

City of Kenmore



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

Tuesday, October 1, 2019 @ 7:00 p.m.

**Kenmore City Hall
18120 68th Ave. NE, Kenmore, WA 98028**

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

- 1. CALL TO ORDER**
- 2. CITIZEN COMMENTS**
- 3. APPROVAL OF MINUTES**
- 4. AGENDA ITEMS**

[Staff Memo](#)

[Attachment 1 Preliminary Policy Direction From September 17 Meeting](#)

[Attachment 2 Responses to Commissioner's Questions](#)

[Attachment 3 Scenarios](#)

- 5. ADJOURNMENT**
- 6. UPCOMING MEETINGS:**
MONTH D, 2016, 7:00 p.m.

October 15, 2019, 7:00 p.m., regular Planning Commission meeting cancelled

October 15, 2019, 7:00 p.m., Housing Panel:

"The Missing Middle--Reconsidering Small Housing Types from the Past"

November 5, 2019, 7:00 p.m.



City Of Kenmore, Washington

Memorandum

Date: September 25, 2019

To: Planning Commission

From: Debbie Bent, Community Development Director
Lauri Anderson, Principal Planner
Jordan Woltjer, Planning Intern
Mike Stanger, ARCH

Regarding: Accessory Dwelling Units (ADUs)

At your meeting on September 17, you finished your preliminary policy recommendations on code amendments related to ADUs with the exception of three issues: minimum lot size for an ADU, maximum size of an ADU and maximum height for a detached ADU. Attachment 1 is a summary of your preliminary recommendations.

At your October 1 meeting, we will continue to discuss minimum lot size for an ADU, maximum size of an ADU and maximum height. We also will spend time reviewing the other ADU supportive actions not related to code amendments.

Attachment 2 contains responses to the questions about ADUs asked by the Planning Commission at the September 17 meeting.

Policy issues

Minimum lot size for an ADU - background

Under the current code, single-family lots must be at least 10,000 square feet in order to qualify for a detached ADU (DADU) permit. This code-section was inherited from King County upon Kenmore's incorporation. There are no minimum lot size restrictions for attached ADUs.

Kenmore has the most restrictive minimum lot size for a DADU of any Washington city considered. Nine of the ten largest east King County cities have no minimum lot size for ADUs. (Bellevue doesn't allow DADUs.)

Maximum size for an ADU - background

The City's current maximum floor areas for an ADU are as follows:

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	Attached ADU	Detached ADU
Maximum floor area	The greater of: • 1,000 sq.ft. or • 50% of the primary unit	The lesser of: • 10% of the lot size (currently limited to 10,000 sq.ft. or more) or • 50% of the primary unit

For attached ADUs, other cities' maximums range from 800-1,500 sq.ft., although several cities use a percentage of the primary residence similar to Kenmore's regulations, ranging from 40-50%.

For detached ADUs, other cities' maximums generally are from 800 to 1,000 sq.ft.

Portland's 2018 survey of ADUs uncovered a median ADU size of between 500 and 600 sq.ft. In a 2018 study published by the Center for Community Innovation--looking at Seattle, Vancouver and Portland--the average reported size of an ADU was 631 sq.ft. In the Kenmore ADU survey, 80% of ADUs were studios or one bedrooms and sizes ranged from 600 sq.ft. to 1,200 sq.ft., with an average of 944 sq.ft.

Analysis of scenarios

Staff has developed a series of eight scenarios to illustrate the interactions between lot size and a residence with a detached ADU. The R-6 minimum lot size (5,400 sq.ft.) and R-1 minimum lot size (2,500 sq.ft. when clustering for critical area protection occurs) are among those modelled. The goal was to identify thresholds at which a detached ADU might adversely impact perceptions of density and open space. The R-4 zoning district, with a 7,200 sq.ft. minimum lot size, was not modelled given that, after reviewing the R-6 scenarios, the larger lot size seemed adequate to support an 800 sq.ft. detached ADU. Attachment 3 includes the scenarios.

The primary residence was assumed to be 2,500 sq.ft.—close to the average size for new single-family dwellings—for all but the smallest lots. Presumed detached ADU sizes range from 600 sq.ft. on the smallest lots up to 800 sq.ft. on the 5,400 sq.ft. lot. Setbacks, except for a 20' rear yard, and maximum impervious surface standards were applied. Note that the impervious surface standards are the maximum allowed assuming that low impact development techniques are used. For the rear yard, a 5' setback was assumed.

Staff will walk through all of these scenarios with the Planning Commission on October 1.

Staff's conclusions from these scenarios are as follows:

1. No minimum lot size is necessary for an attached ADU. However, for smaller lots, consideration should be given to requiring that the attached ADU be located within the existing building footprint (rather than as an addition to the preexisting structure). This is particularly important in cases where both an attached and a detached ADU are being proposed. All of the scenarios assume that the attached ADU is internal to the residence.
2. The current maximum size of 1,000 sq.ft. for attached ADUs should continue. Physical lot configurations and the location and size of the existing residence naturally control the

feasibility of ADU development on a smaller lot, and setback requirements and maximum impervious surface standards already limit total building size.

Rather than continue with the attached ADU limitation of 50% of the primary dwelling unit, an exception to the 1,000 sq.ft. limitation could be permitted for units that take advantage of a preexisting building condition (single floor in an existing house or existing garage, for example). This is consistent with the approach taken by surrounding jurisdictions.

3. A 4,000 sq.ft. minimum lot size for a detached ADU is appropriate. Below that square footage, the impact of the house and the detached ADU could create wall-to-wall development, even assuming a house half the size of a typical new residence. See scenarios 1-4.
4. For lots between 4,000 sq.ft. and about 5,400 sq.ft., a maximum building footprint limitation should be used to ensure preservation of open space, but still allow for a 2-story detached ADU. See the contrast between scenarios 5 and 6, and 7 and 8. A 600 sq.ft. total size for the detached ADU seems appropriate.
5. Staff believes that the 5,400 sq.ft. lot example (scenario 7) with a 2,500 sq.ft. house and an 800 sq.ft. single-story detached ADU is at the threshold for appearing overbuilt. For this reason, building footprint and overall size limitations for detached ADUs on lots less than about 5,400 sq.ft. are recommended. For lots larger than about 5,400 sq.ft., permitting an 800 sq.ft. detached ADU should adequately protect open space and reduce perceived density.
6. For 10,000 sq.ft. lots, allowing a 1,000 sq.ft. detached ADU matches the current code and seems appropriate. Staff is not recommending that as lot sizes go above 10,000 sq.ft. an ADU of larger size be allowed. This recommendations is made to ensure that ADUs continue to be perceived as smaller, secondary dwellings.

The following table summarizes the above conclusions (although the exact thresholds may be modified with the draft code amendments):

Lot size for an ADU	Maximum ADU size - attached	Maximum ADU size - detached
<4,000 sq.ft.	1,000 sq.ft., with a possible restriction on expansion beyond the existing structure	Prohibited
4,000 to approx. 5,400 sq.ft.	1,000 sq.ft., with a possible restriction on expansion beyond the existing structure	ADU footprint restricted in size. Total square footage limited to 600 sq.ft.
Approx. 5,400-10,000 sq.ft.	1,000 sq.ft.	800 sq.ft.
>10,000 sq.ft.	1,000 sq.ft.	1,000 sq.ft.

Maximum height

Kenmore's Zoning Code allows a maximum height of 35' in single-family zones and this height limit also would apply to a detached ADU. The Planning Commission has expressed interest in

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matching the height of the ADU to that of the existing primary residence. This could mean, however, that if the primary residence is 35' tall, a 35' tall (3 story) ADU would be possible. It also could prevent construction of an ADU over a garage if the existing house is only a single story. Too, staff believes a restriction tying ADU height to another structure would be difficult to administer. Height is measured from average finished grade, and grades between a house and ADU could vary. A height survey would be needed to determine the actual elevation of the highest point of the primary residence roof. This would then have to be translated into a maximum elevation for the roof of the ADU structure.

In other jurisdictions, height limits are either similar to Kenmore's (the underlying zoning rules apply) or are more restrictive, ranging from a 15-25' maximum. Given that a two-story ADU may allow for more greenspace on a lot and that 25' is adequate for two-story construction, but is 10' less than the otherwise maximum allowable height, staff recommends that maximum height for a detached ADU be reduced to 25'.

Other actions to promote ADU development:

Along with the regulatory approaches, several other actions have been identified that promote ADU development. While not directly under the purview of the Planning Commission, these ideas could be forwarded to the City Council for their consideration.

Preapproved Plans:

Seattle Mayor Jenny Durkan has stated her intention to create preapproved plans to streamline the ADU permit application process. Kenmore has also been exploring this possibility with MyBuildingPermit.com – a branch of the eCitygov alliance for member cities who have similar ADU codes. Kirkland, too, is working toward this end. Staff recommends that Kenmore continue to promote this municipal collaboration for pre-designed plans and should also explore whether plans from Kirkland or Seattle would be viable for application in Kenmore. Both strategies are highly cost-effective and represent important value-added benefits for homeowners seeking to build DADUs who may not have the means to hire an architect or designer.

A strategy complementary to preapproved plans is that of expediting Kenmore's permit review process for ADUs. Preapproved plans, however, reduce the variation in permit applications which can facilitate faster application turnover and lessen the administrative burden of prioritizing ADU permit applications.

Educational Efforts:

As was demonstrated in the August 6 background materials, successful regulatory revision is accompanied by simultaneous educational promotion. In Seattle, Portland and Vancouver, 15% of ADUs were built following "learning about ADUs through an educational website, event or tour" (Chapple, 2018). Staff recommends that sponsorship activities of this variety be encouraged by the City of Kenmore.

The City of Kenmore also could invest in the creation of a guide to ADU creation tailored to its regulatory code. Twenty percent of ADU creators in Seattle, Vancouver, and Portland stated their desire for "an easy to understand and comprehensive guide through the entire process" (Chapple, 2018). Cities such as Santa Cruz, Portland, and Seattle have already created such memos that could be modified for our purposes. A critical evaluation of the educational

materials on ADUs in circulation determined that the primary focus revolves around the construction and financing components of ADU acquisition. The lack of information on ADU operation and day-to-day management has resulted in financial and emotional stress for many ADU homeowners (Mendes, 2016). Though the education about ADU financing and construction is the logical first step for municipal efforts, information on operation and day-to-day management of an ADU could be a possible positive civic service.

Amnesty Program:

It is unclear how many illegal ADUs exist within the city boundaries. An amnesty program could be drafted to legalize those ADUs which comply with baseline regulatory requirements. Exemptions for regulatory non-compliance can be explored in cases that don't constitute safety risks.

Lending & Financial Assistance Options:

The most ambitious and potentially problematic policy action in reference to ADUs is to directly intervene in the lending market through discussion with lenders. Only 4% of successful ADU creators in Seattle, Portland, and Vancouver financed the ADU by borrowing against the expected future value of the ADU (Chapple, 2018). This relative inability to leverage the ADU's future earnings to fund its construction maintains the exclusivity of the ADU market on the side of production towards more affluent households. For the ADU market to benefit the less affluent on both the sides of homeownership and affordable rental options this market deficit needs be remediated.

Of those who used a lending source to finance an ADU, 60% reported using a credit union or a regional bank (Chapple, 2018).

In coordination with ARCH, for example, a conversation with financial institutions about specific ADU lending vehicles that are underwritten by expected future earnings could be initiated.

Another approach would be for the City, or ARCH, to consider the feasibility of offering low-interest loans to low-income households seeking to finance ADUs. The city of Santa Cruz has a program along these lines. Lending institutions could also be encouraged to extend favorable lending packages to low-income households for ADU financing.

Kenmore already waives ADU impact fees to provide financial assistance for ADU development. In alignment with this strategy, Kenmore may further reduce permit review fees and utility fees, although utility fee reductions would require coordination with the Northshore Utility District.

Next steps

On October 15, the Planning Commission is invited to hear a panel presentation on housing. To allow time for a potential public hearing on the ADU amendments in November, staff proposes that a special Planning Commission meeting be held on Tuesday, October 22. At your October 1 meeting, staff will poll Commissioners on availability for this meeting.

Attachments

- Attachment 1: Preliminary policy direction from September 17 meeting
- Attachment 2: Responses to Commissioners' questions
- Attachment 3: Scenarios

Planning Commission Preliminary Recommendations

Commissioners reached consensus that code amendments to allow more ADU production:

- Are not necessary for achieving the city's general housing targets.
- Should seek to increase the variety of housing types in Kenmore.
- Should support ADUs as an affordable housing choice for families and individuals who need affordable housing.
- Should benefit homeowners, such as those who need or provide care to other family members, those who need supplemental financial assistance, and seniors who want to age in place.
- Should support single-family neighborhood character.
- Should avoid creating loopholes for developers to create excessive density, permit unattractive structures, or displace vulnerable residents through redevelopment.

1. Should the owner occupancy requirement for accessory dwelling units (ADUs) be removed?

The Planning Commission preliminarily recommends that the owner occupancy requirement for ADUs be retained.

The Commission agreed to consider exceptions to this rule in the event of "hardship" or in the context of familial association.

2. Should additional parking requirements for an ADU be removed?

The Planning Commission preliminarily recommends that the existing parking requirement (1 additional stall) be retained, regardless of proximity to transit or size of the ADU. (Note that this recommendation was made before the recommendation to allow 2 ADUs on a lot.)

3. Should the minimum lot size requirement for DADUs (detached ADUs) be reduced or eliminated altogether?

This issue will be discussed on October 1.

4. Should there be a reduced height limit for an ADU?

The Planning Commission preliminarily recommends that the ADU should be no taller than the existing residence. Outstanding considerations include whether a DADU over a detached garage should be allowed even if the house is only one story.

(Note that this recommendation is to be reconsidered on October 1 in conjunction with the lot size and ADU size discussion.)

5. Should more than 1 ADU be allowed on a single residential lot?

The Planning Commission preliminarily recommends that one attached ADU and one detached ADU should be allowed on a single residential lot.

6. Should the current size restrictions governing ADUs be modified?

This issue will be discussed on October 1.

7. Should Kenmore retain or implement new design standards for ADUs?

The Planning Commission preliminarily recommends that the existing standard requiring attached ADUs to have only one entrance to the front or each street facing side should be modified to require only that a second street-facing entrance be clearly secondary to the primary entrance.

8. Should the use of ADUs for short-term rentals be prohibited?

The Planning Commission preliminarily recommends that short-term rentals be permitted in ADUs to provide additional flexibility for homeowners.

Responses to Planning Commissioner Questions

1) Where did the City's occupancy standard come from?

Response: The City currently allows an unlimited number of related individuals and up to 8 unrelated individuals to reside in a single-family dwelling unit. The ADU standards further specify that the number of people living in the primary residence and ADU in total shall not exceed these standards.

Staff is not certain where these requirements originated. However, with passage of the Federal Fair Housing Act it became clear that discriminatory standards could not be applied to those with disabilities. Washington State's allowance for "adult family homes" (residential homes in which a person or persons provide personal care, special care, room, and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services) requires that these homes be treated the same way as families for zoning purposes. It's possible that this is the genesis of the allowance for up to 8 unrelated individuals in a single-family dwelling unit.

2) What are the origins of the 20' rear yard setback?

Response: In part, Kenmore incorporated in 1998 in response to community concern that King County had implemented zoning changes that increased allowable densities. Minimum lot sizes and minimum lot widths had been reduced, maximum lot coverage was increased dramatically, and most R-6 zones (6 dwelling units per acre) in Kenmore were converted to R-8 (8 dwelling units per acre).

Several of the objectionable zoning changes were revised following incorporation, including increasing minimum lot sizes. The R-8 zoning was rolled back to R-6. In 2007-2008, an "infill compatibility" project increased street and side yard setbacks. The 20' rear yard setback in the R-4 and R-6 zoning districts was applied at that time. Simultaneously, the minimum lot size for R-4 was increased from 4,500 square feet to 7,200 square feet and from 4,500 square feet to 5,400 square feet for R-6.

3) How does the Assessor's Office handle ADU tax assessments?

Response: According to Michell LeCompte of the King County Department of Assessments, current practice by the King County Department of Assessments is to perform an annual review of new construction on residential land using permit data. ADUs are included in that annual review.

Rather than an income-valuation, the Department of Assessments values the ADU by comparing comparable market sales of properties containing an ADU. This approach does increase property values, though less so than an income-valuation appraisal would.

4) How many residential lots of more than 10,000 sq.ft. are there in Kenmore?

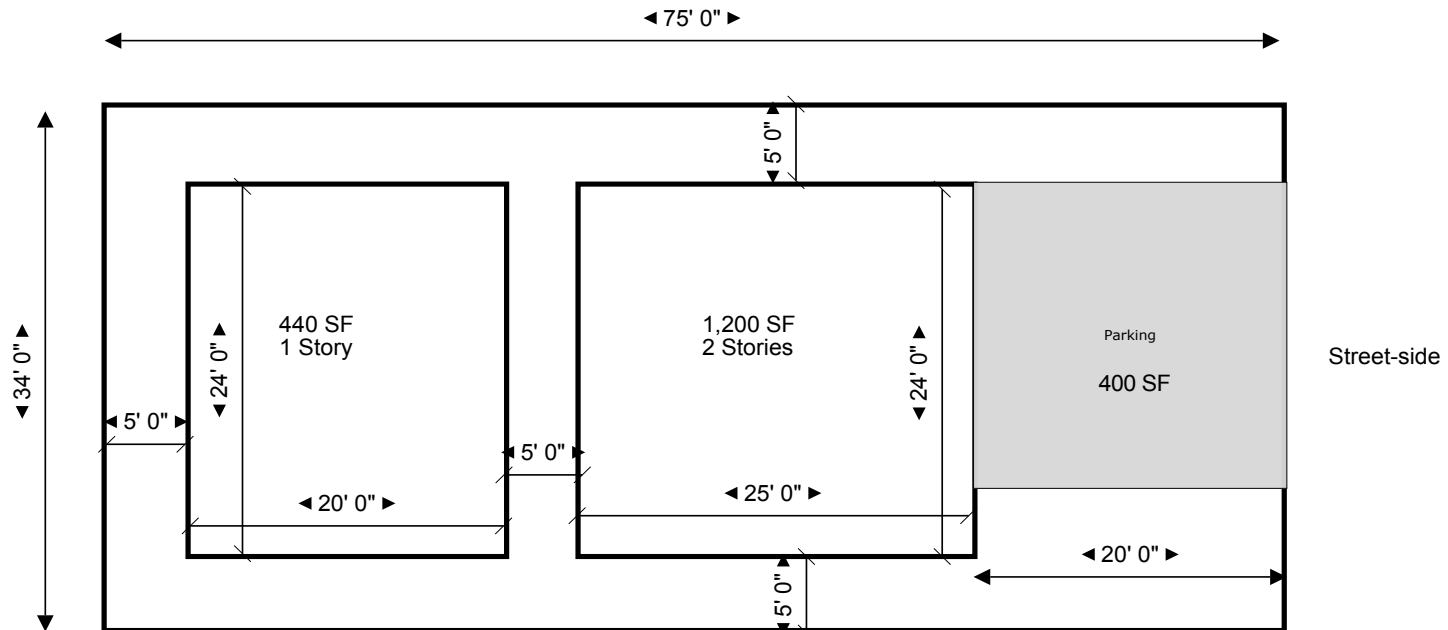
Response: According to the City's GIS consultant, it would be possible to do this analysis. It also could be done for other lot sizes. However, staff recommends that the Planning Commission

ATTACHMENT 2

consider whether or not paying for this analysis is worth the extra information it would provide. It is clear that as the minimum lot size requirements are reduced, the number of lots able to build an ADU will increase.

2,500 SF Lot & 1 Story DADU analysis

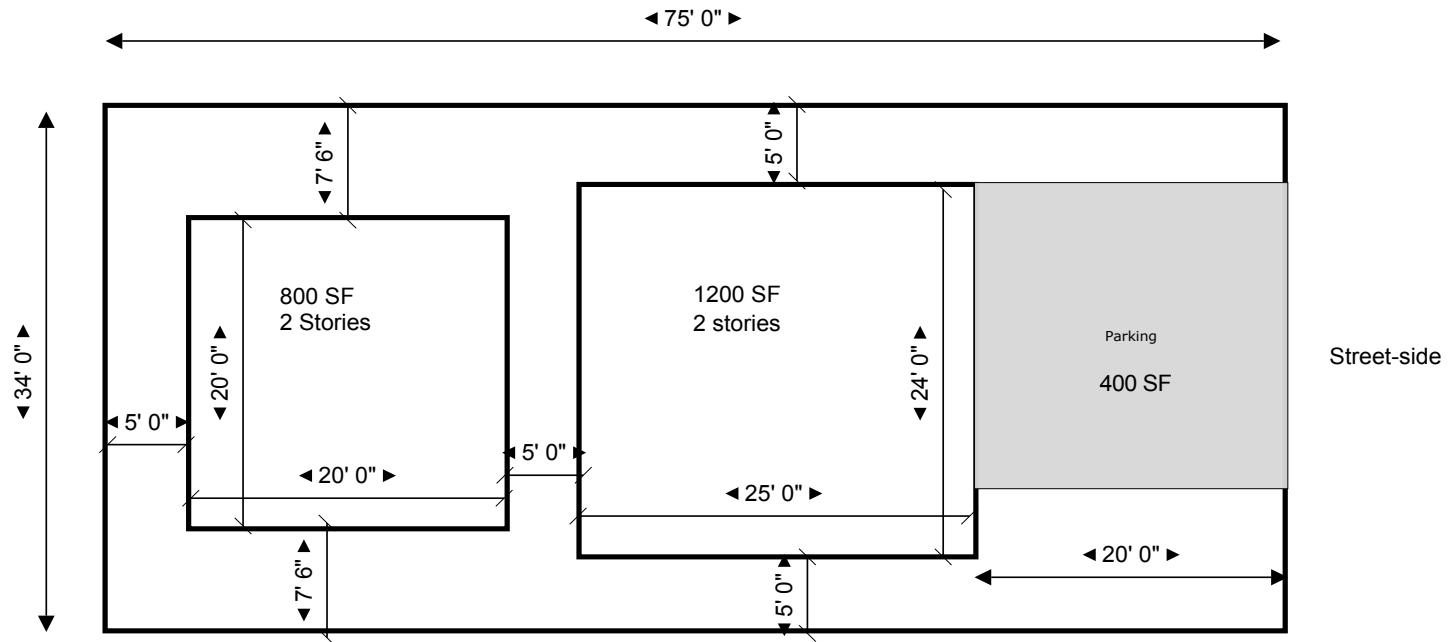
- 2,500 SF Lot
- 2 Floor Primary Unit
 - Footprint – 600 SF
 - Total SF – 1,200 SF
- 1 Floor Detached ADU
 - Footprint – 440 SF
 - Total SF – 440 SF
- SF of Impervious Surfaces
 - 600 (Primary Unit) + 440 (DADU) + 400 (Parking pad) = 1,440 SF
- Impervious Surface Limits
 - R-4 (55%) – 1,375 SF
 - R-6 (70%) – 1,750 SF



2,500 SF Lot & 2 Story DADU analysis

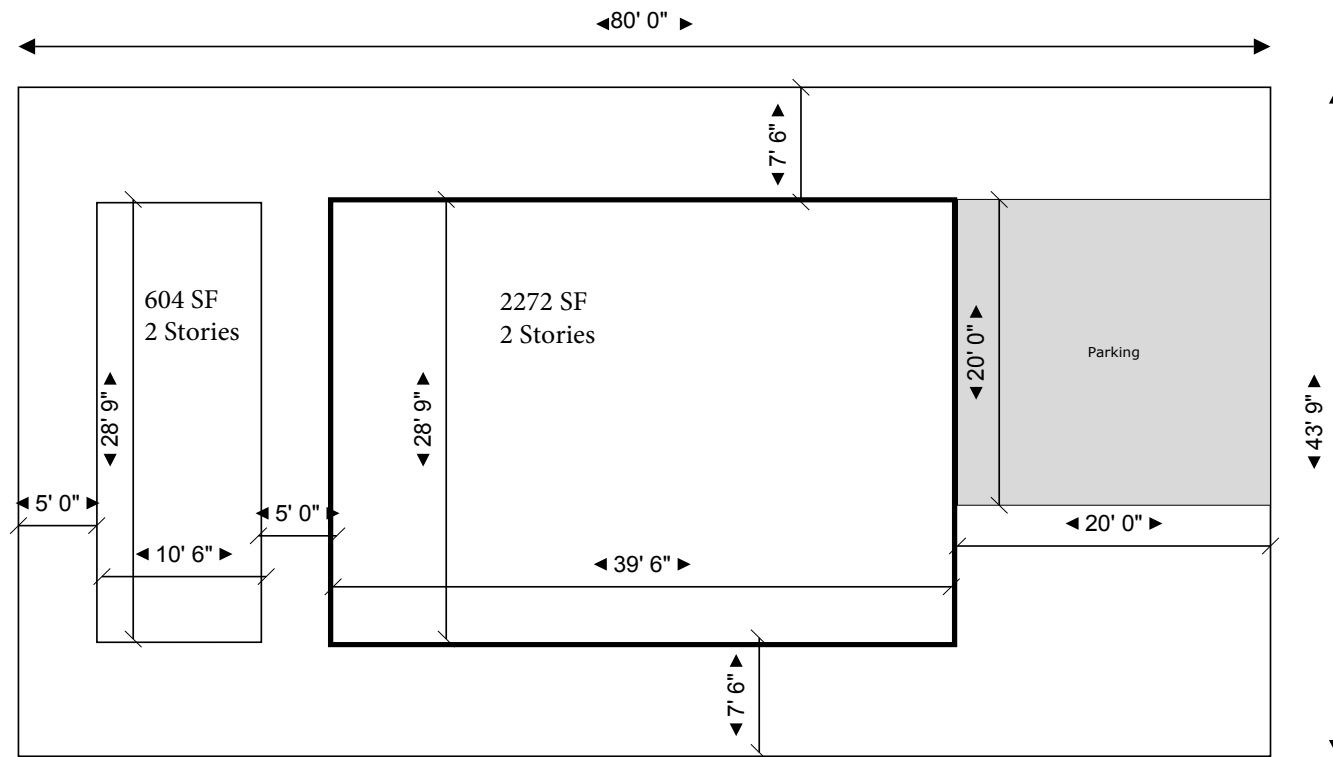
- 2,500 SF Lot
- 2 Floor Primary Unit
 - Footprint – 600 SF
 - Total SF – 1,200 SF
- 2 Floor Detached ADU
 - Footprint – 400 SF
 - Total SF – 800 SF
- SF of Impervious Surfaces
 - 600 (Primary Unit) + 400 (DADU) + 400 (Parkingpad) = 1,400 SF
- Impervious Surface Limits
 - R-4 (55%) – 1,375 SF
 - R-6 (70%) – 1,750 SF

Attachment 3, Scenario 2



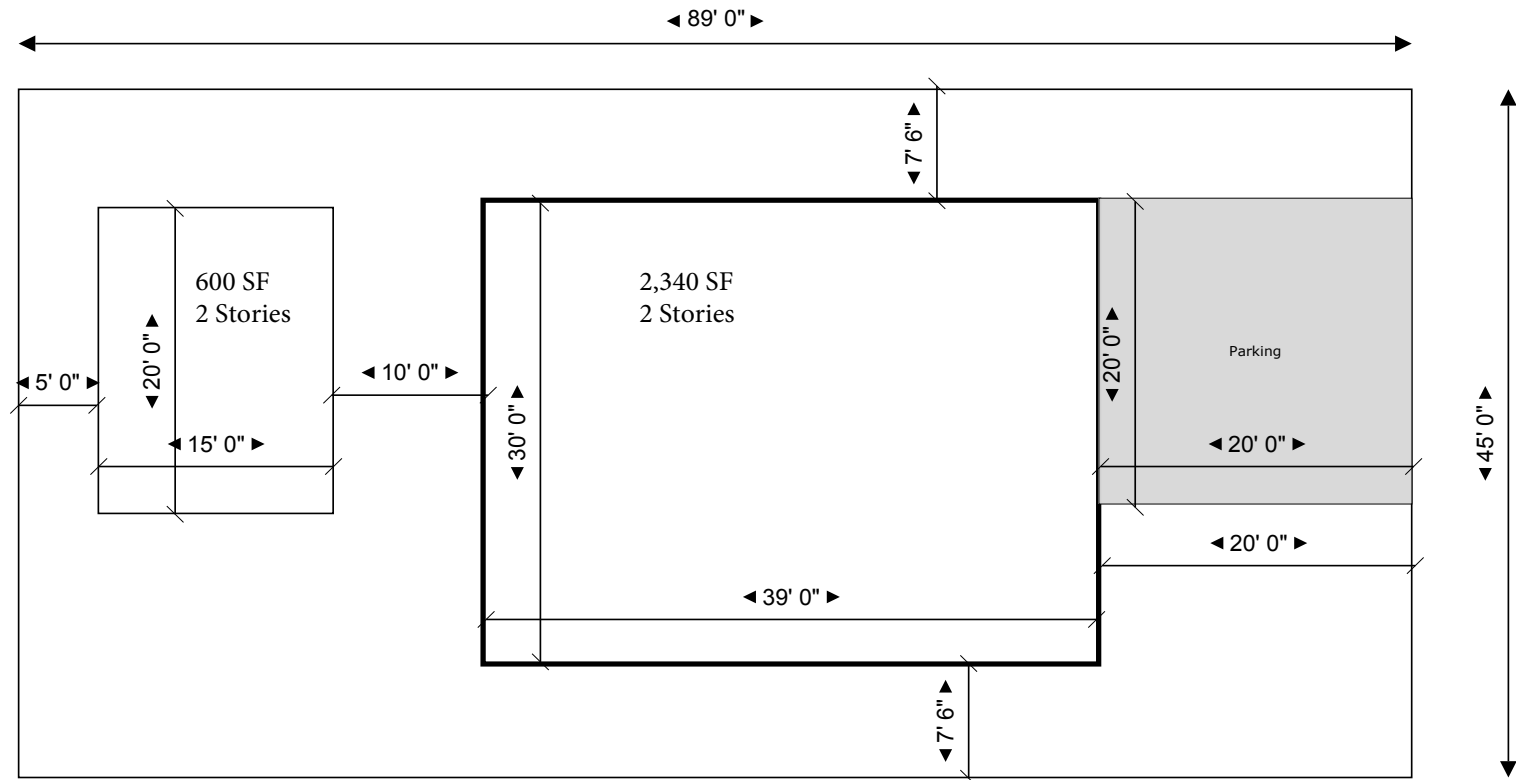
3,500 SF Lot & 2 Story ADU analysis

- 3,500 SF Lot
- 2 Floor Primary Unit
 - Footprint – 1,135.625 SF
 - Total SF - 22.71.25 SF
- 2 Floor Detached ADU
 - Footprint – 301.875 SF
 - Total SF – 603.75
- SF of Impervious Surfaces
 - $1,135.625 \text{ (Primary Unit)} + 301.875 \text{ (DADU)} + 400 \text{ (Parking)} = 1837.5 \text{ SF}$
- Impervious Surface Limits
 - R-4 (55%) – 1925 SF
 - R-6 (70%) – 2450 SF



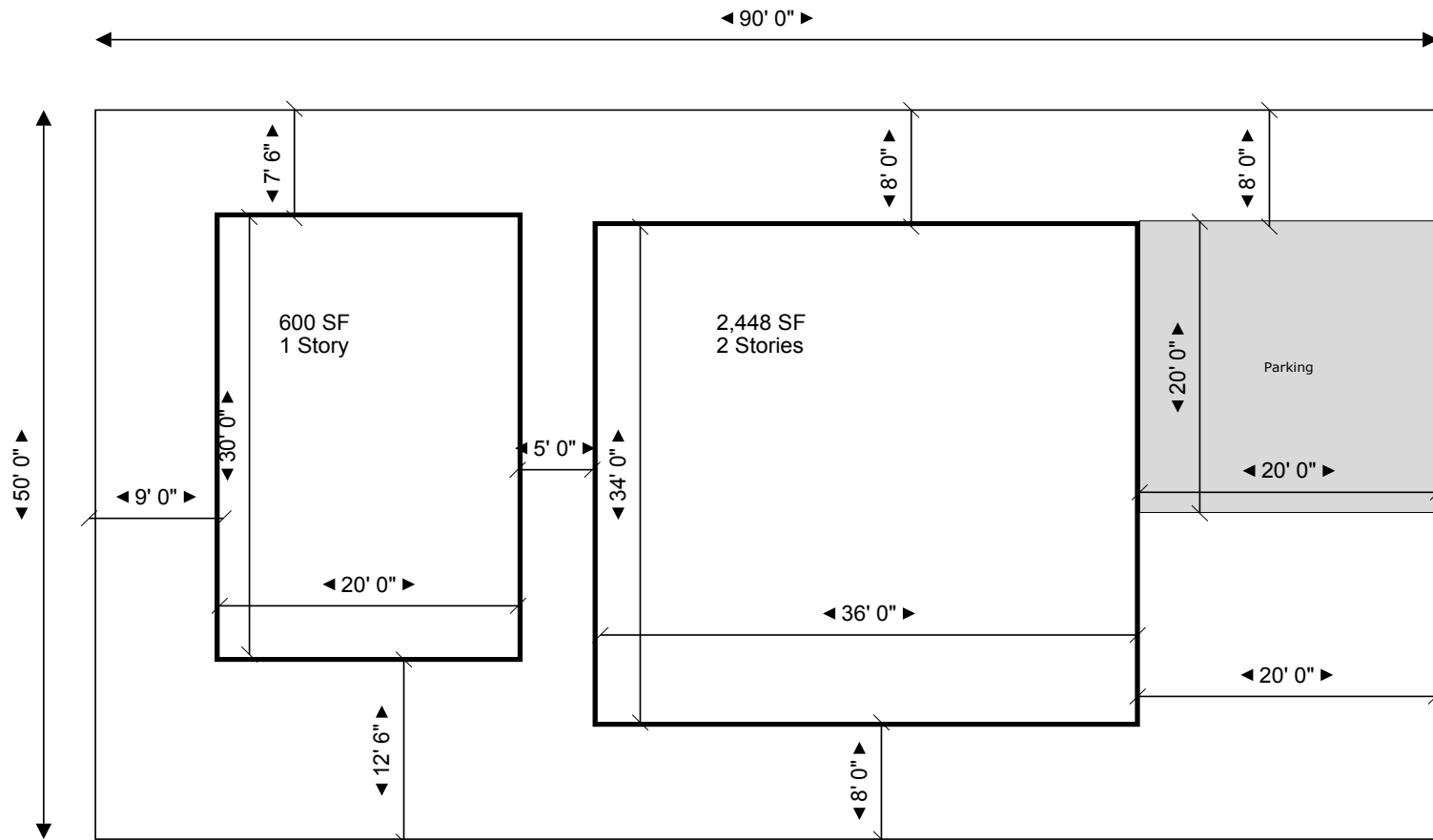
4005 SF Lot & 2 Story DADU analysis

- 4,005 SF Lot
- 2 Floor Primary Unit –
 - Footprint – 1,170 SF
 - Total SF – 2,340 SF 2
- Floor Detached ADU
 - Footprint – 300 SF
 - Total SF – 600 SF
- SF of Impervious Surfaces
 - 1,170 (Primary Unit) + 300 (DADU) + 400 (Parking Lot) = 1,870 SF
- Impervious Surface Limits
 - R-4 (55% of Lot) – 2,202.75 SF
 - R-6 (70% of Lot) – 2,803.5 SF



4,500 SF Lot & 1 Story DADU

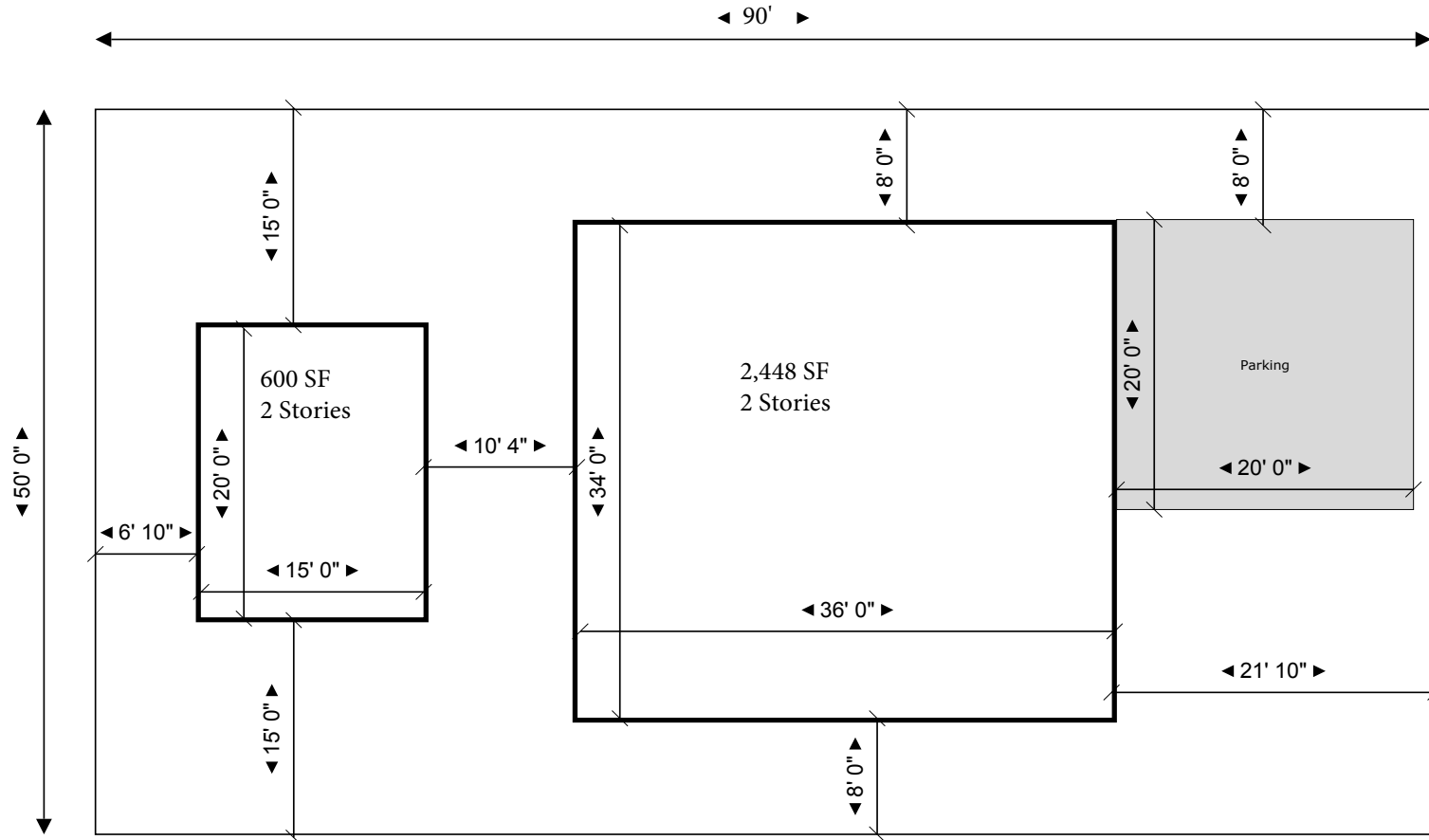
- 4,500 SF Lot
- 2 Floor Primary Unit
 - Footprint – 1,224 SF
 - Total SF - 2448 SF
- 1 Floor Detached ADU
 - Footprint – 600 SF
 - Total SF – 600 SF
- SF of Impervious Surfaces
 - 1,224 (Primary Unit) + 600 (DADU) + 400 (Parking) = 2224 SF
- Impervious Surface Limits
 - R-4 (55%) – 2475 SF
 - R-6 (70%) – 3150 SF



4,500 SF Lot & 2 Story DADU analysis

- 4,500 SF Lot
- 2 Floor Primary Unit –
 - Footprint – 1,224 SF
 - Total SF – 2,448 SF
- 2 Floor Detached ADU
 - Footprint – 300 SF
 - Total SF – 600 SF
- SF of Impervious Surface
 - 1,224 (Primary Unit) + 300 (DADU) + 400 (Parking Lot) = 1,924 SF
- Impervious Surface Limits
 - R-4 (55%) – 2,475 SF
 - R-6 (70%) – 3,150 SF

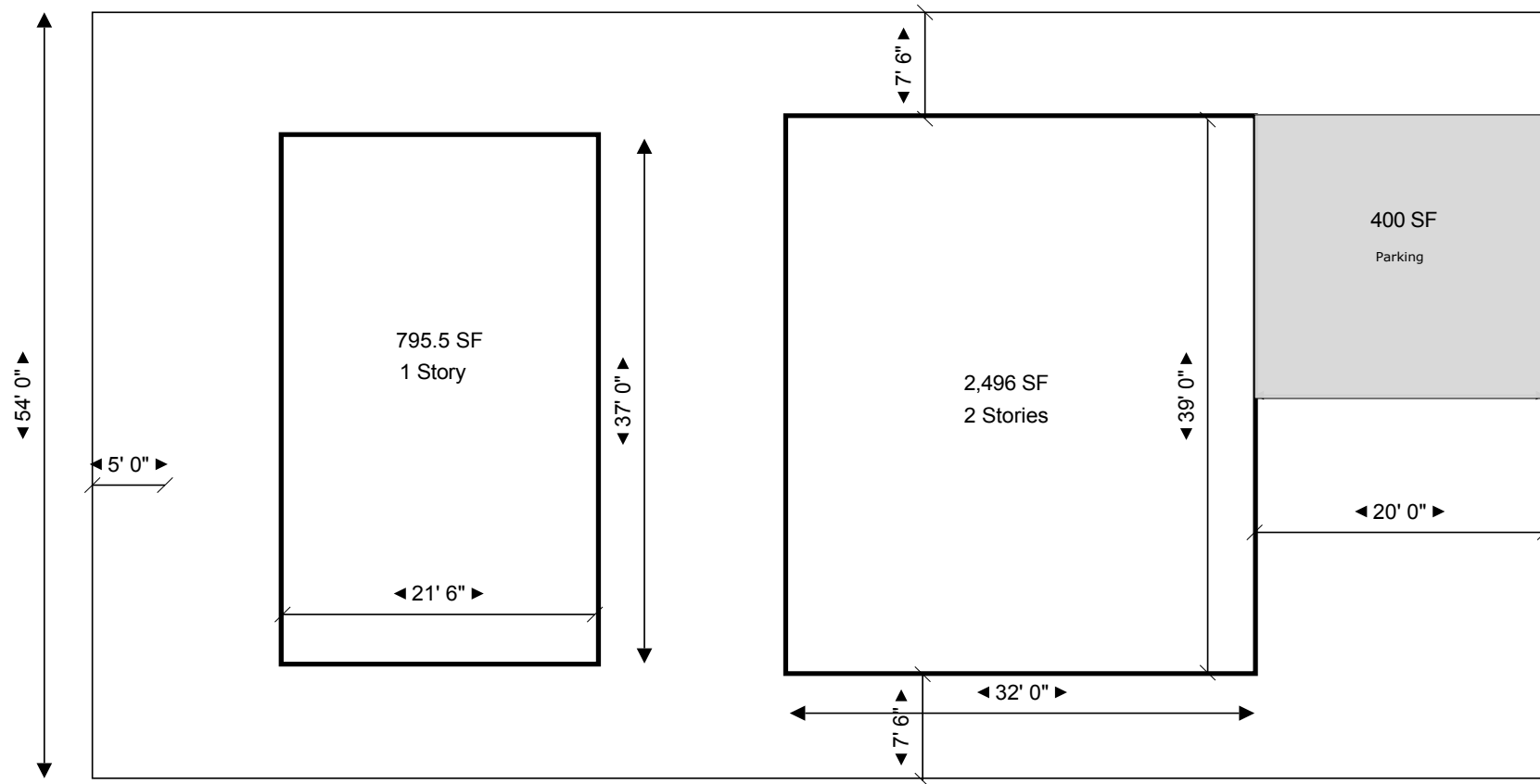
Attachment 3, Scenario 6



5,400 SF Lot & 1 Story DADU analysis

- 5,400 SF Lot
- 2 Floor Primary Unit
 - Footprint – 1,248 SF
 - Total SF – 2,496 SF
- 1 Floor Detached ADU
 - Footprint – 795.5 SF
 - Total SF – 795.5 SF
- SF of Impervious Surfaces
 - 1,248 (Primary Unit) + 795.5 (DADU) + 400 (Parking Lot) = 2,443.5 SF
- Impervious Surface Limits
 - R-4 (55%) – 2,970 SF
 - R-6 (70%) – 3,780 SF

◀ 100' 0" ▶



5,400 SF Lot & 2 Story DADU analysis

- 5,400 SF Lot
- 2 Floor Primary Unit
 - Footprint – 1,248 SF
 - Total SF – 2,496 SF
- 2 Floor Detached ADU
 - Footprint – 400 SF
 - Total SF – 800 SF
- SF of Impervious Surfaces
 - 1,248 (Primary Unit) + 400 (DADU) + 400 (Parking Lot) = 2,048 SF
- Impervious Surface Limits
 - R-4 (55%) – 2,970 SF
 - R-6 (70%) – 3,780 SF

Attachment 3, Scenario 8

