

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

September 20, 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/83422097764>

Or One tap mobile :

US: +12532158782,,83422097764# or +13462487799,,83422097764#

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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 +1 719 359 4580 or +1 312 626 6799 or +1 386 347 5053 or +1 564 217
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3325

Webinar ID: 834 2209 7764

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, September 20, 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

[September 6, 2022 Planning Commission Meeting Minutes](#)

4. AGENDA ITEMS

Transit-Oriented Development (TOD) Regulations

[Staff Memo](#)

[Attachment 1-Revised TOD Regulations-final](#)

5. ADJOURNMENT

6. UPCOMING MEETINGS:

October 4, 2022, 7:00 p.m.

October 18, 2022, 7:00 p.m. (public hearing)

**City of Kenmore
Planning Commission Meeting
September 6, 2022, @ 7:00 p.m.**

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

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

Staff

Debbie Bent, Community Development Director
John Vicente, City Engineer
Alicia McIntire, Senior Consultant, Parametrix
Rita Moreno, Recreation Coordinator/ Administrative Assistant
Brian Randall, Accountant

1. CALL TO ORDER

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

2. PUBLIC COMMENTS

No public comments

3. APPROVAL OF MINUTES

Commissioners approved the August 16, 2022, Planning Commission Meeting Minutes with amendments by unanimous consent.

4. AGENDA ITEMS

- Transportation Element

Alicia McIntire, Senior Consultant, Parametrix reviewed the Transportation Element with the Commissioners and asked if there were any questions on the draft. Commissioners had several questions on the Transportation Element and gave suggestions for changes. There was a lengthy discussion on the

Transportation Element. The full video is available on the city's YouTube channel. Below are some highlights.

Some of the suggested changes/clarifications were:

- Include language in the introduction about the importance of sustainability.
 - Figure T-5 clarify the language on the Tolt Trail
 - Change name of Squires Landing Park to the new official park name Xaxwadis park throughout the element
 - Figure T-4 include notes about peak periods and when data collected
 - Figure T-8 clarify WSDOT designates truck routes
-
- Figure T-5 Include an explanation of why 4-6pm chosen for pedestrian traffic and pros/cons of extending the time period in the future.
 - Figures T-12 and T-13 verify if crash severity included pedestrians
 - Figure T-12 explain the differences in crash severity, provide data source.
 - Consider including information about changing vehicle delivery/commercial trends.
 - Policy T-1.2.1 strengthen and consider using an alternative to “consider”
 - Consider including language on the need for a regional approach to mitigation environmental consequences
 - Figure T-14, the third bullet, strengthen “wherever practical”
 - Policy T-3.5.2 include language for electric charging stations on public property
 - Policy T-3.6.1 include a reference to the toolkit and add information about the environment
 - Policy T-4.4.4 provide clarification about environmental constraints
 - Research other jurisdictions goals/policies on water transportation including transit (water taxi), freight and commercial water traffic and provide recommendations
 - Objective 4.5 include golf carts or other options for single occupant vehicles and reference Policy T-2.5.4
 - Objectives 7.1 and 7.2 add language about accessibility for everyone
 - Policy 7-2.5 tie in to Policy 7-2.2 recognizing historic disparities and need for corrections

- Figure T-16 remove Tolt trail
- Include language about light pollution or how it is addressed in the design standards

*Zoom hyperlink was not correct, but livestream was available on YouTube and the meeting was held in person at city hall.

5. ADJOURNMENT

Chair Thompson adjourned the meeting at 9:12 PM

Planning Commission

Approved by Planning Commission on: _____



City Of Kenmore, Washington

Memorandum

Date: September 14, 2022

To: Planning Commission

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

Regarding: Transit-Oriented Development (TOD) Code Amendments

On July 19 and August 16, you provided direction on a number of policy issues related to revising the TOD regulations. On September 20, we will review the complete set of amendments recommended by staff, in preparation for an October 18 public hearing on the changes.

Significantly, the amendments include the following:

- Incorporation of most TOD overlay standards into the Urban Corridor (UC) zone, east subarea; the Downtown Commercial zone east of 73rd Avenue NE; and the PSP zone (for the Park and Ride property on SR-522). These zones are within the existing TOD overlay.
- Creation of a new zone, Urban Residential (UR), including most of the area of multifamily zoning (R-12, R-18, R-24) in the TOD overlay and incorporating most of the current TOD standards.
- New maximum height of 85' in the area of the TOD overlay.
- New requirement that 25% of the units (rental) in the development be affordable to those at the 50% AMI level or below in the area of the TOD overlay. Ownership housing has a higher AMI level.
- Parking reduction to .50 stall per unit in the area of the TOD overlay.
- Extension of some TOD standards to the Downtown Commercial zone west of 73rd Avenue NE, including increased minimum density, increased maximum density, increased height, and affordability requirements.
- Special requirement that new development in the area of the heron rookery must address height and building orientation issues in a habitat management plan with recognition that height and building orientation standards may be adjusted to protect the rookery.
- Relocation of the parking and tree grove preservation standards from the TOD overlay to the "Parking" and "Tree Management and Protection" chapters of the Zoning Code.
- Extension of the TOD requirement that parking exceeding the minimum required amount be placed in a garage or screened to all of the Downtown Commercial and Downtown Residential zones (currently this is only required west of 68th Avenue NE).

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- Standardization of the affordable housing definitions to reflect State and County affordability definitions.
- Renaming of the design standards chapter so that it no longer references only "downtown."
- Addition of the UR zone to the areas allowing a Development Agreement.
- Allowance for multifamily uses on surplus public/semi-public (PSP) properties in neighborhoods, consistent with surrounding zoning standards. (This change was made as the PSP zone was being amended to add multifamily as a permitted use.)
- Miscellaneous amendments for consistency throughout the Code and with ARCH affordable housing implementation standards.

Following the Planning Commission's direction, staff will send the draft amendments to the members of February's developer panel for their review and comment as part of the public hearing process.

Attachments

Attachment 1: Draft TOD Amendments

new or deleted text
changes since August 16 meeting

Zoning District Changes

Urban Corridor (UC) Zone Changes

18.25A.040 Use allowances – Urban corridor east subarea.

The following *uses* listed in Table B are identified as permitted, conditionally permitted, or *prohibited* uses in the urban corridor east subarea:

Table B. Urban Corridor East Subarea Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Adult entertainment business¹</i> <i>Ambulatory surgery center</i> <i>Animal kennel/shelter²</i> <i>Arts, entertainment, indoor</i> <i>Arts, entertainment, outdoor³</i> <i>Business service, standard</i> <i>Cemetery, columbarium or mausoleum⁴</i> <i>Community residential facility⁵</i> <i>Day care</i> <i>Eating and drinking place⁶</i> <i>Educational service</i> <i>Funeral home/crematory</i> <i>Health care and social assistance</i> <i>Laboratory⁷</i> <i>Manufacturing, light</i> <i>Marijuana business</i> <i>Mobile food service⁸</i> <i>Multiple-family dwelling^{1,3}</i> <i>Office</i> <i>Park</i> <i>Personal service</i> <i>Recreational facility, indoor</i> <i>Recreational facility, outdoor^{3,9}</i> <i>Religious institution</i> <i>Retail sales</i> <i>Retail sales, bulk^{6,10}</i> <i>Standalone parking¹¹</i> <i>Supportive living facility</i> <i>Temporary lodging</i> <i>Vehicle refueling station¹²</i>	<i>College/university</i> <i>Fire or police facility</i> <i>Hospital⁵</i> <i>Laboratory⁷</i> <i>Regional land use⁵</i> <i>Retail sales, bulk^{6,10}</i>	<i>Air transportation service</i> <i>Arts, entertainment, outdoor³</i> <i>Auction house</i> <i>Automotive sales and service, marine</i> <i>Automotive sales and service, nonmarine</i> <i>Business service, intensive</i> <i>Community residential facility⁵</i> <i>Construction and trade</i> <i>Family child-care home</i> <i>Hospital⁵</i> <i>Manufactured housing community</i> <i>Manufacturing, heavy</i> <i>Marijuana cooperative</i> <i>Recreational facility, outdoor³</i> <i>Regional land use⁵</i> <i>Resource land use</i> <i>Retail sales, bulk⁶</i> <i>Secure facility</i> <i>Single detached dwelling unit</i> <i>Standalone parking¹¹</i> <i>Transportation</i> <i>Utility facility</i> <i>Vehicle or equipment rental</i> <i>Vehicle refueling station¹²</i> <i>Warehousing</i> <i>Wholesale trade</i>

...

¹³ A standalone townhouse development is prohibited.

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	55 ft. ^{5,6}
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.

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, or MHC zoning district shall have a maximum height of 35 feet within that area to provide a transition in height to the lower intensity uses.

⁶ Building heights and orientation for proposals within the great blue heron rookery buffer shall be carefully assessed through the required habitat management plan (see KMC 18.55, Articles XIII through XV). In particular, potential impacts related to the flyway and shadowing of nest trees shall be evaluated. The *city manager* may require adjustments to maximum building height and/or building orientation to protect the rookery.

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;

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.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.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 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 streets 0 ft. Maximum 10 ft. unless otherwise allowed through Chapter 18.52 KMC, Downtown Design Standards The City 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 City liability is limited
Minimum Interior Setback	0 ft.; except when property adjoins R-1 to R-12 property, then 20 ft.
Base Height	3565 ft. ¹
Maximum Height Applicable to <i>mixed use developments</i> containing residential dwellings at a minimum 50 percent of square footage to a maximum of 75 percent square footage; or to <i>developments</i> achieving density bonus; or to <i>developments</i> providing structured parking	6585 ft. ¹
Maximum Impervious Surface: Percentage	90%
Pedestrian Connections	Pedestrian connections are required to be provided in accordance with Chapter 18.52 KMC, Downtown Design Standards

¹ Building heights and orientation for proposals within the great blue heron rookery buffer shall be carefully assessed through the required habitat management plan (see KMC 18.55, Articles XIII through XV). In particular, potential impacts related to the flyway and shadowing of nest trees shall be evaluated. The city manager may require adjustments to maximum building height and/or building orientation to protect the rookery.

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	Construction and trade ⁴	Marijuana cooperative
Educational service		Regional land use ⁵
Fire or police facility		Secure facility
Multiple-family dwelling ^{6, 7}		
Office ²		
Park		
Recreational facility, indoor		
Recreational facility, outdoor		
Standalone parking ³		
Utility facility		

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 25% very-low or low-income affordable housing units; or (2) developments on surplus *public agency* property. Developments containing very-low or low-income affordable housing units shall meet the standards of Chapter 18.77 KMC.

⁷ A standalone townhouse development is prohibited on properties abutting SR-522.

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.

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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.

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	0-10 ² 150 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	35 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 25% 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.

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- 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.

⁹ Building heights and orientation for proposals within the great blue heron rookery buffer shall be carefully assessed through the required habitat management plan (see KMC 18.55, Articles XIII through XV). In particular, potential impacts related to the flyway and shadowing of nest trees shall be evaluated. The *city manager* may require adjustments to maximum building height and/or building orientation to protect the rookery.

- ⁹⁶ 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

ATTACHMENT 1

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.

Urban Residential (UR) Zone

(new zoning district based on TOD overlay standards)

Chapter 18.29

TOD DISTRICT OVERLAY URBAN 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 overlay~~ **Urban 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 overlay~~ **Urban 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 **district area**, the natural environment, and nearby traditional neighborhoods, and provides a framework for future infrastructure and service decisions. ~~The TOD district overlay~~ **Urban Residential zone** provides public benefits in the form of **encouraging housing affordable to all economic group housing**, 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

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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 overlayUrban Residential zone.

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

Table A – TOD
OverlayDistrictUrban Residential Zone
Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
Day care	Arts, entertainment, indoor ^{1,3}	Adult entertainment business
Eating and drinking place ¹	Business service, standard ^{1,3}	Air transportation service
Educational service ¹	Health care and social assistance ^{1,3}	Ambulatory surgery center ²
Mobile food service ^{4,2}	Manufacturing, light ^{1,3,5,2}	Animal kennel/shelter ^{2,3}
Multiple-family dwelling ¹	Park	Arts, entertainment, outdoor
Office ¹	Personal service ^{1,3}	Auction house
	Recreational facility, indoor ^{1,3}	Automotive sales and service, marine
	Regional land use	Automotive sales and service, non-marine
	Retail sales ^{1,3,5,2}	Business service, intensive
	Temporary lodging ^{1,3}	Cemetery, columbarium or mausoleum

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Table A – **TOD**
Overlay District Urban Residential Zone
 Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
		College/university ¹
		Community residential facility
		Construction and trade
		Family child-care home
		Fire or police facility ²
		Funeral home/crematory
		Hospital
		Laboratory ²
		Manufactured housing community
		Manufacturing, heavy
		Marijuana business
		Marijuana cooperative
		Recreational facility, outdoor
		Religious institution ²
		Resource land use
		Retail sales, bulk
		Secure facility
		Single detached dwelling unit
		Standalone parking
		Supportive living facility ²
		Transportation
		Utility facility
		Vehicle or equipment rental
		Vehicle refueling station
		Warehousing
		Wholesale trade

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

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

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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.

⁵² No *outdoor storage* of materials shall be permitted.

⁴ A standalone *townhouse* development is prohibited.

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:

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

STANDARD	REQUIREMENT
Minimum Density: <i>Dwelling Units</i> /Gross Acre	60 ⁴

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

STANDARD	REQUIREMENT
Maximum Density: <i>Dwelling Units/Gross Acre</i>	150 ¹
Maximum Height	85' ^{2,3}
Minimum Lot Width	30' ³
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 ⁴	5'
Minimum Rear Setback ⁴	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)~~.

^{2,3} Portions of any property developing under the TOD district overlay regulations that are within 50 feet of an ~~single-family zone (R-1, R-4, R-6, or MHC zoning district)~~ shall have a maximum height of 35 feet within that area to provide a transition in height to the lower intensity uses.

² Building heights and orientation for proposals within the great blue heron rookery buffer shall be carefully assessed through the required habitat management plan (see KMC 18.55, Articles XIII through XV). In particular, potential impacts related to the flyway and shadowing of nest trees shall be evaluated. The *city manager* may require adjustments to maximum building height and/or building orientation to protect the rookery.

³ Minimum lot width measurement is described in KMC ~~18.30.110~~.

⁴ 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, or MHC) 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 ~~that~~ 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~~ described in KMC ~~18.35.040(B)~~18.35.045 to provide a visual buffer.

18.29.060 Affordable housing requirements.

For properties choosing to develop under the TOD district overlay, ~~d~~Development containing residential units 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.

18.29.080 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.

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

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.

Amendments Related to Affordable Housing

Definitions:

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 described in the subsections below, adjusted for household size. (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~~ utilities, expenses required by the landlord, and parking to the extent that the city requires the property or development to provide off-street parking.)

A. For rental housing:

1. A ~~“moderate low”~~ low-income affordable housing unit” is affordable at ~~or below 70~~ or below 70 percent of median income, adjusted for household size;
2. A ~~“very low”~~ low-income affordable housing unit” is affordable at ~~or below 50~~ or below 50 percent of median income, adjusted for household size;
3. ~~A~~ An ~~“extremely very”~~ low-income affordable housing unit” is affordable at ~~or below 35~~ or below 35 percent of median income, adjusted for household size.

B. For ownership housing:

1. ~~A “moderate income affordable housing unit” is affordable at 80 percent of median income, adjusted for household size;~~
2. ~~A “low income affordable housing unit” is affordable at 65 percent of median income, adjusted for household size;~~
3. ~~A “very low income affordable housing unit” is affordable at 50 percent 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 section, 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.

Chapter 18.77 AFFORDABLE HOUSING

Sections:

- 18.77.010 Affordable housing – Purpose and intent.
- 18.77.015 General provisions.
- 18.77.020 Downtown residential and downtown commercial zones.
- 18.77.025 Downtown commercial zone.
- 18.77.030 Transit-oriented development (TOD) district overlay Urban corridor zone, east subarea.
- 18.77.040 Community business zone, Juanita subarea.
- 18.77.042 Urban residential zone.
- 18.77.045 Alternative compliance.

[18.77.050 Affordability agreement.](#)
[18.77.060 Expedited permit processing.](#)

18.77.010 Affordable housing – Purpose and intent.

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

18.77.015 General provisions.

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

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

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

1. Location. The location of the affordable housing units shall be approved by the *City*, with the intent that they generally be intermingled with all other *dwelling units* in the *development*.
2. Tenure. The tenure of the affordable housing units (ownership or rental) shall be the same as the tenure for the rest of the housing units in the *development*.
3. Size (Bedroom). The affordable housing units shall consist of a range of number of bedrooms that is comparable to units in the overall *development*.
4. Size (Square Footage). The size of the affordable housing units, if smaller than the other units with the same number of bedrooms in the *development*, shall be approved by the *city manager*. If there is a proposal that the affordable units be smaller than the market rate units, in no case shall the affordable housing units be less than 500 square feet for a studio unit, 600 square feet for a one-bedroom unit, 800 square feet for a two-bedroom unit, or 1,000 square feet for a three-bedroom unit.
5. Design. The exterior design of the affordable housing units shall be compatible and comparable with the rest of the *dwelling units* in the *development* and shall comply with any applicable design standards. The interior finish and quality of construction of the affordable housing units shall at a minimum be comparable to entry level rental or ownership housing in the *City*.

D. Duration. Housing shall serve only income-eligible households for a minimum period of 50 years from the latter of the date when the affordability agreement between the housing owner and the *City*,

as described in KMC [18.77.050](#), is recorded, or the date when the affordable housing becomes available for occupancy as determined by the *City*.

E. Timing/Phasing. The affordable housing units shall be available for occupancy in a time frame comparable to the availability of the rest of the *dwelling units* in the *development*.

18.77.020 Downtown residential ~~and downtown commercial~~ zones.

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

A. Twenty-five percent of the total number of units in the *development* shall be ~~reserved for eligible households and affordable to households with incomes no greater than 70 percent of the King County median income, if renter-occupied, or affordable to households with incomes no greater than 80 percent of median income, if owner-occupied~~*moderate-income affordable housing units*.

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

18.77.025 Downtown commercial zone.

A. Multifamily or mixed-use development proposed within the downtown commercial zone east of 73rd Avenue NE shall provide affordable housing as follows:

Twenty-five percent of the total number of residential units in the development shall be ~~very low-income affordable housing units~~ if renter-occupied or ~~low-income affordable units~~ if owner-occupied.

B. Multifamily or mixed-use development proposed within the downtown commercial zone west of 73rd Avenue NE shall provide affordable housing as follows:

Twenty-five percent of the total number of units in the *development* shall be reserved for eligible households and affordable to households with incomes no greater than 70 percent of the King County median income, if renter-occupied, or affordable to households with incomes no greater than 80 percent of median income, if owner-occupied.

18.77.030 ~~Transit-oriented development (TOD) district overlay~~Urban corridor zone, east subarea.

Multifamily or mixed use development proposed within the urban corridor zone, east subarea, shall provide affordable housing as follows:

Twenty-five percent of the total number of residential units in the development shall be ~~very low-income affordable housing units~~ if renter-occupied or ~~low-income affordable housing units~~ if owner-occupied.

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

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

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

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

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

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

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

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

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

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

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, Chapter 18.23 KMC, affordable housing units shall be provided for any *development* exceeding the base density of 24 *dwelling units* per acre as follows:

1. For every four *bonus units*, one bonus *dwelling unit* shall be reserved for eligible households and affordable to households with incomes no greater than 70 percent of the King County median income, if renter-occupied, or affordable to households with incomes no greater than 80 percent of median income, if owner-occupied, 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:
 - a. Each *very low-income affordable housing unit* provided counts as two renter-occupied affordable units required by subsection (A)(1).
 - b. Each unit provided, affordable at 65 percent of the King County median income, counts as two owner-occupied affordable units required by subsection (A)(1).

Example: Proposed *development* would achieve 36 *dwelling units* on a one-acre site for a density of 36 du/acre. This provides 12 "bonus" *dwelling units* above the 24 du/acre base density of the zone. Three of the 12 *bonus units* must be *affordable units as described in subsection (A)(1) moderate-income affordable housing units*. Alternatively, the project could provide two one affordable unit as described in subsection (A)(2) and one affordable unit as described in subsection (A)(1) *low-income affordable housing units* (rounded).

18.77.042 Urban residential zone.

Multifamily or mixed use development proposed within the urban residential zone shall provide affordable housing as follows:

Twenty-five percent of the total number of residential units in the development shall be *very low-income affordable housing units*.

18.77.045 Alternative compliance.

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

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

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

1. The project proponent must demonstrate that off-site provision of new affordable housing achieves a result equal to or better than providing affordable housing on site.
2. Affordable housing units provided through this method must be the same type of units as the units in the project which gave rise to the requirement.
3. Priority is for the project to be located within the same zoning district as the *development* responsible for providing affordable housing. However, the *city manager* may approve a project located outside the zoning district if the location has access to commercial uses and transit, does not result in an undue concentration of affordable housing, and has adequate infrastructure.
4. The proposal must demonstrate that the affordable units provided off site will be completed before or within the same time period as the *development* generating the affordable housing requirement. For projects approved for off-site affordable housing, there will be a recorded agreement on both the "sending" property and the "receiving" property. The covenant on the sending site will be released once the affordable housing is completed on the receiving property.

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

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

18.77.050 Affordability agreement.

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

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regulatory agreement for the purpose of enabling the owner to obtain financing for *development* of the property.

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

18.77.060 Expedited permit processing.

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

1. Short subdivision, including revisions and alterations;
2. Zoning variance;
3. Conditional use permit;
4. Shoreline permit; or
5. Critical area exceptions, variances or modifications under Chapter [18.55](#) KMC.

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

Miscellaneous amendments

(includes TOD parking and significant tree grove retention standards)

3.65.040 Project eligibility. (MFTE)

To be eligible for exemption from property taxation under this chapter, the property shall satisfy all of the following requirements:

A. The property must be located in a residential targeted area.

B. A building or buildings in the project on the property shall have at least four dwelling units. Any project may be proposed in phases. If applicable, the *affordable housing* units may be located in all or some of the buildings in the project.

C. For new construction, a minimum of four new dwelling units must be created; for rehabilitation or conversion of existing occupied structures, a minimum of four additional dwelling units must be added.

D. Existing dwelling units proposed for rehabilitation shall have been unoccupied for a minimum of 12 months prior to submission of an application and shall fail to comply with one or more requirements of the building code as set forth in KMC Title [15](#).

E. No application may result in the net loss of existing *affordable housing* which receives housing assistance through Federal low- or moderate-income housing programs (e.g., HUD Section 8 program).

F. Prior to issuing a certificate of occupancy, an agreement in a form acceptable to the city attorney that addresses *eligible household* qualifications and any other applicable topics of the *affordable housing* units shall be recorded with the King County department of records and elections. This agreement shall be a covenant running with the land and shall be binding on the assigns and successors of the *owners*.

G. The project shall comply with all applicable zoning, land use, building and housing requirements contained in this code, including, but not limited to, if the project is on property located in the transit oriented development district overlay, the project shall comply with Chapter 18.29 KMC and all other applicable zoning regulations.

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

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ZONING DESIGNATIONS	MAP SYMBOL
Neighborhood Business	NB
Community Business	CB
Downtown Residential	DR
Downtown Commercial	DC
Urban Corridor	UC
Urban Residential	UR
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

18.30.040 Fences.

Fences are permitted as follows:

A. *Fences* exceeding a height of eight feet shall comply with the applicable *street* and interior *setbacks* of the zone in which the property is located;

B. *Fences* located on a rockery, *retaining wall*, or *berm* within a required *setback* area are permitted subject to the following requirements:

1. In R-1 through R-18, P and GC zones:

a. The total height of the *fence* and the rockery, *retaining wall* or *berm* upon which the *fence* is located shall not exceed a height of 12 feet. This height shall be measured from the top of the *fence* to the ground on the low side of the rockery, *retaining wall* or *berm*; and

b. The total height of the *fence* itself, measured from the top of the *fence* to the top of the rockery, *retaining wall* or *berm*, shall not exceed eight feet;

2. In the R-24, R-48, **UR**, DR, PSP, and commercial zones, the height of the *fence*, measured from the top of the *fence* to the top of the rockery, *retaining wall* or *berm*, shall not exceed eight feet;

3. Any portion of the *fence* above a height of eight feet, measured to include both the *fence* and the rockery, *retaining wall*, or *berm* (as described in subsection (B)(1)(a) of this section), shall be an *open-work fence*;

C. *Fences* located on a rockery, *retaining wall* or *berm* outside required *setback* areas shall not exceed the building height for the zone, measured in accordance with the standards established in the *City* building code, KMC Title [15](#);

. . .

18.30.112 Marijuana businesses – Standards.

Nothing in this code or the ordinances of the City shall be construed as an authorization to violate any federal law. Affirmative terminology used in this section regarding permitting, licensing, authorization, and similar terms shall not be construed as approval, support, endorsement, or encouragement of the activities addressed in this code or City ordinances with regard to *marijuana businesses*. Such terms shall instead be construed only to describe circumstances under which there is conditional absence of local prohibition. The City does not intend to aid, abet, counsel, command, induce or procure any offense against the United States. The City also does not intend to conspire with any *marijuana producer, processor, researcher, or retailer* to commit any offense against the United States. The purpose of all regulations relating to *marijuana businesses* is to establish local laws which protect public safety, health and welfare to the greatest extent allowed by a Washington State law that cannot be reconciled with federal law. Nothing herein shall be construed to supersede federal law prohibiting the possession, use, manufacture, or sale of *marijuana*.

The following standards shall apply to *marijuana businesses*:

A. No person or entity may apply for, receive or maintain a permit to locate a *marijuana business* in the City unless that person or entity holds a valid marijuana business license from the Washington State Liquor and Cannabis Board verifying that the business complies with Chapter [314-55](#) WAC and all State laws relating to *marijuana businesses*. A *marijuana business* with an active administrative violation notice from the Washington State Liquor and Cannabis Board and/or a suspended license shall not be permitted to locate in the City until the violation is resolved and/or any associated fines have been paid or suspensions concluded.

B. *Marijuana businesses* shall maintain a 1,000-foot separation from the perimeter of the grounds of any of the following entities:

1. Elementary or secondary school;
2. Playground;
3. Recreation center or facility;
4. Child care center;
5. Public park;
6. Public transit center;
7. Library;
8. Any game arcade (where admission is not restricted to persons age 21 or older);

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9. Properties owned or under contract by a public entity such as a school district or the City where a future elementary or secondary school or public park is planned when such plans have been approved or adopted by the public entities' governing authority; or

10. Another *marijuana business*, except that a *marijuana researcher* shall not have this particular separation requirement.

Definitions of subsections (B)(1) through (8) of this section, and the methodology for measuring the buffers outlined above, shall be as provided in Chapter [314-55](#) WAC.

C. *Marijuana businesses* shall not be located on a parcel any portion of which is within 200 feet of a residential zone (R-1, R-4, R-6, R-12, R-18, R-24, or R-48, or UR).

. . .

18.30.130 Recreation space – On-site areas.

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

1. Are developed as a county, municipal or regional *park*;
2. Are located within one-quarter mile walking distance; and
3. Are accessible without crossing any arterial *street*.

. . .

18.30.230 Setbacks – Projections and structures allowed.

. . .

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

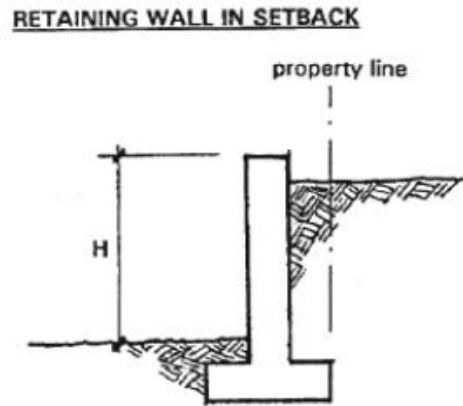
1. Eighteen inches into interior *setbacks* in the NB, CB, UR, DR, DC, UC, WC, RB, PSP, P, and GC zones;
2. Eighteen inches into side *setbacks* in the R and MHC zones;
3. Eighteen inches into rear *setbacks* in the R-12 through R-24 and MHC zones;
4. Five feet into rear *setbacks* in the R-1 through R-6 zones; and
5. Five feet into *street setbacks*;

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...

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, **urban residential**, 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



H maximum 6' in R-1— R18, P and GC zones

H maximum of 8' in R-24, R-48 and DR zones

H not to exceed building height requirement in commercial and PSP zones

Title [15](#);

Note to staff: illustration must be revised to add UR zone.

18.35.045 Landscaping – General requirements.

	Street frontage perimeter landscaping (average width) ⁹	Interior lot line perimeter landscaping (average width) ¹⁴	Surface parking lots of 10 or more stalls
Residential	10' Type III ⁸	5' Type II ⁸	20 sq. ft. per stall in common parking

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	Street frontage perimeter landscaping (average width) ⁹	Interior lot line perimeter landscaping (average width) ¹⁴	Surface parking lots of 10 or more stalls
development ¹		10' Type II ¹¹	areas.
Commercial development ²	10' Type III	20' Type I ¹⁰	20 sq. ft. per stall if 10 – 30 stalls provided; 25 sq. ft. per stall if 31 or more stalls provided.
Industrial development ³	10' Type II	10' Type II ¹² 20' Type I ¹⁰	20 sq. ft. per stall if 10 – 30 stalls provided; 25 sq. ft. per stall if 31 or more stalls provided.
Institutional development ⁴	20' Type II ⁶	10' Type II	20 sq. ft. per stall if 10 – 30 stalls provided; 25 sq. ft. per stall if 31 or more stalls provided.
Utility development ⁵	10' Type II ⁷	10' Type II ¹³	20 sq. ft. per stall if 10 – 30 stalls provided; 25 sq. ft. per stall if 31 or more stalls provided.

¹ As described in KMC [18.35.030](#)(A).

² As described in KMC [18.35.030](#)(D).

³ As described in KMC [18.35.030](#)(E).

⁴ As described in KMC [18.35.030](#)(F).

⁵ As described in KMC [18.35.030](#)(G).

⁶ Excluding playgrounds and playfields.

⁷ For an above-ground *utility facilities development* only, excluding distribution and transmission corridors.

⁸ Only for attached/group residence *development* as described in KMC [18.35.030](#)(B).

⁹ For all zones except the **UR**, DC and DR zones. In the CB zone, where *street frontage setbacks* are required, the area within the *setback* must contain Type II *landscaping*.

¹⁰ Along any portion adjacent to a residential *development* as described in KMC [18.35.030](#)(A).

¹¹ Along portions of an attached/group residence *development* as described in KMC [18.35.030](#)(B) adjacent to property developed with single detached residences or vacant property that is zoned R-1 through R-6.

¹² Along any portion adjacent to a commercial or institutional *development* as described in KMC [18.35.030](#)(D) and (F).

¹³ Excluding distribution or transmission corridors.

¹⁴ In the DC zone, where interior *setbacks* are required and/or provided, *setbacks* shall be landscaped with Type II *landscaping*. In the CB zone, where interior *setbacks* are required and/or provided, *setbacks* shall be landscaped with Type II *landscaping*.

18.35.070 Landscaping – Surface parking areas.

. . .

D. Landscaping around the perimeter of a *site* that is in addition to the perimeter *landscaping* required by KMC [18.35.045](#) may count toward 10 percent of the required surface parking area *landscaping* in all zones except the DC, ~~and DR~~, ~~and UR~~ zones, or RB-zoned properties that are not subject to P-suffix condition NS-P4, and which lie north of NE 175th Street (see subsection F of this section), if it is adjacent to the parking area;

. . .

F. Standards for perimeter *landscaping* and screening of surface parking lots for the DC, ~~and DR~~, ~~and UR~~ zones, or RB-zoned properties that are not subject to P-suffix condition NS-P4, and which lie north of NE 175th Street, are defined in Chapter [18.52](#) KMC, ~~Downtown~~ Design Standards. All other landscape requirements for surface parking lot landscaping in this section apply to the DC, ~~and DR~~, ~~and UR~~ zones, and RB-zoned properties that are not subject to P-suffix condition NS-P4, and which lie north of NE 175th Street.

18.40.030 Computation of required off-street parking spaces.

A. Except as modified in KMC [18.40.035](#), [18.40.040](#), [18.40.050](#) or [18.40.090](#), off-street parking areas shall contain at a minimum the number of *parking spaces* as stipulated in the following table. Off-street parking ratios expressed as number of spaces per square feet means the usable or net square footage of floor area, exclusive of nonpublic areas. Nonpublic areas include but are not limited to building maintenance areas, storage areas, closets, restrooms and exterior walls. If the formula for determining the number of off-street *parking spaces* results in a fraction, the number of off-street *parking spaces* shall be rounded to the nearest whole number with fractions of 0.50 or greater rounding up and fractions below 0.50 rounding down.

. . .

~~F. Exceedance of Minimum Parking – Downtown Commercial and Downtown Residential Zones West of 68th Avenue NE. Provision of parking in excess of the minimum parking requirements 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 and is interim in nature.~~

~~GF.~~ Exceedance of Minimum Parking – Zones Other Than Downtown Commercial and Downtown Residential Zones West of 68th Avenue NE. Provision of parking shall not exceed 30 percent more than the minimum parking requirements unless the excess parking spaces are 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 and is interim in nature.

~~HG.~~ Tree Retention – DC and DR Zones. Where an applicant proposes retention of *trees* in accordance with KMC [18.35.100](#)(G) in the DC and DR zones, the *city manager* may reduce parking

requirements by one *parking space* for every two *significant trees* that are saved in excess of the significant tree ordinance requirements.

II. Critical Area or Buffer Protection. When unavoidable, the *city manager* may reduce minimum parking requirements in order to maximize the protection of a *critical area* or its *buffer*. The reduction in the number of parking stalls or alternative stall or drive aisle dimensional requirements shall be in proportion to the area to be retained in the *buffer* or *critical area*.

18.29.070 Parking 18.40.035 Parking in the Urban Residential zone, Downtown Commercial zone east of 73rd Avenue NE, Public and Semi-Public zone abutting SR-522, and the Urban Corridor zone, east subarea

Parking in the ~~TOD district overlay~~ urban residential zone, the downtown commercial zone east of 73rd Avenue NE, the public and semi-public zone abutting SR-522, and 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 ~~choosing to develop under the TOD district overlay~~ shall provide parking as follows:

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

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

1. ~~1.00.50~~ parking spaces per ~~market rate~~ dwelling unit, ~~except as follows:~~

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

2. ~~1.00.50~~ additional parking space per every five ~~market rate~~ dwelling units shall be provided and designated as guest parking for use by all guests.

3. ~~0.60 parking spaces per dwelling unit for affordable or senior dwelling units. There are no minimum parking requirements for multifamily residential developments specifically for housing senior citizens or people with disabilities.~~

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.~~

~~ED.~~ 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.

~~FE.~~ All other parking requirements shall be as provided in ~~Chapter 18.40-KMC~~ this chapter.

18.40.038 Exceedance of Minimum Parking – Downtown Commercial Zone, Downtown Residential Zone, Urban Corridor Zone, East Subarea, and Urban Residential Zone.

~~Provision of parking in excess of the minimum parking requirements 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 and is interim in nature.~~

18.42.090 Residential zone signs.

Signs in the downtown residential, urban residential, 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 *sign* not exceeding two square feet is permitted; and
2. One *permanent residential development identification sign* not exceeding 32 square feet is permitted per neighborhood, subdivision, manufactured housing community, apartment/condominium complex, or other residential area. The maximum height for the *sign* shall be six feet. The *sign* may be freestanding or mounted on a wall, *fence*, or other *structure*.

Chapter 18.52 DOWNTOWN DESIGN STANDARDS

Note to staff: eliminate “Downtown” from references to the design standards

Sections:

Article I. Introduction and Applicability

- [18.52.010 Purpose and intent.](#)
- [18.52.020 Pedestrian-oriented streets and uses.](#)
- [18.52.030 Scale of downtown development.](#)
- [18.52.040 Example images included in standards.](#)
- [18.52.050 Recommended guiding principles – General.](#)
- [18.52.060 Additional principles – Northwest Quadrant.](#)
- [18.52.070 Applicability.](#)
- [18.52.075 Design review process.](#)

Article II. Site Design – Standards for All Uses

- [18.52.100 Pedestrian walkways.](#)
- [18.52.110 Northwest Quadrant circulation plan.](#)
- [18.52.120 Public spaces and plazas.](#)
- [18.52.130 Furnishings.](#)
- [18.52.140 Site lighting.](#)
- [18.52.150 Building location/setbacks \(for commercial/mixed use buildings\).](#)
- [18.52.160 Building setbacks \(for residential/primarily residential uses\).](#)
- [18.52.170 Surface parking lot location.](#)
- [18.52.180 Parking lot screening.](#)
- [18.52.190 Location of driveways.](#)
- [18.52.200 Outdoor service and storage areas.](#)

Article III. Building Design – Standards for All Uses

- [18.52.210 Corner features.](#)

- 18.52.220 Roof form.
- 18.52.230 Structured parking.
- 18.52.240 Blank wall and side wall screening.
- 18.52.250 Pedestrian bridges.

Article IV. Building Design – Standards for Commercial/Mixed Use Buildings

- 18.52.260 Visible building entrances.
- 18.52.270 Ground floor facades.
- 18.52.280 Ground floor transparency and visibility.
- 18.52.290 Weather protection.
- 18.52.300 Building materials.
- 18.52.310 Upper level stepbacks, mass, and bulk.

Article V. Building Design – Standards for Residential/Primarily Residential Uses

- 18.52.320 Primary residential entrances.
- 18.52.330 Building mass and bulk.
- 18.52.340 Materials.
- 18.52.350 Windows.

Article I. Introduction and Applicability

18.52.010 Purpose and intent.

The Kenmore **downtown** design standards are intended to implement the City's comprehensive plan and vision for the creation of "...a community with an attractive, vital, pedestrian-oriented City center offering commercial, civic, cultural and **park spaces**, integrated with higher density housing..." and "...a community with... that has clear design standards creating attractive, functional, and enduring *buildings* and places..."

The purpose of the **downtown** design standards is to create **a** pedestrian-oriented **downtownmixed use areas** by identifying appropriate *site* and development standards, including green infrastructure, for new *development*.

The Kenmore design standards are structured in the following manner.

...

18.52.030 Scale of **downtown development.**

18.52.050 Recommended guiding principles – **GeneralDowntown.**

18.52.070 Applicability.

A. Design standards shall apply as depicted in Figure 18.52.070.A.1.

~~B. A property owner or developer electing to develop under Chapter 18.29 KMC, Transit Oriented Development (TOD) District Overlay, shall comply with Standard 1 as described in subsection C of this section.~~

. . .

D. In the event of conflict between the **downtown** design standards and any other applicable code, the *city manager* shall determine the appropriate application of the conflicting codes, recognizing the need to protect public health, safety, and welfare, any specific interpretation criteria, as well as furtherance of the intent of the comprehensive plan and these **downtown** design standards.

. . .

G. The degree to which each standard applies to a redevelopment project shall be evaluated on a case-by-case basis in an effort to achieve an overall design which meets the purpose and intent of the **downtown** design standards. In determining the degree of applicability, the *city manager* shall give priority to design standards which address *building* placement, parking standards, window/door treatments, and *first floor facades*.

H. For proposed existing *structure* exterior remodels, or existing *structure* expansions, parking reconfigurations, or other activities subject to design standards that are less than new construction, the *city manager* shall determine the extent of compliance with the design standards as appropriate to recognize current conditions and further the intent of the **downtown** design standards. The required design or development standards shall be related to the improvement proposed. For example, if a parking reconfiguration is proposed, the required design standards should address *pedestrian walkways* between parking lots and building entrances or parking lot screening; or if a building entrance is modified, visible building entrance requirements should be applied.

18.52.100 Pedestrian walkways.

. . .

B. Standards – Required.

1. Locations. Clear and visible *pedestrian walkways* shall be provided in the following locations:

a. Through Block Connections.

(1) Northwest Quadrant. If the property abuts a proposed pedestrian route designated in the Northwest Quadrant circulation plan, see KMC [18.52.110](#). In areas not identified on the circulation plan, one *pedestrian walkway* shall be provided for an average of every 300 feet or less of *street frontages* in the north-south and east-west directions to create a linked *pedestrian walkway* system around and through the Northwest Quadrant. Distances may vary from exactly 300 feet to accommodate linking adjacent *development* on a case-by-case basis.

(a) *Public spaces* shall be linked to adjacent *streets* and *developments*.

(b) Exact locations of *pedestrian walkways* shall be determined at the time of *development* to accommodate linkages between adjacent *developments*.

(2) Northeast Quadrant and TOD District Overlay, Urban Corridor zone, east subarea, Urban Residential zone, and Public/Semi-Public properties abutting SR-522. In the Northeast Quadrant, Urban Corridor zone, east subarea, Urban Residential zone, and Public/Semi-Public properties abutting SR-522 and for properties electing to develop under Chapter 18.29 KMC in the TOD district overlay, one *pedestrian walkway* shall be provided between the north and south end of the property, spaced an average of every 300 feet or less of *street frontages*. The walkway must connect with walkways located on other properties established in accordance with this condition. Distances may vary from exactly 300 feet to accommodate linking adjacent *developments* on a case-by-case basis. The comprehensive plan downtown circulation concept shall be a general guide to priority pedestrian links.

(a) *Public spaces* shall be linked to adjacent *streets* and *developments*.

(b) Exact locations of *pedestrian walkways* shall be determined at the time of *development* to accommodate linkages between adjacent *developments*.

. . .

18.52.150 Building location/setbacks (for commercial/mixed use buildings).

A. Intent.

1. Retail Visibility. To ensure visibility of retail businesses, to establish active, lively uses along the sidewalk, and to encourage strolling ~~in the downtown~~.

18.52.160 Building setbacks (for residential/primarily residential uses).

A. Intent.

1. Pedestrian Orientation and Densities. To ensure pedestrian orientation and desired densities ~~in downtown~~.

18.52.210 Corner features.

A. Intent.

1. To ensure architectural interest and pedestrian-scaled detail ~~in downtown~~.

2. To allow for comfortable pedestrian queuing space.

18.52.220 Roof form.

. . .

C. Not Allowed.

1. Flat, Unadorned Roofs. Flat roofs without architectural embellishments are not allowed on buildings in the downtown.

18.52.230 Structured parking.

A. Intent.

1. Visually Integrated. To visually integrate parking garages with other downtown uses through active ground floor uses, and the use of architectural treatments, such as materials, treatments of openings, and human-scaled facade elements.

18.52.250 Pedestrian bridges.

. . .

2. Building and Landscape Treatments. Pedestrian bridges shall be designed as unique structures which serve as a key gateway feature to the downtown.

18.52.290 Weather protection.

A. Intent.

1. Weather Protection. To provide weather protection for pedestrians throughout downtown.

18.52.300 Building materials.

A. Intent.

1. To develop a visual downtown identity and to ensure that downtown development in Kenmore's commercial and higher-density residential areas forms a cohesive visual whole over time. This shall be accomplished through the use of a primarily masonry materials palette.
2. To provide a materials palette which allows for individual and creative architectural expression in individual development.

B. Standards – Required.

1. Primary Materials Palette. Commercial and mixed use buildings shall be built with materials which will form a visually cohesive identity over time. Facades of commercial and commercial levels of mixed use buildings shall be primarily of the following masonry materials:

- a. Brick;
- b. Stone;

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- c. Ceramic Tile. Alternate coursing with changes in color and/or texture is required with use of tile. Alternate coursing can be vertical, horizontal, or both;
- d. Split Face Alternate Course Concrete Masonry Units. Alternate coursing with changes in color and/or texture is required with use of split face masonry units. Alternate coursing can be vertical, horizontal, or both;
- e. Stucco, if limited to a maximum 50 percent of total building surface area.

2. On any facade adjoining a public sidewalk, at the first two stories above the public sidewalk level, and at exposed stories below the public sidewalk level, primary materials must cover 85 percent of the opaque surfaces on any elevation. On other facades in the public view (from adjacent public *streets, pedestrian walkways, or public spaces*), primary materials must cover more than 50 percent of the opaque surfaces.

Exceptions:

- a. Transparent glass may cover 75 percent of the first story of any one facade. Transparent glass may cover 40 percent of the second story of any one facade.
 - b. Where there are two front property lines, transparent glass may cover 75 percent of a second facade if the facade is within 15 feet of the property line.
3. Residential Floors, Mixed Use *Buildings*. Nonmasonry materials may be used as a primary material in the residential portions of mixed use *buildings* subject to any applicable restrictions in this section.
4. Vinyl Siding. Vinyl siding is only permitted on floors three and above, and shall not exceed 15 percent of the total building surface area of those floors.

C. Not Allowed.

- 1. Plain Faced and/or Uncolored Concrete Masonry Units. Plain faced and/or uncolored concrete masonry units shall not cover an area greater than five percent of any facade.
- 2. Siding Materials Not Allowed. The following siding materials are not allowed on any *building facade*:
 - a. Asphalt siding;
 - b. Aluminum lap siding;
 - c. Siding grade plywood. [Ord. 11-0329 § 3 (Exh. 1).]

18.52.310 Upper level stepbacks, mass, and bulk.

A. Intent.

1. Develop Pedestrian Scale. To ensure that multiple-storied *building facades* do not overwhelm the pedestrian orientation and scale of downtown.

18.52.320 Primary residential entrances.

A. Intent.

1. Active and Lively *Street*. To face residential entrances onto *streets* to create and maintain a lively and active downtown environment.

18.52.330 Building mass and bulk.

A. Intent.

1. Reduce Building Bulk with Smaller Architectural Components. To reduce the apparent bulk of *buildings* by breaking them down into smaller components which are consistent with the pedestrian scale of downtown.

18.52.350 Windows.

A. Intent.

1. Active and Lively *Street*. To face windows onto *streets* to create and maintain a lively and active downtown environment.

18.57.065 Significant tree grove retention in the Urban Residential zone, Downtown Commercial zone east of 73rd Avenue NE, Public and Semi-Public zone abutting SR-522, and the Urban Corridor zone, east subarea

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](#).

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

B. Applicability.

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

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, downtown commercial zone east of 73rd Avenue NE, public and semi-public zone abutting SR-522, and 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 other provision of Chapter [18.57](#) KMC this chapter 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](#) [18.27.020](#) and [18.77](#).

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](#).

18.60.050 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 Use⁶

Type of wireless communication facility	Residential zones R-1 through R-6 and MHC	Residential zones R-12 through R-24, UR , 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: Ground-mounted facility – 65'. Rooftop facility – 30' above the roof height at the antenna location	P Maximum height: Ground-mounted facility – 65'. Rooftop facility – 30' above the roof height at the antenna location	P Maximum height: Ground-mounted facility – 65'. Rooftop facility – 30' above the roof height at the antenna location	P Maximum height: 35'	P Maximum height: 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-	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	P Maximum height: 55'

ATTACHMENT 1

Type of wireless communication facility	Residential zones R-1 through R-6 and MHC	Residential zones R-12 through R-24, UR , 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
way.)				underlying zoning district	
Satellite dish	C ² if no more than 2 meters (6.6') in diameter; otherwise X Maximum height: Ground-mounted dishes – 15'. Rooftop dishes – 15' above the roof height at the dish location	P if no more than 2 meters (6.6') in diameter and limited to a maximum of 1 dish per site; otherwise C ² Maximum height: Ground-mounted dishes – 15'. Rooftop dishes – 15' above the roof height at the dish location	P if no more than 2 meters (6.6') in diameter and limited to a maximum of 3 dishes per site; otherwise C ² Maximum height: Ground-mounted dishes – 15'. Rooftop dishes – 15' above the roof height at the dish location	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
Tower ⁶	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

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, [UR](#), 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.

...

18.73.120 Home industry.

In all zones except R-12, R-18, R-24, **UR**, CB Juanita subarea, and NB, a resident may establish a *home industry* as an accessory activity, provided:

...

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, **and urban residential** zones; and

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

18.80.040 Public benefits and density incentives.

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 affordable to very low-income households, as defined in KZC 18.20.098 priced to serve low-income households (i.e., no greater than 30 percent of gross income for households at or 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.	2.0 bonus units per benefit unit.
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 affordable (as defined in KZC 18.20.098) priced to serve moderate-income households (i.e., no greater than 30 percent of gross income for to households with incomes at or below 70 percent of King County median	1.0 bonus unit per benefit unit.

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.

d. Benefit units consisting of moderate-low-income, owner-occupied housing (as defined in KZC 18.20.098), reserved for income- and asset-qualified eligible 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-Benefit units consisting of very low-income, owner-occupied housing (as defined in KZC 18.20.098), reserved for eligible home 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 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. 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.

2.0 bonus units per benefit unit.

g. Affordable housing units provided under this section shall remain affordable housing for a minimum of 50 years from the date of initial sale, if owner-occupied, or the life of the project, if renter-occupied.

18.110.020 General provisions.

D. A *development agreement* may be proposed and approved only for the following properties:

1. Properties in the downtown commercial (DC), regional business (RB), waterfront commercial (WC), urban corridor (UC), urban residential (UR), downtown residential (DR), community business (CB), neighborhood business (NB), public and semi-public (PSP), parks (P) and golf course (GC) zones.