commission Consideration and Recommendations. The City Council desires that the Planning Commission consider and make recommendations on Comprehensive Plan and Municipal Code amendments related to future rezones, with increased density and affordability requirements, for the four existing manufactured housing communities north of SR-522. Affordability levels down to 35% of median income should be considered.

Section 3. Effective Date. This resolution shall be directed to the Planning Commission and shall take effect and be in force immediately.

PASSED BY THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON, AT A REGULAR MEETING THEREOF THIS 1ST DAY OF April, 2019.

CITY OF KENMORE

David Baker, Mayor

ATTEST/AUTHENTICATED:

Kelly Chelin, City Clerk

Approved as to form:

Rod P. Kaseguma, City Attorney

CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 19-0481

AN ORDINANCE OF THE CITY OF KENMORE, WASHINGTON, RELATING TO THE CITY'S MANUFACTURED HOUSING COMMUNITIES; AMENDING CHAPTERS 18.15, 18.20, 18.21, 18.22, 18.23, 18.24, 18.25, 18.25A, 18.25B, 18.26, 18.29, 18.30, 18.35, 18.40, 18.42, 18.45, 18.50, 18.60, 18.77, 18.80, AND 19.25 OF THE KENMORE MUNICIPAL CODE; AMENDING THE ZONING MAP; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, over the past year and a half, the City's Planning Commission has reviewed and recommended options related to the preservation of existing mobile home parks, consistent with the City's Housing Strategy Plan and RCW 36.70A.070(2)(c) which requires that sufficient land be available for all types of housing including manufactured housing; and

WHEREAS, on July 9, 2018, the Planning Commission presented recommended options to the City Council related to preservation of existing mobile home parks; and

WHEREAS, on July 9, July 16, July 23, and September 17, 2018 the City Council reviewed the Planning Commission's recommendations, received additional background information, and requested the formulation of new policy options; and

WHEREAS, on September 17, 2018, the City Council requested that amendments be prepared for consideration that would preserve the existing mobile home parks and plan for future growth and housing affordability needs in the City; and

WHEREAS, on October 16, the Planning Commission reviewed Comprehensive Plan amendments to the Land Use Element, including the Land Use Plan Map, the Downtown Sub-Element, and the Housing Element to support preservation of existing mobile home parks; and

WHEREAS, throughout the mobile home park project, a concerted effort has been made to generate public involvement, including holding public open houses; advertising public meetings; providing an interpreter; and creating comprehensive and regularly-updated web pages; and

WHEREAS, the Planning Commission held a public hearing on the related Comprehensive Plan amendments on November 6, 2018; and

WHEREAS, on November 19, 2018, the Planning Commission's recommendations for the proposed Comprehensive Plan amendments were presented to the City Council, and

WHEREAS, the City Council adopted the Comprehensive Plan amendments on November 26, 2018, which created the Manufactured Housing Community (MHC) land use district and

assigned the MHC designation to existing manufactured housing communities within the City proposed for long-term preservation; and

WHEREAS, on March 11, 2019, the City Council reviewed Municipal Code amendments to codify the MHC zoning designation in the zoning code and to rezone the existing manufactured housing communities to the MHC zoning designation; and

WHEREAS, the City's Responsible Official under the State Environmental Policy Act has issued a determination of non-significance for the proposal; and

WHEREAS, the Washington State Department of Commerce was notified of the proposed amendments pursuant to RCW 36.70A.106; and

WHEREAS, the City Council held a public hearing on the Municipal Code amendments on March 25, 2019; and

WHEREAS, the City Council finds that the proposed amendments meet the criteria found in KMC Section 19.20.090; and

WHEREAS, in *Laurel Park Community, LLC v. City of Tumwater*, 698 F.3d 1180 (9th Cir. 2012) the Ninth Circuit Court of Appeals held that Tumwater could similarly preserve existing mobile home parks by rezoning the properties as "Manufactured Home Parks" with permissible land uses consistent with the operation of a mobile home park because the city had a valid public interest in preserving affordable housing and the rezone did not infringe upon the park owners' property rights, was not an unconstitutional taking of property without just compensation, and was not unlawful spot zoning. The Court held:

- "As a general rule, zoning laws do not constitute a taking, even though they affect real property interests: This Court has upheld land-use regulations that destroy or adversely affect recognized real property interests. Zoning laws are, of course, the classic example, which have been viewed as permissible government action even when prohibiting the most beneficial use of the property."

- "... the submission that [the mobile home park property owners] may establish a 'taking' simply by showing that they have been denied the ability to exploit a property interest that they heretofore had believed was available for development is quite simply untenable ... [the owners] retain the ability to continue operating the properties as manufactured home parks. So the law does not interfere with what must be regarded as [the owners'] primary expectation concerning the use of the parcel."

- "The [zoning] ordinances restrict to some extent the owners' ability to *use* their properties, because they can no longer build multi-family housing, for example. But imposing *use* restrictions on property – as distinct from restrictions on alienation – is the essence of zoning." And;

WHEREAS, the City Council desires to adopt the amendments to address preservation of existing mobile home parks;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Findings Adopted. The City Council adopts the foregoing recitals as findings, which are incorporated herein as if set forth in full.

Section 2. Amendments to the Kenmore Municipal Code. The City Council amends Chapters 18.15, 18.20, 18.21, 18.22, 18.23, 18.24, 18.25, 18.25A, 18.25B, 18.26, 18.29, 18.30, 18.35, 18.40, 18.42, 18.45, 18.50, 18.60, 18.77, 18.80, and 19.25 of the Kenmore Municipal Code, as set forth in Exhibit A, attached hereto and incorporated by reference.

Section 3. Amendments to the Zoning Map. The City Council amends the Zoning Map, as set forth in Exhibit B, attached hereto and incorporated by reference.

Section 4. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 15TH DAY OF APRIL, 2019.

CITY OF KENMORE

David Baker, Mayor

ATTEST/AUTHENTICATED:

Kelly Chelin, City Clerk

Approved as to form:

Rod P. Kaseguma, City Attorney

Filed with the City Clerk: 4/15/19
Passed by the City Council: 4/15/19
Ordinance No.: 2019-0481
Date of Publication: 4/18/19
Effective Date: 4/23/19

Exhibit A

PROPOSED ZONING CODE CHANGES

CREATE THE "MANUFACTURED HOUSING COMMUNITY" ZONING DISTRICT:

- Amend Chapter 18.15 Zones, Maps and Designations

18.15.010 Zones and map designations established.

In order to accomplish the purposes of this title, the following zoning designations and zoning map symbols are established:

ZONING DESIGNATIONS	MAP SYMBOL
Residential	R (base density in dwellings per acre)
Manufactured Housing Community	MHC
Neighborhood Business	NB
Community Business	CB
Downtown Residential	DR
Downtown Commercial	DC
Urban Corridor	UC
Waterfront Commercial	WC
Regional Business	RB
Public and Semi-Public	PSP
Parks	P
Golf Course	GC
Property-Specific Development Standards	P-suffix
Special District Overlay	SO

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

3. Providing, in the MHC zone, for continuation of existing *manufactured housing communities*;

34. Allowing only those accessory and complementary nonresidential *uses* that are compatible with residential communities; and

45. Establishing density designations to facilitate advanced area-wide planning for public facilities and services, and to protect environmentally critical sites from overdevelopment.

B. Use of this zone is appropriate as follows:

1. The R-1 zone on or adjacent to lands with area-wide environmental constraints where *development* is required to cluster away from *critical areas*;

2. The R-4 through R-6 zones on lands that are predominantly environmentally unconstrained and are served at the time of *development* by adequate public sewers, water supply, *streets* and other needed public facilities and services; ~~and~~

3. The R-12 through R-48 zones next to commercial centers, in areas that are served at the time of *development* by adequate public sewers, water supply, *streets* and other needed public facilities and services.; and

4. The MHC zone on existing *manufactured housing communities* planned for either short-term or long-term preservation.

- Amend Chapter 18.21 Residential Zones

18.21.045 Residential zone MHC – Use allowances.

Exhibit A

The following *uses* listed in Table D are identified as *permitted*, conditionally permitted, or *prohibited uses* in residential zone MHC:

Table D. MHC Zone Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
Day care[1]	*Community residential facility*	*Adult entertainment business*
Family child-care home[2]	*Cemetery, columbarium or mausoleum*	*Air transportation service*
Manufactured housing community[8]	*Educational service*[6]	*Ambulatory surgery center*
Park[3]	*Religious institution*	*Animal kennel/shelter*
Single detached dwelling unit[4,5]	*Supportive living facility*	*Arts, entertainment, indoor*
	Temporary lodging[7]	*Arts, entertainment, outdoor*
		Auction house
		Automotive sales and service, marine
		Automotive sales and service, non-marine
		Business service, intensive
		Business service, standard
		College/university
		Construction and trade
		Eating and drinking place
		Fire or police facility
		Funeral home/crematory
		Health care and social assistance
		Hospital
		Laboratory

Exhibit A

Table D. MHC Zone Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
		Manufacturing, heavy
		Manufacturing, light
		Marijuana business
		Marijuana cooperative
		Mobile food service
		Multiple-family dwelling
		Office
		Personal service
		Recreational facility, indoor
		Recreational facility, outdoor
		Regional land use
		Resource land use
		Retail sales
		Retail sales, bulk
		Secure facility
		Standalone parking
		Transportation
		Utility facility
		Vehicle or equipment rental
		Vehicle refueling station
		Warehousing
		Wholesale trade

1. *Day care I* is permitted. *Day care II* is permitted only as an *accessory use* to a *religious institution*, *park* or public housing administered by a *public agency*, and:

a. Outdoor play areas shall be completely enclosed by a solid wall or *fence*, with no openings except for gates and have a minimum height of six feet;

b. Outdoor play equipment shall maintain a minimum distance of 20 feet from property lines adjoining residential zones;

c. Direct access to a developed arterial *street* shall be required in any residential zone; and

d. Hours of operation may be restricted to assure compatibility with surrounding *development*.

Otherwise, *day care II* requires a *conditional use permit*.

2. A *family child-care home* is subject to the requirements established by the Washington State Department of Early Learning (DEL) in WAC Title 170. The *family child-care home* shall meet the following requirements:

a. The family child-care provider shall be licensed by DEL to operate a *family child-care home*;

b. A safe passenger loading area shall be provided;

c. The *family child-care home* shall comply with all applicable building, fire, safety, and health codes enforced by the *City*;

d. The *family child-care home* shall comply with all applicable development standards of the *City*, unless determined to be legally nonconforming;

e. All signage shall conform to the applicable requirements of Chapter 18.42 KMC; and

f. The *City* has the authority to limit the hours of operation to facilitate neighborhood compatibility.

3. The following conditions and limitations shall apply, where appropriate:

a. Lighting for *structures* and fields shall be directed away from residential areas;

b. *Structures* or service yards shall maintain a minimum distance of 50 feet from property lines adjoining residential zones.

4. One *single detached dwelling unit* only per existing legal lot as of insert effective date of ordinance.

5. *Manufactured homes* and *mobile homes* are allowed only in *manufactured housing communities*. *Designated manufactured homes* are not restricted to *manufactured housing communities*.

6. K-12 facilities only. All other *educational service uses* are prohibited.

7. Bed and breakfast guesthouse only, subject to the following conditions:

a. The guesthouse shall be owner-occupied;

b. Meals shall be served to paying guests only (no restaurant *use* permitted);

c. The number of guestrooms shall not be greater than that authorized by the International Building and Fire Codes;

d. Parking shall be provided as required by this title; and

e. The guesthouse shall be compatible with the neighborhood character as determined by the *city manager*, and shall not create significant adverse neighborhood effects that cannot be mitigated.

8. For properties continuing in an existing *manufactured housing community use* after insert effective date of ordinance, a *transfer of density credits* shall be permitted. See KMC Chapter 18.80.

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

The following zone-specific development standards in Table ~~D~~E apply in the R-12, R-18, R-24, ~~and~~ R-48, and MHC residential zones:

Table DE. R-12, R-18, R-24, and R-48, and MHC Residential Zones Development Standards

STANDARDS	ZONES	R-12	R-18	R-24	R-48	MHC[12]
Base Density: *Dwelling Unit*/Acre[1]		12 du/ac	18 du/ac	24 du/ac	48 du/ac	12 du/ac
Maximum Density: *Dwelling Unit*/Acre[2]		18 du/ac	27 du/ac	36 du/ac	72 du/ac	18 du/ac
Minimum Density[11]		80%	75%	70%	65%	80%
Minimum Lot Width[4]		30 ft.	30 ft.	30 ft.	30 ft.	--
Minimum *Street Setback*		10 ft.[6]	10 ft.[6]	10 ft.[6]	10 ft.[6]	10 ft.
Minimum Side *Setback*[3,5]		5 ft.[7]	5 ft.[7]	5 ft.[7]	5 ft.[7]	5 ft.
Minimum Rear *Setback*[3,5]		5 ft.[7]	5 ft.[7]	5 ft.[7]	5 ft.[7]	5 ft.
Base Height[8]		60 ft.	60 ft. 80 ft.[9]	60 ft. 80 ft.[9]	60 ft. 80 ft.[9]	35 ft.
Maximum *Impervious Surface*: Percentage[10]		85%	85%	85%	90%	85%
Minimum Lot Size		--	--	--	--	--

[1] Density applies only to *dwelling units* and not to sleeping units.

[2] This maximum density may be achieved only through the application of residential density incentives pursuant to Chapter 18.80 KMC or *transfers of density credits*, or any combination of density incentive or density transfer. Maximum density may only be exceeded pursuant to KMC 18.80.040(E)(1)(f).

[3] These standards may be modified under the provisions for *zero-lot-line developments*.

[4] The *building envelope* is determined through meeting minimum lot size and minimum lot width measurement requirements (KMC 18.30.110).

[5] Vehicle access points from garages, carports or fenced parking areas shall be set back from the property line on which a *joint use driveway* is located to provide a straight line length of at

least 26 feet as measured from the centerline of the garage, carport or fenced parking area, from the access point to the opposite side of the *joint use driveway*.

[6] At least 20 linear feet of driveway shall be provided between any garage, carport or other fenced parking area and the *street* property line. The linear distance shall be measured along the centerline of the driveway from the access point to such garage, carport or fenced area to the *street* property line.

[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 *apartment 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 *apartment development* is adjacent to property upon which an existing *townhouse* or *apartment development* is located.

[8] In the R-12, R-18, R-25 and R-48 zones, h~~H~~eight limits may be increased when portions of the *structure* which exceed the base height limit provide one additional foot of *street* and interior *setback* for each foot above the base height limit, provided the maximum height may not exceed 75 feet. Netting or fencing and support *structures* for the netting or fencing used to contain golf balls in the operation of golf courses or golf driving ranges are exempt from the additional interior *setback* requirements; provided, that the maximum height shall not exceed 75 feet.

[9] The base height to be used only for projects as follows:

a. In R-18, R-24 and R-48 zones using residential density incentives and *transfer of density credits* pursuant to this title.

[10] Applies to each individual *lot*. *Impervious surface* area standards for:

a. Regional *uses* shall be established at the time of permit review;

b. Nonresidential *uses* in residential zones shall comply with KMC 18.21.060 and 18.30.170;

c. *Lots* may be increased beyond the total amount permitted in this chapter subject to approval of a *conditional use permit*.

[11] Minimum density is determined by multiplying the allowable number of *dwelling units*, as calculated using KMC 18.30.020, by the percentage shown for each zone.

[12] See also the standards in KMC 18.50.140.

CREATE A ZONING EXCEPTION FOR THE MANUFACTURED HOUSING COMMUNITY ZONING DISTRICT

- Add new section 18.21.055 MHC Zoning Exception

18.21.055 MHC zoning exception.

A. A *manufactured housing community* landowner may request an exception from the application of the MHC zoning to their property through a Type 4 permit process as described in KMC Chapter 19.25.

B. Along with other information required by the *department*, the application shall include information demonstrating that:

1. There is no *reasonable use* of the MHC property under the MHC zoning;

2. The *uses* authorized by the MHC zoning are not economically viable at the property's location; and

3. The proposal meets the zone reclassification criteria in KMC 18.115.060.

If, based on the information provided, the request is granted by the city council, the property shall revert to the zoning designation in place on insert effective date of ordinance without further action by the council. If necessary, a comprehensive plan map amendment to recognize that zoning designation shall be initiated by the *City*.

MAKE EXISTING MANUFACTURED HOUSING COMMUNITIES "CONFORMING" IN THEIR FUTURE ZONING DISTRICT:

- Amend KMC Section 18.25.020 (DC, Downtown Commercial zone use allowances) and KMC Section 18.24.020 (DR, Downtown Residential

zone use allowances) to make "manufactured housing community" a permitted rather than a prohibited use with the following footnote:

XX. Limited to *manufactured housing communities* in existence as of insert effective date of ordinance.

CONSOLIDATE AND REVISE AFFORDABLE HOUSING CODE SECTIONS, INCLUDING DISCUSSION OF FEE-IN-LIEU AND NEW OPPORTUNITY FOR PRESERVATION OF EXISTING AFFORDABLE HOUSING:

- Delete KMC Section 18.23.055—Affordable housing - Juanita subarea and amend KMC Section 18.23.040 as follows:

Table B. Community Business Zone Development Standards

STANDARD	REQUIREMENT
Base Density: *Dwelling Units*/Gross Acre	24
Minimum Density: *Dwelling Units*/Gross Acre	18
Maximum Density: *Dwelling Units*/Gross Acre:	
West Subarea	36 for *mixed use development.*
Juanita Subarea	36 if affordable housing ~~or a fee-in-lieu~~ is provided as described in KMC ~~18.23.055~~ Chapter 18.77.

* * *

- Amend KMC Section 18.29.060, Affordable housing requirements as follows:

18.29.060 Affordable housing requirements.

For properties choosing to develop under the TOD district overlay, *development* shall provide affordable housing as described in KMC Chapter 18.77. *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.

~~A. Definitions. For purposes of the TOD district overlay, the following affordable housing definitions shall apply:~~

~~1. "Affordable housing unit" means housing reserved for occupancy by eligible households and affordable to households whose annual income does not exceed the percentage of median income types described in the subsections below, adjusted for household size, and no more than 30 percent of the monthly household income is paid for monthly housing expenses. (Housing expenses for ownership housing include mortgage and mortgage insurance, property taxes, property insurance, and homeowners dues. Housing expenses for rental housing include rent and appropriate utility allowance.)~~

~~2. "Bonus units" means dwelling units achieved through the TOD district overlay that exceed the number of units allowed by the base density of the underlying zoning district.~~

~~3. Moderate Income Affordable Housing. For rental housing, "moderate income affordable housing" is defined as affordable at 70 percent of median income, adjusted for household size. For ownership housing, "moderate income affordable housing" is defined as affordable at 80 percent of median income, adjusted for household size.~~

~~4. Low Income Affordable Housing. For rental housing, "low income affordable housing" is defined as affordable at 50 percent of median income, adjusted for household size. For ownership housing, "low income affordable housing" is defined as affordable at 65 percent of median income, adjusted for household size.~~

~~5. Very Low Income Affordable Housing. For rental housing, "very low income affordable housing" is defined as affordable at 35 percent of median income, adjusted for household size. For ownership housing, "very low income affordable housing" is defined as affordable at 50 percent of median income, adjusted for household size.~~

~~6. "Median income" means the median income for the Seattle MSA as most recently determined by the Secretary of Housing and Urban Development under Section 8(f)(3) of the United States Housing Act of 1937, as amended, or if programs under said Section 8(f)(3) are terminated, median income is determined under the method used by the Secretary prior to such termination. In the event that HUD no longer publishes median income figures for the Seattle MSA or King County, the~~

City may use any other method for determining the King County median income, adjusted for household size.

Pursuant to the authority of RCW 36.70A.540, the City finds that the higher income levels specified in the definition of "affordable housing" under this subsection A, rather than those stated in the definition of "low-income households" in RCW 36.70A.540, are needed to address local housing market conditions in the City.

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.

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

5. 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.

D. Alternative Compliance. The city manager may approve a request for satisfying all or part of the affordable housing requirements with alternative compliance methods if they meet the following requirements:

1. The project proponent may propose an off-site alternative, and must demonstrate that any alternative compliance method achieves a result equal to or better than providing affordable housing on site.

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

3. Affordable housing units may be provided off site if the location chosen does not lead to undue concentration of affordable housing in any particular area of the transit oriented development district or downtown.

4. Priority is for the project to be located within the transit oriented development district. However, the city manager may approve a project located outside the transit oriented development district if the location has access to commercial uses, transit, and does not result in an undue concentration of affordable housing.

5. 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, or provide such other assurances as approved by the city manager.

Applications for alternative compliance shall be submitted at the time of application, and must be approved prior to issuance of any building permit. The proposal must describe a specific location, type, and amount of affordable housing and how and when it will be developed. Any proposal for providing off-site affordable housing must also address the timing for providing the off-site housing, which, unless otherwise approved by the City, shall be built simultaneously with or prior to the construction of housing for the subject property. 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.

E. Affordability Agreement. 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.

F. Implementation Provisions. The following requirements shall be met for all affordable units:

1. 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 referenced in subsection E of this section, is recorded, or the date when the affordable housing becomes available for occupancy as determined by the City.

2. 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:

a. 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.

b. 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.

c. Size (bedroom). The affordable housing units shall consist of a range of number of bedrooms that are comparable to units in the overall development.

d. 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.

e. 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 design standards specified in KMC 18.29.080. 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.

3. 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.

G. Monitoring and Fees. The City reserves the right to establish, in the affordability agreement referred to in subsection E 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

4.

~~documents to maintain compliance with income and affordability restrictions of the affordability agreement.~~

- Amend Figure 18.29.020.1 to remove the existing manufactured housing community from the TOD overlay.

- Amend Chapter 18.77, Affordable Housing

  Sections:

18.77.010 Affordable housing – Purpose and intent.
18.77.015 General provisions.
18.77.020 ~~Applicability~~Downtown Residential and Downtown Commercial zones.
18.77.030 ~~Requirements.~~Transit Oriented Development (TOD) District Overlay.
18.77.040 Community Business zone, Juanita Subarea.
18.77.045 Alternative compliance.
18.77.050 Affordability agreement.

18.77.010 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.

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 (~~B~~bedroom). The affordable housing units shall consist of a range of number of bedrooms that are comparable to units in the overall *development*.

4. Size (~~S~~square ~~F~~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 ~~referenced in subsection D of this section~~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*.

18.77.020 ~~Applicability~~Downtown Residential and Downtown Commercial zones.

The provisions of this ~~chapter~~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*.

~~18.77.030 Requirements.~~

A. ~~Affordable housing units amounting to 25~~Twenty-five (25) percent of the total number of units in the *development* shall be ~~provided~~*moderate income affordable housing units*. ~~Housing shall be~~

~~affordable to those who make equal to or less than 85 percent of the King County median household income adjusted for household size.~~

~~B. Unit size mix shall be comparable to the market mix, units shall be integrated into the whole *development*, and affordable units shall match the tenure of the whole *development*, unless otherwise authorized by the *City*.~~

~~C~~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. ~~Units may be either rented or sold. Off-site affordable housing may be provided if the *City* finds that:~~

~~1. The location chosen does not lead to undue concentration of affordable housing in any particular area of the *City*; and~~

~~2. The *site* is within close proximity to employment opportunities and/or transit services; and~~

~~3. Adequate infrastructure and municipal services can be provided.~~

~~D. Monthly rents, including utilities where applicable, shall be no greater than 30 percent of the monthly income for households earning up to 85 percent of the King County median household income adjusted for household size. Home prices considered affordable for buyers earning up to 85 percent of the King County median household income adjusted for household size shall be determined by the *City*. Covenants shall be established which guarantee the fulfillment of this obligation.~~

18.77.030 Transit Oriented Development (TOD) District Overlay.

A. Properties developed under the TOD district overlay, KMC Chapter 18.29, 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*.

18.77.040 Community Business zone, Juanita Subarea.

A. For properties choosing to develop at higher residential densities in the CB Juanita subarea, KMC Chapter 18.23, 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 1-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).

18.77.045 Alternative compliance.

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

B. 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.

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

1. The project proponent ~~may propose an off-site alternative, and~~ must demonstrate that ~~any alternative compliance method~~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 ~~the alternative compliance~~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 ~~transit oriented development~~same zoning district as the *development* responsible for providing affordable housing. However, the *city manager* may approve a project located outside the ~~transit oriented development~~zoning district if the location has access to commercial *uses*~~,~~ and transit, ~~and~~ 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~~, or provide such other assurances as approved by the *city manager*~~. 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.

D. 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.

E. Fee-in-Lieu. Cash payments in lieu of providing actual housing units may be proposed and, if approved by the *City*, ~~will~~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.

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 EA 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.

REQUIRE A RELOCATION PLAN AT THE TIME OF PARK CLOSURE:

- Add a new section to Chapter 18.30 Development Standards - General

18.30.290 Relocation plan for manufactured housing communities.

Any *development proposal* to convert an existing *manufactured housing community* to another *use* shall include a relocation plan, detailing, at a minimum, the pertinent laws related to *manufactured housing community* closure (city, county or state), an explanation of tenants' rights according to state law, a list of potential sources of assistance (governmental, financial, etc.), a list of nearby *manufactured housing communities* with available spaces, and a list of companies that move *manufactured, designated manufactured* or *mobile homes*. The time period for the required state notice of closure of a *manufactured housing community* shall not commence until the relocation plan is approved by the *city manager* and copies are distributed to each tenant household in the *manufactured housing community*. An affidavit verifying such distribution shall be submitted to the *City*.

CREATE A TRANSFER OF DENSITY OPTION FOR THE MANUFACTURED HOUSING COMMUNITIES:

- Amend Chapter 18.80, Residential Incentives and Transfer of Density

Chapter 18.80
RESIDENTIAL DENSITY INCENTIVES AND TRANSFER OF DENSITY

Sections:

18.80.010 Purpose.

18.80.020 Permitted locations of residential density incentives.

18.80.030 Maximum densities permitted through residential density incentive review.

18.80.040 Public benefits and density incentives.

18.80.050 Rules for calculating total permitted dwelling units.

18.80.060 Review process.

18.80.070 Minor adjustments in final site plans.

18.80.080 Applicability of development standards.

18.80.090 Transfer rulesof density credits.

18.80.010 Purpose.

The purpose of this chapter is to:

A. pProvide density incentives to *developers* of residential property, in exchange for public benefits to help achieve comprehensive plan goals of affordable housing, *open space* protection, and parkland acquisition, by:

A1. Defining in quantified terms the public benefits that can be used to earn density incentives;

B2. Providing rules and formulae for computing density incentives earned by each benefit;.

CB. Providinge a method to realize the development potential of:

1. *sSites* containing *critical areas* or of unique features of size, topography, environmental features or shape;

2. Specific *sites* preserved in order to achieve comprehensive plan goals as identified by the *city council*; and.

DC. Providinge a review process to allow evaluation of proposed density increases using residential density incentives and the public benefits offered to earn them, and to give the public opportunities to review and comment.

18.80.020 Permitted locations of residential density incentives.

Residential density incentives (RDIs) shall be used only on *sites* served by public sewers and only in the following zones:

A. In R-4 through R-24 and downtown residential zones; and

B. In DC, NB, CB, UC, WC, and RB zones when part of a *multiple-family dwelling* or *mixed use development*.

18.80.030 Maximum densities permitted through residential density incentive review.

The maximum density permitted through RDI review shall be ~~150 percent of the base density of~~as specified in the underlying zone of the *development site*.

18.80.040 Public benefits and density incentives.

A. The public benefits eligible to earn increased densities, and the maximum incentive to be earned by each benefit, are in subsection E of this section. The density incentive is expressed as additional bonus *dwelling units*, or fractions of *dwelling units*, earned per amount of public benefit provided.

B. Bonus *dwelling units* may be earned through any combination of the listed public benefits.

C. Bonus *dwelling units* may also be earned and transferred to the project *site* through the *transfer of density credit (TDC)* process ~~by providing any of the *open space, park* site public benefits set forth in subsection (E)(2) of this section on~~from *sites* other than that of the RDI *development*.

D. Residential *development* in R-4 through R-24 and downtown residential zones with property-specific development standards requiring any public benefit enumerated in this chapter shall be eligible to earn bonus *dwelling units* in accordance with subsection E of this section if the public benefits provided exceed the basic development standards of this title. If a *development* is located in a special overlay district, bonus units may be earned if the *development* provides public benefits exceeding corresponding standards of the special district.

E. The following are the public benefits eligible to earn density incentives through RDI review:

BENEFIT	DENSITY INCENTIVE
1. AFFORDABLE HOUSING	
a. Benefit units consisting of rental housing permanently priced to serve low-income households (i.e., no greater than 30 percent of gross income for households at or	2.0 bonus units per benefit unit.

BENEFIT	DENSITY INCENTIVE
below 50 percent of King County median income, adjusted for household size). A covenant on the *site* that specifies the income level being served, rent levels and requirements for reporting to the *City* shall be recorded at final approval.	
b. Benefit units consisting of assisted housing units 600 square feet or less.	1.0 bonus unit per benefit unit.
c. Benefit units consisting of rental housing permanently priced to serve moderate-income households (i.e., no greater than 30 percent of gross income for households at or below 70 percent of King County median income, adjusted for household size). A covenant on the *site* that specifies the income level being served, rent levels and requirements for reporting to the *City* shall be recorded at final approval.	1.0 bonus unit per benefit unit.
d. Benefit units consisting of moderate income housing reserved for income- and asset-qualified home buyers (total household income at or below 80 percent of King County median, adjusted for household size). Benefit units shall be limited to owner-occupied housing, with prices restricted to same income group, based on current underwriting ratios and other lending standards for 30 years from date of first sale. A covenant on the *site* that specifies the income level and other aspects of buyer eligibility, price levels and requirements for reporting to the *City* shall be recorded at final approval.	1.0 bonus unit per benefit unit.
e. Projects in which units are reserved for moderate-income- and asset-qualified buyers (total household income at or below 50 percent of the King County median, adjusted for household size). All units shall be limited to owner-occupied housing with prices restricted	2.0 bonus units per benefit unit.

BENEFIT	DENSITY INCENTIVE
based on current underwriting ratios and other lending standards, and with prices restricted to same income group, for 30 years from date of first sale. Final approval conditions shall specify requirements for reporting to the *City* on both buyer eligibility and housing prices.	
f. Benefit units consisting of ~~*mobile home park*~~*manufactured housing community* space or pad reserved for the relocation of an insignia or noninsignia *mobile home*, that has been or will be displaced due to closure of a ~~*mobile home park*~~*manufactured housing community* located in the *City*.	1.0 bonus unit per benefit unit.
2. *OPEN SPACE*, *TRAILS* AND *PARKS*	
a. Dedication of *park* site or *trail* right-of-way meeting the *City* location and size standards for neighborhood, community or regional *park*, or *trail*, and accepted by the *department*.	0.5 bonus unit per acre of *park* area or quarter-mile of *trail* exceeding the minimum requirement of Chapter 18.30 KMC for on-site recreation space or *trail* corridors, computed on the number of *dwelling units* permitted by the *site*'s base density.
b. Improvement of dedicated *park* site to *City* standards for developed *parks*.	0.75 bonus unit per acre of *park* improvement. If the *applicant* is dedicating the site of the improvements, the bonus units earned by improvements shall be added to the bonus units earned by the dedication.
c. Improvement of dedicated *trail* segment to *City* standards.	1.8 bonus units per quarter-mile of *trail* constructed to *City* standard for pedestrian *trails*; or 2.5 bonus units per quarter-mile of *trail* constructed to *City* standard for multipurpose *trails* (pedestrian/bicycle/equestrian). Shorter segments shall be awarded bonus units on a pro rata basis. If the *applicant* is dedicating the site of the improvements, the bonus units earned by

BENEFIT	DENSITY INCENTIVE
	improvements shall be added to the bonus units earned by the dedication.
d. Dedication of *open space*, meeting *City* acquisition standards to the *City* or a qualified public or *private* organization such as a nature conservancy.	0.5 bonus unit per acre of *open space*.

18.80.050 Rules for calculating total permitted dwelling units.

A. The formula for calculating the total number of *dwelling units* permitted through RDI review is as follows:

DUs allowed by RDI *site* base Density	+	Bonus DUs	+	DUs allowed by *sending site density (if any)*	=	TOTAL RDI DUs

B. The total *dwelling units* permitted through RDI review shall be calculated using the following steps:

1. Calculate the number of dwellings permitted by the base density of the *site* in accordance with Chapter 18.30 KMC;

2. Calculate the total number of bonus *dwelling units* earned by providing the public benefits listed in KMC 18.80.040;

3. Add the number of bonus *dwelling units* earned to the number of *dwelling units* permitted by the base density;

4. Add the number of *dwelling units* permitted by the base density of the *site* sending *TDCs*, if any;

5. Round fractional *dwelling units* to the nearest whole number; 0.49 or less *dwelling units* are rounded down; and

6. On *sites* with more than one zone or zone density, the maximum density shall be calculated for the *site area* of each zone. Bonus units may be reallocated within the zones in the same manner set forth for base units.

18.80.060 Review process.

A. All RDI proposals shall be reviewed concurrently with a primary proposal to consider the proposed site plan and methods used to earn extra density ~~as follows:~~.

~~1. For the purpose of this section, a "primary proposal" is defined as a proposed subdivision, short subdivision of more than four lots, *conditional use permit* or commercial building permit;~~

12. When the primary proposal requires a public hearing under this code or KMC Title 17, the public hearing on the primary proposal shall serve as the hearing on the RDI proposal, and the reviewing authority shall make a consolidated decision on the proposed *development* and use of RDI;

23. When the primary proposal does not require a public hearing under this code or KMC Title 17, the RDI proposal shall be processed as a Type 2 land use decision subject to the decision criteria for *conditional use permits* outlined in Chapter 18.115 KMC ~~and to the procedures set forth for *city manager/hearing examiner* review in this title~~; and

34. The notice for the RDI proposal also shall include the *development*'s proposed density and a general description of the public benefits offered to earn extra density.

B. RDI applications which propose to earn bonus units by dedicating real property or public facilities shall include a letter from the receiving agency certifying that the proposed dedication qualifies for the density incentive and will be accepted by the agency or other qualifying organization.

18.80.070 Minor adjustments in final site plans.

When issuing building permits in an approved RDI *development*, the *department* may allow minor adjustments in the approved site plan involving the location or dimensions of *buildings* or *landscaping*, provided such adjustments shall not:

A. Increase the number of *dwelling units*;

B. Decrease the amount of perimeter *landscaping* (if any);

C. Decrease residential parking facilities (unless the number of *dwelling units* is decreased);

D. Locate *structures* closer to any *site* boundary line; or

E. Change the locations of any points of ingress and egress to the *site*.

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*, 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*, 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.

3. All other portions of the RDI shall provide *landscaping* or retain *trees* in accordance with Chapters 18.35 and 18.57 KMC.

C. RDI *developments* in all other zones shall be landscaped or retain *trees* in accordance with Chapters 18.35 and 18.57 KMC.

D. RDI *developments* shall provide parking as follows:

1. Projects with 100 percent affordable housing shall provide one off-street *parking space* per unit. The *city manager* may require additional parking, up to the maximum standards for attached *dwelling units*, which may be provided in common parking areas.

2. All other RDI proposals shall provide parking for:

a. Market rate/bonus units at levels consistent with Chapter 18.40 KMC; and

b. Benefit units at:

(1) One or two bedrooms: one *parking space* per unit;

(2) Three bedrooms: 1.5 *parking spaces* per unit;

(3) Parking may be further reduced if a parking demand analysis is provided per KMC 18.40.030(B).

E. RDI *developments* shall provide on-site recreation space as follows:

1. Projects with 100 percent affordable housing shall provide recreation space at 50 percent of the levels required in Chapter 18.30 KMC.

2. All other RDI proposals shall provide recreation space for:

a. Market rate/bonus units at levels consistent with Chapter 18.30 KMC; and

b. Benefit units at 50 percent of the levels required for market rate/bonus units.

18.80.090 Transfer ~~rules~~of density credits.

In order to realize the development potential of *sites* containing *critical areas* or of unique size or shape, or *sites* preserved in order to attain comprehensive plan goals, an opportunity to transfer unused density from one *site* to another shall be provided. *Transfer of density credit* transactions shall be handled between the private parties, with documentation provided to the *City*, until such time as the *City* enters into a formalized transfer of development rights (TDR) process through King County or another agency.

A. Transfer of density from *sites* constrained by *critical areas* or of unique size and shape. A *development* proponent may apply to transfer unused density from a *site* constrained by *critical areas* or of unique size or shape to another *site* through a Type 2 land use decision.

1. The number of density credits that a *sending site* is eligible to send to a *receiving site* shall be determined by applying the base density of the zone the *sending site* is located in to the total *sending site area*, less any portion of the *sending site* already in a conservation easement or other encumbrance, or any land area already used to calculate residential density for other *development* on the *sending site*. A plot plan showing *critical areas* and *buffers*, conservation easements or other encumbrances shall be submitted as part of the development application to demonstrate compliance with the density calculation rules set forth in Chapter 18.30 KMC.

~~B~~2. *Sending sites* with *critical areas* that have been declared unbuildable under Chapter 18.30 KMC shall be considered to have a base density calculated in accordance with that chapter, except that the areas of the *sending* and *receiving sites* shall be combined to calculate the overall *site* percentage of *critical areas* and *buffers* necessary for determining the allowable density credit as set forth in Chapter 18.55 KMC.

~~D~~3. When the *sending site* consists only of a portion(s) of an unsubdivided parcel, said portion(s) shall be segregated from the remainder of the *lot* pursuant to KMC Title 17 or deed restrictions documenting the density credit transfers shall be recorded with the title to both the *sending* and *receiving sites*. A parcel need not segregate a *sending site* from the remainder of the parcel when the entire parcel is subject to a conservation easement pursuant to subsection ~~E~~5 of this section.

~~E~~4. Conservation easements shall be required for land contained in the *sending site*, whether or not such land is dedicated, as follows: a conservation easement ~~as defined in the *open space* plan~~ shall be recorded on the *sending site* to indicate development limitations on the *sending site*.

B. Transfer of density from *sites* in order to attain comprehensive plan goals. A *development* proponent may apply to transfer unused density from a *sending site* to a *receiving site* to achieve comprehensive plan goals as specified by the *city council*. The *city council* shall identify by ordinance circumstances in which this code section may be applied.

1. As of insert effective date of ordinance, the city council has determined that unused density may be transferred from a property zoned MHC to a *receiving site* if long-term preservation of the *manufactured housing community* is assured. Unused density shall be defined as the number of *dwelling units* allowable under existing zoning as of insert date prior to effective date of ordinance less the number of existing *dwelling units* on the property as of insert effective date of ordinance multiplied by 2.5.

2. Density shall not be transferred to projects in the R-1, R-4 or R-6 zoning districts.

C. Density credits from one *sending site* may be allocated to more than one *receiving site*. ~~The credit from each segment shall be allocated to a specified *receiving site*.~~

D. The transfer of density request shall be processed as part of the underlying permit for the project on the *receiving site*.

~~F~~E. Upon submitting an application to develop a *receiving site* under the provisions of this ~~chapter~~section, the *applicant* shall provide evidence of ownership or full legal control of ~~all *sending sites*~~the density credits proposed to be used in calculating total density on the *receiving site*. ~~It shall be the *applicant*'s responsibility, prior to application, to ascertain what form of permanent protection of the *sending site* will be acceptable to the *City*.~~

~~G~~F. Density credits from a *sending site* shall be considered transferred to a *receiving site* when the *sending site* is permanently protected by a ~~completed and recorded~~ land dedication, ~~or~~ conservation

easement or preservation agreement submitted to and approved by the *city manager*. This document shall be recorded with King County prior to approval of the *receiving site* permit.

~~H~~G. *TDC developments* shall comply with dimensional standards of the zone with a base density most closely comparable to the total approved density of the *TDC development*.

MAKE MISCELLANEOUS AMENDMENTS THROUGHOUT THE ZONING CODE TO ENSURE CONSISTENCY:

- Replace the term "mobile home park" with "manufactured housing community" throughout the Zoning Code (KMC Sections 18.20.2325, 18.21.020, 18.21.030, 18.21.040, 18.22.010, 18.23.020, 18.23.025, 18.25A.030, 18.25A.040, 18.25B.020, 18.26.030, 18.26.040, 18.26.050, 18.29.040, 18.35.030, 18.40.030, 18.45.090, 18.45.100, 18.50.140, 18.50.150, 18.50.160).

- Amend Chapter 18.20 Definitions

18.20.~~176~~01675.1 Manufactured housing community~~obile home park~~.

"Manufactured housing community~~obile home park~~" means a *development* with two or more improved pads or spaces designed to accommodate *mobile homes*, *manufactured homes*, or *designated manufactured homes*.

18.20.098 Affordable housing unit.

"Affordable housing unit" means housing reserved for occupancy by eligible households and having monthly housing expenses less than or equal to 30 percent of the monthly household income ~~affordable to households whose annual income does not exceed the percentage of median income types~~ described in the subsections below, adjusted for household size~~, and no more than 30 percent of the monthly household income is paid for monthly housing expenses~~. (Housing expenses for ownership housing include mortgage and mortgage insurance, property taxes, property insurance, and homeowner's dues. Housing expenses for rental housing include rent and appropriate utility allowance.)

1. For rental housing:

a. A "moderate income affordable housing unit" is affordable at 70 percent of median income, adjusted for household size;

b. A "low income affordable housing unit" is affordable at 50 percent of median income, adjusted for household size.

c. A "very low income affordable housing unit" is affordable at 35 percent of median income, adjusted for household size.

2. For ownership housing:

a. A "moderate income affordable housing unit" is affordable at 80 percent of median income, adjusted for household size;

b. A "low income affordable housing unit" is affordable at 65% of median income, adjusted for household size;

c. A "very low income affordable housing unit" is affordable at 50% of median income, adjusted for household size.

Pursuant to the authority of RCW 36.70A.540, the *City* finds that the higher income levels specified in the definition of "affordable housing" under this subsection, rather than those stated in the definition of "low-income households" in RCW 36.70A.540, are needed to address local housing market conditions in the *City*.

18.20.308 Bonus unit

"Bonus units" means a *dwelling units* achieved that exceeds the number of units allowed by the base density of the ~~CB-Juanita subarea~~underlying zoning district.

18.20.1690. Median income.

"King County ~~M~~median income" means the median family income for the Seattle-Bellevue, WA HUD Metro FMR Area~~MSA~~ as most recently determined by the Secretary of Housing and Urban Development under Section 8(f)(3) of the United States Housing Act of 1937, as amended, or if programs under said Section 8(f)(3) are terminated, median family income is determined under the method used by the Secretary prior to such termination. In the event that HUD no longer publishes median family income figures for the Seattle-Bellevue, WA HUD Metro FMR Area~~MSA~~ or King County, the *City* may use any other method for determining the King County median income, adjusted for household size.

- Amend miscellaneous code sections to address new MHC zone (18.21.075 and 18.21.078—residential zones; 18.30.230.B, G—structures in setbacks; 18.42.090—signs; 18.60—wireless communication facilities):

18.21.075 Drive-through service.

Drive-through service is prohibited in ~~this~~these zoning districts.

18.21.078 Outdoor storage.

Outdoor storage is prohibited in ~~this~~these zoning districts.

18.30.230 Setbacks – Projections and structures allowed.

Provided that the required *setbacks* from *regional utility corridors* of KMC 18.30.200, the adjoining half-street or designated arterial *setbacks* of KMC 18.30.220 and the sight distance requirements of KMC 18.30.240 are maintained, *structures* may extend into or be located in required *setbacks*, including *setbacks* as required by KMC 18.21.060(B), as follows:

* * *

B. Uncovered porches and decks which exceed 18 inches above the finished grade may project:

1. Eighteen inches into interior *setbacks* in the NB, CB, DR, DC, UC, WC, RB, PSP, P, and GC zones;

2. Eighteen inches into side *setbacks* in the R and MHC zones;

3. Eighteen inches into rear *setbacks* in the R-12 through R-24 and MHC zones;

4. Five feet into rear *setbacks* in the R-1 through R-6 zones; and

5. Five feet into *street setbacks*;

* * *

G. Rockeries, *retaining walls* and curbs may project into or be located in any *setback*, provided these *structures*:

1. Do not exceed a height of six feet in the R-1 through R-18, parks and golf course zones;

2. Do not exceed a height of eight feet in the R-24, R-48, MHC and downtown residential zones; and

3. Do not exceed the building height for the zone in commercial and public/semi-public zones, measured in accordance with the standards established in the *City* building code, KMC Title 15;

* * *

18.42.090 Residential zone signs.

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

A. Nonresidential *Use*.

1. One *sign* identifying nonresidential *uses*, not exceeding 25 square feet and not exceeding six feet in height, is permitted;

2. Schools are permitted one *sign* per school or school facility entrance, which may be located in the *setback*. Two additional *wall signs* attached directly to the school or school facility are permitted;

3. *Home occupation* and *home industry signs* are limited to *wall signs* not exceeding six square feet.

B. Residential *Use*.

1. One residential identification *sign* not exceeding two square feet is permitted; and

2. One *permanent residential development identification sign* not exceeding 32 square feet is permitted per *development*. The maximum height for the *sign* shall be six feet. The *sign* may be freestanding or mounted on a wall, *fence*, or other *structure*.

18.60.050 Wireless communication facility review processes and maximum allowable heights.

P – Permitted Use

C – Conditional Use – reviewed through Type 2 process outlined in KMC 19.25.020.

X – Prohibited Use[5]

Exhibit A

Type of wireless communication facility	Residential zones R-1 through R-6 and MHC	Residential zones R-12 through R-24, and DR	Nonresidential zones RB, UC east, DC, CB Juanita, and NB	Nonresidential zones UC west, WC, and CB west (view zones)	Other nonresidential zones PSP, P, and GC
Antenna collocation on an existing conforming tower	P Maximum height: same as existing tower	P Maximum height: same as existing tower	P Maximum height: same as existing tower	P Maximum height: same as existing tower	P Maximum height: same as existing tower
Rooftop antenna	X, C[1,2], P[1,7] Maximum height: 15' above the roof height at the antenna location	P Maximum height: 15' above the roof height at the antenna location	P Maximum height: 15' above the roof height at the antenna location	X	P Maximum height: 15' above the roof height at the antenna location
Facade antenna	X, C[1,2], P[1,7] Maximum height: 2' above the roofline or parapet wall	P Maximum height: 2' above the roofline or parapet wall	P Maximum height: 2' above the roofline or parapet wall	P Maximum height: May not extend above the roofline or parapet wall	P Maximum height: 2' above the roofline or parapet wall
Amateur (ham) radio facilities	P Maximum height[3]:	P Maximum height[3]:	P	P Maximum height: 35'	P

4.

Exhibit A

Type of wireless communication facility	Residential zones R-1 through R-6 and MHC	Residential zones R-12 through R-24, and DR	Nonresidential zones RB, UC east, DC, CB Juanita, and NB	Nonresidential zones UC west, WC, and CB west (view zones)	Other nonresidential zones PSP, P, and GC
	Ground-mounted facility – 65'. Rooftop facility – 30' above the roof height at the antenna location	Ground-mounted facility – 65'. Rooftop facility – 30' above the roof height at the antenna location	Maximum height[3]: Ground-mounted facility – 65'. Rooftop facility – 30' above the roof height at the antenna location		Maximum height[3]: Ground-mounted facility – 65'. Rooftop facility – 30' above the roof height at the antenna location
Antennas on utility or light poles. (Nearest abutting zone is used to determine process if in the right-of-way.)	C[2], P[7] Maximum height: 55'	P Maximum height: 55'	P Maximum height: 55'	C[2], P[8] Maximum height: up to the building height limit as specified in the underlying zoning district	P Maximum height: 55'
Satellite dish	C[2] if no more than 2 meters (6.6') in diameter; otherwise X Maximum height: Ground-	P if no more than 2 meters (6.6') in diameter and limited to a maximum of 1 dish per *site*; otherwise C[2]	P if no more than 2 meters (6.6') in diameter and limited to a maximum of 3 dishes per *site*; otherwise C[2]	P if ground-mounted; otherwise X Maximum height: Ground-mounted dishes – 15'	C[2] Maximum height: Ground-mounted dishes – 15'. Rooftop dishes – 15' above the roof height at the dish location

4.

Type of wireless communication facility	Residential zones R-1 through R-6 and MHC	Residential zones R-12 through R-24, and DR	Nonresidential zones RB, UC east, DC, CB Juanita, and NB	Nonresidential zones UC west, WC, and CB west (view zones)	Other nonresidential zones PSP, P, and GC
	mounted dishes – 15'. Rooftop dishes – 15' above the roof height at the dish location	Maximum height: Ground-mounted dishes – 15'. Rooftop dishes – 15' above the roof height at the dish location	Maximum height: Ground-mounted dishes – 15'. Rooftop dishes – 15' above the roof height at the dish location		
Tower[5]	X	X	X in the DC zone; otherwise C[2,4] Maximum height: up to the building height limit as specified in the underlying zoning district	X	C[2,4] Maximum height: up to the building height limit as specified in the underlying zoning district

[1]If on a nonresidential *building* such as a *religious institution*, school, or *utility facility*, or on a multifamily or mixed use *building*.

[2]In addition to satisfying the criteria listed in KMC 18.115.040, the *conditional use permit* shall be granted by the *City* only if the *applicant* also demonstrates that:

a. Alternative *sites*, or facilities with less impact to the community have been considered and have been determined to be not feasible per KMC 18.60.080; and

4.

b. Visual impacts of the facility are minimized and the proposal does not significantly impact views to Lake Washington.

[3]*Amateur (ham) radio facilities* exceeding 65 feet in height may be permitted only through a *conditional use permit*. In addition to satisfying the criteria listed in KMC 18.115.040, the *conditional use permit* shall be granted by the *City* only if the *applicant* also demonstrates that:

a. The proposal in the proposed location is necessary to support *emergency* radio operations in Kenmore; and

b. Smaller facilities, with less impact to the community, have been considered and have been determined to be infeasible per KMC 18.60.080; and

c. Visual impacts of the facility are minimized and the proposal does not significantly impact views to Lake Washington.

[4]Prohibited on properties within the jurisdiction of the Shoreline Management Act as set forth in KMC Title 16, Division 1.

[5]Unless a major adjustment has been granted pursuant to KMC 18.60.200.

[6]*Lattice towers* shall not be permitted.

[7]*Small cells* only, limited to a maximum of three antennas per utility/light pole, facade or rooftop. A *conditional use permit* will be required to locate more than three small cell antennas on a utility/light pole, facade or rooftop, including any additional requirements in applicable footnotes.

[8]*Small cells* only, limited to a maximum of three antennas per utility/light pole. A *conditional use permit* will be required to locate more than three small cell antennas on a utility/light pole, including the additional requirements in the applicable footnote.

18.60.110 Landscaping requirements.

A *wireless communication facility site*, with the exception of an *amateur (ham) radio facility*, shall provide *landscaping* as follows:

A. When the facility is located in:

1. The NB, CB, PSP, RB, WC, UC, DC, or DR zone, the base of any *tower* and any ground equipment, whether or not in a *structure* or cabinet, shall be landscaped with eight feet of Type II *landscaping* as defined by KMC 18.35.040(B). This landscaped area shall be increased to 10 feet

of Type I *landscaping* as defined by KMC 18.35.040(A) in areas adjacent to residential development as described in KMC 18.35.030(A). For *satellite dishes*, the visual screen may be reduced to the height of the center of the dish on the transmitting side.

2. The R, MHC, GC, and P zones, the base of any *tower* and any ground equipment, whether or not in a *structure* or cabinet, shall be landscaped with 10 feet of Type I *landscaping* as defined by KMC 18.35.040(A). For *satellite dishes*, the visual screen may be reduced to the height of the center of the dish on the transmitting side.

B. When a security *fence* is used to prevent access to a *tower* or ground equipment, any *landscaping* required pursuant to subsection A of this section shall be placed outward of such security *fence*.

In the R and MHC zones, climbing *evergreen* shrubs or vines capable of growing on the *fence* shall supplement any *landscaping* required pursuant to subsection A of this section.

* * *

- Amend 18.21.060 Nonresidential land uses in residential zones.

18.21.060 Nonresidential land uses in residential zones.

Except for *utility facilities*, *regional land uses*, and nonresidential *uses* regulated by KMC 18.21.070, all nonresidential *uses* located in the R zones shall be subject to the following requirements:

A. *Impervious surface* coverage shall not exceed:

1. Seventy percent of the *site* in the R-1 through R-6 zones.

2. Eighty percent of the *site* in the R-12 through R-48 and MHC zones.

B. *Buildings* and *structures*, except *fences* and wire or mesh backstops, shall not be closer than 30 feet to any property line, except as provided in subsection C of this section.

C. A single detached dwelling allowed as accessory to a church or school shall conform to the *setback* requirements of the zone.

D. Parking areas are permitted within the required *setback* area from property lines, provided such parking areas are located outside of the required landscape area.

E. *Sites* shall abut or be accessible from at least one public *street* functioning at a level consistent with the *City street* design standards. New *high school sites* shall abut or be accessible from a public *street* functioning as an arterial per the *City* design standards.

F. The base height shall conform to the zone in which the *use* is located.

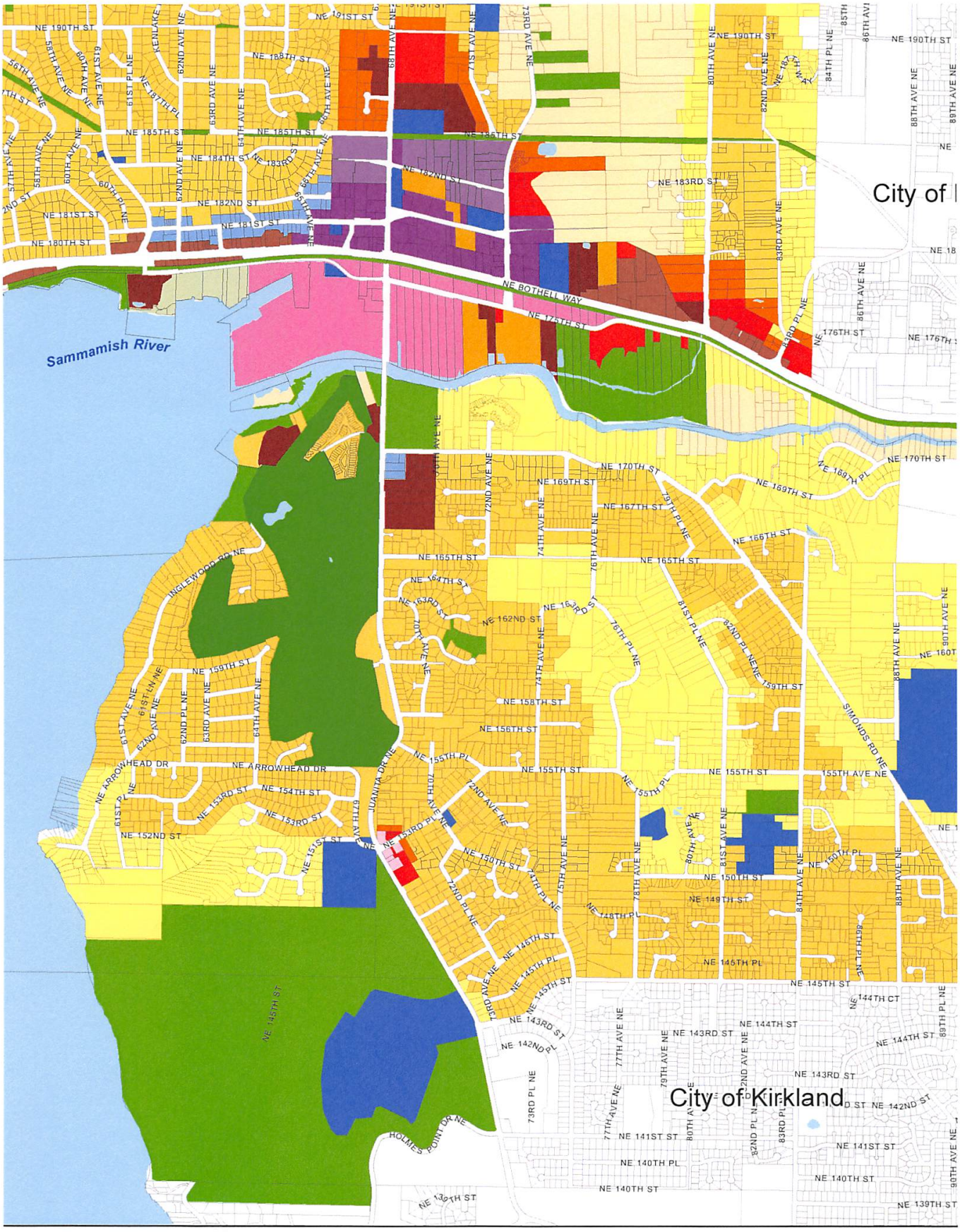
G. *Building* illumination and lighted *signs* shall be designed so that no direct rays of light are projected into neighboring residences or onto any *street* right-of-way.

- Amend 19.25.020 Classifications of Land Use Decision Processes

Exhibit A

LAND USE DECISION TYPES

TYPE 2	Decision by *city manager*; appealable to *hearing examiner*; no further administrative appeal[1, 5]	Home industry; short subdivision; preliminary short subdivision revision; short plat alteration; zoning variance; conditional use permit; shoreline substantial development permit; shoreline variance; shoreline conditional use permit; site plan review for uses allowed by zone; wireless communication facility minor adjustment under Chapter 18.60 KMC; approval of residential density incentives under KMC 18.80.060.A.2 or transfer of development credits under KMC 18.80.090.A; reuse of public schools; reasonable use exceptions under KMC 18.55.180; public agency and utility exceptions under KMC 18.55.160; other critical areas exceptions, variances and decisions to require studies or to approve, condition or deny a development proposal based on Chapter 18.55 KMC.


Sammamish River
City of
City of Kirkland
NE BOTHELL WAY
NE 190TH ST
NE 188TH ST
NE 185TH ST
NE 184TH ST
NE 183RD ST
NE 182ND ST
NE 181ST ST
NE 180TH ST
NE 176TH ST
NE 175TH ST
NE 170TH ST
NE 169TH ST
NE 167TH ST
NE 165TH ST
NE 164TH ST
NE 163RD ST
NE 162ND ST
NE 159TH ST
NE 158TH ST
NE 156TH ST
NE 155TH ST
NE 155TH PL
NE 154TH ST
NE 153RD ST
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NE 152ND ST
NE 151ST ST
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NE 149TH ST
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NE 146TH ST
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NE 143RD ST
NE 142ND PL
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56TH AVE NE
57TH AVE NE
58TH AVE NE
60TH AVE NE
60TH PL NE
61ST AVE NE
61ST PL NE
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62ND AVE NE
62ND PL NE
63RD AVE NE
64TH AVE NE
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67TH AVE NE
68TH AVE NE
70TH AVE NE
71ST AVE NE
72ND AVE NE
73RD AVE NE
74TH AVE NE
75TH AVE NE
76TH AVE NE
76TH PL NE
77TH AVE NE
78TH AVE NE
79TH AVE NE
80TH AVE NE
81ST AVE NE
82ND AVE NE
83RD AVE NE
84TH AVE NE
86TH AVE NE
88TH AVE NE
90TH AVE NE
KENLAKE
INGLEWOOD RD NE
NE ARROWHEAD DR
JUANITA DR NE
HOLMES POINT DR NE
SIMONDS RD NE
155TH AVE NE
73RD PL NE
77TH PL NE
79TH PL NE
81ST PL NE
82ND PL NE
83RD PL NE
84TH PL NE
86TH PL NE
89TH PL NE

4.

Attachment 4

PROPOSAL TO ADDRESS FUTURE MHC UPZONES WITH AFFORDABILITY

Step 1: City Council passes a resolution stating that the City is studying the long-term planning and growth projections for the area surrounding the four manufactured housing communities assigned the 10-year preservation requirement, with the goal of including in the 2019 comprehensive plan update a new section discussing the need to preserve these communities for ten years, at which point growth trends will likely allow for an up-zone and increased housing densities as long as affordable housing is provided. This comprehensive plan amendment will provide the legal and planning foundation for codifying phased zoning in the City's zoning code.

Step 2: The Planning Commission considers the amendments and makes a recommendation to the City Council. Initial City Council direction on the following approaches is requested.

Possible amendments describing phased zoning:

18.15.125 Map designation -- Phased zoning of *manufactured housing communities*.

The purpose of "phased zoning" is to allow zoning designations to automatically adjust over time in order to accomplish comprehensive plan goals as conditions change. In phased zoning, the initial zoning is replaced with another zoning that is "unlocked" at an identified horizon year. When the horizon year is reached, the initial zoning automatically converts to the "unlocked" zoning that is reflective of the long-term vision for the area as expressed in the comprehensive plan.

The purpose of "phased zoning" of *manufactured housing communities* is to rezone designated *manufactured housing communities* as MHC for a period of ten years following the effective date of Ordinance No. _____, at which point the zoning designation will change to a designation with increased densities and corollary requirements to provide affordable housing.

Possible amendments related to property at 7614 NE Bothell Way:

- Revise Comprehensive Plan Map to show property as R-48, Multifamily Residential at 48 du/acre.

- Rezone the property (currently zoned R-24 and to be rezoned MHC) to R-48. Reapply the TOD designation to the property. Require affordability in the R-48 zoning district as follows:

18.77.043 Residential, R-48, zone.

The provisions of this section shall apply to multifamily residential *developments* proposed on property within the residential, R-48, zone.

A. Twenty (20) percent of the total number of units in the *development* shall be *moderate income affordable housing units*.

B. 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) of this section.

C. Subject to *City* authorization, the affordable units need not be provided within the *development*, but must be provided within the R-12 through R-48, downtown commercial, downtown residential, community business, regional business, or urban corridor zone.

Possible amendments related to properties at 6837 NE 182nd Street and a portion of 7000 NE 181st Street:

- Amend the Comprehensive Plan to increase the maximum allowable density in the Downtown Residential (DR) district.

- Rezone the properties (currently zoned DR and to be rezoned to MHC) back to DR with new standards as follows:

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: *Dwelling Units*/Gross Acre	48; applies east of 68th Avenue NE
Maximum Density: *Dwelling Units*/Gross Acre with Density Bonus Incentives	72; density incentives or bonuses not required west of 68th Avenue NE
Maximum Density: *Dwelling Units*/Gross Acre with redevelopment of a property formerly zoned MHC and subject to phased zoning	100; with provision of affordable dwelling units. See KMC 18.77.020.
Minimum Density: *Dwelling Units*/Net Acre	18 – *Townhouse* only *development* 18 – 36 – *Townhouse*/*apartment* combination *development* 36 – *Apartments*

Possible amendments related to properties at 7021 NE 181st Street and a portion of 7000 NE 181st Street:

- Amend the Comprehensive Plan to increase the maximum allowable density in the Downtown Commercial (DC) district.

- Rezone the properties (currently zoned DC and to be rezoned MHC) back to DC with new standards as follows:

18.25.040 Zoning standards.

The following zone-specific development standards in Table B apply in the downtown commercial zone:

Table B. Downtown Commercial Development Standards

STANDARD	REQUIREMENT
Base Density: *Dwelling Units*/Gross Acre	48; applies east of 68th Avenue NE
Maximum Density: *Dwelling Units*/Gross Acre with Density Bonus Incentives	72; density incentives or bonuses not required west of 68th Avenue NE
Maximum Density: *Dwelling Units*/Gross Acre with redevelopment of a property formerly zoned MHC and subject to phased zoning	100; with provision of affordable dwelling units. See KMC 18.77.020.
Minimum Density: *Dwelling Units*/Net Acre for Stand-Alone Multifamily Proposals	36

Possible amendments to the affordability requirements in the DR and DC zones as follows:

18.77.020 Downtown Residential and Downtown Commercial zones.

A. The provisions of this section shall apply to:

1. 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*~~.~~; or

2. *manufactured housing communities* subject to phased zoning and proposed for redevelopment.

B. Twenty~~-five~~ (~~25~~20) percent of the total number of units in the *development* shall be *moderate income affordable housing units*.

C. 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 (B) of this section.

D. Subject to *City* authorization, the affordable units need not be provided within the *development*, but must be provided within the downtown commercial, downtown residential, community business, regional business, or urban corridor zone.

ACS 5-year estimates	**2010-2014**	**2013-2017**	
Owner-occupied housing units			
Total	5,859	6,189	
Mobile homes	7%	5%	
Population in owner-occupied units			
Total	15,221	16,241	
In mobile homes	5%	3%	
Age of householder			
In all owner-occupied units	**5,859**	**6,189**	
15-34 years	11%	9%	
35-64 years	67%	67%	
65 years and over	22%	24%	
In mobile homes, boats, RVs, vans, e	**402**	**320**	Manuf home-owners are
15-34 years	9%	6%	more likely than other
35-64 years	62%	46%	Kenmore homeowners to
65 years and over	29%	48%	be senior citizens.
Year built			
Mobile home, boat, RV, van, etc.	**402**	**320**	
2000 or later	0%	0%	Half or more of Kenmore's
1980 to 1999	29%	40%	manuf homes may be pre-
1960 to 1979	67%	60%	"HUD code," but are being
1940 to 1959	4%	0%	replaced by newer units.
1939 or earlier	0%	0%	

CHAS 5-year estimates	**2009-2012**	**2012-2015**	
Affordability of owner-estimated home values			
Owner-occupied and for-sale units	**5,865**	**5,835**	
50 AMI	6%	7%	
51 to 80 AMI	5%	7%	
81 to 100 AMI	9%	12%	
Over 100 AMI	80%	74%	
Mobile homes, boats, RVs, vans, etc.	**265**	**345**	Manuf homes account for
50 AMI	85%	80%	40% of all affordable (at 80
51 to 80 AMI	12%	16%	AMI or below) owner-
81 to 100 AMI	0%	3%	occup or for-sale units in
Over 100 AMI	4%	1%	Kenmore.
Household income			
In all owner-occupied units	**5,865**	**5,835**	
<30 AMI	7%	7%	
31 to 50 AMI	5%	7%	
51 to 80 AMI	8%	8%	
81 to 100 AMI	8%	8%	
Over 100 AMI	72%	70%	
In mobile homes, boats, RVs, vans, e	**265**	**345**	
<30 AMI	37%	23%	Mobile home owners are
31 to 50 AMI	15%	27%	much more likely than
51 to 80 AMI	7%	21%	other Kenmore
81 to 100 AMI	19%	7%	homeowners to be low- or
Over 100 AMI	22%	21%	very low-income.

ANALSYSIS OF REDEVELOPMENT / REPLACEMENT AFFORDABLE HOUSING

MHC Location	A. Existing Homes	B. Zoning Dist. (Density)	C. Unit Estimate (Existing Zoning)	Moderate Income (70% Median)			Low Income (50% median)		
				D. Estimate of Bonus Units *	Total Units (C + D) (Density)	Aff Units as % of Total Units	E. Estimate of Bonus Units *	Total Units (C + E) (Density)	Aff Units as % of Total Units
7031 NE 175th St	57	R-12	65	171	236 *(44)*	24%	342	407 *(75)*	14%
7301 NE 175th St	78	R-12	93	234	327 *(42)*	24%	468	561 *(72)*	14%
7000 NE 181st St	11	DT Comm/Res (48)	51	33	84 *(79)*	13%	66	117 *(110)*	9%
7021 NE 181st St	20	DT Comm (48)	67	60	127 *(91)*	16%	120	187 *(134)*	11%
7614 NE Bothell Way	27	TOD Overlay (24)	72	81	153 *(51)*	18%	162	234 *(78)*	12%
6837 NE 182nd Street	63	DT Res (48)	158	189	347 *(105)*	18%	378	536 *(163)*	12%

* Number of bonus units needed to provide a number of affordable units equal to existing homes

Number of Bonus Units for Each Moderate Affordable Unit: 3
(Two market rate units, one Affordable unit)
Number of Bonus Units for Each 'Low; Affordable Unit: *6*