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# CITY OF KIRKLAND

## CITY COUNCIL



Amy Walen, Mayor • Jay Arnold, Deputy Mayor • Dave Asher • Shelley Kloba  
Doreen Marchione • Toby Nixon • Penny Sweet • Kurt Triplett, City Manager

### *Vision Statement*

*Kirkland is an attractive, vibrant, and inviting place to live, work and visit.  
Our lakefront community is a destination for residents, employees and visitors.  
Kirkland is a community with a small-town feel, retaining its sense of history,  
while adjusting gracefully to changes in the twenty-first century.*

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### **2016 KIRKLAND CITY COUNCIL RETREAT I** **Wednesday, February 24, 2016** **9:00 a.m. – 3:00 p.m.**

**Mercer Slough Environmental Education Center**  
**Douglas Fir Room**  
**1625 118<sup>th</sup> Avenue S.E.**  
**Bellevue, Washington 98004**

### **AGENDA**

- |   |                    |
|---|--------------------|
| 1. Call to Order                                | 8:55 a.m.          |
| 2. Roll Call                                    |                    |
| 3. Agenda Overview                              |                    |
| 4. Fire Station Funding Options                 | 9:00 – 10:30 a.m.  |
| 5. Break  | 10:30 – 10:45 a.m. |
| 6. Siting of Permanent Eastside Women’s Shelter | 10:45 – 12:00 p.m. |
| 7. Lunch  | 12:00 – 12:30 p.m. |
| 8. E-Mail Archiving Project Update              | 12:30 – 1:00 p.m.  |
| 9. Content Neutral Sign Regulations             | 1:00 – 1:30 p.m.   |
| 10. Break                                       | 1:30 – 1:45 p.m.   |
| 11. City Council Topics of Interest             | 1:45 – 3:00 p.m.   |
| 12. Adjournment                                 | 3:00 p.m.          |

Times provided are our best estimate.  
The order of items is subject to change during the Retreat.



**CITY OF KIRKLAND**  
**Department of Finance & Administration**  
**123 Fifth Avenue, Kirkland, WA 98033 425.587.3100**  
**[www.kirklandwa.gov](http://www.kirklandwa.gov)**

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## **MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** Tracey Dunlap, Deputy City Manager  
Michael Olson, Director of Finance and Administration  
Tom Mikesell, Financial Planning Manager

**Date:** February 5, 2016

**Subject:** FIRE AND EMERGENCY SERVICES FUNDING OPTIONS

### **RECOMMENDATION:**

City Council receives information and provides direction on funding options for construction and renovation of fire and emergency services facilities.

### **BACKGROUND:**

At its October 20, 2015 Regular Meeting, the City Council approved Resolution 5163, which adopts a plan for improving Fire/EMS services in North Kirkland and for new, renovated or enhanced fire stations throughout the City. This resolution is a significant step in providing improved Fire/EMS service to all of Kirkland. This discussion began prior to the 2011 annexation and continued in successive years through a Standard of Cover study and Fire Strategic Plan.

The resolution included specific action items for 2015 and 2016 to accomplish its goal, as detailed in **Attachment A**. A number of the 2015 action items related directly to the use of existing financial resources to begin work on the plan. These existing resources include \$5.2 million from Fire District 41 and \$3 million from the General Fund set aside for North End Fire Station purposes.

This resolution directs the use of these existing resources as follows:

- Renovate Station 25 with a portion of \$5.2 million from Fire District #41 (estimated cost of \$3.8 million);
- Purchase property for a new Station 24 (estimated cost of up to \$2.5 million) near Juanita Elementary School using the remainder of the Fire District #41 money and a portion of the \$3 million the City has budgeted for the North End Fire Station;
- Move the Barrier Removal project from funded to unfunded in the Capital Improvements Program (CIP); and,
- Reallocate funds from the Road Barrier Removal project to purchase land for a new Station 27 East of I-405, and allocate any additional money needed for the purchase as part of CIP adoption.

Based on this direction, these amounts and uses are included as funded projects PS 3001 through PS 3003 in the recently approved 2015-2020 Capital Improvements Program.

**Attachment B** shows the timing and amounts for these projects in the adopted six year CIP.

The resolution also provides actions items for 2016. Specifically, the resolution calls on the City to:

- **Evaluate placing a Fire Station Bond Measure on the ballot that may include:**
  - **Construction of a new Station 24 near Juanita Elementary on purchased property; Construction of a new Fire Station 27 east of I-405 on purchased property; and,**
  - **Renovation and/or expansion of Stations 21, 22 and 26 as identified in the unfunded CIP. (Emphasis added)**

**Attachment C** details the specific financial requirements to accomplish the construction and renovation projects covered by the resolution, based on an assessment conducted by TCA. The estimates were developed in June 2015 and are inflated to determine the resource needs at potential future construction dates. Based on the June estimates, \$48,980,778 would be needed to accomplish the construction work plan covered by Resolution 5163. As previously discussed, a portion of this amount is covered by existing resources, as shown in the following table:

Station 25 Modernized	\$ 3,787,149
Station 24 Land	2,500,000
Station 27 Land	2,500,000
Total	\$ 8,787,149

After accounting for these funding commitments, a total of \$40,193,629 will be required to complete the Resolution's work plan. Of this amount, \$23,731,759 is for building new Stations 24 and 27 in April 2018, and \$16,461,871 is for renovating Stations 21, 22 and 26 beginning in April 2020.

**Prior to evaluating any ballot measure, the Council needs to assess whether it is possible to fund the investments out of existing resources instead. As the background information in this memo will highlight, the City's current financial program does not have sufficient resources to support the remaining \$40.2 million without significant reallocation of operating funds and future revenues and major changes to the adopted CIP, including deep reductions to park, street and sidewalk projects. However it is possible to fund some portions of the fire capital program with some significant reprioritization of future revenues and some changes to the CIP.**

Therefore the next section of this memo discusses potential capital funding options as alternatives.

## Capital Funding Options

Large capital projects require significant financial outlays at irregular intervals. As such, the available funding mechanisms are limited. One method involves reserving resources over a number of years to generate sufficient balances to begin project construction. An alternate method commonly used is the issuance of debt, which is repaid from future revenues. A third option would be a hybrid approach, which relies on accumulated resources to 'buy-down' the amount of debt needed. As discussed at the February 2, 2015 Council Retreat, Washington state law provides for three debt financing options, with specific requirements as to the term, and in the case of voter-approved mechanisms, minimum voter participation and approval thresholds.

### *Debt options*

#### Unlimited Tax General Obligation Debt

One of the debt options is Unlimited Tax General Obligation (UTGO) Bonds. This type of debt is also commonly called 'Excess Levy' debt or 'Voter-Approved'. This debt must be approved by voters for a specific purpose and is repaid from a new dedicated property tax revenue stream. It can be issued for any length of time, but must be authorized by 60% of the voters, with a validation provision of 40% of voters that participated in the last general election. The City currently has a very small amount of UTGO debt outstanding in relation to total capacity.

#### Levy Lid Lift

"Levy Lid Lift" debt is another form of voted debt which is repaid from a temporary increase to the property tax levy. This form of debt must be approved by 50%+1 of the voters, and is limited to 9 years. The City does not currently have any debt of this type outstanding.

#### Limited Tax General Obligation Debt (Councilmanic Bonds)

Limited Tax General Obligation (LTGO) debt is also called Councilmanic debt, in that it can be authorized by the City Council without voter approval. This type of debt can be issued for any length of time (Kirkland's fiscal policy limits the term to 30 years, unless otherwise approved by Council). The debt is repaid from general revenues of the City, meaning that the ability to issue this type of debt is largely limited by the ability to find an ongoing revenue stream to support it in the operating budget. The City currently has a few outstanding debt issues of this type, the largest of which supported the Kirkland Justice Center project. The recently adopted CIP uses an additional \$5.8 million of this type of debt in 2015 to cover a portion of the City Hall renovation project.

The City's contracted financial advisor, Public Financial Management, developed a set of scenarios for debt issued under each financing term described above. Each scenario assumes the station construction and remodeling plan would require \$23.7 million in 2018 and \$16.5 million in 2020. The following table shows the annual debt service requirements for each scenario; the true interest cost includes both cost of issuance and a 100 basis point (1%) mark-up to market rates to allow for future rate uncertainty. The table also includes the annual property tax impact for the median home in Kirkland, which is estimated at \$480,000 in 2016 according to the King County Assessor.

	Levy Lid Lift 9 years	UTGO/LTGO 20 years	UTGO/LTGO 30 years
True Interest Cost	2.44%	3.56%	4.07%
Amount Financed	\$ 40,200,000	\$ 40,200,000	\$ 40,200,000
Annual Debt Service <sup>1/</sup>	\$4,800,000	\$2,970,000	\$2,400,000
<b>Property Tax Impacts <sup>2/</sup></b>			
Rate per \$1,000 AV to Repay Debt	\$ 0.24	\$ 0.15	\$ 0.12
Annual Impact Median Home	\$ 113.76	\$ 70.39	\$ 56.88
Monthly Impact Median Home	\$ 9.48	\$ 5.87	\$ 4.74

### *Annexation Sales Tax Credit Expiration and LTGO Debt*

As the Council is aware, the general fund operating budget is currently balanced using approximately 4 million dollars per year annually of the state authorized annexation sales tax credit. This sales tax credit expires in 2021. To balance the budget after 2021, the City must either generate 4 million in new ongoing revenue, reduce expenditures by a similar amount, or find a combination of increased revenues and reduced expenditures that total 4 million annually. For this reason, funding the fire station capital plans with Councilmanic LTGO debt is not recommended by staff until after 2021. Any additional debt service incurred prior to 2021 will increase the annual budget gap that must be addressed when the sales tax credit expires. After 2021 the Council will be able to assess the economic situation and the revenues available and could consider issuing debt at that time.

The remaining portion of this memorandum covers various options to generate cash that can reduce the total amount of fire station-related debt.

### *Cash options*

A number of options exist to generate cash to build and renovate fire stations, and ultimately reduce the need for debt. However, generating amounts identified in excess of current, unallocated reserve balances will require adjustments to current financial policy and/or budget/CIP decisions. These include the following:

- A number of REET 1 options, as follows;
  - Existing REET 1 balances;
  - Increase REET forecast in 2016-2020 above current projections;
  - Reprogramming REET 1 revenue programmed in the CIP;
- Programming Sales Tax Revenues above modified two-year lag amount during 2016 through 2020;
- Extending planned reserve replenishments;
- Existing Fire Station 24 and Station 27 land sales proceeds.

Each alternative is discussed in greater detail below.

### *REET 1 Options*

Real Estate Excise Tax (REET) consists of two 0.25% excise taxes levied by the City against real estate sales (referred to as REET 1 and REET 2, for a total of 0.5%). As shown is **Attachment D**, traditionally only the REET 1 portion can be used for fire facility construction costs. REET 2 is primarily used for streets, sidewalks and parks purposes. However, due to recent changes to state law affecting REET Operations and Maintenance flexibility, it is now possible to use a portion of REET 2 for purposes that were previously only eligible for REET 1. According to the Municipal Research Services Center (MRSC):

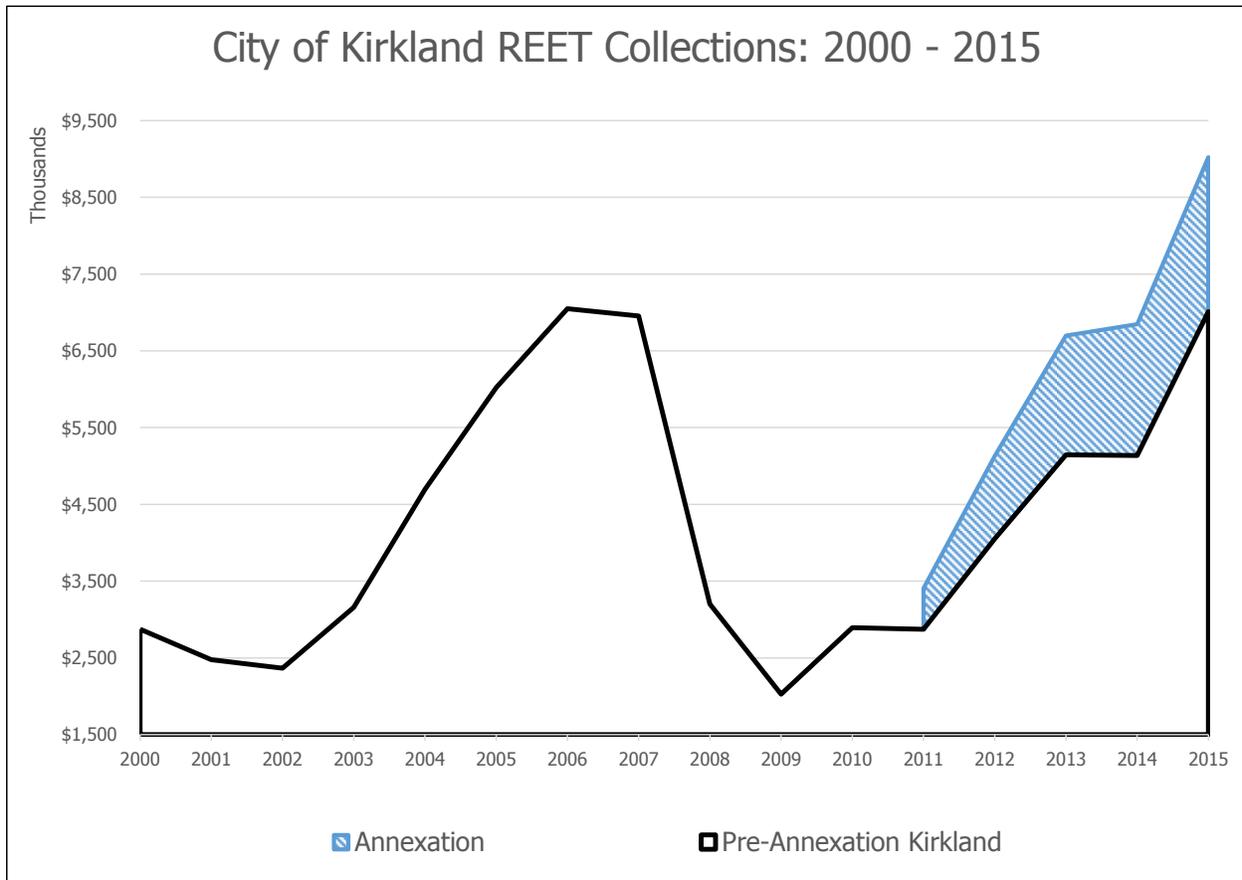
“As of September 2015, under limited circumstances, REET 2 funds may be used for those capital projects that qualify as REET 1 projects, including acquisition of land for parks, recreational facilities; law enforcement facilities; fire protection facilities; trails; libraries; administrative facilities, judicial facilities, and river flood control projects. The dollar limit on the use of REET 2 funds for such purposes is the greater of \$100,000 or 25% of available funds, not to exceed \$1 million per year. The use of REET 2 funds for these purposes also requires additional reporting requirements.”

While this would indicate that there may be avenues by which REET 2 could be directed to fire capital purposes, up to a maximum of \$1 million annually, it is with the caveat of additional reporting requirements. One of these requirements is that all item listed in a jurisdiction’s Capital Facilities Plan be shown as fully funded. It is unclear at this point whether a fully funded plan allows for an unfunded list. As such, this additional use of REET 2 to directly fund fire capital projects is not considered for this memorandum, although the amounts of REET 2 potentially available are highlighted in the memo. Staff is seeking guidance from MRSC on this expanded use provision.

The following represent potential REET 1 resources that could be programed for fire station construction/renovation:

Existing REET 1 reserve balances – As described in the information presented to Council at the November 17, 2015 Study Session, approximately \$4.3 million of reserve balances is available. This amount is net of current and projected uses, and also factors out \$1.7 million that is targeted as a matching amount for unanticipated, near term grant opportunities. This amount held for grant matching could be redirected for other uses as well.

Increase REET 1 Forecast – Recent REET collections have been strong, consistent with the economic and real estate market recoveries since the recession ended in mid-2009. Recent REET collections have approached their previous high point reached in 2006, though it is worth noting that collections now include sales activity in annexed neighborhoods. Historically, total REET has been very volatile, as evidenced by the drop from its prior peak collections of \$7.1 million in 2006 to \$2 million in 2009 after the collapse of the housing bubble. The following graph from the May 2015 Council retreat displays this volatile growth trend, updated to include 2015 actual values.



In light of the volatility shown in the graph, the CIP relies on a conservative REET forecast that programs approximately \$2.4 million per year, consistent with its low point in 2009 (accounting for the impact of annexation) to ensure that the current levels are sustainable for the coming six-year cycle. These base allocations to the CIP are increased annually at a rate of 3.0 percent to recognize a relatively conservative projected growth in real estate transaction values. The current budgeting strategy programs revenues above the forecast in years after they are collected. This conservative approach reduces the need to make changes to the capital program if revenue targets are not met.

An alternative option would raise the 2017-2020 forecast to a higher level, and dedicate the higher projected revenues to fire station construction and remodeling. The September 2015 REET forecast from the King County Office of Economic and Financial Analysis projects 2016-2020 REET revenue at roughly 2015 levels. Kirkland's REET revenue history is highly correlated with King County's; if their forecast for future revenue stability holds, it would follow that Kirkland would realize similar collections trend.

To test this assumption, staff developed an elasticity forecast model based off Puget Sound Homes Sales historical data from the Puget Sound Economic Forecaster (PSEF). This model suggests that for every 1 percent change in homes sales, there is a 1.06% change in REET collections in pre-annexation Kirkland. Recent projections from PSEF indicate stable, moderate growth in home sales through 2020. Based on historical collections proportions, REET revenue from the annexation area is 27-33% of the amounts collected in the City prior to the 2011 annexation.

If the trend forecasted by PSEF is correct, Kirkland could collect more than \$1.5 million in additional REET over forecast in 2016. Of this amount, \$750,000 would be REET 1, and thereby eligible for the purposes described in this memo. For 2017 through 2020, the amount above current projections would be approximately \$5 million per year, of which \$2.5 million per year would be REET 1. However, this is an optimistic projection that assumes continued economic growth.

The last recession ended in June 2009 and, based on data from the National Bureau of Economic Research, in the post-war era the average expansion has lasted a little under 5 years. Based on this metric, it is not unreasonable to anticipate a recession between now and 2020. Near term uncertainty in financial markets, and weakness in the global economy put a finer point on this risk. This risk would discourage using the full amount of potential revenue from a higher REET forecast based on continued growth. However, the underlying conditions that led to the last recession and made it so severe (excess leverage in housing, collateralized debt obligations with these underlying 'toxic' assets) are not present at this time. In contrast, the current housing market is characterized more by the frequency of cash-only sales rather than zero principal loans.

To acknowledge the inherent risk of national recession in the future, but recognize the fundamental difference between the last recession and the current local housing environment, yet also build upon third party forecasts that call for continued future growth in home sales, a reasonably conservative forecast would be to adopt a future projection that adds an additional \$1.5 million in total REET revenue in 2016 (\$750,000 REET 1), and \$2.5 million per year for 2017 through 2020 (\$1.25 million REET 1). This would add an additional \$5.75 million in REET 1 for fire station construction/renovation purposes. In raising the forecast, Council could also adopt a policy that revisits the higher level in future years once the \$5.75 million threshold is met.

Reprogram REET 1 and General Fund in 2015-2020 CIP– The 2015-2020 CIP includes \$11.4 million of funding from REET 1 and REET 1 Reserves, as shown in **Attachment E**. Of this amount, \$8.2 million is for projects in 2016 through 2020. All or a portion of these future resources could be reprogrammed for fire station purposes. In some cases these resources are used as a match for external funding. To continue to receive this external funding an alternative match would need to be identified. In addition, as the 2015-2020 CIP was based on the Kirkland 2035 planning efforts, redirecting all or a portion of these monies would put the CIP out of sync with longer term plans, most notably the Transportation Master Plan and the Parks Recreation and Open Space Plan. In addition there are some projects receiving general fund dollars that could be considered for reprogramming. Staff can suggest changes to the CIP depending on the amount of money that needs to be identified.

Programming Sales Tax Revenues above modified two-year lag – The adopted budget for 2016 budgets sales taxes based on a modified two-year lag approach. This method sets the 2016 level equal to the actual collections in 2014. In a growing economy, this approach is conservative, as actual collections will likely exceed the flat growth assumption. To bear this out, it is useful to compare the collections for 2015 with the budget for 2016, as shown in the following table:

General Fund Sales Taxes	
2015 Actual	\$18,943,810
2016 Budgeted	\$17,963,747
Difference	\$980,063

If sales taxes are stable and do not grow in 2016 from their 2015 levels, actual revenues will be \$980,063 higher than budgeted. In the event that sales taxes grow in 2016, this difference becomes more pronounced. For example, applying 3% growth, which is conservative compared to levels forecasted by King County (4.5%) and Seattle (4.5%), the difference in 2016 between actual collections and the modified two year lag would grow to \$1,548,377, as shown in the following table:

General Fund Sales Taxes	
2015 Actual + 3% growth	\$19,512,124
2016 Budgeted	\$17,963,747
Difference	\$1,548,377

The financial forecast bases future sales tax revenue growth off the 2016 budgeted sales tax level. As such, the projections do not include this additional revenue in 2016 or the following years. Assuming \$1.5 million per year in 2016 through 2020, this represents \$7.5 million that is not in the forecast, and could be programmed towards fire station construction.

However, it is worth noting that the forecast indicates a \$2.3 million General Fund shortfall in the 2017-2018 biennium, growing to \$18.2 million in 2021-2022 when the Annexation Sales Tax Credit expires if no changes are made to align revenues and expenditures. In addition, there are a number of factors that may increase this shortfall when the forecast is fully updated for the May retreat, including the new debt service associated with the recently issued debt for the City Hall project, weakness in utility tax collections and the pending decision to fund the 4<sup>th</sup> firefighter at Station 25 on an ongoing basis.

Under the current practice, recognizing the resources above the lagged value during the budget process helps offset all or a portion of the projected deficit in 2017-2018. Sales tax revenues are also traditionally used to add new levels of service such as additional public safety personnel or Council-directed programs. A decision to redirect these resources to fire station construction would require alternative strategies to balance the 2017-2018 and future biennial budgets. In addition, as noted in the REET 1 discussion, a recession in the near term could remove any excess revenue from this approach, and pose additional challenges.

**For these reasons, staff does not recommend using the sales tax revenues above projections to fund fire station capital projects but to reserve it for operating needs.**

### **Extending planned reserve replenishments**

The 2015-2016 budget and 2015-2022 financial forecast assume regular reserve replenishments each year through 2020. The 2015-2016 Operating Budget assumes a reserve replenishment of \$809,371 in 2016, which would bring the General Purpose reserves to within \$2.3 million of target at year end. At the current rate of replenishment, reserve targets will be fully met in 2019. The 2015-2022 financial forecast assumes a similar level of replenishment until 2021, at

which time it ends with the expiration of the Annexation Sales Tax Credit (ASTC). These reserve replenishments could be reduced to a lower amount and the time of the replenishments extended, freeing up resources. For example, if the replenishments were reduced by 50% in 2016 through 2020, an additional \$2 million could be reallocated in the financial plan. This would delay progress towards meeting the reserve target and might add to the challenge posed by the expiration of the ASTC. However if the remaining 50% were dedicated to reserve replenishment through 2021, reserve targets would still be met. At the end of 2020, the reserve would be approximately \$1 million below target, based on current projections. Extending the 50% reserve replenishment through the 2021/2022 budget (over \$400K per year) would bring the reserves very close to target.

### **Existing Fire Station 24 and Station 27 land sales proceeds**

A final option involves using resources from the sale of land currently occupied by the old Station 24 and the current Station 27, which are roughly valued at \$500,000 and \$1.5 million, respectively. While these resources would not be available until after the new stations are fully constructed, they would be reasonably expected to be available to help reduce the amount needed from other sources for station renovations.

### **Summary**

The following table summarizes the potential cash funding options discussed above. It is worth noting each represents the maximum amount that could be allocated. There are varying levels of difficulty with each option, including opportunity costs and added risk from economic uncertainty, so staff is only presenting the total for reference in the policy discussion.

Option	Amount
REET 1	
Existing REET 1 Reserve Balances	4,300,000
Increase REET 1 Forecast	5,750,000
Extending Planned Reserve Replenishments	2,000,000
Existing Fire Stations 24 and 27 land sales proceeds	2,000,000
Total	14,050,000
Other options	
Reprogram REET 1 in 2015-2020 CIP	8,200,000
Increase REET 2 forecast <sup>1/</sup>	5,750,000

<sup>1/</sup>Assumes that additional REET 2 from a higher revenue forecast assumption, up to a maximum of \$1 million, can be directed to REET 1 uses, pursuant to recent changes to state law.

The table demonstrates that while existing and projected City revenues are not sufficient to pay for the entire fire station capital program, it does appear that funds can be found to pay for Station 24 construction (\$10.1 million). Station 22 expansion and renovation (the next highest priority at \$5.8 million) might also be achieved if some changes were made to the 2015-2020 CIP or the use of REET 2.

It is important to note that dedicating such large amounts of REET 1 (and potentially REET 2) to fire stations over the next 5 years has a significant opportunity cost to parks, streets and sidewalk projects that also use REET funding. It would also limit the Council's ability to contribute REET to other city facility needs in the future. New or unfunded projects in any these categories would not likely receive REET contributions unless the strong economy continues through 2021.

### Debt Reduction Impacts of Using Cash

Each \$1 million of cash that is available for fire and emergency facilities construction 'buys-down' the amount of debt that would be required. This translates into lower annual debt service, and, in the case of debt backed by property taxes, lower property tax levy requirements. The following table shows the debt service and property tax reductions for a median value home that would be realized from each \$1 million in cash resources dedicated to the project, under the 9, 20 and 30 year debt scenarios described in the first section of this memo.

Annual Debt Service With Full Debt Funding			
	9 years	20 years	30 years
Debt Service	4,800,000	2,970,000	2,400,000
Annual Property Tax Impact *	\$ 113.76	\$ 70.39	\$ 56.88
Impact per \$1 million Reduction in Debt Issuance			
	9 years	20 years	30 years
Debt Service Reduction	119,400	73,900	59,700
Annual Property Tax Impact *	\$ 2.83	\$ 1.75	\$ 1.41

\*Median value home; Scenarios shown to illustrate property tax impacts for UTGO Debt under different maturities. Debt issued as LTGO/Councilmanic would be paid from existing revenues, and would not have an additional property tax impact.

### Operating Costs

While this memo covers options for financing construction and renovation of fire stations, there may be additional operating funding requirements beyond current levels. Council has discussed in the past considering a companion operating levy to go with a capital measure. The exact operating needs depends on the capital projects chosen. Staff is proposing to develop potential operating costs after Council provides direction at the retreat. Further, there may be short term operational considerations during station remodel, up to and including temporary displacement of City of Kirkland personnel from existing facilities. It is likely that these costs can be included as part of the total project costs, but would be additive to the figures discussed above.

## **Fire Station Priority Investments (Attachment F – Fire Station Map)**

Optimally, to improve response times and provide equitable service throughout Kirkland, all of the fire station construction and renovation should occur by 2020. However if Council elects not to proceed with a comprehensive ballot measure and the projects need to be phased in over time, staff is proposing prioritizing the investments in the following order:

1. Construct Station 24 to fulfill commitment to reduce response times on Finn Hill in accordance with the modified ILA with Fire District #41.
2. Expand and renovate Station 22. This station will provide most first responses to the new Kirkland Urban development. Expansion is needed to be able to house a new ladder truck and staffing to serve the downtown when Kirkland Urban is completed.
3. Construct Station 27 to balance the call volume with Station 24, provide another fire station east of I-405 and to cover the response time gaps in Kingsgate caused by the closure of Woodinville Fire and Rescue's Station 34 after annexation.
4. Modernize Station 26 and Station 21. These are newer stations and the recommended actions are not as time-sensitive.

## **Funding Options**

Based on the ballot measure information and potential revenue sources provided in this memo, staff is proposing the following funding options for the Council's consideration:

- a. November 2016 ballot measure for full funding of all construction and renovation costs. (Total Cost: \$40.2 million.)
- b. November 2016 ballot measure for Station 24 construction and renovation and expansion of Station 22 as a first phase. (Total Cost: \$15.9 million.) Consider a second phase ballot measure for construction of Station 27 and renovation/expansion of Station 26 and Station 21 after first phase is complete. (Remaining Cost: \$24.2 million)
- c. November 2016 ballot measure for Station 27 construction and renovation/expansion of Station 26 and Station 21. (Total Cost: \$24.2 million) Fund Station 24 construction and Station 22 renovation/expansion with city funds (Total Cost \$15.9).
- d. Fund Station 24 construction and Station 22 renovation/expansion with city funds. (Total Cost: \$15.9 million.) Evaluate options for remaining investments when 24 and 22 are complete.
- e. Fund Station 24 construction only and evaluate options for remaining investments when complete. (Total Cost: \$10.1 million)

Any selected ballot measure option can be either a levy lid lift (50%+1 voter approval) or UTGO bonds (60% voter approval). Each of the ballot measure options can also be placed on the August 2016 primary election, special elections in the spring of 2017, or future primary or general election dates.

**Conclusion**

Staff is seeking direction from Council on which, if any, of the above capital options should be explored further. Staff will be asking the following questions at the retreat:

- Is the Council interested in any of the November 2016 ballot measure options? If so, which one?
- If the Council wants to explore a 2016 ballot measure, does the Council wish to consider a bond measure or a levy lid lift?
- If the Council does not wish to consider a 2016 ballot measure, does the Council wish to explore future dates for ballot measures? If so, which dates?
- Does the Council wish to explore financing Station 24 construction and/or Station 22 expansion/renovation with City funds?
- Is there any additional information the Council needs to make a decision?

Once Council has provided direction, staff can return with final financing plans for the option selected.

RESOLUTION R-5163

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND ADOPTING A PLAN FOR IMPROVING FIRE/EMS SERVICES AND FOR NEW, RENOVATED OR ENHANCED FIRE STATIONS THROUGHOUT THE CITY.

1           WHEREAS, the City Manager has developed a plan that outlines  
2 short and long term strategies for improving fire and emergency medical  
3 services (EMS) in Kirkland, sets the foundation for improved fire and  
4 emergency medical services and facilities throughout the entire city, and  
5 which continues the implementation of recommendations contained in  
6 the Kirkland Fire Strategic Plan and Standards of Cover study; and  
7

8           WHEREAS, the City Manager is recommending that the existing  
9 six firefighters at Station 27 be retained at that station to serve Juanita  
10 and Kingsgate; and  
11

12           WHEREAS, the City Manager is further recommending that the  
13 current staffing of a fourth firefighter at Station 25 continue to provide  
14 improved fire and EMS services to Finn Hill until the new Station 24 can  
15 be constructed; and  
16

17           WHEREAS, the City Manager is further recommending that the  
18 Road Barrier Removal project proposed in the Preliminary 2015-2020  
19 Capital Improvement Program be moved to "unfunded" and the funding  
20 be repurposed to support property acquisition for the Station 27  
21 relocation project; and  
22

23           WHEREAS, the City Council concurs with the plan recommended  
24 by the City Manager and desires to formally adopt and have staff  
25 implement the plan to improve fire and EMS services in Kirkland and fire  
26 stations throughout the City.  
27

28           NOW, THEREFORE, be it resolved by the City Council of the City  
29 of Kirkland as follows:  
30

31           Section 1. The plan recommended by the City Manager for  
32 improving fire and EMS services in Kirkland and fire stations throughout  
33 the City which is attached as Exhibit A and incorporated by this  
34 reference is adopted.  
35

36           Passed by majority vote of the Kirkland City Council in open  
37 meeting this 20th day of October, 2015.  
38

39           Signed in authentication thereof this 20th day of October, 2015.

R-5163

  
MAYOR

Attest:

  
City Clerk

## EXHIBIT A

**Goal:** Invest Fire District #41 and City resources to fulfill response time commitments to Finn Hill, maintain and improve service to Juanita and Kingsgate, and set the foundation for improved fire and emergency medical services and facilities throughout the entire city.

### **Immediate Actions (2015)**

- Approve the Fire District #41 Interlocal Agreement "clarification" to retain Station 25 and Station 24 without financial penalty.
- Renovate Station 25 with a portion of the \$5.2 million from Fire District #41 (estimated cost of \$3.8 million).
- Purchase property for a new Station 24 (estimated cost of up to \$2.5 million) near Juanita Elementary School using the remainder of the Fire District #41 money and a portion of the \$3 million the City has budgeted for the North End Fire Station.
- Continue staffing the 4<sup>th</sup> firefighter at Station 25 until the new Station 24 is built. Convert the temporary funding of the 4<sup>th</sup> firefighter to on-going funding as resources allow to begin to provide funding for staffing at the new Station 24 when it is completed.
- Leave existing six firefighters at Station 27.
- Include Fire Station renovation and expansion projects in the Capital Improvement Program as the basis for potential ballot measures or councilmanic debt in 2016 or subsequent years.
- Move the Road Barrier Removal project from funded to unfunded in the CIP.
- Reallocate the remaining portion of the City's \$3 million from the Road Barrier Removal project to purchase land for a new Station 27 East of I-405, and allocate any additional money needed for the purchase as part of the CIP adoption.

### **Next Steps (2016 and beyond)**

- Evaluate placing a Fire Station Bond Measure on the ballot that may include:
  - Construction of new Station 24 near Juanita Elementary on purchased property.
  - Construction of a new Fire Station 27 east of I-405 on purchased property.
  - Renovation and/or expansion of Stations 21, 22, and 26 as identified in the CIP.
- During the evaluation the Council should consider multiple options for accomplishing the capital facilities objectives, ranging from a single, comprehensive ballot measure to phased approaches, use of Councilmanic debt and strategic partnerships.
- Evaluate a companion operating levy to help staff the new Station 24 and other identified operating needs.
- Move the 4<sup>th</sup> firefighter from Station 25 to the new Station 24 when it is completed.

**2015-2020 Capital Improvement Program**

**PUBLIC SAFETY PROJECTS**

**Funded Projects:**

Project Number	Project Title	Prior Year(s)	2015	2016	2017	2018	2019	2020	2015-2020 Total	Funding Source			
										Reserve	Debt	External Source	
<b>FIRE</b>													
PS 0062	<i>Defibrillator Unit Replacement</i>							176,900	176,900	<b>176,900</b>			
PS 0066	<i>Thermal Imaging Cameras</i>						76,500		76,500	76,500			
PS 0076	<i>Personal Protective Equipment</i>						573,100		573,100	573,100			
PS 0078	<b>Power Cots</b>		<b>234,300</b>						<b>234,300</b>	<b>138,500</b>		<b>95,800</b>	
PS 0080	<b>Emergency Generators</b>			<b>60,000</b>		<b>60,000</b>		<b>60,000</b>	<b>180,000</b>	<b>180,000</b>			
PS 2000	<i>Fire Equipment Replacement</i>		26,100	46,700	19,500	55,700	20,900	25,000	193,900	193,900			
<b>POLICE</b>													
PS 1000	<i>Police Equipment Replacement</i>		144,000	118,200	92,200	77,500	71,500	177,500	680,900	<b>680,900</b>			
<b>FACILITIES</b>													
PS 3001	<b>Fire Station 25 Renovation</b>				<b>3,787,000</b>				<b>3,787,000</b>	<b>3,787,000</b>			
PS 3002	<b>Fire Station 24 Property Acquisition</b>			<b>2,500,000</b>					<b>2,500,000</b>	<b>2,500,000</b>			
PS 3003	<b>Fire Station 27 Property Acquisition</b>				<b>2,500,000</b>				<b>2,500,000</b>	<b>2,500,000</b>			
<b>Total Funded Public Safety Projects</b>			<b>0</b>	<b>404,400</b>	<b>2,724,900</b>	<b>6,398,700</b>	<b>193,200</b>	<b>742,000</b>	<b>439,400</b>	<b>10,902,600</b>	<b>10,806,800</b>	<b>0</b>	<b>95,800</b>

Notes

*Italics = Modification in timing and/or cost (see Project Modification/Deletion Schedule for more detail)*

**Bold = New projects**

+ = Moved from unfunded status to funded status

" = Moved from funded status to unfunded status

City of Kirkland Fire Department Bond Study  
6/3/2015

Attachment C

	Station 25 Modernized	Station 24 New <sup>1/</sup>	Station 27 New	Station 21 Modernized	Station 22 Modernized	Station 26 Modernized
Acres	NA	TBD	TBD	NA	NA	NA
Land	NA	2,500,000	2,500,000	NA	NA	NA
Site Dev	338,794	1,720,000	2,032,132	444,185	304,797	687,973
Building	2,054,924	4,233,730	5,957,592	1,686,728	2,883,052	2,433,694
Storage Bldg						870,073
Total	2,393,718	8,453,730	10,489,724	2,130,913	3,187,849	3,991,740
Soft Costs 48%	1,148,985	2,857,790	3,835,068	1,022,838	1,530,168	1,498,400
Escalation	244,446	1,321,728	1,773,719	731,670	1,094,580	1,273,713
Escalation/ Date	(6.9%) April 2016	(15%) April 2018	(15%) April 2018	(23.2%) April 2020	(23.2%) April 2020	(23.2%) April 2020
<b>Grand Total</b>	\$ 3,787,149	\$ 12,633,248	\$ 16,098,510	\$ 3,885,422	\$ 5,812,596	\$ 6,763,853

Total w/o Station 25 \$ 45,193,629

Total w/ Station 25 \$ 48,980,778

1/ Land costs modified from \$2,000,000 to \$2,500,000 based on revised estimates.

**Real Estate Excise Tax (REET) allowable expenditures**

<b>Project types</b>	<b>REET 1 Authorized for all cities/counties*</b>	<b>REET 2 Authorized for GMA planning cities/counties only*</b>
Streets, roadways, highways	Yes	Yes
Sidewalks	Yes	Yes
Street lighting	Yes	Yes
Traffic signals	Yes	Yes
Bridges	Yes	Yes
Domestic water systems	Yes	Yes
Stormwater and sanitary sewer	Yes	Yes
Parks	Yes	Yes (no land acquisition)
Recreational facilities	Yes	No
Law enforcement facilities	Yes	No
Fire protection facilities	Yes	No
Trails	Yes	No
Libraries	Yes	No
Administrative or judicial facilities	Yes	No

\*Restrictions for capital investments: Under REET 1, the requirement that projects fit within the eligible project types AND be listed in the capital facilities plan element of their comprehensive plan applies only to cities fully planning under GMA with a population over 5,000. Under REET 2, the requirement applies to cities of all sizes.

Project Number	Project Name	2015		2016		2017		2018	2019	2020	TOTAL	
		REET 1	REET 1 Reserves	REET 1	REET 1 Reserves	REET 1	REET 1 Reserves	REET 1	REET 1	REET 1	REET 1 Funding	REET 1 Reserves
ST 0087	6th Street South Corridor Study	17,400	-	-	-	-	-	-	-	-	17,400	-
ST 9999	Regional Inter-Agency Coordination	82,000	-	82,000	-	82,000	-	82,000	82,000	82,000	492,000	-
NM 0012	Crosswalk Upgrade Program	70,000	-	-	-	-	-	-	-	50,000	120,000	-
NM 0012 001	NE 116th Street Crosswalk Upgrade	-	-	-	-	116,000	-	148,000	-	-	264,000	-
NM 0057	Annual Sidewalk Maintenance Program	200,000	-	70,000	-	-	-	-	102,000	150,000	522,000	-
<b>NM 0084</b>	<b>South Kirkland TOD/CKC Multi-Modal Connection</b>	<b>5,600</b>	-	-	-	-	-	-	-	-	<b>5,600</b>	-
NM 0086 001	NE 124th St/124th Ave NE Pedestrian Bridge Design	-	-	234,000	-	-	-	-	-	-	234,000	-
NM 0087+	Citywide School Walk Route Enhancements	-	-	-	-	-	-	180,000	-	-	180,000	-
NM 0092	Active Transportation Plan Update	-	-	-	-	15,000	-	-	-	-	15,000	-
NM 0095	124th Avenue NE Sidewalk Improvements	-	-	95,200	-	142,800	-	-	-	-	238,000	-
NM 0109 002	Lake Front Promenade Design Study	-	-	-	-	-	-	-	-	75,000	75,000	-
NM 0114	CKC Bridge Connecting to Houghton Shopping Center	-	175,000	-	-	-	-	-	-	-	-	175,000
NM 0115	CKC Emergent Projects Opportunity Fund	-	-	-	100,000	-	-	-	-	-	-	100,000
NM 0116	Rose Hill Pedestrian Path	-	100,000	-	-	-	-	-	-	-	-	100,000
TR 0118	General Parking Lot Improvements	-	-	-	720,000	-	100,000	-	-	-	-	820,000
TR 0119	Kirkland Citywide Intelligent Transportation System Study	-	-	-	-	35,000	-	-	-	-	35,000	-
<b>TR 0120</b>	<b>Kirkland Intelligent Transportation System Phase 3</b>	-	-	-	-	-	-	-	-	<b>78,000</b>	<b>78,000</b>	-
PT 0001 000	Citywide Transit Study	-	-	-	-	150,000	-	-	-	-	150,000	-
PT 0001 100	Sound Transit 3 Project Study	-	250,000	-	-	-	-	-	-	-	-	250,000
GG 0037 002	Maintenance Center	-	1,000,000	-	-	-	-	-	-	-	-	1,000,000
PS 3003	Fire Station 27 Property Acquisition	-	-	-	-	-	772,153	-	-	-	-	772,153
PK 0049	Open Space, Pk Land & Trail Acq Grant Match Program	-	100,000	-	-	-	-	-	-	-	-	100,000
PK 0066	Park Play Area Enhancements	50,000	-	50,000	-	40,000	-	40,000	60,000	60,000	300,000	-
<b>PK 0087 100</b>	<b>Waverly Beach Park Renovation</b>	-	<b>468,015</b>	-	-	-	-	-	-	-	-	<b>468,015</b>
<b>PK 0119 002</b>	<b>Juanita Beach Park Development Phase 2</b>	-	-	-	-	<b>100,000</b>	-	<b>578,000</b>	-	-	<b>678,000</b>	-
<b>PK 0121</b>	<b>Green Kirkland Forest Restoration Program</b>	<b>75,000</b>	-	<b>75,000</b>	-	<b>75,000</b>	-	<b>75,000</b>	<b>75,000</b>	<b>75,000</b>	<b>450,000</b>	-
PK 0123	Peter Kirk Pool Liner Replacement	-	-	-	125,000	-	-	-	-	-	-	125,000
PK 0133 401	Edith Moulton Park Renovation Phase 2	-	-	135,000	-	-	-	-	-	-	135,000	-
PK 0134	132nd Park Playfields Renovation	509,600	-	-	-	-	-	-	-	-	509,600	-
PK 0135 200	Juanita Heights Park Expansion	-	-	-	200,000	-	-	-	-	-	-	200,000
PK 0138	Everest Park Restroom/Storage Building Replacement	-	-	-	-	-	-	-	708,000	-	708,000	-
PK 0139 200	Totem Lake Park Master Plan & Development (Phase I)	125,000	-	535,000	-	-	-	-	-	-	660,000	-
PK 0147	Parks Maintenance Center	-	-	-	-	-	-	175,000	500,000	750,000	1,425,000	-
<b>Subtotal</b>		<b>1,134,600</b>	<b>2,093,015</b>	<b>1,276,200</b>	<b>1,145,000</b>	<b>755,800</b>	<b>872,153</b>	<b>1,278,000</b>	<b>1,527,000</b>	<b>1,320,000</b>	<b>7,291,600</b>	<b>4,110,168</b>
<b>Total REET 1 and Reserves</b>			<b>3,227,615</b>		<b>2,421,200</b>		<b>1,627,953</b>					<b>11,401,768</b>

Project includes external funding, which could be reduced or forfeited if REET 1 revenue is withdrawn and not replaced with alternate funding.

<b>2016-2020 total</b>	<b>8,174,153</b>
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**CITY OF KIRKLAND**123 Fifth Avenue, Kirkland, WA 98033 425.587.3800  
www.kirklandwa.gov**MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** Michael Cogle, Interim Director, Department of Parks & Community Services  
Leslie Miller, Human Services Coordinator

**Date:** February 10, 2016

**Subject:** Update: Siting of Permanent Eastside Women's Shelter

**RECOMMENDATION:**

It is recommended that City Council receives an update on efforts to site a permanent shelter for women experiencing homelessness on the Eastside.

**BACKGROUND DISCUSSION:**

In March of 2015 the City Council adopted Resolution R-5117 setting the City's Work Program for 2015-2016. The Work Program includes the following:

*Partner with A Regional Coalition for Housing (ARCH) and non-profit organizations to site a permanent Eastside women's shelter in Kirkland to further the goals of Housing and Human Services.*

The Resolution also directed the City Manager to periodically update the Council regarding progress on these efforts.

**Recent History.** Emergency winter shelters have been a key component of the Eastside safety net over the past several years. Intended to supplement existing year-round shelter facilities during the life-threatening cold weather months, these emergency facilities have been located in temporary locations such as community centers, churches, and vacant buildings. The shelters receive funding support from the City of Kirkland, neighboring cities, King County and other funders.

Each year service providers, working closely with local cities, struggle to identify suitable locations for these vital facilities. For men, a shelter is operated by [Congregations for the Homeless](#) (CFH). For women and families with children, a shelter is operated by [The Sophia Way](#), most recently in partnership with [Catholic Community Services](#).

In 2014, the Eastside Human Services Forum, working in conjunction with ARCH, convened a meeting of local mayors and other community leaders to discuss the challenges of emergency winter shelters and the need for permanent locations. Background materials for that meeting are provided in **Attachment A**. In May 2015 the Kirkland and Bellevue city councils met jointly and discussed the winter shelter situation as a topic of common interest.

**Current Status.** In November of 2015 King County Executive Constantine and Seattle Mayor Murray declared a state of emergency over homelessness in our region. The annual One Night Count held in January 2016 identified a dramatic increase in homeless in King County, particularly on the Eastside.

This year the Eastside Winter Shelters continue to be heavily utilized by people in crisis. The men's winter shelter is located at the former International Paper site in Bellevue, now owned by Sound Transit. Due to extraordinary need, the women/family winter shelter recently split into two locations serving the different populations. Single women are served at Bellevue First Congregational Church until March 1, moving to Redwood Family Church (Redmond) thereafter. Families with children are currently served at St. Peter's United Methodist Church (Bellevue), but will soon be moving to Overlake Park Presbyterian (Bellevue).

Locations for all Eastside winter shelters have yet to be secured for the winter of 2016-2017.

**Permanent Siting.** The City of Bellevue has taken the lead on working with CFH and ARCH on seeking a permanent shelter site for single men. A site selection process is underway but a proposed site has yet to be announced.

City of Kirkland staff have been meeting with service providers on siting options for a permanent shelter site for single women. The Sophia Way and Catholic Community Services have expressed interest in co-locating shelter facilities for single women and for families with children on one site. Initially we explored partnering with Imagine Housing on a project adjacent to Francis Village in the Totem Lake area, but Imagine Housing was unable to commit to a joint venture. Staff and service providers continue to seek a suitable site in Kirkland.

A sheet outlining the tasks involved in the shelter siting process, including site analysis and funding strategy, has been provided by ARCH Program Manager Arthur Sullivan and is included as **Attachment B**.

**Funding.** ARCH, The Sophia Way, and Catholic Community Services have recently prepared a funding request to the State's Capital Budget Chair, Representative Tharinger, in the amount of approximately \$1.1 million for an East King County Emergency Women/Family Shelter. The project is being sponsored by Representative McBride. The Mayor has provided a letter of support on behalf of the City.

Other potential funders for the permanent shelter include the ARCH Housing Trust Fund, King County Housing Finance Program, King County Homeless Funding, United Way, and other possible public and private funders.

Staff and Mr. Sullivan will attend the Council retreat on February 24 and will be available to answer questions about the Eastside's emergency winter shelters and the siting process.



## WINTER SHELTER IN EAST KING COUNTY

### Vision Statement

Every person in East King County has the opportunity to live in a safe, affordable, healthy home.

### Value Statement

Homelessness is an experience that individuals and families may face for a variety of reasons. The reality of homelessness is extremely challenging for those experiencing it, and it can also present challenges for the community at large. Therefore, we must work together as a whole community-- across sectors and geographic boundaries-- to find solutions that are effective for those experiencing homelessness and that allow our communities to continue to thrive.

### Specific Goal for Winter Shelter

As long as the capacity to shelter/house all who seek it is insufficient, the goal of providing additional shelter beds during the winter months is to ensure the health and safety of those who may otherwise have no option but to sleep outdoors. In addition, emergency shelter has been recognized as one point of entry on the path to housing.

### Principles for Winter Shelter

Providing shelter is a shared responsibility of jurisdictions and community organizations throughout the Eastside.

Shelters are places for engagement and access to services and provide pathways to housing.

East King County needs a local shelter system that avoids ongoing siting.

Shelters need to be in central locations with full transit service and access to daytime services.

To be successful, the shelter siting process must engage and be sensitive to the concerns of the surrounding community.

A complete shelter strategy needs to include some level of outreach and daytime services to assist persons with accessing services and resources.

While shelter needs are more pronounced during winter months, 'low barrier' shelter is needed year round.

# WINTER SHELTER IN EAST KING COUNTY

## LONG-TERM SOLUTION

The purpose of this overview is to provide Councils with the necessary background information related to finding a long-term solution for winter shelter in East King County, including challenges and opportunities in moving forward to find a permanent winter shelter solution.

### FEEDBACK QUESTIONS to keep in mind:

1. Assuming you are supportive of proceeding with more work on this, how do we advance this discussion with your respective Councils?
2. The memo describes several potential next steps for cities to consider. Do these seem appropriate?
3. Is additional information needed?

### Background

Since 2009, a core workgroup of Eastside cities and partners has been instrumental in ensuring that homeless individuals have a safe place to sleep in the winter. The Eastside winter shelter has evolved from a weather-activated shelter with limited operations to an established Eastside program, serving more than 200 unduplicated clients each year. Recognizing the need to keep this critical service available to all members of the community, the workgroup has spent considerable time and effort trying to find a host site each year. Previous host sites have included churches located in residential neighborhoods, community centers, and most recently a vacant building in a semi-industrial part of Bellevue.

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Leveraging Key Partners.....	4
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Potential ARCH Role.....	5
Discussion Questions.....	5

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D Roles of Shelters and Shelter Operating Models.....	12

## Need and Capacity

The Eastside is not immune to the reality of homelessness. In fact, nearly 1000 men, women, youth and children from the Eastside were served in local shelter or transitional housing programs last year. The 2013 One Night Count of unsheltered individuals sleeping outside on the Eastside was 197 and the 2014 One Night Count was 178.

The winter shelters have been a key part of the Eastside safety net<sup>1</sup>, serving residents from Bellevue (34%), Redmond (11%), Issaquah and Kirkland (6% each) as well as other areas. Individuals who are turned away or remain on a waitlist for other programmatic shelter programs provided by Friends of Youth, Hopelink, and Lifewire are able to access the winter shelter. Winter shelters have been at or near capacity each year. During the current winter season, the men's shelter has ranged from 50 – 75 men per night, and the women's shelter has ranged from 30 – 40 persons per night.

<b>Men</b>	<b>2011-2012</b>	<b>2012-2013</b>	<b>2013-2014 (through Feb)</b>
Nightly capacity	50	50	75
Total unduplicated individuals	249	210	249
Total bednights	4540	4425	5718
Average number served/night	39	36	58

<b>Women and Children</b>	<b>2011-2012</b>	<b>2012-2013</b>	<b>2013-2014 (through Feb)</b>
Nightly capacity	15	40-50	40-50
Total unduplicated individuals	111	123	161
	<i>93 women</i>	<i>106 women</i>	<i>119 women</i>
	<i>18 children</i>	<i>17 children</i>	<i>42 children</i>
Total bednights	1384	2207	2287
Average number served/night	12	16	19 (avg is 25 for Jan. and Feb.)

## Lessons Learned

Efforts toward a sustainable and effective long-term shelter solution can be informed by our experiences operating shelters over the past 5 years. These are detailed in the attached report<sup>2</sup>. Some key lessons include:

- Shelters need to be in central locations with full transit service and access to daytime services. More ideal locations would be in non-residential areas.
- While shelter needs are more pronounced during winter months, 'low barrier' shelter is needed throughout the year.
- Clients are served best in a dedicated, non-shared space.
- Regulatory requirements - (fire and life safety, zoning, e.g.) leave limited siting options. Cities may need to consider appropriate changes.

<sup>1</sup> Appendix A: Systems Map

<sup>2</sup> Appendix B: Lessons Learned

## Leveraging Key Partners

The long-term solution workgroup recognizes that this work requires strategic and systematic approaches. We need to continue to engage with our regional partners and funders – The Committee to End Homelessness (CEH), King County, United Way of King County (UWKC), and the faith community.

- **CEH / King County** - Winter shelter has been recognized as one component of an overall system to address various needs of homeless single adult, young adults, and families. And more recently, the Governing Board of CEH acknowledged the need to include shelter strategies as part of the effort to end homelessness in the County, including increasing shelter capacity outside of Seattle and increase nightly winter weather shelter.
- **Faith Communities** - Faith communities have supported shelters on the Eastside in a number of crucial ways. The Eastside Interfaith Social Concerns Council (EISCC) founded both Congregations for the Homeless (CFH) and The Sophia Way. Faith communities have stepped up to host shelters, provide financial resources, and to offer volunteers.
- **United Way** – United Way is an active partner in CEH and allocates a significant amount of resources related to chronic homelessness and emergency shelter across the county. It will be important to engage key staff as we work to establish a long term solution to winter shelter in East King County.

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### Staff Recommendation: Create Dedicated Winter Shelters on the Eastside<sup>3</sup>

Based on the lessons learned over the past several years and the Winter Shelter Vision Statement and Principles, the staff work group recommends creating two dedicated location shelters, with a combined capacity up to 100 persons. Ideally, there would be one location for men and one for women/children, and an ability to accommodate daytime services. An initial plan could be for shelters to be open a minimum of four months per year, and we can explore opportunities to expand operation based on level of community wide support and available funding. Dedicated shelters with day time services would contribute to a more comprehensive approach to addressing homelessness in East King County by providing:

- Outreach
- Shelter
- Drop in access
- Case Management focused on permanent housing solutions

(See Appendix D for the role shelter plays in ending homelessness and a graphic that outlines shelter operating models.)

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<sup>3</sup> Appendix C: Proposal Details

## Next Steps

Cities to explore several issues:

- Affirmation of the proposal and local roles (including ARCH –see below)
- Determine what type of outreach to the broader community is appropriate.
- Potential modifications to land use regulations that limit location of shelters in potentially appropriate locations.
- Potential of any existing publicly owned properties that could be used to site a facility.
- Input on determining the long term ownership and operating structure.
- Level of support –
  - ongoing operating support through city human service funding
  - Capital support through ARCH.

**Potential ARCH Role.** One role ARCH has played in the past is to assist cities to be a catalyst for specific affordable projects, typically located on surplus public properties. ARCH has assisted by helping to coordinate local discussions to formulate a plan, bringing together partners to implement the plan, and initial development activity including addressing land use regulatory requirements and capital funding. For this particular project potential roles ARCH could assist with include:

- Help identify key players for the different steps of the program, including long term ownership structure.
- Assist member cities with evaluating and defining their role in the program.
- Assist with evaluating a capital funding strategy for the project, and possibly assisting with public funding applications.
- Monitor progress and provide progress reports back to cities throughout the development process.

## Discussion Questions

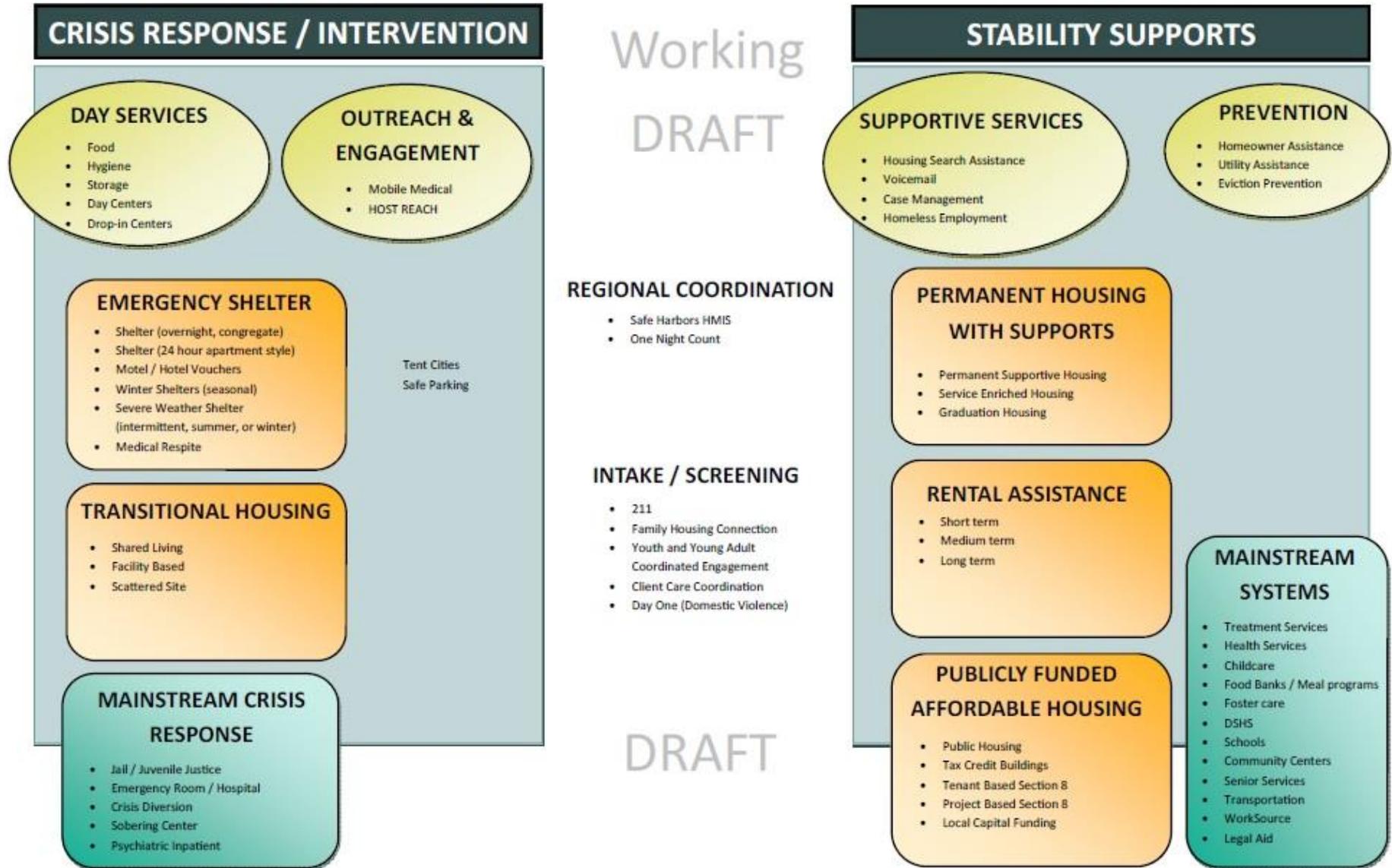
1. Assuming you are supportive of proceeding with next more work on this, how do we advance this discussion with your respective Councils?
2. The memo describes several potential next steps for cities to consider. Do these seem appropriate?
3. Is additional information needed?

---

## WINTER SHELTER IN EAST KING COUNTY

# APPENDICES

# APPENDIX A: SYSTEMS MAP - Winter Shelter Within a Larger System



## APPENDIX B: Winter Shelter - What We've Learned

The evolution in the shelter model, moving from weather activated to nightly operated, has created many challenges, as well as opportunities.

- **Siting:** Since shifting to the winter model, there have been more challenges than expected with finding siting.
  - Dedicated space: Clients are served best in a devoted space. Dual use locations (i.e. community center activities during day, shelter at night) have challenges.
    - Community Centers experienced large loss of revenue due to lack of space rentals.
    - Minimal screening criteria make it hard to find facilities, even churches, willing to host the shelter.
    - Utilizing dual use space requires additional storage requirements.
  - Regulatory requirements: Finding a space that meets various regulatory requirements (fire life and safety code, zoning requirements) has limited options.
  - Non-residential area: More ideal locations would be in a non-residential area.
- **Winter shelter model (open nightly):** Opening on consecutive nights rather than based on weather criteria brought many benefits:
  - Engage Homeless Individuals: Winter shelter can be used as a point of engagement to move into year-round shelter programs and as a pathway to permanent housing.
  - Other weather conditions: Participants were spared severe weather conditions that rain and wind bring.
  - Manage daily activities: Ability for clients to navigate transportation and daytime care, work schedules, etc.
  - Positive Outcomes: About 60 men and 25 women have transitioned from the winter shelter to the year-round program shelter. Of the 40+ men who have completed the shelter program, over 30 of them have moved into stable, on-going housing.
  - Outreach: Having effective outreach services in place helps engage homeless individuals who wouldn't otherwise seek out shelter.

*“We have had many police over the years express that they are grateful to have a place to bring the homeless that are wandering the streets while it is so cold and the weather causes significant risk to life safety.”*

*David Johns-Bowling, CFH Director of Shelter Services*

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- **Community Engagement:**

- Broad community engagement and new partnerships: Providers were able to effectively engage and partner with neighborhoods, businesses, churches, libraries, police, and other community stakeholders.
- Resource for public facilities: Shelter providers receive many calls from community centers, libraries, churches, social services agencies, mini-city hall, and individual community members who have encountered the homeless and are trying to assist with finding safe shelter.
- Responsive shelter providers: Providers have found that many people, businesses, organizations, and departments feel the impact of trying to help the homeless or the impact of them using community places. By setting up on-going communication with community stakeholders, issues can usually be mitigated.
- Engaged clients: Many of the homeless care about their community, and they want to be good community members. For example, clients have initiated and organized a community trash pickup day as well as a cleanup day for St. Peter's United Methodist Church, the host of the men's shelter for the last two years
- Role of Faith Community: Faith communities have supported shelters on the Eastside in a number of crucial ways. The Eastside Interfaith Social Concerns Council (EISCC), created both Congregations for the Homeless (CFH) (1994) and The Sophia Way (2008). EISCC supported hosting the shelters, supplying meals for the clients, and contributing other supportive services. Congregations are major financial contributors to CFH and Sophia Way and many sponsor their annual fund raising events. CFH's year round shelter has been housed in congregations for 20 years. The Sophia Way's year round shelter is housed at St Luke's Lutheran Church.

*“A couple months ago I received a call from a Bellevue detective who had just heard about our Day Center program. I told him about the services that were offered and also about the EWS. He was so happy to hear of a place men could go during the evenings and also a place during the day they could rest and receive services. About a month later he called again and said some of the issues of loitering at the bus stops had completely gone away. He said he believed this was solely because there is now a place the men can go during the day time and the evening.”*

*David Johns-Bowling, CFH Director of Shelter Services*

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## APPENDIX C: DEDICATED WINTER SHELTER PROPOSAL

### Description

Two separate shelters (one for men, second for women and children) at a dedicated location that operate for 4 months per year. The day center could be incorporated into a shelter without needing any substantial additional space other than potentially some separate office space.

**TABLE 1: Winter Shelter Program Features: Per 50 Bed Shelter / Day Center**

Program Features		Area
Dining/Tables	Optional (could be done within sleeping area)	1,500 sq ft
Kitchen		500 sq ft
Bath/Laundry		400 sq ft
Sleeping		4,000 sq ft
Office	Office minimum plus extra space such as case management, computer lab. One office dedicated for day services	200 - 400 sq ft
Storage		500 sq ft
<b>Total</b>		5,600 - 7,300 sq ft

### Development Cost

There are two primary costs associated with creating each shelter facility. First is the cost associated with securing real estate, and second is the cost of making necessary improvements and associated costs. Securing control of property could be a significant component of overall facility costs. Therefore if a suitable public site can be identified for one or both shelters it would have a significant impact on the amount of other funding that would be required. There are a variety of public and private funding sources that could be used for the acquisition and development of a shelter facility. The following table summarizes potential funding sources.

**TABLE 2: Potential Facility Funding Sources**

Source	Comment
ARCH	ARCH includes homeless housing as one of goal areas and uses CEH priorities for funding guidance. In 2013 CEH added homeless shelters outside Seattle as a priority for funding.
King County Housing Program	Also uses CEH priorities to guide investment for homeless housing. Often match or exceed ARCH contribution.
State Housing Trust Fund	Includes homeless housing on list of eligible uses. Often match or exceed ARCH contribution.
Private	Could include funds raised through various private sources such as foundations, churches and individuals.
In-Kind	Examples could be furniture donations, reduced labor costs. Could also include site donation / fee relief from a City.

### Operations Description

The winter shelters are open to those in need from 8:30 pm to 7:30 am, seven days a week. Because the shelters serve as life-saving shelters they are low barrier shelters which means only those who are sexual offenders are screened out initially. To ensure the health and safety of the shelter community, guests are required to follow procedures. The seasons run from November through March or longer as funding allows. The shelters are run by paid staff who stay alert at all times. At least two staff are on duty at all times. Guests sleep on mats on the floor and are provided blankets. Volunteers from congregations, local businesses and individuals bring meals and sometimes stay to serve them. Guests are provided bus tickets every day. The shelters partner with local agencies to provide access to addiction and mental health treatment, dental and medical services.

### Operation Financing

Currently two winter shelters, one for men and one for women and children, are operated by Congregations for the Homeless (CFH) and The Sophia Way respectively. In addition CFH in the past year has been operating a day center for men. The Sophia Way will begin operating the day center for women on April 1<sup>st</sup>. There has been a history of public and private support to operate two shelters for approximately four months and a part time day center (see table). If a dedicated space were able to be created with no lease or mortgage payments, there would not be a significant increase in operating costs over the current program. Expansion of the shelters to twelve months and increasing hours for the day center significantly increase annual operating expenses. Expansion of these programs could be achieved a variety of ways including:

- Fundraising from the local broader community.
- Increased funding from local governments – either through increases from existing city contributions, and/or broadening support from more East King County jurisdictions.
- Securing funds from a regional source
- Using incremental increases in funding support to increase period of operation (e.g. expanding shelter to 6 months per year, day center 10 hours per day).

**TABLE 3: Existing Operating Support**

Source	Description	CFH	Sophia Way	SW	CFH	Outreach
		50 Bed	50 Bed	Day Center	Day Center	2014 Pilot
		4 Month	4 Month	12 month	12 month	(Annualized)
Bellevue		\$33,000	\$38,800	\$24,900	\$15,500	\$13,500
Redmond	Includes CDBG	\$10,200	\$13,400	\$10,500	\$6,500	\$25,500
Issaquah		\$10,000	\$3,000	\$ 2,800	\$5,500	
Kirkland		\$11,333	\$9,750	\$13,150	\$9,500	\$3,750
Sammamish			\$1,000			
King County		\$7,500	\$15,000			
Union Gospel		\$16,000				
United Way		\$18,000	\$3,500			
Private	Faith / civic / ind.		\$4,000		\$60,000	
<b>Sub-Total</b>		<b>\$106,033</b>	<b>\$78,450</b>	<b>\$51,350</b>	<b>\$97,000</b>	<b>\$42,750</b>
In-Kind	Meals	\$30,000	\$30,000		\$2,000	
<b>TOTAL</b>		<b>\$136,033</b>	<b>\$108,450</b>	<b>\$51,350</b>	<b>\$99,000</b>	

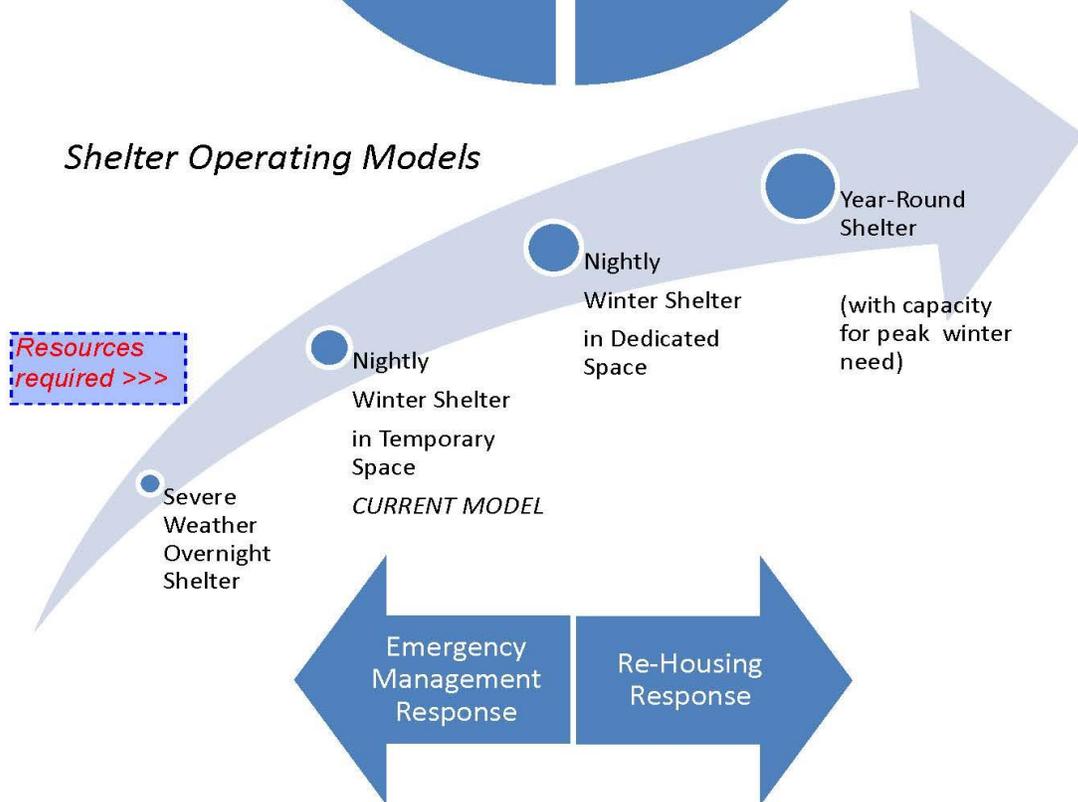
## APPENDIX D

# Eastside Winter Shelter

*Roles of shelters in effort to end homelessness*



*Shelter Operating Models*



**Attachment B****SHELTER SITING PROCESS****I. SITE SEARCH AND PREFERRED SITE ANALYSIS****A. Program Identification - Site Search**

- Identify partners
  - Potential interest from CCS (Catholic Community Services) and Sophia Way to co-operate.
    - These agencies have been operating the existing women/family shelter in East King Count
- Basic program goals
  - Co-located shelter for women and family.
  - Separate spaces for women and family
  - Shelter include features such as kitchen, bath and laundry and storage.
  - Incorporate day services.
- Preliminary evaluation of potential sites.
- Initial selection of site for detailed analysis.

**B. Preferred Site Analysis**

- Review city zoning provisions – e.g. setbacks, parking, open space.
- Site conditions that impact design – e.g. traffic, soils, hydrology, adjacent uses, existing buildings, hazardous materials.
- Develop basic design concepts

**C. Financial Analysis**

- Acquisition/transfer of property: terms and costs
- Site development costs
- Overall development costs and potential funding sources
- Project schedule

**D. Community outreach**

- Develop site specific stakeholders/public outreach plan for each site
- Identify who to engage in conversations

**II FUNDING STRATEGY (Modeled after men shelter approach)****A. Predevelopment Costs**

- ARCH – Opportunity reserve loan (\$25,000+) – Initial preferred site analysis. (Repaid from
- Third party predevelopment loan (e.g. Impact Capital) – more detailed design documents, land costs, etc

**B. Permanent Financing**

- ARCH Trust Fund
- King County Housing program
- State Housing Trust Fund (Capital Budget request)
- Sponsor community capital campaign



**CITY OF KIRKLAND**  
**Department of Finance & Administration**  
**123 Fifth Avenue, Kirkland, WA 98033 425.587.3100**  
**[www.kirklandwa.gov](http://www.kirklandwa.gov)**

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## **MEMORANDUM**

**To:** Kurt Triplett, City Manager  
**From:** Anja Mullin, Deputy City Clerk  
**Date:** February 2, 2016  
**Subject:** Update on the Email Archiving Project

### **History:**

The City decided in 2013 to move forward with an email archiving system to achieve a number of goals: reduce the amount of network traffic and storage; provide clear guidelines to staff on email retention; and to streamline email collection and review for increasingly complex records requests that include email. The strategies employed to accomplish these goals were the implementation of the CommVault email archiving system, development of a policy and system for filing and retaining email, and then implementation of required training for all employees on email retention.

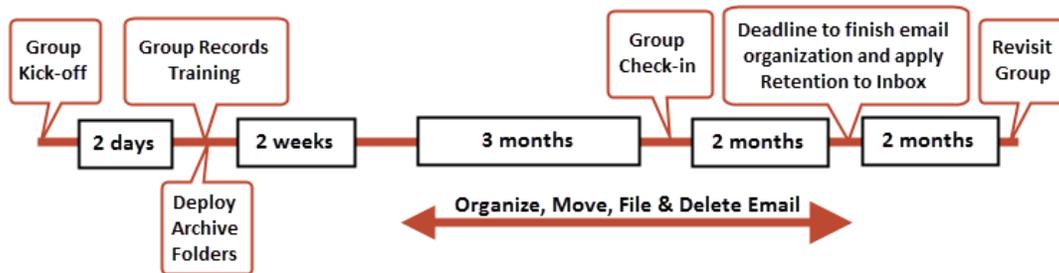
There is a continuum of email management practices. One extreme is to institute a rule keeping all email permanently to make certain that nothing is accidentally destroyed. Another option is to institute a system that reproduces the very granular rules laid out in the Washington State retention schedule. A number of local jurisdictions have adopted policies that are somewhere along this continuum by simplifying the retention rules set by the state and creating larger "buckets" or containers for records. The City of Kirkland decided to adopt the latter approach.

The first step in this process was to analyze the kinds of records that were being sent and received using email. Then staff developed the retention "buckets" that would be common to all departments. These common containers were matched to the Washington State Retention schedule; in some cases the retention rules have been modified in order to accommodate the automatic nature of retention schedules in computerized programs. For example, the state schedule requires that project files be retained for six years from the completion of the project but completion date is not a field that can be managed automatically. Instead the City chose to select a timeframe for projects and add that to the state schedule timeline and make this the automatic deletion date for emails contained in the Projects bucket.

Implementation of the new approach using the CommVault software is a major undertaking and impacts staff city-wide. In recognition of the importance and magnitude of the effort, the City Council included email archiving in the 2015-2016 City Work Program:

“Convert all employees of the City to an email archiving system to improve City responsiveness and transparency to the public, while also reducing the cost and complexity of storing email data to further the operational values of Efficiency and Accountability.”

In the Spring of 2015, the Information Technology Department installed the new CommVault software onto the email server while the City Clerk division developed training materials for City staff (Attachment A) as well as a training schedule. The implementation team also selected a small group of employees from the Information Technology Department and the Department of Finance and Administration to participate in a test group. The remaining staff from the Department of Finance and Administration were selected to deploy as the official pilot group. A rolling implementation schedule across the City was developed with one or two departments completing the email archiving training at a time. A sample of a typical implementation timeline for a group is below:



### Current Status:

Currently we have rolled out the email archiving training to the following departments: Finance and Administration, Public Works (less the maintenance center staff which will receive training in the coming months), City Attorney’s Office, City Manager’s Office, Human Resources, Parks and Community Services, Police, the Municipal Court and Information Technology. Training for the Fire Department is scheduled for February, followed by City Council, Boards and Commissions and the Planning and Building department. It is anticipated that all employees should have received training by May of this year. Of the departments which have received training, over 50% of them have finished the review and archiving of their email and are ready to have the full automatic retention policies applied to their email. All employees should be finished with the email archiving project by the end of 2016.

# Managing Retention in Microsoft Outlook



## EMAIL ARCHIVING PROJECT

## Archive Folders

### What Are They?

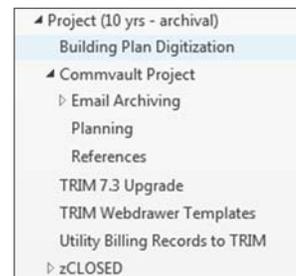


After meeting with the different departments the Archived Folders were developed as a general organizational structure for employees to use to organize their email.

Emails you want to keep for reference or because they are required for retention should be filed in one of these folders.

Retention rules have been assigned to these folders so that emails that have aged out of the retention timeline will automatically be deleted from the folder in compliance with the state requirements.

### How Do I Use Them?



You can create any number of subfolders under the parent archive folder to help you organize your email. You can name these in any way that makes sense to you.

If you have existing folders that will already work as subfolders you can drag that folder into an archived folder as a new subfolder.

The subfolders will automatically inherit the retention rules that are applied to the parent archive folder.

### Once an email or folder is in an Archive Folder will it be deleted immediately if it is past its retention period?

Not immediately, but the next time the “Mailbox Assistant” process runs it will be deleted.

## Will IT still be able to recover an email once it has been deleted from my Archive Folder?

No. Once an email has been deleted from an Archive Folder by the Mailbox Assistant it has been deleted from the email system permanently.

## What about the email in my Inbox? What happens if I don't file my email into an Archive Folder?

Email that is in the Inbox will stay in your inbox for 90 days. After 90 days it will be deleted unless you have moved it into one of the Archive Folders with a longer retention.

## What about my Deleted Items Folder?

Email that is in the Deleted Items Folder will be automatically deleted after 90 days. You may choose to delete them sooner. Once they have been deleted from the Deleted Items folder they are no longer recoverable.

## What about my Sent Items Folder?

Email that is in the Sent Items Folder will be automatically deleted after 90 days. You may choose to delete them sooner. Once they have been deleted from the Deleted Items folder they are no longer recoverable.

## Can I move my email to a different Archive Folder?

Yes, you can move emails or subfolders between Archive Folders. When you do this the email or subfolder will take on the new retention rules from the new parent Archive Folder. If you have emails in the subfolder that are past the new retention timeframe they will be deleted the next time the "Mailbox Assistant" process runs on the Email server.

## How often will the "Mailbox Assistant" run?

The "Mailbox Assistant" process will be run once a day. At that point all retention rules will be applied to the folders and emails that are past their retention will be permanently deleted.

## How Do I Know Which Folder to Use?

### Admin—Long Term (3 yrs)

Administrative items which have no long-term retention value.

*Examples: Newsletters, invoices, routine correspondence, quotes for purchases, secondary copies of records kept for the user's convenience.*

### Admin—Short Term (1 yr)

Administrative items which have no long-term retention value.

*Examples: Directions to an upcoming meeting, reminders of an upcoming event, copies of correspondence.*

### Budget (6 yrs)

Items relating to the development of the department/division budget.

### Meetings/Trainings (6 yrs)

Supporting documentation for any trainings or meetings.

*Examples: Agendas, notes*

### Personnel (6 yrs)

Items relating to the employee.

*Examples: Leave requests, performance issues/review data, certifications, change in status emails, scheduling changes*

### Project (10 yrs—archival)

CIP, development, or other projects that have a beginning and an end.

*Examples: Schedules, communication, decisions.*

## How Do I Know Which Folder to Use?

### Public Inquiries/Complaints (4 yrs)

Complaints, general requests for information, initial public records requests, “ask a question” correspondence. Project specific inquiries or feedback should be filed with the appropriate project.

### Reference (6 yrs)

Subject or chronological files retained for long-term reference.

### Research (10 yrs—archival)

Emails documenting research in support of a specific issue or question that is likely to be revisited in order to eliminate the need to repeat the research effort.

### Strategic Planning (6 yrs)

Communication and records relating to the development of the City or department strategic plan.

### Work Request (3 yrs)

If the work request is received as an email but is going to be transcribed into a work tracking system the email can be deleted after the information has been transferred into the tracking system.

*Examples: A Help Desk email request can be deleted after it has been entered in the help desk request tracking system.*

## Tips for Managing Email



When sending email, keep messages to a single topic—the messages will be easier to track, find, use and delete.

Be specific in the subject line.

Change the subject line when the email subject changes.

If you have trouble remembering to file your Sent messages, cc yourself so that the email is in your In Box and available to be filed.

Limit your cc's to those people who need the information.

Limit main recipients to those who are expected to take action or make decisions based on the message content.

Use ‘cc’ option when sending messages to recipients for informational purposes.

Don't put anything in an email you wouldn't want on the front page of the Seattle Times.

Where possible don't send attachments—post the attachment to a shared location (network drive, SharePoint, TRIM) and send a link .

Attachments should be stored appropriately (network drive, SharePoint, TRIM) and not in the email folders.

## Tools for Managing Email



Sort your mailbox/folder by subject to move emails as a group to an archive folder.

Use the “Show as Conversations” feature (on the View Tab) to display all emails in a specific conversation email chain. These can then be moved as a group to an archive folder.

Use Categories to visually organize emails by subject and Flags to remind you to take action.

# What to do with the Email?

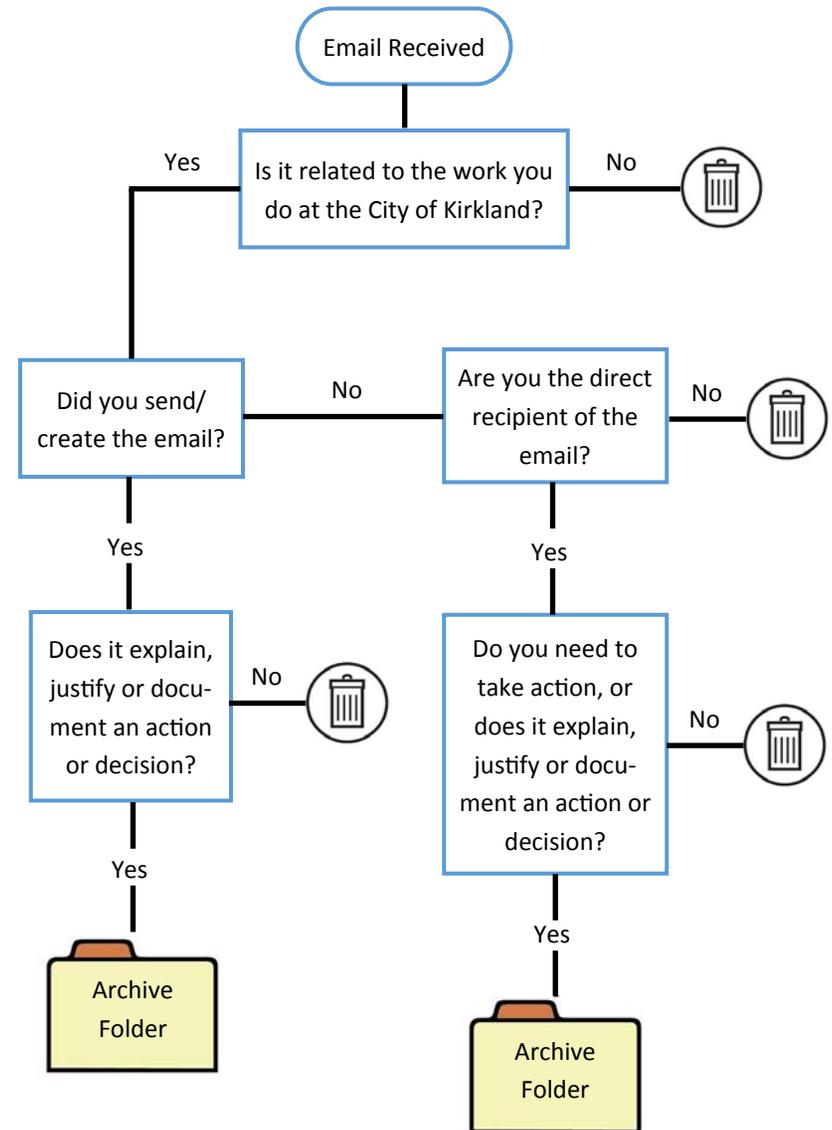
## Emails to Keep

- ✓ Email documenting a specific decision, providing clarification of a policy or a decision
- ✓ Email with details regarding a business decision or details about a project
- ✓ Emails proving a specific action was taken
- ✓ Emails providing legal opinions or advice
- ✓ Emails providing direction or instruction

## Emails to Delete

- ✗ Email from a coworker that they are: leaving for the day, going to lunch, visiting the dentist, taking the City vehicle, back from lunch, back from the dentist, back with the City vehicle
- ✗ Citywide "All" Emails or general information sent to your department
- ✗ Emails from friends, family, your child's school, an old college friend, a professional colleague about how good it was to have lunch last week.
- ✗ Unsolicited advertisements from vendors
- ✗ News updates from professional organizations, subscription services or articles of general interest
- ✗ Thank you responses
- ✗ Photos of cats/puppies/babies doing anything.
- ✗ An email documenting the sending of an attachment. The attachment may need to be kept but not the email itself.
- ✗ Meeting invitations and responses
- ✗ Training notices, reminder notices, or payroll notices
- ✗ Emails from Diversity Committee, Wellness Committee, Winterfest Committee, etc. that are not addressed to you as a committee member
- ✗ Emails with traffic updates, weather updates, fundraising efforts or warnings about the dangers of microwave ovens
- ✗ Emails about leftover food

# Email: Should it Stay or Should it Go?



**CITY OF KIRKLAND****123 Fifth Avenue, Kirkland, WA 98033 425.587.3000**  
**www.kirklandwa.gov****MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** Eric Shields, AICP, Planning and Building Department Director

**Date:** February 11, 2016

**Subject:** Content Neutral Signs

On March 1, 2016, the City Council is scheduled to meet with the Planning Commission and discuss the Planning Work Program for 2016 and 2017. One of the tasks listed in the work program is an update of the sign regulations in the Kirkland Zoning Code to make them "content neutral" in accordance with a recent United States Supreme Court decision in *Reed v. Town of Gilbert*. The issue of content neutrality was also addressed in the 2006 decision of the United States Court of Appeals for the Ninth Circuit in *Blazing Bagels v. City of Redmond*. This memorandum provides a brief overview of the issues involved with the above two court decisions and how they affect Kirkland's sign regulations. Essentially, both decisions say that City sign regulations may not differentiate sign standards based on sign messages. In other words, the regulations must be "content neutral."

In the *Reed* case, the US Supreme Court found that the sign regulations of the City of Gilbert Arizona were unconstitutional because they established greater restrictions on "Temporary Directional Signs Relating to a Qualifying Event" (specifically a sign providing directions to a church service not located in a permanent church building) than on signs conveying other messages, such as political signs. (See the following linked articles from the Municipal Research Services Center for further information:

<http://mrsc.org/Home/Stay-Informed/MRSC-Insight/June-2015/Review-Your-Sign-Codes-in-Wake-of-New-US-Supreme-C.aspx>

and

<http://mrsc.org/Home/Stay-Informed/MRSC-Insight/October-2015/The-Importance-of-Your-Sign-Code.aspx>.)

In the *Blazing Bagels* case, the US Court of Appeals found that Redmond's sign regulations were unconstitutional because they prohibited portable signs (the Blazing Bagels sign was hand held) for businesses such as Blazing Bagels but not for real estate signs and other identified "portable signs," including construction signs, celebration displays and political signs, without any evidence that the message of the signs made any difference in the public interest being advanced. As with *Gilbert*, the court asserted that sign regulations should be content-neutral. (See the attached court decision.)

Fortunately, Kirkland's sign regulations are mostly content-neutral. Businesses are allocated sign area primarily based on property frontage on abutting rights-of-way, not the message of the sign. However, the sign regulations also contain a list of "Temporary" and "Special" signs that are provided additional sign area; and most of the special signs are based on the message of

the sign (see attached Section 100.115 of the Kirkland Zoning Code). For example, signs selling real estate, advertising construction, providing fuel price information, and displaying political messages are all regulated differently. The goal of the content-neutral sign amendments is to eliminate the content based regulations in favor of regulations not based on the sign message.

So, the key question for Kirkland is how to eliminate content based sign regulations while still providing the sign limitations expected by the community. National commentators on the *Reed* decision have suggested a way to do this, which is to regulate based on the conditions and circumstances when special signs are needed, rather than regulating the message. For example, rather than regulating "real estate signs" which advertise property for sale or rent (as Kirkland's Zoning Code now does), regulations would simply allow additional signs of a specific size, placement and duration when properties are for sale or rent. The sign message would not be prescribed, so the person displaying the sign would not be required to use the sign to advertise property sale or rental. However, under the circumstances, one would expect most sellers and renters to do so.

More work is needed to consider how this same approach could be used for all types of special signs. One other issue should also be addressed. Since the release of the *Blazing Bagels* decision, City staff has not enforced a Zoning Code prohibition on portable outdoor signs (e.g. sandwich board signs) which specifically excludes real estate, political and private advertising signs but not general commercial advertising signs. (We do, however, enforce signs that obstruct travel-ways or intersection sightlines.) Consequently, many businesses now commonly display sandwich board signs. It would be worth reflecting on whether we want to allow businesses to continue this practice or revert to the previous prohibition.

If you have any question about this matter, I would be happy to address at, before or after the upcoming Council retreat.

#### Attachments

1. *Blazing Bagels v. City of Redmond* decision
2. Zoning Code Section 100.115 Temporary/Special Signs

**FOR PUBLICATION**  
**UNITED STATES COURT OF APPEALS**  
**FOR THE NINTH CIRCUIT**

DENNIS BALLEEN; NICE TIE INC., a  
Washington corporation dba  
Blazing Bagels,  
*Plaintiffs-Appellees,*

v.

CITY OF REDMOND, a municipal  
corporation; CITY OF REDMOND  
PLANNING AND COMMUNITY  
DEVELOPMENT DEPARTMENT;  
ROBERTA LEWANDOWSKI, in her  
official capacity as Planning  
Director of the City of Redmond  
Dept of Planning and Community  
Development,  
*Defendants-Appellants.*

No. 04-35606  
D.C. No.  
CV-03-02580-MJP

11438

BALLEN V. CITY OF REDMOND

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DENNIS BALLEEN; NICE TIE INC., a  
Washington corporation dba  
Blazing Bagels,  
*Plaintiffs-Appellees,*

v.

CITY OF REDMOND, a municipal  
corporation; CITY OF REDMOND  
PLANNING AND COMMUNITY  
DEVELOPMENT DEPARTMENT;  
ROBERTA LEWANDOWSKI, in her  
official capacity as Planning  
Director of the City of Redmond  
Dept of Planning and Community  
Development,  
*Defendants-Appellants.*

No. 04-35758  
D.C. No.  
CV-03-02580-MJP  
OPINION

Appeal from the United States District Court  
for the Western District of Washington  
Marsha J. Pechman, District Judge, Presiding

Argued and Submitted  
June 6, 2006—Seattle, Washington

Filed September 15, 2006

Before: Richard C. Tallman and Jay S. Bybee,  
Circuit Judges, and Marilyn L. Huff,\* District Judge.

Opinion by Judge Tallman

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\*The Honorable Marilyn L. Huff, United States District Judge for the  
Southern District of California, sitting by designation.

11442

BALLEN V. CITY OF REDMOND

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**COUNSEL**

J. Zachary Lell, Seattle, Washington, for the defendants-appellants.

Steven M. Simpson, Arlington, Virginia, for the plaintiffs-appellees.

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**OPINION**

TALLMAN, Circuit Judge:

This First Amendment commercial speech case arises from a dispute between Blazing Bagels' use of outdoor advertising and the City of Redmond's commercial signage ordinance. The City of Redmond, Washington, and its Department of

Planning and Community Development (collectively “Defendants” or “the City” or “Redmond”) appeal the district court’s orders granting Plaintiff Dennis Ballen summary judgment and attorneys’ fees. Appellees Ballen and his business, Nice Tie, Inc., d/b/a Blazing Bagels (collectively “Ballen” or “Plaintiffs”), challenge the City’s sign ordinance (“Ordinance”), REDMOND COMMUNITY DEVELOPMENT GUIDE (“RCDG”) 20D.160.10-090, prohibiting all portable signs, with ten exceptions, *see* RCDG 20D.160.10-060, arguing, *inter alia*, that the Ordinance does not directly advance the government’s interest and, in the alternative, reaches further than necessary to accomplish the government’s interest. We must decide whether the Ordinance prohibiting the use of portable signs is a permissible restriction on commercial speech. The district court ruled the City’s Ordinance invalid and we affirm. We also uphold the fee award.

## I

On June 17, 1997, to promote the City’s dual goals of traffic safety and community aesthetics, *see* RCDG 20D.160.10-010, the City Council passed the Ordinance banning the display of most portable and offsite signs. RCDG 20D.160.10-090. The challenged provision of the Ordinance reads:

Portable Signs. All portable signs except real estate signs and other portable signs specifically allowed by RCDG 20D.160.10-060, Signs and Street Graphics, are prohibited. This prohibition includes, but is not limited to, portable readerboards, signs on trailers, sandwich boards, except as allowed by RCDG 20D.160.10-060(10), Signs and Street Graphics: Temporary Uses, and sidewalk signs.

RCDG 20D.160.10-090.

Ten categories of signage are exempt from this general prohibition: (1) banners on the Redmond Way railroad overpass,

(2) construction signs, (3) celebration displays, (4) banner displays in the city center neighborhood, (5) major land use action notices, (6) political signs, (7) real estate signs, (8) temporary window signs, (9) signs on kiosks, and (10) temporary uses and secondary uses of schools, churches, or community buildings. RCDG 20D.160.10-060.

On most weekday mornings from mid-November 2002 through January 2003, and again from mid-April 2003 to mid-June 2003, Ballen, owner of Blazing Bagels, hired an employee to stand on the sidewalk wearing a sign that read: "Fresh Bagels - Now Open." The employee directed the attention of passing motorists to Ballen's business premises and informed passing motorists of Ballen's available retail products.

But the City did not like the taste of Blazing Bagels' advertisement. On June 18, 2003, the City transmitted a letter to Ballen notifying him that he was in violation of the law and warning him that continued noncompliance would result in the initiation of code enforcement proceedings. The letter ordered Ballen to cease and desist using a portable sign to advertise his business.

Instead of baking up a more palatable method of advertising, Ballen produced a Complaint filed in the King County Superior Court on July 22, 2003, under 42 U.S.C. § 1983 and Washington's Uniform Declaratory Judgments Act. The City removed the case to the United States District Court for the Western District of Washington.

On April 20, 2004, the parties submitted Cross-Motions for Summary Judgment. On June 15, 2004, the district court entered a final Order and Judgment Granting Plaintiffs' Motion and Denying the City's Motion. This timely appeal followed.

Ballen subsequently moved for an award of attorneys' fees and costs, and declaratory relief and nominal damages pursuant to 42 U.S.C. § 1988. Over the City's opposition to the fee total requested by Ballen, the district court granted Ballen's Motion in full and awarded fees and costs in the amount of \$165,508. Another timely appeal followed.<sup>1</sup>

## II

A grant of summary judgment is reviewed de novo. *Sierra Club v. Babbitt*, 65 F.3d 1502, 1507 (9th Cir. 1995). We must "determine, viewing the evidence in the light most favorable to the nonmoving party, whether there are any genuine issues of material fact and whether the district court correctly applied substantive law." *United States v. City of Tacoma*, 332 F.3d 574, 578 (9th Cir. 2003). All reasonable inferences supported by the evidence must be drawn in the nonmoving party's favor. *Villiarimo v. Aloha Island Air, Inc.*, 281 F.3d 1054, 1061 (9th Cir. 2002). Both parties agree that this case should be decided as a matter of law on summary judgment as there are no genuine issues of material fact in dispute.

## III

[1] On December 6, 2005, the City passed a new sign ordinance that rescinded the ban that was the basis of Ballen's Complaint. Both parties agree, however, that this case continues to present a live controversy because Ballen seeks nominal damages in his Complaint, and his claim for damages and attorneys' fees is not mooted by the new ordinance. See *Bernhardt v. County of Los Angeles*, 279 F.3d 862, 872 (9th Cir. 2002).

Moreover, the City has threatened to re-enact the old Ordinance if it receives a favorable outcome on appeal. The City conceded in its notice to us and at oral argument that its new

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<sup>1</sup>The two appeals have been consolidated in this case.

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ordinance was adopted only as an interim regulation in response to the district court's summary judgment ruling. Thus, this case is not moot. *See Jacobus v. Alaska*, 338 F.3d 1095, 1102-04 (9th Cir. 2003).

## IV

[2] Commercial speech is defined as "expression related solely to the economic interests of the speaker and its audience," or as "speech proposing a commercial transaction." *Central Hudson Gas & Elec. Corp. v. Public Serv. Comm'n*, 447 U.S. 557, 561-62 (1980). Both parties correctly concede that Ballen's advertising sign satisfies this definition and thus contains pure commercial speech.

[3] Commercial speech enjoys a limited degree of First Amendment protection. *S.O.C., Inc. v. County of Clark*, 152 F.3d 1136, 1142 (9th Cir. 1998). In *Central Hudson*, the Supreme Court established a four-part test for reviewing governmental restrictions on commercial speech. Specifically, the validity of a restriction on commercial speech depends on the following factors: (1) "whether the expression is protected by the First Amendment," which requires the speech to "concern lawful activity and not be misleading"; (2) "whether the asserted governmental interest is substantial"; (3) "whether the regulation directly advances the governmental interest asserted"; and (4) "whether [the regulation] is not more extensive than is necessary to serve that interest." *Central Hudson*, 447 U.S. at 566.

[4] Everyone agrees that the first two prongs are satisfied in this case since the message conveyed by Ballen's advertising sign concerns lawful activity and is not misleading, and that the Ordinance's dual goals of promoting vehicular and pedestrian safety and preserving community aesthetics are substantial governmental interests. *See Metromedia, Inc. v. City of San Diego*, 453 U.S. 490, 507-08 (1981) ("Nor can there be substantial doubt that the twin goals that the ordi-

nance seeks to further—traffic safety and the appearance of the city—are substantial governmental goals.”). The constitutionality of Redmond’s Ordinance, therefore, turns on applying the third and fourth prongs of the *Central Hudson* test.

#### A

The third prong of the *Central Hudson* test is “whether the regulation directly advances the governmental interest asserted.” *Central Hudson*, 447 U.S. at 566. Because we think it is clear that the Ordinance fails to satisfy *Central Hudson*’s fourth prong, we do not reach the issue of whether the Ordinance satisfies *Central Hudson*’s third prong.

#### B

[5] The fourth prong of the *Central Hudson* test is “whether [the regulation] is not more extensive than is necessary to serve that [governmental] interest.” *Central Hudson*, 447 U.S. at 566. This requires that there be a reasonable fit between the restriction and the goal, *City of Cincinnati v. Discovery Network, Inc.*, 507 U.S. 410, 416 (1993), and that the challenged regulation include “a means narrowly tailored to achieve the desired objective.” *Bd. of Trustees of State Univ. of N.Y. v. Fox*, 492 U.S. 469, 480 (1989). “A regulation need not be absolutely the least severe that will achieve the desired end, but if there are numerous and obvious less-burdensome alternatives to the restriction on commercial speech, that is certainly a relevant consideration in determining whether the fit between ends and means is reasonable.” *Discovery Network*, 507 U.S. at 417 n.13 (internal quotation marks and citation omitted). The City has the burden of proving that the Ordinance is narrowly tailored. *Id.* at 416.

In *Discovery Network*, the City of Cincinnati prohibited distribution of commercial handbills displayed in news racks on public property but permitted noncommercial handbills displayed in news racks. *Id.* at 413 & nn.2-3. Cincinnati

asserted that its ordinance was necessary to reduce the number of news racks in the city, which advanced its interests in safety and aesthetics. *Id.* at 418. Although the Court accepted Cincinnati's position that reducing the number of news racks increased safety and community aesthetics, the Court ruled that the ordinance failed to satisfy *Central Hudson's* fourth prong because the prohibited news racks were no more harmful than the permissible news racks. *Id.* at 424-25. As a result, Cincinnati's categorical ban on commercial news racks and its allowance of noncommercial news racks created a distinction that had "no relationship *whatsoever* to the particular interests that the city has asserted." *Id.* at 424. In addition, Cincinnati's adoption of a content-based ban rather than a valid time, place, or manner restriction indicated that the city had "not carefully calculated the costs and benefits associated with the burden on speech imposed by its prohibition." *Id.* at 417, 428-30 (internal quotation marks omitted).

[6] Here, the governmental interests served by the Ordinance include promoting vehicular and pedestrian safety and preserving community aesthetics. The exceptions to the City's portable sign Ordinance are all content based. Different signs are treated differently under the Ordinance based entirely on a sign's content. The City has failed to show how the exempted signs reduce vehicular and pedestrian safety or besmirch community aesthetics any less than the prohibited signs. As in *Discovery Network*, the City's use of a content-based ban rather than a valid time, place, or manner restriction indicates that the City has not carefully calculated the costs and benefits associated with the burden on speech imposed by its discriminatory, content-based prohibition.

[7] While some of the Ordinance's content-based exceptions are reasonable—political signs are subject to strict scrutiny, construction signs promote traffic and pedestrian safety, banner displays may enhance community aesthetics—others compromise the City's interests. More specifically, ubiquitous real estate signs, which can turn an inviting sidewalk into an

obstacle course challenging even the most dextrous hurdler, are an even greater threat to vehicular and pedestrian safety and community aesthetics than the presence of a single employee holding an innocuous sign that reads: "Fresh Bagels - Now Open." Cf. *Linmark Assocs., Inc. v. Willingboro*, 431 U.S. 85 (1977) (holding that a municipal ordinance prohibiting onsite "For Sale" and "Sold" signs is an invalid restriction on commercial speech). Here, the City has protected outdoor signage displayed by the powerful real estate industry from an Ordinance that unfairly restricts the First Amendment rights of, among others, a lone bagel shop owner. Additionally, temporary window signs and signs on kiosks are no less a threat to vehicular and pedestrian safety and community aesthetics than the ambulant bagel advertisement.

[8] The availability of narrower alternatives that intrude less on First Amendment rights is a factor to consider in determining whether the Ordinance satisfies *Central Hudson's* fourth prong. *Discovery Network*, 507 U.S. at 417 n.13. In *Discovery Network*, the Court held that a city ordinance prohibiting the distribution of commercial handbills displayed in news racks on public property failed to satisfy *Central Hudson's* fourth prong because news racks, whether commercial or noncommercial, were equally unattractive, and discrimination against the small number of commercial news racks was untenable when other alternatives (e.g., simply limiting the total number of news racks) were available. *Id.* at 425-26. In *Rubin v. Coors Brewing Co.*, 514 U.S. 476 (1995), the Court held that the Federal Alcohol Administration Act's ("FAAA") restriction prohibiting beer labels from displaying alcohol content failed to satisfy *Central Hudson's* fourth prong because the existence of alternative ways to prevent strength wars among brewers, such as "directly limiting the alcohol content of beers" or "prohibiting marketing efforts emphasizing high alcohol strength," indicated that the FAAA's ban was more extensive than necessary. *Id.* at 478, 490-91.

[9] Here, less restrictive alternatives exist that could have been used to advance the City's interests. The City could impose time, place, and manner restrictions on all commercial signs. Likewise, if the City found that signs with live people holding them are more distracting and therefore more hazardous than a silent sandwich board, it could ban such signs altogether.

*Metromedia* does not control this case. In *Metromedia*, the Court held that a City of San Diego ordinance that prohibits outdoor, offsite commercial billboards is a valid restriction of commercial speech. 453 U.S. at 493 & n.1, 512. The Supreme Court concluded that the ordinance directly advanced the city's interests in promoting traffic safety and preserving community aesthetics and was narrowly tailored, and therefore survived *Central Hudson's* four-part test. *See id.* at 510-12.

Although the temptation to apply *Metromedia* as controlling precedent is strong at first glance, further analysis reveals its applicability here to be misplaced. The Court in *Metromedia* cautioned that "[e]ach method of communicating ideas is a law unto itself and that law must reflect the differing natures, values, abuses and dangers of each method." *Id.* at 501 (internal quotation marks omitted). The Court then went on to qualify that "[w]e deal here with the law of billboards." *Id.* This distinction is significant because billboards are fixed, permanent structures that are more intrusive to community aesthetics than portable sandwich boards. The externalities of billboards include perdurable visual pollution that pervades a substantial volume of our eyesight and grows into an unignorable part of our cultural landscape. Portable signs can be removed at the close of business and standing advertisers can take a seat when their feet are tired.

[10] Moreover, the ordinance upheld in *Metromedia* banned *all* offsite commercial advertising, *id.* at 503, whereas the Ordinance in this case exempted several categories of

commercial advertising. In *Metromedia* the distinction that was challenged and upheld was between onsite and offsite billboards. It was a content-neutral distinction. The categorical nature of the ordinance in *Metromedia* precludes its application here. Instead, the inconsistent content-based nature with which the Redmond Ordinance distinguishes its interests and the availability of less restrictive alternatives to achieve the City's goals are fatal under *Central Hudson's* fourth prong.

[11] Thus, the Ordinance is not a reasonable fit between the restriction and the goal, and the Ordinance therefore fails *Central Hudson's* fourth prong.

## V

The City argues that the district court erred by excluding two statements from Redmond Code Enforcement Officer Deborah Farris ("Farris"). Evidentiary rulings made in the context of summary judgment motions are reviewed for an abuse of discretion. *Gen. Elec. Co. v. Joiner*, 522 U.S. 136, 141 (1997). The district court's ruling can only be reversed if it was both "manifestly erroneous and prejudicial." *Orr v. Bank of America*, 285 F.3d 764, 773 (9th Cir. 2002).

[12] A trial court may only consider admissible evidence in ruling on a motion for summary judgment. *Id.* Under Washington law, statements of ultimate facts, conclusions of fact, and conclusory statements of fact are insufficient for summary judgment purposes. *See Grimwood v. Univ. of Puget Sound, Inc.*, 753 P.2d 517, 519 (Wash. 1988). Indeed, the Washington Supreme Court has explained that "the emphasis is upon *facts* to which the affiant could testify from personal knowledge and which would be *admissible in evidence.*" *Id.* Here, the declarant states:

4. The City's ban on most portable and temporary signs . . . significantly and materially advances the

City's interest in traffic safety and community aesthetics. The aggregate number of portable and temporary signs displayed within the City's jurisdiction has severely decreased as a result of this prohibition.

5. The list of exemptions . . . has not materially detracted from or otherwise undermined the effectiveness of the City's general prohibition on portable signs. In my professional judgment, experience and observation, the signs subject to the City's ban represent both a significant amount and percentage — if not an outright majority — of the total portable signage that would otherwise exist in the Redmond community absent the prohibition.

There is no foundation of objective facts laid in these assertions to support the legal conclusions offered and the district court properly excluded these statements upon objection by Ballen.

Moreover, excluding Officer Farris's statements was not prejudicial to the City since the statements do not cure, or even address, the deficiencies of the Ordinance with respect to *Central Hudson's* fourth prong. Thus, the district court did not abuse its discretion when it excluded Farris's unsupported legal conclusions.

## VI

[13] The City argues that if the ban is unconstitutional because of the numerous exemptions, then the exemptions should be severed from the general ban on portable signs. But severing the Ordinance would subject activity that is currently authorized by the legislature to civil and criminal sanctions, would impermissibly restrict speech that is protected by a strict level of scrutiny, i.e., political speech, and would make those protected by the exemptions—realtors, politicians, etc.—indispensable parties to this proceeding. Thus, the district

court properly refused to sever the allegedly unconstitutional portion of the Ordinance from the rest of it.

## VII

The City challenges the district court's award of attorneys' fees. An award of attorneys' fees under 42 U.S.C. § 1988 is reviewed for an abuse of discretion. *Karam v. City of Burbank*, 352 F.3d 1188, 1192 (9th Cir. 2003). "An abuse of discretion occurs if the district court bases its decision on an erroneous legal standard or on clearly erroneous findings of fact." *United States v. Alisal Water Corp.*, 370 F.3d 915, 921 (9th Cir. 2004) (internal quotation marks omitted).

[14] "In any action or proceeding to enforce a provision of section[ ] . . . 1983[,] . . . the court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee as part of the costs . . ." 42 U.S.C. § 1988. "The purpose of § 1988 is to ensure effective access to the judicial process for persons with civil rights grievances. Accordingly, a prevailing plaintiff should ordinarily recover an attorney's fee unless special circumstances would render such an award unjust." *Hensley v. Eckerhart*, 461 U.S. 424, 429 (1983) (internal quotation marks and citations omitted). Ballen is the prevailing party and is entitled to an award of attorneys' fees from the City pursuant to § 1988, and there are no special circumstances in this case that would render an award of attorneys' fees unjust. Thus, the district court properly awarded attorneys' fees to Ballen.

[15] Alternatively, the City argues that the district court's award of attorneys' fees was excessive. In the Ninth Circuit, the customary method of determining the permissible amount of attorneys' fees under § 1988 is the "lodestar" method. *Morales v. City of San Rafael*, 96 F.3d 359, 363 (9th Cir. 1996). The lodestar method multiplies the number of hours "the prevailing party reasonably expended on the litigation by a reasonable hourly rate." *McGrath v. County of Nevada*, 67

F.3d 248, 252 (9th Cir. 1995). After making that computation, courts then assess whether it is necessary to adjust the presumptively reasonable lodestar figure on the basis of twelve factors. *Id.* at 252 & n.4; *Cunningham v. County of Los Angeles*, 879 F.2d 481, 487 (9th Cir. 1988). The twelve factors are:

(1) the time and labor required, (2) the novelty and difficulty of the questions involved, (3) the skill requisite to perform the legal service properly, (4) the preclusion of other employment by the attorney due to acceptance of the case, (5) the customary fee, (6) whether the fee is fixed or contingent, (7) time limitations imposed by the client or the circumstances, (8) the amount involved and the results obtained, (9) the experience, reputation, and ability of the attorneys, (10) the “undesirability” of the case, (11) the nature and length of the professional relationship with the client, and (12) awards in similar cases.

*Id.* at 252 n.4 (citing *Kerr v. Screen Extras Guild, Inc.*, 526 F.2d 67, 70 (9th Cir. 1975)).

[16] Here, \$165,508, which the district court awarded, was the lodestar figure. The City argues that the lodestar figure should be reduced because “(1) the short duration of the lower court proceedings, (2) the minimal formal discovery necessitated by the case, [and] (3) the fact [that] the parties appeared jointly in court only once,” are compelling evidence that the hours claimed by Ballen’s counsel were “excessive” and thus “significantly inflated” the calculation. The City uses its own hours to support its claim, arguing that “the significantly fewer hours expended by the City’s counsel in defending this action” support the position that Ballen’s counsel overworked the case. We have previously said that only in rare circumstances should a court adjust the lodestar figure, as this figure is the presumptively accurate measure of reasonable fees. *Cabrales v. County of Los Angeles*, 864 F.2d 1454, 1464 (9th Cir. 1988); *see also Cunningham*, 879 F.2d at 484. District

courts possess the necessary discretion to adjust the amounts awarded to address excessive and unnecessary effort expended in a manner not justified by the case.

[17] The district court's attorneys' fee award was not excessive and there was no abuse of discretion in awarding the fees requested.

### VIII

Redmond's Ordinance fails to satisfy *Central Hudson's* four-part test. The Ordinance impermissibly discriminates against the commercial speech rights of businesses within the City in a content-based manner more extensive than necessary to serve Redmond's legitimate governmental interests. The district court's summary judgment and grant of attorneys' fees in favor of Ballen are AFFIRMED.

**100.115 Temporary/Special Signs** 

A. The chart below establishes regulations that apply to numerous signs of a temporary or special nature or purpose. These signs shall be permitted in addition to the signs permitted in Sign Categories A through F, and shall be subject to the requirements set forth in the following chart. Except as specifically stated in the chart, the signs in the chart are not subject to the regulations of KZC [100.30](#) through [100.75](#) and KZC [100.95](#).

No temporary or special signs shall be posted or placed upon public property; provided that, certain temporary signs may be posted or placed within certain portions of a public street right-of-way as identified by the chart below.

<b>TYPE OF SIGN</b>	<b>MAXIMUM NUMBER OF SIGNS</b>	<b>MAXIMUM SIGN AREA</b>	<b>PERMITTED LOCATION</b>	<b>PERMITTED DURATION OF DISPLAY</b>
Real Estate, On-site	For each <u>dwelling unit</u> , use or development: 1 per broker per abutting <u>right-of-way</u> .	<u>Dwelling units</u> : 6 sq. ft. per <u>sign</u> face. Other uses or developments: 32 sq. ft. per <u>sign</u> face – not to exceed 64 sq. ft. per property for sale or rent.	Subject property.	Must remove when property is sold or rented.
Real Estate, Off-site	1 per block per property for sale or rent.	6 sq. ft. per <u>sign</u> face.	Private property/public <u>right-of-way</u> . <sup>(3)</sup>	Must remove when property is sold or rented.
Construction	1 per abutting right-of-way.	32 sq. ft. per <u>sign</u> face.	Subject property.	Shall not be displayed prior to issuance of a building permit. Must be removed prior to issuance of a <u>certificate of occupancy</u> .

<b>TYPE OF SIGN</b>	<b>MAXIMUM NUMBER OF SIGNS</b>	<b>MAXIMUM SIGN AREA</b>	<b>PERMITTED LOCATION</b>	<b>PERMITTED DURATION OF DISPLAY</b>
Temporary Commercial	No maximum.	No maximum.	Subject property. Must be entirely attached to a building face or <u>fence</u> .	Must remove after being displayed 60 days or at end of use, event or condition, whichever comes first.
Integral	1 per structure.	6 sq. ft. per <u>sign</u> face.	Subject property.	No limitation.
Private Notice and Instructional	No maximum.	2 sq. ft. per <u>sign</u> face.	Subject property.	No limitation.
Private Advertising	No maximum.	16 sq. ft. per <u>sign</u> face.	No closer than 50 ft. from another <u>sign</u> advertising the same use, event or condition.	Must remove at end of use, event or condition.
Private Traffic Direction	No maximum.	4 sq. ft. per <u>sign</u> face.	Subject property.	No limitation.
Off-site Directional <sup>(1)</sup>	1.	16 sq. ft. per use, not to exceed 64 sq. ft.	Private property/public <u>right-of-way</u> . <sup>(3)</sup>	Determined on case-by-case basis.
Political	No maximum.	6 sq. ft. per <u>sign</u> face.	Private property/public <u>right-of-way</u> . <sup>(3)</sup>	No later than 7 days after the final election.
Projecting and Under Marquee	1 per pedestrian or vehicular entrance.	4 sq. ft. per <u>sign</u> face.	Subject property <u>right-of-way</u> abutting subject property. For uses subject to <u>Sign</u> Categories C, D, E and F only. Shall not project above <u>roofline</u> of structure to which <u>sign</u> is attached.	No limitation.
Fuel Price <sup>(2)</sup>	1 per abutting right-of-way.	20 sq. ft. per <u>sign</u> face.	Subject property.	No limitation.

<b>TYPE OF SIGN</b>	<b>MAXIMUM NUMBER OF SIGNS</b>	<b>MAXIMUM SIGN AREA</b>	<b>PERMITTED LOCATION</b>	<b>PERMITTED DURATION OF DISPLAY</b>
<u>Window Sign</u>	No maximum.	No limitation.	Subject property.	No limitation.
<p>(1) Must be approved by the <u>Planning Director</u>. Shall only be approved if there is a demonstrated need for an off-site <u>sign</u> because of poor visibility or traffic patterns. All uses in an area wanting a permanent <u>off-site directional sign</u> must use one (1) <u>sign</u>. The applicant must show that the proposed <u>sign</u> can accommodate all uses in the area that may reasonably need to be listed on the <u>sign</u>. The decision of the <u>Planning Director</u> in approving or denying an <u>off-site directional sign</u> may be appealed using the appeal provision, as applicable, of Process I, KZC <a href="#">145.60</a> through <a href="#">145.110</a>.</p> <p>(2) <u>Fuel price signs</u> are also subject to KZC <a href="#">100.95</a>.</p> <p>(3) <u>Signs</u> which are permitted to be placed within a public street <u>right-of-way</u> shall be located between the curb and the abutting private property, or where no curb exists, between the edge of the paved travel lane or paved shoulder and the abutting private property, but in no case on a sidewalk or <u>driveway</u>.</p>				

B. All temporary or special signs which are in violation of any provision of this section, shall be brought into conformance upon ten day's written notice of violation to the responsible party by the Planning Official, pursuant to the notice provisions of KZC [170.35](#). If the responsible party fails to remove or correct the sign violation within seven (7) calendar days after being served with notice of the violation, the Planning Official shall have the authority to remove the violative sign(s), and to assess the charges for such removal against the responsible party. For the purposes of this section, the "responsible party" shall be the owner or operator of the subject property upon which the sign violation occurs; provided that, in the case of off-site directional signs, the "responsible party" shall be the applicant(s) for the off-site directional sign; and provided further that, in the case of political signs, the responsible party shall be the political candidate and/or the manager of the political campaign promoted by the violative sign(s).

C. Notwithstanding the other provisions of this section, the Planning Official may remove without notice any temporary or special sign which is in violation of any provision of this chapter and is located in the public right-of-way or on public property, and may assess the costs of removal of such signs against the responsible party.

(Ord. 4408 § 1, 2013; Ord. 4286 § 1, 2011; Ord. 3814 § 1, 2001)

