

City of Kenmore



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

City of Kenmore Planning Commission Meeting Agenda

July 19, 2022 @ 7 p.m.
ON-SITE and ONLINE

Log-in Information for the Commission Meeting:

Please click the link below to join the webinar or copy and put this link in your address bar in your web browser:

<https://kenmorewa-gov.zoom.us/j/81038583747>

Or One tap mobile :

US: +12532158782,,81038583747# or +13462487799,,81038583747#

Or Telephone:

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

US: +1 253 215 8782 or +1 346 248 7799 or +1 669 444 9171 or +1 669 900 9128 or +1 312 626 6799 or +1 646 558 8656 or +1 646 931 3860 or +1 301 715 8592

Webinar ID: 810 3858 3747

International numbers available: <https://kenmorewa-gov.zoom.us/j/81038583747>

If you have any questions or to confirm agenda items prior to the meeting, or if you require special accommodations, please email Rita Moreno at rmoreno@kenmorewa.gov.

1. CALL TO ORDER

2. PUBLIC COMMENTS

This is an opportunity to express your views on issues that are important to you and to the community. Please email comments to Rita Moreno at rmoreno@kenmorewa.gov by 5:00 p.m. on Tuesday, July 19, 2022. All comments received will be forwarded to the Planning Commission for consideration. In a hybrid meeting we will hear from our onsite guests first, followed by our virtual guests. You also may use the "raise hand" feature in Zoom during the Public Comment portion of the meeting or call in at the number listed above. A 3-minute comment limit applies.

3. APPROVAL OF MINUTES

- [June 30, 2022 Planning Commission Meeting Minutes](#)

4. AGENDA ITEMS

- Transit-Oriented Development (TOD) Regulations
[Staff Memo](#)
[Attachment 1- Revised TOD Regulations](#)
[Attachment 2 - Comprehensive Plan language](#)
[Attachment 3 - Map of TOD overlay area](#)
[Attachment 4 - Revised Zoning Map](#)
[Attachment 5 - Building height illustrations](#)

5. ADJOURNMENT

- 6. UPCOMING MEETINGS:**
August 2, 2022, 7:00 p.m.
August 16, 2022, 7:00 p.m.

**City of Kenmore
Planning Commission Meeting
June 30, 2022, @ 7:00 p.m.**

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

Mike Vanderlinde, Vice Chair
Tracy Banaszynski
Nathan Loutsis
Christiana Mathews
Mariel Torres Mehdipour
Derek Wycoff

Staff

Debbie Bent, Community Development Director
Rita Moreno, Recreation Coordinator/ Administrative Assistant
Brian Randall, Accountant
John Vicente, City Engineer
Alicia McIntire, ENV SP - Parametrix
Rhea Flisakowski - Parametrix
Mike Stanger, Senior Planner ARCH

1. CALL TO ORDER

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

2. PUBLIC COMMENTS

No Public Comments

3. APPROVAL OF MINUTES

Commissioners approved the June 7, 2022, Planning Commission Meeting Minutes by unanimous consent.

4. AGENDA ITEMS

- Transportation Concurrency Tutorial

Alicia McIntire, ENV SP – Parametrix , Reah Flisakowski, Parametrix, and John Vicente, City Engineer

gave a presentation on Concurrency. Commissioners had questions on

- Comparisons to other cities
 - Community input on tradeoffs and funding
 - Pedestrian and bike levels of service standards clarification
 - information on travel demand model. signal timing, and other modeling
 - level of service standards, walking and biking compared to driving
 - need significant input from public to make choices on which to chose
- Affordable Housing Feasibility Tutorial

Mike Stanger, ARCH gave a presentation on the TOD regulations – Affordable Housing Program Orientation. Commissioners had questions/ discussions on

- any other tools ARCH looked at to produce more affordable housing
- 3 levers to work with – tax exemption, parking adjustments, and density concessions. Which to pull to get most bang for our buck
- Asked for presentation to be loaded online

After both presentations, commissioners requested they be available online. Staff thanked commissioners for their presentations at the joint council meeting. Commissioners asked how they would receive communication on the council decision process from the recommendations and asked for the timeline. End of July and they have 3 choices

- can give direction to provide an ordinance based on the Planning Commission's recommendations
- can request some minor amendments, then request an ordinance
- can decide to do major changes which would require additional research and a public hearing

come back in fall with an ordinance or do more research.

5. ADJOURNMENT

Vice Chair Vanderlinde adjourned the meeting at 8:47 PM

Planning Commission

Approved by Planning Commission on: _____



City Of Kenmore, Washington

Memorandum

Date: July 13, 2022

To: Planning Commission

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

Regarding: Transit-Oriented Development (TOD) Code Amendments

At your meeting on July 19, we will have the first discussion of proposed Transit-Oriented Development (TOD) code amendments (see Attachment 1).

These amendments address several standards in the current TOD rules: permitted uses, density, setbacks, connectivity, design, and tree grove preservation. The amendments also include some code streamlining and cleanup changes to improve clarity.

The amendments do not include recommendations on income and percentage requirements for inclusionary affordable housing. Options and issues related to affordable housing, including parking standards and incentives, will be discussed at your August 16 meeting.

The draft regulations also do not include recommendations on maximum height or development incentives, as additional policy discussion is needed with the Commission on these topics (see below).

Areas in the amendments where additional standards would be added are highlighted in blue.

On July 19, staff recommends that the Commission address the policy discussion items and also flag areas in the draft regulations needing explanation and/or amendment. Given the timing of this project, other City departments have not had an opportunity to fully review this material. For this reason, staff may bring back additional suggestions on August 16.

Proposed Changes

The Comprehensive Plan language recommended to the City Council for the TOD is included in Attachment 2. These amendments support higher densities with affordable housing requirements in the current TOD overlay area. Responding to City Council direction to consider expanding the TOD, the Planning Commission's approach was to extend density and affordability requirements west to Downtown.

There are four land use classifications in the current TOD district (see Attachment 3 for the TOD overlay map and Attachment 4 for the draft Zoning Map now in front of the City Council). Those four districts are: Urban Corridor, east subarea (UC), Downtown Commercial (DC), Residential (R-1, R-12, R-18, and R-24), and Public/Semi-Public (PSP).

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The following table summarizes the existing TOD standards in comparison to those in the underlying zoning districts. (All densities are shown in dwelling units per acre.)

Zoning District	TOD	R-1	R-12	R-18	R-24	PSP	UC east	DC
Min. density	60	None	80%	75%	70%	None	None	36
Max. density	150	1	12/18*	18/27*	24/36*	.10**	48/72*	48/72
Height	65	35	60	60/80*	60/80*	35	55	35/65*
Affordability requirement	Yes	No	No	No	No	No	No	Some
Parking	Less	Base***	Base	Base	Base	Base	Base	Base
Design Standards	Yes	No	No	No	No	Some	Yes	Yes
Connectivity	Yes	No	No	No	No	No	No	No
Tree protection	More	Base	Base	Base	Base	Base	Base	Base

*Density or height/Density or height with incentives

**One unit per existing legal lot

***Base means no change from regular Zoning Code standards

The TOD overlay rules in their entirety can be found here:

<https://www.codepublishing.com/WA/Kenmore/#!/Kenmore18/Kenmore1829.html#18.29>.

Rules for the underlying zoning districts, including chapters related to parking (Chapter 18.40) and design (Chapter 18.52) can be found in Municipal Code Title 18:

<https://www.codepublishing.com/WA/Kenmore/>.

The following table summarizes the proposed new standards compared with those in the TOD. Staff is recommending that rather than define a single new zoning district for the entire TOD area, the existing UC, PSP and DC zones be retained and the standards revised. We make this recommendation to reserve the commercial and mixed use intent of the Urban Corridor and Downtown Commercial zoning districts and to preserve the unique characteristics of the Public/Semi-Public zoning district. By revising the DC standards, the TOD densities and affordability requirements are easily extended west to the main part of Downtown.

A new zoning district, Urban Residential (UR), would take the place of the current residential (R) districts except R-1. The R-1 zoning district would retain its original zoning and would no longer be part of the TOD.

Zoning District	TOD	UR	PSP	UC east	DC
Min. density	60	60	None	60	60
Max. density	150	150	150*	150	150
Height	65	TBD	TBD	TBD	TBD
Affordability requirement	Yes	Yes	Yes*	Yes	Yes
Parking	Less	TBD	TBD	TBD	TBD
Design Standards	Yes	Yes	Yes*	Yes	Yes
Connectivity	Yes	Yes	Yes*	Yes	No

Tree protection	More	More	More*	More	Base
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*In some locations

The TOD developers panel expressed no concerns with the minimum density of 60 du/acre in the TOD area. They did raise the question of whether a maximum floor area ratio (FAR) rather than dwelling units per acre should be used to address maximum density (currently 150 du/acre). Using FAR allows more flexibility as the building envelope determines the number of units in the project, not the site acreage. Staff recommends against moving to a maximum FAR standard as this is not consistent with the approach taken in Kenmore to date. Determining an appropriate FAR for multiple zoning districts would be a significant research project beyond the scope of this project.

The Public/Semi-Public (PSP) zone presently does not allow multifamily uses outright and this is a concern for the Metro/Sound Transit Park and Ride where a mixed use residential and commercial TOD project is under consideration. This limitation on multifamily uses (requiring a special review process and possible Comprehensive Plan amendment) also is a concern for other surplus PSP properties (one at NE 153rd and 70th, for example) that might be targeted for housing. To address these concerns, staff has amended the list of PSP permitted uses to allow multifamily development under certain conditions.

A minimum density is not recommended for the PSP zone as there are many PSP properties outside the area of the TOD overlay where a minimum density as high as 60 dwelling units per acre would not be appropriate. The maximum density of 150 dwelling units per acre in this zone would be applied only to the area of the Metro/Sound Transit Park and Ride. As proposed, other PSP properties would take on the maximum residential densities of adjoining zoning districts.

The TOD connectivity and tree grove preservation requirements have been added to the PSP zone, but only for the Metro/Sound Transit Park and Ride property.

New standards applied to the DC zone at this time are only those related to density and affordability.

Policy Questions related to Maximum Height

The current TOD height maximum is 65' unless the development is next to the R-1, R-4, or R-6 zoning district. In that case, the maximum height is reduced to 35' for the first 50' from the single-family boundary.

Standard 5-over-2 building construction (5 stories of wood construction over a 2-story concrete podium) requires a height of up to 75'. If the maximum height is increased to 85' (the maximum allowed by the Building Code for wood construction over a concrete podium), it would give developers more flexibility.

At the TOD developers forum, panelists generally requested a 75' maximum height. One participant stated that for an exclusively affordable housing development, 7 floors with a 10' floor height would be the maximum built. One participant mentioned the flexibility of the 85' height limit. One developer suggested that any additional height would be valuable given the potentially high water table in portions of the area.

Attachment 5 provides images of various building heights.

Staff has contacted neighboring jurisdictions for information on their maximum heights near downtown or in areas served by bus rapid transit (BRT). In parts of downtown Kirkland, heights can be up to 115' or a maximum of 8 stories. In Juanita Village (Kirkland), height limits in some areas can be up to 78'. The new NE 85th Street Station Area zoning in Kirkland (designed around a BRT station near I-405) has maximum heights ranging from 85' to 250', although above 85' certain amenities are required. Downtown Bothell height limits cap at 76' or 6 floors.

Considerations for height increases in the TOD include proximity to the heron rookery. The relationship between heights in the TOD area and Downtown also is important. Should building heights be maximized in central Kenmore?

In the Downtown, increased height presently is used to incentivize structured parking.

Staff has identified the following policy questions related to maximum building height:

1. Should heights be increased above 65'?

Staff recommendation: Staff supports an increase.

2. Does the Planning Commission have a preferred height limit? Does it vary between the TOD area and Downtown?

Staff recommendation: Staff supports heights up to 85' to support transit-oriented development in Kenmore. Staff supports either comparable heights between the TOD area and Downtown or a higher maximum height in the Downtown.

3. How would the regulations address project heights near the heron rookery?

Staff recommendation: Staff supports a project-specific impact analysis to assess appropriate building heights near the rookery rather than a standardized height limitation. The impact analysis approach has its basis in science and can more specifically identify necessary limitations/mitigations.

Policy Questions related to Development Incentives

The current TOD standards provide reduced parking requirements (.6 stalls for each market rate unit instead of 1 stall) for the first 100 bonus housing units provided in the City (a so-called "pioneer project"). They also provide incentives for tree grove preservation.

The TOD developers panel thought that current incentives should be strengthened to attract development. For example, "green building" could be used as an incentive to get more density. Expedited permit review also was mentioned.

Staff notes that expedited permit review has already been put in place for projects including affordable housing. Staff recommends continuing the tree grove preservation incentive in areas where it may be applicable. Rules for the DC zone already allow for a parking reduction in exchange for tree preservation.

Policy questions related to incentives include:

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1. Should an incentive be offered to the first TOD project?

Staff recommendation: The “pioneer project” incentive may no longer be necessary given the fairly recent application of MFTE (a financial benefit) to the TOD area and the near-term arrival of bus rapid transit (BRT) in 2026. Too, this regulation has proved difficult to administer.

2. Should “green building” become an incentive or is it an expectation?

Staff recommendation: Staff would support a regulation offering additional density in exchange for green building. There are several non-City “green building” programs that could certify projects for eligibility. One is managed by the Master Builders. Another is LEED certification.

Planning Commission Background Discussions

The Planning Commission considered preliminary policy directions for the TOD both in 2021 and 2022. See the following meeting dates and links to the agenda packets:

June 1, 2021:

<https://kenmore.civicweb.net/filepro/documents/2566/?expanded=109023&preview=111930>

- In the discussion of policy options, the Commission concluded that the TOD rules should be mandatory not optional;
- Some TOD standards, particularly densities and affordability requirements, should be considered for Downtown;
- The TOD should be supportive of downtown, with more focus on residential uses in a mixed use environment;
- The potential for TOD should not be expanded west of Downtown;
- Critical areas must be protected.

June 15, 2021:

<https://kenmore.civicweb.net/filepro/documents/109023/?preview=112486>

- Planning Commission confirmed the policy directions from June 1.

January 4, 2022:

<https://kenmore.civicweb.net/filepro/documents/116733/?preview=116735>

January 18, 2022:

<https://kenmore.civicweb.net/filepro/documents/116733/?preview=117231>

- Review of previous policy directions for new Commissioners in the context of the revised Land Use Element.

February 15, 2022:

<https://kenmore.civicweb.net/filepro/documents/116733/>

March 1:

<https://kenmore.civicweb.net/filepro/documents/116733/>

- Developer panel on TOD and debriefing;

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- Panelists agreed that there is a market for TOD in Kenmore;
- The first project (pioneer project) takes more risk;
- Comments were made on standards related to parking, affordable housing, height, density, MFTE, incentives, design standards, open space, and TOD expansion.

Attachments

Attachment 1: First draft of Zoning Code amendments

Attachment 2: Comprehensive Plan language recommended to the City Council

Attachment 3: Map of current TOD area

Attachment 4: Zoning Map in front of City Council

Attachment 5: Images of various building heights

Urban Corridor (UC) Zone Changes

18.25A.060 Zoning standards.

The following zone-specific development standards in Table C apply in the urban corridor zone:

Table C. Urban Corridor Zone Development Standards

STANDARD	REQUIREMENT
Urban Corridor west subarea Base Density: <i>Dwelling Units/Acre</i>	48 du/ac
Urban Corridor west subarea Maximum Density: <i>Dwelling Units/Acre</i>	72 du/ac ¹
Urban Corridor east subarea Minimum Density: <i>Dwelling Units/Acre</i>	60 du/ac
Urban Corridor east subarea Maximum Density: <i>Dwelling Units/Acre</i>	150 du/ac
Minimum <i>Street Setback</i>	10 ft. ²
Minimum Interior <i>Setback</i>	20 ft. ³
Maximum Height:	
Urban corridor east subarea	35 ft. ⁴
Urban corridor west subarea:	
• south of SR-522	35 ft.
• north of SR-522 west of 63rd Ave. NE	35 ft.
• north of SR-522 east of 63rd Ave. NE	35 ft. ⁴
Maximum <i>Impervious Surface</i> : Percentage	90%

¹ This density may only be achieved through the application of residential density incentives or *transfer of density credits* in *mixed use developments*. See Chapter [18.80](#) KMC.

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² Gas station pump islands shall be placed no closer than 25 feet to *street* front lines.

³ Required on property lines adjoining residential zones.

⁴ The maximum height on a *site* north of SR-522 east of 63rd Avenue NE may be increased up to a maximum of 55 feet if (1) there is no intervening parcel between the *site* and the NE 181st Street right-of-way, and (2) if the *applicant* can demonstrate, based on ground elevation data, that a topographic change is adequate to protect views of Lake Washington from uphill lots. The measurement shall be taken as follows: a) determine average existing ground elevation along the centerline of the NE 181st Street right-of-way abutting the *site*; b) determine average existing ground elevation along an artificial east-west line 60 feet north of and paralleling the SR-522 right-of-way abutting the *site*; c) subtract the elevation calculated in b) from the elevation calculated in a). If this difference is more than 35 feet, the maximum height for the *site* may be increased to that difference. In no case, however, shall the maximum allowable height exceed 55 feet.

⁵ Portions of any property that are within 50 feet of an R-1, R-4, or R-6 zoning district shall have a maximum height of 35 feet within that area to provide a transition in height to the lower intensity uses.

18.25A.070 Additional development standards. (*changes made for clarity*)

A. Where the urban corridor zone abuts a residential zone, the *city manager* may require additional landscaping pursuant to Chapter [18.35](#) KMC, blank wall treatments pursuant to Chapter [18.52](#) KMC, and/or measures to address building mass and bulk pursuant to KMC [18.52.310](#) and/or [18.52.330](#) in order to mitigate impacts of new development on neighboring residential areas.

B. In the urban corridor west subarea, parcels on the south side of SR-522 shall provide a public view corridor from SR-522 to Lake Washington. The intent of the corridor is to provide an unobstructed view from SR-522 to the lake. A minimum view corridor equivalent to 30 percent of the average east-west dimension of the development proposal site shall be maintained. The location of the view corridor shall be designed to meet the following standards and must be approved by the *city manager*:

1. The view corridor must be adjacent to one of the two side property lines, whichever will result in the widest view corridor, considering the following in order of priority:

a. Locations of existing view corridors;

b. Existing development or potential development on adjacent properties, given the topography, access and likely location of future improvements;

ATTACHMENT 1

c. Locations of existing sight-obscuring structures, parking areas or vegetation that are likely to remain in place in the foreseeable future;

2. The view corridor must be in one continuous piece.

3. For land divisions, the view corridor shall be established as part of the land division and shall be located to create the largest view corridor on the subject property.

4. The following shall be permitted within a view corridor:

a. Areas provided for public access, such as public pedestrian walkways, public use areas, or viewing platforms;

b. Parking lots for passenger vehicles and subsurface parking structures; provided, that the parking does not completely obstruct the view of the lake from the public right-of-way;

c. Structures, if the slope of the subject property permits full, unobstructed views of the lake over the structures from the public right-of-way;

d. Vegetation, including required vegetation screening, provided it is designed and of a size that will not obscure the view from the public right-of-way to the lake at the time of planting or upon future growth. Low growing, native vegetation is encouraged. In the event of a conflict between required landscaping and view preservation, view preservation shall take precedence over landscaping requirements;

e. Open fencing that is designed not to obscure the view from the public right-of-way to the lake.

5. The *applicant* shall execute a covenant or similar legal agreement, in a form acceptable to the city attorney, and record the agreement with the county records and elections division to protect the view corridor. Land survey information shall be provided by the *applicant* for this purpose in a format approved by the *city manager*.

CB. *Drive-through service* is permitted as an *accessory use*. *Drive-through service* shall be oriented to the side and/or rear of the *building*, and integrated into the exterior wall. Drive-through lanes shall not be located between the *street* and the main pedestrian access to the *buildings*. Modifications to these requirements may be reviewed through the site plan or building permit review process when meeting the intent of pedestrian orientation pursuant to Chapter [18.52](#) KMC, Downtown Design Standards.

DC. Outdoor storage is prohibited in the urban corridor zone, west subarea, and in the urban corridor zone, east subarea, east of 80th Avenue NE. In the urban corridor zone, east subarea,

west of 80th Avenue NE, accessory outdoor storage is limited to a maximum of 50 percent of the site area.

18.25.075 View corridors in the Urban Corridor zone, west subarea. *(Changes made for clarity)*

A. In the urban corridor west subarea, parcels on the south side of SR-522 shall provide a public view corridor from SR-522 to Lake Washington. The intent of the corridor is to provide an unobstructed view from SR-522 to the lake. A minimum view corridor equivalent to 30 percent of the average east-west dimension of the development proposal site shall be maintained. The location of the view corridor shall be designed to meet the following standards and must be approved by the city manager:

1. The view corridor must be adjacent to one of the two side property lines, whichever will result in the widest view corridor, considering the following in order of priority:

a. Locations of existing view corridors;

b. Existing development or potential development on adjacent properties, given the topography, access and likely location of future improvements;

c. Locations of existing sight-obscuring structures, parking areas or vegetation that are likely to remain in place in the foreseeable future.

2. The view corridor must be in one continuous piece.

3. For land divisions, the view corridor shall be established as part of the land division and shall be located to create the largest view corridor on the subject property.

4. The following shall be permitted within a view corridor:

a. Areas provided for public access, such as public pedestrian walkways, public use areas, or viewing platforms;

b. Parking lots for passenger vehicles and subsurface parking structures; provided, that the parking does not completely obstruct the view of the lake from the public right-of-way;

c. Structures, if the slope of the subject property permits full, unobstructed views of the lake over the structures from the public right-of-way;

d. Vegetation, including required vegetation screening, provided it is designed and of a size that will not obscure the view from the public right-of-way to the lake at the time of planting or upon future growth. Low growing, native vegetation is

encouraged. In the event of a conflict between required landscaping and view preservation, view preservation shall take precedence over landscaping requirements;

e. Open fencing that is designed not to obscure the view from the public right-of-way to the lake.

5. The *applicant* shall execute a covenant or similar legal agreement, in a form acceptable to the city attorney, and record the agreement with the county records and elections division to protect the view corridor. Land survey information shall be provided by the *applicant* for this purpose in a format approved by the *city manager*.

18.25A.085 Parking in the Urban Corridor zone, east subarea.

Parking in the urban corridor zone, east subarea, should be sufficient to support local businesses and residential development, while at the same time promoting transit ridership, walkable streets, and efficient use of land. Proposed development shall provide parking as follows:

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

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

1. [redacted] parking spaces per market-rate dwelling unit.

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

3. [redacted] parking spaces per dwelling unit for *affordable or senior citizen dwelling units*.

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

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

2. Shared parking among uses is encouraged as described in KMC 18.40.040. Developments that propose shared parking arrangements shall submit a parking management plan as defined in KMC 18.20.1995 that describes the terms and conditions of shared parking arrangements on site.

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

E. Maximum parking shall not exceed the minimum requirement calculated under the provisions of KMC [18.40.030](#).

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

F. All other parking requirements shall be as provided in Chapter [18.40 KMC](#).

Note for staff: 18.40.030.F, exceedance of minimum parking, must be adjusted to reflect this new code section.

18.25A.090 Connectivity requirements in the Urban Corridor zone, east subarea.

The urban corridor zone, east subarea, should remove impediments to pedestrian use of the district and the downtown area by fostering the creation of an extensive network of sidewalks and pedestrian walkways.

Development proposals shall:

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

B. Comply with the downtown design standards pertaining to pedestrian walkways, as set forth in KMC [18.52.100](#).

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

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

2. The public access easement for public access trails shall be documented on the face of the plat or plan and recorded with the King County Department of Records and Elections. Public access easements shall run with the land in perpetuity.

18.25A.095 Significant tree grove retention in the Urban Corridor zone, east subarea.

A. Definitions.

1. **Significant Tree Grove Definition.** A “significant tree grove” shall consist of two or more trees with a minimum of five and one-half tree units total. A qualifying tree has two tree units minimum. The maximum distance measured in feet between qualifying trees shall be equal to two times the critical root zone in order to be defined as a significant tree grove. For example a 24-inch d.b.h. tree must be within 24 feet of another tree in the grove to be included in the significant tree grove. A tree of any size that is topped or considered a “hazard tree” as defined in KMC 18.20.3084 may not qualify as part of a significant tree grove as herein defined. For purposes of this chapter, a significant tree grove may not contain trees that are located within a critical area or critical area buffer protected under Chapter 18.55 KMC. A significant tree grove is not the same as a “grove,” as defined in KMC 18.20.1273.

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

B. Applicability.

1. Development proposals in the urban corridor zone, east subarea, shall be eligible to benefit from providing less parking or more dwelling units or any combination of the two if the development retains one or more significant tree grove(s) as defined in this section in perpetuity. A development may be able to benefit from both reduced parking and additional dwelling units by preserving a significant tree grove so long as the same tree credits are not counted towards both reductions in parking and additional bonus dwellings. Trees or groves retained through the provision of Chapter 18.57 KMC may count towards the significant tree grove retention if they meet the definitions found in subsection A of this section.

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

ATTACHMENT 1

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

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

E. Significant Tree Grove Preservation Requirements.

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

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

3. Subject to Tree Protection Measures of Chapter 18.57 KMC. Significant tree groves protected under this section shall be subject to the tree protection measures during construction found in KMC 18.57.090, the post-construction replacement, financial guarantee, and maintenance requirements of KMC 18.57.100, and the penalties and enforcement of KMC 18.57.110.

18.25A.100 Affordable housing requirements in the Urban Corridor zone, east subarea.

Development in the urban corridor zone, east subarea, containing residential units shall provide affordable housing as described in Chapter 18.77 KMC.

18.25A.080105 Conflict with design standardsDesign requirements.

Development within the Urban Corridor zone shall comply with the provisions of the downtown design standards, as set forth in Chapter 18.52 KMC. In the event of a conflict between Chapter 18.52 KMC, Downtown Design Standards, and urban corridor zone standards, the Kenmore downtown design standards shall prevail.

Note to Planning Commission: 18.52.070.A.1, map of design districts, will be changed to show UC East as Design Standard 1 (most stringent).

18.25A.075110 Wireless communication facilities.

Use allowances and development regulations for *wireless communication facilities* are located in Chapter [18.60](#) KMC.

Downtown Commercial (DC) Zone Changes

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: <i>Dwelling Units/Gross Acre</i>	48; applies east of 68th Avenue NE
Maximum Density: <i>Dwelling Units/Gross Acre</i> with Density Bonus Incentives	72; density incentives or bonuses not required west of 68th Avenue NE 150
Minimum Density: <i>Dwelling Units/Net Acre</i> for Stand-Alone Multifamily Proposals	3660
Street Setback	Minimum 10 ft. from SR-522, unless otherwise allowed through Chapter 18.52 KMC, Downtown Design Standards; other <i>streets</i> 0 ft. Maximum 10 ft. unless otherwise allowed through Chapter 18.52 KMC, Downtown Design Standards The <i>City</i> may authorize intrusions of structural elements into the public right-of-way, including awnings, columns, bay windows, or others, through the design review, site plan review, building permit review, or right-of-way use permit processes, if such intrusions would not impede safe travel by pedestrians, solar access is not significantly diminished, and <i>City</i> liability is limited
Minimum Interior Setback	0 ft.; except when property adjoins R-1 to R-12 property, then 20 ft.
Base Height	15 ft.

Table B. Downtown Commercial Development Standards

STANDARD	REQUIREMENT
Maximum Height Applicable to mixed-use developments containing residential dwellings at a minimum 50 percent of square footage to a maximum of 75 percent square footage; or to developments achieving density bonus; or to developments providing structured parking	15 ft.
Maximum <i>Impervious Surface</i> : Percentage	90%
Pedestrian Connections	Pedestrian connections are required to be provided in accordance with Chapter 18.52 KMC, Downtown Design Standards

18.25.041 Affordable housing requirements.

Development containing residential units shall provide affordable housing as described in Chapter 18.77 KMC.

Public and Semi-Public (PSP) Zone Changes

18.27.020 Public and semi-public zone – Use allowances.

A. The following *uses* listed in Table A are identified as *permitted*, conditionally permitted, or *prohibited uses* in the public and semi-public zone:

Table A. Public and Semi-Public Zone Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
Arts, entertainment, indoor	College/university	Marijuana business
Arts, entertainment, outdoor ¹	Construction and trade ⁴	Marijuana cooperative
Educational service		Regional land use ⁵
Fire or police facility		Secure facility
Multiple-family dwelling ⁶		
Office ²		

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Table A. Public and Semi-Public Zone Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Park</i>		
<i>Recreational facility, indoor</i>		
<i>Recreational facility, outdoor</i>		
<i>Standalone parking³</i>		
<i>Utility facility</i>		

1. Except outdoor performance center which is conditionally permitted.
 2. Limited to *public agency offices*.
 3. Limited to commuter parking facilities for users of transit, carpools or ride-share programs. **Standalone parking garages shall be part of a mixed use development and shall use techniques such as architectural screening treatments and/or "wrapping" of the building with other uses to mitigate the visual impacts of the garage.**
 4. Limited to *public agency* maintenance yards or facilities.
 5. Landfill and transfer station are specifically prohibited. Consideration of all other *regional land uses* shall follow the process outlined in KMC Section [18.27.060](#).
 6. Limited to: (1) developments sponsored by a *public agency* on properties abutting SR-522 containing at least **10% very-low or low-income affordable housing units**; or (2) developments on surplus property. **Developments containing very-low or low-income affordable housing units shall meet the standards of Chapter 18.77 KMC.**
- B. Classified land *uses* not listed or prohibited in Table A may be allowed through completion of a site plan review process pursuant to KMC [18.27.060](#) and Chapter [18.105](#) KMC.
- C. *Uses* Established by *Master Plan*. Adopted *master plans* that specify *uses* include the following:
1. Bastyr University Master Plan, December 2009, approved by City Ordinance 09-0304. [Ord. 17-0438 § 2 (Att. A); Ord. 16-0426 § 5 (Att. C); Ord. 16-0421 § 2 (Att. A); Ord. 14-0384 § 5; Ord. 11-0329 § 3 (Exh. 1).]

18.27.040 Public and semi-public zone – Development standards.

A. Specific zone-based development standards for the public and semi-public zone in Table B shall apply to the public and semi-public zone as follows:

**Table B. Public and Semi-Public Zone
Development Standards**

Standard	Requirement
Maximum Density: <i>Dwelling Units</i> /Gross Acre	0.40 ¹ 150 ¹
Minimum Lot Size	4,500 sq. ft. ²
Minimum Lot Width	35 ft.
Minimum <i>Street Setback</i>	0 ft., 10 ft., or 20 ft. ³
Minimum Interior <i>Setback</i>	0 ft., 5 ft., or 20 ft. ³
Base Height	10 ft. ⁴
Maximum <i>Impervious Surface</i> : Percentage	70%, 90% ⁵

¹ *Dwelling unit, single detached uses*: limited to one single detached dwelling unit per existing legal lot as of December 16, 2008. Maximum density allowed only for development projects abutting SR-522 and containing at least 10% very low-income or low-income affordable housing units. Permitted densities for other housing projects shall be consistent with permitted residential densities in adjoining zoning districts.

² The minimum lot size may be reduced if the city manager determines use on the site is compatible with adjoining property, does not impair development of adjoining property and does not adversely affect the public health, safety or welfare.

³ a. *Street setbacks*: the minimum street setback for nonresidential or mixed use development varies depending on the adjacent zoning:

(1) Zero feet if adjacent zoning is downtown commercial or downtown residential.

(2) Twenty feet if adjacent zoning is R-1 to R-6.

(3) Ten feet in all other cases.

b. *Interior setbacks* for nonresidential or mixed use development: zero feet if adjacent zoning is downtown commercial or downtown residential; 20 feet if adjacent zoning is R-1 to R-6; five feet in all other cases.

c. Setbacks for residential development shall match those of the adjoining zoning district.

⁴ Height limits may be increased when portions of the *building* 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 does not exceed 75 feet. Properties abutting downtown commercial or downtown residential zones or regional business zones may achieve the heights allowed by those abutting zones if meeting conditions for the maximum height as expressed in those abutting zones.

⁵ a. Ninety percent if abutting properties are zoned downtown commercial or downtown residential or regional business. Seventy percent in all other cases.

b. Measures to reduce *impervious surfaces* and to promote *low impact development* shall be employed unless infeasible, consistent with adopted Kenmore stormwater management standards.

B. Standards may be varied through a *variance* process pursuant to Chapter [19.25](#) KMC and KMC [18.115.030](#), or through the site plan review process in KMC [18.27.060](#).

18.27.052 Connectivity requirements for properties abutting SR-522.

Properties in the public/semi-public zone abutting SR-522 should remove impediments to pedestrian use of the area by fostering the creation of an extensive network of sidewalks and pedestrian walkways.

Development proposals shall:

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

B. Comply with the downtown design standards pertaining to pedestrian walkways, as set forth in KMC [18.52.100](#).

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

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

2. The public access easement for public access trails shall be documented on the face of the plat or plan and recorded with the King County Department of Records and Elections. Public access easements shall run with the land in perpetuity.

18.27.054 Significant tree grove retention for properties abutting SR-522.

A. Definitions.

1. Significant Tree Grove Definition. A "significant tree grove" shall consist of two or more trees with a minimum of five and one-half tree units total. A qualifying tree has two tree units minimum. The maximum distance measured in feet between qualifying trees shall be equal to two times the critical root zone in order to be defined as a significant tree grove. For example a 24-inch d.b.h. tree must be within 24 feet of another tree in the grove to be included in the significant tree grove. A tree of any size that is topped or considered a "hazard tree" as defined in KMC 18.20.3084 may not qualify as part of a significant tree grove as herein defined. For purposes of this chapter, a significant tree grove may not contain trees that are located within a critical area or critical area buffer protected under Chapter 18.55 KMC. A significant tree grove is not the same as a "grove," as defined in KMC 18.20.1273.

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

B. Applicability.

1. Development proposals on properties in the public/semi-public zone abutting SR-522, shall be eligible to benefit from providing less parking or more dwelling units or any combination of the two if the development retains one or more significant tree grove(s) as defined in this section in perpetuity. A development may be able to benefit from both reduced parking and additional dwelling units by preserving a significant tree grove so long as the same tree credits are not counted towards both reductions in parking and additional bonus dwellings. Trees or groves retained through the provision of Chapter 18.57 KMC may count towards the significant tree grove retention if they meet the definitions found in subsection A of this section.

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

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

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

E. Significant Tree Grove Preservation Requirements.

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

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

3. Subject to Tree Protection Measures of Chapter 18.57 KMC. Significant tree groves protected under this section shall be subject to the tree protection measures during construction found in KMC 18.57.090, the post-construction replacement, financial guarantee, and maintenance requirements of KMC 18.57.100, and the penalties and enforcement of KMC 18.57.110.

Urban Residential (UR) Zone (new)

Chapter 18.29

TOD DISTRICT OVERLAYURBAN RESIDENTIAL ZONE

Sections:

18.29.010 Intent.

18.29.020 Area.

18.29.030 Applicability.

18.29.040 Use allowances.

18.29.045 Accessory uses.

18.29.050 Zoning standards.

18.29.060 Affordable housing requirements.

18.29.070 Parking.

- [18.29.080 Design requirements.](#)
- [18.29.090 Connectivity requirements.](#)
- [18.29.100 Significant tree grove retention.](#)
- [18.29.055105 Wireless communication facilities.](#)

18.29.010 Intent.

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

18.29.020 Area.

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

18.29.030 Applicability.

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

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

1. The property must be located within the TOD district overlay area as described in [KMC 18.29.020](#);
2. The proposed development must either:
 - a. Be considered a mixed use development as defined in [KMC 18.20.1740](#); or

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

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

18.29.040 Use allowances.

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

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

Table A – TOD
Overlay District Urban Residential Zone
Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
Day care	Arts, entertainment, indoor ^{1,2}	Adult entertainment business
Eating and drinking place ¹	Business service, standard ^{1,2}	Air transportation service
Educational service ¹	Health care and social assistance ^{1,2}	Ambulatory surgery center ²
Mobile food service ^{2,3}	Manufacturing, light ^{1,2,3,5}	Animal kennel/shelter ^{2,3}
Multiple-family dwelling	Park	Arts, entertainment, outdoor
Office ¹	Personal service ^{1,2}	Auction house
	Recreational facility, indoor ^{1,2}	Automotive sales and service, marine
	Regional land use	Automotive sales and service, non-marine
	Retail sales ^{1,2,3,5}	Business service, intensive
	Temporary lodging ^{1,2}	Cemetery, columbarium or mausoleum
		College/university ²
		Community residential facility
		Construction and trade
		Family child-care home
		Fire or police facility ²
		Funeral home/crematory

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Table A – TOD
Overlay District Urban Residential Zone
Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
		<i>Hospital</i>
		<i>Laboratory¹</i>
		<i>Manufactured housing community</i>
		<i>Manufacturing, heavy</i>
		<i>Marijuana business</i>
		<i>Marijuana cooperative</i>
		<i>Recreational facility, outdoor</i>
		<i>Religious institution²</i>
		<i>Resource land use</i>
		<i>Retail sales, bulk</i>
		<i>Secure facility</i>
		<i>Single detached dwelling unit</i>
		<i>Standalone parking</i>
		<i>Supportive living facility¹</i>
		<i>Transportation</i>
		<i>Utility facility</i>
		<i>Vehicle or equipment rental</i>
		<i>Vehicle refueling station</i>
		<i>Warehousing</i>
		<i>Wholesale trade</i>

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

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

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

⁴² *Mobile food service* is permitted subject to the following requirements:

- a. For a stand, location shall be on a sidewalk or near a storefront consistent with barrier-free regulations;
- b. For a stand, location on the sidewalk or near a storefront shall provide for at least four feet of unobstructed sidewalk between the stand and the sidewalk edge for pedestrian movement;
- c. No permanent fencing, walls, or other structures are installed which hinder removal of the structure from the site;
- d. No required parking stall shall be blocked or rendered unusable as a result of the *mobile food service*;
- e. Safe ingress and egress to the site shall be maintained. Visibility for transportation and pedestrian access shall be maintained;
- f. The limited duration of the *mobile food service* shall be established as a condition of approval of any applicable permits; if accessory to a use, such operation is removed daily at the time of or prior to the close of business hours;
- g. A sign permit is required for exterior signage in accordance with the sign code, Chapter [18.42](#) KMC.

⁵³ No *outdoor storage* of materials shall be permitted.

18.29.045 Accessory uses.

Accessory uses, when consistent with the definition in Chapter [18.20](#) KMC, are allowed as determined by the *city manager*.

18.29.050 Zoning standards.

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

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Table B – **TOD Overlay District Urban Residential Zone** Development Standards

STANDARD	REQUIREMENT
Minimum Density: <i>Dwelling Units</i> /Gross Acre	60 ¹
Maximum Density: <i>Dwelling Units</i> /Gross Acre	150 ¹
Maximum Height	35 ²
Minimum Lot Width	30' ²
Street Setback	Minimum 10' from SR-522 unless otherwise allowed through Chapter 18.52 KMC, Downtown Design Standards; other streets 0' Maximum 10' unless otherwise allowed through Chapter 18.52 KMC, Downtown Design Standards.
Minimum Side Setback ³	5'
Minimum Rear Setback ³	5'
Maximum Impervious Surface	90%

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

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

² Minimum lot width measurement is described in KMC 18.30.110.

³ In addition, the following design requirements shall apply:

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

18.29.060 Affordable housing requirements.

For properties choosing to develop under the TOD district overlay, ~~Development~~ shall provide affordable housing as described in Chapter 18.77 KMC. ~~Development choosing to develop under the TOD district overlay shall not utilize the provisions of residential density incentives found in Chapter 18.80 KMC to achieve maximum densities.~~

18.29.070 Parking.

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

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

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

1. parking spaces per market-rate dwelling unit, except as follows:
 - a. Pioneer Project Incentive. For purposes of this section, a pioneer project consists of the first 100 ~~bonus~~ housing units provided in the city under the TOD district ~~overlay~~ regulations. The first 100 ~~bonus~~ housing units in a pioneer project(s) may elect to provide parking spaces for market rate ~~bonus~~ units at 0.6 parking spaces per dwelling unit.
2. additional parking space per every five market rate dwelling units shall be provided and designated as guest parking for use by all guests.
3. parking spaces per dwelling unit for *affordable* or senior citizen dwelling units.

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

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

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

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

32. Shared parking among uses is encouraged within the TOD district overlay as described in KMC [18.40.040](#). Developments that propose shared parking arrangements shall submit a parking management plan as defined in KMC [18.20.1995](#) that describes the terms and conditions of shared parking arrangements on site.

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

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

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

F. All other parking requirements shall be as provided in Chapter [18.40](#) KMC.

Note for staff: 18.40.030.F, exceedance of minimum parking, must be adjusted to reflect this new code section.

18.29.080 Design requirements.

Development within the TOD district overlay urban residential zone shall comply with Standard 1 provisions of the downtown design standards, as set forth in Chapter [18.52](#) KMC.

18.29.090 Connectivity requirements.

Development in the TOD district overlay urban residential zone should remove impediments to pedestrian use of the district and the downtown area by fostering the creation of an extensive network of sidewalks and pedestrian walkways.

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

- A. Provide any direct pedestrian connections between proposed development and transit facilities, or arterials providing transit access in order to minimize walking distances to transit.
- B. Comply with the downtown design standards pertaining to pedestrian walkways, as set forth in KMC [18.52.100](#).
- C. Properties abutting water bodies (i.e., wetlands, rivers, lakes, or streams) shall provide a public access trail paralleling the water body from one property line to the next with setbacks that are consistent with the requirements of KMC Title [16](#) and Chapter [18.55](#) KMC. The public access trail shall connect to a public right-of-way.
 - 1. Where a development proposal abuts a property with a public access trail segment, the public access segment on the subject property shall connect to abutting property public access segment(s).
 - 2. The public access easement for public access trails shall be documented on the face of the plat or plan and recorded with the King County Department of Records and Elections. Public access easements shall run with the land in perpetuity.

18.29.100 Significant tree grove retention.

A. Definitions.

- 1. Significant Tree Grove Definition. A “significant tree grove” shall consist of two or more trees with a minimum of five and one-half tree units total. A qualifying tree has two tree units minimum. The maximum distance measured in feet between qualifying trees shall be equal to two times the critical root zone in order to be defined as a significant tree grove. For example a 24-inch d.b.h. tree must be within 24 feet of another tree in the grove to be included in the significant tree grove. A tree of any size that is topped or considered a “hazard tree” as defined in KMC [18.20.3084](#) may not qualify as part of a significant tree grove as herein defined. For purposes of this chapter, a significant tree grove may not contain trees that are located within a critical area or critical area buffer protected under Chapter [18.55](#) KMC. A significant tree grove is not the same as a “grove,” as defined in KMC [18.20.1273](#).
- 2. Tree Units. See KMC [18.57.060](#)(A) for translation of diameter at breast height (d.b.h.) to tree units.

B. Applicability.

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

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

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

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

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

E. Significant Tree Grove Preservation Requirements.

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

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

3. Subject to Tree Protection Measures of Chapter [18.57](#) KMC. Significant tree groves protected under this section shall be subject to the tree protection measures during construction found in KMC [18.57.090](#), the post-construction replacement, financial

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guarantee, and maintenance requirements of KMC [18.57.100](#), and the penalties and enforcement of KMC [18.57.110](#).

Note to staff: 18.57, add UR zone to tree regulations.

COMPREHENSIVE PLAN LANGUAGE RELATED TO TOD

FUTURE LAND USE

The future development pattern would show:

- **Transit-oriented development in the area centered on the Metro/Sound Transit Park and Ride.** This concentration of pedestrian-oriented mixed use residential development is at intensities that support and are supported by multi-modal transportation options, including bus rapid transit. Transit-oriented development reinforces Kenmore's designation as a High Capacity Transit Community.

LAND USE CLASSIFICATIONS

Purpose statements for the classifications in the area of the TOD read:

- **URBAN CORRIDOR:** East of downtown, portions of the district (nearest the transit center) would be an enterprise zone, allowing for a wide range of commercial uses, including bulk retail, as well as **high-density-standalone** multifamily development **with affordable housing requirements**. Farther to the east, near the city limits, office and multifamily uses are envisioned.
- **HIGH DENSITY RESIDENTIAL:** In this classification, land uses are predominantly larger apartment or condominium buildings with a variety of densities according to district. Base densities generally exceed 18 dwelling units per acre. In the area near the Metro/Sound Transit Park and Ride, development intensities support and are supported by multi-modal transportation options, including high capacity transit. The provision of affordable housing is a key feature of this transit-oriented development.
- **DOWNTOWN COMMERCIAL:** The Downtown Commercial **Districtclassification** features a mix of private and public uses designed to create a **small town feel, and** pedestrian-friendly environment **downtown consistent with Kenmore's designation in the Regional Growth Strategy as a High Capacity Transit Community and as a Candidate King County Countywide Growth Center.** Public places, sidewalks, extensive landscaping, transit-orientation, shared or structured parking, protection of environmentally sensitive areas, **affordable housing**, and high quality design and signage are key features. Permitted uses emphasize mixed or multiple use developments, and include high-density housing, civic and governmental **uses**, offices, small-scale commercial and retail **businesses**, and locally oriented professional and personal services.
- **PUBLIC AND PRIVATE FACILITIES:** The purpose of the Public and Private Facilities **Districtclassification** is to identify and retain public and private lands primarily utilized for parks, recreation, schools, **medical facilities (e.g. hospitals, clinics, medical districts etc.), non-profit service uses and organizations**, utilities, government buildings, and other administrative or institutional uses. **In some locations, housing may also be an appropriate use.** Master plans would be encouraged to determine the type and extent of these primary uses as well as compatible accessory uses. Development regulations include a process to reclassify smaller properties to the zone most prevalent immediately surrounding the site subject to the provision of information by the institution about the need to convert to a different use.

POLICIES

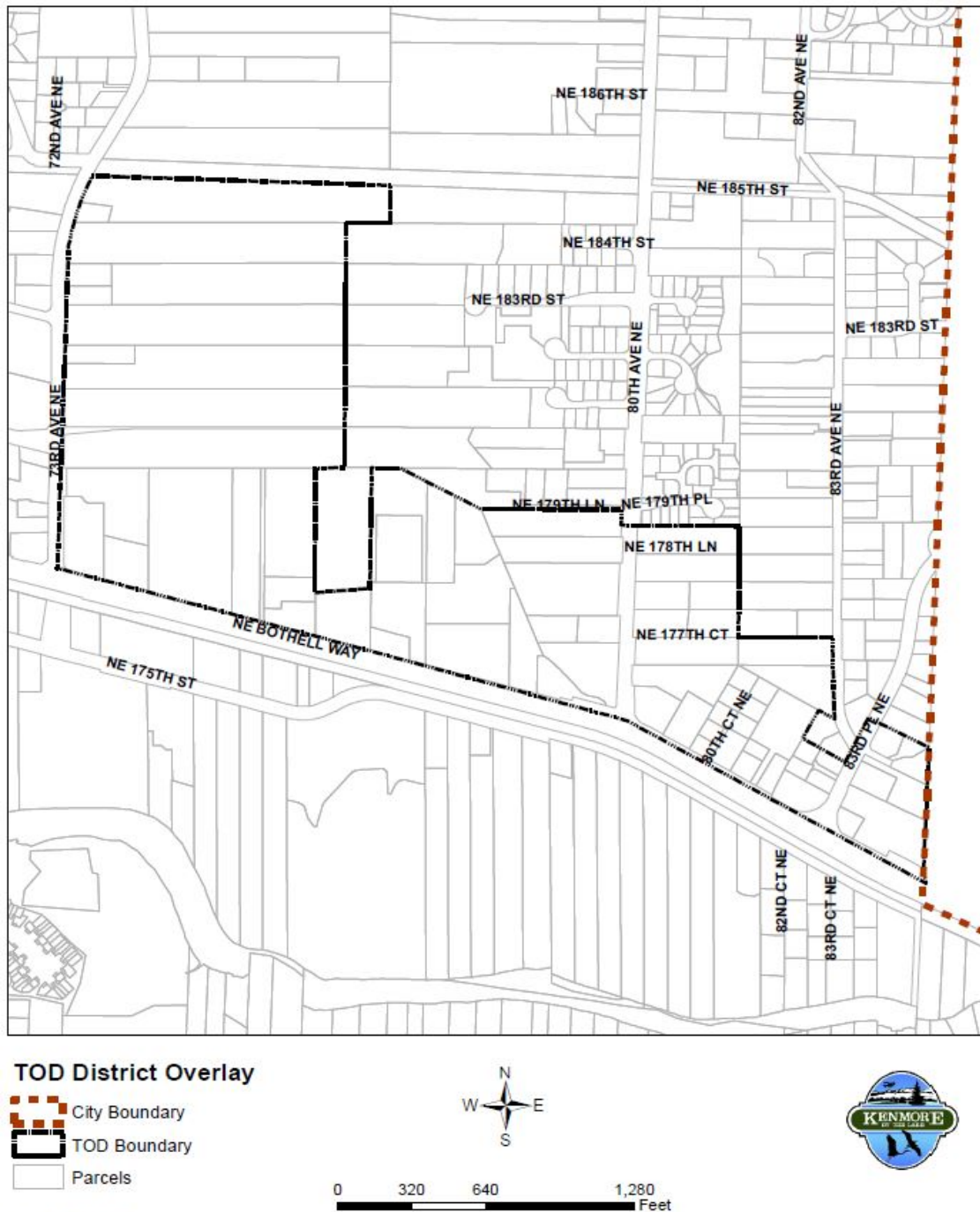
Related policies include:

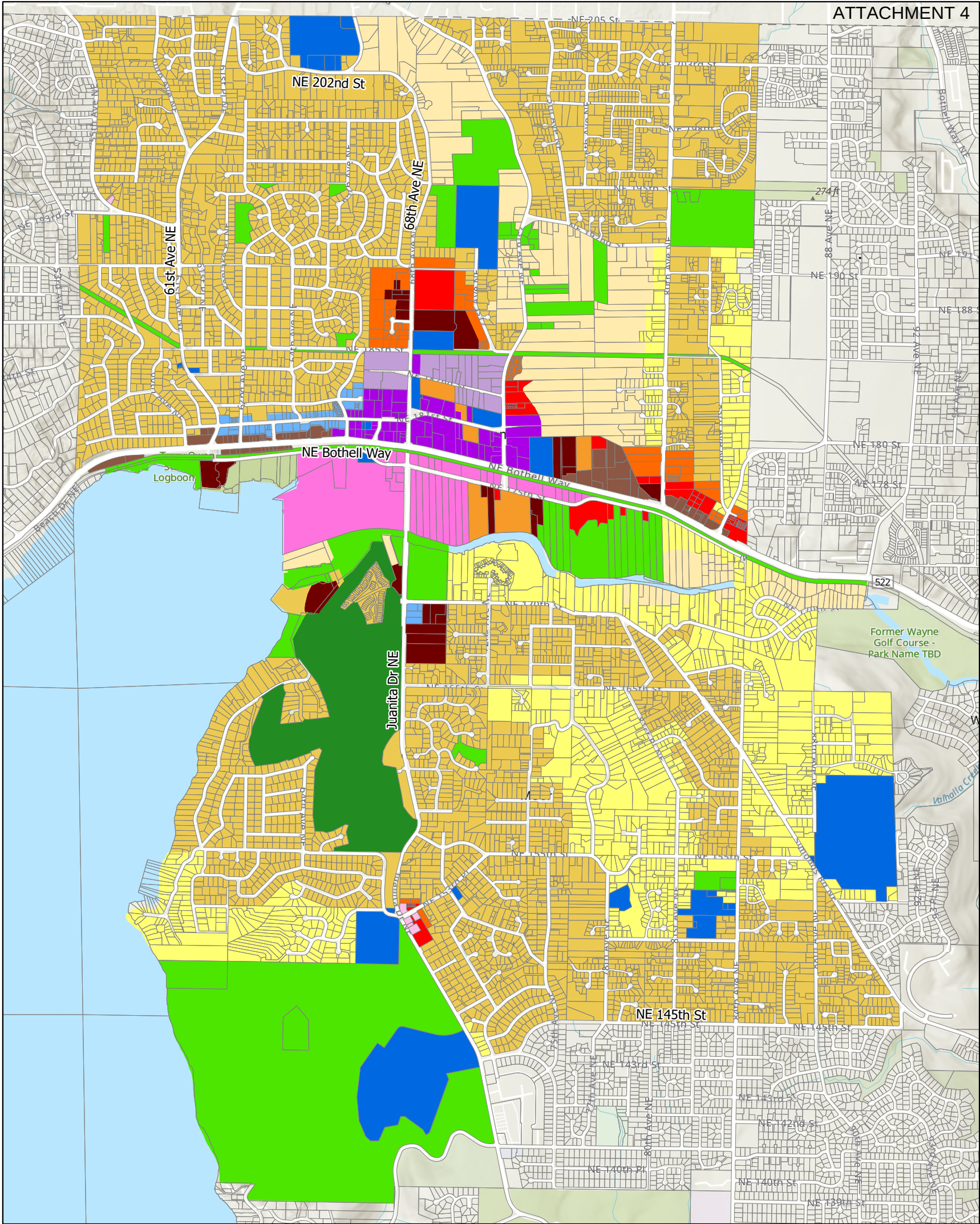
Policy LU-2.1.3 ~~Multi-family~~ High density residential classifications should be applied as follows:

- a. Primarily located in or near the Downtown area and in the area of transit-oriented development near the Metro/Sound Transit Park and Ride in mixed-use developments and in neighboring areas already containing multi-family uses;
- b. In or next to Regional, Community, or Neighborhood Business Centers; and,
- c. Where ~~Existing~~ or planned transportation capacity should be adequate to accommodate projected travel demand.

Policy LU-2.3.1 Through future planning efforts over the next twenty years, seek to achieve an average zoning density of at least seven homes per acre in the City through a mix of residential densities and housing types, appropriately located. Higher density classifications should be applied primarily in and around the Downtown and in the transit-oriented development area near the Metro/Sound Transit Park and Ride. Medium density classifications should be applied within a walkable and/or bikeable distance to transit and services. Lower density classifications, generally no less than four dwelling units per acre, should be applied to established single-family neighborhoods without easy access to transit and services. A lower density zone may be used to recognize significant environmentally sensitive areas.

Policy LU-2.3.8 In parts of Downtown near transit, in the high-density residential classification near the Metro/Sound Transit Park and Ride, and in the Urban Corridor classification east of 73rd Avenue NE, require inclusion of affordable housing in new residential or mixed use development.



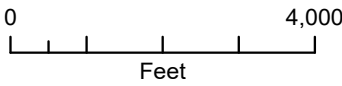


Official Zoning Map | City of Kenmore

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

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

Map Date: 2022



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



5 story, Spencer Square (green building), Kenmore



5+ story, LINQ Lofts and Flats, Kenmore



6 story mixed use, Capitol Hill (photo credit Dan Bertolet, Sightline)



6 story mixed use, Ballard (photo credit: Dan Bertolet, Sightline)

ATTACHMENT 5



7 story, Origin Apartments, Lake City



7 story, Maysa Lake City Apartments, Lake City



8 story mixed use building, Ballard (Photo credit: Dan Bertolet, Sightline)