CITY OF KIRKLAND
CITY COUNCIL

Joan McBride, Mayor • Doreen Marchione, Deputy Mayor • Dave Asher • Toby Nixon
Bob Sternoff • Penny Sweet • Amy Walen • 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.

123 Fifth Avenue • Kirkland, Washington 98033-6189 • 425.587.3000 • www.kirklandwa.gov

AGENDA
KIRKLAND CITY COUNCIL MEETING
City Council Chamber
Tuesday, June 19, 2012
6:00 p.m. – Study Session – Peter Kirk Room
7:30 p.m. – Regular Meeting

COUNCIL AGENDA materials are available on the City of Kirkland website www.kirklandwa.gov**.** Information regarding specific agenda topics may also be obtained from the City Clerk's Office on the Friday preceding the Council meeting. You are encouraged to call the City Clerk's Office (425-587-3190) or the City Manager's Office (425-587-3001) if you have any questions concerning City Council meetings, City services, or other municipal matters. The City of Kirkland strives to accommodate people with disabilities. Please contact the City Clerk's Office at 425-587-3190. If you should experience difficulty hearing the proceedings, please bring this to the attention of the Council by raising your hand.

EXECUTIVE SESSIONS may be held by the City Council only for the purposes specified in RCW 42.30.110. These include buying and selling real property, certain personnel issues, and litigation. The Council is permitted by law to have a closed meeting to discuss labor negotiations, including strategy discussions.

ITEMS FROM THE AUDIENCE provides an opportunity for members of the public to address the Council on any subject which is not of a quasi-judicial nature or scheduled for a public hearing. (Items which may not be addressed under Items from the Audience are indicated by an asterisk*.) The Council will receive comments on other issues, whether the matter is otherwise on the agenda for the same meeting or not. Speaker's remarks will be limited to three minutes apiece. No more than three speakers may address the Council on any one subject. However, if both proponents and opponents wish to speak, then up to three proponents and up to three opponents of the matter may address the Council.

1. *CALL TO ORDER*
2. *ROLL CALL*
3. *STUDY SESSION*, Peter Kirk Room
   a. King County Emergency Medical Services (EMS) Levy and Strategic Plan
4. *EXECUTIVE SESSION*
   a. To Discuss Potential Litigation
5. *HONORS AND PROCLAMATIONS*
6. *COMMUNICATIONS*
   a. *Announcements*
   b. *Items from the Audience*
   c. *Petitions*
7. *SPECIAL PRESENTATIONS*
8. *CONSENT CALENDAR*
   a. *Approval of Minutes:* June 5, 2012

QUASI-JUDICIAL MATTERS Public comments are not taken on quasi-judicial matters, where the Council acts in the role of judges. The Council is legally required to decide the issue based solely upon information contained in the public record and obtained at special public hearings before the Council. The public record for quasi-judicial matters is developed from testimony at earlier public hearings held before a Hearing Examiner, the Houghton Community Council, or a city board or commission, as well as from written correspondence submitted within certain legal time frames. There are special guidelines for these public hearings and written submittals.

ORDINANCES are legislative acts or local laws. They are the most permanent and binding form of Council action, and may be changed or repealed only by a subsequent ordinance. Ordinances normally become effective five days after the ordinance is published in the City's official newspaper.

RESOLUTIONS are adopted to express the policy of the Council, or to direct certain types of administrative action. A resolution may be changed by adoption of a subsequent resolution.

PUBLIC HEARINGS are held to receive public comment on important matters before the Council. You are welcome to offer your comments after being recognized by the Mayor. After all persons have spoken, the hearing is closed to public comment and the Council proceeds with its deliberation and decision making.

NEW BUSINESS consists of items which have not previously been reviewed by the Council, and which may require discussion and policy direction from the Council.

b. Audit of Accounts:

Payroll $

Bills $

c. General Correspondence

(1) Letter to King County Regarding Emergency Medical Services Levy

d. Claims

e. Award of Bids

f. Acceptance of Public Improvements and Establishing Lien Period

g. Approval of Agreements

(1) Resolution R-4925, Authorizing the City Manager to Enter Into an Animal Services Interlocal Agreement with King County

h. Other Items of Business

(1) Tourism Development Committee Resignation and Appointment

(2) Surplus Vehicles for Sale

(3) Report on Procurement Activities

9. PUBLIC HEARINGS

a. Ordinance O-4358, Extending a Moratorium on the Establishment of Medical Marijuana Collective Gardens, Defining "Medical Marijuana Collective Gardens"; Providing for a Public Hearing; Establishing an Effective Date, and Providing that the Moratorium, Unless Extended, Will Sunset Within Six (6) Months of the Date of Adoption.

10. UNFINISHED BUSINESS

a. Parks Funding Exploratory Committee Recommendation

b. Events Funding Requests

11. NEW BUSINESS

a. Plaza at Yarrow Bay Proposed Settlement Agreement

b. Ordinance O-4357 and its Summary, Relating to Zoning, Planning, and Land Use, Revising the City's Zoning Regulations in the Totem Lake Neighborhood, Amending Ordinance 3719 as Amended, the Kirkland Zoning Code and Approving a Summary Ordinance for Publication, File No. ZON11-00034.

* *c.* Ordinance O-4359 and its Summary, Relating to Approval of a Preliminary and Final PUD, as Applied for by Camwest Development, LLC in Department of Planning and Community Development File No. ZON11-00026 and Setting Forth Conditions of Said Approval.

d. 2012 Mid-Year Budget Adjustments:

(1) Ordinance O-4360, Amending the Biennial Budget for 2011-2012

(2) Resolution R-4926, Adopting the Fiscal Policies for the City of Kirkland

e. Ordinance O-4361, Relating to SEPA Procedures and Amending Section 24.02.065 of the Kirkland Municipal Code, File No. PLN12-00493.

f. Ordinance O-4362, Relating to Refuse and Garbage

12. REPORTS

a. City Council

(1) Regional Issues

b. City Manager

(1) Calendar Update

13. ITEMS FROM THE AUDIENCE

14. ADJOURNMENT

ITEMS FROM THE AUDIENCE Unless it is 10:00 p.m. or later, speakers may continue to address the Council during an additional Items from the Audience period; provided, that the total amount of time allotted for the additional Items from the Audience period shall not exceed 15 minutes. A speaker who addressed the Council during the earlier Items from the Audience period may speak again, and on the same subject, however, speakers who have not yet addressed the Council will be given priority. All other limitations as to time, number of speakers, quasi-judicial matters, and public hearings discussed above shall apply.

Council Meeting: 06/19/2012
Agenda: Study Session
Item #: 3. a.

CITY OF KIRKLAND
Fire & Building Department
123 Fifth Avenue, Kirkland, WA 98033 425.587.3000
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: J. Kevin Nalder, Director Fire and Building Department
Mark Jung, Captain, EMS Officer

Date: June 7, 2012

Subject: King County Emergency Medical Services (EMS) strategic planning process update

RECOMMENDATION

Council receives a briefing on the county-wide EMS levy planning process at the June 19, 2012 Council Study Session.

BACKGROUND

Kirkland is part of a regional tiered EMS system that serves the 1.9 million residents and visitors of King County. Emergency medical service is provided cooperatively by thirty local fire departments/fire districts and King County EMS.

Emergency medical services are partially funded by a County-wide EMS levy that will expire on December 31, 2013. Councilmember Dave Asher and Kirkland staff have been participating in a consensus process to develop a strategic plan for the 2014-2019 levy cycle. The final strategic plan will be the primary policy and financial document that will direct the EMS system into the future.

After more than seven months of work, the strategic planning process is nearing completion, and Kirkland's opportunity to influence the direction of the EMS system over the next six years is waning. Kirkland's delegation to the strategic planning process has worked diligently and proposed creative and innovative solutions to regional issues that affect Kirkland, but they have achieved limited success.

Councilmember Asher has kept Council informed of progress of the strategic planning process during the "Council Reports" agenda item at regular Council meetings, and staff has separately briefed the Public Safety and Finance Committees of the City Council. A briefing of the full City Council will give Council a more thorough understanding of the EMS system and the opportunities the Kirkland delegation is continuing to pursue.

Council discussions and guidance will direct staff activities in the final EMS strategic planning process, and shape a future staff report at a regular meeting if one is desired by Council.

King County EMS System Overview—King County EMS, in partnership with local jurisdictions, provides pre-hospital care to more than 1.9 million people throughout the County's more than 2,100 square mile territory. The system provides a tiered response to 911 medical emergency calls. The EMS levy generates approximately $63 million annually for the county (shared with cities as described below) and an additional $35 million for the City of Seattle. The system components are as follows:

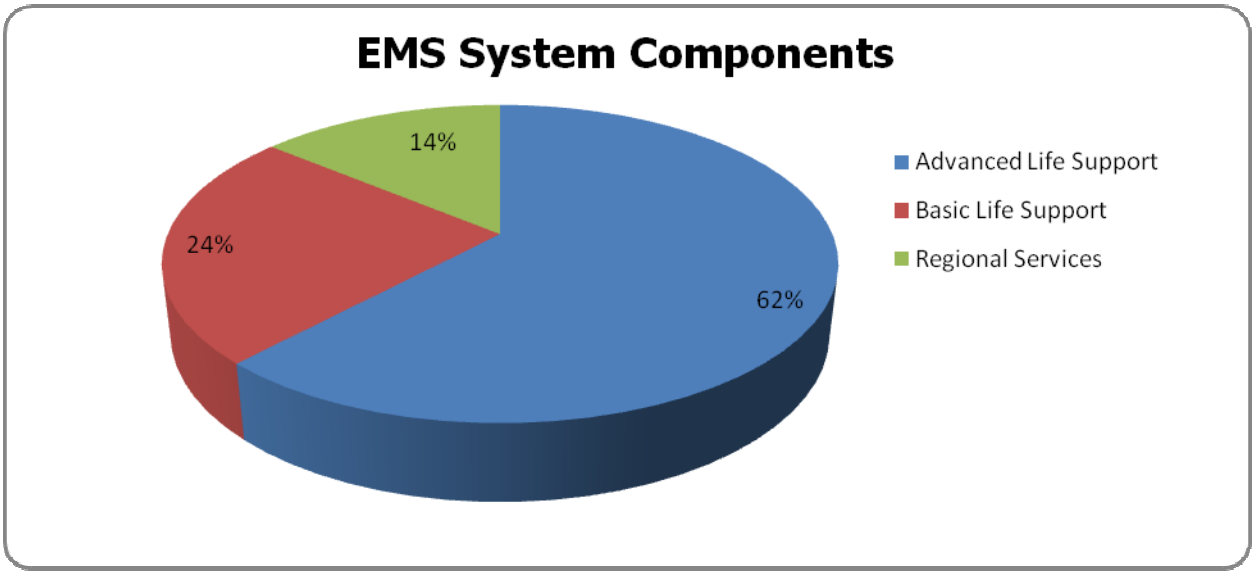
- Basic Life Support (BLS)
    - 24% ($15.4M) of 2012 expenditures are budgeted to support BLS response.
    - At least one BLS unit responds on every EMS response in the County (100%) including Advanced Life Support responses.
    - These services are provided by Firefighter/Emergency Medical Technicians (EMT)
    - BLS services are provided by 30 partner fire departments/districts across King County.
    - Responses include everything from minor cuts to strokes without signs of shock or respiratory compromise.

- Advanced Life Support (ALS)
    - 62% ($38.6M) of 2012 expenditures are budgeted to provide full funding for ALS including overhead.
    - These services are for the most serious injuries and illnesses. An ALS unit is staffed by two paramedics, and responds to about 25% of emergency medical responses.
    - There are six ALS providers in King County, each covering a sub-region of the county, and employing a total of 25 medic units,
    - ALS is provided through three principal types of arrangements throughout the county:
        - Zone 3 (South County) —ALS is provided directly by King County
        - Zone 1 (North and East County —ALS is provided through contracts with Bellevue, Redmond and Shoreline Fire Departments.
        - Zone 5 (Seattle)—ALS is provided by Seattle Fire. Seattle and King County have executed an interlocal agreement for King County to return all proceeds collected from the EMS Levy on real property within the City of Seattle to Seattle for the provision of emergency medical services (ALS and BLS). This amounts to about $35M annually.

- Regional Services
    - 14% ($9M) of expenditures are budgeted to provide full funding of regional services. These core services include program supervision, BLS EMT staff training, 911 dispatch training, stress management education, medical data collection and analysis, financial oversight, contract administration, and division management.
    - Including:
        - Strategic initiatives ($1.8M)
        - Training ($1M)
        - Growth management initiatives ($1M)
        - Regional medical direction and quality improvement ($1.5M)
        - Data management ($1M)
        - Administration ($2.7M)

Chart #1 illustrates the relative budget commitment to each of the major EMS system components.

Chart #1



EMS services in King County have been funded in part via an EMS Levy since 1979. The current levy period is 2008 through 2013. In preparation for the expiration of this current levy, the County's EMS Division has facilitated a levy planning process that started in 2010. The process will result in a strategic plan which is the primary policy and financial document that will direct the EMS system and forms the basis for the levy that voters will be asked to approve.

EMS Levy Authorization—the Revised Code of Washington (RCW) 84.52.069 authorizes EMS levies and requires that revenues collected may only be used for EMS operations and support purposes. This type of levy is considered an excess levy and is collected outside the aggregate dollar rate limit of $5.90 per $1,000 assessed valuation (AV). The RCW further stipulates:

- An EMS levy may only be imposed by a county, city or town, EMS district, public hospital district, urban EMS district, regional fire protection service authority or fire protection district.
- A county-wide EMS levy cannot be placed on the ballot without first obtaining the approval of the legislative authority of any city within the county having a population exceeding fifty thousand.
- An EMS levy may be an amount equal to $0.50 or less per $1,000 assessed value.
- An EMS levy is subject to one percent, plus new construction, limit
- The levy may be approved for:
    - Six consecutive years
    - Ten consecutive years
    - Or permanently
- Voter approval:
    - Three-fifths majority required to authorize a new EMS levy
    - Only a simple majority required to continue, uninterrupted, a six-year or ten-year levy. The rate may be increased to the maximum $0.50 with approval by a simple majority.

EMS levies in King County have typically been approved for six-year periods with rates in recent years ranging from $.25 per $1,000 AV to $.30 per $1,000 AV. Current Washington State Law permits EMS levies to be approved for six years, ten years, or on a permanent basis. However, EMS levies in King County have never been authorized for more than six years.

The current EMS levy was approved in November, 2007 for a period of six years (2008-2013), at a levy rate of $.30 per $1,000 AV. Due to the limitations of state law, total property tax collections in the county cannot exceed an increase of more than 1% per year (excluding new construction). In 2012, the maximum rate approved by the voters of $0.30 is being levied, and is expected to generate revenues of approximately $95 million countywide. (This amount plus approximately $4 million per year in reserves funds the annual EMS program.)

Due to decreases in assessed valuation, the EMS Advisory Task Force has made a preliminary recommendation to increase the levy rate to about 33 cents, or $.0327 per $1,000 AV for the upcoming 2014-2019 levy. This rate is necessary to maintain the current level of service for emergency response and support modest increases for recommended strategic initiatives. Assessed valuation, county-wide, is expected to continue to decline through 2012 and begin to recover in 2013. The projected AV for 2014 ($329M) is slightly lower than the 2008 level ($341M).

Past King County EMS levies have been authorized as six year levies[1] in accordance with state law. Past levy rates have been as follows:

EMS Levy History

Levy Period	Rate per $1,000
2014-2019 (proposed)	$0.327
2008-2013	$0.30
2002-2007	$0.25
1999-2001 (3 year levy)	$0.29
1991-1997	$0.25
1985-1990	$0.25
1979-1984	$0.21

State Legislative Changes to Renewal—during the recent legislative session, the legislature approved SSB 5381, adjusting the voting requirements for the reauthorization of EMS levies. The legislation was signed by the Governor on March 29th and became effective June 7, 2012. The legislation allows for a simple majority election (50% plus one) for renewal of either a 6 year or 10 year EMS levy. *In the past, voter turnout equal to 40% of those who voted in the previous general election and a super majority of 60% favorable support was required.*

EMS Task Force—King County Ordinance 15862 created a Task Force to plan for the 2014-2019 six year EMS levy period. The duties of the Task Force include developing

[1] An exception was a three year levy for the 1999-2001 period after the November, 1997 levy failure, in which the EMS levy only received a 56% "yes" vote (state law required a super-majority or 60% "yes" vote to authorize). In February 1998, the voters overwhelmingly passed (81%) a three year regular levy at $.29 per $1,000.

recommendations regarding system programmatic needs through the development of an updated EMS strategic plan. Based upon the plan recommendations, the group is also tasked with developing a proposed financial plan to support EMS operations, as well as proposing a recommended levy rate and period to generate revenues to support operational expenditures. The group will also recommend timing for a ballot measure. Final recommendations are to be completed by September 15, 2012 and provided to the King County Executive and the Council.

The Task Force is comprised of nineteen leaders and decision makers from throughout the region. Not every member is an EMS expert, but all are stakeholders in ensuring the continuity in the provision of EMS services in King County. Membership includes (Attachment 1):

- King County Executive or his designee
- Two King County Council members or their designees
- Nine representatives for each city over 50,000 in population
- Three representatives from King County Fire Districts
- Four representatives from cities under 50,000 in population, appointed by Suburban Cities Association reflecting geographical distribution

Task Force Work Plan—the work plan includes four meetings of the Task Force, beginning in October 2011 and concluding in July 2012. (Attachment 2, Task Force meeting schedule)

The work plan further includes creation of subcommittees (to be chaired by members of the Task Force) for each of the three major EMS program areas, as well as a finance group that is utilized to review the financial aspects and impacts of proposals. The four subcommittees review the following issue areas:

1. Advanced Life Support (ALS)
2. Basic Life Support (BLS)
3. Regional Services, to also include review of Strategic Initiatives
4. Finances

The subcommittees are tasked with a major in-depth review of all EMS programs and service provision for the region. Each group will discuss and make recommendations regarding current and projected program needs to the Task Force.

Summary of Kirkland issues—Kirkland's representatives to the EMS Task Force and its subcommittees have vigorously engaged the strategic planning process. They have attempted, in good faith, to present and gain support for proposals that benefit the region while adding local value for Kirkland.

Equity—Kirkland staff attempted to evaluate equity in an effort to understand benefits / costs of the EMS system. This was done independently using readily available information, and then staff asked the EMS Division to validate the work. At this time the King County EMS Division has not validated the analysis. Kirkland staff believe Kirkland has the least favorable equity situation of the nine cities with populations over 50,000 (Attachment 3, 4). The analysis shows Kirkland taxpayers annually contribute nearly $1 million more to support the EMS system than they get back in ALS services and BLS support payments.

ALS provider—staff believes that becoming an ALS provider within the King County EMS system is the lowest cost resolution to the equity problem. Staff analysis shows that Kirkland can provide ALS at a cost competitive with the Redmond Fire Department, the current provider operating the ALS unit located in Kirkland. However, Redmond would need to adopt efficiencies in overhead and supervision similar to those proposed by Kirkland to prevent an overall cost increase for ALS system-wide if Kirkland assumes operation of the ALS unit in Kirkland.

While the cost of making Kirkland an ALS provider in the EMS system is minimal, the local value it creates is substantial, and it creates a win-win solution. The benefits of local control of ALS include:

- Ability to retain Kirkland employees—some of Kirkland's best young firefighters, who are passionate about providing EMS, choose to leave Kirkland for the opportunity to become paramedics in Redmond. Having a paramedic career track will allow Kirkland to develop a greater depth of knowledge and new proficiencies among firefighters, and eventually officers and chief officers. Many former paramedics rise to high levels of leadership later in their careers.
- Greater interaction between ALS and BLS crews in fire stations and during shifts will lead to greater depth of knowledge among BLS crews and a greater opportunity to improve teamwork and cooperation between ALS and BLS crews.
- Improved quality assurance (QA) and quality improvement (QI)—informal QA/QI activities will be enhanced by proximity, shared experience, eventually a greater depth of proficiency across the organization. Furthermore, a more formal BLS QA/QI program could be developed utilizing the in-house expertise of the paramedics and the administrative capacity that is necessary to provide ALS service.
- Greater interaction and influence with King County EMS Division—ALS administrators have regular and comprehensive interaction with the EMS Division. This regular interaction allows ALS providers to be better informed on the operation of the EMS system and to advocate more effectively for the needs of their agency as issues and opportunities arise.
- Local supervision of ALS crews will allow more direct control of the ALS unit, simplify the chain of command, and allow Kirkland's organizational culture to be represented by Kirkland paramedics.

Both ALS and BLS outcomes are highly dependent on proficiency of providers, cooperation and familiarity between EMS providers, and teamwork. The opportunities and benefits outlined above will enhance proficiency, cooperation, familiarity and teamwork. The inevitable result is better outcomes for EMS patients served by Kirkland. At this time, Kirkland has not been able to find a forum to collaboratively discuss a way for Kirkland to become an ALS provider during the 2014-2019 levy cycle.

BLS funding for North Finn Hill—a novel approach to BLS funding for a regional response time problem in the North Finn Hill area was proposed by Kirkland. In addition to providing funding support for BLS service using the traditional funding formula, Kirkland staff proposed to directly fund BLS response in the North Finn Hill area where Kirkland, Northshore, Bothell and Woodinville all are unable to meet their respective response time standards. (Attachment #5, response time map) This proposal was not supported by the BLS Subcommittee.

Performance audits—Councilmember Asher proposed a series of performance audits that would lead to improved economy, efficiency, and effectiveness. This proposal was not initially

supported by the Regional Services Subcommittee, but has been sent back to the Subcommittee for further consideration by the Task Force at the May 30, 2012 meeting.

BLS Quality Improvement lead agency—this proposal would have approximated the administrative staffing of an ALS provider and focused on medical quality improvement for a consortium of BLS provider agencies. Kirkland's concept would have cost approximately $450,000. When the concept was proposed and approved, the funding was drastically cut to $150,000. Unfortunately that would require substantial financial support from the host agency and would only deepen inequity in the levy if undertaken by Kirkland.

Options / Alternatives (Next Steps)—at this time, Kirkland's delegation to the EMS Task Force and its subcommittees have not been successful in developing support for proposals that have regional benefit and also help reduce Kirkland's equity gap. The preliminary recommendations of the Task Force do not currently include provisions that materially address the equity gap. Options going forward include:

- Continue to work through the Task Force and accept the final recommendations even if those recommendations do not resolve the equity issue.
- Approve a letter to the King County Executive expressing Kirkland's concerns with the preliminary recommendations of the Task Force, and continue to negotiate with King County to find a combination of mutually beneficial program enhancements that resolve the equity issue. (Attachment #6, draft letter)
- Authorize discussions with the City of Redmond and Shoreline Fire District about Kirkland assuming responsibility for one or more of the existing ALS units funded by the levy.

Emergency Medical Services (EMS) Advisory Task Force Membership

The ***EMS Advisory Task Force*** is comprised of leaders and decision makers from throughout the region. The membership of the Task Force was recently reconfigured in an effort to make it more manageable, and consists of the following members:

2014-2019 EMS Advisory Task Force **King County Ordinance 17145** (7/11)	*Representatives* 19 Members
(1) King County Executive or designee	Fred Jarrett
(2) King County Council members or designee	1. Kathy Lambert 2. Bob Ferguson
(9) Cities over 50,000 in population: Auburn Bellevue Federal Way Kent Kirkland Redmond Renton Seattle Shoreline.	Auburn: - - - - - - - Pete Lewis, Mayor Bellevue: - - - - - - Don Davidson, Mayor Federal Way: - - - Linda Kochmar, Councilmember Kent: - - - - - - - - - - Jim Schneider, Fire Chief Kirkland: - - - - - - - Dave Asher, Councilmember Redmond: - - - - - - John Marchione, Mayor Renton: - - - - - - - - Denis Law, Mayor Seattle: - - - - - - - - -Mike McGinn, Mayor Shoreline: - - - - - - Keith McGlashan, Mayor
(4) Cities under 50,000 in population, reflecting geographical distribution and appointed by Suburban Cities Association.	1. Kenneth Hearing, Mayor, City of North Bend 2. Tom Agnew, Councilmember, City of Bothell 3. Jim Haggerton, Mayor, City of Tukwila 4. Craig Goodwin, Councilmember, City of Black Diamond
(3) King County Fire Districts	1. John Rickert, Commissioner, South King Fire & Rescue 2. Jon Kennison, Commissioner, Shoreline Fire Department 3. Rex Stratton, Commissioner, Vashon Island Fire & Rescue

Medic One/EMS Advisory Task Force

Medic One/EMS Strategic Plan & Levy Reauthorization

Scheduled Meetings

EMS Advisory Task Force:

- ✓ Tuesday, October 25, 2011 1 pm – 3 pm Seattle Joint Training Facility (9401 Myers Way S)
- ✓ Tuesday, January 31, 2012 1 pm – 3 pm Bellevue City Hall (450 110th Ave NE)
- ✓ Wednesday, May 30, 2012 1 pm – 3 pm Community Center at Mercer View (8236 SE 24th St Mercer Island)

Thursday, July 26, 2012 1 pm – 3 pm Tukwila Community Center (12424 42nd Ave S)

Subcommittee

Advanced Life Support (ALS)
1:00 – 3:00
Chief Gregory Dean, Chair
November 3, 2011 Renton Fire Station #14
November 30, 2011 Renton Fire Station #14
December 20, 2011 Renton Fire Station #14

February 7, 2012 - Bellevue City Hall
March 6, 2012 - Bellevue City Hall
April 3, 2012 - Bellevue City Hall
~~June 5, 2012 - Bellevue City Hall~~

Regional Services (RS)
1:00 – 3:00
Mayor Jim Haggerton, Chair
November 10, 2011 Tukwila City Hall, Conference Room #3
December 14, 2011 Mercer Island Station 91
January 12, 2012 Mercer Island Station 91
February 23, 2012 Mercer Island Station 91
March 22, 2012 Mercer Island Station 91
April 10, 2012 (workgroup) Mercer Island Station 91
April 19, 2012 Mercer Island Station 91
April 26, 2012 Mercer Island Station 91
June 21, 2012 Mercer Island Station 91

Basic Life Support (BLS)
1:00 – 3:00
Mayor Denis Law, Chair
November 17, 2011 Renton City Hall, Council Chambers
~~December 8, 2011 Renton Fire Station #14~~
January 5, 2012 Renton City Hall, Conferencing Center, 7th floor
February 16, 2012 Renton City Hall, Council Chambers, 7th floor
March 15, 2012 Renton City Hall, Council Chambers, 7th floor
April 12, 2012 Renton City Hall, Conferencing Center, 7th floor
~~June 14, 2012 Renton City Hall, Conferencing Center, 7th floor~~

Finance
1:00 – 3:00
Mayor John Marchione, Chair
November 16, 2011 Eastside Fire & Rescue
January 24, 2012 Eastside Fire & Rescue
March 28, 2012 Eastside Fire & Rescue
~~May 2, 2012 *location tbd*~~
May 10, 2012 Eastside Fire & Rescue
July 11, 2012 Eastside Fire & Rescue

Renton Fire Station #14 - 1900 Lind Avenue SW, Renton - (425) 430-7100
Tukwila City Hall - 6200 Southcenter Blvd, Tukwila - (206) 433-1800
Mercer Island Station 91 - 3030 78th Avenue SE, Mercer Island - (206) 275-7607
Renton City Hall - 1055 South Grady Way, Renton - (425) 430-6400
Eastside Fire and Rescue HQ - 175 Newport Way NW, Issaquah - (425) 392-3433

Last updated: April 10, 2012

Seattle/King County EMS Levy Equity Analysis

Agency	2010 Total AV	% of AV	2010 BLS Calls	% of Total BLS Calls	2010 ALS Calls	% of Total ALS Calls	Medic Service Value (1)	2012 BLS Support (2)	Overhead BLS Basis (4)	Total Service Value (5)	Levy Contribution	Services Minus Levy (3)	Relative Equity
Bellevue	$39,646,320,877	11.90%	10,808	6.97%	3,081	6.61%	$3,894,364	$2,026,469	$1,181,574	$7,102,407	$11,893,896	$4,794,971	1.67
Eastside	$21,838,819,633	6.56%	6,131	3.95%	1,969	4.22%	$2,488,803	$1,395,499	$670,266	$4,554,568	$6,551,646	$1,999,052	1.44
Redmond	$17,165,603,997	5.15%	4,942	3.19%	1,508	3.24%	$1,906,102	$927,267	$540,279	$3,373,648	$5,149,681	$1,777,624	1.53
Mercer Island	$8,517,437,983	2.56%	1,667	1.08%	497	1.07%	$628,205	$405,014	$182,243	$1,215,462	$2,555,231	$1,340,306	2.10
Kirkland	$15,312,439,691	4.60%	5,348	3.45%	1,711	3.67%	$2,162,693	$855,091	$584,665	$3,602,449	$4,593,732	$993,005	1.28
Woodinville	$7,428,036,567	2.23%	2,878	1.86%	801	1.72%	$1,012,459	$510,523	$314,635	$1,837,616	$2,228,411	$391,722	1.21
Maple Valley	$4,565,729,307	1.37%	1,764	1.14%	435	0.93%	$549,837	$423,595	$192,848	$1,166,280	$1,369,719	$204,008	1.17
FD #2 (Burien)	$5,833,268,423	1.75%	3,543	2.29%	639	1.37%	$807,692	$401,635	$387,335	$1,596,662	$1,749,981	$154,463	1.10
Snoqualmie	$1,875,042,043	0.56%	801	0.52%	233	0.50%	$294,510	$92,142	$87,569	$474,221	$562,513	$88,550	1.19
FD #45	$1,736,138,608	0.52%	694	0.45%	193	0.41%	$243,951	$154,912	$75,871	$474,734	$520,842	$46,332	1.10
FD #47	$224,734,284	0.07%	46	0.03%	22	0.05%	$27,808	$23,659	$5,029	$56,496	$67,420	$10,939	1.19
Seattle	$123,064,936,667	36.95%	45,712	29.49%	18,395	39.47%	$20,933,346	$15,986,135	$0	$36,919,481	$36,919,481	$0	1.00
FD #27	$909,700,811	0.27%	559	0.36%	125	0.27%	$157,999	$98,376	$61,112	$317,487	$272,910	$44,397	0.86
Northshore (FD #16)	$5,032,455,355	1.51%	2,485	1.60%	747	1.60%	$944,203	$345,990	$271,670	$1,561,863	$1,509,737	$51,326	0.97
FD #51 (Snoqualmie Pass)	$73,939,711	0.02%	186	0.12%	47	0.10%	$59,408	$25,960	$20,334	$105,702	$22,182	$83,460	0.21
Tukwila	$4,788,452,326	1.44%	3,502	2.26%	597	1.28%	$754,604	$385,638	$382,853	$1,523,095	$1,436,536	$85,428	0.94
FD #50	$166,497,164	0.05%	309	0.20%	64	0.14%	$80,896	$44,369	$33,781	$159,046	$49,949	$108,997	0.31
FD #44 (Including Black Diamond)	$2,795,703,779	0.84%	1,234	0.80%	384	0.82%	$485,373	$350,122	$134,906	$970,401	$838,711	$131,293	0.86
SeaTac	$4,249,371,500	1.28%	3,118	2.01%	570	1.22%	$720,476	$364,556	$340,872	$1,425,905	$1,274,811	$150,087	0.89
Enumclaw	$2,064,706,587	0.62%	1,471	0.95%	308	0.66%	$389,310	$294,290	$160,816	$844,416	$619,412	$224,529	0.73
Vashon	$2,347,251,492	0.70%	1,036	0.67%	512	1.10%	$647,165	$189,437	$113,260	$949,861	$704,175	$245,354	0.74
FD #20	$1,300,806,146	0.39%	1,961	1.26%	383	0.82%	$484,110	$179,096	$214,384	$877,590	$390,242	$486,715	0.44
Renton (Including #40 & #25)	$14,437,282,044	4.33%	10,153	6.55%	2,245	4.82%	$2,837,665	$1,192,331	$1,109,967	$5,139,963	$4,331,185	$805,503	0.84
Kent	$15,586,577,202	4.68%	12,266	7.91%	2,396	5.14%	$3,028,528	$1,237,758	$1,340,968	$5,607,255	$4,675,973	$927,323	0.83
Valley Regional Fire Authority	$7,234,791,185	2.17%	7,181	4.63%	1,479	3.17%	$1,869,446	$747,964	$785,056	$3,402,466	$2,170,437	$1,229,712	0.64
Bothell	$3,264,419,384	0.98%	3,602	2.32%	1,188	2.55%	$1,501,624	$344,422	$393,785	$2,239,831	$979,326	$1,259,346	0.44
North Highline (FD #11)	$1,496,454,408	0.45%	3,974	2.56%	870	1.87%	$1,099,674	$428,712	$434,454	$1,962,840	$448,936	$1,512,622	0.23
Shoreline (FD #4)	$6,777,945,404	2.03%	5,865	3.78%	2,125	4.56%	$2,685,986	$629,694	$641,185	$3,956,866	$2,033,384	$1,921,595	0.51
South King Fire & Rescue	$13,342,937,992	4.01%	11,786	7.60%	2,638	5.66%	$3,334,415	$1,321,873	$1,288,493	$5,944,781	$4,002,881	$1,938,098	0.67
Port of Seattle (214) or Not Reported (229)		0.00%		0.00%	443	0.95%	$559,949		$0				
Total	$333,077,800,570	100.00%	155,022	100.00%	46,605	100.00%	$56,590,602	$31,382,529	$11,950,209	$99,363,391	$99,923,340		

Notes:

(1) "Medic Value" = ALS Budget / Total ALS Responses

ALS Budget	$35,657,256
ALS Cost/Call	$1,264

Bellevue	$4,794,971	
Eastside	$1,999,052	
Redmond	$1,777,624	
Mercer Island	$1,340,306	
Kirkland	$993,005	
Total	$10,904,959	1.45

(2) "2012 BLS Support" = Current BLS Support Distributon Model (Provided by KCEMS Division)

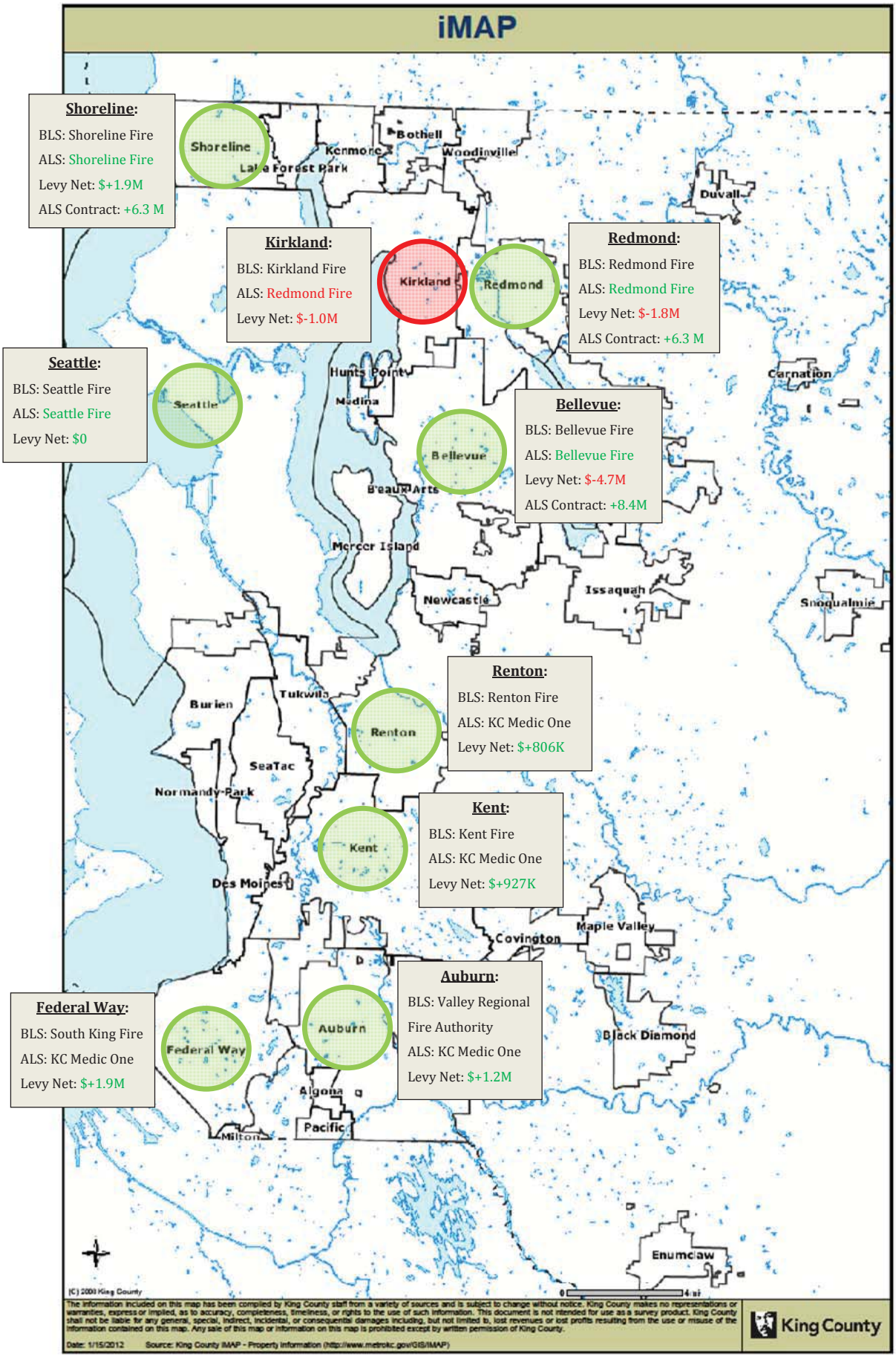
(3) "Services Minus Levy" = (Value of ALS Services Calculated on Per Call Basis + BLS Support + Overhead Calculated on Per BLS Call Basis) - Levy Contribution

(4) "Overhead" = Total Levy ($63,003,859) - (ALS Budget + BLS Support) / BLS Calls = $109 Per Call

Overhead	$11,950,209
Overhead per BLS Call	$109

(5) Seattle responses are excluded from "ALS cost per call" and "Overhead per BLS call" calculations.

(6) "Total Service Value" = ALS Value + BLS Support + Overhead


iMAP
Shoreline:
BLS: Shoreline Fire
ALS: Shoreline Fire
Levy Net: $+1.9M
ALS Contract: +6.3 M
Kirkland:
BLS: Kirkland Fire
ALS: Redmond Fire
Levy Net: $-1.0M
Redmond:
BLS: Redmond Fire
ALS: Redmond Fire
Levy Net: $-1.8M
ALS Contract: +6.3 M
Seattle:
BLS: Seattle Fire
ALS: Seattle Fire
Levy Net: $0
Bellevue:
BLS: Bellevue Fire
ALS: Bellevue Fire
Levy Net: $-4.7M
ALS Contract: +8.4M
Renton:
BLS: Renton Fire
ALS: KC Medic One
Levy Net: $+806K
Kent:
BLS: Kent Fire
ALS: KC Medic One
Levy Net: $+927K
Auburn:
BLS: Valley Regional
Fire Authority
ALS: KC Medic One
Levy Net: $+1.2M
Federal Way:
BLS: South King Fire
ALS: KC Medic One
Levy Net: $+1.9M
Shoreline
Kenmore
Bothell
Woodinville
Lake Forest Park
Duvall
Kirkland
Redmond
Seattle
Hunts Point
Medina
Carnation
Bellevue
Beaux Arts
Mercer Island
Issaquah
Newcastle
Snoqualmie
Burien
Tukwila
Renton
SeaTac
Normandy Park
Kent
Des Moines
Covington
Maple Valley
Auburn
Federal Way
Black Diamond
Algona
Pacific
Milton
Enumclaw
(C) 2003 King County
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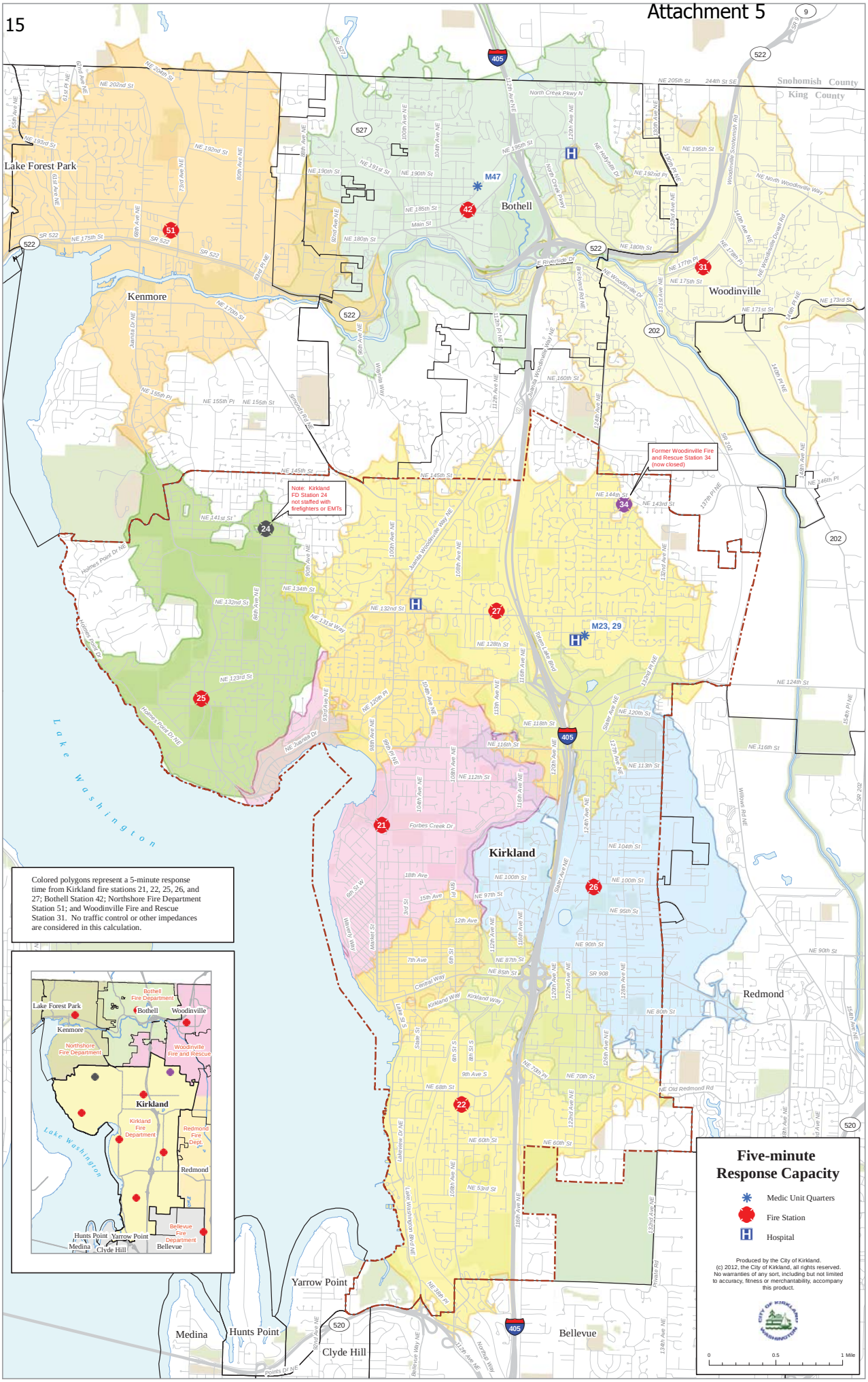
Date: 1/15/2012 Source: King County iMAP - Property Information (http://www.metrokc.gov/GIS/IMAP)
King County

Attachment 5



June 19, 2012

Dow Constantine, King County Executive
King County Chinook Building
401 Fifth Avenue, Suite 800
Seattle, WA 98104

Re: Preliminary recommendations of Emergency Medical Services (EMS) Advisory Taskforce

Dear Executive Constantine,

At this point in the EMS strategic planning process, the preliminary recommendations of the EMS Advisory Taskforce are nearly complete and limited opportunities remain to shape the strategic plan for the upcoming EMS levy renewal. On behalf of the Kirkland City Council I am respectfully requesting your consideration of the concerns raised by Kirkland and our proposed solutions.

For more than thirty years, the City of Kirkland has partnered with King County to provide emergency medical services (EMS) in King County. Kirkland remains committed to our region's internationally renowned EMS system and the partnerships that make it successful.

As one of the nine cities required to authorize renewal of the EMS levy, the City of Kirkland's representatives have been actively and collaboratively engaged in the EMS strategic planning process for nearly eight months. Throughout this process, we have raised concerns with the regional transfer of revenue and inequity created by the County-wide levy. According to our analysis (included as attachments to this letter) each of the other eight cities is either an Advanced Life Support (ALS) provider or receives more money back from the levy for Basic Life Support (BLS) services than the jurisdiction pays in to the system. Seattle receives all of the levy money generated in Seattle. Kirkland is the only levy authorizing city that exports tax revenue to other parts of the region but is not an ALS provider. Kirkland has proposed constructive, pragmatic solutions to solve this problem. Unfortunately none of our proposals have been definitively included in the draft plan and Kirkland finds itself currently unable to support the preliminary recommendations of the Task Force. I am writing to you today in the hopes of finding solutions that will allow Kirkland to enthusiastically support the levy.

Striking a fair balance between tax and service equity is our primary concern. Our analysis shows that Kirkland's taxpayers contribute nearly $1 million more annually to support the regional EMS system than they receive in services. Kirkland understands and strongly supports the idea that the EMS levy is a regional levy and that revenue transfers are necessary to ensure world class service throughout all of the King County. Nevertheless there is an equity issue to be resolved. We believe this revenue subsidy of other parts of the region has increased during this economic downturn as properties in the northeast portion of King County have retained more of their value. The contemplated increase in the levy rate will only exacerbate this gap. We believe that identifying a mix of system enhancements that will benefit EMS regionally while demonstrating public value locally for Kirkland is essential. We have proposed a series of system enhancements that would ease this issue of equity while providing benefits regionally.

Adding Kirkland as a new advanced life support (ALS) provider within the EMS system and giving Kirkland local control of the ALS unit located within the City is our preferred solution to the equity problem. This proposal could be implemented at no additional cost to the EMS system, it would benefit the system regionally, and it offers tremendous local value for Kirkland. It would benefit the region by improving EMS outcomes throughout Kirkland's response area, and it would add a new EMS administrative team to assist the County in carrying out the work of managing the regional EMS system. At this time, this proposal has not been given serious consideration and no "path" to Kirkland becoming an ALS provider has been identified.

As an alternative, Kirkland also proposed a creative solution to a regional response-time issue identified in the North Finn Hill area. Neither Kirkland, Northshore, Bothell nor Woodinville are currently able to meet response time goals in this area. We believe that partial levy funding of a BLS unit at Kirkland Station 24 would help resolve the response time issue for all four of these jurisdictions. However, this proposal was not supported by the BLS Subcommittee.

Kirkland representatives also supported a BLS "lead agency" proposal that was jointly developed by Kirkland and County EMS staff. This regional opportunity could be a viable solution to equity for Kirkland. However, at the Task Force recommended funding level, substantial financial support will be required from Kirkland order to make the concept successful. If additional funding can be found to make the BLS lead agency proposal cost neutral for the host agency, this proposal may be part of resolving our equity issue.

Kirkland representatives also proposed a series of performance audits similar to the excellent Metro Transit system audit done by King County that would illustrate the strengths of and opportunities for improvements to the EMS system and identify potential cost savings for all King County tax payers. This proposal was sent back to the Regional Services Subcommittee for further consideration at the last meeting of the Taskforce on May 30, 2012. The proposal for performance audits has both local and regional benefits and will certainly be considered part of a solution to Kirkland's equity issue.

The City of Kirkland remains committed to finding solutions that benefit the EMS system region-wide. Kirkland remains equally committed to demonstrating local value to Kirkland's taxpayers prior to the final recommendations being made at the last EMS Advisory Taskforce meeting on July 26, 2012.

We respectfully request a meeting with you to discuss our concerns and proposed solutions. City Manager Kurt Triplett will contact your office to follow-up with this request. Mr. Triplett may be reached at (425) 587-3020.

Thank you for your consideration. If you have any comments or questions, please don't hesitate to contact me at (425) 587-3529.

Sincerely,
Kirkland City Council

by Joan McBride
Mayor

DRAFT

KIRKLAND CITY COUNCIL REGULAR MEETING MINUTES
June 05, 2012

1. CALL TO ORDER

2. ROLL CALL

ROLL CALL:
Members Present: Councilmember Dave Asher, Deputy Mayor Doreen Marchione, Mayor Joan McBride, Councilmember Toby Nixon, Councilmember Bob Sternoff, Councilmember Penny Sweet, and Councilmember Amy Walen.
Members Absent: None.

3. STUDY SESSION

a. Preliminary 2013 to 2018 Capital Improvement Program (CIP) Review

Joining Councilmembers for this discussion were City Manager Kurt Triplett, Finance and Administration Director Tracey Dunlap, Public Works Director Ray Steiger and Financial Planning Manager Sri Krishnan.

4. EXECUTIVE SESSION

At the conclusion of Council's study session, Mayor McBride announced at 6:45 p.m. that Council would enter into executive session, returning at 7:30 p.m. for their regular meeting. City Attorney Robin Jenkinson was also in attendance.

a. To Discuss Labor Negotiations

b. Pending Litigation

City Clerk Kathi Anderson announced at 7:28 p.m. that Council would require additional time in executive session and would return at 7:35 p.m., which they did.

5. HONORS AND PROCLAMATIONS

a. Relay for Life Days, June 9-10, 2012

Mayor McBride and Councilmember Walen presented the proclamation to members of team "Kick Cancer's Butt;" members of the team present

included Co-captains Janet Jonson and Cindy Sheehan, Beth Dodson, Lana Starr and Brenda Cooper. Other members include Susan Crosley, Deborah Hack, Joanna Johnson, Jane Lybecker, Jenny Sagara, Jerry Starr, and Jim Hamilton. Sarah Yelenich, staff partner for the American Cancer Society, shared information about the upcoming event.

6. COMMUNICATIONS

a. Announcements

b. Items from the Audience

Peter Schrappen
Bruce Wynn
Margaret Carnegie
Jack Rogers
Vince Isaacson
Diana Weeks
Doyne Alward
John Acheson
Greg Picinich
Von Canyon

c. Petitions

7. SPECIAL PRESENTATIONS

a. Special Presentation to Police Department by Fairfax Hospital

Fairfax Hospital CEO Ron Escarda presented Police Chief Eric Olsen with a service excellence award.

b. 2012 Eileen Trentman Memorial Scholarship Recipients

Parks and Community Services Deputy Director Michael Cogle introduced Youth Services Coordinator Regi Schubiger and, representing the Kirkland Fire Fighters Benevolent Association, Firefighter Megan Keyes, who presented the scholarship awards to Allison Blair and Evan Ellefsen.

c. 2012 Kirkland Youth Summit Report

Parks and Community Services Deputy Director Michael Cogle introduced Youth Council member, and Youth Summit Chair, Lilith Winkler-Schor, who

provided an overview of the recently completed Kirkland All-City Youth Summit.

d. We've Got Issues "Distracted Driving" Video Recognition

Parks and Community Services Deputy Director Michael Cogle introduced Video Production Specialist Mike Connor who presented the Northwest Region Alliance for Community Media Best of the Northwest Award of Excellence in the "produced by youth" category to Youth Council member Chris Norwood and Youth Council video program participants.

e. Honoring the Kirkland Youth Council Class of 2012

Parks and Community Services Deputy Director Michael Cogle introduced Youth Services Coordinator Regi Schubiger, who introduced members of the class who were in attendance. The complete list of graduating members were Allison Blair, Jasmine Clark, Kenny Drabble, Evan Ellefsen, Genki Marshall, Christian Monroy, Christopher Norwood, Erin Saunderson, Sam Schwabacher, Lilith Winkler-Schor, and Camille Worsech.

8. CONSENT CALENDAR

a. Approval of Minutes:

(1) May 15, 2012

(2) May 21, 2012 Special Meeting

b. Audit of Accounts:
Payroll $2,415,259.23
Bills $3,327,411.78
run #1098 checks #534709 - 534872
run #1099 checks #534899 - 534912
run #1100 checks #534916 - 535044
run #1101 checks #535045 - 535136

c. General Correspondence

d. Claims

Claims received from Cristian E. Gallegos Aguina, Selma Dale, and James R. and Kathy Page Feek were acknowledged.

e. Award of Bids

(1) The construction contract for the 2012 Street Preservation Program, Phase II Overlay Project, Schedules A, B, C, E, and F, was awarded to Lakeside Industries Company of Issaquah, WA, in the amount of $1,612,371.73.

(2) The construction contract for the 2011 Sidewalk Maintenance Program Project, was awarded to AGR Contracting, of Monroe, WA, in the amount of $224,973.71.

f. Acceptance of Public Improvements and Establishing Lien Period

(1) NE 85th Street/114th Avenue NE Intersection Improvements, Road Construction Northwest, Inc., Renton, WA

g. Approval of Agreements

(1) Resolution R-4923, entitled " A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF KIRKLAND AND THE CITY OF BELLEUVE FOR THE ESTABLISHMENT OF A NEW EMERGENCY WATER SYSTEM INTERTIE."

(2) Resolution R-4924, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND AUTHORIZING THE CITY MANAGER TO SIGN AN AMENDED AND RESTATED INTERLOCAL CONTRACT FOR THE CASCADE WATER ALLIANCE TO BE KNOWN AS THE "CASCADE WATER ALLIANCE JOINT MUNICIPAL UTILITY SERVICES AGREEMENT.""

h. Other Items of Business

(1) NE 85th Street Corridor Right of Way Acquisition Update

(2) Report on Procurement Activities

Motion to Approve the Consent Calendar.
Moved by Councilmember Penny Sweet, seconded by Deputy Mayor Doreen Marchione
Vote: Motion carried 7-0
Yes: Deputy Mayor Doreen Marchione, Councilmember Amy Walen, Councilmember Penny Sweet, Councilmember Bob Sternoff, Mayor Joan McBride, Councilmember Dave Asher, and Councilmember Toby Nixon.

In addition, Council requested that the City Clerk investigate methods for capturing and reflecting council consensus positions in the meeting minutes on items where direct action is not taken.

9. PUBLIC HEARINGS

None.

10. UNFINISHED BUSINESS

a. Animal Services Contract Update

Intergovernmental Relations Manager Lorrie McKay provided an update on animal services delivery options and responded to Council questions.

Motion to Approve option A, the staff recommendation to finalize a new three year contract with King County for the provision of animal services commencing January 1, 2013 and ending December 31, 2015.
Moved by Councilmember Dave Asher, seconded by Deputy Mayor Doreen Marchione
Vote: Motion carried 7-0
Yes: Councilmember Dave Asher, Deputy Mayor Doreen Marchione, Mayor Joan McBride, Councilmember Toby Nixon, Councilmember Bob Sternoff, Councilmember Penny Sweet, and Councilmember Amy Walen.

b. Ordinance O-4356, Making City Public Disturbance Noise Regulations Applicable to Watercraft in City of Kirkland Waters and Specifying Penalty Amounts for Certain Violations of Kirkland Municipal Code Title 14

Assistant City Attorney Oskar Rey provided an overview of the proposed changes to Kirkland Municipal Code Title 14. He and Police Operations Captain Bill Hamilton responded to Council questions and comment.

Motion to Approve Ordinance O-4356, entitled " AN ORDINANCE OF THE CITY OF KIRKLAND MAKING CITY PUBLIC DISTURBANCE NOISE REGULATIONS APPLICABLE TO WATERCRAFT IN CITY OF KIRKLAND WATERS AND SPECIFYING PENALTY AMOUNTS FOR CERTAIN VIOLATIONS OF KIRKLAND MUNICIPAL CODE TITLE 14, amended to reflect the addition of language to section 2, subsection (5) to read "...from the vehicle or 300 feet from the watercraft itself;"
Moved by Councilmember Dave Asher, seconded by Councilmember Penny Sweet
Vote: Motion carried 6-1
Yes: Councilmember Dave Asher, Deputy Mayor Doreen Marchione, Mayor

Joan McBride, Councilmember Toby Nixon, Councilmember Penny Sweet, and Councilmember Amy Walen.
No: Councilmember Bob Sternoff.

11. NEW BUSINESS

None.

12. REPORTS

a. City Council

(1) Regional Issues

Councilmembers shared information regarding a presentation on the Port of Seattle Century Agenda at a recent Puget Sound Regional Council Executive Board meeting; Juanita-Woodinville Relay for Life event at Juanita High School; Totem Lake luncheon series event at Cafe Veloce; Emergency Management Advisory Committee meeting; Nourishing Networks programs; Eastside Transportation Partnership meeting; Northwest University Secretary of State and State Auditor candidate forum; tour of Bastyr University; Councilmember Nixon also expressed appreciation for his spouse on his 30th wedding anniversary; Kamiakin Junior High School National Honor Society speech; Cascade Water Alliance meeting; tour of Puget Sound Energy wind farm at Kittitas; tour of Shoreline Transfer Station; Eastside Social Sustainability project; King County Executive letter to King County Mayors in regard to a meeting to discuss the King Conservation District, King County flood district, and funding for WRIA's; Mayor McBride extended her personal thanks to the Parks and Community Services staff for their cemetery beautification efforts in advance of the Memorial day holiday.
In addition, Councilmember Asher apologized to the Council for his remarks at the May 15th City Council meeting.

b. City Manager

City Manager Triplett shared information regarding a grant award and potential additional grant from the Puget Sound Regional Council for the Cross Kirkland Corridor and a recent Parks Funding Exploratory Committee meeting.

(1) Calendar Update

13. ITEMS FROM THE AUDIENCE

None.

14. ADJOURNMENT

The Kirkland City Council regular meeting of June 5, 2012 was adjourned at 9:36 p.m.

City Clerk

Mayor

CITY OF KIRKLAND
City Manager's Office
123 Fifth Avenue, Kirkland, WA 98033 425.587.3001
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Lorrie McKay, Intergovernmental Relations Manager

Date: June 7, 2012

Subject: REGIONAL ANIMAL SERVICES 2013 INTERLOCAL AGREEMENT

RECOMMENDATION

It is recommended that City Council approves the attached Resolution and authorizes the City Manager to sign the attached Interlocal Agreement between the City of Kirkland and King County for the provision of animal services for a term of three years, beginning January 1, 2013 and ending December 31, 2015.

BACKGROUND

Kirkland currently contracts with King County for the three core animal services of control; sheltering; and licensing through a 2010 "Regional Animal Services" Interlocal Agreement. The current contract expires on December 31, 2012.

Since November of 2011, staff has participated in weekly negotiation meetings of a joint City-County Animal Services Workgroup in an effort reach agreement on a new contract for animal services by July 1, 2012.

Key components in the final proposed 2013 ILA include:

- The commitment to cap costs and establish predictability in 2014 and 2015 is important to all cities.
- The cost allocation method is initially based more on use [80%], than on population [20%].
- The City's pet license revenue amount is established in 2013, is achievable and is fixed for 2014 & 2015.
- Kirkland's net costs may decrease as a result of a license revenue split agreed to by the County.
- Costs have been brought down through cuts and efficiencies, while service levels have been maintained and potentially improved upon when control service is available seven days per week rather than five.
- Cities have a voice in the development of service protocols, process improvements and new revenue generation including a countywide animal services levy.
- Increases focus on system revenue generation; and
- Increases the County's level of financial support to the system and support will hold steady over the 3-year contract term.

The final proposed 2013 ILA represents a marked improvement from the current ILA in terms of the level of service to Kirkland's residents, the level of care for the City's animals and the level of cost containment for the City's budget. The proposed 2013 ILA adequately addresses the City's concerns of establishing cost predictability, controlling the service costs and minimizing financial risks.

A cost analysis of the County's regional model versus the City's local model shows that when the required start-up costs for the city-managed program are taken into consideration and amortized over 2013 through 2015, the regional mode allows for lower net out-of-pocket expenditures for the City. However, the analysis also shows that once the start-up costs are paid for at the end of 2016, the on-going costs of providing animal services locally is more cost effective.

Contracting with King County for Animal Services from 2013 through 2015 will allow the City to continue monitoring the effectiveness and cost efficiency of the regional model's service provision, while developing a local or sub-regional service delivery option before expiration of the term of the new ILA at the end of 2015.

July 1, 2012 is the stated signing deadline for the final proposed 2013 ILA. All Parties (Cities and King County alike) are reviewing the ILA's terms and taking action. The King County Council's Government Accountability, Oversight and Financial Performance Committee is scheduled to consider the ILA on Tuesday, June 26. The full King County Council will consider the ILA in the weeks following.

If after July 1, not enough cities have executed and delivered an agreement, the agreement would not go into effect, and participating parties would need to renegotiate terms.

There is a potential of King County proposing a countywide levy to fund some or all of animal services. While it is the County's intention to time such a levy to coincide with the termination of this ILA (2016), there are several components included in the ILA intended to protect the interest of Contracting Cities, should the County does in fact propose a levy that would impose a new tax before January 1, 2016 including. The protectionist provisions include a contract re-opener for the limited purposes of negotiating potential changes to the cost and revenue allocation formulas in order to reasonably ensure that the Contracting Cities are receiving equitable benefits from the proposed new levy revenues. By executing the 2013 Interlocal Agreement, the City is not implicitly agreeing to or supportive of any potential levy in support of animal services.

The terms of the ILA include a "2013 Payment Test" whereby if the "Preliminary Estimated 2013 Payment" (provided by King County August 1, 2012) shows that the City's net costs are greater than $15,809, then the City may withdraw from participating in the regional system by August 15, 2012.

RESOLUTION

On June 5, 2012 the Kirkland City Council unanimously supported a motion to finalize a new three-year Interlocal Agreement with King County for Animal Services. The attached draft resolution for Council's consideration authorizes the City Manager to finalize and execute an Animal Services interlocal agreement with King County for the provision of field, shelter and licensing services from January 1, 2013 through December 31, 2015.

Attachments A. Resolution Draft
B. Final draft 2013 ILA for regional animal services (corrected May 28)

RESOLUTION R-4925

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND AUTHORIZING THE CITY MANAGER TO ENTER INTO AN ANIMAL SERVICES INTERLOCAL AGREEMENT WITH KING COUNTY.

WHEREAS, the provision of animal services is an important function in protecting life, health and safety of citizens and their animals; and

WHEREAS, King County provided animal services for many years without charge to Kirkland and other local municipalities through Interlocal Agreements; and

WHEREAS, Since 2010 King County has charged Kirkland and other local municipalities for the provision of animal services through Interlocal Agreements; and

WHEREAS, the proposed 2013 Interlocal Agreement is estimated to be less expensive than the City's estimates for providing animal services locally between 2013 and 2015; and

WHEREAS, other models for service delivery, including local service provision and subregional partnerships or interlocal agreements between local municipalities may be more cost-effective in the long-term; and

WHEREAS, developing those alternative models for service delivery will take time and effort and the existing lnterlocal Agreement between Kirkland and King County will expire prior to such time as the City or local municipalities can fully design alternative models for service delivery; and

WHEREAS, the City is authorized and desires to contract with King County for the performance of Animal Services in Kirkland pursuant to the lnterlocal Cooperation Act (RCW Chapter 39.34); and

WHEREAS, King County is authorized and willing to render such services; and

WHEREAS, the City Council believes that entering into an lnterlocal Agreement for King County to continue charging for the provision of animal services through the end of 2015 is in the best interest of the City, its citizens and animals.

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

Section 1. The City Manager is hereby authorized and directed to finalize and execute an Animal Services interlocal agreement with King County for the provision of field, shelter and licensing services substantially similar to that attached as Exhibit "A", which is entitled "Animal Services Interlocal Agreement for 2013 Through 2015."

Section 2. The City Manager or his designee is hereby authorized to develop a local service delivery option and/or work with neighboring cities and partners to formulate subregional service delivery options before the expiration of the term of the new ILA, December 31, 2015.

Passed by majority vote of the Kirkland City Council in open meeting this this ____ day of _____ 2012.

Signed in authentication thereof this _____ day of _____ 2012.

_____
MAYOR

Attest:

_____
City Clerk

Animal Services Interlocal Agreement for 2013 Through 2015

This AGREEMENT is made and entered into effective as of this 1st day of July, 2012, by and between KING COUNTY, a Washington municipal corporation and legal subdivision of the State of Washington (the "County") and the City of Kirkland, a Washington municipal corporation (the "City").

WHEREAS, the provision of animal control, sheltering and licensing services protects public health and safety and promotes animal welfare; and

WHEREAS, providing such services on a regional basis allows for enhanced coordination and tracking of regional public and animal health issues, consistency of regulatory approach across jurisdictional boundaries, economies of scale, and ease of access for the public; and

WHEREAS, the Contracting Cities are partners in making regional animal services work effectively, and are customers of the Animal Services Program provided by the County; and

WHEREAS, in light of the joint interest among the Contracting Parties in continuing to develop a sustainable program for regional animal services, including achievement of sustainable funding resources, the County intends to include cities in the process of identifying and recommending actions to generate additional revenues through the Joint City-County Committee, and further intends to convene a group of elected officials with a representative from each Contracting City to discuss and make recommendations on any potential countywide revenue initiative for animal services requiring voter approval, the implementation of which would be intended to coincide with the end of the term of this Agreement; and

WHEREAS, by executing this Agreement, the City is not implicitly agreeing to or supportive of any potential voter approved levy initiative in support of animal services; and

WHEREAS, the City and the County are parties to an Animal Services Interlocal Agreement dated July 1, 2010, which will terminate on December 31, 2012 (the "2010 Agreement"); and

WHEREAS, the City and County have negotiated a successor agreement to the 2010 Agreement in order to extend delivery of Animal Services to the City for an additional three years beginning January 1, 2013; and

WHEREAS, certain notification and other commitments under this successor Agreement arise before January 2013, but the delivery of Animal Services under this Agreement will not commence until January 1, 2013; and

WHEREAS, nothing in this Agreement is intended to alter the provision of service or manner and timing of compensation and reconciliation specified in the 2010 Agreement for services provided in 2012; and

WHEREAS, the City pursuant to the Interlocal Cooperation Act (RCW Chapter 39.34) , is authorized and desires to contract with the County for the performance of Animal Services; and

WHEREAS, the County is authorized by the Interlocal Cooperation Act, Section 120 of the King County Charter and King County Code 11.02.030 to render such services and is willing to render such services on the terms and conditions hereinafter set forth; and

WHEREAS, the County is offering a similar form of Animal Services Interlocal Agreement to cities in King County listed in Exhibit C-1 to this Agreement, and has received a non-binding statement of intent to sign such agreement from those cities;

NOW THEREFORE, in consideration of the promises, covenants and agreements contained in this Agreement, the parties agree as follows:

1. **Definitions.** Unless the context clearly shows another usage is intended, the following terms shall have these meanings in this Agreement:
    a. "**Agreement**" means this Animal Services Interlocal Agreement for 2013 Through 2015 between the Parties including any and all Exhibits hereto, unless the context clearly indicates an intention to reference all such Agreements by and between the County and other Contracting Cities.
    b. "**Animal Services**" means Control Services, Shelter Services and Licensing Services combined, as these services are described in **Exhibit A**. Collectively, "Animal Services" are sometimes referred to herein as the "**Program**."
    c. "**Enhanced Control Services**" are additional Control Services that the City may purchase under certain terms and conditions as described in **Exhibit E** (the "Enhance Control Services Contract").
    d. "**Contracting Cities**" means all cities that are parties to an Agreement.
    e. "**Parties**" means the City and the County.
    f. "**Contracting Parties**" means all Contracting Cities and the County.
    g. "**Estimated Payment**" means the amount the City is estimated to owe to the County for the provision of Animal Services over a six month period per the

formulas set forth in **Exhibit C**. The Estimated Payment calculation may result in a credit to the City payable by the County.

h. "**Pre-Commitment Estimated 2013 Payment**" means the preliminary estimate of the amount that will be owed by (or payable to) each Contracting Party for payment June 15, 2013 and December 15, 2013 as shown on **Exhibit C-1.**

i. "**Preliminary Estimated 2013 Payment**" means the amount estimated by the County on or before August 1, 2012 per Section 5, to be owed by each Contracting Party on June 15, 2013 and December 15, 2013 based on the number of Contracting Cities with respect to which the Agreement goes into effect per Section 15. This estimate will also provide the basis for determining whether the Agreement meets the "2013 Payment Test" in Section 15.

j. The "**Final Estimated 2013 Payment**" means the amount owed by each Contracting Party on June 15, 2013 and December 15, 2013, notice of which shall be given to the City by the County no later than December 15, 2012.

k. "**Control District**" means one of the three geographic areas delineated in **Exhibit B** for the provision of Animal Control Services.

l. "**Reconciliation Adjustment Amount**" means the amount payable each August 15 by either the City or County as determined per the reconciliation process described in **Exhibit D**. "**Reconciliation**" is the process by which the Reconciliation Adjustment Amount is determined.

m. "**Service Year**" means the calendar year in which Animal Services are or were provided.

n. "**2010 Agreement**" means the Animal Services Agreement between the Parties effective July 1, 2010, and terminating at midnight on December 31, 2012.

o. "**New Regional Revenue**" means revenue received by the County specifically for support of Animal Services generated from regional marketing campaigns (excluding local licensing canvassing efforts by Contracting Cities or per Section 7), and new foundation, grant, donation and entrepreneurial activities, except where revenues from these sources are designated for specific purposes within the Animal Services program; *provided that* New Regional Revenue does not include Licensing Revenue, Non-Licensing Revenue or Designated Donations, as defined in **Exhibit C**. The manner of estimating and allocating New Regional Revenue is prescribed in **Exhibit C-4** and **Exhibit D**.

p. "**Latecomer City**"means a city receiving animal services under an agreement with the County executed after July 1, 2012, per the conditions of Section 4.a.

2. **Services Provided**. Beginning January 1, 2013, the County will provide the City with Animal Services described in **Exhibit A**. The County will perform these services consistent with governing City ordinances adopted in accordance with Section 3. In providing such Animal Services consistent with **Exhibit A**, the County will engage in good faith with the Joint City-County Committee to develop potential adjustments to field protocols; provided that, the County shall have sole discretion as to the staffing assigned to receive and dispatch calls and the manner of handling and responding to calls for Animal Service. Except as set forth in Section 9 (Indemnification and Hold Harmless), services to be provided by the County pursuant to this Agreement do not include services of legal counsel, which shall be provided by the City at its own expense.
    a. Enhanced Control Services**.** The City may request Enhanced Control Services by completing and submitting **Exhibit E** to the County. Enhanced Services will be provided subject to the terms and conditions described in **Exhibit E**, including but not limited to a determination by the County that it has the capacity to provide such services.

3. **City Obligations.**
    a. Animal Regulatory Codes Adopted. To the extent it has not already done so, the City shall promptly enact an ordinance or resolution that includes license, fee, penalty, enforcement, impound/ redemption and sheltering provisions that are substantially the same as those of Title 11 King County Code as now in effect or hereafter amended (hereinafter "the City Ordinance"). The City shall advise the County of any City animal care and control standards that differ from those of the County.
    b. Authorization to Act on Behalf of City**.** Beginning January 1, 2013, the City authorizes the County to act on its behalf in undertaking the following:
        i. Determining eligibility for and issuing licenses under the terms of the City Ordinance, subject to the conditions set forth in such laws.
        ii. Enforcing the terms of the City Ordinance, including the power to issue enforcement notices and orders and to deny, suspend or revoke licenses issued thereunder.
        iii. Conducting administrative appeals of those County licensing determinations made and enforcement actions taken on behalf of the City. Such appeals shall be considered by the King County Board of Appeals unless either the City or the County determines that the particular matter should be heard by the City.
        iv. Nothing in this Agreement is intended to divest the City of authority to independently undertake such enforcement actions as it deems appropriate to respond to violations of any City ordinances.

c. Cooperation and Licensing Support. The City will assist the County in its efforts to inform City residents regarding animal codes and regulations and licensing requirements and will promote the licensing of pets by City residents through various means as the City shall reasonably determine, including but not limited to offering the sale of pet licenses at City Hall, mailing information to residents (using existing City communication mechanisms such as bill inserts or community newsletters) and posting a weblink to the County's animal licensing program on the City's official website. The City will provide to the County accurate and timely records regarding all pet license sales processed by the City. All proceeds of such sales shall be remitted to the County by the City on a quarterly basis (no later than each March 31, June 30, September 30, and December 31).

4. **Term.** Except as otherwise specified in Section 15, this Agreement will take effect as of July 1, 2012 and, unless extended pursuant to Subparagraph 4.b below, shall remain in effect through December 31, 2015. The Agreement may not be terminated for convenience.
   a. Latecomers. The County may sign an agreement with additional cities for provision of animal services prior to the termination or expiration of this Agreement, but only if the later agreement will not cause an increase in the City's costs payable to the County under this Agreement. Cities that are party to such agreements are referred to herein as "Latecomer Cities."
   b. Extension of Term**.** The Parties may agree to extend the Agreement for an additional two-year term, ending on December 31, 2017. For purposes of determining whether the Agreement shall be extended, the County will invite all Contracting Cities to meet in September 2014, to discuss both: (1) a possible extension of the Agreement under the same terms and conditions; and (2) a possible extension with amended terms.
      i. Either Party may propose amendments to the Agreement as a condition of an extension.
      ii. Nothing in this Agreement shall be construed to compel either Party to agree to an extension or amendment of the Agreement, either on the same or different terms.
      iii. The County agrees to give serious consideration to maintaining the various credits provided to the Contracting City under this Agreement in any extension of the Agreement.
   c. Notice of Intent to Not Extend. No later than March 1, 2015, the Parties shall provide written notice to one another of whether they wish to extend this Agreement on the same or amended terms. The County will include a written reminder of this March 1 deadline when providing the City notice of

its 2015 Estimated Payments (notice due December 15, 2014 per Section 5). By April 5, 2015, the County will provide all Contracting Cities with a list of all Contracting Parties submitting such notices indicating which Parties do not seek an extension, which Parties request an extension under the same terms, and which Parties request an extension under amended terms.

d. Timeline for Extension. If the Contracting Parties wish to extend their respective Agreements (whether under the same or amended terms) through December 31, 2017, they shall do so in writing no later than July 1, 2015. Absent such an agreed extension, the Agreement shall terminate on December 31, 2015.

e. Limited Reopener and Termination. If a countwide, voter approved property tax levy for funding some or all of the Animal Services program is proposed that would impose new tax obligations before January 1, 2016, this Agreement shall be re-opened for the limited purposes of negotiating potential changes to the cost and revenue allocation formulas herein. Such changes may be made in order to reasonably ensure that the Contracting Cities are receiving equitable benefits from the proposed new levy revenues. Re-opener negotiations shall be initiated by the County no later than 60 days before the date of formal transmittal of such proposal to the County Council for its consideration. Notwithstanding anything in this Agreement to the contrary, if the re-opener negotiations have failed to result in mutually agreed upon changes to the cost and revenue allocation formulas (as reflected in either an executed amendment to this Agreement or a memorandum of understanding signed between the chief executive officers of the Parties) within 10 days of the date that the election results confirming approval of such proposal are certified, either Party may terminate this Agreement by providing notice to the other Party no sooner than the date the election results are certified and no later than 15 days following the end of such 10-day period. Any termination notice so issued will become effective 180 days following the date of the successful election, or the date on which the levy is first imposed, whichever is sooner.

f. The 2010 Agreement remains in effect through December 31, 2012. Nothing in this Agreement shall limit or amend the obligation of the County to provide Animal Services under the 2010 Agreement as provided therein and nothing in this Agreement shall amend the obligations therein with respect to the calculation, timing, and reconciliation of payment of such services.

5. **Compensation.** The County will develop an Estimated Payment calculation for each Service Year using the formulas described in **Exhibit C**, and shall transmit the payment information to the City according to the schedule described below. The

County will also calculate and inform the City as to the Reconciliation Adjustment Amount on or before June 30 of each year, as described in Section 6 below and **Exhibit D**, in order to reconcile the Estimated Payments made by the City in the prior Service Year. The City (or County, if applicable) will pay the Estimated Payment, and any applicable Reconciliation Adjustment Amounts as follows (a list of all payment-related notices and dates is included at **Exhibit C-7**):

a. Service Year 2013: The County will provide the City with a calculation of the Preliminary Estimated Payment amounts for Service Year 2013 on or before August 1, 2012, which shall be derived from the Pre-Commitment Estimated 2013 Payment Amount set forth on **Exhibit C-1**, adjusted if necessary based on the Contracting Cities and other updates to Calendar Year 2011 data in **Exhibit C-2**. The County will provide the City with the Final Estimated Payment calculation for Service Year 2013 by December 15, 2012. The City will pay the County the Preliminary Estimated Payment Amounts for Service Year 2013 on or before June 15, 2013 and December 15, 2013. If the calculation of the Preliminary Estimated Payment shows the City is entitled to receive a payment from the County, the County will pay the City such amount on or before June 15, 2013 and December 15, 2013. The Reconciliation Adjustment Amount for Service Year 2013 shall be paid on or before August 15, 2014, as described in Section 6.

b. Service Years after 2013.

   i. Initial Estimate by September 1. To assist the City with its budgeting process, the County will provide the City with a non-binding, preliminary indication of the Estimated Payments for the upcoming Service Year on or before each September 1.

   ii. Estimated Payment Determined by December 15. The Estimated Payment amounts for the upcoming Service Year will be determined by the County following adoption of the County's budget and applying the formulas in **Exhibit C**. The County will by December 15 provide written notice to all Contracting Parties of the schedule of Estimated Payments for the upcoming Service Year.

   iii. Estimated Payments Due Each June 15 and December 15**.** The City will pay the County the Estimated Payment Amount on or before each June 15 and December 15. If the calculation of the Estimated Payment shows the City is entitled to receive a payment from the County, the County will pay the City such amount on or before each June 15 and December 15.

   iv. The Reconciliation Adjustment Amount for the prior Service Year shall be paid on or before August 15 of the following calendar year, as described in Section 6.

v. If a Party fails to pay an Estimated Payment or Reconciliation Adjustment Amount within 15 days of the date owed, the Party owed shall notify the owing Party that they have ten (10) days to cure non-payment. If the Party fails to cure its nonpayment within this time period following notice, the amount owed shall accrue interest thereon at the rate of 1% per month from and after the original due date and, if the nonpaying Party is the City, the County at its sole discretion may withhold provision of Animal Services to the City until all outstanding amounts are paid. If the nonpaying Party is the County, the City may withhold future Estimated Payments until all outstanding amounts are paid. Each Party may examine the other's books and records to verify charges.

vi. Unless the Parties otherwise direct, payments shall be submitted to the addresses noted at Section 14.g.

c. Payment Obligation Survives Expiration or Termination of Agreement**.** The obligation of the City (or as applicable, the County), to pay an Estimated Payment Amount or Reconciliation Adjustment Amount for a Service Year included in the term of this Agreement shall survive the Expiration or Termination of this Agreement. For example, if this Agreement terminates on December 31, 2015, the Final Estimated 2015 Payment is nevertheless due on or before December 15, 2015, and the Reconciliation Adjustment Amount shall be payable on or before August 15, 2016.

d. The Parties agree the payment and reconciliation formulas in this Agreement (including all Exhibits) are fair and reasonable.

6. **Reconciliation of Estimated Payments and Actual Costs and Revenues.** In order that the Contracting Parties share costs of the regional Animal Services Program based on their actual, rather than estimated, licensing revenues, there will be an annual reconciliation. Specifically, on or before June 30 of each year, the County will reconcile amounts owed under this Agreement for the prior Service Year by comparing each Contracting Party's Estimated Payments to the amount derived by recalculating the formulas in **Exhibit C** using actual revenue data for such Service Period as detailed in **Exhibit D**. There will also be an adjustment if necessary to account for annexations of areas with a population of 2,500 or more and for changes in relative population shares of Contracting Parties' attributable to Latecomer Cities. The County will provide the results of the reconciliation to all Contracting Parties in writing on or before June 30. The Reconciliation Adjustment Amount will be paid on or before August 15 of the then current year, regardless of the prior termination of the Agreement as per Section 5.c.

7. **Regional Revenue Generation and Licensing Revenue Support**
    a. The Parties intend that the provision of Animal Services becomes significantly more financially sustainable over the initial three year term of this Agreement through the development of New Regional Revenue and the generation of additional Licensing Revenue. The County will develop proposals designed to support this goal. The County will consult with the Joint City-County Committee before proceeding with efforts to implement proposals to generate New Regional Revenue.
    b. The Parties do not intend for the provision of Animal Services or receipt of such Services under this Agreement to be a profit-making enterprise. Where a Contracting Party receives revenues in excess of its costs under this Agreement (including costs of PAWS shelter service and Enhanced Control Service, if applicable), they will be reinvested in the Program to reduce the costs of other Contracting Parties and to improve service delivery: the cost allocation formulas of this Agreement are intended to achieve this outcome.
    c. Licensing Revenue Support.
        i. In 2013, the County will provide licensing revenue support to the nine Contracting Cities identified on **Exhibit C-5** (the "Licensing Revenue Support Cities").
        ii. The City may request licensing revenue support from the County in 2014 and 2015 by executing **Attachment A** to **Exhibit F**. The terms and conditions under which such licensing revenue support will be provided are further described at **Exhibit C-5** and **Exhibit F**. Except as otherwise provided in **Exhibit C-5** with respect to Licensing Revenue Support Cities with a Licensing Revenue Target of over $20,000 (per Table 1 of **Exhibit C-5)**, provision of licensing revenue support in 2014 and 2015 is ***subject to*** the County determining it has capacity to provide such services, with priority allocation of any available services going first to Licensing Revenue Support Cities on a first-come, first-served basis and thereafter being allocated to other Contracting Cities requesting service on a first-come, first-served basis. Provision of licensing revenue support is further subject to the Parties executing a Licensing Support Contract (**Exhibit F**).
        iii. In addition to other terms described in **Exhibit F**, receipt of licensing revenue support is subject to the recipient City providing in-kind services, including but not limited to: assisting in communication with City residents; publicizing any canvassing efforts the Parties have agreed should be implemented; assisting in the recruitment of canvassing staff, if applicable; and providing information to the County to assist in targeting its canvassing activities, if applicable.

8. **Mutual Covenants/Independent Contractor.** The Parties understand and agree that the County is acting hereunder as an independent contractor with the intended following results:
    a. Control of County personnel, standards of performance, discipline, and all other aspects of performance shall be governed entirely by the County;
    b. All County persons rendering service hereunder shall be for all purposes employees of the County, although they may from time to time act as commissioned officers of the City;
    c. The County contact person for the City staff regarding all issues arising under this Agreement, including but not limited to citizen complaints, service requests and general information on animal control services is the Manager of Regional Animal Services.

9. **Indemnification and Hold Harmless.**
    a. City Held Harmless. The County shall indemnify and hold harmless the City and its officers, agents, and employees, or any of them from any and all claims, actions, suits, liability, loss, costs, expenses, and damages of any nature whatsoever, by any reason of or arising out of any negligent act or omission of the County, its officers, agents, and employees, or any of them relating to or arising out of performing services pursuant to this Agreement. In the event that any such suit based upon such a claim, action, loss, or damages is brought against the City, the County shall defend the same at its sole cost and expense; provided that the City reserves the right to participate in said suit if any principle of governmental or public law is involved; and if final judgment in said suit be rendered against the City, and its officers, agents, and employees, or any of them, or jointly against the City and the County and their respective officers, agents, and employees, or any of them, the County shall satisfy the same.
    b. County Held Harmless. The City shall indemnify and hold harmless the County and its officers, agents, and employees, or any of them from any and all claims, actions, suits, liability, loss, costs, expenses, and damages of any nature whatsoever, by any reason of or arising out of any negligent act or omission of the City, its officers, agents, and employees, or any of them relating to or arising out of performing services pursuant to this Agreement. In the event that any suit based upon such a claim, action, loss, or damages is brought against the County, the City shall defend the same at its sole cost and expense; provided that the County reserves the right to participate in said suit if any principle of governmental or public law is involved; and if final judgment be rendered against the County, and its officers, agents, and

employees, or any of them, or jointly against the County and the City and their respective officers, agents, and employees, or any of them, the City shall satisfy the same.

c. Liability Related to City Ordinances, Policies, Rules and Regulations. In executing this Agreement, the County does not assume liability or responsibility for or in any way release the City from any liability or responsibility that arises in whole or in part as a result of the application of City ordinances, policies, rules or regulations that are either in place at the time this Agreement takes effect or differ from those of the County; or that arise in whole or in part based upon any failure of the City to comply with applicable adoption requirements or procedures. If any cause, claim, suit, action or administrative proceeding is commenced in which the enforceability and/or validity of any such City ordinance, policy, rule or regulation is at issue, the City shall defend the same at its sole expense and, if judgment is entered or damages are awarded against the City, the County, or both, the City shall satisfy the same, including all chargeable costs and reasonable attorney's fees.

d. Waiver Under Washington Industrial Insurance Act. The foregoing indemnity is specifically intended to constitute a waiver of each party's immunity under Washington's Industrial Insurance Act, Chapter 51 RCW, as respects the other party only, and only to the extent necessary to provide the indemnified party with a full and complete indemnity of claims made by the indemnitor's employees. The parties acknowledge that these provisions were specifically negotiated and agreed upon by them.

10. **Dispute Resolution.** Whenever any dispute arises between the Parties or between the Contracting Parties under this Agreement which is not resolved by routine meetings or communications, the disputing parties agree to seek resolution of such dispute in good faith by meeting, as soon as feasible. The meeting shall include the Chief Executive Officer (or his/her designee) of each party involved in the dispute and the Manager of the Regional Animal Services Program. If the parties do not come to an agreement on the dispute, any party may pursue mediation through a process to be mutually agreed to in good faith by the parties within 30 days, which may include binding or nonbinding decisions or recommendations. The mediator(s) shall be individuals skilled in the legal and business aspects of the subject matter of this Agreement. The parties to the dispute shall share equally the costs of mediation and assume their own costs.

11. **Joint City-County Committee and Collaborative Initiatives**. A committee composed of 3 county representatives (appointed by the County) and one

representative from each Contracting City that chooses to appoint a representative shall meet upon reasonable request of a Contracting City or the County, but in no event shall the Committee meet less than twice each year. Committee members may not be elected officials. The Committee shall review service issues and make recommendations regarding efficiencies and improvements to services, and shall review and make recommendations regarding the conduct and findings of the collaborative initiatives identified below. Subcommittees to focus on individual initiatives may be formed, each of which shall include membership from both county and city members of the Joint City-County Committee. Recommendations of the Joint City-County Committee are non-binding. The collaborative initiatives to be explored shall include, but are not necessarily limited to:

a. Proposals to update animal services codes, including fees and penalties, as a means to increase revenues and incentives for residents to license, retain, and care for pets.
b. Exploring the practicability of engaging a private for-profit licensing system operator.
c. Pursuing linkages between County and private non-profit shelter and rescue operations to maximize opportunities for pet adoption, reduction in homeless pet population, and other efficiencies.
d. Promoting licensing through joint marketing activities of Contracting Cities and the County, including recommending where the County's marketing efforts will be deployed each year.
e. Exploring options for continuous service improvement, including increasing service delivery efficiencies across the board.
f. Studying options for repair and/or replacement of the Kent Shelter.
g. Reviewing the results of the County's calculation of the Reconciliation Adjustment Amounts.
h. Reviewing preliminary proposed budgets for Animal Services.
i. Providing input into the formatting, content and details of periodic Program reports as per Section 12 of this Agreement.
j. Reviewing and providing input on proposed Animal Services operational initiatives.
k. Providing input on Animal Control Services response protocols with the goal of supporting the most appropriate use of scarce Control Services resources.
l. Establishing and maintaining a marketing subcommittee with members from within the Joint City-County committee membership and additional staff as may be agreed.
m. Collaborating on response and service improvements, including communication with 911 call centers.

n. Developing alternative dispute mechanisms that may be deployed to assist the public in resolving low-level issues such as barking dog complaints.
o. Working with Contracting Cities to plan disaster response for animal sheltering and care.
p. Ensuring there is at least one meeting each year within each Control District between the County animal control officer representatives and Contracting Cities' law enforcement representatives.
q. Identifying, discussing and where appropriate recommending actions to implement ideas to generate additional revenue to support operation and maintenance of the Animal Services Program, including but not limited to providing input and advice in shaping the terms of any proposed Countywide voted levy to provide funding support for the Animal Services Program.

12. **Reporting.** The County will provide the City with an electronic report not less than monthly summarizing call response and Program usage data for each of the Contracting Cities and the County and the Animal Services Program. The formatting, content and details of the report will be developed in consultation with the Joint City-County Committee.

13. **Amendments.** Any amendments to this Agreement must be in writing. This Agreement shall be deemed to incorporate amendments to Agreements between the Contracting Parties that are approved by the County and at least two thirds (66%) of the legislative bodies of all other Contracting Parties (in both number and in the percentage of the prior total Estimated Payments owing from such Contracting Parties in the then current Service Year), evidenced by the authorized signatures of such approving Parties as of the effective date of the amendment; *provided that* this provision shall not apply to any amendment to this Agreement affecting the Party contribution responsibilities, hold harmless and indemnification requirements, provisions regarding duration, termination or withdrawal, or the conditions of this Section.

14. **General Provisions.**
    a. Other Facilities. The County reserves the right to contract with other shelter service providers for housing animals received from within the City or from City residents, whose levels of service meet or exceed those at the County shelter for purposes of addressing shelter overcrowding or developing other means to enhance the effectiveness, efficiency or capacity of animal care and sheltering within King County.

b. Survivability. Notwithstanding any provision in this Agreement to the contrary, the provisions of Section 9 (Indemnification and Hold Harmless) shall remain operative and in full force and effect, regardless of the withdrawal or termination of this Agreement.
c. Waiver and Remedies. No term or provision of this Agreement shall be deemed waived and no breach excused unless such waiver or consent shall be in writing and signed by the Party claimed to have waived or consented. Failure to insist upon full performance of any one or several occasions does not constitute consent to or waiver of any later non-performance nor does payment of a billing or continued performance after notice of a deficiency in performance constitute an acquiescence thereto. The Parties are entitled to all remedies in law or equity.
d. Grants. Both Parties shall cooperate and assist each other toward procuring grants or financial assistance from governmental agencies or private benefactors for reduction of costs of operating and maintaining the Animal Services Program and the care and treatment of animals in the Program.
e. Force Majeure. In the event either Party's performance of any of the provisions of this Agreement becomes impossible due to war, civil unrest, and any natural event outside of the Party's reasonable control, including fire, storm, flood, earthquake or other act of nature, that Party will be excused from performing such obligations until such time as the Force Majeure event has ended and all facilities and operations have been repaired and/or restored.
f. Entire Agreement. This Agreement represents the entire understanding of the Parties and supersedes any oral representations that are inconsistent with or modify its terms and conditions.
g. Notices. Except as otherwise provided in this Agreement, any notice required to be provided under the terms of this Agreement shall be delivered by E-mail (deemed delivered upon E-mail confirmation of receipt by the intended recipient), certified U.S. mail, return receipt requested or by personal service to the following person (or to any other person that the Party designates in writing to receive notice under this Agreement):

For the City:

For the County: Caroline Whalen, Director
King County Dept. of Executive Services
401 Fifth Avenue, Suite 135
Seattle WA. 98104

h. Assignment. No Party may sell, transfer or assign any of its rights or benefits under this Agreement without the approval of the other Party.
i. Venue. The Venue for any action related to this Agreement shall be in Superior Court in and for King County, Washington.
j. Records. The records and documents with respect to all matters covered by this Agreement shall be subject to inspection and review by the County or City for such period as is required by state law (Records Retention Act, Ch. 40.14 RCW) but in any event for not less than 1 year following the expiration or termination of this Agreement.
k. No Third Party Beneficiaries. This Agreement is for the benefit of the Parties only, and no third party shall have any rights hereunder.
l. Counterparts. This Agreement and any amendments thereto, shall be executed on behalf of each Party by its duly authorized representative and pursuant to an appropriate motion, resolution or ordinance. The Agreement may be executed in any number of counterparts, each of which shall be an original, but those counterparts will constitute one and the same instrument.

15. **Terms to Implement Agreement.** Because it is unknown how many parties will ultimately approve the Agreement, and participation of each Contracting Party impacts the costs of all other Contracting Parties, the Agreement will go into effect as of July 1, 2012, only if certain "Minimum Contracting Requirements" are met or waived as described in this section. These Minimum Contracting Requirements will not be finally determined until August 15, 2012. If it is determined on or about August 15 that Minimum Contracting Requirements are **not** met and not waived, then the Agreement will be deemed to have never gone into effect, regardless of the July 1, 2012 stated effective date. If the Minimum Contracting Requirements are met or waived, the Agreement shall be deemed effective as of July 1, 2012. The Minimum Contracting Requirements are:
    a. **For both the City and the County:**
        1. **2013 Payment Test:** The Preliminary Estimated 2013 Payment, calculated on or before August 1, 2012, to include the County and all cities that have executed the Agreement on or prior to July 1, 2012, does not exceed the Pre-Commitment Estimated 2013 Payment as set forth in **Exhibit C-1** by more than five percent (5%) or $3,500, whichever is greater. **If the 2013 Payment Test is not met,** either Party may waive this condition and allow the Agreement to go into effect, provided that such waiver must be exercised by giving notice to the other Party (which notice shall meet the requirements of Section 14.g) no later than August 15, 2012.

b. **For the County**: The **Minimum Contiguity of Service Condition** must be met, such that the County is only obligated to enter into the Agreement if the County will be providing Animal Services in areas contiguous to the City, whether by reason of having an Agreement with another City or due to the fact that the City is contiguous to unincorporated areas (excluding unincorporated islands within the City limits). The Minimum Contiguity of Service Condition may be waived by the County in its sole discretion. The County shall provide the City notice meeting the requirements of Section 14.g no later than July 21, 2012 if the Minimum Contiguity of Service Condition has not been met.

c. On or before August 21, 2012, the County shall send all Contracting Cities an informational email notice confirming the final list of all Contracting Cities with Agreements that have gone into effect.

16. **Administration.** This Agreement shall be administered by the County Administrative Officer or his/her designee, and by the City Manager, or his/her designee.

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed effective as of July 1, 2012.

King County	**City of Kirkland**
_____	_____
Dow Constantine King County Executive	City Manager/Mayor
_____	_____
Date	Date
Approved as to Form:	Approved as to Form:
_____	_____
King County Deputy Prosecuting Attorney	City Attorney
_____	_____
Date	Date

List of Exhibits

Exhibit A: **Animal Services Description**

Exhibit B: **Control Service District Map Description**
Exhibit B-1: Map of Control Service District

Exhibit C: **Calculation of Estimated Payments**

Exhibit C-1: **Pre-Commitment Estimated 2013 Payment (***showing participation only by jurisdictions that have expressed interest in contracting for an additional 3 year term)*

Exhibit C-2: **Estimated Population, Calls for Service, Shelter Use and Licensing Data for Jurisdictions, Used to Derive the Pre-Commitment Estimated 2013 Payment**

Exhibit C-3: **Calculation of Budgeted Total Allocable Animal Services Costs, Budgeted Total Non-Licensing Revenue and Budget Net Allocable Animal Services Costs for 2013**

Exhibit C-4: **Calculation and Allocation of Transition Credit, Shelter Credit, and Estimated New Regional Revenue**

Exhibit C-5: Licensing Revenue Support

Exhibit C-6: Summary of Calculation Periods for Use and Population Components

Exhibit C-7: Payment and Calculation Schedule

Exhibit D: **Reconciliation**

Exhibit E: Enhanced Control Services Contract (Optional)

Exhibit F: Licensing Support Contract (Optional)

Exhibit A
Animal Service Description

Part I: Control Services

Control Services include the operation of a public call center, the dispatch of animal control officers in response to calls, and the handling of calls in the field by animal control officers, including the collection and delivery of animals to the Kent Shelter (or such other shelters as the County may utilize in accordance with this Agreement).

1. **Call Center**
    a. The County will operate an animal control call center five days every week (excluding holidays and County-designated furlough days, if applicable) for a minimum of eight hours per day (normal business hours). The County will negotiate with applicable unions with the purpose of obtaining a commitment for the five day call center operation to include at least one weekend day. The County may adjust the days of the week the call center operates to match the final choice of Control District service days.
    b. The animal control call center will provide callers with guidance, education, options and alternative resources as possible/appropriate.
    c. When the call center is not in operation, callers will hear a recorded message referring them to 911 in case of emergency, or if the event is not an emergency, to either leave a message or call back during regular business hours.
2. **Animal Control Officers**
    a. The County will divide the area receiving Control Services into three Control Districts as shown on **Exhibit B**. Subject to the limitations provided in this Section 2, Control Districts 200 and 220 will be staffed with one Animal Control Officer during Regular ACO Service Hours and District 500 will be staffed with two Animal Control Officers (ACOs) during Regular ACO Service Hours. Regular ACO Service Hours is defined to include not less than 40 hours per week. The County will negotiate with applicable unions with the intention of obtaining a commitment for Regular ACO Service Hours to include service on at least one weekend day. Regular ACO Service Hours may change from time to time.
        i. Except as the County may in its sole discretion determine is necessary to protect officer safety, ACOs shall be available for responding to calls within their assigned Control District and will not be generally available to respond to calls in other Control Districts. **Exhibit B-1** shows the map of Control Districts.

ii. Countywide, the County will have a total of not less than 6 ACOs (Full-Time Equivalent employees) on staff to maximize the ability of the County to staff all Control Districts notwithstanding vacation, sick-leave, and other absences, and to respond to high workload areas on a day-to-day basis. While the Parties recognize that the County may at times not be able to staff all Control Districts as proposed given unscheduled sick leave or vacancies, the County will make its best efforts to establish regular hourly schedules and vacations for ACOs in order to minimize any such gaps in coverage. In the event of extended absences among the 6 ACOs, the County will re-allocate remaining ACOs as practicable in order to balance the hours of service available in each Control District. In the event of ACO absences (for any causes and whether or not such absences are extended as a result of vacancies or other issues), the first priority in allocating ACOs shall be to ensure there is an ACO assigned in each Control District during Regular ACO Service Hours.

b. Control District boundaries have been designed to balance work load, correspond to jurisdictional boundaries and facilitate expedient transportation access across each district. The County will arrange a location for an Animal Control vehicle to be stationed overnight in Control Districts ("host sites") in order to facilitate service and travel time improvements or efficiencies.

c. The County will use its best efforts to ensure that High Priority Calls are responded to by an ACO during Regular ACO Service Hours on the day such call is received. The County shall retain full discretion as to the order in which High Priority calls are responded. High Priority Calls include those calls that pose an emergent danger to the community, including:

    1. Emergent animal bite,
    2. Emergent vicious dog,
    3. Emergent injured animal,
    4. Police assist calls—(police officer on scene requesting assistance from an ACO),
    5. Emergent loose livestock or other loose or deceased animal that poses a potential danger to the community, and
    6. Emergent animal cruelty.

d. Lower priority calls include all calls that are not High Priority Calls. These calls will be responded to by the call center staff over the telephone, referral to other resources, or by dispatching of an ACO as necessary or available, all as determined necessary and appropriate in the sole discretion of the

County. Particularly in the busier seasons of the year (spring through fall), lower priority calls may only receive a telephone response from the Call Center. Lower Priority calls are non-emergent requests for service, including but not limited to:

1. Non-emergent high priority events,
2. Patrol request – (ACO requested to patrol a specific area due to possible code violations),
3. Trespass,
4. Stray Dog/Cat/other animal confined,
5. Barking Dog,
6. Leash Law Violation,
7. Deceased Animal,
8. Trap Request,
9. Female animal in season, and
10. Owner's Dog/Cat/other animal confined.

e. The Joint-City County Committee is tasked with reviewing response protocols and recommending potential changes to further the goal of supporting the most appropriate use of scarce Control Service resources countywide. The County will in good faith consider such recommendations but reserves the right to make final decisions on response protocols. The County will make no changes to its procedures that are inconsistent with the terms of this **Exhibit A**, *except that* upon the recommendation of the Joint City-County Committee, the County may agree to modify response with respect to calls involving animals other than horses, livestock, dogs and cats.

f. In addition to the ACOs serving specific districts, the following Control Service resources will be available on a shared basis for all Parties and shall be dispatched as deemed necessary and appropriate by the County.

1. An animal control sergeant will provide oversight of and back-up for ACOs five days per week at least 8 hours/day (subject to vacation/sick leave/training/etc.).
2. Staff will be available to perform animal cruelty investigations, to respond to animal cruelty cases, and to prepare related reports (subject to vacation/sick leave/training/etc.).
3. Not less than 1 ACO will be on call every day at times that are not Regular ACO Service Hours (including the days per week that are not included within Regular ACO Service Hours), to respond to High Priority Calls posing an extreme life and safety danger, as determined by the County.

g. The Parties understand that rural areas of the County will generally receive a less rapid response time from ACOs than urban areas.

h. Contracting Cities may contract with King County for "Enhanced Control Services" through separate agreement (as set forth in **Exhibit E);** ***provided that*** a City may not purchase Enhanced Control Services under Option 1 as described in **Exhibit E** if such City is receiving a Transition Funding Credit, Shelter Credit, or licensing revenue support the cost of which is not reimbursed to the County.

Part II: Shelter Services

Shelter services include the general care, cleaning and nourishment of owner-released, lost or stray dogs, cats and other animals. Such services shall be provided 7-days per week, 365 days per year at the County's animal shelter in Kent (the "Shelter") or other shelter locations utilized by the County, including related services described in this section. The County's Eastside Pet Adoption Center in the Crossroads area of Bellevue will be closed to the public.

During 2013-2015, major maintenance of the Shelter will continue to be included in the Program costs allocated under this Agreement (as part of the central County overhead charges allocated to the Program), but no major renovation, upgrades or replacements of the Shelter established as a capital project within the County Budget are anticipated nor will any such capital project costs be allocated to the Contracting Cities in Service Years 2013-2015.

1. **Shelter Services**
    a. Services provided to animals will include enrichment, exercise, care and feeding, and reasonable medical attention.
    b. The Public Service Counter at the Shelter will be open to the public not less than 30 hours per week and not less than 5 days per week, excluding holidays and County designated furlough days, for purposes of pet redemption, adoption, license sales services and (as may be offered from time to time) pet surrenders. The Public Service Counter at the shelter may be open for additional hours if practicable within available resources.
    c. The County will maintain a volunteer/foster care function at the Shelter to encourage use of volunteers working at the shelter and use of foster families to provide fostering/transitional care between shelter and permanent homes for adoptable animals.
    d. The County will maintain an animal placement function at the Shelter to provide for and manage adoption events and other activities leading to the placement of animals in appropriate homes.
    e. Veterinary services will be provided and will include animal exams, treatment and minor procedures, spay/neuter and other surgeries. Limited

emergency veterinary services will be available in non-business hours, through third-party contracts, and engaged if and when the County determines necessary.

f. The County will take steps through its operating policies, codes, public fee structures and partnerships to reduce the number of animals and their length of stay in the Shelter, and may at times limit owner-surrenders and field pick-ups, adjust fees and incentivize community-based solutions.

2. **Other Shelter services**
   a. Dangerous animals will be confined as appropriate/necessary.
   b. Disaster/emergency preparedness for animals will be coordinated regionally through efforts of King County staff.
3. **Shelter for Contracting Cities contracting with PAWS (Potentially including Woodinville, Shoreline, Lake Forest Park, Kenmore ("Northern Cities")).** For so long as a Northern City has a contract in effect for sheltering dogs and cats with the Progressive Animal Welfare Society in Lynnwood (PAWS), the County will not shelter dogs and cats picked up within the boundaries of such City(s), except in emergent circumstances and when the PAWS Lynwood shelter is not available. Dogs and cats picked up by the County within such City(s) will be transferred by the County to the PAWS shelter in Lynnwood for shelter care, which will be provided and funded solely through separate contracts between each Northern City and PAWS, and the County will refer residents of that City to PAWS for sheltering services. The County will provide shelter services for animals other than dogs and cats that are picked up within the boundaries of Northern Cities contracting with PAWS on the same terms and conditions that such shelter services are provided to other Contracting Parties. Except as provided in this Section, the County is under no obligation to drop animals picked up in any Contracting City at any shelter other than the County shelter in Kent.
4. **County Contract with PAWS.** Nothing in this Agreement is intended to preclude the County from contracting with PAWS in Lynnwood to care for animals taken in by County ACOs.
5. **Service to Persons who are not Residents of Contracting Cities.** The County will not provide routine shelter services for animals brought in by persons who are not residents of Contracting Cities, but may provide emergency medical care to such animals, and may seek to recover the cost of such services from the pet owner and/or the City in which the resident lives.

Part III: Licensing Services

Licensing services include the operation and maintenance of a unified system to license pets in Contracting Cities.

1. The public will be able to purchase pet licenses in person at the County Licensing Division public service counter in downtown Seattle (500 4th Avenue), King County Community Service Centers and the Kent Animal Shelter during regular business hours. The County will maintain on its website the capacity for residents to purchase pet licenses on-line.
2. The County may seek to engage and maintain a variety of private sector partners (e.g. veterinary clinics, pet stores, grocery stores, city halls, apartment complexes) as hosts for locations where licenses can be sold or promoted in addition to County facilities.
3. The County will furnish licenses and application forms and other materials to the City for its use in selling licenses to the public at City facilities and at public events.
4. The County will publicize reminders and information about pet licensing from time to time through inserts in County mailings to residents and on the County's public television channel.
5. The County will annually mail or E-mail at least one renewal form, reminder and late notice (as applicable) to the last known addresses of all City residents who purchased a pet license from the County within the previous year (using a rolling 12-month calendar).
6. The County may make telephone reminder calls in an effort to encourage pet license renewals.
7. The County shall mail pet license tags or renewal notices as appropriate to individuals who purchase new or renew their pet licenses.
8. The County will maintain a database of pets owned, owners, addresses and violations.
9. The County will provide limited sales and marketing support in an effort to maintain the existing licensing base and increase future license sales. The County reserves the right to determine the level of sales and marketing support provided from year to year in consultation with the Joint City-County Committee. The County will work with any City in which door-to-door canvassing takes place to reach agreement with the City as to the hours and locations of such canvassing.
10. The County will provide current pet license data files (database extractions) to a Contracting City promptly upon request. Data files will include pets owned, owners, addresses, phone numbers, E-mail addresses, violations, license renewal status, and any other relevant or useful data maintained in the County's database on pets licensed within the City's limits. A City's database extraction will be provided in electronic format agreed to by both parties in a timely fashion and in a standard data release format that is easily usable by the City.

Exhibit B: Control Service District Map

The attached map (**Exhibit B-1**) shows the boundaries of the 3 Control Service Districts as established at the commencement of this Amended and Restated Agreement.

The cities and towns included in each Control District are as follows:

District 200 (Northern District)	District 220 (Eastern District)
Shoreline	Bellevue
Lake Forest Park	Mercer Island
Kenmore	Yarrow Point
Woodinville	Clyde Hill
Kirkland	Town of Beaux Arts
Redmond	Issaquah
Sammamish	Snoqualmie
Duvall	North Bend
Carnation	Newcastle
District 500 (Southern District)	
Tukwila	
SeaTac	
Kent	
Covington	
Maple Valley	
Black Diamond	
Enumclaw	

The Districts shall each include portions of unincorporated King County as illustrated on **Exhibit B-1.**

Exhibit B-1

Control District Map

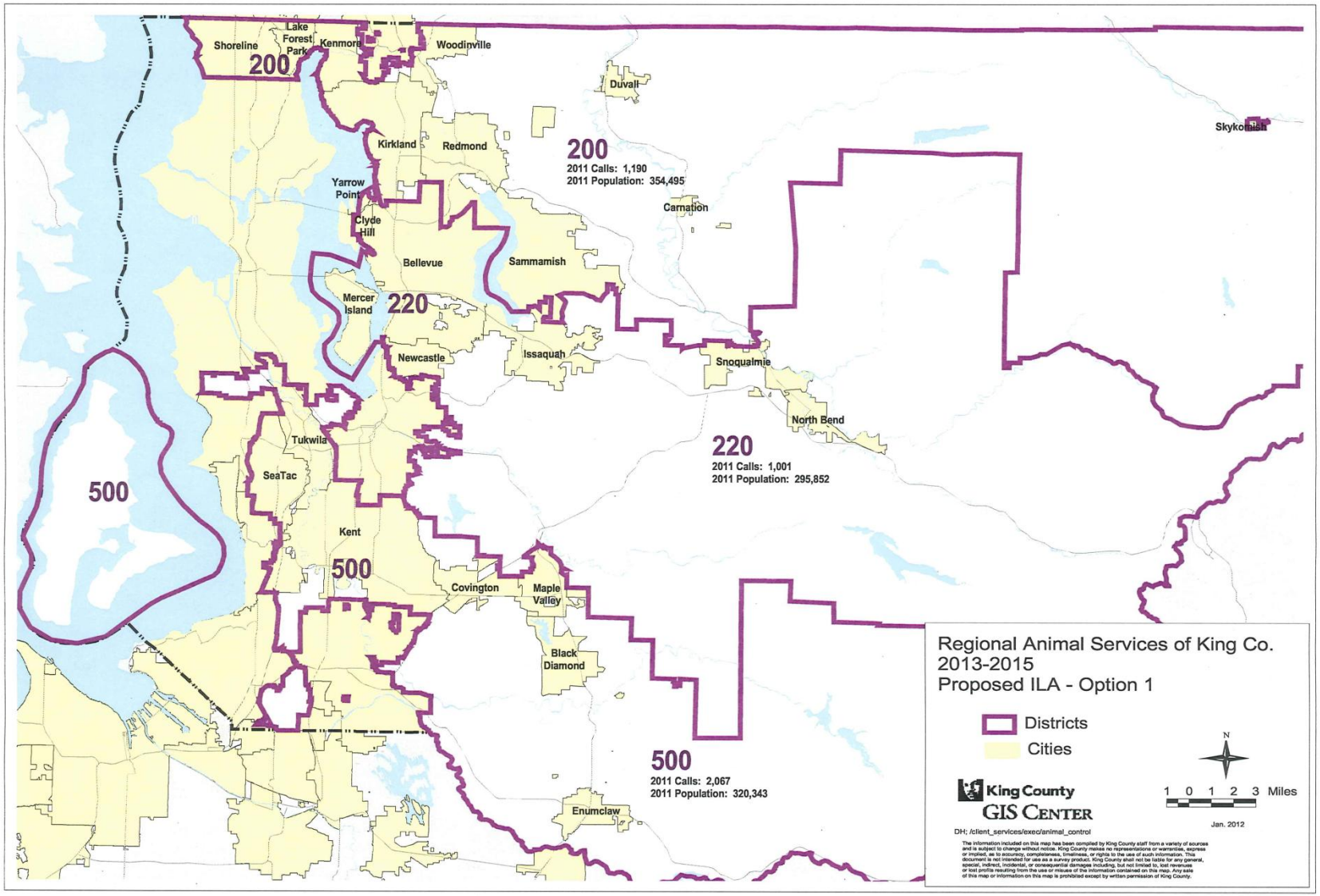


Exhibit C
Calculation of Estimated Payments

The Estimated Payment is the amount, before reconciliation, owed by the City to the County (or owed by the County to the City if the amount calculated is less than $0) for the provision of six months of Animal Services, based on the formulas below.

In summary and subject to the more detailed descriptions below, an initial cost allocation is made for Service Year 2013 based on the cost factors described in **Part 1** below; costs are offset by various revenues as described in **Part 2**. An annual reconciliation is completed as described in **Part 3**. In Service Years 2014 and 2015, the Contracting Parties' allocable costs are adjusted based on: (1) the actual change in total allocable costs over the previous Service Year (subject to an inflator cap), (2) changes in revenues, and (3) to account for annexations (in or out of the Program service area) of areas with a population of 2,500 or more, and for changes in relative population share of all Contracting Parties due to any Latecomer Cities. If the Agreement is extended past 2015, the cost allocation in 2016 will be recalculated in the same manner as for Service Year 2013 and adjusted in 2017 per the process used for Service Years 2014 and 2015.

Based on the calculation process described in **Parts 1** and **2**, an "Estimated Payment" amount owed by each City for each Service Year is determined. Each Estimated Payment covers six months of service. Payment for service is made by each City every June 15 and December 15.

<u>Part 1: Service Year 2013 Cost Allocation Process</u>

- Control Services costs are to be shared among the 3 geographic Control Districts; one quarter of such costs are allocated to Control District 200, one quarter to Control District 220, and one half are allocated to Control District 500. Each Contracting Party located within a Control District is to be allocated a share of Control District costs based 80% on the Party's relative share of total Calls for Service within the Control District and 20% on its relative share of total population within the Control District.

- Shelter Services costs are to be allocated among all Contracting Parties based 20% on their relative population and 80% on the total shelter intake of animals attributable to each Contracting Party, except that cities contracting for shelter services with PAWS will pay only a population-based charge.

- Licensing Services costs are to be allocated among all Contracting Parties, based 20% on their relative population and 80% on the number of licenses issued to residents of each Contracting Party.

Part 2: Revenue and Other Adjustments to the 2013 Cost Allocation.

In 2013 and each Service Year thereafter, the costs allocable to each Contracting Party are reduced by various revenues and credits:

- Licensing revenue will be attributed to each Contracting Party based on the residency of the individual purchasing the license (see **Part 3** for reconciliation of Licensing Revenues). As Licensing Revenue and Non-Licensing Revenues change from year to year, the most recent historical actual data for these amounts will be incorporated to offset costs (See **Exhibit C-6** for calculation periods).

- Two credits are applicable to various Contracting Cities to reduce the amount of their Estimated Payments: a Transition Funding Credit (fixed at 2013 level, payable annually through 2015) for cities with high per-capita costs and a Shelter Credit (for Contracting Cities with the highest per capita intakes (usage)) (also fixed at a 2013 level, payable annually through 2015). Application of these Credits is limited such that the Estimated Payment cannot fall below zero (before or after the annual Reconciliation calculation).

- In addition to the Transition Funding and Shelter credits, in 2013 the County will provide Licensing Revenue Support to nine identified Contracting Cities (selected based on the general goal of keeping 2013 costs the same or below 2012 costs). In exchange for certain in-kind support, these "Licensing Revenue Support Cities" are assured in 2013 of receiving an identified amount of additional licensing revenue or credit equivalent (the "Licensing Revenue Target"). In 2014 and 2015, all Contracting Cities may request licensing revenue support by entering into a separate licensing support contract with the County (**Exhibit F**): this support is subject to availability of County staff, with priority going to the nine Licensing Revenue Support Cities, *provided that,* Licensing Revenue Support Cities with a Licensing Revenue Target over $20,000/year will be assured such service in 2013-2015 by entering into a licensing support contract by September 1, 2012.

- As New Regional Revenues are received by the County to support the Animal Services Program, those Revenues shall be allocated as follows:

- Half of New Regional Revenues shall be applied to reduce allocable Control Services Costs, Shelter Services Costs, and Licensing Services Costs (in 2013, by 17%, 27% and 6%, respectively, of total New Regional Revenues; in 2014 and 2015 the 50% reduction is simply made against Total Allocable Costs).
- The remaining half of New Regional Revenues shall be applied in the following order of priority:

  (a) to offset amounts expended by the County as Transition Funding Credits, Shelter Credits and unreimbursed licensing revenue support;
  (b) to offset other County Animal Services Program costs that are not allocated in the cost model;
  (c) to reduce on a *pro-rata* basis up to 100% of the costs allocated to each Contracting Party by the population factor of the cost allocation formulas (20%) with the intent of reducing or eliminating the population-based cost allocation; and
  (d) if any funds remain thereafter, as an offset against each Contracting Party's final reconciled payment obligation. Items(c) and (d) above are unlikely to arise during the 3 year term of the Agreement and shall be calculated only at Reconciliation.

- In Service Years 2014 and 2015, allocable costs are adjusted for each Contracting Party based on the actual increase or decrease in allocable costs from year to year for the whole Program. Total Budgeted Allocable Costs cannot increase by more than the Annual Budget Inflator Cap. The Annual Budget Inflator Cap is the rate of inflation (based on the annual change in the September CPI-U for the Seattle-Tacoma-Bremerton area over the rate the preceding year) plus the rate of population growth for the preceding year for the County (including the unincorporated area and all Contracting Cities).

- In all Service Years, costs are also adjusted for annexations (in or out of the Program service area) of areas with a population greater of 2,500 or more and the shift in relative population shares among all Contracting Parties as a result of any Latecomer Cities.

Part 3: Reconciliation

- Estimated Payments are reconciled to reflect actual revenues as well as changes in population attributable to annexations of areas with a population of 2,500 or more (in or out of the Program) and the shifts in relative population among all Contracting Parties as a result of any Latecomer Cities. The Reconciliation occurs

by June 30 of the following calendar year. The Reconciliation calculation and payment process is described in **Exhibit D**.

- The receipt of Transition Funding Credits or Shelter Credits can never result in the amount of the Estimated Reconciliation Adjustment Payment falling below $0.

- If a jurisdiction's licensing revenues exceed its net costs payable under this Agreement, then in the annual reconciliation process, the excess licensing revenue is reallocated *pro rata* amongst all Contracting Parties which will otherwise incur net costs; *provided that,* the determination of net costs shall be adjusted as follows: (1) for a Contracting City purchasing shelter services from PAWS, net costs includes consideration of the amounts paid by such City to PAWS; and (2) for a Contracting City purchasing Enhanced Control Services per Exhibit E, net costs includes consideration of the amounts paid for such services.

Part 4: Estimated Payment Calculation Formulas

For Service Year 2013:[1]

EP = [(EC + ES + EL) – (ER + T + V)] ÷ 2

For Service Years 2014 and 2015:

EP = [(B x LF) – (ER +T + V)] ÷ 2

Where:

"EP" is the Estimated Payment. For Contracting Cities receiving a Transition Credit or Shelter Credit, the value of EP may not be less $0.

"EC" or "Estimated Control Services Cost" is the City's estimated share of the Budgeted Net Allocable Control Services Cost for the Service Year. *See formula below for deriving "EC."*

"ES" or "Estimated Shelter Services Cost" is the City's estimated share of the Budged Net Allocable Shelter Services Cost for the Service Year. *See formula below for deriving "ES."*

[1] This formula also applies to Service Year 2016 if the Agreement is extended. The EP formula for Years 2014 and 2015 would apply to Service Years after 2016.

"EL" or "Estimated Licensing Services Cost" is the City's estimated share of the Budgeted Net Allocable Licensing Services Cost for the Service Year. *See formula below for deriving "EL."*

"ER" is Estimated Licensing Revenue attributable to the City. For purposes of determining the Estimated Payment in Year 2013, ER is based on the number of each type of active license issued to City residents in years 2011 (the "Calculation Period"). **Exhibit C-2** shows a preliminary estimate of 2011 Licensing Revenue; the numbers in this exhibit are subject to Reconciliation by June 30, 2012. For Licensing Revenue Support Cities identified in **Exhibit C-5,** or other Contracting Cities which have entered into a Licensing Support Contract per **Exhibit F**, **ER** is increased by adding the amount of revenue, if any, estimated to be derived as a result of licensing revenue support provided to the City (the "Licensing Revenue Target" or "**RT**"); this amount is also shown in the column captioned "Estimated Revenue from Proposed Licensing Support" on **Exhibit C-1**). License Revenue that cannot be attributed to a specific Party (e.g., License Revenue associated with incomplete address information), which generally represents a very small fraction of overall revenue, is allocated amongst the Parties based on their respective percentages of ER as compared to Total Licensing Revenue. Notwithstanding the foregoing, "**ER**" may be based on a *estimated* amount of licensing for the Service Year for the City if, in the reasonable judgment of the County, an estimated Licensing Revenue amount can be proposed that is likely to more closely approximate the actual Licensing Revenue for the Service Year than the data from the Calculation Period; *provided that* the use of any estimates shall be subject to the conditions of this paragraph. The County shall work with the Joint City-County Committee to develop estimated Licensing Revenue amounts for all Contracting Cities for the upcoming Service Year. If the Joint City County Committee develops a consensus proposal (agreement shall be based on the consensus of those Contracting Cities present at the Joint City/County meeting in which Licensing Revenue estimates are presented in preparation for the September 1 Preliminary Estimated Payment Calculation notification), it shall be used in developing the September 1 Preliminary Estimated Payment Calculation. If a consensus is ***not*** reached, the County shall apply the actual Licensing Revenue from the Calculation Period for the Service Year to determine the Preliminary Estimated Payment. For the Final Estimated Payment Calculation (due December 15), the County may revisit the previous estimate with the Joint City-County Committee and seek to develop a final consensus revenue estimate. If a consensus is not reached, the County shall apply the Actual Licensing Revenue from the applicable Calculation Period in the calculation of the Final Estimated Payment.

"T" is the **Transition Funding Credit**, if any, allocable to the City for each Service Year calculated per **Exhibit C-4.**

"**V**" is the **Shelter Credit**, if any, allocable to the City for each Service Year calculated per **Exhibit C-4**.

"B" is the "**Budgeted Total Net Allocable Costs**" estimated for the Service Year for the provision of Animal Services which are allocated among all the Contracting Parties for the purposes of determining the Estimated Payment. The Budgeted Total Net Allocable Costs are calculated as the **Budgeted Total Allocable Costs** (subject to the **Annual Budget Inflator Cap**) *less* **Budgeted Total Non-Licensing Revenue** and *less* **50% of Estimated New Regional Revenues.** The Budgeted Total Allocable Costs *exclude* any amount expended by the County as Transition Funding Credits, or Shelter Credits (described in **Exhibit C-4**), or to provide Licensing Revenue Support (described in **Section 7** and **Exhibit C-5**). A preliminary calculation (by service area—Control, Shelter, Licensing) of Budgeted Total Net Allocable Costs, Budgeted Total Allocable Costs and Budgeted Total Non-Licensing Revenue for purposes of calculating the Pre-Commitment Estimated 2013 Payments is set forth in **Exhibit C-3**.

"**LF**" is the "**Program Load Factor**" attributable to the City. **LF** has two components, one fixed, and one subject to change each Service Year and at Reconciliation. The first, fixed component relates to the City's share of Budgeted Total Net Allocable Costs: it is the City's 2013 Service Year Total Animal Services Cost Allocation (See Column 6 of **Exhibit C-1**) *expressed as a percentage* of the Budgeted Total Net Allocable Costs for 2013. The pre-commitment estimate of **LF** appears in column 7 of **Exhibit C-1**. This component of **LF** (as determined based on the Final 2013 Estimated Payment) remains constant for Service Years 2014 and 2015. The second component of **LF** relates to annexations of areas with a population of 2,500 or more or to Latecomer Cities. This second component is calculated as described in the definition of "**Population,**" below.

"**Total Licensing Revenue**" means all revenue received by the County's Animal Services Program attributable to the sale of pet licenses excluding late fees. With respect to each Contracting Party, the amount of "**Licensing Revenue**" is the revenue generated by the sale of pet licenses to residents of the jurisdiction. (With respect to the County, the jurisdiction is the unincorporated area of King County.)

"**Total Non-Licensing Revenue**" means all revenue from fine, forfeitures, and all other fees and charges imposed by the County's Animal Services program in connection with the operation of the Program, *but excluding* **Total Licensing Revenue, Estimated New Regional Revenues** and **Designated Donations.**

"**Estimated New Regional Revenues**" ("**ENR**") are revenues projected to be received by the County specifically for support of Animal Services which result from regional marketing campaigns (thus excluding local licensing canvassing efforts pursuant to **Section 7**), and new foundation, grant, donation and entrepreneurial activities, except where revenues from these sources are designated for specific purposes within the Animal Services Program. Calculation and allocation of Estimated and Actual New Regional Revenues are further described in **Exhibit C-4**. For Service Year 2013, Estimated New Regional Revenues are assumed to be zero. If New Regional Revenues are received in 2013, they will be accounted for in the reconciliation of 2013 Payments. **ENR** excludes **Designated Donations, Total Non-Licensing Revenue** and **Total Licensing Revenue.**

"**Designated Donations**" mean donations from individuals or other third parties to the County made for the purpose of supporting specific operations, programs or facilities within the Animal Services Program.

"**Licensing Revenue Support"** means activities or funding to be undertaken in specific cities to enhance licensing revenues, per **Section 7**, **Exhibit C-5** and **Exhibit F**.

"**Annual Budget Inflator Cap**" means the maximum amount by which the Budgeted Total Allocable Costs may be increased from one Service Year to the next Service Year, and year to year, which is calculated as the rate of inflation (based on the annual change in the September CPI-U for the Seattle-Tacoma-Bremerton area over the rate the preceding year) plus the rate of population growth for the preceding year for the County (including the unincorporated area and all Contracting Cities), as identified by comparing the two most recently published July OFM city and county population reports. The cost allocations to individual services (e.g. Control Services, Shelter Services or Licensing Services) or specific items within those services may be increased or decreased from year to year in so long as the Budgeted Total Annual Allocable Costs do not exceed the Annual Budget Inflator Cap.

"**Service Year**" is the calendar year in which Animal Services are/were provided.

"**Calculation Period**" is the time period from which data is used to calculate the Estimated Payment. The Calculation Period differs by formula component and Service Year. **Exhibit C-6** sets forth in table form the Calculation Periods for all formula factors for Service Years 2013, 2014 and 2015.

"**Population**" with respect to any Contracting Party for Service Year 2013 means the population number derived from the State Office of Financial Management (OFM) most recent annually published report of population used for purposes of allocating state shared revenues in the subsequent calendar year (typically published by OFM each July,

reflecting final population estimates *as of April of the same calendar year*). For each Service Year, the OFM reported population will be adjusted for annexations of 2,500 or more residents known to be occurring after April, 2012 and before the end of the Service Year. *For example*, when the final Estimated Payment calculation for 2013 is provided on December 15, 2012, the population numbers used will be from the OFM report issued in July 2012 and will be adjusted for all annexations of 2,500 or more residents that occurred (or are known to be occurring) between April 2012 and December 31, 2013. In any Service Year, if: (1) annexations of areas with a population of 2,500 or more people occurs to impact the population within the jurisdiction of a Contracting Party; or (2) a Latecomer City is brought under contract with the County, these changes shall be accounted for in the calculation of the Estimated Payment for such Service Year by adjusting the "**Program Load Factor**" (or "**LF**") for each Contracting Party. Such adjustment shall be made at the next occurring possibility (e.g., at calculation of the Preliminary Estimated Payment, Final Estimated Payment, or Reconciliation, whichever is soonest). The adjustment in **LF** will be made on a *pro rata* basis to reflect the portion of the year in which the population change was in effect.

- In the case of an annexation, the LF calculation will consider the time the annexed area was in the Contracting Party's jurisdiction and the portion of the year in which the area was not in such Party's jurisdiction, as well as the relative shift in population (if any) *attributable solely to the annexation* as between all Contracting Parties, by adding (or subtracting) to the **LF** for each Contracting Party an amount that is 20% (reflecting the general allocation of cost under the Agreement based on population) of the *change in population* for each Contracting Party (*expressed as a percentage* of the Contracting Party's population as compared to the total population for all Contracting Parties) derived by comparing the Final 2013 Estimated Payment population percentage (**LF**) to the population percentage after considering the annexation. The population of an annexed area will be as determined by the Boundary Review Board, in consultation with the annexing city. The population of the unincorporated area within any District will be determined by the County's demographer.
- In the case of a Latecomer City, the population shall be similarly adjusted among all Contracting Parties in the manner described above for annexations, by considering the change in population between all Contracting Parties *attributable solely* to the Latecomer City becoming a Contracting Party.

Exhibit C-1 shows the calculation of Pre-Commitment **EP** for Service Year 2013, assuming that the County and all Cities that have expressed interest in signing this Agreement as of May 16, 2012, do in fact approve and sign the Agreement and as a result the Minimum Contract Requirements with respect to all such Cities and the County are met per **Section 15**.

<u>Component Calculation Formulas (used in Service Year 2013):</u>

EC is calculated as follows:

EC = {[(C x .5) x .8] x CFS} + {[(C x .5) x .2] x D-Pop}

Where:

"C" is the **Budgeted Net Allocable Control Services Cost** for the Service Year, which equals the County's Budgeted Total Allocable Costs for Control Services in the Service Year, ***less*** the Budgeted Total Non-Licensing Revenue attributable to Control Services in the Service Year (for example, fines issued in the field) ***and less 17%*** of Estimated New Regional Revenues ("**ENR**"). For purposes of determining the Pre-Commitment Estimated Payments for 2013, the Budgeted Net Allocable Control Services Cost is $1,690,447, calculated as shown on **Exhibit C-3,** and shall be similarly derived to determine the Preliminary and Final Estimated Payment for 2013 and for Service Year 2016 if the Agreement is extended beyond December 31, 2015.

"**CFS"** is the total annual number of Calls for Service for the Service Year for Control Services originating within the City *expressed as a percentage* of the CFS for all Contract Parties within the same Control District. A Call for Service is defined as a request from an individual, business or jurisdiction for a control service response to a location within the City, or a response initiated by an Animal Control Officer in the field, which is entered into the County's data system (at the Animal Services call center or the sheriff's dispatch center acting as back-up to the call center) as a request for service. Calls for information, hang-ups and veterinary transfers are not included in the calculation of Calls for Service. A response by an Animal Control Officer pursuant to an Enhanced Control Services Contract will not be counted as a Call for Service. For purposes of determining the Estimated Payment in 2013, the Calculation Period for CFS is calendar year 2011 actual data. **Exhibit C-2** shows a preliminary estimate of 2011 **CFS** used to determine the Pre-Commitment Estimated 2013 Payment; the numbers in this Exhibit C-2 are subject to Reconciliation by June 30, 2012.

"D-Pop" is the **Population** of the City, *expressed as a percentage* of the Population of all jurisdictions within the applicable Control District.

ES for Service Year 2013 is calculated as follows:

If, as of the effective date of this Agreement, the City has entered into a contract for shelter services with the Progressive Animal Welfare Society (PAWS) in Lynnwood, WA, then, for so long as such contract remains in effect, the City will not pay a share of shelter costs associated with shelter usage ("**A**" as defined below) and instead the Estimated Payment will include a **population-based charge only,** reflecting the regional shelter benefits nonetheless received by such City, calculated as follows (the components of this calculation are defined as described below).

ES = (S x.2 x Pop)

If the City **does not** qualify for the population-based shelter charge only, ES is determined as follows:

ES = (S x .2 x Pop) + (S x .8 x A)

Where:

"S" is the Budgeted Net Allocable Shelter Services Cost for the Service Year, which equals the County's Budgeted Total Allocable Costs for Shelter Services ***less*** Budgeted Total Non-Licensing Revenue attributable to Shelter operations (i.e., adoption fees, microchip fees, impound fees, owner-surrender fees, from all Contracting Parties) ***and less*** 27% of Estimated New Regional Revenues (**ENR**) in the Service Year. For purposes of determining the Pre-Commitment Estimated Payments for 2013, the Budgeted Net Allocable Shelter Services Cost is $2,707,453, calculated as shown on **Exhibit C-3**, and shall be similarly derived to determine the Preliminary and Final Estimated Payments for 2013 and for Service Year 2016 if the Agreement is extended beyond December 31, 2015.

"Pop" is the population of the City expressed as a percentage of the Population of all Contracting Parties.

"A" is the total number of animals that were: (1) picked up by County Animal Control Officers from within the City, (2) delivered by a City resident to the County shelter, or (3) delivered to the shelter that are owned by a resident of the City *expressed as a percentage* of the total number of animals in the County Shelter during the Calculation Period. For purposes of the 2013 Estimated Payment, the Calculation Period for "**A**" is calendar year 2011. **Exhibit C-2** shows a preliminary estimate of "**A**" for 2011 used to determine the Pre-Commitment Estimated 2013 Payments; the numbers in this exhibit are subject to Reconciliation by June 30, 2012.

EL for Service Year 2013 is calculated as follows:

EL = (L x .2 x Pop) + (L x .8 x I)

Where:

"L" is the Budgeted Net Licensing Services Cost for the Service Year, which equals the County's Budgeted Total Allocable Costs for License Services in the Service Year ***less*** Budgeted Total Non-Licensing Revenue attributable to License Services (for example, pet license late fees) in the Service Year ***and less* 6%** of Estimated New Regional Revenues (ENR) in the Service Year. For purposes of determining the Pre-Commitment Estimated Payments for 2013, the Budgeted Net Licensing Cost is $660,375, calculated as shown on **Exhibit C-3**, and shall be similarly derived to determine the Preliminary and final Estimated Payments for 2013 and for Service Year 2016 if the Agreement is extended beyond December 31, 2015.

"Pop" is the Population of the City expressed as a percentage of the population of all Contracting Parties.

"I" is the number of active paid regular pet licenses (e.g., excluding 'buddy licenses" or temporary licenses) issued to City residents during the Calculation Period. For purposes of calculating the Estimated Payment in 2013, the Calculation Period for **"I"** is calendar year 2011. **Exhibit C-2** shows a preliminary estimate of "**I**" to be used for calculating the Pre-Commitment Estimated 2013 Payments; the numbers in this Exhibit are subject to reconciliation by June 30, 2012.

Exhibit C-1

Regional Animal Services of King County
Pre-Commitment Estimated 2013 Payment Calculation (Annualized)

Allocation Method: Population = 20%, Usage = 80%, Three (3) Control Districts: 200, 220, with Control Districts 240 and 260 combined into one (500), costs to districts 25%, 25%, 50%. Usage and Licensing Revenue based on 2011 Preliminary Year End.

	Control	Shelter	Licensing	Total Allocated Costs (1)	2011 Licensing Revenue (est)	Estimated Net Cost
Budgeted Total Allocable Costs	**$1,770,487**	**$2,819,960**	**$673,640**	**$5,264,087**		
Budgeted Non-Licensing Revenue	**$80,040**	**$112,507**	**$13,265**	**$205,812**		
Budgeted New Regional Revenue (50%)	**$0**	**$0**	**$0**	**$0**		
Budgeted Net Allocable Costs	**$1,690,447**	**$2,707,453**	**$660,375**	**$5,058,275**	**$2,480,689**	**-$2,577,586**

Animal Control District Number	Jurisdiction	Estimated Animal Control Cost Allocation (2)	Estimated Sheltering Cost Allocation (3)	Estimated Licensing Cost Allocation (4)	Estimated Total Animal Services Cost Allocation	Program Load Factor (9)	2011 Licensing Revenue (Estimated)	Estimated Net Cost Allocation	2013-2015 Transition Funding (Annual) (5)	2013 - 2015 Shelter Credits (Annual) (6)	Estimated Net Costs with Transition Funding and Credits	Estimated Revenue from Proposed Licensing Support (7)	Estimated Net Final Cost (8)
200	Carnation	$4,118	$3,497	$1,239	$8,854	0.1750%	$4,752	-$4,102	$552	$0	-$3,550	$966	-$2,584
	Duvall	$11,261	$15,264	$5,351	$31,876	0.6302%	$21,343	-$10,533		$0	-$10,533	$7,658	-$2,875
	Estimated Unincorporated King County	$83,837	*(see total below)*	*(see total below)*	*(see total below)*		*(see total below)*	*(see total below)*	*NA*	*NA*	*NA*	*NA*	*NA*
	Kenmore	$37,911	$11,592	$15,423	$64,926	1.2836%	$58,602	-$6,324	$0	$0	-$6,324	$0	-$6,324
	Kirkland	$84,595	$99,626	$59,940	$244,162	4.8270%	$208,000	-$36,162		$0	-$36,162	$23,853	-$12,309
	Lake Forest Park	$22,894	$7,034	$12,099	$42,027	0.8309%	$48,504	$6,477	$0	$0	$6,477	$0	$6,477
	Redmond	$37,867	$54,303	$32,308	$124,478	2.4609%	$116,407	-$8,071	$0	$0	-$8,071	$0	-$8,071
	Sammamish	$35,341	$44,214	$31,129	$110,684	2.1882%	$117,649	$6,965	$0	$0	$6,965	$0	$6,965
	Shoreline	$92,519	$29,677	$38,194	$160,391	3.1709%	$145,689	-$14,702	$0	$0	-$14,702	$0	-$14,702
	Woodinville	$12,268	$6,103	$7,708	$26,079	0.5156%	$29,220	$3,141	$0	$0	$3,141	$0	$3,141
SUBTOTAL FOR CITIES IN 200 (excludes unincorporated area)		**$338,775**	**$271,310**	**$203,392**	**$813,477**		**$750,166**	**-$63,311**	**$552**	**$0**	**-$62,759**	**$32,477**	**-$30,282**
220	Beaux Arts	$86	$167	$246	$500	0.0099%	$930	$430	$0	$0	$430	$0	$430
	Bellevue	$142,322	$161,486	$75,249	$379,056	7.4938%	$273,931	-$105,125		$0	-$105,125	$34,449	-$70,676
	Clyde Hill	$1,866	$3,168	$1,952	$6,985	0.1381%	$7,170	$185	$0	$0	$185	$0	$185
	Estimated Unincorporated King County	$166,199	*(see total below)*	*(see total below)*	*(see total below)*		*(see total below)*	*(see total below)*	*NA*	*NA*	*NA*	*NA*	*NA*
	Issaquah	$53,351	$46,167	$16,279	$115,797	2.2893%	$55,947	-$59,850	$0	$0	-$59,850	$0	-$59,850
	Mercer Island	$13,581	$18,177	$13,853	$45,611	0.9017%	$49,962	$4,351	$0	$0	$4,351	$0	$4,351
	Newcastle	$16,484	$12,318	$4,657	$33,459	0.6615%	$15,271	-$18,188	$0	$0	-$18,188	$2,599	-$15,589
	North Bend	$15,851	$16,273	$4,128	$36,252	0.7167%	$15,694	-$20,558	$1,376	$586	-$18,596	$6,463	-$12,133
	Snoqualmie	$12,248	$11,116	$6,737	$30,101	0.5951%	$25,065	-$5,036	$0	$0	-$5,036	$0	-$5,036
	Yarrow Point	$625	$561	$760	$1,945	0.0385%	$2,700	$755	$0	$0	$755	$0	$755
SUBTOTAL FOR CITIES IN 220 (excludes unincorporated area)		**$256,413**	**$269,432**	**$123,862**	**$649,707**		**$446,670**	**-$203,037**	**$1,376**	**$586**	**-$201,075**	**$43,511**	**-$157,564**
500	Kent	$263,232	$794,101	$69,400	$1,126,733	22.2750%	$253,944	-$872,789	$110,495	$495,870	-$266,424	$0	-$266,424
	SeaTac	$79,732	$184,894	$13,311	$277,938	5.4947%	$47,232	-$230,706	$7,442	$116,611	-$106,653	$0	-$106,653
	Tukwila	$49,635	$110,787	$9,229	$169,652	3.3539%	$32,705	-$136,947	$5,255	$61,987	-$69,705	$0	-$69,705
	Black Diamond	$8,084	$14,340	$2,685	$25,108	0.4964%	$10,185	-$14,923	$1,209	$3,263	-$10,451	$2,001	-$8,450
	Covington	$52,490	$82,456	$12,634	$147,580	2.9176%	$48,982	-$98,598	$5,070	$36,409	-$57,119	$0	-$57,119
	Enumclaw	$41,747	$56,672	$6,920	$105,340	2.0825%	$25,307	-$80,033	$11,188	$28,407	-$40,438	$5,973	-$34,465
	Estimated Unincorporated King County	$309,089	*(see total below)*	*(see total below)*	*(see total below)*		*(see total below)*	*(see total below)*	*NA*	*NA*	*NA*	*NA*	*NA*
	Maple Valley	$41,215	$68,380	$15,080	$124,675	2.4648%	$56,628	-$68,047	$6,027	$6,867	-$55,153	$6,956	-$48,197
SUBTOTAL FOR CITIES IN 500 (excludes unincorporated area)		**$536,135**	**$1,311,631**	**$129,259**	**$1,977,025**		**$474,983**	**-$1,502,042**	**$146,686**	**$749,414**	**-$605,942**	**$14,930**	**-$591,012**
	TOTAL FOR CITIES	**$1,131,322**	**$1,852,373**	**$456,514**	**$3,440,209**		**$1,671,819**	**-$1,768,390**	**$148,614**	**$750,000**	**-$869,776**	**$90,918**	**-$778,858**
	Total King County Unincorporated Area Allocation	***$559,125***	***$855,080***	***$203,861***	***$1,618,065***	31.9885%	***$808,870***	***-$809,195***					***-$809,195***
		$1,690,447	$2,707,453	$660,375	$5,058,275	100.00%	$2,480,689	-$2,577,586					

Source: Regional Animal Services of King County

Date: Jan 30, 2012 (Draft) Updated 5-25-12

Numbers are estimates only for the purpose of negotiation discussions. The numbers and allocation methodology are subject to change while negotiations are underway.

Exhibit C-1, cont'd.

Notes:
1. Based on various efficiencies and changes to the RASKC operating budget, adjustments for reduced intakes overall, reduced usage with Auburn out, and shifting two positions out of the model (county sponsored), the 2013 Estimated Budgeted Total Allocable Cost has been reduced to $5,264,087.
2. One quarter of control services costs are allocated to control districts 200 and 220, and one half of control costs are allocated to district 500, then costs are further allocated 80% by total call volume (2011 Calls - Preliminary year end) and 20% by 2011 population.
3. This excludes the cost to northern cities of sheltering their animals at PAWS under separate contracts. Shelter costs are allocated 80% by King County shelter volume intake (2011 Preliminary year end) and 20% by 2011 population.
4. Licensing costs are allocated 20% by population (2011) and 80% by total number of Pet Licenses issued (2011) less $0.00 Sr. Lifetime Licenses.

5. Transition funding is allocated per capita in a two tier formula to cities with certain per capita net cost allocations. For additional detail, see 2010 Interlocal Agreement Exhibit C-4 (2013 column) for more information. Transition Funding does not change for years 2013 - 2015.
6. Credits are allocated to those jurisdictions whose shelter intakes per capita exceeded the system average (.0043) and are intended to help minimize the impact of changing the cost allocation methodology from 50% population/50 usage to the new 20% population/80% usage model. See Interlocal Agreement Exhibit C-4 for more detail.
7. New Transition License Funding has been included for certain jurisdictions to help limit the Estimated Net Final Cost to the 2012 estimated level. Receipt of support is contingent on city providing in-kind services and county ability to provide resources and/or recover costs
8. Net Final Costs greater than $0 will be reallocated to remaining jurisdictions with a negative net final cost, northern cities Net Final Costs shall be inclusive of their PAWS Sheltering costs.
9. Program Load Factor (LF) , per ILA Exhibit C, Part 4, Estimated Payment Calculation Formula, is the City's share of Budgeted Total Net Allocable Costs: it is the City's 2013 Service Year Total Animal Services Cost Allocation expressed as a percentage of the Budgeted Total Net Allocable Costs for 2013. Refer to the ILA for additional details.

Exhibit C-2

Population, Calls for Service, Shelter Use and Licensing Data for Jurisdictions, Used to Derive the Pre-Commitment 2013 Estimated

Source: Wash. St. Office of Financial Management, KC Office of Management and Budget, Regional Animal Services of KC
Date: February 22, 2012

Proposed District	Jurisdiction	2011 Population	Estimated 2013 Calls	Estimated 2013 Intakes	Estimated 2013 Licenses
200	Bothell				
	Carnation	1,780	13	5	160
	Duvall	6,715	34	23	712
	Estimated Unincorporated King County	65,642	240	*(see total below)*	*(see total below)*
	Kenmore	20,780	116	0	2,021
	Kirkland	80,738	230	109	7,855
	Lake Forest Park	12,610	70	0	1,666
	Redmond	55,150	87	47	3,980
	Sammamish	46,940	85	36	3,970
	Shoreline	53,200	281	0	4,967
	Woodinville	10,940	34	0	998
220	Beaux Arts	300	0	0	33
	Bellevue	123,400	317	185	9,380
	Clyde Hill	2,985	3	3	248
	Estimated Unincorporated King County	87,572	418	*(see total below)*	*(see total below)*
	Issaquah	30,690	132	58	1,942
	Mercer Island	22,710	21	11	1,727
	Newcastle	10,410	40	13	520
	North Bend	5,830	42	26	535
	Snoqualmie	10,950	27	10	842
	Yarrow Pt	1,005	1	0	100
500	Kent (Includes Panther Lake Annexation)	118,200	614	1,454	8,555
	SeaTac	27,110	200	339	1,544
	Tukwila	19,050	121	200	1,065
	Auburn	0	0	0	0
	Black Diamond	4,160	18	24	340
	Covington	17,640	132	145	1,642
	Enumclaw	10,920	110	101	872
	Estimated Unincorporated King County	100,333	783	*(see total below)*	*(see total below)*
	Maple Valley	22,930	89	111	1,919
City Totals		**782,785**	**2,817**	**2,900**	**57,593**
King County Unincorporated Area Totals		187,905	1,441	1,425	27,175
TOTALS		***970,690***	***4,258***	***4,325***	***84,768***

Note: Usage data from 2011 activity. License count excludes Senior Lifetime Licenses

Exhibit C-3

Calculation of Budgeted Total Allocable Costs, Budgeted Total Non-Licensing Revenue, and Budgeted Net Allocable Costs

This Exhibit Shows the Calculation of Budgeted Total Allocable Costs, Budgeted Total Non-Licensing Revenue, and Budgeted Net Allocable Costs to derive Pre-Commitment Estimated 2013 Payments. All values shown are based on annualized costs and revenues. The staffing levels incorporated in this calculation are for year 2013 only and except as otherwise expressly provided in the Agreement may change from year to year as the County determines may be appropriate to achieve efficiencies, etc.

Control Services: Calculation of Budgeted Total Allocable Costs, Budgeted Total Non-Licensing Revenue, and Budgeted Net Allocable Costs

The calculation of Pre-Commitment Estimated 2013 Control Services Costs is shown below (all costs in 2012 dollars).

		Cost Methodology
1	Direct Service Management Staff Costs	$148,361
2	Direct Service Field Staff Costs	$725,879
3	Call Center Direct Service Staff Costs	$229,697
4	Overtime, Duty, Shift Differential and Temp Costs	$80,891
5	Facilities Costs	$8,990
6	Office and Other Operational Supplies and Equipment	$17,500
7	Printing, Publications, and Postage	$34,000
8	Medical Costs	$22,500
9	Other Services	$80,000
10	Transportation	$141,904
11	Communications Costs	$38,811
12	IT Costs and Services	$50,626
13	Misc Direct Costs	$41,900
14	General Fund Overhead Costs	$15,842
15	Division Overhead Costs	$110,490
16	Other Overhead Costs	$23,096
	2010 Budgeted Total Allocable Control Services Cost	$1,770,487
17	Less 2010 Budgeted Total Non-Licensing Revenue Attributable to Control Services	$80,040
18	Less 17% of Estimated New Regional Revenues for 2013	0
	2010 Budgeted Net Allocable Control Services Cost	$1,690,447

NOTES:

4 These additional salary costs support complete response to calls at the end of the day, limited response to emergency calls after hours, and extra help during peak call times.

5 Facilities costs include maintenance and utilities for a portion (5%) of the Kent Shelter (which houses the call center staff operations and records retention as well as providing a base station for field officers). Excludes all costs associated with the Crossroads facility.

6 This item includes the office supplies required for both the call center as well as a wide variety of non-computer equipment and supplies related to animal control field operations (e.g., uniforms, tranquilizer guns, boots, etc.).

7 This cost element consists of printing and publication costs for various materials used in the field for animal control.

8 Medical costs include the cost for ambulance and hospital care for animals requiring emergency services.

9 Services for animal control operations vary by year but consist primarily of consulting vets and laboratory costs associated with cruelty cases.

10 Transportation costs include the cost of the maintenance, repair, and replacement of the animal care and control vehicles and cabs, fuel, and reimbursement for occasional job-related use of a personal vehicle.

11 Communication costs involve the direct service costs for telephone, cell phone, radio, and pager use.

12 Information technology direct costs include IT equipment replacement as well as direct services costs. Excludes approximately $50,000 in service costs associated with mainframe systems.

13 Miscellaneous direct costs consist of all animal control costs not listed above including but not limited to contingency, training, certification, and bad checks.

14 General fund overhead costs included in this model include building occupancy charges and HR/personnel services. No other General Fund overhead costs are included in the model.

15 Division overhead includes a portion of the following personnel time as well as a portion of division administration non-labor costs, both based on FTEs: division director, assistant division director, administration, program manager, finance officer, payroll/accounts payable, and human resource officer.

16 Other overhead costs include IT, telecommunications, finance, and property services.

17 Non-licensing revenue attributable to field operations include animal control violation penalties, charges for field pickup of deceased/owner relinquished animals, and fines for failure to license.

Shelter Services: Calculation of Budgeted Total Allocable Costs, Budgeted Total Non-Licensing Revenue, and Budgeted Net Allocable Costs

The calculation of Pre-Commitment Estimated 2013 Shelter Services Costs is shown below (all costs in 2012 dollars).

		Cost Methodology
1	Direct Service Management Staff Costs	$214,815
2	Direct Service Shelter Staff Costs	$1,168,436
3	Direct Service Clinic Staff Costs	$286,268
4	Overtime, Duty, Shift Differential and Temp Costs	$159,682
5	Facilities Costs	$170,814
6	Office and Other Operational Supplies and Equipment	$94,200
7	Printing, Publications, and Postage	$20,000
8	Medical Costs	$127,500
9	Other Services	$122,500
10	Transportation	$10,566
11	Communications Costs	$6,200
12	IT Costs and Services	$51,360
13	Misc Direct Costs	$60,306
14	General Fund Overhead Costs	$113,614
15	Division Overhead Costs	$176,572
16	Other Overhead Costs	$37,124
	2010 Budgeted Total Allocable Shelter Services Cost	$2,819,960
17	Less 2010 Budgeted Total Non-Licensing Revenue Attributable to Shelter Services	$112,507
18	Less 27% of Estimated New Regional Revenues for 2013	0
	2010 Budgeted Net Allocable Shelter Services Cost	$2,707,453

NOTES:

5 Facilities costs include maintenance and utilities for the majority (95%) of the Kent Shelter (which also houses the call center staff operations and records retention as well as providing a base station for field officers). It excludes all costs associated with the Crossroads facility.

6 This item includes the office supplies as well as a wide variety of non-computer equipment and supplies related to animal care (e.g., uniforms, food, litter, etc.).

7 This cost element consists of printing and publication costs for various materials used at the shelter.

8 Medical costs include the cost for ambulance and hospital care for animals requiring emergency services as well as the cost for consulting vets, laboratory costs, medicine, and vaccines.

9 Services for animal control operations vary by year but include costs such as shipping of food provided free of charge and sheltering of large animals.
10 Transportation costs include the cost of the maintenance, repair, and replacement of and fuel for the animal care and control vehicles used by the shelter to facilitate adoptions, as well as reimbursement for occasional job-related use of a personal vehicle.
11 Communication costs involve the direct service costs for telephone, cell phone, radio, and pager use.
12 Information technology direct costs include IT equipment replacement as well as direct services costs.
13 Miscellaneous direct costs consist of all animal care costs not listed above including but not limited to contingency, training, certification, and bad checks.
14 General fund overhead costs included in this model include building occupancy charges and HR/personnel services. No other General Fund overhead costs are included in the model.
15 Division overhead includes a portion of the following personnel time as well as a portion of division administration non-labor costs, both based on FTEs: division director, assistant division director, administration, program manager, finance officer, payroll/accounts payable, and human resource officer.
16 Other overhead costs include IT, telecommunications, finance, and property services.
17 Non-licensing revenue attributable to sheltering operations include impound fees, microchip fees, adoption fees, and owner relinquished euthanasia costs.

Licensing Services: Calculation of Budgeted Total Allocable Costs, Budgeted Total Non-Licensing Revenue, and Budgeted Net Allocable Costs

The calculation of Pre-Commitment Estimated 2013 Licensing Services Costs is shown below (all costs in 2012 dollars).

		Cost Methodology
1	Direct Service Management Staff Costs	$52,917
2	Direct Service Licensing Staff Costs	$346,523
3	Overtime, Duty, Shift Differential and Temp Costs	$26,295
4	Facilities Costs	$13,100
5	Office and Other Operational Supplies and Equipment	$3,300
6	Printing, Publications, and Postage	$74,600
7	Other Services	$14,500
8	Communications Costs	$2,265
9	IT Costs and Services	$77,953
10	Misc Direct Costs	$2,000
11	General Fund Overhead Costs	$9,884
12	Division Overhead Costs	$39,280
13	Other Overhead Costs	$11,023
	2010 Budgeted Total Allocable Licensing Services Cost	$673,640
14	Less 2010 Budgeted Total Non-Licensing Revenue Attributable to Licensing Services	$13,265
15	Less 6% of Estimated New Regional Revenue	-0-
	2010 Budgeted Net Allocable Licensing Services Cost	$660,375

NOTES:

4 Facilities costs include maintenance and utilities for the portion of the King County Administration building occupied by the pet licensing staff and associated records.

5 This item includes the office supplies required for the licensing call center.

6 This cost element consists of printing, publication, and distribution costs for various materials used to promote licensing of pets, including services to prepare materials for mailing.

7 Services for animal licensing operations include the purchase of tags and monthly fees for online pet licensing hosting.

8 Communication costs involve the direct service costs for telephone, cell phone, radio, and pager use.

9 Information technology direct costs include IT equipment replacement as well as direct services costs. Excludes approximately $120,000 in service costs associated with mainframe systems.

10 Miscellaneous direct costs consist of all pet licensing costs not listed above including but not limited to training, certification, transportation, and bad checks.

11 General fund overhead costs included in this model include building occupancy charges and HR/personnel services. No other General Fund overhead costs are included in the model.
12 Division overhead includes a portion of the following personnel time as well as a portion of division administration non-labor costs, both based on FTEs: division director, assistant division director, administration, program manager, finance officer, payroll/accounts payable, and human resource officer.
13 Other overhead costs include IT, telecommunications, finance, and property services.
14 Non-licensing revenue attributable to licensing operations consists of licensing late fees.

Exhibit C-4

Calculation and Allocation of Transition Funding Credit (”T”), Shelter Credit (“V”), and Estimated New Regional Revenue (“ENR”)

A. Transition Funding Credit

The Transition Funding Credit as originally calculated in the 2010 Agreement offset costs to certain Contracting Cities that would have otherwise paid the highest per capita costs for Animal Services in 2010. The credit was scheduled on a declining basis over four years (2010-2013). In this Agreement, the Contracting Cities qualifying for this credit are listed in Table 1 below; these cities will receive the credit at the level calculated for 2013 in the 2010 Agreement for Service Years 2013, 2014 and 2015, provided that, application of the credit can never result in the Estimated Payment Amount being less than zero ($0) (i.e., cannot result in the County owing the City an Estimated Payment). The allocation of the Transition Funding Credit is shown in **Table 1** below.

Table 1: Transition Funding Credit – Annual Amount to be allocated each year in the period from 2013-2015

Jurisdiction	Transition Funding Credit
Carnation	$552
North Bend	$1,376
Kent	$110,495
SeaTac	$7,442
Tukwila	$5,255
Black Diamond	$1,209
Covington	$5,070
Enumclaw	$11,188
Maple Valley	$6,027

Note: The Transitional Funding Credit is the same regardless of which cities sign the Agreement.

B. Shelter Credit

The Shelter Credit is designed to offset costs for those Contracting Cities whose per capita shelter intakes (“**A**”) exceed the average for all Contracting Parties. A total of $750,000 will be applied as a credit in each of the Service Years 2013-2015 to Contracting Cities whose per capita average shelter intakes (“**A**”) exceeds the average for all Contracting Parties; *provided that* application of the Shelter Credit can never result in the Estimated Payment amount being less than zero ($0) (i.e., cannot result in the County owing the City an Estimated Payment.) The 2013 Shelter Credit was determined based on estimated animal

intakes ("**A**") for Calendar Year 2011 as shown on **Exhibit C-2**. The $750,000 was allocated between every Contracting City with animal intakes over the estimated 2011 Program average, based on each Contracting City's relative per capita animal intakes in excess of the average for all Contracting Parties. The Shelter Credit will be paid at the 2013 level in Service Years 2014 and 2015. The County will consider providing the Shelter Credit in Service Years 2016 and 2017 at the same level as for Service Year 2013.

Table 3: Annual Shelter Credit Allocation—2013 through 2015

City	Shelter Credit
North Bend	$586
Kent	$495,870
SeaTac	$116,611
Tukwila	$61,987
Black Diamond	$3,263
Covington	$36,409
Enumclaw	$28,407
Maple Valley	$6,867

C. New Regional Revenue: Estimation and Allocation

Goal

New Regional Revenue for each Service Year shall be estimated as part of the development of the Estimated Payment calculations for such Service Year. The goal of the estimate shall be to reduce the amount of Estimated Payments where New Regional Revenue to be received in the Service Year can be calculated with reasonable certainty. The Estimated New Regional Revenue will be reconciled annually to account for actual New Regional Revenue received, per **Exhibit D**.

Calculation of Estimated New Regional Revenue (ENR)

1. The value of the Estimated New Regional Revenue for Service Year 2013 is zero.

2. For Service Years after 2013, the Estimated New Regional Revenue will be set at the amount the County includes for such revenue in its adopted budget for the Service Year. For purposes of the Preliminary Estimated Payment calculation, the County will include its best estimate for New Regional Revenue at the time the calculation is issued, after first presenting such estimate to the Joint City County Committee for its input.

Application of ENR

1. For Service Years 2013 and 2016, 50% of the Estimated New Regional Revenue is incorporated into the calculations of **EC** and **ES** and **EL** as described in **Exhibit C, specifically:**
    a. 17% of total Estimated New Regional Revenue is applied to reduce the total Budgeted Net Allocable Control Services Cost.
    b. 27% of total Estimated New Regional Revenue is applied to reduce the total Budgeted Net Allocable Shelter Services Cost.
    c. 6% of total Estimated New Regional Revenue is applied to reduce the total Budgeted Net Allocable Licensing Services Cost.

    These amounts are reconciled as against actual New Regional Revenue (**ENR**$_A$) in the annual Reconciliation process. In 2014, 2015 and 2017 the 50% is simply deducted against Budgeted Total Allocable Costs to derive Budgeted Total Net Allocable Costs.

2. For each Service Year, the remaining 50% of Estimated New Regional Revenue is first applied to offset County contributions to the Program, in the following order of priority.
    a. Offset payments made by the County to fund Transition Funding Credits, Shelter Credits, Impact Mitigation Credits (if any) and un-reimbursed Licensing Revenue Support.
    b. Offset County funding of Animal Services Program costs that are not included in the cost allocation model described in **Exhibit C**, specifically, costs of:
        i. The medical director and volunteer coordinator staff at the Kent Shelter.
        ii. Other County-sponsored costs for Animal Services that are not included in the cost models described in **Exhibit C**.
    c. In the event any of the 50% of Estimated New Regional Revenue remains after applying it to items (a) and (b) above, the remainder ("**Residual New Regional Revenue**") shall be held in a reserve and applied to the benefit of all Contracting Parties as part of the annual Reconciliation process, in the following order of priority:
        i. First, to reduce *pro-rata* up to 20% of each Contracting Party's Estimated Total Animal Services Cost Allocation (6th column in the spreadsheet at **Exhibit C-1**), thereby reducing up to all cost allocations based on population. This is the factor "**X**" in the Reconciliation formula.
        ii. Second, to reduce *pro rata* the amount owing from each Contracting Party with net final costs > 0 after consideration of all other factors in the Reconciliation formula.

Offsets described in (a) and (b) above do not impact the calculation of Estimated Payments or the Reconciliation of Estimated Payments since they are outside the cost model. The allocations described in (c) above, if any, will be considered in the annual Reconciliation as described in **Exhibit D**.

Exhibit C-5
Licensing Revenue Support

A. The Contracting Cities that will receive licensing revenue support in 2013 are listed below (collectively, these nine cities are referred to as the "Licensing Revenue Support Cities"). These Cities have been selected by comparing the estimated 2013 Net Final Costs shown in **Exhibit C-1** to the 2012 Estimated Net Final Cost.[2] Where the 2013 Net Final Cost estimate was higher than the 2012 estimate, the difference was identified as the 2013 Licensing Revenue Target.

B. For any Licensing Revenue Support City in **Table 1** whose Preliminary 2013 Estimated Payment is lower than the Pre-Commitment Estimate shown in **Exhibit C-1**, the Licensing Revenue Target ("**RT**") and the Revenue Goal ("**RG**") will be the reduced by an amount equivalent to the reduction between the Pre-Commitment and Preliminary Estimated Payment amounts for 2013.

Table 1:
2013 Licensing Revenue Support Cities, Licensing Revenue Targets and Revenue Goals*

City	2013 Licensing Revenue Target "RT" (*increment*)	Base Year Revenue (2011 Estimate per Exhibit C-2) "Base Amount"	Revenue Goal "RG" (*total*)
City of Carnation	$966	$4,752	$5,718
City of Duvall	$7,658	$21,343	$29,001
City of Kirkland	$23,853	$208,000	$231,853
City of Bellevue	$34,449	$273,931	$308,380
City of Newcastle	$2,599	$15,271	$17,870
City of North Bend	$6,463	$15,694	$22,157
City of Black Diamond	$2,001	$10,185	$12,186
City of Enumclaw	$5,973	$25,307	$31,280
City of Maple Valley	$6,956	$56,628	$63,584

*Amounts in this table are subject to adjustment per Paragraph B above.

C. The 2013 Licensing Revenue Target ("**RT**") is the amount each City in **Table 1** will receive in 2013, either in the form of additional licensing revenues over the Base Year amount or as a **Licensing Revenue Credit** ("**LRC**") applied at Reconciliation.

[2] For Contracting Cities that purchase shelter services from PAWS, the target was based on the Pre-Commitment 2013 Estimated Payment calculated in February 2012 during contract negotiations.

D. As further described in **Section 7** and **Exhibit C-5**, licensing revenue support services include the provision of County staff and materials support (which may include use of volunteers or other in-kind support) as determined necessary by the County to generate the Licensing Revenue Target.

E. In 2014 and 2015, any Licensing Revenue Support City or other Contracting City may request licensing revenue support services from the County under the terms of **Exhibit F.** Provision of such services is subject to the County determining it has capacity to perform such services. *Notwithstanding the foregoing*, a Licensing Revenue Support City for which **RT** is in excess of $20,000 per year may receive licensing revenue support service in all three years, but only if by September 1, 2012, it commits to providing in-kind support in all three Services Years by executing the contract in **Exhibit F** with respect to ***all 3 Service Years*** (2013, 2014 and 2015). Allocation of licensing revenue support services in 2014 and 2015 will be prioritized first to meet the County's contractual commitment, if any, to a Licensing Revenue Support City that has entered into a 3-year agreement for such service. Thereafter, service shall be allocated to Licensing Revenue Support Cities requesting such service on first-come, first-served basis; and thereafter to any other Contracting City requesting such service on a first-come, first-served basis.

Table 2:
Calculation of Estimated Payments and Licensing Revenue Credits for Licensing Revenue Support Cities

For Service Year 2013:

- The Estimated Payment calculation will include the 2013 Licensing Revenue Support Target ("RT"), if any, for the City per Table 1 above in the calculation of Estimated Licensing Revenues ("ER") (these amounts are shown in separate columns on **Exhibit C-1**).

- At Reconciliation:
  - For Cities with a **RT** > $20,000, Actual Licensing Revenue for 2013 **("AR_{2013}")** will be determined by allocating 65% of Licensing Revenues received (if any) over the Base Amount to determine AR_{2013}
  - if Actual Licensing Revenue for 2013 **("AR_{2013}")** ≥ Revenue Goal **("RG")**, then no additional credit is payable to the City **("LRC"** = $0)
  - If AR_{2013} **< RG**, then the difference (**RG-AR**) is the Licensing Revenue Credit ("**LRC**") included in the Reconciliation Adjustment Amount ***provided that***, for Cities whose **RT** >$20,000, 35% of Licensing Revenues over the Base Amount shall be allocated to *increase* ("LRC") when the value of $ANFC_0$ is being calculated at Reconciliation, *and provided further*, that in all cases **LRC** cannot exceed the 2013 Licensing Revenue Target for the City.

For **Service Year 2014**, if the City and County have executed a Licensing Support Contract per **Exhibit F**, and the City is therefore providing additional in-kind services in order to generate licensing revenue support in 2014, then:

- The Estimated Payment for 2014 will include Estimated Licensing Revenues calculated at the amount of Actual Revenue ("**AR**") for 2012 or the Revenue Goal (**RG)**, whichever is greater. **RG** will be the amount in Table 1 for Licensing Revenue Support Cities, or such other amount as the Parties may agree in the Licensing Support Contract.
- At Reconciliation:
  - For Cities with a **RT** > $20,000, $\mathbf{AR}_{2014}$ will be determined by allocating 65% of Licensing Revenues received (if any) over the Base Amount to determine $\mathbf{AR}_{2014}$
  - If Actual Licensing Revenue in 2014 is greater than the Revenue Goal ($\mathbf{AR}_{2014} \geq \mathbf{RG}$), then
    - no Licensing Revenue Credit is payable to the City (**LRC** = $0), and
    - The County shall charge the City for an amount which is ***the lesser of***: (a) the cost of County's licensing support services in 2014 to the City (as defined in the Licensing Support Contract for 2014), or (b) the amount by which $\mathbf{AR}_{2014} > \mathbf{RG}$.
  - If $\mathbf{A}_{R2014} < \mathbf{RG}$, then the difference ($\mathbf{RG-A}_{R2014}$) is **LRC.** The **LRC** amount is added to reduce the City's costs when calculating the Reconciliation Adjustment Amount, ***provided that***, for Cities whose **RT** >$20,000, 35% of Licensing Revenues over the Base Amount shall be allocated to *increase* ("LRC") a when the value of $ANFC_0$ is being calculated at Reconciliation, and ***provided further*** that in all cases **LRC** cannot exceed the 2013 Licensing Revenue Target for the City.

For **Service Year 2015**, the process and calculation shall be the same as for 2014, e.g.: if the City and County have executed **Exhibit F**, and the City is therefore providing additional in-kind services in order to generate Licensing Revenue Support in 2015, then:

- The Estimated Payment for 2015 will include Estimated Licensing Revenues calculated at the amount of Actual Revenue ("**AR")** for 2013 (excluding **LRC** paid for Service Year 2013) or **RG**, whichever is greater. **RG** will be the amount in **Table 1** for Licensing Revenue Support Cities, or such other amount as the Parties may agree in the Licensing Support Contract.
- At Reconciliation:
  - For Cities with a **RT** > $20,000, $\mathbf{AR}_{2015}$ will be determined by allocating 65% of Licensing Revenues received (if any) over the Base Amount to determine $\mathbf{AR}_{2015}$
  - If Actual 2015 Licensing Revenue is greater than the Revenue Goal ($\mathbf{AR}_{2015} \geq$

RG), then

- no Licensing Revenue Credit is payable to the City (**LRC** = $0), and
- The County shall charge the City for an amount which ***is the lesser of***: (a) the cost of County's licensing support services in 2015 to the City (as defined in the Licensing Support Contract for 2015), or (b) the amount by which $\mathbf{AR_{2015} > RG}$.

- If $\mathbf{AR_{2015} < RG}$, then the difference ($\mathbf{RG\text{-}AR_{2015}}$) is **LRC**. The **LRC** amount is added to reduce the City's costs when calculating the Reconciliation Adjustment Amount; ***provided that***, for Cities whose **RT** >$20,000, 35% of Licensing Revenues over the Base Amount shall be allocated to *increase* ("LRC") when the value of $ANFC_0$ is being calculated at Reconciliation, and and ***provided further*** that in all cases **LRC** cannot exceed the 2013 Licensing Revenue Target for the City.

Exhibit C-6:

Summary of Calculation Periods for Use and Population Components

This Exhibit restates in summary table form the Calculation Periods used for calculating the usage and population components in the formulas to derive Estimated Payments. *See* **Exhibit C** for complete formulas and definitions of the formula components.

ER is estimated Licensing Revenue attributable to the City
CFS is total annual number of Calls for Service originating in the City
A is the number of animals in the shelter attributable to the City
I is the number of active paid regular pet licenses issued to City residents
ENR is the New Regional Revenue estimated to be received during the Service Year
Pop is Population of the City expressed as a percentage of all Contracting Parties; **D-Pop** is Population of the City expressed as a percentage of the population of all jurisdictions within a Control District

Calculation Periods -- Service Year 2013

Component	**Preliminary Estimated 2013 Payment** (published August 2012)	**Estimated 2013 Payment (final)** (published December 15 2012)	**Reconciliation Payment Amount** (determined June 2014)
ER (Estimated Revenue)	**Actual 2011**	**Same**	**Actual 2013**
CFS (Calls for Service)	**Actual 2011**	**Same**	**N/A**
A (Animal intakes)	**Actual 2011**	**Same**	**N/A**
I (Issued Pet Licenses)	**Actual 2011**	**Same**	**N/A**
ENR (Estimated New Regional Revenue)	**Estimated 2013 ($0)**	**Estimated 2013 ($0)**	**Actual 2013**
Pop, D-Pop (Population)	**July 2012 OFM report, adjusted for annexations ≥ 2,500 occurring (and Latecomer Cities joining) after April 2012 and before the**	**Same, adjusted for all annexations ≥ 2,500 occurring (and Latecomer Cities joining) after April 2012 and before the end of 2013**	**Same, adjusted for all annexations ≥ 2,500 occurring (and Latecomer Cities joining) after April and before the end of 2013**

	end of 2013.		

Calculation Periods: Service Year 2014

Component	**Preliminary Estimated 2014 Payment** (published September 2013)	**Estimated 2014 Payment** (published December 2013)	**Reconciliation Payment Amount** (determined June 2015)
ER	**Actual 2012**	**Same**	**Actual 2014**
CFS	**N/A**	**N/A**	**N/A**
A	**N/A**	**N/A**	**N/A**
I	**N/A**	**N/A**	**N/A**
ENR	**Estimated 2014**	**Estimated 2014**	**Actual 2014**
Pop, D-Pop	**July 2012 OFM report, adjusted for all annexations ≥ 2,500 known to take effect (and Latecomer Cities joining) after April 2012 and before the end of 2014.**	**Same, adjusted for all annexations ≥ 2,500 known to take effect (and Latecomer Cities joining) after April 2012 and before the end of 2014**	**Same, adjusted for all annexations ≥ 2,500 (and Latecomer Cities joining) occurring after April 2012 and before the end of 2014**

Calculation Periods: Service Year 2015

Component	**Preliminary Estimated 2015 Payment** (published September 2014)	**Estimated 2015 Payment** (published December 2014)	**Reconciliation Payment Amount** (determined June 2016)
ER	**Actual 2013**	**Same**	**Actual 2015**
CFS	**N/A**	**N/A**	**N/A**
A	**N/A**	**N/A**	**N/A**
I	**N/A**	**N/A**	**N/A**
ENR	**Estimated 2015**	**Estimated 2015**	**Actual 2015**
Pop, D-Pop	**July 2012 OFM report, adjusted for all annexations ≥ 2,500 known take effect (and Latecomer Cities joining) after April 2012 and before the end of 2015.**	**Same, adjusted for all annexations ≥ 2,500 known to take effect (and Latecomer Cities joining) after April 2012 and before the end of 2015**	**Same , adjusted for all annexations ≥ 2,500 occurring (and Latecomer Cities joining) after April 2012 and before the end of 2015**

If the Agreement is extended past 2015 for an additional 2 years, the calculation periods for 2016 shall be developed in a manner comparable to Service Year 2013, and for 2017 shall be developed in a manner comparable to year 2014.

Exhibit C-7
Payment and Calculation Schedule

Service Year 2013

Item	Date
Preliminary estimate of 2013 Estimated Payments provided to City by County	August 1, 2012
Final Estimated 2013 Payment calculation provided to City by County	December 15, 2012
First 2013 Estimated Payment due	June 15, 2013
Second 2013 Estimated Payment due	December 15, 2013
2013 Reconciliation Adjustment Amount calculated	On or before June 30, 2014
2013 Reconciliation Adjustment Amount payable	On or before August 15, 2014

Service Year 2014

Item	Date
Preliminary estimate of 2014 Estimated Payments provided to City by County	September 1, 2013
Final Estimated 2014 Payment calculation provided to City by County	December 15, 2013
First 2014 Estimated Payment due	June 15, 2014
Second 2014 Estimated Payment due	December 15, 2014
2014 Reconciliation Adjustment Amount calculated	On or before June 30, 2015
2014 Reconciliation Adjustment Amount Payable	August 15, 2015

Service Year 2015

Item	Date
Preliminary estimate of 2015 Estimated Payments provided to City by County	September 1, 2014
Final Estimated 2015 Payment calculation provided to City by County	December 15, 2014
First 2015 Estimated Payment due	June 15, 2015
Second 2015 Estimated Payment due	December 15, 2015
2015 Reconciliation Adjustment Amount calculated	On or before June 30, 2016
2015 Reconciliation Adjustment Amount Payable	August 15, 2016

If the Agreement is extended past December 31, 2015, the schedule is developed in the same manner as described above for years 2016 and 2017.

Additional timelines are in place to commence and complete negotiations for an extension of the Agreement:

County convenes interested Contracting Cities to discuss (1) a possible extension on the same terms and (2) a possible extension on different terms.	September 2014
Notice of Intent by either Party not to renew agreement on the same terms (Cities also indicate whether they wish to negotiate for an extension on different terms or to let Agreement expire at end of 2015)	March 1, 2015
Deadline for signing an extension (whether on the same or amended terms)	July 1, 2015

See Section 4 of Agreement for additional details on Extension of the Agreement Term for an additional two years.

Dates for remittal to County of pet license sales revenues processed by Contracting Cities (per section 3.c)	**Quarterly, each March 31, June 30, September 30, December 31**

Except as otherwise provided for Licensing Revenue Support Cities with a Licensing Revenue Target greater than $20,000/year, requests for **Licensing Revenue Support** in Service Years 2014 or 2015 may be made at any time between June 30 and October 31 of the prior Service Year. (See **Exhibit C-5** for additional detail).

Exhibit D
Reconciliation

The purpose of the reconciliation calculation is to adjust payments made each Service Year by Contracting Parties to reflect actual licensing and non-licensing revenue, various credits, and New Regional Revenue, as compared to the estimates of such revenues and credits incorporated in the Estimated Payment calculations, and to adjust for population changes resulting from annexations of areas with a population of over 2,500 (if any) and the addition of Latecomer Cities. To accomplish this, an "**Adjusted Net Final Cost" ("ANFC")** calculation is made each June for each Contracting Party as described below, and then adjusted for various factors as described in this **Exhibit D**.

As noted in **Section 7** of the Agreement, the Parties intend that receipt of Animal Services should not be a profit-making enterprise. When a City receives revenues in excess of its costs under this Agreement (including costs of PAWS shelter service, if applicable), such excess will be reinvested to reduce costs incurred by other Contracting Parties. The cost allocation formulas of this Agreement are intended to achieve this outcome.

Terms not otherwise defined here have the meanings set forth in **Exhibit C** or the body of the Agreement.

Calculation of ANFC and Reconciliation Adjustment Amount

The following formula will be used to calculate the Reconciliation Adjustment Amount, which shall be payable by August 15. The factors in the formula are defined below. As described in paragraphs A and B, the subscript "0" denotes the initial calculation; subscript "1" denotes the final calculation.

$$\mathbf{ANFC_0 = (AR + T + V + X + LRC) - (B \times LF)}$$

A. **If $ANFC_0 \geq 0$,** i.e., revenues and credits are greater than costs (adding the cost factor **"W"** in the formula for Contracting Cities purchasing shelter services from PAWS or purchasing Enhanced Control Services**), then**:

   $ANFC_1 = 0$, i.e., it is ***reset to zero*** and the difference between $ANFC_0$ and $ANFC_1$ is set aside by the County (or, if the revenues are not in the possession of the County, then the gap amount is payable by the City to the County by August 15) and **all such excess amounts from all Contracting Parties where $ANCF_0 \geq 0$ are allocated *pro-rata* to parties for which $ANFC_1 < 0$**, per paragraph B below. Contracting Parties for which **$ANFC_0 \geq 0$** do not receive a reconciliation payment.

B. If **$ANFC_0 < 0$,** i.e., costs are greater than revenues (*without* considering "W" for those Contracting Cities purchasing shelter services from PAWS or purchasing Enhanced Control Services), then the negative dollar amount is not "reset" and $ANFC_1$ is the same as $ANFC_0$. Contracting Parties in this situation will receive **a *pro-rata* allocation from the sum of excess revenues from those Parties for which $ANFC_0 \geq 0$** per paragraph A. In this way, excess revenues are reallocated across Contracting Parties with net final costs.

C. If, after crediting the City with its *pro rata* share of any excess revenues per paragraph B, **$ANFC_1$ < Total Estimated Payments made in the Service Year**, then the difference shall be paid by the County to the City no later than August 15; if **$ANFC_1$ > Total Estimated Payments made in the Service Year**, then the difference shall be paid by the City to the County no later than August 15.

Where**:**

"AR" is **Actual Licensing Revenue** attributable to the City, based on actual Licensing Revenues received from residents of the City in the Service Year, adjusted for Cities with a Licensing Revenue Target > $20,000 as described in **Exhibit C-5**. (License Revenue that cannot be attributed to a specific Party (e.g., License Revenue associated with incomplete address information), will be allocated amongst the Parties based on their respective percentages of total **AR**).

"**T**" is the Transition Funding Credit, if any, for the Service Year.

"**V**" is the Shelter Credit, if any, for the Service Year.

"**W**" is the actual amount paid by a City receiving shelter services to PAWS for such services during the Service Year, if any, plus the actual amount paid by a City to the County for the purchase of Enhanced Control Services during the Service Year, if any.

"**X**" is the amount of Residual New Regional Revenue, if any, allocable to the City from the 50% of New Regional Revenues which is first applied to offset County costs for funding Shelter Credits, Transition Funding Credits and any Program costs not allocated in the cost model. The residual is shared amongst the Contracting Parties to reduce *pro-rata* up to 20% of each Contracting Party's Estimated Total Animal Services Cost Allocation (See column titled "Estimated Total Animal Services Cost Allocation" in the spreadsheet at **Exhibit C-1**).

"**LRC**" is the amount of any **Licensing Revenue Credit or Charge** to be applied based on receipt of licensing support services. For a Licensing Revenue Support City designated in **Exhibit C-5**, the amount shall be determined per **Table 2** of **Exhibit C-5** and the associated

Licensing Support Contract, if any. Where a Licensing Revenue Support City is due a Licensing Revenue Credit, the amount applied for this factor is a positive dollar amount (e.g., increases City's revenues in the amount of the credit); if a Licensing Revenue Support City is assessed a Licensing Revenue Charge, the amount applied for this factor is a negative amount (e.g., increases City's costs). For any Contracting City receiving licensing support services per a Licensing Support Contract/ **Exhibit F** other than a Licensing Revenue Support City, **LRC** will be a negative amount (increasing the City's costs) equal to the County's cost of the licensing support set forth in the Attachment A to the Licensing Support Contract.

"**B**" is the "**Budgeted Total Net Allocable Costs**" as *estimated* for the Service Year for the provision of Animal Services to be allocated between all the Contracting Parties for the purposes of determining the Estimated Payment, calculated as described in **Exhibit C**.

"**LF**" is the "**Program Load Factor**" attributable to City for the Service Year, calculated as described in **Exhibit C**. **LF** will be recalculated if necessary to account for annexations of areas with a population of 2,500 or more people, or for Latecomer Cities if such events were not accounted for in the Final Estimated Payment Calculation for the Service Year being reconciled.

Additional Allocation of New Regional Revenues after calculation of all amounts above: If there is any residual New Regional Revenue remaining after allocating the full possible "**X**" amount to each Party (to fully eliminate the population based portion of costs), the remainder shall be allocated on a *pro rata* basis to all Contracting Parties for which $\mathbf{ANFC_1 < 0}$. If there is any residual thereafter, it will be applied to improve Animal Services.

Exhibit E

Enhanced Control Services Contract (Optional)

Between City of _____ ("City") and King County ("County")

The County will to offer Enhanced Control Services to the City during Service Years 2013, 2014 and 2105 of the **Animal Services Interlocal Agreement for 2013 Through 2015** between the City and the County dated and effective as of July 1, 2012 (the "Agreement") subject to the terms and conditions as described herein. **The provisions of this Contract are optional to both Parties and shall not be effective unless executed by both Parties.**

A. The City may request services under two different options, summarized here and described in further detail below:

Option 1: for a period of ***not less than one year***, the City may request service from an Animal Control Officer dedicated to the City ("Dedicated Officer"). Such service must be confirmed in writing through both Parties entering into this Enhanced Control Services Contract no later than August 15 of the year prior to the Service Year in which the service is requested.

Option 2: for a period of ***less than one year***, the City may request a specified number of over-time service hours on specified days and time from the 6 Animal Control Officers staffing the three Control Districts. Unlike Option 1, the individual officers providing the service will be determined by the County and may vary from time to time; the term "Dedicated Officer" used in context of Option 2 is thus different than its meaning with respect to Option 1. Option 2 service must be requested no later than 60 days prior to the commencement of the period in which the service is requested, unless waived by the County.

The City shall initiate a request for enhanced service by completing and submitting **Attachment A** to the County. If the County determines it is able to provide the requested service, it will so confirm by completing and countersigning **Attachment A** and signing this Contract and returning both to the City for final execution.

B. The County will provide enhanced Control Services to the City in the form of an Animal Control Officer dedicated to the City ("Dedicated Officer") as described in **Attachment A** and this Contract**.**

1. Costs identified in **Attachment A** for **Option 1 are** for one (1) year of service in 2010, in 2010 dollars, and include the cost of the employee (salary, benefits), equipment and animal control vehicle for the employee's use). Costs are subject

to adjustment each year, limited by the Annual Budget Inflator Cap (as defined in the Agreement).

2. Costs for **Option 2** will be determined by the County each year based on its actual hourly overtime pay for the individual Animal Control Officers providing the service, plus mileage at the federal reimbursement rate. The number of miles for which mileage is charged shall be miles which would not have been traveled but for the provision of the enhanced service.

3. Costs paid for enhanced services will be included in the Reconciliation calculation for each Service Year, as described in **Exhibit D** of the Agreement.

C. Services of the Dedicated Officer shall be in addition to the Animal Services otherwise provided to the City by the County through the Agreement. Accordingly, the calls responded to by the Dedicated Officer shall **not** be incorporated in the calculation of the City's Calls for Service (as further described in **Exhibit C and D** to the Agreement).

D. The scheduling of work by the Dedicated Officer will be determined by mutual agreement of the contract administrators identified in the Agreement, and (in the case of a purchase of service under **Option 1**) the mutual agreement of officials of other Contracting Cities named as contract administrators that have committed to sharing in the expense of the Dedicated Officer. In the event the parties are unable to agree on scheduling, the County shall have the right to finally determine the schedule of the Dedicated Officer(s).

E. Control Services to be provided to the City pursuant to this Enhanced Services Contract include Control Services of the type and nature as described under the Agreement with respect to Animal Control Officers serving in Control Districts, and include but are not limited to, issuing written warnings, citations and other enforcement notices and orders on behalf of the City, or such other services as the Parties may reasonably agree.

F. The County will provide the City with a general quarterly calendar of scheduled service in the City, and a monthly report of the types of services offered and performed.

G. **For Services purchased under Option 1**: An FTE will be scheduled to serve 40 hour weeks, however, with loss of service hours potentially attributable to vacation, sick leave, training and furlough days, not less than 1600 hours per year will be provided. Similarly, a half-time FTE will provide not less than 800 hours per year. The County shall submit to the City an invoice and billing voucher at the end of each calendar

quarter, excepting that during the 4th quarter of each year during the term of this Contract, an invoice shall be submitted to the City no later than December 15th. All invoiced amounts shall be payable by the City within 30 days of the invoice date.

H. **For Services purchased under Option 2**: The County shall submit to the City an invoice and billing voucher at the end of each calendar quarter. All invoiced amounts shall be payable by the City within 30 days of the invoice date.

I. The City or County may terminate this Enhanced Services Contract with or without cause upon providing not less than 3 months written notice to the other Party; provided that, if the City has purchased services under **Option 1** and is sharing the Enhanced Control Services with other Contracting Cities, this Contract may only be terminated by the City if: (1) all such other Contracting Cities similarly agree to terminate service on such date, or (2) if prior to such termination date another Contracting City or Cities enters into a contract with the County to purchase the Enhanced Control Service that the City wishes to terminate; *provided further*: except as provided in Paragraph A.1, a Contract may not be terminated if the term of service resulting is less than one year.

J. All terms of the Agreement, except as expressly stated otherwise in this Exhibit, shall apply to this Enhanced Control Services Contract. Capitalized Terms not defined herein have those meanings as set forth in the Agreement.

IN WITNESS WHEREOF, the Parties hereto have caused this Enhanced Services Contract to be executed effective as of this ____ day of _____, 201__.

King County	**City of _____**
_____	_____
Dow Constantine King County Executive	By: Mayor /City Manager
_____	_____
Date	Date
Approved as to Form:	**Approved as to Form:**
_____	_____
Deputy Prosecuting Attorney	City Attorney

Exhibit E: Attachment A

ENHANCED CONTROL SERVICES OPTION REQUEST
(to be completed by City requesting Enhanced Control Services; final service terms subject to adjustment by County and agreement by City and will be confirmed in writing executed and appended to Enhanced Control Service Contract/Exhibit E)

City_____

Requested Enhanced Control Services Start Date: _____

Requested Enhanced Control Services End Date: _____*
***term of service must be at least one year, except if purchasing services under Option 2.**

Please indicate whether City is requesting services under Option 1 or Option 2:

_____ Option 1:
% of Full Time Equivalent Officer (FTE) requested: _____ (minimum request: 20%; requests must be in multiples of either 20% or 25%)

_____ Option 2:
Overtime Hours purchase from existing ACO staff: ___ hours per (week /month)

General Description of desired services (days, hours, nature of service):
_____
_____
_____.

<u>For Option 1</u>:

Contracting Cities with whom the City proposes to share the Enhanced Control Services, and proposed percentages of an FTE those Cities are expected to request:
_____
_____
_____
_____.

On behalf of the City, the undersigned understands and agrees that the County will attempt to honor requests but reserves the right to propose aggregated, adjusted and variously scheduled service, *including but not limited to adjusting allocations of service from*

increments of 20% to 25%, in order to develop workable employment and scheduling for the officers within then-existing workrules, and that the City will be allowed to rescind or amend its request for Enhanced Control Services as a result of such proposed changes.

Requests that cannot be combined to equal 50% of an FTE, 100% of an FTE, or some multiple thereof may not be honored. Service must be requested for a minimum term of one-year, except as permitted by Paragraph A.1. .Service may not extend beyond the term of the Agreement.

City requests that alone or in combination with requests of other Contracting Cities equal at least 50% of an FTE will be charged at the rate in Column 1 below.

City requests that alone or in combination with other requests for Enhanced Control Services equal 100% of an FTE will be charged at the rate in Column 2 below.

Cities may propose a different allocation approach for County consideration.

An FTE will be scheduled to serve 40 hour weeks, however, with loss of hours potentially attributable to vacation, sick leave, training and furlough days, a minimum of 1600 hours per year will be provided. A half-time FTE will provide a minimum of 800 hours per year. *For example*, a commitment to purchase 20% of an FTE for enhanced service will result in provision of not less than 320 hours per year.

Hours of service lost for vacation, sick leave, training and furlough days will be allocated on ***pro rata*** basis between all Contracting Cities sharing the services of that FTE.

Column 1: Aggregate of 50% of an FTE Requested by all Participating Cities	**Column 2:** Aggregate of 1 FTE Requested by all Participating Cities
Cost to City: (% of Half-Time FTE requested) x $75,000/year in 2010* *Example:* if City A requests 25% of an FTE ** and City B requests 25% of an FTE**, then each city would pay $18,750 for Enhanced Control Services from July 1, 2010 through December 31, 2011 (6 months). **(50% of a Half-Time FTE)	Cost to City: (% of FTE requested) x $115,000/year in 2010 * *Example:* If City A requests 25% of an FTE and City B requests 25% of an FTE and City C requests 50% of an FTE, Cities A and B would pay $14,375 and City C would pay $28,750 for Enhanced Control Services from July 1, 2010 through December 31, 2011 (6 months)

* This example is based on 2010 costs. Actual costs will be based on actual Service Year FTE costs.

For Option 2:

On behalf of the City, the undersigned understands and agrees that the County will confirm what services, if any, it can provide, and at what costs, by completing this Attachment A, and the City must signify whether it accepts the County's offer by signing the Enhanced Services Contract.

Request Signed as of this ___ day of _____ , 201__.
City of _____
By:_____
Its _____

To be completed by King County:

____ **Option 1**: The County hereby confirms its ability and willingness to provide Enhanced Control services as requested by the City in this **Attachment A**, *with adjustments as noted below (if any):*

The FTE Cost for the Service Year in which the City has requested service is: $_____.

____ **Option 2**: the County confirms its ability to provide control service overtime hours as follows (*insert description—days/hours*):

Such overtime hours shall be provided at a cost of $_____, (may be a range) per service hour, with the actual cost depending on the individual(s) assigned to work the hours, plus mileage at the federal reimbursement rate.

King County

By: _____
Its_____
Date:_____

Exhibit F

Licensing Support Contract (Optional)

Between City of _____("City") and King County ("County")

The County is prepared to offer licensing revenue support to the City subject to the terms and conditions described in this Licensing Support Contract ("Contract"). The provisions of this Exhibit are optional and shall not be effective unless this Exhibit is executed by both the City and the County and both parties have entered into the underlying Animal Services Interlocal Agreement for 2013 Through 2015 (the "Agreement").

A. **Service Requests, Submittal**: Requests to enter into a licensing support contract should be made by submitting the Licensing Revenue Support Services Request (**Attachment A** to this **Exhibit F**) to the County between June 30 and October 31 of the calendar year prior to year in which such services are requested ("Service Year"). A separate Request shall be submitted for each Service Year, excepting that a Licensing Support City with a revenue target in excess of $20,000/year may submit a request by September 1, 2012 in order to receive service in all three Service Years (2013, 2014 and 2015).

B. **County to Determine Service Availability**: The County will determine whether it has capacity to provide the requested service based on whether it has staff available, and consistent with the priorities stated in **Section 7.c** and **Exhibit C-5** of the Agreement.

C. **Services Provided by County, Cost**: The County will determine the licensing revenue support activities it will undertake to achieve the Licensing Revenue Target. Activities may include, but are not limited to canvassing, mailings, calls to non-renewals. In completing **Attachment A** to confirm its ability to provide licensing support services to the City, the County shall identify the cost for such service for each applicable Service Year. If the City accepts the County's proposed costs, it shall so signify by countersigning **Attachment A**.

D. **Services Provided by City:** In exchange for receiving licensing revenue support from the County, the City will provide the following services:

1. Include inserts regarding animal licensing in bills or other mailings as may be allowed by law, at the City's cost. The County will provide the design for the insert and coordinate with the City to deliver the design on an agreed upon schedule.
2. Dedicate a minimum level of volunteer/staff hours per month (averaged over the year), based on the City's Licensing Revenue Target for the Year (as

specified/selected in Attachment A) to canvassing and/or mailings and outbound calls to non-renewals. City volunteer/staff hour requirements are scaled based on the size of the Licensing Revenue Target per **Table A** below:

Table A: Volunteer/Staff Hours to be Provided by City

If the Licensing Revenue Target for the Service Year is between:	The City shall provide volunteer/staff hours support (averaged over the year)
$0 and $5,000	9 hours per month
$5,001-$10,000	18 hours per month
$10,000-$20,000	27 hours per month
$20,001 and $40,000	36 hours per month
>$40,000	45 hours per month

3. Provide representation at a minimum of two public events annually to inform City residents about the Animal Services Program and promote pet licensing.
4. Inform City residents about the Animal Services Program and promote pet licensing utilizing print and electronic media including the city's website, social media, community brochures and newsletter ads/articles, signage/posters and pet licensing applications in public areas of city buildings and parks.
5. Appoint a representative to serve on the joint City-County marketing subcommittee; this representative shall attend the quarterly meetings of the subcommittee and help shape and apply within the City the joint advertising strategies developed by consensus of the subcommittee.

E. <u>Selection of Licensing Revenue Target and Payment for Licensing Revenue Support:</u>

1. For **Licensing Revenue Support Cities** (those identified in **Exhibit C-5** of the Agreement):
   In 2014 and 2015, Licensing Revenue Support Cities may receive licensing revenue support intended to generate total annual Licensing Revenue at or above the Revenue Goal in Table 1 of **Exhibit C-5**. The City will receive a **Licensing Revenue Credit or Charge** at Reconciliation in accordance with the calculations in **Table 2** of **Exhibit C-5**. A Licensing Revenue Support City may request service under subparagraph 2 below.

2. For **all other Contacting Cities**: The City will identify a proposed Licensing Revenue Target in **Attachment A**. The County may propose an alternate Revenue Target. If the Parties agree upon a Licensing Revenue Target, the County shall indentify its annual cost to provide service designed to achieve the target. At Reconciliation, the City shall be charged for licensing support service at the cost specified and agreed in **Attachment A** (the "**Licensing Revenue Charge**"),

regardless of the amount of Licensing Revenue received by the City during the Service Year (see **Exhibit D** of the Agreement for additional detail).

F. <u>Other Terms and Conditions</u>:

1. Before January 31 of the Service Year, each Party will provide the other with a general calendar of in-kind services to be provided over the course of the Service Year.
2. Each Party will provide the other with a monthly written report of the services performed during the Service Year.
3. Either Party may terminate this Contract with or without cause by providing not less than 2 months' advance written notice to the other Party; provided that all County costs incurred to the point of termination remain chargeable to the City as otherwise provided.
4. All terms of the Agreement, except as expressly stated otherwise herein, shall apply to this Contract, and Capitalized Terms not defined herein have the meanings as set forth in the Agreement.

IN WITNESS WHEREOF, the Parties hereto have caused this Contract for Licensing Support Services to be executed effective as of this ___ day of ____, 201_.

King County	**City of _____**
_____	_____
Dow Constantine King County Executive	By: Mayor /City Manager
_____	_____
Date	Date
Approved as to Form:	Approved as to Form:
_____	_____
Deputy Prosecuting Attorney	City Attorney

Exhibit F: Attachment A
LICENSING REVENUE SUPPORT SERVICES REQUEST

(to be completed by City requesting licensing support services; one request per Service Year except for a Licensing Support City with a Licensing Revenue Target over $20,000/year; final terms subject to adjustment by County and agreement by City confirmed in writing, executed and appended to the Contract for Licensing Support Services—**Exhibit F** of the ***Animal Services Interlocal Agreement for 2013 Through 2015*** ("the Agreement") dated effective as of July 1, 2012.)

1. City _____ Date of Request: _____

2. Licensing Revenue Target (the amount by which the City seeks to increase its revenues in the Service Year): $_____

   Note:
   - For Licensing Revenue Support Cities, the Licensing Revenue Support Target is defined in **Table 1** of **Exhibit C-5** of the Agreement, unless the Parties otherwise agree.
   - The amount of volunteer/staff hours and other in-kind services required of the City in exchange for receipt of licensing support services is based on the size of the Licensing Revenue Target (see Licensing Support Contract/ **Exhibit F** of Agreement).

3. Contact person who will coordinate City responsibilities associated with delivery of licensing support services:
   Name:
   Title:
   Phone:
   Fax:

I understand that:

A. provision of licensing revenue support services is subject to the County determining it has staff available to provide the services;
B. For Contracting Cities other than Licensing Revenue Support Cities, the County may propose an adjustment in the requested Licensing Revenue Target;
C. the County will, by September 1 of the current calendar year, provide the City with a firm cost to provide the amount of licensing support services the County proposes to provide by completing this **Attachment A**;
D. the County cannot verify and does not guarantee a precise level of Licensing Revenues to be received by the City as a result of these services;
E. Receipt of service is subject to County and City agreeing on the Licensing Revenue Target and County charge for these services (incorporated in

calculation of the **Licensing Revenue Credit/Charge** per the Agreement), and executing the Licensing Support Contract (**Exhibit F** of the Agreement).

Request signed as of this ___ day of _____, 201__.
City of _____

By: _____
Its: _____

To be completed by King County:

The County offers to provide the City licensing revenue support services in Service Year 201____ intended to generate $_____ (the "Licensing Revenue Target") in additional Licensing Revenue for a total Service Year cost of $_____, some or all of which cost may be charged to the City in calculating the Licensing Revenue Charge, as further described in the Licensing Support Contract and **Exhibits C-5** (for Licensing Support Cities) and **D** of the Agreement.

King County

By:_____
Its: _____
Date:_____

<u>To be completed by the City:</u>

The County offer is accepted as of this ___ day of _____, 201__.
City of _____

By: _____
Its:_____

CITY OF KIRKLAND
Department of Finance & Administration
123 Fifth Avenue, Kirkland, WA 98033 425.587.3100
www. kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Kathi Anderson, City Clerk
Tracey Dunlap, Finance and Administration Director
Ellen Miller-Wolfe, Economic Development Manager

Date: June 20, 2012

Subject: Tourism Development Committee Resignation and Appointment

RECOMMENDATION:

That Council acknowledges receipt of Ryan Noel's resignation from the Tourism Development Committee, approves the attached draft response, and approves the appointment of Maxim Khokhlov to the remainder of the vacant unexpired term on the Committee, whose terms are reviewed annually.

BACKGROUND DISCUSSION:

KMC 5.19 establishes membership of the Tourism Development Committee as seven voting members appointed annually by City Council. Three members of the Committee are representatives of businesses required to collect the lodging excise tax (typically hoteliers).

Mr. Noel, the former General Manager of the Courtyard Marriott, has resigned as he has accepted a new position in Seattle and so is unable to complete his term as a member of the Committee. Mr. Khokhlov, the new General Manager at the Courtyard Marriott, has submitted his application to replace Mr. Noel in the vacant position.

From: Ryan Noel <rnoel@innventures.com>
Date: April 24, 2012 4:54:56 PM PDT
To: 'Kathi Anderson' <KAnderson@kirklandwa.gov>
Cc: 'Ellen Miller-Wolfe' <EMiller-Wolfe@kirklandwa.gov>
Subject: RE: Update - City of Kirkland Ethics Policy and forms & Training reminder

Hi Kathy- Yes, I am officially no longer at the Kirkland Courtyard. I have asked my replacement Maxim Khokhlov to apply for the Tourism Development Committee, although I am not sure if he has turned that in yet.

Ryan Noel
General Manager
Residence Inn Seattle - Lake Union
800 Fairview Avenue North
Seattle, WA 98109
(206) 695-5410

-----Original Message-----
From: Kathi Anderson [mailto:KAnderson@kirklandwa.gov]
Sent: Tuesday, April 24, 2012 4:28 PM
To: 'rnoel@innventures.com'
Cc: Ellen Miller-Wolfe
Subject: FW: Update - City of Kirkland Ethics Policy and forms & Training reminder

Ryan,
Are you no longer with the Marriott in Kirkland?

-----Original Message-----
From: Noel, Ryan [mailto:Ryan.Noel@marriott.com]
Sent: Tuesday, April 24, 2012 4:20 PM
To: Kathi Anderson
Subject: Out of Office AutoReply: Update - City of Kirkland Ethics Policy and forms & Training reminder

This email address is no longer active. Please resend your email to rnoel@innventures.com. Thank you!

D R A F T

June 20, 2012

Ryan Noel
Residence Inn Seattle – Lake Union
800 Fairview Avenue North
Seattle, WA 98109

Dear Mr. Noel:

We have regretfully received your letter of resignation from the Tourism Development Committee.

The City Council appreciates your contributions to the Committee, and we thank you for volunteering your time and talent to serve our community.

Best wishes in your current and future endeavors.

Sincerely,
Kirkland City Council

by Joan McBride
Mayor

Council Meeting: 06/19/2012
Agenda: Other Business
Item #: 8. h. (2).

CITY OF KIRKLAND
Department of Public Works
123 Fifth Avenue, Kirkland, WA 98033 425.587.3800
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Tim Llewellyn, Fleet Supervisor
Ray Steiger, P.E., Public Works Director

Date: June 7, 2012

Subject: SURPLUS EQUIPMENT RENTAL VEHICLES/EQUIPMENT FOR SALE

RECOMMENDATION:

It is recommended that the City Council approve the surplusing of the Equipment Rental vehicle/equipment identified in this memo.

BACKGROUND DISCUSSION:

The surplusing of vehicles or equipment which have been replaced with new vehicles or equipment, or no longer meet the needs of the City, is consistent with the City's Equipment Rental Replacement Schedule Policy. The following equipment has been replaced by new equipment, and if approved by City Council, will be sold in accordance with the purchasing guidelines at public auction or to public agencies.

Fleet #	Year	Make	VIN/Serial Number	License #	Mileage
BG-6	2006	J. Deere 1200A Field Rake	TC1200A150625	N/A	745 Hrs.
C-5	1999	Ford Taurus LX	1FAFP52U0XG247027	26140D	45,233
PU-13	2003	Chevrolet 1500 Pickup	1GCEC14V73Z240171	36185D	51,716
PU-35	2002	Ford F450 SD Pickup	1FDXX47F32EC81787	34413D	47,628
PU-37	2003	Chevrolet 1500 Pickup	1GCEC14V63Z285392	36366D	43,532
P09-05	2009	Ford Crown Victoria	2FAHP71V49X121703	49173D	83,018
P09-07	2009	Ford Crown Victoria	2FAHP71V69X121704	49176D	86,135
P09-09	2009	Ford Crown Victoria	2FAHP71V19X103921	49167D	104,282
P09-10	2009	Ford Crown Victoria	2FAHP71V09X135758	49782D	86,553
P10-03	2010	Ford Crown Victoria	2B3CA4CT3AH147712	50356D	84,102
T04-01	2004	Ford Crown Victoria	2FAHP71W94X158120	36164D	81,847

For clarification purposes, BG-6, a 2006 John Deere Field Rake, operated by Parks Maintenance, exceeded its anticipated useful life of 4 years by 1 additional year.

C-5, a 1999 Ford Taurus, used as a pooled administration vehicle by the Public Works Maintenance Center, exceeded its anticipated useful life of 8 years by 5 years.

PU-35, a 2002 Ford F450 Pickup used by Public Works' Street Division for paving crews and towing an asphalt roller, exceeded its anticipated useful life of 8 years by 2 years.

PU-13 and PU-37 are both 2003 half-ton Chevrolet pickups operated by Parks Maintenance. They have both exceed their anticipated useful life of 8 years by 1 year.

Police 2009 Ford Crown Victoria patrol vehicles P09-05, P09-07, P09-09, and P10-03 (a 2009 Dodge Charger), all exceeded their 2½ year expected useful life by 6 months each.

P09-10 is a Police patrol 2009 Ford Crown Victoria which had achieved its 2½ year useful life, and was recently involved in an accident caused by a third party. The City is awaiting a decision by WCIA with respect to "totaling" the vehicle for insurance purposes.

T04-01 is a 2004 Crown Victoria used by the Police Traffic Division. The vehicle exceeded its original anticipated life of 5 years by 3 additional years.

Cc: Donna Burris, Internal Services Manager

Council Meeting: 06/19/2012
Agenda: Other Business
Item #: 8. h. (3).

CITY OF KIRKLAND
Department of Finance & Administration
123 Fifth Avenue, Kirkland, WA 98033 425.587.3100
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Barry Scott, Purchasing Agent

Date: June 7, 2012

Subject: REPORT ON PROCUREMENT ACTIVITIES FOR COUNCIL MEETING OF JUNE 19, 2012

This report is provided to apprise the Council of recent and upcoming procurement activities where the cost is estimated or known to be in excess of $50,000. The "Process" column on the table indicates the process being used to determine the award of the contract.

The City's major procurement activities initiated since the last report, dated May 24, 2012, are as follows:

	Project	Process	Estimate/Price	Status
1.	NE 53rd Street Sewermain Replacement	Invitation for Bids	$390,000-$430,000	Advertised on 6/11 with bids due on 6/28.
2.	Dodge Charger Police Cars (2)	Cooperative Purchase	$54,527.58	Purchased using WA State Contract with Karmart Auto Group.

Please contact me if you have any questions regarding this report.

CITY OF KIRKLAND
Planning and Community Development Department
123 Fifth Avenue, Kirkland, WA 98033
425.587.3225 - www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Robin Jenkinson, City Attorney
Eric Shields, Planning Director

Date: June 4, 2012

Subject: Extension of Moratorium for Medical Marijuana Collective Gardens

RECOMMENDATION

Council conducts a public hearing and adopts the attached ordinance extending the moratorium on medical marijuana collective gardens for an additional six months.

BACKGROUND DISCUSSION

During the 2011 legislative session, Engrossed Second Substitute Senate Bill 5073 was enacted, legalizing medical marijuana collective gardens. A medical marijuana "collective garden" is an area or garden where qualifying patients engage in production, processing, transporting and delivery of marijuana for medical use as defined in state law (Ch. 69.51A RCW). Collective gardens may be operated by up to 10 qualified patients with a maximum of 15 marijuana plants per patient, and a maximum of 24 ounces of useable marijuana per patient, up to a total of 72 ounces. The legislation became effective on July 22, 2011. The new law delegates to cities the authority to implement zoning requirements, business licensing requirements, health and safety requirements, and business taxes on collective gardens. However, possession, use, growth, and distribution of marijuana, whether or not it is for medical use, remain illegal under federal law.

On July 19, 2011, the City Council adopted Ordinance 4316 imposing a six-month moratorium on the establishment, location, operation, licensing, maintenance or continuation of medical marijuana collective gardens. The City Council conducted a public hearing on the moratorium on August 2, 2011. On January 3, 2012, following another public hearing, the City Council adopted Ordinance 4344 and extended the moratorium for an additional six months. It is due to expire on July 3, 2012.

The purpose of the moratorium is to allow sufficient time to consider land use regulations to address medical marijuana collective gardens. Without the moratorium, medical marijuana collective gardens could be located within the City while the City lacks the necessary tools to ensure that the locations are appropriate and that the potential secondary impacts of medical

marijuana collective gardens are minimized and mitigated. During the current moratorium period city staff has been reviewing ordinances and actions from jurisdictions around Washington State. For instance, the Kent City Council recently passed an ordinance that prohibited medical marijuana in all zoning districts and was promptly sued by the Cannabis Action Coalition. Earlier this year, the Clark County Commissioners sought guidance from the Department of Justice concerning the potential liability of the Commissioners and County employees if the Commissioners enacted and the employees administered regulations that zoned medical marijuana collective gardens and required the review, permitting, and inspection of the facilities. The Drug Enforcement Administration responded that anyone who knowingly carries out or facilitates the marijuana activities contemplated by the Washington state law is subject to criminal prosecution as provided in the Federal Controlled Substances Act. (The letters are attached.)

In addition, Initiative to the Legislature 502 will be on the statewide ballot November 2012. Initiative 502 would authorize the State Liquor Control Board to regulate and tax marijuana for those 21 and older. Production, possession, delivery, distribution and sale of marijuana, in accordance with the provisions of the new law, would be decriminalized. Passage of Initiative 502 would likely result in legal challenges due to the conflicts with federal law. Staff believes it is prudent to extend the moratorium until the results of the ballot measure are known.

In accordance with RCW 35A.63.220 and RCW 36.70.390, in order to renew the moratorium, the City Council must first hold a public hearing to receive and consider public comment.

Attachments:

1. Letter from Clark County Board of Commissioners to Attorney General Holder
2. Letter from U. S. Department of Justice to Clark County Board of Commissioners

3680

BOARD OF CLARK COUNTY COMMISSIONERS
Tom Mielke • Marc Boldt • Steve Stuart

proud past, promising future

CLARK COUNTY
WASHINGTON

December 2, 2011

The Honorable Eric Holder
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dear Attorney General Holder:

We request written guidance about the U.S. Department of Justice's position on enforcement of the Controlled Substances Act if county code, in accordance with state law, were to establish a regulatory system wherein county officials zone, review, permit and inspect facilities used to dispense, produce and process marijuana for medical use.

Engrossed Second Substitute Bill 5073 in part became Washington law on July 22, 2011. Section 403 of the new law allows qualified patients and designated providers "to create and participate in collective gardens for the purpose of producing, processing, transporting and delivering cannabis for medical use." Gov. Chris Gregoire, in her statement explaining a partial veto of the bill, wrote the gardens "should be conditioned on compliance with local government location and health and safety specifications."

The Board of Clark County Commissioners adopted an emergency resolution creating a temporary moratorium to preclude the siting and vesting of any "community garden" before proper planning is complete. The board also was required to adopt a work plan to make progress toward zoning and regulating this new use. Its first task is to request a Department of Justice opinion about potential liability Clark County and its employees could have if we move toward knowingly regulating this use.

Now faced with a tolling moratorium and need to begin drafting regulations, Clark County seeks advice. In an April 14 letter to Gov. Gregoire, your agency said "state employees who conducted activities mandated by the Washington legislative proposals would not be immune from liability under the CSA." Specifically, the Board of Clark County Commissioners wants to know whether that also would be true if county employees are asked to knowingly zone, review, permit and inspect facilities for producing, processing, transporting and delivering medical cannabis. Would the Board of Clark County Commissioners or county employees be immune from arrest and liability when, in the course of their jobs, they do work related to zoning, review of permits and inspections of these facilities?

Thank you for your timely response.

Sincerely,

Tom Mielke, Chair | Marc Boldt | Steve Stuart

1300 Franklin Street • P.O. Box 5000 • Vancouver, WA 98666-5000 • tel: [360] 397-2232 • fax: [360] 397-6058 • www.clark.wa.gov

3688

RECEIVED
FEB 2 2012
Board of Commissioners
RECEIVED BY
ALL COMMISSIONERS

U.S. Department of Justice
Drug Enforcement Administration

www.dea.gov

8701 Morrissette Drive
Springfield, VA 22152

JAN 17 2012

Tom Mielke
Marc Boldt
Steve Stuart
Board of Clark County Commissioners
1300 Franklin Street
P.O. Box 5000
Vancouver, Washington 98666-5000

SUBJECT: Application of the *Controlled Substances Act* (*CSA*) to the Board of Clark County Commissioners and Clark County Employees

Dear Messrs. Mielke, Boldt, and Stuart:

Thank you for your December 2, 2011 letter addressed to Attorney General Eric Holder which was referred to the Drug Enforcement Administration (DEA) for a response.

The Department of Justice has stated that Congress has determined that marijuana is a schedule I controlled substance and, as such, growing, distributing, and possessing marijuana in any capacity, other than as part of a federally authorized research program, is a violation of federal law regardless of state laws permitting such activities. This is reflected in the text of the *CSA* and the decisions of the United States Supreme Court in *United States v. Oakland Cannabis Buyers' Cooperative*, 532 U.S. 483 (2001), and *Gonzales v. Raich*, 545 U.S. 1 (2005). These federal law concepts are premised on the facts that marijuana has never been demonstrated in sound scientific studies to be safe and effective for the treatment of any disease or condition and, therefore, the Food and Drug Administration has never approved marijuana as a drug. As the Supreme Court stated, "for purposes of the Controlled Substances Act, marijuana has 'no currently accepted medical use' at all." *Oakland Cannabis Buyers' Cooperative*, 532 U.S. at 491.

In your correspondence to the Attorney General you quote from an April 14, 2011 letter written to the Honorable Christine Gregoire, Washington State Governor by the U.S. Attorneys for both the Eastern and Western Districts of Washington in which they say that "state employees who conducted activities mandated by the Washington [medical marijuana] legislative proposals would not be immune from liability under the CSA." Although that letter pertained to the

Washington state medical marijuana law and Washington state employees, the principles expressed in that letter are useful in addressing any county "medical marijuana" ordinance or provision implementing state law. As that letter indicated, anyone who knowingly carries out the marijuana activities contemplated by Washington state law, as well as anyone who facilitates such activities, or conspires to commit such violations, is subject to criminal prosecution as provided in the *CSA*. That same conclusion would apply with equal force to the proposed activities of the Board of Clark County Commissioners and Clark County employees.

Such persons may also be subject to money laundering statutes. In addition, the *CSA* provides for forfeiture of real property and other tangible property used to facilitate the commission of such crimes, as well as the forfeiture of all money derived from, or traceable to, such activity.

Thank you for your inquiry regarding this important matter.

Sincerely,

Joseph T. Rannazzisi
Deputy Assistant Administrator
Office of Diversion Control

ORDINANCE O-4358

AN ORDINANCE OF THE CITY OF KIRKLAND EXTENDING A MORATORIUM ON THE ESTABLISHMENT OF MEDICAL MARIJUANA COLLECTIVE GARDENS, DEFINING "MEDICAL MARIJUANA COLLECTIVE GARDENS"; PROVIDING FOR A PUBLIC HEARING; ESTABLISHING AN EFFECTIVE DATE, AND PROVIDING THAT THE MORATORIUM, UNLESS EXTENDED, WILL SUNSET WITHIN SIX (6) MONTHS OF THE DATE OF ADOPTION.

WHEREAS, on July 19, 2011, the City Council passed Ordinance 4316, imposing a moratorium on the licensing, establishment, maintenance or continuation of any medical marijuana collective garden; and

WHEREAS, on August 2, 2011, the City Council conducted a public hearing to take public testimony on the imposition of the moratorium; and

WHEREAS, on January 3, 2012, the City Council, after conducting a public hearing, adopted Ordinance 4344 which extended the moratorium for an additional six months; and

WHEREAS, the moratorium enacted by Ordinance 4344 will expire on July 3, 2012; and

WHEREAS, Ordinances 4316 and 4344 defined the medical marijuana collective gardens that were subject to the moratorium and adopted findings and conclusions supporting the moratorium; and

WHEREAS, additional time is needed to allow the City to consider land use regulations to address medical marijuana collective gardens; and

WHEREAS, RCW 35A.63.220 and RCW 36.70A.390 allow the City to extend a moratorium for one or more six-month periods if a subsequent public hearing is held and findings of fact are made prior to each renewal; and

WHEREAS, on June 3, 2012, a determination of nonsignificance was issued on the proposed extension of the medical marijuana collective gardens moratorium, pursuant to the State Environmental Policy Act; and

WHEREAS, the City Council desires to enter findings in support of the extension of the moratorium;

NOW, THEREFORE, the City Council of the City of Kirkland do ordain as follows:

Section 1. The recitals set forth above are hereby incorporated as findings of fact.

Section 2. The City Council further finds as follows:

a. The possession or distribution of marijuana has been and continues to be a violation of state law pursuant to Chapter 69.50 RCW (Washington's uniform Controlled Substances Act), and federal law, through the Controlled Substances Act; and

b. In 1998 the voters of Washington State approved Initiative 692, now codified as Chapter 69.51A RCW, which created a limited defense to marijuana charges under state, not federal, law if the person charged could demonstrate that he or she was a qualifying patient or designated provider as those terms are defined in Ch. 69.51A RCW; and

c. In 2011 the state legislature passed Engrossed Second Substitute Senate Bill (E2SSB) 5073 making significant amendments to the medical marijuana law in Washington; and

d. The Governor signed the E2SSB 5073, but vetoed several portions expressing her reservations about provisions that involved state employees in activities that could be interpreted as in violation of federal laws; and

e. E2SSB 5073 became effective on July 22, 2011; and

f. E2SSB 5073 authorizes "collective gardens" where up to ten qualifying patients may join together to produce, grow and deliver up to 45 marijuana or cannabis plants for medical use; and

g. Under E2SSB 5073 there is no limit to the number of medical marijuana collective gardens that may be located at any site nor restrictions as to where collective gardens may be located in relation to other uses; and

h. Medical marijuana collective gardens are not currently addressed in the Kirkland Zoning code and under Section 1102 of E2SSB 5073 cities may adopt zoning requirements for collective gardens; and

i. The City's adoption of land use regulations applicable to medical marijuana collective gardens may be subject to federal or state preemption.

j. Additional time is needed to study the land use impacts of medical marijuana collective gardens.

k. Unless the moratorium imposed by Ordinance 4316 and extended by Ordinance 4344 is further extended, medical marijuana collective gardens may be located within the City of Kirkland while the City lacks the necessary tools to ensure the location is appropriate and that the potential secondary impacts of collective gardens are minimized and mitigated; and

l. The City Council deems it to be in the public interest to further extend the moratorium imposed by Ordinance 4316, and extended by Ordinance 4344, pending consideration of land use regulations to address medical marijuana collective gardens.

Section 3. Pursuant to the provisions of RCW 35A.63.220 and RCW 36.70A.390, the moratorium enacted by Ordinance 4316 and extended by Ordinance 4344 prohibiting the licensing, establishment, maintenance or continuation of any medical marijuana collective garden in the City of Kirkland is extended for six months. A "medical marijuana collective garden" is an area or garden where qualifying patients engage in the production, processing, or transporting and delivery of marijuana for medical use as set forth in the E2SSB 5073 and subject to the limitations therein.

Section 4. Medical marijuana collective gardens as defined in Section 3 are hereby designated as prohibited uses in the City of Kirkland. In accordance with the provisions of RCW 35A.82.020 and Kirkland Municipal Code 7.02.290, no business license shall be issued to any person for a medical marijuana collective garden, which use is hereby defined to be a prohibited use under the ordinances of the City of Kirkland.

Section 5. The moratorium set forth in this Ordinance shall be in effect for a period of six months from the date this Ordinance is passed and shall automatically expire on that date unless extended as provided in RCW 35A.63.220 and RCW 36.70A.390, or unless terminated sooner by the Kirkland City Council.

Section 6. The City Manager is hereby authorized and directed to develop draft regulations regarding medical marijuana collective gardens. The regulations shall be referred to the Kirkland Planning Commission for review and recommendation for inclusion in the Kirkland Zoning Code.

Section 7. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance, or the application of the provision to other persons or circumstances is not affected.

Section 8. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication, as required by law.

Passed by majority vote of the Kirkland City Council in open meeting this ____ day of _____, 2012.

Signed in authentication thereof this _____ day of ____, 2012.

_____
MAYOR

Attest:

_____
City Clerk

Approved as to Form:

_____
City Attorney

CITY OF KIRKLAND
Department of Parks & Community Services
505 Market Street, Suite A, Kirkland, WA 98033 425.587.3300
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Jennifer Schroder, Director of Parks and Community Services
Michael Cogle, Deputy Director of Parks and Community Services

Date: June 7, 2012

Subject: Potential Park Ballot Measure(s) Update

RECOMMENDATION:

That the City Council receives an update on planning for a potential parks ballot measure(s), including a revised recommendation from the Park Funding Exploratory Committee and provides direction to staff regarding final ballot elements to consider at the July 3 study session.

BACKGROUND DISCUSSION:

On March 6 the City Council received a report from the Council-appointed Park Funding Exploratory Committee (PFEC) providing recommendations for potential park ballot measures in November of 2012. In addition, the Council discussed potential ballot measures for parks and roads at its retreat on March 23.

On May 15 the City Council received a report from EMC Research detailing results and key findings of a statistically-valid survey of Kirkland citizens conducted earlier that month. The survey identified that the top priorities of residents for new revenue centered on infrastructure maintenance and safety. The survey also indicated strong support for three potential ballot measures that the City is considering for this November: a roads maintenance measure, a park maintenance & operations measure, and a park capital measure. While all three measures had majority support, some survey results indicated that the park capital measure was not as much of a priority for residents as the other two. This resulted in a discussion about whether all three measures should be moved forward to the November 2012 election.

While no final decisions were made, the Council expressed interest in moving forward with November roads maintenance and parks maintenance ballot measures. With respect to parks, the Council requested that the PFEC reconvene to reconsider its original recommendations in light of the survey results.

The PFEC met once again on May 31. After a brief discussion on the results of the recent survey, the group was asked to consider three options for park funding:

Option A: One Ballot Measure: Parks Maintenance & Operations Levy Only (no capital)

Option B: Two Ballot Measures: Parks Maintenance & Operations Levy and 9-Year Capital Levy (Original PFEC Recommendation to Council)

Option C: One Ballot Measure: Combined Parks Maintenance & Operations and Capital Levy (the "pay as you go" capital option)

A summary of the relative advantages and disadvantages of the options was prepared for the PFEC meeting by staff and is shown as **Attachment A** to this report. The following is a brief summary of the options considered by PFEC.

❖ **Option A: Parks Maintenance & Operations Levy (No Capital)**

This option would provide on-going funding to:

- Restore maintenance levels throughout the City's park system to Kirkland standards;
- Improve safety at City beaches (Houghton, Waverly, and Juanita Beaches) through stable funding for summer lifeguards;
- Assume responsibilities for maintenance and operation of O.O. Denny Park from the Finn Hill Park and Recreation District;
- Protect and enhance the City's investment in forest restoration via the Green Kirkland Partnership Program;
- Maintain the Cross Kirkland Corridor for use as a public recreation trail.

Table 1. Option A Funding Summary

Funding Purpose	Annual Levy Funding Allocation	Annual Cost to Average Homeowner	Rate per $1,000 AV
Restore M & O (including Lifeguards)	600,000	19.68	0.041
O.O. Denny Park Maintenance	137,500	4.51	0.009
Forest/Habitat Restoration	192,500	6.31	0.013
Maintain Cross Kirkland Corridor Trail	110,000	3.61	0.008
Total Levy:	1,040,000	34.11	0.071

Note: Annual cost to average home based on $480,000 assessed valuation.
Note: The original PFEC recommendation included additional M&O funding to support capital improvements to Edith Moulton Park and City-School Playfield Partnerships; however, they are not shown in this scenario since this scenario assumes no capital levy.

PFEC Considerations for Option A:

While this option has the advantage of being the least costly option and would meet current needs for maintenance improvements now, the fact that it does not provide funding for capital improvements was seen as a significant disadvantage by the PFEC. As such, this option was not supported by PFEC at their May 31 meeting.

❖ **Option B: Two Ballot Measures: Parks Maintenance & Operations Levy and 9-Year Capital Levy (Original PFEC Recommendation to Council)**

This option reflects the original recommendation of the PFEC provided to the Council on March 6. An on-going M&O Levy would provide funding for all of the purposes identified in Option A, with the addition of M&O funding to support proposed capital improvements to Edith Moulton Park and various City-School District playfield partnership sites.

The 9-Year Capital Levy as originally recommended would provide $10,000,000 to renovate, enhance, and expand Kirkland's park and trails system. Priority Capital Projects would include:

- Cross Kirkland Corridor Trail. Provides funding to create an interim hiking trail within the 5.75 mile Cross Kirkland Corridor.
- Land Acquisition Opportunity Fund. Provides funding to acquire land for future neighborhood parks in areas of the City where new parks are needed.
- Edith Moulton Park Renovation. Provides funding to complete renovations to community park transferred from King County as part of the 2011 annexation.
- City-School District Playfields Partnership. Provides funding to continue partnership with LWSD to upgrade school playfields for neighborhood and community use.
- Juanita Beach Bathhouse Replacement. Provides funding for replacement facility for park restrooms, maintenance storage, and canoe/kayak boating concession.
- Dock and Shoreline Renovations. Provides funding for major repairs and improvements to public docks and park shorelines for safety and property protection.
- Waverly Beach Park Renovation. Provides funding to provide needed improvements to this popular community waterfront park.

A summary of the estimated costs associated with this option is shown in Table 2 below:

Table 2. Option B Funding Summary (Original PFEC Recommendation)

Funding Purpose	Capital Funding Allocation	9-Year Annual Cost to Average Home	Annual MO Funding Allocation	Annual Cost to Average Home	Total Annual Cost to Average Home	Rate per $1,000 AV
Restore M & O	None		600,000	19.68	19.68	0.041
O.O. Denny Park	None		137,500	4.51	4.51	0.009
Forest Restoration	None		192,500	6.31	6.31	0.013
Waverly Beach Renovation	500,000	2.05	None		2.05	0.004
Dock and Shoreline Renovations	800,000	3.28	None		3.28	0.007
Edith Moulton Park Renovation	1,000,000	4.10	27,500	0.90	5.00	0.010
City-School Partnership Projects	1,000,000	4.10	27,500	0.90	5.00	0.010
Land Acquisition Opportunity Fund	2,500,000	10.25	None		10.25	0.021
Develop/Maintain Cross Kirkland Corridor Trail	3,000,000*	12.30	110,000	3.61	15.91	0.033
Juanita Beach Bathhouse Replacement	1,200,000	4.92	None		4.92	0.010
Total:	10,000,000	41.00	1,095,000	35.92	76.92	0.160

Note: Annual cost to average home based on $480,000 assessed valuation.

** Original amount recommended to be allocated for the Cross Kirkland Corridor Trail. Subsequently, some funding has been secured from the State of Washington for this project, with funding from additional outside sources also possible. As a result, this amount may be reduced accordingly.*

PFEC Considerations for Option B:

The PFEC reconsidered this option at their meeting of May 31. The relative advantages of this option were discussed: the two ballot measures provide funding for both M&O and high priority capital improvements; it provides all capital funding "up-front" to expedite projects and property acquisitions; it allows the City to take advantage of low interest rates (for issuing debt) and comparatively low property values (for land acquisition). It also provides voters with a choice to approve one, both, or neither of the measures. Finally, the recent survey results indicate majority support for both potential ballot measures.

However, overriding these perceived advantages was the concern that two park ballot measures and a road ballot measure on the same November ballot might jeopardize one or more of the funding propositions put forth by the City. While there continued to be some

support among some PFEC members for this option, the majority preferred a single park ballot proposition providing funding for both maintenance and capital, as described in Option C below.

❖ **Option C: Combined Parks Maintenance & Operations and Capital Levy (New PFEC Recommendation)**

This option would provide on-going funding for maintenance activities (as described in Options A & B) as well as on-going funding for capital improvements. Rather than capital funding derived "up-front" through the issuance of bonds (Option B), the levy would provide an annual revenue stream from which a portion would be allocated to fund capital improvements on a "pay-as-you-go" basis (levy funds in this option could not be used to pay off debt incurred from issuing bonds). In essence, the portion of the levy funds not used for M & O would supplement existing annual revenue sources for the Parks CIP. (For an examination of recent funding levels for the Parks CIP see **Attachment B**.)

Capital funding initially would be prioritized to fund the important Priority Capital Projects identified by PFEC (and as shown in Option B); thereafter, levy-funded projects would be determined through the City's typical CIP budgeting process to address the extensive number of unfunded projects currently identified in the City's Park, Recreation, and Open Space (PROS) Plan.

The original PFEC recommendation (Option B) would cost the owner of an average Kirkland home approximately $77 per year for the first nine years (and approximately $36 thereafter as the capital levy would expire). Since the "pay-as-you-go" options do not involve the use of debt (eliminating interest costs), all annual levy proceeds would be available for the CIP. Using the total annual impact of $77 as a threshold, the annual amount available for capital is $1,250,000 as shown below:

Table 3. Option C Funding Summary (New PFEC Recommendation)

Funding Purpose	Annual Levy Funding Allocation	Annual Cost to Average Homeowner	Rate per $1,000 AV
Restore M & O (include Lifeguards)	600,000	19.68	0.041
O.O. Denny Park Maintenance	137,500	4.51	0.009
Forest/Habitat Restoration	192,500	6.31	0.013
Maintain Cross Kirkland Corridor Trail	110,000	3.61	0.008
Edith Moulton Park Maintenance	27,500	0.90	0.002
City-School Projects Maintenance	27,500	0.90	0.002
Subtotal: Annual M & O Allocation:	1,095,000	35.92	0.075
Annual Park Capital Improvements	1,250,000	41.00	0.085
Total Levy:	2,345,000	76.92	0.160

Note: Annual cost to average home based on $480,000 assessed valuation.

If the City Council wanted to maintain the same capital funding as raised under the debt scenario (i.e. $10,000,000), then the levy rate and annual impact to the taxpayer for the capital portion of the levy could be reduced to $.068 and $32.64 respectively assuming a 10 year measure. Alternatively, the City Council could choose a higher or lower capital levy amount and this decision should be considered in the context of whether the ballot measure would be permanent or time limited.

One advantage of the "combined" option is that the City would have the flexibility, if desired, to adjust the proportion of levy funds annually distributed towards maintenance and capital. For example, while the City fully ramps up maintenance staffing levels in the initial year or two, a portion of levy funds not needed for the operating budget could be redirected towards capital projects. Likewise, as the City experiences inflationary costs to the maintenance budget over time, an increasing proportion of levy proceeds could be directed towards the operating budget while decreasing funding available for capital improvements.

How soon could PFEC's recommended Priority Capital Projects get completed with Option C?

From Option B, the following are the Priority Capital Projects recommended by PFEC for funding, adjusting the Cross Kirkland Corridor to acknowledge receipt of the state grant.

$ 500,000	Waverly Beach Renovation
$ 800,000	Dock and Shoreline Renovations
$1,000,000	Edith Moulton Park Renovation
$1,000,000	City-School District Playfields Partnership
$2,500,000	Land Acquisition Opportunity Fund
$1,600,000*	Cross Kirkland Corridor Interim Trail
$1,200,000	Juanita Beach Bathhouse Replacement
$8,600,000	Total

** Note that this net amount needed for CKC Trail is less than originally estimated by PFEC. It reflects both a revised overall project cost (from $3,000,000 to $3,600,000) and acknowledges that the City will receive $2 million from State of Washington for the project, leaving a net shortfall of $1,600,000.*

Depending upon the amount of the capital levy rate imposed, the projects would take more or less time to accomplish based on the availability of funds. The following table shows three timetable scenarios for generating the funds necessary to complete the priority projects listed above, including a $1,250,000 annual amount recommended by PFEC, a $1,000,000 amount consistent with first capital funding level using debt and a $750,000 amount as a means of demonstrating the impact of reducing the levy. The order of project implementation and completion would be determined in part by considering both project readiness and the availability of sufficient funds. Levy proceeds can be carried over from year-to-year.

Table 4. Option C Timeline Scenarios for Funding Priority Capital Projects

Year-by-Year Accumulation	Levy proceeds of $1,250,000 per year for capital	Levy proceeds of $1,000,000 per year for capital	Levy proceeds of $750,000 per year for capital
2013	1,250,000	1,000,000	750,000
2014	2,500,000	2,000,000	1,500,000
2015	3,750,000	3,000,000	2,250,000
2016	5,000,000	4,000,000	3,000,000
2017	6,250,000	5,000,000	3,750,000
2018	7,500,000	6,000,000	4,500,000
2019	8,750,000	7,000,000	5,250,000
2020		8,000,000	6,000,000
2021		9,000,000	6,750,000
2022			7,500,000
2023			8,250,000
2024 etc.			9,000,000

Additional $1.25 million per year toward future CIP projects

Additional $1 million per year toward future CIP projects

Additional $750,000 per year toward future CIP projects

Under the $1.250 million scenario, all of the identified capital projects could be completed within seven years while the $1 million scenario would require nine years, and $750,000 would require twelve years.

The table below shows the relative annual impact of each capital funding option:

Annual Amount Raised for Capital	$1,250,000	$1,000,000	$750,000
Tax Rate per $1,000 AV**	$.085	$.068	$.051
Annual Impact on $480,000 Home for Capital**	$40.80	$32.64	$24.48

** Each $250,000 is $.017 per $1000 and approximately $8.16 annually on the average home

<u>PFEC Considerations for Option C:</u>

Amount

The majority of PFEC members at the May 31 meeting supported Option C with the $1.25 million annual capital amount. The PFEC felt it had the advantage of providing funding for both on-going maintenance needs and on-going capital needs within a single measure. Once Priority Capital Projects are funded and completed, it would provide additional on-going capital funding for the City to address a significant backlog of unfunded park renovation, park development, and indoor recreation needs. Coupled with a roads maintenance measure, it would mean that the City would be asking voters to consider potentially two funding measures rather than three.

PFEC members did express concern about how such a ballot measure would be understood by citizens, and emphasized that clear wording of the ballot measure and information materials would be critical. PFEC also felt it would be important to identify and describe which projects would be completed within the first five or six years.

Permanent or Time limited
It was noted that City of Bellevue voters approved a similarly-structured parks levy in 2008, although it was limited to 20 years duration. The PFEC considered the relative merits of placing a time limit on the levy (such as 9 or 20 years), but ultimately concluded that the need to provide permanent, on-going funding for park maintenance was critical and that a permanent levy was preferred.

While securing funding for maintenance remains the PFEC's top priority, the PFEC as a group also believed that funding for capital improvements is important at this time and that the recent citizen survey indicated support from citizens for both purposes.

Cross Kirkland Corridor Funding
The original PFEC recommendation included $3 million dollars for interim trail development of the Cross Kirkland Corridor (CKC). Since then that estimate has been revised up to $3.6 million and a state grant for $2 million for the CKC has been received. At the May 31st PFEC meeting the PFEC recommended adjusting the CKC amount and the total levy down to reflect the remaining $1.6 million. After the PFEC meeting staff has learned that it likely that Kirkland will secure a $1 million PSRC grant for the CKC. If so, the Council could choose to revise the CKC number down even further to $600K and reduce the overall levy amount, leave $1.6 million in the measure for the CKC or reallocate the $1 million in savings to other projects.

Next Steps and Council Direction Requested

As a reminder of the pertinent deadlines associated with placing a measure on the November 2012 ballot, the following summarizes the planned activities and associated dates:

<u>July 3:</u>

- Council Study Session to consider potential ballot propositions
- Review of draft ballot titles and explanatory statements
- Council directs City Clerk to solicit citizens interested in serving on committees to prepare Pro and Con Statements for voter's pamphlet

<u>July 17:</u>

- Council to consider ordinances formally placing propositions on November 6 general election ballot;
- Council may schedule public hearings if desired (not required)
- Council appoints citizen committees to prepare Pro and Con Statements

August 7:

- Deadline for City to file ordinances with King County to place ballot propositions on ballot

August 15:

- Deadline for Pro/Con Committees to submit statements to King County

November 6:

- General Election

Staff is requesting direction from the City Council so that appropriate ballot titles can be prepared for consideration on July 3. There are three dimensions that need consideration.

1. Which ballot measure option does the City Council prefer:
    a. Option A: Maintenance only
    b. Option B: Separate maintenance and capital levies
    c. Option C: One Maintenance and "Pay-as-you-Go" capital levy

2. Based on the option chosen, how much operating and capital funding should be requested? Specifically, if Option C is the preferred option, should the ballot measure request a rate that generates annual capital funding of $1,250,000, $1,000,000, $750,000 or some other amount? As part of this decision, what assumptions should be made about CKC funding in the levy.

3. Should the maintenance and/or capital levy be permanent or time-limited (e.g. requires reauthorization by the voters after 10 years, 20 years or some other time period)?

NOTE: The issue of a time limit for the ballot measure will also need to be answered for the potential Roads maintenance levy. Should it be a 10 year, 20 year or permanent levy? Staff will be looking for similar direction on the Roads ballot measure at the July 3rd Council meeting.

Attachments

cc: Park Funding Exploratory Committee
Park Board
Marilynne Beard, Assistant City Manager
Tracey Dunlap, Director of Finance and Administration

ATTACHMENT A

Park Funding Options

OPTION A		OPTION B		OPTION C	
MO LEVY ONLY ($34)		MO LEVY ($36) + CAPITAL LEVY ($41) (original PFEC recommendation)		COMBINED MO/CAPITAL LEVY ($77) (current PFEC recommendation)	
Advantages	Disadvantages	Advantages	Disadvantages	Advantages	Disadvantages
Least expensive of the three ballot options	Does not provide funding for capital	Provides funding for both maintenance and capital needs	Requires two separate ballot measures	Provides permanent, on-going funding for both maintenance <u>and</u> capital needs	Does not allow voter to choose MO vs. capital ("all or nothing")
Has higher chance of passage	May make it more difficult to put forward a capital levy in the near future	Allows voter to choose one, both (or neither)	Capital funding capped at $10 million (as proposed by PFEC)	Over time, would generate the most funding for capital projects as compared to other options	Entire levy is permanent as opposed to 9-year capital levy (greatest long-term impact to property taxes)
Meets current needs now		Provides funding for acquisition at a time of decreased property values in Kirkland	Potential voter fatigue with competing voted tax measures (Kirkland and other agencies)	Opportunity to adjust amount of total funding distributed to MO and capital (both during initial ramp-up and long-term)	"Pay-as-you-go" may limit ability to fund or timing of larger capital projects or purchases
Provides single focus for campaign – maintaining what we have		Provides capacity to assume debt while interest rates are very low	Survey results indicate funding for capital has comparatively less support	Allows for lower total levy request while including selected capital projects that have broad-based support	Capital projects completed at a slower pace
Allows PROS Plan to be completed so that priorities can be confirmed/revised		Provides all capital funding "up front" to allow City to expedite projects/acquisitions	May put MO Levy at risk		
		Capital levy debt is retired after 9 years			

2002-2011 PARKS ANNUAL CIP FUNDING

Year	REET 1	Impact Fees	Park Bond[1]	Open Space KC Levy	General Fund Rev[2]	Grants/ External[3]	Total Funding
2002	570,000	80,000	-	-	-	-	650,000
2003	847,500	40,000	45,468	-	-	200,000	1,132,968
2004	716,109	-	3,577,963	-	-	10,000	4,304,072
2005	749,100	-	3,031,655	-	22,000	12,221	3,814,976
2006	1,020,000	40,000	571,762	-	-	-	1,631,762
2007	1,325,394	155,000	547,476	-	144,594	77,315	2,249,779
2008	805,726	449,074	240,656	118,097	-	106,097	1,719,650
2009	479,004	-	283,518	122,232	-	352,737	1,237,491
2010	1,340,808	-	323,781	126,491	-	372,848	2,163,928
2011	1,082,525	-	314,323	128,692	750,000	224,487	2,500,027
Total	**8,936,166**	**764,074**	**8,936,601**	**495,512**	**916,594**	**1,355,705**	**21,404,652**
Average [4]	***894,000***	***76,000***	***894,000***	***124,000***	***92,000***	***136,000***	***2,216,000***

Annual Average Excluding Park Bond Funding: 1,322,000

1) Includes interest earnings on unspent balances
2) Primarily state grants, along with McAuliffe Park insurance recovery, and small private contributions
3) General Fund contributions include use of Capital Contingency
4) Average for Open Space King County Levy since 2008

Council Meeting: 06/19/2012
Agenda: Unfinished Business
Item #: 10. b.

CITY OF KIRKLAND
City Manager's Office
123 Fifth Avenue, Kirkland, WA 98033 425.587.3001
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Marilynne Beard, Assistant City Manager

Date: June 8, 2012

Subject: SPECIAL EVENTS FUNDING REQUESTS

RECOMMENDATION:

It is recommended that City Council:

1. Receives additional information regarding the use of City funds for Summerfest and confirms an allocation of $7,000 for the event; and
2. Considers allocating $7,000 from the City Council Special Project Reserve to Celebrate Kirkland's 4th of July Fireworks Display.

BACKGROUND DISCUSSION:

The purpose of this memo is to address the City Council's request for additional information regarding the use of public funds for Summerfest and to provide background on the more recent funding request from the Kirkland Downtown Association for Celebrate Kirkland.

SUMMERFEST

On April 3, a group of citizens addressed the City Council requesting funding for Summerfest. Council directed staff to prepare an appropriation request and on April 17, the City Council received a report that addressed historical practices for funding outside agencies, the use of public funds for events and the Summerfest request specifically. The City Council gave preliminary approval to the funding request, but asked that further information be provided by the event sponsors about the proposed use of the City's contribution.

In order for the City to provide funding to an outside agency, there must be a written contract with a description of the service (or event) to be provided and a description of use of the funds. Once an agreement is executed and the services have been provided, the outside agency can invoice the City for reimbursement by providing original receipts documenting that the funds were used as proposed.

Staff is in the process of finalizing contract documents between the City and Kirkland Downtown Association for the $7,000 funding award. By way of documentation, the KDA provided a copy of the event description developed for the tourism funding request, a list of proposed

expenditures and promotional materials further describing the event and (see Attachments A and B). The City's funds will be used to reimburse up to $7,000 for the following expenses:

Item	Estimated Expense
Rental of tents for vendors	$13,247
Fencing	2,063
Radios for event management	320
Furniture – seating for food and beverage court	6,929
Restrooms	3,036
Electrical	1,261
Audio for music stages	4,304
Total	31,163

CELEBRATE KIRKLAND

On May 24, the City Manager received a request from the Kirkland Downtown Association for funding assistance of up to $30,000 for the 4th of July Celebrate Kirkland event (Attachment C). The City Manager forwarded the request to the City Council and suggested that the event representatives address the City Council directly under "Items from the Audience." At the June 5 City Council meeting, two speakers addressed the City Council reiterating their request. The City Council asked staff to return to the following Council meeting with additional information about the purpose of the funds, a fiscal note and a recommendation in an amount of $7,000.

Staff met with representatives of the Kirkland Downtown Association to gain a better understanding of the proposed use of the funds. The largest expense for the Celebrate Kirkland event is the fireworks display. The estimated cost of the display is $40,000 which will provide a 15 to 20-minute display in keeping with past years. The KDA will use all of the City funding to pay for a portion of the fireworks display. The City has contributed to the display in past years based on the role of the fireworks as an important event draw and resulting economic development benefits that come from drawing large crowds into downtown Kirkland.

Staff recommends allocating $7,000 from the City Council Special Project reserve for this purpose (see Attachment D Fiscal Note for impact).

ATTACHMENT A

From: Vince Isaacson [mailto:lakestdiamond@msn.com]
Sent: Thursday, May 24, 2012 4:05 PM
To: Kurt Triplett
Subject: 4th of July

Hi Kurt,

This is a follow-up regarding the City's participation in funding the 4th of July parade and fireworks. As we discussed, the grant from the city will be enjoyed by an estimated 40,000+ people. Civic pride that is shared by the viewers and participants affects the entire eastside. Kirkland puts on the best and most sought after 4th of July Celebration and is not limited to the downtown area. From the kids riding their tricycles to the Military Honor Guard, the parade is truly an entire region event.

The costs change each year based upon who sponsors the event and how that amount can be spent for the enjoyment of all. To fund the Celebration as the event organisers would like, $60,000 needs to be raised. The amount raised to date is less than $30,000. With the 4th of July less than 6 weeks away, participation from the city is essential.

The Kirkland Downtown Association is requesting you to present to the Kirkland City Council a 'funding request' on behalf of the KDA to be used solely for the 4th of July Celebration. The amount of this request is to be determined by the Council and the budgets they can use for this purpose.

It would be nice if the Council would fund the bugdet shortfall of approximately $30,000, but we would be pleased to share with the event organisers, 40,000+ people enjoying the 4th, parade volunteers and fireworks watchers, whatever the Council deems prudent.

Thank you for your consideration,

Vince Isaacson,
President
Kirkland Downtown Association

KIRKLAND
WATER COLORS EVERYTHING

2012 LTAC Expenditure Report Worksheet

Report Worksheet is due: December 1, 2012

1. **Organization:** KIRKLAND SUMMERFEST C/O KIRKLAND DOWNTOWN ASSOCIATION

2. **This report covers:**

   Event Name: KIRKLAND SUMMERFEST **Date:** AUG 10 - 11, 2012

   or

   Program: _____ **Date(s):** _____

3. **Total Lodging Tax funds allocated to this event or facility:** $ 3000.00

4. **Estimated total event attendance at event or program:** 10,000

   Describe methodology used to determine this figure

   ESTIMATED ATTENDANCE BASED ON SIMILAR EVENTS RECENTLY HELD
   FOOD TRUCKS - SEATTLE ≈ 7000 +
   MUSICAL ACTS = 400 - 1000 + (THERE WILL BE 3 MAIN STAGES WITH 20+ PERFORMERS)
   KIDS CORNER + TOUCH A TRUCK = AUBURN KIDS DAY ATTENDANCE = 10,000
   SHAKESPEARE IN THE PARK ≈ 400
   ADDITIONAL ENTERTAINMENT

5. **Estimated percentage of total attendance for event or program by (list separately): 1) local visitors; 2) visitors who traveled more than 50 miles; or 3) people who stayed overnight:**

   1. **Local Visitors** 84 %
   2. **Traveled** 15 %
   3. **Overnight Stay** 1 %

   Describe methodology used to determine this figure

   SOME MUSICAL PERFORMERS AND ARTISTS LIVE OUTSIDE THE 50 MILE RADIUS AND THEIR FANS WILL TRAVEL TO KIRKLAND FOR THIS EVENT WE ARE TOLD. WE ESTIMATE 1% WILL STAY OVERNIGHT BECAUSE WE ARE MOSTLY ATTRACTING AUDIENCES FROM PUGET SOUND

6. **Estimated total room nights generated:** 100.

   Describe methodology used to determine this figure

   ONE PERCENT OF 10,000 EQUALS 100 ROOM NIGHTS.

7. **Any other information that demonstrates the impacts of the festival, event or tourism-related facility owned by a non-profit organization or local jurisdiction (please describe):**

   KIRKLAND SUMMERFEST IS A UNIQUE FESTIVAL COMBINING ART, MUSIC, FOOD, CULTURE AND FAMILY ATTRACTIONS.

Submitted by: ROB BUTCHER

E-mail or phone number: EDITOR@KIRKLANDVIEWS.COM 425-456-1111

Date: MAY 2, 2012

Please return worksheet to the attention of Jeannie McGivern, Tourism Department at the City of Kirkland, 123 Fifth Avenue, Kirkland, WA 98033.

For questions contact Julie Huffman at (425) 587-3012 or jhuffman@ci.kirkland.wa.us.

KIRKLAND
WATER. COLORS. EVERYTHING.

2012 LTAC Grant Reimbursement Form

Reimbursement Form is due: December 1, 2012

Instructions: Please itemize and provide a detailed explanation for all expenditures and attach ORIGINAL receipts (keep COPIES for your records). City tourism funds can only be used for specific purposes as outlined in RCW 67.28.080 (*see* Attachment C).

Please return reimbursement form to the attention of Jeannie McGivern, Tourism Department at the City of Kirkland, 123 Fifth Avenue, Kirkland, WA 98033.

Contact Information

Program/Event Title:	Date of Program/Event:
Organization:	Contact Name:
Mailing Address:	
Phone:	E-mail Address:

Reimbursement Information

Expense Description	Vendor/Staff	Cost

Name of Grant Recipient _____

Date _____

LTAC Funds Criteria

Tourism Goals

1. Increase hotel occupancy in Kirkland by extending length and frequency of overnight stays.
2. Increase overnight stays during the off season (October-May).
3. Provides visitor attractions and/or promote the area's existing attractions.
4. Attract more businesses to Kirkland and thereby generate additional business for hotels and motels.
5. Improve the City's overall image to stimulate positive customer awareness.

RCW 67.28.080 (taken from the definitions section)

"Tourism promotion" means activities, operations, and expenditures designed to increase tourism, including but not limited to advertising, publicizing, or otherwise distributing information for the purpose of attracting and welcoming tourists; developing strategies to expand tourism; operating tourism promotion agencies; and funding the marketing of or the operation of special events and festivals designed to attract tourists.

"Tourist" means a person who travels from a place of residence to a different town, city, county, state, or country, for purposes of business, pleasure, recreation, education, arts, heritage, or culture.

KIRKLAND SUMMERFEST
Partical list of Logistics Costs (not including police/security)

Item	Supplier Bid or Estimate	Description
Tents	$13,247.90	Vendor tents for festival
Fencing	$2,063.68	
Radios	$320.00	Event management
Furniture	$6,929.32	Seating for food/beverage court
Restrooms	$3,036.01	
Electrical	$1,261.49	
Audio	$4,304.41	Music stages
TOTAL	**$31,162.81**	

PRESENTED BY THE KIRKLAND AUTO DEALERS

ATTACHMENT B

www.kirklandsummerfest.com

2012 KIRKLAND SUMMERFEST

music. food. art. fun.

Benefitting Lake Washington Schools Foundation

AUGUST 10-11, 2012

PROFILE:
Kirkland SummerFest is a weekend celebration of art, music, food and entertainment that enriches the cultural, economic and social vitality of the region. We aspire to be a widely anticipated, interactive hub of creative and community energy and a festival for the whole family. Proceeds will benefit the Lake Washington Schools Foundation.

MISSION:
The Kirkland SummerFest mission is to present a celebration of arts, music and food that enriches the cultural, economic, and social vitality of the region.

CORE VALUES:
Excellence, Integrity, Community, Family

VISION:
Kirkland SummerFest aspires to be an enduring local treasure, a celebration of regional arts and a fun festival for the whole family – a widely anticipated, interactive hub of creative and community energy.

PRIMARY GOALS:
- Engage residents of and visitors to Kirkland
- Build a tradition of summer celebration in Kirkland's downtown
- Develop partnerships and build relationships to foster a successful event
- Engage civic and business leaders in creating a new venue for promoting Kirkland

SPONSORSHIP BENEFITS:
Kirkland SummerFest is a highly visible, multi-faceted event spanning two days in the heart of Washington state's twelfth largest city. Sponsorships offer opportunities to build brand awareness, drive traffic to your business, and connect with consumers in a fun and relaxed atmosphere. Located alongside and near the Kirkland waterfront, the end-of-summer festivities are expected to draw upwards of 10,000 people in its inaugural year. Multiple entertainment offerings including live music, Shakespearean performances, art exhibits, children's activities, along with food, beer, wine and other refreshments – all with no admission charge.

Investment categories include:

Presenting Sponsor: $15,000	Gold Sponsor: $2,500
Diamond Sponsor: $10,000	Silver Sponsor: $1,000
Platinum Sponsor: $5,000	Bronze Sponsor: $500

In addition, booth rental is available to vendors and sponsorships of specific events are available. Food vendors are also available to participate along with beer and wine vendors.
Details on various investment categories are shown on the following pages.

Contact –
Rob Butcher (425) 456-1111 or rob.butcher@mac.com

PRESENTED BY THE KIRKLAND AUTO DEALERS

2012 KIRKLAND SUMMERFEST
music. food. art. fun.
Benefitting Lake Washington Schools Foundation
AUGUST 10-11, 2012

More about our 2012 beneficiary

Since the Lake Washington Schools Foundation was established in 2004, it has raised over $1.6 million from its generous community and has funded programs that have touched almost every student in the District. These programs ensure equal access to educational opportunities, quality teaching and leadership, and future-ready skills.

Lake Washington Schools Foundation
ENRICH ENGAGE EMPOWER

The Lake Washington Schools Foundation is growing each year to ensure that effective programs that have been cut or diminished by reduced state funding can continue. The State funds basic education, but the District sets a higher bar for its students. The Foundation supports those higher standards.

Why do we need a schools foundation?

- Research shows that support from a schools foundation raises test scores and increases individual student potential and performance.
- Schools foundations provide the enrichment opportunities that local levies cannot fund.
- Most of the neighboring school districts have a schools foundation that each raise between $100,000 and $2 M per year for supplemental educational opportunities.

As a result of the generosity of our donors, the Lake Washington Schools Foundation offers multiple grant programs designed in conjunction with the Lake Washington School District to address specific needs. Programs include:

- Reaching for Success Grants for innovative educational projects that support each school's continuous improvement plan and opportunities for teachers and staff to pursue new approaches to engaging students;
- Access Fund to help low-income students defray some of the costs of attending secondary school, such as classroom fees, lab manuals, and graphing calculators;
- Science Enrichment to strengthen secondary science education, including the purchase of Vernier LabQuest devices and other science-related materials that provide hands-on experience;
- LINKS, a district-wide mentoring program developed to bring at-risk students together with caring adults to support their emotional, social, and academic needs;
- Core Academic Summer School, a program for elementary students to review and prepare for the upcoming school year.

Visit www.lwsf.org to learn how donors' gifts of time, money and in-kind services are directly and efficiently impacting classroom learning and supporting the Lake Washington School District in preparing students to graduate and lead rewarding, responsible lives as contributing members of our community and greater society.

Kirkland Auto Dealers Present

2012 KIRKLAND SUMMERFEST

music. food. art. fun.

Benefiting Lake Washington Schools Foundation

August 10-11

Schedule of Events

Friday, August 10, 2012

Opening Night Shakespeare in the Park
Seattle Shakespeare Company performing *The Winter's Tale*
Venue: Pavilion in Marina Park
Time: 7:00pm

SummerFest Regatta
Venue: Kirkland waterfront
Time: TBA

Saturday, August 11, 2012

Kids Corner Sponsored by MRM Capital
Various family events including art, music, clowns, face painting, inflatable toys, story time, touch a truck, and much, much more!
Venue: Marina Park Pavilion, Marina Park
Time: 11am - 5pm

Live Music
Various musical acts performing at:
Symetra Main Stage, Marina Park Pavilion 11am - 10pm
Lake Street Stage, Lake & Central 11am - 9pm
Community Stage, Park Lane 11am - 9pm

Food Trucks
15 Gourmet Food Trucks competing for The Best of the Fest!
Venue: Park Lane, Marina Park

Rotary Duck Dash
Family fun on the beach brought to us by Rotary Club members
Venue: Marina Park
Time: 2:30pm

Art in the Park
Sculptures, Plein aire artists
Venue: Marina Park

Baseball at Lee Johnson Field
Baseball games are scheduled in conjunction with SummerFest
Venue: Lee Johnson Field
Time: TBA

BECOME A PART OF SUMMERFEST!

Kirkland SummerFest invites you to participate in this exciting event bringing over 10,000 guests from around the Puget Sound into Kirkland on August 11, 2012 to celebrate summer with art, music, food, and fun. SummerFest wants to partner with you, our local merchants, to make this event a smashing success for all. Here are just a few of the many ways in which your business can participate in Kirkland SummerFest:

Ways to Participate

BECOME A FESTIVAL VENDOR

If having a booth at the festival is your thing and you want to be in the heart of the action, we have made accommodations just for you. Local merchants have priority booth locations already set aside. The spots are first come, first served, so sign up today by downloading an application at our website (see below).

BECOME A BEER & WINE GARDEN VENDOR

Be a part of the two-day Munich Oktoberfest-style Beer & Wine Garden at SummerFest by having your own tent inside the hottest spot in the festival. The Beer & Wine Garden at Marina Park hosts its own music stage, multiple local vendors serving exclusive selections of food, beer and wine. First come, first served on beverage selection and tent locations. Act now to reserve your space..

BECOME A SPONSOR

There are many sponsorship opportunities available for you reach the thousands of potential customers who will attend Kirkland SummerFest. Become a sponsor and show the community your support. Sponsorship packet is available for downloading at our website (see below).

WWW.KIRKLANDSUMMERFEST.COM

PRESENTED BY THE KIRKLAND AUTO DEALERS

2012 KIRKLAND SUMMERFEST

music. food. art. fun.

Benefitting Lake Washington Schools Foundation

AUGUST 10-11, 2012

Radio Disney AM 1250

Fun for Kids

Radio Disney AM 1250, music, performances, bouncy toys, face painters, Duck Dash, Touch A Truck and much more!

Fun for Everyone

Over 40 hours of music and performances on 4 stages, Beer and Wine Garden, 15 food trucks, Shakespeare, Plein Aire Artists, Sculpture Garden, Vendor Booths, Street Musicians and more.
All in beautiful downtown Kirkland.

Questions?

If you have questions, we have answers! Have an idea for how Kirkland SummerFest could help your business, let us know - we want to partner with you to make this festival a success for you.

Contact:

Rob Butcher 425-456-1111 rob.butcher@mac.com

ATTACHMENT C

From: Vince Isaacson [mailto:lakestdiamond@msn.com]
Sent: Thursday, May 24, 2012 4:05 PM
To: Kurt Triplett
Subject: 4th of July

Hi Kurt,

This is a follow-up regarding the City's participation in funding the 4th of July parade and fireworks. As we discussed, the grant from the city will be enjoyed by an estimated 40,000+ people. Civic pride that is shared by the viewers and participants affects the entire eastside. Kirkland puts on the best and most sought after 4th of July Celebration and is not limited to the downtown area. From the kids riding their tricycles to the Military Honor Guard, the parade is truly an entire region event.

The costs change each year based upon who sponsors the event and how that amount can be spent for the enjoyment of all. To fund the Celebration as the event organisers would like, $60,000 needs to be raised. The amount raised to date is less than $30,000. With the 4th of July less than 6 weeks away, participation from the city is essential.

The Kirkland Downtown Association is requesting you to present to the Kirkland City Council a 'funding request' on behalf of the KDA to be used solely for the 4th of July Celebration. The amount of this request is to be determined by the Council and the budgets they can use for this purpose.

It would be nice if the Council would fund the bugdet shortfall of approximately $30,000, but we would be pleased to share with the event organisers, 40,000+ people enjoying the 4th, parade volunteers and fireworks watchers, whatever the Council deems prudent.

Thank you for your consideration,

Vince Isaacson,
President
Kirkland Downtown Association

ATTACHMENT D

FISCAL NOTE

CITY OF KIRKLAND

Source of Request

Kurt Triplett, City Manager

Description of Request

Request for $7,000 from the Council Special Projects Reserve to provide funding for the Celebrate Kirkland 4th of July Fireworks Display.

Legality/City Policy Basis

Fiscal Impact

One-time use of $7,000 of the Council Special Projects Reserve. The reserve is able to fully fund this request.

Recommended Funding Source(s)

	Description	2012 Est End Balance	Prior Auth. 2011-12 Uses	Prior Auth. 2011-12 Additions	Amount This Request	Revised 2012 End Balance	2012 Target
Reserve	Council Special Projects Reserve	251,534	62,000	0	7,000	182,534	N/A
	2011-12 Prior Authorized Use of this reserve: $15,000 for the Eastside Severe Weather Shelter, $10,000 for Green Kirkland, $5,000 Ethics Program Agreement, $25,000 for Cultural Council funding, and $7,000 for Summerfest (confirmation of the Summerfest request at the June 19th City Council meeting).						
Revenue/Exp Savings							
Other Source							

Other Information

Prepared By	Neil Kruse, Senior Financial Analyst	Date	June 11, 2012

Council Meeting: 06/19/2012
Agenda: New Business
Item #: 11. a.

CITY OF KIRKLAND
City Attorney's Office
123 Fifth Avenue, Kirkland, WA 98033 425.587.3030
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Oskar Rey, Assistant City Attorney

Date: June 13, 2012

Subject: Proposed Settlement Agreement with Kilroy Realty L.P. Regarding Flooding Plaza at Yarrow Bay Office Campus

RECOMMENDATION:

City staff recommends that the Council authorizes the City Manager to execute a proposed Settlement Agreement resolving the flooding claims of Kilroy Realty L.P. ("Kilroy") against the City.

BACKGROUND:

Kilroy is the current owner of the Plaza at Yarrow Bay Office Campus located at 10210, 10220 and 10230 NE Points Drive and 3933 Lake Washington Boulevard ("Plaza at Yarrow Bay"). Kilroy acquired Plaza at Yarrow Bay from HAL Real Estate Investments, Inc. ("HAL") in April 2011. Prior to selling to Kilroy, HAL filed a claim against the City alleging that waters from Cochran Springs Creek were causing flooding at Plaza at Yarrow Bay. Upon acquiring Plaza at Yarrow Bay, Kilroy and City staff began negotiating the resolution of the flooding claims. The attached proposed Settlement Agreement represents the results of those negotiations.

City staff will provide a more in-depth review of the Settlement Agreement at the June 19, 2012 Executive Session. The Council will then have the opportunity bring a motion to authorize City execution of the Settlement Agreement during the New Business portion of the Council Meeting.

CITY OF KIRKLAND

AND

KILROY REALTY NORTHWEST CORPORATION

SETTLEMENT AGREEMENT

This SETTLEMENT AGREEMENT ("Agreement") is made between and among the City of Kirkland ("City") Kilroy Realty, L.P., and Kilroy Realty Corporation d/b/a Kilroy Realty Northwest Corporation ("Kilroy") (collectively "Parties").

WHEREAS, the Parties wish to resolve a dispute concerning flooding of Kilroy's Office Campus, the Plaza at Yarrow Bay (the "Office Campus"), located at 10210, 10220 and 10230 NE Points Drive and 3933 Lake Washington Boulevard, involving Cochran Springs Creek; and

WHEREAS, the prior owner of the Office Campus, HAL Real Estate Investments, Inc. (the "Prior Owner"), filed with the City a Notice of Claim alleging flooding damage at the Plaza at Yarrow Bay (the "Claim"). A copy of the Claim is attached hereto as **Exhibit 1**. The Prior Owner assigned the Claim to Kilroy as part of the sale of the Office Campus to Kilroy; and

WHEREAS, the Prior Owner and the City entered into an agreement whereby the Prior Owner would pay for the City's critical areas consultant The Watershed Company ("Watershed") to study means to alleviate flooding and afford fish passage from Lake Washington; and

WHEREAS, the Parties agree the final Watershed study, dated June 20, 2011, attached hereto as **Exhibit 2**, establishes a reasonable and cost-effective plan of action to recreate a stream bed for Cochran Springs Creek ("Restoration Project"), at an estimated construction expense to Kilroy of $132,826.51, the Parties also agree that neither party to this agreement warrants, represents, or guarantees that the implementation of the Watershed study recommendations will reduce flooding of Kilroy's Office Campus; and

WHEREAS Kilroy has been working in cooperation with the City since acquiring the Office Campus in April, 2011 by funding (1) completion of the Watershed study, (2) rehabilitation of Yarrow Creek during the summer of 2011 to remove beaver dams and relocate beavers, (3) preparation by Watershed of a Joint Aquatic Resource Permit Application ("JARPA") to secure state and federal agency approvals required for the Cochran Springs Creek Restoration Project, attached hereto as **Exhibit 3**, with Kilroy's funding of this work exceeding $150,000.00 to date; and

WHEREAS the City Council took action on December 12, 2011 to affirm funding of the Cochran Springs/Lake Washington Boulevard Enhancements Project (CSD0048) ("Road Project"), as specified in the document attached hereto as **Exhibit 4**, the City has retained the services of a professional engineer to conduct a design study for this Project; and

WHEREAS, the State Department of Fish and Wildlife granted Hydraulic Project Approval for the JARPA application on January 11, 2012, as specified in the document attached hereto as **Exhibit 5** and federal agency approvals are pending; and

WHEREAS, in view of the cooperative efforts of Kilroy and the City to resolve the above-referenced dispute, and the desire to continue this cooperative effort, the Parties desire to settle the Claim as set forth in this Agreement, NOW THEREFORE

In consideration of mutual benefits and promises the Parties agree as follows:

1. **Kilroy funding of Yarrow Bay wetlands and stream restoration and maintenance.**

a. Kilroy will continue to pay the expenses Watershed incurs to secure state and federal agency approvals and Muckleshoot Tribe concurrence with the JARPA application, to oversee construction of the Restoration Project, and to oversee Kilroy activities undertaken pursuant to a License Agreement with the City, with said expenses estimated at $25,000.00 for 2012.

b. Kilroy agrees to hire a contractor and pay contractor expenses for implementation of the JARPA approval, at a present expense estimated by Watershed of $132,826.51 as specified in the document attached hereto as **Exhibit 6**, provided that acts or neglect by the contractor performing the work pursuant to the JARPA, fires, storms, floods, earthquakes or acts of God that are beyond Kilroy's control will excuse Kilroy's duty to pay amounts in excess of 20% above the estimated $132,826.51 to the extent of harm caused by such acts or events.

c. Kilroy will incur expenses to implement the activities authorized by the Yarrow Bay wetlands and streams license agreement, with said license attached hereto as **Exhibit 7**.

2. **City construction of Surface Water Utility Project CSD0048, Cochran Springs/Lake Washington Boulevard Enhancements.**

a. The City will complete design, engineering and permitting of the Road Project by December 31, 2014.

b. To the extent it is feasible in terms of cost, engineering and permitting, the City will pursue construction of a permanent sediment trap located in the Cochran Springs Creek stream bed as part of the Road Project as specified in the Watershed study.

c. The City will complete the construction of the Road Project by December 31, 2016.

d. The Parties acknowledge that these deadlines set for the Road Project may be extended by mutual written consent if there are delays beyond the City's control, with Kilroy's consent not to be unreasonably withheld. The Parties agree that delays in completion of the State Route 520 work in the vicinity of the Road Project would constitute a delay beyond the City's control.

e. The Parties agree that the City is not responsible for flooding occurring after completion of the work described in this Agreement if the flooding is a result of an Act of God storm event.

3. **Cochran Springs Creek sediment trap maintenance.**

a. The Parties acknowledge the need to construct and maintain a sediment trap to provide for long-term sustainability of fish passage and flood control benefits of the Cochran Springs Creek restoration project. The JARPA engineering plans specify the design of a temporary sediment trap to be utilized until the City completes the construction of a permanent sediment trap as part of project CSD0048.

b. The City will maintain both the temporary sediment trap until abandoned and the permanent sediment trap on an as-needed basis, with inspections to determine maintenance needs occurring at least once every year. The protocol for the City's inspection of the stream bed and for maintenance of both the temporary and permanent sediment traps is specified in the document attached hereto as **Exhibit 8**.

c. Should City funding of the Road Project be inadequate to construct a permanent sediment trap, the City will maintain the temporary sediment trap until such time as a permanent sediment trap is constructed through additional City or other agency funding.

d. The Parties acknowledge the importance of sediment trap maintenance to reduce the chance of flooding and to preserve and enhance fish habitat. In the event Kilroy believes that the City has not maintained the sediment traps as provided in paragraph 3b above, it shall provide a written thirty (30) day notice to the City Attorney and the Public Works Director notifying the City of the alleged failure to maintain and detailing the factual basis for the notice. If the City has not cured the condition complained of by Kilroy within the 30 day period, then Kilroy has no plain, speedy, and adequate remedy in the ordinary course of law, and Kilroy is entitled to specific performance of this paragraph and paragraph 3b of this Agreement pursuant to a writ of mandamus if Kilroy establishes the City failed to maintain either the temporary or permanent sediment trap as provided in paragraph 3b; provided that the City and Kilroy acknowledge that the State Department of Fish and Wildlife may restrict the time of year during which the City may conduct non-emergency in stream activities, and that any such restrictions shall be taken into account by any court ruling on the City's obligations under this Section 3.

4. **City approval of Yarrow Bay wetlands and stream restoration and maintenance license agreement.**

a. The Parties approve the license agreement affixed hereto as Exhibit 7 concurrent with the execution of this Agreement.

5. **General provisions.**

a. Each of the Parties agree to cooperate in carrying out the terms of this Agreement and each party shall execute and deliver any and all additional documents as may be necessary or desirable to carry out the terms or provisions of this Agreement. However, this paragraph shall not require the execution of any document that expands, alters or in any other way changes the terms of this Agreement.

b. This Agreement constitutes the final and complete expression of the Parties on the subject set forth herein and this Agreement may not be modified, amended, waived, or revoked

orally but only by a writing signed by all Parties. This Agreement supersedes and replaces all prior agreements, discussions and representations on the subject of this Agreement, which are merged into and superseded by this Agreement. No party is entering into this Agreement in reliance on any oral or written promise, inducement, representation, understanding, interpretation, or agreement, other than as are contained and set forth in this Agreement.

c. In the event that Kilroy sells the Office Campus that is the subject of this Agreement, or any part thereof, Kilroy will advise the buyer of the existence of this Agreement. Kilroy will assign this Agreement as part of such sale or sales and notify the City of any assignment.

d. Each party acknowledges that they have read this Agreement, including the exhibits attached hereto, they understand the terms thereof; and each has had the opportunity to seek advice from their respective legal counsel and advisors regarding this Agreement.

e. If any party should be in breach of this Agreement, and any party seeks to enforce the terms of this Agreement, the substantially prevailing party shall be entitled to recovery of all costs, including its reasonable attorney's fees.

f. Maintenance of temporary and permanent sediment traps shall be conducted in accordance with all conditions set by the State Department of Fish and Wildlife, including any condition limiting the time period each year for conduct of non-emergency in-stream activities.

g. This Agreement constitutes a compromise of disputed claims. It is not and should not be construed as an admission regarding any of the claims or issues set out in the HAL Claim. Kilroy hereby withdraws the Claim and acknowledges that the resolution of the Claim as embodied by this Agreement is final and dispositive, provided that the Parties faithfully honor the terms of this Agreement. The Parties have entered into this Agreement for the purpose of settling the Claim, avoiding the cost of litigation, and advancing the positive results of collaboration occurring since Kilroy's acquisition of the Office Campus, and setting in place a long-term working relationship for stewardship of Yarrow Bay wetland and stream resources.

h. Accordingly, Kilroy, for consideration of the mutual promises set forth in this document, hereby releases, acquits, and forever discharges the City of Kirkland and its agents, servants, and employees of and from any and all claims, actions, expenses and compensation whatsoever, which Kilroy now has/have on account of or in any way growing out of any and all known, and unknown, property damage and the consequences thereof resulting or to result from

the events described in the attached Notice of Claim filed by HAL Real Estate Investments, Inc. and assigned to Kilroy.

FULLY EXECUTED and effective as of the last date written below:

CITY OF KIRKLAND

By:_____
Kurt Triplett, City Manager

Date:_____

ATTEST/AUTHENTICATED:

By:_____
Kathi Anderson, City Clerk

Date:_____

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

By:_____

Date:_____

KILROY REALTY, L.P.,
A Delaware Limited Partnership

By: KILROY REALTY CORPORATION, a Maryland Corporation,
doing business in the State of Washington as Kilroy Realty Northwest Corporation

By:_____

Title:_____

By:_____

Title:_____

Council Meeting: 06/19/2012
Agenda: New Business
Item #: 11. b.

CITY OF KIRKLAND
Department of Planning and Community Development
123 Fifth Avenue, Kirkland, WA 98033 425-587-3225
www.ci.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Dorian Collins, Senior Planner
Eric Shields, Planning Director

Date: June 7, 2012

Subject: **ADOPTION OF AMENDMENTS TO THE ZONING CODE RELATING TO THE TOTEM LAKE BUSINESS DISTRICT (FILE ZON11-00034)**

RECOMMENDATION

Council approves the attached ordinance amending the Kirkland Zoning Code:

- Ordinance O-4357, amending various sections of the Kirkland Zoning Code intended to simplify regulations and permit processes in order to remove potential barriers to development, provide greater flexibility and add or expand incentives to encourage development in the Totem Lake business district.

BACKGROUND

The Planning Commission discussed the proposed amendments at four study sessions since September of 2011, and held a public hearing on May 24th. Citizens, property owners and representatives from the Kirkland Chamber of Commerce spoke in support of the amendments. **No citizens provided testimony in opposition to the changes**.

The recommended amendments include many changes intended to simplify and expand development opportunities. Important changes include increased height limits in many zones, flexibility in ground floor uses, reduced setbacks throughout the district, expanded retail uses in two zones, and a reduction in the minimum acreage required for a Master Plan in the TL 5 zone, to enable more property owners to choose this intensive, planned development approach

The Planning Commission's recommendations and a summary of all the proposed changes are included as Exhibit A to this memo. Exhibit B is a copy of the staff memorandum to the Planning Commission provided for the public hearing, which was held on May 24, 2012 (see: Hearing Packet - Part 1, Hearing Packet - Part 2 and Hearing Packet - Part 3. The two sets of documents provide a comprehensive summary of the proposed Zoning Code amendments. Additional background information can be found at Planning Commission, which presents packet materials provided for the Planning Commission study sessions held on September 8, 2011, October 27, 2011, January 1, 2012, March 22, 2012. Written public comments received are contained in Exhibit C.

Exhibits D is an updated version of proposed amendments that incorporate the changes recommended by the Planning Commission at the hearing. All of the changes recommended have been incorporated, other than the consolidation of the TL 1 and the TL 10 charts, which had been suggested by staff. The consolidation of the subarea regulations onto a single chart was found to be more complex and confusing than originally thought. Staff suggests that all of the TL charts be revised and simplified when the next update to the Totem Lake Neighborhood Plan and subsequent changes to zoning regulations occurs.

A map of the Totem Lake business district zones is included in Exhibit E.

SEPA Compliance

A SEPA Addendum for the draft code amendments was issued on May 23, 2012 (see Exhibit F). The Addendum was to the City of Kirkland 2004 Draft and Final Comprehensive Plan 10-year Update EIS. No additional significant adverse impacts are anticipated as a result of the proposed amendments.

DECISIONAL CRITERIA FOR AMENDING THE ZONING CODE

Section KZC 135.25 establishes the criteria for evaluating text amendments to the Zoning Code. These criteria and the relationship of the proposal to them are as follows:

Criteria 1 - The proposed amendment is consistent with the applicable provisions of the Comprehensive Plan;

The proposed revisions to development standards are consistent with the goals and policies established in the Totem Lake Neighborhood Chapter of the Comprehensive Plan goals for the Totem Lake business district.

Criteria 2 - The proposed amendment bears a substantial relation to public health, safety, or welfare; and

The proposed amendments support the goals of the City to provide opportunities for commercial and residential development within the Totem Lake Urban Center. The increased flexibility and opportunity for development supported by the amendments will encourage development to occur close to transit, thus reducing energy consumption and air pollution.

Criteria 3 - The proposed amendment is in the best interest of the residents of Kirkland.

The proposed amendments simplify regulations and provide incentives for development consistent with adopted economic development policies and the vision for the Totem Lake neighborhood. The amendments retain requirements for the inclusion of affordable housing in residential development and an enhanced vehicular and pedestrian network to provide a desirable environment for Kirkland's citizens.

EXHIBITS

A. Planning Commission Recommendation to City Council

B. Staff Memorandum (dated May 17, 2012) and Materials for Public Hearing
C. Public Comments
D. Proposed Amendments for TL 7 – Planning Commission Revisions following Public Hearing
E. Totem Lake Zoning Map
F. SEPA Addendum

cc: ZON11-00034
Email distribution list

Exhibit A
ZON11-00034

CITY OF KIRKLAND
Planning and Community Development Department
123 Fifth Avenue, Kirkland, WA 98033 425.587-3225
www.kirklandwa.gov

MEMORANDUM

To: City Council

From: Planning Commission
Jay Arnold, Chair
Mike Miller

Date: June 5, 2012

Subject: **PLANNING COMMISSION RECOMMENDATION**
ZONING CODE AMENDMENTS – TOTEM LAKE BUSINESS DISTRICT
FILE ZON11-00034

I. INTRODUCTION

We are pleased to submit, on behalf of the Planning Commission, the recommended amendments to the Zoning Code for the Totem Lake Business District for the consideration of the City Council. The concept for the amendments emerged initially from the Totem Lake Symposium in 2010, which led to the City Council's Totem Lake Action Plan. The proposed amendments fulfill the task included in the Action Plan which calls for the study of zoning regulations and permit processes, with the objective to develop amendments that would remove potential barriers to development, provide greater flexibility and expand incentives to encourage development. The scope for this task limits the proposed changes to those that do not require amendments to the Comprehensive Plan. As part of its 2012-2013 work plan, the Commission will consider changes to the Totem Lake Neighborhood Plan. Additional changes to the development standards for the Totem Lake business district may be recommended at that time.

The Planning Commission gave careful consideration to all of the input we received in formulating our recommendations to the City Council. Please see Exhibit C to the transmittal memo from staff to review written comments submitted for this project.

We believe the proposed amendments would successfully implement the objectives of the Totem Lake Action Plan, while remaining consistent with the vision for the district established in the Totem Lake Neighborhood Plan.

II. RECOMMENDATION

The Planning Commission recommends that the following amendments to the Zoning Code be approved:

A. Chapter 5 – Definitions: Text changes to add a new definition for Commercial Use. The new use would include all uses currently allowed under the definitions for Office Use, Retail Establishment, Restaurant or Tavern, and Entertainment, Cultural and/or Recreational Facility (see Attachment 8 to Exhibit B).

B. Chapter 55: Totem Lake Zones: Text changes to all zones in the Totem Lake Neighborhood, other than TL 9B, to provide increased flexibility and expand opportunities for development. The amendments also provide greater uniformity across the zones, and eliminate obsolete or vague regulations (see Attachments 9-15 and 17-23 to Exhibit B, and revisions proposed for the TL 7 zone shown in Exhibit D.
C. Chapter 92: Design Regulations: Changes clarify that the design regulations do not apply to the TL 7 zone (see Attachment 24 to Exhibit B).
D. Chapter 142: Design Guidelines: Amendments provide authority to the Planning Official to use the Design Guidelines adopted in the Municipal Code rather than the design regulations contained in Chapter 92 of the Zoning Code in reviewing development proposals, where specified in zoning regulations (see Attachment 25 to Exhibit B).

III. KEY ISSUES

The Planning Commission discussed the proposed amendments at four study sessions since September of 2011, and held a public hearing on May 24th. Citizens, property owners and representatives from the Kirkland Chamber of Commerce spoke in support of the amendments. No citizens provided testimony in opposition to the changes.

The recommended amendments include many changes intended to simplify and expand development opportunities. Important changes include increased height limits in many zones, flexibility in ground floor uses, reduced setbacks throughout the district, expanded retail uses in two zones, and a reduction in the minimum acreage required for a Master Plan in the TL 5 zone, to enable more property owners to choose this intensive, planned development approach.

Key areas of discussion for the Commission included:

- Ground floor use requirements:

  The Planning Commission discussed approaches that would provide greater flexibility for development while preserving commercial space at a predetermined, predictable level in the district's commercial areas. Certain zones in Totem Lake (TL 4, TL 5 and TL 6) have regulations that require that a percentage of the gross floor area on the ground floor of structures be in retail use. The Urban Land Institute study concluded that allowing a broader range of ground floor uses may be more responsive to the needs of future development in areas where high levels of retail development cannot be supported. The proposed amendments would establish a ***commercial*** (defined to include office, retail, recreational, etc.) floor area ratio (FAR) rather than a requirement that a mandated percentage of the gross floor area on the ground floor be in ***retail*** uses.

  The Commission concluded that an FAR that would require that 20% (FAR of .2) of the ground floor be in commercial uses was appropriate, as it is consistent with the existing amount of commercial use found to exist in mixed use developments in the City's zones which have a requirement for ground floor retail. The proposed regulations include a process for approval of a minor reduction in the ground floor commercial gross floor area, "if the applicant demonstrates that meeting the requirement is not feasible given the configuration of existing or proposed improvements and that the commercial space is configured to maximize its visibility and pedestrian orientation". The Commission discussed the use of a "floor" to the reduction, to ensure that a minimum floor area is maintained, but concluded that the regulation may be more successful if a floor to this reduction is not stated in the regulation.

Related changes would also eliminate the restriction on ground floor residential space, consistent with the regulations in place in the Central Business District. In its discussions, the Commission determined that the restriction on residential use is not necessary if a minimum area for commercial use is established, and design regulations are in place to ensure a pedestrian environment on the ground floor.

A new general regulation is proposed to accompany these changes that would ensure that pedestrian oriented design would continue to be required along pedestrian and vehicular routes.

- Increases to maximum building height:

  Increases to building height limits are recommended in most of the district's zones. The increases are intended to address a variety of objectives, including providing increased development opportunity and consistency in regulations for uses within zones. The increases proposed are generally as substantial as possible within the framework of the existing neighborhood plan policies.

  An important element we discussed in considering increases to building height limits is the support for residential use provided in the Totem Lake Neighborhood Plan. The Plan establishes five Housing Incentive Areas, in which incentives for residential uses are to be provided through development regulations. The main technique used in zoning in Totem Lake to encourage residential development (including housing affordability) has been taller building height limits for this use. The proposed amendments include increases to height limits for non-residential uses, but maintain a building height incentive in the designated Housing Incentive Areas for residential use.

- TL 7: Expansion of retail uses, design review and Church use limitation:

  - *Retail Use:* Public testimony suggested that changes be made to a number of the restrictions on retail uses within the TL 7 zone. The Planning Commission discussed the requested changes, and concluded that some of the use listings in place for retail uses in the TL 7 zone could be revised to allow retail development in the western portion of this zone that is adjacent to the core of the commercial district.

    The land use designation for the TL 7 zone in the Totem Lake Neighborhood Plan is for light industrial use, and the neighborhood plan states that retail uses may be limited in the area. In order to ensure the amendments remain consistent with the Comprehensive Plan, the proposed expansion of retail uses is limited to the western half of the zone (see map, Attachment 1).

  - *Design Review:* The Commission also discussed the use of design review within the TL 7 zone. Since much of the area is developed in a more traditionally industrial pattern or is otherwise not pedestrian-oriented, the prescriptive design regulations contained in Chapter 92 of the Zoning Code are not appropriate for review of development proposals in the area. The recommended amendments propose a new approach to design review, which would allow staff to use the design guidelines which are more flexible and applicable to a broader variety of building forms, in lieu of the design regulations in project review.

  - *Church Use:* The recommended amendments include a special regulation that would limit church use to existing structures within the TL 7 zone. The Commission concluded

that this limitation was advisable to prevent the development of a new church use in an area ideally situated for commercial uses, close to Totem Center. Since church uses had been permitted within the use listing for a "multi-use complex", which the proposed amendments would eliminate, the Commission agreed that the use should continue to be allowed within the zone, and that the limitation to existing structures would meet the needs of most church uses interested in the location.

Changes to draft amendments for TL 7 (See Exhibit D): The Planning Commission made the following changes to the recommended amendments during our deliberation following the public hearing:

1. Clarification of the description of the western portion of the TL 7 zone where provisions for retail uses would be expanded.
2. Use of the administrative design review process throughout the entire TL 7 zone, with the use of design guidelines in lieu of design regulations for project review.
3. Addition of a special regulation limiting church uses to existing structures.

- <u>TL 10B: Addition of new listing for Vehicle or Boat Repair, Services, Washing or Rental</u>:

  Public testimony suggested that the western end of TL 10B, adjacent to 120th Avenue NE, is appropriate for some retail uses, and in particular, a listing that would allow vehicle service. While the Comprehensive Plan does not support retail uses in this zone, the proposed addition of a vehicle service use to the TL 10B regulations is relatively minor, and is consistent with uses permitted in zones surrounding the TL 10B subarea. The properties adjacent to 120th Avenue NE are different from others elsewhere in this zone, since they abut a busy arterial and are near other retail uses to the north and south. The Commission agreed that the proposed amendment is very limited in scope, and is generally consistent with the vision for the broader area.

- <u>Reduced Design Review Process</u>

  In addition to the simplification of the design review process in the TL 7 zone, the Commission also recommends that the design review process be reduced from the Design Review Board to Administrative Design Review in certain zones where parcels are not adjacent to a right-of-way, including the Cross Kirkland Corridor. We concluded that this process is not necessary for smaller buildings (under 30 feet in height) in the TL 10C and TL 10D zones. We retained the DRB process for parcels adjacent to the Cross Kirkland Corridor since the future use of this corridor is not known, and a higher level of design review for neighboring projects may be desirable.

- <u>Elimination of Floor Area Ratio (FAR) Restrictions</u>

  The Commission concluded that the FAR restrictions in place for structures under 65' in height in the TL 1A and B zones, and in TL 5 are not necessary. Buildings of this size are not likely to exceed the FAR limits established in the existing regulations, and the removal of the restrictions simplifies the development standards. Where taller buildings are proposed, the FAR limits are important to ensure that development remains consistent with the potential planned for under the Totem Lake Neighborhood Plan.

Attachment 1: TL 7 Map Indicating Area for Proposed Expansion of Retail Uses

TL7 Zone

Attachment 1 to Exhibit A
ZON11-00034

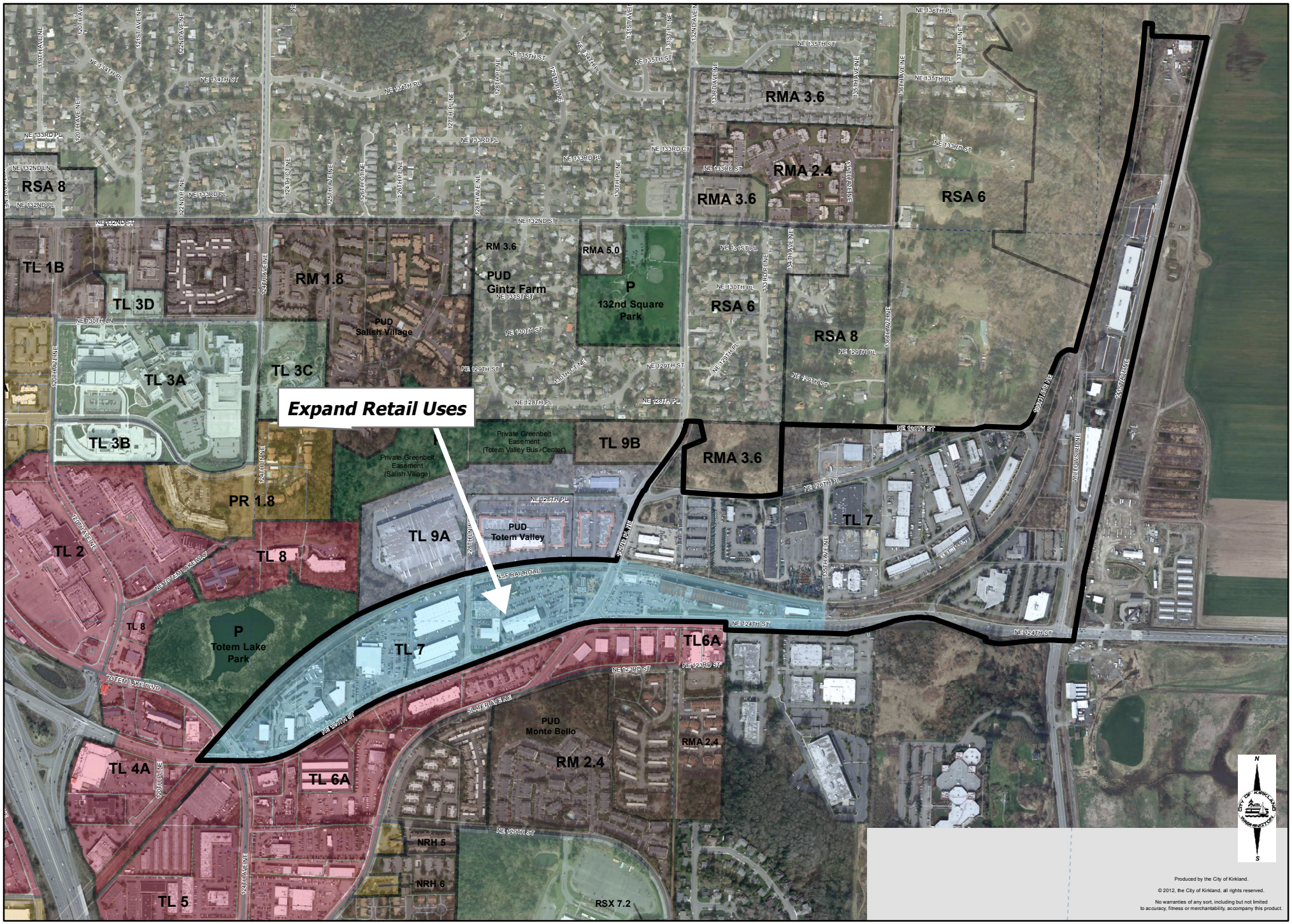


EXHIBIT B
ZON11-00034

Materials Provided for Public Hearing

The staff memorandum and materials provided for the public hearing, held on May 24, 2012 can be found on the City of Kirkland's Planning Commission website:

Part 1: Staff memo, maps, background information and proposed amendment to Definitions Chapter: Hearing Packet - Part 1

Part 2: Proposed amendments to Zoning Code Use Zone Charts – TL 1-TL 10:

Hearing Packet - Part 2

Part 3: Proposed amendments to Chapter 92, Chapter 142 and public comments received through May 24, 2012: Hearing Packet - Part 3

My name is Sandy Beheyt.

I live at 23038 NE 139th Ct, Redmond, WA 98053

My husband Randy Beheyt and his brother Dan Beheyt (who resides in Concrete, Washington) are joint owners of the property at **11731 120th Ave. NE, Kirkland.** It is the property that is commonly known as Eastside Spray, which is the name of the business that operated there since 1976 and was sold in 2008.

which is in zone TL10B

The property is across the street from Dunn Lumber and next door to an auto service center. Our property sits in a small zone that doesn't allow auto or vessel service, rental and repair.

Randy and Dan have been trying to sell the property since their business was sold four years ago. We watched the market value drop from **$4.4 million** to **$2.1M**. Restrictive zoning has eliminated many potential buyers and we watched as buyer after buyer turned away and the recession drove the market value down.

Think about it. The value of our property is two million dollars less than it was four years ago. If the zoning had changed several years ago and we had been able to sell the property then, the recession would not have hit us so hard.

We now have a buyer whose offer is contingent on the City Council adding "vehicle or boat repair, services, washing or rental" as a permitted use on properties abutting 120th Avenue NE to **zoning TL10B**. The code changes would allow a sale to proceed to a business that would be allowed under the expanded uses. If the zoning change is not approved we will lose this buyer, too.

We are people who have worked hard all our lives and have planned on the sale of our property to fund the biggest part of our retirement. All four of us are retired now and we can't afford to wait much longer for another buyer.

On behalf of Dan and Sue Beheyt, my husband Randy and me, we urge you to recommend the zoning change to the City Council so they can approve it at their June 19th meeting and we can complete our pending sale.

Thank you.

Sandra Prater Beheyt

HAL WOOSLEY PROPERTIES INC.

May 24, 2012

Kirkland Planning Commission
City of Kirkland
Kirkland, WA 98033

Re: Totem Lake land use changes

Dear Planning Commissioners,

We, as a family and as a business, have owned and managed commercial property in the Totem Lake area of Kirkland since 1980 and have had many experiences in that arena during that time. We have always supported policies that lead to a healthy economic environment.

Expanding allowed retail uses and making it easier for businesses to locate in the Totem lake area benefits all involved. I am here to lend our support to the Planning Staff's recommendations for Land Use changes.

Thank you for your consideration.

Sincerely,

T.J. Woosley
Hal Woosley Properties, Inc.
Totem Commercial Center, LLC

Hal Woosley Properties, Inc. Suite 44 Brierwood Center 12001 N.E. 12th St. Bellevue, WA 98005
Mailing Address P.O. Box 3325 Bellevue, WA 98009-3325 425-455-5730 FAX: 425-646-4577
www.woosleyproperties.com

REALTOR®

Todd R. Woosley
Hal Woosley Properties, Inc.
12001 N.E. 12th Street, Suite #44
Bellevue, WA 98005
(425) 455-5730 #3

May 24, 2012

City of Kirkland
Planning Commission and Planning Department
Attn: Ms. Dorian Collins
123 5th Avenue
Kirkland, WA 98033

RE: Totem Lake Code Amendments Public Hearing

Dear Planning Commission and Staff,

Thank you for the good work to date on the Proposed Totem Lake Code Amendments. I appreciate Kirkland's efforts to improve the Totem Lake Neighborhood's economic vitality. The proposed Code Amendments show the City is sincere in making Kirkland "Open For Business".

These Code Amendments are an important step to take now, to improve both the redevelopment prospects and existing business climate in the Totem Lake Neighborhood. These Amendments will lead to more and stronger businesses in the area, with benefits to both the private sector and the City government.

The objectives of the code amendment process call for some key changes, which Hal Woosley Properties, Inc. supports. Specific changes we are particularly supportive of include those proposed for zoning districts TL7 and TL 10B.

In TL 7, we support provisions allowing the expansion of retail uses in the district's western section. We also support increasing the percentage of accessory sales, office or service from 20% to 35%.

In TL 10B, we support the allowance of "Vehicle or boat repair, services, washing or rental" for parcels that abut 120th Avenue N.E..

In addition, the improvements to Ground Floor Use requirements; increased Building Heights; elimination of maximum Floor Area Ratios; reduction in Minimum Ground Floor Heights; reduction in Required Front Setbacks; reduced Design Review Process; clean-up; and Changes to Individual Zones should all help.

We look forward to the City of Kirkland adopting these changes as quickly as possible.

Sincerely,

Todd R. Woosley

BOMA Seattle King County

Building Owners & Managers
Association Seattle King County
1904 Third Avenue, #825
Seattle, WA 98101-1126
(206) 622-8924
Fax: (206) 292-8060

RECEIVED
MAY 24 2012
AM PM
PLANNING DEPARTMENT
BY

TO: City of Kirkland Planning Commission

FROM: Building Owners and Managers Association (BOMA) Seattle-King County

DATE: May 20, 2012

RE: Public Hearing – Proposed Totem Lake Code Amendments

The Building Owners and Managers Association (BOMA) Seattle-King County supports the proposed Totem Lake Code Amendments being considered by the City of Kirkland's Planning Commission. BOMA believes these amendments would result in more businesses successfully locating in Kirkland's Totem Lake Neighborhood.

The proposed amendments would:

- Increase flexibility in Ground Floor Use Requirements
- Increase allowed Building Heights
- Eliminate Maximum Floor Area Ratios (FAR)
- Reduce Minimum Ground Floor Heights
- Reduce Front Setbacks
- Reduce the Design Review Process
- Change Individual Zones to allow more flexibility in property operations

BOMA believes these changes would improve the economic viability of the Totem Lake Neighborhood.

Sincerely,

Rod Kauffman, President
BOMA Seattle King County

BOMA
Seattle King County

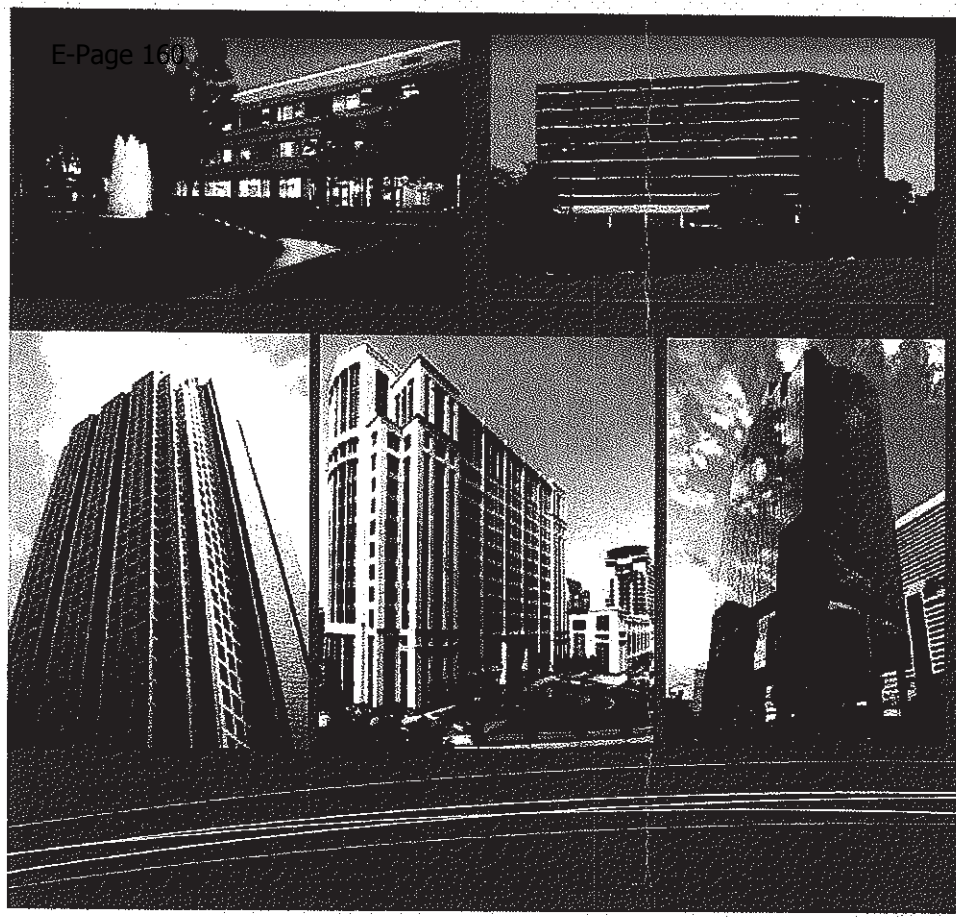
About BOMA Seattle King County:

For further information contact:
Rod Kauffman, President, BOMA Seattle King County - 206-622-8924 - 1904 Third Ave #825 Seattle, WA 98101
rkauffman@bomaseattle.org www.bomaseatlle.org

The Building Owners and Managers Association (BOMA) Seattle King County is a non-profit trade association founded in 1912. BOMA's 265 member firms employ some 31,000 people and provide office space for more than 325,000 Seattle-Bellevue area employees.

BOMA membership includes several hundred real estate professionals from 100 small and medium size businesses who own and manage nearly 60 million square feet of office, commercial, retail and industrial properties. BOMA's 165 industry partner member firms are represented by several hundred individuals who provide goods and services to the commercial real estate industry.

BOMA's mission is to actively and responsibly represent the interests of the commercial real estate industry through effective leadership and advocacy, through the collection, analysis and dissemination of information, and through professional development and accreditation.



COMMERCIAL REAL ESTATE'S CONTRIBUTION TO THE ECONOMY

The United States commercial real estate industry is a significant contributor to the nation's economy. Its performance has historically been a key driver to long-term economic growth. Real estate is also one of the leading employers in the United States. These firms employ building managers, asset managers, custodial staff, security staff, brokers, and accountants and retain a myriad of other services through a variety of contracts, such as legal consulting, landscape maintenance, and window cleaning to name just a few.

Learn more about the office building industry's contribution to the economy, its sustainability efforts, and its priority issues at www.boma.org.

- Contributes over $118.4 billion to the U.S. economy.
- Supports more than one million jobs.
- Generates $37.6 billion in new taxable personal earnings.
- Provides work space for an estimated 21 million office jobs.

Washington

Office Market	Contribution to Washington's Economy	New Taxable Personal Earnings	Total Jobs Supported
Seattle-King County	$1.2 Billion	$390 Million	30,932
Spokane	$402 Million	$127 Million	9,930
South Puget Sound	$93 Million	$30 Million	786
Tri-Cities (Kennewick)	$158 Million	$50 Million	3,905
Total	$1.9 Billion	$597 Million	46,553

BOMA International

1101 15th Street, NW Suite 800 | Washington, DC 20005 | www.boma.org

Dorian Collins

From: Todd Woosley [todd@woosleyproperties.com]
Sent: Tuesday, May 22, 2012 10:52 AM
To: Penny Sweet
Cc: Bruce Wynn; T.J. and Carole Woosley; Dorian Collins; Amy Walen
Subject: Totem Lake Code Amendments

Hi Penny,

Good to see you yesterday. I'm glad a councilmember makes the time to participate in the Chamber's meetings. I think it indicates the City of Kirkland is truly interested in making the business environment more welcoming.

Along those lines, I wanted to let you know that I had the opportunity to speak this morning with the lead planner for the Totem Lake Code Amendment process, Dorian Collins, about the proposed changes to retail uses in the TL 7 area. It turns out the proposal would allow more retail uses in the western portion, which would help properties there attract businesses, and allow existing businesses to expand. The eastern portion of the district would retain its focus as a Light Industrial area for the time being. Neither Dorian or I am aware of any problems this would create. In addition, any significant zoning changes will be looked at during the upcoming Totem Lake Neighborhood Plan update, which would create the opportunity to have a more thorough evaluation of this part of Totem Lake.

Therefore, I want you to know that I fully support the current Proposed Totem Lake Code Amendments.

Sincerely,

Todd

Todd R. Woosley
Hal Woosley Properties, Inc.
12001 N.E. 12th Street, Suite #44
Bellevue, WA 98005
(425) 455-5730 #3 office
(425) 454-7150 mobile

The Task Force's draft of a Kirkland Chamber of Commerce *Land Use Principles Position* is below:

KIRKLAND CHAMBER OF COMMERCE
LAND USE PRINCIPLES POSITION

DRAFt #3 May 9, 2012

The Greater Kirkland Chamber of Commerce supports land use regulations that enhance Kirkland's economic vitality, foster the free enterprise system and honor/ protect private property rights. The Chamber is committed to representing the best interests of its members, the people they serve and Kirkland's' overall business climate. In addition, the Chamber supports the goals of the State's Growth Management Act, especially Comprehensive Planning for economic development.

Therefore, the Kirkland Chamber supports predictable and consistent land use regulations. These regulations should reflect market demand, allow more types of businesses to locate in commercial areas, give these businesses increased flexibility in how they operate, and help preserve or increase the value of investment properties. The Chamber opposes regulations that devalue businesses and commercial property, create non-conforming uses or further restrict land use. In addition, the Chamber supports regulations that allow existing businesses to expand, and attract new business to the area.

Furthermore, the Kirkland Chamber offers its expertise in the development of new land use regulations. The Chamber will play a constructive role in advancing a regulatory framework that fosters economic vitality, honors/protects the rights of businesses and property owners, and contributes to the betterment of the community.

Dorian Collins

From: Wayne Barnes [businessworksnz@gmail.com]
Sent: Tuesday, March 27, 2012 12:08 PM
To: Eric Shields; Dorian Collins
Cc: Fred Cal American 4912; Jacquiline Miller Cal American; Tina Of Regent West 03285920808; Bruce Chalfant; Duncan Milloy
Subject: Totem Square
Attachments: Totem 120th _2.jpg

Eric and Dorian,
Thank you for the work that you have done on the behalf of Totem Square.
On January 13, Bruce Chalfant and I, representing the ownership of Totem Square, met with Ray Steiger, PE, Director of Public Works regarding some of the concerns about the new road 120th going in to 124th Ave NE.

Concerns are:

- That the new road 120th is facing directly into a high voltage transmission tower
- That once the street lights are placed for the 120th and 124 intersection, long lines of traffic will be backed up and block the ingress and egress of Totem Square
- That there is a new railroad easement between and old section of 120th and the new 120th street and what use will be made of that rail line to connect 120th with other roads
- Will 120th be able to cross under the freeway because of the underpass that the rail line has at its disposal
- Will the ingress and the egress of Totem Square be tied into the new traffic light on 120th
- How will the access of bicycles traveling along 120th get on to the new rail trail

These are the main concerns that we have about the interfacing of Totem Square and the new 120th Street. What we see is a possible solution is to connect the new 120th Street west to the rail trail and beyond to the existing 120th Street by Motel 6. This would allow traffic to exit out Pine. Further a road way could be placed on the rail easement and exit under the 405 freeway to 120th Ave NE.

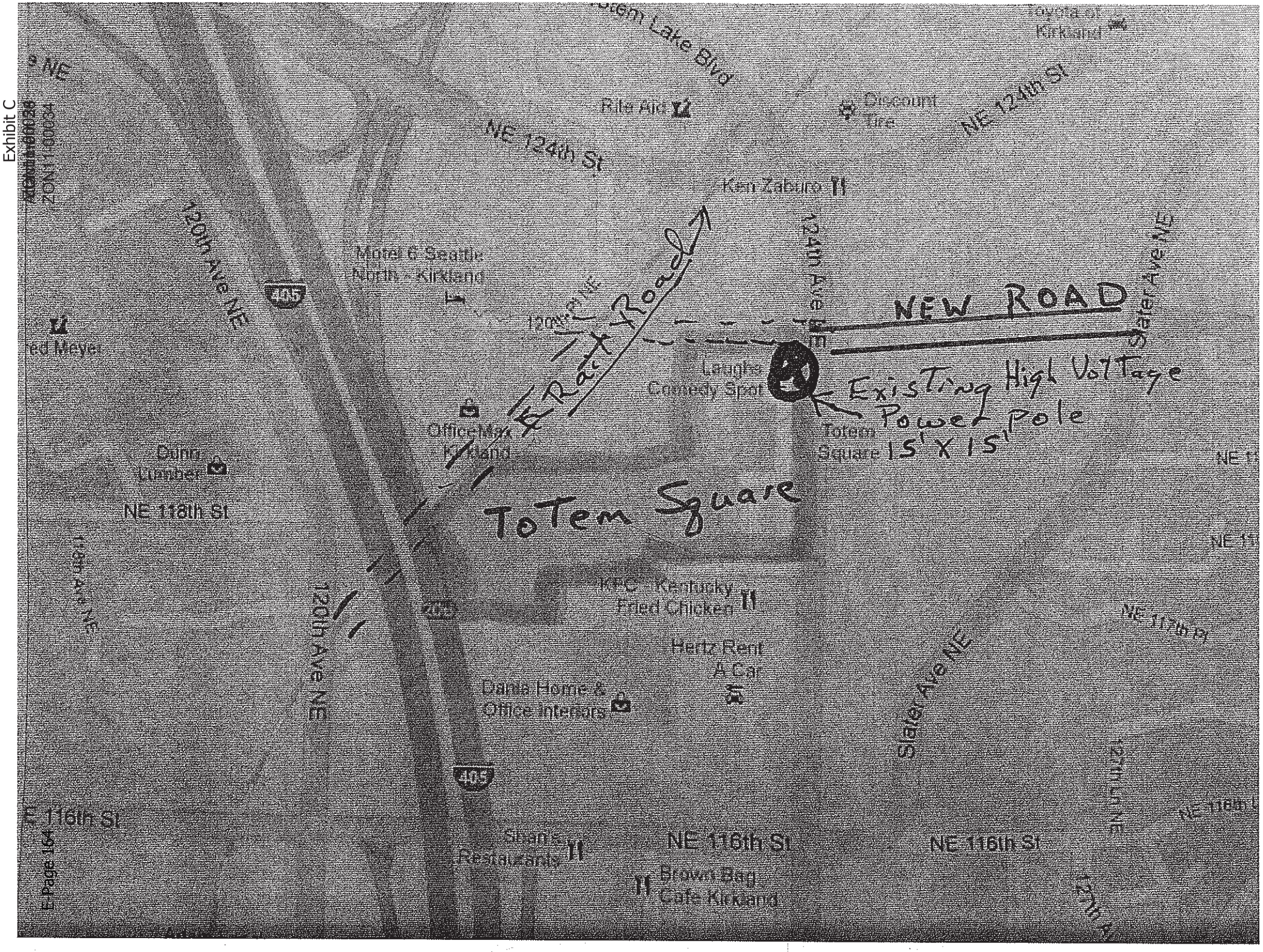
The solution proposed to the planning commission of running a road north and south does not seem to work. It would appear to us that the better solution would be to go east and west.

We are always available to discuss the alternatives to help improve the Totem Lakes district.

Thank you,
Wayne Barnes
--

Wayne Barnes
PO Box 88699
Los Angeles, CA
90009-8699

Exhibit C


Lake Blvd
Toyota of Kirkland
Rite Aid
Discount Tire
NE 124th St
Ken Zaburo
120th Ave NE
Motel 6 Seattle North - Kirkland
405
124th Ave NE
NEW ROAD
Slater Ave NE
Laughs Comedy Spot
Existing High Voltage Power Pole
Totem Square 15' X 15'
OfficeMax Kirkland
Dunn Lumber
NE 118th St
Totem Square
KFC - Kentucky Fried Chicken
Hertz Rent A Car
Dana Home & Office Interiors
NE 116th St
Shan's Restaurant
Brown Bag Cafe Kirkland

Dorian Collins

From: Todd Woosley [todd@woosleyproperties.com]
Sent: Tuesday, March 20, 2012 3:16 PM
To: Dorian Collins
Subject: TL 7 update requests, and Comp. Plan Amendment form request

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Dorian,

Thanks for the helpful conversation this afternoon. I really appreciate you sharing your time and expertise about the best way to move forward with improvements to Totem Lake's land use regulations.

Here are the specific changes to the TL7 USE ZONE CHART you asked for to include in the staff presentation to the Planning Commission Thursday:

.010: Special Regulations 2. change percent to 35%

.020. .030, .040, & .050: Special Regulations 1. change percent to 35%

Note: I forgot to discuss the 3,000 square foot limit on the printing, publishing, or duplicating services. Can the size be increased outright, or be 35% of a building?
.170: Special Regulations 1. increase gross floor area to 5,000 square feet (or whatever a standard Kinko's might be. Perhaps the one on Bellevue's Main Street (with the Starbucks) is a good example.

.190: Special Regulations 1. a. increase the percentage to 35%

If you have time, could you please send me a copy of the chart you plan to show the Commission? I'd like to speak in favor of it at their meeting.

Also, please remember to send me Eric's email regarding a privately sponsored Comp. Plan amendment request.

Thanks.

Sincerely,

Todd

Todd R. Woosley
Hal Woosley Properties, Inc.
12001 N.E. 12th Street, Suite #44
Bellevue, WA 98005
(425) 455-5730 #3 office
(425) 454-7150 mobile

Dorian Collins

Subject: FW: TL 7 regulations

From: Todd Woosley [mailto:todd@woosleyproperties.com]
Sent: Tuesday, March 20, 2012 3:36 PM
To: Eric Shields
Cc: Dorian Collins
Subject: Re: TL 7 regulations

Hi Eric,

Just wanted to make sure you understood the request for land use regulation changes include TL10B. The owners of the former Eastside Spray building would need to have two changes to meet demonstrated market demand. The first one might be able to be accomplished in the current process. Here is an excerpt from their letter to the City on January 12, 2012:

"...either eliminate the restriction on percentage of wholesale sales or increase the percentage to a maximum of fifty (50%) percent."

The second change apparently requires a Comprehensive Plan amendment, but is the most important:

"...zoning changes that would allow automobile sales and/or service uses in Totem Lake's TL10B zoning district."

Dorian has been very helpful in explaining the processes needed to accomplish these changes.

One thing you could help me understand better is any possible method to accelerate zoning changes. In particular, the Preliminary Totem Lake Action Plan suggests "Consider special call for amendments to TL Plan". Does this create the opportunity to make a Comp Plan change allowing auto sales and/or service in the 1010B zone without having to wait for at least two more years?

Please let me know.

Sincerely,

Todd

Todd R. Woosley
Hal Woosley Properties, Inc.
12001 N.E. 12th Street, Suite #44
Bellevue, WA 98005
(425) 455-5730 #3 office
(425) 454-7150 mobile

Dorian Collins

From: Todd Woosley [todd@woosleyproperties.com]
Sent: Tuesday, March 20, 2012 12:48 PM
To: Dorian Collins
Cc: Eric Shields; T.J. and Carole Woosley; Bruce Wynn; Ellen Miller-Wolfe; Joan McBride; Doreen Marchione; Bob Sternoff; Penny Sweet; Toby Nixon; Amy Walen; Dave Asher; Chuck Pilcher; Kurt Triplett
Subject: TL 7 Six Story Examples from Redmond

Hi Dorian,

Thanks for sending over the Planning Commission packet. Now that my internet access is finally restored, the first thing I wanted to share with you and the Planning Commission is reaffirming our request to have the height limits in the western portion of TL7 increased to allow 6 story buildings.

We doubt the ten foot increase (from 35 to 45 feet) recommended by staff is high enough to make redevelopment feasible. We're also concerned a forty five foot height limit is not consistent with the area's GMA designation as an Urban Center. Heights and FARs need to be large enough to allow the high levels of both employment and housing densities envisioned for Urban Centers. The western portion of TL7 is at the core of the Totem Lake Neighborhood, sandwiched between the area's busiest roadway and the BNSF railroad corridor. It's perfectly located for urban scale development, perhaps even Transit Oriented Development (TOD). By most accounts, forty five foot buildings do not generate enough demand to support signifiant transit service.

In addition, Totem Lake's ' competitors to the east and south do allow for greater heights. Both Redmond and Bellevue have much greater heights and floor area ratios (FARs) allowed in their designated urban centers. The Bel-Red Corridor allows up to 150 feet and an FAR of 4.0 in certain areas, and Redmond's Overlake Village allows up to twelve stories. It also allows a 4.0 FAR. On a smaller scale, Downtown Redmond allows exactly the type of building structure we request be allowed in TL7. As a result, new development has, and is, occurring. Please see the attached photos taken this morning in downtown Redmond. My understanding is the key to these projects' coming to fruition was the allowance of six stories.

It's apparent the most likely near and mid-term market for redevelopment is for these types of buildings. Even Bellevue's Spring District master plan envisions these type of structures potentially being built in their first phase. Allowing six stories creates the opportunity to construct buildings with a concrete ground floor, and five floors of "stick frame" construction above. Much closer to home, a building about this size is being built right across the street (N.E 124th Avenue) from TL 7.

Therefore, we respectfully request the City support and adopt six story building heights in the western portion of the TL 7 zoning district.

Sincerely,

Todd

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Bellevue, WA 98005
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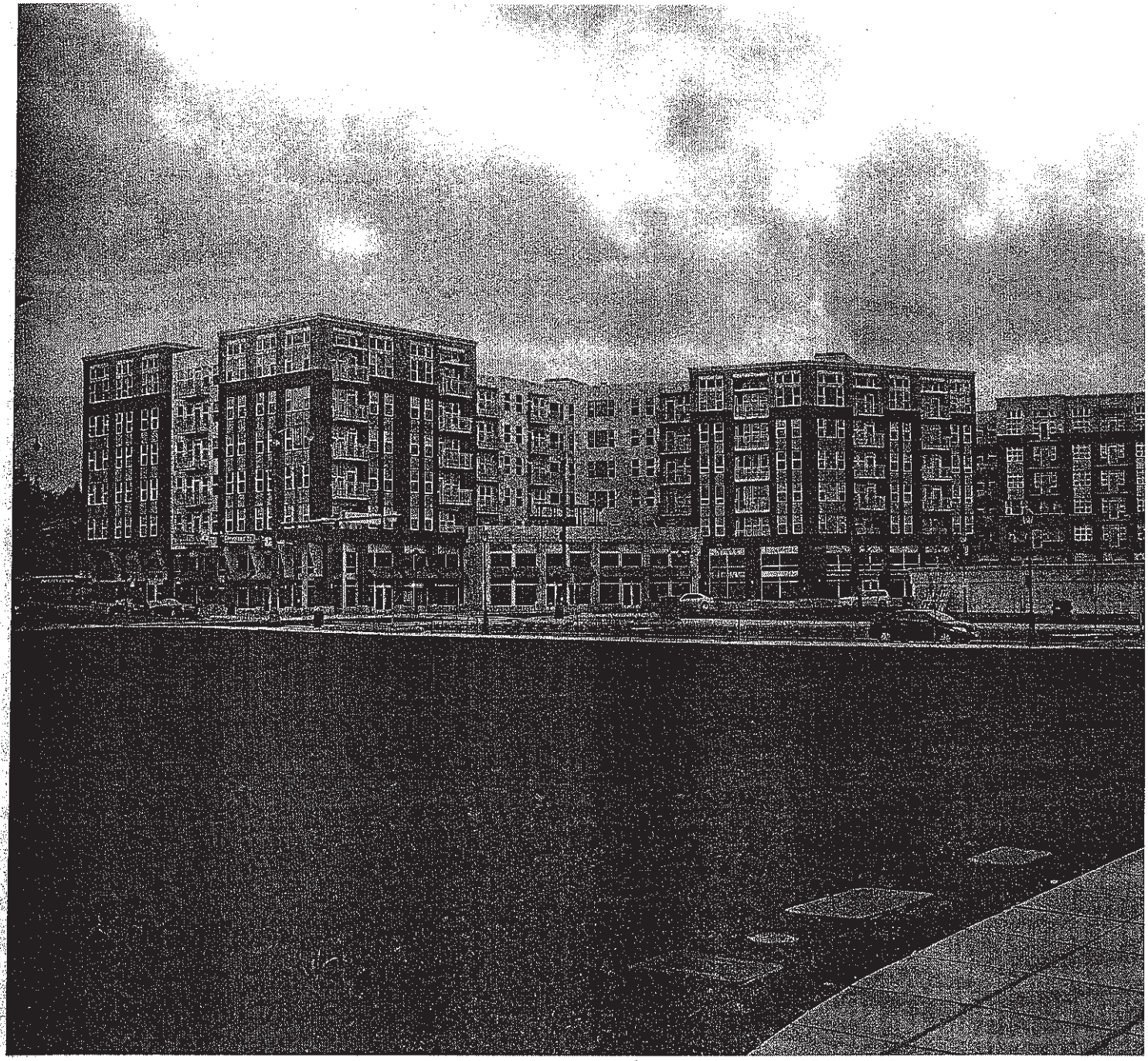
(425) 454-7150 mobile

STOP
PACIFIC NORTHWEST LAW GROUP
CLEVELAND



To: Kirkland Chamber of Commerce Public Policy Committee

From: Hal Woosley Properties, Inc.

Date: March 19, 2012

Re: Chamber Support for Totem Lake Land Use Regulation Improvements

The Kirkland Chamber of Commerce has an opportunity to help improve the Totem Lake neighborhood's economic vitality by supporting changes to existing regulations that currently limit business and redevelopment. Hal Woosley Properties, Inc. requests the Chamber take a position in support of certain changes requested by businesses, property owners and property managers to accomplish this.

The City of Kirkland is currently considering allowing additional business types (a.k.a. Permitted Uses), greater building heights and increased flexibility for businesses in certain zoning districts in the Totem Lake neighborhood. This is part of the first phase of the Totem Lake revitalization effort.

Any support would be greatly appreciated. Most helpful would be a position in support of the specific changes (e.g. more businesses allowed, greater building heights and increased business flexibility) requested by the business community. At a minimum, a position in support of Land Use Principles would clearly communicate the Chamber's support for an improved business climate.

An example of a Kirkland Chamber of Commerce *Land Use Principles Position* is below:

KIRKLAND CHAMBER OF COMMERCE
LAND USE PRINCIPLES POSITION

The Greater Kirkland Chamber of Commerce supports land use regulations that enhance Kirkland's economic vitality, foster the free enterprise system and protect private property rights. The Chamber is committed to representing the best interests of its members, the people they serve and Kirkland's' overall business climate. In addition, the Chamber supports the goals of the State's Growth Management Act, especially Comprehensive Planning for economic development.

Therefore, the Kirkland Chamber supports land use regulations that allow more types of businesses to locate in commercial areas, give these businesses increased flexibility in how they operate, help preserve or increase the values of investment property, and opposes changes that devalue businesses and commercial property or further restrict land use. The Chamber also supports regulations that prevent the

creation of non-conforming businesses, allow existing businesses to expand, and attracts new business to the area.

Furthermore, the Kirkland Chamber offers its expertise in the development of new land use regulations. The Chamber will play a constructive role in advancing a regulatory framework that fosters economic vitality, protects the rights of businesses and property owners, and meets community goals.

Dorian Collins

From: Todd Woosley [todd@woosleyproperties.com]
Sent: Tuesday, March 20, 2012 3:36 PM
To: Eric Shields
Cc: Dorian Collins
Subject: Re: TL 7 regulations

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Eric,

Just wanted to make sure you understood the request for land use regulation changes include TL10B. The owners of the former Eastside Spray building would need to have two changes to meet demonstrated market demand. The first one might be able to be accomplished in the current process. Here is an excerpt from their letter to the City on January 12, 2012:

"…either eliminate the restriction on percentage of wholesale sales or increase the percentage to a maximum of fifty (50%) percent."

The second change apparently requires a Comprehensive Plan amendment, but is the most important:

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Please let me know.

Sincerely,

Todd

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Bellevue, WA 98005
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(425) 454-7150 mobile

On Jan 11, 2012, at 5:04 PM, Eric Shields wrote:

Thanks Todd. Do you know what the name of the other TL district is?

Eric Shields

From: Todd Woosley [mailto:todd@woosleyproperties.com]
Sent: Wednesday, January 11, 2012 4:48 PM
To: Eric Shields
Cc: T.J. and Carole Woosley
Subject: Re: TL 7 regulations

Hi Eric,

Thanks for your message. There are two main concerns re: the TL 7 zoning. First, the restriction that the retail/office component of a manufacturing business is limited to 20% (.010). We're finding this precludes some businesses from either locating in Totem Lake (not just the TL 7 district), or existing businesses expanding their retail component (which weakens their economic vitality). Perhaps this restriction should be completely removed. At a minimum, 35% might make it workable. The same general problem affects restaurant's, too (.190).

The Auto Service/Sales issue is for another Totem Lake zoning district. Hal Woosley Properties, Inc. is representing a business that would like to locate in the area, but this use is not allowed in the zoning district where an available property is located. Ideally, Auto Sales would be allowed. Understanding this is a type of retail use, just allowing Auto Service could work for this client.

Sincerely,

Todd

Todd R. Woosley
Hal Woosley Properties, Inc.
12001 N.E. 12th Street, Suite #44
Bellevue, WA 98005
(425) 455-5730 #3 office
(425) 454-7150 mobile

On Jan 11, 2012, at 11:27 AM, Eric Shields wrote:

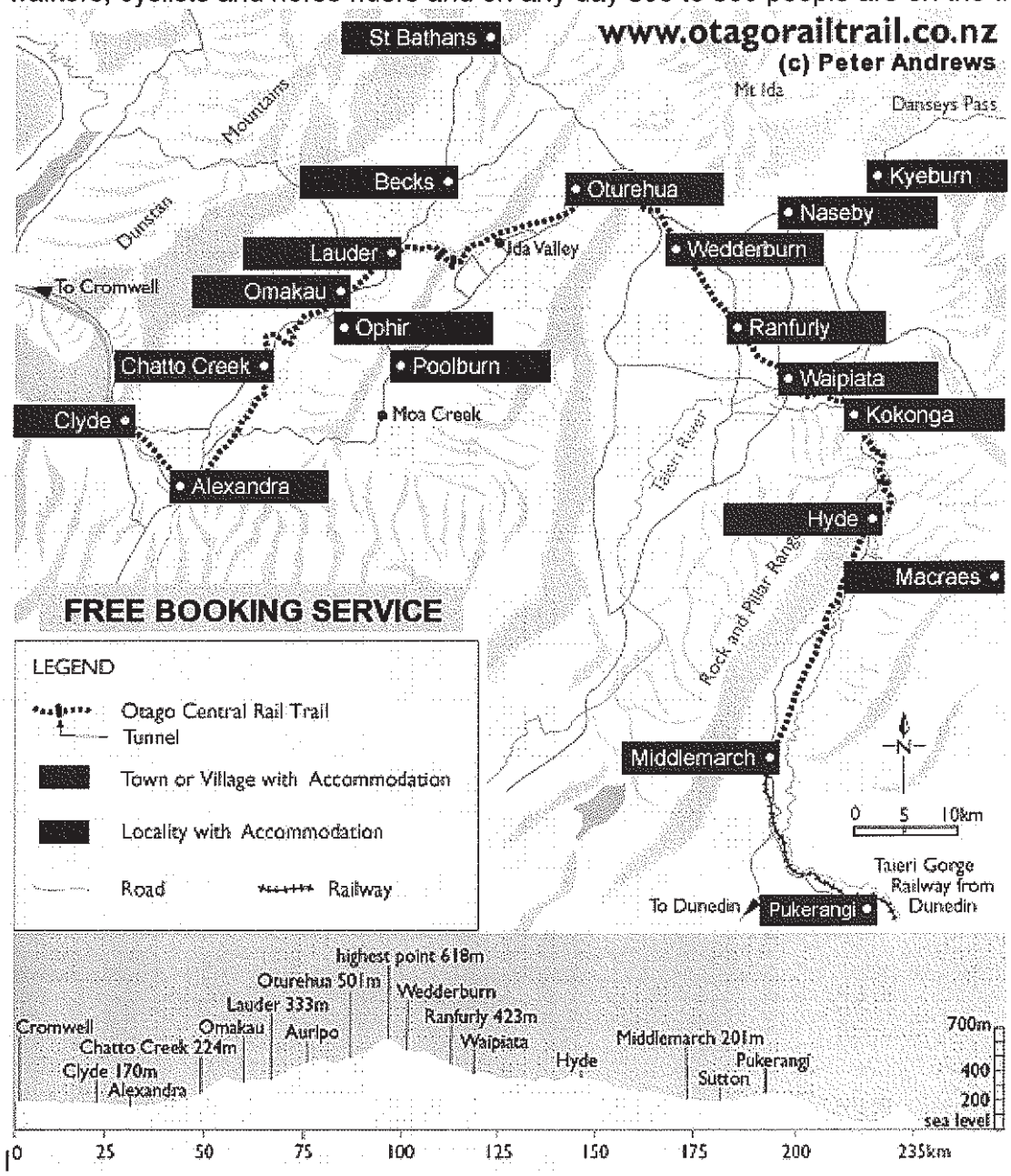
Todd,

Kurt mentioned to me that you and he talked after the Chamber meeting yesterday. He mentioned that one of your concerns had to do with an automotive use. Does that sound right? If so, please give me a little more detail. Dorian and I had already met to discuss broadening (and simplifying) the range of uses in TL7, but I want to make sure I understand your concerns to see if we can address them with the PC on Thursday.

Eric Shields. Director
Kirkland Department of Planning & Community Development
eshields@kirklandwa.gov | 425-587-3226

Otago Rail Trail, New Zealand

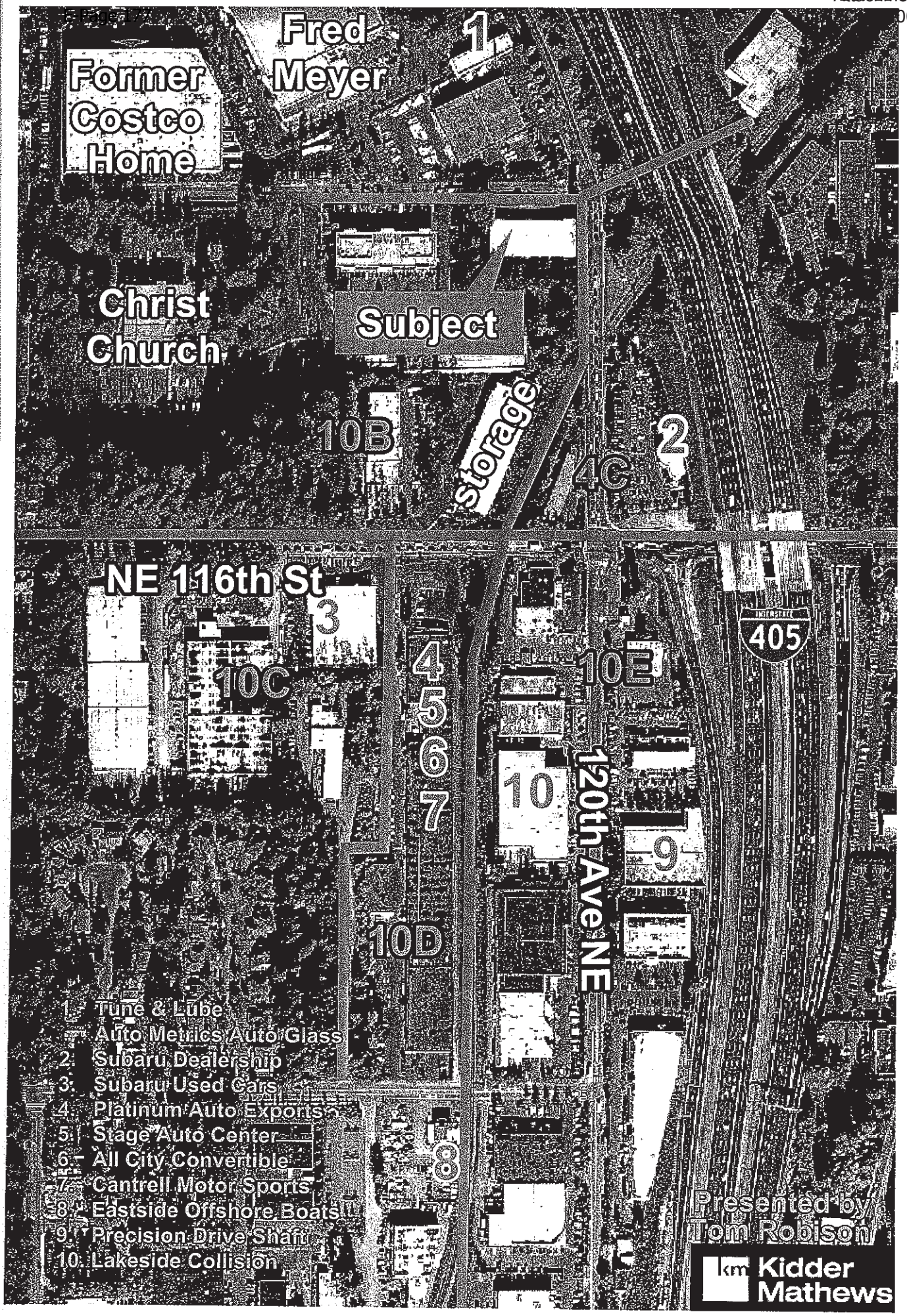
www.**otagorailtrail**.co.nz
http://www.centralotagorailtrail.co.nz
http://en.wikipedia.org/wiki/Otago_Central_Rail_Trail
150km (90 miles) from Clyde to Dunedin on the South Island of New Zealand. On average, 4 days is sufficient to cycle the Trail. Thirty bike rental companies are along the trail as people can start and stop anywhere on the trail.It opened Feb 2000 for walkers, cyclists and horse riders and on any day 300 to 500 people are on the trail.



SUBMITTED BY
WAYNE BARNES
3/22/12

The **Otago Central Rail Trail** is a 150-kilometre walking, cycling and horse riding track in the South Island of New Zealand. A pioneering project for New Zealand, the successful cycle trail joined the New Zealand Cycle Trail umbrella organisation in 2012, having been one of the inspirations for it.
http://en.wikipedia.org/wiki/New_Zealand_Cycle_Trail
The **New Zealand Cycle Trail** project is a New Zealand government initiative, co-funded together with local Councils and charitable trusts, which is to build and operate a network of cycle routes through the country. As of mid 2011, the first of the 18 proposed 'Great Rides' (dedicated cycleways, mostly off-road and in particularly scenic locations) were being finished, while construction was ongoing on most of the others. The first set of 'Touring Routes' (mostly on-road, to connect Great Rides), had also been announced.

Wayne Barnes
PO Box 88699
Los Angeles, CA
90009-8699
Phone 480.686.6878
Email: BusinessWorksNZ@Gmail.com
Skype: BusinessWorks



FROM: TOM ROBINSON 3/22/12

DBRB, LLC

P.O. Box 2022 • Concrete, Washington 98237
Hm: (360)853.7168 • Cell: (206)406.2639
E-mail: suebeheyt3@frontier.com

January 12, 2012

Kirkland Planning Commission
Kirkland City Council
City Manager
123 5th Avenue
Kirkland, WA 98033

Re: Totem Lake Zoning District TL10B – Property located at11731 120th Avenue NE, Kirkland

Dear Planning Commissioners, Councilmembers, and City Manager:

We request the City expedite the review of zoning changes that would allow automobile sales and/or service uses in Totem Lake's TL10B zoning district. And either eliminate the restriction on percentage of wholesale sales or increase the percentage to a maximum of fifty (50%) percent. This would help bring new business to Kirkland, as well as generate tax revenue for the City.

For the last three years, our property has been on the market, and numerous businesses have expressed interest in purchasing it. Unfortunately, the City's restrictive zoning code prevents the types of businesses that want to locate in this part of Totem Lake from doing so. The current code fails to reflect the market.

Allowing these uses would demonstrate Kirkland is truly responsive to the immediate needs of revitalizing business development especially during this historical economic recession. Delaying the improvement to the zoning code until years later due to procedural issues deters faith in our community government's ability to respond appropriately during difficult economic times. We trust the City will demonstrate its support for business, and find a way to allow auto sales and service in Totem Lake's TL10B zone, as quickly as possible.

Sincerely,

Dan Beheyt

Dan Beheyt
Managing Partner

CC: PlanningCommissioners@kirklandwa.gov
citycouncil@kirklandwa.gov
ktriplett@kirklandwa.gov
DCollins@ci.kirkland.wa.us
EShields@kirklandwa.gov

55.47 User Guide.

The charts in KZC 55.51 contain the basic zoning regulations that apply in the TL 7 zone of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 55.49

Zone TL 7

Section 55.49 – GENERAL REGULATIONS

The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.

2. Any development activities requiring Design Review approval pursuant to KZC 142.15 in this zone shall be reviewed ~~administratively~~ through Administrative Design Review (ADR), pursuant to KZC 142.25. The guidelines contained in the Design Guidelines for the Totem Lake Neighborhood, adopted by KMC 3.30.040, shall be applied in lieu of the design regulations in Chapter 92.

3. Access for drive-through facilities must be approved by the Public Works Official. See Chapter 105 KZC for requirements.

4. Some development standards or design regulations may be modified as part of the design review process. See Chapters 92 and 142 KZC for requirements.

Section 55.51	USE ⇩ REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.010	Packaging of Prepared Materials Manufacturing See Spec. Regs. 1 and 2.	D.R., Chapter 142 KZC. See Gen. Reg. 2.	None	1~~2~~0′	0′	0′	90%	4~~3~~5′ above average building elevation.	A	C	1 per each 1,000 sq. ft. of gross floor area.	1. The following manufacturing uses are permitted: a. Food, drugs, stone, clay, glass, china, ceramics products, electrical equipment, scientific or photographic equipment; b. Fabricated metal products, but not fabrication of major structural steel forms, heavy metal processes, boiler making, or similar activities; c. Cold mix process only of soap, detergents, cleaning preparations, perfumes, cosmetics, or other toilet preparations; d. Packaging of prepared materials; e. Textile, leather, wood, paper and plastic products from pre-prepared material; and f. Other compatible uses which may involve manufacturing, processing, assembling, fabrication and handling of products, and research and technological processes. 2. May include, as part of this use, accessory retail sales, office or service utilizing not more than ~~20~~35 percent of the gross floor area. The landscaping and parking requirements for these accessory uses will be the same as for the primary use.
.020	Warehouse Storage Service											1. May include, as part of this use, accessory retail sales, office or service utilizing no more than ~~20~~35 percent of the gross floor area. The landscaping and parking requirements for these accessory uses will be the same as for the primary use.
.030	Wholesale Trade											
.040	Industrial Laundry Facility											
.050	Wholesale Printing or Publishing											
.060	A Retail Establishment providing storage services. See Spec. Reg. 1.									E	See KZC 105.25.	1. May include accessory living facilities for resident security manager.

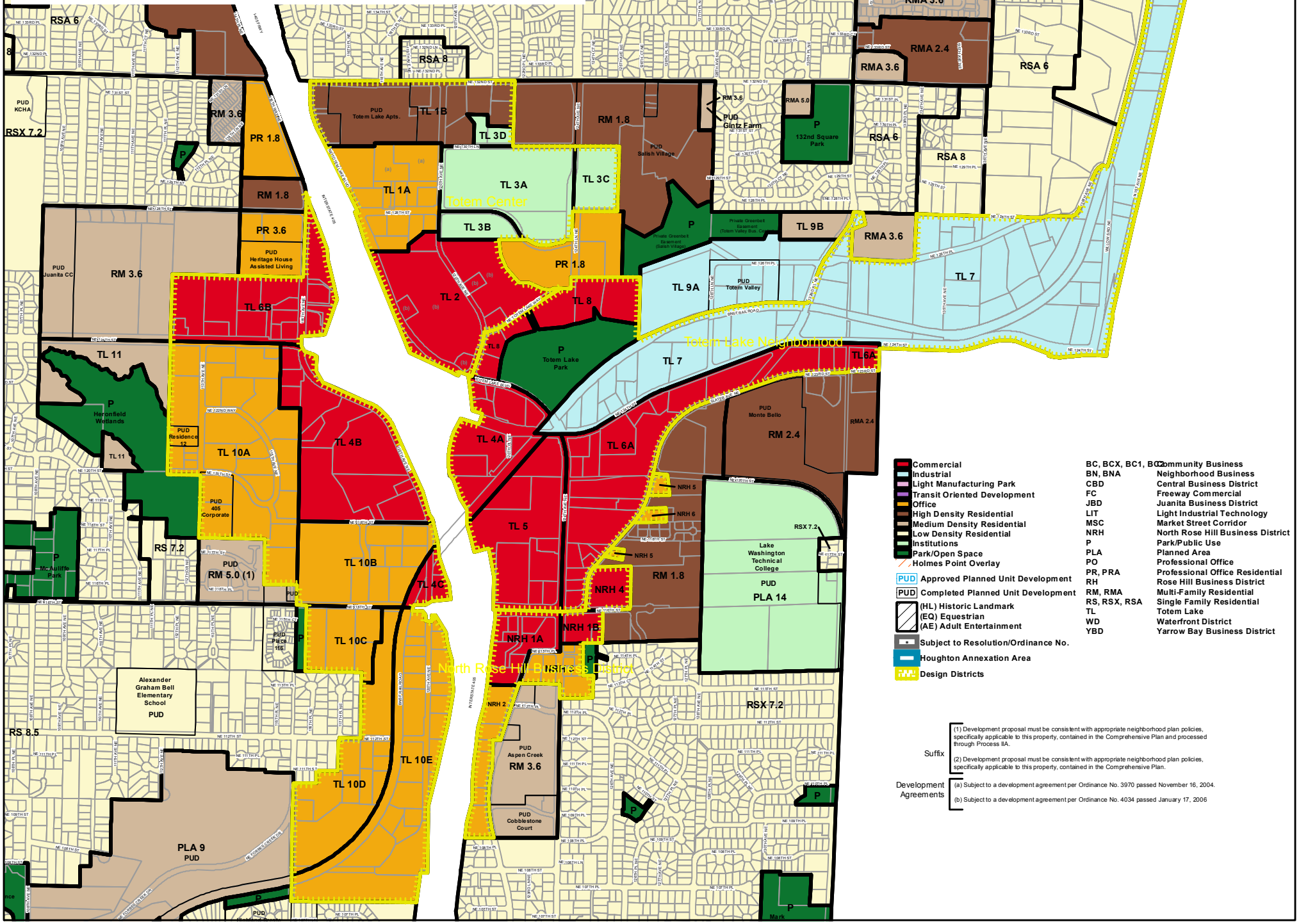
.070	A Retail Establishment providing building construction, plumbing, electrical, landscaping, or pest control services						80%		B		1 per each 300 sq. ft. of gross floor area.	1. Outdoor storage for this use must be buffered as established in Chapter 95 KZC for Landscaping Category A.
.080	A Retail Establishment selling building materials or hardware	D.R., Chapter 142 KZC. See Gen. Reg. 2.	None	120′	0′	0′	80%	435′ above average building elevation.	B	E	1 per each 300 sq. ft. of gross floor area.	1. Outdoor storage for this use must be buffered as established in Chapter 95 KZC for Landscaping Category A.
.090	A Retail Establishment providing rental services											
~~**.100**~~	~~A Retail Establishment providing banking and related financial services~~											
.10~~1~~0	High Technology								A	D	If manufacturing, then 1 per each 1,000 sq. ft. of gross floor area. If office, then 1 per 300 sq. ft. of gross floor area. Otherwise, see KZC 105.25.	1. This use may include research and development, testing, assembly, repair or manufacturing or offices that support businesses involved in the pharmaceutical and biotechnology, communications and information technology, electronics and instrumentation, computers and software sectors. 2. May include, as part of this use, accessory retail sales or service utilizing not more than 20 percent of the gross floor area. The landscaping and parking requirements for these accessory uses will be the same as for the primary use. 3. Refer to KZC 115.105 for provisions regarding outside use, activity and storage.
.11~~2~~0	Office Use						80%		C See also Spec. Reg. 1a.		If a medical, dental, or veterinary office, then 1 per each 200 sq. ft. of gross floor area. Otherwise, 1 per each 300 sq. ft. of gross floor area.	1. The following regulations apply only to veterinary offices: a. If there are outdoor runs or other outdoor facilities for the animals, then use must comply with Landscape Category A. b. Outside runs and other outside facilities for the animals must be set back at least 10 feet from each property line and must be surrounded by a fence or wall sufficient to enclose the animals. See KZC 115.105, Outdoor Use, Activity and Storage, for further regulations.

.123 0	A Retail, Variety or Department StoreAny Retail Establishment other than those specifically listed in this zone, selling goods or providing services including banking and related services. (See Special Regulation 1).	D.R., Chapter 142 KZC. See Gen. Reg. 2.	None	120′	0′	0′	80%	435′ above average building elevation.	B	E	1 per each 300 sq. ft. of gross floor area.	1. This use must contain at least 75,000 square feet of gross floor area. 1. This use is only permitted on properties located north of NE 124th Street, south of the Cross Kirkland Corridor right-of-way and west of 135th Avenue NE. 2. Outdoor storage for this use must be buffered as established in Chapter 95 for Landscaping Category A. 3. A delicatessen, bakery, or other similar use may include, as part of this use, accessory seating if: a. The seating and associated circulation area does not exceed more than 10 percent of the gross floor area of the use; and b. It can be demonstrated to the City that the floor plan is designed to preclude the seating area from being expanded. 4. No drive-through or drive-in facilities are permitted.
.130	Restaurant or Tavern										1 per each 100 sq. ft. of gross floor area.	1. This use is only permitted on properties located north of NE 124th Street, south of the Cross Kirkland Corridor right-of-way and west of 135th Avenue NE. 2. No drive-through or drive-in facilities are permitted.
.140	A multi-use complex or mixed use building containing 7 or more restaurants, taverns, retail establishments, or churches										See KZC 105.25.	1. Outdoor storage for this use must be buffered as established in Chapter 95 KZC for Landscaping Category A. 2. No drive-through or drive-in facilities are permitted. 3. A delicatessen, bakery, or other similar use may include, as part of this use, accessory seating if: a. The seating and associated circulation area does not exceed more than 10 percent of the gross floor area of the use; and b. It can be demonstrated to the City that the floor plan is designed to preclude the seating area from being expanded. 4. Ancillary assembly and manufactured goods on the premises of this use are permitted only if: a. The assembled or manufactured goods are directly related to and are dependent upon this use, and are available for purchase and removal from the premises. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail uses. 5. Churches are limited to no more than 15 percent of the gross floor area of the complex.
.145 0	Athletic Instructional Facility											
.156 0	Hotel or Motel										1 per each room. See Spec. Reg. 2.	1. May include meeting and convention facilities. 2. Excludes parking requirements for ancillary meeting and convention facilities. Additional parking requirement for those ancillary uses shall be determined on a case-by-case basis.

.16~~7~~0	A Retail Establishment providing printing, publishing, or duplicating services	D.R., Chapter 142 KZC. See Gen. Reg. 2.	None	1~~2~~0′	0′	0′	80%	4~~3~~5′ above average building elevation.	B	E	1 per each 300 sq. ft. of gross floor area.	1. Gross floor area for this use may not exceed 3,000 sq. ft. For a larger printing or publishing facility, see wholesale printing or publishing listing in this use zone.
.17~~8~~0	A Retail Establishment providing vehicle or boat sales, repair, services, washing, or rental								A		See KZC 105.25.	1. Outdoor vehicle or boat parking or storage areas must be buffered as required for a parking area in KZC 95.45. See KZC 115.105, Outdoor Use, Activity and Storage, for additional regulations.
.180	Church								C	B	1 for every 4 people based on maximum occupancy load of any area of worship. See Special Reg. 2.	1. May include accessory living facilities for staff persons. 2. No parking is required for day-care or school ancillary to this use. 3. The structure containing the use shall have been in existence on June 30, 2012, and shall not be altered, changed, or otherwise modified to accommodate the use if the cost of such alteration, change, or modification exceeds 30 percent of the replacement cost of that building.
~~.190~~	~~Restaurant See Spec. Reg. 1.~~								~~B~~	~~E~~	~~1 per each 100 sq. ft. of gross floor area~~.	~~1. This use is permitted if accessory to a primary use, and:~~ ~~a. It will not exceed 20 percent of the gross floor area of the building;~~ ~~b. The use is integrated into the design of the building; and~~ ~~c. There is no vehicle drive-in or drive-through.~~
.190 ~~200~~	Auction House See Spec. Reg. 1.								B	E	1 per each 300 sq. ft. of gross floor area.	1. Livestock auctions are not permitted. 2. Outdoor storage for this use must be buffered as established in Chapter 95 KZC for Landscaping Category A.
.200 ~~210~~	Kennel			1~~2~~0′	0′	0′						1. Outside runs and other facilities for the animals must be set back at least 10 feet from each property line and must be surrounded by a fence or wall sufficient to enclose the animals. See KZC 115.105, Outdoor Use, Activity and Storage, for further regulations. 2. Must provide suitable shelter for the animals. 3. Must maintain a clean, healthful environment for the animals.
				See Spec. Reg. 1.								
.21~~2~~0	Vehicle Service Station		22,500 sq. ft.	40′	15′ on each side	10′			A		See KZC 105.25.	1. May not be more than two vehicle service stations at any intersection. 2. Gas pump islands may not be closer than 15 feet to any property line. Canopies or covers over gas pump islands may not be closer than 10 feet to any property line. Outdoor parking and service areas may not be closer than 10 feet to any property line. See KZC 115.105, Outdoor Use, Activity and Storage, for further regulations.

.2~~3~~0	School or Day-Care Center	D.R., Chapter 142 KZC. See Gen. Reg. 2.	None	1~~2~~0′	0′	0′	80%	4~~3~~5′ above average building elevation.	D	B	See KZC 105.25.	1. A six-foot-high fence is required only along the property lines adjacent to the outside play areas. 2. Hours of operation may be limited to reduce impacts on nearby residential uses. 3. Structured play areas must be set back from all property lines as follows: a. Twenty feet if this use can accommodate 50 or more students or children. b. Ten feet if this use can accommodate 13 to 49 students or children. 4. An on-site passenger loading area must be provided. The City shall determine the appropriate size of the loading areas on a case-by-case basis, depending on the number of attendees and the extent of the abutting right-of-way improvements. Carpooling, staggered loading/unloading time, right-of-way improvements or other means may be required to reduce traffic impacts on nearby residential uses. 5. May include accessory living facilities for staff persons. 6. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses. ~~7. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).~~
.23~~4~~0	Public Utility								C			1. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.
.24~~5~~0	Government Facility Community Facility								See Spec. Reg. 1.			
.25~~6~~0	Public Park	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process.										

CITY OF KIRKLAND ZONING MAP



Fact Sheet

Action Sponsor and Lead Agency	City of Kirkland Department of Planning and Community Development
Proposed Action	Legislative adoption of amendments to the Zoning Code to simplify regulations and permit processes in order to remove potential barriers to development, provide greater flexibility and add or expand incentives to encourage development. The scope for this task is to consider code amendments that do not require amendments to the Comprehensive Plan. The proposed changes are pursuant to Chapter 160 KZC (Process IV).
Responsible Official	**Eric R. Shields, AICP** **Planning Director**
Contact Person	Dorian Collins, AICP, Senior Planner, City of Kirkland (425) 587-3249.
Required Approvals	Adoption by Kirkland City Council
Location of Background Data	File ZON11-00034 City of Kirkland Department of Planning and Community Development 123 Fifth Avenue Kirkland, WA 98033
Date of Issuance	5/23/2012

City of Kirkland

Process IV: Amendments to the Zoning Code for the Totem Lake Neighborhood

EIS Addendum dated May 22, 2012

File No. ZON11-00034

I. Background

The City of Kirkland proposes to adopt amendments to the Zoning Code to revise regulations related to development in the Totem Lake business district. A public hearing on the proposed amendments will be held by the Planning Commission on May 24, 2012. The City Council is scheduled to consider and possibly take action on the amendments at its meeting on June 19, 2012.

The Zoning Code amendments implement a task included in the City's approved Totem Lake Work Plan. The changes are also consistent with the adopted Totem Lake Neighborhood Plan. The amendments are being reviewed using the Chapter 160, KZC, Process IV with adoption by the City Council.

The objectives for the amendments are described below:

- *Provide more flexibility for development* (e.g., eliminate FAR restriction for smaller structures, eliminate prescriptive standards for ground floor uses, establish standardized height limits to enable flexibility for change in use);
- *Provide more opportunity for development where possible* (e.g., increase height limits, reduce building setbacks);
- *Provide uniformity across zones* (e.g., standardize building heights and front setbacks); and
- *Eliminate obsolete or vague regulations* (e.g., requirements for the Evergreen Hospital campus that no longer apply due to recent development, unclear requirement for landscape berm in TL 8 zone, etc.).

The proposed amendments are summarized in the chart in Attachment 1, and contained in their entirety in Attachment 2. A Zoning Map for the area is shown in Attachment 3.

This Environmental Impact Statement (EIS) Addendum is intended to fulfill the environmental requirements pursuant to the State Environmental Policy Act (SEPA) for the proposed Comprehensive Plan amendment.

II. EIS Addendum

According to the SEPA Rules, an EIS addendum provides additional analysis and/or information about a proposal or alternatives where their significant environmental impacts have been disclosed and identified in a previous environmental document (WAC 197-11-600(2). An addendum is appropriate when the impacts of the new proposal are the same general types as those identified in the prior document, and when the new

analysis does not substantially change the analysis of significant impacts and alternatives in the prior environmental document (WAC 197-11-600(4)(c), -625 and – 706).

The City published the *City of Kirkland 2004 Draft and Final Comprehensive Plan 10-year Update Environmental Impact Statement*. This EIS addressed the 2004 Comprehensive Plan, Zoning Code and Zoning Map updates required by the Washington State Growth Management Act (GMA). Elements of the environment addressed in this EIS include population and employment growth, earth resources, air quality, water resources, plants and animals, energy, environmental health (noise, hazardous materials), land use, socioeconomics, aesthetics, parks/recreation, transportation, and public services/utilities.

This addendum to the *City of Kirkland 2004 Draft and Final Comprehensive Plan 10-year Update EIS* is being issued pursuant to WAC 197-11-625 to meet the City's SEPA responsibilities. The EIS evaluated plan alternatives and impacts that encompass the same general development regulations and the environmental impacts that are expected to be associated with the proposed amendments discussed herein. While the specific location, precise magnitude, or timing of some impacts may vary from those estimated in the *City of Kirkland 2004 Draft and Final Comprehensive Plan 10-year Update EIS*, they are still within the range of what was evaluated and disclosed there. No new significant impacts have been identified.

III. Non-Project Action

Decisions on the adoption or amendment of zoning ordinances are referred to in the SEPA rules as "non-project actions" (WAC 197-11-704(2)(b)). The purpose of an EIS in analyzing a non-project action is to help the public and decision-makers identify and evaluate the environmental effects of alternative policies, implementation approaches, and similar choices related to future growth. While plans and regulations do not directly result in alteration of the physical environment, they do provide a framework within which future growth and development – and resulting environmental impacts – will occur. Both the adoption of the Comprehensive Plan evaluated in the *City of Kirkland 2004 Draft and Final Comprehensive Plan 10-year Update EIS* and eventual action on the amendments to the Zoning Code for the Totem Lake Business District are "non-project actions".

IV. Environmental Analysis

The *City of Kirkland 2004 Draft and Final Comprehensive Plan 10-year Update EIS* evaluated the environmental impacts associated with adoption of proposed policies and land use designations. The plan's policies are intended to accomplish responsibilities mandated by the Washington State Growth Management Act (GMA), and to mitigate the impacts of future growth. In general, environmental impacts associated with the proposed Code amendments are similar in magnitude to the potential impacts disclosed in the *City of Kirkland 2004 Draft and Final Comprehensive Plan 10-year Update EIS*. As this proposal is consistent with the Totem Lake Neighborhood Chapter of the Comprehensive Plan and the environmental impacts disclosed in the *City of Kirkland 2004 Draft and Final Comprehensive Plan 10-year Update EIS*, no new significant impacts beyond those identified in the EIS for the Comprehensive Plan are anticipated.

Until the Totem Lake Neighborhood Plan is updated or amended, the current policy direction in the Plan continues to guide implementing regulations for the Totem Lake business district. Consequently, the proposed changes are relatively minor. Many of the proposed changes are intended to simplify and clarify regulations and review processes. Others provide regulatory flexibility though reduced setbacks and fewer restrictions on ground floor uses in some zones, and allowances for a wider range of uses in others. Some changes would allow for taller non-residential structures, while retaining incentives for residential use in the designated Housing Incentive Areas.

While the increased height limits in some zones will allow taller buildings and therefore might be assumed to allow for development beyond the level projected for the neighborhood in the 2004 EIS, it is unlikely that this will be the case. Due to the economic downturn since 2008 and generally weak market demand, the level of development is not likely to reach the overall previously forecasted levels for 2022 planning period considered in the 2004 EIS. Consequently, while some future development may be greater than now allowed due to the amendments in Attachment 2, the overall level of development throughout the neighborhood is still likely to be less than previously anticipated.

VI. Conclusion

This EIS Addendum fulfills the environmental review requirements for the proposed amendments to the Zoning Code to provide greater flexibility and clarity within development regulations, and to provide more opportunity for development where possible. The impacts of the proposal are within the range of impacts disclosed and evaluated in the *City of Kirkland 2004 Draft and Final Comprehensive Plan 10-year Update*; no new significant impacts have been identified. Therefore, issuance of this EIS Addendum is the appropriate course of action.

Attachments:

1. Summary of proposed amendments
2. Proposed amended text for the Zoning Code
3. Totem Lake Zoning Map

cc: File ZON11-00034

ORDINANCE O-4357

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE, REVISING THE CITY'S ZONING REGULATIONS IN THE TOTEM LAKE NEIGHBORHOOD, AMENDING ORDINANCE 3719 AS AMENDED, THE KIRKLAND ZONING CODE AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. ZON11-00034.

WHEREAS, the City Council has received a recommendation from the Kirkland Planning Commission to amend certain sections of the text of the Kirkland Zoning Code, Ordinance 3719 as amended, all as set forth in that certain report and recommendation of the Planning Commission dated June 5, 2012, and bearing Kirkland Department of Planning and Community Development File No. ZON11-00034; and

WHEREAS, prior to making said recommendation, the Kirkland Planning Commission, following notice as required by RCW 35A.63.070, on May 24, 2012, held a public hearing, on the amendment proposals and considered the comments received at said hearing; and

WHEREAS, pursuant to the State Environmental Policy Act (SEPA), there has accompanied the legislative proposal and recommendation through the entire consideration process, a SEPA Addendum to Existing Environmental Documents issued by the responsible official pursuant to WAC 197-11-600; and

WHEREAS, in regular public meeting the City Council considered the environmental documents received from the responsible official, together with the report and recommendation of the Planning Commission;

NOW, THEREFORE, the City Council of the City of Kirkland do ordain as follows:

Section 1. Zoning text amended: The following specified sections of the text of Ordinance 3719 as amended, the Kirkland Zoning Code, are amended to read as set forth in Attachment A attached to this ordinance and incorporated by reference.

Section 2. If any section, subsection, sentence, clause, phrase, part or portion of this ordinance, including those parts adopted by reference, is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. This ordinance shall be in full force and effect five days from and after its passage by the Kirkland City Council and publication, pursuant to Section 1.08.017 Kirkland Municipal Code, in the summary form attached to the original of this

ordinance and by this reference approved by the City Council, as required by law.

Section 4. A complete copy of this ordinance shall be certified by the City Clerk, who shall then forward the certified copy to the King County Department of Assessments.

PASSED by majority vote of the Kirkland City Council in open meeting this _____ day of _____, 2012.

SIGNED IN AUTHENTICATION thereof this _____ day of _____, 2012.

_____
Mayor

Attest:

_____
City Clerk

Approved as to Form:

_____
City Attorney

Chapter 5 – DEFINITIONS

Sections:

5.05 User Guide
5.10 Definitions

5.05 User Guide

The definitions in this chapter apply for this code. Also see definitions contained in Chapter 83 KZC for shoreline management, Chapter 90 KZC for drainage basins, Chapter 95 KZC for tree management and required landscaping, and Chapter 113 KZC for cottage, carriage and two/three-unit homes that are applicable to those chapters.

5.10 Definitions

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.140 Commercial Recreation Area and Use

– An area and use operated for profit, with private facilities, equipment or services for recreational purposes, including swimming pools, tennis courts, playgrounds and other similar uses. The use of such an area may be limited to private membership or may be open to the public upon the payment of a fee.

.XXX Commercial Use

- A place of employment or a commercial enterprise that meets the definition of Office Use, Retail Establishment, Restaurant or Tavern, or Entertainment, Cultural and/or Recreational Facility.

145 Commercial Zones

– The following zones: BN; BNA; BC; BC 1; BC 2; BCX; CBD; JBD 1; JBD 2; JBD 4; JBD 5; JBD 6; MSC 2; MSC 3; NRH 1A; NRH 1B; NRH 4; RH 1A; RH 1B; RH 2A; RH 2B; RH 2C; RH 3; RH 5A; RH 5B; RH 5C; RH 7; TL 2; TL 4A; TL 4B; TL 4C; TL 5; TL 6A; TL 6B; TL 8; YBD 2; YBD 3.

Chapter 55 – TOTEM LAKE (TL) ZONES

55.05 User Guide.

The charts in KZC 55.09 contain the basic zoning regulations that apply in the TL 1A zone of the city. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 55.07

Zone TL 1A

Section 55.07 – GENERAL REGULATIONS

1. Refer to Chapter 1 KZC to determine what other provision of this Code may apply to the subject property.

2. All ground floor uses shall be a minimum of 13~~5~~ feet in height. This regulation does not apply to parking garages or property with no frontage on NE 128th Street.

3. In addition to the height exceptions established by KZC 115.60, the following exceptions to height regulations in TL zones are established:
   a. Decorative parapets may exceed the height limit by a maximum of four feet; provided, that the average height of the parapet around the perimeter of the structure shall not exceed two feet.
   b. For structures with a peaked roof, the peak may extend eight feet above the height limit if the slope of the roof is equal to or greater than four feet vertical to 12 feet horizontal.

4. The minimum required front yard is 10 feet, unless otherwise prescribed in the use zone chart. Ground floor canopies and similar entry features may encroach into the front yard, provided the total horizontal dimension of such elements may not exceed 25 percent of the length of the structure. No parking, other than underground parking, may encroach into the required 10-foot front yard.

5. The ability to accommodate new development in the TL 1A zone is dependent upon the construction of two new streets: 119th Avenue NE, between NE 128th Street and NE 130th Place, and NE 130th Place, between 120th Avenue NE and Totem Lake Boulevard NE, as shown on Plate 34A. Consistent with and to the extent authorized by applicable statutes and court decisions, new development on properties across which these streets in whole or in part extend shall contribute to the creation of the streets as follows:
   a. With all new development, the portions of these streets crossing the subject property shall be dedicated as public right-of-way consistent with Plate 34A; and
   b. With all new development exceeding 30 feet in height, the streets shall be improved consistent with Plate 34A.

   Minor deviations in the location and width of the streets may be approved by the Public Works Director if the deviations will not negatively affect the functioning of the streets.

6. Properties located between TL 2 and NE 128th Street may be required to provide a pedestrian connection between TL 2 and NE 128th Street.

Section 55.09	USE ⇩ / REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.010	Office Use	D.R., Chapter 142 KZC	None	10'	0'	0'	85% See Spec. Reg. 5.	30' to 160' above average building elevation. See Spec. Reg. 4.	B	D	See Chapter 105 KZC	1. The minimum floor area ratio (FAR) for development on the subject property is 1.0, or 100 percent of lot size. 2. The maximum floor area ratio (FAR) for development over 65 feet in height on the subject property is 2.0, or 200 percent of lot size, except as provided in Special Regulation 3 below. When combined with residential use, the maximum FAR for this use is determined as follows: (% office use x 2) + (% residential use x 3) = FAR of each use allowed on the subject property. Maximum FAR is determined based on parcel size, prior to any road dedication required pursuant to General Regulation 5 for this zone. 3. On parcels where road dedication is required pursuant to General Regulation 5, the maximum floor area ratio (FAR) for development over 65 feet in height may be increased by an additional 0.2 FAR for each 10 percent or portion thereof of the subject property required to be dedicated. Where this use is combined with residential use, the maximum FAR for the residential use may be increased by an additional 0.3 of residential use for each 10 percent or portion thereof of the subject property required to be dedicated. 4. Building height may be increased as follows: a. Building height may exceed 30 feet above average building elevation if one of the following public improvements is provided: 1) Dedication and improvement of new streets pursuant to General Regulation 5; or 2) Where General Regulation 5 does not apply, the development of pedestrian-oriented elements that exceed the requirements of KZC 92.15 and Chapter 105 KZC. Examples include pedestrian walkways through the subject property, public plazas, public art and fountains. b. Building height may ~~exceed 80 feet and~~ be ~~increased~~ up to 160 feet above average building elevation, ~~with the height increases to be based on the following considerations~~provided that: 1) Development on the subject property complies with 4(a) above. 2) Design of buildings meets guidelines for towers set forth in Design Guidelines (Chapter 142 KZC, and Chapter 3.30 KMC).

Section 55.09	USE ⇩ / REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
												REGULATIONS FOR THIS USE CONTINUED ON THE NEXT PAGE

Section 55.09	USE ⇩ / REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.010	Office Use (continued)											3) Floor plates may not exceed 10,000 square feet per floor, for the portion of the building above 80 feet in height, except on those parcels where road dedication is required pursuant to General Regulation 5. On these parcels, floor plates may not exceed 20,000 square feet on floors between 80 feet and 120 feet in height. Beyond 120 feet in height, floor plates may not exceed 10,000 square feet per floor. 4) Portions of structures exceeding 80 feet in height must be separated by at least 60 feet, both on the subject property and from taller building elements on adjacent properties. 5. Increases in lot coverage may be considered if: a. Land dedication on the subject property provided pursuant to General Regulation 5 limits area available for development on the property; and/or b. Other techniques used to provide open space result in superior landscaping, such as the use of gardens on lower portions of structures or on rooftops, the provision of visual and pedestrian access to public garden areas, or other approaches that provide for useable green space. 6. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The assembled or manufactured goods are subordinate to and are dependent upon this use. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing must be no different from other office uses. 7. The following regulations apply to veterinary offices only: a. May only treat small animals on the subject property. b. Outside runs and other outside facilities for the animals are not permitted. c. Site must be designed so noise from this use is not audible off the subject property. A certification to this effect, signed by an acoustical engineer, must be submitted with the development permit application. d. A veterinary office is not permitted if the subject property contains dwelling units.

Section 55.09	USE ⇩ / REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.020	Restaurant or Tavern	D.R., Chapter 142 KZC	Same as primary use. See Spec. Reg. 1.								1 per each 100 sq. ft. of gross floor area.	1. This use is only permitted as an accessory use to another permitted use within this zone. It may not be located in a separate structure from the primary use.
.030	Any Retail Establishment, other than those specifically listed in this zone, selling goods and providing services including banking and other financial services										1 per each 300 sq. ft. of gross floor area.	1. This use is only permitted as an accessory use to another permitted use within this zone. It may not be located in a separate structure from the primary use. 2. The location of drive-through facilities may not compromise pedestrian movement. 3. The following uses and activities are prohibited: a. The sale, service, and/or rental of motor vehicles, sailboats, motor boats, and recreational trailers; provided, that motorcycle sales, service, or rental is permitted if conducted indoors; b. Retail establishments providing storage services unless accessory to another permitted use; c. Storage and operation of heavy equipment except normal delivery vehicles associated with retail uses; d. Outdoor storage of bulk commodities, except in the following circumstances: 1) If the square footage of the storage area is less than 10 percent of the retail structure, 2) If the commodities represent growing stock in connection with horticultural nurseries, whether the stock is in open ground, pots, or containers.

Section 55.09	USE ⇩ / REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.040	Attached or Stacked Dwelling Units		None	10'	0'	0'	85% See Spec. Reg. 6.	30' to 160' above average building elevation. See Spec. Reg. 5.	C	A	See KZC 105.25.	1. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use. 2. Residential development must provide a minimum density of 50 dwelling units per gross acre. 3. The maximum floor area ratio (FAR) for development over 65 feet in height on the subject property is 3.0, or 300 percent of lot size, except as provided in Special Regulation 4 below. When combined with office use, the maximum FAR for this use is determined as follows: (% office use x 2) + (% residential use x 3) = FAR of each use allowed on the subject property. Maximum FAR is determined based on parcel size, prior to any road dedication required pursuant to General Regulation 5 for this zone. REGULATIONS FOR THIS USE CONTINUED ON THE NEXT PAGE

Section 55.09	USE ⇩ / REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.040	Attached or Stacked Dwelling Units (continued)											4. On parcels where road dedication is required pursuant to General Regulation 5, the maximum floor area ratio (FAR) for development over 65 feet in height may be increased by an additional 0.30 FAR for each 10 percent or portion thereof of the subject property required to be dedicated. Where this use is combined with office use, the maximum FAR for the office use may be increased by an additional 0.2 of office use for each 10 percent or portion thereof of the subject property required to be dedicated. 5. Building height may be increased as follows: a. Building height may exceed 30 feet above average building elevation, if one of the following public improvements is provided: 1) Dedication and improvement of new streets pursuant to General Regulation 5; or 2) Where General Regulation 5 does not apply, the development of pedestrian-oriented elements that exceed the requirements of KZC 92.15 and Chapter 105 KZC. Examples include pedestrian walkways through the subject property, public plazas, public art and fountains; and 3) Provides for at least 10 percent of the units in new residential developments of four units or greater as affordable housing units, as defined in Chapter 5 KZC. See Chapter 112 KZC for additional affordable housing requirements and incentives. b. Building height may exceed 80 feet and be increased up to 160 feet above average building elevation, with the height increases to be based on the following considerations: 1) Development on the subject property complies with 5(a) above. 2) Design of buildings meets guidelines for towers set forth in Design Guidelines (Chapter 142 KZC, and Chapter 3.30 KMC). 3) Floor plates may not exceed 10,000 square feet per floor, for the portion of the building above 80 feet in height, except on those parcels where road dedication is required pursuant to General Regulation 5. On these parcels, floor plates may not exceed 20,000 square feet on floors between 80 feet and 120

Section 55.09	USE ⇩ / REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
												feet in height. Beyond 120 feet in height, floor plates may not exceed 10,000 square feet per floor. REGULATIONS FOR THIS USE CONTINUED ON THE NEXT PAGE

Section 55.09	USE ⇩ / REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.040	Attached or Stacked Dwelling Units (continued)											4) Portions of structures exceeding 80 feet in height must be separated by at least 60 feet, both on the subject property and from taller building elements on adjacent properties. 6. Increases in lot coverage may be considered if: a. Land dedication on the subject property provided pursuant to General Regulation 5 limits area available for development on the property, and/or b. Other techniques used to provide open space result in superior landscaping, such as the use of gardens on lower portions of structures or on rooftops, the provision of visual and pedestrian access to public garden areas, or other approaches that provide for useable green space.
.050	Church	D.R., Chapter 142 KZC	None	10'	0'	0'	80%	40' average building elevation. See Spec. Reg. 3.	C	B	1 for every 4 people based on maximum occupancy load of any area of worship. See Spec. Reg. 2.	1. May include accessory living facilities for staff persons. 2. No parking is required for day-care or school ancillary to this use 3. When included as an accessory use within the structure of a primary use with a taller height limit, the height limit for the primary use applies.
.060	School, Day-Care Center or Mini School or Mini-Day-Care			10' See Spec. Reg. 3.	0' See Spec. Reg. 3.	0' See Spec. Reg. 3.		40' above average building elevation. See Spec. Reg. 5~~6~~.	D		See KZC 105.25. See Spec. Reg. 4.	1. A six-foot high fence is required along property lines adjacent to outside play areas. 2. Hours of operation may be limited by the City to reduce impacts on nearby residential uses. 3. Structured play areas must be set back from all property lines by at least five feet. 4. An on-site passenger loading area may be required depending on the number of attendees and the extent of the abutting right-of-way improvements. ~~5. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).~~ 5~~6~~. When included as an accessory use within the structure of a primary use with a taller height limit, the height limit for the primary use applies.

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		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.070	Assisted Living Facility	D.R., Chapter 142 KZC	None	10'	0'	0'	85% See Spec. Reg. 5.	30' to 160' above average building elevation. See Spec. Reg. 4.	B	A	See KZC 105.25.	1. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use. 2. The maximum floor area ratio (FAR) for development over 65 feet in height on the subject property is 3.0, or 300 percent of lot size, except as provided in Special Regulation 3 below. Maximum FAR is determined based on parcel size, prior to any road dedication required pursuant to General Regulation 5 for this zone. 3. On parcels where road dedication is required pursuant to General Regulation 5, the maximum floor area ratio (FAR) for development over 65 feet in height may be increased by an additional 0.30 FAR for each 10 percent or portion thereof, of the subject property required to be dedicated. 4. Building height may be increased as follows: a. Building height may exceed 30 feet above average building elevation, if one of the following public improvements is provided: 1) Dedication and improvement of new streets pursuant to General Regulation 5; or 2) Where General Regulation 5 does not apply, the development of pedestrian-oriented elements that exceed the requirements of KZC 92.15 and Chapter 105 KZC. Examples include pedestrian walkways through the subject property, public plazas, public art and fountains; and 3) Provides for at least 10 percent of the units in new residential developments of four units or greater as affordable housing units, as defined in Chapter 5 KZC. See Chapter 112 KZC for additional affordable housing requirements and incentives. b. Building height may exceed 80 feet and be increased up to 160 feet above average building elevation, with the height increases to be based on the following considerations: 1) Development on the subject property complies with 4(a) above. 2) Design of buildings meets guidelines for towers set forth in Design Guidelines (Chapter 142 KZC, and Chapter 3.30 KMC).

Section 55.09	USE ⇩ / REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
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			Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
												REGULATIONS FOR THIS USE CONTINUED ON THE NEXT PAGE

Section 55.09	USE ⇩ / REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.070	Assisted Living Facility (continued)											3) Floor plates may not exceed 10,000 square feet per floor, for the portion of the building above 80 feet in height, except on those parcels where road dedication is required pursuant to General Regulation 5. On these parcels, floor plates may not exceed 20,000 square feet on floors between 80 feet and 120 feet in height. Beyond 120 feet in height, floor plates may not exceed 10,000 square feet per floor. 4) Portions of structures exceeding 80 feet in height must be separated by at least 60 feet, both on the subject property and from taller building elements on adjacent properties. 5. Increases in lot coverage may be considered if: a. Land dedication on the subject property provided pursuant to General Regulation 5 limits area available for development on the property; and/or b. Other techniques used to provide open space result in superior landscaping, such as the use of gardens on lower portions of structures or on rooftops, the provision of visual and pedestrian access to public garden areas, or other approaches that provide for useable green space.
.080	Convalescent Center or Nursing Home	D.R., Chapter 142 KZC	None	10'	0'	0'	85% See Spec. Reg. 4.	30' to 160' above average building elevation. See Spec. Reg. 3.	C	B	1 for each bed.	1. The maximum floor area ratio (FAR) for development over 65 feet in height on the subject property is 3.0, or 300 percent of lot size, except as provided in Special Regulation 2 below. Maximum FAR is determined based on parcel size, prior to any road dedication required pursuant to General Regulation 5 for this zone. 2. On parcels where road dedication is required pursuant to General Regulation 5, the maximum floor area ratio (FAR) for development over 65 feet in height may be increased by an additional 0.30 FAR for each 10 percent or portion thereof of the subject property required to be dedicated. REGULATIONS FOR THIS USE CONTINUED ON THE NEXT PAGE

Section 55.09	USE ⇩ / REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.080	Convalescent Center or Nursing Home (continued)											3. Building height may be increased as follows: a. Building height may exceed 30 feet above average building elevation, if one of the following public improvements is provided: 1) Dedication and improvement of new streets pursuant to General Regulation 5; or 2) Where General Regulation 5 does not apply, the development of pedestrian-oriented elements that exceed the requirements of KZC 92.15 and Chapter 105 KZC. Examples include pedestrian walkways through the subject property, public plazas, public art and fountains. b. Building height may exceed 80 feet and be increased up to 160 feet above average building elevation, with the height increases to be based on the following considerations: 1) Development of the subject property complies with 3(a) above. 2) Design of buildings meets guidelines for towers set forth in Design Guidelines (Chapter 142 KZC, and Chapter 3.30 KMC). 3) Floor plates may not exceed 10,000 square feet per floor, for the portion of the building above 80 feet in height, except on those parcels where road dedication is required pursuant to General Regulation 5. On these parcels, floor plates may not exceed 20,000 square feet on floors between 80 feet and 120 feet in height. Beyond 120 feet in height, floor plates may not exceed 10,000 square feet per floor. 4) Portions of structures exceeding 80 feet in height must be separated by at least 60 feet, both on the subject property and from taller building elements on adjacent properties. 4. Increases in lot coverage may be considered if: a. Land dedication on the subject property provided pursuant to General Regulation 5 limits area available for development on the property, and/or b. Other techniques used to provide open space result in superior landscaping, such as the use of gardens on lower portions of structures or on rooftops, the provision of visual and pedestrian access to public garden areas, or other approaches that provide for useable green space.

Section 55.09	USE ⇩ / REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.090	Public Utility	D.R., Chapter 142 KZC	None	10'	0'	0'	80%	40' above average building elevation. See Spec. Reg. 1.	A	B	See KZC 105.25.	1. When included as an accessory use within the structure of a primary use with a taller height limit, the height limit for the primary use applies.
.100	Government Facility or Community Facility								C See Spec. Reg. 2.			1. When included as an accessory use within the structure of a primary use with a taller height limit, the height limit for the primary use applies. 2. Landscape category A or B may be required depending on the type of use on the subject property and the impacts associated with this use.
.110	Public Park	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process.										

55.11 User Guide.

The charts in KZC 55.15 contain the basic zoning regulations that apply in the TL 1B zone of the city. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 55.13

Zone
TL 1B

Section 55.13 – GENERAL REGULATIONS

1. Refer to Chapter 1 KZC to determine what other provision of this Code may apply to the subject property.

2. In addition to the height exceptions established by KZC 115.60, the following exceptions to height regulations in TL zones are established:
   a. Decorative parapets may exceed the height limit by a maximum of four feet; provided, that the average height of the parapet around the perimeter of the structure shall not exceed two feet.
   b. For structures with a peaked roof, the peak may extend eight feet above the height limit if the slope of the roof is equal to or greater than four feet vertical to 12 feet horizontal.

3. The minimum required front yard is 10 feet, unless otherwise prescribed in the use zone chart. Ground floor canopies and similar entry features may encroach into the front yard, provided the total horizontal dimension of such elements may not exceed 25 percent of the length of the structure. No parking may encroach into the required 10-foot front yard.

4. The ability to accommodate new development in the TL 1B zone is dependent upon the construction of a new street: NE 130th Place, between 120th Avenue NE and Totem Lake Boulevard NE, as shown on Plate 34A. Consistent with and to the extent authorized by applicable statutes and court decisions, new development on properties across which this street in whole or in part extends shall contribute to the creation of the street as follows:
   a. With all new development, the portions of the street crossing the subject property shall be dedicated as public right-of-way consistent with Plate 34A; and
   b. With all new development exceeding 30 feet in height, the street shall be improved consistent with Plate 34A.

   Minor deviations in the location, width and improvement of the street may be approved by the Public Works Director if the deviations will not negatively affect the functioning of the street.

5. Within 100 feet of the centerline of NE 132nd Street, building height may not exceed 35 feet above the elevation of the centerline of NE 132nd Street along the subject property.

Section 55.15	USE ⇩ / REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.010	Office Use	D.R., Chapter 142 KZC	None	10' See Spec. Reg. ~~4~~3.	0'	0'	85% See Spec. Reg. ~~5~~4.	30'-45' above average building elevation. See Spec. Reg. 1	C	D	If a medical, dental, or veterinary office, then 1 per each 200 sq. ft. of gross floor area, Otherwise 1 per 300 gross floor area.	1. Building height may exceed 30 feet up to 45 feet above average building elevation, if one of the following public improvements is provided: a) Dedication and improvement of new streets pursuant to General Regulation 4; or b) Where General Regulation 4 does not apply, the development of pedestrian-oriented elements that exceed the requirements of KZC 92.15 and Chapter 105 KZC. Examples include pedestrian walkways through the subject property, public plazas, public art and fountains; 2~~1~~. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The assembled or manufactured goods are subordinate to and are dependent upon this use. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing must be no different from other office uses. 3~~2~~. The following regulations apply to veterinary offices only: a. May only treat small animals on the subject property. b. Outside runs and other outside facilities for the animals are not permitted. c. Site must be designed so noise from this use is not audible off the subject property. A certification to this effect, signed by an acoustical engineer, must be submitted with the development permit application. d. A veterinary office is not permitted if the subject property contains dwelling units. 4~~3~~. Twenty-foot yard required where properties abut NE 132nd Street. 5~~4~~. Increases in lot coverage may be considered if: a. Land dedication on the subject property provided pursuant to General Regulation 4 limits area available for development on the property; and/or b. Other techniques used to provide open space result in superior

Section 55.15	USE ⇩ / REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
												landscaping, such as the use of gardens on lower portions of structures or on rooftops, the provision of visual and pedestrian access to public garden areas, or other approaches that provide for useable green space.

Section 55.15	USE ⇩ / REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.020	Development Containing Both Office Use and Attached or Stacked Dwelling Units			10' See Spec. Reg. 3~~2~~.	0'	0'	85% See Spec. Reg. 5.	30' to 160' above average building elevation. See Spec. Regs. ~~3 and~~ 4.			See Chapter 105 KZC.	1. The maximum floor area ratio (FAR) for this use is determined as follows: (% office use x 2) + (% residential use x 3) = FAR of each use allowed on the subject property. The maximum floor area ratio (FAR) for office use is 1.0. ~~In addition, the following regulations apply to this use:~~ ~~a. The maximum floor area ratio (FAR) for this use is 3.0, except as provided in Special Regulation (1)(b) of this section. Office use shall not exceed 10 percent of the total gross floor area of all structures on the subject property.~~ REGULATIONS FOR THIS USE CONTINUED ON THE NEXT PAGE

Section 55.15	USE ⇩ / REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.020	Development Containing Both Office Use and Attached or Stacked Dwelling Units (continued)											2.~~b~~. On parcels where land dedication is required pursuant to General Regulation 4, the maximum floor area ratio (FAR) may be increased by an additional 0.3 of residential use for each 10 percent or portion thereof of the subject property required to be dedicated. 3~~2~~. Twenty-foot yard required where properties abut NE 132nd Street. 3~~. Within 100 feet of the centerline of NE 132nd Street, building height may not exceed 30 feet above the elevation of the centerline of NE 132nd Street along the subject property.~~ 4. Building height ~~may be increased~~ is regulated as follows: a.~~-~~ Building height may exceed 30 feet above average building elevation, if: 1) One of the following public improvements is provided: a) Dedication and improvement of new streets pursuant to General Regulation 4; or b) Where General Regulation 4 does not apply, the development of pedestrian-oriented elements that exceed the requirements of KZC 92.15 and Chapter 105 KZC. Examples include pedestrian walkways through the subject property, public plazas, public art and fountains; and 2) Provides for at least 10 percent of the units in new residential developments of four units or greater as affordable housing units, as defined in Chapter 5 KZC. See Chapter 112 KZC for additional affordable housing requirements and incentives. b. Building height may ~~exceed 80 feet and~~ be increased up to 160 feet above average building elevation,~~ with the height increases to be based on the following considerations~~ provided that: 1) Development on the subject property complies with 4(a) above, 2) Design of buildings meets guidelines for towers set forth in Design Guidelines (Chapter 142 KZC, and Chapter 3.30 KMC). 3) Floor plates may not exceed 10,000 square feet per floor, for the portion of the building above 80 feet in height. 4) Methods for mitigating any significant shadowing and lighting

Section 55.15	USE ⇩ REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
												impacts of the increased building height on the residential areas to the north are proposed. REGULATIONS FOR THIS USE CONTINUED ON THE NEXT PAGE

Section 55.15	USE ⇩ / REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.020	Development Containing Both Office Use and Attached or Stacked Dwelling Units (continued)											REGULATIONS CONTINUED FROM PREVIOUS PAGE 5) Taller elements of buildings would be stepped back from the perimeter of TL 1B boundaries, away from adjacent residential zones. 6) Portions of structures exceeding 80 feet in height must be separated by at least 60 feet, both on the subject property and from taller building elements on adjacent properties. 5. Increases in lot coverage may be considered if: a. Land dedication on the subject property provided pursuant to General Regulation 4 limits area available for development on the property; and/or b. Other techniques used to provide open space result in superior landscaping, such as the use of gardens on lower portions of structures or on rooftops, the provision of visual and pedestrian access to public garden areas, or other approaches that provide for useable green space. 6. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The assembled or manufactured goods are subordinate to and are dependent upon this use. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing must be no different from other uses. 7. The following regulations apply to veterinary offices only: a. May only treat small animals on the subject property. b. Outside runs and other outside facilities for the animals are not permitted. c. Site must be designed so noise from this use is not audible off the subject property. A certification to this effect, signed by an acoustical engineer, must be submitted with the development permit application. d. A veterinary office is not permitted if the subject property contains dwelling units.

Section 55.15	USE ⇩ / REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.030	Restaurant or Tavern	D.R., Chapter 142 KZC	See Spec. Reg. 1.								1 per each 100 sq. ft. of gross floor area.	1. This use is only permitted as an accessory use to another permitted use within this zone. It may not be located in a separate structure from the primary use. 2. This use is not allowed within 100 feet of NE 132nd Street. Access to this use from NE 132nd Street is not permitted.
.040	Any Retail Establishment, other than those specifically listed in this zone and those prohibited by Special Regulation 3, selling goods and providing services including banking and other financial services	D.R., Chapter 142 KZC	See Spec. Reg. 1.								1 per each 300 sq. ft. of gross floor area.	1. This use is only permitted as an accessory use to another permitted use within this zone. It may not be located in a separate structure from the primary use. 2. The location of drive-through facilities may not compromise pedestrian movement. 3. The following uses and activities are prohibited: a. Vehicle and/or boat sales, repair, service or rental facilities; b. Retail establishments providing storage services unless accessory to another permitted use; c. Storage and operation of heavy equipment except normal delivery vehicles associated with retail uses; d. Outdoor storage of bulk commodities, except in the following circumstances: 1) If the square footage of the storage area is less than 10 percent of the retail structure, 2) If the commodities represent growing stock in connection with horticultural nurseries, whether the stock is in open ground, pots, or containers. 4. Floor area for this use may not exceed 5,000 square feet.

Section 55.15	USE ⇩ / REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.050	Attached or Stacked Dwelling Units		None	10' See Spec. Reg. 5.	0'	0'	85% See Spec. Reg. 7~~8~~.	30' to 160' above average building elevation. See Spec. Regs 6 ~~7~~	C	A	See KZC 105.25.	1. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use. 2. Residential development must provide a minimum density of 50 dwelling units per gross acre. 3. The maximum floor area ratio (FAR) for development over 65 feet in height on the subject property is 3.0, or 300 percent of lot size. Maximum FAR is determined based on parcel size, prior to any road dedication required pursuant to General Regulation 4 for this zone. 4. On parcels where road dedication is required pursuant to General Regulation 4, the maximum floor area ratio (FAR) may be increased by an additional 0.30 for each 10 percent or portion thereof of the subject property required to be dedicated. 5. Twenty-foot yard required where properties abut NE 132nd Street. ~~6. Within 100 feet of the centerline of NE 132nd Street, building height may not exceed 30 feet above the elevation of the centerline of NE 132nd Street along the subject property.~~ REGULATIONS FOR THIS USE CONTINUED ON THE NEXT PAGE

Section 55.15	USE ⇩ / REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.050	Attached or Stacked Dwelling Units (continued)											REGULATIONS CONTINUED FROM PREVIOUS PAGE 6~~7~~.. Building height ~~may be increased~~ is regulated as follows: a. Building height may exceed 30 feet above average building elevation, if one of the following public improvements is provided: 1)) Dedication and improvement of new streets pursuant to General Regulation 4; or 2) Where General Regulation 4 does not apply, the development of pedestrian-oriented elements that exceed the requirements of KZC 92.15 and Chapter 105 KZC. Examples include pedestrian walkways through the subject property, public plazas, public art and fountains; and 3) Provides for at least 10 percent of the units in new residential developments of four units or greater as affordable housing units, as defined in Chapter 5 KZC. See Chapter 112 KZC for additional affordable housing requirements and incentives. b.. Building height may ~~exceed 80 feet and~~ be increased up to 160 feet above average building elevation, ~~with the height increases to be based on the following considerations~~ provided that: 1) Development on the subject property complies with 6~~7~~(a) above. 2) Design of buildings meets guidelines for towers set forth in Design Guidelines (Chapter 142 KZC, and Chapter 3.30 KMC). 3) Floor plates may not exceed 10,000 square feet per floor, for the portion of the building above 80 feet in height. 4) Methods for mitigating any significant shadowing and lighting impacts of the increased building height on the residential areas to the north are proposed. 5) Taller elements of buildings would be stepped back from the perimeter of TL 1B boundaries, away from adjacent residential zones. 6) Portions of structures exceeding 80 feet in height must be separated by at least 60 feet, both on the subject property and from taller building elements on adjacent properties.

Section 55.15	USE ⇩ REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
												7~~8~~. Increases in lot coverage may be considered if: a. Land dedication on the subject property provided pursuant to General Regulation 4 limits area available for development on the property; and/or b. Other techniques used to provide open space result in superior landscaping, such as the use of gardens on lower portions of structures or on rooftops, the provision of visual and pedestrian access to public garden areas, or other approaches that provide for useable green space.

Section 55.15	USE ⇩ / REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.060	Church	D.R., Chapter 142 KZC	None	10' See Spec. Reg. 7~~3~~.	0'	0'	85 to 100% See Spec. Reg. 6~~5~~.	30-45~~40~~' above average building elevation. See Spec. Regs. 1 and 5~~4~~.	C	B	1 for every 4 people based on maximum occupancy load of any area of worship. See Spec. Reg. 3~~2~~.	1. Building height may exceed 30 feet up to 45 feet above average building elevation, if one of the following public improvements is provided: a) Dedication and improvement of new streets pursuant to General Regulation 4; or b) Where General Regulation 4 does not apply, the development of pedestrian-oriented elements that exceed the requirements of KZC 92.15 and Chapter 105 KZC. Examples include pedestrian walkways through the subject property, public plazas, public art and fountains; 2. May include accessory living facilities for staff persons. 3~~2~~.No parking is required for day-care or school ancillary to this use. 4~~3~~. Twenty-foot yard required where properties abut NE 132nd Street. 5~~4~~. When included as an accessory use within the structure of a primary use with a taller height limit, the height limit for the primary use applies. 6~~5~~. Increases in lot coverage may be considered if: a. Land dedication on the subject property provided pursuant to General Regulation 4 limits area available for development on the property; and/or b. Other techniques used to provide open space result in superior landscaping, such as the use of gardens on lower portions of structures or on rooftops, the provision of visual and pedestrian access to public garden areas, or other approaches that provide for useable green space.

Section 55.15	USE ⇩ / REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.070	School, Day-Care Center or Mini-School or Mini-Day-Care			10' See Spec. Reg. 2~~1~~.	0' See Spec. Reg. 5~~4~~.	0' See Spec. Reg. 5~~4~~.	85 to 100% See Spec. Reg. 8~~7~~.	30-45~~40~~' above average building elevation. See Spec. Regs 1 and 7~~-6~~.	D		See KZC 105.25. See Spec. Reg. 6~~5~~.	1. Building height may exceed 30 feet up to 45 feet above average building elevation, if one of the following public improvements is provided: a) Dedication and improvement of new streets pursuant to General Regulation 4; or b) Where General Regulation 4 does not apply, the development of pedestrian-oriented elements that exceed the requirements of KZC 92.15 and Chapter 105 KZC. Examples include pedestrian walkways through the subject property, public plazas, public art and fountains; 2~~1~~. Twenty-foot yard required where properties abut NE 132nd Street. 3~~2~~. A six-foot high fence is required along property lines adjacent to outside play areas. 4~~3~~. Hours of operation may be limited by the City to reduce impacts on nearby residential uses. 5~~4~~. Structured play areas must be set back from all property lines by at least five feet. 6~~5~~. An on-site passenger loading area may be required depending on the number of attendees and the extent of the abutting right-of-way improvements. 7~~6~~. When included as an accessory use within the structure of a primary use with a taller height limit, the height limit for the primary use applies. 8~~7~~. Increases in lot coverage may be considered if: a. Land dedication on the subject property provided pursuant to General Regulation 4 limits area available for development on the property; and/or b. Other techniques used to provide open space result in superior landscaping, such as the use of gardens on lower portions of structures or on rooftops, the provision of visual and pedestrian access to public garden areas, or other approaches that provide for useable green space. ~~8. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).~~

Section 55.15	USE ⇩ / REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.080	Assisted Living Facility	D.R., Chapter 142 KZC	None	10' See Spec. Reg. 4.	0'	0'	85% See Spec. Reg. 6~~7~~.	30' to 160' above average building elevation. See Spec. Reg. 5~~ and 6~~.	C	A	1 per assisted living unit.	1. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use. 2. The maximum floor area ratio (FAR) for development over 65 feet in height on the subject property is 3.0, or 300 percent of lot size. Maximum FAR is determined based on parcel size, prior to any road dedication required pursuant to General Regulation 4 for this zone. 3. On parcels where road dedication is required pursuant to General Regulation 4, the maximum floor area ratio (FAR) may be increased by an additional 0.30 for each 10 percent or portion thereof, of the subject property required to be dedicated. 4. Twenty-foot yard required where properties abut NE 132nd Street. ~~5. Within 100 feet of the centerline of NE 132nd Street, building height may not exceed 30 feet above the elevation of the centerline of NE 132nd Street.~~ 5. Building height ~~may be increased~~ is regulated as follows: a. Building height may exceed 30 feet above average building elevation, if one of the following public improvements is provided: 1) Dedication and improvement of new streets pursuant to General Regulation 4; or 2) Where General Regulation 4 does not apply, the development of pedestrian-oriented elements that exceed the requirements of KZC 92.15 and Chapter 105 KZC. Examples include pedestrian walkways through the subject property, public plazas, public art and fountains; and 3) Provides for at least 10 percent of the units in new residential developments of four units or greater as affordable housing units, as defined in Chapter 5 KZC. See Chapter 112 KZC for additional affordable housing requirements and incentives. b. Building height may ~~exceed 80 feet and~~ be increased up to 160 feet above average building elevation,~~ with the height increases to be based on the following considerations~~ provided that : 1) Development on the subject property complies with 5(a) above. 2) Design of buildings meets guidelines for towers set forth in

Section 55.15	USE ⇩ / REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
												Design Guidelines (Chapter 142 KZC, and Chapter 3.30 KMC). 3) Floor plates may not exceed 10,000 square feet per floor, for the portion of the building above 80 feet in height. REGULATIONS FOR THIS USE CONTINUED ON THE NEXT PAGE

Section 55.15	USE ⇩ / REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.080	Assisted Living Facility (continued)											REGULATIONS CONTINUED FROM PREVIOUS PAGE 4) Methods for mitigating any significant shadowing and lighting impacts of the increased building height on the residential areas to the north are proposed. 5) Taller elements of buildings would be stepped back from the perimeter of TL 1B boundaries, away from adjacent residential zones. 6) Portions of structures exceeding 80 feet in height must be separated by at least 60 feet, both on the subject property and from taller building elements on adjacent properties. 6~~7~~. Increases in lot coverage may be considered if: a. Land dedication on the subject property provided pursuant to General Regulation 4 limits area available for development on the property; and/or b. Other techniques used to provide open space result in superior landscaping, such as the use of gardens on lower portions of structures or on rooftops, the provision of visual and pedestrian access to public garden areas, or other approaches that provide for useable green space.

Section 55.15	USE ⇩ REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						

Section 55.15	USE ⇩ / REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.090	Convalescent Center or Nursing Home	D.R., Chapter 142 KZC	None	10' See Spec. Reg. 1.	0'	0'	80%	30' to 160' above average building elevation. See Spec. Reg. ~~4~~5.	C	B	1 for each bed.	1. Twenty-foot yard required where properties abut NE 132nd Street. ~~2. Within 100 feet of the centerline of NE 132nd Street, building height may not exceed 30 feet above the elevation of the centerline of NE 132nd Street.~~ 2~~3~~. The maximum floor area ratio (FAR) for development over 65 feet in height on the subject property is 3.0, or 300 percent of lot size. Maximum FAR is determined based on parcel size, prior to any road dedication required pursuant to General Regulation 4 for this zone. 3~~4~~. On parcels where road dedication is required pursuant to General Regulation 4, the maximum floor area ratio (FAR) may be increased by an additional 0.30 for each 10 percent or portion thereof of the subject property required to be dedicated. 4~~5~~. Building height ~~may be increased~~ is regulated as follows: a. Building height may exceed 30 feet above average building elevation, if one of the following public improvements is provided: 1) Dedication and improvement of new streets pursuant to General Regulation 4; or 2) Where General Regulation 4 does not apply, the development of pedestrian-oriented elements that exceed the requirements of KZC 92.15 and Chapter 105 KZC. Examples include pedestrian walkways through the subject property, public plazas, public art and fountains; and b. Building height may ~~exceed 80 feet and~~ be increased up to 160 feet above average building elevation, ~~with the height increases to be based on the following considerations~~: 1) Development on the subject property complies with 5(a) above, 2) Design of buildings meets guidelines for towers set forth in Design Guidelines (Chapter 142 KZC, and Chapter 3.30 KMC). 3) Floor plates may not exceed 10,000 square feet per floor, for the portion of the building above 80 feet in height. 4) Methods for mitigating any significant shadowing and lighting impacts of the increased building height on the residential areas to the north are proposed. 5) Taller elements of buildings would be stepped back from the

Section 55.15	USE ⇩ / REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
												perimeter of TL 1B boundaries, away from adjacent residential zones. REGULATIONS FOR THIS USE CONTINUED ON THE NEXT PAGE

Section 55.15	USE ⇩ / REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.090	Convalescent Center or Nursing Home (continued)											REGULATIONS CONTINUED FROM PREVIOUS PAGE 6) Portions of structures exceeding 80 feet in height must be separated by at least 60 feet, both on the subject property and from taller building elements on adjacent properties. 5~~6~~. Increases in lot coverage may be considered if: a. Land dedication on the subject property provided pursuant to General Regulation 4 limits area available for development on the property; and/or b. Other techniques used to provide open space result in superior landscaping, such as the use of gardens on lower portions of structures or on rooftops, the provision of visual and pedestrian access to public garden areas, or other approaches that provide for useable green space.
.100	Public Utility	D.R., Chapter 142 KZC	None	10' See Spec. Reg.~~-~~ ~~1~~2.	0'	0'	80%	40-45' above average building elevation. See Spec. Regs. 1~~2~~ and 3..	A	B	See KZC 105.25.	1. 1. Building height may exceed 40 feet up to 45 feet above average building elevation, if one of the following public improvements is provided: a) Dedication and improvement of new streets pursuant to General Regulation 4; or b) Where General Regulation 4 does not apply, the development of pedestrian-oriented elements that exceed the requirements of KZC 92.15 and Chapter 105 KZC. Examples include pedestrian walkways through the subject property, public plazas, public art and fountains; 2. Twenty-foot yard required where properties abut NE 132nd Street. 3~~2~~. When included as an accessory use within the structure of a primary use with a taller height limit, the height limit for the primary use applies.

Section 55.15	USE ⇩ / REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.110	Government Facility or Community Facility								C			~~1.~~ 1. Building height may exceed 40 feet up to 45 feet above average building elevation, if one of the following public improvements is provided: a) Dedication and improvement of new streets pursuant to General Regulation 4; or b) Where General Regulation 4 does not apply, the development of pedestrian-oriented elements that exceed the requirements of KZC 92.15 and Chapter 105 KZC. Examples include pedestrian walkways through the subject property, public plazas, public art and fountains; 2. Twenty-foot yard required where properties abut NE 132nd Street. 3.~~2~~. When included as an accessory use within the structure of a primary use with a taller height limit, the height limit for the primary use applies. 4~~3~~. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the us on the nearby uses.
.120	Public Park	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process.										

55.17 User Guide.

The charts in KZC 55.21 contain the basic zoning regulations that apply in the TL 2 zone of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 55.19

Zone TL 2

Section 55.19 – GENERAL REGULATIONS

The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provision of this code may apply to the subject property.

2. In addition to the height exceptions established in KZC 115.60, the following exceptions to height regulations in TL 2 are established:
   a. Decorative parapets may exceed the height limit by a maximum of four feet; provided, that the average height of the parapet around the perimeter of the structure shall not exceed two feet.
   b. For structures with a sloped roof, the peak may extend eight feet above the height limit if the slope of the roof is equal to or greater than four feet vertical to 12 feet horizontal.

3. The applicant shall install at least one through-block pathway pursuant to the standards in KZC 105.19 from Totem Lake Boulevard to 120th Avenue NE, between the upper and lower portions of TL 2 and within TL 2 where necessary to strengthen the pedestrian connections to streets between buildings, parking areas and public spaces. Pedestrian connections to surrounding uses, including the Transit Center, the Evergreen Hospital Medical Center campus and to the TL 1 zone shall also be provided.

Section 55.21	USE ⇩ / REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS									
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)				Height of Structure				
				Front	Side	Rear						
.010	Development Containing Retail Uses, Selling Goods or Providing Services, Including Restaurants and Taverns, Banking and Other Financial Services See Spec. Regs. 1, 2 and 3.	D.R., Chapter 142 KZC. If an approved Conceptual Master Plan (CMP) exists, the review process shall be as set forth in the CMP. Otherwise, see Spec. Regs. 2 and 3.	1.5 acres See Spec. Reg. 8.	As established in the CMP.			80%	90~~75~~′ to 135′ above average building elevation See Spec. Reg. 9.	See Spec. Reg. 3.	See Spec. Reg. 4.	As established in the CMP.	1. May also include one or more of the other uses allowed in this zone. Development regulations of this section apply to all uses developed within a Conceptual Master Plan (CMP). 2. Development must be part of a Conceptual Master Plan (CMP) for the entire property. The proposed CMP shall follow the process established in Chapter 142 KZC. Under KZC 142.35(7), the Design Review Board will consider a Conceptual Master Plan for the property. Subsequent development proposals shall follow DR or ADR as set forth in the Notice of Approval for the Conceptual Master Plan. 3. The Conceptual Master Plan must establish a circulation system for vehicles and pedestrians. The site plan should be pedestrian-oriented, and incorporate the following design principles: a. Siting of buildings oriented to the pedestrian network. Isolated building pads should be minimized. b. Storefront orientation to pedestrian and vehicular circulation routes. c. Ground floor spaces designed in a configuration which encourages pedestrian activity and visual interest. Uses other than retail, restaurants, and taverns may be permitted on the ground floor of structures only if the use and location do not compromise the desired pedestrian orientation and character of the development. d. Pedestrian connections: 1) Between the upper and lower portions of the property (east and west of 120th Avenue NE); 2) Internal to the site (between 120th Avenue NE and Totem Lake Boulevard), and/or other locations that provide convenient pedestrian mobility and contribute to the pedestrian and retail character of the development; and 3) To surrounding developments including the hospital campus, the transit center and the mixed use area to the north in TL 1A. The alignment of the pedestrian connection to properties in TL 1A should be designed to coincide with the alignment of 119th Avenue NE to the north.

Section 55.21	USE ⇩ REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS									
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)				Height of Structure				
				Front	Side	Rear						
												e. Clearly identifiable building and pedestrian access points and entryways. REGULATIONS CONTINUED ON NEXT PAGE

Section 55.21	USE ⇩ REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)				Height of Structure				
				Front	Side	Rear						
.010	Development Containing Retail Uses, Selling Goods or Providing Services, Including Restaurants and Taverns, Banking and Other Financial Services (continued)											REGULATIONS CONTINUED FROM PREVIOUS PAGE f. Provision of useable public spaces, plazas or pocket parks, and public amenities, such as art, sculptures, fountains or benches. g. Use of landscaping to emphasize entries into buildings and pedestrian areas, to enhance public spaces, and to screen blank walls and service areas. Landscaping should also be provided in plazas, along pedestrian circulation routes, and in parking areas. h. Design techniques to prevent the dominance of large single occupant structures, such as smaller building footprints and multiple tenant spaces on the ground floor at the street. i. Placement of parking areas behind buildings located on pedestrian-oriented streets and pathways. j. Placement of loading and service areas away from 120th Avenue NE and pedestrian areas. k. Location of drive-through facilities to not compromise the pedestrian orientation of the development. 4. Signs for a development approved under this provision must be proposed within a Master Sign Plan application (KZC 100.80) for all signs within the project. 5. Any vehicle service or repair activity must be entirely contained within an enclosed structure, and the orientation of the use and activity must be away from pedestrian circulation routes and spaces. 6. Motor vehicle, sailboat, motor boat and recreational trailer sales are permitted only if they are displayed in an indoor showroom, and the showroom does not occupy more than 10,000 square feet. 7. The following uses are not permitted in this zone a. Retail establishments providing storage services unless accessory to another permitted use. b. Outdoor storage of bulk commodities, except in the following circumstances: 1) If the square footage of the storage area is less than 5

Section 55.21	USE ⇩ / REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)				Height of Structure				
				Front	Side	Rear						
												percent of the total square footage of the retail structure, or as provided for in the CMP; or REGULATIONS CONTINUED ON NEXT PAGE

Section 55.21	USE ⇩ REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)				Height of Structure				
				Front	Side	Rear						
.010	Development Containing Retail Uses, Selling Goods or Providing Services, Including Restaurants and Taverns, Banking and Other Financial Services (continued)											REGULATIONS CONTINUED FROM PREVIOUS PAGE 2) If the commodities represent growing stock in connection with horticultural nurseries, whether the stock is in open ground, pots, or containers. c. Storage and operation of heavy equipment except normal delivery vehicles associated with retail uses. 8. Parcels smaller than 1.5 acres may be added to a previously approved Conceptual Master Plan (CMP), if the applicable criteria set forth in the Notice of Approval for the approved CMP are met. 9. Building height may exceed ~~75~~90 feet above average building elevation if approved through a CMP; provided, that no more than ten~~five~~ percent of the gross site area included within the CMP may have increased building height, and the increased building height does not exceed 135 feet above average building elevation.
.020	Any Retail Establishment, other than those specifically listed in this zone, selling goods or providing services including banking and other financial services	D.R., Chapter 142 KZC.	Less than 1.5 acres.	0′	0′	0′	80%	30′ above average building elevation.	D See Spec. Reg. 5.	E	1 per 300.	1. Must be developed to be compatible with the approved Conceptual Master Plan for adjacent properties, with respect to signs, parking and pedestrian and vehicular access. 2. Any vehicle service or repair activity must be entirely contained within an enclosed structure, and the orientation of the use and activity must be away from pedestrian circulation routes and spaces. 3. Vehicle sales are permitted only if the vehicles are displayed in an indoor showroom, and the showroom does not occupy more than 10,000 square feet. 4. Location of drive-through facilities must not compromise the pedestrian orientation of the development. The location and specific design of the facilities requires Planning Official approval. 5. Landscape Category B will be required if the use includes
.030	Restaurant or Tavern										1 per 100.	

Section 55.21	USE ⇩ / REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)				Height of Structure				
				Front	Side	Rear						
.040	A Retail Establishment providing entertainment, recreational, or cultural activities										See KZC 105.25.	drive-through facilities. 6. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The assembled or manufactured goods are directly related to and are dependent upon this use, and are available for purchase and removal from the premises. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail uses. 7. The following uses are not permitted in this zone: a. Retail establishments providing storage services unless accessory to another permitted use. b. Outdoor storage of bulk commodities, except in the following circumstances: 1) If the square footage of the storage area is less than five percent of the total square footage of the retail structure; or 2) If the commodities represent growing stock in connection with horticultural nurseries, whether the stock is in open ground, pots, or containers. c. Storage and operation of heavy equipment except normal delivery vehicles associated with retail uses.

Section 55.21	USE ⇩ REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)				Height of Structure				
				Front	Side	Rear						
.050	Office Use	D.R., Chapter 142 KZC.	Less than 1.5 acres.	0′	0′	0′	80%	30′ above average building elevation.	B	D	See Spec. Reg. 4.	1. Must be developed to be compatible with the approved Conceptual Master Plan for adjacent properties, with respect to signs, parking and pedestrian and vehicular access. 2. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The assembled or manufactured goods are subordinate to and are dependent upon this use. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing must be no different from other office uses. 3. The following regulations apply to veterinary offices only: a. May only treat small animals on the subject property. b. Outside runs and other outside facilities for the animals are not permitted. c. Site must be designed so noise from this use is not audible off the subject property. A certification to this effect, signed by an Acoustical Engineer, must be submitted with the development permit application. d. A veterinary office is not permitted if the subject property contains dwelling units 4. If a medical, dental or veterinary office, then one per each 200 square feet of gross floor area. Otherwise, one per 300 square feet of floor area. A reduction in the number of parking stalls required will be considered per KZC 105.103, due to the proximity to the transit center.
.060	Attached or Stacked Dwelling Units								D	A	See KZC 105.25.	1. Must be developed to be compatible with the approved Conceptual Master Plan for adjacent properties, with respect to signs, parking and pedestrian and vehicular access. 2. This use may not be located on the ground floor of a structure, except for lobbies, which shall not exceed 10 percent of the ground floor of the structure. 3. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.

Section 55.21	USE ⇩ / REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)				Height of Structure				
				Front	Side	Rear						
.070	Vehicle Service Station	D.R., Chapter 142 KZC.	Less than 1.5 acres.	See Spec. Reg. 4.			80%	30′ above average building elevation.	A	E	See KZC 105.25.	1. Must be developed to be compatible with the approved Conceptual Master Plan for adjacent properties, with respect to signs, parking and pedestrian and vehicular access. 2. May not be more than two vehicle service stations at any intersection. 3. This use may not front exclusively on 120th Avenue NE. 4. Gas pump islands must be setback at least 20 feet from all property lines. Canopies and covers over gas pump islands may not be closer than 10 feet to any property line. Outdoor parking and service areas may not be closer than 10 feet to any property line. See KZC 115.105, Outdoor Use, Activity and Storage, for further regulations.
.080	Hotel or Motel			0′	0′	0′			D		1 per each room. See Spec. Reg. 3.	1. Must be developed to be compatible with the approved Conceptual Master Plan for adjacent properties, with respect to signs, parking and pedestrian and vehicular access. 2. May include ancillary meeting and convention facilities 3. Excludes parking requirements for ancillary meeting and convention facilities. Additional parking requirement for these ancillary uses shall be determined on a case-by-case basis.
.090	Church									B	See Spec. Reg. 3.	1. Must be developed to be compatible with the approved Conceptual Master Plan for adjacent properties, with respect to signs, parking and pedestrian and vehicular access. 2. May include accessory living facilities for staff persons. 3. One for every four people based on maximum occupancy load of any area of worship. No parking is required for day-care or school ancillary to the use.

Section 55.21	USE ⇩ / REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)				Height of Structure				
				Front	Side	Rear						
.100	School, Day-Care Center or Mini-School or Mini-Day-Care	D.R., Chapter 142 KZC.	Less than 1.5 acres.	10′ See Spec. Reg. 4.	0′ See Spec. Reg. 4.	0′ See Spec. Reg. 4.	80%	30′ above average building elevation.	D	B	See KZC 105.25. See Spec. Reg. 5.	1. Must be developed to be compatible with the approved Conceptual Master Plan for adjacent properties, with respect to signs, parking and pedestrian and vehicular access. 2. A six foot high fence is required along property lines adjacent to outside play areas. 3. Hours of operation may be limited by the City to reduce impacts on nearby residential uses. 4. Structured play areas must be setback from all property lines by at least five feet. 5. An on-site passenger loading area may be required depending on the number of attendees and the extent of the abutting r-o-w improvements. ~~6. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).~~
.110	Assisted Living Facility			0′	0′	0′			B	A	1 per assisted living unit.	1. Must be developed to be compatible with the approved Conceptual Master Plan for adjacent properties, with respect to signs, parking and pedestrian and vehicular access. 2. This use may not be located on the ground floor of a structure. 3. The development must be designed to limit potential impacts from surrounding commercial uses on residents of the subject property. 4. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use.
.120	Convalescent Center or Nursing Home								C	B	1 for each bed.	1. Must be developed to be compatible with the approved Conceptual Master Plan for adjacent properties, with respect to signs, parking and pedestrian and vehicular access. 2. This use may not be located on the ground floor of a structure.

Section 55.21	USE ⇩ / REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)				Height of Structure				
				Front	Side	Rear						
.130	Public Utility, Government Facility and Community Facility								D See Spec. Reg. 2.		See KZC 105.25.	1. Must be developed to be compatible with the approved Conceptual Master Plan for adjacent properties, with respect to signs, parking and pedestrian and vehicular access. 2. Landscape category B or C may be required depending on the type of use on the subject property and the impacts associated with this use.
.140	Public Park	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process.										

55.23 User Guide.

The charts in KZC 55.27 contain the basic zoning regulations that apply in the TL 3A, TL 3B, TL 3C and TL 3D zones of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 55.25

Zone
TL 3A, 3B, 3C, 3D

Section 55.25 – GENERAL REGULATIONS

1. Refer to Chapter 1 KZC to determine what other provision of this Code may apply to the subject property.

Section 55.27	USE ⇩ / REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.010	Hospital, Medical Outpatient Facility and Ancillary Uses Including Food Services, Retail Sales, Offices and Day-Care. See Spec. Reg. 1.	Process IIA ~~IIB~~, Chapter 150 ~~152~~ KZC for a Master Plan. Development consistent with an approved Master Plan, D.R., Chapter 142 KZC. See Spec. Regs. 8, 9 and 10~~9, 10 and 11~~.	None	10′ minimum setback required, with an average building setback of 15 feet from perimeter campus property lines and street rights-of-way. See Spec. Reg. 2.			85%~~70% Additional Lot coverage allowed, pursuant to Spec. Reg. 3~~.	**TL 3A and 3B:** 75′ above average building elevation. Additional height allowed pursuant to Spec. Reg. 6~~7~~. ~~**TL 3B:** 75′ above average building elevation. See Spec. Reg. 6.~~ **TL 3C**: 30′ above average building elevation. See Spec. Reg. 3~~4~~. **TL 3D:** 65′ above average building elevation. See Spec. Reg. 4~~5~~.	B	E See Spec. Reg. 7~~8~~.	As approved in the Master Plan.	1. May include housing as part of this use. Residential uses shall be limited to five stories in height. 2. A minimum setback of 20 feet is required where a campus property abuts residential zones. ~~3. Lot coverage may be increased to 85 percent if a transit center is located within TL 3.~~ 3~~4~~. In TL 3C, building height may be increased up to 60 feet above average building elevation in the portions of the area that lie more than 100 feet from residential zones, based on the extent to which the increased building heights would have impacts on the surrounding residential areas. Proposed methods for mitigating such impacts, as determined by an analysis of shadowing, transition and lighting impacts, must be provided. 4~~5~~. In TL 3D, building heights must step back from the adjacent residential zone to the east. Design guidelines for appropriate transitions must be included within the Master Plan. 5~~6~~. In area TL 3B, building heights may be increased up to 150 feet above average building elevation, based on the following considerations: ~~a. If a transit center is included within TL 3;~~ ~~b. The extent to which the siting of the transit center on the campus would limit development on the transit center site.~~ a~~c~~. The extent to which an analysis of the impacts of the additional height on public views from the intersection of 124th Avenue NE and NE 128th Street indicates retention of a view to the west. b~~d~~. The extent that rooftop appurtenances of buildings would have significant impacts on residential areas and public views. Rooftop appurtenances of medical buildings shall not exceed 15 feet in height and 50 percent of the total rooftop area of individual buildings, and total building height shall not exceed 150 feet. 6~~7~~. In order to retain openness and public views across a portion of the site, development within the southern 100 feet of TL 3A, located east of the driveway leading to the hospital parking garage and west and north of the curb along 124th Avenue NE, shall be limited to 75 feet in height (see Plate 33).

Section 55.27	USE ⇩ REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS									
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
												Elsewhere, in TL 3A, building heights may be increased up to 150 feet above average building elevation, with the height increases to be based on the following considerations: ~~a. If a transit center is included within TL 3;~~

Section 55.27	USE ⇩ / REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.010	Hospital, Medical Outpatient Facility and Ancillary Uses Including Food Services, Retail Sales, Offices and Day-Care. (continued)											~~b. The extent to which the siting of the transit center on the campus would limit development on the transit center site;~~ a~~c~~.The extent that the increased building heights would have impacts on the surrounding residential areas, and the proposed methods for mitigating such impacts, as determined by an analysis of shadowing, transition and lighting impacts; ~~d~~b. The extent that taller buildings would be stepped back from the perimeters of TL 3 boundaries, away from adjacent residential zones; c~~e~~.The extent that impacts to territorial views from public streets would be avoided or minimized through mechanisms such as variations in building heights, horizontal modulation and other techniques aimed at reducing the appearance of building mass; and d~~f~~. The extent that rooftop appurtenances of buildings would have significant impacts on residential areas and public views. Rooftop appurtenances of medical buildings shall not exceed 15 feet in height and 50 percent of the total rooftop area of individual buildings, and total building height shall not exceed 150 feet. 7~~8~~. All signs must be consistent with an approved master sign plan for the hospital campus. 8~~9~~. This use requires an approved conceptual Master Plan. Approval of the Master Plan shall be through Process IIA ~~IIB~~, Chapter 150~~152~~ KZC. The Master Plan approved for the site will become the guiding document for the location, configuration and nature of improvements to be constructed within the TL 3 zone. The Master Plan must be approved by ordinance, and contain a conceptual site plan to be kept on file with the City. The Master Plan must contain: a. A conceptual site plan which shows the approximate location and size of all known and potential future development. Developed building square footage may not exceed 1.2 million square feet, nor may vehicle trips exceed either 27,500 average daily trips or 2,150 p.m. peak trips (whichever is achieved first). An estimate of trip generation based on projected uses and trip

Section 55.27	USE ⇩ / REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
												rate, approved by the City, must be provided with the Master Plan. The trip rate shall reflect only those trips generated by the hospital. Trips associated with the operation of a transit center shall not be included in the total trips under this special regulation. REGULATIONS FOR THIS USE CONTINUED ON THE NEXT PAGE

Section 55.27	USE ⇩ / REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.010	Hospital, Medical Outpatient Facility and Ancillary Uses Including Food Services, Retail Sales, Offices and Day-Care. (continued)											Specific trip generation and traffic analysis must be provided with subsequent building permits. b. A proposed phasing plan for development of the campus, describing which of the proposed improvements will be included with each phase. c. Proposed sub-areas for the campus. The following elements are to be addressed by sub-area: 1) Anticipated uses. 2) Maximum building height (including penthouses/rooftop-mounted equipment). 3) Minimum building setbacks from property lines and/or edges of easements. 4) Guidelines for stepping back taller building elements from the perimeter of the campus. 5) Areas of buffers and landscaping. 6) Estimated building square footage. 7) Maximum lot coverage. 8) Open/green spaces – location and proposed activities to occur in these spaces. The use of green roofs is encouraged, and will be considered in the evaluation of open and green spaces on the campus. 9) Vehicular and pedestrian access points and through ways. Connections to the Totem Lake Mall and the transit center should be included in the plan. The plan should also explore options for providing pedestrian connections across the site. 10) Parking – number of stalls and location. 11) Lighting – specific standards to limit the impact of internal and external light sources on off-site areas. d. Discussion of 124th Avenue NE, south of NE 130th Lane, including future projects contemplated by Evergreen Hospital Medical Center within this roadway. A memorandum of understanding for this section of 124th Avenue NE between Evergreen Hospital Medical Center and the City of Kirkland should be developed during the review of the Master Plan. 9~~10~~. The Master Plan application must be accompanied by: a. An analysis of the manner in which the proposed building design

Section 55.27	USE ⇩ REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
												concepts comply with the applicable design principles contained in the municipal code and the Totem Center policies contained in the Comprehensive Plan. REGULATIONS FOR THIS USE CONTINUED ON THE NEXT PAGE

Section 55.27	USE ⇩ / REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.010	Hospital, Medical Outpatient Facility and Ancillary Uses Including Food Services, Retail Sales, Offices and Day-Care. (continued)											Proposed design concepts must indicate compatibility of the treatment of campus edges with neighboring uses. Buildings should provide pedestrian friendly features along rights-of-way. Human scale elements should be provided where development exists at campus edges. The relationships of buildings to adjacent rights-of-way and to neighboring uses should ensure appropriate transitions, through the use of landscaping or building elements that are of a similar scale as neighboring uses. b. A proposed Transportation Management Plan. 10~~11~~. The City shall consider all of the elements of the Master Plan as proposed above, and the conditions of approval of a Master Plan for the campus should include guidelines for the following: a. Appropriate process for subsequent permit review, to include possible thresholds for permits to be reviewed by the Planning Official alone, and those that shall include review by the Design Review Board. b. Distinction between major and minor modifications from the approved Master Plan. Subsequent to Master Plan approval, the Planning Official may approve minor modifications from the approved Master Plan. Major modifications, as defined in the conditions of approval for the Master Plan, must be approved through Process IIA ~~IIB~~, Chapter 150~~152~~ KZC. c. Time frame, not to exceed 10 years, for the Master Plan to be in effect. In addition: 1) All construction must be consistent with zoning and building codes in effect at the time of construction, regardless of the duration of the master plan, except for those code provisions that have been superseded or modified by development standards included in the approved Master Plan. 2) An extension to the horizon date for the Master Plan may be granted if major changes have not been made to zoning or other regulations. d. Requirements for further analysis to be provided with each submittal for improvements to the campus (such as traffic

Section 55.27	USE ⇩ / REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
												reports, parking analysis, etc.).

Section 55.27	USE ⇩ / REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.020	Public Utility	Process IIA, Chapter 150 KZC.	None	20′	20′ on each side	10′	70%	30′ above average building elevation.	A	B	See KZC 105.25.	1. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.
.030	Government Facility or Community Facility				10′ on each side				C See Spec. Reg. 1.			
.040	Public Park	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process.										

55.29 User Guide.

The charts in KZC 55.33 contain the basic zoning regulations that apply in the TL 4A, TL 4B and TL 4C zones of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 55.31

Zone
TL 4A, 4B, 4C

Section 55.31 – GENERAL REGULATIONS

The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provision of this code may apply to the subject property.

2. The ground floor of all structures with frontage on a pedestrian or vehicular circulation route, or adjacent to a pedestrian-oriented space, shall be a minimum of 1~~5~~35 feet in height. This requirement does not apply to:
   a. The following uses: vehicle service stations, private lodges or clubs, stacked dwelling units, churches, schools, day-care centers, mini-schools or mini-day-care centers, assisted living facilities, convalescent centers or nursing homes, public utilities, government facilities or community facilities;
   b. Parking garages; or
   c. Additions to existing nonconforming development where the Planning Official determines it is not feasible.

3. In addition to the height exceptions established by KZC 115.60, the following exceptions to height regulations in TL zones are established:
   a. Decorative parapets may exceed the height limit by a maximum of four feet; provided, that the average height of the parapet around the perimeter of the structure shall not exceed two feet.
   b. For structures with a peaked roof, the peak may extend eight feet above the height limit if the slope of the roof is equal to or greater than four feet vertical to 12 feet horizontal.

4. Ground floor spaces in structures with frontage on a public right-or-way, interior access road, major pedestrian sidewalk, through-block pedestrian pathway, internal pathway or pedestrian-oriented space must be designed in a configuration which encourages pedestrian activity and visual interest. ~~At least 50 percent of the total gross floor area located on the ground floor area of all structures on the subject property must contain retail establishments, restaurants, taverns, hotels or motels except for structures containing a government facility use in the TL 4B zone. These uses shall be oriented to a major pedestrian sidewalk, a through-block pedestrian pathway or an internal pathway~~ (see also Chapter 105 KZC).

5. Access for drive-through facilities must be approved by the Public Works Official. See Chapter 105 KZC for requirements.

6. Some development standards or design regulations may be modified as part of the design review process. See Chapters 92 and 142 KZC for requirements.

Section 55.33	USE ⇩ / REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.010	Vehicle Service Station	D.R., Chapter 142 KZC	22,500 sq. ft.	40'	15' on each side	15'	80%	30' average building elevation.	A	E	See KZC 105.25.	1. May not be more than two vehicle service stations at any intersection 2. Gas pump islands may extend 20 feet into the front yard. Canopies or covers over gas pump islands may not be closer than 10 feet to any property line. Outdoor parking and service areas may not be closer than 10 feet to any property line. See KZC 115.105, Outdoor Use, Activity and Storage, for further regulations.
				See Spec. Reg. 2.								
.020	A Retail Establishment providing storage services. See also Spec. Reg. 1.		None	1~~2~~0'	0'	0'		65'~~30'~~ average building elevation				1. May include accessory living facilities for resident security manager.
.030	A Retail Establishment providing vehicle or boat sales or vehicle or boat service or repair. See Spec. Reg. 2.							~~3~~65' above average building elevation.				1. Outdoor vehicle or boat parking or storage areas must be buffered as required for a parking area in KZC 95.45. See KZC 115.105, Outdoor Use, Activity and Storage, for additional regulations. 2. Vehicle and boat rental and used vehicles or boat sales are allowed as part of this use.
.040	Restaurant or Tavern								B		1 per each 100 sq. ft. of gross floor area.	1. For restaurants with drive-in or drive-through facilities: a. One outdoor waste receptacle shall be provided for every eight parking stalls. b. Access for drive-through facilities shall be approved by the Public Works Department. Drive-through facilities shall be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served.

Section 55.33	USE ⇩ / REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.050	Any Retail Establishment, other than those specifically listed in this zone, selling goods, or providing services including banking and related financial services	D.R., Chapter 142 KZC	None	1~~2~~0'	0'	0'	80%	6~~3~~5' above average building elevation.	B	E	1 per each 300 sq. ft. of gross floor area.	1. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The assembled or manufactured goods are directly related to and are dependent upon this use, and are available for purchase and removal from the premises. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail uses. ~~2. A delicatessen, bakery, or other similar use may include, as part of the use, accessory seating if:~~ ~~a. The seating and associated circulation area does not exceed more than 10 percent of the gross floor area of the use; and~~ ~~b. It can be demonstrated to the City that the floor plan is designed to preclude the seating area from being expanded.~~
.060	Office Use								C	D	If a medical, dental or veterinary office, then 1 per each 200 sq. ft. of gross floor area. Otherwise, 1 per each 300 sq. ft. of gross floor area.	1. The following regulations apply to veterinary offices only: a. May only treat small animals on the subject property. b. Outside runs and other outside facilities for the animals are not permitted. c. Site must be designed so that noise from this use will not be audible off the subject property. A certification to this effect, signed by an acoustical engineer, must be submitted with the development permit application. d. A veterinary office is not permitted in any development containing dwelling units. 2. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.

Section 55.33	USE ⇩ / REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS											
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.070	Hotel or Motel								B	E	1 per each room. See also Spec. Reg. 2.	1. May include ancillary meeting and convention facilities. 2. Excludes parking requirements for ancillary meeting and convention facilities. Additional parking requirement for these ancillary uses shall be determined on a case-by-case basis.
.080	A Retail Establishment providing entertainment, recreational or cultural activities	D.R., Chapter 142 KZC	None	120'	0'	0'	80%.	635' above average building elevation.	B	E	1 per every 4 fixed seats.	
.090	Private Lodge or Club			120'	0'	0'			C	B	1 per each 300 sq. ft. of gross floor area.	

Section 55.33	USE ⇩ REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.100	~~Development containing~~ A~~a~~ttached or stacked dwelling units ~~and offices, restaurants or taverns, or retail uses allowed in this zone.~~ See Spec.Reg. 1.			10'~~Same as the regulations for the ground floor use. See Spec. Reg. 1~~	0'	0'		~~TL 4A and TL 4B:~~ 65' above average building elevation. See Spec. Reg. 6~~5~~. ~~TL 4C: 45' above average building elevation. See Spec. Reg. 5.~~	D	E	See KZC 105.25.	1. ~~1. A veterinary office is not permitted in any development containing dwelling units.~~Development must include commercial use on the ground floor with gross floor area equal to or greater than 20% of the area of the subject property. Minor floor area reductions may be approved by the Planning Official if the applicant demonstrates that meeting the requirement is not feasible given the configuration of existing or proposed improvements and that the commercial space is configured to maximize its visibility and pedestrian orientation. 2. ~~2.~~Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. 3. ~~3.~~No more than 10 percent of the ground floor of a structure may contain residential use. 4. ~~4.~~At least 10 percent of the units provided in new residential developments of four units or greater shall be affordable housing units, as defined in Chapter 5 KZC. See Chapter 112 KZC for additional affordable housing requirements and incentives. 5. ~~5.~~The equivalent of the additional gross floor area constructed above 35 feet over ABE must be dedicated to residential use. Residential use may be located anywhere in the building above the ground floor. ~~1.~~6. ~~6.~~Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.

Section 55.33	USE ⇩ / REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.110	Church			120'	0'	0'	80%	635' above average building elevation.	C	B	1 for every 4 people based on maximum occupancy load of any area of worship. See also Spec. Reg. 2.	1. May include accessory living facilities for staff persons. 2. No parking is required for day-care or school ancillary to this use.
.120	School, Day-Care Center, Mini-School or Mini-Day-Care Center	D.R., Chapter 142 KZC	None	120' (See Spec. Reg. 3).	0'	0'	80%	635' above average building elevation.	D	B	See KZC 105.25.	1. A six-foot-high fence is required only along the property lines adjacent to the outside play areas. 2. Hours of operation may be limited to reduce impacts on nearby residential uses. 3. Structured play areas must be set back from all property lines as follows: a. Twenty feet if this use can accommodate 50 or more students or children. b. Ten feet if this use can accommodate 13 to 49 students or children. c. Five feet for a Mini-School or Mini-Day-Care Center. 4. An on-site passenger loading area must be provided. The City shall determine the appropriate size of the loading areas on a case-by-case basis, depending on the number of attendees and the extent of the abutting right-of-way improvements. Carpooling, staggered loading/unloading time, right-of-way improvements or other means may be required to reduce traffic impacts on nearby residential uses. 5. May include accessory living facilities for staff persons. 6. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses. 7. ~~These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).~~

Section 55.33	USE ⇩ / REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.130	Assisted Living Facility Convalescent Center Nursing Home See Spec.Reg. 1.			10'~~S~~ ~~ame as the regulations for the ground floor use. See Spec. Reg. 1.~~	0'	0'	80%	65' above average building elevation	D	A	Assisted Living: 1.7 per independent unit. 1 per assisted living unit. Convalescent Center or Nursing Home: 1 per bed.	1. ~~-~~Development must include commercial use on the ground floor with gross floor area equal to or greater than 20% of the area of the subject property. Minor floor area reductions may be approved by the Planning Official if the applicant demonstrates that meeting the requirement is not feasible given the configuration of existing or proposed improvements and that the commercial space is configured to maximize its visibility and pedestrian orientation. ~~This use may not occupy more than 10 percent of the ground floor of a structure.~~ 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use.
.140	Public Utility	D.R., Chapter 142 KZC	None	1~~2~~0'	0'	0'	80%	6~~3~~5' above average building elevation.	A	B	See KZC 105.25.	1. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.
.150	Government Facility or Community Facility								C See Spec. Reg. 1.			
.160	Public Park	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process.										

55.35 User Guide.

The charts in KZC 55.39 contain the basic zoning regulations that apply in the TL 5 zone of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 55.37	Section 55.37 – GENERAL REGULATIONS The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provision of this code may apply to the subject property.
2. The ability to accommodate new development in the TL 5 zone is dependent upon the construction of two new streets: ~~123rd Avenue NE and NE 120th Street,~~ as shown on Plate 34B:
   - 123rd Ave NE extending north from NE 116th Street to a new extension of NE 120th Street.
   - NE 120th St. extending from 124th Ave NE, connecting to the new 123rd Ave NE and continuing across the Cross Kirkland Corridor to connect with 123rd Place NE

   Consistent with and to the extent authorized by applicable statutes and court decisions, new development on properties across which these streets in whole or in part extend shall contribute to the creation of the streets as follows:.

   a. With all new development, the portions of these streets crossing the subject property shall be dedicated as public right-of-way consistent with Plate 34B. The Public Works Director may authorize that an access street can be within a private access easement if it is found that the private street allows for a superior site design that also maintains an effective street network. If a private access street is allowed, the standards for the street improvements should be similar to those of public streets, and the maintenance of such streets shall be the responsibility of the property owner. Additionally, if a private access street is allowed, design standards applicable to development abutting a major pedestrian sidewalk continue to apply.; and

   b. With all new development exceeding 35 feet in height, the streets shall be improved as determined by the Public Works Director. Suggested cross-sections for each of these roads would include:

      1) Two travel lanes (one lane each way);
      2) On-street parallel parking;
      3) Bicycle lanes;
      4) Eight- to 12-foot-wide sidewalks on each side of the street with street trees placed toward the curb 30 feet on-center. Sidewalk width may be reduced where planting strips (minimum four feet wide) are maintained between the street and sidewalk.

      Minor deviations in the location and width of the streets may be approved by the Public Works Director if the deviations will not negatively affect the functioning of the streets.

   ~~c. The street network within the TL 5 zone should be primarily made up of dedicated public rights-of-way with street improvements that meet the current City standards. The Public Works Director may authorize that an access street can be within a private access easement if it is found that the private street allows for a superior site design that also maintains an effective street network. If a private access street is allowed, the standards for the street improvements should be similar to those of public streets, and the maintenance of such streets shall be the responsibility of the property owner. Additionally, if a private access street is allowed, design standards applicable to development abutting a major pedestrian sidewalk continue to apply.~~

   ~~d. Development in the TL 5 zone must provide a grid of internal access roads shown on Plate 34B and Plate 34F pursuant to the following standards:~~

      ~~1) A north-south street (123rd Avenue NE) from NE 116th Street on the south leading to the extension of NE 120th Street and a potential future bridge connecting over the BNSF railroad to 120th Place NE. This is intended to be a dedicated public street that can be implemented in phases as redevelopment occurs on applicable sites.~~

      ~~2) An east/west connection with the planned NE 120th Street extension. This is intended to link the proposed 123rd Avenue NE extension above with 124th Avenue NE. This is intended to be a dedicated public street that can be implemented in conjunction with redevelopment on applicable sites.~~

      ~~3) Two or three other east-west access roads from 124th Avenue NE towards interior lots and areas closer to I-405. A desirable distance between access roads is between 250 and 300 feet. The maximum allowable distance between access roads shall be 350 feet. These may be public or private streets implemented in conjunction with redevelopment on applicable sites. Wider separation (up to 500 feet) may be considered where properties dedicate a minimum 30-foot-wide public pedestrian corridor.~~

      ~~4) Suggested cross-sections for each of these roads would include:~~

      ~~a) Two travel lanes (one lane each way);~~

      ~~b) On-street parallel parking;~~

      ~~c) Eight- to 12-foot-wide sidewalks on each side of the street with street trees placed toward the curb 30 feet on-center. Sidewalk width may be reduced where planting strips (minimum four feet wide) are maintained between the street and sidewalk.~~

(GENERAL REGULATIONS CONTINUED ON NEXT PAGE)

(GENERAL REGULATIONS CONTINUED FROM PREVIOUS PAGE)

~~3. Maximum allowable building height may be increased to 45 feet above average building elevation on parcels where dedication for roads is provided. Additional building height may be allowed with participation in a Conceptual Master Plan. No portion of a structure may exceed the following heights above the elevation of NE 116th Street, as measured at the midpoint of the frontage of the subject property on NE 116th Street:~~

~~a. Within 20 feet of NE 116th Street, 35 feet.~~
~~b. Within 30 feet of NE 116th Street, 45 feet.~~
~~c. Within 40 feet of NE 116th Street, 55 feet.~~

3. In addition to the two streets required in General Regulation 2, development in TL 5 shall incorporate the following circulation features, as shown in Plate 34F:
   a. Internal east-west access roads extending westward from 124th Avenue NE. These may be public or private streets.
   b. Through-block pathways or other pathways to link streets and/or activities. Through-block pathways may be integrated with internal access roads and/or provided within separate pedestrian-only corridors. See KZC 105.19 for through-block pathway standards.

4. Building and/or landscaping features that highlight the entryway to the Totem Lake Neighborhood shall be incorporated into redevelopment of the parcel located at the southeast corner of TL 5. The features shall contain elements such as a sign, art and/or lighting. See Chapter 92 KZC, Design Regulations.

5~~4~~. The ground floor of all structures on the subject property with frontage on a pedestrian or vehicular circulation route, or adjacent to a pedestrian-oriented space shall be a minimum of 13~~5~~ feet in height. This requirement does not apply to:
   a. The following uses: vehicle service stations, private lodges or clubs, stacked dwelling units, churches, schools, day-care centers, mini-schools or mini-day-care centers, assisted living facilities, convalescent centers or nursing homes, public utilities, government facilities or community facilities.
   b. Parking garages.
   c. Additions to existing nonconforming development where the Planning Official determines it is not feasible.

6~~5~~. Ground floor spaces in structures with frontage on a public right-or-way, interior access road, major pedestrian sidewalk, through-block pedestrian pathway, internal pathway or pedestrian-oriented space, must be designed in a configuration which encourages pedestrian activity and visual interest.
~~At least 30 percent of the total gross floor area located on the ground floor of all structures on the subject property must contain retail establishments, restaurants, taverns, hotels or motels. Ground floor spaces in structures with frontage on a pedestrian or vehicular route, or adjacent to a pedestrian-oriented space, must contain retail establishments, restaurants or taverns.~~

7~~6~~. ~~No surface parking may encroach into the required front yard~~.

8~~7~~. Access for drive-through facilities must be approved by the Public Works Official. See Chapter 105 KZC for requirements.

9~~8~~. Some development standards or design regulations may be modified as part of the design review process. See Chapters 92 and 142 KZC for requirements.

~~9. The applicant shall install a through-block pathway or other pathways to link streets and/or activities. In addition to the new roads to be developed through the district (123rd Avenue NE and NE 120th Street), designated as major pedestrian sidewalks in Plate 34F, a network of east-west pathways at intervals no greater than 350 feet that link uses to 124th Avenue NE shall be installed. Through-block pathways may be integrated with internal access roads and/or provided within separate pedestrian-only corridors. See KZC 105.19 for through-block pathway standards. Additional through-block pathways not shown in the Comprehensive Plan may be required by the City on parcels larger than two acres in order to enhance pedestrian access on large sites.~~

Section 55.39	USE ⇩ / REGULATIONS ⇨	Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
		DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
			Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.010	~~Any use or combination of uses allowed in this zone, when developed within a Conceptual~~ Master Plan Development. See Spec. Reg. 1.	D.R., Chapter 142 KZC.	~~4~~ 2 acres. ~~See Spec. Reg. 6~~.	10'	0'	0'	80%	None See Spec. Reg. 6~~8~~.	See Spec. Reg. 1~~3~~h.	See Spec. Reg. 5~~4~~.	~~As established in the CMP~~See Section 105.25.	~~1. May include one or more of the uses allowed in this zone, unless listed as prohibited below. Development regulations of this section apply to all uses developed with a Conceptual Master Plan (CMP).~~ ~~2. Development must be part of a Conceptual Master Plan (CMP) for the entire property, which integrates the development with the entire zone.~~ 1~~3~~. ~~The Conceptual~~ A Master Plan for development of the entire subject property must be approved. The Master Plan must establish a circulation system for vehicles and pedestrians that integrates with existing and planned circulation throughout the TL 5 zone. The ~~site~~ plan ~~should~~ must be pedestrian-oriented and incorporate the following design principles: a. Siting of buildings oriented to the pedestrian network; isolated building pads should be minimized. b. Storefront orientation to pedestrian and vehicular circulation routes. c. Ground floor spaces designed in a configuration which encourages pedestrian activity and visual interest. Uses other than retail, restaurants, and taverns may be permitted on the ground floor of structures only if the use and location do not compromise the desired pedestrian orientation and character of the development. d. Pedestrian connections internal to the site that provide convenient pedestrian mobility and contribute to ~~the~~ pedestrian ~~and retail character of the development.~~activity and visual interest. e. Shared vehicular connections to 124th Avenue NE. f. Clearly identifiable building and pedestrian access points and entryways. g. Provision of useable public spaces, plazas or pocket parks, and public amenities, such as art, sculpture, fountains or benches. h. Use of landscaping to emphasize entries into buildings and pedestrian areas, to enhance public spaces, and to screen blank walls and service areas. Landscaping should also be provided in plazas, along pedestrian circulation routes, and in parking areas. i. ~~Design techniques to prevent the dominance of large single occupant structures, such as smaller building footprints and multiple tenant spaces on the ground floor at the street.~~ j. Placement of parking areas behind buildings located on pedestrian-oriented streets and pathways. k. Placement of loading and service areas away from 124th Avenue NE and pedestrian areas.

REGULATIONS CONTINUED ON NEXT PAGE

.010	~~Any use or development of uses allowed in this zone, when developed within a Conceptual~~ Master Plan .Development (Continued)											REGULATIONS CONTINUED FROM PREVIOUS PAGE l. Location of drive-through facilities to not compromise the pedestrian orientation of the development. 2. Development must include commercial use on the ground floor with gross floor area equal to or greater than 20% of the area of the subject property. Minor floor area reductions may be approved by the Planning Official if the applicant demonstrates that meeting the requirement is not feasible given the configuration of existing or proposed improvements and that the commercial space is configured to maximize its visibility and pedestrian orientation. 3~~4~~. The following uses are not permitted within a ~~Conceptual~~ Master Plan: a. Retail establishments providing storage services unless accessory to another permitted use. b. Outdoor storage of bulk commodities, except in the following circumstances: i. If the outdoor storage involves vehicles for sale associated with a vehicle dealership. ii. If the square footage of the storage area is less than 20 percent of the total square footage of the use it is serving; or c. Storage and operation of heavy equipment except normal delivery vehicles associated with retail uses. 4~~5~~. Signs for a development approved under this provision must be proposed within a Master Sign Plan application (KZC 100.80) for all signs within the project. ~~6. Land dedicated for roads pursuant to General Regulation 2 may be included in the lot size used to meet the minimum size requirement for a Conceptual Master Plan.~~ 5~~7~~. At least 10 percent of the units provided in new residential developments of four units or greater shall be affordable housing units, as defined in Chapter 5 KZC. See Chapter 112 KZC for additional affordable housing requirements and incentives. 6~~8~~. Building height may exceed the limits set forth in General Regulation 3; provided, that development on the property within the Conceptual Master Plan does not exceed: a. T~~t~~he maximum floor area ratio (FAR) of 2.0, or 200 percent of lot size for office buildings over 65' in height, and b. .The maximum floor area ratio (FAR) of 2.5, or 250 percent of lot size for residential buildings over 65' in height Land dedicated for roads pursuant to General Regulation 2 may be included in the land used to calculate FAR. 7~~9~~. Parcels ~~smaller than four acres~~ may be added to a previously approved ~~Conceptual~~ Master Plan ~~(CMP)~~, if the applicable criteria set forth in the notice of approval for the approved Master Plan~~CMP~~ are met.
.020	Vehicle Service Station	D.R., Chapter 142 KZC.	22,500 sq. ft.	40'	15' on each side	15'	80%	35' above average building elevation. ~~See General Regulation 3.~~	A	E	See KZC 105.25.	1. May not be more than two vehicle service stations at any intersection. 2. Gas pump islands may extend 20 feet into the front yard. Canopies or covers over gas pump islands may not be closer than 10 feet to any property line. Outdoor parking and service areas may not be closer than 10 feet to any property line. See KZC 115.105, Outdoor Use, Activity and Storage, for further regulations.
				See Spec. Reg. 2.								
.030	A Retail Establishment providing vehicle or boat sales or vehicle or boat service or repair. See Spec. Reg. 1.		None	10'	0'	0'						1. Vehicle and boat rental and used vehicles or boat sales are allowed as part of this use. 2. Outdoor vehicle or boat parking or storage areas must be buffered as required for a parking area in KZC 95.45. See KZC 115.105, Outdoor Use, Activity and Storage, for additional regulations.

.040	Restaurant or Tavern								B		1 per each 100 sq. ft. of gross floor area.	1. For restaurants with drive-in or drive-through facilities: a. One outdoor waste receptacle shall be provided for every eight parking stalls. b. Access for drive-through facilities shall be approved by the Public Works Department. Drive-through facilities shall be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served.
.050	A Retail Establishment providing storage services. See also Spec. Reg. 1.										See KZC 105.25.	1. May include accessory living facilities for resident security manager.
.060	Any Retail Establishment other than those specifically listed in this zone, selling goods, or providing services including banking and related financial services	D.R., Chapter 142 KZC.	None	10'	0'	0'	80%	35' above average building elevation. ~~See General Regulation 3.~~	B	E	1 per each 300 sq. ft. of gross floor area.	1. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The assembled or manufactured goods are directly related to and are dependent upon this use, and are available for purchase and removal from the premises. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail uses. ~~2. A delicatessen, bakery, or other similar use may include, as part of the use, accessory seating if:~~ ~~a. The seating and associated circulation area does not exceed more than 10 percent of the gross floor area of the use; and~~ ~~b. It can be demonstrated to the City that the floor plan is designed to preclude the seating area from being expanded.~~
.070	Office Use								C	D	If a medical, dental or veterinary office, then 1 per each 200 sq. ft. of gross floor area. Otherwise, 1 per each 300 sq. ft. of gross floor area.	1. The following regulations apply to veterinary offices only: a. May only treat small animals on the subject property. b. Outside runs and other outside facilities for the animals are not permitted. c. Site must be designed so that noise from this use will not be audible off the subject property. A certification to this effect, signed by an acoustical engineer, must be submitted with the development permit application. 2. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.
.080	Hotel or Motel								B	E	1 per each room. See also Spec. Reg. 2.	1. May include ancillary meeting and convention facilities. 2. Excludes parking requirements for ancillary meeting and convention facilities. Additional parking requirement for these ancillary uses shall be determined on a case-by-case basis.
.090	A Retail Establishment providing entertainment, recreational or cultural activities	D.R., Chapter 142 KZC.	None	10'	0'	0'	80%	35' above average building elevation. ~~See General Regulation 3~~.	B	E	1 per every 4 fixed seats.	
.100	Private Lodge or Club								C	B	1 per each 300 sq. ft. of gross floor area.	

.110	Attached or Stacked Dwelling Unit See Spec. Reg. 1.			10' ~~See Spec. Regs. 1 and 2.~~	0'	0'	80%	35' above average building elevation.	D	A	1.7 per unit.	1. Development must include commercial use with gross floor area on the ground floor equal to or greater than 20% of the parcel size of the subject property. Minor reductions may be approved by the Planning Official if the applicant demonstrates that meeting the requirement is not feasible given the configuration of existing or proposed improvements and that the commercial space is configured to maximize its visibility and pedestrian orientation. ~~No more than 10 percent of the ground floor of a structure may contain residential use.~~ 2. At least 10 percent of the units provided in new residential developments of four units or greater shall be affordable housing units, as defined in Chapter 5 KZC. See Chapter 112 KZC for additional affordable housing requirements and incentives. 3. At least two stories of the building must be dedicated to residential use. 4. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
.120	Church			10'	0'	0'	80%	35' above average building elevation. ~~See Gen. Reg. 3.~~	C	B	1 for every 4 people based on maximum occupancy load of any area of worship. See also Special Reg. 2.	1. May include accessory living facilities for staff persons. 2. No parking is required for day-care or school ancillary to this use.
.130	School, Day-Care Center, Mini-School or Mini-Day-Care Center	D.R., Chapter 142 KZC.	None	10'	0'	0'	80%	35' above average building elevation. ~~See Gen. Reg. 3.~~	D	B	See KZC 105.25.	1. A six-foot-high fence is required only along the property lines adjacent to the outside play areas. 2. Hours of operation may be limited to reduce impacts on nearby residential uses. 3. Structured play areas must be set back from all property lines as follows: a. Twenty feet if this use can accommodate 50 or more students or children. b. Ten feet if this use can accommodate 13 to 49 students or children. c. Five feet for a Mini-School or Mini-Day-Care Center. 4. An on-site passenger loading area must be provided. The City shall determine the appropriate size of the loading areas on a case-by-case basis, depending on the number of attendees and the extent of the abutting right-of-way improvements. Carpooling, staggered loading/unloading time, right-of-way improvements or other means may be required to reduce traffic impacts on nearby residential uses. 5. May include accessory living facilities for staff persons. 6. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses. 7. ~~These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).~~
.140	Assisted Living Facility Convalescent Center Nursing Home See Spec. Reg. 1.			10'~~Same as the regulations for the ground floor~~	0'	0'	80%	35' above average building elevation.	A	A	Assisted Living: 1.7 per independent unit. 1 per assisted living unit. Convalescent Center or Nursing Home: 1 per bed	1 Development must include commercial use with gross floor area on the ground floor equal to or greater than 20% of the parcel size of the subject property. Minor reductions may be approved by the Planning Official if the applicant demonstrates that meeting the requirement is not feasible given the configuration of existing or proposed improvements and that the commercial space is configured to maximize its visibility and pedestrian orientation. ~~This use may not occupy more than 10 percent of the ground floor of a structure.~~ 2. Chapter 115 KZC contains regulations regarding home occupations

				~~use. See Spec. Reg. 1.~~								and other accessory uses, facilities, and activities associated with this use.
.150	Public Utility			10'	0'	0'	80%	35' above average building elevation.	A	B	See KZC 105.25.	1. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.
.160	Government Facility Community Facility								C See Spec. Reg.1.			
.170	Public Park	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process.										

55.41 User Guide.

The charts in KZC 55.45 contain the basic zoning regulations that apply in the TL 6A and TL 6B zones of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 55.43

Zone
TL 6A, 6B

Section 55.43 – GENERAL REGULATIONS

The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.

2. Where feasible, primary access for nonresidential uses within TL 6 shall be from 124th Avenue NE, NE 124th Street, or NE 120th Street.

3. The ground floor of all structures with frontage on a pedestrian or vehicular circulation route, or adjacent to a pedestrian-oriented space shall be a minimum of 13~~5~~ feet in height. This requirement does not apply to:
   a. The following uses: vehicle service stations, private lodges or clubs, stacked dwelling units, churches, schools, day-care centers, mini-schools or mini-day-care centers, assisted living facilities, convalescent centers or nursing homes, residential development in TL 6A where over 80 percent of the total units in the development are affordable to households earning no more than 60 percent of the King County median income, public utilities, government facilities or community facilities;
   b. Parking garages;
   c. Additions to existing nonconforming development where the Planning Official determines it is not feasible; or
   d. Parcels located more than 500 feet north of NE 124th Street, east of 116th Avenue NE.

4. Within TL 6B, Ground floor spaces in structures with frontage on a public right-or-way, interior access road, major pedestrian sidewalk, through-block pedestrian pathway, internal pathway or pedestrian-oriented space, must be designed in a configuration which encourages pedestrian activity and visual interest.
~~at least 50 percent of the gross floor area located on the ground floor of all structures with frontage on a pedestrian or vehicular route, or adjacent to a pedestrian-oriented space, must contain retail establishments, restaurants, taverns, hotels or motels. These uses shall be oriented to a major pedestrian sidewalk, a through-block pedestrian pathway or an internal pathway (see also Chapter 105 KZC).~~ This regulation does not apply to parcels located more than 500 feet north of NE 124th Street, east of 116th Avenue NE (see Plate 34G).

5. In addition to the height exceptions established by KZC 115.60, the following exceptions to height regulations in TL zones are established:
   a. Decorative parapets may exceed the height limit by a maximum of four feet; provided, that the average height of the parapet around the perimeter of the structure shall not exceed two feet.
   b. For structures with a peaked roof, the peak may extend eight feet above the height limit if the slope of the roof is equal to or greater than four feet vertical to 12 feet horizontal.

6. The review process for development in this zone is as follows:
   a. In TL 6A, any development activities requiring Design Review approval pursuant to KZC 142.15 shall be reviewed administratively (ADR), pursuant to KZC 142.25. Where gross floor area of an existing building is expanded by less than 10 percent, no design review is required.
   b. In TL 6B, as set forth in Chapter 142 KZC.

7. Access for drive-through facilities must be approved by the Public Works Official. See Chapter 105 KZC for requirements.

8. Some development standards or design regulations may be modified as part of the design review process. See Chapter 92 or 142 KZC for requirements.

9. In TL 6B, development must provide a grid of internal access roads (see Plate 34G) pursuant to the following standards:
   a. A centralized east-west connection that forms the spine for the site. Such a connection would reduce the need for vehicular circulation on NE 124th Street.
   b. Two to three north-south connections from NE 124th Street to the east-west connection noted above. A desirable distance between access roads is between 250 and 300 feet. The maximum allowable distance between access roads shall be 350 feet. These may be public or private streets. Wider separation (up to 500 feet) may be considered where properties dedicate a minimum 30-foot-wide public pedestrian corridor.
   c. Suggested cross-sections for each of these roads:
      1) Two travel lanes (one lane each way);
      2) On-street parallel parking;
      3) Eight- to 12-foot-wide sidewalks on each side of the street with street trees placed 30 feet on-center. Sidewalk width may be reduced where planting strips (minimum four feet wide) are maintained between the street and sidewalk.

      The above access roads may be private or public.

10. The applicant shall install a through-block pathway or other pathways to link streets and/or activities. (See Plate 34G.) Include at least one mid-block east-west pathway connecting uses to 116th Avenue NE and a network of north-south pathways at intervals no greater than 350 feet that link uses to NE 124th Street. Through-block pathways may be integrated with internal access roads and/or provided within separate pedestrian-only corridors. See KZC 105.19 for through-block pathway standards. Additional through-block pathways not shown in the Comprehensive Plan may be required by the City on parcels larger than two acres in order to enhance pedestrian access on large sites.

11. No portion of a structure on the subject property within 40 feet of Slater Avenue in TL 6A may exceed 30 feet above the elevation of Slater Avenue as measured at the midpoint of the frontage of the subject property on Slater Avenue

Section 55.45	USE ⇩ / REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.010	Vehicle Service Station	D.R., Chapter 142 KZC. See Gen. Reg. 6.	22,500 sq. ft.	40'	15' on each side	15"	80%	35' above average building elevation.	A	E	See KZC 105.25.	1. May not be more than two vehicle service stations at any intersection. 2. Gas pump islands may extend 20 feet into the front yard. Canopies or covers over gas pump islands may not be closer than 10 feet to any property line. Outdoor parking and service areas may not be closer than 10 feet to any property line. See KZC 115.105, Outdoor Use, Activity and Storage, for further regulations.
				See Spec. Reg. 2.								
.020	A Retail Establishment providing vehicle or boat sales or vehicle or boat service or repair. See Spec. Reg. 3.		None	10'	0'	0'		45' above average building elevation. See Gen. Reg. 11				1. This use is not permitted in the TL 6B zone. 2. Outdoor vehicle or boat parking or storage areas must be buffered as required for a parking area in KZC 95.45. See KZC 115.105, Outdoor Use, Activity and Storage, for additional regulations. 3. Vehicle and boat rental and used vehicles or boat sales are allowed as part of this use.
.030	Restaurant or Tavern								B		1 per each 100 sq. ft. of gross floor area.	1. For restaurants with drive-in or drive-through facilities: a. One outdoor waste receptacle shall be provided for every eight parking stalls. b. Access for drive-through facilities shall be approved by the Public Works Department. Drive-through facilities shall be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served.
.040	A Retail Establishment providing storage services. See also Spec. Reg. 1.							435' above average building elevation. See Gen. Reg. 11			See KZC 105.25.	1. May include accessory living facilities for resident security manager.

.050	Any Retail Establishment, other than those specifically listed in this zone, selling goods or providing services, including banking and related financial services	D.R., Chapter 142 KZC. See Gen. Reg. 6.	None	10'	0'	0'	80%	4~~3~~5' above average building elevation. See Gen. Reg. 11	B	E	1 per each 300 sq. ft. of gross floor area.	1. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The assembled or manufactured goods are directly related to and are dependent upon this use, and are available for purchase and removal from the premises. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail uses. ~~2. A delicatessen, bakery, or other similar use may include, as part of the use, accessory seating if:~~ ~~a. The seating and associated circulation area does not exceed more than 10 percent of the gross floor area of the use; and~~ ~~b. It can be demonstrated to the City that the floor plan is designed to preclude the seating area from being expanded.~~
.060	Office Use	D.R., Chapter 142 KZC. See Gen. Reg. 6.	None	10'	0'	0'	80%	4~~3~~5' above average building elevation. See Gen. Reg. 11	C	D	If a medical, dental or veterinary office, then 1 per each 200 sq. ft. of gross floor area. Otherwise, 1 per each 300 sq. ft. of gross floor area.	1. The following regulations apply to veterinary offices only: a. May only treat small animals on the subject property. b. Outside runs and other outside facilities for the animals are not permitted. c. Site must be designed so that noise from this use will not be audible off the subject property. A certification to this effect, signed by an acoustical engineer, must be submitted with the development permit application. d. A veterinary office is not permitted in any development containing dwelling units. 2. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.
.070	Hotel or Motel								B	E	1 per each room. See also Spec. Reg. 2.	1. May include ancillary meeting and convention facilities. 2. Excludes parking requirements for ancillary meeting and convention facilities. Additional parking requirement for these ancillary uses shall be determined on a case-by-case basis.
.080	A Retail Establishment providing entertainment, recreational or cultural activities										1 per every 4 fixed seats.	
.090	Private Lodge or Club								C	B	1 per each 300 sq. ft. of gross floor area.	

.100	Attached or Stacked Dwelling Units. See Spec. Reg. 1.	D.R., Chapter 142 KZC. See Gen. Reg. 6.	None	10'	0'	0'	80%	65' above average building elevation. See Spec. Reg. 2 and Gen. Reg. 11.~~.~~	D	A	See KZC 105.25.	1. . Development must include commercial use on the ground floor with gross floor area equal to or greater than 20% of the area of the subject property. Minor floor area reductions may be approved by the Planning Official if the applicant demonstrates that meeting the requirement is not feasible given the configuration of existing or proposed improvements and that the commercial space is configured to maximize its visibility and pedestrian orientation. ~~On parcels abutting NE 124th Street or 124th Avenue NE, no more than 10 percent of the ground floor of a structure may be in residential use within 250 feet of these streets; provided, however, there shall be no such restriction on~~ This requirement does not apply to ground floor residential use in TL 6A where over 80 percent of the total units in the development are affordable to households earning no more than 60 percent of King County median income, adjusted for household size. 2. ~~No portion of a structure on the subject property within 40 feet of Slater Avenue may exceed 30 feet above the elevation of Slater Avenue as measured at the midpoint of the frontage of the subject property on Slater Avenue.~~ 3. At least 10 percent of the units provided in new residential developments of four units or greater shall be affordable housing units, as defined in Chapter 5 KZC. See Chapter 112 KZC for additional affordable housing requirements and incentives. 4. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.

~~.110~~	~~Development containing attached or stacked dwelling units and offices, restaurants or taverns, or retail uses allowed in this zone.~~	~~D.R., Chapter 142 KZC. See Gen. Reg. 6.~~	~~None~~	~~10'~~	~~0'~~	~~0'~~	~~80%~~	~~65' above average building elevation. See Spec. Reg. 4.~~	~~D~~	~~E~~	~~See KZC 105.25.~~	~~1. A veterinary office is not permitted in any development containing dwelling units.~~ ~~2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.~~ ~~3. No more than 10 percent of the ground floor of a structure may be in residential use within 250 feet of 124th Avenue NE or NE 124th Street; provided, however, there shall be no such restriction on ground floor residential use in TL 6A where over 80 percent of the total units in the development are affordable to households earning no more than 60 percent of King County median income, adjusted for household size.~~ ~~4. No portion of a structure on the subject property within 40 feet of Slater Avenue may exceed 30 feet above the elevation of Slater Avenue as measured at the midpoint of the frontage of the subject property on Slater Avenue.~~ ~~5. The equivalent of the additional gross floor area constructed over 35 feet over ABE must be dedicated to residential use. Residential use may be located anywhere in the building above the ground floor.~~ ~~6. At least 10 percent of the units provided in new residential developments of four units or greater shall be affordable housing units, as defined in Chapter 5 KZC. See Chapter 112 KZC for additional affordable housing requirements and incentives. 7. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if:~~ ~~a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use.~~ ~~b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.~~
.11~~2~~0	Wholesale Trade See Spec. Reg. 1. Packaging of Prepared Materials Wholesale Printing or Publishing Industrial Laundry Facility	D.R., Chapter 142 KZC. See Gen. Reg. 6.	None	20'	0'	0'	80%	35' above average building elevation.	A	C	1 per each 1,000 sq. ft. of gross floor area.	1. This use is only allowed on property in TL 6A. 2. May include, as part of this use, accessory retail sales or service. 3. The building housing the use shall have been in existence on December 31, 2005, and shall not be altered, changed, or otherwise modified to accommodate the use if the cost of such alteration, change, or modification exceeds 30 percent of the replacement cost of that building. 4. The use must be discontinued when there is an alteration, change, or other work in a consecutive 12-month period to the space in which the use is located, and the cost of the alteration, change or other work exceeds 30 percent of the replacement cost of that space.
.12~~3~~0	Church			10'	5' on each side	10'		45' above average building elevation.. See Gen. Reg. 11.	C	B	1 for every 4 people based on maximum occupancy load of any area of worship. See also Spec. Reg. 2.	1. May include accessory living facilities for staff persons. 2. No parking is required for day-care or school ancillary to this use.

.134~~0~~	School, Day-Care Center, Mini-School or Mini-Day-Care Center	D.R., Chapter 142 KZC. See Gen. Reg. 6.	None	10'	0'	0'	80%	4~~3~~5' above average building elevation. See Gen. Reg. 11	D	B	See KZC 105.25.	1. A six-foot-high fence is required only along the property lines adjacent to the outside play areas. 2. Hours of operation may be limited to reduce impacts on nearby residential uses. 3. Structured play areas must be set back from all property lines as follows: a. Twenty feet if this use can accommodate 50 or more students or children. b Ten feet if this use can accommodate 13 to 49 students or children. c. Five feet for a Mini-School or Mini-Day-Care Center. 4. An on-site passenger loading area must be provided. The City shall determine the appropriate size of the loading areas on a case-by-case basis, depending on the number of attendees and the extent of the abutting right-of-way improvements. Carpooling, staggered loading/unloading time, right-of-way improvements or other means may be required to reduce traffic impacts on nearby residential uses. 5. May include accessory living facilities for staff persons. 6. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses. 7. ~~These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).~~
.14~~5~~0	Assisted Living Facility Convalescent Center Nursing Home			10'~~Same as the regulations for the ground floor use. See Spec. Reg. 2.~~	0'	0'	80"'	45' above average building elevation. See Gen. Reg. 11	D	A	Assisted Living: 1.7 per independent unit. 1 per assisted living unit. Convalescent Center or Nursing Home: 1 per bed.	1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility. 2. .Development must include commercial use on the ground floor with gross floor area equal to or greater than 20% of the area of the subject property. Minor floor area reductions may be approved by the Planning Official if the applicant demonstrates that meeting the requirement is not feasible given the configuration of existing or proposed improvements and that the commercial space is configured to maximize its visibility and pedestrian orientation. ~~This use may not occupy more than 10 percent of the ground floor of a structure.~~ 3. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use.
.15~~6~~0	Public Utility	D.R., Chapter 142 KZC. See Gen. Reg. 6.	None	10'	0'	0'	80%	4~~3~~5' above average building elevation. See Gen. Reg. 11	A	B	See KZC 105.25.	1. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.
.16~~7~~0	Government Facility Community Facility								C See Spec. Reg. 1.			
.17~~8~~0	Public Park	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process.										

55.47 User Guide.

The charts in KZC 55.51 contain the basic zoning regulations that apply in the TL 7 zone of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 55.49

Zone TL 7

Section 55.49 – GENERAL REGULATIONS

The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.

2. Any development activities requiring Design Review approval pursuant to KZC 142.15 in this zone shall be reviewed ~~administratively~~ through Administrative Design Review (ADR), pursuant to KZC 142.25. The guidelines contained in the Design Guidelines for the Totem Lake Neighborhood, adopted by KMC 3.30.040, shall be applied in lieu of the design regulations in Chapter 92.

3. Access for drive-through facilities must be approved by the Public Works Official. See Chapter 105 KZC for requirements.

4. Some development standards or design regulations may be modified as part of the design review process. See Chapters 92 and 142 KZC for requirements.

Section 55.51	USE ⇩ REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.010	Packaging of Prepared Materials Manufacturing See Spec. Regs. 1 and 2.	D.R., Chapter 142 KZC. See Gen. Reg. 2.	None	1~~2~~0′	0′	0′	90%	4~~3~~5′ above average building elevation.	A	C	1 per each 1,000 sq. ft. of gross floor area.	1. The following manufacturing uses are permitted: a. Food, drugs, stone, clay, glass, china, ceramics products, electrical equipment, scientific or photographic equipment; b. Fabricated metal products, but not fabrication of major structural steel forms, heavy metal processes, boiler making, or similar activities; c. Cold mix process only of soap, detergents, cleaning preparations, perfumes, cosmetics, or other toilet preparations; d. Packaging of prepared materials; e. Textile, leather, wood, paper and plastic products from pre-prepared material; and f. Other compatible uses which may involve manufacturing, processing, assembling, fabrication and handling of products, and research and technological processes. 2. May include, as part of this use, accessory retail sales, office or service utilizing not more than ~~20~~35 percent of the gross floor area. The landscaping and parking requirements for these accessory uses will be the same as for the primary use.
.020	Warehouse Storage Service											1. May include, as part of this use, accessory retail sales, office or service utilizing no more than ~~20~~35 percent of the gross floor area. The landscaping and parking requirements for these accessory uses will be the same as for the primary use.
.030	Wholesale Trade											
.040	Industrial Laundry Facility											
.050	Wholesale Printing or Publishing											
.060	A Retail Establishment providing storage services. See Spec. Reg. 1.									E	See KZC 105.25.	1. May include accessory living facilities for resident security manager.

.070	A Retail Establishment providing building construction, plumbing, electrical, landscaping, or pest control services						80%		B		1 per each 300 sq. ft. of gross floor area.	1. Outdoor storage for this use must be buffered as established in Chapter 95 KZC for Landscaping Category A.
.080	A Retail Establishment selling building materials or hardware	D.R., Chapter 142 KZC. See Gen. Reg. 2.	None	120′	0′	0′	80%	435′ above average building elevation.	B	E	1 per each 300 sq. ft. of gross floor area.	1. Outdoor storage for this use must be buffered as established in Chapter 95 KZC for Landscaping Category A.
.090	A Retail Establishment providing rental services											
~~**.100**~~	~~A Retail Establishment providing banking and related financial services~~											
.101 0	High Technology								A	D	If manufacturing, then 1 per each 1,000 sq. ft. of gross floor area. If office, then 1 per 300 sq. ft. of gross floor area. Otherwise, see KZC 105.25.	1. This use may include research and development, testing, assembly, repair or manufacturing or offices that support businesses involved in the pharmaceutical and biotechnology, communications and information technology, electronics and instrumentation, computers and software sectors. 2. May include, as part of this use, accessory retail sales or service utilizing not more than 20 percent of the gross floor area. The landscaping and parking requirements for these accessory uses will be the same as for the primary use. 3. Refer to KZC 115.105 for provisions regarding outside use, activity and storage.
.112 0	Office Use						80%		C See also Spec. Reg. 1a.		If a medical, dental, or veterinary office, then 1 per each 200 sq. ft. of gross floor area. Otherwise, 1 per each 300 sq. ft. of gross floor area.	1. The following regulations apply only to veterinary offices: a. If there are outdoor runs or other outdoor facilities for the animals, then use must comply with Landscape Category A. b. Outside runs and other outside facilities for the animals must be set back at least 10 feet from each property line and must be surrounded by a fence or wall sufficient to enclose the animals. See KZC 115.105, Outdoor Use, Activity and Storage, for further regulations.

.123 0	A Retail, Variety or Department StoreAny Retail Establishment other than those specifically listed in this zone, selling goods or providing services including banking and related services. (See Special Regulation 1).	D.R., Chapter 142 KZC. See Gen. Reg. 2.	None	120′	0′	0′	80%	435′ above average building elevation.	B	E	1 per each 300 sq. ft. of gross floor area.	1. This use must contain at least 75,000 square feet of gross floor area. 1. This use is only permitted on properties located north of NE 124th Street, south of the Cross Kirkland Corridor right-of-way and west of 135th Avenue NE. 2. Outdoor storage for this use must be buffered as established in Chapter 95 for Landscaping Category A. 3. A delicatessen, bakery, or other similar use may include, as part of this use, accessory seating if: a. The seating and associated circulation area does not exceed more than 10 percent of the gross floor area of the use; and b. It can be demonstrated to the City that the floor plan is designed to preclude the seating area from being expanded. 4. No drive-through or drive-in facilities are permitted.
.130	Restaurant or Tavern										1 per each 100 sq. ft. of gross floor area.	1. This use is only permitted on properties located north of NE 124th Street, south of the Cross Kirkland Corridor right-of-way and west of 135th Avenue NE. 2. No drive-through or drive-in facilities are permitted.
.140	A multi-use complex or mixed use building containing 7 or more restaurants, taverns, retail establishments, or churches										See KZC 105.25.	1. Outdoor storage for this use must be buffered as established in Chapter 95 KZC for Landscaping Category A. 2. No drive-through or drive-in facilities are permitted. 3. A delicatessen, bakery, or other similar use may include, as part of this use, accessory seating if: a. The seating and associated circulation area does not exceed more than 10 percent of the gross floor area of the use; and b. It can be demonstrated to the City that the floor plan is designed to preclude the seating area from being expanded. 4. Ancillary assembly and manufactured goods on the premises of this use are permitted only if: a. The assembled or manufactured goods are directly related to and are dependent upon this use, and are available for purchase and removal from the premises. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail uses. 5. Churches are limited to no more than 15 percent of the gross floor area of the complex.
.145 0	Athletic Instructional Facility											
.156 0	Hotel or Motel										1 per each room. See Spec. Reg. 2.	1. May include meeting and convention facilities. 2. Excludes parking requirements for ancillary meeting and convention facilities. Additional parking requirement for those ancillary uses shall be determined on a case-by-case basis.

.1~~67~~0	A Retail Establishment providing printing, publishing, or duplicating services	D.R., Chapter 142 KZC. See Gen. Reg. 2.	None	1~~2~~0′	0′	0′	80%	4~~3~~5′ above average building elevation.	B	E	1 per each 300 sq. ft. of gross floor area.	1. Gross floor area for this use may not exceed 3,000 sq. ft. For a larger printing or publishing facility, see wholesale printing or publishing listing in this use zone.
.1~~7~~8~~8~~0	A Retail Establishment providing vehicle or boat sales, repair, services, washing, or rental								A		See KZC 105.25.	1. Outdoor vehicle or boat parking or storage areas must be buffered as required for a parking area in KZC 95.45. See KZC 115.105, Outdoor Use, Activity and Storage, for additional regulations.
.180	Church								C	B	1 for every 4 people based on maximum occupancy load of any area of worship. See Special Reg. 2.	1. May include accessory living facilities for staff persons. 2. No parking is required for day-care or school ancillary to this use. 3. The structure containing the use shall have been in existence on June 30, 2012, and shall not be altered, changed, or otherwise modified to accommodate the use if the cost of such alteration, change, or modification exceeds 30 percent of the replacement cost of that building.
~~.190~~	~~Restaurant~~ ~~See Spec. Reg. 1.~~								~~B~~	~~E~~	~~1 per each 100 sq. ft. of gross floor area~~.	~~1. This use is permitted if accessory to a primary use, and:~~ ~~a. It will not exceed 20 percent of the gross floor area of the building;~~ ~~b. The use is integrated into the design of the building; and~~ ~~c. There is no vehicle drive-in or drive-through.~~
.190~~200~~	Auction House See Spec. Reg. 1.								B	E	1 per each 300 sq. ft. of gross floor area.	1. Livestock auctions are not permitted. 2. Outdoor storage for this use must be buffered as established in Chapter 95 KZC for Landscaping Category A.
.200~~210~~	Kennel			1~~2~~0′	0′	0′						1. Outside runs and other facilities for the animals must be set back at least 10 feet from each property line and must be surrounded by a fence or wall sufficient to enclose the animals. See KZC 115.105, Outdoor Use, Activity and Storage, for further regulations. 2. Must provide suitable shelter for the animals. 3. Must maintain a clean, healthful environment for the animals.
				See Spec. Reg. 1.								
.2~~1~~2~~0~~0	Vehicle Service Station		22,500 sq. ft.	40′	15′ on each side	10′			A		See KZC 105.25.	1. May not be more than two vehicle service stations at any intersection. 2. Gas pump islands may not be closer than 15 feet to any property line. Canopies or covers over gas pump islands may not be closer than 10 feet to any property line. Outdoor parking and service areas may not be closer than 10 feet to any property line. See KZC 115.105, Outdoor Use, Activity and Storage, for further regulations.

.2~~3~~0	School or Day-Care Center	D.R., Chapter 142 KZC. See Gen. Reg. 2.	None	1~~2~~0′	0′	0′	80%	4~~3~~5′ above average building elevation.	D	B	See KZC 105.25.	1. A six-foot-high fence is required only along the property lines adjacent to the outside play areas. 2. Hours of operation may be limited to reduce impacts on nearby residential uses. 3. Structured play areas must be set back from all property lines as follows: a. Twenty feet if this use can accommodate 50 or more students or children. b. Ten feet if this use can accommodate 13 to 49 students or children. 4. An on-site passenger loading area must be provided. The City shall determine the appropriate size of the loading areas on a case-by-case basis, depending on the number of attendees and the extent of the abutting right-of-way improvements. Carpooling, staggered loading/unloading time, right-of-way improvements or other means may be required to reduce traffic impacts on nearby residential uses. 5. May include accessory living facilities for staff persons. 6. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses. ~~7. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).~~
.23~~4~~0	Public Utility								C			1. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.
.24~~5~~0	Government Facility Community Facility								See Spec. Reg. 1.			
.25~~6~~0	Public Park	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process.										

55.53 User Guide.

The charts in KZC 55.57 contain the basic zoning regulations that apply in the TL 8 zone of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 55.55

Zone TL 8

Section 55.55 – GENERAL REGULATIONS

The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.

2. Ground floor uses on the two westernmost parcels in this zone with frontage on 120th Avenue NE must contain retail, restaurants, and/or taverns.

3. The ground floor of all structures with frontage on a pedestrian or vehicular circulation route, or adjacent to a pedestrian-oriented space shall be a minimum of 13~~5~~ feet in height. This requirement does not apply to:
   a. The following uses: vehicle service stations, private lodges or clubs, stacked dwelling units, churches, schools, day-care centers, mini-schools or mini-day-care centers, assisted living facilities, convalescent centers or nursing homes, public utilities, government facilities or community facilities;
   b. Parking garage; or
   c. Additions to existing nonconforming development where the Planning Official determines it is not feasible.

4. In addition to the height exceptions established by KZC 115.60, the following exceptions to height regulations in TL zones are established:
   a. Decorative parapets may exceed the height limit by a maximum of four feet; provided, that the average height of the parapet around the perimeter of the structure shall not exceed two feet.
   b. For structures with a peaked roof, the peak may extend eight feet above the height limit if the slope of the roof is equal to or greater than four feet vertical to 12 feet horizontal.

5. Shared access points must be used to the maximum extent possible. Curb cuts must be limited to minimize traffic congestion (does not apply to Public Utility, Government Facility or Community Facility and Public Park uses).

6. Development must emphasize Totem Lake as the focal point of this zone (does not apply to Public Utility, Government Facility or Community Facility and Public Park uses).

7. Refer to Chapter 90 KZC regarding restrictions on development around Totem Lake and wetland areas.

8. Parcels located east of the strip of land zoned “P” are exempt from Design Review.

~~9. Must install a landscape berm on the subject property adjacent to 120th Avenue N.E. and Totem Lake Way consistent with existing landscaped berms along these rights-of-way.~~
~~(Does not apply to Public Park uses).~~

9~~10~~. Access for drive-through facilities must be approved by the Public Works Official. See Chapter 105 KZC for requirements.

10~~1~~. Some development standards or design regulations may be modified as part of the design review process. See Chapters 92 and 142 KZC for requirements.

Section 55.57	USE ⇩ / REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.010	Hotel or Motel See Gen. Reg. 2.	D.R., Chapter 142 KZC. See Gen. Reg. 8.	None	10'	5' each side	10'	70%	~~63~~5' above average building elevation.	B	E	See KZC 105.25.	1. The following uses are not allowed: The sale, service, and/or rental of motor vehicles, sailboats, motor boats, and recreational trailers, vehicle service station, and storage services; provided, that motorcycle sales, service, or rental is permitted if conducted indoors. 2. Ancillary assembly and manufactured goods on the premises of this use are permitted only if: a. The assembled or manufactured goods are directly related to and are dependent on this use, and are available for purchase and removal from the premises. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail uses. 3. Outdoor storage and drive-in or drive-through facilities are not permitted.
.020	A Retail Establishment providing entertainment or recreational activity											
.030	Athletic, Exercise, or Health Club/Facility See Gen. Reg. 2.											
.040	Any Retail Establishment, other than those specifically listed in this zone, selling goods or providing services, including banking and related financial services. See Spec. Reg. 1.											
.050	Restaurant or Tavern											

.060	Office Use See Gen. Reg. 2.	D.R., Chapter 142 KZC. See Gen. Reg. 8.	None	10'	5' each side	10'	70%	635' above average building elevation.	C	D	See KZC 105.25.	1. The following regulations apply to veterinary offices only: a. May only treat small animals on the subject property. b. Outside runs and other outside facilities for the animals are not permitted. c. Site must be designed so that noise from this use will not be audible off the subject property. A certification to this effect, signed by an acoustical engineer, must be submitted with the development permit application. 2. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.
.070	Attached or Stacked Dwelling Units See Gen. Reg. 2.				5' each side See Spec. Reg. 3.	10' See Spec. Reg. 4.		65' above average building elevation.	D	A		1. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. 2. At least 10 percent of the units provided in new residential developments of four units or greater shall be affordable housing units, as defined in Chapter 5 KZC. See Chapter 112 KZC for additional affordable housing requirements and incentives. 3. The side yard may be reduced to zero feet if the side of the dwelling unit is attached to a dwelling unit on an adjoining lot. If one side of a dwelling unit is so attached and the opposite side is not, the side that is not attached must provide a minimum side yard of five feet. 4. The rear yard may be reduced to zero feet if the rear of the dwelling unit is attached to a dwelling unit on an adjoining lot.
.080	Development containing attached or stacked dwelling units and offices, restaurants or taverns, or retail uses allowed in this zone. See Gen. Reg. 2. See Spec. Reg. 1.	D.R., Chapter 142 KZC. See Gen. Reg. 8.	None	10'	5' each side. See Spec. Reg. 6.	10' See Spec. Reg. 7.	70%	65' above average building elevation.	B	E	See KZC 105.25.	1. A veterinary office is not permitted in any development containing dwelling units. 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. 3. Ancillary assembly and manufactured goods on the premises of this use are permitted only if: a. The assembled or manufactured goods are subordinate and directly related to and dependent on this use, and are available for purchase and removal from the premises. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail or office uses. 4. At least 10 percent of the units provided in new residential developments of four units or greater shall be affordable housing units, as defined in Chapter 5 KZC. See Chapter 112 KZC for additional affordable housing requirements and incentives. 5. The equivalent of the additional gross floor area constructed above 35 feet over ABE must be dedicated to residential use. Residential use may be located anywhere in the building above the ground floor. 6. The side yard may be reduced to zero feet if the side of the dwelling unit is attached to a dwelling unit on an adjoining lot. If one side of a dwelling unit is so attached and the opposite side is not, the side that is not attached must provide a minimum side yard of five feet. 7. The rear yard may be reduced to zero feet if the rear of the dwelling unit is attached to a dwelling unit on an adjoining lot.

.090	Private Lodge or Club See Gen. Reg. 2.				5' each side.	10'		635' above average building elevation.	C	B		
.100	School Day-Care Center, Mini-School or Mini-Day-Care Center See Gen. Reg. 2.	D.R., Chapter 142 KZC. See Gen. Reg. 8.	None	10'	5' on each side	10'	70%	635' above average building elevation.	D	B	See KZC 105.25.	1. A six-foot-high fence is required only along the property lines adjacent to the outside play areas. 2. Structured play areas must be set back from all property lines as follows: a. Twenty feet if this use can accommodate 50 or more students or children. b. Ten feet if this use can accommodate 13 to 49 students or children. c. Five feet for a Mini-School or Mini-Day-Care Center. 3. An on-site passenger loading area must be provided. The City shall determine the appropriate size of the loading areas on a case-by-case basis, depending on the number of attendees and the extent of the abutting right-of-way improvements. Carpooling, staggered loading/unloading time, right-of-way improvements or other means may be required to reduce traffic impacts on any nearby residential uses. 4. May include accessory living facilities for staff persons. 5. The location of parking and passenger loading areas shall be designed to reduce impacts on any nearby residential uses. ~~6. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).~~
.110	Assisted Living Facility Convalescent Center Nursing Home See Gen. Reg. 2.							645' above average building elevation.				1. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
.120	Public Utility See Gen. Reg. 2.				20' on each side	20'			A			1. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.
.130	Government Facility or Community Facility See Gen. Reg. 2.				10' on each side				C See Spec. Reg. 1			
.140	Public Park	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process.										

55.59 User Guide TL 9A.

The charts in KZC 55.61 contain the basic zoning regulations that apply in the TL 9A zone of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 55.60

Zone TL 9A

Section 55.60 – GENERAL REGULATIONS

The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provision of this code may apply to the subject property.

2. Except if adjoining a low density zone, structure height may be increased above ~~43~~5 feet in height through a Process IIA, Chapter 150 KZC, if:
   a. It will not block local or territorial views designated in the Comprehensive Plan;
   b. The increased height is not specifically inconsistent with the applicable neighborhood plan provisions of the Comprehensive Plan; and
   c. The required yard of any portion of the structure may be increased up to a maximum of one foot for each foot that any portion of the structure exceeds 35 feet above average building elevation. The need for additional setback yards will be determined as part of the review of any request to increase structure height.

   (Does not apply to Public Parks uses).

3. Retail uses are prohibited unless otherwise allowed in the use zone charts.

Section 55.61	USE ⇩ / REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.010	Packaging of Prepared Materials Manufacturing See Spec. Regs. 1 and 2.	None	None	120'	0'	0'	90%	435' above average building elevation.	A	C	1 per each 1,000 sq. ft. of gross floor area.	1. The following manufacturing uses are permitted: a. Food, drugs, stone, clay, glass, china, ceramics products, electrical equipment, scientific or photographic equipment, fabricated metal products; b. Fabricated metal products, but not fabrication of major structural steel forms, heavy metal processes, boiler making, or similar activities; c. Cold mix process only of soap, detergents, cleaning preparations, perfumes, cosmetics, or other toilet preparations; d. Packaging of prepared materials; e. Textile, leather, wood, paper and plastic products from pre-prepared material; and f. Other compatible uses which may involve manufacturing, processing, assembling, fabrication and handling of products, and research and technological processes. 2. May include as part of this use, accessory retail sales, office or service utilizing not more than 20 percent of the gross floor area. The landscaping and parking requirements for these accessory uses will be the same as for the primary use.
.020	A Retail Establishment Providing Storage Services									E	See KZC 105.25.	1. May include accessory living facilities for resident security manager.
.030	Warehouse Storage Service									C	1 per each 1,000 sq. ft. of gross floor area.	1. May include, as part of this use, accessory retail sales, office or service utilizing no more than 20 percent of the gross floor area. The landscaping and parking requirements for these accessory uses will be the same as for the primary use.
.040	Wholesale Trade											
.050	Industrial Laundry Facility											
.060	Wholesale Printing or Publishing											

.070	Wholesale Establishment or Contracting Services in Building Construction, Plumbing, Electrical, Landscaping, or Pest Control	None	None	120'	0'	0'	80%	435' above average building elevation.	B	E	1 per each 1,000 sq. ft. of gross floor area.	1. Outdoor storage for this use must be buffered as established in Chapter 95 KZC for Landscape Category A.
.080	A Retail Establishment Providing Banking and Related Financial Services							Same as primary use.			1 per each 300 sq. ft. of gross floor area.	1. This use is permitted if accessory to a primary use, and: a. It will not exceed 20 percent of the gross floor area of the building; b. The use is integrated into the design of the building; and c. There is no vehicle drive-in or drive-through.
.090	High Technology							45'above average building elevation..	A	D	If manufacturing, then 1 per each 1,000 sq. ft. of gross floor area. If office, then 1 per 300 sq. ft. of gross floor area. Otherwise, see KZC 105.25.	1. This use may include research and development, testing, assembly, repair or manufacturing or offices that support businesses involved in the pharmaceutical and biotechnology, communications and information technology, electronics and instrumentation, computers and software sectors. 2. May include as part of this use, accessory retail sales or service utilizing not more than 20 percent of the gross floor area. The landscaping and parking requirements for these accessory uses will be the same as for the primary use. 3. Refer to KZC 115.105 for provisions regarding outside use, activity and storage.
.100	Office Use	None	None	120'	0'	0'	70%	435' above average building elevation.	C See also Spec. Reg. 1a.	E	If a medical, dental, or veterinary office, then 1 per each 200 sq. ft. of gross floor area. Otherwise, 1 per each 300 sq. ft. of gross floor area.	1. The following regulations apply only to veterinary offices: a. If there are outdoor runs or other outdoor facilities for the animals, then use must comply with Landscape Category A. b. Outside runs and other outside facilities for the animals must be set back at least 10 feet from each property line and must be surrounded by a fence or wall sufficient to enclose the animals. See KZC 115.105, Outdoor Use, Activity and Storage, for further regulations.
.110	Auction House See Spec. Reg. 1.						80%		B		1 per each 300 sq. ft. of gross floor area.	1. Livestock auctions are not permitted. 2. Outdoor storage for this use must be buffered as established in Chapter 95 KZC for Landscaping Category A.
.120	Kennel			120'	0'	0'						1. Outside runs and other facilities for the animals must be set back at least 10 feet from each property line and must be surrounded by a fence or wall sufficient to enclose the animals. See KZC 115.105, Outdoor Use, Activity and Storage, for further regulations. 2. Must provide suitable shelter for the animals. 3. Must maintain a clean, healthful environment for the animals.
				See Spec. Reg. 1.								

.130	Day-Care Center See Spec. Reg. 1.	None	None	1~~2~~0'	0'	0'	80%	Same as primary use. ~~35' above average building elevation.~~	D	B	See KZC 105.25.	1. This use is permitted if accessory to a primary use, and: a. It will not exceed 20 percent of the gross floor area of the building; b. The use is integrated into the design of the building. 2. A six-foot-high fence is required along the property lines adjacent to the outside play areas. 3. Hours of operation may be limited to reduce impacts on nearby residential uses. 4. Structured play areas must be set back from all property lines as follows: a. Twenty feet if this use can accommodate 50 or more students or children. b. Ten feet if this use can accommodate 13 to 49 students or children. 5. An on-site passenger loading area may be provided. The City shall determine the appropriate size of the loading areas on a case-by-case basis, depending on the number of attendees and the extent of the abutting right-of-way improvements. Carpooling, staggered loading/unloading time, right-of-way improvements or other means may be required to reduce traffic impacts on any nearby residential uses. 6. May include accessory living facilities for staff persons. 7. The location of parking and passenger loading areas shall be designed to reduce impacts on any nearby residential uses. 8. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).
.140	Mini-Day-Care See Spec. Reg. 1.	None	None	1~~2~~0'	0'	0'	80%	Same as primary use. ~~35' above average building elevation.~~	D	B	See KZC 105.25.	1. This use is permitted if accessory to a primary use, and: a. It will not exceed 20 percent of the gross floor area of the building; b. The use is integrated into the design of the building. 2. A six-foot-high fence is required along the property lines adjacent to the outside play areas. 3. To reduce impacts on nearby residential uses, hours of operation of the use may be limited and parking and passenger loading areas relocated. 4. Structured play areas must be set back from all property lines by five feet. 5. An on-site passenger loading area may be required depending on the number of attendees and the extent of the abutting right-of-way improvements. 6. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses. 7. May include accessory living facilities for staff persons. 8. ~~These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).~~
.150	Recycling Center							45'above average building elevation.	A	C		1. May deal in metal cans, glass, and paper. Other materials may be recycled if the Planning Director determines that the impacts are no greater than those associated with recycling metal cans, glass, or paper. The individual will have the burden of proof in demonstrating similar impacts.
.160	Public Utility								C	B		1. Landscape Category A or B may be required depending on the type

.170	Government Facility Community Facility								See Spec. Reg. 1.			of use on the subject property and the impacts associated with the use on the nearby uses.
.180	Vehicle or Boat Repair, Services, Storage, or Washing								A	E		1. Outdoor vehicle or boat parking or storage areas must be buffered as required for a parking area in KZC 95.45. See KZC 115.105, Outdoor Use, Activity and Storage, for additional regulations. 2. Access from drive-through facilities must be approved by the Public Works Department. Drive-through facilities must be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served.
.190	Public Park	Development standards will be determined on case-by-case basis. See Chapter 49 KZC for required review process.										

55.65 User Guide.

The charts in KZC 55.69 contain the basic zoning regulations that apply in the TL 10A zone of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 55.67

Zone
TL 10A

Section 55.67 – GENERAL REGULATIONS

The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.

2. If any portion of a structure is adjoining a low density zone, then either:
   a. The height of that portion of the structure shall not exceed 20 feet above average building elevation; or
   b. The maximum horizontal facade shall not exceed 50 feet in width.
   See KZC 115.30, Distance Between Structures/Adjacency to Institutional Use, for further details.

3. Vehicular access to NE 124th Street should be limited and consolidated where possible. Properties with frontage on 113th Avenue NE must be accessed via 113th Avenue NE rather than NE 124th Street.

4. Development must retain and maintain the existing hill form and vegetation along the eastern boundary of the zone, north of 115th Avenue NE.

5. Any development activities requiring Design Review approval pursuant to KZC Section 142.15 shall be reviewed administratively (ADR), pursuant to KZC 142.25. Where gross floor area of an existing building is expanded by less than 10 percent, no design review is required.

6. A 50-foot-wide sight-obscuring landscaped buffer must be provided adjacent to any residential zone, except the TL 11 zone to the west.

7. Access for drive-through facilities must be approved by the Public Works Official. See Chapter 105 KZC for requirements.

8. Some development standards or design regulations may be modified as part of the design review process. See Chapters 92 and 142 KZC for requirements.

Section 55.69	USE ⇩ / REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.010	Wholesale trade, Wholesale printing or publishing, Manufacturing of electrical equipment, Manufacturing of scientific or photographic equipment, Packaging of prepared materials, Manufacturing of textile or leather products from pre-prepared material, Manufacturing of paper products from pre-prepared material, manufacturing of plastic products from pre-prepared material	D.R., Chapter 142 KZC. See Gen. Reg. 5.	None	1~~2~~0′	5′ but 2 side yards must equal at least 15′	10′	80%	See Spec. Reg. 3.	C	C	1 per each 1,000 sq. ft. of gross floor area.	1. Outdoor storage is prohibited. 2. The discharge of any substance that creates any impact detrimental to the environment or adjacent residents is not permitted. 3. Maximum building height for this use is as follows: a. If adjoining a residential zone other than TL 11, then 25 feet above average building elevation. b. South of either NE 120th Street or NE 118th Street, 35 feet above average building elevation. c. Elsewhere in this zone, 55~~2~~ feet above average building elevation. 4. Ancillary warehouse space associated with a listed permitted use is allowed.

Section 55.69	USE ⇩ / REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.020	Office Use High Technology	D.R., Chapter 142 KZC. See Gen. Reg. 5.	None	1~~2~~0′	5′ but 2 side yards must equal at least 15′	10′	80%	See Spec. Reg. 2.	C See Spec. Reg. 3.	D	If manufacturing, then 1 per each 1,000 sq. ft. of gross floor area. If office, then 1 per each 300 sq. ft. of gross floor area. If a medical, dental, or veterinary office, then 1 per each 200 sq. ft. of gross floor area. Otherwise, see KZC 105.25.	1. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses. 2. Maximum building height for this use is as follows: a. If adjoining a residential zone other than TL 11, then 25 feet above average building elevation. b. South of either NE 120th Street or NE 118th Street, 35 feet above average building elevation. c. Elsewhere in this zone, 55~~2~~ feet above average building elevation. 3. Outdoor storage is prohibited. 4. The following regulations apply only to veterinary offices: a. If there are outdoor runs or other outdoor facilities for the animals, then use must comply with Landscape Category A. b. Outdoor runs and other outdoor facilities for the animals must be set back at least 10 feet from each property line and must be surrounded by a fence or wall sufficient to enclose the animals. See KZC 115.105, Outdoor Use, Activity and Storage, for further regulations.
.030	Restaurant or Tavern See Spec. Reg. 1.			10′	0′	0′		55′ above average building elevation.~~35′ above average building elevation.~~	B	E	1 per 100 sq. ft. of gross floor area.	1. This use is only allowed on parcels with frontage on NE 124th Street, unless the restaurant existed prior to December 31, 2005, as an accessory use to a permitted primary use. 2. For restaurants with drive-in or drive-through facilities: a. One outdoor waste receptacle shall be provided for every eight parking stalls. b. Access for drive-through facilities shall be approved by the Public Works Department. Drive-through facilities shall be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served.

Section 55.69	USE ⇩ / REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.040	Any Retail Establishment other than those specifically listed in this zone, selling goods, or providing services including banking and related financial services. See Spec. Regs. 1 and 2.	D.R., Chapter 142 KZC. See Gen. Reg. 5.	None	10′	0′	0′	80%	55′ above average building elevation.~~35′ above average building elevation.~~	B	E	1 per each 300 sq. ft. of gross floor area.	1. This use is only allowed on parcels with frontage on NE 124th Street. 2. The following uses and activities are prohibited: a. The sale, service, and/or rental of motor vehicles, sailboats, motor boats, and recreational trailers are not permitted; provided, that motorcycle sales, service, or rental is permitted if conducted indoors. b. Retail establishments providing storage services unless accessory to another permitted use. c. Storage and operation of heavy equipment except normal delivery vehicles associated with retail uses. d. Outdoor storage of bulk commodities unless the square footage of the storage area is less than 10 percent of the retail structure. 3. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The assembled or manufactured goods are subordinate to and dependent upon this use, and are available for purchase and removal from the premises. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail uses. ~~4. A delicatessen, bakery, or other similar use may include, as part of the use, accessory seating if:~~ ~~a. The seating and associated circulation area does not exceed more than 10 percent of the gross floor area of the use; and~~ ~~b. It can be demonstrated to the City that the floor plan is designed to preclude the seating area from being expanded.~~
.050	Hotel or Motel							5~~52~~′ above average building elevation.			1 per each room. See also Spec. Reg. 3.	1. This use is only allowed on parcels with frontage on NE 124th Street. 2. May include ancillary meeting and convention facilities. 3. Excludes parking requirements for ancillary meeting and convention facilities. Additional parking requirement for these ancillary uses shall be determined on a case-by-case basis.

Section 55.69	USE ⇩ / REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.060	Convalescent Center or Nursing Home			1~~2~~0′				See Spec. Reg. 2.		A	1 per bed.	1. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use. 2. Maximum building height for this use is as follows: a. If adjoining a residential zone other than TL 11, then 25 feet above average building elevation. b. South of either NE 120th Street or NE 118th Street, 35 feet above average building elevation. c. Elsewhere in this zone, 55~~2~~ feet above average building elevation.
.070	School, Day-Care Center, Mini-School or Mini-Day-Care Center	D.R., Chapter 142 KZC. See Gen. Reg. 5.	None	1~~2~~0′	0′	0′	80%	~~If adjoining a residential zone other than TL 11, then 25′ above average building elevation. Otherwise, 35′ above average building elevation.~~See Spec. Reg. 6.	D	B	See KZC 105.25.	1. A six-foot-high fence is required only along the property lines adjacent to the outside play areas. 2. Structured play areas must be set back from all property lines as follows: a. Twenty feet if this use can accommodate 50 or more students or children. b. Ten feet if this use can accommodate 13 to 49 students or children. c. Five feet for a Mini-School or Mini-Day-Care Center. 3. An on-site passenger loading area must be provided. The City shall determine the appropriate size of the loading areas on a case-by-case basis, depending on the number of attendees and the extent of the abutting right-of-way improvements. Carpooling, staggered loading/unloading time, right-of-way improvements or other means may be required to reduce traffic impacts on any nearby residential uses. 4. May include accessory living facilities for staff persons. 5. The location of parking and passenger loading areas shall be designed to reduce impacts on any nearby residential uses. 6. Maximum building height for this use is as follows: a. If adjoining a residential zone other than TL 11, then 25 feet above average building elevation. b. South of either NE 120th Street or NE 118th Street, 35 feet above average building elevation. c. Elsewhere in this zone, 55 feet above average building elevation.

Section 55.69	USE ⇩ / REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
												6. ~~These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).~~
.080	Church				5′ but 2 side yards must equal at least 15′	10′		See Spec. Reg. 2.	C		1 for every 4 people based on maximum occupancy load of any area of worship. See Spec. Reg. 1.	1.No parking is required for day-care or school ancillary to the use. 2.. Maximum building height for this use is as follows: a. If adjoining a residential zone other than TL 11, then 25 feet above average building elevation. b. South of either NE 120th Street or NE 118th Street, 35 feet above average building elevation. c. Elsewhere in this zone, 55 feet above average building elevation.
.090	Public Utility							See Spec. Reg. 3.	A		See KZC 105.25.	1. Outdoor uses are not permitted. 2. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses. 3.. Maximum building height for this use is as follows: a. If adjoining a residential zone other than TL 11, then 25 feet above average building elevation.
.100	Government Facility or Community Facility								C See Spec. Reg. 2.			

Section 55.69	USE ⇩ / REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
												b. South of either NE 120th Street or NE 118th Street, 35 feet above average building elevation. c. Elsewhere in this zone, 55 feet above average building elevation.
.110	Public Park	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process.										

55.71 User Guide.

The charts in KZC 55.75 contain the basic zoning regulations that apply in the TL 10B zone of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 55.73

Zone
TL 10B

Section 55.73 – GENERAL REGULATIONS

The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.

2. If any portion of a structure is adjoining a low density zone, then either:
   a. The height of that portion of the structure shall not exceed 20 feet above average building elevation; or
   b. The maximum horizontal facade shall not exceed 50 feet in width.
   See KZC 115.30, Distance Between Structures/Adjacency to Institutional Use, for further details.

3. ~~The ability to accommodate new development in the TL 10B zone is dependent upon the extension of 118th Avenue NE to NE 116th Street as shown on Plate 34C, Chapter 180 KZC. Consistent with and to the extent authorized by applicable statutes and court decisions, N~~new development on properties across which the planned extension of 118th Avenue NE to NE 116th Street is located, as shown on Plate 34C, Chapter 180 KZC ~~this street in whole or in part extends~~, shall contribute to the creation of the street as follows:
   a. With all new development, the portions of this street crossing the subject property shall be dedicated as public right-of-way consistent with Plate 34C; and
   b. ~~With all new development exceeding 35 feet in height, t~~The street shall be improved as determined by the Public Works Director.~~-~~ Minor deviations in the location and width of the street may be approved by the Public Works Director if the deviations will not negatively affect the functioning of the street.

~~4. Maximum allowable building height may be increased to 45 feet above average building elevation on parcels where dedication for the road is provided. Additional height increases beyond 45 feet above A.B.E. may be allowed for certain uses, as authorized in the Use Zone Chart.~~

4~~5~~. Vehicular access to NE 116th is permitted only via 118th Avenue NE, or if the subject property does not have access to 118th Avenue NE. (Does not apply to Public Park use).

5~~6~~. Any development activities requiring Design Review approval pursuant to KZC Section 142.15 shall be reviewed administratively (ADR), pursuant to KZC 142.25. Where gross floor area of an existing building is expanded by less than 10 percent, no Design Review is required.

6~~7~~. Development must be designed to retain the existing hill along NE 116th Street and retain, at a minimum, 25 percent of the viable significant trees. The City may require greater than 25 percent depending on the location and clustering of trees.
(Does not apply to Public Park use).

Section 55.75	USE ⇩ REGULATIONS	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS								
		Required Review Process	MINIMUMS		MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARD (See Ch. 115)	Lot Coverage	Height of Structure				

7~~8~~. Some development standards or design regulations may be modified as part of the design review process. See Chapters 92 and 142 KZC for requirements.

Section 55.75	USE ⇩ REGULATIONS	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARD (See Ch. 115)		Lot Coverage	Height of Structure				

Section 55.75	USE ⇩ REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.010	Attached or Stacked Dwelling Units See Spec. Reg. 1.	D.R., Chapter 142 KZC. See Gen. Reg. 5~~6~~.	None	1~~2~~0'	5' but 2 side yards must equal at least 15'. See Spec. Reg. 4.	10' See Spec. Reg. 5.	70%	~~35' to~~ 6~~5~~0' above average building elevation ~~See Gen. Reg.4 and Spec. Reg. 2.~~	D	A	1.7 per unit.	1. This use is permitted only on parcels located west of the 118th Avenue NE right-of-way alignment (see Plates 36 and 37, Chapter 180). 2. ~~Maximum building height may be increased from 35 feet to 60 feet if~~ A~~a~~t least 10 percent of the units provided in new residential developments of four units or greater shall be~~are~~ affordable housing units, as defined in Chapter 5 KZC. See Chapter 112 KZC for additional affordable housing requirements and incentives. 3. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. 4. The side yard may be reduced to zero feet if the side of the dwelling unit is attached to a dwelling unit on an adjoining lot. If one side of a dwelling unit is so attached and the opposite side is not, the side that is not attached must provide a minimum side yard of five feet. 5. The rear yard may be reduced to zero feet if the rear of the dwelling unit is attached to a dwelling unit on an adjoining lot.

Section 55.75	USE ⇩ REGULATIONS	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage	Height of Structure				
.020	Manufacturing See Spec. Reg. 1.	D.R., Chapter 142 KZC. See Gen. Reg.5~~6~~.	None	20'	0'	0'	70%	35' above average building elevation. ~~See Gen. Reg.4.~~	A	C	1 per each 1,000 sq. ft. of gross floor area.	1. The following manufacturing uses are permitted: a. Food, drugs, stone, clay, glass, china, ceramic products, electrical equipment, scientific or photographic equipment; b. Fabricated metal products, but not fabrication of major structural steel forms, heavy metal processes, boiler making, or similar activities; c. Cold mix process only of soap, detergents, cleaning preparations, perfumes, cosmetics, or other toilet preparations; d. Packaging of prepared materials; e. Textile, leather, wood, paper and plastic products from pre-prepared material; and f. Other compatible uses which may involve manufacturing, processing, assembling, fabrication and handling of products, and research and technological processes. 2. Outdoor fabrication is not permitted. Outdoor storage must be located as far as possible from the adjoining residential zones and the freeway. 3. May include as part of this use accessory retail sales, office or service occupying not more than 20 percent of the gross floor area. The landscaping and parking requirements for these accessory uses will be the same as for the primary use. 4. The structure containing the use shall have been in existence on December 31, 2005, and shall not be altered, changed, or otherwise modified to accommodate the use if the cost of such alteration, change, or modification exceeds 30 percent of the replacement cost of that building. However, expansion of the floor area of this use may not exceed 20 percent of the existing gross floor area of the building. 5. The use must be discontinued when there is an alteration, change, or other work in a consecutive 12-month period to the space in which the use is located, and the cost of the alteration, change or other work exceeds 30 percent of the replacement cost of that space. 6. Refer to KZC 115.105 for provisions regarding Outdoor Use, Activity and Storage.
.030	Warehouse Storage Services											
.040	Wholesale Trade	D.R.,	None	20'	0'	0'	70%	35' above average	A	C	1 per each	1. Outdoor fabrication is not permitted. Outdoor storage must be

Section 55.75	USE ⇩ REGULATIONS	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage	Height of Structure				
.050	Industrial Laundry Facility	Chapter 142 KZC. See Gen. Reg. 5~~6~~.						building elevation. ~~See Gen. Reg. 4.~~			1,000 sq. ft. of gross floor area.	located as far as possible from the adjoining residential zones and the freeway. 2. May include as part of this use, accessory retail sales, office or service occupying not more than 20 percent of the gross floor area. The landscaping and parking requirements for these accessory uses will be the same as for the primary use. 3. The structure containing the use shall have been in existence on December 31, 2005, and shall not be altered, changed, or otherwise modified to accommodate the use if the cost of such alteration, change, or modification exceeds 30 percent of the replacement cost of that building. However, expansion of the floor area of this use may not exceed 20 percent of the existing gross floor area of the building. 4. The use must be discontinued when there is an alteration, change, or other work in a consecutive 12-month period to the space in which the use is located, and the cost of the alteration, change or other work exceeds 30 percent of the replacement cost of that space. 5. Refer to KZC 115.105 for provisions regarding Outdoor Use, Activity and Storage.
.060	Wholesale Printing or Publishing											
.070	Wholesale Establishment or Contracting Services in Building Construction, Plumbing, Electrical, Landscaping, or Pest Control								B			
.080	Office Use							~~40' to~~ 55' above average building elevation. ~~See Spec. Reg. 1 and Gen. Regs. 3 and 4~~.	C	D	If a medical, dental, or veterinary office, then 1 per each 200 sq. ft. of gross floor area. Otherwise, 1 per each 300 sq. ft. of gross floor area.	~~1. Maximum building height may be increased from 40 feet to 55 feet above average building elevation on parcels where dedication for the road is provided, pursuant to General Regulations 3 and 4.~~ 1~~2~~. The following regulations apply only to veterinary offices: a. Outdoor runs or other outdoor facilities for the animals must comply with Landscape Category A. b. Outside runs and other outside facilities for the animals must be set back at least 10 feet from each property line and must be surrounded by a fence or wall sufficient to enclose the animals. See KZC 115.105, Outdoor Use, Activity and Storage, for further regulations. 2~~3~~. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from

Section 55.75	USE ⇩ REGULATIONS	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage	Height of Structure				
												other office uses.
.090	High Technology	D.R., Chapter 142 KZC. See Gen. Reg.5~~ 6~~.	None	10'~~20~~'	0'	0'	70%	~~40' to~~ 55' above average building elevation. ~~See Spec. Reg. 1 and Gen. Regs. 3 and 4~~.	C See Spec. Reg. 34.	D	If manufacturing, then 1 per each 1,000 sq. ft. of gross floor area. If office, then 1 per 300 sq. ft. of gross floor area. Otherwise, see KZC 105.25.	~~1. Maximum building height may be increased from 40 feet to 55 feet above average building elevation on parcels where dedication for the road is provided, pursuant to General Regulations 3 and 4.~~ 1~~2~~. This use may include research and development, testing, assembly, repair or manufacturing or offices that support businesses involved in the pharmaceutical and biotechnology, communications and information technology, electronics and instrumentation, computers and software sectors. 2~~3~~. Refer to KZC 115.105 for provisions regarding outside use, activity and storage. 3~~4~~. Any outdoor storage area shall be buffered according to Landscape Category A.

Section 55.75	USE ⇩ REGULATIONS	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage	Height of Structure				
	Vehicle or Boat Repair, Services, Washing or Rental See Spec. Reg. 1.	D.R., Chapter 142 KZC. See Gen. Reg. 5	None.					55' above average building elevation.	C. See Spec. Reg. 3.	E	See KZC 105.25.	1. The use is permitted only on parcels that abut 120th Avenue NE. 2. Outdoor vehicle or boat parking or storage areas must be buffered as required for a parking area in KZC 95.45. See KZC 115.105, Outdoor Use, Activity and Storage, for additional regulations. 3. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.
.100	Mini-Day-Care See Spec. Reg. 6~~8~~.							5~~3~~5' above average building elevation. ~~See Gen. Reg. 4~~.	D	B	See KZC 105.25.	1. A six-foot-high fence is required along the property lines adjacent to the outside play area. 2. Hours of operation may be limited to reduce impacts on nearby residential uses. 3. Structured play areas must be set back from all property lines by five feet. 4. An on-site passenger loading area may be required depending on the number of attendees and the extent of the abutting right-of-way improvements. 5. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses. 6. May include accessory living facilities for staff persons. ~~7. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).~~ 7.8. This use is permitted if accessory to a primary use, and: a. It will not exceed 20 percent of the gross floor area of the building; and b. The use is integrated into the design of the building.

Section 55.75	USE ⇩ REGULATIONS	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage	Height of Structure				
.110	Church	D.R., Chapter 142 KZC. See Gen. Reg. 5~~6~~.	None	1~~2~~0'	0'	0'	70%	5~~3~~5' above average building elevation. ~~See Gen. Reg. 4.~~	C	B	1 for every 4 people based on maximum occupancy load of any area of worship. See Special Regulation 2.	1. May include accessory living facilities for staff persons. 2. No parking is required for day-care or school ancillary to the use.
.120	A Retail Establishment providing storage services See Spec. Reg. 3.								A	E	See KZC 105.25.	1. May include accessory living facilities for staff persons. 2. Outdoor storage must be located as far as possible from the adjoining residential zones and the freeway. 3. This use is only allowed east of the 118th Avenue NE right-of-way alignment and its future extension to NE 116th Street (see Plate 36).
.130	Public Utility									B		1. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.
.140	Government Facility or Community Facility								C See Spec. Reg. 1			
.150	Public Park	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review proposals.										
.160	School or Day-Care Center	D.R., Chapter 142 KZC. See Gen. Reg. 5~~6~~.	None	If this use can accommodate 50 or more students or children, then: 50′ 50′ on each side 50′ If this use can accommodate 13 to 49 students or children, then:			70%	5~~3~~5′ above average building elevation. ~~See Gen. Reg. 4.~~	C	B	See KZC 105.25.	1. A six-foot-high fence along the side and rear property lines is required only along the property lines adjacent to the outside play areas. 2. Hours of operation and maximum number of attendees at one time may be limited to reduce impacts on nearby residential uses. 3. Structured play areas must be set back from all property lines as follows: a. Twenty feet if this use can accommodate 50 or more students or children. b. Ten feet if this use can accommodate 13 to 49 students or children. c. Otherwise, five feet.

Section 55.75	USE ⇩ REGULATIONS	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS								
		Required Review Process	MINIMUMS		MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARD (See Ch. 115)	Lot Coverage	Height of Structure				
				20′ 20′ on each side 20′ Otherwise: 20′ 5′ but 2 side yards must equal at least 15′ 10′						4. An on-site passenger loading area must be provided. The City shall determine the appropriate size of the loading area on a case-by-case basis, depending on the number of attendees and the extent of the abutting right-of-way improvements. Carpooling, staggered loading/unloading time, right-of-way improvements or other means may be required to reduce traffic impacts on nearby residential uses. 5. The location of parking and passenger loading areas shall be designed to reduce impacts on any nearby residential uses. 6. Electrical signs shall not be permitted. 7. May include accessory living facilities for staff persons. ~~8. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).~~

55.77 User Guide.

The charts in KZC 55.81 contain the basic zoning regulations that apply in the TL 10C zone of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 55.79

Zone
TL 10C

Section 55.79 – GENERAL REGULATIONS

The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provision of this code may apply to the subject property.

2. Access for drive-through facilities must be approved by the Public Works Official. See Chapter 105 KZC for requirements.

3. When a permitted use is included as an accessory use within the structure of a primary use with a taller height limit, the height limit for the primary use applies.

4. Some development standards or design regulations may be modified as part of the design review process. See Chapters 92 and 152 KZC for requirements.

5. The review process for development in this zone is as follows:
   a. Where property does not abut a public right-of-way, including the Cross Kirkland Corridor, any structures up to 30 feet in height which require Design Review approval pursuant to KZC 142.15 shall be reviewed administratively (ADR), pursuant to KZC 142.25. Where gross floor area of an existing building is expanded by less than 10 percent, no design review is required.
   b. Otherwise, as set forth in Chapter 142 KZC.

Section 55.81	USE ⇩ / REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.010	Attached or Stacked Dwelling Units See Spec. Reg. 1.	D.R., Chapter 142 KZC (See Gen. Reg. 5)	None	1~~2~~0'	5' but 2 side yards must equal at least 15'. See Spec. Reg. 5.	10' See Spec. Reg. 6.	80%	Where adjoining a low density zone, 30' above average building elevation. Otherwise, up to 6~~5~~5' above average building elevation. See Spec. Reg. 3.	D	A	1.7 per unit.	1. This use is permitted as a freestanding development only in locations identified on Plate 37 as "Stand-Alone Housing Areas" (see Plate 37, Chapter 180). If developed in a mixed-use project with three stories of office or high technology use, it may be located throughout the TL 10C zone. 2. At least 10 percent of the units provided in new residential developments of four units or greater shall be affordable housing units, as defined in Chapter 5 KZC. See Chapter 112 KZC for additional affordable housing requirements and incentives. 3. No portion of a structure may exceed the following heights above the elevation of NE 116th Street, as measured at the midpoint of the frontage of the subject property on NE 116th Street: a. Within 20 feet of NE 116th Street, 35 feet. b. Within 30 feet of NE 116th Street, 45 feet. c. Within 40 feet of NE 116th Street, 6~~5~~5 feet. 4. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. 5. The side yard may be reduced to zero feet if the side of the dwelling unit is attached to a dwelling unit on an adjoining lot. If one side of a dwelling unit is so attached and the opposite side is not, the side that is not attached must provide a minimum side yard of five feet. 6. The rear yard may be reduced to zero feet if the rear of the dwelling unit is attached to a dwelling unit on an adjoining lot.
.020	Warehouse Storage Service	D.R., Chapter 142 KZC (See Gen. Reg. 5)	None	20'	5' but 2 side yards must equal at least	10'	80%	Where adjoining a low density zone, 30' above average building elevation. Otherwise, up to 35' above average building elevation.	D	C	1 per each 1,000 sq. ft. of gross floor area.	1. May include, as part of this use, accessory retail sales, office or service occupying no more than 20 percent of the gross floor area. The landscaping and parking requirements for these accessory uses will be the same as for the primary use. 2. The structure containing the use shall have been in existence on December 31, 2005, and shall not be altered, changed, or otherwise modified to accommodate the use if the cost of such
.030	Wholesale Trade											
.040	Industrial Laundry Facility											

Section 55.81	USE ⇩ / REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.050	Wholesale Printing or Publishing				15'							alteration, change, or modification exceeds 30 percent of the replacement cost of that building. However, expansion of the floor area of this use may not exceed 20 percent of the existing gross floor area of the building. 3. The use must be discontinued when there is an alteration, change, or other work in a consecutive 12-month period to the space in which the use is located, and the cost of the alteration, change or other work exceeds 30 percent of the replacement cost of that space. 4. Refer to KZC 115.105 for provisions regarding outdoor use, activity and storage.
.060	Wholesale Establishment or Contracting Services in Building Construction, Plumbing, Electrical, Landscaping, or Pest Control				0'	0'		Where adjoining a low density zone, 30' above average building elevation. Otherwise, 35' above average building elevation.	B	E		1. May include, as part of this use, accessory retail sales, office or service occupying no more than 20 percent of the gross floor area. The landscaping and parking requirements for these accessory uses will be the same as for the primary use. 2. Outdoor storage for this use must be buffered as established in Chapter 95 KZC for Landscaping Category A. 3. The structure containing the use shall have been in existence on December 31, 2005, and shall not be altered, changed, or otherwise modified to accommodate the use if the cost of such alteration, change, or modification exceeds 30 percent of the replacement cost of that building. However, expansion of the floor area of this use may not exceed 20 percent of the existing floor area of the building. 4. The use must be discontinued when there is an alteration, change, or other work in a consecutive 12-month period to the space in which the use is located, and the cost of the alteration, change or other work exceeds 30 percent of the replacement cost of that space. 5. Refer to KZC 115.105 for provisions regarding outdoor use, activity and storage.

Section 55.81	USE ⇩ / REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.070	A Retail Establishment providing banking and related financial services	D.R., Chapter 142 KZC (See Gen. Reg. 5)	None	1~~2~~0'	0'	0'	80%	Same as primary use. ~~Where adjoining a low density zone, 30' above average building elevation. Otherwise, 35' above average building elevation.~~	B	E	1 per each 300 sq. ft. of gross floor area.	1. This use is permitted if accessory to a primary use, and: a. It will not exceed 20 percent of the gross floor area of the building; b. It will not be located in a separate structure from the primary use; c. It will not exceed 50 percent of the ground floor area of the building; d. The use is integrated into the design of the building; and e. There is no vehicle drive-in or drive-through.
.080	Office Use							Where adjoining a low density zone, then 30' above average building elevation. Otherwise, 4~~0~~50' above average building elevation. See also Spec. Regs. 2 and 3.	C See also Spec. Reg. 1a.	D	If medical, dental or veterinary office, then 1 per each 200 sq. ft. of gross floor area. Otherwise, 1 per each 300 sq. ft. of gross floor area.	1. The following regulations apply only to veterinary offices: a. If there are outdoor runs or other outdoor facilities for the animals, then use must comply with Landscape Category A. b. Outside runs and other outside facilities for the animals must be set back at least 10 feet from each property line and must be surrounded by a fence or wall sufficient to enclose the animals. See KZC 115.105, Outdoor Use, Activity and Storage, for further regulations. 2. When three stories of this use are developed in a mixed-use project with attached or stacked dwelling units, building height may be increased by 10 feet per floor of residential use, not to exceed 6~~5~~5 feet above average building elevation. 3. No portion of a structure may exceed the following heights above the elevation of NE 116th Street, as measured at the midpoint of the frontage of the subject property on NE 116th Street: a. Within 20 feet of NE 116th Street, 35 feet. b. Within 30 feet of NE 116th Street, 45 feet. c. Within 40 feet of NE 116th Street, 55 feet.

Section 55.81	USE ⇩ / REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.090	High Technology	D.R., Chapter 142 KZC (See Gen. Reg. 5)	None	1~~2~~0'	0'	0'	80%	Where adjoining a low density zone, then 30' above average building elevation. Otherwise, 4~~0~~50' above average building elevation. See also Spec. Regs. 2 and 3.	A	D	If manufacturing, then 1 per each 1,000 sq. ft. of gross floor area. If office, then 1 per 300 sq. ft. of gross floor area. Otherwise, see KZC 105.25.	1. This use may include research and development, testing, assembly, repair or manufacturing or offices that support businesses involved in the pharmaceutical and biotechnology, communications and information technology, electronics and instrumentation, computers and software sectors. 2. When three stories of this use are developed in a mixed-use project with attached or stacked dwelling units, building height may be increased by 10 feet per floor of residential use, not to exceed 6~~5~~5 feet above average building elevation. 3. No portion of a structure may exceed the following heights above the elevation of NE 116th Street, as measured at the midpoint of the frontage of the subject property on NE 116th Street: a. Within 20 feet of NE 116th Street, 35 feet. b. Within 30 feet of NE 116th Street, 45 feet. c. Within 40 feet of NE 116th Street, 55 feet. 4. May include, as part of this use, accessory retail sales or service occupying not more than 20 percent of the gross floor area. The landscaping and parking requirements for these accessory uses will be the same as for the primary use. 5. Refer to KZC 115.105 for provisions regarding outside use, activity and storage.

Section 55.81	USE ⇩ / REGULATIONS ⇨	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARD (See Ch. 115) Front	Side	Rear	MAXIMUMS: Lot Coverage	Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
		DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
.100	School, Day-Care Center, Mini-School or Mini-Day-Care Center See Spec. Reg. 1.	D.R., Chapter 142 KZC (See Gen. Reg. 5)	None	1~~2~~0 See Spec. Reg. 4.'	0'	0'	80%	Same as primary use. ~~Where adjoining a low density zone, then 30' above average building elevation. Otherwise 35' above average building elevation.~~	D	B	See KZC 105.25.	1. This use is permitted if accessory to a primary use, and: a. It will not exceed 20 percent of the gross floor area of the building; b. The use is integrated into the design of the building. 2. A six-foot-high fence is required along the property lines adjacent to the outside play areas. 3. Hours of operation may be limited to reduce impacts on nearby residential uses. 4. Structured play areas must be set back from all property lines as follows: a. Twenty feet if this use can accommodate 50 or more students or children. b. Ten feet if this use can accommodate 13 to 49 students or children. c. Five feet for a Mini-School or Day-Care Center. 5. An on-site passenger loading area may be provided. The City shall determine the appropriate size of the loading areas on a case-by-case basis, depending on the number of attendees and the extent of the abutting right-of-way improvements. Carpooling, staggered loading/unloading time, right-of-way improvements or other means may be required to reduce traffic impacts on any nearby residential uses. 6. May include accessory living facilities for staff persons. 7. ~~These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).~~
.110	Public Utility			1~~2~~0'				Where adjoining a low density zone, then 30' above average building elevation. Otherwise, 45' above average building elevation. See also Spec. Regs. 2 and 3.	C See Spec. Reg. 1.			1. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses. 2. When three stories of this use are developed in a mixed-use project with attached or stacked dwelling units, building height may be increased by 10 feet per floor of residential use, not to exceed 65 feet above average building elevation. 3. No portion of a structure may exceed the following heights above the elevation of NE 116th Street, as measured at the midpoint of the frontage of the subject property on NE 116th Street:
.120	Government Facility Community Facility											

Section 55.81	USE ⇩ REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
												a. Within 20 feet of NE 116th Street, 35 feet. b. Within 30 feet of NE 116th Street, 45 feet. c. Within 40 feet of NE 116th Street, 55 feet.
.130	Vehicle or boat sales, repair, services, washing or rental See Spec. Reg. 1.							Where adjoining a low density zone, then 30' above average building elevation. Otherwise, 45' above average building elevation.	A	E		1. Vehicle or boat sales or rental uses are only permitted if the property abuts NE 116th Street. 2. Outdoor vehicle or boat parking or storage areas must be buffered as required for a parking area in KZC 95.45. See KZC 115.105, Outdoor Use, Activity and Storage, for additional regulations.
.140	Restaurant or Tavern See Spec. Reg. 1.	D.R., Chapter 142 KZC (See Gen. Reg. 5)	None		0'	0'	80%	Same as primary use. ~~Where adjoining a low density zone, then 30' above average building elevation. Otherwise 35' above average building elevation.~~	B	E	1 per each 100 sq. ft. of gross floor area.	1. This use is permitted if accessory to a primary use, and: a. It will not exceed 20 percent of the gross floor area of the building; b. It is not located in a separate structure from the primary use; c. The use is integrated into the design of the building; d. There is no vehicle drive-in or drive-through.
.150	Public Park	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process.										

Section 55.81	USE ⇩ / REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.160	Commercial Recreation Area and Use	D.R., Chapter 142 KZC (See Gen. Reg. 5)	None	20'	0'	0'	80%	Where adjoining a low density zone, 30' above average building elevation. Otherwise 35' above average building elevation.	A	E	See KZC 105.25.	~~1. The use is permitted only if the property is located between NE 107th Street (extended) and NE 116th Street; and between I-405 and 116th Avenue NE.~~ 1~~2~~. The use shall be conducted within a wholly enclosed building. 2~~3~~. The structure containing the use shall have been in existence on June 1, 2004, and shall not be altered, changed, or otherwise modified to accommodate the use if the cost of such alteration, change, or modification exceeds 30 percent of the replacement cost of that building. 3~~4~~. The use must be discontinued when there is an alteration, change, or other work in a consecutive 12-month period to the space in which the use is located, and the cost of the alteration, change or other work exceeds 30 percent of the replacement cost of that space.

55.83 User Guide.

The charts in KZC 55.87 contain the basic zoning regulations that apply in the TL 10D zone of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 55.85

Zone
TL 10D

Section 55.85 – GENERAL REGULATIONS

The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.

2. When a permitted use is included as an accessory use within the structure of a primary use with a taller height limit, the height limit for the primary use applies.

3. The review process for development in this zone is as follows:
   a. Where property does not abut a public right-of-way including the Cross Kirkland Corridor, structures up to 30 feet in height which require Design Review approval pursuant to KZC 142.15 shall be reviewed administratively (ADR), pursuant to KZC 142.25. Where gross floor area of an existing building is expanded by less than 10 percent, no design review is required.
   b. Otherwise, as set forth in Chapter 142 KZC.

Section 55.87	USE ⇩ / REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.010	Packaging of Prepared Materials Manufacturing See Spec. Regs. 1 and 2.	D.R., Chapter 142 KZC (See Gen. Reg. 3).	None	20'	0'	0'	80%	Where adjoining a low density zone, 30' above average building elevation. Otherwise, 35' above average building elevation.	A	C	1 per each 1,000 sq. ft. of gross floor area.	1. The following manufacturing uses are permitted: a. Food, drugs, stone, clay, glass, china, ceramics products, electrical equipment, scientific or photographic equipment; b. Fabricated metal products, but not fabrication of major structural steel forms, heavy metal processes, boiler making, or similar activities; c. Cold mix process only of soap, detergents, cleaning preparations, perfumes, cosmetics, or other toilet preparations; d. Packaging of prepared materials; e. Textile, leather, wood, paper and plastic products from pre-prepared material; and f. Other compatible uses which may involve manufacturing, processing, assembling, fabrication and handling of products, and research and technological processes. 2. May include, as part of this use, accessory retail sales, or service using not more than 20 percent of the gross floor area. The floor area of accessory office use is not limited. The landscaping and parking requirements for these accessory uses will be the same as for the primary use. 3. The structure containing the use shall have been in existence on December 31, 2005, and shall not be altered, changed, or otherwise modified to accommodate the use if the cost of such alteration, change, or modification exceeds 30 percent of the replacement cost of that building. However, expansion of the floor area of this use may not exceed 20 percent of the existing gross floor area of the building. 4. The use must be discontinued when there is an alteration, change, or other work in a consecutive 12-month period to the space in which the use is located, and the cost of the alteration, change or other work exceeds 30 percent of the replacement cost of that space. 5. Refer to KZC 115.105 for provisions regarding outdoor use, activity and storage.
.020	Warehouse Storage Service	D.R., Chapter	None	20'	0'	0'	80%	Where adjoining a low density zone, 30'	A	C	1 per each 1,000 sq. ft. of	1. May include, as part of this use, accessory retail sales, or service occupying no more than 20 percent of the gross floor area. The

.030	Wholesale Trade	142 KZC (See Gen. Reg. 3).						above average building elevation. Otherwise, 35' above average building elevation.			gross floor area.	landscaping and parking requirements for these accessory uses will be the same as for the primary use. 2. The structure containing the use shall have been in existence on December 31, 2005, and shall not be altered, changed, or otherwise modified to accommodate the use if the cost of such alteration, change, or modification exceeds 30 percent of the replacement cost of that building. However, expansion of the floor area of this use may not exceed 20 percent of the existing gross floor area of the building. 3. The use must be discontinued when there is an alteration, change, or other work in a consecutive 12-month period to the space in which the use is located, and the cost of the alteration, change or other work exceeds 30 percent of the replacement cost of that space. 4. Refer to KZC 115.105 for provisions regarding outdoor use, activity and storage.
.040	Industrial Laundry Facility											
.050	Wholesale Printing or Publishing											
.060	Wholesale Establishment or Contracting Services in Building Construction, Plumbing, Electrical, Landscaping, or Pest Control								B	E		1. May include, as part of this use, accessory retail sales, office or service occupying no more than 20 percent of the gross floor area. The landscaping and parking requirements for these accessory uses will be the same as for the primary use. 2. Outdoor storage for this use must be buffered as established in Chapter 95 KZC for Landscaping Category A. 3. The structure containing the use shall have been in existence on December 31, 2005, and shall not be altered, changed, or otherwise modified to accommodate the use if the cost of such alteration, change, or modification exceeds 30 percent of the replacement cost of that building. However, expansion of the floor area of this use may not exceed 20 percent of the existing gross floor area of the building. 4. The use must be discontinued when there is an alteration, change, or other work in a consecutive 12-month period to the space in which the use is located, and the cost of the alteration, change or other work exceeds 30 percent of the replacement cost of that space. 5. Refer to KZC 115.105 for provisions regarding outdoor use, activity and storage.
.070	A Retail Establishment providing banking and related financial services	D.R., Chapter 142 KZC (See Gen. Reg. 3).	None	1~~2~~0'	0'	0'	80%	Same as primary use. ~~Where adjoining a low density zone, 30' above average building elevation. Otherwise, 35' above average building elevation.~~	B	E	1 per each 300 sq. ft. of gross floor area.	1. This use is permitted if accessory to a primary use and: a. It will not exceed 20 percent of the gross floor area of the building; b. The use is integrated into the design of the building; c. It will not be located in a separate structure from the primary use; d. It will not exceed 50 percent of the ground floor area of the building; and e. There is no vehicle drive-in or drive-through.

.080	High Technology							Where adjoining a low density zone, 30' above average building elevation. Otherwise, 80' above average building elevation. See Spec. Reg. 1.	C See Spec. Reg. 5.	D	If manufacturing, then 1 per each 1,000 sq. ft. of gross floor area. If office, then 1 per 300 sq. ft. of gross floor area. Otherwise, see KZC 105.25.	1. If this use is located within the "Stand-Alone Housing Areas" (see Plate 37, Chapter 180), maximum building height is 65 feet above average building elevation. 2. This use may include research and development, testing, assembly, repair or manufacturing or offices that support businesses involved in the pharmaceutical and biotechnology, communications and information technology, electronics and instrumentation, computers and software sectors. 3. May include as part of this use, accessory retail sales or service occupying not more than 20 percent of the gross floor area. The landscaping and parking requirements for these accessory uses will be the same as for the primary use. 4. Refer to KZC 115.105 for provisions regarding outside use, activity and storage. 5. Any outdoor storage area must be buffered according to Landscape Category A.
.090	Office Use								C See also Spec. Reg. 2a.		If a medical, dental, or veterinary office, then 1 per each 200 sq. ft. of gross floor area. Otherwise, 1 per each 300 sq. ft. of gross floor area.	1. If this use is located within the "Stand-Alone Housing Areas" (see Plate 37, Chapter 180), maximum building height is 65 feet above average building elevation. 2. The following regulations apply only to veterinary offices: a. If there are outdoor runs or other outdoor facilities for the animals, then use must comply with Landscape Category A. b. Outside runs and other outside facilities for the animals must be set back at least 10 feet from each property line and must be surrounded by a fence or wall sufficient to enclose the animals. See KZC 115.105, Outdoor Use, Activity and Storage, for further regulations.
.100	Attached or Stacked Dwelling Units See Spec. Reg. 1.	D.R., Chapter 142 KZC (See Gen. Reg. 3).	None	120'	5', but 2 side yards must equal at least 15'. See Spec. Reg. 4.	0'	80%	Where adjoining a low density zone, 30' above average building elevation. Otherwise, 65' above average building elevation. See Spec. Reg. 1.	D	A	1.7 per unit.	1. This use is permitted as a free-standing development only in locations identified on Plate 37 as "Stand-Alone Housing Areas" (see Plate 37, Chapter 180). If developed in a mixed-use project with three stories of office or high technology use, it may be located throughout the TL 10D zone. 2. At least 10 percent of the units provided in new residential developments of four units or greater shall be affordable housing units, as defined in Chapter 5 KZC. See Chapter 112 KZC for additional affordable housing requirements and incentives. 3. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. 4. The side yard may be reduced to zero feet if the side of the dwelling unit is attached to a dwelling unit on an adjoining lot. If one side of a dwelling unit is so attached and the opposite side is not, the side that is not attached must provide a minimum side yard of five feet.

.110	Day-Care Center and Mini-Day-Care Center See Spec. Reg. 1.	D.R., Chapter 142 KZC (See Gen. Reg. 3).	None	1~~2~~0 See Spec. Reg. 4.'	0'	0'	80%	Same as primary use.~~Where adjoining a low density zone, 30' above average building elevation. Otherwise, 35' average building elevation.~~	D	B	See KZC 105.25.	1. This use is permitted if accessory to a primary use, and: a. It will not exceed 20 percent of the gross floor area of the building; b. The use is integrated into the design of the building. 2. A six-foot-high fence is required along the property lines adjacent to the outside play areas. 3. Hours of operation may be limited to reduce impacts on nearby residential uses. 4. Structured play areas must be set back from all property lines as follows: a. Twenty feet if this use can accommodate 50 or more students or children. b. Ten feet if this use can accommodate 13 to 49 students or children. c. Five feet for a Mini-Day-Care Center. 5. An on-site passenger loading area may be provided. The City shall determine the appropriate size of the loading areas on a case-by-case basis, depending on the number of attendees and the extent of the abutting right-of-way improvements. Carpooling, staggered loading/unloading time, right-of-way improvements or other means may be required to reduce traffic impacts on any nearby residential uses. 6. May include accessory living facilities for staff persons. 7. The location of parking and passenger loading areas shall be designed to reduce impacts on any nearby residential uses. 8.~~These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).~~
.120	Public Utility			10'				Where adjoining a low density zone, 30' above average building elevation. Otherwise, 80' above average building elevation. See Spec. Reg. 1	C See Spec. Reg. 1			1. If this use is located within the "Stand-Alone Housing Areas" (see Plate 37, Chapter 180), maximum building height is 65 feet above average building elevation. 2~~1~~.Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.
.130	Government Facility Community Facility											
.140	Restaurant or Tavern See Spec. Reg. 1.							Same as primary use.~~Where adjoining a low density zone, 30' above average building elevation. Otherwise, 35' average building elevation.~~	B	E	1 per each 100 sq. ft. of gross floor area.	1. This use is permitted if accessory to a primary use, and: a. It will not exceed 20 percent of the gross floor area of the building; b. It will not be located in a separate structure from the primary use; c. It will not exceed 50 percent of the ground floor area of the building; d. The use is integrated into the design of the building; and e. There is no vehicle drive-in or drive-through.

.150	Commercial Recreation Area and Use	D.R., Chapter 142 KZC (See Gen. Reg. 3).	None	20'	0'	0'	80%	Where adjoining a low density zone, 30' above average building elevation. Otherwise, 35' above average building elevation.	A	E	See KZC 105.25.	1. ~~The use is permitted only if the property is located between NE 107th Street (extended) and NE 116th Street; and between I-405 and 116th Avenue NE.~~ 1~~2~~. The use shall be conducted within a wholly enclosed building. 2~~3~~. The structure containing the use shall have been in existence on June 1, 2004, and shall not be altered, changed, or otherwise modified to accommodate the use if the cost of such alteration, change, or modification exceeds 30 percent of the replacement cost of that building. 3~~4~~. The use must be discontinued when there is an alteration, change, or other work in a consecutive 12-month period to the space in which the use is located, and the cost of the alteration, change or other work exceeds 30 percent of the replacement cost of that space.
.160	Public Park	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process.										

55.89 User Guide.

The charts in KZC 55.93 contain the basic zoning regulations that apply in the TL 10E zone of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 55.91

Zone
TL 10E

Section 55.91 – GENERAL REGULATIONS

The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.

2. Access for drive-through facilities must be approved by the Public Works Official. See Chapter 105 KZC for requirements.

3. When a permitted use is included as an accessory use within the structure of a primary use with a taller height limit, the height limit for the primary use applies.

4. Where a stream has been diverted into a pipe or culvert, development must not preclude future restoration of the stream to its historic corridor, removal of fish barriers, or the daylighting of the stream. The City may require the applicant to preserve 100 feet in width for the stream corridor. An increase in the allowable building height of 15 feet (beyond 100 feet of a low density zone), shall be extended to those parcels required to preserve land for stream restoration. The placement of buildings, driveways and parking areas shall be located to enable stream restoration to occur.

Section 55.93	USE ⇩ / REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.010	Packaging of Prepared Materials Manufacturing See Spec. Regs. 1 and 2.	D.R., Chapter 142 KZC	None	20′	0′	0′	80%	Where adjoining a low density zone, 30′ above average building elevation. Otherwise, 35′ above average building elevation.	A	C	1 per each 1,000 sq. ft. of gross floor area.	1. The following manufacturing uses are permitted: a. Food, drugs, stone, clay, glass, china, ceramics products, electrical equipment, scientific or photographic equipment; b. Fabricated metal products, but not fabrication of major structural steel forms, heavy metal processes, boiler making, or similar activities; c. Cold mix process only of soap, detergents, cleaning preparations, perfumes, cosmetics, or other toilet preparations; d. Packaging of prepared materials; e. Textile, leather, wood, paper and plastic products from pre-prepared material; and f. Other compatible uses which may involve manufacturing, processing, assembling, fabrication and handling of products, and research and technological processes. 2. May include as part of this use, accessory retail sales, or service occupying not more than 20 percent of the gross floor area. The landscaping and parking requirements for these accessory uses will be the same as for the primary use. 3. The structure containing the use shall have been in existence on December 31, 2005, and shall not be altered, changed, or otherwise modified to accommodate the use if the cost of such alteration, change, or modification exceeds 30 percent of the replacement cost of that building. However, expansion of the floor area of this use may not exceed 20 percent of the existing gross floor area of the building. 4. The use must be discontinued when there is an alteration, change, or other work in a consecutive 12-month period to the space in which the use is located, and the cost of the alteration, change or other work exceeds 30 percent of the replacement cost of that space.
.020	Warehouse Storage Service	D.R., Chapter 142 KZC	None	20′	0′	0′	80%	Where adjoining a low density zone, 30′ above average	A	C	1 per each 1,000 sq. ft. of gross floor area.	1. May include, as part of this use, accessory retail sales, or service occupying no more than 20 percent of the gross floor area. The landscaping and parking requirements for these accessory uses will be the same as for the primary use.

								building elevation. Otherwise, 35′ above average building elevation.				2. The structure containing the use shall have been in existence on December 31, 2005, and shall not be altered, changed, or otherwise modified to accommodate the use if the cost of such alteration, change, or modification exceeds 30 percent of the replacement cost of that building. However, expansion of the floor area of this use may not exceed 20 percent of the existing gross floor area of the building. 3. The use must be discontinued when there is an alteration, change, or other work in a consecutive 12-month period to the space in which the use is located, and the cost of the alteration, change or other work exceeds 30 percent of the replacement cost of that space.
.030	Wholesale Trade											
.040	Industrial Laundry Facility											
.050	Wholesale Printing or Publishing											
.060	A Retail Establishment providing banking and related financial services							Same as for primary use.			1 per each 300 sq. ft. of gross floor area.	1. This use is permitted if accessory to a primary use, and: a. It will not exceed 20 percent of the gross floor area of the building; b. It will not be located in a separate structure from the primary use; c. It will not exceed 50 percent of the ground floor area of the building; d. The use is integrated into the design of the building; and e. There is no vehicle drive-in or drive-through.
.070	Office Use			10′				Where adjoining a low density zone, then 50′ above average building elevation. Otherwise, 80′ above average building elevation.	C See also Spec. Reg. 1a.	D	If medical, dental or veterinary office, then 1 per each 200 sq. ft. of gross floor area. Otherwise, 1 per each 300 sq. ft. of gross floor area.	1. The following regulations apply only to veterinary offices: a. If there are outdoor runs or other outdoor facilities for the animals, then use must comply with Landscape Category A. b. Outside runs and other outside facilities for the animals must be set back at least 10 feet from each property line and must be surrounded by a fence or wall sufficient to enclose the animals. See KZC 115.105, Outdoor Use, Activity and Storage, for further regulations.

.080	High Technology	D.R., Chapter 142 KZC	None	10′	0′	0′	80%	Where adjoining a low density zone, 50′ above average building elevation. Otherwise, 80′ above average building elevation.	C See Spec. Reg. 3.	D	If manufacturing, then 1 per each 1,000 sq. ft. of gross floor area. If office, then 1 per 300 sq. ft. of gross floor area. Otherwise, see KZC 105.25.	1. This use may include research and development, testing, assembly, repair or manufacturing or offices that support businesses involved in the pharmaceutical and biotechnology, communications and information technology, electronics and instrumentation, computers and software sectors. 2. May include, as part of this use, accessory retail sales or service occupying not more than 20 percent of the gross floor area. The landscaping and parking requirements for these accessory uses will be the same as for the primary use. 3. Refer to KZC 115.105 for provisions regarding outside use, activity and storage. 4. Any outdoor storage area must be buffered according to Landscape Category A.
.090	Public Utility			1~~2~~0′				If adjoining a low density zone, then 5~~3~~0′ above average building elevation. Otherwise, 80~~35~~′ above average building elevation. ~~Where adjoining a low density zone, 30′ above average building elevation. Otherwise, 35′ above average building elevation.~~	C See Spec. Reg. 1.	B	See KZC 105.25	1. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.
.100	Government Facility Community Facility											
.110	Vehicle or Boat Repair, Services, Washing or Rental See Spec. Reg. 1.									E~~A~~		1. Outdoor vehicle or boat parking or storage areas must be buffered as required for a parking area in KZC 95.45. See KZC 115.105, Outdoor Use, Activity and Storage, for additional regulations.
.120	Restaurant or Tavern See Spec. Reg. 1.			10′				Same as for primary use.	B	E	1 per each 100 sq. ft. of gross floor area.	1. This use is permitted if accessory to a primary use, and: a. It will not exceed 20 percent of the gross floor area of the building; b. It is not located in a separate structure from the primary use; c. The use is integrated into the design of the building; and d. There is no vehicle drive-in or drive-through.
.130	Commercial Recreation Area and Use	D.R., Chapter 142 KZC	None	20′	0′	0′	80%	Where adjoining a low density zone, 30′ above average building elevation. Otherwise, 35′ above average building elevation.	A	E	See KZC 105.25.	1. ~~The use is permitted only if the property is located between NE 107th Street (extended) and NE 116th Street; and between I-405 and 116th Avenue NE.~~ 1~~2~~. The use shall be conducted within a wholly enclosed building. 2~~3~~. The structure containing the use shall have been in existence on June 1, 2004, and shall not be altered, changed, or otherwise modified to accommodate the use if the cost of such alteration, change, or modification exceeds 30 percent of the replacement cost of that building. 3~~4~~. The use must be discontinued when there is an alteration, change, or other work in a consecutive 12-month period to the space in which the use is located, and the cost of the alteration, change or other work exceeds 30 percent of the replacement cost of that space.
.140	Public Park	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process.										

Chapter 92 – DESIGN REGULATIONS

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5. Dedication
6. Design Districts in Rose Hill Business District
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92.05 Introduction

1. General – This chapter establishes the design regulations that apply to development in Design Districts including the Central Business District (CBD), Market Street Corridor (MSC), Juanita Business District (JBD), Rose Hill Business District (RHBD), Totem Lake Neighborhood (TLN), North Rose Hill Business District (NRHBD), Totem Center (TC), Yarrow Bay Business District (YBD) and in areas indicated on the use zone charts for PLA 5C.

   Special provisions that apply to a particular Design District are noted in the section headings of the chapter.

2. Applicability – The provisions of this chapter apply to all new development, with the exception of development in the TL 7 zone. The provisions of Chapters 142 and 162 KZC regarding Design Review and nonconformance establish which of the regulations

of this chapter apply to developed sites. Where provisions of this chapter conflict with provisions in any other section of the code, this chapter prevails. For more information on each Design District refer to the Design Guidelines applicable to that Design District adopted by reference in Chapter 3.30 KMC.

142.25 Administrative Design Review (A.D.R.) Process

1. Authority – The Planning Official shall conduct A.D.R. in conjunction with a related development permit pursuant to this section.

   The Planning Official shall review the A.D.R. application for compliance with the design regulations contained in Chapter 92 KZC, or in zones where so specified, with the applicable design guidelines adopted by KMC 3.30.040. In addition, the following guidelines and policies shall be used to interpret how the regulations apply to the subject property:

   a. Design guidelines for pedestrian-oriented business districts, as adopted in KMC 3.30.040.

   b. Design guidelines for the Rose Hill Business District (RHBD), the Totem Lake Neighborhood (TLN) and Yarrow Bay Business District (YBD) as adopted in KMC 3.30.040.

   c. For review of attached or stacked dwelling units within the NE 85th Street Subarea and the Market Street Corridor, Appendix C, Design Principles for Residential Development contained in the Comprehensive Plan.

2. Application – As part of any application for a development permit requiring A.D.R., the applicant shall show compliance with the design regulations in Chapter 92 KZC, or where applicable, the design guidelines adopted by KMC 3.30.040, by submitting an A.D.R. application on a form provided by the Planning Department. The application shall include all documents and exhibits listed on the application form, as well as application materials required as a result of a pre-design conference.

3. Pre-Design Conference – Before applying for A.D.R. approval, the applicant may schedule a pre-design meeting with the Planning Official. The meeting will be scheduled by the Planning Official upon written request by the applicant. The purpose of this meeting is to provide an opportunity for an applicant to discuss the project concept with the Planning Official and for the Planning Official to designate which design regulations, or design guidelines, apply to the proposed development based primarily on the location and nature of the proposed development.

4. A.D.R. Approval

   a. The Planning Official may grant, deny, or conditionally approve the A.D.R. application. The A.D.R. approval or conditional approval will become conditions of approval for any related development permit, and no development permit will be issued unless it is consistent with the A.D.R. approval or conditional approval.

   b. Additions or Modifications to Existing Buildings

      1) Applications involving additions or modifications to existing buildings shall comply with the design regulations of Chapter 92 KZC, or where applicable, the design guidelines adopted by KMC 3.30.040 to the extent feasible depending on the scope of the project. The Planning Official may waive compliance with a particular design regulation if the applicant demonstrates that it is not feasible given the existing development and scope of the project.

2) The Planning Official may waive the A.D.R. process for applications involving additions or modifications to existing buildings if the design regulations are not applicable to the proposed development activity.

5. Lapse of Approval – The lapse of approval for the A.D.R. decision shall be tied to the development permit and all conditions of the A.D.R. approval shall be included in the conditions of approval granted for that development permit.

6. Design departure and minor variations may be requested pursuant to KZC 142.37.

PUBLICATION SUMMARY
OF ORDINANCE O-4357

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE, REVISING THE CITY'S ZONING REGULATIONS IN THE TOTEM LAKE NEIGHBORHOOD, AMENDING ORDINANCE 3719 AS AMENDED, THE KIRKLAND ZONING CODE AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. ZON11-00034.

Section 1. Provides that regulations in portions of the Kirkland Zoning Code relating to zones in the Totem Lake area are amended in various respects, and that the amendments are attached to the Ordinance as Attachment A.

Section 2. Provides a severability clause for the ordinance.

Section 3. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as five days after publication of this summary.

Section 4. Provides that the City Clerk shall send a certified copy of the Ordinance to the King County Department of Assessments.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the _____ day of _____, 2012.

I certify that the foregoing is a summary of Ordinance _____ approved by the Kirkland City Council for summary publication.

_____
City Clerk

Council Meeting: 06/19/2012
Agenda: * New Business
Item #: 11. c.

CITY OF KIRKLAND
Planning and Community Development Department
123 Fifth Avenue, Kirkland, WA 98033 425.587-3225
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager **QUASI-JUDICIAL**

From: Jon Regala, Senior Planner
Eric Shields, AICP, Planning Director

Date: June 7, 2012

Subject: Totem Station - Preliminary and Final Planned Unit Development
File No. ZON11-00026

RECOMMENDATION

Staff recommends that the City Council consider the Process IIB application for the Totem Station Mixed-Use Planned Unit Development (PUD) and pass the enclosed ordinance to grant the application as recommended by the Hearing Examiner. Prior to voting on the ordinance, the Council must pass a motion to allow the vote to occur at the June 19, 2012 Council meeting, rather than at the following (July 3, 2012) meeting.

BACKGROUND DISCUSSION

City Council Rules of Procedure

Under the Council Rules of Procedure, Section 26, the City Council shall consider a Process IIB application at one meeting and vote on the application at the next or a subsequent meeting. The City Council may, by a vote of at least five members, suspend the rule to vote on the matter at the next meeting and vote on the application at this meeting.

Quasi-Judicial Decisions

This application is reviewed under Process IIB in which the Hearing Examiner holds a public hearing and then makes a recommendation to the City Council for the final decision. It is a quasi-judicial process. Quasi-judicial processing is for permits that:

- Require a hearing (held by the Hearing Examiner);
- Involve discretionary criteria for approval; and
- Require the decision-maker to review the facts and applicable code in order to issue a decision (similar to a judge).

City Council Consideration

The City Council must consider the Process IIB and PUD application based on the record before the Hearing Examiner and the recommendation of the Hearing Examiner. Process IIB does not provide for testimony and oral arguments at the Council meeting. However, the City Council, in its discretion, may ask questions of the applicant and the staff regarding facts in the record, and may request oral argument on legal issues.

The City Council has four options when reviewing a Process IIB application:

- Grant the application; or
- Modify and grant the application; or
- Deny the application; or
- If the Council determines that the record compiled by the Hearing Examiner is incomplete or inadequate for the Council to make a decision, direct that the application be considered at a reopening of the hearing before the Hearing Examiner and specify the issues to be considered at the rehearing.

Totem Station Project

The applicant is proposing to construct a new 4 to 5-story mixed use project. The majority of the project will be 4-stories. Lofts for three apartment units situated at building corners results in a 5-story building at those locations. The project also includes approximately 10,200 square feet of commercial/retail space, 108 one-unit/studio apartment units, and a total of 128 parking stalls. An urban forest and dog park is proposed at the southwest corner of the site. Attachment 1 contains the applicant's proposal as found in Exhibit A of the Hearing Examiner's recommendation.

The applicant is requesting approval of a preliminary and final Planned Unit Development (PUD) in order to place residential parking spaces on the ground floor of the building. The Kirkland Zoning Code (KZC) currently does not allow for stacked dwelling units and associated residential parking on the ground floor of a building in a development located in the NRH 1A zone. Residential parking is allowed outside of the building at the ground level. The applicant is also proposing a shared parking approach between the different uses on the subject property and requesting a parking modification to allow 16 on-street parking stalls to count towards the parking requirement for the development.

With a PUD request, the applicant is required to provide one or more of the eight benefits listed in KZC Section 125.35.3 that clearly outweigh any adverse impacts. Staff does not anticipate any adverse impacts with the PUD request to place residential parking on the ground floor of the building. The project includes liner commercial space and a high-density residential component (54 units/acre) consistent with the land use goals for North Rose Hill Business District. The project would not present a significant impact to the long term economic development goals for the City given the mixed-use nature of the project. By placing parking for the residential uses behind the liner commercial spaces, the parking is screened from the adjoining streets and properties. The PUD benefits proposed by the applicant are summarized below.

- A new south facing pedestrian oriented plaza along NE 115th Place
- Superior urban streetscape along NE 115th Place and 124th Avenue NE to include wider sidewalks and 16 on-street parking stalls
- Traffic calming island and associated striping south of NE 112th Street within Slater Avenue
- Superior building design

Key recommendations made by staff include requiring consistency with the Design Review Board approval (file DRC11-00002) and providing a parking management plan to be reviewed and approved by the City.

Public Hearing

The Hearing Examiner held an open record public hearing on May 17, 2012. The agenda and audio recording of the hearing are available at the following link:

http://www.kirklandwa.gov/depart/Planning/Hearing_Examiner_Meeting_Information/hem.htm

City staff, the applicant, the applicant's traffic consultant, and four people from the public (Ms. Carnegie, Ms. Whittle, Ms. Hoyer, and Mr. Kreager) testified during the hearing (see Attachment 2 for minutes of the Hearing). Many of the concerns raised by the public were related to traffic, transportation improvements, and traffic calming. Another concern was that a North Rose Hill Neighborhood sign was not required to be installed at the gateway corner of NE 116th Street and 124th Avenue NE. All of these concerns were submitted as written comments to the City during the public comment period for the project and were reviewed as part of the SEPA and PUD processes. The City Transportation Engineer responded to all of the neighbors traffic concerns in his memo dated March 5, 2012. The public comment emails/letters and staff responses can be found in Exhibit A of the Hearing Examiner's recommendation at the following link:

http://www.kirklandwa.gov/Assets/Planning/Planning+PDFs/Totem+Station+Exh+A.pdf

- For public comment emails/letters see pages 53 -67
- For City Transportation Engineer response see pages 73-75
- For staff response to gateway sign concern see Section II.C.1.b on page 6

The Hearing Examiner, in her recommendation, stated that she has no jurisdiction regarding the DRB's decision on the gateway design and transportation issues since they were reviewed under the DRB and SEPA processes and that both decisions were not appealed (see Attachment 6, page 3).

At the public hearing, Mr. Kreager, the chair of the Quality Growth Alliance Recognition Program, also testified and submitted a letter in support of the project (see Attachment 3).

On May 21, 2012 the Hearing Examiner recommended approval of the application (see Attachment 6), per Staff's recommended Conditions of Approval. The staff report and all other exhibits to the Hearing Examiner's recommendation can be found at the following link listed under the May 17, 2012 meeting date.

http://www.kirklandwa.gov/depart/Planning/Hearing_Examiner_Meeting_Information.htm

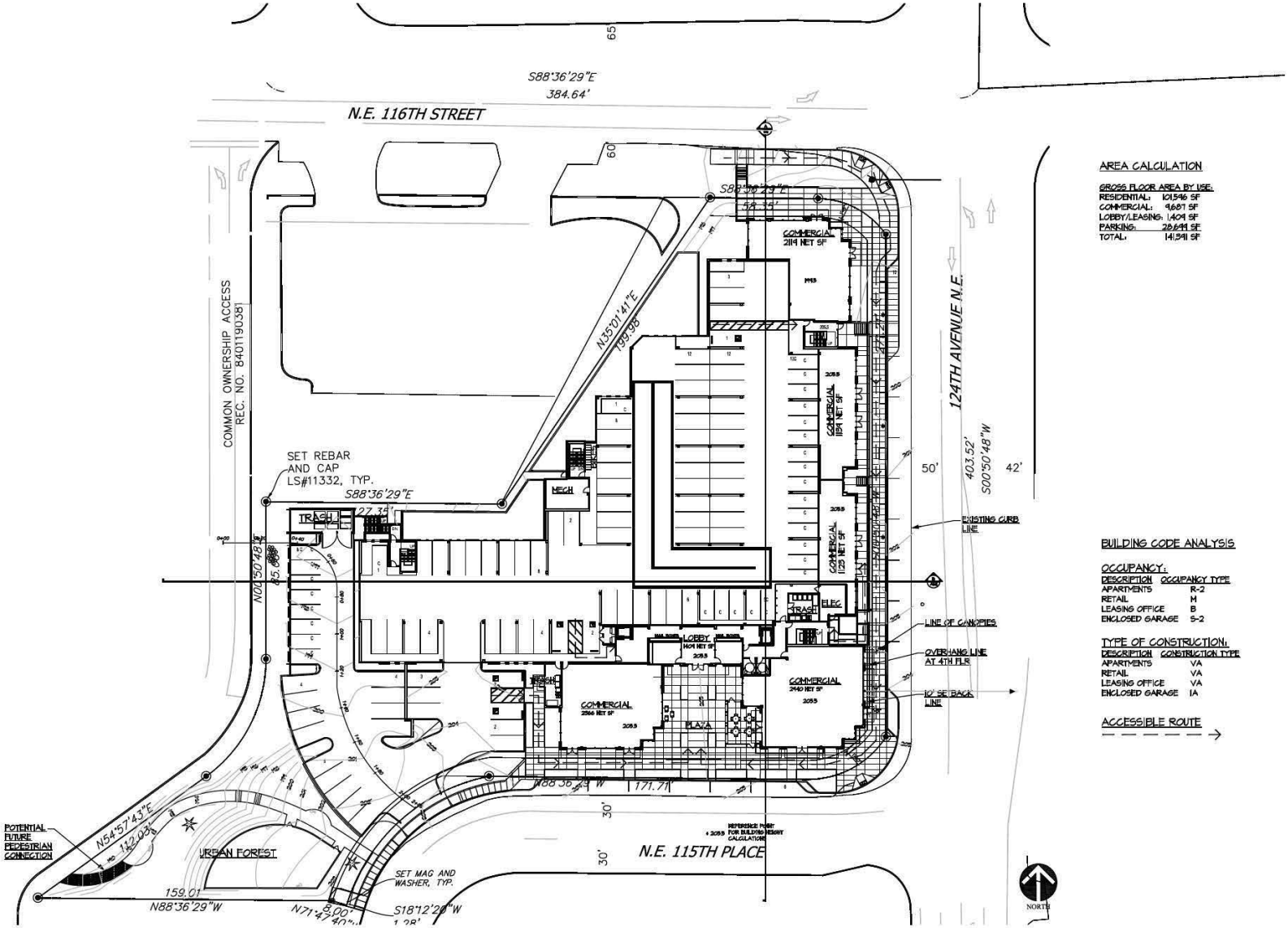
The Conditions of Approval referenced by the Hearing Examiner can be found in Attachment 4.

ATTACHMENTS

1. Applicant Plans from Hearing Examiner Recommendation Exhibit A, Enclosure 2
2. Hearing Minutes – May 17, 2012 Public Hearing
3. Exhibit C – Quality Growth Alliance Letter dated May 16, 2012
4. Conditions of Approval
5. Ordinance Approving the Application
6. Hearing Examiner Recommendation (without Exhibits)

ATTACHMENT 1

ENCLOSURE 2
ZON11-00026



AREA CALCULATION

GROSS FLOOR AREA BY USE:

RESIDENTIAL:	101,546 SF
COMMERCIAL:	9,687 SF
LOBBY/LEASING:	1,404 SF
PARKING:	28,694 SF
TOTAL:	141,341 SF

BUILDING CODE ANALYSIS

OCCUPANCY:

DESCRIPTION	OCCUPANCY TYPE
APARTMENTS	R-2
RETAIL	M
LEASING OFFICE	B
ENCLOSED GARAGE	S-2

TYPE OF CONSTRUCTION:

DESCRIPTION	CONSTRUCTION TYPE
APARTMENTS	VA
RETAIL	VA
LEASING OFFICE	VA
ENCLOSED GARAGE	IA

ACCESSIBLE ROUTE

ARCHITECTURAL SITE
& FIRST FLOOR PLAN
SCALE: 1"=20'-0"

JANUARY 11, 2012 PROJECT NO: 113-195

DALLINGER

TOTEM STATION

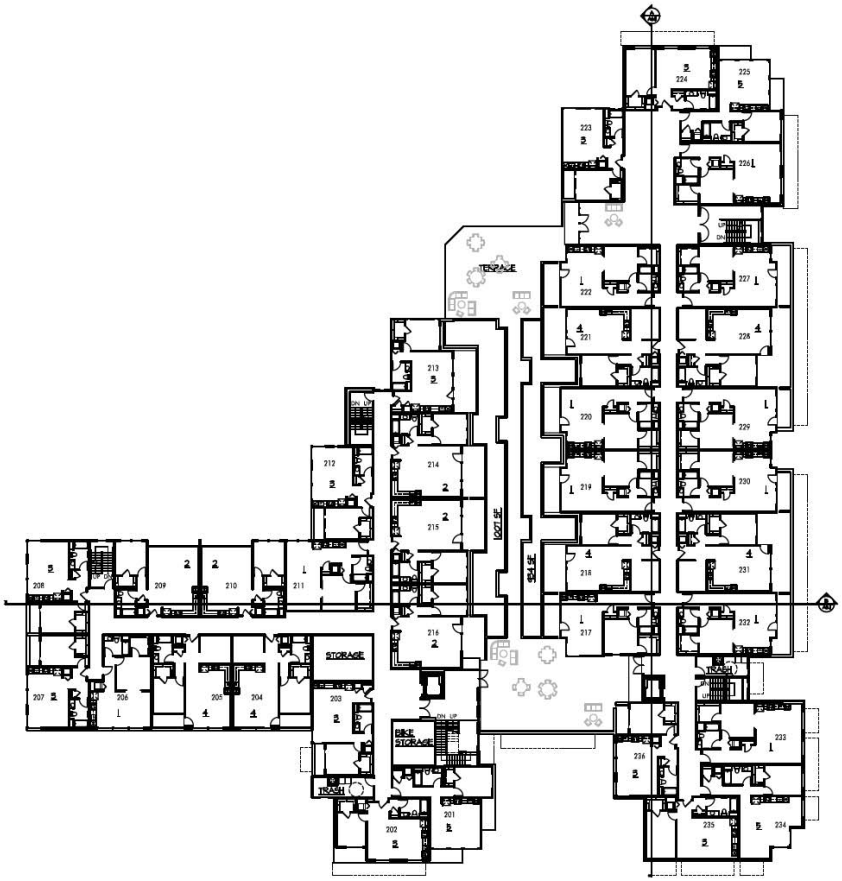
KIRKLAND , WASHINGTON

5865 Owens Drive
Pleasanton, CA 94588
925.251.7200
925.251.7201 Fax

A1.1

ATTACHMENT 1

ENCLOSURE 2
ZON11-00026



NORTH

SECOND FLOOR PLAN

SCALE: 1/16"=1'-0"

JULY 27, 2011

PROJECT NO: 113-195

CAM·WEST

DATINGS

TOTEM STATION

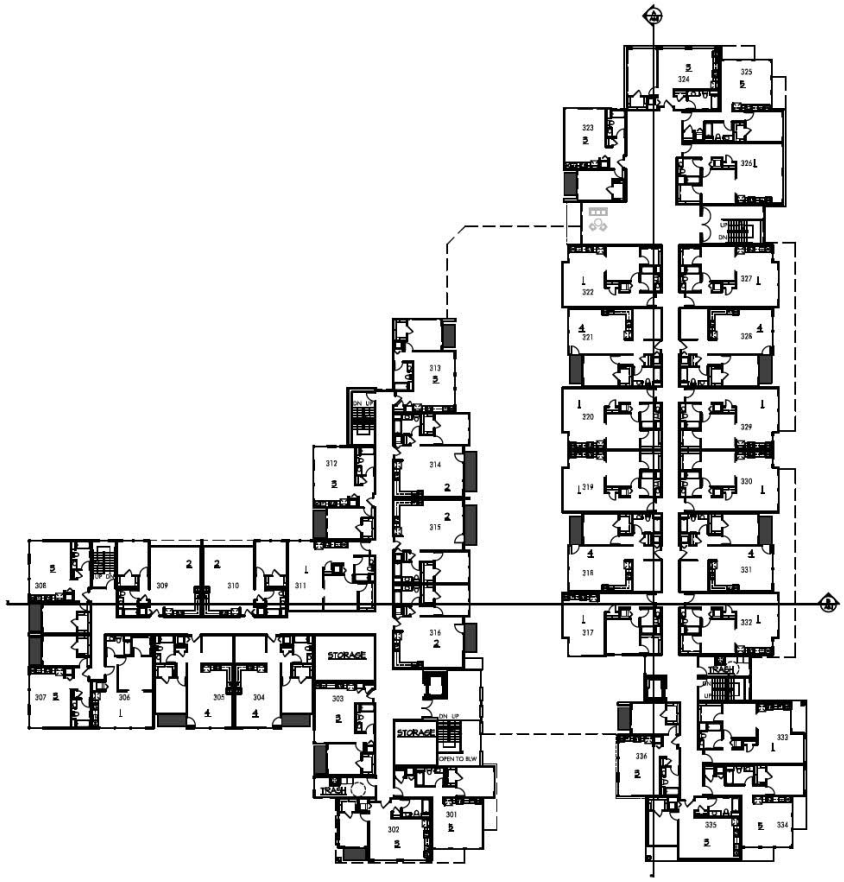
KIRKLAND , WASHINGTON

5865 Owens Drive
Pleasanton, CA 94588
925.251.7200
925.251.7201 Fax

A2.1

ATTACHMENT 1

ENCLOSURE 2
ZON11-00026



NORTH

THIRD FLOOR PLAN

SCALE: 1/16"=1'-0"

JULY 27, 2011 PROJECT NO: 113-195

CAM·WEST

DATINGER

5865 Owens Drive
Pleasanton, CA 94588
925.251.7200
925.251.7201 Fax

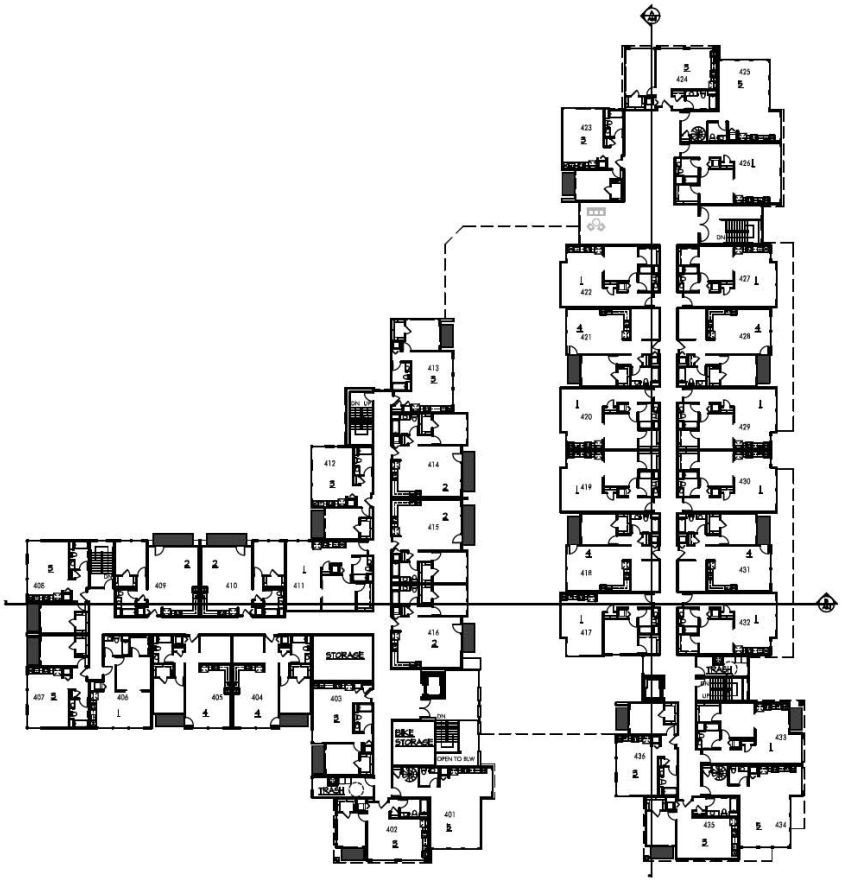
A2.2

TOTEM STATION

KIRKLAND , WASHINGTON

ATTACHMENT 1

ENCLOSURE 2
ZON11-00026



FOURTH FLOOR PLAN

SCALE: 1/16"=1'-0"

JULY 27, 2011 PROJECT NO: 113-195

CAM·WEST

DATINGER

5865 Owens Drive
Pleasanton, CA 94588
925.251.7200
925.251.7201 Fax

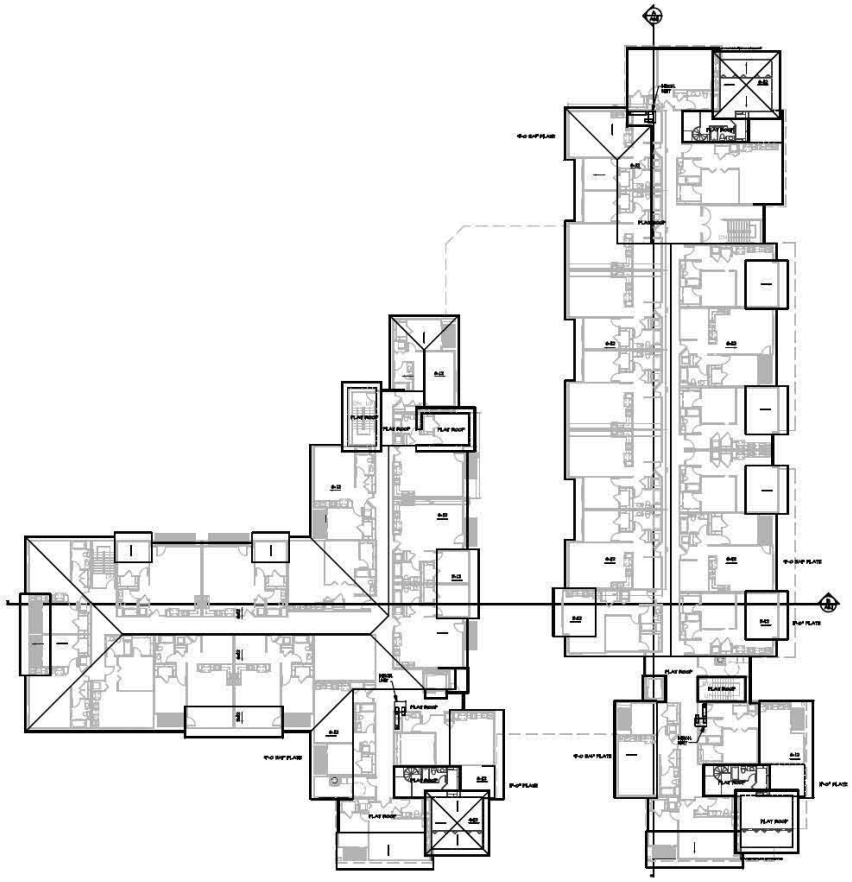
A2.3

TOTEM STATION

KIRKLAND , WASHINGTON

ATTACHMENT 1

ENCLOSURE 2
ZON11-00026



NORTH

ROOF PLAN

SCALE: 1/16"=1'-0"

OCTOBER 25, 2011 PROJECT NO: 113-195

CAM·WEST

DALINGER

TOTEM STATION

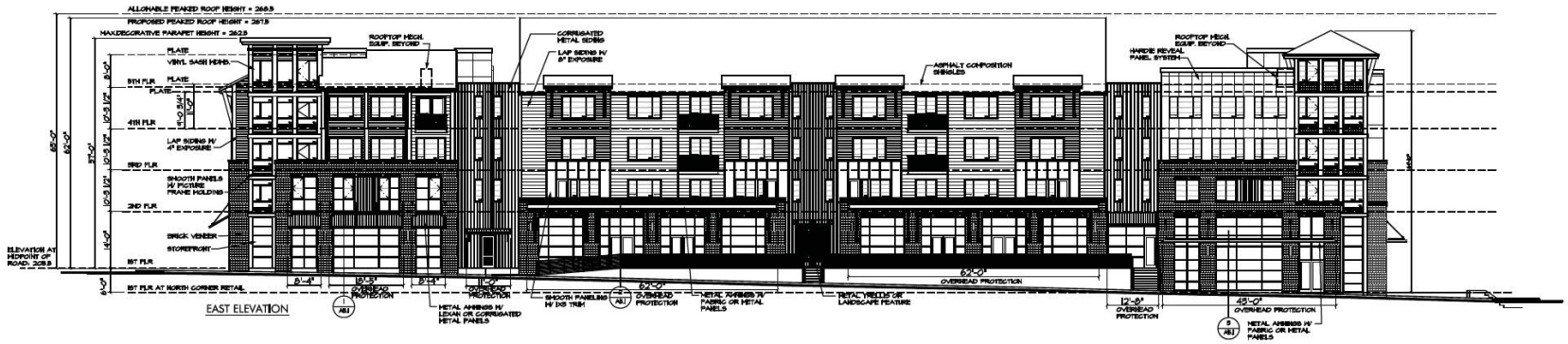
KIRKLAND , WASHINGTON

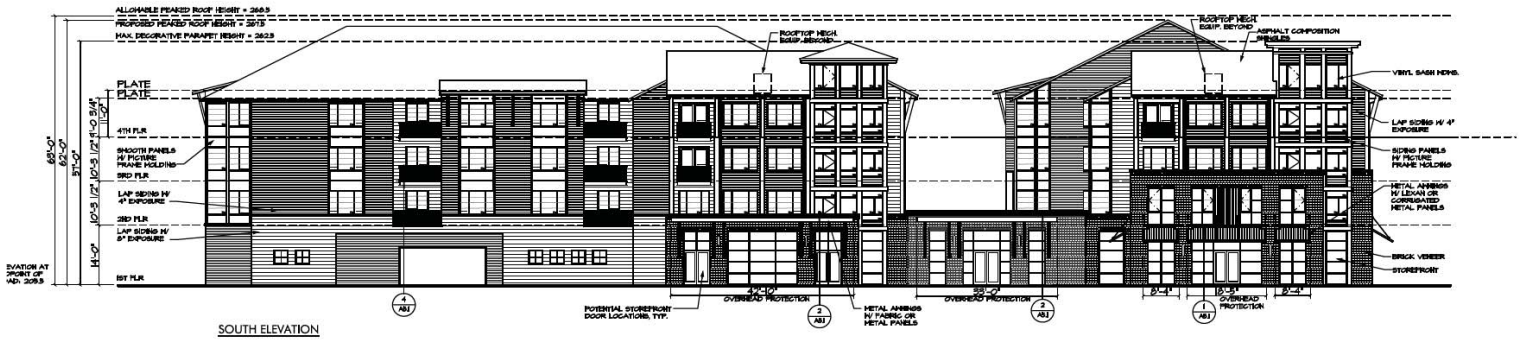
5865 Owens Drive
Pleasanton, CA 94588
925.251.7200
925.251.7201 Fax

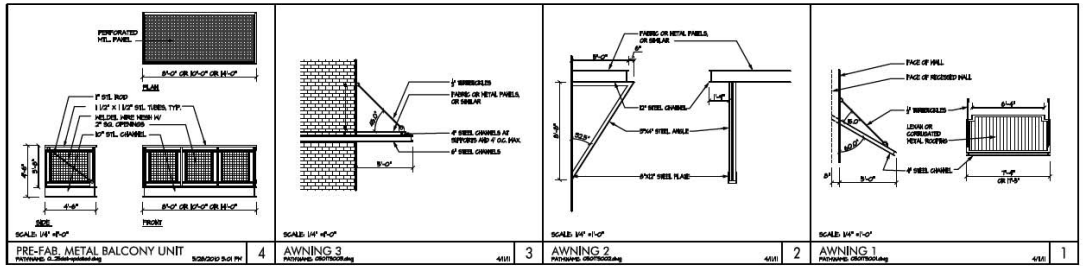
A2.4

ATTACHMENT 1

ENCLOSURE 2
ZON11-00026







NOTE: BUILDING HEIGHT TO BE MEASURED AT FRONTAGE ON NE 85TH PLACE = 205.5

EAST & SOUTH ELEVATIONS
SCALE: 3/32" = 1'-0"

JANUARY 11, 2012 PROJECT NO: 113-195

CAM·WEST

DALLINGER

TOTEM STATION

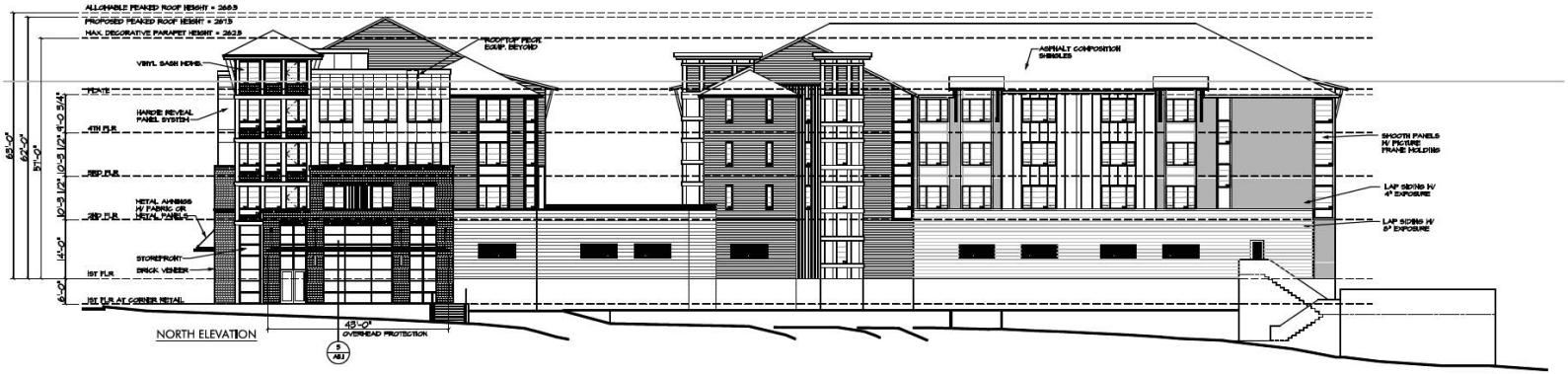
KIRKLAND , WASHINGTON

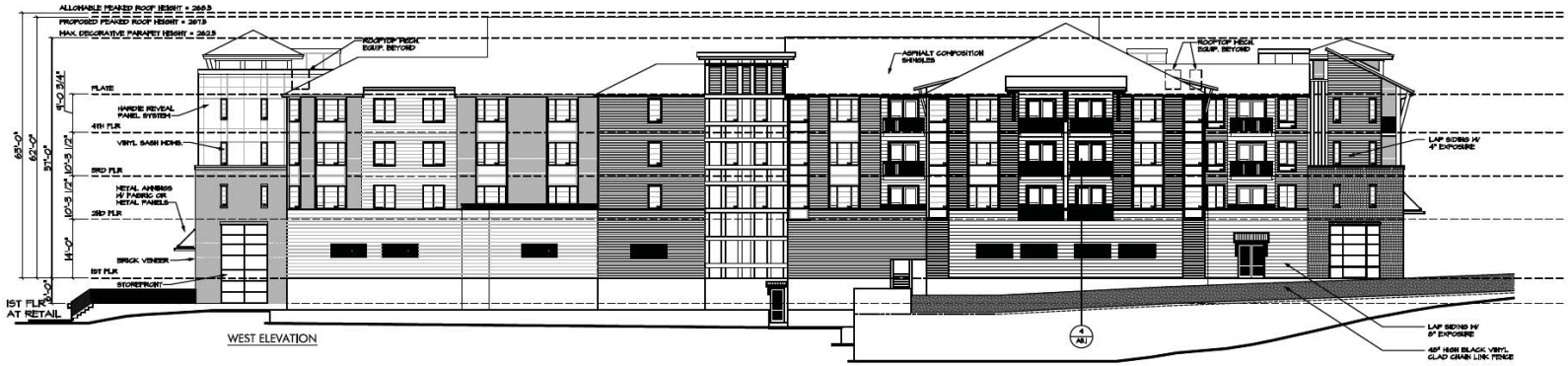
5865 Owens Drive
Pleasanton, CA 94588
925.251.7200
925.251.7201 Fax

A5.1

ATTACHMENT 1

ENCLOSURE 2
ZON11-00026





NORTH & WEST ELEVATIONS
SCALE: 3/32" = 1'-0"

0 16 32 64 128

JANUARY 11, 2012 PROJECT NO: 113-195

CAM·WEST

DALLING GROUP

TOTEM STATION

KIRKLAND , WASHINGTON

5865 Owens Drive
Pleasanton, CA 94588
925.251.7200
925.251.7201 Fax

A5.2

ATTACHMENT 1

ENCLOSURE 2
ZON11-00026

COURTYARD WEST ELEVATION

COURTYARD EAST ELEVATION

COURTYARD EAST & WEST ELEVATIONS
SCALE: 3/32"=1'-0"

0 16 32 64 128

NOVEMBER 7, 2011 PROJECT NO: 113-195

CAM·WEST

DATE INSERTED

TOTEM STATION

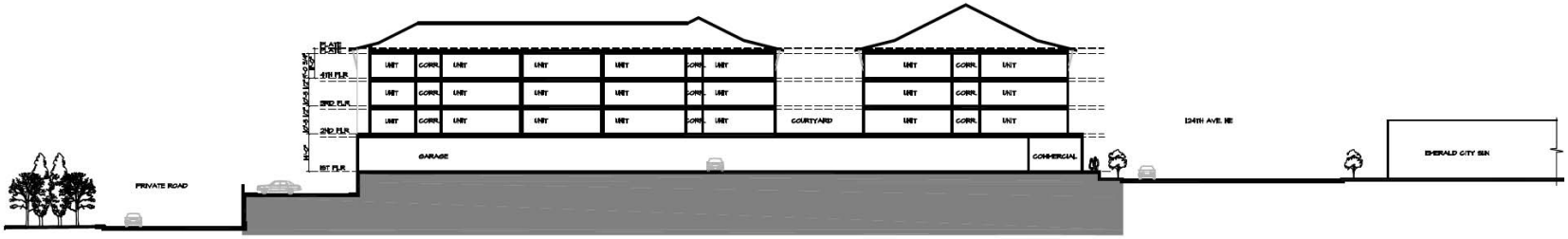
KIRKLAND , WASHINGTON

5865 Owens Drive
Pleasanton, CA 94588
925.251.7200
925.251.7201 Fax

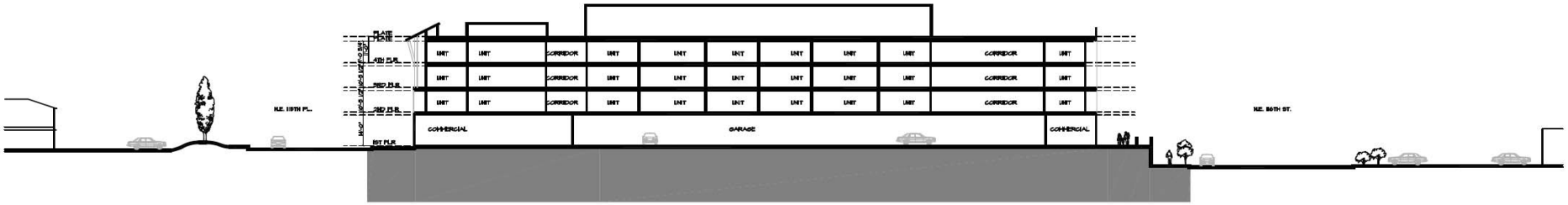
A5.3

ATTACHMENT 1

ENCLOSURE 2
ZON11-00026



SECTION 'B'



SECTION 'A'

SITE SECTIONS
SCALE: 1/16"=1'-0"

JULY 27, 2011 PROJECT NO.: 113-195

CAM·WEST

TOTEM STATION

KIRKLAND , WASHINGTON

5865 Owens Drive
Pleasanton, CA 94588
925.251.7200
925.251.7201 Fax

A6.1

ATTACHMENT 1

ENCLOSURE 2
ZON11-00026

NE 1/4, NW 1/4, SEC 33, TWP 26N, RGE 5E, W.M.

SLATER 116
PLANNED UNIT DEVELOPMENT

LEGEND

PROPOSED FEATURES

- BOUNDARY
- LOT LINE
- FLOW & CURB
- CENTER LINE
- SAWCUT
- EASEMENT
- BUILDING SETBACK (BSBL)
- 5' PROPOSED CONTOURS
- 1' PROPOSED CONTOURS
- ASPHALT PAVEMENT
- SIDEWALK

PROPOSED UTILITIES

- STORM DRAIN PIPE
- ROOF & FOOTING DRAIN
- SEWER SERVICE
- PIPE FLOW
- SEWER CLEANOUT
- WATER METER
- CATCH BASIN, TYPE I
- CULVERT END
- STORM CLEANOUT

EXISTING FEATURES

- ADJACENT PLAT/PARCEL LINE
- ADJACENT RIGHT-OF-WAY/LOTS
- CENTERLINE
- EASEMENT
- SURFACE FEATURES
- 5' CONTOURS
- 1' CONTOURS
- STORM DRAIN PIPE
- SEWER MAIN
- WATER MAIN
- AERIAL POWER LINE
- BURIED POWER LINE
- GAS MAIN
- BURIED TELEPHONE LINE
- WIRE FENCE
- CHAINLINK FENCE
- BOARD FENCE
- DITCH OR SWALE
- ROCKERY
- CATCH BASIN, TYPE I
- CATCH BASIN, TYPE II
- SD PIPE FLOW
- SEWER MANHOLE
- SEWER CLEANOUT
- SS PIPE FLOW
- FIRE HYDRANT
- WATER METER
- GATE VALVE
- POWER POLE
- GUY ANCHOR
- POWER RISER
- TELECOMMUNICATIONS JUNCTION BOX
- MAIL BOX
- SIGN
- EXISTING CONIFEROUS TREE TO BE REMOVED
- EXISTING DECIDUOUS TREE TO BE REMOVED
- EXISTING CONIFEROUS TREE TO REMAIN
- EXISTING DECIDUOUS TREE TO REMAIN
- ASPHALT
- CONCRETE
- GRAVEL

PROJECT TEAM

OWNERS
MSPT IV, LLC
9720 NE 120TH PLACE, SUITE 100
KIRKLAND, WA 98034
CONTACT: AARON HOLLINGBERY
PHONE: (425) 825-1955
FAX: (425) 825-1565
EMAIL: AHOLLINGBERY@CAMWEST.COM

CIVIL ENGINEER
THE BLUELINE GROUP
25 CENTRAL WAY, SUITE 400
KIRKLAND, WA 98033
CONTACT: TODD A. OBERG, PE
PHONE: (425) 216-4051 X224
FAX: (425) 216-4052
EMAIL: TOBERG@THEBLUELINEGROUP.COM

SURVEYOR
BAIMA & HOLMBERG INC
100 FRONT ST S
ISSAQUAH, WA 98027
CONTACT: WILLIAM SHUPE HOLMBERG, PLS
PHONE: (425) 392-0250
FAX: (425) 391-3055

GEOTECHNICAL ENGINEER
EARTH SOLUTIONS NW, LLC
1805 136TH PL NE, SUITE 201
BELLEVUE, WA 98005
CONTACT: RAY COGLAS, PE
PHONE: (425) 449-4704
FAX: (425) 449-4711
EMAIL: RAY.COGLAS@EARTHSOLUTIONSNW.COM

ARCHITECT
DAHLIN GROUP ARCHITECTURE PLANNING
5865 OWENS DR
PLEASANTON, CA 94588
CONTACT: GLEN SIMMONS, AIA
PHONE: (925) 251-7224
FAX: (925) 251-7201
EMAIL: GSIMMONS@DAHLINGROUP.COM

LANDSCAPE ARCHITECT
WEISMAN DESIGN GROUP
2329 EAST MADISON
SEATTLE, WA 98112
CONTACT: WHITNEY SUMMERFORD
PHONE: (206) 322-1732
FAX: (206) 322-1799
EMAIL: WHITNEY@WDGINC.COM

AREA CALCULATION*

GROSS SITE AREA:	86,324 SF
SITE AREA AFTER ROW DEDICATION:	84,290 SF
LANDSCAPE AREA:	17,801 SF
LANDSCAPE COVERAGE:	21%
GROSS BUILDING AREA:	43,324 SF
BUILDING PERIMETER:	1,323 LF
PLAZA/WALKWAY AREA:	12,465 SF
SURFACE PARKING/TRASH ENCLOSURE AREA:	10,700 SF
LOT COVERAGE:	79%

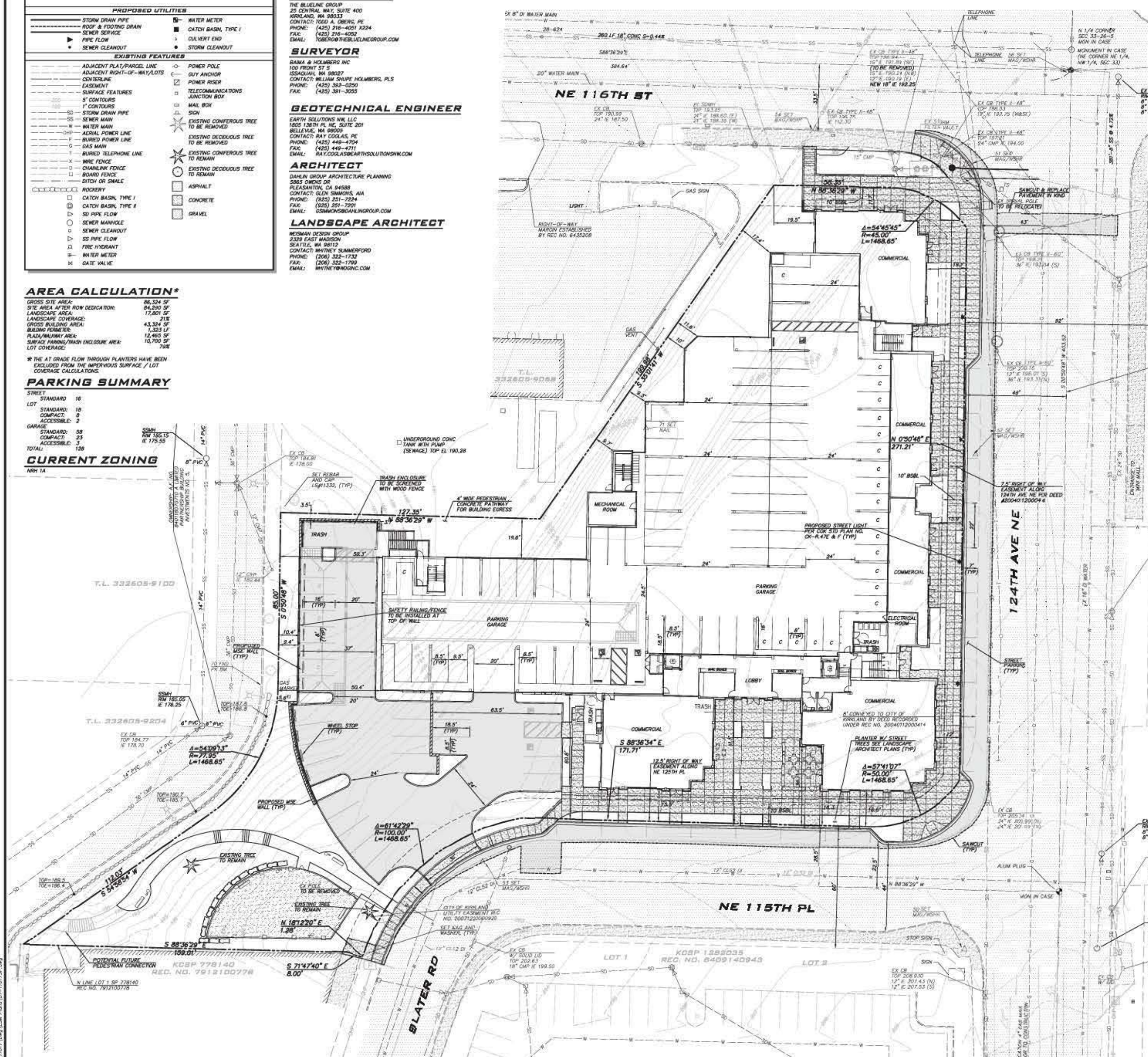
* THE AT GRADE FLOW THROUGH PLANTERS HAVE BEEN EXCLUDED FROM THE IMPERVIOUS SURFACE / LOT COVERAGE CALCULATIONS.

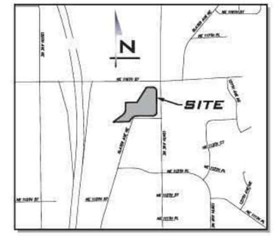
PARKING SUMMARY

STREET	
STANDARD	16
LOT	
STANDARD:	18
COMPACT:	8
ACCESSIBLE:	2
GARAGE	
STANDARD:	58
COMPACT:	23
ACCESSIBLE:	3
TOTAL:	128

CURRENT ZONING

NRH 1A





VICINITY MAP

LEGAL DESCRIPTION

LOTS 2 AND 3, CITY OF KIRKLAND ALTERATION OF LOT LINE NO. LL-98-83, RECORDED UNDER RECORDING NUMBER 9811249010; BEING A PORTION OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON;

EXCEPT THE EAST 8 FEET CONVEYED TO THE CITY OF KIRKLAND BY DEED RECORDED UNDER RECORDING NUMBER 20040115000414;

TOGETHER WITH THAT PORTION OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTH QUARTER CORNER OF SAID SECTION 33;
THENCE NORTH 88°36'29" WEST ALONG THE NORTH LINE THEREOF, 384.64 FEET;
THENCE SOUTH 00°51'09" WEST PARALLEL WITH THE NORTH-SOUTH CENTERLINE OF SAID SECTION 33, 311.51 FEET, MORE OR LESS, TO THE SOUTH LINE OF THE NORTH 311.5 FEET OF SAID SUBDIVISION AND THE BEGINNING OF A TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 78.00 FEET AND THE TRUE POINT OF BEGINNING;
THENCE SOUTHWESTERLY ALONG SAID CURVE AN ARC DISTANCE OF 73.67 FEET THROUGH A CENTRAL ANGLE OF 54°06'55" TO A POINT OF TANGENCY;
THENCE SOUTH 54°58'04" WEST 112.00 FEET, MORE OR LESS, TO THE NORTH LINE OF LOT 1 IN SHORT PLAT NUMBER 778140, ACCORDING TO SHORT PLAT RECORDED UNDER KING COUNTY RECORDING NUMBER 7912100778;
THENCE SOUTH 88°36'29" EAST ALONG SAID NORTH LINE, 159.02 FEET TO THE WESTERLY LINE OF SLATER AVENUE NORTHEAST;
THENCE NORTHEASTERLY ALONG SAID WESTERLY MARGIN, 138.48 FEET, MORE OR LESS, TO THE SOUTH LINE OF THE NORTH 311.5 FEET OF SAID SUBDIVISION;
THENCE NORTH 88°36'29" WEST ALONG SAID SOUTH LINE, 84.70 FEET TO THE TRUE POINT OF BEGINNING;

(ALSO KNOWN AS LOT 2 OF UNRECORDED KING COUNTY LOT LINE ADJUSTMENT NUMBER 982059);

TOGETHER WITH THAT PORTION OF VACATED SLATER AVENUE, BY CITY OF KIRKLAND ORDINANCE NUMBER 4094, RECORDED UNDER RECORDING NUMBER 20070913002289;

(ALSO KNOWN AS "NEW LOT 1", CITY OF KIRKLAND ALTERATION OF LOT LINE NO. LL-00-68, AS RECORDED UNDER RECORDING NUMBER 20020314002030);

AND TOGETHER WITH EASEMENTS AS PROVIDED FOR IN DOCUMENT RECORDED JANUARY 19, 1984 UNDER RECORDING NUMBER 8401190381;

SITUATE IN THE CITY OF KIRKLAND, COUNTY OF KING, STATE OF WASHINGTON.

SPECIAL EXCEPTIONS PER COMMITMENT FOR TITLE INSURANCE BY COMMONWEALTH LAND TITLE COMPANY OF PUGET SOUND, LLC, COMMITMENT NO. RM-40067552 DATED NOVEMEBR 9, 2010

6. COVENANTS, CONDITIONS AND RESTRICTIONS IMPOSED BY INSTRUMENT RECORDED ON JANUARY 19,1984, UNDER RECORDING NO. 8401190381, INCLUDING, BUT NOT LIMITED TO, LIABILITY FOR ASSESSMENTS LEVIED BY THE COMMUNITY ASSOCIATION AND AMENDMENT THERETO9 RECORDED APRIL 20, 1993 UNDER RECORDING NO. 9304200724.
7. NO CONTEST AGREEMENT RECORDED FEBRUARY 29,1984 UNDER RECORDING NO. 8402290624.
8. AGREEMENT FOR CONSTRUCTION OF EXTENSION TO SANITARY SEWERAGE SYSTEM, KING COUNTY LOCAL IMPROVEMENT DISTRICT NO. 1 RECORDED MARCH 27, 1984 UNDER RECORDING NO. 8403270592.
9. AN EASEMENT GRANTED TO ROSE HILL WATER AND SEWER DISTRICT FOR WATER MAINS AFFECTING A PORTION OF SAID PREMISES RECORDED JANUARY 5, 1987 UNDER RECORDING NO. 8710050092.
10. AN EASEMENT GRANTED TO PUGET SOUND POWER AND LIGHT FOR ELECTRIC LINE RECORDED APRIL 10, 1987 UNDER RECORDING NO. 8704100650.
11. RIGHT TO MAKE NECESSARY SLOPE FOR CUTS OR FILLS UPON THE LAND HEREIN DESCRIBED AS GRANTED TO KING COUNTY BY DEED RECORDED UNDER RECORDING NO. 8801210342.
12. RESTRICTIVE COVENANT IMPOSED BY INSTRUMENT RECORDED ON APRIL 20, 1993, UNDER RECORDING NO. 9304200723.
13. RESERVATIONS, RESTRICTIONS, CONDITIONS AND EASEMENTS IMPOSED BY INSTRUMENT RECORDED ON DECEMBER 28, 1993, UNDER RECORDING NO. 9312281648.
14. ALL COVENANTS, CONDITIONS, RESTRICTIONS, RESERVATIONS, EASEMENTS OR OTHER SERVITUDES, IF ANY, DISCLOSED BY THE BOUNDARY LINE ADJUSTMENT RECORDED UNDER RECORDING NO. 9811249010.
15. COVENANTS, CONDITIONS AND RESTRICTIONS IMPOSED BY INSTRUMENT RECORDED ON DECEMBER 4, 1998 UNDER RECORDING NO. 9812041311.
16. COVENANTS, CONDITIONS AND RESTRICTIONS IMPOSED BY INSTRUMENT RECORDED ON DECEMBER 4, 1998 UNDER RECORDING NO. 9812041313.
17. ALL COVENANTS, CONDITIONS, RESTRICTIONS, RESERVATIONS, EASEMENTS OR OTHER SERVITUDES, IF ANY, DISCLOSED BY THE BOUNDARY LINE ADJUSTMENT RECORDED UNDER RECORDING NO. 20020314002030.
18. EASEMENT TO PUGET SOUND ENERGY, INC. FOR TRANSMISSION, DISTRIBUTION AND SALE OF ELECTRICITY RECORDED SEPTEMBER 21, 2006 UNDER RECORDING NO. 20060921000758.
19. EASEMENT TO VERIZON NORTHWEST, INC. FOR COMMUNICATION SERVICE FACILITIES RECORDED MARCH 29, 2007 UNDER RECORDING NO. 20070329002401.
20. EASEMENT TO THE CITY OF KIRKLAND FOR UTILITY LINES RECORDED DECEMBER 20, 2007 UNDER RECORDING NO. 20071220000920.
21. EASEMENT TO PUGET SOUND ENERGY, INC. FOR TRANSMISSION, DISTRIBUTION AND SALE OF ELECTRICITY RECORDED APRIL 18, 2008 UNDER RECORDING NO. 20080418000668.
22. EASEMENT FOR CONSTRUCTION STAGING, MATERIAL STORAGE AND TEMPORARY SHORING SLOPE SETBACK UNDER RECORDING NO. 20080807000141.
23. WATER FACILITIES AGREEMENT RECORDED JULY 29, 2010 UNDER RECORDING NO. 20100729001102.

REFERENCES

R1 – ALTERATION OF LOT LINE NO. LL-00-68 REC. NO. 20020314002030.

SURVEY NOTE

THIS BOUNDARY/TOPOGRAPHY SURVEY IS BASED ON A SURVEY PERFORMED BY DOWL ENGINEERS. BAIMA & HOLMBERG, INC. SUPPLEMENTED THE DOWL SURVEY WITH ADDITIONAL FIELD SURVEY AND BOUNDARY VERIFICATION.

DATUM

VERTICAL DATUM: NAVD 88

BENCHMARK

CITY OF KIRKLAND POINT ID# 43 (COK-1)3" BRASS CAP WITH "+" SET IN 4" SQUARE CONCRETE IN CASE, 1.05' BELOW SURFACE. ELEVATION=228.805 (N.E. CORNER SEC. 32-26-05)

SHEET INDEX

C1	SP-01	SITE PLAN
C2	GN-01	GENERAL NOTES
C3	TP-01	EXISTING CONDITIONS, TESC & TREE RETENTION PLAN
C4	TD-01	EXISTING CONDITIONS, TESC & TREE RETENTION DETAILS
C5	GP-01	SITE GRADING PLAN
C6	UT-01	UTILITY PLAN
C7	UT-02	UTILITY PLAN (PARKING LOT & OUTFALL)
C8	FI-01	FRONTAGE IMPROVEMENTS PLAN
C9	FI-02	FRONTAGE IMPROVEMENTS PLAN
C10	VT-01	WEST VAULT DETAILS
C11	VT-02	EAST VAULT DETAILS
C12	DT-01	DETAILS

UNDERGROUND UTILITY NOTE

UNDERGROUND UTILITIES ARE SHOWN IN THE APPROXIMATE LOCATION. THERE IS NO GUARANTEE THAT ALL UTILITY LINES ARE SHOWN, OR THAT THE LOCATION, SIZE AND MATERIAL IS ACCURATE. THE CONTRACTOR SHALL UNCOVER ALL INDICATED PIPING WHERE CROSSING, INTERFERENCES, OR CONNECTIONS OCCUR PRIOR TO TRENCHING OR EXCAVATION FOR ANY PIPE OR STRUCTURES, TO DETERMINE ACTUAL LOCATIONS, SIZE AND MATERIAL. THE CONTRACTOR SHALL MAKE THE APPROPRIATE PROVISION FOR PROTECTION OF SAID FACILITIES. THE CONTRACTOR SHALL NOTIFY ONE CALL AT 1-800-424-5555 AND ARRANGE FOR FIELD LOCATION OF EXISTING FACILITIES BEFORE CONSTRUCTION.

BLUELINE

SCALE: AS NOTED
PROJECT MANAGER: TODD A. OBERG, PE
PROJECT ENGINEER: DEANNA MARTIN, PE
DESIGNER: ADAM D. KAY
ISSUE DATE: 5/1/2012

REVISIONS

NO	DATE	BY	
1	5/1/12	ADK	REVISE ON STREET PARKING STALL COUNT FROM 17 TO 16 TOTAL

SITE PLAN
SLATER 116
11441 SLATER AVE NE
LSM12-00552
CITY OF KIRKLAND WASHINGTON

TODD A. OBERG, STATE OF WASHINGTON, 37408, REGISTERED PROFESSIONAL ENGINEER
5/1/12

JOB NUMBER: 11-017
SHEET NAME: SP-01
SHT C1 OF C12

30x42
May 01, 2012 – 3:30pm – User akay
C:\Projects\11017\Dwg\LSM Plans\01-11017SP.dwg

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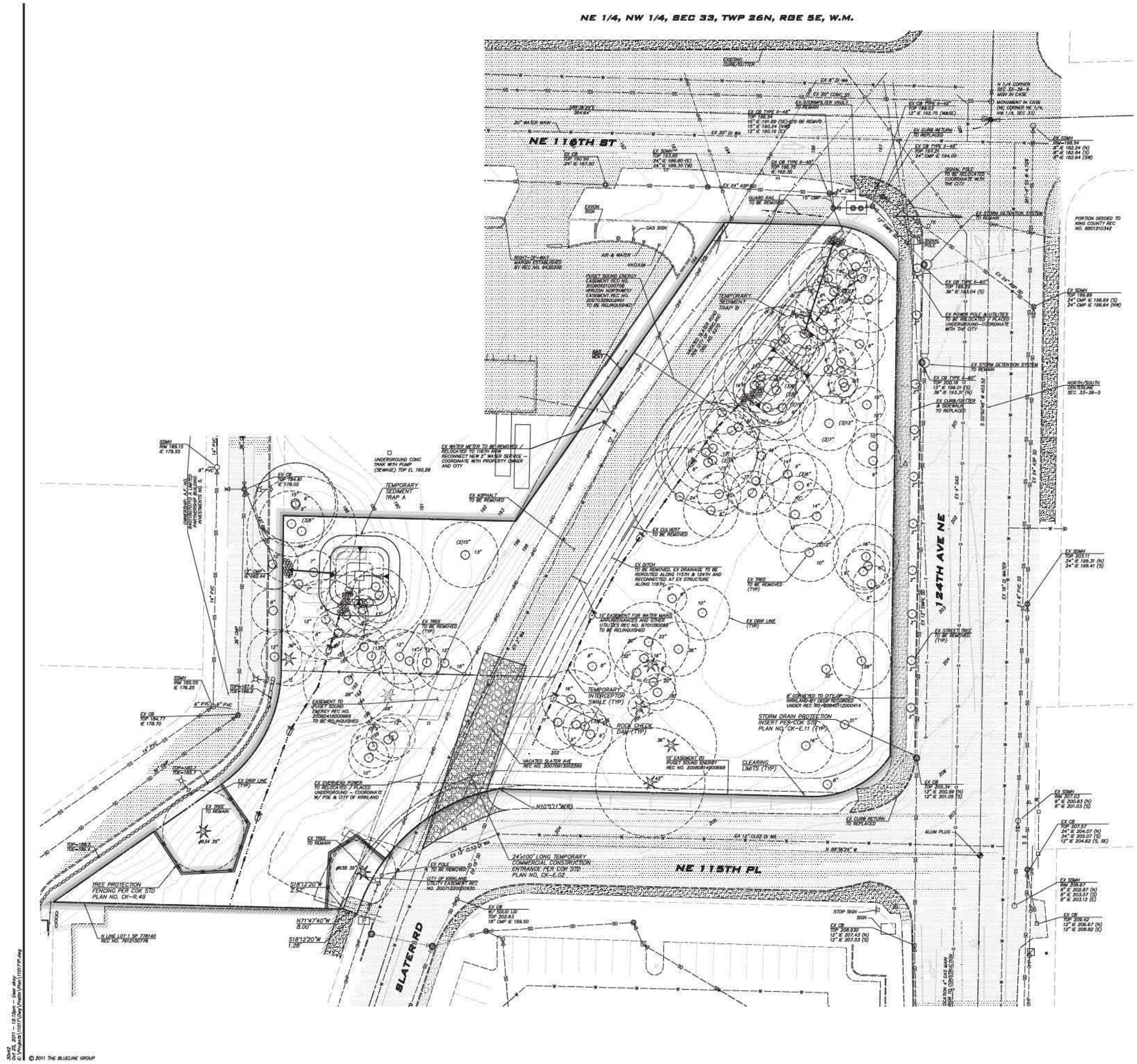
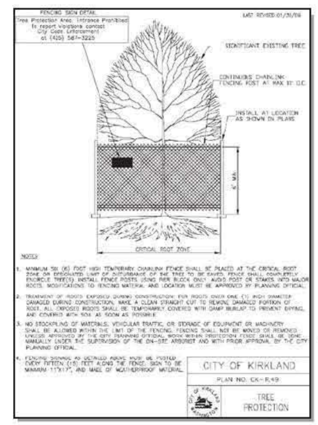
ATTACHMENT 1

ENCLOSURE 2
ZON11-00026





UNDERGROUND UTILITY NOTE

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BLUELINE

SCALE: AS NOTED
PROJECT MANAGER: TODD A. OBERG, PE
PROJECT ENGINEER: DEANNA MARTIN, PE
DESIGNER: ADAM D. KAY
ISSUE DATE: 10/25/2011

NO	DATE	BY	REVISIONS

EXISTING CONDITIONS, TESC & TREE RETENTION PLAN
TOTEM STATION
11441 SLATER AVE NE
CITY OF KIRKLAND — WASHINGTON

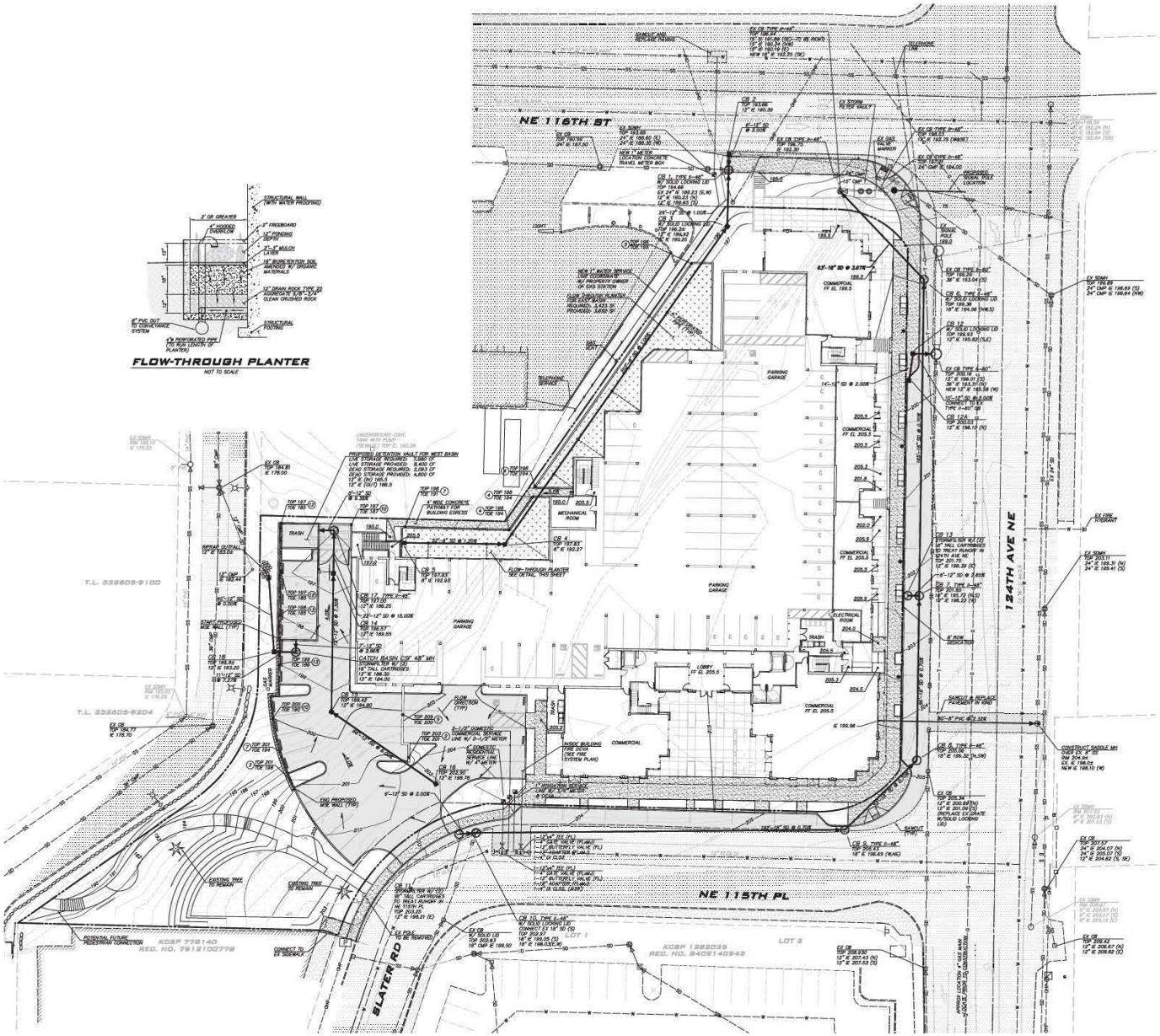
TODD A. OBERG — STATE OF WASHINGTON — 37406 — REGISTERED PROFESSIONAL ENGINEER
10/25/11

JOB NUMBER: 11-017
SHEET NAME: TP-01
SHT C2 OF C3

ATTACHMENT 1

ENCLOSURE 2
ZON11-00026

NE 1/4, NW 1/4, SEC 33, TWP 26N, RGE 5E, W.M.



AMENDED SOILS NOTE

AMENDED SOIL REQUIREMENTS (PER ECOLOGY BMP T5.13) MUST BE USED IN ALL LANDSCAPED AREAS.

UNDERGROUND UTILITY NOTE

UNDERGROUND UTILITIES ARE SHOWN IN THE APPROXIMATE LOCATION. THERE IS NO GUARANTEE THAT ALL UTILITY LINES ARE SHOWN, OR THAT THE LOCATION, SIZE AND MATERIAL IS ACCURATE. THE CONTRACTOR SHALL UNCOVER ALL INDICATED PIPING WHERE CROSSING, INTERFERENCES, OR CONNECTIONS OCCUR PRIOR TO TRENCHING OR EXCAVATION FOR ANY PIPE OR STRUCTURES, TO DETERMINE ACTUAL LOCATIONS, SIZE AND MATERIAL. THE CONTRACTOR SHALL MAKE THE APPROPRIATE PROVISION FOR PROTECTION OF SAID FACILITIES. THE CONTRACTOR SHALL NOTIFY ONE CALL AT 1-800-424-5555 AND ARRANGE FOR FIELD LOCATION OF EXISTING FACILITIES BEFORE CONSTRUCTION.

BLUELINE

SCALE: AS NOTED
PROJECT MANAGER: TODD A. OBERG, PE
PROJECT ENGINEER: DEANNA MARTIN, PE
DESIGNER: ADAM D. KAY
ISSUE DATE: 10/25/2011

NO	DATE	BY

REVISIONS

PRELIMINARY UTILITY & GRADING PLAN
TOTEM STATION
11441 SLATER AVE NE
CITY OF KIRKLAND WASHINGTON

10/25/11

JOB NUMBER: 11-017
SHEET NAME: UP-01
SHT C3 OF C3

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ATTACHMENT 1

ENCLOSURE 2
ZON11-00026

PRELIMINARY LANDSCAPE SCHEDULE

SYMBOL	BOTANICAL / COMMON NAME	SIZE AND CONDITION
	EXISTING TREES TO REMAIN	
	SPECIMEN ACCENT TREES AMELANCHIER ALNIFOLIA SERVICEBERRY BETULA JACQUEMONTI JACQUEMONTI BIRCH PRUNUS SERRULATA 'KWANZAN' KWANZAN CHERRY	SPECIMEN QUALITY, 3" CAL., 12'-14' HT., WELL-BRANCHED, B&B, SPACING AS SHOWN ON PLAN.
	DECIDUOUS TREES CERCIDIPHYLLUM JAPONICA KATSURA TREE STYRAX JAPONICUS JAPANESE SNOWBELLS ZELKOVA SERRATA 'VILLAGE GREEN' VILLAGE GREEN ZELKOVA	MIN. 2" CAL., 12'-14' HT. MATCHED, FULL, WELL-BRANCHED ABOVE 6' HT., B&B, SPACING AS SHOWN ON PLAN
	EVERGREEN TREES PSEUDOTSUGA MENZIESII DOUGLAS FIR THUJA PLICATA WESTER RED CEDAR	10-12' HT., FULL AND BUSHY, B&B, SPACING AS SHOWN ON PLAN
	SCREENING PLANTS ARBUTUS UNEDO 'COMPACTA' STRAWBERRY TREE MYRICA CALIFORNICA PACIFIC WAX MYRTLE THUJA OCCIDENTALIS 'GLOBOSA' GLOBE ARBORVITAE	MIN. 36-48 HT., FULL AND BUSHY, B&B OR CONT., SPACING AS SHOWN ON PLAN.
	ROSES ROSA NUTKANA NOOTKA ROSE	MIN. 30-36 HT., FULL AND BUSHY, B&B OR CONT., SPACING AS SHOWN ON PLAN.
	LARGE ACCENT SHRUBS CAMELLIA SASANQUA CAMELLIA CORNUS STOLONIFERA 'MIDWINTER FIRE' MIDWINTER FIRE REDTWIG DOGWOOD HAMAMELIS X INTERMEDIA WITCH HAZEL RIBES SANGUINEUM RED FLOWERING CURRANT	MIN. 30-36 HT., FULL AND BUSHY, B&B OR CONT., SPACING AS SHOWN ON PLAN. MIN. 24-30" HT. & SPR, FULL & BUSHY, B&B OR CONT., MIN. (3) CANES MIN. 24-30" HT. & SPR, FULL & BUSHY, B&B OR CONT., MIN. (2) CANES MIN. 30-36" HT., FULL & BUSHY, B&B OR CONT.
	EVERGREEN SHRUBS MAHONIA A. 'COMPACTA' COMPACT OREGON GRAPE LONICERA PILEATA HONEYSUCKLE PRIVET PRUNUS LAUROCERASUS 'OTTO LUYKEN' OTTO LUYKEN LAUREL RHODODENDRON 'PIM' PIM RHODODENDRON VIBURNUM DAVIDII DAVID'S VIBURNUM	MIN. 18"-24" HT., FULL AND BUSHY, B&B OR CONT., SPACING AS SHOWN ON PLAN
	GRASSES IMPERATA CYLINDRICA 'RUBRA' JAPANESE BLOOD GRASS CALAMAGROSTIS X ACUTIFLORA 'KARL FOERSTER' FEATHER REED GRASS FESTUCA GLAUCA BLUE FESCUE MOLINIA CAERULEA PURPLE MOOR GRASS	MIN. 1 GAL., FULL & BUSHY, SPACING AS SHOWN ON PLAN
	ACCENT SHRUBS BERBERIS THUNBERGII 'CRIMSON PYGMY' DWARF RED-LEAF BARBERRY CORNUS STOLONIFERA 'KELSEYI' KELSEY DOGWOOD SPIRAEA JAPONICA 'GOLDFLAME' GOLDFLAME SPIREA	MIN. 18" HT./SPREAD, FULL AND BUSHY, SPACING AS SHOWN ON PLAN
	VINES LONICERA CILIOSA ORANGE HONEYSUCKLE	5 GAL. CONT., MIN. (3) STRONG LEADERS, MIN. 36" LENGTH, FULL, DENSE. TRAIN TO GREEN WALL AS DIRECTED.
	GROUNDCOVERS / PERENNIALS ARCTOSTAPHYLOS UVA-URSI KINNIKINNICK HEMEROCALLIS SP. DAYLILY LEUCANTHEMUM X SUPERBUM SHASTA DAISY MAHONIA REPENS CREEPING MAHONIA NEPETA SP. CATMINT RUBUS CALYCINOIDES BRAMBLE SEDUM 'AUTUMN JOY' AUTUMN JOY SEDUM	MIN. 1 GAL. CONTAINERS, FULL AND BUSHY, 15" O.C. TRIANGULAR SPACING.

SYMBOL	BOTANICAL / COMMON NAME	SIZE AND CONDITION
	BIORETENTION EVERGREEN TREES PSEUDOTSUGA MENZIESII DOUGLAS FIR THUJA PLICATA WESTER RED CEDAR TSUGA HETEROPHYLLA WESTERN HEMLOCK	8-10' HT., FULL AND BUSHY, B&B, SPACING AS SHOWN ON PLAN
	SCREENING EVERGREEN TREES THUJA PLICATA 'FASTIGIATA' HOGAN CEDAR	8-10' HT., FULL AND BUSHY, B&B, SPACING AS SHOWN ON PLAN
	BIORETENTION DECIDUOUS TREES ACER CIRCINATUM VINE MAPLE FRAXINUS LATIFOLIA OREGON ASH	MIN. 2" CAL., 12'-14' HT., FULL, WELL-BRANCHED ABOVE 6' HT., B&B, SPACING AS SHOWN ON PLAN
	BIORETENTION TALL SHRUBS CORNUS STOLONIFERA REDOSIER DOGWOOD HOLODISCUS DISCOLOR OCEAN SPRAY MAHONIA AQUIFOLIUM OREGON GRAPE PHYSOCARPUS CAPITATUS PACIFIC NINEBARK RIBES SANGUINEUM RED FLOWERING CURRANT	MIN. 24-30" HT. & SPR, FULL & BUSHY, SPACING AS SHOWN ON PLAN
	BIORETENTION LOW SHRUBS CORNUS SERICEA 'KELSEYII' DWARF REDTWIG DOGWOOD GAULTHERIA SHALLON SALAL MAHONIA REPENS CREEPING MAHONIA ROSA NUTKANA NOOTKA ROSE SYMPHORICARPOS ALBUS SNOWBERRY	1 GAL., FULL & BUSHY, SPACING AS SHOWN ON PLAN
	BIORETENTION PERENNIALS, FERNS AND GRASSES CAREX OBNUPTA SLOUGH SEDGE CAREX STIPATA BEAKED SEDGE DESCHAMPSIA CESPITOSA TUFTED HAIRGRASS HEMEROCALLIS SP. DAYLILY HEUCHERA SP. CORAL BELLS JUNCUS EFFUSUS SOFT RUSH POLYSTICHUM MUNITUM WESTERN SWORD FERN SCIRPUS ACUTUS HARDSTEM BULRUSH	1 GAL., FULL & BUSHY, @ 18" O.C., TRIANGULAR SPACING

LANDSCAPE PLAN
SCALE: 1"=20'-0"

NORTH

0 10' 20' 40' 60'

AUGUST 01, 2011 PROJECT NO: 113-195

WEISMANDESIGNGROUP

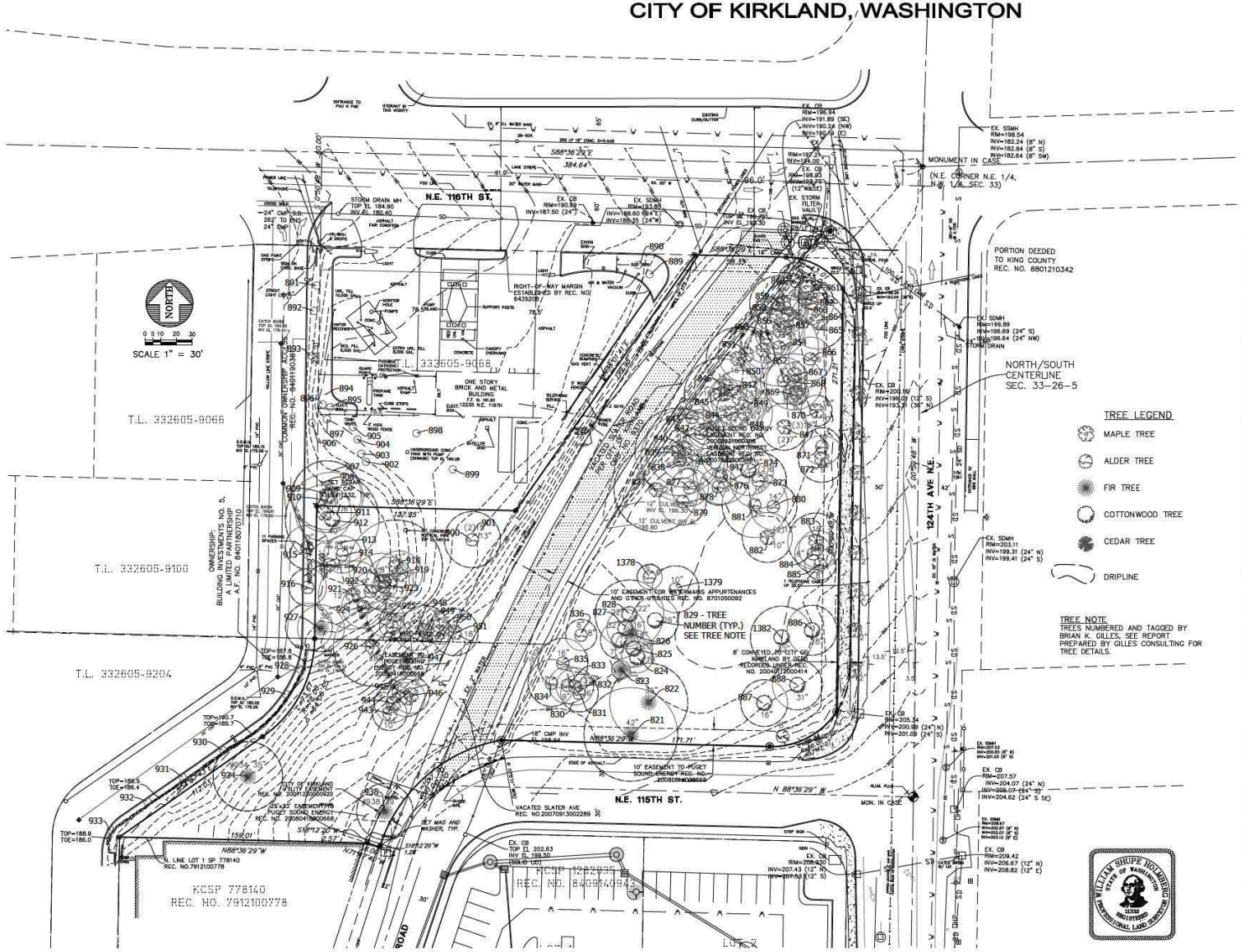
TOTEM STATION

KIRKLAND , WASHINGTON

L1.0

ENCLOSURE 2
ZON11-00026

PORTION OF THE N.E. 1/4 OF THE N.W. 1/4, OF SEC. 33 TWN. 26 N., RNG 5 E., WM
CITY OF KIRKLAND, WASHINGTON



LEGAL DESCRIPTION

LOTS 2 AND 3, CITY OF KIRKLAND ALTERATION OF LOT LINE NO. LL-98-83, RECORDED UNDER RECORDING NUMBER 9811249010; BEING A PORTION OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON;

EXCEPT THE EAST 8 FEET CONVEYED TO THE CITY OF KIRKLAND BY DEED RECORDED UNDER RECORDING NUMBER 20040115000414;

TOGETHER WITH THAT PORTION OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTH QUARTER CORNER OF SAID SECTION 33;
THENCE NORTH 88°36'29" WEST ALONG THE NORTH LINE THEREOF, 384.64 FEET;
THENCE SOUTH 00°51'09" WEST PARALLEL WITH THE NORTH-SOUTH CENTERLINE OF SAID SECTION 33, 311.51 FEET, MORE OR LESS, TO THE SOUTH LINE OF THE NORTH 311.5 FEET OF SAID SUBDIVISION AND THE BEGINNING OF A TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 78.00 FEET AND THE TRUE POINT OF BEGINNING;
THENCE SOUTHWESTERLY ALONG SAID CURVE AN ARC DISTANCE OF 73.67 FEET THROUGH A CENTRAL ANGLE OF 54°06'55" TO A POINT OF TANGENCY;
THENCE SOUTH 54°58'04" WEST 112.00 FEET, MORE OR LESS, TO THE NORTH LINE OF LOT 1 IN SHORT PLAT NUMBER 778140, ACCORDING TO SHORT PLAT RECORDED UNDER KING COUNTY RECORDING NUMBER 7912100778;
THENCE SOUTH 88°36'29" EAST ALONG SAID NORTH LINE, 159.02 FEET TO THE WESTERLY LINE OF SLATER AVENUE NORTHEAST;
THENCE NORTHEASTERLY ALONG SAID WESTERLY MARGIN, 138.48 FEET, MORE OR LESS, TO THE SOUTH LINE OF THE NORTH 311.5 FEET OF SAID SUBDIVISON;
THENCE NORTH 88°36'29" WEST ALONG SAID SOUTH LINE, 84.70 FEET TO THE TRUE POINT OF BEGINNING;

(ALSO KNOWN AS LOT 2 OF UNRECORDED KING COUNTY LOT LINE ADJUSTMENT NUMBER 982059);

TOGETHER WITH THAT PORTION OF VACATED SLATER AVENUE, BY CITY OF KIRKLAND ORDINANCE NUMBER 4094, RECORDED UNDER RECORDING NUMBER 20070913002289;

(ALSO KNOWN AS "NEW LOT 1 ", CITY OF KIRKLAND ALTERATION OF LOT LINE NO. LL-00-68, AS RECORDED UNDER RECORDING NUMBER 20020314002030);

AND TOGETHER WITH EASEMENTS AS PROVIDED FOR IN DOCUMENT RECORDED
JANUARY 19, 1984 UNDER RECORDING NUMBER 8401190381;

SITUATE IN THE CITY OF KIRKLAND, COUNTY OF KING, STATE OF WASHINGTON.

TREE LEGEND

- MAPLE TREE
- ALDER TREE
- FIR TREE
- COTTONWOOD TREE
- CEDAR TREE
- DRIPLINE

TREE NOTE

TREES NUMBERED AND TAGGED BY BRIAN K. GILLES, SEE REPORT PREPARED BY GILLES CONSULTING FOR TREE DETAILS.

REFERENCES

R1 – ALTERATION OF LOT LINE NO. LL-00-68
REC. NO. 20020314002030.

DATUM

NAVD 88

BENCHMARK

CITY OF KIRKLAND POINT ID# 43 (COK-1)
3" BRASS CAP WITH "+" SET IN 4" SQUARE CONCRETE IN CASE. 1.05' BELOW SURFACE. ELEVATION=228.805
(N.E. CORNER SEC. 32-26-05)

REVISIONS	BY	DATE

THE ORIGINAL SET TRACING OF THIS SHEET ARE THE SOLE PROPERTY OF ENCOMPASS, INC. AND SHALL REMAIN THE PROPERTY OF ENCOMPASS, INC. AND SURVEY.

BOUNDARY/TOPOGRAPHY/ TREE SURVEY

CAM WEST
11411 SLATER AVENUE N.E.
KIRKLAND, WA 98033

Encompass
ENGINEERING & SURVEYING
165 NE Juniper Street, Suite 205 • Issaquah, WA 98027 • Phone: (425) 392-0250 • Fax: (425) 391-3055
Western Washington Division
1108 East 2nd Street • Ste Dam, WA 98362 • Phone: (509) 674-7433 • Fax: (509) 674-7419

JOB NO.	10650
DATE	12/3/10
SCALE	1"=30'
DESIGNED	WSH
DRAWN	JEF
CHECKED	WSH
APPROVED	WSH
SHEET	1 OF 1

ATTACHMENT 1

ENCLOSURE 2
ZON11-00026

EAST ELEVATION
SCALE: 3/32"=1'-0"

APRIL 20, 2011 PROJECT NO: 113-195

CAM·WEST

DAHLIN GROUP
ARCHITECTURE · PLANNING

TOTEM STATION

KIRKLAND , WASHINGTON

5865 Owens Drive
Pleasanton, CA 94588
925.251.7200
925.251.7201 Fax

A5.1

ATTACHMENT 1

ENCLOSURE 2
ZON11-00026

EAST ELEVATION

ATTACHMENT 1

ENCLOSURE 2
ZON11-00026

EAST ELEVATION

ATTACHMENT 1

ENCLOSURE 2
ZON11-00026

ATTACHMENT 1

ENCLOSURE 2
ZON11-00026

ATTACHMENT 1

ENCLOSURE 2
ZON11-00026

ATTACHMENT 1

ENCLOSURE 2
ZON11-00026

KIRKLAND HEARING EXAMINER
May 17, 2012

1. CALL TO ORDER (6:35 PM)

Members Present: Sue Tanner - Hearing Examiner.

Members Absent: None.

Staff Present: Tony Leavitt - Associate Planner, Jon Regala - Senior Planner, Jeremy McMahan - Planning Supervisor, Thang Nguyen - Public Works Transportation Engineer, and Susan Hayden - Recording Secretary.

2. PUBLIC HEARINGS (6:35 PM)

A. Friends of Youth Community Facility Use Zoning Permit and Short Plat File Number ZON12-00003

Ms. Tanner opened the public hearing at 6:35 p.m. She provided the file ZON12-00003 and the address, 13116 NE 132nd Street, Kirkland. She listed the applicants and described the hearing procedures. She will issue a decision within eight (8) calendar days.

City Presentation

Mr. Tanner swore in Tony Leavitt, Associate Planner. Mr. Leavitt provided a brief overview of the project via aerial views of the existing site. He also described approval criteria, zoning permit and subdivision specifics and the staff recommendation.

The Hearing Examiner had no questions for staff. The Applicant presented at this time.

Applicant Presentation

Ms. Tanner swore in Terry Pottmeyer, 16225 NE 87th Street, Redmond. She explained the current issue of homeless youth and explained how Friends of Youth is involved in responding to this issue in the community. She provided background information on the organization, statistics, and the services the organization provides. She described the organization's residential homes located in the vicinity, program goals, and addressed transitional housing.

Ms. Tanner swore in Ryan Lorenz, 13210 130th Place NE, Kirkland. He expressed concerns about having administrative offices in a single family residence zone, the 15-foot buffer, validity of the building codes, size of the home in comparison to the surrounding homes, the organization's effort to educate neighbors on the project.

City Response

Mr. Leavitt responded to concerns of building use in this zone and responded to Ms.

Tanner's question about a "community facility." He also addressed concerns about landscaping and the buffer.

Applicant Response
Ms. Pottmeyer returned to address the size of the home, commitment to landscaping, and commitment to being a good neighbor.

The hearing closed at 6:57 p.m.

Ms. Tanner called for a five minute break.

B. **Totem Station Mixed Use Project Planned Unit Development (PUD), File Number: ZON11-00026**

Ms. Tanner opened the public hearing at 7:03 p.m. She provided the file number, ZON11-00026, and address, 11515 124th Avenue NE, Kirkland. She listed the applicants and described the hearing procedures. She will issue a decision within eight (8) calendar days.

City Presentation

Ms. Tanner swore in Jon Regala, Senior Planner. Ms. Tannner entered the following Exhibits into the record: staff report and attachments (Exhibit A), Mr. Regala's PowerPoint presentation (Exhibit B), and a letter from William Kreager, Quality Growth Alliance (Exhibit C). Mr. Regala proceeded to describe general information about the project, the proposal, key zoning topics, the design review process, public comment, PUD criteria, public benefits, the parking modification criteria, shared parking, staff analysis, and staff recommendation.

Mr. Regala responded to Ms. Tanner's questions regarding Special Regulation 1, specifically stacked dwelling units. Ms. Tanner had no further questions for staff.

Applicant Presentation

Ms. Tanner swore in Aaron Hollingbery, 9720 NE 120th Place, Kirkland. The Hearing Examiner entered the applicant's presentation into the record as Exhibit D.* Mr. Hollingbery described the location of the project using site maps. He explained intentions to revitalize the area and promote growth and investment. He also presented on the convenience of the location, project goals, shared parking between retail and residential, PUD criteria, public benefits, superior urban streetscape, traffic calming measures, superior building design, dog park off-leash area, impact fees, consistency with the comprehensive plan and design guidelines.

Ms. Tanner had no questions for the applicant. Public testimony began at this time.

1. Ms. Tanner swore in Karen Wittle, 11114 122nd Lane NE #N108, Kirkland. Ms. Wittle represents herself and the North Rose Hill neighborhood association. She explained that she is disappointed with the city's process, specifically related to previous traffic calming measures. She stated that the builder never met with the neighborhood association. She expressed concern about the level of accidents, specifically because there is no traffic light at 115th. She urged the Hearing Examiner to look at the impact this project will have on the neighborhood and

businesses in the area. Finally, she noted that the association has made several attempts to address these issues with the City and the association has been "blown off" by a particular Planning Department staff member, not Mr. Regala.

2. Ms. Tanner swore in Margaret Carnegie, 11259 126th Avenue NE, Kirkland. Ms. Carnegie stated that she approves of the low income housing portion of the project. However, she is concerned about traffic and pedestrian safety. She gave the example about the study done on 112th where the City determined that a light was not needed. She is also concerned about parking issues and the gateway sign.

3. Ms. Tanner swore in Bill Kreager, 1620 43rd Avenue East, #16-C, Seattle. He represents the Quality Group Alliance and explained the intentions of the Quality Group Alliance in relation to this project. He explained the group's connection with other partners that support sustainable and responsible growth. He explained how the project meets the seven criterion previously touched upon. He urged the Hearing Examiner to approve this project.

4. Ms. Tanner swore in Karen Hoyer, 11416 Slater Avenue, #203 D, Kirkland. Ms. Hoyer expressed concern about the parking situation, especially on Slater. Unauthorized vehicles are parking in her building's parking lot and there is no parking enforcement. She often times cannot get out of her driveway due to traffic on 124th. Big back ups causing drivers to take dangerous risks such as taking U-turns to avoid congestion.

City Response

Ms. Tanner swore in Thang Nguyen, Transportation Engineer. He addressed the issue of the signal at 112th and said that the Totem Station Apartments is a separate issue and studies show that the project does not warrant a traffic signal. He explained that the process behind traffic impact studies and the projects' impact on the area was not enough to require mitigation. He also addressed concerns about parking stating the proposed on-street parking is safer than the current parking conditions. Regarding concerns about parking issues on 124th including vehicles parking on gravel and in front of fire hydrants, Mr. Nguyen stated that the neighborhood can work with the city to address these parking issues. He also stated that the applicant of a project can not be held responsible for an existing traffic problem.

Mr. Regala addressed the question of the neighborhood "gateway" sign. He said a more subtle design was approved by the Design Review Board (DRB) and there are no regulations that require the applicant to install neighborhood signs.

Ms. Tanner called for a five minute break.

Ms. Tanner reconvened the meeting.

Applicant Response

Mr. Hollingbery said the project meets SEPA requirements and then introduced the applicant's project engineer to address traffic concerns.

Ms. Tanner swore in Kurt Gahnberg, 11730 118th Avenue NE, Ste 600, Kirkland. He referred to the October 2011 traffic study and stated that peak hour traffic between 4:00 p.m. and 6:00 p.m. was in fact considered and all normal procedures were followed. He stated that less than two accidents a year happen at the intersection in question and these had nothing to do with traffic entering from 115th. They applicant has studied count data as well as driver behavior in the area and believe the area is adequate to handle the overall traffic impact. Regarding the concern about the signal never installed at 112th, the previous project did not warrant a traffic signal and the current project does not either. He stated that every neighborhood wants a signal installed and that the city must prioritize these requests. Regarding on-street parking, he said it is actually protected parking via curb bulbing and safety is increased with this type of natural traffic calming. The applicant does not expect an adverse traffic impact.

There was nothing further from the applicant.

3. **ADJOURNMENT (8:30 PM)**

Ms. Tanner closed the hearing at 8:30 p.m.

Planning Staff

ATTACHMENT 3

Quality Growth Alliance
A Framework for Sound Action

May 16, 2012

Mr. Jon Regala
Senior Planner, Planning and Community Development
City of Kirkland
123 Fifth Avenue
Kirkland, WA 98033

Re: Quality Growth Alliance Support of Totem Station Project

Dear Mr. Regala:

I am the Chair of the Quality Growth Alliance (QGA) Recognition Program, and I am writing in support of the Totem Station Project. QGA has rigorous criteria for recognition and requires unanimous support from all of its member organizations in order to support a project. The eight member organizations include ULI Seattle, Puget Sound Regional Council, University of Washington, Enterprise Community Partners, Forterra (formerly Cascade Land Conservancy), Master Builders Association of King and Snohomish Counties, Futurewise, and NAIOP- Commercial Real Estate Development Association. These organizations often hold diverging views on land use issues. Recognizing their common ground, they have come together to promote smart community growth in our region. The members agree that there are key areas that must be addressed to foster sustainable, enduring, quality growth. These include:

- Support the efficient concentration of development and infrastructure
- Encourage broad public awareness and participation in the smart growth planning process
- Improve the zoning and entitlement process
- Maximize transportation investments
- Address climate change through land use decisions

QGA recognizes one to three projects per year that embody its goals.

The Totem Station Project was formally recognized by the QGA on November 11, 2011. The Project will provide housing close to where people work, help minimize auto-dependence, and provide workforce housing to complement the more intensely developed commercial uses of the Totem Lake Urban Center. The location at the edge of a major employment center is good. This very visible site should be commended for a project that will lead neighborhood change. The QGA supports the project for the following reasons:

1) Shared Parking/Transportation: The number of parking stalls provided is consistent with smart growth for this suburban setting. Many services and facilities are within walking distance and Transit connections offer accessibility to regional destinations. By taking advantage of shared parking between residential and commercial uses, this project maximizes parking efficiency. The mixed use element allows peak parking demand by use which reduces overall parking stall count and minimizes the existence of empty parking stalls.

2) Work Force Housing: Totem Station provides affordable, high quality housing in a convenient location. By providing smaller, more affordable units and keeping construction costs down, the Project will help to address the housing needs of the adjacent employment center of Totem Lake along with other nearby workplace destinations. Participation in the City of Kirkland's Affordable Housing program provides long term affordability for 10% of the projects units at 80% of King County medium income level. 36% of jobs within the City of Kirkland are located within the Totem Lake area, so this project provides an opportunity for people to live near their jobs.

3) Economics: The proposed 3 stories of workforce housing over retail is suitably dense and excellent for this site. The use of under structure parking makes sense for a suburban project with affordability goals. QGA commends the City

CITY OF KIRKLAND
Hearing Examiner Exhibit
Applicant ____
Department ____
Public ✓
FILE # ZON11-00026
C

of Kirkland for having a code that supports the use of shared parking based on project specific parking needs. Ultimately this flexibility allows this type of workforce housing to be built. The cost of underground parking is substantial and on grade exposed parking limits the developable area of a site. Both of these constraints would prove insurmountable for workforce housing project. Fortunately, the City has recognized this and been able to provide the support to allow the economics of the project to work. The City needs pioneering projects like Totem Station to revitalize the Totem Lake area. Residential is the first step to revitalization and will support the commercial revitalization of the neighborhood.

4) Superior Design and Urban Streetscape: The project sets an example for the Totem Lake neighborhood of high quality design and superior urban streetscape. Massing and modulation of the project adds interest and breaks up the scale of long facades. Variation in building textures and materials, roof structure design and landscaping pockets throughout the site are visually appealing to pedestrians and the neighborhood. The 16 parallel parking stalls along the NE 115th Place and 124th Avenue NE frontages promotes success of the building's commercial space by providing visible, convenient parking. Pedestrians also benefit from the safety of a widened sidewalk. Quality of pedestrian and vehicular access will contribute to successful retail along these streets. And successful retail will contribute to the vibrancy of the neighborhood as it redevelops.

5) Pedestrian Plaza and Community Garden Terrace: The Project provides a south facing open plaza area with a sunny southern exposure which will complement the pedestrian street orientation of the project. The plaza is a unique amenity in the North Rose Hill community. It will provide a significant benefit to members of the public, including the patrons and employees of the future businesses and tenants of the building. The Community Garden located on the second level provides a retreat for tenants to gather, sit and enjoy the outdoors in a peaceful, landscaped setting.

6) Urban Forest: The inclusion of the urban forest in the southwestern portion of the site will provide a visual amenity to the community by including a natural, green space in an urban environment. This peaceful, treed space will also serve as a natural retreat for tenants and pedestrians.

7) Off-Leash Dog Area: The off-leash dog area element of the Urban Forest provides a significant benefit to the residents of the community. Urban/suburban renters want to live in a building where pets are welcomed and the off leash dog area provides a community amenity for dog owners.

The QGA is pleased to support the Totem Station Project and commends the City of Kirkland for its Comprehensive Plan and Municipal Code, which allows the flexibility for desirable, high quality projects to be built in urban and suburban locations such at Totem Lake.

Best regards,

William H. Kreager, FAIA, LEED® AP
Chair, Quality Growth Alliance Recognition Program

About the Quality Growth Alliance
The Quality Growth Alliance is committed to building upon shared principles and fostering creative approaches not only to manage urban growth, but also to leverage it as a regional opportunity. Alliance members are the Urban Land Institute Seattle District Council, Puget Sound Regional Council, University of Washington College of Built Environments, Enterprise Community Partners, Forterra, Master Builders Association of King and Snohomish Counties, Futurewise, and NAIOP – The Commercial Real Estate Development Association Washington State Chapter. More information is available at www.qualitygrowthalliance.org.

HEARING EXAMINER RECOMMENDED CONDITIONS OF APPROVAL

STAFF ADVISORY REPORT SECTION I.B – *RECOMMENDATIONS*

OF EXHIBIT A - DATED MAY 8, 2012

Based on Statements of Fact and Conclusions (Section II), and Enclosures in this report, we recommend approval of this application subject to the following conditions:

1. This application is subject to the applicable requirements contained in the Kirkland Municipal Code, Zoning Code, and Building and Fire Code. It is the responsibility of the applicant to ensure compliance with the various provisions contained in these ordinances. Enclosure 3, Development Standards, is provided in this report to familiarize the applicant with some of the additional development regulations. This Enclosure does not include all of the additional regulations. When a condition of approval conflicts with a development regulation in Enclosure 3, the condition of approval shall be followed (see Conclusion II.I.2).
2. As part of the application for a Building Permit and/or Grading Permit the applicant shall submit:
   a. Detailed plans for staff review that are consistent with Design Review Board approval file DRC11-00002 (see Conclusion II.B.2, II.C.2, and II.F.2.d.2).
   b. A Tree Retention Plan that includes specific information on how to minimize construction impacts to the two trees to be retained (see Conclusion II.G.4.b).
   c. Plans consistent with the public improvements in Enclosure 2 (see Conclusion II.F.2.d.2).
   d. Permit drawings consistent with the parking layout in Enclosure 2 and parking information which includes the following (see Conclusion II.G.2.b):
      - A parking management plan, to be reviewed and approved by the City that would allow for successful shared parking. The parking management plan should address the following:
        - Signing on-site parking spaces as reserved for commercial use during specified hours Monday through Friday.
        - Installing signs visible from the driveway directing customers to commercial parking available in the parking garage.
      - A signed parking agreement which would prohibit medical office, sport-type uses such as spinning classes, yoga, and pilates studios unless a parking study is provided for City review and approval pursuant to the regulations in KZC Chapter 105. Any other change in use shall comply with the NRH 1A zone parking requirements.
      - A draft Transportation/Shared Parking Management Program as proposed by the applicant to be reviewed and approved by staff.
3. Prior to final inspection, the applicant shall:
   a. Replace any existing public improvements damaged during construction consistent with Public Works Preapproved Road Construction Plans (see Conclusion II.C.2).
   b. Install the shared parking requirements in subsection 2.d above (see Conclusion II.G.2.b).
   c. Submit a public access easement to allow for future construction and connection of the urban forest pedestrian pathway to the west (see Conclusion II.G.3.b).

ORDINANCE O-4359

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO APPROVAL OF A PRELIMINARY AND FINAL PUD AS APPLIED FOR BY CAMWEST DEVELOPMENT, LLC IN DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT FILE NO. ZON11-00026 AND SETTING FORTH CONDITIONS OF SAID APPROVAL.

WHEREAS, the Department of Planning and Community Development has received an application, pursuant to Process IIB, for a Preliminary and Final Planned Unit Development (PUD) filed by CamWest Development, LLC as Department of Planning and Community Development File No. ZON11-00026 to construct a mixed-use development within a NRH 1A zone; and

WHEREAS, pursuant to the City of Kirkland's Concurrency Management System, KMC Title 25, a concurrency application has been submitted to the City of Kirkland, reviewed by the responsible Public Works official, the concurrency test has been passed, and a concurrency test notice issued; and

WHEREAS, pursuant to the State Environmental Policy Act, RCW 43.21C, and the Administrative Guideline and local ordinance adopted to implement it, an environmental checklist was submitted to the City of Kirkland, reviewed by the responsible official of the City of Kirkland, and a Mitigated Determination of Nonsignificance was issued; and

WHEREAS, said environmental checklist and determination have been available and accompanied the application through the entire review process; and

WHEREAS, the application was submitted to the Kirkland Hearing Examiner who held a hearing thereon at her meeting of May 17, 2012; and

WHEREAS, the Kirkland Hearing Examiner, after her public hearing and consideration of the recommendations of the Department of Planning and Community Development, did adopt certain Findings, Conclusions and Recommendations and did recommend approval of the Process IIB Permit subject to the specific conditions set forth in said recommendations; and

WHEREAS, the City Council, in regular meeting, did consider the environmental documents received from the responsible official, together with the recommendation of the Hearing Examiner; and

WHEREAS, the Kirkland Zoning Ordinance requires approval of this application for PUD to be made by ordinance;

NOW, THEREFORE, the City Council of the City of Kirkland do ordain as follows:

Section 1. The Findings, Conclusions, and Recommendations of the Kirkland Hearing Examiner, attached to this ordinance are adopted by the Kirkland City Council and incorporated by this reference as though fully set forth herein.

Section 2. After completion of final review of the PUD, as established in Sections 125.50 through 125.75 (inclusive) of the Kirkland Zoning Code, the Process IIB Permit shall be issued to the applicant subject to the conditions set forth in the Recommendations hereinabove adopted by the City Council.

Section 3. Nothing in this ordinance shall be construed as excusing the applicant from compliance with any federal, state or local statutes, ordinances or regulations applicable to this project, other than expressly set forth herein.

Section 4. Failure on the part of the holder of the permit to initially meet or maintain strict compliance with the standards and conditions to which the Process IIB Permit is subject shall be grounds for revocation in accordance with the Kirkland Zoning Code.

Section 5. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication pursuant to Section 1.08.017, Kirkland Municipal Code in the summary form attached to the original of this ordinance and by this reference approved by the City Council.

Section 6. A complete copy of this ordinance, including the Findings, Conclusions and Recommendations adopted by Section 1 of this ordinance shall be certified by the City Clerk, who shall then forward the certified copy to the King County Department of Assessments.

Section 7. A certified copy of this ordinance, together with the Findings, Conclusions, and Recommendations herein adopted shall be attached to and become a part of the Process IIB Permit or evidence thereof delivered to the permittee.

Passed by majority vote of the Kirkland City Council in open meeting this _____ day of _____, 2012.

Signed in authentication thereof this _____ day of _____, 2012.

_____
MAYOR

Attest:

_____
City Clerk

Approved as to Form:

_____
City Attorney

CITY OF KIRKLAND
HEARING EXAMINER FINDINGS, CONCLUSIONS AND RECOMMENDATION

RECEIVED
MAY 22 2012
AM PM
PLANNING DEPARTMENT
BY

APPLICANT: Aaron Hollingbery for CamWest Development, LLC

FILE NO: ZON11-00026

APPLICATION:

1. **Site Location:** 11515 124th Avenue NE

2. **Request:** The applicant seeks to construct a 4- to 5-story mixed-use project with 10,200 square feet of commercial/retail space, 108 one-unit/studio work force residential units, and 128 parking stalls with a shared parking arrangement between different uses on the property. The proposal also includes an urban forest and dog park at the southwest corner of the site. The applicant seeks:

   a. A preliminary and final Planned Unit Development (PUD) to place residential parking spaces on the ground floor of the building and modify floor-to-floor heights. The Kirkland Zoning Code (KZC) does not allow stacked dwelling units and associated residential parking on the ground floor in the NRH 1A zone, although residential parking is allowed outside the building at grade.

   b. A parking modification to allow construction of 16 on-street parking stalls to count toward the parking requirement for the development.

Review Process: Process IIB, the Hearing Examiner conducts a public hearing and makes a recommendation to the City Council, which makes a final decision.

Key Issues:

- Compliance with the criteria for a Planned Unit Development;
- Compliance with the criteria for a parking modification

SUMMARY OF RECOMMENDATIONS:

Department of Planning and Community Development	Approve with conditions
Hearing Examiner:	Approve with conditions

PUBLIC HEARING:

The Hearing Examiner held a public hearing on the applications on May 17, 2012, in the Council Chamber, City Hall, 123 Fifth Avenue, Kirkland, Washington. A verbatim recording of the hearing is available in the City Clerk's office. The minutes of the hearing and the exhibits are available for public inspection in the Department of Planning

and Community Development. The Examiner visited the site visit in advance of the hearing.

PUBLIC COMMENT:

A list of those who testified at the public hearing, and a list of the exhibits offered at the hearing are included at the end of this Recommendation. The testimony is summarized in the hearing minutes.

FINDINGS, CONCLUSIONS AND RECOMMENDATION:

After considering the evidence in the record and inspecting the site, the Examiner enters the following:

Findings of Fact and Conclusions:

1. **Site Description**

The Facts and Conclusions on this matter set forth at Subsection II.A of the Planning Department's Advisory Report, dated May 8, 2012, (hereafter Exhibit A) are accurate and supported by the record, and therefore are adopted by reference as the Hearing Examiner's Findings and Conclusions.

2. **History**

A. The Facts and Conclusions on this matter set forth at Subsection II.B of Exhibit A are accurate and supported by the record, and therefore are adopted by reference as the Hearing Examiner's Findings and Conclusions.

B. The Design Review Board's approval of the proposal was not appealed.

3. **Concurrency**

A. The Facts and Conclusions on this matter set forth at Subsection II.E of Exhibit A are accurate and supported by the record, and therefore are adopted by reference as the Hearing Examiner's Findings and Conclusions.

B. The concurrency test decision for the proposal was not appealed.

4. **State Environmental Policy Act (SEPA)**

The Facts and Conclusions on this matter set forth at Subsection II.D of Exhibit A are accurate and supported by the record, and therefore are adopted by reference as the Hearing Examiner's Findings and Conclusions.

5. **Public Comment**

A. The Facts and Conclusions on this matter set forth at Subsection II.C of Exhibit A are accurate and supported by the record, and therefore are adopted by reference as the Hearing Examiner's Findings and Conclusions.

B. Public testimony at the hearing focused primarily on transportation related issues, such as the accuracy of traffic counts, whether a signal was warranted at NE 115th Place, whether left turns from the project onto 124th Avenue NE will be possible in light of traffic volumes, pedestrian safety and the ability of pedestrians to cross 124th Avenue NE from the project, and parking. There were also comments on the desirability of requiring a sign identifying the area as North Rose Hill.

C. Because the Design Review Board's decision not to require the standard neighborhood gateway signage was not appealed, the Examiner has no jurisdiction to consider that issue.

D. The City reviews a development proposal's transportation impacts under two processes. The first process is concurrency review, which is a macro level review of a proposal's potential impacts on the City's transportation system. It determines whether system-wide transportation improvements are needed to accommodate the proposal's anticipated traffic while maintaining the City's adopted levels of service (volume to capacity ratios).

E. Because the City's concurrency test decision for the proposal was not appealed, the Examiner has no jurisdiction to consider issues related to that decision.

F. The second review of a development's transportation impacts is initiated by the Department pursuant to SEPA. This review examines localized impacts in and near the proposal and includes examination of intersection levels of service, analysis of development impacts upon non-motorized traffic, access, traffic safety, and parking.

G. Because the City's SEPA Determination of Nonsignificance was not appealed, the Examiner has no jurisdiction to consider transportation impacts that were reviewed pursuant to SEPA.

6. **Approval Criteria**

The Facts and Conclusions on this matter set forth at Subsection II.F of Exhibit A are accurate and supported by the record, and therefore are adopted by reference as the Hearing Examiner's Findings and Conclusions.

7. **Development Regulations**

The Facts and Conclusions on this matter set forth at Subsection II.G of Exhibit A are accurate and supported by the record, and therefore are adopted by reference as the Hearing Examiner's Findings and Conclusions.

8. **Comprehensive Plan**

The Facts and Conclusions on this matter set forth at Subsection II.H of Exhibit A are accurate and supported by the record, and therefore are adopted by reference as the Hearing Examiner's Findings and Conclusions.

9. **Development Standards**

The Facts and Conclusions on this matter set forth at Subsection II.I of Exhibit A are accurate and supported by the record, and therefore are adopted by reference as the Hearing Examiner's Findings and Conclusions.

Recommendation:

Based upon the foregoing findings of fact and conclusions, the Hearing Examiner recommends that the City Council approve the Preliminary and Final PUD and parking modification, subject to the conditions set forth in section IB of Exhibit A.

Entered this 21st day of May, 2012.

Sue A. Tanner
Hearing Examiner

SUBSEQUENT MODIFICATIONS

Modifications to the approval may be requested and reviewed pursuant to the applicable modification procedures and criteria in effect at the time of the requested modification.

CHALLENGES AND JUDICIAL REVIEW

The following is a summary of the deadlines and procedures for challenges and appeals. Any person wishing to file or respond to a challenge or appeal should contact the Planning Department for further procedural information.

CHALLENGE

Section 152.85 of the Zoning Code allows the Hearing Examiner's recommendation to be challenged by the applicant or any person who submitted

written or oral comments or testimony to the Hearing Examiner. A party who signed a petition may not challenge unless such party also submitted independent written comments or information. The challenge must be in writing and must be delivered, along with any fees set by ordinance, to the Planning Department by 5:00 p.m., June 1, 2012, seven (7) calendar days following distribution of the Hearing Examiner's written recommendation on the application. Within this same time period, the person making the challenge must also mail or personally deliver to the applicant and all other people who submitted comments or testimony to the Hearing Examiner, a copy of the challenge together with notice of the deadline and procedures for responding to the challenge.

Any response to the challenge must be delivered to the Planning Department within seven (7) calendar days after the challenge letter was filed with the Planning Department. Within the same time period, the person making the response must deliver a copy of the response to the applicant and all other people who submitted comments or testimony to the Hearing Examiner.

Proof of such mail or personal delivery must be made by affidavit, available from the Planning Department. The affidavit must be attached to the challenge and response letters, and delivered to the Planning Department. The challenge will be considered by the City Council at the time it acts upon the recommendation of the Hearing Examiner.

JUDICIAL REVIEW

Section 152.110 of the Zoning Code allows the action of the City in granting or denying this zoning permit to be reviewed in King County Superior Court. The petition for review must be filed within twenty-one (21) calendar days of the issuance of the final land use decision by the City.

LAPSE OF APPROVAL

The applicant must submit to the City a complete building permit application approved under KZC Chapter 125 within four (4) years after approval of the Final PUD, or the lapse provisions of Section 152.115 will apply. Furthermore, the applicant must substantially complete construction approved under Chapter 125 and complete the applicable conditions listed on the Notice of Approval within six (6) years after approval of the Final PUD, or the decision becomes void.

TESTIMONY:

The following persons testified at the public hearing:

From the City:
Jon Regala, Senior Planner
Thang Nguyen,
Transportation Engineer

From the Applicant:
Aaron Hollingbery
Kurt Gahnberg, Transportation Engineer

From the Public:

Karen Whittle	Bill Kreager
Margaret Carnegie	Karen Hoyer

EXHIBITS:

The following exhibits were offered and entered into the record at the public hearing:

A. Department of Planning and Community Development Staff Advisory Report dated May 8, 2012, with 19 attachments
B. Hard copy of Department's PowerPoint presentation
C. Letter of May 16, 2012 to Jon Regala from William H. Kreager, Quality Growth Alliance
D. Hard copy of Applicant's PowerPoint presentation

PARTIES OF RECORD:

Aaron Hollingbery
Kurt Gahnberg
Citizens on Parties of Record List
Department of Planning and Community Development
Department of Public Works
Department of Building and Fire Services

PUBLICATION SUMMARY
OF ORDINANCE O-4359

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO APPROVAL OF A PRELIMINARY AND FINAL PUD AS APPLIED FOR BY CAMWEST DEVELOPMENT, LLC IN DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT FILE NO. ZON11-00026 AND SETTING FORTH CONDITIONS OF SAID APPROVAL.

SECTION 1. Adopts the Findings, Conclusions and Recommendations of the Kirkland Hearing Examiner.

SECTION 2. Provides that after completion of final review of the PUD, the Process IIB Permit shall be issued and subject to the adopted Recommendations.

SECTION 3. States applicant is not excused from compliance with any federal, state or local statutes, ordinances or regulations applicable to the project, other than as expressly set forth in the Ordinance.

SECTION 4. Provides grounds for revocation of the Process IIB Permit.

SECTION 5. Authorizes publication of the Ordinance by summary and for approval of summary by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as five days after publication of summary.

SECTION 6. Establishes requirement for certification of the Ordinance by City Clerk and notification of King County Department of Assessments.

SECTION 7. Provides for the certified Ordinance and adopted Findings, Conclusions and Recommendations to become part of the Process IIB Permit and delivered to permittee.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the _____ day of _____, 2012.

I certify that the foregoing is a summary of Ordinance O-4359 approved by the Kirkland City Council for summary publication.

_____
City Clerk

Council Meeting: 06/19/2012
Agenda: New Business
Item #: 11. d.

CITY OF KIRKLAND
Department of Finance & Administration
123 Fifth Avenue, Kirkland, WA 98033 425.587.3100
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Tracey Dunlap, Director of Finance & Administration
Sri Krishnan, Financial Planning Manager

Date: June 8, 2012

Subject: **2012 MID-YEAR BUDGET ADJUSTMENTS**

RECOMMENDATION:

City Council receive an update on the City's financial condition, approve the ordinance adjusting the 2011-2012 budget appropriation for selected funds, and approve the resolution updating fiscal policies during the regular meeting on June 19.

BACKGROUND DISCUSSION:

The Mid-Year Budget review addresses a variety of topics regarding the current budget biennium. This memo describes the various attachments included in the packet, including:

- **Fiscal Policies** – The attached resolution adopting revisions to the City's Fiscal Policies (Attachment A), which incorporates the revised targets as directed on March 6, 2012 and the City's Reserve Replenishment Principles passed by Resolution R-4900 on October 18, 2011 (Attachment B).

- **Financial Status** – The Financial Management Report (FMR) for the period ending March 31, 2012 (Attachment C), the April Dashboard Report (Attachment D), April and May sales tax memos (Attachment E-F) are included.

- **Budget Adjustments** – A recommendation concerning mid-year budget adjustments needed to meet unanticipated needs, recognizing additional resources, and housekeeping adjustments (Attachment G).

FISCAL POLICIES

The City Council was presented with a review of reserve policies and recommendations at the October 4, 2011 Study Session, which summarized the results of the Finance Committee review over the preceding six months. Based on the direction received at that meeting, the reserve replenishment policies were adopted by Resolution R-4900 (Attachment B), which directed the City Manager to propose revised reserve targets for Council's review and adoption prior to initiation of the 2013-14 budget development process.

The Reserve Replenishment Principles approved by Council on October 11, 2011 have been incorporated in the Reserve and Fund Balance Policies section of the City's Fiscal Policies (Attachment A). On March 6, 2012, the City Council approved modifications to the reserve targets as summarized in the table below. One additional housekeeping change provides for enterprise debt to be issued for a period of up to 30 years, consistent with debt management policies.

Fund	Change to Target
Contingency Reserve	Changed from 100% to 80% of statutory maximum
General Operating Reserve	
General Capital Contingency	Changed from 10% of 6-year CIP budget to 10% of 2-year CIP
Revenue Stabilization	
Building & Property Reserve	Added language to include $600,000 minimum balance requirement
Council Special Projects Reserve	Added language to include $250,000 balance target

The resolution to approve the revisions to the Fiscal Policies is included and will be implemented as part of the 2013-2014 budget.

FINANCIAL STATUS

The Financial Management Report (FMR) provides an overview of revenue and expenditure performance for the first quarter of 2012 (Attachment C). The second quarter report should be available in mid-August.

The April dashboard report provides high level monitoring of the General Fund revenues and expenditures status and a few key revenue and expenditure indicators across funds that are especially important to watch. The following are a few highlights from the April dashboard report (Attachment D):

- Total **General Fund revenues** are meeting budget expectations. Revenues received through April are at 33.1 percent of budget. Note that $1.7 million of revenue received in December 2011 is revenue from Woodinville Fire and Rescue budgeted for receipt in 2012. Including this amount, the total revenue received through April would be at 35.25 percent of budget. Utility taxes are at or above expectations so far, although declining telecommunication and cables taxes are currently offset by higher revenue from gas and electricity. Annexation sales tax revenue continues the trend of 2011, which is much lower than originally planned, but overall revenue is coming slightly ahead of expectations. Development revenues are on target collectively, but the delay of the expected commencement of Park Place re-development in 2012 is causing building development revenue to fall short of budget. The continuing volatile global and national economic conditions and the potential impact to economically-sensitive revenue remain a concern.

- Overall, **General Fund expenditures** are slightly trailing the budget at 30.4 percent. Savings are largely due to postponement of some annexation hiring, position vacancies, firefighter overtime lower than budgeted, and jail contract savings. Fuel costs remain a concern since the average price per gallon cost of $3.86 as of April is about 25 percent above budget, but is currently being absorbed within the existing operating budget. Decisions about filling vacant positions will impact future expenditure trends.

The April and May sales tax memo (Attachments E and F) includes an analysis of sales tax revenue trends by business sectors and compares monthly and year-to-date data to last year. While the results for these two months are mixed, year-to-date revenues are up 6.4 percent compared to a budgeted increase of 4.4 percent over 2011.

MID-YEAR BUDGET ADJUSTMENTS

State law prohibits expenditures from exceeding the budgeted appropriation for any fund and requires the City to adjust appropriations when:

1. Unanticipated revenue exists and will potentially be expended;
2. New funds are established during the budget year which were not included in the original budget; or
3. The City Council authorizes positions, projects, or programs not incorporated into the current year's budget.

This budget adjustment allows for appropriation increases where it is anticipated that total expenditures may be in excess of the adopted 2011-2012 budget.

Unless there is an immediate need, budget adjustments that represent ongoing increases in the level of service are generally not introduced at mid-year. Rather, they are submitted as service package requests during the budget preparation and mid-biennial review processes.

As usual for the Mid-Year Adjustment process, adjustments are recommended for unexpected issues such as grant funding and Council use of reserves that have occurred since the last adjustment.

Total appropriation adjustments result in a net budget increase of $1,516,291. The budget adjustment summary (Attachment G) shows both line item and appropriation changes. Line item changes are administrative adjustments within funds and are provided for reference. Appropriation adjustments change the total budget and require adoption of the ordinance.

Council Directed/Other Requests and Previously Approved Adjustments – The first category of adjustments includes any additional changes identified by Council and formalizing previously approved actions (fiscal notes, etc). Some of these requests have been approved by the Council since the mid-biennial adjustments in December 2011, but the formal appropriation adjustment is occurring as part of the mid-year budget update.

A large portion of the adjustments are related to capital projects, including the planned transfer of remaining Fire District #41 assets to the CIP fund in anticipation of funding the fire station consolidation/relocation project. Another significant housekeeping adjustment is reallocating property tax revenue related to the 2002 Parks Maintenance Levy from the General Fund to the Parks Maintenance Fund to align with the actual 2012 property tax levy (related parks maintenance expenses are also moved). The expected impacts from final state budget decisions regarding state-shared revenue and Initiative 1183 are also recognized.

The following is a list of selected adjustments:

- Use of Real Estate Excise Tax (REET) 1 Reserves for one-time staffing support for the Green Kirkland Partnership program in the Parks department due to unavailability of

planned grant funding (includes use of REET Flexibility of $43,298 based on Council direction at the May 15 meeting). The net appropriation change is $4,159 comprised of adding $43,298 in REET to offset the loss of $41,451 from the King Conservation District; the difference is due to updated cost estimates.

- Recognizing the expected reduction in General Fund state-shared revenue of $317,264 as a result of the final outcome of State budget cuts and effects of I-1183 on liquor revenues. State Liquor Board profits were previously budgeted as reserves as a contingency pending the outcome of the initiative and State budget decisions. This adjustment will reduce the General Fund reserve level to about $566,000 (after one-time uses previously approved, including funding the Emergency Preparedness Coordinator position, purchasing electronic patient record tablets, the City's share of the Fire Strategic Plan, and temporary fire administration staffing).

- Recognizing the transfer of remaining Fire District 41 cash assets of $1,225,681 to the Consolidated Fire Station Capital Improvement Project as included in the Interlocal Agreement (ILA) approved by Council on May 4, 2011. This adjustment sets aside the remaining balance from the Fire District 41 asset transfer in a reserve to 1) fund station construction costs in excess of the bond proceeds, 2) pay debt service, and 3) other administrative costs associated with the transfer of assets from the District per the ILA.

- Other Council directed adjustments made in 2012 total $1,447,900 and include the following:
  - 2012 Summerfest – $7,000 from the Council Special Project reserve.
  - Tall Ships Event – $4,800 from the Tourism fund reserve.
  - Central Way Pedestrian Enhancement (CNM 0065) – $34,000 from REET 2 reserves to provide components above the base project scope, including additional sidewalk and surface water improvements, as well as a public art element, as approved by Council at the May 15, 2012 meeting.
  - Cross Kirkland Corridor acquisition costs – $264,775 from King County Parks Levy (current levy reserve balance and expected 2012 revenue) to fund engineering surveys, legal, and other acquisition-related activities.
  - Replace broken watermain and repair road damage on 120th Ave NE/NE 70th Street - $272,000 from the Water/Sewer Capital Reserve.
  - Protect city utility infrastructure during I-405 freeway widening – $39,500 from the Water/Sewer Capital Reserve to enter into a construction agreement with the Washington State Department of Transportation to protect city-owned utility infrastructure located within the right-of-way of the State's freeway project.
  - Totem Lake culvert replacements – $922,600 from Annual Storm Drain Replacement Program as approved by Council at the April 17, 2012 meeting. This project addresses two major failures and continues in the 2013-18 CIP, with an expected total cost of $3.3 million. It is also a part of the comprehensive approach to solve flooding issues in the area.
  - Totem Lake Flooding (CSD 0059) – recognize external revenue of $168,000 from a King County grant. This is a housekeeping item to change funding from internal to external and does not change the total project budget.

Housekeeping Items – The second category of adjustments are needed to adjust budget accounts, fund balances, etc., including:

- Water Rescue Equipment – Estimated to cost $45,000. Funded by reallocating unspent balances from three completed Capital Improvement Projects: Thermal Imaging Cameras, Mobile Data Computers and RFTD Office Space. This adjustment will bring the Near Shore Water Rescue Program into compliance with Washington State requirements.

- Funding a Temporary Construction Inspector on loan from King County to address a backlog of development-related inspections - $57,003 funded by fees set aside in the Development Services Reserve from 2011 engineering revenues.

- Adjusting Development Services Reserves - $280,000 funded by recognizing development engineering fee revenues which exceeded the budgeted amount in 2011, and will be needed for future development review staffing.

- Reallocating the Parks Maintenance Service Package and Parks Levy revenues to the Parks Maintenance Fund from the General Fund - $399,697 from the General Fund to the Parks Maintenance Fund, based on the 2012 parks levy. The original budget reflected revenues and expenditures in the General Fund due to uncertainty in Levy revenues from the annexation area and associated costs of services. However, the levy amount is less than the service package total expenditures. As a result, the General Fund is subsidizing the Parks Maintenance Fund with a one-time transfer of $28,270 in 2012. The operational costs of pending vehicle purchases have not been included at this point and could add up to $100,000 annually. The structural difference between levy revenue and expenditures will be an issue that will need to be addressed as part of the 2013-14 budget process.

- Moving Teen Center debt service from REET to impact fees - $40,185; this debt service was originally funded from impact fees but was backfilled by REET because impact fee revenue projections indicated that it would not be sufficient to support the debt payment. Impact fee revenues have slightly improved in 2011-12 and actual current balance is adequate to support the 2012 Teen Center debt service payment as originally scheduled.

- Hiring of a temporary staff member in the Information Technology (IT) Applications Division to provide adequate resources for completing major Hansen upgrades, the facilities management model and email archiving - $59,560 funded by IT reserves, temporary position to continue through 2014.

- Other 2012 housekeeping adjustments total $217,418 and include the following:
  - Energov backfill January-April 2012 – $32,336 funded by the Permit Plan Replacement Capital Improvement Project.
  - 2011 overhead distribution reconciliation (Cost of Service Model) – Reduced revenue from Interfund Citywide Overhead charges by $2,550 to reflect actual costs in 2011.
  - On-call staffing and tax consulting services – Total cost of $20,000. Funded by NORCOM revenue from the temporary assignment of the Finance & Administration Director to NORCOM Executive Director – $12,500, and utility tax revenues of $7,500.
  - Tourism services – $11,425 funded by tourism tax revenues as recommended by the Tourism Development Committee. These program changes include printing more tourism guides and producing a tourism video. The increased costs are partially offset by reducing consultant contract costs.

- GIS Street Asset Inventory worker – $51,354 funded by a transfer of annexation service package funds approved in the Information Technology fund to the Street Operating Fund.
- Life Cycle Reserves – $54,190 returning funding to the Life Cycle Reserve in the Facilities Fund from Capital Improvement Fund as a result of closing multiple completed life cycle projects.
- U.S. Fish and Wildlife Grant and grant match – $30,933 moving from the Surface Water Capital fund to the Surface Water Operating fund.
- Recycling collection events and commercial recycling outreach – $19,436 funded by a Department of Ecology Grant in the Solid Waste Fund.
- Other housekeeping adjustments totaling $294.

SUMMARY

The budget is adopted at the fund level which sets the total expenditure authority for the biennium for each fund. A summary of the adjustments and 2011-2012 revised budget by fund type is included in the table below:

Fund Type	Current 11-12 Budget	Adjustments	Revised 11-12 Budget
General Government:			
General Fund	161,866,657	(634,746)	161,231,911
Other Operating Funds	18,142,126	462,476	18,604,602
Internal Service Funds	57,126,665	54,484	57,181,149
Non-Operating Funds	112,376,530	1,446,641	113,823,171
Utilities:			
Water/Sewer	66,961,952	-	66,961,952
Surface Water	33,025,878	168,000	33,193,878
Solid Waste	25,083,065	19,436	25,102,501
Total Budget	**474,582,873**	**1,516,291**	**476,099,164**

The next opportunity for budget adjustments will occur at the end of 2012, which will include a final reconciliation of grants received by the City in support of the Cross Kirkland Corridor and potential funding for a Regional Decant facility.

CITY OF KIRKLAND

FISCAL POLICIES

BACKGROUND AND PURPOSE

The stewardship of public funds is one of the greatest responsibilities given to the officials and managers of the City of Kirkland. Therefore, the establishment and maintenance of wise fiscal policies enables city officials to protect public interests and ensure public trust.

This document incorporates past financial practices in defining the current policies to be used by the City to meet its obligations and operate in a financially prudent manner. These policies have been established to provide general fiscal guidelines and are intended to provide sound direction in the management of the City's financial affairs.

OPERATING BUDGET POLICIES

The municipal budget is the central financial planning document that embodies all operating revenue and expenditure decisions. It establishes the level of services to be provided by each department within the confines of anticipated municipal revenues.

- The City Council will adopt a biennial budget which will reflect estimated revenues and expenditures for the ensuing two years. A mid-biennium review and update will take place as prescribed by law during the first year of the biennium.
- The City Council will establish municipal service levels and priorities for the ensuing two years prior to and during the development of the preliminary budget.
- The City Manager shall incorporate the Council's priorities in the formulation of the preliminary and final budget proposal.
- Adequate maintenance and replacement of the City's capital plant and equipment will be provided for in the biennial budget.
- The biennial budget will be balanced with resources in that biennium.

REVENUE AND EXPENDITURE POLICIES

Annual revenues are conservatively estimated as a basis for preparation of the biennial budget and City service programs.

Expenditures approved by the City Council in the biennial budget define the City's spending limits for the upcoming biennium. Beyond legal requirements, the City will maintain an operating philosophy of cost control and responsible financial management.

- The City will maintain revenue and expenditure categories according to state statute and administrative regulation.
- Current revenues will be sufficient to support current expenditures.
- All revenue forecasts will be performed utilizing accepted analytical techniques.
- All fees for services shall be reviewed and adjusted (where necessary) at least every three years to ensure that rates are equitable and cover the total cost of service, or that percentage of total service cost deemed appropriate by the City.
- Revenues of a limited or indefinite term will be used for capital projects or one-time operating expenditures to ensure that no ongoing service program is lost when such revenues are reduced or discontinued.
- Grant applications to fund new service programs with state or federal funds will be reviewed by the City, as they become available, with due consideration being given to whether locally generated revenues will be required to support these programs when outside funding is no longer available.

- The City of Kirkland will establish and maintain Special Revenue Funds which will be used to account for proceeds from a substantial restricted or committed revenue source used to finance designated activities which are required by statute, ordinance, resolution or executive order.
- Biennial expenditures will be maintained within the limitations of biennial revenues. The City will not use short-term borrowing to finance current operating needs without full financial analysis and prior approval of the City Council.
- In order to ensure the continuity of services, the City will budget no more sales tax revenue than was received in the prior year as a hedge against possible future economic events.
- Interest income revenue will be used to finance one-time capital or time-limited goods or services including debt service on councilmanic bond issues.
- All authorized positions will be budgeted for a full year (or biennium) unless specifically designated by the City Council as a partial-year position.
- In the event that budget reductions are needed in order to balance revenues and expenditures, the City Council will provide policy direction to staff as to the priority order and combination for using the following strategies:
    - Raise revenue
    - Reduce expenditures
    - Use reserves
- The use of reserves to balance the budget will only be used to address short term temporary revenue shortfalls and expenditure increases.
- The biennial budget will be formally amended by the City Council as needed to acknowledge unforeseen expenditures. All requests for funding will be analyzed by the Finance and Administration Department. The Council will be provided with a discussion of the legality and/or policy basis of the expenditure, the recommended funding source, an analysis of the fiscal impact and a review of all reserves and previously approved amendments since budget adoption.
- A request will not be approved at the same meeting at which it is introduced unless it is deemed an urgent community issue by a supermajority vote of the City Council. Requests made to Council outside of the formal budget adjustment process will be analyzed and presented to the Council for approval at the next regular Council meeting that allows sufficient time for staff to prepare an analysis and recommendation.

ENTERPRISE FUND POLICIES

The City will establish enterprise funds for City services when 1) the intent of the City is that all costs of providing the service should be financed primarily through user charges; and/or 2) the City Council determines that it is appropriate to conduct a periodic review of net income for capital maintenance, accountability, or other public policy purposes.

- Enterprise funds will be established for City-operated utility services.
- Enterprise fund expenditures will be established at a level sufficient to properly maintain the fund's infrastructure and provide for necessary capital development.
- Each enterprise fund will maintain an adequate rate structure to cover the costs of all operations, including maintenance, depreciation, capital and debt service requirements, reserves (as established by fiscal policy or bond covenant), and any other cost deemed necessary.
- Rates may be offset from available fund cash after requirements are met for cash flow and scheduled reserve contributions.
- Enterprise fund services will establish and maintain reserves for general contingency and capital purposes consistent with those maintained for general governmental services.
- Revenue bonds shall be issued only when projected operating revenues are insufficient for the enterprise's capital financing needs.

- The City will insure that net operating revenues of the enterprise constitute a minimum of 1.5 times the annual debt service requirements.
- The City will limit the maturities of all utility revenue bond issues to ~~25~~30 years or less.

Cash Management and Investment Policies

Careful financial control of the City's daily operations is an important part of Kirkland's overall fiscal management program. Achieving adequate cash management and investment control requires sound financial planning to ensure that sufficient revenues are available to meet the current expenditures of any one operating period. Once steps are taken to ensure that the City maintains a protected cash position in its daily operations, it is to the municipality's advantage to prudently invest idle funds until such time as they are required to make expenditures.

- The City's idle cash will be invested on a continuous basis in accordance with the City's adopted investment policies.
- The City will maintain a formal investment policy which is reviewed and endorsed by state and/or national professional organizations. The complete policy can be found in the appendix of this document.
- The City will invest all funds (in excess of current requirements) based upon the following order of priority: 1) legality; 2) liquidity; 3) safety; and 4) yield.
- Investments with City funds shall not be made for purposes of speculation.
- The City is prohibited from investing in derivative financial instruments for the City's managed investment portfolio.
- Proper security measures will be taken to safeguard investments. The City's designated banking institution will provide adequate collateral to insure City funds.
- The City's investment portfolio will be reviewed every three years by a qualified portfolio valuation service to assess the portfolio's degree of risk and compliance with the adopted investment policies.
- An analysis of the City's cash position will be prepared at regular intervals throughout the fiscal year.
- The City Council will be provided with quarterly reports on the City's investment strategy and performance.
- Sufficient cash shall be maintained to provide adequate funds for current operating expenditures.
- Where permitted, the City will pool its cash resources from various funds ("Treasurer's Cash") for investment purposes.
- Net investment income from Treasurer's Cash will be allocated in accordance with KMC 5.24.060 considering 1) average cash balance of the participating fund and 2) the minimum cash balance needs of each fund as determined by the Director of Finance and Administration. Net investment income is the amount of annual investment proceeds after an allocation of earned interest is made to certain funds as required by the State and Council-directed obligations are met for General Fund purposes.
- The City of Kirkland will select its official banking institution through a formal bidding process in order to provide the City with the most comprehensive, flexible, and cost-effective banking services available.

Accounting, Financial Reporting and Auditing Policies

The City of Kirkland will establish and maintain a high standard of accounting practices. Accounting and budgetary systems will, at all times, conform to Generally Accepted Accounting Principles, the State of Washington Budgeting Accounting Reporting System (BARS) and local regulations.

- A comprehensive accounting system will be maintained to provide all financial information necessary to effectively operate the City.
- The City will meet the financial reporting standards set by the Governmental Accounting Standards Board.

- Full disclosure will be provided in all City financial reports and bond representations.
- An annual audit will be performed by the State Auditor's Office and include the issuance of a financial opinion.

RESERVE AND FUND BALANCE POLICIES

Adequate fund balance and reserve levels are a necessary component of the City's overall financial management strategy and a key factor in external agencies' measurement of the City's financial strength.

Maintenance of fund balance for each accounting fund assures adequate resources for cash flow and to mitigate short-term effects of revenue shortages.

City and state regulations have been established to allow the City of Kirkland to create and maintain specific reserve funds. Prudent use of reserve funds enables the City to defray future costs, take advantage of matching funds, and beneficial (but limited) opportunities. Reserve funds provide the City with the ability to exercise flexible financial planning in developing future capital projects. Reserve funds are necessary to enable the City to deal with unforeseen emergencies or changes in condition.

- The City will establish minimum fund balance targets for each fund based on the cash flow requirements of the fund. The City will include all fund balances in the biennial budget.
- The minimum fund balance will be attained and maintained through expenditure management, revenue management and/or contributions from the General Fund.
- All expenditures drawn from reserve accounts shall require prior Council approval unless previously authorized by the City Council for expenditure in the biennial budget or otherwise provided for by City policies.

Reserve Purposes and Targets

- A Contingency Reserve Fund shall be maintained in accordance with RCW 35A.33.145 to meet any municipal expense, the necessity or extent of which could not have been reasonably foreseen at the time of adopting the biennial budget. The target balance will be ~~consistent with state law at~~set at 80 percent of the statutory maximum of $0.375 per $1,000 of assessed valuation. ~~Annual contributions to the Contingency Fund will be budgeted from interest income and General Fund resources.~~
- The City will maintain a General Operating Reserve at an amount equivalent to five percent of the tax-supported general government budgets (General Fund, Street Operating Fund and Parks Maintenance Fund) for the second year of the biennium. The General Operating Reserve is available to address unforeseen revenue shortfalls or expenditure needs that occur during the current biennium. ~~Annual contributions will be budgeted from General Fund resources as available to attain and maintain an established reserve level.~~
- The City will maintain a Revenue Stabilization Reserve to address temporary revenue losses due to economic cycles or other time-limited causes. The Revenue Stabilization Reserve will be maintained at ten percent of selected General Fund revenue sources which, in the judgment of the Director of Finance and Administration, are subject to volatility. The Revenue Stabilization Reserve may be used in its entirety; however, ~~replenishing the reserve will constitute the first priority for use of year-end General Fund resources in excess of those needed to maintain the fund balance at the target level.~~replenishment will be a priority, consistent with adopted policies.
- The City will maintain a Council Special Project Reserve, which is available to the City Council to fund special one-time projects that were unforeseen at the time the budget was prepared. When the reserve is used, it is replenished from the General Fund year-end fund balance to a target balance of $250,000.
- The City will maintain a General Capital Contingency to address unforeseen project expenditures or external revenue shortfalls in an amount equivalent to ten percent of the funded ~~six~~two-year CIP budget, less proprietary fund

projects. ~~Contributions will be made from General Fund resources as they are available.~~

- The City Manager may authorize the use of capital funding reserves up to an aggregate total of $100,000 per year in increments not to exceed $25,000. The City Manager will provide regular reports to the City Council at a regular Council meeting if this authorization is used. Capital funding reserves include: General Capital Contingency, Street Improvement Reserve, REET Reserves, Impact Fee Reserves, Water/Sewer Capital Contingency, Water/Sewer Construction Reserve, Surface Water Capital Contingency, and Surface Water Construction Reserve.
- The City will maintain a Capital Improvement Project Grant Match Reserve as a means of assuring the availability of cash resources to leverage external funding when the opportunity arises. The reserve will be maintained in the Real Estate Excise Tax Capital Reserve Fund and maintained through excise tax revenue received over and above the annual allocation to the Capital Improvement Plan.
- The City will maintain a Building and Property Reserve with a minimum balance of $600,000. This reserve is used for property purchases, building improvements and other property-related transactions. It can also be used as a general purpose reserve to fund Council-approved unanticipated expenditures.
- The City will maintain fully funded reserves for the replacement of vehicles and personal computers. Contributions will be made through assessments to the using funds and maintained on a per asset basis.
- Additional reserve accounts may be created ~~by Council~~ to account for monies for future known expenditures, special projects, or other specific purposes.
- All reserves will be presented in the biennial budget.

Reserve Replenishment

- Reserve replenishments occur in two ways during periods of economic recovery:
  - Planned - A specific amount is included in the adopted budget, and
  - Unplanned - Ending fund balances are higher than budgeted, either due to higher than budgeted revenues or under-expenditures.
- Planned amounts are included as part of the adopted budget. Planned replenishments toward 80% of the target level shall be set to at least 1% of the General Fund adopted budget.
- Unplanned amounts available at the end of each biennium (if any) should help replenish to target faster. A high percentage (up to all) uncommitted funds available at the end of a biennium should be used for reserve replenishment until reserves meet 80% of target and the revenue stabilization reserve is at 100% of target. Some or all of those unplanned funds may be used in place of planned (budgeted) amounts in the following biennium to the extent it meets or exceeds the 1% budgeted amount.
- Once reserves reach 80% of target and revenue stabilization reserve is at 100%, funds may be used to meet other one time or on-going needs. Additional funds should be used to fund a variety of needs, based on the following process:
  - Set 50% of available cash toward reserves until they are at 100% of target.
  - The remaining 50% shall be available for one or more of the following needs, depending on the nature of the funds available (one-time or on-going) and in the following order of priority:
    - Fund liabilities related to sinking funds for public safety and information technology equipment,
    - Maintain current service levels,
    - Fund one-time projects or studies,
    - Increase funding for capital purposes,
    - Restore previous program service reductions,
    - Potential program and service enhancements.
- In terms of priority for replenishing the individual reserves, the following guidelines shall be used:

- If the Council Special Projects reserve is below target, replenish to target at the start of each biennium.
- If the revenue stabilization reserve is below target, prioritize replenishing the reserve.
- To the extent cash is from volatile revenues above budgeted amounts, those funds should be applied to revenue stabilization reserve first.
- If unplanned funds are available because planned reserve uses did not occur, those funds should be returned to the source reserve.
- The source of uncommitted funds should be taken into consideration (for example, interest earnings over budget could be applied to the capital contingency, since they are one of the designated sources for this reserve).
- The degree to which an individual reserve is below target (for example, the reserve that is furthest from its target level on a percentage basis might receive a larger share of the funds).
- Decisions on how replenishments are allocated to specific reserves will be based on where available funds came from and on each reserve's status at the time the decision is made.
- The replenishment policy will provide a mechanism whereby Council may take action to suspend replenishment policies if it was found that special conditions existed warranting such action.

DEBT MANAGEMENT POLICIES

The amount of debt issued by the City is an important factor in measuring its financial performance and condition. Proper use and management of borrowing can yield significant advantages. From a policy perspective, the City of Kirkland uses debt in two ways: (1) as a mechanism to equalize the costs of needed improvements to both present and future citizens; and (2) as a mechanism to reduce the immediate costs of substantial public improvements.

- The City will maintain a formal Debt Management Policy which is reviewed and endorsed by state and/or national professional organizations. The complete policy can be found in the appendix of this document.
- City Council approval is required prior to the issuance of debt.
- An analytical review shall be conducted prior to the issuance of debt.
- The City will continually strive to maintain its bond rating by improving financial policies, budget forecasts and the financial health of the City so its borrowing costs are minimized and its access to credit is preserved.
- All debt issued by the City will include a written opinion by bond counsel affirming that the City is authorized to issue the proposed debt.
- The City of Kirkland will not use long-term debt to support current operations.
- Long-term borrowing will only be used for capital improvements that cannot be financed from current revenues.
- Non-capital furnishings, supplies, and personnel will not be financed from bond proceeds.
- Interest, operating and/or maintenance expenses will be capitalized only for enterprise activities; and will be strictly limited to those expenses incurred prior to actual operation of the facilities.
- The general obligation debt of Kirkland will not exceed an aggregated total of 7.5% of the assessed valuation of the taxable property within the City.
- The following individual percentages shall not be exceeded in any specific debt category:
  - General Debt – 2.5% of assessed valuation
  - Non-Voted – 1.5% Limited Tax General Obligation (LTGO) Bonds
  - Voted – 1.0% Unlimited Tax General Obligation Bonds
  - Utility Debt – 2.5% of assessed valuation

- Open Space and Park Facilities – 2.5% of assessed valuation

- The City's policy is to plan and direct the use of debt so that debt service payments will be a predictable and manageable part of the Operating Budget.
- Short-term borrowing will only be used to meet the immediate financing needs of a project for which long-term financing has been secured but not yet received.
- Assessment bonds will be considered in place of general obligation bonds, where possible, to assure the greatest degree of public equity.
- Limited Tax General Obligation (LTGO) bonds will be issued only if:
  - A project requires funding not available from alternative sources;
  - Matching fund monies are available which may be lost if not applied for in a timely manner; or
  - Emergency conditions exist.
- The issuance of bonds shall be financed for a period not to exceed a conservative estimate of the asset's useful life.
- General Obligation bonds will be issued with maturities of 30 years or less unless otherwise approved by Council.
- The maturity of all assessment bonds shall not exceed statutory limitations. RCW 36.83.050.
- The City will use refunding bonds, where appropriate, when restructuring its current outstanding debt.

CAPITAL IMPROVEMENT POLICIES

Kirkland's City government is accountable for a considerable investment in buildings, parks, roads, sewers, equipment and other capital investments. The preservation, maintenance, and future improvement of these facilities are a primary responsibility of the City. Planning and implementing sound capital improvement policies and programs today will help the City avoid emergencies and major costs in the future, therefore:

- The City will establish and implement a comprehensive multi-year Capital Improvement Program.
- The Capital Improvement Program will be prepared biennially concurrent with the development of the biennial budget. A mid-biennium review and update will take place during the first year of the biennium.
- The City Council will designate annual ongoing funding levels for each of the major project categories within the Capital Improvement Program.
- Financial analysis of funding sources will be conducted for all proposed capital improvement projects.
- A Capital Improvement Budget will be developed and adopted by the City Council as part of the biennial budget and will be amended during the mid-biennial budget review process (during the first year of the biennium) to reflect any changes in the updated Capital Improvement Program.
- The Capital Improvement Program will be consistent with the Capital Facilities Element of the Comprehensive Plan.
- The City Manager may authorize the reallocation of CIP project funds between CIP projects within a CIP category up to $50,000 per instance. Funding may only be reallocated within a CIP category (i.e. between Transportation projects, or Parks projects, or Public Safety projects, etc.) when one project is over budget and, in the same period, a second project within the same CIP category has been completed and is closing out under budget. The City Manager will provide regular reports to the City Council at a regular Council meeting if this authorization is used.

RESOLUTION R-4900

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND ESTABLISHING RESERVE REPLENISHMENT PRINCIPLES.

WHEREAS, reserves are an integral part of the City's financial planning strategy and provide a tangible external measure of financial strength; and

WHEREAS, maintaining reserves is a best practice in government financial management and the Government Finance Officers Association (GFOA) has published best practice guidelines, including "Replenishing Fund Balance in the General Fund"; and

WHEREAS, the economic downturn that began in 2008 resulted in the planned use of over $4 million dollars in reserves to help smooth the transition to lower revenue and service levels; and

WHEREAS, revenues appear to be stabilizing and the 2011-2012 budget was balanced without the use of reserves, however, the continued discussion of the process for replenishing those uses needs to be a priority;

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

Section 1. The City Manager is hereby authorized and directed to implement the Reserve Replenishment Principles as outlined in the attached "Exhibit 1" dated October 18, 2011.

Section 2. The City Manager is further authorized and directed to incorporate the Reserve Replenishment Principles as outlined in attached "Exhibit 1" into the reserve fiscal policies during the next update for the 2013-2014 budget.

Section 3. The City Manager is further authorized and directed to provide updated reserve targets for Council review and adoption by April 30, 2012, for incorporation into the reserve fiscal policies for the 2013-2014 budget.

Passed by majority vote of the Kirkland City Council in open meeting this 18th day of October, 2011.

Signed in authentication thereof this 18th day of October, 2011.

MAYOR

Attest:

City Clerk

Exhibit 1: Reserve Replenishment Principles – October 18, 2011

Reserve replenishments occur in two ways during periods of economic recovery:

- Planned - A specific amount is included in the adopted budget, and
- Unplanned - Ending fund balances are higher than budgeted, either due to higher than budgeted revenues or under-expenditures.

Planned amounts are included as part of the adopted budget. **Planned replenishments toward 80% of the target level shall be set to at least 1% of the General Fund adopted budget.**

Unplanned amounts available at the end of each biennium (if any) should help replenish to target faster. A high percentage (up to all) uncommitted funds available at the end of a biennium should be used for reserve replenishment until reserves meet 80% of target and the revenue stabilization reserve is at 100% of target. Some or all of those unplanned funds may be used in place of planned (budgeted) amounts in the following biennium to the extent it meets or exceeds the 1% budgeted amount.

Once reserves reach 80% of target and revenue stabilization reserve is at 100%, funds may be used to meet other one time or on-going needs. Additional funds should be used to fund a variety of needs, based on the following process:

- Set 50% of available cash toward reserves until they are at 100% of target. The remaining 50% shall be available for one or more of the following needs, depending on the nature of the funds available (one-time or on-going) and in the following order of priority (see flowchart on the following page):
    - Fund liabilities related to sinking funds for public safety and information technology equipment,
    - Maintain current service levels,
    - Fund one-time projects or studies,
    - Increase funding for capital purposes,
    - Restore previous program service reductions,
    - Potential program/service enhancements.

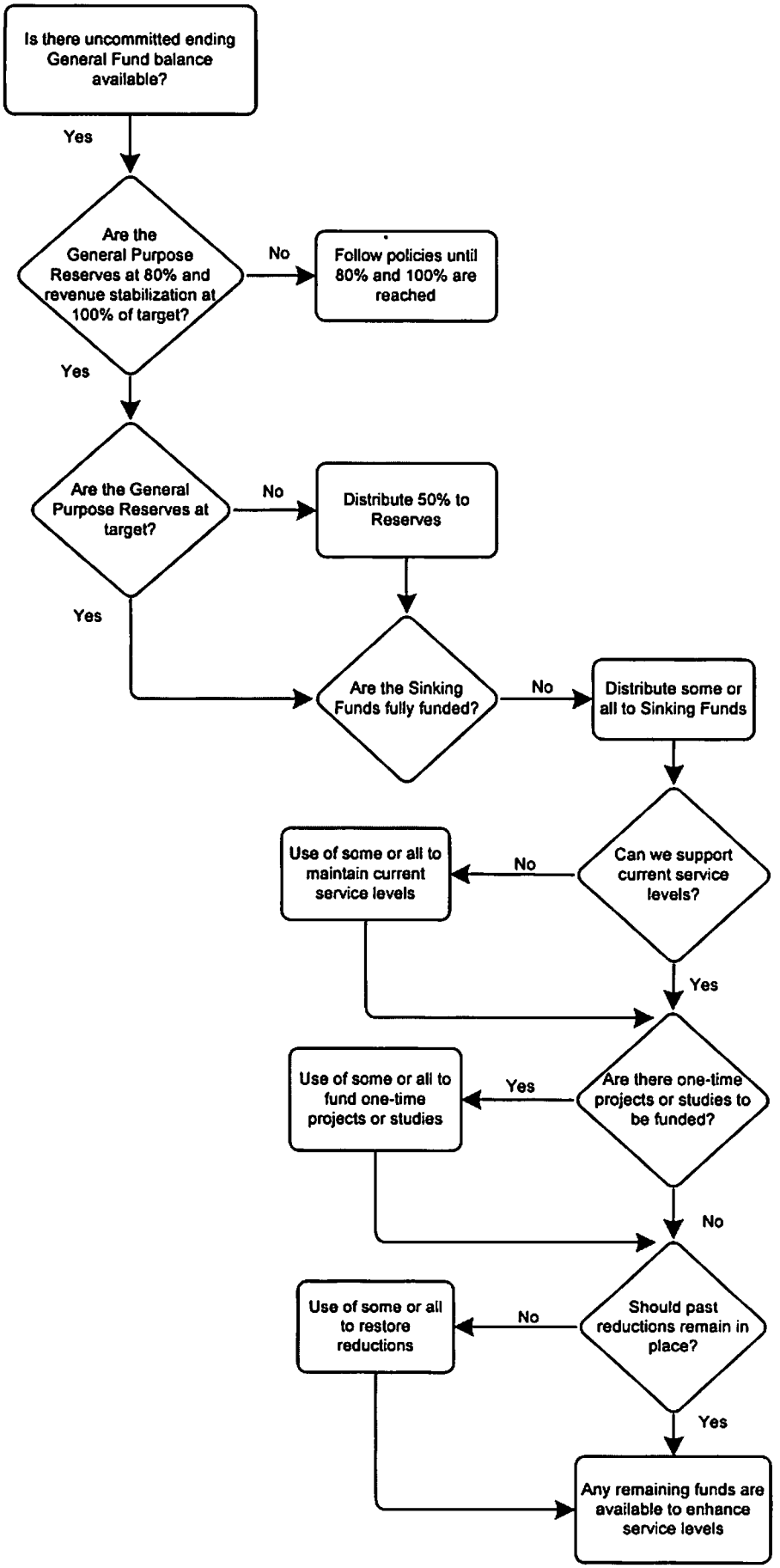
In terms of priority for replenishing the individual reserves, the following guidelines shall be used:

- If the Council Special Projects reserve is below target, replenish to target at the start of each biennium.
- If the revenue stabilization reserve is below target, prioritize replenishing the reserve.
- To the extent cash is from volatile revenues above budgeted amounts, those funds should be applied to revenue stabilization reserve first.
- If unplanned funds are available because planned reserve uses did not occur, those funds should be returned to the source reserve.
- The source of uncommitted funds should be taken into consideration (for example, interest earnings over budget could be applied to the capital contingency, since they are one of the designated sources for this reserve).
- The degree to which an individual reserve is below target (for example, the reserve that is furthest from its target level on a percentage basis might receive a larger share of the funds).

Decisions on how replenishments are allocated to specific reserves will be based on where available funds came from and on each reserve's status at the time the decision is made.

The replenishment policy will provide a mechanism whereby Council may take action to suspend replenishment policies if it was found that special conditions existed warranting such action.

Decision Making Process for Unplanned Fund Balances if Reserves are Greater Than 80% of Target



Financial Management Report as of March 31, 2012

AT A GLANCE:

City implements new permit tracking system (page 2 sidebar)

2012 revenues through March continue to be unpredictable due to annexation (page 3)

2012 Sales tax revenue through March is ahead of 2011 (page 5)

Economy sends mixed signals (pages 7-8)

Inside this issue:

Expenditure Summary	2
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Investment Report	8
Reserve Summary	10

The Financial Management Report will be a challenge to interpret in 2012 due to annexation, which impacted expenditures and revenues at different times throughout 2011 and 2012. As a result, instead of discussing the comparison of 2012 actual revenues and expenditures to the prior year, this quarter's FMR will compare the 2012 actual results to the 2012 budget and highlight revenues received in 2011 that will be used to offset expenditures budgeted in 2012.

Summary of All Operating Funds: *Revenue*

- **General Fund** actual 2012 revenue through March is at **19.7 percent** of budget. This does not include $1.7 million of revenue received from Woodinville Fire and Rescue in December 2011, but budgeted for receipt in 2012. Including this amount, the total revenue received through March would be at 21.9 percent of budget. The 2012 budget includes revenues projected for the new neighborhoods (annexation area), which are coming in lower than projected. A more detailed analysis of General Fund revenue can be found on page 3, and sales tax revenue performance can be found beginning on page 5.
- **Other General Government Funds** actual 2012 revenue through March is at **19.0 percent** of budget. $1.1 million of one-time County Road Levy revenue budgeted in 2012 to offset authorized expenditures was received in 2011. Including the road tax received in 2011, Other General Government Funds actual 2012 revenue to budget would be at 25.1 percent.
- Actual 2012 revenue for the **Water/Sewer Operating Fund** through March is **24.3 percent** of budget. Sewer rates increased in 2012 5.5 percent and water rates increased 2.2 percent.
- **Surface Water Management Fund** actual 2012 revenue is **4.1 percent** of budget. Surface Water charges are paid with property taxes, which are primarily received in April and October.
- **Solid Waste Fund** actual 2012 revenue through March is **24.0 percent** of budget. This is in line with current Solid Waste expenditures through March. In 2011, Solid Waste customers had the opportunity to move to a smaller can size. More customers moved to a smaller size than expected which caused rate revenue to come in lower than expected. The finance committee began evaluating current rate policies during the first quarter of 2012, this evaluation will continue into the second quarter.

	Year-to-Date Actual			Budget			% of Budget	
Resources by Fund	**3/31/2011**	**3/31/2012**	**% Change**	**2011**	**2012**	**% Change**	**2011**	**2012**
General Gov't Operating:								
General Fund	11,864,538	15,389,097	29.7%	68,664,728	78,272,302	14.0%	17.3%	19.7%
Other General Gov't Operating Funds	3,170,115	3,537,668	11.6%	16,672,780	18,578,522	11.4%	19.0%	19.0%
Total General Gov't Operating	**15,034,653**	**18,926,765**	**25.9%**	**85,337,508**	**96,850,824**	**13.5%**	**17.6%**	**19.5%**
Utilities:								
Water/Sewer Operating Fund	4,584,248	4,984,834	8.7%	19,807,418	20,540,187	3.7%	23.1%	24.3%
Surface Water Management Fund	267,011	346,467	29.8%	6,847,891	8,372,990	22.3%	3.9%	4.1%
Solid Waste Fund	2,123,972	3,169,993	49.2%	10,040,676	13,209,514	31.6%	21.2%	24.0%
Total Utilities	**6,975,231**	**8,501,294**	**21.9%**	**36,695,985**	**42,122,691**	**14.8%**	**19.0%**	**20.2%**
Total All Operating Funds	**22,009,884**	**27,428,059**	**24.6%**	**122,033,493**	**138,973,515**	**13.9%**	**18.0%**	**19.7%**

Budgeted and actual revenues exclude resources forward and interfund transfers.

City Implements New Permit Tracking System

On Monday, April 2, 2012, the City of Kirkland put into operation one of the largest software implementation in its history. For the past 24 years, construction, land use, fire, right-of-way permits and business licenses have been tracked in a system that was based on older technology. The new system, EnerGov, provides much more robust features that will make the permit application, review, and issuance process for applicants and city development services staff easier and faster.

The new permit tracking system is dynamically linked with the City's GIS system, hosts historical permit data for the customer to see, and allows for customers to call in to schedule inspections and check the status of a permit. Much of the administrative requirements for processing a permit will now be automated, saving staff time. Permit applicants are asked to be patient with development services and business license staff as the transition is made to the new system.

For more information, contact Tom Phillips, Building Official, City of Kirkland, at 425-587-3604 or tphillips@kirklandwa.gov.

Summary of All Operating Funds: *Expenditures*

- **General Fund** actual expenditures are at **22.8 percent** of budget, 25 percent of the way through the year. Savings are largely due to postponing some annexation-related hiring, position vacancies, lower fire overtime, and jail contract savings. A more detailed analysis of General Fund expenditures by department is found on page 4.
- **Other Operating Funds** actual expenditures through March 2012 are at **21.9 percent** of budget largely due to budgeted vehicle purchases which have not yet occurred and lower facility utility costs. Vehicle costs vary year-to-year depending on the planned replacement cycle. In addition, there are several new annexation-related vehicles budgeted in 2012 which have been delayed and are currently under review. Facility utility costs are down, partially due to milder winter weather, but also from staff conservation efforts and the pay-off from past investments in updated controls and equipment at various locations. Other Operating funds have also seen some savings in personnel costs due to position vacancies, primarily for annexation.
- **Water/Sewer Operating Fund** actual expenditures through March are at **23.5 percent** of budget despite higher water costs. The City pays Cascade Water Alliance (CWA) a set rate for water each month based on average demands over three years (currently 2008-2010).
- **Surface Water Management Fund** actual 2012 expenditures through March are at **18.8 percent** of budget due to delays in hiring annexation-related positions resulting in significant savings in the personnel and supplies categories.
- **Solid Waste Fund** actual 2012 expenditures through March are at **24.3 percent** of budget and in-line with expectations.

	Year-to-Date Actual			Budget			% of Budget	
Expenditures by Fund	3/31/2011	3/31/2012	% Change	2011	2012	% Change	2011	2012
General Gov't Operating:								
General Fund	15,326,644	16,457,267	7.4%	67,878,459	72,219,258	6.4%	22.6%	22.8%
Other General Gov't Operating Funds	3,525,992	3,972,184	12.7%	17,106,576	18,130,670	6.0%	20.6%	21.9%
Total General Gov't Operating	**18,852,636**	**20,429,451**	**8.4%**	**84,985,035**	**90,349,928**	**6.3%**	**22.2%**	**22.6%**
Utilities:								
Water/Sewer Operating Fund	4,201,482	4,021,087	-4.3%	16,765,372	17,129,916	2.2%	25.1%	23.5%
Surface Water Management Fund	761,238	1,005,143	32.0%	4,338,938	5,334,002	22.9%	17.5%	18.8%
Solid Waste Fund	2,067,997	3,177,029	53.6%	10,070,151	13,057,781	29.7%	20.5%	24.3%
Total Utilities	**7,030,717**	**8,203,259**	**16.7%**	**31,174,461**	**35,521,699**	**13.9%**	**22.6%**	**23.1%**
Total All Operating Funds	**25,883,353**	**28,632,710**	**10.6%**	**116,159,496**	**125,871,627**	**8.4%**	**22.3%**	**22.7%**

Budgeted and actual expenditures exclude working capital, operating reserves, capital reserves, and interfund transfers.

General Fund Revenue

- **Sales tax** revenue allocated to the General Fund is close to budget expectations at **24.7 percent**. A detailed analysis of total **sales tax** revenue compared to 2011 can be found starting on page 5.
- Selected large General Fund revenues are received in periodic increments, specifically **property tax** (mostly received in April/May and October/November) and **King County EMS** payments (quarterly or semi-annually).
- **Utility tax** receipts, including projected new neighborhood area revenues, are at **26.0 percent** of budget. Telecommunication utility tax revenues, continue the trends of 2011 coming in short of budget expectations at 19.6 percent. The shortfall is currently offset by higher gas and cable utility taxes.
- **Other taxes** actual revenue is at **45.0 percent** of budget due to gambling revenue from the new neighborhoods (annexation area). Note that these taxes are paid on a semi-annual basis.
- The **business licenses (base fee) and franchise fees** are at **26.2 percent** of budget. Both business license and franchise fees are on target with budget expectations.
- The **revenue generating regulatory license** fee is slightly exceeding budget expectations at **27.9 percent** of budget.

Many significant General Fund revenue sources are economically sensitive, such as sales tax and development–related fees.

- The **development-related fee** revenues, collectively are below budget expectations at **22.3 percent** of budget. **Building permits** and **plan check revenue** collectively are at **15.8 percent** of budget and **engineering services** revenue is at **37.2 percent** of budget. **Planning fees** revenue are at **39.9 percent** of budget primarily due to major Process IIA and Design Board permit revenues.
- **Fines and Forfeitures** are below budget expectations at **9.7 percent** due to lower than expected parking infraction and traffic infraction penalty revenues. This is offset in part by salary savings from a parking enforcement officer, multiple police officer vacancies and delayed hiring of annexation-related court staff.
- **Other financing sources** includes the asset transfer from Woodinville Fire & Rescue that was received in late 2011 and budgeted in 2012. $175,000 in Interfund Transfers budgeted for the purchase of public safety radios in 2011 will occur later in 2012.

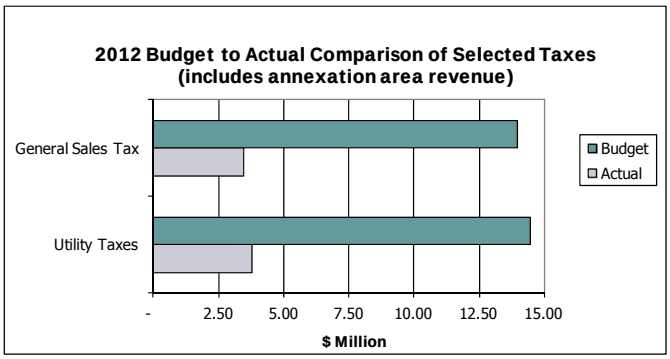
General Fund 2011 revenues are at 19.7 percent of budget, (excluding $1.7 million of revenue received from Woodinville Fire and Rescue in December 2011).

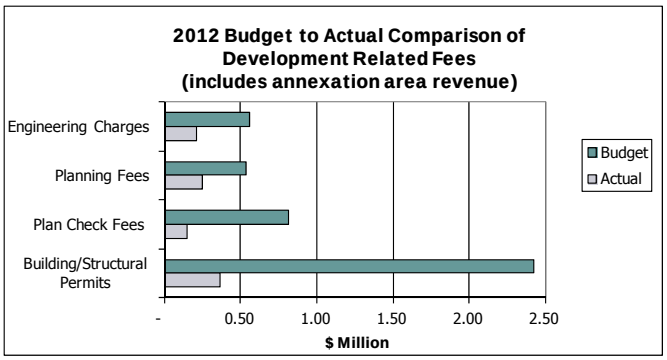
The General Fund is the largest of the General Government Operating funds. It is primarily tax supported and accounts for basic services such as public safety, parks and recreation, and community development.

In 2012, about 421 of the City's 541 regular employees are budgeted within this fund.

General Fund Resource Category	Year-to-Date Actual			Budget			% of Budget	
	3/31/2011	3/31/2012	% Change	2011	2012	% Change	2011	2012
Taxes:								
Retail Sales Tax: General	3,274,456	3,454,796	5.5%	12,885,899	13,972,010	8.4%	25.4%	24.7%
Retail Sales Tax Credit: Annexation	-	830,130	N/A	1,129,866	3,409,791	N/A	N/A	24.3%
Retail Sales Tax: Criminal Justice	244,298	410,139	67.9%	1,149,997	1,568,112	36.4%	21.2%	26.2%
Property Tax	607,005	866,887	42.8%	13,261,709	16,412,792	23.8%	4.6%	5.3%
Utility Taxes	2,796,567	3,763,958	34.6%	12,436,696	14,460,833	16.3%	22.5%	26.0%
Rev Generating Regulatory License	667,300	665,333	-0.3%	2,344,069	2,386,300	1.8%	28.5%	27.9%
Other Taxes	95,391	452,441	374.3%	312,250	1,005,488	222.0%	30.5%	45.0%
Total Taxes	**7,685,017**	**10,443,684**	**35.9%**	**43,520,486**	**53,215,326**	**22.3%**	**17.7%**	**19.6%**
Licenses & Permits:								
Building, Structural & Equipment Permits	334,532	363,762	8.7%	1,748,605	2,423,612	38.6%	19.1%	15.0%
Business Licenses/Franchise Fees	592,014	1,078,295	82.1%	3,014,279	4,109,869	36.3%	19.6%	26.2%
Other Licenses & Permits	86,964	108,390	24.6%	217,579	217,579	0.0%	40.0%	49.8%
Total Licenses & Permits	**1,013,510**	**1,550,447**	**53.0%**	**4,980,463**	**6,751,060**	**35.6%**	**20.3%**	**23.0%**
Intergovernmental:								
Grants and Federal Entitlements	202,093	111,127	-45.0%	548,052	137,051	-75.0%	36.9%	81.1%
State Shared Revenues & Entitlements	204,590	260,435	27.3%	947,385	1,227,231	29.5%	21.6%	21.2%
Property Tax - Fire District	-	-		-	1,426,568			
Fire District #41	-	-	N/A	3,684,071	-	N/A	N/A	N/A
EMS	-	-	N/A	868,678	866,729	N/A	N/A	N/A
Other Intergovernmental Services	87,667	12,887	-85.3%	533,087	168,540	-68.4%	16.4%	7.6%
Total Intergovernmental	**494,350**	**384,449**	**-22.2%**	**6,581,273**	**3,826,119**	**-41.9%**	**7.5%**	**10.0%**
Charges for Services:								
Internal Charges	1,363,430	1,331,273	-2.4%	5,558,328	5,850,356	5.3%	24.5%	22.8%
Engineering Services	131,297	206,632	57.4%	464,146	555,852	19.8%	28.3%	37.2%
Plan Check Fee	93,473	147,862	58.2%	1,115,779	814,484	-27.0%	8.4%	18.2%
Planning Fees	150,418	248,418	65.2%	495,044	536,799	8.4%	30.4%	46.3%
Recreation	311,258	329,273	N/A	1,162,406	1,152,963	N/A	N/A	28.6%
Other Charges for Services	195,369	384,038	96.6%	1,709,373	2,187,273	28.0%	11.4%	17.6%
Total Charges for Services	**2,245,245**	**2,647,496**	**17.9%**	**10,505,076**	**11,097,727**	**5.6%**	**21.4%**	**23.9%**
Fines & Forfeits	328,361	269,879	-17.8%	2,435,490	2,781,169	14.2%	13.5%	9.7%
Miscellaneous	98,055	113,135	15.4%	641,940	600,901	-6.4%	15.3%	18.8%
Total Revenues	**11,864,538**	**15,409,090**	**29.9%**	**68,664,728**	**78,272,302**	**14.0%**	**17.3%**	**19.7%**
Other Financing Sources:								
Transfer of FD 41 & WFR Balances	-	-	N/A	1,722,725	-	N/A	N/A	N/A
Interfund Transfers	-	-	N/A	275,028	54,853	N/A	N/A	N/A
Total Other Financing Sources	**-**	**-**	**N/A**	**1,997,753**	**54,853**	**N/A**	**N/A**	**N/A**
Total Resources	**11,864,538**	**15,409,090**	**29.9%**	**70,662,481**	**78,327,155**	**10.8%**	**16.8%**	**19.7%**

General Fund Revenue *continued*





General Fund Expenditures

General Fund Department Expenditures	Year-to-Date Actual			Budget			% of Budget	
	3/31/2011	3/31/2012	% Change	2011	2012	% Change	2011	2012
Non-Departmental	237,044	290,926	22.7%	1,480,669	1,857,281	25.4%	16.0%	15.7%
City Council	139,518	130,066	-6.8%	321,477	449,021	39.7%	43.4%	29.0%
City Manager's Office	790,906	916,977	15.9%	3,556,701	4,347,959	22.2%	22.2%	21.1%
Human Resources	292,690	298,219	1.9%	1,267,998	1,247,645	-1.6%	23.1%	23.9%
City Attorney's Office	264,300	325,445	23.1%	1,162,037	1,349,047	16.1%	22.7%	24.1%
Parks & Community Services	1,501,985	1,607,923	7.1%	7,108,434	7,595,607	6.9%	21.1%	21.2%
Public Works (Engineering)	831,820	880,800	5.9%	3,771,045	3,846,587	2.0%	22.1%	22.9%
Finance and Administration	978,941	986,424	0.8%	4,097,765	4,527,958	10.5%	23.9%	21.8%
Planning & Community Development	691,799	757,176	9.5%	2,932,820	3,402,313	16.0%	23.6%	22.3%
Police	4,864,255	5,373,405	10.5%	22,201,553	23,422,595	5.5%	21.9%	22.9%
Fire & Building	4,733,386	4,889,906	3.3%	19,977,960	20,173,245	1.0%	23.7%	24.2%
Total Expenditures	**15,326,644**	**16,457,267**	**7.4%**	**67,878,459**	**72,219,258**	**6.4%**	**22.6%**	**22.8%**
Other Financing Uses:								
Interfund Transfers	629,344	617,566	-1.9%	3,286,374	3,693,042	12.4%	19.2%	16.7%
Total Other Financing Uses	**629,344**	**617,566**	**-1.9%**	**3,286,374**	**3,693,042**	**12.4%**	**19.2%**	**16.7%**
Total Expenditures & Other Uses	**15,955,988**	**17,074,833**	**7.0%**	**71,164,833**	**75,912,300**	**6.7%**	**22.4%**	**22.5%**

Budgeted and actual expenditures exclude working capital, operating reserves, and capital reserves.

The 2012 Budget incorporates budget reductions in response to the economic downturn and additions as a result of annexation. The same dynamics impacted the 2011 budget at varying times throughout the year. This creates a challenge comparing 2012 to 2011, therefore, expenditures will only be compared to the 2012 budget.

Comparing first quarter 2012 actual expenditures to the 2012 budget:
Overall, General Fund expenditures are trailing the budget at 22.8 percent of budget, excluding interfund transfers. About half of the under expenditures are a result of salary and benefit savings partially due to delays in hiring for annexation; this savings is not expected to continue at this level through 2012. The remaining under expenditures are primarily due to savings in intergovernmental (timing of ARCH contributions, election costs, and savings in jail contract costs) and professional services.

- Actual 2012 expenditures for the **City Council** are at **29.0 percent** of budget due to a significant portion of dues and memberships paid in the beginning of the year.
- The **City Manager's Office** actuals are at **21.1 percent** of budget due to savings in personnel costs associated with unfilled positions in Municipal Court services.
- Actual 2012 expenditures for **Human Resources** are at **23.9 percent** of budget due to savings in professional services and advertising. This savings is not expected to continue through 2012.
- The **City Attorney's Office** expenditures are at **24.1 percent** of budget due to savings in legal fees.
- Actual 2012 expenditures for the **Parks & Community Services Department** are at **21.2 percent** of budget due to unfilled positions, operating supplies and human services contract payments, the majority of which will occur later in 2012.

2012 General Fund actual first quarter expenditures (excluding "other financing sources") are at 22.8 percent of budget, primarily due to delays in annexation-related hiring and position vacancies in multiple departments, savings in jail costs and fire overtime.

(Continued on page 5)

Financial Management Report as of March 31, 2012

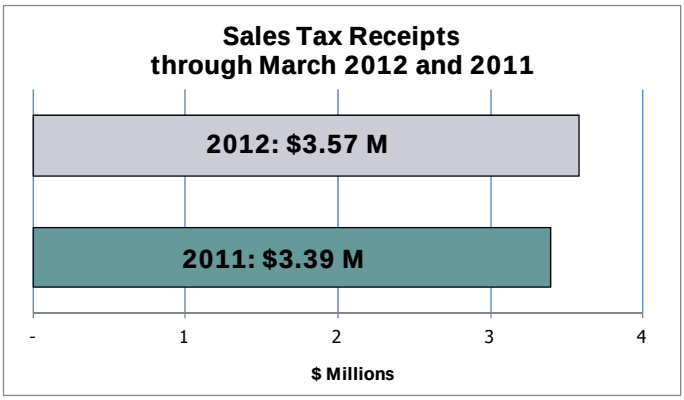
- Actual expenditures for the **Public Works Department** are at **22.9 percent** of budget due to position vacancies and professional services that will occur later in the year.
- The **Finance and Administration Department** expenditures are at **21.8 percent** of budget due to professional services, election costs, and printing expenses which will be incurred later in the year.
- Actual 2012 expenditures for the **Planning and Community Development Department** are at **22.3 percent** of budget due to savings in personnel costs as a result of unfilled positions.
- Actual 2012 expenditures for the **Police Department** are at **22.9 percent** of budget due to savings from delayed annexation-related staffing and increased hiring of laterals (and related expenses) along with position vacancies. In addition, jail costs are under budget about $300,000 due to contracts with other agencies for lower rates than those charged by King County and an increase in the use of electronic home detention and other sentencing measures as alternatives to jail time.
- Actual 2012 expenditures for the **Fire & Building Department** are at **24.2 percent** of budget due to savings in fire suppression overtime and delayed hiring of annexation-related positions in the Building Division. A reconciliation of the funds received from the assumption of Fire District 41 appears to the right; this includes 2011-2012 revenues and expenditures. The ending total balance of approximately $5.2 million will be used for the planned fire station consolidation capital project.

Summary of Fire District 41 Funds:
Revenues & Expenditures

	Capital	General Government
Revenues:		
Beginning Balance	4,000,000	1,724,497
Fire District Revenues	-	1,872,041
Interest and Other Revenues	22,507	2,697
Total Revenues	**4,022,507**	**3,599,235**
Expenditures:		
Operating Costs (per ILA)*	-	169,063
Fire District 2011 Contract	-	2,209,496
Station Consolidation Project	37,872	-
Total Expenditures	**37,872**	**2,378,559**
Ending Balance	**3,984,635**	**1,220,676**

*Includes 2012 obligations

Sales Tax Revenue Analysis 2012 sales tax revenue through March is **up 5.3 percent** compared to the same period in 2011. The 2012 budget assumes a 4.4 percent increase over 2011 actuals. The year to date increase of 5.3 percent is ahead of budget assumptions by just under 1 percent.



Review by business sectors:

- The **general merchandise/miscellaneous retail** sector is **down 5.7 percent** compared to last year due to the one-time large receipt received last year from development-related activity from one key business. Factoring out last year's large one-time receipt, the year to date revenues are 5.1 percent greater than last year.
- The **auto/gas retail** sector is **up 4.4 percent** compared to last year, largely due to the addition of a new dealership in March of last year and positive performance by a few key retailers.
- The **retail eating/drinking** sector performance is **up 13.6 percent** compared to last year. About 56 percent of the revenue increase is from eating and drinking establishments in the new neighborhoods.
- **Other retail** is **up 24.9 percent** compared to last year. About 43 percent, or $44,000 of the increase, is revenue from retail establishments in the new neighborhoods. The **services** sector is **up 7.2 percent** compared to last year, largely due to positive performance in the repairs and maintenance, administrative support, health care, arts and entertainment, and accommodations categories and despite negative performance in the professional scientific and internet categories. The accommodations sector is up 9.8 percent or about $5,700.
- **Wholesale** is **up 9.8 percent** compared to last year largely due to increases in sales in the furniture and computer equipment categories.
- The **communications** sector is **down 35.3 percent** compared to last year due to one-time revenues in February 2011 in the telecommunications category. Factoring out this one-time revenue, this category would be up 5.3 percent compared to last year.
- The **contracting** sector is **up 12.7 percent** compared to last year. Some of the gain in this category is due to the construction of two new elementary schools in the new neighborhoods.

Streamlined Sales Tax
Local coding sales tax rules changed in as a result of Washington State joining the national Streamlined Sales Tax Agreement. Negative impacts from this change are mitigated by the State of Washington. First quarter 2012 revenue is about $27,000, trending slightly under budget. This revenue source has been reduced due to the impact of state budget decisions.

Neighboring Cities Sales Tax
Bellevue was up only 0.1 percent and Redmond was down 0.4 percent through March compared to the same period in 2011.

City of Kirkland Actual Sales Tax Receipts

Business Sector Group	January-March		Dollar Change	Percent Change	Percent of Total	
	2011	2012			2011	2012
Services	429,698	460,570	30,872	7.2%	12.7%	12.9%
Contracting	428,700	482,936	54,236	12.7%	12.6%	13.5%
Communications	163,897	106,015	(57,882)	-35.3%	4.8%	3.0%
Auto/Gas Retail	803,055	838,545	35,490	4.4%	23.7%	23.5%
Gen Merch/Misc Retail	544,296	513,007	(31,289)	-5.7%	16.0%	14.4%
Retail Eating/Drinking	262,693	298,289	35,596	13.6%	7.7%	8.4%
Other Retail	416,290	519,863	103,573	24.9%	12.3%	14.6%
Wholesale	152,544	167,569	15,025	9.8%	4.5%	4.7%
Miscellaneous	190,789	185,502	(5,287)	-2.8%	5.6%	5.2%
Total	**3,391,962**	**3,572,296**	**180,334**	**5.3%**	**100.0%**	**100.0%**

Kirkland's sales tax base is comprised of a variety of businesses which are grouped and analyzed by business sector (according to NAICS, or "North American Industry Classification System"). Nine business sector groupings are used to compare 2011 and 2012 year-to-date sales tax receipts in the table to the left.

City of Kirkland Actual Monthly Sales Tax Receipts

Month	Sales Tax Receipts		Dollar Change	Percent Change
	2011	2012		
January	1,082,225	1,104,023	21,798	2.0%
February	1,366,850	1,413,587	46,737	3.4%
March	942,887	1,054,686	111,799	11.9%
Total	**3,391,962**	**3,572,296**	**180,334**	**5.3%**

When analyzing monthly sales tax receipts, there are two items of special note: First, most businesses remit their sales tax collections to the Washington State Department of Revenue on a monthly basis. Small businesses only have to remit their sales tax collections either quarterly or annually, which can create anomalies when comparing the same month between two years. Second, for those businesses which remit sales tax monthly, there is a two month lag from the time that sales tax is collected to the time it is distributed to the City. For example, sales tax received by the City in March is for sales activity in January. Monthly sales tax receipts through March 2011 and 2012 are compared in the table above.

- The comparison includes revenues from the new neighborhoods in 2012.
- Monthly revenue performance in 2012 continues the improvements seen in 2011.
- January 2012 was slightly ahead of January 2011. A large one-time receipt in January 2011 skews the comparison. The increase is 7.6 percent after factoring out this one-time event.
- Receipts for February were also skewed by a large one time adjustment in the communications category and the revenues from the new neighborhoods. Factoring out these revenues results in an increase of 1.8 percent.
- March revenue also includes revenues from the new neighborhoods. Factoring out revenues from the new neighborhoods results in an increase of 8.1 percent.

Kirkland's sales tax base is further broken down by business district (according to geographic area), as well as "unassigned or no district" for small businesses and businesses with no physical presence in Kirkland.

Comparing to the same period last year:

Totem Lake, which accounts for about 29 percent of the total sales tax receipts, is **up 1.7 percent** due to improvements in automotive/gas retail and despite poor performance in several of the retail sales categories in 2012. About 58 percent of this business district's revenue comes from the auto/gas retail sector.

NE 85th Street, which accounts for 15 percent of the total sales tax receipts, is **up 1.8 percent** primarily due to an increase in other retail, retail eating/drinking and automotive/gas retail categories. These sectors, along with general merchandise/miscellaneous retail, contribute almost 86 percent of this business district's revenue.

Downtown, which accounts for over 6 percent of the total sales tax receipts, is **up 3.9 percent** due to positive performance in the retail apparel/general merchandise category and retail eating/drinking category. The retail eating/drinking sector, accommodations and other retail provide almost 71 percent of this business district's revenue.

Carillon Point & Yarrow Bay, which account for 2 percent of the total sales tax receipts, are **down 56.4 percent** compared to last year primarily due to a one-time revenues in the other retail category in February 2011. About 69 percent of this business district's revenue comes from business services, retail eating/drinking and accommodations.

Houghton & Bridle Trails, which account for more than 2 percent of the total sales tax receipts, are **up 14.9 percent** collectively due to strong performance in the other retail category. The retail sectors provide about 74 percent of these business districts' revenue.

Juanita, which accounts for about 2 percent of the total sales tax receipts are **up 0.1 percent**. Increases in the retail eating/drinking are offset by poor performance in the business services category. These sectors, along with miscellaneous retail provide, about 75 percent of this business district's revenue.

North Juanita, Kingsgate, & Finn Hill account for more than 3 percent of the total sales tax receipts. Sales tax receipts for these business districts continue to perform below budget projections. Retail eating/drinking and food retail sectors provide about 67 percent of these business districts sales tax revenues.

Year-to-date sales tax receipts by business district for 2011 and 2012 are compared in the table on the next page.

When reviewing sales tax receipts by business district, it's important to point out that more than 44 percent of the revenue received in 2012 is in the "unassigned or no district" category largely due to contracting and other revenue, which includes revenue from Internet, catalog sales and other businesses located outside of the City.

City of Kirkland Sales Tax by Business District

Business District	Jan-Mar Receipts		Dollar Change	Percent Change	Percent of Total	
	2011	2012			2011	2012
Totem Lake	1,036,023	1,053,376	17,353	1.7%	30.5%	29.5%
NE 85th St	524,723	534,425	9,702	1.8%	15.5%	15.0%
Downtown	218,474	227,086	8,612	3.9%	6.4%	6.4%
Carillon Pt/Yarrow Bay	165,024	71,997	(93,027)	-56.4%	4.9%	2.0%
Houghton & Bridle Trails	83,118	95,534	12,416	14.9%	2.5%	2.7%
Juanita	62,423	62,476	53	0.1%	1.8%	1.7%
Kingsgate	-	43,873	43,873	N/A	0.0%	1.2%
North Juanita	-	54,794	54,794	N/A	0.0%	1.5%
Finn Hill	-	25,428	25,428	N/A	0.0%	0.7%
Unassigned or No District:						
Contracting	428,700	482,764	54,064	12.6%	12.6%	13.5%
Other	873,477	920,543	47,066	5.4%	27.6%	30.9%
Total	**3,391,962**	**3,572,296**	**180,334**	**5.3%**	**100.0%**	**100.0%**

Sales Tax Revenue Outlook

Sales tax receipts for 2012 continue to indicate a slow recovery and the normal revenue volatility associated with sales tax revenues. The services, contracting, automotive/gas retail and other retail sectors contributed the largest amount of gain, but these sectors are very sensitive to economic conditions. The contracting sector has shown small signs of recovery, some of this gain is due to the construction two new elementary schools in the new neighborhoods. The impact from streamlined sales tax sourcing rule changes has negatively impacted some sectors, but is offset by gains in others. Anticipating revenues from the new neighborhoods in 2012, the budget includes a 4.4 percent increase over 2011 actual. Year to date sales tax revenue is approximately 27 percent of the 2012 budget which is similar to the trends over the last years. The slow economic recovery poses significant risk to the City's ability to maintain services, since sales tax is one of the primary sources of general fund revenue.

OFFICE VACANCIES:

According to CB Richard Ellis Real Estate Services, the Eastside office vacancy rate was 14.5 percent for the first quarter of 2012 compared to 17.4 percent for the first quarter of 2011. Kirkland's 2012 vacancy rate is 6.4 percent, significantly lower than the 2011 rate of 21.6 percent and one of the lowest vacancy rates in King County.

The Puget Sound office market has recorded eight consecutive quarters of positive absorption, which makes it one of the stronger performing markets in the country.

A positive outlook, along with a shortage of larger blocks of vacant spaces, has developers proposing 10 million square feet of new office space in Bellevue and Seattle.

LODGING TAX REVENUE:

Lodging tax revenue ended the first quarter of 2012 at 20.4 percent of the budget and 11.9 percent ahead of the same period in 2011.

Economic Environment Update

The Washington state economy is giving off mixed signals in the first quarter of 2012. Employment growth is slightly higher than expected, but earlier estimates had been revised down, so it remains lower than previously anticipated. Housing construction was stronger than expected, but prices remain depressed. Aerospace employment continues to expand, but more slowly than 2011. On the upside, the state has experienced a significant increase in new automobile and truck sales and the Seattle area ranked eighth in number of jobs added over the last 12 months. However, the risks to the economy remain high. Oil and gasoline prices have stabilized somewhat, but the financial crisis in Europe remains a real possibility. Next year, there is a risk of financial contraction if tax cuts expire as scheduled, the 2 percent payroll tax holiday and extended unemployment benefits end, and the automatic spending cuts mandated by the Budget Control Act are implemented. The state's economy is expected to outperform the national economy this year by a slight margin.

The U.S. **consumer confidence index** in March was close to the one-year high, but slightly declined to 70.2 from 71.6 (revised) in February. Positive factors include the best six months of job growth since 2006, unemployment at a 3-year low, and stock market gains. All of these factors have helped boost consumer confidence despite higher fuel costs. The improving job market and stabilizing housing market have encouraged a growing number of Americans to say they plan to buy cars, homes, and appliances. An index of 90 indicates a stable economy and one at or above 100 indicates growth.

King County's **unemployment rate** was **7.1 percent** in March 2012 compared to 8.4 percent in March 2011. King County's unemployment rate is lower than the Washington State and national rates, which were 8.3 and 8.2 percent respectively. The unemployment rate in Kirkland for March was 6 percent compared to 7.2 percent in March 2011.

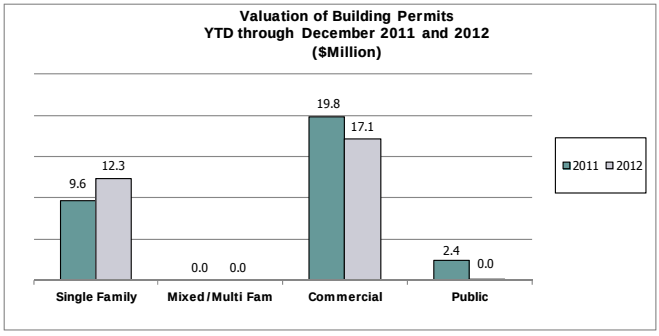
Local survey indices are also mixed. The Western Washington Purchasing Manager index fell in March to 65 from 71.2 in February. However, while optimism slipped, a score above 50 suggest a growing economy. A northwest regional survey of 206 business executives by Hebert Research

(Continued on page 8)

Economic Environment Update *continued*

indicates business leaders expected a slight improvement in the economy this year. The confidence score of 54 is ahead of last year's score of 50, but far below a "high confidence" score that would be in the 70 range. The survey sited reasons for low confidence as uncertainty about government regulations, taxes, and rising fuel costs. Another survey of Seattle executives by Washington State University School of Economic Sciences and the Seattle Business Executives Association indicated more optimism and expectations of modest growth in 2012.

Local **development activity** through March comparing 2011 to 2012 as measured by the valuation of City of Kirkland building permits is illustrated in the chart to the right. Overall activity is down about 7 percent from last year primarily due to declines in the commercial and public sectors and despite strong gains in single family construction, which is up about 28 percent over the same period last year. There has been no activity in mixed used development in either 2011 or 2012.



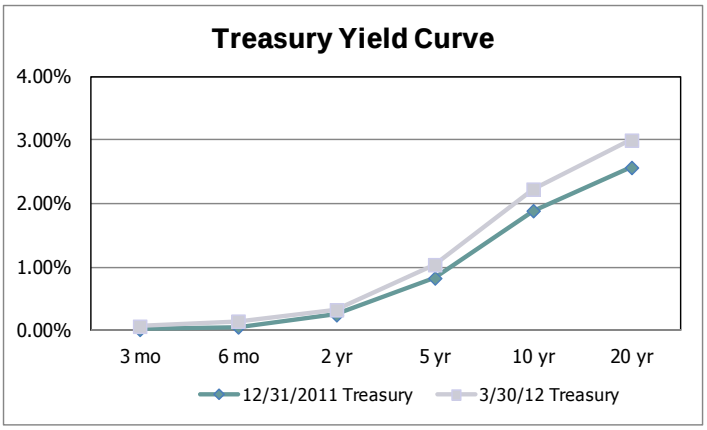
Closed sales of **new and existing single-family homes** on the Eastside were up 8.9 percent in March 2012 compared to March 2011. However, the median price of a single family home decreased 5.5 percent to $470,000. Closed sales of condos were up 35.3 percent and median prices declined by 12.5 percent to $209,975. Overall closed sales of homes and condos in King County were up 10.5 percent An indication of increased market activity are pending sales, which were up 31.1 percent and inventory numbers are declining, which may help reverse the downward trend on prices. Activity in the Kirkland submarket remains strong.

Seattle metro consumer price index (CPI) fluctuated throughout 2011, peaking at 4.3 percent in October, but averaging 3.2 percent for the year. The Seattle index is calculated on a bi-monthly basis and the most recent index in February was 2.8 percent. The national index also fluctuated throughout 2011, peaking at 4.4 percent with an annual average of 3.6 percent. The latest index in March was 2.9 percent. It appears that both local and national inflation rates in the first quarter of 2012 are trending lower than most of 2011.

Investment Report

MARKET OVERVIEW

The Fed Funds rate remained at 0.25 percent during the first quarter of 2012 as the economy continued its below average recovery. As can be seen in the accompanying graph, the Treasury yield curve rose slightly with increasing gains on the long end of the curve.



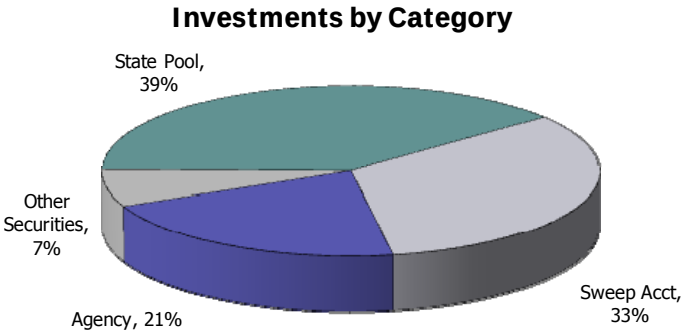
Diversification

The City's current investment portfolio is composed of Government Sponsored Enterprises (GSEs) bonds, State and Local Government bonds, the State Investment Pool and an overnight bank sweep account. Kirkland's investment policy allows up to 100 percent of the portfolio to be invested in U.S. Treasury or U.S. Government Sponsored Enterprises (GSEs) securities with a limit of 30 percent of the portfolio invested in any one agency.

CITY PORTFOLIO

It is the policy of the City of Kirkland to invest public funds in a manner which provides the highest investment return with maximum security while meeting the City's daily cash flow requirements and conforming to all Washington state statutes governing the investment of public funds.

The primary objectives for the City of Kirkland's investment activities are: legality, safety, liquidity and yield. Additionally, the City diversifies its investments according to established maximum allowable exposure limits so that reliance on any one issuer will not place an undue financial burden on the City.



Total Portfolio $135.6 million

The City's portfolio decreased in the first quarter of 2012 to $135.6 million compared to $137.4 million on December 31, 2011. The decrease in the portfolio is related to the normal cash flows of the first quarter, as the first half of property taxes is not received until the end of April.

2012 ECONOMIC OUTLOOK and INVESTMENT STRATEGY

The outlook for growth in the U.S. economy is mostly unchanged from three months ago, according to 45 forecasters surveyed by the Federal Reserve Bank of Philadelphia. The U.S. economy is expected to grow at an annual rate of 2.3 percent in 2012. CPI inflation is expected to average 2.0 percent in 2012 and 2.2 percent in 2013. The unemployment rate is expected to average 8.3 percent in 2012 and fall to 7.9 percent in 2013. The Fed Funds rate, currently at 0.25%, is expected to remain at this level throughout 2013 and into 2014.

The duration and earnings of the portfolio will continue to decrease as securities mature and are called. Opportunities for increasing portfolio returns are scarce as short-term interest rates continue at historically low levels. New security purchases will be made as opportunities to obtain moderate returns become available. During periods of low interest rates the portfolio duration should be kept shorter with greater liquidity so that the City is in a position to be able to purchase securities with higher returns when interest rates begin to rise. The State Pool is currently at 0.15% and will continue to remain low as the Fed Funds rate remains at 0.00 to 0.25 percent. Total estimated investment income for the City of Kirkland in 2012 is $800,000.

Investment Report *continued*

Liquidity

The target duration for the City's portfolio is based on the 2 year treasury rate which increased from 0.25 percent on December 31, 2011 to 0.33 percent on March 30, 2012. The average maturity of the City's investment portfolio decreased slightly from 0.79 years on December 31, 2011 to 0.75 years on March 31, 2012 due to the longer term securities being called as the interest rates continue to drop.

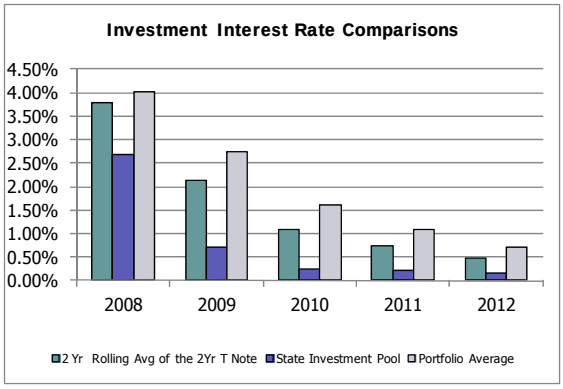
Yield

The City Portfolio yield (interest earnings) to maturity decreased from 0.79 percent on December 31, 2011 to 0.69 percent on March 31, 2012. Through March 31, 2012, the City's annual average yield to maturity was 0.70 percent.

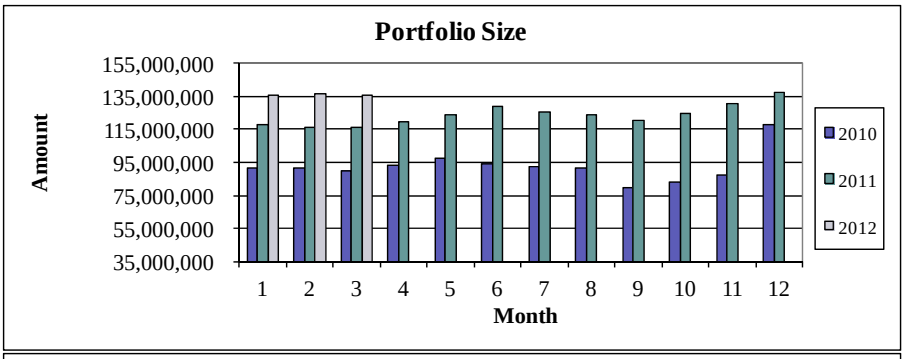
Benchmark Comparison	December 31, 2011	March 31, 2011
City Yield to Maturity (YTM)	0.79%	0.69%
City Average YTM	1.05%	0.70%
City Year to Date Cash Yield	1.02%	0.09%
90 Day Treasury Bill	0.02%	0.07%
2 yr T Note 2 Yr Avg YTM	0.54%	0.47%

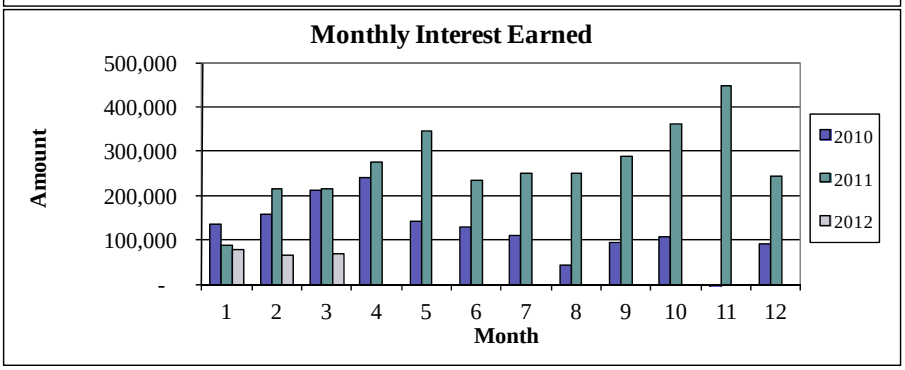
The City's portfolio benchmark is the range between the 90 day Treasury Bill and the 2 year rolling average of the 2 year Treasury Note. This benchmark is used as it is reflective of the maturity guidelines required in the Investment Policy adopted by City Council. The City's portfolio outperformed the 90 day T Bill (0.07 percent) at 0.09 percent and was below the 2 year rolling average of the 2 year Treasury Note (0.47 percent), on March 31, 2012. The cash yield will increase later in the year as the bulk of the interest earnings come in June and July.

The City's practice of investing further out on the yield curve than the State Investment Pool results in earnings higher than the State Pool during declining interest rates and lower earnings than the State Pool during periods of rising interest rates. This can be seen in the adjacent graph.



The charts below compare the monthly portfolio size and interest earnings for 2010 through March 2012.





***Reserves** are an important indicator of the City's fiscal health and effectively represent "savings accounts" that are established to meet unforeseen budgetary needs (general purpose reserves) or are dedicated to a specific purpose. The reserves are listed with their revised estimated balances at the end of the biennium as of March 31, 2012.*

Reserve Analysis

General Purpose Reserves

- **The Revenue Stabilization Reserve** was used almost in its entirety during the 2009-10 biennium as part of the budget balancing strategy to address the severe economic downturn, which allowed the City to mitigate some negative impacts to services. General Fund 2010 year-end cash was used to replenish this reserve in the amount of $600,000 in 2011 and an additional $500,000 replenishment was made as part of the Mid-Biennial budget process. Further replenishment will remain a high priority.
- The **Building and Property Reserve** has been identified as an available funding source for facility expansion and renovation projects, which include the new Public Safety Building, and possibly the Eastside Rail Corridor purchase.

General Capital Reserves

- The downturn in real estate transactions over the last few years has significantly impacted **Real Estate Excise Tax (REET)** collections resulting in adjustments to capital project planning to reflect available funding. Through March 31, 2012 REET revenues saw a 92 percent increase over 2010 largely due to the sale of a property which occurred in January for $47 million. REET revenues are at 56.2 percent of budget 25 percent of the way through the year.
- **Impact fees** have also been significantly impacted by the sale of the property in January. 2012 revenue is currently 18 percent ahead of the same period in 2011 with increases in both transportation and park impact fees. Transportation fees through March 31, 2012 are at 70.8 percent of the 2012 budget and park fees are at 60.6 percent. There is no planned use for capital projects in the current budget cycle, since these revenue sources were expected to remain extremely low compared to historical trends until development activity improves.

General Government & Utility Reserves Targets Summary

Reserves	2011 Beginning Balance	Adopted 2012 Ending Balance	Revised 2012 Ending Balance	2011-12 Target	Revised Over (Under) Target
GENERAL PURPOSE RESERVES WITH TARGETS					
General Fund Reserves:					
General Fund Contingency	50,000	50,000	50,000	50,000	0
General Oper. Reserve (Rainy Day)	2,806,513	2,806,513	2,806,513	4,127,496	(1,320,983)
Revenue Stabilization Reserve	131,431	731,431	1,231,431	2,279,251	(1,047,820)
Council Special Projects Reserve	201,534	251,534	196,534	250,000	(53,466)
Contingency	2,051,870	2,201,870	2,201,870	4,016,232	(1,814,362)
General Capital Contingency:	4,844,957	4,669,463	3,919,463	6,766,320	(2,846,857)
General Purpose Reserves with Targets	**10,086,305**	**10,710,811**	**10,405,811**	**17,489,299**	**(7,083,488)**
ALL OTHER RESERVES WITH TARGETS					
General Fund Reserves:					
Litigation Reserve	70,000	70,000	55,000	50,000	5,000
Firefighter's Pension Reserve	1,595,017	1,734,215	1,734,215	1,568,207	166,008
Health Benefits Fund:					
Claims Reserve	0	1,424,472	1,424,472	1,424,472	0
Rate Stabilization Reserve	0	500,000	500,000	500,000	0
Excise Tax Capital Improvement:					
REET 1	1,530,280	1,019,907	870,520	1,035,000	(164,480)
REET 2	7,121,695	4,975,718	4,692,465	11,484,000	(6,791,535)
Water/Sewer Operating Reserve:	1,979,380	1,979,380	1,939,380	1,979,380	(40,000)
Water/Sewer Debt Service Reserve:	822,274	508,717	508,717	508,717	0
Water/Sewer Capital Contingency:	1,793,630	1,793,630	1,793,630	250,000	1,543,630
Surface Water Operating Reserve:	412,875	412,875	412,875	412,875	0
Surface Water Capital Contingency:	858,400	858,400	858,400	758,400	100,000
Other Reserves with Targets	**16,183,551**	**15,277,314**	**14,789,674**	**19,971,051**	**(5,181,377)**
Reserves without Targets	**30,815,305**	**36,462,059**	**35,930,427**	**n/a**	**n/a**
Total Reserves	**57,085,161**	**62,450,184**	**61,125,912**	**n/a**	**n/a**

The target comparison reflects revised ending balances to the targets established in the budget process for those reserves with targets.

General Purpose reserves are funded from general revenue and may be used for any general government function.

All Other Reserves with Targets have restrictions for use either from the funding source or by Council-directed policy (such as the Litigation Reserve).

The summary to the right details all Council authorized uses and additions through March 31, 2012.

USES AND ADDITIONS HIGHLIGHTS

RESERVE	AMOUNT	DESCRIPTION
2011-12 Council Authorized Uses		
2011 First Quarter Total Uses	$248,253	
2011 Second Quarter Total Uses	$13,000	
2011 Third Quarter Total Uses	$342,352	
2011 Fourth Quarter Total Uses	$919,853	
Water/Sewer Construction Reserve	$272,000	120th Ave NE Watermain Replacement
	$39,500	I-405 WSDOT Const. Agreement Utilities Protect
2011-12 Council Authorized Additions		
Council Special Projects Reserve	$3,000	CDBG Funding Request Withdrawn
Revenue Stabilization Reserve	$500,000	Replenishing Revenue Stabilization Reserve
Radio Reserve	$7,686	Reimbursement from NORCOM

General Fund and Contingency reserves are funded from general purpose revenue and are governed by Council-adopted policies.

Note: Fund structure changes required by new accounting standards moved many of the General Purpose reserves out of the Parks & Municipal Reserve Fund (which was closed) and to the General Fund.

Special Purpose reserves reflect both restricted and dedicated revenue for specific purpose, as well as general revenue set aside for specific purposes.

General Capital Reserves provide the City the ability to respond to unexpected changes in costs and accumulate funds for future projects. It is funded from both general revenue and restricted revenue.

Utility reserves are funded from utility rates and provide the utilities with the ability to respond to unexpected costs and accumulate funds for future replacement projects.

Internal service funds are funded by charges to operating departments. They provide for the accumulation of funds for replacement of equipment, as well as the ability to respond to unexpected costs.

Reserves	Description	2011 Beginning Balance	Adopted 2012 Ending Balance	Additional Authorized Uses/Additions	Revised 2012 Ending Balance
GENERAL FUND/CONTINGENCY					
General Fund Reserves:					
General Fund Contingency	Unexpected General Fund expenditures	50,000	**50,000**	**0**	**50,000**
General Oper. Reserve (Rainy Day)	Unforeseen revenues/temporary events	2,806,513	**2,806,513**	**0**	**2,806,513**
Revenue Stabilization Reserve	Temporary revenue shortfalls	131,431	**731,431**	**500,000**	**1,231,431**
Building & Property Reserve	Property-related transactions	2,137,598	**2,137,598**	**0**	**2,137,598**
Council Special Projects Reserve	One-time special projects	201,534	**251,534**	**(55,000)**	**196,534**
Contingency	Unforeseen expenditures	2,051,870	**2,201,870**	**0**	**2,201,870**
Total General Fund/Contingency		**7,378,946**	**8,178,946**	**445,000**	**8,623,946**
SPECIAL PURPOSE RESERVES					
General Fund Reserves:					
Litigation Reserve	Outside counsel costs contingency	70,000	**70,000**	**(15,000)**	**55,000**
Labor Relations Reserve	Labor negotiation costs contingency	70,606	**70,606**	**0**	**70,606**
Police Equipment Reserve	Equipment funded from seized property	50,086	**50,086**	**0**	**50,086**
LEOFF 1 Police Reserve	Police long-term care benefits	618,079	**618,079**	**0**	**618,079**
Facilities Expansion Reserve	Special facilities expansions reserve	800,000	**800,000**	**0**	**800,000**
Development Services Reserve	Revenue and staffing stabilization	486,564	**636,564**	**(57,000)**	**579,564**
Tour Dock	Dock repairs	81,745	**81,745**	**0**	**81,745**
Tree Ordinance	Replacement trees program	29,117	**29,117**	**(10,000)**	**19,117**
Donation Accounts	Donations for specific purposes	185,026	**185,026**	**0**	**185,026**
Revolving Accounts	Fee/reimbursement for specific purposes	436,386	**436,386**	**(2,318)**	**434,068**
Lodging Tax Fund	Tourism program and facilities	146,384	**123,566**	**(15,000)**	**108,566**
Cemetery Improvement	Cemetery improvements/debt service	439,415	**439,415**	**0**	**439,415**
Off-Street Parking	Downtown parking improvements	10,776	**10,776**	**(1,500)**	**9,276**
Firefighter's Pension	Long-term care/pension benefits	1,595,017	**1,734,215**	**0**	**1,734,215**
Total Special Purpose Reserves		**5,019,201**	**5,285,581**	**(100,818)**	**5,184,763**
GENERAL CAPITAL RESERVES					
Excise Tax Capital Improvement:					
REET 1	Parks/transportation/facilities projects, parks debt service	1,530,280	**1,019,907**	**(149,387)**	**870,520**
REET 2	Transportation capital projects	7,121,695	**4,975,718**	**(283,253)**	**4,692,465**
Impact Fees					
Roads	Transportation capacity projects	525,095	**1,112,245**	**0**	**1,112,245**
Parks	Parks capacity projects	2,033	**3,038**	**0**	**3,038**
Street Improvement	Street improvements	1,092,258	**1,092,258**	**(42,000)**	**1,050,258**
General Capital Contingency	Changes to General capital projects	4,844,957	**4,669,463**	**(750,000)**	**3,919,463**
Total General Capital Reserves		**15,116,318**	**12,872,629**	**(1,224,640)**	**11,647,989**
UTILITY RESERVES					
Water/Sewer Utility:					
Water/Sewer Operating Reserve	Operating contingency	1,979,380	**1,979,380**	**(40,000)**	**1,939,380**
Water/Sewer Debt Service Reserve	Debt service reserve	822,274	**508,717**	**0**	**508,717**
Water/Sewer Capital Contingency	Changes to Water/Sewer capital projects	1,793,630	**1,793,630**	**0**	**1,793,630**
Water/Sewer Construction Reserve	Replacement/re-prioritized/new projects	7,870,665	**9,871,542**	**(411,500)**	**9,460,042**
Surface Water Utility:					
Surface Water Operating Reserve	Operating contingency	412,875	**412,875**	**0**	**412,875**
Surface Water Capital Contingency	Changes to Surface Water capital projects	858,400	**858,400**	**0**	**858,400**
Surface Water-Transp. Related Rsv	Replacement/re-prioritized/new projects	2,483,250	**3,666,250**	**0**	**3,666,250**
Surface Water Construction Reserve	Trans. related surface water projects	2,848,125	**3,376,431**	**0**	**3,376,431**
Total Utility Reserves		**19,068,599**	**22,467,225**	**(451,500)**	**22,015,725**
INTERNAL SERVICE FUND RESERVES					
Health Benefits:					
Claims Reserve	Health benefits self insurance claims	0	**1,424,472**	**0**	**1,424,472**
Rate Stabilization Reserve	Rate stabilization	0	**500,000**	**0**	**500,000**
Equipment Rental:					
Vehicle Reserve	Vehicle replacements	7,718,221	**8,047,063**	**0**	**8,047,063**
Radio Reserve	Radio replacements	0	**0**	**7,686**	**7,686**
Information Technology:					
PC Replacement Reserve	PC equipment replacements	258,311	**318,646**	**0**	**318,646**
Technology Initiative Reserve	Technology projects	690,207	**690,207**	**0**	**690,207**
Major Systems Replacement Reserve	Major technology systems replacement	245,500	**84,900**	**0**	**84,900**
Facilities Maintenance:					
Operating Reserve	Unforeseen operating costs	550,000	**550,000**	**0**	**550,000**
Facilities Sinking Fund	20-year facility life cycle costs	1,039,858	**2,030,515**	**0**	**2,030,515**
Total Internal Service Fund Reserves		**10,502,097**	**11,721,331**	**7,686**	**11,729,017**
Grand Total		**57,085,161**	**62,450,184**	**(1,324,272)**	**61,125,912**

123 5th Avenue
Kirkland, Washington 98033
425-587-3101

- Tracey Dunlap, Director of Finance & Administration
- Michael Olson, Deputy Director of Finance & Administration
- Sri Krishnan, Financial Planning Manager
- Neil Kruse, Senior Financial Analyst
- Tammy McCorkle, Budget Analyst
- Karen Terrell, Budget Analyst

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The Financial Management Report (FMR) is a high-level status report on the City's financial condition that is produced quarterly.

- It provides a **summary budget to actual comparison** for year-to-date revenues and expenditures for all operating funds.
- The **Sales Tax Revenue Analysis** report takes a closer look at one of the City's larger and most economically sensitive revenue sources.
- **Economic environment** information provides a brief outlook at the key economic indicators for the Eastside and Kirkland such as office vacancies, residential housing prices/sales, development activity, inflation and unemployment.
- The **Investment Summary** report includes a brief market overview, a snapshot of the City's investment portfolio, and the City's year-to-date investment performance.
- The **Reserve Summary** report highlights the uses of and additions to the City's reserves in the current year as well as the projected ending reserve balance relative to each reserve's target amount.

Economic Environment Update References:

- Peter Neurath, *Most local execs expect revenue will rise, survey finds*, Puget Sound Business Journal, March 23, 2012
- Lorraine Woellert and Shobhana Chandra, *Consumer Confidence in U.S. Holds Close to One-Year High,* bloomberg.com, March 27, 2012
- *NW purchasing manager optimism declines*, Puget Sound Business Journal, April 7, 2012
- *Seattle execs' business optimism rises: Survey,* Puget Sound Business Journal, May 10, 2012
- *Seattle No. 8 in number of jobs added among U.S. metro areas,* Puget Sound Business Journal, May 17, 2012
- Economic & Revenue Update—Washington State Economic & Revenue Forecast Council
- CB Richard Ellis Real Estate Services, Market View Puget Sound, First Quarter 2012
- Northwest Multiple Listing Service
- U.S. Bureau of Labor Statistics
- Washington State Employment Security Department
- Washington State Department of Revenue
- Washington State Department of Labor & Industries
- City of Kirkland Building Division
- City of Kirkland Finance & Administration Department

April 2012 Financial Dashboard Highlights

May 23, 2012

- The dashboard report reflects the 2012 annual budget adopted by the City Council on December 7, 2010 and budget adjustments adopted in March, July and December 2011. The actual revenues and expenditures summarized in the dashboard reflect four months of data, which represents 33.33% of the calendar year.
- Total General Fund revenues are meeting budget expectations due to the following:
    - Revenues received through April are at 33.1 percent of budget. Note that $1.7 million of revenue received in December 2011 is revenue from Woodinville Fire and Rescue budgeted for receipt in 2012. Including this amount, the total revenue received through April would be at 35.25 percent of budget.
    - Selected large General Fund revenues are received in periodic increments including property tax (mostly received in April/May and October/November) and King County EMS payments (quarterly or semi-annually). The first quarter EMS payment has not yet been received; about 36% of projected property taxes have been received.
    - April sales tax revenue is up 20.8 percent compared to April 2011. Year-to-date revenue performance is up 8.6 percent compared to the same period last year. April 2012 data includes revenues from the new neighborhoods (contributing about 21 percent of the monthly gain). Factoring out revenues from the new neighborhoods results in an increase of 16.6 percent for the month of April. Sales tax revenue received this month is for activity in February. The 2012 budget assumes a 4.36 percent increase over 2011 actuals. The year to date increase of 8.6 percent is ahead of budget assumptions by 4.24 percent.
    - Utility tax receipts for 2012 are on target with budget expectations at 34.6 percent. The shortfall in telecommunication and cable utility tax revenues experienced in 2011 continues through April 2012 with revenues under expectations by approximately 2.9 percent or $141,000. These shortfalls are offset by gas and electric utility tax revenues exceeding budget expectations.
    - Business license revenues year-to-date are at 37.4 percent of budget, slightly above expectations.
    - In aggregate, development revenues are on target with budget expectations at 33.6 percent. Note that Engineering and Planning development revenues are currently exceeding budget, whereas Building development revenues are falling short of budget expectations, mainly due to budgeted Park Place revenues. More information about development activity in March and April is available at the end of the dashboard report.
    - Motor Vehicle Gas tax revenues continue falling short of budget expectations at 33.0 percent of budget, due to reduced usage resulting from increased prices (gas tax is collected on a per gallon basis).
- Total General Fund expenditures are within expectations.
    - Overall, General Fund expenditures are slightly trailing the budget at 30.4 percent. Savings are largely due to postponement of some annexation hiring, position vacancies and jail contract savings.
    - Fire Suppression overtime and jail contract costs are in line with budget expectations.
    - Fuel costs continue exceeding budget expectations by 14.1 percent or about $64,000. The average price per gallon through April is $3.86 and the 2012 budget is based on an average of $3.10 per gallon.

Attachments: March/April Dashboard
March and April Development Services Highlights

City of Kirkland Budget Dashboard 5/23/2012

Annual Budget Status as of **4/30/2012** (Note 1)

Percent of Year Complete **33.33%**

	2012 Budget	Year-to-Date Actual	% Received/ % Expended	Status Current Report	Status Last Report	Notes
General Fund						
Total Revenues (2)	78,327,155	25,887,895	33.1%			Property tax/FD41/EMS spike in 2Q
Total Expenditures	75,912,300	23,104,858	30.4%			
Key Indicators (All Funds)						
Revenues						
Sales Tax	14,442,010	4,659,144	32.3%			Prior YTD = $4,291,381
Utility Taxes	14,460,833	5,008,668	34.6%			
Business License Fees	2,880,710	1,078,155	37.4%			
Development Fees	4,444,828	1,493,787	33.6%			
Gas Tax	1,704,588	511,907	30.0%			
Expenditures						
GF Salaries/Benefits	51,142,503	15,699,813	30.7%			Excludes Fire Suppression Overtime
Fire Suppression Overtime	611,588	123,050	20.1%			
Contract Jail Costs	1,850,729	214,811	11.6%			
Fuel Costs	453,192	214,947	47.4%			

Status Key

Revenue is higher than expected or expenditure is lower than expected

Revenue/expenditure is within expected range

WATCH - Revenue/expenditure outside expected range

Note 1 - Report shows annual values during the second year of the biennium (2012).

Note 2 - Total budgeted revenues exceed expenditures in 2012 and are offset by expenditures exceeding revenues in 2011, due to the biennial budget.

n/a - not applicable

Development Services Report – March, 2012

Development Services is comprised of the Fire and Building, Public Works and Planning Departments. The Building Department reports on all building construction related permits including electrical, mechanical and plumbing trade permits, signs and grading permits. Fire permits are not reported on since they are tracked separately from the Building Department budget. Public Works Department revenue is generated from infrastructure improvement permits and Planning Department revenue is the result of zoning code process permits. A review of the March, 2012 permit data allows us to offer the following:

- New single-family residential permit applications for March were up significantly with 16 applications received compared to 1 in March of last year. There was however a 19% decrease in commercial tenant improvement permits and single-family remodel permits with 29 applications this March compared to 36 last year.

- The monthly average of total building related permits received so far this year (329) continues to exceed the monthly average for 2011 (292), with the total number of permits received in March 2012 (367) exceeding March 2011 (188). This month the New Neighborhoods generated 102 permits applications with 265 coming from pre-annexation Kirkland. Since last June, permit applications in the New Neighborhoods have contributed to a 39% increase in permit volume.

- Building Department revenue for March was $207,518 which is 6.4% of our budgeted $3,231,698 and 77% of the average monthly projected revenue of $269,308. The 2012 budget includes $734,290 in revenue for the redevelopment of Parkplace which is still on hold. By excluding this potential revenue, our budget would be $2,497,408 for the year with an average monthly projected revenue of $208,117. Our March revenue would be 99.7% of this adjusted average.

- Public Works Department development revenue for March 2012 was $146,622 which is $90,526 more than the average monthly projected revenue of $56,096. 2012 is off to a good start considering that most of the major projects that have helped generate the large revenue totals in 2011 will continue to be under construction through 2012 and will require Public Works engineering and inspection services until the projects are completed.

- Planning Department revenue for March 2012 was $50,528 which is $10,511 above our adjusted monthly projected revenue average of $40,017 for 2012. Process I review (short plats) is the highest fee line item for the month.

Development Services Report – April, 2012

A review of the April, 2012 permit data allows us to offer the following:

- New single-family residential permit applications for April were up with 15 applications received compared to 11 in April of last year. There was also a 148% increase in commercial tenant improvement permits and single-family remodel permits with 67 applications this April compared to 27 last year.

- The monthly average of total building related permits received so far this year (354) continues to exceed the monthly average for 2011 (292), with the total number of permits received in April 2012 (428) far exceeding April 2011 (233). The new EnerGov reports are still being refined to distinguish the New Neighborhoods permits applications from pre-annexation Kirkland. Since last June, permit applications in the New Neighborhoods had contributed to a 39% increase in permit volume through March.

- Building Department revenue for April was $391,425 which is 12% of our budgeted $3,231,698 and 145% the average monthly projected revenue of $269,308. The 2012 budget includes $734,290 in revenue for the redevelopment of Parkplace which is still on hold. By excluding this potential revenue, our budget would be $2,497,408 for the year with an average monthly projected revenue of $208,117. Our April revenue would be 188% of this adjusted average.

- Public Works Department development revenue for April 2012 was $30,049 which is $26,047 less than the average monthly projected revenue of $56,096, but year-to-date revenue is ahead by $85,000 (46% of the estimated annual revenue has been collected). 2012 is off to a good start considering that most of the major projects that have helped generate the large revenue totals in 2011 will continue to be under construction through 2012 and will require Public Works engineering and inspection services until the projects are completed.

- Planning Department revenue for April 2012 was $57,127 which is $17,110 above our adjusted monthly projected revenue average of $40,017 for 2012. Process I permits (i.e. short plats) is the highest line item for the month.

CITY OF KIRKLAND
Department of Finance & Administration
123 Fifth Avenue, Kirkland, WA 98033 425.587.3100
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Tracey Dunlap, Director of Finance & Administration
Karen Terrell, Budget Analyst

Date: May 2, 2012

Subject: April Sales Tax Revenue Analysis

April sales tax revenue is **up 20.8 percent** compared to April 2011. **Year-to-date** revenue performance is **up 8.6 percent** compared to the same period last year. April 2012 data includes revenues from the new neighborhoods (contributing about 21 percent of the monthly gain). Factoring out revenues from the new neighborhoods results in an increase of 16.6 percent for the month of April. Sales tax revenue received this month is for activity in February. The 2012 budget assumes a 4.36 percent increase over 2011 actuals. The year to date increase of 8.6 percent is ahead of budget assumptions by 4.24 percent.

Comparing April 2012 performance to April 2011, the following business sector trends are noteworthy:

- **Contracting** sector performance is **up 34.8 percent** (about $41,000), approximately 58 percent of the gain in this category can be attributed to the construction of two new elementary schools in the new neighborhoods.
- **Auto/gas retail** sector is **up 27.4 percent** this month (about $61,200), most of the gains in this category are due to positive performance by key retailers and the addition of a new dealership in March of last year.
- **Other retail** is **up 24.2 percent** (about $27,800), primarily due to positive performance in all of the categories with the exception of the electronics and furniture categories. Revenue from establishments in the new neighborhoods makes up about 66 percent of the increase ($18,300).
- **Communications** is **up 23.8 percent** (almost $6,800), due to positive performance by key retailers in this category.
- The **miscellaneous** sector performance is **up 23.2 percent** (about $12,600), due to positive performance in the real estate category.
- **Retail eating/drinking** sector is **up 19.3 percent** (about $15,900), about 51 percent of the increase in revenues in the category is from the new neighborhoods.
- **Wholesale** is **up 13.2 percent** (about $6,100), due to increases in sales in the medical equipment and computer equipment categories.
- The **general merchandise/miscellaneous retail** sector is **up 9.8 percent** (about $11,700), due to positive performance by two key retailers.
- The **services** sector is **up 3.9 percent** (almost $4,400), primarily due to strong performance in the repairs and maintenance and the health care categories and despite negative performance in the professional scientific category and a one-time field recovery in the internet category.

2011-2012 Sales Tax Receipts by Business Sector-Monthly Actual

Business Sector Group	April		Dollar Change	Percent Change	Percent of Total	
	2011	2012			2011	2012
Services	113,011	117,375	4,364	3.9%	12.6%	10.8%
Contracting	117,724	158,685	40,961	34.8%	13.1%	14.6%
Communications	28,579	35,376	6,797	23.8%	3.2%	3.3%
Auto/Gas Retail	223,198	284,394	61,196	27.4%	24.8%	26.2%
Gen Merch/Misc Retail	119,339	131,071	11,732	9.8%	13.3%	12.1%
Retail Eating/Drinking	82,282	98,189	15,907	19.3%	9.1%	9.0%
Other Retail	114,739	142,502	27,763	24.2%	12.8%	13.1%
Wholesale	46,139	52,234	6,095	13.2%	5.1%	4.8%
Miscellaneous	54,414	67,022	12,608	23.2%	6.0%	6.1%
Total	**899,425**	**1,086,848**	**187,423**	**20.8%**	**100.0%**	**100.0%**

Year To Date Business Sector Review:

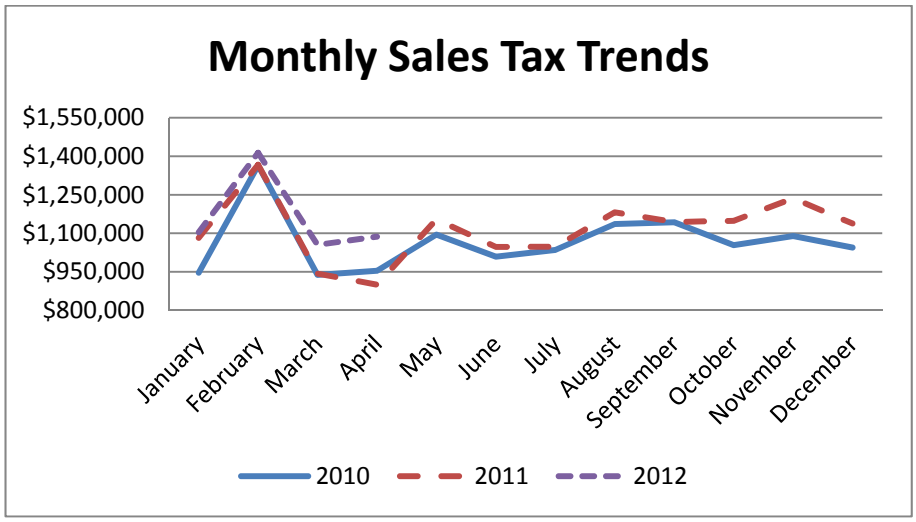
- Retail sectors sales tax revenue collectively are up 10.1 percent compared to 2011.
  - The **general merchandise/miscellaneous retail** sector is **down 2.9 percent** compared to last year due to the one-time large receipt received last year from development-related activity from one key business. Factoring out last year's large one-time receipt, the year to date revenues are 8.6 percent greater than last year.
  - The **auto/gas retail** sector is **up 9.4 percent** compared to last year, largely due to the addition of a new dealership in March of last year and positive performance by most of the key retailers in this category.
  - The **retail eating/drinking** sector performance is **up 14.9 percent** compared to last year. About 57 percent of the revenue increase is from eating and drinking establishments in the new neighborhoods.
  - **Other retail** is **up 24.7 percent** compared to last year. About 48 percent or $62,000 of the increase is revenue from retail establishments in the new neighborhoods. Without the revenues from the new neighborhoods this category would be up 13.0 percent year to date compared to last year.
- The **services** sector is **up 6.5 percent** compared to last year, largely due to positive performance in the repairs and maintenance, administrative support, health care, and accommodations categories and despite negative performance in the professional scientific category and a one-time field recovery in the internet category. The accommodations sector is up 9.5 percent or about $7,300.
- **Wholesale** is **up 10.6 percent** compared to last year largely due to increases in sales in the furniture, electrical and computer equipment categories.
- The **communications** sector is **down 26.5 percent** compared to last year due to one-time revenues in February 2011 in the telecommunications category. Factoring out this one-time revenue, this category would be up 9.4 percent compared to last year.
- The **contracting** sector is **up 17.4 percent** compared to last year. Some of the gain in this category is one-time revenue due to the construction of two new elementary schools in the new neighborhoods.
- The **miscellaneous** sector is **up 3.0 percent** compared to last year due to increases in the public administration category.

City of Kirkland Actual Sales Tax Receipts

Business Sector Group	January-April		Dollar Change	Percent Change	Percent of Total	
	2011	2012			2011	2012
Services	542,649	577,965	35,316	6.5%	12.6%	12.4%
Contracting	546,424	641,620	95,196	17.4%	12.7%	13.8%
Communications	192,476	141,391	(51,085)	-26.5%	4.5%	3.0%
Auto/Gas Retail	1,026,219	1,122,916	96,697	9.4%	23.9%	24.1%
Gen Merch/Misc Retail	663,635	644,079	(19,556)	-2.9%	15.5%	13.8%
Retail Eating/Drinking	344,975	396,478	51,503	14.9%	8.0%	8.5%
Other Retail	531,078	662,368	131,290	24.7%	12.4%	14.2%
Wholesale	198,688	219,808	21,120	10.6%	4.6%	4.7%
Miscellaneous	245,243	252,519	7,276	3.0%	5.7%	5.4%
Total	**4,291,387**	**4,659,144**	**367,757**	**8.6%**	**100.0%**	**100.0%**

Conclusion

Monthly sales tax revenue is coming in higher than in 2010 and 2011. The chart below includes revenue from the new neighborhoods that began reporting to Kirkland as of July 1, 2011, with revenues remitted to the City beginning in September of 2011.



The Conference Board Consumer Confidence Index, which had declined slightly in March, remained nearly unchanged in April. The Index now stands at 69.2, down from 69.5 in March. The Present Situation Index increased from 49.9 to 51.4. The Expectations Index declined from 82.5 in March to 81.1 in April. Consumers appear to remain cautiously optimistic about the state of the economy.

Washington State's economy appears to be improving slightly. The job market in Washington is consistent with projections in the February forecast. Employment in Washington has been expanding for two years but the 91,900 jobs gained since the low point in February 2010, still makes up less than half of the 207,000 jobs lost during the recession. The biggest threat to the U.S. and Washington State economies is now high energy costs, but the sovereign debt crisis in Europe remains a significant risk as well. The construction sector, which is extremely important for Washington State revenue, has stopped declining but is not yet adding to the growth. Single-family housing continues to struggle but multi-family construction is improving.

CITY OF KIRKLAND
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MEMORANDUM

To: Kurt Triplett, City Manager

From: Tracey Dunlap, Director of Finance & Administration
Karen Terrell, Budget Analyst

Date: June 6, 2012

Subject: May Sales Tax Revenue Analysis

May sales tax revenue is **down 1.9 percent** compared to May 2011. **Year-to-date** revenue performance is **up 6.4 percent** compared to the same period last year. May 2012 data reflect a one-time Department of Revenue reduction of $127,000 due to a taxpayer refund. Also last year included the Department of Revenue amnesty program revenues of $71,000 which skew the monthly comparison. Factoring out these one-time amounts, monthly revenues would be up 16.3 percent. Sales tax revenue received this month is for activity in March. The 2012 budget assumes a 4.4 percent increase over 2011 actuals. The year to date increase of 6.4 percent is ahead of budget assumptions by 2.0 percent.

Comparing May 2012 performance to May 2011, the following business sector trends are noteworthy:

- **Contracting** sector performance is **up 52.1 percent** (about $67,000), approximately 76 percent of the gain in this category can be attributed to the construction of two new elementary schools in the new neighborhoods.
- **Other retail** is **up 25.1 percent** (about $34,400), primarily due to positive performance in all of the categories with the exception of the furniture category. Revenue from establishments in the new neighborhoods makes up about 55 percent of the increase ($18,800).
- **Auto/gas retail** sector is **up 17.3 percent** this month (about $46,400), due to positive performance by most of the key retailers in this category.
- **Retail eating/drinking** sector is **up 16.6 percent** (about $15,000), about 60 percent of the increase (about 9,000) in revenues in this category is from the new neighborhoods.
- **Communications** is **up 11.1 percent** (almost $3,500), due to positive performance by key retailers in this category.
- The **general merchandise/miscellaneous retail** sector is **down 2.7 percent** (about $3,700), due to negative performance by a key retailer.
- **Wholesale** is **down 20.0 percent** (about $20,000), due to decreases in sales in the electrical equipment category.
- The **miscellaneous** sector performance is **down 47.8 percent** (about $61,500), because 2011 data includes one-time Department of Revenue amnesty program revenue.
- The **services** sector is **down 77.3** percent (about $102,500), largely due to a one-time taxpayer refund in the other information services category that reduces the City's receipts in May.

2011-2012 Sales Tax Receipts by Business Sector-Monthly Actual

Business Sector Group	May		Dollar Change	Percent Change	Percent of Total	
	2011	2012			2011	2012
Services	132,627	30,145	(102,482)	-77.3%	11.5%	2.7%
Contracting	128,466	195,446	66,980	52.1%	11.1%	17.3%
Communications	32,108	35,682	3,574	11.1%	2.8%	3.1%
Auto/Gas Retail	267,502	313,837	46,335	17.3%	23.2%	27.7%
Gen Merch/Misc Retail	137,217	133,493	(3,724)	-2.7%	11.9%	11.8%
Retail Eating/Drinking	90,529	105,543	15,014	16.6%	7.8%	9.3%
Other Retail	136,752	171,092	34,340	25.1%	11.8%	15.1%
Wholesale	100,548	80,457	(20,091)	-20.0%	8.7%	7.1%
Miscellaneous	128,503	67,079	(61,424)	-47.8%	11.2%	5.9%
Total	**1,154,252**	**1,132,774**	**(21,478)**	**-1.9%**	**100.0%**	**100.0%**

Year To Date Business Sector Review:

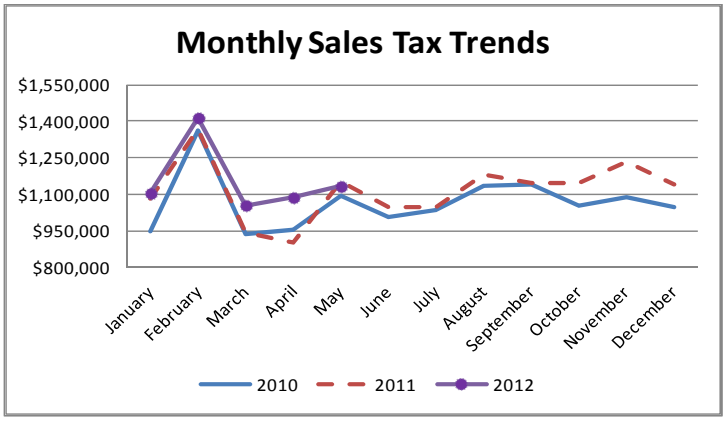
- Retail sectors sales tax revenue collectively are up 11.0 percent compared to 2011.
  - The **general merchandise/miscellaneous retail** sector is **down 2.9 percent** compared to last year due to the one-time large receipt received last year from development-related activity from one key business. Factoring out last year's large one-time receipt, the year to date revenues are 4.4 percent greater than last year.
  - The **auto/gas retail** sector is **up 17.3 percent** compared to last year, largely due to the addition of a new dealership in March of last year and positive performance by most of the key retailers in this category.
  - The **retail eating/drinking** sector performance is **up 15.3 percent** compared to last year. About 57 percent of the revenue increase is from eating and drinking establishments in the new neighborhoods.
  - **Other retail** is **up 25 percent** compared to last year. About 49 percent or $81,000 of the increase is revenue from retail establishments in the new neighborhoods. Without the revenues from the new neighborhoods, this category would be up 12.8 percent year to date compared to last year.
- The **contracting** sector is **up 24 percent** compared to last year. Some of the gain in this category is one-time revenue due to the construction of two new elementary schools in the new neighborhoods.
- **Wholesale** is **up 0.2 percent** compared to last year despite being negative this month.
- The **services** sector is **down 10 percent** compared to last year, largely due to a one-time taxpayer refund of $127,000 in the other information category. The accommodations sector is up 7.9 percent or about $7,800.
- The **communications** sector is **down 21.2 percent** compared to last year due to one-time development related revenues in February 2011 in the telecommunications category. Factoring out this one-time revenue, this category would be up 9.1 percent compared to last year.
- The **miscellaneous** sector is **down 14.5 percent** compared to last year because the City received one-time Department of Revenue amnesty program revenues in 2011.

City of Kirkland Actual Sales Tax Receipts

Business Sector Group	January-May		Dollar Change	Percent Change	Percent of Total	
	2011	2012			2011	2012
Services	676,248	608,692	(67,556)	-10.0%	12.4%	10.5%
Contracting	674,976	836,910	161,934	24.0%	12.4%	14.4%
Communications	224,289	176,700	(47,589)	-21.2%	4.1%	3.1%
Auto/Gas Retail	1,293,721	1,436,754	143,033	11.1%	23.8%	24.8%
Gen Merch/Misc Retail	800,754	777,688	(23,066)	-2.9%	14.7%	13.4%
Retail Eating/Drinking	435,225	501,644	66,419	15.3%	8.0%	8.7%
Other Retail	666,760	833,255	166,495	25.0%	12.2%	14.4%
Wholesale	299,975	300,693	718	0.2%	5.5%	5.2%
Miscellaneous	373,691	319,582	(54,109)	-14.5%	6.9%	5.5%
Total	**5,445,639**	**5,791,918**	**346,279**	**6.4%**	**100.0%**	**100.0%**

Conclusion

Year to date sales tax revenue is still coming in higher than in 2010 and 2011, however, a one-time taxpayer refund to correct prior period receipts this month caused revenue to be slightly lower than 2011. The chart below shows monthly trends in sales tax revenue for 2010, 2011, and through May 2012. The data includes revenue from the new neighborhoods that began reporting to Kirkland as of July 1, 2011, with revenues remitted to the City beginning in September of 2011.



The Conference Board Consumer Confidence Index, which had declined slightly in April, fell again in May. The Index now stands at 64.9, down from 68.7 in April. The Present Situation Index decreased from 51.2 to 45.9. The Expectations Index declined from 80.4 in April to 77.6 in May. High gasoline prices tend to reduce consumer confidence and pose a risk to economic recovery. Civil unrest in oil producing countries can create the potential for supply disruptions that could keep gasoline prices high which can slow the economic recovery.

Washington State's economy appears to be trending closely with the February forecast. Employment in Washington increased in the first quarter this year. New car and truck sales have seen a surge in the first few months of the year in both Washington and the United Sates. Washington housing permits came in strong in March at 41,100 units, which was the highest since late 2007. In 2013, some of the Bush tax cuts are scheduled to expire and the 2 percent payroll tax holiday and the extended unemployment compensation will end. With the end of these tax cuts, there is a risk that both Washington state and the United States economy could see further decline.

City of Kirkland
2011-2012 Budget
2012 Mid Year Budget Adjustment Summary

Adjustment Type	Dept.	Description	Adjustments	Appropriation Adjustment	Funding Source: Internal Transf./Chrg.	Funding Source: Resources Forward	Funding Source: External Revenue	Funding Source/Notes
General Fund								
Council Directed/Other	PK	Green Kirkland	4,159	4,159	45,610		(41,451)	CIP/REET/King County Conservation District Grant
Council Directed/Other	CMO	2012 Summerfest	7,000					Council Special Project Reserve
Council Directed/Other	N/A	Recognizing Impacts from State Budget on Liquor Revenues	(317,264)	(317,264)			(317,264)	Liquor Revenues
Council Directed/Other	N/A	Transfer to Fire Station Consolidation CIP Project	1,225,681					Fire District 41 Asset Transfer
Housekeeping	PW	Temporary Construction Inspector	57,003					Engineering Development Reserves
Housekeeping	PW	Development Services Reserves	280,000					Engineering Development Revenues
Housekeeping	Bldg/PCD	Energov Backfill	32,336	32,336	32,336			Intergovernmental Revenue - Energov CIP
Housekeeping	N/A	2011 Cost of Service Model Reconciliation	(2,550)	(2,550)	(2,550)			Internal Transfer/Reserve Reduction
Housekeeping	PK	Moving Parks Maint. Annex. Service Package to Pk Maint. Fund	(371,427)	(371,427)			(371,427)	2012 Parks Maint. Prop. Tax Levy/Park Rentals
Housekeeping	FA	425 Hours of On-call Staffing	10,000	10,000			10,000	NORCOM/Intergovernmental Revenue
Housekeeping	FA	Tax Consulting Services	10,000	10,000			10,000	Utility Taxes/NORCOM
General Fund Total			**934,938**	**(634,746)**	**75,396**	**-**	**(710,142)**	
OTHER FUNDS								
Lodging Tax Fund								
Council Directed/Other	CMO	Tall Ships Event	4,800					Reserves
Housekeeping	CMO	Tourism Services, Website, Events, etc.	11,425	11,425			11,425	Lodging Tax
Lodging Tax Fund Total			**16,225**	**11,425**	**-**	**-**	**11,425**	
OTHER FUNDS continued								
Street Operating Fund								
Housekeeping	PW	2011 Cost of Service Model Reconciliation	4,400					Reserves
Housekeeping	PW	Moving Street Asset Inventory Work from IT to Streets	51,354	51,354	51,354			Internal Professional Services
Street Operating Fund Total			**55,754**	**51,354**	**51,354**	**-**	**-**	
Cemetery Operating Fund								
Housekeeping	N/A	2011 Cost of Service Model Reconciliation	2,795					Reserves
Cemetery Operating Fund Total			**2,795**	**-**	**-**	**-**	**-**	
Parks Maintenance Fund								
Housekeeping	PK	2011 Cost of Service Model Reconciliation	(536)					Reserves
Housekeeping	PK	Moving Parks Maintenance Annexation Service Package from GF	399,697	399,697	28,270		371,427	2012 Parks Maint. Prop. Tax Levy/Park Rentals
Parks Maintenance Fund Total			**399,161**	**399,697**	**28,270**	**-**	**371,427**	
Impact Fees Fund								
Housekeeping	N/A	Moving a Portion of Teen Center Debt Service from REET	40,185	40,185			40,185	Impact Fees
Impact Fees Fund Total			**40,185**	**40,185**	**-**	**-**	**40,185**	

Adjustment Type	Dept.	Description	Adjustments	Appropriation Adjustment	Funding Source: Internal Transf./Chrg.	Funding Source: Resources Forward	Funding Source: External Revenue	Funding Source/Notes
Real Estate Excise Tax Fund								
Council Directed/Other	PK	Green Kirkland	43,298					REET 1 Reserve
Council Directed/Other	PW	Central Way Ped Enhancement CNM 0065	34,000					REET 2 Reserve
Housekeeping	N/A	Moving a Portion of Teen Center Debt Service to Impact Fees	40,185					Return Funds to REET 1 Reserve
Real Estate Excise Tax Fund Total			**117,483**	**-**	**-**	**-**	**-**	
General Capital Projects Fund								
Council Directed/Other	PK	Green Kirkland - Parks Environmental Services Pos. Reclass.	2,312					Parks CIP Environmental Services
Council Directed/Other	N/A	Fire Station Consolidation CIP Project	1,225,681	1,225,681	1,225,681			Fire District 41 Asset Transfer from General Fund
Council Directed/Other	N/A	King County Parks Levy funding for Cross Kirkland Corridor	(118,000)	(118,000)			(118,000)	King County Parks Levy move to Cross Kirkland Corridor
Council Directed/Other	FB	Water Rescue Equipment	45,000					Transfer from Unspent CIP Project Balances
Housekeeping	N/A	Return Completed Balances of Life Cycle (LC) Proj. to LC Reserve	54,190					Transfer to Facilities Fund
General Capital Projects Fund Total			**1,209,183**	**1,107,681**	**1,225,681**	**-**	**(118,000)**	
Transportation Capital Projects Fund								
Council Directed/Other	PW	Central Way Pedestrian Enhancement CNM 0065	34,000	34,000	34,000			REET 2 Reserve
Council Directed/Other	PW	Cross Kirkland Corridor Acquisition Costs	264,775	264,775	146,775		118,000	Funded from KC Parks Levy/Park Acquistion Reserve
Transportation Capital Projects Fund			**298,775**	**298,775**	**180,775**	**-**	**118,000**	
Water/Sewer Utility Operating Fund								
Housekeeping	PW	2011 Cost of Service Model Reconciliation	(83,304)					Reserves
Water/Sewer Utility Operating Fund Total			**(83,304)**	**-**	**-**	**-**	**-**	
Water/Sewer Capital Fund								
Council Directed/Other	PW	Replace Broken Watermain and Repair Road Damage	272,000					Water/Sewer Capital Reserve
Council Directed/Other	PW	Protect City Utility Infrastructure During I-405 Freeway Widening	39,500					Water/Sewer Capital Reserve
Water/Sewer Capital Fund Total			**311,500**	**-**	**-**	**-**	**-**	
Surface Water Operating Fund								
Housekeeping	PW	2011 Cost of Service Model Reconciliation	55,261					Reserves
Housekeeping	PW	U.S. Fish and Wildlife Grant and Grant Match - move from capital	30,933	19,000			19,000	U.S. Fish & Wildlife Grant/Reserves
Surface Water Operating Fund Total			**86,194**	**19,000**	**-**	**-**	**19,000**	
Surface Water Capital Fund								
Housekeeping	PW	U.S. Fish and Wildlife Grant and Grant Match - move to operating	(30,933)	(19,000)			(19,000)	U.S. Fish & Wildlife Grant/Reserves
Council Directed/Other	PW	Totem Lake Culvert Replacement	922,600					Annual Storm Drain Replacement Program
Council Directed/Other	PW	King County Grant for Totem Lake Funding	168,000	168,000			168,000	King County
Surface Water Capital Fund Total			**1,059,667**	**149,000**	**-**	**-**	**149,000**	

Adjustment Type	Dept.	Description	Adjustments	Appropriation Adjustment	Funding Source: Internal Transf./Chrg.	Funding Source: Resources Forward	Funding Source: External Revenue	Funding Source/Notes
Solid Waste Fund								
Housekeeping	PW	2011 Cost of Service Model Reconciliation	18,834					Reserves
Housekeeping	PW	Dept. of Ecology Grant for Recycling Collection Events	19,436	19,436			19,436	Department of Ecology Grant
Solid Waste Fund Total			**38,270**	**19,436**	**-**	**-**	**19,436**	
Information Technology Fund								
Housekeeping	IT	Applications Division Temporary Staffing	59,560					IT Reserves
Housekeeping	PCD	Change from Desktop to Laptop Computers	294	294	294			Adjust computer replacement rate
Information Technology Fund Total			**59,854**	**294**	**294**	**-**	**-**	
Facilities Fund								
Housekeeping	PW	Return Completed Balances of Life Cycle (LC) Proj. to LC Reserve	54,190	54,190	54,190			Transfer from General Capital Projects Fund
Facilities Fund Total			**54,190**	**54,190**	**54,190**	**-**	**-**	
TOTAL OTHER FUNDS			**3,661,132**	**2,151,037**	**1,540,564**	**-**	**610,473**	
TOTAL ALL FUNDS			**4,596,070**	**1,516,291**	**1,615,960**	**-**	**(99,669)**	

ORDINANCE O-4360

AN ORDINANCE OF THE CITY OF KIRKLAND AMENDING THE BIENNIAL BUDGET FOR 2011-2012.

WHEREAS, the City Council finds that the proposed adjustments to the Biennial Budget for 2011-2012 reflect revenues and expenditures that are intended to ensure the provision of vital municipal services at acceptable levels;

NOW, THEREFORE, the City Council of the City of Kirkland do ordain as follows:

Section 1. The Mid-Year 2012 adjustments to the Biennial Budget of the City of Kirkland for 2011-2012 are hereby adopted.

Section 2. In summary form, modifications to the totals of estimated revenues and appropriations for each separate fund and the aggregate totals for all such funds combined are as follows:

Funds	Current Budget	Adjustments	Revised Budget
General	161,866,657	(634,746)	161,231,911
Lodging Tax	525,824	11,425	537,249
Street Operating	14,665,172	51,354	14,716,526
Cemetery Operating	762,492	-	762,492
Parks Maintenance	2,188,638	399,697	2,588,335
Contingency	2,246,510	-	2,246,510
Impact Fees	1,931,783	40,185	1,971,968
Excise Tax Capital Improvement	12,866,748	-	12,866,748
Limited General Obligation Bonds	6,437,377	-	6,437,377
Unlimited General Obligation Bonds	2,144,487	-	2,144,487
General Capital Projects	51,795,910	1,107,681	52,903,591
Transportation Capital Projects	33,186,616	298,775	33,485,391
Water/Sewer Operating	45,945,527	-	45,945,527
Water/Sewer Debt Service	2,962,187	-	2,962,187
Utility Capital Projects	18,054,238	-	18,054,238
Surface Water Management	18,423,953	19,000	18,442,953
Surface Water Capital Projects	14,601,925	149,000	14,750,925
Solid Waste	25,083,065	19,436	25,102,501
Health Benefits	15,735,691	-	15,735,691
Equipment Rental	19,214,533	-	19,214,533
Information Technology	11,460,688	294	11,460,982
Facilities Maintenance	10,715,753	54,190	10,769,943
Firefighter's Pension	1,767,099	-	1,767,099
	474,582,873	1,516,291	476,099,164

Section 3. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication, as required by law.

Passed by majority vote of the Kirkland City Council in open meeting this ____ day of ____, 2012.

Signed in authentication thereof this ___ day of ____, 2012.

_____
MAYOR

Attest:

_____
City Clerk

Approved as to Form:

_____
City Attorney

RESOLUTION R-4926

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND ADOPTING THE FISCAL POLICIES FOR THE CITY OF KIRKLAND.

WHEREAS, the stewardship of public funds is one of the greatest responsibilities given to the officials and managers of the City of Kirkland; and

WHEREAS, the establishment of and maintenance of wise fiscal policies enables City officials to protect public interests and ensure public trust; and

WHEREAS, most of the City of Kirkland's Fiscal Policies represent long-standing principles, traditions, and practices that have guided the City management in the past and are intended to ensure that the City is financially able to meet its immediate and long-term objectives; and

WHEREAS, the City of Kirkland's Fiscal Policies need to be amended to be to reflect incorporation of the Reserve Replenishment Principles;

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

Section 1. The City Council hereby adopts the City of Kirkland's Fiscal Policies a copy of which is attached hereto and by this reference incorporated herein.

Section 2. The City of Kirkland's Fiscal Policies are intended to provide general fiscal guidelines and to provide sound direction in the management of the City's financial affairs.

Passed by majority vote of the Kirkland City Council in open meeting this ____ day of ____, 2012.

Signed in authentication thereof this ____ day of ____, 2012.

_____
MAYOR

Attest:

_____
City Clerk

Council Meeting: 06/19/2012
Agenda: New Business
Item #: 11. e.

CITY OF KIRKLAND
Planning and Community Development Department
123 Fifth Avenue, Kirkland, WA 98033
425.587-3225 - www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Eric Shields, Planning Director
Nancy Cox, Development Review Manager

Date: June 7, 2012

Subject: AMENDMENT TO INCREASE CERTAIN SEPA CATEGORICAL EXEMPTIONS, File PLN12-00493

RECOMMENDATION

Staff recommends that the City Council adopts the proposed ordinance amending KMC 24.02.060 to increase SEPA (State Environmental Policy Act) categorical exemptions to the maximum allowed by state law.

BACKGROUND DISCUSSION

WAC (Washington Administrative Code) 197-11-800 lists proposed actions that are categorically exempt from SEPA threshold determinations. It also provides for flexible thresholds for minor new construction. Flexible thresholds allow a jurisdiction to raise the exempt level (i.e. four dwelling units) to a maximum (i.e. 20 dwelling units) if approved by ordinance in the local jurisdiction. Kirkland has already raised some of the levels in KMC (Kirkland Municipal Code) 24.02.065

Following is a chart showing the allowable exemption levels and Kirkland's current standing.

THRESHOLD LEVELS FOR SEPA CATEGORICAL EXEMPTIONS

MINOR NEW CONSTRUCTION	LEVELS ALLOWED OUTRIGHT BY WAC	KIRKLAND'S LEVELS IN KMC	UPPER LEVEL ALLOWED BY WAC	REMAINING CAPACITY FOR KIRKLAND
Dwelling Units	4 dwelling units	9 dwelling units	20 dwelling units	11 dwelling units
Farming structure	10,000 square feet	10,000 square feet	30,000 square feet	20,000 square feet
Commercial plus parking	4,000 SF + 20 stalls	4,000 SF + 20 stalls	12,000 SF + 40 stalls	8,000 square feet + 20 stalls
Parking lot	20 stalls	20 stalls	40 stalls	20 stalls
Grading	100 cubic yards	500 cubic yards	500 cubic yards	none

The ordinance before the Council fills in the "remaining capacity" shown in the table (far right column) above by amending KMC 24.02.065. The Economic Development Committee reviewed and recommended this proposal on May 14, 2012. Other cities in the region have adopted the maximum level allowed, most notably Redmond, Sammamish and Kenmore. Redmond and Kenmore did not encounter any opposition when they made the change.

Second Engrossed Substitute Senate Bill 6406 (2ESSB 6406)
In the 2012 Legislative Session the Department of Ecology was directed via 2ESSB 6406 to convene an advisory committee that must make several changes to SEPA. One of the changes includes increasing existing maximum threshold levels. Until the committee completes its work, jurisdictions are permitted to increase their levels to the extent allowed by state law without legislative action. Work on 2ESSB has prompted staff to recommend moving ahead with raising levels in Kirkland. Now that 2ESSB is in effect, staff is recommending raising the level by ordinance to ensure full legislative policy review even though Council action is not technically required.

Streamlining Measure
Traffic is the primary potential environmental impact that is still analyzed through SEPA review. Other environmental concerns (i.e. stream, wetland, trees, etc.) are covered adequately by adopted codes and conditioned through the permit. By raising the exempt levels there will be fewer projects receiving traffic impact analysis through SEPA. This could result in a savings to the developer in the range of $5,000 – $10,000 (and 6-8 weeks of permit processing time) because they would not have to hire a traffic engineer, and pay SEPA review and concurrency fees. However, our traffic engineers have confirmed that the projects that will be exempt are still too small to have required mitigation through SEPA. Road impact fees are still applicable regardless of the size of project or SEPA review. Therefore, raising the levels is a streamlining measure that will not negatively impact the City.

Codifying traffic regulations is on the Planning Work Program for later this year or 2013. When this is done, SEPA review may not be necessary to conduct traffic impact analysis for development projects – a further streamlining measure.

ORDINANCE O-4361

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO SEPA PROCEDURES AND AMENDING SECTION 24.02.065 OF THE KIRKLAND MUNICIPAL CODE, FILE NO. PLN12-00493.

WHEREAS, the City seeks to streamline development review when possible; and

WHEREAS, the City has already raised the level of some categorical exemptions for minor new construction as allowed by state law; and

WHEREAS, the City can review projects and maintain environmental protection by using existing Kirkland rules and regulations to condition permits rather than SEPA; and

WHEREAS, Washington Administrative Code ("WAC") 197-11-800(1) allows cities, towns or counties to raise the exempt levels to the maximum specified in the section by implementing ordinance, and Kirkland has some remaining capacity to reach the maximum specified;

NOW, THEREFORE, the City Council of the City of Kirkland do ordain as follows:

Section 1. Kirkland Municipal Code Section 24.02.065 is hereby amended to read as follows:

24.02.065 Threshold levels for categorical exemptions.

WAC 197-11-800 establishes certain actions as exempt from SEPA. Under (1)(c) of that section, the city establishes raised levels of exemptions for the following types of actions as exempt from SEPA except as provided in WAC 197-11-305 and 197-11-800(1)(a):

(a) The construction or location of any residential structures of ~~nine~~ twenty or fewer dwelling units (WAC 197-11-800(1)(b)(i));

(b) The construction of a barn, loafing shed, farm equipment storage building, produce storage or packing structure, or similar agricultural structure, covering 30,000 square feet, and to be used only by the property owner or his or her agent in the conduct of farming the property. This exemption shall not apply to feed lots (WAC 197-11-800 (1)(b)(ii));

(c) The construction of an office, school, commercial, recreational, service or storage building with 12,000

square feet of gross floor area, and with associated parking facilities designed for forty automobiles WAC 197-11-800 (1)(b)(iii));

(d) The construction of a parking lot designed for forty automobiles (WAC 197-11-800 (1)(b)(iv);

(~~b~~e) Any landfill or excavation of five hundred or fewer cubic yards throughout the total lifetime of the fill or excavation, and any fill or excavation classified as a Class I, II, or III forest practice under RCW 76.09.050 or regulations thereunder (WAC 197-11-800(1)(b)(v)).

Section 2. If any section, subsection, sentence, clause, phrase, part or portion of this ordinance, including those parts adopted by reference, is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. This ordinance shall be in full force and effect five days from and after its passage by the Kirkland City Council and publication, as required by law.

Passed by majority vote of the Kirkland City Council in open meeting this _____ day of _____, 2012.

Signed in authentication thereof this _____ day of _____, 2012.

_____
Mayor

Attest:

_____
City Clerk

Approved as to Form:

_____
City Attorney

Council Meeting: 06/19/2012
Agenda: New Business
Item #: 11. f.

CITY OF KIRKLAND
Department of Public Works
123 Fifth Avenue, Kirkland, WA 98033 425.587.3800
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: John MacGillivray, Solid Waste Programs Lead
Ray Steiger, P.E., Public Works Director

Date: June 7, 2012

Subject: Cart Placement Code Revision

RECOMMENDATION

Council approves the attached Ordinance revising Title 16.08.070 of the Kirkland Municipal Code (KMC) pertaining to the placement of single family residential garbage, recycling, and yard waste carts. Council approves the addition of new Section 16.08.125 Enforcement and Penalties to impose enforcement potential to the revised Title 16.08.070 in accordance with Chapter 1.12 KMC, Code Enforcement.

The proposed code revision before the City Council has been reviewed and approved by the City Attorney's Office, the Planning Department (Code Enforcement), and the City's solid waste hauler, Waste Management, Inc. The proposed code revision was also submitted to Feet First and the Cascade Bicycle Club for their review and comment. The Cascade Bicycle Club submitted a letter endorsing the proposed code revision (attached). As of this writing, no comments have been received from Feet First.

BACKGROUND

The current KMC 16.08.070 was adopted by the Kirkland City Council in 1969 (Ordinance 2038). The code was last revised in 2004 concurrent with the City's execution of its new solid waste contract with Waste Management. The new contract required the use of contractor-provided carts in lieu of owner cans to facilitate automated collection and the code was updated to require specific cart placement provisions to accommodate automated collection.

The Public Works (Solid Waste) and Planning Department (Code Enforcement) respond to numerous complaints concerning the placement of garbage carts every year. The most typical complaints received involve issues with carts being placed out for service too early or left out too long after service and carts placed in such a manner as to block sidewalks, bicycle lanes, and other right-of-way appurtenances. Due to inconsistencies and ambiguities in the current code surrounding the placement of carts and the safe use of the public right-of-way, Solid Waste and Code Enforcement staff has been unable to authoritatively and sufficiently address citizen complaints. The most typical enforcement action currently taken is a courtesy letter sent to a resident (or residents) suggesting a reasonable cart removal or set out time and requesting that consideration be given to their neighbors, pedestrians, and/or bicyclists.

CODE REVISION DISCUSSION

The goal in revising the cart placement code is to improve it by making it objective, flexible, enforceable, and observant of the City Council Neighborhoods and Public Safety Goals. The revision process first included an identification of the current code's shortcomings; second, staff identified several core elements which are recommended to be included in the new code to specifically address the shortcomings. The recommendations are derived from complaints received and responded to by staff, citizen requests and suggestions, and general staff observations. Next, the process included an evaluation of codes from several other cities in King County as shown in *Attachment 2, King County City Cart Placement Codes*; and finally, staff reached out to local pedestrian (Feet First) and bicycle (Cascade Bicycle Club) advocacy groups to solicit their comments on the proposed code revision.

Current Code Shortcomings

The following is a presentation of the sections of the existing code identified as inconsistent, ambiguous, or archaic. The specific additions and deletions to the code pertaining to each revision are highlighted in the attached Ordinance.

- **Traffic Impediments:** No code provision specifically prevents the placement of carts in such a manner as to block vehicular, bicycle, or pedestrian traffic;

- **Sidewalk Use:** Sidewalks may be used for cart placement where there is no suitable alternative but carts may only be placed in the sidewalk a "reasonable time" before service and must be removed a "reasonable time" after service is provided. "Reasonable" is subjective and open to interpretation. Staff has historically interpreted "reasonable" to mean that carts may be placed out the day before service and should be removed by the end of the day on the service day;

- **Use of the Public Property:** One part of the code requires the placement carts "as near as practicable to the city street right of way" which implies that public property should not be used for carts. A second portion states that "street placement is preferred" for automated collection which implies that public property may be used for carts. Subsequent to the 2004 code revision, staff has consistently permitted the use of public property for cart placement due to the automated collection standard;

- **Outmoded Collection Requirements:** Sunken can collection is no longer a permitted or current mode of collection for single family residential customers due to the requirements for residents to use contractor-provided carts. Similarly, "sturdy racks" are no longer required for service.

Core Recommendations for the Revised Code

The core recommendations made by staff to be included in the revised code are presented below. Each recommendation was derived from complaints received, citizen requests and suggestions, and general staff observations. The collective recommendations below were used as a guide in drafting the new code.

Recommendation 1: Residents should be permitted to temporarily use public property for their carts. **(R1)**

Recommendation 2: Carts should not be allowed to be left on public property for indefinite periods of time. **(R2)**

Recommendation 3: Carts or extra materials should not be placed on public property too far in advance of the collection day nor should carts remain on public property too long after collection service is provided. Staff is recommending placement no more than 24 hours before collection and removal within 24 hours after collection. **(R3)**

Recommendation 4: Residents with long, steep driveways should continue to be allowed to stage their carts on private property adjacent to the ROW. **(R4)**

Recommendation 5: Carts placed on public property should not be allowed to block vehicular traffic, sidewalks, or bike lanes. **(R5)**

Recommendation 6: Planter strips, where available, should be the preferred cart placement location. **(R6)**

Recommendation 7: Carts should be accessible to automated collection vehicles. **(R7)**

Proposed Revision of KMC 16.08.070

The proposed and revised KMC 16.08.070 is provided below. Each sentence is annotated with how it relates to each of the aforementioned staff recommendations.

The proposed code revision takes a common sense approach by prioritizing where carts should be placed with the overriding stipulation that carts should not be placed in such a way as to block vehicular, bicycle, or pedestrian use of the right-of-way. This tiered code is similar in construction to the City of Shoreline's code as shown in *Attachment 2.*

The highest priority is given to the placement of carts in planting strips or driveways, where available. In the absence of a planting strip, residents should place their carts within five feet of the curb. In this case, a resident could position carts (1) on the sidewalk in a manner so as to not block pedestrian use or (2) place his carts behind the sidewalk (if space is available) if there is a designated bike lane, or (3) place his carts in the street adjacent to the curb in the absence of a designated bike lane. In the case where a steep slope makes placement in the planting strip, driveway, or another preferred location impossible, residents may find another suitable level location for their carts. In the rare instance where no suitable locations exist due to slope, shrubbery, or other extraordinary circumstances, Waste Management and City staff will assist the

resident identify a location suitable for cart placement that doesn't interfere with vehicles, bicycles, or pedestrians.

The final sentence *(6)* in the code is retained from the current code and is specific to residential customers with temporary large dumpsters or roll-off containers such as from a home remodel project or major property clean up.

16.08.070 Garbage, recycling, yard waste carts and ordinance units — Placement – Single Family Residential

Any single-family residence accumulating garbage, recyclables, and yard waste shall place their materials for collection no earlier than 24 hours prior to their collection day. **(R1, R3)** *Likewise, all garbage, recycling yard waste carts and ordinance units must be removed from public property within 24 hours of being collected.* **(R1, R2, R3, R4)** *All carts and ordinance units shall be placed by the occupant in a convenient, accessible location where such placement does not block vehicular or bicycle use or use of the sidewalk.* **(R5)** *Carts and ordinance units shall be placed in the following manner:*

(1) For properties with level planting strips between a curb and sidewalk, in either the planting strip or driveway within five feet of the curb; **(R1, R6)** *or*

(2) For properties with sidewalks but not planting strips within five feet of the curb; **(R1)** *or*

(3) When the foregoing locations slope at a grade making placement of a cart difficult, a level area that is nearest to either of the previous locations; **(R1)** *or*

(4) If the foregoing locations are not available due to dense shrubbery or extraordinary circumstances, then placement shall be at a location suitable to the occupant and approved by the hauler that does not interfere with vehicular or bicycle use or use of the sidewalk. **(R1, R5)**

(5) Carts shall be placed with two feet clearance between each cart and two feet from any other obstructions (i.e., mailbox, fence, car) so the hauler can access containers with automated truck arms and avoid contact with nearby obstructions. **(R7)**

(6) Detachable containers may be stored within a building but shall be readily accessible for servicing without unnecessary delay or special collection equipment.

Proposed Addition of KMC 16.08.125

The following section is proposed to be added to Title 16 of the Kirkland Municipal Code and enables Code Enforcement staff to consider the issuance of civil violations of the revised Section 16.08.070 in accordance with Chapter 1.12 of the KMC. There is no enforcement provision in the current code. **If Council approves the ordinance an outreach and communication plan will be implemented that initially focuses on education rather than enforcement.**

16.08.125 Enforcement and Penalties

Upon determination that there has been a violation of any provision of this chapter, the City may pursue code enforcement and penalties in accordance with the provisions of Chapter 1.12 KMC, Code Enforcement.

ATTACHMENT 1

bicycle club Cascade

Creating a Better Community Through Bicycling

May 29, 2012

John MacGillivray
Solid Waste Programs Lead
City of Kirkland | Public Works
(425) 587-3804
jmacgillivray@kirklandwa.gov

RE: Revision to Section 16.08.070 of Kirkland Municipal Code

Dear Mr. MacGillivray:

On behalf of Cascade Bicycle Club and our more than 14,000 members, I am writing in support for the proposed code revisions to section 16.80.070 of the Kirkland Municipal Code. Making the city right-of-way safer for those who choose to bicycle and walk is a commendable goal and aligns with similar work that Kirkland has been doing for many years.

Thank you for the opportunity to provide comments. We believe that the proposed revisions help Kirkland in its trajectory as an increasingly bikeable, walkable and livable city.

Sincerely,

John Mauro
Director of Policy, Planning & Government Affairs
Cascade Bicycle Club

KING COUNTY CITY CART PLACEMENT CODES

AUBURN: 8.08.100 Containers – Set out of containers – Anti-scavenging.
A. All residential and commercial customer-generated solid waste shall be set out for collection in the approved container by the service provider's scheduled start time for the day for collection service, and such containers shall be removed and replaced to their appropriate storage location within a reasonable time following the established day for collection service, except when such established day for collection falls on a designated holiday, in which case collection will be conducted on the next succeeding workday, and the containers shall be removed and replaced to their appropriate storage location by the morning following collection.

BOTHELL: 8.20.160 Containers – Required – Specifications.
All garbage cans and/or units shall be placed by the customer in a convenient and easily accessible location, no further than 10 feet from the improved street or alley; provided, however, that where no suitable area is available, garbage cans and/or units may be placed on the sidewalk or in an area within 10 feet of the alley for collection, but shall not be so placed until a reasonable time prior to collection and shall be removed within a reasonable time thereafter.

DES MOINES: 7.08.020 Disposal of solid wastes.
Except as allowed in this chapter, it is unlawful and a civil offense with penalties as set forth in this chapter for any can, bundle, or other solid waste receptacle to be placed upon any sidewalk or street, all such cans and containers shall be so secured as to render them inaccessible to animals. Solid waste receptacles may be placed at or near the edge of the right-of-way during the specified day of collection when such placement does not obstruct vehicular or pedestrian traffic. [Ord. 923 § 2, 1992: Ord. 74 § 2, 1960.]

FEDERAL WAY: 11.20.040 Garbage containerization. Containers shall be stored behind the front building line, or screened from view from the street and behind the setback line of FWRC Title 19, Zoning and Development Code, except on the day of scheduled pickup. Containers shall be placed at curbside on a public street or private road prior to 7:00 a.m. on the scheduled collection day, and shall be removed to their proper storage location as soon as possible after collection, but no later than 8:00 p.m.

ISSAQUAH: 8.04.020 Containers – Required – Specifications.
B. All garbage cans and/or units shall be placed in a convenient and easily accessible location, at a distance from improved public or private streets or alleys as the collector shall designate, but shall not be so placed until a reasonable time prior to collection and shall be removed within a reasonable time thereafter. The collector shall have discretion, in the case of mobile home parks and trailer parks which accommodate transient trailers, to direct the location of cans and/or containers, either at 1 central location within such parks, or at each individual unit.

KENT: 7.03.050 Solid waste handling service.
All garbage, recycle, and yard waste containers and garbage units shall be placed at curbside or alley for collection before 7:00 a.m. or in convenient, accessible locations upon the ground level or ground floor and as near as practicable to the approximate rear of the building or near the alley, street, or road at which collection trucks are to be loaded as approved by the director or collection company. All containers shall be

removed from such locations as soon as possible after collection, but no later than the end of the collection day.

MERCER ISLAND: 8.04.030 Disposal of garbage, refuse, recyclables and yard and garden waste – Use of garbage cans.
I. No garbage cans or garbage units for residential garbage, refuse, recyclables or yard or garden waste shall be placed along a public street, on a public sidewalk, or on other public property any sooner than 24 hours before the time of collection. All residential garbage cans and garbage units shall be removed from public areas within 24 hours of the time of collection. (Ord. A-107 §§ 1, 2, 1993; Ord. A-81 § 1, 1990).

RENTON: 8-1-3 Garbage, Recyclables, and Solid Waste Collection.
Placement and Removal of Garbage Cans, Recycling Bins and Yard Waste Carts: Any single-family residence accumulating garbage, recyclables, and yard waste shall place their materials for collection at the curbside no earlier than 24 hours prior to their collection day. Likewise, all garbage cans, recycling bins and yard waste carts must be removed from the curbside within 24 hours of being collected and returned to a location adjacent to the residential structure or within a fully enclosed building or garage.

SHORELINE: 13.14.080 Placement of garbage receptacles.
A. Garbage Receptacles.

1. Garbage receptacles other than approved dumpsters shall be placed for collection by the occupants in a convenient, accessible location off the sidewalk as near as practicable to the curbside in a manner that does not interfere with transportation use or use of the sidewalk. Receptacles shall be placed in the following manner:

a) For properties with level planting strips, in the planting strip or driveway within five feet of the curb;

b) For properties with sidewalks but no planting strips, on the owner's property within five feet of the sidewalk, if level;

c) When the foregoing locations slope at a grade making placement of a container difficult, a level area that is nearest to either of the previous locations; or

d) If the foregoing locations are not available due to dense shrubbery or extraordinary circumstances, then placement shall be at a location suitable to the customer and convenient to the authorized collection company that does not interfere with transportation or the use of the sidewalk.

2. Receptacles shall not be placed for collection until a reasonable time prior to collection. Containers shall be removed within a reasonable time thereafter.

ORDINANCE O-4362

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO REFUSE AND GARBAGE.

The City Council of the City of Kirkland do ordain as follows:

Section 1. Section 16.08.070 of the Kirkland Municipal Code is hereby amended to read as follows:

16.08.070 Garbage, recycling , yard waste carts and ordinance units—Placement – Single Family Residential

Any single-family residence accumulating garbage, recyclables, and yard waste shall place their materials for collection no earlier than 24 hours prior to their collection day. Likewise, all garbage, recycling yard waste carts and ordinance units must be removed from public property within 24 hours of being collected. All ~~garbage~~ carts and ordinance units shall be placed by the occupant in a convenient, accessible location ~~as near as practicable to the city street right-of-way, upon the ground level or ground floor, or in a sturdy rack not over fourteen inches above such level or floor, except that sunken cans may be below the ground level.~~ where such placement does not block vehicular or bicycle use or use of the sidewalk. ~~With automated garbage and recycling trucks, street placement is preferred for the most efficient collection.~~ ~~Garbage~~ Carts and ordinance units shall be placed in the following manner:

(1) For properties with level planting strips between a curb and sidewalk, in either the planting strip or driveway within five feet of the curb; or

(2) For properties with sidewalks but not planting strips within five feet of the curb; or

(3) When the foregoing locations slope at a grade making placement of a cart difficult, a level area that is nearest to either of the previous locations; or

(4) If the foregoing locations are not available due to dense shrubbery or extraordinary circumstances, then placement shall be at a location suitable to the occupant and approved by the hauler that does not interfere with vehicular or bicycle use or use of the sidewalk.

(5)~~There~~ Carts shall be placed with two feet clearance between each cart and two feet from any other obstructions (i.e., mailbox, fence, car) so the hauler can access containers with automated truck arms and avoid contact with nearby obstructions. ~~Where no other suitable area is available, garbage carts or ordinance units may be placed in the sidewalk or in the alley for collection, but shall not be so placed until a reasonable time prior to collection and shall be removed within a reasonable time thereafter.~~

(6) Detachable containers may be stored within a building but shall be readily accessible for servicing without unnecessary delay or special collection equipment.

Section 2. A new Section 16.08.125 is added to the Kirkland Municipal Code to read as follows:

16.08.125 Enforcement and Penalties
Upon determination that there has been a violation of any provision of this chapter, the City may pursue code enforcement and penalties in accordance with the provisions of Chapter 1.12 KMC, Code Enforcement.

Section 3. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication, as required by law.

Passed by majority vote of the Kirkland City Council in open meeting this _____ day of _____, 2012.

Signed in authentication thereof this _____ day of _____, 2012.

_____
MAYOR

Attest:

_____
City Clerk

Approved as to Form:

_____
City Attorney