
CITY OF KIRKLAND

CITY COUNCIL



Joan McBride, Mayor • Penny Sweet, Deputy Mayor • Dave Asher • Jessica Greenway
Doreen Marchione • Bob Sternoff • 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 • TTY 425.587.3111 • www.ci.kirkland.wa.us

AGENDA

KIRKLAND CITY COUNCIL MEETING

City Council Chambers

Tuesday, December 7, 2010

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.ci.kirkland.wa.us, or at the Public Resource Area at City Hall on the Friday afternoon prior to the City Council meeting. 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 (587-3190) or the City Manager's Office (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 587-3190, or for TTY service call 587-3111 (by noon on Monday) if we can be of assistance. 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 to discuss matters where confidentiality is required for the public interest, including buying and selling property, certain personnel issues, and lawsuits. An executive session is the only type of Council meeting permitted by law to be closed to the public and news media

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. Development Codes
4. *EXECUTIVE SESSION*
 - a. To Discuss Property Acquisition
5. *HONORS AND PROCLAMATIONS*
6. *COMMUNICATIONS*
 - a. *Announcements*
 - b. *Items from the Audience*
 - c. *Petitions*
7. *SPECIAL PRESENTATIONS*
 - a. Community Emergency Response Team (CERT) Graduation

8. CONSENT CALENDAR

a. Approval of Minutes: November 16, 2010

b. Audit of Accounts:
Payroll \$
Bills \$

c. General Correspondence

(1) Metro Transit Task Force Letter to Eastside Transportation Partnership

d. Claims

(1) Robert J. Wuorenma

e. Award of Bids

f. Acceptance of Public Improvements and Establishing Lien Period

g. Approval of Agreements

(1) Housing of Inmates:

(a) Resolution R-4851, Approving an Amendment of the Interlocal Agreement Between the City of Kirkland and King County for Jail Services

(b) Resolution R-4852, Approving the Interlocal Agreement Between the City of Kirkland and Yakima County for Jail Services

(c) Resolution R-4853, Approving Renewal of the Interlocal Agreement Between the City of Kirkland and City of Marysville for Jail Services

h. Other Items of Business

(1) Ordinance No. 4274, Relating to Vacating a Portion of Right-of-Way Based on an Application Filed By Eric Drivdahl, File No. VAC10-00001

(2) Project Closeout – NE 73rd Street Sidewalk and Water Main Project

(3) Condemnation Update – NE 85th Street Corridor Improvements and NE 68th Street /108th Avenue NE Intersection Improvements

9. PUBLIC HEARINGS

a. Resolution R-4854, Stating the City Council’s Support for Proposition No. 1, the Lake Washington School District No. 414 Capital Projects Levy

GENERAL CORRESPONDENCE

Letters of a general nature (complaints, requests for service, etc.) are submitted to the Council with a staff recommendation. Letters relating to quasi-judicial matters (including land use public hearings) are also listed on the agenda. Copies of the letters are placed in the hearing file and then presented to the Council at the time the matter is officially brought to the Council for a decision.

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.

PROPOSITION NO. 1
LAKE WASHINGTON SCHOOL DISTRICT
CAPITAL PROJECTS LEVY

The Board of Directors of Lake Washington School District No. 414 adopted Resolution No. 2069 authorizing the levy for facility expansion and construction. This levy funds the construction and equipping of expanded school facilities at Redmond High School and Eastlake High School, and the constructing and equipping of a new secondary school for students from across the District, and authorizes the following excess levy on all taxable property within the District:

<u>Collection Years</u>	<u>Approximate Levy Rate/\$1,000 Assessed Value</u>	<u>Levy Amount</u>
2012	\$0.31	\$ 10,900,000
2013	\$0.30	\$ 10,900,000
2014	\$0.29	\$ 10,900,000
2015	\$0.28	\$ 10,900,000
2016	\$0.27	\$ 10,900,000
2017	\$0.26	\$ 10,900,000

Should this proposition be approved?

Yes

No

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. Ordinance No. 4275, Relating to Renewal of Interim Official Controls Regarding the Zoning Review Process for "School or Day-Care Center" and "Government Facility/Community Facility" Uses in RSA Zone as Adopted by Ordinance No. 4249

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.

10. UNFINISHED BUSINESS

- a. Ordinance No. 4276, Amending the Biennial Budget for 2009-2010
- b. Ordinance No. 4277, Adopting the Biennial Budget for 2011-2012
- c. Ordinance No. 4278, Establishing the Amount of Property Taxes to be Levied for the Year 2011, the First Year of the City of Kirkland's 2011-2012 Fiscal Biennium
- d. Resolution R-4855, Adopting the 2011-2016 Six Year Capital Improvement Program for the City of Kirkland
- e. Emergency Medical Service Fee for Transportation Update
- f. Resolution R-4856, Relating to the Adoption of a Preliminary Action Plan for the Totem Lake Business District

11. *NEW BUSINESS*

- a. Draft 2011 Legislative Agenda
- b. Ordinance No. 4279 and its Summary, Relating to Amending the Comprehensive Plan Ordinance 3481 as Amended, Amending Ordinance 3710 as Amended, and the Kirkland Zoning Map, as Required by RCW 36.70A.130 to Ensure Continued Compliance with the Growth Management Act and Approving a Summary for Publication, File No. ZON10-00001

12. *REPORTS*

- a. *City Council*
 - (1) Regional Issues
- b. *City Manager*
 - (1) Bond Financing Update
 - (2) Calendar Update

13. *ITEMS FROM THE AUDIENCE*

14. *ADJOURNMENT*

**CITY OF KIRKLAND**

123 Fifth Avenue, Kirkland, WA 98033 425.587.3000
www.ci.kirkland.wa.us

MEMORANDUM

To: Kurt Triplett, City Manager
From: Eric Shields, Planning Director
Date: November 23, 2010
Subject: DEVELOPMENT CODES

Staff recommends that the Council review development code amendments on three topics during the December 7 study session. The three topics have been following the same schedule and are partially dependent on one another to be completed. The topics are:

Miscellaneous Zoning Code Amendments
Code Enforcement Process Change and Code Consolidation
Kirkland Property Maintenance Code

Miscellaneous Zoning Code Amendments – This project includes Zoning Code amendments on a wide variety of minor, major and procedural topics. Some of the procedural amendments are needed for the Code Enforcement amendments and the Property Maintenance Code amendments. In his memo, Jon Regala has highlighted the amendments that prompted the most discussion by the Planning Commission. The Chair of the Planning Commission will be attending the study session.

Code Enforcement Process Change and Code Consolidation – This project, reviewed once by the Public Safety Committee, proposes a major change in the City's code enforcement process based on the process used in the City of Bellevue. Code Consolidation refers to amendments in the Kirkland Municipal Code that will make the code enforcement procedures in various subject areas the same. Nancy Cox's memo describes the purpose for the project, the differences between the old process and new, and the code amendments that are needed.

Kirkland Property Maintenance Code – This project, which has also been reviewed by the Public Safety Committee, consolidates Kirkland Municipal Code sections that relate to property maintenance and also proposes some new areas for the City to regulate. Tom Phillips' memo highlights in particular the new areas for the Council to consider.

Staff will prepare ordinances for the amendments for the Council's January 4, 2011 meeting based on direction received from the Council at the study session.



CITY OF KIRKLAND
Planning and Community Development Department
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MEMORANDUM

To: Kurt Triplett, City Manager

From: Jon Regala, Senior Planner
Joan Lieberman-Brill, AICP, Senior Planner
Paul Stewart, AICP, Deputy Director
Eric Shields, AICP, Planning Director

Date: November 22, 2010

Subject: MISCELLANEOUS ZONING/MUNICIPAL CODE AMENDMENTS PHASE II
FILE ZON10-00013
STUDY SESSION

I. RECOMMENDATION

Staff recommends that the City Council:

- Consider the Planning Commission's recommendation to approve the proposed miscellaneous code amendments as described in Exhibit A
- Provide direction to staff in drafting an ordinance to be considered for adoption at the City Council's January 4, 2011 meeting

II. CITY COUNCIL REVIEW

The December 7, 2010 study session is the City Council's opportunity to provide direction on any changes to the Planning Commission's recommendation. Staff will then draft an ordinance to be considered by the Council at their January 4, 2011 meeting. Background information on the proposed amendments is outlined in this memorandum.

Also at the Council's December 7th meeting, staff will present an overview of the recommended code amendments. C. Ray Allshouse, Planning Commission Chair, will present the Planning Commission's recommendation. Staff suggests that the Council use the Planning Commission's recommendations summarized in Exhibit A as a guide for discussion.

III. PROJECT BACKGROUND

Planning staff periodically forwards miscellaneous KZC/KMC amendments to the Planning Commission and the Houghton Community Council (HCC) for consideration. The amendments are selected from an on-going list of issues, code interpretations, requests from the public, requests from City Council, and needs identified by staff.

To help facilitate discussion and help organize the proposed amendments, they have been categorized by their policy level implications: *No Policy Changes, Minor Policy, Moderate*

Policy, Major Policy, and Process Related Changes. Due to the relatively minor and non-controversial amendments under the *No Policy Changes, Minor Policy, and Process Related Changes*, the majority of the time in the study sessions and public hearing on this project was spent on items under the *Moderate Policy, Major Policy, and several Process Related Changes*.

Exhibit B contains the list of amendments being recommended for approval. Exhibit C contains the actual changes proposed to the KZC and KMC. This version contains underlines and strikethroughs which depict additions or deletions to existing code language. Topics with an asterisk (*) denote items that are not applicable within Houghton's jurisdiction.

IV. PROCESS

Zoning Code amendments are reviewed through either a Process IV (KZC Chapter 160) or Process IVA (KZC Chapter 161). Kirkland Municipal Code amendments require only City Council approval but have been included in this process. Process IVA is an abbreviated process intended for amendments that promote clarity, eliminate redundancy, or correct inconsistencies. Because some of the current amendments go beyond those purposes, all of the proposed amendments were reviewed using Process IV.

The project started with the Planning Commission conducting a joint study session with the Houghton Community Council on August 12, 2010. Below are links that provide background information on the joint study session and subsequent meetings, including the public hearing.

August 12, 2010 – Planning Commission & HCC Joint Study Session

Staff Memo:

<http://www.ci.kirkland.wa.us/Assets/Planning/Planning+PDFs/Misc+ZCA+PC+08122010+web.pdf>

Audio Minutes:

http://kirkland.granicus.com/MediaPlayer.php?view_id=12&clip_id=1894

September 23, 2010 – Planning Commission Study Session

Staff Memo:

<http://www.ci.kirkland.wa.us/Assets/Planning/Planning+PDFs/Misc+ZCA+PC+09232010.pdf>

Audio Minutes:

http://kirkland.granicus.com/MediaPlayer.php?view_id=12&clip_id=1914

September 27, 2010 – Houghton Community Council Study Session

Staff Memo:

<http://www.ci.kirkland.wa.us/Assets/Planning/Planning+PDFs/Misc+ZCA+HCC+09272010.pdf>

Audio Minutes:

http://kirkland.granicus.com/MediaPlayer.php?view_id=16&clip_id=1916

November 4, 2010 – Planning Commission Public Hearing

Staff Memo:

<http://www.ci.kirkland.wa.us/Assets/Planning/Planning+PDFs/Misc+ZCA+Phase+II+PC+11042010.pdf>

Audio Minutes:

http://kirkland.granicus.com/MediaPlayer.php?view_id=12&clip_id=1942

Due to the scope and limited public interest in the proposed code amendments, the HCC decided that a public hearing before the HCC was not needed. However, at the Planning

Commission public hearing, the HCC Chair, Rick Whitney and HCC member John Kappler were in attendance and provided the HCC's recommendation on several topics that the HCC wanted to weigh in on. These topics include fences height/setback requirements along arterials, windows signs, and reducing noise standards for outdoor mechanical units.

V. PLANNING COMMISSION RECOMMENDATION

At its public hearing, the Planning Commission recommended that the code amendments proposed by staff be approved with revisions decided upon at the public hearing. The Planning Commission's recommendation memo can be found in Exhibit A. In making its recommendation, the Planning Commission considered public comment, the HCC's recommendations, and the criteria found in KZC Section 135.25.

VI. PUBLIC INPUT

Notice of the public hearing was posted on the City's Planning Commission website and was distributed to the Kirkland Neighborhood E-Bulletin, Kirkland Developer's Partnership Forum, King County Historic Preservation Office, CBD 5 property owners, Parking Advisory Board, Houghton Community Council, Chamber of Commerce, and various individuals interested in this project. All written public comment submitted as part of this project has been consolidated in Exhibit D and were considered by the Planning Commission during this process.

VII. KZC 135.25 CRITERIA FOR AMENDING ZONING CODE TEXT

KZC 135.25 establishes the criteria by which changes to the Zoning Code text must be evaluated. These criteria and the relationship of the proposal to them are as follows:

1. *The proposed amendment is consistent with the applicable provisions of the Comprehensive Plan*

The proposed amendments are consistent with the Comprehensive Plan. The proposed amendments are needed to clarify and/or improve upon existing regulations and to fix unintended changes that were made with previous amendments to the KZC. Each proposed amendment has been reviewed to ensure consistency with the Comprehensive Plan. They do not fundamentally change the policies of the City.

2. *The proposed amendment bears a substantial relation to public health, safety, or welfare*

The proposed amendments bear a substantial relation to public health, safety, and welfare. The amendments further clarify existing regulations which are based on the goals and policies of the Comprehensive Plan.

3. *The proposed amendment is in the best interest of the residents of Kirkland*

The proposed amendments are in the best interest to the residents of Kirkland. The amendments seek to clarify and/or improve upon the existing regulations and review processes which were originally created based on balancing the needs of various stakeholder groups and the policies of the Comprehensive Plan. The result of the

changes should create more certainty and predictability in terms of regulations and process for both the residential and development community.

VIII. ENVIRONMENTAL REVIEW

A Draft and Final Environmental Impact Statement (EIS) on the City's Comprehensive Plan 10-year Update was published in 2004. The EIS addressed the 2004 Comprehensive Plan, Zoning Code and Zoning Map updates required by the Washington State Growth Management Act (GMA). According to 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.

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. The EIS Addendum fulfills the environmental requirements for the proposed changes. An EIS Addendum was issued on October 21, 2010 for the Miscellaneous Zoning Code Amendments – Phase II. A copy of the Addendum is in the official file.

IX. EXHIBITS

- A. Planning Commission Recommendation dated November 22, 2010
- B. List of Proposed Amendments
- C. Proposed Amendments (contains proposed code changes)
- D. Public Comment



CITY OF KIRKLAND
Planning and Community Development Department
123 Fifth Avenue, Kirkland, WA 98033 425.587.3225
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MEMORANDUM

To: Kirkland City Council

From: Kirkland Planning Commission - C. Ray Allshouse, Chair

Date: November 22, 2010

Subject: Planning Commission Recommendation
Miscellaneous Code Amendments Phase II
File ZON10-00013

I. **RECOMMENDATION**

The Planning Commission is pleased to forward our recommendation of approval of the amendments associated with the Phase II 2010 Miscellaneous Code Amendment project. The amendments recommended for approval can be found in Exhibit C of the staff memo to the City Council. The proposed amendments affect the Kirkland Zoning (KZC) and Municipal Code (KMC) and cover a wide range of topics. The amendments range from fairly simple code language changes that ensure code consistency to more complex issues such as fence setback requirements along arterials.

II. **BACKGROUND INFORMATION**

The first meeting for this project was a joint study session with the Houghton Community Council held on [August 12, 2010](#). Additional study sessions were held on:

[September 23, 2010](#) – Planning Commission
[September 27, 2010](#) – Houghton Community Council

The public hearing for this project was held on [November 4, 2010](#). At the public hearing, the Planning Commission considered recommendations from the Houghton Community Council as well as public comment. At the hearing, one person offered public testimony in regards to parking related code amendments. The Planning Commission also considered written public comment submitted prior to the hearing that addressed amendments related to parking, Process IIA appeals, and RH 8 retail uses above the ground floor.

Since many of the amendments generated little public comment or controversy, the Commission's discussion focused primarily on the topics in Section III below. Section IV of this memorandum describes amendments recommended by the Planning Commission that should be deferred for review at a future date.

III. DISCUSSION ON RECOMMENDATIONS

A. Ground floor retail/commercial space requirements in Business Districts

Many of the City's commercial/retail zones contain regulations which specify the amount of retail and commercial space that should be located on the ground floor while limiting the amount and type of residential use on the ground floor. The question has come up whether such requirements should apply to non-commercial uses that would typically occupy the entire ground floor such as schools, churches, and government and community facilities.

This issue applies to the former Costco Home property located at 11831 NE 118th Street which is zoned TL 4B. The City is proposing to locate a new public safety building within the existing building. The current regulations require that at least 50% of the ground floor contain the following uses: retail establishments, restaurants, taverns, hotels or motels.

After deliberation, the Planning Commission decided on a narrow approach and recommends that in the TL 4B zone, government facilities should not be required to have a retail/commercial component. However, the Commission wanted to defer a more widespread change to a future study which could involve revisiting the Comprehensive Plan. The Planning Commission concluded that retention of ground floor retail restrictions may be needed and/or adjusted depending on the objectives for development within certain business districts.

B. CBD 5

1. Measuring height

Currently, the maximum height limit in CBD 5 is expressed in terms of stories (3 to 5 stories) rather than feet. The code section that specified the allowed height per story was deleted in 2009 when the City changed the CBD height regulations so that height would be measured in terms of feet rather than stories (Ordinance O-4177). CBD 5 was not included in the 2009 amendments because at the time it was under consideration for Touchstone's (Parkplace) private amendment request. From a regulatory standpoint, this inadvertently left CBD 5 without a codified conversion from stories to feet.

The Planning Commission therefore recommends following the Council's previous direction on measuring height in the CBD by establishing the maximum CBD 5 height limit in terms of feet rather than stories. Applying the same methodology to CBD 5, results in a maximum building height of 67' (ground level retail at 15' plus four levels of office at 13' each).

2. Deleting references to the Comprehensive Plan and Design Regulations

In the CBD 5 zoning chart, the Planning Commission recommends deleting references to the Comprehensive Plan and the Design Regulations. The Planning Commission also recommends updating KZC Plate 34H to include a pedestrian connection identified in the Downtown Master Plan which isn't currently shown in Plate 34H. The reasons for these recommendations are:

- The DRB's authority only extends to the Design Guidelines and not the Design Regulations. Design Regulations apply only to administrative design review permits.
- The Comprehensive Plan is not an appropriate regulatory document and policies contained therein should be codified in the Zoning Code and Design Guidelines.
- At the September 23, 2010 study session, the Planning Commission compared the existing regulations and design guidelines with the CBD 5 Comprehensive Plan policies to determine if any policies need to be codified. The Planning Commission agreed with staff that a pedestrian connection that is shown in the Downtown Master Plan map in the Comprehensive Plan was missing from KZC Plate 34H and should be codified. Otherwise, the Planning Commission determined that no other CBD 5 Comprehensive Plan policies need codifying.

C. CBD 1A & 1B

1. Retail on alleys

Currently in CBD 1A and 1B, retail-oriented uses are required along the street front. The Planning Director adopted Interpretation 09-1 to clarify that the ground floor retail requirement does not apply along alleys and similar service access streets. The Planning Commission agrees with the interpretation and recommends codifying Interpretation 09-1.

2. Parks, Government, and Community Facility uses

Previously, the CBD 1 zone allowed for *Parks, Public Utility, Government, and Community Facility* uses as a street front use. When the CBD 1A and 1B code amendments were adopted by the City Council in March 2009 (Ordinance O-4177), the types of ground floor street front uses were limited by KZC General Regulation 50.10.3 (see above), unintentionally prohibiting these uses. Existing uses (e.g. – Metro pump station, KDA office) would be considered legal non-conforming if such uses existed prior the code change. Currently, the other CBD zones do not preclude these types of uses.

The Planning Commission recommends that *Parks, and Government and Community Facility* uses should be allowed as a street front use in CBD 1A and 1B. The Planning Commission also recommends that as part of the separate discussion on appropriate CBD ground floor uses, the topic on whether or not a *Public Utility* use should be allowed on the ground floor should be included.

D. Fence Heights – KZC Section 115.40

This amendment deals with the issue of 6' tall fences located along arterials and the unpleasant wall-like appearance they create when placed immediately next to the sidewalk. The Planning Commission and the HCC were both agreeable to lowering the maximum fence height immediately abutting principal and minor arterials to 3.5' and that a 6' tall fence should be setback 3' from the property line abutting the arterial. The recommendation of a 3' setback was founded upon a conclusion that such an encroachment on private property is reasonable since it allows for an

effective use of back yards. The proposed standard does not preclude the use of vegetation to help mitigate noise and allow for privacy from the adjoining arterial as a result of a lower fence.

Landscaping would be required within the 3' setback (area between the fence and the property line) to help soften the visual impact of the 6' tall fence from the street. Also at the public hearing, Planning Commission agreed with the HCC in that the setback requirement for the 6' tall fence should be waived if there is an existing landscape strip between the street and sidewalk.

The ability to modify fence standards is not being changed. The modification criteria would allow a homeowner to deviate from the proposed code amendment as necessitated by the size, configuration, topography or location of the subject property as long as there is no detrimental effect to the neighborhood. Also, no changes to the City's sight distance standards are being changed.

Reducing the height of fences abutting arterials to 3.5' is consistent with the height limit for fences along neighborhood access and collector streets although the setback for a taller fence still differs. The required setback for a 6' tall fence along neighborhood access and collector streets is 20'.

E. Parking Modifications Public Comment – KZC Section 105.103

During Phase I of the Miscellaneous KZC Amendment project earlier this year, the City Council adopted changes which removed the Design Review Board as the decision maker on modifications to the number of required parking stalls based on KZC Section 105.103(3)(c). The rationale was that the DRB should only review and decide upon projects based on the City's design guidelines, which do not include parking modifications. This change removed parking modifications from the public review process associated with Design Review but not for cases where an associated zoning permit is required. Based on public comment, the City Council asked the Planning Commission to consider a public notice and comment process for administrative parking modifications as part of the Phase II code amendment review.

At the public hearing, the Planning Commission acknowledged that a proposal to reduce the number of required parking stalls could potentially impact adjoining property owners and generate enough public interest that public notice and comment is appropriate. The Planning Commission determined that public comment could be relevant and that staff would have the ability to consider the merits of such comments prior to making a decision on a modification.

Therefore, the Planning Commission agreed that public notice and an opportunity to provide public comment should be incorporated into the parking modification process and that these changes should be implemented with this code amendment project. This requirement would only apply to projects that are reviewed administratively since zoning permits already have a built-in public notice and comment period process. The Planning Commission's recommendation for public notice follows the procedure set forth for modifications to rooftop appurtenances except that noticing should be provided for residents and owners within 300 feet of the subject property.

F. Window Signs

This topic was added to the miscellaneous Zoning Code project due to recent questions on how window signs should be regulated. Interpretation 86-11 was issued on June 18, 1986 to provide guidance on how to regulate window signs. KZC Sections 100.30 through 100.75 contains fundamental sign regulations which determine sign type, location, and size of permanent signage. The interpretation concluded that ...“all types of window signs should continue to be exempted from regulation as permanent signs under KZC 100.30 through 100.75 unless they are permanently affixed to the exterior of the building or they display the name of the business itself...”. The Planning Department was recently questioned about the validity of this interpretation and proposed a code amendment to clarify the status of window signs.

The Planning Commission agreed with the HCC on the following points:

- Window signs provide visual interest to the pedestrian
- The City receives minimal complaints on window signs and therefore should not be regulated
- Regulating window signs would be difficult to enforce

Since KZC Chapter 100 – *Signs* contains among other things limitations on prohibited devices and/or signs, it does not make sense to exempt window signs altogether from KZC Chapter 100. Instead, the Planning Commission recommends that windows signs be listed in KZC 100.115 – *Temporary/Special Signs* and that no limitations be placed on size, number, duration of display, and sign area.

G. Reduce Multi-Family Parking Standard in the CBD *

The Zoning Code currently allows the number of required parking stalls to be reduced by an applicant if it can be shown by a parking study that the proposed number of spaces is sufficient to fully serve the use. Through the years a number of multi-family (and mixed-use) projects in the CBD have applied for and received approval to reduce the number of required parking stalls.

Because parking reductions have consistently been approved at similar rates by the City, the Planning Commission recommends codifying the results by creating a new parking standard for CBD multi-family developments: a minimum of 1 parking stall per bedroom and 0.1 guest parking stalls per bedroom. The Planning Commission also recommends that projects should average at least 1.3 parking stalls per unit over the entire development to ensure that predominately 1 bedroom/studio type projects will have enough parking consistent with the parking information reviewed. Information and feedback provided by the City’s Transportation Engineer, the Parking Advisory Board, and the public were considered by the Planning Commission prior to making this recommendation.

H. Loosen limitation on retail/restaurant uses above the ground floor in the RH 8 zone

The RH 8 zone prohibits general retail and restaurant uses above the ground floor of a development while office and retail establishments providing entertainment, recreational or cultural activities are allowed above the ground floor. This code

amendment topic was initiated by an RH 8 property owner inquiry seeking to understand the rationale behind the code which would prohibit a 2nd story hair salon business while allow for other limited retail and commercial uses above the ground floor. The amendment proposed by staff would allow personal service type retail uses to be located above the ground floor with conditions. However, after much discussion, the majority of the Planning Commission recommended not making changes to the RH 8 zone and to continue prohibiting general retail and restaurant uses above the ground floor.

The Planning Commission decided that even though it is confusing that the code allows entertainment, recreational or cultural activity uses but not other retail uses; performance standards to analyze impacts should be the basis for any exception. The Planning Commission acknowledged that staffs' recommendation to allow a limited list of personal service uses is an option; but it still begs the question of what other uses not listed in the RH 8 zone have comparable impacts and therefore should be allowed. Respect for and protection of the privacy of nearby residents from the adjoining commercial corridor was a major theme embodied in the neighborhood plan and follow-up zoning/design guideline implementation process, completed in 2006.

The existing Rose Hill Business District policy is to allow only uses that have limited noise, light and glare, odor and traffic impacts. It is incumbent upon the city to provide a defensible method of measuring impacts. Without specific and measurable performance standards it is difficult to compare various retail uses and come up with a defensible reason for allowing some but not other uses above the ground floor. The Planning Commission recognizes that the necessary research is beyond the scope of this project.

IV. ITEMS RECOMMENDED TO BE DEFERRED

Several of the amendments/topics presented at the initial joint study session were recommended by the Planning Commission to be deferred to a future code amendment project. The amendments/topics are listed below followed by a brief summary of the Planning Commission's recommendation.

A. Update school and daycare references to State regulations

This is a minor update which would correct the City's reference to the State's regulations for schools and daycares. However, since this amendment involves updating the majority of KZC use zones charts at a considerable expense, the Planning Commission recommends deferring this amendment until other changes are made to the use zone charts to save on publishing costs.

B. Ground floor retail/commercial space requirements in Business Districts

As mentioned in Section III.A, the Planning Commission recommends deferring the decision of a widespread change to the ground floor retail/commercial requirements for the various business districts to a future study. Such a study could involve revisiting the Comprehensive Plan and the need for additional background information. The Planning Commission concluded that retention or a variation of the existing ground floor retail restrictions may be needed depending on the objectives for development within particular business districts.

C. Remove public utility use as a street front use in all CBD zones

As mentioned in Section III.C.2, removing *Public Utility* uses in the CBD should be included as part of the broader discussion/project to determine appropriate street front uses in the CBD.

D. Allow schools and other uses school type uses such as dance, music, and martial arts studios in LIT zones

The Planning Commission recommends deferring this topic as part of the 2012-2014 Comprehensive Plan update since a more in-depth review of light industrial zones would be needed. The Planning Commission would need to revisit the previous industrial land study, review data on vacancy trends, and consider industrial zones on an area wide basis.

E. Reduce residential noise standards

The City has had problems in dealing with noise issues especially in regards to outdoor HVAC or heat pump units which generate too much noise. Staff has had difficulty in resolving these complaints since they do not have the expertise and/or resources to deal with these issues. The Planning Commission and HCC asserted that the existing noise standards should not be reduced but are agreeable to pursuing a standard noise reducing barrier. Therefore, the Planning Commission recommends deferring this topic until such time there are resources in developing a standard noise barrier.

F. Process IIA Appeals

Earlier this year, the City Council adopted changes which removed them from hearing Design Review Board appeals. The reasons for doing so would result in:

- More professional and timely decisions insuring fairness and consistency
- Separation of policy-making from quasi-judicial functions
- Improved compliance with legal requirements, including due process, appearance of fairness, and record preparation
- Removal of quasi-judicial decision making from the political arena

As part of this code amendment project, the Planning Commission explored whether or not to recommend removing the City Council from hearing Process IIA appeals for the reasons described above. Process IIA appeals would go directly to King County Superior Court. The Planning Commission decided that since this topic does not directly involve them, the discussion on this topic and final decision should be with the City Council. However, the Planning Commission offers the following thoughts.

The Planning Commission recognized that some Process IIA permits have some level of subjectivity while some are very straightforward and leave little room for discretion. The Planning Commission recommends that as part of a future project, staff should provide an analysis of all Process IIA permits and their associated review criteria. Based on this information, the Planning Commission would then be able to determine which Process IIA permits contain a level of discretion which could rise to the level of a City Council appeal review. Having such project appeals heard locally could be appropriate for the Council due to the local knowledge of the neighborhoods. More straightforward Process IIA permit appeals could then properly go straight to Superior Court.

PROPOSED KZC/KMC AMENDMENTS

* Not subject to HCC review

NO POLICY CHANGES

1. KZC - Multiple Zones. Use term "maximum horizontal façade" in all zones where the standard appears.
2. KMC 22.32.50*. Title 22 Subdivisions. Fix KMC 22.32.050 to reference KZC 110.60.7 instead of KZC 110.60.9.
3. KMC 22.4.30.b.1*. Title 22 Subdivisions. Correct typographical error - change the word "non-residential" to "no residential" to be consistent with RCW 58.17.040(5).
4. KZC 60.10. Chapter 60 – PLA1. Eliminate outdated references to KZC 95.25 and replace with original buffer standard.
5. KZC Chapter 112 – Affordable Housing Incentives – Multifamily. Clarify that voluntary use of affordable housing regulations in Chapter 112 is allowed throughout the City where affordable housing is not required.
6. KZC 112.15. Chapter 112 – Affordable Housing Incentives – Multifamily. Clarify the rounding language for affordable housing
7. KZC 115.07. Chapter 115 – Miscellaneous Use Development and Performance Standards. Reference ADU height restrictions in 115.08
8. KZC 115.8. Chapter 115 – Miscellaneous Use Development and Performance Standards. Fix height discrepancy between different single family zoning designations in regards to ADU's.
9. KZC 115.08. Chapter 115 – Miscellaneous Use Development and Performance Standards. Move the last sentence to be the third sentence and add at the end "which may further limit its size."
10. KZC 115.95.1.b. Chapter 115 – Miscellaneous Use Development and Performance Standards. Delete this section since it refers to WAC 173-70 for watercraft noise standards which no longer exists. KMC already addresses this issue.
11. KZC 60.185.4*. Chapter 60 – PLA17. Delete vague stream/wetland regulation since it is regulated by KZC Chapter 90.
12. KZC - Multiple Zones*. Allow electronic readerboard signs for fire stations in the annexation area.
13. KZC 10.45.5*. Chapter 10 – Legal Effect/Applicability. Revise vesting date for short plats and subdivisions in the annexation area.
14. KZC 15.10 & KZC 18.10 – Allow existing schools to remain if not located on a collector or arterial.

MINOR POLICY CHANGES

1. KZC 48.15.190 and various KZC commercial zones. Provide consistent landscape buffer standard for outdoor auto repair uses.

2. KZC Chapter 50* – CBD-1A & 1B. Retail use requirement does not apply to ground floor along alleys and service access streets. Codify Interpretation 09-1.
3. KZC Chapter 50* – CBD-1A & 1B. Allow back parks, government facilities, community facilities as ground floor use.
4. KZC Multiple Zones. Consider adding affordable housing element requirement to three zones with density limits (PLA 6G, BC1, and BC2) that were not considered during recent amendments.
5. KZC Chapter 112 – Affordable Housing Incentives – Multifamily. Clarify whether projects undergoing a subdivision to create detached units on individual lots in multifamily and commercial zones are required to provide affordable housing.
6. KZC – Multiple Zones. Clarify that minimum lot size provisions in the subdivision regulations for developments do not apply to affordable housing projects that have a bonus density.
7. KZC 117.65.8. Chapter 117 – Personal Wireless Service Facilities. Revise to allow antennas on historic sites & clarify 'design requirements'.

MODERATE POLICY CHANGES

1. KZC 50.33*. Chapter 50 – CBD 5. Specify height limit in terms of number of feet.
2. KZC 50.34.3*. Chapter 50 – CBD-5. General Reg. 3 - Delete references to Comp Plan and Design Regulations.
3. KZC 115.40. Chapter 115 – Miscellaneous Use Development and Performance Standards. Consider lowering fence heights along arterials. Taller fences may be allowed based on certain standards.
4. KZC 117.65.7.c*. Chapter 117 – Personal Wireless Service Facilities. Allow antennas to be placed at railings at base of water tower roof.
5. KZC Section 55.31.4 *- Exempt government facility uses from the 50% ground floor retail requirement.
6. KZC 105.103. Chapter 105 – Parking Areas, Vehicle and Pedestrian Access, and Related Improvements. Add a public notice and comment period to modification requests to reduce the number of required parking stalls.
7. KZC 100.15. Chapter 100 – Signs. Codify Interpretation 86-11 so that they are not subject to standard sign regulations.

MAJOR POLICY CHANGES

1. KZC 50 Chapter 50* – Central Business District (CBD) Zones. Change CBD parking requirement for multi-family to one stall per bedroom.

PROCESS CHANGES

1. Minor text edit to KZC 150.85
2. Make Hearing Examiner appeal notice provisions consistent between various code sections

3. Update review timing for co-location of wireless facilities to be consistent with FCC ruling (WT Docket No. 08-165)
4. Allow administrative variances within HCC jurisdiction
5. Remove Process III – KZC Chapter 155
6. Fix code references for variance process notification

2010 MISCELLANEOUS CODE AMENDMENTS PHASE II

* - Not subject to Houghton Community Council review

I. NO POLICY CHANGES

- A. Clarify how horizontal façade is measured by using the defined term "maximum horizontal façade" as applicable. The proposed change is to subsection (b) of various code sections.

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 15 feet above average building elevation, or*
- b. *The ~~Maximum Horizontal Façade horizontal length of any facade of that portion of the structure which is parallel to the boundary of the low density zone~~ shall not exceed 50 feet in width.*

Affected Kirkland Zoning Code (KZC) sections are:

KZC 20.08.3.b	KZC 55.65.2.b
KZC 25.08.3.b	KZC 55.73.2.b
KZC 27.08.2.b	KZC 55.97.3.b
KZC 30.25.050 Spec. Reg. 1.b	KZC 60.12.040 - .060 Spec. Reg. 2.b
KZC 35.27.2.b	KZC 60.12.070 Spec. Reg. 1.b
KZC 40.08.2.b	KZC 60.27.080 Spec. Reg. 1.b
KZC 45.08.2.b	KZC 60.87.130 Spec. Reg. 3.b
KZC 47.08.2.b	KZC 60.55.3.b
KZC 48.10.2.b	KZC 60.60.3.b
KZC 49.10.2.b	KZC 60.70.3.b
KZC 51.08.3.b	KZC 60.80.3.b
KZC 51.18.2.b	KZC 60.90.3.b
KZC 51.30.2.b	KZC 60.95.3.b
KZC 53.52.2.b	KZC 60.100.3.b
KZC 53.57.2.b	KZC 60.110.3.b
KZC 53.82.2.b	KZC 60.130.3.b
KZC 54.08.2.b	KZC 60.174.3.b
KZC 54.16.2.b	KZC 60.185.3.a.2.b
KZC 54.20.2.b	KZC 60.190.3.b

A similar change is shown below for code sections with slightly different language:

If any portion of a structure is adjoining a low density use within PLA 5A, then either:

- a. *The height of that portion of the structure shall not exceed 15 feet above average building elevation, or*
- b. *The ~~Maximum Horizontal Façade horizontal length of any facade of that portion of the structure which is~~ within 100 feet of the lot containing a low density use within PLA 5A shall not exceed 75 feet.*

The affected KZC sections are:

KZC 60.30.3.b KZC 60.35.3.b KZC 60.40.3.b	KZC 60.45.3.b KZC 60.50.3.b
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B. Fixes Incorrect Code Reference in Kirkland Municipal Code (KMC) Section 22.32.050*:

KMC 22.32.050 Undergrounding of transmission lines—Required.

The applicant shall comply with the utility lines and appurtenances requirements of the zoning code, Section 110.60.79.

C. Correct Typographical Error in KMC Section 22.04.30(b)(1)*

KMC Section 22.04.30(b)(1). Eligible Developments. The following types of development are subject to the provisions of this section:

(b)(1) A division for the purpose of lease when ~~nonresidential~~ ~~no residential~~ structures other than mobile homes or travel trailers are permitted to be placed upon the land;...

D. Fix Incorrect References to Landscape Buffers – PLA 1 KZC Section 60.12

KZC Section 60.12.010 Special Regulation

d. A 30-foot-wide landscape buffer planted as follows: ~~pursuant to the requirements of KZC 95.25(2)~~

1) Two rows of trees planted eight feet on center along the entire length of the buffer. No more than 50 percent of the required trees may be deciduous. At the time of planting, deciduous trees must be at least two inches in diameter as measured using the standards of the American Association of Nurserymen; and coniferous trees must be at least five feet in height.

2) Shrubs, 18 inches high, planted to attain coverage of at least 60 percent of the buffer area within two years.

3) The buffer shall be provided around the campus perimeter, except along 108th Ave. NE, 114th Ave. NE, I-405, and between on-campus duplex housing and adjacent single-family sites or I-405. The buffer shall incorporate all existing significant trees and vegetation. Where fencing is proposed, it shall be wood, unless alternative fencing is requested in writing by the adjacent neighbor and agreed to by the applicant.

e. A 15-foot-wide landscape buffer planted pursuant to the requirements of subsection d (1) and (2) above ~~KZC 95.25(2)~~ shall be provided between on-campus duplex housing and adjacent single-family sites. The buffer shall incorporate all existing significant trees and vegetation.

E. Clarify Application Rounding Language for Affordable Housing

Combine KZC Sections 112.15.4 and 5 to avoid confusion as to when affordable housing is required.

KZC Section 112.15

4. *Rounding and Alternative Compliance – In all zones, the number of affordable housing units required is determined by rounding up to the next whole number of units if the fraction of the whole number is at least 0.66.*

~~5. *Alternative Compliance* – KZC 112.30 establishes methods for alternative compliance, including payment in lieu of construction for portions of required affordable housing units that are less than 0.66 units.~~

F. Clarify that Voluntary Affordable Housing is allowed where Affordable Housing is not required.

The proposed changes clarify that affordable housing incentives can be utilized in zones that affordable housing is not required.

KZC 112.15.1 ~~Minimum Requirement Applicability~~ –

a. Minimum Requirement. All developments creating four or more new ~~detached, attached or stacked~~ dwelling units in commercial, high density residential, medium density and office zones shall provide at least 10 percent of the units as affordable housing units and comply with the provisions of this chapter as established in the General Regulations for the Use Zone or the Special Regulations in the Use Zone Chart for the specific use. This subsection is not effective within the disapproval jurisdiction of the Houghton Community Council.

b. Voluntary Use. All other provisions of this chapter are applicable available for use within the disapproval jurisdiction of the Houghton Community Council and in developments where the minimum requirement does not apply.

G. Clarify Density Bonus for Affordable Housing Units

KZC 112.25.2 Density Bonus – An applicant may propose more than two bonus units for every affordable housing unit or a density bonus exceeding 25 percent of the number of units allowed in the underlying zone of the subject property. However, in no event may a project receive a bonus that would result in a number of bonus units that exceeds 50 percent of the number of units allowed in the underlying zone of the subject property. Such a request shall be reviewed and decided upon by the Planning Director. The decision of the Planning Director in approving or denying a modification under this subsection may be appealed using the appeal provision, as applicable, of Process I, KZC 145.60 through 145.110.

H. Delete Outdated Reference to State Watercraft Noise Standards

Washington Administrative Code 173-70 no longer exists. The proposed amendment deletes the outdated reference.

KZC Section 115.95 Noise Regulations

1. *Maximum Environmental Noise Levels*

a. State Standard Adopted – The City of Kirkland adopts by reference the maximum environmental noise levels established pursuant to the Noise Control Act of 1974, RCW 70.107. See Chapter 173-60 WAC.

- ~~b. Watercraft Noise Performance Standards—The City of Kirkland adopts by reference the Watercraft Noise Performance Standards established pursuant to the Noise Control Act of 1974, RCW 70.107. See Chapter 173-70 WAC.~~
- ~~c. Availability—These regulations are available for inspection and copying in the Planning Department during regular business hours.~~

I. Clarify Height and Size of Detached Accessory Dwelling Units (ADU's)

The following changes clarify the height and size limitations for ADU's in KZC Sections 115.07 and .08:

KZC 115.07(4) Scale - Detached accessory dwelling units shall not exceed 800 square feet of gross floor area. The gross floor area shall not include area with less than five feet of ceiling height, as measured between the finished floor and the supporting members for the roof. When calculating the square footage of the ADU (see KZC 5.10.340, definition of "gross floor area"), covered exterior elements such as decks and porches will not be included; provided, the total size of all such covered exterior elements does not exceed 200 square feet. See KZC Section 115.08 for additional size and height limitations.

KZC 115.08 Accessory Structure (Detached Dwelling Unit Uses Only) - Structures, to be used as a tool shed, greenhouse, private garage, accessory dwelling unit, barn or similar use are permitted. The total size of all such structures may not exceed the gross floor area of 1,200 square feet plus 10 percent of the lot area that exceeds 7,200 square feet. An accessory structure which contains an accessory dwelling unit must also comply with KZC 115.07 which may further limit its size.

The gross floor area shall not include area with less than five feet of ceiling height, as measured between the finished floor and the supporting members for the roof. The height (roof peak elevation) of an accessory structure may not exceed the maximum height allowed by the underlying zone or 15 feet above the existing height (roof peak elevation) of the primary residence or 25 feet above average building elevation, whichever is less. ~~An accessory structure which contains an accessory dwelling unit must also comply with KZC 115.07.~~

J. Delete Vague Stream/Wetland Regulation in PLA 17 *

The following regulation is being deleted because it is not clear and since KZC Chapter 90 contains the City's stream and wetland regulations.

~~KZC Section 60.185-4: During and after construction, substantial setbacks and protective measures should be provided around streams and wetlands (does not apply to Detached Dwelling Unit and Family Day-Care Home uses).~~

~~54.~~ No change to text.

~~65.~~ No change to text.

K. Electronic Readerboard Signs for Fire Stations in the Annexation Area *

Existing regulations for electronic readerboard signs for fire stations are being extended into the annexation area. The following language is being added to KZC Sections 18.10.080(4) (RSA zone) and 40.10.170(2) (BNA zone).

One pedestal sign with a readerboard having electronic programming is allowed at a fire station only if:

- a. It is a pedestal sign (see Plate 12) having a maximum of 40 square feet of sign area per sign face;
- b. The electronic readerboard is no more than 50 percent of the sign area;
- c. Moving graphics and text or video are not part of the sign;
- d. The electronic readerboard does not change text and/or images at a rate less than one every seven seconds and shall be readily legible given the text size and the speed limit of the adjacent right-of-way;
- e. The electronic readerboard displays messages regarding public service announcements or City events only;
- f. The intensity of the display shall not produce glare that extends to adjacent properties and the signs shall be equipped with a device which automatically dims the intensity of the lights during hours of darkness;
- g. The electronic readerboard is turned off between 10:00 p.m. and 6:00 a.m. except during emergencies;
- h. It is located to have the least impact on surrounding residential properties.

If it is determined that the electronic readerboard constitutes a traffic hazard for any reason, the Planning Director may impose additional conditions.

L. Annexation vesting

These changes fixes what was unintentionally broad vesting language in paragraph 4 by being more specific about the Council's intent.

KZC 10.45 Annexed Property

3. *Short plats and subdivisions that have been approved by King County but not recorded prior to annexation shall be recorded within the time period provided for under King County subdivision regulations in effect at the time of the approval of the short plat or subdivision. Notwithstanding the foregoing, initial development of ~~the~~ dwelling units on individual lots in the short plat or subdivision shall be governed by the King County zoning regulations in effect at the time of annexation for a period of five years after the date of annexation unless the City finds that a change in conditions creates a serious threat to the public health or safety. After five years, the current zoning regulations shall apply.*
4. Initial development of dwelling units on ~~Individual~~ individual lots in short plats and subdivisions that have been approved and recorded by King County ~~and recorded prior-subsequent to June 1, 2006 annexation~~ shall be governed by the King County zoning regulations in effect at the time of annexation for a period of five years after the date of annexation unless the City finds that a change in conditions creates a serious threat to the public health or safety. After five years, the current zoning regulations shall apply.

M. Change to RS and RSA Zoning in regards to Schools

15.10.030.2.c - May locate on the subject property only if:

- a. It will not be materially detrimental to the character of the neighborhood in which it is located.
- b. Site and building design minimizes adverse impacts on surrounding residential neighborhoods.
- c. The property is served by a collector or arterial street (does not apply to existing school sites).

18.10.030.1.c - May locate on the subject property only if:

- a. It will not be materially detrimental to the character of the neighborhood in which it is located; or
- b. Site and building design minimizes adverse impacts on surrounding residential neighborhoods.
- c. The property is served by a collector or arterial street (does not apply to existing school sites).

II. MINOR POLICY CHANGES**A. Make Outdoor Vehicle/Boat Sales, Service/Repair Buffer Standards Consistent between zones**

BC, BC1, BC2 – KZC 45.10.020.1: Outdoor vehicle or boat parking or storage areas must be buffered as required for a parking area in KZC 95.45 Chapter 105 KZC. See KZC 115.105, Outdoor Use, Activity and Storage, for further regulations.

BCX – KZC 47.10.020.4: Storage of used parts and tires must be conducted entirely within an enclosed structure. Outdoor vehicle 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.

LIT – KZC 48.15.190.1: Outdoor vehicle or boat parking or storage areas must be buffered as required for a parking area in KZC 95.40 through 95.45, landscaping regulations. See KZC 115.105, Outdoor Use, Activity and Storage, for additional regulations.

JBD 1 – KZC 52.12.020.4: Storage of used parts and tires must be conducted entirely within an enclosed structure. Outdoor vehicle 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. ~~also the section in Chapter 115 entitled "Outdoor Use, Activity and Storage" for additional regulations.~~

JBD 1 - KZC 52.12.030.3: Outdoor boat parking and storage areas must be buffered as required for a parking area ~~per design regulations,~~ in KZC 95.45. See ~~also~~ KZC 115.105, Outdoor Use, Activity and Storage, for further additional regulations.

JBD 2 – KZC 52.17.020.4: Storage of used parts and tires must be conducted entirely within an enclosed structure. Outdoor vehicle 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. ~~also the section in Chapter 115 entitled "Outdoor Use, Activity and Storage" for additional regulations.~~

JBD 2 – KZC 52.17.030.3: *Outdoor boat parking and storage areas must be buffered as required for a parking area ~~per design regulations, in~~ KZC 95.45. See ~~also~~ KZC 115.105, Outdoor Use, Activity and Storage, for ~~further~~ additional regulations.*

JBD 4 – KZC 52.27.010.3: *Outdoor boat parking and storage areas must be buffered as required for a parking area ~~per design regulations, in~~ KZC 95.45. See ~~also~~ KZC 115.105, Outdoor Use, Activity and Storage, for ~~further~~ additional regulations.*

JBD 5 – KZC 52.32.010.3: *Outdoor boat parking and storage areas must be buffered as required for a parking area ~~per design regulations, in~~ KZC 95.45. See ~~also~~ KZC 115.105, Outdoor Use, Activity and Storage, for ~~further~~ additional regulations.*

RH 1A – KZC 53.06.020.3: *Outdoor vehicle parking or storage must be buffered as required for a parking area inSee ~~KZC 95.40 through 95.45. See KZC 115.105, Outdoor Use, Activity and Storage, for additional regulations.,—required landscaping, for further regulations.~~*

RH 2A, 2B, 2C – KZC 53.24.020.3: *Outdoor vehicle parking or storage must be buffered as required for a parking area inSee ~~KZC 95.40 through 95.45. See KZC 115.105, Outdoor Use, Activity and Storage, for additional regulations.,—required landscaping, for further regulations.~~*

RH 3 – KZC 53.34.030.3: *Outdoor vehicle parking or storage must be buffered as required for a parking area inSee ~~KZC 95.40 through 95.45. See KZC 115.105, Outdoor Use, Activity and Storage, for additional regulations.,—required landscaping, for further regulations.~~*

RH 5A, 5B – KZC 53.54.020.6: *Outdoor vehicle parking or storage must be buffered as required for a parking area inSee ~~KZC 95.40 through 95.45. See KZC 115.105, Outdoor Use, Activity and Storage, for additional regulations.,—required landscaping, for further regulations.~~*

NRH 1A – KZC 54.06.070.5: *Storage of used parts and tires must be conducted entirely within an enclosed structure. Outdoor vehicle parking or storage areas must be buffered as required for a parking area in KZC 95.45. See ~~also~~ KZC 115.105, Outdoor Use, Activity and Storage, for additional regulations.*

NRH 1B – KZC 54.12.050.5: *Storage of used parts and tires must be conducted entirely within an enclosed structure. Outdoor vehicle parking or storage areas must be buffered as required for a parking area in KZC 95.45. See ~~also~~ KZC 115.105, Outdoor Use, Activity and Storage, for additional regulations.*

NRH 4 – KZC 54.30.020.2: *Outdoor vehicle or boat parking or storage areas must be buffered as required for a parking area in ~~Chapter 105~~ KZC 95.45. See KZC 115.105, Outdoor Use Activity and Storage, for ~~further~~ additional regulations.*

TL 4A, 4B, 4C – KZC 55.33.030.1: *Outdoor vehicle or boat parking or storage areas must be buffered as required for a parking area in ~~Chapter 105~~ KZC 95.45. See KZC 115.105, Outdoor Use Activity and Storage, for ~~further~~ additional regulations.*

TL 5 – KZC 55.39.030: *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.*

TL 6A, 6B – KZC 55.45.020.2: *Outdoor vehicle or boat parking or storage areas must be buffered as required for a parking area in ~~Chapter 105~~ KZC 95.45. See KZC 115.105, Outdoor Use Activity and Storage, for ~~further~~ additional regulations.*

TL 7 – KZC 55.51.180.1: *Outdoor vehicle or boat parking or storage areas must be buffered as required for a parking area in ~~Chapter 105~~ KZC 95.45. See KZC 115.105, Outdoor Use Activity and Storage, for ~~further~~ additional regulations.*

TL 9A – KZC 55.61.180.1: *Outdoor vehicle or boat parking or storage areas must be buffered as required for a parking area in KZC ~~95.40 through~~ 95.45. See KZC 115.105, Outdoor Use Activity and Storage, for additional, ~~landscaping~~ regulations.*

TL 10C – KZC 55.81.130.2: *Outdoor vehicle or boat parking or storage areas must be buffered as required for a parking area in ~~Chapter 105~~ KZC 95.45. See KZC 115.105, Outdoor Use, Activity and Storage, for ~~further~~additional regulations.*

TL 10E – KZC 55.93.110: *Landscape Category EA*

KZC 55.93.110.1: *Outdoor vehicle or boat parking or storage areas must be buffered as required for a parking area in ~~Chapter 105~~ KZC 95.45. See KZC 115.105, Outdoor Use, Activity and Storage, for ~~further~~additional regulations.*

B. CBD 1A & 1B KZC Chapter 50 – Ground Floor Retail Requirements *

Codifies Interpretation 09-1 and allows back *Parks, Government, and Community Facility* uses as a street front use.

KZC 50.10.3 *The street level floor of all buildings shall be limited to one or more of the following uses: Retail; Restaurant or Tavern; Banking and Related Financial Services; ~~and~~ Entertainment, Cultural and/or Recreational Facility, Parks, Government Facility, or Community Facility use. The required uses shall have a minimum depth of 20 feet and an average depth of at least 30 feet (as measured from the face of the building on the abutting right-of-way, not including alleys and similar service access streets). Buildings proposed and built after April 1, 2009, and buildings that existed prior to April 1, 2009, which are at least 10 feet below the maximum height of structure, shall have a minimum depth of 10 feet and an average depth of at least 20 feet containing the required uses listed above.*

C. Affordable Housing – Also Require in the PLA 6G, BC 1 and 2 Zones

PLA 6G:

KZC 60.85.2 - Developments creating four or more new dwelling units shall provide at least 10 percent of the units as affordable housing units as defined in Chapter 5 KZC. Two additional units may be constructed for each affordable housing unit provided. In such cases, the minimum lot size listed in the Use Regulations shall be used to establish the base number of units allowed on the site, but shall not limit the size of individual lots. See Chapter 112 KZC for additional affordable housing incentives and requirements.

23. No Change to Text

34. No Change to Text

45. *No Change to Text*

56. *No Change to Text*

BC1 and BC 2:

KZC 45.08.4 – In BC 1 and BC 2 zones, developments creating four or more new dwelling units shall provide at least 10 percent of the units as affordable housing units as defined in Chapter 5 KZC. Two additional units may be constructed for each affordable housing unit provided. See Chapter 112 KZC for additional affordable housing incentives and requirements.

45. *No Change to Text*

56. *No Change to Text*

67. *No Change to Text*

D. Affordable Housing – Clarify Requirement for all housing types in Multi-Family and Commercial Zones & Revise Minimum Lot Size Provision

Developments creating four or more new ~~detached, attached or stacked~~ dwelling units shall provide at least 10 percent of the units as affordable housing units as defined in Chapter 5 KZC. Two additional units may be constructed for each affordable housing unit provided. In such cases, the minimum lot size listed in the Use Regulations shall be used to establish the base number of units allowed on the site, but shall not limit the size of individual lots. See Chapter 112 KZC for additional affordable housing incentives and requirements.

This change will be made to KZC General Regulation #2 of the following sections:

<u>Section</u>	<u>Zone</u>
20.08	RM 1.8, 2.4, 3.6, 5.0
25.08	PR 1.8, 2.4, 3.6, 5.0
30.10	WD I
30.30	WD III
60.15	PLA 2
60.20	PLA 3A
60.25	PLA 3B
60.30	PLA 5A
60.35	PLA 5B
60.40	PLA 5C
60.45	PLA 5D
60.50	PLA 5E
60.55	PLA 6A
60.60	PLA 6B
60.70	PLA 6D
60.80	PLA 6F
60.90	PLA 6H
60.95	PLA 6I
60.100	PLA 6J

60.105	PLA 6K
60.110	PLA 7A, 7B, 7C
60.130	PLA 9
60.170	PLA 15A
60.175	PLA 15B
60.185	PLA 17
60.190	PLA 17A
52.20	JBD 3
52.25	JBD 4
52.30	JBD 5
52.39	JBD 6
51.08	MSC 1, MSC 4
54.34	NRH 5
54.40	NRH 6
55.97	TL 11
53.22	RH 2C
53.42	RH 4

E. Wireless Facilities KZC Chapter 117 – Historic

KZC 117.65.8. The proposed amendments clarify the review of PWSF at historic locations

~~*Historic or Landmark Locations—No antennas shall be permitted on property designated as a historic resource or community landmark as identified in the Comprehensive Plan, unless such antennas have been approved in accordance with design requirements pertaining to historic structures.*~~

~~*Designated Historic Community Landmarks—*~~

~~*a) Applications for PWSF on buildings, structures, or objects designated in Table CC-1 List A and B located in the Historic Resources section of the Community Character Element in the Comprehensive Plan shall be subject to the provisions of this chapter. The City shall notify the King County Historic Preservation Office in order to provide an opportunity for comments and recommendation on the application. The recommendation will be considered when making a decision on the application.*~~

~~*Applications for PWSF towers on properties designated in Table CC-1 only as historic sites, shall be reviewed subject to the provisions of this chapter and pursuant to the notification and consideration requirements in Subsection 8(a). Other PWSF applications on designated site-only properties are subject to the provisions of this chapter but do not require the notification and consideration requirements in Subsection 8(a).*~~

III. MODERATE POLICY CHANGES

A. CBD 5 *

Specify height in feet. Delete references to comp plan. Revise's Plate 34h to add a pedestrian connection identified in the Downtown Master Plan. See chart and revised Plate 34h on the following pages.

50.33 User Guide.

The charts in KZC 50.35 contain the basic zoning regulations that apply in the CBD 5 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 50.34



Zone
CBD-5

Section 50.34 – 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. No portion of a structure above the elevation of Kirkland Way as measured at the midpoint of the frontage of the subject property on Kirkland Way may exceed the following:
 - a. Within 20 feet of Kirkland Way, 2 stories;
 - b. Within 40 feet of Kirkland Way, 4 stories;
 - c. Within 50 feet of Kirkland Way, 5 stories.
- ~~3. Buildings exceeding two stories above average building elevation shall demonstrate compliance with the design regulations of Chapter 02 KZC and the provisions of the Downtown Plan Chapter of the Comprehensive Plan. The City will use Design Review (D.R.) to determine compliance.~~
3. 4. The minimum required yard abutting Peter Kirk Park is 10 feet. The required front yard is 0 feet for those portions of buildings with continuous retail or restaurant uses at street level. Kirkland Way shall be considered a pedestrian-oriented street if the front yard is less than 20 feet.
4. 5. No portion of a structure within 100 feet of Peter Kirk Park shall exceed three stories above average building elevation.
5. 6. Ground floor porches and similar entry features may encroach into the required front yard, provided the total horizontal dimensions of such elements may not exceed 25 percent of the length of the facade of the structure (does not apply to Public Park uses).
- ~~7. The entire zone must be physically integrated both in site and building design. Also, site design must include installation of pedestrian linkages consistent with the major pedestrian routes in the Downtown Plan chapter of the Comprehensive Plan, between public sidewalks and building entrances, and between walkways on the subject property and existing or planned walkways on abutting properties (does not apply to Public Utility, Government Facility or Community Facility and Public Park uses).~~

USE ZONE CHART

67'

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 50.35	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)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.010	Restaurant or Tavern	D.R., Chapter 142 KZC.	None	20'	0'	0'	80%	3 to 5 stories above average building elevation.	D See Spec. Reg. 1.	E	One per each 125 sq. ft. of gross floor area.	<ol style="list-style-type: none"> Landscape Category B is required if the subject property is adjacent to 6th Street or Kirkland Avenue. For restaurants with drive-in or drive-through facilities: <ol style="list-style-type: none"> One outdoor waste receptacle shall be provided for every eight parking stalls. 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. Landscape Category A shall apply if the subject property is adjacent to 6th Street or Kirkland Avenue.
.030	Entertainment, Cultural and/or Cultural Recreational Facility	D.R., Chapter 142 KZC.	None	20'	0'	0'	80%	3 to 5 stories above average building elevation.	D See Spec. Reg. 2.	E	See KZC 50.60 and 105.25.	<ol style="list-style-type: none"> The parking requirements for hotel or motel use do not include parking requirements for ancillary meetings and convention facilities. Additional parking requirements for ancillary uses shall be determined on a case-by-case basis. Landscape Category B is required if the subject property is adjacent to 6th Street or Kirkland Avenue.
.040	Hotel or Motel								D See Spec. Reg. 4.		One per each room. See Special Reg. 1.	
.050	Any Retail Establishment, other than those specifically listed, limited, or prohibited in the zone, selling goods, or providing services including banking and related financial services								One per each 350 sq. ft. of gross floor area.		<ol style="list-style-type: none"> The following uses are not permitted in this zone: <ol style="list-style-type: none"> Vehicle service stations. 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. Access for drive-through facilities must be approved by the Public Works Department. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: <ol style="list-style-type: none"> The assembled or manufactured goods are directly related to and dependent upon this use and are available for purchase and removal from the premises. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail uses. Landscape Category B is required if subject property is adjacent to 6th Street or Kirkland Avenue. 	

EXHIBIT C
ZONING 10-00013

Section 50.35

Zone
CBD-5

USE ZONE CHART

67'

DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS

Section 50.35	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)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.060	Private Lodge or Club	D.R., Chapter 142 KZC.	None	20'	0'	0'	80%	3 to 5 stories above average building elevation.	D See Spec. Reg. 1.	B	See KZC 105.25.	1. Landscape Category C is required if subject property is adjacent to 6th Street or Kirkland Avenue.
.070	Office Use								D See Spec. Reg. 3.		One per each 350 sq. ft. of gross floor area.	1. Ancillary assembly and manufacture of goods on premises may be permitted as part of an office use if: a. The ancillary assembled or manufactured goods are subordinate to and dependent on this office use; and b. The outward appearance and impacts of this office use with ancillary assembly and manufacturing activities must be no different from other office uses. 2. The following regulations apply to veterinary office 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 D.R. and building permit applications. d. A veterinary office is not permitted if the subject property contains dwelling units. 3. Landscape Category C is required if subject property is adjacent to 6th Street or Kirkland Avenue.
.080	Church								D See Spec. Reg. 2.		One per every four people based on maximum occupancy of any area of worship.	1. No parking is required for daycare or school ancillary to the use. 2. Landscape Category C is required if subject property is adjacent to 6th Street or Kirkland Avenue.

USE ZONE CHART

67'

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 50.35	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)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.090	School, Day-Care Center, or Mini-School or Day-Care Center	D.R., Chapter 142 KZC.	None	20'	0'	0'	80%	2 to 5 stories above average building elevation.	D	B	See KZC 105.25.	<ol style="list-style-type: none"> A six-foot-high fence is required along all property lines adjacent to outside play areas. Structured play areas must be setback from all property lines by at least five feet. Hours of operation may be limited by the City to reduce impacts on nearby residential uses. 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. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).
.100	Assisted Living Facility See Spec. Reg. 4.								D See Spec. Reg. 3.	A	1.7 per independent unit. 1 per assisted living unit.	<ol style="list-style-type: none"> A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility. A nursing home use may be permitted as part of an assisted living facility use in order to provide a continuum of care for residents. If a nursing home use is included, the following parking standard shall apply to the nursing home portion of the facility: <ol style="list-style-type: none"> One parking stall shall be provided for each bed. Landscape Category C is required if subject property is adjacent to 6th Street or Kirkland Avenue. This use only allowed: <ol style="list-style-type: none"> On properties with frontage on Second Avenue. Within 170 feet of Peter Kirk Park provided that the gross floor area of this use does not exceed 12.5% of the total gross floor area for the subject property.
.110	Stacked or Attached Dwelling Units								D See Special Reg. 1.		1.7 per unit.	<ol style="list-style-type: none"> Landscape Category C is required if the subject property to adjacent to 6th Street or Kirkland Avenue. This use only allowed: <ol style="list-style-type: none"> On properties with frontage on Second Avenue. Within 170 feet of Peter Kirk Park provided that the gross floor area of this use does not exceed 12.5% of the total gross floor area for the subject property.

Section 50.35

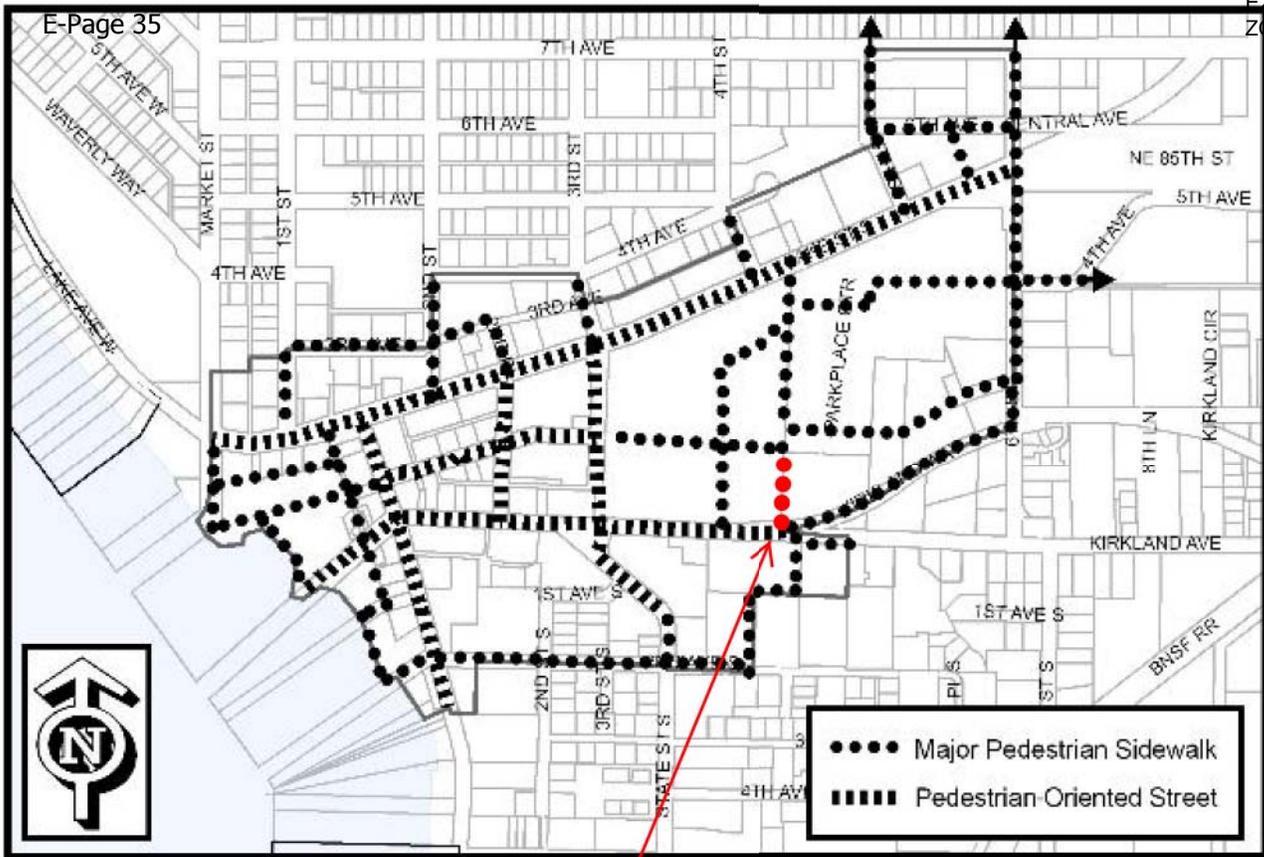
Zone
CBD-5

USE ZONE CHART

67'

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 50.35	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)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.120	Public Utility, Government Facility, or Community Facility	D.R., Chapter 142 KZC.	None	20'	0'	0'	80%	3 to 5 stories above average building elevation.	D See Special Reg. 1.	B	See KZC 105.25.	<ol style="list-style-type: none"> Landscape Category C is required if the subject property is adjacent to 6th Street or Kirkland Avenue. 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 nearby uses. Site design must include installation of pedestrian linkages consistent with the major pedestrian routes in the Downtown Plan chapter of the Comprehensive Plan, between public sidewalks and building entrances, and between walkways on the subject property and existing or planned walkways on abutting properties.
.130	Public Park	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process.										



New Connection

**KZC CHAPTER 180
PLATE 34H**

B. Fence Heights

The proposed change requires a setback and landscaping for fences along arterials.

KZC 115.40.1. General

a. *Fences not over six feet in height may be anywhere on the subject property except:*

- 1) *A fence may not be within 15 feet of any street curb, or the edge of the street pavement, if no curb exists; or*
- 2) *If the applicant can show with a survey, or other reasonable means, the location of his/her property line, the fence can be placed on the property line regardless of the distance from a street curb or the edge of the pavement.*
- 3) *A fence may not violate the provisions of KZC 115.135.*
- 4) *A detached dwelling unit abutting a neighborhood access or collector street may not have a fence over 3.5 feet in height within the required front yard.*

On corner lots with two required front yards, this restriction shall apply only within the front yard adjacent to the front facade of the structure.

5) A detached dwelling unit may not have a fence over 3.5 feet in height within 3 feet of the property line abutting a principal or minor arterial except where the abutting arterial contains an improved landscape strip between the street and sidewalk. The area between the fence and property line shall be planted with vegetation and maintained by the property owner.

56) No fence may be placed within a high waterline setback yard or within any portion of a north or south property line yard which is coincident with the high waterline setback yard.

C. Wireless Antennas on Water Reservoirs *

KZC Section 117.65.7.g. Antennas, including flush-mounted panel or directional antennas, may be attached to an existing conforming mechanical equipment enclosure or stair or elevator penthouse or similar rooftop appurtenance which projects above the roof of the building, but may not project any higher than the enclosure. Antennas may also be allowed on safety railings located at the roofline of a water reservoir provided that the antennas do not extend above the safety railing.

D. Government Facilities in the TL 4B Zone *

KZC Section 55.31.4. - 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).

E. Public Comment for Parking Modifications – KZC 105.103

Addition of public notice and comment process for parking modifications.

KZC 105.103.3.c

For a modification to KZC 105.20 and 105.45, a decrease in the required number of spaces may be granted if the number of spaces proposed is documented by an adequate and thorough parking demand and utilization study to be sufficient to fully serve the use...

The Planning Official shall not approve or deny a modification to decrease the number of parking spaces pursuant to subsection (2)(b) of this section without first providing notice of the modification request to the owners and residents of property within 300 feet of the subject property and providing opportunity for comment. The Planning Official shall use mailing labels provided by the applicant, or, at the discretion of the Planning Official, by the City. Said comment period shall not be less than seven calendar days.

F. Window Signs

Add a definition for a window sign to KZC 5.10.992: *Window Sign – A sign located inside a window and visible from the exterior of a building.*

Clarify that window signs do not require a permit in KZC 100.25.1.b:

b. A permit must be obtained from the Department of Planning and Community Development in order to display any sign for which a permit is not required by subsection (1)(a) of this section, except for real estate on-site (other than for dwelling units), real estate off-site, construction, temporary commercial, integral, private notice, instructional, private advertising, window signs, private traffic direction and off-site directional signs. Change in the temporary message on a reader board or electronic message center is also excluded from this permit requirement.

Codifies Interpretation 86-11 which exempts windows signs from KZC Chapter 100 by adding window signs to KZC 100.115.A.

Type of Sign	Maximum Number of Signs	Maximum Sign Area	Permitted Location	Permitted Duration of Display
<u><i>Window Sign</i></u>	<u><i>No maximum</i></u>	<u><i>No limitation</i></u>	<u><i>Subject property</i></u>	<u><i>No limitation</i></u>

IV. MAJOR POLICY CHANGES

A. Reduced Multi Family Parking Standards in the CBD *

KZC 50.60.2 (CBD 1, 2, and 8) Number of Spaces

To the extent that subsections (3) and (4) of this section require that uses in the CBD 1, 2, and 8 Zones provide parking, the following establishes the number of spaces required:

- a. Residential uses must provide ~~1.7~~ a minimum of one parking spaces stall per for each dwelling unit bedroom and an average of at least 1.3 parking stalls per unit shall be provided for each development. In addition, guest parking shall be provided at a rate of 0.1 stalls per bedroom or studio unit with a minimum of two guest parking stalls provided per development. ~~and~~ One parking space is required for each assisted living unit.

The same regulation is also being added to the following CBD use zone charts as a special regulation (except for sentence regarding assisted living units since it is under a separate use listing): CBD 3, 4, 5, 5A, 6, & 7.

V. PROCESS CHANGES

A. **Minor text edit to KZC 150.85 ***

KZC 150.85 Notice of Consideration of the Appeal

1. Contents – The Planning Official shall prepare a notice of the appeal containing the following:
 - a. The file number and a brief ~~verbal~~ written description of the matter being appealed.

B. **Hearing Examiner Appeal Notice ***

These changes make the appeal hearing notice timing consistent between various Hearing Examiner appeal types and the standard Process I and IIA appeals.

95.55.10.e - The office of the Hearing Examiner shall give notice of the hearing to the appellants at least ~~1714~~ calendar days prior to the hearing.

170.40.5.d(1) - The office of the Hearing Examiner shall give notice of the hearing before the Hearing Examiner to the appellant ~~1714~~ calendar days before such hearing.

117.95.1 - An applicant may appeal a Planning Official decision to the Hearing Examiner. A written notice of appeal shall be filed with the Planning Department within 14 days of the date the Planning Official's decision was mailed or otherwise delivered to the applicant. The office of the Hearing Examiner shall give notice of the hearing to the applicant at least ~~1714~~ days prior to the hearing.

115.07.11.c - Appeals. An applicant may appeal to the Hearing Examiner the decision of the Planning Official in denying a request to construct an accessory dwelling unit. A written notice of appeal shall be filed with the Planning Department within 14 calendar days of the date the Planning Official's decision was mailed or otherwise delivered to the applicant. The City shall give notice of the hearing to the applicant at least ~~1714~~ calendar days prior to the hearing.

C. **Review Timing for Co-Location of Wireless Facilities**

Codifies FCC declaratory ruling (WT Docket No. 08-165).

117.50 Application Requirements

1. *The City shall act within 90 days for co-location of wireless facilities and 150 days for all other wireless facilities applications a reasonable period of time on a which are complete applications submitted pursuant to this chapter, taking into account the nature and scope of the request. Any decision to deny such a request shall be in writing and supported by substantial evidence contained in a written record. When an application is filed for co-location of wireless facilities and the application is to be processed pursuant to Process IIB, the City shall attempt to meet the applicable 90 day processing and decision timeframe. However, in some cases it may not be possible to fully process and decide a Process IIB co-location application within 90 days. In such cases, the City and the applicant shall agree to extend the 90 day processing and decision period, but only to the extent necessary to fully process and decide the application.*

D. HCC Administrative Variances

Allows administrative variances in HCC jurisdiction.

120.12 Expansion or Modification of an Existing Structure

~~*The following section is not effective within the disapproval jurisdiction of the Houghton Community Council.*~~

If the expansion or modification of an existing structure requires a variance under this chapter, the Planning Director may approve such expansion or modification without requiring the variance process if all of the following criteria are met:

1. *The request complies with the criteria in KZC 120.20; and*
2. *The gross floor area of the structure is expanded by less than five percent; and*
3. *The Planning Director determines that the change or alteration will not have significantly more or different impact on the surrounding area than does the present development.*

E. Eliminate KZC Chapter 155

Process III is no longer an applicable process within the City. The entire chapter is being deleted.

F. Correct Code reference for variance process notification

120.10 Process for Deciding Upon a Proposed Variance

The following subsection is not effective within the disapproval jurisdiction of the Houghton Community Council:

1. *The City will use Process IIA, described in Chapter 150 KZC, to review and decide upon an application for a variance except as to property located within an RS, RSA or RSX Zone or for a detached dwelling unit in any zone. For variance applications as to property located within an RS, RSA or RSX Zone or for a detached dwelling unit in any zone, the City will use Process I described in Chapter 145 KZC; provided, however, that while the content of the notice shall be per KZC 145.22(1), the distribution of the notice shall be per KZC 150.~~3022~~(2).*

The following subsection is effective only within the disapproval jurisdiction of the Houghton Community Council:

2. *The City will use Process IIA, described in Chapter 150 KZC, to review and decide upon an application for a variance except as to property located within an RS, RSA or RSX Zone. For variance applications as to property located within an RS, RSA or RSX Zone, the City will use Process I described in Chapter 145 KZC; provided, however, that while the content of the notice shall be per KZC 145.22(1), the distribution of the notice shall be per KZC 150.~~3022~~(2).*

RECEIVED
OCT 26 2010

AM _____ PM
PLANNING DEPARTMENT
BY _____

Margaret Carnegie
11259 126th Ave. N.E.
Kirkland, WA 98033

October 20, 2010

Dear Mayor McBride & Council Members,

Thank you for your work for Kirkland. It must be very difficult at times. However, in my opinion, that is what you agreed to when you took on the job.. A current example is 35.KZC 150.105, process 11A. I believe it would be outrageous to remove the city council as the hearing body for appeals. That is an important part of the council's duties. And it would also add more expense for any citizen trying to challenge anything. I do hope you will rethink this proposal and continue to hear appeals. If you are not willing to do the hard work or make the tough decisions, then city council is not the job for you.

I also believe single family residents living in the RH 8 zoning area deserve the right to have their privacy protected and shouldn't have to be subjected to the noise or visual invasion that could result with the allowance of restaurants on second floors. The nearby residents deserve to have the current rules honored. How would you feel about having that second floor restaurant on the property next to you? Citizens of North and South Rose Hill donated much time and thought in order to protect their fellow citizens' living conditions and deserve to have their work honored as well as their citizens' life styles protected.

Thank you for your consideration of these issues.

Sincerely,



Margaret Carnegie

Jon Regala

From: Bea L. Nahon CPA [Bea.Nahon@nahoncpa.com]
Sent: Wednesday, November 03, 2010 4:55 PM
To: Jon Regala
Subject: Public Hearing File ZON10-00013
Attachments: parking counts comparison.xls

Follow Up Flag: Follow up
Flag Status: Flagged

Thank you for the opportunity to offer comments regarding the proposed Phase II Kirkland Zoning Code amendments.

Page 12, Section VI, Item B2, CBD 5 – KZC Section 50.34(3) Delete references to the Comprehensive Plan

One of the premises of this proposed change – that the Comp Plan is not a regulatory document and that “legally, courts have held that where there is a conflict between a zoning code and a comprehensive plan, the zoning code governs” – needs context before the Planning Commission can opine on this proposed change.

In order for a city’s zoning code to take precedence over the comp plan requires a limited set of circumstances. Quoting from the MRSC’s website at <http://www.mrsc.org/subjects/planning/compplan.aspx> with emphasis added:

The GMA establishes the primacy of the comprehensive plan. The comprehensive plan is the starting point for any planning process and the centerpiece of local planning. **Development regulations (zoning, subdivision, and other controls) must be consistent with comprehensive plans** (see separate page on [development regulations](#)). State agencies are required to comply with comprehensive plans and development regulations of jurisdictions planning under the GMA.

Further from the MRSC’s website at <http://www.mrsc.org/subjects/planning/devregpg.aspx> again with emphasis added:

In communities that are planning under the Growth Management Act (GMA), development regulations are required to be consistent with adopted comprehensive plans (see Comprehensive Planning and Growth Management in General). **However, if the local jurisdiction has not yet adopted regulations to implement the plan, the existing zoning apparently will control over the new comprehensive plan, if there is a conflict.** Citizens of Mount Vernon v. City of Mount Vernon, 133 Wn. 2d 861 (1997)

I sent an inquiry to Jon Regala to ask what legal cases were being referred to in tonight’s packet, and he contacted a member of the City’s legal staff (Oskar Rey) who provided the following

The following passage is a quote from *Lakeside Industries v. Thurston County*, 119 Wash.App. 886, 894-895, 83 P.3d 433, 437 (2004):

Generally, a specific zoning ordinance will prevail over an inconsistent comprehensive plan. *Weyerhaeuser v. Pierce County*, 124 Wash.2d 26, 43, 873 P.2d 498 (1994) (citing *Cougar Mountain Assoc. v. King County*, 111 Wash.2d 742, 757, 765 P.2d 264 (1988)). Because a comprehensive plan is a guide and not a document designed for making specific land use decisions, conflicts concerning a proposed use are resolved in favor of the more specific regulations. *Citizens for Mount Vernon v. City of Mount Vernon*, 133 Wash.2d 861, 873, 947 P.2d 1208 (1997). Thus, to the extent the

comprehensive plan prohibits a use that the zoning code permits, the use is permitted. *Weyerhaeuser*, 124 Wash.2d at 43, 873 P.2d 498

Our zoning code must be consistent with our comprehensive plan. Accordingly, it is only in those atypical situations, such as described by the MRSC and the City's attorney, where the zoning code would trump.

The Planning Commission should also be aware of the provision in the Kirkland Municipal Code which provides as follows (with emphasis added):

20.04.120 Consistency.

The foundation for project review shall be the city's comprehensive plan and development regulations. The city's review of a project permit application will include determination as to whether the proposed project is consistent with applicable regulations or comprehensive plan. The determination of consistency shall be based on review of the applicable development regulations, or in the absence of a relevant development regulation, upon the comprehensive plan. The city's review will emphasize existing requirements and adopted standards, with the use of supplemental authority as specified by Chapter 43.21C RCW to the extent that existing requirements do not adequately address a project's specific probable adverse environmental impacts. (Ord. 3529 § 1 (part), 1996)

To sum, while our zoning codes must be consistent with our Comp Plan, the City may still need to use its Comp Plan should a relevant development regulation not exist. I assume, if this provision is ratified, that this responsibility would lie with staff, rather than the DRB.

Page 17, Section VI, Item G – Parking Modifications Public Comment – KZC Section 105.103

I am urging the Planning Commission to recommend a codified process for notification and public comment when parking modifications are requested.

I have previously submitted comments to the City Council which is in your packet as Attachment 9. A majority of the Council favored adding this to this current zoning review process and I sincerely hope you will reconsider the point of view as expressed by some Commissioners at the joint meeting with the HCC.

I am hopefully not reiterating that which is already in Attachment 9 and instead will focus on what seems to be the sticking points, namely that modifications are granted based on technical aspects, and secondly, that the public is presumed not capable of providing information that is relevant in a technical capacity.

First – and please refer to attachment 9 for the specifics from the Code – in order to have a parking modification granted, there must be a parking and utilization study, but the statute does not provide that such a study – even if valid (and not otherwise manipulated, as referenced by the Planning Commission during your joint meeting with the HCC) – will then automatically be granted. The Planning Official has the discretion to deny or reduce the requested modification.

More relevant – and frankly, most frustrating to me – is the presumption that citizens are simply not capable of providing relevant comment. Should irrelevant comment be provided, the Planning Official is capable of recognizing it and treating it accordingly. However, to assume that citizens are not capable of providing input “on par with the technical nature of the information provided and analyzed” is dismissive and inappropriate.

As an example - when the 101 Kirkland project was under Design Review, the applicant submitted its proposal with only 0.75 parking spaces per unit, based on the premise that it was going to be a housing development for residents who were age 62 and older, complete with a supporting study. At that time, parking modifications were in the purview of the DRB and so citizens were able to see that this request for a modification had been submitted. That citizen input included technical data (driving and vehicle ownership trends of senior citizens from academic studies) as well as relevant non-technical data (that there was no guarantee or covenant that

E-Page 44

this property would always be occupied by the over-age-62 population). At the last DRB meeting for this project, it was announced that the applicant would change their proposal from 0.75 per unit to 1.0 per bedroom. Did the public comment have a constructive influence on that change or would the City have insisted on this change no matter what? Perhaps it was some of both. But here's the final part of the story – this project is about to open its doors and it will not be an over-age-62 property, instead it will be available to residents of all ages. Had this property been approved at 0.75 per unit, as was supported by the data provided by the applicant, we would now have a project with insufficient parking.

There is one other item which the Planning Commission needs to take into account in making its decision on this issue, namely the other changes which are being proposed for parking. I anticipate, based on the City's history and the recommendations of the PAB, that the Commission and the Council will approve a reduction of the current multi-family parking requirement of 1.7 spaces per unit, and in its place, institute a provision reducing the minimum required number of spaces to 1 per bedroom. Since it appears that the lowest stall-per-bedroom ratio that the City has approved (as per attachment 12) is 0.95 per unit, it is likely that the number of modification requests will decrease. That said, should there be an applicant who wishes to provide less than the new standard, I think that neighbors are especially deserving of knowing in advance of final approval that this has been proposed so that they can not only be aware, but can offer input into the process.

I think that the suggested process, akin to what is done for appurtenances, is a worthy suggestion and I would support that recommendation if so approved by the Commission.

Page 20, Section VII, Item A – Reduce Multi-Family Parking Standard in the CBD

I am supportive of the change of the parking requirement from 1.7 per unit to 1.0 per bedroom, provided that a floor is also enacted as part of this revision, such as was suggested during your last meeting regarding this topic.

I have attached an excel worksheet which recaps the data from attachments 12 and 13 of your packet and which includes the percentage of spaces that were occupied during the times when the City staff counted the occupied stalls (which, by the way, as of this writing, we do not know whether a specific count occurred at 5AM when spaces would be largely occupied or later in the day after residents would have left for the day). We see that these properties were approved at or near the current code amount of 1.7 per unit, and for the property with the lowest average bedroom count (Plaza on State) that had this property been approved at 1 per bedroom, the occupancy rate would have been far more than the count, because the property would have had only 117 parking spaces instead of 146.

One of the problems with attachment 13, besides not knowing what time the counts occurred on a per-property basis, is that the properties were all approved at 1.7 per unit or more. None of these properties were approved at 1 per bedroom, so to utilize them as examples of how "1 per bedroom" might or might not succeed, is flawed.

Instead, I would look to attachment 12, which indicates that when the City did grant a modification to 1 per bedroom (the shaded lines) the number of spaces per unit ranged from a low of 1.28 per unit to a high of 1.59 per unit. I have omitted Luna Sol from the range because it is an outlier at 1.1 per unit and moreover, has shared parking with commercial space which has not been factored into the computation of 1.1 per unit (i.e. the # of spaces per unit would be higher if the use of shared parking were factored in).

Accordingly, I encourage the Planning Commission to recommend that if the City changes its minimum standard to 1 per bedroom, that the requirement also include a floor (i.e. "but no less than") of 1.3 per unit or the like.

One final item in this category – specifically, the proposal to include a cap of 2.0 spaces per unit ("a maximum of two parking stalls per unit is allowed." I'm not aware of empirical data which supports this recommendation for multi-family properties in Kirkland nor am I aware of any other comparable limits in place that exist for multi-family projects, such as a cap on the number of bedrooms, bathrooms, windows, etc. I am, however, aware of multi-family properties in Kirkland which do have more than 2.0 spaces per unit and I can attest that those

E-Page 45

spaces are utilized. It seems to me that if a developer is willing to provide this type of amenity and considers it financially viable, they should be allowed to do so.

Finally, although it is not referenced in the current packet, should the Commission wish to revisit the prior suggestion by the PAB that irrespective of the number of parking spots which exist, that there be a cap on the number of spaces which can be sold per unit (previously suggested as a cap of 1 per unit), I will reiterate that our experience in managing multi-family properties indicates that this is a very unwise idea that – when we have had situations where the number of spaces sold were limited for whatever reason with spaces left open for future allocation or guerilla parking tactics - leads to strife and arguments within residential communities. At your last meeting, you wisely decided not to entertain this and I hope that this particular item will not resurface.

Thank you for your attention to these comments.

Best regards,

Bea Nahon

Postal mailing address:

PO Box 3209, Kirkland WA 98083-3209

We are moving! Effective 11/1/10, our Executive suite address is:

5400 Carillon Point

Kirkland, WA 98033

(425) 828-4747

(425) 696-0032 my direct fax

(425) 696-4109 office fax

All deliveries, express mail or any items requiring signature should be sent to the Carillon Point address

All standard US mail should be sent to our PO Box.



Please consider the environment before printing this e-mail or attachments.

<u>Location</u>	<u>Date</u>	<u>Owner Parking Spaces **</u>	<u># of spaces occupied</u>	<u>Occupancy %</u>	<u>Number of Units</u>	<u>Number of Bedrooms*</u>	<u>Average # Bedrooms* per unit</u>	<u>If approved at 1 per bedroom, Occupancy %</u>	<u>Spaces per unit</u>
Waterview	4/27/2006	82	57	69.5%	48	79	1.65	72.2%	1.708333
Brezza	4/27/2006	127	88	69.3%	75	124	1.65	71.0%	1.693333
Portsmith	4/27/2006	260	181	69.6%	153	263	1.72	68.8%	1.699346
Plaza on State	4/27/2006	146	108	74.0%	81	117	1.44	92.3%	1.802469
Tiara De Lago	7/27/2006	28	22	78.6%	13	26	2.00	84.6%	2.153846
Waterview	7/27/2006	82	51	62.2%	48	79	1.65	64.6%	1.708333
Brezza	7/27/2006	127	92	72.4%	75	124	1.65	74.2%	1.693333
Portsmith	7/27/2006	260	163	62.7%	153	263	1.72	62.0%	1.699346
Plaza on State	7/27/2006	146	90	61.6%	81	117	1.44	76.9%	1.802469

* Number of bedrooms is capped at 2 per unit, i.e. a 3-bedroom unit would only be tallied as 2 bedrooms

** Not including guest spaces

Source of data: Attachments 12 & 13
November 4 Planning Commission packet



CITY OF KIRKLAND
Planning and Community Development Department
123 Fifth Avenue, Kirkland, WA 98033 425.587-3225
www.ci.kirkland.wa.us

MEMORANDUM

To: Kurt Triplett, City Manager

From: Eric Shields, AICP, Planning Director
Nancy Cox, AICP, Development Review Manager

Date: November 23, 2010

Subject: **Code Enforcement Process and Code Consolidation Project,
File ZON10-00013**

RECOMMENDATION

Staff recommends that the Council conduct a study session on the proposed Kirkland Zoning Code (KZC) and Municipal Code (KMC) amendments needed to implement a new code enforcement process and consolidate code enforcement provisions in the KMC. Staff requests feedback on these changes from the Council so that ordinances can be prepared for the January 4, 2011 City Council meeting.

BACKGROUND DISCUSSION

- I. Review Process
- II. Purpose
- III. Scope
 - Code Enforcement Process Change
 - KMC Consolidation

I. Review Process

Staff attended a City Council Public Safety Committee meeting in June, 2010 in order to inform the committee about the project and get initial direction. The Public Safety Committee endorsed work on the proposed code enforcement process and KMC code consolidation at that time.

This project is intermingled with two other projects: 1) the Miscellaneous Zoning Code Phase 2 project, and 2) the proposed Kirkland Property Maintenance Code. All of these projects are part of the December 7 Study Session and will come back in ordinance form in January.

The Planning Commission and Houghton Community Council have reviewed the Zoning Code amendments needed for this project during several study sessions and a public hearing on November 4 (Process IV). There were no public comments on the proposal. Neither the Planning Commission nor the Houghton Community Council had substantive comments; the remarks they made were supportive. A summary of the KZC changes related to this project is in Attachment 1.

II. Purpose

This project proposes changes that solve some due process concerns with our existing code enforcement system. The City Attorney has been integral in the preparation of the proposed changes because of these concerns (see Section III). The proposal to consolidate the processes for enforcing multiple codes into one process also comes from staff. Confusion over the correct process to follow and the inefficiencies this creates has been a problem for some time. It seemed opportune to review code consolidation at the same time as the new process. The result will be an efficient system for code enforcement that is more predictable for the staff and public.

III. Scope

Code Enforcement Process Change

There are some legal issues with the current code enforcement process in Chapter 170 of the KZC. These will be described through an explanation of the current process. It is diagrammed (simplified) in the flow chart found in Attachment 2, page 1. Please refer to the flow chart along with the following:

Box 1 – A violation occurs.

Box 2 - The City receives a complaint either from the City's website, in hard copy, or by email. Once received, the Code Enforcement Officer (CEO) determines that a violation exists, sets up a case (assigning to the appropriate City department) and begins investigation. *Note: as the curving arrow indicates, a complaint is not always necessary (for health safety or environmental degradation issues).*

Box 3 - Staff contacts the violator to explain the violation and request cooperation to resolve the issue immediately.

Box 4 - If successful, the case is closed.

Box 5 – If not resolved, then a Notice of Violation (NOV) is

issued. A NOV describes the violation, and sets forth the remedy, deadline and penalty for non-compliance. The fines cannot actually be paid until Box 9.

Box 6 – If the violator cooperates and complies with the terms of the NOV, then the case is closed.

Box 7 - If not resolved, a Notice of Civil Infraction is issued. The Civil Infraction sets forth the remedy, fine and the appeal period. One due process issue relates to the length of the appeal period (seven days). A longer appeal period is preferable to ensure violators have enough time to decide on a course of action.

Box 8 – If the violator cooperates and complies with the terms of the Civil Infraction, then the case is closed.

Box 9 - If an appeal is not filed within seven days, fines start accruing. This is another shortcoming of the existing system. Legally, it is preferable for there to be a hearing on the merits of the case before establishing fines.

Box 10 - If an appeal is timely filed, then an appeal hearing is held. The Hearing Examiner makes a written decision within 8 days.

Box 11 – If the Hearing Examiner finds for the appellant, then the case is either closed or further action can be taken as appropriate.

Box 12 – If the violation is established, then the Hearing Examiner can determine penalties and corrective action.

Another issue with our current system is that recent case law calls into question the City's ability to impose ongoing fines without additional opportunities to be heard. There have been cases where fines continue to increase at \$100 per day without communication from the violator (this issue can apply to Box 9 or 12).

Besides the due process concerns, staff has concerns with the length of time it takes to use the two step process (Notice of Violation and Notice of Civil Infraction). In some cases, a violation can be on-going for quite some time before fines are applied or resolution is achieved.

For these reasons, staff researched other cities' codes for a new process. Staff settled on Bellevue's code to use as a model and basis for a proposed process. Please refer to Attachment 2, page 2 along with the following:

Box 1 – A violation occurs.

Box 2 - The City receives a complaint either from the City's website, in hard copy, or from an email. Once received, the Code Enforcement Officer (CEO) determines that a violation exists, sets up a case (assigning to the appropriate City department) and begins investigation. *Note: as the curving arrow indicates, a complaint is not always necessary (for health safety or environmental degradation issues).*

Box 3 - Staff contacts the violator to explain the violation and request cooperation to resolve the issue immediately.

Box 4 - If successful, the case is closed.

Box 5 – If the violation isn't resolved the next step is to propose and sign a Voluntary Agreement between the City and the violator. The Voluntary Agreement is a written document that describes the violation and how it should be remedied that is signed by the violator and the City. This is an affirmative step in acknowledging the complaint and reaching an agreement about how and when to comply. *Note: as the curving arrow indicates, under certain circumstances, it is possible to skip the Voluntary Agreement step and go directly from Box 3 to Box 9 – Issue Notice of Civil Violation & Set Hearing.*

Box 6 – If signed, then the Voluntary Correction Agreement is in force.

Box 7 – If the violation is resolved according to the terms of the Voluntary Agreement, then the case can be closed. According to Bellevue staff, the vast majority of cases are resolved at this point. The Voluntary Agreement is well documented, encourages cooperation, and potentially resolves violations faster than the existing process.

Box 8 - If the violator does not follow through with the steps in the Voluntary Agreement, then the City can pursue fines. With this proposed system, there is no due process concern because as a result of the agreement the party has signed and acknowledged awareness of the potential for fines. Also, according to a provision in the Voluntary Agreement, they have also waived the right to appeal.

Box 9 - If the party does not opt for the Voluntary Agreement then the City could issue a Notice of Civil Violation. This Notice represents a major change because it establishes a Hearing Examiner hearing date thereby bypassing the current process deficiency of requiring the filing of an appeal in order to have a hearing. The date for the hearing will be set several weeks out giving time for resolution in advance.

Box 10 - If the party complies within 48 hours of the hearing, then the hearing will be cancelled and the case closed.

Box 11 - If not, the hearing is held.

Box 12 – If a violation is established, the hearing examiner can determine penalties, and corrective action. Appeals would be to court.

Box 13 – If the violation is not established, then the case would be closed.

Staff is proposing to delete portions of KZC Chapter 170 that describe the existing process, and add Chapter 1.12 to the KMC describing the proposed process (see Attachment 3).

KMC Consolidation

Staff is proposing to consolidate enforcement provisions in various sections of the KMC. Consolidation means to delete existing enforcement provisions and

refer to the proposed process in KMC Chapter 1.12. Six sections that have been identified are:

- 11.24.060 Enforcement of nuisance regulations
- 15.52.140 Surface water management – enforcement, violations and penalties
- 19.04.010 Obstructions in the right-of-way
- 19.36 Penalties for violations – street trees and trees on city property*
- 21.06.595 Construction Administrative Code – notice of violation
- 29.36.030 Land Surface Modification - enforcement

In addition, staff proposes that a new chapter, Chapter 21.41 Property Maintenance Code, reference the enforcement provisions in KMC 1.12.

* Tree enforcement

During the recent KZC amendments to Chapter 95 - Tree Management and Required Landscaping, it was identified that the tree enforcement provisions would be updated as part of this project. Questions about the amounts of fines and differences in the enforcement of public and private trees were also noted. Staff is proposing a single process for both public and private trees using the process proposed in KMC Chapter 1.12. Accordingly, portions of KZC Chapter 95 and KMC Chapter 19.36 are proposed to be deleted.

ATTACHMENTS

- 1 Summary of proposed KZC Amendments Existing Code Enforcement
- 2 Process Flow Chart (KZC Chapter 170)
Proposed Code Enforcement Process Flow Chart (KMC Chapter 1.12)
- 3 KMC 1.12 Code Enforcement (proposed)

Kirkland Zoning Code Amendments Related to the Reorganization of Code Enforcement Provisions

Changes are proposed to the following sections of the KZC in order to implement a new code enforcement process in the city. Amendments pertaining to the new code enforcement process and related amendments to the KMC solve some due process concerns with the existing code enforcement system; consolidate the processes for enforcing multiple codes into one process; and combine existing property maintenance provisions under one chapter.

1. Change to Table of Contents to show a new title for Chapter 170.

Chapter 170 is the existing Code Enforcement chapter. A new chapter is proposed for the KMC 1.12 to replace the portions of Chapter 170 related to enforcement. Chapter 170 would be renamed "Code Administration" and contain the remaining text.

2. Edits to Chapter 95 Table of Contents - Enforcement and Penalties is moving to KMC 1.12 Code Enforcement. Edit 95.21 and 95.55 to refer the reader to KMC 1.12 Code Enforcement. Delete remainder of 95.55.

Public and private tree enforcement will be included in KMC 1.12. Therefore, portions of Chapter 95 related to public and private tree enforcement may be deleted. References to KMC 1.12 should be made in Chapter 95 where appropriate.

3. Edit 115.65 Home Occupations regulation to reference KMC 1.12 Code Enforcement.

This section about Home Occupations references Chapter 170 and should be changed to reference KMC 1.12.

4. Edit 117.125 to reference KMC 1.12 Code Enforcement.

This section in the Personal Wireless Facilities chapter references Chapter 170 and should be changed to reference KMC 1.12.

5. Edit 141.80 to reference KMC 1.12 Code Enforcement.

This section in the Shoreline Administration chapter should reference KMC 1.12

6. Edit 162.20 to refer to KMC 1.12 Code Enforcement, and 162.25 to refer to the Property Maintenance Code in the KMC and KMC 1.12 Code Enforcement.

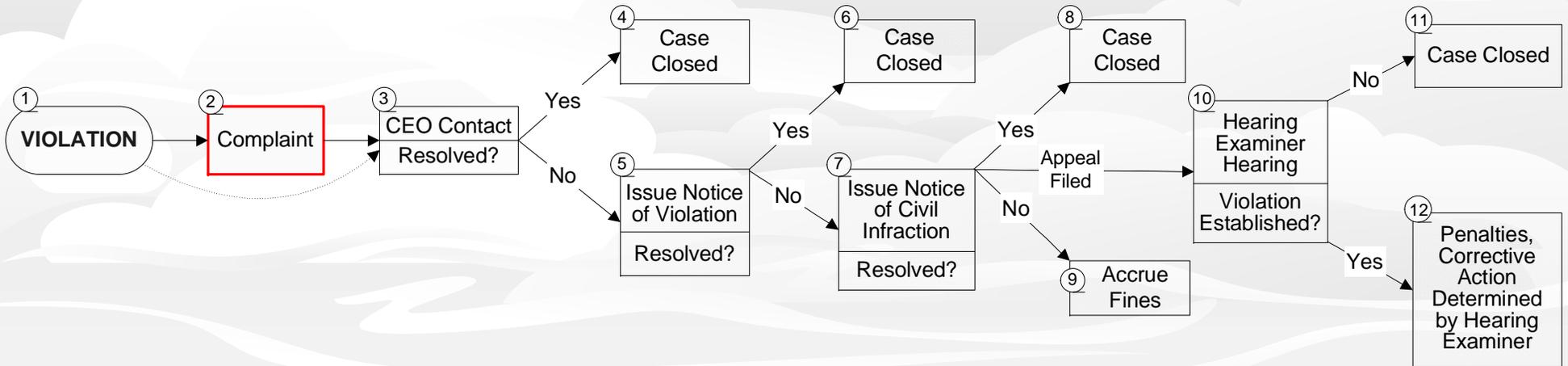
Edits are needed to refer the reader to the appropriate sections in the KMC.

7. Revise Chapter 170 to delete the code enforcement provisions. Rename the Chapter to Code Administration.

Edits to Chapter 170 are needed to delete the portions that will be covered in the KMC and to rename the chapter as it will no longer address the code enforcement process.

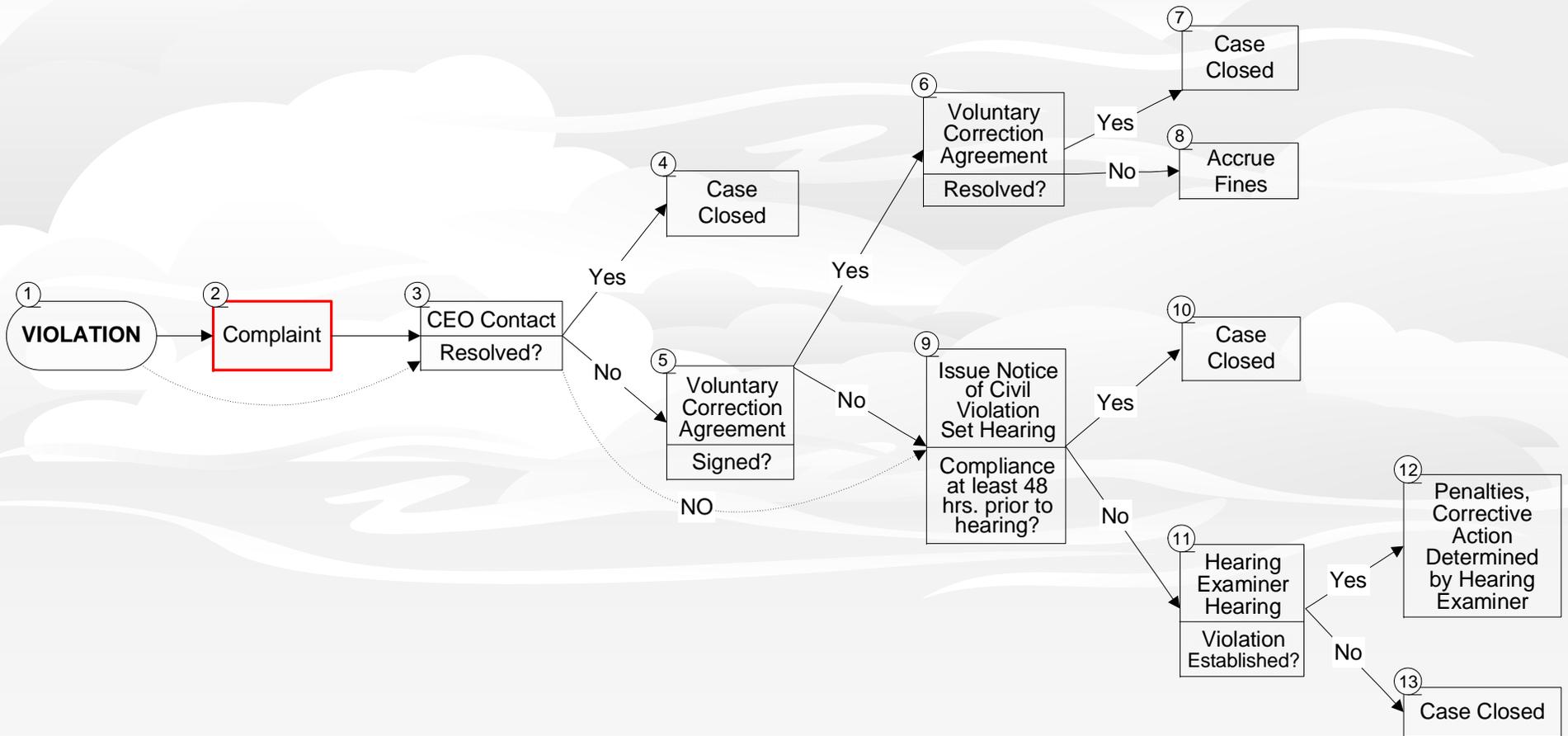
Existing Code Enforcement Process

Kirkland Zoning Code Chapter 170



Proposed Code Enforcement Process

Kirkland Municipal Code Chapter 1.12



CHAPTER 1.12
CODE ENFORCEMENT
[November 23, 2010 Draft]

1.12.010 Purpose

The purpose of this chapter is to establish an efficient system to enforce the regulations of the city, to provide an opportunity for a prompt hearing and decision on alleged violations of these regulations, and to establish monetary penalties for violations.

1.12.020 Definitions.

As used in this chapter, unless a different meaning is plainly required:

- A. "Abate" means to repair, replace, remove, destroy or otherwise remedy a condition which constitutes a civil violation by such means, in such a manner and to such an extent as the applicable department director determines is necessary in the interest of the general health, safety and welfare of the community.
- B. "Act" means doing or performing something.
- C. "Applicable department director" means the director of the department or his or her designee.
- D. "Civil violation" means a violation for which a monetary penalty may be imposed as specified in this chapter. Each day or portion of a day during which a violation occurs or exists is a separate violation. Traffic infractions issued pursuant to KMC Title 11 are specifically excluded from the application of this chapter.
- E. "Development" means the erection, alteration, enlargement, demolition, maintenance or use of any structure or the alteration or use of any land above, at or below ground or water level, and all acts governed by a city regulation.
- F. "Emergency" means a situation which in the opinion of the applicable department director requires immediate action to prevent or eliminate an immediate threat to the health or safety of persons or property.
- G. "Hearing examiner" means the Kirkland hearing examiner and the office thereof established pursuant to Chapter 3.34 of this Code.
- H. "Omission" means a failure to act.
- I. "Person" means any individual, firm, association, partnership, corporation or any entity, public or private.

- J. "Person responsible for the violation" means any person who is required by the applicable regulation to comply therewith, or who commits any act or omission which is a civil violation or causes or permits a civil violation to occur or remain upon property in the city, and includes but is not limited to owner(s), lessor(s), tenant(s), or other person(s) entitled to control, use and/or occupy property where a civil violation occurs. For violations of the City sign regulations, this definition includes, but is not limited to, sign installers/posters, sign owners, and any other persons who cause or participate in the placement of a sign in a manner that constitutes a civil violation. For violations of City tree regulations, this definition includes any person who caused or participated in the removal of a tree in a manner that constitutes a civil violation.
- K. "Regulation" means and includes the following, as they now exist or are hereafter amended:
1. KMC Title 23 (Kirkland Zoning Code);
 2. KMC Title 21 Building and Construction (including codes adopted by reference);
 3. KMC Chapter 15.52 (Surface Water Management)
 4. KMC Title 29 (Land Surface Modifications)
 5. KMC Chapter 19.04 (Obstructing Streets and Sidewalks)
 6. KMC Chapter 11.76 (Junk Vehicles)
 7. KMC Chapter 11.24 (Nuisance)
 10. The terms and conditions of any permit or approval issued by the city, or any concomitant agreement with the city.
- L. "Repeat violation" means a violation of the same regulation in any location by the same person for which voluntary compliance previously has been sought within two years or a notice of civil violation has been issued within two years.
- M. "Violation" means an act or omission contrary to a city development regulation including an act or omission at the same or different location by the same person and including a condition resulting from such act or omission.

1.12.030 Voluntary correction.

- A. Applicability. This section applies whenever the applicable department director determines that a violation of a regulation has occurred or is occurring.
- B. General. The applicable department director shall make a reasonable attempt to secure voluntary correction by contacting the person

responsible for the violation where possible, explaining the violation and requesting correction.

C. Issuance of Voluntary Correction Agreement. A voluntary correction agreement may be entered into between the person responsible for the violation and the city, acting through the applicable department director.

1. Content. The voluntary correction agreement is a contract between the city and the person responsible for the violation under which such person agrees to abate the violation within a specified time and according to specified conditions. The voluntary correction agreement shall include the following:

- a. The name and address of the person responsible for the violation; and
- b. The street address or a description sufficient for identification of the building, structure, premises, or land upon or within which the violation has occurred or is occurring; and
- c. A description of the violation and a reference to the provision(s) of the city ordinance or regulation which has been violated; and
- d. The necessary corrective action to be taken, and a date or time by which correction must be completed; and
- e. An agreement by the person responsible for the violation that the city may abate the violation and recover its costs and expenses and assess a monetary penalty pursuant to this chapter from the person responsible for the violation if terms of the voluntary correction agreement are not met; and
- f. An agreement that by entering into the voluntary correction agreement the person responsible for the violation waives the right to an administrative appeal of the violation and/or the required corrective action.

2. Right to a Hearing Waived. The person responsible for the violation waives the right to an administrative appeal of the violation and the required corrective action upon entering into a voluntary correction agreement.

3. Extension – Modification. An extension of the time limit for correction or a modification of the required corrective action may be granted by the applicable department director if the person responsible for the violation has shown due diligence and/or substantial progress in correcting the violation but unforeseen circumstances render correction under the original conditions unattainable.

4. Abatement by the City. The city may abate the violation in accordance with KMC 1.18.060 if the terms of the voluntary correction agreement are not met.

5. Collection of Costs. If the terms of the voluntary correction agreement are not met the person responsible for the violation shall be assessed a monetary penalty commencing on the date set for correction and thereafter, in accordance with KMC 1.12.040, plus all costs and expenses of abatement, as set forth in KMC 1.12.060.

1.12.040 Notice of civil violation.

A. Issuance.

1. When the applicable department director determines that a violation has occurred or is occurring, and is unable to secure voluntary correction, pursuant to KMC 1.12.030, the applicable department director may issue a notice of civil violation to the person responsible for the violation.

2. The applicable department director may issue a notice of civil violation without having attempted to secure voluntary correction as provided in KMC 1.12.030 under the following circumstances:

- a. When an emergency exists;
- b. When a repeat violation occurs;
- c. When the violation creates a situation or condition which cannot be corrected;
- d. When the person knows or reasonably should have known that the action is in violation of a city regulation.

B. Content. The notice of civil violation shall include the following:

1. The name and address of the person responsible for that violation; and
2. The street address or description sufficient for identification of the building, structure, premises, or land upon or within which the violation has occurred or is occurring; and
3. A description of the violation and a reference to the provision(s) of the city regulation which has been violated; and
4. The required corrective action and a date and time by which the correction must be completed after which the city may abate the unlawful condition in accordance with KMC 1.12.060 and the hearing examiner's order; and

5. The date, time and location of a hearing before the hearing examiner which will be at least 10 days from the date the notice of civil violation is issued; and

6. A statement indicating that the hearing will be canceled and no monetary penalty will be assessed if the applicable department director approves the completed, required corrective action at least 48 hours prior to the hearing; except, that this statement need not be included where the violation constitutes a repeat violation or the violation creates a situation or condition which cannot be corrected; and

7. A statement that the costs and expenses of abatement incurred by the city pursuant to KMC 1.12.060 and a monetary penalty in an amount per day for each violation as specified in subsection (E) of this section may be assessed against the person to whom the notice of civil violation is directed as specified and ordered by the hearing examiner.

C. Service of Notice. The applicable department director shall serve the notice of civil violation upon the person to whom it is directed, either personally or by mailing a copy of the notice of civil violation to such person at their last known address. If the person to whom it is directed cannot after due diligence be personally served within King County and if an address for mailed service cannot after due diligence be ascertained, notice shall be served by posting a copy of the notice of civil violation conspicuously on the affected property or structure. Proof of service shall be made by a written declaration under penalty of perjury executed by the person effecting the service, declaring the time and date of service, the manner by which the service was made, and if by posting the facts showing that due diligence was used in attempting to serve the person personally or by mail.

D. Extension. No extension of the time specified in the notice of civil violation for correction of the violation may be granted, except by order of the hearing examiner.

E. Monetary Penalty.

1. The monetary penalty for each violation per day or portion thereof shall be as follows, with adjustments as allowed pursuant to subsection (E)(2) of this section for repeat violations:

- a. First day of each violation, \$100.00;
- b. Second day of each violation, \$200.00;
- c. Third day of each violation, \$300.00;
- d. Fourth day of each violation, \$400.00;

e. Each additional day of each violation beyond four days, \$500.00 per day.

2. Effect of Repeat Violations. The hearing examiner may double the monetary penalty schedule if the violation was a repeat violation. In determining the amount of the monetary penalty for repeat violations, the hearing examiner shall consider the factors set forth in KMC 1.12.050(D)(4).

F. Continued Duty to Correct. Payment of a monetary penalty pursuant to this chapter does not relieve the person to whom the notice of civil violation was issued of the duty to correct the violation.

G. Collection of Monetary Penalty.

1. The monetary penalty constitutes a personal obligation of the person to whom the notice of civil violation is directed. Any monetary penalty assessed must be paid to the city within 10 calendar days from the date of mailing of the hearing examiner's decision or a notice from the city that penalties are due.

2. The city attorney or his/her designee is authorized to take appropriate action to collect the monetary penalty. The City may contract with a collection agency for this purpose.

1.12.050 Hearing before the hearing examiner.

A. Notice. A person to whom a notice of civil violation is issued will be scheduled to appear before the hearing examiner not less than 10 calendar days after the notice of civil violation is issued.

B. Prior Correction of Violation or Payment of Monetary Penalty. Except in the case of a repeat violation or a violation which creates a situation or condition which cannot be corrected, the hearing will be canceled and no monetary penalty will be assessed if the applicable department director approves the completed required corrective action at least 48 hours prior to the scheduled hearing.

C. Procedure. The hearing examiner shall conduct a hearing on the civil violation pursuant to the rules of procedure of the hearing examiner. The applicable department director and the person to whom the notice of civil violation was directed may participate as parties in the hearing and each party may call witnesses. The city shall have the burden of proof to demonstrate by a preponderance of the evidence that a violation has occurred and that the required corrective action, if applicable, is reasonable. The determination of the applicable department director as to the need for the required corrective action shall be accorded substantial weight by the hearing examiner in determining the reasonableness of the required corrective action.

D. Decision of the Hearing Examiner.

1. The hearing examiner shall determine whether the city has established by a preponderance of the evidence that a violation has occurred and that the required correction is reasonable and shall affirm, vacate, or modify the city's decisions regarding the alleged violation and/or the required corrective action, with or without written conditions.

2. The hearing examiner shall issue an order to the person responsible for the violation which contains the following information:

- a. The decision regarding the alleged violation including findings of fact and conclusions based thereon in support of the decision;
- b. The required corrective action;
- c. The date and time by which the correction must be completed;
- d. The monetary penalties assessed based on the criteria in KMC 1.12.050(D)(3);
- e. The date and time after which the city may proceed with abatement of the unlawful condition if the required correction is not completed.

3. Assessment of Monetary Penalty. Monetary penalties assessed by the hearing examiner shall be in accordance with the monetary penalty schedule in KMC 1.12.040. The hearing examiner shall have the following options in assessing monetary penalties:

- a. Assess monetary penalties beginning on the date the notice of civil violation was issued and thereafter; or
- b. Assess monetary penalties beginning on the correction date set by the applicable department director or an alternate correction date set by the hearing examiner and thereafter; or
- c. Assess no monetary penalties.

4. Determining Monetary Penalty. In determining the monetary penalty assessment, the hearing examiner shall consider the following factors:

- a. Whether the person responded to staff attempts to contact the person and cooperated with efforts to correct the violation;
- b. Whether the person failed to appear at the hearing;
- c. Whether the violation was a repeat violation;

d. Whether the person showed due diligence and/or substantial progress in correcting the violation;

e. Whether a genuine code interpretation issue exists; and

f. Any other relevant factors.

5. Effect of Repeat Violations. The hearing examiner shall assess a monetary penalty for each repeat violation as set forth in KMC 1.12.040.

6. Notice of Decision. The hearing examiner shall mail a copy of the decision to the appellant and to the applicable department director within 10 working days of the hearing.

E. Failure to Appear. If the person to whom the notice of civil violation was issued fails to appear at the scheduled hearing, the examiner will enter an order finding that the violation appeared and assessing the appropriate monetary penalty. The city will carry out the hearing examiner's order and recover all related expenses, plus the cost of the hearing and any monetary penalty from that person.

F. Appeal to Superior Court. An appeal of the decision of the hearing examiner must be filed with superior court within 21 calendar days from the date the hearing examiner's decision was mailed to the person to whom the notice of civil violation was directed, or is thereafter barred.

1.12.060 Abatement by the city.

A. The city may abate a condition which was caused by or continues to be a civil violation when:

1. The terms of voluntary correction agreement pursuant to KMC 1.12.030 have not been met; or

2. A notice of civil violation has been issued pursuant to KMC 1.12.040 and a hearing has been held pursuant to KMC 1.12.050 and the required correction has not been completed by the date specified in the hearing examiner's order; or

3. The condition is subject to summary abatement as provided for in subsection B of this Section.

B. Summary Abatement. Whenever any violation of a regulation causes a condition the continued existence of which constitutes an immediate and emergent threat to the public health, safety or welfare or to the environment, the city may summarily and without prior notice abate the condition. Notice of such abatement, including the reason for it shall be given to the person responsible for the violation as soon as reasonably possible after the abatement.

- C. Authorized Action by the City. Using any lawful means, the city may enter upon the subject property and may remove or correct the condition which is subject to abatement. The city may seek such judicial process as it deems necessary to effect the removal or correction of such condition.
- D. Recovery of Costs and Expenses. The costs, including incidental expenses, of correcting the violation shall be billed to the person responsible for the violation and/or the owner, lessor, tenant or other person entitled to control, use and/or occupy the property and shall become due and payable to the city at the permit center within 10 calendar days. The term "incidental expenses" includes but shall not be limited to personnel costs, both direct and indirect, including attorney's fees; costs incurred in documenting the violation; hauling, storage and disposal expenses; and actual expenses and costs of the city in preparing notices, specifications and contracts, and in accomplishing and/or contracting and inspecting the work; and the costs of any required printing and mailing.
- E. Interference. No person shall obstruct, impede, or interfere with the city or its agents, or with any person who owns, or holds any interest or estate in any property, in performing any tasks necessary to correct the violation.

1.12.070 Stop work orders and orders to cease and desist.

- A. Issuance of Order. Whenever the applicable department director finds any activity is being conducted or work being performed without a permit or in a manner contrary either to the provisions of the Kirkland Zoning Code or Kirkland Municipal Code, including any of the technical codes adopted by reference in KMC Chapter 21, the applicable department director is authorized to issue a stop work order or order to cease and desist. The order shall be in writing and shall be given to the owner or occupant of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order or order to cease and desist, the cited work or activity shall immediately cease. The order shall state the reason for the order, and the conditions under which the cited work or activity will be permitted to resume.
- B. Fees and Penalties. The applicable department director is authorized to assess a special investigation fee for the issuance of a stop work order or order to cease and desist based on the costs to the City of investigation and enforcement of the order. Any person who shall continue any work or activity on the property after having been served with a stop work order or order to cease and desist (except such work as that person is directed to perform to remove a violation or unsafe condition) shall be subject to penalties as provided under this Chapter and as otherwise prescribed by law. A stop work order or order to cease activity may be appealed in the same manner and pursuant to the same provisions as a Notice of Civil Violation under this Chapter.

1.12.080 Entry to buildings and premises – Warrants.

Whenever necessary to make an inspection to determine whether a civil violation has occurred or is occurring, or to enforce any provision of the Kirkland Zoning Code or Kirkland Municipal Code, or regulation issued thereunder, violation of which is a civil violation under this chapter, the applicable department director or his designee may enter any building or premises at any reasonable time, provided if such building or premises is occupied he shall first present credentials and demand entry; and if such building or premises is not occupied, he shall first make a reasonable effort to locate the owner or other person having charge of the building or premises and demand entry. If such entry is refused, or the owner or other person having charge of the building or premises cannot be located, the applicable department director or his designee shall have recourse to every remedy provided by law to secure entry, including recourse to the district or superior court for issuance of a warrant authorizing such entry and inspection.

1.12.090 Additional enforcement procedures.

The provisions of this chapter are not exclusive, and may be used in addition to other enforcement provisions authorized by the Kirkland Municipal Code except as precluded by law.

1.12.100 Special provisions relating to enforcement of tree regulations.

A. General Requirements. This Section applies to all tree in the City, including private property trees, public property trees and street trees. Enforcement shall be conducted in accordance with procedures set forth in this Chapter. Special enforcement provisions related to tree conservation are set forth in this Section.

B. Authority. It shall be the duty of the applicable department director to administer the provisions of this Section.

C. Cease and Desist. The applicable department director may issue a notice to cease and desist using the procedure set forth in this Chapter if he or she finds that a violation of this code has occurred. Continued illegal tree activity following issuance of a cease and desist from the City for the tree activity shall result in fines of \$1,000 per day of continued activity.

D. Stop Work Order. If a violation of Chapter 95 of the Kirkland Zoning Code or an approved Tree Retention Plan occurs on property on which work is taking place pursuant to a City of Kirkland development or building permit, the Building Official may suspend some or all of the work as appropriate through issuance of a stop work order. The Building Official shall remove the stop work order when the City determines that the violation has been corrected or when the City has reached an agreement with the violator

regarding rectification of the violation. Any stop work order issued under this section may be appealed using the procedures set forth in this Chapter.

E. Civil Penalty for Violations of the Tree Code.

1. A person who fails to comply with the requirements of Kirkland Zoning Code Chapter 95 or the terms of a permit issued thereunder, who undertakes an activity regulated by this chapter without obtaining a permit, or fails to comply with a cease and desist or stop work order issued under this chapter shall also be subject to a civil penalty as set forth in the following Table. Each unlawfully removed or damaged tree shall constitute a separate violation.

2. Any person who aids or abets in the violation shall be considered to have committed a violation for purposes of the civil penalty.

3. The amount of the penalty shall be assessed in accordance with Table 95.55.1. The applicable department director may elect not to seek penalties if the he or she determines that the circumstances do not warrant imposition of civil penalties in addition to restoration.

Types of Violations	Allowable Fines per Violation
1. Removal of tree(s) approved to be removed, but prior to final tree plan approval or issuance of a City tree removal permit	\$100.00 per tree
2. Removal or damage of tree(s) that are or would be shown to be retained on an approved tree plan or any other violation of approved tree protection plan	\$1,000 per tree
3. Removal of tree(s) without applying for or obtaining a required City permit	\$1,000 per tree

F. Tree Restoration.

1. Violators of Kirkland Zoning Code Chapter 95 or of a permit issued thereunder shall be responsible for restoring unlawfully damaged areas in conformance with a restoration plan approved by the applicable department director. The restoration plan shall provide for repair of any environmental and property damage and restoration of the site. The goal of the restoration plan shall be a site condition that, to the greatest extent practical, equals the site condition that would have existed in the absence of the violation. In cases where the violator intentionally or knowingly violated this chapter or has committed previous violations of this chapter, restoration costs may be

based on the City-appraised tree value of the subject trees in which the violation occurred, utilizing the industry standard trunk formula method in the current edition of Guide for Plant Appraisal. If diameter of removed tree is unknown, determination of the diameter size shall be made by the applicable department director by comparing size of stump and species to similar trees in similar growing conditions. The amount of costs above the approved restoration plan will be paid into the City forestry account.

2. Restoration Plan Standards. The restoration plan shall be in accordance to the following standards:

a) The number of trees required to be planted is equal to the number of tree credits of illegally removed trees according to Kirkland Zoning Code Table 95.33.1.

b) The minimum size for a tree planted for restoration is 12-foot-tall conifer and three-inch caliper deciduous or broadleaf evergreen tree. The City may approve smaller restoration tree sizes at a higher restoration ratio, provided the site has capacity for the additional trees and the results of restoration at a higher restoration ratio is as good or better than at the normal ratio. The smallest allowable alternatives to the normal restoration requirements shall be two eight-foot conifers for one 12-foot conifer or two two-inch caliper deciduous for one three-inch caliper deciduous tree.

c) In the event the violators cannot restore the unlawfully removed or damaged trees, the violators shall make payment to the City forestry account. Unless otherwise determined to base the restoration costs on appraised value, the amount paid will be the City's unit cost for a restoration tree multiplied by the number of outstanding tree credits. The City's unit cost is based on the current market cost of purchase, installation and three-year maintenance for a minimum-sized tree for restoration.

d) The restoration plan shall include a maintenance plan and an agreement or security to ensure survival and maintenance of restoration trees for a three-year period unless the violation was on a site with an approved tree plan, in which case the maintenance period is five years.

G. Failure to Restore or Pay Fines.

1. Prohibition of Further Approvals. The City shall not approve any application for a subdivision or any other development permit or approval, or issue a certificate of occupancy for property on which a violation of this chapter has occurred until the violation is cured by restoration or other means accepted by the applicable department director and by payment of any penalty imposed for the violation.

2. Fines. A property owner or occupant who fails to restore or otherwise cure property on which a violation of this chapter has occurred shall be assessed a fine of \$100.00 per day for each day that restoration is incomplete. Prior to assessing fines under this subsection, the City shall issue

a written notice to the property owner or that restoration has not been completed. The notice shall include the following information: (1) a description of the nature of the violation; (2) a description of what actions are required to bring the property into compliance; and (3) a date by which compliance shall be required (the "compliance date"). The compliance date shall be no less than 30 days from the date the notice is served on the property owner or occupant. If the property owner or occupant does not, in the determination of the City, bring the property into compliance by the compliance date, then the City may issue an order imposing \$100.00 per day fines at any time after the compliance date.

1.12.110 Special provisions relating to enforcement of nuisance regulations

A. Upon the discovery of a public nuisance that does not constitute an immediate threat to the public health, welfare or safety (including but not limited to a violation of KMC Chapter 11.24, the applicable department director shall issue an order of abatement to the appropriate responsible parties identifying the nuisance and applicable code section violated, imposing a civil fine of not more than five thousand dollars and the date by which it must be paid, ordering a method of abatement, the date by which abatement must be accomplished, and containing notice of any right of appeal.

B. In case of a failure to abate or to appeal, the applicable department director shall notify the appropriate responsible parties that the city will abate the nuisance, the date abatement will occur, and that the city will assess the cost of abatement and any fine levied jointly and severally against the responsible parties, the subject property or both; provided, that in cases of immediate necessity as determined by the applicable department director, prior notification under this subsection may be dispensed with and the applicable department director shall provide the notice after the abatement has occurred. Such notice shall state the date the abatement occurred, the amount due the city for costs incurred in abating the nuisance, and any fines levied.

C. An order of abatement or any notice required herein shall be served upon the appropriate responsible parties as determined by the applicable department director in the manner set forth in KMC Section 1.12.040.

D. A person may appeal an order of abatement by filing a written notice of appeal with the Department of Planning and Community Development within ten (10) calendar days from the date of service of the notice. Except as otherwise provided in this Section, the appeal hearing shall be held in the manner set forth in KMC Section 1.12.050.

1. The hearing examiner may sustain the order and fine, modify the order and fine or dismiss the order and fine; provided, that whenever the order is sustained or modified, the hearing examiner shall establish a new date for abatement or affirm the original date. When appropriate, the hearing

examiner may also require that the appellant post a bond to secure performance of the abatement by the appellant.

2. A sustained or modified abatement order shall also provide that in the event the appellant does not abate the nuisance by the date provided in the order, the applicable department director may abate the nuisance in any reasonable manner without further notice and that any costs and fines may be satisfied by the sale of any property obtained by the abatement or collected directly from the appellant or other responsible parties previously notified of the order of abatement.

E. Notwithstanding the foregoing, the applicable department director may summarily abate a public nuisance on private property without prior notice using the procedures set forth in Section [11.24.050](#) whenever it is of such character as to constitute an imminent threat to the public health, welfare or safety.

F. At the applicable department director's discretion, the costs of abatement and fines shall be a lien against and collected from the sale of the property constituting the nuisance, the responsible parties, who shall be jointly and severally liable for the costs, or both. The city shall maintain an account of all costs incurred in performing an abatement. In addition to other powers given in this chapter to collect abatement costs, the city attorney may bring suit for recovery of the costs of any abatement in any court of competent jurisdiction, in the name of the city, against the subject property or the responsible parties.



CITY OF KIRKLAND

Fire & Building Department

123 Fifth Avenue, Kirkland, WA 98033 425.587.3000

www.ci.kirkland.wa.us

MEMORANDUM

To: Kurt Triplett, City Manager
Kevin Nalder, Director of Fire and Building

From: Tom Phillips, Building Services Manager

Date: November 21, 2010

Subject: Kirkland Property Maintenance Code Adoption

The City currently regulates the maintenance of houses and other buildings through the Uniform Housing Code (UHC) and the Uniform Code for the Abatement of Dangerous Buildings (UCADB). These codes were last published in 1997 and have been superseded by the International Property Maintenance Code (IPMC). The main difference between the IPMC and the two Uniform codes is that the IPMC also regulates the exterior property as well as the buildings. Kirkland currently regulates some exterior property issues such as garbage, rodents and junk vehicles, but the IPMC goes further. As part of our other efforts to consolidate code enforcement, staff recommends that the Council adopt an amended version of the 2009 IPMC, to be called the Kirkland Property Maintenance Code (KPMC).

This issue was initially discussed at the June 17, 2010 Public Safety Committee meeting. At that meeting, staff presented options for the code adoption. After discussion of the various options, the Committee members asked staff to prepare a recommended version of the KPMC for their review. A draft copy of the KPMC was prepared and given to the Committee members at the October 21st Public Safety Committee meeting for their review and comments.

In the attached draft KPMC, the highlighted yellow portions are areas that are not currently regulated by the City but are recommended by staff. Below is a list of the highlighted areas.

- 21.41.108.1.6** Drug houses to be secured from entry and utilities disconnected.
- 21.41.108.2.2** Describes what materials to use when securing a building.
- 21.41.301.3** Vacant land and structures to be maintained in a clean and safe condition.
- 21.41.302.1** Exterior property to be maintained in a clean and safe condition (same as above).
- 21.41.302.2** Prohibits the accumulation of stagnant water.
- 21.41.302.3** Sidewalks and driveways to kept in good repair and free from hazards.
- 21.41.302.4.1** Limits weeds and grass to 18 inches in height.
- 21.41.302.8** Prohibits inoperable vehicles to be stored outside and prohibits major repairs of vehicles outside.

- 21.41.302.9** Prohibits defacement of property. We currently prohibit graffiti but not other forms of defacement.
- 21.41.304.2** All exterior surfaces of a building to be protected with paint or other protective surface. Decks and fences have been excluded from this requirement in this draft.
- 21.41.304.9** Overhangs, awnings and other projections from buildings must be maintained properly.
- 21.41.304.11** Chimneys and similar structures must have their exposed surfaces protected from the elements.
- 21.41.304.15** Exterior doors to be maintained in good condition.
- 21.41.305.3** Interior surfaces such as doors, walls and windows must be maintained in a good and sanitary condition.
- 21.41.305.4** Interior stairs and walking surfaces to be kept in good repair.
- 21.41.305.6** Interior doors must fit and operate properly.
- 21.41.309** All structures must be kept free from insect and rodent infestation. We currently regulate rodents but not insects.
- 21.41.404.4.3** Every bedroom must have access to a bathroom without passing through another bedroom.
- 21.41.503.1** The exit from a building must not require passage through a bathroom.
- 21.41.503.1** Bathrooms in hotels and dormitories must be accessible from the sleeping rooms without traversing more than one flight of stairs.

Because the KPMC addresses some regulations already in the Kirkland Zoning and Municipal codes, those regulations have been consolidated into the KPMC. To avoid conflicts, those existing regulations are proposed to be repealed by two companion Ordinances that amend the Zoning and Municipal codes. Those regulations affected are listed below.

1. KZC 1.14 (*User Guide*) *Junk and Junk Yards* – no change except refers to KMC 21.41.308 Rubbish, junk and garbage
2. KZC 5.447 *Junk definition* deleted - relocated to KPMC 21.41.201
3. KZC 5.448 *Junkyard definition* deleted – no longer needed, junkyards are not allowed in Kirkland
4. KZC 115.70 *Junk and Junk Yards Prohibited* deleted – regulated by KPMC 21.41.308
5. KMC 9.04 *Rodent Control* deleted – relocated to KPMC 21.41.302.5
6. KMC 9.12 *Control of Vegetation* deleted- relocated to KPMC 21.41.302.4
7. KMC 21.12 *Uniform Housing Code* deleted - provisions now in KPMC
8. KMC 21.39 *Uniform Code for the Abatement of Dangerous Buildings* deleted - provisions now in KPMC

Kirkland Property Maintenance Code Draft 11-16-2010

CHAPTER 1 ADMINISTRATION

- Section
- 21.41.101 General
- 21.41.102 Applicability
- 21.41.103 Department of Property Maintenance Inspection
- 21.41.104 Duties and Powers of the Code Official
- 21.41.105 Approval
- 21.41.106 Violations
- 21.41.107 Notices and Orders
- 21.41.108 Unsafe Structures and Equipment
- 21.41.109 Emergency Measures
- 21.41.110 Demolition
- 21.41.111 Means of Appeal
- 21.41.112 Stop Work Order

CHAPTER 2 DEFINITIONS

- Section
- 21.41.201 General
- 21.41.202 General Definitions

CHAPTER 3 GENERAL REQUIREMENTS

- Section
- 21.41.301 General
- 21.41.302 Exterior Property Areas
- 21.41.303 Swimming Pools, Spas and Hot Tubs
- 21.41.304 Exterior Structure
- 21.41.305 Interior Structure
- 21.41.306 Component Serviceability
- 21.41.307 Handrails and Guardrails
- 21.41.308 Rubbish and Garbage
- 21.41.309 Pest Elimination

CHAPTER 4 LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

- Section
- 21.41.401 General
- 21.41.402 Light
- 21.41.403 Ventilation
- 21.41.404 Occupancy Limitations

CHAPTER 5 PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

- Section
- 21.41.501 General
- 21.41.502 Required Facilities
- 21.41.503 Toilet Rooms
- 21.41.504 Plumbing Systems and Fixtures
- 21.41.505 Water System
- 21.41.506 Sanitary Drainage System
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CHAPTER 6 MECHANICAL AND ELECTRICAL REQUIREMENTS

Section	
21.41.601	General
21.41.602	Heating Facilities
21.41.603	Mechanical Equipment
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21.41.605	Electrical Equipment
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CHAPTER 7 FIRE SAFETY REQUIREMENTS

Section	
21.41.701	General
21.41.702	Means of Egress
21.41.703	Fire-resistance Ratings
21.41.704	Fire Protection Systems

CHAPTER 8 REFERENCED STANDARDS

APPENDIX A BOARDING STANDARD

Section	
21.41.A 101	General
21.41.A102	Materials
21.41.A 103	Installation

CHAPTER 1 SCOPE AND ADMINISTRATION

SECTION 21.41.101: GENERAL

21.41.101.1 Title. These regulations shall be known as the Kirkland *Property Maintenance*, hereinafter referred to as “this code.”

21.41.101.2 Scope. The provisions of this code shall apply to all existing residential and nonresidential structures and all existing *premises* and constitute minimum requirements and standards for *premises*, structures, equipment and facilities for light, *ventilation*, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of *owners*, *operators* and *occupants*; the *occupancy* of existing structures and *premises*, and for administration, enforcement and penalties.

21.41.101.3 Intent. This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued *occupancy* and maintenance of structures and *premises*. Existing structures and *premises* that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

21.41.101.4 Severability. If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 21.41.102: APPLICABILITY

21.41.102.1 General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

21.41.102.2 Maintenance. Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the structure or *premises* was constructed, altered or repaired shall be maintained in good working order. No *owner*, *operator* or *occupant* shall cause any service, facility, equipment or utility which is required under this section to be removed from or shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the *owner* or the *owner's* designated agent shall be responsible for the maintenance of buildings, structures and *premises*.

21.41.102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of *occupancy*, shall be done in accordance with the procedures and provisions of the Kirkland Municipal Code and the Kirkland Zoning Code.

21.41.102.4 Existing remedies. The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe and insanitary.

21.41.102.5 Workmanship. Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a *workmanlike* manner and installed in accordance with the manufacturer's installation instructions.

21.41.102.6 Historic buildings. The provisions of this code shall not be mandatory for existing buildings or structures designated as historic buildings, as defined in the International Existing Building Code, when such buildings or structures are judged by the *code official* to be safe and in the public interest of health, safety and welfare.

21.41.102.7 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 8 and considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

Exception: Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing shall apply.

21.41.102.8 Requirements not covered by code. Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the *code official*.

21.41.102.9 Application of references. References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

21.41.102.10 Other laws. The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

SECTION 21.41.103: PROPERTY MAINTENANCE INSPECTION

21.41.103.1 General. The code official is hereby authorized and directed to enforce the provisions of this code. The code official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

21.41.103.4 Liability. The *code official*, hearing examiner or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties. Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The *code official* or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code.

21.41.103.5 Fees. The fees for activities and services performed by the code official in carrying out the responsibilities under this code shall be as adopted by the Kirkland City Council.

21.41.104.2 Inspections. The *code official* is authorized to make all of the required inspections, or accept reports of inspection by *approved* agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such *approved* agency or by the responsible individual. The *code official* is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

21.41.104.3 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or whenever the *code official* has reasonable cause to believe that there exists in a *structure* or upon a *premises* a condition in violation of this code, the *code official* is authorized to enter the *structure* or *premises* at reasonable times to inspect or perform the duties imposed by this code, provided that if such *structure* or *premises* is occupied the *code official* shall present credentials to the *occupant* and request entry. If such *structure* or *premises* is unoccupied, the *code official* shall first make a reasonable effort to locate the *owner* or other person having charge or control of the *structure* or *premises* and request entry. If entry is refused, the *code official* shall have recourse to the remedies provided by law to secure entry.

21.41.104.4 Identification. The *code official* shall carry proper identification when inspecting *structures* or *premises* in the performance of duties under this code.

21.41.104.5 Notices and orders. The *code official* shall issue all necessary notices or orders to ensure compliance with this code.

21.41.104.6 Department records. The *code official* shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained in the official records for the period required for retention of public records.

SECTION 21.41.105: APPROVAL

21.41.105.1 Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this code, the *code official* shall have the authority to grant modifications for individual cases upon application of the *owner* or *owner's* representative, provided the *code official* shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.

21.41.105.2 Alternative materials, methods and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been *approved*. An alternative material or method of construction shall be *approved* where the *code official* finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

21.41.105.3 Required testing. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the *code official* shall have the authority to require tests to be made as evidence of compliance at no expense to the jurisdiction.

21.41.105.3.1 Test methods. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the *code official* shall be permitted to approve appropriate testing procedures performed by an *approved* agency.

21.41.105.3.2 Test reports. Reports of tests shall be retained by the *code official* for the period required for retention of public records.

21.41.105.4 Used material and equipment. The use of used materials which meet the requirements of this code for new materials is permitted. Materials, equipment and devices shall not be reused unless such elements are in

good repair or have been reconditioned and tested when necessary, placed in good and proper working condition and *approved* by the *code official*.

21.41.105.5 Approved materials and equipment. Materials, equipment and devices *approved* by the *code official* shall be constructed and installed in accordance with such approval.

21.41.105.6 Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from *approved* sources.

SECTION 21.41.106: CODE ENFORCEMENT

21.41.106.1 Enforcement. Enforcement of any violation of this code shall be conducted in accordance with procedures set forth in KMC 1.12.**SECTION 21.41.107: NOTICES AND ORDERS (Condemnation and Demolition)**

21.41.107.1 Notice to person responsible. Whenever the *code official* is required to provide notice per Section 21.41.108.3 or Section 21.41.110.2, notice shall be given in the manner prescribed in Sections 21.41.107.2 and 21.41.107.3 to the person responsible for the violation as specified in this code.

21.41.107.2 Form. Such notice prescribed in Section 21.41.107.1 shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the *dwelling unit* or structure into compliance with the provisions of this code.
5. Inform the property *owner* of the right to appeal.
6. Include a statement of the right to file a lien in accordance with Section 21.41.106.3.

21.41.107.3 Method of service. Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally;
2. Sent by certified or first-class mail addressed to the last known address; or
3. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

21.41.107.4 Unauthorized tampering. Signs, tags or seals posted or affixed by the *code official* shall not be mutilated, destroyed or tampered with, or removed without authorization from the *code official*.

21.41.107.5 Penalties. Penalties for noncompliance with orders and notices shall be as set forth in Section 21.41.106.4.

21.41.107.6 Transfer of ownership. It shall be unlawful for the *owner* of any *dwelling unit* or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such *dwelling unit* or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such *owner* shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the *code official* and shall furnish to the *code official* a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

21.41.1107.7 Means of appeal. Any person directly affected by a decision of the *code official* or a notice or order issued under this Section shall have the right to appeal as set forth in KMC 1.12.

SECTION 21.41.108: UNSAFE STRUCTURES AND EQUIPMENT

21.41.108.1 General. When a structure or equipment is found by the *code official* to be unsafe, or when a structure is found unfit for human *occupancy*, or is found unlawful, the code official is authorized to condemn such structure pursuant to the provisions of this code.

21.41.108.1.1 Unsafe structures. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the *occupants* of the structure by not providing minimum safeguards to protect or warn *occupants* in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

21.41.108.1.2 Unsafe equipment. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the *premises* or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or *occupants* of the *premises* or structure.

21.41.108.1.3 Structure unfit for human occupancy. A structure is unfit for human *occupancy* whenever the *code official* finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks *ventilation*, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the *occupants* of the structure or to the public.

21.41.108.1.4 Unlawful structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.

21.41.108.1.5 Dangerous structure or premises. For the purpose of this code, any structure or *premises* that has any or all of the conditions or defects described below shall be considered dangerous:

1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the *approved* building or fire code of the jurisdiction as related to the requirements for existing buildings.
2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
3. Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, *deterioration*, *neglect*, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become *detached* or dislodged.
4. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so *anchored*, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.
5. The building or structure, or part of the building or structure, because of dilapidation, *deterioration*, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.
6. The building or structure, or any portion thereof, is clearly unsafe for its use and *occupancy*.
7. The building or structure is *neglected*, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their

- danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.
8. Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the *approved* building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.
 9. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, *ventilation*, mechanical or plumbing system, or otherwise, is determined by the *code official* to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
 10. Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the *code official* to be a threat to life or health.
 11. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

21.41.108.1.6 Drug Properties and Structures. It is hereby declared that any building, structure and/or associated property wherein or upon which the manufacture, distribution, production or storage of illegal drugs or the precursors to create illegal drugs has taken place in a manner which could endanger the public, such building, structure and/or associated property is not only a dangerous property but is also of a classification of property calling for the special procedures set forth in this section. The *code official* is authorized to abate such dangerous buildings, structures and/or associated properties in accordance with the dangerous building procedures set forth in such code, with the following modifications:

1. Due to public safety hazard in drug-production facilities, the utilities shall be disconnected;
2. Building(s) and structures will be inspected to determine compliance with all city ordinances and codes;
3. Building(s) and any entry gates to the property will be secured against entry.

No reconnection of utilities or re-occupancy of the building(s), structures or property shall be allowed until all violations have been remedied, and all dangerous conditions abated to the satisfaction of the *code official* and a notice of release for re-occupancy has been received from the health department

21.41.108.2 Closing of vacant structures. If the structure is vacant and unfit for human habitation and *occupancy*, and is not in danger of structural collapse, the *code official* is authorized to post a placard of condemnation on the *premises* and order the structure closed up so as not to be an attractive nuisance. Upon failure of the *owner* to close up the *premises* within the time specified in the order, the *code official* shall cause the *premises* to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.

21.41.108.2.1 Authority to disconnect service utilities. The *code official* shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in Section 21.41.102.7 in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without approval. The *code official* shall notify the serving utility and, whenever possible, the *owner* and *occupant* of the building, structure or service system of the decision to disconnect prior to taking such

action. If not notified prior to disconnection the *owner* or *occupant* of the building structure or service system shall be notified in writing as soon as practical thereafter.

21.41.108.2.2. Standards for securing buildings. To secure a building, all doors, window openings, or other openings on floors accessible from grade shall be closed and locked, or shuttered to prevent third party entry. If openings are damaged so they cannot be secured using normal building amenities, they shall be secured by covering with 7/16 inch minimum thickness structural panel cut to fit over the building opening and secured with #10 wood screws with fender washers. The screws shall penetrate the wood framing by a minimum of 1-1/4 inches and the screws shall be spaced around the perimeter of the opening at no less than 12 inches on center.

21.41.108.3 Notice. Whenever the *code official* has *condemned* a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the *owner* or the person or persons responsible for the structure or equipment in accordance with Section 21.41.107.3. If the notice pertains to equipment, it shall also be placed on the *condemned* equipment. The notice shall be in the form prescribed in Section 21.41.107.2.

21.41.108.4 Placarding. Upon failure of the *owner* or person responsible to comply with the notice provisions within the time given, the *code official* is authorized to post on the *premises* or on defective equipment a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the *premises*, operating the equipment or removing the placard.

21.41.108.4.1 Placard removal. The *code official* shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the *code official* shall be subject to the penalties provided by this code.

21.41.108.5 Prohibited occupancy. Any occupied structure *condemned* and placarded by the *code official* shall be vacated as ordered by the *code official*. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any *owner* or any person responsible for the *premises* who shall let anyone occupy a placarded *premises* or operate placarded equipment shall be liable for the penalties provided by this code.

21.41.108.6 Abatement methods. The *owner*, *operator* or *occupant* of a building, *premises* or equipment deemed unsafe by the *code official* shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other *approved* corrective action.

21.41.108.7 Record. The *code official* shall have authority to cause a report to be filed on an unsafe condition. The report shall state the *occupancy* of the structure and the nature of the unsafe condition.

SECTION 21.41.109: EMERGENCY MEASURES

21.41.109.1 Imminent danger. When, in the opinion of the *code official*, there is *imminent danger* of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building *occupants* or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the *code official* is hereby authorized and empowered to order and require the *occupants* to vacate the *premises* forthwith. The *code official* is authorized to cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official." It shall be unlawful for any person

to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

21.41.109.2 Temporary safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the *code official*, there is *imminent danger* due to an unsafe condition, the *code official* is authorized to order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the *code official* deems necessary to meet such emergency.

21.41.109.3 Closing streets. When necessary for public safety, the *code official is authorized to* temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, *public ways* and places adjacent to unsafe structures, and prohibit the same from being utilized.

21.41.109.4 Emergency repairs. For the purposes of this section, the *code official is authorized to* employ the necessary labor and materials to perform the required work as expeditiously as possible.

21.41.109.5 Costs of emergency repairs. Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction is authorized to institute appropriate action against the *owner* of the *premises* where the unsafe structure is or was located for the recovery of such costs.

21.41.109.6 Hearing. Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the hearing examiner, be afforded a hearing as set forth in KMC Chapter 1.12.

SECTION 21.41.110: DEMOLITION

21.41.110.1 General. The *code official is authorized to* order the *owner* of any *premises* upon which is located any structure, which in the *code official* judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the *owner's* option; or where there has been a cessation of normal construction of any structure for a period of more than two years, the *code official is authorized to* order the *owner* to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond one year, unless *approved* by the building official.

21.41.110.2 Notices and orders. All notices and orders shall comply with Section 21.41.107.

21.41.110.3 Failure to comply. If the *owner* of a *premises* fails to comply with a demolition order within the time prescribed, the *code official is authorized to* cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

21.41.110.4 Salvage materials. When any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

SECTION 21.41.112: STOP WORK ORDER

21.41.112.1 Authority. Whenever the *code official* finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the *code official* is authorized to issue a stop work order.

21.41.112.2 Issuance. A stop work order shall be in writing and shall be given to the *owner* of the property, to the *owner's* agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.

21.41.112.3 Emergencies. Where an emergency exists, the *code official* shall not be required to give a written notice prior to stopping the work.

21.41.112.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be deemed guilty of a misdemeanor or civil violation in accordance with KMC 1.12 and the violation shall be deemed a *strict liability offense*.

CHAPTER 2 DEFINITIONS

SECTION 21.41.201: GENERAL

21.41.201.1 Scope. Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.

21.41.201.2 Interchangeability. Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

21.41.201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the *International Building Code*, *International Residential Code*, *International Fire Code*, *Kirkland Zoning Code*, *Uniform Plumbing Code*, *International Mechanical Code* or *NFPA 70*, such terms shall have the meanings ascribed to them as stated in those codes.

21.41.201.4 Terms not defined. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

21.41.201.5 Parts. Whenever the words "*dwelling unit*," "*dwelling*," "*premises*," "*building*," "*rooming house*," "*rooming unit*," "*housekeeping unit*" or "*story*" are stated in this code, they shall be construed as though they were followed by the words "or any part thereof."

SECTION 21.41.202: GENERAL DEFINITIONS

ANCHORED. Secured in a manner that provides positive connection.

APPROVED. *Approved by the code official.*

BASEMENT. That portion of a building which is partly or completely below grade.

BATHROOM. A room containing plumbing fixtures including a bathtub or shower.

BEDROOM. Any room or space used or intended to be used for sleeping purposes in either a dwelling or *sleeping unit*.

CODE OFFICIAL. The official who is charged with the administration and enforcement of this code or portion of this code, or any duly authorized representative.

CONDEMN. To adjudge unfit for *occupancy*.

DETACHED. When a structural element is physically disconnected from another and that connection is necessary to provide a positive connection.

DETERIORATION. To weaken, disintegrate, corrode, rust or decay and lose effectiveness.

[B] DWELLING UNIT. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

EASEMENT. That portion of land or property reserved for present or future use by a person or agency other than the legal fee *owner(s)* of the property. The *easement* shall be permitted to be for use under, on or above a said lot or lots.

EQUIPMENT SUPPORT. Those structural members or assemblies of members or manufactured elements, including braces, frames, lugs, snuggers, hangers or saddles, that transmit gravity load, lateral load and operating load between the equipment and the structure.

EXTERIOR PROPERTY. The open space on the *premises* and on adjoining property under the control of *owners* or *operators* of such *premises*.

GARBAGE. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

Graffiti. Unauthorized markings, visible from premises open to the public, that have been placed upon any property through the use of paint, ink, dye or any other substance capable of marking property.

GUARD. A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

HABITABLE SPACE. Space in a structure for living, sleeping, eating or cooking. *Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas* are not considered *habitable spaces*.

HOUSEKEEPING UNIT. A room or group of rooms forming a single *habitable space* equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

HISTORIC BUILDING. Any building or structure that is listed in the State or National Register of Historic Places; designated as a historic property under local or state designation law or survey; certified as a contributing resource within a National Register listed or locally designated historic district; or with an opinion or certification that the property is eligible to be listed on the National or State Register of Historic Places either individually or as a contributing building to a historic district by the State Historic Preservation Officer or the Keeper of the National Register of Historic.

IMMINENT DANGER. A condition which could cause serious or life-threatening injury or death at any time.

INFESTATION. The presence, within or contiguous to, a structure or *premises* of insects, rats, vermin or other pests.

INOPERABLE MOTOR VEHICLE. A vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

Junk. Old or scrap copper; brass; rope; rags; batteries; paper; trash; rubber debris; wastes; machinery; scrap wood; junked, dismantled or wrecked automobiles, or parts thereof; iron; steel; and other old or scrap ferrous or nonferrous material.

LABELED. Equipment, materials or products to which have been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above *labeled* items and whose labeling indicates either that the equipment, material or product meets identified standards or has been tested and found suitable for a specified purpose.

LET FOR OCCUPANCY OR LET. To permit, provide or offer possession or *occupancy* of a dwelling, *dwelling unit*, *rooming unit*, building, premise or structure by a person who is or is not the legal *owner* of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

NEGLECT. The lack of proper maintenance for a building or *structure*.

OCCUPANCY. The purpose for which a building or portion thereof is utilized or occupied.

OCCUPANT. Any individual living or sleeping in a building, or having possession of a space within a building.

OPENABLE AREA. That part of a window, skylight or door which is available for unobstructed *ventilation* and which opens directly to the outdoors.

OPERATOR. Any person who has charge, care or control of a structure or *premises* which is let or offered for *occupancy*.

OWNER. Any person, agent, *operator*, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PERSON. An individual, corporation, partnership or any other group acting as a unit.

PEST ELIMINATION. The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food or water; by other *approved pest elimination* methods.

PREMISES. A lot, plot or parcel of land, *easement* or *public way*, including any structures thereon.

PUBLIC WAY. Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

ROOMING HOUSE. A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

ROOMING UNIT. Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

RUBBISH. Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, *yard* trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

SLEEPING UNIT. A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a *dwelling unit* are not *sleeping units*.

STRICT LIABILITY OFFENSE. An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

STRUCTURE. That which is built or constructed or a portion thereof.

TENANT. A person, corporation, partnership or group, whether or not the legal *owner* of record, occupying a building or portion thereof as a unit.

TOILET ROOM. A room containing a water closet or urinal but not a bathtub or shower.

ULTIMATE DEFORMATION. The deformation at which failure occurs and which shall be deemed to occur if the sustainable load reduces to 80 percent or less of the maximum strength.

VENTILATION. The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

WORKMANLIKE. Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

YARD. An open space on the same lot with a structure.

CHAPTER 3 GENERAL REQUIREMENTS

SECTION 21.41.301: GENERAL

21.41.301.1 Scope. The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and *exterior property*.

21.41.301.2 Responsibility. The *owner* of the *premises* shall maintain the structures and *exterior property* in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy *premises* which are not in a sanitary and safe condition and

which do not comply with the requirements of this chapter. *Occupants* of a *dwelling unit, rooming unit or housekeeping unit* are responsible for keeping in a clean, sanitary and safe condition that part of the *dwelling unit, rooming unit, housekeeping unit or premises* which they occupy and control.

21.41.301.3 Vacant structures and land. All vacant structures and *premises* thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

SECTION 21.41.302: EXTERIOR PROPERTY AREAS

21.41.302.1 Sanitation. All *exterior property* and *premises* shall be maintained in a clean, safe and sanitary condition. The *occupant* shall keep that part of the *exterior property* which such *occupant* occupies or controls in a clean and sanitary condition.

21.41.302.2 Grading and drainage. All *premises* shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

Exception: *Approved* retention areas and reservoirs.

21.41.302.3 Sidewalks and driveways. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

21.41.302.4 Control of overgrown vegetation. Overgrown vegetation shall comply with 21.41.302.4.1 and 21.41.302.4.2.

21.41.302.4.1 Removal of overhanging vegetation and fire hazards.

(a) The owner of any property in the city shall remove or destroy, in a manner permitted by law, all vegetation or parts thereof that overhang or are growing on any sidewalk or street in a manner that obstructs or impairs the free and full use of the sidewalk or street by the public. Prior authorization is required from the city to the extent pruning or removal of trees is required.

(b) The owner of any property in the city shall remove or destroy, in a manner permitted by law, all vegetation growing or which has grown and died or debris upon property owned or occupied by them that is a fire hazard or a menace to public health, safety or welfare. Such work, when proposed in a critical area or its buffer, requires prior approval from the department of planning and community development. Prior authorization also is required from the city to the extent pruning or removal of trees is required.

21.41.302.4.2 Weeds and grass. All *premises* and *exterior property* shall be maintained free from weeds and grass in excess of 18 inches.

Upon failure to comply with this section, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds or plants growing thereon that are over 18 inches tall, and the costs of such removal shall be paid by the *owner* or agent responsible for the property.

21.41.302.5 Duty to keep buildings and premises free of rodents—Right of entry for inspection.

The owner or occupant of real property shall keep all buildings and premises free from rats, mice and other rodents, to the extent reasonably possible, as determined by the building official. A property owner or occupant shall take all necessary measures to ensure that rats, mice or other rodents do not come into contact with food, food products, goods or merchandise. Subject to applicable constitutional and statutory constraints on entry, the building official or his appointed representative shall be permitted access to property or buildings for the purpose of ascertaining the presence of rats, mice and other rodents.

21.41.302.5.1 Duty to eradicate rodent infestation.

If rat, mice or other rodent infestation occurs, a property owner or occupant shall take all necessary measures to eradicate the infestation and prevent future infestation. In addition, the owner or occupant of the property shall perform all eradication measures as reasonably required by the building official. The provisions of this section shall not apply to wetlands, unimproved parks, greenbelts or other unimproved property if the property owner or occupant has not committed any acts or omissions that increase the likelihood of rat, mice or other rodent infestation.

21.41.302.5.2 Rat baiting.

All applicants for a demolition or a land surface modification permit and those persons undertaking a land clearing project shall initiate a rat baiting program on the project site at least fifteen days prior to the start of demolition, clearing or land surface modification activity. The baiting program must continue at least until the project begins, however, no demolition, clearing or land surface modification work shall commence until all significant rat activity has been abated even if it has been fifteen or more days since the initiation of the rat baiting program, unless approved by the building official. The rat baiting program shall be approved by a qualified pest control agent and be consistent with the Seattle-King County Health Department guidelines and recommendations for rat baiting. The use of any pesticides shall fully comply with WAC 162-28-1380. The building official shall not issue or deliver any demolition or land surface modification permit, nor shall any land clearing begin, until the applicant has filed with the city a copy of the rat baiting program and a declaration, under penalty of perjury, that the requirements of this section have been complied with. The rat baiting program may be terminated at any time, due to the lack of rat activity, upon a written recommendation of the pest control agent or upon approval of the building official, however, the program must be reinstated upon discovery of additional rat activity by the pest control agent or the building official and all work may be required to be stopped until the additional rat activity has been abated as determined in writing by the pest control or upon approval of the building official. At the discretion of the building official, a project unlikely to disturb a nesting place of rats may be exempted from the requirements of this section.

21.41.302.6 Exhaust vents. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another *tenant*.

21.41.302.7 Accessory structures. All accessory structures, including *detached* garages, fences and walls, shall be maintained structurally sound and in good repair.

21.41.302.8 Motor vehicles. Except as provided for in other regulations, no inoperative motor vehicle shall be parked, kept or stored on any *premises*, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an *approved* spray booth.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and *approved* for such purposes.

21.41.302.9 Defacement of property. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

It shall be the responsibility of the *owner* to restore said surface to an *approved* state of maintenance and repair.

SECTION 21.41.303: SWIMMING POOLS, SPAS AND HOT TUBS

21.41.303.1 Swimming pools. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

21.41.303.2 Enclosures. Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Exception: Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

SECTION 321.41.04: EXTERIOR STRUCTURE

21.41.304.1 General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

21.41.304.1.1 Unsafe conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code* or the *International Existing Building Code* as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The *anchorage* of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;
5. Structural members that have evidence of *deterioration* or that are not capable of safely supporting all nominal loads and load effects;
6. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects;
7. Exterior walls that are not *anchored* to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects;
8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of *deterioration*, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;
9. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of *deterioration* or fatigue, are not properly *anchored* or are incapable of supporting all nominal loads and resisting all load effects;
10. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects;
11. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects;
12. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including *guards* and handrails, are not structurally sound, not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects; or

13. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly *anchored*, or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. When substantiated otherwise by an *approved* method.
2. Demolition of unsafe conditions shall be permitted when *approved* by the *code official*.

21.41.304.2 Protective treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, shall be maintained in good condition. Exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion.

21.41.304.3 Premises identification. Buildings shall have *approved* address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm).

Exception: Buildings constructed under the International Residential Code, prior to July 1, 2010 are permitted to have the address number size be a minimum of 3" high.

21.41.304.4 Structural members. All structural members shall be maintained free from *deterioration*, and shall be capable of safely supporting the imposed dead and live loads.

21.41.304.5 Foundation walls. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

21.41.304.6 Exterior walls. All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent *deterioration*.

21.41.304.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or *deterioration* in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged directly onto any other private property, public right of way or in a manner that creates a public nuisance.

21.41.304.8 Decorative features. All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

21.41.304.9 Overhang extensions. All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly *anchored* so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

21.41.304.10 Stairways, decks, porches and balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

21.41.304.11 Chimneys and towers. All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment.

21.41.304.12 Handrails and guards. Every handrail and *guard* shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

21.41.304.13 Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

21.41.304.13.1 Glazing. All glazing materials shall be maintained free from cracks and holes.

21.41.304.13.2 Openable windows. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

21.41.304.15 Doors. All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to *dwelling units* and *sleeping units* shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 21.41.702.3.

SECTION 21.41.305: INTERIOR STRUCTURE

21.41.305.1 General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. *Occupants* shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every *owner* of a structure containing a *rooming house*, *housekeeping units*, a hotel, a dormitory, two or more *dwelling units* or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and *exterior property*.

21.41.305.1.1 Unsafe conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code* or the *International Existing Building Code* as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. Structural members are incapable of supporting nominal loads and load effects;
5. Stairs, landings, balconies and all similar walking surfaces, including *guards* and handrails, are not structurally sound, not properly *anchored* or are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects;
6. Foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. When substantiated otherwise by an *approved* method.
2. Demolition of unsafe conditions shall be permitted when *approved* by the *code official*.

21.41.305.2 Structural members. All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

21.41.305.3 Interior surfaces. All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood, mold and other defective surface conditions shall be corrected.

21.41.305.4 Stairs and walking surfaces. Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

21.41.305.5 Handrails and guards. Every handrail and *guard* shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

21.41.305.6 Interior doors. Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

SECTION 21.41.306: COMPONENT SERVICEABILITY

21.41.306.1 General. The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition.

21.41.306.1.1 Unsafe conditions. Where any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code* as required for existing buildings:

1. Soils that have been subjected to any of the following conditions:
 - 1.1. Collapse of footing or foundation system;
 - 1.2. Damage to footing, foundation, concrete or other structural element due to soil expansion;
 - 1.3. Adverse effects to the design strength of footing, foundation, concrete or other structural element due to a chemical reaction from the soil;
 - 1.4. Inadequate soil as determined by a geotechnical investigation;
 - 1.5. Where the allowable bearing capacity of the soil is in doubt; or
 - 1.6. Adverse effects to the footing, foundation, concrete or other structural element due to the ground water table.
2. Concrete that has been subjected to any of the following conditions:
 - 2.1. *Deterioration*;
 - 2.2. *Ultimate deformation*;
 - 2.3. Fractures;
 - 2.4. Fissures;
 - 2.5. Spalling;
 - 2.6. Exposed reinforcement; or
 - 2.7. *Detached*, dislodged or failing connections.
3. Aluminum that has been subjected to any of the following conditions:
 - 3.1. *Deterioration*;
 - 3.2. Corrosion;
 - 3.3. Elastic deformation;
 - 3.4. *Ultimate deformation*;
 - 3.5. Stress or strain cracks;
 - 3.6. Joint fatigue; or
 - 3.7. *Detached*, dislodged or failing connections.
4. Masonry that has been subjected to any of the following conditions:
 - 4.1. *Deterioration*;

- 4.2. *Ultimate deformation*;
- 4.3. Fractures in masonry or mortar joints;
- 4.4. Fissures in masonry or mortar joints;
- 4.5. Spalling;
- 4.6. Exposed reinforcement; or
- 4.7. *Detached*, dislodged or failing connections.
- 5. Steel that has been subjected to any of the following conditions:
 - 5.1. *Deterioration*;
 - 5.2. Elastic deformation;
 - 5.3. *Ultimate deformation*;
 - 5.4. Metal fatigue; or
 - 5.5. *Detached*, dislodged or failing connections.
- 6. Wood that has been subjected to any of the following conditions:
 - 6.1. *Ultimate deformation*;
 - 6.2. *Deterioration*;
 - 6.3. Damage from insects, rodents and other vermin;
 - 6.4. Fire damage beyond charring;
 - 6.5. Significant splits and checks;
 - 6.6. Horizontal shear cracks;
 - 6.7. Vertical shear cracks;
 - 6.8. Inadequate support;
 - 6.9. *Detached*, dislodged or failing connections; or
 - 6.10. Excessive cutting and notching.

Exceptions:

- 1. When substantiated otherwise by an *approved* method.
- 2. Demolition of unsafe conditions shall be permitted when *approved* by the *code official*.

SECTION 21.41.307: HANDRAILS AND GUARDRAILS

21.41.307.1 General. Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have *guards*. Handrails shall not be less than 30 inches (762 mm) high or more than 42 inches (1067 mm) high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. *Guards* shall not be less than 30 inches (762 mm) high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

Exception: *Guards and handrails* shall not be required where exempted by the adopted building code.

SECTION 21.41.308: RUBBISH, JUNK AND GARBAGE

21.41.308.1 Accumulation of rubbish, junk or garbage. All *exterior property* and *premises*, and the interior of every structure, shall be free from any accumulation of *rubbish, junk* or garbage.

21.41.308.2 Disposal of rubbish and garbage. Every *occupant* of a structure shall dispose of all *rubbish and garbage* in a clean and sanitary manner by placing such *rubbish and garbage* in *approved* containers as set forth in Chapter 16.08.

21.41.308.2.1 Rubbish storage facilities. The *owner* of every occupied *premises* shall supply *approved* covered containers for *rubbish and garbage*, and the *owner* of the *premises* shall be responsible for the removal of *rubbish and garbage*.

21.41.308.2.2 Refrigerators. Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on *premises* without first removing the doors and are defined as a public nuisance as set forth in Chapter 11.24.

SECTION 21.41.309: PEST ELIMINATION

21.41.309.1 Infestation. All structures shall be kept free from insect and rodent *infestation*. All structures in which insects or rodents are found shall be promptly exterminated by *approved* processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

21.41.309.2 Owner. The *owner* of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.

21.41.309.3 Single occupant. The *occupant* of a one-family dwelling or of a single-*tenant* nonresidential structure shall be responsible for extermination on the *premises*.

21.41.309.4 Multiple occupancy. The *owner* of a structure containing two or more *dwelling units*, a multiple *occupancy*, a *rooming house* or a nonresidential structure shall be responsible for extermination in the public or shared areas of the structure and *exterior property*. If *infestation* is caused by failure of an *occupant* to prevent such *infestation* in the area occupied, the *occupant* and *owner* shall be responsible for extermination.

21.41.309.5 Occupant. The *occupant* of any structure shall be responsible for the continued rodent and pest-free condition of the structure.

Exception: Where the *infestations* are caused by defects in the structure, the *owner* shall be responsible for extermination.

CHAPTER 4 LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

SECTION 21.41.401: GENERAL

21.41.401.1 Scope. The provisions of this chapter shall govern the minimum conditions and standards for light, *ventilation* and space for occupying a structure.

21.41.401.2 Responsibility. The *owner* of the structure shall provide and maintain light, *ventilation* and space conditions in compliance with these requirements. A person shall not occupy as *owner-occupant*, or permit another person to occupy, any *premises* that do not comply with the requirements of this chapter.

21.41.401.3 Alternative devices. In lieu of the means for natural light and *ventilation* herein prescribed, artificial light or mechanical *ventilation* complying with the *International Building Code* or *International Residential Code* shall be permitted.

SECTION 21.41.402: LIGHT

21.41.402.1 Habitable spaces. Every *habitable space* shall have at least one window of *approved* size facing directly to the outdoors or to a court. The minimum total glazed area for every *habitable space* shall be 8 percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet (914 mm) from the window and extend to a level above that of the

ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

Exception: Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m²). The exterior glazing area shall be based on the total floor area being served.

21.41.402.2 Common halls and stairways. Every common hall and stairway in residential occupancies, other than in one- and two family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb for each 200 square feet (19 m²) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9144 mm). In other than residential occupancies, means of egress, including exterior means of egress, stairways shall be illuminated at all times the building space served by the means of egress is occupied with a minimum of 1 foot candle (11 lux) at floors, landings and treads.

21.41.402.3 Other spaces. All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe *occupancy* of the space and utilization of the appliances, equipment and fixtures.

SECTION 21.41.403: VENTILATION

21.41.403.1 Habitable spaces. Every *habitable space* shall have at least one openable window. The total openable area of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in Section 21.41.402.1.

Exception: Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m²). The *ventilation* openings to the outdoors shall be based on a total floor area being ventilated.

21.41.403.2 Bathrooms and toilet rooms. Every *bathroom* and *toilet room* shall comply with the *ventilation* requirements for *habitable spaces* as required by Section 21.41.403.1, except that a window shall not be required in such spaces equipped with a mechanical *ventilation* system. Air exhausted by a mechanical *ventilation* system from a *bathroom* or *toilet room* shall discharge to the outdoors and shall not be recirculated.

21.41.403.3 Cooking facilities. Unless *approved* through the certificate of *occupancy*, cooking shall not be permitted in any *rooming unit* or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in the *rooming unit* or dormitory unit.

Exceptions:

1. Where specifically *approved* in writing by the *code official*.
2. Devices such as coffee pots and microwave ovens shall not be considered cooking appliances.

21.41.403.4 Process ventilation. Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust *ventilation* system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.

21.41.403.5 Clothes dryer exhaust. Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted outside the structure in accordance with the manufacturer's instructions.

Exception: Listed and *labeled* condensing (ductless) clothes dryers.

SECTION 21.41.404: OCCUPANCY LIMITATIONS

21.41.404.1 Privacy. *Dwelling units*, hotel units, *housekeeping units*, *rooming units* and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

21.41.404.2 Minimum room widths. A habitable room, other than a kitchen, shall not be less than 7 feet (2134 mm) in any plan dimension. Kitchens shall have a clear passageway of not less than 3 feet (914 mm) between counter fronts and appliances or counter fronts and walls.

21.41.404.3 Minimum ceiling heights. *Habitable spaces*, hallways, corridors, laundry areas, *bathrooms*, *toilet rooms* and habitable *basement* areas shall have a clear ceiling height of not less than 7 feet (2134 mm).

Exceptions:

1. In one- and two-family dwellings, beams or girders spaced not less than 4 feet (1219 mm) on center and projecting not more than 6 inches (152 mm) below the required ceiling height.
2. *Basement* rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than 6 feet 8 inches (2033 mm) with not less than 6 feet 4 inches (1932 mm) of clear height under beams, girders, ducts and similar obstructions.
3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least 7 feet (2134 mm) over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of 5 feet (1524 mm) or more shall be included.

21.41.404.4 Bedroom and living room requirements. Every *bedroom* and living room shall comply with the requirements of Sections 21.41.404.4.1 through 21.41.404.4.5.

21.41.404.4.1 Room area. Every living room shall contain at least 120 square feet (11.2m²) and every *bedroom* shall contain at least 70 square feet (6.5 m²).

21.41.404.4.2 Access from bedrooms. *Bedrooms* shall not constitute the only means of access to other *bedrooms* or *habitable spaces* and shall not serve as the only means of egress from other *habitable spaces*.

Exception: Units that contain fewer than two *bedrooms*.

21.41.404.4.3 Water closet accessibility. Every *bedroom* shall have access to at least one water closet and one lavatory without passing through another *bedroom*. Every *bedroom* in a *dwelling unit* shall have access to at least one water closet and lavatory located in the same story as the *bedroom* or an adjacent story.

21.41.404.4.4 Prohibited occupancy. Kitchens and non-habitable spaces shall not be used for sleeping purposes.

21.41.404.4.5 Other requirements. *Bedrooms* shall comply with the applicable provisions of this code including, but not limited to, the light, *ventilation*, room area, ceiling height and room width requirements of this chapter; the plumbing facilities and water-heating facilities requirements of Chapter 5 of this code; the heating facilities and electrical receptacle requirements of Chapter 6 of this code; and the smoke detector and emergency escape requirements of Chapter 7 of this code.

21.41.404.5 Overcrowding. The number of persons occupying a *dwelling unit* shall not create conditions that, in the opinion of the *code official*, endanger the life, health, safety or welfare of the *occupants*.

21.41.404.6 Efficiency unit. Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

1. A unit occupied by not more than two *occupants* shall have a clear floor area of not less than 220 square feet (20.4 m²). A unit occupied by three *occupants* shall have a clear floor area of not less than 320 square feet (29.7 m²). These required areas shall be exclusive of the areas required by Items 2 and 3.

2. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches (762 mm) in front. Light and *ventilation* conforming to this code shall be provided.
3. The unit shall be provided with a separate *bathroom* containing a water closet, lavatory and bathtub or shower.
4. The maximum number of *occupants* shall be three.

21.41.404.7 Food preparation. All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

CHAPTER 5 PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

SECTION 21.41.501: GENERAL

21.41.501.1 Scope. The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

21.41.501.2 Responsibility. The *owner* of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as *owner-occupant* or permit another person to occupy any structure or *premises* which does not comply with the requirements of this chapter.

SECTION 21.41.502: REQUIRED FACILITIES

21.41.502.1 Dwelling units. Every *dwelling unit* shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

21.41.502.2 Rooming houses. At least one water closet, lavatory and bathtub or shower shall be supplied for each four *rooming units*.

21.41.502.3 Hotels. Where private water closets, lavatories and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each ten *occupants*.

21.41.502.4 Employees' facilities. A minimum of one water closet, one lavatory and one drinking facility shall be available to employees.

21.41.502.4.1 Drinking facilities. Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in *toilet rooms* or *bathrooms*.

21.41.502.5 Public toilet facilities. Public toilet facilities shall be maintained in a safe sanitary and working condition in accordance with the *Chapter 21.24*. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during *occupancy* of the *premises*.

SECTION 21.41.503: TOILET ROOMS

21.41.503.1 Privacy. *Toilet rooms* and *bathrooms* shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared *bathrooms* and *toilet rooms* in a multiple dwelling.

21.41.503.2 Location. *Toilet rooms* and *bathrooms* serving hotel units, *rooming units* or dormitory units or *housekeeping units*, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

21.41.503.4 Floor surface. In other than *dwelling units*, every *toilet room* floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

SECTION 21.41.504: PLUMBING SYSTEMS AND FIXTURES

21.41.504.1 General. All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

21.41.504.2 Fixture clearances. Plumbing fixtures shall have adequate clearances for usage and cleaning.

21.41.504.3 Plumbing system hazards. Where it is found that a plumbing system in a structure constitutes a hazard to the *occupants* or the structure by reason of inadequate service, inadequate venting, cross connection, backsiphonage, improper installation, *deterioration* or damage or for similar reasons, the *code official* shall require the defects to be corrected to eliminate the hazard.

SECTION 21.41.505: WATER SYSTEM

21.41.505.1 General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an *approved* private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the *Chapter 21.24*.

21.41.505.2 Contamination. The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

21.41.505.3 Supply. The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

21.41.505.4 Water heating facilities. Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110°F (43°C). A gas-burning water heater shall not be located in any *bathroom*, *toilet room*, *bedroom* or other occupied room normally kept closed, unless adequate combustion air is provided. An *approved* combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

SECTION 21.41.506: SANITARY DRAINAGE SYSTEM

21.41.506.1 General. All plumbing fixtures shall be properly connected to either a public sewer system or to an *approved* private sewage disposal system.

21.41.506.2 Maintenance. Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

21.41.506.3 Grease interceptors. Where it has been determined that a grease interceptor is not being maintained and serviced as intended by this code and the manufacturer's instructions, an *approved* interceptor monitoring system shall be provided or a maintenance program shall be established with documentation submitted to the *code official*.

SECTION 21.41.507: STORM DRAINAGE

21.41.507.1 General. Drainage of roofs and paved areas, *yards* and courts, and other open areas on the *premises* shall be discharged in a manner consistent with the requirements of the Kirkland Municipal Code and shall not be discharged in a manner that creates a public nuisance.

21.41.507.2 Private Property Drainage. Drainage from roof, paved areas, yards, or courts shall not be intentionally discharged directly onto any other private property or public Right of Way.

CHAPTER 6 MECHANICAL AND ELECTRICAL REQUIREMENTS

SECTION 21.41.601: GENERAL

21.41.601.1 Scope. The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.

21.41.601.2 Responsibility. The *owner* of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as *owner-occupant* or permit another person to occupy any *premises* which does not comply with the requirements of this chapter.

SECTION 21.41.602: HEATING FACILITIES

21.41.602.1 Facilities required. Heating facilities shall be provided in structures as required by this section.

21.41.602.2 Residential occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, *bathrooms* and *toilet rooms*. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

21.41.602.3 Heat supply. Every *owner* and *operator* of any building who rents, leases or lets one or more *dwelling units* or *sleeping units* on terms, either expressed or implied, to furnish heat to the *occupants* thereof shall supply heat to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, *bathrooms* and *toilet rooms*.

21.41.602.5 Room temperature measurement. The required room temperatures shall be measured 3 feet (914 mm) above the floor near the center of the room and 2 feet (610 mm) inward from the center of each exterior wall.

SECTION 21.41.603: MECHANICAL EQUIPMENT

21.41.603.1 Mechanical appliances. All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

21.41.603.2 Removal of combustion products. All fuel-burning equipment and appliances shall be connected to an *approved* chimney or vent.

Exception: Fuel-burning equipment and appliances which are *labeled* for unvented operation.

21.41.603.3 Clearances. All required clearances to combustible materials shall be maintained.

21.41.603.4 Safety controls. All safety controls for fuel-burning equipment shall be maintained in effective operation.

21.41.603.5 Combustion air. A supply of air for complete combustion of the fuel and for *ventilation* of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

21.41.603.6 Energy conservation devices. Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping there from, shall not be installed unless *labeled* for such purpose and the installation is specifically *approved*.

SECTION 21.41.604: ELECTRICAL FACILITIES

21.41.604.1 Facilities required. Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 21.41.605.

21.41.604.2 Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with Chapter 21.70. *Dwelling units* shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than 60 amperes.

21.41.604.3 Electrical system hazards. Where it is found that the electrical system in a structure constitutes a hazard to the *occupants* or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, *deterioration* or damage, or for similar reasons, the *code official* shall require the defects to be corrected to eliminate the hazard.

21.41.604.3.1 Abatement of electrical hazards associated with water exposure. Electrical equipment and wiring, that have been submerged or exposed to water shall comply with the provisions of Chapter 21.70 .

21.41.604.3.2 Abatement of electrical hazards associated with fire exposure. Electrical equipment and wiring that have been submerged or exposed to water shall comply with the provisions of Chapter 21.70.

Exception: Electrical switches, receptacles and fixtures that shall be allowed to be repaired where an inspection report from the equipment manufacturer or *approved* manufacturer's representative indicates that the equipment has not sustained damage that requires replacement.

SECTION 21.41.605: ELECTRICAL EQUIPMENT

21.41.605.1 Installation. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and *approved* manner.

21.41.605.2 Receptacles. Every *habitable space* in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every *bathroom* shall contain at least one receptacle. Any new *bathroom* receptacle outlet shall have ground fault circuit interrupter protection.

21.41.605.3 Luminaires. Every public hall, interior stairway, *toilet room*, kitchen, *bathroom*, laundry room, boiler room and furnace room shall contain at least one electric luminaire.

21.41.605.4 Extension Cords. Extension cords shall not be used for permanent wiring. Extension cords shall not extend from one room to another; be placed across a doorway; extend through a wall or partition; or be used in a any area where such cord may be subject to physical damage.

SECTION 21.41.606: ELEVATORS, ESCALATORS AND DUMBWAITERS

21.41.606.1 General. Elevators, dumbwaiters and escalators shall be maintained in compliance with ASME A17.1. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter, be available for public inspection in the office of the building *operator* or be posted in a publicly conspicuous location *approved* by the *code official*. The inspection and tests shall be performed at not less than the periodic intervals listed in ASME A17.1, Appendix N, except where otherwise specified by the Washington State Department of Labor and Industries.

21.41.606.2 Elevators. In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied.

Exception: Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

SECTION 21.41.607: DUCT SYSTEMS

21.41.607.1 General. Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

CHAPTER 7 FIRE SAFETY REQUIREMENTS

SECTION 21.41.701: GENERAL

21.41.701.1 Scope. The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior *premises*, including fire safety facilities and equipment to be provided.

21.41.701.2 Responsibility. The *owner* of the *premises* shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as *owner-occupant* or permit another person to occupy any *premises* that do not comply with the requirements of this chapter.

SECTION 21.41.702: MEANS OF EGRESS

21.41.702.1 General. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the *public way*. Means of egress shall comply with Chapter 21.20.

21.41.702.2 Aisles. The required width of aisles in accordance with Chapter 21.20 shall be unobstructed.

21.41.702.3 Locked doors. All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by Chapter 21.08 and Chapter 21.10.

21.41.702.4 Emergency escape openings. Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

SECTION 21.41.703: FIRE-RESISTANCE RATINGS

21.41.703.1 Fire-resistance-rated assemblies. The required fire-resistance-rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.

21.41.703.2 Opening protectives. Required opening protectives shall be maintained in an operative condition. All fire and smokestop doors shall be maintained in operable condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.

SECTION 21.41.704: FIRE PROTECTION SYSTEMS

21.41.704.1 General. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the *International Fire Code*.

21.41.704.1.1 Automatic sprinkler systems. Inspection, testing and maintenance of automatic sprinkler systems shall be in accordance with NFPA 25.

**CHAPTER 8
REFERENCED STANDARDS**

This chapter lists the standards that are referenced in various sections of this document. The standards are listed herein by the promulgating agency of the standard, the standard identification, the effective date and title and the section or sections of this document that reference the standard. The application of the referenced standards shall be as specified in Section 102.7.

American Society of Mechanical Engineers
Three Park Avenue

ASME New York, NY 10016-5990

Standard Referenced
reference in code
number Title section number
A17.1/CSA B44—2007 Safety Code for Elevators and Escalators
.21.41.606.1
ASTM International
100 Barr Harbor Drive

ASTM

West Conshohocken, PA 19428-2959

Standard Referenced
reference in code

number Title section number

F1346—91 (2003) Performance Specifications for Safety Covers and Labeling Requirements for All Covers
for Swimming Pools, Spas and Hot Tubs21.41.303.2

International Code Council
500 New Jersey Avenue, NW
6th Floor

NFPA

Quincy, MA 02269

Standard Referenced
reference in code

number Title section number

25—08 Inspection, Testing and Maintenance of Water-based Fire Protection Systems 704.1.1

70—08 National Electrical Code , 21.41.201.3,

**CITY OF KIRKLAND**

123 Fifth Avenue, Kirkland, WA 98033 425.587.3000

www.ci.kirkland.wa.us

MEMORANDUM

To: Kurt Triplett, City Manager

From: Kevin Nalder, Director of Fire and Building Department

Date: 11/05/10

Subject: Special Presentation

RECOMMENDATION:

Recognize the graduates of our Community Emergency Response Team course with a brief explanation of the program and award them Certificates of Completion.

BACKGROUND DISCUSSION:**KIRKLAND GRADUATES TWELFTH CLASS**

The Community Emergency Response Team (CERT) program trains citizens to prepare for and respond effectively to disasters. The 29-hour CERT course is taught by a trained team of first responders and other professionals. Training covers the Incident Command System, disaster preparedness, fire suppression, basic medical assessment and first aid, light search & rescue operations, and disaster psychology.

CERT members understand the risks disasters pose to people and property. They have taken steps to reduce hazards and lessen the impact of disasters once they have occurred. When disasters overwhelm local response capability, they are trained to take care of themselves and give critical support to their family members, neighbors, and others in their immediate area until professionals arrive. When first responders arrive, CERTs will be able to provide them with useful information and support. Later, they will be able to help the City reestablish stability to the community. CERTs may also help with non-emergency projects that help improve the safety of their community.

Twenty six students graduated from Kirkland's 12th CERT course, November 21, 2010. Anyone wishing to obtain this comprehensive and fun training is encouraged to visit the City website or contact Program Coordinator, Robin Paster, in our Fire Department. People who live, work or attend school in Kirkland or Fire District 41 can take the course at no cost. Others are welcome to participate, on a space-available basis, for a fee of \$25.00, which helps defray some of the course costs.



KIRKLAND CITY COUNCIL REGULAR MEETING MINUTES
November 16, 2010

1. CALL TO ORDER

2. ROLL CALL

ROLL CALL:

Members Present: Councilmember Dave Asher, Councilmember Jessica Greenway, Councilmember Doreen Marchione, Mayor Joan McBride, Councilmember Bob Sternoff, Deputy Mayor Penny Sweet, and Councilmember Amy Walen.

Members Absent: None.

3. STUDY SESSION

a. Code of Ethics

Joining Councilmembers for this discussion in addition to Assistant City Manager Marilynne Beard were City Attorney Robin Jenkinson, and Ethics Task Force members Mary-Alyce Burleigh, Carolyn Hayek, Kathy Gilles, Sharon Sherrard and Chair Toby Nixon.

4. EXECUTIVE SESSION

a. To Review the Performance of a Public Employee

5. HONORS AND PROCLAMATIONS

None.

6. COMMUNICATIONS

a. Announcements

b. Items from the Audience

Lisa McConnell
Georgine Foster
Nikki Nikkhovi

c. Petitions

7. SPECIAL PRESENTATIONS

(1) Green Tips

Plans Review Supervisor Tom Jensen provided tips on home weatherization.

8. CONSENT CALENDAR

a. Approval of Minutes: (1) October 28, 2010

(2) November 1, 2010

(3) November 8, 2010

b. Audit of Accounts:

Payroll \$ 2,180,078.71

Bills \$ 1,964,654.66

run # 961 checks # 521132 - 521262

run # 962 checks # 521263 - 521314

run # 963 checks # 521338 - 521467

run # 964 checks # 521470 - 521599

c. General Correspondence

d. Claims

(1) Masayo Arakawa

e. Award of Bids

f. Acceptance of Public Improvements and Establishing Lien Period

g. Approval of Agreements

(1) R-4850, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND AUTHORIZING THE CITY MANAGER TO SIGN THE INTERLOCAL AGREEMENT FOR INFORMATION TECHNOLOGY SERVICES TO BE PROVIDED TO THE NORTHSORE FIRE DEPARTMENT BY THE CITY OF KIRKLAND."

(2) NE 116th Street Interchange and Street Improvement Project - Utility Construction Agreement

h. Other Items of Business

(1) Ordinance No. 4268, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ENACTING A MYBUILDINGPERMIT.COM SURCHARGE TO BE APPLIED TO CERTAIN DEVELOPMENT SERVICES FEES."

(2) Ordinance No. 4269, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND AMENDING CHAPTER 21.06 OF THE KIRKLAND MUNICIPAL CODE (KMC) RELATING TO THE EXPIRATION OF BUILDING AND LAND SURFACE MODIFICATION PERMITS."

(3) Ordinance No. 4270, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO FUNDS IN TITLE 5 OF THE KIRKLAND MUNICIPAL CODE."

(4) Surplus Vehicles/Equipment for Sale

Fleet #	Year	Make	VIN/Serial Number	License #	Mileage
F911	1991	Chevrolet Multistop Van	1GCKP32J9M3316495	43221D	30,012

Motion to approve the Consent Calendar.

Moved by Councilmember Dave Asher, seconded by Councilmember Jessica Greenway

Vote: Motion carried 7-0

Yes: Councilmember Bob Sternoff, Councilmember Doreen Marchione, Deputy Mayor Penny Sweet, Councilmember Dave Asher, Councilmember Jessica Greenway, Councilmember Amy Walen, and Mayor Joan McBride.

9. PUBLIC HEARINGS

- a. Ordinance No. 4271, entitled "RELATING TO LAND USE AND ZONING, PROVIDING INTERIM OFFICIAL CONTROLS REGARDING LAND USE PERMIT EXTENSIONS, FILE NO. MIS09-00022, AS ADOPTED BY ORDINANCE 4219, AND EXTENDING ORDINANCE 4219 THROUGH MAY 16, 2011."

Mayor McBride opened the public hearing. No testimony was offered and the Mayor closed the hearing.

Motion to Approve Ordinance No. 4271, entitled "RELATING TO LAND USE AND ZONING, PROVIDING INTERIM OFFICIAL CONTROLS REGARDING LAND USE, PERMIT EXTENSIONS, FILE NO. MIS09-00022, AS ADOPTED BY ORDINANCE 4219 AND EXTENDING ORDINANCE 4219 THROUGH MAY 16, 2011."

Moved by Councilmember Dave Asher, seconded by Councilmember Bob Sternoff

Vote: Motion carried 7-0

Yes: Councilmember Bob Sternoff, Councilmember Doreen Marchione, Deputy Mayor Penny Sweet, Councilmember Dave Asher, Councilmember Jessica Greenway, Councilmember Amy Walen, and Mayor Joan McBride.

- b. 2011-2012 Preliminary Budget

Mayor McBride opened the public hearing. Finance and Administration Director Tracey Dunlap reviewed the budget process and highlighted recent adjustments. Testimony was provided by: Jeanne Thomson, Adele Engelbrecht, Kay Kooistra, Bob Kamuda, Barbara Ramey, Lauret Ballsun, and Anna Kallis. No further testimony was offered and the Mayor closed the hearing.

10. UNFINISHED BUSINESS

- a. Ordinance No. 4272, entitled, "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO THE ISSUANCE AND SALE OF LIMITED TAX GENERAL OBLIGATION BONDS IN ONE OR MORE SERIES OF THE CITY IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$36,300,000 TO PROVIDE FUNDS FOR CAPITAL PROJECTS OF THE CITY, AND PAY FOR COSTS OF ISSUANCE OF THE BONDS; PROVIDING THE FORM AND TERMS OF SAID BONDS; AUTHORIZING A PRELIMINARY OFFICAL STATEMENT; PROVIDING FOR THE DISPOSITION OF THE PROCEEDS OF SALE; AND DELEGATING AUTHORITY TO APPROVE THE FINAL TERMS OF SAID BONDS."

Finance and Administration Director Tracey Dunlap provided an overview of interest rates and introduced Susan Musselman of SDM Advisors and Cynthia Weed of K & L Gates, who also responded to Council questions.

Motion to approve Ordinance No. 4272, entitled, "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO THE ISSUANCE AND SALE OF LIMITED TAX GENERAL OBLIGATION BONDS IN ONE OR MORE SERIES OF THE CITY IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$36,300,000 TO PROVIDE FUNDS FOR CAPITAL PROJECTS OF THE CITY, AND PAY FOR COSTS OF ISSUANCE OF THE BONDS; PROVIDING THE FORM AND TERMS OF SAID BONDS; AUTHORIZING A PRELIMINARY OFFICAL STATEMENT; PROVIDING FOR THE DISPOSITION OF THE PROCEEDS OF SALE; AND DELEGATING AUTHORITY TO APPROVE THE FINAL TERMS OF SAID BONDS."

Moved by Councilmember Amy Walen, seconded by Councilmember Doreen Marchione
Vote: Motion carried 7-0

Yes: Councilmember Bob Sternoff, Councilmember Doreen Marchione, Deputy Mayor Penny Sweet, Councilmember Dave Asher, Councilmember Jessica Greenway, Councilmember Amy Walen, and Mayor Joan McBride.

- b. Review Changes to the 2011 - 2016 Capital Improvement Program

Financial Planning Manager Sri Krishnan summarized the changes to the CIP.

- c. South Kirkland Park and Ride Principles of Agreement

Planning and Community Development Deputy Director Paul Stewart summarized the background issues.

Motion to Approve the draft Principles of Agreement for the South Kirkland Park and Ride.

Moved by Councilmember Jessica Greenway, seconded by Councilmember Doreen Marchione

Vote: Motion carried 5-2

Yes: Councilmember Jessica Greenway, Councilmember Doreen Marchione, Mayor Joan McBride, Deputy Mayor Penny Sweet, and Councilmember Amy Walen.

No: Councilmember Dave Asher, and Councilmember Bob Sternoff.

Council recessed for a short break.

- d. Response Letter to Woodinville Fire and Rescue

Motion to Approve sending the response letter as presented to Woodinville Fire and Rescue.

Moved by Councilmember Bob Sternoff, seconded by Councilmember Dave Asher

Vote: Motion carried 7-0

Yes: Councilmember Dave Asher, Councilmember Jessica Greenway, Councilmember Doreen Marchione, Mayor Joan McBride, Councilmember Bob Sternoff, Deputy Mayor Penny Sweet, and Councilmember Amy Walen.

11. NEW BUSINESS

- a. Ordinance No. 4273, Establishing the Amount of Property Taxes to be Levied for the Year 2011, the First Year of the City of Kirkland's 2011-2012 Fiscal Biennium

Motion to approve Ordinance No. 4273, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND ESTABLISHING THE AMOUNT OF PROPERTY TAXES TO BE LEVIED FOR THE YEAR 2011, THE FIRST YEAR OF THE CITY OF KIRKLAND'S 2011-2012 FISCAL BIENNIUM.'

Moved by Councilmember Dave Asher, seconded by Councilmember Jessica Greenway

Vote: Motion carried 7-0

Yes: Councilmember Bob Sternoff, Councilmember Doreen Marchione, Deputy Mayor Penny Sweet, Councilmember Dave Asher, Councilmember Jessica Greenway, Councilmember Amy Walen, and Mayor Joan McBride.

- b. Resolution R-4849, Ratifying Amendments to the King County Countywide Planning Policies

Motion to approve Resolution R-4849, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND RATIFYING AMENDMENTS TO THE KING COUNTY COUNTYWIDE PLANNING POLICIES."

Moved by Councilmember Bob Sternoff, seconded by Deputy Mayor Penny Sweet

Vote: Motion carried 7-0

Yes: Councilmember Bob Sternoff, Councilmember Doreen Marchione, Deputy Mayor Penny Sweet, Councilmember Dave Asher, Councilmember Jessica Greenway, Councilmember Amy Walen, and Mayor Joan McBride.

- c. Solid Waste Contract Billing and Customer Service

Motion to approve existing method of Solid Waste Contract Billing and Customer Service

Moved by Councilmember Doreen Marchione, seconded by Councilmember Jessica Greenway

Vote: Motion carried 6-1

Yes: Councilmember Bob Sternoff, Councilmember Doreen Marchione, Deputy Mayor Penny Sweet, Councilmember Dave Asher, Councilmember Jessica Greenway, and Mayor Joan McBride.

No: Councilmember Amy Walen.

- d. Shoreline Master Program Amendments:

(1) Resolution R-4847, Approving Amendments to the Kirkland Shoreline Master Program and the Accompanying Amended Shoreline Environment Designations Map, Regulations, Restoration Plan and Cumulative Impacts Analysis, and Directing that the Applicable Shoreline Master Program Amendment Materials be Provided to the State Department of Ecology for its Review, File ZON06-00017

Motion to approve Resolution R-4847, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING AMENDMENTS TO THE KIRKLAND SHORELINE MASTER PROGRAM AND THE ACCOMPANYING AMENDED SHORELINE ENVIRONMENT DESIGNATIONS MAP, REGULATIONS, RESTORATION PLAN AND CUMULATIVE IMPACTS ANALYSIS, AND DIRECTING THAT THE APPLICABLE SHORELINE MASTER PROGRAM AMENDMENT MATERIALS BE PROVIDED TO THE

STATE DEPARTMENT OF ECOLOGY FOR ITS REVIEW, FILE ZON06-00017."

Moved by Councilmember Dave Asher, seconded by Councilmember Doreen Marchione

Vote: Motion carried 7-0

Yes: Councilmember Bob Sternoff, Councilmember Doreen Marchione, Deputy Mayor Penny Sweet, Councilmember Dave Asher, Councilmember Jessica Greenway, Councilmember Amy Walen, and Mayor Joan McBride.

(2) Resolution R-4848, Relating to Zoning, Planning, and Land Use Associated with the Amendments to the Shoreline Master Program, File No. ZON06-00017

Motion to approve Resolution R-4848, entitled "A RESOLUTION OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING AND LAND USE ASSOCIATED WITH THE AMENDMENTS TO THE SHORELINE MASTER PROGRAM, FILE NO. ZON06-00017."

Moved by Councilmember Dave Asher, seconded by Deputy Mayor Penny Sweet

Vote: Motion carried 7-0

Yes: Councilmember Bob Sternoff, Councilmember Doreen Marchione, Deputy Mayor Penny Sweet, Councilmember Dave Asher, Councilmember Jessica Greenway, Councilmember Amy Walen, and Mayor Joan McBride.

12. REPORTS

a. City Council

(1) Regional Issues

Councilmembers shared information regarding the Suburban Cities Association efforts to obtain more Puget Sound Regional Council seats for King County cities and other items of interest; Green Kirkland event; Association of Washington Cities Legislative Committee meeting; Arbor Day event at Juanita Bay Park; Alternative Holiday Fair; Eastside Transportation Partnership/Regional Transit Task Force recommendation; Tour of Google facilities; Decorate Downtown event; Tree Lighting event; Executive Advisory Group for Eastside Corridor 405 Expert Panel; and work at the Milken home.

b. City Manager

(1) Calendar Update

13. ITEMS FROM THE AUDIENCE

None.

14. ADJOURNMENT

The Kirkland City Council regular meeting of November 16, 2010 was adjourned at 10:12 p.m.

City Clerk

Mayor

**CITY OF KIRKLAND****Department of Public Works****123 Fifth Avenue, Kirkland, WA 98033 425.587.3800****www.ci.kirkland.wa.us**

To: Kurt Triplett, City Manager

From: David Godfrey, P.E., Transportation Engineering Manager
Ray Steiger, P.E., Interim Public Works Director

Date: November 23, 2010

Subject: METRO TRANSIT TASK FORCE LETTER TO EASTSIDE TRANSPORTATION PARTNERSHIP

RECOMMENDATION:

It is recommended that the City Council authorize the Mayor to send the attached letter to the Eastside Transportation Partnership.

BACKGROUND DISCUSSION:

The King County Council and Executive formed a Regional Transit Task Force in February of 2010, with a charge of considering a policy framework for future growth and contraction of King County's transit system. The 28 member panel met from March through October of this year. Their Final Report and Recommendations were submitted to the County Council and Executive on November 5. The [full report](#) is available on line, and the Executive Summary is included as Attachment 1 to this memo.

The Eastside Transportation Partnership (ETP) is one of three County subarea groups and consists mainly of elected officials from Eastside cities along with non-voting members from other organizations such as PSRC and WSDOT; Kirkland's representatives are Mayor McBride and Councilmember Asher. At the ETP meeting of November 12, Councilmember Sonny Putter of Newcastle presented a letter to the group concerning the Transit Task Force Recommendations, and that letter is included as Attachment 2.

At the Kirkland City Council meeting of November 16, Council directed the Transportation Commission to review the letter from Councilmember Putter and the Task Force report and to prepare a response for Council consideration. A subcommittee of the Transportation Commission met on November 19 and prepared the draft letter to ETP from the City Council that is in the Council packet.

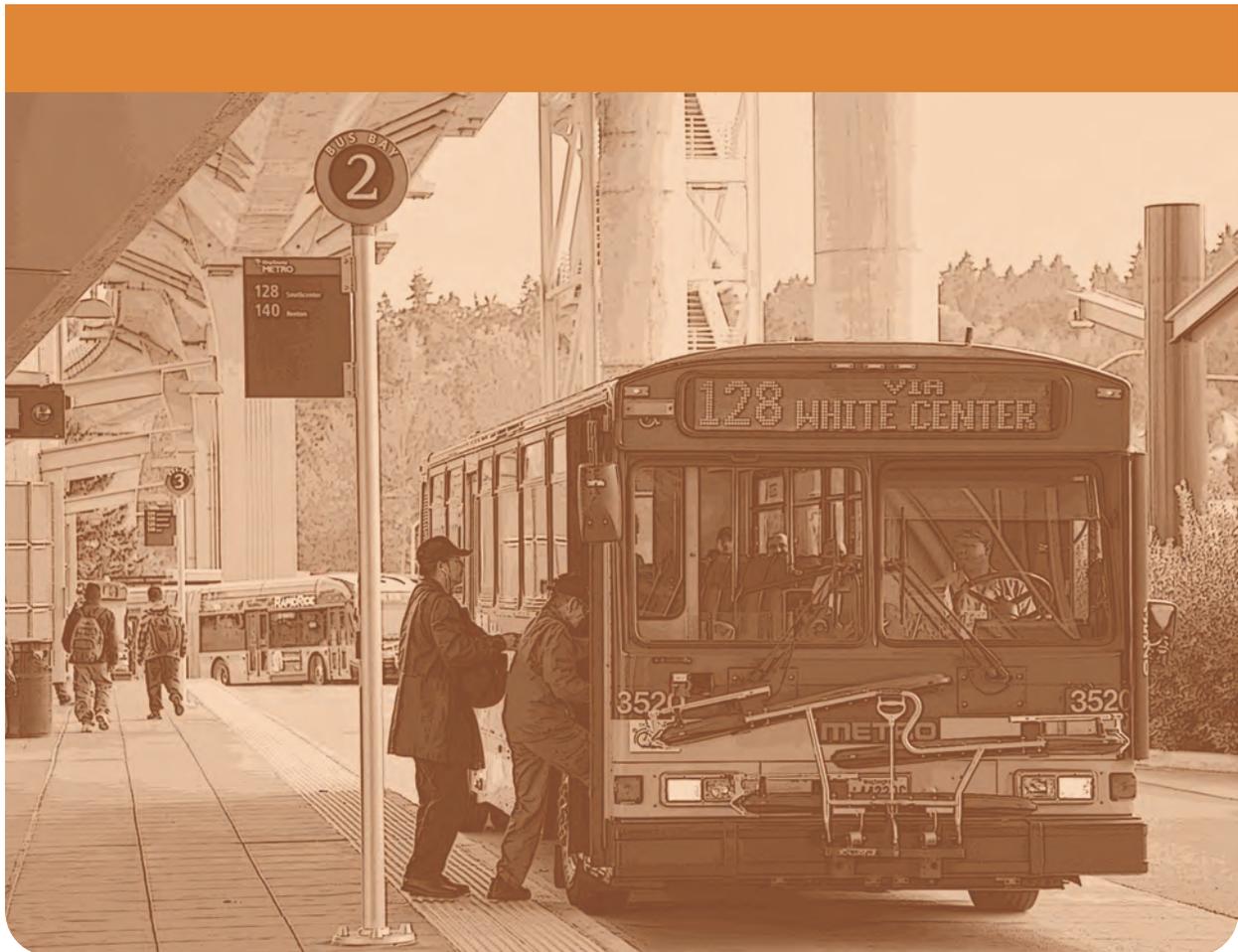


King County

KING COUNTY REGIONAL TRANSIT TASK FORCE

Executive Summary of Final Report

October 2010





King County

FOR INFORMATION, CONTACT:

Victor Obeso, Manager, Service Development

Metro Transit Division

Department of Transportation

KSC-TR-0422

201 S. Jackson Street, Seattle, WA 98104-3856

(206) 263-3109

www.kingcounty.gov/TransitTaskForce

10142-RTTF2010/dot/comm/sd/jp

Alternative Formats Available

206-263-5277 TTY Relay: 711



Executive Summary

Background

Task Force Charge and Process

The King County Council and Executive formed the Regional Transit Task Force in February 2010 to consider a policy framework for the potential future growth and, if necessary, contraction of King County’s transit system. The County Council asked the task force to consider six transit system design factors, to which the task force added a seventh: environmental sustainability (see box).

Key Transit System Design Factors

1. Land use
2. Social equity and environmental justice
3. Financial sustainability
4. Geographic equity
5. Economic development
6. Productivity and efficiency
7. Environmental sustainability

The 28 task force members were selected to represent a broad diversity of interests and perspectives. Three *ex officio* members represented King County Metro Transit, Sound Transit and the Washington State Legislature. An Executive Committee (County Executive and three County Council members) ensured that the task force carried out its approved work plan. Metro’s Manager of Service Development served as the project manager. An Interbranch Working Group supported the Executive Committee and task force’s work. Cedar River Group was hired to facilitate the process. The task force created two subgroups of task force members to delve into performance measures and cost control/efficiencies.

The task force met from March through October 2010. The task force used a consensus-based decision-making approach, defining consensus as “all members can support or live with the task force recommendations.” The task force agreed that if consensus was not unanimous, the differences of opinion would be included with the final recommendations. task force meetings were open to the public. The task force set aside time in each meeting for public comment and reviewed comments submitted on its website.

The County Council and Executive created the task force as a result of several factors. A severe recession that struck the Puget Sound region and the nation in late 2008 has changed the road ahead for Metro. The precipitous decline in economic activity led to a dramatic fall in sales tax receipts. Since 62 percent of Metro’s operating revenue comes from sales taxes, the drop in receipts has had a big impact. At the same time, Metro’s ridership has grown significantly, and public expectations remain high. Also in 2008, the Puget Sound Regional Council (PSRC) developed the *Vision 2040* and *Transportation 2040* plans for long-term growth and mobility of the region. These plans project a 42 percent increase in King County’s population and a 57 percent increase in jobs from 2000 to 2040,

with most of this growth occurring in the county's 12 largest cities. The plans call for an aggressive strategy to expand transit services to support that growth.

In developing the 2010-2011 biennium budget, Metro and King County were able to avoid large reductions in transit service by making difficult choices and trade-offs, along with some temporary, one-time fixes. However, based on the County's revenue forecast through 2015, dramatic transit service reductions will be needed beginning in 2012.

Metro and Regional Overview

In early meetings, the task force learned about Metro's work and budget, the regional transit system, and regional employment and population forecasts.

Metro Services. King County Metro Transit is the biggest public transportation agency in

Washington state and one of the 10 largest bus systems in the nation. In 2009 Metro carried approximately 112 million riders (boardings) on 220 fixed routes connecting multiple centers throughout the county. Dial-a-Ride (DART) service operates on a route with some fixed time points, but deviates to pick up or drop off passengers. Metro serves 130 park-and-ride facilities with more than 25,000 parking stalls. Use has been at 74 percent since 2002. Metro operates one RapidRide bus rapid transit (BRT) line, with five more planned to start service between 2011 and 2013 with frequent, all-day service in busy transit corridors. Metro operates a 1.3-mile transit tunnel in downtown Seattle that is served by buses and Sound Transit's Link light rail. Metro also serves 13 transit centers and operates service out of seven transit bases. Metro has approximately 69 lane-miles of overhead two-way wire for electric trolleybuses, which serve almost one-fifth of Metro ridership. Metro's fleet is operated by nearly 2,700 full- and part-time drivers. Service for riders with

Themes from Task Force Discussions

- **Regional Perspective:** Strike a balance among: the best interest of the region as a whole, the needs of Metro riders, and the interests and needs of local communities.
- **Transparency:** Decision-making must be clear, consistent, and based on criteria and objectives that are clear to the public.
- **Efficiency:** Metro and King County must achieve greater efficiencies in transit operations, plans for new service, and in administration of the system.
- **Balanced Approach.** To avoid reductions in transit services and to meet future demand will require a combination of expense reductions, efficiencies and securing new revenues.
- **Performance Based.** Use tools, decision processes, and reporting that allow all interested parties to evaluate performance.

disabilities or special needs includes: accessible service on fixed routes; contracted American with Disabilities Act (ADA) paratransit van service (Access); vans operated by local nonprofits (Community Access Transportation – CAT); and taxi scrip. Metro's vanpools serve 6,100 people on an average weekday in more than 1,000 vans. Metro supports the regional Ridematch program for vanpools and carpools. Metro's services to employers include commute trip reduction (CTR), pass sales, and a Custom Bus Program.

Partnership Agreements. Metro has created agreements with local businesses and jurisdictions to help support increased levels of transit service. In return for various partner actions, such as payments to support operating costs, investments to enhance transit speed and reliability, or enhancements to passenger facilities, Metro provides increased levels of service.

Customer Satisfaction. Overall rider satisfaction has remained relatively strong in the past decade, with 93 percent of riders "very" or "somewhat" satisfied (slightly lower in the south county planning area).

Integrated Regional Transit System. Seven other transit agencies serve riders in the central Puget Sound region: Community Transit (Snohomish County), Pierce Transit, Sound Transit (King, Snohomish and Pierce county urban areas), Washington State Ferries, City of Seattle (monorail and South Lake Union Streetcar), Everett Transit, and Kitsap Transit. Metro works closely with these agencies on planning, operations, fare coordination, joint facility construction, and major project implementation. Metro operates some Sound Transit Regional Express bus service, Link light rail, and Seattle’s South Lake Union Streetcar.

Metro’s Budget. Metro’s 2010-2011 biennial operating budget includes \$968 million in revenues and \$1.2 billion in expenses. Most of the operating revenue (62 percent) is from a local options sales and use tax. The sales tax rate, 0.9 percent, is the maximum currently available to local transit agencies. Another 26 percent of Metro’s revenue comes from fares. The largest operating expense category (65 percent) is for the personnel who provide Metro’s services and programs. Nine percent of operating expenses are for King County government overhead charges and services from other County departments. Metro’s capital program for 2009–2015 totals \$1.28 billion, of which 59 percent is for fleet replacement.

Challenge Facing Metro. Metro took action in the 2008-2009 mid-biennial budget process to cut the capital program by more than \$65 million, freeze hiring, reduce 19 full-time and 7 limited-term positions, and raise transit and paratransit fares. (Metro had eliminated 27 full time and term-limited staff positions in 2007, and approved the first of four fare increases between 2008 and 2011.) With the 2010-2011 biennial budget, Metro’s plan included increasing fares, eliminating 70 staff positions, cutting bus service by 75,000 hours, deferring bus service expansion, reducing operating reserves for four years, using fleet replacement reserves, and implementing schedule efficiencies estimated to save 125,000 hours. Between 2009 and 2015, Metro projects a revenue shortfall of \$1.176 billion. Without other actions, this would mean cutting 400,000 hours of existing service by 2013, and another 200,000 hours by 2015.

National, Regional and State Trends. Transit agencies across the nation face similar funding crises and have had to make tough choices. In our region, Intercity Transit (Olympia), Community Transit, Pierce Transit and Sound Transit all are making program adjustments or service cuts. Two (Intercity and Pierce) have sought or will seek voter approval of sales tax increases. The Joint Transportation Committee of the legislature is studying the state’s role in public transportation, with a final report due in mid-December 2010.

Recommendations

Recommendation 1: Metro should create and adopt a new set of performance measures by service type, and report at least annually on the agency’s performance on these measures. The performance measures should incorporate reporting on the key system design factors, and should include comparisons with Metro’s peer transit agencies.

Performance measures will help the public, Metro managers and King County decision makers understand if the transit system is meeting operational and policy objectives. As an evaluation tool, performance measures will help Metro understand how it might improve transit system performance, and establish a strong rationale for difficult policy choices. Regular reporting on the performance measures will aid in transparency. The frequency of reporting should be identified when the measures are adopted, but should be at least annually. (There may be different reporting frequencies for some of the performance measures.)

The task force subgroup on performance measures worked with Metro staff to develop an initial example of metrics for overall system performance and easy-to-understand reporting. The task force recommends that Metro continue developing performance measures using this model. The task force suggests that Metro develop performance measures for all of Metro's operations (e.g., customer service, vehicle maintenance, etc.). The task force supports Metro's suggestion to include recommendations for the performance measurement system in Metro's Comprehensive and Strategic Plans to be submitted to the County Council by February 2011.

Recommendation 2: King County and Metro management must control all of the agency's operating expenses to provide a cost structure that is sustainable over time. Cost-control strategies should include continued implementation of the 2009 performance audit findings, exploration of alternative service delivery models, and potential reduction of overhead and internal service charges.

The task force believes that Metro's financial model, with current revenue sources and Metro's expense structure, is not sustainable over the long-term. The task force recommends effort in three areas:

- Continue to follow up on the 2009 King County Performance Audit recommendations to further reduce costs, create efficiencies and implement savings strategies. Provide regular updates on progress and the expected timetable for implementation.
- Explore opportunities for alternative service products and service delivery models (e.g., carpools, vanpools, DART, taxi scrip, CAT and Access paratransit), including contracting out for some underperforming fixed-route services. Any contracting out should be consistent with broad labor harmony principles.
- King County should clearly explain how and why overhead and internal service charges are allocated to Metro and County departments, and continue to explore ways to reduce overall overhead and internal service charges.

Recommendation 3: The policy guidance for making service reduction and service growth decisions should be based on the following priorities:

- 1) Emphasize productivity due to its linkage to economic development, land use, financial sustainability, and environmental sustainability**
- 2) Ensure social equity**
- 3) Provide geographic value throughout the county.**

Task force members concluded that one overarching statement of policy direction and one approach to implementation of that policy should guide all service allocation decisions. They recommend that the policy statements they have crafted and the recommended use of guidelines and performance measures should provide the foundation for all future service allocation decisions, including service reductions, service growth, service restoration, and the ongoing maintenance of transit services in response to changes in system demand or route performance. The approach represents a fundamental change in the way transit service allocation decisions are made by King County (see box on p. 5).

The task force concluded that one of the transit design factors, productivity and efficiency, has a strong correlation to several of the other factors—land use, economic development and financial sustainability and environmental sustainability. As a result, the task force is recommending a new policy framework to make service allocation decisions. The intent is to optimize efficiency of transit services, deliver people to employment, activity and residential centers, meet the needs of those that are most dependent on transit, and create a system that is a fair distribution of service throughout the county.

Recommended Policy Direction Would Replace Existing Policy Guidance for Service Growth and Reduction

The current policy for transit service growth and reduction is based on three King County subareas (east, west and south) and was established in Metro's 2002–2007 Six-Year Transit Development Plan.

For service growth, every 200,000 hours of new transit service is to be allocated with 40 percent to the east subarea, 40 percent to the south, and 20 percent to the west. This is called the 40/40/20 policy.

Any systemwide service reductions are to take place in proportion to each subarea's share of the total service investment. Based on the current hours of service in each subarea, 62 percent of the reduction would have to come from the west subarea, 21 percent from the south and 17 percent from the east. This is commonly called the 60/20/20 policy.

Recommendation 4: Create clear and transparent guidelines to be used for making service allocation decisions, based upon the recommended policy direction.

Task force members concluded that a new approach to decision-making is needed. Members felt strongly that stakeholders need to understand the basis for service allocation decisions, and how those decisions will be evaluated and adjusted over time. It is essential to this new policy direction to develop and adopt service guidelines, along with the performance measures recommended above.

Service guidelines establish the objective metrics for making service allocation decisions. Guidelines will help the public, Metro and King County decision makers determine the appropriate level and type of service for different corridors and destinations, and for employment and population densities throughout the county. The task force supports Metro's proposal to incorporate newly developed guidelines into Metro's Comprehensive and Strategic Plans to be submitted to the County Council in February 2011.

Recommendation 5: Use the following principles to provide direction for the development of service guidelines.

The task force did not develop recommended guidelines. They did, however, create a set of principle statements that should be used to shape the creation of the guidelines. The following principles should apply to all guidelines:

- Transparency, clarity and measurability
- Use of the system design factors
- Flexibility to address dynamic financial conditions
- Integration with the regional transportation system
- Development of performance thresholds as the basis for decision-making on network changes (e.g., load factor on bus routes, see p. 28).

Metro staff created conceptual scenarios and example guidelines for service reduction using the draft policy guidance. The approach involved three steps: (1) eliminating the least productive routes; (2) assessing the impact of step 1 and adjusting based on social equity, system connectivity, and geographic coverage; and (3) identifying opportunities for efficiencies. In a similar exercise for service growth, the task force identified two types of future growth: (a) response to ridership demand (to address over-crowded bus routes), and (b) support for regional growth (to connect identified population, employment and activity centers).

Recommendation 6: King County, Metro, and a broad coalition of community and business interests should pursue state legislation to create additional revenue sources that would provide a long-term, more sustainable base of revenue support for transit services. To build support for that work, it is essential that King County adopt and implement the task force recommendations, including use of the service guidelines and performance measures, and continue efforts to reduce Metro's operating costs.

The task force concluded that long-term, sustainable revenues for transit service are needed, given the dramatic fluctuations in Metro's primary source of revenue (sales tax), the size of likely service reductions over the next five years, transit's importance to economic recovery, and the need for transit to support the expected growth in population and employment. The task force identified three characteristics for a successful long-term revenue strategy: diversity of revenue sources, sufficient size of revenue source to address long-term needs, and flexibility to include a statewide and/or a local revenue source.

King County and Metro should create a coalition of partners to begin immediately to inform state legislative leaders about the breadth of the potential service reductions facing the Metro system, the task force recommendations, and the actions Metro and King County are taking to address the anticipated revenue shortfall. It may take several legislative sessions to secure support for a long-term, sustainable funding initiative.

Recommendation 7: Metro staff should use the task force recommendations and discussions as the framework for revising Metro's current mission statement, and creating a vision statement (as one does not now exist). Both draft statements should be included in the draft Comprehensive and Strategic Plans scheduled to be submitted to the County Council in February 2011.

Conclusion

The task force has created consensus recommendations that reflect a new policy direction for allocation decisions for transit service reduction and future service growth. The task force also has recommended a method for decision-making that will result in greater clarity, transparency and perceived fairness in decisions allocating Metro transit services.

DRAFT

Dear Executive Constantine,

The Eastside Transportation Partnership cannot support the recommendations of the King County Regional Transit Task Force as written.

There may have been consensus at the task force on the recommendations, but there is no consensus on the recommendations among the other elected officials from the Eastside Transportation Partnership. The recommendations will need to be modified in fact and in implementation if they are to attract the support of our members.

Improving Metro's use of performance measures as a decision making tool has considerable merit. However, it is important that the measures employed fairly address the different types of services that predominate in Seattle compared to suburban communities. One size does not fit all in assessing productivity of a system that provides different types of essential services in different communities. For example, commuter routes are not comparable to frequent arterial routes, and should be judged by different measures and standards. Both types of service are important and should be retained, and if possible, expanded.

Metro needs to do much more to control costs before implementing service cuts. While reducing internal service costs and overhead costs are important, cost savings must be sought in controlling the growth of labor costs, the biggest cost driver for the agency.

Geographic equity needs to be addressed seriously and explicitly in the Metro comprehensive and strategic plan updates. This must include the concepts of tax equity, providing transit service in response to locations of actual growth at transit supportive densities, and serving employment centers and the needs of commuters throughout the county. More than lip service, we want to see how these factors will actually shape service allocation, as reflected in the guidelines, processes, and thresholds --and ultimately in the implementation of cuts and restoration.

To win the support of voters throughout the county for potential future revenue tools to support transit, they must see benefits distributed throughout the county, directly benefiting their communities. If the result of this exercise, and the resulting policy and service decisions is to further concentrate service in Seattle, this will undercut public support countywide. Each area of the county needs to see that the system is working better for them, not necessarily in more total hours, but in tangibly improving mobility options and performance. This is especially important in our emerging urban centers and communities that have already accepted significant growth on the Eastside.

Eastside Transportation Partnership
c/o Mayor Don Gerend, chair
801 228th Ave SE
Sammamish, WA 98075

D R A F T

Dear Mayor Gerend,

To advance and encourage the discussion at Eastside Transportation Partnership (ETP), the City of Kirkland offers the following comments on the Metro Transit Task Force Report. Considering the report as a whole, the City of Kirkland is supportive of the Report conclusions.

The recommendation that has generated the most interest among ETP members is Recommendation 3. Recommendation 3 states that productivity, social equity and geographic value should be the priorities that guide service allocation. We support this approach. The use of productivity metrics to support land use, economic development and sustainability – both environmental and fiscal-- are particularly important. Kirkland has adopted similar principles to guide our transportation policy making. How the guidelines are implemented is vital to their success. We recognize that the details of implementation are therefore critical to many of the communities in the ETP. Like those communities, we will be very attentive to how the details affect our city. We look forward to reviewing the work and interacting with the Regional Transit Committee as they begin to translate policy guidance into a service allocation strategy.

In addition, we believe that tax equity should be one of the factors that determine how service is allocated. Over time, service delivered should be roughly equivalent to taxes collected. Including tax equity as a component of the geographic value measure plus the other measures described on pages 24 through 26 of the report provides a reasonable basis for service allocation decisions. By contrast, the current 40/40/20 allocation formula is not sufficiently flexible or clear enough to address the multiple issues to be considered when allocating transit service across the County. We support the recommendations of the Task Force as a better multidimensional allocation strategy than use of the 40/40/20 formula.

As the ETP considers its legislative agenda, the City of Kirkland recommends inclusion of Task Force Recommendation 6, seeking the legislature's aid in developing a sustainable funding source for Metro. We expect, as stated in the report, that a legislative approach may take several sessions before an acceptable, long-term, sustainable mechanism is developed. It is important to start the legislative conversations now to address the issue and to set the parameters for a solution.

The City of Kirkland appreciates the Task Force's difficult charge to restructure transit service and acknowledges the diligent work done to date. We look forward to productive discussions of the recommendations at upcoming ETP meetings.

Sincerely,
KIRKLAND CITY COUNCIL

By Joan McBride
Mayor



CITY OF KIRKLAND
Department of Finance and Administration
123 Fifth Avenue, Kirkland, WA 98033 425.587.3100
www.ci.kirkland.wa.us

MEMORANDUM

To: Kurt Triplett, City Manager
From: Kathi Anderson, City Clerk
Date: November 23, 2010
Subject: CLAIM(S) FOR DAMAGES

RECOMMENDATION

It is recommended that the City Council acknowledge receipt of the following Claim(s) for Damages And refer each claim to the proper department (risk management section) for disposition.

POLICY IMPLICATIONS

This is consistent with City policy and procedure and is in accordance with the requirements of state law (RCW 35.31.040).

BACKGROUND DISCUSSION

The City has received the following Claim(s) for Damages from:

- (1) Robert J. Wuorenma
11410 107th Pl. NE
Kirkland, WA 98033

Amount: \$1,939.74

Nature of Claim: Claimant states damage resulted from a water leak between the city main line and the water meter.

**CITY OF KIRKLAND****Police Department****123 Fifth Avenue, Kirkland, WA 98033 425.587.3400****www.ci.kirkland.wa.us**

MEMORANDUM

To: Kurt Triplett, City Manager

From: Eric Olsen, Police Chief
Robert Balkema, Corrections Lieutenant

Date: November 12, 2010

Subject: INTERLOCAL AGREEMENT FOR JAIL SERVICES

RECOMMENDATION:

City Council adopt the attached resolutions authorizing the City Manager to sign an interlocal agreement between King County, Yakima County, the City of Marysville and the City of Kirkland for jail services.

BACKGROUND DISCUSSION:

The Kirkland Police Department is requesting that Council authorize the City Manager to enter into the attached interlocal agreements to provide housing for City of Kirkland inmates at the King County jail, Yakima County jail and the City of Marysville jail. Under the terms of the agreements, the City of Kirkland will only be obligated to pay for the specific time an inmate is housed in these facilities. If the City does not use the bed space, the City does not pay for it. The Police Department is requesting these agreements to provide the City with more options for short and long term planning.

These contracts are necessary in the short term because the City of Kirkland's jail only has a capacity of 12 and is a male only facility. Inmates with special needs (those with medical or psychological treatment needs) and females are moved to other contract jails. These special needs populations are now housed primarily at Snohomish County jail. The Kirkland jail has an average daily population (ADP) of 44 inmates and because the ADP exceeds our capacity many of these inmates are contracted to outside jails. The need for bed space alternatives in 2011 to keep jail costs down is necessary.

King County Jail

The current King County jail contract is on an "as needed" basis and ends December 31, 2016. The new fee structure for the contract starts November 1, 2010. The attached amendment to the current contract modifies the charging methodology for the 2011 rates. This amendment benefits the City by resulting in lower rates for 2011. The original agreed upon methodology in the contract agreement would have resulted in a much higher 2011 charge due to the result of lower population in total at the King County jail than what was anticipated at the time the

contract was developed. Staff is currently in further negotiations with King County to try and reduce the rates for the other years of the contract.

Table 1.1 KC Base Rates

	2011	2012	2013	2014	2015	2016
MAINTENANCE						
Per Diem*	\$130	\$136	\$143	\$150	\$158	\$165
Work Release	\$83	\$87	\$91	\$96	\$101	\$106
SURCHARGES						
Infirmary	\$214	\$228	\$243	\$258	\$275	\$293
Non-Acute Psych	\$70	\$75	\$80	\$85	\$90	\$96
Acute Psych	\$260	\$273	\$286	\$300	\$316	\$331
Guarding	\$57	\$60	\$63	\$66	\$70	\$73
BOOKING						
Booking Fee w/PR*	\$430	\$452	\$474	\$498	\$523	\$549
Booking Fee w/o PR*	\$354	\$372	\$390	\$410	\$430	\$452

*Per Diem is per inmate per day.
Surcharges are added to per diem*

Table 1.2 Proposed Final 2011 Rates with the amendment

	2011
MAINTENANCE	
Per Diem*	\$120
Work Release	\$80
SURCHARGES	
Infirmary	\$183
Non-Acute Psych	\$69
Acute Psych	\$241
Guarding	\$56
BOOKING	
Booking Fee w/PR*	\$380
Booking Fee w/o PR*	\$314

* Personal Recognizance

Yakima County Jail

The current Yakima County jail contract expires December 31, 2010. This contract required the City of Kirkland to pay for 12.5 "Bed Days" whether we used them or not. The City has always made sure we met this obligation so we did not pay for unused "Beds." In the attached contract that starts January 1, 2011, the City is NO longer obligated to use a certain amount of "Beds." This contract is an "as needed" basis. In 2011 we do not anticipate that we will be using Yakima on a regular basis. We presently have contracts in place that are full service facilities that are local and less expensive than Yakima. The Yakima contract is a safety fallback contract in case Snohomish County jail is not available.

The attached contract is a one year contract that can be renewed for any successive period by written addendum.

Marysville Jail

The City has had a jail contract with the City of Marysville since 2006. The attached contract is an amendment to that contract extending the contract to December 31, 2013. This contract is on an "as needed" basis. We also do not anticipate using the Marysville contract much, if at all, in 2011. However like the Yakima contract it provides back-up capacity if it proves necessary.

In conclusion, these contract extensions create bed space alternatives for 2011 and beyond to help keep Kirkland jail costs down. At the same time, the City is undertaking jail planning studies as part of the acquisition and design of the new Public Safety Building. Those studies will identify options for the Council to decide the ultimate size and purpose of the new jail facility in the Public Safety Building to help reduce overall transport and outside jail housing costs. Results of that analysis will be available in 2011. In the meantime, until these studies and the new jail facility are completed, the City needs to continue to have the various jail contracts as options.

Attachments: Resolutions for each Agreement
Agreements with:
King County
Yakima
Marysville

RESOLUTION R-4851

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING AN AMENDMENT OF THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF KIRKLAND AND KING COUNTY FOR JAIL SERVICES.

WHEREAS, the City of Kirkland wishes to secure the use of additional jail bed capacity; and

WHEREAS, King County is willing to accept City of Kirkland inmates for a rate of compensation mutually agreed upon by the parties; and

WHEREAS, Chapter 39.34 RCW authorizes the parties to enter into an interlocal cooperation agreement to perform any governmental service, activity or undertaking which each contracting party is authorized by law to perform;

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 execute on behalf of the City of Kirkland an interlocal agreement substantially similar to that attached as Exhibit "A", which is entitled "Amendment to Interlocal Agreement for Jail Services."

Passed by majority vote of the Kirkland City Council in open meeting this ____ day of _____, 2010.

Signed in authentication thereof this ____ day of _____, 2010.

MAYOR

Attest:

City Clerk

Amendment to Interlocal Agreement for Jail Services

WHEREAS, on November 1, 2002, King County and the City of Kirkland (the "City") entered into an Interlocal Agreement for the provision of jail services; and

WHEREAS, on May 1, 2010, King County and the City entered into an agreement that amended the November 1, 2002 jail services agreement; and

WHEREAS, King County and the City have determined that the May 1, 2010 agreement should be modified in order to further clarify City payment obligations as set forth herein;

NOW, THEREFORE, King County and the City agree that the May 1, 2010 Amendment to Interlocal Agreement Between King County and the City of Kirkland for Jail Services is amended as follows:

1. **Exhibit III B (REVISED FEE PERIOD)** is modified in part as follows:

Subsection 5 (INFLATORS AND RE-SETS OF FEES AND CHARGES)

a. All fees and charges, excluding Offsite Medical Care Charges and the Capital Expenditure Charge components of the maintenance charge and WER Charge, shall be annually inflated by the percentage rates described below, effective January 1 of each calendar year starting January 1, 2011, in order to determine the final rates and charges for said calendar year, subject further to re-set of the underlying "base rates" periodically as described in subsection 5.b below.

Non-Medical Charges: the following fees and charges are subject to an annual inflator of 5%, ~~(except for calculations requiring inflation of 2009 costs for purposes of determining 2010 costs, 2009 non-medical costs shall be subject to an annual inflator of 3%)~~ unless otherwise specified in Subsection 5.b below:

- i. Maintenance Charge
- ii. WER Charge
- iii. Reduced Booking Fee and Standard Booking Fee
- iv. Acute Psychiatric Housing Surcharge
- v. 1:1 Guarding.

Medical Charges: the following fees and charges are subject to an annual inflator of 6.5%, ~~(except for calculations requiring inflation of 2009 costs for purposes of determining 2010 costs, 2009 non-medical costs shall be subject to an annual inflator of 5%)~~ unless otherwise specified in Subsection 5.b below:

- i. Infirmary Care Surcharge
- ii. Psychiatric Care Surcharge.

b. **Attachment III-1** shows the allocation of 2007 **Actual Jail Costs** to derive the 2007 fees and charges. As indicated on Attachment III-1, these 2007 fees and charges were then inflated as described in subsection 5.a above in order to calculate the fees and charges applicable in 2010 as set forth above in Sections B.1, Maintenance Charge, B. 2, Booking Fees, B.3, Surcharges, and B.4, Offsite Medical Care Charges (*excluding the Capital Expenditure Charge which will be a periodically adjusted component added to the maintenance charge and WER Charge*). Fees and charges payable by the City shall be re-calculated each year based on Actual Jail Costs periodically recalculated, using the same allocation methodology as illustrated in Attachment III-1, and applying the inflators described in subsection 5.a, as follows (*excluding the Capital Expenditure Charge which will be a periodically adjusted component added to the maintenance charge and WER Charge*):

i. Fees and Charges in 2011 shall be based on **Actual Costs** for 2009, inflated ~~as follows per subsection 5.a above. Thus, the~~ The 2009 Actual Jail Costs will be used to derive the set of 2009 base charges and fees in a manner consistent with the calculations in Exhibit III-I, except that the total number of maintenance days, WER maintenance days, bookings, maintenances days for the Infirmary, maintenance days for inmates receiving Psychiatric Care Services, and maintenance days for Acute Psychiatric Housing will be calculated by averaging the actual numbers for 2007, 2008, and 2009. These charges and fees will be inflated by ~~the 2009 inflators (3% for non-medical fees and charges, and 5% for medical charges) described in subsection 5.a above to derive the 2010 charges and fees, and then these charges and fees will be inflated again by at the rates described in subsection 5.a (53% for non-medical fees and charges, and 6.55% for medical charges)~~ to determine the 2011 fees and charges.

ii. Fees and Charges in 2012 shall be ~~determined by inflating the 2011 charges and fees by the inflators described in subsection 5.a above (5% for non-medical fees and charges, 6.5% for medical charges)~~ based on **Actual Costs** for 2009, inflated as follows. Thus, the 2009 Actual Jail Costs will be used to derive the set of 2009 base charges and fees in a manner consistent with the calculations in Exhibit III-I. These charges and fees will be inflated by the 2009 inflators (3% for non-medical fees and charges, 5% for medical charges), will be inflated by the 2010 inflators at the rates described in subsection 5.a (5% for non-medical fees and charges, 6.5% for medical charges), and will be inflated by the 2011 inflators at the rates described in subsection 5.a (5% for non-medical fees and charges, 6.5% for medical charges) to determine the 2012 fees and charges.

iii. Fees and Charges in 2013 shall be based on **Actual Jail Costs** for 2011, inflated per subsection 5.a above (e.g., the 2011 Actual Jail Costs will be used to derive the set of 2011 base charges and fees in a manner consistent with the calculations in Exhibit III-1; these charges and fees shall be

inflated by 5%, or 6.5% , per paragraph a above, to derive the 2012 charges and fees, and those charges and fees will be inflated again by 5% or 6.5% (per subsection 5.a) to determine the 2013 fees and charges).

iv. Fees and Charges in 2014 shall be determined by inflating the 2013 charges and fees by the inflators described in subsection 5.a above.

v. Fees and Charges in 2015 shall be based on **Actual Jail Costs** for 2013, inflated per subsection 5.a above (e.g., the 2013 Actual Jail Costs will be used to derive the set of 2013 base charges and fees in a manner consistent with the calculations in Exhibit III-1; these charges and fees shall be inflated by 5% or 6.5% per subsection 5.a above, to derive the 2014 charges and fees, and those charges and fees will be inflated by 5% or 6.5% per subsection 5.a above to determine the 2015 fees and charges).

vi. Fees and charges in 2016 shall be determined by inflating the 2015 charges and fees by the inflators described in subsection 5.a above.

Actual Jail Costs means the direct and indirect costs related to operating the Jail, including without limitation health services, as determined by the County’s budget reconciliation completed after the end of each calendar/budget year.

2. Except as otherwise expressly provided above, the May 1, 2010 Amendment to Interlocal Agreement Between King County and the City of Kirkland for Jail Services remains in effect without revision.

3. This amendment shall be effective January 1, 2011.

For King County

For the City of Kirkland

Dow Constantine
King County Executive

By: Kurt Triplett
City Manager

Date

Date

Approved as to form:

Approved as to form:

King County
Deputy Prosecuting Attorney

Robin Jenkinson
City Attorney

Date

Date

RESOLUTION R-4852

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF KIRKLAND AND YAKIMA COUNTY FOR JAIL SERVICES.

WHEREAS, the City of Kirkland wishes to secure the use of additional jail bed capacity; and

WHEREAS, Yakima County is willing to accept City of Kirkland inmates for a rate of compensation mutually agreed upon by the parties; and

WHEREAS, Chapter 39.34 RCW authorizes the parties to enter into an interlocal cooperation agreement to perform any governmental service, activity or undertaking which each contracting party is authorized by law to perform;

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 execute on behalf of the City of Kirkland an interlocal agreement substantially similar to that attached as Exhibit "A", which is entitled "Agreement for Inmate Housing - 2011."

Passed by majority vote of the Kirkland City Council in open meeting this ____ day of _____, 2010.

Signed in authentication thereof this ____ day of _____, 2010.

MAYOR

Attest:

City Clerk

AGREEMENT FOR INMATE HOUSING -- 2011

THIS INTERLOCAL AGREEMENT FOR INMATE HOUSING (hereinafter "Agreement") is made and entered into by and between **Yakima County** (hereinafter the "County") and **the City of Kirkland** (hereinafter the "City").

WHEREAS, RCW Chapters 39.34 and RCW 70.48 authorize the City and the County to enter into a contract for inmate housing, and

WHEREAS, the City desires to transfer custody of certain of its inmates to the County to be housed in the County's corrections facilities during those inmates' confinement, and to compensate the County for housing such inmates, and

WHEREAS, the County desires to house inmates who would be otherwise in the City's custody on the terms agreed herein.

NOW, THEREFORE, in consideration of the mutual covenants, conditions, and promises contained herein, the parties hereto mutually agree as follows:

1. Purpose. The purpose and intent of this Agreement is to establish the terms under which the County will house City inmates during the calendar year 2011.

2. Definitions.

Business day means Monday through Friday excluding Yakima County standard holidays.

City Inmate means a person subject to City custody who is transferred to County custody under this Agreement.

Committing Court means the court that issued the order or sentence that established the City's custody of a City Inmate.

Detainer – A legal order authorizing or commanding another agency a right to take custody of a person.

YCDOC – The Yakima County Department of Corrections.

3. General Provisions. The County shall accept City Inmates according to the terms of this Agreement and shall provide housing, care, and custody of those City Inmates in the same manner as it provides housing, care and custody to its own inmates.

The County shall manage, maintain, and operate its corrections facilities in compliance with all applicable federal, state, and local laws and regulations.

4. Right to Refuse or Return Inmate. To the greatest extent permitted by law, the County shall have the right to refuse to accept a City Inmate or to return a City Inmate to the City, if the Inmate has a current illness or injury that is listed in **Attachment A - Medical Acceptability**, or in the reasonable judgment of the County presents a substantial risk of escape, or of injury to other persons or property, or of adversely affecting significantly disrupting the operations of the County's corrections facilities. The County shall provide notice to the City at least one business day prior to transport if a City Inmate is being returned to the City, The cost of transport shall be paid by the City unless the transport can be made by the County within the terms set forth in **Section 5** of this Agreement.

5. Inmate Transport. County Transported: The County shall transport Inmates to and from the County's corrections facilities except when weather or other conditions beyond the County's control prevent transport. **Inmate transport dates will be determined by the amount of inmates the City has housed with the County.**

The County will pick up and drop off Inmates at Kirkland Jail. In the event the City wishes the County to pick up and/or drop off a City Inmate at another detention or correction facility, the City shall notify the County of the location of the Inmate for pick up and/or drop off. The County reserves the right to refuse to transport a City Inmate to or from another detention or correction facility.

The City shall provide a written inmate transport list to the County no later than 1330 hours the business day prior to transport. At the time of scheduling transport if possible, but no later than transport pickup, the City shall provide to the County the warrant or court order detaining or committing the Inmate, as well as any order that specifies the Inmate's next court date or sentence to confinement.

The City shall provide a complete copy of each Inmate's records in its possession to the County prior to transferring custody of the Inmate to the County. The County will not assume custody of any inmate without a warrant or court order that commits the Inmate to confinement.

City Transported: The City will provide the County a written transport list to the County no later than 1330 hours the business day prior to delivery. At the time of delivery, the City shall provide the County the warrant or court order detaining or committing the inmate as well as any order that specifies the Inmate's next court date or sentence to confinement.

The City shall provide a complete copy of each Inmate's records in its possession to the County prior to transferring custody of the Inmate to the County. The County will not assume custody of any inmate without a warrant or court order that commits the Inmate to confinement.

6. Inmate Records. The City shall provide all medical records in its possession to the County's transport officers prior to the Inmate's departure from the City's detention or designated detention facility. In the event the Inmate is transported by the City, the City shall provide all medical records in its possession to the County's booking officer. In the event additional information is requested by the County regarding a particular Inmate, the County and City will mutually cooperate to provide the additional information needed.

7. Inmate Property. The County shall accept and transport Inmate property in accordance with **Attachment B – Property**, and shall be responsible only for inmate property actually delivered into County possession. The County shall hold and handle each Inmate's personal property in the same manner it holds and handles property of other County inmates. In the event a City Inmate is being transported from a City designated detention or correction facility, it will be the responsibility of the City to dispose of the Inmate's property not delivered and accepted into County possession. When returning Inmates to the City, the County shall transport Inmate property according to the provisions of Attachment B – Property, and it shall be the responsibility of the County to dispose of any of the Inmate's property not transported with the Inmate.

8. Booking. Inmates shall be booked pursuant the County's booking policies and procedures. Inmates transported by the City that are not acceptable at booking, will be the responsibility of the City to transport back to City.

Pursuant to RCW 70.48.130, and as part of the booking procedure, the Department of Corrections shall obtain general information concerning the Inmate's ability to pay for medical care, including insurance or other medical benefits or resources to which a City Inmate is entitled. The information is to be used for third party billing.

The County and City will attempt to develop a process at City detention facilities for pre-booking Inmates who are being transferred to the custody of the County.

- 9. Classification.** Inmates shall be classified pursuant to the County's classification policies and procedures, and within the sole discretion and judgment of the County. The City shall provide information identified in **Attachment C – Classification**, of this Agreement.
- 10. Housing.** Inmates shall be assigned to housing pursuant to the County's policies and procedures, and within the sole discretion and judgment of the County. Provided however, that generally, if a City Inmate's classification qualifies him/her to be housed in the Yakima County Corrections Center, and there is a bed available at the Yakima County Corrections Center, the Inmate shall be housed in the Yakima County Corrections Center. Exceptions to this general provision include circumstances such as: 1) No women are housed at the Yakima County Corrections Center; 2) Inmates assigned to certain work crews must be housed in the Main Jail or Annex; 3) Certain programs are available only to Inmates housed in the Main Jail or Annex; 4) Inmates who will be housed for less than one week will usually be housed in the Main Jail or Annex.
- 11. Inmate Work Programs.** The County may assign Inmates to work programs such as inside and outside work crews, kitchen and facility duties, and other appropriate duties.
- 12. Health Care.** The County shall provide in-facility medical care commonly associated with county corrections operations as guided by American Correctional Association or National Commission on Correctional Health Care standards.
- Inmates shall be responsible for co-payment for health services according to County policy. The City shall not be responsible to the County for Inmate co-payments. No Inmate shall be denied necessary health care because of an inability to pay for health services.
- The County shall notify the City's designee(s) via e-mail or fax if a City Inmate requires medical or dental treatment at an outside medical or health care facility. The City shall be responsible to promptly notify the County of any changes in its designee(s).
- The City shall pay for all medical, mental health, dental or any other medical services that are required to care for the City's Inmates outside YCDOC facilities. Except, the County shall bear the expense of any such medical care necessitated by improper conduct of the County, or of its officers or agents.
- The County shall notify the City as soon as reasonably possible before the Inmate receives medical and/or dental treatment outside of YCDOC facilities. The City acknowledges that such notice may not be reasonably possible prior to emergency care. Lack of prior notice shall not excuse the City from financial responsibility for related medical expenses, and shall not be a basis for imposing financial responsibility for related medical expenses on the County.
- Outside medical expenses for Inmates housed for more than one jurisdiction shall be divided equally among those jurisdictions.

13. Inmate Discipline. The County shall discipline Inmates according to the same policies and procedures under which other County inmates are disciplined. However, nothing contained herein shall be construed to authorize the imposition of a type of discipline that would not be imposed on a comparable County inmate, up to and including the removal of earned early release credits as approved by the City.

14. Removal from County Facilities. Except for work programs or health care, and during emergencies, Inmates shall not be removed from County facilities without written authorization from the City or by the order of any court having jurisdiction. Other jurisdictions may "borrow" a City Inmate only according to the provisions of **Attachment D – Borrowing**. In the event of the Inmate's emergency removal, the County shall notify the City by email or fax as soon as reasonably possible. No early release or alternative to incarceration, including furloughs, home detention, or work release shall be granted to any Inmate without written authorization by the committing court.

15. Visitation. The County shall provide scheduled visitation for attorneys, spouses, family and friends of Inmates. Such visitation may be accomplished as provided in Section 24 of this Agreement.

16. Inmate-Attorney Communication. Confidential telephones or visitation rooms shall be available to inmates to communicate with their attorneys. The City shall bear all cost of Inmates' calls to their attorneys. The City shall reimburse the County or pay directly all costs associated with attorney-inmate telephone communications.

17. Inmate Accounts. The County shall establish and maintain an account for each Inmate. The County shall ensure family members and others have a reasonable process to add funds to a City Inmate's account,

Upon returning custody of a City Inmate to the City, the County shall transfer the balance of that Inmate's account that is not subject to charges, to the Inmate or to the City in the form of a check or a debit card in the name of the Inmate.

In the event the County contracts with a company/business that furnishes technology for wireless inmate account crediting (such as Keefee or JPAY) the City may allow the County (or County's contracted representative) to install the equipment necessary for use of the system. The City shall not be financially responsible for any aspect of the system, including but not limited to installation or maintenance costs. The City shall not receive any compensation or profits for such a system.

18. Detainers. Inmates in a "Detainer" status shall be handled according to **Attachment E – Detainers**.

19. Releases. The City shall be responsible for computing and tracking all sentence time calculations, good time, court dates and release dates. Inmates will be released in accordance with **Attachment F – Inmate Release**.

The County shall not transfer custody of a City Inmate housed pursuant to this Agreement to any party other than the City, except as provided in this Agreement or as directed by the City.

20. Escape. If a City Inmate escapes County custody, the County shall notify the City as soon as reasonably possible. The County shall use all reasonable efforts to pursue and regain custody of escaped City Inmates, and shall assume all costs connected with the recapture of the City Inmate.

21. Death. If a City Inmate dies in County custody, the County shall notify the City as soon as reasonably possible. The Yakima County Coroner shall assume custody of the City Inmate's body. Unless another agency becomes responsible for investigation, YCDOC shall investigate and shall provide the City with a report of its investigation. The City may participate in the investigation. If another agency becomes responsible for investigation, YCDOC shall liaison or otherwise facilitate the City's communication with and receipt of reports from the other agency.

The City shall provide the County with written instructions regarding the disposition of the City Inmate's body. The City shall pay for all reasonable expenses for the preparation and shipment of the body. The City may request in writing that the County arrange for burial and all matters related or incidental thereto and the City shall be responsible for all costs associate with this request. Except, the County shall bear such expenses necessitated by improper conduct of County, or its officers or agents.

22. Reporting Requirements. Ordinarily on business days, the County will deliver the following reports to the JAG, which will disseminate them to the City:

Here Now Report - a report detailing King County City inmates in YCDOC custody.

EXCEL Housing Report – a report that allows King County cities to identify where their inmates are housed.

PROTRAK Housing Report – a report detailing which King County city inmates are housed at the Yakima County Corrections Center.

Custody Report – a report of total inmate populations confined at all YCDOC facilities. It includes current and historical safety and population data.

Special Housing Report – Identifies King County city inmates who are in special housing assignments.

23. City's Right of Inspection. The City shall have the right, upon reasonable advance notice, to inspect County correction facilities where City Inmates are housed at reasonable times. During such inspections, the City may interview its Inmates and review its Inmates' records. The City shall have no right to interview inmates housed for other jurisdictions or to review their medical records, unless it is properly authorized to do so by the inmate or the other jurisdiction.

24. Technology. The County and City may each permit the other continuous access to its computer database regarding all City Inmates housed by the County. This continuous access feature may be accomplished through a computer link between a computer(s) designated by the City and appropriate computer(s) of the County.

By separate mutual agreement, the County and City may provide video conference capabilities for personal visiting, professional visiting, pre-trial conferences, arraignments and other court and conferencing needs.

25. Bed Rate. In consideration of Yakima County's commitment to house City Inmates, the City shall pay the County a per inmate rate from January 1, 2011 to December 31, 2011 as follows:

YCDOC Transported Inmates: \$ 99.80 per day.

City transported Inmates: \$89.60 per day.

The Bed Rate includes all in-facility medical, dental (if available), and mental health services. In the event an inmate requires out of facility medical, dental or mental health services, the City shall be responsible for the cost of the services.

The County shall not charge a booking fee in connection with housing the City's Inmates.

The City may purchase additional beds, as available, at the then- existing bed rate; however, the County shall have the right to refuse to accept custody of or house inmates in excess of the City's minimum bed commitment.

The Daily Fee for inmates housed for more than one jurisdiction shall be divided equally among those jurisdictions.

26. Billing and Payment. The County shall provide the City with monthly statements itemizing the name of each City Inmate, the number of days of housing, including the date and time booked into the County and date and time released from the County and itemization of any additional charges including a description of the service provided, date provided and reason for service.

The County shall provide said statement for each month on or about the 10th day of the following month. Payment shall be due to the County within (30) days from the billing date. The County may bill the City electronically. Payments not received by the 30th day shall bear interest at the rate of 1% per month until payment is received.

The Daily Fee for City Inmates housed for more than one jurisdiction shall be divided equally among those jurisdictions.

27. Duration of Agreement. The duration of this Agreement shall be from January 1, 2011, at 12:00 A.M. and shall end at 11:59 P.M., on December 31, 2011 unless otherwise terminated in accordance with Section 31 of this Agreement. This Agreement may be renewed for any successive period by written addendum under terms and conditions acceptable to the County and City.

28. Independent Contractor. In providing services under this Agreement, the County is an independent contractor and neither it nor its officers, nor its agents nor its employees are employees of the City for any purpose, including responsibility for any federal or state tax, industrial insurance, or Social Security liability. Neither shall the provision of services under this Agreement give rise to any claim of career service or civil service rights, which may accrue to an employee of the City under any applicable law, rule or regulation. Nothing in this Agreement is intended to create an interest in or give a benefit to third persons not signing as a party to this Agreement.

29. Hold Harmless, Defense, and Indemnification. The County shall hold harmless, defend, and indemnify the City, its elected officials, officers, employees, and agents from and against any and all suits, actions, claims, liability, damages, judgments, costs and expenses (including reasonable attorney's fees) (also including but not limited to claims related to false arrest or detention, alleged mistreatment, injury, or death of any City Inmate, or loss or damage to City Inmate property while in County custody) that result from or arise out of the acts or omissions of County, its elected officials, officers, employees, and agents in connection with or incidental to the performance or non-performance of the County's services, duties, and obligations under this Agreement.

The City shall hold harmless, defend, and indemnify the County, its elected officials, officers, employees, and agents from and against any and all suits, actions, claims, liability, damages, judgments, costs and expenses (including reasonable attorney's fees) (also including but not limited to claims related to false arrest or detention, alleged mistreatment, injury, or death of any City Inmate, or loss or damage to City Inmate property while in County custody) that result from or arise out of the acts or omissions of the City, its elected officials, officers, employees, and agents in connection with or incidental to the performance or non-performance of the City's services, duties, and obligations under this Agreement.

In the event the acts or omissions of the officials, officers, agents, and/or employees of both the City and the County in connection with or incidental to the performance or non-performance of the City's and or County's services, duties, and obligations under this Agreement are the subject of any liability claims by a third party, the City and County shall each be liable for its proportionate share of fault in any resulting suits, actions, claims, liability, damages, judgments, costs and expenses and for their own attorney's fees.

Nothing contained in this Section or this Agreement shall be construed to create a right in any third party to indemnification or defense.

The County and City hereby waive, as to each other only, their immunity from suit under industrial insurance, Title 51 RCW. This waiver of immunity was mutually negotiated by the parties hereto.

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

30. Insurance. The County and City shall provide each other with evidence of insurance coverage, in the form of a certificate or other competent evidence from an insurance provider, insurance pool, or of self-insurance sufficient to satisfy the obligations set forth in this Agreement.

The County and City shall each maintain throughout the term of this Agreement coverage in minimum liability limits of one million dollars (\$1,000,000) per occurrence and two million dollars (\$2,000,000) in the aggregate for its liability exposures, including comprehensive general liability, errors and omissions, auto liability and police professional liability. The insurance policy shall provide coverage on an occurrence basis.

31. Termination.

A. Mutual Agreement: This Agreement may be terminated by mutual written consent between the County and City with ninety (90) days written notice to the other party and to the State Office of Financial Management as required by RCW 70.48.090 stating the grounds for said termination and specifying plans for accommodating the affected City Inmates.

B. Imperiling Conditions: The City shall have the right to terminate this Agreement where: 1) conditions and/or circumstances at Yakima's facilities present an imminent risk of serious injury or death to the City's Inmates ("Imperiling Conditions"); 2) the City has sent County written notice by certified mail, return receipt requested describing with reasonable specificity the Imperiling Conditions; and 3) the County has failed to cure the Imperiling Conditions within a reasonable period of time, which, unless the parties agree in writing to a longer period, shall be no more than 30 days after the County receives the City's notice. Termination under this provision shall be effective if and when: 1) after at least 30 days, the County has not cured the Imperiling Condition(s); and 2) the City has removed its Inmates; and 3) the City has given the

County formal written notice of final termination under this provision. After Termination under this provision the City shall have no further financial obligations under this Agreement.

C. **Material Breach:** Either party shall have the right to terminate this Agreement if: 1) the other party is in material breach of any term of this Agreement; 2) the terminating party has sent the breaching party written notice of its intent to terminate this Agreement under this section by certified mail, return receipt requested describing with reasonable specificity the basis for the termination; and 3) the breaching party has failed to cure the breach within ninety (90) days, unless the parties agree in writing to a longer cure period. Termination shall be effective upon and the City shall have no further financial obligations under this Agreement from the date of removal of its Inmates from the Yakima Facility or County's receipt of final notice that City is terminating the Agreement after the expiration of the cure period, whichever occurs last.

32. Real or Personal Property. It is not anticipated that any real or personal property will be acquired or purchased by the parties solely because of this Agreement.

33. Equal Opportunity. Neither party shall discriminate against any person on the grounds of race, creed, color, religion, national origin, sex, age, marital status, political affiliation or belief or the presence of any sensory, mental or physical handicap in violation of any applicable federal law, Washington State Law Against Discrimination (RCW chapter 49.60) or the Americans with Disabilities Act (42 USC 12110 et seq.). In the event of the violation of this provision, the other party may terminate this Agreement immediately.

34. Assignment. This Agreement, or any interest herein, or claim hereunder, shall not be assigned or transferred in whole or in part by the County to any other person or entity without the prior written consent of the City. In the event that such prior written consent to an assignment is granted, then the assignee shall assume all duties, obligations, and liabilities of County stated herein.

35. Non-Waiver. The failure of either party to insist upon strict performance of any provision of this Agreement or to exercise any right based upon a breach thereof or the acceptance of any performance during such breach shall not constitute a waiver of any right under this Agreement.

36. Severability. If any portion of this Agreement is changed per mutual Agreement or any portion is held invalid, the remainder of the Agreement shall remain in full force and effect.

37. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Washington. Any actions, suit, or judicial or administrative proceeding for the enforcement of this Agreement shall be brought and tried in the Federal or Superior Court for the State of Washington in Thurston County

38. Approval and Filing. Each party shall approve this Agreement by resolution, ordinance or otherwise pursuant to the laws of the governing body of each party. The attested signatures of the City, Manager or Mayor and the Yakima County Commissioners below shall constitute a presumption that such approval was properly obtained. A copy of this Agreement shall be filed with the Yakima County Auditor's Office pursuant to RCW 39.34.040.

39. General Provisions. Unless otherwise agreed in writing executed by both parties, on and after January 1, 2011, and so long as this Agreement remains in effect, this document constitutes the entire Agreement between the City and the County under which the County

houses City Inmates, and no other oral or written agreements between the parties shall affect this Agreement.

No changes or additions to this Agreement shall be valid or binding upon either party unless such change or addition be in writing and executed by both parties.

The County shall not delegate its duties pertaining to housing City Inmates without the written consent of the City, which consent shall not be withheld unreasonably.

Any provision of this Agreement that is declared invalid or illegal shall in no way affect or invalidate any other provision.

In the event the County or City defaults on the performance of any terms of this Agreement and files a lawsuit, the prevailing party shall be entitled to an award of its reasonable attorney fees, costs and expenses.

This Agreement may be executed in any number of counterparts.

40. Notices. Unless stated otherwise herein, all notices and demands shall be in writing and sent or hand-delivered to the parties to their addresses as follows:

TO CITY: Robert Balkema Jail Manager
 Kirkland Jail
 123 5th Ave
 Kirkland, Washington 98033

TO COUNTY: Ed Campbell, Director
 Yakima County Department of Corrections
 111 North Front Street
 Yakima, WA 98901

Alternatively, to such other addresses as the parties may hereafter designate in writing. Notices and/or demands shall be sent by registered or certified mail, postage prepaid, or hand-delivered. Such notices shall be deemed effective when mailed or hand-delivered at the addresses specified above.

Dated on this _____ day of _____ 2010.

BOARD OF YAKIMA COUNTY COMMISSIONERS

Michael D. Leita, Chairman

Kevin J. Bouchey, Commissioner

J. Rand Elliott, Commissioner

Constituting the Board of County Commissioners for Yakima County, Washington

Attest:

Tiera Gerard
Deputy Clerk of the Board

Approved as to Form:

Stefanie Weigand
Senior Deputy Prosecuting Attorney
Corporate Counsel Division

CITY OF Kirkland

By: _____
Kurt Triplett
City Manager

Approved as to form:

By: _____
Robin Jenkinson
City Attorney

ATTACHMENT A
MEDICAL ACCEPTABILITY

The County shall determine the medical and mental acceptability of inmates for transport using the following excluding criteria:

1. Blood or fluid present at an open wound site or bleeding from an open wound.
2. Signs of untreated broken bones or dislocated joints.
3. Any injury or illness requiring immediate or emergency medical treatment.
4. Unconsciousness.
5. Inmates unable to stand and walk under their own power.
6. Wheel chair bound individuals.
7. Signs of alcohol toxicity and signs of current or recent use of any intoxicants.
8. Signs of alcohol and/or drug withdrawal.
9. Bed bound individuals.
10. Individuals with attached IV or requiring IV medications.
11. Individuals requiring the use of oxygen tanks.
12. AMA (Against Medical Advice) from the hospital.
13. Individuals having had major invasive surgery within the last 72 hours. Non-invasive surgery such as oral surgery, laser-eye surgery and minor surgery may be evaluated on a case-by-case basis.
14. Post-operative persons who have follow up appointments within the next four weeks.
15. Wounds with drainage tubes attached.
16. Persons with permanent catheters.
17. Open and/or oozing bedsores.
18. Individuals requiring nebulizers who cannot obtain one.
19. Persons with Alzheimer's, dementia or other psychological conditions to the point where the inmate cannot perform activities of daily living ("ADL's") or who do not have the capacity to function safely within a correctional environment.
20. Persons who are diagnosed as developmentally delayed and who do not have the capacity to function safely within a correctional environment or who cannot perform ADL's.
21. Female inmates more than 5 months pregnant. Or any female inmate considered a high-risk pregnancy.
22. Persons undergoing chemotherapy and/or radiation treatment.
23. Persons undergoing dialysis.

24. Persons with the following untreated medical conditions:
 - a) Heart disease
 - b) Seizures disorders
 - c) Insulin dependent diabetes
 - d) Cancer
 - e) Asthma
 - f) Psychosis
 - g) HIV Positive or AIDS
25. Persons who are HIV positive or have AIDS and are taking anti-viral medications.
26. Persons taking Methadone, or Suboxone, a substitute for Methadone.
27. Persons with suicidal ideations or gestures within the past 72 hours.
28. Person, if prescribed, have not taken psychotropic medications for at least 72 hours.
29. Persons who have attempted suicide within the last 30 days.
30. Persons who have attempted suicide by overdose or ligature strangulation during current incarceration.
31. Persons displaying current psychotic episode.
32. Persons requiring CPAP machines as prescribed must be transported with the machine.

ATTACHMENT B
PROPERTY

County transport personnel will only accept Inmate property as follows:

1. The property shall be sealed in a single property bag no larger than a common paper grocery bag.
2. Money, valuables, and medications shall be placed in a clear envelope and sealed within the Inmate's property bag.
3. Checks and documents (court, warrants, etc) shall be attached to the outside of the property bag.
4. The transporting officer shall account for the property bag and funds being transported. Yakima County Department of Corrections transport personnel will not accept or transport the following:
 - a) Backpacks, suitcases, etc.
 - b) Unpackaged food products or food products in packaging that has been opened.
 - c) Any type of weapon (includes pocketknives).
 - d) Liquids.
 - e) Any items that will not fit into the property bag.

- f) Material deemed to be contraband.

Yakima County will limit property returned with the Inmate to the City according to these criteria.

**ATTACHMENT C
CLASSIFICATION**

The City shall supply the County with the following Classification related information, if it known to or in possession of the City:

1. If the City Inmate has been classified to a special housing unit and/or if the City Inmate has been classified as protective custody.
2. If the City Inmate is a violent offender or has displayed violent behavior during present or past incarcerations.
3. If the City Inmate is an escape risk.

**ATTACHMENT D
BORROWING**

One contracting city may "borrow" another contracting city's inmate as follows:

1. If a City requests the transport of another contracting City's Inmate from the County the requesting City must notify each agency with rights to custody of the Inmate, and if each agency with rights to custody of the Inmate notifies the County in writing (e-mail) of its approval, the County shall provide the requested transport. The County will complete a custody transfer form that lists all outstanding detainers. The custody transfer paperwork will accompany the inmate.
2. Once custody of the City Inmate has been transferred to another agency, it is the responsibility of the requesting City to determine whether the City Inmate shall be returned to the custody of the County, and if so, the requesting City shall make all necessary and proper arrangements with the County and any agency with rights to custody of the Inmate, for the Inmate's return according to the terms of this agreement.
3. The County will not track the City Inmate once he or she has left the County's facility.
4. If the Inmate is returned to the custody of the County, the requesting City shall provide the County with sentencing/charge information. The City shall supply all pre-sentence, and post-sentence paperwork from agreeing agencies that authorized the borrowing of the Inmate. This will aid Yakima County in determining split billing and release dates.
5. If the agency requesting to borrow a City Inmate is not in the "Contracting Agency," the requesting agency will be responsible to make all transport arrangements including all legal paperwork for the transport with the City of jurisdiction.
6. The County will transport the City Inmate only to a King County city that also contracts with the County for Inmate housing.
7. Inmates transported by the City, cannot be borrowed out of YCDOC.

ATTACHMENT E

***This attachment only applies to Inmates transported by the YCDOC.**

WARRANTS/OTHER COURT ORDERS/DETAINERS

1. The following shall apply to City Inmates who are subject to warrants from other jurisdictions or to other court orders for confinement or detainers. When receiving a City Inmate, the Transport Officers shall review all paperwork provided by the City for all grounds to hold the Inmate and ensure that this information is entered into the County's JMS and is routed to the Out of County Transport Section Office Specialist.
2. Prior to releasing a City Inmate, the County shall check the NCIC and WACIC systems to determine if the Inmate is subject to any valid warrants or other detainers.
 - a) If the Inmate is subject to a warrant that is limited to King County, YCDOC will, upon receiving written permission (e mail) from the City, transport the Inmate to the custodial agency for the jurisdiction that issued the warrant. However, Yakima County will not assume responsibility to serve any such warrants.
 - b) If the City Inmate is subject to a warrant from a western Washington jurisdiction outside King County, YCDOC will release the Inmate at the location determined by written (e mail) agreement of the YCDOC and the City under Section 5 of this Agreement.
 - c) If the City Inmate is subject to a warrant from an eastern Washington jurisdiction, YCDOC will send the Inmate to the custodial agency for that jurisdiction on the Mini-Chain.
 - d) If, upon return from YCDOC to the City, the Inmate is subject to a warrant that provides for statewide extradition, YCDOC will either transport the Inmate to the detention/correction facility in King County designated by the agency/jurisdiction that issued the warrant if it is in King County, or will send the Inmate to the agency/jurisdiction that issued the warrant on the Mini-Chain.
3. City Inmates who have or are subject to Immigration and Custom Enforcement (ICE) detainers shall be returned to the City, unless the County and City agree in writing (email) to some other course of action.

ATTACHMENT F

INMATE RELEASE

County transport personnel will release City Inmates as follows:

1. Inside a staffed correction or detention facility (jail).
2. Inside a staffed police agency (sally port or other secured area).
3. Outside of a Law Enforcement Agency when agency personnel, telephone access, and weather protection (lobby areas) are available to the released Inmate.

4. The County does not transport on Mondays.
5. City Inmates for whom bail is posted, or who otherwise have a right to be released may, by signed written waiver, choose to remain in custody and return to City by the regularly scheduled transport, or to be released to a family member or friend, or to the streets of Yakima.
6. Inmates transported by City must be picked up at least 12 (twelve) hours prior to the inmate's scheduled release date and time. If the inmate is not picked up before the scheduled release time, the Inmate will be automatically scheduled to be transported, at the City's cost to include the addition of transport fees for all days served, on the next available transport to the City.

RESOLUTION R-4853

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING RENEWAL OF THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF KIRKLAND AND CITY OF MARYSVILLE FOR JAIL SERVICES.

WHEREAS, the City of Kirkland wishes to secure the use of additional jail bed capacity; and

WHEREAS, the City of Marysville is willing to accept City of Kirkland inmates for a rate of compensation mutually agreed upon by the parties; and

WHEREAS, Chapter 39.34 RCW authorizes the parties to enter into an interlocal cooperation agreement to perform any governmental service, activity or undertaking which each contracting party is authorized by law to perform;

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 execute on behalf of the City of Kirkland an interlocal agreement substantially similar to that attached as Exhibit "A", which is entitled "First Amendment to and Renewal of Interlocal Agreement for Jail Services."

Passed by majority vote of the Kirkland City Council in open meeting this ____ day of _____, 2010.

Signed in authentication thereof this ____ day of _____, 2010.

MAYOR

Attest:

City Clerk

AFTER RECORDING RETURN TO:

City of Marysville
1049 State Avenue Suite 201
Marysville, WA 98270

**FIRST AMENDMENT TO AND RENEWAL OF
INTERLOCAL AGREEMENT
FOR JAIL SERVICES – Kirkland
Section 5 Duration: Renewal 2010 – 2013 and
Amendment of Schedule “A”:
Booking Fee from \$32 to \$40,
Inmate Transfer administrative fee from \$10.00 to \$20.00,
Daily Maintenance Fee from \$52.00 to \$62.00,
(Bed space as needed based on space available) and
Transportation Fee (new in 2010) \$40.00 per trip,
with a COLA up to 2.25% increase per year
on Booking fees and Daily Maintenance Fees –
Effective January 1, 2010**

THIS AMENDMENT TO INTERLOCAL AGREEMENT FOR JAIL SERVICES ("Amendment") is made and entered into by and between the CITY OF MARYSVILLE ("Marysville"), and the CITY OF KIRKLAND ("Kirkland").

WHEREAS, on October 6, 2006 Marysville and Kirkland entered into an Interlocal Agreement for Jail Services hereafter referred to as the "Agreement" recorded on November 9, 2006 with Snohomish County ; and

WHEREAS, Section 5 of the Agreement provides that Kirkland shall have an option to renew the Agreement for a four year term commencing January 1, 2010 and ending December 31, 2013; and

WHEREAS, Kirkland has indicated its intention to exercise its option to renew the Agreement; and

WHEREAS, renewals of the Agreement are subject to agreement on the rate and payment for the booking fee and daily maintenance fee set forth in Schedule A of said Agreement.

WHEREAS, Marysville and the Kirkland have agreed to Amend **Schedule "A"** as follows, Booking Fee from \$32 to \$40, Inmate Transfer administrative fee from \$10.00 to \$20.00, Daily Maintenance Fee from \$52.00 to \$62.00, (Bed space as needed based on space available), Transportation Fee (new in 2010) \$40.00 per trip, with a COLA up to 2.25% increase per year on Booking Fees and Daily Maintenance Fees - Effective January 1, 2010 necessitating the amendment of the Agreement; and,

NOW, THEREFORE, in consideration of the mutual covenants, conditions and promises contained herein, Marysville and Kirkland mutually agree as follows:

1. Pursuant to Paragraph 5 **DURATION** of The Interlocal Agreement for Jail Services entered into between the parties on October 6, 2006 shall be renewed for a four year term commencing January 1, 2010 and ending December 31, 2013.

2. **Schedule "A"**, is amended as follows: Booking Fee from \$32 to \$40, Inmate Transfer administrative fee from \$10.00 to \$20.00, Daily Maintenance Fee from \$52.00 to \$62.00, (Bed space as needed based on space available) and Transportation Fee (new in 2010) \$40.00 per trip; with a COLA up to 2.25% increase per year on Booking Fees and Daily Maintenance Fees - Effective January 1, 2010 as adopted and attached to this agreement as **Schedule A**.

3. Except as provided herein, all other terms and conditions of the Interlocal Agreement for Jail Services dated October 6, 2006 shall be in full force and effect unchanged. This First Amendment to and Renewal of Interlocal Agreement for Jail Services shall be effective January 1, 2010

4. **APPROVALS AND FILING**. Each party shall approve this Agreement by resolution, ordinance or otherwise pursuant to the laws of the governing body of said party. The attested signature of the officials identified below shall constitute a presumption that such approval was properly obtained. A copy of this Agreement shall be filed with the Snohomish County Auditor's office pursuant to RCW 39.34.040.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals this _____ day of _____, 2009.

CITY OF KIRKLAND

CITY OF MARYSVILLE

By _____
Kurt Triplett, City Manager

By _____
Dennis L. Kendall, Mayor

DATE: _____
APPROVED as to form:

Robin S. Jenkinson, City Attorney

DATE: _____

Attest: _____
Kathi Anderson, City Clerk

DATE: _____
APPROVED as to form:

Grant K. Weed, City Attorney

DATE: _____

Attest: _____
City Clerk

SCHEDULE A
Effective January 1, 2010

<u>Booking Fee</u>	<u>\$40.00 **</u>
Should Marysville decide to collect booking fees pursuant to RCW 70.48.390 from the funds possessed by the prisoner or defendant directly at the time of booking, the booking fee to be paid by Kirkland for such prisoner or defendant shall be adjusted by a credit in favor of the Kirkland of that sum actually paid by the prisoner or defendant.	
<u>Inmate Transfer Administrative Fee</u>	<u>\$20.00</u>
In cases where Kirkland prisoners are relocated to another jail facility Kirkland agrees to reimburse Marysville for the actual rates and fees charged by such other jail facility.	
<u>Marysville Transportation Fee (new in 2010)</u>	<u>\$40.00 per trip</u>
<u>Daily maintenance fee</u>	<u>\$62.00 **</u>
Bed space as needed based on space available	

****Yearly COLA Increase on Booking Fees and Daily Maintenance Fees**

Booking and Daily Maintenance Fees will be increased at a rate of 100% of the Seattle CPI-W June Index for the year prior with a minimum of 0% to a maximum of 2.25%. The rate increase will occur on January 1 of each year unless otherwise negotiated and agreed by the parties. (For example the June 2010 Seattle CPI-W index will set the amount of the January 1, 2011 increase to Booking and Daily Maintenance Fees.)



CITY OF KIRKLAND
Planning and Community Development Department
123 Fifth Avenue, Kirkland, WA 98033 425.587-3225
www.ci.kirkland.wa.us

MEMORANDUM

To: Kurt Triplett, City Manager

From: Eric R. Shields, AICP, Planning Director
Susan Greene, Planner

Date: December 7th, 2010

Subject: Drivdahl Right-of-way Vacation, File No. VAC10-00001

RECOMMENDATION

The Department of Planning and Community Development recommends that City Council adopt an Ordinance to vacate a portion of the Waverly Way right-of-way located at 430 Waverly Way as filed by Eric Drivdahl. Per Kirkland Municipal Code section 19.16.160, the vote must be a roll call vote.

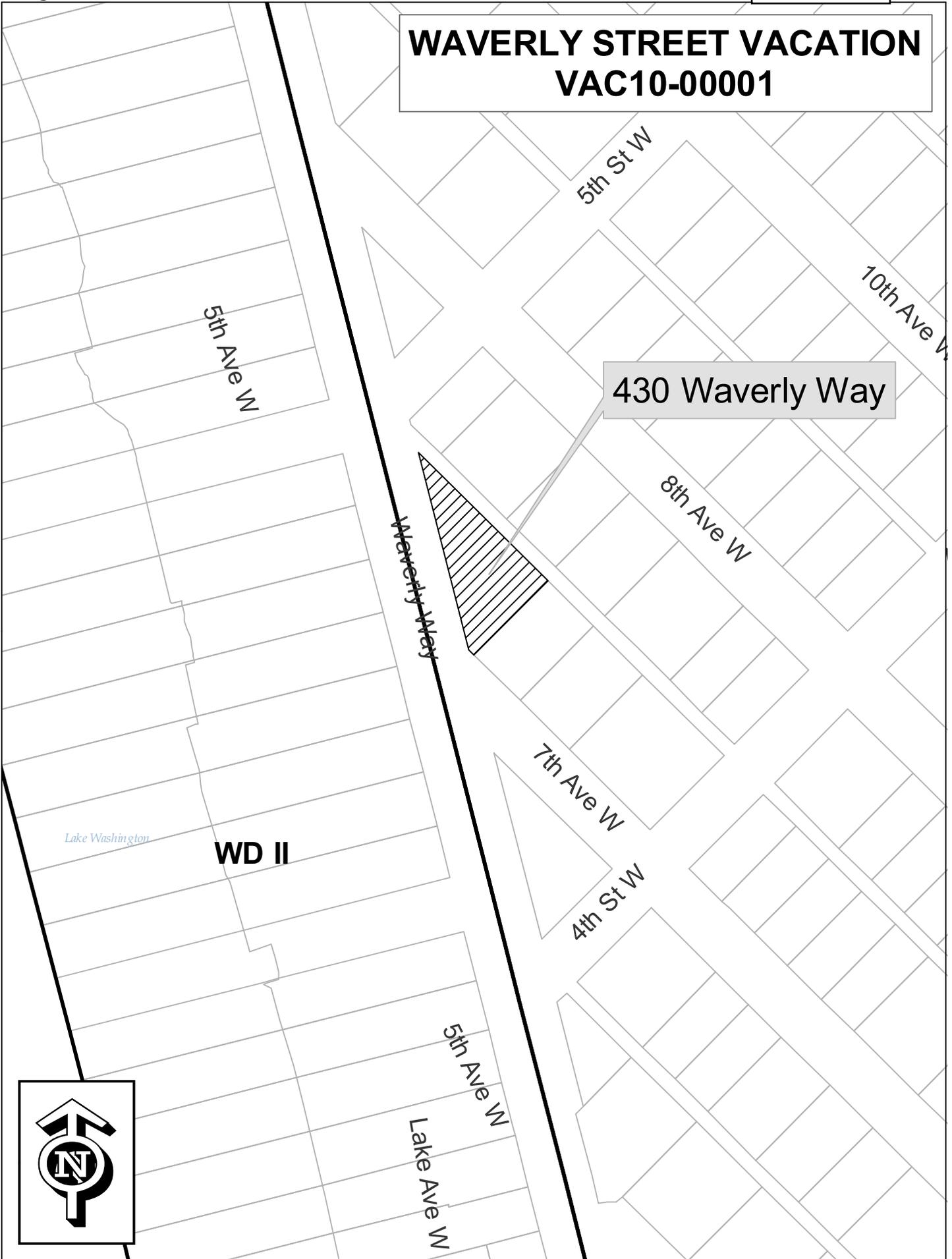
BACKGROUND DISCUSSION

Eric Drivdahl submitted a petition to vacate a 2,134 square foot portion of Waverly Way located adjacent to the property located at 430 Waverly Way.

On June 23rd, 2010, City Council adopted Resolution 4824 that set August 3rd, 2010 as the hearing date for this application. On August 3rd, 2010, City Council adopted Resolution 44827 expressing Intent to Vacate. The resolution stated that the applicant had 90 days or until November 1st, 2010 to meet three conditions. All three of the conditions have been met by the applicant.

ATTACHMENTS:
Vicinity Map
Site Plan
Ordinance to Vacate

**WAVERLY STREET VACATION
VAC10-00001**



430 Waverly Way

WD II

Lake Washington





LEGAL DESCRIPTION OF ADJACENT PROPERTY

LOTS 11 AND 12 AND NORTHWEST 30 FEET OF LOT 13, BLOCK 13, TOWN OF KIRKLAND, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 8 OF PLATS, PAGE 53, IN KING COUNTY, WASHINGTON.

(ACCORDING TO WARRANTY DEED RECORDED AUGUST 1, 2000, UNDER RECORDING NO. 2000081001604, RECORDS OF KING COUNTY, WASHINGTON.)

LEGAL DESCRIPTION OF PROPOSED RIGHT OF WAY VACATION

THAT PORTION OF WAVERLY WAY MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHERLY CORNER OF LOT 11, BLOCK 13, TOWN OF KIRKLAND, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 8 OF PLATS, PAGE 53, IN KING COUNTY, WASHINGTON;
 THENCE SOUTH 74°44'41" WEST, 10.00 FEET;
 THENCE SOUTH 15°45'19" EAST, PARALLEL WITH THE CENTERLINE OF WAVERLY WAY, A DISTANCE 205.15 FEET;
 THENCE SOUTH 46°23'53" EAST, ALONG THE PROLONGATION OF THE NORTHEASTERLY MARGIN OF 7TH AVENUE W, 19.34 FEET, TO A POINT WHICH IS 23.35 FEET, MORE OR LESS, FROM THE MOST WESTERLY CORNER OF LOT 13, BLOCK 13, OF SAID PLAT;
 THENCE NORTH 15°15'19" WEST, ALONG THE WEST BOUNDARY OF LOTS 11 TO 13, BLOCK 13, OF SAID PLAT, 221.70 FEET TO THE POINT OF BEGINNING.

CONTAINING 2,134 SQUARE FEET ±.

PROJECT INFORMATION

ENGINEER/SURVEYOR: SITE SURVEY & MAPPING, INC.
4906 ALPEN GLOW PLACE NW
ISSAQUAH, WA 98027
PHONE: 425.644.2076

PROPERTY OWNER: RICHARD HOTES
430 WAVERLY WAY
KIRKLAND, WA 98033

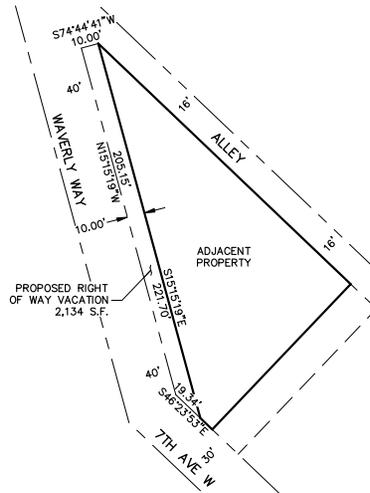
TAX PARCEL NUMBER: 388580-0720

PROJECT ADDRESS: 422 WAVERLY WAY
KIRKLAND, WA 98033

PARCEL ACREAGE: 11,957 S.F. (0.274± ACRES)
AS SURVEYED

ZONING: RST.2

JURISDICTION: KIRKLAND



R.O.W. VACATION DETAIL

1"=50'

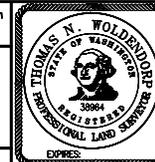


PROJECT#: 10-005 SHEET: 1 OF 1

SW 1/4, NE 1/4, SEC 6, TWP 25N, RNG 5E, W.M.

R.O.W. VACATION EXHIBIT

RICHARD HOTES
422 WAVERLY WAY
KIRKLAND, WA 98033



www.siteasurveymapping.com 4906 Alpen Glow Place NW Issaquah WA 98027 Phone: 425.644.2076

ORDINANCE NO. 4274

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO VACATING A PORTION OF A RIGHT-OF-WAY BASED ON AN APPLICATION FILED BY ERIC DRIVDAHL, FILE NO. VAC10-00001.

WHEREAS, by Resolution 4827 adopted on August 3, 2010, the City Council of the City of Kirkland established that it would vacate a portion of a right-of-way if certain conditions were met; and

WHEREAS, the conditions specified in Resolution No. 4827 have been satisfied.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Kirkland as follows:

Section 1. The portions of public right-of-way situated in Kirkland, King County, Washington and described as follows:

THAT PORTION OF WAVERLY WAY MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHERLY CORNER OF LOT 11, BLOCK 13, TOWN OF KIRKLAND, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 6 OF PLATS, PAGE 53, IN KING COUNTY, WASHINGTON; THENCE SOUTH 74°44'41" WEST, 10 FEET; THENCE SOUTH 15°15'19" EAST, PARALLEL WITH THE CENTERLINE OF WAVERLY WAY, A DISTANCE 205.15 FEET; THENCE SOUTH 46°23'53" EAST, ALONG THE PROLONGATION OF THE NORTHEASTERLY MARGIN OF 7TH AVENUE W, 19.34 FEET, TO A POINT WHICH IS 23.35 FEET, MORE OR LESS, FROM THE MOST WESTERLY CORNER OF LOT 13, BLOCK 13, OF SAID PLAT; THENCE NORTH 15°15'19" WEST, ALONG THE WEST BOUNDARY OF LOTS 11 TO 13, BLOCK 13, OF SAID PLAT, 221.70 FEET TO THE POINT OF BEGINNING. CONTAINING 2,134 SQUARE FEET ±

be and the same hereby are vacated, except that the City shall retain and reserve an easement together with the right to grant easements along, over and under the vacated street for the installation, construction, repair and maintenance of public utilities and services.

Section 2. 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 _____, 20__.

SIGNED in authentication thereof this _____ day _____, 20__.

Mayor

Attest:

City Clerk

Approved as to Form:

City Attorney

**CITY OF KIRKLAND**

123 Fifth Avenue, Kirkland, WA 98033 425.828.1100

www.ci.kirkland.wa.us**MEMORANDUM**

To: Kurt Triplett, City Manager

From: Dave Snider, P.E., Interim Capital Projects Manager
Ray Steiger, P.E., Interim Public Works Director

Date: November 15, 2010

Subject: NE 73rd Street Improvements – Project Closeout

RECOMMENDATION:

It is recommended that the City Council approve funding adjustments for project close-out of the NE 73rd Street sidewalk and watermain improvement project. With Council's authorization, \$71,803 will be transferred to the Project from the general capital contingency fund, and \$68,998 will be returned from the Project to the water/sewer capital contingency fund to complete the project close-out.

BACKGROUND DISCUSSION:

Based on feedback from a number of neighborhood meetings and the School Walk Route Advisory Committee, NE 73rd St between 130th Ave NE and 132nd Ave NE was prioritized as a high priority walk route for the neighborhood and for children attending Rose Hill Elementary and Junior High Schools. The Project was funded in the Capital Improvement Program for construction along the north side of NE 73rd beginning in 2007.

Design of the NE 73rd Sidewalk project focused on opportunities to incorporate Low Impact Development (LID) practices in order to retain the rural look of the neighborhood and to utilize these developing best management practices on a public project. Many techniques were able to be incorporated due to the roadway width, type of surrounding soils, natural terrain, and adjacent resident receptiveness to the maintenance requirements. The specific LID techniques used in the Project include pervious concrete sidewalks and driveway aprons, and a storm system which includes a series of short pipe segments and meandering rain gardens with drought tolerant plants.

During the design of the LID storm system, it was determined that the existing waterline serving NE 73rd Street, constructed of asbestos cement (AC), would be required to be replaced in conjunction with the Project. This waterline, not originally anticipated to be replaced, was included in the sidewalk project scope of work.

The Project was designed and advertised using two separate schedules: Schedule A addressed the sidewalk and roadway components, and Schedule B addressed the watermain work. Bids were opened on August 27, 2008, and on September 16, 2008, Council approved award of the

contract to Dennis R. Craig Construction in the amount of \$418,896. In order to award the contract, the total project budget was increased by \$223,000 (\$180,000 from water/sewer capital contingency and \$43,000 from general capital contingency). The Project construction contract was accepted on July 21, 2009; construction costs were \$433,105 and total project costs were \$584,839.

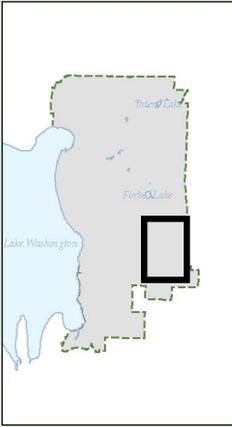
Subsequent to the Project acceptance, the Contractor completed all required paperwork for release of their retained funds and all lien periods have passed. During the Project close-out, it was discovered that the amount of funding approved from the various sources was incorrect; payments made during construction were incorrectly applied to the water schedule of work and not the sidewalk/storm schedule. Although \$585,000 in total funding was approved at acceptance, a total of \$388,000 for Schedule A and \$197,000 was appropriated for Schedule B, at project close-out, the total amount necessary for the sidewalk portion (Sch A) was 460,003 and for the water portion (Sch B) was \$128,202; representing a \$3,366 overall increase in the total Project costs. The final costs at project close-out are as follows:

	<i>Total Cost July 21, 2009 Accept work</i>	Final Eng/Inspection	Final Construction	Final Total Cost	<i>Difference Between Funding & Total Costs</i>
Sch A (Sidewalk)	<i>\$387,728</i>	\$119,250	\$340,752	\$460,003	(\$71,803)
Sch B (Water)	<i>\$197,111</i>	\$35,790	\$92,412	\$128,202	\$68,998
Total Costs	<i>\$584,839</i>	\$155,040	\$433,164	\$588,205	

With Council's approval to close-out and balance the NE 73rd St Sidewalk project budget; \$71,803 will be transferred from the general capital contingency fund, and \$68,998 will be returned to the water/sewer capital contingency fund.

Attachments: Vicinity Map
 Project Budget Report
 Fiscal Note

NE 73rd Street Sidewalk & Waterline replacement

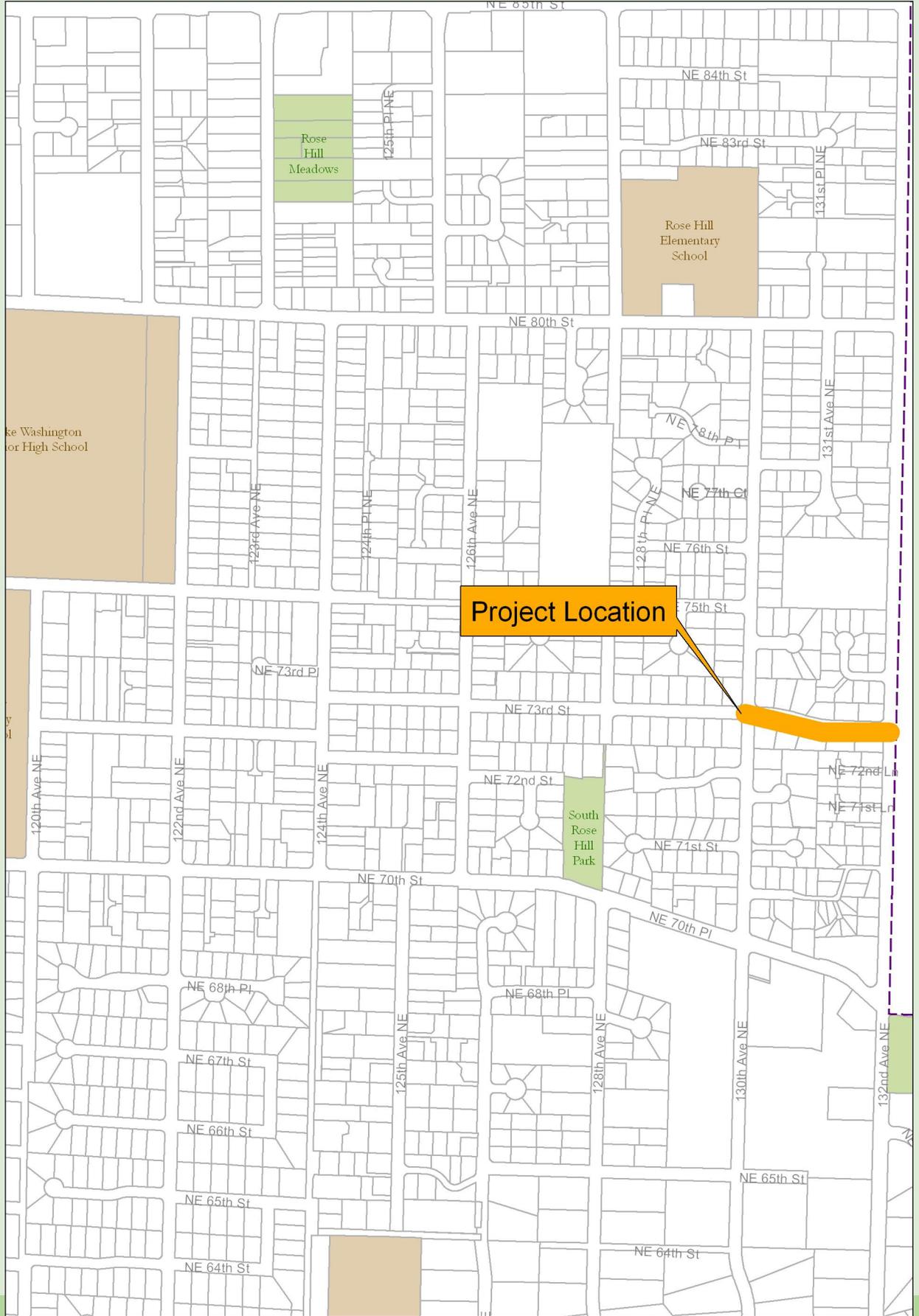


Vicinity Map



Map Legend

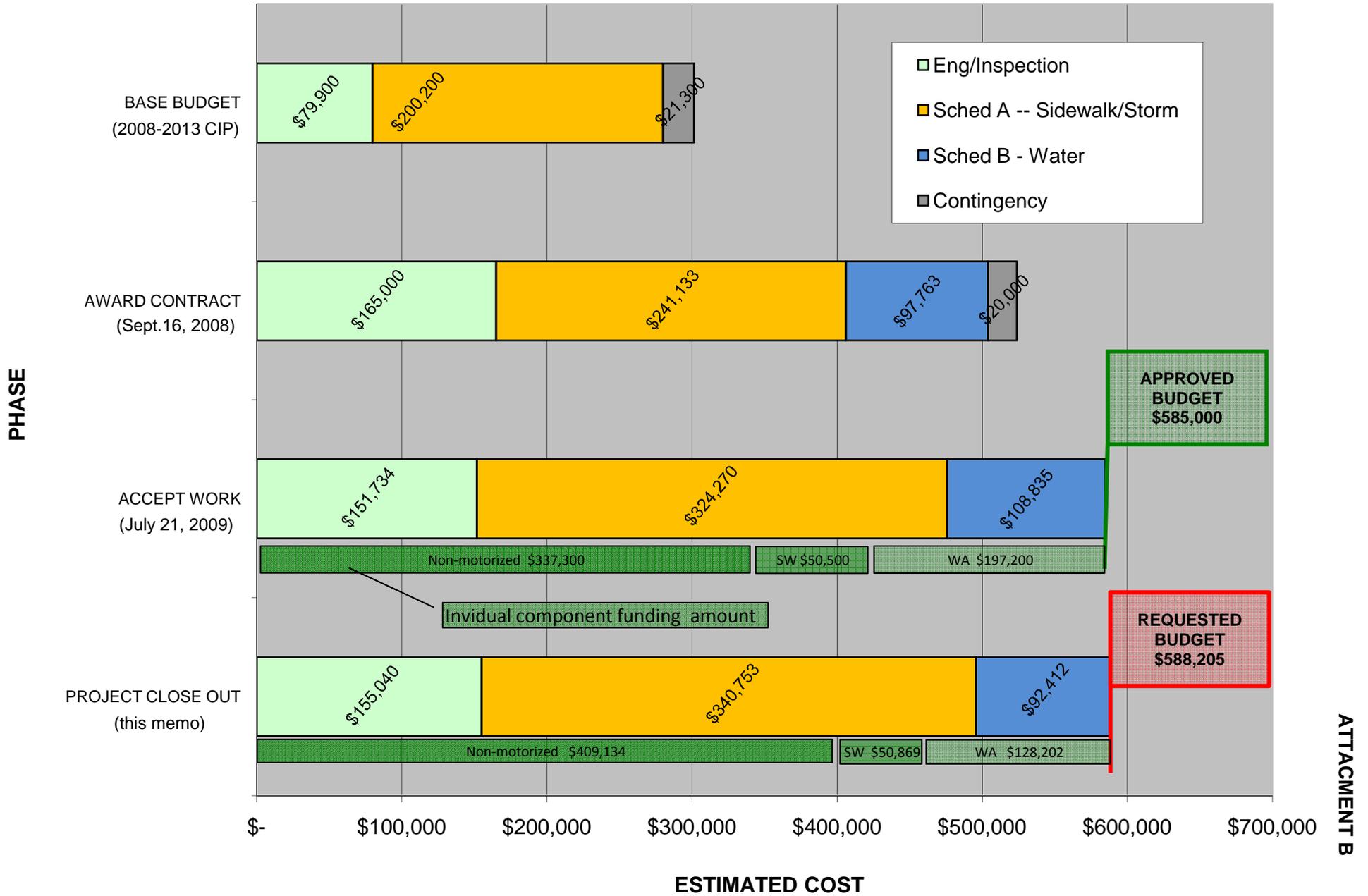
- Fire Station
- City of Kirkland Boundary
- Building Footprint
- Railroad Centerline
- Dock/Pier
- Lake
- Tax Parcel Boundary
- Street Centerline
- Pavement Edge
- Park
- School
- Address Point
- Tax Parcels



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NE 73RD STREET SIDEWALK & WATER MAIN PROJECT (CNM 0052)

PROJECT BUDGET REPORT



FISCAL NOTE

CITY OF KIRKLAND

Source of Request

Ray Steiger, Interim Public Works Director

Description of Request

Request for additional funding of \$71,803 from the General Capital Contingency for the completion and closing of NE 73rd Street Sidewalk project-CNM 0052. Additional funding of \$43,800 for this project was approved in July 2009. (Note that the related watermain project is returning funds to the water/sewer capital contingency reserve to close the project.)

Legality/City Policy Basis

Fiscal Impact

One-time use of \$71,803 of the General Capital Contingency balance. The contingency is able to fully fund this request.

Recommended Funding Source(s)

	Description	2010 Est End Balance	Prior Auth. 2009-10 Uses	Prior Auth. 2009-10 Additions	Amount This Request	Revised 2010 End Balance	2010 Target
Reserve	General Capital Contingency	2,444,561	266,514	0	71,803	2,106,244	9,032,430
2009-10 Prior Authorized Uses of the General Capital Contingency include \$64,000 for the Kirkland Transit Center (local funding), \$43,800 for the NE 73rd Street Sidewalk, \$98,544 for the return of the 2008 Interest Backfill to the General Fund, and \$60,170 to the General Fund for pandemic flu supplies (from Public Safety project balances).							
Revenue/Exp Savings							
Other Source							

Other Information

Prepared By	Neil Kruse, Senior Financial Analyst	Date	November 18, 2010
-------------	--------------------------------------	------	-------------------

**CITY OF KIRKLAND****Department of Public Works**

123 Fifth Avenue, Kirkland, WA 98033 425.587.3800

www.ci.kirkland.wa.us

MEMORANDUM

To: Kurt Triplett, City Manager

From: David Snider, P.E., Interim Capital Projects Manager
Ray Steiger, P.E., Interim Public Works Director

Date: November 22, 2010

Subject: CONDEMNATION UPDATE

- NE 68th St / 108th Ave NE Intersection Improvements
- NE 85th Street Corridor Improvements

RECOMMENDATION:

It is recommended that City Council review this update on condemnation activities for two significant capital projects: the NE 68th Street / 108th Avenue NE intersection improvements and the NE 85th Street corridor improvements.

BACKGROUND:

A similar condemnation update was on the agenda for the November 1st Council meeting, however the update was tabled given the length of the agenda and the extended public testimony related to the 2011-2012 budget. However, in that decisions are imminent, staff felt it was appropriate to provide a further update for the Council.

NE 68th St/108th Ave NE intersection improvements

Improvements at this intersection will make it easier for King County METRO and Sound Transit buses to move through the intersection and at the same time increase pedestrian safety. The improvements are in part funded by Sound Transit in conjunction with the new Downtown Transit Center. Additional improvements to the intersection for congestion relief are also being done and are funded by the City of Kirkland. In order to provide enough right-of-way for the improvements to be constructed, certain portions of adjacent private property must be acquired; most of the right-of-way has already been acquired.

In order to advance the Project to construction in 2010 as originally anticipated, Council approved the use of eminent domain (condemnation) at their regularly scheduled meeting on April 6, 2010. Since that time, Staff has continued to work with one remaining property owner in order to address concerns about the value of their property needed for the improvements. The adoption of the condemnation ordinance allowed staff to continue to work through the negotiations while at the same time, be in a position to begin the legal procedure required to obtain the property in the event that negotiations reached an impasse. Negotiations for the remaining property (the Sabegh property) have in fact reached an impasse, and on November 18th, legal filings were submitted to the Court.

The following summarizes various steps in the unsuccessful negotiations with Mr. Sabegh:

- Spring 2010 the owner was offered \$65,300 for a portion of the property needed to widen the west-bound travel lanes and add a right turn lane at the intersection; compensation was determined by Certified Appraiser and reviewed by second "review" Appraiser;
- Owner responded with a counteroffer of \$250,000; no substantiating paperwork submitted, however pending land use considerations were introduced and sufficiently warranted re-evaluation by appraiser;
- Second appraisal conducted by the City was received on October 15, 2010 to confirm the value of right-of-way purchase, and a revised offer of \$70,000 was presented to Owner on October 22, 2010;
- Owner given until November 2, 2010 to respond and informed that without response, the City Attorney's Office would proceed with the filing of the petition on November 18, 2010.
- Petition of eminent domain filed – November 18, 2010.
- On December 17, 2010 a Public Use and Necessity hearing is scheduled, and the Condemnation Hearing is scheduled for July 2011.

At this time, the City will continue to work closely with the Owner in anticipation of receiving an Immediate Use and Possession Agreement in order to move the project into construction and will diligently continue to negotiate a final and agreed upon offer prior to the scheduled Condemnation hearing date.

NE 85th Street corridor improvements

Staff has provided updates to the Council on the progress of this Project in May, June, and November of this year. Council approved the use of eminent domain at their regular meeting of June 15th, and similar to the efforts on the NE 69th St/108th Ave NE Project, staff has engaged in earnest negotiations with all property owners affected by this first phase of the Project.

Staff has previously reported to Council on the number of parcels from which property is needed for the first phase of construction activity -- the conversion of aerial utility lines to an underground system along a majority of the corridor. At their June 15th meeting, Council was informed of the status of 32 parcels necessary to have certain property rights secured for the utility conversion phase. At that time, seven property owners had signed and closed their negotiations with the City. As of the date of this memo, 24 property owners have closed negotiations and eight properties remain (Attachment B). Of those eight, several are close to finalizing negotiations, and only one property is being prepared for condemnation filing through the courts.

The one condemnation action will be on the Chen property. The following summarizes many of the steps in the negotiations to date with Mr. Chen:

- The City's appraisal set appropriate compensation at \$24,422. This first offer was declined by Mr. Chen who counter-offered \$91,746;
- Mr. Chen appeared before Council at the June meeting after receiving notification of the intended City Council action to consider an ordinance approving condemnation; he was able to voice his concerns before the City Council;
- In an effort to avoid the condemnation process, the City's right-of-way agent increased the valuation of the offer to \$29,300 which included an administrative settlement in an amount approximately 20% greater than the fair market value;
- Mr. Chen did not accept the City's counter and countered again, reducing his offer to \$60,070;

- The City's agent then took exhaustive efforts in a letter dated August 2 to inform Mr. Chen of the required methodologies of certified appraisals, and why the approach the property owner was taking was not common in assessing land value;
- Mr. Chen rejected the common approaches to evaluating land value and lowered his new counter offer to \$49,815; he made assertions regarding the assessment of value for easements performed in another local agency in the area;
- The City's agent responded, requesting information to substantiate his assertions regarding the valuation of easements, a recorded sale agreement regarding such, and the name of the local agency involved, knowing that if the City could justify by precedent Mr. Chen's approach in valuation with another public agency, it may be possible to increase the City's offer to Mr. Chen and have the project files withstand a possible public audit;
- Mr. Chen in a letter dated Aug. 26 declined to provide specifics backing up his position, acknowledged an impasse, and welcomed action in the courts;
- The difference between the city's offer and Mr. Chen's last counter remains at \$20,515, approximately an 84% increase over the appraiser's determination of value.

Regretfully and after significant exchanges with the Owner, staff and the City's right-of-way agent are not able to reach an acceptable offer amount, and the parties remain significantly apart on compensation values. In summary, the City's current offer is \$29,300 and Mr. Chen remains at a value of \$49,815. A final offer of settlement is likely in the first week of December after which time City staff will file a petition in court to proceed with the condemnation process. From that point, the first half of December, a date will be set for the Public Use & Necessity hearing as soon as possible (likely within three weeks after the petition), and continue to work directly with Mr. Chen to find agreement where possible.

Staff continues to work on the remaining unsigned properties for the first phase of construction, each of which is moving forward with greater potential for agreement.

Construction update

As reported to Council in November, due to the prolonged right-of-way acquisition process for the main NE 85th Street corridor, staff has separated the 114th Ave NE/NE 85th Street intersection improvements from the other corridor improvements and is moving this project ahead. Design efforts are expected to be complete in December with a bid opening in January, 2011; construction will begin in early 2011. The remaining NE 85th Street Improvements schedule is contingent upon the successful conclusion of right-of-way negotiations, however the following key timelines are anticipated for the various 85th Street Improvements:

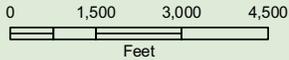
Project Component	Design Complete	Construction Start
Underground Conversion*	End of 2010	2nd Quarter 2011
Roadway Improvements	Summer 2011	1st Quarter 2011
Pavement Overlay	Fall 2011	3rd Quarter 2012

* The underground conversion project cannot begin until right-of-way/easements are secured for the 32 Phase I properties.

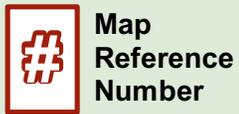
Attachments (2)



Vicinity Map



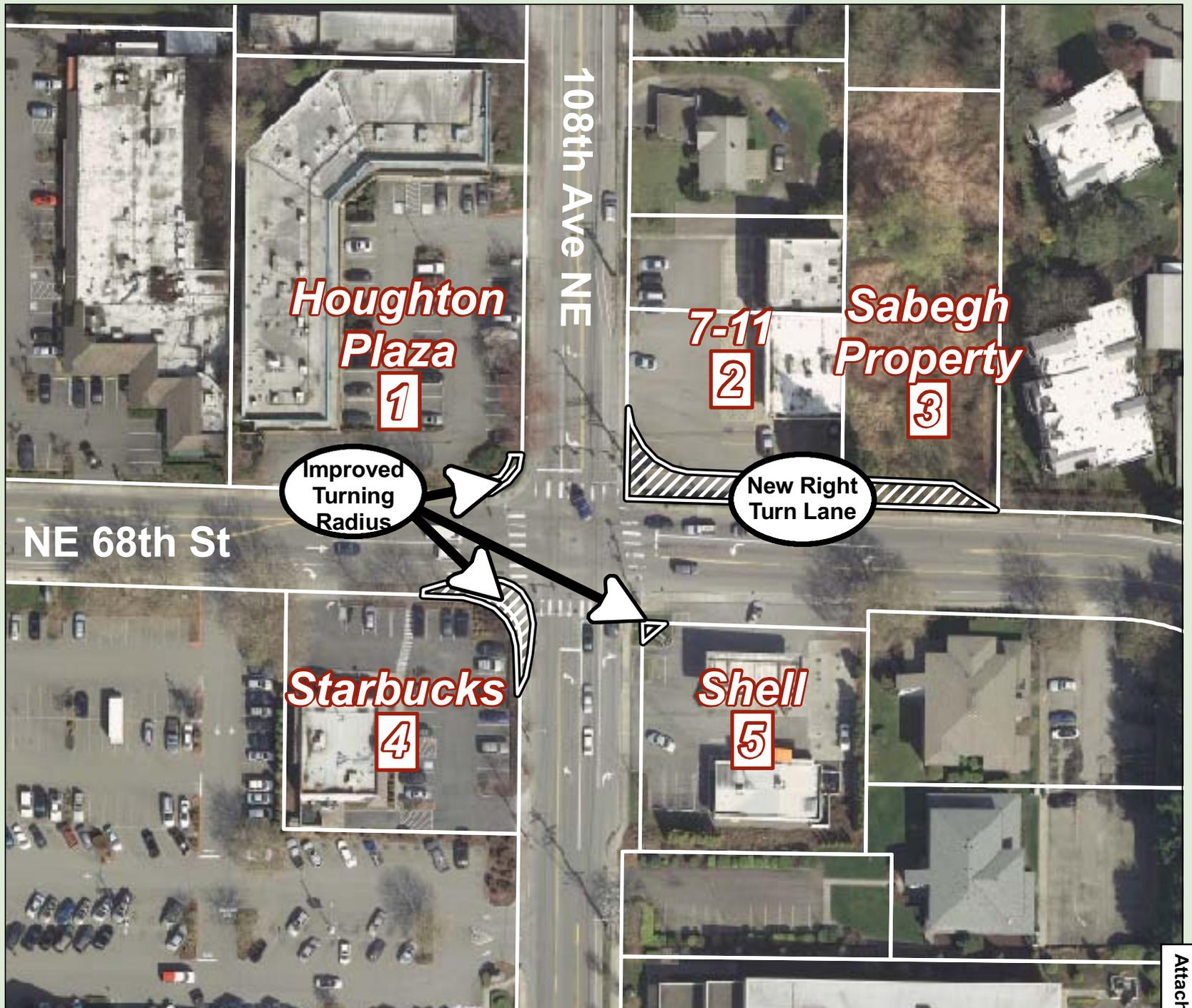
Legend



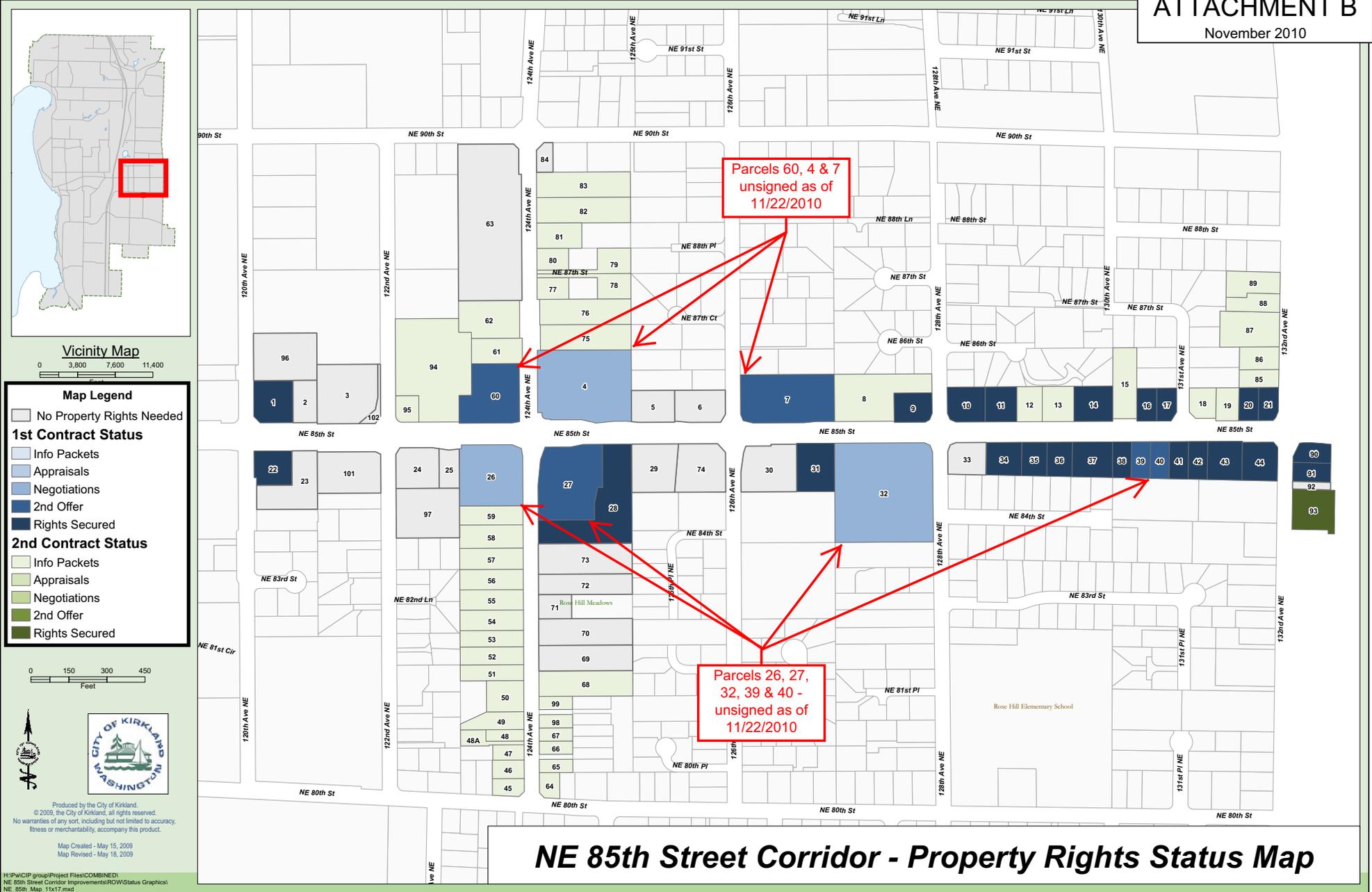
Map Reference Number



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NE 68th St / 108th Ave NE Intersection Improvement Project



Parcels 60, 4 & 7
unsigned as of
11/22/2010

Parcels 26, 27,
32, 39 & 40 -
unsigned as of
11/22/2010

NE 85th Street Corridor - Property Rights Status Map

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Map Created - May 15, 2009
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NE 85th Street Corridor Improvements\ROW\Status Graphics\
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**CITY OF KIRKLAND**

City Manager's Office

123 Fifth Avenue, Kirkland, WA 98033 425.587.3001

www.ci.kirkland.wa.us

MEMORANDUM

To: Kurt Triplett, City Manager

From: Lorrie McKay, Intergovernmental Relations Manager

Date: November 19, 2010

Subject: Resolution Supporting Lake Washington School District 414 Ballot Measure

RECOMMENDATION:

City Council holds a public hearing and considers the attached Resolution expressing support for Lake Washington School District's Capital Projects Levy.

BACKGROUND:

Dr. Chip Kimball, the Superintendent of the Lake Washington School District is requesting the Kirkland City Council consider adopting a resolution in support of the proposed Capital Projects Levy ballot measure, scheduled for special election on February 8, 2011. The proposal is for a levy of \$65.4 million to pay for classroom space that will address immediate overcrowding by building permanent classroom space.

The measure would pay for additions to house 250 students each at Eastlake and Redmond High Schools. It would also pay for a new school serving 675 students in grades 6-12 that would focus on Science/Technology/Engineering/Mathematics, or STEM. This proposal will relieve immediate overcrowding at the high school level, as well as anticipated overcrowding at the middle school level in the near future. See fact sheet (Attachment 1) provided by Lake Washington School District.

The measure would initially cost \$.31 per \$1000 of assessed valuation, or approximately \$155 per year for a \$500,000 home. The levy would last for six years before it expires and the levy rate will likely drop slightly each year depending on overall valuations. (See 2011 Proposition 1 box below.)

In January 2010, the City Council held public hearings on Lake Washington School District 414's three ballot measures included in the February 9, 2010 special election. Following the public hearings, the City Council adopted respective resolutions in support of all three ballot measures.

- Resolution R-4794, supporting Prop. No. 1: Replacement of Existing Education Programs and Operations Levy
- Resolution R-4795, supporting Prop. No. 2: Replacement of Existing Capital Projects Levies
- Resolution R-4796, supporting Prop. No. 3: General Obligation Bonds – \$234,000,000

In the February 9, 2010 special election, district voters passed both Proposition 1 (61.63% of the vote) and Proposition 2 (59.11% of the vote) which needed only a simple majority. District voters rejected Proposition 3 (55.67% of the vote) a bond measure which required a 60% supermajority and a minimum voter turn-out. In addition to the supermajority requirement, voter participation on each of these propositions dropped as they went down the ballot (Prop. 1 received a total of 34,021 votes, while Props 2 and 3 received 32,150 and 31,942 respectively).

The 2011 levy will address some of the District's needs that were included in Proposition 3 in 2010. Below is a comparison of the two ballot titles as well as a reflection of what has changed.

(2010) Proposition No. 3, General Obligation Bonds - \$234,000,000. Board of Directors of Lake Washington School District No. 414 approved Resolution No. 2046 concerning this proposition for bonds. This proposition authorizes the District to modernize Juanita High School, make additions to Redmond High School and Eastlake High School, construct and equip two new elementary schools and an Environmental and Adventure School, and make other capital improvements; to issue \$234,000,000 of general obligation bonds maturing within a maximum term of 20 years; and to levy excess property taxes annually to repay the bonds, as described in Resolution No. 2046.

(2011) Proposition No. 1, Capital Projects Levy. The Board of Directors of Lake Washington School District No. 414 adopted Resolution No. 2069 authorizing the levy for facility expansion and construction. This levy funds the construction and equipping of expanded school facilities at Redmond High School and Eastlake High School, and the constructing and equipping of a new secondary school for students from across the District, and authorizes the following excess levy on all taxable property within the District:

Collection Years	Approximate Levy Rate/\$1000 Assessed Value	Levy Amount
2012	\$0.31	\$10,900,000
2013	\$0.30	\$10,900,000
2014	\$0.29	\$10,900,000
2015	\$0.28	\$10,900,000
2016	\$0.27	\$10,900,000
2017	\$0.26	\$10,900,000

According to the district, the sizing of the levy was in response to community expectations that the district be fiscally conservative at this time. The 2011 proposed measure is \$190 million less than the measure in February 2010. The district narrowed the focus of the 2011 Capital Projects Levy to address the facilities needs at Redmond High School and Eastlake High School, and the constructing and equipping of a new secondary school.

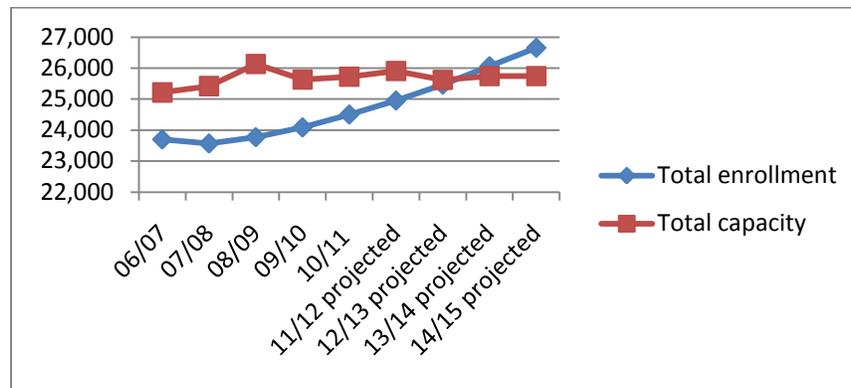
Unlike bond measures, which required a 60% supermajority and a minimum voter turn-out, the district's 2011 proposed Capital Projects Levy only needs a simple majority.

The district is not putting bond measures on the ballot for new elementary school space, nor is it proposing to modernize Juanita High School at this time. The superintendent is suggesting that both the new elementary school and Juanita High School modernization will be included in a bond measure proposal in 2014.

Additional information about the ballot measure can be found on the Lake Washington School District website at: <http://www.lwsd.org/News/2011-Levy/Pages/default.aspx>

The attached resolution corresponds to and expresses the Council's support for the Lake Washington School District ballot measure. Under RCW 42.17.130, the Council may vote on a resolution to support or oppose a ballot proposition "so long as (a) any required notice of the meeting includes the title and number of the ballot proposition, and (b) members of the legislative body or members of the public are afforded an approximately equal opportunity for the expression of any opposing view;..."

Lake Washington School District – Space Needs and Proposed Levy



Overall enrollment and specific issues

- Lake Washington School District is growing, and is expected to continue to grow by at least 425 students per year for the next five years.
- As of September 7th, the district grew by 614 students this year over last year.
- The district is projected to have the same number of students as classrooms in 12/13. That fall, there will be adequate elementary and junior high school classroom space but not enough space for high school students. In 13/14 and beyond, there will be more students than classrooms available anywhere.
- In the fall of 2012, there will be 500 more students at Redmond High and 340 more at Eastlake High than those schools were designed to accommodate.

Steps to date: more efficient use of space

- The decision to change the grade configuration to K-5, 6-8, 9-12 for academic reasons shifts students out of elementary schools and into the high schools, where more space is available.
- Grade configuration change relieves the need to find classroom space for 1500 elementary students but does create a need for over 800 classroom spaces for high school students by the fall of 2012. That shift reduces the size of the problem but does not eliminate it.
- Feeder pattern changes move population from more crowded schools to those with more space
- In elementary schools, specialized classrooms such as computer labs, science/art rooms and music rooms have been converted to regular classrooms.
- Portable classrooms have been added where needed and where possible.

Community Preferences*

- Add permanent classroom space, not portables.
- Do not double shift if at all possible.
- Keep high school sizes under 2000 students.
- Provide enough classroom space to handle immediate needs and those for the next few years.

Funding measure to address immediate needs:

- \$65.4 million levy for classrooms additions for students at Redmond, Eastlake H.S. and a new secondary school that will draw students from around the district and will focus on science/technology/engineering/ math (known as STEM). Cost: \$.28/1000 assessed value or \$13/month on a \$500,000 house for six years.
- This measure would provide enough permanent classroom spaces that double shifting will not be needed to handle the high school population.
- Redmond and Eastlake High School would remain under 2000 students.
- This measure would provide additional high school and middle school space to meet immediate needs and those for the next few years.

For more information, contact Kathryn Reith, Communications Director, 425-936-1342

*community preferences from surveys completed at district input sessions and online, as well as from a random sample telephone survey.

RESOLUTION R-4854

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND STATING THE CITY COUNCIL'S SUPPORT FOR PROPOSITION NO. 1, THE LAKE WASHINGTON SCHOOL DISTRICT NO. 414 CAPITAL PROJECTS LEVY.

WHEREAS, on February 8, 2011, voters in the City of Kirkland will decide whether to approve Proposition No. 1, the Lake Washington School District No. 414 Capital Projects Levy; and

WHEREAS, the educational facilities of Lake Washington School District No. 414, including Redmond High School and Eastlake High School facilities, are in need of renovation, construction, improvements and expansion to meet the current and future educational programs for its students; and

WHEREAS, the District is also in need of constructing one new secondary school; and

WHEREAS, funds available to the District will be insufficient to enable the District to implement such projects; and

WHEREAS, in order to provide funding for these projects the Board of Directors of Lake Washington School District No. 411 adopted a resolution to propose a capital projects levy of \$65.4 million for the February 8, 2011, ballot; and

WHEREAS, the investment in top-quality education for our children is an important part of the quality of life enjoyed by Kirkland residents; and

WHEREAS, pursuant to State law, RCW 42.17.130, the City Council of Kirkland desires to show its support for Proposition No. 1, the Lake Washington School District No. 414 Capital Projects Levy;

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

Section 1. The City Council hereby supports Proposition No. 1, the Lake Washington School District No. 414 Capital Projects Levy.

Section 2. The City Council hereby urges Kirkland voters to support the Capital Projects Levy measure to ensure continued high quality education to the benefit of our community and quality of life.

Passed by majority vote of the Kirkland City Council in open meeting this ____ day of _____, 2010.

Signed in authentication thereof this ____ day of _____,
2010.

MAYOR

Attest:

City Clerk



CITY OF KIRKLAND

Planning and Community Development Department
123 Fifth Avenue, Kirkland, WA 98033 425.587-3225
www.ci.kirkland.wa.us

MEMORANDUM

To: Kurt Triplett, City Manager

From: Eric Shields, Planning Director

Date: November 22, 2010

Subject: Interim Ordinance Eliminating the Review Process for "School Or Day Care Center" and "Government Facility/ Community Facility" Uses in the RSA Zone

RECOMMENDATION

Conduct a public hearing and adopt (renew) the proposed interim ordinance.

BACKGROUND DISCUSSION

On July 10, 2010, the City Council adopted an interim ordinance which temporarily eliminated the required Process IIA or IIB review process for "school or day care center" and "government facility/ community facility" uses in the RSA zone in the annexation area. Pursuant to state law, the interim ordinance is only effective for six months and is set to expire on January 7, 2011.

Temporary removal of the zoning permit review processes results in processing of permits using the same building permit review process as is now applicable in King County. This has allowed the Lake Washington School District to prepare building permit applications for the replacement of Sandburg and Keller Elementary Schools in anticipation of submitting those applications to the City of Kirkland prior to the effective date of the annexation. Renewal of the interim ordinance will allow the preparation and processing of the applications to continue through Kirkland. The ordinance will be effective only prior to the date of annexation, June 1, 2010.

ORDINANCE NO. 4275

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO RENEWAL OF INTERIM OFFICIAL CONTROLS REGARDING THE ZONING REVIEW PROCESS FOR "SCHOOL OR DAY-CARE CENTER" AND "GOVERNMENT FACILITY/COMMUNITY FACILITY" USES IN RSA ZONE AS ADOPTED BY ORDINANCE NO. 4249.

WHEREAS, the City has the authority to adopt interim zoning regulations pursuant to RCW 35A.63.220 and 36.70A.390; and

WHEREAS, the Kirkland City Council at its July 6, 2010, Council meeting, after public hearing, determined that it was appropriate and desirable to modify the zoning review process in the RSA Zone to exempt "School or Day-Care Center" and "Government Facility/Community Facility" uses from Process IIA and Process IIB review; and

WHEREAS, the Kirkland City Council desires to extend the interim zoning ordinance for an additional six months; and

WHEREAS, pursuant to RCW 35A.63.220 and 36.70A.390, a public hearing was held prior to the passage of this Ordinance;

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

Section 1. The Kirkland City Council makes the following findings:

- a. The recitals set forth above are adopted as findings of fact.
- b. The Annexation Area is currently governed by King County. Under current King County regulations, no zoning review process is required for schools or government/community facilities.
- c. Eliminating the City's Process IIA and Process IIB zoning review of "School or Day Care Center" or "Government/Community Facility" uses in the RSA Zone will result in a review process similar to what currently exists under King County regulations.
- d. By having City staff review applications and administer permits for school and government facility projects, a more seamless transition between King County and City jurisdiction will occur when the annexation of the Annexation area takes effect.
- e. The Council finds that renewal or extension of Ordinance 4249 is necessary in order to prepare permanent regulations regarding homeless encampments.

Section 2. Ordinance 4249 is amended to renew its effect as an interim zoning ordinance for an additional six months. The interim zoning ordinance thereafter may be renewed for one or more six month periods if a subsequent public hearing is held and findings of fact are made prior to each renewal.

Section 3. Duration. This Ordinance shall be effective through May 31, 2011.

Section 4. Severability. 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 5. Houghton Community Council. To the extent the subject of this Ordinance, pursuant to Ordinance No. 2001, is subject to the disapproval jurisdiction of the Houghton Community Council, this Ordinance shall become effective within the Houghton Community Municipal Corporation only upon approval of the Houghton Community Council or the failure of said Community Council to disapprove this Ordinance within 60 days of the date of passage of this Ordinance.

Section 6. 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 _____, 2010.

Signed in authentication thereof this ____ day of _____, 2010.

MAYOR

Attest:

City Clerk

Approved as to Form:

City Attorney

**CITY OF KIRKLAND****Department of Finance & Administration****123 Fifth Avenue, Kirkland, WA 98033 425.587.3100****www.ci.kirkland.wa.us**

MEMORANDUM

To: Kurt Triplett, City Manager

From: Tracey Dunlap, Director of Finance and Administration
Sri Krishnan, Financial Planning Manager

Date: December 7, 2010

Subject: **2010 YEAR-END BUDGET ADJUSTMENT**

RECOMMENDATION:

City Council adopts the attached ordinance increasing the 2009-2010 biennial budget appropriation for selected funds.

BACKGROUND DISCUSSION:

State law prohibits expenditures in excess of the budget appropriation for any fund. All recommended expenditure adjustments included in this budget adjustment are funded by recognizing unanticipated revenues.

The proposed budget adjustments (Attachment A) consist of housekeeping adjustments, items previously approved by Council (for which fiscal notes were done) and other requests.

Housekeeping Adjustments:

- **American Recovery and Reinvestment Act (ARRA) Grant (\$181,878):** Recognize revenue and associated expenses from ARRA Grant, which includes replacement of fire station windows, OPower report and LED street lights.
- **Reimbursements (\$68,951):** Recognize revenue and associated reimbursable expenses associated with the Police and Fire Departments.
- **COPS Technology Program Grant (-\$300,000):** This housekeeping adjustment removes the associated revenue and expenses from the 2009-10 budget from the General Fund and General Capital Fund. This adjustment will be made in the 2011-12 biennium to reflect updated timing for the grant receipt.
- **Police Radios (\$66,462):** Recognize the use of drug seizure funds to purchase Police radios.
- **Other Housekeeping Adjustments (\$6,048):** Several minor adjustments.

Previously Approved by Council/Other:

- **Parkplace Legal and Financial Consulting (\$20,000):** In May, Council authorized the use of the Council Special Projects Reserve for specialized legal and financial consulting services related to the Parkplace Development agreement.
- **Municipal Court Staffing (\$35,221):** In June, Council authorized additional funding for the Municipal Court to increase court and probation staffing, which is funded by an increase in probation revenues and fines and forfeitures.
- **Parks Youth Employment Grant (\$14,000):** In July, Council authorized the Summer Youth Employment Program, which was fully funded from a Federal Grant. This adjustment recognizes revenue and associated expenses for the program.
- **Concours d' Elegance Donation to Evergreen Hospital charity (\$2,229):** In August, Council authorized the rebate of admissions tax received from the Concours d' Elegance event to the Evergreen Hospital Women's and Children's uncompensated care program.
- **Additional Unbudgeted Cost of Purchasing the Costco Home Property (\$3,910,559):** In August, 2010, Council authorized the City Manager to enter into a purchase and sale agreement for the purchase of the Costco Home Property as part of the plan for City Hall and Public Safety facility expansion. This purchase was approved with the use of interfund loans from the utilities (water/sewer and surface water capital funds) to be repaid with interest by debt issuance loan proceeds. This recognizes the difference between the original 2009-10 budget for this project and the actual purchase price.

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 2009-2010 revised budget by fund type, is included in the table below:

Fund Type	Current 09-10 Budget	Adjustments	Revised 09-10 Budget
General Government:			
General Fund	121,304,415	34,190	121,338,605
Other Operating Funds	15,697,743	142,105	15,839,848
Internal Service Funds	33,139,801	68,494	33,208,295
Non-Operating Funds	113,247,736	3,760,559	117,008,295
Utilities:			
Water/Sewer	68,107,620	0	68,107,620
Surface Water	24,184,544	0	24,184,544
Solid Waste	18,578,902	0	18,578,902
Total Budget	394,260,761	4,005,348	398,266,109

This is the final adjustment to the 2009-2010 Budget.

Adjustment Type	Dept.	Description	Adjustments	Appropriation Adjustment	Funding Source				Funding Source Notes
					Internal Transf./Chrg.	Reserves	Resources Forward	External Revenue	
General Fund									
Council Directed/Other	ND	Concours d'Elegance Admissions Tax Refund	2,229	2,229				2,229	Admissions Tax
Council Directed/Other	Var.	Parkplace Legal and Financial Consulting	20,000	20,000	20,000				Council Special Project Reserve
Council Directed/Other	CMO	Municipal Court Staffing	35,221	35,221				35,221	Probation Fees & Fines and Forfeits
Council Directed/Other	PK	Parks Youth Employment Grant	14,000	14,000				14,000	Indirect Federal Grant
Housekeeping	ND	eCity Gov Adjustment	(9,984)	(9,984)				(9,984)	External Revenue
Housekeeping	ND	Bullet Proof Vests Reimbursements	14,234	14,234				14,234	Dept. of Justice Grant
Housekeeping	CMO	CTED Grant for Artist Brochure Move to Lodging Tax Fund	(7,000)	(7,000)				(7,000)	Community Trade & Economic Development Grant
Housekeeping	PK	Friday Market Management	11,998	7,000	7,000				Revenue from Friday Market
Housekeeping	PW	ARRA Grant - Fire Station Windows and Opower Report	53,773	53,773				53,773	ARRA Direct Federal Grant
Housekeeping	PD	Police Department Reimbursements	52,531	52,531				52,531	State Grants & Other Reimbursements
Housekeeping	PD/FB	Move COPS Technology Program Grant to 2011-12 Budget	(150,000)	(150,000)				(150,000)	U.S. Dept. of Justice Federal Grant
Housekeeping	FB	Medical Supply Reimbursement	2,186	2,186				2,186	Dept. of Social and Health Services State Grant
General Fund Total			39,188	34,190	27,000	-	-	7,190	
OTHER FUNDS									
Lodging Tax Fund									
Housekeeping	CMO	CTED Grant for Artist Brochure	7,000	7,000				7,000	CTED Grant
Lodging Tax Fund Total			7,000	7,000	-	-	-	7,000	
Street Operating Fund									
Housekeeping	PW	ARRA Grant - LED Street Lights	128,105	128,105				128,105	ARRA Direct Federal Grant
Street Operating Fund Total			128,105	128,105	-	-	-	128,105	
Recreation Revolving Fund									
Housekeeping	PK	Friday Market Management	7,000	7,000				7,000	Market Revenue
Recreation Revolving Fund Total			7,000	7,000	-	-	-	7,000	
General Capital Projects Fund									
Council Directed/Other		Interfund Loan for Purchase of Costco Home Property	3,910,559	3,910,559	3,910,559				Interfund Loan from Utilities
Housekeeping	FB	Move COPS Technology Program Grant to 2011-12 Budget	(150,000)	(150,000)				(150,000)	U.S. Dept. of Justice Federal Grant
General Capital Projects Fund Total			3,760,559	3,760,559	3,910,559	-	-	(150,000)	
Equipment Rental Fund									
Housekeeping	PK	Purchase Parks Scooter	2,032	2,032	2,032				Transfer in from General Fund
Housekeeping	PD	Purchase Police Radios	102,714	66,462	66,462				Transfer in from Drug Seizure Fund 157
Equipment Rental Fund Total			104,746	68,494	68,494	-	-	-	
TOTAL OTHER FUNDS			4,007,410	3,971,158	3,979,053	-	-	(7,895)	-
TOTAL ALL FUNDS			4,046,598	4,005,348	4,006,053	-	-	(705)	

ORDINANCE NO. 4276

AN ORDINANCE OF THE CITY OF KIRKLAND AMENDING THE BIENNIAL BUDGET FOR 2009-2010.

WHEREAS, the City Council finds that the proposed adjustments to the Biennial Budget for 2009-2010 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 Year End 2010 adjustments to the Biennial Budget of the City of Kirkland for 2009-2010 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:

<u>Funds</u>	Current Budget	Adjustments	Revised Budget
General	121,304,415	34,190	121,338,605
Lodging Tax	791,648	7,000	798,648
Street Operating	9,577,812	128,105	9,705,917
Cemetery Operating	210,362	0	210,362
Parks Maintenance	2,227,124	0	2,227,124
Recreation Revolving	2,890,797	7,000	2,897,797
Contingency	2,598,660	0	2,598,660
Cemetery Improvement	586,574	0	586,574
Impact Fees	4,151,098	0	4,151,098
Park & Municipal Reserve	11,528,172	0	11,528,172
Off-Street Parking Reserve	217,610	0	217,610
Tour Dock	126,275	0	126,275
Street Improvement	2,833,503	0	2,833,503
Grant Control Fund	222,924	0	222,924
Excise Tax Capital Improvement	22,396,187	0	22,396,187
Limited General Obligation Bonds	2,585,729	0	2,585,729
Unlimited General Obligation Bonds	2,687,388	0	2,687,388
General Capital Projects	43,349,137	3,760,559	47,109,696
Grant Capital Projects	18,330,402	0	18,330,402
Water/Sewer Operating	46,202,650	0	46,202,650
Water/Sewer Debt Service	3,505,639	0	3,505,639
Utility Capital Projects	18,399,331	0	18,399,331
Surface Water Management	12,946,027	0	12,946,027
Surface Water Capital Projects	11,238,517	0	11,238,517
Solid Waste	18,578,902	0	18,578,902
Equipment Rental	13,599,185	68,494	13,667,679

<u>Funds</u>	Current Budget	Adjustments	Revised Budget
Information Technology	10,167,580	0	10,167,580
Facilities Maintenance	9,373,036	0	9,373,036
Firefighter's Pension	1,634,077	0	1,634,077
	394,260,761	4,005,348	398,266,109

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 7th day of December, 2010.

Signed in authentication thereof this 7th day of December, 2010.

MAYOR

Attest:

City Clerk

Approved as to Form:

City Attorney



CITY OF KIRKLAND
Department of Finance & Administration
 123 Fifth Avenue, Kirkland, WA 98033 425.587.3100
 www.ci.kirkland.wa.us

MEMORANDUM

To: Kurt Triplett, City Manager

From: Tracey Dunlap, Director of Finance and Administration
Sri Krishnan, Financial Planning Manager

Date: November 29, 2010

Subject: **2011-2012 BUDGET ADOPTION**

RECOMMENDATION:

Council approves the attached ordinance adopting the budget for the 2011-2012 biennium.

BACKGROUND DISCUSSION:

Background for the major budget adjustments are provided below. The Final Budget ordinance and Exhibit A to the ordinance are included as attachments at the end of this memorandum.

2011-2012 Budget Adoption

The attached ordinance adopts the 2011-2012 Budget as proposed by the City Manager and amended by the City Council. By state law, the budget must be adopted by December 31, 2010. The budget is adopted at the fund level which sets the total expenditure authority for the biennium for each fund. A summary of the 2011-2012 Final Budget by fund type, as compared to the 2009-2010 Amended Budget, is included in the table below:

Fund Type	2009-10 Budget	2011-12 Budget	% Change
General Government:			
General Fund	121,338,605	158,468,558	30.60%
Other Operating Funds	15,839,848	17,230,772	8.78%
Internal Service Funds	33,208,295	55,810,759	68.06%
Non-Operating Funds	117,008,295	97,499,275	-16.67%
Utilities:			
Water/Sewer	68,107,620	62,234,551	-8.62%
Surface Water	24,184,544	27,270,430	12.76%
Solid Waste	18,578,902	30,858,591	66.09%
Total Budget	398,266,109	449,372,936	12.83%

The 2011-2012 Final Budget totals \$449.4 million which represents an increase of 12.83% or \$51.1 million from the 2009-2010 Approved Budget (as of year-end 2010). The 2011-2012 Budget

incorporates budget reductions in response to the economic downturn, additions as a result of annexation, the move to medical self-insurance, and fund restructuring to comply with accounting rule changes. These changes make comparisons to the 2009-2010 budget challenging. The table below is an updated breakdown of the major changes between the 2009-2010 Approved Budget and the 2011-2012 Final Budget:

Category	Amount (in thousands)
Annexation Impact	48,471
Health Benefits Internal Service Fund	15,736
General Capital Changes (CWIP)	9,986
Debt Service (including portion of State Sales Tax Credit)	2,822
Non-Annexation Service Packages	1,766
Remaining State Sales Tax Credit	1,718
Impact Fee/REET Revenue Reductions	(7,048)
Non-Annexation Budget Reductions	(6,446)
Water/Sewer Reductions	(5,873)
Net Fund Restructuring/Reserve Changes	(5,245)
One-Time Funded Activities	(4,780)
TOTAL	51,106

The total General Fund budget is \$158.5 million, which represents an increase of 30.6% from the 2009-2010 Approved Budget. It should be noted that the increase is for a two year period. Several factors contribute to the significant increase, including costs for commencing service in the annexation area (about \$25.7 million), fund structure changes caused by new accounting rules which resulted in consolidating several non-operating funds (primarily reserves) into the General Fund (about \$9.5 million), and recognition of the debt service expense for the new Public Safety Building (about \$2.8 million). **Normalizing for these factors, the General Fund would have declined by about 0.7 percent.**

Factors contributing to the change in the Final 2011-2012 Budget from the Preliminary Budget include: the impact of Council's restoration of selected expenditure reductions proposed by the City Manager, restoration of the liquor profit revenues after the failure of the initiative that would have eliminated them, estimated debt service costs for the new public safety building, changes to the 2011-2016 Capital Improvement Plan (CIP), and various housekeeping items. A Final Budget Overview by fund is provided as Exhibit A to the budget ordinance.

The total adjustments increase the General Fund by \$5.17 million and the total budget \$14.52 million. Council directed adjustments to the Preliminary Budget as of the November 16 Council meeting include:

- **Human Services One-Time Funding** – Adding \$117,656 in one-time funding for Human Services in 2011. This change increases Human Services funding to the Tier 2 level (\$113,780) and also funds the following programs: Latino Sr. Nutrition, Teen Link, and NAMI Eastside for a total \$3,876. These costs are offset by \$102,701 from the Voluntary Separation Incentive Program set-aside that was not needed to fund the program and \$14,955 from the elimination of the Neighborhood Connections program in 2011.
- **Lifeguards** – Restoring lifeguards at Houghton and Waverly beaches that were recommended as budget reductions with one-time money from the Voluntary Separation

Incentive Program set-aside. The total cost in 2011 is \$32,000. Funding in 2012 will be revisited during the mid-biennial budget update next fall.

- **Voluntary Separation Incentive Program Set-Aside** – The Preliminary Budget included \$152,438 of one-time funding as a reserve for the Voluntary Separation Incentive Program. \$134,701 of the reserve is used to restore Human Services (\$102,701) and lifeguards (\$32,000) in 2011.
- **Neighborhood Connections Program** – Eliminating the Neighborhood Connections capital improvement program and using the remaining funding of \$50,000 (\$25,000 per year) as follows:
 - increasing neighborhood grants from \$615 to \$1,000 (use of \$6,545 per year);
 - purchasing insurance for neighborhood events at an annual cost of \$3,500;
 - using \$14,955 for Human Services funding in 2011; and
 - setting-aside \$14,955 in a reserve in 2012.
- **Fire Overtime/Rolling Brown Outs** – Using fire overtime/equipment budget set aside in a contingency reserve (\$100,000 in 2011 and \$80,195 in 2012) as bridge funding in the first quarter of 2011 – resulting in no rolling brown outs in January, February, or March 2011. This is a line-item adjustment that requires no change in appropriation to the 2011-2012 Budget. The remaining budget reductions resulting in rolling brown outs are still reflected in the budget but could be restored with new revenues from the implementation of the fee for transport program proposed to begin on March 1, 2011. If the program is approved, a budget adjustment will be brought forward in March to reflect the change.
- **Council Dues** – Reinstating Chamber of Commerce and Eastside Transportation Partnership (ETP) dues of \$500 each per year for a total of \$2,000 in 2011-2012.
- **Liquor Profit Revenues** – Setting aside the current City portion \$731,210 (\$364,210 and \$367,000 in 2011 and 2012 respectively) in a Public Safety Reserve and recognizing the annexation area share of the liquor profits \$353,982 (\$98,061 and \$255,921 in 2011 and 2012 respectively), which frees up a portion of the State sales tax credit to reimburse a portion of the pre-annexation costs. If not needed to fund State or County unfunded mandates, the current City portion will be considered for the partial restoration of the **ProAct** unit that was decommissioned at the end of 2009 and the **Fire Strategic Plan** update.

Other major adjustments to the Preliminary Budget include:

- **Debt Service** – Adding \$2.82 million for debt service in 2011-2012 for the Public Safety Building bonds. This is based on \$36 million in bonds being issued in 2010. The debt service assumes a portion of the debt allocable to the annexation area being amortized over 10 years, the length of time the state sales tax credit for annexation is available. The remainder of the debt is amortized for 30 years for both the current City and the annexation area. The current City's portion of the debt service in 2011-2012 is budgeted at \$1.16 million and the remaining \$1.66 million is the annexation area's portion. This adjustment is recognized twice in the Budget, once as a transfer of revenues out of the General Fund and again as payment of the debt service in the Debt Service Fund.
- **State Sales Tax Credit** – Acknowledging state sales tax credit of \$1.1 million and \$3.4 million in 2011 and 2012 respectively for a total of \$4.5 million. \$2.3 million of this amount is set aside in the General Fund Contingency recognizing that it will be used if the City does not

receive the Staffing for Adequate Fire and Emergency Response (SAFER) grant used to offset the annexation-related costs in the Fire Department of adding 9 firefighters and an aid car.

- **ARCH** – A housekeeping adjustment of particular note is the removal of the transfer of \$893,635 in ARCH trust fund reserves to the City of Bellevue, which will be managing the trust fund for the region per the terms of the recently approved inter local agreement, from the 2011-2012 Budget. This transfer was finalized in 2010.
- **Interest Backfill** – The Preliminary Budget included the use of \$200,000 in one-time money as backfill for the anticipated interest revenue shortfall to fund capital projects in 2011-2012. The Final Budget reallocates the \$200,000 for payment of debt service in 2011-2012 without adversely impacting the CIP.
- Net Miscellaneous Adjustments is comprised of a variety of minor changes, resulting in a net reduction of \$15,676.

The table below summarizes the General Fund changes from the Preliminary Budget to the Final Budget:

Item	Amount
Preliminary 2011-2012 Budget - General Fund	153,294,091
Council Directed Changes to Preliminary Budget:	
Human Services One-Time Funding in 2011	117,656
Lifeguards One-Time Funding in 2011	32,000
Reduction of Voluntary Separation Incentive Program Reserve to fund above	(134,701)
Increase Neighborhood Matching Grants (increase of \$6,545 per year)	13,090
Purchase Insurance for neighborhood events (\$3,500 per year)	7,000
Unallocated Neighborhood Connections Program balance (2012)	14,955
Fire Overtime: Bridge funding for first quarter 2011 rolling brownouts (line item - no change in appropriation)	0
Chamber of Commerce & Eastside Transportation Partnership Dues	2,000
Liquor Profits Set-Aside in Public Safety Reserve	731,210
Annexation Area Liquor Profits reimbursing pre-annexation costs	353,982
Other Changes to Preliminary Budget:	
Public Safety Building Debt Service:	
Current City Share	1,163,529
Annexation Area Share (Sales Tax Credit)	1,658,482
State Sales Tax Credit reimbursement of pre-annexation costs	2,324,575
Remove ARCH Trust Reserves (sent to Bellevue in 2010)	(893,635)
Adjustment to CIP transfer for Interest Backfill	(200,000)
Net Miscellaneous Adjustments	(15,676)
Total Changes to General Fund from Preliminary to Final Budget	5,174,467
Final 2011-2012 Budget - General Fund	158,468,558

In addition to the adjustments to the General Fund discussed above, the Final Budget includes the following adjustments to other funds:

- **Radio Reserve** – Recognizing the use of \$36,000 in radio reserves in the Equipment Rental Fund to purchase police radios in 2010.
- **Lease Revenue** – Recognizing lease revenues of \$25,000 per month for 15 months, or a total of \$375,000 in 2011-2012, from the lease of the future Public Safety Building to a retail tenant, My Home Wholesale. A portion of these revenues will offset taxes and maintenance costs related to the property.

- **Contingency** – Recognizing replenishment from General Fund of \$150,000 that was omitted in the Preliminary Budget.
- **Impact Fees** – Adding \$200,000 in Parks Impact Fee revenues to reflect actual revenue trends in 2010. This revenue will be used for the McAuliffe Park debt service in 2011-2012.
- **LTGO Debt Service** – Recognizing the payment of debt service for the Public Safety Building in 2011-2012 for a total of \$2.82 million.
- **General Capital Projects** – Recognizing the elimination of the Neighborhood Connections program from the CIP – reduction of \$50,000 in 2011-2012.
- **Transportation Capital Projects** – Recognizing the changes to the Preliminary 2011-2016 CIP, including:
 - Acquisition of the Eastside Rail Corridor, between Bellevue and the northern City limits for the potential future use as a recreational trail, light-rail corridor, and right-of-way for addressing surface water needs in the Totem Lake area in 2011 with \$5 million in external funding.
 - Use of \$600,000 in REET Reserves in 2012 for the Annual Concurrency Street Improvements project (ST 8888).
 - Other changes to the transportation capital projects in 2011-2012 result in a net increase to the Transportation Capital Projects fund of \$267,000.

The table below summarizes the changes to the Preliminary Budget which totals \$14.52 million:

	2011-2012 Preliminary Budget	Adjustments	2011-2012 Final Budget
General Fund	153,294,091	5,174,467	158,468,558
Other Funds:			
Equipment Rental - Use of radio reserve for 2010 radio replacements	18,576,173	(36,000)	18,540,173
Facilities Maintenance - Lease revenue and expenses from Public Safety Building	9,512,410	375,000	9,887,410
Contingency - Recognize replenishment from General Fund	2,096,510	150,000	2,246,510
Impact Fees - Update impact fee revenue projection	1,501,073	200,000	1,701,073
LTGO Debt Service - Public Safety Building Debt Service	2,242,388	2,822,011	5,064,399
General Capital Projects - Elimination of Neighborhood Connections	42,771,620	(50,000)	42,721,620
Transportation Capital Projects - Finalized CIP (primarily Eastside Rail Corridor Acquisition)	23,076,971	5,867,000	28,943,971
Water/Sewer Debt Service - Housekeeping correction - recognizing interest revenue	2,941,670	20,517	2,962,187
All other Funds with no changes from 2011-2012 Preliminary Budget	178,837,025	0	178,837,025
TOTAL	434,849,931	14,522,995	449,372,926

Note that the Final Budget does not include the revenue from the EMS transportation fee that the City is currently evaluating. If the Council adopts the new fee effective March 1, 2011, staff will incorporate the change in the budget adjustments to the 2011-2012 Budget that will be brought forward for Council consideration in March 2011. The EMS transportation fee revenue is anticipated to offset the rolling brown-outs recommended as part of the budget reductions to balance the 2011-2012 Budget.

Follow-up Requested by Council

Along with modifications to the biennial budget, Council requested several reports as future follow-up items. Note that, while some of the reports will be included in the reading file in the next several months, several of the items listed are long-term issues and will be brought forward through the Council subcommittees or as part of the 2013-2014 budget development process.

- A discussion of alternate approaches for setting **Human Services, ARCH, and Outside Agencies funding.**
- A report on the one-time costs associated with **adding a new FTE.**
- A discussion of options and potential sequencing of **public involvement in the 2013-2014 Budget Process.**
- A report on the performance of the **Antique Mall paid parking.**
- Develop **new sinking fund reserves** for public safety and IT equipment replacements for consideration during the 2013-2014 Budget Process.
- A discussion of **performance measures and Council goals** before retreat.
- Review **reserves target policy** in light of annexation, including duration of revenue stabilization.
- Ask the Parks Board to explore a possible **future parks maintenance levy.**
- A report on **jail transport costs** as part of the Public Safety Building planning process.
- Add the release of Labor & Industries **FTE data to the City to assist with business license compliance** to the legislative agenda.
- Consider reestablishing a **2-year sales tax lag** (once revenues improve) as part of the 2013-2014 Budget Process.
- A report on **sharing engineering resources** with smaller cities.
- A report on City **communications in non-electronic forms.**
- A report on the history of **KPC support** by the City.
- Research the ability of a City to **negotiate dues with regional agencies.**

Copies of the final budget document will be available during the first quarter of 2011.

ORDINANCE NO. 4277

AN ORDINANCE OF THE CITY OF KIRKLAND ADOPTING THE BIENNIAL BUDGET FOR 2011-2012.

WHEREAS, the Kirkland City Council conducted a duly noticed public hearing on November 16, 2010, to take public comment with respect to the proposed Biennial Budget of the City of Kirkland for 2011-2012 and all persons wishing to be heard were heard; and

WHEREAS, the City Council finds that the proposed Biennial Budget for 2011-2012 reflects 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 Biennial Budget of the City of Kirkland for 2011-2012, as set out in Exhibit "A" attached hereto and by this reference incorporated herein as though fully set forth, is hereby adopted as the Biennial Budget of the City of Kirkland for 2011-2012.

Section 2. In summary form, the totals of estimate revenues and appropriations for each separate fund and the aggregate totals for all such funds combined are as follows:

<u>Funds</u>	<u>Estimated Revenues</u>	<u>Appropriations</u>
General	158,468,558	158,468,558
Lodging Tax	495,989	495,989
Street Operating	13,867,939	13,867,939
Cemetery Operating	733,281	733,281
Parks Maintenance	2,133,563	2,133,563
Contingency	2,246,510	2,246,510
Impact Fees	1,701,073	1,701,073
Excise Tax Capital Improvement	12,917,441	12,917,441
Limited General Obligation Bonds	5,064,399	5,064,399
Unlimited General Obligation Bonds	2,138,406	2,138,406
General Capital Projects	42,721,620	42,721,620
Transportation Capital Projects	28,943,971	28,943,971
Water/Sewer Operating	45,401,516	45,401,516
Water/Sewer Debt Service	2,962,187	2,962,187
Utility Capital Projects	13,870,848	13,870,848
Surface Water Management	16,639,340	16,639,340
Surface Water Capital Projects	10,631,090	10,631,090
Solid Waste	30,858,591	30,858,591
Health Benefits	15,735,691	15,735,691
Equipment Rental	18,540,173	18,540,173
Information Technology	11,647,485	11,647,485

Facilities Maintenance	9,887,410	9,887,410
Firefighter's Pension	1,765,855	1,765,855
	<hr/>	<hr/>
	449,372,936	449,372,936

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 7th day of December, 2010.

Signed in authentication thereof this 7th day of December, 2010.

MAYOR

Attest:

City Clerk

Approved as to Form:

City Attorney

CITY OF KIRKLAND
2011-12 BUDGET OVERVIEW: BY FUND/FUND TYPE

General Government Operating Funds

Fund		2009-10 Budget	2011-12 Final Budget	Percent Change
<i>General Fund</i>				
010	General	121,338,605	158,468,558	30.60%
<i>Special Revenue Funds</i>				
112	Lodging Tax	798,648	495,989	-37.90%
117	Street Operating	9,705,917	13,867,939	42.88%
122	Cemetery Operating	210,362	733,281	248.58%
125	Parks Maintenance	2,227,124	2,133,563	-4.20%
126	Recreation Revolving	2,897,797	-	-100.00%
Total Special Revenue Funds		15,839,848	17,230,772	8.78%
<i>Internal Service Funds</i>				
511	Health Benefits Fund	-	15,735,691	N/A
521	Equipment Rental	13,667,679	18,540,173	35.65%
522	Information Technology	10,167,580	11,647,485	14.56%
527	Facilities Maintenance	9,373,036	9,887,410	5.49%
Total Internal Service Funds		33,208,295	55,810,759	68.06%
Total General Government Operating Funds		170,386,748	231,510,089	35.87%

General Government Non-Operating Funds

Fund		2009-10 Budget	2011-12 Final Budget	Percent Change
<i>Special Revenue Funds</i>				
152	Contingency	2,598,660	2,246,510	-13.55%
154	Cemetery Improvement	586,574	-	-100.00%
156	Impact Fees	4,151,098	1,701,073	-59.02%
157	Park & Municipal Reserve	11,528,172	-	-100.00%
158	Off-Street Parking Reserve	217,610	-	-100.00%
159	Tour Dock	126,275	-	-100.00%
170	Street Improvement	2,833,503	-	-100.00%
188	Grant Control Fund	222,924	-	-100.00%
190	Excise Tax Capital Improvement	22,396,187	12,917,441	-42.32%
Total Special Revenue Funds		44,661,003	16,865,024	-62.24%

CITY OF KIRKLAND
2011-12 BUDGET OVERVIEW: BY FUND/FUND TYPE

General Government Non-Operating Funds (Continued)

Fund		2009-10 Budget	2011-12 Final Budget	Percent Change
<i>Debt Service Funds</i>				
210	LTGO Debt Service	2,585,729	5,064,399	95.86%
220	UTGO Debt Service	2,687,388	2,138,406	-20.43%
Total Debt Service Funds		5,273,117	7,202,805	36.59%
<i>Capital Projects Funds</i>				
310	General Capital Projects	47,109,696	42,721,620	-9.31%
320	Transportation Capital Projects	18,330,402	28,943,971	57.90%
Total Capital Projects Funds		65,440,098	71,665,591	9.51%
<i>Trust Funds</i>				
620	Firefighter's Pension	1,634,077	1,765,855	8.06%
Total Trust Funds		1,634,077	1,765,855	8.06%
Total General Government Non-Op Funds		117,008,295	97,499,275	-16.67%

Water/Sewer Utility Funds

Fund		2009-10 Budget	2011-12 Final Budget	Percent Change
<i>Operating Fund</i>				
411	Water/Sewer Operating	46,202,650	45,401,516	-1.73%
Total Operating Fund		46,202,650	45,401,516	-1.73%
<i>Non-Operating Funds</i>				
412	Water/Sewer Debt Service	3,505,639	2,962,187	-15.50%
413	Utility Capital Projects	18,399,331	13,870,848	-24.61%
Total Non-Operating Funds		21,904,970	16,833,035	-23.15%
Total Water/Sewer Utility Funds		68,107,620	62,234,551	-8.62%

CITY OF KIRKLAND
2011-12 BUDGET OVERVIEW: BY FUND/FUND TYPE

Surface Water Utility Funds

Fund		2009-10 Budget	2011-12 Final Budget	Percent Change
<i>Operating Fund</i>				
421	Surface Water Management	12,946,027	16,639,340	28.53%
Total Operating Fund		12,946,027	16,639,340	28.53%
<i>Non-Operating Fund</i>				
423	Surface Water Capital Projects	11,238,517	10,631,090	-5.40%
Total Non-Operating Funds		11,238,517	10,631,090	-5.40%
Total Surface Water Utility Funds		24,184,544	27,270,430	12.76%

Solid Waste Utility Fund

Fund		2009-10 Budget	2011-12 Final Budget	Percent Change
<i>Operating Fund</i>				
431	Solid Waste Utility	18,578,902	30,858,591	66.09%
Total Operating Fund		18,578,902	30,858,591	66.09%
Total Solid Waste Utility Fund		18,578,902	30,858,591	66.09%

TOTAL ALL FUNDS		398,266,109	449,372,936	12.83%
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CITY OF KIRKLAND
Department of Finance & Administration
123 Fifth Avenue, Kirkland, WA 98033 425.587.3100
www.ci.kirkland.wa.us

MEMORANDUM

To: Kurt Triplett, City Manager

From: Tracey Dunlap, Director of Finance and Administration
Sri Krishnan, Financial Planning Manager

Date: November 30, 2010

Subject: **FINAL 2011 PROPERTY TAX LEVY**

RECOMMENDATION:

Council approves the attached ordinance, which repeals Ordinance 4273 approved on November 16, 2010 and establishes the final property tax levy for the 2011 fiscal year.

BACKGROUND DISCUSSION:

The attached ordinance reflects the final property tax levy data received from King County on November 30, 2010. This ordinance replaces the interim ordinance that was approved on November 16, 2010 in order to meet the County's deadline for 2011 levy information. As noted in the preliminary 2011 property tax levy memo, the initial levy was set intentionally high to ensure that the City would capture any additional new construction and state assessed valuation that was not recorded at the time of the preliminary levy.

It should be noted that the property tax levy needs to be established annually even though the Council will adopt a budget for the 2011-2012 biennium. Accordingly, the attached ordinance relates to 2011 only.

The following discussion explains how the final levy numbers were calculated for each of the variable factors in the levy. There are two components to the property tax levy — the regular levy, which funds operating costs, and the excess levy, which funds debt service on voter-approved bonds.

Regular Levy

For 2011, there are three factors impacting the amount of the regular levy – the new construction levy, the annexation levy, and the optional increase.

New Construction

New construction represents additional property taxes to be received from the construction of new buildings and additions to existing structures. The new construction levy increases revenue to the City but does not increase the tax levy on existing taxpayers. The new construction levy is calculated by dividing the new construction valuation by \$1,000 and

multiplying the quotient by the current year's regular levy tax rate¹ (\$1.20942 per \$1,000 of assessed valuation). The final new construction valuation for the 2011 levy is \$38,071,222 which translates into a new construction levy of \$46,044 ($\$38,071,222 / \$1,000 \times \1.20942). Over the past several years, the increase in new construction levy as a percentage of each year's total base regular levy has ranged between 0.74% and 4%. The 2011 new construction levy of \$46,044 is 0.34% of the total base regular levy for 2011.

Annexation Levy

In addition to new construction, the assessed valuation has increased to reflect the new properties added to the City's tax rolls by the Bridleview annexation. The increased assessed valuation is \$36,739,000 which results in an additional levy amount of \$47,664.

Optional Levy Increase

The 2011-2012 Budget assumes the optional increase of one percent in 2011. The July Implicit Price Deflator for Personal Consumption Expenditures was 1.539%, so the City Council will not have to consider a finding of substantial need in order to implement the optional one percent increase. Each one percent increase in the regular levy equates to a little more than \$128,500 in new revenue to the General Fund and about \$8,300 in new revenue to the Parks Maintenance Fund, for a total of about \$136,800.

Excess Levy

The total excess levy, which relates to voted debt, is decreasing from \$921,776 in 2010 to \$913,986 in 2011. This translates to a rate per \$1,000 assessed value of \$0.08534.

Trends in Assessed Valuation

Assessed valuation is composed of new construction and revaluation of existing properties. Final figures from King County dated 11/30/2010, indicate that the City's total assessed valuation decreased by 5.34% (\$603,648,436) comprised of a 0.34% increase due to new construction (\$38,071,222), a 0.32% increase due to annexation valuation (\$36,739,000), and a 6.0% decrease due to revaluations (\$678,473,752).

The change in valuation does not in itself generate additional revenue for the City. If the Council took no optional increase in the levy and the assessed valuation increases, it would have the effect of lowering the rate applied to each \$1,000 of assessed valuation. Conversely, if the assessed valuation decreases, as it has in 2011, it results in an increase in the rate applied to each \$1,000 of assessed valuation, since the levy is set as a total dollar amount, which is divided by the assessed valuation.

Based on the final levy worksheet data for new construction (\$46,044) and the 1% optional increase, the regular levy tax rate would increase from \$1.20942 per \$1,000 of assessed valuation in 2010 to \$1.30370 in 2011. The rate per \$1,000 increases even though the total assessed valuation (AV) has decreased by 5.34% over the same period. When the excess levy is added in, the total tax rate goes from \$1.29137 to \$1.38904. Note that the total dollar amount of the levy is fixed but the final rate per \$1,000 of AV can change slightly based on the

¹ Levy rate per the Levy Limit Worksheet from the King County Assessor's Office.

final AV at the time King County finalizes the levy rates (in early 2011). The table below summarizes the calculation of the City's final property tax levy for 2011.

Final Levy Recap:

Base General Levy (2011 Rate)	\$	12,850,467
1% Optional Increase (General Levy)		128,505
Base Parks Maintenance Levy (2011)		830,723
1% Optional Increase (Parks Maint. Levy)		8,307
New Construction and Other Adjustments*		120,396
Total Regular and Parks Maint. Levy	\$	13,938,398
Excess Levy (for voted debt)		913,986
Total 2011 Final Levy	\$	14,852,384

*Prior-year adjustments include new construction levy, re-levy for prior-year refunds, and any levy corrections or omissions. New construction levy is \$46,044. The prior-year refund levy for 2010 is \$43,612. The Bridleview annexation levy of \$47,664 for 2010 is included in the final figures.

Attachments

ORDINANCE NO. 4278

AN ORDINANCE OF THE CITY OF KIRKLAND ESTABLISHING THE AMOUNT OF PROPERTY TAXES TO BE LEVIED FOR THE YEAR 2011, THE FIRST YEAR OF THE CITY OF KIRKLAND'S 2011-2012 FISCAL BIENNIUM AND REPEALING ORDINANCE 4273.

WHEREAS, the City Council previously held a public hearing on September 21, 2010, to consider revenue sources for the 2011-2012 Biennial Budget; and

WHEREAS, the City Council and the City Manager have considered the anticipated financial requirements of the City of Kirkland for the fiscal year 2011; and

WHEREAS, pursuant to RCW 35A.33.135, the City Council is required to determine and fix by ordinance the amount to be raised by ad valorem taxes; and

WHEREAS, on November 16, 2010, the City Council passed Ordinance 4273 which was the preliminary property tax levy; and

WHEREAS, the City Council wishes to repeal the preliminary property tax levy and pass the final tax levy based upon the most recent property tax levy data provided by King County; and

WHEREAS, RCW 84.55.120 requires that the increase in the levy over the prior year shall be stated both as to dollars and percentage;

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

Section 1. Ordinance 4273 passed November 16, 2010, is hereby repealed.

Section 2. The regular property tax levy for the year 2011 is hereby fixed and established in the amount of \$13,938,398. This property tax levy includes the optional 1.0% increase which represents a dollar increase of \$136,812 from the previous year. The total levy increase of \$257,208 represents a percentage increase of 1.88% from the previous year and includes the optional 1.0% increase, the increase resulting from the addition of new construction, improvements to property, any increase in state-assessed property, and administrative refunds as shown below:

	Amount	% Increase (Decrease)
2010 Regular Property Tax Levy	13,681,190	
Less Prior Year Refund	0	
Plus Property Tax Increase	136,812	1.00%
Plus New Construction Levy	46,044	0.34%
Plus Annexation Levy	47,664	0.35%
Plus Refund Levy	43,612	0.32%
Less Levy Adjustments by King County	(16,924)	-0.12%
2011 Regular Levy	13,938,398	1.88%

Section 3. There is hereby levied for 2011 upon all property, both real and personal, within the City of Kirkland, Washington, and within the area subject to tax levies for the principal

and interest of all general obligation bond issues, a total voted property tax of \$913,986 on the total of assessed valuation for such property.

Section 4. 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 _____, 2010.

Signed in authentication thereof this _____ day of _____, 2010.

MAYOR

Attest:

City Clerk

Approved as to Form:

City Attorney



CITY OF KIRKLAND
Department of Finance & Administration
 123 Fifth Avenue, Kirkland, WA 98033 425.587.3100
 www.ci.kirkland.wa.us

MEMORANDUM

To: Kurt Triplett, City Manager

From: Tracey Dunlap, Director of Finance and Administration
Sri Krishnan, Financial Planning Manager

Date: November 21, 2010

Subject: ADOPTION OF THE 2011 TO 2016 CAPITAL IMPROVEMENT PROGRAM

RECOMMENDATION:

City Council approves the attached resolution adopting the 2011-2016 Capital Improvement Program (CIP).

BACKGROUND:

The Preliminary 2011-2016 CIP was presented to Council at the May 18, 2010 study session. Proposed amendments were discussed and policy direction was given at the public hearing on September 21, 2010. On November 16, 2010, Council was presented with an update of the changes to the Preliminary 2011-2016 CIP reflecting Council direction to that point. At that meeting, Council directed staff to finalize the 2011-2016 CIP incorporating the changes since the Preliminary 2011-2016 CIP was developed and bring it forward for Council adoption on December 7, 2010.

The Preliminary 2011-2016 CIP was modified after the November 16th meeting as described below:

- **Annual Concurrency Street Improvements** project (ST 8888) – Staff had previously recommended reducing the project from \$800,000 to \$450,000 in 2012 to address the anticipated shortfall in transportation impact fee revenues. In order to meet grant match requirements for the **6th Street/Central Way Intersection Improvements** (TR 0100) project, \$200,000 in surface water revenues is recommended to be moved from ST 8888 to TR 0100. As previously discussed, the reduction to ST 8888 impacts the City's ability to leverage additional funding from grant opportunities. In order to mitigate this risk, staff is recommending the use of \$600,000 from reserves in 2012. The resulting project cost in 2012 is \$850,000.
- **6th Street/Central Way Intersection Improvements** (TR 0100) – Project total cost reduced from \$4.62 million (as presented in May 2010) to \$3.02 million. The project is now estimated to cost \$0.97 million in 2011 and \$1.0 million in 2012 in addition to the \$1.05 million budgeted in 2010.
- The following projects anticipated to be funded by Park Place redevelopment-related revenues are being shown on the unfunded list to recognize that they will occur only if the development proceeds:
 - Central Way/Park Place Center Traffic Signal (TR 0082)
 - Lake Washington Boulevard /NE 38th Place Intersection Improvements (TR 0090)
 - Central Way/4th Street Intersection Improvements (TR 0103)
 - 6th Street/4th Ave Intersection Improvements (TR 0104)
 - NE 85th Street/124th Ave NE Intersection Improvements (TR 0108)

In addition to the changes described above, the changes from the Preliminary CIP are recapped below:

Revisions to Funded Transportation Projects

- **Annual Street Preservation Program-One-Time Project (ST 0006 002)** – Project total changed from \$1.1 million to \$1.122 million to reflect additional State funding of \$22,000 in 2012.

Additions to List of Funded Transportation Projects

- **Kirkland Intelligent Transportation System Implementation Phase I (TR 0111)** – New project added to the Preliminary CIP to acknowledge notification of Congestion, Mitigation and Air Quality (CMAQ) grant award of \$1.8 million in 2011 and a grant match of \$243,000 for a total of \$2.043 million.
- **Downtown Pedestrian Safety Improvements - Central Way (TR 0112)** – New project added to the Preliminary CIP to acknowledge grant award of \$16,000 in 2011.
- **Eastside Rail Corridor Trail Acquisition (NM 0070)** – Acquisition of the Eastside Rail Corridor, formerly known as the Burlington Northern Santa Fe (BNSF) railroad right-of-way, between Bellevue and the north City limits for the potential future use as a recreational trail, light-rail corridor, and right-of-way for addressing surface water needs in the Totem Lake area corridor is included in 2011. An initial acquisition amount of \$5 million has been identified with external funding as the source.

Revisions to Unfunded Transportation Projects

- **111th Avenue Non-Motorized/Emergency Access Connection (NM 0058)** – Added project totaling \$2 million. This project was inadvertently omitted from the unfunded list in the Preliminary CIP.
- **104th Avenue NE/NE 68th Street Lake Washington School Walk Route Enhancements (NM 0068)** – Project total changed from \$351,000 to \$359,000 due to a change in project scope as a result of a grant application process.
- **100th Avenue NE Bicycle Lanes (NM 0069)** – New project added to the unfunded transportation CIP list for a total of \$185,000 in anticipation of potential grant opportunities.
- **Kirkland Intelligent Transportation System Implementation Phase II (TR 0111 001)** – New project added to the unfunded transportation CIP list for a total of \$4.1 million in anticipation of potential grant opportunities.
- **Totem Lake Area Development Opportunity Program (ST 0081)** – Establishing a new, unfunded project at an estimated cost of \$500,000, in anticipation of development opportunities funded through grants that may require a City matching portion. As opportunities arise, staff will bring forward for Council consideration a plan to fund this project in order to utilize any grants or other external funds that help achieve the City's goals for redeveloping the Totem Lake area.

Transportation Project Moved to Unfunded List

- Moving the **6th Street/Kirkland Way Traffic Signal** project (TR 0065) from funded to unfunded status.

Surface Water Project Moved to Funded List

- **Totem Lake Boulevard Flood Control Measures (SD 0059)** – Project moved from unfunded to funded status based on availability of \$117,000 in King County Opportunity Funds for flood control study in 2011.

Additions to List of Funded Surface Water Projects

- **Totem Lake Surface Water Opportunity Program (SD 0072)** – Establishing a new, funded project that adds \$500,000 in surface water utility revenue identified for surface water projects in the Totem Lake area that would utilize the right-of-way offered by the acquisition of the Eastside Rail Corridor Trail Acquisition discussed above.
- **Forbes Creek Surface Water Opportunity Program (SD 0073)** – Establishing a new, funded project that adds \$500,000 in surface water utility revenue identified for surface water projects in the Forbes Creek area that would utilize the right-of-way offered by the acquisition of the Eastside Rail Corridor Trail Acquisition discussed above.

Revisions to Funded General Government Projects

Addressing the anticipated \$1.86 million shortfall in interest revenues for public safety and general government projects included in the Preliminary CIP by:

- Moving the Local Emergency/Public Communication AM Radio project from the funded to the unfunded list – reducing expenditures by \$119,100;
- Reducing IT capital project costs by \$40,500 in 2011 for the Finance and HR Systems Modules by identifying alternative implementation approaches and reducing project scope;
- Deferring approximately \$200,000 in planned expenditures on the City's Local and Wide Area Networks to sometime beyond 2012; and
- Using \$1.7 million in one-time resources to address the remaining shortfall.

The City Manager recommended that the **Neighborhood Connections Program (GG 0023)** be reduced from \$100,000 to \$25,000 per year to balance the 2011-2012 Budget. At the November 16th meeting, Council directed staff to eliminate the Neighborhood Connections Program and use the \$25,000 per year to increase neighborhood grants from \$615 to \$1,000 and purchase an insurance policy for neighborhood events. The remaining \$14,955 will be used for Human Services funding in 2011 and set-aside in a reserve in 2012.

The 2011-2016 CIP assumes **Transportation Benefit District (TBD)** revenues to fund transportation projects. At the November 8 Council budget study session, Council provided policy direction to defer the decision about whether or not to implement a TBD until the second quarter of 2011. Council also provided policy direction that the TBD revenue assumptions and related CIP projects should be left in the 2011-2016 CIP until the final decision is made, with the direction that no TBD projects would be implemented prior to that decision.

Incorporating the changes mentioned above, the overall funded CIP changes from \$101,300,400 in the Preliminary CIP to \$104,422,800 in the Final CIP for the six-year period. A summary of the 2011-2016 CIP is included as Attachment A.

The attached resolution adopts the Final 2011-2016 CIP. The table below summarizes the proposed changes to the Preliminary 2011-2016 CIP:

	6-Year Funded CIP	Unfunded CIP	Total CIP
Preliminary 2011-2016 CIP	101,300,400	430,520,000	531,820,400
Changes in 2011 and 2012:			
Annual Street Preservation Program-One-Time Project	22,000	-	22,000
6th Street/Central Way Intersection Improvements	(1,602,000)	-	(1,602,000)
Kirkland ITS Implementation Phase I	2,043,000	-	2,043,000
Downtown Pedestrian Safety Improvements - Central Way	16,000	-	16,000
Totem Lake Boulevard Flood Control Measures	117,000	(1,136,200)	(1,019,200)
111th Avenue Non-Motorized/Emergency Access Connection	-	2,000,000	2,000,000
104th Avenue NE/NE 68th Street LWS Walk Route Enhancements	-	8,000	8,000
100th Avenue NE Bicycle Lanes	-	185,000	185,000
Kirkland Intelligent Transportation System Implement. Phase II	-	4,100,000	4,100,000
Annual Concurrency Street Improvements	50,000	(50,000)	-
Finance and HR System Modules	(40,500)	-	(40,500)
Local and Wide Area Networks	(200,000)	-	(200,000)
Local Emergency/Public Communication AM Radio	(119,100)	119,100	-
Eastside Rail Corridor Acquisition	5,000,000	-	5,000,000
Totem Lake Surface Water Opportunity Program	500,000	-	500,000
Forbes Creek Surface Water Opportunity Program	500,000	-	500,000
Totem Lake Area Development Opportunity Program	-	500,000	500,000
Neighborhood Connection Program	(200,000)	-	(200,000)
6th Street/Kirkland Way Traffic Signal	(564,000)	564,000	-
Central Way/Park Place Center Traffic Signal	(200,000)	200,000	-
Lake Washington Blvd/NE 38th Place Intersection Improv.	(500,000)	500,000	-
Central Way/4th Street Intersection Improvements	(31,000)	31,000	-
6th Street/4th Ave Intersection Improvements	(580,000)	580,000	-
NE 85th Street/124th Ave NE Intersection Improvements	(889,000)	889,000	-
Subtotal Changes in 2011-2012	3,322,400	8,489,900	11,812,300
Deferred to 2013:			
Local and Wide Area Networks	200,000	-	200,000
Neighborhood Connection Program	(400,000)	-	(400,000)
Revised 2011-2016 CIP	104,422,800	439,009,900	543,432,700

RESOLUTION R-4855

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND ADOPTING THE 2011-2016 SIX-YEAR CAPITAL IMPROVEMENT PROGRAM FOR THE CITY OF KIRKLAND.

WHEREAS, the City Manager together with the department heads for the City of Kirkland have prepared and recommended to the City Council a Six-Year Capital Improvement Program for the years 2011-2016; and

WHEREAS, the City Council adopted a two-year review cycle for the Six-Year Capital Improvement Program to be reflected in the 2011-2012 Budget;

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

Section 1. The Kirkland City Council hereby adopts and approves the 2011-2016 Six-Year Capital Improvement Program including capital improvement projects as attached hereto and by this reference incorporated herein.

Section 2. Actual appropriation of funds to carry out each scheduled year's capital improvements shall be made as a part of the biennial City Budget for such years.

Section 3. The Six-Year Capital Improvement Program hereby adopted shall be reviewed and updated biennially to provide an ongoing Six-Year Capital Improvement Program.

Passed by majority vote of the Kirkland City Council in open meeting this 7th day of December, 2010.

Signed in authentication thereof this 7th day of December, 2010.

Mayor

ATTEST:

City Clerk

**City of Kirkland
Revised Preliminary 2011-2016 Capital Improvement Program**

TRANSPORTATION PROJECTS

Funded Projects:

Project Number	Project Title	Prior Year(s)	2011	2012	2013	2014	2015	2016	2011-2016 Total	Funding Sources				
										Current Revenue	Reserve	Debt	External Source	
ST 0006*	Annual Street Preservation Program		2,500,000	2,500,000	2,500,000	2,500,000	2,500,000	2,500,000	15,000,000	12,424,000	2,576,000			
ST 0006 001	Annual Street Presrvtn Prog.-One-Time Capital Purchase		500,000						500,000		500,000			
ST 0006 002	Annual Street Preservation Program-One-Time Project			1,122,000					1,122,000				1,122,000	
ST 0080	Annual Striping Program		250,000	250,000	250,000	250,000	250,000	250,000	1,500,000	1,500,000				
ST 8888*	Annual Concurrency Street Improvements			850,000	800,000	800,000	800,000	800,000	4,050,000	3,450,000	600,000			
ST 9999*	Regional Inter-Agency Coordination		40,000	40,000	40,000	40,000	40,000	40,000	240,000	240,000				
NM 0012	Crosswalk Upgrade Program		70,000		70,000		70,000		210,000	210,000				
NM 0057	Annual Sidewalk Maintenance Program		200,000	200,000	200,000	200,000	200,000	200,000	1,200,000	1,200,000				
NM 0066	12th Avenue Sidewalk	370,000	102,000						102,000		102,000			
NM 0067	Elementary School Walk Route Enhancements	400,000	798,000						798,000	267,000	233,000		298,000	
NM 0070	Eastside Rail Corridor Trail Acquisition		5,000,000						5,000,000				5,000,000	
NM 8888*	Annual Non-Motorized Program				950,000	1,000,000	1,000,000	1,000,000	3,950,000	3,950,000			-	
TR 0078*	NE 85th St/ 132nd Ave NE Intersection Imprv (Phase I)	2,089,400		475,000					475,000	475,000				
TR 0080*	NE 85th St/124th Ave NE Intersection Improvements	1,543,300		144,000					144,000	144,000				
TR 0100*	6th Street/Central Way Intersection Improvements	1,050,000	970,000	1,000,000					1,970,000	200,000			1,770,000	
TR 0102	Growth & Transportation Efficiency Cntr (GTEC) Enh.	300,000	443,000						443,000				443,000	
TR 0111	Kirkland ITS Implementation Phase I		2,043,000						2,043,000		243,000		1,800,000	
TR 0112	Downtown Pedestrian Safety Improvements - Central Way		16,000						16,000				16,000	
TR 8888*	Annual Concurrency Traffic Improvements				140,000	140,000	140,000	140,000	560,000	560,000				
Total Funded Transportation Projects			5,752,700	12,932,000	6,581,000	4,950,000	4,930,000	5,000,000	4,930,000	39,323,000	24,620,000	4,254,000	0	10,449,000

Prior Year(s) Funding (Budget to Actuals):

Project Number	Project Title	Budget	Actual	Balance
NM 0066	12th Avenue Sidewalk	370,000	7,910	362,090
NM 0067	Elementary School Walk Route Enhancements	400,000	594	399,406
TR 0078*	NE 85th St/132nd Ave NE Intersection Imprv (Phase I)	2,089,400	373,418	1,715,982
TR 0080*	NE 85th St/124th Ave NE Intersection Improvements	1,543,300	260,049	1,283,251
TR 0100*	6th Street/Central Way Intersection Improvements	1,050,000	14,830	1,035,170
TR 0102	Growth & Transportation Efficiency Cntr (GTEC) Enh.	300,000	0	300,000
Total Prior Year(s) Funding (Budget to Actuals):		5,752,700	656,801	5,095,899

Notes

- * = Modification in timing and/or cost (see Project Modification Schedule for greater detail)
- + = Moved from unfunded status to funded status
- " = Moved from funded status to unfunded status
- ^ = Annual Program Project Candidates
- Shaded year(s) = Previous timing
- Bold italics = New projects

**City of Kirkland
Revised Preliminary 2011-2016 Capital Improvement Program**

TRANSPORTATION PROJECTS

Unfunded Projects:

Project Number	Project Title	Total
ST 0055	98th Avenue NE Bridge Replacement	10,196,000
ST 0056	132nd Avenue NE Roadway Improvements	25,170,000
ST 0057 001^	NE 120th Street Roadway Extension (East Section)	4,659,000
ST 0059^	124th Ave NE Roadway Improvements (North Section)	10,000,000
ST 0060	118th Avenue NE Roadway Extension	6,440,000
ST 0061	119th Avenue NE Roadway Extension	5,640,000
ST 0062	NE 130th Street Roadway Extension	10,000,000
ST 0063^	120th Avenue NE Roadway Improvements	8,988,500
ST 0064	124th Ave NE Roadway Widening Imprv (So. Sect'n)	30,349,000
ST 0070	120th Ave NE/Totem Lake Plaza Roadway Imprvmnts	3,000,000
ST 0072	NE 120th St Roadway Improvements (West Section)	5,870,000
ST 0073	120th Avenue NE Roadway Extension	16,392,000
ST 0077	NE 132nd St Rdwy Imprv-Phase I (West Section)	1,348,000
ST 0078	NE 132nd St Rdwy Imprv-Phase II (Mid Section)	316,000
ST 0079	NE 132nd St Rdwy Imprv-Phase III (East Section)	1,119,000
ST 0081	Totem Lake Area Development Opportunity Program	500,000
NM 0001	116th Ave NE (So. Sect.) Non-Motorz'd Facil-Phase II	6,028,700
NM 0007	NE 52nd Street Sidewalk	1,068,600
NM 0024	Cross Kirkland Trail	6,107,400
NM 0026	NE 90th Street Sidewalk (Phase II)	2,584,200
NM 0030	NE 90th Street/I-405 Pedestrian/Bicycle Overpass	3,740,700
NM 0031	Crestwoods Park/BNSFR Ped/Bike Facility	2,505,000
NM 0032^	93rd Avenue Sidewalk	1,047,900
NM 0034 001	NE 100th St. at Spinney Homestead Park Sidewalk Ph. II	430,000
NM 0036^	NE 100th Street Bikelane	1,644,300
NM 0037	130th Avenue NE Sidewalk	833,600
NM 0041	Forbes Valley Pedestrian Facility	1,996,600
NM 0043^	NE 126th St Nonmotorized Facilities	4,277,200
NM 0045	NE 95th Street Sidewalk (Highlands)	571,500
NM 0046^	18th Avenue SW Sidewalk	2,255,000
NM 0047	116th Avenue NE Sidewalk (South Rose Hill)	422,100
NM 0048	NE 60th Street Sidewalk	4,979,800
NM 0049^	112th Ave NE Sidewalk	527,600
NM 0050^	NE 80th Street Sidewalk	859,700
NM 0053^	NE 112th Street Sidewalk	573,100
NM 0054^	13th Avenue Sidewalk	446,700
NM 0055^	122nd Ave NE Sidewalk	866,700
NM 0056	NE 90th Street Sidewalk (Phase I)	1,165,700
NM 0058	111th Avenue Non-Motorized/Emergency Access Connection	2,000,000
NM 0059^	6th Street Sidewalk	414,600
NM 0061	NE 104th Street Sidewalk	1,763,500
NM 0062	19th Avenue Sidewalk	814,200
NM 0063	Kirkland Way Sidewalk	414,500
NM 0064 001	Park Lane Pedestrian Corridor Enhancements Phase II	1,300,000
NM 0068	104th Av NE/NE 68th St Lkvw Schl. Wlk. Rt. Enhncmnts	359,000
NM 0069	100th Ave NE Bicycle Lanes	185,000
Subtotal Unfunded ST and NM Projects		192,170,400

Project Number	Project Title	Total
TR 0056*	NE 85th Street HOV Queue Bypass	841,000
TR 0057	NE 124th Street HOV Queue Bypass	1,722,000
TR 0065*	6th Street/Kirkland Way Traffic Signal	564,000
TR 0067	Kirkland Way/BNSFR Abutment/Intersection Imprv	6,917,000
TR 0068	Lake Washington Boulevard HOV Queue Bypass	6,580,000
TR 0072	NE 116th Street Eastbound HOV Queue Bypass	7,337,000
TR 0073	NE 70th Street Eastbound HOV Queue Bypass	1,702,000
TR 0074	NE 85th Street Westbound HOV Queue Bypass	1,775,000
TR 0075	NE 124th Street Westbound HOV Queue Bypass	1,275,000
TR 0082**	Central Way/Park Place Center Traffic Signal	200,000
TR 0083^	100th Ave NE/NE 132nd Street Intersection Improvement	2,991,000
TR 0084	100th Ave NE/NE 124th St Intersection Improvements	2,230,000
TR 0086^	NE 70th St/132nd Ave NE Intersection Improvements	4,590,600
TR 0088^	NE 85th St/120th Ave NE Intersection Improvements	5,272,300
TR 0089	NE 85th St/132nd Ave NE Intersection Imp (Phase II)	1,825,700
TR 0090**	Lake Washington Blvd/NE 38th Place Intersection Imp	500,000
TR 0091^	NE 124th St/124th Ave NE Intersection Improvements	3,503,300
TR 0092	NE 116th St/124th Ave NE N-bound Dual Lft Turn Lanes	1,717,000
TR 0093	NE 132nd St/Juanita H.S. Access Rd Intersect'n Imp	916,000
TR 0094	NE 132nd St/108th Avenue NE Intersect'n Imp	618,000
TR 0095	NE 132nd St/Fire Stn Access Dr Intersect'n Imp	366,000
TR 0096*	NE 132nd St/124th Ave NE Intersect'n Imp	5,713,000
TR 0097	NE 132nd St/132nd Ave NE Intersect'n Imp	889,000
TR 0098*	NE 132nd St/ 116th Way NE (I-405) Intersect'n Imp	300,000
TR 0099	120th Ave/Totem Lake Way Intersection Improvements	2,845,500
TR 0103*	Central Way/4th Street Intersection Improvements	31,000
TR 0104*	6th Street/4th Ave Intersection Improvements	580,000
TR 0105*	Central Way/5th Street Intersection Improvements	564,000
TR 0106*	6th Street/7th Avenue Intersection Improvements	89,400
TR 0107*	Market Street/15th Avenue Intersection Improvements	564,000
TR 0108*	NE 85th Street/124th Ave NE Intersection Improvements	889,000
TR 0109*	Totem Lake Plaza/Totem Lake Blvd Intersection Imprv.	1,500,000
TR 0110*	Totem Lake Plaza/120th Ave NE Intersection Imprv.	1,500,000
TR 0111 001	Kirkland ITS Implementation Phase II	4,100,000
Subtotal Unfunded TR Projects		73,007,800

Total Unfunded Transportation (ST, NM, and TR) Projects	265,178,200
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Funding Available from Annual Programs for Candidate Projects	8,560,000
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Net Unfunded Transportation Projects	256,618,200
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Notes
 * = Modification in timing and/or cost (see Project Modification Schedule for greater detail)
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 " = Moved from funded status to unfunded status
 ^ = Annual Program Project Candidates
 Shaded year(s) = Previous timing
 Bold italics = New projects
 # = Projects to be funded with development-related revenues

**City of Kirkland
Revised Preliminary 2011-2016 Capital Improvement Program**

SURFACE WATER MANAGEMENT UTILITY PROJECTS

Funded Projects:

Project Number	Project Title	Prior Year(s)	2011	2012	2013	2014	2015	2016	2011-2016 Total	Funding Source				
										Current Revenue	Reserve	Debt	External Source	
SD 0047	Annual Replacement of Aging/Failing Infrastructure		200,000	200,000	200,000	200,000	200,000	200,000	1,200,000	1,200,000				
SD 0051	Forbes Creek/KC Metro Access Road Culvert Enh.	232,200			733,700				733,700	689,700			44,000	
SD 0053	Forbes Creek/Coors Pond Channel Grade Controls	260,200		101,000	570,700	184,200			855,900	855,900				
SD 0058	Surface Water Sediment Pond Reclamation Phase II			115,400	603,200	114,200			832,800	832,800				
SD 0059+	Totem Lake Boulevard Flood Control Measures		117,000						117,000	0			117,000	
SD 0067	NE 129th Place/Juanita Creek Rockery Repair			115,500	223,300				338,800	338,800				
SD 0072	Totem Lake Surface Water Opportunity Program		500,000						500,000	500,000				
SD 0073	Forbes Creek Surface Water Opportunity Program		500,000						500,000	500,000				
SD 8888*	Annual Streambank Stabilization Program			57,700		165,800	300,000	311,900	835,400	835,400				
SD 9999*	Annual Storm Drain Replacement Program			922,600		923,800	474,000	350,000	2,670,400	2,670,400				
Total Funded Surface Water Management Utility Projects			492,400	1,317,000	1,512,200	2,330,900	1,588,000	974,000	861,900	8,584,000	8,423,000	0	0	161,000

Unfunded Projects:

Project Number	Project Title	Total
SD 0045^	Carillon Woods Erosion Control Measures	549,600
SD 0046#	Regional Detention in Forbes and Juanita Creek Basins	2,810,200
SD 0048*	Cochran Springs / Lake Washington Blvd Crossing Enh	1,637,100
SD 0049#	Forbes Creek/108th Avenue NE Fish Passage Improvement	332,900
SD 0050#	NE 95th Street/126th Avenue NE Flood Control Measure	55,900
SD 0052^	Forbes Creek/Slater Avenue Embankment Stabilizator	139,700
SD 0054#	Forbes Creek/BNSFRR Fish Passage Improvement	424,200
SD 0055	Forbes Creek / 98th Avenue NE Riparian Planting	75,500
SD 0056^	Forbes Creek Ponds Fish Passage/Riparian Planting	213,000
SD 0061^	Everest Park Stream Channel/Riparian Enhancments	1,095,500
SD 0062^	Stream Flood Control Measures at Kirkland Post Office	345,400
SD 0063^	Everest Creek-Slater Avenue at Alexander Street	830,300
SD 0068	128th Ave NE/NE 60th Street To NE 64th St Drainage Imp.	270,300
SD 0070	Juanita Creek Watershed Enhancement Study	50,000
SD 0537	Streambank Stabilization Program - NE 86th Street	640,200
Subtotal Unfunded Surface Water Management Utility Projects		9,469,800
Funding Available from Annual Programs for Candidate Projects		3,505,800
Net Unfunded Surface Water Management Utility Projects		5,964,000

Project Number	Project Title	Budget	Actual	Balance
SD 0051	Forbes Creek/KC Metro Access Road Culvert Enh	232,200	88,092	144,108
SD 0053	Forbes Creek/Coors Pond Channel Grade Control	260,200	84,147	176,053
Total Prior Year(s) Funding (Budget to Actuals):		492,400	172,239	320,161

Notes

- * = Modification in timing and/or cost (see Project Modification Schedule for greater detail)
- + = Moved from unfunded status to funded status
- " = Moved from funded status to unfunded status
- ^ = Annual Streambank Stabilization Program Project Candidates
- # = Annual Storm Drain Replacement Program Project Candidates
- Shaded year(s) = Previous timing
- Bold italics = New projects

**City of Kirkland
Revised Preliminary 2011-2016 Capital Improvement Program**

WATER/SEWER UTILITY PROJECTS

Funded Projects:

Project Number	Project Title	Prior Year(s)	2011	2012	2013	2014	2015	2016	2011-16 Total	Funding Source				
										Current Revenue	Reserve	Debt	External Source	
WA 0063+	Supply Station #3 Replacement/Transmission Main Addition			141,000					141,000	93,100			47,900	
WA 0090	Emergency Sewer Pgm Watermain Replacement Pgm		50,000		50,000		50,000		150,000	150,000				
WA 0102+	104th Ave NE Watermain Replacement					937,000			937,000	937,000				
WA 0116*	132nd Av NE/NE 80th St Watermain Replacement			251,000	798,500	1,265,300			2,314,800	2,314,800				
WA 0121+	NE 109th Ave/106th Court NE Watermain Replacement			371,300					371,300	371,300				
WA 8888*	Annual Watermain Replacement Program						500,000	500,000	1,000,000	1,000,000				
WA 9999*	Annual Water Pump Station/System Upgrade Pgm						600,000	600,000	1,200,000	1,200,000				
SS 0056	Emergency Sewer Construction Program		1,400,000		1,400,000		1,400,000		4,200,000		4,200,000			
SS 0067*	NE 80th Street Sewermain Replacement (Phase II)			680,400	1,159,000	525,000			2,364,400	354,600		2,009,800		
SS 0076*	NE 80th Street Sewermain Replacement (Phase III)					334,600	1,627,500	1,879,700	3,841,800	576,300		3,265,500		
SS 8888*	Annual Sanitary Pipeline Replacement Program			886,000					886,000	886,000				
SS 9999*	Annual Sanitary Pump Station/System Upgrade Pgm			530,000					530,000	530,000				
Total Funded Water/Sewer Utility Projects			0	1,450,000	2,859,700	3,407,500	3,061,900	4,177,500	2,979,700	17,936,300	8,413,100	4,200,000	5,275,300	47,900

WATER/SEWER UTILITY PROJECTS

Unfunded Projects:

Project Number	Project Title	Total
WA 0052	108th Avenue NE Watermain Replacement	1,584,000
WA 0057	116th Avenue NE Watermain Replacement	2,731,000
WA 0067#	North Reservoir Pump Replacement	611,000
WA 0096	NE 83rd Street Watermain Replacement	450,000
WA 0097*	NE 80th Street Watermain Replacement (Phase III)	1,201,000
WA 0098	126th Ave NE/NE 83rd & 84th St/128th Ave NE Watermain Replcmnt	1,197,000
WA 0103^	NE 113th Place/106th Ave NE Watermain Replacement	841,000
WA 0104	111th Ave NE/NE 62nd St-NE 64th St Watermain Replcmnt	1,493,000
WA 0108	109th Ave NE/NE 58th St Watermain Replacement	504,000
WA 0109	112th Ave NE Watermain Replacement	1,179,000
WA 0111	NE 45th St And 110th/111th Ave NE Watermain Replcmnt	1,303,000
WA 0113	116th Ave NE/NE 70th-NE 80th St Watermain Replcmnt	2,858,000
WA 0118^	112th -114th Avenue NE/NE 67th-68th Street Watermain Replacement	3,360,100
WA 0119	109th Ave NE/111th Way NE Watermain Replacement	2,304,000
WA 0120^	111th Avenue Watermain Replacement	182,000
WA 0122	116th Avenue NE/NE 100th Street Watermain Replacement	1,506,000
WA 0123	NE 91st Street Watermain Replacement	453,000
WA 0124^	NE 97th Street Watermain Replacement	685,000
WA 0126#	North Reservoir Outlet Meter Addition	72,300
WA 0127#	650 Booster Pump Station	1,603,000
WA 0128	106th Ave NE-110th Ave NE/NE 116th St-NE 120th St Watermain Replcmnt	2,305,000
WA 0129	South Reservoir Recoating	981,000
WA 0130^	11th Place Watermain Replacement	339,000
WA 0131#	Supply Station #1 Improvements	61,500
WA 0132	7th Avenue/Central Avenue Watermain Replacement	907,000
WA 0133	Kirkland Avenue Watermain Replacement	446,000
WA 0134	5th Avenue S/8th Street S Watermain Replacement	1,420,000
WA 0135	NE 75th Street Watermain Replacement	711,000
WA 0136^	NE 74th Street Watermain Replacement	193,000
WA 0137^	NE 73rd Street Watermain Replacement	660,000
WA 0138	NE 72nd St/130th Ave NE Watermain Replacement	1,476,000
WA 0139	6th Street S Watermain Replacement	584,000
WA 0140*	NE 80th Street Watermain Replacement (Phase II)	2,863,000
SS 0051	6th Street South Sewermain Replacement	804,000
SS 0052	108th Avenue NE Sewermain Replacement	5,110,000
SS 0062^	NE 108th Street Sewermain Replacement/Rehabilitation	4,405,000
SS 0063^	NE 53rd Street Sewermain Replacement	723,000
SS 0064^	7th Avenue South Sewermain Replacement	804,000
SS 0068	124th Avenue NE Sewermain Replacement	1,315,000
SS 0069	1st Street Sewermain Replacement	3,945,000
SS 0070	5th Street Sewermain Replacement	1,354,000
SS 0071	6th Street Sewermain Replacement	308,000
SS 0072	Kirkland Avenue Sewermain Replacement	1,980,000
SS 0073#	Rose Point Sewer Lift Station Replacement	1,811,000
SS 0077	West Of Market Sewermain Replacement	21,681,000
Subtotal Unfunded Water/Sewer Utility Projects		83,303,900
Funding Available from Annual Programs for Candidate Projects		3,616,000
Net Unfunded Water/Sewer Utility Projects		79,687,900

Notes

- * = Modification in timing and/or cost (see Project Modification Schedule for greater detail)
- + = Moved from unfunded status to funded status
- " = Moved from funded status to unfunded status
- ^ = Annual Watermain or Sanitary Pipeline Replacement Program Project Candidates
- # = Annual Pump Station/System Upgrade Program Project Candidates
- Shaded year(s) = Previous timing
- Bold italics = New projects

**City of Kirkland
Revised Preliminary 2011-2016 Capital Improvement Program**

PARK PROJECTS

Funded Projects:

Project Number	Project Title	Prior Year(s)	2011	2012	2013	2014	2015	2016	2011-2016 Total	Funding Source			
										Current Revenue	Reserve	Debt	External Source
PK 0049	Open Space, Pk Land & Trail Acq Grant Match Program		100,000						100,000		100,000		
PK 0066*	Park Play Area Enhancements		50,000	50,000	50,000		50,000	50,000	250,000	250,000			
PK 0087*	Waverly Beach Park Renovation	75,000	508,000	162,000					670,000	670,000			
PK 0113*	Spinney Homestead Park Renovation		62,000	338,000					400,000	400,000			
PK 0115*	Terrace Park Renovation				62,000	338,000			400,000	400,000			
PK 0119*	Juanita Beach Park Development	2,700,000		18,000	1,043,000				1,061,000	561,000			500,000
PK 0121	Green Kirkland Forest Restoration Program		50,000	50,000	50,000	50,000	50,000	50,000	300,000	300,000			
PK 0124*	Snyder's Corner Park Site Development			75,000	13,000	355,000			443,000	443,000			
PK 0131	Park and Open Space Acquisition Program	1,071,000	118,000	118,000	118,000	118,000			472,000				472,000
<i>PK 0132</i>	<i>General Park Renovation Program</i>						<i>669,000</i>	<i>696,000</i>	<i>1,365,000</i>	<i>1,365,000</i>			
Total Funded Park Projects		3,846,000	888,000	811,000	1,336,000	861,000	769,000	796,000	5,461,000	4,389,000	100,000	0	972,000

Unfunded Projects:

Project Number	Project Title	Total
PK 0078 600"	A.G. Bell Elementary Playfields Improvements	200,000
PK 0078 800"	International Comm. School Playfield Improvements	300,000
PK 0086	Totem Lake Neighborhood Park Acquisition & Development	2,500,000
PK 0095 100	Heritage Park Development - Phase III & IV	2,500,000
PK 0096	Ohde Avenue Park Development	250,000
PK 0097	Reservoir Park Renovation	500,000
PK 0099	N. Juanita (East) Neighborhood Park Acquisition/Development	2,500,000
PK 0100	N. Juanita (West) Neighborhood Park Acquisition/Development	2,500,000
PK 0101	N. Rose Hill Neighborhood Park Acquisition/Development (North)	2,500,000
PK 0102	N. Rose Hill Neighborhood Park Acquisition/Development (Central)	2,500,000
PK 0103	Market Neighborhood Park Acquisition/Development	3,500,000
PK 0108	McAuliffe Park Development	7,000,000
PK 0114	Mark Twain Park Renovation	750,000
PK 0116	Lee Johnson Field Artificial Turf Installation	1,500,000
PK 0117	Lake Avenue West Street End Park Enhancement	100,000
PK 0122 100	Community Recreation Facility Construction	42,000,000
PK 0125**	Dock Renovations	250,000
PK 0126	Watershed Park Master Planning & Park Development	1,100,000
PK 0127	Kiwanis Park Master Planning & Park Development	1,100,000
PK 0128	Yarrow Bay Wetlands Master Planning & Park Development	1,600,000
PK 0129	Heronfield Wetlands Master Planning & Development	1,600,000
Total Unfunded Park Projects		76,750,000

Prior Year(s) Funding (Budget to Actuals):

Project Number	Project Title	Budget	Actual	Balance
PK 0087*	Waverly Beach Park Renovation	75,000	0	75,000
PK 0119*	Juanita Beach Park Development	2,700,000	754,137	1,945,863
PK 0131	Park and Open Space Acquisition Program	1,071,000	508,607	562,393
Total Prior Year(s) Funding (Budget to Actuals):		3,846,000	1,262,744	2,583,256

Notes

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**City of Kirkland
Revised Preliminary 2011-2016 Capital Improvement Program**

PUBLIC SAFETY PROJECTS

Funded Projects:

Project Number	Project Title	Prior Year(s)	2011	2012	2013	2014	2015	2016	2011-2016 Total	Funding Source				
										Current Revenue	Reserve/Prior Year	Debt	External Source	
PS 0062*	Defibrillator Unit Replacement		253,900						253,900	213,280			40,600	
PS 0065*+	Disaster Response Portable Generators		150,000						150,000				150,000	
PS 0066	Thermal Imaging Cameras Replacement			133,000					133,000	98,420			34,600	
PS 0067*	Dive Rescue Equipment Replacement				58,900				58,900	43,600			15,300	
PS 0071*	Self Contained Breathing Apparatus (SCBA)					305,500	316,100		621,600	460,000			161,600	
Total Funded Public Safety Projects			0	403,900	133,000	58,900	305,500	316,100	0	1,217,400	815,300	0	0	402,100

Unfunded Projects:

Project Number	Project Title	Total
PS 0068"	Local Emergency/Public Communication AM Radio	119,100
Total Unfunded Public Safety Projects		119,100

Notes

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City of Kirkland Revised Preliminary 2011-16 Capital Improvement Program

GENERAL GOVERNMENT PROJECTS

Funded Projects:

Project Number	Project Title	Prior Year(s)	2011	2012	2013	2014	2015	2016	2011-2016 Total	Funding Source			
										Current Revenue	Reserve/Prior Year	Debt	External Source
TECHNOLOGY													
GG 0006 100*	Geographic Information Systems		150,000	212,200	294,600	327,100	304,100	291,000	1,579,000	1,579,000			
GG 0006 160*	Finance and HR System Modules		121,100	119,000	135,600	153,000	171,600	191,200	891,500	891,500			
<i>GG 0006 205</i>	<i>Municipal Court Technology Projects</i>		<i>25,000</i>	<i>25,000</i>					<i>50,000</i>	<i>50,000</i>			
GG 0006 300*	Local and Wide Area Networks		253,100	723,300	854,900	277,500	440,400	667,800	3,217,000	3,217,000			
GG 0006 301*	Disaster Recovery System Improvement	150,000			64,300	166,300			230,600	230,600			
GG 0006 702*+	Maintenance Management System Upgrade			250,000					250,000	89,400	160,600		
FACILITIES													
GG 0008*	Electrical, Energy Management & Lighting Systems			54,400	24,500	38,000	64,700	16,700	198,300		198,300		
GG 0009*	Mechanical/HVAC Systems Replacements		40,000	6,800	23,100	151,400	15,000	18,500	254,800		254,800		
GG 0010*	Painting, Ceilings, Partition & Window Replacements		69,200	59,400	19,600	60,600	283,400	238,200	730,400		730,400		
GG 0011*	Roofing, Gutter, Siding and Deck Replacements				9,200	649,300	4,400	2,000	664,900		664,900		
GG 0012*	Flooring Replacements		39,300	27,100	16,000	64,500	50,500	22,600	220,000		220,000		
GG 0035	City Hall & Public Safety Expansion	10,342,000	11,632,800	11,981,800					23,614,600			23,614,600	
Total Funded General Government Projects		10,492,000	12,330,500	13,459,000	1,441,800	1,887,700	1,334,100	1,448,000	31,901,100	6,057,500	2,229,000	23,614,600	0

Available Current Revenue Per Year	886,720	1,001,580	1,056,400	1,206,400	1,347,500	1,401,400	6,900,000
Other Funding Sources	148,500	308,300	92,400	963,800	418,000	298,000	25,843,600
Under/(Over) Annual Funding Limit Per Year	337,520	(167,320)	(293,000)	282,500	431,400	401,400	32,743,600
Cumulative Year End Available Balance	337,520	170,200	(122,800)	159,700	591,100	992,500	842,500

Unfunded Projects:

Project Number	Project Title	Total
GG 0006 125	Standard Reporting Tool	135,000
GG 0006 130	Customer Relationship Management System	414,000
GG 0006 203	Police CAD & RMS System Replacement	1,400,000
GG 0006 207	Police ProAct Unit NCIC Handheld Computers	52,000
GG 0006 302"	Help Desk Clientele System Replacement	75,000
GG 0006 401	Utility Billing/Cashiering System Replacement	491,700
GG 0006 402	Financial System Replacement	1,500,000
GG 0006 701	Fleet Management Systems Replacement	80,000
GG 0006 702"	Maintenance Management System Upgrade	250,000
GG 0006 801	Parks Work Order System	55,000
GG 0006 803"	Recreation Registration System Replacement	83,000
GG 0006 804	Wireless in the Parks Expansion	335,000
GG 0037 002	Maintenance Center Expansion - Phase 2	15,000,000
Total Unfunded General Government Projects		19,870,700

Prior Year(s) Funding (Budget to Actuals):

Project Number	Project Title	Budget	Actual	Balance
GG 0006 301	Disaster Recovery System Improvements	150,000	148,965	1,035
GG 0035	City Hall & Public Safety Expansion	10,342,000	25,807	10,316,193
Total Prior Year(s) Funding (Budget to Actuals):		10,492,000	174,772	10,317,228

Notes

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**CITY OF KIRKLAND****Fire & Building Department****123 Fifth Avenue, Kirkland, WA 98033 425.587.3000****www.ci.kirkland.wa.us**

MEMORANDUM

To: Kurt Triplett, City Manager

From: J Kevin Nalder, Director Fire and Building Department
Mark Jung, Lieutenant

Date: November 22, 2010

Subject: EMS Transportation User Fee

RECOMMENDATION:

1. City Council receives the detailed staff report and recommendations on policy issues, financial issues, and operational issues for implementation of an emergency-medical-transport fee.
2. City Council gives staff direction on key program design questions, and authorizes a professional services contract with Systems Design EMS for billing services.
3. City Council directs staff to prepare an ordinance authorizing Emergency Medical Services (EMS) Transportation User Fees for consideration at the January 4, 2011 meeting.

BACKGROUND:

Staff was directed at the November 1, 2010 City Council Meeting to return with detailed reports on key policy, financial, and operational issues for implementation of an EMS transport fee. These issues are presented in a sequential order below. The recommendations and discussion included in this memo have been reviewed by the City Attorney's Office and a discussion of questions of law is attached as Appendix A. Where appropriate, we have drawn examples and comparisons to peer agencies. These peer agencies all have established medical transport fees with one or more years of experience. They include:

King County:

- City of Bothell
- King County Fire District #43 (Maple Valley)
- Valley Regional Fire Authority (VRFA)

Snohomish County:

- City of Edmonds (Joined Snohomish County District #1 in January 2010)
- City of Everett
- Snohomish County Fire District #1 (South Snohomish county including Brier, Edmonds and Mountlake Terrace)
- Snohomish County Fire District #7 (South East Snohomish County including Clearview, Mill Creek, and Brier)
- City of Lynwood

Recommended Service Commitment:

Ability to pay will never be a condition of emergency medical service or transport. Each issue below is considered with this overarching principle in mind. The Kirkland Fire Department will continue to provide exceptional emergency medical services to the community as part of the King County EMS System without regard for a patient's ability to pay user fees that may be assessed for emergency medical transportation. Further, policies and procedures regarding user fees for medical transportation will be fair, equitable, and consistent.

Proposed Program Overview:

Emergency medical transport fees are legal, reputable, common and well established user fees that help defray the cost of providing and improving comprehensive EMS life and safety services. The vast majority of patients transported by the Kirkland Fire Department have some form of medical insurance, and they have already paid premiums to cover the cost of EMS transportation. Based on information gathered from billing services familiar with our region, we anticipate that over 90% of patients transported will have some form of insurance, and most of the remaining patients will be helped by the financial aid policy proposed below.

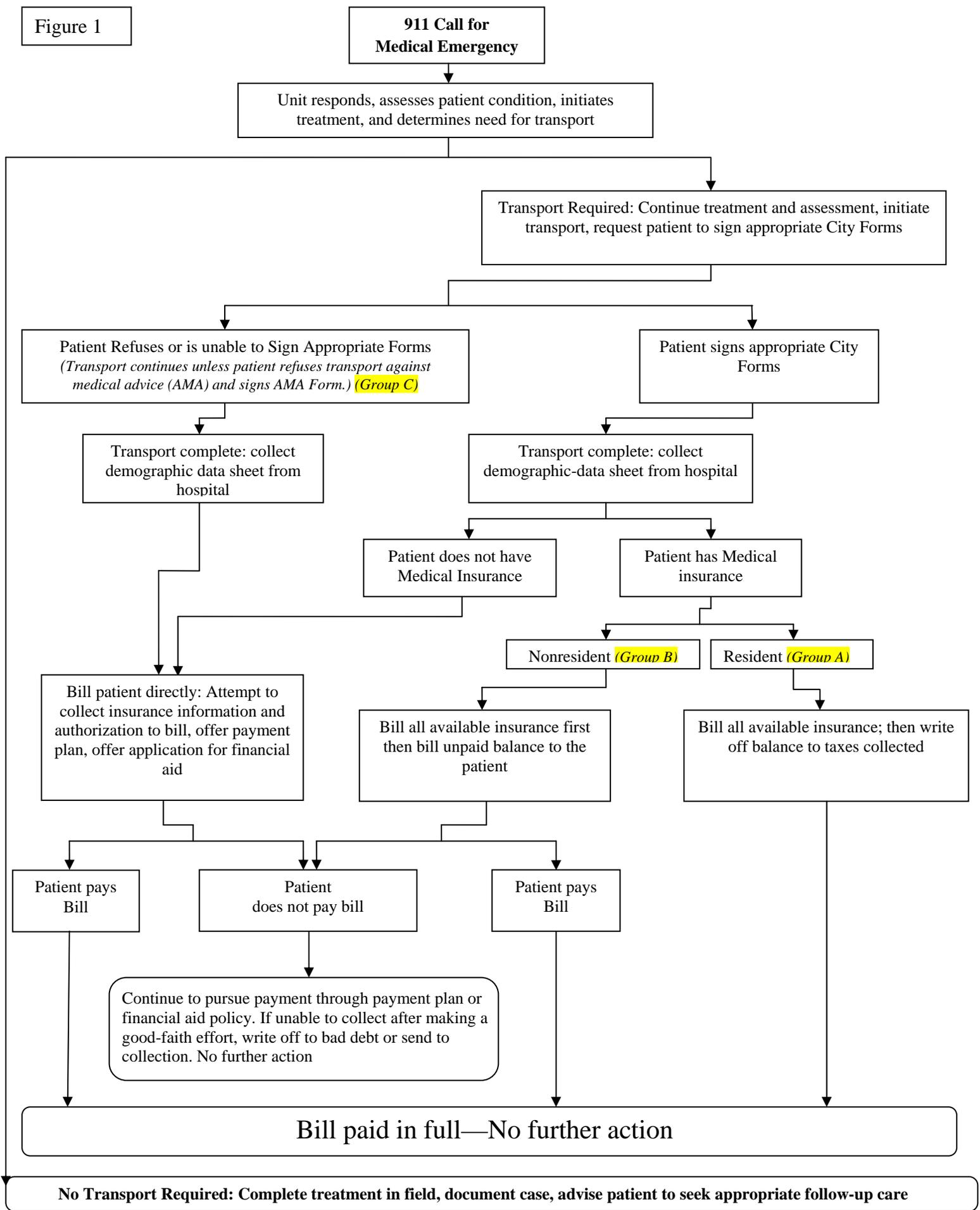
The idea of only billing insurance companies and waiving deductibles, copayments, or the entire fee for uninsured patients is appealing, but there are strict rules governing billing procedures (Appendix A: 3-6, 9). As a municipal ambulance company, there is some flexibility to waive deductibles and copayments for residents in consideration for taxes paid by those residents to support the service (Appendix A: 3, 5). Nonresidents must be billed for deductibles and copayments not covered by insurance, and the entire fee may not be waived for those without insurance, regardless of resident status, unless they can show indigence (Appendix A: 6). Figure 1, on page 3, illustrates the billing arrangement recommended by staff in flow-chart form.

Shall portions of the EMS transport fee, not covered by insurance, be waived for residents?:

To enhance fairness and equity of the user fee arrangement, Council may choose to waive uninsured portions of transport fees for residents of the City and King County Fire District #41. This approach will reduce the financial impact on resident users who have some third-party insurance. This includes Medicare, Medicaid, private medical insurance, supplemental-medical insurance, Labor and Industries industrial insurance, accidental injury insurance and or any other insurance payer that may be properly billed for emergency medical transportation. All of our peer agencies have developed policies that waive uninsured transportation fees for residents.

Waiving these fees for residents will have a significant effect on collection rate. Based on conversations with billers and data collected from our peers, writing off deductibles and copayments for residents decreases the collection rate by about 15%. **Staff recommends waiving the uninsured portion of transport fees for residents.**

Figure 1



Definition of "Resident":

The Council has some discretion in defining who will be treated as a resident in the context of waiving uninsured transportation fees. Obviously, someone residing in the City is a resident, but the Council has discretion to extend "resident" status to employees of tax-paying businesses, employees of non-profit organizations, City Employees, other government employees working in the City and to tax-paying nonresidents as well. While allowable, it is unclear if there is a threshold amount of tax that would need to be paid to qualify as a tax-paying nonresident (see Appendix A: 3). There will also be some difficulty in efficiently documenting taxes paid by these nonresidents. This uncertainty and complexity is probably the reason none of our peer agencies have extended resident status to tax-paying nonresidents. Most of our peers limit resident status strictly to residents, but some have included employees at work within their jurisdictions as residents as well. This choice will have a smaller, but additional negative effect on collection rate. **Staff recommends including employees at work within the City and Fire District #41 as residents, but not including tax-paying nonresidents.**

Financial Aid:

While any financial aid policy that contains uniform procedures and standards for identifying those eligible for aid is acceptable, staff recommends implementing a policy that is consistent with WAC 246-453-001 through 246-453-060 "Hospital Charity Care." The WAC establishes Federal Poverty Guidelines as the standard and defines procedures for determining eligibility.

The 2010 Poverty Guidelines for the 48 Contiguous States and the District of Columbia				
Persons in family	100% Charity 100-133% of Poverty	50% Charity 134-166% of Poverty	25% Charity 167-200% of Poverty	0% Charity >200% of poverty
1	\$10,830	\$14,512	\$18,086	\$21,661
2	14,570	19,524	24,332	29,141
3	18,310	24,535	30,578	36,621
4	22,050	29,547	36,823	44,101
5	25,790	34,559	43,069	51,581
6	29,530	39,570	49,315	59,061
7	33,270	44,582	55,561	66,541
8	37,010	49,593	61,807	74,021

For families with more than 8 persons, add \$3,740 for each additional person.

Collecting Delinquent Accounts:

Only one of our peer departments has a policy that sends delinquent accounts to a collection agency. Their collection rate (53%) is in the middle of the range (41-68%) and near the median (54%). Billing companies report that they have very good success when they contact patients with a full range of options. They can help patients by gathering missing insurance information, offering financial aid, or a payment plan. Some departments, not among our peers, have collection policies that send only the most noncompliant accounts to collection—accounts owing more than \$200 for example. The City Attorney has concluded that the City can meet its

obligation to make a bona fide attempt to bill and collect unpaid fees without sending these debts to collection (Appendix A: 6). The most common practice among our peers is to write off accounts as uncollectable after making a good faith effort to bill and collect from the patient for 90 days. **Staff recommends against sending delinquent accounts to a collection agency**, however, Council may choose to send all delinquent accounts to collection, or choose some threshold criteria for sending accounts to collection.

User-Fee Groups:

With discussions of resident status, waiver of uninsured fees, and financial aid complete, billing procedures can be broken in to four groups. These groups have been noted on Figure 1 where appropriate. **Staff recommends accepting the following user groups and billing procedures as a framework for developing billing policies that are fair, equitable and consistent:**

Group A: Residents of the City and District #41 who sign a City-approved form that contains an assignment of insurance benefits to the City, together with an appropriate release of medical information.

Billing procedure: All bills are sent to the patient's insurance carrier(s). Resident status permits that portion of the fee not paid by a primary or secondary insurer, supplemental insurer, third-party insurer, Medicare, Medicaid, or any other insurance or medical benefits available to the patient to be deemed as having been paid by taxes already collected by the City of Kirkland.

Group B: Nonresidents who sign appropriate forms.

Billing Procedure: Bills are sent to the patient's insurance carrier(s). A bill will be sent monthly to the patient for any unpaid balance. If no payment is received after 30 days, the biller will send a letter explaining our financial aid policy and offering an interest-free payment plan. If no payment is received after the City has met its obligation to make a bona fide attempt to bill and collect, the unpaid fees will be written off as uncollectable.

Group C: Patients who, regardless of resident status, refuse to sign or are unable to sign appropriate forms, refuse to provide insurance information, and/or state they have no insurance.

Billing Procedure: All bills will be sent monthly to the patient's residence along with a letter attempting to resolve any issues with billing the patient's insurance. If the patient does not have insurance, a letter will be sent explaining the financial-aid policy and offering an interest-free payment plan. If no payment is received after the City has met its obligation to make a bona fide attempt to bill and collect, the unpaid fees will be written off as uncollectable.

Group D: Without first reaching a legal agreement with our mutual aid partners, patients transported, by the Kirkland Fire Department, from outside the boundaries of Kirkland and King County Fire District #41 will not receive a bill for emergency medical transportation service. (Appendix A: 7)

Rates:

Staff recommends charging \$600 plus \$14 per mile for emergency medical transportation. Four approaches were used to arrive at the recommended rate.

- The cost of providing service;
- Reimbursement maximums by Medicare, Medicaid, and Washington State Labor and Industries;
- Fees being charged by our peers and private providers; and
- The recommendation contained in the Management Partners feasibility study

Cost of Providing Service: An average-cost-per-call approach¹ was calculated to determine the direct and indirect cost of providing EMS for 2009² (\$9,978,625). Then the average cost of a response requiring transport was determined along with the average cost of a non-transport response. Finally, knowing that every transport response has a non-transport component³, the average non-transport-response cost is subtracted from the average transport-response cost to arrive at the marginal cost of transport, \$1,359. (Appendix B includes the detailed calculation) The cost of providing the transport clearly exceeds user fee recommended.

Reimbursement Maximums: Medicare, Medicaid, and Washington State Labor and Industries impose maximum amounts they will pay for transports. Medicare and Medicaid are important to consider because they define the lower end of reasonable and customary fees. The maximum payment from Medicare is \$362.51 + \$6.87 per mile. Medicaid is \$115.34 + \$5.08 per mile. Because Medicare and Medicaid don't recognize local economic conditions (only the difference between urban and rural), it is useful to consider Washington State Labor and Industries maximum payment as a local indicator of usual, customary and reasonable (\$554 +12.84 per mile).

Payer	Base Rate	Mileage
Medicare	\$362.51	\$6.87 / mile
Medicaid	\$115.34	\$5.08 / mile
WA L&I	\$554.00	\$12.84 / mile

Peer Provider and Private Rates: There are currently only three agencies charging user fees for EMS transportation in King County. Although Maple Valley (District #43) and VRFA are distant and don't match Kirkland perfectly in demographics or transport volume; they are included

¹ The mix of EMS versus Fire emergencies has remained stable for the past several years at 70% EMS and 30% Fire. To simply accept this ratio as a basis for allocating the program costs of EMS and Fire ignores that fire responses are often more complex, resource intensive, and frequently take hours, and sometimes days, to complete. While the costs of providing EMS and fire services are deeply intertwined, and allocating costs based solely on the mix of EMS and fire responses is not ideal, fire and finance staffs agree, for this exercise, it is acceptable.

² 2009 is the last year where complete data is available. Projected call volume and budget data could have been used from 2010 but the data sets don't appear to be materially different, so complete-year data was chosen over projected.

³ The process of responding, contacting the patient, patient assessment, beginning treatment, and making a treatment plan is the same on every EMS call regardless of the decision to transport.

because they are part of the King County EMS System and their EMS structures are similar. We have also chosen providers in Snohomish County because of their proximity and similar demographics.

Peer Jurisdiction	Base Rate	Mileage
King County Average	\$571	\$8.87 / mile
*Excluding Bothell	\$656	\$13.31 / mile
Snohomish County Average	\$487	\$14.61 / mile
Average of all peers	\$523	\$12.17 / mile
*Excluding Bothell	\$544	\$14.17 / mile
Average of 3 local private	\$694	\$16.10 / mile
*The city of Bothell charges substantially less than any of our peer providers (\$400) and they do not charge a per-mile fee.		

Consultant and Staff Recommendation: Management Partners recommended \$600 + \$14 / mile in their report based on their analysis of peer agency rates, rates charged by local provides, and rates charged nationwide.

Revenue:

Three variables determine revenue: the number of transports, the fee (if accepted by Council), and the collection rate (total receipts / billed).

Number of transports: The Kirkland Fire Department typically responds to just over 5,000 medical emergencies each year (5,251 projected in 2010), and about 40% of those responses (2,210 projected in 2010) result in a Kirkland EMS transport to a local hospital for evaluation and treatment in the emergency department. In previous reports staff has indicated the typical number of transports is near 3,400. This was due to an error interpreting our transport-unit report. The code "no unit" was interpreted as a transport where a unit was not reported for the transport, but it actually indicated no transport at all. This error has been corrected and the 2009 and 2010 data, reported below, has been checked against transport data provided by NORCOM Dispatch.

Call Data	2009	2010 (projected)	2011 (projected)
Total Responses	7,318	7,057	7,469
Fire	2,178	1,806	1,911
EMS	5,140	5,251	5,558
-Transport	2,164	2,210	2,431
-Non Transport	2,976	3,041	3,127

Collection rate: Decisions Council makes about how much the fee will be, writing off deductibles and copayments for residents, broadly defining resident status, collection policies, and the financial-aid policy will affect the collection rate.

Charging a fee much higher than the Medicare maximum will reduce the collection rate because Medicare Part-B ambulance services are required to accept the payment from Medicare and not bill the patient for the uncovered balance. Each time Medicare pays only a fraction of the billed amount, it drives the collection rate down. That is not to say that it drives revenue down. Setting a low fee could lead to a very high collection rate but low revenue. Bothell, for example, reports an impressive collection rate (68%), but their rate is \$400, just above the Medicare cap of \$362. The reported range of our peer agencies is 41-68% with a median equal to 54%. Not surprisingly, the extremes of the range belong to the highest and lowest fees charged by our peers.

Based on conversations with billers and data collected from our peers, writing off deductibles and copayments for residents decreases the collection rate by about 15%. The range is 5% to 19% for our peers, but again, setting a low fee reduces the impact of the write off. When the outlier, 5% reported by Bothell, is removed the range of our peers becomes 12-19% with a median of 15%.

The financial aid policy recommended by staff is not likely to affect the collection rate significantly. The people helped by the financial aid are highly unlikely to be able to pay even if the debt is not forgiven and written off.

Staff recommends assuming a collection rate of 53%. This is based on the policy choices recommended by staff and collection rate data gathered about our peer departments. Our fee is recommended near the high end of the range indicating a slightly lower than average collection rate, but our other policies are very similar to our peers. This rate is the same as the rate recommended by Management Partners in their feasibility study for Kirkland, and just one percentage point higher than the national average (52%) published JEMS in their 2009 "200 City Survey" article.

Using the recommended billing rate of \$600 + \$14 per mile, a collection rate of 53%, and 2,431 EMS transports, annual gross revenue is projected to be \$845,210.

Revenue	
Transports Provided	2,431
Fee including 4 miles at \$14 / mile	\$656
Expected Collection Rate	53%
--Expected Total Revenue	\$845,210

Overhead:

Billing Service: The annual cost of billing services is projected to be \$50,905 based on 2,431 patient care reports (PCR) at \$20.94 each. Staff recommends initially entering into a professional services contract with Systems Design EMS to expire no later than December 31, 2012 for billing services at \$20.50 per PCR plus postage. If billing begins on March 1, 2010, the contract cost is projected to be \$42,677. Municipal-ambulance billing is a specialized area of medical billing. Systems Design EMS is a Western-Washington company that has extensive experience providing ambulance-billing services for Washington fire departments. They provide

billing services for more than 60 Washington fire departments including five of our seven selected peer agencies. Staff has spoken directly with our peer agencies using Systems Design EMS, and all were satisfied or very satisfied with their experience.

Systems Design was selected by the City of Everett as the provider of ambulance billing services after a formal RFP process that netted multiple bidders. Staff recommends utilizing the cooperative-purchasing language contained in the Everett RFP to “piggy back” on that contract. Time is critical right now as we move the implementation along, but, after billing begins and the program is established, the City should initiate an RFP process to select a vendor for 2013 and beyond.

Supplies, printing and public education: Staff anticipates the cost of printing required forms and public education materials, plus incidental supplies (mostly paper), to be \$1,250.

Additional Workload: The addition of billing creates additional work in three areas, Fire Operations, Fire Administration, and Finance Operations. **Staff recommends adding a significant initial investment in management and oversight beyond what was outlined in the Management Partners feasibility study.** While developing the implementation plan, conversations with our peer departments, experienced change managers, and the local IAFF Leadership indicate that implementing a transport fee will require persistent attention and leadership as new processes and procedures are inculcated in the daily operation of the Department. Managing this change will require, not only support from the entire Senior Staff, but also a dedicated IAFF staff officer committed to program development, quality assurance, training, and program monitoring.

Our peers in Snohomish County have integrated this workload in their EMS management and oversight structures. On average, they dedicate 3.0 FTE’s to management and oversight of their EMS programs, but these departments provide advanced life support (ALS) service in addition to operating a basic life support (BLS) service. In King County, departments that operate ALS services⁴ have similar overhead dedicated to EMS, but departments operating only BLS services, have EMS organizational structures that have evolved organically with limited and extremely decentralized command and control. Although this structure has been very efficient in Kirkland, the Department currently lacks capacity to provide the essential management, leadership, and administrative activities required to support billing for EMS transportation without adding staff.

Figure 2, below, illustrates the comparative differences between the Kirkland-proposed EMS structure after implementing EMS transport fees, and our peers. Bothell and Maple Valley have managed to implement EMS billing programs without adding an administrative officer, but they are smaller. Each Department bills fewer than 1,000 transports per year and they commit more than 0.5 FTE per/1000 PCR’s—twice the average of our peers. VRFA initially implemented EMS transport billing without adding an administrative EMS officer, but later reorganized assigning an administrative captain to oversee the EMS transport billing program.

⁴ King County EMS is responsible for all ALS service in King County (except Seattle). They provide the service directly in South King County and contract with Bellevue, Redmond, and Shoreline Fire Departments to provide service to the remaining area.

Comparative EMS Staff and Structure		Figure: 2		Management and Oversight of EMS Program Minus Supervision			Admin Support for Transport Billing
Department	Structure	Transports Billed/Year	DC/MSA	BC/MSO	Captain	Admin Assistant	
Kirkland (proposed)	BLS	2,431	0.125	0.25	1.00	0.50	
King County							
Maple Valley (KCFD#43)	BLS	950	0.125	0.25	-	0.50	
VRFA	BLS	600	0.125	0.25	1.00	0.25	
Bothell	BLS	725	0.125	0.25	-	0.50	
	King County Total	2,275	0.375	0.75	1.00	1.25	
Snohomish County							
Everett	ALS/BLS	3,800	1.00	2.00	-	0.75	
Lynnwood	ALS/BLS	1,950	1.00	1.00	-	0.50	
Sno 1	ALS/BLS	5,400	1.00	3.00	-	1.00	
	Snohomish County Total	11,150	3.00	6.00	-	2.25	
	Total	13,425				Total	3.50
Admin Support/1000 Transports							
	All peer departments	0.26					
	Kirkland (proposed)	0.21					
	Average King County	0.55					
	Average Sno. County	0.20					
Management & Oversight/1000 Transports							
	All peer departments	0.83					
	Kirkland (proposed)	0.57					
	Average King County	0.93					
	Average Sno. County	0.81					

The proposed staffing plan includes 0.57 FTE's dedicated to management and oversight per 1,000 PCR's; less than the average of all of our peers (0.83 FTE/1000) and also less than the average of our King County BLS peers (0.93 FTE/1000).

Fire Operations and Administration: Staff recommends adding a program administrator, at the rank of IAFF Captain⁵, to develop, implement and manage the operations and projects of the EMS Transport Billing program. This position is central and critical to program success. Thorough knowledge of EMS operations, highly developed administrative skills, credibility with EMS staff, and authority within the EMS chain of command are essential attributes for the person in this position. Initially the program administrator will continue to move the implementation process forward developing the necessary elements required to begin billing by the March 1, 2011 target date. These activities include:

⁵ The IAFF has formally requested to bargain the impacts of the EMS transport billing program and representation of the new work identified above as "program administrator." In initial negotiations the IAFF has indicated they believe the work is at or above the level of IAFF Captain.

- Coordinating development of an ordinance with the City Attorney's Office for Council Approval
- Developing new policies and procedures
 - Fire Department standard operating procedures for EMS staff
 - Health Insurance Portability and Accountability Act (HIPAA) compliant policy and procedure for storage and flow of protected health information
 - Policy and procedure for communicating billing information to the billing vendor and tracking payments with finance staff
- Finalizing vendor contract
- Continuing to pursue acquisition of provider identification numbers and authorizations to bill various insurance carriers
- Developing and acquiring a supply of forms for collecting field information, patient authorizations, and public information
- Developing and delivering training for EMS staff
- Coordinating with finance staff to develop initial accounting procedures
- Developing initial program evaluation tools, reports, and reporting schedule
- Developing and delivering public information tools to introduce the EMS transport billing program and address anticipated questions and concerns

Skillful program development and implementation is critical to future success. Delays and missteps will be costly considering the projected-program revenue is more than \$70,000 per month and each 1% reduction in collection rate amounts to nearly \$8,500 in lost revenue annually. The implementation plan must continue to be moved forward seamlessly by the program administrator and the implementation team to reach the target date.

The workload will obviously be initially demanding as the program gets up and running. To overcome the initial workload, shift coordinators will be recruited from the company officer ranks in the Operations Division to assist with training and issues in Fire Operations, and temporary staff positions are recommended in Fire Administration and Finance Operations. The demands of managing change will likely wane as the first year of billing draws to a close, but the workload will continue as program evaluation and improvement processes move forward. The ongoing duties of the program administrator include but are not limited to the following:

- Facilitates and monitors program objectives
- Develops and monitors program budget
- Gathers and analyzes information pertaining to program efficiency and effectiveness, including overall program evaluation
- Makes recommendations regarding program policy
- Maintains familiarity with relevant EMS and EMS-transport law
 - Develops compliant program components
 - Implements program changes to comply with changes in law
- Initiates, develops and evaluates requests for proposals (RFPs)
- Implements and ensure compliance with contract requirements
- Coordinates and facilitates contract(s)
- Develops and monitors data collection systems

- Ensures documentation of all applicable licensure, certification and/or accreditation requirements for all medical personnel.
- Establishes and maintains quality assurance (QA) program
 - Maintains QA records
 - Implements and evaluates QA initiatives
- Acts as Health Insurance Portability and Accountability Act (HIPAA) Compliance Officer

Staff recommends a temporary position in fire administration to assist with routine administrative activities as the program administrator focuses on program development, evaluation and improvement during the first year.

Fire Administration: Staff recommends adding ½ FTE Office Technician (one year temporary funding). Our peer departments indicate, on average, they are allocating 0.26 FTE per 1,000 / PCR's at the administrative assistant level to complete routine administrative tasks associated with EMS transport billing. The staff recommendation amounts to allocating 0.21 FTE/1000 PCR's. These tasks include:

- Data entry, scanning PCR's and demographic data sheets
- Transmit billing data
- Follow up on issues/questions on PCR's and routine communications with billing vendor
- Follow up on issues/questions on demographic data from local hospitals
- HIPAA compliance auditing and reporting
- Track PCR's to account for all records issued (internal audit of numbered reports)
- Provide batch data to Finance staff for reconciliation
- Managing EMS billing records in TRIM Context software and moving paper records to secure offsite storage.
- Assist with data collection and reports as requested by the departments, City Manager and Council.

Finance Accounting: Staff recommends adding ¼ FTE Accounting Support Associate. Sound financial practices require separation between billing and accounting of revenue. The final ¼ FTE in the complete overhead package will allow the finance department to commit staff time to the following accounting issues:

- Daily deposit of insurance and patient payments submitted by billing agency
- Deposit of any direct patient payments made to the City/Reconciliation of such payments with billing agency
- Track outstanding accounts, establish collection agency account or work with payment plans
- Reconciliation of payments to bank reconciliation
- Reconciliation and payment of vendor contract
- Establish, review and update internal policy on billing, charges, write-offs and delinquent pursuits in a formal City policy
- Assist with data collection and reports as requested by the departments, City Manager and Council

Staff is committed to efficient operation with minimum overhead. Procedures will be designed and refined to utilize technology and minimize the impact on finance staff and the demand for

routine administrative tasks. A work analysis will be conducted late in 2011, when the program has some history, to identify the ongoing administrative needs beyond the Captain in 2012.

Total annual overhead is estimated at \$202,954 (staff) plus \$52,155 professional services contract and supplies = \$255,109.

	Annual Overhead	2011 Overhead		2012 Overhead Excluding Temporary Staff
Additional Staff	\$202,954	\$193,605		\$165,828
Professional Services	\$50,905	\$42,677		\$50,905
Supplies	\$1,250	\$1,250		\$1,250
--Total Overhead	\$255,109	\$237,531		\$217,983

Net Revenue:

The Management Partners report projected ongoing annual net revenue at \$1,010,240 and total overhead at \$150,900 for annual net resources of \$859,340. The revised ongoing net revenue is projected to be \$845,210 with total overhead of \$255,109 which results in net annual resources of \$590,101. The table below summarizes the relative changes in estimates.

	Management Partners Study	Revised Estimates	Difference
Net Revenue*	\$1,010,240	\$845,210**	(\$165,030)
Overhead Costs	\$150,900	\$255,109	(\$104,209)
Net Resources	\$859,340	\$590,101	(\$269,239)

*Gross revenue less uncollectible.

**Revised estimate due to reduction in number of transports from 3,400 to 2,400.

2011 revenue may be substantially reduced due to three issues:

1. Projected March 1, 2010 start date eliminates 59 days of revenue.
2. Approximately 60 days will be required before revenue starts coming in.
3. Council may choose not to implement EMS transport fees in the district until June 1, 2011 annexation date. This amounts to reducing transport revenue by 48% for 92 days after starting in the City, a reduction of \$102,259. Staff does not know of any official objection being asserted by the King County Fire District #41 Commissioners, and the City is not legally required to obtain approval (Appendix A: 8). **Staff recommends not delaying the start date in Fire District #41.**

Net revenue for 2011 is projected to be \$332,117 with a concurrent start date in District #41, or \$230,954 if billing doesn't begin in District #41 until June 1, 2011. The 2012 estimates shown below assume that the administrative support in Fire Administration is one-time and will be eliminated as an ongoing cost. The IAFF Captain and the Finance support is assumed as ongoing.

Net Annual Revenue		
	2011	2012 (minus temp staff)
Gross Annual Revenue	\$845,210	\$845,210
Total annual Overhead	-\$255,109	-\$217,983
--Net annual Revenue	\$590,101	\$627,227

		2011 Net Revenue
Gross Annual Revenue	\$845,210	
Total 2011 Overhead	\$-237,531	\$607,679
Start 3/1/2011	\$-136,623	\$471,056
60 day payment lag	\$-138,939	\$332,117
Start District 6/1/2011	\$-102,259	\$229,858

****City Manager's Note****

Budgetary Impacts of Revised Estimates:

During the Council budget deliberations, the EMS Transport Fee was specifically identified as a revenue source to help restore the overtime dollars needed to avoid rolling "brownouts" in the Fire Stations for 2011-2012. The revenue necessary to avoid brownouts in 2011 (assuming no other changes to the budget or operations) would be \$582,000. The revenue necessary in 2012 would be \$760,000. The difference is based on the Council's budget decision to "frontload" \$180,000 from the overtime reserve in 2011 to avoid any brownouts in January, February or March.

2011 One Time Funding and 2012 Gap:

As mentioned above, with the staffing levels we believe are necessary to effectively implement the program in 2011, the net revenue for a full year of collections would be \$590,000. However, since the fee will not be implemented until March, the estimated 2011 revenue is \$333,000.

To avoid rolling brownouts for the 2011 and to adequately resource the implementation of the fee, staff is proposing to fund the approximately \$250,000 gap in 2011 with one-time dollars to be identified by Finance for Council consideration in early 2011.

If we assume the 2011 staffing levels are continued in 2012, the net revenue for 2012 would be \$590,000. This would leave a gap of approximately \$170,000 for 2012 if no changes are made to staffing and operations and overtime use meets projections. Clearly the City would need to take some additional action to address this gap. Further study is recommended regarding the ongoing need for staffing beyond the Captain.

Conclusion:

Staff has presented a detailed report on several key policy, financial, and operational issues where Council direction is needed prior to drafting a resolution authorizing EMS Transportation User Fees and moving forward with implementation. Council Direction is needed specifically on the following questions:

1. Shall portions of the EMS Transport Fee be waived for residents?
2. How broadly will "resident" be defined?
3. Is the proposed financial-aid policy acceptable?
4. How will delinquent accounts be treated?
5. Does Council accept the proposed billing framework?
6. Is the proposed fee acceptable?
7. Does council authorize the professional services contract with Systems Design EMS?
8. Does the Council have questions regarding the need for the staff to manage and implement the Transport Fee and an understanding of potential ongoing costs?

With direction from Council, staff will continue with the implementation plan and return in January with additional requested information and, if appropriate, an ordinance for Council's approval in January 2011.

1. May the City of Kirkland charge a fee for transporting patients after responding to a call for emergency medical services?

Pursuant to RCW 35A.11.020, code cities like Kirkland are granted very broad powers to adopt ordinances relating to and regulating its local and municipal affairs and appropriate to the good government of the City. In addition, "the legislative body of each code city shall have all powers possible for a city or town to have under the constitution of this state, and not specifically denied to code cities by law." 35A.11.020. One such power was delegated to towns in 35.27.370 and provides there in subsection(15) that: "The council of said town shall have power . . . To operate ambulance service which may serve the town and surrounding rural areas and, in the discretion of the council, to make a charge for such service. . . . Consequently, the City may charge a fee for transport.

2. Does the King County EMS levy prohibit the City from charging a fee for transport?

Upon review of the ordinance proposing the levy, the ordinance adopting financial policies for the fund created by the levy and the Medic One/EMS 2008-2013 Strategic Plan, there is nothing there that indicates the levy funds should be used to pay for transport costs. To the contrary, the Strategic Plan arguably contemplates that only ALS providers will use these funds for transport.¹ The Plan further reveals that only 14% of the revenues needed by BLS providers like Kirkland will be covered by the levy.

¹ "The levy provides partial funding to BLS providers to help ensure uniform and standardized patient care and enhance BLS services. Basic Life Support services are provided by 31 local fire departments and fire districts. A BLS Subcommittee was formed to help determine the financial needs of regional BLS agencies. A model to estimate the total costs of providing BLS services for fire departments in King County was developed and completed by 20 out of 31 agencies. Costs for the remaining 12 agencies were interpolated based on agencies that were close to them in terms of both operational and geographic characteristics. It was determined that in 2004, the BLS allocation covered approximately 14% of the costs of providing BLS services.

This process was useful to determine a desired increase in the total BLS allocation. It was decided to tie the 2008 BLS allocation to the cost of BLS responding to the most critical of ALS calls. **After extensive review, this was defined as the number of calls requiring ALS transport since BLS provides critical services for these calls by being first on the scene and stabilizing the patient.** The KC EMS Fund is structured to allow increases to the total BLS allocation at CPI each year, and along with a revised allocation formula, now guarantees that each agency will receive at least a small increase each year."

(Emphasis added.) Medic One/EMS 2008 - 2013 Strategic Plan, Revised, November 200, pg 68 – 69. This suggests to me that ALS providers cannot charge a fee for transport because this levy seems to include that as something it was contemplated ALS providers would do for the levy money received. It further suggests to me that BLS providers can charge a fee because it appears the levy was only intended to fund them to show up and take care of the patient until ALS could arrive and transport if necessary.

Clearly, charging a fee for transport services will not be replicating any revenue already being received for such services.

3. May the City allow a waiver from collection for the portion of the transport fee that is not paid for by private insurance, Medicare or Medicaid?

Under Medicare and Medicaid, the city will only receive payment of 80% of the transport fee. Private insurance may also pay only a portion of the entire fee. The balance would have to be paid by the patient unless that portion can be waived. The Office of the Inspector General (OIG) has jurisdiction to provide advisory opinions as to the practices, and those who receive the benefits, of Medicare. The question presented here has been reviewed by OIG in Advisory Opinion 01-11 dated July 20, 2001 where it stated.

However, there is a special rule for providers and suppliers that are owned and operated by a State or a political subdivision of a State, such as a municipality or a fire district. CMS Carrier Manual section 2309.4 provides that:

a [State or local government] facility which reduces or waives its charges for patients unable to pay, or charges patients only to the extent of their Medicare and other health insurance coverage, is not viewed as furnishing free services and may therefore receive program payment.

CMS Carrier Manual section 2309.4; see also CMS Intermediary Manual section 3153.3A. Notwithstanding the use of the term "facility", the Centers for Medicare and Medicaid Services ("CMS") – formerly the Health Care Financing Administration – has confirmed that this provision would apply to a State or municipal ambulance company that is a Medicare Part B supplier.

Accordingly, since the Medicare Program does not require the Fire District (a municipal company) to collect copayments or deductibles from residents, we would not impose sanctions under the anti-kickback statute or section 1128A(a)(5) of the Act where the waiver is implemented by the Fire District categorically for bona fide residents of the Fire District.

OIG Advisory Opinion No. 01-11, July 20, 2001. What this has been interpreted to mean is that, so long as the unpaid balance is owed by a resident of the city, the city can waive collection because that unpaid portion would be deemed to be paid by the taxes the city collects. OIG went on to extend the determination of residency to employees of property tax paying businesses within the city and sales tax paying nonresidents within the city.² Regarding the latter, the advisory opinion that granted

² "CMS has also confirmed that this provision would apply to waivers of cost-sharing amounts for employees of taxpaying businesses who need emergency ambulance transportation while working on

it was given in the context of a proposal to waive the unpaid fee for a tourist who had paid sales taxes staying in a hotel within a tourism destination city. The significance of the amount of the sales tax being paid, the fact that the fee was going to the general fund rather than a special purpose fund and that the city was a tourist destination is unknown.

Because of these and other questions around extending the waiver to those who pay sales tax, limiting the waiver to property tax payers and their employees would provide a clear bright line. Further, drawing a distinction between these two funding sources is reasonable because of these same questions.

4. Can the waiver be extended to nonprofit institutions exempt from paying property taxes and their employees?

Equal protection provides Officers and employees of nonprofits, if similarly situated to their counterparts at for profit entities, should be treated alike. It seems to me these employees are similarly situated and should therefore be treated alike. Too, because receiving equivalent health care services from the government may be an important right, maybe even a fundamental right, more than a rational basis for treating them differently will be required. Under such facts, the OIG should recognize a municipality would need to extend the waiver to the officers and employees of nonprofits, too. Consequently, I believe the waiver can be extended to this class of employees as well.

5. Even though the OIG allows cities to waive the portion of the fee not paid by Medicare, Medicaid or private insurance for residents, wouldn't that be a gift of public funds for patients that are not "poor" as contemplated by the Constitution?

While it is true many of those transported will not be poor, waiving the fee is not a gift of public funds because those being transported are infirm. This is significant because the aforementioned prohibition does not apply if the money is being spent, or in this case waived, in aid of the poor or infirm.

6. May the City waive the entire fee for the uninsured without losing the ability to bill Medicare and Medicaid?

In Advisory Opinion 01-11 cited above, the citation to the CMS Carrier Manual provides as follows:

business premises." OIG Advisory Opinion No. 03-09, April 17, 2003. "CMS has also confirmed that this provision would apply to waivers of cost-sharing amounts for taxpaying nonresidents who need EMS within the City limits." OIG Advisory Opinion No. 05-10, June 9, 2005.

a [State or local government] facility which reduces or waives its charges for patients unable to pay . . . is not viewed as furnishing free services and may therefore receive program payment.

Consequently, the City can waive the fee and still receive payments from Medicare and Medicaid if the uninsured patient is indigent. Of course, due diligence would be required in reaching the conclusion that the patient was truly unable to pay. For those who can afford to pay the fee, the City would have to make reasonable efforts to try and collect. In Advisory Opinion 97-04, the OIG stated that:

Reasonable collection efforts are those efforts that a reasonable provider would undertake to collect amounts owed for items and services provided to patients. These efforts should include a bona fide attempt to bill and collect from the patient if the patient's insurer refuses to pay.

What constitutes a bona fide attempt is not defined by OIG. Merriam-Webster defines such an attempt as one that must be "made in good faith without fraud or deceit." Being prepared to ultimately send it to a collection agency, if necessary, would certainly constitute a bona fide attempt to collect. However, I think it is also reasonable to conclude that City would be acting in good faith if it chose not to pursue collection where the cost of pursuing would exceed the amount the City could recover or the City believes the patient is immune from execution of a judgment because he or she has insufficient non-exempt assets.

7. May the City charge the fee for transport of residents from another jurisdiction?

The City could charge the transport fee from residents of another jurisdiction. However, if the primary EMS provider from that jurisdiction does not charge a transport fee from residents of the City when it transports, the City could elect not to charge that fee of them as well. This would comport with the current practice of not charging for responses into other jurisdictions for fire or EMS services.

8. May the City charge the transport fee from residents of the area being served by Fire District #41 before the effective date of the annexation?

The City currently provides all of the fire protection and EMS services to the District. The agreement between the City and the District by which these services are provided does not prohibit charging this fee. Consequently, the City could charge the fee of the residents of the District even before the effective date of the annexation. However, because it is currently in another jurisdiction, the same rationale that allows us to not charge residents of another jurisdiction could apply. Whether it should or should not be applied seems to be a policy question.

9. What can the City do if the patient refuses to assign their insurance benefits to the City?

The City would either initiate a lawsuit to collect the money or refer it to a collection agency.

Appendix: B			2011 Preliminary
Direct Costs	2009 Actual	2010 Budget	Budget¹
Suppression (org key: 0109202220)	13,237,963	13,080,640	13,180,133
Training (org key: 0109202240)	577,057	520,999	526,428
Subtotal Direct Costs	13,815,020	13,601,639	13,706,561
Indirect Costs			
Department Overhead	409,986	403,793	424,329
City Overhead	820,313	857,900	911,481
Subtotal Indirect Costs	1,230,299	1,261,692	1,335,810
Total Costs for Fire Suppression and Training	15,045,319	14,863,331	15,042,371
Less: EMS Levy Revenue ²	838,397	866,231	838,197
Net Allocable Costs	14,206,922	13,997,100	14,204,174
Call Data for 2009 (from Mark Jung's email)	7,318		
Fire	2,178		
EMS	5,140		
-Transport	2,164		
-Non Transport	2,976		
Average Cost Per Call	\$ 1,941		
EMS Call Time	Hours	Percent of Total Hours	
Transport (average 1 hour*2,200 calls)	2,164	59%	
Non Transport (average .5 hour*2,940 calls)	1,488	41%	
Total Estimated Cost of Service		EMS Cost Per Call	
Fire	4,228,297		
EMS	9,978,625		
-Transport (based on percent of call time)	5,883,854	2,719	
-Non Transport (based on percent of call time)	4,045,829	1,359	
	Marginal Cost to Transport	1,359	



CITY OF KIRKLAND
City Manager's Office
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www.ci.kirkland.wa.us

MEMORANDUM

To: Kurt Triplett, City Manager
From: Ellen Miller-Wolfe, Economic Development Manager
Date: November 30, 2010
Subject: Totem Lake Preliminary Action Plan

RECOMMENDATION:

Council approves a resolution to adopt a Preliminary Action Plan for the Totem Lake Business District, and directs staff to continue work on immediate actions to promote and revitalize the district, and to return in March, 2011 with revised department work plans that focus on Totem Lake implementation strategies and actions.

BACKGROUND DISCUSSION:

On September 16, 2010 the Totem Lake Symposium brought together the City Council, industry experts and Totem Lake business and neighborhood stakeholders to discuss catalysts needed to stimulate revitalization of Totem Lake. Key suggestions included:

- Improve transportation systems and connectivity
- Provide flexible market-driven zoning
- Revise permitting to incentivize development by removing regulatory barriers and fees
- Create a sense of place with neighborhood amenities
- Demonstrate Council and staff support for redevelopment efforts
- Promote what's positive about Totem Lake and City efforts to improve it

Staff returned to Council on October 5, 2010 for a Totem Lake Symposium debrief and received support from Council to return with more detailed plans for moving forward on a Totem Lake Initiative.

SUMMARY:

The enclosed resolution and preliminary action plan describe staff work to date to move the Totem Lake Initiative forward together with steps that will be taken upon Council action to revise 2011-12 department work plans to incorporate a significant focus on revitalizing the Totem Lake district.

RESOLUTION R-4856

A RESOLUTION OF THE CITY OF KIRKLAND RELATING TO THE ADOPTION OF A PRELIMINARY ACTION PLAN FOR THE TOTEM LAKE BUSINESS DISTRICT

WHEREAS, the City sponsored a Totem Lake Symposium on September 16, 2010 to receive input from developers, financiers, commercial brokers, architects, Totem Lake property owners, tenants and neighborhood representatives to solicit their input on what should be done to revitalize Totem Lake; and

WHEREAS, among the suggestions expressed by Symposium attendees were to evaluate zoning and permitting changes, seek infrastructure funding from external sources, enhance and add amenities to create a sense of place, and improve connectivity for vehicles and pedestrians; and

WHEREAS, the City Council received an update on October 5, 2010, that included a recital of findings from the symposium, a draft action plan and next steps; and

WHEREAS, City staff has since incorporated Council suggestions and staff recommendations into a Preliminary Action Plan for the Totem Lake Business District; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Kirkland as follows:

Section 1. The City Council hereby adopts a Preliminary Action Plan for the Totem Lake Business District, attached as Exhibit A, based on the findings from the Totem Lake Symposium and authorizes City staff to proceed with its implementation.

Section 2. The City Council will incorporate projects in the 2011-2016 Capital Improvements Plan (CIP) that create opportunities in the Totem Lake Business District to solve storm water problems, improve transportation flow and provide public amenities. One such project shall be the potential acquisition of the portion of the Eastside Rail Corridor within the City of Kirkland. The Eastside Rail Corridor may provide storm water and mass transit solutions, as well as a potential regional recreational trail to the Totem Lake Business District.

Section 3. City staff shall complete the review of all suggestions received at the Totem Lake Symposium, categorize them into immediate, short, medium and long term actions, and establish points of accountability for each suggestion by December 31, 2010.

Section 4. The City Manager shall request that all pertinent City departments revise their 2011 work plans to reflect a focus on the revitalization of Totem Lake and report on work plan revisions to the City Council in March of 2011. The Preliminary Action Plan and Symposium suggestions shall be the initial basis for revised work plans.

Section 5. City staff shall establish a quarterly newsletter to all interested parties and the public detailing efforts related to revitalizing Totem Lake. The initial newsletter shall be distributed by December 15, 2010.

PASSED by majority vote of the Kirkland City Council in open meeting this ____ day of _____, 20__.

SIGNED IN AUTHENTICATION thereof this ____ day of _____, 20__.

Mayor

Attest:

City Clerk

Approved as to Form:

City Attorney

Preliminary Totem Lake Action Plan

Symposium Issues	Action (City Response)			Responsibility	Comments
	Immediate	Short Term 2011-12	Mid-Long Term 2013-20		
Planning					
Reconsider zoning. Make more flexible or market-driven. Consider incentive-based, form-based and other zoning models.		<p>Verify specific concerns regarding current zoning (e.g. all usable uses) with developers.</p> <p>Evaluate potential code amendments that don't require comprehensive plan amendments.</p> <p>Identify prospective development sites, analyze current incentives, and explore additional ones.</p> <p>Identify plan amendments.</p> <p>Consider more flexible Comp Plan Amendment process.</p> <p>Consider special call for amendments to TL Plan.</p>		Planning Department	
Create shared parking option	Available. Need to promote through quarterly reports and other vehicles.			Planning Department; City Manager's Office	
Open space (Totem Lake Mall)	Already incorporated in mall plan. Need to inform.			Planning Department; City Manager's Office	
Diversify Uses (TLM)	Most uses allowed. Need to inform.			Planning Department; City Manager's Office	

Preliminary Totem Lake Action Plan

Symposium Issues	Action (City Response)			Responsibility	Comments
	Immediate	Short Term 2011-12	Mid-Long Term 2013-20		
Sense of Place					
Prepare walking plan for TL Neighborhood.	Accomplished –Promote through Feet First Map and/or other resources.			City Manager’s Office	
Provide amenities such as parks.		Inventory existing park sites and suggest additions if appropriate. Reprioritize CIP Real Estate Excise Tax and Surface Water Management funding.		Public Works Department; Parks Department; Economic Development Program; Planning Department; Parking Advisory Board	
Promote Totem Lake as viable neighborhood and business address.	Track business openings in Totem Lake. In progress, first of four quarterly updates of Totem Lake activity. Create blog/website content about new businesses and projects in Totem Lake and distribute to media.	Rebrand Kirkland as “open for business” in Promotional materials. Prepare marketing materials for Totem Lake opportunities and distribute through developer networks, trade organizations, broker networks, etc. Promote neighborhood awareness of Totem Lake Initiatives.		Economic Development Program; Economic Development Committee; Development Services Team; City Manager’s Office Duncan Milloy, Business Retention Consultant	
Dog Park	In progress. Report out.			City Manager’s Office	
Public Safety Building	In progress. Report out.			Public Works Department; City Manager’s Office	

Preliminary Totem Lake Action Plan

Symposium Issues	Action (City Response)			Responsibility	Comments
	Immediate	Short Term 2011-12	Mid-Long Term 2013-20		
Transportation					
Increase roadway capacity (e.g. reinstate grid, frontage roads, connections over I-405) and provide multi modal options (e.g. BNSF RR).	Create line item in CIP for RR acquisition. Implement the Totem Lake GTEC Plan to reduce drive-alone trips and encourage multi modal transportation through the Totem Lake Green Trip Program, an incentive program for employees, residents and employers. Already captured in Totem Lake Mall Project.	Identify system gaps with transportation staff and Transportation Commission. Evaluate potential for reprioritizing Capital Improvement Program. Identify and pursue new funding sources for transportation.		Public Works Department	
Provide additional access and egress to I-405.		Advocate for moving I-405 access projects forward		Public Works Department; Grant Committee; Legislative Committee	
Reconfigure 120th.	Already captured in Totem Lake Mall project.	Evaluate building ahead of mall development.		Public Works Department; Planning Department	
Take actions to reduce confusion such as renaming streets.		Evaluate, review with Transportation Commission and report out.		Public Works Department; Planning Department	Outreach to Neighborhood
Drainage/Flood Relief					
Reduce frequency and severity of flooding of roads and property adjacent to Totem Lake.		Pursue King County Flood Control Zone District funding and reprioritize CIP to develop and construct a solution.		Public Works Department	

Preliminary Totem Lake Action Plan

Symposium Issues	Action (City Response)			Responsibility	Comments
	Immediate	Short Term 2011-12	Mid-Long Term 2013-20		
Economic Development/ Customer Service					
<p>Be more aggressive in regard to economic development. Compete with other cities.</p> <p>Adopt a more proactive stance to permitting of projects.</p>		<p>Review program comparison with other cities. Suggest enhancements, new strategies.</p> <p>Consider retaining marketing consultant to assist with messages and communications.</p> <p>Prepare marketing materials for Totem Lake opportunities and distribute through developer networks, trade organizations, broker networks, etc.</p>		<p>Economic Development Program; Economic Development Committee; Development Services Team; City Manager’s Office</p>	
Permitting					
<p>Provide faster, easier permitting (e.g. “Red carpet service”).</p>		<p>Evaluate options for simplifying permits and improving service.</p> <p>Identify and evaluate options with developer focus group.</p> <p>Create an overlay in Totem Lake to pilot new faster easier permitting process (e.g. consider giving Totem Lake projects review priority over other projects.)</p>		<p>Development Services Team</p> <p>Development Services Team</p>	

Preliminary Totem Lake Action Plan

Symposium Issues	Action (City Response)			Responsibility	Comments
	Immediate	Short Term 2011-12	Mid-Long Term 2013-20		
Incentives					
<p>Offer incentives to catalyze development.</p> <p>Reduce taxes and upfront fees.</p> <p>Provide tax exemptions.</p> <p>Make development more affordable by relieving developers of costs (especially up-front costs).</p>	<p>Add desirable incentives (e.g. TIF) to Legislative agenda.</p>	<p>Evaluate actions that have been proposed (purchase of land; building of common parking garage; added density; enterprise zone). Seek input on most useful incentives from developer focus group.</p> <p>Evaluate.</p> <p>Completed for housing. Report out.</p> <p>Consider planned action EIS to relieve individual projects of SEPA requirement.</p> <p>Explore changes to critical area requirements.</p> <p>Explore extension of Single Family pilot procedures to commercial projects allowing payment of impact fees at escrow or certificate of occupancy.</p>		<p>Economic Development Program Planning Department</p> <p>Legislative Committee</p> <p>Planning Department, City Manager's Office</p> <p>Development Services Team; Planning Department</p> <p>Development Services Team; Economic Development Committee</p>	

Preliminary Totem Lake Action Plan

Symposium Issues	Action (City Response)			Responsibility	Comments
	Immediate	Short Term 2011-12	Mid-Long Term 2013-20		
<i>Incentives, continued</i>					
Reduce costs of surface water portion of development requirements.		<p>Explore reducing impact fees if multi-modal efforts are demonstrated.</p> <p>Provide input to Ecology and/or legislature regarding NPDES Municipal Storm water Permit requirements.</p> <p>Develop regional-scale plan for surface water management including potential fee-in-lieu or mitigation banking for surface water impact mitigation.</p>		<p>Public Works Department</p> <p>Public Works Department</p>	

**CITY OF KIRKLAND****City Manager's Office**123 Fifth Avenue, Kirkland, WA 98033 425.587.3001
www.ci.kirkland.wa.us**MEMORANDUM**

To: Kurt Triplett, City Manager

From: Lorrie McKay, Intergovernmental Relations Manager

Date: November 23, 2010

Subject: CITY OF KIRKLAND DRAFT 2011 LEGISLATIVE AGENDA

RECOMMENDATION:

It is recommended that the City Council review the proposed draft Legislative Agenda and provide comments to Staff so that a final Legislative Agenda may be adopted at the January 4th Council meeting.

BACKGROUND DISCUSSION:

The City Council's Legislative Subcommittee has developed a draft Legislative Agenda in preparation for the 2011 session (attachment 1). The Draft 2011 Legislative Agenda has been reformatted and categorized by guiding principles, Kirkland's top legislative priorities, and Kirkland's support of selected priority items of our ally organizations. An annotated version of the draft agenda is included in attachment 2, which provides explanatory information for some agenda items. The top priority items will be the focus for the City's contracted lobbyists.

This year's State session is a long, 105-day session beginning on January 10, 2011 and extending to April 25, 2011. The legislature finalizes the cutoff schedule on the first day of session. Recognizing the State of Washington's severe financial challenges, State Legislators will primarily focus on closing an estimated \$5.7 billion projected deficit for the 2011-2013 biennium. Kirkland's legislative agenda has few financial requests from the State and focuses on protecting existing state funding sources and securing local flexibility in the use of current revenues. The subcommittee also recommends seeking state financial partnership to construct the public safety building (attachment 3, informational flyer) as well as financial assistance to implement multiple transportation uses on the BNSF corridor. The City of Kirkland and the Association of Washington Cities continue to focus on increased flexibility for existing sources of funding, particularly for infrastructure.

One new item that has been added to the agenda with the recommendation of both the Public Safety and the Finance Committees was to seek legislation to allow cities the same fire benefit charge authority that fire districts and regional fire authorities receive.

Staff was assisted by Majken Ryherd and Jim Richards of Waypoint Consulting, who were awarded a contract to be Kirkland's State lobbyists.

After receiving the City Council's feedback and edits, a final Legislative Agenda will be prepared for adoption at the January 4, 2011 regular meeting.

Attachments: Draft 2011 Legislative Agenda
Annotated Draft Legislative Agenda
Public Safety Building Informational Flyer

**CITY OF KIRKLAND
2011 LEGISLATIVE AGENDA –DRAFT**

General Principles

Kirkland supports legislation that promotes the City Council's goals and protects the City's ability to provide basic municipal services to its citizens.

- Protect current revenue sources available to the City, provide new revenue options and provide flexibility in the use of existing revenues
- Support the City's ability to complete the annexation of Finn Hill, Juanita and Kingsgate through continued appropriation of state funds and legislation that facilitates the cost effective transition of services.
- Oppose the imposition of new mandates that draw on City resources and oppose any further shifting of costs or services from the State or County to cities.
- Support long-term sustainability efforts related to City financial, environmental and transportation goals

City of Kirkland 2011 Legislative Priorities

1. Kirkland supports legislation that secures financial assistance for the construction of the Public Safety Building required to consolidate public safety services and adequately serve the City after annexation.
2. Kirkland supports legislation that allows flexibility in the use of Real Estate Excise Tax revenue for infrastructure and parks maintenance.
3. Kirkland supports legislation that provides financial relief for annexation census requirements through the ability to use alternate enumeration methods such as the federal census.
4. Kirkland supports legislation for roadway pricing tools that provides funding for high priority transportation routes, promotes multi-modal transportation modes and mitigates collateral impacts on Kirkland's arterials.
5. Kirkland supports preservation of all options for future use of the BNSF corridor and state financial assistance to implement multiple uses including recreation and transportation.
6. Kirkland supports legislation that provides cities with new and improved financing tools to support public/private partnerships including flexibility in the use of existing tax sources to support new development and to facilitate small business growth through the use of microloans.
7. Kirkland supports legislation that streamlines the SEPA process and eliminates duplicate and overlapping requirements of growth management and SEPA.

8. Kirkland supports legislation that supports the principles of growth management by assigning funding priority for infrastructure in communities with designated urban centers.
9. Kirkland supports legislation amending RCW 82.02.060 to eliminate cities' obligation to pay impact fees from qualifying public funds when exempting low-income housing from impact fee requirements.
10. Kirkland supports legislation to allow cities the same fire benefit charge authority that fire districts receive under RCW 52.18.010.

2011 Legislative Support

Kirkland supports selected items of the 2011 legislative agendas for the following organizations:

Association of Washington Cities

- Provide flexibility within current revenue and regulatory frameworks to respond to these challenging times
 - City fiscal flexibility package, such as greater flexibility in the expenditure of locally collected real estate excise tax (REET).
 - Fund, Flex, Repeal, Amend, Pause (FFRAP), such as delaying adoption of new storm water regulations until the existing ones are successfully implemented and funded.
- Enact new tools to help cities recover, thrive and be efficient
 - Pro-active public record proposals that address some of the problems that come with the burgeoning public records requests.
 - Options for creating sustainable personnel related costs.
 - Additional tools for combating gang activity including funding for gang intervention and prevention activities.
 - Street maintenance utility authority.
- Maintain essential state revenues and authorities for cities
 - Ensure continued appropriation of committed state shared funds and preserve existing local revenue authorities.
 - Preserve infrastructure funding such as the Public Works Trust Fund and storm water funding.
 - Retain current authorities – neither add new requirements or take any away.

Cascade Water Alliance

- Clarify and improve the tools available to voluntarily provide utility services on a joint basis.

Eastside Human Services Forum

- Maintain the current investment in home visiting funding and advocate for evidence-based home visiting programs such as Healthy Start by the federal government.

- Maintain current funding for Washington Information Network (2-1-1) and improve quality and accessibility of services.

Environmental Priorities Coalition

- Budget Solutions for our Environment – Develop a proactive approach that will improve the economy while maintaining environmental protections.
- 2011 Clean Water Act/Working for Clean Water -- Fund job-creating projects across the state by building water infrastructure that will clean up our water ways.

Washington Fire Chiefs Association

- Require simple majority elections (50% +1) for Emergency Medical Services levies and Benefit Charge elections.
- Provide funding for CBRNE/Funded Regional Hazardous Materials Teams.
- Mandate radio repeaters for use by emergency responders inside buildings larger than 10,000 square feet.
- Exempt major fire department capital equipment purchases from State sales tax or allow for some form of a rebate.

Washington Association of Sheriffs and Police Chiefs

- Burglar Alarm Program information protection – Amend RCW 42.56 to protect law enforcement false alarm program information from public disclosure that would compromise the security of properties.
- Require that red light cameras comport with federal standards and that fines are equalized.
- Increase penalties for vehicle prowl.

Washington Bicycle Alliance

- Safe Routes to School – Protect existing funding and find ways to improve the program to better meet the demand created by schools.

Washington Recreation and Parks Association

- Real Estate Excise Tax -- Provide local-option legislation allowing cities and counties to use up to 25 percent of the revenue from the two local 1/4-percent Real Estate Excise Tax (REET) collections to be used for maintenance and operations of parks and recreational facilities
- Washington Wildlife Recreation Program (WWRP) – Support the request by the Recreation and Conservation Funding Board, the Washington Wildlife and Recreation Council (WWRC), WRPA, and others to preserve a \$100 million 2011 Capital Budget funding level for the Washington Wildlife and Recreation Program (WWRP) Grant program.

Washington Low Income Housing Alliance

- Maintain the State's investment in Housing Trust Fund.

Washington Chapter of the American Planning Association

- Create a funding mechanism for Planned Action EIS -- Amend RCW 82.02.020 to allow jurisdictions to impose a fee or charge on development for preparation of a Planned Action EIS.

WRIA 8

- Funding – Support legislation to establish a sustainable funding mechanism to implement the Puget Sound Partnership agenda including funding for projects, programs, permitting and monitoring related to storm water pollution in Puget Sound and throughout Washington State.
- Authorize legislation for creation of multipurpose Watershed Districts.

Additional Legislation to Support

- Support waste to energy facilities and policies.
- Support modification of the Washington State Department of Licensing's (DOL) implementation of the Commercial Driver's License process.
- Support legislation providing for the safe collection and disposal of unwanted drugs from residential sources through a producer provided and funded product stewardship program.
- Support an amendment to RCW 46.68.090 that would allocate gas tax revenues between counties and cities based on a per capita allocation rather than the current fixed percentages.
- Support legislation that would allow cities access to the State Department of Labor and Industries data as a means of verifying local business tax payments.

**CITY OF KIRKLAND
2011 LEGISLATIVE AGENDA – DRAFT - ANNOTATED VERSION**

General Principles

Kirkland supports legislation that promotes the City Council's goals and protects the City's ability to provide basic municipal services to its citizens.

- Protect current revenue sources available to the City, provide new revenue options and provide flexibility in the use of existing revenues
- Support the City's ability to complete the annexation of Finn Hill, Juanita and Kingsgate through continued appropriation of state funds and legislation that facilitates the cost effective transition of services.
- Oppose the imposition of new mandates that draw on City resources and oppose any further shifting of costs or services from the State or County to cities.
- Support long-term sustainability efforts related to City financial, environmental and transportation goals

City of Kirkland 2011 Legislative Priorities

- 1. Kirkland supports legislation that secures financial assistance for the construction of the Public Safety Building required to consolidate public safety services and adequately serve the City after annexation.**

The City of Kirkland is seeking \$2.65 million in state capital dollars to partner with local funding (\$11.5 spent to date) for the building, renovation and co-location of public safety and Court services in the Totem Lake urban center. (See attached informational flyer)

- 2. Kirkland supports legislation that allows flexibility in the use of Real Estate Excise Tax revenue for infrastructure and parks maintenance.**

KMC 5.18.040(b) provides that the first one-quarter of one percent, REET 1, shall be used consistent with RCW 82.46.010 (capital improvements primarily in the Capital Facilities Element of the Comprehensive Plan). KMC 5.18.045 sets forth that the second one-quarter of one percent, REET 2, shall be used, i.e., "solely for financing projects specified in the transportation portion of the capital facilities element of the city's comprehensive plan."

The proposed legislation seeks to allow cities and counties to use the revenue from the two local 1/4-percent Real Estate Excise Tax (REET) collections for maintenance and operations of parks and recreational facilities and other infrastructure such as streets and sidewalks. If passed, this legislation would give agencies another "tool" to fund ongoing maintenance of new acquisition or development.

- 3. Kirkland supports legislation that provides financial relief for annexation census requirements through the ability to use alternate enumeration methods such as the federal census.**

Current state law and procedure disallow using the most recent (2010) federal census of the Juanita-Finn Hill-Kingsgate annexation area (to be released in April 2011). Rules require the city to conduct a census of the newly annexed area at an estimated cost of up to \$225,000. Representatives of Washington State Office of Financial Management do not support using the 2010 Census as a substitute for a complete, independent census of the annexation area. They cite two reasons: 1) State law clearly requires an independent count. 2) Every other annexing city has to do a similar census – when would you draw the line that the decennial census is no longer a valid base? Kirkland, in partnership with the AWC will seek remedy to this inefficiency.

- 4. Kirkland supports legislation for roadway pricing tools that provide funding for high priority transportation routes, promote multi-modal transportation modes and mitigate collateral impacts on Kirkland's arterials.**

WSDOT is expected to introduce legislation in the 2011 session to allow tolling on I-405. Priority 4 supports Council's Roadway Pricing Policy, which is supportive of legislation that would allow Express Toll Lanes to be implemented on I-405. Express toll lanes would create a two-lane HOV system. Vehicles that don't meet the HOV requirements could buy into the HOV lanes when excess capacity is available. This priority also fits with Council's support of Transportation 2040, the Region's Transportation Plan. Transportation 2040 calls for the region to move toward a system of priced freeways.

- 5. Kirkland supports preservation of all options for future use of the BNSF corridor and state financial assistance to implement multiple uses including recreation and transportation.**

During the summer and fall of 2010, the Transportation Commission conducted outreach in the community to understand opinions on how the Eastside Rail corridor should be developed. This work has shown that people are interested in many possible uses, including using the corridor for transportation of several possible modes. Challenges include funding construction and insuring that the corridor stays in public ownership.

- 6. Kirkland supports legislation that provides cities with new and improved financing tools to support public/private partnerships including flexibility in the use of existing tax sources to support new development and to facilitate small business growth through the use of microloans.**

Pursuing new tools to help cities recover, thrive and be efficient is a major priority of the AWC's 2011 legislative agenda, included in their fiscal flexibility package.

Given its limited economic development tools for attracting or retaining businesses, the State of Washington is at a major competitive disadvantage. With the exception of an R & D tax credit for IT companies, Local Infrastructure Financing Tools (LIFT) and Local Revitalization Financing (LRF), which may or may not be reauthorized in this legislative session, there is little that the City can offer to attract new companies.

Moreover, there are few tools for outfitting our business districts to accept new companies, such as funding for infrastructure. Tax Increment Financing (TIF), a commonly used public financing tool which finances infrastructure by bonding against the capture of a projected property tax revenue stream, is not available in this state. TIF or other methods of taxation that would offer incentives to companies interested in relocating would be a valuable addition to the City's economic development toolbox.

Microlending is a practice that provides small loans (up to \$35,000) to businesses that often do not have a credit history or any other track record to qualify for traditional loans. In the Puget Sound Region, Community Capital Development and Washington CASH are certified by the Small Business Administration (SBA) to offer microloans. Because clients are high risk and often need coaching, interest rates can be high on what are relatively small loan amounts. Kirkland is predominantly comprised of very small businesses. For those businesses and for start-ups to have more options for obtaining microloans at reasonable rates, legislation is requested that would create a microloan fund at the state level with low interest rates and/or allow cities to underwrite interest rates using public funds.

7. Kirkland supports legislation that streamlines the SEPA process and eliminates duplicate and overlapping requirements of growth management and SEPA.

According to the Washington City/Council Management Association, efficient and streamlined procedures for development and redevelopment are necessary to make cities more competitive, without compromising the environment. SEPA reforms that eliminate overlapping requirements of GMA, focusing on only the most extraordinary cases, could provide cost savings to permit applicants as well as the cities and will derive real value from regulations.

8. Kirkland supports legislation that supports the principles of growth management by assigning funding priority for infrastructure in communities with designated urban centers.

Kirkland encourages cities and the County to work with the state and regional agencies to develop and finance a balanced transportation system that enhances regional mobility and reinforces the countywide and regional plans for growth by rewarding cities that accept higher densities.

9. Kirkland supports legislation amending RCW 82.02.060 to eliminate cities' obligation to pay impact fees from qualifying public funds when exempting low-income housing from impact fee requirements.

Currently, cities that exempt low-income housing from impact fees must pay the fees from their general fund. Removing the requirement for cities to pay impact fees on low-income housing is an ARCH 2011 priority and is also a carry-over from Kirkland's 2010 legislative agenda.

10. Kirkland supports legislation to allow cities the same fire benefit charge authority that fire districts receive under RCW 52.18.010.

Kirkland seeks the same authority that Fire Districts currently have under RCW 52.18.010 to impose a fire benefit charge on personal property and improvements to real property within the district, but not on any land with voter approval. The charge would apply to residential buildings, commercial structures, agricultural buildings and other structures affixed to the land. RCW 52.18.010 provides for certain exemptions and states the total amount that can be raised by a benefit charge cannot exceed 60% of the district's operating budget. It also requires the charge to be reasonably proportioned to the benefits received by the specific property resulting from the services provided by the district.

Benefit Charge proposals must be voted upon by the residents of the district and must be approved by a 60% majority. RCW 52.18.050 also states the district must hold a hearing not less than 10 days or more than 6 months before the election and, if the charge is approved, the district must thereafter hold a hearing before November 15 of each year to review and establish the charge for the subsequent year. Further, the charge cannot be imposed for more than 6 years. The charge is collected by the County Treasurer's office along with the property taxes as provided by RCW 76.04.610. Similar language for cities would be needed that considers the differing tax structures.

2011 Legislative Support

Kirkland supports selected items of the 2011 legislative agendas for the following organizations:

Association of Washington Cities

- Provide flexibility within current revenue and regulatory frameworks to respond to these challenging times
 - City fiscal flexibility package, such as greater flexibility in the expenditure of locally collected real estate excise tax (REET).
 - Fund, Flex, Repeal, Amend, Pause (FFRAP), such as delaying adoption of new storm water regulations until the existing ones are successfully implemented and funded.
- Enact new tools to help cities recover, thrive and be efficient
 - Pro-active public record proposals that address some of the problems that come with the burgeoning public records requests.
 - Options for creating sustainable personnel related costs.
 - Additional tools for combating gang activity including funding for gang intervention and prevention activities.
 - Street maintenance utility authority.
- Maintain essential state revenues and authorities for cities
 - Ensure continued appropriation of committed state shared funds and preserve existing local revenue authorities.
 - Preserve infrastructure funding such as the Public Works Trust Fund and storm water funding.
 - Retain current authorities – neither add new requirements or take any away.

Cascade Water Alliance

- Clarify and improve the tools available to voluntarily provide utility services on a joint basis.

Local governments that provide water, wastewater, stormwater and/or flood control services have found that the existing limited legal authority to operate jointly has created serious roadblocks to their ability to provide services to the public.

Local utility agencies are finding it beneficial to organize into regional organizations and yet they continue to face challenges because of the lack of certainty regarding their ability to jointly exercise authority and/or the ambiguous status of intergovernmental entities created under the Interlocal Cooperation Act (Chap. 39.34 RCW).

A recent study by several local governments and associations across the state, in cooperation with the State Departments of Ecology and Health, concluded that examining current statutes and models could yield useful recommendations to help existing intergovernmental bodies find a more workable approach to providing utility services. During the process, challenges facing intergovernmental entities were examined, as well as a variety of options for addressing these issues, such as amending existing legislation or creating an entirely new statute.

As a result, a new statute is being drafted that focuses narrowly on addressing many of the unsettled questions and issues identified that apply to municipal utilities.

Eastside Human Services Forum

- Maintain the current investment in home visiting funding and advocate for evidence-based home visiting programs such as Healthy Start by the federal government.
- Maintain current funding for Washington Information Network (2-1-1) and improve quality and accessibility of services.

Environmental Priorities Coalition

- Budget Solutions for our Environment – Develop a proactive approach that will improve the economy while maintaining environmental protections.
- 2011 Clean Water Act/Working for Clean Water -- Fund job-creating projects across the state by building water infrastructure that will clean up our water ways.

Washington Fire Chiefs Association

- Require simple majority elections (50% +1) for Emergency Medical Services levies and Benefit Charge elections.
- Provide funding for CBRNE/Funded Regional Hazardous Materials Teams.

CBRNE (chemical, biological, radiological, nuclear or explosive) Funded Regional Hazardous Materials Teams. Funded by the State and supported by existing local team all with identical standard operating procedures, equipment and training throughout the state.

- Mandate radio repeaters for use by emergency responders inside buildings larger than 10,000 square feet.
- Exempt major fire department capital equipment purchases from State sales tax or allow for some form of a rebate.

Washington Association of Sheriffs and Police Chiefs

- Burglar Alarm Program information protection – Amend RCW 42.56 to protect law enforcement false alarm program information from public disclosure that would compromise the security of properties.
- Require that red light cameras comport with federal standards and that fines are equalized.
- Increase penalties for vehicle prowling.

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- Safe Routes to School – Protect existing funding and find ways to improve the program to better meet the demand created by schools.

Washington Recreation and Parks Association

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- Washington Wildlife Recreation Program (WWRP) – Support the request by the Recreation and Conservation Funding Board, the Washington Wildlife and Recreation Council (WWRC), WRPA, and others to preserve a \$100 million 2011 Capital Budget funding level for the Washington Wildlife and Recreation Program (WWRP) Grant program.

Washington Low Income Housing Alliance

- Maintain the State's investment in Housing Trust Fund.

Washington Chapter of the American Planning Association

- Create a funding mechanism for Planned Action EIS -- Amend RCW 82.02.020 to allow jurisdictions to impose a fee or charge on development for preparation of a Planned Action EIS.

A Planned Action EIS is an environmental impact statement that is prepared for a large geographic area based on adopted plans and regulations. The EIS is prepared in sufficient detail to allow future development that is consistent with policies and regulations to be exempted from further SEPA review. This saves the developer time and money and, most importantly, provides a greater degree of certainty in the permitting process.

Planned Action EISs are expensive and require an up-front investment by a jurisdiction. The proposed legislation would allow the jurisdiction to recoup all or some of those costs by charging future developers a fair share.

WRIA 8

- Funding – Support legislation to establish a sustainable funding mechanism to implement the Puget Sound Partnership agenda including funding for projects, programs, permitting and monitoring related to storm water pollution in Puget Sound and throughout Washington State.
- Authorize legislation for creation of multipurpose Watershed Districts.

Additional Legislation to Support

- Support waste to energy facilities and policies.
- Support modification of the Washington State Department of Licensing’s (DOL) implementation of the Commercial Driver’s License process.

On January 2, 2009, the Department of Licensing (DOL) significantly changed the skill and training requirements for a State of Washington Commercial Drivers License. An applicant must now complete 160 hours of training provided by a training institute (up to \$10,000). Alternatively, an employer (i.e. the City of Kirkland) can sign a certificate stating the employee possesses the skills and required training to safely operate a vehicle requiring a CDL license. WCIA issued Risk Management Bulletin # 32 recommending that employers do not certify their employees as safe drivers because of significant and ongoing liability concerns. This has a direct impact on the ability for the City to hire qualified employees for many of its Public Works positions.

- Support legislation providing for the safe collection and disposal of unwanted drugs from residential sources through a producer provided and funded product stewardship program.
- Support an amendment to RCW 46.68.090 that would allocate gas tax revenues between counties and cities based on a per capita allocation rather than the current fixed percentages.
- Support legislation that would allow cities access to the State Department of Labor and Industries data as a means of verifying local business tax payments.

The City of Kirkland imposes a business license fee based on the number of full-time equivalent employees. Until recently, the City was able to obtain L&I records to verify accurate reporting of full-time equivalents. The State determined that that the records were confidential and that they would not provide it to cities. The City is seeking legislation that clarifies the cities’ ability to access L&I data.



City of Kirkland Public Safety Building

The City of Kirkland is requesting \$2.65 million in state capital dollars to partner with local funding for the building, renovation and co-location of public safety and Court services. The City has purchased a property including an existing building that can be renovated to house public safety services and is large enough for an additional public safety auxiliary building to be built on site. Additionally, the site of this property is in the Totem Lake area which is now in the geographic center of the City due to annexation expansion.

The population of Kirkland has grown to 49,000, an increase of 17% since the last City Hall remodel in 1994. In 2011, annexation will increase Kirkland’s population by an additional 33,000 citizens requiring additional public safety service capacity for its citizens. In its current location in City Hall, the Police Department is severely overcrowded. Work space has not increased since 1989, while police staffing has grown from 58 employees to 107, plus approximately 20 volunteers. Annexation will require an additional 45 personnel further exacerbating the space shortage. The Department is challenged with a lack of key functional operational spaces and inefficiencies including remote facilities for Municipal Court, evidence storage and weapons training. A recent study concluded that Kirkland needs 33 additional jail beds to house its daily prisoner population — a need that will increase after annexation. Kirkland currently contracts with multiple jails throughout the state for misdemeanor housing which creates operational, security and financial challenges. The new public safety site will allow adequate space for police, jail and Municipal Court services. This public safety “campus” will be more cost effective due to the co-location of facilities and reduced need for contracted services.

OBJECTIVES & BENEFITS

- Creates operational and safety improvements by co-locating Police and Court functions
- Provides a geographically central location subsequent to annexation providing efficiency to citizens accessing public safety services
- Reduces jail costs by housing more misdemeanor prisoners
- Equips the City to provide service to the annexation area of 33,000 citizens
- Provides adequate and secure space for public safety personnel

BACKGROUND

The City exercised an opportunity to purchase an existing building for a stand-alone public safety building which will allow the Police and Municipal Court functions to be co-located. The total project cost for the purchase, remodel and construction of the project, including a separate auxiliary building for police support functions, is approximately \$38 million.

The Facility	
Purchased building	102,000 sf
Police support building (to be built)	21,000 sf
Total completed facility	123,000 sf
The Funding	
Total expended to date	\$11.5 M
Remaining Costs	\$26.5 M
Total anticipated cost	\$38.0 M



Joan McBride, Mayor
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CITY OF KIRKLAND
Planning and Community Development Department
123 Fifth Avenue, Kirkland, WA 98033 425.587-3225
www.ci.kirkland.wa.us

MEMORANDUM

To: Kurt Triplett, City Manager

From: Joan Lieberman-Brill, AICP, Senior Planner
Jeremy McMahan, AICP, Planning Supervisor
Paul Stewart, AICP, Deputy Director

Date: November 23, 2010

Subject: 2010 City-Initiated Comprehensive Plan Amendments (File ZON10-00001)

RECOMMENDATION

Adopt the enclosed ordinance to approve the 2010 City-Initiated Comprehensive Plan Amendments (CPA's), consistent with the recommendations of the Planning Commission (Attachment 1).

Following City Council action, the amendments applicable in Houghton will be considered by the Houghton Community Council at their January 24th 2011 meeting.

BACKGROUND DISCUSSION

All amendments are included as Exhibit A to the ordinance.

On August 12, 2010 at a joint Planning Commission (PC) and Houghton Community Council (HCC) study session, the Houghton Community Council unanimously recommended adoption of the 2010 amendments with one modification to the staff recommendation. They opted not to hold a subsequent hearing on this cycle of CPA's. Following the PC public hearing on September 10, 2010, the PC also unanimously recommended adoption. Attachment 1 to this memorandum is the PC's recommendation. The major policy focus of this cycle of amendments was the annexation area Neighborhood Boundaries amendments.

At the joint study session, the HCC requested that the City Council consider modifying the single item that they took exception to; their opposition to a sentence in the text supporting new Public Services Element Policy PS 2.2. New policy PS 2.2 states "Encourage reduction, reuse and recycling of building construction materials in order to reduce waste, increase diversion, and save energy." This policy integrates sustainability goals adopted in the 2009 cycle of CPA into the Public Services Element solid waste management practices.

While HCC did not have any objection to the City's existing Green Building Program certification programs that include components to reduce the building materials waste stream, several members did take issue with the idea that these programs may become mandatory in the future and requested that the sentence "Over time these techniques or programs may become

mandatory" be deleted. The PC did not share this opinion. The ordinance reflects the PC recommendation.

Policy Highlights - City Initiated Amendments

Each year the City reviews and makes changes to its Comprehensive Plan for any needed changes pursuant to the Growth Management Act. The City-initiated 2010 CPA's are primarily housekeeping amendments, but also include amendments resulting from recent State legislation as well as reflecting the Kingsgate, North Juanita, and Finn Hill annexation. Highlights of this cycle include:

- Various amendments to the Plan related to the Kingsgate, North Juanita, and Finn Hill annexation. Most notably, they include the recommended neighborhood boundary changes to the annexation area following an extensive public process with residents of the affected neighborhoods. Exhibit A to this memorandum is a map showing the PC's recommended neighborhood boundaries.
- Map amendments to implement a rezone of Snyder's Corner Park from Low Density Residential to Park/Open Space to be consistent with its current Land Use.
- Revisions to the Public Services Element to incorporate green practices into solid waste management policies. These revisions build on sustainability amendments adopted during last year's cycle of CPA's.
- A new chapter entitled Shoreline Area has been physically added to the Plan. It contains the newly updated Shoreline Master Program.
- Revisions to the Natural Environment and Transportation Elements incorporate state legislation mandating policies to allow electric vehicle infrastructure.
- Amendments to the Transportation and Capital Facilities Elements of the Plan, primarily to incorporate the newly adopted 2011 - 2016 Capital Improvement Program (CIP) into the Capital Facilities Plan (CFP). Pursuant to the GMA, the CIP and CFP/Transportation Element must be consistent. Both the CIP and CFP are scheduled to be adopted in December by the City Council.

A more detailed summary of the proposed City-initiated amendments is available in the August 12, 2010 PC/HCC joint meeting [memo](#).

A minor revision to Transportation Element Table T-2 was made after the public hearing. The update is based upon existing methodology for calculating congestion Level of Service at Intersections in the City's transportation subareas and simply makes the table current. It does not represent a change in how level of service is calculated.

Memo to CC 2010 CPA's

November 5, 2010

Page **3** of **4**

Links to staff memorandums, minutes, and audio recordings for all PC and HCC meetings associated with this proposal, are provided below (all memorandums were the same for both advisory bodies, except the Oct 14 hearing memo, which only went to the PC):

- October 14, 2010 meeting* *Planning Commission public hearing* memos on [Annexation Boundaries](#) and [2010 CPA's](#), [minutes](#) and [audio](#)
- August 12, 2010 meeting* *Joint Houghton Community Council and Planning Commission study* [memo](#), [minutes](#), and [audio](#)
- March 22, 2010 meeting* *Houghton Community Council study* [memo](#), [minutes](#) and [audio](#)
- March 11, 2010 meeting* *Planning Commission study* [memo](#) (same as HCC memo) and [minutes](#) and [audio](#)

SEPA Compliance

State Environmental Policy Act (SEPA) materials may be viewed by following this link to the October 14 PC public hearing [memo](#).

Public Process

Notice of public meetings and hearings were provided to the Seattle Times, the Neighborhood Associations and Kirkland Alliance of Neighborhoods. Notices were also sent via the neighborhood e-bulletin reaching 500 recipients that Kari Page, our Neighborhood Services Coordinator maintains. In addition, notices were sent to annexation e-bulletin recipients and the Kirkland Chamber of Commerce. A public notice sign was posted to provide notice of the site specific rezone of the Snyder's Corner Park property. (The rezone is to change the zoning from RSX 35 -a low density residential zone - to Public Use Zone for park use.)

Additional community outreach was conducted by staff from Planning and Community Development and Neighborhood Services for the annexation area neighborhood boundary process. That process is summarized in the Planning Commission public hearing memo on [Annexation Boundaries](#).

Three comments and one email were received for Planning Commission's public hearing regarding the annexation area neighborhood boundaries, no public testimony was received on the City-initiated amendments to the Comprehensive Plan. The comments generally concur with the Planning Commission's recommendation.

Attachment:

1. Planning Commission Recommendation

Exhibits:

- A. Map of Proposed Annexation Neighborhoods

cc: ZON10-00001
 Planning Commission

E-Page 252

Memo to CC 2010 CPA's

November 5, 2010

Page **4** of **4**

Houghton Community Council
Kirkland Neighborhood Associations
Kirkland Alliance of Neighborhoods
Kirkland Chamber of Commerce



CITY OF KIRKLAND
PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
123 FIFTH AVENUE, KIRKLAND, WA 98033 425.587.3225
WWW.CI.KIRKLAND.WA.US

MEMORANDUM

DATE: NOVEMBER 5, 2010

TO: KIRKLAND CITY COUNCIL

**FROM: JAY ARNOLD, VICE CHAIR
KIRKLAND PLANNING COMMISSION**

**SUBJECT: PLANNING COMMISSION RECOMMENDATION TO ADOPT THE 2010
COMPREHENSIVE PLAN AMENDMENTS (FILE ZON10-00001)**

Introduction

We are pleased to submit the recommended annual city-initiated Comprehensive Plan Amendments for 2010 for consideration by the City Council. This effort culminates the work started with the preparation of the 2011-2016 Capital Improvement Program, necessitating updates to the various chapters of the Plan to bring them into consistency with the biennial CIP.

Among highlights are policies to begin incorporating the annexation areas of Finn Hill, North Juanita, and Kingsgate into the framework of the Plan.

Another change is the result of new state legislation, requiring cities to develop policies and regulations allowing Electric Vehicle Infrastructure. The purpose of the law is to encourage the transition to electric vehicle use and expedite the establishment of a convenient, cost-effective, electric vehicle infrastructure. Updated policy text in the Transportation and Natural Environment Elements are recommended to meet state law requirements. Regulations are being drafted concurrently with the bundle of Miscellaneous Zoning Code Amendments to implement these policies.

Finally, revisions during this cycle include recommended housekeeping amendments, updates to functional maps, and various other minor changes. All amendments are included as Exhibit A to the Ordinance.

Planning Commission Issues

One emphasis in this year's cycle of Comprehensive Plan Amendments is initial planning for the Kingsgate, North Juanita, and Finn Hill annexation area. Our annexation recommendations include a number minor amendments and a review of neighborhood boundaries. We concurred with staff regarding recommended modest adjustments to

the boundaries for each neighborhood. Our discussions of variation in neighborhood population and size throughout the City highlighted the need to review all City neighborhood boundaries and neighborhood planning for our 2011 work program.

- **Annexation - Minor Amendments:** Updates to many of the General Elements are recommended, as well as updates to all affected maps to reflect the new City limits. Work on the General Elements to fully incorporate the annexation area will continue with the major update to the Plan in 2012-2014, when additional census and land use data are available. At that time, the City will also complete a major update of the Capital Facilities Plan and Transportation Elements. This future update will address issues such as Level of Service standards and concurrency projects in the annexation area. Annexation neighborhood plans will also be prepared in the future, with the schedule to be determined as part of the Planning Work Program discussion.
- **Annexation - Neighborhood Boundaries:** The Planning Commission offers the following recommendations on neighborhood boundaries and related issues (see summary map included as Exhibit B). Additional detail, including results from the community involvement process and options considered, may be found in the [staff memo](#).
 1. Leave Totem Lake intact as a City neighborhood. This question emerged as a related issue to integration of the annexation neighborhoods. The Totem Lake neighborhood has a clear community vision and is a resource that belongs to the City as a whole. Dividing that resource into four subareas will not make that common purpose any stronger. The majority of participants in the community involvement process favored options that do not merge Totem Lake into adjoining neighborhoods.
 2. Neighborhood planning is very important, but it is a challenge to update individual neighborhood plans in a timely manner. Neighborhood plans often have not been updated for more than 20 years. With the addition of two or three new neighborhoods and ongoing budget constraints, the challenge of cycling through neighborhood plan amendments in a timely manner will be compounded if efficiencies are not achieved. In order to establish a schedule of predictable and sustainable updates, the Commission would like to have a 2011 work plan item to develop a more efficient method of plan updates. This could include creation of "planning subareas" where updates are conducted for larger geographic areas of the City. In the meantime, the Commission requests that the decision on whether to proceed with the current neighborhood plan schedule be a function of the annual Planning Work Program discussion rather than specific budget guidance, so that all long range planning tasks can be reviewed and prioritized.
 3. Consolidate the annexation area North Juanita neighborhood and Kirkland's North Juanita neighborhood into one consolidated North Juanita neighborhood. This expanded neighborhood should include the Wild Glen annexation parcel. Residents of this part of the annexation area identified strongly with Juanita and many were not aware of "north" and "south" descriptors. The existing Juanita Neighborhoods Association has historically

welcomed all Juanita residents and expressed an interest in continuing to do so.

4. Leave the Kingsgate neighborhood as one neighborhood. Although results were mixed, the majority of participants in the process did not favor dividing the neighborhood. Community leaders from this area indicated a near-term emphasis on establishing one cohesive neighborhood association prior to annexation and felt that any need for division would emerge over time. Minor recommended changes to the Kingsgate and Totem Lake neighborhoods are:
 - a. Merge the condominiums northeast of Evergreen Hospital in the Totem Lake neighborhood into the Kingsgate neighborhood. Participants from this area noted a closer alignment with the residential areas to the north than the commercial areas to the south.
 - b. Merge the commercial and light industrial areas of Kingsgate into the Totem Lake neighborhood. These areas have already been zoned TL due to their similarity to surrounding commercial and light industrial areas.
 - c. Merge the apartment on the south edge of Kingsgate into North Rose Hill. This area is separated from the Kingsgate neighborhood by the 124th commercial/light industrial corridor.
5. Continue the decision on whether and where to divide the Finn Hill neighborhood for approximately six months pending additional input from citizen groups in the neighborhood. The community preference has been to divide the neighborhood into two or three smaller neighborhoods; however, there is no consensus on the location of those boundaries.

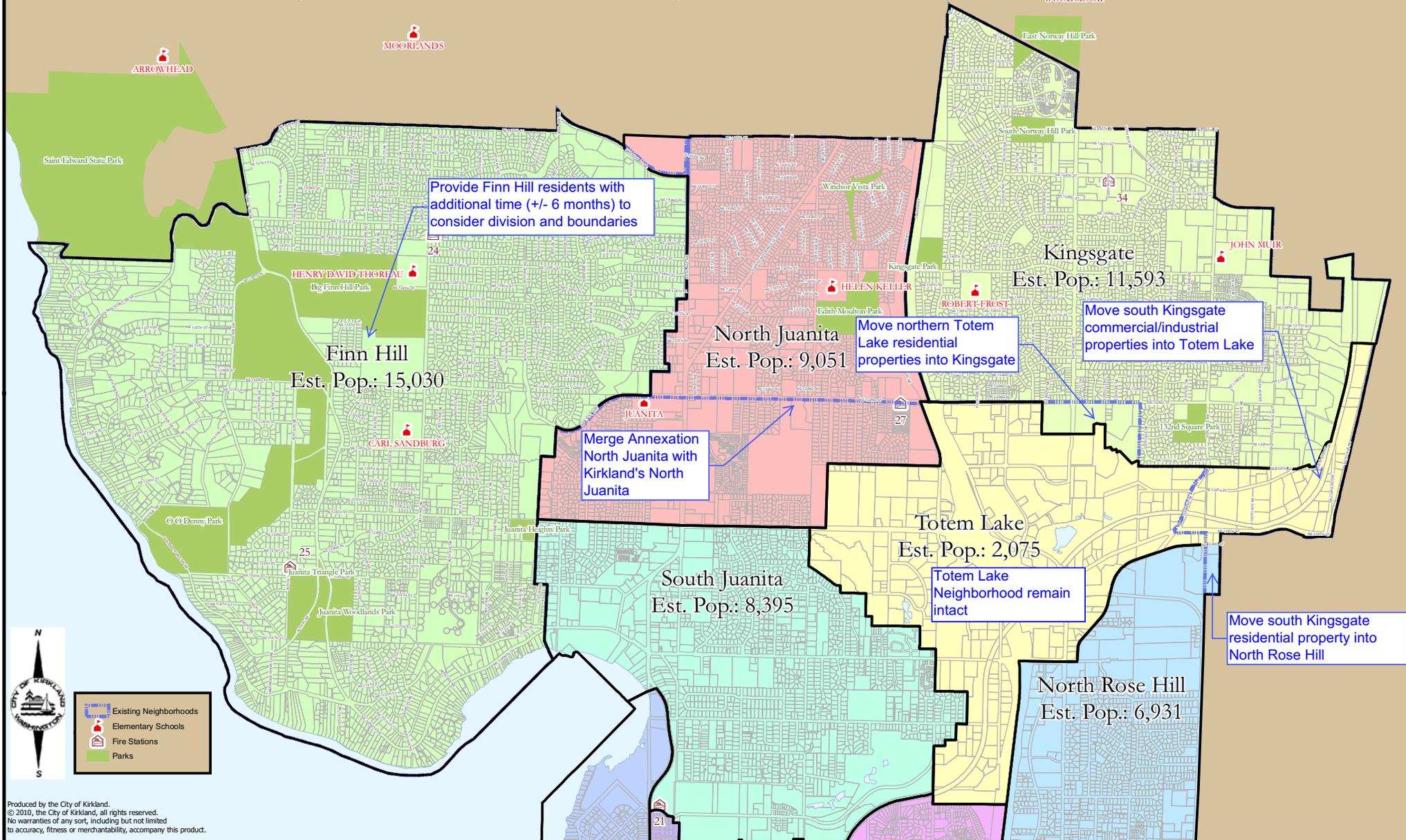
The Planning Commission unanimously recommends adoption of the 2010 Comprehensive Plan amendments.

Public Participation

In May, we studied the issues associated with the Kingsgate, North Juanita and Finn Hill annexation neighborhood boundaries. The Planning Commission and Houghton Community Council held a joint study session to review both the 2010 city initiated amendments and the amendments regarding proposed neighborhood boundary changes in the annexation area leading up to the October 14 public hearing. At the hearing three people offered public testimony regarding neighborhood boundaries. In addition to the Planning Commission meetings and hearing regarding annexation area neighborhood boundaries, Planning and Neighborhood Services staff conducted an extensive community outreach process between March and October of this year, with the outcomes considered during the subsequent Planning Commission study session and hearing.

Cc: ZON10-00001

Annexation Area Neighborhood Analysis: Planning Commission Recommendation



Legend:

- Existing Neighborhoods
- Elementary Schools
- Fire Stations
- Parks

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ORDINANCE NO. 4279

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO AMENDING THE COMPREHENSIVE PLAN ORDINANCE 3481 AS AMENDED, AMENDING ORDINANCE 3710 AS AMENDED, AND THE KIRKLAND ZONING MAP, AS REQUIRED BY RCW 36.70A.130 TO ENSURE CONTINUED COMPLIANCE WITH THE GROWTH MANAGEMENT ACT AND APPROVING A SUMMARY FOR PUBLICATION, FILE NO. ZON10-00001.

WHEREAS, the Growth Management Act (GMA), RCW 36.70A.215, mandates that the City of Kirkland review, and if needed, revise its Comprehensive Plan and its official Zoning Map pursuant to RCW 36.70A.130; and

WHEREAS, the City Council has received a recommendation from the Kirkland Planning Commission and the Houghton Community Council to amend certain portions of the Comprehensive Plan for the City, Ordinance 3481 as amended, and the Zoning Ordinance, Ordinance 3710 as amended, all as set forth in that certain reports and recommendations of the Planning Commission dated November 4, 2010 and bearing Kirkland Department of Planning and Community Development File No. ZON10-00001; and

WHEREAS, prior to making said recommendation the Planning Commission, following notice thereof as required by RCW 35A.63.070, held on October 14, 2010, 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 open public meeting the City Council considered the environmental documents received from the responsible official, together with the reports and recommendations of the Planning Commission and the Houghton Community Council; and

WHEREAS, the Growth Management Act, RCW 36.70A.130, requires the City to review all amendments to the Comprehensive Plan concurrently and no more frequently than once every year;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Kirkland as follows:

Section 1. Comprehensive Plan Text, Figures, and Tables, and Zoning Map amended: The Comprehensive Plan, Ordinance 3481 as amended, and Zoning Map, Ordinance 3710, as amended, are hereby amended as set forth in Exhibit A attached hereto and by this reference incorporated herein as though fully set forth.

Section 2. The Director of the Department of Planning and Community Development is hereby directed to amend the official Kirkland zoning map to conform with this ordinance, indicating thereon the date of ordinance adoption.

Section 3. 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 4. To the extent that the subject matter of this ordinance is subject to the disapproval jurisdiction of the Houghton Community Council as created by Ordinance 2001, the ordinance shall become effective within the Houghton community either upon approval of the Houghton Community Council, or upon failure of said community council to disapprove this ordinance within 60 days of its passage.

Section 5. Except as provided in Section 3, this ordinance shall be in full force and effect five days from and after its passage by the City Council and publication pursuant to Kirkland Municipal Code 1.08.017, 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 6. 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 _____, 20__.

SIGNED IN AUTHENTICATION THEREOF this _____ day of _____, 20__.

Mayor

Attest:

City Clerk

Approved as to Form:

City Attorney

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SHORELINE AREA

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I. Introduction

POPULATION

Table I-1 below shows how Kirkland's population has grown over time and what the projected population is expected to be over the next 20 years³.

Table I-1: Kirkland Growth Trends

Year	Population	Population Increase	Land Area Increase
1910	532		
1920	1,354	155%	0%
1930	1,714	27%	2%
1940	2,048	19%	0%
1950	4,713	130%	112%
1960	6,025	28%	6%
1970 ¹	15,070	150%	170%
1980	18,785	25%	16%
1990 ²	40,052	113%	67%
2000	45,054	12%	0%
2010 ³	49,327	9.5%	0%
2012 ³	50,256	–	–
2020 ³	53,898	9.3%	0%
2022 ³	54,790	–	–
2030 ³	58,287	8.1%	0%

¹ Includes consolidation with the City of Houghton in 1968 which included 1.91 square miles.

² Includes annexations of Rose Hill and Juanita in 1988.

Source: Office of Financial Management.

³ City of Kirkland Planning Department projections. Growth trends [and population](#) do not reflect ~~potential~~ the annexations [of Bridleview \(2009\) or Finn Hill, North Juanita, and Kingsgate \(2011\)](#).

Existing Land Use

There are approximately 7,000 gross acres or 10.9 square miles of land in Kirkland ([year 2000 data](#)). The developable land use base, which excludes all existing public rights-of-way, totals 5,200 net acres of land in Kirkland. The City maintains an inventory of the land use base which classifies the land according to the uses and the zones that occur on the various parcels.

C. GUIDE TO THE COMPREHENSIVE PLAN

The Comprehensive Plan is comprised of two major parts. The first part contains a vision statement, framework goals, and a series of plan elements that apply Citywide. The second part contains plans for each of the City's 13 neighborhoods (see Figure B1-2).

Neighborhood Plans

The Neighborhood Plans allow a more detailed examination of issues affecting smaller geographic areas within the City and clarify how broader City goals and policies in the Citywide Elements apply to each neighborhood.

It is intended that each neighborhood plan be consistent with the Citywide Elements. However, because many of the neighborhood plans were adopted prior to the 1995 Plan update, portions of some of the neighborhood plans may contain inconsistencies. Where this is the case, the conflicting portions of the Citywide Elements will prevail. It is anticipated that each of the neighborhood plans will eventually be amended, and in so doing, all inconsistencies will be resolved.

The Neighborhood Plans, [found in Chapter XV](#), contain policy statements and narrative discussion, as well as a series of maps. ~~The 13 Neighborhood Plans can be found in Chapter XV.~~ The maps describe land use, natural elements, open space and parks, vehicular circulation, urban design, and other graphic representations. These maps serve as a visual interpretation of the Neighborhood Plan policy statements and discussion. In the event of a discrepancy between the maps and the narrative, the narrative will provide more explicit policy direction.

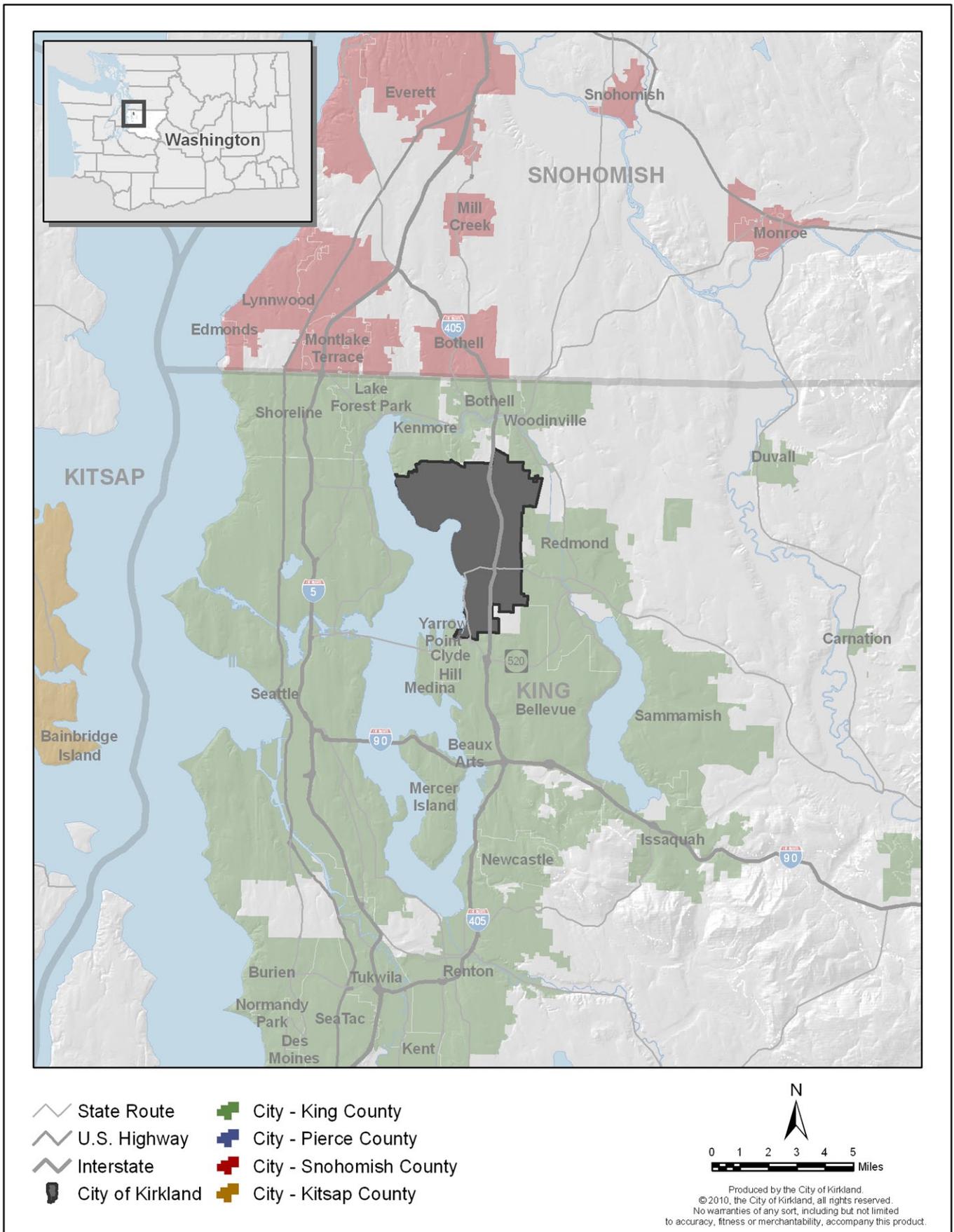


Figure I-1: Kirkland and Surrounding Area

DELETE MAP

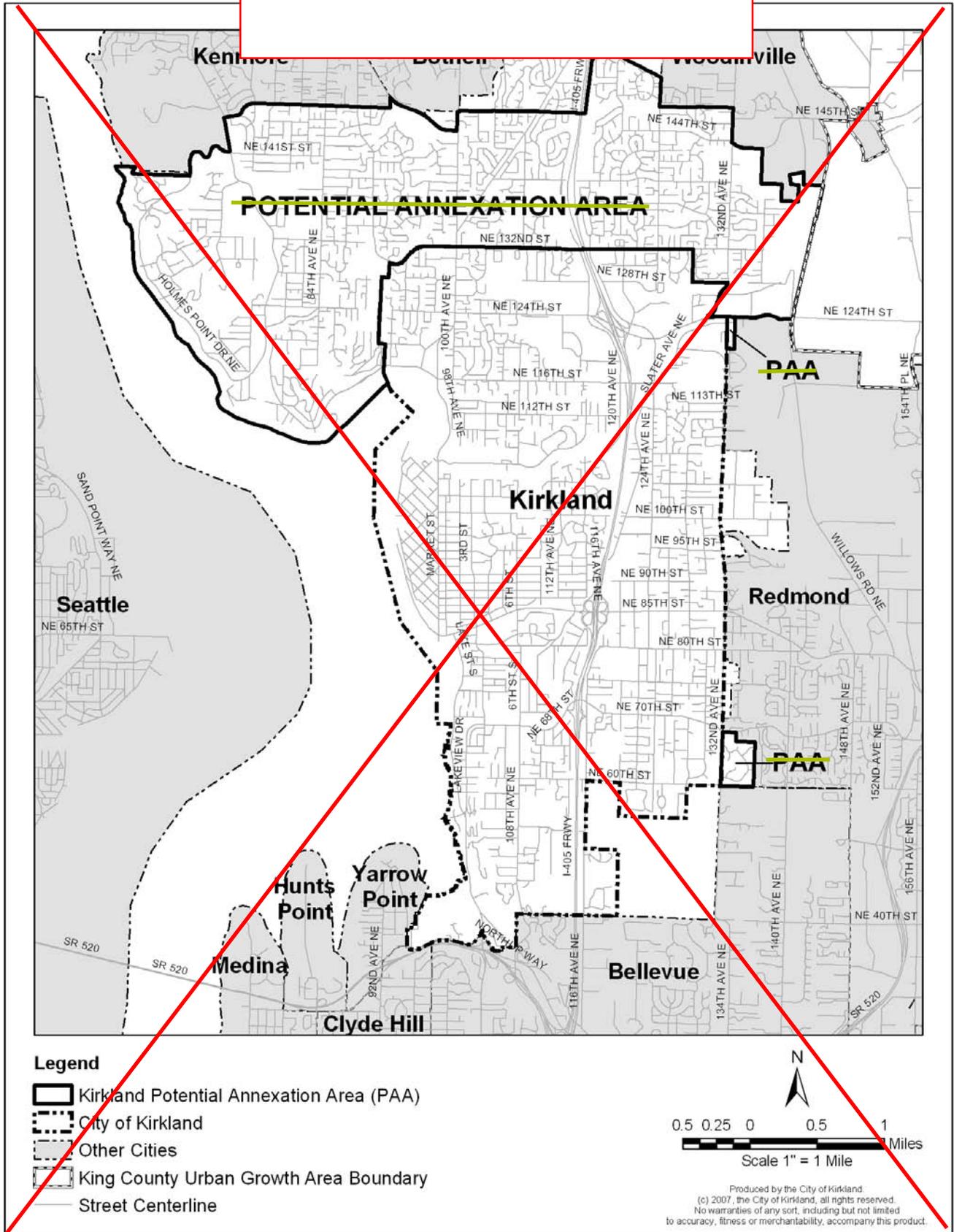


Figure I-2: City of Kirkland Planning Area

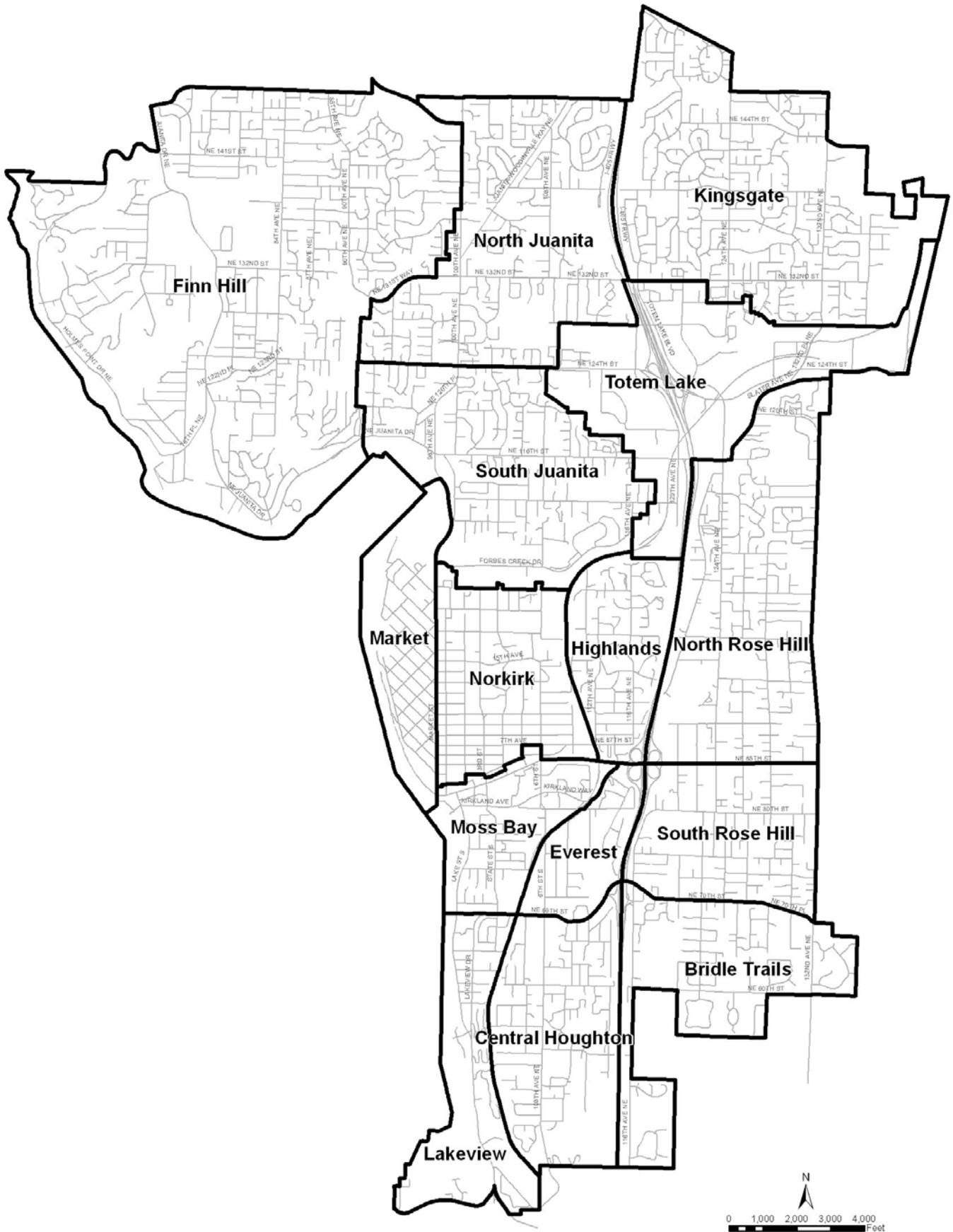


Figure I-3: City of Kirkland Neighborhoods

replaces existing
Figure I-2

II. VISION/ FRAMEWORK GOALS

Our transportation system offers a variety of ways to meet our mobility needs and provides efficient and convenient access to all areas of Kirkland and regional centers. Improved transit service and facilities allow us to commute within Kirkland and to other regional destinations without overburdening our neighborhood streets. The City is pedestrian-friendly. Paths for safe pedestrian, bicycle and other transportation modes interconnect all parts of the City. In addition to the transportation functions they provide, our streets and paths are people-friendly and provide public spaces where people socialize.

The City has excellent police and fire protection, dependable water and sewer service, and well-maintained public facilities. Emergency preparedness for natural or manmade disasters is a high priority. We work closely with other jurisdictions on regional issues that affect our community. For recreation, we like to bike or walk to one of our many parks. We have well-maintained playgrounds, play fields, sport courts, indoor facilities and trails in or near each neighborhood. Our recreational programs offer a variety of year-round activities for all ages. Public access to our waterfront is provided by an unparalleled and still-expanding system of parks, trails, and vistas.

We strive to protect and restore the shoreline and water quality of Lake Washington. We preserve ~~an~~ our open space network of wetlands, stream corridors, and wooded hillsides. These natural systems provide habitat for fish and wildlife and serve ~~important~~ many essential biological, hydrological and geological functions. Streets are lined with a variety of trees, and vegetation is abundant throughout the City. The water and air are clean. We consider community stewardship of the environment to be very important.

Kirkland in 2022 is a delightful place to call home.

INTRODUCTION

The Framework Goals express the fundamental principles for guiding growth and development in Kirkland over the 20-year horizon of the Comprehensive Plan. They are based on and provide an extension of the aspirations and values embodied in the Vision Statement. By nature they are forward-looking and future-oriented. Even so, they were developed with a keen awareness of Kirkland's history and a strong appreciation for the high quality of life which that history has given us. The Framework Goals address a wide range of topics and form the foundation for the goals and policies contained in other elements of the Comprehensive Plan. Although all of the Framework Goals broadly apply to all Comprehensive Plan elements, some of the Framework Goals are more applicable to some elements than others. Each element identifies the Framework Goals that are particularly relevant to that element.

All Framework Goals are intended to be achievable. They are not prioritized to give importance to some goals over others. Tradeoffs among goals will be necessary as they are applied to particular circumstances; but over time, it is intended that an appropriate balance will be achieved.

FG-5: Protect and preserve environmentally sensitive areas environmental resources and reduce greenhouse gas emissions to ensure a healthy environment.

Discussion: ~~In addition to Lake Washington,~~ Kirkland contains a variety of natural features which, through a mixture of circumstance and conscious action, have been preserved or restored to their ~~in a~~ natural state. Features such as wetlands, streams and smaller lakes play an important role in maintaining water quality, preventing floods, and providing wildlife habitat. We take great pride in our efforts to restore Lake Washington and its shoreline to ensure high ecological function. These efforts support fish and wildlife through all or a portion of their life cycle. Vegetation preservation throughout the City, particularly on steep hillsides, helps provide soil stability and oxygen to our ecosystem and prevents erosion. Apart from their biological, hydrological, or geological functions, natural areas also make a significant contribution to Kirkland's unique identity. They provide visual linkages with the natural environment, accentuate natural topography, define neighborhood and district boundaries, and provide visual relief to the built environment.

Reducing greenhouse gas emissions into the atmosphere helps stabilize the climate. Maintaining clean air and water and reducing greenhouse gas emissions provide the community with a healthy environment. Efforts to maintain significant sensitive areas, natural features, the urban forest and vegetation, clean air and water through active community stewardship, and to curtail climate change as a result of global warming, are critical to our quality of life.

III. General

A. Plan Applicability and Consistency

The Comprehensive Plan serves as the guiding policy document to attain the City's vision of the future over the next 20 years or longer. This means that decisions and actions in the present are based on the adopted plan. One of the central tenets of the Growth Management Act is to require consistency in planning.

Consistency is determined in a number of ways. The following represent those areas where "consistency" must be achieved:

- ◆ The Comprehensive Plan must comply with the Growth Management Act.
- ◆ [The Plan must be consistent with the Shoreline Management Act \(adopted under the authority of Chapter 90.58.RCW and Chapter 173-26 WAC\).](#)
- ◆ The Plan is to be consistent with the regional plan – the multicounty planning policies adopted by the Puget Sound Regional Council.
- ◆ It must be consistent with the adopted Countywide Planning Policies as well as coordinated with the plans of adjacent jurisdictions.
- ◆ State agencies and local governments must comply with the Comprehensive Plan.
- ◆ The various elements of the Comprehensive Plan must be internally consistent.

The City's legislative and administrative actions and decisions must be in compliance with the adopted plan. To accomplish this a number of tasks need to be completed. The Implementation Measures noted in Chapter XIV list those steps. As the City updates the plan, some of its development regulations may need to be revised to be consistent with and to implement the plan. The Zoning Map needs to be updated to be consistent with and implement the Comprehensive Plan.

The City has used the Comprehensive Plan as the policy basis for decisions, particularly for determinations under the State Environmental Policy Act (SEPA). With this revised Comprehensive Plan adopted under the Growth Management Act, the City has strived to integrate SEPA into the zoning permit review process rather than having a separate environmental review process. The development regulations should provide clear and predictable guidance for issuing development permits and making SEPA determinations. However, where the regulations are not clear and/or discretion is to be exercised in making those development decisions, the Comprehensive Plan is to be used as the policy basis for those decisions.

The Comprehensive Plan will also be used to guide the City in developing its Capital Improvement Program and in the preparation or update of the various functional plans and programs.

~~The neighborhood plans will also require updating to comply with the Comprehensive Plan Elements. A number of neighborhood plans have recently been revised (for example, Totem Lake, North Rose Hill and NE 85th Street) while other neighborhood plans have not been amended since adoption of the 1977 Plan (for example, Market, Norkirk and Highlands). It is the intent of the City to phase these updates over time. The City updates neighborhoods plans on a cycle based on the age of the existing plan and the significance of land use changes in the neighborhood. In the interim, if there are conflicts or inconsistencies between the Comprehensive Plan Elements and a neighborhood plan, the Plan Element goals and policies will apply.~~

~~The Comprehensive Plan is intended to apply, where appropriate, to the Kirkland Planning Area which is also designated as the Potential Annexation Area (see Figure I-2). The City has worked with King County on their~~

~~Northshore Plan for this area and is in general agreement with that plan. However, updates to Kirkland's and King County's Comprehensive Plans, as well as the neighborhood plans for the Planning Area, will probably result in the need to amend the North shore Plan. At the time of annexation, the City will need to update the plans for Kingsgate, Juanita and Finn Hill.~~

~~***Policy GP-1.4: Acknowledge the King County Comprehensive Plan and the Northshore Community Plan as the plans currently governing Kirkland's Potential Annexation Area.***~~

~~While these plans have been adopted by King County, at some point in the future, the City intends to update the Neighborhood Plans for the City's Planning Area (unincorporated King County) and prepare an annexation strategy for timing, fiscal impacts and phasing in services. The City should work with King County to incorporate the goals and policies into the County's plans for this area. This will ensure that this area is consistent with the City's plan if and when it is annexed.~~

~~***Policy GP-1.54: Communicate Kirkland's land use policies and regulations to the King County Assessor's Office in order to ensure that assessment decisions do not conflict with land use decisions.***~~

As land use decisions are made, the City needs to coordinate with the Assessor's Office. This will ensure that they have the most accurate and up-to-date information regarding the City's land use.

IV. COMMUNITY CHARACTER

HISTORIC RESOURCES

Historic resources connect the community with the City's past providing a sense of continuity and permanence to an increasingly mobile society. Recognition and preservation of historic resources are essential to the long-term maintenance of the City's character. The key is the commitment of the community to the identification, maintenance, renovation, and reuse of buildings and sites important to our history. These resources may represent architectural styles or development patterns such as small lots typical of specific periods in the past. They may also represent places associated with notable historic persons or important events.

A significant number of the historic resources in Kirkland already have been identified and mapped. Neighborhoods that have been identified as having the most significant concentrations of historic resources are Market/Norkirk/Highlands and Moss Bay (Downtown and perimeter area). There also are scattered historic ~~properties~~ buildings, structures, sites and objects throughout other neighborhoods.

Historic resources enhance the experience of living in Kirkland. These unique historic and heritage resources of Kirkland should become a key element in the urban design of Downtown and older neighborhoods surrounding it, so that they will remain an integral part of the experience of living in Kirkland.

Goal CC-2: Preserve and enhance Kirkland's historic identity.

Policy CC-2.1: Preserve historic resources and ~~community~~ landmarks of recognized significance.

The preservation of resources that are unique to Kirkland or exemplify past development periods is important to Kirkland's identity and heritage. The City, the Kirkland Heritage Society, and Kirkland's citizens can utilize a variety of methods to preserve historic resources and ~~community~~ landmarks, including the following, which are listed in order of priority:

- ◆ Retain historic buildings by finding a compatible use that requires minimal alteration.
- ◆ Design new projects to sensitively incorporate the historic building on its original site, if the proposed development project encompasses an area larger than the site of the historic resource.
- ◆ Retain and repair the architectural features that distinguish a building as an historic resource.
- ◆ Restore architectural or landscape/streetscape features that have been destroyed.
- ◆ Move historic buildings to a location that will provide an environment similar to the original location.
- ◆ Provide for rehabilitation of another historic building elsewhere to replace a building that is demolished or has its historic features destroyed.
- ◆ Provide a record and interpretation of demolished or relocated structures by photographs, markers and other documentation.

Policy CC-2.2: Identify and prioritize historic ~~properties~~ buildings, structures, sites and objects for protection, enhancement, and recognition.

Although age is an important factor in determining a ~~building's, structure's, site's and object's~~ structure's historical significance (a minimum of 50 years for the National and State Register and 40 years for the King County and local City of Kirkland registers), other factors, such as the integrity of the building, architecture, location and relationship to notable persons or events of the past, also are important.

Table CC-1 identifies ~~the~~ Designated Historic Buildings, Structures, Sites and Objects Resources and Community Landmarks of in Kirkland.

The City of Kirkland recognizes ~~the historic~~ these properties buildings, structures, sites and objects on List A and List B in Table CC-1. All are designated Historic Community Landmarks by the City of Kirkland. The lists also contain "Landmarks", designated by the Kirkland Landmark Commission, and "Historic Landmarks", designated pursuant to KZC Chapter 75. Land use Development permits involving these ~~properties~~ buildings, structures, sites and objects are subject to environmental review under the City's local SEPA regulations and review pursuant to the Kirkland Zoning Code. In addition, "Landmarks" landmarks noted with a footnote (*) are subject to review by the Kirkland Landmark Commission pursuant to KMC Title 28. Finally, City of Kirkland "Historic Landmarks" noted with a footnote (¥) are subject to review by KZC Chapter 75. Also, any proposed changes to those historic properties under List A are subject to review under the National and State Registers' review process. In addition, any proposed changes to those historic properties noted with a footnote (*) are subject to review under the Kirkland Landmark Commission's review process. The Kirkland Landmark Commission is composed of members of the King County Landmark Commission and one Kirkland resident appointed by the Kirkland City Council.

Table CC-1

Designated Historic Buildings, Structures, Sites and Objects ~~Historic Resources and Community Landmarks~~

List A: Properties ~~Historic Buildings, Structures, Sites and Objects Recognized~~ Listed on the National and State Registers of Historic Places and Designated by the City of Kirkland ~~as Community and Historic Landmarks~~

Building or Site	Address	Architectural Style	Date Built	Person/Event	Neighborhood
Loomis House	304 8th Ave. W.	Queen Anne	1889	KL&IC	Market
Sears Building	701 Market St.	Italianate	1891	Sears, KL&IC	Market
Campbell Building	702 Market St.		1891	Brooks	Market
*Peter Kirk Building	620 Market St.	Romanesque Revival	1891	Kirk, KL&IC	Market
Trueblood House	127 7th Ave.	Italianate	1889	Trueblood	Norkirk

Kirkland Woman's Club	407 1st St.	Vernacular	1925	Founders 5	Norkirk
Marsh Mansion	6610 Lake Wash. Blvd.	French Eccl Revival	1929	Marsh	Lakeview
Kellett/Harris House	526 10th Ave. W.	Queen Anne	1889	Kellett	Market

List B: Properties-Historic Buildings, Structures, Sites and Objects Designated by the City of Kirkland as Community Landmarks

Building or Site	Address	Architectural Style	Date Built	Person/Event	Neighborhood
Newberry House	519 1st St.	Vernacular	1909	Newberry	Norkirk
Nettleton/Green Funeral	400 State St.	Colonial Revival	1914	Nettleton	Moss Bay
Kirkland Cannery	640 8th Ave.	Vernacular	1935	WPA Bldg	Norkirk
Landry House	8016 126th Ave. NE	Bungalow	1904		South Rose Hill
Tompkins/Bucklin House	202 5th Ave. W.	Vernacular	1889	Tompkins	Market
Burr House	508 8th Ave. W.	Bungalow/Prairie	1920	Burr	Market
Orton House (moved)	4120 Lake Wash. Blvd.	Georgian Revival	1903	Hospital	Lakeview
Shumway Mansion (moved)	11410 100th Ave. NE	Craftsman/Shingle	1909	Shumways	South Juanita
French House (moved)	4130 Lake Wash. Blvd.	Vernacular	1874	French	Lakeview
Snyder/Moody House	514 10th Ave. W.	Vernacular	1889	KL&IC	Market
McLaughlin House	400 7th Ave. W.		1889	KL&IC	Market
First Baptist Church/American Legion Hall	138 5th Ave.	Vernacular	1891/1934	Am Legion	Norkirk
Larson/Higgins House	424 8th Ave. W.		1889	KL&IC	Market
Hitter House	428 10th Ave. W.	Queen Anne	1889	KL&IC	Market

Cedarmere/Norman House	630 11th Ave. W.	Am Foursquare	1895		Market
Dorr Forbes House	11829 97th Ave. NE	Vernacular	1906	Forbes	South Juanita
Brooks Building	609 Market St.	Vernacular Comm	1904	Brooks	Market
Williams Building	101 Lake St. S.	Vernacular Comm	1930		Moss Bay
Webb Building	89 Kirkland Ave.	Vernacular Comm	1930		Moss Bay
5th Brick Building	720 1/2 Market St.	Vernacular Comm	1891		Market
Shumway Site	510 – 528 Lake St. S.	site only		Shumways	Lakeview
Lake WA Shipyards Site	Lake Wash. Blvd./Carillon Point	site only		Anderson/W W	Lakeview
Lake House Site	10127 NE 59th St.	site only		Hotel	Lakeview
*First Church of Christ Scientist (moved) a.k.a. Heritage Hall	203 Market St.	Neoclassical	1923	Best example of this style	Market
☹Malm House	12656 100th Ave. NE	Tudor Revival	1929		North Juanita
Sessions Funeral Home	302 1st St.	Classic Vernacular	1923		Norkirk
Houghton Church Bell (Object)	105 5th Ave. (Kirkland Congregational Church)	Pioneer/Religion	1881	Mrs. William S. Houghton	Norkirk
Captain Anderson Clock (Object)	NW corner of Lake St. and Kirkland Ave.	Transportation/Ferries	c. 1935	Captain Anderson	Moss Bay
Archway from Kirkland Junior High	109 Waverly Way (Heritage Park)	Collegiate Gothic	1932	WPA	Market
Langdon House and Homestead	10836 NE 116th St. (McAuliffe Park)	Residential Vernacular	1887	Harry Langdon	South Juanita
Ostberg Barn	10836 NE 116th St. (McAuliffe Park)	Barn	1905	Agriculture	South Juanita
Johnson Residence	10814 NE 116th St. (McAuliffe Park)	Vernacular influenced by Tudor Revival	1928	Agriculture	South Juanita

Footnotes:

- * The [City of Kirkland Landmark Commission](#) [has formally designated these buildings, structures, sites and objects as Landmarks pursuant to KMC Title 28](#)~~recognizes these properties as~~.
- ¥ [The City of Kirkland has formally designated these buildings, structures, sites and objects as Historic Landmarks pursuant to KZC Chapter 75.](#)
- [Note:](#) KL&LIC is the Kirkland Land Improvement Company.

The City recognizes its historic resources in the following priority:

- 1. [Properties-Buildings, structures, sites and objects, recognized listed](#) on the National and State Registers of Historic Places.
- 2. [Buildings, structures, sites and objects Properties](#)-recognized by the Kirkland Landmark Commission.
- 3. [Buildings, structures, sites and objects Properties](#) designated by the City as [Community Historic Landmarks](#).
- 4. [Buildings, structures, sites and objects Properties](#) designated by the City as [Historic Community Landmarks](#)~~providing historical context~~.
- 5. [Buildings, structures, sites and objects designated by the City as an historic resource, providing historical context.](#)
- The City should periodically update the lists of historic resources through a systematic process of designation.
- ***Policy CC-2.3: Provide encouragement, assistance and incentives to private owners for preservation, restoration, redevelopment, reuse, and recognition of significant historic [buildings, structures, sites and objects](#) ~~buildings and sites~~.***
- There are a number of activities that the City can do to provide encouragement and incentives for the owners of historic [buildings, structures, sites and objects](#) ~~buildings and sites~~, including:
 - ♦ Establish Zoning and Building Codes that encourage the continued preservation, enhancement, and recognition of significant historic resources;
 - ♦ Prepare and distribute a catalog of historic resources for use by property owners, developers and the public;
 - ♦ Maintain an interlocal agreement with King County that provides utilization of the County's expertise in administering historic preservation efforts and makes owners of Kirkland's historic [properties buildings, structures, sites and objects](#) eligible for County grants and loans;

- ◆ Establish a public/private partnership to provide an intervention fund to purchase, relocate, or provide for other necessary emergency actions needed to preserve priority [properties buildings, structures, sites and objects](#);
 - ◆ Encourage property owners to utilize government incentives available for historic [buildings, structures, sites and objects](#)~~properties~~;
 - ◆ Allow compatible uses in historic structures that may assist in their continued economic viability such as bed and breakfasts in larger residential structures.
- Policy CC-2.4: Buildings that are recognized as historic resources by the City should be considered when adjacent structures are being rebuilt or remodeled.***

 - Historic resources contribute to the character and quality of Kirkland. New and remodeled buildings should respect the scale and design features of adjacent historic resources.
- Policy CC-2.5: Encourage the use of visual and oral records to identify and interpret the history of the City of Kirkland.***

 - This can be done in various ways, including articles in Citywide publications, a museum to preserve and display documents and artifacts, and archives to maintain resources, including oral history and photographs, for the public.
 - The City's system of historic signage, which includes plaques to interpret significant [properties buildings, structures, sites and objects](#)~~and individual structures~~, should be expanded. While historic street signs have been hung along with existing street signs, interpretive markers could be placed along public streets and pedestrian-bike paths to explain the City's history.
 - All these methods can be used to inform Kirkland's citizens about the City's history and to support the preservation of Kirkland's historic identity.

V. Natural Environment Element

A. Introduction

As an urban community with a considerable legacy of environmental resources, Kirkland continues its long standing effort to balance multiple concerns. The City's natural resources include nine drainage basins - some with salmonid-bearing streams, several large wetlands, two minor lakes, and extensive shoreline on Lake Washington (see Figure NE-1). Large portions of the City contain steep slopes and mature vegetation (see Figures NE-2, NE-3, and NE-4). Future growth will generally be infill within Kirkland's well-established, compact land use pattern (see Figure NE-5). Because many of the remaining sites are small and constrained by environmentally sensitive or hazardous areas, Kirkland's challenge for the future will be to accommodate infill growth while protecting and enhancing natural systems on public and private lands.

MANAGING THE NATURAL ENVIRONMENT

Goal NE-1: Protect natural systems and features from the potentially negative impacts of human activities, including, but not limited to, land development.

Policy NE-1.1: Use a system-wide approach to effectively manage environmental resources. Coordinate land use planning and management of natural systems with affected State, regional, and local agencies as well as affected federally recognized tribes.

Environmental resources – such as streams, soils, and trees – are not isolated features, but rather components of ecosystems that go beyond a development site and, indeed, beyond our City boundaries. Therefore, a system-wide approach is necessary for effective management of environmental resources. Also, recognition of the interdependence of one type of natural system upon another is essential. [An example of this is the relationship between the shoreline and Lake Washington.](#) For this reason, a comprehensive approach to the management of natural resources is most effective.

Responsibility for management of these ecosystems falls to many agencies at many levels of government, including King County, State resource agencies, and watershed planning bodies. Kirkland and its planning area lie within the Usual and Accustomed Treaty Area of the Muckleshoot Indian Tribe. Joint coordination and planning with all affected agencies is appropriate to ensure consistent actions among the jurisdictions sharing an ecosystem.

Goal NE-2: Manage the natural and built environments to achieve no net loss of the functions and values of each drainage basin; and, where possible, to enhance and restore functions, values, and features. Retain lakes, ponds, wetlands, and streams and their corridors substantially in their natural condition.

Policy NE-2.6: Regulate development of land along the shoreline of Lake Washington to:

- ◆ ~~Preserve natural systems and maintain and improve the resources and ecology/ecological functions of the water and shorelines;~~
- ◆ ~~Avoid natural hazards;~~
- ◆ ~~Promote visual and physical access to the water;~~
- Provide recreational opportunities
- ◆ ~~Preserve navigation rights; and~~
- ◆ ~~Minimize the creation of and reduce existing armored shorelines, and overwater and in water structures ~~over~~ explore incentives and opportunities to restore natural shoreline features and habitat.~~

The Lake Washington shoreline plays a vital role in the ecology of our watershed (which includes land that drains into Lake Washington, the Cedar River, and Lake Sammamish). All species of anadromous salmonids in our watershed migrate through and rear in Lake Washington. The decline of salmonid populations in Lake Washington has been linked to the following factors: ~~loss of native shoreline vegetation~~ modification and removal, shoreline armoring, overwater and in water structures, storm water runoff and introduction of pollutants. ~~Establishing regulations that avoid, minimize and mitigate impacts to the shoreline and restore degraded ecological functions~~ altered hydrology, invasive exotic plants, poor water quality, and poor sediment quality. Finding and acting on opportunities to restore properly functioning shoreline conditions where possible will substantially aid salmon recovery efforts in our watershed.

Kirkland's Shoreline Master Program (SMP), was adopted pursuant to the Washington State Shoreline Management Act of 1971. ~~It~~ designates all parcels within 200 feet of along Lake Washington and associated wetlands as shoreline environments. The SMP goals and policies are contained in the Shoreline Area Chapter of the Comprehensive Plan. The detailed ~~Detailed~~ regulations in the Kirkland's SMP Zoning Code implement ~~this~~ these policy policies. Pursuant to Washington State requirements, the 2010 update of the Kirkland's Shoreline Master Program reflects current best management practices. ~~will be updated by December 1, 2010.~~ The Shoreline Restoration Plan, a component of ~~supplements~~ the SMP. ~~It~~ identifies and prioritizes public restoration projects that ~~which~~ are in the Parks Capital Improvement Program. In addition, it lists other public actions and programs and private restoration projects that should be undertaken over a 20 year period in the future.

AIR**Goal NE-5: Improve air quality and reduce Kirkland's contribution to climate change.**

The surrounding air, both outdoors, and indoors, has the potential to affect human health. It is important to maintain the quality of outdoor air since all life forms depend on it, and the quality of indoor air is dependent on that of the outdoors. Although all Washington counties currently meet federal health standards for air pollution, it is necessary to remain vigilant. Air pollution that includes greenhouse gases also contributes to climate change or global warming.

The largest source of air pollution in Kirkland is motor vehicle use. Kirkland should continue to adopt and promote smart transportation and land use choices as part of a strategy to reduce air pollution and slow climate change. The Kirkland community also contributes to air pollution and greenhouse gas emissions through energy consumption and landfilled waste, among other things.

A comprehensive approach, including transportation and land use strategies, waste reduction, urban forest preservation, protection, and enhancement, purchasing decisions, and public outreach, is necessary to reduce Kirkland's contribution to air pollution and climate change.

Policy NE-5.1: Continue and enhance current actions to improve air quality and reduce greenhouse gas emissions.

The City pursues several actions to help reduce vehicle emissions to improve regional air quality and address climate change. First, great care has been taken to provide a pedestrian friendly environment in Kirkland. In 1995, adoption of the Non-Motorized Transportation Plan ([now referred to as the Active Transportation Plan](#)), provided additional guidance for a systematic enhancement of a network of pedestrian and bicycle facilities linking important destinations both inside and outside the City. Second, Kirkland works to implement the State Commute Trip Reduction Law through a transportation management program. The program includes providing incentives to City employees to walk, bike, use transit, and rideshare to work, and the City coordinates with regional agencies to assist Kirkland employers in meeting their Single Occupancy Vehicle (SOV) trip reduction and vehicle miles traveled (VMT) targets. Third, many City vehicles utilize an alternative fuel to reduce pollution and boost fuel efficiency. [Fourth, the City implements the Electric Vehicle Infrastructure \(EVI\) Act \(RCW 43.31.970\) through its development regulations and installation provisions. The regulations allow EVI to be located in all appropriate locations in the City and to consider incentive programs, to encourage the retrofitting of existing structures with EVI.](#) In addition, for the many important functions trees serve, including improving air quality, the City supports street tree planting throughout the city and retention of existing trees on private property. Too, Kirkland is at the forefront in the area of waste reduction. The City is focusing on environmental outreach and development of new programs to reduce waste through reduction and recycling in both the residential and business communities. Finally, the City strives to purchase energy efficient and renewable technology products and services whenever feasible.

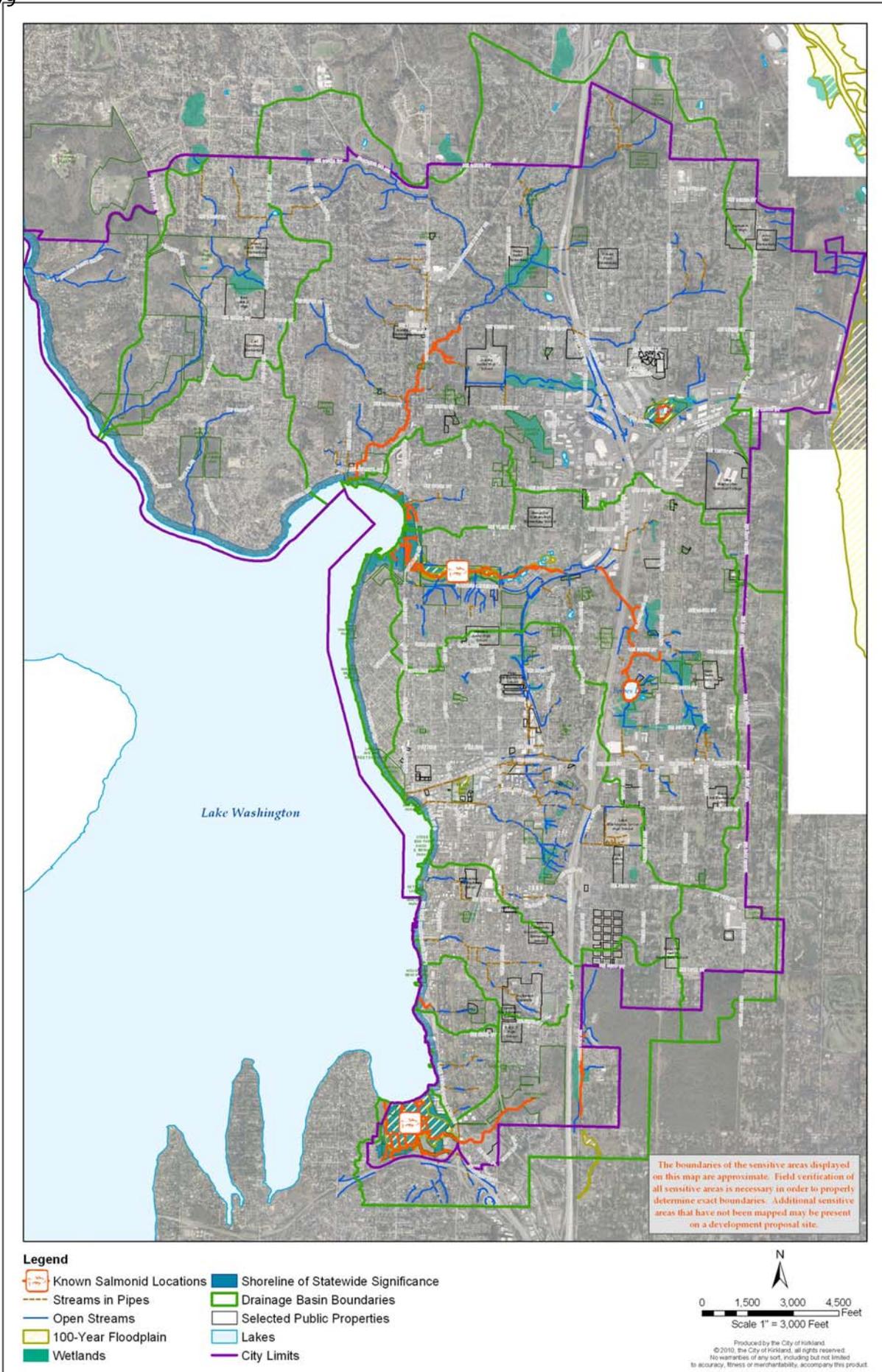


Figure NE-1: Sensitive Areas

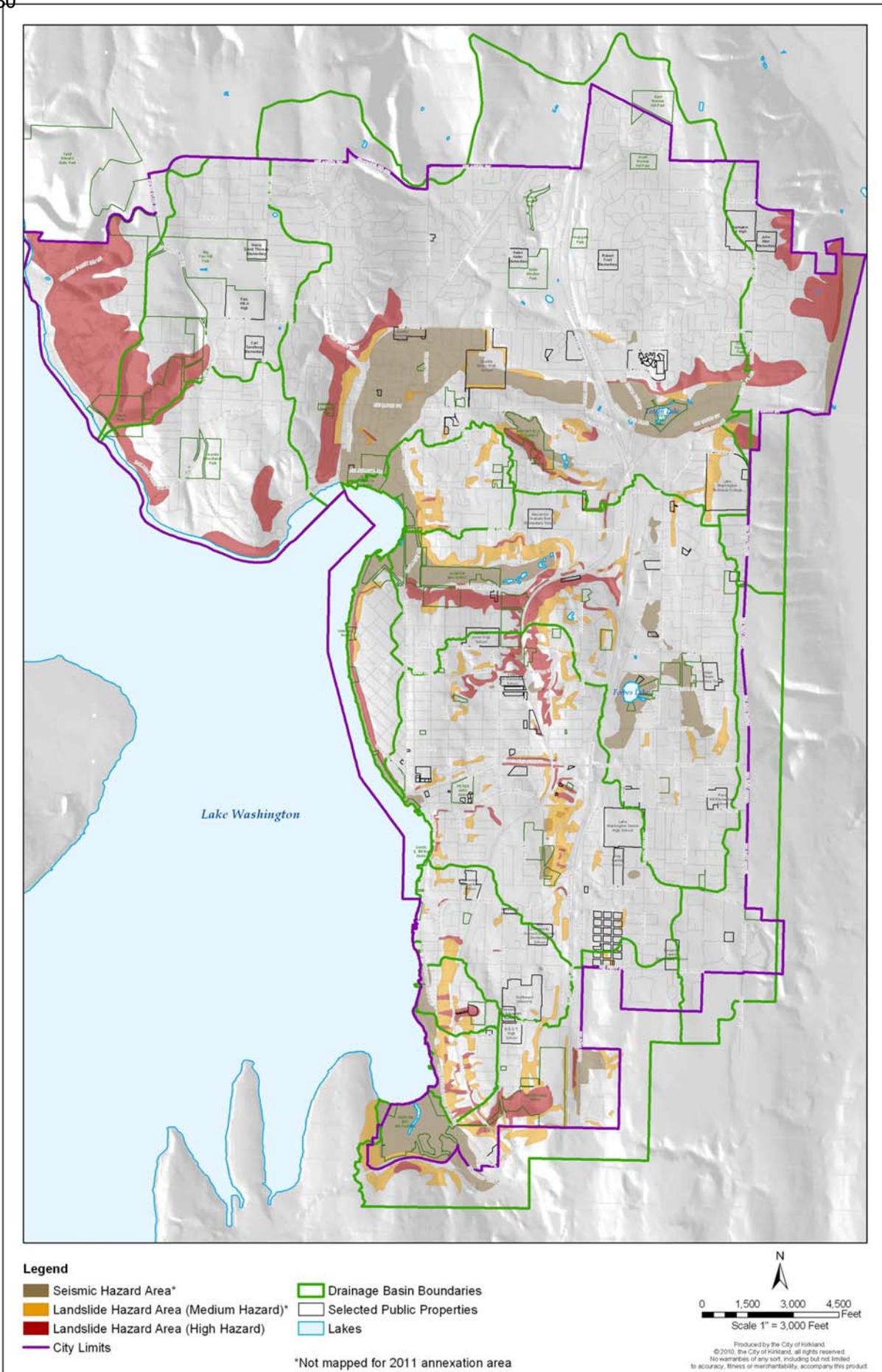


Figure NE-2: Landslide and Seismic Hazard Areas

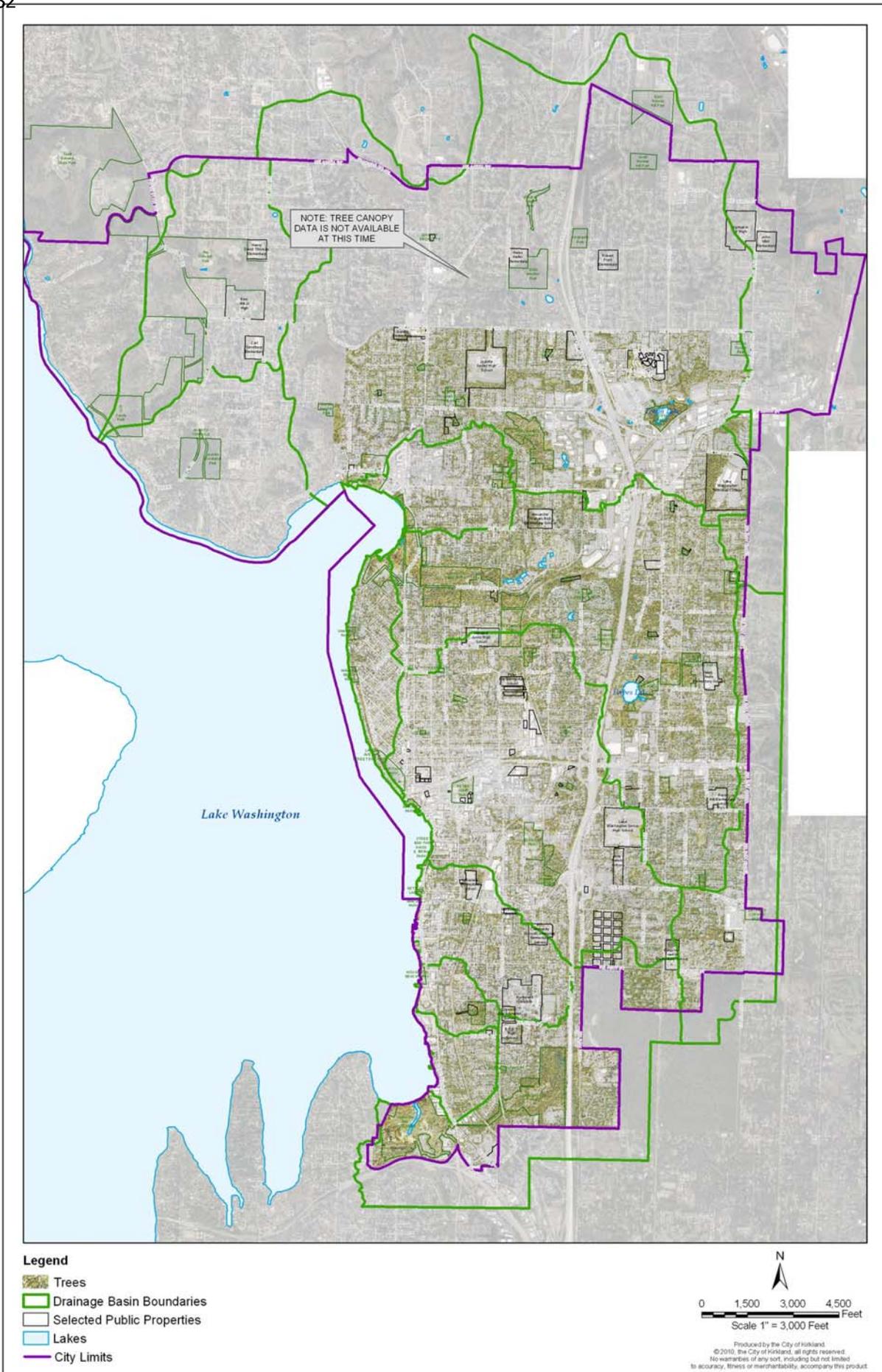


Figure NE-4: Tree Canopy

VI. Land Use

A. INTRODUCTION

Between 2003 and 2022, the City will grow by nearly 9,697 new residents and 8,800 jobs¹, resulting in increased needs for housing, commercial floorspace, and public services. Under the Growth Management Act, planning policies seek to direct growth to existing and emerging urban areas within the metropolitan region. The King County Growth Management Planning Council has determined that Kirkland must plan to accommodate 5,480 new households and 8,800 new jobs over the next 20 years. These increases in households and jobs are referred to as “growth targets.” The term “households” refers to occupied units.

¹ [Land use data do not include 2011 annexation](#)

C. LAND USE MAP AND DEFINITIONS

Greenbelt/Urban Separator - areas planned for permanent low density residential within the Urban Growth Area that protect adjacent resource land, environmentally sensitive areas, or rural areas, and create open space corridors within and between the urban areas which provide environmental, visual, recreational and wildlife benefits. The King County Countywide Planning Policies have designated the RSA 1 zone as an urban separator.

**Table LU-3
Residential Densities and Comparable Zones**

General Residential Densities	Residential Densities as Specified in Comprehensive Plan in Units per Net Acres (d/a)	Comparable Zoning Classification
<u>GREENBELT/URBAN SEPARATOR</u>	<u>Up to 1 d/a</u>	<u>RSA - 1</u>
LOW DENSITY	Up to 1 d/a	RS – 35,000, <u>RSX – 35,000</u>
	Up to 3 d/a	RS – 12,500, <u>RSX - 12,500</u>
	4 – 5 d/a	RS – 8,500, <u>RSX - 8,500</u> , RS – 7,200, RSX - 7,200 <u>, RSA - 4</u>
	6 d/a	RS – 7,200, <u>RSX - 7,200</u> , <u>RSA – 6</u>
	7 d/a	RS – 6,300
	8 – 9 d/a	RS – 5,000, <u>RSX 5,000</u> , <u>RSA - 8</u>
MEDIUM DENSITY	8 – 9 d/a	RM – 5,000, <u>RMA - 5,000</u>
	10 – 14 d/a	RM – 3,600, <u>RMA - 3,600</u>
HIGH DENSITY	15 – 18 d/a	RM – 2,400, <u>RMA - 2,400</u>
	19 – 24 d/a	RM – 1,800, <u>RMA - 1,800</u>

Higher unit per acre counts may occur within each classification if developed under the City’s PUD, innovative or affordable housing programs.

Table LU-4
Comparison of Growth Targets and Available Capacity

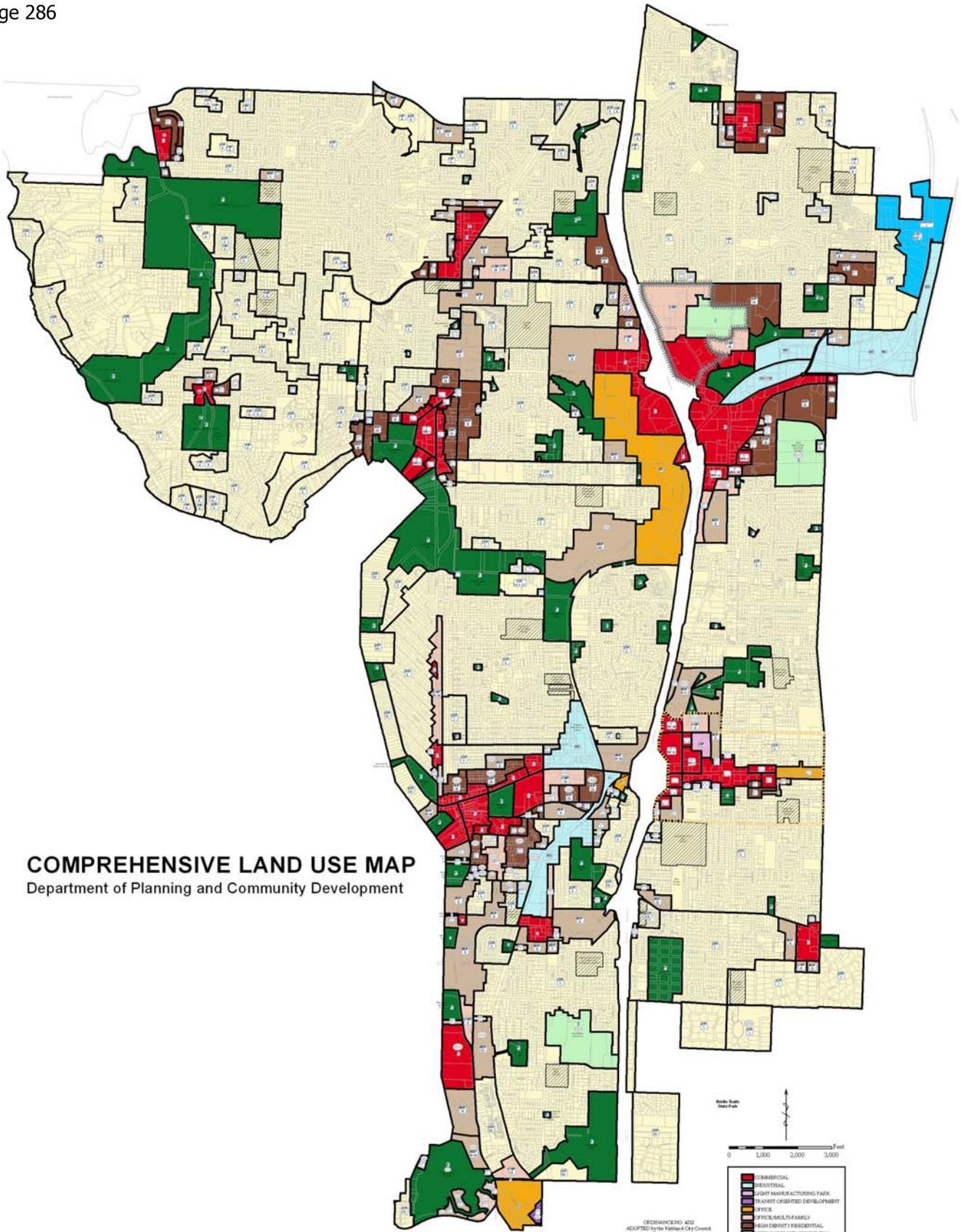
	2000 Existing¹	2022 Growth Targets²	Available Capacity³
Housing Units	21,831	27,311 (at 5,480 new households)	28,000
Employment	32,384	41,184 (at 8,800 new jobs)	58,400

Sources:

1. 2000 housing units: Office of Financial Management (OFM)

2000 employment: City estimate based on existing nonresidential floor area and information about the typical number of employees/amount of floor area for different types of nonresidential uses. By comparison, the PSRC estimated 2000 employment was 38,828. Examination of PSRC records found errors suggesting this was a significant overestimate.

2. Targets for household and employment growth between 2000 and 2022 were assigned by the King County Countywide Planning Policies. Targeted growth was added to the 2000 totals to establish the 2022 totals. [Targets do not include the annexations of Bridleview \(2009\) or Finn Hill, North Juanita, and Kingsgate \(2011\).](#)
3. City estimates.



COMPREHENSIVE LAND USE MAP
 Department of Planning and Community Development

ORDINANCE NO. 4622
 ADOPTED by the Parkland City Council
 October 26, 2009

LAND USE CODES

- C - COMMERCIAL
- IND - INDUSTRIAL
- LMF - LIGHT MANUFACTURING PARK
- TOC - TRANSPORT ORIENTED DEVELOPMENT
- O - OFFICE
- OMF - OFFICE/MULTI-FAMILY
- HRH - HIGH DENSITY RESIDENTIAL
- HRM - MEDIUM DENSITY RESIDENTIAL
- LRH - LOW DENSITY RESIDENTIAL
- L - UNDEVELOPED
- P - PARK/OPEN SPACE
- BP - BOWLING PARK
- RH - ROSEHILL BOWLING DISTRICT
- HRH - ROSEHILL BOWLING DISTRICT
- BD - JUANITA BUSH-DESS DISTRICT

[Symbol] COMMERCIAL
 [Symbol] INDUSTRIAL
 [Symbol] LIGHT MANUFACTURING PARK
 [Symbol] TRANSPORT ORIENTED DEVELOPMENT
 [Symbol] OFFICE
 [Symbol] OFFICE/MULTI-FAMILY
 [Symbol] HIGH DENSITY RESIDENTIAL
 [Symbol] MEDIUM DENSITY RESIDENTIAL
 [Symbol] LOW DENSITY RESIDENTIAL
 [Symbol] UNDEVELOPED
 [Symbol] PARK/OPEN SPACE
 [Symbol] LAND USE BOUNDARIES
 [Symbol] BOWLING BOUNDARIES
 [Symbol] BOWLING FACILITY
 [Symbol] PUBLIC FACILITY
 [Symbol] PARK BOUNDARIES
 [Symbol] PLANNED AREA BOUNDARIES
 [Symbol] LAND USE CODE
 [Symbol] DENSITY (UNITS/ACRE)
 [Symbol] AREAS HAVING AN ADJACENT UNIVERSITY DISTRICT
 [Symbol] BOUNDARY OF COMMERCIAL USE DISTRICT

Scale: 1" = 1000'

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LU-1 Comprehensive Land Use Map

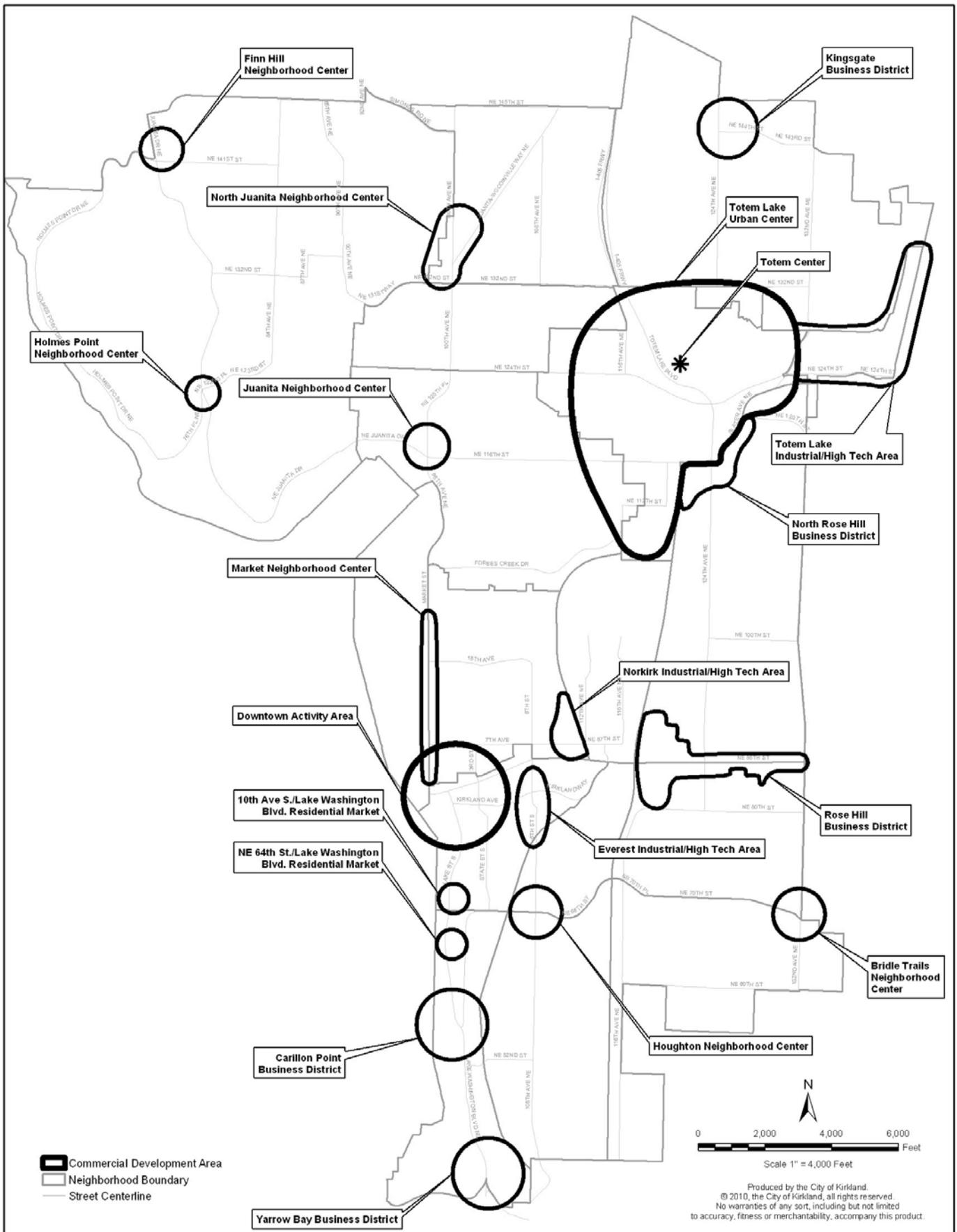


Figure LU-2: Commercial Areas

VII. Housing

A. Introduction

Kirkland is a largely residential community, as housing remains the City's predominant land use. About 64 percent of the City's land area is devoted to residential uses. In the early 1990s, about half of the housing in Kirkland was single-family homes. That has dropped to just 45 percent of the City's housing over the past 10 years¹. We have also seen an increase in mixed-use developments that combine housing with other uses, such as office and retail. The City has a wide variety of other housing styles including zero lot line, townhomes, multifamily flats, and accessory dwelling units (also known as mother-in-law apartments). Neighborhoods are well established and are one of the City's most desirable assets. Numerous neighborhood associations and homeowners' associations contribute to the livability of the community.

¹ [Housing data does not include the 2011 annexation of Finn Hill, North Juanita, and Kingsgate](#)

VIII. Economic Development

A. Introduction

Kirkland was founded by Peter Kirk, an entrepreneur who envisioned Kirkland as the “Pittsburgh of the West.” Instead, Kirkland commerce evolved from a ship building center in the 1940s to a suburb of Seattle throughout the 1960s and 1970s.

Today, Kirkland contains a balance of jobs and housing and is interrelated to other Eastside cities and the Puget Sound region. In 2000, Kirkland contained 22,100 housing units and 32,384 jobs. The median household income in 2000 was \$60,332, compared to \$53,157 throughout King County. It is estimated that Kirkland’s average wage rate is slightly higher than King County’s figure which, in 2002, was \$25,300 per worker per year¹.

¹ [Economic data does not include the 2011 annexation of Finn Hill, North Juanita, and Kingsgate](#)

IX. Transportation

A. INTRODUCTION

PROBLEM STATEMENT

In the past, roads have been developed predominantly with vehicles in mind; however, the role of roads in influencing community character has become clear over the years. All new major construction may include sidewalks, planter strips and bicycle lanes, consistent with the [NonmotorizedActive](#) Transportation Plan. Kirkland's neighborhoods have been reluctant to accept major roads or road improvements. Finding the balance between accommodating increased traffic demand and preserving community character will not be easy, and there will be potentially adverse impacts on all segments of the community. Our challenge is to provide a transportation system which will both enhance surrounding neighborhoods and provide effective mobility for people, goods, and services through multiple modes.

RELATIONSHIP TO OTHER ELEMENTS

The Transportation Element is an integral part of the Comprehensive Plan. The Element provides for the mobility of people, goods, and services in a way that supports the goals and policies of other elements. The Transportation Element provides for the transportation system necessary to support the land use (commercial and residential) pattern described in the Land Use and Housing Elements. Specific transportation goals and policies work to maintain and preserve the community's character and natural features presented in the Community Character and Natural Environment Elements [and the Shoreline Area Chapter](#), while providing for mobility. The Transportation Element strives to support important aspects of the Economic Development Element by enabling goods, services, customers, and employees access to Kirkland businesses. Finally, transportation policies in this Element provide the foundation for the transportation projects identified in the Six-Year Capital Facilities Plan in the Capital Facilities Element.

C. TRANSPORTATION GOALS AND POLICIES

LINKING TRANSPORTATION AND LAND USE

Goal T-2: Develop a system of pedestrian and bicycle routes that forms an interconnected network between local and regional destinations.

Policy T-2.5: Maintain a detailed Nonmotorized Active Transportation Plan (NMATP).

The NMTP-ATP is a functional plan that provides a detailed examination of the existing pedestrian, bicycle, and equestrian systems, criteria for prioritizing improvement, and suggested improvements. The NMTP-ATP designates specific City rights-of-way and corridors for improved pedestrian, bicycle and equestrian circulation, and sets design standards for nonmotorized facilities.

The Transportation Element lays the fundamental policy basis for the NMTPATP.

The current NMTP-ATP is consistent with the general policy direction of the Transportation Element. The NMTP-ATP will need to be updated regularly to incorporate new and revised standards for facilities and to reprioritize routes to be built.

MAINTAINING MOBILITY

Goal T-5: Establish level of service standards that encourage development of a multimodal transportation system.

Policy T-5.3: Utilize the peak-hour vehicular level of service standards shown in Table T-2 – a two-part standard for the transportation subareas and for individual system intersections.

This policy establishes a peak-hour level of service (LOS) standard for vehicular traffic based on 2022 land use and road network. It is a two-part standard, based on the ratio of traffic volume to intersection capacity (V/C) for signalized system intersections. Volume to capacity ratios were determined using the planning method from *Transportation Research Circular 212*.

The LOS standards were calculated through the use of a computerized transportation model shared with Bellevue and Redmond, called the BKR model. The standards are the outcome of land use and transportation network choices which were entered into the model.

In particular, a network of capacity projects was chosen that could be funded by levels of spending that are consistent with the amount spent on transportation capacity projects in recent years. The network also consists of projects that are in keeping with the community values found elsewhere in this Comprehensive Plan. It is the intention of this plan that intersection performance will be kept as high as possible, preferably with V/C ratios under 1.30. However, forecasts show that this may not be attainable so the maximum intersection V/C ratio is set at 1.40.

Table T-2 is designed to provide standards for the maximum allowed subarea average V/C ratio for the next few years. To pass the road concurrency test, new development may not exceed the maximum allowable subarea average V/C ratio for system intersections (see Table T-3 below) six years into the future starting from the date of making a concurrency application. The first row of Table T-2 (italicized) indicates the year that a proposed development is submitted for a road concurrency test. The second row indicates the six-year horizon that a new development's traffic impacts are assessed. Each set of standards in the column below the application year and the horizon year is based on a LOS forecast for six years in the future. Forecasts are derived by linear interpolation between forecasts for 2004 and 2022 and include forecasted impacts of development that have been approved but not yet built.

Example of how to use Table T-2: A development is seeking concurrency approval during 20052012. What is the set of standards for subarea average V/C that the development must not exceed? Since the project is seeking approval in 20052012, the second column of numbers is used. This set of standards (southwest subarea standard of 0.890.90, northwest subarea standard of 0.890.90, etc.) corresponds to a forecast horizon year of 20102017. The development's traffic impacts may not cause the level of service at the signalized system intersections to exceed these standards.

In addition, the LOS methodology requires both standards (subarea average V/C and V/C not to exceed 1.40) to be satisfied. Traffic from a new development may not cause the average V/C of system signalized intersections in a subarea to operate at an LOS lower than the average and may not cause any system signalized intersection to exceed a V/C ratio of 1.40 as shown in Table T-2.

The capacity (C) of a signalized intersection is determined by a wide variety of factors, including signal phasing, number of lanes and traffic mix. It is a measure of the maximum number of vehicles that can go through the intersection in a set period of time. The volume (V) is the sum of "critical" volumes that indicate maximum demand at the intersection. The volume to capacity ratio (V/C) is the volume divided by the capacity. For the purpose of the plan, V/C is calculated for the PM peak hour.

A V/C of less than 1.0 means that the volume at the intersection is less than the capacity. If the V/C is equal to 1.0, the intersection's volume and capacity are equal. When the V/C is greater than 1.0, volume has exceeded capacity. As the V/C increases, the congestion at the intersection increases and the level of service gets worse.

Underlying the standards is the concept that the system is not considered failing if the peak-hour is congested. Use of the peak-hour for measuring level of service is standard in the region. This "worst case" measure implies that traffic will flow better during the rest of the day. Although very high, the V/C ratios in the standard are acceptable because there is a limited amount of funding available to improve the situation, and it is not possible to build our way out of congestion even if funds were unlimited. Road widening has quality-of-life impacts that many in the community find unacceptable.

The standards are based on congestion becoming worse in the future. This reflects the proposed network and funding, and an increase in trips. The need to move to alternative modes becomes all the more clear when we can see the peak-hour vehicular level of service forecasted for the future.

DESIGN OF TRANSPORTATION FACILITIES

Goal T-6: Design transportation facilities that reflect neighborhood character.

Policy T-6.6: Identify, evaluate, and minimize or mitigate the negative environmental impacts of transportation facilities and services whenever feasible.

When planning transportation facilities, both public and private, the environmental impacts of the facility need to be evaluated and minimized, and appropriate mitigation included. Environmental impacts of transportation facilities and services can include [shoreline](#), wetland and stream encroachment, vegetation removal, air quality deterioration, noise pollution, and landform changes.

COORDINATION

Kirkland's transportation system is not isolated but is integrally connected with a system of federal, State, and County transportation systems and the systems of adjacent jurisdictions. Consequently, transportation planning requires careful interjurisdictional coordination.

The Growth Management Act requires close coordination among local, regional, and State plans and programs. This requirement assumes that each jurisdiction is part of a larger whole and that the actions of one affect and are affected by the actions of other jurisdictions, particularly in the area of transportation planning.

Goal T-8: Actively work to identify, review, and resolve interjurisdictional transportation concerns affecting Kirkland.

Policy T-8.6: Strive to meet federal and State air quality standards.

Kirkland is part of the central Puget Sound region which is a federally designated non-attainment area. In order to comply with the Washington State Clean Air Conformity Act, the federal Clean Air Act, and to be consistent with the Growth Management Act ~~and~~, Metropolitan Transportation Plan, [and Electric Vehicle Infrastructure Act](#), the City must commit to strategies to reduce pollutants. As described previously in this Element, the City is committed to creating a balanced multimodal transportation system [and decreased dependence on fossil fuel](#). The emphasis on increasing travel options and reducing single-occupant vehicle use is the City's primary strategy for complying with air quality legislation. [Additionally, encouraging electric vehicle use helps maintain air quality.](#) The City will also coordinate with the Puget Sound Air Pollution Control Agency as needed to address air quality issues

FINANCE

Section D of this chapter contains a list and map of transportation projects that have been identified for the 20-year planning period. The Capital Facilities Element includes the six-year program of improvements with identified funding sources. Each year the six-year program will be reassessed with regard to funding commitments, project feasibility, and relationship to the implementation of the Comprehensive Plan. The Capital Facilities Element also includes a list of projects over a ~~12-10~~ year period in time [as noted in the combined Tables CF-8 and CF-8A](#).

D. TRANSPORTATION FACILITY PLAN

Tables CF-8, CF-8A and CF-9, located in the Capital Facilities Plan, and Table T-5 and Figures T-2, T-3, T-6 and T-7 in this Element are interrelated. Together they comprise the overall transportation system and network for the City. Table CF-8 is a list of funded six-year transportation projects along with a financing plan; ~~Table CF-8A, combined with Table CF-8, is provides~~ a multi-year financing plan for transportation projects ~~through 2020 projecting beyond the adopted six-year Capital Facilities Plan, and~~ Table CF-9 is a list of all 2022 transportation projects. ~~Table CF-9 and~~ is divided into three sections: (1) Nonmotorized; (2) Street Improvements; and (3) Traffic Improvements (which includes transit projects). Projects are grouped under these broad categories for ease of reference.

Table T-5
Project Descriptions for the 2022 Transportation Project List ~~(Funded – Unfunded)~~

Nonmotorized Improvements

NM20-1 Sidewalk

Location: NE 100th Street from 116th Avenue NE to approximately 114th Avenue NE

Description: Installation of curb, gutter, sidewalk and storm drainage along the north side. ~~Funded~~ Partially funded CIP project NM 0034-001; schedule for completion is dependent on grant funding.

NM20-2 ~~Nonmotorized~~ Non-motorized Facilities

Location: 116th Avenue NE (south section) (NE 60th Street to south City limits)

Description: Widen road to provide a paved five-foot bicycle lane north and southbound. Install pedestrian/equestrian trail along the east side of road. This trail will be separated from the roadway where possible. Partially funded CIP project NM 0001; schedule completion is dependent on grant funding.

NM20-3 Sidewalk

Location: 13th Avenue, Van Aalst Park to 3rd Street

Description: Install sidewalk and planter strip along the south side of 13th Avenue. ~~Funded~~ Candidate CIP project NM 0054, included as a part of annual ~~nonmotorized~~ non-motorized program NM 8888 ~~scheduled for completion by 2014~~.

NM20-4 Pedestrian/Bicycle Facility

Location: 18th Avenue at Crestwoods Park/NE 100th Street, from 6th Street to 111th Avenue NE across BNR right-of-way

Description: Installation of paved path and overpass along the described corridor. Unfunded CIP project NM 0031.

NM20-5 Sidewalk

Location: 93rd Avenue NE from Juanita Drive to NE 124th Street

Description: Installation of curb, gutter, sidewalk and planter strip along the east side. ~~Unfunded~~ Candidate CIP project NM 0032, included as a part of annual ~~nonmotorized~~ non-motorized program NM 8888 ~~scheduled for completion by 2014~~.

NM20-6 Sidewalk**Location:** NE 52nd Street between approximately Lake Washington Boulevard and 108th Avenue NE**Description:** Install curb, gutter and sidewalk along the north side of the street. Improve storm drainage along project alignment. Unfunded CIP project NM 0007.**NM20-7** ~~Nonmotorized~~Non-motorized Facilities**Location:** Burlington Northern Santa Fe Railroad right-of-way, between south and north City limits (AKA "Cross Kirkland Trail")**Description:** 10- to 12-foot-wide two-way bike/pedestrian multi-purpose asphalt trail. Unfunded CIP project NM 0024.**NM20-8** Sidewalk**Location:** 122nd Avenue NE, between NE 70th Street and NE ~~80th~~75th Street**Description:** Install curb, gutter and sidewalk along the east side between NE 70th Street and NE 75th Street, and along the west side between NE 75th Street and NE 80th Street. ~~Funded~~Candidate CIP project NM 0055; included as a part of annual ~~nonmotorized~~non-motorized program NM 8888-~~scheduled for completion by 2014.~~**NM20-9** ~~Sidewalk~~Walk Route Enhancements**Location:** ~~116th Avenue NE from NE 94th Street to NE 100th Street~~104th Ave NE/NE 68th St (Lakeview School Walk Route)**Description:** ~~Install curb, gutter, sidewalk and storm drain along east side. Funded CIP project NM 0044, scheduled for completion in 2010.~~Install approximately 355 lineal feet of curb, gutter, sidewalk and planter strip along north side of NE 67th Street and west side of 104th Ave NE. Upgrade ADA ramps at NE 67th Street/103rd Ave NE, NE 68th Street/104th Ave NE and mid-block crosswalk on NE 68th Street at Lakeview Elementary. Install RRFB pedestrian activated lighted crosswalk at mid-block crosswalk. The project will complete critical non-motorized facilities to safely get students to and from Lakeview Elementary School; a 2010 Safe Routes to School Grant Application has been submitted for this project. Unfunded CIP project NM 0068.**NM20-10** Bike Lane**Location:** NE 100th Street, Slater Avenue NE to 132nd Avenue NE**Description:** Provide markings, minor widening and other improvements to create a bicycle connection from the 100th Street overpass to 132nd Avenue NE. ~~Funded~~Candidate CIP project NM 0036, included as a part of annual ~~nonmotorized~~non-motorized program NM 8888-~~scheduled for completion by 2014.~~

NM20-11 Sidewalk

Location: NE 95th Street from 112th Avenue NE to 116th Avenue NE

Description: Install curb, gutter, sidewalk and storm drain along north side. Unfunded CIP project NM 0045.

NM20-12 Sidewalk

Location: 18th Avenue West from Market Street to Rose Point Lane

Description: Install curb, gutter, sidewalk and storm drain along roadway. FundedCandidate CIP project NM 0046, included as a part of annual ~~nonmotorized~~non-motorized program NM 8888 ~~scheduled for completion by 2014.~~

NM20-13 Sidewalk

Location: 116th Avenue NE from NE 70th Street to NE 75th Street

Description: Installation of curb, gutter, sidewalk and storm drainage along east side of roadway. Unfunded CIP project NM 0047.

NM20-14 Sidewalk

Location: 130th Avenue NE, NE 95th Street to NE 100th Street

Description: Installation of curb, gutter, sidewalk and storm drainage along west side of roadway. Unfunded CIP project NM 0037.

NM20-15 Pedestrian/Bicycle Bridge

Location: NE 90th Street, 116th Avenue NE to Slater Avenue; across I-405

Description: Pedestrian/bicycle bridge approximately 10 feet wide, with approaches on each end. Unfunded CIP project NM 0030.

NM20-16A Sidewalk

Location: NE 90th Street, 124th Avenue NE to 128th Avenue NE (Phase I)

Description: Installation of curb, gutter and sidewalk along the north side. Unfunded CIP project NM 0056.

NM20-16B Sidewalk

Location: NE 90th Street, 120th Avenue NE to 124th Avenue NE, and 128th Avenue NE to 132nd Avenue NE (Phase II)

Description: Installation of curb, gutter and sidewalk along the north side. Unfunded CIP project NM 0026.

NM20-17 Pathway/Sidewalk

Location: NE 60th Street from 116th Avenue NE to 132nd Avenue NE

Description: Half-street improvements along the north side to include pathway/sidewalk, curb and gutter (where appropriate), storm drainage/conveyance (natural and/or piped) and minor widening; accommodations for equestrians will be reviewed during the design. Unfunded CIP project NM 0048.

NM20-18 Pedestrian Facility

Location: Forbes Creek Drive from Crestwoods Park to Juanita Bay Park

Description: Installation of curb, gutter and sidewalk along the north side of Forbes Creek Drive from approximately 108th Avenue NE to approximately Market Street. Unfunded CIP project NM 0041.

NM20-19 Pedestrian/Bicycle Facility

Location: NE 126th Street/Totem Lake Way from 120th Avenue NE to 132nd Place NE

Description: Installation of paved multi-purpose path and storm drainage along corridor. ~~Funded~~[Candidate](#) CIP project NM 0043, included as a part of annual ~~nonmotorized~~[non-motorized](#) program NM 8888 ~~scheduled for completion by 2014~~.

NM20-20 Crosswalk Upgrades

Location: Various locations throughout City

Description: Pedestrian crossing improvements. Projects are combined and funded every two years under CIP project NM 0012.

NM20-21 Annual Pedestrian Improvements

Location: Various locations throughout City

Description: Continue to prioritize and install pedestrian improvements to meet the adopted level of service.

NM20-22 Annual Bicycle Improvements

Location: Various locations throughout the City

Description: Continue to prioritize and install bicycle improvements to meet the adopted level of service.

NM20-23 Sidewalk**Location:** 112th Avenue NE from NE 87th Street to NE 90th Street**Description:** Installation of curb, gutter, sidewalk and storm drain along west side of roadway. [FundedCandidate](#) CIP project NM 0049, included as a part of annual ~~nonmotorized~~non-motorized program NM 8888-~~scheduled for completion by 2014.~~**NM20-24** Sidewalk**Location:** NE 80th Street from 126th Avenue NE to 130th Avenue NE**Description:** Installation of curb, gutter, sidewalk and storm drain along south side of roadway. [FundedCandidate](#) CIP project NM 0050, included as a part of annual ~~nonmotorized~~non-motorized program NM 8888-~~scheduled for completion by 2014.~~**NM20-25** Sidewalk**Location:** NE 85th Street from I-405 to 132nd Avenue NE and along 124th Avenue NE from NE 80th Street to NE 90th Street (AKA Rose Hill Business District Sidewalks)**Description:** Install sidewalk, planter strip, storm drainage and other improvements to enhance Sound Transit bus route 540 ridership. Funded CIP project NM 0051, ~~scheduled for completion in 2011.~~**NM20-26** Sidewalk**Location:** Kirkland Way from 8th Street to Ohde Avenue**Description:** Installation of curb, gutter, sidewalk and storm drain along the roadway. Unfunded CIP project NM 0063.**NM20-27** Sidewalk**Location:** NE 112th Street from 117th Place NE to the Burlington Northern Santa Fe Railroad crossing**Description:** Installation of curb, gutter, sidewalk and storm drain along north side of roadway. [FundedCandidate](#) CIP project NM 0053, included as a part of annual ~~nonmotorized~~non-motorized program NM 8888-~~scheduled for completion by 2014.~~**NM20-28** Annual Sidewalk Maintenance Program**Location:** Citywide**Description:** Repair and replacement of existing sidewalks to provide safe pedestrian travel ways and to maintain the value of the sidewalk infrastructure. Funded CIP project NM 0057.

NM20-29 Nonmotorized/Emergency Access Connection

Location: 111th Avenue from Burlington Northern Santa Fe Railroad north to Forbes Creek Drive

Description: Install paved nonmotorized facility with retractable bollards and/or emergency vehicle actuated gate(s) to prevent through traffic. Identified in the Highlands Neighborhood Plan; unfunded CIP project NM 0058.

NM20-30 Sidewalk

Location: 6th Street from 1st Avenue South to Kirkland Way

Description: ~~Installation of curb, gutter, sidewalk and storm drain along east side of roadway. Funded CIP project NM 0059, included as a part of annual nonmotorized program NM 8888 scheduled for completion by 2014.~~ The 6th Street Sidewalk will construct 5 foot wide sidewalk along the north side of 6th St from Kirkland Ave to approximately 180 feet south to connect into existing sidewalk. In addition, approximately 135 ft of 5 ft sidewalk will be constructed along Kirkland Ave to connect two missing sections of sidewalk and allow pedestrians to walk past an existing power pole and fire hydrant which are currently obstructing the walkway. Two existing sidewalk ramps will be upgraded to meet the requirements of the Americans with Disabilities Act, and two new sidewalk ramps will be constructed to connect the new sidewalk segments. The use of porous concrete will be used for the new sidewalks and storm drain improvements will be made as required. Candidate CIP project NM 0059, included as a part of annual non-motorized program NM 8888.

NM20-31 Sidewalk Elementary School Walk Route Enhancements

Location: ~~100th Avenue NE/99th Place NE from NE 112th Street to NE 116th Street~~ Various locations adjacent to schools, including Peter Kirk, Lakeview, Ben Franklin, Rose Hill, Mark Twain, AG Bell and Juanita Elementary Schools.

Description: ~~Installation of curb, gutter, sidewalk and storm drain along east side of roadway. Funded CIP project NM 0060; scheduled for completion in 2009.~~ Design and construct curb, gutter and sidewalk, with a planter strip where possible, along designated school walk routes throughout the City. The proposed sidewalks will capitalize on areas where sidewalk has already been constructed with prior development. The proposed concrete sidewalk will be 5 feet wide and will be separated from the edge of the travel lane by a 4.5 foot planter strip and 0.5 foot wide concrete curb (totaling 5 feet). The project will also purchase a portable radar trailer to inform motorists of their speed. Total project cost includes State grant funding of \$498,000. Funded CIP project NM 0067.

NM20-32 Pedestrian Enhancements

Location: Park Lane from Lake Street to Peter Kirk Park – Phase II

Description: Repair and replacement of aged and broken sidewalks, curb, gutter and storm ~~system~~drain along this heavily used downtown pedestrian corridor. Existing trees will be reviewed with the objective of improving the overall tree canopy; low impact development standards will be incorporated into the project. Unfunded CIP project NM 0064 001.

NM20-33 ~~Pedestrian Enhancements~~Bike Lane

Location: ~~Central Way at Lake~~100th Avenue from NE 124th Street, Main Street, and 4th to NE 132nd Street

Description: ~~Based on the results of the ongoing Central Way pilot program that is monitoring the overall traffic impact of temporary parking along the south curb lane of Central Way, this project will formalize crossings with such treatments as “bulb-outs,” storm drainage, lighting and permanent parking configurations. Unfunded CIP project NM 0065.~~Install bicycle lanes on 100th Avenue NE from NE 124th Street to NE 132nd Street. The new lanes will be accommodated by restriping the existing pavement and narrowing the existing auto lanes. Two landscaped medians will have to be narrowed to accomplish the restriping. In-pavement flashing light heads will be in auto wheel paths with the reconfigured lanes and therefore will be replaced. Detector loops at traffic signals will also need to be replaced to accommodate the new lane configuration.

~~NM20~~NM
20-34

Sidewalk

Location: 12th Avenue from 6th Street to the BNSF Railroad adjacent to the east entrance to Peter Kirk Elementary School

Description: Install curb, gutter, sidewalk and storm drainage along north side of roadway. Partial funding by TIB Safe School Walking grant. Funded CIP project NM 0066.

~~NM20~~NM
20-35

Annual ~~Sidewalk and/or Bike Lanes~~Non-Motorized Program

Location: City wide

Description: Install up to various funding levels in ~~2012~~, 2013, 2014, 2015, 2016 any number of funded or unfunded CIP projects based on the active transportation plan criteria. Funded CIP project NM 8888.

~~NM20~~NM
20-36

Sidewalk

Location: NE 104th Street between 126th Avenue NE and 132nd Avenue NE

Description: Install curb, gutter, sidewalk and storm drainage along roadway to improve existing Mark Twain Elementary School walk route. Unfunded CIP project NM 0061.

NM20NM
20-37

Sidewalk

Location: 19th Avenue from Market Street to 4th Street**Description:** Install curb, gutter, sidewalk and storm drainage along south side of road to improve existing walk route to Kirkland Jr. High School. Unfunded CIP project NM 0062.Street Improvements**ST20-1** New Street**Location:** 118th Avenue NE, NE 116th Street to NE 118th Street**Description:** Extend two-lane roadway, including sidewalk facilities, storm drainage and landscaping. Unfunded CIP project ST 0060.**ST20-2** New Street**Location:** 119th Avenue NE, NE 128th Street to NE 130th Street**Description:** Extend two-lane roadway, including sidewalk facilities, storm drainage and landscaping. Unfunded CIP project ST 0061.**ST20-3** Street Widening**Location:** 120th Avenue NE, NE 128th Street to NE 132nd Street**Description:** Reconstruct from the existing three-lane section to five lanes with sidewalks. FundedCandidate CIP project ST 0063, included as a part of the annual concurrency street improvements ST 8888 scheduled for completion by 2014.**ST20-4** Street Widening**Location:** 124th Avenue NE, NE 116th Street to NE 124th Street**Description:** Widen to five lanes, from existing three lanes with sidewalks. Partially funded Candidate CIP project ST 0059; design began in 2007 however completion is dependent upon grant funding included as a part of the annual concurrency street improvements ST 8888.**ST20-5** Street Widening**Location:** 124th Avenue NE, NE 85th Street to NE 116th Street

Description: Widen to three lanes, construct bicycle lanes, curb and gutter, sidewalk, storm drainage and landscaping. Unfunded CIP project ST 0064.

ST20-6 Street Widening

Location: 132nd Avenue NE// [NE 85th Street to](#) NE 120th Street

Description: Widen to three lanes with bike lanes, sidewalks, curb and gutter, landscaping and storm drainage improvements. Unfunded CIP project ST 0056.

ST20-7 Bridge Replacement

Location: 98th Avenue NE at Forbes Creek

Description: Reconstruct bridge across Forbes Creek from Market Street into Juanita area in order to meet current seismic requirements. Unfunded CIP project ST 0055.

ST20-8 New Street

Location: 120th Avenue NE from NE 116th Street to Burlington Northern Santa Fe Railroad crossing

Description: Construct 2/3 lanes as needed with pedestrian/bicycle facilities. Unfunded CIP project ST 0073.

ST20-9 New Street

Location: NE 120th Street (east section), from Slater Avenue NE to 124th Avenue NE

Description: Construct 2/3 lanes as needed with pedestrian/bicycle facilities. [FundedCandidate](#) CIP project ST 0057, ~~design began in 2006 and 001, with~~ completion ~~is~~ dependent upon grant funding.

ST20-10 Street Improvements

Location: 120th Avenue NE, from Totem Lake Boulevard to NE 128th Street and Totem Lake Plaza

Description: Install various traffic calming measures, on-street parking, pedestrian and landscape improvements. Unfunded CIP ST 0070.

ST20-11 New Street

Location: NE 130th Street, Totem Lake Boulevard to 120th Avenue NE

Description: Extend two-lane roadway including nonmotorized facilities, storm drainage and landscaping. Unfunded CIP project ST 0062.

ST20-12 New Street

Location: NE 120th Street (west section) from 124th Avenue NE to Burlington Northern Santa Fe Railroad crossing

Description: Construct 2/3 lanes as needed with pedestrian/bicycle facilities. Unfunded CIP project ST 0072.

ST20-13 Annual Street Preservation Program

Location: Various sites throughout the City based on Pavement Management Program

Description: Patch and overlay existing streets to provide safe travel ways and maintain the value of the street infrastructure. Funded CIP project ST 0006.

ST20-14 Street Widening

Location: NE 132nd Street, from 100th Avenue NE to the WSDOT interchange

Description: Addition of landscape and median islands, repair of curb, gutter and sidewalk. Repaving and restriping to accommodate bike lanes. Configuration as outlined in the 2008 NE 132nd Street master plan. Unfunded CIP project ST 0077.

ST20-15 Street Widening

Location: NE 132nd Street from WSDOT ~~interchange~~[Interchange](#) to 124th Avenue NE

Description: Addition of landscape and median islands, repair of curb, gutter and sidewalk. Repaving and restriping to accommodate bike lanes. Configuration as outlined in the 2008 NE 132nd Street master plan. Unfunded CIP project ST 0078.

ST20-16 Street Widening

Location: NE 132nd Street from 124th Avenue NE to 132nd Avenue NE

Description: Addition of landscape and median islands, repair of curb, gutter and sidewalk. Repaving and restriping to accommodate bike lanes. Configuration as outlined in the 2008 NE 132nd Street master plan. Unfunded CIP project ~~ST-0079~~[ST0079](#).

[ST20-17](#) [Street Improvements](#)

Location: [Annual Striping Program](#)

Description: Annual program to maintain markings that identify travel lanes and other guidance markings for auto, pedestrian, bicycle, transit and other forms of transportation. The program will result in restriping of more than 30 miles of collector and arterial streets throughout the City. Funded CIP project ST 0080.

ST20-18 Annual Concurrency Street Improvements

Location: City-wide

Description: This project provides for the construction and re-construction of city roadways to meet concurrency needs to help the City attain the 2022 level of service standards established in the Comprehensive Plan. Candidate projects under this annual program are identified above and include other improvements, as deemed appropriate.

ST20-19 Annual Street Preservation Program – One Time Project

Location: NE 85th Street

Description: The overlay of NE 85th Street coincident with intersection, roadway and other improvements associated with CIP projects NM 0051, ST 0075, TR 0078, and TR 0080. Funds became available through the State Department of Transportation (WSDOT) as a result of the recent jurisdictional transfer of SR908 from the WSDOT to the City of Kirkland.

Intersection Improvements

TR20-1 Traffic Signal

Location: 100th Avenue NE/NE 124th Street

Description: Construct a northbound receiving lane on the north leg of the intersection and conversion of existing northbound right-turn ~~lane~~ to a through/right-turn configuration. Unfunded CIP project TR 0084.

TR20-2 Intersection Improvements

Location: Kirkland Way Underpass at Burlington Northern Santa Fe Railroad crossing

Description: New railroad undercrossing along Kirkland Way, installation of sidewalks and bike lanes in immediate vicinity, improve clearance between roadway surface and overpass, and improve sight distance. Unfunded CIP project TR 0067.

TR20-3 Traffic Signal

Location: 6th Street/Kirkland Way

Description: Construct a new signal at this intersection. The project will include controlled pedestrian crosswalks. ~~Unfunded~~Funded CIP project TR 0065.

TR20-4 Intersection Improvements

Location: ~~NE 68th Street/108th~~Totem Lake Way / 120th Avenue NE

Description: ~~Install westbound to northbound right turn lane and other improvements identified as a part of Sound Transit's Route 540 improvements. Funded CIP project TR 0085, design began in 2009 and anticipate completion in 2010.~~Install traffic signal to minimize traffic conflict, improve safety and traffic operation. It is anticipated that the design and construction timing is concurrent with the development of Totem Lake Mall which will be required to install the traffic signal as part of SEPA mitigation. Unfunded CIP project TR 0099.

TR20-5 HOV Queue Bypass

Location: NE 124th Street and I-405, east to southbound

Description: Construct an additional lane and signal improvements to allow connection from NE 124th Street to the HOV lane on the southbound freeway access ramp. Unfunded CIP project TR 0057.

TR20-6 Intersection Improvements

Location: NE 85th Street/120th Avenue NE

Description: Project will add one northbound right-turn lane and one new westbound and one new eastbound travel lane on NE 85th Street. ~~Funded~~Candidate CIP project TR 0088, included as a part of the annual concurrency traffic improvements TR 8888 ~~scheduled for completion by 2014.~~

TR20-7 Intersection Improvements

Location: NE 85th Street/132nd Avenue NE

Description: Project will add one new westbound and one new eastbound travel lane on NE 85th Street. Unfunded CIP project TR 0089.

TR20-8 HOV Queue Bypass

Location: NE 85th Street and I-405, east to southbound

Description: Construct an additional lane and signal improvements to allow connection from NE 85th Street to the HOV lane on the southbound freeway access ramp. Unfunded CIP project TR 0056.

TR20-9 HOV Queue Bypass

Location: Lake Washington Boulevard at Northup Way

Description: Add southbound Lake Washington Boulevard queue bypass lane from Cochran Springs to westbound SR 520. Unfunded CIP project TR 0068.

TR20-10 Queue Bypass and HOV Facilities

Location: Various as identified

Description: Intersection improvements or HOV lanes that are not included in other projects as follows:

1. NE 116th Street/I-405 queue bypass eastbound to southbound (unfunded CIP project TR 0072)
2. NE 85th Street/I-405 queue bypass westbound to northbound (unfunded CIP project TR 0074)
3. NE 70th Street/I-405 queue bypass eastbound to southbound (unfunded CIP project TR 0073)
4. NE 124th Street/I-405 westbound to northbound (unfunded CIP project TR 0075)

TR20-11 Intersection Improvements

Location: Various as identified

Description: New signals or signal improvements that are not included in other projects are as follows:

1. Kirkland Avenue/Lake Street South
2. Lake Street South/2nd Avenue South
3. Market Street/Central Way
4. Market Street/7th Avenue NE
- ~~5.~~ ~~Market Street/15th Avenue NE~~
- ~~6.~~ NE 53rd Street/108th Avenue NE
- ~~7.~~ NE 60th Street/116th Avenue NE
- ~~8.~~ NE 60th Street/132nd Avenue NE
- ~~9.~~ NE 64th Street/Lake Washington Boulevard
- ~~10.~~ NE 70th Street/120th Avenue NE or 122nd Avenue NE
- ~~11.~~ NE 80th Street/132nd Avenue NE
- ~~12.~~ NE 112th Street/124th Avenue NE
- ~~13.~~ NE 116th Street/118th Avenue NE
- ~~14.~~ NE 116th Street/124th Avenue NE (northbound dual left turn) [\(TR 0092\)](#)
- ~~15.~~ NE 126th Street/132nd Place NE

~~4615.~~ NE 128th Street/Totem Lake Boulevard

~~4716.~~ NE 100th Street/132nd Avenue NE

~~48.~~ ~~NE 132nd Street/Totem Lake Boulevard~~

~~4917.~~ Market Street/Forbes Creek Drive

~~2018.~~ NE 112th Street/120th Avenue NE

~~2419.~~ Totem Lake Boulevard/120th Avenue NE

TR20-12 Intersection Improvements

Location: NE 70th Street/132nd Avenue NE

Description: Install westbound and northbound right-turn lanes. ~~Funded~~Candidate CIP project TR 0086, included as a part of the annual concurrency traffic improvements TR 8888 ~~scheduled for completion by 2014.~~

TR20-13 Intersection Improvements

Location: Lake Washington Boulevard at NE 38th Place

Description: ~~Add~~Install upgrades to the existing signalized intersection including one additional northbound ~~travel lane on~~ Lake Washington Boulevard travel lane through ~~this intersection.~~ ~~Unfunded~~the intersection. Replace all existing pedestrian facilities and consolidate commercial driveways where feasible. Funded CIP project TR 0090.

TR20-14 ~~Traffic Signal~~Intersection Improvements

Location: 124th Avenue NE at NE 124th Street - Phase III

Description: Install ~~traffic signal~~ improvements ~~and new railroad crossing~~ on the north leg of this intersection. ~~Funded~~Candidate CIP project TR 0091; ~~project is anticipated to start in 2012~~included as a part of the annual concurrency traffic improvements, TR 8888.

TR20-15 Intersection Improvements

Location: 100th Avenue NE/NE 132nd Street

Description: Construct a northbound receiving lane on the north leg of the intersection and conversion of existing northbound right-turn lane to a through/right-turn configuration. Construct a second southbound left-turn lane. ~~Funded~~Candidate CIP project TR 0083, included as a part of the annual concurrency traffic improvements TR 8888 ~~scheduled for completion by 2014.~~

TR20-16 Traffic Signal

Location: Central Way & Park Place entrance (between 4th St and 5th St)

Description: Install traffic signal to minimize traffic conflict, improve safety and traffic operation; in addition to these vehicular improvements, existing un-signalized crosswalks at 5th St and 4th St will be eliminated. It is anticipated that the design and construction timing is concurrent with the development of Park Place which will be required to install the traffic signal as part of SEPA mitigation. Funded CIP project TR 0082.

TR20-17 Intersection Improvements

Location: NE 132nd Street/124th Avenue NE

Description: Extend existing eastbound left turn lane to 500 feet and add a second 500 foot eastbound left turn lane. Widen and restripe east leg to match west leg, widen and restripe north leg for 1,000 feet to provide 2 northbound through lanes with 1 southbound left turn lane and 1 southbound through/right turn lane. Restripe south leg to match north leg; these improvements will allow this intersection to maintain a vehicular level of service less than the required 1.4 volume to capacity ratio. Unfunded CIP project TR 0096.

TR20-18 Intersection Improvements

Location: NE 132nd Street at 116th Way NE to Totem Lake Blvd / I-405

Description: Coordination of City ROW and intersection improvements in association with the WSDOT's Half-Diamond Interchange at NE 132nd Street and I-405 as recommended in the NE 132nd Street Master Plan. Unfunded CIP project TR 0098.

TR20-19 Intersection Improvements

Location: 6th Street/Central Way

Description: The installation of multiple upgrades to the existing signalized intersection. The intersection improvements will result in a new signature "Gateway" to the Central Downtown area of Kirkland with associated necessary upgrades to surface water elements and a sensitive area (stream). The project will result in the construction of a significant retaining wall structure and the acquisition of new right-of-way, in addition to general signal, pedestrian and ITS improvements. Funded CIP project TR 0100.

TR20-20 ~~Not used.~~ Intersection Improvements

Location: Central Way/4th Street

Description: Extend two-way-left turn by moving crosswalk to Park Place Signal. Funded CIP project TR 0103.

TR20-21 Intersection Improvements

Location: 6th Street S/4th Avenue

Description: Dual eastbound left turn, with widening on 6th Street. Funded CIP project TR 0104.

|

TR20-22 Intersection Improvements**Location:** Central Way/5th Street**Description:** Install new traffic signal. These improvements will allow the intersection to maintain a level of service less than the required 1.4 volume to capacity ratio. Unfunded CIP project TR 0105.**TR20-23** Intersection Improvements**Location:** 6th Street / 7th Avenue**Description:** Add left turn lanes on northbound and southbound approaches. Unfunded CIP project TR 0106.**TR20-24** Intersection Improvements**Location:** Market Street / 15th Avenue**Description:** Install new traffic signal. These improvements will allow the intersection to maintain a level of service less than the required 1.4 volume to capacity ratio. Unfunded CIP project TR 0107.**TR20-25** Intersection Improvements**Location:** NE 85th Street / 124th Avenue NE**Description:** Add northbound right-turn-only pocket. Funded CIP project TR 0108.**TR20-26** Intersection Improvements**Location:** NE 132nd St/ Juanita High School**Description:** Construct a 250 foot eastbound right turn lane to allow this intersection to maintain a vehicular level of service less than the required 1.4 volume to capacity ratio. Unfunded CIP project TR 0093.**TR20-27** Intersection Improvements**Location:** Totem Lake Plaza/120th Ave NE Intersection Improvements**Description:** Install traffic signal to minimize traffic conflict, improve safety and traffic operation. It is anticipated that the design and construction timing is concurrent with the development of Totem lake Mall which will be required to install the traffic signal as part of SEPA mitigation. Unfunded CIP project TR 0110.**TR20-28** Intersection Improvements**Location:** Totem Lake Plaza/Totem Lake Blvd**Description:** Install traffic signal and associated roadway improvements between Totem Lake Boulevard and NE 120th Avenue NE to minimize traffic conflict, improve safety and traffic operations through the Totem Lake Mall. It is anticipated that the design and construction timing is concurrent with

the development of Totem lake Mall which will be required to install the improvements as part of SEPA mitigation. Unfunded CIP project TR 0109.

TR20-29 Intersection Improvements

Location: NE 132nd Street / 108th Avenue NE

Description: Construct a 250 foot westbound right turn lane to allow this intersection to maintain a vehicular level of service less than the required 1.4 volume to capacity ratio. Unfunded CIP project TR 0094.

TR20-30 Intersection Improvements

Location: NE 132nd Street / Fire Station Access

Description: Modify existing signal to include pedestrian actuated option, as recommended in the NE 132nd Street Master Plan, to aid in helping the corridor with capacity issues in anticipation of the WSDOT Half-Diamond interchange at I-405 and NE 132nd Street and Totem Lake redevelopment. Unfunded CIP project TR 0095.

TR20-31 Intersection Improvements

Location: NE 132nd St/132nd Ave NE

Description: Extend the eastbound left turn and right turn lanes to 500 feet; these improvements will allow this intersection to maintain a vehicular level of service less than the required 1.4 volume to capacity ratio. Unfunded CIP project TR 0097.

TR20-32 Intersection Improvements

Location: NE 85th St/132nd Ave NE

Description: Phase 1. Extend the southbound to eastbound left-turn lane pocket. Construct a northbound to eastbound right-turn lane, and extend the westbound to northbound right-turn lane (by Redmond). Sound Transit has contributed \$860,000 towards the cost of the westbound right-turn lane. Funded CIP project TR 0078.

TR20-33 Intersection Improvements

Location: NE 85th St/124th Ave NE

Description: Construct two eastbound to northbound left-turn lanes as part of a Sound Transit Route 540 corridor improvement. The installation of a northbound 124th Ave NE taper will provide for a bike lane, wide planter strip with landscaping, and a new sidewalk. Funded CIP project TR 0080.

TR20-34 Annual Concurrency Traffic Improvements

Location: City-wide

Description: This project provides for the construction and re-construction of traffic signals and/or intersections to meet concurrency needs to help the City attain the 2022 level of service standards established in the Comprehensive Plan. Candidate projects under this annual program are identified above and include other improvements, as deemed appropriate. Funded CIP project TR 8888.

TR20-35 Kirkland ITS Improvements – Phase I

Location: City-wide

Description: The incorporation of Intelligent Transportation System (ITS) needs, as identified in the Kirkland Intelligent Transportation System (KITS) Plan approved by Council in 2008. ITS measures will be employed to upgrade current signal equipment, connect signals and ITS field locations with a new central operations management location. Funded CIP Project TR 0111 000.

TR20-36 Kirkland ITS Improvements – Phase II

Location: City-wide

Description: The incorporation of Intelligent Transportation System (ITS) needs, as identified in the Kirkland Intelligent Transportation System (KITS) Plan approved by Council in 2008. ITS measures will be employed to upgrade current signal equipment, connect signals and ITS field locations with a new central operations management location. Unfunded CIP Project TR 0111 001.

TR20-37 Downtown Pedestrian Safety Improvements – Central Way

Location: Various intersections on Central.

Description: Installation of Countdown Pedestrian Signals (CPS) at intersections of Lake St/Central Way, 3rd St/Central Way, and 6th St/Central Way. Funded CIP project TR 0112 000.

E. STATE TRANSPORTATION PLANS AND POLICIES

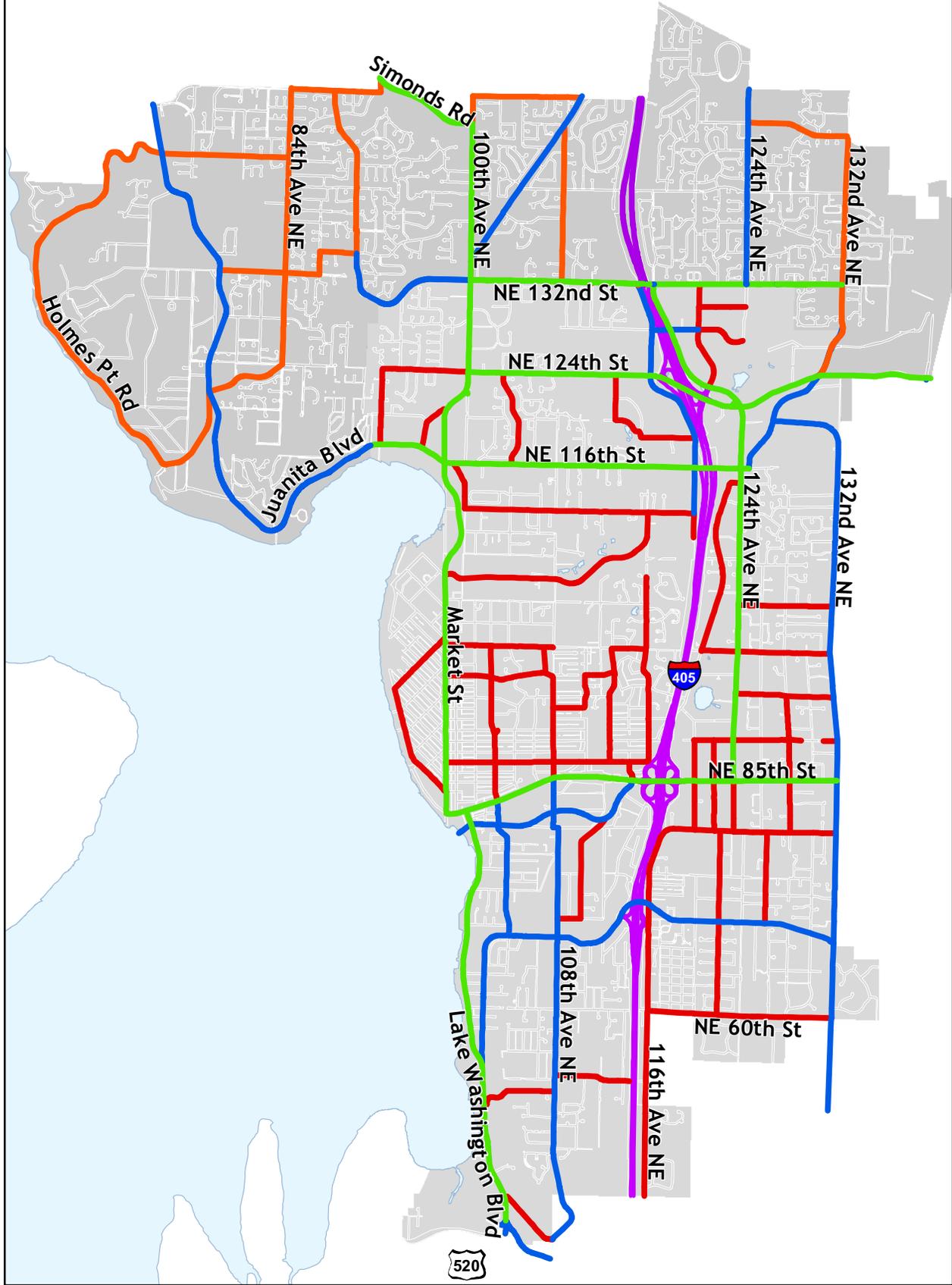
Table T-6: State Routes

State Route		PM Peak Hour Two-Way Traffic Volumes					WSDOT ACR-LOS		
		Roadway Capacity 2005/2022	Existing 2006 PM Peak Hour	Forecasted 2022 Traffic Volumes	Existing AADT	2022 AADT	Adopted LOS Standard	Existing 2005 V/C LOS	Future 2022 V/C LOS
I-405									
From	To								
NE 39th St.	NE 70th St.	15,000/19,000	14,260	19,423	199,870	271,635	10	13	14
NE 70th St.	NE 85th St.	15,000/19,000	13,550	18,975	189,680	265,366	10	13	14
NE 85th St.	NE 116th St.	15,000/19,000	13,820	18,944	192,660	264,940	10	13	14
NE 116th St.	NE 124th St.	15,000/19,000	10,136	15,705	141,749	219,641	10	9	12
NE 124th St.	NE 132nd St.	15,000/19,000	8,550	12,218	119,579	170,865	10	8	9
<u>SR 908 (NE 85th St.) I-405 and NE 85th Street</u>									
SB-405 Ramp	NB-405 Ramp	4,172	3,926	4,596	-	-	E-mitigated	0.94	1.10
NB-405 Ramp	120th Ave. NE	4,172	3,660	4,764	-	-	E-mitigated	0.88	1.14
<u>120th Ave. NE</u>	<u>122nd Ave. NE</u>	<u>4,000</u>	<u>3,186</u>	<u>4,081</u>	<u>-</u>	<u>-</u>	<u>E-mitigated</u>	<u>0.80</u>	<u>1.02</u>
<u>122nd Ave. NE</u>	<u>124th Ave. NE</u>	<u>4,000</u>	<u>3,379</u>	<u>3,904</u>	<u>-</u>	<u>-</u>	<u>E-mitigated</u>	<u>0.84</u>	<u>0.98</u>
<u>124th Ave. NE</u>	<u>126th Ave. NE</u>	<u>4,000</u>	<u>3,241</u>	<u>3,728</u>	<u>-</u>	<u>-</u>	<u>E-mitigated</u>	<u>0.81</u>	<u>0.93</u>
<u>126th Ave. NE</u>	<u>128th Ave. NE</u>	<u>4,000</u>	<u>3,285</u>	<u>4,275</u>	<u>-</u>	<u>-</u>	<u>E-mitigated</u>	<u>0.82</u>	<u>1.07</u>

State Route		PM Peak Hour Two-Way Traffic Volumes					WSDOT ACR-LOS		
		Roadway Capacity 2005/2022	Existing 2006 PM Peak Hour	Forecasted 2022 Traffic Volumes	Existing AADT	2022 AADT	Adopted LOS Standard	Existing 2005 V/C LOS	Future 2022 V/C LOS
128th Ave. NE	132nd Ave. NE	4,000	2,558	3,624	-	-	E-mitigated	0.64	0.91

Table T-7: Signalized State Route Intersections

Signalized State Route Intersections	PM Peak Hour Traffic Volumes		PM Peak Hour LOS			Planned Improvement Projects
	Existing 2007	Future 2022	Existing 2007	Future 2022	Corresponding Letter Grade LOS for 2022	
I-405						
116th Ave. NE/NB Ramp	2,295	3,017	0.92	1.35	F	None
NE 72nd Place/SB Ramp	2,195	2,880	0.89	1.22	F	HOV queue bypass
NE 116th St./NB Ramp	2,914	3,471	0.78	0.90	E	None
NE 124th St./NB Ramp	3,711	4,552	0.52	0.60	B	HOV queue bypass
NE 124th St./SB Ramp	4,396	4,878	0.68	0.74	C	HOV queue bypass
Totem Lake Blvd./120th Ave. NE	3,294	3,181	0.80	0.89	D	None
SR-908						
NE 85th St./114th Ave. NE	4,071	6,090	0.97	1.16	F	Signal interconnect, add SB left-turn lane
NE 85th St./120th Ave. NE	4,004	5,245	0.83	1.04	F	Signal interconnect, add NB left-turn lane
NE 85th St./122nd Ave. NE	3,490	4,159	0.78	0.90	E	Signal interconnect
NE 85th St./124th Ave. NE	4,550	5,176	0.88	1.01	F	Signal interconnect, add EB left-turn lane
NE 85th St./132nd Ave. NE	3,472	4,996	0.81	1.13	F	Signal interconnect, add NB left-turn lane, SB right-turn lane, WB right-turn lane, add WB and EB through lanes

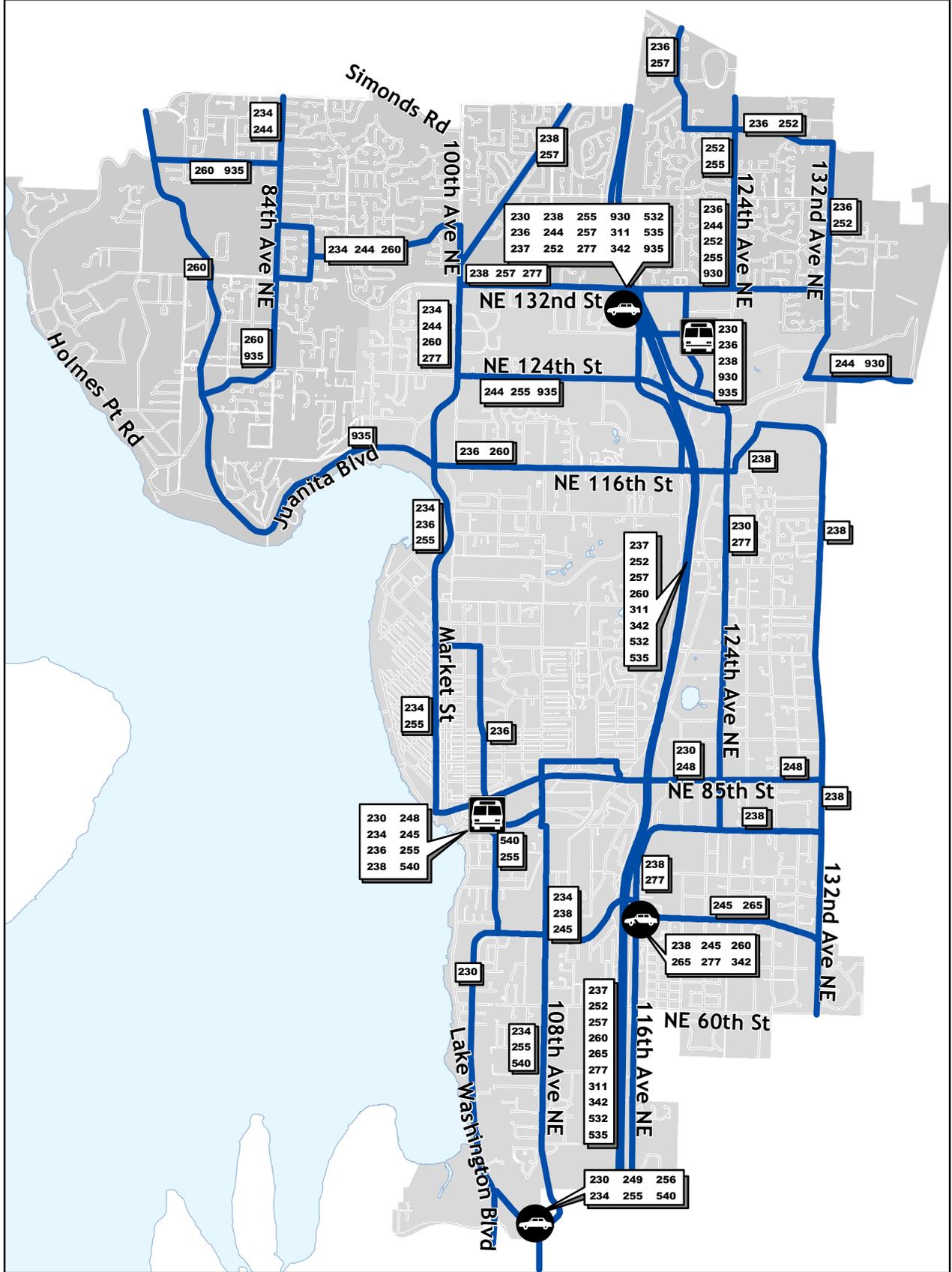


- Principal Arterial
- Minor Arterial
- Collector
- State Routes and Interstate
- Lakes
- City of Kirkland
- Annexation Area



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Figure T-1: Street Classifications and State Routes

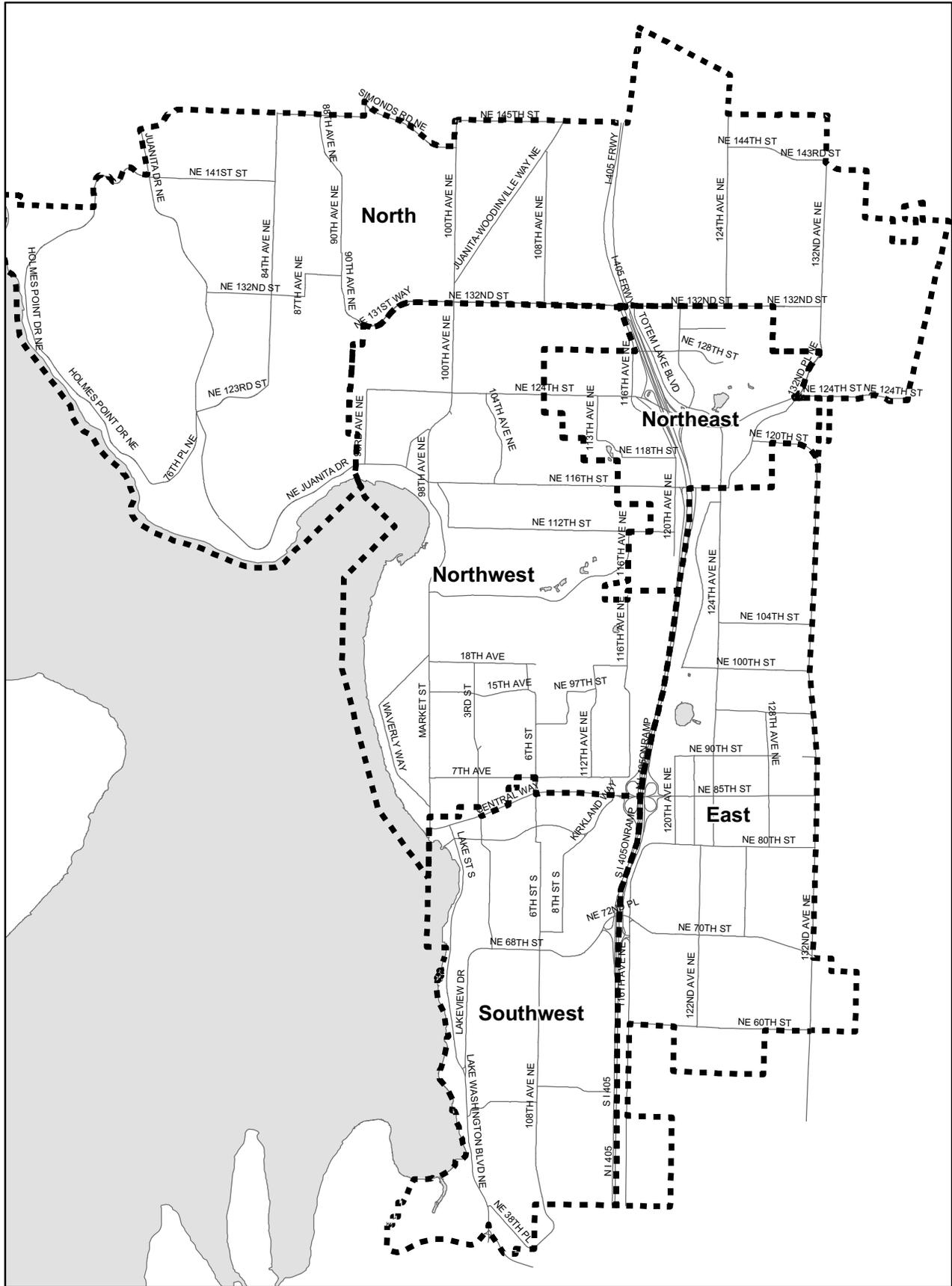


- Transit Route
- Lakes
- Annexation Area
- City of Kirkland
- Park and Ride
- Transit Center



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Figure T-4: Transit Service



-  Transportation Subarea
-  Lake
-  Street Centerline

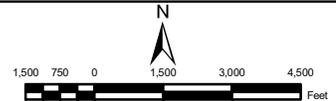
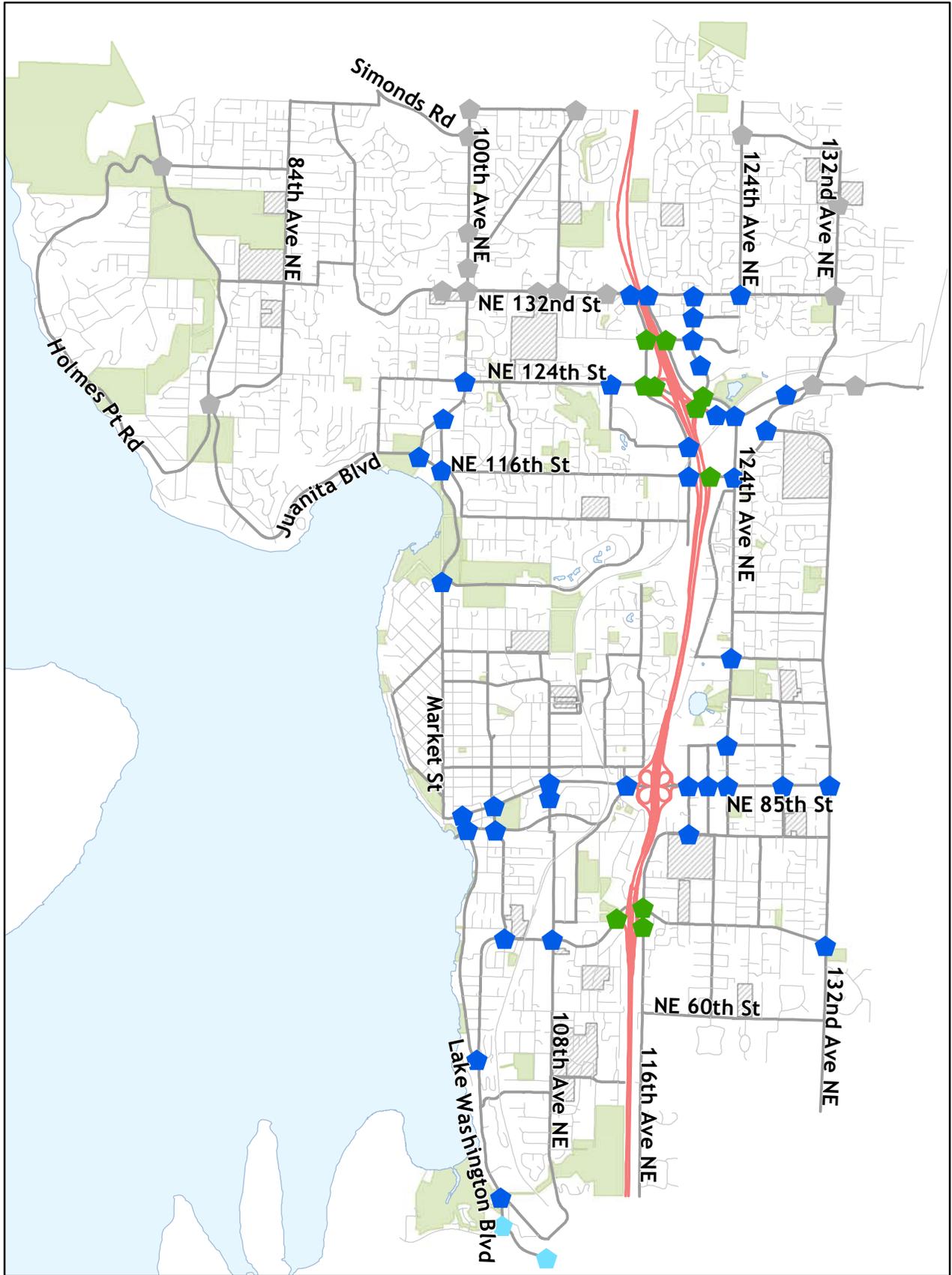


Figure T-5: Transportation Subareas



Traffic Signals

-  City of Kirkland
-  King County
-  Washington State DOT
-  City of Bellevue

-  Parks
-  Schools
-  Lakes



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Figure T-7: Signalized Intersections

X. Parks, Recreation, and Open Space

Relationship to Other Elements

The Park, Recreation, and Open Space Element supports the Community Character Element by establishing policies to ensure continued provision of the parks and open space amenities that help establish Kirkland's character. The Element functions in concert with the Natural Environment Element by establishing policies for the acquisition, development, and preservation of City-owned natural areas. The Land Use Element is supported through policies to ensure continued provision of facilities and services to support anticipated growth. In addition, this Element establishes policies for the coordination of funding and level of service requirements set forth in the Capital Facilities Element. [Finally, this Element works in tandem with the Shoreline Area Chapter by establishing policies for the acquisition, development, and preservation of City-owned shoreline recreation, open space, and natural areas.](#)

Policy PR-1.2: Develop pedestrian and bicycle trails within parks and linkages between parks and the city's major pedestrian and bicycle routes identified in the [Nonmotorized Transportation Plan Active Transportation Plan \(ATP\)](#) and between parks and nearby neighborhoods, commercial centers and public facilities, including schools.

Trails provide people with valuable links between neighborhoods, parks, schools and other public facilities, commercial centers and other regional nonmotorized facilities. In some cases, public trails provide alternative transportation connections between communities. The citizens of Kirkland have consistently identified the need for more trails as a top priority.

The City's [Nonmotorized Transportation Plan Active Transportation Plan \(NMT\)](#) provides the City's strategic goals and policies related to comprehensive trail planning including route designation, classification, funding priorities, and design standards. The NMT Plan was developed by the City's Public Works Department, working cooperatively with the Department of Parks and Community Services, the Planning and Community Development, and the public.

One important goal for recreational and commuter trail planning noted in the [Nonmotorized Transportation Plan Active Transportation Plan](#) is the development of a recreational trail system within the Burlington Northern Railroad right-of-way. This proposed trail is a regional facility traveling through many Eastside cities and providing critical links to other existing regional trails such as the Sammamish River Trail. This project is visionary and would require an interjurisdictional effort for planning and implementation.

Another goal is development of a north-south recreational trail under the Seattle City Light (SCL) power lines within the SCL easement and various access points to the future trail. This trail would also connect to other communities and neighborhoods.

Policy PR-2.4: Coordinate with neighboring cities, King County, [Finn Hill Park and Recreation District, Northshore School District, and Lake Washington School District](#) in the planning and provision of recreation activities and facilities.

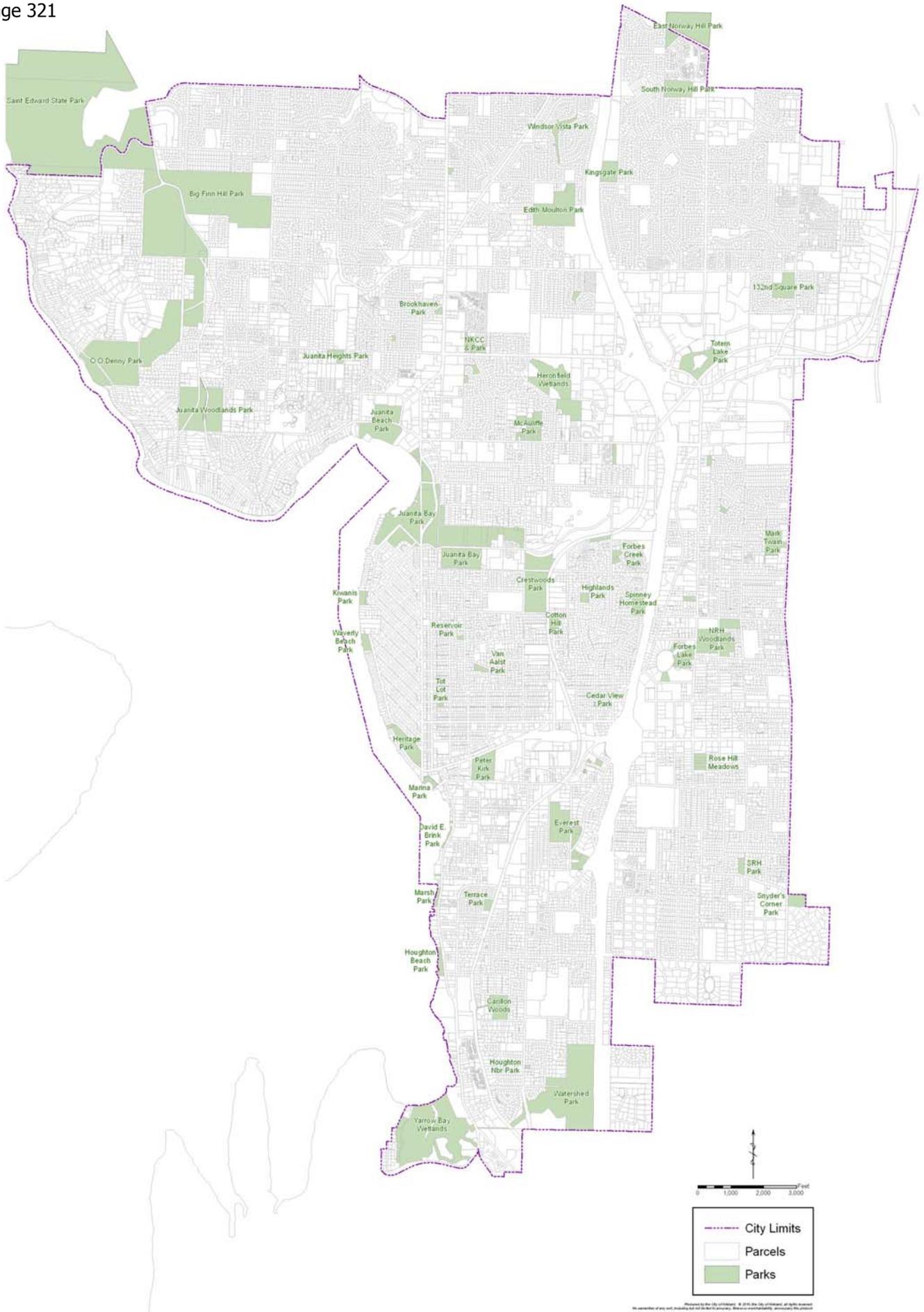


Figure PR-1: Kirkland Parks

XI. Utilities

A. Introduction

The City of Kirkland currently provides the following utility services:

- ◆ **Water** – All areas of the City except those north of NE 116th Street [that are outside the City’s service area](#). ~~who are served by the North shore Utility District~~. Figure U-1 shows the City’s water system.
- ◆ **Sewer** – All areas of the City ~~south~~ [except those north](#) of NE 116th Street [that are outside the City’s service area](#). ~~The Northshore Utility District provides sewer service to most areas north of NE 116th Street~~. Figure U-2 shows the City’s sewer system.

The following non-City-managed utilities provide additional services:

- ◆ **Northshore Utility District** [and Woodinville Water District](#)– provides water and sewer services to the northern portions of the City ~~and Kirkland’s growth areas~~. Figures U-4 and U-5 show the water and sewer systems.

CITY MANAGED FACILITIES

Water

The City of Kirkland provides water service to all of its residents, except those north of NE 116th Street who are served by the Northshore Utility District [or the Woodinville Water District](#) (see Figure U-1). ~~One multifamily complex in the NE corner of the City, south of NE 132nd Street between 124th Avenue NE and 128th Avenue NE, is served by the Woodinville Water District.~~

Surface Water

A watershed approach has been used for managing the surface water utility by dividing the City into nine drainage basins. The largest and most important streams are Juanita and Forbes Creek. The size of their drainage basins makes them especially important for receipt of stormwaters and discharge into Lake Washington. Yarrow Creek, [Denny Creek, and Champagne Creek](#) also ~~hashave~~ [a large basin areas](#) within the City and ~~isare~~ [isare](#) significant because ~~they~~ [they](#) provides salmonid fish habitat and productive associated wetlands. Smaller critical drainages include Carillon Creek, Cochran Springs Creek, ~~and~~ [Everest Creek, Holmes Point, and Kingsgate Slope](#). More information on the watershed and drainage basins can be found in the Natural Environment Element.

NON-CITY-MANAGED UTILITIES

Northshore Utility District: Water and Sewer

The Northshore Utility District provides water and sewer services to northern portions of the City ~~and Kirkland’s growth areas~~. Figure U-4 illustrates the existing Northshore water system and proposed improvements. Figure U-5 illustrates the existing Northshore sewer system. Northshore wastewaters are treated at King County’s Department of Natural Resources West Point and Renton treatment plants. The water system has five reservoir sites with a 29-million-gallon capacity. The District is in the process of developing a sewer system capital improvement plan for replacement and repair of the older, damaged

sections of the system. Repair and maintenance of the system occur when needed and extensions necessitated by future development will be provided by the developer.

Northshore can provide service to accommodate Kirkland's future growth.

Woodinville Water District: Water and Sewer

The Woodinville Water District provides water services to the northeast portion of the City and sewer service to a few single family homes in the City. Figure U-4 illustrates the existing Woodinville water system and proposed improvements. Figure U-5 illustrates the existing Woodinville sewer system. Woodinville Water wastewaters are treated at King County's Department of Natural Resources West Point and Renton treatment plants. The water system has six reservoir sites with a 14.9-million-gallon capacity. The District has a capital improvement plan for the system. Repair and maintenance of the system occur when needed and extensions necessitated by future development will be provided by the developer. Woodinville Water can provide service to accommodate Kirkland's future growth.

Relationship to Other Elements

The Utilities Element supports other elements of the Comprehensive Plan by establishing policies for provision of efficient urban services to serve anticipated growth and development. This Element supports an infrastructure for servicing existing development and areas targeted for growth by the Land Use Element. The general policies in this Element support the Shoreline Area Chapter by encouraging joint use of utility corridors and mitigating environmental impacts caused by the utility. The telecommunications policies will help implement the policies of the Land Use, Economic Development, Transportation, and Public Services Elements by facilitating the movement of information as an alternative to the historic commuter/work relationship. Finally, utility policies provide direction to the goals and policies of the Capital Facilities Element.

Policies for public services such as emergency services, schools, and libraries are contained in the Public Services Element.

Relationship to Other Plans

In preparing this Element, the City has reviewed and considered the following documents:

- ◆ City of Kirkland Comprehensive Water Plan;
- ◆ City of Kirkland Comprehensive Sewer Plan;
- ◆ City of Kirkland Surface Water Master Plan;
- ◆ Northshore Utility District Comprehensive Water Plan;
- ◆ Northshore Utility District Sewer and Water Plan Maps;
- ◆ Woodinville Water District Comprehensive Water System Plan and General Sewer Plan
- ◆ Puget Sound Energy GMA Electrical Facilities Plan.

C. UTILITIES GOALS AND POLICIES

GENERAL

Goal U-1: Maintain the quality of life in Kirkland through the planned provision of public and private utilities.

Policy U-1.4: Ensure that utility services are provided in a manner that is environmentally sensitive, safe and aesthetically compatible with surrounding land uses.

A variety of factors are at stake in the consideration of any proposed utility expansion. For example, clearing for installation or maintenance should minimize impacts to trees and vegetation as well as fish and wildlife habitat. Utilities also should be installed and maintained to protect the environment from contamination. Mitigating environmental and aesthetic impacts can have implications on cost and efficiency of the system. Therefore, it is appropriate to weigh costs against a full consideration of long term benefits that will be derived. Individual implementation issues arising under this policy should be resolved on a case-by-case basis in light of all these considerations.

Policy U-1.8: Encourage the joint use of utility corridors and facilities consistent with prudent utility practice.

Additional efficiencies may be achieved by coordinating utility corridors. Examples include sharing right-of-way acquisition costs and joint use of rights- of-way for utility and pedestrian trails. Utility co-location and consolidation also have the benefit of minimizing the extent of environmental impacts.

See Figure U-5 -
Northshore and
Woodville Sewer
System for this area



Figure U-2: Sanitary Sewer System

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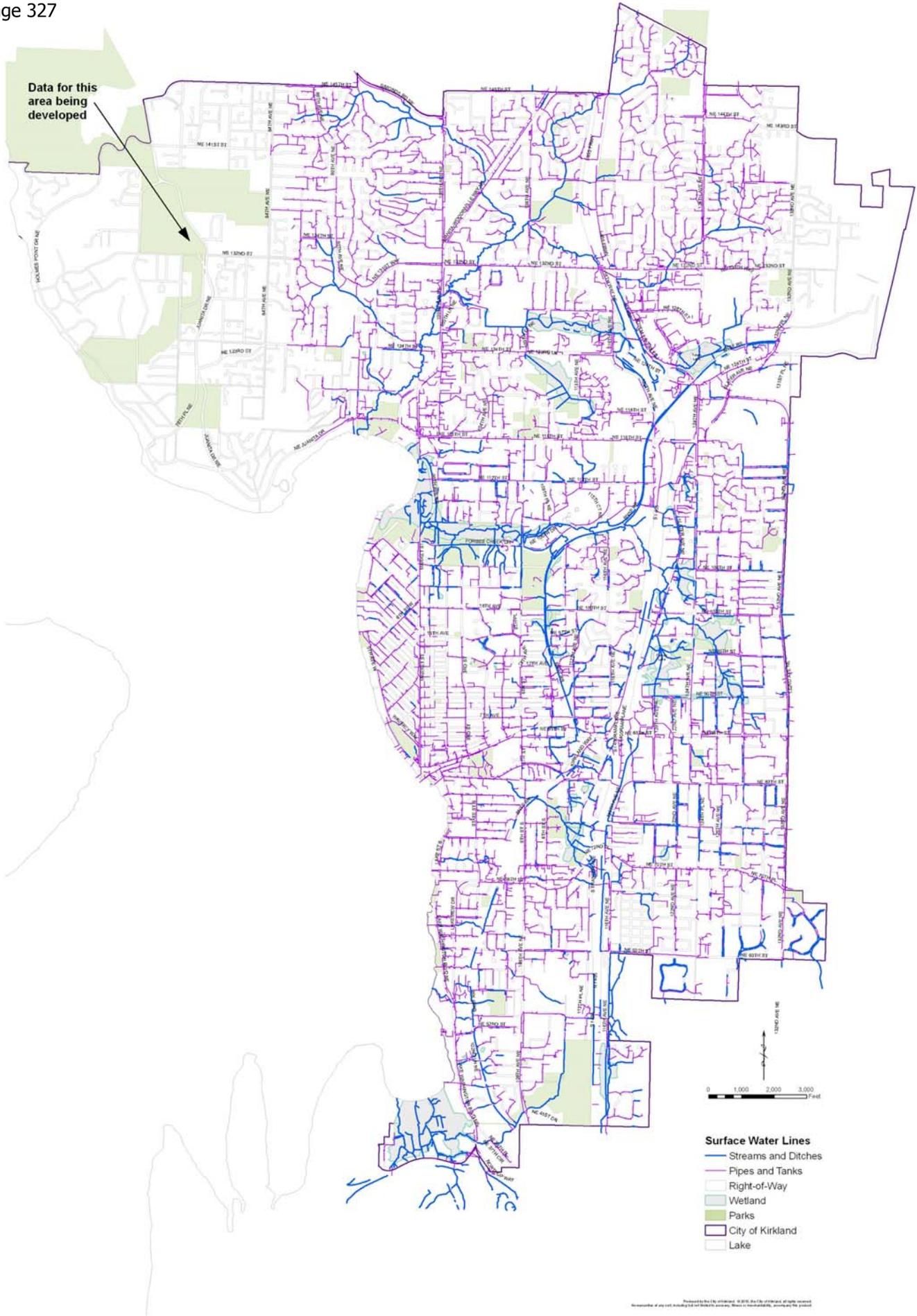


Figure U-3: Surface Water Management System

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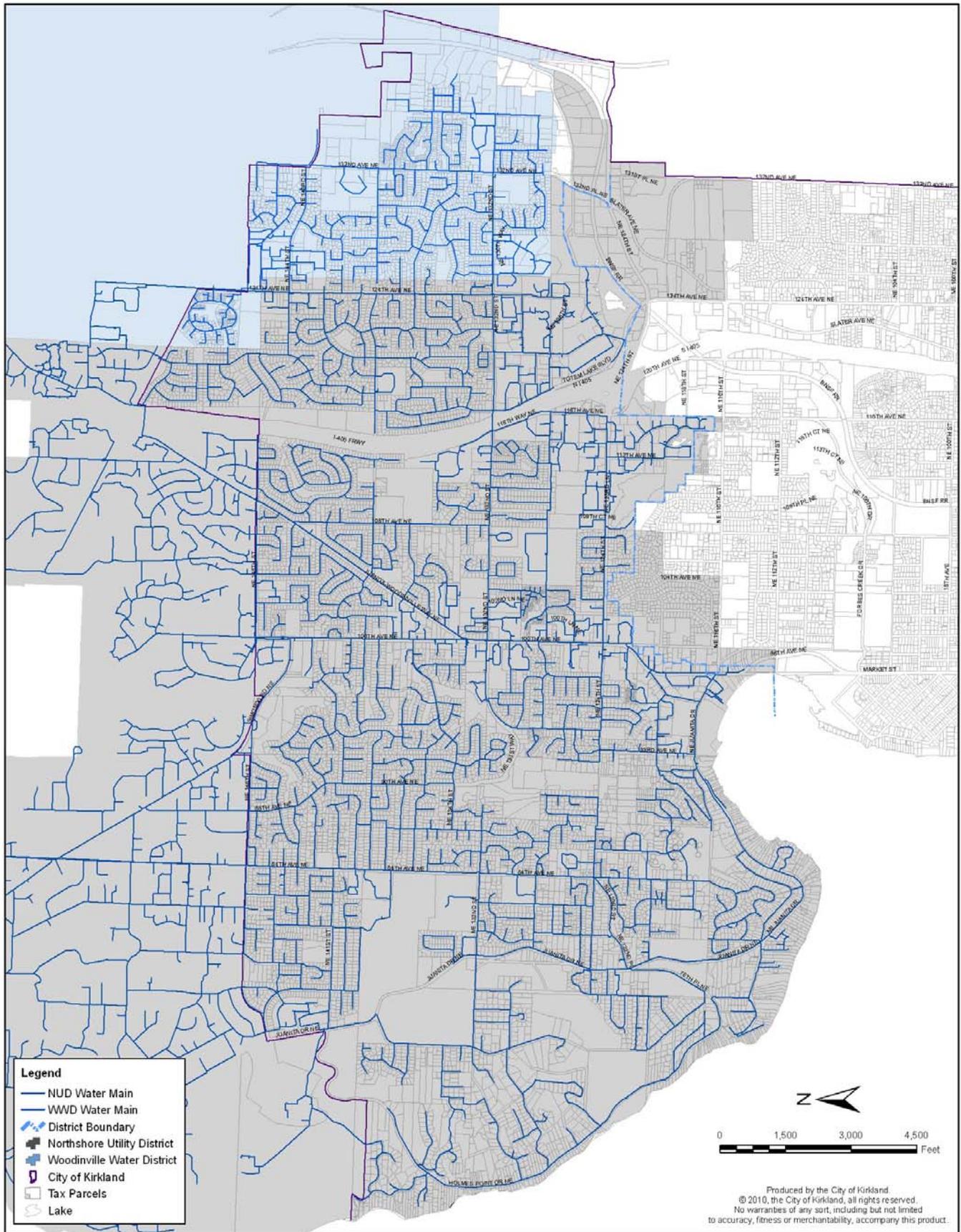
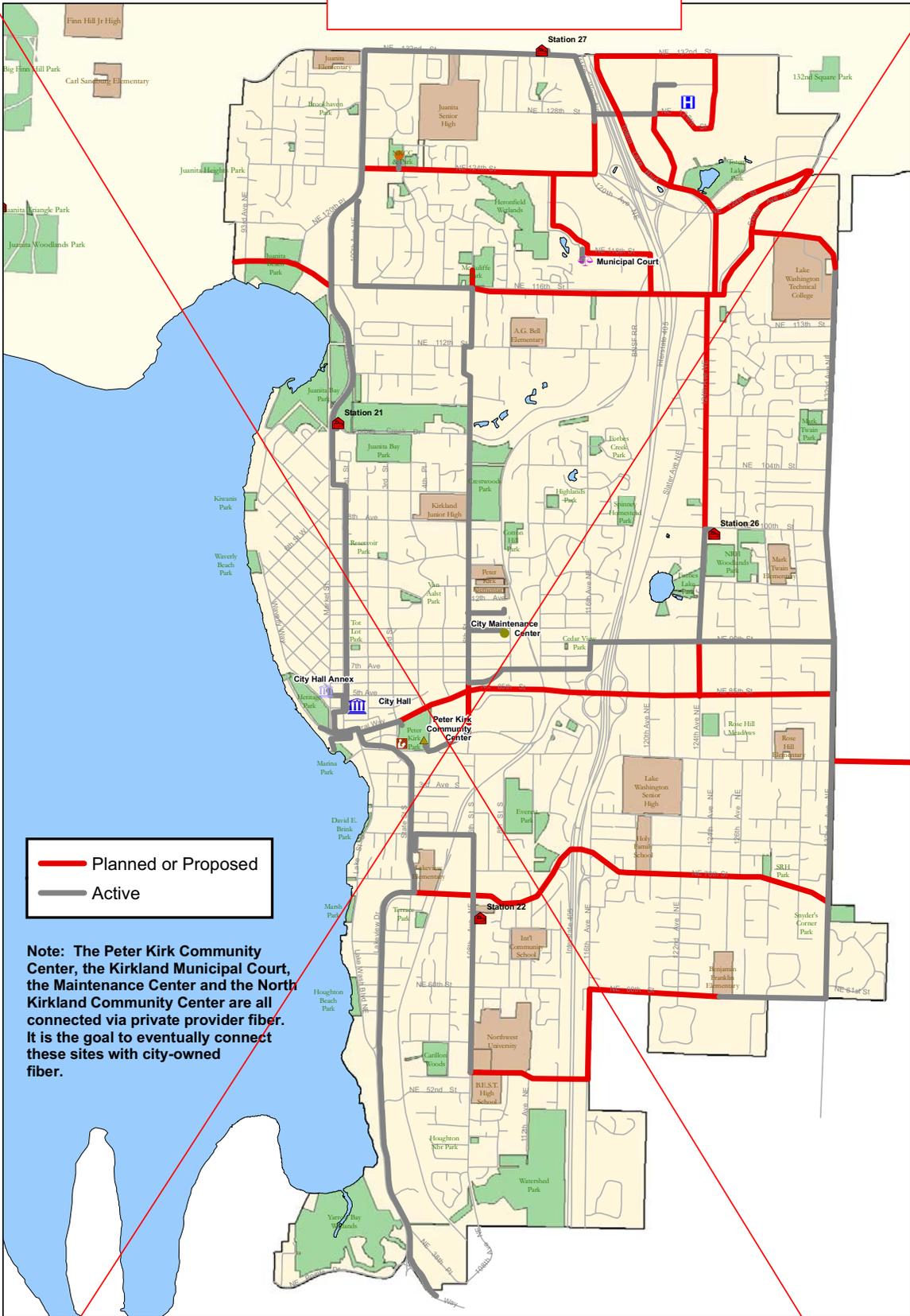


Figure U-4: Northshore and Woodinville Water Systems

DELETE MAP



— Planned or Proposed
— Active

Note: The Peter Kirk Community Center, the Kirkland Municipal Court, the Maintenance Center and the North Kirkland Community Center are all connected via private provider fiber. It is the goal to eventually connect these sites with city-owned fiber.

- Parks
- Schools
- City Limits
- Potential Annexation Area
- Street Centerlines
- Lakes

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Figure U-6: Existing And Planned/Desired Fiber Optic Network

XII.A. Public Services

EXISTING CONDITIONS

The City currently provides the following public services:

Solid Waste and Recycling Collection – The City contracts with Waste Management, ~~Inc. Sno King~~ to provide curbside solid waste and recycling collection to all single-family and multifamily residents and commercial customers. ~~The King County Comprehensive Solid Waste Management Plan sets specific goals for the City to achieve.~~ The County and the City have ~~committed to achieve targeted to achieve specific waste reduction and~~ recycling goals of ~~a 55.3~~ percent curbside recycling ~~diversion~~ rate ~~by 2015, and a 70 percent by 2020 and a waste reduction prevention diversion and solid waste reduction goal of~~ ~~20,430.5~~ pounds per household per week by 202018. The City started one of the first residential food waste recycling programs followed by commercial organics recycling and business programs to encourage environmentally sound practices. The City will continue to work with its collection contractor to provide a comprehensive curbside recycling program for Kirkland residents and businesses.

Goal PS-2: Provide efficient and convenient solid waste and recycling services to the community through coordination with service providers and the local solid waste management agency.

Policy PS-2.1: Coordinate with the City's solid waste and recycling collection contractors and King County Solid Waste Division to ensure that the existing level of service standards ~~for solid waste garbage and recycling are maintained or improved~~ and waste reduction and recycling goals and targets ~~for solid waste garbage and recycling are maintained or improve~~ are in compliance with the 2010 King County Comprehensive Solid Waste Management Plan (SWMP) update.

The SWMP establishes waste reduction and recycling goals for single family residential, multifamily residential and commercial sectors to be achieved over the course of the next decade. Cities adopting the Comprehensive Plan commit to implementing and/or maintaining waste reduction and recycling programs and collection standards to support the overall goals and targets identified in the SWMP.

The SWMP City's level of service goals for solid waste collection and recycling areas ~~follows~~ summarized below.

Waste Prevention Goal- This goal addresses all types of waste; yard waste, recycling and garbage. By looking at overall waste generation of all kinds (tons of material disposed plus tons recycled), trends in waste prevention activity can be identified. A decline means that the overall amount of materials alone or combined has been reduced. Waste generation rates to be achieved by 2020 are: 20.4 pounds/week per person from single and multi family homes; and 58 pounds/week per employee from the non-residential sector.

Waste Disposal Goal-This goal addresses only garbage disposed in landfills. Reductions in disposal over time indicate an increase in waste prevention and/or recycling. Waste disposal rates to be achieved by 2020 are 14.2 pounds/week per person from single and multi-family homes and 22.9 pounds/week per employee from the non-residential sector.

Recycling Goal- Recycling will continue to be an important strategy to reduce the disposal of solid waste. The recycling goal combines single-family, multi-family, and self haul recycling activity. The overall recycling rate goal by 2015 is 55 percent. The overall recycling goal by 2020 is 70 percent.

Fifty two percent residential recycling rate;

◆ Citywide average of 33 pounds maximum per household per week of garbage collected;

◆ Participation percentage at each garbage level of service:

— Five percent with 20 gallon garbage cart;

■

— Fifty five percent with 32 gallon garbage cart;

■

— Twenty five percent with 64 gallon garbage cart;

■

— Fifteen percent with 96 gallon cart and more.

■

Reducing waste and achieving a high recycling diversion rateAchieving a high level of participation in recycling reduces the amount of garbage going to the Cedar Hills Landfill, which in turn extends the time before the landfill reaches capacity and other solutions must be found for disposing of King County's ~~our region's~~ solid waste. In addition, recycling reduces the need to produce more raw materials for certain plastics, paper and aluminum.

NON-CITY-MANAGED PUBLIC SERVICES

The provision of quality public facilities and services has traditionally been a measure of a community's quality of life. Good schools, libraries, and solid waste disposal facilities are indicative of a community that cares about its future.

Although the City does not operate these services, the City does have an influence on facility planning and development by its authority to regulate land uses and the requirement to adopt a comprehensive plan. In addition, the Growth Management Act requires Kirkland to demonstrate that all capital facilities serving the City have been considered and that planning is done in a coordinated and comprehensive fashion.

Policy PS-2.2: Encourage reduction, reuse and recycling of building construction materials in order to reduce waste, increase diversion, and save energy.

Encouraging the construction industry to salvage, reuse and or recycle construction, demolition, and land clearing debris, supports the City's role as an environmental steward. Various City incentives to meet this objective are geared toward the development community by encouraging the practice of salvaging and reusing building materials, separating recyclable from non-recyclable materials on the jobsite and construction techniques that use fewer materials than conventional methods. The City's Green Building Program uses several certification programs that ensure that the building construction material waste stream is reduced. Over time these techniques or programs may become mandatory.

Goal PS-3: Maintain the quality of life in Kirkland through the planned provision of regional services in coordination with other public service providers.

Policy PS-3.1: Coordinate with King County Solid Waste Division to ensure that level of service for solid waste disposal and transfer are established and followed along with mitigation of the Houghton Transfer Station's impacts.

As capacity at the Houghton Transfer Station is reached, the City should work with King County to ensure that the facility continues to meet regional needs until it is phased out. The County should ~~implement~~ implementation and/or maintenance of mitigation measures to improve pedestrian and hauler safety and to reduce impacts of noise, odor and number of large trucks coming to the site until the transfer station is eventually closed. As alternative sites are examined, the City should ensure that the existing provision of services continues. Per the 2010 King County Comprehensive Solid Waste Management Plan update, the Houghton Transfer Station will be closed in 2017.

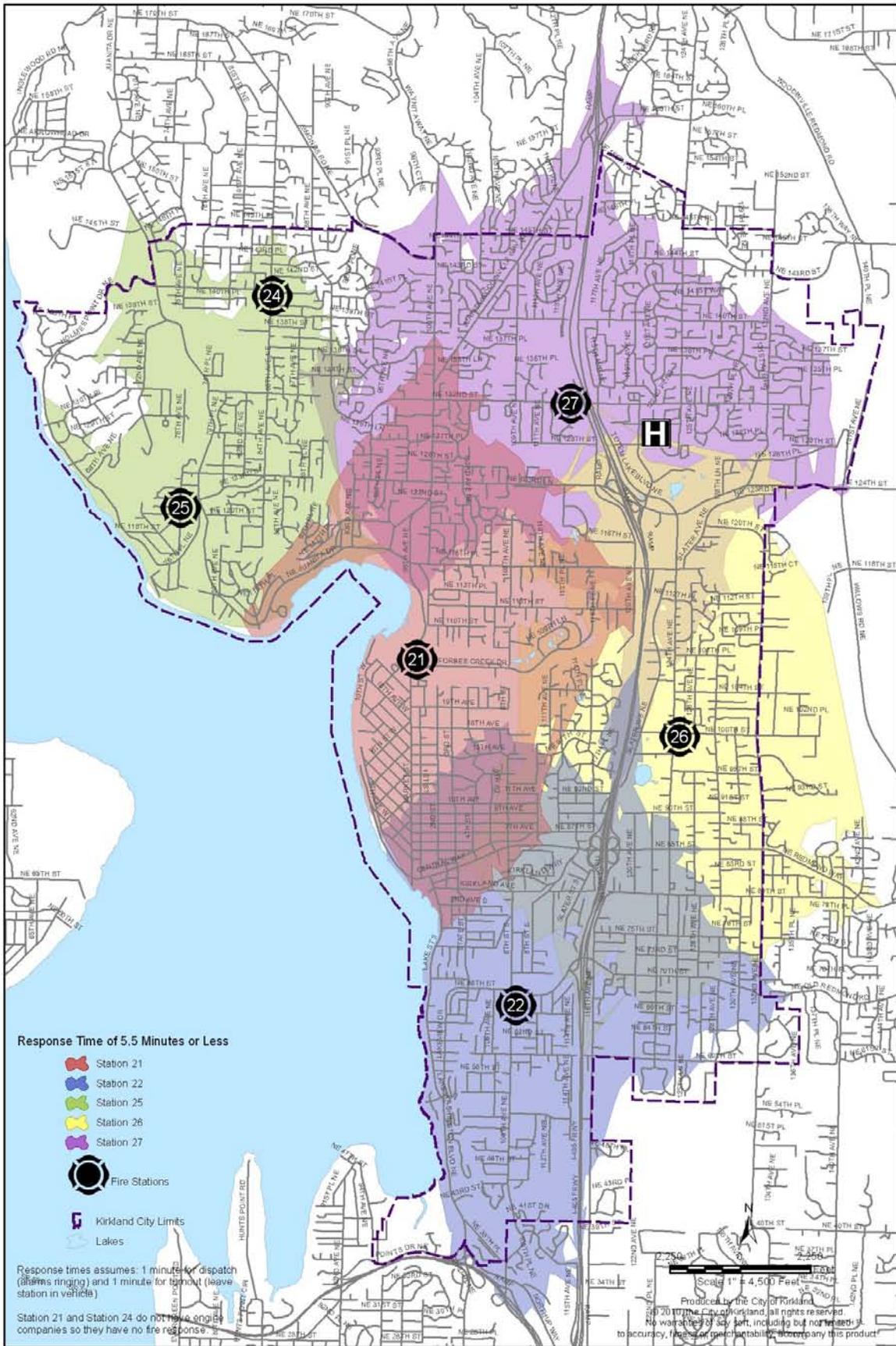


Figure PS-1: Fire Response Times within 5.5 minutes

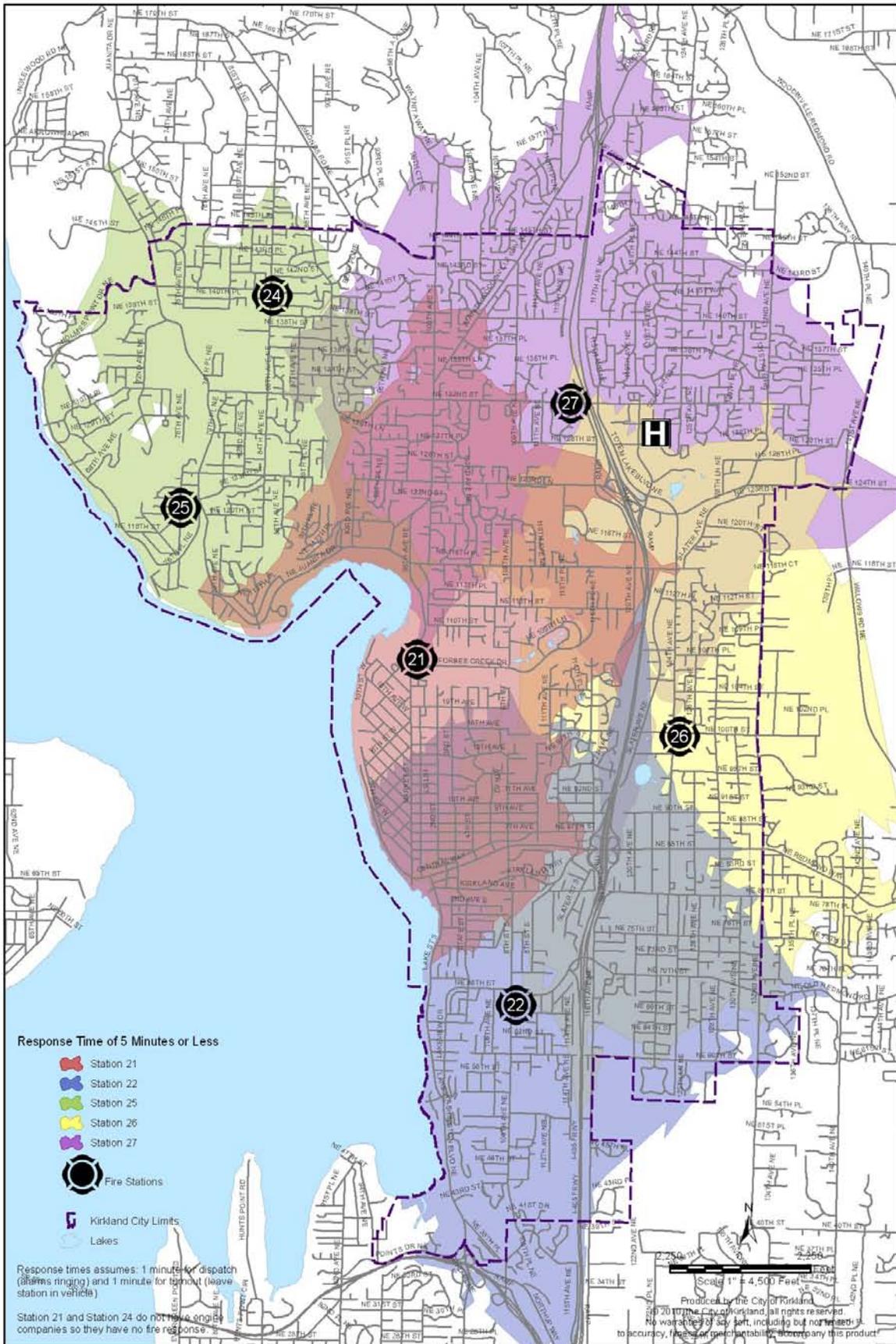


Figure PS-2: Emergency Medical Services Response Times within 5 minutes

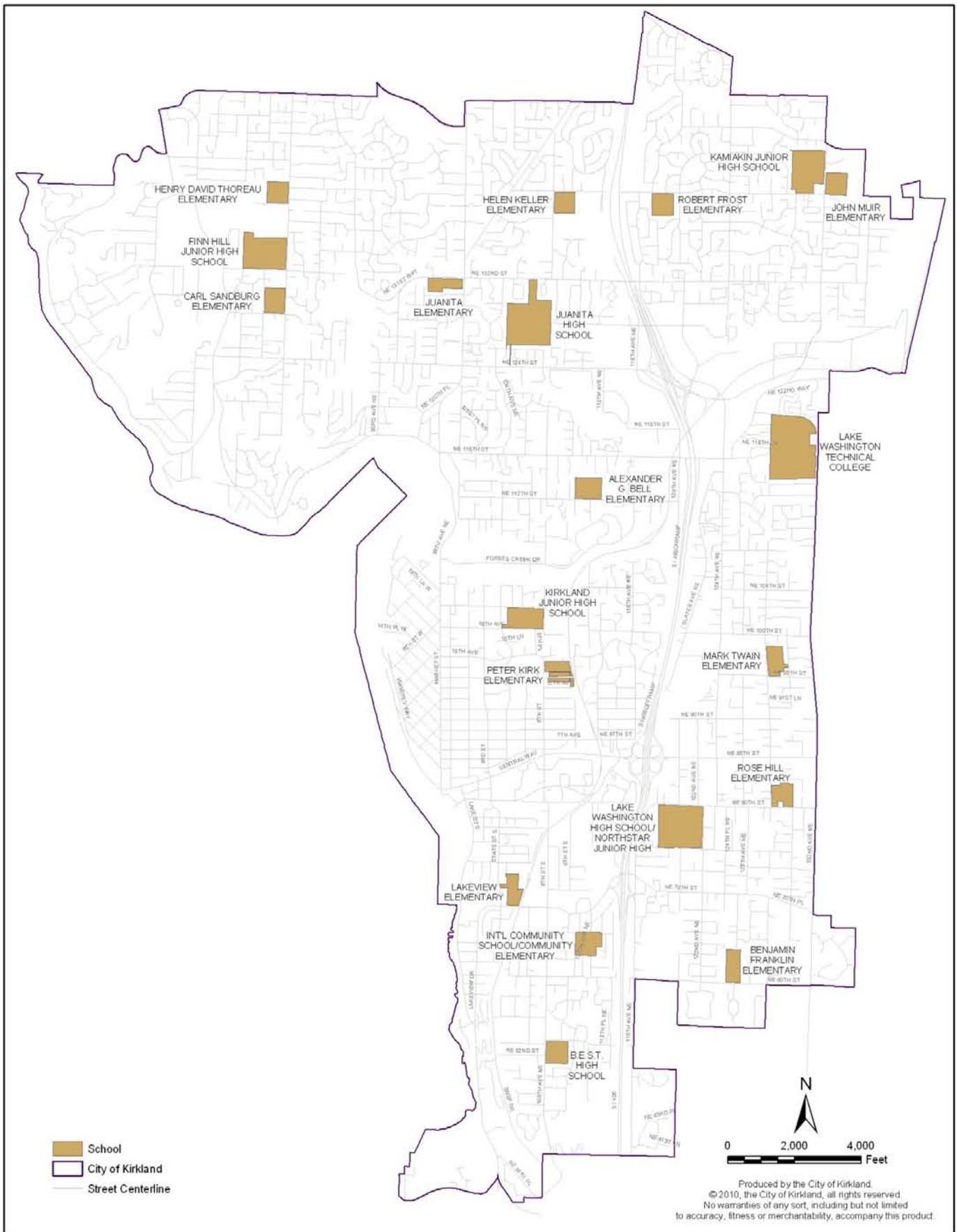


Figure PS-3: Public School Facilities

XIII. Capital Facilities

A. INTRODUCTION

Purpose of the Capital Facilities Plan

The Capital Facilities Element is a six-year plan for fully funded capital improvements that supports the City's current and future population and economy. It also includes a list of transportation projects over a ~~12-10~~ year period in time as noted in the combined Tables CF-8 and CF-8A. The principal criteria for identifying needed capital improvements are level of service standards (LOS). The Capital Facilities Element contains level of service standards for each public facility, and requires that new development be served by adequate facilities. The element also contains broad goals and specific policies that guide implementation of adequate public facilities.

B. Capital Facilities Goals and Policies

Goal CF-1: Contribute to the quality of life in Kirkland through the planned provision of public capital facilities and utilities.

Goal CF-2: Provide a variety of responses to the demands of growth on capital facilities and utilities.

Goal CF-3: Identify level of service standards that ensure adequate public facilities to serve existing and future development.

Goal CF-4: Ensure that water, sewer, and transportation facilities necessary to support new development are available and adequate concurrent with new development, based on the City's adopted level of service standards.

Goal CF-5: Provide needed public facilities that are within the ability of the City to fund or within the City's authority to require others to provide.

Goal CF-6: Ensure that the Capital Facilities Element is consistent with other City, local, regional, and State adopted plans.

~~**Goal CF-7: Ensure that adequate public facilities and utilities are provided to Kirkland's Potential Annexation Area.**~~

CONSISTENCY WITH OTHER PLANS

Many of Kirkland’s public facilities and utilities are integrally connected with other local and regional systems, such as water, sewer, surface water management, and fire and emergency management. In addition, parts of Kirkland receive water and sewer service from separate utility districts.

The Growth Management Act requires close coordination among local, regional, and State plans and programs. This requirement assumes that each jurisdiction is part of a larger whole and that the actions of one affect and are affected by the actions of other jurisdictions.

Goal CF-6: Ensure that the Capital Facilities Element is consistent with other City, local, regional, and State adopted plans.

The following documents have been reviewed and taken into consideration during the development of the Capital Facilities Element. These are considered to be “functional or management plans.” They are intended to be more detailed, often noting technical specifications and standards. They are designed to be an implementation tool rather than a policy-guiding document.

**Table CF-6
Functional and Management Plans**

City of Kirkland Fire Protection Master Plan
City of Kirkland Comprehensive Water Plan
City of Kirkland Comprehensive Sewer Plan
City of Kirkland 2006 2011-2014 -2011 -2016 Capital Improvement Programs
Surface Water Master Plan
Nonmotorized Active Transportation Plan
Commuter Trip Reduction Basic Plan
Natural Resource Management Plan
Parks, Recreation and Open Space Plan
Downtown Strategic Plan
Housing Strategy Plan
King County Solid Waste Division Comprehensive Solid Waste Management Plan
Northshore Utility District Comprehensive Water Plan

Northshore Utility District Sewer and Water Plan
Lake Washington School District Capital Facilities Plan
Shoreline Restoration Plan

C. Capital Facilities Plan

Introduction

The following Tables CF-8 through CF-12 list the capital improvement projects for the six-year planning period for [transportation](#), utilities, parks, and fire and a ~~multi-four~~-year period for transportation projects ~~through 2020~~[beyond the six-year planning period](#). In each table, the projects are grouped into one or more of the three categories:

Projects

FUNDED PROJECTS – TRANSPORTATION, UTILITIES, STORMWATER, PARKS, AND FIRE AND EMERGENCY SERVICES

Tables CF-8 through CF-12 contain a list of funded capital improvements along with a financing plan. Specific funding sources and amounts of revenue are shown which will be used to pay for the proposed funded capital projects. The funding sources for the funded projects are a reflection of the policy direction within the text of this Element.

The revenue forecasts and needed capital projects are based on the Capital Improvement Program. When the Capital Improvement Program (CIP) is updated, the projects within the Capital Facilities Plan should be changed to match the CIP document.

Transportation projects are found in Tables CF-8, CF-8A and CF-9. They include nonmotorized, street and traffic intersection improvements. Transportation grants require matching City funds so the City should provide the funds from the funding sources found in Policy CF-5.3.

Table CF-8 contains the [funded](#) six-year project list and Table CF-8A is a ~~multi-four~~-year financing plan for transportation projects ~~through 2020~~[beyond the adopted six-year Capital Facilities Plan](#). Table CF-9 contains [both](#) the [funded and unfunded 20-year](#)-project list through 2022. As priorities change and/or projects on Tables CF-8 and CF-8A are completed, projects from the 2022-year list will be moved to these tables. A descriptive list of ~~the 20-year~~ transportation projects [through 2022](#) is found in Table T-5 and a map showing the location of the projects is found in Figure T-6 contained in the Transportation Element.

[Table CF-10 contains the projects that are required to meet Level of Service Standards for Concurrency.](#)

[Funded w](#)Water, sewer and surface water utility projects are found in Table CF-10 [A and 10-B](#).

[Funded p](#)Park projects are found in Table CF-11. Several of the park projects are funded with voter-approved bonds.

[Funded f](#)ire protection and emergency services projects are found in Table CF-12.

Table CF - 8^
Capital Facilities Plan: Transportation Projects -- 2011-2016

SOURCES OF FUNDS

Revenue Type	Revenue Source	2011	2012	2013	2014	2015	2016	Six-Year Total
Local	Surface Water Fees	267,000	450,000	1,048,700	1,048,700	1,048,700	1,048,700	4,911,800
Local	Real Estate Excise Tax	1,330,000	1,376,000	1,432,000	1,408,000	1,473,000	1,399,000	8,418,000
Local	Sales Tax	270,000	270,000	270,000	270,000	270,000	270,000	1,620,000
Local	Gas Tax	549,000	554,000	558,000	562,000	567,000	571,000	3,361,000
Local	Impact Fees (excluding Park Place & Totem Lake Mall)		619,000	391,300	391,300	391,300	391,300	2,184,200
Local	Reserves	1,614,000	640,000	500,000	500,000	500,000	500,000	4,254,000
Local	Transportation Benefit District	375,000	750,000	750,000	750,000	750,000	750,000	4,125,000
External	Grants	8,527,000	1,922,000					10,449,000
External	Developer Funded -- Park Place (including Impact Fees)	-	200,000	1,331,200	1,663,000	1,589,400	2,017,000	6,800,600
External	Developer Funded -- Totem Lake (including Impact Fees)		1,500,000	1,500,000				3,000,000
Total Sources		12,932,000	8,281,000	7,781,200	6,593,000	6,589,400	6,947,000	49,123,600

USES OF FUNDS**Funded Projects**

Project Number	Project Title	2011	2012	2013	2014	2015	2016	Six-Year Total
ST 0006	Annual Street Preservation Program	2,500,000	2,500,000	2,500,000	2,500,000	2,500,000	2,500,000	15,000,000
ST 0006 001	Annual Street Preservation Program One-Time Capital	500,000						500,000
ST 0006 002	Annual Street Preservation Program One-Time Project		1,122,000					1,122,000
ST 0080	Annual Striping Program	250,000	250,000	250,000	250,000	250,000	250,000	1,500,000
ST 8888	Annual Concurrency Street Improvements		850,000	800,000	800,000	800,000	800,000	4,050,000
ST 9999	Regional Inter-Agency Coordination	40,000	40,000	40,000	40,000	40,000	40,000	240,000
NM 0012	Crosswalk Upgrade Program	70,000		70,000		70,000		210,000
NM 0057	Annual Sidewalk Maintenance Program	200,000	200,000	200,000	200,000	200,000	200,000	1,200,000
NM 0066*	12th Avenue Sidewalk	102,000						102,000
NM 0067	Elementary School Walk Route Enhancements	798,000						798,000
NM 0070	Eastside Rail Corridor Acquisition	5,000,000						5,000,000
NM 8888	Annual Non-Motorized Program			950,000	1,000,000	1,000,000	1,000,000	3,950,000
TR 0078*	NE 85th St/132nd Ave NE Intersection Improvements (Phase I)		475,000					475,000
TR 0080*	NE 85th Street/124th Avenue NE Intersection Improvements		144,000					144,000
TR 0100 (1)	6th Street/Central Way Intersection Improvements	970,000	1,000,000					1,970,000
TR 0102	Growth & Transportation Efficiency Center (GTEC) Enhancements	443,000						443,000
TR 0111	Kirkland ITS Implementation Phase I	2,043,000						2,043,000
TR 0112	Downtown Pedestrian Safety Improvements - Central Way	16,000						16,000
TR 8888*	Annual Concurrency Traffic Improvements			140,000	140,000	140,000	140,000	560,000
Subtotal 2011-2016 CIP Projects		12,932,000	6,581,000	4,950,000	4,930,000	5,000,000	4,930,000	39,323,000
TR 0056 (1)	NE 85th Street HOV Queue Bypass							-
TR 0065 (1)	6th Street/Kirkland Way Traffic Signal			200,000	364,000			564,000
TR 0082 (1)	Central Way/Park Place Center Traffic Signal			200,000	366,000			566,000
TR 0090 (1)	Lake Washington Blvd/Ne 38th Place Intersection Improvements					1,300,000	653,000	1,953,000
TR 0096 (1)	NE 132nd St/124th Ave NE Intersection Improvements						1,000,000	1,000,000
TR 0098 (1)	NE 132nd Street/116th Way NE - Totem Lake Blvd Intersection Improv.							-
TR 0103 (1)	Central Way/4th Street Intersection Improvements			31,200				31,200
TR 0104 (1)	6th Street/4th Ave Intersection Improvements			200,000	380,000			580,000
TR 0105 (1)	Central Way/5th Street Intersection Improvements			200,000	364,000			564,000
TR 0106 (1)	6th Street/7th Ave Intersection Improvements					89,400		89,400
TR 0107 (1)	Market Street/15th Ave Intersection Improvements					200,000	364,000	564,000
TR 0108 (1)	NE 85th Street/124th Ave NE Intersection Improvements		200,000	500,000	189,000			889,000
Subtotal Park Place Redevelopment Revenue - Related Projects		-	200,000	1,331,200	1,663,000	1,589,400	2,017,000	6,800,600
TR 0109 (2)	Totem Lake Plaza/Totem Lake Blvd Intersection Improvements			1,500,000				1,500,000
TR 0110 (2)	Totem Lake Plaza/120th Ave NE Intersection Improvements		1,500,000					1,500,000
Subtotal Totem Lake Mall Redevelopment Revenue - Related Projects		-	1,500,000	1,500,000	-	-	-	3,000,000
Total Funded Transportation Projects		12,932,000	8,281,000	7,781,200	6,593,000	6,589,400	6,947,000	49,123,600

SURPLUS (DEFICIT) of Resources

		-	-	-	-	-	-	-
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^ The transportation capital projects totaling \$39,323,000 for the six-year period 2011-16 constitute the funded portion of the City's six-year transportation capital improvement plan (CIP). Other projects in this table include capital improvements that will be undertaken only if the proposed redevelopments (Park Place and/or Totem Lake) are completed. Project costs and associated funding beyond 2016 are estimates and do not reflect the City's adopted CIP.

*These projects provide new capacity towards concurrency

(1) Projects associated with Park Place redevelopment

(2) Projects associated with Totem Lake redevelopment

Capital Facilities Plan: Transportation Projects -- 2017-2022

SOURCES OF FUNDS

Revenue Type	Revenue Source	2017	2018	2019	2020	2021	2022	Six-Year Total	Multi-Year Total
Local	Surface Water Fees	1,048,700	1,048,700	1,048,700	1,048,700	1,048,700	1,048,700	6,292,200	11,204,000
Local	Real Estate Excise Tax	970,000	900,000	970,000	900,000	900,000	900,000	5,540,000	13,958,000
Local	Sales Tax	270,000	270,000	270,000	270,000	270,000	270,000	1,620,000	3,240,000
Local	Gas Tax	450,000	450,000	450,000	450,000	450,000	450,000	2,700,000	6,061,000
Local	Impact Fees (excluding Park Place & Totem Lake Mall)	391,300	391,300	391,300	391,300	391,300	391,300	2,347,800	4,532,000
Local	Reserves	480,000	480,000	480,000	480,000	480,000	480,000	2,880,000	7,134,000
Local	Transportation Benefit District	750,000	750,000	750,000	750,000	750,000	750,000	4,500,000	8,625,000
External	Grants	500,000	500,000	500,000	500,000	500,000	500,000	3,000,000	13,449,000
External	Developer Funded -- Park Place (including Impact Fees)	1,438,000	2,166,400					3,604,400	10,405,000
External	Developer Funded -- Totem Lake (including Impact Fees)				4,000,000			4,000,000	7,000,000
Total Sources		6,298,000	6,956,400	4,860,000	8,790,000	4,790,000	4,790,000	36,484,400	85,608,000

USES OF FUNDS

Funded Projects

Project Number	Project Title	2017	2018	2019	2020	2021	2022	Six-Year Total	Multi-Year Total
ST 0006	Annual Street Preservation Program	2,500,000	2,500,000	2,500,000	2,500,000	2,500,000	2,500,000	15,000,000	30,000,000
ST 0006 001	Annual Street Preservation Program One-Time Capital							-	500,000
ST 0006 002	Annual Street Preservation Program One-Time Project							-	1,122,000
ST 0080	Annual Striping Program	250,000	250,000	250,000	250,000	250,000	250,000	1,500,000	3,000,000
ST 8888	Annual Concurrence Street Improvements	800,000	800,000	800,000	800,000	800,000	800,000	4,800,000	8,850,000
ST 9999	Regional Inter-Agency Coordination	40,000	40,000	40,000	40,000	40,000	40,000	240,000	480,000
NM 0012	Crosswalk Upgrade Program	70,000		70,000				140,000	350,000
NM 0057	Annual Sidewalk Maintenance Program	200,000	200,000	200,000	200,000	200,000	200,000	1,200,000	2,400,000
NM 0066*	12th Avenue Sidewalk							-	102,000
NM 0067	Elementary School Walk Route Enhancements							-	798,000
NM 0070	Eastside Rail Corridor Acquisition							-	5,000,000
NM 8888	Annual Non-Motorized Program	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	6,000,000	9,950,000
TR 0078*	NE 85th St/132nd Ave NE Intersection Improvements (Phase I)							-	475,000
TR 0080*	NE 85th Street/124th Avenue NE Intersection Improvements							-	144,000
TR 0100 ⁽¹⁾	6th Street/Central Way Intersection Improvements							-	1,970,000
TR 0102	Growth & Transportation Efficiency Center (GTEC) Enhancements							-	443,000
TR 0111	Kirkland ITS Implementation Phase I							-	2,043,000
TR 0112	Downtown Pedestrian Safety Improvements - Central Way							-	16,000
TR 8888*	Annual Concurrence Traffic Improvements			-				-	560,000
Subtotal Future Year Costs		4,860,000	4,790,000	4,860,000	4,790,000	4,790,000	4,790,000	28,880,000	68,203,000
TR 0056 ⁽¹⁾	NE 85th Street HOV Queue Bypass		166,400					166,400	166,400
TR 0065 ⁽¹⁾	6th Street/Kirkland Way Traffic Signal							-	564,000
TR 0082 ⁽¹⁾	Central Way/Park Place Center Traffic Signal							-	566,000
TR 0090 ⁽¹⁾	Lake Washington Blvd/Ne 38th Place Intersection Improvements							-	1,953,000
TR 0096 ⁽¹⁾	NE 132nd St/124th Ave NE Intersection Improvements	1,438,000	2,000,000					3,438,000	4,438,000
TR 0098 ⁽¹⁾	NE 132nd Street/116th Way NE - Totem Lake Blvd Intersection Improv.							-	-
TR 0103 ⁽¹⁾	Central Way/4th Street Intersection Improvements							-	31,200
TR 0104 ⁽¹⁾	6th Street/4th Ave Intersection Improvements							-	580,000
TR 0105 ⁽¹⁾	Central Way/5th Street Intersection Improvements							-	564,000
TR 0106 ⁽¹⁾	6th Street/7th Ave Intersection Improvements							-	89,400
TR 0107 ⁽¹⁾	Market Street/15th Ave Intersection Improvements							-	564,000
TR 0108 ⁽¹⁾	NE 85th Street/124th Ave NE Intersection Improvements							-	889,000
Subtotal Park Place Redevelopment Revenue - Related Projects		1,438,000	2,166,400	-	-	-	-	3,604,400	10,405,000
TR 0109 ⁽²⁾	Totem Lake Plaza/Totem Lake Blvd Intersection Improvements				2,000,000			2,000,000	3,500,000
TR 0110 ⁽²⁾	Totem Lake Plaza/120th Ave NE Intersection Improvements				2,000,000			2,000,000	3,500,000
Subtotal Totem Lake Mall Redevelopment Revenue - Related Projects		-	-	-	4,000,000	-	-	4,000,000	7,000,000
Total Funded Transportation Projects		6,298,000	6,956,400	4,860,000	8,790,000	4,790,000	4,790,000	36,484,400	85,608,000
SURPLUS (DEFICIT) of Potential Development Revenue		-	-						

*These projects provide new capacity towards concurrency

⁽¹⁾ Projects associated with Park Place redevelopment

⁽²⁾ Projects associated with Totem Lake redevelopment

Table CF - 10A
Capital Facilities Plan: Utility Projects

SOURCES OF FUNDS

<i>Revenue Type</i>	<i>Revenue Source</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>	<i>Six-Year Total</i>
Local	Water and Sanitary Sewer Utility Rates	50,000	2,233,500	1,022,300	2,331,200	1,394,100	1,382,000	8,413,100
Local	Reserves	1,400,000		1,400,000		1,400,000		4,200,000
External	Public Works Trust Fund Loan							-
Local	Debt		578,300	985,200	730,700	1,383,400	1,597,700	5,275,300
External	Joint Facility Agreements Redmond/Bellevue		47,900					47,900
Total Sources		1,450,000	2,859,700	3,407,500	3,061,900	4,177,500	2,979,700	17,936,300

USES OF FUNDS**Funded Projects**

<i>Project Number</i>	<i>Project Title</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>	<i>Six-Year Total</i>
WA 0063	Supply Station #3 Replacement/Transmission Main Addition		141,000					141,000
WA 0090	Emergency Sewer Pgm Watermain Replacement Pgm	50,000		50,000		50,000		150,000
WA 0102	104th Ave NE Watermain Replacement				937,000			937,000
WA 0116*	132nd Ave NE/NE 80th St Watermain Replacement		251,000	798,500	1,265,300			2,314,800
WA 0121	NE 109th Ave/106th Court NE Watermain Replacement		371,300					371,300
WA 8888	Annual Watermain Replacement Program					500,000	500,000	1,000,000
WA 9999	Annual Water Pump Station/System Upgrade Pgm					600,000	600,000	1,200,000
SS 0056*	Emergency Sewer Construction Program	1,400,000		1,400,000		1,400,000		4,200,000
SS 0067	NE 80th Street Sewermain Replacement (Phase II)		680,400	1,159,000	525,000			2,364,400
SS 0076	NE 80th Street Sewermain Replacement (Phase III)				334,600	1,627,500	1,879,700	3,841,800
SS 8888	Annual Sanitary Pipeline Replacement Program		886,000					886,000
SS 9999*	Annual Sanitary Pump Station/System Upgrade Pgm		530,000					530,000
Total Funded Utility Projects		1,450,000	2,859,700	3,407,500	3,061,900	4,177,500	2,979,700	17,936,300

SURPLUS (DEFICIT) of Resources	-	-	-	-	-	-	-	-
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*These projects provide new capacity towards levels of service.

Table CF - 10B
Capital Facilities Plan: Surface Water Utility Projects

SOURCES OF FUNDS

<i>Revenue Type</i>	<i>Revenue Source</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>	<i>Six-Year Total</i>
Local	Surface Water Utility Rates	1,200,000	1,512,200	2,286,900	1,588,000	974,000	861,900	8,423,000
External	External Sources	117,000		44,000				161,000
Total Sources		1,317,000	1,512,200	2,330,900	1,588,000	974,000	861,900	8,584,000

USES OF FUNDS**Funded Projects**

<i>Project Number</i>	<i>Project Title</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>	<i>Six-Year Total</i>
SD 0047	Annual Replacement of Aging/Failing Infrastructure	200,000	200,000	200,000	200,000	200,000	200,000	1,200,000
SD 0051	Forbes Creek/KC Metro Access Road Culvert Enh.			733,700				733,700
SD 0053	Forbes Creek/Coors Pond Channel Grade Controls		101,000	570,700	184,200			855,900
SD 0058	Surface Water Sediment Pond Reclamation Phase II		115,400	603,200	114,200			832,800
SD 0059	Totem Lake Boulevard Flood Control Measures	117,000						117,000
SD 0067	NE 129th Place/Juanita Creek Rockery Repair		115,500	223,300				338,800
SD 0072	Totem Lake Surface Water Opportunity Program	500,000						500,000
SD 0073	Forbes Creek Surface Water Opportunity Program	500,000						500,000
SD 8888	Annual Streambank Stabilization Program		57,700		165,800	300,000	311,900	835,400
SD 9999*	Annual Storm Drain Replacement Program		922,600		923,800	474,000	350,000	2,670,400
Total Funded Surface Water Utility Projects		1,317,000	1,512,200	2,330,900	1,588,000	974,000	861,900	8,584,000

<i>SURPLUS (DEFICIT) of Resources</i>	-	-	-	-	-	-	-	-
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*These projects provide new capacity towards levels of service.

Table CF - 11
Capital Facilities Plan: Parks Projects

SOURCES OF FUNDS

<i>Revenue Type</i>	<i>Revenue Source</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>	<i>Six-Year Total</i>
Local	Real Estate Excise Tax	670,000	693,000	718,000	743,000	769,000	796,000	4,389,000
Local	Park Impact Fees							-
Local	Reserves	100,000						100,000
Local	King County Property Tax Levy	118,000	118,000	618,000	118,000			972,000
External	Grant							-
Total Sources		888,000	811,000	1,336,000	861,000	769,000	796,000	5,461,000

USES OF FUNDS**Funded Projects**

<i>Project Number</i>	<i>Project Title</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>	<i>Six-Year Total</i>
PK 0049*	Open Space, Pk Land & Trail Acq Grant Match Program	100,000						100,000
PK 0066	Park Play Area Enhancements	50,000	50,000	50,000		50,000	50,000	250,000
PK 0087	Waverly Beach Park Renovation	508,000	162,000					670,000
PK 0113	Spinney Homestead Park Renovation	62,000	338,000					400,000
PK 0115	Terrace Park Renovation			62,000	338,000			400,000
PK 0119	Juanita Beach Park Development		18,000	1,043,000				1,061,000
PK 0121	Green Kirkland Forest Restoration Program	50,000	50,000	50,000	50,000	50,000	50,000	300,000
PK 0124*	Snyder's Corner Park Site Development		75,000	13,000	355,000			443,000
PK 0131*	Park and Open Space Acquisition Program	118,000	118,000	118,000	118,000			472,000
PK 0132	General Park Renovation Program					669,000	696,000	1,365,000
Total Funded Parks Projects		888,000	811,000	1,336,000	861,000	769,000	796,000	5,461,000

SURPLUS (DEFICIT) of Resources	-	-	-	-	-	-	-	-
---------------------------------------	---	---	---	---	---	---	---	---

*These projects provide new capacity towards levels of service.

Table CF - 9
2022 Transportation Projects List (Funded - Unfunded)

Comp Plan ID Number	Project Description	Total Cost ⁽¹⁾	Cip Project Number	Funded in 6-yr CIP	Source Doc ⁽²⁾	Comp Plan Goal	2022 Concurrency Project
NM20-1	NE 100th St at Spinney Homestead Park Sidewalk Ph. II	\$ 0.4	NM 0034		C, NM	T-2	
NM20-2	116th Ave NE Nonmotorized Facilities	\$ 6.0	NM 0001		C, NM	T-2	
NM20-3	13th Ave Sidewalk (Phase II)	\$ 0.4	NM 0054		C, NM	T-2	
NM20-4	Crestwoods Park/BNSFRR Ped/Bike Facility	\$ 2.5	NM 0031		C, NM	T-2	
NM20-5	93rd Ave NE Sidewalk	\$ 1.0	NM 0032		C, NM	T-2	
NM20-6	NE 52nd Street Sidewalk	\$ 1.0	NM 0007		C, NM	T-2	
NM20-7	Cross Kirkland Trail	\$ 6.1	NM 0024		C, NM	T-2, T-8	
NM20-8	122nd Ave NE Sidewalk	\$ 0.9	NM 0055		C, NM	T-2	
NM20-9	104th Ave NE/NE 68th St Lakeview Schl Wlk Rt Enhncmnts	\$ 0.4	NM 0068		C, NM	T-2	
NM20-10	NE 100th Street Bike Lane	\$ 1.6	NM 0036		C, NM	T-2	
NM20-11	NE 95th St. Sidewalk (Highlands)	\$ 0.6	NM 0045		C, NM	T-2	
NM20-12	18th Ave West Sidewalk	\$ 2.3	NM 0046		C, NM	T-2	
NM20-13	116th Ave NE Sidewalk (South Rose Hill)	\$ 0.4	NM 0047		C, NM	T-2	
NM20-14	130th Ave NE Sidewalk	\$ 0.8	NM 0037		C, NM	T-2	
NM20-15	NE 90th St. Bicycle/Ped Overpass Across I-405	\$ 3.7	NM 0030		C, NM	T-2	
NM20-16A	NE 90th St Sidewalk (Phase I)	\$ 1.2	NM 0056		C, NM	T-2	
NM20-16B	NE 90th St Sidewalk (Phase II)	\$ 2.6	NM 0026		C, NM	T-2	
NM20-17	NE 60th St Sidewalk	\$ 5.0	NM 0048		C, NM	T-2	
NM20-18	Forbes Valley Pedestrian Facility	\$ 2.0	NM 0041		C, NM	T-2	
NM20-19	NE 126th St NM Facilities	\$ 4.3	NM 0043		C, TL	T-2	
NM20-20	Crosswalk upgrades (various locations)	\$ 0.2	NM 0012	√	C, NM	T-2	
NM20-21	Annual Pedestrian Improvements (various locations)		various		NM	T-2	
NM20-22	Annual Bicycle Improvements (various locations)		various		NM	T-2	
NM20-23	112th Ave NE Sidewalk	\$ 0.5	NM 0049		C, NM	T-2	
NM20-24	NE 80th St Sidewalk	\$ 0.9	NM 0050		C, NM	T-2	
NM20-25	Rose Hill Business District Sidewalks	\$ 0.5	NM 0051		C, NM	T-2	
NM20-26	Kirkland Way Sidewalk	\$ 0.4	NM 0063		C, NM	T-2	
NM20-27	NE 112th St Sidewalk	\$ 0.6	NM 0053		C, NM	T-2	
NM20-28	Annual Sidewalk Maintenance Program	\$ 1.2	NM 0057	√	C, NM	T-2	
NM20-29	111th Ave NM/Emergency Access Connection		NM 0058		Highland	T-2	
NM20-30	6th Street Sidewalk	\$ 0.4	NM 0059		C	T-2	
NM20-31	Elementary School Walk Route Enhancements	\$ 0.8	NM 0067	√	C	T-2	
NM20-32	Park Lane Pedestrian Corridor (Phase II)	\$ 1.3	NM 0064		C	T-2	
NM20-33	100th Avenue NE Bicycle Lanes	\$ 0.2	NM 0069		C	T-2	
NM20-34	12th Ave Sidewalk	\$ 0.4	NM 0066	√	C	T-2	
NM20-35	Annual Nonmotorized Program	\$ 4.0	NM 8888	√	C	T-2	
NM20-36	NE 104th St Sidewalk	\$ 1.8	NM 0061		C	T-2	
NM20-37	19th Ave Sidewalk	\$ 0.8	NM 0062		C	T-2	
	Sub-total Non-motorized	\$ 57.2					
ST20-1	118th Ave NE Roadway Extension	\$ 6.4	ST 0060		C, TL	T-4	
ST20-2	119th Ave NE Roadway Extension	\$ 5.6	ST 0061		C, TL	T-4	
ST20-3	120th Ave NE Roadway Improvements	\$ 9.0	ST 0063		C	T-1, T-4	√
ST20-4	124th Ave NE Roadway Improvements	\$ 10.0	ST 0059	√	C	T-1, T-4	√
ST20-5	124th Ave NE Roadway Widening Improvements	\$ 20.0	ST 0064		C	T-4	
ST20-6	132nd Ave NE Roadway Improvements	\$ 25.0	ST 0056		C	T-4	
ST20-7	98th Ave NE Bridge Replacement	\$ 10.0	ST 0055		C	T-4	
ST20-8	120th Ave NE Roadway Extension	\$ 16.0	ST 0073		TL	T-4	
ST20-9	NE 120th St Roadway Extension (east section)	\$ 4.7	ST 0057		C	T-1, T-4	√
ST20-10	120th Ave NE/Totem Lake Plaza Roadway Improvements	\$ 3.0	ST 0070		TL	T-4	
ST20-11	NE 130th Street Roadway Extension	\$ 10.0	ST 0062		C	T-4	
ST20-12	NE 120th St roadway Improvements (west section)	\$ 5.9	ST 0072		TL	T-4	
ST20-13	Annual Street Preservation Program	\$ 15.0	ST 0006	√	C	T-4	
ST20-14	NE 132nd St Rdwy Imprv - Phase I (west section)	\$ 1.4	ST 0077		C, 132	T-4	
ST20-15	NE 132nd St Rdwy Imprv - Phase II (mid section)	\$ 0.3	ST 0078		C, 132	T-4	
ST20-16	NE 132nd St Rdwy Imprv - Phase III (east section)	\$ 1.1	ST 0079		C, 132	T-4	
ST20-17	Annual Striping Program	\$ 1.5	ST 0080	√	C	T-4	
ST20-18	Annual Concurrency Street Improvements	\$ 4.0	ST 8888	√	C	T-4	√
ST20-19	Annual Street Pres Program - ONE-time Project	\$ 1.1	ST 0006	√	C	T-4	
	Sub-total Streets	\$ 150.0					
TR20-1	100th Ave NE/NE 124th St Intersection Improvements	\$ 2.2	TR 0084		C	T-4	√
TR20-2	Kirkland Way/BNSFRR Abutment/Intersection Improvements	\$ 6.9	TR 0067		C	T-4, T-2	
TR20-3	6th Street/Kirkland Way Traffic Signal	\$ 0.6	TR 0065	√	C	T-4	
TR20-4	Totem Lake Blvd/120th Ave NE	\$ 2.8	TR 0099		C	T-4	
TR20-5	NE 124th St/I-405 Queue Bypass (EB to SB)	\$ 1.7	TR 0057		C	T1 T4 T5	√
TR20-6	NE 85th St/120th Ave NE Intersection Improvements	\$ 5.3	TR 0088		C	BKR T1 T4	√
TR20-7	NE 85th St/132nd Ave NE Intersection Improvements	\$ 1.8	TR 0089		C	BKR T1 T4	
TR20-8	NE 85th St HOV/I-405 Queue Bypass	\$ 0.8	TR 0056		C	T1 T4 T5	√
TR20-9	Lake Wash Blvd/Northup Way Queue Bypass	\$ 6.6	TR 0068		C	T-4	
TR20-10.1	NE 116th St/I-405 Queue Bypass	\$ 7.3	TR 0072		C	T1 T4 T5	
TR20-10.2	NE 85th St/I-405 Queue Bypass	\$ 1.8	TR 0074		C	T1 T4 T5	
TR20-10.3	NE 70th St/I-405 Queue Bypass	\$ 1.7	TR 0073		C	T1 T4 T5	
TR20-10.4	NE 124th St/I-405 Queue Bypass (WB to NB)	\$ 1.3	TR 0075		C	T1 T4 T5	√
TR20-11.1	Kirkland Ave/Lake Street South				P20	T-4	

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TR20-11.2	Lake Street South/2nd Ave South				P20	T-4	
TR20-11.3	Market Street/Central Way				P20	T-4	
TR20-11.4	Market Street/7th Avenue NE				P20	T-4	
TR20-11.5	NE 53rd Street/108th Ave NE				P20	T-4	
TR20-11.6	NE 60th Street/116th Ave NE				P20	T-4	
TR20-11.7	NE 60th Street/132nd Avenue NE				P20	T-4	
TR20-11.8	NE 64th Street/Lake Washington Blvd				P20	T-4	
TR20-11.9	NE 70th Street/120th Avenue NE or 122nd Avenue NE				P20	T-4	
TR20-11.10	NE 80th Street/132nd Avenue NE				P20	T-4	
TR20-11.11	NE 112th Street/124th Avenue NE				P20	T-4	
TR20-11.12	NE 116th Street/118th Avenue NE				P20	T-4	
TR20-11.13	NE 116th Street/124th Avenue NE	\$ 1.7	TR 0092		C	T-4	
TR20-11.14	NE 126th Street/132nd Place NE				P20	T-4	
TR20-11.15	NE 128th Street/Totem Lake Blvd				P20	T-4	
TR20-11.16	NE 100th Street/132nd Avenue NE				P20	T-4	
TR20-11.17	Market Street/Forbes Creek Drive				P20	T-4	
TR20-11.18	NE 112th Street/120th Avenue NE				P20	T-4	
TR20-11.19	Totem Lake Blvd/120th Avenue NE				P20	T-4	
TR20-12	NE 70th Street/132nd Ave NE Intersection Imp	\$ 4.6	TR 0086		C	T-4	√
TR20-13	Lake Wash Blvd/NE 38th Place Intersection Imp	\$ 0.5	TR 0090	√	C	T-4	
TR20-14	NE 124th St/124th Ave NE Intersection Imp	\$ 3.5	TR 0091		C	T-4	
TR20-15	NE 132nd Street/100th Ave NE Intersection Imp	\$ 3.0	TR 0083		C	T-4	√
TR20-16	Central Way/Park Place Center Traffic Signal	\$ 0.2	TR 0082	√	C	T-4	
TR20-17	NE 132nd Street/124th Ave NE Intersection Imp	\$ 5.7	TR 0096		C	T-4	√
TR20-18	NE 132nd Street/116th Way NE Intersection Imp	\$ 0.3	TR 0098		C	T-4	√
TR20-19	6th Street/Central Way Intersection Imp	\$ 3.6	TR 0100	√	C	T-4	
TR20-20	Central Way/4th Street Intersection Imp	\$ 0.03	TR 0103	√	C	T-4	
TR20-21	6th Street/4th Ave Intersection Imp	\$ 0.6	TR 0104	√	C	T-4	
TR20-22	Central Way/5th Street Intersection Imp	\$ 0.6	TR 0105		C	T-4	
TR20-23	6th Street/7th Ave Intersection Improvements	\$ 0.1	TR 0106		C	T-4	
TR20-24	Market Street/15th Ave Intersection Imp	\$ 0.6	TR 0107		C	T-4	
TR20-25	NE 85th Street/124th Ave NE Intersection Imp	\$ 0.9	TR 0108	√	C	T-4	
TR20-26	Totem Lake Plaza/Totem Lake Blvd Intersection Imp	\$ 1.5	TR 0109		C	T-4	
TR20-27	NE 132nd St/Juanita HS Access Road Intersection Imp	\$ 0.9	TR 0093		C	T-4	√
TR20-28	Totem Lake Plaza/120th Ave NE Intersection Imp	\$ 1.5	TR 0110		C	T-4	
TR20-29	NE 132nd St/108th Ave NE Intersection Imp	\$ 0.6	TR 0094		C	T-4	√
TR20-30	NE 132nd St/Fire Station Access Dr Intersection Imp	\$ 0.4	TR 0095		C	T-4	
TR20-31	NE 132nd St/132nd Ave NE Intersection Imp	\$ 0.9	TR 0097		C	T-4	√
TR20-32	NE 85th Street/132nd Ave NE Intersection Imp (Phase I)	\$ 0.5	TR 0078	√	C	T-4	
TR20-33	NE 85th Street/124th Ave NE Intersection Imp	\$ 0.1	TR 0080	√	C	T-4	
TR20-34	Annual Concurrency Traffic Improvements	\$ 0.6	TR 8888	√	C	T-4	√
TR20-35	Kirkland ITS Improvements – Phase I	\$ 2.0	TR 0111	√	C	T-4	
TR20-36	Kirkland ITS Improvements – Phase II	\$ 4.0	TR 0111 -1		C	T-4	
TR20-37	Downtown Pedestrian Safety Improvement - Central Way	\$ 0.0	TR 0112	√	C	T-4	

Sub-total Traffic \$ 73.8

Notes:

- (1) *10 Costs in thousands; Funded projects indexed for inflation
- (2) C = CIP, NM = Non-Cap List, P20 = 20 year list, 132 = 132nd Street Masterplan (2008), Highland = Highlands Neighborhood Plan

Table CF - 10
2022 Concurrency Transportation Projects List

Comp Plan ID Number	Project Description	Remaining Costs (1)	CIP Project Number	Funded in 6-yr CIP	Source Doc (2)	Comp Plan Goal	2022 Concurrency Project
ST20-3	120th Avenue NE, NE 128th Street to NE 132nd Street	\$ 0.9	ST 0063	No	C	T-1, T-4	√
ST20-4	124th Avenue NE, NE 116th Street to NE 124th Street	\$ 10.0	ST 0059	No	C	T-1, T-4	√
ST20-9	NE 120th Street (east section), from Slater Avenue NE to 124th Avenue NE	\$ 4.7	ST 0057-001	No	C	T-1, T-4	√
ST20-18	Annual Concurrency Street Improvements	\$ 4.0	ST 8888	Yes	C	T-4	√
TR20-1	100th Avenue NE / NE 124th Street	\$ 2.2	TR 0084	No	C	T-4	√
TR20-5	NE 124th Street and I-405, HOV Queue By-pass east to southbound	\$ 1.7	TR 0057	No	C	T-1, T-4, T-5	√
TR20-6	NE 85th Street / 120th Avenue NE	\$ 5.3	TR 0088	No	C	BKR, T-1, T-4	√
TR20-8	NE 85th Street and I-405, HOV Queue By-pass east to southbound	\$ 0.8	TR 0056	No	C	T-1, T-4, T-5	√
TR20-10.4	NE 124th Street / I-405 HOV Queue By-pass,westbound to northbound	\$ 1.3	TR 0075	No	C	T-1, T-4, T-5	√
TR20-11.19	Totem Lake Boulevard / 120th Avenue NE.	\$ 1.5	TR 0110	No	C	T-1, T-4, T-5	√
TR20-12	NE 70th Street / 132nd Avenue NE	\$ 4.6	TR 0086	No	C	BKR, T-1, T-4	√
TR20-15	NE 132nd Street / 100th Avenue NE	\$ 3.0	TR 0083	No	C	BKR, T-1, T-4	√
TR20-17	NE 132nd Street / 124 th Avenue NE	\$ 5.7	TR 0096	No	C, 132	T-4	√
TR20-18	NE 132nd Street at 116th Way NE to Totem Lake Blvd / I-405	\$ 0.3	TR 0098	No	C, 132	T-4	√
TR20-27	NE 132nd Street / Juanita High School Entry	\$ 0.9	TR 0093	No	C, 132	T-4	√
TR20-29	NE 132nd Street / 108th Avenue NE	\$ 0.6	TR 0094	No	C, 132	T-4	√
TR20-31	NE 132nd Street / 132nd Avenue NE	\$ 0.9	TR 0097	No	C, 132	T-4	√
TR20-34	Annual Concurrency Traffic Improvements	\$ 0.6	TR 8888	Yes	C	T-4	√

CONCURRENCY PROJECT LIST TOTAL ('10 Costs w/o INFLATION) \$ 49.00

Years to attain 2022 network: 2011 -- 2022 = 12 years

AVERAGE ANNUAL CONCURRENCY PROKJECT EXPENDITURE \$ 4.08

Notes: Remaining costs with 2010 as "base year"

(1) '10 est.; PROJECTS ARE NOT INDEXED FOR INFLATION

(2) C = CIP, P20 - 20 year list, 132 = 132nd Street Masterplan (2008)

XIV. Implementation Strategies

A. Implementation Methods

Neighborhood Plans. An important part of the Comprehensive Plan are the plans for Kirkland’s ~~13~~¹⁵ neighborhoods. Those plans have been prepared and updated over a period of years to address in detail issues relevant to each specific neighborhood. Regular update of the neighborhood plans should continue, both to maintain their currency and to bring them into compliance with the more recently adopted Plan elements.

Functional and Management Plans. Although not technically a part of the Comprehensive Plan, functional and management plans address in detail subjects more generally discussed in the Comprehensive Plan. Existing functional plans include:

- ◆ Capital Improvement Program;
- ◆ Sewer Comprehensive Plan;
- ◆ Water Comprehensive Plan;
- ◆ Surface Water Master Plan;
- ◆ Park, Open Space and Recreation Plan;
- ◆ Fire Protection Master Plan;
- ◆ ~~Nonmotorized Transportation Plan~~ [Active Transportation Plan](#);
- ◆ Natural Resource Management Plan;
- ◆ Downtown Strategic Plan;
- ◆ Housing Strategy Plan.

B. Implementation Tasks

**Table IS-1
Implementation Tasks**

TASK	PRIORITY
<p>GENERAL ELEMENT</p> <p style="padding-left: 40px;"><u>Project</u></p> <p style="padding-left: 80px;">G.2. Update the General Element to include 2010 census data and 2011 annexation.</p>	
<p>NATURAL ENVIRONMENT ELEMENT</p> <p style="padding-left: 40px;"><u>Projects</u></p> <p style="padding-left: 80px;">NE.1. Update the City’s Shoreline Master Program.</p>	
<p>LAND USE ELEMENT</p> <p style="padding-left: 40px;"><u>Projects</u></p>	

LU.7 Update the Land Use Element to include 2010 census data and 2011 annexation.

HOUSING ELEMENT

Projects

H.3 Update the Housing Element to include 2010 census data and 2011 annexation.

ECONOMIC DEVELOPMENT ELEMENT

Projects

ED.5 Update The Economic Development Element to include 2010 census data and 2011 annexation.

TRANSPORTATION ELEMENT

Ongoing

T.3. Regularly update the ~~Nonmotorized Transportation Plan~~Active Transportation Plan.

CAPITAL FACILITIES ELEMENT

Projects

CF.2. Update Level of Service standards to include the annexation area.

CF.3. Update transportation and park impact fee rate studies to include the annexation area

NEIGHBORHOOD PLANS

Projects

NP.1. Regularly review neighborhood plans and amend as appropriate. Explore efficiencies in the neighborhood planning process to ensure a predictable and sustainable update cycle.

NP.2. Develop neighborhood plans for the 2011 annexation neighborhoods.

NP.23.

XIV. IMPLEMENTATION STRATEGIES

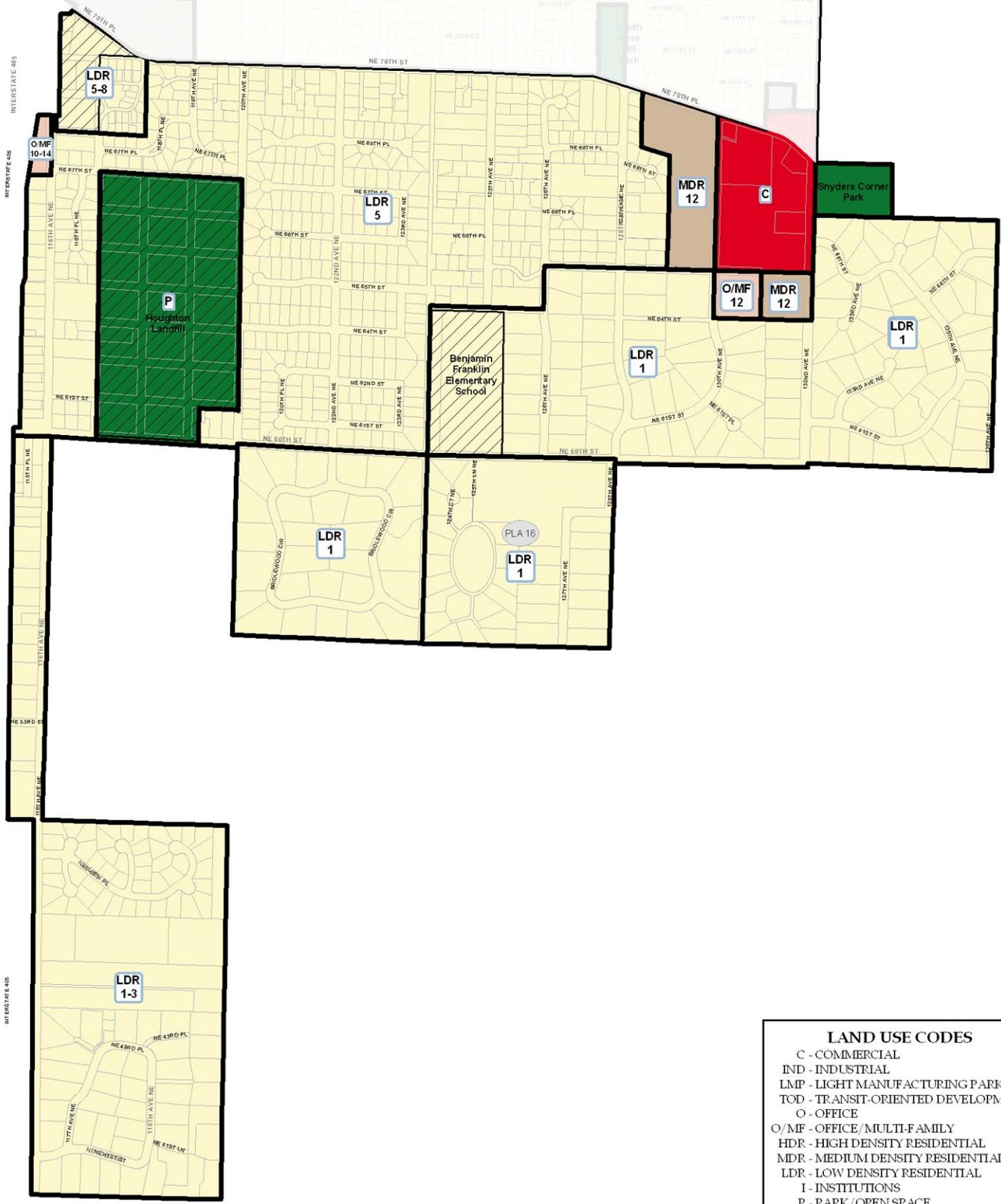
<u>SHORELINE AREA CHAPTER</u>		
<u>Ongoing</u>		
<u>SA-1</u>	<u>Track and monitor No Net Loss indicators along the shoreline, such as overwater, in water and upland structures, shoreline armoring and vegetation</u>	
<u>SA-2</u>	<u>Implement priority restoration projects and programs contained in the Shoreline Restoration Plan component of the Shoreline Master Program.</u>	
<u>SA-3</u>	<u>Work with other jurisdictions, agencies, and affected Federally Recognized Tribes to coordinate and improve the permitting process.</u>	
<u>SA-4</u>	<u>Promote public education about the functions and values of the shorelines and best management practices.</u>	*
OTHER		
<u>Evaluate the cost/benefit, capital facilities and service implications of annexation.</u>		

XV.C Bridle Trails Neighborhood Plan

Figure BT-1: Bridle Trails Land Use

The single-family area north of Bridle Trails State Park and south of NE 70th Street contains some large lots capable of keeping horses. Residential sites within equestrian oriented areas of the Bridle Trails Neighborhood should be designed to allow sufficient space to provide a sanitary and healthy living environment for horses, and to appropriately buffer development bordering equestrian areas.

In equestrian areas, standards for public improvements, such as paths, sidewalks, roadway improvements, transit connections and signage, consistent with Kirkland's ~~Nonmotorized~~ Active Transportation Plan, shall reflect and support the character and equestrian use of the neighborhood.



LAND USE CODES

- C - COMMERCIAL
- IND - INDUSTRIAL
- LMP - LIGHT MANUFACTURING PARK
- TOD - TRANSIT-ORIENTED DEVELOPMENT
- O - OFFICE
- O/MF - OFFICE/MULTI-FAMILY
- HDR - HIGH DENSITY RESIDENTIAL
- MDR - MEDIUM DENSITY RESIDENTIAL
- LDR - LOW DENSITY RESIDENTIAL
- I - INSTITUTIONS
- P - PARK/ OPEN SPACE
- BP - BUSINESS PARK
- RH - ROSE HILL BUSINESS DISTRICT
- NRH - N. ROSE HILL BUSINESS DISTRICT
- JBD - JUANITA BUSINESS DISTRICT

Bridle Trails Neighborhood Land Use Map

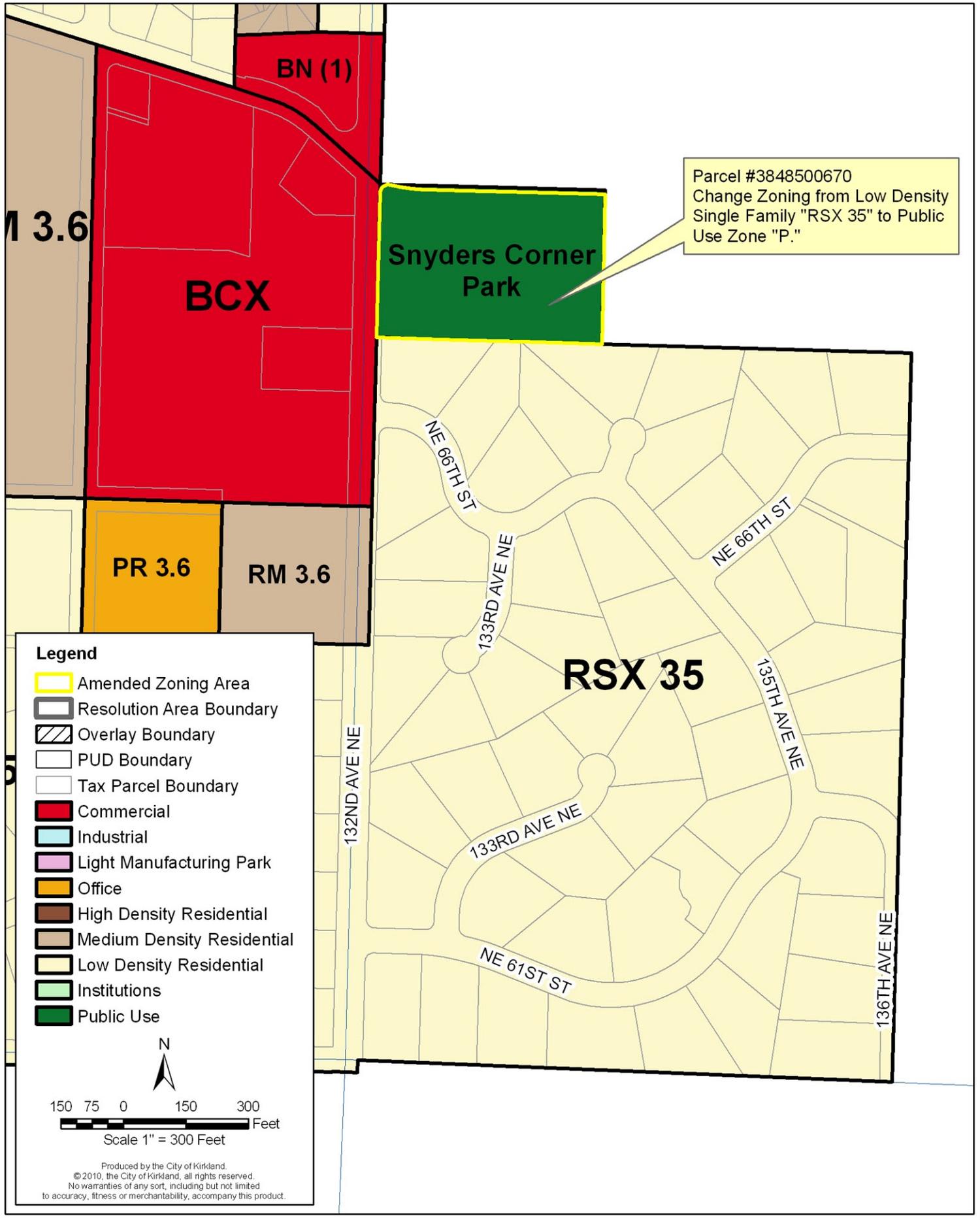
ORDINANCE NO. 4212
 ADOPTED BY THE KIRKLAND CITY COUNCIL
 October 20, 2009

LAND USE BOUNDARIES
 PARCEL BOUNDARIES
 SUBAREA BOUNDARY
 PLANNED AREA NUMBER
 TOTEM CENTER
 LAND USE CODE
 PUBLIC FACILITIES
 DENSITY (UNITS/ ACRE)
 NOTE: WHERE NOT SHOWN, NO DENSITY SPECIFIED
 *INDICATES CLUSTERED LOW DENSITY

Maps produced October 26, 2009.
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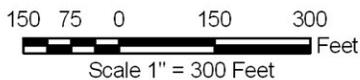


Zoning Map Change



Legend

- Amended Zoning Area
- Resolution Area Boundary
- Overlay Boundary
- PUD Boundary
- Tax Parcel Boundary
- Commercial
- Industrial
- Light Manufacturing Park
- Office
- High Density Residential
- Medium Density Residential
- Low Density Residential
- Institutions
- Public Use



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XV.D. Moss Bay Neighborhood

area, to protect the Everest creek and ravine, and to provide a transition between the existing single-family development to the north along 6th Street South and the industrial uses to the south, the following standards should apply:

- (1) Single-family detached units, rather than attached or stacked, should be developed.
- (2) Peaked (pitched) roofs are desired design elements.
- (3) The ravine and stream should be protected in perpetuity with greenbelt easements.
- (4) Development should follow the recommendations of a geotechnical engineer approved by the City with regard to building setbacks from the ravine on the north side of these lots.
- (5) No vehicular connection should be established between State Street and 5th Place South or 6th Street South from 2nd or 3rd Avenue South.
- (6) No vehicular connection should be established between 2nd and 3rd Avenue South.
- (7) Pedestrian connection should be provided in lieu of vehicular connection.
- (8) A maximum Floor Area Ratio of 65 percent should be allowed in order to encourage smaller and presumably less expensive homes.

A density of 12 dwelling units per acre is also designated for properties along State Street, south of Planned Area 6 (Figure MB2). This designation is consistent with densities of existing development as well as with densities permitted along State Street to the north and south. Lands on the east side of Lake Washington Boulevard, south of 7th Avenue South and west of the midblock between First and Second Streets South, are also appropriate for multifamily uses at a density of 12 dwelling units per acre. This designation is consistent with permitted densities to the north and south along Lake Washington Boulevard.

The area situated east of the midblock between First and Second Streets South, west of the midblock between State Street and Second Place South, and south of 7th Avenue South, contains a well-established enclave of single-family homes. Existing development in this area should be preserved.

As discussed in the Shoreline [Area Master Program](#) Chapter of this Plan, residential uses should continue to be permitted along the shoreline at medium densities (12 dwelling units per acre). This is consistent with the density of development along the shoreline to the south and on many properties on the east side of Lake Street South.

Development along the shoreline is discussed.

As specified in the Shoreline [Area Master Program](#) Chapter of this Plan, new residential structures constructed waterward of the high water line are not permitted. Additional standards governing new multifamily development can be found in the Shoreline [Master Program Area Chapter of this Plan](#).

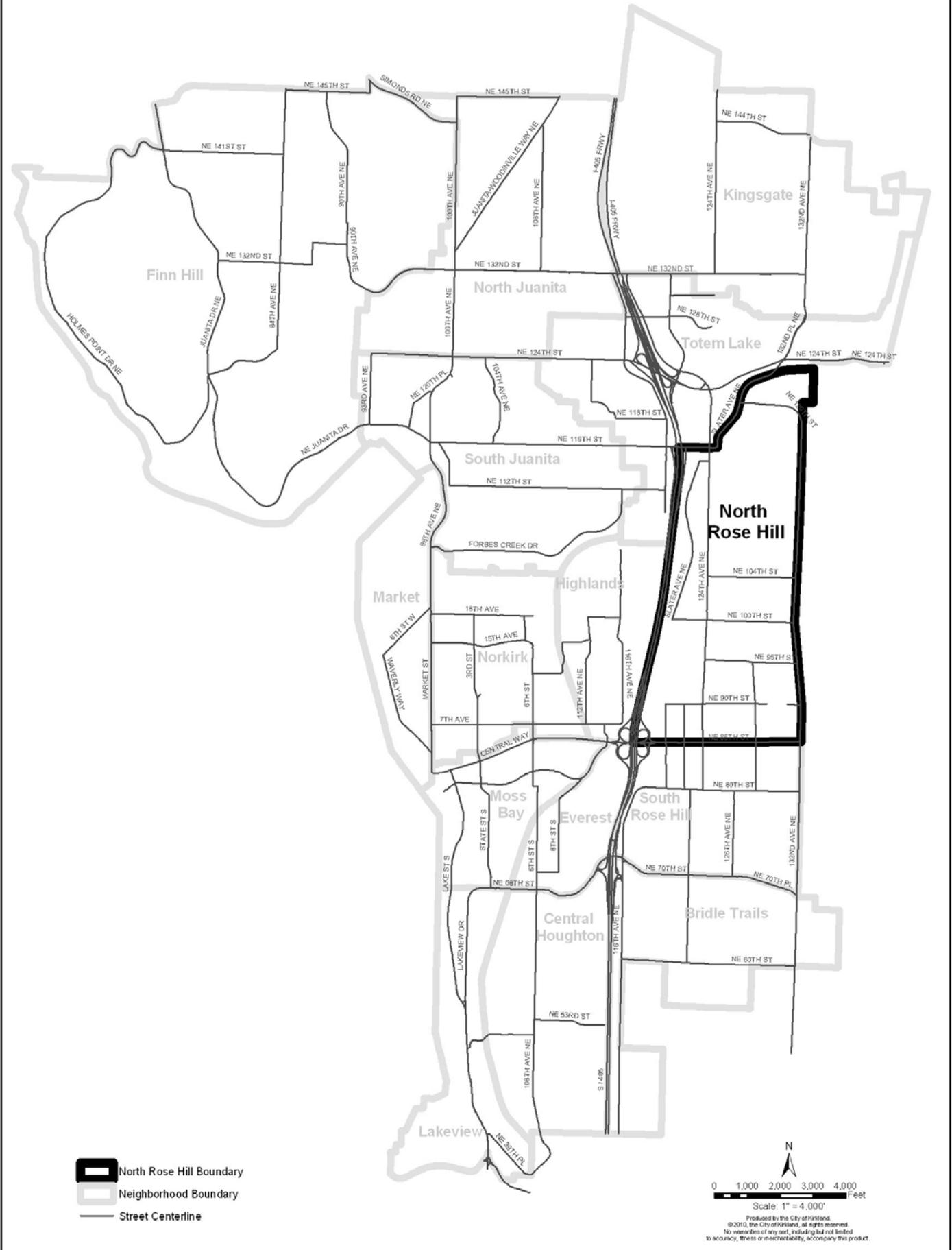
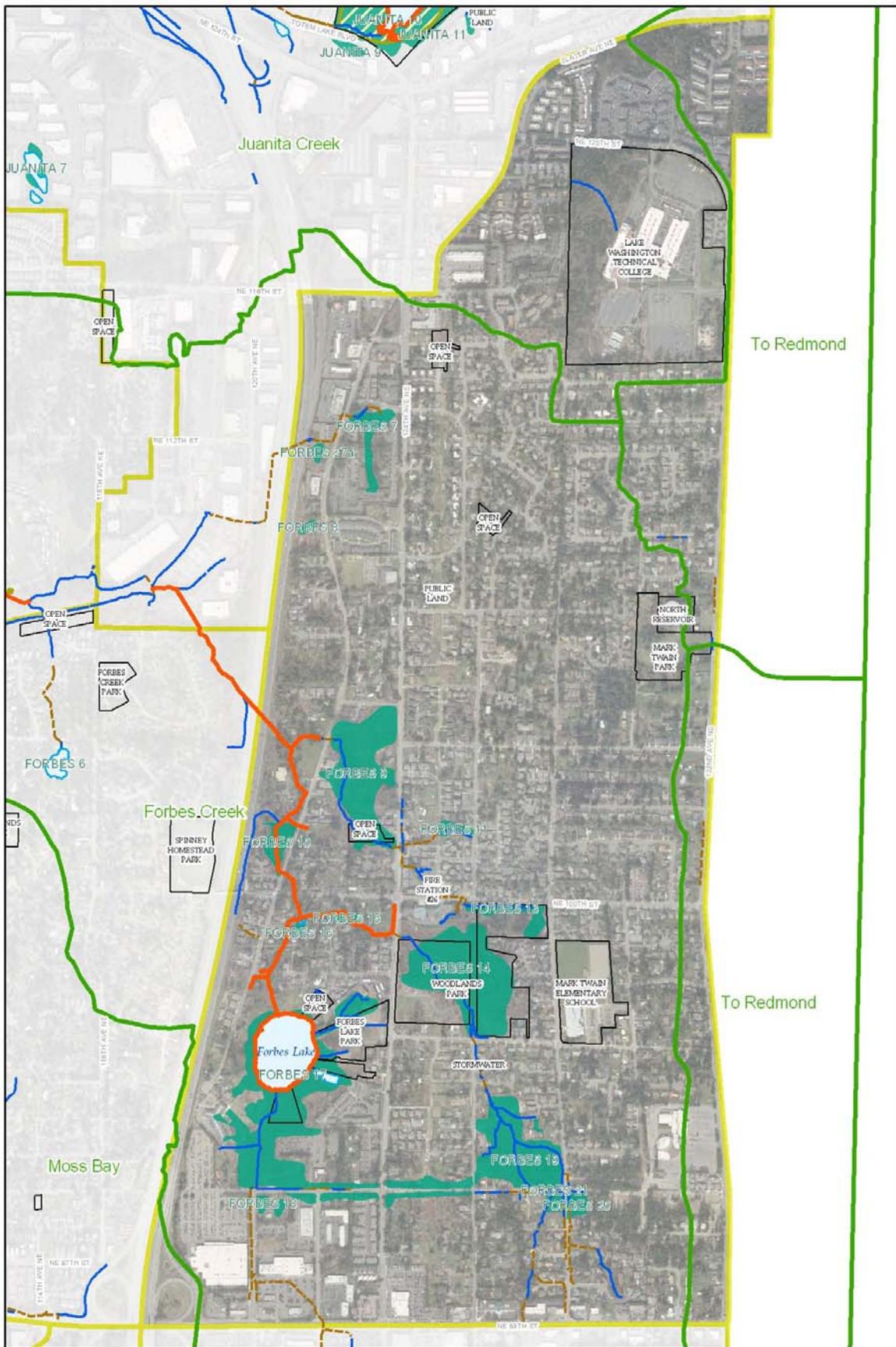
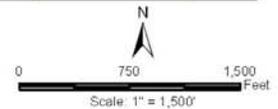


Figure NRH-1: North Rose Hill Boundaries



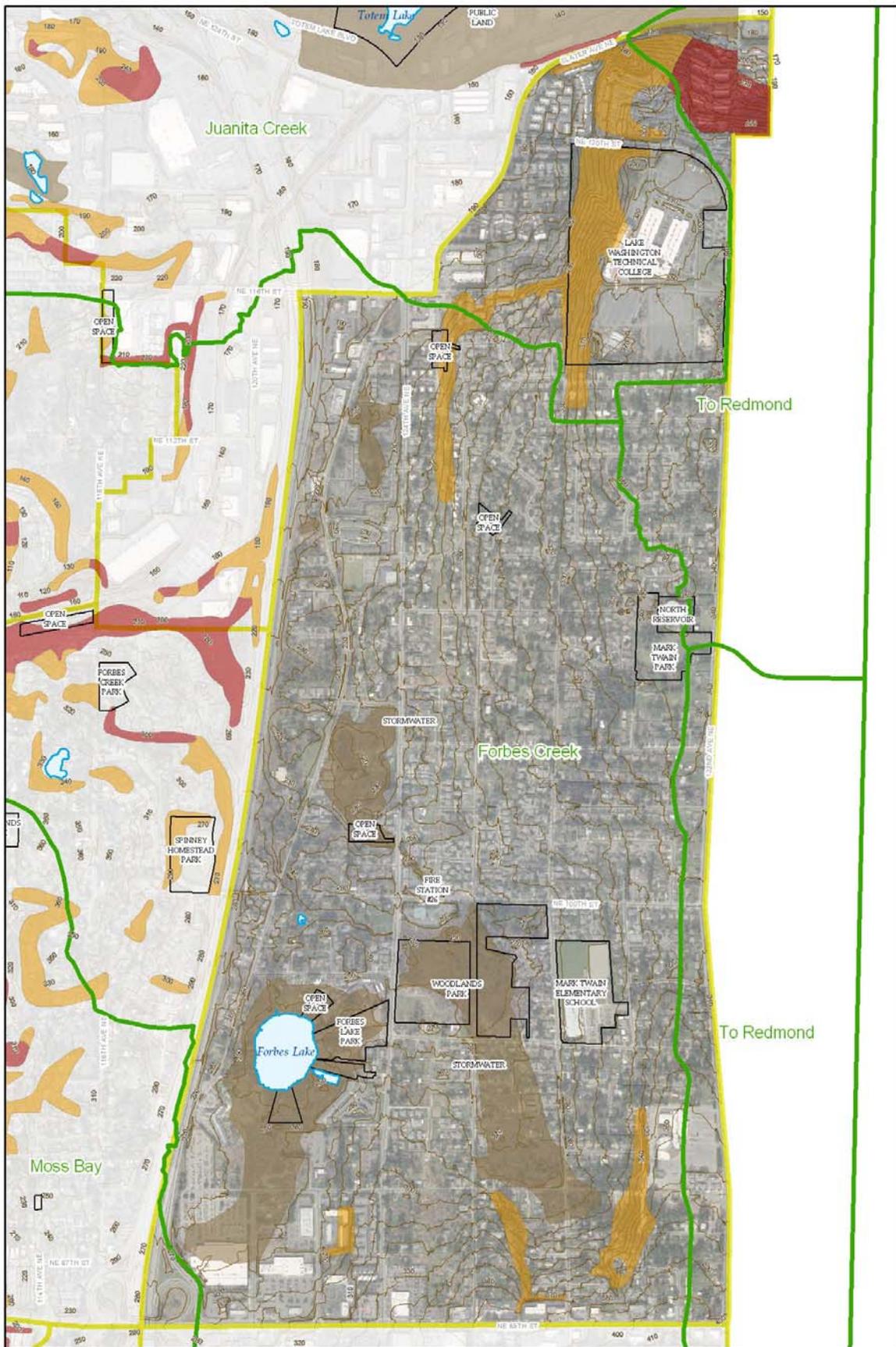
Legend

- Known Salmonid Locations
- Shoreline of Statewide Significance
- Streams in Pipes
- Drainage Basin Boundaries
- Open Streams
- Selected Public Properties
- 100-Year Floodplain
- Lakes
- Wetlands

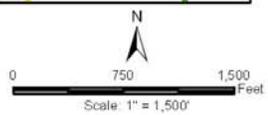


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Figure NRH-2: North Rose Hill Sensitive Areas

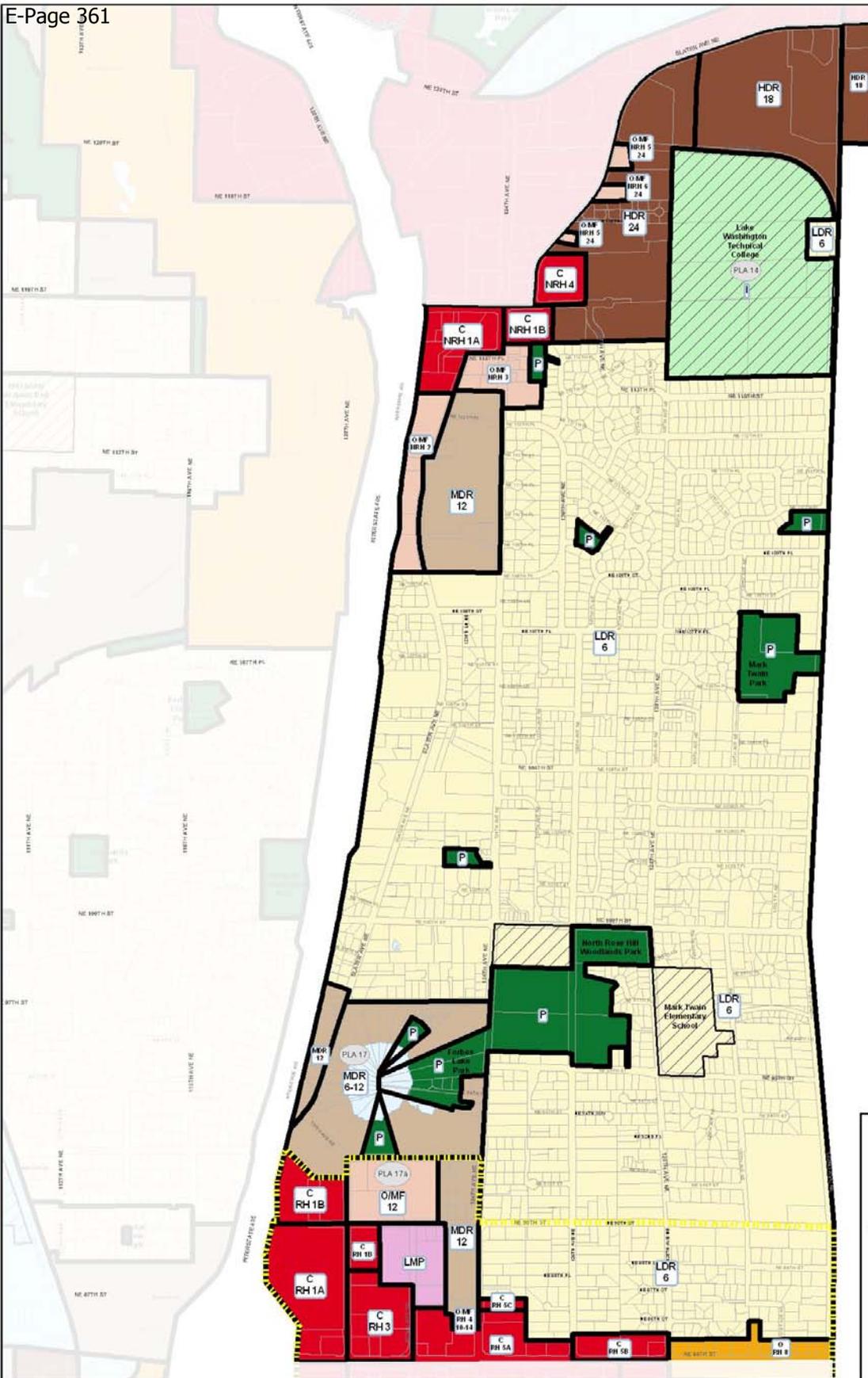


- Legend**
- Landslide Hazard Area (Medium Hazard)
 - Landslide Hazard Area (High Hazard)
 - Seismic Hazard Area
 - Drainage Basin Boundaries
 - Selected Public Properties
 - Lakes
 - Ten-Foot Contours



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Figure NRH-3: North Rose Hill Seismic and Landslide Hazards



LAND USE CODES

- C - COMMERCIAL
- IND - INDUSTRIAL
- LMP - LIGHT MANUFACTURING PARK
- TOD - TRANSIT-ORIENTED DEVELOPMENT
- O - OFFICE
- O/MF - OFFICE/MULTI-FAMILY
- HDR - HIGH DENSITY RESIDENTIAL
- MDR - MEDIUM DENSITY RESIDENTIAL
- LDR - LOW DENSITY RESIDENTIAL
- I - INSTITUTIONS
- P - PARK/OPEN SPACE
- BP - BUSINESS PARK
- RH - ROSE HILL BUSINESS DISTRICT
- NRH - N. ROSE HILL BUSINESS DISTRICT
- JBD - JUANITA BUSINESS DISTRICT

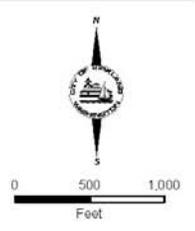
North Rose Hill Neighborhood Land Use Map

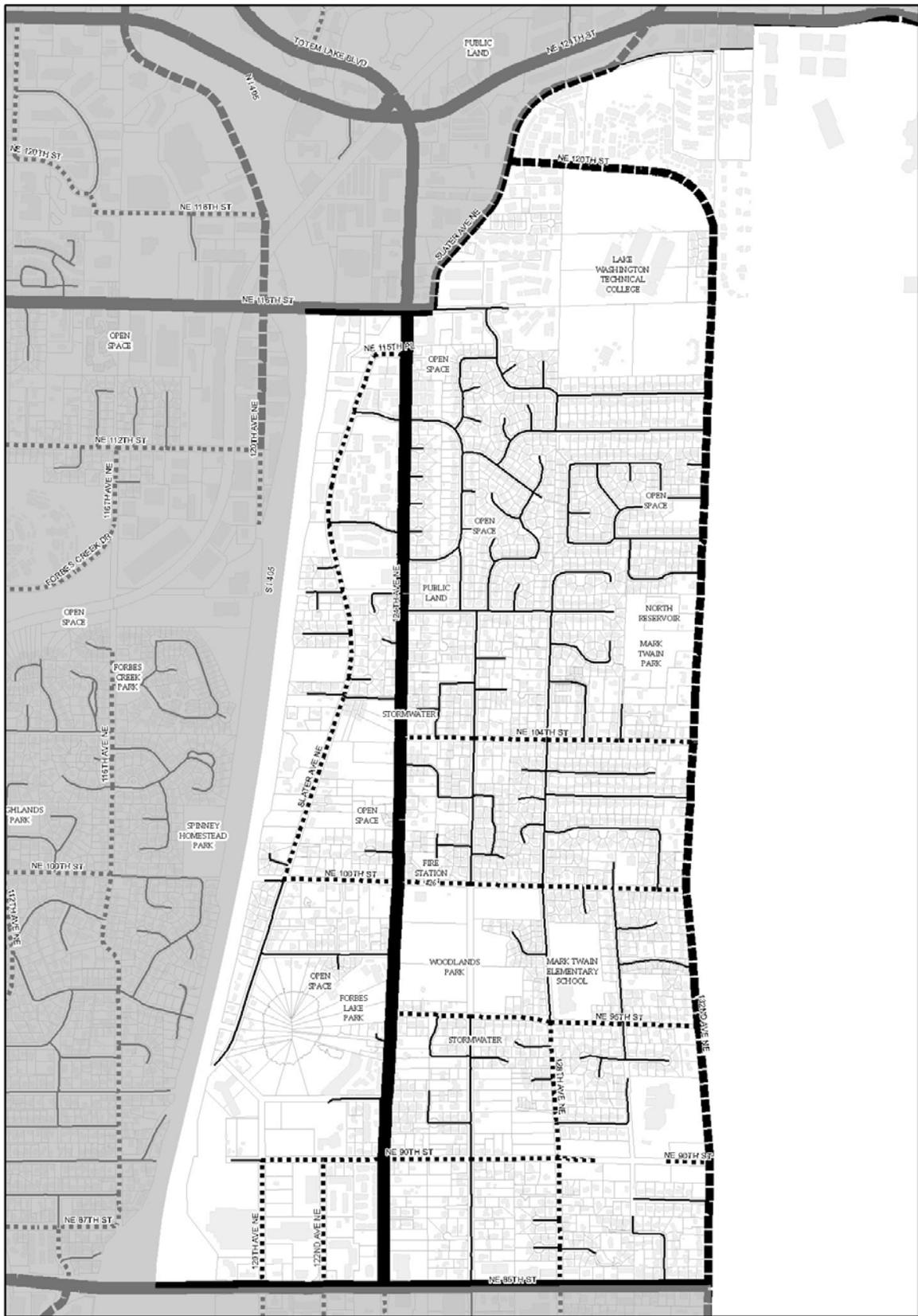
ORDINANCE NO. 4212
 ADOPTED by the Kirkland City Council
 October 20, 2009

LAND USE BOUNDARIES	PARCEL BOUNDARIES
SUBAREA BOUNDARY	PLANNED AREA NUMBER
TOTEM CENTER	LAND USE CODE
PUBLIC FACILITIES	DENSITY (UNITS/ACRE)

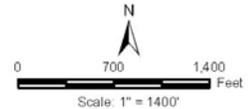
NOTE: WHERE NOT SHOWN, NO DENSITY SPECIFIED
 *INDICATES CLUSTERED LOW DENSITY

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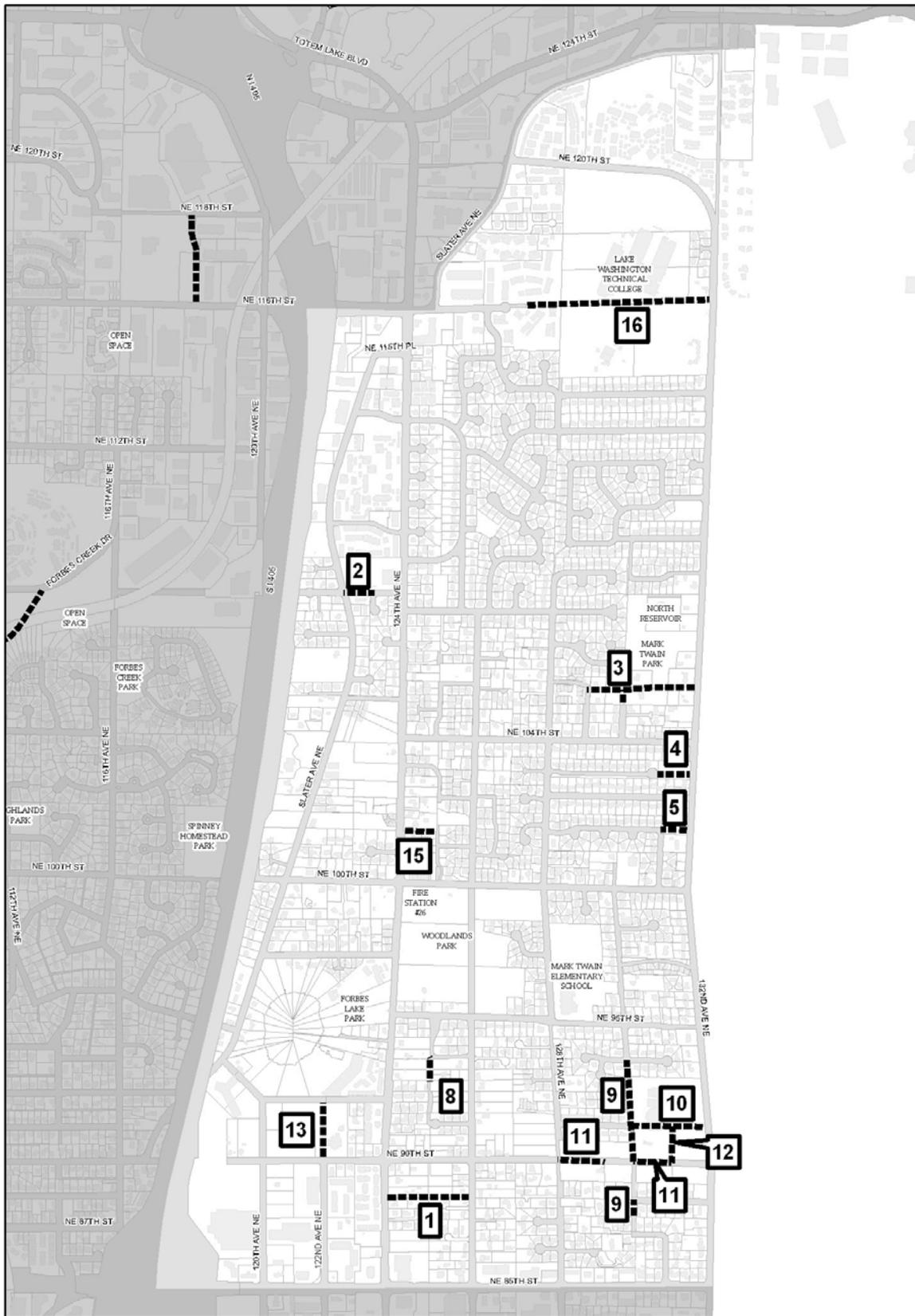


- Neighborhood Access
- Collector
- ▬ Minor Arterial
- ▬ Principal Arterial
- Building Footprints
- Tax Parcel Boundaries



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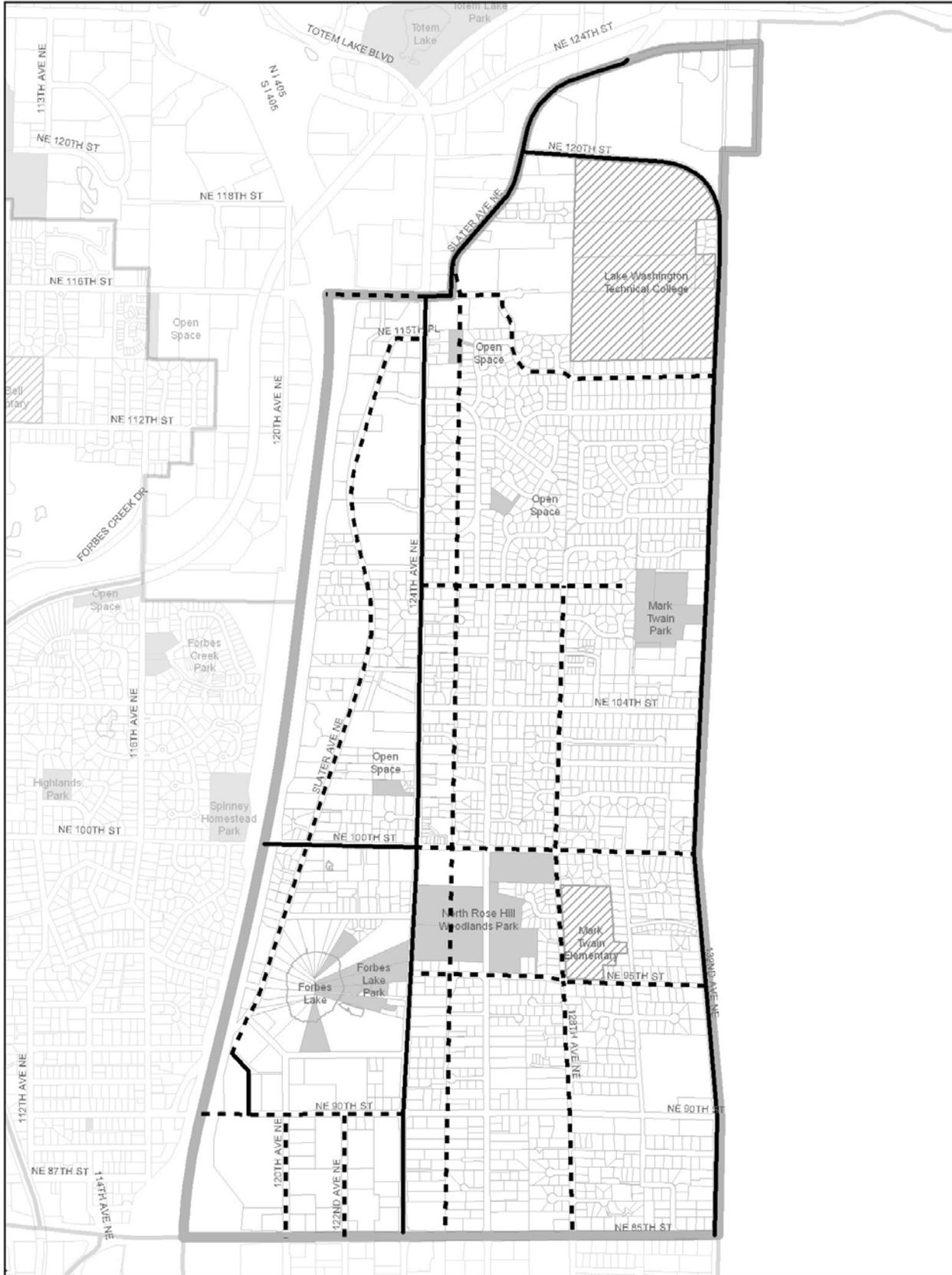
Figure NRH-5: North Rose Hill Street Classifications



- Potential Street Connections
- Building Footprints
- Right-of-Ways
- Tax Parcels

N
0 700 1400
Feet
Scale: 1" = 1400'
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Figure NRH-6: North Rose Hill Street Connection Plan



- Existing Bike Lane and/or Shared Use Path
- Proposed Bike Lane and/or Shared Use Path
- North Rose Hill Boundary
- School/College
- Park

N

0 700 1,400
Feet

Scale: 1" = 1400'

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Figure NRH-7: North Rose Hill Bicycle System

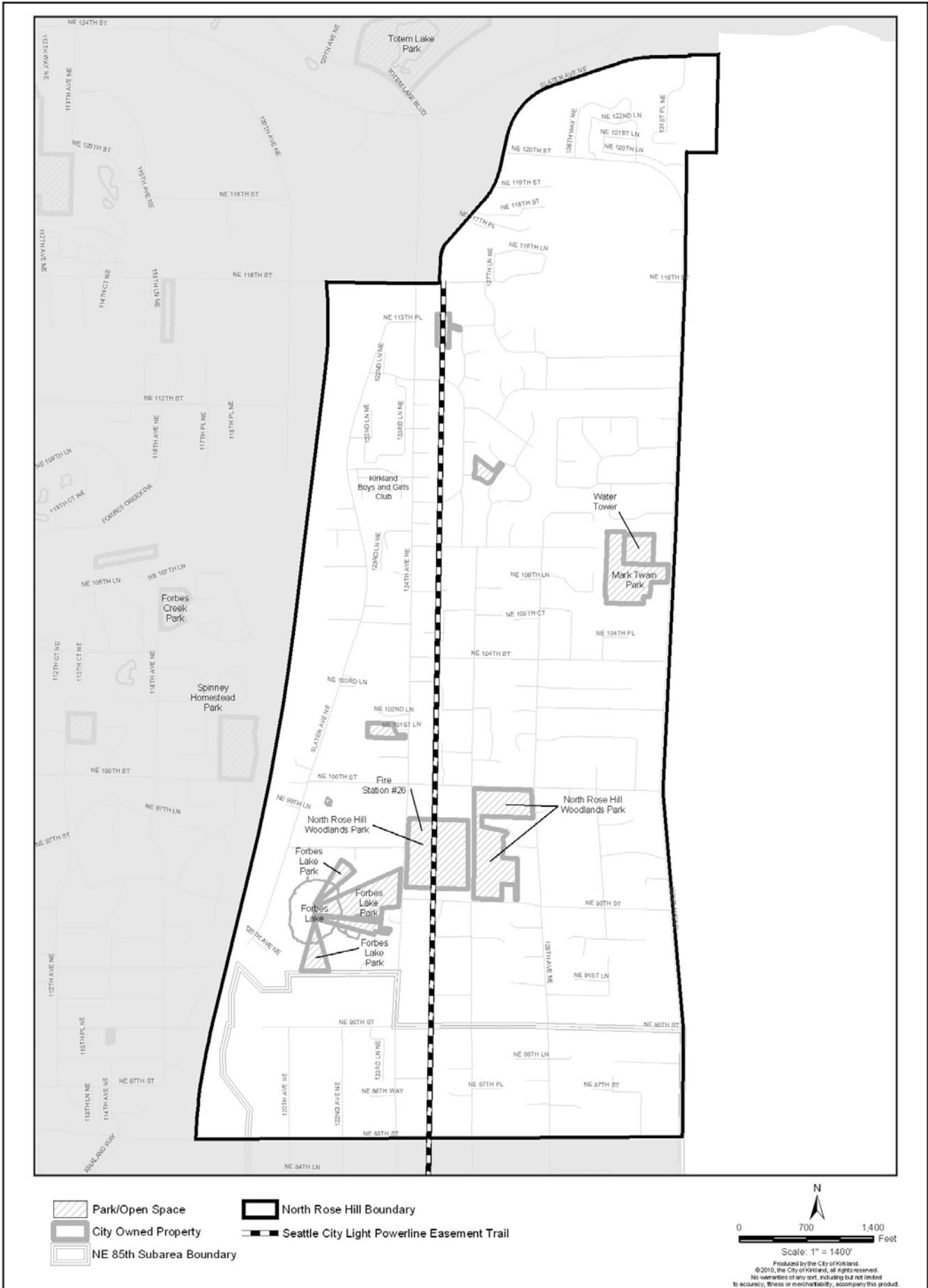


Figure NRH-9: North Rose Hill Parks and Open Space

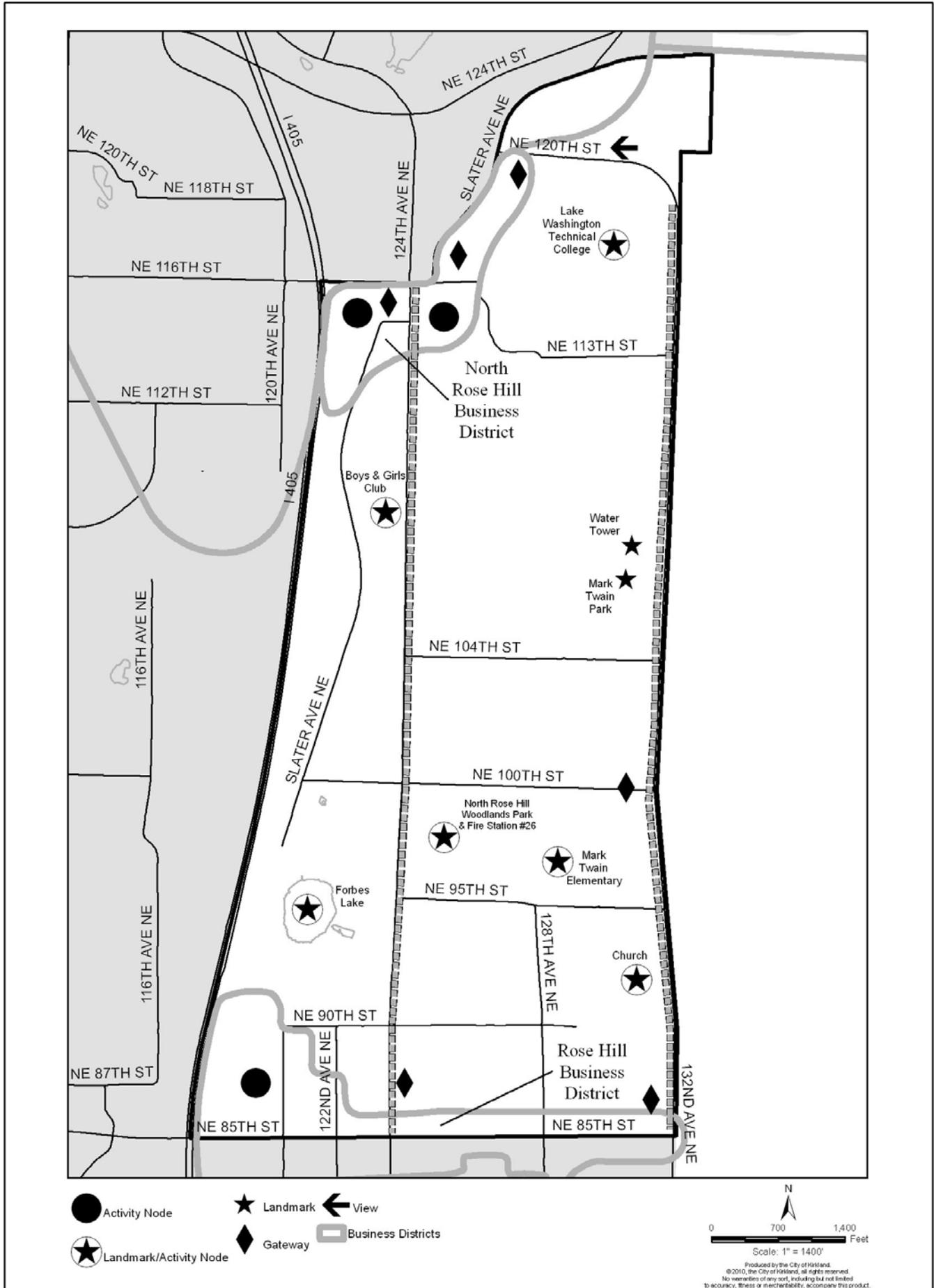


Figure NRH-10: North Rose Hill Urban Design

XV.F. North Rose Hill Neighborhood

Table NRH-1: North Rose Hill Street Connection Plan Description List

1. NE 88TH STREET BETWEEN 124TH AVENUE NE AND 126TH AVENUE NE
2. NE 108TH STREET BETWEEN SLATER AVENUE NE AND 123RD AVENUE NE
3. NE 105TH STREET BETWEEN 129TH AVENUE NE AND 132ND AVENUE NE
4. NE 103RD PLACE BETWEEN 132ND AVENUE NE AND EXISTING CUL-DE-SAC END
5. NE 101ST PLACE BETWEEN 131ST PLACE NE AND 132ND AVENUE NE
6. NE 97TH STREET BETWEEN 130TH AVENUE NE AND 132ND AVENUE NE
Completed
7. *Deleted by Ord. 4212.*
8. 125TH AVENUE NE BETWEEN NE ~~91st~~ 94th STREET AND NE 95TH STREET
9. 130TH AVENUE NE BETWEEN NE 87TH STREET AND NE 94TH STREET
10. NE 91ST STREET BETWEEN 130TH AVENUE NE AND 132ND AVENUE NE - [sections are completed](#)
11. NE 90TH STREET BETWEEN 128TH AVENUE NE AND 132ND AVENUE NE - [sections are completed](#)
12. 131ST AVENUE NE BETWEEN NE 90TH STREET AND NE 91ST STREET
13. 122ND AVENUE NE BETWEEN NE 90TH STREET AND NE 92ND STREET
14. 126TH PLACE NE BETWEEN NE 102ND PLACE AND NE 100TH PLACE
Completed
15. NE 101ST PLACE BETWEEN 124TH AVENUE NE AND 125TH AVENUE NE
16. NE 116TH STREET BETWEEN 127TH AVENUE NE AND 132ND AVENUE NE
17. NE 109TH PLACE BETWEEN SLATER AVENUE AND 124TH AVENUE NE
Completed

PEDESTRIAN/BICYCLE CIRCULATION

The existing ~~Nonmotorized Transportation Plan~~ [Active Transportation Plan \(NTPATP\)](#) maps most of the planned bicycle and pedestrian facilities planned for a 10-year horizon. Those projects mapped in the North Rose Hill neighborhood plan

not shown in the NTP will be added during periodic updates to the NTP. Figures NRH-7 and NRH-8 show the planned bike and pedestrian system in the North Rose Hill neighborhood.

City policy requires that all through-streets have pedestrian improvements. Generally, these improvements include curbs, landscape strips, and sidewalks. As new development occurs, pedestrian improvements are usually installed by the developer. In developed areas, the City should identify areas of need and install sidewalks through the capital improvement budget process.

Bicycles are permitted on all City streets. However bicycle lanes should be located on 132nd Avenue NE, 124th Avenue NE, and Slater Avenue NE. These lanes should be identified by appropriate signs and markings. Other streets planned for bike routes are designated in the ~~Nonmotorized Transportation Plan~~[Active Transportation Plan](#) and in Figure NRH-7, bike system.

XV.H Totem Lake Neighborhood Totem Center

4. Totem Center

Goal TL-13: Establish a transportation network that emphasizes pedestrian and transit use and is consistent with the regional transit plan.

Policy TL-13.1:

Support the list of sidewalks, bikeways and trails for established for Totem Center in the [Nonmotorized Transportation Plan](#) [Active Transportation Plan](#).

Sidewalks, bikeways and trails provide important transportation benefits. Safe and attractive pedestrian routes allow residents and workers to reach retail and service businesses without using their car. Bikeways allow safe bicycle commuting and short convenience trips. In addition, these facilities contribute to the overall visual character of the area. The city should continually identify sidewalk, bikeway and trails needs and solutions.

9. Transportation

Goal TL-32: Improve circulation and access for nonmotorized modes of transportation.

To provide transportation alternatives to the automobile, safe and convenient paths should be developed for pedestrians, bicycles, scooters, skates and other nonmotorized modes of travel. The [Nonmotorized Transportation Plan](#) [Active Transportation Plan](#) (NMT) indicates that nonmotorized routes are deficient in the Totem Lake Neighborhood (Figures TL-9 and TL-10). Of particular note are inadequacies in the available east-west crossings of I-405.

Policy TL-32.1:

Develop a safe, integrated on- and off-street nonmotorized system emphasizing connections to schools, parks, transit, and other parts of Kirkland.

The Totem Lake Neighborhood needs many nonmotorized improvements, as identified in the City's [Nonmotorized Transportation Plan](#) [Active Transportation Plan](#). These include safe and appropriately scaled nonmotorized access to connect neighborhoods, and activity and urban centers, with services, transit, and recreation areas. The relationship of the Totem Lake Neighborhood to other neighborhoods, as well as to Lake Washington Technical College, Juanita Beach, and the Forbes Creek Trail, should be considered in developing regional connections.

The Cross Kirkland trail, if it is developed, will provide an important recreational opportunity, as well as a north-south bicycle and pedestrian route, within the Burlington Northern right-of-way through much of the Totem Lake Neighborhood. The trail could also be a precursor of a regional facility traveling through the hearts of many Eastside cities.

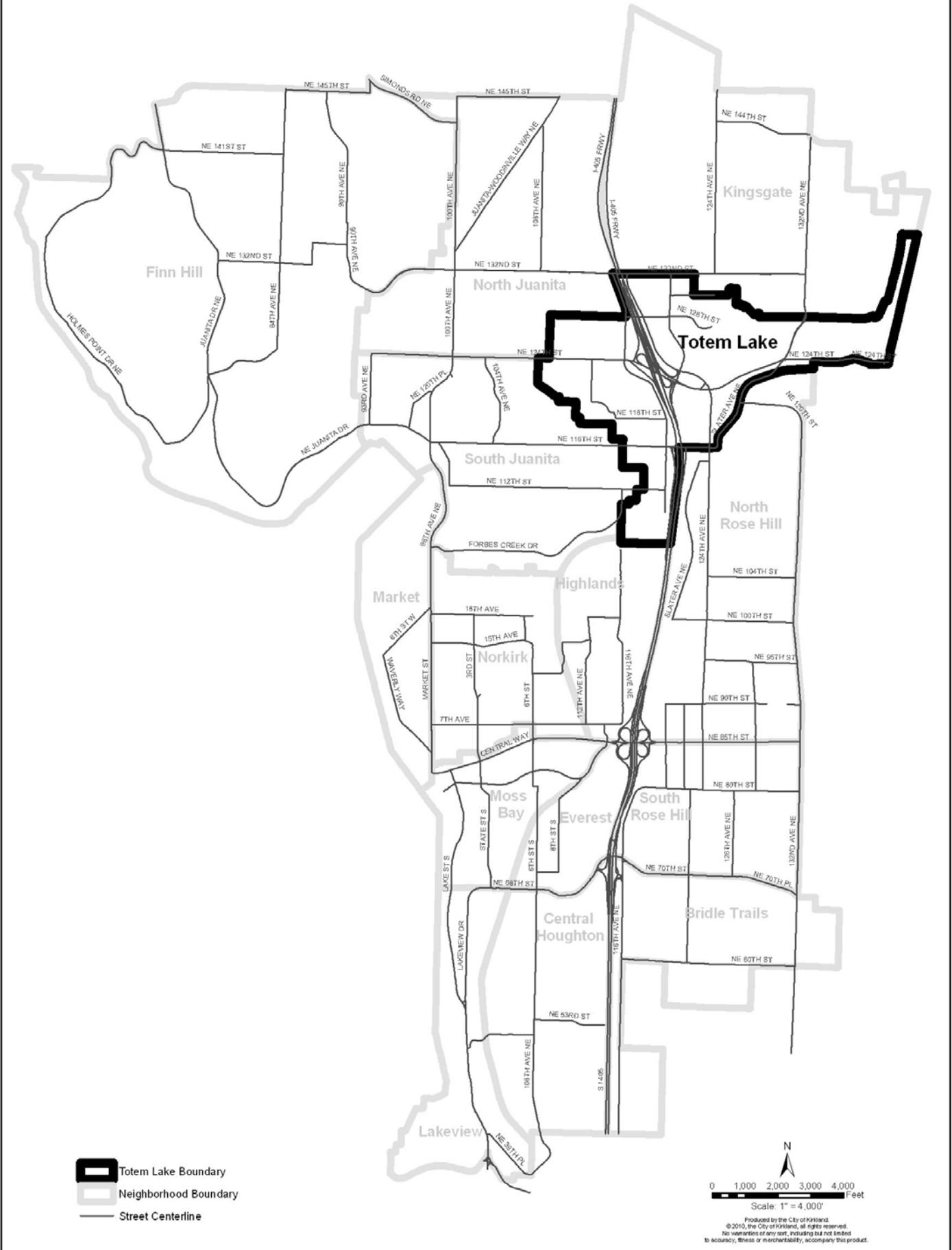
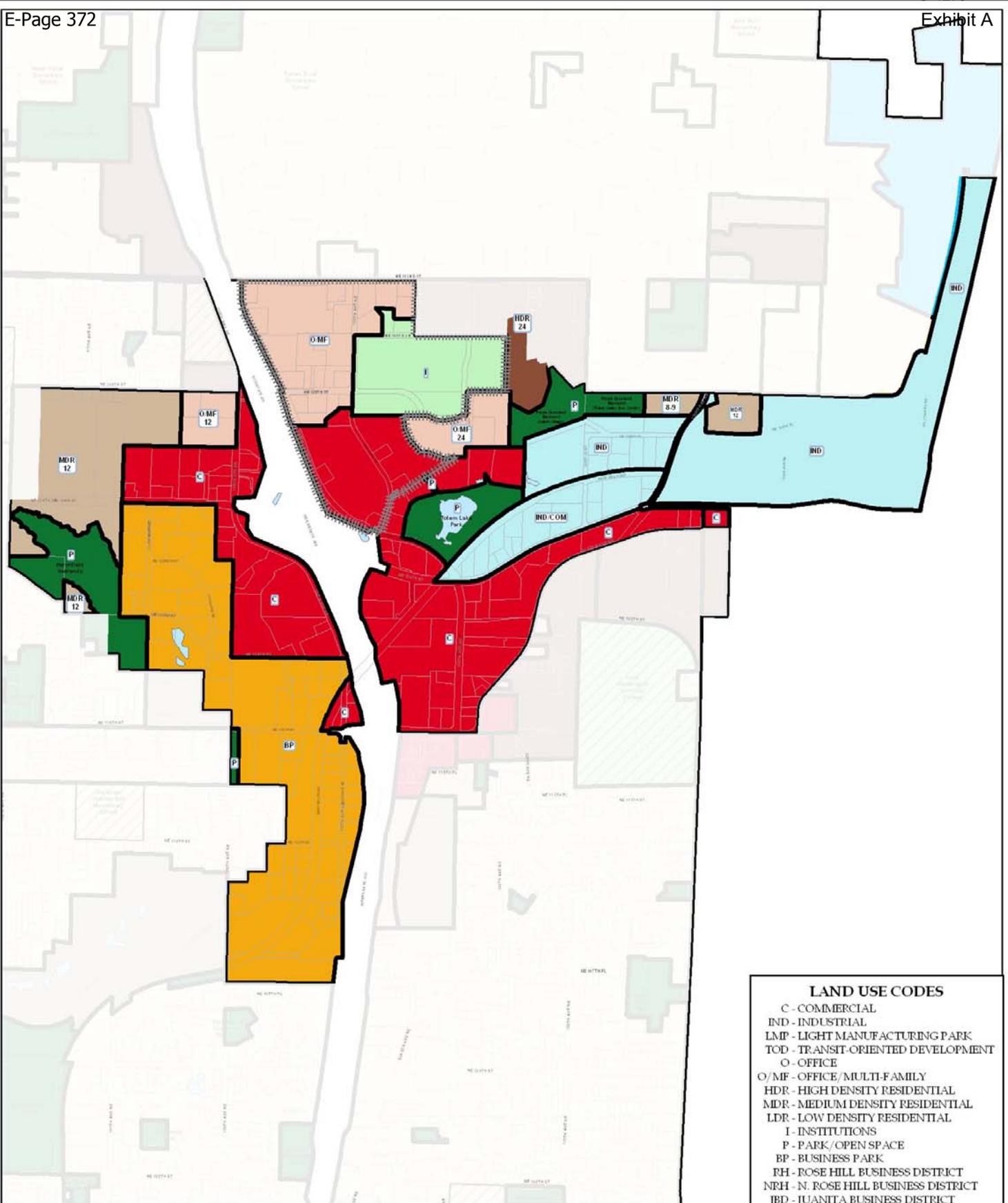


Figure TL-1: Totem Lake Boundaries



LAND USE CODES

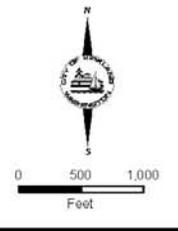
- C - COMMERCIAL
- IND - INDUSTRIAL
- LMP - LIGHT MANUFACTURING PARK
- TOD - TRANSIT-ORIENTED DEVELOPMENT
- O - OFFICE
- O/MF - OFFICE/MULTI-FAMILY
- HDR - HIGH DENSITY RESIDENTIAL
- MDR - MEDIUM DENSITY RESIDENTIAL
- LDR - LOW DENSITY RESIDENTIAL
- I - INSTITUTIONS
- P - PARK/OPEN SPACE
- BP - BUSINESS PARK
- RH - ROSE HILL BUSINESS DISTRICT
- NRH - N. ROSE HILL BUSINESS DISTRICT
- JBD - JUANITA BUSINESS DISTRICT

Totem Lake Neighborhood Land Use Map

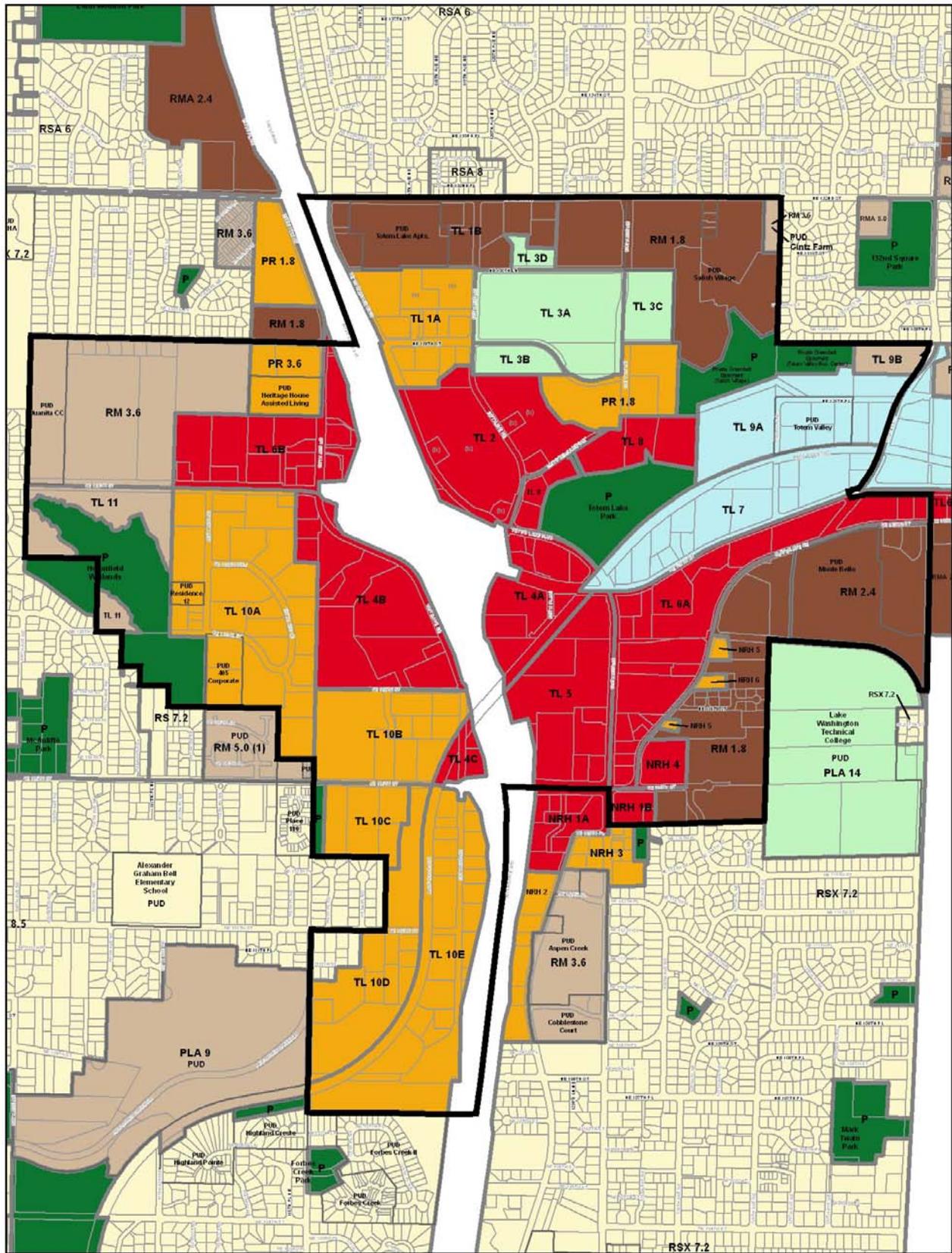
ORDINANCE NO. 4212
ADOPTED by the Kirkland City Council
October 20, 2009

LAND USE BOUNDARIES	PARCEL BOUNDARIES
SUBAREA BOUNDARY	PLANNED AREA NUMBER
TOTEM CENTER	LAND USE CODE
PUBLIC FACILITIES	DENSITY (UNITS/ACRE)

NOTE: WHERE NOT SHOWN, NO DENSITY SPECIFIED
*INDICATES CLUSTERED LOW DENSITY



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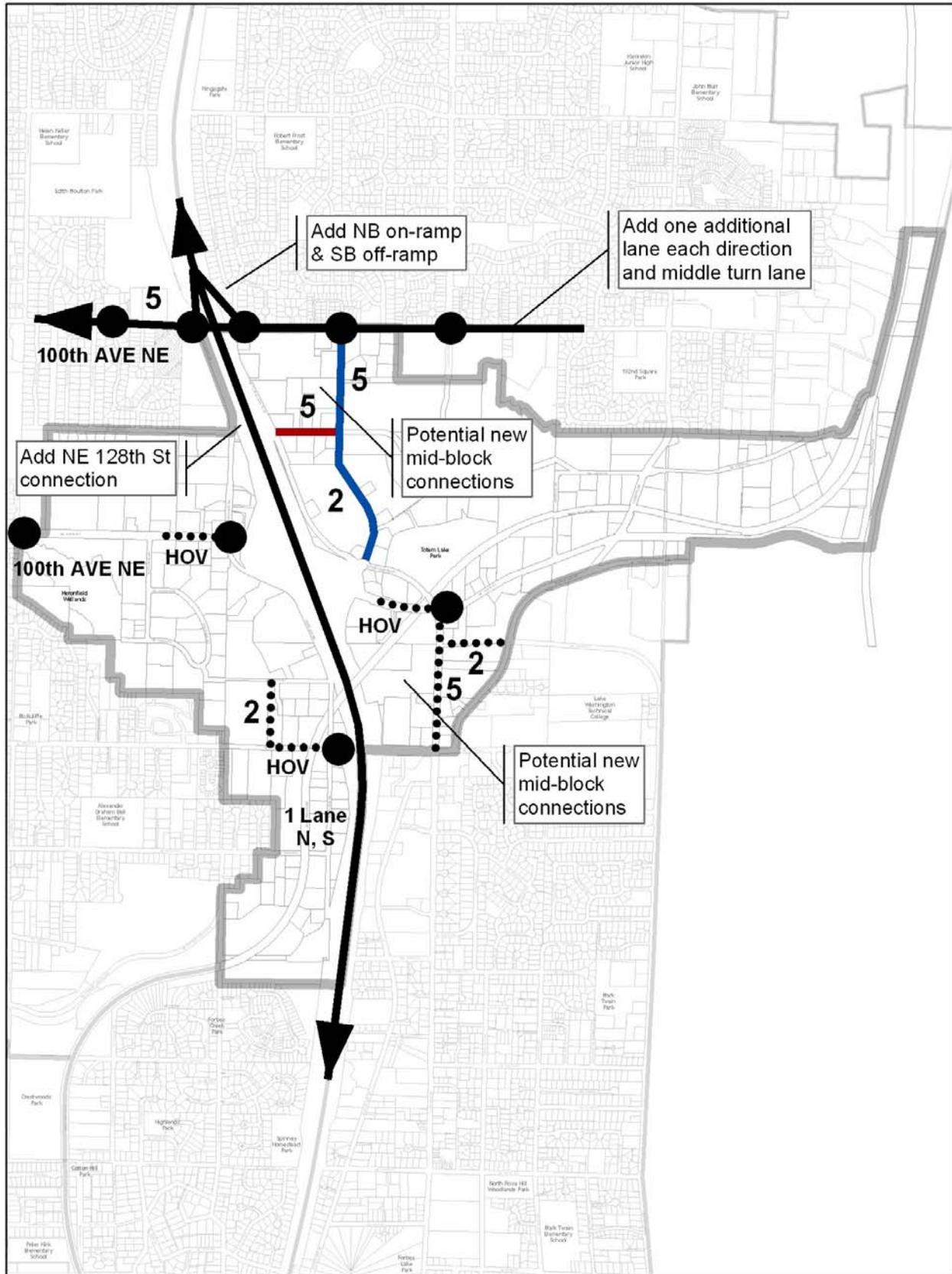


- Urban Center
- Zoning Boundary
- PUD Boundary
- Tax Parcel Boundary



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Figure TL-3.2: Totem Lake Urban Center

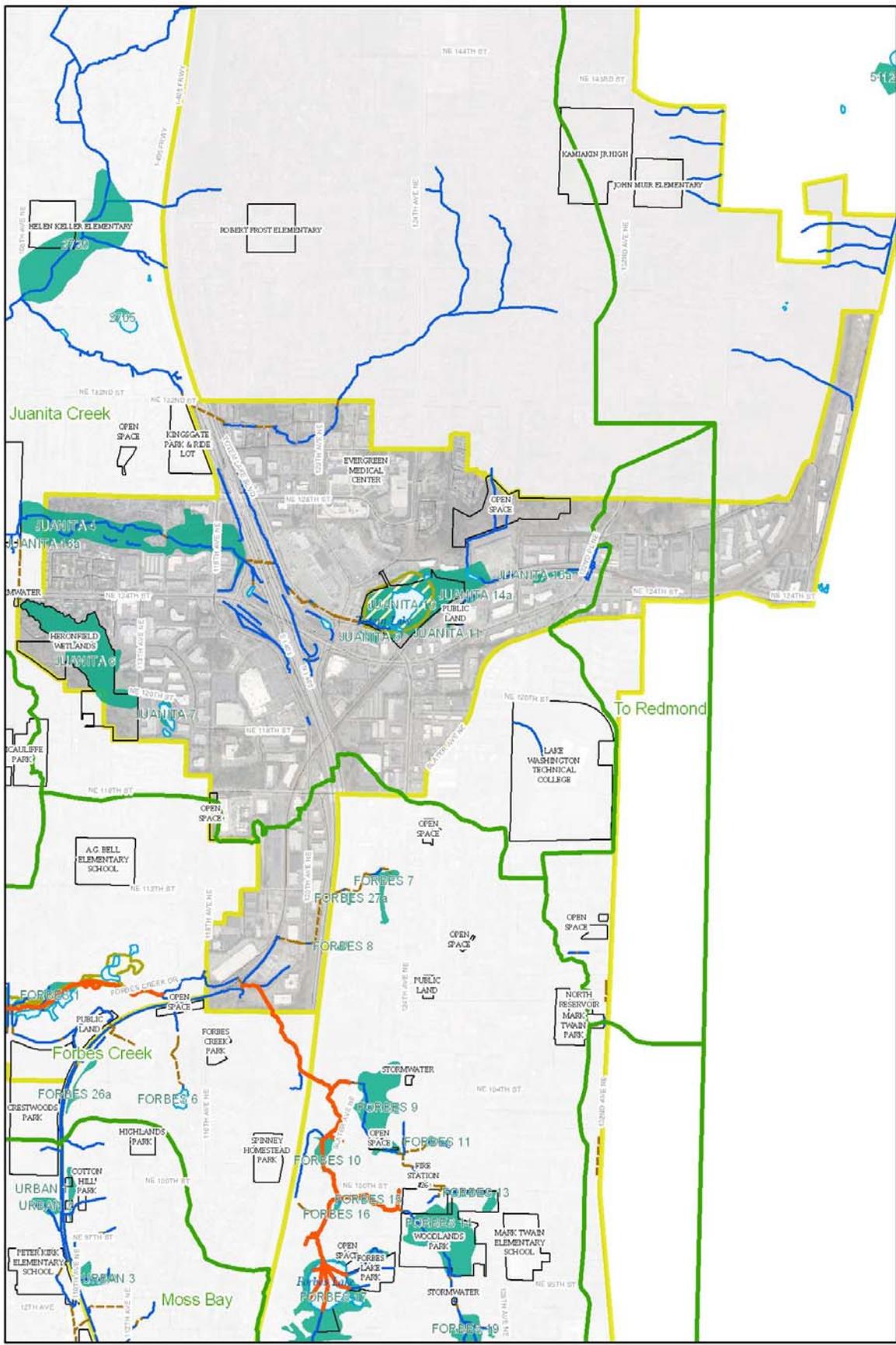


Other Neighborhoods
Totem Lake



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Figure TL-4: Totem Lake 2012 Network with Totem Lake Improvements and Additional Grid Improvements



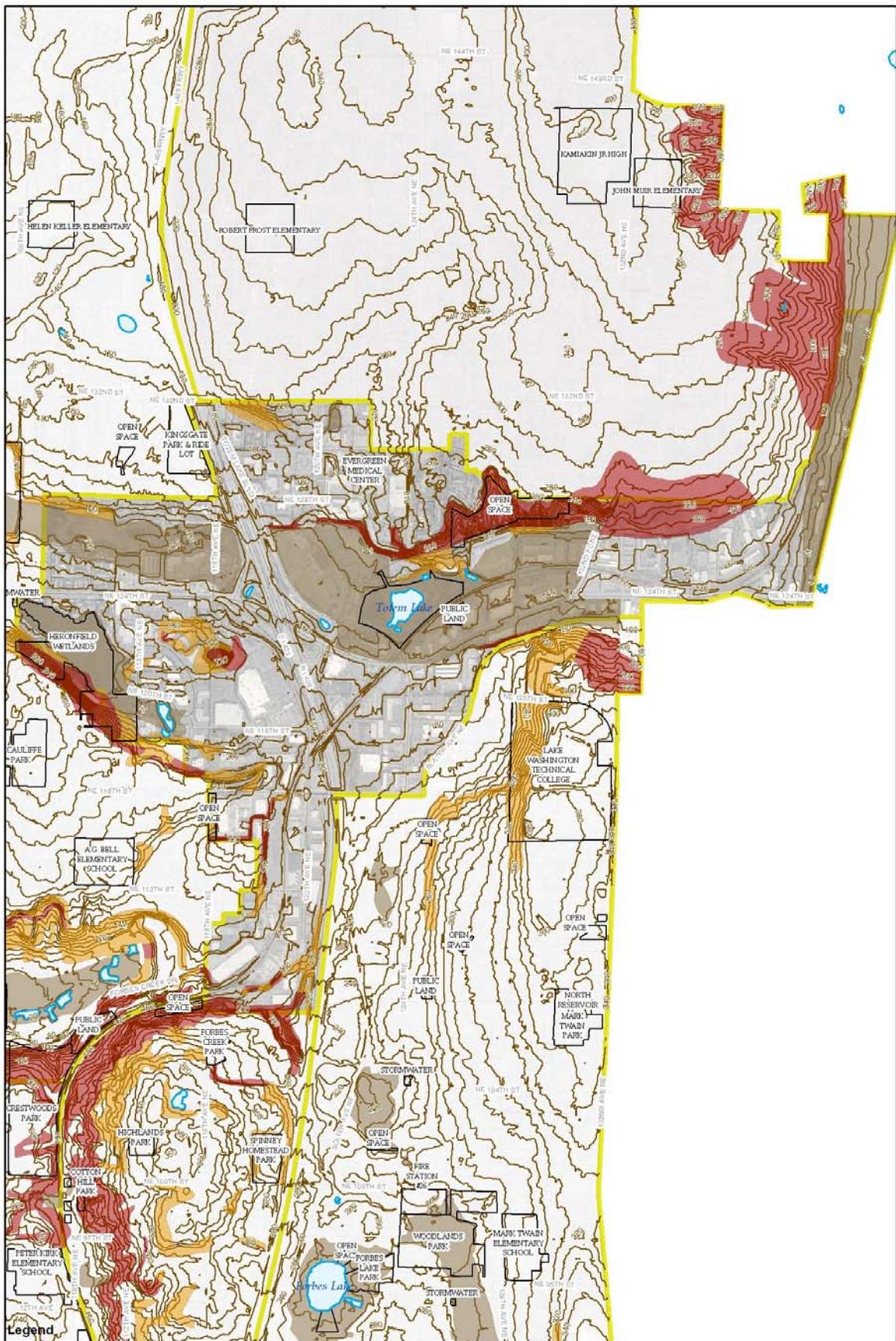
Legend

Known Salmonid Locations	Shoreline of Statewide Significance
Streams in Pipes	Drainage Basin Boundaries
Open Streams	Selected Public Properties
100-Year Floodplain	Lakes
Wetlands	

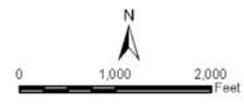
0 1,000 2,000 Feet

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Figure TL-5a: Totem Lake Sensitive Areas

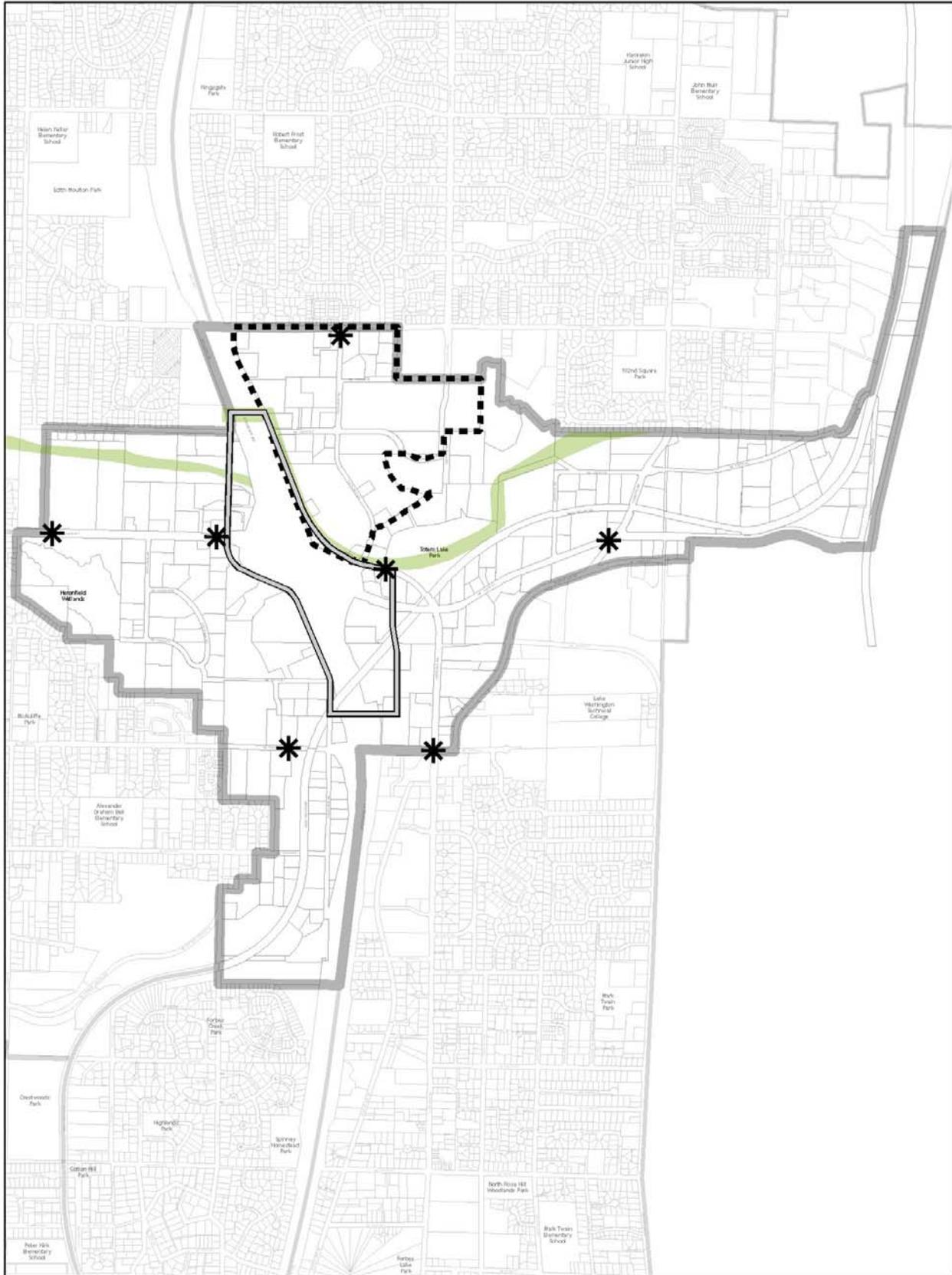


- Legend**
- Landslide Hazard Area (Medium Hazard)
 - Landslide Hazard Area (High Hazard)
 - Seismic Hazard Area
 - Twenty-Foot Contours
 - Selected Public Properties
 - Lakes

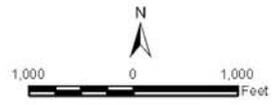


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Figure TL-5b: Totem Lake Landslide and Seismic Hazard Areas

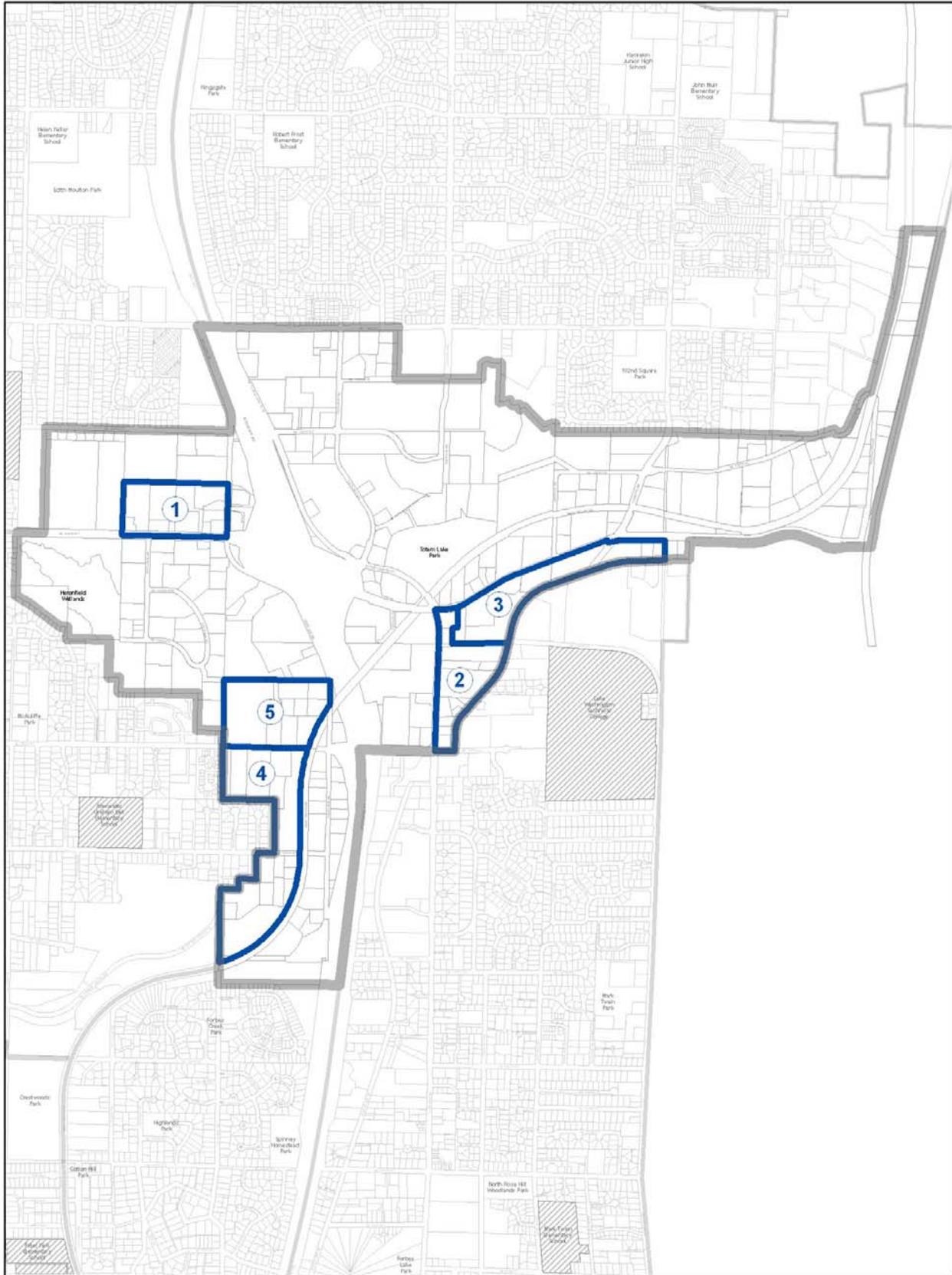


-  Gateways
-  Greenways
-  Activity Center - Totem Center
-  Other Neighborhoods
-  Totem Lake
-  Landscaped Boulevard

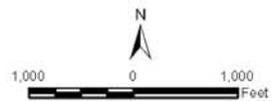


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Figure TL-6: Totem Lake Urban Design

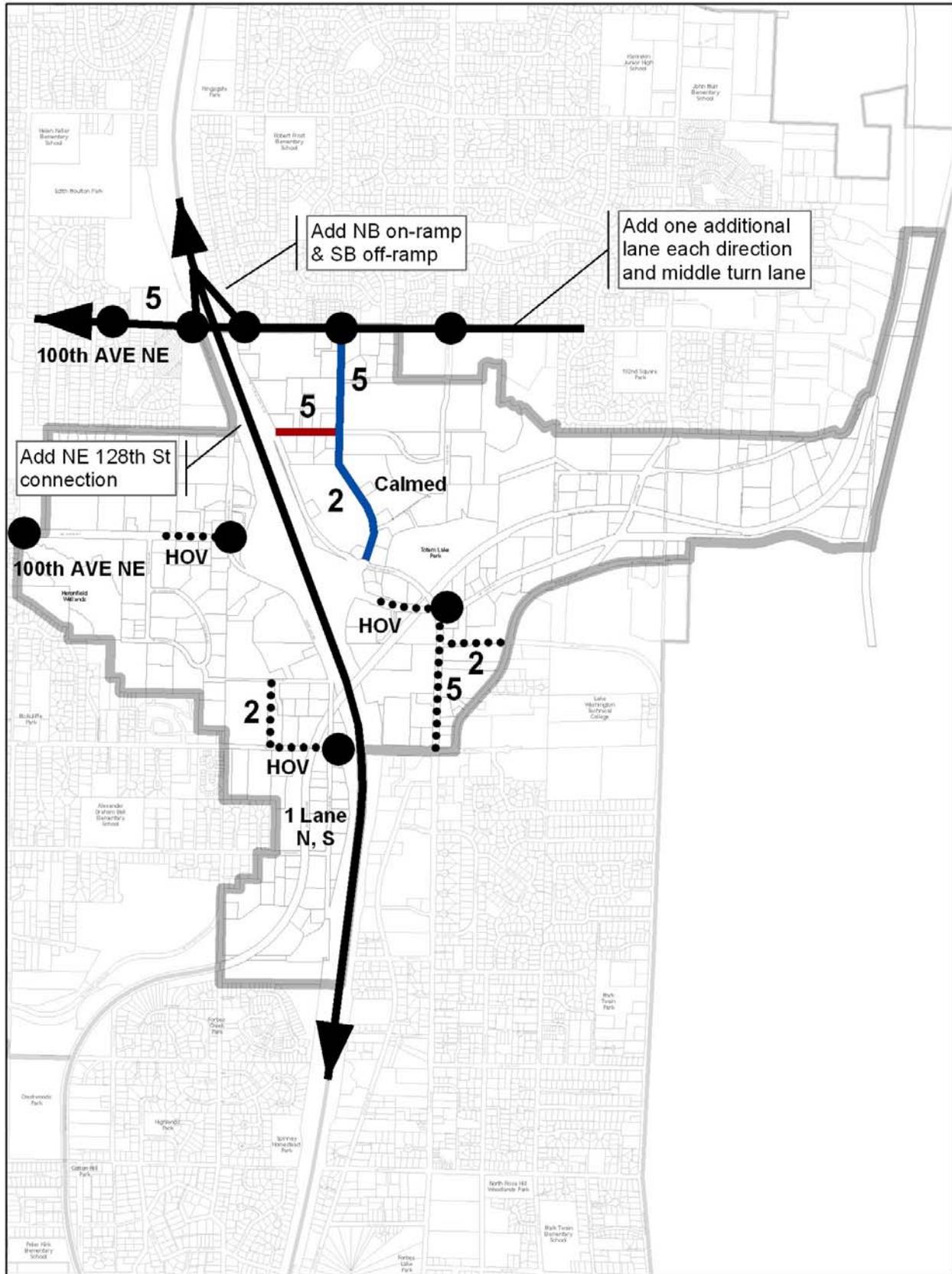


- Housing Incentive Areas
- Schools
- Other Neighborhoods
- Totem Lake



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Figure TL-7: Totem Lake Housing Incentive Areas

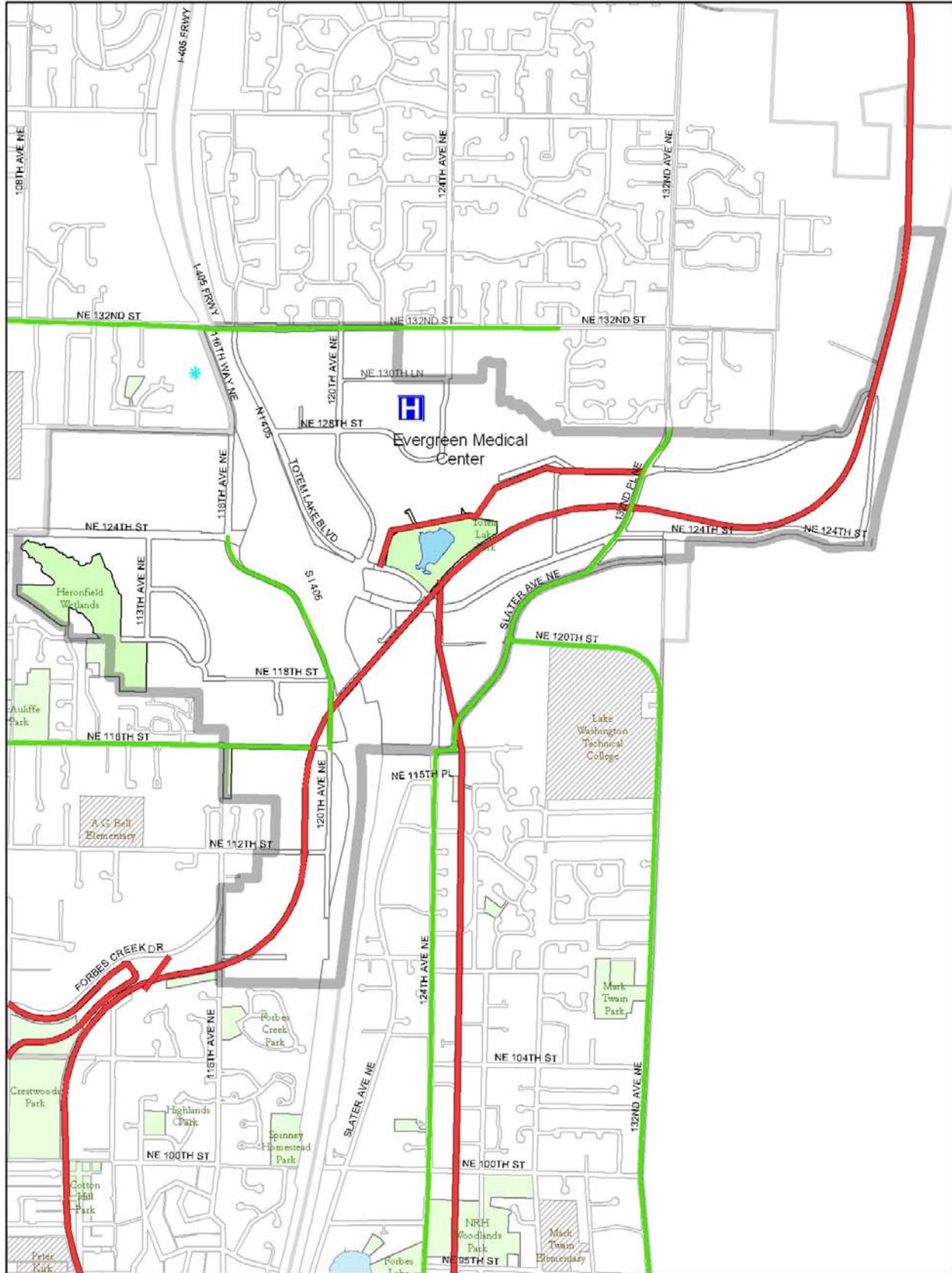


 Other Neighborhoods
 Totem Lake



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Figure TL-8: Totem Lake 2012 Network with Totem Lake Improvements



- | | |
|------------------------------|---------------------|
| Existing | Transit Facility |
| Shared Use Path | Parks |
| Bike Lanes & Shared Roadways | Schools |
| Proposed | Other Neighborhoods |
| Shared Use Path | Totem Lake |



NOTE: This map is not intended to depict all potential bicycle facilities. The Proposed Bicycle System shows priority one and two corridors as identified in the 1995 NMT Plan to provide a framework for building a complete bicycle network.

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Figure TL-10: Totem Lake - Existing and Proposed Bike System

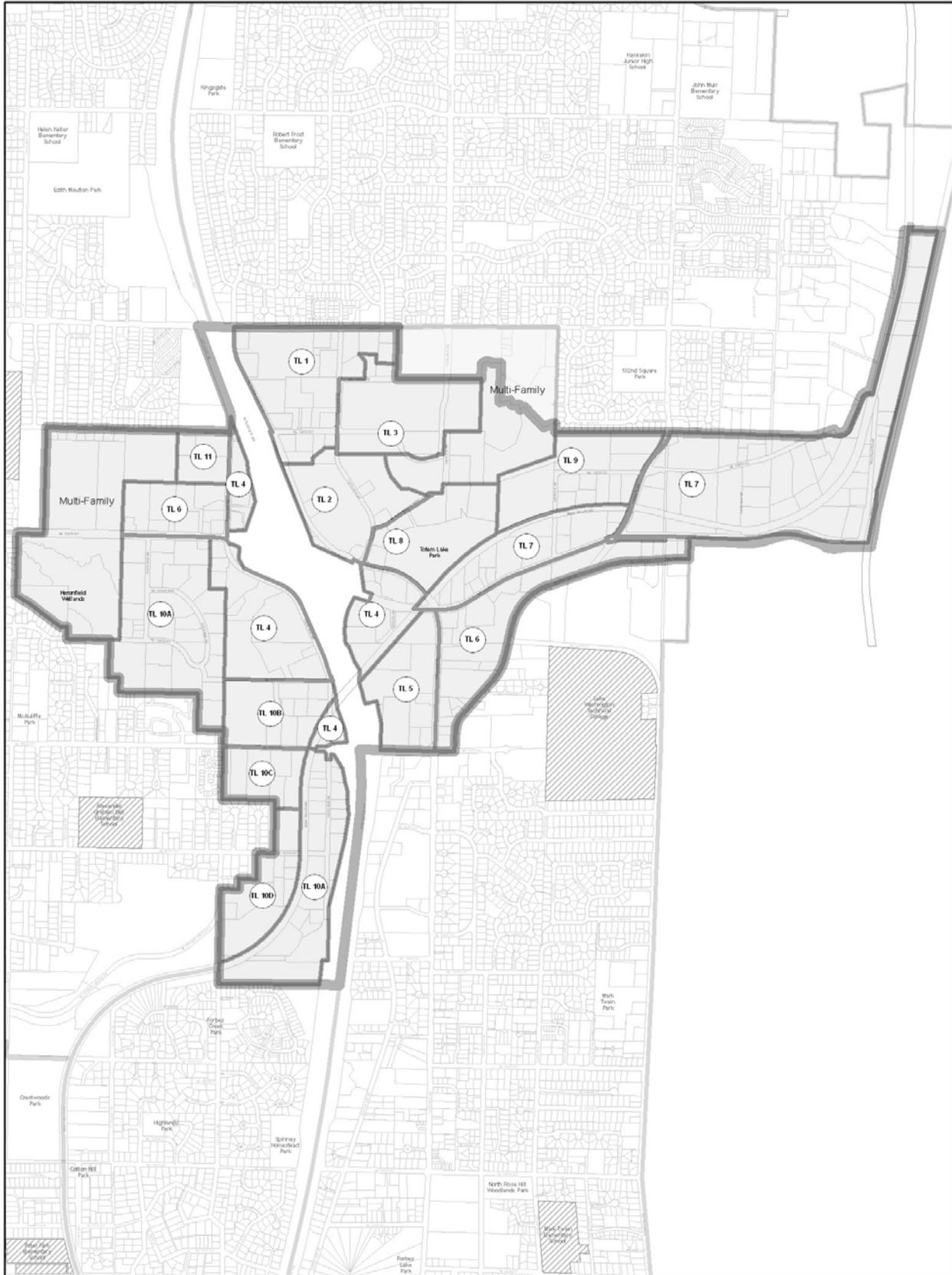


Figure TL-11: Totem Lake Planning Districts

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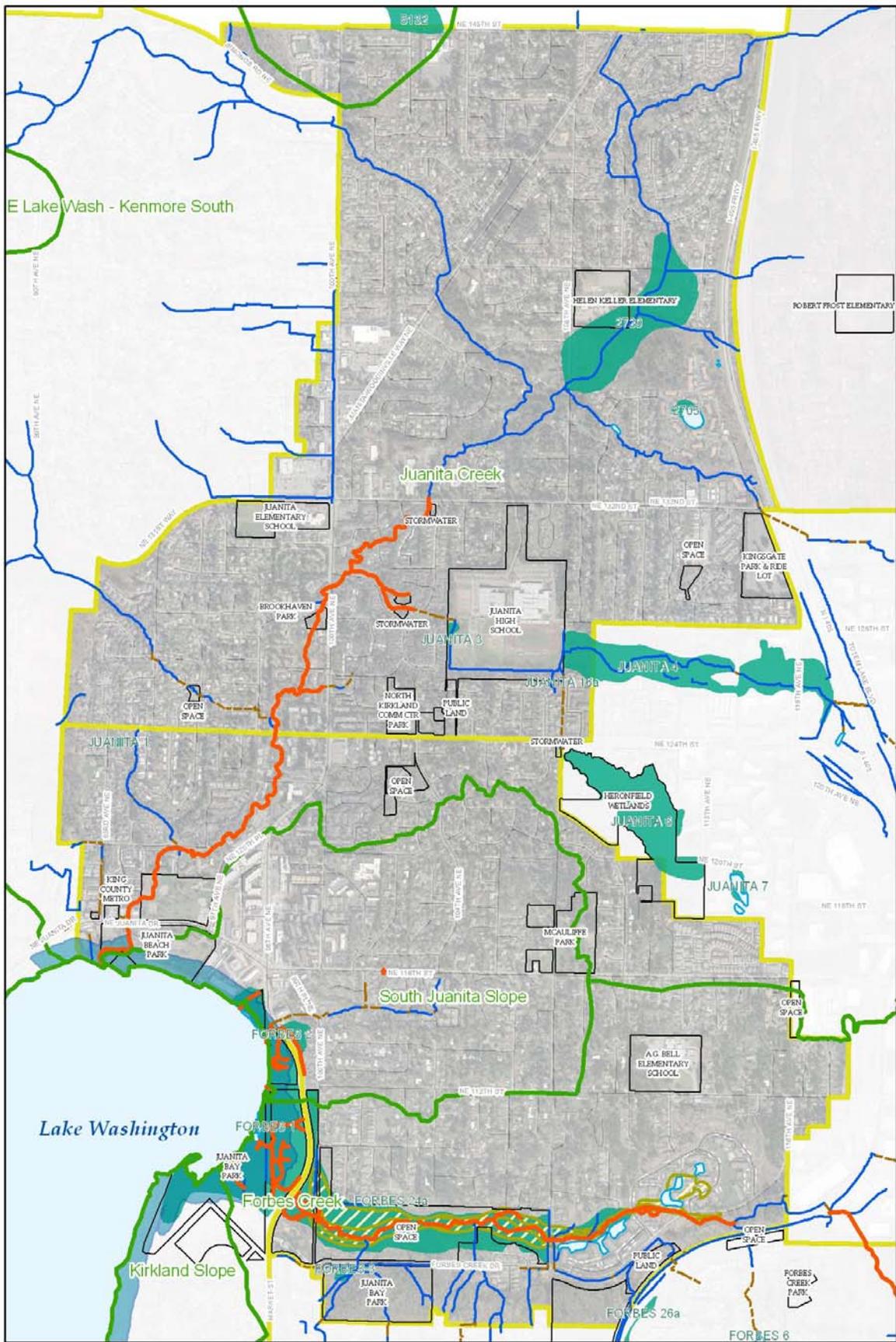
XV.I. North/South Juanita Neighborhood

Natural Environment

Public access through the Juanita Bay wetland and views of the lake should be provided if these actions will not damage the wetland.

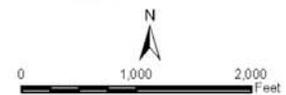
Wetlands, like streams, should be protected with substantial buffers and erosion control measures. A portion of the Juanita Bay wetlands is located in the southwest corner of the neighborhood. Public access, which is designed to prohibit unrestricted access to sensitive areas, should be developed along the shoreline or through the wetland and include interpretive centers. The interpretive centers should emphasize the biological importance of the wetland and the importance of protecting the resource. Measures should be taken to open significant views of the lake whenever possible which will benefit the general public provided the action will not negatively impact the wetland. The portion of the Juanita Creek wetlands east of Juanita High School should also be left in a natural state. Public access and interpretive centers as described for the Juanita Bay wetlands should be developed in this area along with the rest of the wetland.

| The policies found in the Natural Environment [chapter and Shoreline Area Chapters](#) should be observed along with the policies described in this section when reviewing development proposals in Juanita to ensure the protection of the drainage, habitat, and aesthetic functions of the natural resources.



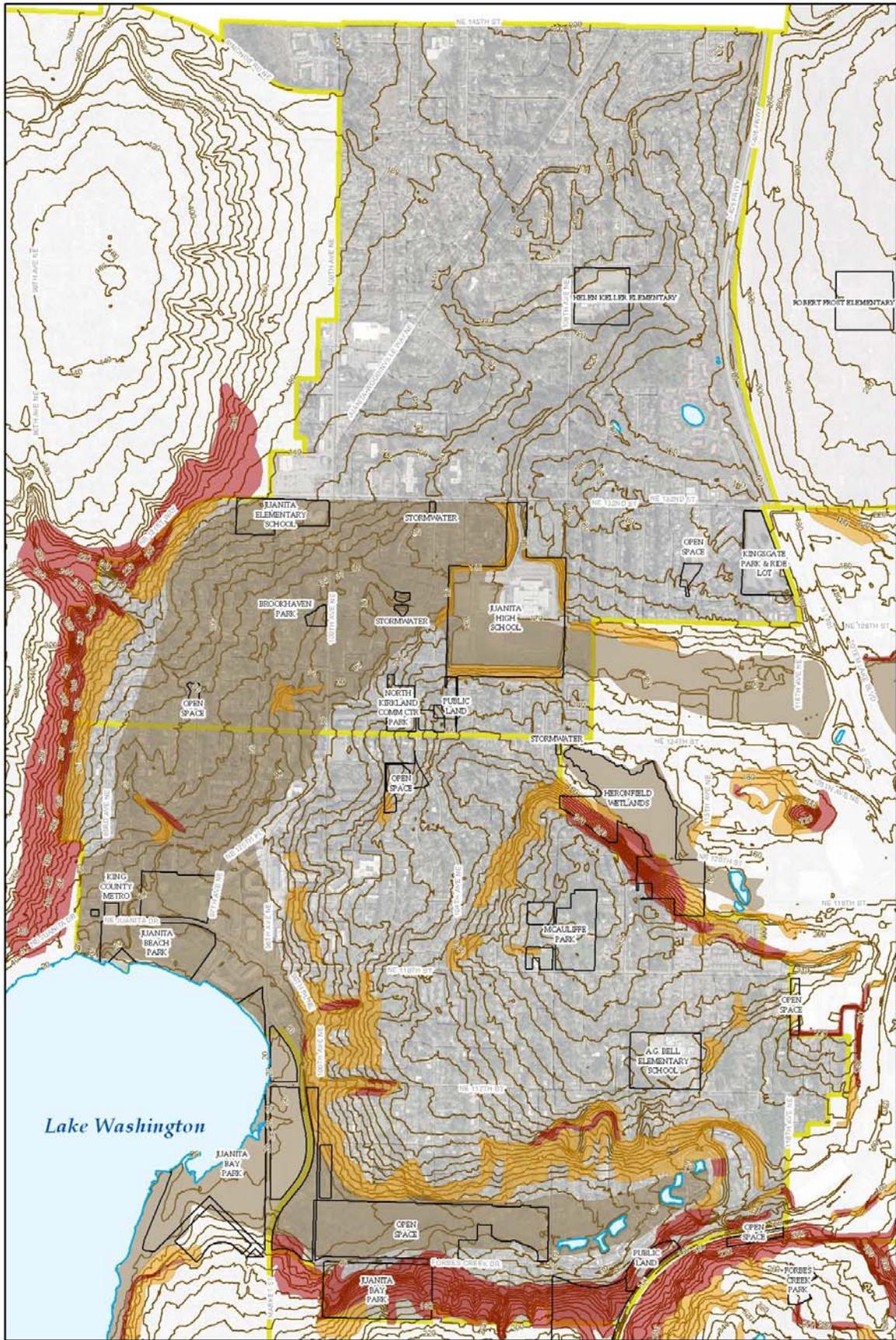
Legend

- Known Salmonid Locations
- Streams in Pipes
- Open Streams
- 100-Year Floodplain
- Wetlands
- Shoreline of Statewide Significance
- Drainage Basin Boundaries
- Selected Public Properties
- Lakes



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Figure J-1a: Juanita Sensitive Areas

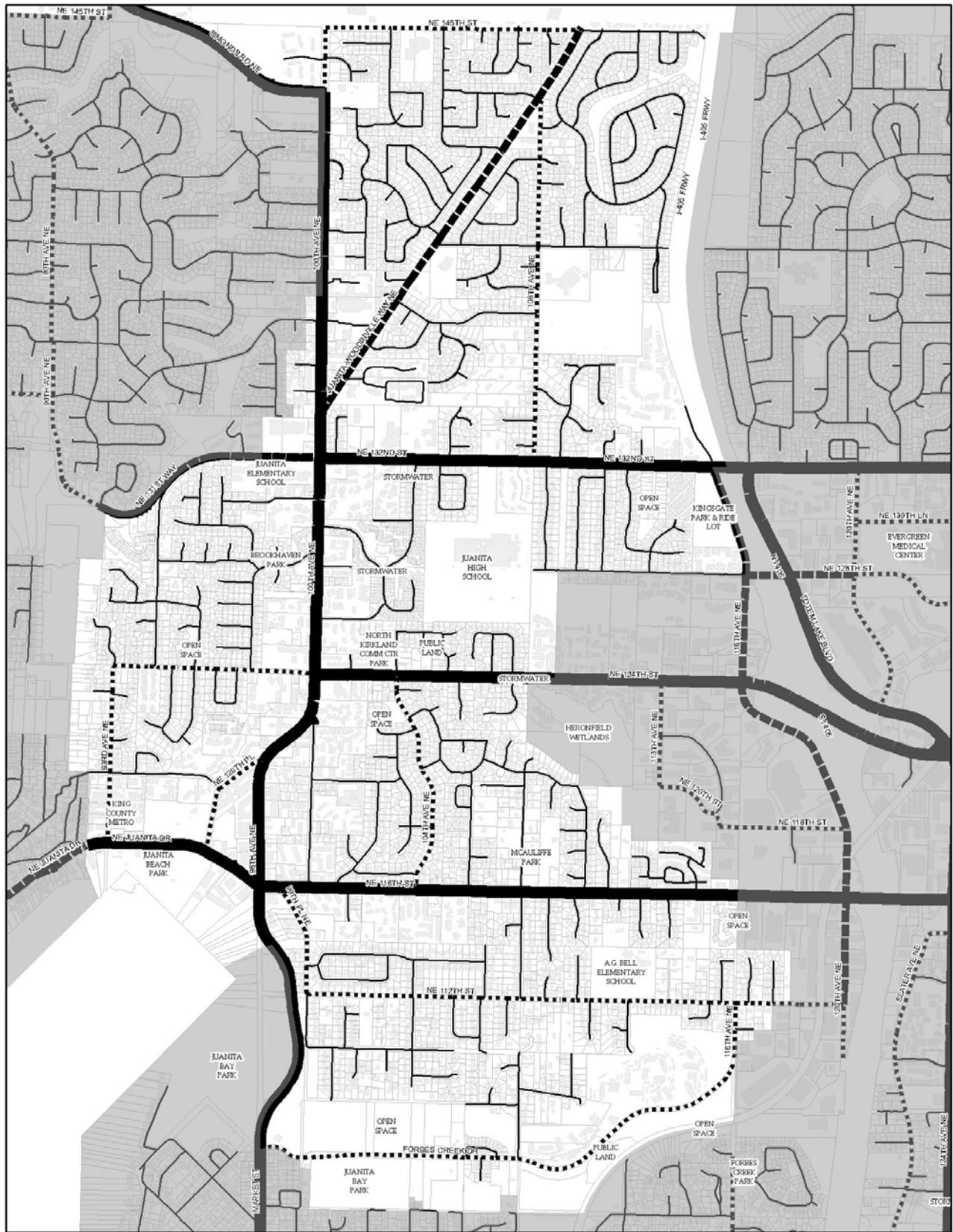


- Legend**
- Landslide Hazard Area (Medium Hazard)
 - Landslide Hazard Area (High Hazard)
 - Seismic Hazard Area
 - Drainage Basin Boundaries
 - Selected Public Properties
 - Lakes
 - Twenty-Foot Contours

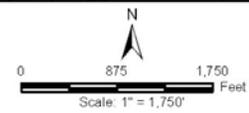


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Figure J-1b: Juanita Landslide and Seismic Hazard Areas



- Neighborhood Access
- Collector
- Minor Arterial
- Principal Arterial
- Building Footprints
- Tax Parcel Boundaries



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Figure J-4: Juanita Street Classification

XV.K MARKET NEIGHBORHOOD PLAN

4. Natural Environment

Goal M-2: Protect and enhance the natural environment.

Policy M-2.1:

Protect and improve water quality and promote fish passage by undertaking measures to protect Lake Washington, wetlands, streams and wildlife corridors.

The Market Neighborhood is located within the Kirkland Slope, Forbes Creek, Moss Bay, and South Juanita Slope drainage basins (Figure M-2). Various Forbes Creek tributaries and wetlands constitute a valuable natural drainage system that flows into Lake Washington through Juanita Bay Park, a high quality ecological area. This drainage system serves the drainage, water quality, wildlife and fish habitat, and open space needs of the northern portion of the neighborhood.

With the exception of Forbes Creek, no wetlands or streams have been mapped or identified in the Market Neighborhood. There is extensive cutthroat trout habitat in the main stem of Forbes Creek downstream of Forbes Lake and known salmonoid locations in Juanita Bay Park.

Water quality is an important issue in the Market Neighborhood. Even in areas without significant streams, water from the neighborhood drains to Lake Washington. Pesticide and fertilizer use should be avoided since it can be harmful to the lake. [The Shoreline Area Chapter of this Plan discusses best management practices to protect the Lake.](#)

PEDESTRIAN/BICYCLE CIRCULATION

The existing City of Kirkland ~~Nonmotorized Transportation Plan~~[Active Transportation Plan \(NTPATP\)](#) maps most of the bicycle and pedestrian facilities planned for a 10-year horizon. Those projects mapped in the Market Neighborhood Plan not shown in the NTP will be added during periodic updates to the NTP. Figures M-6 and M-7 show the planned bike and pedestrian system for the Market Neighborhood.

City street standards require that all through streets have pedestrian improvements. Generally, these improvements include curbs, gutters, landscape strips, and sidewalks. Pedestrian improvements are usually installed by the developer as new development occurs. Sidewalks can also be installed through the capital improvement budget process in areas that have already been developed.

Bicycles are permitted on all City streets. Bike facilities may include a shared roadway, a designated bike lane with a painted line, or a shared use path for bicycle and pedestrian use. The routes identified for proposed bicycle improvements are shown in Figure M-6.

Goal M-6: Encourage mobility and the use of nonmotorized transportation by providing improvements for pedestrians and bicyclists.

Policy M-6.1:

Enhance and maintain pedestrian and bicycle infrastructure within the Market Neighborhood, especially on routes to activity nodes (including school walk routes) and adjacent neighborhoods.

The following routes should be added to the ~~Nonmotorized Transportation Plan~~[Active Transportation Plan](#). The Capital Improvement budget process prioritizes when routes identified in the NTP will receive funding for improvements.

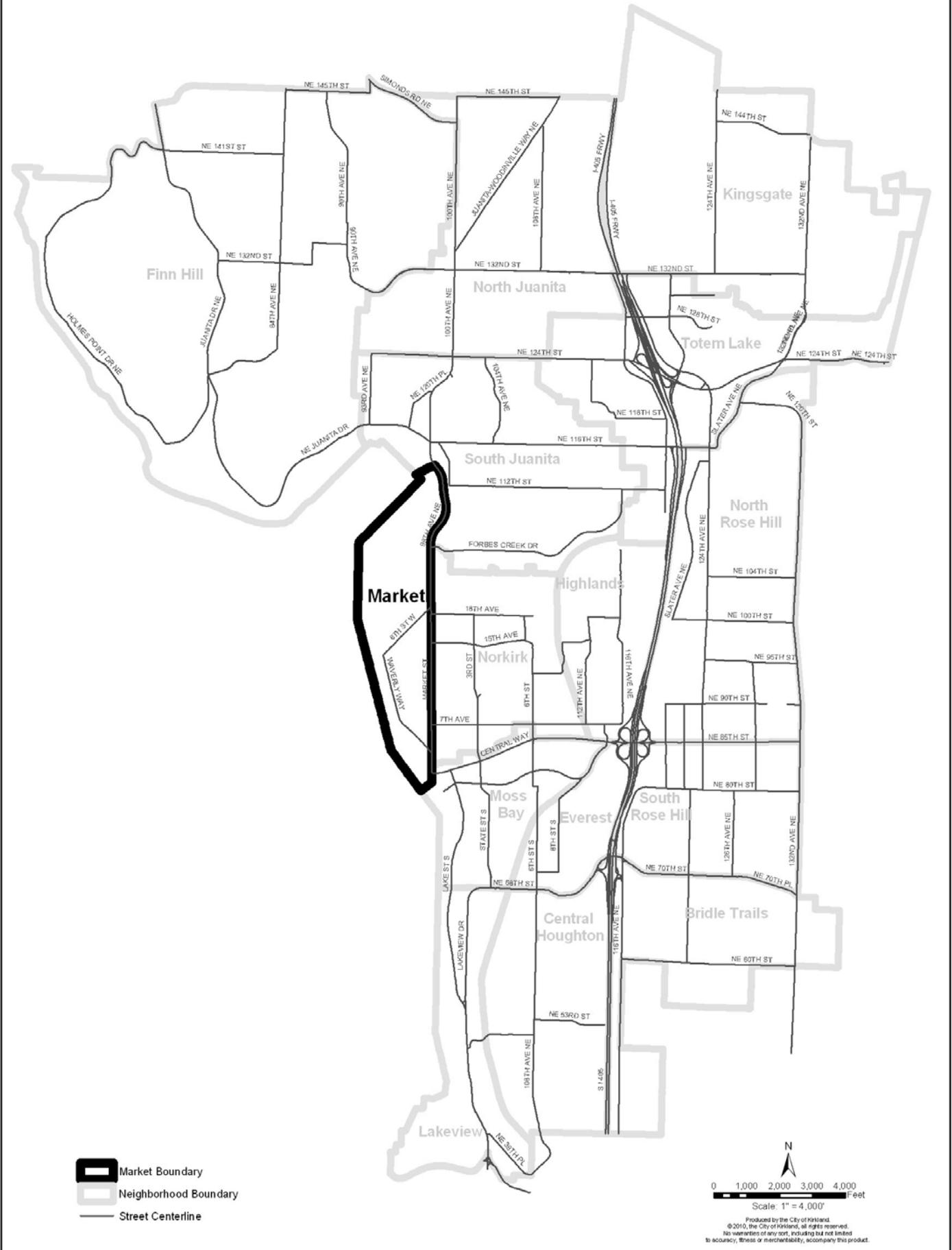


Figure M-1: Market Boundaries

XVL. NORKIRK NEIGHBORHOOD PLAN

PEDESTRIAN/BICYCLE CIRCULATION

The existing City of Kirkland ~~Nonmotorized Transportation Plan~~ [Active Transportation Plan \(NTPATP\)](#) maps the planned bicycle and pedestrian facilities planned for a 10-year horizon. Those projects mapped in the Norkirk Neighborhood Plan that are not shown in the NTP should be added. Figures N-6 and N-7 show the planned bike and pedestrian system in the Norkirk Neighborhood.

City street standards require that all through streets have pedestrian improvements. Generally, these improvements include curbs, gutters, landscape strips, and sidewalks. As new development occurs, pedestrian improvements are usually installed by the developer. In developed areas without sidewalks, the City should identify areas of need and install sidewalks through the capital improvement budget process.

Bicycles are permitted on all City streets. Bike facilities may include a shared roadway; a designated bike lane with a painted line; or a shared use path for bicycle and pedestrian use. Those routes identified for proposed bicycle improvements are shown in Figure N-6.

Goal N-11: Encourage nonmotorized mobility by providing improvements for pedestrians and bicyclists throughout the Norkirk Neighborhood.

Policy N-11.1:

Enhance and maintain pedestrian and bicycle infrastructure within the Norkirk Neighborhood, especially on routes to schools, activity nodes and adjacent neighborhoods.

The following routes should be added to the ~~Nonmotorized Transportation Plan~~ [Active Transportation Plan](#). The Capital Improvement budget process prioritizes when routes identified in NTP will receive funding for improvements. If funded, these routes should be improved with sidewalks, curbs, gutters, and landscape strips and lighting as needed:

-

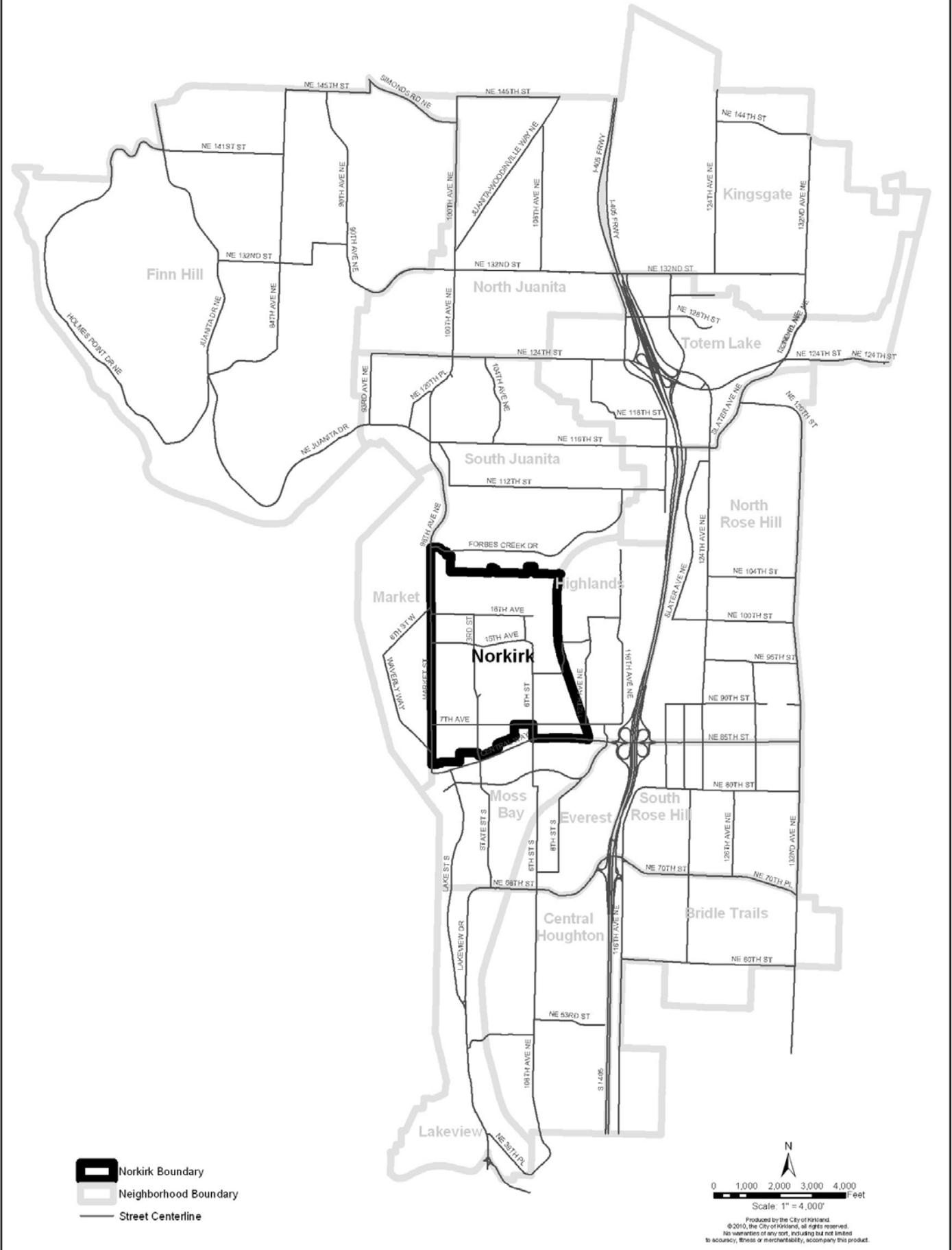


Figure N-1: Norkirk Boundaries

XVM. HIGHLANDS NEIGHBORHOOD PLAN

PEDESTRIAN/BICYCLE CIRCULATION

The existing ~~Nonmotorized Transportation Plan~~ Active Transportation Plan (NTP/ATP) maps most of the planned bicycle and pedestrian infrastructure planned for a 10-year horizon. Those projects mapped in the Highlands NE neighborhood plan not shown in the NTP will be added during periodic updates to the NTP. Figures H7 and H-8 show the existing and planned bicycle and pedestrian infrastructure in the Highlands neighborhood.

City policy requires that all through streets have pedestrian improvements. Generally, these improvements include sidewalks, curbs, and landscape strips. As new development occurs, pedestrian improvements are usually installed by the developer. In developed areas, the City should identify areas of need and install sidewalks through the capital improvement budget process. Pedestrian and bicycle infrastructure and access are important within this neighborhood, particularly to youth, due to limited transit and school bus routes. The proposed pedestrian improvements (Figure H-8) include those streets identified as school walk routes.

Bicycles are permitted on all City streets. Those routes identified for proposed bicycle improvements are shown on Figure H-7. Improvements may include a shared roadway, a designated bike lane with a painted line, or a shared use path for bicycle and pedestrian use.

Goal H-10: Encourage mobility and the use of nonmotorized transportation by providing appropriate facilities for pedestrians and bicyclists throughout the Highlands neighborhood and between neighborhoods.

Policy H-10.1:

Enhance and maintain pedestrian and bicycle infrastructure within the Highlands neighborhood, especially on routes to schools and activity nodes.

The following streets should be improved with sidewalks, curbs, gutters, landscape strips, and bicycle improvements along their entire length:

116th Avenue NE serves as an important north-south spine through the length of the neighborhood with direct access to Forbes Creek Park and access only two blocks off this route to three neighborhood parks: Highlands Park, Spinney Homestead Park, and Cedar View Park. It also connects with two access routes from the west and south into the neighborhood.

NE 100th Street is designated as a Priority One route in the ~~Nonmotorized Transportation Plan~~ Active Transportation Plan and serves as an east/west link between Redmond and the waterfront in Kirkland. At Interstate 405, there is the NE 100th Street overpass, which provides emergency vehicle access and a pedestrian and bicycle route to link the Highlands and North Rose Hill neighborhoods. It serves as an important connection between the two north-south collectors of 116th Avenue NE and 112th Avenue NE and is used by students as a route to Kirkland Junior High School.

NE 97th Street is a designated school walk route to Peter Kirk Elementary, and sidewalks are needed on both sides to improve passage for children.

NE 87th Street is designated as a Priority One route in the ~~Nonmotorized Transportation Plan~~[Active Transportation Plan](#), provides access into Highlands at the railroad tracks, and connects with a second neighborhood access point at NE 114th Street. It also serves as an important connection between the two north-south collectors of 116th Avenue NE and 112th Avenue NE. As a route with high volume of vehicular traffic, it is important that the bicycle and pedestrian infrastructure be improved to meet the need for nonmotorized access into the neighborhood.

112th Avenue NE should be improved with sidewalks, curbs, gutters, landscape strips, and bicycle improvements between NE 87th and NE 100th Street. This collector street runs north-south in the western part of Highlands, and is a designated school walk route, with access off this route to Peter Kirk Elementary.

Policy H-10.2:

Promote greater pedestrian and bicycle connection between the Highlands and North Rose Hill and South Juanita neighborhoods.

Provide a nonmotorized connection across Interstate 405 at NE 90th Street as outlined in the ~~Nonmotorized Transportation Plan~~[Active Transportation Plan](#). Given the limited access points into Highlands, it is important to increase the neighborhood's connectivity with adjacent neighborhoods. A second overpass across Interstate 405 would help achieve greater connectivity to the North Rose Hill neighborhood.

Explore the possibility of an emergency access route with pedestrian and bicycle access across the railroad right-of-way to Forbes Creek Drive at the northern border of Highlands (Figure H-6). The City should work with the owner of the railroad to provide an emergency only access route at the northern border of Highlands to improve emergency vehicle response time and to promote connectivity for pedestrians and bicyclists to the north.

Policy H-10.3:

Develop off-street trails for recreational use to promote greater connectivity within Highlands and to adjacent neighborhoods and areas.

Develop a shared use path along the railroad right-of-way as proposed within the ~~Nonmotorized Transportation Plan~~[Active Transportation Plan](#) (NTP). The proposed shared use path along the railroad right-of-way for bicyclists and pedestrians is part of a larger trail network to link neighborhoods within Kirkland and to other cities. This route has been identified within the NTP as a Priority One corridor.

Expand the existing off-street trail network as opportunities arise with infill development because nonmotorized connections within Highlands and to adjacent areas are important to residents.

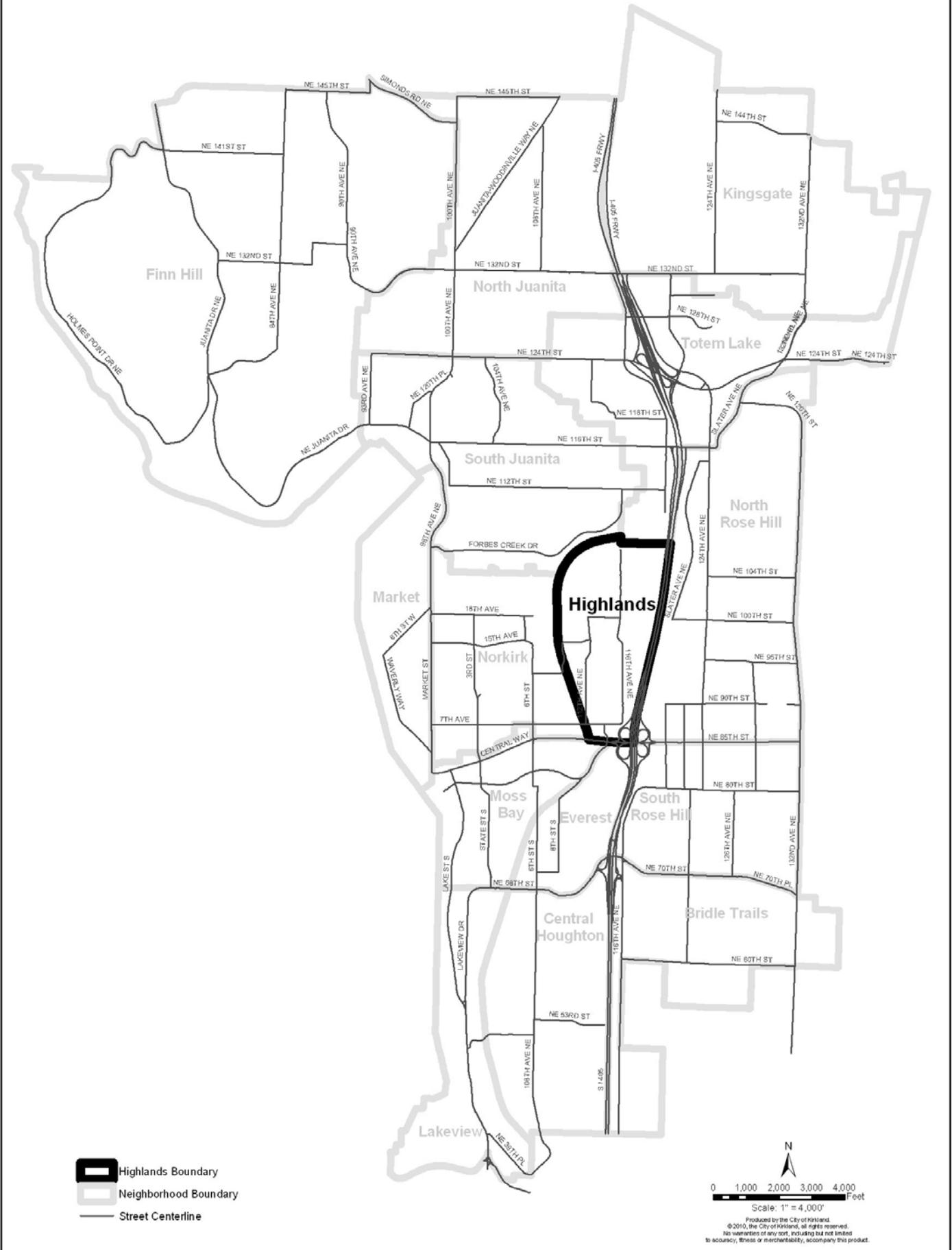


Figure H-1a: Highlands Boundaries

Appendix A – LEVEL OF SERVICE METHODOLOGY

The GMA requires concurrency for transportation facilities. GMA also requires all other public facilities to be “adequate” (see RCW 19.27.097, 36.70A.020, 36.70A.030, and 58.17.110). This is noted in Goal 12 which states:

Public facilities and services. Ensure that those public facilities and services necessary to support development are available for occupancy and use without decreasing current service levels below locally established minimum standards.

The City has an adopted CFE and development regulations to implement the plan. The development regulations provide detailed rules and procedures for implementing the requirements of the plan, including concurrency management procedures that ensure sufficient public facility capacity is available for each proposed development.

The Capital Facilities Element of the Comprehensive Plan must be updated on a regular basis. The update should occur in conjunction with review of the City’s six-year Capital Improvement Program and budget. The update should be completed before the City’s budget is adopted in order to incorporate the capital improvements from the updated CFE in the City’s annual budget.

The level of service standards adopted in this element ~~were~~ are based on an extensive inventory of capital facilities and the forecasted need based on growth. A ~~six~~ multi-year finance plan is included which identifies the projects ~~as well as the,~~ their costs and funding sources. Policies within the Plan ensure that there are several options to choose from if the probable funding falls short of meeting the needs.

Appendix B: Glossary

Greenbelt/Urban Separator: areas planned for permanent low density residential within the Urban Growth Area that protect adjacent resource land, environmentally sensitive areas, or rural areas, and create open space corridors within and between the urban areas which provide environmental, visual, recreational and wildlife benefits. The King County Countywide Planning Policies have designated the RSA 1 zone as an urban separator.

Sensitive Areas: Wetlands, streams, lakes, excluding Lake Washington, and frequently flooded areas.

Shorelines: Lake Washington, its underlying land, associated wetlands, those lands extending landward 200 feet from its OHWM and critical area buffers within 200 feet of the OHWM. These are lands within state shorelines jurisdiction, pursuant to RCW 90.58.030

PUBLICATION SUMMARY
OF ORDINANCE NO. 4279

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO AMENDING THE COMPREHENSIVE PLAN ORDINANCE 3481 AS AMENDED, AMENDING ORDINANCE 3710 AS AMENDED, AND THE KIRKLAND ZONING MAP, AS REQUIRED BY RCW 36.70A.130 TO ENSURE CONTINUED COMPLIANCE WITH THE GROWTH MANAGEMENT ACT AND APPROVING A SUMMARY FOR PUBLICATION, FILE NO. ZON10-00001.

SECTION 1. Amends the following portions of the Kirkland Comprehensive Plan and Kirkland Zoning Map:

- A. CIP related Amendments to the Capital Facilities and Transportation Elements Figures, Tables, and Text.
- B. LOS related Amendments to the Transportation Element Table and Text.
- C. Kingsgate, Juanita and Finn Hill Annexation related Amendments to the Land Use Map, Functional and Neighborhood Plan Maps, and General Element's Tables and Text and Appendix B text.
- D. Kingsgate, Juanita and Finn Hill Annexation Area neighborhood boundaries related Amendments to Functional and Neighborhood Plan Maps.
- E. Park Place related Amendments to the Transportation Element text, Capital Facilities Element Tables, and Appendix A text.
- F. Shoreline Master Program related Amendments to the Vision Statement, Framework Goals, various Elements and three Neighborhood Plans text.
- G. Electric Vehicle Infrastructure related Amendments to the Natural Resources and Transportation Elements text.
- H. Historic Resources related Amendments to the Community Character Element text and Tables.
- I. NE 85th Street jurisdiction transfer related Amendments to the Transportation Element Tables.
- J. Sustainability and King County Comprehensive Solid Waste Plan related Amendments to the Public Service Element text.
- K. Snyder's Corner Park rezone related Amendments to the Kirkland Zoning Map, and Bridle Trails Neighborhood Plan and Land Use Maps.
- L. North Rose Hill Street Connection Plan Description and Map Amendments.

M. Name change to "Nonmotorized" Transportation Plan to "Active" Transportation Plan related Amendments throughout Plan.

N. Functional Map Amendments

SECTION 2. Directs the Director of Planning and Community Development to amend the official Zoning Map.

SECTION 3. Provides a severability clause for the ordinance.

SECTION 4. Provides that the effective date of the ordinance is affected by the disapproval jurisdiction of the Houghton Community Council.

SECTION 5. Establishes certification by the City Clerk and notification of King County Department of Assessments.

SECTION 6. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Kirkland Municipal Code 1.08.017 and establishes the effective date as five days after publication of summary.

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 _____, 20__.

I certify that the foregoing is a summary of Ordinance _____ approved by the Kirkland City Council for summary publication.

City Clerk