City of Kenmore

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

City Council Special and Regular Meeting

ON-SITE

MONDAY, MARCH 13, 2023 - 6:15 PM

In addition, we try to provide access to the meeting virtually:

ZOOM LINK: https://kenmorewa-gov.zoom.us/j/86400591192

Or One tap Mobile: US: +12532050468,,86400591192#
Or Telephone Dial US: +1 253 205 0468
Callers please dial *9 to raise and lower hand
Webinar ID: 864 0059 1192

Technical Difficulties - If the virtual component of the meeting disconnects, and we cannot resolve technical difficulties to reconnect the virtual component, the in-person meeting will continue at City Hall if there is a quorum of the body to conduct business.

I. CALL SPECIAL MEETING TO ORDER - 6:15 PM

II. EXECUTIVE SESSION
EXECUTIVE SESSION HELD

A. Pursuant to RCW 42.30.110(1)(i), the City Council will now enter an executive session to discuss pending or potential litigation. The executive session is slated to last 45 minutes.

III. ADJOURN SPECIAL MEETING

IV. CALL REGULAR MEETING TO ORDER - 7:00 PM

V. ROLL CALL

VI. FLAG SALUTE

VII. AGENDA APPROVAL

VIII. PRESENTATIONS

A. New Staff Introduction - Melinda Merrell, Finance and Administration Director, introduced by City Manager Rob Karlinsey
INTRODUCED

B. Honoring Principal Planner Lauri Anderson and Years of Service, introduced by Community Development Director Debbie Bent
PRESENTED WITH PLAQUE

IX. BUSINESS AGENDA

A. **King County**
Proposition No. 1
Crisis Care Centers Levy
The King County Council passed Ordinance 19572 concerning funding for mental health and substance use disorder services.
If approved, this proposition would fund behavioral health services and capital facilities, including a countywide crisis care centers network, increased residential treatment; mobile crisis care; post-discharge stabilization; and workforce supports. It would authorize an additional nine-year property tax levy for collection beginning in 2024 at $0.145 per $1,000 of assessed valuation, with the 2024 levy amount being the base for calculating annual increases in 2025-2032 under chapter 84.55 RCW, and exempt eligible seniors, veterans, and disabled persons under RCW 84.36.381. Should this proposition be:
Approved
Rejected

- Presentation by King County Department of Community and Human Services Director Leonardo Flor and King County Behavioral Health & Recovery Division Chief of Crisis Systems & Services Michael Reading **PRESENTED**
- Questions and Comments from Councilmembers **DISCUSSED**
- RCW 42.17A.555(1) - members of the public are afforded an approximately equal opportunity for the expression of an opposing view **PUBLIC COMMENTS RECEIVED BY COUNCIL**
- Proposed Resolution No. 23-395 **ADOPTED**

Agenda Bill - King County Proposition No. 1 Crisis Care Centers Levy
Attachment 1 - Proposed Resolution 23-395
Presentation - King County Crisis Care Centers Levy

X. WHERE'S THE FUN?

XI. PUBLIC COMMENTS
PUBLIC COMMENTS RECEIVED BY COUNCIL

A. We welcome our community members to the Council's meeting. In this forum, the Council does not engage or dialogue with the public; the primary role of the Council is to listen. We will hear from our on-site guests first, followed by our virtual guests. If you're online, please use the "raise hand" feature now if you wish to speak. All guests must address comments to the Mayor and City Council. The Clerk will acknowledge your request and call your name when it is your turn. Your time will start when we confirm that we can hear you. Please state your name and city of residence for the record and keep your comments to the allotted time. We will not split your time with others or reset your time except by express approval of the Presiding Officer. Screen-sharing is not

allowed; you can submit materials to the Council or Clerk in advance. Please do not comment about pending development projects on which the Council will make future decisions as those are quasi-judicial matters, and Councilmembers must limit their communications about such matters. This meeting is being recorded. Thank you for taking the time to express your comments.

XII. CONSENT AGENDA

CONSENT AGENDA MINUS ITEM B APPROVED BY UNANIMOUS CONSENT
CONSENT AGENDA ITEM B APPROVED BY MAJORITY CONSENT

A. Cancel the City Council Regular Meeting of Monday, March 27, 2023.

B. Approve the City Council Mini Retreat Report from January 20, 2023.
Agenda Bill - January 20, 2023 City Council Retreat Report
Attachment 1 - Retreat Report

C. Approve City Council Special and Regular Meeting Minutes from February 13, 2023.
City Council Special and Regular Meeting Minutes from February 13, 2023

D. Approve City Council Regular Meeting Minutes from February 27, 2023.
City Council Regular Meeting Minutes from February 27, 2023

E. Approve Total Check #s 51467 through 51562 totaling $562,577.15 and Total Payroll/Taxes/Flexible Spending/Retirement & Health Savings Account Electronic Deposits Dated 02/10/2023 in the amount totaling $191,122.15 and ACH Payment to Washington Federal Bank in the amount of $10,647.20, and Payroll Check #10204 dated 02/10/2023 in the amount of $2,176.71.
Voucher Certification and Approval 02/04/23 - 02/17/23

F. Adopt Resolution No, 23-394 to reduce the speed limit on SR 522 (NE Bothell Way) from MP 6.5 to east City limits from 40 MPH to 35 MPH.
Agenda Bill - Resolution 23-394
Attachment A - Proposed Resolution 23-394
Attachment B - Reduced Speed Limit Extents Map

G. Join and Approve the Distributor Opioid Settlement Agreements and Allocation Agreements and Authorize the City Manager to execute said documents and take all steps necessary for Kenmore to join the Washington Settlement with Opioid Distributors (Teva, Allergan, Walgreens, Walmart, and CVS). *(Added on 3/6)*
Agenda Bill - Distributor Opioid Washington Settlement

H. Authorize the City Manager to execute Contract No. 22-C2866 with the Northshore Canoe and Kayak Club (NCKC) to provide public programming at ƛ'aǩʷadis (Tl' awh-a-dees) Park, substantial as to the form attached hereto and upon final review and approval by the City Attorney.
Agenda Bill - Proposed Contract No. 22-C2866
Attachment 1 - Proposed Contract No. 22-C2866 (corrected 3/8)

I. Authorize the City Manager to execute a contract with RRJ LLC. for an amount up to $1,912,708 which includes 10% construction contingency for the 2023 Pavement Overlay and Sidewalk repair project.
Agenda Bill - 2023 Pavement Overlay and Sidewalk Repair Project Construction Award

J. Authorize the City Manager to execute Contract 23-C2916 with Chanin Kelly-Rae Consulting, LLC in an amount not to exceed $24,475, substantially in the form attached hereto. *(Added 3/9)*
Agenda Bill - Contract 23-C2916 Chanin Kelly-Rae Consulting, LLC
Attachment 1- Contract 23-C2916 Chanin Kelly-Rae Consulting, LLC

XIII. PUBLIC HEARINGS

A. Proposed Ordinance No. 23-0575 amending and extending interim regulations for an additional six-months for certain parcels close to Swamp Creek in proximity to SR 522 and 80th Ave NE, presented by Community Development Director Debbie Bent, *for Public Hearing*
PUBLIC HEARING HELD
Agenda Bill - Amending and Extending Interim Regulations
Attachment 1 - Proposed Ordinance 23-0575
Attachment 2 - Ordinance No. 23-0569
Attachment 3 - Ordinance No. 22-0555
Attachment 4 - Ordinance No. 22-0543

B. Proposed Ordinance No. 23-0574 amending the Kenmore Municipal Code and the official Kenmore Zoning Map related to Transit-Oriented Development, presented by Community Development Director Debbie Bent and Principal Planner Lauri Anderson, *for Public Hearing*
PUBLIC HEARING HELD
Agenda Bill - Proposed Ordinance No. 23-0574
Attachment 1 - Proposed Ordinance No. 23-0574
Exhibit A to Proposed Ordinance No. 23-0574
Exhibit B to Ordinance No. 23-0574 Zoning Map

XIV. BUSINESS AGENDA (CONTINUED)

A. Proposed Ordinance No. 23-0575 amending and extending interim regulations for an additional six-months for certain parcels close to Swamp Creek in proximity to SR 522 and 80th Ave NE, presented by Community Development Director Debbie Bent, *for Adoption*
ADOPTED
Agenda Bill - Amending and Extending Interim Regulations
Attachment 1 - Proposed Ordinance No. 23-0575
Attachment 2 - Ordinance No. 23-0569
Attachment 3 - Ordinance No. 22-0555
Attachment 4 - Ordinance No. 22-0543

B. Proposed Ordinance No. 23-0574 amending the Kenmore Municipal Code and the official Kenmore Zoning Map related to Transit-Oriented Development, presented by Community Development Director Debbie Bent and Principal Planner Lauri Anderson, *for Adoption*
ADOPTED
Agenda Bill - Proposed Ordinance No. 23-0574
Attachment 1 - Ordinance No. 23-0574
Exhibit A to Proposed Ordinance No. 23-0574
Exhibit B to Proposed Ordinance 23-0574 Zoning Map

C. Diversity, Equity, Inclusion, and Accessibility (DEIA) Toolkit, presented by Human Resources Manager Leonora Palaña and Consultant Chanin Kelly-Rae, *for Discussion and Direction*
DISCUSSED
Agenda Bill - DEIA Toolkit
Attachment 1 - DEIA Toolkit

XV. STAFF REPORTS

A. Support for Step It Up, presented by Recreation Program Manager Rita Moreno
PRESENTED
Memo - Support for Step It Up

B. American Rescue Plan Act (ARPA) Updates on Business Assistance and Catch-Up Learning Programs, presented by Management Analyst Janet Quinn
PRESENTED
Presentation - ARPA Updates

C. Kenmore Affordable Housing Update, presented by Deputy City Manager Stephanie Lucash
PRESENTED
Presentation - Kenmore Affordable Housing Update

D. Sound Transit Open House for Stride Bus Rapid Transit (BRT), presented by City Manager Rob Karlinsey
PRESENTED

E. Press Conference announcing the location of the 24/7 crisis center in Kirkland, presented by Deputy City Manager Stephanie Lucash
PRESENTED

XVI. COUNCILMEMBER REPORTS & COMMENTS

XVII. ADJOURNMENT

XVIII. UPCOMING MEETINGS

A. City Council Special Meeting of March 20, 2023 at 6:00 PM

City Council Regular Meeting of March 27, 2023 at 7:00 PM - **CANCELED**
City Council Special Meeting of April 3, 2023 at 6:30 PM
City Council Special and Regular Meeting of April 10, 2023 at 6:15 PM

XIX. NOTICE OF POTENTIAL QUORUMS

Click here for information about Potential Quorums of the City Council. Now found on the City website under City Council Meetings

City Council Business Agenda Item
City of Kenmore, WA

Subject/Topic: King County Proposition No. 1 Crisis Care Centers Levy (See below for official ballot measure title) **Proposed Council Action/Motion:** Pursuant to RCW 42.17A.555(1) members of the public and council will be afforded approximately equal opportunity for the expression of an opposing view. Discussion of Ballot Measure Discussion and potential adoption of Resolution 23-395 in support of King County Proposition No. 1 Crisis Care Centers Levy Motion: Move to adopt Resolution 23-395 expressing support for King County Ballot Measure Proposition No. 1 Crisis Care Centers Levy	**For Council Meeting Agenda of: March 13, 2023** **Department: City Manager** **Prepared by:** Michelle Kang, Acting City Clerk **Initial & Date** **Approved by Department Head:** SLL 3/1/23 **Approved by City Attorney:** DR 3/2/23 **Approved by Finance Director:** N/A **Approved by City Manager:** RK 3/2/23 **Exhibits/Attachments:** Attachment 1 – Proposed Resolution 23-395

INFORMATION/BACKGROUND:

The official ballot measure title and number from King County Elections:

King County
Proposition No. 1
Crisis Care Centers Levy
The King County Council passed Ordinance 19572 concerning funding for mental health and substance use disorder services.
If approved, this proposition would fund behavioral health services and capital facilities, including a countywide crisis care centers network, increased residential treatment; mobile crisis care; post-discharge stabilization; and workforce supports. It would authorize an additional nine-year property tax levy for collection beginning in 2024 at $0.145 per $1,000 of assessed valuation, with the 2024 levy amount being the base for calculating annual increases in 2025-2032 under chapter 84.55 RCW, and exempt eligible seniors, veterans, and disabled persons under RCW 84.36.381. Should this proposition be:
Approved

Rejected

On January 31, 2023, King County Council passed Ordinance 19572 providing for the submission to the qualified electors of King County at a special election to be held on April 25, 2023, of a proposition authorizing a property tax levy in excess of the levy limitation contained in RCW 84.55, for a consecutive nine-year period.

Despite our region's persistent mental health crisis, fueled by the effects of the pandemic and other social and economic factors, currently there is no 24/7 crisis center to serve the residents of north King County. Kenmore and its neighboring cities of Bothell, Kirkland, Lake Forest Park, and Shoreline have partnered with Connections Health Solutions to establish a 24/7 crisis center to serve the residents of North King County for a total cost of $14.2 million.

RCW 42.17A.555(1) authorizes the City Council to take action to collectively express a decision, or to actually vote upon a motion, proposal, or to support or oppose a ballot measure so long as (a) any required notice of the meeting includes the title and number of the ballot proposition, and (b) members of the public and Councilmembers are afforded an approximately equal opportunity for the expression of an opposing view.

FISCAL CONSIDERATION:

Kenmore property owners would be among those impacted by the levy. No fiscal impact to City budget.

COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:

4. Diversity, Equity, Inclusion, and Accessibility
6. Enhance public safety.
11. Respond to the pandemic.

CITY OF KENMORE
WASHINGTON
RESOLUTION NO. 23-395

A RESOLUTION OF THE CITY COUNCIL OF KENMORE, WASHINGTON, EXPRESSING SUPPORT FOR KING COUNTY BALLOT MEASURE PROPOSITION NO. 1 CRISIS CARE CENTERS LEVY

WHEREAS, despite our region's persistent mental health crisis, fueled by the effects of the pandemic and other social and economic factors, currently there is no crisis center to serve the residents of north King County; and

WHEREAS, King County Elections has identified the official ballot measure title as follows:

> **King County**
> **Proposition No. 1**
> **Crisis Care Centers Levy**
> The King County Council passed Ordinance 19572 concerning funding for mental health and substance use disorder services.
>
> If approved, this proposition would fund behavioral health services and capital facilities, including a countywide crisis care centers network, increased residential treatment; mobile crisis care; post-discharge stabilization; and workforce supports. It would authorize an additional nine-year property tax levy for collection beginning in 2024 at $0.145 per $1,000 of assessed valuation, with the 2024 levy amount being the base for calculating annual increases in 2025-2032 under chapter 84.55 RCW, and exempt eligible seniors, veterans, and disabled persons under RCW 84.36.381. Should this proposition be:
>
> Approved
>
> Rejected

(hereafter "Proposition No. 1"), and Proposition No. 1 is scheduled to go to the voters at the King County Special Election on April 25, 2023; and

WHEREAS, RCW 42.17A.555 authorizes the City Council to take action to express a collective decision or to actually vote upon a motion, proposal, resolution, order, or ordinance, or to support or oppose a ballot proposition so long as (a) any required notice of the meeting includes the title and number of the ballot proposition, and (b) members of the council or members of the public are afforded an approximately equal opportunity for the expression of an opposing view; and

WHEREAS, during the March 13, 2023 Regular Meeting, the City Council afforded members of the public and Council an approximately equal opportunity for expression of an opposing view on Proposition No. 1 and this resolution, pursuant to RCW 42.17A.555(1); and

WHEREAS, during the public comment, opinions in support and in opposition to the ballot measure were expressed; and

WHEREAS, the City Council desires to approve this resolution in support of Proposition No. 1 and authorize the Mayor to execute this resolution;

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

Section 1. The Kenmore City Council adopts this resolution to express its official position in support of King County Ballot Measure Proposition No. 1 Crisis Care Centers Levy.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON, AT A REGULAR MEETING THEREOF THIS 13th DAY OF MARCH 2023.

CITY OF KENMORE

_____
Nigel Herbig, Mayor

ATTEST/AUTHENTICATED:

_____
Michelle Kang, Acting City Clerk

APPROVED AS TO FORM:

_____
Dawn Reitan, City Attorney

King County Crisis Care Centers Levy

King County

Leo Flor (He/Him)
Director
King County Department of Community and Human Services

Behavioral Health = Mental Health & Substance Use Disorder

People Recover.

3 Urgent Problems

We've Solved this for Broken Bones…

No walk-in Behavioral Health "Urgent Care"

1/3

Losing Mental Health Residential Capacity

It takes People to Treat People

Unsustainable Workforce

Core Crisis System Elements:

What do we have now?

Someone to Talk To

988, Regional Crisis Line

Someone to Respond

Mobile Crisis Teams, Co-Responders, Outreach, Peers

Someplace to Go/Be/Be Brought

?

Anyone, Anywhere, Any Time

King County's *proposed* Crisis Care Centers Levy

1. Create five new regional crisis care centers:

Distributed geographically across the county, the centers will provide walk-in access and the potential for short-term stays to help people stabilize, depending on needs, with one center specifically serving youth.

Currently

One 46-bed crisis center for 2.3 million people in our county

2. Preserve and restore the dramatic loss of residential treatment beds:

In 2018, 355 beds providing community-based residential care for people with mental health residential needs existed in King County. Today, only 244 of these beds are available.

Currently

Loss of 1 in 3 of our residential treatment beds in recent years

As of July 2022, people waited an average of **44 days** for a mental health residential bed.

3. Grow the behavioral health workforce pipeline:

The proposal will create career pathways through apprenticeship programming and access to higher education, credentialing, training, and wrap-around supports. It will also invest in equitable wages for the workforce at crisis care centers.

Currently

Historic labor shortages

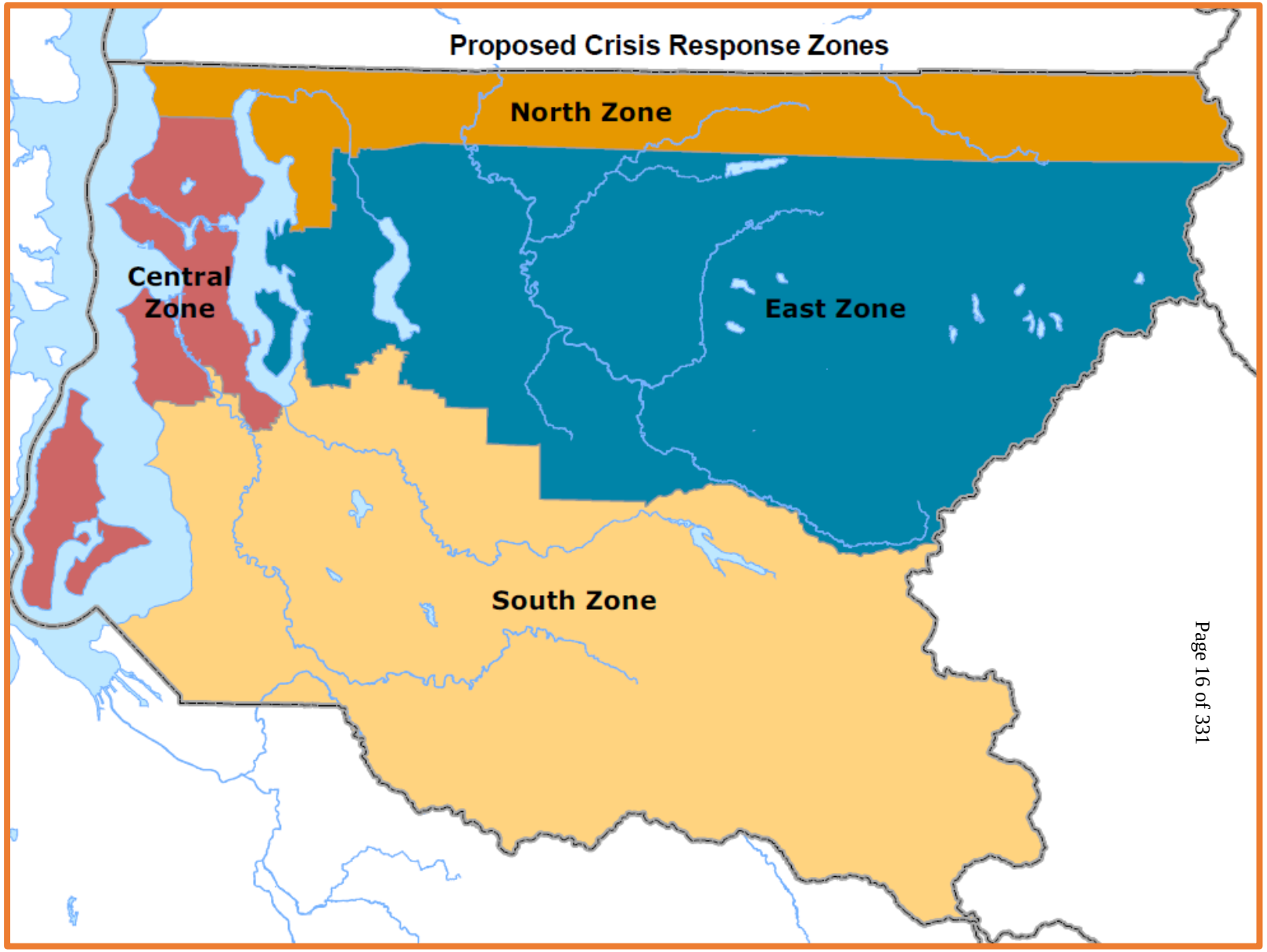
A 2021 King County survey of member organizations of the King County Integrated Care Network found that job vacancies at community behavioral health agencies were at least double what they were in 2019.

Paramount Purpose: A Regional Network of 5 CCCs

§1.C defines 4 Crisis Response Zones

- **Each Crisis Response Zone hosts at least one CCC**
- **At least one CCC specializes in serving children**

The purpose of Crisis Response Zones (CRZs) is to promote localized access geographic distribution of CCCs. CRZs do not restrict who can access which CCC.



Paramount Purpose: What is a CCC? *see §1.A*

Same Day Access to multiple types of crisis stabilization services, which shall include:

24/7 Walk-In/Drop-Off
BH Urgent Care Clinic

23-Hour
Observation Unit

14-Day Crisis Stabilization:
16 beds for short-term care

Onsite access to a **DCR**
(Designated Crisis Responder)

No Wrong Door: "Shall endeavor to accept at least for initial screening and triage any person…"

Single Facility or Grouped Facilities that are adjacent or with transportation provided

Staff must be multidisciplinary and include **peers**.

May incorporate *compatible* pre-existing facilities

Paramount Purpose: Who Will Site & Operate CCC's?

- Crisis Care Centers would be **operated by provider agencies** under contract to DCHS's Behavioral Health and Recovery Division.

- Crisis Care Centers would be **sited by providers proposing sites w/ host jurisdiction support** through an RFP or a similar procurement process.

The proposed Ballot Measure Ordinance is silent on this issue other than requiring an Implementation Plan. CCC operations/siting would be governed by the Implementation Plan. Except for election cost and up to $1M in initial planning, Levy proceeds may not be spent until the Implementation Plan is enacted.

Supporting Purpose One: Restore Mental Health Residential Capacity

Context: King County lost one-third of its mental health residential beds since 2018.

See https://www.seattletimes.com/seattle-news/mental-health/where-did-king-countys-mental-health-beds-go/

Supporting Purpose One would

- **reinforce remaining facilities** *to prevent further loss and*
- **build back at least 111 beds.**

New facilities would be limited to 16 beds, requiring at least 7 new facilities. Why 16 beds?

Supporting Purpose One: Restore Mental Health Residential Capacity

What is Mental Health Residential?

- A recovery-oriented place to live
- Residential treatment
- Case management & practice for basic life skills
- Supports for individual treatment & group sessions
- A setting that builds community within community

Supporting Purpose Two: Workforce

Context: Provider staff **vacancies doubled** between 2019 and 2021.

- **Invest in systemwide supports to increase the sustainability and representativeness of the entire behavioral health workforce**
- **Make specific investments at CCCs to support robust, sustainable, and representative staffing**

Projected Costs for a 14.5 cent, 9-year Countywide Levy

Using this 2022 method for Kenmore = estimated $131.76 annual in 2024. The Assessor's 2023 median values are now available.

	2022 Median Assessed Value	*Estimated* 2024 Median Assessed Value	***Estimated* 2024 Annual Payment**	*Estimated* 2024 Monthly Payment
Auburn	$433,000	$522,544	**$75.77**	$6.31
Kent	$467,000	$563,576	**$81.72**	$6.81
Renton	$534,000	$644,431	**$93.44**	$7.79
Countywide Median	**$694,000**	**$837,519**	**$121.44**	$10.12
Seattle	$760,000	$917,168	**$132.99**	$11.08
Bothell	$758,000	$914,754	**$132.64**	$11.05
Redmond	$1,005,000	$1,212,834	**$175.86**	$14.66
Bellevue	$1,107,000	$1,335,928	**$193.71**	$16.14

Proposed at $0.145 per $1,000 of Assessed Value (AV)

- Assessed values often differ from sale prices
- Levy period would begin in 2024

This projection *estimates* 2024 median AV by applying a 20.68% growth factor to 2022 median AV. The Assessor's 2022 Median AV by city is available online.

Timeline for Crisis Care Centers Levy Development

Problem Identification & Initial Concept Development
Early to Mid '22

Coalition Forms to Develop a Policy Proposal
JUL-AUG '22

CCC Proposal Development & Finalization
AUG-SEP '22

Coalition CCC Levy Announcement & Exec. Transmits Proposed Ballot Measure
SEP '22

Council & RPC Consider CCC Ballot Measure Ordinance
OCT '22-JAN '23

King County Council—with RPC Referral—passed Ballot Measure Ordinance
January 31, '23

Voter Consideration in April 25th Election
APR '23

***If Approved:* Executive Implementation Plan Development**
APR-FALL '23

***If Approved:* Council & RPC Consider CCC Implementation Plan**
2024

Questions?

Council Agenda Bill
City of Kenmore, WA

Subject/Topic: January 20, 2023 City Council Retreat Report **Proposed Council Action/Motion:** Approve January 20, 2023 City Council Retreat Report	**For Council Meeting Agenda of:** March 13, 2023 **Department:** City Manager's Office **Prepared by:** Rob Karlinsey, City Manager **Initial & Date** **Approved by Department Head:** ___N/A____ **Approved by City Attorney:** _____ **Approved by Finance Director:** _____ **Approved by City Manager:** RGK **Exhibits/Attachments:** January 20, 2023 City Council Retreat Report

Information/Background:

The Kenmore City Council held a "mini-retreat" on the evening of Friday, January 20, 2023. At the retreat, the City Council discussed various issues and identified a number of those issues for further follow up. The retreat report, including follow up items, is attached to this agenda bill.

Kenmore City Council January 20, 2023 Retreat Report

Introduction

The Kenmore City Council held a "Mini" Retreat on January 20th, 2023 at the Kenmore City Hall. The purpose of this retreat was to discuss, in depth, key projects and policy issues identified by the participants during a pre-retreat interview to establish the agenda. The following agenda guided the discussions during this council retreat:

1. Visual Work Plans and Docket Items
2. Diversity, Equity, Inclusion, and Accessibility
3. Updates
4. Middle Housing
5. The "Bench"
6. Council Relations
7. Financial Condition of the City
8. How new programs will be considered in 2023
9. Town Halls
10. Swamp Creek Restoration
11. Coffee with Council

The following report is a summary of the discussions and outcomes of the retreat (a complete recording of this retreat was made and is retained by City officials):

Visual Work Plans and Docket Items

The City Manager briefly discussed the 2023 visual work plans for each department. The work plans are color coded: yellow for more steady work, orange for medium workload, and green for heavier workload items etc. In addition, the Planning Commission docket was included for contextual purposes and it was noted that this docket will be discussed in more detail at the January 23rd, 2023 City Council meeting.

Diversity, Equity, Inclusion and Accessibility (DEIA)

The next discussion module focused on several items under DEIA topic area.

DEIA Strategic Plan Development Schedule. Staff presented an overview of recent and current work defining the Diversity, Equity, Inclusion, and Accessibility (DEIA) policy. This work included efforts to identify DEIA

strategies across various city departments to determine what is currently in place and what needs to be accomplished to improve diversity, equity, inclusion, and accessibility in City operations and in the community. In addition, efforts include using recommendations from the assessment process to evaluate opportunities to implement strategic initiatives to increase accessibility and improve outcomes for staff to include items that are not currently staffed or funded. The timeline to develop the five-year road map was presented. It was noted that the final DEIA strategic plan will be in front of the City Council in June 2023 for final adoption with a projected start date of July 1st, 2023.

Juneteenth Event. The participants next discussed a Juneteenth event for the city. The history and nature of Juneteenth as a recognition of a day of "Jubilee and "day of true freedom" from enslavement of African Americans in Galveston, Texas was presented and discussed. It was noted that there have been discussions of broadening the nature of a Juneteenth to be more of a multi-cultural event rather than a singular focus on the African American experience. The pros and cons of broadening the event were discussed in terms of both inclusion of all and the importance of a singular focus on the freedom of Black people. It was noted that while inclusion of all is an important commitment, it is also important not to "erase or silence" the voice of African Americans by generalizing the event across all cultures. The issue of "tokenism" was discussed and the importance of avoiding the view that "let's not celebrate anybody if we cannot celebrate everybody" becoming the guide post. After a long discussion the participants made the following agreement:

Agreement One: Go forward with a Juneteenth Event with a specific African American focus and look for other opportunities/events that would focus on a Multi-Cultural celebration and focus.

Human Rights Campaign Municipal Equality Index. The participants next discussed a measurement system used to score and/or recognize municipal governments' work in the DEIA area. The nature of the tool was presented and discussed. In addition, the process for submitting materials and other data to obtain the score was discussed. It was discussed that this measurement could be beneficial for the city as it may serve as a way for people to view a city's commitment to important issues such as non-discrimination laws, employment, housing and other key features of a city that is known for its commitment or not to DEIA. The possible impact on staff was noted as a potential workload concern and in need of further understanding. In addition, it was noted that perhaps the best approach would be to consider whether to include this effort as part of the

overall DEIA strategic plan. After a discussion the participants agreed to the following:

Agreement Two: Staff will review the nature and impacts of the Human Rights Campaign Municipal Equality Index and advise the City Council on whether to consider using the Index within the context of the DEIA Five-Year Strategic Plan.

Updates on Selected City Projects and Issues

The participants next received and discussed updates on several city projects and issues.

Regional Aquatic Center Update. Staff presented an update report on the Regional Aquatic Center project. The city has received two "feasibility" grants one in partnership with Kirkland and the other in partnership with Lake Forest Park and Shoreline totaling $200,000. These grants will fund the study of multiple potential sites for an aquatic center. In addition, an RFP will be released to obtain a consultant to conduct the siting study.

The Bench. Staff presented and update report on the property on the southside of 522 known as "the bench" which was recently purchased by the city. The city has hired a consultant to review the twelve parcels of properties associated with the bench and come up with recommendations on possible uses, etc. This work is on-going and results are planned to be presented to the City Council in March 2023. In March the staff will ask the Council for direction on this property based upon the consultant recommendations. Participants noted possible approaches/uses for such as a location for affordable housing, mixed businesses, the demolition of buildings and the possible selling of the property.

Kenmore Village. Staff presented an update on the Kenmore Village project. A consultant is currently looking at next steps with a specific focus on the city-owned post office, and neighboring properties to include opportunities for redevelopment. A report will come to the City Council in March of 2023.

Middle Housing

The participants next discussed the policy area known as missing middle or middle housing. Staff noted that this issue will be coming to the City Council in February for an update on the community engagement piece of this effort. This update will include consultant suggestions for a public process as part of the over all process. It was noted that this issue was contentious when discussed

in 2022 and the public process going forward would need to be encompassing and robust to include ways for people to express themselves in informal ways. It was noted that this issue may have strained relations within the Council but overall was handled well. It was noted that differences of opinions are both healthy and often lead to the best public policy. It was also noted that public process during consideration of this issue was influenced by the pandemic which limited process options. It was noted by several that all members of the Council care about the community and addressed this and all issues with the best of intentions. It was noted that the "heart" of a great policy team is the ability to disagree effectively with each other.

City Council Relations: Where is the fun?

City Council Meetings. The participants next discussed the state of Council relations and in particular the impact of the pandemic on process, meetings and activities. It was noted that there has been less fun in serving on the council than in the past, that online meetings have been tedious and that the need for a more "healthy approach" to meetings and activities would be helpful going forward. The importance of more social time, longer breaks and having snacks/food together was noted. The importance of giving compliments to each other and hearing about accomplishments was noted and as well as the value of noting things that are "cool" about Kenmore. Ideas such as highlighting current activities, hearing from students in the community and value of a "3 minute" beginning to each meeting highlighting the positive would be very useful.

June Retreat. The participants next discussed the upcoming June City Council retreat. The pros and cons of going "away" for the retreat were discussed. The participants agreed to the following:

Agreement Three: The date for the retreat will be Friday June 30th and Saturday July 1st, 2023. The retreat will be held off site away from city hall.

Financial Condition of the City

The participants next discussed the financial condition of the City with a particular focus on the impacts of inflation on both the city organization and the residents of the City. Staff reviewed the current fiscal status and noted that while the current budget anticipated inflation, the actual inflation rate was higher than expected. This has been reflected in a number of items such as the significant

raise in the police contract costs. The impact is that the "lines are going to cross" sooner than 2028 as originally projected. It was noted that the budget is balanced through 2024. The Financial Sustainability Plan Task Force will need to reconvene in 2024. Participants noted the impacts on the community and how inflation would impact all policy issues. In addition, it was noted that it will be important to be innovative as well as looking to what other cities are going to address fiscal issues.

How will new programs be considered in 2023

Participants next discussed the process for identifying and selecting new programs for 2023. It was quickly noted that the processes would remain as in the past, where the June retreat will be the primary forum for new considerations. It was also noted that there are standing council procedures for bringing up new ideas during meetings. Typically, the only deviation from these processes (retreat and standing procedures) can be during emergencies.

Town Halls

Participants next discussed the value of having City Council "Town Halls" or City Council meetings in out in the community in various setting such as schools, other meeting sites etc. It was noted that town halls have been used in the past with success. These town hall-style meetings gave people a chance to come and engage directly in two-way dialogue with the City Council. It was noted that there can be logistical issues such as arranging sound equipment, but these have been overcome in the past. After a discussion the participants agreed to the following:

Agreement Four: There is positive interest in conducting one or two annual Town Halls. Staff will review the idea and bring back a proposal for the City Council to review and approve.

Swamp Creek Restoration

Participants discussed the importance, strategy, and opportunities for restorations projects and initiatives at Swamp Creek. The positive impact on climate change along with the link to restoration grants etc. that can come with restoration work at Swamp Creek were noted. It was noted that such work should not be "piecemeal" but should be ecosystem wide necessitating work

with other jurisdictions such a Snohomish County to mitigate up stream pollution etc. Several participants agreed that a holistic approach is necessary to include the entirety Swamp Creek to include where it joins with the Sammamish River. Staff noted that in fact they are looking into a Swamp Creek Basin evaluation for potential restoration. This effort included tasking a consultant to analyze properties and specific elements of a possible restoration of obtain "real life" data to inform an possible approach. It was noted that this staff work is an "add on" to an already existing workload that is heavy. Participants expressed their appreciation of this effort and noted the need to delay other projects to make room for this project and to provide funding necessary to assist staff.

Coffee with Council

Participants next discussed the value of the "Coffee with Council" meetings. These meetings have historically been held as a drop in opportunity for residents to talk with individual Council Members. After a discussion the participants agreed to the following:

Agreement Five: Coffee with Council will continue. These meeting will be held at 7:30 a.m. the first Monday of the month and 9:00 a.m. the third Saturday of the month[1]. These meetings will be in person and with Zoom no longer utilized. Staff will reserve the Beaver Room in the Hangar and create/implement a sign-up sheet for Council Members to be scheduled to attend these meetings.

[1] The third Saturday time was subsequently adjusted to 9:30 am to accommodate another group that has been meeting at the Hangar on Saturday mornings.

Appendix One
Retreat Participants

Mayor
Nigel Herbig

Deputy Mayor
Melanie O'Cain

Council Member
David Baker

Councilmember
Angela Kugler

Councilmember
Joe Marshall

Councilmember
Corina Pfeil

Councilmember
Debra Srebnik

City Manager
Rob Karlinsey

Selected Department Directors Participated During Specific Conversations

Facilitator
Michael Pendleton

City of Kenmore
City Council Meeting
Special & Regular Meeting Minutes
Monday, February 13, 2023

These minutes are created to capture Council action. This is not a verbatim transcript. Meeting video and audio is available on the City YouTube channel.

PRESENT:

Councilmembers:
Mayor Nigel Herbig
Deputy Mayor Melanie O'Cain
Councilmember David Baker
Councilmember Joe Marshall
Councilmember Angela Kugler
Councilmember Debra Srebnik
Councilmember Corina Pfeil – Virtual

Staff:
City Manager Rob Karlinsey
Deputy City Manager Stephanie Lucash
Acting City Clerk Michelle Kang
Co-Clerk Brian Randall
City Attorney Dawn Reitan
City Attorney Curtis Chambers
Cascadia Law Attorney Dennis McLerran
Community Development Director Debbie Bent
Development Services Director Samantha Loyuk
Principal Planner Lauri Anderson
Parks Project Manager Rob Sayre-McCord
Code Enforcement Officer Bridgit Baker
Senior Permit Coordinator Kendra Hixenbaugh
Administrative Specialist Shannon Tipple-Leen
Environmental Services Manager Richard Sawyer
Assistant to the City Manager Garrett Oppenheim

Speaking Guests:
Danah Abarr, Bothell Kenmore Chamber's Executive Director
Amanda Pleasant-Brown, King County Metro Government Relations Jurisdictional Lead
Corey Holder, King County Metro Lynnwood Link Connections Deputy Project Manager
Luke Distelhorst, King County Metro Lynnwood Link Connections Lead

Public Comments Speaking Guests:

Jon Culver, Kenmore Resident
Dakota Rash, Lake Forest Park Resident
Tracy Banaszynski, Kenmore Resident
Elizabeth Mooney, Kenmore Resident
Chris Olson, Kenmore Resident
Dana VanBuecken, Kenmore Resident
Stacey Valenzuela, Kenmore Resident
Sarah Fletcher, Lake Forest Park Resident
James Olson, Kenmore Resident
Julien Loh, Puget Sound Energy Local Government Affairs and Public Policy Manager
Victoria Grayland, Kenmore Resident
Nancy Hansen, Kenmore Resident

CALL SPECIAL MEETING TO ORDER

Mayor Herbig called the special meeting to order at 6:00 PM.

EXECUTIVE SESSION

Pursuant to RCW 42.30.110(1)(i), the City Council entered an executive session to discuss pending or potential litigation. Mayor Herbig announced that the executive session was slated to last 60 minutes. No final action was taken.

ADJOURN SPECIAL MEETING

Mayor Herbig adjourned the special meeting at approximately 7:01 PM.

CALL REGULAR MEETING TO ORDER

Mayor Herbig called the regular meeting to order at approximately 7:01 PM.

FLAG SALUTE

Mayor Herbig led the Council in the flag salute.

AGENDA APPROVAL

The agenda was approved as presented.

PRESENTATIONS

A. New Staff Introductions

Development Services Director Samantha Loyuk introduced the new Senior Permit Coordinator, Kendra Hixenbaugh, to Council. Community Development Director Debbie Bent introduced the new Administrative Specialist, Shannon Tipple-Leen, to Council.

B. Bothell Kenmore Chamber's Executive Director, Danah Abarr, introduced herself to Council.

C. King County Metro, Lynnwood Link Phase 2, presented by Government Relations Jurisdictional Lead Amanda Pleasant-Brown, Lynnwood Link Connects Deputy Project Manager Corey Holder, and Lynnwood Link Connections Lead Luke Distelhorst
Presentation - Lynnwood Link Phase 2

King County Metro staff presented to Council about Lynnwood Link Phase 2. This is the first time King County Metro staff are presenting on this phase. The reason behind this Lynnwood Link project is because four new stations will open in 2024 and one in 2026 to extend the light rail from Seattle to Lynnwood. This mobility project is in response to mobility needs and to improve mobility access for historically underserved populations. The project scope includes 22 routes: 14 all-day and 8 peak-only.

The project goals are:

1. Improve mobility for priority populations (as defined by the Mobility Framework), who are an important part of our current and potential customer base.
2. Equitably inform, engage, and empower current and potential customers traveling in the project area.
3. Deliver integrated service that responds to Link expansion, changes in the transit network and community needs.
4. Improve the efficiency, effectiveness, and environmental sustainability of the transit system.

The current Phase 2 involves:

- Sharing service concepts with the public and communities to gather feedback;
- Public online survey, general public outreach, community meetings;
- Mobility board co-create draft service proposal and partner review board review service Draft proposal and provide feedback; and
- Jurisdictional meetings and council briefings.

Councilmembers provided questions and comments.

- Are there any approximate dates of when the Shoreline stations are opening?
  - Fall 2024
- It would be great if there were some neighborhood loops that would help residents reach the main transit routes.

WHERE'S THE FUN?

City Manager Rob Karlinsey presented to the Council a debrief of the For the Love of Kenmore Event that took place at City Hall on Thursday, February 9, 2023.

PUBLIC COMMENTS

Council took comments from the public.
Timestamped Link: https://www.youtube.com/live/YCjDbidflBI?feature=share&t=6523

CONSENT AGENDA

A. Cancel the City Council Regular Meeting of Monday, February 20, 2023

B. Approve the City Council Special and Regular Meeting Minutes from January 9, 2023
City Council Special and Regular Meeting Minutes from January 9, 2023

C. Approve the City Council Regular Meeting Minutes from January 23, 2023.
City Council Regular Meeting Minutes from January 23, 2023

D. Approve Total Check #s 51244 through 51380 totaling $1,796,621.94 and Total Payroll/Taxes/Flexible Spending/Retirement & Health Savings Account Electronic Deposits Dated 01/13/2023 in the amount totaling $196,173.13 and ACH Payment to KBA Inc. in the amount of $15,935.18, and ACH Payment to Thomco Const., Inc. in the amount of $138,450.21, and ACH Payment to U.S. Bank in the amount of $10,038.05, and ACH Payment to WA Federal Bank in the amount of $14,191.62.
Voucher Certification and Approval Dated 12/31/22 - 01/20/23

E. Approve the A Regional Coalition for Housing (ARCH) 2023 Budget, including Kenmore's contribution of $62,304. Approve the ARCH 2023 Work Program. Approve the ARCH Executive Board's recommended Fall 2022 Housing Trust Fund Projects including Kenmore's $118,600 share of funding.
Agenda Bill - ARCH 2023
Attachment 1 - ARCH 2023 Budget and Work Program
Attachment 2 - ARCH Fall 2022 Housing Trust Fund Project Recommendations

F. Ratification of an Amendment to the 2021 King County Countywide Planning Policies (CPP) - No Action Requested
Agenda Bill - Amendment to the 2021 King County Countywide Planning Policies (CPP)
Attachment 1 - 1/5/23 Transmittal Letter from King County to Mayor Herbig
Attachment 2 - King County Ordinance 19553
Attachment 3 - 9/27/22 Transmittal Letter from the King County Executive to the King County Council
Attachment 4 - 11/21/22 King County Staff Report

G. Authorize the City Manager to execute Amendment Agreement 19-C2012 to increase the contract amount by $670,000 to accommodate work through 2023.
Agenda Bill - Amendment to Agreement 19-C2012 with Osborn Consulting

H. Authorize City Manager to execute contract with King County to accept 2023-2024 Waste Reduction & Recycling Grant funds.
Agenda Bill - 2023-2024 King County Waste Reduction & Recycling Grant
Attachment 1 - 2023-2024 King County Waste Reduction & Recycling Grant Draft Agreement

MOTION: Councilmember Baker moved to approve the consent agenda outlined above. Deputy Mayor O'Cain seconded the motion.
VOTE: Consent Agenda was approved by UNANIMOUS CONSENT

BUSINESS AGENDA

A. Climate Action Plan Implementation and Housing & Human Services Budget & Funding, presented by City Manager Rob Karlinsey, Deputy City Manager Stephanie Lucash, and Environmental Services Manager Richard Sawyer, *for Approval*
   1. Authorize additional expenditures in 2023 and 2024, including three new full-time positions, as shown in Attachment 1 to the Agenda Bill.
   2. Adopt Ordinance No. 23-0570 increasing the utility tax levy on the privilege of carrying on the business of selling, furnishing, or transmitting natural gas in the City of Kenmore.
   3. Adopt Ordinance No. 23-0571 establishing and levying a utility tax on the privilege of conducting a solid waste collection services business in the City of Kenmore.
   4. Adopt Resolution No. 23-393 authorizing an increase in the annual vehicle fee in the City of Kenmore from $20 to $40.

   Agenda Bill - Climate Action Plan Implementation and Housing & Human Services Budget & Funding
   Attachment 1 - Revenues and Expenditures
   Attachment 2 - Ordinance No. 23-0570 Natural Gas Utility Tax
   Attachment 3 - Ordinance No. 23-0571 Solid Waste Utility Tax
   Attachment 4 - Resolution No. 23-393 Vehicle Fee Increase
   Attachment 5 - Agenda Bill and Attachments presented at the January 23, 2023 Kenmore City Council Meeting
   Presentation - Climate Action Plan and Housing & Human Services Implementation Plan (updated 2/13)

City Manager Rob Karlinsey, Deputy City Manager Stephanie Lucash, and Environmental Services Manager Richard Sawyer presented the same information about the Climate Action Plan (CAP) that was previously given to Council. The presentation consisted of slides that the public and the Council saw during the January 23, 2023 Council Meeting.

Councilmembers provided questions and comments.

- Based on the language of "privilege of", who is getting taxed?
  - The agencies, Puget Sound Energy and Republic Services, are getting taxed, but they will pass the additional taxes directly onto the residents.
- Concerns about not being able to show a metric of greenhouse gas reduction and evidence that the money spent on the CAP will render desired results.
  - Buildings and energy are the majority of where the greenhouse gas emissions come from, not SR 522
- Concerns for senior citizens and the burden that the increase in costs these taxes will have on their lives.
- When will the taxes go into effect?

- The natural gas utility tax and solid waste utility tax will go into effect May 2023 and the vehicle fee increase will likely go into effect around September 2023

MOTION: Councilmember Srebnik moved to approve additional expenditures in 2023 and 2024, including three new full-time positions, as shown in Attachment 1 to the Agenda Bill. Deputy Mayor O'Cain seconded the motion.
VOTE: 6 Yes; 1 No; 0 Abstain. **MOTION PASSES**

MOTION: Deputy Mayor O'Cain moved to adopt Ordinance No. 23-0570 increasing the utility tax levy on the privilege of carrying on the business of selling, furnishing, or transmitting natural gas in the City of Kenmore. Councilmember Kugler seconded the motion.
VOTE: 6 Yes; 1 No; 0 Abstain. **MOTION PASSES**

MOTION: Councilmember Srebnik moved to adopt Ordinance No. 23-0571 establishing and levying a utility tax on the privilege of conducting a solid waste collection services business in the City of Kenmore. Deputy Mayor O'Cain seconded the motion.
VOTE: 6 Yes; 1 No; 0 Abstain. **MOTION PASSES**

MOTION: Deputy Mayor O'Cain moved to adopt Resolution No. 23-393 authorizing an increase in the annual vehicle fee in the City of Kenmore from $20 to $40. Councilmember Kugler seconded the motion.
VOTE: 7 Yes; 0 No; 0 Abstain. **MOTION PASSES**

Mayor Herbig announced a 5-minute break at approximately 9:12 PM. Councilmember Baker was excused at approximately 9:08 PM.

B. Transit-Oriented Development (TOD) Ordinance presented by Community Development Director Debbie Bent and Principal Planner Lauri Anderson, *for Discussion and Direction*
Agenda Bill - Transit-Oriented Development (TOD) Ordinance Discussion
Attachment 1 - Map of "Carve-Out" Area (Revised TOD Overlay)
Attachment 2 - Matrices of Discussion Topics

Principal Planner Lauri Anderson presented to Council two proposed code languages for the TOD areas that need to be clarified to proceed with the TOD Amendments to come: carve-out regulations and nonresidential uses on the ground floor of buildings fronting SR 522.

Carve-Out Regulations:
Council gave direction to staff to proceed with staff recommendations from Attachment 2 for the carve-out parcels with the change of including a restriction of drive-through services in the carve-out.

Nonresidential Uses on the Ground Floor of Buildings Fronting SR 522:
Staff recommendations from the Agenda Bill include the following language:

On *street frontages*, the following conditions apply:

a. depth may be averaged, with A minimum of 80 percent of the structure's street front façade at street level shall be occupied by nonresidential (e.g., retail, office or service) uses.
b. The required nonresidential uses shall extend at least 30 feet in depth at street level from the street front façade of the structure; provided, that the minimum required no depth less than 15 feet,

Exception: These requirements do not apply to multifamily structures containing 100% *affordable housing units*.

The purpose of including the exception for affordable housing units is because financing for affordable housing units is much more difficult if there is a first-floor nonresidential use requirement, which can be seen as a barrier.

Street frontages was expanded from SR 522 to include all street frontages, for future additional street development in the Urban Corridor zone.

Council provided questions and comments.

- What does "affordable" mean?
  - "Affordable" is defined in the regulations, which means "moderately affordable", "very low income", and "extremely low income."
- We have to plan today for regulations fifty years from now.

Council gave direction to staff to proceed with staff recommendations from the Agenda Bill regarding street frontages and exceptions for affordable housing.

STAFF REPORTS

A. American Rescue Plan Act (ARPA) Updates on Homelessness Response & Human Services, presented by Assistant to the City Manager Garrett Oppenheim
   Presentation - ARPA Updates

Assistant to the City Manager Garrett Oppenheim presented updates on three programs funded by the American Rescue Plan Act (ARPA): Homelessness Response Pilot Program, Human Services Funding – Center for Human Services, and Human Services Funding – Community Lifesavers.

Homelessness Response Pilot Program:
Through the Request for Proposals (RFP) process, Kenmore selected Lake City Partners Ending Homelessness (LCP) as its partner for this program. The Contract will be before Council on February 27, 2023 with the anticipated start date of March 1, 2023. LCP will assign an Outreach Specialist to the City and their scope of work will include urgent response to requests from the City, Police, and Community; active engagement at Camp United We Stand and other locations

in the city; community-based case management and shelter & housing navigation; and bi-monthly written reports.

Councilmembers provided questions and comments.
- The hope for this specialist was a full-time position and for the person to go places where individuals spend their time, such as the library.
- Would like a report within six months of their productivity.
    - Some data from the bi-monthly reports include: total number of engagements, number of unique individuals engagements, first-time engagements, follow-up engagements, outcomes of engagements, etc.

Human Services Funding – Center for Human Services:
The City Council authorized $250,000 of ARPA funds to go towards human services funding and the majority of the allocated funds will go towards this program.
Kenmore is partnering with Center for Human Services (CHS) on a program that will provide mental and behavioral health and substance abuse counseling for students and the wider community. CHS will place a therapist into Kenmore Middle School three days a week and at a different location for the remaining two days. The program will run through the 2023-2024 and 2024-2025 academic years. This contract is anticipated to begin on July 1, 2023.

Councilmembers provided questions and comments.
- How does this relate to existing school counselors and school-based mental health programs?
    - This therapist will be for a more ongoing basis, whereas school counselors are more for drop-ins.
- Did the schools specifically ask for this?
    - No, this is similar to a successful program that is run in Bothell. More information to come on how success is defined.
- Suggestion of second location being the library or Evergreen Health.
- Would like to see more information about this program.

Human Services Funding – Community Lifesavers:
The remaining allocated funds mentioned above will go towards this program. Kenmore is partnering with NAMI Eastside to provide training for resident volunteers in mental health first aid as well as stocking emergency crisis kits called Kenmore Cares Kits. The contents of the kits are yet to be determined, but the plan is to have them available during business hours to residents experiencing a mental health event.

B. Other – City Manager Rob Karlinsey
City Manager Rob Karlinsey had no additional staff reports to provide to Council.

COUNCILMEMBER REPORTS & COMMENTS

ADJOURNMENT
Mayor Herbig adjourned the meeting at approximately 9:54 PM.

Nigel Herbig, Mayor

Michelle Kang, Acting City Clerk

City of Kenmore
City Council Meeting
Regular Meeting Minutes
Monday, February 27, 2023

These minutes are created to capture Council action. This is not a verbatim transcript. Meeting video and audio is available on the City YouTube channel.

PRESENT:

Councilmembers: Mayor Nigel Herbig
Deputy Mayor Melanie O'Cain
Councilmember David Baker
Councilmember Joe Marshall
Councilmember Angela Kugler
Councilmember Debra Srebnik – Virtual
Councilmember Corina Pfeil

Staff: City Manager Rob Karlinsey
Deputy City Manager Stephanie Lucash
City Attorney Dawn Reitan – Virtual
Acting City Clerk Michelle Kang
Co-Clerk Brian Randall
Public Records Officer Teresa McAllister
Community Development Director Debbie Bent
Kenmore Police Chief Brandon Moen

Speaking Guests: Tracy Banaszynski, Sno-King Watershed Habitat Restoration Coordinator

Public Comments Speaking Guests:
Celia Milota, Kenmore Resident
Victoria Grayland, Kenmore Resident
Nancy Hansen, Kenmore Resident
Stacey Valenzuela, Kenmore Resident
John Peeples, Kenmore Resident

CALL REGULAR MEETING TO ORDER

Mayor Herbig called the regular meeting to order at 7:00 PM.

PROCLAMATION

Mayor Herbig read the Women's History Month Proclamation. March is proclaimed as Women's History Month in the City of Kenmore.
Women's History Month Proclamation

FLAG SALUTE
Mayor Herbig led the Council in the flag salute.

AGENDA APPROVAL
The agenda was approved as presented.

PRESENTATION
Public Records Requests, presented by Public Records Officer Teresa McAllister
Presentation - Public Records Requests

Public Records Officer Teresa McAllister presented to Council information about Kenmore's public records requests.

The average number of hours spent on a public records request in 2022 from staff and the city attorney is up to 3.2 hours. The complexity of public records requests have impacted the number of days it takes to respond. Depending on the language of the request, such as "all records" or "all communications", complex requests can take longer than 100 days to complete and close.

The average number of days for responding is higher because of the outlier requests. The median number of days is more reflective of how long it takes for requests to be completed and closed. The majority of the requests are for records like building and land use permits, code enforcement case files and records relating to parks development projects, comprehensive plan updates, and planning initiatives. Sometimes we receive requests for records that belong to other agencies, such as police records or water and sewer records.

WHERE'S THE FUN?
Sno-King Watershed Habitat Restoration Coordinator, Tracy Banaszynski, on behalf of the Sno-King Watershed Council presented Oliver Moffatt with the habitat restoration project's first Rootball Achievement Award and Certificate.

PUBLIC COMMENTS
The City Council took comments from the public.
Timestamped link: https://www.youtube.com/live/4XUgKB61RdM?feature=share&t=1444

CONSENT AGENDA

A. Cancel the City Council Regular Meeting of Monday, March 20, 2023. Schedule a City Council Special Meeting of Monday, March 20, 2023

B. Authorize the City Manager to execute Contract 22-C2864 with Lake City Partners Ending Homelessness for outreach and referral services to be provided from March 1, 2023 until February 29, 2024.
   Agenda Bill - Lake City Partners Ending Homelessness
   Attachment 1 - Contract 22-C2864

C. Approve Total Check #s 51381 through 51466 totaling $377,793.12 and Total Payroll/Taxes/Flexible Spending/Retirement & Health Savings Account Electronic Deposits Dated 01/27/2023 in the amount totaling $194,155.23 and ACH Payment to KBA Inc. in the amount of $117,820.36, and ACH Payment to U.S. Bank in the amount of $2,023.54.
Voucher Certification and Approval 01/21/23-02/03/2023

D. Authorize the City Manager to increase the contract authority with Jacobs Engineering to $3,527,264 for providing additional engineering services during construction of the West Sammamish River Bridge Project.
Agenda Bill - Jacobs Engineering Contract

E. Authorize the City Manager to execute Amendment No. 13 of Contract 17-C1657 with Mott MacDonald in an amount not to exceed $60,000.
Agenda Bill - Amendment 13 to Mott MacDonald Professional Services Contract 17-C1657
Exhibit 1 - Amendment 13 Scope of Work, Fee Estimate, and Contract Budget Summary

MOTION: Councilmember Baker moved to approve the consent agenda outlined above. Councilmember Kugler seconded the motion.
VOTE: Consent Agenda was approved by **UNANIMOUS CONSENT.**

STAFF REPORTS

A. Dog Park Update, presented by Community Development Director Debbie Bent

Community Development Director Debbie Bent updated Council on the continuing communications with King County and Bothell on the search for a dog park location. The last Dog Park update was presented to Council last year. At this time, King County is looking at a location just south of Kenmore's border for a potential location. Bothell is to conduct a site assessment in 2024 for possible locations and is willing to collaborate with Kenmore and add Kenmore in its search for potential locations.

B. Gun Buyback Event, presented by Kenmore Police Chief Brandon Moen

Kenmore Police Chief Brandon Moen updated Council on the request of a gun buyback event from a few years ago. Until now, there was no funding or capacity to hold such event, but King County Council approved $100,000 for two events in 2023. The first one will be held in April in Burien, date still to be determined. The second event will be held in Kenmore, the date still to be determined. An event such as this one requires lots of logistics, staff, and cash. These two events will not require proof of residency, and payment for the voluntary gun buyback will be scaled based on the type of gun.

Councilmembers provided questions and comments.

- Multiple Councilmembers expressed gratitude for the update and for making sure the gun buyback event made its way back to Kenmore.
- What happens to the guns after?

- They are melted down and destroyed.

C. Middle Housing Public Engagement, presented by Community Development Director Debbie Bent

Community Development Director Debbie Bent updated Council on the public engagement to take place for middle housing. In December 2022, Kenmore received a $170,000 grant from the Department of Commerce for actions related to missing middle housing that needs to be spent by June 2023. $20,000 of the grant funds were allocated to A Regional Coalition for Housing (ARCH). $136,000 of the grant funds were allocated to PRR for public engagement, a racial equity analysis, and develop options for potential code amendments. Public Engagement will take place between March and May 2023. It will include small groups, larger groups, community groups, online surveys, and other conversations with ongoing relationships. The focus will be on having community conversations to receive feedback on the community's thoughts on middle housing.

Council provided questions and comments.

- Are we making any headway with accessory dwelling units (ADU)?
  - Council did pass an ordinance related to ADUs, so Council has set the table to allow ADUs and be more flexible when it comes to ADUs. Staff can come back with more information about ADUs at a separate meeting.
- Aren't ADUs affordable by nature because it is much smaller?
  - By default, building something smaller will be more affordable than building something larger. The level of affordability is uncertain.
- Would like to see ADUs utilized before breaking up single family neighborhoods.
  - Addressing the housing crisis requires attacking from different angles—ADUs, missing middle housing, affordable housing such as Plymouth, etc.
- It's not a matter of if we are going to address the housing crisis, it's a matter of when.
- It is my understanding that location of middle housing would be within context of the decision of a quarter mile of the transit corridor.

Council provided questions and comments regarding the Motion set forth below:

- Clarification about the public engagement process: provide background about what middle housing is, what the Council has already adopted, and then seek input from the public.
  - Correct, and as part of the background information, also provide information about where the state legislature is potentially going, which may be beyond what Council has adopted. Without that context, it seems disingenuous to only mention what the Council adopted if the state does go further than that. We are being transparent with the public about both parts.
- It is not disingenuous to stand up for what Kenmore wants. The hope is that this gets presented in a fair and balanced light because so far, it's just been promotional.
- Allowing middle housing doesn't mean the destruction of single-family neighborhoods, it is the expansion of choice for homeowners.

MOTION: Councilmember Marshall moved to ensure that staff is directed to make sure discussion is within Council decided context of a quarter mile of the transit corridor. Councilmember Baker seconded the motion.
VOTE: 3 Yes; 4 No; 0 Abstain. **MOTION FAILED.**

Questions and comments from the staff report continued.

- Clarification for the public about what we are actually discussing. Some concrete pictures of what we are suggesting for Kenmore, not just middle housing in general that isn't all applicable to Kenmore. For Kenmore, our discussion is for duplexes and triplexes on the same size or smaller lots that can be built next to you.
- We need to also include in the discussion what is needed in terms of basic infrastructure, such as sidewalks extending, stormwater, environment, etc.

D. Other – City Manager Rob Karlinsey

City Manager Rob Karlinsey updated Council on the positions for the Climate Action Plan and Housing & Human Services. Of the three positions that were previously approved by Council, two were discussed. The Climate Action Plan manager position listing closed this past Friday, and we are currently in the process of reviewing applications. The Housing & Human Services Manager position is open until March 17, 2023.

There is also a hydroplane event happening on Saturday, April 15th at the boat launch. The time is still to be determined.

COUNCILMEMBER REPORTS & COMMENTS

Councilmember Baker asked staff to look at selling accessory dwelling units (ADU) without the underlying property. There was a general consensus from the Council to have staff return with an update.

ADJOURNMENT

Mayor Herbig adjourned the meeting at approximately 8:42 PM.

_____
Nigel Herbig, Mayor

_____
Michelle Kang, Acting City Clerk

Voucher Certification and Approval

City of Kenmore
DATE RANGE:
02/04/23 - 02/17/23

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or the labor performed as described herein, that any advance payment is due and payable pursuant to a contract or is available as an option for full or partial fulfillment of a contractual obligation, and the the claim is a just, due and unpaid obligation against the City of Kenmore and that I am authorized to authenticate and certify to said claim. The following checks and electronic payments are approved for payment:

Total Check #s 51467 through 51562: $562,577.15

Total Payroll/Taxes/Flex Spending/Retirement & Health Savings Acct Electronic Deposits Dated: 02/10/2023 $191,122.15

ACH Payment - Washington Federal Bank: $10,647.20

Payroll Check #10204 dated 02/10/2023 $2,176.71

Rob Karlinsey
Rob Karlinsey (Feb 22, 2023 09:39 PST)
Feb 22, 2023
City Manager / Date

Brian Randall
BRIAN RANDALL (Feb 22, 2023 09:07 PST)
Feb 22, 2023
Accountant for Finance Director / Date

Vendor Name	Check #	Date	Description	Amount
WASHINGTON FEDERAL BANK	1309	02/17/2023	January Strider Construction Retainage	10,647.20
UNITED STATES POSTMASTER	51467	02/08/2023	Winter Newsletter Postage	2,122.85
AMERICAN GENERAL LIFE GPO/400S	51468	02/10/2023	Life Insurance	250.52
MISSION SQUARE / 109964	51469	02/10/2023	City of Kenmore 401a	21,261.63
MISSION SQUARE 457 / 304745	51470	02/10/2023	ICMA 457 Deferred Comp	5,142.16
58 STARS TRAVEL	51471	02/17/2023	Airfare NLC Conference WA DC	1,232.80
ABRACADABRA PRINTING	51472	02/17/2023	Business Cards	674.73
ALEXA'S CATERING INC.	51473	02/17/2023	Catering 2/9 "Love of Kenmore" Event	1,531.00
AM TEST, INC	51474	02/17/2023	Swamp Creek Water Sample Testing	200.00
AMERICALL	51475	02/17/2023	Jan. After Hours Call Out Service	146.66
APPLEONE EMPLOYMENT SERVICES	51476	02/17/2023	Archiving Temporary Help Week Ending 2/4	1,080.96
ASSOCIATION OF WA CITIES	51477	02/17/2023	2023 Retro Safety Alliance Membership	1,709.16
BRENDAN MAGEE	51478	02/17/2023	Hangar Reservation Deposit Refund	150.00
CASCADE PEST CONTROL	51479	02/17/2023	Rhododendron Park Pest Control	154.58
CASCADE PEST CONTROL	51480	02/17/2023	Rhododendron Park Bait Station Replenishment	140.40
CASCADIA LAW GROUP	51481	02/17/2023	July - Oct. Cadman Legal Services	8,156.27

CENTRICITY GIS, LLC	51482	02/17/2023	2023 Cityworks Consulting	375.00
CITY OF KIRKLAND	51483	02/17/2023	Regional Crisis Response Prog.Interlocal Agreement	41,049.69
CITY OF LAKE FOREST PARK	51484	02/17/2023	Annual NEMCo Dues	54,026.00
COMCAST	51485	02/17/2023	Feb. City Hall & Hangar Internet	2,090.62
COMCAST BUSINESS	51486	02/17/2023	2/10-3/09 Squire's Landing Internet	71.95
COMCAST BUSINESS	51487	02/17/2023	2/14-3/13 City Hall Internet & Cable	157.40
DAILY JOURNAL OF COMMERCE	51488	02/17/2023	Fed. Gov. Relations Posting	137.50
DAILY JOURNAL OF COMMERCE	51489	02/17/2023	2/6 & 2/13 Pavement Overly Ads	158.40
DIVYA GATTU	51490	02/17/2023	Refund of Hangar Deposit for 2/4/23	150.00
ELECTRONIC BUSINESS MACHINES	51491	02/17/2023	Oct. Copier B/W & Color Overage Chgs	351.89
FERGUSON ENTERPRISES INC #3011	51492	02/17/2023	Cement for Surface Water Work	210.60
GRAINGER	51493	02/17/2023	Telescoping Leveling Rod	200.99
GRAINGER	51494	02/17/2023	Sign Post	79.62
HEIDELBERG MATERIALS	51495	02/17/2023	Materials for Catch Basin Repair	197.72
HOME DEPOT CREDIT SERVICES	51496	02/17/2023	Public Works & Facilities Materials	213.60
HONEY BUCKET	51497	02/17/2023	2/6-3/5 Public Works Yard Rental	156.75
HYAS GROUP, LLC	51498	02/17/2023	8/1/22-1/31/23 Retirement Consulting Svcs	3,750.00
INTERNATIONAL INST OF MUNI CLERKS	51499	02/17/2023	Membership Renewal	225.00
J. A. BRENNAN ASSOCIATES, PLLC	51500	02/17/2023	Log Boom Park Irrigation Drawings	1,283.50
J. A. BRENNAN ASSOCIATES, PLLC	51501	02/17/2023	12/23/22-1/26/23 Tl' awh-ah-dees Park Signage	10,659.00
KAT ZUO	51502	02/17/2023	Refund of Hangar Reservation Deposit 2/2/23	100.00
KING COUNTY FINANCE	51503	02/17/2023	Dec. Pedestrian Safety Improvements	712.39
LIGHTHOUSE CONSULTING INC	51504	02/17/2023	Jan. Protection/Archiving/Web Hosting/Antivirus	10,292.42
LIGHTHOUSE CONSULTING INC	51505	02/17/2023	January IT Services	3,097.91
MILLER STEPHENS, MARY	51506	02/17/2023	Jan. Public Defense Services @ SCORE	1,250.00
MOTT MACDONALD GROUP, INC.	51507	02/17/2023	17-C1657 Jan. Squire's Landing Design/Permitting	10,329.70
MSPT XXII, LLC C/O FLYWAY RETAIL + LIVING	51508	02/17/2023	July-Sept. 2022 Town Square/Hangar Trash Svcs	1,500.00
NELSON ELECTRIC, INC.	51509	02/17/2023	Hangar Bldg. Maintenance - Door Repair	846.12
NORTHSHORE UTILITY DIST	51510	02/17/2023	11/30-1/31 17104 68th NE Rhod. Park Irrigation	356.48
NORTHSHORE UTILITY DIST	51511	02/17/2023	11/30-1/31 Various Parks/Restrooms/ROW Irrigation	2,134.44
NORTHSHORE UTILITY DIST	51512	02/17/2023	Jan. Fleet Fuel & Maintenance	4,100.09
NORTHSHORE UTILITY DIST	51513	02/17/2023	11/30-1/31 6910 NE 170th Rhod. Park Irrigation	545.25
NORTHSHORE YMCA	51514	02/17/2023	YMCA Pilot Swim Program	10,000.00
O'CAIN, MELANIE	51515	02/17/2023	NLC Conference - WA DC - Per Diem	295.50

OFFICE DEPOT	51516	02/17/2023	Misc. Office Supplies	150.90
OFFICE DEPOT	51517	02/17/2023	Toner Cartridges	233.39
OFFICE DEPOT	51518	02/17/2023	Markers for "Love of Kenmore" Event	14.04
OFFICE DEPOT	51519	02/17/2023	Misc. Office Supplies	72.56
OFFICE DEPOT	51520	02/17/2023	Reception Desk Printer Ink	85.32
OLYMPIC ENVIRONMENTAL RESOURCES INC	51521	02/17/2023	Spring Recycling Event Management	7,339.00
OSBORN CONSULTING INC.	51522	02/17/2023	Jan. NE 190th Culvert Ph 2 PS&E	6,100.99
OSBORN CONSULTING INC.	51523	02/17/2023	Jan. Muck Creek Mitigation	6,354.72
PACWEST MACHINERY	51524	02/17/2023	Street Sweeper Brooms	1,976.31
PUGET SOUND ENERGY	51525	02/17/2023	1/4-2/10 Street Lights 12/14-1/13 CH Electricity	36,603.19
PUGET SOUND ENERGY	51526	02/17/2023	18523 68th Ped/Bike Electric Line Extension	4,922.91
PUGET SOUND ENERGY	51527	02/17/2023	153/Juanita Ped/Bike Proj Electric Line Extension	11,388.56
QUALITY BUSINESS SYSTEMS / WELLS FARGO	51528	02/17/2023	2/5-3/4/23 Copier Lease	676.14
RED BARN ENGINEERING, INC.	51529	02/17/2023	21-C2666 12/17-12/31 On-Call Engineering Svcs	1,440.00
RED BARN ENGINEERING, INC.	51530	02/17/2023	21-C2666 Jan. On-Call Engineering Svcs	9,338.00
REID, JAMES FALCONER	51531	02/17/2023	Recruitment Services 1/3-2/14/23	3,995.00
SAID HAMOOD	51532	02/17/2023	Refund Hangar Reservation Deposit 2/7/23	150.00
SEATTLE TIMES	51533	02/17/2023	1/12-1/30/23 Jobs & Legal Postings	684.91
SECRETARY OF STATE	51534	02/17/2023	Archive Boxes	125.51
SECRETARY OF STATE	51535	02/17/2023	Archive Boxes	167.35
SHRED IT, C/O STERICYCLE, INC>	51536	02/17/2023	Special Shredding - Large Quantity	688.42
SHRED IT, C/O STERICYCLE, INC>	51537	02/17/2023	Monthly Shredding Svc - Jan.	105.66
SHRED IT, C/O STERICYCLE, INC>	51538	02/17/2023	Monthly Shredding Svc - Feb.	222.70
SNOHOMISH COUNTY	51539	02/17/2023	1/31 Solid Waste Disposal	652.00
STAPLES ADVANTAGE	51540	02/17/2023	Zip Ties	25.31
STAPLES ADVANTAGE	51541	02/17/2023	City Hall Waste & Recycle Bins	129.48
STAPLES ADVANTAGE	51542	02/17/2023	2023 Calendar	38.08
STAPLES ADVANTAGE	51543	02/17/2023	Hangar Bldg. - Cable Ties	7.70
STAPLES ADVANTAGE	51544	02/17/2023	City Hall Maintenance Supplies	17.55
STATE AUDITOR'S OFFICE	51545	02/17/2023	January State Auditor Services	1,024.80
STEPHANIE LUCASH	51546	02/17/2023	Travel Reimbursement - ICMA Austin, TX	291.66
STRIDER CONSTRUCTION CO., INC.	51547	02/17/2023	21-C2670 Jan. Squire's Landing Construction	223,804.08
T MOBILE USA, INC.	51548	02/17/2023	Staff Cell Phones & Data Plans	1,382.08
THE ORIGINAL POOP BAGS	51549	02/17/2023	Pet Waste Station Refill Bags	1,453.20
TOTAL LANDSCAPE CORP	51550	02/17/2023	Nov. Northshore Summit, Squire's & Moorlands	3,385.58

U.S. BANK	51551	02/17/2023	2021 W&W Bond Bank Fees	531.78
U.S. BANK	51552	02/17/2023	7/1/22-6/30/23 W&W Bond Bank Fees	187.70
U.S. BANK	51553	02/17/2023	2016 W&W Bond Bank Fees	300.00
UPS STORE KENMORE	51554	02/17/2023	Jan. Printing for "The Love of Kenmore" Event	78.95
UTILITIES UNDERGROUND LOCATION CTR	51555	02/17/2023	January Utility Locates	183.18
VERIZON WIRELESS	51556	02/17/2023	Staff Cell Phones & Data Plans	80.06
WESTERN DISPLAY FIREWORKS, LTD.	51557	02/17/2023	4th of July Fireworks 1st Installment	6,875.00
WESTLAKE HARDWARE WA-153	51558	02/17/2023	#525009 Public Works Supplies & Materials	356.11
WM CORPORATE SVCS - COLUMBIA RIDGE LANDFILL	51559	02/17/2023	January Street Sweeper Debris Disposal	5,420.73
ZIPLY FIBER	51560	02/17/2023	1/28-2/27 City Hall Phones	670.85
ZUMAR	51561	02/17/2023	Critical Area Signs	1,650.95
SOFTWAREONE, INC.	51562	02/17/2023	2023 Microsoft Office 365 Licenses	16,135.49
DRS 457	DFT0001507	02/10/2023	DRS 457 Deferred Comp	555.00
AVIDIA HEALTH	DFT0001508	02/10/2023	Employee Health Savings Contribution	142.30
DEPARTMENT OF RETIREMENT SYSTEMS	DFT0001509-1515	02/10/2023	Public Employees Retirement	31,165.67
NAVIA	DFT0001516	02/10/2023	Employee Flexible Spending Account	933.98
BANK OF AMERICA 941	DFT0001517	02/10/2023	Federal Taxes	24,677.92
HIXENBAUGH, KENDRA	10204	02/10/2023	Payroll Check	2,176.71
PAYROLL	Electronic Dep.	2/10/2023	Direct Deposit	133,647.28
TOTAL				$ 766,523.21

Vendor Purchasing Report

City of Kenmore

For Date Range 01/01/2023 - 02/17/2023

Vendor Set: Vendor Set 01

Vendor	Name	Volume
0022	ASSOCIATION OF WA CITIES	21369.16
0064	CASCADE PEST CONTROL	449.56
0067	CENTER FOR HUMAN SERVICES	5550
0083	CITY OF LAKE FOREST PARK	54026
0092	CODE PUBLISHING COMPANY	155.25
0109	DAILY JOURNAL OF COMMERCE	295.9
0121	REPUBLIC SERVICES	1660.21
0130	EMPLOYMENT SECURITY DEPARTMENT	3043.53
0137	FERGUSON ENTERPRISES INC #3011	210.6
0151	CALPORTLAND COMPANY	617
0173	HOME DEPOT CREDIT SERVICES	213.6
0184	INSLEE, BEST, DOEZIE & RYDER, P.S.	26577.75
0191	INTERNATIONAL INST OF MUNI CLERKS	225
0197	JET CITY PRINTING	526.28
0213	KING COUNTY ANIMAL SVCS	60
0219	KING COUNTY FINANCE	225.8
0251	LIGHTHOUSE CONSULTING INC	13390.33
0261	PENDLETON CONSULTING LLC	1809.73
0286	NORTHSHORE SCHOOL DISTRICT	15312
0287	NORTHSHORE SENIOR CENTER	13750
0288	NORTHSHORE UTILITY DIST	13440.55
0289	NORTHSHORE YMCA	10000
0292	HONEY BUCKET	313.5
0300	OFFICE DEPOT	760.12
0304	OLYMPIC ENVIRONMENTAL RESOURCES INC	7339
0310	PACIFIC TOPSOILS	1647.15
0311	PARAMETRIX INC	21092.66
0314	PETTY CASH CUSTODIAN	357.66
0328	PUGET SOUND ENERGY	60334.24
0329	PUGET SOUND FINANCE OFFICERS ASSOC	75
0345	SEATTLE TIMES	684.91
0355	STAPLES ADVANTAGE	988
0356	STATE AUDITOR'S OFFICE	1431.15
0357	STEWART MACNICHOLS HARMELL, INC.	5000
0365	TOTAL LANDSCAPE CORP	5030.02
0371	UNITED STATES POSTMASTER	2122.85
0387	WA CITIES INSURANCE AUTHORITY	643692
0390	WA FINANCE OFFICERS ASSOCIATION	150
0400	WASHINGTON STATE DEPT OF REVENUE	22770.22
0401	WA STATE DEPT OF TRANSPORTATION	1529.4
0405	WASHINGTON STATE OFFICE CASH MGMT	385.5
0412	WM CORPORATE SVCS - COLUMBIA RIDGE LANDFILL	7475.51
0424	MISSION SQUARE 457 / 304745	15026.04
0425	DRS 457	1565
0426	AFLAC	209.04
0428	BANK OF AMERICA 941	73117.42
0429	AWC EMPLOYEE BENEFIT TRUST	82999.68
0431	DEPARTMENT OF RETIREMENT SYSTEMS	92132.61
0432	DEPARTMENT OF LABOR AND INDUSTRIES	3864.3
0434	UNITED WAY OF KING COUNTY	40
0436	NATIONAL LIFE OF VERMONT	123.17
0448	UPS STORE KENMORE	78.95

XII. E. Approve
Total Check #s 51467 through 51562 totaling $562,577.15 ...

Vendor Purchasing Report **For Date Range 01/01/2023 - 02/17/2023**

Vendor Set: Vendor Set 01

Vendor	Name	Volume
0473	ARTS OF KENMORE	4750
0484	CITY WIDE FENCE COMPANY, INC	11158.64
0494	SECRETARY OF STATE	292.86
0542	AMERICAN SOCIETY OF COMPOSERS	420
0558	SNOHOMISH COUNTY	3765
0610	WA STATE DEPT OF TRANSPORTATION	153.68
0692	HDR ENGINEERING, INC	90719.72
0696	AMERICAN GENERAL LIFE GPO/400S	501.04
0781	QUALITY BUSINESS SYSTEMS INC.	1333.94
0817	GRAINGER	2549.55
0851	EVERMARK, LLC	264.86
0892	JACOBS ENGINEERING GROUP	10862.55
0899	SHRED IT, C/O STERICYCLE, INC>	1016.78
0913	KENMORE ELEMENTARY	1250
0937	ZUMAR	1650.95
0981	COMCAST BUSINESS	478.69
0994	GORDON THOMAS HONEYWELL	4515
1003	iWORQ SYSTEMS	2800
1010	WESTLAKE HARDWARE WA-153	1700.67
1123	AM TEST, INC	200
1197	MILLER STEPHENS, MARY	1250
1267	AUTOMATED CONTROLS/ALBIREO ENERGY	1079.64
1299	VERIZON WIRELESS	80.06
1313	BOTHELL KENMORE CHAMBER OF COMMERCE	300
1331	KBA INC.	61818.57
1337	STATE OF WA DEPT. OF LICENSING	2.16
1383	CHICAGO TITLE	5.5
1390	UTILITIES UNDERGROUND LOCATION CTR	183.18
1403	OSBORN CONSULTING INC.	93885.98
1431	BRIEN, GAYLYNN	50
1452	CITY OF KENT	500
1459	FLEMINGS HOLIDAY LIGHTING LLC	1598.51
1482	HIGHWIRE	2059.7
1485	WA ASSOC OF PUBLIC RECORDS OFFICERS	25
1504	SCORE	17318.16
1555	LINCOLN NATIONAL LIFE INSURANCE	1651.92
1629	WESTERN DISPLAY FIREWORKS, LTD.	6875
1634	SREBNIK, DEBRA	538.8
1673	KPFF CONSULTING ENGINEERS	40418.74
1689	MOTT MACDONALD GROUP, INC.	15703.88
1711	SOFTWAREONE, INC.	16135.49
1763	REID, JAMES FALCONER	3995
1816	NAVIA	10297.79
1828	QUALITY BUSINESS SYSTEMS / WELLS FARGO	1352.28
1838	AVIDIA HEALTH	376.9
1884	HEIDELBERG MATERIALS	1119.09
1914	MCNAMARA SIGNS	2235.03
1930	T MOBILE USA, INC.	1382.08
1979	MSPT XXII, LLC C/O FLYWAY RETAIL + LIVING	1500
1980	HRA VEBA TRUST	20545.92
1991	WASHINGTON STATE TREASURER	4451
1993	HYAS GROUP, LLC	3750
1994	LAKE CITY PARTNERS ENDING HOMELESSNESS	1125
1999	KING COUNTY POLICE CHIEFS ASSOCIATION	50
2004	RED BARN ENGINEERING, INC.	10778
2048	SMS CLEANING, INC.	6495
2052	J. A. BRENNAN ASSOCIATES, PLLC	12130.5
2137	ECIVIS, INC.	4000

XII. E. Approve
Total Check #s 51467 through 51562 totaling $562,577.15 ...

Vendor Purchasing Report **For Date Range 01/01/2023 - 02/17/2023**

Vendor Set: Vendor Set 01

Vendor	Name	Volume
2142	MISSION SQUARE / 109964	62883.57
2175	ELECTRONIC BUSINESS MACHINES	90.01
2176	CANON FINANCIAL SERVICES, INC.	266.08
2183	SISKUN POWER EQUIPMENT	416.57
2210	PACWEST MACHINERY	1976.31
2221	O'REILLY/FIRST CALL	4.61
2236	COMCAST	4181.24
2249	KING COUNTY BAR ASSOCIATION	250
2250	NAMI EASTSIDE	750
2254	U.S. BANK PURCHASE CARDS	12061.59
2262	DILIGENT CORPORATION	17736.86
2270	LAKESIDE INDUSTRIES	1185.78
2284	ENVIROTECH	7973.66
2285	QUALITY WATER FINANCIAL	182.59
2334	NORTHSHORE YOUTH SOCCER ASSOC.	55
2338	58 STARS TRAVEL	1232.8
2360	O'CAIN, MELANIE	295.5
2393	SEATTLE PUMP & EQUIPMENT CO./JETTERS NORTHW	457.47
2396	ZIPLY FIBER	823.85
2403	AMERICALL	146.66
2459	NELSON ELECTRIC, INC.	2329.17
2484	LUKASZ LISOWSKI	322.64
2486	CASCADIA LAW GROUP	2868.75
2503	NORTH AMERICAN SAFETY, INC.	3098.5
2531	BCN TELECOM, INC.	407.48
2540	CHILD CARE RESOURCES	375
2570	H.D. FOWLER COMPANY	491.43
2577	APPLEONE EMPLOYMENT SERVICES	1080.96
2578	CENTRICITY GIS, LLC	375
2589	ABRACADABRA PRINTING	1350.56
2617	STRIDER CONSTRUCTION CO., INC.	512842.47
2618	STEPHANIE LUCASH	291.66
2641	VENTILATION POWER CLEANING, INC.	1265
2660	WASHINGTON FEDERAL BANK	10647.2
2667	CREATION ORGANICS, LLC	2182.38
2691	E SQUARED SYSTEMS, LLC	132.12
2707	ONTRA MARKETING GROUP	225
2728	NARWHAL MET, LLC	400
2736	PAUL LEE	28684
2737	THERESA TIMMES KING	150
2738	JULIANA FISHER	150
2745	HOME COMFORT ALLIANCE	228.48
2747	CHRISTINE CABATIT	298.49
2748	GOURAV MITRA	250
2750	MID SOUND FISHERIES	250
2751	MERANDA DIRECTO	311.85
2752	MEADOWDALE MARINA LLC	7500
2755	CITY OF KIRKLAND	41049.69
2756	DIVYA GATTU	150
2757	KAT ZUO	100
2758	ALEXA'S CATERING INC.	1531
2759	SAID HAMOOD	150
	Vendor Set Vendor Set 01 Total:	**2457150.14**

XII. E. Approve
Total Check #s 51467 through 51562 totaling $562,577.15 ...

City Council Business Agenda Item
City of Kenmore, WA

Subject/Topic: Speed Limit Reduction from 40 MPH to 35 MPH on SR 522 (NE Bothell Way) east of MP 6.5	**For Council Meeting Agenda of:** 3/13/2023 **Department:** Engineering – Public Works **Prepared by:** Tobin Bennett-Gold, Traffic Engineer
Proposed Council Action/Motion: Adopt Resolution 23-394 to reduce the speed limit on SR 522 (NE Bothell Way) between MP 6.5 and east City limits from 40 mph to 35 mph.	**Initial & Date** **Approved by Department Head:** JFV **Approved by City Attorney:** 2/21/23 **Approved by Finance Director:** N/A **Approved by City Manager:** RK **Exhibits/Attachments:** Attachment A: Resolution 23-394 Attachment B: Reduced Speed Limit Extents Map

RECOMMENDATION:

Adopt Resolution 23-394 to reduce the speed limit on SR 522 (NE Bothell Way) from MP 6.5 to east City limits from 40 mph to 35 mph.

INFORMATION/BACKGROUND:

On March 14th, 2022, staff presented a proposal for reducing speed limits along arterial and collector roads in the City of Kenmore. Results were presented to council on the engineering assessment of the current speed limits and travel speeds on these roads; as a state route, SR 522 (NE Bothell Way) was not included in the scope of studies performed by City of Kenmore engineering staff, however, engineering staff had at that time initiated coordination with Washington Department of Transportation (WSDOT) to evaluate SR 522 for a reduced speed limit.

SR 522 currently has a speed limit of 40 mph between MP 4.2 (just south of 145th St / SR 523, City of Seattle) and MP 8.2 (just east of 83rd Av, City of Bothell); the speed limit on SR 522 south of this section (City of Seattle) and east of this section (City of Bothell) is 35 mph. The traffic environment for SR 522 undergoes a transition at roughly MP 6.5, with the corridor to the west having distinctly different contextual, safety, and operational characteristics including but not limited to higher density of side streets and driveways, shorter distance between signals, and increased multimodal activity; it is the conclusion of WSDOT and City of Kenmore engineering staff that based on observed travel speeds and the change in the traffic environment west of MP 6.5 that the section of SR 522 between MP 6.5 and 8.2 warrants a reduction in speed limit from 40 mph to 35 mph.

Under RCW 46.61.415, to alter the maximum speed limit on a City road, the City traffic engineer must first carry out an engineering and traffic investigation and determine that the maximum speed permitted on a street is greater than or less than is reasonable or safe under the existing conditions, and the traffic engineer

should then issue a recommendation to City Council to change the speed limit accordingly. The City Council must then adopt a resolution, by simple majority, to change the speed limit.

NOTE: The existing 40 mph speed zone extends a short way into City of Bothell; WSDOT is currently working with City of Bothell to adopt a speed limit change for this section of SR 522 as well. A speed limit reduction from 40 mph to 35 mph in this section, in addition to the aforementioned section in the City of Kenmore, would create a contiguous 35 mph speed zone on SR 522 from MP 6.5 to the east terminus of SR 522 at the SR 522 junction with I-405. Once approved by both jurisdictions, WSDOT will implement the speed limit change.

FISCAL CONSIDERATION:

Speed limit reductions for this road requires only that speed limit signs be replaced to reflect the new speed limit. WSDOT is responsible for speed limit signs on SR 522, and so there is no fiscal impact of this speed limit change.

COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:

Goal #6: Focus on and emphasize multimodal transportation in the City of Kenmore with a specific focus on pedestrian, bicycle, and other means of travel.

CITY OF KENMORE
WASHINGTON
RESOLUTION NO. 23-394

A RESOLUTION OF THE CITY COUNCIL OF KENMORE, WASHINGTON, ESTABLISHING A NEW REDUCED SPEED LIMIT OF 35 MPH ON STATE ROUTE 522 BETWEEN MILE POST 6.5 AND EAST CITY LIMITS.

WHEREAS, under Kenmore Municipal Code 10.05.010, Kenmore adopted the Washington Model Traffic Ordinance, which adopted by reference various sections of Chapter 308-330 of the Washington Administrative Code (WAC); and

WHEREAS, under WAC 308-330-270, after an engineering and traffic investigation by the City traffic engineer, the City Council may, by resolution, change a speed limit; and

WHEREAS, the necessary investigation was performed in partnership with the Washington Department of Transportation (WSDOT) on State Route 522, also known as NE Bothell Way, at mile post 7.31, 7.69, and 8.12; and

WHEREAS, the investigation established that State Route 522 east of mile post 6.5 has a traffic environment and travel speeds which warrant a reduced speed limit; and

WHEREAS, lower speed limits support and encourage motor vehicle travel at lower and more appropriate travel speeds; and

WHEREAS, lower travel speeds for motor vehicles lead to reduced risk of motor vehicle crashes, reduced severity of injuries for crashes that do occur, and a reduced risk that such crashes will result in fatal injury for all road users; and

WHEREAS, reducing the risk of crashes and the risk of crash injury supports the City of Kenmore's Target Zero goal of achieving zero pedestrian and bicyclist fatalities by 2025; and

WHEREAS, reducing the risk of crashes and the risk of crash injury supports the Kenmore City Council priorities to focus on and emphasize multimodal transportation in the City of Kenmore with a specific focus on pedestrian, bicycle, and other means of travel, and to enhance public safety;

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

Section 1. New Speed Limit Adopted. The speed limit on State Route 522 between mile post 6.5 and east City limits is hereby established to be 35 mph (reduced from 40 mph).

Section 2. Speed limit reduction effective upon signage and approval. Pursuant to RCW 46.61.415(5) and (6), the reduced speed limit of 35 mph on State Route 522 between mile post 6.5 and east City limits shall be effective upon the installation of appropriate speed limit signage and approval by the Washington secretary of transportation.

Section 3. Filing of Program. As required by RCW 35.77.010, the City Manager or designee is

authorized and directed to file a copy of this resolution, together with the attached Exhibit, with the Secretary of the Washington Department of Transportation within thirty (30) days of adoption of this resolution.

PASSED BY THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON, AT A REGULAR MEETING THEREOF THIS 13TH DAY OF MARCH 2023

CITY OF KENMORE

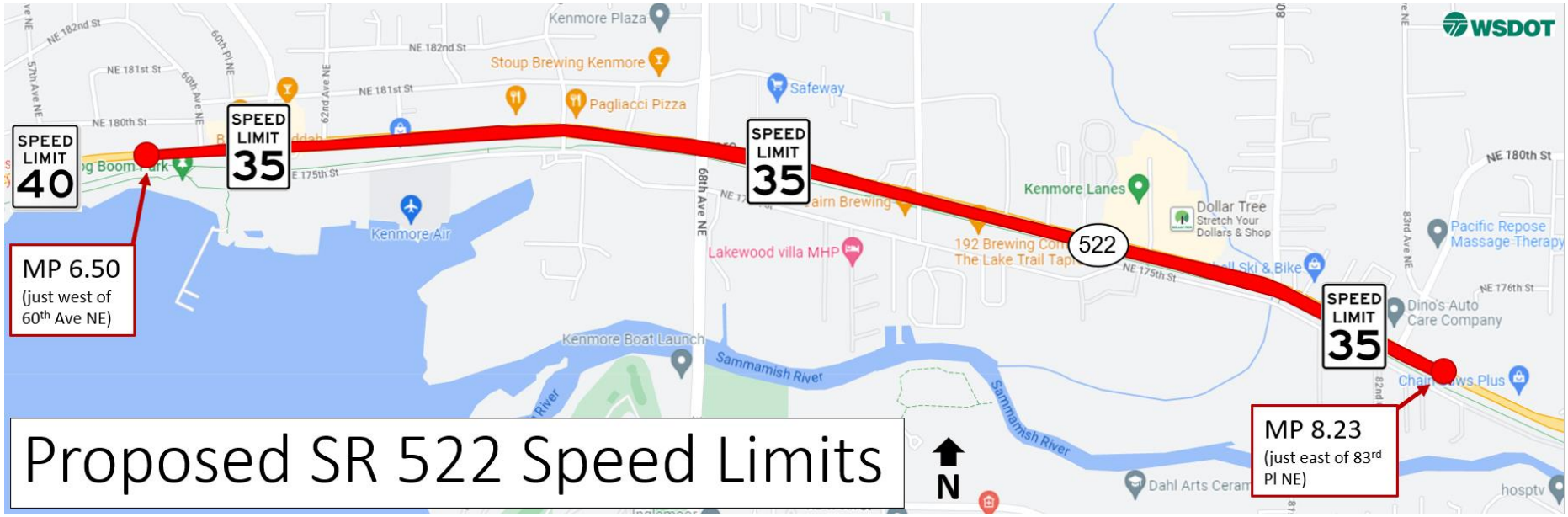
_____
Nigel Herbig, Mayor

ATTEST/AUTHENTICATED:

_____
Michelle Kang, Acting City Clerk

APPROVED AS TO FORM:

_____
Dawn Reitan, City Attorney


Proposed SR 522 Speed Limits
SPEED LIMIT 40
SPEED LIMIT 35
SPEED LIMIT 35
SPEED LIMIT 35
MP 6.50
(just west of 60th Ave NE)
MP 8.23
(just east of 83rd Pl NE)
522
N
WSDOT
Kenmore Plaza
Stoup Brewing Kenmore
Pagliacci Pizza
Safeway
Kenmore Lanes
Dollar Tree
Stretch Your Dollars & Shop
Pacific Repose Massage Therapy
Dino's Auto Care Company
Lakewood villa MHP
192 Brewing Co
The Lake Trail Tap
Kenmore Air
Kenmore Boat Launch
Sammamish River
Dahl Arts Ceram
hosptv
NE 182nd St
NE 181st St
NE 180th St
NE 175th St
NE 176th St
68th Ave NE
83rd Ave NE

City Council Business Agenda Item
City of Kenmore, WA

Subject/Topic:

Join and approve Distributor Opioid Washington Settlement

Proposed Council Action/Motion:

Move to join and approve the following Distributor Opioid Settlement Agreements and Allocation Agreement:

1) Teva Global Opioid Settlement Agreement;
2) Allergan Public Global Opioid Settlement Agreement;
3) Walgreens Settlement Agreement;
4) Walmart Settlement Agreement;
5) CVS Settlement Agreement;
6) Washington State Allocation Agreement Governing the Allocation of Funds Paid by Certain Settling Opioid Manufacturers and Pharmacies (Allocation Agreement II);

and authorize the City Manager to execute said documents and take all steps necessary for Kenmore to join the Washington Settlement with Opioid Distributors (Teva, Allergan, Walgreens, Walmart and CVS).

For Council Meeting Agenda of: March 13, 2023
Department:

Prepared by:

	Initial & Date
Approved by Department Head:	**N/A____**
Approved by City Attorney:	3/6/23 ____
Approved by Finance Director:	**N/A_____**
Approved by City Manager:	**_RGK____**

Exhibits/Attachments:

INFORMATION/BACKGROUND:

Kenmore, along with other local governments, desires to hold certain entities within the pharmaceutical supply chain who manufacture, distribute, and dispense prescription opioids accountable for the harm and damage caused by the opioid epidemic. On April 11, 2022, the City Council passed a motion to approve the One Washington Memorandum of Understanding Between Washington Municipalities (MOU) and authorized the City Manager to sign the MOU. The MOU established a framework for the equitable allocation and use of potential opioid settlement funds with local jurisdictions, among other things.

On September 12, 2022, the City Council approved joining the opioid settlement agreements related to the Washington State Attorney General's Office (AGO) lawsuit against the following opioid distributors: McKesson Corp., Cardinal Health Inc., and AmerisourceBergen Drug Corp., which included a settlement with said distributors for up to $518 million. The MOU was attached as an exhibit to the September 12th agenda at: https://kenmore.civicweb.net/filepro/documents/117004/?preview=123483

In February of 2023, the AGO notified eligible cities of a nationwide opioid settlement against the following distributors: Teva, Allergan, CVS, Walgreens, and Walmart (Distributors). The AGO estimates that the five settlements could total $434.4 million for Washington state, as follows: 1) CVS: $110.6 million over 10 years; 2) Walgreens: $120.3 million over 15 years; 3) Walmart: $62.6 million with 97% of that paid in the first year; 4) Teva: $90.7 million over the next 13 years; and 5) Allergan: $50 million over the next 7 years.

Washington cities with a population over $10,000, such as Kenmore, can join the settlement and receive direct monetary allocation from the settlements, if a sufficient number of cities and counties join.

Key points of the settlement:

- Total Washington share of new settlement is $434 million
- Will be split 50% local governments/50% State
- Local governments will receive up to $217 million over 15 years
- A local government's share will be allocated per the One Washington MOU
- A local government must spend settlement funds on an approved use for fighting the opioid epidemic (substantially similar to MOU Ex. A, "Opioid Abatement Strategies")
- The sign-on deadline is **April 18, 2023**;
- An eligible city can participate even if did not file a lawsuit
- There are reporting requirements
- If not enough local governments participate, the settlement will be void and no one will receive any of the settlement funds

The Distributors opioid settlement agreements are located at the national settlement website at: https://nationalopioidsettlement.com/. The Allocation Agreement II is the agreement between the State and eligible cities, and can be found at: Microsoft Word - Allocaton Agreement II _Final version.docx (agportal-s3bucket.s3.amazonaws.com) or https://agportal-s3bucket.s3.amazonaws.com/uploadedfiles/Allocation%20Agreement%20II_1.pdf

FISCAL CONSIDERATION:

The anticipated settlement funds that Kenmore will receive is approximately $44,363.70 (calculated by multiplying $217 million and the city's percentage in Exhibit B of the MOU) over 15 years. This amount will be reduced by 15% for attorneys' fees.

COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:

2021-2022 City Council Priorities No. 7 Enhance Public Safety

City Council Business Agenda Item
City of Kenmore, WA

Subject/Topic: Contract 22-C2866 with the Northshore Canoe and Kayak Club (NCKC) to provide public recreational programming at ƛ̓ax̌ʷadis (Tl' awh-ah-dees) Park**.**	For Council Meeting Agenda of: March 13, 2023 **Department**: Public Works Operations **Prepared by**: Rita Moreno Recreation Supervisor Initial & Date Approved by Department Head: JG 2/28/23 Approved by City Attorney: _____ Approved by Finance Director: N/A_____ Approved by City Manager: __RGK 3/1/23 **Exhibits/Attachments**: Draft Contract 22-C2866
Proposed Council Action/Motion: Motion to authorize the City Manager to execute contract 22-C2866, substantial as to the form attached hereto and upon final review and approval by the City Attorney.	

INFORMATION/BACKGROUND: Staff is recommending that Council authorize the City Manager to execute Contract 22-C2866. ƛ̓ax̌ʷadis (Tl' awh-ah-dees) Park has undergone park improvements as part of the Walkways and Waterways voter-approved bond measure. The new facilities at Tl' awh-ah-dees Park improve public access to the waterfront and support public recreation opportunities.

The City previously contracted with Northshore Canoe and Kayak Club (NCKC) from April of 2018 through December 2021 to provide water related recreational activities. Contract 22-C2866 seeks to reestablish that partnership with NCKC.

Contract 22-C2866 outlines the terms and conditions for NCKC to provide waterfront recreation programming. Some of the key conditions include:

- **Length of Contract:** The contract is for an initial five-year term. The start date is subject to completion of the Tl' awh-ah-dees Park improvement project. Notwithstanding the five-year term, either party may terminate the agreement with 120 days notice.
- **Programs/Services:** NCKC will provide the public the opportunity to participate in hand-powered water sports including canoeing, kayaking, dragon boating, outrigger canoeing through affiliated recreation providers under the NCKC umbrella (see Exhibit B to the contract). NCKC must organize two park cleanup days annually. If NCKC fails to provide the programs and services agreed to in the contract, the City has discretion to terminate the agreement with 60 days written notice. If NCKC fails to comply with other terms and conditions of contract, including maintenance, public use or public accessibility, the City may terminate upon 10 days' written notice.

- **Scholarships:** NCKC and affiliated organizations shall offer scholarships for program fees for those wishing to participate but are financially unable to do so. There will be a minimum of 10 scholarships required in 2023 and up to 20 scholarships per year thereafter. NCKC must use 50% of revenues to provide public scholarships. If NCKC fails to provide scholarships, then NCKC must pay 50% of gross revenues to the City (see details below) or the City has discretion to terminate the agreement with 60 days written notice.
- **Events:** Each spring NCKC shall lead and organize an annual waterfront activities fair, preferably in spring. NCKC is also encouraged to organize special events such as regattas or triathlons.
- **Equipment Storage:** Exhibit A outlines the locations for NCKC and affiliated organizations equipment storage on-land (garage and fenced storage area) and in-water moorage. Note: the City is working with NCKC to finalize what equipment will be stored in designated storage locations.
- **Public Boat Storage:** NCKC may provide on-land storage for up to 34 privately owned hand-powered watercraft and shall charge market-rate fees for watercraft storage. 50% of revenues may be used to defray the costs of NCKC operations and maintenance and 50% must be dedicated to program scholarships. NCKC shall pay to the City 50% of any storage revenues that was not used for scholarships and 100% of the storage account balance that exceeds $10,000 as of December 31st of each year.
- **Reporting:** NCKC shall provide an annual report to the City that will be presented to Council. The City may review records periodically to determine if contract provisions are being met, including standards for maintenance, public use and public accessibility.

FISCAL CONSIDERATION: Administrative staff time for ongoing management of the contract.

COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED: Council 2023-2024 Priority #10 Foster and Create Fun. The 2018 adopted Economic Development Strategy Goal #5 includes access to the waterfront.

Contract 22-C2866
Date Start:
Date End:

AGREEMENT FOR PUBLIC RECREATIONAL PROGRAMMING

THIS AGREEMENT made and entered into this ___ day of _____, 2023, by and between the City of Kenmore, a Washington municipal corporation ("City"), and Northshore Canoe and Kayak Club, a Washington nonprofit corporation ("NCKC").

RECITALS

WHEREAS, the public has limited access points to experience the beautiful lake and river shoreline areas in Kenmore; and

WHEREAS, there are several City-owned waterfront parks that provide access for the public to enjoy our waterways; and

WHEREAS, providing and enhancing public access to the City's shorelines has been a priority of the City; and

WHEREAS, through the voter-approved Walkways and Waterways bond measure, the City recently invested in improved habitat restoration and public use of ƛ̓aǩʷadis (Tl' awh-ah-dees) Park, including riparian habitat restoration along Swamp Creek and the Sammamish River, trails, and facilities for hand-powered watercraft; and

WHEREAS, the City desires that the improved waterfront facilities be used to their full potential by the public; and

WHEREAS, the City does not have a traditional recreation department with paid staff to directly lead and manage recreation programs for the public in Kenmore; and

WHEREAS, in lieu of a staffed recreation department, the City utilizes a more cost-effective means of providing recreation programming by partnering with other organizations to provide recreation programing for public purposes; and

WHEREAS, the City desires to utilize this more cost-effective method to provide for waterfront recreation programming at ƛ̓aǩʷadis Park; and

WHEREAS, for several years prior to constructing the habitat restoration and public access improvements at ƛ̓aǩʷadis Park, NCKC (DBA Kenmore Waterfront Activities Center) partnered with the City at this same park to provide waterfront recreation programming for the public in return for using City property to store boats and other equipment for public purposes; and

WHEREAS, this partnership proved to be very successful and resulted in hundreds of public users participating in thousands of hours of water-dependent recreation activities at the Park and on the Lake and River; and

WHEREAS, now that the ƛ̓aǩʷadis Park improvements are nearly complete, the City and NCKC desire to reestablish their partnership to provide waterfront recreational opportunities for the public; and

WHEREAS, the City is the "Project Sponsor" and ƛ̓aǩʷadis Park is land acquired and facilities developed with Recreation and Conservation Funding Board (RCO) grants for which the sponsor's on-going obligations shall be in perpetuity. The parties acknowledge that it is the intent of RCO's conversion policy that all lands acquired and/or facilities and areas developed, renovated, or restored with funding assistance remain in the public domain in perpetuity; and

WHEREAS, a project sponsor may provide for the operation of an RCO-assisted facility by granting a concession agreement or lease to a private organization or individual under certain conditions. The project sponsor is responsible for assuring compliance with all applicable state and federal requirements. Delegation or transfer of certain management or operational responsibilities to concessionaires or lessees does not relieve the project sponsor of any compliance obligations, including those relating to conversion of an RCO-funded property. All concession or lease documents for the operation of RCO-funded projects by private organizations or individuals must comply with the Project Sponsor's RCO Agreements and related RCO Manuals including Manuals 21, 4, 5, 7 and 8; and

WHEREAS. the parties acknowledge that this Agreement is consistent with RCO Manual 4 Income and Income Use/User Fees, which identifies that user and other fees may be charged in connection with land acquired or facilities developed with RCO grants if the fees are consistent with the following:

- Value of any services furnished,
- Value of any opportunities furnished, and
- Prevailing range of public fees in the state for the activity involved.

NOW THEREFORE, in consideration of the mutual promises set forth herein, it is agreed by and between the parties as follows:

AGREEMENT

1. RECITALS

The recitals set forth above are incorporated herein by reference.

2. GRANT FOR PUBLIC PURPOSES

A. The City grants to NCKC the non-exclusive right, license, and privilege to utilize a detached three-car garage and portions of the City-owned Park named ƛ̓aǩʷadis Park (Tl' awh-ah-dees Park; also formerly known as Squires Landing Park), located near the Sammamish River at 7353 NE 175th Street, Kenmore, WA 98028, and adjacent lagoon parcel in Kenmore (the "Park") in the manner and for the public purposes specified in this Agreement. These areas of the Park shall be identified as publicly owned and operated for public outdoor recreation and/or habitat conservation purposes consistent with RCO Manual 7 requirements.

B. All NCKC literature and advertising shall identify that they are a lessee/concessionaire of the Park, and that the Park is publicly owned and operated for public outdoor recreation and/or habitat conservation purposes so as not to mislead the public into believing that the area being used by NCKC is private.

C. In this Agreement, NCKC shall mean NCKC and its dba's, programs, subcontractors, and affiliated organizations through which public water dependent recreational programming is being provided and coordinated by NCKC.

3. GRANT OF USE FOR WATER DEPENDENT RECREATION SERVICES

A. NCKC is granted the non-exclusive right to provide, operate, and conduct water dependent recreation including hand-powered watercraft activities, classes and programs for public purposes as set forth in Section 7 of this Agreement and Exhibit B "Services, Programs, and Activities" (collectively "Services"), attached hereto and incorporated by reference, in the area of the Park depicted on Exhibit A (the "Premises") attached hereto and incorporated by reference.

B. Consistent with RCO Manual 7: Long Term Obligations "Concessions and Leases", the Premises shall be identified as being publicly owned and operated for outdoor recreation and habitat conservation purposes on all signs, literature, and advertising and that NCKC be identified as such so that not to mislead the public into believing that the area is private. Signs also should be posted identifying the facility as open to the public.

C. Consistent with RCO Manual 7, prices and membership fees charged to the public by NCKC for its Services shall be comparable and competitive with (or lower than) those generally charged in the area for similar membership levels and Services.

D. NCKC's use of other areas in the Park, including the docks, shall not be exclusive and such areas shall remain open and be available for use by City and the public.

4. TERM OF AGREEMENT

This agreement shall begin on April 1, 2023, and end on December 31, 2028, subject to the termination provisions stated in Section 5.A and Section 18.

5. FAILURE TO PROVIDE SERVICES – TAXES

A. If, in the city manager's sole determination, NCKC fails to provide the Services set forth in Section 7 and Exhibit B of this Agreement, including, but not limited to, giving scholarships for such Services, then upon 30 days' written notice by the City, NCKC shall commence payment to the City of fifty percent (50%) of NCKC's scholarship revenues collected. NCKC shall make the payments required in this Subsection 5.A in monthly installments by the 10th day of each month. Provided, however, as an alternative to receiving such payment, at the city manager's sole discretion, the city manager may terminate this Agreement with sixty (60) days' written notice to NCKC.

B. NCKC shall pay all state sales taxes and/or business and occupations taxes due for the Services provided under this Agreement and will code such payments as occurring in the City of Kenmore for all revenues received under this Agreement.

6. LICENSING AND OTHER REQUIREMENTS

A. NCKC shall, at its own expense, obtain and maintain all necessary licenses, permits and approvals for its activities and operation authorized by this Agreement, including, but not limited to, a City business registration.
B. NCKC and/or its affiliate organizations shall not alter, modify or make improvements to any portion of the Park or its facilities without first obtaining written permission of the city manager and obtaining required permits and approvals. If approval is given, the modifications and improvements shall become the property of the City upon complete installation; provided that NCKC shall be entitled to utilize the modifications and improvements in accordance with this Agreement while this Agreement is in effect.
C. NCKC shall not bring personal property onto the Park, such as additional sheds, personal boats, or other storage containers not otherwise authorized by this Agreement or future amendments.
D. The parties acknowledge that the proposed Agreement must be reviewed and approved by RCO per RCO Manual 7 Long Term Obligations, prior to the execution of this Agreement. The parties agree that this Agreement shall be subject to RCO approval.
E. Per RCO Manual 4 Income and Income Use/User Fees, user and other fees may be charged in connection with land acquired or facilities developed with RCO Funding Board grants if the fees are consistent with all the following:
   - Value of any services furnished.
   - Value of any opportunities furnished.
   - Prevailing range of public fees in the state for the activity involved.

7. SERVICES, PROGRAMS, AND ACTIVITIES PROVIDED BY NCKC

A. NCKC agrees to provide the public with the opportunity to participate in hand-powered water sports at the Park, including canoeing, kayaking, dragon boating, outrigger canoeing, and other hand powered water sports as they become available through recreational programming and instruction, and as further set forth in Exhibit B "Services, Programs & Affiliated Organizations". The recreational programming and instruction shall be provided to youth, defined as persons less than eighteen (18) years of age ("youth") as well as adults. NCKC shall use a well-rounded, multi-discipline approach, allowing and making room for various forms and levels of paddling programs and activities to operate under the NCKC umbrella.
B. NCKC and Affiliate Organizations, as identified in Exhibit B, shall provide all necessary equipment, including all safety equipment and provisions to allow full participation. Additional details on programming and NCKC's Affiliated Organizations and subcontractors is provided in Exhibit B of this Agreement.
C. NCKC and Affiliate Organizations shall provide scholarships to anyone who expresses the desire to participate but are financially unable to do so. NCKC shall make these scholarships available for the duration of this Agreement. At a minimum, NCKC shall provide up to ten scholarships in 2023 and up to 20 scholarships to anyone per year thereafter. In its brochures and marketing materials, and during its operations on the Premises, NCKC shall conspicuously advertise and make the scholarships known to

the public and potential participants. The parties acknowledge and agree that providing such scholarships and the minimum number of 20 scholarships per year is a material part of this Agreement, and the City shall require payment or terminate this Agreement if this requirement is not met.

D. NCKC shall organize two park clean up days annually. These Park clean up days will be coordinated with the City and City staff will determine the scope of work for all park maintenance activities. Park cleanup activities shall include such tasks as weeding, edging, raking, trimming, and removing vegetation, spreading mulch or topsoil, picking up litter, and performing other Park maintenance tasks. On an ongoing basis, NCKC must keep the portions of the Park it uses free of litter and debris.

E. NCKC shall be responsible for its administrative functions, including bookkeeping, collecting membership dues, recruiting, and managing staff and volunteers, maintaining membership and class rosters, accounts payable, etc. All Affiliate Organizations will maintain their own financial and administrative functions.

F. If, during the term of this Agreement, any of the programs dissolve and City funds were used to purchase boats or equipment for those programs, NCKC shall reimburse the City for the affected boats or equipment, prorated based on an expected ten (10) year life of the equipment from the date NCKC acquired it (regardless of whether NCKC purchased the equipment new or used)..

G. NCKC shall not sell, trade, surplus, donate, or dispose of any boats or equipment purchased with City funds without prior written approval of the city manager. If NCKC makes such a request, the City may request and be entitled to a prorated reimbursement from NCKC based on an expected 10-year life of the equipment as described above.

8. ADVERTISING AND PROMOTION

A. The City agrees to promote and advertise NCKC classes, programs, and events at least once yearly in City's Newsletter (timing and space permitting). The City also agrees to include a link on City's website to NCKC. From time-to-time City may announce NCKC programs, classes, and events through City's various communications outlets, including but not limited to social media.

B. NCKC agrees to promote and advertise its classes, programs, events, and scholarship opportunities throughout the year, and promote the City of Kenmore in its advertising and media. Whenever possible the Kenmore name will be displayed when participating at events: ie. Jerseys, equipment, etc. All NCKC literature and advertising shall identify that they are a lessee/concessionaire of the Park, and that the Park is publicly owned and operated for public outdoor recreation and/or habitat conservation purposes so as not to mislead the public into believing that the area being used by NCKC is private.

C. Subject to the City's sign code, NCKC may also place one A-frame sign on City property (not in the right of way) near and visible from NE 175th Street. The look, content and location of the A-frame sign and design shall be approved in writing and in advance by the city manager or designee. Additional on-sight signage may be

approved in advance and in writing by the city manager or designee. The city manager or designee, at their discretion, may require such signage to be removed at any time.

D. NCKC shall not place any other signage or advertisement on the Park without written permission from the city manager or designee and, if such permission is granted, until appropriate permits, licenses, and approvals are obtained.

9. EVENTS

A. NCKC is encouraged to organize special events in the Park and at other appropriate venues in the City, including regattas, triathlons, and the like. NCKC shall first obtain written permission from the city manager or designee and shall obtain the proper permits, licenses, and approvals for such events. The City shall notify NCKC of approval decision and any special requirements for the event at least four weeks prior to the scheduled event. Once approved, City will help promote the event by including it in City Newsletter (as timing allows) and by announcing it on City's web page and social media. NCKC shall provide the City with a yearly event and activity outline schedule to assist with park operations.

B. Each spring (preferably in May), NCKC shall lead, organize, and execute an annual waterfront activities fair at the Park. The fair will include exhibits and demonstrations of all of NCKC's and its Affiliates' programs and activities. The City may help promote the event through its media channels and waive the Special Events permit fee. NCKC will need to apply for a Special Events permit.

C. A City sponsored event at the Park shall have scheduling priority over NCKC events and activities. The City agrees to give NCKC notice of a City sponsored event at the Park at least 4 weeks prior to the event.

10. REPORTING & RECORDS

A. To protect the public interest, the parties agree that the City shall be able to periodically review NCKC's records to periodically determine if the terms and conditions of this Agreement are being met, including but not limited to, standards of maintenance, public use, and public accessibility upon ten (10) days written notice to NCKC.

B. By February 15 of each year, NCKC shall submit to the City an annual report which shall provide relevant information about the prior calendar year, including but not limited to data on total hours of programming, number of youth participants and members, number of adult participants and members, volunteer hours, number and types of classes and programs, enrollment in each of the classes and programs, fees, and number and value of scholarships discounted memberships and classes for low-income youths and families. For purposes of this Section 10, "low income" is defined as (KMC 18.20.098) and self-attestation shall be sufficient. As part of its annual report, NCKC and staff will coordinate a presentation of the annual report to the City Council at a public meeting.

C. NCKC shall also provide the City with semi-annual reports providing relevant data and information on program participation, including the number and value of scholarships given for its recreational instruction and program participation. City staff

will attend monthly board meetings and NCKC agrees to discuss the contents of the reports and discuss the status of scholarships awarded by NCKC.

D. NCKC shall maintain adequate records, data, and information of its actual gross revenue and expenditures in a form and in such detail as required by the City. Upon the City's request, NCKC shall provide to the City all records relating to its revenue and expenditures relating to the Services. Said records shall be subject to inspection, review or audit by the City during the performance of this Agreement and for up to four years after the Agreement terminates or expires.

11. INDEPENDENT CONTRACTOR

A. This Agreement is not a contract of employment and NCKC is an independent entity with respect to the business and Services hereunder. The Parties specifically intend that an independent contractor-client relationship will be created by this Agreement. Nothing in this Agreement shall be considered to create the relationship of employer and employee between the Parties. No affiliate, agent, subcontractor, employee, volunteer, or representative of NCKC shall be deemed to be an employee, agent, representative, or volunteer of the City. None of the benefits provided by the City to its employees, including, but not limited to, compensation, insurance, and unemployment insurance, are available from the City to the NCKC or its affiliates, agents, subcontractors, employees, volunteers, or representatives of NCKC. NCKC shall be solely and entirely responsible for its acts and for the acts of NCKC's affiliates, agents, employees, representatives, volunteers, and subcontractor's during the performance of this Agreement. Any assistants, volunteers, or other help used by NCKC are and shall be deemed to be employees of NCKC and not employees or volunteers of the City. NCKC shall be responsible in full for any payment due its employees, including workers compensation and related costs. The City shall not be responsible for withholding or otherwise deducting federal income tax or social security or contributing to the State Industrial Insurance Program, or otherwise assuming the duties of an employer with respect to NCKC, or any employee of NCKC.

B. On the effective date of this Agreement (or shortly thereafter), the NCKC shall comply with all federal and state laws applicable to independent contractors including, but not limited to the maintenance of a separate set of books and records that reflect all items of income and expenses of the NCKC's business, pursuant to the Revised Code of Washington (RCW) 51.08.195, as required to show that the services performed by NCKC under this Agreement shall not give rise to an employer-employee relationship between the parties which is subject to RCW Title 51, Industrial Insurance.

12. INSURANCE

NCKC shall procure and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by NCKC, its agents, representatives, or employees.

A. Minimum Scope of Insurance. NCKC shall obtain insurance of the types described below:

i. Commercial General Liability insurance shall be written on ISO occurrence form CG 00 01 and shall cover liability arising from premises, operations, independent contractors and personal injury and advertising injury. The City shall be named as an additional insured under NCKC's Commercial General Liability insurance policy using ISO endorsement CG 20 26 07 04, or substitute endorsement providing at least as broad coverage.

ii. Workers' Compensation coverage as required by the Industrial Insurance laws of the State of Washington.

B. Minimum Amounts of Insurance. NCKC shall maintain the following insurance limits:

i. Commercial General Liability insurance shall be written with limits no less than $1,000,000 each occurrence, $2,000,000 general aggregate.

ii. Excess or Umbrella Liability insurance shall be written with limits of not less than $1,000,000 per occurrence and annual aggregate. The Excess or Umbrella Liability requirement and limits may be satisfied instead through NCKC's Commercial General Liability insurance, or any combination thereof that achieves the overall required limits.

C. Other Insurance Provision. NCKC's Commercial General Liability insurance policies are to contain, or be endorsed to contain, that they shall be primary insurance as respect to the City. Any Insurance, self-insurance, or insurance pool coverage maintained by the City shall be excess of NCKC's insurance and shall not contribute with it.

D. Acceptability of Insurers. Insurance is to be placed with insurers with a current A.M. Best rating of not less than A-VII.

E. Verification of Coverage. NCKC shall furnish the City with original certificates and a copy of the amendatory endorsements, including but not necessarily limited to the additional insured endorsement, evidencing the insurance requirements of NCKC before commencement of the work.

F. Notice of Cancellation. NCKC shall provide the City with written notice of any policy cancellation, within two business days of their receipt of such notice.

G. Failure to Maintain Insurance. Failure on the part of NCKC to maintain the insurance as required shall constitute a material breach of contract, upon which the City may, after giving five business days' notice to NCKC to correct the breach, immediately terminate the contract or, at its discretion, procure or renew such insurance and pay any and all premiums in connection therewith, with any sums so expended to be repaid to the City within thirty (30) days of written demand from the City.

H. No Limitation. NCKC's maintenance of insurance as required by the Agreement shall not be construed to limit the liability of NCKC to the coverage provided by such insurance, or otherwise limit the City's recourse to any remedy available at law or in equity.

13. HOLD HARMLESS/INDEMNIFICATION

A. NCKC shall defend, indemnify, and hold the City, its officers, officials, employees, agents, and volunteers harmless from any and all claims, injuries, damages, losses, or suits including attorneys' fees, arising out of or resulting from the acts, errors or omissions of

NCKC's in performance of this Agreement, except for injuries and damages caused by the sole negligence of the City.

B. Should a court of competent jurisdiction determine that this Agreement is subject to RCW 4.24.115, then, in the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of NCKC and the City, its officers, officials, employees, and volunteers, NCKC's liability, including the duty and cost to defend, hereunder shall be only to the extent of NCKC's negligence.
C. It is further specifically and expressly understood that the indemnification provided herein constitutes NCKC's waiver of immunity under Industrial Insurance, Title 51 RCW, solely for the purposes of this indemnification. This waiver has been mutually negotiated by the parties.
D. City shall defend, indemnify, and hold the NCKC, its officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits including attorney fees, arising out of or resulting from the acts, errors or omissions of City in carrying out its administrative duties under this Agreement, except for injuries and damages caused by the sole negligence of NCKC.
E. The provisions of this section shall survive the expiration or termination of this Agreement.

14. RULES GOVERNING OPERATION

A. The Park shall be available for general public use at all times during Park hours. NCKC may only operate from 7:00 a.m. to no later than to 9:00 p.m. each day, with the exception of July 4th, when they may operate until 11:30 pm.
B. During NCKC's use of the Park and provision of classes, programs, and events, the public shall be welcome to use the Park, including but not limited to the boat ramps and docks, and NCKC members, staff, and coaches shall in no way treat the public as if they are not welcome to freely use the Park for picnics, launching from the docks, and other activities that maximize the full use and enjoyment of the Park. NCKC members, staff, and coaches shall always be courteous and friendly to all those who use the Park. NCKC is not authorized to act on behalf of City to enforce laws and Park rules. If NCKC members or staff believe a member of the public is violating a law or Park rule in the Park, NCKC shall call the police or contact City immediately.
C. To maximize the use of the dock for the launching of hand-powered watercraft, the City may post "No Fishing from Dock" signs. The City may post signs that discourage the public from inflating boats or other floatation devices on the docks since this activity precludes others from launching. NCKC and its members, staff and coaches shall not monopolize the dock or boat ramp and shall keep the dock and boat ramp reasonably clear for other boats. Depending on usage and conflicts that may arise, the City may adopt additional rules regarding use and public enjoyment of the docks and boat ramps.
D. NCKC shall at all times keep its area of business, use and activities free of clutter and litter and debris, stains and spills related to the business, use and activities. All trash

generated by NCKC's business, use and activities shall be collected and disposed of as soon as possible by NCKC.

E. NCKC shall not have the right to designate parking at the Park for NCKC staff or customers. City will post no parking signs or place cones or barricades to allow appropriate access to the garage at all times. City reserves the right to change, add, remove, or otherwise establish rules for the Park, including but not limited to parking, hours of operation, signage, and facility reservations.

F. City reserves the right to repair, remove, change, relocate, add to, or modify any of the structures in the Park, or close the Park for periods of time. City reserves the right to remove or modify existing structures, and to construct new structures. NCKC recognizes that any such closure, removal, change, modification, or construction may render any or all of the Park facilities unusable for a period of time. Any such closure, removal, change, modification, or construction and resulting inability to use the Park facilities shall not be a breach of this Agreement. The parties agree that the payment to the City required in Section 5.A shall be temporarily suspended during any period identified herein that prevents NCKC from providing Services as set forth in this Agreement.

15. EQUIPMENT STORAGE & MOORAGE

A. NCKC and its affiliated organizations may store its boats and other equipment within the following locations (per Exhibit A):

i. Garage interior;

ii. Outdoor fenced storage area next to the south side of the parking lot;

iii. Garage exterior includes storage racks on the west side and the north side of the garage; and

iv. Land ramp on the north side of the lagoon;

v. Gravel area on the north side of garage may only be used for overflow storage of public boats that do not fit within the outdoor fenced storage area.

All boats and equipment stored shall be kept clean, neat, and in ready to use condition. Any other outdoor storage or storage structure for boats or other equipment (temporary or permanent), must be approved in writing and in advance at the sole discretion of the city manager (or designee) and in compliance with all permit requirements. Unless otherwise approved in advance and in writing by the manager or designee, NCKC and its Affiliates shall not leave any vehicles or trailers overnight at any location in the Park. The City shall not be responsible or liable for any lost, stolen, or damaged boats and equipment. The City's insurance does not provide coverage for lost, stolen, or damaged boats and equipment, and NCKC is encouraged to obtain its own insurance coverage for such purposes.

B. No overnight moorage is allowed except for the following (per Exhibit A):

i. One powered chase boat (aka "launch") moored on the landward side of the float/dock on the westside of the lagoon;

ii. Two dragon boats moored on the landward side of the float/dock on the westside of the lagoon. Access to the lagoon must be from existing gangways on the landward side of Park property.

iii. One dragon boat on the landward side of the existing float on the Sammamish River.

C. Revenue from On-Land Boat Storage

Subject to state rules and regulations (including RCO restrictions), NCKC may provide on-land storage for privately owned hand-powered watercraft limited to canoes, kayaks, and standup paddleboards ("Watercraft Storage"). NCKC shall charge market-rate fees for Watercraft Storage, and no discounted fees or free storage shall be given to club members or any person.

NCKC may provide this on-land Watercraft Storage for up to 34 boat spaces (3 boat racks with 6 boats on each and 2 racks with 8 boats on each), and NCKC shall be responsible for the cost, construction, and maintenance of any storage racks. The location of the Watercraft Storage will be next to the fence just north of the three-car garage, as shown on the site plan in Exhibit A.

NCKC shall separately track and keep a separate account for Watercraft Storage revenue and expenses. For any revenue that NCKC collects from Watercraft Storage, the parties agree that NCKC may use up to 50% to defray the costs of NCKC operations and equipment. NCKC agrees to dedicate at least 50% of the Watercraft Storage revenue to scholarships. When a scholarship is given, the dollar value of that scholarship may be transferred from the Watercraft Storage revenue account to NCKC's main account. NCKC shall keep a detailed record of all Watercraft Storage financial transactions (including income, expenditures and transfers) and make such record available for City inspection. At the end of each calendar year, NCKC shall pay to the City 50% of any Watercraft Storage revenue that was not used for scholarships as of 12/31 of each year. At the end of each year, NCKC shall pay to the City 100% of the Watercraft Storage account balance that exceeds $10,000 as of 12/31 of each year.

NCKC agrees to provide Watercraft Storage space on a first come, first-serve basis and shall keep a waiting list when demand exceeds supply. No person or household will be allowed to jump ahead in line for any reason. NCKC shall only allow persons from the same household two spaces in Watercraft Storage for no more than two years. At the end of the two-year period, a person requesting Watercraft Storage may reapply. If demand exceeds supply, said person will be placed at the bottom of the list. If spaces become available, they may rent again for another two years.

D. All NCKC-owned equipment, supplies, and other items and those from Affiliated Organizations shall be removed from the Park within seven (7) days of the last day of this Agreement

16. SAFETY PROCEDURES AND SAFETY EQUIPMENT

A. NCKC must operate classes, programs and activities and use the Park and facilities (and the water specialty activities, in particular) according to each water sports standards, including but not limited to, U.S. Coast Guard approved standards for watercraft. No

fewer than two NCKC staff (or one coach and a parent/guardian) must supervise water activities at any given time when youth are on the water. All NCKC adult staff, volunteers, and parents who provide training, supervision, and/or regularly or semi-regularly interact with participants who are youth or vulnerable adults must complete a Washington State Patrol criminal background check.

B. Participants must be taught how to properly enter and exit the water and navigate their crafts. Any Affiliate Organization whose sport requires in water activity shall hold a current Float Test. NCKC shall comply with all Washington State and U.S. Coast Guard water safety laws. NCKC must have written rules and procedures for water activities, including an emergency action plan specific to the Park location. In addition, NCKC staff must be First Aid and CPR-certified, and NCKC must provide First Aid kits on site and accessible to staff and members. The standards and requirements of this section have been promised to the City by NCKC, according to standards that are known to and understood by NCKC. The City shall not be required to enforce these standards and requirements and shall not be responsible for NCKC's adherence (or lack of adherence) to them.

C. When youth are paddling on the water, NCKC shall have adult, on-water supervision at all times. On-water supervision means that the adult shall be in a watercraft that can follow youth and allow the adult supervisor to keep youth within view and respond to their needs. The City shall not be required to enforce this standard and shall not be responsible for NCKC's adherence (or lack of adherence) to it.

17. WORK PERFORMED AT NCKC'S RISK

NCKC shall take all precautions necessary and shall be responsible for the safety of its employees, agents, affiliates, subcontractor's, volunteers, and customers in the performance of the Services provided under this Agreement and shall utilize all protection necessary for that purpose. All Services shall be provided, and work done at NCKC's own risk, and NCKC shall be responsible for any loss of or damage to materials, tools, or other articles used or held by NCKC for use in connection with the Services.

18. TERMINATION OF AGREEMENT

Except as otherwise provided in Section 5.A of this Agreement, to protect the public interest, the parties agree that if NCKC breaches any term or condition of this Agreement, including but not limited to, standards of maintenance, public use, public accessibility, and/or in the event NCKC violates any local, City, County, State or Federal laws applicable to its business, use, and activities hereunder, the City may terminate this Agreement upon ten (10) days written notice to NCKC. However, the city manager or designee may order NCKC to cease operations immediately at any time should the city manager or designee determine such operations are detrimental to public safety, health, or welfare. In the event of termination, NCKC agrees the City shall have the right to dispose of all property used by NCKC in its operations that has not been removed by NCKC by the ending date of this Agreement. In any event, either party may terminate this Agreement for any or no reason with one hundred twenty (120) days' written notice.

19. EXTENT OF AGREEMENT/MODIFICATION
This Agreement and its attached exhibits are the final and completely integrated Agreement between the Parties regarding its subject matter and supersedes all prior negotiations, representations, or agreements, either written or oral. This Agreement may only be amended by written instrument properly signed by both parties.

20. SUCCESSORS AND ASSIGNS
NCKC shall not assign, transfer, or otherwise dispose of this Agreement or any part of this Agreement without the written prior consent of the City.

21. NONDISCRIMINATION
NCKC shall ensure that there shall be no unlawful discrimination against any employee or applicant for employment in violation of RCW 49.60.180, as currently written or hereafter amended, or other applicable law prohibiting discrimination, unless based upon a bona-fide occupational qualification as provided in RCW 49.60.180 or as otherwise permitted by other applicable law. Further, no person shall be denied or subjected to discrimination in receipt of the benefit of any services or activities made possible by or resulting from this Agreement in violation of RCW 49.60.215 or other applicable law prohibiting discrimination.

22. NOTICES
All notices or other communications required or permitted under this Agreement shall be in writing and shall be (a) personally delivered, in which case the notice or communication shall be deemed given on the date of receipt at the office of the addressee; (b) sent by registered or certified mail, postage prepaid, return receipt requested, in which case the notice or communication shall be deemed given three (3) business days after the date of deposit in the United States mail; or (c) sent by overnight delivery using a nationally recognized overnight courier service, in which case the notice or communication shall be deemed given one business day after the date of deposit with such courier. In addition, all notices shall also be emailed, however, email does not substitute for an official notice. Notices shall be sent to the following addresses:

Notices to the City of Kenmore shall be sent to the following address:

Recreation Supervisor
City of Kenmore
18120 68th Ave. NE Kenmore, Washington 98028-0607
Phone: (425) 398-8900
Email address: rmoreno@kenmorewa.gov

Notices to the NCKC shall be sent to the following address:

NCKC Board President: _____
_____
_____
_____

23. COUNTERPARTS

The Agreement may be executed in any number of counterparts, each of which shall constitute an original, and all of which will together constitute this one Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the dates written below:

CITY OF KENMORE	NCKC
By: _____	By: _____
Title: _____	Title: _____
Date: _____	Date:_____

EXHIBIT A: PREMISES (AREA OF OPERATION)

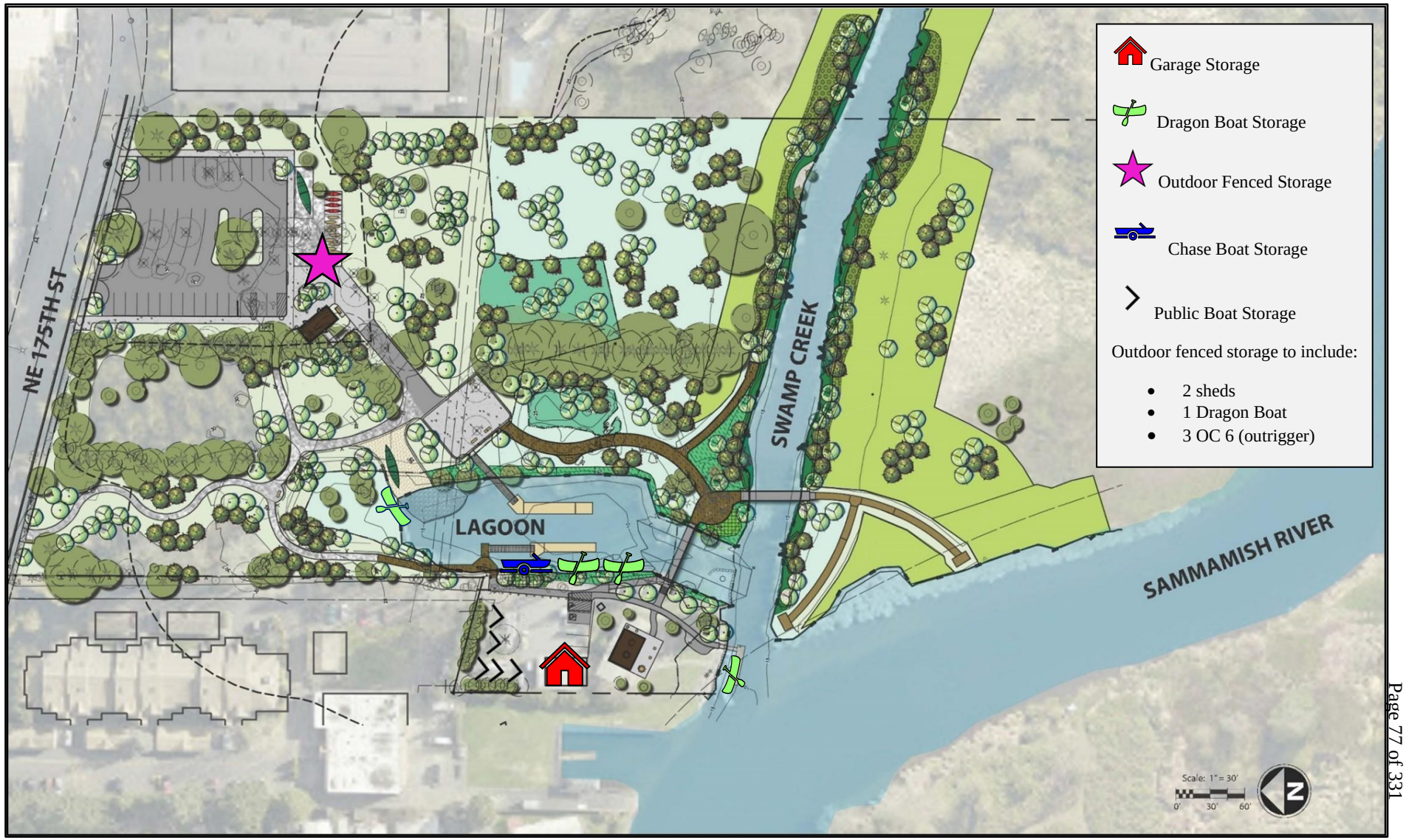


EXHIBIT B: SERVICES, PROGRAMS, AND AFFILIATED ORGANIZATIONS

NCKC shall provide the public with the opportunity to participate in hand-powered water sports including canoeing, kayaking, dragon boating, outrigger canoeing and other sports as they become available in the Park. NCKC shall provide recreational classes and programs for such hand-powered water sports either directly or through affiliated organizations and/or subcontractors. Either party is authorized to approve any new organizations or subcontractors, not identified below, under the NCKC umbrella. Any such new additions shall be approved by the city manager in writing and in advance, shall provide the same insurance coverages as required of NCKC in this Agreement, and shall comply with the terms of this Agreement. In any case, NCKC shall be the responsible, umbrella organization with which City interacts and holds all affiliated organizations and subcontractors accountable under this Agreement.

The City agrees to notify NCKC of any additional watersports clubs or businesses that are granted similar concessionaire use and access to the Park during the period of this Agreement.

The following organizations and programs are authorized to operate as affiliated organizations and subcontractors ("Affiliated Organizations") under the direction and coordination of NCKC:

Kenmore Waterfront Activities Center (KWAC) As a dba of NCKC, KWAC will provide the coordination of the programs and activities at the Park. KWAC (i.e., NCKC) will coordinate boat and equipment storage in the garage, moorage, and other designated storage areas as well as scheduling and coordination of various classes and activities. The moorage referenced above only applies to boats or equipment that are owned by the City, KWAC (i.e., NCKC) or Affiliated Organizations, and does not include privately owned boats or equipment.

Kenmore Canoe and Kayak Club (KCKC) From June 1 through August 30 of each year of this Agreement, KCKC (or dba) may provide weekly instruction to youth on how to paddle kayaks and canoes, which may also include competitive coaching and racing opportunities. However, it is noted that due to Squire's Park closure for construction and subsequent re-opening in Spring 2023 that the first year of this Agreement, 2023, will be a year during which KCKC will re-build its program. Whenever possible the Kenmore name will be displayed when participating at events; i.e jerseys, equipment, etc.

Seattle Flying Dragon Boat Club (SFDBC) As an affiliated organization of or subcontractor to NCKC, the Seattle Flying Dragons may provide weekly Dragon Boat paddling opportunities in City for at least 40 weeks per year of each year of this agreement. Whenever possible the Kenmore name will be displayed when participating at events; i.e jerseys, equipment, etc.

Hui Wa'a O Puget Sound Outrigger Canoe Club (HWOPS) As a dba of NCKC, Hui Wa'a O Puget Sound Outrigger Canoe Club may provide instruction as well as introduce and promote Hawaiian heritage by providing members an opportunity to perpetuate the water sport and competitive spirit of Hawaiian outrigger canoeing. Whenever possible the Kenmore name will be displayed when participating at events; i.e jerseys, equipment, etc.

City Council Business Agenda Item
City of Kenmore, WA

Subject/Topic: 2023 Pavement Overlay and Sidewalk Repair project construction award	**For Council Meeting Agenda of:** March 13. 2023
	Department: Public Works Engineering
	Prepared by: Terri Bielenberg
	Initial & Date
	Approved by Department Head: John Vicelja (Mar 6, 2023 16:42 PST)
	Approved by City Attorney: N/A
Proposed Council Action/Motion: Authorize the City Manager to execute a contract with RRJ LLC. for an amount up to $1,912,708 which includes 10% construction contingency for the 2023 Pavement Overlay and Sidewalk Repair project.	**Approved by Finance Director:** Melinda Merrell (Mar 6, 2023 16:47 PST)
	Approved by City Manager: RGK (Mar 6, 2023 19:41 PST)
	Exhibits/Attachments: N/A

RECOMMENDATION: Staff recommends that City Council Authorize the City Manager to execute a contract with RRJ for an amount up to $1,912,708 which includes a 10% construction contingency for the 2023 Pavement Overlay and Sidewalk Repair project.

INFORMATION/BACKGROUND:

The 2023 Pavement Overlay and Sidewalk Repair project includes a pavement overlay on 73rd Ave NE from 181st St to NE 192nd St and on NE 169th from Simonds Rd NE to end of the public road at NE 170th St. The 73rd Ave NE portion of the project will also include channelization to create a buffered (where space allows) bike lane, Permatrek bridges will be added to provide sidewalk accessibility while preserve trees at select locations, and sidewalk panels will be repaired/replaced to meet with Americans with Disabilities Act (ADA) guidelines.

The estimate contract duration is 80 working days. The work is anticipated to start late April or early May 2023 and is expected to be completed end of September.

BID RESULTS:

The project was formally advertised on February 6th & 13th, 2023 and bids were opened on February 28th, 2023. six bids were received and RRJ LLC. was determined to be the lowest responsible bidder at an amount of $1,738,825.20. The Engineer's estimate for this project was $1.9 Million. Below is a summary of the bids received.

Bidder	Bid Amount Received
Granite Construction Co.	$2,484,814.00
Central Paving	$2,116,751.80
New X Inc.	$1,740,285.81
Lakeside Industried Inc.	$1,980,662.00
RRJ LLC.	$1,738,825.20

City staff has verified that RRJ LLC. meets the responsibility criteria defined by law and the City contract documents.

FISCAL CONSIDERATION:

The total budget for this project is $2.41M. Total project budget spent to date is $230K with a balance of $2.18M remaining to complete the project. There is sufficient budget to cover the cost of construction and support services during construction.

COUNCIL PRIORITY/BUDGET OBJECTIVE BEING ADDRESSED:

Council Goal #3: Focus and emphasize multimodal transportation safety in the City of Kenmore with a specific focus on pedestrian, bicycle, and other means of travel.

Council Goal #4: Develop and Implement a Diversity, Equity, and Inclusion Policy and Program

Council Business Agenda Item
City of Kenmore, WA

Subject/Topic: Contract 23-C2916 with Chanin Kelly-Rae Consulting LLC	**For Council Meeting Agenda of:** March 13, 2023 **Department:** **Prepared by:** **Initial & Date** **Approved by Department Head:** **LP 3/7_____** **Approved by City Attorney:** **DR 3/7** **Approved by Finance Director:** **Approved by City Manager:** **RK 3/7**
Proposed Council Action/Motion: Motion to authorize City Manager to execute Contract 23-C2916 with Chanin Kelly-Rae Consulting LLC in an amount not to exceed $24,475, substantially in the form attached hereto.	**Exhibits/Attachments:** 1. Contract 23-C2916

Information/Background:

On September 14, 2020, the City Council adopted Resolution 20-348 which approved a framework to develop and implement policies that foster and create a safe, inclusive and welcoming community through activities that improve diversity, equity, and inclusion. Resolution 20-348 authorized the City Manager to lead a process to develop a Diversity, Equity, Inclusion, and Accessibility (DEIA) policy and implementation strategy.

In 2021, the City Council approved Contract 21-C2713 with Chanin Kelly-Rae Consulting LLC to assist the City in the development and adoption of the DEIA Policy, and work with the DEI Task Force, a limited term advisory group, which helped the City listen and interact with the community on the DEIA policy.

On November 14, 2022, the City Council adopted the DEIA Policy. With adoption of the policy, the deliverables under Contract 21-C2713 were completed, and the contract has ended. The DEI Task Force was retired and transitioned into the informal DEIA Advisory Committee, and City staff desires to continue working with Chanin Kelly-Rae to develop a 5-year DEIA roadmap, and plan and facilitate DEIA Advisory Committee meetings. Contract 23-2916 authorizes the City to continue working with Chanin Kelly-Rae on DEIA. The term of the contract is through July 31, 2023.

Fiscal Consideration:

Contract 23-C2916 is for an amount not to exceed $24,475 and the consulting services have been included in the 2023-2024 Biennial Budget.

Council Goal/Budget being Addressed:

Promote Diversity, Equity, and Inclusion.

City of Kenmore Contract #: 23-2916
Authorized Amount: **$24,475.00**
Date Start: March 13, 2023
Date End: July 31, 2023

CONTRACT FOR PROFESSIONAL SERVICES

THIS AGREEMENT is entered into by and between the City of Kenmore, Washington, a municipal corporation ("City") and Chanin Kelly-Rae, whose principal office is located at 10407 29th Ave. SE, Everett, WA, 98208 ("Consultant").

RECITALS:

WHEREAS, the City desires to have certain services performed for its residents; and

WHEREAS, the City has selected the Consultant to perform such services pursuant to certain terms and conditions; and

NOW, THEREFORE, in consideration of the mutual benefits and conditions set forth below, the parties agree as follows:

AGREEMENT:

1. <u>Scope of Services to be Performed by Consultant</u>.

The Consultant shall perform those services described on Exhibit "A," which is attached hereto and incorporated herein by this reference as if set forth in full. In performing such services, the Consultant shall at all times comply with all federal, state, and local statutes, rules and ordinances applicable to the performance of such services and the handling of any funds used in connection therewith. The Consultant shall perform the services diligently and completely and in accordance with professional standards of conduct and performance. The Consultant shall request and obtain prior written approval from the City if the scope or schedule is to be modified in any way.

2. <u>Compensation and Method of Payment</u>. The City shall pay the Consultant for services rendered according to the rates and methods set forth below. The Consultant shall request payment for work performed using the billing invoice form at Exhibit "C."

__ According to the rates set forth in Exhibit "B."

_XX_ A sum not to exceed: **<u>$24,475.00</u>**

__ Other (describe): _____

The City shall pay the Consultant for services rendered within ten (10) days after City Council voucher approval. However, if the City objects to all or any portion of an invoice, it shall notify Consultant and reserves the option to only pay that portion of the invoice not in dispute. In that event, the Parties will immediately make every effort to settle the disputed portion.

The City further reserves the right to direct the Consultant's compensated services before reaching the maximum amount.

The Consultant shall complete and return to the City Exhibit "D," federal tax Form W-9, prior to or along with the first billing invoice.

3. Duration of Agreement. This Agreement shall be in full force and effect for a period commencing on March 13, 2021 and ending on July 31, 2023 unless sooner terminated under the provisions of this Agreement. Time is of the essence of this Agreement in each and all of its provisions in which performance is required.

4. Ownership and Use of Documents.

A. *Ownership.* Any records, files, documents, drawings, specifications, data, or information, regardless of form or format, and all other materials produced by the Consultant in connection with the services provided to the City, shall be the property of the City whether the project for which they were created is executed or not.

B. *Records preservation.* Consultant understands that this Agreement is with a government agency and thus all records created or used in the course of Consultant's work for the City are considered "public records" and are subject to disclosure by the City under the Public Records Act, Chapter 42.56 RCW ("the Act"). Consultant agrees to safeguard and preserve records in accordance with the Act. The City may be required, upon request, to disclose the Agreement, and the documents and records submitted to the City by Consultant, unless an exemption under the Public Records Act applies. If the City receives a public records request and asks Consultant to search its files for responsive records, Consultant agrees to make a prompt and thorough search through its files for responsive records and to promptly turn over any responsive records to the City's public records officer at no cost to the City.

5. Independent Consultant. The parties intend that an independent contractor-client relationship will be created by this Agreement. As the Consultant is customarily engaged in an independently established trade which encompasses the specific service provided to the City hereunder, no agent, employee, representative or sub-consultant of the Consultant shall be or shall be deemed to be the employee, agent, representative or sub-consultant of the City. In the performance of the work, the Consultant is an independent contractor with the ability to control and direct the performance and details of the work, the City being interested only in the results obtained under this Agreement. None of the benefits provided by the City to its employees, including, but not limited to, compensation, insurance, and unemployment insurance are available from the City to the employees, agents, representatives, or sub-consultants of the Consultant. The

City shall not be responsible for withholding or otherwise deducting federal income tax or social security or contributing to the State Industrial Insurance Program, or otherwise assuming the duties of an employer with respect to the Consultant, or any employee of the Consultant. The Consultant will be solely and entirely responsible for its acts and for the acts of its agents, employees, representatives, and sub-consultants during the performance of this Agreement. The City may, during the term of this Agreement, engage other independent contractors to perform the same or similar work that the Consultant performs hereunder.

6. **Indemnification**. Consultant shall defend, indemnify, and hold the City, its officers, officials, employees, agents, and volunteers harmless from any and all claims, injuries, damages, losses or suits including attorneys' fees, arising out of or resulting from the acts, errors or omissions of the Consultant in performance of this Agreement, except for injuries and damages caused by the sole negligence of the City.

Should a court of competent jurisdiction determine that this Agreement is subject to RCW 4.24.115, then, in the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of the Consultant and the City, its officers, officials, employees, and volunteers, the Consultant's liability, including the duty and cost to defend, hereunder shall be only to the extent of the Consultant's negligence.

It is further specifically and expressly understood that the indemnification provided herein constitutes the Consultant's waiver of immunity under Industrial Insurance, Title 51 RCW, solely for the purposes of this indemnification. This waiver has been mutually negotiated by the parties.

The provisions of this section shall survive the expiration or termination of this Agreement.

7. **Insurance**. The Consultant shall procure and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the Consultant, its agents, representatives, or employees.

A. *Minimum Scope of Insurance*. Consultant shall obtain insurance of the types described below:

i. Automobile Liability insurance covering all owned, non-owned, hired and leased vehicles. Coverage shall be written on Insurance Services Office (ISO) form CA 00 01 or a substitute form providing equivalent liability coverage. If necessary, the policy shall be endorsed to provide contractual liability coverage.

ii. Commercial General Liability insurance shall be written on ISO occurrence form CG 00 01 and shall cover liability arising from premises, operations, independent Consultants and personal injury and advertising injury. The City shall be named as an insured under the Consultant's Commercial General Liability insurance policy with respect to the work performed for the City.

iii. Workers' Compensation coverage as required by the Industrial Insurance laws of the State of Washington.

iv. Professional Liability insurance appropriate to the Consultant's profession.

B. *Minimum Amounts of Insurance.* Consultant shall maintain the following insurance limits:

i. Automobile Liability insurance with a minimum combined single limit for bodily injury and property damage of $1,000,000 per accident.

ii. Commercial General Liability insurance shall be written with limits no less than $1,000,000 each occurrence, $2,000,000 general aggregate.

iii. Professional Liability insurance shall be written with limits no less than $1,000,000 per claim and $1,000,000 policy aggregate limit.

C. *Other Insurance Provision.* The Consultant's Automobile Liability and Commercial General Liability insurance policies are to contain, or be endorsed to contain, that they shall be primary insurance as respect the City. Any Insurance, self-insurance, or insurance pool coverage maintained by the City shall be excess of the Consultant's insurance and shall not contribute with it.

D. *Acceptability of Insurers*. Insurance is to be placed with insurers with a current A.M. Best rating of not less than A-VII.

E. *Verification of Coverage*. The Consultant shall furnish the City with original certificates and a copy of the amendatory endorsements, including but not necessarily limited to the additional insured endorsement, evidencing the insurance requirements of the Consultant before commencement of the work.

F. *Notice of Cancellation.* The Consultant shall provide the City with written notice of any policy cancellation, within two business days of their receipt of such notice.

G. *Failure to Maintain Insurance.* Failure on the part of the Consultant to maintain the insurance as required shall constitute a material breach of contract, upon which the City may, after giving five business days' notice to the Consultant to correct the breach, immediately terminate the contract or, at its discretion, procure or renew such insurance and pay any and all premiums in connection therewith, with any sums so expended to be repaid to the City on demand, or at the sole discretion of the City, offset against funds due the Consultant from the City.

H. *No Limitation.* Consultant's maintenance of insurance as required by the agreement shall not be construed to limit the liability of the Consultant to the coverage

provided by such insurance, or otherwise limit the City's recourse to any remedy available at law or in equity.

8. Record Keeping and Reporting.

A. The Consultant shall maintain accounts and records, including personnel, property, financial, and programmatic records, which sufficiently and properly reflect all direct and indirect costs of any nature expended and services performed pursuant to this Agreement. The Consultant shall also maintain such other records as may be deemed necessary by the City to ensure proper accounting of all funds contributed by the City to the performance of this Agreement.

B. The foregoing records shall be maintained for a period of seven (7) years after termination of this Agreement unless permission to destroy them is granted by the Office of the Archivist in accordance with Chapter 40.14 RCW and by the City.

9. City's Right of Inspection and Audit.

A. Even though the Consultant is an independent contractor with the authority to control and direct the performance and details of the work authorized under this Agreement, the work must meet the approval of the City and shall be subject to the City's general right of inspection to secure the satisfactory completion thereof. The Consultant agrees to comply with all federal, state, and municipal laws, rules, and regulations that are now effective or become applicable within the terms of this Agreement to the Consultant's business, equipment, and personnel engaged in operations covered by this Agreement or accruing out of the performance of such operations.

B. The records and documents with respect to all matters covered by this Agreement shall be subject at all times to inspection, review or audit by the City during the performance of this Agreement. All work products, data, studies, worksheets, models, reports, and other materials in support of the performance of the service, work products, or outcomes fulfilling the contractual obligations are the products of the City.

10. Consultant to Maintain Records to Support Independent Contractor Status. On the effective date of this Agreement (or shortly thereafter), the Consultant shall comply with all federal and state laws applicable to independent contractors including, but not limited to the maintenance of a separate set of books and records that reflect all items of income and expenses of the Consultant's business, pursuant to the Revised Code of Washington (RCW) Section 51.08.195, as required to show that the services performed by the Consultant under this Agreement shall not give rise to an employer-employee relationship between the parties which is subject to RCW Title 51, Industrial Insurance.

11. <u>Work Performed at the Consultant's Risk.</u> The Consultant shall take all precautions necessary and shall be responsible for the safety of its employees, agents, and sub-consultants in the performance of the work hereunder and shall utilize all protection necessary for that purpose. All work shall be done at the Consultant's own risk, and the Consultant shall be responsible for any loss of or damage to materials, tools, or other articles used or held by the Consultant for use in connection with the work.

12. <u>Termination</u>.

A. The City reserves the right to terminate or suspend this Agreement at any time, with or without cause, upon seven (7) days' prior written notice. In the event of termination or suspension, all finished or unfinished documents, data, studies, worksheets, models, reports, or other materials prepared by the Consultant pursuant to this Agreement shall promptly be submitted to the City.

B. In the event this Agreement is terminated or suspended, the Consultant shall be entitled to payment for all services performed and reimbursable expenses incurred to the date of termination.

C. This Agreement may be canceled immediately if the Consultant's insurance coverage is canceled for any reason, or if the Consultant is unable to perform the services called for by this Agreement.

D. The Consultant reserves the right to terminate this Agreement with not less than fourteen (14) days written notice, or in the event that outstanding invoices are not paid within sixty (60) days.

E. This provision shall not prevent the City from seeking any legal remedies it may otherwise have for the violation or nonperformance of any provisions of this Agreement.

13. <u>Force Majeure</u>. Notwithstanding anything to the contrary in this Agreement, any prevention, delay or stoppage due to strikes, lockouts, labor disputes, acts of God, acts of war, terrorist acts, inability to obtain services, labor, or materials or reasonable substitutes therefor, governmental actions, governmental laws, regulations or restrictions, civil commotions, Casualty, actual or threatened public health emergency (including, without limitation, epidemic, pandemic, famine, disease, plague, quarantine, and other significant public health risk), governmental edicts, actions, declarations or quarantines by a governmental entity or health organization, breaches in cybersecurity, and other causes beyond the reasonable control of the party obligated to perform, regardless of whether such other causes are (i) foreseeable or unforeseeable or (ii) related to the specifically enumerated events in this paragraph (collectively, a "**Force Majeure**"), shall excuse the performance of such party for a period equal to any such prevention, delay or stoppage. To the extent this Agreement specifies a time period for performance of an obligation of either party, that time period shall be extended by the period of any delay in such party's performance caused by a Force Majeure. Provided however, that the current COVID-19 pandemic shall not be considered a

Force Majeure unless constraints on a Party's performance that result from the pandemic become substantially more onerous after the effective date of this Agreement.

14. Discrimination Prohibited. The Consultant shall not discriminate against any employee, applicant for employment, or any person seeking the services of the Consultant under this Agreement, on the basis of race, color, religion, creed, sex, sexual orientation, age, national origin, marital status, presence of any sensory, mental or physical disability, or other circumstance prohibited by federal, State or local law or ordinance, except for a bona fide occupational qualification.

15. Assignment and Subcontract. The Consultant shall not assign or subcontract any portion of the services contemplated by this Agreement without the prior written consent of the City. Any assignment made without the prior approval of the City is void.

16. Conflict of Interest. The Consultant represents to the City that it has no conflict of interest in performing any of the services set forth in Exhibit "A." In the event that the Consultant is asked to perform services for a project with which it may have a conflict, Consultant will immediately disclose such conflict to the City.

17. Confidentiality. All information regarding the City obtained by the Consultant in performance of this Agreement shall be considered confidential. Breach of confidentiality by the Consultant shall be grounds for immediate termination.

18. Non-Appropriation of Funds. If sufficient funds are not appropriated or allocated for payment under this Agreement for any future fiscal period, the City will so notify the Consultant and shall not be obligated to make payments for services or amounts incurred after the end of the current fiscal period. This Agreement will terminate upon the completion of all remaining services for which funds are allocated. No penalty or expense shall accrue to the City in the event that the terms of the provision are effectuated.

19. Employment of State Retirees. The City is a "DRS-covered employer" which is an organization that employs one or more members of any retirement system administered by the Washington State Department of Retirement Systems (DRS). Pursuant to RCW 41.50.139(1) and WAC 415-02-325(1), the City is required to elicit on a written form if any of the Consultant's employees providing services to the City retired using the 2008 Early Retirement Factors (ERFs), or if the Consultant is owned by an individual who retired using the 2008 ERFs, and whether the nature of the service and compensation would result in a retirement benefit being suspended. Failure to make this determination exposes the City to significant liability for pension overpayments. As a result, before commencing work under this Agreement, Consultant shall determine whether any of its employees providing services to the City or any of the Consultant's owners retired using the 2008 ERFs, and shall immediately notify the City and shall promptly complete the form provided by the City after this notification is made. This notification to DRS could impact the payment of retirement benefits to employees and owners of Consultant. Consultant shall indemnify, defend, and hold harmless the City from any and all claims, damages, or other liability, including attorneys' fees and costs, relating to a claim by DRS of a pension

overpayment caused by or resulting from Consultant's failure to comply with the terms of this provision. This provision shall survive termination of this Agreement.

20. **Entire Agreement**. This Agreement contains the entire agreement between the parties, and no other agreements, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or bind either of the parties. If there is a conflict between the terms and conditions of this Agreement and the attached exhibits, then the terms and conditions of this Agreement shall prevail over the exhibits. Either party may request changes to the Agreement. Changes which are mutually agreed upon shall be incorporated by written amendments to this Agreement.

21. **Notices**. All notices or other communications required or permitted under this Agreement shall be in writing and shall be (a) personally delivered, in which case the notice or communication shall be deemed given on the date of receipt at the office of the addressee; (b) sent by registered or certified mail, postage prepaid, return receipt requested, in which case the notice or communication shall be deemed given three (3) business days after the date of deposit in the United States mail; or (c) sent by overnight delivery using a nationally recognized overnight courier service, in which case the notice or communication shall be deemed given one business day after the date of deposit with such courier. In addition, all notices shall also be emailed, however, email does not substitute for an official notice. Notices shall be sent to the following addresses:

Notices to the City of Kenmore shall be sent to the following address:

City Clerk
City of Kenmore
18120 68th Ave. NE
Kenmore, Washington 98028-0607

Notices to the Consultant shall be sent to the following address:

Chanin Kelly-Rae
10407 29th Ave, SE, Everett, WA 98208
Phone No.: 425.354.8257
Email: grow@chaninkellyrae.com

22. **Applicable Law; Venue; Attorneys' Fees**. This Agreement shall be governed by and construed in accordance with the laws of the State of Washington. In the event any suit, arbitration or other proceeding is instituted to enforce any term of this Agreement, the parties specifically understand and agree that venue shall be exclusively in King County, Washington. The prevailing party in any such action shall be entitled to its attorneys' fees and costs of suit, which shall be fixed by the judge hearing the case and such fee shall be included in the judgment.

23. **Compliance with Laws.** The Vendor agrees to comply with all federal, state, and municipal laws, rules, and regulations that are now effective or in the future become applicable to Vendor's business, equipment, and personnel engaged in operations covered by this Agreement or

accruing out of the performance of those operations.

24. **Counterparts.** This Agreement may be executed in any number of counterparts, each of which shall constitute an original, and all of which will together constitute this one Agreement.

25. **Severability.** Any provision or part of this Agreement held to be void or unenforceable under any law or regulation shall be deemed stricken and all remaining provisions shall continue to be valid and binding upon the City and the Consultant, who agree that the Agreement shall be reformed to replace such stricken provision or part with a valid and enforceable provision that comes as close as reasonably possible to expressing the intent of the stricken provision.

IN WITNESS WHEREOF, the City and the Consultant have executed this Agreement as of the dates listed below.

CONSULTANT

Signature: _____

Name: Chanin Kelly-Rae
Title: Chanin Kelly-Rae Consulting, CEO

Date: 3/7/2023

CITY OF KENMORE

Signature: _____

Name: Rob Karlinsey
Title: City Manager

Date: _____

APPROVED AS TO FORM

_____
Kenmore City Attorney's Office

EXHIBIT A

<u>Scope of Services to be Provided by Consultant</u>. The Consultant shall furnish services including, but not limited to, the following outlined here or attached separately.

The parties acknowledge that Contract 21-2713 has concluded and the deliverables identified in Ex. A have been completed. The parties desire to enter into this Contract for Professional Services for those services and deliverables identified in the attached Scope of Services entitled, "2023 Consultation for Diversity, Equity and Inclusion Initiative – Kenmore Scope of Services".

GENERAL SCOPE OF WORK:

Professional Consultation Services Retainer – 15 hours per month billed at the rate of $325 per hour. Includes services for communication in-person, through virtual modalities, email, telephone communication, and other methods of transmission of service.

Services that are included in consulting hours: (1) Development and delivery of 5-Year DEIA Road map, (3) planning and facilitation of DEIA Advisory Committee meetings, (3) DEIA Advisory Committee virtual meeting host. (4) Provide high level insight (no report deliverable) and diversity management expert advice [providing objectivity, offering constructive criticism, and helping clients process DEIA strengths, weaknesses, opportunities, and threats to either the organization or end users]. (5) Consulting hours are to help a client gain better understanding and insight into Diversity, Equity, Inclusion, and Belonging opportunities, and best operationalize DEIA change management. (6) Presentations to Kenmore City Council to Update on progress-to-goal of 5-Year DEIA Roadmap.

Excluded services are those that would result in the creation of data dashboards, DEIA assessment activities, new policy development, program assessments, training (development or delivery), detailed analysis and insight reports, outreach and engagement activities, listening sessions, surveys, unrelated/new event hosting/convening, detailed survey analysis and insight reporting, etc.

Consultation hours cannot be used for services billed on a *fee for service basis.*

NOTE: When scheduling consultant hours, please be advised that cancellation of time must occur *and be received by consultant* no less than three (3) business days prior to the engagement, and must be done in writing. Failure to comply with this policy will result in client being billed for all time scheduled whether used or not. Time that is missed because of failure to comply with this policy cannot be transferred or rescheduled to recover payment. Time cannot be carried over to subsequent months.

Fee: $325 per hour

EXHIBIT B

Rates for Services to be Provided by Consultant. The Consultant shall furnish the services in accordance with the rates specified below or attached hereto, as Exhibit B.

The Chanin Kelly-Rae Consulting shall furnish the services at the rates set forth below, which shall not exceed **$24,475.00**. No additional charges for postage, telephone, copies or mileage.

Retainer Agreement:
Monthly Fee Minimum: 15 hours per month billed at $325/hour ($4,895.00 per month).
All additional hours billed at the hourly rate of $325 per hour.

Months billed under retainer are for March 2023-July 2023.

EXHIBIT C

City of Kenmore
Billing Invoice

To: City of Kenmore
18120 68th Ave. NE
Kenmore, Washington 98028
Phone: (425) 398-8900
Fax: (425) 481-3236

Invoice Number: _____ Date of Invoice: _____

Consultant: _____

Mailing Address: _____

_____

Telephone: ( ) _____

Contract Period: _____ Reporting Period: _____

Amount requested this invoice: $_____

Attach itemized description of services provided.

Specific Program/Project: _____

_____
Authorized signature

For Department Use Only

BUDGET SUMMARY

Total contract amount	$_____
Previous payments	$_____
Current request	$_____
Balance remaining	$_____

Approved for Payment by: _____ Date: _____

Authorized Signature (Required)_____

EXHIBIT D

Form **W-9**
(Rev. October 2018)
Department of the Treasury
Internal Revenue Service

Request for Taxpayer Identification Number and Certification

▸ Go to *www.irs.gov/FormW9* for instructions and the latest information.

Give Form to the requester. Do not send to the IRS.

Print or type.
See **Specific Instructions** on page 3.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.

2 Business name/disregarded entity name, if different from above

3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only **one** of the following seven boxes.

Individual/sole proprietor or single-member LLC | C Corporation | S Corporation | Partnership | Trust/estate

Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ▸

Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is **not** disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.

Other (see instructions) ▸

4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):

Exempt payee code (if any)

Exemption from FATCA reporting code (if any) _____

(Applies to accounts maintained outside the U.S.)

5 Address (number, street, and apt. or suite no.) See instructions.

Requester's name and address (optional)

6 City, state, and ZIP code

7 List account number(s) here (optional)

Part I **Taxpayer Identification Number (TIN)**

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN,* later.

Social security number

			–			–				

or

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Employer identification number

		–							

Part II **Certification**

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here | **Signature of U.S. person ▸** | **Date ▸**

GeneralInstructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to *www.irs.gov/FormW9.*

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)
- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, *later*

City Council Business Agenda Item
City of Kenmore, WA

Subject/Topic: Public Hearing regarding Ordinance 23-0575 amending and extending interim regulations for an additional six-months for certain parcels close to Swamp Creek in proximity to SR522 and 80th Ave NE **Proposed Council Action/Motion:** Following conclusion of the Public Hearing and Council discussion. Motion to adopt Ordinance 23-0575 to amend and extend interim regulations for an additional six-months for certain parcels close to Swamp Creek in proximity to SR522 and 80th Ave NE, and as further identified in Ord. 23-0575.	**For Council Meeting Agenda of:** 3/13/23 **Department:** Community Development **Prepared by:** Debbie Bent, Community Development Director **Initial & Date** **Approved by Department Head:** DB 2/24/23 **Approved by City Attorney:** email DR 2/23/23 **Approved by Finance Director:** N/A **Approved by City Manager:** **RK 2/24/23** **Exhibits/Attachments:** 1) Ordinance 23-0575 (includes Exhibit B) 2) Ordinance 23-0569 3) Ordinance 22-0555 4) Ordinance 22-0543

INFORMATION/BACKGROUND: A Public Hearing is scheduled for 3/13/23 to receive public testimony on Ordinance 23-0575 (see Attachment #1) amending and extending interim regulations for an additional six-months to apply to certain parcels close to Swamp Creek (See Exhibit B to Attachment 1). The interim regulations prohibit townhome development, and for properties that do not choose to develop under the TOD provisions they must meet the base density of the underlying zone and include at least 25% of the total number of units as affordable units.

Ordinance 23-0575 states the findings and justification for extending and amending the interim regulations. The findings include Council direction given 11/28/22 for staff to conduct a channel restoration assessment of Swamp Creek that will determine where channel restoration would provide the most ecological benefit. Results of the assessment would also include potential options for new regulations for the area close to Swamp Creek that would incentivize or further facilitate Swamp Creek channel restoration.

Background: The interim regulations were adopted 2/14/22 by Ordinance 22-0543 (Attachment #4) and were set to expire 8/14/22. The purpose of interim regulations was to provide additional time for the Planning Commission to consider regulations for the Transit Oriented Development (TOD) District Overlay area. Ordinance 22-0555 was adopted 7/25/22 (Attachment #3), which amended Ordinance 22-0543 to renew and extend the interim regulations for an additional six-month period through 1/25/23. Ordinance 23-0569 was adopted 1/9/23 (Attachment #2) to renew and extend the interim regulations for an additional six-month period through 7/25/23. The purpose was to provide additional time for the City Council to complete its consideration and potential adoption of an ordinance implementing the TOD district regulations.

On 11/21/22 the Planning Commission presented recommendations to Council on proposed TOD recommendations. At the 11/28/22 Council meeting Council gave direction to move forward with an ordinance for TOD regulations except for a "carve out" area for certain parcels close to Swamp Creek. The "carve out" area is the area where interim regulations (Ordinance 23-0575, Attachment #1) will apply pending completion of a channel restoration assessment of Swamp Creek that will determine where channel restoration would provide the most ecological benefit. Results of the assessment would also include potential options for new regulations for the "carve out" area that would incentivize or further facilitate Swamp Creek channel restoration. On 2/13/23 Council confirmed which certain proposed new TOD amendments should or should not apply on applicable regulations for the "carve out" area.

FISCAL CONSIDERATION: Staff time to complete a channel restoration assessment of Swamp Creek and develop options for new regulations.

COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:
2023-2024 Council Priorities: #9 foster community engagement and participation

CITY OF KENMORE
WASHINGTON

ORDINANCE NO. 23-0575

AN ORDINANCE OF THE CITY OF KENMORE, WASHINGTON, AMENDING ORDINANCE 22-0543, AS AMENDED BY ORDINANCE 22-0555 AND ORDINANCE 22-0569, TO EXTEND AND RENEW FOR AN ADDITIONAL SIX-MONTH PERIOD THE CITY'S INTERIM REGULATIONS, AND AMENDING SECTION 18.29.020 AND FIGURE 18.29.020.1 OF THE KENMORE MUNICIPAL CODE TO REDUCE THE AREA OF THE TRANSIT ORIENTED DEVELOPMENT (TOD) DISTRICT OVERLAY TO CERTAIN REAL PROPERTIES IDENTIFIED BY THE FOLLOWING TAX PARCEL (TPN): TPN 086650-0000, TPN 670540-0000, TPN 182260-0000, TPN 011410-0841, TPN 011410-0843, TPN 011410-0850, TPN 011410-0855, TPN 011410-0860, TPN 011410-0865, TPN 011410-0885, TPN 011410-0870, TPN 011410-0881, TPN 011410-0889; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City Council adopted Ordinance 15-0406, which established the Transit Oriented Development (TOD) District Overlay, which is codified at Chapter 18.29 of the Kenmore Municipal Code (KMC); and

WHEREAS, the purpose of the TOD District Overlay is to reinforce the City's planned concentrations of pedestrian-oriented mixed-use development at intensities that support and are supported by multi-modal transportation options, including high-capacity transit; and

WHEREAS, the City has directed the Planning Commission to review the City's TOD District Overlay regulations as part of the State-mandated Comprehensive Plan update; and

WHEREAS, the City became aware of the potential of lower density projects within the TOD District Overlay area, which would interfere with the City's intended planning for the TOD District Overlay area; and

WHEREAS, on August 16, 2021, the City Council adopted public emergency Ordinance 21-0533 that established an effective date for a six-month moratorium to and through February 16, 2022 to give the Planning Commission sufficient time to hold a hearing, complete planning for the TOD District Overlay area, and provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay; and

WHEREAS, on September 27, 2021, following a public hearing held by the City Council on the six-month moratorium, the Council adopted Ordinance 21-0535 amending Section 2 of Ordinance 21-0533 to allow an additional exemption for building permit applications for or the construction of transitional housing or permanent supportive housing or building permit application for or the construction of indoor emergency housing; and

WHEREAS, on February 14, 2022, following a public hearing held by the City Council on the moratorium and interim regulations, the Council repealed the moratorium (Ordinance 21-0533 and Ordinance 21-0535) and immediately adopted interim regulations (Ordinance 22-0543) allowing certain development applications at appropriate densities within the TOD District Overlay consistent with the City's long-range planning, prior to completion of the City's regulatory review process; and

WHEREAS, on July 25, 2022, following a public hearing, the City Council adopted Ordinance 22-0555 extending and renewing interim regulations adopted by Ordinance 22-0543 for a further six-month period through January 25, 2023 to provide additional time for the Planning Commission to hold a public hearing, complete planning for the TOD District Overlay area, provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay and for Council to consider the recommendation; and

WHEREAS, on October 18, 2022, the Planning Commission held a public hearing regarding a proposed regulatory framework for the TOD District Overlay; and

WHEREAS, on November 21, 2022, the Planning Commission presented recommendations to the City Council regarding a proposed regulatory framework for the TOD District Overlay; and

WHEREAS, on November 28, 2022 the City Council gave direction on the proposed regulatory framework for the TOD District Overlay and requested consideration of an ordinance at a future meeting; and

WHEREAS, on November 28, 2022 the City Council gave direction to "carve out" certain parcels close to Swamp Creek in proximity to SR522 and 80th Ave NE from the proposed regulatory framework and thereby reduce the area applicable to the TOD District Overlay pending completion of a channel restoration assessment of Swamp Creek to determine where channel restoration would provide the most ecological benefit and options for new regulations for the "carve out" area to incentivize Swamp Creek channel restoration; and

WHEREAS, on January 9, 2023, following a public hearing the City Council adopted Ordinance 23-0569 extending and renewing interim regulations adopted by Ordinance 22-0543, as renewed by Ordinance 22-0555 for a further six-month period through July 25, 2023 to provide additional time for the City Council to consider adoption of an ordinance for the TOD regulatory framework; and

WHEREAS, on February 13, 2023, Council gave direction and confirmed which certain proposed new TOD amendments should or should not apply on applicable regulations for the reduced TOD "carve out" area; and

WHEREAS, on March 13, 2023, the City Council will be considering adoption of Ordinance 23-0574 adopting municipal code and zoning map amendments related to a Transit-Oriented Development regulatory framework; and

WHEREAS, on March 13, 2023, the City Council held a public hearing on the proposed six-month extension and renewal of the City's interim regulations authorized and imposed by Ordinance 22-0543, as renewed and extended by Ordinance Nos. 22-0555 and 23-0569; and

WHEREAS, additional time is necessary to complete a channel restoration assessment of Swamp Creek including for the reduced TOD "carve out" area for those certain parcels close to Swamp Creek in proximity to SR522 and 80th Ave NE and also to give Council sufficient time to consider and potentially adopt an ordinance and new regulations to incentivize Swamp Creek channel restoration; and

WHEREAS, the City Council desires to amend the interim regulations established by Ord. 22-0543, and as codified at Section 18.29.020 and Figure 18.29.020.1 of the Kenmore Municipal Code, to reduce the area of the Transit Oriented Development (TOD) District Overlay to the following real properties, identified by Tax Parcel Number and address:

1. TPN 086650-0000, 17915 80th Ave NE, Kenmore, WA 98028
2. TPN 670540-0000, 17827 80th Ave NE, Kenmore, WA 98028
3. TPN 182260-0000, 17811 80th Ave NE, Kenmore, WA 98028
4. TPN 011410-0841, 17721 80th Ave NE, Kenmore, WA 98028
5. TPN 011410-0843, 17715 80th Ave NE, Kenmore, WA 98028
6. TPN 011410-0850, 17525 80th Ave NE, Kenmore, WA 98028
7. TPN 011410-0855, 7900 NE Bothell Way, Kenmore, WA 98028
8. TPN 011410-0860, 7850 NE Bothell Way, Kenmore, WA 98028
9. TPN 011410-0865, 7800 NE Bothell Way, Kenmore, WA 98028
10. TPN 011410-0885, 7750 NE Bothell Way, Kenmore, WA 98028
11. TPN 011410-0870, 7760 NE Bothell Way, Kenmore, WA 98028
12. TPN 011410-0881, 7638 NE Bothell Way, Kenmore, WA 98028
13. TPN 011410-0889, 7644 NE Bothell Way, Kenmore, WA 98028

WHEREAS, the regulations of zoning and land use are valid exercises of the City's police powers under Art. XI, Sec. 11 of the Washington State Constitution, and such police powers grant the City the authority to adopt interim regulations; and

WHEREAS, RCW 35A.63.220 and RCW 36.70A.390 authorize the City Council, as the governing body, to renew and extend interim regulations on development or land use for one or more six-month periods if a subsequent hearing is held and findings of fact are made prior to said extension and renewal; and

WHEREAS, the City Council has determined that it is in the best interest of the public, and is necessary for the protection of public health, safety, property, or peace, to extend and renew for

an additional six-month period the interim regulations established in Ordinance 22-0543, as extended and renewed by Ordinance Nos. 22-0555 and 23-0569;

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

Section 1. Findings of Fact in Support of Renewal and Extension. The City Council adopts the recitals set forth above and in Ordinance Nos. 22-0543, 22-0555 and 23-0569, which are incorporated herein by reference, as findings of fact in support of the extension and renewal of interim regulations.

Section 2. Amendment. The City Council amends Section 3 of Ordinance 22-0543 to read as follows:

> Section 3. Interim Regulations.
>
> A. Adoption. Pursuant to the City's police powers under Article XI, Section 11 of the Washington State Constitution, RCW 35A.63.220, and RCW 36.70A.390, interim regulations are hereby adopted and imposed on the application for, intake of, review of, or issuance of any approval and/or development permit, including, but not limited to, building permits, site plan review, etc., for the establishment, location and/or construction of any development on certain real properties identified by the following Tax Parcel Numbers (TPN) and addresses:
>
> 1. TPN 086650-0000, 17915 80th Ave NE, Kenmore, WA 98028
> 2. TPN 670540-0000, 17827 80th Ave NE, Kenmore, WA 98028
> 3. TPN 182260-0000, 17811 80th Ave NE, Kenmore, WA 98028
> 4. TPN 011410-0841, 17721 80th Ave NE, Kenmore, WA 98028
> 5. TPN 011410-0843, 17715 80th Ave NE, Kenmore, WA 98028
> 6. TPN 011410-0850, 17525 80th Ave NE, Kenmore, WA 98028
> 7. TPN 011410-0855, 7900 NE Bothell Way, Kenmore, WA 98028
> 8. TPN 011410-0860, 7850 NE Bothell Way, Kenmore, WA 98028
> 9. TPN 011410-0865, 7800 NE Bothell Way, Kenmore, WA 98028
> 10. TPN 011410-0885, 7750 NE Bothell Way, Kenmore, WA 98028
> 11. TPN 011410-0870, 7760 NE Bothell Way, Kenmore, WA 98028
> 12. TPN 011410-0881, 7638 NE Bothell Way, Kenmore, WA 98028

13. TPN 011410-0889, 7644 NE Bothell Way, Kenmore, WA 98028

(collectively, the "Parcels"), located within the Transit Oriented Development (TOD) District Overlay area, as shown and depicted in KMC 18.29.020 (as revised in Section 3.D of this Ordinance). The term "development" means the same as defined in KMC 18.20.715. The term "development permit" means the same as defined in KMC 18.20.735.

B. Exemptions. The interim regulations adopted by this Ordinance only apply to new development permit applications.

C. Adopted Interim Regulations: Interim regulations for the TOD District Overlay adopted and imposed pursuant to Section 3.A are set forth in Exhibit A, attached hereto and incorporated by reference.

D. Amending Interim Regulations. The interim regulations adopted and imposed by Ordinance No. 22-0543, and as codified at Chapter 18.29 of the Kenmore Municipal Code (KMC), are amended as follows: Exhibit A to Ordinance No. 22-0543, KMC 18.29.020 "Area" is amended by replacing Figure 18.29.020.1 with new Figure 18.29.020.1 as set forth in Exhibit B, attached hereto and incorporated by reference, which include the Parcels identified in Section 3.A.

Section 3. Six-Month Extension and Renewal of Interim Regulations. Section 4 of Ordinance 22-0543, as amended by Ordinance Nos. 22-0555 and 23-0569, is further amended to read as follows:

Section 4. Duration. The interim regulations established by Ordinance 22-0543, as renewed and extended by Ordinance Nos. 22-0555 and 23-0569, and as amended by Section 3.D of this Ordinance, shall be extended and renewed for an additional period of six (6) months from the adoption date of this Ordinance, March 13, 2023 ~~January 25, 2023~~ (to and through September 13, 2023~~July 25, 2023~~), and shall automatically expire at the end of that day unless repealed, modified, or renewed and extended (after subsequent public hearing if renewed and extended), and entry of appropriate findings of fact as provided in RCW 35A.63.220 and RCW 36.70A.390.

Section 4. Authorization of City Manager. The City Manager is hereby authorized and directed to complete a channel restoration assessment of Swamp Creek that includes the area within the TOD District Boundary, Exhibit B attached to this ordinance and to move forward and bring an ordinance for new regulations to incentivize Swamp Creek Channel restoration to the City Council for consideration and potential adoption.

Section 5. Transmittal of Ordinance. The City Manager is directed to transmit this ordinance to the Washington State Department of Commerce as required by law.

Section 6. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, the remainder of the ordinance, or the application of the provision to other persons or circumstances, is not affected.

Section 7. Effective Date. This Ordinance shall be published in the official newspaper of the City and shall take effect and be in full force (5) days after the date of publication.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 13th DAY OF MARCH 2023.

CITY OF KENMORE

_____
Mayor Nigel Herbig

ATTEST/AUTHENTICATED:

_____
Michelle Kang, Deputy City Clerk

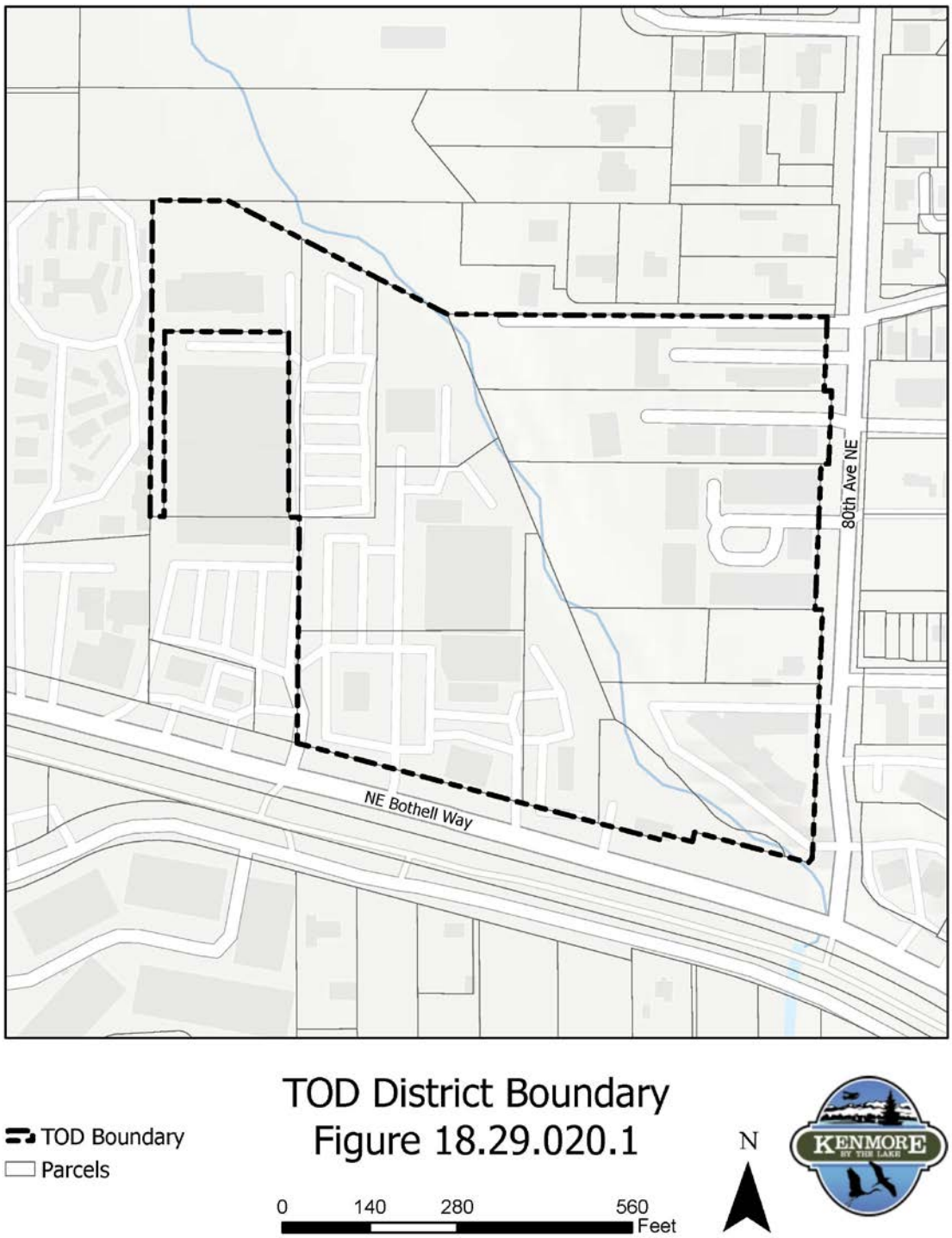
Approved as to form:

_____
Dawn Reitan, City Attorney

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL: MARCH 13, 2023
ORDINANCE NO.: 23-0575
DATE OF PUBLICATION:
EFFECTIVE DATE:

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.



CITY OF KENMORE
WASHINGTON

ORDINANCE NO. 23-0569

AN ORDINANCE OF THE CITY OF KENMORE, WASHINGTON, AMENDING ORDINANCE 22-0543, AS AMENDED BY ORDINANCE 22-0555, TO EXTEND AND RENEW FOR AN ADDITIONAL SIX-MONTH PERIOD THE CITY'S INTERIM REGULATIONS WITHIN THE TRANSIT OVERLAY DEVELOPMENT (TOD) DISTRICT; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City Council adopted Ordinance 15-0406, which established the Transit Oriented Development (TOD) District Overlay, which is codified at Chapter 18.29 of the Kenmore Municipal Code (KMC); and

WHEREAS, the purpose of the TOD District Overlay is to reinforce the City's planned concentrations of pedestrian-oriented mixed-use development at intensities that support and are supported by multi-modal transportation options, including high-capacity transit; and

WHEREAS, the City has directed the Planning Commission to review the City's TOD District Overlay regulations as part of the State-mandated Comprehensive Plan update; and

WHEREAS, the City became aware of the potential of lower density projects within the TOD District Overlay area, which would interfere with the City's intended planning for the TOD District Overlay area; and

WHEREAS, on August 16, 2021, the City Council adopted public emergency Ordinance 21-0533 that established an effective date for a six-month moratorium to and through February 16, 2022 to give the Planning Commission sufficient time to hold a hearing, complete planning for the TOD District Overlay area, and provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay; and

WHEREAS, on September 27, 2021, following a public hearing held by the City Council on the six-month moratorium, the Council adopted Ordinance 21-0535 amending Section 2 of Ordinance 21-0533 to allow an additional exemption for building permit applications for or the construction of transitional housing or permanent supportive housing or building permit application for or the construction of indoor emergency housing; and

WHEREAS, on February 14, 2022, following a public hearing held by the City Council on the moratorium and interim regulations, the Council repealed the moratorium (Ordinance 21-0533 and Ordinance 21-0535) and immediately adopted interim regulations (Ordinance 22-0543) allowing certain development applications at appropriate densities within the TOD District Overlay consistent with the City's long-range planning, prior to completion of the City's regulatory review process; and

WHEREAS, on July 25, 2022, following a public hearing, the City Council adopted Ordinance 22-0555 extending and renewing interim regulations adopted by Ordinance 22-0543 for a further six-month period through January 25, 2023 to provide additional time for the Planning Commission to hold a public hearing, complete planning for the TOD District Overlay area, provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay and for Council to consider the recommendation; and

WHEREAS, on October 18, 2022 the Planning Commission held a public hearing regarding a proposed regulatory framework for the TOD District Overlay; and

WHEREAS, on November 21, 2022 the Planning Commission presented recommendations to the City Council regarding a proposed regulatory framework for the TOD District Overlay; and

WHEREAS, on November 28, 2022 the City Council gave direction on the proposed regulatory framework for the TOD District Overlay and requested consideration of an ordinance at a future meeting; and

WHEREAS, additional time is necessary for an ordinance to be drafted reflecting Council's direction on the proposed regulatory framework for the TOD District Overlay, and to give Council sufficient time to consider and potentially adopt such an ordinance; and

WHEREAS, the regulations of zoning and land use are valid exercises of the City's police powers under Art. XI, Sec. 11 of the Washington State Constitution, and such police powers grant the City the authority to adopt interim regulations; and

WHEREAS, RCW 35A.63.220 and RCW 36.70A.39O authorize the City Council, as the governing body, to renew and extend interim regulations on development or land use for one or more six—month periods if a subsequent hearing is held and findings of fact are made prior to said extension and renewal; and

WHEREAS, on January 9, 2023 the City Council held a public hearing on the proposed six—month extension and renewal of the City's interim regulations authorized and imposed by Ordinance 22-0543, as renewed and extended by Ordinance 22-0555; and

WHEREAS, the City Council has determined that it is in the best interest of the public, and is necessary for the protection of public health, safety, property, or peace, to extend and renew for an additional six-month period the interim regulations established in Ordinance 22-0543, as extended and renewed by Ordinance 22-0555;

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

Section 1. Findings of Fact in Support of Renewal and Extension. The City Council adopts the recitals set forth above and in Ordinance Nos. 22-0543 and 22-0555, which are incorporated herein by reference, as findings of fact in support of the extension and renewal of interim regulations adopted under Ordinance 22-0543, as amended by Ordinance 22-0555, for an additional six-month period.

Section 2. Six-Month Extension and Renewal of Interim Regulations. Section 4 of Ordinance 22-0543, as amended by Ordinance 22-0555, is further amended to read as follows:

> Section 4. Duration. The interim regulations established by Ordinance 22-0543, as renewed and extended by Ordinance 22-0555, shall be extended and renewed for an additional period of six (6) months from January 25, 2023 (to and through July 25, 2023), and shall automatically expire at the end of that day unless repealed, modified, or renewed and extended (after subsequent public hearing if renewed and extended), and entry of appropriate findings of fact as provided in RCW 35A.63.220 and RCW 36.70A.390.

Section 3. Authorization of City Manager. The City Manager is hereby authorized and directed to move forward and bring an ordinance relating to the proposed TOD regulatory framework to the City Council for consideration and potential adoption.

Section 4. Transmittal of Ordinance. The City Manager is directed to transmit this ordinance to the Washington State Department of Commerce as required by law.

Section 5. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, the remainder of the ordinance, or the application of the provision to other persons or circumstances, is not affected.

Section 6. Effective Date. This Ordinance shall be published in the official newspaper of the City and shall take effect and be in full force (5) days after the date of publication.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 9th DAY OF JANUARY 2023.

CITY OF KENMORE

Nigel Herbig (Jan 10, 2023 17:12 PST)

Mayor Nigel Herbig

ATTEST/AUTHENTICATED:

Michelle Kang (Jan 10, 2023 16:33 PST)

Michelle Kang, Deputy City Clerk

Approved as to form:

Dawn Reitan (Jan 11, 2023 10:54 PST)

Dawn Reitan, City Attorney

FILED WITH THE CITY CLERK: 12/29/2022
PASSED BY THE CITY COUNCIL: JANUARY 9, 2023
ORDINANCE NO.: 23-0569
DATE OF PUBLICATION: 01/13/2023
EFFECTIVE DATE: 01/18/2023

Ordinance No. 23-0569 Extending and Renewing TOD Interim Regulations

Final Audit Report 2023-01-11

Created:	2023-01-11
By:	Michelle Kang (mkang@kenmorewa.gov)
Status:	Signed
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"Ordinance No. 23-0569 Extending and Renewing TOD Interim Regulations" History

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Signer nherbig@kenmorewa.gov entered name at signing as Nigel Herbig
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CITY OF KENMORE
WASHINGTON

ORDINANCE NO. 22-0555

AN ORDINANCE OF THE CITY OF KENMORE, WASHINGTON, AMENDING ORDINANCE 22-0543 TO EXTEND AND RENEW FOR AN ADDITIONAL SIX-MONTH PERIOD THE CITY'S INTERIM REGULATIONS WITHIN THE TRANSIT OVERLAY DEVELOPMENT (TOD) DISTRICT; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City Council adopted Ordinance 15-0406, which established the Transit Oriented Development (TOD) District Overlay, which is codified at Chapter 18.29 of the Kenmore Municipal Code (KMC); and

WHEREAS, the purpose of the TOD District Overlay is to reinforce the City's planned concentrations of pedestrian-oriented mixed-use development at intensities that support and are supported by multi-modal transportation options, including high-capacity transit; and

WHEREAS, the City has directed the Planning Commission to review the City's TOD District Overlay regulations as part of the State-mandated Comprehensive Plan update; and

WHEREAS, the City became aware of the potential of lower density projects within the TOD District Overlay area, which would interfere with the City's intended planning for the TOD District Overlay area; and

WHEREAS, on August 16, 2021, the City Council adopted public emergency Ordinance 21-0533 that established an effective date for a six-month moratorium to and through February 16, 2022 to give the Planning Commission sufficient time to hold a hearing, complete planning for the TOD District Overlay area, and provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay; and

WHEREAS, on September 27, 2021, following a public hearing held by the City Council on the six-month moratorium, the Council adopted Ordinance 21-0535 amending Section 2 of Ordinance 21-0533 to allow an additional exemption for building permit applications for or the construction of transitional housing or permanent supportive housing or building permit application for or the construction of indoor emergency housing; and

WHEREAS, on February 14, 2022, following a public hearing held by the City Council on the moratorium and interim regulations, the Council repealed the moratorium (Ordinance 21-0533 and Ordinance 21-0535) and immediately adopted interim regulations (Ordinance 22-0543) allowing certain development applications at appropriate densities within the TOD District Overlay consistent with the City's long-range planning, prior to completion of the City's regulatory review process; and

WHEREAS, additional time is necessary for the Planning Commission to hold a public hearing, complete planning for the TOD District Overlay area, provide recommendations to the

City Council regarding the appropriate regulatory framework for the TOD District Overlay and for Council to consider the recommendation; and

WHEREAS, the regulations of zoning and land use are valid exercises of the City's police powers under Art. XI, Sec. 11 of the Washington State Constitution, and such police powers grant the City the authority to adopt interim regulations; and

WHEREAS, RCW 35A.63.220 and RCW 36.70A.39O authorize the City Council, as the governing body, to renew and extend interim regulations on development or land use for one or more six—month periods if a subsequent hearing is held and findings of fact are made prior to said extension and renewal; and

WHEREAS, on July 25, 2022, the City Council held a public hearing on the proposed six—month extension and renewal of the City's interim regulations authorized and imposed by Ordinance 22-0543; and

WHEREAS, the City Council has determined that it is in the best interest of the public, and is necessary for the protection of public health, safety, property, or peace, to extend and renew for an additional six-month period the interim regulations established in Ordinance 22-0543; and

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

Section 1. Findings. The City Council adopts the recitals set forth above and in Ordinance No. 22-0543, which are incorporated herein by reference, as findings in support of the extension and renewal of interim regulations adopted under Ordinance 22-0543 for an additional six-month period.

Section 2. Six-Month Extension and Renewal of Interim Regulations. Section 4 of Ordinance 22-0543 is amended to read as follows:

> Section 4. Duration. The interim regulations established by ~~in Section 3~~ ~~above~~ Ordinance 22-0543 shall be extended and renewed ~~in effect~~ for a period of six (6) months from the effective date of this Ordinance 22-0555 (to and through ~~September 14, 2022~~ January 25, 2023) and shall automatically expire at the end of that day unless repealed, modified, or extended (after subsequent public hearing if extended), and entry of appropriate findings of fact as provided in RCW 35A.63.220 and RCW 36.70A.390.

Section 3. Authorization of City Manager. The City Manager is hereby authorized and directed to move forward with the Planning Commission's review of appropriate development regulations relating to the TOD District Overlay area, and to bring its recommendation to the City Council for consideration and potential adoption.

Section 4. Transmittal of Ordinance. The City Manager is directed to transmit this ordinance to the Washington State Department of Commerce as required by law.

Section 5. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, the

remainder of the ordinance, or the application of the provision to other persons or circumstances, is not affected.

Section 6. Effective Date. This Ordinance shall be published in the official newspaper of the City and shall take effect and be in full force (5) days after the date of publication.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 25th DAY OF JULY 2022.

CITY OF KENMORE

Nigel Herbig (Jul 27, 2022 12:29 PDT)

Mayor Nigel Herbig

ATTEST/AUTHENTICATED:

Anastasiya Warhol (Jul 27, 2022 14:10 PDT)

Anastasiya Warhol, City Clerk

Approved as to form:

Dawn Reitan (Jul 27, 2022 09:52 PDT)

Dawn Reitan, City Attorney

FILED WITH THE CITY CLERK: 7/15/22
PASSED BY THE CITY COUNCIL: JULY 25, 2022
ORDINANCE NO.: 22-0555
DATE OF PUBLICATION: 7/28/22
EFFECTIVE DATE: 8/2/22

Ordinance 22-0555, Extending Interim Regulations in TOD Area

Final Audit Report 2022-07-27

Created:	2022-07-26
By:	Anastasiya Warhol (awarhol@kenmorewa.gov)
Status:	Signed
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"Ordinance 22-0555, Extending Interim Regulations in TOD Area " History

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Signer nherbig@kenmorewa.gov entered name at signing as Nigel Herbig
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Agreement completed.

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CITY OF KENMORE
WASHINGTON

ORDINANCE NO. 22-0543

AN ORDINANCE OF THE CITY OF KENMORE, WASHINGTON, ADOPTING SIX-MONTH INTERIM REGULATIONS WITHIN THE TRANSIT OVERLAY DEVELOPMENT (TOD) DISTRICT; REPEALING ORDINANCE NOS. 21-0533 AND 21-0535; DECLARING AN EMERGENCY AND ESTABLISHING AN IMMEDIATE EFFECTIVE DATE

WHEREAS, the City Council adopted Ordinance 15-0406, which established the Transit Oriented Development (TOD) District Overlay, which is codified at Chapter 18.29 of the Kenmore Municipal Code (KMC); and

WHEREAS, the purpose of the TOD District Overlay is to reinforce the City's planned concentrations of pedestrian-oriented mixed-use development at intensities that support and are supported by multi-modal transportation options, including high-capacity transit; and

WHEREAS, the City has directed the Planning Commission to review the City's TOD District Overlay regulations as part of the State-mandated Comprehensive Plan update; and

WHEREAS, the City became aware of the potential of lower density projects within the TOD District Overlay area, which would interfere with the City's intended planning for the TOD District Overlay area; and

WHEREAS, on August 16, 2021 the City Council adopted public emergency Ordinance 21-0533 that established an effective date for a six-month moratorium to and through February 16, 2022 to give the Planning Commission sufficient time to hold a hearing, complete planning for the TOD District Overlay area, and provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay; and

WHEREAS, on September 27, 2021 following a public hearing held by the City Council on the six-month moratorium, the Council adopted Ordinance 21-0535 amening Section 2 of Ordinance 21-0533 to allow an additional exemption for building permit applications for or the construction of transitional housing or permanent supportive housing or building permit application for or the construction of indoor emergency housing; and

WHEREAS, additional time is necessary for the Planning Commission to hold a public hearing, complete planning for the TOD District Overlay area, provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay and for Council to consider the recommendation; and

WHEREAS, repeal of the moratorium (Ordinance 21-0533 and Ordinance 21-0535) and immediate adoption of interim regulations allows certain development applications at appropriate densities within the TOD District Overlay consistent with the City's long-range planning, prior to completion of the City's regulatory review process; and

WHEREAS, the City Council deems it to be in the best interest of the public, and necessary for the protection of the public health, safety, property, or peace, to establish immediate interim regulations on the acceptance, review, and approval of permits for the establishment, location, and/or construction of any development within the TOD District Overlay; and

WHEREAS, the regulation of zoning and land use are valid exercises of the City's police powers under Article XI, Section 11 of the Washington State Constitution, and such police powers grant the City Council authority to adopt a moratorium; and

WHEREAS, RCW 35A.63.220 and RCW 36.70A.390 authorize the City Council, as the governing body, to adopt interim regulations on development or land use for six-months; and

WHEREAS, as provided in RCW 35A.63.220 and RCW 36.70A.390, the City Council advertised and held a public hearing on February 14, 2022 to take public testimony and consider adopting further findings justifying the imposition of interim regulations; and

WHEREAS, RCW 35A.13.190 provides that an ordinance may be made effective upon adoption if passed by a majority plus one of the whole membership of the council, and if designated as a public emergency ordinance necessary for the protection of the public health, public safety, public property or public peace; and

WHEREAS, pursuant to RCW 35A.13.190, the City Council finds that this ordinance is a public emergency ordinance necessary for the protection of public health, public safety, public property, or public peace for the reasons set forth herein;

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

Section 1. Findings. The City Council adopts the recitals set forth above, which are incorporated by reference, as findings in support of the interim regulations and declaration of this ordinance as a public emergency ordinance.

Section 2. Repeal of the Moratorium. The City Council hereby repeals Ordinance Nos. 21-0533 and Ordinance 21-0535, which established and amended the six-month moratorium.

Section 3. Interim Regulations.

A. Adoption. Pursuant to the City's police powers under Article XI, Section 11 of the Washington State Constitution, RCW 35A.63.220, and RCW 36.70A.390, interim regulations are hereby adopted and imposed on the application for, intake of, review of, or issuance of any approval and/or development permit, including, but not limited to, building permits, site plan review, etc., for the establishment, location and/or construction of any development within the Transit Oriented Development (TOD) District Overlay area, as shown and depicted in KMC 18.29.020. The term "development" means the same as defined in KMC 18.20.715. The term "development permit" means the same as defined in KMC 18.20.735.

B. Exemptions. The interim regulations adopted by this Ordinance only apply to new development permit applications.

C. Adopted Interim Regulations: Interim regulations for the TOD District Overlay adopted and imposed pursuant to Section 3.A are set forth in Exhibit A, attached hereto and incorporated by reference.

Section 4. Duration. The interim regulations established in Section 3 above shall be in effect for a period of six (6) months from the effective date of this Ordinance (to and through September 14, 2022) and shall automatically expire at the end of that day unless repealed, modified, or extended (after subsequent public hearing if extended), and entry of appropriate findings of fact as provided in RCW 35A.63.220 and RCW 36.70A.390.

Section 5. Authorization of City Manager. The City Manager is hereby authorized and directed to move forward with the Planning Commission's review of appropriate development regulations relating to the TOD District Overlay area, and to bring its recommendation to the City Council for consideration and potential adoption.

Section 6. Transmittal of Ordinance. The City Manager is directed to transmit this ordinance to the Washington State Department of Commerce as required by law.

Section 7. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, the remainder of the ordinance, or the application of the provision to other persons or circumstances, is not affected.

Section 8. Designation of Emergency Ordinance; Immediate Effective Date. Pursuant to RCW 35A.13.190, the City Council declares and designates this ordinance as a public emergency ordinance necessary for the protection of the public health, public safety, public property, or the public peace. Upon adoption of this ordinance by a majority plus one of the whole membership of the council, this ordinance shall take effect and be in full force immediately upon its adoption. Pursuant to Matson v. Clark County Board of Commissioners, 79 Wn. App. 641, 904 P.2d 317 (1995), underlying facts necessary to support this emergency declaration are included in the recitals set forth above, which are adopted by reference.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 14th DAY OF FEBRUARY 2022.

CITY OF KENMORE

Mayor Nigel Herbig

ATTEST/AUTHENTICATED:

Anastasiya Warhol

Anastasiya Warhol (Feb 18, 2022 15:56 PST)

Anastasiya Warhol, City Clerk

Approved as to form:

Dawn Reitan (Feb 15, 2022 13:29 PST)

Dawn Reitan, City Attorney

FILED WITH THE CITY CLERK: 2/10/22
PASSED BY THE CITY COUNCIL: 2/14/22
ORDINANCE NO.: 22-0543
DATE OF PUBLICATION: 2/18/22
EFFECTIVE DATE: 2/14/22

Chapter 18.29
TRANSIT ORIENTED DEVELOPMENT (TOD) DISTRICT OVERLAY

Sections:

18.29.010 Intent.
18.29.020 Area.
18.29.030 Applicability.
18.29.040 Use allowances.
18.29.050 Zoning standards.
18.29.055 Wireless communication facilities.
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.

18.29.010 Intent.

The purpose of the transit oriented development (TOD) district overlay is to reinforce the City's planned concentration of pedestrian-oriented mixed use development at intensities that support and are supported by multi-modal transportation options, including high capacity transit. The TOD district overlay revitalizes the City's core by creating incentives and opportunities for a mix of jobs and residences, cultivates a respectful relationship among development within the district, the natural environment, and nearby traditional neighborhoods, and provides a framework for future infrastructure and service decisions. The TOD district overlay provides public benefits in the form of encouraging housing affordable to all economic groups, increased pedestrian connectivity, quality design, and incentive to preserve significant tree groves where they exist. [Ord. 15-0406 § 1 (Att. A).]

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.

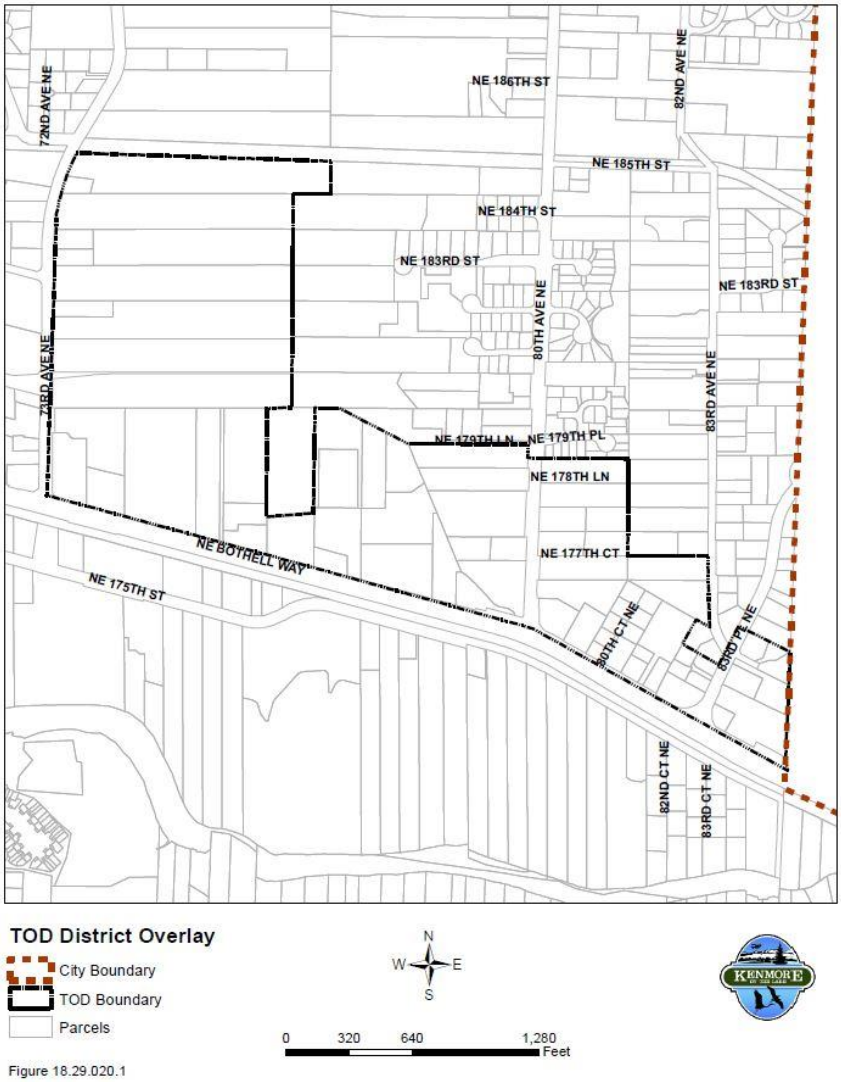

Figure 18.29.020.1

[Ord. 19-0481 § 2 (Att. A); Ord. 15-0406 § 1 (Att. A).]

18.29.030 Applicability.

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

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

1. The property must be located within the TOD district overlay area as described in KMC 18.29.020;

2. The proposed development must either:

a. Be considered a mixed use development as defined in KMC 18.20.1740; or

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

C. Eligible properties within the TOD district overlay that do not choose to develop under the provisions of this chapter shall comply with the provisions of the underlying zone in their entirety with the following exceptions:.

1. In the R-12, R-18, R-24, UC East, and DC zones in the TOD district overlay area, the minimum density for residential development shall be no less than the base density for the underlying zone;

2. Except in the R-1 zone, townhouse development shall be prohibited.

3. At least twenty five percent of the total number of units in the development shall be *low- or very low-income affordable housing units* subject to the standards in KMC Chapter 18.77.

18.29.040 Use allowances.

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

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

Table A – TOD District Overlay Use Allowances

Permitted	Conditionally Permitted	Prohibited
Arts, entertainment, indoor[1,3]	Ambulatory surgery center[2]	Adult entertainment business
Business service, standard[1,3]	Animal kennel/ shelter[2,5]	Air transportation service
Day care	College/ university[2]	Arts, entertainment, outdoor
Eating and drinking place[1]	Fire or police facility[2]	Auction house
Educational service[1]	Laboratory[2]	Automotive sales and service, marine
Health care and social assistance[1,3]	Park	Automotive sales and service, nonmarine

EXHIBIT A

Table A – TOD District Overlay Use Allowances

Permitted	Conditionally Permitted	Prohibited
Manufacturing, light[1,3,5]	Regional land use	Business service, intensive
Mobile food service[4]	Religious institution[2]	Cemetery, columbarium or mausoleum
Multiple-family dwelling[6]	Supportive living facility[2]	Community residential facility
Office[1]		Construction and trade
Personal service[1,3]		Family child-care home
Recreational facility, indoor[1,3]		Funeral home/ crematory
Retail sales[1,3,5]		Hospital
Temporary lodging[1,3]		Manufactured housing community
		Manufacturing, heavy
		Marijuana business
		Recreational facility, outdoor
		Resource land use
		Retail sales, bulk
		Secure facility
		Single detached dwelling unit
		Standalone parking
		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.

[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.

[4] *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.

[5] No *outdoor storage* of materials shall be permitted.

[6] Townhouse development shall be prohibited.

[Ord. 19-0481 § 2 (Exh. A); Ord. 17-0438 § 2 (Att. A); Ord. 16-0426 § 5 (Att. C); Ord. 15-0406 § 1 (Att. A).]

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:

Table B – TOD Overlay District Development Standards

STANDARD	REQUIREMENT
Minimum Density: Dwelling Units/Gross Acre	60[1]
Maximum Density: Dwelling Units/Gross Acre	150[1]
Maximum Height	65'[2]

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

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

[Ord. 15-0406 § 1 (Att. A).]

18.29.055 Wireless communication facilities.

Use allowances and development regulations for *wireless communication facilities* in the TOD district overlay shall be as specified in Chapter 18.60 KMC for the underlying zoning district. [Ord. 16-0426 § 6 (Att. D).]

18.29.060 Affordable housing requirements.

For properties choosing to develop under the TOD district overlay, *development* shall provide affordable housing as described in Chapter 18.77 KMC. *Development* choosing to develop under the TOD district overlay shall not utilize the provisions of residential density incentives found in Chapter 18.80 KMC to achieve maximum densities. [Ord. 19-0481 § 2 (Exh. A); Ord. 15-0406 § 1 (Att. A).]

18.29.070 Parking.

Parking in the TOD district overlay 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. 1.0 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. 1.0 additional parking space per every five market rate dwelling units shall be provided and designated as guest parking for use by all guests.

3. 0.6 parking spaces per dwelling unit for affordable or senior dwelling units.

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

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

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

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.

3. Shared parking among uses is encouraged within the TOD district overlay. Developments that propose shared parking arrangements shall submit a parking management plan as defined in KMC 18.20.1995 that describes the terms and conditions of shared parking arrangements on site.

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

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

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

F. All other parking requirements shall be as provided in Chapter 18.40 KMC. [Ord. 16-0428 § 13 (Att. I); Ord. 15-0406 § 1 (Att. A).]

18.29.080 Design requirements.

Development within the TOD district overlay shall comply with Standard 1 provisions of the downtown design standards, as set forth in Chapter 18.52 KMC.

In addition, the following design requirements shall apply:

A. 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) shall be required to provide an interior ground-level setback of 15 feet on the side of the property facing the single-family zone, unless a larger setback is required in the underlying zone. In that event, the larger of the two setback requirements shall govern. The setback required by this subsection shall be landscaped with Type II landscaping as defined in KMC 18.35.040(B) to provide a visual buffer. [Ord. 15-0406 § 1 (Att. A).]

18.29.090 Connectivity requirements.

The TOD district overlay 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. [Ord. 15-0406 § 1 (Att. A).]

18.29.100 Significant tree grove retention.

A. Definitions.

1. Significant Tree Grove Definition. A “significant tree grove” shall consist of two or more trees with a minimum of five and one-half tree units total. A qualifying tree has two tree units minimum. The maximum distance measured in feet between qualifying trees shall be equal to

two times the critical root zone in order to be defined as a significant tree grove. For example a 24-inch d.b.h. tree must be within 24 feet of another tree in the grove to be included in the significant tree grove. A tree of any size that is topped or considered a “hazard tree” as defined in KMC 18.20.3084 may not qualify as part of a significant tree grove as herein defined. For purposes of this chapter, a significant tree grove may not contain trees that are located within a critical area or critical area buffer protected under Chapter 18.55 KMC. A significant tree grove is not the same as a “grove,” as defined in KMC 18.20.1273.

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

B. Applicability.

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.

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

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

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

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

E. Significant Tree Grove Preservation Requirements.

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

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

3. Subject to Tree Protection Measures of Chapter 18.57 KMC. Significant tree groves protected under this section shall be subject to the tree protection measures during construction found in KMC 18.57.090, the post-construction replacement, financial guarantee, and maintenance requirements of KMC 18.57.100, and the penalties and enforcement of KMC 18.57.110. [Ord. 15-0406 § 1 (Att. A).]

Business of the City Council
City of Kenmore, WA

Subject/Topic: Public Hearing and Consideration of Ordinance 23-0574 Adopting Municipal Code and Zoning Map amendments related to Transit-Oriented Development (TOD)	**For Council Meeting Agenda of:** 3/13/23 **Department:** Community Development **Prepared by:** Debbie Bent, Community Development Director and Lauri Anderson, Principal Planner
Proposed Council Action/Motions: (1) Hold a Public Hearing on Ordinance 23-0574 amending the Kenmore Municipal Code and the Official Kenmore Zoning Map (2) Adopt Ordinance 23-0574 amending the Kenmore Municipal Code and the Official Kenmore Zoning Map	**Initial & Date** **Approved by Department Head:** **DB, 2/24/23** **Approved by City Attorney:** **DR, 2/24/23** **Approved by Finance Director:** N/A **Approved by City Manager:** **RK, 3/3/23** **Exhibits/Attachments:** Attachment 1: Proposed Ordinance 23-0574

At your November 28, 2022 City Council meeting, Council directed staff to prepare an ordinance making the proposed TOD amendments effective in areas outside a "carve-out" of parcels near Swamp Creek. Council also requested a modification to the recommendations that would require nonresidential uses on the ground floor of developments with street frontage in the Urban Corridor zone, east subarea.

The City Council further discussed this direction at the February 13, 2023 City Council meeting. At that meeting, Council identified specific code sections that would not apply in the carve-out. Council also endorsed the draft language regarding nonresidential uses on the ground floor of new developments in the Urban Corridor zone, east subarea. Questions were raised about the applicability of this nonresidential use requirement to parcels without current street improvements, in consideration of the potential future east-west connecting road through the Urban Corridor zone, east subarea that is proposed in the draft Transportation Element of the Comprehensive Plan.

KMC 18.20.2910 defines "street" as "a public or recorded private thoroughfare providing pedestrian and vehicular access through neighborhoods and communities and to abutting property." The definition does not include potential future streets or private easements that may provide public access in future years. After planning, engineering and legal review of the topic, staff has determined that requiring nonresidential uses on the ground floor of buildings facing an area that is not defined as a "street" would be problematic. Reasons include: the difficulty in requiring surplus street improvements for a development that has alternative and adequate access under the code (from SR-522); the unknown timing of the future east-west street construction as the Transportation Element identifies it as a "Longer Term (7-20 year)" project; and the potential negative economic impacts of requiring a nonresidential use on a portion of a site that does not have street frontage, and may not have it for several years. Accordingly, the code language reviewed by the City Council on February 13 has been retained in the draft ordinance. Once a development is required to construct a "street frontage" for its project, the regulation would apply.

Attachment 1 is the draft ordinance implementing the City Council's direction. Given changes to the original Planning Commission recommendations, staff recommends that a public hearing be held on the amendments. Following the public hearing, staff recommends that the Council consider and potentially adopt the ordinance.

Approval Criteria

KMC 19.20.090 provides the decision criteria for proposed development standard amendments. Those criteria, and staff responses follow:

1. The proposed amendment is consistent with the Growth Management Act and the countywide planning policies;
   Staff response: The amendments reflect requirements from the Growth Management Act, VISION 2050 (the multicounty planning policies) and the King County Countywide Planning Policies. New emphases on focusing growth in areas of high-capacity transit and supporting affordable housing come directly from these documents.

2. The proposed amendment eliminates an inconsistency or does not create an inconsistency within the comprehensive plan;
Staff response: The amendments are consistent with recently adopted changes to the Comprehensive Plan and are, in fact, implementing actions of the Plan.

3. The proposed amendment meets at least one of the following criteria:
   a. The proposed amendment is beneficial to the City as a whole and will not adversely affect public health, safety, and welfare; or

   b. The proposed amendment addresses changed circumstances within the City as a whole; or

   c. The proposed amendment accommodates new policy direction from the city council.

Staff response: The changes satisfy all of these criteria. The amendments would be beneficial to the City as a whole as future growth is accommodated in ways that do not adversely affect public health, safety, or welfare. The State Environmental Policy Act review of the amendments concluded that they would not result in any significant adverse environmental impacts.

The affordable housing crisis and the arrival of bus rapid transit to Kenmore reflect changed circumstances in the Puget Sound Region to which these amendments respond.

Lastly, the new amendments accommodate new policy direction from the City Council which asked specifically that changes to the TOD be considered.

4. The proposed amendment is consistent with the policies, objectives, and goals of the comprehensive plan.
Staff response: The new regulations and Zoning Map change are consistent with the policies, objectives, and goals of the Comprehensive Plan. In fact, new amendments in the Comprehensive Plan adopted in November 2022 directly address these regulatory changes.

5. The proposed amendment does not duplicate or conflict with other portions of the Kenmore Municipal Code.
Staff response: Regulations in the Municipal Code were reviewed and amended, as necessary, to ensure that there is no conflict.

Background

Review by Planning Commission: In January 2021, the City Council assigned to the Planning Commission review of several Comprehensive Plan Elements as part of the State-mandated 2024 Comprehensive Plan update. The Council also directed that the Commission assess the City's Transit-Oriented Development (TOD) rules and location in conjunction with the update.

The Commission has worked on the project since the Council's directive, as briefly summarized below:

- January-March 2021: Commission reviewed City Council docket assignment, including review of the TOD area
- June 2021: Commission reviewed approaches and alternatives to TOD expansion and provided initial policy direction
- January 2022: New Commissioners (3) were introduced to the project and Commission confirmed initial TOD policy direction
- February 2022: Commission hosted a TOD panel discussion with TOD developers and advocates
- June 2022: Commission recommended Comprehensive Plan amendments to the City Council including supportive policy direction for the TOD amendments
- July 2022: Commission began review of TOD code amendments
- August 2022: Commission discussed affordable housing requirements in the TOD area
- September 2022: Commission gave preliminary direction on TOD amendments
- October 18, 2022: Commission held a public hearing on the project

- November 1, 2022: Commission approved final recommendations on the proposed amendments

Review by City Council: On November 7, 2022, the City Council adopted updates to several Elements of the Comprehensive Plan. Those updates provided policy support for the TOD code amendments and identified the amendments as an implementation measure of the Land Use Element.

On November 21, 2022, the Commission presented their recommendations to the City Council on the proposed amendments. The November 21st agenda materials, which include the Commission's recommendations are located at: https://kenmore.civicweb.net/filepro/documents/117004/?preview=126222

At the City Council's November 28, 2022, meeting the Council continued to consider the Commission's recommendations on the proposed amendments focusing on the following topics:

- Potential impact on Swamp Creek
- Nonresidential uses on the ground floor of buildings along SR-522 in the Urban Corridor zone, east subarea

At that meeting, the Council directed that staff prepare an ordinance for review.

The November 28th agenda materials are located at:
https://kenmore.civicweb.net/filepro/documents/117004/?preview=126454

At the City Council's February 13, 2023, meeting, staff requested additional clarification of the Council's November 28th direction. That direction was provided and the Council requested the final ordinance. The February 13th agenda materials can be found at https://kenmore.civicweb.net/filepro/documents/126974/?preview=127720

FISCAL CONSIDERATION: None.

COUNCIL PRIORITY BEING ADDRESSED: Adoption of the TOD regulations is an implementation measure of the City's Comprehensive Plan.

CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 23-0574

AN ORDINANCE OF THE CITY OF KENMORE, WASHINGTON, AMENDING CHAPTERS 18.15, 18.20, 18.24, 18.25, 18.25A, 18.26, 18.27, 18.30, 18.35, 18.40, 18.42, 18.50, 18.52, 18.57, 18.60, 18.73, 18.77, 18.80, 18.110 OF THE KENMORE MUNICIPAL CODE RELATING TO TRANSIT-ORIENTED DEVELOPMENT AND ADOPTING A NEW CHAPTER 18.24A OF THE KENMORE MUNICIPAL CODE ENTITLED "URBAN RESIDENTIAL ZONE"; AND AMENDING THE ZONING MAP TO ADD A NEW ZONING DESIGNATION OF URBAN RESIDENTIAL; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, over the past two years, the City's Planning Commission has reviewed and recommended options for amendments to the Kenmore Municipal Code related to transit-oriented development (TOD); and

WHEREAS, the Planning Commission held a public hearing on the Municipal Code amendments on October 18, 2022; and

WHEREAS, on November 21, 2022, the Planning Commission presented recommendations to the City Council on the proposed amendments; and

WHEREAS, at the November 21, and November 28, 2022 public meetings the City Council reviewed the Planning Commission's recommendations, received additional background information, and requested the formulation of new policy options; and

WHEREAS, at the November 28, 2022 public meeting, the City Council requested that the final Municipal Code amendments be prepared for consideration and potential adoption; and

WHEREAS, at the February 13, 2023 public meeting, the City Council further refined their policy directions; and

WHEREAS, throughout the review process for the amendments, a concerted effort has been made to generate public involvement, including a TOD developers' panel; direct mailings to Kenmore addresses in the areas under consideration for change; social media posts; development of a comprehensive web page; and a public hearing; and

WHEREAS, the public involvement efforts referenced above have met and exceeded the public participation requirements set forth in RCW 36.70A.140 and KMC 19.20.060 for review of the Municipal Code amendments; and

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

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

WHEREAS, the City Council has considered the record created under the review process for the Municipal Code amendments; and

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

WHEREAS, the City Council desires to adopt the proposed amendments to update the Municipal Code;

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

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

Section 2. Amendments to the Municipal Code. The City Council amends the Kenmore Municipal Code, as set forth in Exhibit A, attached hereto and incorporated by reference.

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

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

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE ___TH DAY OF _____, 2023.

CITY OF KENMORE

_____
Nigel Herbig, Mayor

ATTEST/AUTHENTICATED:

_____
Michelle Kang, City Clerk

Approved as to form:

_____
Dawn Reitan, City Attorney

Filed with the City Clerk:
Passed by the City Council:
Ordinance No.:
Date of Publication:
Effective Date:

DRAFT

new or ~~deleted~~ text

Zoning District Changes

Chapter 18.25A
Urban Corridor Zone

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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
Adult entertainment business[1]	*College/university*	*Air transportation service*
Ambulatory surgery center	*Fire or police facility*	*Arts, entertainment, outdoor*[3]
Animal kennel/shelter[2]	*Hospital*[5]	*Auction house*
Arts, entertainment, indoor	*Laboratory*[7]	*Automotive sales and service, marine*
Arts, entertainment, outdoor[3]	*Regional land use*[5]	*Automotive sales and service, nonmarine*
Business service, standard	*Retail sales, bulk*[5,10]	*Business service, intensive*
Cemetery, columbarium or mausoleum[4]		*Community residential facility*[5]
Community residential facility[5]		*Construction and trade*
Day care		*Family child-care home*
Eating and drinking place[6]		*Hospital*[5]
Educational service		*Manufactured housing community*
Funeral home/crematory		*Manufacturing, heavy*
Health care and social assistance		*Marijuana cooperative*
Laboratory[7]		*Recreational facility, outdoor*[3]
Manufacturing, light		*Regional land use*[5]
Marijuana business		*Resource land use*
Mobile food service[8]		*Retail sales, bulk*[5]
Multiple-family dwelling[13,14]		*Secure facility*
Office		*Single detached dwelling unit*
Park		*Standalone parking*[11]
Personal service		*Transportation*
Recreational facility, indoor		*Utility facility*
Recreational facility, outdoor[3,9]		*Vehicle or equipment rental*
Religious institution		*Vehicle refueling station*[12]
Retail sales		*Warehousing*
Retail sales, bulk[5,10]		*Wholesale trade*

Table B. Urban Corridor East Subarea Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
Standalone parking[11] *Supportive living facility* *Temporary lodging* *Vehicle refueling station*[12]		

• • •

[13] A standalone townhouse development is prohibited.

[14] On *street frontages*, the following conditions apply:

a. A minimum of 80 percent of the *structure's* street front façade at street level shall be occupied by nonresidential (e.g., retail, office or service) *uses*.

b. The required nonresidential *uses* shall extend at least 30 feet in depth at street level from the street front façade of the *structure*; provided, that the minimum required depth may be averaged, with no depth less than 15 feet.

Exception: These requirements do not apply to multifamily structures containing 100% *affordable housing units*.

Exception: This section 18.25A.040, as amended by Ord. 23-0574, shall not apply to certain real properties located within the area of the Transit Oriented Development (TOD) District Overlay as identified in KMC 18.29.020 and Figure 18.29.020.1 KMC, and as further identified by the following Tax Parcel Numbers (TPN): TPN 011410-0889, TPN 011410-0881, TPN 011410-0870, TPN 011410-0885, TPN 011410-0865, TPN 011410-0860, and TPN 011410-0855 (collectively, the "Parcels"). The code section 18.25A.040 adopted under Ordinance 19-0481 shall apply and remain in full force and effect for these Parcels.

• • •

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: *Dwelling Units*/Acre	48 du/ac
Urban Corridor west subarea Maximum Density: *Dwelling Units*/Acre	72 du/ac[1]
Urban Corridor east subarea Minimum Density: *Dwelling Units*/Acre	60 du/ac
Urban Corridor east subarea Maximum Density: *Dwelling Units*/Acre	150 du/ac
Minimum *Street Setback*	10 ft.[2]
Minimum Interior *Setback*	20 ft.[3]
Maximum Height:	
Urban corridor east subarea	~~55~~85 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 *Impervious Surface*: 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.

> Exception: This section 18.25A.060, as amended by Ord. 23-0574, shall not apply to certain real properties located within the area of the Transit Oriented Development (TOD) District Overlay as identified in KMC 18.29.020 and Figure 18.29.020.1 KMC, and as further identified by the following Tax Parcel Numbers (TPN): TPN 011410-0889, TPN 011410-0881, TPN 011410-0870, TPN 011410-0885, TPN 011410-0865, TPN 011410-0860, and TPN 011410-0855 (collectively, the "Parcels"). The code section 18.25A.060 adopted under Ordinance 16-0428 shall apply and remain in full force and effect for these Parcels.

18.25A.070 Additional development standards.

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*.~~

~~C~~B. *Drive-through service* is not permitted in the urban corridor east subarea. In the urban corridor west subarea, 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.

~~D~~C. 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.

18.25A.075 View corridors in the Urban Corridor zone, west subarea.

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.

Exception: This section 18.25A.090, as amended by Ord. 23-0574, shall not apply to certain real properties located within the area of the Transit Oriented Development (TOD) District Overlay as identified in KMC 18.29.020 and Figure 18.29.020.1 KMC, and as further identified by the following Tax Parcel Numbers (TPN): TPN 011410-0889, TPN 011410-0881, TPN 011410-0870, TPN 011410-0885, TPN 011410-0865, TPN 011410-0860, and TPN 011410-0855.

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.~~080~~105 ~~Conflict with design standards~~Design 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.

18.25A.~~075~~110 Wireless communication facilities.

Use allowances and development regulations for *wireless communication facilities* are located in Chapter 18.60 KMC.

Chapter 18.25
Downtown Commercial Zone

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18.25.040 Zoning standards.

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

Table B. Downtown Commercial Development Standards

STANDARD	REQUIREMENT
~~Base Density: *Dwelling Units*/Gross Acre~~	~~48; applies east of 68th Avenue NE~~
Maximum Density: *Dwelling Units*/Gross Acre ~~with Density Bonus Incentives~~	~~72; density incentives or bonuses not required west of 68th Avenue NE~~150
Minimum Density: *Dwelling Units*/Net Acre for Stand-Alone Multifamily Proposals	~~36~~60
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~~	~~35 ft.~~
Maximum Height ~~Applicable to *mixed use developments* containing residential dwellings at a minimum 50 percent of square footage to a maximum of 75 percent square footage; or to *developments* achieving density bonus; or to *developments* providing structured parking~~	West of 73rd Avenue NE: 65 ft. East of 73rd Avenue NE: 85 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.

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18.25.050 Conflicts.

In the event of conflict between Chapter 18.52 KMC, ~~Downtown~~ Design Standards, and downtown commercial zone standards, the Kenmore ~~downtown~~ design standards shall prevail.

Chapter 18.27
Public and Semi-Public Zone

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18.27.020 Public and semi-public zone – Use allowances.

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

Table A. Public and Semi-Public Zone Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
Arts, entertainment, indoor	*College/university*	*Marijuana business*
Arts, entertainment, outdoor[1]	*Construction and trade*[4]	*Marijuana cooperative*
Educational service		*Regional land use*[5]
Fire or police facility		*Secure facility*
Multiple-family dwelling[6,7]		
Office[2]		
Park		
Recreational facility, indoor		

Table A. Public and Semi-Public Zone Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
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.

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.

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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: *Dwelling Units*/Gross Acre	~~0.10[1]~~ 150[1]
Minimum Lot Size	4,500 sq. ft.[2]
Minimum Lot Width	35 ft.
Minimum *Street Setback*	0 ft., 10 ft., or 20 ft.[3]
Minimum Interior *Setback*	0 ft., 5 ft., or 20 ft.[3]
Base Height	35 ft.[4,5]
Maximum *Impervious Surface*: Percentage	70%, 90%[5,6]

[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.

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

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

[4] Height limits may be increased when portions of the *building* which exceed the base height limit provide one additional foot of *street* and interior *setback* for each foot above the base height limit, provided the maximum height does not exceed 75 feet. Properties abutting downtown commercial or downtown residential zones or regional business zones may achieve the heights allowed by those abutting zones if meeting conditions for the maximum height as expressed in those abutting zones.

[5] 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.

[~~5~~6] 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.

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18.27.052 Connectivity requirements for properties abutting SR-522.

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

Development proposals shall:

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

B. Comply with the ~~downtown~~ design standards pertaining to pedestrian walkways, as set forth in KMC 18.52.100.

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

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

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

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Chapter 18.24A
URBAN RESIDENTIAL ZONE

Sections:

18.24A.010 Intent.
18.24A.020 Use allowances.
18.24A.030 Accessory uses.
18.24A.040 Zoning standards.
18.24A.050 Affordable housing requirements.
18.24A.060 Design requirements.
18.24A.070 Connectivity requirements.
18.24A.080 Wireless communication facilities.

18.24A.010 Intent.

The purpose of the 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 Urban Residential zone provides opportunities for a mix of jobs and high-density residences, cultivates a respectful relationship among development within the area, the natural environment, and nearby traditional neighborhoods, and provides a framework for future infrastructure and service decisions.-The Urban Residential zone provides public benefits in the form of affordable

housing, increased pedestrian connectivity, quality design, and incentives to preserve significant tree groves where they exist.

18.24A.020 Use allowances.

The following uses listed in Table A are identified as *permitted*, conditionally permitted or *prohibited uses* in the Urban Residential zone.

Table A – Urban Residential Zone Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
Day care	*Arts, entertainment, indoor*[1]	*Adult entertainment business*
Eating and drinking place[1]	*Business service, standard*[1]	*Air transportation service*
Educational service[1]	*Health care and social assistance*[1]	*Ambulatory surgery center*
Mobile food service[2]	*Manufacturing, light*[1,3]	*Animal kennel/shelter*
Multiple-family dwelling[4]	*Park*	*Arts, entertainment, outdoor*
Office[1]	*Personal service*[1]	*Auction house*
	Recreational facility, indoor[1]	*Automotive sales and service, marine*
	Regional land use	*Automotive sales and service, non-marine*
	Retail sales[1, 3]	*Business service, intensive*
	Temporary lodging[1]	*Cemetery, columbarium or mausoleum*
		College/university
		Community residential facility
		Construction and trade
		Family child-care home
		Fire or police facility
		Funeral home/crematory
		Hospital
		Laboratory
		Manufactured housing community
		Manufacturing, heavy
		Marijuana business
		Marijuana cooperative
		Recreational facility, outdoor

Table A – Urban Residential Zone
Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
		Religious institution
		Resource land use
		Retail sales, bulk
		Secure facility
		Single detached dwelling unit
		Standalone parking
		Supportive living facility
		Transportation
		Utility facility
		Vehicle or equipment rental
		Vehicle refueling station
		Warehousing
		Wholesale trade

[1] 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] *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.

[3] No *outdoor storage* of materials shall be permitted.

[4] A standalone *townhouse* development is prohibited.

18.24A.030 Accessory uses.

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

18.24A.040 Zoning standards.

The following development standards in Table B apply in the Urban Residential zone:

Table B – Urban Residential Zone Development Standards

STANDARD	REQUIREMENT
Minimum Density: *Dwelling Units*/Gross Acre	60
Maximum Density: *Dwelling Units*/Gross Acre	150
Maximum Height	85'[2]
Minimum Lot Width	30'[3]
Street Setback	Minimum 10' from SR-522 unless otherwise allowed through Chapter 18.52 KMC, Design Standards; other *streets* 0' Maximum 10 ' unless otherwise allowed through Chapter 18.52 KMC, Design Standards.
Minimum Side Setback[4]	5'
Minimum Rear Setback[4]	5'
Maximum Impervious Surface	90%

[1] Portions of any property that are within 50 feet of an 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] Any proposed development adjacent to an R-1, R-4, R-6, or MHC zoning district shall be required to provide a setback of 15 feet on the side of the property facing that zone. The setback shall be landscaped with Type II landscaping as described in KMC 18.35.045 to provide a visual buffer.

18.24A.050 Affordable housing requirements.

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

18.24A.060 Design requirements.

Development within the urban residential zone shall comply with Standard 1 provisions of the design standards, as set forth in Chapter 18.52 KMC.

18.24A.070 Connectivity requirements.

Development in the 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 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 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.

18.24A.080 Wireless communication facilities.

Use allowances and development regulations for *wireless communication facilities* in the urban residential zone shall be as specified in Chapter 18.60 KMC for the underlying zoning district.

Amendments Related to Affordable Housing

Chapter 18.20
TECHNICAL TERMS AND LAND USE 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-income affordable housing unit" is affordable at or below ~~70~~80 percent of median income, adjusted for household size;

2. A "very low-income affordable housing unit" is affordable at 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~~30 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.

18.77.028 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.

Exception: This section 18.77.028, as adopted by Ord. 23-0574, shall not apply to certain real properties located within the area of the Transit Oriented Development (TOD) District Overlay as identified in KMC 18.29.020 and Figure 18.29.020.1 KMC, and as further

identified by the following Tax Parcel Numbers (TPN): TPN 011410-0889, TPN 011410-0881, TPN 011410-0870, TPN 011410-0885, TPN 011410-0865, TPN 011410-0860, and TPN 011410-0855.

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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* f~~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* if renter-occupied or *low-income affordable housing units* if owner-occupied.

18.77.045 Alternative compliance.

~~Alternative Compliance. The~~While the *City* prefers to achieve affordable housing on-site, 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*~~*city manager*, 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*.

1. 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.

2. Prior to issuance of building permits for the project, the *City* and *applicant* shall execute a written agreement that establishes the *applicant*'s~~The~~ payment obligations (amounts and due dates) ~~will be established at the time of issuance of building permits~~ for the project. The *City* may require the *applicant* to secure its payment obligations by irrevocable letter of credit or other form acceptable to the *City*.

3. The *City* shall deposit collected payments in an affordable housing fund established by the *City*.

4. Before the *city manager* approves or executes an agreement to accept payment in lieu of affordable housing, the *City* must have a plan for investing funds in affordable housing that supports *City* objectives. The *City* should make every effort to use these funds as quickly as possible.

5. The highest priority location for affordable housing funded wholly or in part with in-lieu fees is the subarea location of the project that generated the in-lieu fee; however, the *city manager* may authorize the use of these funds for affordable housing projects in other subareas of the *City* (as a second priority) or within another jurisdiction (as a third priority) with close proximity to commercial uses, transit services, and/or employment opportunities.

18.77.050 Affordability agreement.

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

B. Monitoring and Fees. The *City* reserves the right to establish, in the affordability agreement referred to in subsection 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 ~~very~~*extremely* *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 ~~very~~*extremely* *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.

Amendments related to Parking

Chapter 18.40
DEVELOPMENT STANDARDS – PARKING AND CIRCULATION

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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.

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~~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.~~

~~G~~F. 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.

~~H~~G. 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.

~~I~~H. 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*.

18.40.035 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 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 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. 0.50 *parking spaces* per *dwelling unit*.

2. 0.50 additional *parking space* per every five *dwelling units* shall be provided and designated as guest parking for use by all guests.

3. There are no minimum parking requirements for multifamily residential developments specifically for housing *senior citizens* or people with disabilities. For residential *developments* specifically for housing *senior citizens*, an *applicant* shall prepare a parking demand analysis to determine parking requirements for staff and visitors. Parking requirements for *senior citizen assisted living* facilities are addressed in Sections 18.40.030.A and 18.40.050 KMC.

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

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

2. Shared parking among uses is encouraged. Developments that propose shared parking arrangements shall submit a *parking management plan* that describes the terms and conditions of shared parking arrangements on site.

D. Maximum parking shall not exceed the minimum requirement calculated under the provisions of KMC 18.40.030.

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

E. All other parking requirements shall be as provided in this chapter.

> Exception: This section 18.40.035, as adopted by Ord. 23-0574, shall not apply to certain real properties located within the area of the Transit Oriented Development (TOD) District Overlay as identified in KMC 18.29.020 and Figure 18.29.020.1 KMC, and as further identified by the following Tax Parcel Numbers (TPN): TPN 011410-0889, TPN 011410-0881, TPN 011410-0870, TPN 011410-0885, TPN 011410-0865, TPN 011410-0860, and TPN 011410-0855.

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.

Exception: This section 18.40.038, as adopted by Ord. 23-0574, shall not apply to certain real properties located within the area of the Transit Oriented Development (TOD) District Overlay as identified in KMC 18.29.020 and Figure 18.29.020.1 KMC, and as further identified by the following Tax Parcel Numbers (TPN): TPN 011410-0889, TPN 011410-0881, TPN 011410-0870, TPN 011410-0885, TPN 011410-0865, TPN 011410-0860, and TPN 011410-0855.

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Miscellaneous amendments

Chapter 18.15
ZONES, MAPS AND DESIGNATIONS

18.15.010 Zones and map designations established.

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

ZONING DESIGNATIONS	MAP SYMBOL
Residential	R (base density in dwellings per acre)
Manufactured Housing Community	MHC
Neighborhood Business	NB
Community Business	CB
Downtown Residential	DR
Downtown Commercial	DC

ZONING DESIGNATIONS	MAP SYMBOL
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

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Chapter 18.30
DEVELOPMENT STANDARDS – GENERAL

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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;

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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);

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).

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18.30.130 Recreation space – On-site areas.

A. Excluding age restricted *senior citizen* housing, ~~S~~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*.

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18.30.230 Setbacks – Projections and structures allowed.

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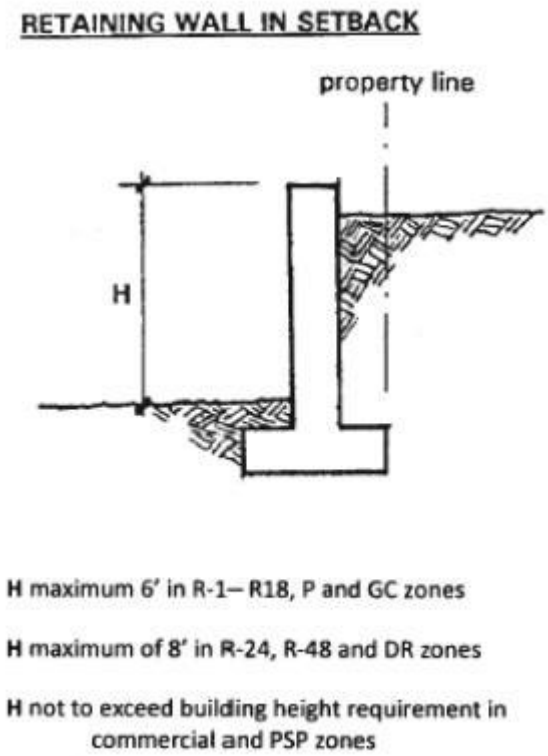
G. Rockeries, *retaining walls* and curbs may project into or be located in any *setback*, provided these *structures*:

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 Title 15;

The Retaining Wall in Setback illustration in 18.30.230.G is revised to amend the language in the second standard as follows: H maximum of 8' in R-24, R-48, ~~and~~ DR, and UR zones.

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Chapter 18.35
DEVELOPMENT STANDARDS – LANDSCAPING

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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 development[1]	10' Type III[8]	5' Type II[8] 10' Type II[11]	20 sq. ft. per stall in common parking 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*.

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18.35.070 Landscaping – Surface parking areas.

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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;

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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.

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Chapter 18.42
DEVELOPMENT STANDARDS – SIGNS

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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*.

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Chapter 18.52
DOWNTOWN DESIGN STANDARDS

~~Downtown~~ 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~~Downtown.

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 ~~downtown~~mixed 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.

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18.52.030 Scale of ~~downtown~~ development.

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18.52.050 Recommended guiding principles – ~~General~~Downtown.

• • •

18.52.070 Applicability.

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

• • •

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.

EXHIBIT A

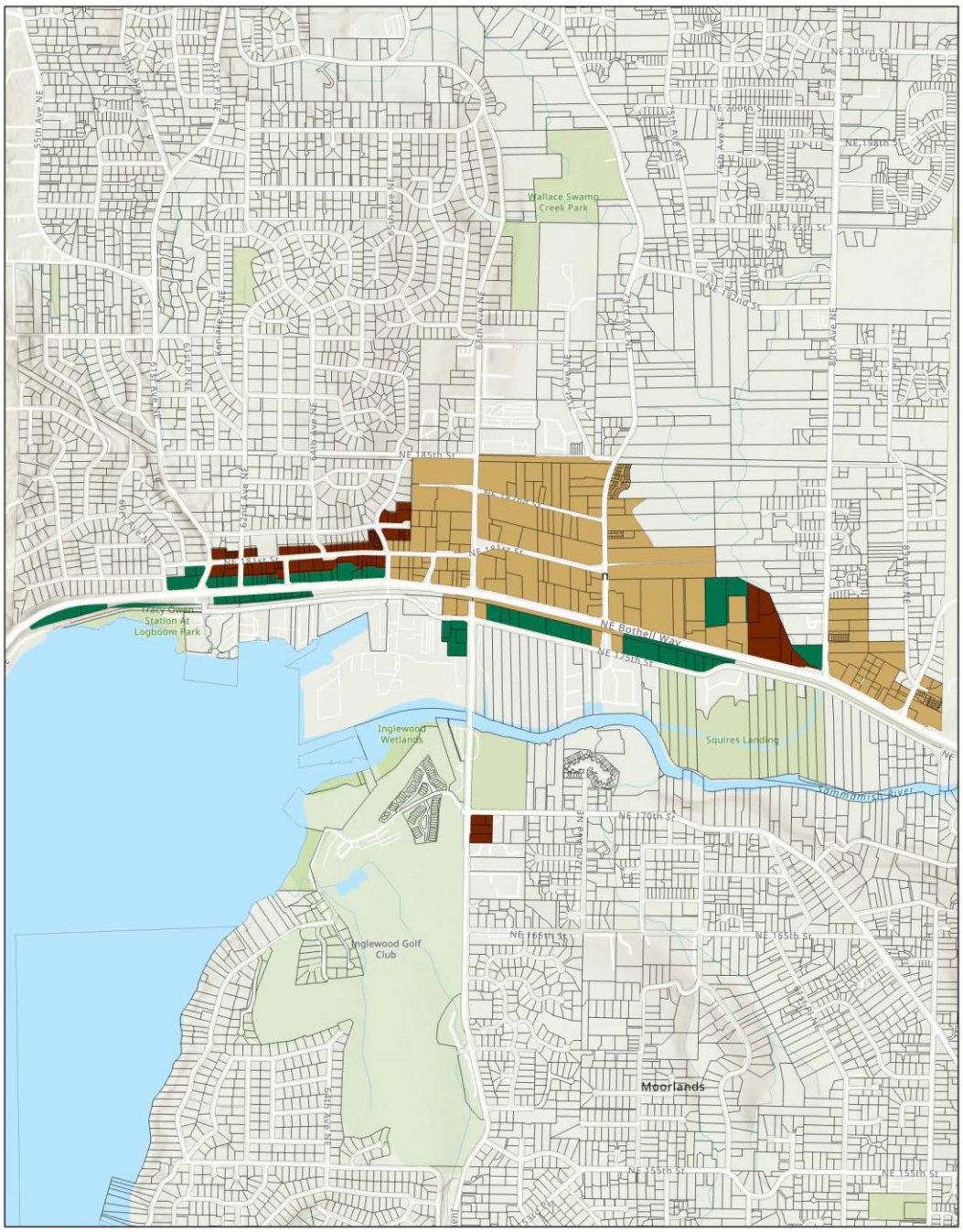

Figure 18.52.070.A.1
Design Standard Areas

Design Standard

- Standard 1
- Standard 2
- Standard 3

0 3,000
Feet

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

Map Date: March 2023

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18.52.100 Pedestrian walkways.

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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*.

Exception: This section 18.52.100.B.1.a.2, as amended by Ord. 23-0574, shall not apply to certain real properties located within the area of the Transit Oriented Development (TOD) District Overlay as identified in KMC 18.29.020 and Figure 18.29.020.1 KMC, and as further identified by the following Tax Parcel Numbers (TPN): TPN 011410-0889, TPN 011410-0881, TPN 011410-0870, TPN 011410-0885, TPN 011410-0865, TPN 011410-0860, and TPN 011410-0855 (collectively, the "Parcels"). The code section 18.52.100.B.1.a.2 adopted under Ordinance 16-0428 shall apply and remain in full force and effect for these Parcels.

• • •

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.

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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~~in 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;

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.

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.

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A. Intent.

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

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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~~.

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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.

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Chapter 18.57
TREE MANAGEMENT AND PROTECTION

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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

A. Definitions.

1. Significant Tree Grove Definition. A "significant tree grove" shall consist of two or more trees with a minimum of five and one-half tree units total. A qualifying tree has two tree units minimum. The maximum distance measured in feet between qualifying trees shall be equal to two times the critical root zone in order to be defined as a significant tree grove. For example a 24-inch d.b.h. tree must be within 24 feet of another tree in the

grove to be included in the significant tree grove. A tree of any size that is topped or considered a "hazard tree" as defined in KMC 18.20.3084 may not qualify as part of a significant tree grove as herein defined. For purposes of this chapter, a significant tree grove may not contain trees that are located within a critical area or critical area buffer protected under Chapter 18.55 KMC. A significant tree grove is not the same as a "grove," as defined in KMC 18.20.1273.

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

B. Applicability.

1. Development proposals in the urban 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 other provision of this chapter may count towards the significant tree grove retention if they meet the definitions found in subsection A of this section.

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

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

D. Residential Bonus Units. In order to retain qualifying significant tree groves, residential units are offered at the rate of one bonus unit per each 11 tree units preserved. Grove bonus units are not included in maximum unit density calculations. Grove bonus units are not subject to the affordability requirements of KMC 18.27.020 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.

> Exception: This section 18.57.065, as adopted by Ord. 23-0574, shall not apply to certain real properties located within the area of the Transit Oriented Development (TOD) District Overlay as identified in KMC 18.29.020 and Figure 18.29.020.1 KMC, and as further identified by the following Tax Parcel Numbers (TPN): TPN 011410-0889, TPN 011410-0881, TPN 011410-0870, TPN 011410-0885, TPN 011410-0865, TPN 011410-0860, and TPN 011410-0855.

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Chapter 18.60
WIRELESS COMMUNICATION FACILITIES

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18.60.050 Wireless communication facility review processes and maximum allowable heights.

P – Permitted Use

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

X – Prohibited Use[5]

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	P	P	P	P	P

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
existing conforming tower	Maximum height: same as existing tower	Maximum height: same as existing tower	Maximum height: same as existing tower	Maximum height: same as existing tower	Maximum height: same as existing tower
Rooftop antenna	X, C[1,2], P[1,7] Maximum height: 15' above the roof height at the antenna location	P Maximum height: 15' above the roof height at the antenna location	P Maximum height: 15' above the roof height at the antenna location	X	P Maximum height: 15' above the roof height at the antenna location
Facade antenna	X, C[1,2], P[1,7] Maximum height: 2' above the roofline or parapet wall	P Maximum height: 2' above the roofline or parapet wall	P Maximum height: 2' above the roofline or parapet wall	P Maximum height: May not extend above the roofline or parapet wall	P Maximum height: 2' above the roofline or parapet wall
Amateur (ham) radio facilities	P Maximum height[3]: Ground-mounted facility – 65'. Rooftop facility – 30' above the roof height at the antenna location	P Maximum height[3]: Ground-mounted facility – 65'. Rooftop facility – 30' above the roof height at the antenna location	P Maximum height[3]: Ground-mounted facility – 65'. Rooftop facility – 30' above the roof height at the antenna location	P Maximum height: 35'	P Maximum height[3]: Ground-mounted facility – 65'. Rooftop facility – 30' above the roof height at the antenna location
Antennas on utility or light poles. (Nearest abutting zone is used to determine process if in the right-of-way.)	C[2], P[7] Maximum height: 55'	P Maximum height: 55'	P Maximum height: 55'	C[2], P[8] Maximum height: up to the building height limit as specified in the underlying zoning district	P Maximum height: 55'

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
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

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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.

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Chapter 18.73
ACCESSORY DWELLING UNITS, HOME OCCUPATION, HOME INDUSTRY

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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:

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Chapter 18.80
RESIDENTIAL DENSITY INCENTIVES AND TRANSFER OF DENSITY

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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*.

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18.80.040 Public benefits and density incentives.

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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 income, adjusted for household size~~)~~. A covenant on the site that specifies the income level being served, rent levels, and requirements for reporting to the City shall be recorded at final approval.	1.0 bonus unit per benefit unit.

d. Benefit units consisting of ~~moderate~~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.

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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 (i.e., the duration of the property's residential use), if renter-occupied.

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Chapter 18.110
DEVELOPMENT AGREEMENTS

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18.110.020 General provisions.

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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.

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Amendments Related to Changing "Downtown Design Standards" to "Design Standards"

Chapter 18.25
DOWNTOWN COMMERCIAL ZONE

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18.25.020 Downtown commercial zone – Use allowances.

4. In the downtown commercial zone, properties (a) fronting SR-522 or taking primary access from SR-522, and (b) located on a property where the extent of use is no deeper than 260 feet from SR-522, and (c) containing automotive repair or automotive service *uses* as of April 28, 2003, shall be

considered *existing legal uses.* Otherwise, automotive service *uses* are prohibited unless accessory to and contained within a structured parking garage.

Automotive sales are prohibited unless accessory to an *existing legal* automotive repair or service *use* and consistent with the following: (a) motor vehicles for sale or lease shall not be arranged in a display lot fashion along the primary *street frontage*, and (b) shall be a subordinate and incidental part of the automotive repair or service *use*, and (c) shall be subject to Chapter 18.52 KMC, ~~Downtown~~ Design Standards, regarding screening, location and other relevant standards.

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12. a. Within the zone north of SR-522 and west of 68th Avenue NE, commuter parking facilities shall be in structured *buildings* when the number of stalls exceeds 20. *Commuter parking lots* shall be located a maximum distance of 1,200 lineal feet measured from the center line of SR-522 to the furthermost point of the *commuter parking lot.*

b. All parking structures shall provide retail usages for at least 50 percent of the *ground floor street frontages*, consistent with Chapter 18.52 KMC, ~~Downtown~~ Design Standards.

c. All parking structures shall be designed consistent with Chapter 18.52 KMC, ~~Downtown~~ Design Standards; interior design considerations shall include integration of parking with any transit bays, provision of indoor access to shops, and covered walkways to adjacent shopping, civic, residential, or other *developments* that patrons will access. Crime prevention through environmental design (CPTED) principles shall be integrated, such as, but not limited to, full spectrum lighting and maximization of visibility in publicly used areas.

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14. Equipment rental is prohibited. Vehicle rental is permitted only when accessory to and contained within a structured parking garage. Automotive rental and leasing *uses* may also be permitted when accessory to an *existing legal* automotive service or *existing legal* automotive repair *use* and consistent with the following:

a. Motor vehicles for lease or rental shall not be arranged in a display lot fashion along the primary *street frontage*; and

b. Shall be a subordinate and incidental part of the automotive repair or automotive service business; and

c. Shall be subject to Chapter 18.52 KMC, ~~Downtown~~ Design Standards, regarding screening, location and other relevant standards. Otherwise prohibited.

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18.25.042 Drive-through service.

Properties having frontage on SR-522 and taking primary access from SR-522 as of May 8, 2003, shall be permitted *drive-through service*. Where allowed, *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.

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Chapter 18.24
DOWNTOWN RESIDENTIAL ZONE

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18.24.020 Downtown residential zone – Use allowances.

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6. *Townhouses* are required to have four units minimum in a cluster. Enclosed under building parking is required per Chapter 18.52 KMC, ~~Downtown~~ Design Standards.

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18.24.040 Zoning standards.

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

Table B. Downtown Residential Development Standards

STANDARD	REQUIREMENT
Base Density: *Dwelling Units*/Gross Acre	48; applies east of 68th Avenue NE

Table B. Downtown Residential Development Standards

STANDARD	REQUIREMENT
Maximum Density: *Dwelling Units*/Gross Acre with Density Bonus Incentives	72; density incentives or bonuses not required west of 68th Avenue NE
Minimum Density: *Dwelling Units*/Net Acre	18 – *Townhouse* only *development* 18 – 36 – *Townhouse*/*apartment* combination *development* 36 – *Apartments*
Minimum Lot Width	*Townhouse* – 20 ft. *Apartment* – 30 ft.
Minimum *Street Setback*	Primary *structure* – 6 ft. min.; 8 ft. min. average Garage, carport, paved parking – 10 ft.
Maximum *Street Setback*	West of 68th Avenue NE, the maximum *setback* is 10 ft.
Minimum Interior *Setback*	5 ft.; otherwise when adjoining property zoned R-l to R-6 zone then 20 ft.
Maximum Height	East of 68th Avenue NE – 60 ft. or 80 ft. if providing density incentives per Chapter 18.80 KMC West of 68th Avenue NE – 80 ft.[1]
Maximum *Impervious Surface*: Percentage	90%
Pedestrian Connections	Pedestrian connections shall be provided in accordance with Chapter 18.52 KMC, ~~Downtown~~ Design Standards

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18.24.050 Conflicts.

In the event of conflict between Chapter 18.52 KMC, ~~Downtown~~ Design Standards, and downtown residential zone standards, the Kenmore downtown design standards shall prevail.

Chapter 18.26
REGIONAL BUSINESS ZONE

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18.26.080 Additional development standards.

A. Where the regional business 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. *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.

C. Outdoor storage is prohibited in the regional business zone, west subarea. In the regional business zone, north subarea, accessory outdoor storage is limited to a maximum of 50 percent of the site area.

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18.26.090 Conflict with design standards.

In the event of a conflict between Chapter 18.52 KMC, ~~Downtown~~ Design Standards, and regional business zone standards, the Kenmore ~~downtown~~ design standards shall prevail.

Chapter 18.50
DEVELOPMENT STANDARDS – DESIGN REQUIREMENTS FOR SPECIFIC USES

• • •

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

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

• • •

18.50.080 Attached dwellings and group residences – Building facade modulation.

Except for *development* located in the downtown commercial or downtown residential zones, or RB-zoned properties that are not subject to P-suffix condition NS-P4 and which lie north of NE 175th Street, which must comply with Chapter 18.52 KMC, ~~Downtown~~ Design Standards, *apartment* and *townhouse developments* and all group residences shall provide *building facade modulation* on facades exceeding 60 feet and facing abutting *streets* or properties zoned R-1 through R-6. The following standards shall apply:

• • •

18.50.120 Mixed use development – Design features.

Mixed use development shall provide off-street parking behind or to the side of *buildings*, or enclosed within *buildings*, consistent with KMC 18.40.030 and any applicable design standards for the district. Relief from this requirement may be granted by the *city manager* only if the *applicant* can demonstrate that there is no practical site design to meet this requirement, or subject to exceptions for properties subject to Chapter 18.52 KMC, ~~Downtown~~ Design Standards. A 25 percent reduction of required parking is allowed if a *mixed use development* meets the criteria of KMC 18.40.040 for shared parking.

• • •

Chapter 18.30
DEVELOPMENT STANDARDS – GENERAL

• • •

18.30.015 Burke-Gilman Trail.

A. RB-zoned properties which lie north of NE 175th Street shall provide 10 feet of Type II *landscaping* along the common property boundary with the Burke-Gilman public trail right-of-way. Property owners may negotiate with King County to have the Type II *landscaping* located within the Burke-Gilman public right-of-way.

B. The Burke-Gilman Trail shall be considered a public right-of-way for purposes of Sections 18.52.180, 18.52.200, 18.52.230, 18.52.240, and 18.52.310 of Chapter 18.52 KMC (~~Downtown~~ Design Standards).

• • •

18.30.250 Storage space and collection points for trash and recyclables.

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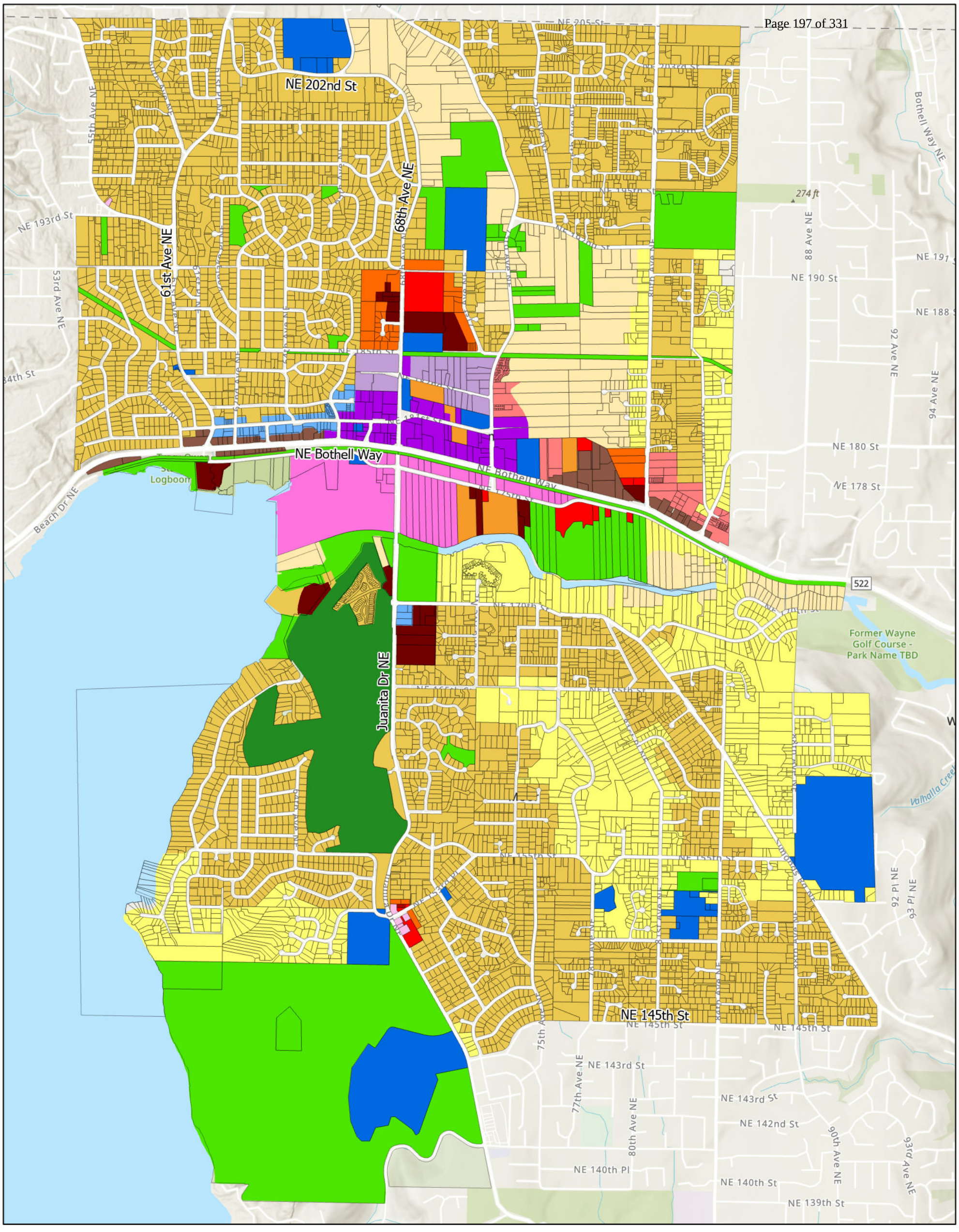
G. For the DC and DR zones, or RB-zoned properties which lie north of NE 175th Street, the standards in this section above apply as an option. The ~~downtown~~ design standards offer additional options for screening of storage for these areas only.



Official Zoning Map | City of Kenmore

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

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

0 — 4,000 Feet

N

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

Map Date: March 2023

City Council Business Agenda Item
City of Kenmore, WA

Subject/Topic: Public Hearing regarding Ordinance 23-0575 amending and extending interim regulations for an additional six-months for certain parcels close to Swamp Creek in proximity to SR522 and 80th Ave NE **Proposed Council Action/Motion:** Following conclusion of the Public Hearing and Council discussion. Motion to adopt Ordinance 23-0575 to amend and extend interim regulations for an additional six-months for certain parcels close to Swamp Creek in proximity to SR522 and 80th Ave NE, and as further identified in Ord. 23-0575.	**For Council Meeting Agenda of:** 3/13/23 **Department:** Community Development **Prepared by:** Debbie Bent, Community Development Director **Initial & Date** **Approved by Department Head:** DB 2/24/23 **Approved by City Attorney:** email DR 2/23/23 **Approved by Finance Director:** N/A **Approved by City Manager:** **RK 2/24/23** **Exhibits/Attachments:** 1) Ordinance 23-0575 (includes Exhibit B) 2) Ordinance 23-0569 3) Ordinance 22-0555 4) Ordinance 22-0543

INFORMATION/BACKGROUND: A Public Hearing is scheduled for 3/13/23 to receive public testimony on Ordinance 23-0575 (see Attachment #1) amending and extending interim regulations for an additional six-months to apply to certain parcels close to Swamp Creek (See Exhibit B to Attachment 1). The interim regulations prohibit townhome development, and for properties that do not choose to develop under the TOD provisions they must meet the base density of the underlying zone and include at least 25% of the total number of units as affordable units.

Ordinance 23-0575 states the findings and justification for extending and amending the interim regulations. The findings include Council direction given 11/28/22 for staff to conduct a channel restoration assessment of Swamp Creek that will determine where channel restoration would provide the most ecological benefit. Results of the assessment would also include potential options for new regulations for the area close to Swamp Creek that would incentivize or further facilitate Swamp Creek channel restoration.

Background: The interim regulations were adopted 2/14/22 by Ordinance 22-0543 (Attachment #4) and were set to expire 8/14/22. The purpose of interim regulations was to provide additional time for the Planning Commission to consider regulations for the Transit Oriented Development (TOD) District Overlay area. Ordinance 22-0555 was adopted 7/25/22 (Attachment #3), which amended Ordinance 22-0543 to renew and extend the interim regulations for an additional six-month period through 1/25/23. Ordinance 23-0569 was adopted 1/9/23 (Attachment #2) to renew and extend the interim regulations for an additional six-month period through 7/25/23. The purpose was to provide additional time for the City Council to complete its consideration and potential adoption of an ordinance implementing the TOD district regulations.

On 11/21/22 the Planning Commission presented recommendations to Council on proposed TOD recommendations. At the 11/28/22 Council meeting Council gave direction to move forward with an ordinance for TOD regulations except for a "carve out" area for certain parcels close to Swamp Creek. The "carve out" area is the area where interim regulations (Ordinance 23-0575, Attachment #1) will apply pending completion of a channel restoration assessment of Swamp Creek that will determine where channel restoration would provide the most ecological benefit. Results of the assessment would also include potential options for new regulations for the "carve out" area that would incentivize or further facilitate Swamp Creek channel restoration. On 2/13/23 Council confirmed which certain proposed new TOD amendments should or should not apply on applicable regulations for the "carve out" area.

FISCAL CONSIDERATION: Staff time to complete a channel restoration assessment of Swamp Creek and develop options for new regulations.

COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:
2023-2024 Council Priorities: #9 foster community engagement and participation

CITY OF KENMORE
WASHINGTON

ORDINANCE NO. 23-0575

AN ORDINANCE OF THE CITY OF KENMORE, WASHINGTON, AMENDING ORDINANCE 22-0543, AS AMENDED BY ORDINANCE 22-0555 AND ORDINANCE 22-0569, TO EXTEND AND RENEW FOR AN ADDITIONAL SIX-MONTH PERIOD THE CITY'S INTERIM REGULATIONS, AND AMENDING SECTION 18.29.020 AND FIGURE 18.29.020.1 OF THE KENMORE MUNICIPAL CODE TO REDUCE THE AREA OF THE TRANSIT ORIENTED DEVELOPMENT (TOD) DISTRICT OVERLAY TO CERTAIN REAL PROPERTIES IDENTIFIED BY THE FOLLOWING TAX PARCEL (TPN): TPN 086650-0000, TPN 670540-0000, TPN 182260-0000, TPN 011410-0841, TPN 011410-0843, TPN 011410-0850, TPN 011410-0855, TPN 011410-0860, TPN 011410-0865, TPN 011410-0885, TPN 011410-0870, TPN 011410-0881, TPN 011410-0889; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City Council adopted Ordinance 15-0406, which established the Transit Oriented Development (TOD) District Overlay, which is codified at Chapter 18.29 of the Kenmore Municipal Code (KMC); and

WHEREAS, the purpose of the TOD District Overlay is to reinforce the City's planned concentrations of pedestrian-oriented mixed-use development at intensities that support and are supported by multi-modal transportation options, including high-capacity transit; and

WHEREAS, the City has directed the Planning Commission to review the City's TOD District Overlay regulations as part of the State-mandated Comprehensive Plan update; and

WHEREAS, the City became aware of the potential of lower density projects within the TOD District Overlay area, which would interfere with the City's intended planning for the TOD District Overlay area; and

WHEREAS, on August 16, 2021, the City Council adopted public emergency Ordinance 21-0533 that established an effective date for a six-month moratorium to and through February 16, 2022 to give the Planning Commission sufficient time to hold a hearing, complete planning for the TOD District Overlay area, and provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay; and

WHEREAS, on September 27, 2021, following a public hearing held by the City Council on the six-month moratorium, the Council adopted Ordinance 21-0535 amending Section 2 of Ordinance 21-0533 to allow an additional exemption for building permit applications for or the construction of transitional housing or permanent supportive housing or building permit application for or the construction of indoor emergency housing; and

WHEREAS, on February 14, 2022, following a public hearing held by the City Council on the moratorium and interim regulations, the Council repealed the moratorium (Ordinance 21-0533 and Ordinance 21-0535) and immediately adopted interim regulations (Ordinance 22-0543) allowing certain development applications at appropriate densities within the TOD District Overlay consistent with the City's long-range planning, prior to completion of the City's regulatory review process; and

WHEREAS, on July 25, 2022, following a public hearing, the City Council adopted Ordinance 22-0555 extending and renewing interim regulations adopted by Ordinance 22-0543 for a further six-month period through January 25, 2023 to provide additional time for the Planning Commission to hold a public hearing, complete planning for the TOD District Overlay area, provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay and for Council to consider the recommendation; and

WHEREAS, on October 18, 2022, the Planning Commission held a public hearing regarding a proposed regulatory framework for the TOD District Overlay; and

WHEREAS, on November 21, 2022, the Planning Commission presented recommendations to the City Council regarding a proposed regulatory framework for the TOD District Overlay; and

WHEREAS, on November 28, 2022 the City Council gave direction on the proposed regulatory framework for the TOD District Overlay and requested consideration of an ordinance at a future meeting; and

WHEREAS, on November 28, 2022 the City Council gave direction to "carve out" certain parcels close to Swamp Creek in proximity to SR522 and 80th Ave NE from the proposed regulatory framework and thereby reduce the area applicable to the TOD District Overlay pending completion of a channel restoration assessment of Swamp Creek to determine where channel restoration would provide the most ecological benefit and options for new regulations for the "carve out" area to incentivize Swamp Creek channel restoration; and

WHEREAS, on January 9, 2023, following a public hearing the City Council adopted Ordinance 23-0569 extending and renewing interim regulations adopted by Ordinance 22-0543, as renewed by Ordinance 22-0555 for a further six-month period through July 25, 2023 to provide additional time for the City Council to consider adoption of an ordinance for the TOD regulatory framework; and

WHEREAS, on February 13, 2023, Council gave direction and confirmed which certain proposed new TOD amendments should or should not apply on applicable regulations for the reduced TOD "carve out" area; and

WHEREAS, on March 13, 2023, the City Council will be considering adoption of Ordinance 23-0574 adopting municipal code and zoning map amendments related to a Transit-Oriented Development regulatory framework; and

WHEREAS, on March 13, 2023, the City Council held a public hearing on the proposed six-month extension and renewal of the City's interim regulations authorized and imposed by Ordinance 22-0543, as renewed and extended by Ordinance Nos. 22-0555 and 23-0569; and

WHEREAS, additional time is necessary to complete a channel restoration assessment of Swamp Creek including for the reduced TOD "carve out" area for those certain parcels close to Swamp Creek in proximity to SR522 and 80th Ave NE and also to give Council sufficient time to consider and potentially adopt an ordinance and new regulations to incentivize Swamp Creek channel restoration; and

WHEREAS, the City Council desires to amend the interim regulations established by Ord. 22-0543, and as codified at Section 18.29.020 and Figure 18.29.020.1 of the Kenmore Municipal Code, to reduce the area of the Transit Oriented Development (TOD) District Overlay to the following real properties, identified by Tax Parcel Number and address:

1. TPN 086650-0000, 17915 80th Ave NE, Kenmore, WA 98028
2. TPN 670540-0000, 17827 80th Ave NE, Kenmore, WA 98028
3. TPN 182260-0000, 17811 80th Ave NE, Kenmore, WA 98028
4. TPN 011410-0841, 17721 80th Ave NE, Kenmore, WA 98028
5. TPN 011410-0843, 17715 80th Ave NE, Kenmore, WA 98028
6. TPN 011410-0850, 17525 80th Ave NE, Kenmore, WA 98028
7. TPN 011410-0855, 7900 NE Bothell Way, Kenmore, WA 98028
8. TPN 011410-0860, 7850 NE Bothell Way, Kenmore, WA 98028
9. TPN 011410-0865, 7800 NE Bothell Way, Kenmore, WA 98028
10. TPN 011410-0885, 7750 NE Bothell Way, Kenmore, WA 98028
11. TPN 011410-0870, 7760 NE Bothell Way, Kenmore, WA 98028
12. TPN 011410-0881, 7638 NE Bothell Way, Kenmore, WA 98028
13. TPN 011410-0889, 7644 NE Bothell Way, Kenmore, WA 98028

WHEREAS, the regulations of zoning and land use are valid exercises of the City's police powers under Art. XI, Sec. 11 of the Washington State Constitution, and such police powers grant the City the authority to adopt interim regulations; and

WHEREAS, RCW 35A.63.220 and RCW 36.70A.390 authorize the City Council, as the governing body, to renew and extend interim regulations on development or land use for one or more six-month periods if a subsequent hearing is held and findings of fact are made prior to said extension and renewal; and

WHEREAS, the City Council has determined that it is in the best interest of the public, and is necessary for the protection of public health, safety, property, or peace, to extend and renew for

an additional six-month period the interim regulations established in Ordinance 22-0543, as extended and renewed by Ordinance Nos. 22-0555 and 23-0569;

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

Section 1. Findings of Fact in Support of Renewal and Extension. The City Council adopts the recitals set forth above and in Ordinance Nos. 22-0543, 22-0555 and 23-0569, which are incorporated herein by reference, as findings of fact in support of the extension and renewal of interim regulations.

Section 2. Amendment. The City Council amends Section 3 of Ordinance 22-0543 to read as follows:

> Section 3. Interim Regulations.
>
> A. Adoption. Pursuant to the City's police powers under Article XI, Section 11 of the Washington State Constitution, RCW 35A.63.220, and RCW 36.70A.390, interim regulations are hereby adopted and imposed on the application for, intake of, review of, or issuance of any approval and/or development permit, including, but not limited to, building permits, site plan review, etc., for the establishment, location and/or construction of any development on certain real properties identified by the following Tax Parcel Numbers (TPN) and addresses:
>
> 1. TPN 086650-0000, 17915 80th Ave NE, Kenmore, WA 98028
> 2. TPN 670540-0000, 17827 80th Ave NE, Kenmore, WA 98028
> 3. TPN 182260-0000, 17811 80th Ave NE, Kenmore, WA 98028
> 4. TPN 011410-0841, 17721 80th Ave NE, Kenmore, WA 98028
> 5. TPN 011410-0843, 17715 80th Ave NE, Kenmore, WA 98028
> 6. TPN 011410-0850, 17525 80th Ave NE, Kenmore, WA 98028
> 7. TPN 011410-0855, 7900 NE Bothell Way, Kenmore, WA 98028
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> 12. TPN 011410-0881, 7638 NE Bothell Way, Kenmore, WA 98028

13. TPN 011410-0889, 7644 NE Bothell Way, Kenmore, WA 98028

(collectively, the "Parcels"), located within the Transit Oriented Development (TOD) District Overlay area, as shown and depicted in KMC 18.29.020 (as revised in Section 3.D of this Ordinance). The term "development" means the same as defined in KMC 18.20.715. The term "development permit" means the same as defined in KMC 18.20.735.

B. Exemptions. The interim regulations adopted by this Ordinance only apply to new development permit applications.

C. Adopted Interim Regulations: Interim regulations for the TOD District Overlay adopted and imposed pursuant to Section 3.A are set forth in Exhibit A, attached hereto and incorporated by reference.

D. Amending Interim Regulations. The interim regulations adopted and imposed by Ordinance No. 22-0543, and as codified at Chapter 18.29 of the Kenmore Municipal Code (KMC), are amended as follows: Exhibit A to Ordinance No. 22-0543, KMC 18.29.020 "Area" is amended by replacing Figure 18.29.020.1 with new Figure 18.29.020.1 as set forth in Exhibit B, attached hereto and incorporated by reference, which include the Parcels identified in Section 3.A.

Section 3. Six-Month Extension and Renewal of Interim Regulations. Section 4 of Ordinance 22-0543, as amended by Ordinance Nos. 22-0555 and 23-0569, is further amended to read as follows:

Section 4. Duration. The interim regulations established by Ordinance 22-0543, as renewed and extended by Ordinance Nos. 22-0555 and 23-0569, and as amended by Section 3.D of this Ordinance, shall be extended and renewed for an additional period of six (6) months from the adoption date of this Ordinance, March 13, 2023 ~~January 25, 2023~~ (to and through September 13, 2023~~July 25, 2023~~), and shall automatically expire at the end of that day unless repealed, modified, or renewed and extended (after subsequent public hearing if renewed and extended), and entry of appropriate findings of fact as provided in RCW 35A.63.220 and RCW 36.70A.390.

Section 4. Authorization of City Manager. The City Manager is hereby authorized and directed to complete a channel restoration assessment of Swamp Creek that includes the area within the TOD District Boundary, Exhibit B attached to this ordinance and to move forward and bring an ordinance for new regulations to incentivize Swamp Creek Channel restoration to the City Council for consideration and potential adoption.

Section 5. Transmittal of Ordinance. The City Manager is directed to transmit this ordinance to the Washington State Department of Commerce as required by law.

Section 6. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, the remainder of the ordinance, or the application of the provision to other persons or circumstances, is not affected.

Section 7. Effective Date. This Ordinance shall be published in the official newspaper of the City and shall take effect and be in full force (5) days after the date of publication.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 13th DAY OF MARCH 2023.

CITY OF KENMORE

_____
Mayor Nigel Herbig

ATTEST/AUTHENTICATED:

_____
Michelle Kang, Deputy City Clerk

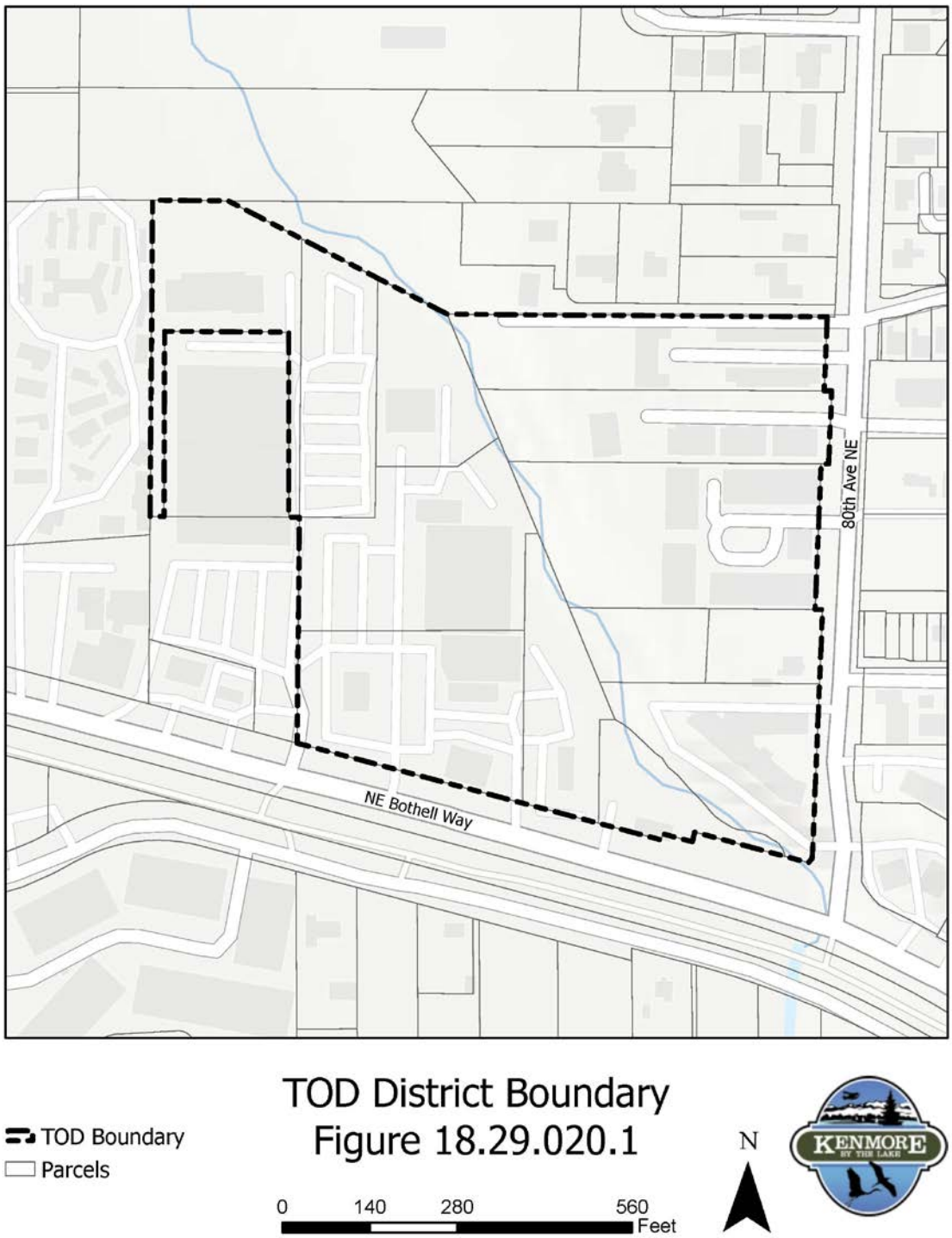
Approved as to form:

_____
Dawn Reitan, City Attorney

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL: MARCH 13, 2023
ORDINANCE NO.: 23-0575
DATE OF PUBLICATION:
EFFECTIVE DATE:

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.



CITY OF KENMORE
WASHINGTON

ORDINANCE NO. 23-0569

AN ORDINANCE OF THE CITY OF KENMORE, WASHINGTON, AMENDING ORDINANCE 22-0543, AS AMENDED BY ORDINANCE 22-0555, TO EXTEND AND RENEW FOR AN ADDITIONAL SIX-MONTH PERIOD THE CITY'S INTERIM REGULATIONS WITHIN THE TRANSIT OVERLAY DEVELOPMENT (TOD) DISTRICT; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City Council adopted Ordinance 15-0406, which established the Transit Oriented Development (TOD) District Overlay, which is codified at Chapter 18.29 of the Kenmore Municipal Code (KMC); and

WHEREAS, the purpose of the TOD District Overlay is to reinforce the City's planned concentrations of pedestrian-oriented mixed-use development at intensities that support and are supported by multi-modal transportation options, including high-capacity transit; and

WHEREAS, the City has directed the Planning Commission to review the City's TOD District Overlay regulations as part of the State-mandated Comprehensive Plan update; and

WHEREAS, the City became aware of the potential of lower density projects within the TOD District Overlay area, which would interfere with the City's intended planning for the TOD District Overlay area; and

WHEREAS, on August 16, 2021, the City Council adopted public emergency Ordinance 21-0533 that established an effective date for a six-month moratorium to and through February 16, 2022 to give the Planning Commission sufficient time to hold a hearing, complete planning for the TOD District Overlay area, and provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay; and

WHEREAS, on September 27, 2021, following a public hearing held by the City Council on the six-month moratorium, the Council adopted Ordinance 21-0535 amending Section 2 of Ordinance 21-0533 to allow an additional exemption for building permit applications for or the construction of transitional housing or permanent supportive housing or building permit application for or the construction of indoor emergency housing; and

WHEREAS, on February 14, 2022, following a public hearing held by the City Council on the moratorium and interim regulations, the Council repealed the moratorium (Ordinance 21-0533 and Ordinance 21-0535) and immediately adopted interim regulations (Ordinance 22-0543) allowing certain development applications at appropriate densities within the TOD District Overlay consistent with the City's long-range planning, prior to completion of the City's regulatory review process; and

WHEREAS, on July 25, 2022, following a public hearing, the City Council adopted Ordinance 22-0555 extending and renewing interim regulations adopted by Ordinance 22-0543 for a further six-month period through January 25, 2023 to provide additional time for the Planning Commission to hold a public hearing, complete planning for the TOD District Overlay area, provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay and for Council to consider the recommendation; and

WHEREAS, on October 18, 2022 the Planning Commission held a public hearing regarding a proposed regulatory framework for the TOD District Overlay; and

WHEREAS, on November 21, 2022 the Planning Commission presented recommendations to the City Council regarding a proposed regulatory framework for the TOD District Overlay; and

WHEREAS, on November 28, 2022 the City Council gave direction on the proposed regulatory framework for the TOD District Overlay and requested consideration of an ordinance at a future meeting; and

WHEREAS, additional time is necessary for an ordinance to be drafted reflecting Council's direction on the proposed regulatory framework for the TOD District Overlay, and to give Council sufficient time to consider and potentially adopt such an ordinance; and

WHEREAS, the regulations of zoning and land use are valid exercises of the City's police powers under Art. XI, Sec. 11 of the Washington State Constitution, and such police powers grant the City the authority to adopt interim regulations; and

WHEREAS, RCW 35A.63.220 and RCW 36.70A.39O authorize the City Council, as the governing body, to renew and extend interim regulations on development or land use for one or more six—month periods if a subsequent hearing is held and findings of fact are made prior to said extension and renewal; and

WHEREAS, on January 9, 2023 the City Council held a public hearing on the proposed six—month extension and renewal of the City's interim regulations authorized and imposed by Ordinance 22-0543, as renewed and extended by Ordinance 22-0555; and

WHEREAS, the City Council has determined that it is in the best interest of the public, and is necessary for the protection of public health, safety, property, or peace, to extend and renew for an additional six-month period the interim regulations established in Ordinance 22-0543, as extended and renewed by Ordinance 22-0555;

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

Section 1. Findings of Fact in Support of Renewal and Extension. The City Council adopts the recitals set forth above and in Ordinance Nos. 22-0543 and 22-0555, which are incorporated herein by reference, as findings of fact in support of the extension and renewal of interim regulations adopted under Ordinance 22-0543, as amended by Ordinance 22-0555, for an additional six-month period.

Section 2. Six-Month Extension and Renewal of Interim Regulations. Section 4 of Ordinance 22-0543, as amended by Ordinance 22-0555, is further amended to read as follows:

> Section 4. Duration. The interim regulations established by Ordinance 22-0543, as renewed and extended by Ordinance 22-0555, shall be extended and renewed for an additional period of six (6) months from January 25, 2023 (to and through July 25, 2023), and shall automatically expire at the end of that day unless repealed, modified, or renewed and extended (after subsequent public hearing if renewed and extended), and entry of appropriate findings of fact as provided in RCW 35A.63.220 and RCW 36.70A.390.

Section 3. Authorization of City Manager. The City Manager is hereby authorized and directed to move forward and bring an ordinance relating to the proposed TOD regulatory framework to the City Council for consideration and potential adoption.

Section 4. Transmittal of Ordinance. The City Manager is directed to transmit this ordinance to the Washington State Department of Commerce as required by law.

Section 5. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, the remainder of the ordinance, or the application of the provision to other persons or circumstances, is not affected.

Section 6. Effective Date. This Ordinance shall be published in the official newspaper of the City and shall take effect and be in full force (5) days after the date of publication.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 9th DAY OF JANUARY 2023.

CITY OF KENMORE

Nigel Herbig (Jan 10, 2023 17:12 PST)

Mayor Nigel Herbig

ATTEST/AUTHENTICATED:

Michelle Kang (Jan 10, 2023 16:33 PST)

Michelle Kang, Deputy City Clerk

Approved as to form:

Dawn Reitan (Jan 11, 2023 10:54 PST)

Dawn Reitan, City Attorney

FILED WITH THE CITY CLERK: 12/29/2022
PASSED BY THE CITY COUNCIL: JANUARY 9, 2023
ORDINANCE NO.: 23-0569
DATE OF PUBLICATION: 01/13/2023
EFFECTIVE DATE: 01/18/2023

Ordinance No. 23-0569 Extending and Renewing TOD Interim Regulations

Final Audit Report 2023-01-11

Created:	2023-01-11
By:	Michelle Kang (mkang@kenmorewa.gov)
Status:	Signed
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"Ordinance No. 23-0569 Extending and Renewing TOD Interim Regulations" History

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Document emailed to Dawn Reitan (dreitan@insleebest.com) for signature
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Document e-signed by Michelle Kang (mkang@kenmorewa.gov)
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Signer nherbig@kenmorewa.gov entered name at signing as Nigel Herbig
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CITY OF KENMORE
WASHINGTON

ORDINANCE NO. 22-0555

AN ORDINANCE OF THE CITY OF KENMORE, WASHINGTON, AMENDING ORDINANCE 22-0543 TO EXTEND AND RENEW FOR AN ADDITIONAL SIX-MONTH PERIOD THE CITY'S INTERIM REGULATIONS WITHIN THE TRANSIT OVERLAY DEVELOPMENT (TOD) DISTRICT; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City Council adopted Ordinance 15-0406, which established the Transit Oriented Development (TOD) District Overlay, which is codified at Chapter 18.29 of the Kenmore Municipal Code (KMC); and

WHEREAS, the purpose of the TOD District Overlay is to reinforce the City's planned concentrations of pedestrian-oriented mixed-use development at intensities that support and are supported by multi-modal transportation options, including high-capacity transit; and

WHEREAS, the City has directed the Planning Commission to review the City's TOD District Overlay regulations as part of the State-mandated Comprehensive Plan update; and

WHEREAS, the City became aware of the potential of lower density projects within the TOD District Overlay area, which would interfere with the City's intended planning for the TOD District Overlay area; and

WHEREAS, on August 16, 2021, the City Council adopted public emergency Ordinance 21-0533 that established an effective date for a six-month moratorium to and through February 16, 2022 to give the Planning Commission sufficient time to hold a hearing, complete planning for the TOD District Overlay area, and provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay; and

WHEREAS, on September 27, 2021, following a public hearing held by the City Council on the six-month moratorium, the Council adopted Ordinance 21-0535 amending Section 2 of Ordinance 21-0533 to allow an additional exemption for building permit applications for or the construction of transitional housing or permanent supportive housing or building permit application for or the construction of indoor emergency housing; and

WHEREAS, on February 14, 2022, following a public hearing held by the City Council on the moratorium and interim regulations, the Council repealed the moratorium (Ordinance 21-0533 and Ordinance 21-0535) and immediately adopted interim regulations (Ordinance 22-0543) allowing certain development applications at appropriate densities within the TOD District Overlay consistent with the City's long-range planning, prior to completion of the City's regulatory review process; and

WHEREAS, additional time is necessary for the Planning Commission to hold a public hearing, complete planning for the TOD District Overlay area, provide recommendations to the

City Council regarding the appropriate regulatory framework for the TOD District Overlay and for Council to consider the recommendation; and

WHEREAS, the regulations of zoning and land use are valid exercises of the City's police powers under Art. XI, Sec. 11 of the Washington State Constitution, and such police powers grant the City the authority to adopt interim regulations; and

WHEREAS, RCW 35A.63.220 and RCW 36.70A.39O authorize the City Council, as the governing body, to renew and extend interim regulations on development or land use for one or more six—month periods if a subsequent hearing is held and findings of fact are made prior to said extension and renewal; and

WHEREAS, on July 25, 2022, the City Council held a public hearing on the proposed six—month extension and renewal of the City's interim regulations authorized and imposed by Ordinance 22-0543; and

WHEREAS, the City Council has determined that it is in the best interest of the public, and is necessary for the protection of public health, safety, property, or peace, to extend and renew for an additional six-month period the interim regulations established in Ordinance 22-0543; and

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

Section 1. Findings. The City Council adopts the recitals set forth above and in Ordinance No. 22-0543, which are incorporated herein by reference, as findings in support of the extension and renewal of interim regulations adopted under Ordinance 22-0543 for an additional six-month period.

Section 2. Six-Month Extension and Renewal of Interim Regulations. Section 4 of Ordinance 22-0543 is amended to read as follows:

> Section 4. Duration. The interim regulations established by ~~in Section 3~~ ~~above~~ Ordinance 22-0543 shall be extended and renewed ~~in effect~~ for a period of six (6) months from the effective date of this Ordinance 22-0555 (to and through ~~September 14, 2022~~ January 25, 2023) and shall automatically expire at the end of that day unless repealed, modified, or extended (after subsequent public hearing if extended), and entry of appropriate findings of fact as provided in RCW 35A.63.220 and RCW 36.70A.390.

Section 3. Authorization of City Manager. The City Manager is hereby authorized and directed to move forward with the Planning Commission's review of appropriate development regulations relating to the TOD District Overlay area, and to bring its recommendation to the City Council for consideration and potential adoption.

Section 4. Transmittal of Ordinance. The City Manager is directed to transmit this ordinance to the Washington State Department of Commerce as required by law.

Section 5. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, the

remainder of the ordinance, or the application of the provision to other persons or circumstances, is not affected.

Section 6. Effective Date. This Ordinance shall be published in the official newspaper of the City and shall take effect and be in full force (5) days after the date of publication.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 25th DAY OF JULY 2022.

CITY OF KENMORE

Nigel Herbig (Jul 27, 2022 12:29 PDT)

Mayor Nigel Herbig

ATTEST/AUTHENTICATED:

Anastasiya Warhol (Jul 27, 2022 14:10 PDT)

Anastasiya Warhol, City Clerk

Approved as to form:

Dawn Reitan (Jul 27, 2022 09:52 PDT)

Dawn Reitan, City Attorney

FILED WITH THE CITY CLERK: 7/15/22
PASSED BY THE CITY COUNCIL: JULY 25, 2022
ORDINANCE NO.: 22-0555
DATE OF PUBLICATION: 7/28/22
EFFECTIVE DATE: 8/2/22

Ordinance 22-0555, Extending Interim Regulations in TOD Area

Final Audit Report 2022-07-27

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"Ordinance 22-0555, Extending Interim Regulations in TOD Area " History

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CITY OF KENMORE
WASHINGTON

ORDINANCE NO. 22-0543

AN ORDINANCE OF THE CITY OF KENMORE, WASHINGTON, ADOPTING SIX-MONTH INTERIM REGULATIONS WITHIN THE TRANSIT OVERLAY DEVELOPMENT (TOD) DISTRICT; REPEALING ORDINANCE NOS. 21-0533 AND 21-0535; DECLARING AN EMERGENCY AND ESTABLISHING AN IMMEDIATE EFFECTIVE DATE

WHEREAS, the City Council adopted Ordinance 15-0406, which established the Transit Oriented Development (TOD) District Overlay, which is codified at Chapter 18.29 of the Kenmore Municipal Code (KMC); and

WHEREAS, the purpose of the TOD District Overlay is to reinforce the City's planned concentrations of pedestrian-oriented mixed-use development at intensities that support and are supported by multi-modal transportation options, including high-capacity transit; and

WHEREAS, the City has directed the Planning Commission to review the City's TOD District Overlay regulations as part of the State-mandated Comprehensive Plan update; and

WHEREAS, the City became aware of the potential of lower density projects within the TOD District Overlay area, which would interfere with the City's intended planning for the TOD District Overlay area; and

WHEREAS, on August 16, 2021 the City Council adopted public emergency Ordinance 21-0533 that established an effective date for a six-month moratorium to and through February 16, 2022 to give the Planning Commission sufficient time to hold a hearing, complete planning for the TOD District Overlay area, and provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay; and

WHEREAS, on September 27, 2021 following a public hearing held by the City Council on the six-month moratorium, the Council adopted Ordinance 21-0535 amening Section 2 of Ordinance 21-0533 to allow an additional exemption for building permit applications for or the construction of transitional housing or permanent supportive housing or building permit application for or the construction of indoor emergency housing; and

WHEREAS, additional time is necessary for the Planning Commission to hold a public hearing, complete planning for the TOD District Overlay area, provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay and for Council to consider the recommendation; and

WHEREAS, repeal of the moratorium (Ordinance 21-0533 and Ordinance 21-0535) and immediate adoption of interim regulations allows certain development applications at appropriate densities within the TOD District Overlay consistent with the City's long-range planning, prior to completion of the City's regulatory review process; and

WHEREAS, the City Council deems it to be in the best interest of the public, and necessary for the protection of the public health, safety, property, or peace, to establish immediate interim regulations on the acceptance, review, and approval of permits for the establishment, location, and/or construction of any development within the TOD District Overlay; and

WHEREAS, the regulation of zoning and land use are valid exercises of the City's police powers under Article XI, Section 11 of the Washington State Constitution, and such police powers grant the City Council authority to adopt a moratorium; and

WHEREAS, RCW 35A.63.220 and RCW 36.70A.390 authorize the City Council, as the governing body, to adopt interim regulations on development or land use for six-months; and

WHEREAS, as provided in RCW 35A.63.220 and RCW 36.70A.390, the City Council advertised and held a public hearing on February 14, 2022 to take public testimony and consider adopting further findings justifying the imposition of interim regulations; and

WHEREAS, RCW 35A.13.190 provides that an ordinance may be made effective upon adoption if passed by a majority plus one of the whole membership of the council, and if designated as a public emergency ordinance necessary for the protection of the public health, public safety, public property or public peace; and

WHEREAS, pursuant to RCW 35A.13.190, the City Council finds that this ordinance is a public emergency ordinance necessary for the protection of public health, public safety, public property, or public peace for the reasons set forth herein;

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

Section 1. Findings. The City Council adopts the recitals set forth above, which are incorporated by reference, as findings in support of the interim regulations and declaration of this ordinance as a public emergency ordinance.

Section 2. Repeal of the Moratorium. The City Council hereby repeals Ordinance Nos. 21-0533 and Ordinance 21-0535, which established and amended the six-month moratorium.

Section 3. Interim Regulations.

A. Adoption. Pursuant to the City's police powers under Article XI, Section 11 of the Washington State Constitution, RCW 35A.63.220, and RCW 36.70A.390, interim regulations are hereby adopted and imposed on the application for, intake of, review of, or issuance of any approval and/or development permit, including, but not limited to, building permits, site plan review, etc., for the establishment, location and/or construction of any development within the Transit Oriented Development (TOD) District Overlay area, as shown and depicted in KMC 18.29.020. The term "development" means the same as defined in KMC 18.20.715. The term "development permit" means the same as defined in KMC 18.20.735.

B. Exemptions. The interim regulations adopted by this Ordinance only apply to new development permit applications.

C. Adopted Interim Regulations: Interim regulations for the TOD District Overlay adopted and imposed pursuant to Section 3.A are set forth in Exhibit A, attached hereto and incorporated by reference.

Section 4. Duration. The interim regulations established in Section 3 above shall be in effect for a period of six (6) months from the effective date of this Ordinance (to and through September 14, 2022) and shall automatically expire at the end of that day unless repealed, modified, or extended (after subsequent public hearing if extended), and entry of appropriate findings of fact as provided in RCW 35A.63.220 and RCW 36.70A.390.

Section 5. Authorization of City Manager. The City Manager is hereby authorized and directed to move forward with the Planning Commission's review of appropriate development regulations relating to the TOD District Overlay area, and to bring its recommendation to the City Council for consideration and potential adoption.

Section 6. Transmittal of Ordinance. The City Manager is directed to transmit this ordinance to the Washington State Department of Commerce as required by law.

Section 7. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, the remainder of the ordinance, or the application of the provision to other persons or circumstances, is not affected.

Section 8. Designation of Emergency Ordinance; Immediate Effective Date. Pursuant to RCW 35A.13.190, the City Council declares and designates this ordinance as a public emergency ordinance necessary for the protection of the public health, public safety, public property, or the public peace. Upon adoption of this ordinance by a majority plus one of the whole membership of the council, this ordinance shall take effect and be in full force immediately upon its adoption. Pursuant to Matson v. Clark County Board of Commissioners, 79 Wn. App. 641, 904 P.2d 317 (1995), underlying facts necessary to support this emergency declaration are included in the recitals set forth above, which are adopted by reference.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 14th DAY OF FEBRUARY 2022.

CITY OF KENMORE

Mayor Nigel Herbig

ATTEST/AUTHENTICATED:

Anastasiya Warhol

Anastasiya Warhol (Feb 18, 2022 15:56 PST)

Anastasiya Warhol, City Clerk

Approved as to form:

Dawn Reitan (Feb 15, 2022 13:29 PST)

Dawn Reitan, City Attorney

FILED WITH THE CITY CLERK: 2/10/22
PASSED BY THE CITY COUNCIL: 2/14/22
ORDINANCE NO.: 22-0543
DATE OF PUBLICATION: 2/18/22
EFFECTIVE DATE: 2/14/22

EXHIBIT A

Chapter 18.29
TRANSIT ORIENTED DEVELOPMENT (TOD) DISTRICT OVERLAY

Sections:

18.29.010 Intent.
18.29.020 Area.
18.29.030 Applicability.
18.29.040 Use allowances.
18.29.050 Zoning standards.
18.29.055 Wireless communication facilities.
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.

18.29.010 Intent.

The purpose of the transit oriented development (TOD) district overlay is to reinforce the City's planned concentration of pedestrian-oriented mixed use development at intensities that support and are supported by multi-modal transportation options, including high capacity transit. The TOD district overlay revitalizes the City's core by creating incentives and opportunities for a mix of jobs and residences, cultivates a respectful relationship among development within the district, the natural environment, and nearby traditional neighborhoods, and provides a framework for future infrastructure and service decisions. The TOD district overlay provides public benefits in the form of encouraging housing affordable to all economic groups, increased pedestrian connectivity, quality design, and incentive to preserve significant tree groves where they exist. [Ord. 15-0406 § 1 (Att. A).]

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.

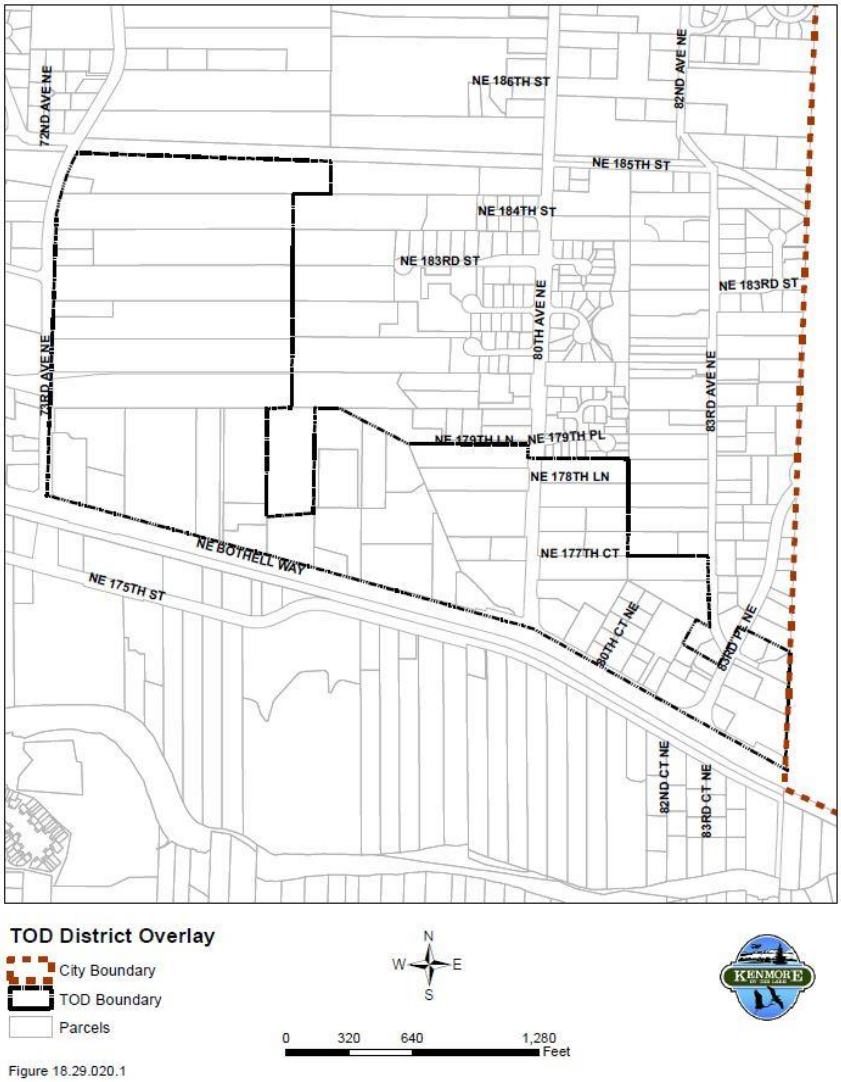

Figure 18.29.020.1

[Ord. 19-0481 § 2 (Att. A); Ord. 15-0406 § 1 (Att. A).]

18.29.030 Applicability.

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

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

1. The property must be located within the TOD district overlay area as described in KMC 18.29.020;

2. The proposed development must either:

a. Be considered a mixed use development as defined in KMC 18.20.1740; or

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

C. Eligible properties within the TOD district overlay that do not choose to develop under the provisions of this chapter shall comply with the provisions of the underlying zone in their entirety with the following exceptions:.

1. In the R-12, R-18, R-24, UC East, and DC zones in the TOD district overlay area, the minimum density for residential development shall be no less than the base density for the underlying zone;

2. Except in the R-1 zone, townhouse development shall be prohibited.

3. At least twenty five percent of the total number of units in the development shall be *low- or very low-income affordable housing units* subject to the standards in KMC Chapter 18.77.

18.29.040 Use allowances.

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

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

Table A – TOD District Overlay Use Allowances

Permitted	Conditionally Permitted	Prohibited
Arts, entertainment, indoor[1,3]	Ambulatory surgery center[2]	Adult entertainment business
Business service, standard[1,3]	Animal kennel/ shelter[2,5]	Air transportation service
Day care	College/ university[2]	Arts, entertainment, outdoor
Eating and drinking place[1]	Fire or police facility[2]	Auction house
Educational service[1]	Laboratory[2]	Automotive sales and service, marine
Health care and social assistance[1,3]	Park	Automotive sales and service, nonmarine

EXHIBIT A

Table A – TOD District Overlay Use Allowances

Permitted	Conditionally Permitted	Prohibited
Manufacturing, light[1,3,5]	Regional land use	Business service, intensive
Mobile food service[4]	Religious institution[2]	Cemetery, columbarium or mausoleum
Multiple-family dwelling[6]	Supportive living facility[2]	Community residential facility
Office[1]		Construction and trade
Personal service[1,3]		Family child-care home
Recreational facility, indoor[1,3]		Funeral home/ crematory
Retail sales[1,3,5]		Hospital
Temporary lodging[1,3]		Manufactured housing community
		Manufacturing, heavy
		Marijuana business
		Recreational facility, outdoor
		Resource land use
		Retail sales, bulk
		Secure facility
		Single detached dwelling unit
		Standalone parking
		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.

[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.

[4] *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.

[5] No *outdoor storage* of materials shall be permitted.

[6] Townhouse development shall be prohibited.

[Ord. 19-0481 § 2 (Exh. A); Ord. 17-0438 § 2 (Att. A); Ord. 16-0426 § 5 (Att. C); Ord. 15-0406 § 1 (Att. A).]

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:

Table B – TOD Overlay District Development Standards

STANDARD	REQUIREMENT
Minimum Density: Dwelling Units/Gross Acre	60[1]
Maximum Density: Dwelling Units/Gross Acre	150[1]
Maximum Height	65'[2]

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

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

[Ord. 15-0406 § 1 (Att. A).]

18.29.055 Wireless communication facilities.

Use allowances and development regulations for *wireless communication facilities* in the TOD district overlay shall be as specified in Chapter 18.60 KMC for the underlying zoning district. [Ord. 16-0426 § 6 (Att. D).]

18.29.060 Affordable housing requirements.

For properties choosing to develop under the TOD district overlay, *development* shall provide affordable housing as described in Chapter 18.77 KMC. *Development* choosing to develop under the TOD district overlay shall not utilize the provisions of residential density incentives found in Chapter 18.80 KMC to achieve maximum densities. [Ord. 19-0481 § 2 (Exh. A); Ord. 15-0406 § 1 (Att. A).]

18.29.070 Parking.

Parking in the TOD district overlay 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. 1.0 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. 1.0 additional parking space per every five market rate dwelling units shall be provided and designated as guest parking for use by all guests.

3. 0.6 parking spaces per dwelling unit for affordable or senior dwelling units.

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

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

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

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.

3. Shared parking among uses is encouraged within the TOD district overlay. Developments that propose shared parking arrangements shall submit a parking management plan as defined in KMC 18.20.1995 that describes the terms and conditions of shared parking arrangements on site.

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

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

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

F. All other parking requirements shall be as provided in Chapter 18.40 KMC. [Ord. 16-0428 § 13 (Att. I); Ord. 15-0406 § 1 (Att. A).]

18.29.080 Design requirements.

Development within the TOD district overlay shall comply with Standard 1 provisions of the downtown design standards, as set forth in Chapter 18.52 KMC.

In addition, the following design requirements shall apply:

A. 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) shall be required to provide an interior ground-level setback of 15 feet on the side of the property facing the single-family zone, unless a larger setback is required in the underlying zone. In that event, the larger of the two setback requirements shall govern. The setback required by this subsection shall be landscaped with Type II landscaping as defined in KMC 18.35.040(B) to provide a visual buffer. [Ord. 15-0406 § 1 (Att. A).]

18.29.090 Connectivity requirements.

The TOD district overlay 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. [Ord. 15-0406 § 1 (Att. A).]

18.29.100 Significant tree grove retention.

A. Definitions.

1. Significant Tree Grove Definition. A “significant tree grove” shall consist of two or more trees with a minimum of five and one-half tree units total. A qualifying tree has two tree units minimum. The maximum distance measured in feet between qualifying trees shall be equal to

two times the critical root zone in order to be defined as a significant tree grove. For example a 24-inch d.b.h. tree must be within 24 feet of another tree in the grove to be included in the significant tree grove. A tree of any size that is topped or considered a “hazard tree” as defined in KMC 18.20.3084 may not qualify as part of a significant tree grove as herein defined. For purposes of this chapter, a significant tree grove may not contain trees that are located within a critical area or critical area buffer protected under Chapter 18.55 KMC. A significant tree grove is not the same as a “grove,” as defined in KMC 18.20.1273.

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

B. Applicability.

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.

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

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

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

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

E. Significant Tree Grove Preservation Requirements.

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

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

3. Subject to Tree Protection Measures of Chapter 18.57 KMC. Significant tree groves protected under this section shall be subject to the tree protection measures during construction found in KMC 18.57.090, the post-construction replacement, financial guarantee, and maintenance requirements of KMC 18.57.100, and the penalties and enforcement of KMC 18.57.110. [Ord. 15-0406 § 1 (Att. A).]

Business of the City Council
City of Kenmore, WA

Subject/Topic: Public Hearing and Consideration of Ordinance 23-0574 Adopting Municipal Code and Zoning Map amendments related to Transit-Oriented Development (TOD)	**For Council Meeting Agenda of:** 3/13/23 **Department:** Community Development **Prepared by:** Debbie Bent, Community Development Director and Lauri Anderson, Principal Planner
Proposed Council Action/Motions: (1) Hold a Public Hearing on Ordinance 23-0574 amending the Kenmore Municipal Code and the Official Kenmore Zoning Map (2) Adopt Ordinance 23-0574 amending the Kenmore Municipal Code and the Official Kenmore Zoning Map	**Initial & Date** **Approved by Department Head:** **DB, 2/24/23** **Approved by City Attorney:** **DR, 2/24/23** **Approved by Finance Director:** N/A **Approved by City Manager:** **RK, 3/3/23** **Exhibits/Attachments:** Attachment 1: Proposed Ordinance 23-0574

At your November 28, 2022 City Council meeting, Council directed staff to prepare an ordinance making the proposed TOD amendments effective in areas outside a "carve-out" of parcels near Swamp Creek. Council also requested a modification to the recommendations that would require nonresidential uses on the ground floor of developments with street frontage in the Urban Corridor zone, east subarea.

The City Council further discussed this direction at the February 13, 2023 City Council meeting. At that meeting, Council identified specific code sections that would not apply in the carve-out. Council also endorsed the draft language regarding nonresidential uses on the ground floor of new developments in the Urban Corridor zone, east subarea. Questions were raised about the applicability of this nonresidential use requirement to parcels without current street improvements, in consideration of the potential future east-west connecting road through the Urban Corridor zone, east subarea that is proposed in the draft Transportation Element of the Comprehensive Plan.

KMC 18.20.2910 defines "street" as "a public or recorded private thoroughfare providing pedestrian and vehicular access through neighborhoods and communities and to abutting property." The definition does not include potential future streets or private easements that may provide public access in future years. After planning, engineering and legal review of the topic, staff has determined that requiring nonresidential uses on the ground floor of buildings facing an area that is not defined as a "street" would be problematic. Reasons include: the difficulty in requiring surplus street improvements for a development that has alternative and adequate access under the code (from SR-522); the unknown timing of the future east-west street construction as the Transportation Element identifies it as a "Longer Term (7-20 year)" project; and the potential negative economic impacts of requiring a nonresidential use on a portion of a site that does not have street frontage, and may not have it for several years. Accordingly, the code language reviewed by the City Council on February 13 has been retained in the draft ordinance. Once a development is required to construct a "street frontage" for its project, the regulation would apply.

Attachment 1 is the draft ordinance implementing the City Council's direction. Given changes to the original Planning Commission recommendations, staff recommends that a public hearing be held on the amendments. Following the public hearing, staff recommends that the Council consider and potentially adopt the ordinance.

Approval Criteria

KMC 19.20.090 provides the decision criteria for proposed development standard amendments. Those criteria, and staff responses follow:

1. The proposed amendment is consistent with the Growth Management Act and the countywide planning policies;
   Staff response: The amendments reflect requirements from the Growth Management Act, VISION 2050 (the multicounty planning policies) and the King County Countywide Planning Policies. New emphases on focusing growth in areas of high-capacity transit and supporting affordable housing come directly from these documents.

2. The proposed amendment eliminates an inconsistency or does not create an inconsistency within the comprehensive plan;
Staff response: The amendments are consistent with recently adopted changes to the Comprehensive Plan and are, in fact, implementing actions of the Plan.

3. The proposed amendment meets at least one of the following criteria:
   a. The proposed amendment is beneficial to the City as a whole and will not adversely affect public health, safety, and welfare; or

   b. The proposed amendment addresses changed circumstances within the City as a whole; or

   c. The proposed amendment accommodates new policy direction from the city council.

Staff response: The changes satisfy all of these criteria. The amendments would be beneficial to the City as a whole as future growth is accommodated in ways that do not adversely affect public health, safety, or welfare. The State Environmental Policy Act review of the amendments concluded that they would not result in any significant adverse environmental impacts.

The affordable housing crisis and the arrival of bus rapid transit to Kenmore reflect changed circumstances in the Puget Sound Region to which these amendments respond.

Lastly, the new amendments accommodate new policy direction from the City Council which asked specifically that changes to the TOD be considered.

4. The proposed amendment is consistent with the policies, objectives, and goals of the comprehensive plan.
Staff response: The new regulations and Zoning Map change are consistent with the policies, objectives, and goals of the Comprehensive Plan. In fact, new amendments in the Comprehensive Plan adopted in November 2022 directly address these regulatory changes.

5. The proposed amendment does not duplicate or conflict with other portions of the Kenmore Municipal Code.
Staff response: Regulations in the Municipal Code were reviewed and amended, as necessary, to ensure that there is no conflict.

Background

Review by Planning Commission: In January 2021, the City Council assigned to the Planning Commission review of several Comprehensive Plan Elements as part of the State-mandated 2024 Comprehensive Plan update. The Council also directed that the Commission assess the City's Transit-Oriented Development (TOD) rules and location in conjunction with the update.

The Commission has worked on the project since the Council's directive, as briefly summarized below:

- January-March 2021: Commission reviewed City Council docket assignment, including review of the TOD area
- June 2021: Commission reviewed approaches and alternatives to TOD expansion and provided initial policy direction
- January 2022: New Commissioners (3) were introduced to the project and Commission confirmed initial TOD policy direction
- February 2022: Commission hosted a TOD panel discussion with TOD developers and advocates
- June 2022: Commission recommended Comprehensive Plan amendments to the City Council including supportive policy direction for the TOD amendments
- July 2022: Commission began review of TOD code amendments
- August 2022: Commission discussed affordable housing requirements in the TOD area
- September 2022: Commission gave preliminary direction on TOD amendments
- October 18, 2022: Commission held a public hearing on the project

- November 1, 2022: Commission approved final recommendations on the proposed amendments

Review by City Council: On November 7, 2022, the City Council adopted updates to several Elements of the Comprehensive Plan. Those updates provided policy support for the TOD code amendments and identified the amendments as an implementation measure of the Land Use Element.

On November 21, 2022, the Commission presented their recommendations to the City Council on the proposed amendments. The November 21st agenda materials, which include the Commission's recommendations are located at: https://kenmore.civicweb.net/filepro/documents/117004/?preview=126222

At the City Council's November 28, 2022, meeting the Council continued to consider the Commission's recommendations on the proposed amendments focusing on the following topics:

- Potential impact on Swamp Creek
- Nonresidential uses on the ground floor of buildings along SR-522 in the Urban Corridor zone, east subarea

At that meeting, the Council directed that staff prepare an ordinance for review.

The November 28th agenda materials are located at:
https://kenmore.civicweb.net/filepro/documents/117004/?preview=126454

At the City Council's February 13, 2023, meeting, staff requested additional clarification of the Council's November 28th direction. That direction was provided and the Council requested the final ordinance. The February 13th agenda materials can be found at https://kenmore.civicweb.net/filepro/documents/126974/?preview=127720

FISCAL CONSIDERATION: None.

COUNCIL PRIORITY BEING ADDRESSED: Adoption of the TOD regulations is an implementation measure of the City's Comprehensive Plan.

CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 23-0574

AN ORDINANCE OF THE CITY OF KENMORE, WASHINGTON, AMENDING CHAPTERS 18.15, 18.20, 18.24, 18.25, 18.25A, 18.26, 18.27, 18.30, 18.35, 18.40, 18.42, 18.50, 18.52, 18.57, 18.60, 18.73, 18.77, 18.80, 18.110 OF THE KENMORE MUNICIPAL CODE RELATING TO TRANSIT-ORIENTED DEVELOPMENT AND ADOPTING A NEW CHAPTER 18.24A OF THE KENMORE MUNICIPAL CODE ENTITLED "URBAN RESIDENTIAL ZONE"; AND AMENDING THE ZONING MAP TO ADD A NEW ZONING DESIGNATION OF URBAN RESIDENTIAL; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, over the past two years, the City's Planning Commission has reviewed and recommended options for amendments to the Kenmore Municipal Code related to transit-oriented development (TOD); and

WHEREAS, the Planning Commission held a public hearing on the Municipal Code amendments on October 18, 2022; and

WHEREAS, on November 21, 2022, the Planning Commission presented recommendations to the City Council on the proposed amendments; and

WHEREAS, at the November 21, and November 28, 2022 public meetings the City Council reviewed the Planning Commission's recommendations, received additional background information, and requested the formulation of new policy options; and

WHEREAS, at the November 28, 2022 public meeting, the City Council requested that the final Municipal Code amendments be prepared for consideration and potential adoption; and

WHEREAS, at the February 13, 2023 public meeting, the City Council further refined their policy directions; and

WHEREAS, throughout the review process for the amendments, a concerted effort has been made to generate public involvement, including a TOD developers' panel; direct mailings to Kenmore addresses in the areas under consideration for change; social media posts; development of a comprehensive web page; and a public hearing; and

WHEREAS, the public involvement efforts referenced above have met and exceeded the public participation requirements set forth in RCW 36.70A.140 and KMC 19.20.060 for review of the Municipal Code amendments; and

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

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

WHEREAS, the City Council has considered the record created under the review process for the Municipal Code amendments; and

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

WHEREAS, the City Council desires to adopt the proposed amendments to update the Municipal Code;

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

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

Section 2. Amendments to the Municipal Code. The City Council amends the Kenmore Municipal Code, as set forth in Exhibit A, attached hereto and incorporated by reference.

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

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

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE ___TH DAY OF _____, 2023.

CITY OF KENMORE

_____
Nigel Herbig, Mayor

ATTEST/AUTHENTICATED:

_____
Michelle Kang, City Clerk

Approved as to form:

_____
Dawn Reitan, City Attorney

Filed with the City Clerk:
Passed by the City Council:
Ordinance No.:
Date of Publication:
Effective Date:

DRAFT

new or ~~deleted~~ text

Zoning District Changes

Chapter 18.25A
Urban Corridor Zone

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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
Adult entertainment business[1]	*College/university*	*Air transportation service*
Ambulatory surgery center	*Fire or police facility*	*Arts, entertainment, outdoor*[3]
Animal kennel/shelter[2]	*Hospital*[5]	*Auction house*
Arts, entertainment, indoor	*Laboratory*[7]	*Automotive sales and service, marine*
Arts, entertainment, outdoor[3]	*Regional land use*[5]	*Automotive sales and service, nonmarine*
Business service, standard	*Retail sales, bulk*[5,10]	*Business service, intensive*
Cemetery, columbarium or mausoleum[4]		*Community residential facility*[5]
Community residential facility[5]		*Construction and trade*
Day care		*Family child-care home*
Eating and drinking place[6]		*Hospital*[5]
Educational service		*Manufactured housing community*
Funeral home/crematory		*Manufacturing, heavy*
Health care and social assistance		*Marijuana cooperative*
Laboratory[7]		*Recreational facility, outdoor*[3]
Manufacturing, light		*Regional land use*[5]
Marijuana business		*Resource land use*
Mobile food service[8]		*Retail sales, bulk*[5]
Multiple-family dwelling[13,14]		*Secure facility*
Office		*Single detached dwelling unit*
Park		*Standalone parking*[11]
Personal service		*Transportation*
Recreational facility, indoor		*Utility facility*
Recreational facility, outdoor[3,9]		*Vehicle or equipment rental*
Religious institution		*Vehicle refueling station*[12]
Retail sales		*Warehousing*
Retail sales, bulk[5,10]		*Wholesale trade*

Table B. Urban Corridor East Subarea Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
Standalone parking[11] *Supportive living facility* *Temporary lodging* *Vehicle refueling station*[12]		

• • •

[13] A standalone townhouse development is prohibited.

[14] On *street frontages*, the following conditions apply:

a. A minimum of 80 percent of the *structure's* street front façade at street level shall be occupied by nonresidential (e.g., retail, office or service) *uses*.

b. The required nonresidential *uses* shall extend at least 30 feet in depth at street level from the street front façade of the *structure*; provided, that the minimum required depth may be averaged, with no depth less than 15 feet.

Exception: These requirements do not apply to multifamily structures containing 100% *affordable housing units*.

> Exception: This section 18.25A.040, as amended by Ord. 23-0574, shall not apply to certain real properties located within the area of the Transit Oriented Development (TOD) District Overlay as identified in KMC 18.29.020 and Figure 18.29.020.1 KMC, and as further identified by the following Tax Parcel Numbers (TPN): TPN 011410-0889, TPN 011410-0881, TPN 011410-0870, TPN 011410-0885, TPN 011410-0865, TPN 011410-0860, and TPN 011410-0855 (collectively, the "Parcels"). The code section 18.25A.040 adopted under Ordinance 19-0481 shall apply and remain in full force and effect for these Parcels.

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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: *Dwelling Units*/Acre	48 du/ac
Urban Corridor west subarea Maximum Density: *Dwelling Units*/Acre	72 du/ac[1]
Urban Corridor east subarea Minimum Density: *Dwelling Units*/Acre	60 du/ac
Urban Corridor east subarea Maximum Density: *Dwelling Units*/Acre	150 du/ac
Minimum *Street Setback*	10 ft.[2]
Minimum Interior *Setback*	20 ft.[3]
Maximum Height:	
Urban corridor east subarea	~~55~~85 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 *Impervious Surface*: 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.

> Exception: This section 18.25A.060, as amended by Ord. 23-0574, shall not apply to certain real properties located within the area of the Transit Oriented Development (TOD) District Overlay as identified in KMC 18.29.020 and Figure 18.29.020.1 KMC, and as further identified by the following Tax Parcel Numbers (TPN): TPN 011410-0889, TPN 011410-0881, TPN 011410-0870, TPN 011410-0885, TPN 011410-0865, TPN 011410-0860, and TPN 011410-0855 (collectively, the "Parcels"). The code section 18.25A.060 adopted under Ordinance 16-0428 shall apply and remain in full force and effect for these Parcels.

18.25A.070 Additional development standards.

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*.~~

~~C~~B. *Drive-through service* is not permitted in the urban corridor east subarea. In the urban corridor west subarea, 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.

~~D~~C. 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.

18.25A.075 View corridors in the Urban Corridor zone, west subarea.

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.

Exception: This section 18.25A.090, as amended by Ord. 23-0574, shall not apply to certain real properties located within the area of the Transit Oriented Development (TOD) District Overlay as identified in KMC 18.29.020 and Figure 18.29.020.1 KMC, and as further identified by the following Tax Parcel Numbers (TPN): TPN 011410-0889, TPN 011410-0881, TPN 011410-0870, TPN 011410-0885, TPN 011410-0865, TPN 011410-0860, and TPN 011410-0855.

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.~~080~~105 ~~Conflict with design standards~~Design 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.

18.25A.~~075~~110 Wireless communication facilities.

Use allowances and development regulations for *wireless communication facilities* are located in Chapter 18.60 KMC.

Chapter 18.25
Downtown Commercial Zone

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18.25.040 Zoning standards.

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

Table B. Downtown Commercial Development Standards

STANDARD	REQUIREMENT
~~Base Density: *Dwelling Units*/Gross Acre~~	~~48; applies east of 68th Avenue NE~~
Maximum Density: *Dwelling Units*/Gross Acre ~~with Density Bonus Incentives~~	~~72; density incentives or bonuses not required west of 68th Avenue NE~~150
Minimum Density: *Dwelling Units*/Net Acre for Stand-Alone Multifamily Proposals	~~36~~60
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~~	~~35 ft.~~
Maximum Height ~~Applicable to *mixed use developments* containing residential dwellings at a minimum 50 percent of square footage to a maximum of 75 percent square footage; or to *developments* achieving density bonus; or to *developments* providing structured parking~~	West of 73rd Avenue NE: 65 ft. East of 73rd Avenue NE: 85 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.

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18.25.050 Conflicts.

In the event of conflict between Chapter 18.52 KMC, ~~Downtown~~ Design Standards, and downtown commercial zone standards, the Kenmore ~~downtown~~ design standards shall prevail.

Chapter 18.27
Public and Semi-Public Zone

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18.27.020 Public and semi-public zone – Use allowances.

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

Table A. Public and Semi-Public Zone Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
Arts, entertainment, indoor	*College/university*	*Marijuana business*
Arts, entertainment, outdoor[1]	*Construction and trade*[4]	*Marijuana cooperative*
Educational service		*Regional land use*[5]
Fire or police facility		*Secure facility*
Multiple-family dwelling[6,7]		
Office[2]		
Park		
Recreational facility, indoor		

Table A. Public and Semi-Public Zone Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
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.

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.

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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: *Dwelling Units*/Gross Acre	~~0.10[1]~~ 150[1]
Minimum Lot Size	4,500 sq. ft.[2]
Minimum Lot Width	35 ft.
Minimum *Street Setback*	0 ft., 10 ft., or 20 ft.[3]
Minimum Interior *Setback*	0 ft., 5 ft., or 20 ft.[3]
Base Height	35 ft.[4,5]
Maximum *Impervious Surface*: Percentage	70%, 90%[5,6]

[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.

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

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

[4] Height limits may be increased when portions of the *building* which exceed the base height limit provide one additional foot of *street* and interior *setback* for each foot above the base height limit, provided the maximum height does not exceed 75 feet. Properties abutting downtown commercial or downtown residential zones or regional business zones may achieve the heights allowed by those abutting zones if meeting conditions for the maximum height as expressed in those abutting zones.

[5] 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.

[~~5~~6] 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.

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18.27.052 Connectivity requirements for properties abutting SR-522.

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

Development proposals shall:

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

B. Comply with the ~~downtown~~ design standards pertaining to pedestrian walkways, as set forth in KMC 18.52.100.

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

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

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

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Chapter 18.24A
URBAN RESIDENTIAL ZONE

Sections:

18.24A.010 Intent.
18.24A.020 Use allowances.
18.24A.030 Accessory uses.
18.24A.040 Zoning standards.
18.24A.050 Affordable housing requirements.
18.24A.060 Design requirements.
18.24A.070 Connectivity requirements.
18.24A.080 Wireless communication facilities.

18.24A.010 Intent.

The purpose of the 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 Urban Residential zone provides opportunities for a mix of jobs and high-density residences, cultivates a respectful relationship among development within the area, the natural environment, and nearby traditional neighborhoods, and provides a framework for future infrastructure and service decisions.-The Urban Residential zone provides public benefits in the form of affordable

housing, increased pedestrian connectivity, quality design, and incentives to preserve significant tree groves where they exist.

18.24A.020 Use allowances.

The following uses listed in Table A are identified as *permitted*, conditionally permitted or *prohibited uses* in the Urban Residential zone.

Table A – Urban Residential Zone Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
Day care	*Arts, entertainment, indoor*[1]	*Adult entertainment business*
Eating and drinking place[1]	*Business service, standard*[1]	*Air transportation service*
Educational service[1]	*Health care and social assistance*[1]	*Ambulatory surgery center*
Mobile food service[2]	*Manufacturing, light*[1,3]	*Animal kennel/shelter*
Multiple-family dwelling[4]	*Park*	*Arts, entertainment, outdoor*
Office[1]	*Personal service*[1]	*Auction house*
	Recreational facility, indoor[1]	*Automotive sales and service, marine*
	Regional land use	*Automotive sales and service, non-marine*
	Retail sales[1, 3]	*Business service, intensive*
	Temporary lodging[1]	*Cemetery, columbarium or mausoleum*
		College/university
		Community residential facility
		Construction and trade
		Family child-care home
		Fire or police facility
		Funeral home/crematory
		Hospital
		Laboratory
		Manufactured housing community
		Manufacturing, heavy
		Marijuana business
		Marijuana cooperative
		Recreational facility, outdoor

Table A – Urban Residential Zone
Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
		Religious institution
		Resource land use
		Retail sales, bulk
		Secure facility
		Single detached dwelling unit
		Standalone parking
		Supportive living facility
		Transportation
		Utility facility
		Vehicle or equipment rental
		Vehicle refueling station
		Warehousing
		Wholesale trade

[1] 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] *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.

[3] No *outdoor storage* of materials shall be permitted.

[4] A standalone *townhouse* development is prohibited.

18.24A.030 Accessory uses.

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

18.24A.040 Zoning standards.

The following development standards in Table B apply in the Urban Residential zone:

Table B – Urban Residential Zone Development Standards

STANDARD	REQUIREMENT
Minimum Density: *Dwelling Units*/Gross Acre	60
Maximum Density: *Dwelling Units*/Gross Acre	150
Maximum Height	85'[2]
Minimum Lot Width	30'[3]
Street Setback	Minimum 10' from SR-522 unless otherwise allowed through Chapter 18.52 KMC, Design Standards; other *streets* 0' Maximum 10 ' unless otherwise allowed through Chapter 18.52 KMC, Design Standards.
Minimum Side Setback[4]	5'
Minimum Rear Setback[4]	5'
Maximum Impervious Surface	90%

[1] Portions of any property that are within 50 feet of an 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] Any proposed development adjacent to an R-1, R-4, R-6, or MHC zoning district shall be required to provide a setback of 15 feet on the side of the property facing that zone. The setback shall be landscaped with Type II landscaping as described in KMC 18.35.045 to provide a visual buffer.

18.24A.050 Affordable housing requirements.

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

18.24A.060 Design requirements.

Development within the urban residential zone shall comply with Standard 1 provisions of the design standards, as set forth in Chapter 18.52 KMC.

18.24A.070 Connectivity requirements.

Development in the 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 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 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.

18.24A.080 Wireless communication facilities.

Use allowances and development regulations for *wireless communication facilities* in the urban residential zone shall be as specified in Chapter 18.60 KMC for the underlying zoning district.

Amendments Related to Affordable Housing

Chapter 18.20
TECHNICAL TERMS AND LAND USE 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-income affordable housing unit" is affordable at or below ~~70~~80 percent of median income, adjusted for household size;

2. A "very low-income affordable housing unit" is affordable at 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~~30 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.

18.77.028 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.

Exception: This section 18.77.028, as adopted by Ord. 23-0574, shall not apply to certain real properties located within the area of the Transit Oriented Development (TOD) District Overlay as identified in KMC 18.29.020 and Figure 18.29.020.1 KMC, and as further

identified by the following Tax Parcel Numbers (TPN): TPN 011410-0889, TPN 011410-0881, TPN 011410-0870, TPN 011410-0885, TPN 011410-0865, TPN 011410-0860, and TPN 011410-0855.

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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* f~~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* if renter-occupied or *low-income affordable housing units* if owner-occupied.

18.77.045 Alternative compliance.

~~Alternative Compliance. The~~While the *City* prefers to achieve affordable housing on-site, 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*~~*city manager*, 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*.

1. 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.

2. Prior to issuance of building permits for the project, the *City* and *applicant* shall execute a written agreement that establishes the *applicant*'s~~The~~ payment obligations (amounts and due dates) ~~will be established at the time of issuance of building permits~~ for the project. The *City* may require the *applicant* to secure its payment obligations by irrevocable letter of credit or other form acceptable to the *City*.

3. The *City* shall deposit collected payments in an affordable housing fund established by the *City*.

4. Before the *city manager* approves or executes an agreement to accept payment in lieu of affordable housing, the *City* must have a plan for investing funds in affordable housing that supports *City* objectives. The *City* should make every effort to use these funds as quickly as possible.

5. The highest priority location for affordable housing funded wholly or in part with in-lieu fees is the subarea location of the project that generated the in-lieu fee; however, the *city manager* may authorize the use of these funds for affordable housing projects in other subareas of the *City* (as a second priority) or within another jurisdiction (as a third priority) with close proximity to commercial uses, transit services, and/or employment opportunities.

18.77.050 Affordability agreement.

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

B. Monitoring and Fees. The *City* reserves the right to establish, in the affordability agreement referred to in subsection 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 ~~very~~*extremely* *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 ~~very~~*extremely* *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.

Amendments related to Parking

Chapter 18.40
DEVELOPMENT STANDARDS – PARKING AND CIRCULATION

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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.

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~~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.~~

~~G~~F. 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.

~~H~~G. 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.

~~I~~H. 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*.

18.40.035 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 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 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. 0.50 *parking spaces* per *dwelling unit*.

2. 0.50 additional *parking space* per every five *dwelling units* shall be provided and designated as guest parking for use by all guests.

3. There are no minimum parking requirements for multifamily residential developments specifically for housing *senior citizens* or people with disabilities. For residential *developments* specifically for housing *senior citizens*, an *applicant* shall prepare a parking demand analysis to determine parking requirements for staff and visitors. Parking requirements for *senior citizen assisted living* facilities are addressed in Sections 18.40.030.A and 18.40.050 KMC.

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

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

2. Shared parking among uses is encouraged. Developments that propose shared parking arrangements shall submit a *parking management plan* that describes the terms and conditions of shared parking arrangements on site.

D. Maximum parking shall not exceed the minimum requirement calculated under the provisions of KMC 18.40.030.

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

E. All other parking requirements shall be as provided in this chapter.

> Exception: This section 18.40.035, as adopted by Ord. 23-0574, shall not apply to certain real properties located within the area of the Transit Oriented Development (TOD) District Overlay as identified in KMC 18.29.020 and Figure 18.29.020.1 KMC, and as further identified by the following Tax Parcel Numbers (TPN): TPN 011410-0889, TPN 011410-0881, TPN 011410-0870, TPN 011410-0885, TPN 011410-0865, TPN 011410-0860, and TPN 011410-0855.

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.

Exception: This section 18.40.038, as adopted by Ord. 23-0574, shall not apply to certain real properties located within the area of the Transit Oriented Development (TOD) District Overlay as identified in KMC 18.29.020 and Figure 18.29.020.1 KMC, and as further identified by the following Tax Parcel Numbers (TPN): TPN 011410-0889, TPN 011410-0881, TPN 011410-0870, TPN 011410-0885, TPN 011410-0865, TPN 011410-0860, and TPN 011410-0855.

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Miscellaneous amendments

Chapter 18.15
ZONES, MAPS AND DESIGNATIONS

18.15.010 Zones and map designations established.

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

ZONING DESIGNATIONS	MAP SYMBOL
Residential	R (base density in dwellings per acre)
Manufactured Housing Community	MHC
Neighborhood Business	NB
Community Business	CB
Downtown Residential	DR
Downtown Commercial	DC

ZONING DESIGNATIONS	MAP SYMBOL
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

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Chapter 18.30
DEVELOPMENT STANDARDS – GENERAL

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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);

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, ~~S~~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.

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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*;

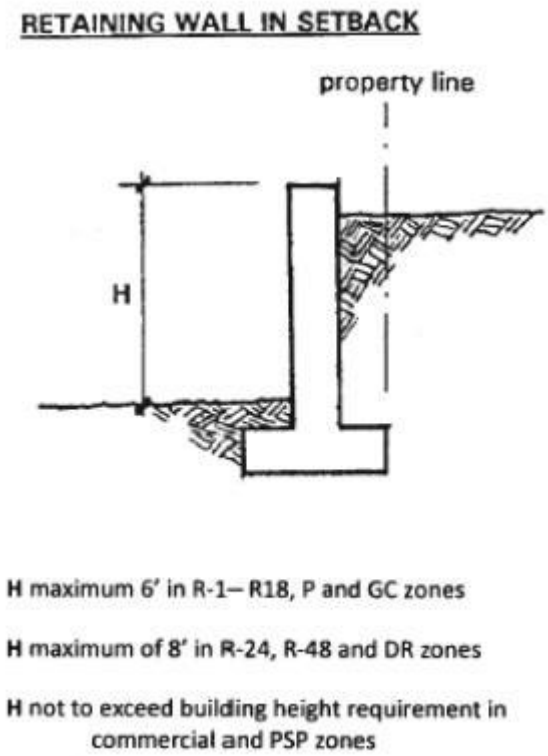
• • •

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 Title 15;

The Retaining Wall in Setback illustration in 18.30.230.G is revised to amend the language in the second standard as follows: H maximum of 8' in R-24, R-48, ~~and~~ DR, and UR zones.

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Chapter 18.35
DEVELOPMENT STANDARDS – LANDSCAPING

. . .

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 development[1]	10' Type III[8]	5' Type II[8] 10' Type II[11]	20 sq. ft. per stall in common parking 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.

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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.

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Chapter 18.42
DEVELOPMENT STANDARDS – SIGNS

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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*.

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Chapter 18.52
DOWNTOWN DESIGN STANDARDS

~~Downtown~~ 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~~Downtown.

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 ~~downtown~~mixed 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.

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18.52.030 Scale of ~~downtown~~ development.

• • •

18.52.050 Recommended guiding principles – ~~General~~Downtown.

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18.52.070 Applicability.

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

• • •

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.

EXHIBIT A

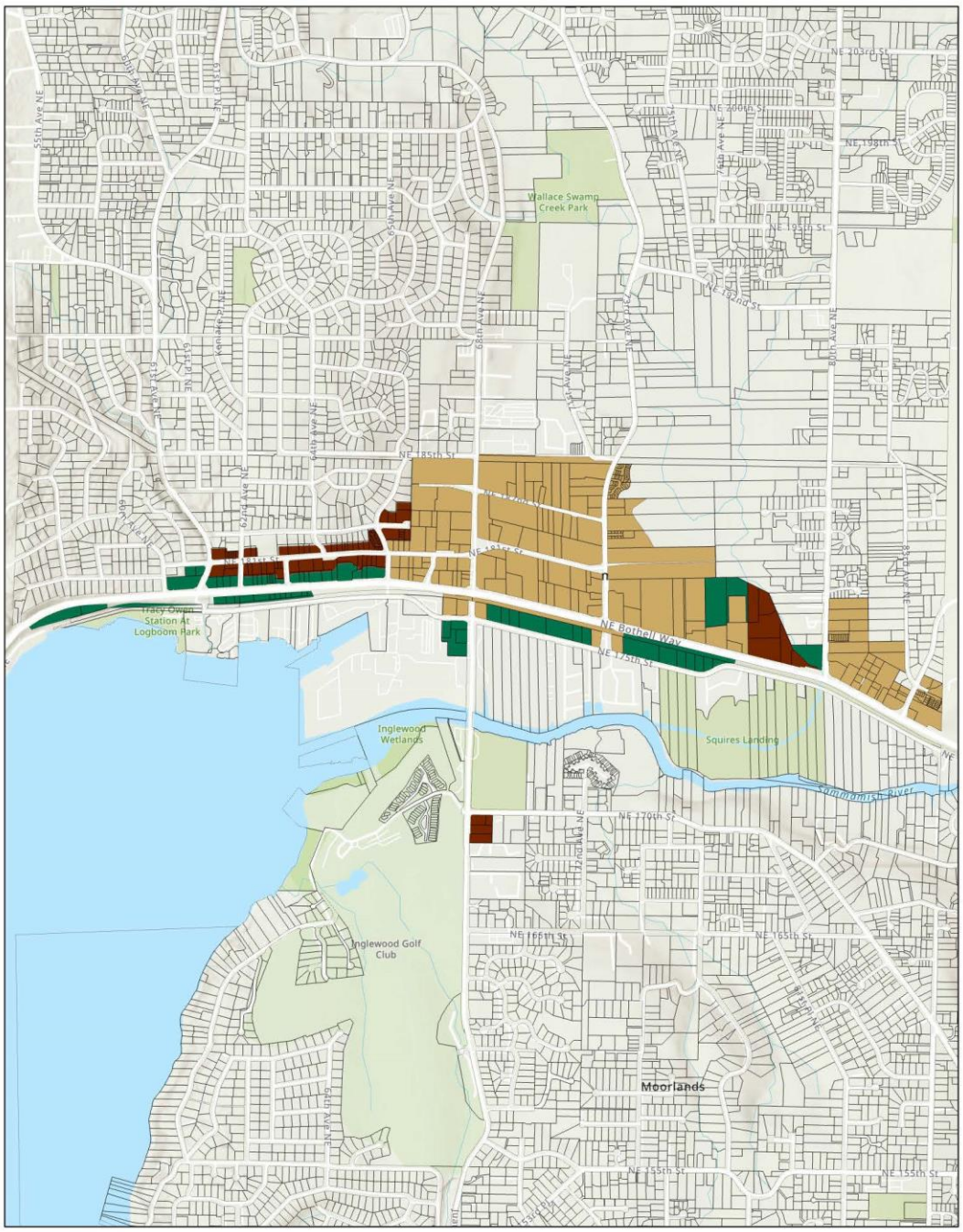

Figure 18.52.070.A.1
Design Standard Areas

Design Standard

- Standard 1
- Standard 2
- Standard 3

0 3,000
Feet

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

Map Date: March 2023

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18.52.100 Pedestrian walkways.

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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*.

Exception: This section 18.52.100.B.1.a.2, as amended by Ord. 23-0574, shall not apply to certain real properties located within the area of the Transit Oriented Development (TOD) District Overlay as identified in KMC 18.29.020 and Figure 18.29.020.1 KMC, and as further identified by the following Tax Parcel Numbers (TPN): TPN 011410-0889, TPN 011410-0881, TPN 011410-0870, TPN 011410-0885, TPN 011410-0865, TPN 011410-0860, and TPN 011410-0855 (collectively, the "Parcels"). The code section 18.52.100.B.1.a.2 adopted under Ordinance 16-0428 shall apply and remain in full force and effect for these Parcels.

• • •

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.

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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.

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

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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;

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.

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~~.

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18.52.320 Primary residential entrances.

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A. Intent.

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

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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.

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Chapter 18.57
TREE MANAGEMENT AND PROTECTION

• • •

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

A. Definitions.

1. Significant Tree Grove Definition. A "significant tree grove" shall consist of two or more trees with a minimum of five and one-half tree units total. A qualifying tree has two tree units minimum. The maximum distance measured in feet between qualifying trees shall be equal to two times the critical root zone in order to be defined as a significant tree grove. For example a 24-inch d.b.h. tree must be within 24 feet of another tree in the

grove to be included in the significant tree grove. A tree of any size that is topped or considered a "hazard tree" as defined in KMC 18.20.3084 may not qualify as part of a significant tree grove as herein defined. For purposes of this chapter, a significant tree grove may not contain trees that are located within a critical area or critical area buffer protected under Chapter 18.55 KMC. A significant tree grove is not the same as a "grove," as defined in KMC 18.20.1273.

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

B. Applicability.

1. Development proposals in the urban 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 other provision of this chapter may count towards the significant tree grove retention if they meet the definitions found in subsection A of this section.

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

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

D. Residential Bonus Units. In order to retain qualifying significant tree groves, residential units are offered at the rate of one bonus unit per each 11 tree units preserved. Grove bonus units are not included in maximum unit density calculations. Grove bonus units are not subject to the affordability requirements of KMC 18.27.020 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.

> Exception: This section 18.57.065, as adopted by Ord. 23-0574, shall not apply to certain real properties located within the area of the Transit Oriented Development (TOD) District Overlay as identified in KMC 18.29.020 and Figure 18.29.020.1 KMC, and as further identified by the following Tax Parcel Numbers (TPN): TPN 011410-0889, TPN 011410-0881, TPN 011410-0870, TPN 011410-0885, TPN 011410-0865, TPN 011410-0860, and TPN 011410-0855.

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Chapter 18.60
WIRELESS COMMUNICATION FACILITIES

• • •

18.60.050 Wireless communication facility review processes and maximum allowable heights.

P – Permitted Use

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

X – Prohibited Use[5]

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	P	P	P	P	P

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
existing conforming tower	Maximum height: same as existing tower	Maximum height: same as existing tower	Maximum height: same as existing tower	Maximum height: same as existing tower	Maximum height: same as existing tower
Rooftop antenna	X, C[1,2], P[1,7] Maximum height: 15' above the roof height at the antenna location	P Maximum height: 15' above the roof height at the antenna location	P Maximum height: 15' above the roof height at the antenna location	X	P Maximum height: 15' above the roof height at the antenna location
Facade antenna	X, C[1,2], P[1,7] Maximum height: 2' above the roofline or parapet wall	P Maximum height: 2' above the roofline or parapet wall	P Maximum height: 2' above the roofline or parapet wall	P Maximum height: May not extend above the roofline or parapet wall	P Maximum height: 2' above the roofline or parapet wall
Amateur (ham) radio facilities	P Maximum height[3]: Ground-mounted facility – 65'. Rooftop facility – 30' above the roof height at the antenna location	P Maximum height[3]: Ground-mounted facility – 65'. Rooftop facility – 30' above the roof height at the antenna location	P Maximum height[3]: Ground-mounted facility – 65'. Rooftop facility – 30' above the roof height at the antenna location	P Maximum height: 35'	P Maximum height[3]: Ground-mounted facility – 65'. Rooftop facility – 30' above the roof height at the antenna location
Antennas on utility or light poles. (Nearest abutting zone is used to determine process if in the right-of-way.)	C[2], P[7] Maximum height: 55'	P Maximum height: 55'	P Maximum height: 55'	C[2], P[8] Maximum height: up to the building height limit as specified in the underlying zoning district	P Maximum height: 55'

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
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

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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.

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Chapter 18.73
ACCESSORY DWELLING UNITS, HOME OCCUPATION, HOME INDUSTRY

• • •

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:

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Chapter 18.80
RESIDENTIAL DENSITY INCENTIVES AND TRANSFER OF DENSITY

• • •

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*.

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18.80.040 Public benefits and density incentives.

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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 income, adjusted for household size~~)~~. A covenant on the site that specifies the income level being served, rent levels, and requirements for reporting to the City shall be recorded at final approval.	1.0 bonus unit per benefit unit.

d. Benefit units consisting of ~~moderate~~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.

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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 (i.e., the duration of the property's residential use), if renter-occupied.

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Chapter 18.110
DEVELOPMENT AGREEMENTS

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18.110.020 General provisions.

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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.

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Amendments Related to Changing "Downtown Design Standards" to "Design Standards"

Chapter 18.25
DOWNTOWN COMMERCIAL ZONE

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18.25.020 Downtown commercial zone – Use allowances.

4. In the downtown commercial zone, properties (a) fronting SR-522 or taking primary access from SR-522, and (b) located on a property where the extent of use is no deeper than 260 feet from SR-522, and (c) containing automotive repair or automotive service *uses* as of April 28, 2003, shall be

considered *existing legal uses.* Otherwise, automotive service *uses* are prohibited unless accessory to and contained within a structured parking garage.

Automotive sales are prohibited unless accessory to an *existing legal* automotive repair or service *use* and consistent with the following: (a) motor vehicles for sale or lease shall not be arranged in a display lot fashion along the primary *street frontage*, and (b) shall be a subordinate and incidental part of the automotive repair or service *use*, and (c) shall be subject to Chapter 18.52 KMC, ~~Downtown~~ Design Standards, regarding screening, location and other relevant standards.

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12. a. Within the zone north of SR-522 and west of 68th Avenue NE, commuter parking facilities shall be in structured *buildings* when the number of stalls exceeds 20. *Commuter parking lots* shall be located a maximum distance of 1,200 lineal feet measured from the center line of SR-522 to the furthermost point of the *commuter parking lot.*

b. All parking structures shall provide retail usages for at least 50 percent of the *ground floor street frontages*, consistent with Chapter 18.52 KMC, ~~Downtown~~ Design Standards.

c. All parking structures shall be designed consistent with Chapter 18.52 KMC, ~~Downtown~~ Design Standards; interior design considerations shall include integration of parking with any transit bays, provision of indoor access to shops, and covered walkways to adjacent shopping, civic, residential, or other *developments* that patrons will access. Crime prevention through environmental design (CPTED) principles shall be integrated, such as, but not limited to, full spectrum lighting and maximization of visibility in publicly used areas.

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14. Equipment rental is prohibited. Vehicle rental is permitted only when accessory to and contained within a structured parking garage. Automotive rental and leasing *uses* may also be permitted when accessory to an *existing legal* automotive service or *existing legal* automotive repair *use* and consistent with the following:

a. Motor vehicles for lease or rental shall not be arranged in a display lot fashion along the primary *street frontage*; and

b. Shall be a subordinate and incidental part of the automotive repair or automotive service business; and

c. Shall be subject to Chapter 18.52 KMC, ~~Downtown~~ Design Standards, regarding screening, location and other relevant standards. Otherwise prohibited.

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18.25.042 Drive-through service.

Properties having frontage on SR-522 and taking primary access from SR-522 as of May 8, 2003, shall be permitted *drive-through service*. Where allowed, *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.

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Chapter 18.24
DOWNTOWN RESIDENTIAL ZONE

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18.24.020 Downtown residential zone – Use allowances.

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6. *Townhouses* are required to have four units minimum in a cluster. Enclosed under building parking is required per Chapter 18.52 KMC, ~~Downtown~~ Design Standards.

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18.24.040 Zoning standards.

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

Table B. Downtown Residential Development Standards

STANDARD	REQUIREMENT
Base Density: *Dwelling Units*/Gross Acre	48; applies east of 68th Avenue NE

Table B. Downtown Residential Development Standards

STANDARD	REQUIREMENT
Maximum Density: *Dwelling Units*/Gross Acre with Density Bonus Incentives	72; density incentives or bonuses not required west of 68th Avenue NE
Minimum Density: *Dwelling Units*/Net Acre	18 – *Townhouse* only *development* 18 – 36 – *Townhouse*/*apartment* combination *development* 36 – *Apartments*
Minimum Lot Width	*Townhouse* – 20 ft. *Apartment* – 30 ft.
Minimum *Street Setback*	Primary *structure* – 6 ft. min.; 8 ft. min. average Garage, carport, paved parking – 10 ft.
Maximum *Street Setback*	West of 68th Avenue NE, the maximum *setback* is 10 ft.
Minimum Interior *Setback*	5 ft.; otherwise when adjoining property zoned R-l to R-6 zone then 20 ft.
Maximum Height	East of 68th Avenue NE – 60 ft. or 80 ft. if providing density incentives per Chapter 18.80 KMC West of 68th Avenue NE – 80 ft.[1]
Maximum *Impervious Surface*: Percentage	90%
Pedestrian Connections	Pedestrian connections shall be provided in accordance with Chapter 18.52 KMC, ~~Downtown~~ Design Standards

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18.24.050 Conflicts.

In the event of conflict between Chapter 18.52 KMC, ~~Downtown~~ Design Standards, and downtown residential zone standards, the Kenmore downtown design standards shall prevail.

Chapter 18.26
REGIONAL BUSINESS ZONE

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18.26.080 Additional development standards.

A. Where the regional business 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. *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.

C. Outdoor storage is prohibited in the regional business zone, west subarea. In the regional business zone, north subarea, accessory outdoor storage is limited to a maximum of 50 percent of the site area.

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18.26.090 Conflict with design standards.

In the event of a conflict between Chapter 18.52 KMC, ~~Downtown~~ Design Standards, and regional business zone standards, the Kenmore ~~downtown~~ design standards shall prevail.

Chapter 18.50
DEVELOPMENT STANDARDS – DESIGN REQUIREMENTS FOR SPECIFIC USES

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

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

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18.50.080 Attached dwellings and group residences – Building facade modulation.

Except for *development* located in the downtown commercial or downtown residential zones, or RB-zoned properties that are not subject to P-suffix condition NS-P4 and which lie north of NE 175th Street, which must comply with Chapter 18.52 KMC, ~~Downtown~~ Design Standards, *apartment* and *townhouse developments* and all group residences shall provide *building facade modulation* on facades exceeding 60 feet and facing abutting *streets* or properties zoned R-1 through R-6. The following standards shall apply:

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18.50.120 Mixed use development – Design features.

Mixed use development shall provide off-street parking behind or to the side of *buildings*, or enclosed within *buildings*, consistent with KMC 18.40.030 and any applicable design standards for the district. Relief from this requirement may be granted by the *city manager* only if the *applicant* can demonstrate that there is no practical site design to meet this requirement, or subject to exceptions for properties subject to Chapter 18.52 KMC, ~~Downtown~~ Design Standards. A 25 percent reduction of required parking is allowed if a *mixed use development* meets the criteria of KMC 18.40.040 for shared parking.

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Chapter 18.30
DEVELOPMENT STANDARDS – GENERAL

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18.30.015 Burke-Gilman Trail.

A. RB-zoned properties which lie north of NE 175th Street shall provide 10 feet of Type II *landscaping* along the common property boundary with the Burke-Gilman public trail right-of-way. Property owners may negotiate with King County to have the Type II *landscaping* located within the Burke-Gilman public right-of-way.

B. The Burke-Gilman Trail shall be considered a public right-of-way for purposes of Sections 18.52.180, 18.52.200, 18.52.230, 18.52.240, and 18.52.310 of Chapter 18.52 KMC (~~Downtown~~ Design Standards).

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18.30.250 Storage space and collection points for trash and recyclables.

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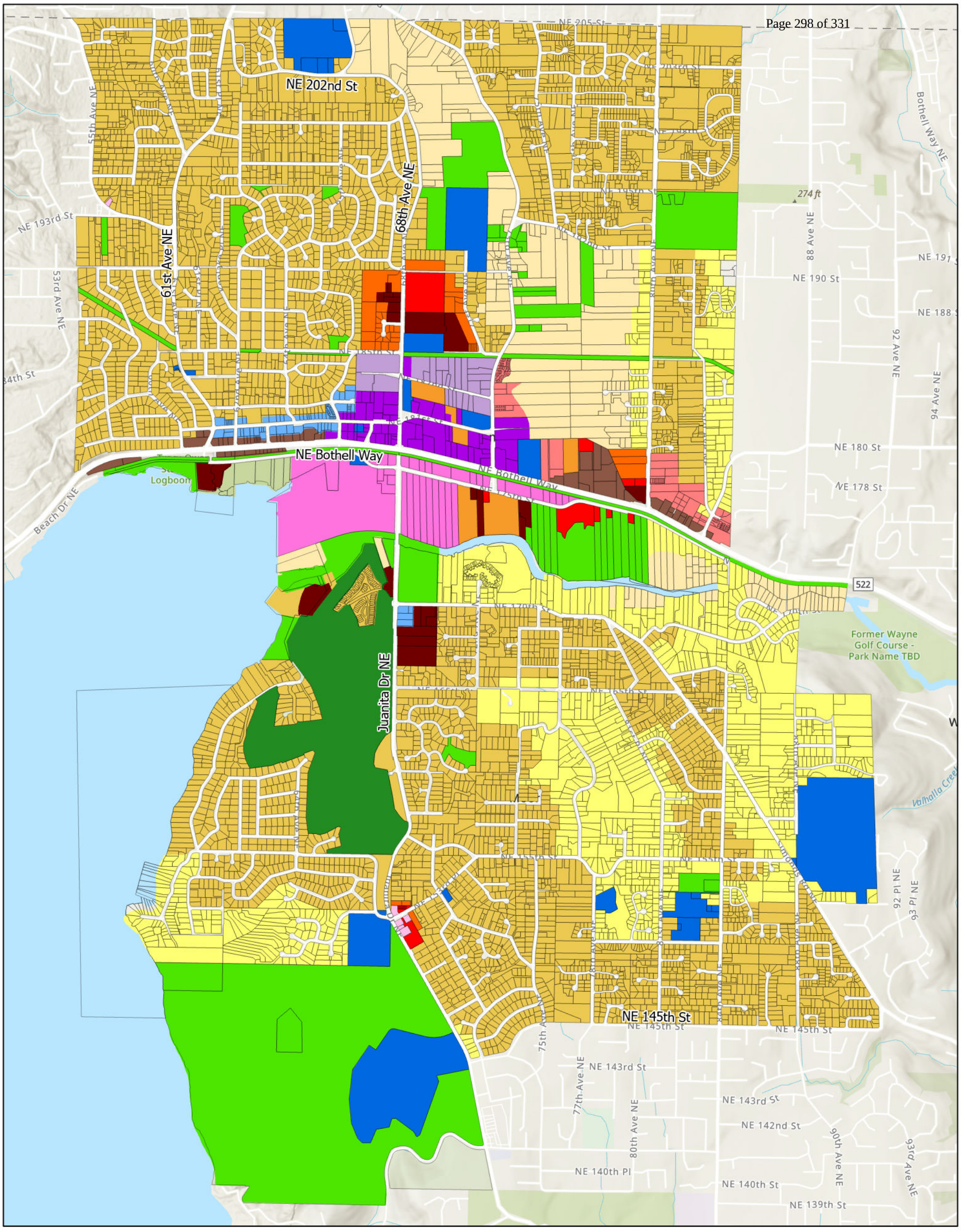
G. For the DC and DR zones, or RB-zoned properties which lie north of NE 175th Street, the standards in this section above apply as an option. The ~~downtown~~ design standards offer additional options for screening of storage for these areas only.



Official Zoning Map | City of Kenmore

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

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

0 — 4,000 Feet

N

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

Map Date: March 2023

City Council Business Agenda Item
City of Kenmore, WA

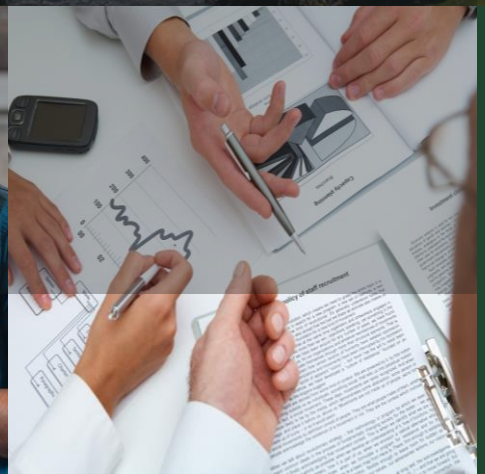
Subject/Topic: Diversity, Equity, Inclusion, and Accessibility (DEIA) Toolkit	**For Council Meeting Agenda of:** March 13, 2023 **Department:** Human Resources/DEIA **Prepared by:** Leonora Palaña, Human Resources Manager
Proposed Council Action/Motion: To review and provide feedback on the DEIA Toolkit	**Initial & Date** **Approved by Department Head:** LP **Approved by City Attorney:** n/a **Approved by Finance Director:** n/a **Approved by City Manager:** RK **Attachments:** • Diversity, Equity, Inclusion, and Accessibility (DEIA) Toolkit

The DEIA Policy that was adopted in November 2022 is now the framework for the Strategic Initiatives that the City is currently developing to help make the Policy come to life. In syncopation with the development of the Strategic Initiative, the DEIA Advisory Committee and City Leadership have reviewed and revised this DEIA Toolkit. It has been developed for use, to be applied to current and future considerations of policies, budgets, processes and programs.

COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:
To ensure Diversity, Equity, Inclusion and Accessibility is considered in decision-making processes, and that the decisions would not have disparate outcomes or negative impacts on the community.

KENMORE
WA

City of Kenmore Equity Tool Framework Workshop



Chanin Kelly-Rae Consulting LLC

CHANIN KELLY-RAE
CONSULTING

Agenda

- Equity Framework Model
- Discussion
- Next Steps

Direction shared with DEIA Advisory Committee and Kenmore City Directors

The Kenmore City Council is seeking recommendations and input on an Equity Framework model.

The DEI Advisory Committee is being asked to pilot and report back to City Council with Insights & Recommendations on the Equity Tool presented tonight.

EQUITY FRAMEWORK

GOALS OF AN EQUITY FRAMEWORK TOOL

The goal of an equity framework tool for the City of Kenmore and the Kenmore City Council would be to identify and address systemic and structural barriers that perpetuate inequalities within the City, and to promote equity and reduce disparities among its residents and visitors.

Such an equity framework tool could help the City and the Council to:

1. Assess and analyze the current state of equity within the City, including patterns and trends of disparities in areas such as access to basic services, transportation, education, housing, employment, and safety.
2. Identify root causes of inequities, such as discriminatory policies, lack of resources or access, or cultural biases, that may impact different communities in Kenmore differently.
3. Develop a data-driven and evidence-based approach to address equity issues and design policies, programs, and services that are inclusive, fair, and equitable.
4. Engage with and involve diverse community members, including historically marginalized groups, in the development and implementation of equity initiatives to ensure that their needs and perspectives are represented and considered.
5. Create a mechanism for both individual and collective reflection and assessment prior to finalizing decisions.

By using an equity framework tool, the City of Kenmore and the City Council can work to promote social justice, create a more inclusive and thriving community, and achieve positive outcomes for all residents.

Self Reflection Questions for Community Impacted Decision-Making

Awareness of Bias and Assumptions:

1. Have I made any assumptions about the cultural identity, genders, abilities, identities and/or background of those impacted by my decision?
2. Is my own personal experience, culture, and/or background preventing me from understanding and taking the cultural issues of marginalized stakeholders into account in deciding what issues exist for those disparately impacted?

Understanding of Impacted Groups:

3. What is my understanding of the group(s) being impacted by my decision? Are there unique cultural circumstances that I should consider?
4. How has the Council's past contact and involvement with marginalized stakeholder communities influenced (or how might it influence) my decision-making process and findings?
5. How am I convinced that reasonable efforts have been made in an individualized way to match the needs of the entire community, particularly marginalized populations?
6. Have we heard from disparately impacted communities before we make any final determinations or decisions?

Self Reflection Questions for Community Impacted Decision-Making

Consideration of Marginalized Populations:

7. How is my decision going to specifically impact marginalized people; Have I considered how to mitigate harmful results?
8. Have we sacrificed the experience of marginalized people for the comfort and safety of those holding privilege; the majority population; stakeholders not negatively impacted?
9. Are we giving full credibility to those who are sharing concerns, even though their numbers might be small or quiet in our community?
10. What are the racial equity impacts of this decision?

Evidence-Based Decision Making:

11. What evidence has supported every conclusion I have drawn, and how have challenged unsupported assumptions?

Mitigation of Unintended Consequences:

12. Are there strategies to mitigate unintended consequences?

Benefit and Burden Analysis:

13. Who will benefit or be burdened by this decision?

Equity Framework

Case Study

Political Signs

Location:

City of Kenmore

Background:

During political campaigns, candidates often post political signs throughout the City.

Listed below is the City policy relating to political signs:

- **Within the City, political signs can be posted in the public rights-of-way (ROW) and private property, with the owner's permission. Signs posted in the ROW shall be posted in the ROW "outside" the vehicular and/or pedestrian traveled ways.**
- **There is no limit to the time before an election when the signs can be posted.**
- **To help keep our streets and ROW clean, as a courtesy to others, please remove the signs within 10 days after the election.**
- **Signs that are in the public rights-of-way and are causing potential sight distance concerns will be removed.**
- **Candidates are responsible for their own campaign signs.**
- **Signs posted on utility poles/traffic control signs will be removed.**
- **Please designate someone to monitor your signs, as signs that have fallen over will be removed by the departments of Public Works and/or Code Compliance.**

10/2015

Case Study – Questions

Awareness of Bias and Assumptions:

1. Have I made any assumptions about the cultural identity, genders, abilities, identities and/or background of those impacted by my decision?

2. Is my own personal experience, culture, and/or background preventing me from understanding and taking the cultural issues of marginalized stakeholders into account in deciding what issues exist for those disparately impacted?

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- There is no limit to the time before an election when the signs can be posted.
- To help keep our streets and ROW clean, as a courtesy to others, please remove the signs within 10 days after the election.
- Signs that are in the public rights-of-way and are causing potential sight distance concerns will be removed.
- Candidates are responsible for their own campaign signs.
- Signs posted on utility poles/traffic control signs will be removed.
- Please designate someone to monitor your signs, as signs that have fallen over will be removed by the departments of Public Works and/or Code Compliance.

10/2015

Case Study – Questions

Understanding of Impacted Groups:

3. What is my understanding of the group(s) being impacted by my decision? Are there unique cultural circumstances that I should consider?

4. How has the Council's past contact and involvement with marginalized stakeholder communities influenced (or how might it influence) my decision-making process and findings?

5. How am I convinced that reasonable efforts have been made in an individualized way to match the needs of the entire community, particularly marginalized populations?

6. Have we heard from disparately impacted communities before we make any final determinations or decisions?

Political Signs

Location:

City of Kenmore

Background:

During political campaigns, candidates often post political signs throughout the City.

Listed below is the City policy relating to political signs:

- **Within the City, political signs can be posted in the public rights-of-way (ROW) and private property, with the owner's permission. Signs posted in the ROW shall be posted in the ROW "outside" the vehicular and/or pedestrian traveled ways.**
- **There is no limit to the time before an election when the signs can be posted.**
- **To help keep our streets and ROW clean, as a courtesy to others, please remove the signs within 10 days after the election.**
- **Signs that are in the public rights-of-way and are causing potential sight distance concerns will be removed.**
- **Candidates are responsible for their own campaign signs.**
- **Signs posted on utility poles/traffic control signs will be removed.**
- **Please designate someone to monitor your signs, as signs that have fallen over will be removed by the departments of Public Works and/or Code Compliance.**

10/2015

Case Study – Questions

Consideration of Marginalized Populations:

8. How is my decision going to specifically impact marginalized people; Have I considered how to mitigate harmful results?

8. Have we sacrificed the experience of marginalized people for the comfort and safety of those holding privilege; the majority population; stakeholders not negatively impacted?

9. Are we giving full credibility to those who are sharing concerns, even though their numbers might be small or quiet in our community?

10. What are the racial equity impacts of this decision?

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10/2015

Case Study – Questions

Evidence-Based Decision Making:

11. What evidence has supported every conclusion I have drawn, and how have challenged unsupported assumptions?

Mitigation of Unintended Consequences:

12. Are there strategies to mitigate unintended consequences?

Benefit and Burden Analysis:

13. Who will benefit or be burdened by this decision?

KENMORE BY THE LAKE

Political Signs

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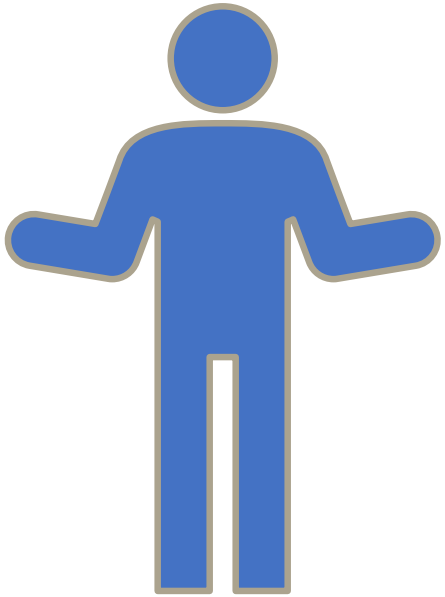
10/2015

Case Study

Wrap Up

- Proactively injecting equity into deliberation and decision-making
- Preventing continued harm to marginalized communities
- Equity and diversity as values in action



Discussion

Any items missing?

Any items that were helpful or not helpful?

Comments, questions, or thoughts?

Thank You!

KENMORE WA

CHANIN KELLY-RAE CONSULTING

Chanin Kelly-Rae Consulting LLC

City of Kenmore, Washington

Memorandum

Date: March 6, 2023

To: Rob Karlinsey, City Manager

From: Rita Moreno, Recreation Supervisor

Regarding: Step It Up Camp

Step It Up Camp is a nonprofit organization that provides all youth with a safe, positive, and welcoming environment while being cognizant of the many financial challenges; using transformative avenues to overcome those hurdles. Their mission is to empower all children with all the right tools to become their very best authentic self.

Current Step It Up Programs

1. Weekly Latina Tutoring @ the Hangar
2. College Ambassador Program
3. Volunteer Programs
4. Computer Literacy Programs
5. Girl Time

As of 2022 Step It Up has also taken over the planning of Play Day in Kenmore.

The City has been partnering with Step It Up since 2019, supporting its programs by providing:

- Free facility space for after school activities;
- Storage cabinets at the Hangar;
- Promotion of their free programming via our social media channels;
- Assist with establishing connections and partnerships with other organizations for additional programming opportunities.
- Partnered to develop program and activities for Play Day in Kenmore
- Assist with program logistics, event promotion, vendor maps and scopes of work for public works.

Each year Step It Up continues to grow and reach youth in Kenmore. Director of Step It Up, Maurice Leary, continues to network to secure funding for programs, look for opportunities in the community for additional programming, and facility space to host programs/activities. He is a great community partner and his passion for offering youth a safe space to grow and learn is infectious.

18120 68th Ave NE, Kenmore, WA 98028
Office: (425) 398-8900 · Fax: (425) 481-3236 · cityhall@kenmorewa.gov · www.kenmorewa.gov

Running, Step It Up programs has not been without challenges. Some of those challenges the organization faces are the lack of funding, the need for equipment storage, and the space to host programming.
How can the City support Step It Up in offering programming to Kenmore youth? Keep doing what we are doing…

- Continue to offer free space for programming.
- Assist with funding by providing scholarships for programs.
- Continue to share and promote the work they are doing in our community.

American Rescue Plan Act (ARPA) Update

- **Business Assistance**
- **Catch-Up Learning & Childcare Support**

Kenmore City Council Meeting
March 13, 2023

Business Assistance – $250,000 (Total)

- Pandemic Recovery - To prevent economic collapse from the pandemic and to ensure compliance with public health guidelines. Clear nexus between giving of grants and public health and welfare.
- Eligible expenses incurred after March 3, 2021
- Broad range of dollar amounts for remaining grant awards
- Commercial, Home-Based businesses and Nonprofits - 501(c)3 or 501(c)19 [veteran]
- DEIA Committee will advise on outreach (3-16-2023 meeting)
- Recipients to be publicly posted (City website) per Final Rule

Business Assistance

Timeline

- Application being developed now
- Application period to close two weeks after Spring Quarterly newsletter is delivered

Other Work

- POP! Shop Kenmore at the Hangar
- UW Bothell Collaborations – partnership with School of Business through Community-Engaged Learning and Research (CELR)

Catch-Up Learning and Childcare Support - $100,000

- Conversations with Northshore School District (ongoing)
- Conversations with colleges (ongoing)
- Timeline is dependent upon
  - Staffing availability
  - Student engagement windows

Staff contact for comments and questions:

Janet Quinn
Management Analyst (ARPA), City Manager's Office
jquinn@kenmorewa.gov
425-984-6191

Kenmore Affordable Housing Update

Kenmore City Council Meeting
March 13, 2023

Affordable Housing is Council's #2 Priority

2023 -2024 KENMORE CITY COUNCIL PRIORITIES

1. Implement the adopted Climate Action Plan and promote environmental stewardship, including water, air, forest, and habitat restoration and preservation.

2. Increase and preserve the options for affordable housing stock.

3. Enhance multimodal transportation implementation, including pedestrian and bicycle safety:
   - Pedestrian Facilities Plan
   - Target Zero
   - Bus Rapid Transit 522
   - passenger ferry
   - Kenmore Automated Photo Enforcement (KAPE) Program

4. Develop and implement a Diversity, Equity, and Inclusion policy and program.

5. Complete Walkways and Waterways projects.

6. Enhance public safety.

7. Continue to seek opportunities to complete a successful Lakepointe project.

8. Seek opportunities to promote economic development.

9. Foster community engagement and participation.

10. Foster and create fun.

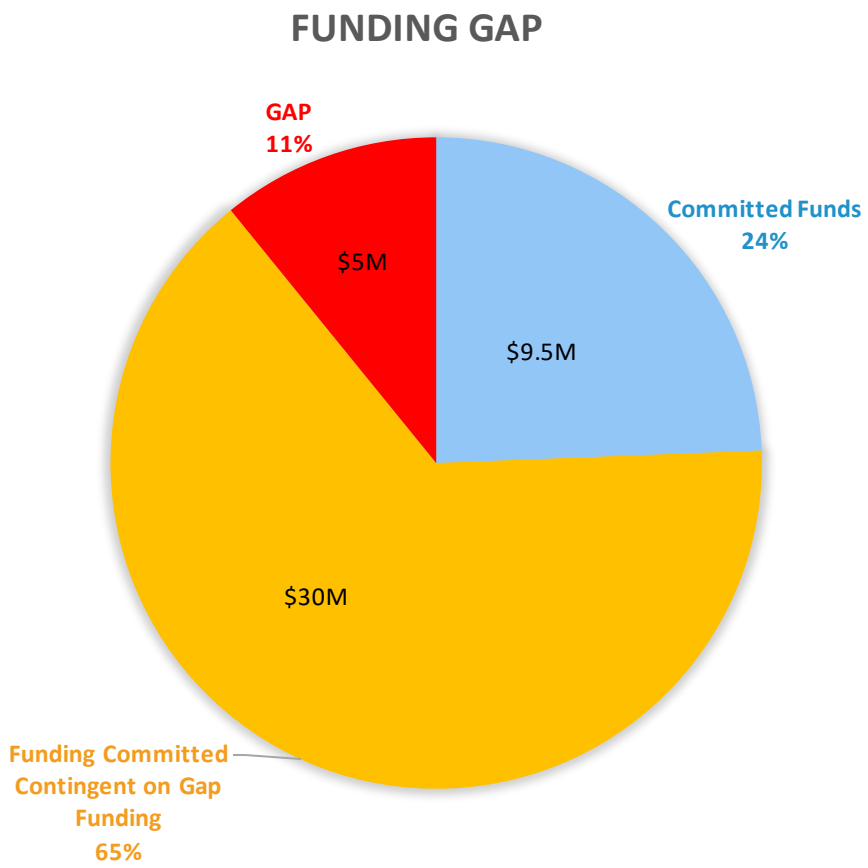
11. Respond to the pandemic.

Kenmore Supportive Housing

- City parcel at 6532 Bothell Way
- Unique Partnership/Coalition
  - City of Kenmore
  - Plymouth Housing & Development Team
  - A Regional Coalition for Housing
  - Bastyr University
- 100 housing units
- All units for those at 30% AMI
- Target residents are seniors, veterans, individuals with disabilities, and formerly homeless individuals
- Bastyr community wellness clinic and apothecary/tea house
- If full funding is secured:
  - Plan to break ground in 2023
  - Plan to occupy in late 2024

Bastyr Community Wellness Clinic & Apothecary

Funding Commitments and Gap



Pursuing all possible funding options to meet gap:

- Plan A: Commerce Housing Trust Fund – partially funded ($1M of $5M ask)
- Plan B: $5M Legislative Ask
- Plan C: Plymouth applied for AHAH funding - deadline was March 9
- Plan D: National Housing Trust Fund – application due March 22

Holt Property

- City owns property at 7010 NE 181st St NE
- Plan to build new housing at the site with community space on the ground floor
- Working on Request for Proposals for the property
- Would like to see a mix that includes affordable ownership and workforce housing
- Working with ARCH on analysis and possible unit scenarios
- Tentative timeline for RFP:
  - Release RFP this spring
  - Receive responses by summer
  - Select partner and proposal in early fall and present to Council for approval

Creating an Affordable Housing Fund

- Need to establish a city fund to receive and hold affordable housing-related funds and revenues
- Will help provide transparency to the public and support future affordable housing efforts
- An ordinance will come before Council soon

Hiring a Housing and Human Services Manager

- Now accepting applications
- Posting closes on March 17 at 5pm

Propel your career upwards.

Join the City of Kenmore

Now Hiring!

Exciting things are happening in Kenmore and the City is currently recruiting talented and innovative people to join our team. Working for the City of Kenmore offers unique opportunities to:

- Create meaningful change in a rapidly growing city.
- Lead and put your stamp on the future of Kenmore.
- Be part of a team that values finding connection and joy through our work.
- Support the City's top priorities of implementing a Climate Action Plan, increasing affordable housing, enhancing multi-modal transportation, and developing a Diversity, Equity, Inclusion and Accessibility program.

Housing and Human Services Manager

- Manage and support housing and human services activities and programs and address issues related to the health, well-being and housing needs of Kenmore residents, with a special emphasis on vulnerable populations.
- Represent the City in regional housing and human services efforts, be a direct contact in service to residents in need, and serve as primary liaison to nonprofit organizations and other providers.
- Research and apply for grants.
- Read the full job description and **apply here**.

City of Kenmore Employee Service Vision

Propelling Kenmore Upward: *We create a thriving community where all people love where they live.*

Find more job opportunities:

www.kenmorewa.gov/jobs

About Kenmore

- **Population: 23,500+**
- **Registered Businesses: 1,144**
- **City Employees: 56**
- **93 acres of park land**
- **7 miles of waterfront**
- **Equidistant to Seattle, Bellevue, Redmond and Everett**

Kenmore is an urban community located on the north shore of Lake Washington, surrounded by the great outdoors, with family-friendly neighborhoods, an award-winning school district, quality services, beautiful parks, a vibrant City Hall and town square located downtown, and many cultural amenities. Learn more at **www.kenmorewa.gov**.

Thank You and Questions