



CITY OF KIRKLAND

CITY COUNCIL

James Lauinger, Mayor • Joan McBride, Deputy Mayor • Dave Asher • Mary-Alyce Burleigh
Jessica Greenway • Tom Hodgson • Bob Sternoff • David Ramsay, City Manager

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 Chamber

Tuesday, December 16, 2008

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, at the Public Resource Area at City Hall or at the Kirkland Library 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. Downtown Zoning
4. *EXECUTIVE SESSION*
 - a. To Discuss Pending Litigation
5. *SPECIAL PRESENTATIONS*
 - a. Fire Captain Larry Peabody - Thirty Year Recognition
6. *REPORTS*
 - a. *City Council*
 - (1) Regional Issues
 - b. *City Manager*
 - (1) Calendar Update
7. *COMMUNICATIONS*
 - a. *Items from the Audience*
 - b. *Petitions*

8. *CONSENT CALENDAR*

a. *Approval of Minutes:* December 2, 2008

b. *Audit of Accounts:*

Payroll \$

Bills \$

c. *General Correspondence*

(1) Governor Christine Gregoire, Regarding Dispute Resolution Centers Funding

d. *Claims*

e. *Award of Bids*

f. *Acceptance of Public Improvements and Establishing Lien Period*

(1) NE 126th Street/94th Avenue NE Channel Restoration Project

g. *Approval of Agreements*

(1) Resolution R-4734, Approving an Amendment to the Joint Agreement for Fire Protection Services Between the City of Kirkland and King County Fire Protection District No. 41 to Extend the Duration of the Joint Agreement Through 2010

h. *Other Items of Business*

(1) Ordinance No, 4164, Relating to Purchasing and Adding a New Section 3.85.160 to the Kirkland Municipal Code to Clarify that Solid Waste Collection and Recycling Services are not Subject to the Purchasing Chapter

(2) Ordinance No. 4165, Amending Section 3.16.065 of the Kirkland Municipal Code Relating to Authority to Sign Agreements

(3) Ordinance No. 4166, Relating to the Compensation for Judge Pro Tem

(4) Ordinance No. 4167, Relating to the Salary for the City Manager

(5) Ordinance No. 4159, Amending the Biennial Budget for 2007-2008

(6) Implementing Proposed 2009 Sewer Capital Facility Charges

(7) Report on Procurement Activities

9. *PUBLIC HEARINGS*

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.

10. UNFINISHED BUSINESS

a. 2007-2008 Comprehensive Plan Amendments:

- (1) Ordinance No. 4156 and its Summary, Relating to Comprehensive Planning and Land Use and Amending the Comprehensive Plan as Part of the 2007-2008 City Initiated Comprehensive Plan Amendment Project, (Ordinance 3481 as Amended) and Amending Ordinance 3710 as Amended, the Kirkland Zoning Map, as Required by RCW 36.70A.130 to Ensure Continued Compliance with the Growth Management Act
- (2) Ordinance No. 4157 and its Summary, Relating to Comprehensive Planning and Land Use and Amending the Comprehensive Plan as a Result of the Nakhjiri Private Amendment Request Ordinance 3481 as Amended, and Amending Ordinance 3710 as Amended, the Kirkland Zoning Map, As Required by RCW 36.70A.130 to Ensure Continued Compliance with the Growth Management Act
- (3) Ordinance No. 4158 and its Summary, Relating to Comprehensive Planning and Land Use and Amending the Comprehensive Plan as Part of the Hart Private Amendment Request and TL9 Zoning Implementation Project, Amending the Comprehensive Plan, (Ordinance 3481 as Amended), Amending the City of Kirkland Zoning Map (Ordinance 3710 as Amended), and Amending the Kirkland Zoning Ordinance (Ordinance 3719 as Amended), to Conform to the Comprehensive Plan
- (4) Ordinance No. 4155 and its Summary, Relating to Comprehensive Planning and Land Use and Amending the Comprehensive Plan, Ordinance 3481 as Amended, and Approving a Summary for Publication, Related to the South Kirkland Park and Ride
- (5) Ordinance No. 4168 and its Summary, Relating to Comprehensive Planning and Land Use and Amending the Comprehensive Plan, Ordinance 3481 as Amended, Amending the NE 85TH Street Subarea Plan Policy NE-85-4.1B
- (6) Ordinance No. 4169 and its Summary, Relating to Zoning, Planning, and Land Use and Amending the Use Zone Chart for the Rose Hill Business District (RH) 1B Zone, Section 53.12 of the Kirkland Zoning Code, Ordinance 3719 as Amended, to Add a New Vehicle Service Station Use Listing, and Approving a Summary for Publication

b. Human Services Funding Recommendations - 2009-2010 Budget Adoption

c. Resolution R-4735, Adopting the 2009-2014 Six-Year Capital Improvement Program for the City of Kirkland

d. Ordinance No. 4160, Establishing the Amount of Property Taxes to be Levied for the Year 2009, the First Year of the City of Kirkland's 2009-2010 Fiscal Biennium and Repealing Ordinance 4154

- e. 2009-2010 Budget Adoption:
 - (1) Ordinance No. 4161 and its Summary, Relating to Business Licenses and Regulations and Amending Chapter 7.02 of the Kirkland Municipal Code
 - (2) Ordinance No. 4162, Increasing the Utility Tax on Certain Utilities to Provide Revenue for City Services; Amending Kirkland Municipal Code Chapter 5.08 and Establishing Effective Dates
 - (3) Ordinance No. 4163, Adopting the Biennial Budget for 2009-2010

- f. Touchstone (Parkplace) and Altom Private Amendment Requests:
 - (1) Ordinance No. 4170 and its Summary, Relating to Comprehensive Planning and Land Use and Amending the Comprehensive Plan, Ordinance 3481 as Amended, to Implement Changes to the Downtown Plan Section of the Moss Bay Neighborhood Plan and the Transportation Element
 - (2) Ordinance No. 4171 and its Summary, Relating to Comprehensive Planning and Land Use and Amending the Kirkland Zoning Code (Title 23 of the Kirkland Municipal Code), and the Kirkland Zoning Map , Ordinance 3710 as Amended, to Implement the New CBD5A Zone
 - (3) Ordinance No. 4172 and its Summary, Relating to Planning and Land Use and Amending Title 3 of the Kirkland Municipal Code, Chapter 3.30 Design Review Board, to Include "Kirkland Parkplace Mixed Use Development Master Plan and Design Guidelines"
 - (4) Ordinance No. 4173 and its Summary, Relating to Comprehensive Planning and Land Use and Amending the Comprehensive Plan, Ordinance 3481 as Amended, to Implement Changes to the Planned Area 5 Section of the Moss Bay Neighborhood Plan, and the Moss Bay Neighborhood Land Use Map
 - (5) Ordinance No. 4174 and its Summary, Relating to Comprehensive Planning and Land Use and Amending the Kirkland Zoning Code (Title 23 of the Kirkland Municipal Code) Chapter 92, Design Regulations, and a Use Zone Chart in Chapter 60 and the Kirkland Zoning Map, Ordinance 3710 as Amended
 - (6) Ordinance No. 4175 and its Summary, Relating to Land Use and Planning; Establishing a Planned Action for Two Areas in the Moss Bay Neighborhood Generally Located East of Peter Kirk Park, South of Central Way/NE 85th Street, West of 10th Street, and North of Kirkland Way Pursuant to the State Environmental Policy Act, RCW 43.21C.031

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.

- 11. *NEW BUSINESS*
- 12. *ANNOUNCEMENTS*
- 13. *ADJOURNMENT*



CITY OF KIRKLAND

123 Fifth Avenue, Kirkland, WA 98033 425.587.3000

www.ci.kirkland.wa.us

MEMORANDUM

To: David Ramsay, City Manager

From: Eric Shields, Planning Director
Jeremy McMahan, Planning Supervisor
Jon Regala, Senior Planner

Date: December 8, 2008

Subject: CBD 1 Amendments Study Session, File No. ZON08-00019

RECOMMENDATION:

Review the attached Design Review Board packet for the December 8th DRB meeting. Staff will send a supplementary packet to the City Council in advance of the 12/16 study session to update Council on DRB recommendations.

BACKGROUND:

The City Council directed staff and the DRB to review options for regulating upper story step backs in CBD 1 and to report back with a draft approach in advance of a January 20 2009 public hearing. The Council has provided adequate direction on all other issues being considered for staff to prepare draft regulations for the hearing.

Attachments



CITY OF KIRKLAND

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

MEMORANDUM

To: Design Review Board

From: Jeremy McMahan, Planning Supervisor
Jon Regala, Senior Planner

Date: December 3, 2008

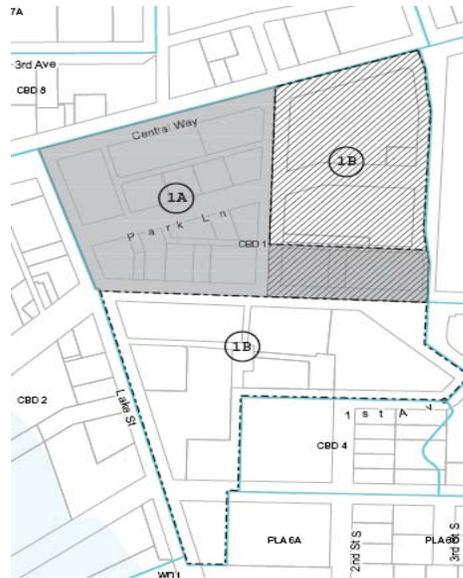
Subject: CBD 1 ZONING AMENDMENTS – UPPER LEVEL BUILDING STEP BACKS (File No. ZON08-00019)

RECOMMENDATION

Review options for regulation of upper story step backs in CBD 1 and provide recommendations to staff and the City Council. Staff provides the analysis below for discussion. In addition, staff will bring a SketchUp model of CBD 1 to the DRB meeting to illustrate and refine options.

BACKGROUND

At their November 24th study session (attended by Brian, Carter, and Jim), the City Council provided staff with direction on draft CBD 1 regulations on retail design and use, maximum building heights, and step backs above the 2nd story along Lake Street. Regarding building heights, the CBD 1 Zoning will be divided into a CBD 1A zone and a CBD 1B (see diagram below) zone to correspond to the 4 story and 5 story height districts established in the Comprehensive Plan. The maximum height of building in CBD 1A would be 45' and the maximum height of buildings in CBD 1B would be 55'. Ground floor retail would be required to be a minimum 15' in height. Regarding step backs along Lake Street, all portions of the building above two stories (28') would be required to be setback 30' from Lake Street. The DRB could approve setback reductions to 25' with 1:1 trade offs for public space at the street level.

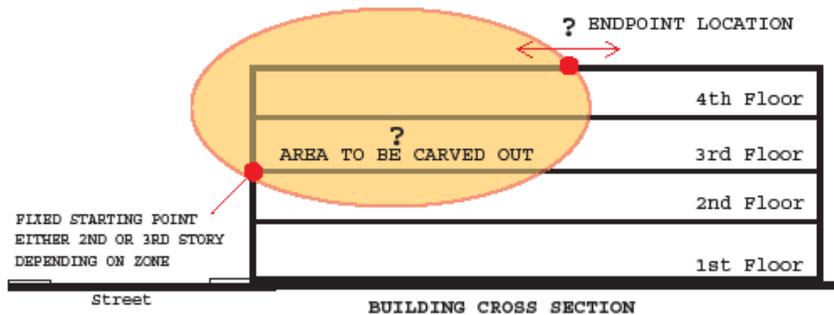


Zoning map amendment

The City Council also reviewed preliminary concepts for regulating upper story step backs and asked staff and the DRB to further explore these concepts.

UPPER STORY STEP BACKS

The proposed height limits establish a basic outline of building massing. The issue is that maximizing the massing along pedestrian oriented streets is not acceptable. By reducing mass at the upper stories, focus is reoriented towards the building base and back to the pedestrian experience. As shown in the diagram below, the challenge is to establish specific standards to reduce the massing of upper stories along pedestrian-oriented streets.



The Comprehensive Plan provides the following policy guidance:

General - Design District 1 Policies

- Stories above 2nd story are setback from the street
- Street frontages should be two stories along Park Lane west of Main Street, 3rd Street, and Kirkland Avenue
- Buildings up to 3 stories along Central Way
 - Avoid continuous 3 story street wall

December 8, 2008

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Design District 1B Policies

- East of Main Street – modulate height and facades
- South of Kirkland Avenue – Step up from north and west
- Reduce building mass above the 2nd story

'Bonus' Story Step Back Policies

- Stories above the 2nd story should be stepped back significantly
- Building form stepped back at the 3rd, 4th, and 5th stories

Staff has studied a number of approaches including angle of visibility, floor area ratios, and setback averaging. We have also conducted a detailed analysis of approved CBD 1 projects to quantify what has actually been built. Since the Downtown Plan policies on upper story step backs refer primarily to the perception of building massing from the street, staff is proposing to focus the step back discussion to a zone or area within a certain distance from the street. Staff has focused on a distance of 30' from the street to define the area in which to measure or quantify upper story step backs. The reason is that when looking at built and approved projects, the majority of upper story step backs and massing reductions were located within a zone of 30' from the property line (see Attachment 1).

The Tables in Attachment 2 provide two different ways to quantify the massing reductions within the 30' zone. Table 1 shows the average setbacks within 30' of the property line. Table 2 shows the average floor area ratio within 30' of the property line. Note that the analysis only includes the primary street frontage (i.e. – Kirkland Avenue for Heathman and Kirkland Central and not 3rd Street of State Street).

Several conclusions can be drawn from the data:

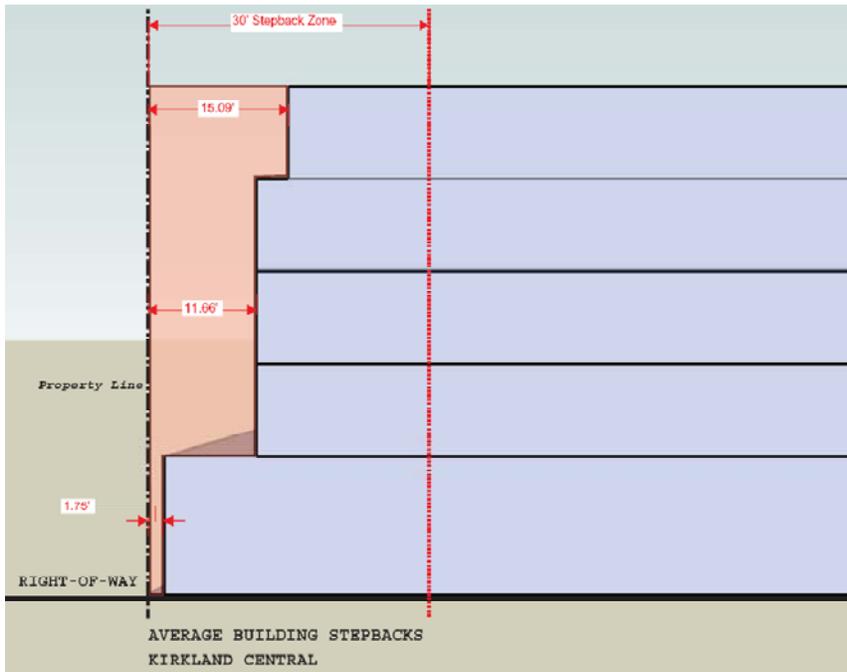
- Consistent with the Comprehensive Plan, buildings are being stepped back from the street with these step backs increasing in conjunction with building height.
- On average, buildings are infilling roughly 50% of the total possible floor area within the 30' zone and roughly 40% of the possible floor area above the second story.
- The first stories of buildings are generally not being built flush with the property line, consistent with previous conclusions that these buildings are providing wider sidewalks and more public space than code minimums.

The goal now should be to use the data to assess existing buildings and establish regulations and supporting design guidelines for massing and step backs of upper stories.

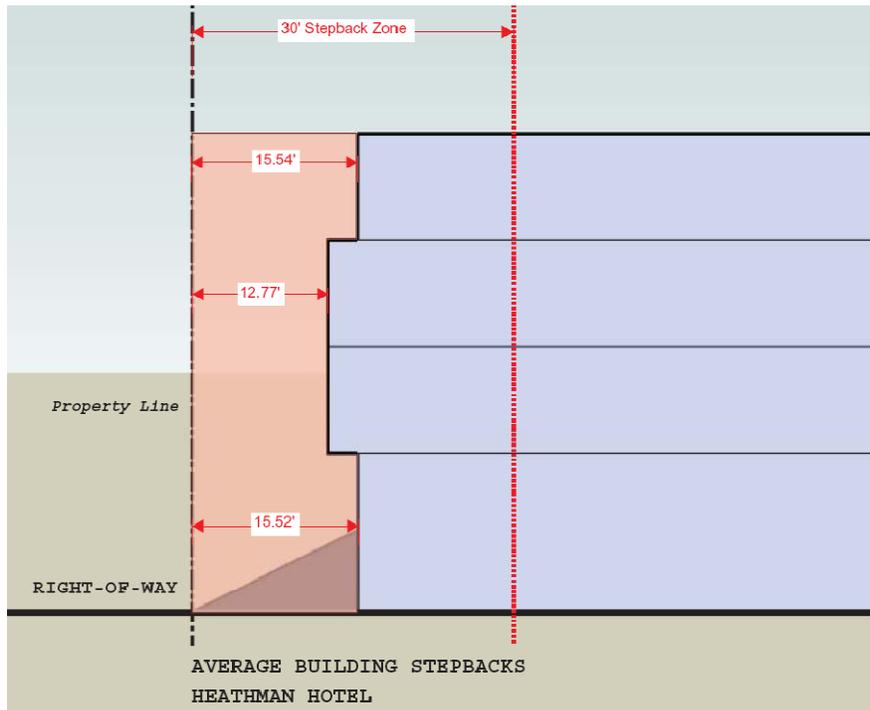
The following project analysis includes a vignette illustrating a generalized cross section of the average project setbacks within the 30' zone.

PROJECTS

Kirkland Central: *FAR above 2nd floor = 1.72; average setback above 2nd floor = 12.80.* Kirkland Central has the lowest average setbacks and the highest FAR within the 30' zone of the projects evaluated. As with Merrill Gardens, the building did not build a two story presence at the street, with only one story base and four stories of wood frame construction above. The project has the greatest amount of public space in front of it due to intersection configuration and the project's development of the public plaza. There are no other sites with this opportunity in CBD 1.



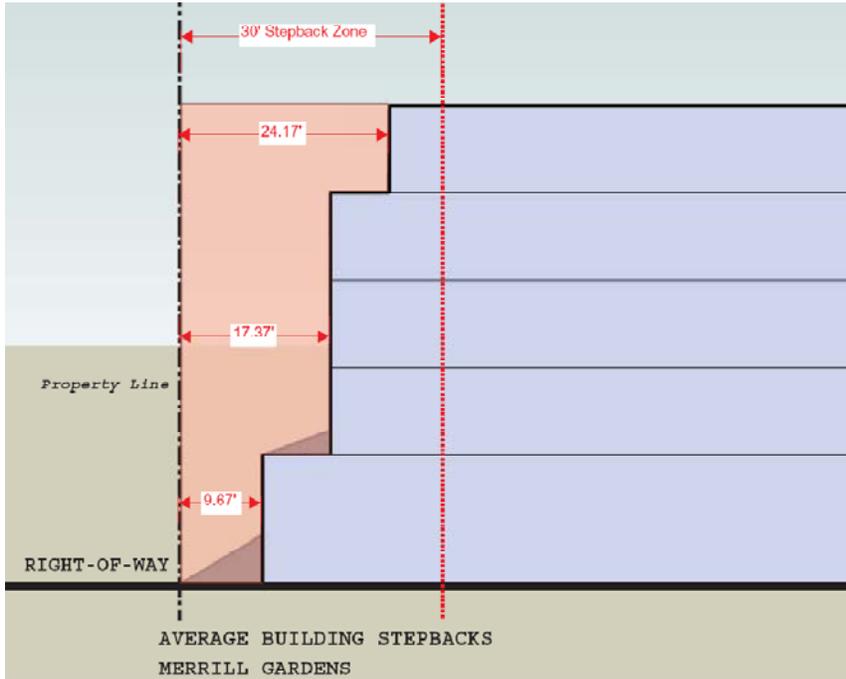
Heathman Hotel: *FAR above 2nd floor = 1.05; average setback above 2nd floor = 14.16.* The Heathman Hotel presents an interesting example of a project that provides a significant amount of open space along the street frontage in the form of an arcade and covered central building entrance. This provides a good study of whether that type of open space is effective public open space in terms of potential code allowances for trading lesser step backs for street level public space.



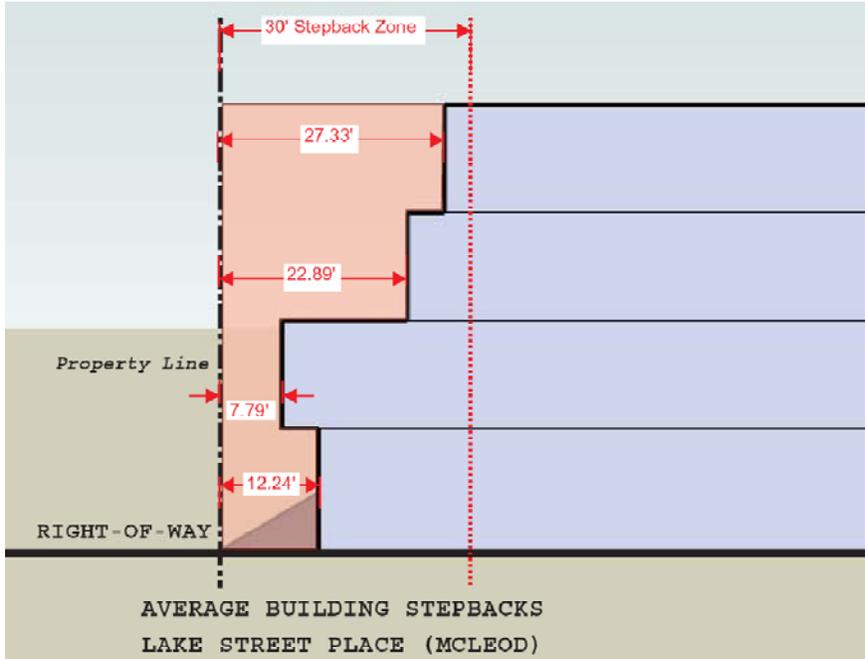
December 8, 2008

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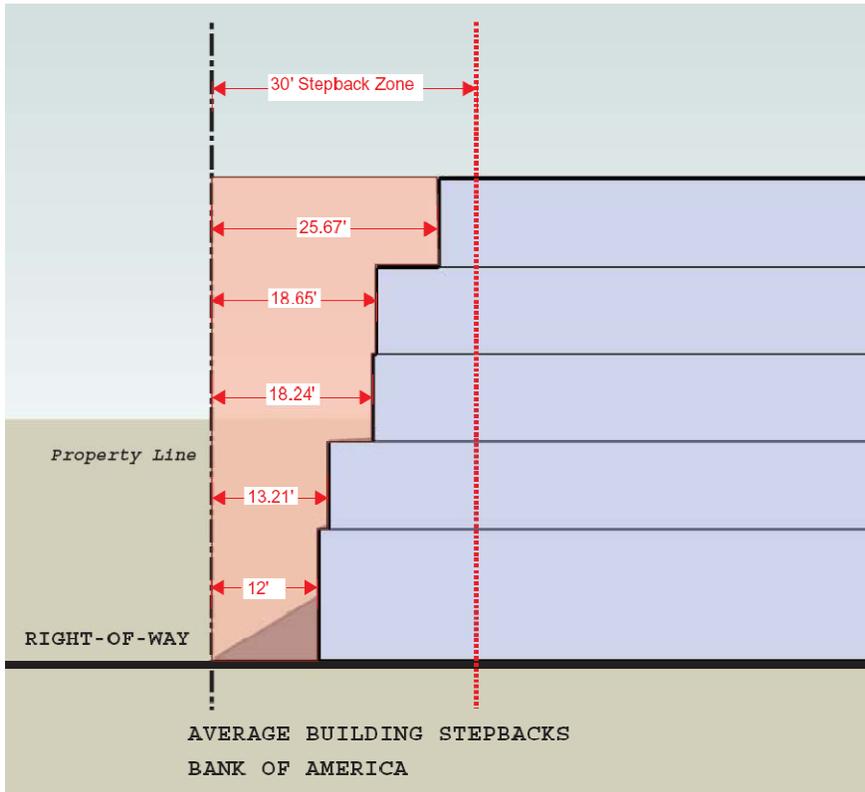
Merrill Gardens: FAR above 2nd floor = 1.05; average setback above 2nd floor = 19.64. Merrill Gardens is the most recently completed example. Similar to Kirkland Central, the project has one story street wall with four story of wood frame construction above. The project also includes some fairly heavy roof forms and covered decks that seem to diminish the appearance of the project's actual step backs. This provides an opportunity for discussion about how new regulations might interact with new supporting design guidelines.



McLeod: FAR above 2nd floor = .33; average setback above 2nd floor = 25.11. This project provides the lowest FAR and the greatest step backs above the 2nd story of projects evaluated. Although staff includes the project as an example, note that this project is along Lake Street where the Comprehensive Plan requires two story buildings along the street. The City Council has accepted a recommendation for 30' step backs above the 2nd story along Lake Street.



Bank of America: FAR above 2nd floor = .86; average setback above 2nd floor = 20.85. One of the features of this project is the inclusion of two story buildings at the street wall. In their review of the project, the DRB appreciated the stronger building base that this added to the project. Note that tables only reflect the Kirkland Avenue frontage and that the figures reflect the inclusion of a significant public plaza on the west side and a limited 5th floor presence.



Aerial Vantage Point of Enlarged Plaza

December 8, 2008

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DRB DISCUSSION:

There are a number of ways to establish baseline requirements for upper story step backs. As the DRB noted at their last meeting, the end result will likely be a combination of prescriptive requirements paired with an appropriate level of discretion. The goal should be to select the simplest and clearest method that achieves the desired result. Another goal should be to establish clarity of how much massing should be reduced along street frontages while preserving appropriate design flexibility in arranging the allowed mass.

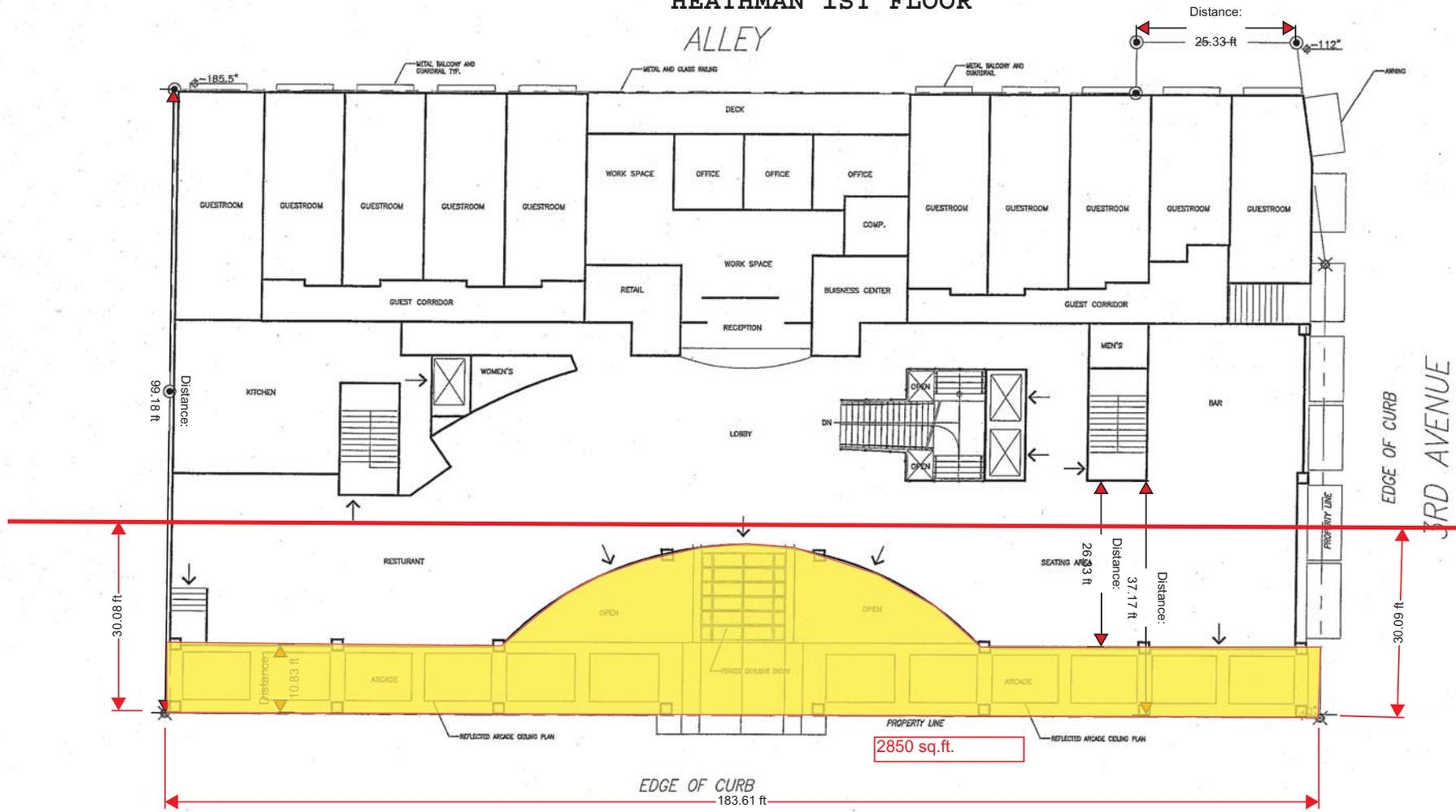
In reviewing the options, staff is inclined to proceed with developing requirements for average setbacks (*e.g. linear frontage x average setback = building area reduction within 30 of the property line*). Based on previous discussions with the DRB and Council, the requirement should be paired with incentives for public open space. The following discussion questions are intended to help staff and the DRB refine an option to proceed with draft regulations:

1. Is the area within 30' of the property line the right zone?
2. How much building mass should be allowed within that zone?
2. Should the zone and/or the setback requirement vary for different street frontages (Park Lane vs. 3rd Street, etc.)?
4. Should the setback requirement vary by story (e.g. – 5th floor should generally be setback more the 3rd) or should more flexibility be retained?
5. What design guidelines are needed to support the regulations?
 - Guidance on arrangement of massing
 - Guidance on horizontal and vertical definition of the 1st and 2nd stories.
6. What is the appropriate incentive for public open space?
 - 1:1 trade-offs of building square footage for open space
 - Average and minimum setback requirements
7. What are the guidelines for acceptable public space?
 - Open to the sky, amenities like fountains, public art, seating, appropriate location, etc.
8. How much building cantilevering over sidewalks is acceptable? To achieve 13' sidewalks, some additional dedication of right-of-way or easement will be necessary. The Code currently allows buildings to cantilever over the sidewalk to minimize the impact of the dedication on the property.

Attachments

HEATHMAN 1ST FLOOR

ALLEY



1st floor plan
1/16"=1'-0"

KIRLAND AVENUE

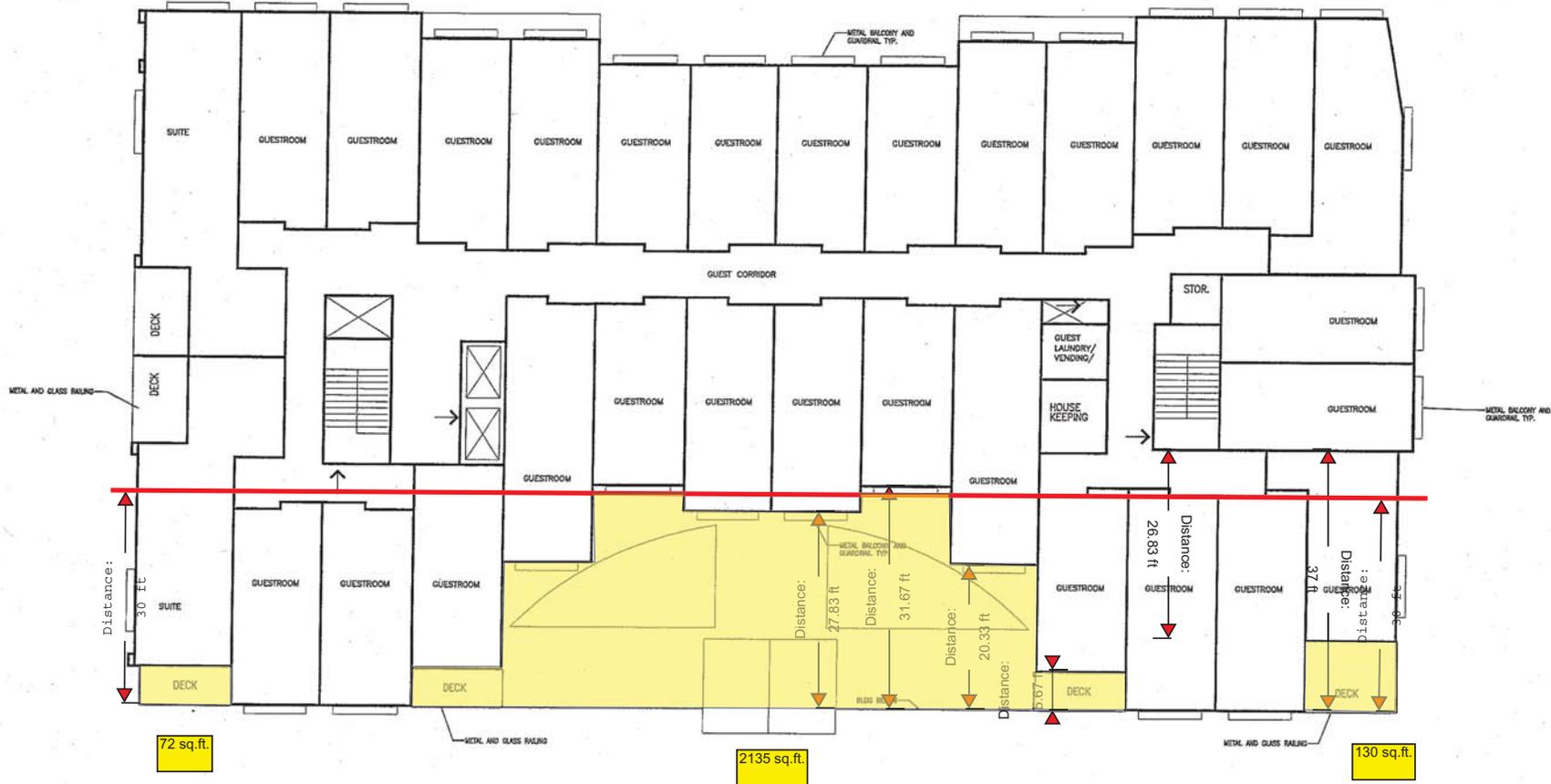
Kirkland Hotel at Third St. and Kirkland Avenue

Max Floor Area within 30' Zone = 30 * 183 = 5,490 sq.ft.
 1st Floor FAR within 30' Zone = 0.48
 2nd Floor FAR within 30' Zone = 0.57
 3rd Floor FAR within 30' Zone = 0.58
 4th Floor FAR within 30' Zone = 0.48
 Total FAR within 30' Zone = 2.11

A2.04

FILE NAME: A2.04-1-PLANS
DATE: 5/22/03
JOB #: 4002.01

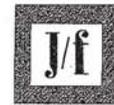
HEATHMAN 2ND FLOOR



2nd floor plan
1/16"=1'-0"

Kirkland Hotel at Third St. and Kirkland Avenue

CORBETT HOLT PROPERTIES, INC.



Jensen/Fey
Architecture and Planning
3131 EAST MADISON SUITE #200
SEATTLE, WA 98112
TELE 206.329.9900 FAX 206.328.7058

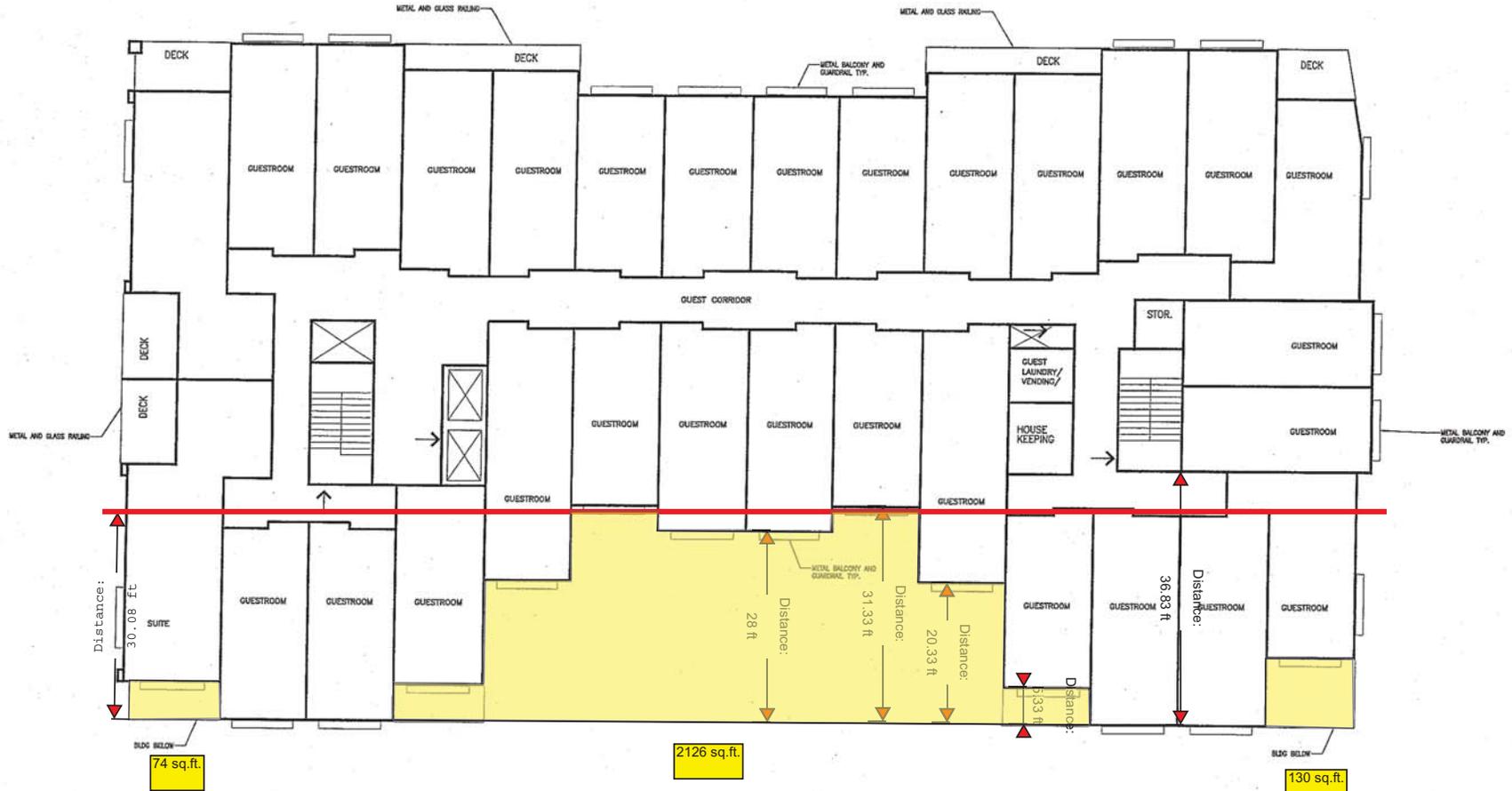
A2.05

FILE NAME: A2.05-4-PLAN

DATE: 9/27/03

JOB #: 4002.01

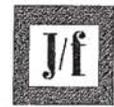
HEATHMAN 3RD FLOOR



3rd floor plan
1/16"=1'-0"

Kirkland Hotel at Third St. and Kirkland Avenue

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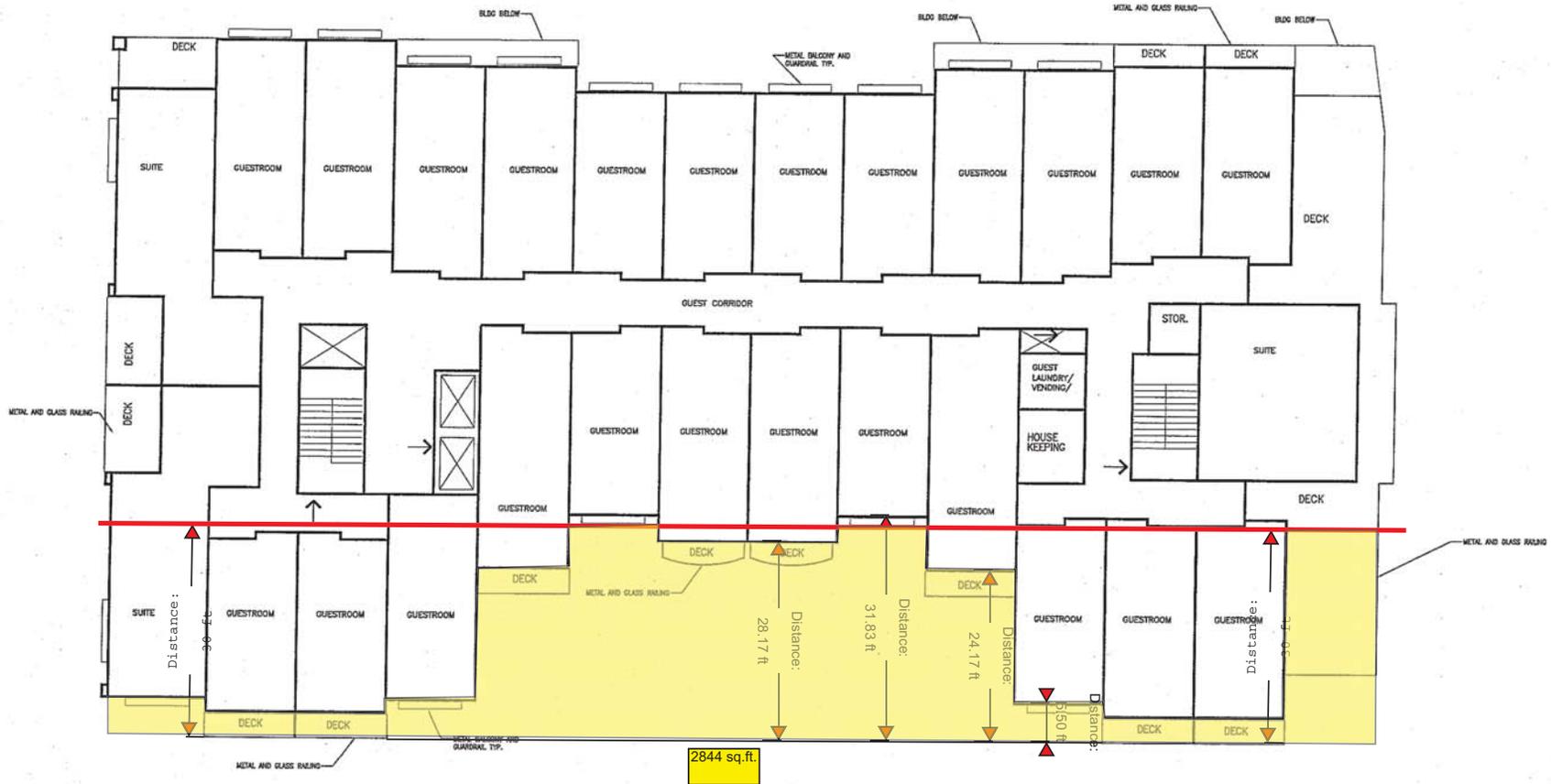
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FILE NAME: A206-6-PLANS

DATE: 9/22/03

JOB #: 4002.01

HEATHMAN 4TH FLOOR

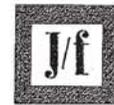


4th floor plan

1/16"=1'-0"

Kirkland Hotel at Third St. and Kirkland Avenue

CORBETT HOLT PROPERTIES, INC.



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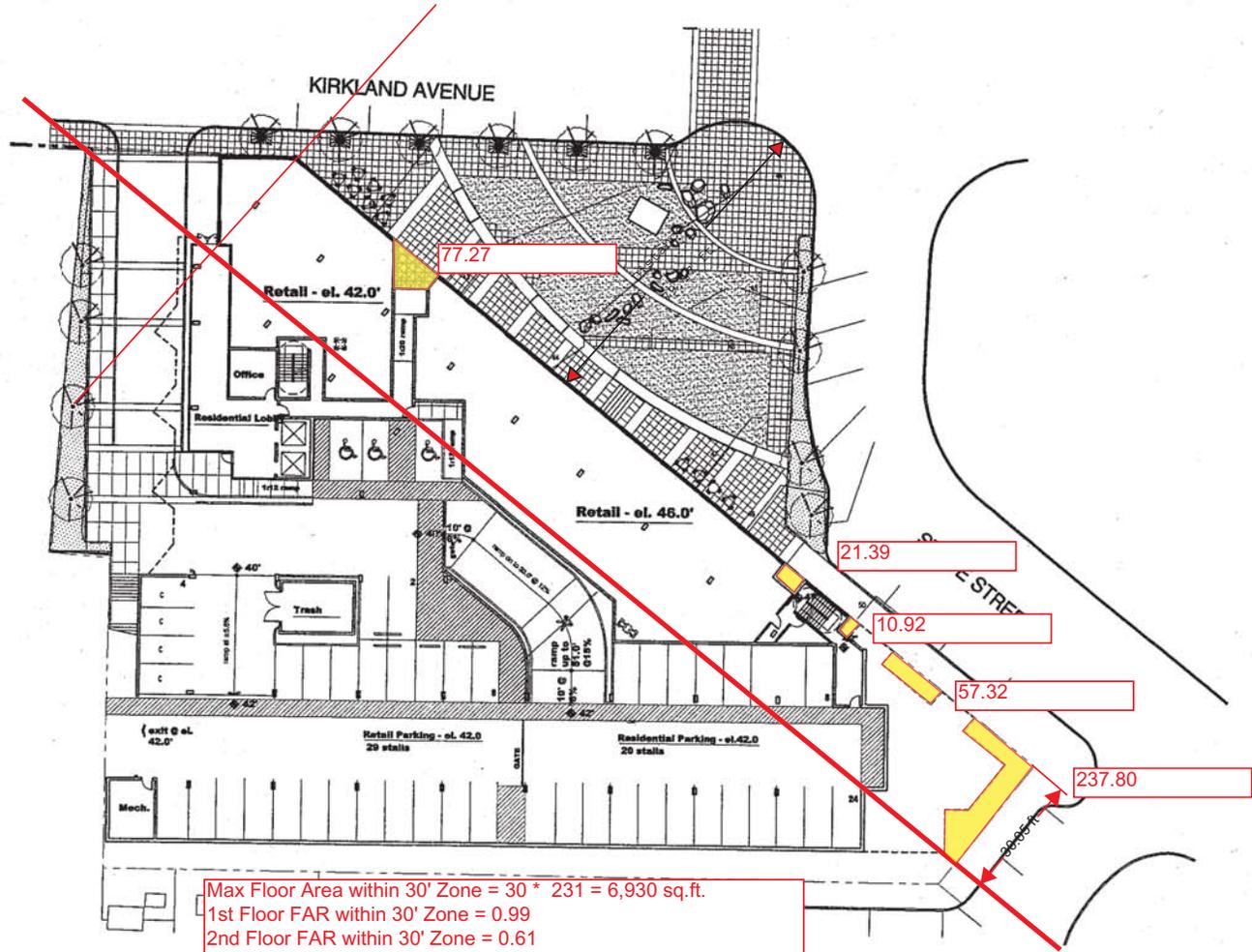
A2.07

FILE NAME: A2.07-6-PLANS

DATE: 9/22/03

JOB #: 4002.01

KIRKLAND CENTRAL 1ST FLOOR

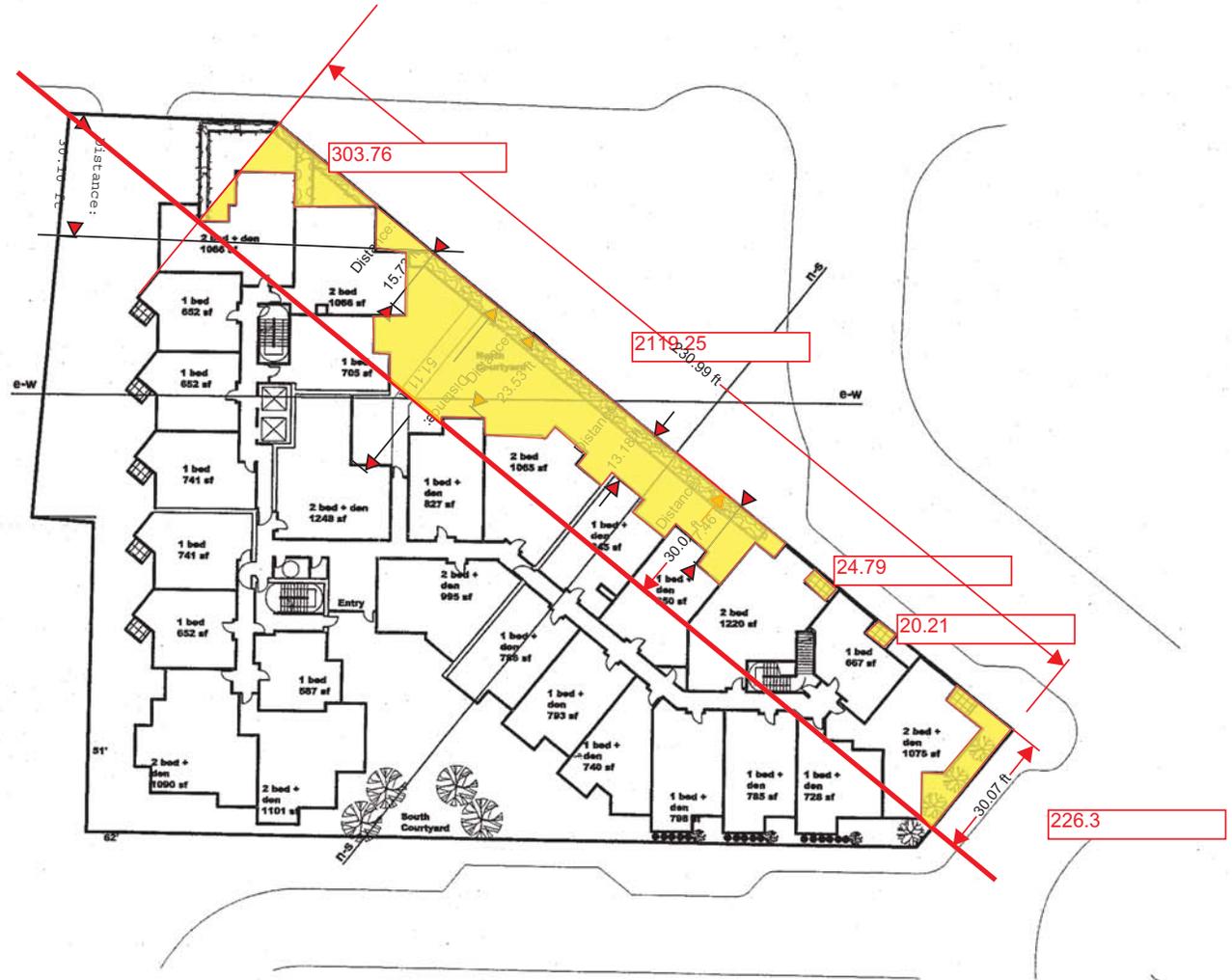


P2 Parking Level - el. 42'

75 State Street

Max Floor Area within 30' Zone = $30' \times 231 = 6,930$ sq.ft.
1st Floor FAR within 30' Zone = 0.99
2nd Floor FAR within 30' Zone = 0.61
3rd Floor FAR within 30' Zone = 0.61
4th Floor FAR within 30' Zone = 0.61
5th Floor FAR within 30' Zone = 0.50
Total FAR within 30' Zone = 3.32

KIRKLAND CENTRAL 2ND TO 4TH FLOORS



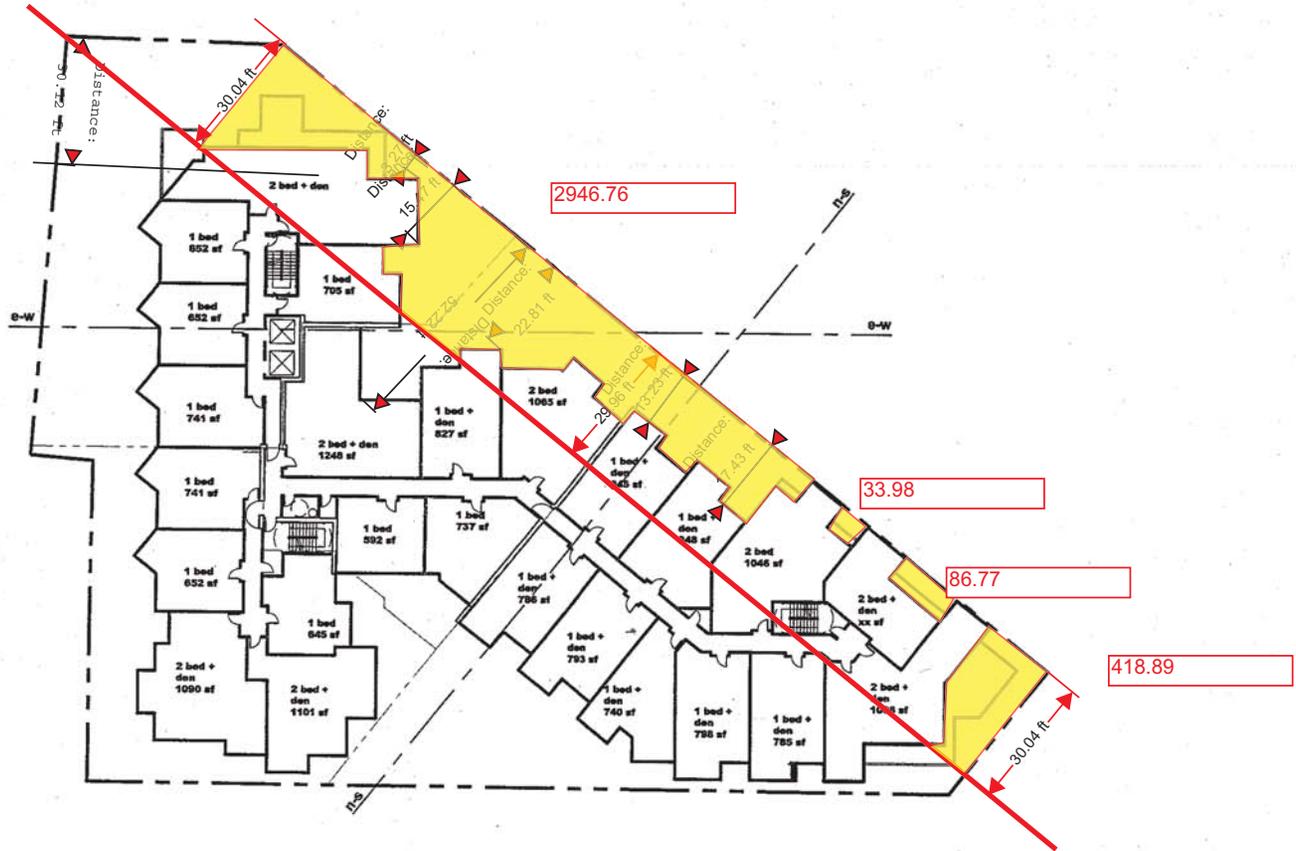
Floors 2-4

R1 Residential Level - el. 61'

75 State Street



KIRKLAND CENTRAL 5TH FLOOR

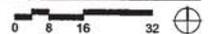


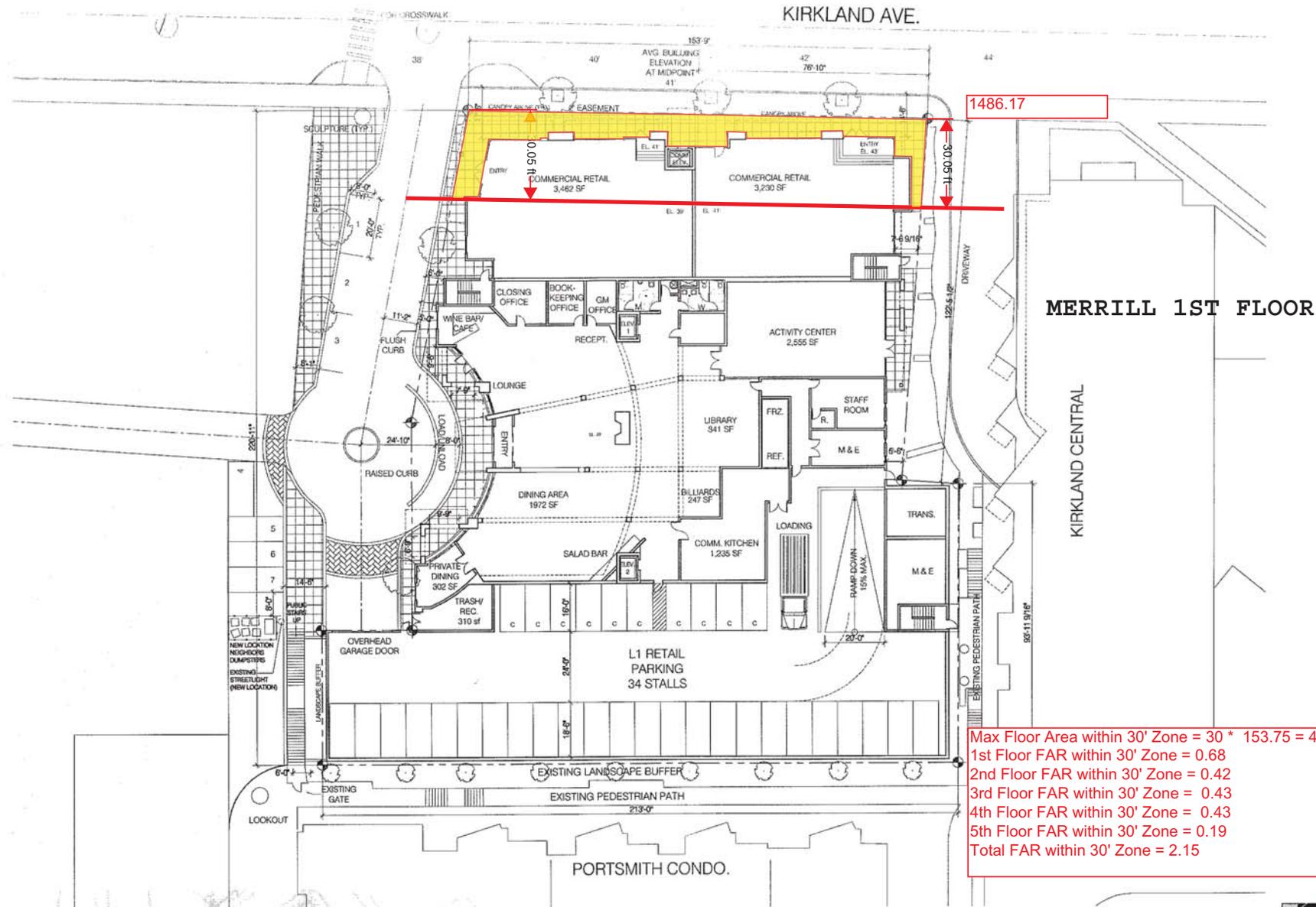
5th Floor

R4 Residential Level EL. 90.25'

75 State Street

MITHUN
Architects+Designers+Planners





MERRILL 1ST FLOOR

Max Floor Area within 30' Zone = 30 * 153.75 = 4,612.5 sq.ft.
 1st Floor FAR within 30' Zone = 0.68
 2nd Floor FAR within 30' Zone = 0.42
 3rd Floor FAR within 30' Zone = 0.43
 4th Floor FAR within 30' Zone = 0.43
 5th Floor FAR within 30' Zone = 0.19
 Total FAR within 30' Zone = 2.15

Merrill Gardens at Kirkland :

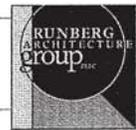
201 KIRKLAND AVENUE | OCTOBER 3, 2006

SCALE: 1/32" = 1'-0"



MERRILL GARDENS

SRM STONE RIVARD MCGONIGLE DEVELOPMENT, LLC





Merrill Gardens at Kirkland : PLAN: L2

201 KIRKLAND AVENUE | OCTOBER 3, 2006


MERRILL GARDENS

SRM STONE
RIVARD
McGONIGLE
DEVELOPMENT, LLC


RUNBERG
ARCHITECTURE
GROUP
LLC

sheet
5



Merrill Gardens at Kirkland : PLAN: L3-4

201 KIRKLAND AVENUE | OCTOBER 3, 2006


MERRILL GARDENS

SRM STONE RIVARD
McGONIGLE
DEVELOPMENT, LLC



sheet
6



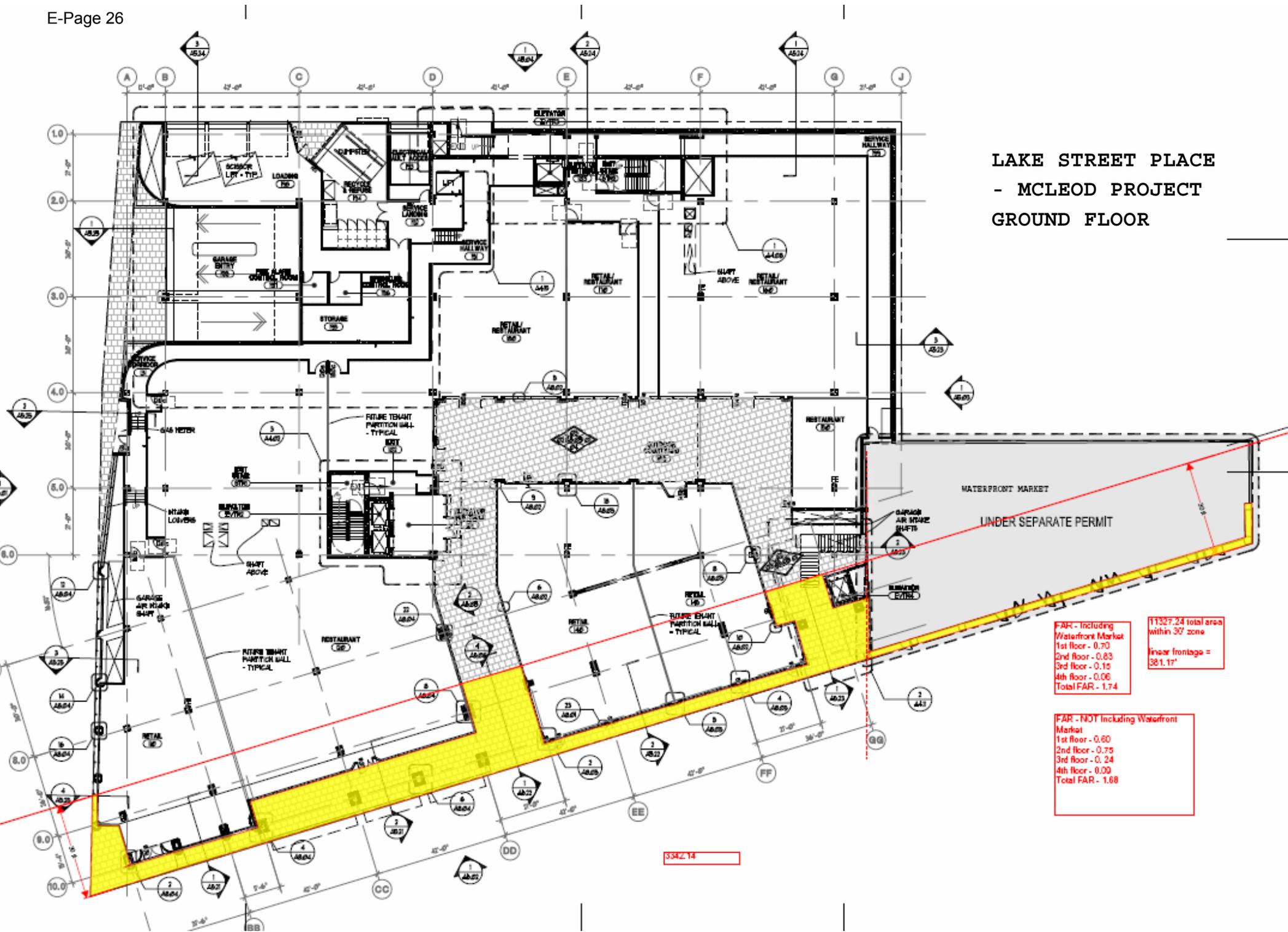
Merrill Gardens at Kirkland : PLAN: L5
201 KIRKLAND AVENUE | OCTOBER 3, 2006


MERRILL GARDENS

SRM STONE
RIVARD
McGONIGLE
DEVELOPMENT, LLC


RUNBERG
ARCHITECTURE
group

sheet
7



**LAKE STREET PLACE
- MCLEOD PROJECT
GROUND FLOOR**

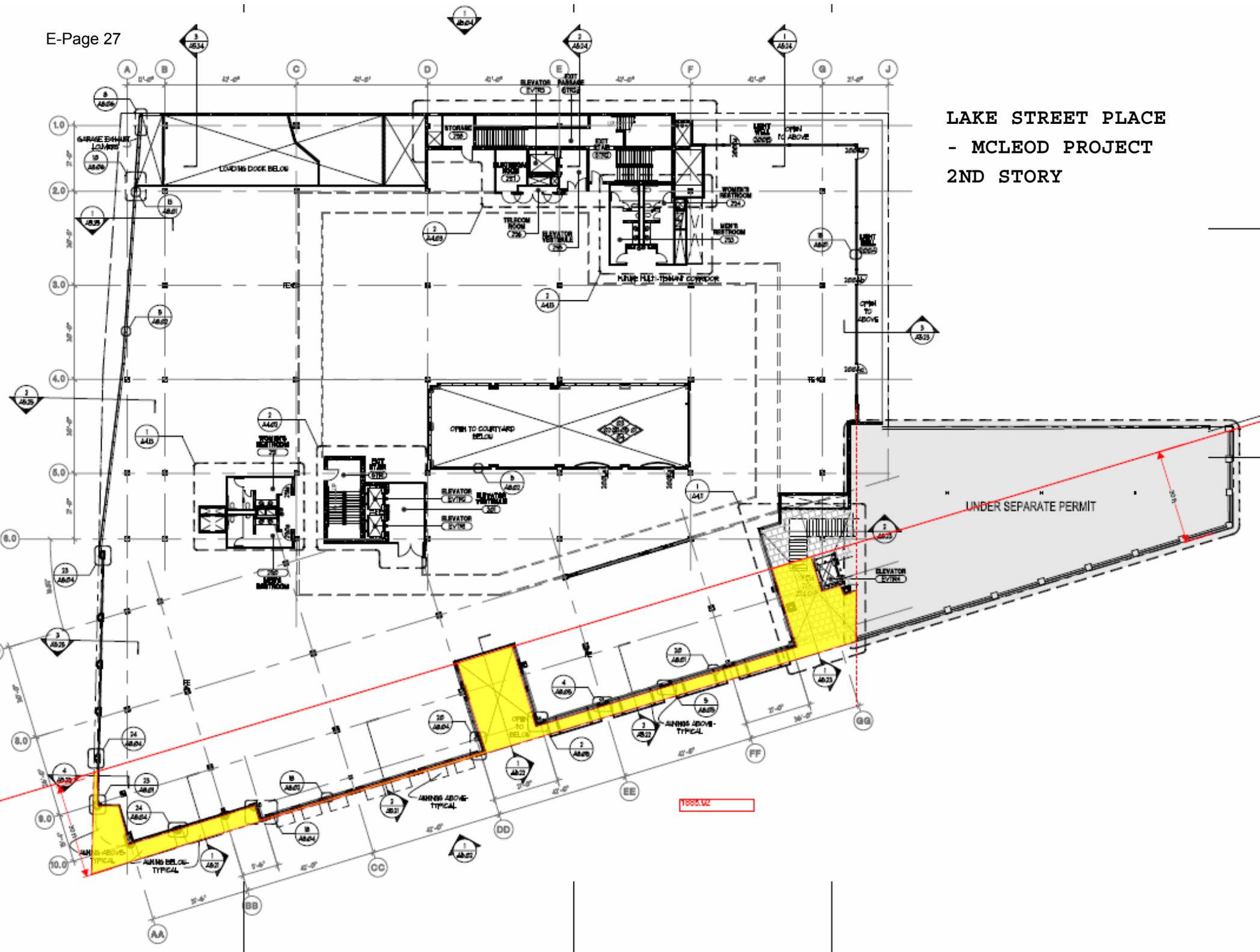
WATERFRONT MARKET
UNDER SEPARATE PERMIT

FAR - including Waterfront Market
1st floor - 0.70
2nd floor - 0.83
3rd floor - 0.15
4th floor - 0.06
Total FAR - 1.74

FAR - NOT including Waterfront Market
1st floor - 0.60
2nd floor - 0.75
3rd floor - 0.24
4th floor - 0.00
Total FAR - 1.68

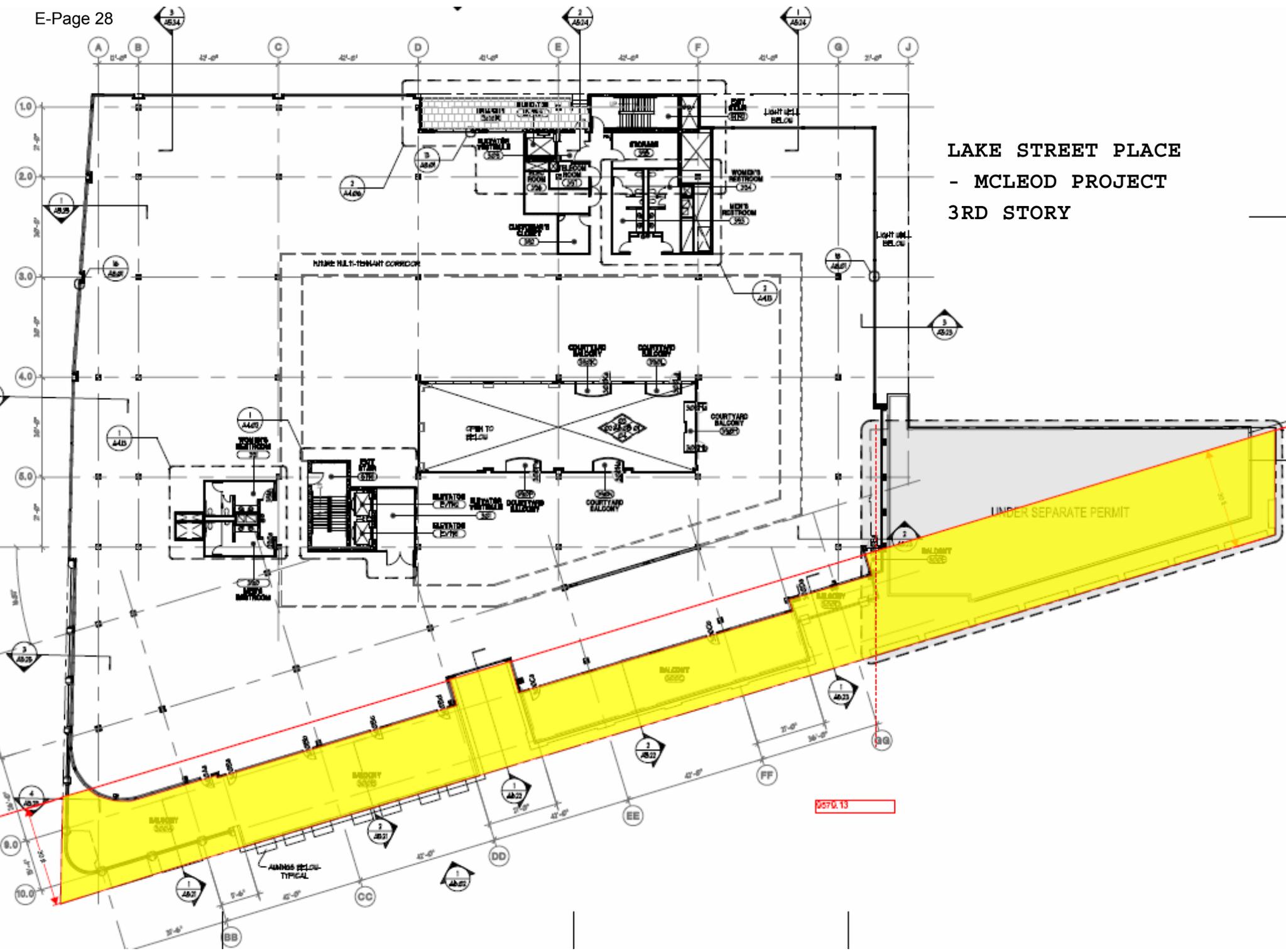
11327.24 total area
within 30' zone
linear footage =
381.17'

3342.14



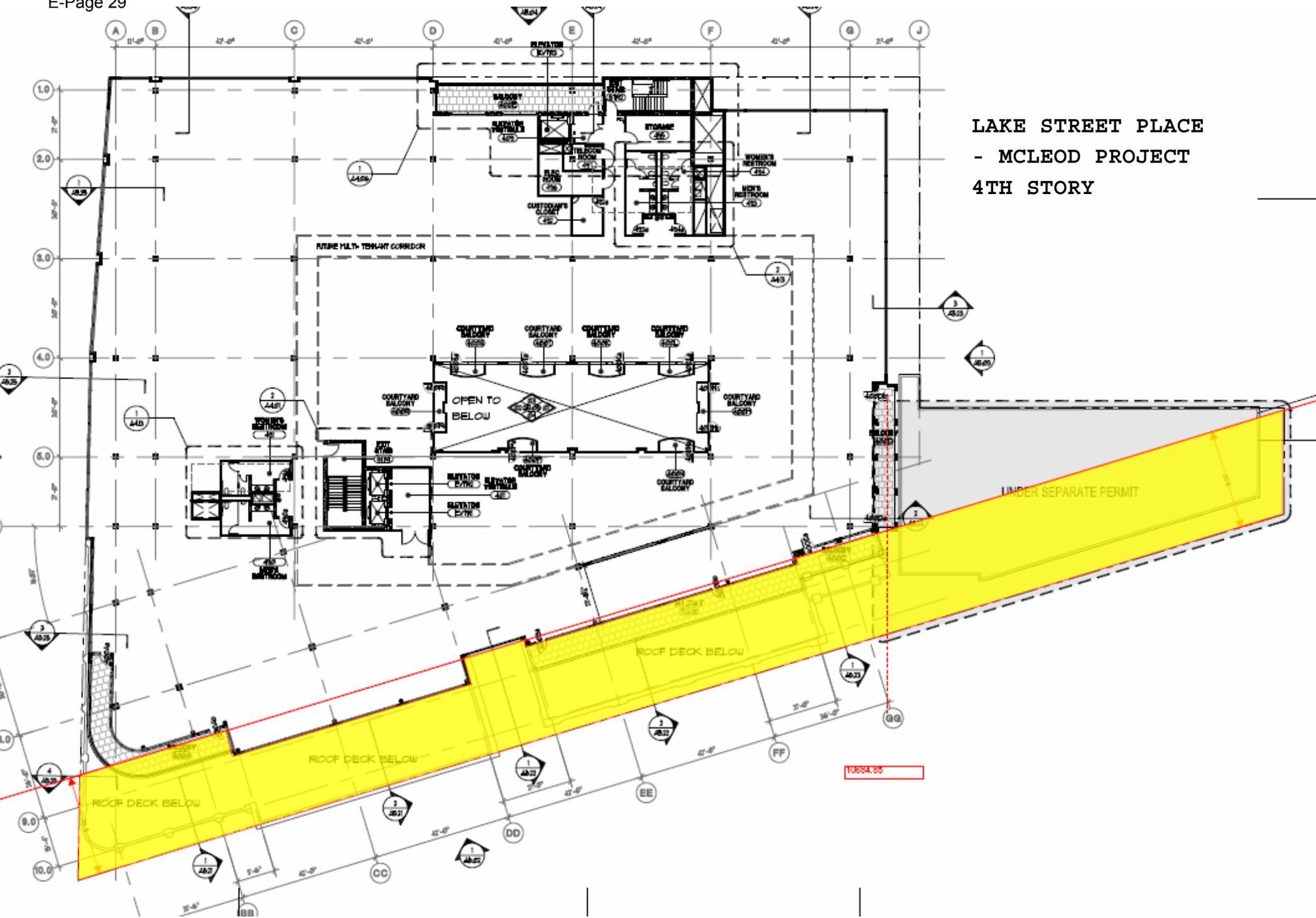
LAKE STREET PLACE
- MCLEOD PROJECT
2ND STORY

1288.02



LAKE STREET PLACE
- MCLEOD PROJECT
3RD STORY

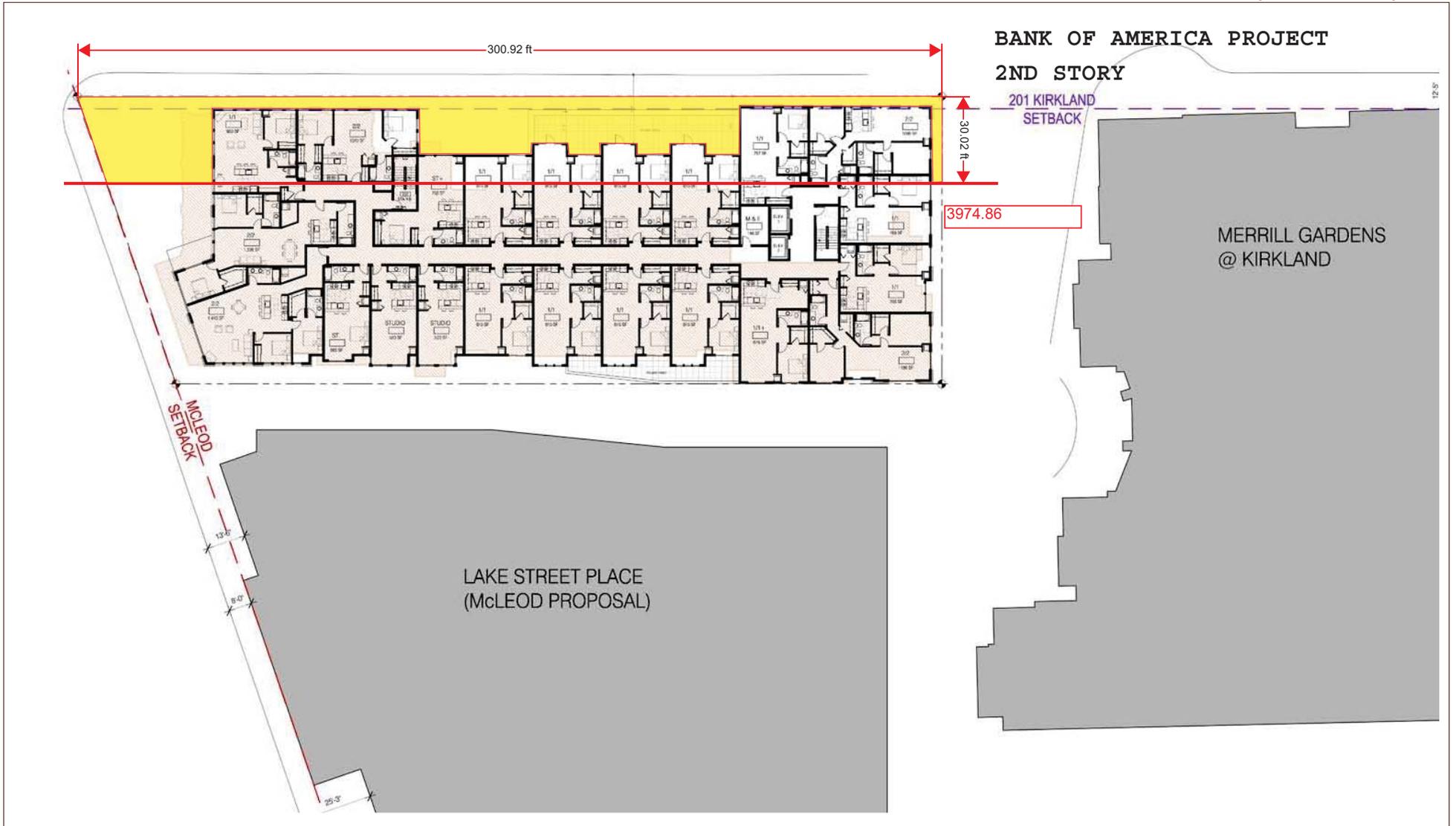
0570.13

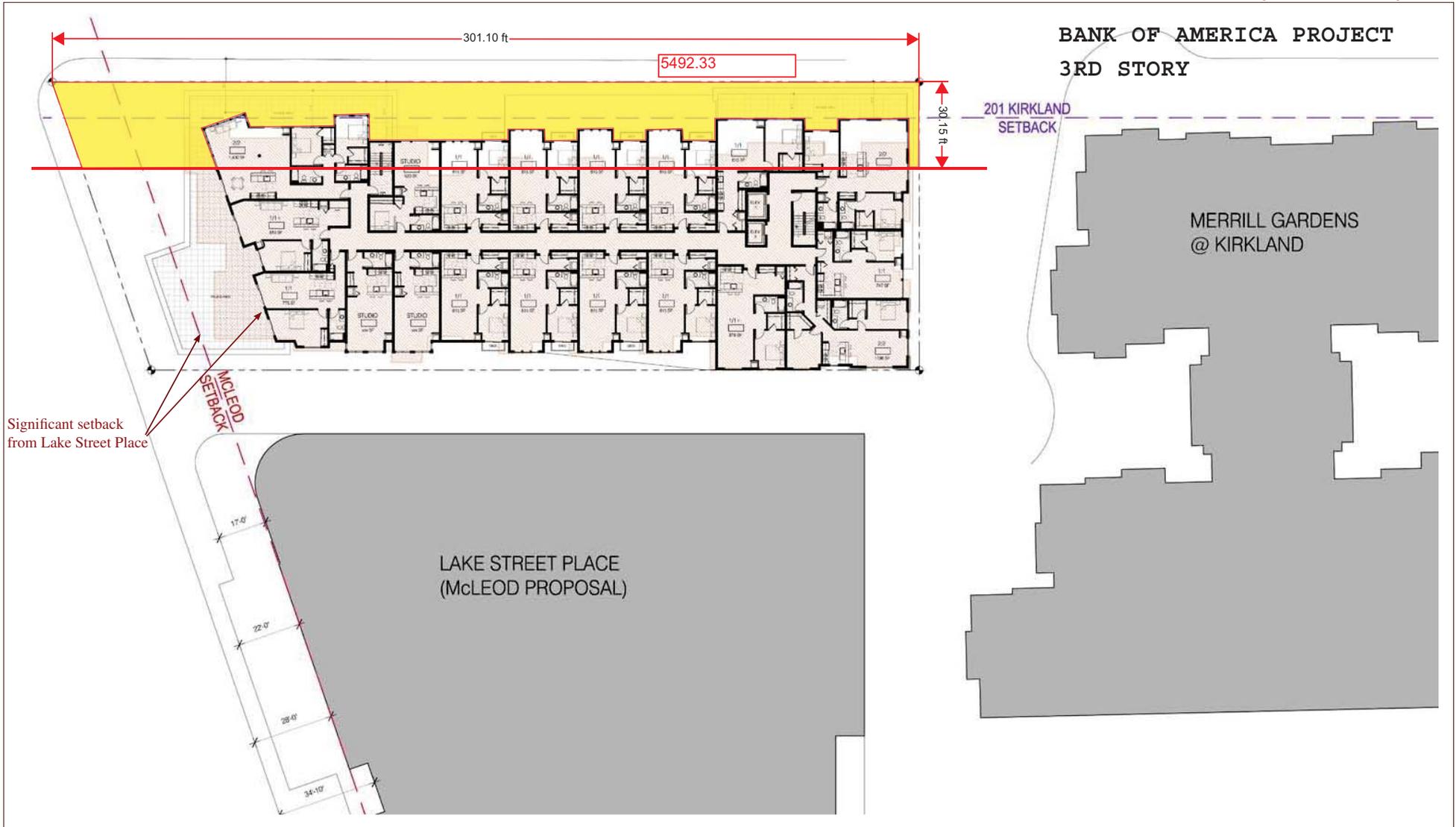


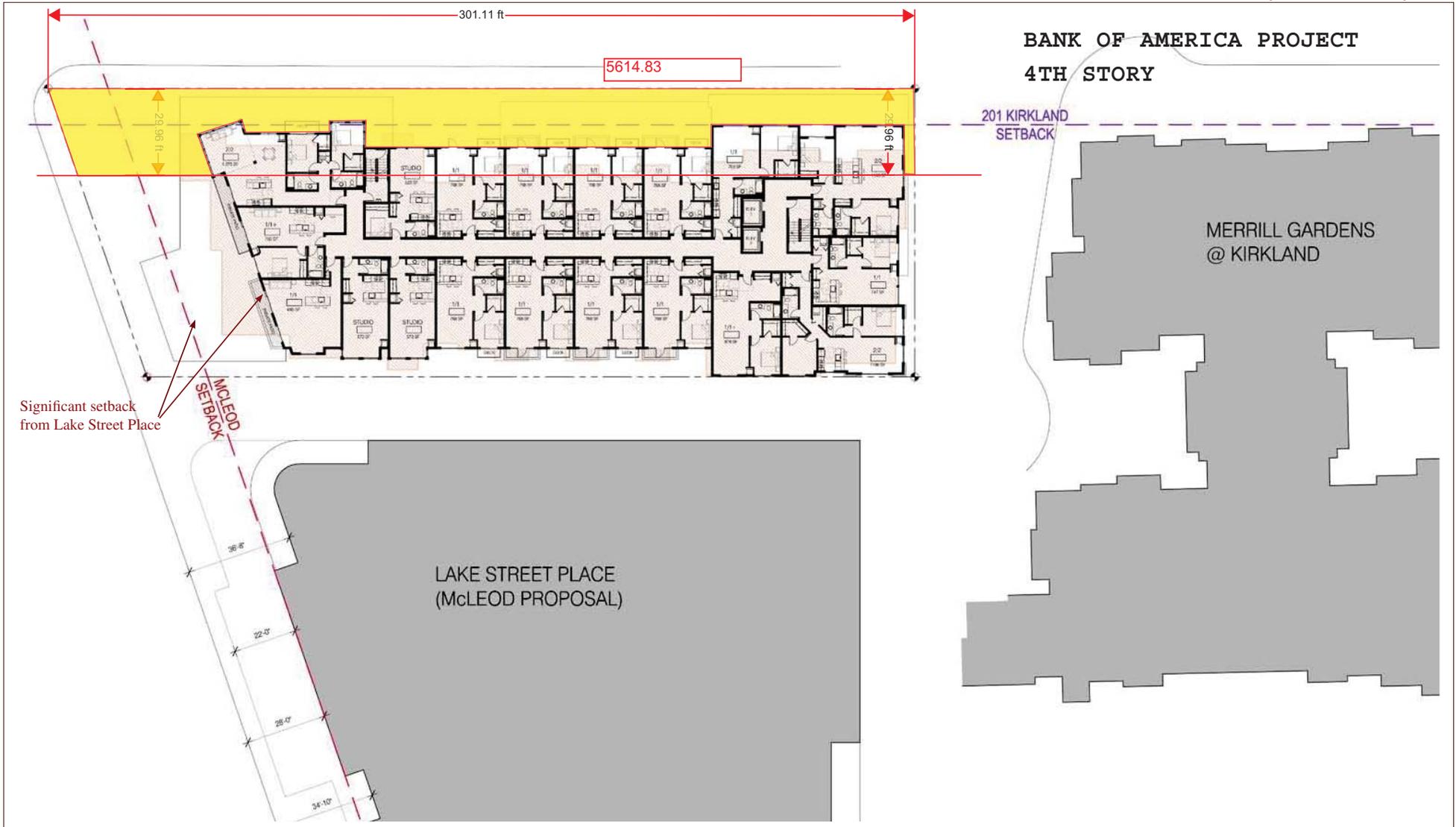
LAKE STREET PLACE
- MCLEOD PROJECT
4TH STORY

UNDER SEPARATE PERMIT

10284.85







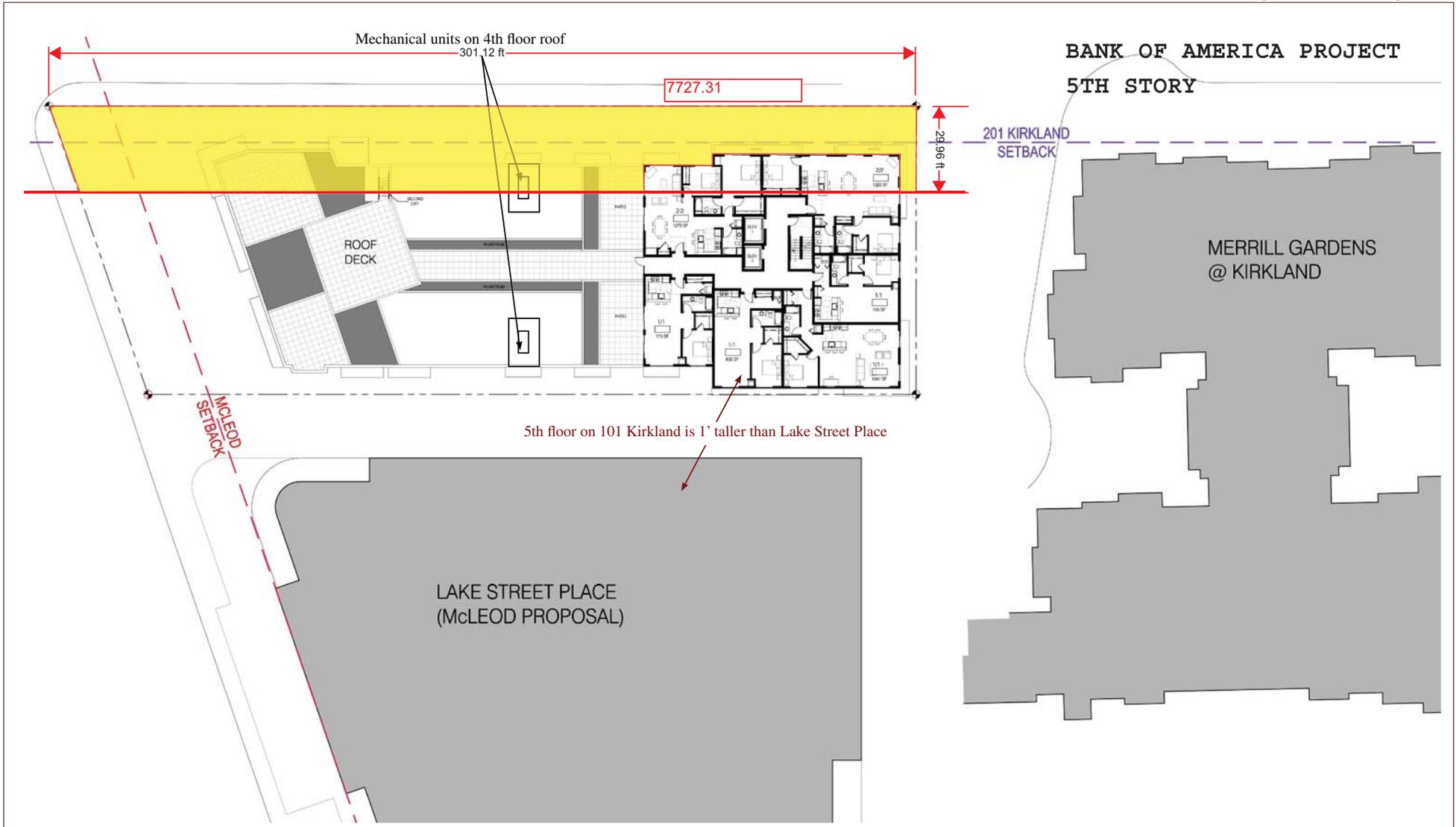


Table 1

SETBACKS WITHIN 30' ZONE

Project	Area within 30' zone	1ST STORY	2ND STORY	3RD STORY	4TH STORY	5TH STORY	AVERAGE ALL	AVERAGE ABOVE 2ND
Kirkland Central	6930.00	1.75	11.66	11.66	11.66	15.09	10.36	12.80
Heathman	5490.00	15.52	12.77	12.77	15.54	N/A	14.15	14.16
Merrill Gardens	4613.00	9.67	17.37	17.37	17.37	24.17	17.19	19.64
McLeod north	7521.00	12.24	7.79	22.89	27.33	N/A	17.56	25.11
McLeod all	11327.00	8.77	4.95	25.13	28.03	N/A	16.72	26.58
Bank of America	8793.00	12.00	13.21	18.24	18.65	25.67	17.55	20.85
PROJECT AVERAGE		10.24	12.56	16.59	18.11	21.64	15.36	18.51

Notes: averages use McLeod north example; Bank of America uses Kirkland Avenue frontage

Table 1

FAR WITHIN 30' ZONE

Project	Area within 30' zone	1ST STORY	2ND STORY	3RD STORY	4TH STORY	5TH STORY	AVERAGE ALL	AVERAGE ABOVE 2ND	FAR TOTAL ABOVE 2ND	TOTAL FAR IN 30' ZONE
Kirkland Central	6930.00	0.99	0.61	0.61	0.61	0.50	0.66	0.57	1.72	3.32
Heathman	5490.00	0.48	0.57	0.57	0.48	N/A	0.53	0.53	1.05	2.10
Merrill Gardens	4613.00	0.68	0.42	0.43	0.43	0.19	0.43	0.35	1.05	2.15
McLeod north		0.60	0.75	0.24	0.09	N/A	0.42	0.17	0.33	1.68
McLeod all	11327.00	0.70	0.83	0.15	0.06	N/A	0.44	0.11	0.21	1.74
Bank of America	8793.00	0.59	0.55	0.38	0.36	0.12	0.40	0.29	0.86	2.00
PROJECT AVERAGE		0.67	0.58	0.45	0.39	0.27	0.49	0.38	1.00	2.25

Notes: averages use McLeod north example; Bank of America uses Kirkland Avenue frontage

**CITY OF KIRKLAND****Fire & Building Department****123 Fifth Avenue, Kirkland, WA 98033 425.587.3000****www.ci.kirkland.wa.us**

MEMORANDUM

To: Kirkland City Council
Dave Ramsay, City Manager

From: Jeff Blake, Director Fire & Building

Date: December 4, 2008

Subject: Fire Captain Larry Peabody 30 Year Service Award

Captain Larry Peabody began his career with the City of Kirkland on October 7, 1978. He has been assigned to all of our Fire Stations over the years and to the Rose Hill Station #26 and our Ladder Company since 1992. Since 1980 Larry has worked as part of our Apparatus Planning & Design Team and is currently working with our team on our next fire engine and medical aid unit projects. Larry has a passion for research, development and design of our apparatus and equipment. Larry also enjoys art design; having designed the current logo for Kirkland Fire, as well as the past logo along with the logos for the Washington State Fire Mechanics and Zone One Technical Rescue. He has participated as a Board Member of the Northwest Burn Foundation, The Eastside Municipal Credit Supervisory Committee, Boys and Girls Club Fund raisers, Kirkland Little League and the Kirkland Christmas Basket Program.

Larry has been Firefighter of the Year twice and was awarded the Regional Fire Instructor of the Year in 2004 and 2006. He has performed work in all aspects of the Department's operations and Training Division as well as working extensively teaching regionally. He has been an Emergency Medical Technician Competency Based Instructor since the inception of the program in the State. Larry is also a certified Technical Rescue Technician and Instructor. He is has been the City's Rescue Team Leader since 1996 and is currently Chairman of King County Fire Zone One Technical Rescue Committee which encompasses all 12 of the Eastside's Fire Departments.

Larry is a local kid that graduated from Lake Washington High School, married his high school sweetheart (Shaunie) and they have been married for 28 years. They have two children, Justin 25 and Courtney 22. Both children are Lake Washington grads as well. He resides in Kirkland and walks to work via the NE 100th St. emergency vehicle/pedestrian overpass. Away from work Larry enjoys touring the country on his Harley, snow skiing, exploring new places with his wife and being on the water. To quote Larry "He is a lucky man".

Larry has been an asset to the Kirkland Fire department and the citizens of Kirkland as well as the region for 30 years. Thank you Larry and a job "well done".



KIRKLAND CITY COUNCIL REGULAR MEETING MINUTES
December 02, 2008

1. CALL TO ORDER

2. ROLL CALL

ROLL CALL:

Members Present: Mayor Jim Lauinger, Deputy Mayor Joan McBride, Councilmember Dave Asher, Councilmember Mary-Alyce Burleigh, Councilmember Jessica Greenway, Councilmember Tom Hodgson, and Councilmember Bob Sternoff.

Members Absent: None.

3. SPECIAL STUDY SESSION

a. Touchstone (Parkplace), Orni and Altom Private Amendment Requests

Joining Councilmembers for this discussion in addition to City Manager Dave Ramsay were Director of Planning and Community Development Eric Shields, Deputy Director Paul Stewart, Senior Planner Angela Ruggeri, Planning Commission members Ray Allshouse, Matthew Gregory, Vice Chair Andy Held, Chair Byron Katsuyama and consultant Ron Loewen of ICF Jones and Stokes. Also adding to the discussion were Director of Finance and Administration Tracey Dunlap and Public Works Transportation Engineering Manager Dave Godfrey.

4. EXECUTIVE SESSION

a. To Review the Performance of a Public Employee

5. SPECIAL PRESENTATIONS

a. December - Buy and Celebrate Local Month Proclamation

Executive Director of Sustainable Seattle, Sean Schmidt, accepted the proclamation.

b. Planning and Community Development Department Staff

6. REPORTS

a. City Council

(1) Regional Issues

Councilmembers shared information regarding the Enterprise Seattle Annual Board meeting; King County Jail Advisory Group meeting; Burlington Northern Corridor Feasibility Study meeting; Lodging Tax Advisory Committee meeting; City Council Housing subcommittee meeting; 520 Mediation meetings; upcoming Suburban Cities North Caucus; Draft Environmental Impact Statement for Eastlink; Puget Sound Partnership adoption of action agenda for Puget Sound cleanup at the Seattle Aquarium; and the Eastside Human Services Forum.

b. City Manager

(1) Calendar Update

7. COMMUNICATIONS

a. Items from the Audience

Jim McElwee, 12907 NE 78th Place, Kirkland, WA
Lisa McConnell, 5905 106th Avenue NE, Kirkland, WA
Mark Dinwiddie, 12633 NE 85th Street, Kirkland, WA
Cindy Duenas, 240 Waverly Way, Kirkland, WA
Bob Style, 6735 Lake Washington Blvd., Kirkland, WA
Paul Nienaber 12609 NE 5th Street, Bellevue, WA
George Lawson 128 State Street South, #501, Kirkland, WA
Elizabeth Brannan, 10868 NE 35th Place, #2, Bellevue, WA
Karen Story, 9017 Slater Avenue NE, Kirkland, WA
Georgine Foster, 4517 102nd Avenue NE, Kirkland, WA
Linda Jones, 8725 126th Avenue NE, Kirkland, WA
Brian Staples, 4207 106th Place NE, Kirkland, WA
Shawn Etchevers, 4119 107th Place NE, Kirkland, WA
Ron Parker, AES, 911 5th Avenue, #100, Kirkland, WA,
Jim Walen, 6408 103rd Avenue NE, Kirkland, WA
Lauret Ballsun, 1610 10th Street West, Kirkland, WA
Douglas Howe, 2025 First Avenue, Suite 790, Seattle, WA
Judi Tsuchida, 12815 NE 124th Street, Suite K, Kirkland, WA
Chris Ferko, Barghausen Consulting Engineers, 18215 72nd Avenue South,
Kent, WA
Doug Davis, 101 Lake Street South, Kirkland, WA
Dick Beazell, 4913 111 Avenue NE, Kirkland, WA
Andy Held, 5505 127th Avenue NE, Kirkland, WA

b. Petitions

None.

Council recessed for a short break.

8. CONSENT CALENDAR

a. Approval of Minutes:

(1) November 18, 2008

(2) November 24, 2008

b. Audit of Accounts:

Payroll \$ 1,928,766.60

Bills \$ 1,979,721.01

run # 785 check #'s 503947 - 503957

run # 786 check #'s 503982 - 504209

run # 787 check #'s 504210 - 504312

c. General Correspondence

d. Claims

e. Award of Bids

(1) The contract for the Kirkland Avenue and 3rd Street Traffic Signal Improvement Project in the amount of \$237,822.00 was awarded to Northeast Electric, LLC, of Woodland, Washington.

f. Acceptance of Public Improvements and Establishing Lien Period

(1) City Hall Direct Digital Control (DDC) Replacement Project

g. Approval of Agreements

(1) Resolution R-4732, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING PARTICIPATION BY THE CITY IN AN INTERLOCAL PROCUREMENT AGREEMENT WITH THE NORTH EAST KING COUNTY REGIONAL PUBLIC SAFETY COMMUNICATIONS AGENCY (NORCOM) AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT ON BEHALF OF THE CITY OF KIRKLAND."

h. Other Items of Business

(1) Resolution R-4733, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND DESIGNATING THE SURFACE WATER AND WASTEWATER MANAGER AS ALTERNATE TO SERVE ON THE METROPOLITAN WATER POLLUTION ABATEMENT ADVISORY COMMITTEE."

Motion to Approve the Consent Calendar.

Moved by Councilmember Mary-Alyce Burleigh, seconded by Deputy Mayor Joan McBride

Vote: Motion carried 7-0

Yes: Mayor Jim Lauinger, Deputy Mayor Joan McBride, Councilmember Dave Asher, Councilmember Mary-Alyce Burleigh, Councilmember Jessica Greenway, Councilmember Tom Hodgson, and Councilmember Bob Sternoff.

9. PUBLIC HEARINGS

None.

10. UNFINISHED BUSINESS

a. Adopting the Proposed 2009 State and Federal Legislative Agenda

Intergovernmental Relations Manager Erin Leonhart introduced the final proposed agenda for Council consideration.

Motion to Approve to adopt the final proposed 2009 State and Federal Legislative Agenda.

Moved by Councilmember Dave Asher, seconded by Councilmember Mary-Alyce Burleigh

Vote: Motion carried 7-0

Yes: Mayor Jim Lauinger, Deputy Mayor Joan McBride, Councilmember Dave Asher, Councilmember Mary-Alyce Burleigh, Councilmember Jessica Greenway, Councilmember Tom Hodgson, and Councilmember Bob Sternoff.

b. Update on Non-motorized Plan and School Walk Routes

Public Works Director Daryl Grigsby briefly reviewed the processes and current status of the plan and walk routes.

c. Costco Private Amendment Request

Senior Planner Janice Soloff reviewed the project status and issues. Planning Commission Vice Chair Andy Held reviewed the Commission's

actions in the matter. Also responding to Council questions were Costco Director of Real Estate Development Kim Sanford, and Costco representatives Chris Ferko of Barghausen Consulting Engineers, Sonja Hennem of Kittelson and Associates and Dan McKinney of the Transpo Group. North Rose Hill resident Margaret Carnegie was also invited by Council to speak on the neighborhood perspective. Council directed staff to incorporate changes to the Planning Commission recommendation as discussed in an ordinance with draft zoning code amendments for their consideration at the December 16, 2008 meeting.

- d. Amendments to the Comprehensive Plan - South Kirkland Park and Ride Senior Planner Dorian Collins introduced Planning Commission Vice Chair Andy Held, who commented on the Planning Commission's recommendation on the proposed amendments. Also responding to Council questions was Gary Prince with the King County Department of Transportation. Council expressed support for the Planning Commission's recommendation and directed staff to return with an ordinance for consideration at their meeting on December 16, 2008.

11. NEW BUSINESS

- a. Green Building Program Update
Green Building Team Lead David Barnes updated the Council on the status of the pilot program and responded to Council questions and comment. Council expressed support for the staff recommendations.
- b. Budget Issues for Discussion
Finance and Administration Director Tracey Dunlap reviewed the issues identified by Council for further discussion. Council provided some direction and referred other issues to the Finance Committee for review at their next meeting and to make recommendations to the Council as a whole.

12. ANNOUNCEMENTS

None.

13. ADJOURNMENT

The Kirkland City Council special meeting of December 2, 2008 was adjourned at 12:10 a.m. on December 3, 2008.

City Clerk

Mayor

**CITY OF KIRKLAND****City Manager's Office****123 Fifth Avenue, Kirkland, WA 98033 425.587.3001****www.ci.kirkland.wa.us**

MEMORANDUM

To: Dave Ramsay, City Manager

From: Marilynne Beard, Assistant City Manager

Date: December 5, 2008

Subject: LETTER TO GOVERNOR GREGOIRE CONCERNING SUPPORT FOR DISPUTE RESOLUTION CENTERS

RECOMMENDATION:

City Council approves the proposed letter to Governor Gregoire supporting continued funding for dispute resolution centers.

BACKGROUND:

The City of Kirkland has an interlocal agreement with the City of Bellevue for neighborhood mediation services. Through the agreement, Kirkland residents can receive mediation services free of charge from the Bellevue Neighborhood Mediation Program (BNMP). Individuals are referred from the Planning Department (primarily code enforcement), Police Department and Public Works Department for resolution of disputes between neighbors and/or businesses. These are cases that are often long-standing conflicts that cannot be addressed through City enforcement mechanisms. Trained volunteer mediators help facilitate constructive communication between parties. In 2008, the BNMP worked on 32 cases for Kirkland. Not all cases referred to the BNMP end in mediation but are resolved over the phone through coaching and conciliation. Seven cases went to mediation, five of which resulted in agreements.

The BNMP is part of a larger network of dispute resolution centers that receive financial support from the State of Washington. The State's financial difficulties are putting DRC funding at risk. Kirkland benefits from both the BNMP and the King County Alternative Dispute Resolution Center which handles internal employee disputes. A number of Kirkland staff have been trained as mediators and serve as volunteers to these programs. The attached letter urges the Governor to continue financial support for these agencies.

DRAFT

December 16, 2008

The Honorable Christine Gregoire
Governor of Washington State
P.O. Box 40002
Olympia, WA 98504-0002

Dear Governor Gregoire:

The City of Kirkland is writing to encourage you to maintain funding for Dispute Resolution Centers (DRC's) in the Community Trade and Economic Development Department's budget. Continued access to dispute resolution is more critical than ever in times of fiscal stress.

The City of Kirkland has been fortunate to have access to the City of Bellevue's Neighborhood Mediation Program for almost ten years. Mediation is an effective alternative to litigation and leverages the City's resources by helping to find constructive and enduring resolution to conflicts. The mediation program and DRC's in general serves to leverage local police and regulatory resources to resolve issues that may be long-standing and complex in nature. Bellevue's mediation program along with other DRC's rely on funding from the State of Washington for program support.

During an economic downturn, access to DRC's as an alternative to litigation is even more important as fewer citizens can afford to high cost of settling disputes through the courts. DRC's train and deploy hundreds of volunteer mediators that work in service to their communities.

Alternative dispute resolution is cost-effective and helps build stronger communities. We urge you to continue support for these vital services.

Sincerely,
KIRKLAND CITY COUNCIL

By James L. Lauinger, Mayor

**CITY OF KIRKLAND**

Department of Public Works

123 Fifth Avenue, Kirkland, WA 98033 425.587.3809

www.ci.kirkland.wa.us

MEMORANDUM

To: David Ramsay, City Manager

From: Daryl Grigsby, Public Works Director
Ray Steiger, P.E., Capital Projects Manager

Date: December 4, 2008

Subject: NE 126th Street / 94th Avenue NE Channel Restoration - ACCEPT WORK

RECOMMENDATION:

It is recommended that City Council accept the NE 126th Street / 94th Avenue NE Channel Restoration project, as constructed by MVG, LLC of Maple Valley, WA and establish the 45 day lien period.

BACKGROUND AND DISCUSSION:

The NE 126th Street / 94th Avenue NE Channel Restoration project is located on a tributary to Juanita Creek commonly known as Billy Creek (Attachment A). The tributary originates from outside City limits in the Finn Hill area of unincorporated King County and is a large source of sediment to the Juanita Creek main-stem. This section of the tributary was identified in the Surface Water Master Plan as a location where poor riparian vegetation and eroded channel sections exist. The project restores approximately 250 feet of stream channel through installation of in-stream rock and log structures and native plantings. The restoration work will reduce erosion and sediment transport to Juanita Creek and improve riparian vegetation along the stream channel.

As with other stream restoration projects, the site will be monitored and maintained for five years to ensure plant establishment and to observe the performance of the in-stream features. During the monitoring and maintenance period, staff will document plant survival rates and replace any plants that have not survived as well as remove all invasive non-native plants

At their regular meeting on June 17, 2008 Council awarded the contract for this project to MVG, LLC in the amount of \$99,408; the engineers estimate was \$99,953. Construction began August 6, 2008 and the project was substantially complete October 2, 2008. With an approved budget of \$221,000, total project expense equals \$220,100 of which \$94,000 was paid to the contractor (Attachment B). Remaining funds will be returned to the surface water reserve fund.

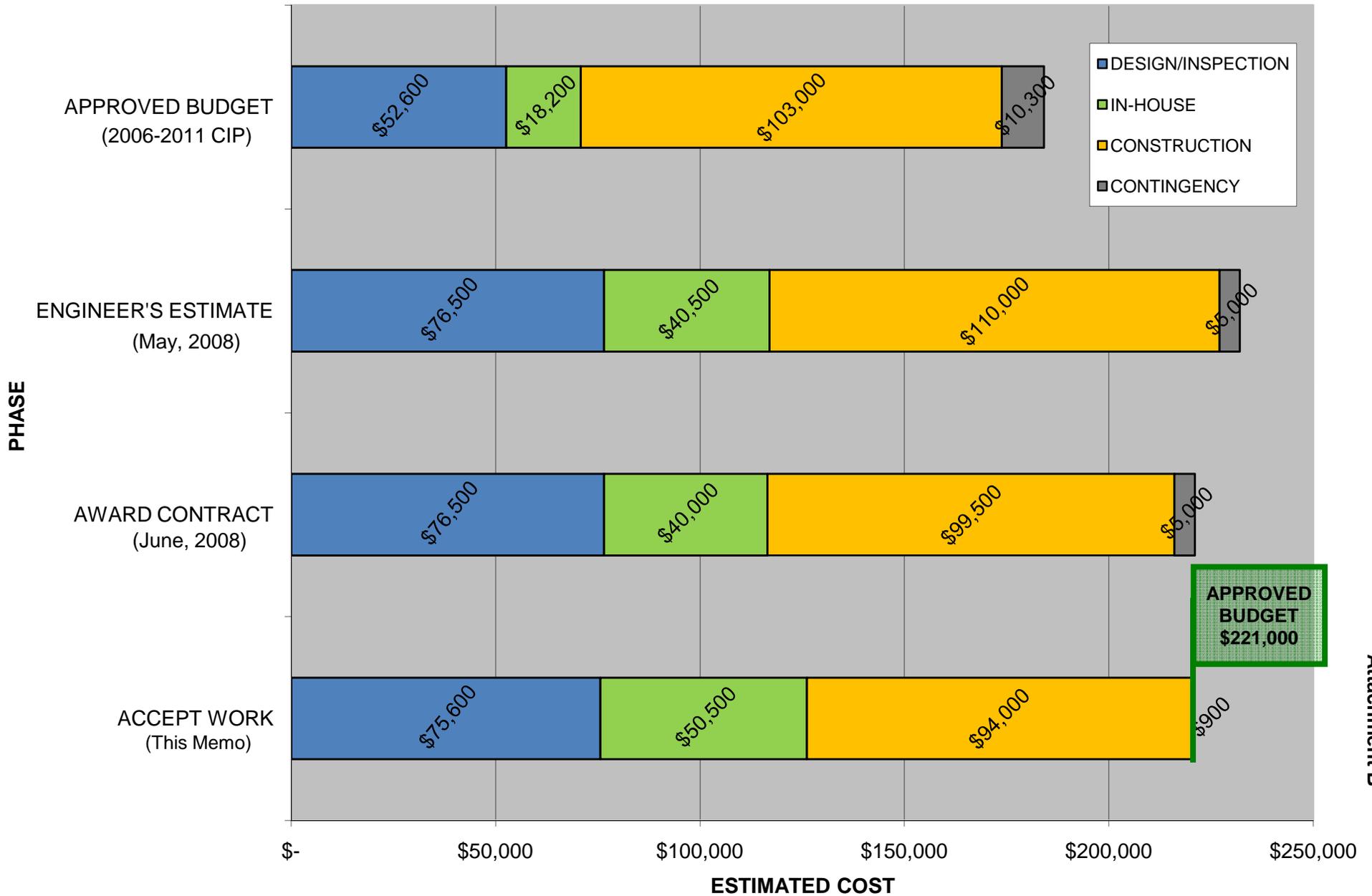
Attachments: (2)

Site Map

NE 126th Street / 94th Avenue NE Channel Restoration - SD-0039



NE 126th Street/ 94th Avenue NE Channel Restoration (SD-0039) PROJECT BUDGET REPORT





CITY OF KIRKLAND
Fire & Building Department
123 Fifth Avenue, Kirkland, WA 98033 425.587.3000
www.ci.kirkland.wa.us

MEMORANDUM

To: Dave Ramsay, City Manager

From: Jeff Blake, Fire Chief

Date: November 24, 2008

Subject: Amendment to Contract for Fire Protection Services

RECOMMENDATION:

Council authorizes the City Manager to sign a two year contract amendment for the Joint Agreement – City of Kirkland and King County Fire District #41 - Contract for Fire Protection Services.

BACKGROUND DISCUSSION:

The City of Kirkland and King County Fire District #41 have had a joint operating agreement for more than 40 years and the current 20 year agreement is set to expire on December 20, 2008. It is the intent of the City and Fire District to continue their relationship and enter into another long term agreement. However, with Council soon to be reviewing a potential annexation of our PAA, which would include all of Fire District #41, it seems more appropriate to delay staff and legal counsel's work efforts on a new agreement until a direction is known on annexation.

If annexation were to move forward no staff or legal work on a new agreement would be necessary, as an extension of the current agreement could bridge the time until annexation implementation. If annexation does not move forward, then the specifics of what would need to be in a new 20 year agreement would be better understood and could be incorporated within a new contract. (Provided however, the City does not give up its right to annex the PAA to another jurisdiction). If the City were to give up the PAA to another jurisdiction, the Fire District may choose to partner with another agency; especially if that agency were planning to annex all or a portion of Fire District 41. I would note that if that were to happen, it would have significant financial impacts on the City and the Fire

Department's ability to continue to provide the existing levels service within Kirkland.

Staff working with the fire commissioners and their legal counsel has preliminarily reviewed and discussed what changes might be beneficial in a new agreement. As you can imagine, after 20 years with the same agreement several changes will likely be needed, and a more thorough review of the contract would be necessary. This type of contract review and preparation could involve many hours to accomplish. If a new contract were not needed, we will have saved considerable staff time, which would then have been put towards other priority assignments. If we do need to proceed on a new agreement after the Council's discussions on annexation, we will have adequate time because a contract amendment would give two years to prepare a new long term agreement. I believe the citizens of Kirkland and Fire District #41 would be best served by approving a 2 year amendment extending the current agreement; thus saving the costs of staff and legal counsel preparing of a new agreement now.

I think it is important to note that an amendment is in no way a change in the relationship between the City and Fire District; simply, it would be a joint decision to use our limited staff resources in the most productive manner. Each of the parties has enjoyed significant saving in operating a joint fire and medical aid delivery system, over operating independently. Joint operations have allowed both agencies to afford a higher level of service than could not be provided alone. Continuing a partnership with the Fire District is in the best interest of the City; it is a good business decision and helps keep costs lower than operating on our own.

After meeting with the Fire Commissioners and Public Safety Committee on a 2 year extension of the agreement there is a collective recommendation that the Council approve by resolution, an authorization of the City Manager to sign a two year extension on behalf of the City. The Fire District approved a resolution for an extension of the agreement at their November 25, 2008 meeting.

This is a good business decision and therefore, staff recommends a two year extension of our current agreement by amendment.

Attachments: Resolution for Approving an Amendment to the Joint Agreement for Fire Protection Services

RESOLUTION R-4734

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING AN AMENDMENT TO THE JOINT AGREEMENT FOR FIRE PROTECTION SERVICES BETWEEN THE CITY OF KIRKLAND AND KING COUNTY FIRE PROTECTION DISTRICT NO. 41 TO EXTEND THE DURATION OF THE JOINT AGREEMENT THROUGH 2010.

WHEREAS, the City of Kirkland and King County Fire Protection District No. 41 ("the parties") have maintained agreements for joint fire protection and emergency medical aid services since November 1969; and

WHEREAS, the parties currently operate joint fire protection and emergency medical aid services under an agreement entitled Joint Agreement City of Kirkland – King County Fire District No. 41 Contract for Fire Protection Services dated December 20, 1988, and executed January 13, 1989; and

WHEREAS, the Joint Agreement provides that the duration of the contract for joint fire protection services shall be twenty years unless otherwise terminated or extended by the parties; and

WHEREAS, the parties desire to extend the duration of the Joint Agreement through 2010;

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

Section 1. The amendment to the Joint Agreement for Fire Protection Services between the City of Kirkland and King County Fire Protection District No. 41 attached to the original of this Resolution as Exhibit A and by this reference incorporated herein is approved. The Kirkland City Manager is hereby authorized to execute said amendment on behalf of the City of Kirkland.

Passed by majority vote of the Kirkland City Council in open meeting this ____ day of _____, 2008.

Signed in authentication thereof this ____ day of _____, 2008.

MAYOR

Attest:

City Clerk

**CITY OF KIRKLAND**

City Attorney's Office

123 Fifth Avenue, Kirkland, WA 98033 425.587.3030

www.ci.kirkland.wa.us

MEMORANDUM

To: David Ramsay, City Manager

From: Robin S. Jenkinson, City Attorney

Date: December 4, 2008

Subject: Purchasing Code Amendment

RECOMMENDATION:

The City Council pass the attached ordinance which would add a section to the Kirkland Municipal Code to clarify that the purchasing chapter does not apply to solid waste collection and recycling services.

BACKGROUND:

There is no requirement in state law that cities bid competitively for solid waste collection services. Prior to amendments made to the Kirkland Purchasing Code in 2007, the "Purpose" section made it clear that the chapter did not apply to solid waste collection and recycling services. The attached ordinance would reinstate language in the Purchasing Code to expressly provide that the City's is not required to competitively bid solid waste collection and recycling services contracts.

The attached ordinance clarifies the City's ability to issue a request for proposals (RFP) from qualified firms for solid waste collection services rather than put the contract out for bids. In 2003, for instance, the City issued an RFP for solid waste collection services. As part of the RFP evaluation process, the City was able to evaluate the qualifications and performance of the proponents, including meeting with the proponents' personnel and contacting officials from other jurisdictions regarding the proponents. Following the evaluation, the City met to negotiate a contract. If the first set of negotiations had been unsatisfactory, the City could have commenced negotiations with another finalist.

Washington courts have recognized that there are good reasons for not requiring cities to let solid waste collection contracts to the "lowest responsible bidder" as required in the bidding statutes. Shaw Disposal v. Auburn, 15 Wn. App. 65, 68 (1976). The Washington State Supreme Court recently quoted, with approval, a statement by the Ninth Circuit Court of Appeals that "[o]ne could hardly imagine an area of regulation than has been considered more intrinsically local in nature than collection of garbage and refuse, upon which may rest the health, safety, and aesthetic well-being of the community." Ventenbergs v. City of Seattle, 163 Wn.2d 92, 109 (2008).

Please do not hesitate to contact me with any questions.

ORDINANCE NO. 4164

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO PURCHASING AND ADDING A NEW SECTION 3.85.160 TO THE KIRKLAND MUNICIPAL CODE TO CLARIFY THAT SOLID WASTE COLLECTION AND RECYCLING SERVICES ARE NOT SUBJECT TO THE PURCHASING CHAPTER.

The City Council of the City of Kirkland do ordain as follows:

Section 1. A new Section 3.85.160 of the Kirkland Municipal Code is hereby created to read as follows:

3.85.160 Application

Consistent with RCW 35.21.120, this chapter does not apply to solid waste collection or recycling services.

Section 2. 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 _____, 2008.

Signed in authentication thereof this ____ day of _____, 2008.

MAYOR

Attest:

City Clerk

Approved as to Form:

City Attorney



CITY OF KIRKLAND

City Attorney's Office

123 Fifth Avenue, Kirkland, WA 98033 425.587.3030

www.ci.kirkland.wa.us

MEMORANDUM

To: David Ramsay, City Manager

From: Robin S. Jenkinson, City Attorney

Date: December 4, 2008

Subject: Contract Signature Authority Code Amendment

RECOMMENDATION:

The City Council pass the attached ordinance which would amend Section 3.16.065 of the Kirkland Municipal Code to bring the department directors' authority to sign interlocal agreements in line with their purchasing authority and enable the City Manager to develop procedures for the approval authority for contracts for less than \$50,000.

BACKGROUND:

Under amendments made to the Kirkland Purchasing Code in 2007, department directors may authorize purchases for less than \$50,000. The attached ordinance amends the current authority of department directors, as delegates of the City Manager, to enter interlocal agreements for less than \$20,000 to agreements for less than \$50,000. The ordinance also allows the City Manager to: 1) promulgate administrative procedures and standards for the approval of professional services agreements; and 2) promulgate administrative procedures for the approval authority for all other contracts for less than \$50,000.

Please do not hesitate to contact me with any questions.

ORDINANCE NO. 4165

AN ORDINANCE OF THE CITY OF KIRKLAND AMENDING SECTION 3.16.065 OF THE KIRKLAND MUNICIPAL CODE RELATING TO AUTHORITY TO SIGN AGREEMENTS.

The City Council of the City of Kirkland do ordain as follows:

Section 1. Section 3.16.065 of the Kirkland Municipal Code is hereby amended to read as follows:

3.16.065 Authority to sign agreements.

(a) Interlocal Agreements. The city manager or the director of finance is authorized to execute on behalf of the city an agreement that is made pursuant to the Interlocal Cooperation Act (see Chapter 39.34 RCW). A department director may, on behalf of the city as the delegate of the city manager, enter into an interlocal agreement so long as such agreement either imposes no financial obligation on the city or the contract is for less than ~~twenty~~ fifty thousand dollars. The person who signs an interlocal agreement shall ensure that it is delivered to the city clerk's office in order that the interlocal agreement will be ~~recorded~~ filed with the county auditor or posted on the city's website for purposes of as required by RCW 39.34.040.

(b) Professional Services Agreements. ~~The city manager or designee is authorized to execute on behalf of the city an~~ shall promulgate procedures and standards for the approval of agreements for professional services. A department director may enter into a professional services agreement so long as such agreement does not impose a financial obligation on the city in excess of the amount set forth in Section 3.85.080 of this code.

(c) Other Agreements. The city manager may promulgate administrative procedures for the approval authority for all other contracts for less than fifty thousand dollars.

~~(ed)~~The authority delegated by this section is supplemental to the authority provided under Chapter 3.85 of this code. In case of specific conflict, the provisions of Chapter 3.85 will prevail.

Section 2. 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 _____, 2008.

Signed in authentication thereof this _____ day of _____, 2008.

MAYOR

Attest:

City Clerk

Approved as to Form:

City Attorney



CITY OF KIRKLAND

Kirkland Municipal Court

11515 NE 118th Street, P.O. Box 678, Kirkland, WA 98083-0678 425.587.3160

www.ci.kirkland.wa.us

MEMORANDUM

To: Dave Ramsay, City Manager

From: Honorable Michael J. Lambo, Municipal Court Judge
Aimee Vance, Court Administrator

Date: November 10, 2008

Subject: ORDINANCE INCREASING JUDGE PRO TEM HOURLY RATE

RECOMMENDATION:

It is recommended that City Council approve the attached Ordinance increasing the hourly rate for Judge Pro Tem from \$50 to \$60.

BACKGROUND AND DISCUSSION:

The current \$50 compensation rate for Judge Pro Tem was established by Ordinance 4002 in 2005. We are asking to increase the hourly rate for Judge Pro Tem to not exceed \$60 per hour. This dollar amount would be more in line with the current hourly salary rate of Kirkland's Municipal Court Judge. Research of surrounding Municipal Courts and the King County District Court found that Judge Pro Tem rates for 2008 range between \$60 per hour in Kent Municipal Court and \$78.11 per hour in Bothell Municipal Court. King County District Court currently compensates a Judge Pro Tem at the hourly rate of \$76.40. In order for Kirkland to obtain qualified and experienced Pro Tem Judges, we are requesting an increase in the hourly rate.

The requested 2009/10 budget for Judge Pro Tem compensation takes into consideration the \$10 per hour increase. Our recommendation was proposed to the Public Safety Committee meeting on November 20th; the Committee is recommending approval of the increase.

ORDINANCE NO. 4166

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO THE COMPENSATION FOR JUDGE PRO TEM.

WHEREAS, the compensation for judge pro tem is established by ordinance.

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

Section 1. The compensation for judge pro tem shall not exceed a rate of \$60 per hour.

Section 2. 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 _____, 2008.

Signed in authentication thereof this ____ day of _____, 2008.

MAYOR

Attest:

City Clerk

Approved as to Form:

City Attorney



CITY OF KIRKLAND

City Attorney's Office

123 Fifth Avenue, Kirkland, WA 98033 425.587.3030

www.ci.kirkland.wa.us

MEMORANDUM

To: City Council

From: Robin S. Jenkinson, City Attorney

Date: December 5, 2008

Subject: City Manager Salary

RECOMMENDATION:

Council consider the attached ordinance to increase the City Manager's salary by 3.19%.

BACKGROUND DISCUSSION:

The City's Management and Confidential employees will receive a 3.19% across the board adjustment for 2009. Passage of the attached ordinance would increase the City Manager's salary by the same 3.19%.

ORDINANCE NO. 4167

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO SALARY FOR THE CITY MANAGER.

The City Council of the City of Kirkland do ordain as follows:

Section 1. The salary for the City Manager is hereby increased by a percentage amount equal to across the board adjustment received by Management and Confidential employees in the City which is an increase of 3.19% to \$163,044 per year effective from January 1, 2009.

Section 2. 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 _____, 2008.

Signed in authentication thereof this ____ day of _____, 2008.

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: David Ramsay, City Manager

From: Tracey Dunlap, Director of Finance and Administration
Sandi Hines, Financial Planning Manager

Date: December 3, 2008

Subject: **2008 YEAR-END BUDGET ADJUSTMENT**

RECOMMENDATION:

The City Council adopt the attached ordinance increasing the 2007-2008 budget appropriation for selected funds.

BACKGROUND DISCUSSION:

State law prohibits expenditures in excess of the budget appropriation for any fund. This budget adjustment allows for appropriation increases in those funds in which it is anticipated that total expenditures may be in excess of the current budget. Expenditure increases 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 new requests.

Housekeeping Adjustments:

- **Special Events Equipment Rental (\$11,000):** Recognize additional special event revenue and associated equipment expenses.
- **Emergency Preparedness Grant (\$50,472):** Recognize FEMA grant revenue for the Emergency Preparedness Coordinator position.
- **Lee Johnson Field Scoreboard (\$43,000):** Council accepted donations and the associated expense related to the scoreboard in June 2008. This housekeeping adjustment corrects an error made in which fund received the revenue and associated expense. This adjustment moves the amounts to the appropriate fund.

Previously Approved by Council:

- **Leasehold Excise Tax Credit Payment (\$250,339):** Council authorized payment from the Contingency Fund for a credit due to the Washington State Department of Revenue for overpayment of leasehold excise taxes by Evergreen Hospital.

- **Pavement Marking Project (\$84,295):** In late June, Council authorized additional funding for the 2008 Pavement Marking Project due to increased costs and changes in the scope of the project. Funded by the Street Improvement Fund.
- **Concours d' Elegance Donation to Evergreen Hospital charity (\$3,000):** In July, 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.
- **Northshore Fire District Service Contract for IT services (\$39,010):** On June 17, 2008, Council authorized the agreement between the City and Northshore Fire District for the City's IT department to provide technology services to the District, which included approval of a temporary 0.5 Helpdesk position. Funded by the Northshore Fire District.
- **Verizon Franchise Negotiations and Title 26 Re-write (\$12,950):** At the Mid-Biennial Review in November 2007, Council authorized funding for legal services necessary to complete franchise negotiations with Verizon. In addition, earlier this year the City Manager authorized \$35,000 from the General Fund Contingency to assist with the re-write of Title 26, which references telecommunications, and was deemed necessary in light of the new franchise and recent FCC rulings. Costs for both the negotiations and the re-write are coming in higher than expected and additional funding of \$12,950 is needed to complete both projects. Funded from the General Fund Contingency.
- **2009-2010 Service Package Funding (\$1,000,000):** As part of the 2009-2010 budget strategy, \$1 million of the Revenue Stabilization Reserve was used to fund one-time service packages. To account for this funding in the least complicated manner, a transfer from the Revenue Stabilization Reserve into the General Fund is needed in 2008, so the funds can carry forward into 2009. Funded from the Revenue Stabilization Reserve.

New Requests:

- **Reserve Replenishment Backfill (\$400,308):** Interest revenue received in 2007 and to date in 2008 is lower than the planned amount needed to replenish reserves to the levels adopted by the Council as part of the 2007-2008 Budget. This adjustment recognizes telecommunications utility taxes received above budgeted amounts which be used to backfill the lower than expected interest revenue and replenish the reserves to the targeted amount.
- **Grants (\$68,004):** The City has received several grants during the year and this adjustment recognizes the grant revenue and associated expenses. The grants include:
 - Economic development grant from the CTED (\$45,000)
 - Homeland Security Grant for the Fire & Building Department from FEMA (\$13,814)
 - Health Department Grant for the Fire & Building Department (\$1,644)
 - Traffic Safety Commission grant for Fire Department training (\$7,546)
- **E-911 Reimbursements (\$330,059):** Recognize reimbursement for Dispatch overtime, training, and equipment as provided by the escrow account maintained by King County on the City's behalf.

This is the final adjustment to the 2007-2008 Budget.

2008 Year-end Budget Adjustment Summary

Adjustment Type	Dept.	Description	Uses	Funding Source				Funding Source Notes
				Reserves	Resources Forward	Operating Transfers	External Revenue	
General Fund								
Other Adj	Nondept	Leasehold Excise Tax Credit Payment	250,339			250,339		Contingency Fund
Other Adj	Nondept	2009-10 Service Package Funding	1,000,000			1,000,000		Revenue Stabilization Reserve
Other Adj	Nondept	2007-08 Interest Revenue Backfill to Reserves	400,308				400,308	Utility Taxes
Other Adj	CMO	Economic Development Grant	45,000				45,000	CTED Grant
Other Adj	Parks	Special Events Supplies and Equipment Rentals	11,000				11,000	Special Events Revenue
Other Adj	Police	Dispatch Overtime, Training and Equipment Reimbursement	330,059				330,059	Enhanced 911 Access Line Revenue
Other Adj	F&B	Emergency Preparedness Grant	50,472				50,472	Emergency Preparedness Grant
Other Adj	F&B	Homeland Security Grant	13,814				13,814	FEMA
Other Adj	F&B	Health Department Grant	1,644				1,644	Health Department Grant
Other Adj	F&B	Fire Training-Traffic Safety Commission	7,546				7,546	Traffic Safety Commission Grant
General Fund Total			2,110,182	-	-	1,250,339	859,843	
OTHER FUNDS								
Street Operating Fund								
Other Adj	PW	2008 Pavement Marking Project	84,295			84,295		Street Improvement Fund Reserve
Street Operating Fund Total			84,295	-	-	84,295	-	
Park and Municipal Reserve Fund								
Other Adj	Parks	Lee Lohnson Field Scoreboard	43,000			43,000		Housekeeping Adjustment
Park and Municipal Reserve Fund Total			43,000	-	-	43,000	-	
Facilities Maintenance Fund								
Other Adj	PW	Concours d'Elegance Donation to Evergreen Hospital Charity	3,000				3,000	Admissions Tax Rebate
Facilities Maintenance Fund Total			3,000	-	-	-	3,000	
Information Technology Fund								
Other Adj	IT	Northshore Fire District Service Contract	39,010				39,010	Contract Revenue
Other Adj	IT	Verizon Franchise Negotiation	12,950			12,950		General Fund Contingency Reserve
Information Technology Fund Total			51,960	-	-	12,950	39,010	
TOTAL OTHER FUNDS			182,255	-	-	140,245	42,010	
TOTAL ALL FUNDS			2,292,437	-	-	1,390,584	901,853	

ORDINANCE NO. 4159

AN ORDINANCE OF THE CITY OF KIRKLAND AMENDING THE BIENNIAL BUDGET FOR 2007-2008.

WHEREAS, the City Council finds that the proposed adjustments to the Biennial Budget for 2007-2008 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 2008 biennial-end adjustments to the Biennial Budget of the City of Kirkland for 2007-2008 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>	<u>Current</u> <u>Budget</u>	<u>Adjustments</u>	<u>Revised</u> <u>Budget</u>
General	113,636,653	2,110,182	115,746,835
Lodging Tax	561,841	0	561,841
Street Operating	9,600,236	84,295	9,684,531
Cemetery Operating	336,709	0	336,709
Parks Maintenance	2,144,266	0	2,144,266
Recreation Revolving	2,111,338	0	2,111,338
Facilities Maintenance	9,066,324	3,000	9,069,324
Contingency	2,940,790	0	2,940,790
Cemetery Improvement	549,500	0	549,500
Impact Fees	3,709,937	0	3,709,937
Park & Municipal Reserve	12,761,743	43,000	12,804,743
Off-Street Parking Reserve	69,564	0	69,564
Tour Dock	99,235	0	99,235
Street Improvement	3,222,265	0	3,222,265
Grant Control Fund	285,835	0	285,835
Excise Tax Capital Improvement	22,091,056	0	22,091,056
Limited General Obligation Bonds	4,966,356	0	4,966,356
Unlimited General Obligation Bonds	3,243,334	0	3,243,334
L.I.D. Control	9,647	0	9,647
General Capital Projects	33,808,550	0	33,808,550
Grant Capital Projects	16,379,729	0	16,379,729
Water/Sewer Operating	38,471,870	0	38,471,870
Water/Sewer Debt Service	3,758,988	0	3,758,988
Utility Capital Projects	17,305,570	0	17,305,570
Surface Water Management	12,094,573	0	12,094,573
Surface Water Capital Projects	10,140,676	0	10,140,676

<u>Funds</u>	<u>Current Budget</u>	<u>Adjustments</u>	<u>Revised Budget</u>
Solid Waste	17,233,322	0	17,233,322
Equipment Rental	12,367,189	0	12,367,189
Information Technology	10,692,354	51,960	10,744,314
Firefighter's Pension	1,382,725	0	1,382,725
	<u>365,042,175</u>	<u>2,292,437</u>	<u>367,334,612</u>

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 16th day of December, 2008.

Signed in authentication thereof this 16th day of December 2008.

MAYOR

Attest:

City Clerk

Approved as to Form:

City Attorney



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

MEMORANDUM

To: Dave Ramsay, City Manager

From: Rob Jammerman, Development Engineering Manager
Daryl Grigsby, Public Works Director

Date: December 16, 2008

Subject: Updated Sewer Capital Facility Charge

RECOMMENDATION

It is recommended that the City Council review the proposed Sewer Capital Facility Charge (CFC) and direct staff to implement the new fees on January 1, 2009.

POLICY IMPLICATIONS

Chapter 15.12.063 - .064 of the Kirkland Municipal Code (See Attachment 1) requires a Sewer CFC to be paid prior to issuance of a permit to connect to the City sanitary sewer system. The Code also requires the Sewer CFC to be adjusted by the Public Works Department at least every odd numbered year. We are proposing that the 2009 Sewer CFC fee is to be adjusted per the analysis completed by the FCS Group developed in conjunction with the Draft Sewer Comprehensive Plan. Adopting the FCS-recommended Sewer CFC fee charges parallels the action taken by the Council in September of this year when they adopted new sewer rates based on the analysis completed by the FCS Group. The proposed CFC was presented to the Finance Committee on December 9, 2008, and the Committee recommended that the new CFC be adopted.

BACKGROUND DISCUSSION

In Attachment 2, you will find pages 8.9 and 8.10 of the draft Financial Chapter, prepared by the FCS Group, which is part of the draft Sewer Comprehensive Plan. These two pages describe why Sewer CFC are collected and give a detailed breakdown of how the new CFC is calculated. In summary, the FCS Group discussed the following in relation to the recommended CFC:

1. CFC is a one-time charges imposed on sewer customers as a condition of connection to the utility.
2. CFC promotes equity between new and existing customers.
3. CFC provide a source of revenue to fund capital projects.
4. Without CFC, growth-related capital costs would be borne in large part by existing customers and effectively would be subsidizing new customers.
5. From a financial perspective, the CFC allows the new customer to become financially equivalent to existing customers.

December 16, 2008

Page 2

6. The current Sewer CFC is \$1,860 per customer equivalent. Based on the current system investment and incorporating eligible capital projects identified in the 20 year Capital Facilities Plan, an updated charge of \$3,056 was derived. The calculation summary is below.

Sewer CFC Calculation Summary	
	Dollars
EXISTING FACILITIES	
Plant-in-Service	
Sewer Utility Capital Assets	\$52,659,325
Less: Contributed Capital	(23,755,218)
Plus: Cumulative Interest on Non-Contributed Capital	10,326,138
Less: Net Debt Principal Outstanding	-
Total Allocable Existing Facilities	\$39,230,245
FUTURE FACILITIES	
Capital Facilities Plan*	
Total Future Projects	\$66,809,600
Less: Identified Repair & Replacements	(43,167,678)
Less: Contributed Capital	(13,708,667)
Total Allocable Future Facilities	\$9,933,255
CALCULATION	
TOTAL	
Total Allocable Costs	\$49,163,500
Total Customer Base (20 year planning period)	16,086
TOTAL CHARGE PER EQUIVALENT METER	\$3,056**
<i>Current Charge</i>	\$1,860

**One of the primary factors causing the increase in the Sewer CFC is the use of the 20-year Capital Facilities Plan in the Future Facilities Valuation. In the past the City has used the 6-year Sewer CIP which yielded a smaller CFC. However, because there are projects in the 20-year Capital Facilities Plan that are planned to provide service for additional growth, it is fair and equitable to include all of these projects in the CFC calculation. This same CFC calculation methodology has already been adopted by the Council for the Water and Surface Water CFC and the Sewer CFC is the last remaining utility to adopt this calculation methodology.*

***For entire Sewer CFC fee schedule by Meter Size, see page 8.10 of Attachment 2.*

Last, as with any fee increase, the City should be cognizant of how our recommended fee compares with other cities and Utility Districts. However, when comparing connection fees, one should remember that connection fees are charged differently throughout the state, with some cities or utility districts using a similar calculation methodology to ours, and others choosing different calculation methodologies. As an example, some cities may choose to charge a minimal connection charge and instead collect the funding needed for new projects by other means such as monthly rates. Also, because most connection fees are directly influenced by the dollar value of growth-related sewer capital improvement projects and the number of projected new customers, one will find that connection fees significantly vary from city to city based on these two factors alone. Thus it is important to remember that when comparing fees, the fee posted by another city probably does not correlate exactly to the fee we collect. Below is a list of cities and their respective sewer CFC provided by the FCS Group.

JURISDICTION	SEWER CFC*
Everett	\$814
Auburn	\$850
Mercer Island	\$921
Renton	\$1,017
Richland	\$1,269
Bothell	\$1,481
Yakima	\$1,776
Redmond	\$1,860
Kirkland (Existing)	\$1,860
College Place	\$2,500
Mount Vernon	\$2,700
Wenatchee	\$2,750
Bellevue	\$2,949
Kirkland (Proposed)	\$3,056
Sammamish Utility Dist.	\$3,085
Burlington	\$3,180
Everett	\$3,500
Lake Forest Park	\$3,970
Centralia	\$4,282
Marysville	\$4,490
North Bend	\$4,800
Snohomish	\$4,904
Northshore Utility Dist. **	\$5,075
Poulsbo	\$5,430
Bellingham	\$5,536
Tumwater	\$5,682
Centralia	\$5,762
Monroe	\$5,915
Lacey	\$5,932
Battle Ground	\$7,500

**Listed fee is per equivalent meter (typical single family connection charge)*

**** Serves approximately 1/3 of Kirkland**

Please let us know if you have any questions.

Attachments (2)

cc: Tracey Dunlap, Director of Finance and Administration
Ray Steiger, PE, Capital Projects Manager

Attachment 1

15.12.063 Sewer capital facility charges (SCFC)—Definitions.

The sewer connection charge(s) must be paid prior to issuance of the permit and shall be determined as to each requested connection by the application of the criteria set forth below.

(1) For all sewer connections a sewer capital facility charge will be assessed and shall consist of the following:

(a) Each sewer connection will be assigned a “residential customer equivalent” (RCE) factor. The RCE has a base of one for a three-fourths-inch by five-eighths-inch water meter, i.e., a building served by a five-eighths-inch by three-fourths-inch meter will be given a sewer RCE factor of one.

(b) The RCE for each sewer connection is as follows:

Single-Family/Multifamily Sewer Fees

- Single-family (1 RCE)
- 2 unit multi (1.6 RCE, 0.8 RCE per unit)
- 3 unit multi (2.4 RCE)
- 4 unit multi (3.2 RCE)
- 5 or more units Number of units x 0.64 x 1 RCE (0.64 RCE per unit)

(c) The sewer capital facility charge shall be waived for the bonus or additional units or floor area being developed in exchange for construction of affordable housing units pursuant to Chapter 112 of the Kirkland Zoning Code. Any claim for waived sewer capital facility charges must be made before payment of those charges. The amount of sewer capital facility charges not collected under this waiver shall be paid from public funds other than the sewer utility.

(d) Other use (commercial, office, light industrial, churches, school, etc.) shall be based on the water meter size serving the property:

Meter Size	R CE
5/8" x 3/4"	1
1"	2.5
1-1/2"	5
2"	8
3"	16
4"	25
6"	50
8"	80

(e) Each property will be assessed an SCFC for each domestic water meter service or as determined by the department of public works. (Ord. 3939 § 2B, 2004: Ord. 3870 § 3, 2002: Ord. 3720 § 1, 1999: Ord. 3368 § 4 (part), 1993)

15.12.064 Sewer capital facility charge adjustment.

The SCFC fee with Section [15.12.063](#) will be adjusted periodically, but not less often than every odd number year. The adjustment shall use the method following:

(1) At the time of adjustment, the value of the sewer capital facility shall be determined based on the worth of all city sewer mains less any sewer mains funded by local improvement districts, grants, or installation by private entities (developers); this shall be known as the plant in service;

(2) The total of all connections to the sewer capital facility shall be determined and an RCE factor assigned;

(3) The adjusted SCFC shall be calculated by dividing the current sewer capital facility value by the current number of RCEs;

(4) Upon determining the adjusted SCFC, the director of public works shall file with the director of finance three copies of the adjusted fee schedule along with the values the fee schedule is based on. The director of finance shall file said schedules and values with the city clerk to be available for use by the general public and the affected city officials and departments;

(5) Whenever any connection is made to the city sewer system to serve property outside of the city limits, the property will be assessed the same fees set forth in this section. (Ord. 3870 § 4, 2002; Ord. 3573 § 66, 1997; Ord. 3368 § 4 (part), 1993)

Attachment 2

Capital Facilities Charges

A capital facilities charge (CFC), also called a "connection charge" as provided for by RCW 35.92.025, refers to a one-time charge imposed on new customers as a condition of connection to the utility system. The purpose of the CFC is two-fold: (1) to promote equity between new and existing customers; and (2) to provide a source of revenue to fund capital projects. Equity is served by providing a vehicle for new customers to share in the capital costs incurred to support their addition to the system. CFC revenues provide a source of cash flow used to support utility capital needs; revenue can only be used to fund utility capital projects or to pay debt service incurred to finance those projects. In the absence of a CFC, growth-related capital costs would be borne in large part by existing customers. In addition, the net investment in the utility already collected from existing customers, whether through rates, charges and/or assessments, would be diluted by the addition of new customers, effectively subsidizing new customers with prior customers' payments. To establish equity, a CFC should recover a proportionate share of the existing and future infrastructure costs from a new customer. From a financial perspective, a new customer should become financially equivalent to an existing customer by paying the CFC.

The City currently imposes a CFC of \$1,860 per customer equivalent. Based on current system investment and incorporating the eligible capital projects identified in this Plan, an updated charge of \$3,056 was derived.

Table 8.3 summarizes the CFC calculation per customer equivalent and Table 8.4 provides the schedule of charges by meter size.

Table 8.3	
CFC Calculation Summary	
	Dollars
EXISTING FACILITIES	
Plant-In-Service	
Sewer Utility Capital Assets	\$52,659,325
less: Contributed Capital	(23,755,218)
plus: Cumulative Interest on Non-Contributed Capital	10,326,138
less: Net Debt Principal Outstanding	-
Total Allocable Existing Facilities	\$39,230,245
FUTURE FACILITIES	
Capital Facilities Plan	
Total Future Projects	\$66,809,600
less: Identified Repair & Replacements	(43,167,678)
less: Contributed Capital	(13,708,667)
Total Allocable Future Facilities	\$9,933,256

Table 8.3
CFC Calculation Summary

	Dollars
CALCULATION	TOTAL
Total Allocable Costs	49,163,501
Total Customer Base (20 year planning period)	16,086
TOTAL CHARGE PER EQUIVALENT METER	\$3,056
<i>Current Charge</i>	\$1,860

Table 8.4
Schedule of CFCs by Meter Size

Meter Size	Meter Capacity Factor	Charge	Fee Basis
5/8" Meter	1.0	\$3,056	per meter
3/4" Meter	1.0	\$3,056	per meter
1" Meter	2.5	\$7,641	per meter
1 1/2" Meter	5.0	\$15,282	per meter
2" Meter	8.0	\$24,451	per meter
3" Meter	16.0	\$48,902	per meter
4" Meter	25.0	\$76,409	per meter
6" Meter	50.0	\$152,819	per meter
8" Meter	80.0	\$244,510	per meter



CITY OF KIRKLAND
 Department of Finance & Administration
 123 Fifth Avenue, Kirkland, WA 98033 425.587.3100
 www.ci.kirkland.wa.us

MEMORANDUM

To: David Ramsay, City Manager

From: Barry Scott, Purchasing Agent

Date: December 4, 2008

Subject: REPORT ON PROCUREMENT ACTIVITIES FOR COUNCIL MEETING
OF DECEMBER 16, 2008

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

The City's major procurement activities initiated since November 6, 2008 are as follows:

	Project	Process	Estimate/Price	Status
1.	Information Technology Tape Backup System	Cooperative Purchase	\$320,852.62	Purchase from Dell Computer through State Dept. of Information Services (DIS) contract on 11/26.
2.	Case 580SM III Backhoe	Cooperative Purchase	\$92,651.20	Purchase from Case Equipment through King County Contract 1063-07-AAB
3.	Microsoft Enterprise Agreement	Cooperative Purchase	\$74,000	Purchase through State Dept. of Information Services contract.
4.	Network Switches	Cooperative Purchase	\$87,155.74	Purchase from Qwest Communications through State Dept. of Information Services contract.

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

**CITY OF KIRKLAND**

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

MEMORANDUM

To: David Ramsay, City Manager

From: Joan Lieberman-Brill, AICP, Senior Planner
Paul Stewart, Deputy Planning Director

Date: December 3, 2008

Subject: 2007-2008 City Initiated Comprehensive Plan Amendments (File ZON07-00001)

RECOMMENDATION

- Consider adoption of enclosed ordinance 4156 to approve the 2007-2008 City Initiated Comprehensive Plan Amendments (CPA's), which finalizes approval of all amendments in the "Intent to Adopt Resolution" 4696, or
- Consider adoption of the ordinance with alternative language as recommended by the Houghton Community Council, addressing climate change.

BACKGROUND DISCUSSION

In addition to the city initiated amendments, the following proposals make up this cycle of annual amendments to the Comprehensive Plan and Zoning Code and Map. All will be considered for adoption by separate ordinances on December 16, 2008:

- City initiated Comprehensive Plan Amendment – approved by "Intent To Adopt Resolution 4696"
- Nakhjiri Private Amendment Request – approved by "Intent To Adopt Resolution 4699"
- Hart Private Amendment Request and Totem Lake 9 city initiated Comprehensive Plan Amendment – approved by "Intent To Adopt Resolution 4704"
- South Kirkland Park and Ride city initiated Comprehensive Plan Amendment (discussed by City Council at the December 2 meeting)
- Costco Private Amendment Request (discussed by City Council at the December 2 meeting)

This memorandum addresses the City initiated amendments only. The other amendments are addressed in separate memos.

Memo to City Manager 2007-2008 City Initiated CPA@

December 4, 2008@

Page **2** of **5**

On April 15, 2008, the City Council unanimously adopted Resolution 4696. This resolution established the Council's intent to adopt the proposed City initiated revisions to the Comprehensive Plan and Zoning Map into a final adopting ordinance on December 16th. All amendments adopted with [Resolution 4696](#) are attached to the ordinance the Council will be considering for adoption on December 16.

Policy Highlights - City Initiated Amendments

Each year the City reviews and makes changes to its Comprehensive Plan for any needed changes. The City-initiated 2007-2008 amendments are primarily housekeeping amendments.

Highlights of this cycle of city initiated amendments include:

- Updated policies addressing the new Washington State Commute Trip Reduction Act.
- Policies addressing the new City initiative to earmark 1 percent of major capital improvement funds for public art and incentives to incorporate public art into private development.
- A new overarching framework goal FG-7 addressing sustainability, which includes more strategies than just green building practices and low impact development.
- Integrating the topic of climate change into the Plan's Environmental Framework Goal FG-5 for the first time, recognizing that reducing greenhouse gas emissions plays a role in a healthy environment.

Additionally, the Capital Facilities Element must be updated annually to incorporate the adopted Capital Improvement Program (CIP) into the Capital Facilities Plan (CFP) so they are consistent. With this cycle of Plan amendments, the 2008-2013 Capital Improvement Program (CIP), adopted in September 2007, is incorporated into the Capital Facilities Plan (CFP). These amendments include the updated funded project lists for the major public facilities needed to support growth and development consistent with our adopted level of service standards (contained in the Capital Facilities Element) and the revised 2022 transportation project list including both funded and unfunded projects (contained in the Transportation Element).

State statutes require that each year's adopted CIP be incorporated into the CFP in sequential order. This means that the adopted 2008-2013 CIP must be incorporated into the CFP prior to the 2009-2014 CIP. The 2009 – 2014 CIP is scheduled for adoption on December 16, after the 2007-2008 CPA is adopted. The 2009-2014 CIP will be incorporated into the CFP during the next cycle of annual Comprehensive Plan Amendments in 2009. Starting in 2010, the operating budget and CIP will be adopted together in the fall, enabling the CIP to be incorporated into the CFP prior to the adoption of the annual Comprehensive Plan update at the end of 2010.

A more detailed summary of the proposed city initiated amendments is available in the [December 20, 2007 PC and HCC public hearing memo](#), on pages 2 through 11.

Changes since approval of the Resolution of Intent to Adopt

Memo to City Manager 2007-2008 City Initiated CPA@

December 4, 2008@

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One very minor revision to the city initiated amendments has been made since Resolution 4696 was adopted (Attachment 1). It corrects the name of the Commute Trip Reduction Basic Plan in the list of Functional Plans contained in the Capital Facilities Element.

Houghton Community Council Opposition to Climate Change Amendments Adopted in Intent to Adopt Resolution 4696.

Because the City Council adopted the recommendation of the Planning Commission and City Staff in R-4696 rather than a modified version recommended by the HCC, Council directed Staff to meet with the HCC to explain the Council's decision. Staff provided a status update to the HCC on the proposed climate change plan amendments most recently at their November 24, 2008 meeting. This was the second time staff had met with HCC since the "Intent to Adopt" Resolution 4696 was adopted. Staff met with the HCC, once on June 23, to provide the background and rationale for the proposed amendments, and then on November 24 to apprise them of any further changes to the Climate Protection Action Plan, which might result in revisions to the proposed amendments. (The status of the Action Plan has not changed, and therefore no changes to the climate change amendments are recommended.)

HCC remains opposed to the climate change amendments that were adopted in the "Intent to Adopt" Resolution. They took an informal poll at their November 24 study session and concluded that three members would approve the amendments as written, and 4 would not. The majority of HCC continues to believe that the causes of global warming are arguable opinion.

Follow this [link](#) to the transmittal memo prepared for the March 18 CC study session to review the HCC recommendation on climate change. The HCC climate change recommendation is addressed on page 2 and 3 of the memo. Attachment 2 is a comparison between the recommended climate change amendments (that were adopted by resolution) and the HCC version. The italicized notes (in red) preceding the text of Natural Environment Policy NE-5.2 highlighted in yellow, explain the differences. Finally, Exhibit A to the memo is the Planning Commission's recommendation. On page 2 of that memo the difference between the PC and HCC recommendations is explained. This study session preceded the Council's April 15 adoption of the "Intent to Adopt" resolution.

The City Council may now wish to consider the following options regarding the proposed climate change amendments to Goal 5 of the Natural Environment Element of the Comprehensive Plan:

1. Retain the climate change amendments in the narrative of Natural Environment Policy NE-5.2 as adopted in Intent to Adopt Resolution 4696 (Attachment 2)
2. Adopt the alternative language, which deletes the narrative of Policy NE-5.2, recommended by the Houghton Community Council (Attachment 3).
3. Direct staff to modify the climate change amendments.

Meetings Associated with the Project

Memo to City Manager 2007-2008 City Initiated CPA@

December 4, 2008@

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Links to staff memorandums, minutes, and audio/video recordings for all City Council, Planning Commission and Houghton Community Council meetings associated with this proposal, including the City Council adoption of the "Intent to Adopt" Resolution 4696, are provided below:

November 24, 2008 *Houghton Community Council study* [HCC meeting memo](#) and [minutes and audio](#)

June 23, 2008 *Houghton Community Council study* [HCC meeting memo](#) and [minutes and audio](#)

April 15, 2008 *City Council meeting to adopt Resolution of Intent 4696* [City Council meeting memo](#) and [minutes and video](#)

March 18, 2008 *City Council meeting* [City Council meeting memo](#) and [minutes and video](#)

December 20, 2007 *Planning Commission hearing* [Planning Commission meeting memo](#) and [minutes and audio](#)

December 19, 2007 *Houghton Community Council courtesy hearing* [Houghton Community Council meeting memo](#) and [minutes and audio](#)

November 8, 2007 *Planning Commission study* [Planning Commission meeting memo](#) and [minutes and audio](#)

August 23, 2007 *Planning Commission study* [Planning Commission meeting memo](#) and [minutes and audio](#)

SEPA Compliance

State Environmental Policy Act (SEPA) materials are available for viewing by following this link to [Attachment 2 of the December Planning Commission public hearing staff memorandum](#)

Public Process

Notice of public meetings and hearings were provided to the Seattle Times, the owners of the property affected by the proposed rezone of JBD 6, the Neighborhood Associations and Kirkland Alliance of Neighborhoods, the neighborhood e-bulletin reaching 500 recipients that Kari Page, our Neighborhood Services Coordinator maintains, and the Kirkland Chamber of Commerce. All memorandums prepared through the public hearings, were available for viewing on the [project website](#). Additionally, the project website advertised the meeting schedule.

Memo to City Manager 2007-2008 City Initiated CPA@

December 4, 2008@

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Other than comments received at the public hearing from Cultural Council members and staff liaison Julie Reynolds, who spoke in support of proposed public art amendments, no public testimony was received on the city initiated amendments to the Comprehensive Plan.

Decisional Criteria for Amending the Comprehensive Plan

Follow this [link](#) to view pages 3 through 5 of the March 18 2008 City Council meeting memorandum for analysis.

Attachments:

1. Revisions to Capital Facilities Element Table CF-6 Functional and Management Plans
2. Climate Change Natural Environment Policy NE-5.2 adopted in Resolution 4696
3. Climate Change Policy NE-5.2 recommended by the Houghton Community Council.

Jlb

cc: CC: ZON07-00001

Planning Commission

Houghton Community Council

Brent Wood, 9833 NE 120th Pl and 12072 98th Ave NE, Kirkland, WA 98034

Kirkland Neighborhood Associations

Kirkland Alliance of Neighborhoods

Kirkland Chamber of Commerce

Julie Reynolds, Staff Liaison to the Kirkland Cultural Council

XIII. CAPITAL FACILITIES

Consistency with Other Plans

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 Capital Improvement Programs
Surface Water Master Plan
Nonmotorized 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 Maps
Lake Washington School District Capital Facilities Plan

V. NATURAL ENVIRONMENT

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. Air pollution officially exceeds federal health standards in all or part of ten Washington counties, including King County. 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. Motor vehicles are also widely believed to contribute to climate change, also known as global warming. 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 provided additional guidance for a systematic enhancement of a network of pedestrian and bicycle facilities linking important destinations both inside and outside the City. In additionSecond, 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. In additionThird, many City vehicles utilize an alternative fuel to reduce pollution and boost fuel efficiency. 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.

Policy NE-5.2: Inventory global warming emissions in City operations and in the community, set reduction targets and create an action plan.

Climate disruption is an urgent threat to the environmental and economic health of our communities. With less than 5% of the world's population, the United States produces more than 25% of the global greenhouse gas emissions, and those emissions are continuing to grow. There is a broad scientific consensus that

Carbon Dioxide (CO2) and other greenhouse gases released into the atmosphere have a profound effect on the Earth's climate and there is clear evidence of human influences on climate due to changes in greenhouse gases. Local government actions taken to reduce greenhouse gas emissions and increase energy efficiency provide multiple local benefits by decreasing air pollution, creating jobs, reducing energy expenditures, and saving money. Seattle, along with a growing number of other U. S. cities, is leading the way by committing to the U. S. Mayors Climate Protection Agreement. On May 17, 2005, Kirkland City Council signed a resolution endorsing the *U. S. Mayors Climate Protection Agreement*.

The City is pursuing five milestones to reduce greenhouse gas emissions in City operations and throughout the community:

1. Conduct a greenhouse gas emissions inventory and forecast to determine the source and quantity of greenhouse gas emissions in the city;
2. Establish a greenhouse gas emissions reduction target;
3. Develop an action plan with both existing and future actions which, when implemented, will meet the local greenhouse gas reduction target;
4. Implement the action plan; and
5. Monitor and report progress.

The Kirkland Council by resolution committed to the following greenhouse gas reduction targets for the Kirkland community and governmental operations:

- o Interim: 10% below 2005 levels by 2012
- o Primary: 20% below 2005 levels by 2020
- o Long-term: 80% below 2007 levels by 2050

V. NATURAL ENVIRONMENT

AIR

Policy NE-5.2: Inventory global warming emissions in City operations and in the community, set reduction targets and create an action plan.

Note: the following text, highlighted in yellow is recommended by the HCC to be deleted.

Climate disruption is an urgent threat to the environmental and economic health of our communities. With less than 5% of the world's population, the United States produces more than 25% of the global greenhouse gas emissions, and those emissions are continuing to grow. There is a broad scientific consensus that Carbon Dioxide (CO2) and other greenhouse gases released into the atmosphere have a profound effect on the Earth's climate and there is clear evidence of human influences on climate due to changes in greenhouse gases. Local government actions taken to reduce greenhouse gas emissions and increase energy efficiency provide multiple local benefits by decreasing air pollution, creating jobs, reducing energy expenditures, and saving money. Seattle, along with a growing number of other U. S. cities, is leading the way by committing to the U. S. Mayors Climate Protection Agreement. On May 17, 2005, Kirkland City Council signed a resolution endorsing the *U. S. Mayors Climate Protection Agreement*.

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ORDINANCE NO. 4156

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO COMPREHENSIVE PLANNING AND LAND USE AND AMENDING THE COMPREHENSIVE PLAN AS PART OF THE 2007-2008 CITY INITIATED COMPREHENSIVE PLAN AMENDMENT PROJECT, (ORDINANCE 3481 AS AMENDED) AND AMENDING ORDINANCE 3710 AS AMENDED, THE KIRKLAND ZONING MAP, AS REQUIRED BY RCW 36.70A.130 TO ENSURE CONTINUED COMPLIANCE WITH THE GROWTH MANAGEMENT ACT, FILE NO. ZON07-00001 AND APPROVING A SUMMARY FOR PUBLICATION.

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 recommendations 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 Kirkland Zoning Ordinance, Ordinance 3710 as amended, all as set forth in those certain reports and recommendations of the Planning Commission and of the Houghton Community Council both dated March 5, 2008, and bearing Kirkland Department of Planning and Community Development File No. ZON0700001; and

WHEREAS, prior to making said recommendation the Planning Commission, following notice thereof as required by RCW 35A.63.070, held a public hearing on December 20, 2007, on the amendment proposals and considered the comments received at said hearing; and

WHEREAS, prior to making said recommendation the Houghton Community Council, following notice thereof as required by RCW 35A.63.070, held a courtesy hearing on December 19, 2007, on the amendment proposals and considered the comments received at said hearing; and

WHEREAS, pursuant to the State Environmental Policy Act (SEPA), there has accompanied the legislative proposal and recommendation through the entire consideration process, a SEPA Addendum to Existing Environmental Documents, issued by the responsible official pursuant to WAC 197-11-600; and

WHEREAS, in regular public meeting the City Council considered the environmental documents received from the responsible official, together with the reports and recommendations of the Planning Commission and the Houghton Community Council; and

WHEREAS, in regular public meeting on April 15, 2008, the City Council indicated its intent to adopt the recommendations of the Planning Commission with respect to the policies for climate change and public art, for which the Houghton Community Council had proposed alternate language; and adopted Resolution 4696 expressing the intent to amend the Comprehensive Plan and Zoning Ordinance as set forth in File ZON07-00001, and consider adopting said recommendation by ordinance concurrent with all other amendments included in the City's annual Comprehensive Plan amendments; 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 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. Official Map Change: The Director of the Department of Planning and Community Development is directed to amend the official City of Kirkland Zoning Map to conform with this ordinance, indicating thereon the date of the ordinance passage.

Section 3. Severability: 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 Houghton Community Council: 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. Effective Date: Except as provided in Section 4, 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. Ordinance Copy: 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 December, 2008.

SIGNED IN AUTHENTICATION THEREOF this ____ day of December, 2008.

Mayor

Attest:

City Clerk

Approved as to Form:

City Attorney

Table CF - 8
Capital Facilities Plan: Transportation Projects

SOURCES OF FUNDS

<i>Revenue Type</i>	<i>Revenue Source</i>	<i>2008</i>	<i>2009</i>	<i>2010</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>Six-Year Total</i>
Local	Surface Water Fees	960,000	990,100	896,900	934,300	786,700	1,145,500	5,713,500
Local	Real Estate Excise Tax	2,260,000	2,122,600	2,224,800	2,192,100	2,614,100	2,546,200	13,959,800
Local	Sales Tax	270,000	270,000	270,000	270,000	270,000	270,000	1,620,000
Local	Gas Tax	526,000	534,000	545,000	549,000	554,000	558,000	3,266,000
Local	Impact Fees	1,254,000	2,352,000	1,881,600	1,966,800	2,517,700	2,652,300	12,624,400
Local	Reserves	510,000	392,000	439,100	421,500	550,800	475,800	2,789,200
External	Sound Transit	430,000						430,000
External	Grants	1,020,000	690,000	376,300	2,613,200	3,776,400	7,754,300	16,230,200
<i>Total Sources</i>		7,230,000	7,350,700	6,633,700	8,946,900	11,069,700	15,402,100	56,633,100

USES OF FUNDS**Funded Projects**

<i>Project Number</i>	<i>Project Title</i>	<i>2008</i>	<i>2009</i>	<i>2010</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>Six-Year Total</i>
ST 0006	Annual Street Preservation Program	1,800,000	1,800,000	1,800,000	1,800,000	1,800,000	1,800,000	10,800,000
ST 0057*	NE 120th Street Roadway Extension (east section)	1,000,000	560,000			1,400,500	4,546,900	7,507,400
ST 0058*	NE 132nd Street Roadway Improvements					157,300	881,200	1,038,500
ST 0059*	124th Ave NE Roadway Improvements (north section)	900,000	896,000		4,179,600			5,975,600
ST 0063*	120th Avenue NE Roadway Improvements	200,000	896,000	1,881,600	2,388,300	4,648,200	1,762,300	11,776,400
NM 0001*	116th Avenue (south) Non-Motorized Facilities-Phase II						4,370,600	4,370,600
NM 0012	Crosswalk Upgrade Program		70,000		70,000		70,000	210,000
NM 0034*	NE 100th St at Spinney Homestead Park Sidewalk		56,000	188,100				244,100
NM 0044*	116th Avenue NE Sidewalk (Highlands)	73,000	567,700					640,700
NM 0049*	112th Avenue NE Sidewalk		168,000					168,000
NM 0051*	Rose Hill Business District Sidewalks	503,000						503,000
NM 0052*	NE 73rd Street Sidewalk	220,000						220,000
NM 0054*	13th Avenue Sidewalk		112,000	218,300				330,300
NM 0055*	122nd Avenue NE Sidewalk				309,000	1,180,100		1,489,100
NM 0057	Annual Sidewalk Maintenance Program	200,000	200,000	200,000	200,000	200,000	200,000	1,200,000
NM 0059*	6th St Sidewalk		112,000	190,600				302,600
NM 0060*	100th Ave NE/99 th Place NE Sidewalk	220,000	244,200					464,200
NM 0064	Park Lane Ped Corridor Enhancements	60,000		338,700				398,700
NM 0065	Central Way Ped Enhancements (Phase II-southside)		100,800	263,400				364,200
TR 0004*	Kirkland Avenue/3rd Street Traffic Signal	330,000						330,000
TR 0078*	NE 85th Street/132nd Ave NE Intersection Improv. (Phase I)	279,000						279,000
TR 0079*	NE 85th Street/114th Avenue NE Intersection Improv.	356,000						356,000
TR 0080*	NE 85th Street/124th Avenue NE Intersection Improv.	179,000						179,000
TR 0083*	100th Ave NE/NE 132nd St Intersection Improvements					1,683,600	713,700	2,397,300
TR 0085*	NE 68th St/108th Ave NE Intersection Improvements	610,000	672,000					1,282,000
TR 0086*	NE 70th Street/132nd Ave NE Intersection Improvements						528,700	528,700
TR 0088*	NE 85th St/120th Ave NE Intersection Improvements						528,700	528,700
TR 0091*	NE 124th St/124th Ave NE Intersection (Phase III)	300,000	896,000	1,553,000				2,749,000
<i>Total Funded Transportation Projects</i>		7,230,000	7,350,700	6,633,700	8,946,900	11,069,700	15,402,100	56,633,100

<i>SURPLUS (DEFICIT) of Resources</i>	-	-	-	-	-	-	-	-
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*These projects provide new capacity towards levels of service.

XIII. CAPITAL FACILITIES

TABLE CF-9
2022 Transportation Project List

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
Non-Motorized							
NM 20-1	Spinney Homestead/NE 100th Sidewalk, 111th Ave. NE to I-405	\$ 0.2	NM 0034	✓	C, NM	T-2	
NM 20-2	116th Ave. NE Non-Motor Facilities (south), NE 60th St. to S. City Limits	\$ 5.9	NM 0001	✓	C, NM	T-2	
NM 20-3	13th Ave. Sidewalk (Phase II)	\$ 0.3	NM 0054	✓	C, NM	T-2	
NM 20-4	Crestwoods Park/BNSFR Ped/Bike facility	\$ 2.6	NM 0031		C, NM	T-2	
NM 20-5	93 Ave. NE Sidewalk, Juanita Dr. to NE 124th St.	\$ 0.5	NM 0032		C, NM	T-2	
NM 20-6	NE 52nd St. Sidewalk	\$ 0.7	NM 0007		C, NM	T-2	
NM 20-7	Cross Kirkland Trail	\$ 5.0	NM 0024		C, NM	T-2, T-8	
NM 20-8	122nd Ave NE sidewalk	\$ 1.5	NM 0055	✓	C, NM	T-2	
NM 20-9	116th Ave NE Sidewalk (Highlands)	\$ 0.7	NM 0044	✓	C, NM	T-2	
NM 20-10	NE 100th St. Bike lane, Slater Ave NE to 132nd Ave. NE	\$ 1.0	NM 0036		C, NM	T-2	
NM 20-11	NE 95th St Sidewalk (Highlands)	\$ 0.4	NM 0045		C, NM	T-2	
NM 20-12	18th Ave West Sidewalk	\$ 1.9	NM 0046		C, NM	T-2	
NM 20-13	116th Ave NE Sidewalk (South Rose Hill)	\$ 0.3	NM 0047		C, NM	T-2	
NM 20-14	130th Ave. NE Sidewalk	\$ 0.3	NM 0037		C, NM	T-2	
NM 20-15	NE 90th St. Bicycle/Pedestrian Overpass Across I-405	\$ 2.8	NM 0030		C, NM	T-2	
NM 20-16A	NE 90th St. Sidewalk (Phase I), 124th Ave. NE to 128th Ave. NE	\$ 0.8	NM 0056		C, NM	T-2	
NM 20-16B	NE 90th St. Sidewalk (Phase II), 120th Ave NE. to 124th Ave NE & 128th Ave NE to 132nd Ave NE	\$ 0.8	NM 0026		C, NM	T-2	
NM 20-17	NE 60th St Sidewalk	\$ 4.3	NM 0048		C, NM	T-2	
NM 20-18	Forbes Valley Pedestrian Facility	\$ 1.7	NM 0041		C, NM	T-2	
NM 20-19	NE 126th St Non-motorized facilities	\$ 4.3	NM 0043		C, TL	T-2	
NM 20-20	Crosswalk Upgrades (various locations)	\$ 0.2	NM 0012	✓	C, NM	T-2	
NM 20-21	Annual Pedestrian Improvements (various locations)	\$ 32.3	various		NM	T-2	
NM 20-22	Annual Bicycle Improvements (various locations)	\$ 2.3	various		NM	T-2	
NM 20-23	112th Ave NE Sidewalk	\$ 0.2	NM 0049	✓	C, NM	T-2	
NM 20-24	NE 80th St Sidewalk	\$ 0.3	NM 0050		C, NM	T-2	
NM 20-25	Rose Hill Business District Sidewalks	\$ 3.5	NM 0051	✓	C, NM	T-2	
NM 20-26	NE 73rd Street Sidewalk	\$ 0.3	NM 0052	✓	C, NM	T-2	
NM 20-27	NE 112th Street Sidewalk	\$ 0.5	NM 0053		C, NM	T-2	
NM 20-28	Annual Sidewalk Maintenance Program	\$ 1.2	NM 0057	✓	C, NM	T-2	
NM 20-29	111th Ave non-motorized/emergency access connection	\$ 1.0	NM 0058		Highlands	T-2	
NM 20-30	6th Street Sidewalk	\$ 0.3	NM 0059	✓	C	T-2	
NM 20-31	100th Ave NE/NE 99th Place sidewalk	\$ 0.5	NM 0060	✓	C	T-2	
NM 20-32	Park Place Pedestrian Corridor enhancements	\$ 1.3	NM 0064	✓	C	T-2	
NM 20-33	Central Way Pedestrian enhancements (Phase II)	\$ 0.4	NM 0065	✓	C	T-2	
SUBTOTAL (NON-MOTORIZED)		\$80.3					
Street							
ST 20-1	118th Ave. NE Road Extension, NE 116th to NE 118th St. (2 In)	\$ 5.9	ST 0060		C, TL	T-4	
ST 20-2	119th Ave. NE Road Extension, NE 128th St. to NE 130th St. (2 In)	\$ 5.1	ST 0061		C, TL	T-4	
ST 20-3	120th Ave. NE Road Improvement, NE 128th St. to NE 132 St. (5 In)	\$ 11.8	ST 0063	✓	C	T-1, T-4	✓
ST 20-4	124th Ave. NE Road Improvement, NE 116th St. to NE 124th St. (5 In)	\$ 6.8	ST 0059	✓	C	T-1, T-4	✓
ST 20-5	124th Ave. NE Road Improvement, NE 85th St. to NE 116th St. (3 In)	\$ 28.3	ST 0064		C	T-4	
ST 20-6	132nd Ave. NE Road Improvement, NE 85th St. to Slater Ave. NE (3 In)	\$ 23.5	ST 0056		C	T-4	
ST 20-7	98th Ave. NE Bridge Replacement at Forbes Creek (2 In)	\$ 8.7	ST 0055		C	T-4	
ST 20-8	120th Ave NE Road Extension, NE 116th St north to BNSFR XING (2 In)	\$ 15.2	ST 0073		TL	T-4	
ST 20-9	NE 120th St. Road Extension (east), Slater Ave. NE to 124th Ave. NE (3 In)	\$ 8.1	ST 0057	✓	C	T-1, T-4	✓
ST 20-10	120th Ave. NE, Totem Lake Blvd. to NE 128th St. (3 In)	\$ 3.0	ST 0070		TL	T-4	
ST 20-11	NE 130th St. Road Extension, Totem Lake Blvd. to 120th Ave. NE (2 In)	\$ 9.1	ST 0062		C	T-4	
ST 20-12	NE 132nd St. Road Improvement, 100th Ave NE to 132nd Ave NE	\$ 45.2	ST 0058	✓	C, TL	T-1, T-4, T-8	✓
ST 20-13	NE 120th St. Road extension (west), 124th Ave NE to BNSFR XING (2 In)	\$ 5.4	ST 0072		TL	T-4	
ST 20-14	Annual Street Preservation Program (various locations)	\$ 25.2	ST 0006	✓	C	T-4	
SUBTOTAL (STREETS)		\$ 201.3					
Traffic/Intersection							
TR 20-1	Kirkland Ave/3rd St. Traffic Signal	\$ 0.3	TR 0004	✓	C	T-4	
TR 20-2	Kirkland Way/BNSFR Abutment/Intersection Improvements	\$ 6.1	TR 0067		C, NM	T-4, T-2	
TR 20-3	6th Street/Kirkland Way Traffic Signal	\$ 0.6	TR 0065		C	T-4	
TR 20-4	NE 68th St/108th Ave NE Intersection Improvements	\$ 1.3	TR 0085	✓	C	T-4	✓
TR 20-5	NE 124th St./I-405 queue By-pass @ I-405, EB to SB	\$ 1.5	TR 0057		C	T-1, T-4, T-5	✓
TR 20-6	NE 85th St/120th Ave NE Intersection Improvements	\$ 1.8	TR 0088	✓	C	BKR, T-1, T-4	✓
TR 20-7	NE 85th St/132nd Ave NE Intersection Improvements	\$ 1.6	TR 0089		C	BKR, T-1, T-4	
TR 20-8	NE 85th St. HOV/I-405 queue By-pass @ I-405, EB to SB	\$ 0.7	TR 0056		C	T-1, T-4, T-5	✓
TR 20-9	Lk. Wash Blvd. /Northup Way queue by-pass southbound to westbound	\$ 5.9	TR 0068		C	T-4	
TR 20-10.1	NE 116th St./ I-405 queue by-pass EB to SB	\$ 6.5	TR 0072		C	T-1, T-4, T-5	

(1) '08 COSTS; funded projects indexed for inflation (2) C=CIP, NM=Non-Cap list, TL = Totem Lake, P20=20 year list

TABLE CF-9
2022 Transportation Project List

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
TR 20-10.2	NE 85th St./ I-405 queue by-pass WB to NB	\$ 1.6	TR 0074		C	T-1, T-4, T-5	
TR 20-10.3	NE 70th St./ I-405 queue by-pass EB to SB	\$ 1.5	TR 0073		C	T-1, T-4, T-5	
TR 20-10.4	NE 124th St. / I-405 queue by-pass WB to NB	\$ 1.1	TR 0075		C	T-1, T-4, T-5	✓
TR 20-11.1	Kirkland Avenue/Lake Street. S	\$ 0.6			P20	T-4	
TR 20-11.2	Lake Street S./2nd Avenue S	\$ 0.6			P20	T-4	
TR 20-11.3	Market Street/Central Way	\$ 0.6			P20	T-4	
TR 20-11.4	Market Street/7th Avenue NE	\$ 0.6			P20	T-4	
TR 20-11.5	Market Street/15th Avenue	\$ 0.6			P20	T-4	
TR 20-11.6	NE 53rd Street/108th Avenue NE	\$ 0.6			P20	T-4	
TR 20-11.7	NE 60th Street/116th Avenue NE	\$ 0.6			P20	T-4	
TR 20-11.8	NE 60th Street/132nd Avenue NE	\$ 0.6			P20	T-4	
TR 20-11.9	NE 64th Street/Lake Washington Blvd.	\$ 0.6			P20	T-4	
TR 20-11.10	NE 70th Street/120th Avenue or 122nd Avenue NE	\$ 0.6			P20	T-4	
TR 20-11.11	NE 80th Street/132nd Avenue NE	\$ 0.6			P20	T-4	
TR 20-11.12	NE 112th Street/124th Avenue NE	\$ 0.6			P20	T-4	
TR 20-11.13	NE 116th Street/118th Street NE	\$ 0.6			P20	T-4	
TR20-11.14	NE 116th Street/124th Avenue NE northbound dual left-turns	\$ 1.4	TR 0092		C	BKR	
TR 20-11.15	NE 126th Street/132nd Place NE	\$ 0.6			P20	T-4	
TR 20-11.16	NE 128th Street/ Totem Lake Boulevard	\$ 0.6			P20	T-4	
TR 20-11.17	NE 100th Street/132nd Ave NE	\$ 0.4			P20	T-4	
TR 20-11.18	NE 132nd Street/Totem Lake Boulevard	\$ 0.4			P20	T-4	
TR 20-11.19	Market Street and Forbes Creek Drive	\$ 0.4			P20	T-4	
TR 20-11.20	NE 112th Street/120th Ave NE	\$ 0.6			P20	T-4	
TR 20-11.21	Totem Lake Boulevard/120th Ave NE	\$ 2.0			P20	T-4	✓
TR 20-12	NE 70th St/132nd Ave NE Intersection Improvements	\$ 2.2	TR 0086	✓	C	BKR, T-1, T-4	✓
TR 20-13	Lake Washington Blvd/NE 38th PL Intersection Improvements	\$ 2.7	TR 0090		C	BKR, T-1, T-4	
TR 20-14	NE 124th Street/124th Ave NE Intersection Improvements (Phase II)	\$ 2.7	TR 0091	✓	C	BKR	✓
TR 20-15	100th Ave NE/NE 132nd St Intersection Improvements	\$ 2.4	TR 0083	✓	C	BKR, T-1, T-4	✓
TR 20-16	100th Ave NE/NE 124th St Intersection Improvements	\$ 2.0	TR 0084		C	T-4	✓
SUBTOTAL (TRAFFIC/INTERSECTIONS)		\$ 56.7					
2022 TRANSPORTATION PROJECT LIST TOTAL ---->		\$ 338.3					

Table CF - 10A
Capital Facilities Plan: Utility Projects

SOURCES OF FUNDS

<i>Revenue Type</i>	<i>Revenue Source</i>	<i>2008</i>	<i>2009</i>	<i>2010</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>Six-Year Total</i>
Local	Water and Sanitary Sewer Utility Rates	2,681,000	2,846,400	2,711,300	3,164,400	2,730,600	1,717,200	15,850,900
Local	Reserves	990,000	2,270,000	570,000	1,400,000		1,400,000	6,630,000
Local	Debt				850,000	1,012,300	1,208,700	3,071,000
External	Joint Facility Agreements Redmond/Bellevue			65,300	102,700	336,900		504,900
<i>Total Sources</i>		<i>3,671,000</i>	<i>5,116,400</i>	<i>3,346,600</i>	<i>5,517,100</i>	<i>4,079,800</i>	<i>4,325,900</i>	<i>26,056,800</i>

USES OF FUNDS**Funded Projects**

<i>Project Number</i>	<i>Project Title</i>	<i>2008</i>	<i>2009</i>	<i>2010</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>Six-Year Total</i>
WA 0058*	NE 75th Street/130th Avenue NE Watermain Replc.	371,700						371,700
WA 0059*	101st Avenue NE Watermain Replacement	177,000						177,000
WA 0060*	10th Avenue Watermain Replacement	845,100						845,100
WA 0063*	Supply Station #3 Replacement & Transmission Main Add.				195,000			195,000
WA 0067*	North Reservoir Pump Station Replacement					991,000		991,000
WA 0077*	NE 110th Street Watermain Replacement	416,000						416,000
WA 0090	Emergency Sewer Pgm Watermain Replacement Pgm		50,000		50,000		50,000	150,000
WA 0093	Vulnerability Analysis Facility Upgrades		297,900					297,900
WA 0099*	Alexander Ave Watermain Replacement	247,400						247,400
WA 0102*	104th Ave NE Watermain Replacement		515,600					515,600
WA 0103*	NE 113th Pl/106th Ave NE Watermain Replacement			755,600				755,600
WA 0107*	120th Ave NE/NE 73rd St Watermain Replacement			746,700				746,700
WA 0116*	132nd Av NE/NE 80th St Watermn Replacement				1,000,000	1,191,000	1,422,000	3,613,000
WA 0118*	112th-114th Ave NE/NE 67th-68th St Wtrm Rep	283,800	1,220,500	244,200				1,748,500
WA 0120*	111th Ave Watermain Replacement				191,500			191,500
WA 0121*	109th Ave NE/111th Way Watermain Replacement				390,700			390,700
WA 0124*	NE 97th St Watermain Replacement				691,500			691,500
WA 0126	North Reservoir Outlet Meter Addition			87,100				87,100
WA 0127*	Supply Station #2 Improvements			105,000				105,000
WA 0130*	11th Place Watermain Replacement		260,000					260,000
WA 0131	Supply Station #1 Improvements				84,600			84,600
WA 0136*	NE 74th St Watermain Replacement				152,000			152,000
WA 0137*	NE 73rd St Watermain Replacement					790,000		790,000
SS 0046*	Market Street Sewermain Replacement	1,000,000	652,600					1,652,600
SS 0050*	NE 80th Street Sewermain Replacement (Phase I)	30,000						30,000
SS 0056*	Emergency Sewer Construction Program		1,400,000		1,400,000		1,400,000	4,200,000
SS 0062*	NE 108th Street Sewermain Replacement/Rehabilitation		610,000	1,408,000	1,361,800			3,379,800
SS 0063*	NE 53rd Street Sewermain Replacement	300,000	109,800					409,800
SS 0064*	7th Avenue South Sewermain Replacement					332,400	643,100	975,500
SS 0067*	NE 80th Street Sewermain Replacement (Phase II)					775,400	810,800	1,586,200
<i>Total Funded Utility Projects</i>		<i>3,671,000</i>	<i>5,116,400</i>	<i>3,346,600</i>	<i>5,517,100</i>	<i>4,079,800</i>	<i>4,325,900</i>	<i>26,056,800</i>

<i>SURPLUS (DEFICIT) of Resources</i>	-	-	-	-	-	-	-	-
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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>2008</i>	<i>2009</i>	<i>2010</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>Six-Year Total</i>
Local	Surface Water Utility Rates	1,536,800	1,584,500	1,583,000	1,578,400	1,586,000	1,493,300	9,362,000
External	Grant	47,000						47,000
<i>Total Sources</i>		1,583,800	1,584,500	1,583,000	1,578,400	1,586,000	1,493,300	9,409,000

USES OF FUNDS**Funded Projects**

<i>Project Number</i>	<i>Project Title</i>	<i>2008</i>	<i>2009</i>	<i>2010</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>Six-Year Total</i>
SD 0045	Carillon Woods Erosion Control Measures		22,400	84,100	451,000			557,500
SD 0047	Annual Replacement of Aging/Failing Infrastructure	200,000	200,000	200,000	200,000	200,000	200,000	1,200,000
SD 0049*	Forbes Creek/108th Ave NE Fish Passage Impr		103,500	256,600				360,100
SD 0050*	NE 95th St/126th Ave NE Flood Control Measures				16,700	69,200		85,900
SD 0051	Forbes Creek/KC Metro Access Road Culvert Enh.	202,300						202,300
SD 0052	Forbes Creek/Slater Ave Streambank Stabilization			75,200	90,200			165,400
SD 0053	Forbes Creek/Coors Pond Channel Grade Controls	200,300						200,300
SD 0054*	Forbes Creek/BNSFRR Fish Passage Improvements						519,800	519,800
SD 0056	Forbes Creek Ponds Fish Passage/Riparian Plantings			110,700	193,400			304,100
SD 0058	Surface Water Sediment Pond Reclamation Phase II	90,000	169,000	149,000	63,200			471,200
SD 0059*	Totem Lake Blvd Flood Control Measures	408,500	479,200	410,800				1,298,500
SD 0060	Juanita Creek/NE 122nd St Bank Stabilization	253,500						253,500
SD 0061	Everest Park Stream Channel/Riparian Enhancements				274,200	542,700	528,600	1,345,500
SD 0062	Stream Flood Control Measures at Post Office				36,500	265,000	244,900	546,400
SD 0063	Everest Creek-Slater Ave at Alexander St.	169,200	514,400	125,400				809,000
SD 0065	Cochran Springs/Plaza at Yarrow Pt Flood Control	60,000	96,000					156,000
SD 0537	Streambank Stabilization Program - NE 86th Street			171,200	253,200	509,100		933,500
<i>Total Funded Surface Water Utility Projects</i>		1,583,800	1,584,500	1,583,000	1,578,400	1,586,000	1,493,300	9,409,000

<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>2008</i>	<i>2009</i>	<i>2010</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>Six-Year Total</i>
Local	Real Estate Excise Tax	700,000	1,350,000	1,102,500	1,157,600	1,215,500	1,276,300	6,801,900
Local	Park Impact Fees	835,000	310,500	321,400	332,600	344,300	356,300	2,500,100
Local	Reserves	100,000						100,000
External	Grant	50,000	450,000					500,000
<i>Total Sources</i>		1,685,000	2,110,500	1,423,900	1,490,200	1,559,800	1,632,600	9,902,000

USES OF FUNDS**Funded Projects**

<i>Project Number</i>	<i>Project Title</i>	<i>2008</i>	<i>2009</i>	<i>2010</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>Six-Year Total</i>
PK 0049*	Open Space and Pk Land Acq Grant Match Program	100,000						100,000
PK 0056	Forbes Lake Park Development	75,000		877,500				952,500
PK 0066	Park Play Area Enhancements		100,000	100,000	50,000	100,000	100,000	450,000
PK 0078 600	A.G. Bell Elementary Playfields Improvements						200,000	200,000
PK 0078 800	International Comm. School Playfield Improvements					300,000		300,000
PK 0087	Waverly Beach Park Renovation			75,000	957,600			1,032,600
PK 0112	Everest Park A-Field Bleachers	175,000						175,000
PK 0113	Spinney Homestead Park Renovation				50,000	690,500		740,500
PK 0115	Terrace Park Renovation						76,300	76,300
PK 0119	Juanita Beach Park Development	150,000	1,650,000				850,000	2,650,000
PK 0121	Green Kirkland Forest Restoration Program	50,000	50,000	50,000	50,000	50,000	50,000	300,000
PK 0122	Community Recreation Facility – Site Planning	75,000						75,000
PK 0123	Peter Kirk Pool Upgrades	125,000						125,000
PK 0124	Snyder's Corner Park Site Development					75,000		75,000
PK 0125	Dock Renovations	100,000			50,000			150,000
PK 0131*	Park and Open Space Acquisition Program	835,000	310,500	321,400	332,600	344,300	356,300	2,500,100
<i>Total Funded Parks Projects</i>		1,685,000	2,110,500	1,423,900	1,490,200	1,559,800	1,632,600	9,902,000

<i>SURPLUS (DEFICIT) of Resources</i>	-	-	-	-	-	-	-	-
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*These projects provide new capacity towards levels of service.

TABLE T-5
Project Descriptions for the 2022 Transportation Project List

Non-motorized Improvements

NM20-1	Sidewalk
Location:	NE 100th Street from 116th Avenue NE to approximately 114 th Ave NE
Description:	Installation of curb, gutter, sidewalk and storm drainage along the north side. Funded CIP project NM 0034; scheduled for completion in 2010.
NM20-2	Non-motorized Facilities
Location:	116 th Avenue NE (south section) (NE 60 th 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. Funded CIP project NM 0001; scheduled completion is beyond 2013.
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 CIP project NM 0054; scheduled for completion in 2010.
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 CIP project NM 0032.
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 Facilities
Location:	Burlington Northern Santa Fe Railroad right-of-way, between south and north City Limits
Description:	10 to 12-foot wide two-way bike/pedestrian multi-purpose asphalt trail. Unfunded CIP project NM 0024.

- NM20-8** Sidewalk
Location: 122nd Ave NE, between NE 70th Street and NE 80th 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 CIP project NM 0055; scheduled to be completed in 2012.
- NM20-9** Sidewalk
Location: 116th Ave NE from NE 94th Street to NE 100th Street
Description: Install curb, gutter, sidewalk and storm drain along east side. Funded CIP project NM 0044; scheduled for completion in 2009.
- 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. Unfunded CIP project NM 0036.
- NM20-11** Sidewalk
Location: NE 95th Street from 112th Ave NE to 116th Ave NE
Description: Install curb, gutter and sidewalk and storm drain along north side. Unfunded CIP project NM 0045.
- NM20-12** Sidewalk
Location: 18th Ave West from Market Street to Rose Point Lane
Description: Install curb, gutter and sidewalk and storm drain along roadway. Unfunded CIP project NM 0046.
- NM20-13** Sidewalk
Location: 116th Ave 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, 124 th Ave NE to 128 th Ave 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, 120 th Ave NE to 124 th Ave NE, and 128 th Ave NE to 132 nd Ave 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 60 th Street from 116 th Ave NE to 132 nd Ave 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. Unfunded CIP project NM 0043.
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 Ave NE from NE 87th Street to NE 90th Street
Description: Installation of curb, gutter, sidewalk and storm drain along west side of roadway. Funded CIP project NM 0049; scheduled for completion in 2009.
- NM20-24** Sidewalk
Location: NE 80th Street from 126th Ave NE to 130th Ave NE
Description: Installation of curb, gutter, sidewalk and storm drain along south side of roadway. Unfunded CIP project NM 0050.
- NM 20-25** Sidewalk
Location: NE 85th Street from I-405 to 132nd Ave NE and along 124th Ave NE from NE 80th Street to NE 90th Street.
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 2008.
- NM20-26** Sidewalk
Location: NE 73rd Street from 124th Ave NE to 130th Ave NE
Description: Installation of curb, gutter, sidewalk and storm drain along north side of roadway. Funded CIP project NM 0052; scheduled for completion in 2008.
- NM20-27** Sidewalk
Location: NE 112th Street from 117th Pl NE to the Burlington Northern Santa Fe RR Crossing
Description: Installation of curb, gutter, sidewalk and storm drain along north side of roadway. Unfunded CIP project NM 0053.
- NM20-28** Annual Sidewalk Maintenance Program
Location: City-wide
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** Non-motorized/emergency access connection
Location: 111th Ave NE from BNSFRR north to Forbes Creek Drive
Description: Install paved non-motorized 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 Ave S to Kirkland Way
Description: Installation of curb, gutter, sidewalk and storm drain along east side of roadway. Funded CIP project NM 0059; scheduled for completion in 2010.

- NM20-31** Sidewalk
Location: 100th Ave NE/99th Place NE from NE 112th Street to NE 116th Street
Description: Installation of curb, gutter, sidewalk and storm drain along east side of roadway. Funded CIP project NM 0060; scheduled for completion in 2009.
- NM20-32** Pedestrian Enhancements
Location: Park Lane from Lake Street to Peter Kirk Park
Description: Repair and replacement of aged and broken sidewalks, curb, gutter and storm 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. Funded CIP project NM 0064; scheduled for completion in 2010.
- NM20-33** Pedestrian Enhancements
Location: Central Way at Lake Street, Main Street, and 4th 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. Funded CIP project NM 0065; scheduled for completion in 2010.

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. Funded CIP project ST 0063; scheduled to begin design in 2008.
- 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. Funded CIP project ST 0059; design began in 2007.
- 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 120th Street NE
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 Ave NE from NE 116th Street to BNSFRR 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. Funded CIP project ST 0057; scheduled to begin design in 2006.
- 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 concurrent with Totem Lake Mall redevelopment. Unfunded CIP ST 0070.
- ST20-11** New Street
Location: NE 130th Street, Totem Lake Blvd to 120th Avenue NE
Description: Extend two-lane roadway including nonmotorized facilities, storm drainage and landscaping. Unfunded CIP project ST 0062.
- ST20-12** Street Widening
Location: NE 132nd Street, from 100th Avenue NE to 132nd Avenue NE
Description: The existing road is currently two through lanes with left turn lanes at certain intersections and variable width bike lanes. Beginning in 2007, various configurations were modeled and a number of key improvements were identified. Partially funded CIP project ST 0058; project planning was funded in 2007.
- ST20-13** New Street
Location: NE 120th Street (west section) from 124th Ave NE to BNSFRR crossing
Description: Construct 2/3 lanes as needed with pedestrian/bicycle facilities. Unfunded CIP project ST 0072.
- ST20-14** 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.

Intersection Improvements

- TR20-1** Traffic Signal
Location: Kirkland Avenue and Third Street
Description: Construct a new signal at this intersection, including controlled pedestrian crosswalks. Funded CIP project TR 0004; anticipated construction 2008.
- TR20-2** Intersection Improvements
Location: Kirkland Way Underpass at BNSFRR crossing
Description: New railroad under-crossing 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 CIP project TR 0065.
- TR20-4** Intersection Improvements
Location: NE 68th Street/108th Ave 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; completion in 2009.
- TR20-5** HOV Queue By-pass
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 Ave 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 CIP project TR 0088; scheduled to begin in 2013.
- TR20-7** Intersection Improvements
Location: NE 85th Street/132nd Ave 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 By-pass
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 By-pass
Location: Lake Washington Boulevard at Northup Way
Description: Add southbound Lake Washington Boulevard queue by-pass lane from Cochran Springs to westbound SR 520. Unfunded CIP project TR 0068.

TR20-10 Queue By-pass 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 by-pass eastbound to southbound (unfunded CIP project TR-0072)
2. NE 85th Street/I-405 queue by-pass westbound to northbound (unfunded CIP project TR 0074)
3. NE 70th Street/I-405 queue by-pass eastbound to southbound (unfunded CIP project TR-0073)
4. NE 124th Street/I-405 queue by-pass 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 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)
15. NE 126th Street/132nd Place NE

16. NE 128th Street/Totem Lake Boulevard
17. NE 100th Street/132nd Ave NE
18. NE 132nd Street/Totem Lake Boulevard
19. Market Street/Forbes Creek Drive
20. NE 112th Street/120th Ave NE
21. Totem Lake Blvd/120th Ave NE

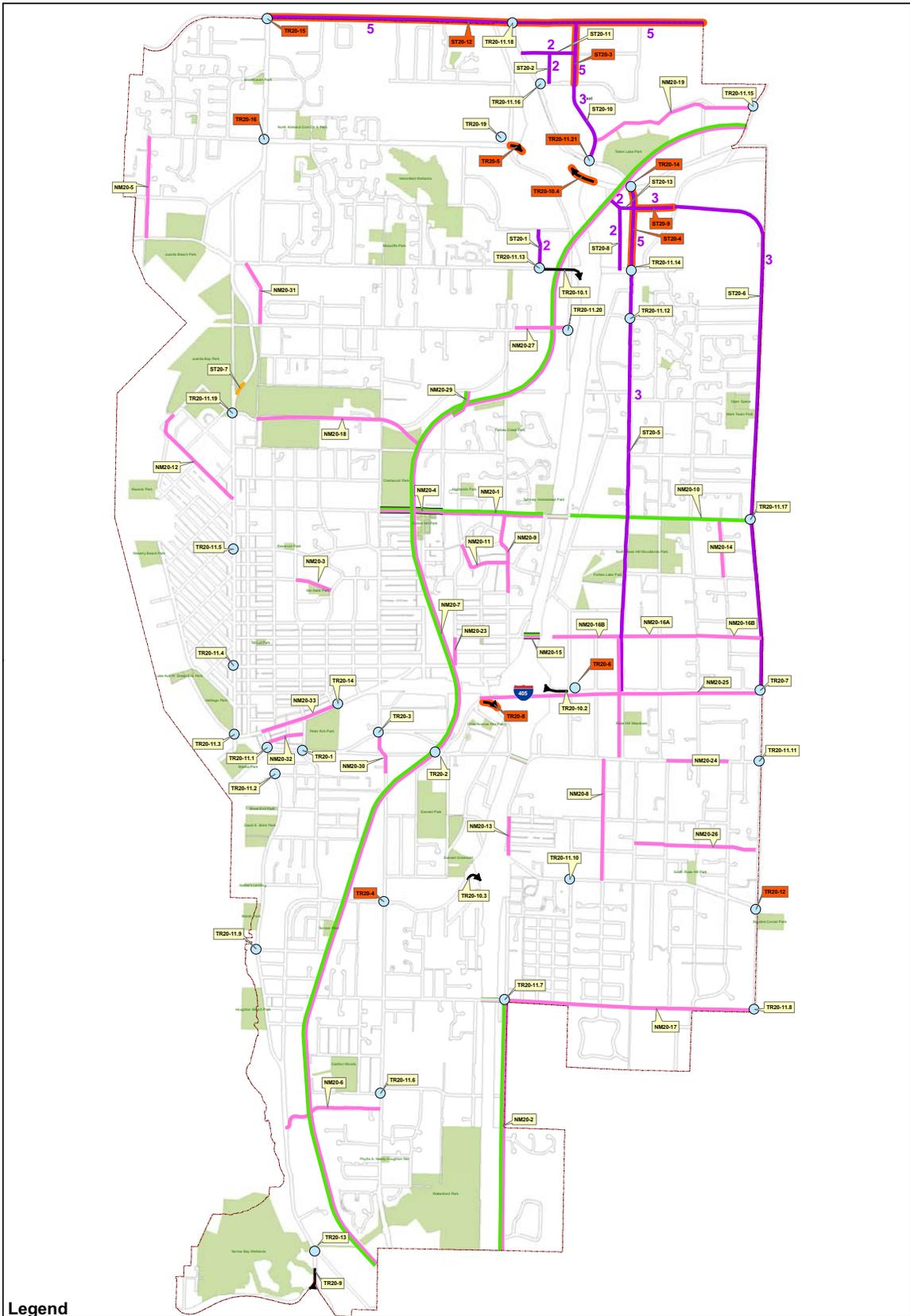
TR20-12 Intersection Improvements
Location: NE 70th Street/132nd Ave NE
Description: Install westbound and northbound right-turn lanes. Funded CIP project TR-0086; project to begin in 2013.

TR20-13 Intersection Improvements
Location: Lake Washington Boulevard at NE 38th Place
Description: Add one northbound lane travel lane on Lake Washington Boulevard through this intersection. Unfunded CIP project TR-0090.

TR20-14 Traffic Signal
Location: 124th Ave NE at NE 124th Street
Description: Install traffic signal improvements and new railroad crossing on the north leg of this intersection. Funded CIP project TR-0091; project is anticipated to start in 2012..

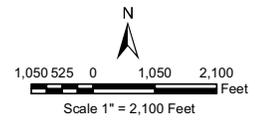
TR20-15 Intersection Improvements
Location: 100th Ave NE/NE 132nd Street
Description: Construct a northbound receiving lane on the north leg of the intersection and conversion of existing northbound right-turn lane to a through/right-turn configuration. Construct a second southbound left turn lane. Funded CIP project TR-0083; completion in 2011.

TR20-16 Intersection Improvements
Location: 100th Ave 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.



Legend

- 2022 Concurrency Project
- Bike Lane
- Bike/Ped Overpass
- Bike/Ped Overpass Existing
- Bridge
- Queue Bypass Lane
- Sidewalk
- Sidewalk/Bike Lane
- Street
- Intersection
- Parks
- 2022 Project Identification
- 2022 Concurrency Project
- # Number of Lanes



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Figure T-6: Transportation Project List

IX. TRANSPORTATION

INCREASING TRAVEL OPTIONS

Goal T-2: Develop a system of pedestrian and bicycle routes that form an interconnected network between local and regional destinations.

Policy T-2.4: Design streets with features that encourage walking and bicycling.

To promote the nonmotorized system and alternative modes to the single-occupant vehicle, streets should include pedestrian and bicycle facilities. [Consistent with the City's Complete Streets policies, bicycle and pedestrian ways should be accommodated in the planning, development and construction of transportation facilities.](#)

XIII. CAPITAL FACILITIES

RESPONSES TO GROWTH

The Growth Management Act requires that the City both accommodate its fair share of the forecasted regional growth and, at the same time, provide and maintain acceptable level of service standards that are financially feasible. The Act also requires the City to ensure that the public facilities and services necessary to support development are available for occupancy and use without decreasing the adopted level of service standards.

Goal CF-2: Provide a variety of responses to the demands of growth on capital facilities and utilities.

Policy CF-2.1:

Concentrate land use patterns to encourage efficient use of transportation, water, sewer and surface water management facilities and solid waste, police, and fire protection services in order to reduce the need to expand facilities and services.

Land use patterns, including density, location and type and mix of uses, affect the demands on all public facilities and the levels of service provided to each neighborhood. One example is encouraging new development or redevelopment where public facilities already exist which may alleviate the need for constructing new facilities.

Policy CF-2.2:

Make efficient and cost-effective use of existing public facilities using a variety of techniques, including [low impact development techniques and sustainable building practices](#).

The City can be cost-effective with its public facilities by establishing conservation programs in City buildings for energy consumption, materials, and equipment usage. Reducing demand is a cost-effective use of facilities by controlling the extent and nature of the public's demand on City services. Improved scheduling can also add to the efficient and cost-effective use of facilities. [Low impact development techniques and ~~Sustainable~~ sustainable building practices](#) also offer efficient and cost-effective use of public facilities [while providing environmental benefits](#). The practices include integrated building and site design, reduced impervious surface, reused waste water for irrigation, [alternative sidewalk design](#), and landscaping used to reduce heat emissions and filter surface runoff.

The City should take a leadership role in the community by using and promoting these practices. In addition, the City should maintain existing public facilities to protect the community's investment in these facilities.

Policy CF-2.3:

Provide additional public facility capacity consistent with available funding when existing facilities are used to their maximum level of efficiency.

Before additional facilities are built, existing facilities should be used to the maximum extent possible by efficient scheduling and demand management. When increased capacity is warranted, costly retrofits should be avoided by incorporating all improvements up front. For example, the addition of bike lanes identified in the City's Nonmotorized Plan should be included when streets are widened, or newly constructed.

Policy CF-2.4:

If all other responses to growth fail, then restrict the amount and/or location of new development in order to preserve the level of service of public facilities and utilities.

The Growth Management Act provides that funding and LOS standards can be adjusted to accommodate new development or redevelopment and still meet the concurrency test (see discussion in the Introduction, "What is concurrency?," in this Element). However, if these adjustments are unacceptable, then the amount, location, or phasing of new development should be restricted.

II. VISION / FRAMEWORK GOALS

INTRODUCTION

FG-7: Encourage a sustainable community ~~low impact development and sustainable building practices.~~

Discussion: As Kirkland develops and rebuilds, we have an opportunity and a responsibility to create a sustainable ~~a healthier and more environmentally sensitive~~ community ~~and to save energy and building costs.~~ that balances urban growth with resource protection. A sustainable society meets the needs of the present without sacrificing the ability of future generations and other species to meet their own needs. Kirkland strives to integrate economic, social and environmental concerns in planning for sustainability. A sustainable economy provides a good quality of life for all residents without undermining the biological and physical processes of the environment upon which people depend, nor reduce the community's ability to ensure that the basic human needs of all its members are met.

We safeguard the quality of life for current and future generations and create a healthier and more environmentally sensitive community by implementing sustainable management practices. We strive to accomplish our goal by reducing our contribution to climate change, by minimizing human impacts on local ecosystems and by supporting a stable and diverse economy.

The City takes a comprehensive, coordinated approach to natural resource management and uses a variety of tools to foster sustainable practices and principles, including public involvement and education, incentives, regulations, and enforcement. Among the varied tools are ~~Low impact development practices strive to mimic nature by minimizing impervious surface, infiltrating surface water through bio-filtration and bio-retention facilities, retaining contiguous forested areas and maintaining the character of the natural hydrologic cycle. Sustainable building practices cover all aspects of development, including site preparation and layout, material selection and building construction, operation and maintenance.~~

~~Utilizing these practices has many benefits: construction and maintenance costs are lowered; water quality and efficiency are improved; surface water runoff is reduced and treated; stream and fish habitat impacts are lessened; native trees and other vegetation are preserved; and recycled materials are used. Some examples of the practices include integrated building and site design, vegetated roofs, reduced impervious surface, reused waste water for irrigation, alternative heating and cooling systems, and recycled building materials and landscaping used to reduce heat emissions and to treat surface runoff. The practices may evolve over time as the market, science and technology changes. Kirkland encourages many of these practices through our~~ land use goals and regulations that encourage pedestrian oriented and compact development in our neighborhoods, transportation planning which seeks to develop a multimodal transportation system, sensitive area ordinance, regulations protecting the quality of the air, water, land and other natural resources, land acquisition and projects to restore our natural systems, solid recycling programs, waste reduction programs, energy and water conservation programs, procurement practices emphasizing non toxic and recycled materials and products, green business recruitment and recognition, utilization of green building practices and LID strategies in new and remodeled City facilities, and public education.

V. NATURAL ENVIRONMENT

MANAGING THE NATURAL ENVIRONMENT

Policy NE-1.5: Provide to all stakeholders information concerning natural systems and associated programs and regulations. Work toward creating a culture of stewardship by fostering programs that support sound practices, such as low impact development and sustainable building techniques. Model good stewardship techniques in managing trees, streams, wetlands, shorelines and other natural features and systems in the public realm.

By sharing information the City can better serve the interests of both the environment and people. In order to provide a degree of consumer ~~protection~~ awareness, the City should make available information which is based on current knowledge, technology, and appropriate standards and practices; as well as data regarding known natural resources and potential natural hazards.

Kirkland can promote public environmental awareness and stewardship of sensitive lands in a variety of ways. The City can ~~support the provision of~~ provide resources and incentives to assist the public in adopting practices that benefit rather than harm natural systems. For example, the City should work with residents, businesses, builders, and the development community to promote low impact development and sustainable building practices. ~~Low impact development techniques minimize surface water runoff by reducing impervious surface and by using landscaping and permeable materials or retaining mature vegetation to absorb water close to the source. Sustainable building practices, such as use of recycled building materials, water reuse, and alternative heating and cooling systems, These practices~~ can lower construction and maintenance costs and enhance human health, as well as benefit the environment.

The City should promote and model these practices and others, including purchasing energy efficient and renewable technology products and services whenever feasible, by maintaining model sensitive area buffers, using current arboricultural techniques for public trees, using and eventually certifying new public facilities through programs fostering sustainable building practices, and by linking Kirkland stakeholders to information sources and programs for notable trees, neighborhood planting events, backyard wildlife, and streamside living.

The City can also increase awareness by allowing access where appropriate to sensitive areas for scientific and recreational use while protecting natural systems from disruption. Careful planning of access trails, and the installation of environmental markers and interpretive signs can allow public enjoyment of lakes, streams, or wetlands and increase public awareness of the locations, functions and needs of sensitive areas. In the case of large scale projects on sensitive sites, the City can require developers to provide additional materials, such as brochures, to inform owners and occupants of the harmful or helpful consequences of their actions in or near sensitive areas and buffers.

Policy NE 1.6: Encourage sustainable building and low impact development practices in public and private development.

Low impact development (LID) techniques minimize surface water runoff by reducing impervious surface and by using landscaping and permeable materials or retaining mature vegetation to absorb water close to the source. LID strives to mimic nature by minimizing impervious surface, infiltrating surface water through bio-filtration and bio-retention facilities, retaining contiguous forested areas and maintaining the character of the natural hydrologic cycle. Sustainable or green building practices cover all aspects of development, including

site preparation and layout, material selection and building construction, deconstruction of existing buildings, and operation and maintenance.

Utilizing these practices has many benefits: construction and maintenance costs are lowered; water quality is improved; surface water runoff is reduced and treated; stream and fish habitat impacts are lessened; native trees and other vegetation are preserved; and recycled materials are used. Some examples of the practices include integrated building and site design, vegetated roofs, reduced impervious surface, reused waste water for irrigation, alternative heating and cooling systems, and recycled building materials and landscaping used to reduce heat emissions and to treat surface runoff. The practices may evolve over time as the market, science and technology changes.

The City recognizes that modeling sustainable building practices in the construction of public facilities will set the tone for private development to reduce waste, preserve resources and increase energy efficiency. The City should strive to create a green building program that innitially incorporates green building construction into new or renovated City faciities, with the goal of eventually requiring certification through the LEED, BUILT GREEN, or other programs fostering sustainable building practices. The City should also provide incentives and standards for private development to utilize green building practices. Incentives could include priority permit processing for certified green building projects. Increased public awareness of sustainable building practices can be accomplished with educational materials, outreach to building professionals and citizens, and with public displays designed to explain the various facets of low impact development and green building construction.

Policy NE- 1.7: Encourage reduction, reuse, and recycling in order to reduce the waste stream and save energy.

Development actions to salvage, reuse and/or recycle building construction materials should be promoted and encouraged. This includes not only new construction but deconstruction of existing buildings.

Policy NE-1.68: Strive to minimize human impacts on habitat areas.

The presence and activities of humans can impact habitat in a variety of ways. City policies and regulations strive to ensure that those impacts are avoided, if possible, or at least mitigated. In addition to physical alterations of natural resources, less obvious impacts, such as those from noise and light, should be minimized.

XI. UTILITIES

CITY-MANAGED UTILITIES

Policy U-4.3: Minimize the surface water impacts of development through the use of environmentally “low impact development” techniques.

The City encourages the use of low impact development practices and should identify incentives and evaluate potential changes to land use development regulations and building codes to support and promote low impact development.

Low impact development (LID) is a set of techniques that mimic natural watershed hydrology by slowing, evaporating/transpiring, and filtering water before it reaches a stream channel. LID contrasts with current drainage techniques that collect and convey water to streams quickly – damaging stream channels and degrading water quality.

This approach uses various land planning and design practices to conserve and protect natural resources and reduce infrastructure costs. LID allows land to be developed cost-effectively which helps reduce potential environmental impacts.

Low impact development techniques include the following:

- ◆ Minimize creation of impervious surfaces;
- ◆ Use site soils and vegetation to soak up and filter stormwater runoff;
- ◆ Amend soils with compost to improve water retention,
- ◆ Construct bio-retention swales or cells, which are natural areas that have specifically chosen plants and engineered soils that slow, filter and absorb water,
- ◆ Use of permeable pavement for roadways, driveways and walkways,
- ◆ Use green roofs to minimize runoff from impervious surfaces; and
- ◆ Collect and store water for landscaping or other nonpotable water uses.

When combined, such techniques can greatly reduce the amount of stormwater runoff from developed sites and improve water quality.

~~The City should respond to new low impact technologies and evaluate techniques that may be feasible in Kirkland, and to evaluate possible incentives for use of such techniques.~~

II. VISION/Framework GOALS

INTRODUCTION

FG-5 *Protect and preserve environmentally sensitive ~~areas,~~ areas and reduce greenhouse gas emissions ~~and~~ 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 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. Vegetation preservation throughout the city, particularly on steep hillsides, helps provide soil stability and oxygen to our ecosystem, and prevent 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 green house gas emissions into the atmosphere helps stabilize the climate. Maintaining clean air and water and reducing green house gas emissions provides the community with a healthy environment. Efforts to maintain significant sensitive areas, natural features, the urban forest and vegetation, and clean air and water through active community stewardship, and to curtail climate change as a result of global warming, ~~is~~ are critical to our quality of life.

II. VISION/Framework GOALS

INTRODUCTION

FG-15: Solve regional problems that affect Kirkland through regional coordination and partnerships.

Discussion: Many challenges facing Kirkland and other local communities may only be solved through regional planning, funding and action. Transportation, affordable housing, employment, [climate change](#), and natural resource management are just a few of the issues that need regional coordination. A city-by-city approach often results in impacts on neighboring communities. Interlocal cooperation, consistent standards and regulations between jurisdictions and regional planning and implementation are important to solving these regional issues.

V. NATURAL ENVIRONMENT

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. ~~Air pollution officially exceeds federal health standards in all or part of ten Washington counties, including King County.~~ 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. ~~Motor vehicles are also widely believed to contribute to climate change, also known as global warming.~~ 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 provided additional guidance for a systematic enhancement of a network of pedestrian and bicycle facilities linking important destinations both inside and outside the City. ~~In addition~~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. ~~In addition~~Third, many City vehicles utilize an alternative fuel to reduce pollution and boost fuel efficiency. 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.

Policy NE-5.2: Inventory global warming emissions in City operations and in the community, set reduction targets and create an action plan.

Climate disruption is an urgent threat to the environmental and economic health of our communities. With less than 5% of the world's population, the United States produces more than 25% of the global greenhouse gas emissions, and those emissions are continuing to grow. There is a broad scientific consensus that

Carbon Dioxide (CO2) and other greenhouse gases released into the atmosphere have a profound effect on the Earth's climate and there is clear evidence of human influences on climate due to changes in greenhouse gases. Local government actions taken to reduce greenhouse gas emissions and increase energy efficiency provide multiple local benefits by decreasing air pollution, creating jobs, reducing energy expenditures, and saving money. Seattle, along with a growing number of other U. S. cities, is leading the way by committing to the U. S. Mayors Climate Protection Agreement. On May 17, 2005, Kirkland City Council signed a resolution endorsing the *U. S. Mayors Climate Protection Agreement*.

The City is pursuing five milestones to reduce greenhouse gas emissions in City operations and throughout the community:

1. Conduct a greenhouse gas emissions inventory and forecast to determine the source and quantity of greenhouse gas emissions in the city;
2. Establish a greenhouse gas emissions reduction target;
3. Develop an action plan with both existing and future actions which, when implemented, will meet the local greenhouse gas reduction target;
4. Implement the action plan; and
5. Monitor and report progress.

The Kirkland Council by resolution committed to the following greenhouse gas reduction targets for the Kirkland community and governmental operations:

- Interim: 10% below 2005 levels by 2012
- Primary: 20% below 2005 levels by 2020
- Long-term: 80% below 2007 levels by 2050

IX. TRANSPORTATION

INCREASING TRAVEL OPTIONS

Policy T-3.4: Work cooperatively with Metro, Washington State Department of Transportation and Sound Transit to provide regional and local transit service with linkages between Kirkland neighborhoods, business districts, and other important local and regional



destinations.

Transit service which concentrates on connections within Kirkland and to other Eastside destinations, while maintaining convenient commuter service across the lake, are high priorities. To achieve this, Kirkland should work with the transit providers in making our views known.

Policy T-3.5 Implement the Commute Trip Reduction (CTR) Plan to reduce single occupancy vehicle (SOV) use and vehicle miles traveled (VMT) as set forth in Kirkland's CTR Plan.

The State of Washington Commute Trip Reduction Efficiency Law requires local jurisdictions to develop and implement a plan to reduce both single occupancy vehicle trips and reduce overall vehicle miles traveled. Kirkland's Commute Trip Reduction Plan is a collection of adopted goals and policies, facility and service improvements and strategies about how we will help make progress for reducing drive alone trips and vehicle miles traveled. These strategies will encourage multi-modal transportation in Kirkland. The Plan encourages partnership and coordination with other agencies and employers.

The CTR Plan goals set targets for reductions at affected work sites. The work site must contain 100 or more employees. At a minimum, the City of Kirkland works with CTR affected employers to establish transportation demand management programs to reduce SOV and VMT to meet CTR goals. Kirkland must work cooperatively with the State, Metro, and other local jurisdictions to promote the success of the CTR program.

As part of the CTR program, urban centers may be voluntarily designated to further reduce SOV and/or VMT beyond the basic CTR requirements through a Growth and Transportation Efficiency Center (GTEC) Plan. Totem Lake, as a state designated urban center, is recognized as a GTEC. The purpose of the GTEC is to increase access to the employment and residential centers while reducing the number of drive alone trips. Within the GTEC plan, the pool of affected employers may be expanded beyond CTR affected employers and may also include selected residential uses.

Park and Ride at NE 70th Place

HV.H. TOTEM LAKE NEIGHBORHOOD PLAN

TRANSPORTATION

Goal TL-30: Expand transportation demand management (TDM) measures and improve transit facilities and services.

The use of public transportation as an alternative for people who work, live and shop in the Totem Lake Neighborhood should be encouraged. Increased use of this mode of transportation would help to reduce traffic congestion and parking problems in the neighborhood.

Policy TL-30.1:

Implement an expanded transportation demand management (TDM) program to reduce trip demand in the neighborhood.

TDM seeks to modify travel behavior and encourage economical alternatives to the single-occupant vehicle. The City has an ongoing TDM program that works with employers, including those in the Totem Lake Neighborhood, to reduce single-occupancy vehicle use and vehicle miles traveled. Because traffic congestion is expected to continue to increase in the neighborhood, an expanded TDM program should be implemented. Program options may include TDM goals for retail uses, reduced parking standards, parking pricing, and/or coordination with King County programs to encourage high occupancy vehicle use.

Many components of a successful TDM program could include costs to the City. Financial subsidies to encourage employers to provide vanpools for their employees, or other incentives to reduce the costs of participation for employees are examples of costs the City might incur. The City should explore funding sources available to enable full support of an aggressive TDM program.

Policy TL-30.2:

Consider implementation of the Totem Lake Urban Center as a Growth and Transportation Efficiency Center (GTEC).

The GTEC designation is a voluntary Commute Trip Reduction (CTR) strategy that encourages reduction of Single Occupancy Vehicle (SOV) and/or Vehicle Miles Traveled (VMT) through efficient use of transportation infrastructure and travel demand management strategies discussed above. The purpose of the GTEC is to increase access to the neighborhood while reducing the number of drive alone trips. The GTEC goals to reduce SOV and/or VMT must be more aggressive than those in the Kirkland CTR Plan.

The City of Kirkland can focus on employers and residents that can efficiently use CTR strategies. These strategies are addressed in the draft GTEC Plan.

To qualify for state funding, the City is obligated to provide 100% matching funds towards the implementation of the program. Implementation of this program will require adequate funding.

IV. COMMUNITY CHARACTER

SENSE OF COMMUNITY

Policy CC-1.4: Encourage and develop places and events throughout the community where people can gather and interact.

Places where people can gather and interact are an important part of building community. They provide comfortable areas where people can come together. Some, including parks, community centers, streets, and sidewalks, are developed and maintained by the City. Others, such as cafes, theaters, pedestrian-friendly shopping districts, facades, building entrances and plazas, should be encouraged by the City through development regulations.

Public art (any work of art or design specifically sited in a public place) can energize public spaces or bring a sense of calm to a hectic lifestyle. The City should encourage private developers to integrate public art into office, retail and multi-family projects. In addition, the City should seek opportunities to incentivize integrated art with an emphasis on development in design districts because they are highly visible, mixed-use, pedestrian oriented areas that are focal points for community activity. The review criteria for Planned Unit Developments should be expanded to include public art among the list of potential project benefits.

Community events such as outdoor markets, celebrations, fairs, and annual festivals also provide a sense of community, history, and continuity. The City should encourage these events.

Policy CC-1.6: Create a supportive environment for cultural activities.

Cultural activities are more than just amenities; they are also an expression of identity for both the community as a whole and the individuals within. Cultural activities and the arts contribute to the economic vitality of the community by attracting tourism and businesses that want to locate in a community with valued amenities. Kirkland has a growing reputation as a center for the arts in the Puget Sound region. The City's Cultural Council is a resource and partner for those agencies and individuals interested in expanding the arts in our community. Under the guidance of the City's Cultural Council, the City has a public arts program, which includes donations and loans from private citizens as well as City-owned pieces. These pieces of sculpture and other art objects are displayed around Kirkland and at City Hall. The City has ~~can~~ committed to further promote the public arts program by incorporating art into new City facilities and-through earmarking one percent of major capital improvement project funds toward the arts.

The Kirkland Performance Center offers exposure to the performing arts, as do community and educational organizations. There are also a number of private galleries and classes offered. These public and private enterprises provide educational tools that can bring people together and foster a sense of community spirit and pride. Where possible, the City should continue to encourage partnerships and provide support to these and similar efforts including those related to youth activities, science, music and literature.

BUILT AND NATURAL ENVIRONMENT

Policy CC-4.3: Encourage quality designs for institutional and community facilities that reinforce their symbolic importance and create distinctive reference points in the community.

Schools, churches, libraries and other civic buildings serve as meeting places and play an important role in the community. These public and semipublic buildings should display exemplary design with attention to site planning, building scale, landscaping, pedestrian amenities, ~~and~~ building details, and opportunities for integrating art into the project. They should be compatible with the neighborhood in which they are located, but can also provide a neighborhood landmark. Community structures such as City Hall or the Library should be designed to be landmarks for the City as a whole.

Policy CC-4.7: Enhance City and neighborhood identity through features that provide a quality image that reflects the City's unique characteristics and vision.

Kirkland and its neighborhoods are special places. Each neighborhood has a distinctive identity which contributes to the community's image. Appropriate transitions are also necessary to distinguish the City from surrounding jurisdictions. Community signs, public art, and other gateway treatments such as landscaping are methods of identification that contribute to the visual impressions and understanding of the community. Other identification methods and entranceway treatments can communicate the City's origin and history, economic base, physical form, and relation to the natural setting.

X. PARKS, RECREATION, AND OPEN SPACE

RELATIONSHIP TO PARK, RECREATION, AND OPEN SPACE COMPREHENSIVE PLAN

Goal PR-1: To acquire, develop, and redevelop a system of parks, recreation facilities, and open spaces that is attractive, safe, functional, and accessible to all segments of the population.

The basis of Kirkland's parks system is the provision of diverse recreation opportunities and experiences for all Kirkland residents. Specifically, the open space, parks, park facilities, and recreation programs serve the following purposes:

- (1) To contribute to the overall quality of life for Kirkland residents by providing facilities and programs for both active and passive recreation.
- (2) To improve the aesthetics of the City, including ornamental plantings, [public art](#) and other beautification efforts.

XII.A. PUBLIC SERVICES ELEMENT

Fire, Police and Solid Waste Collection

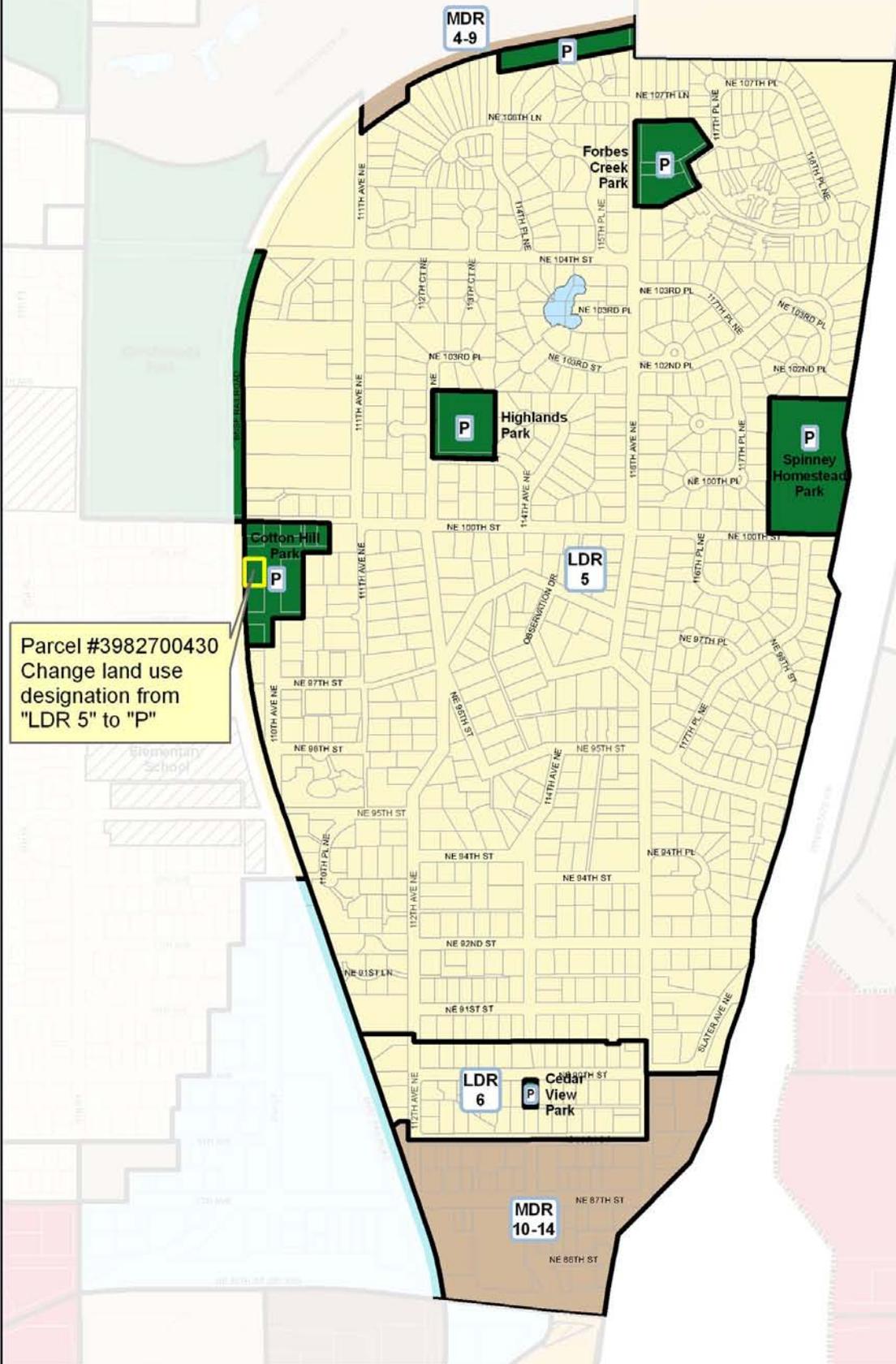
Policy PS-1.6: Ensure compatibility in scale and design with surrounding uses by reviewing new public facilities for compliance with adopted urban design



principles.

Kirkland City Hall

The design of City facilities should accurately reflect the City's philosophy. For example, City Hall has been designed to reflect the scale of the residential neighborhood to the north, while providing territorial views from within. Other facilities, like fire stations, should be responsive to the scale and other qualities of the residential neighborhoods in which they are located. Public art should be incorporated to improve the aesthetics, whether as an integral part of the architecture, through landscaping or by applying other techniques.



Parcel #3982700430
Change land use designation from "LDR 5" to "P"

LAND USE CODES

- C - COMMERCIAL
- IND - INDUSTRIAL
- LMP - LIGHT MANUFACTURING PARK
- 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
- IBD - JUANITA BUSINESS DISTRICT

Highlands Neighborhood Land Use Map

ORDINANCE NO. 4084
ADOPTED by the Kirkland City Council
February 6, 2007

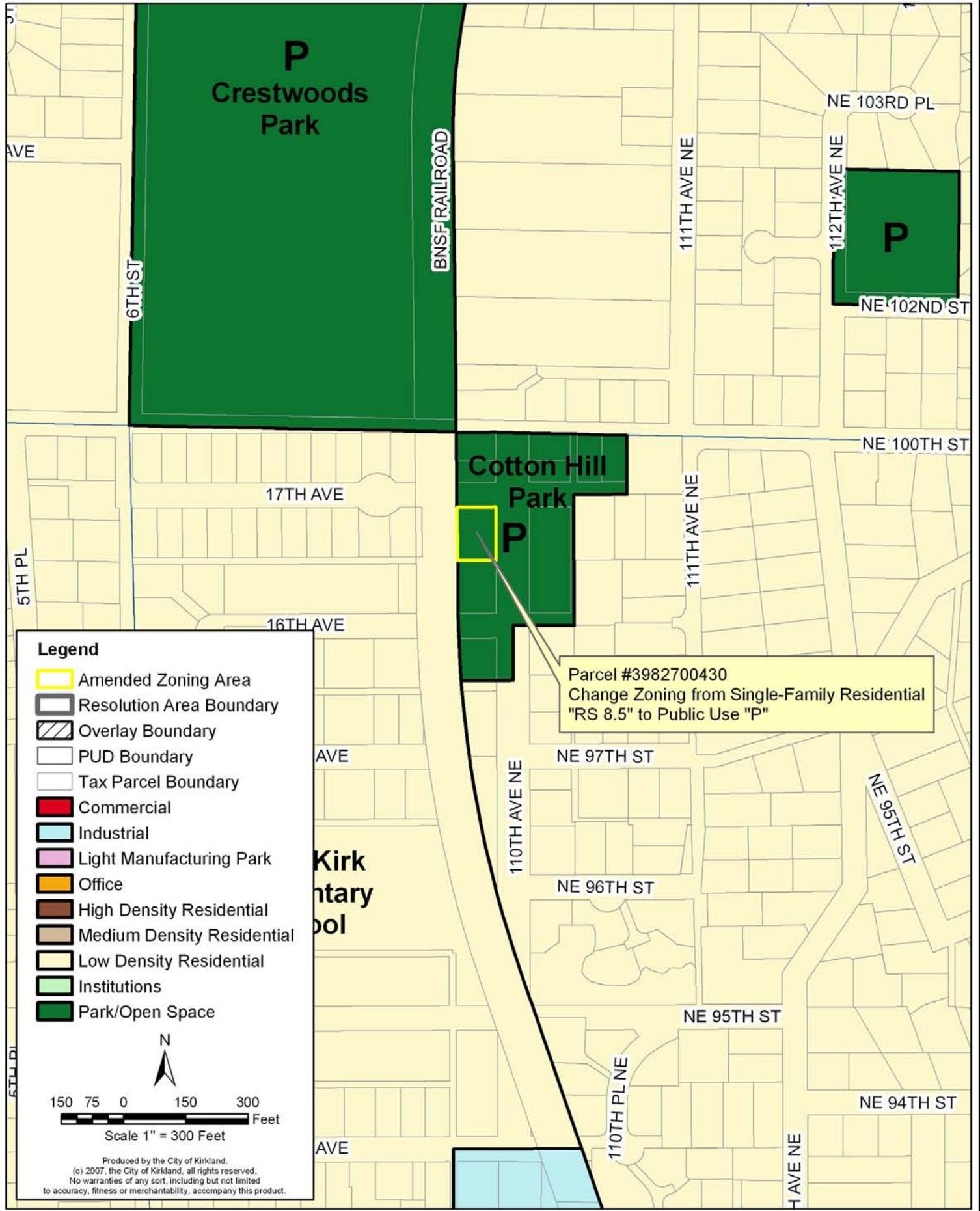
LAND USE BOUNDARIES	PARCEL BOUNDARIES
SUBAREA BOUNDARY	PLANNED AREA NUMBER
TOTEM CENTER	LAND USE CODE
PUBLIC FACILITIES	DENSITY (UNITS/ ACRE)

NOTE: WHERE NOT SHOWN, NO DENSITY SPECIFIED
* INDICATES CLUSTERED LOW DENSITY



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Zoning Map Change

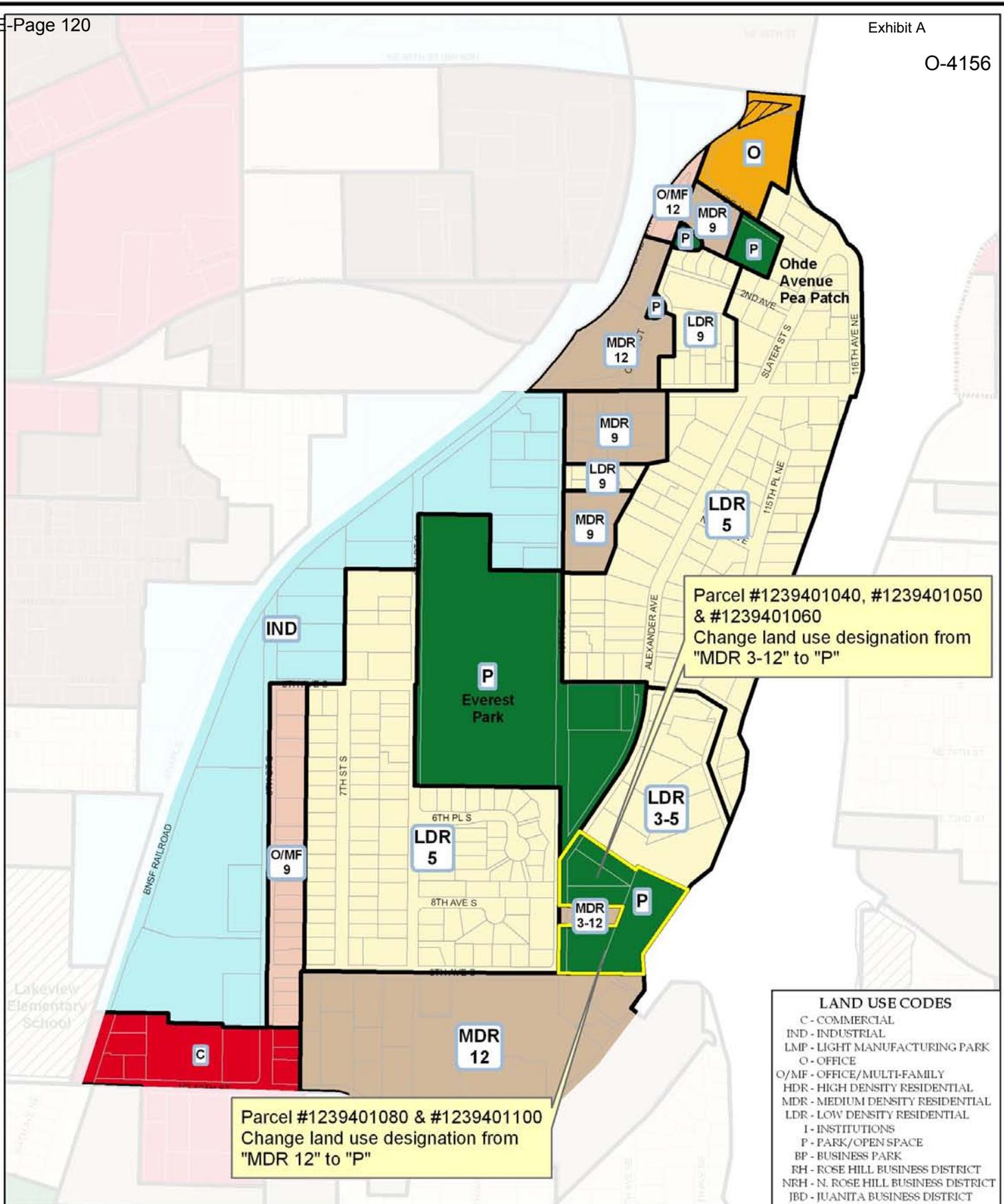


Legend

- 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
- Park/Open Space

Scale 1" = 300 Feet

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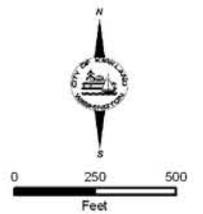


Everest Neighborhood Land Use Map

ORDINANCE NO. 4084
 ADOPTED by the Kirkland City Council
 February 6, 2007

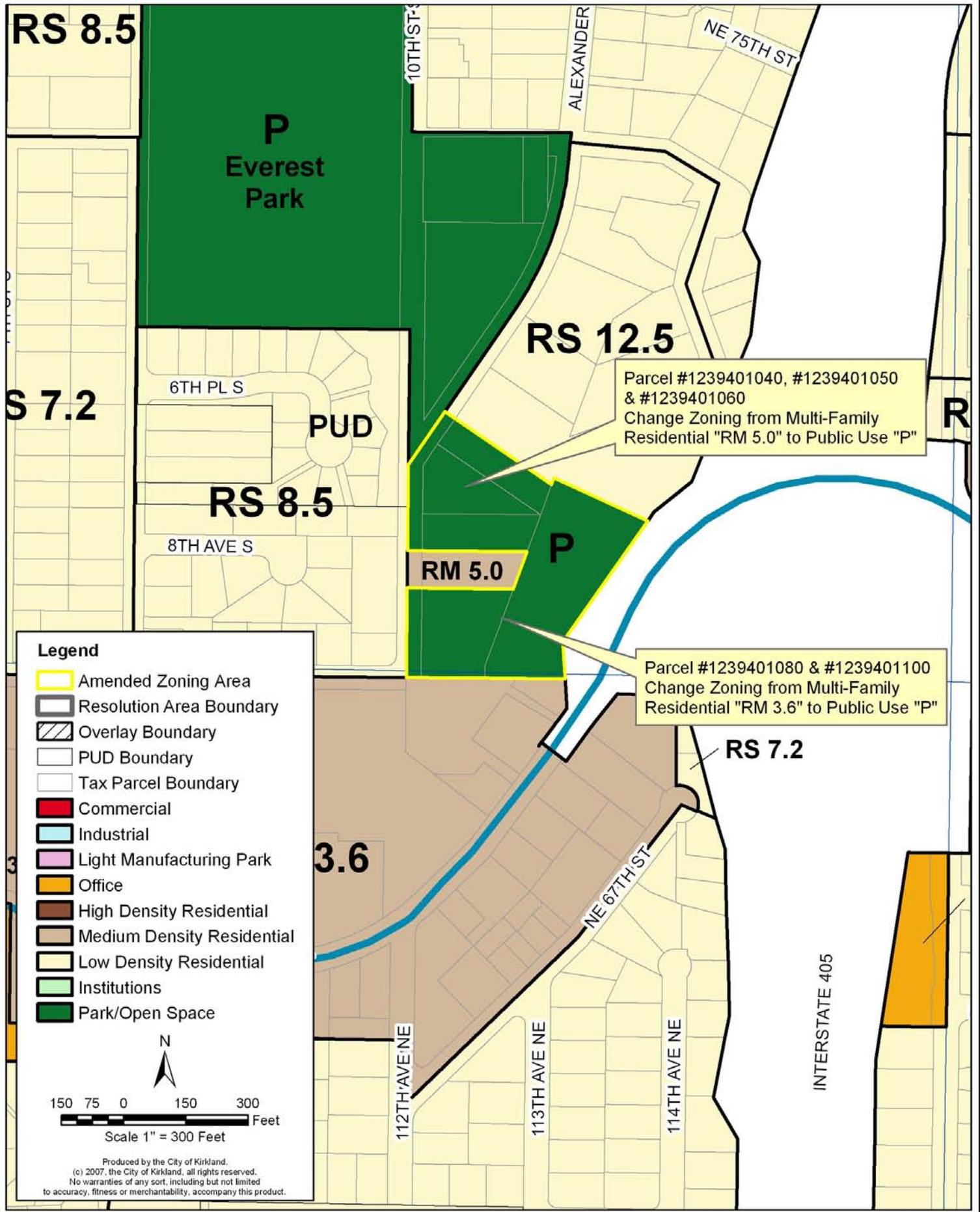
LAND USE BOUNDARIES	PARCEL BOUNDARIES
SUBAREA BOUNDARY	PLANNED AREA NUMBER
TOTEM CENTER	LAND USE CODE
PUBLIC FACILITIES	DENSITY (UNITS/ ACRE)

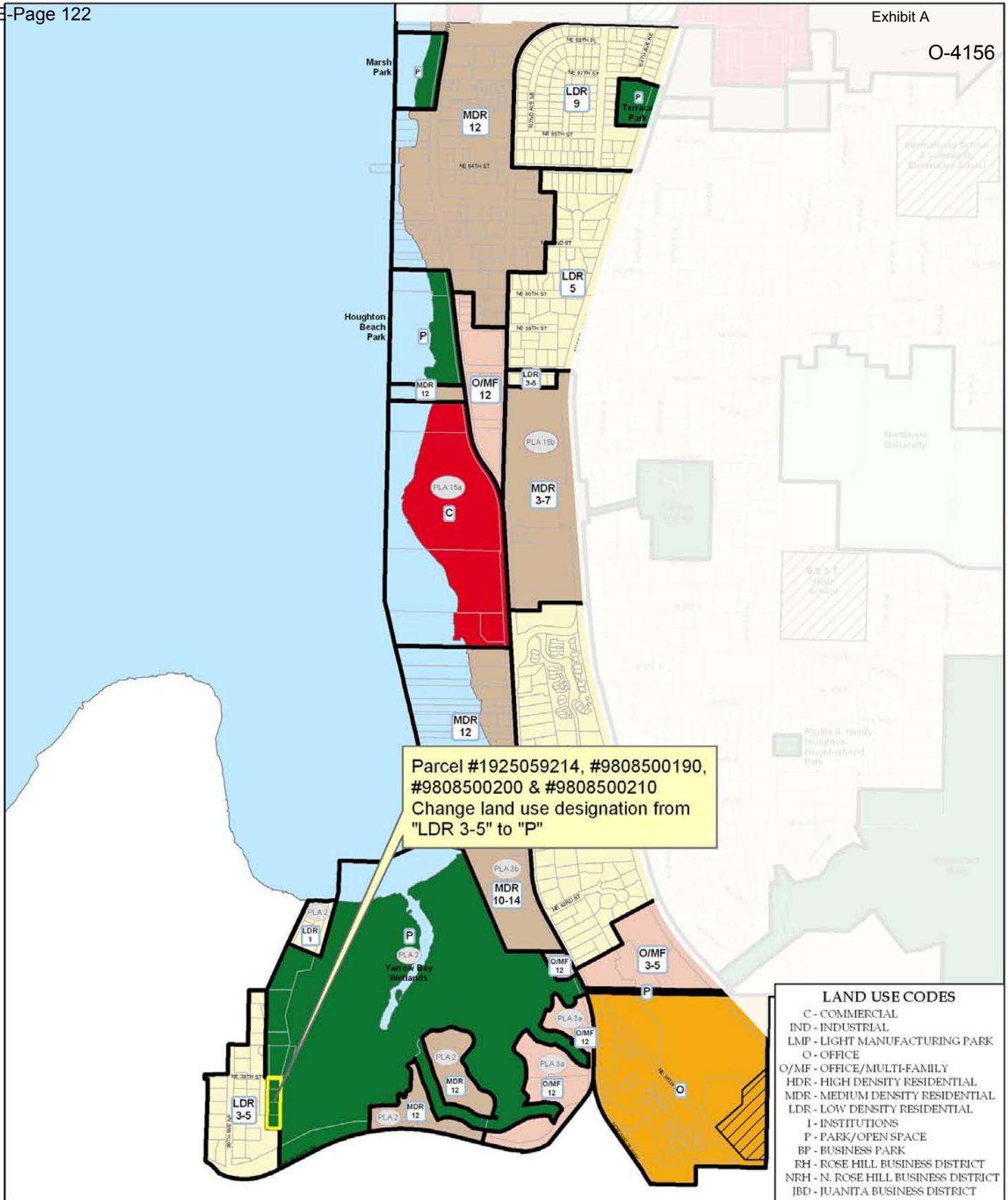
NOTE: WHERE NOT SHOWN, NO DENSITY SPECIFIED
 * INDICATES CLUSTERED LOW DENSITY



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Zoning Map Change





LAND USE CODES

- C - COMMERCIAL
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- O - OFFICE
- O/MF - OFFICE/MULTI-FAMILY
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- 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

Lakeview Neighborhood Land Use Map

ORDINANCE NO. 4084
ADOPTED by the Kirkland City Council
February 6, 2007

LAND USE BOUNDARIES	PARCEL BOUNDARIES
SUBAREA BOUNDARY	PLANNED AREA NUMBER
TOTEM CENTER	LAND USE CODE
PUBLIC FACILITIES	DENSITY (UNITS/ ACRE)

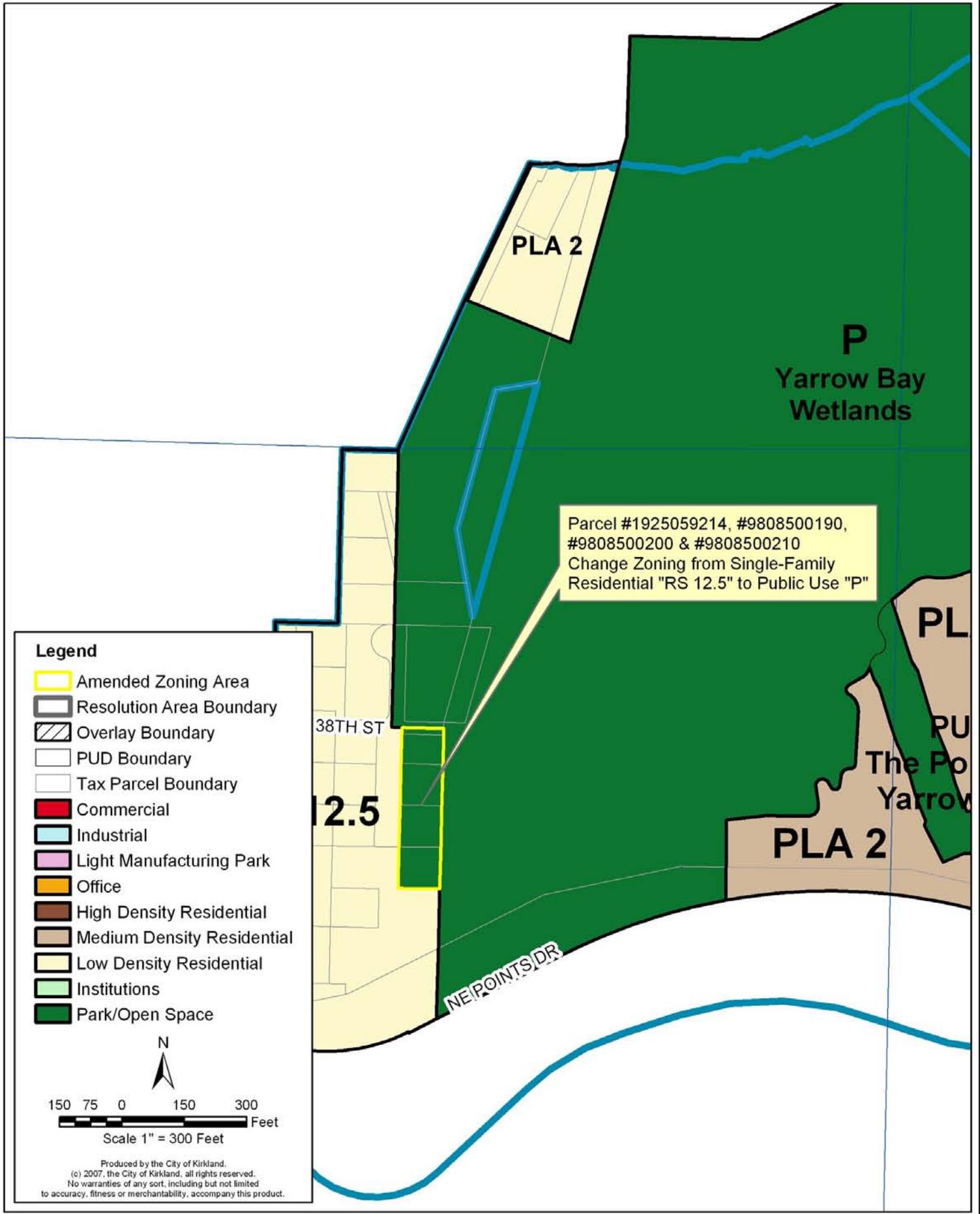
NOTE: WHERE NOT SHOWN, NO DENSITY SPECIFIED
* INDICATES CLUSTERED LOW DENSITY



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Zoning Map Change

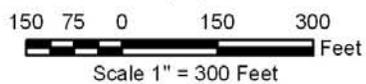
O-4156



Parcel #1925059214, #9808500190,
 #9808500200 & #9808500210
 Change Zoning from Single-Family
 Residential "RS 12.5" to Public Use "P"

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
- Park/Open Space

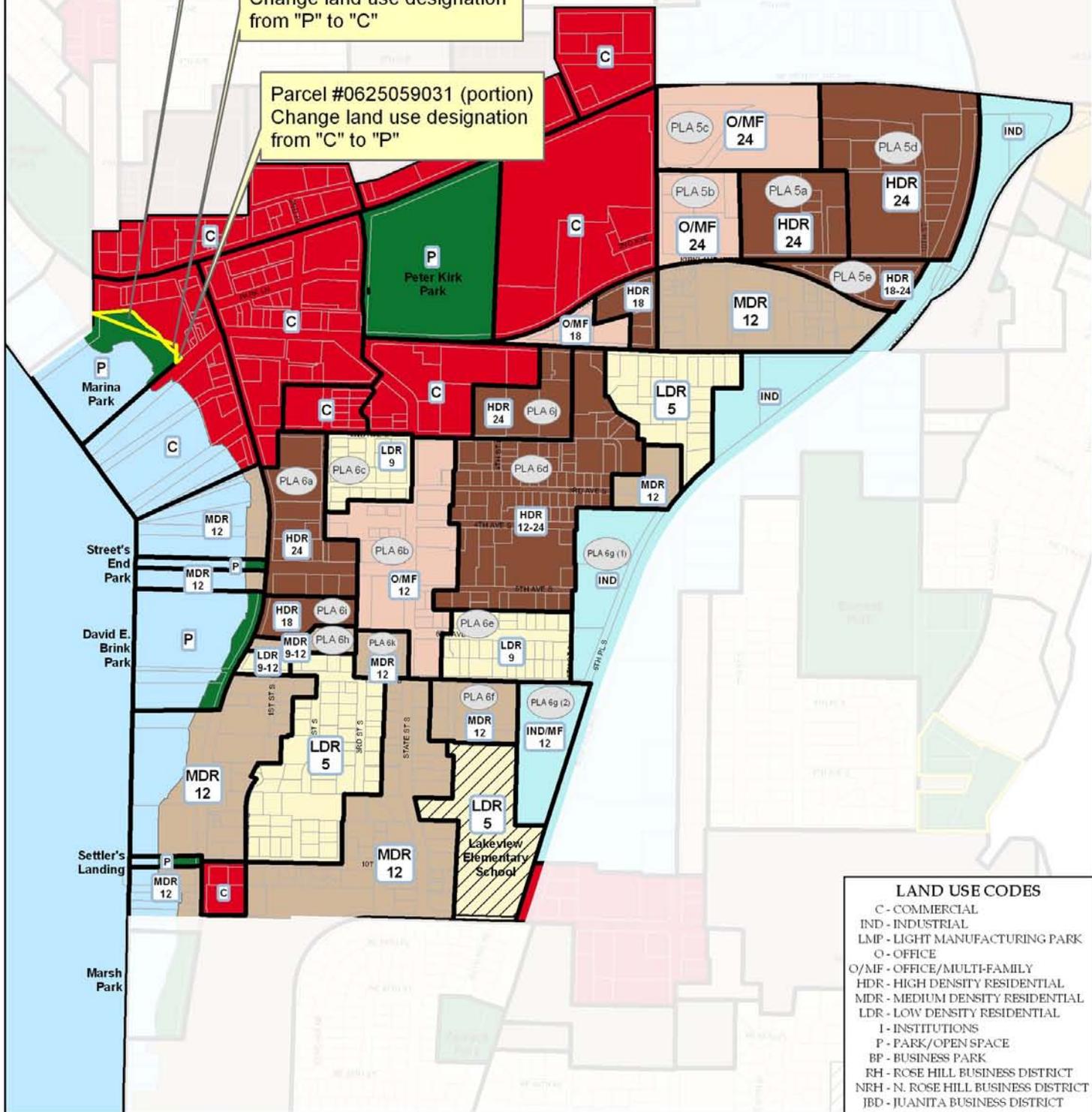


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Parcel #0625059031 (portion)
Change land use designation
from "C" to "P"

Parcel #0625059031 (portion)
Change land use designation
from "P" to "C"

Parcel #0625059031 (portion)
Change land use designation
from "C" to "P"



LAND USE CODES

- C - COMMERCIAL
- IND - INDUSTRIAL
- LMP - LIGHT MANUFACTURING PARK
- 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

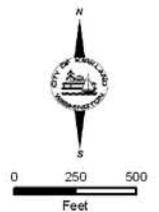
Moss Bay Neighborhood Land Use Map

ORDINANCE NO. 4084
ADOPTED by the Kirkland City Council
February 6, 2007

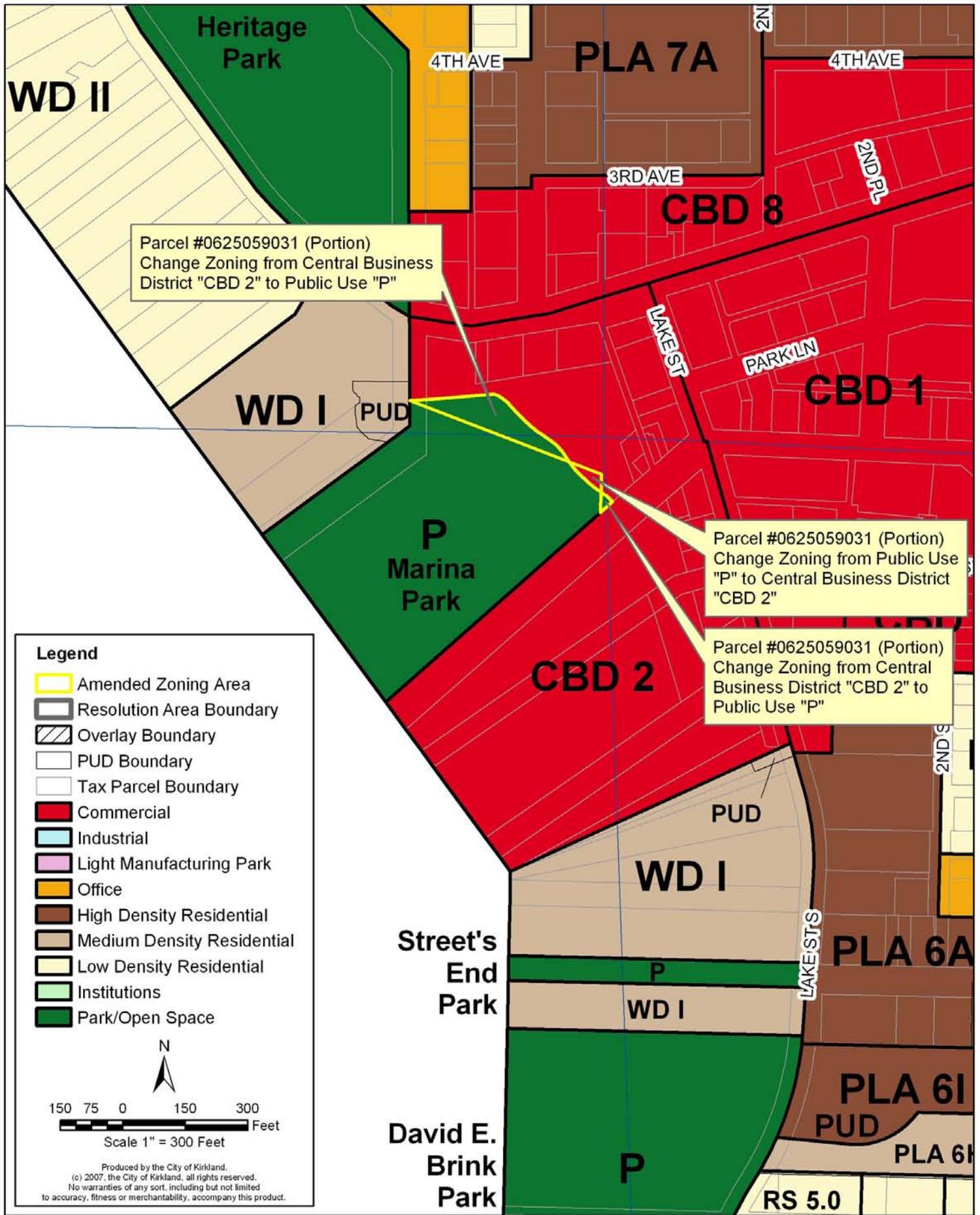
LAND USE BOUNDARIES	PARCEL BOUNDARIES
SUBAREA BOUNDARY	PLANNED AREA NUMBER
TOTEM CENTER	LAND USE CODE
PUBLIC FACILITIES	DENSITY (UNITS/ACRE)

NOTE: WHERE NOT SHOWN, NO DENSITY SPECIFIED
* INDICATES CLUSTERED LOW DENSITY

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Zoning Map Change



Parcel #0625059031 (Portion)
Change Zoning from Central Business District "CBD 2" to Public Use "P"

Parcel #0625059031 (Portion)
Change Zoning from Public Use "P" to Central Business District "CBD 2"

Parcel #0625059031 (Portion)
Change Zoning from Central Business District "CBD 2" to Public Use "P"

Legend

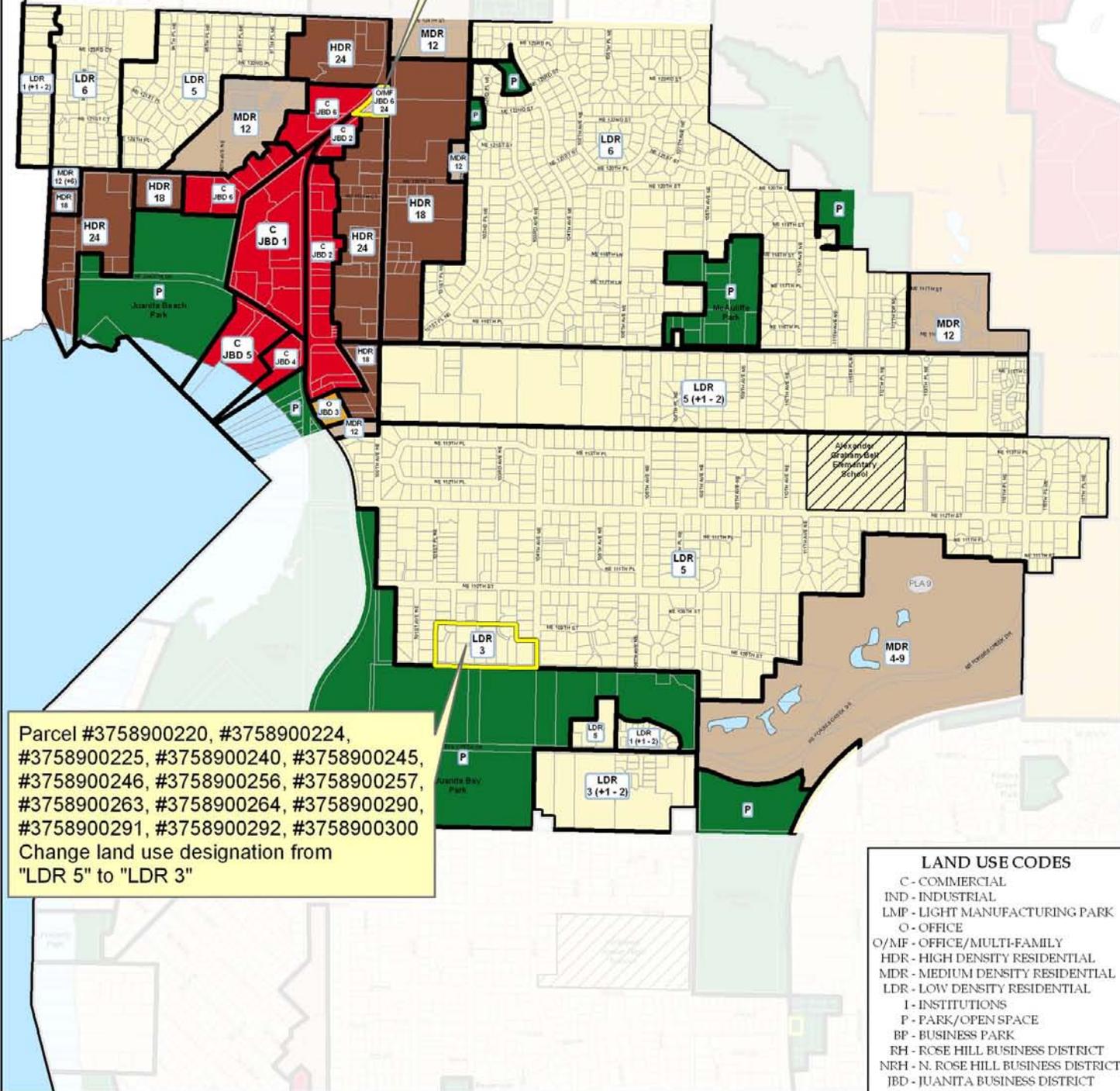
- Amended Zoning Area
- Resolution Area Boundary
- Overlay Boundary
- PUD Boundary
- Tax Parcel Boundary
- Commercial
- Industrial
- Light Manufacturing Park
- Office
- High Density Residential
- Medium Density Residential
- Low Density Residential
- Institutions
- Park/Open Space

N
↑

150 75 0 150 300
Feet
Scale 1" = 300 Feet

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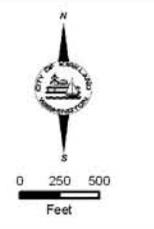
Parcel #3756900105 & #3756900106
 Change land use designation from
 Juanita Business District "JBD 6" Commercial
 to "JBD 6" Office/Multi-Family, 24 du/acre



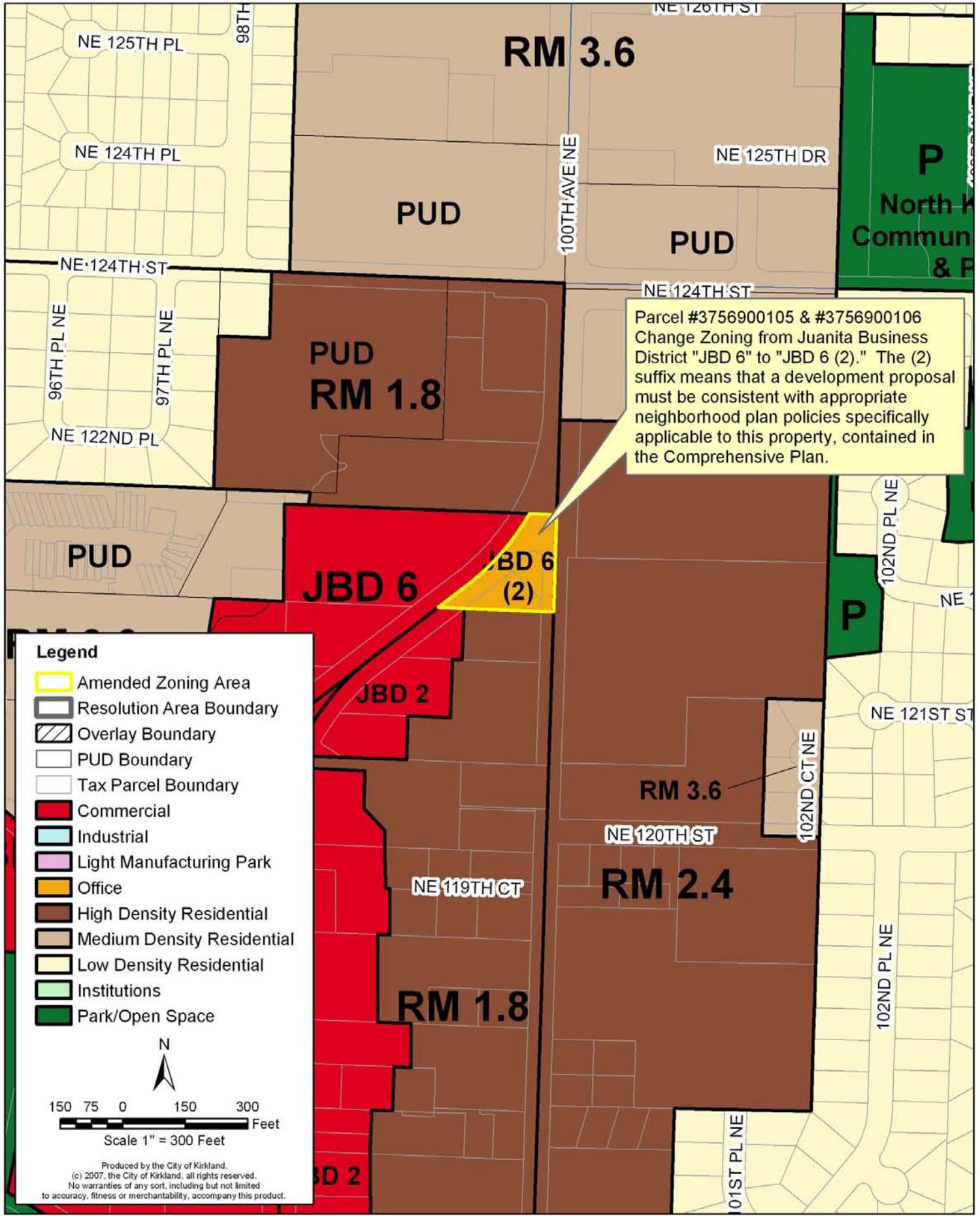
South Juanita Neighborhood Land Use Map

ORDINANCE NO. 4084
 ADOPTED by the Kirkland City Council
 February 6, 2007

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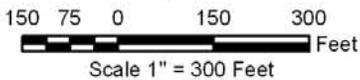


Zoning Map Change



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
- Park/Open Space



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I. INTRODUCTION

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 ~~most~~ many of the neighborhood plans were adopted prior to the 1995 Plan update ~~and all were adopted prior to the 2004 Plan~~, 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 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.

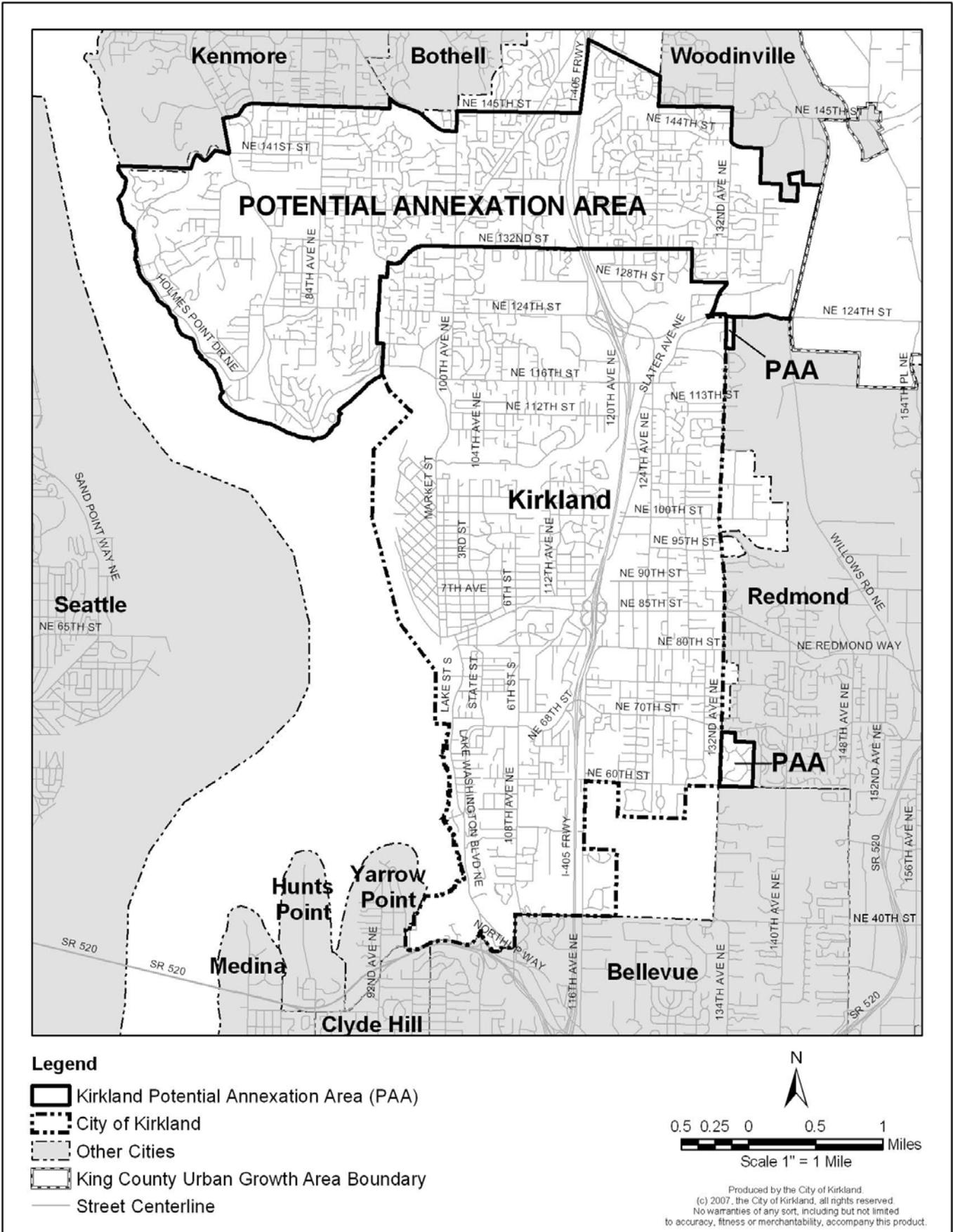


Figure I-2: City of Kirkland Planning Area

IV. COMMUNITY CHARACTER

HISTORIC RESOURCES

List B: Properties Designated by the City 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
Sutthoff 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
<u>First /Baptist Church / American Legion Hall</u>	138 5th Ave.	Vernacular	<u>1891 / 1931</u> <u>1934</u>	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

O-4156

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 First Street	Classic Vernacular	1923		Norkirk
Houghton Church Bell (Object)	105 5th Avenue (Kirkland Congregational Church)	Pioneer/ Religion	1881	Mrs. William S. Houghton	Norkirk
Captain Anderson Clock (Object)	NW Corner of Lake Street and Kirkland Avenue	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 Street (McAuliffe Park)	Residential Vernacular	1887	Harry Langdon	South Juanita
Ostberg Barn	10836 NE 116th Street (McAuliffe Park)	Barn	1905	Agriculture	South Juanita
Johnson Residence	10814 NE 116th Street (McAuliffe Park)	Vernacular influenced by Tudor Revival	1928	Agriculture	South Juanita

IV. COMMUNITY CHARACTER

HISTORIC RESOURCES

Policy CC-2.3: Provide encouragement, assistance and incentives to private owners for preservation, restoration, redevelopment, reuse, and recognition of significant historic 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 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;
- ◆ ~~Develop~~ Maintain an interlocal agreement with King County that ~~would~~ provides utilization of the County's expertise in administering historic preservation efforts and makes owners of Kirkland's historic properties 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;
- ◆ Encourage property owners to utilize government incentives available for historic 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 and individual structures, should be expanded. ~~While Historic-historic~~ street signs ~~could be have been~~ hung along with existing street signs, ~~and~~ 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.

~~*Policy CC-2.6: Support a program and strategy for the Centennial celebration of the City.*~~

~~The City should provide leadership and example by its own actions and programs. An event such as the 2005 City celebration of its 100th anniversary of incorporation will provide a wonderful opportunity to focus the community's energy and resources on preserving and enhancing its historic resources.~~

V. NATURAL ENVIRONMENT

Natural Water Systems

Policy NE-2.1: Using a watershed-based approach, apply best available science in formulating regulations, incentives, and programs to maintain and, to the degree possible, improve the quality of Kirkland's water resources.

Kirkland's Streams, Wetlands, and Wildlife Study (July, 1998) is a natural resource inventory of wetlands, streams, fish, wildlife, and habitat areas within Kirkland. A drainage basin or watershed approach was used to identify Kirkland's drainage systems, to determine Primary and Secondary Basins, and to evaluate and record the primary functions, existing problems and future opportunities for each drainage basin. This data and analysis forms a scientific basis for system-wide resource management that addresses the distinct characteristics of each basin. The inventory was updated in 2003, with the production of the Natural Resource Management Plan. Figure NE-1 indicates general locations of known sensitive areas and drainage basin boundaries. This study ~~will be~~ supplemented by technical information from the Water Resource Inventory Area (WRIA) 8 Salmon Conservation Planning effort and the City's ~~updated~~ Surface Water Master Plan, ~~which is scheduled to be completed in 2004.~~

Policy NE-2.2: Protect surface water functions by preserving and enhancing natural drainage systems wherever possible.

Urban development, through addition of impervious surface and removal of vegetation, increases the volume and rate and decreases the quality of stormwater runoff. This often results in flooding that threatens safety and property, and results in damage to the aquatic environment. Water quality is reduced when flooding causes erosion, and when water is not filtered through soils and vegetation prior to entering streams and lakes. Steps to limit this damage include:

Minimize creation of new impervious surfaces;

Maximize use of soils and vegetation in slowing and filtering runoff; Install structural flow control facilities at new or re-developing sites where appropriate to mimic the pre-development hydrologic regime;

Prohibit non-essential development activity in and around watercourses. Preserve the natural drainage system to the greatest extent feasible and prohibit non-essential structures, land modifications, or impervious surfaces in the drainage system to assist in ensuring unimpeded flow, maximal stream storage capacity, and optimal natural functioning within the drainage area; and

Implement programs and projects to remedy flooding and habitat destruction caused by uncontrolled flows from past development. Using a basin planning process and a watershed perspective, identify projects and programs to reduce flood frequency, address/prevent erosion problems, and restore/enhance fish habitat.

Specific information on the technical and programmatic aspects of surface water management ~~will be~~ contained in the City's *Surface Water Master Plan*, ~~which is scheduled to be completed in 2004.~~

V. NATURAL ENVIRONMENT

Natural Water Systems

Policy NE-2.6: Regulate development of land along the shoreline of Lake Washington to: Preserve the resources and ecology of the water and shorelines;

Avoid natural hazards;

Promote visual and physical access to the water;

Preserve navigation rights; and

Minimize the creation of armored shorelines, and 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, 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), adopted pursuant to the Washington State Shoreline Management Act of 1971, designates all parcels along Lake Washington as Shoreline Environments. The detailed regulations in Kirkland's SMP implement this policy. Pursuant to Washington state requirements, Kirkland's Shoreline Master Program will be updated by December 1, ~~2009~~2010.

V. NATURAL ENVIRONMENT

NATURAL WATER SYSTEMS

Policy NE-2.7: Support regional watershed conservation efforts

The federal listing of Puget Sound wild Chinook salmon as a threatened species in 1999, has focused attention on salmon. In addition to the economic, recreational, and cultural value of salmon, they are also a widely accepted indicator of the level of our region's environmental health, because their survival requires that they migrate throughout the watershed – from freshwater headwaters to the marine environment and back again. The decline of salmon points to the need to improve the quality of habitat in the watersheds that drain to Puget Sound.

In the Lake Washington/Cedar River/Lake Sammamish Watershed, Kirkland ~~has~~ joined with 26 other local jurisdictions ~~to sign an interlocal agreement~~ to fund a joint planning effort to conserve salmon habitat in the shared watershed. ~~It is anticipated that the~~The resulting watershed conservation plan, The Lake Washington/Cedar River/Lake Sammamish Watershed (WRIA 8) Chinook Salmon Conservation Plan, was developed through a multi-jurisdictional, multi-stakeholder process with a scientific basis, ~~will be~~ and was approved by Kirkland in 2005.

Incorporated into the Puget Sound Salmon Recovery Plan, approved by NOAA in 2007, it is implemented by the participating local governments in the watershed as they update their policies, regulations, and programs (e.g. capital facilities and road management practices), for critical areas, shorelines, drainage, and clearing/grading to be consistent with the conservation plan. It seeks to provide ~~Completion of the Lake Washington/Cedar River/Lake Sammamish watershed conservation plan is scheduled for June 2004. Once finished, that plan will be joined with the conservation plans of several neighboring watersheds in 2005 to form~~ a Puget Sound-wide conservation plan for a coordinated approach to restoring the wild Chinook salmon of Puget Sound. Kirkland's role in salmon recovery is to protect and restore habitat within the city limits through land use and stream restoration actions, and to participate in regional recovery efforts through the WRIA 8 Salmon Recovery Council.

VI. LAND USE

C. LAND USE MAP AND DEFINITIONS

While the Land Use Element goals and policies set forth general standards for locating land uses, the Comprehensive Plan Land Use Map (Figure LU-1) indicates, geographically, where certain types of uses may be appropriate.

The Comprehensive Plan Land Use Map identifies areas for a range of housing densities and a variety of nonresidential uses. The Comprehensive Plan Land Use Map contains land use designations reflecting the predominate use allowed in each area. These designations are reflected in a broad variety of zoning districts on the Kirkland Zoning Map. Within some of these land use designations are mixed-use developments.

Land use can be affected by regulations that protect sensitive areas and their buffers and limit development on seismic and landslide hazard areas. The Sensitive Areas Map in the Comprehensive Plan depicts the approximate locations of known sensitive areas which include streams, minor lakes, wetlands, drainage basins, and 100-year floodplains. The geological map in the Comprehensive Plan notes the approximate locations of seismic and landslide hazard areas.

The land use categories mapped on the Comprehensive Plan Land Use Map are:

Low-Density Residential – single-family residential uses from one to nine dwelling units per acre for detached residential structures and one to seven dwelling units per acre for attached residential structures, in certain low density areas where the Plan allows clustered development through a PUD. Detached single-family dwelling units are physically separated by setbacks from other dwelling units. Attached single-family dwelling units, only allowed in specified areas, are physically connected by means of one or more common walls; each unit has its own exterior entrance; dwelling units are not stacked above or below one another; and density and height limitations associated with single-family zoning classifications are met.

Medium-Density Residential – detached residential uses at 10 to 14 dwelling units per acre and attached or stacked residential uses at eight to 14 dwelling units per acre.

IX. TRANSPORTATION ELEMENT

O-4156

*EXISTING CONDITIONS***Table T-1: Transit Routes in Kirkland**

All Day Service	
230	Kingsgate – Kirkland – Bellevue – Overlake – Redmond
234	Kenmore – Juanita – Kirkland – S. Kirkland – Bellevue
236	Woodinville – Totem Lake – Juanita – Kirkland
238	Bothell – Finn Hill – Kingsgate – Rose Hill – Kirkland
245	Kirkland – Overlake – Bellevue – Factoria
<u>248</u>	<u>Kirkland – Rose Hill - Redmond</u>
251	Woodinville – Redmond – Kirkland
254	Kirkland – Rose Hill – Redmond
255	Kingsgate – Kirkland – Seattle
540	Redmond – Kirkland – UW Seattle (Sound Transit)
935	Northshore – Bastyr – Kingsgate
Kirkland @ S. Kirkland Park and Ride Only	
220	Redmond – S. Kirkland – Bellevue
<u>249</u>	<u>Bellevue – S. Kirkland - Overlake</u>
256	Overlake – S. Kirkland – Seattle
Peak Commuter Routes	
252	Evergreen – Kingsgate – Houghton – Seattle
257	Brickyard – Kingsgate – Houghton – Seattle
260	Kenmore – Juanita – Houghton – Seattle
265	Redmond – Houghton – Seattle
277	Juanita – Kingsgate – Houghton – UW Seattle
291	Kingsgate – Redmond
Peak Metro Routes that Serve I-405 Freeway Stations	
237	Woodinville – Kingsgate – Houghton – Bellevue
342	Shoreline – Bothell – Brickyard – Houghton – Bellevue
Sound Transit I-405 Service	
530	Bellevue – Houghton – Kingsgate – Canyon Park – Everett Station
532	Bellevue – Houghton – Kingsgate – Canyon Park – Lynnwood
535	Bellevue – Houghton – Kingsgate – Bothell – Canyon Park – Everett Station

IX. TRANSPORTATION ELEMENT

O-4156

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535	Bellevue – Houghton – Kingsgate – Bothell – Canyon Park – Everett Station

PUBLICATION SUMMARY
OF ORDINANCE NO. 4156

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO COMPREHENSIVE PLANNING AND LAND USE AND AMENDING THE COMPREHENSIVE PLAN AS PART OF THE 2007-2008 CITY INITIATED COMPREHENSIVE PLAN AMENDMENT PROJECT, (ORDINANCE 3481 AS AMENDED) AND AMENDING ORDINANCE 3710 AS AMENDED, THE KIRKLAND ZONING MAP, AS REQUIRED BY RCW 36.70A.130 TO ENSURE CONTINUED COMPLIANCE WITH THE GROWTH MANAGEMENT ACT, FILE NO. ZON07-00001 I).

SECTION 1. Amends the Comprehensive Plan and Zoning Map as set forth in Exhibit A.

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 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 _____, 2008.

I certify that the foregoing is a summary of Ordinance _____ approved by the Kirkland City Council for summary publication.

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: David Ramsay, City Manager

From: Joan Lieberman Brill, AICP, Senior Planner
Paul Stewart, AICP, Deputy Director

Date: December 4, 2008

Subject: Nakhjiri Private Amendment Request (ZON07-00010)

RECOMMENDATION

Adopt enclosed ordinance 4157 to approve the Nakhjiri Private Amendment Request.

BACKGROUND DISCUSSION

In addition to the Nakhjiri Private Amendment Request (PAR), the following proposals make up this cycle of annual amendments to the Comprehensive Plan and Zoning Code and Map. All will be considered for adoption by separate ordinances on December 16, 2008:

- City initiated Comprehensive Plan Amendment – approved by intent to adopt Resolution 4696
- Nakhjiri Private Amendment Request – approved by Intent to Adopt Resolution 4699
- Hart Private Amendment Request and Totem Lake 9 city initiated Comprehensive Plan Amendment – approved by Intent to Adopt Resolution 4704
- South Kirkland Park and Ride city initiated Comprehensive Plan Amendment – (discussed by City Council at the December 2 meeting)
- Costco Private Amendment Request – (discussed by City Council at the December 2 meeting)

This memorandum addresses the Nakhjiri amendment only. On May 6, 2008, the City Council unanimously adopted Resolution 4699. This resolution established the Council's intent to adopt the proposed revisions to the Comprehensive Plan and Zoning Map into a final adopting ordinance on December 16th. All amendments adopted with [Resolution 4699](#) are attached to the ordinance the Council will be considering for adoption on December 16.

Nakhjiri PAR Background Information

The request is to change the land use designation and zoning of parcels located at 106 and 138 5th Avenue and intervening alley (owned by the City) from RS 5.0 at 9 dwelling units per acre (low density residential) to Planned Area 7A (PLA 7A) at 18 dwelling units per acre (high density residential) so that the zoning boundary line between the RS 5.0 zone and the PLA 7A zone is

Memo to City Council December 16, 2008

December 4, 2008

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extended westward midblock between 5th and 6th Avenues to First Street and includes the entire Kirkland Congregational Church (KCC) site. The Nakhjiri parcel is located at 138 5th Avenue and is the former site of the American Legion Hall. The current owners purchased the property in 2006 and would now like to remove the structure to construct a duplex on the site. The Kirkland Congregational Church is located at 106 5th Avenue. The Church would like to have the future option to replace its existing parking lot with low-income housing units over underground parking. The Church has no immediate plans or schedule for redevelopment.

The Planning Commission unanimously recommended approval of the Nakhjiri private amendment request (PAR) and against the KCC request; 5 in favor and 2 opposed. The Planning Commission's recommended amendment to the Zoning Map and Comprehensive Plan Land Use Map implementing this change, which was confirmed by City Council in the "Intent-to-Adopt" Resolution 4699, is attached as Exhibit A to the ordinance.

While the Nakhjiri rezone should have been considered during the 2006 Norkirk Neighborhood Plan update, the Commission concluded that the logical zoning boundary between low density and PLA 7 is the city owned alley abutting and to the east of the Nakhjiri property. The rezone will result in continuity between the subject property and those parcels immediately to the east and south currently zoned PLA 7A (high density).

The Planning Commission recommended against the KCC request. While the majority of the Commission was sympathetic to the Church's mission and was in support of affordable housing, it felt that the speculative nature of such a fundamental land use change in an area that encroaches into single family would be disingenuous in light of the recently adopted Norkirk Neighborhood Plan.

Resolution 4699, adopted on May 6, 2008, expressed the Kirkland City Council's intent to adopt this PAR later this year. Council directed the effective date to implement the request be delayed until 2009 to provide at least two years from the adoption date of the Norkirk Neighborhood Plan update, which was on Dec. 12, 2006, and to provide time for the Heritage Society or another interested party to work on saving the American Legion building. The final ordinance will set the effective date as May 6, 2009, one year from the date of the adopted Resolution of Intent 4699.

Meetings Associated with the Project

Links to staff memorandums, minutes, and audio/video recordings for all City Council and Planning Commission meetings associated with this proposal, including the City Council adoption of the Resolution of Intent to Adopt 4704, are provided below:

May 6, 2008 [City Council intent to adopt resolution 4699 meeting memo](#) and [minutes and video](#)

April 1, 2008 [City Council meeting minutes and video](#)

March 18, 2008 [City Council meeting memo](#) and [minutes and video](#)

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December 4, 2008

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January 24, 2008 [Planning Commission Public Hearing Memo](#) and [minutes and audio](#)

October 11, 2007 [Planning Commission Study Session Memo](#) and [minutes and audio](#)

August 23, 2007 [Planning Commission Study Session Memo](#) and [minutes and audio](#)

Decisional Criteria for Amending the Comprehensive Plan

Follow this [link](#) to view pages 6 through 7 of the March 5, 2008 City Council meeting memorandum for analysis of the decisional criteria for the Nakhjiri PAR.

SEPA Compliance

State Environmental Policy Act (SEPA) materials for the Hart PAR are available for viewing by following this link to the [Planning Commission January 24 Public Hearing Memo](#), and scrolling down to page 2.

Public Process

In addition to notifying the Seattle Times, the Norkirk Neighborhood Association and the Chamber of Commerce, property owners within 300 feet of the study area were mailed notice and two public notice signs were erected in front of the study area. Additionally, the list serve for the Norkirk Neighborhood Plan update was used to email all subscribers the public notice. All memorandums prepared through the public hearings, were available for viewing on the [project website](#). Additionally, the project website advertised the meeting schedule.

The City Council began the annual review of 2007 – 2008 Private Amendment Requests (PAR's) to amend the Comprehensive Plan on July 17, 2007. At that time, the Council received a Threshold Determination recommendation from the Planning Commission to include the Nakhjiri PAR with those PAR's that met eligibility criteria to proceed to Stage Two review, which entails full analysis and public review. The Council concurred with the Commission's recommendation and directed staff and the Planning Commission to proceed with the Stage Two review. Additionally, based upon a written request from the Pastor at the Kirkland Congregational Church, at their August 7, 2007 meeting the Council directed that the study area be expanded to include a larger area located at 106 5th Avenue, adjoining the American Legion site.

The Planning Commission held two study sessions (August 23 and October 11) leading up to the public hearing on January 24, 2008. A total of 19 neighboring residents provided input either in letter format or spoke at the study sessions and public hearing, expressing their concerns and/or support regarding the proposed changes.

cc:

CC: ZON07-00010

Planning Commission

Mehdi Nakhjiri, 10420 NE 55th Street, Kirkland, WA 98033

Memo to City Council December 16, 2008

December 4, 2008

Page 4 of 4

Youssef Parast, 1534 4th St, Kirkland, WA 98033 parast@comcast.net

Melody B. McCutcheon, HCMP, 500 Galland Building, 1221 Second Ave., Seattle, WA 98101

mbm@hcmp.com

Reverend Dr. Walter John Boris, Pastor, Kirkland Congregational Church, United Church of Christ,

106 Fifth Ave., Kirkland, WA 98033

Norkirk Neighborhood Association

Kirkland Chamber of Commerce

ORDINANCE NO. 4157

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO COMPREHENSIVE PLANNING AND LAND USE AND AMENDING THE COMPREHENSIVE PLAN AS A RESULT OF THE NAKHJIRI PRIVATE AMENDMENT REQUEST ORDINANCE 3481 AS AMENDED, AND AMENDING ORDINANCE 3710 AS AMENDED, 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 ZON07-00010.

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 recommendations from the Kirkland Planning Commission to amend the Kirkland Land Use Map Figure LU – 1, and the Norkirk Land Use Map Figure N-4 of the Comprehensive Plan for the City, Ordinance 3481 as amended, and the Zoning Map, Ordinance 3710 as amended, all as set forth in that certain report and recommendation of the Planning Commission dated March 5, 2008, and bearing Kirkland Department of Planning and Community Development File No. ZON07-00010; and

WHEREAS, prior to making said recommendation the Planning Commission, following notice thereof as required by RCW 35A.63.070, held on January 24, 2008, a public hearing, on the amendment proposals and considered the comments received at said hearing; and

WHEREAS, pursuant to the State Environmental Policy Act (SEPA, there has accompanied the legislative proposal and recommendation through the entire consideration process, a SEPA Addendum to Existing Environmental Documents, issued by the responsible official pursuant to WAC 197-11-600; and

WHEREAS, in regular public meeting the City Council considered the environmental documents received from the responsible official, together with the report and recommendation of the Planning Commission; and

WHEREAS, Council directed the effective date to implement the request be delayed until 2009 to provide at least two years from the adoption date of the Norkirk Neighborhood Plan update, which was on December 12, 2006, to provide time for the Heritage Society or another interested party to work on saving the American Legion building; and

WHEREAS, the effective date of the Comprehensive Plan Map and Zoning Map amendments established by this ordinance will be May 6, 2009, one year from the date of the adopted Resolution of Intent 4699; 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 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. Official Map Change: The Director of the Department of Planning and Community Development is directed to amend the official City of Kirkland Zoning Map to conform with this ordinance, indicating thereon the date of the ordinance passage.

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. Effective Date for Amendments and Map Changes: The Comprehensive Plan and Zoning Map Amendments established in this ordinance shall go into effect as of May 6, 2009.

Section 5. 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 _____, 2008.

SIGNED IN AUTHENTICATION THEREOF this _____ day of _____, 2008.

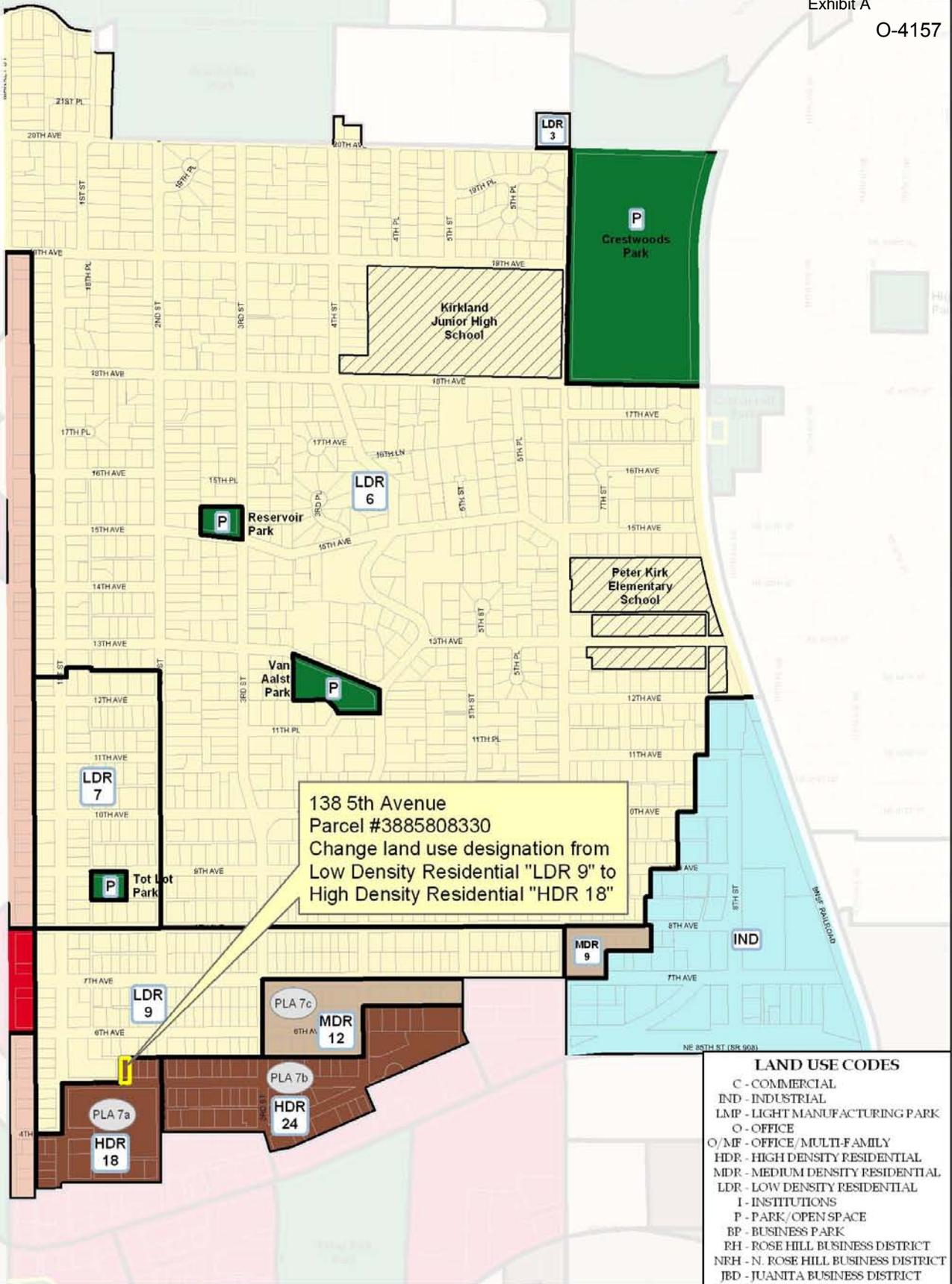
Mayor

Attest:

City Clerk

Approved as to Form:

City Attorney



LAND USE CODES

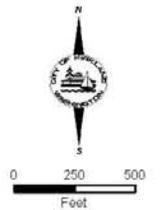
- C - COMMERCIAL
- IND - INDUSTRIAL
- LMP - LIGHT MANUFACTURING PARK
- O - OFFICE
- O/MF - OFFICE / MULTI-FAMILY
- HDR - HIGH DENSITY RESIDENTIAL
- MDR - MEDIUM DENSITY RESIDENTIAL
- LDR - LOW DENSITY RESIDENTIAL
- I - INSTITUTIONS
- P - PARK / OPEN SPACE
- BP - BUSINESS PARK
- RH - ROSE HILL BUSINESS DISTRICT
- NRH - N. ROSE HILL BUSINESS DISTRICT
- JBD - JUANITA BUSINESS DISTRICT

Citywide Land Use and Norkirk Neighborhood Land Use Map

ORDINANCE NO. 4084
 ADOPTED by the Kirkland City Council
 February 6, 2007

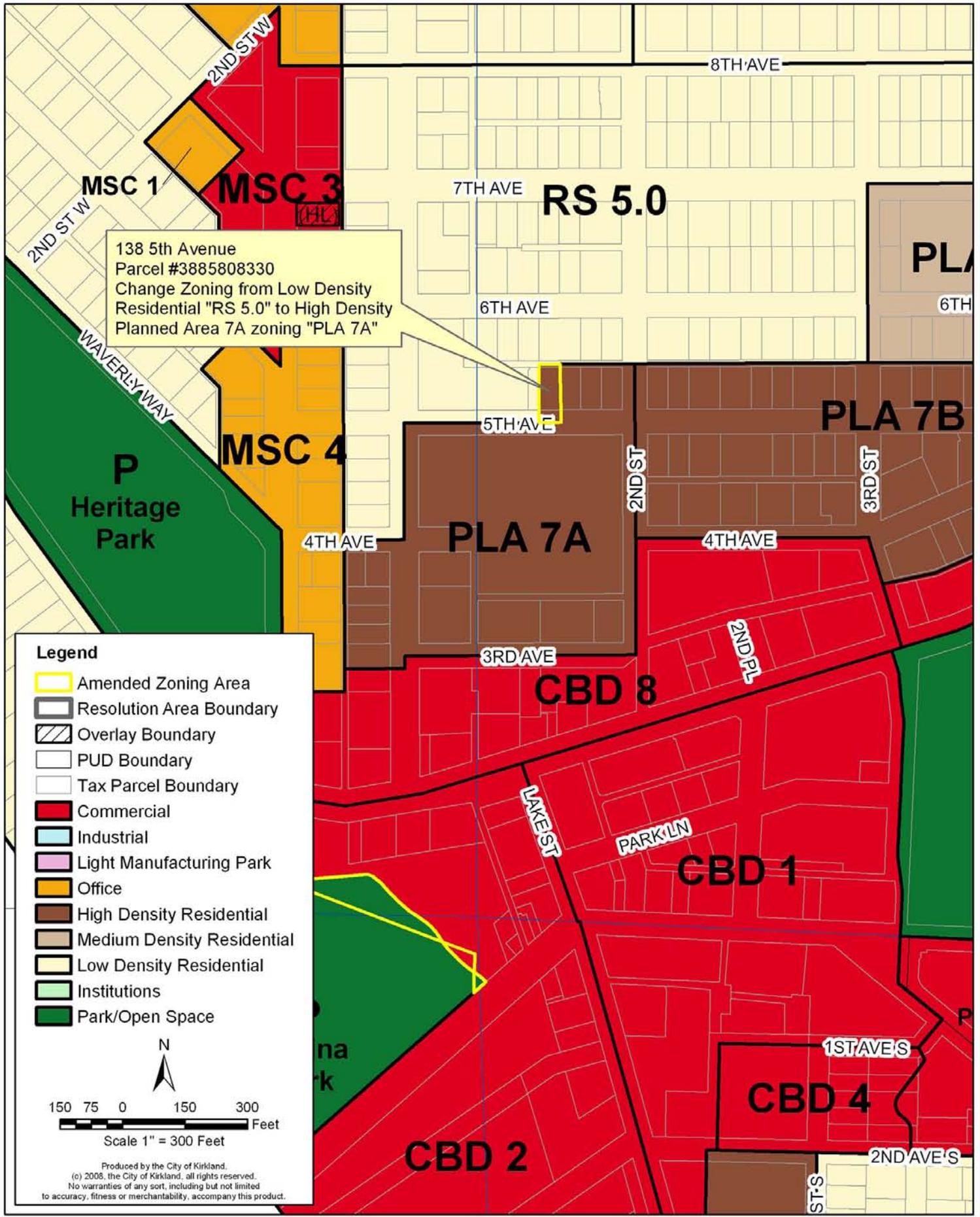
LAND USE BOUNDARIES	PARCEL BOUNDARIES
SUBAREA BOUNDARY	PLANNED AREA NUMBER
TOTEM CENTER	LAND USE CODE
PUBLIC FACILITIES	DENSITY (UNITS/ ACRE)

NOTE: WHERE NOT SHOWN, NO DENSITY SPECIFIED
 * INDICATES CLUSTERED LOW DENSITY



Maps produced February 6, 2008.
 Produced by the City of Kirkland. © 2008, the City of Kirkland, all rights reserved.
 No warranties of any sort, including but not limited to accuracy, fitness or merchantability, accompany this product.

Zoning Map Change



PUBLICATION SUMMARY
OF ORDINANCE NO. 4157

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO COMPREHENSIVE PLANNING AND LAND USE AND AMENDING THE COMPREHENSIVE PLAN AS A RESULT OF THE NAKHJIRI PRIVATE AMENDMENT REQUEST ORDINANCE 3481 AS AMENDED, AND AMENDING ORDINANCE 3710 AS AMENDED, 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 ZON07-00010.

SECTION 1. Amends the Comprehensive Plan and Zoning Map as set forth in Exhibit A.

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. Establishes an effective date for the Comprehensive Plan and Zoning Map amendments of May 6, 2009.

SECTION 5. 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.

SECTION 6. Provides for certification by City Clerk and notification of King County Department of Assessments.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the ____ day of _____, 2008.

I certify that the foregoing is a summary of Ordinance _____ approved by the Kirkland City Council for summary publication.

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: David Ramsay, City Manager

From: Joan Lieberman Brill, AICP, Senior Planner
Jon Regala, AICP, Senior Planner
Paul Stewart, AICP, Deputy Director

Date: December 3, 2008

Subject: TL9 Zoning Implementation (ZON07-00023) and Hart Private Amendment Request (ZON06-00019)

RECOMMENDATION

Adopt the enclosed ordinance 4158 to approve the Hart Private Amendment Request and the Totem Lake 9 Zoning Implementation Project.

BACKGROUND DISCUSSION

The Hart Private Amendment Request (PAR) and the Totem Lake 9 Zoning Implementation amendments are part of this cycle of annual amendments to the Comprehensive Plan and Zoning Code and Map. All will be considered for adoption by separate ordinances on December 16, 2008:

- City initiated Comprehensive Plan Amendment – approved by intent to adopt Resolution 4696
- Nakhjiri Private Amendment Request – approved by Intent to Adopt Resolution 4699
- Hart Private Amendment Request and Totem Lake 9 city initiated Comprehensive Plan Amendment – approved by Intent to Adopt Resolution 4704
- South Kirkland Park and Ride city initiated Comprehensive Plan Amendment – (discussed by City Council at the December 2 meeting)
- Costco Private Amendment Request – (discussed by City Council at the December 2 meeting)

This memorandum addresses the Hart and TL9 amendments only. On June 17, 2008, the City Council unanimously adopted Resolution 4704. This resolution established the Council's intent to adopt the proposed revisions to the Comprehensive Plan, Zoning Code and Zoning Map into a final adopting ordinance on December 16th. Since the results of the Hart PAR are to be incorporated into the final TL 9 zoning charts, both projects were combined into one 'intent-to-adopt' resolution. All amendments adopted with [Resolution 4704](#) are attached to the ordinance the Council will be considering for adoption on December 16.

Memo to City Council December 16 meeting@

December 4, 2008@

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TL9 Zoning Implementation Project Background Information

The Totem Lake Neighborhood Plan update was approved in January 2002. Since then the City has been implementing the new TL zoning regulations based on the adopted TL Planning District policies in the Neighborhood Plan. All of the TL zoning charts have been completed except for the TL 9 zone. The final phase of implementation will be complete with the adoption of the TL 9 zoning regulations which will reflect the light industrial preservation policies found in the TL 9 Planning District. The TL 9 Planning District is generally bordered on the west by Totem Lake, on the south by the Burlington Northern Santa Fe Railroad, to the east by 132nd Avenue NE, and to the north by unincorporated King County.

The purpose of the zoning implementation project is to create a new zoning district based on Policy TL-3.5 and the Totem Lake Land use Matrix. It also allowed the City to fix a discrepancy with the lower half of the Fiorito property which currently has a residential zoning designation - RM 5.0 (1). Incorporating the lower half of the Fiorito property into the new TL 9 zoning district will make it consistent with its existing light industrial Comprehensive Plan land use designation. The changes approved by the City Council in "Intent to Adopt" Resolution 4704 include:

- Removing uses and regulations that do not apply to the TL 9 Planning District
- Removing design review as a required review process in the TL 9 Planning District (applies to the LIT zone in the NE 85th Street Subarea)
- Removing the story limitation in regards to building height
- Deleting the fast food and restaurant use listing
- Deleting the 'Hazardous Waste Treatment and Storage Facilities' use listing
- Under the 'Vehicle or Boat repair, services, or washing' use listing, add 'storage' to the use listing to be consistent with the recently approved *Miscellaneous Zoning Code Amendments* project

Hart PAR Background Information

The Hart PAR amendment request consisted of increasing the Comprehensive Plan residential density from medium density residential at 8-9 dwelling units per acre (RM 5.0 zoning designation) to medium-density residential at 12 dwelling units per acre (RM 3.6 zoning designation) to create single-family lots at a higher density. The subject property is located at 130xx 132nd Avenue NE.

The private amendment request also included revising or removing site specific development criteria outlined in Comprehensive Plan Policy TL-17.3. This Comprehensive Plan policy provides property specific development criteria regarding density, lot coverage limitations, retention of watercourses, slope stability, location of improvements, surface water runoff, and vehicular access.

At their January 24, 2008 public hearing, the Planning Commission did not recommend approval of the applicant's request to remove the 100-foot buffer along the north property line and their request to increase the residential density. The Planning Commission determined that the steep slopes and development limitations imposed by the wetlands on the site, as well as vehicular access concerns, preclude supporting additional density. Also, maintaining the 100-foot buffer preserves the public greenway discussed in the neighborhood plan and is consistent with other policies that seek to protect steep slopes.

To help a developer achieve most if not all of their allowed density, the Planning Commission recommended that stacked units should be permitted at the southern end of the site and that additional height be allowed if affordable housing is provided. Otherwise, the Planning

Memo to City Council December 16 meeting@

December 4, 2008@

Page **3** of **4**

Commission's recommendation was consistent with staff's recommendations. Therefore, the majority of the Planning Commission members (6 in favor and 1 opposed) recommended, and the City Council agreed, that the intent-to-adopt resolution of approval of the Comprehensive Plan amendments include the following conditions summarized below:

- Development should be subject to the City's Process IIA zoning permit review process. This process allows for public oral and written testimony with discretionary approval to be made by the Hearing Examiner.
- Stacked units may be permitted on the subject property.
- The condition limiting development northward no more than 150 feet into any slope in excess of 15 percent should be removed.
- The condition requiring a hold harmless covenant with the City should be removed since the Kirkland Zoning Code has very specific requirements in regards to hold harmless covenants and environmentally sensitive areas.
- An increase in height to 5 stories should be allowed if at least 10% of the units provided are affordable units

Since the results of the Hart PAR are to be incorporated into the final TL 9 zoning charts both projects were combined into one 'intent-to-adopt' resolution.

Meetings Associated with the Project

Links to staff memorandums, minutes, and audio/video recordings for all City Council and Planning Commission meetings associated with this proposal, including the City Council adoption of the Resolution of Intent to Adopt 4704, are provided below:

June 17, 2008 [City Council Resolution of Intent to Adopt Meeting Memo](#) and [minutes and video](#)

March 4, 2008 [City Council TL9 Zoning Implementation Meeting Memo](#) and [City Council Hart PAR Meeting Memo](#) and [minutes and video](#)

January 24, 2008 [Planning Commission Public Hearing memo](#) and [minutes and audio](#)

December 13, 2007 [Planning Commission Hart PAR study session memo](#) and [Planning Commission TL9 Zoning Implementation study session memo](#) and [minutes and audio](#)

August 23, 2007 [Planning Commission study session memo](#) and [minutes and audio](#)

Decisional Criteria for Amending the Comprehensive Plan

Follow this [link](#) to view pages 7 through 11 of the March 4, 2008 City Council meeting memorandum for analysis of the decisional criteria for the Hart PAR.

Memo to City Council December 16 meeting@

December 4, 2008@

Page **4** of **4**

Follow this [link](#) to view pages 3 through 4 of the March 4, 2008 City Council meeting memorandum for analysis of the decisional criteria for the TL9 Zoning Implementation Amendments.

SEPA Compliance

State Environmental Policy Act (SEPA) materials for the Hart PAR are available for viewing by following this link to the [March 4, 2008 CC meeting memo](#), and scrolling down to page 11.

State Environmental Policy Act (SEPA) materials for the TL9 zoning implementation amendments are available for viewing by following this link to the [March 4, 2008 CC meeting memo](#) , and scrolling down to page 4.

Public Process

Notice of public meetings and hearings were provided to the Seattle Times, the owners of the property affected by the proposed rezone, the Totem Lake Neighborhood Association. All memorandums prepared through the public hearings, were available for viewing on the [project website](#). Additionally, the project website advertised the meeting schedule.

The Planning Commission held two study sessions leading up to the January 24, 2008 public hearing for the Hart PAR and the TL 9 zoning implementation project. A total of eleven neighboring residents provided input either in letter format or spoke at the study sessions and public hearing, expressing their concerns and/or support regarding the proposed changes. In regards to the TL 9 zoning project, the only letter received disagreed with staff's recommendations to the Planning Commission and asked that the legislative rezone criteria be part of the decision making process. At the Planning Commission public hearing, one person spoke in support of the TL9 zoning project citing that the rezone preserves light industrial uses in the Totem Lake Neighborhood. In regards to the Hart PAR, several of the neighboring residents spoke at the study sessions and public hearing, expressing their concerns about the proposed private amendment request. The co-applicant and co-owner of the subject property spoke at the study sessions and public hearing in support of the private amendment request primarily stating that the current Comprehensive Plan policies are no longer appropriate for their property.

cc:

Adrienne Brastad, Glacier Management, 12912 NE 125th Way, Kirkland, WA 98034

Teresa Sante, Benaroya Companies, 1100 Olive Way Suite 1700, Seattle, WA 98101

Gordon Hart, 3 -168th Avenue NE, Bellevue, WA 98008

Bill Kost, 328 – 37th Street NW #A, Auburn, WA 98001

Jerry Fiorito, 16255 39th Avenue NE, Lake Forest Park, WA 98155

File ZON06-00019

File ZON07-00023

ORDINANCE NO. 4158

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO COMPREHENSIVE PLANNING AND LAND USE AND AMENDING THE COMPREHENSIVE PLAN AS PART OF THE HART PRIVATE AMENDMENT REQUEST AND TL9 ZONING IMPLEMENTATION PROJECT, AMENDING THE COMPREHENSIVE PLAN, (ORDINANCE 3481 AS AMENDED), AMENDING THE CITY OF KIRKLAND ZONING MAP (ORDINANCE 3710 AS AMENDED), AND AMENDING THE KIRKLAND ZONING ORDINANCE (ORDINANCE 3719 AS AMENDED), TO CONFORM TO THE COMPREHENSIVE PLAN AND APPROVING A SUMMARY FOR PUBLICATION, FILE NO ZON07-00023 AND FILE NO ZON06-00019 .

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, and Zoning Ordinance, pursuant to RCW 36.70A.130; and

WHEREAS, the City Council has received a recommendation from the Kirkland Planning Commission to amend certain portions of the Comprehensive Plan for the City, Ordinance 3481 as amended, and to amend a portion of the City of Kirkland Zoning Map, Ordinance 3710 as amended, and to amend certain sections of the text of the Kirkland Zoning Code, Ordinance 3719 as amended, all as set forth in those certain reports and recommendations of the Planning Commission dated March 4, 2008 and bearing Kirkland Department of Planning and Community Development File No's. ZON07-00023 and ZON06-00019; and

WHEREAS, prior to making said recommendation the Planning Commission, following notice thereof as required by RCW 35A.63.070, held on January 24, 2008, a public hearing, on the amendment proposals and considered the comments received at said hearing; and

WHEREAS, pursuant to the State Environmental Policy Act (SEPA, there has accompanied the legislative proposal and recommendation through the entire consideration process, a SEPA Addendum to Existing Environmental Documents, issued by the responsible official pursuant to WAC 197-11-600; and

WHEREAS, in regular public meeting the City Council considered the environmental documents received from the responsible official, together with the reports and recommendations of the Planning Commission; and

WHEREAS, in regular public meeting on June 17, 2008, the City Council indicated its intent to adopt the recommendations of the Planning Commission with respect to the policies for climate change and public art, for which the Houghton Community Council had proposed alternate language, and adopted Resolution 4704 expressing the intent to amend the Comprehensive Plan and Zoning Ordinance as set forth in File No's ZON07-00023 and ZON06-00019, and consider adopting said recommendations by ordinance concurrent with all other amendments included in the City's annual Comprehensive Plan amendments; 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, Zoning Code, and Zoning Map Amended: The Comprehensive Plan, Ordinance 3481 as amended, the Zoning Code, Ordinance 3719 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. Official Map Change: The Director of the Department of Planning and Community Development is directed to amend the official City of Kirkland Zoning Map to conform with this ordinance, indicating thereon the date of the ordinance passage.

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 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 5. 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 _____, 2008.

SIGNED IN AUTHENTICATION THEREOF this _____ day of _____, 2008.

Mayor

Attest:

City Clerk

Approved as to Form:

City Attorney

EXHIBIT A

Policy TL-17.3:

Restrict development in identified landslide hazard areas to ensure public safety and conformity with natural constraints.

High ground water with soft soil conditions in the low-lying parts of the neighborhood may limit or require special measures for development. The presence of loose saturated soils increases the risk for differential settlement and seismically induced soil liquefaction. In these areas, development must demonstrate methods to prevent the settlement of structures and utility systems and to withstand seismic events.

The steep, heavily vegetated hillside in the northeastern portion of the neighborhood lies within an identified high landslide area (see Figures TL-5 and TL-11, District TL 9). Although a range of office, industrial or multifamily uses are permitted in the southern portion of the hillside north of NE 126th Place, this development and all development on the hillside is subject to the following conditions:

- (1) Development should be subject to public review and discretionary approval through the City's Process IIA process.
- (2) The base density for residential development on the slope should be eight dwelling units per acre.
- (3) Lot coverage for development should be lower than that allowed for the less environmentally sensitive properties to the south, to enable the preservation of vegetation and watercourses on the site.
- (4) Vegetative cover should be maintained to the maximum extent possible. Clustering of structures may be required to preserve significant groupings of trees.
- (5) Watercourses should be retained in a natural state.
- (6) Development should only be permitted if an analysis is presented that concludes that the slope will be stable. The analysis should indicate the ability of the slope and adjacent areas to withstand development, the best locations for development, and specific structural designs and construction techniques necessary to ensure long-term stability.
- (7) The hillside with the steepest slopes should be left undisturbed in a natural condition and retained as permanent natural open space through the creation of a greenbelt easement or the dedication of air rights. In order to provide property owners with reasonable development potential, some development may be permitted on the southern, lower portion of the hillside. In no case should such development or associated land surface modification extend ~~northward more than 150 feet into any slope in excess of 15 percent, nor~~ closer than 100 feet to existing single-family residential development north of the slope.
- ~~(8) (7)~~ Any part of the hillside which is retained as permanent natural open space, but which has been previously altered from its natural state, or which is so altered as a result of soils testing or watercourse rehabilitation, should be returned to its natural condition.
- ~~(9) (8)~~ Surface water runoff should be maintained at predevelopment levels.
- ~~(10) The developer should indemnify and hold harmless the City by a covenant running with the land in a form approved by the City Attorney.~~
- ~~(11) (9)~~ Vehicular access should be from south of the slope. If necessary, access may be from 132nd Avenue NE, provided that such access is limited to one point and meets other City standards.
- (10) Where residential uses are allowed, a total of 5 stories measured above an average building elevation are allowed if at least 10% of the units provided are affordable units.

Chapter 48 – LIGHT INDUSTRIAL TECHNOLOGY (LIT) ZONES
48-0555.59 User Guide TL 9A

The charts in KZC 48-4555.63 contain the basic zoning regulations that apply in the LT-IL 9A 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
48-1055.61

Section 48-1055.61 – GENERAL REGULATIONS

The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provision of this code may apply to the subject property.
2. ~~If any portion of a structure is adjoining a low density zone, then either:~~
 - a. ~~The height of that portion of the structure shall not exceed 20 feet above average building elevation; or~~
 - b. ~~The 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.~~

~~See KZC 115.30, Distance Between Structures/Adjacency to Institutional Use, for further details.~~
~~(Does not apply to Hazardous Waste Treatment and Storage Facilities uses).~~
3. Except if adjoining a low density zone, structure height may be increased above 35 feet in height through a Process IIA, Chapter 150 KZC, if:
 - a. It will not block local or territorial views designated in the Comprehensive Plan;
 - b. The increased height is not specifically inconsistent with the applicable neighborhood plan provisions of the Comprehensive Plan; and
 - c. The required yard of any portion of the structure may be increased up to a maximum of one foot for each foot that any portion of the structure exceeds 35 feet above average building elevation. The need for additional setback yards will be determined as part of the review of any request to increase structure height.
(Does not apply to Hazardous Waste Treatment and Storage Facilities and Public Parks uses).
4. ~~If the property is located in the NE 85th Street Subarea, the applicant shall install a through-block pedestrian pathway to connect an east-west pathway designated in the Comprehensive Plan between 124th Avenue NE and 120th Avenue NE pursuant to the through-block pathway standards in KZC 105.19(3) (See Plate 34K).~~
5. Retail uses are prohibited unless otherwise allowed in the use zone charts.

ZONE
TL 9A

USE ZONE CHART
Section 48.1555.63

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS											
USE REGULATIONS	USE	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)		Height of Structure					
			Front	Side	Rear						
.010	Packaging of Prepared Materials Manufacturing See Spec. Regs. 1 and 2.	Within the NE 88th Street Subarea Chapter 442-KZC. Otherwise, none. <u>None</u>	20'	0'	0'	90%	if adjoining a low-density zone other than RSX, then 25' above average building elevation. Otherwise, 35' above average building elevation with a maximum of two stories, exclusive of parking levels.	A	C	1 per each 1,000 sq. ft. of gross floor area.	1. The following manufacturing uses are permitted: a. Food, drugs, stone, clay, glass, china, ceramics products, electrical equipment, scientific or photographic equipment, fabricated metal products; b. Fabricated metal products, but not fabrication of major structural steel forms, heavy metal processes, boiler making, or similar activities; c. Cold mix process only of soap, detergents, cleaning preparations, perfumes, cosmetics, or other toilet preparations; d. Packaging of prepared materials; e. Textile, leather, wood, paper and plastic products from prepared material; and f. Other compatible uses which may involve manufacturing, processing, assembling, fabrication and handling of products, and research and technological processes. 2. May include as part of this use, accessory retail sales, office or service utilizing not more than 20 percent of the gross floor area. The landscaping and parking requirements for these accessory uses will be the same as for the primary use.
.020	A Retail Establishment Providing Storage Services								E	See KZC 105.25.	1. May include accessory living facilities for resident security manager.

USE ZONE CHART
Section 48-1555.63

DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS											
.100	Office Use	Within the NE 85th Street Subarea, D.R., Chapter 442-KZC. Otherwise, none. None	None	20'	0'	0'	70%	35' above average building elevation with a maximum of two stories, exclusive of parking levels except as specified in Spec. Reg. 2.	C See also Spec. Reg. 1a.	E If a medical, dental, or veterinary office, then 1 per each 200 sq. ft. of gross floor area. Otherwise, 1 per each 300 sq. ft. of gross floor area.	1. The following regulations apply only to veterinary offices: a. If there are outdoor runs or other outdoor facilities for the animals, then use must comply with Landscape Category A. b. Outside runs and other outside facilities for the animals must be set back at least 10 feet from each property line and must be surrounded by a fence or wall sufficient to enclose the animals. See KZC 115.105, Outdoor Use, Activity and Storage, for further regulations. 2. a. If adjoining a low density zone other than RSX, then 25 feet above average building elevation; and b. In the Nor Kirk Neighborhood south of 7th Avenue and west of 8th Street, maximum height is 40 feet above average building elevation, with no limit on number of stories.
			None	20'	0'	0'	80%	If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 35' above average building elevation with a maximum of two stories, exclusive of parking levels.	B	E 1 per each 300 sq. ft. of gross floor area.	1. Livestock auctions are not permitted. 2. Outdoor storage for this use must be buffered as established in Chapter 95 KZC for Landscaping Category A.
.110	Auction House See Spec. Reg. 1.	Within the NE 85th Street Subarea, D.R., Chapter 442-KZC. Otherwise, none. None	None	20'	0'	0'	80%	If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 35' above average building elevation with a maximum of two stories, exclusive of parking levels.	B	E 1 per each 300 sq. ft. of gross floor area.	1. Outside runs and other facilities for the animals must be set back at least 10 feet from each property line and must be surrounded by a fence or wall sufficient to enclose the animals. See KZC 115.105, Outdoor Use, Activity and Storage, for further regulations. 2. Must provide suitable shelter for the animals. 3. Must maintain a clean, healthful environment for the animals.
.120	Kennel	Within the NE 85th Street Subarea, D.R., Chapter 442-KZC. Otherwise, none. None	None	20'	0'	0'	80%	If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 35' above average building elevation with a maximum of two stories, exclusive of parking levels.	B	E 1 per each 300 sq. ft. of gross floor area.	1. Livestock auctions are not permitted. 2. Outdoor storage for this use must be buffered as established in Chapter 95 KZC for Landscaping Category A.
			None	20'	0'	0'	80%	If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 35' above average building elevation with a maximum of two stories, exclusive of parking levels.	D	B See KZC 105.25.	1. Outside runs and other facilities for the animals must be set back at least 10 feet from each property line and must be surrounded by a fence or wall sufficient to enclose the animals. See KZC 115.105, Outdoor Use, Activity and Storage, for further regulations. 2. Must provide suitable shelter for the animals. 3. Must maintain a clean, healthful environment for the animals.
.130	Day-Care Center See Spec. Reg. 1.	Within the NE 85th Street Subarea, D.R., Chapter 442-KZC. Otherwise, none. None	None	20'	0'	0'	80%	If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 35' above average building elevation with a maximum of two stories, exclusive of parking levels.	D	B See KZC 105.25.	1. This use is permitted if accessory to a primary use, and: a. It will not exceed 20 percent of the gross floor area of the building; b. The use is integrated into the design of the building. 2. A six-foot-high fence is required along the property lines adjacent to the outside play areas. 3. Hours of operation may be limited to reduce impacts on nearby residential uses. 4. Structured play areas must be set back from all property lines as follows: a. Twenty feet if this use can accommodate 50 or more students or children. b. Ten feet if this use can accommodate 13 to 49 students or children.

REGULATIONS CONTINUED ON NEXT PAGE

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

<p>.130 Day-Care Center (continued)</p>	<p>REGULATIONS CONTINUED FROM PREVIOUS PAGE</p> <p>5. An on-site passenger loading area may be provided. The City shall determine the appropriate size of the loading areas on a case-by-case basis, depending on the number of attendees and the extent of the abutting right-of-way improvements.</p> <p>Carpooling, staggered loading/unloading time, right-of-way improvements or other means may be required to reduce traffic impacts on any nearby residential uses.</p> <p>6. May include accessory living facilities for staff persons.</p> <p>7. The location of parking and passenger loading areas shall be designed to reduce impacts on any nearby residential uses.</p> <p>8. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).</p>										
<p>.140 Mini-Day-Care See Spec. Reg. 1.</p>	<p>Within the NE 85th Street Subarea, D.R., Chapter 142-KZC. Otherwise, none.</p>	<p>None</p>	<p>20'</p>	<p>0'</p>	<p>0'</p>	<p>80%</p>	<p>If adjoining a low-density zone other than RS-X, then 25' above average building elevation. Otherwise, 35' above average building elevation with a maximum of two stories, exclusive of parking levels.</p>	<p>D</p>	<p>B</p>	<p>See KZC 105.25.</p>	<p>1. This use is permitted if accessory to a primary use, and: a. It will not exceed 20 percent of the gross floor area of the building; b. The use is integrated into the design of the building.</p> <p>2. A six-foot-high fence is required along the property lines adjacent to the outside play areas.</p> <p>3. To reduce impacts on nearby residential uses, hours of operation of the use may be limited and parking and passenger loading areas relocated.</p> <p>4. Structured play areas must be set back from all property lines by five feet.</p> <p>5. An on-site passenger loading area may be required depending on the number of attendees and the extent of the abutting right-of-way improvements.</p> <p>6. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses.</p> <p>7. May include accessory living facilities for staff persons.</p> <p>8. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).</p>
<p>.150 Recycling Center</p>	<p>Within the NE 85th Street Subarea, D.R., Chapter 142-KZC. Otherwise, none.</p>	<p>None</p>	<p>20'</p>	<p>0'</p>	<p>0'</p>	<p>80%</p>	<p>If adjoining a low-density zone other than RS-X, then 25' above average building elevation. Otherwise, 35' above average building elevation with a maximum of two stories, exclusive of parking levels.</p>	<p>A</p>	<p>C</p>	<p>See KZC 105.25.</p>	<p>1. May deal in metal cans, glass, and paper. Other materials may be recycled if the Planning Director determines that the impacts are no greater than those associated with recycling metal cans, glass, or paper. The individual will have the burden of proof in demonstrating similar impacts.</p>
<p>.160 Public Utility</p>	<p>None</p>	<p>None</p>	<p>20'</p>	<p>0'</p>	<p>0'</p>	<p>80%</p>	<p>If adjoining a low-density zone other than RS-X, then 25' above average building elevation. Otherwise, 35' above average building elevation with a maximum of two stories, exclusive of parking levels.</p>	<p>C</p>	<p>B</p>	<p>See Spec. Reg. 1.</p>	<p>1. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.</p>
<p>.170 Government Facility Community Facility</p>	<p>None</p>	<p>None</p>	<p>20'</p>	<p>0'</p>	<p>0'</p>	<p>80%</p>	<p>If adjoining a low-density zone other than RS-X, then 25' above average building elevation. Otherwise, 35' above average building elevation with a maximum of two stories, exclusive of parking levels.</p>	<p>C</p>	<p>B</p>	<p>See Spec. Reg. 1.</p>	<p>1. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.</p>

USE ZONE CHART
Section 48-1555.63

DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS											
		None	30'	0'	0'	90%	35' above average building elevation with a maximum of two stories, exclusive of parking levels. See Spec. Reg. 2.	A	C	4 per each 1,000 sq. ft. of gross floor area.	<ol style="list-style-type: none"> 1. Must comply with the state siting criteria adopted in accordance with RCW 70.105.210. 2. Structure height may be increased above 35 feet in height through a Process IA, Chapter 150 KZC, if: <ol style="list-style-type: none"> a. It will not block local or territorial views designated in the Comprehensive Plan; and b. The increased height is not specifically inconsistent with the applicable neighborhood plan provisions of the Comprehensive Plan; and c. The need for an increase in height is directly related to the hazardous waste treatment and/or storage activity; and d. The required yard of any portion of the structure may be increased up to a maximum of one foot for each foot that any portion of the structure exceeds 35 feet above average building elevation. The need for additional setback yards will be determined as part of the review of any request to increase structure height.
180 Hazardous Waste Treatment and Storage Facilities	Within the NE 85th Street Subarea, D.R., Chapter 142 KZC, Otherwise, none. <u>None</u>										
180 Vehicle or Boat Repair, Services, Storage, or Washing			20'			80%	If adjoining a low-density zone other than RSX, then 25' above average building elevation. Otherwise, 35' above average building elevation with a maximum of two stories, exclusive of parking levels.		E	See KZC 105.25.	<ol style="list-style-type: none"> 1. Outdoor vehicle or boat parking or storage areas must be buffered as required for a parking area in KZC 95.40(6) and (7), landscaping regulations. 2. Access from drive-through facilities must be approved by the Public Works Department. Drive-through facilities must be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served.
195 Automobile Sales	Process I, Chapter 146 KZC	None	20'	0'	0'	80%	If adjoining a low-density zone other than RSX, then 25' above average building elevation. Otherwise, 35' above average building elevation with a maximum of two stories, exclusive of parking levels.	A	C See Spec. Reg. 7.	See KZC 105.25.	<ol style="list-style-type: none"> 1. This use is permitted only on properties that adjoin 8th Street or 7th Avenue in the Nerkirk Neighborhood. 2. Outdoor automobile sales, storage, and display are not permitted. 3. Outdoor sound systems are not permitted. 4. Outdoor balloons, streamers, and inflatable objects are not permitted. 5. Test drives must be accompanied by an employee through the LIT zone and limited to 8th Street, 7th Avenue, and either 6th Street or 114th Avenue NE enroute to Central Way/NE 85th Street. 6. Hours of operation are limited to 7:00 a.m. to 8:00 p.m. 7. Cabinet signs are not permitted. 8. This use primarily entails the sale of alternative fuel vehicles such as biodiesel, ethanol, and electric vehicles.

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

<p>-200 Fast Food or Restaurant See Spec. Reg. 4.</p>	<p>Within the NE 85th Street Subarea, D.R., Chapter 142-KZC, Otherwise, none.</p>	<p>None</p>	<p>20'</p>	<p>0'</p>	<p>0'</p>	<p>80%</p>	<p>If adjoining a low-density zone other than RSX, then 25' above average building elevation. Otherwise, 35' above average building elevation with a maximum of two stories, exclusive of parking levels.</p>	<p>A</p>	<p>E</p>	<p>1 per each 100 sq. ft. of gross floor area.</p>	<p>1. This use is permitted if accessory to a primary use, and: a. It will not exceed 20 percent of the gross floor area of the building; b. The use is integrated into the design of the building; and c. There is no vehicle drive-in or drive-through.</p>
<p>-240 190</p>	<p>Public Park</p>	<p>Development standards will be determined on case-by-case basis. See Chapter 49 KZC for required review process.</p>	<p>None</p>	<p>20'</p>	<p>0'</p>	<p>80%</p>	<p>If adjoining a low-density zone other than RSX, then 25' above average building elevation. Otherwise, 35' above average building elevation with a maximum of two stories, exclusive of parking levels.</p>	<p>A</p>	<p>E</p>	<p>See KZC-105-25.</p>	<p>1. The use is permitted only if the property is located between NE 107th Street (extended) and NE 116th Street, and between 405 and 116th Avenue NE. 2. The use shall be conducted within a wholly enclosed building. 3. The building housing the use shall have been in existence on June 1, 2004, and shall not be altered, changed, or otherwise modified to accommodate the use if the cost of such alteration, change or modification exceeds 30 percent of the replacement cost of that building. 4. The use must be discontinued when there is an alteration, change, or other work in a consecutive 12 month period to the space in which the use is located, and the cost of the alteration, change or other work exceeds 30 percent of the replacement cost of that space.</p>
<p>-220</p>	<p>Commercial Recreation Area and Use</p>	<p>Within the NE 85th Street Subarea, D.R., Chapter 142-KZC, Otherwise, none.</p>	<p>None</p>	<p>20'</p>	<p>0'</p>	<p>80%</p>	<p>If adjoining a low-density zone other than RSX, then 25' above average building elevation. Otherwise, 35' above average building elevation with a maximum of two stories, exclusive of parking levels.</p>	<p>A</p>	<p>E</p>	<p>See KZC-105-25.</p>	<p>1. The use is permitted only if the property is located between NE 107th Street (extended) and NE 116th Street, and between 405 and 116th Avenue NE. 2. The use shall be conducted within a wholly enclosed building. 3. The building housing the use shall have been in existence on June 1, 2004, and shall not be altered, changed, or otherwise modified to accommodate the use if the cost of such alteration, change or modification exceeds 30 percent of the replacement cost of that building. 4. The use must be discontinued when there is an alteration, change, or other work in a consecutive 12 month period to the space in which the use is located, and the cost of the alteration, change or other work exceeds 30 percent of the replacement cost of that space.</p>

55.65 User Guide

The charts in KZC.55.67 contain the basic zoning regulations that apply in the TL 9B zone of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 55.66

Section 55.66 – 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. All development or associated land surface modifications shall be setback 100 feet from the north boundary of the TL 9B zone.
3. Vehicular access shall be from the south of the slope. If necessary, access may be from 132nd Avenue NE, provided that such access is limited to one point and meets other City standards.

ZONE

TL 9B

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS													
<u>Section 55.67</u>	<u>USE</u> 	<u>REGULATIONS</u> 	<u>Required Review Process</u>	<u>MINIMUMS</u>			<u>MAXIMUMS</u>			<u>Landscaping Category</u> (See Ch. 95)	<u>Sign Category</u> (See Ch. 100)	<u>Required Parking Spaces</u> (See Ch. 105)	<u>Special Regulations</u> (See also <u>General Regulations</u>)
				<u>Lot Size</u>	<u>REQUIRED YARDS</u> (See Ch. 115)			<u>Lot Coverage</u>	<u>Height of Structure</u>				
<u>.030</u>	<u>Church</u>		<u>Process IIA, Chapter 150 KZC.</u>	<u>7,200 sq. ft.</u>	<u>20'</u>	<u>20'</u>	<u>20'</u>	<u>70%</u>	<u>30' above average building elevation.</u>	<u>C</u>	<u>B</u>	<u>1 for every 4 people based on maximum occupancy load of worship. See Spec. Reg. 2.</u>	<u>1. The property must be served by a collector or arterial street.</u> <u>2. No parking is required for day-care or school ancillary to the use.</u>

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS														
Section 55.67	USE ↓	REGULATIONS ↑	Required Review Process	MINIMUMS			MAXIMUMS			Special Regulations (See also General Regulations)				
				Lot Size	REQUIRED YARDS (See Ch. 115)		Lot Coverage	Height of Structure	Landscaping Category (See Ch. 95)		Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)		
				Front	Side	Rear								
.040	School or Day-Care Center	↑	Process IIA, Chapter 150 KZC.				7,200 sq. ft.	If this use can accommodate 50 or more students or children, then: 50' on each side	70%	30' above average building elevation. See Spec. Reg. 8.	D	B	See KZC 105.25.	1. 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 must minimize adverse impacts on surrounding residential neighborhoods. 2. A six-foot-high fence is required only along the property line adjacent to the outside play areas. 3. Structured play areas must be set back from all property lines as follows:

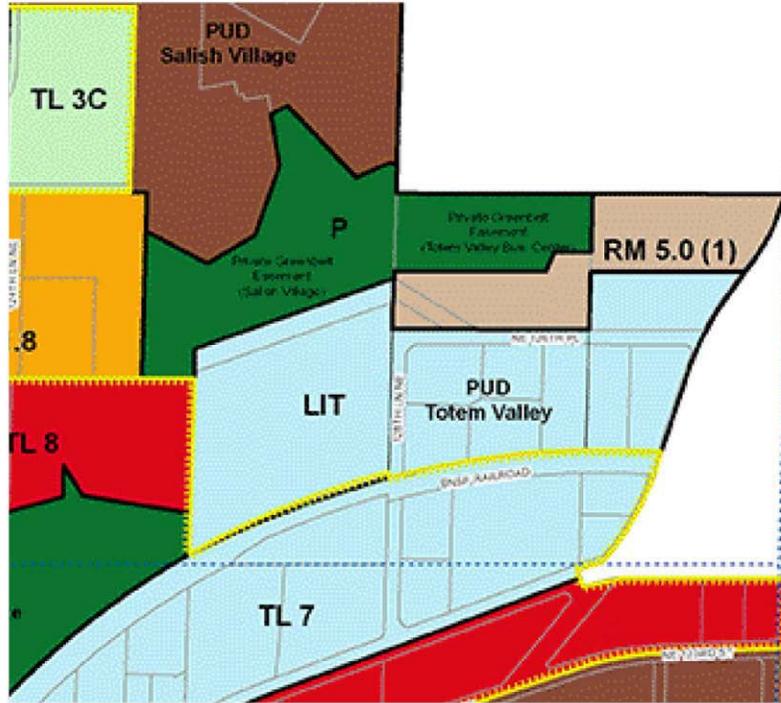
DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS														
USE ↓	REGULATIONS ↑	Section 55.67	Required Review Process	MINIMUMS			MAXIMUMS		Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
				Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage						
				Front	Side	Rear								
				20'	20' on each side	20'							<p>a. <u>Twenty feet if this use can accommodate 50 or more students or children.</u></p> <p>b. <u>Ten feet if this use can accommodate 13 to 49 students or children.</u></p> <p>4. <u>An on-site passenger loading area must be provided. The City shall determine the appropriate size of the loading area on a case-by-case basis, depending on the number of attendees and the extent of the abutting right-of-way improvements. Carpooling, staggered loading/unloading time, right-of-way improvements or other means may be required to reduce traffic impacts on nearby residential uses.</u></p> <p>5. <u>May include accessory living facilities for staff persons.</u></p> <p>6. <u>To reduce impacts on nearby residential uses, hours of operation of the use may be limited and parking and passenger loading areas relocated.</u></p> <p>7. <u>These uses are subject to the requirements established by the Department of Social and Health Services (SWAC Title 388).</u></p> <p>8. <u>For school use, structure height may be increased, up to 35 feet, if:</u></p> <p>a. <u>The school can accommodate 200 or more students; and</u></p> <p>b. <u>The required side and rear yards for the portions of the structure exceeding the basic maximum structure height are increased by one foot for each additional one foot of structure height; and</u></p> <p>c. <u>The increased height is not specifically inconsistent with the applicable neighborhood plan provisions of the Comprehensive Plan, and</u></p> <p>d. <u>The increased height will not result in a structure that is incompatible with surrounding uses or improvements.</u></p>	

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

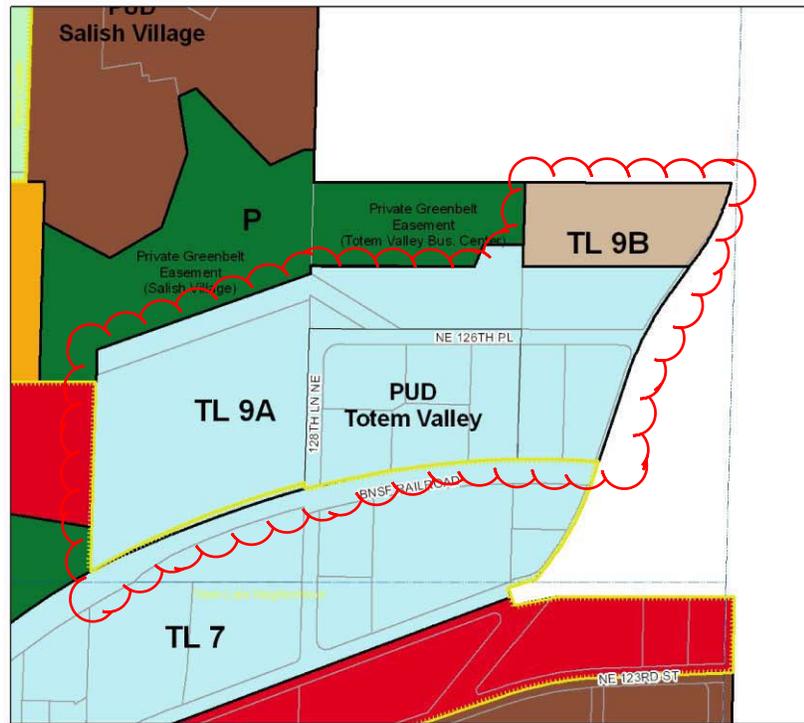
Section 55.67	USE ↓	REGULATIONS ↑	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				Lot Size	Front	Side	Rear	Height of Structure				
<u>.050</u>	Mini-School or Mini-Day-Care	↑	Process IIA, Chapter 150 KZC	3,600 sq. ft.					D	B	See KZC 105.25.	1. May locate on the subject property if: <ol style="list-style-type: none"> It will not be materially detrimental to the character of the neighborhood in which it is located. Site design must minimize adverse impacts on surrounding residential neighborhoods. 2. A six-foot-high fence is required along the property line adjacent to the outside play areas. 3. Structured play areas must be set back from all property lines by five feet. 4. An on-site passenger loading area may be required depending on the number of attendees and the extent of the abutting right-of-way improvements. 5. To reduce impacts on nearby residential uses, hours of operation of the use may be limited and parking and passenger loading areas relocated. 6. May include accessory living facilities for staff persons. 7. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).
<u>.060</u>	Convalescent Center or Nursing Home		Process IIA, Chapter 150 KZC.	7,200 sq. ft.	10' on each side		70%		C See Spec. Reg. 2.	B	1 for each bed.	
<u>.070</u>	Public Utility		Process IIA, Chapter 150 KZC.	None	20' on each side	20' on each side	70%	30' above average building elevation.	A See Spec. Regs. 2 and 3.	B	See KZC 105.25.	1. Site design must minimize adverse impacts on surrounding residential neighborhoods. 2. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.

Exhibit A

DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS											
Section 55.67	USE 	REGULATIONS 	MINIMUMS			MAXIMUMS		Landscaping Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	Front	Side	Rear	Height of Structure				
<u>.080</u>	Government Facility Community Facility			10' on each side	10'		C See Spec. Regs. 2 and 3.				
<u>.090</u>	Public Park		Development standards will be determined on case-by-case basis. See Chapter 49 KZC for required review process.								



EXISTING ZONING



NEW TL9A & TL 9B ZONING

PUBLICATION SUMMARY
OF ORDINANCE NO. 4158

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO COMPREHENSIVE PLANNING AND LAND USE AND AMENDING THE COMPREHENSIVE PLAN AS PART OF THE HART PRIVATE AMENDMENT REQUEST AND TL9 ZONING IMPLEMENTATION PROJECT, AMENDING THE COMPREHENSIVE PLAN, (ORDINANCE 3481 AS AMENDED), AMENDING THE CITY OF KIRKLAND ZONING MAP (ORDINANCE 3710 AS AMENDED), AND AMENDING THE KIRKLAND ZONING ORDINANCE (ORDINANCE 3719 AS AMENDED), TO CONFORM TO THE COMPREHENSIVE PLAN AND APPROVING A SUMMARY FOR PUBLICATION, FILE NO ZON07-00023 AND FILE NO ZON06-00019 .

SECTION 1. Amends the Comprehensive Plan, Zoning Code, and Zoning Map as set forth in Exhibit A.

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. Establishes certification by City Clerk and notification of King County Department of Assessments.

SECTION 5. 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 _____, 2008.

I certify that the foregoing is a summary of Ordinance _____ approved by the Kirkland City Council for summary publication.

City Clerk

CITY OF KIRKLAND123 FIFTH AVENUE, KIRKLAND, WASHINGTON 98033-6189 (425) 587-3249

**DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
MEMORANDUM**

To: David Ramsay, City Manager

From: Dorian Collins, AICP, Senior Planner
Paul Stewart, AICP, Deputy Director

Date: December 3, 2008

Subject: ADOPTION OF ORDINANCE 4155 AND ITS SUMMARY AMENDING THE KIRKLAND
COMPREHENSIVE PLAN – SOUTH KIRKLAND PARK AND RIDE
(FILE ZON08-00002)

RECOMMENDATION

Approve the enclosed ordinance amending the Comprehensive Plan to allow for Transit-Oriented-Development (TOD) at the South Kirkland Park and Ride site. The amendments include:

- ◆ Lakeview Neighborhood Chapter: Text changes for the site, addressing affordable housing, site and building design, TOD objectives, and coordination with the City of Bellevue. Existing text related to the Park and Ride site would be deleted.
- ◆ Figure L-1 – Lakeview Neighborhood Map: Revisions to indicate that the site is designated for Transit-Oriented-Development (TOD), with a new color unique to TOD. The portion of the site which lies within the City of Bellevue is added to the map, to clarify the jurisdictional split at the site.
- ◆ Figure LU-1 – Comprehensive Plan Land Use Map: Identical change to indicate the designation of the site for TOD. These changes to the maps will support future changes to zoning regulations and the zoning map which will broaden the range and size of uses to be allowed at the site.
- ◆ Chapter VI – Land Use Chapter: Addition of a definition for “Transit-Oriented-Development”. The definition is written to apply to TOD in general and is not specific to the South Kirkland Park and Ride site.
- ◆ Appendix B – Glossary: Addition of a definition for Transit-Oriented-Development.

The amendments are identical to those provided to the Council for review at the meeting on December 2, 2008, when the Planning Commission’s recommendation was transmitted. At the meeting, the City Council indicated support for the proposed amendments, and directed staff to return with an Ordinance for adoption.

December 9, 2008

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Following action by the City Council on Ordinance 4155, the amendments will be presented to the Houghton Community Council for final approval on January 26, 2009.

BACKGROUND DISCUSSION

The proposed amendments for the South Kirkland Park and Ride are among several other Comprehensive Plan amendments to be considered for adoption by the Council on December 16, 2008. This memorandum and Ordinance 4155 address only the amendments related to the South Kirkland Park and Ride site.

The proposed amendments would provide support in the Comprehensive Plan for Transit-Oriented-Development (TOD) at the South Kirkland Park and Ride, and provide the framework for future study of development standards for the site. The Planning Commission held a public hearing on the proposed amendments on October 22, 2008. The Planning Commission recommendation and staff transmittal of the recommendation were provided to the City Council at the meeting on December 2, 2008. The packet materials for that meeting, which include links to meeting minutes and additional information, can be viewed at [South Kirkland P&R Materials - 12/2/08](#).

Once the Comprehensive Plan amendments have been adopted, the City may pursue amendments to the Zoning Code to implement the policies. In 2009, Kirkland may have the opportunity to work concurrently with the City of Bellevue, which we expect to move forward with Comprehensive Plan and zoning amendments for the site. Since both cities will be working with similar issues for the property, the timing will work well to allow for coordination of public involvement efforts and to resolve aspects of development across jurisdictional lines.

cc: ZON08-00002
Planning Commission
Houghton Community Council
Arthur Sullivan, ARCH
Gary Prince, King County Department of Transportation, 201 S. Jackson Street, M/S KSC-TR-0815, Seattle, WA 98104-3856
Michael Bergstrom, City of Bellevue Planning Department, 450 110th Avenue NE, Bellevue, WA 98009
Georgine Foster, 4517 102nd NE, Kirkland, WA 98033
Elizabeth Brannan, 10868 NE 35th Place #2, Bellevue, WA 98004
Shawn Etchevers, 4119 107th Pl. NE, Kirkland, WA 98033
Margaret Elaine Bull, 6225 108th Place NE, Kirkland, WA 98033
Lisa A. McConnell, email: kirby994@verizon.net
Margaret Schwender, email: margschwender@comcast.net
Heather Beaulieu, VP Business Development, RAFN, hbeaulieu@rafn.com
Wayne McCaulley, 3442 108th Place NE #1, Bellevue, WA 98004
Rachel Krefetz, Houghton Development Consortium, 1402 3rd Avenue, Suite 709, Seattle, WA 98101
Brian Staples, 4207 106th Avenue NE, Kirkland, WA 98033

December 9, 2008

Page 3

Jan Dickerman, KITH Executive Director, 125 State Street South, Kirkland, WA 98033

Tom Sharrard, 558 20th Avenue, Kirkland, WA 98033

Jane Jewell, 745 2nd Street South, Kirkland, WA 98033

Tom Granger

ORDINANCE NO. 4155

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO COMPREHENSIVE PLANNING AND LAND USE AND AMENDING THE COMPREHENSIVE PLAN, ORDINANCE 3481 AS AMENDED, AND APPROVING A SUMMARY FOR PUBLICATION, RELATED TO THE SOUTH KIRKLAND PARK AND RIDE, FILE NO. ZON08-00002.

WHEREAS, the City Council has received a recommendation from the Kirkland Planning Commission to amend certain portions of the Comprehensive Plan for the City, Ordinance 3481 as amended, all as set forth in that certain recommendation of the Planning Commission dated November 19, 2008 and bearing Kirkland Department of Planning and Community Development File No. ZON08-00002; and

WHEREAS, prior to making said recommendation the Planning Commission, following notice thereof as required by RCW 35A.63.070, held on October 22, 2008 a public hearing, on the amendment proposals and considered the comments received at said hearing; and

WHEREAS, prior to making said recommendation the Houghton Community Council, following notice thereof as required by RCW 35A.63.070, held on September 9th, 2008, a courtesy hearing, on the amendment proposals and considered the comments received at said hearing; and

WHEREAS, pursuant to the State Environmental Policy Act (SEPA, there has accompanied the legislative proposal and recommendation through the entire consideration process, a SEPA Addendum to Existing Environmental Documents, issued by the responsible official pursuant to WAC 197-11-600; and

WHEREAS, in regular public meeting the City Council considered the environmental documents received from the responsible official, together with the recommendation of the Planning Commission and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Kirkland as follows:

Section 1. Text amended: The following specific portions of the text of the Comprehensive Plan, Ordinance 3481 as amended, are amended as set forth in Attachment A attached to this ordinance and incorporated by reference.

Section 2. Graphics amended: The following graphics or figures appearing on the identified pages of the Comprehensive Plan, Ordinance 3481 as amended, are amended as set forth in Exhibits A and B, attached to this ordinance and incorporated by reference.

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 4, 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 or 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 _____, 2008.

SIGNED IN AUTHENTICATION THEREOF this _____ day of _____, 2008.

Mayor

Attest:

City Clerk

Approved as to Form:

City Attorney

New text to be added to the Lakeview Neighborhood Chapter, page XV.A-8, following discussion of PLA 3, and preceding discussion of PLA 15:

Planned Area 4: South Kirkland Park & Ride

The property containing the South Kirkland Park and Ride is about seven acres in size, with approximately equal portions of the site lying within the cities of Kirkland and Bellevue. The site is owned by King County, and currently developed as a Park and Ride with approximately 600 parking stalls and a transit facility. The site is generally level, but has a steep slope along the eastern and southeastern boundaries within the city of Bellevue section of the site. Tall trees and heavy vegetation are present within the hillside areas.

King County has identified the South Kirkland Park and Ride as a potential site for transit-oriented-development (TOD) for several years. Affordable housing is generally included in King County TOD projects, and is anticipated to be a significant component of future residential development at the South Kirkland site. The City of Kirkland has identified transit oriented development at the South Kirkland Park & Ride as a key affordable housing strategy. The City supports multifamily residential as the predominant use of the site in a transit-oriented-development project, with a variety of other uses to be allowed as well.

The South Kirkland Park and Ride property may continue as a transit facility with the potential for office use. Alternatively, if the site is redeveloped with TOD, the principles discussed below should be used to guide development at the Park and Ride.

Provide for Affordable housing

- ◆ Ensure that transit-oriented-development provides for mixed-income housing, including a minimum of 20% of total units to be affordable to low and/or moderate income households.

Development should strive to achieve greater affordability for at least 20% of its units, with an additional 25% to be affordable to median income households, through the use of as many funding sources as are necessary.

Ensure High Quality Site and Building Design

- ◆ Develop implementing regulations for coordinated development of the entire site.

Establish standards for building height and mass that acknowledge site topography and existing vegetation as factors for consideration.

- ◆ Implement design standards for Planned Area 4.

Ensure that regulations support appropriate building scale and massing throughout the site, produce buildings that exhibit high quality design and incorporate pedestrian features and amenities that contribute to a livable urban village character for the TOD.

Provide guidance for the streetscapes along NE 38th Place and 108th Avenue NE to ensure buildings do not turn their backs on the streets and development provides a welcoming and attractive presence at this gateway to Kirkland.

Protect the vegetative buffers and significant trees along the site's eastern and southeastern borders through development standards.

Minimize the visual impacts of parking facilities from adjacent rights-of-ways.

- ◆ Foster the creation of a vibrant and desirable living environment through the use of high quality design, public amenities and open space.
- ◆ Promote sustainable development through support of green building practices at the Park and Ride.

Maximize Effectiveness of Transit-Oriented-Development (TOD)

- ◆ Create the opportunity for Transit-Oriented-Development at the site through the development of standards and regulations that support necessary densities.
- ◆ Expand opportunities for retail development, incidental office development, and childcare facilities at the site to serve users of the Park and Ride, site residents and others.
- ◆ Provide opportunities for all types of users of the site to access the BNSF corridor, however it is developed, along the eastern boundary of the Park and Ride site.
- ◆ Reduce the need for parking at the site through regulations that promote shared parking between uses, and incentives to support alternatives such as shared car services and electric cars.
- ◆ Mitigate traffic, visual, noise and other impacts from more intensive development of the Park and Ride to the surrounding street network and residential areas.

Coordination with the City of Bellevue

- ◆ Coordinate an approach for the review and approval of development proposals for the site with the City of Bellevue.

- ◆ Manage emergency services to the site through agreements with the City of Bellevue.

Existing text to be deleted from the Lakeview Neighborhood Chapter, page XV.A-17:

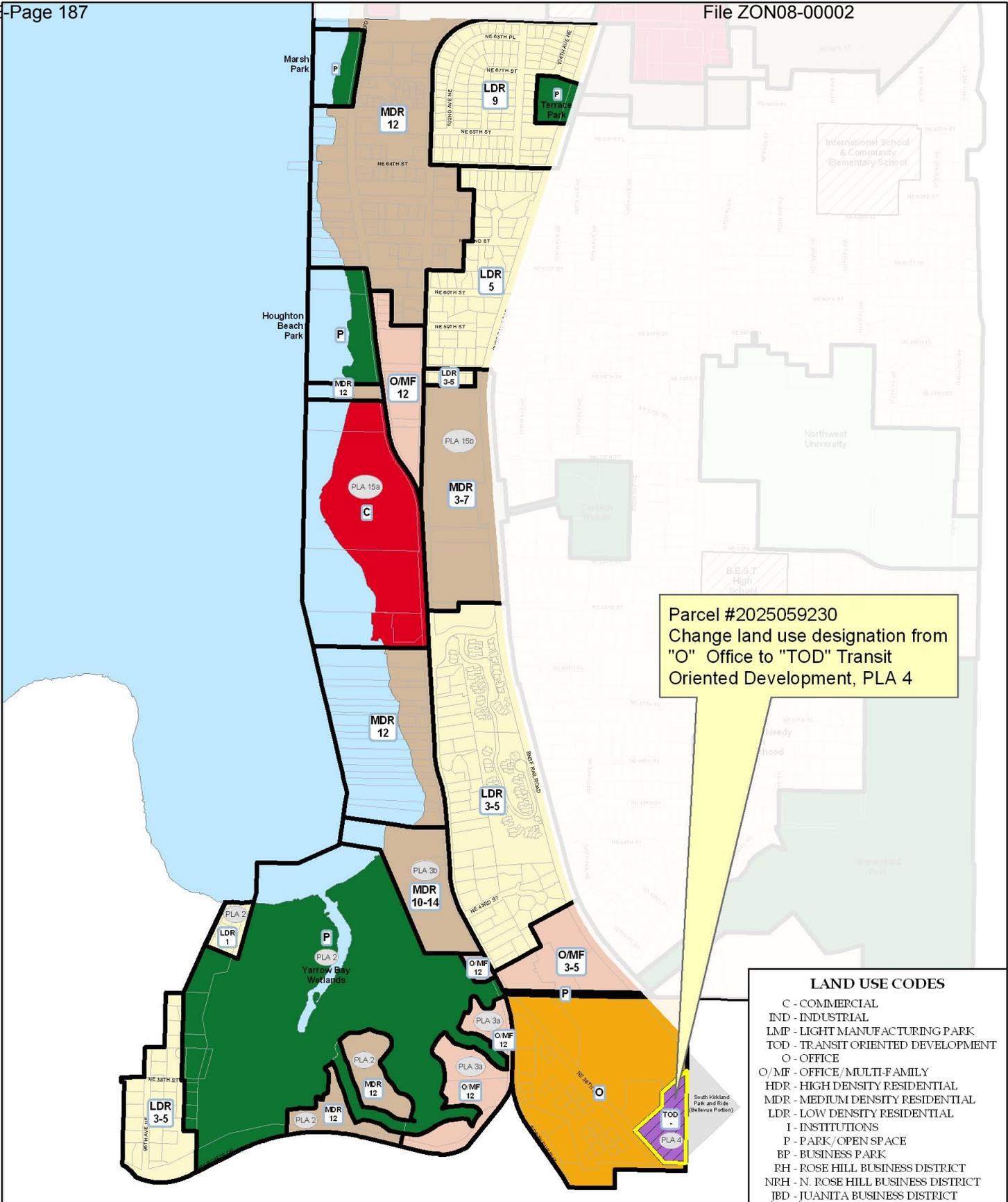
“The Metro Park and Ride lot at the southern end of the Lakeview Neighborhood provides a valuable local and regional transportation function. Any future expansion of this facility should be carefully reviewed to minimize visual and traffic impacts on the surrounding area”.

New text to be added to Land Use Chapter, page VI-4:

Transit-Oriented Development (TOD) – Area where a higher intensity mix of uses is allowed, together with transit facilities, in order to support the increased use of transit and reduce reliance on roads and single-occupant vehicles.

New text to be added to Appendix B: Glossary, page B-6:

Transit-Oriented Development (TOD): Development intended to maximize the use of transit.



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

Lakeview Neighborhood Land Use Map

ORDINANCE NO. 4084
ADOPTED by the Kirkland City Council
February 6, 2007

LAND USE BOUNDARIES	PARCEL BOUNDARIES
SUBAREA BOUNDARY	PLA PLANNED AREA NUMBER
TOTEM CENTER	LAND USE CODE
PUBLIC FACILITIES	DENSITY (UNITS/ ACRE)

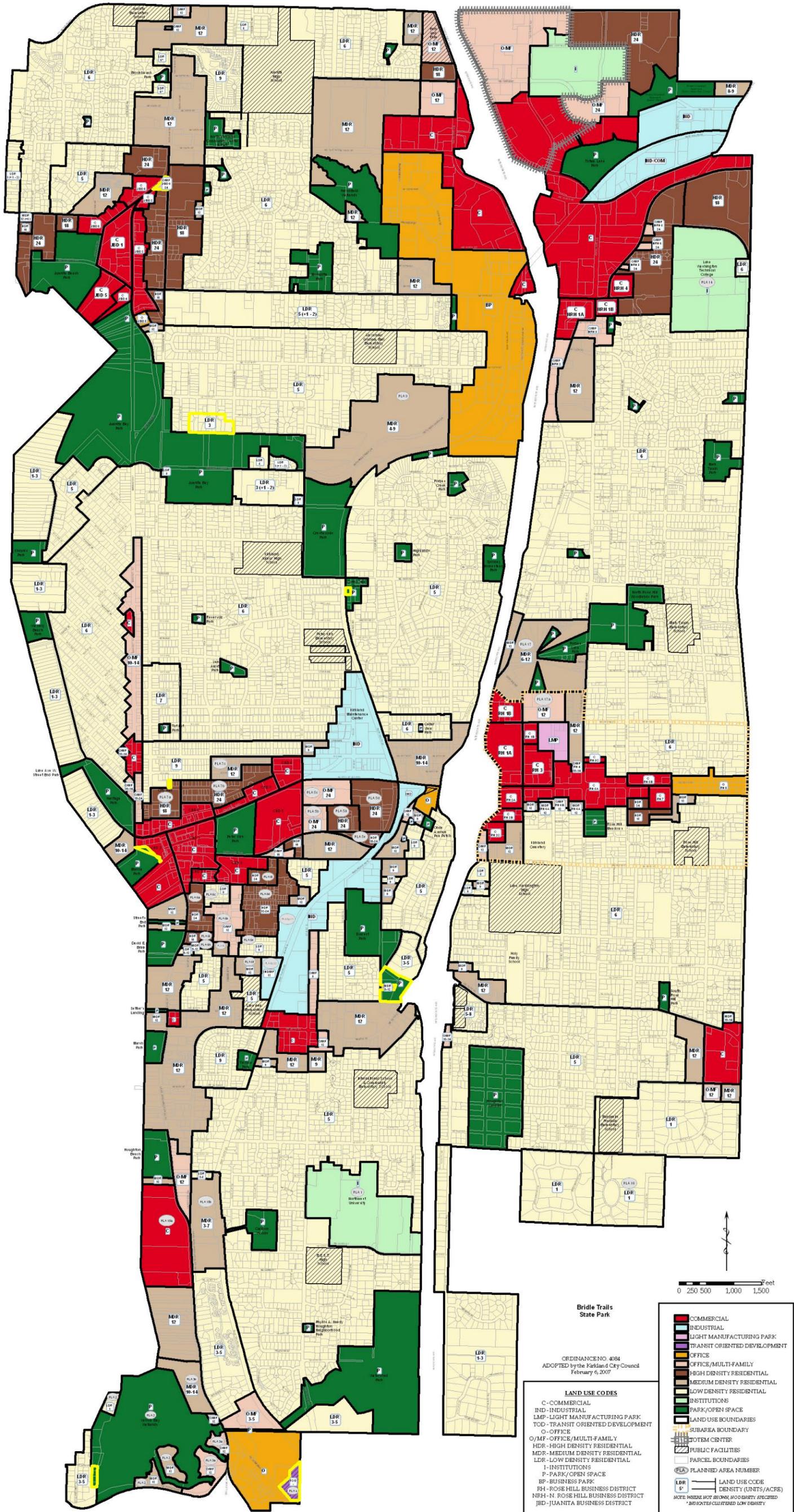
NOTE: WHERE NOT SHOWN, NO DENSITY SPECIFIED
*INDICATES CLUSTERED LOW DENSITY



Maps produced October 30, 2008.
Produced by the City of Kirkland. © 2008, the City of Kirkland, all rights reserved.
No warranties of any sort, including but not limited to accuracy, fitness or merchantability, accompany this product.

CITY OF KIRKLAND COMPREHENSIVE LAND USE MAP

Department of Planning and Community Development



LU-1 Comprehensive Land Use Map

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No warranties of any sort, including but not limited to accuracy, fitness or merchantability, accompany this product.

PUBLICATION SUMMARY
OF ORDINANCE NO. 4155

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO COMPREHENSIVE PLANNING AND LAND USE AND AMENDING ORDINANCE 3481 AS AMENDED, AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, RELATED TO THE SOUTH KIRKLAND PARK AND RIDE, FILE NO. ZON08-00002.

SECTION 1. Amends the following specific sections of the text of Ordinance 3481 as amended, the Kirkland Comprehensive Plan:

- Attachment A: Amends text in the Lakeview Neighborhood Chapter
- Amends text in the Land Use Chapter
- Amends text in Appendix B, Glossary

SECTION 2. Amends the following specific graphics contained in Ordinance 3481 as amended, the Kirkland Comprehensive Plan:

- Exhibit A: Amends the Comprehensive Plan Land Use Map
- Exhibit B: Amends the Lakeview Neighborhood 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. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Kirkland Municipal Code 1.08.017.

SECTION 6. Establishes certification by City Clerk and notification of King County Department of Assessments.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the ____ day of _____, 2008.

I certify that the foregoing is a summary of Ordinance 4155 approved by the Kirkland City Council for summary publication.

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: David Ramsay, City Manager

From: Janice Soloff, AICP, Senior Planner
Eric R. Shields, AICP, Planning Director

Date: December 3, 2008

Subject: **ADOPTION OF ORDINANCES AMENDING THE RH 1B SECTION OF THE NE 85TH STREET SUBAREA PLAN CHAPTER OF THE COMPREHENSIVE PLAN AND ZONING CODE RELATED TO THE COSTCO PRIVATE AMENDMENT REQUEST, FILE ZON07-00017**

RECOMMENDATION

Adopt the enclosed two ordinances amending the RH 1B land use policy within the NE 85th Street Subarea Plan chapter of the Comprehensive Plan and the RH 1B Section of the Zoning Code to allow a vehicle service station use as an accessory use to the Costco store located at 8629 120th Avenue NE.

BACKGROUND DISCUSSION

As part of the City's 2007 citizen initiated private amendment requests, Costco Wholesale submitted a request that the City amend the RH 1B section of the Comprehensive Plan and Zoning Code to allow a members only gas station on the north side of NE 90th Street in the existing auxiliary parking lot. A vehicle service station is an outright allowed use on the south side of NE 90th Street in the RH 1A zone where the store is located.

An extensive public process involving facilitated community meetings, Planning Commission study sessions, and public hearing identified and studied the potential impacts of adding the gas station use as a code amendment. Following this process, Costco worked with all parties (community stakeholders, staff and Planning Commission) to craft mutually agreeable development regulations, performance standards, and public benefits that eventually formed the Planning Commission recommendation presented to City Council on December 2, 2008.

Based on comments from the public and input from Costco, City Council directed staff to revise the Planning Commission recommendation regarding hours of operation of the gas station and truck deliveries from 9:00 am to 9:30 pm (one hour before opening and one hour after closing of the Costco store) to a new time of 8:00 am to 9:00 pm (including truck deliveries) (see Special Regulation #2). Council also directed a change to prohibit only internally illuminated signs on the north and east sides of the gas pump islands or canopies (exterior lighting would therefore be allowed on all four sides) (see Special Regulation #6). These changes are reflected in the enclosed ordinances.

ORDINANCE NO. 4168

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO COMPREHENSIVE PLANNING AND LAND USE AND AMENDING THE COMPREHENSIVE PLAN, ORDINANCE 3481 AS AMENDED, AMENDING THE NE 85TH STREET SUBAREA PLAN POLICY NE-85-4.1B, AND APPROVING A SUMMARY FOR PUBLICATION, FILE NO. ZON07-00017

WHEREAS, the City Council has received a recommendation from the Kirkland Planning Commission to amend Policy NE85-4.1b of the Comprehensive Plan for the City, Ordinance 3481 as amended, all as set forth in the report and recommendation of the Planning Commission dated November 19, 2008, bearing Kirkland Department of Planning and Community Development File No. ZON07-00017; and

WHEREAS, prior to making said recommendation the Planning Commission, following notice thereof as required by RCW 35A.63.070, held on November 13, 2008, 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 the Existing Environmental Documents issued by the responsible official pursuant to WAC 197-11-600; and

WHEREAS, in regular public meeting the City Council considered the environmental documents received from the responsible official, together with the reports and recommendations of the Planning Commission at its regular public meeting on December 2, 2008; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Kirkland as follows:

Section 1. Text amended: The following specific portions of the text of the Comprehensive Plan, Ordinance 3481 as amended, be hereby amended to read as follows:

Insert to Policy NE 85-4.1b: Area RH-1b:
Allow retail sale of fuel on the north side of NE 90th Street if ancillary to commercial development in RH 1A.

Section 2. If any section, subsection, sentence, clause, phrase, part or portion of this ordinance, including those parts adopted by reference, is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. This ordinance shall be in full force and effect five days from and after its passage by the 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 4. A complete copy of this ordinance shall be certified by the City Clerk, who shall then forward the certified copy to the King County Department of Assessments.

Passed by majority vote of the Kirkland City Council in open meeting this _____ day of _____, 2008.

SIGNED IN AUTHENTICATION THEREOF this _____ day of _____, 2008.

Mayor

Attest:

City Clerk

Approved as to Form:

City Attorney

PUBLICATION SUMMARY
OF ORDINANCE NO. 4168

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO COMPREHENSIVE PLANNING AND LAND USE AND AMENDING THE COMPREHENSIVE PLAN, ORDINANCE 3481 AS AMENDED, AMENDING THE NE 85TH STREET SUBAREA PLAN POLICY NE-85-4.1B, FILE NO. ZON07-00017.

SECTION 1. Amends the NE 85th Street Subarea Plan Chapter of the Comprehensive Plan Policy NE 85-4.1b to allow retail sale of fuel on the north side of NE 90th Street if ancillary to commercial development in RH 1a.

SECTION 2. Provides a severability clause for the ordinance.

SECTION 3. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Kirkland Municipal Code 1.08.017 and establishes the effective date as five days after publication of summary.

SECTION 4 Establishes certification by the City Clerk and notification of King County Department of Assessments.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the ___ day of _____, 2008.

I certify that the foregoing is a summary of Ordinance _____ approved by the Kirkland City Council for summary publication.

City Clerk

ORDINANCE NO. 4169

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE AND AMENDING THE USE ZONE CHART FOR THE ROSE HILL BUSINESS DISTRICT (RH) 1B ZONE, SECTION 53.12 OF THE KIRKLAND ZONING CODE, ORDINANCE 3719 AS AMENDED, TO ADD A NEW VEHICLE SERVICE STATION USE LISTING, AND APPROVING A SUMMARY FOR PUBLICATION, FILE NO. ZON07-00017.

WHEREAS, the City Council has received a recommendation from the Kirkland Planning Commission to amend certain sections of the text of the Kirkland Zoning Code, Ordinance 3719 as amended, all as set forth in that certain report and recommendation of the Planning Commission dated November 19, 2008, and bearing Kirkland Department of Planning and Community Development File No. ZON07-00017; and

WHEREAS, prior to making said recommendation, the Kirkland Planning Commission, following notice thereof as required by RCW 35A.63.070, on November 13, 2008, held a public hearing, on the amendment proposals and considered the comments received at said hearing; and

WHEREAS, pursuant to the State Environmental Policy Act (SEPA), there has accompanied the legislative proposal and recommendation through the entire consideration process, a SEPA Addendum to Existing Environmental Documents issued by the responsible official pursuant to WAC 197-11-600; and

WHEREAS, in regular public meeting the City Council considered the environmental documents received from the responsible official, together with the reports and recommendations of the Planning Commission directed staff to make certain changes to the Planning Commission recommendation and;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Kirkland as follows:

Section 1. Zoning text amended: The following specified sections of the text of Ordinance 3719 as amended, the Kirkland Zoning Code are amended:

as set forth in Attachment A attached to this ordinance and incorporated by reference.

Section 2. If any section, subsection, sentence, clause, phrase, part or portion of this ordinance, including those parts adopted by reference, is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. This ordinance shall be in full force and effect five days from and after its passage by the Kirkland City Council and publication, pursuant to 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 4. A complete copy of this ordinance shall be certified by the City Clerk, who shall then forward the certified copy to the King County Department of Assessments.

PASSED by majority vote of the Kirkland City Council in open meeting this _____ day of _____, 2008.

SIGNED IN AUTHENTICATION thereof this _____ day of _____, 2008.

Mayor

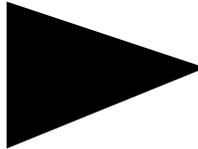
Attest:

City Clerk

Approved as to Form:

City Attorney

**RH 1B Zone
Section 53.12**



USE ZONE CHART

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

Section 53.12	US E REGULATIONS ↓ →	Required Review Process	MINIMUMS					MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Req'd 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	Vehicle Service Station See Special Regs. 1 and 2	D.R., Chapter 142 KZC	22,500 sq. ft.	20'	15'	15'	80%	20' above average building elevation	A	E See Special Reg 6.	See KZC 105.25	<ol style="list-style-type: none"> 1. This use is permitted only north of NE 90th Street as an accessory use to a commercial use located in RH 1A and limited to sale of fuel. Vehicle service, repair, or the sale or installation of lubricants, tires, batteries or other similar accessories is prohibited. 2. Hours of operation and truck deliveries are limited to 8:00 am to 9:00 pm. 3. Gas pump islands must be located at least 20 feet from all property lines.. 4. See KZC 95.40. (6) and (7) required landscaping, for additional regulations. 5. The following improvements must be installed: <ol style="list-style-type: none"> a. Half street improvements including vertical curb, five foot wide sidewalk and 4.5 foot wide landscape strip planted with street trees adjacent to the curb in the following locations: <ol style="list-style-type: none"> i. Along the south side of NE 90th Street between 120th Avenue NE and the existing sidewalk west of 122nd Ave. NE. ii. Along the south side of NE 90th Street between 122nd Avenue and 123rd Lane NE. iii. Along the east side of 120th Avenue NE between NE 90th Street and the existing sidewalk to the south. b. Crosswalk markings at the intersection of NE 90th Street and 122nd Avenue NE. <p>Minor deviations may be approved by the Public Works Director. If improvements will result in impacts to adjacent wetlands, they must comply with Chapter 90, Drainage Basin requirements.</p> <ol style="list-style-type: none"> c. Basic water quality treatment for the surface water discharge from all the parking lots that serve the commercial use located in RH 1A . The treatment shall meet the specifications of the 1998 King County Surface Water Design Manual, or equivalent approved by the Public Works Dept. d. A pedestrian pathway shall be developed and maintained between NE 90th St and Slater Avenue NE. 6. Internally illuminated signs are prohibited on the north and east sides of gas pump islands or canopies. 	

PUBLICATION SUMMARY
OF ORDINANCE NO. 4169

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE AND AMENDING THE USE ZONE CHART FOR THE ROSE HILL BUSINESS DISTRICT (RH) 1B ZONE, SECTION 53.12 OF THE KIRKLAND ZONING CODE, ORDINANCE 3719 AS AMENDED, TO ADD A VEHICLE SERVICE STATION USE, FILE NO. ZON07-00017.

SECTION 1. Amends the Use Zone Chart for the RH 1B Zone, Section 53.12 of the Kirkland Zoning Code, to add a vehicle service station use listing as an accessory use to a commercial use in RH 1A and adding other special regulations that apply to the new use.

SECTION 2. Provides a severability clause for the ordinance.

SECTION 3. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Kirkland Municipal Code 1.08.017 and establishes the effective date as five days after publication of summary.

SECTION 4 Establishes certification by the City Clerk and notification of King County Department of Assessments.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the ____ day of _____, 2008.

I certify that the foregoing is a summary of Ordinance _____ approved by the Kirkland City Council for summary publication.

City Clerk



CITY OF KIRKLAND
Department of Parks & Community Services
505 Market Street, Suite A, Kirkland, WA 98033 425.587.3300
www.ci.kirkland.wa.us

MEMORANDUM

To: Kirkland City Council

From: Human Services Advisory Committee
Tom Sherrard, Chair
Chris Houden
Anahita Nakhjiri
Santiago Ramos
Katherine Robichaux
Sharon Anderson, Staff

Date: December 12, 2008

Subject: 2009/2010 HUMAN SERVICES FUNDING RECOMMENDATIONS

RECOMMENDATION

Approve the recommendations of the Human Services Advisory Committee to allocate \$1,128,789 of the 2009/2010 General Fund dollars to support the proposed human services programs attached. This amount includes a proposed base general fund budget of 1,054,261, a transfer from the Police Department to support Eastside Domestic Violence Program for \$62,528, and \$12,000 support from Evergreen Hospital.

In addition, the Human Services Advisory Committee would like Council to consider allocating \$50,000 from Council Special Projects Reserves to establish a human services emergency fund. This fund would be used to respond to emerging needs in the community.

POLICY IMPLICATIONS

1. The Human Service Policy directs the Committee to provide recommendations to City Council on requests for human service funds. In accordance with the Policy, the Committee has conducted its review of human service agency funding requests.
2. The total amount recommended by the Human Services Advisory Committee, and proposed in 2009/2010 biennium budget for the human services program is \$1,054,261. In addition a transfer from the Police Department to support Eastside Domestic Violence Program for \$62,528, and \$12,000 support from Evergreen Hospital is included in this funding recommendation.

BACKGROUND DISCUSSION

The Human Services Advisory Committee wishes to thank City Council for your consideration of our request. After a competitive application process and three public hearings, the Human Services Advisory Committee has finalized its recommendations for adoption of the 2009/2010 Human Services Funding Plan.

The attached summary is the Committee's best effort to match the City Council's established Human Services Policies, evaluation criteria, and overall community need with the available funding.

FUNDING GUIDELINES

The Committee's funding recommendations have been guided by:

- The application of our understanding of the needs of Kirkland residents.
- Established human services policies and evaluation criteria.
- The level of available funding to be allocated.
- Maintaining support to previously funded programs judged to have met performance standards.
- Increasing, if feasible, support to agencies where compelling evidence of greater demand was demonstrated.
- Funding critical new programs, if feasible.
- Any additional criteria or emphasis, based on the Committee's understanding of human service needs and the City's Human Service policy.

In those cases where the Advisory Committee was not able to recommend funding, their decisions were based on the following factors:

- Policy to place priorities on previously funded programs judged to have met performance standards.
- The availability of funding.

The attached funding plan includes recommendations for a total allocation of \$1,128,789 of the 2009-2010 General Fund dollars. This includes the following:

A: Council Recommended Option 1: A one-time allotment of \$227,701 to be restored to permanent funding or allocated again as a one time. This is a \$10.88 per capita allocation, and when adjusted for the increase in per capita totals \$ 1,054,261. This is made up of a Parks and Community Services base budget of \$838,700, a preliminary City Manager recommendation of \$200,000, and an additional \$15,561 allocation from City Council. The amount of total new dollars is \$18,855.

The Committee has recommended Option1 funding for the following programs:

Eastside Baby Corner (EBC): \$6285

EBC makes a positive difference in the lives of children and families in need by collecting and purchasing children's items and distributing them free of charge through local service providers.

EBC has operated as an *all*/volunteer agency for the last 18 years. In order to guarantee long-term sustainability, stability and services the agency developed a strategic plan. The Committee recommends increased funding to support the strategic plan to hire staff to ensure sustainability.

Friends of Youth- Healthy Start Program: \$6285

Healthy Start is a voluntary home visitation program that supports healthy child development, enhances parenting skills, improves the quality of parent-child interactions and promotes school readiness activities for families at-risk for child abuse, neglect and poor educational outcomes.

The YWCA Homeless Women's Day Center: \$6285

The Day Center is a regional project with the cities of Kirkland, Bellevue and Redmond. The goal of the program is to provide a safe, welcoming daytime drop in center for homeless women. The program will provide meals, snacks, showers, laundry facilities, phone computer and internet access. There also will be individualized assessments.

B. Evergreen Hospital Human Services Support- \$12,000

The Committee recommends allocating the one-time funding of 12,000 to be equally divided among the following programs.

Friends of Youth Continuum of Care: \$4000

The program provides a continuum of care for homeless and runaway youth ages 9 to 22 on the Eastside. Program services include outreach, short-term emergency shelter care, case management, counseling and drug/alcohol screenings, family reconciliation, foster care recruitment and transitional housing.

Hopelink-Emergency Feeding Program: \$4000

Hopelink's Emergency Feeding Services Program focuses on providing emergency food assistance. Emergency bags are distributed, as needed, to families and individuals in crisis. Standard emergency bags include basic foods (e.g. cereal, soup, tuna, canned vegetables, canned fruit, powdered milk, juice, etc.). Portions are based on family size to provide food for a limited time until ongoing food assistance is available. In addition to standard bags, we supply bags for special dietary needs; diabetic, low-sodium, Asian, Hispanic, and homeless (no-cook) bags. Primary distribution occurs at Hopelink's Emergency Service Centers. These sites provide emergency food bags to anyone requesting emergency assistance.

Senior Services-Volunteer Transportation Program: \$4000

The Volunteer Transportation Program has over 380 volunteer drivers who use their own vehicles to provide personalized escorted, free transportation services to seniors who need a higher level of assistance than offered by public transportation. Access to transportation is cited as one of the greatest challenges facing seniors.

C: Re-allocated Funds

In the 2007-2008 funding cycle the City allocated \$17,136 to the Northwest Mentoring and Education Center. In December 2008, the Executive Director retired and closed the program. There is an effort to reestablish this program. However, there is no plan in place. Therefore, the Human Services Advisory Committee is recommending re-allocation of these funds to assist Hopelink's Emergency Services Program. The funds are already in the human services base budget.

Hopelink - Emergency Services:

The Emergency Services Program provides low-income Kirkland residents with basic and emergency needs including food, financial assistance for eviction prevention, first month's rent, utility assistance, medical prescriptions, and bus tickets.

D: Eastside Domestic Violence Program- Community Advocate Program (\$62,528) funds to support this program have been transferred from the Police budget to the human services base budget.

HUMAN SERVICES EMERGENCY FUND

The Human Services Advisory Committee would like City Council to consider establishing a human services emergency fund, in order for the Committee to respond to the emerging needs throughout the next two years. The Committee heard a considerable amount of testimony during the Public Hearings that focused on the growing needs for our community. In addition, many of our agencies that serve Kirkland citizens are facing budget cuts from King County. With a growing need, and diminishing funds, we are anticipating some special requests that will help the agencies provide the most basic needs for our citizens. The Human Services Advisory Committee would be able to evaluate and respond to these requests quickly, so as to avoid service interruption for our citizens. The Committee will establish criteria for allocation if/when this fund is established.

CLOSING COMMENTS

We wish thank Council for their continued investment in human services and ask that you adopt the Committee's 2009/2010 funding plan. We are encouraged that this funding plan will address a broad range of community needs and offer significant support to a great many residents in our community.

City of Kirkland Human Services Committee - 2009-2010 Human Service Recommendations

	Agency	Program	2007 2008 Award	2009 2010 Request	2009 2010 Recommend	Program Description & Funding Rationale
Goal 1: Food to Eat and Roof Overhead						
1	Catholic Community Services of King County	Emergency Assistance Program	\$ 17,800	\$ 17,802	\$ 17,800	Provides financial assistance for low-income families, seniors, and disabled adults in crisis through the following: utility assistance, motel vouchers, rent assistance, rent and move-in assistance, food and gas vouchers.
2	Eastside Baby Corner	Distribution of Items for Needy Children	\$ 11,138	\$ 30,000	\$ 17,423	Provides diapers, baby formula, car seats and cribs to Kirkland residents through Eastside service providers. This program will participate in the North and East King County Pooled Funding Project.
3	Eastside Domestic Violence Program	My Sister's Home Emergency Shelter	\$ 7,440	\$ 8,968	\$ 7,440	Provides a safe, confidential, emergency shelter and advocacy-based counseling for domestic violence survivors and their children.
4	Eastside Interfaith Social Concerns Council	Congregations for the Homeless Housing (CFH)	\$ 18,426	\$ 23,226	\$ 18,426	Unique program: CFH is the only one of its kind on the Eastside: Provides shelter, three meals daily, employment case management and other support services for single homeless men. This program will participate in the North and East King County Pooled Funding Project.
5	Eastside Interfaith Social Concerns Council	New Request: Congregations for the Homeless (CFH) Housing	\$ -	\$ 16,000	\$ -	Places homeless men into housing, and provides rent subsidies and case management. They serve men 18-74, mostly are 35-59. This program will participate in the North and East King County Pooled Funding Project. Funding not recommended at this time.
6	Emergency Feeding Program	New Request: Emergency Feeding Program	\$ -	\$ 5,000	\$ -	Provides 14 varieties of nutritional balance culturally and medically appropriate non-perishable emergency food packs in 20 East King County locations. Funding not recommended at this time.

City of Kirkland Human Services Committee - 2009-2010 Human Service Recommendations

	Agency	Program	2007 2008 Award	2009 2010 Request	2009 2010 Recommend	Program Description & Funding Rationale
7	Friends of Youth	Homeless Continuum of Care	\$ 39,426	\$ 54,860	\$ 43,426	Provides a continuum of care for homeless and runaway for youth ages 9-22. Services include outreach, short-term emergency shelter care, case management, counseling and drug and alcohol screenings, family reconciliation, foster care recruitment and transitional housing. This program will participate in the North and East King County Pooled Funding Project.
8	Friends of Youth	New Request: The Landing Young Adult Shelter	\$ -	\$ 8,000	\$ -	The Landing is an overnight shelter for homeless young adults ages 18-24. These young adults are too old for emergency shelters geared to youth 11-17. Provides case management to assist youth on their way to self sufficiency. This program will participate in the North and East King County Pooled Funding Project. Funding not recommended at this time.
9	Hopelink	Avondale Park: Emergency Shelter and Transitional Housing	\$ 20,400	\$ 21,400	\$ 20,400	Provides housing and comprehensive services to homeless families and individuals to help them gain permanent housing and skills necessary for long-term self-sufficiency.
10	Hopelink	Emergency Shelter and Transitional Housing	\$ 35,596	\$ 37,200	\$ 35,596	Provides housing and comprehensive services to homeless families and comprehensive supportive services to help them achieve permanent housing and gain the skills necessary for long-term self-sufficiency.
11	Hopelink	Emergency Feeding Services	\$ 15,336	\$ 16,000	\$ 19,336	Provides short-term emergency food to families and individuals. Works with various community partners with locations outside of the Kirkland Hopelink facilities.
12	Hopelink	Emergency Services	\$ 61,200	\$ 67,320	\$ 78,336	Provides low-income residents with basic and emergency needs including food, financial assistance for eviction prevention, first month's rent, utility assistance, medical prescriptions and bus tickets.
13	Kirkland Interfaith Transitions in Housing	Transitional and Permanent Supportive Housing	\$ 44,880	\$ 50,000	\$ 44,880	Provides transitional housing and services for homeless families with children, and permanent housing with case management services.

City of Kirkland Human Services Committee - 2009-2010 Human Service Recommendations

	Agency	Program	2007 2008 Award	2009 2010 Request	2009 2010 Recommend	Program Description & Funding Rationale
14	SeaMar	Latino Senior Nutrition Outreach Socialization	\$ 11,138	\$ 11,138	\$ 11,138	The nutrition program promotes physical, social and emotional well-being of Latino seniors who otherwise are isolated due to language and transportation barriers. The program participants meet at the Peter Kirk Community Center.
15	Senior Services	New Request: Community Dining	\$ -	\$ 8,596	\$ -	Program serves persons 60 years and older balanced meals at the Peter Kirk Community Center. This is a donation program; however no one is denied meals because of inability to pay. Funding not recommended at this time.
16	Senior Services	Meals on Wheels	\$ 9,180	\$ 11,496	\$ 9,180	Provides nutritious home-delivered meals making it easier for seniors to remain healthy and independent.
17	The Salvation Army Eastside	Emergency Assistance Program	\$ 30,000	\$ 30,000	\$ 30,000	Provides temporary financial assistance, counseling services, referrals and information and support for individuals experiencing a personal emergency or crisis.
18	YWCA	YWCA Family Village	\$ 42,760	\$ 44,044	\$ 42,760	Provides transitional housing combined with support services including case management, childcare, employment services and mental health services.
19	YWCA	Eastside Women's Center	\$ 20,000	\$ 26,000	\$ 26,285	The Women's Center is a partnership with Bellevue First Congregational Church to provide a daytime drop-in program for homeless women. The Center is the only East King County program for single women to meet their basic needs and connect with resources. Recommend funding at full request.
TOTAL Goal Area 1			\$ 384,720	\$ 487,050	\$ 422,426	
Goal 2: Supportive Relationships within Families, Neighborhoods and Communities						
20	Assistance League of the Eastside (ALE)	Operation School Bell	\$ 15,000	\$ 16,000	\$ 15,000	Provides new clothing to students selected by school personnel. The students attend a shopping event with their parents at a local Fred Meyer overseen by ALE volunteers. Each child has \$120 to spend on clothing.
21	Catholic Community Services of King County	New Request: Volunteer Chore Services	\$ -	\$ 14,000	\$ -	The program provides free in-home volunteer chore help for low-income adults over 18 with disabilities and frail elders. Funding not recommended at this time.

City of Kirkland Human Services Committee - 2009-2010 Human Service Recommendations

	Agency	Program	2007 2008 Award	2009 2010 Request	2009 2010 Recommend	Program Description & Funding Rationale
22	Child Care Resources	Childcare Resource and Referral	\$ 16,290	\$ 25,200	\$ 16,290	Provides information and referral to help families find appropriate childcare, training and technical assistance for childcare providers, community education regarding childcare issues. This program will participate in the North and East King County Pooled Funding Project.
23	Child Care Resources	New Request: Childcare Financial Assistance	\$ -	\$ 50,400	\$ -	Provides childcare scholarships to assist low-income families. Families are either employed or in job training or are not eligible for or receiving any other subsidy. This program will participate in the East King County Pooled Funding Project. Funding not recommended at this time.
24	Chinese Information and Service Center	Eastside International Family Center: Request is to develop a new center.	\$ 20,000	\$ 57,302	\$ 20,000	The City currently funds the Cultural Navigator Program. The Eastside Family Center would be a one-stop model to bring culturally relevant services to Eastside immigrants. Recommend to continue funding the Cultural Navigator Program.
25	Crisis Clinic	2-1-1 Community Information Line	\$ 6,426	\$ 16,000	\$ 6,426	Provides information and referral services to callers needing assistance accessing community services. This program will participate in the North and East King County Pooled Funding Project.
26	Eastside Legal Assistance Program	Eastside Legal Assistance Program	\$ 20,400	\$ 20,604	\$ 20,400	Provides legal assistance for residents through workshops, clinics, Domestic Violence Legal Fund, wills, lectures, referrals and direct representation.
27	Friends of Youth	Healthy Start	\$ 15,488	\$ 25,080	\$ 21,773	Program is a voluntary home visitation program that supports healthy child development, enhances parenting skills, improves the quality of parent-child interactions and promotes school readiness activities for families at-risk for child abuse, neglect and poor educational outcomes. This program will participate in the North and East King County Pooled Funding Project.
28	Hopelink	Family Development Program	\$ 10,814	\$ 20,000	\$ 10,814	Provides long-term case management to low-income families. Assists in setting and achieving their goals toward self-sufficiency.

City of Kirkland Human Services Committee - 2009-2010 Human Service Recommendations

	Agency	Program	2007 2008 Award	2009 2010 Request	2009 2010 Recommend	Program Description & Funding Rationale
29	Kinderling Center	Early Childhood Consultation	\$ 14,116	\$ 18,906	\$ 14,116	Program ensures families and caregivers have the training and information they need to provide high-quality early care and education for young children free-of-charge
30	Kirkland Boys and Girls Club	Summer Camp Scholarships	\$ 5,304	\$ 7,000	\$ 5,304	Provides low-income youth with scholarships to attend summer camps.
31	Lake Washington Schools Foundation	New Request: LINKS Program	\$ -	\$ 20,000	\$ -	LINKS(Looking into the Needs of Kids in Schools) targets schools that do not have the traditional community volunteer base to work with struggling students. Funding not recommended at this time.
32	Lake Washington Schools Foundation	New Request: Classroom Enrichment Grants	\$ -	\$ 12,000	\$ -	Funds would be available to school district teachers for innovative and creative projects that enhance or challenge learning while addressing specific needs of students served. Funding not recommended at this time.
33	Northwest Mentoring	Young Adult Mentor Program	\$ 17,136	\$ -	\$ -	Executive Director retires 12/08. Agency did not submit an application. The \$17,136 will be allocated to Hopelink Emergency Services Program.
34	Youth Eastside Services	Early Intervention for Youth-At-Risk	\$ 58,724	\$ 60,486	\$ 58,724	Program provides at-risk youth ages 6-20 and their families with a comprehensive range of mental health, sexual abuse and substance abuse counseling services.
35	Youth Eastside Services	Family Net	\$ 22,000	\$ 22,660	\$ 22,000	Family Net is a family support program, A counselor at Rosehill Elementary provides low-income children and their families with counseling, tutoring, family activities and services.
36	Youth Eastside Services	Teen Center Counselor	\$ 54,862	\$ 56,508	\$ 54,862	Provides Kirkland youth with crisis intervention, counseling, outreach and information and referral at the KTUB.
TOTAL Goal Area 2			\$ 276,560	\$ 442,146	\$ 265,709	
Goal 3: Safe Haven from All Forms of Abuse						
37	Children's Response Center-Harborview	Children's Response Center- Harborview	\$ 33,048	\$ 34,040	\$ 33,048	Provides prompt, local response to child victims of sexual abuse and other forms of trauma and their non-offending family members. This program will participate in the North and East King County Pooled Funding Project.

City of Kirkland Human Services Committee - 2009-2010 Human Service Recommendations

	Agency	Program	2007 2008 Award	2009 2010 Request	2009 2010 Recommend	Program Description & Funding Rationale
38	Consejo Counseling and Referral Services	Latina Domestic Violence Advocacy Program	\$ 20,000	\$ 30,000	\$ 20,000	Provides culturally and linguistically appropriate community and legal advocacy services to non and limited-English speaking proficient Latina domestic violence victims.
39	Crisis Clinic	Teen Link	\$ 8,160	\$ 10,000	\$ 8,160	Provides an anonymous telephone helpline for teens, answered by teens each evening from 6-10pm. Provides suicide training in middle and high schools and youth-serving organizations. This program will participate in the North and East King County Pooled Funding Project.
40	Eastside Domestic Violence Program	Community Advocate Program Previously funded by the Police Dept. Budget		\$ 70,850	\$ 62,528	Provides advocacy and support to survivors of domestic violence via a crisis line, advocacy based crisis counseling, support groups, legal advocacy and children's services and education and outreach to raise awareness of domestic violence.
41	Eastside Domestic Violence Program	Early Crisis Intervention	\$ 23,660	\$ 24,800	\$ 23,660	Provides crisis intervention for victims of domestic violence through a 24 hour crisis line, community based peer support groups, parent education, and a children's group.
42	King County Sexual Assault Resource Center	Comprehensive Sexual Assault Services	\$ 17,136	\$ 18,506	\$ 17,136	Provides comprehensive and integrated services for victims of sexual assault, their families and the community, including prevention education and training. This program will participate in the North and East King County Pooled Funding Project.
43	Sound Mental Health	Eastside Behavioral Responsibility Program	\$ 10,200	\$ 12,000	\$ 10,200	Program provides domestic violence offender treatment. Program components include protocols to ensure victim safety, holding offenders accountable for their behavior by monitoring adherence to treatment conditions.
TOTAL Goal Area 3			\$ 112,204	\$ 200,196	\$ 174,732	

City of Kirkland Human Services Committee - 2009-2010 Human Service Recommendations

	Agency	Program	2007 2008 Award	2009 2010 Request	2009 2010 Recommend	Program Description & Funding Rationale
Goal 4: Healthcare to be Physically and Mentally Fit						
44	Crisis Clinic	24-Hour Crisis Line	\$ 6,426	\$ 14,000	\$ 6,426	Provides emergency telephone intervention for callers in crisis or emotional distress, referrals to other agencies and direct linkage for emergency mental health services. This program will participate in the North East King County Pooled Funding Project.
45	Elder and Adult Day Health Services	Comprehensive Adult Day Health Services	\$ 11,138	\$ 20,000	\$ 11,138	Provides therapeutic individualized care in a group setting, designed to improve the health and well-being and quality of life for frail elderly and disabled adults and those who care for them. This program will participate in the North East King County Pooled Funding Project.
46	Health point (Formerly Community Health Centers)	New Request: Healthcare for the Homeless	\$ -	\$ 5,200	\$ -	Registered nurses provide healthcare visits at homeless shelters, permanent housing and drop-in centers. Not recommended for funding at this time.
47	Health point (Formerly Community Health Centers)	Primary Dental	\$ 36,670	\$ 37,300	\$ 36,670	Offers preventative, restorative and urgent dental care to anyone regardless of their ability to pay. Only program in East King County offering long term dental care to children and adults regardless of insurance status. This program will participate in the North and East King County Pooled Funding Project.
48	Health point (Formerly Community Health Centers)	Primary Medical	\$ 48,960	\$ 65,000	\$ 48,960	Offers primary medical care to anyone regardless of their ability to pay. The care includes preventative and treatment of chronic illness, acute and urgent care. This program will participate in the North and East King County Pooled Funding Project.
49	Health point (Formerly Community Health Centers)	New Request: Natural Medicine	\$ -	\$ 6,000	\$ -	The program hosts naturopathic, acupuncture and nutrition healthcare in their East King County Clinics. Funding not recommended at this time.
50	NAMI Eastside	Education, Support, Advocacy	\$ 13,770	\$ 16,000	\$ 13,770	Provides support to families and individuals whose lives are impacted by mental illness, thorough support groups, in-depth classes, monthly educational forums, speakers' bureau, website and referral services.

City of Kirkland Human Services Committee - 2009-2010 Human Service Recommendations

	Agency	Program	2007 2008 Award	2009 2010 Request	2009 2010 Recommend	Program Description & Funding Rationale
51	NAMI Eastside	New Request: HERO House	\$ -	\$ 24,000	\$ -	HERO House is a place where adults in recovery from serious mental illness come to regain their lives and rejoin the community. HERO is fully certified by the International Center for Clubhouse Development. Funding not recommended at this time.
52	Northshore Senior Center	Lake Washington Adult Day Health Program	\$ 20,400	\$ 22,000	\$ 20,400	Provides a safe therapeutic activity program to aid the frail and disabled experiencing physical, mental or social problems associated with arthritis, diabetes, stroke, isolation, confusion, developmental disabilities, and Alzheimer's.
53	Senior Services	Volunteer Transportation Program	\$ 6,854	\$ 13,780	\$ 10,854	Provides volunteer drivers who use their own vehicles to provide personalized escorted, free transportation services to seniors who need a higher level of assistance than offered by public transportation. This program will participate in the North and East King County Pooled Funding Project.
54	Sound Mental Health	Eastside Counseling for Low Income Clients	\$ 16,320	\$ 24,000	\$ 16,320	Offers children, adults and family's strength-based mental health, psychiatric and chemical dependency assessment interrelated into individualized recovery oriented services.
55	Therapeutic Health Services	Chemical Dependency Outpatient Counseling Program	\$ 23,562	\$ 30,000	\$ 23,562	Provides outpatient counseling for individuals and their families who are chemically dependent.
TOTAL Goal Area 4			\$ 184,100	\$ 277,280	\$ 188,100	
Goal 5: Education and Job Skills to Lead to Independent Life						
56	Alliance of People with disAbilities	New Request: Youth in Transitions Program	\$ -	\$ 12,000		The transitions program is for teens and young adults with disabilities to help them learn skills to be successfully included members of the community. This program is not established in East King County and does not have connections in the Lake Washington School District. Funding not recommended at this time.
57	Hopelink	Adult Education Program	\$ 22,736	\$ 23,200	\$ 22,736	Provides free English instruction for a growing immigrant population and confidential tutoring for adults with low literacy.

City of Kirkland Human Services Committee - 2009-2010 Human Service Recommendations

	Agency	Program	2007 2008 Award	2009 2010 Request	2009 2010 Recommend	Program Description & Funding Rationale
58	Jewish Family Service	Refugee and Immigrant Service Center	\$ 27,240	\$ 28,098	\$ 27,240	Provides social adjustment and resettlement services for refugees and immigrants to promote self-sufficiency and prevent homelessness. Services include job placement, social service connections. ESL and citizenship classes.
59	YWCA	Eastside Employment Center	\$ 27,846	\$ 28,680	\$ 27,846	Provides individualized employment counseling, job search skills training, job search assistance and follow-up services to low income adults.
TOTAL Goal Area 5			\$ 77,822	\$ 91,978	\$ 77,822	
Total All Goal Areas			\$ 1,035,406	\$ 1,498,650	\$ 1,128,789	



CITY OF KIRKLAND
Department of Finance & Administration
123 Fifth Avenue, Kirkland, WA 98033 425.587.3100
www.ci.kirkland.wa.us

MEMORANDUM

To: Dave Ramsay, City Manager

From: Tracey Dunlap, Director of Finance and Administration
Sandi Hines, Financial Planning Manager
Sri Krishnan, Sr. Financial Analyst

Date: December 3, 2008

Subject: **ADOPTION OF THE 2009 TO 2014 CAPITAL IMPROVEMENT PROGRAM**

RECOMMENDATION:

City Council approve the attached resolution adopting the 2009-2014 Capital Improvement Program (CIP).

BACKGROUND DISCUSSION:

The Council was presented with the Preliminary 2009-2014 CIP at the August 5, 2008 study session and a public hearing was held on September 2, 2008. Although Council did not make any modifications to the preliminary CIP at that point, there was a request to continue discussion regarding the CIP as part of the 2009-2010 budget process in order to review the operating and capital budgets together.

Prior to any further Council discussion, an external funding factor necessitated changes to the CIP. Impact fee collections and inflation rates were presented to the Council at their October 21, 2008 meeting, highlighting that revenue was coming in significantly under the projections made based on the impact fee study done in 2007 and that this revenue shortfall would have a direct impact on the transportation and parks CIP projects. At the Council meeting on November 18, 2008, Council was presented with the revised Preliminary 2009-2014 CIP that addressed the anticipated shortfall in impact fee revenue by incorporating the following modifications:

- Delaying planned 2009 transportation impact fee funding until 2010 for three Intersection Improvement projects on NE 85th Street (at 132nd Avenue, 114th Avenue and 124th Avenue).
- Placing certain transportation projects on hold – 124th Avenue NE Roadway Improvements (North Section) which released \$672,000 of transportation impact fee funding that will be used to fund NE 120th Street Roadway Extension (East Section) – a more time critical project.
- Removing the planned \$300,000 of park impact fee funding for the Park and Open Space Acquisition project for all six years.

With the delay of Transportation projects, and the new model devised by Public Works for allocating available labor resources to CIP projects, it was necessary to increase the number of projects in the Water/Sewer Utility for 2009 and 2010 to take advantage of the available time. Therefore, the following water/sewer utility projects were added to the Preliminary 2009-2014 CIP:

- North Reservoir Seismic Upgrades & Recoating
- Third Street Watermain Upgrade
- Sanitary Sewer Telemetry System Upgrade
- Inflow and Infiltration Reduction Program

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A long term impact of the reduced impact fee revenue is on the projection of available funds for the full six-year CIP. By lowering the base amount in 2008 from which inflation is applied, the other years of the CIP are substantially reduced as well. The final 2009-2014 CIP is balanced within the updated transportation impact fee projections for 2009 – 2011; however, starting in 2012 the total amount of projects planned that need impact fee funding is over budget. Given that impact fees are paid by development (growth) and the projects that are funded by impact fees are for new capacity to meet the needs of growth, it correlates that the network would not need to be built as quickly over the next six year period and projects could be delayed. Since the 2009-2014 CIP will be revisited during 2009 (the halfway update) and a new CIP will be done in 2010 (for 2011-2016), the final CIP is presented out of balance. During 2009 and 2010 we will have a more timely assessment as to development and the rate at which impact fees are coming in order to plan for the latter years of 2012 and beyond. If impact fees exceed estimates during that time, they can be used toward balancing the outer years or to reprioritize projects to begin earlier.

As part of the operating budget discussion at the budget study session on November 18, 2008, Council directed staff to place the Neighborhood Connection Program on a two-year hiatus for 2009 and 2010. The Preliminary 2009-2014 CIP had this program funded at \$125,000 per year – \$100,000 from sales tax revenue and \$25,000 from the General Capital Contingency. With Council's direction that the program not be funded in 2009 and 2010, \$200,000 in sales tax revenue will be diverted back to the General Fund to fund operating budget modifications and the \$50,000 in reserves will not be expended. The program is funded (as originally proposed) at \$140,000 each year from 2011 through 2014. The Neighborhood Connection Program's status and funding levels will be revisited during 2010 as part of the 2011-2016 CIP and the 2011-2012 Budget process.

A late breaking modification is related to the Public Safety category. A grant opportunity has arisen that could provide funding for the Critical Ham Radio Equipment project (\$57,000) that was scheduled for 2010 in the Preliminary CIP. In the Final CIP the project has been moved to the unfunded category awaiting approval of the grant and the funding for the project (interest income) is not recommended to be reappropriated for other projects. If the City is not awarded the grant, the project will be revisited during the CIP update process in the spring of 2009 and could be funded by available interest income. The table below summarizes the changes from the Preliminary 2009-2014 CIP presented to Council in August and the final CIP.

2009-2014 CIP (\$ millions)							
Category	2009	2010	2011	2012	2013	2014	Total
Transportation							
Preliminary	7,412	3,419	5,078	10,928	9,681	10,481	46,999
Final	6,310	4,642	5,078	10,928	9,681	10,481	47,120
Water/Sewer							
Preliminary	2,801	565	1,450	4,019	9,936	8,796	27,567
Final	4,701	1,674	1,450	3,626	9,936	8,796	30,182
Parks							
Preliminary	2,318	1,531	1,597	1,666	1,739	1,795	10,646
Final	2,018	1,221	1,276	1,334	1,394	1,439	8,681
Public Safety							
Preliminary	447,300	216,100	272,000	260,500	63,100	327,200	1,586,200
Final	447,300	159,100	272,000	260,500	63,100	327,200	1,529,200
General Government – NCIP							
Preliminary	125,000	125,000	140,000	140,000	140,000	140,000	810,000
Final	0	0	140,000	140,000	140,000	140,000	560,000

Incorporating the changes mentioned above, the overall funded CIP total changes from \$136,878,300 in the Preliminary CIP to \$137,399,700 in the final CIP for the six-year period. A summary of the 2009-2014 CIP is included as Attachment A.

The attached resolution adopts the 2009-2014 CIP and includes the above mentioned changes.

Attachment

**City of Kirkland
2009-2014 Capital Improvement Program**

TRANSPORTATION PROJECTS

Funded Projects:

Project Number	Project Title	Prior Year(s)	2009	2010	2011	2012	2013	2014	2009-2014 Total	Funding Sources				
										Current Revenue	Reserve	Debt	External Source	
ST 0006*	Annual Street Preservation Program		2,000,000	2,000,000	2,500,000	2,000,000	2,000,000	2,000,000	12,500,000	12,500,000				
ST 0057*	NE 120th Street Roadway Extension (East Section)	1,609,000	1,232,000		1,232,100	2,530,100			4,994,200	3,014,170	640,400		1,339,630	
ST 0059*	124th Ave NE Roadway Improvements (North Section)	1,757,500	224,000						224,000	224,000				
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					2,272,000	2,522,000	2,799,400	7,593,400	5,308,100			2,285,300	
ST 9999	Regional Inter-Agency Coordination		25,000	25,000	25,000	25,000	25,000	25,000	150,000	150,000				
NM 0012	Crosswalk Upgrade Program		70,000		70,000		70,000		210,000	210,000				
NM 0034*^	NE 100th St at Spinney Homestead Park Sidewalk		56,000						56,000	19,600	36,400			
NM 0044*^	116th Avenue NE Sidewalk (Highlands)	176,000	568,000	333,000					901,000	671,000	230,000			
NM 0051*	Rose Hill Business Dist. Sidewalks	3,528,300	310,000	500,000					810,000	810,000				
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 0060*	100th Avenue NE/99th Place NE Sidewalk	220,000	494,000						494,000	172,900	171,100		150,000	
NM 0065*	Central Way Ped. Enhancements (Phase II-So. Side)						151,800	374,100	525,900	525,900				
NM 0066	12th Avenue Sidewalk			111,000	308,000	205,100			624,100	223,550	154,150		246,400	
NM 8888	Annual Non-Motorized Program					1,100,000	1,100,000	1,100,000	3,300,000	3,300,000				
TR 0078*	NE 85th St/132nd Ave NE Intersection Imprv (Phase I)	2,066,900	22,500	475,000					497,500	497,500				
TR 0079*	NE 85th St/114th Ave NE Intersection Improvements	2,533,300	28,700	604,000					632,700	632,700				
TR 0080*	NE 85th St/124th Ave NE Intersection Improvements	1,385,300	158,000	144,000					302,000	158,400	143,600			
TR 0085	NE 68th St/108th Ave NE Intersection Improvements	650,000	672,000						672,000	562,000	50,000		60,000	
TR 0091*	NE 124th St/124th Ave NE Intersection Imprv (Phase III)	300,000			492,800	547,000	1,366,200	1,516,600	3,922,600	3,922,600				
TR 8888	Annual Concurrency Traffic Improvements					1,798,400	1,996,300	2,215,900	6,010,600	3,268,300			2,742,300	
Total Funded Transportation Projects			14,226,300	6,310,200	4,642,000	5,077,900	10,927,600	9,681,300	10,481,000	47,120,000	38,870,720	1,425,650	0	6,823,630

Notes
 * = Modification in timing and/or cost (see Project Modification/Deletion Schedule for greater detail)
 + = Moved from unfunded status to funded status
 " = Moved from funded status to unfunded status
 ^ = Possible Sidewalk Bond project
 Shaded year(s) = Previous timing
 Bold italics = New projects

**City of Kirkland
2009-2014 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 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	10,004,000
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
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 NE Sidewalk	1,047,900
NM 0037*	130th Avenue NE Sidewalk	833,600
NM 0041*	Forbes Valley Pedestrian Facility	1,996,600
NM 0045*	NE 95th Street Sidewalk (Highlands)	571,500
NM 0047*	116th Avenue NE Sidewalk (South Rose Hill)	422,100
NM 0048*	NE 60th Street Sidewalk	4,979,800
NM 0056*	NE 90th Street Sidewalk (Phase I)	1,165,700
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***	Park Lane Pedestrian Corridor Enhancements	1,277,200
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	692,000
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	327,900
TR 0084*	100th Ave NE/NE 124th St Intersection Improvements	2,230,000
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	2,948,100
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
Total Unfunded Transportation Projects		199,856,900

Prior Year(s) Funding (Budget to Actuals):

Project Number	Project Title	Budget	Actual	Balance
ST 0057*	NE 120th Street Roadway Extension (East Section)	1,609,000	378,353	1,230,647
ST 0059*	124th Ave NE Roadway Improvements (North Section)	1,757,500	180,960	1,576,540
NM 0001***	116th Ave NE (So. Sect.) Non-Motorz'd Facil-Phase II	469,000	290,663	178,337
NM 0044**^	116th Avenue NE Sidewalk (Highlands)	176,000	88,000	88,000
NM 0051*	Rose Hill Business Dist. Sidewalks	3,528,300	778,925	2,749,375
NM 0060*	100th Avenue NE/99th Place NE Sidewalk	220,000	19,200	200,800
NM 0064***	Park Lane Pedestrian Corridor Enhancements	60,000	0	60,000
TR 0078*	NE 85th St/132nd Ave NE Intersection Imprv (Phase I)	2,066,900	305,717	1,761,183
TR 0079*	NE 85th St/114th Ave NE Intersection Improvements	2,533,300	275,179	2,258,121
TR 0080*	NE 85th St/124th Ave NE Intersection Improvements	1,385,300	215,701	1,169,599
TR 0085	NE 68th St/108th Ave NE Intersection Improvements	650,000	69,676	580,324
TR 0091*	NE 124th St/124th Ave NE Intersection Imprv (Phase III)	300,000	0	300,000
Total Prior Year(s) Funding (Budget to Actuals):		14,755,300	2,602,374	12,152,926

Notes

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Shaded year(s) = Previous timing

Bold italics = New projects

**City of Kirkland
2009-2014 Capital Improvement Program**

SURFACE WATER MANAGEMENT UTILITY PROJECTS

Funded Projects:

Project Number	Project Title	Prior Year(s)	2009	2010	2011	2012	2013	2014	2009-2014 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.	481,500							733,700	733,700				
SD 0053*	Forbes Creek/Coors Pond Channel Grade Controls	460,500				101,000	570,700	184,200	855,900	855,900				
SD 0058*	Surface Water Sediment Pond Reclamation Phase II	90,000				115,400	603,200	114,200	832,800	832,800				
SD 0065*	Cochran Springs/Plaza at Yarrow Pt Flood Control	60,000	145,800						145,800	145,800				
<i>SD 0067</i>	<i>NE 129th Place/Juanita Creek Rockery Repair</i>					<i>115,500</i>	<i>223,300</i>		<i>338,800</i>	<i>338,800</i>				
<i>SD 8888</i>	<i>Annual Streambank Stabilization Program</i>					<i>57,700</i>		<i>165,800</i>	<i>223,500</i>	<i>223,500</i>				
<i>SD 9999</i>	<i>Annual Storm Drain Replacement Program</i>					<i>922,600</i>		<i>923,800</i>	<i>1,846,400</i>	<i>1,846,400</i>				
Total Funded Surface Water Management Utility Projects			1,092,000	345,800	200,000	200,000	1,512,200	2,330,900	1,588,000	6,176,900	6,176,900	0	0	0

Unfunded Projects:

Project Number	Project Title	Total
SD 0046*	Regional Detention In Forbes and Juanita Creek Basins	2,810,200
SD 0048*	Cochran Springs / Lake Washington Blvd Crossing Enh.	1,627,100
SD 0055*	Forbes Creek / 98th Avenue NE Riparian Plantings	75,500
SD 0059***	Totem Lake Boulevard Flood Control Measures	1,136,200
<i>SD 0068</i>	<i>128th Ave NE/NE 60th Street To NE 64th St Drainage Imp.</i>	<i>270,300</i>
<i>SD 0070</i>	<i>Juanita Creek Watershed Enhancement Study</i>	<i>50,000</i>
SD 0537***	Streambank Stabilization Program – NE 86th Street	640,200
Total Unfunded Surface Water Management Utility Projects		6,609,500

Project Number	Project Title	Budget	Actual	Balance
SD 0051*	Forbes Creek/KC Metro Access Road Culvert Enh.	481,500	87,908	393,592
SD 0053*	Forbes Creek/Coors Pond Channel Grade Controls	460,500	84,147	376,353
SD 0058*	Surface Water Sediment Pond Reclamation Phase II	90,000	0	90,000
SD 0059***	Totem Lake Boulevard Flood Control Measures	490,900	74,162	416,738
SD 0065*	Cochran Springs/Plaza at Yarrow Pt Flood Control	60,000	20,204	39,796
SD 0537***	Streambank Stabilization Program – NE 86th Street	60,000	20,204	39,796
Total Prior Year(s) Funding (Budget to Actuals):		1,642,900	286,625	1,356,275

Notes

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**City of Kirkland
2009-2014 Capital Improvement Program**

WATER/SEWER UTILITY PROJECTS

Funded Projects:

Project Number	Project Title	Prior Year(s)	2009	2010	2011	2012	2013	2014	2009-14 Total	Funding Source			
										Current Revenue	Reserve	Debt	External Source
WA 0090	Emergency Sewer Pgm Watermain Replacement Pgm		50,000		50,000		50,000		150,000	150,000			
WA 0093	Vulnerability Analysis Facility Upgrades	70,000	297,900						297,900	297,900			
WA 0094*	North Reservoir Seismic Upgrades & Recoating	840,000	1,450,000	1,109,000					2,559,000	1,352,000			1,207,000
WA 0116*	132nd Av NE/NE 80th St Watermn Replacement					328,600	3,503,400		3,832,000	682,000		3,150,000	
WA 0117	20th Avenue Watermain Replacement		200,000	335,100					535,100	535,100			
WA 0141	9th Avenue Watermain Replacement		200,000	230,200					430,200	430,200			
WA 0142	Third Street Watermain Upgrade		100,000						100,000	100,000			
WA 8888	Annual Watermain Replacement Program							457,600	457,600	457,600			
WA 9999	Annual Water Pump Station/System Upgrade Pgm							823,600	823,600	823,600			
SS 0046	Market Street Sewermain Replacement	1,206,000	652,600						652,600	652,600			
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)					1,230,200	1,992,900	4,515,300	7,738,400	7,738,400			
SS 0074	Sewer System Telemetry Upgrades		150,000						150,000	150,000			
SS 0075	Inflow And Infiltration Reduction Program		200,000						200,000	200,000			
SS 0076	NE 80th Street Sewermain Replacement (Phase III)					1,230,200	1,992,900	1,654,600	4,877,700	4,877,700			
SS 8888	Annual Sanitary Pipeline Replacement Program					492,100			492,100	492,100			
SS 9999	Annual Sanitary Pump Station/System Upgrade Pgm					344,500	996,500	1,345,200	2,686,200	2,686,200			
Total Funded Utility Projects		2,116,000	4,700,500	1,674,300	1,450,000	3,625,600	9,935,700	8,796,300	30,182,400	21,625,400	4,200,000	3,150,000	1,207,000

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 0096*	NE 83rd Street Watermain Replacement	450,000
WA 0097*	120th Avenue NE Watermain Replacement	1,201,000
WA 0098*	126th Ave NE/NE 83rd & 84th St/128th Ave NE Watermain Replcmnt	1,197,000
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 0119*	109th Ave NE/111th Way NE Watermain Replacement	2,304,000
WA 0122*	116th Avenue NE/NE 100th Street Watermain Replacement	1,506,000
WA 0123*	NE 91st Street Watermain Replacement	453,000
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 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 0138*	NE 72nd St/130th Ave NE Watermain Replacement	1,476,000
WA 0139*	6th Street S Watermain Replacement	584,000
WA 0140*	NE 85th Street / 132nd Avenue NE Watermain Replacement	2,863,000
SS 0051*	6th Street South Sewermain Replacement	804,000
SS 0052*	108th Avenue NE Sewermain Replacement	5,110,000
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 0077	West Of Market Sewermain Replacement	21,681,000
Total Unfunded Utility Projects		66,953,000

Prior Year(s) Funding (Budget to Actuals):

Project Number	Project Title	Budget	Actual	Balance
WA 0093	Vulnerability Analysis Facility Upgrades	70,000	6,445	63,555
SS 0046	Market Street Sewermain Replacement	1,206,000	104,830	1,101,170
Total Prior Year(s) Funding (Budget to Actuals):		1,276,000	111,275	1,164,725

Notes

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Shaded year(s) = Previous timing

Bold italics = New projects

**City of Kirkland
2009-2014 Capital Improvement Program**

PARK PROJECTS

Funded Projects:

Project Number	Project Title	Prior Year(s)	2009	2010	2011	2012	2013	2014	2009-2014 Total	Funding Source				
										Current Revenue	Reserve	Debt	External Source	
PK 0049	Open Space and Pk Land Acq Grant Match Program		100,000						100,000		100,000			
PK 0056	Forbes Lake Park Development	75,000		877,500					877,500	877,500				
PK 0066	Park Play Area Enhancements		100,000	100,000	50,000	100,000	100,000	50,000	500,000	500,000				
PK 0078 600	A.G. Bell Elementary Playfields Improvements						200,000		200,000	200,000				
PK 0078 800	International Comm. School Playfield Improvements					300,000			300,000	300,000				
PK 0087	Waverly Beach Park Renovation			75,000	957,600				1,032,600	1,032,600				
PK 0113	Spinney Homestead Park Renovation				50,000	690,500			740,500	740,500				
PK 0115*	Terrace Park Renovation						76,300	323,700	400,000	400,000				
PK 0119*	Juanita Beach Park Development	550,000	1,650,000				850,000	472,300	2,972,300	2,522,300			450,000	
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		425,000	500,000	500,000				
PK 0125	Dock Renovations	100,000			50,000				50,000	50,000				
PK 0131*	Park and Open Space Acquisition Program	835,000	118,000	118,000	118,000	118,000	118,000	118,000	708,000				708,000	
Total Funded Park Projects			1,560,000	2,018,000	1,220,500	1,275,600	1,333,500	1,394,300	1,439,000	8,680,900	7,422,900	100,000	0	1,158,000

Unfunded Projects:

Project Number	Project Title	Total
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 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		76,000,000

Prior Year(s) Funding (Budget to Actuals):

Project Number	Project Title	Budget	Actual	Balance
PK 0056	Forbes Lake Park Development	75,000	23,457	51,543
PK 0119*	Juanita Beach Park Development	550,000	277,210	272,790
PK 0125	Dock Renovations	100,000	0	100,000
PK 0131*	Park and Open Space Acquisition Program	835,000	89,574	745,426
Total Prior Year(s) Funding (Budget to Actuals):		1,560,000	390,241	1,169,759

Notes

- * = Modification in timing and/or cost (see Project Modification/Deletion Schedule for greater detail)
- + = Moved from unfunded status to funded status
- " = Moved from funded status to unfunded status
- Shaded year(s) = Previous timing
- Bold italics = New projects

**City of Kirkland
2009-2014 Capital Improvement Program**

PUBLIC SAFETY PROJECTS**Funded Projects:**

Project Number	Project Title	Prior Year(s)	2009	2010	2011	2012	2013	2014	2009-2014 Total	Funding Source				
										Current Revenue	Reserve/ Prior Year	Debt	External Source	
PS 0061	Mobile Data Computers Replacement		227,300						227,300		168,200		59,100	
PS 0062*	Defibrillator Unit Replacement				272,000				272,000	228,480			43,520	
PS 0063	Breathing Air Fill Station Replacement			159,100					159,100	117,730			41,370	
PS 0066*	Thermal Imaging Cameras Replacement					133,000			133,000	98,420			34,580	
PS 0067*	Dive Rescue Equipment Replacement						63,100		63,100	46,690			16,410	
<i>PS 0068</i>	<i>Local Emergency/Public Communication AM Radio</i>					<i>127,500</i>			<i>127,500</i>	<i>127,500</i>				
<i>PS 0070</i>	<i>Permanent Information Displays</i>		<i>220,000</i>						<i>220,000</i>	<i>206,900</i>	<i>13,100</i>			
<i>PS 0071</i>	<i>Self Contained Breathing Apparatus (SCBA)</i>							<i>327,200</i>	<i>327,200</i>	<i>242,130</i>			<i>85,070</i>	
Total Funded Public Safety Projects			0	447,300	159,100	272,000	260,500	63,100	327,200	1,529,200	1,067,850	181,300	0	280,050

Unfunded Projects:

Project Number	Project Title	Total
PS 0043*	Emergency Power (Site to be Determined)	220,000
<i>PS 0069</i>	<i>Critical Ham Radio Equipment</i>	<i>57,000</i>
Total Unfunded Public Safety Projects		277,000

Notes

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+ = Moved from unfunded status to funded status

" = Moved from funded status to unfunded status

Shaded year(s) = Previous timing

Bold italics = New projects

**City of Kirkland
2009-2014 Capital Improvement Program**

GENERAL GOVERNMENT PROJECTS

Funded Projects:

Project Number	Project Title	Prior Year(s)	2009	2010	2011	2012	2013	2014	2009-2014 Total	Funding Source			
										Current Revenue	Reserve/ Prior Year	Debt	External Source
TECHNOLOGY													
GG 0006 100*	Geographic Information Systems		243,000	266,000	160,700	227,300	292,700	350,400	1,540,100	1,540,100			
GG 0006 110	Records Management System	961,300	144,900	160,800					305,700	305,700			
GG 0006 160*	Finance and HR System Modules		88,400	83,200	113,600	113,300	58,900	60,300	517,700	517,700			
GG 0006 202*	Fire RMS System Replacement					92,000			92,000		92,000		
GG 0006 300*	Local and Wide Area Networks		280,000	507,200	428,500	670,800	396,000	427,600	2,710,100	2,563,000	147,100		
GG 0006 301*	Disaster Recovery System Improvement	150,000			133,900		68,900	178,200	381,000	381,000			
GG 0006 302	Help Desk Clientele System Replacement	100,000	31,100						31,100		31,100		
GG 0006 501	Permit Plan System Replacement	50,000	356,800	214,200					571,000		571,000		
GG 0006 803*	Recreation Registration System Replacement				88,900				88,900		88,900		
FACILITIES													
GG 0008*	Electrical, Energy Management & Lighting Systems		75,400	55,600	141,500	57,200	25,700	42,600	398,000		398,000		
GG 0009*	Mechanical/HVAC Systems Replacements		52,200	37,800	48,700	7,100	24,200	186,500	356,500		356,500		
GG 0010*	Painting, Ceilings, Partition & Window Replacements		265,700	229,200	476,600	62,400	20,600	321,000	1,375,500		1,375,500		
GG 0011*	Roofing, Gutter, Siding and Deck Replacements		66,100				9,600	865,500	941,200		941,200		
GG 0012*	Flooring Replacements		101,700	133,400	41,300	100,500	16,800	134,200	527,900		527,900		
GG 0035*	City Hall & Public Safety Expansion	750,000	3,000,000	6,592,000	11,632,800	11,981,800			33,206,600	800,000	8,792,000	23,614,600	
GG 0037 001	Maintenance Center Expansion - Phase 1			50,000					50,000		50,000		
CITYWIDE													
GG 0023	Neighborhood Connection Program				140,000	140,000	140,000	140,000	560,000	400,000	160,000		
Total Funded General Government Projects Citywide		2,011,300	4,705,300	8,329,400	13,406,500	13,452,400	1,053,400	2,706,300	43,653,300	6,507,500	13,531,200	23,614,600	0

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 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 804	Wireless in the Parks Expansion	335,000
GG 0037 002	Maintenance Center Expansion - Phase 2	15,000,000
Total Unfunded General Government Projects		19,407,700

Project Number	Project Title	Budget	Actual	Balance
GG 0006 110	Records Management System	961,300	762,588	198,712
GG 0006 301	Disaster Recovery System Improvements	150,000	44	149,956
GG 0006 302	Help Desk Clientele System Repl.	100,000	0	100,000
GG 0006 501	Permit Plan System Replacement	50,000	0	50,000
Total Prior Year(s) Funding (Budget to Actuals):		1,261,300	762,632	498,668

Notes

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RESOLUTION R-4735

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND ADOPTING THE 2009-2014 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 2009-2014; and

WHEREAS, the City Council adopted a two-year review cycle for the Six-Year Capital Improvement Program to be reflected in the 2009-2010 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 2009-2014 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 16th day of December, 2008.

Signed in authentication thereof this 16th day of December, 2008.

Mayor

ATTEST:

City Clerk



CITY OF KIRKLAND
Department of Finance & Administration
123 Fifth Avenue, Kirkland, WA 98033 425.587.3100
www.ci.kirkland.wa.us

MEMORANDUM

To: David Ramsay, City Manager

From: Tracey Dunlap, Director of Finance and Administration
Sri Krishnan, Senior Financial Analyst

Date: December 2, 2008

Subject: **FINAL 2009 PROPERTY TAX LEVY**

RECOMMENDATION:

Council approve the attached ordinance, which repeals Ordinance 4154 approved on November 18, 2008 and establishes the final property tax levy for the 2009 fiscal year.

BACKGROUND DISCUSSION:

The attached ordinance reflects the final property tax levy data received from King County on December 2, 2008. This ordinance replaces the interim ordinance that was approved on November 18, 2008 in order to meet the County's deadline for 2009 levy information. As noted in the preliminary 2009 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 be adopting a budget for the 2009-2010 biennium. Accordingly, the attached ordinance relates to 2009 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 2009, there are three factors impacting the amount of the regular levy – the new construction levy, the optional increase, and banked capacity.

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 (\$1.14882 per \$1,000 of assessed valuation). The final new construction valuation for the 2009 levy (as of December 2, 2008) is \$197,788,657, which translates into a new construction levy of \$227,224 (\$197,788,657/\$1,000 x \$1.14882). Over the past

¹ Levy rate per the Final Levy Limit Worksheet from the King County Assessor's Office.

December 2, 2008

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eight years, the increase in new construction levy as a percentage of each year's total base regular levy has ranged between 1% and 4%. The 2009 new construction levy of \$227,224 is 1.75% of the total base regular levy for 2009. The final new construction levy is lower than the preliminary estimate provided by the King County Assessor's Office on October 27, 2008, which King County indicates is not uncommon.

Optional Levy Increase

The 2009-2010 Budget assumes an optional increase of one percent in each year, so the 2009 final levy includes the one percent increase. Each one percent increase in the regular levy equates to almost \$122,000 in new revenue to the General and Street Funds and about \$8,000 in new revenue to the Parks Maintenance Fund, for a total of about \$130,000.

Banked Capacity

The law also allows the use of "banked" capacity, which is the amount of unused optional increases that have accumulated over the years. The banked capacity remaining under the 2008 allowable levy was estimated at \$145,000. The 2009-2010 Budget assumes the use of all remaining banked capacity which is at \$108,436 based on the data from the King County Assessor's Office on December 2, 2008. According to King County, the reduction in banked capacity from \$145,000 to the current estimate of \$108,436 is due to re-levy for prior-year refunds and any levy corrections or omissions.

This use of the City's remaining banked capacity means that \$108,436 will be added to the 2009 levy, which will then become part of the City's base levy in 2010. No additional banked capacity amount will be available after the Council authorizes this use.

Excess Levy

The total excess levy, which relates to voted debt, is increasing from \$1,452,838 in 2008 to \$1,456,986 in 2009. This translates to a rate per \$1,000 assessed value of \$0.11115 (a decrease from the 2008 rate of \$0.12736).

Trends in Assessed Valuation

Growth in assessed valuation is composed of new construction and revaluation of existing properties. Final valuation figures from King County dated 12/2/08, indicate that the City's total assessed valuation increased by 14.91% (\$1,700,928,013) with 1.73% (\$197,788,657) due to new construction and 13.18% (\$1,503,139,356) due to revaluations.

The increase 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 further lowering the rate applied to each \$1,000 of assessed valuation.

The use of the remaining banked capacity (\$108,436), the new construction levy (\$227,224), and the 1% optional increase the overall tax rate (regular levy only) will decrease from \$1.14882 per \$1,000 of assessed valuation in 2008 to \$1.02581 in 2009. Note that the total dollar amount of the levy is fixed but the final rate per \$1,000 of assessed valuation (AV) can change based on the final AV at the time King County finalizes the levy rates (in early 2009).

December 2, 2008

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Final Levy Recap:

Base General Levy (2009 Rate)	\$ 12,168,960
1% Optional Increase (General Levy)	121,690
Optional Banked Capacity	108,436
Base Parks Maintenance Levy (2009)	793,459
1% Optional Increase (Parks Maint. Levy)	7,935
New Construction and Prior Yr. Adjustments*	<u>245,962</u>
Total Regular and Parks Maint Levy	\$ 13,446,442
Excess Levy (for voted debt)	<u>1,456,986</u>
Total 2009 Final Levy	<u>\$14,903,428</u>

*Prior-year adjustments include new construction levy, re-levy for prior-year refunds, and any levy corrections or omissions.

Attachments

Cc: Sandi Hines, Financial Planning Manager

**CITY OF KIRKLAND
2009 PROPERTY TAX DISTRIBUTION (FINAL LEVY)**

Taxable Assessed Valuation For 2009 Levy		\$13,108,188,338
REGULAR LEVY		
Operating Fund	Levy	Rate per \$1,000 AV
General Fund	\$9,457,846	\$0.72152
Street Operating Fund	\$3,174,166	\$0.24215
Parks Maintenance Fund	\$814,430	\$0.06214
Total 2009 Regular Levy	\$13,446,442	\$1.02581
EXCESS LEVY		
Unlimited General Obligation Bond Issue	Levy	Rate per \$1,000 AV
1993 Unlimited G.O. Refunding (Parks)	\$544,613	\$0.04155
1995 Unlimited G.O. (Public Safety)	\$89,888	\$0.00686
2001 Unlimited G.O. Refunding (Public Safety)	\$185,100	\$0.01412
2003 Unlimited G.O. (Parks)	\$637,385	\$0.04862
Total 2009 Excess Levy	\$1,456,986	\$0.11115
TOTAL LEVY		
	Levy	Rate per \$1,000 AV
Total 2009 Levy	\$14,903,428	\$1.13696

ORDINANCE NO. 4160

AN ORDINANCE OF THE CITY OF KIRKLAND ESTABLISHING THE AMOUNT OF PROPERTY TAXES TO BE LEVIED FOR THE YEAR 2009, THE FIRST YEAR OF THE CITY OF KIRKLAND'S 2009-2010 FISCAL BIENNIUM AND REPEALING ORDINANCE 4154.

WHEREAS, the City Council previously held a public hearing on September 16, 2008, to consider revenue sources for the 2009-2010 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 2009; 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 18, 2008, the City Council passed Ordinance 4154 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 4154 passed November 18, 2008, is hereby repealed.

Section 2. The regular property tax levy for the year 2009 is hereby fixed and established in the amount of \$13,446,442. This property tax levy represents a dollar increase of \$484,023 and a percentage increase of 3.73% from the previous year, including 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)
2008 Regular Property Tax Levy	12,962,419	
Less Prior Year Refund	0	
Plus New Construction Levy	227,224	1.75%
Plus Annexation Levy	0	0.00%
Plus Refund Levy	18,738	0.14%
Plus Property Tax Increase	238,061	1.84%
2009 Regular Levy	13,446,442	3.73%

Section 3. There is hereby levied for 2009 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 \$1,456,986 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 _____, 2008.

Signed in authentication thereof this _____ day of _____, 2008.

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: David Ramsay, City Manager

From: Tracey Dunlap, Director of Finance and Administration
Sandi Hines, Financial Planning Manager

Date: December 4, 2008

Subject: **2009-2010 BUDGET ADOPTION**

RECOMMENDATION:

As part of the budget finalization process, Council approve the attached ordinances:

- Ordinance 4161 that restructures the business license program;
- Ordinance 4162 that increases the utility tax on the City's utilities; and
- Ordinance 4163 adopting the budget for the 2009-2010 biennium.

BACKGROUND DISCUSSION:

Background for each budget item is provided below along with related attachments at the end of this memorandum.

2009-2010 Budget Adoption

The attached budget adoption ordinance represents the City's third biennial budget. It adopts the 2009-2010 Budget as proposed by the City Manager and amended by the City Council. By state law, the budget must be adopted by December 31, 2008.

The budget is adopted at the fund level which sets the total expenditure authority for the biennium for each fund. A summary of the 2009-2010 Final Budget by fund type, as compared to the 2007-2008 Budget, is included in the table below:

Fund Type	07-08 Budget	09-10 Budget	% Change
General Government:			
General Fund	113,636,653	124,687,343	9.72%
Other Operating Funds	14,754,390	15,109,367	2.41%
Internal Service Funds	32,125,867	33,887,335	5.48%
Non-Operating Funds	105,520,266	85,873,288	-18.62%
Utilities:			
Water/Sewer	59,536,428	68,826,272	15.60%
Surface Water	22,235,249	19,281,159	-13.29%
Solid Waste	17,233,322	18,753,863	8.82%
Total Budget	365,042,175	366,418,627	0.38%

The 2009-2010 Final Budget totals \$366.4 million which represents an increase of 0.38% from the 2007-2008 Approved Budget (as of June 30, 2008). Factors contributing to the change from the preliminary budget include: the impact the Council's restoration of selected expenditure reductions proposed by the City Manager, changes to the 2007-2008 approved budget total – the result of incorporating mid-year Capital Improvement Program adjustments, planned increases in the Water/Sewer utility fund, and changes in spending for capital improvements. The total General Fund budget is \$124.7 million, which represents an increase of 9.72 % from the 2007-2008 Approved Budget. It should be noted that the increase is for a two year period and is primarily the result of accounting changes (recreation revolving and facilities) which moved about \$4 million of costs from other funds to the General Fund, employee wage and benefit growth, and approved service packages. A 2009-2010 Final Budget Overview by fund is provided as Exhibit A to the budget ordinance (O-4163, found at the end of this document).

The adjustments made to the Preliminary budget fall into either Council directed or housekeeping adjustments. The total adjustments increase the preliminary budget by \$3.9 million. The Council directed adjustments are outlined in Attachment A to this staff report. Housekeeping adjustments of particular note include the following items:

- **Police Captain to the Criminal Justice Training Center (CJTC)** (2009 and 2010 one-time) – With the appointment of Rex Caldwell to the CJTC, it is necessary to adjust for the “bumping” of personnel to backfill positions. This adjustment has no net cost to the City.
- **Reclass Planning Receptionist** (2009 and 2010 ongoing) – The vacant Receptionist position is being reclassified to an Office Technician in order to better serve both the administrative and technical needs of the Planning Department with the reduction of the Planning Information Specialist position. Further discussions regarding the Planning Information Specialist position are in progress as of the date this memo was prepared.
- **Revenue Housekeeping Adjustments** (2009 and 2010 ongoing) – Adjust the Fire District revenue to the General Fund based on the updated budget and contract. Also, adjust the EMS levy revenue to its full levy amount.
- **Tour Dock Fund Adjustment** (2009 and 2010 ongoing) – New information was received regarding the 2007-08 revenue and expenses for the Tour Dock Fund and this in turn decreased the total appropriation for 2009-2010.
- **Adjust Capital Funds** (2009 and 2010) – The General Capital and Water/Sewer Utility Capital Funds were adjusted to reflect the Council's decision to suspend the Neighborhood Connection Program for two years, and the revisions made to the Preliminary 2009-2014 CIP to address the reduced impact fees for transportation and parks. The net impact of the CIP changes is \$2.3 million.

Lodging Tax Advisory Committee (LTAC)

At the November 18, 2008 Kirkland City Council meeting, Council determined that three requests for outside agency funding could potentially be funded or supplemented by lodging tax funds, and requested that the LTAC consider funding for these programs.

At its December 2, 2008 meeting, the LTAC reviewed requests from the Kirkland Classic Car Show, Seven Hills of Kirkland and the Junior Softball World Series and recommended the use of \$7,250 of lodging tax funds for the three events. A separate staff memo describing the details is included as Attachment B.

Human Services Funding

The budget of \$1,128,789 for human services includes a proposed base per capita spending amount of \$1,054,261 (including ongoing and one-time funding), a transfer from the Police Department to support Eastside Domestic Violence

Program for \$62,528, and \$12,000 in support from Evergreen Hospital. The Human Services Advisory Committee would like Council to consider allocating \$50,000 from Council Special Projects Reserve to establish a human services emergency fund. This fund would be used to respond to emerging needs in the community. The Committee will establish criteria for allocation if/when this fund is established.

Business License

At the November 18 meeting, the City Council approved incorporating a new business license fee schedule and changes to general rules as part of the final 2009-10 budget. Ordinance 4161 implements the new fee structure which includes a base fee of \$100 and a Revenue Generating Regulating License charge of \$100 per FTE. This option is estimated to generate revenue of \$3.1 million in 2009, an increase of \$1.7 million from the current structure. The increased revenue from the preliminary budget was used to restore selected program reductions.

The new fee structure would go into effect for businesses with license renewals due in the month of January. Any delay in implementation will result in a revenue loss of \$140,000 per month and will result in the need for additional expenditure reductions or use of reserves to balance the 2009-10 budget.

Utility Tax Rate

Council approved a 3% increase in utility taxes on water, sewer, and solid waste as part of the framework to balance the budget. Upon Council approval, the utility tax rate on water, sewer, and solid waste would increase from 7.5% to 10.5%. City utilities are billed bi-monthly by "cycle." There are six billing cycles that span each two-month period. Utilities that are billed through the City (water, sewer and solid waste) can begin billing at the new tax rate on the first day of each of the billing cycles following the effective date. Based on the proposed effective date, the utility tax increase for water, sewer and garbage will begin to appear on bills mailed in February and revenue will be received beginning in late March or early April.

Ordinance 4162 provides for the tax on the water, sewer and solid waste utilities to increase to 10.5%. Note that a voted increase in the tax levied on private utilities (gas, electric, telecommunications, and cable) is incorporated into the 2010 budget, assuming an affirmative vote in 2009. If this does not occur, further reductions or use of reserves will be necessary.

Follow-up Requested by Council

Along with modifications to the biennial budget, Council requested several reports as future follow-up items. These include:

- A report on **Performance Budgeting**.
- A discussion on **Revenue Diversification** at the Council Retreat.
- Ongoing review of cost allocation to utilities ("institutionalize").
- A more detailed look at the **Tourism program**.
- Combine All City Dinner and volunteer celebrations.
- Further discussion on methods for allocating **Council travel and training costs**.
- Study ways to have community self-select to receive printed **City Update**.
- Additional information on **Court Security**.
- A report on funding **water/oil separators** from Surface Water Management Fund.
- A report on the status of **communicating the impacts of reductions** to the community.
- A report on **energy usage** of City facilities and **vehicle fuel savings**.
- A report on the viability of offering **community service hours for downtown maintenance**.
- A report on **permit processing times**.

Copies of the final budget document will be available early in 2009.

**2009-2010 Budget
Council Changes to Preliminary Budget**

Budget Item	One-Time		Ongoing		Funding Source Options
	Adds Resources	Uses Resources	Adds Resources	Uses Resources	
Neighborhood Connections Program Eliminate Program One Neighborhood per Year			200,000	0	Was \$50,000
Eliminate Neighborhood Grants			0		Was \$55,000
Business Head Tax - Option 2C			531,360		
Undesignated Evergreen Sponsorship for Human Services	12,000	12,000			
Delay Tree Canopy Analysis	28,000				
Property Tax Shortage for Banked Capacity				73,128	\$36,000 reduction/yr due to credit
Human Services Human Services Advisory Committee - Option 1 Emergency Fund		15,561 TBD		TBD	Undesignated Evergreen funds Council Special Projects Reserve
Economic Development Program Restore Budget Reductions Commuter Trip Reduction Program Downtown Maintenance Kirkland Downtown Association Funding Restore Partner Funding & Fund at Requested Amount Change One-time Partner Funding to Ongoing		25,000		36,400 100,000 22,000 65,000	Business License Tax Business License Tax One-Time Revenue (Was \$50,000) Business License Tax Business License Tax
Add Citizen Survey	30,000	30,000			Council Special Projects Reserve
Restore Cultural Council Funding		5,000			
Increase Environ. Outreach Specialist by .37 to Full Time				0	Was \$75,318
Restore Parks Maintenance Night Shift (Seasonal Hours)			9,000	45,201	Assumes User Fee Increases
Restore Front Desk Position (.5 FTE)				35,335	Restore only .25 FTE
Restore ProAct Unit Administrative Support (.50 FTE)				83,152	
Restore Traffic Officer Position (1.0 FTE)				205,736	
Restore Graphic Support Position (.75 FTE)				72,408	Restore Hourly On-Call or .4 FTE
City Update Limited Mailing on Request (1,000) - 3 Editions per Year				0	Was \$7,500
OR Full Page Ad in Reporter (no color) - 3 Ads per Year					
Volunteer Dinner plus All-City Dinner Low End of Range - Cake and Coffee OR High End of Range - Hors d'oeuvres				2,000 0	Included in Low End Totals Included in High End Totals
General Fund Resources Freed Up by: Softball World Series (to be funded by Lodging Tax) Classic Car Show (to be funded by Lodging Tax)	2,340 1,640				
Restore Reserve Firefighter Program	120,000	120,000			Contingency (\$89,280)/FD #41 (\$30,720)
Total Adds/Uses - Low End of Range	214,980	207,561	740,360	740,360	
Total Adds/Uses - High End of Range	N/A	N/A		N/A	
Net Available - Low End of Range		7,419		-	
Net Available - High End of Range		N/A		N/A	



CITY OF KIRKLAND

City Manager's Office

123 Fifth Avenue, Kirkland, WA 98033 425.587.3001

www.ci.kirkland.wa.us

MEMORANDUM

To: David Ramsay, City Manager

From: Sheila Cloney, Special Project Coordinator

Date: December 4, 2008

Subject: Outside Agency Funding requests – Tourism Funding

RECOMMENDATION:

Council accept a recommendation from the Lodging Tax Advisory Committee (LTAC) to fund the Kirkland Classic Car Show (\$1,640); KITH Seven Hills of Kirkland (\$3,270); and the Little League Baseball Jr. Softball World Series (\$2,340) from the lodging tax fund in the total amount of \$7,250.

BACKGROUND DISCUSSION:

At the November 18, 2008 Kirkland City Council meeting, Council determined that three requests for outside agency funding could potentially be funded or supplemented by lodging tax funds, and requested that the LTAC consider funding for these programs.

At its December 2, 2009 meeting, the LTAC reviewed requests from the Kirkland Classic Car Show, Seven Hills of Kirkland and the Junior Softball World Series in the total amount of \$7,250. The LTAC was asked to make a recommendation regarding the use of lodging tax funds for the marketing/tourism elements associated with event activities. The LTAC was advised by staff that there were adequate reserve funds to cover these activities and that they need not redistribute funds that had already been recommended for other projects.

The LTAC recommended the use of lodging tax funds for the three events as follows:

Kirkland Classic Car Show	\$1,640
KITH Seven Hills of Kirkland	\$3,270
Little League Baseball Jr. Softball World Series	<u>\$2,340</u>
Total	\$7,250

The table below summarizes overall funding of the three events.

Project	City Manager Recommendation	Source(s)
Kirkland Downtown Association - Kirkland Classic Car Show	\$1,640	Lodging Tax Fund \$1,640
KITH – Seven Hills of Kirkland	\$3,270	One-Time General Fund \$3,270; Lodging Tax Fund \$3,270
Little League Baseball - Junior Softball World Series	\$2,340	Lodging Tax Fund \$2,340

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MEMORANDUM

To: David Ramsay, City Manager

From: Sheila Cloney, Special Project Coordinator

Date: December 4, 2008

Subject: Lodging Tax Advisory Committee Recommendation regarding Kirkland Uncorked Funding

RECOMMENDATION:

Council earmark funding in the amount of \$15,000 in the Tourism budget for the 2009 Kirkland Uncorked event. The Lodging Tax Advisory Committee (LTAC) will reconsider the proposal in January, 2009, and will forward a final recommendation to the Council thereafter. Council can then determine whether LTAC funds should be allocated for this event.

BACKGROUND DISCUSSION:

On December 2, 2009 the LTAC received a report from staff regarding the 2008 Kirkland Uncorked event. In consideration of a 2009 request for Tourism outside agency funding for marketing of the event by Bold Hat Productions, the committee was provided with three options:

1. Approve the Tourism outside agency funding request in the amount of \$15,000;
2. Decline the request for \$15,000 in Tourism outside agency funding or approve Tourism outside agency funding in a lesser or greater amount than \$15,000; or
3. Make no decision on the request for Tourism outside agency funding.

Following discussion, it was determined on a three to one vote that the event not be funded in 2009 with the caveat that LTAC could reconsider its decision following a follow-up presentation by the applicant in January 2009.

The draft minutes from the December 2, 2009 LTAC meeting are attached to this memorandum.

Kirkland Lodging Tax Advisory Committee (LTAC)**December 2, 2008****Minutes****8:30 – 10:00 a.m.****Kirkland City Hall, Norkirk Room****Call to Order**

Chair Tom Hodgson called the December 2, 2008 Lodging Tax Advisory Committee meeting to order at 8:30 a.m.. The following members were in attendance: Shirley Day, hotel representative Ryan Noel, Julie Metteer. Hotel representative Les Utley, and Luanne Erickson were absent.

Approval of Minutes

Shirley Day moved for the approval of the minutes of the August 27, 2009 and September 16, 2009 meetings. Ryan Noel seconded the motion which carried.

ReportsKirkland Uncorked 2008 Report

Councilmember Hodgson introduced the topic and Scott Nagel of Birchill Enterprises made a presentation to the committee regarding the economic impact statement prepared for Kirkland Uncorked. Following the presentation and a question and answer session the committee discussed whether the event is an appropriate event for tourism funding.

The committee moved not to support the event in its current form on a three to one vote with Councilmember Hodgson, Shirley Day and Julie Metteer voting no. Ryan Noel voted yes. Committee members expressed interest in a broader scope/geography for the event and enhanced offerings; indicated that all new activities associated with the event should generate increased revenue; expressed receptivity to the continued use of the Uncorked brand and public relations efforts; and agreed to meet in January to consider a revised event format.

Bold Hat Productions president, Phil Megenhardt expressed an interest in coming back in January 2009 to present the marketing aspects of the event with the committee.

Old Business2009 Outside Agency Tourism Funding

Following a discussion, Shirley Day moved to grant tourism funds to Kirkland Classic Car Show (\$1,640), Seven Hills of Kirkland (\$3,270); and Junior Softball World Series (\$2,340) in the total amount of \$7,250.

Listening Tour – Status Update

Economic Development Manager Ellen Miller-Wolfe commented on the status of the listening tour being conducted in an effort to evaluate the current organizational structure of the tourism program.

Tourism Marketing RFP

Staff updated the committee on progress made regarding requests for proposals for marketing/branding services.

New BusinessCommittee Rules and Procedures Project

The committee discussed the need for committee rules and procedures for the Lodging Tax Advisory Committee to ensure program consistency and compliance with State law.

Announcements

None.

Adjourn

The meeting adjourned at 10:35 a.m.

Dated this ____ Day of _____, 2008

Councilmember Hodgson

ORDINANCE 4161

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO BUSINESS LICENSES AND REGULATIONS AND AMENDING CHAPTER 7.02 OF THE KIRKLAND MUNICIPAL CODE.

The City Council of the City of Kirkland do ordain as follows:

Section 1. Section 7.02.020 of the Kirkland Municipal Code is hereby amended to read as follows:

7.02.020 Policy and scope.

All persons engaging in a business or occupation within the limits of the City shall be subject to the provisions of this chapter. ~~The city council finds that in order for the city of Kirkland to responsibly carry out the duties and authorities delegated to it by the Washington State Constitution and the laws of the state of Washington as a noncharter code city, maintenance of current information with respect to business, trade, service, commercial and professional activities carried on within the city is necessary and essential for the maintenance of the public health, safety and welfare; that such information can best be accumulated and maintained on a current basis through establishment of a license fee supported program for the licensing and registration of such activities.~~

Section 2. Section 7.02.030 of the Kirkland Municipal Code is hereby amended to read as follows:

7.02.030 Definitions.

Where used in this chapter, the following words and terms shall have the meanings as defined in this section, unless, from the context, a more limited or different meaning is clearly defined or apparent:

(a) "Business" includes all activities, occupations, pursuits, or professions located and/or engaged within the city, with the object of gain, benefit or advantage to the person engaging in the same, or to any other person or class, directly or indirectly, and includes nonprofit enterprises.

(b) "Business license" means that document issued by the city licensing the transaction of the indicated business by the person whose name appears thereon for the stated period.

(c) "Engaging in business" means commencing, conducting or continuing in any business within the city, whether or not an office or physical location for the business lies within the city. "Engaging in business" includes the performance of work or services by contractors, consultants, representatives, agents or other persons within the city, even though the office location of the

contractor, consultant, representative, agent or other person is not within the city limits; the exercise of corporate or franchise powers, as well as the liquidation of a business when the liquidators hold themselves out to the public as conducting such business; acting as a solicitor or canvasser; and furnishing temporary employees and/or workers to other businesses. By way of illustration only and without being all-inclusive, a business with an office or physical location outside the city limits which sells or leases personal property to buyers or lessees in the city; accepts or executes a contract to perform construction or installation services contracts in the city; solicits sales in the city; or renders services to others in the city; is engaged in business in this city, irrespective of whether or not such business maintains a permanent place of business in the city.

(d) "Finance director" or "director" means the city of Kirkland director of finance or his/her designee.

(e) "Gross receipts" shall have its ordinary meaning and also means the value accruing from the business activity within the city or conducted from the city including compensation for the rendition of services (without any deduction for labor costs or the cost of materials used), sale of personal property (without any deduction for the cost of property sold), gains or dividends realized, rents, royalties, contributions, fees and commissions, all without any deduction for any expense, taxes, or losses.

(f) "Person" includes individual natural persons, any firm, corporation, association, sole proprietor, club, partnership, trust, receiver, administrator, executor, estate, company, independent contractor, society, any officer, agent, personal representative, any group of individuals acting as a unit, the United States or the state of Washington or any instrumentality thereof, and includes the singular and the plural.

(g) "City" means the city of Kirkland, Washington.

(h) "Year" means a calendar year, except where otherwise specified or when permission is obtained from the director to use a different fiscal year.

(i) "L&I" means the Washington State Department of Labor and Industries.

(j) "Place of business" or "office" includes, but is not limited to, the following: maintaining, occupying, or using a permanent building or facility or fixed location as an office or location for conducting business; or a location where the regular business of the person is conducted and which is either owned by the person or over which the person exercises legal dominion and control; or a location which includes a business sign, mailing address, and permanent phone. A vehicle such as a pickup, van, truck, boat or other motor vehicle will not be considered a place of business for purposes of this chapter.

(k) "Casual or isolated sale" means a sale made by a person who is not engaged in the business of selling the type of property involved. Persons who hold themselves out to the public as making sales at retail or wholesale are deemed to be engaged in business, and sales made by them of the type of

property which they hold themselves out as selling are not casual or isolated sales even though such sales are not made frequently.

(l) "Employee" means and includes each of the following persons who are not required by the City to have his/her/its own separate City of Kirkland business license:

1. any person who is on the business' payroll, and includes all full-time, part-time, and temporary employees or workers; and
2. self-employed persons, sole proprietors, owners, managers, and partners; and
3. any other person who performs work, services or labor at the business, including an independent contractor who is not required to have a separate City of Kirkland business license.

(m) "Contractors" means any person who, in the capacity of an independent contractor, contracts with any business, property owner or person to perform a particular job or jobs, whether the remuneration received for performing the job or jobs is on a cost-plus basis, a flat sum basis or salary computed at so much per hour.

(n) "Subcontractors" means any person who in the capacity of an independent contractor contracts with any contractor to perform a particular trade or job, whether the remuneration received for performing the job or jobs is on a cost-plus basis, a flat sum basis, or salary basis computed at so much per hour.

Section 3. Section 7.02.040 of the Kirkland Municipal Code is hereby amended to read as follows:

7.02.040 Business license required.

(a) It is unlawful to engage in any business within the city without first having obtained a business license ("license") from the city and being the holder of a currently valid license to engage in such business or activity.

(b) If a business is conducted from more than one ~~premises~~premise in the city a separate registration and license shall be required for each ~~premises~~premise within the city.

(c) If more than one business is conducted upon or from a single premises a separate registration and license shall be required for each separate business conducted, operated, engaged in or practiced.

(d) Persons or companies doing business in Kirkland must comply with this chapter regardless of the physical location of the business (i.e., whether inside or outside Kirkland city limits).

(e) Limited Exemption from Multiple License Requirements. A business which holds a currently valid city of Kirkland general business license need not obtain an additional business license to conduct business at a second location so long as the second location is not rented, leased, subleased or owned by such business.

Section 4. Section 7.02.060 of the Kirkland Municipal Code is hereby amended to read as follows:

7.02.060 No license required in certain circumstances.

(a) Employees. The requirement for a separate business license shall not apply to a person in respect to the person's employment in the capacity as an employee, as distinguished from, for example, that of an independent contractor. For purposes of this section, it shall be presumed that a person is not an employee of a business unless that business makes contributions to the state employment security department on behalf of such person. The fact that the business makes industrial insurance contributions on behalf of such worker will not rebut this presumption.

(b) Farmers. No license or registration fee will be required for any farmer, gardener, or other person to sell, deliver, or peddle any fruits, vegetables, berries, eggs, or any farm produce or edibles raised, gathered, produced, or manufactured by such person; provided, that this exemption does not apply to any dairy product, meat, poultry, eel, fish, mollusk, or shellfish (except as otherwise provided with regard to wild-caught salmon and crab under RCW 36.71.090).

(c) Real Estate Agents. For the purposes of this chapter, "real estate agent" means a person who is licensed under Chapter 18.85 RCW and whose license is being retained by a broker licensed as a broker under Chapter 18.85 RCW ("designated broker"). Due to the unique legal controls placed upon the real estate agent/broker relationship, a real estate agent whose license is retained by a designated broker holding a currently valid city of Kirkland business license is not required to have his/her own separate business license if all of the following is true:

(1) The real estate agent engages in no business in Kirkland other than the work with the designated broker; and

(2) The designated broker notifies the city in writing as part of each year's business license renewal of the name of each real estate agent that the city should consider to be the equivalent of an employee of the designated broker for the purposes of this chapter; and

(3) The designated broker includes the real estate agent in counting the number of employees to determine the ~~surcharge~~Revenue Generating Regulatory License (RGRL) to be paid for the designated broker's business license and includes the real estate agent's gross receipts in calculating the designated brokers gross receipts for the purposes of this chapter.

(d) No license is required if a person engages in no activities within the city but the following:

(1) Mere delivery of goods;

(2) Activities that are within the term and scope of a city special event permit KMC 19.24 (e.g., vendors at a temporary booth who are included under an entity's special event permit, consistent with the term and activity for which the permit was issued);

- (3) Meeting with suppliers of goods and services as a customer;
 - (4) Attending meetings where the person does not provide training for a fee;
 - (5) Renting personal property as a customer when the property is not used in the city;
 - (6) Sale of one's own residence;
 - (7) Employing a household employee or being a customer of a domestic worker (e.g., babysitters, nannies, health aides, maids, or yard workers); or
 - (8) Casual and isolated sales.
- (e) No license or registration fee will be required for any judge or court commissioner of the Kirkland municipal court or for any person filing a judicial or hearing examiner position for the city of Kirkland.

Section 5. Section 7.02.070 of the Kirkland Municipal Code is hereby amended to read as follows:

7.02.070 Presumptions.

The following presumptions shall be made in interpreting and applying this chapter, unless rebutted as provided in this chapter.

(a) It shall be presumed that an entity that has been issued a Unified Business Identifier Number ("UBI") by the state of Washington is a separate business that is required to have its own city of Kirkland business license.

(b) It shall be presumed that an entity that has been issued a state industrial insurance account number, a state self-insurer number, or a state revenue tax reporting account number is a separate business that is required to have its own city of Kirkland business license.

(c) It shall be presumed that average annual gross receipts of an entity are at least twenty thousand dollars per each employee who works for the entity in Kirkland.

~~(d) It shall be presumed that an entity with average annual gross receipts of forty thousand dollars or more has at least two employees, as "employee" is defined in Section 7.02.160.~~

~~(e) It shall be presumed that an entity with average annual gross receipts of one hundred twenty thousand dollars or more has at least six employees, as "employee" is defined in Section 7.02.160.~~

~~(f) It shall be presumed that an entity with average annual gross receipts of four hundred twenty thousand dollars or more has at least twenty-one employees, as "employee" is defined in Section 7.02.160.~~

~~(g) It shall be presumed that an entity with average annual gross receipts of two million, twenty thousand dollars or more has at least one hundred one employees, as "employee" is defined in Section 7.02.160.~~

~~(h) It shall be presumed that a business' average annual gross receipts are equal to its prior years gross receipts or the average of its gross receipts for the last three years, whichever is higher.~~

~~(i) With regard to a business that did not operate for the full prior year, it shall be presumed that the prior year's gross receipts are equal to the annualized product of the prior year's actual gross receipts.~~

~~(j) It shall be presumed that a business' average annual gross receipts are greater than or equal to the business' annual gross volume of business, gross revenue, or gross proceeds of sales.~~

~~(k) It shall be presumed that a business with premises in the city of Kirkland has all of its employees working within the city of Kirkland.~~

~~(d) It shall be presumed that an owner, manager, and/or managing partner of a business that is more than sixty days late in paying any amount due under this chapter is willfully, knowingly and intentionally evading his or her legal duties under this chapter.~~

Section 6. Section 7.02.090 of the Kirkland Municipal Code is hereby repealed.

Section 7. Section 7.02.110 of the Kirkland Municipal Code is hereby amended to read as follows:

7.02.110 Review of application.

(a) The director, upon receipt of an application form, shall cause an investigation and review of the application to be made by the proper city officials, and shall issue or deny issuance of the license within ~~fifteen~~ thirty days after the city receives a complete application.

(b) The proposed use of premises shall not be in violation of any city building, safety, fire, health or land use regulations as determined by the city department charged with the enforcement of said regulations.

(c) If a person required by the terms and provisions of this chapter to pay a license fee for any period fails or refuses to do so, he/she/it shall not be granted a license for the current period until the delinquent license fee, together with penalties, has been paid in full. Neither the applicant nor the proposed business shall be in default under the provisions of this chapter or indebted or obligated in any manner to the city, except for current taxes and other obligations not past due.

(d) Qualifications of Applicants. The director may deny issuance (or renewal) of a business license or permit when the licensee, officer or partner thereof, or another person with a legal interest in the license:

(1) Knowingly causes, aids, abets, or conspires with another to cause any person to violate any of the laws or regulations of this state or the city which may affect or relate to the licensed business;

(2) Has obtained a license or permit by fraud, misrepresentation, concealment, or through inadvertence or mistake;

(3) Is convicted of, forfeits bond upon, or pleads guilty to any offenses related to the operation of the licensed business or had a license revoked or suspended by the city or another jurisdiction;

(4) Makes a misrepresentation or fails to disclose a material fact to the city related to any of the obligations set forth in this chapter;

(5) Violates any building, safety, fire or health regulation on the premises in which the business is located after receiving warning from the city to refrain from such violations; or

(6) Is in violation of a zoning regulation of the city.

(e) If an application is denied, any person aggrieved may request director review as provided in this chapter.

Section 8. Section 7.02.120 of the Kirkland Municipal Code is hereby amended to read as follows:

7.02.120 Basic license fee.

The basic license fee for the annual license issued under this chapter shall be as follows:

(a) Basic Fee. Each business with twelve thousand dollars or more in average annual gross receipts shall pay a basic business license fee of one hundred dollars per year.

(b) Registration Fee. Any business with less than ~~two~~twelve thousand dollars average annual gross receipts shall pay a registration fee of ~~twenty-five~~fifty dollars per year.

(c) Exemptions. The following entities may claim an exemption from the basic license fee or registration ~~fee~~, but if exempt under this subsection such entities shall still register under this chapter:

(1) Certain Organizations Exempt from Federal Income Tax. An organization that files with the city a copy of its current IRS 501(c)(3) exemption certificate issued by the Internal Revenue Service.

(2) A governmental entity that engages solely in the exercise of governmental functions. Activities which are not exclusively governmental, such as some of the activities of a hospital or medical clinic, are not exempt under this chapter.

(3) A nonprofit business operated exclusively for a religious purpose, upon furnishing proof to the finance director of its nonprofit status. For the purposes of this chapter, the activities that are not part of the core religious functions are not exempt.

(4) Civic groups, service clubs, and social organizations that are not engaged in any profession, trade, calling, or occupation, but are organized to provide civic, service, or social activities in the city. Examples of such organizations may include, but are not limited to: Soroptomists; Kiwanis; Lions; Rotary; American Legion; children's and adults' athletic organizations; and similar types of groups, clubs or organizations.

(5) A business that can demonstrate to the satisfaction of the director that it is exempt due to preemption by state or federal law.

Section 9. Section 7.02.130 of the Kirkland Municipal Code is hereby amended to read as follows:

7.02.130 Regulatory licenses.

(a) A business that holds a current valid city of Kirkland regulatory license under another chapter of this code must also file the general business license application form, pay the general business license fee and pay the ~~surcharge~~ Revenue Generating Regulatory License Fee (RGRL) pursuant to this chapter; ~~provided, however, that such business may take a credit for the amount paid for the regulatory license up to the total amount of general business license fee plus the surcharge.~~ The license fee levied in this chapter shall be additional to any license fee or tax imposed or levied under the law or any other ordinance of the city except as expressly provided herein.

(b) ~~Regulatory licensees under the following KMC chapters may apply the credit described in this section:~~

7.08	Ambulances
7.12	Amusement Devices
7.16	Auctions and Auctioneers
7.20	Cabarets
7.22	Carnivals and Circuses
7.24	Dances and Dance Halls
7.32	Massage Parlors and Public Bathhouses
7.36	Pawnbrokers and Secondhand Dealers
7.44	Taxicabs and For Hire Vehicles
7.61	Cable Television—Procedures and Terms for Grant of Franchises

Section 10. Section 7.02.140 of the Kirkland Municipal Code is hereby amended to read as follows:

7.02.140 Utilities.

(a) A business that pays a utility occupation tax to the city pursuant to Chapter 5.08 must also file the general business license application form, ~~but need not~~ and pay a general business license fee. ~~This is a waiver of the basic fee, not an exemption.~~

(b) A business that pays a utility occupation tax to the city pursuant to Chapter 5.08 is subject to the ~~surcharge~~ RGRL which is set forth in this chapter; ~~provided, that such a business may take a credit for the amount of such tax paid, up to the total amount of the surcharge.~~

Section 11. Section 7.02.150 of the Kirkland Municipal Code is hereby amended to read as follows:

7.02.150 Temporary business.

(a) General. One act of engaging in business in the city is sufficient to require a city business license. However, a person may apply to the city for a temporary business permit instead of a general business license. The city will be the sole judge as to whether a business qualifies for a temporary permit, considering factors such as whether the business has a fixed location within the city, whether the business has previously applied for a temporary permit within the last twelve months, and the city's experience with similar activities.

(b) Permit. If a temporary business permit is approved by the city, it will allow the conduct of business for not more than thirty-five consecutive days. The permit shall state an expiration date which shall be not more than thirty-five calendar days after its term begins. The fee for this permit is ~~twenty-five~~ dollars. There will be no charge for this permit when business will be engaged in solely by an organization with a current IRS 501(c)(3) exemption certificate. A person who engages in business in accordance with the requirements of this section is not required to obtain a general city business license.

(c) Revocation. Once a permit has been issued, the city may find that the actual conduct of the business does not qualify for a temporary permit. If so, the city may revoke the temporary permit and require the person to immediately obtain a general business license.

Section 12. Section 7.02.160 of the Kirkland Municipal Code is hereby amended to read as follows:

7.02.160 ~~Surcharge~~ Revenue Generating Regulatory License Fee (RGRL).

(a) General. In addition to the basic license fee, the highest applicable ~~surcharge~~RGRL in this section shall be paid for the annual license issued under this chapter.

(1) A business with less than ~~fifty-two~~ thousand dollars of average annual gross receipts shall be exempt from any ~~surcharge~~RGRL.

(2) For the purposes of this section and in determining the applicable ~~surcharge~~RGRL, the term "employee" means and includes each of the following persons who are not required by the city to have his/her/its own separate city of Kirkland business license:

(A) Any person who is on the business' payroll, and includes all full-time, part-time, and temporary employees or workers; and

(B) Self-employed persons, sole proprietors, owners, managers, and partners; and

(C) Any other person who performs work, services or labor at the business, including an independent contractor who is not required to have a separate city of Kirkland business license.

(3) An entity that is entirely exempt from paying the basic license fee shall be exempt from any ~~surcharge~~RGRL.

(4) An entity with some activities or functions that are exempt from the basic license fee and some that are not exempt shall pay a ~~surcharge~~RGRL based on the number of its employees that are involved in the functions or activities that are not exempt.

(b) Amount of ~~Surcharge~~RGRL.

(1) Revenue Generating Regulatory License (RGRL) Fee Method. Except as otherwise provided by this chapter, every person engaging in business within the city shall pay an RGRL based upon the number of employee hours worked in Kirkland during the previous year. Annual employee hours are calculated based on the sum of the four quarterly reports submitted to the Washington State Department of Labor and Industries for the previous year. It will be the responsibility of the employer to determine the number of hours worked within the city from these reports. Businesses that did not file quarterly reports with the Washington State Department of Labor and Industries shall determine the number of hours worked within the city and demonstrate, if required, to the satisfaction of the Finance Director or his/her authorized agent, that the number of employee hours worked is correct.

(2) The annual license fee (base fee and RGRL) shall be calculated by adding the base fee of one-hundred dollars per business license to the full-time equivalent employees that worked in Kirkland multiplied by one-hundred dollars. The approved tax rate per full-time employee is \$0.052084 (which represents a RGRL multiplier of \$0.052084 per employee hour worked), as may be adjusted herein. Employers without a full year history would need to estimate the number of employee hours that will be worked in the current calendar year.

(3) If a business has more than one location in Kirkland the annual business license fee calculation must include a base fee for each location and the RGRL for annual employee hours at all locations.

(c) Alternative FTE Method. A business may choose to calculate its annual license fee by adding the one-hundred dollar base fee to the RGRL based on multiplying one-hundred dollars by the number of its employees. The number of employees shall be based on the sum of the employees in the four quarterly reports submitted to the Washington State Department of Labor and Industries for the previous year divided by four. It will be the responsibility of the employer to determine the number of employees working within the city from these reports. Businesses that did not file quarterly reports with the Washington State Department of Labor and Industries shall determine the number of employees working in the city and demonstrate, if required, to the satisfaction of the Finance Director or his/her authorized agent, that the number of employees is correct. Employers without a full year history would need to estimate the number of employees that will work in the city for the current calendar year.

(1) Once the FTE methodology has been selected, it must be used for future renewals.

(2) Businesses with more than one location must use the same method of calculation for all locations.

(3) For businesses with employees who work less than 1,920 hours per year (the work hour figure used by the Washington Department of Labor and Industries) the total number of hours worked by all such employees during the four quarters of the previous year shall be added together and divided by 1,920 to determine the FTE equivalency.

(4) It will be the responsibility of the business to determine the total number of FTE's (or equivalency) and demonstrate, if required, to the satisfaction of the Finance Director or his/her authorized agent, that the calculation is accurate.

(d) The license fee for a business required to be licensed under this chapter and not located within the city's corporate limits shall be calculated by adding the one-hundred dollar base fee and the RGRL based upon the number of employee hours worked within the city, but in no event shall the license fee be less than the minimum fee set forth in this chapter. If the number of employee hours worked is not known at the time of renewal, the business shall estimate the maximum number of employee hours they anticipate using in Kirkland during the year.

(e) Businesses doing business in the city that have no employees physically working within the city shall pay the minimum license fee required under this chapter.

(f) The minimum fee for any license issued under this chapter shall be \$200.00 (a base fee of \$100.00 and a RGRL of \$100.00), as may be adjusted herein.

(g) Payment made by draft or check shall not be deemed a payment of the fee unless and until the same has been honored in the usual course of business, nor shall acceptance of any such check or draft operate as an a quittance or discharge of the fee unless and until the check or draft is honored. Any person who submits a business license fee payment by check to the city pursuant to the provisions of this chapter shall be assessed a NSF fee set by the Finance Director if the check is returned unpaid by a bank or other financial institution for insufficient funds in the account or for any other reason.

(h) If any person required by the terms and provisions of this chapter to pay a license fee for any period fails or refuses to do so, he shall not be granted a license for the current period until the delinquent license fee, together with penalties, has been paid in full. Any license fee due and unpaid under this chapter and any penalties thereon shall constitute a debt to the city and may be collected in court proceedings in the same manner as any other debt in like amount, which remedy shall be in addition to all other existing remedies.

(i) If no higher RGRL applies under this section, then the minimum RGRL shall be one hundred dollars.

~~(1) One employee: one hundred twenty-five dollars. A business with one employee shall pay a surcharge of one hundred twenty-five dollars. If such a~~

business has less than one hundred thousand dollars of average annual gross receipts ("GR"), then the surcharge shall be seventy-five dollars.

~~(2) Two to five employees: two hundred twenty-five dollars. A business with at least two but not more than five employees shall pay a surcharge of two hundred twenty-five dollars. If such a business has less than one hundred thousand dollars of GR, then the surcharge shall be one hundred fifty dollars.~~

~~(3) Six to twenty employees: seven hundred fifty dollars. A business with at least six but not more than twenty employees shall pay a surcharge of seven hundred fifty dollars. If such a business has less than one hundred thousand dollars of GR, then the surcharge shall be five hundred dollars.~~

~~(4) Twenty-one to one hundred employees: one thousand five hundred dollars. A business with at least twenty-one but not more than one hundred employees shall pay a surcharge of one thousand five hundred dollars. If such a business has less than one hundred thousand dollars of GR, then the surcharge shall be one thousand dollars.~~

~~(5) More than one hundred employees: two thousand five hundred dollars. A business with more than one hundred employees shall pay a surcharge of two thousand five hundred dollars. If such a business has less than one hundred thousand dollars of GR, then the surcharge shall be two thousand dollars.~~

~~(c) Multiple Locations. If a business is conducted from more than one premises in the city, a separate license is required for each premises. The applicable surcharge shall be determined for each premises and then paid for such separate premises.~~

~~(d) In the event that no employee of a business physically works within the city, the applicable surcharge shall be the amount for one employee.~~

~~(e) If no higher surcharge applies under this section, then the minimum surcharge shall be seventy-five dollars.~~

Section 13. Section 7.02.170 of the Kirkland Municipal Code is hereby amended to read as follows:

7.02.170 Determination of number of employees for surchargeRGRL.

For the purposes of this section, "employee" shall be defined as in Section [7.02.160](#).

(a) Standard Rule. In determining the amount of surchargeRGRL to be paid for the upcoming license year, the number of employees shall be the current number of employees or the number of employees on the last regular working day of each of the last twelve months divided by twelve, whichever is higher. Each person who comes under the definition of "employee" shall be counted as one employee, even if the person works part-time.

(b) Alternative Method ("FTE"). A business may choose to calculate the number of employees for the purpose of the surchargeRGRL according to the following alternative method based on the number of employee hours worked for the business during the previous year.

(1) The business must notify the city of its choice to use the FTE method. It will be the responsibility of the business to determine the number of hours worked for the business, taking into account the information submitted to L & I in the last four quarterly reports. The business must demonstrate, to the satisfaction of the director, that the alternative calculation is accurate. The director may require the business to submit copies of its L & I reports.

(2) Each employee who worked more than one thousand, nine hundred twenty hours during the previous year (including paid time off) shall be counted as one employee. If a person such as an owner or partner devotes more than one thousand, nine hundred twenty hours per year to the business then that person must be counted as one employee for ~~surcharge~~RGRL purposes.

(3) Where there are employees who work less than one thousand, nine hundred twenty hours per year, the total number of hours worked by all such employees during the previous year shall be added together and divided by one thousand, nine hundred twenty. A fraction of 0.5 or over shall be rounded up. Hours worked by persons who are defined as employees for ~~surcharge~~RGRL purposes must be included in the calculation even if the business is not required to report to L & I concerning such persons.

(4) The results from subsection (b)(2) of this section plus subsection (b)(3) of this section shall be the total number of employees used to determine the amount of the ~~surcharge~~RGRL.

(c) New Businesses. The ~~surcharge~~RGRL for a business that did not submit reports for each of the last four quarters to L & I shall be based on the estimated number of employees of that business. The business shall provide its estimate of the average number of employees for the upcoming year. The city will determine the number of employees that will be used in calculating the amount of the ~~surcharge~~RGRL. If, during the license year, the city determines that the actual number of employees is significantly different than estimated, then the amount of the ~~surcharge~~RGRL will be recalculated for the new business. If the revised ~~surcharge~~RGRL is higher, the business must pay the difference within thirty days after notification. ~~If the revised surcharge is lower, then the difference will be refunded within thirty days.~~

(d) Over-Reporting Number of Employees. A licensee may request that the city refund ~~surcharge~~RGRL overpaid on the basis that the business miscounted the number of employees by an error factor of more than fifteen percent. The request must be in writing and the city must receive the request and all supporting documentation no later than sixty days after the end of the licensee's fiscal year in which the error was made. If the city is satisfied that the licensee paid an excess ~~surcharge~~RGRL, then the city will refund the excess ~~surcharge~~RGRL paid by the licensee ~~during either the current calendar year or one prior calendar year.~~(e) Under-Reporting of Employees. If the city determines that the number of employees was under-reported at the time of application or renewal by an error factor of more than fifteen percent, the business shall pay the balance of the applicable ~~surcharge~~RGRL together with

a penalty of twenty percent of such balance due. The business shall also reimburse the city for any accounting, legal, or administrative expenses incurred by the city in determining the under-reporting or in collecting the additional amounts. The director shall mail written notice of the amount to be paid and the business shall pay said amount to the city within ~~twenty~~thirty days. If the city does not receive timely payment, an additional penalty shall be added, applying the schedule for late payments in this chapter.

Section 14. A new Section 7.02.175 of the Kirkland Municipal Code is hereby created to read as follows:

7.02.175 Temporary employees.

The following provisions shall apply to businesses engaged in the practice of providing temporary employees or workers ("temporary agencies") to businesses located within the city and to businesses located within the city which utilize the services of such employees or workers:

(1) Temporary agencies located within the city shall include all temporary employees and workers placed with businesses located within the city in calculating the number of employee hours worked in addition to employees described under KMC 7.02.160.

(2) Temporary agencies located outside the city which place temporary employees or workers with businesses located within the city shall include all such temporary employees and workers in calculating the number of hours worked by their employees;

(3) Businesses located within the city which utilize temporary employees or workers provided by a temporary agency shall not include the temporary employees or workers in calculating the number of their employee hours,

(4) Temporary agencies placing temporary employees and workers within the city shall calculate the number of hours worked by such employees and workers in the manner provided by KMC 7.02.160(a),

(5) In submitting an initial business license application or subsequent renewal application, all businesses located within the city which use temporary employees or workers furnished by a temporary agency shall indicate the number of employee hours worked by using the formula set forth in KMC 7.02.160(a) and further indicate the names and addresses of the temporary agencies furnishing said employees or workers. Failure to so report the number of hours worked by temporary employees or workers or the names and addresses of the agencies furnishing said employees or workers shall result in imposition of a penalty equal to 10% of the company's total business license fee. In addition, failure to report may result in revocation, suspension, or denial of the business license.

Section 15. Section 7.02.190 of the Kirkland Municipal Code is hereby amended to read as follows:

7.02.190 Penalty for late payment.

(a) A business that fails to renew its license on time shall pay a penalty in addition to the amount charged for the annual license as follows:

(1) Up to twenty-nine days late, a penalty of twenty-five dollars or ten percent of the amount for the license, whichever is greater;

(2) Between thirty and fifty-nine days late, a penalty of fifty dollars or fifty percent of the amount for the license, whichever is greater;

(3) Sixty or more days late, a penalty of one hundred dollars or one hundred percent of the amount for the license, whichever is greater;

(4) The director is authorized, but not obligated, to waive all or a portion of the penalties provided herein in the event that the director determines that the late payment was the result of excusable neglect or extreme hardship.

(b) Late Application. A business that fails to obtain a license before first commencing business in Kirkland shall pay a penalty ~~in addition to the amount charged for the annual license~~ according to the schedule in subsection (a) of this section in addition to the amount charged for the annual license for all years the business has been in operation or to the greatest extent allowed by law; provided, that the number of days late shall mean the number of days between the commencement of business and the date the city receives a complete application.

Section 16. Section 7.02.220 of the Kirkland Municipal Code is hereby amended to read as follows:

7.02.220 Notification of termination of business activities.

(a) Any person who obtains a city business license and thereafter ceases to engage in business shall so notify the city in writing. A business shall be presumed to continue in operation within the city until the city receives such notice of termination of business activities and enforcement proceedings may be conducted on the basis of this presumption.

(b) There shall be no pro rata refund of the basic license fee. However, a business may request a pro rata refund of the ~~surcharge~~RGRL if the city receives such request within ~~ninety~~ thirty days after business activities cease. The city shall calculate and refund such pro rata amount based on the date business ceased or the date the city received the required notice, whichever is later.

Section 17. Section 7.02.230 of the Kirkland Municipal Code is hereby amended to read as follows:

7.02.230 Notification of exemption.

(a) A licensee may request that the city reissue a business license on the basis of a new or newly recognized exemption or partial exemption. The request must be in writing and the city must receive the request and all

supporting documentation no later than thirty days prior to the expiration date of the current license.

(b) If the city is satisfied that the exemption or partial exemption applies, then the city will refund a pro rata amount of excess fees based on the date the city received all information necessary to consider the request. Both the basic license fee and the ~~surcharge~~RGRL are subject to pro rata refund.

Section 18. Section 7.02.250 of the Kirkland Municipal Code is hereby amended to read as follows:

7.02.250 Appeal.

(a) Any person aggrieved by a determination of the director may appeal such determination to the hearing examiner pursuant to this section.

(b) Form of Appeal. An appeal must be in writing and must contain the following:

(1) The name and address of the appellant;

(2) A statement identifying the determination of the director from which the appeal is taken;

(3) A statement setting forth the grounds upon which the appeal is taken and identifying specific errors the director is alleged to have made in making the determination; and

(4) A statement identifying the requested relief from the determination being appealed.

(c) Time and Place to Appeal. An appeal shall be filed with the director with a copy to the city clerk's office no later than fourteen calendar days following the date on which the city mailed the notice of the determination. Failure to follow the appeal procedures in this section shall preclude the taxpayer's right to appeal.

(d) Appeal Hearing. The director shall transmit the appeal to the hearing examiner. The hearing examiner shall schedule a hearing date and notify the appellant and the director of such hearing date. The hearing examiner shall conduct an appeal hearing in accordance with this chapter and procedures developed by the hearing examiner, at which time the appellant and the director shall have the opportunity to be heard and to introduce evidence relevant to the subject of the appeal.

(e) Burden of Proof. The appellant shall have the burden of proving by a preponderance of the evidence that the determination of the director is erroneous.

(f) Hearing Record. The hearing examiner shall make an electronic sound recording of each appeal hearing unless the hearing is conducted solely in writing.

(g) Decision of the Hearing Examiner. Following the hearing, the hearing examiner shall enter a decision on the appeal, supported by written findings and conclusions in support thereof. A copy of the findings, conclusions and decision shall be mailed to the appellant and to the director.

(h) Appeal Not a Stay. Filing an appeal will not stay the effect of the director's determination. Interest and/or penalties shall continue to accrue on all unpaid amounts, notwithstanding the fact that an appeal has been filed. ~~If the hearing examiner determines that the taxpayer is owed a refund, the city shall pay such refund within thirty days.~~

(i) A writ of review regarding the decision of the hearing examiner may be sought from King County Superior Court by the appellant or by the city. A proper request for a writ of review must be filed with the superior court within twenty calendar days following the date that the decision of the hearing examiner was mailed to the parties. Review by the superior court shall be on, and shall be limited to, the record on appeal created before the hearing examiner. Filing with the court does not automatically stay the effect of the city's decision.

Section 19. 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 20. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication pursuant to Section 1.08.017, Kirkland Municipal Code in the summary form attached to the original of this ordinance and by this reference approved by the City Council.

Passed by majority vote of the Kirkland City Council in open meeting this ____ day of _____, 2008.

Signed in authentication thereof this ____ day of _____, 2008.

MAYOR

Attest:

City Clerk

Approved as to Form:

City Attorney

PUBLICATION SUMMARY
OF ORDINANCE NO. 4161

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO BUSINESS LICENSES AND REGULATIONS AND AMENDING CHAPTER 7.02 OF THE KIRKLAND MUNICIPAL CODE.

SECTION 1. Amends Section 7.02.020 of the Kirkland Municipal Code relating to policy and scope.

SECTION 2. Amends Section 7.02.030 of the Kirkland Municipal Code by adding definitions for the words "Employee" "Contractor" and "Subcontractor" and adding "city" as a defined term.

SECTION 3. Amends Section 7.02.040 of the Kirkland Municipal Code changing premises to premise.

SECTION 4. Amends Section 7.02.060 of the Kirkland Municipal Code regarding calculation of the number of employees to reflect the change by this ordinance from collection of a surcharge to collection of a Revenue Generating Regulatory License (RGRL) fee and clarifying that the exemption from the requirement of having a license for a special event arises only under KMC Chapter 19.24.

SECTION 5. Amends Section 7.02.070 of the Kirkland Municipal Code removing certain presumptions.

SECTION 6. Repeals Section 7.02.090 of the Kirkland Municipal Code.

SECTION 7. Amends Section 7.02.110 of the Kirkland Municipal Code to require issuance or denial of a permit within 30 days instead of 15.

SECTION 8. Amends Section 7.02.120 of the Kirkland Municipal Code regarding which businesses must pay a basic fee or a registration fee.

SECTION 9. Amends Section 7.02.130 of the Kirkland Municipal Code to reflect businesses are paying the RGRL instead of a surcharge and that this fee is in addition to other regulatory fees.

SECTION 10. Amends Section 7.02.140 of the Kirkland Municipal Code to require that utilities paying a utility occupation tax also pay the general business license fee and the RGRL.

SECTION 11. Amends Section 7.02.150 of the Kirkland Municipal Code by increasing the temporary business permit fee to fifty dollars.

SECTION 12-13. Amends Sections 7.02.160 and 7.02.170 of the Kirkland Municipal Code by replacing "surcharge" with "Revenue Generating Regulatory License Fee (RGRL)" and providing for how the RGRL will be calculated.

SECTION 14. Adds a new Section 7.02.175 to the Kirkland Municipal Code relating to the calculation of employee hours for temporary employees and providing a penalty for failure to properly report such employees and their hours.

SECTION 15. Amends Section 7.02.190 to clarify that businesses are responsible for payment of all fees retroactively to the commencement of business operations.

SECTION 16. Amends Section 7.02.220 to reflect that a business may request a refund of the RGRL instead of surcharge and requiring the request be made within 30 days of closing the business.

SECTION 17. Amends Section 7.02.230 of the Kirkland Municipal Code to reflect that a business may request a refund of the RGRL instead of surcharge upon finding an exemption applies.

SECTION 18. Amends Section 7.02.250 of the Kirkland Municipal Code regarding refunds.

SECTION 19. Provides a severability clause for the ordinance.

SECTION 20. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as five days after publication of 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 _____, 2008.

I certify that the foregoing is a summary of Ordinance _____ approved by the Kirkland City Council for summary publication.

City Clerk

ORDINANCE 4162

AN ORDINANCE OF THE CITY OF KIRKLAND INCREASING THE UTILITY TAX ON CERTAIN UTILITIES TO PROVIDE REVENUE FOR CITY SERVICES; AMENDING KIRKLAND MUNICIPAL CODE CHAPTER 5.08 AND ESTABLISHING EFFECTIVE DATES.

WHEREAS, during the 2009-2010 biennial budget process the City Council will need to reduce services, raise revenue, and use reserves to balance the budget. The City Council is implementing a 3% increase in utility taxes on water, sewer, and solid waste to assist in balancing the budget; and

WHEREAS, the City has availed itself of all appropriate revenue sources currently authorized; and

WHEREAS, staff presented potential new revenue sources the City Council could use to balance the budget; and

WHEREAS, the City Council has determined that the public interest is best served by the implementation of a utility tax increase, on certain utilities;

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

Section 1. Kirkland Municipal Code Section 5.08.050 is hereby amended as follows:

5.08.050 Utility occupations subject to tax—Amount.

There are levied upon and shall be collected from every person engaging within this city in utility occupations annual license fees or occupation taxes in the amounts to be determined by the application of the rates against gross income as follows:

(1) Upon every person engaged in or carrying on the business of providing telephone services a fee or tax equal to six percent of the total gross income from such business in the city, including one hundred percent of the total gross revenues derived from toll service, during the tax year for which the license is required;

(2) Upon every person engaged in or carrying on the business of selling or furnishing natural or manufactured gas a fee or tax equal to six percent of the total gross income for such business in the city during the tax year for which the license is required;

(3) Upon every person engaged in or carrying on the business of selling or furnishing electric light and power or electrical energy a fee or tax equal to six percent of the total gross income from such business in the city for the tax year for which the license is required;

(4) Upon every person engaged in or carrying on the business of furnishing water distribution and/or sanitary collection services including both sewage and refuse a fee or tax equal to ~~seven~~ ten and one-half percent of the total

gross income from such business in the city during the tax year for which the license is required;

(5) Upon every person conducting or operating a storm water and/or surface water utility for any customer, including residential and commercial customers, a fee or tax equal to seven and one-half percent of the total gross income from such business in the city during the tax year for which the license is required;

(6) Upon every person engaged in or carrying on the business of providing cable service, a fee or tax equal to six percent of the total gross income from such business in the city during each tax year.

Section 2. This ordinance is effective five days from and after its passage by the Kirkland City Council and publication, as required by law. The tax increase on the business of furnishing water and/or sewer and refuse collection services set forth in Kirkland Municipal Code Section 5.08.050(4) shall take effect on January 1, 2009.

Passed by majority vote of the Kirkland City Council in open meeting this _____ day of _____, 2008.

Signed in authentication thereof this _____ day of _____, 2008.

MAYOR

Attest:

City Clerk

Approved as to Form:

City Attorney

ORDINANCE 4163

AN ORDINANCE OF THE CITY OF KIRKLAND ADOPTING THE BIENNIAL BUDGET FOR 2009-2010.

WHEREAS, the Kirkland City Council conducted a duly noticed public hearing on November 18, 2008, to take public comment with respect to the proposed Biennial Budget of the City of Kirkland for 2009-2010 and all persons wishing to be heard were heard; and

WHEREAS, the City Council finds that the proposed Biennial Budget for 2009-2010 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 2009-2010, 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 2009-2010.

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	124,687,343	124,687,343
Lodging Tax	794,424	794,424
Street Operating	9,087,068	9,087,068
Cemetery Operating	199,498	199,498
Parks Maintenance	2,203,287	2,203,287
Recreation Revolving	2,825,090	2,825,090
Contingency	2,324,515	2,324,515
Cemetery Improvement	598,528	598,528
Impact Fees	7,165,555	7,165,555
Park & Municipal Reserve	10,050,552	10,050,552
Off-Street Parking Reserve	217,610	217,610
Tour Dock	122,675	122,675
Street Improvement	2,613,576	2,613,576
Grant Control Fund	216,458	216,458
Excise Tax Capital Improvement	24,039,092	24,039,092
Limited General Obligation Bonds	2,735,723	2,735,723
Unlimited General Obligation Bonds	2,703,581	2,703,581
General Capital Projects	26,142,349	26,142,349
Grant Capital Projects	5,307,113	5,307,113
Water/Sewer Operating	46,479,043	46,479,043
Water/Sewer Debt Service	3,510,123	3,510,123

Utility Capital Projects	18,837,106	18,837,106
Surface Water Management	12,515,606	12,515,606
Surface Water Capital Projects	6,765,553	6,765,553
Solid Waste	18,753,863	18,753,863
Equipment Rental	13,971,736	13,971,736
Information Technology	10,111,156	10,111,156
Facilities Maintenance	9,804,443	9,804,443
Firefighter's Pension	1,635,961	1,635,961
	<hr/>	<hr/>
	366,418,627	366,418,627

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 16th day of December, 2008.

Signed in authentication thereof this 16th day of December, 2008.

MAYOR

Attest:

City Clerk

Approved as to Form:

City Attorney

CITY OF KIRKLAND 2009-2010 BUDGET OVERVIEW: BY FUND TYPE/FUND

General Government Operating Funds

Fund	2007-2008 Budget*	2009-2010 Budget	Percent Change
<i>General Fund</i>			
010 General	113,636,653	124,687,343	9.72%
<i>Special Revenue Funds</i>			
112 Lodging Tax	561,841	794,424	41.40%
117 Street Operating	9,600,236	9,087,068	-5.35%
122 Cemetery Operating	336,709	199,498	-40.75%
125 Parks Maintenance	2,144,266	2,203,287	2.75%
126 Recreation Revolving	2,111,338	2,825,090	33.81%
Total Special Revenue Funds	14,754,390	15,109,367	2.41%
<i>Internal Service Funds</i>			
521 Equipment Rental	12,367,189	13,971,736	12.97%
522 Information Technology	10,692,354	10,111,156	-5.44%
527 Facilities Maintenance	9,066,324	9,804,443	8.14%
Total Internal Service Funds	32,125,867	33,887,335	5.48%
Total General Government Operating Funds	160,516,910	173,684,045	8.20%

General Government Non-Operating Funds

Fund	2007-2008 Budget*	2009-2010 Budget	Percent Change
<i>Special Revenue Funds</i>			
152 Contingency	2,940,790	2,324,515	-20.96%
154 Cemetery Improvement	549,500	598,528	8.92%
156 Impact Fees	3,709,937	7,165,555	93.14%
157 Park & Municipal Reserve	12,761,743	10,050,552	-21.24%
158 Off-Street Parking Reserve	69,564	217,610	212.82%
159 Tour Dock	99,235	122,675	23.62%
170 Street Improvement	3,222,265	2,613,576	-18.89%
188 Grant Control Fund	285,835	216,458	-24.27%
190 Excise Tax Capital Improvement	22,091,056	24,039,092	8.82%
Total Special Revenue Funds	45,729,925	47,348,561	3.54%

* 2007-2008 Budget as of June 30, 2008.

CITY OF KIRKLAND 2009-2010 BUDGET OVERVIEW: BY FUND TYPE/FUND

General Government Non-Operating Funds (Continued)

Fund	2007-2008 Budget*	2009-2010 Budget	Percent Change
<i>Debt Service Funds</i>			
210 LTGO Debt Service	4,966,356	2,735,723	-44.91%
220 UTGO Debt Service	3,243,334	2,703,581	-16.64%
230 LID Control	9,647	0	-100.00%
Total Debt Service Funds	8,219,337	5,439,304	-33.82%
<i>Capital Projects Funds</i>			
310 General Capital Projects	33,808,550	26,142,349	-22.68%
320 Grant Capital Projects	16,379,729	5,307,113	-67.60%
Total Capital Projects Funds	50,188,279	31,449,462	-37.34%
<i>Trust Funds</i>			
620 Firefighter's Pension	1,382,725	1,635,961	18.31%
Total Trust Funds	1,382,725	1,635,961	18.31%
Total General Government Non-Op Funds	105,520,266	85,873,288	-18.62%

Water/Sewer Utility Funds

Fund	2007-2008 Budget*	2009-2010 Budget	Percent Change
<i>Operating Fund</i>			
411 Water/Sewer Operating	38,471,870	46,479,043	20.81%
Total Operating Fund	38,471,870	46,479,043	20.81%
<i>Non-Operating Funds</i>			
412 Water/Sewer Debt Service	3,758,988	3,510,123	-6.62%
413 Utility Capital Projects	17,305,570	18,837,106	8.85%
Total Non-Operating Funds	21,064,558	22,347,229	6.09%
Total Water/Sewer Utility Funds	59,536,428	68,826,272	15.60%

* 2007-2008 Budget as of June 30, 2008.

CITY OF KIRKLAND 2009-2010 BUDGET OVERVIEW: BY FUND TYPE/FUND

Surface Water Utility Funds

Fund	2007-2008 Budget*	2009-2010 Budget	Percent Change
<i>Operating Fund</i>			
421 Surface Water Management	12,094,573	12,515,606	3.48%
Total Operating Fund	12,094,573	12,515,606	3.48%
<i>Non-Operating Fund</i>			
423 Surface Water Capital Projects	10,140,676	6,765,553	-33.28%
Total Non-Operating Funds	10,140,676	6,765,553	-33.28%
Total Surface Water Utility Funds	22,235,249	19,281,159	-13.29%

Solid Waste Utility Fund

Fund	2007-2008 Budget*	2009-2010 Budget	Percent Change
<i>Operating Fund</i>			
431 Solid Waste Utility	17,233,322	18,753,863	8.82%
Total Operating Fund	17,233,322	18,753,863	8.82%
Total Solid Waste Utility Fund	17,233,322	18,753,863	8.82%

TOTAL ALL FUNDS	365,042,175	366,418,627	0.38%
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* 2007-2008 Budget as of June 30, 2008.

CITY OF KIRKLAND123 FIFTH AVENUE, KIRKLAND, WASHINGTON 98033-6189 (425) 587-3249

**DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
MEMORANDUM**

To: David Ramsay, City Manager

From: Angela Ruggeri, AICP, Senior Planner
Eric Shields, AICP, Director
Paul Stewart, AICP, Deputy Director
Jeremy McMahan, AICP, Planning Supervisor

Date: December 8, 2008

Subject: ADOPTION OF ORDINANCES AND SUMMARY ORDINANCES AMENDING THE KIRKLAND COMPREHENSIVE PLAN, ZONING CODE AND MAP, AND MUNICIPAL CODE, AND ADOPTING A PLANNED ACTION ORDINANCE FOR THE TOUCHSTONE (PARKPLACE) AND ALTOM PRIVATE AMENDMENT REQUESTS (FILE NO. ZON07-00016 AND ZON07-00019)

RECOMMENDATION

Approve the enclosed five ordinances amending the Comprehensive Plan, Zoning Code and Map, and Municipal Code, and the Planned Action Ordinance for the Touchstone (Parkplace) and Altom Private Amendment Requests (PARs). The amendments include:

Touchstone PAR:**Comprehensive Plan**

The amendments to the Downtown Plan include the following key revisions:

- East Core Frame Land Use District: Addition of retail as a significant part of any Parkplace mixed-use development and clarification of where and when residential uses are allowed.
- Urban Design: reference to a new design review document titled "Master Plan and Design Guidelines for Parkplace".
- Height and Design District 5: Divides the district into Design District 5 (properties in the southern portion) and Design District 5A (the Parkplace site). Policies for Design District 5 stay largely the same with minor text edits and clarifications. Design District 5A policies establish:
 - Height range of 3-8 stories with maximum heights allowed as a tradeoff for public open space and creation of a retail destination.
 - Emphasis on vehicular and pedestrian circulation, landscaping, and open space.

- Special attention to building design and size at downtown gateway, along Central Way, and adjoining Peter Kirk Park.
- Aggressive sustainability measures including green building, transportation demand management measures, and low impact development techniques.
- Various other minor text edits and corrections to the Downtown Plan are included.
- Updates to two Transportation Element Charts relating to State Routes (T-6 and T-7) have also been made.

Zoning Map and Zoning Code

The amendments to the Zoning Map and Kirkland Zoning Code include the following key revisions:

- Creation of a new CBD 5A zone covering the Parkplace center site with regulations that establish the following:
 - The primary allowed use is mixed-use development with office, retail, and restaurant uses. The square footage of retail and restaurant uses must be equal to or exceed at least 25% of the office square footage.
 - Development must be pursuant to the Master Plan and Design Guidelines.
 - Maximum heights are established in four height sub-districts: the center/southeast portion of the zone allowing 115' buildings with a maximum of 8 stories, the Central Way frontage portion allowing 100' buildings with a maximum of 7 stories along Central Way, the Peter Kirk Park frontage portion allowing 60' buildings with a maximum of 4 stories, and a transitional area between the Park portion and the center portion allowing 100' buildings with a maximum of 7 stories.
 - The minimum setbacks are 55' from Peter Kirk Park, 20' from properties to the south and east, and 0' from Central Way and 6th Street.
 - Big box retail (over 70,000 square feet) and drive through uses are prohibited.
 - Rooftop appurtenances are allowed to exceed height limits by 16' with a maximum 25% coverage of rooftops.
 - Parking for mixed-use development using a shared parking method is allowed. Parking reductions through parking management and a transportation management program may be considered.
- Amendments to Chapter 142 (Design Review) to incorporate the Master Plan and Design Guidelines under design review authority.

Master Plan and Design Guidelines

The amendments include creation of a master plan and design guidelines, adopted by the Kirkland Municipal Code Section 3.30 that would provide an additional level of detail for reviewing redevelopment plans for the Parkplace center site. The document is divided into three key elements:

- A Policy Overview section establishing the vision, procedures, and design intent.
- A Master Plan Standards section establishing basic site planning requirements for amenities, retail frontages, pedestrian space, access points, and the interior street grid.

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- A Design Guidelines section establishing detailed design standards for the site and buildings. The Design Guidelines are divided into four sub districts (Gateway, Central Way, Park Interface, and Retail/Office Hub) to respond to the surrounding context and site conditions.

Altom PAR:

Comprehensive Plan:

The draft amendments to the Planned Area 5 section of the Moss Bay Neighborhood Plan include the following key revisions:

- Minimum lot area of 1 acre in order to allow structures that are 5 to 6 stories high.
- Reference to greater height limitation, large setbacks and limitation of horizontal dimensions adjacent to single family dwellings in Subarea A removed.
- Area included in PAR is moved from PLA 5B to PLA 5C in Figure C-2: Moss Bay Area Land Use.
- Various other minor text edits to Planned Area 5 are included.

Zoning Map and Zoning Code:

The draft amendments to the Kirkland Zoning Code include the following key revisions:

- Uses: Both the existing Comprehensive Plan designation and the proposed designation are for office/multifamily uses and so a change in use is not being considered.
- Height Allowances and Lot size requirements: The existing zoning allows up to 6 stories or 60' above ABE whichever is less if the site is at least 1 acre, otherwise, 30' above ABE. The following lot size/height limitations have been added. If there is at least .4 acres developed, 40' above ABE or 3 stories whichever is less is allowed. If at least .8 acres is developed, 52' above ABE or 4 stories whichever is less is allowed.
- Design review: Administrative design review will be a requirement for all buildings over 30' above ABE.

Planned Action Ordinance:

The EIS review alternative includes the adoption of a Planned Action Ordinance designating the private amendment requests for Touchstone (Parkplace) and Altom as a Planned Action for the purposes of SEPA compliance, pursuant to RCW 43.21C.031(2)(a) and WAC 197-11-164. A Planned Action is intended to conduct early environmental review under SEPA so that impacts and mitigation measures for the planned development are identified up front. When a permit application and environmental checklist are submitted for the two areas, the City will first verify that:

- The project meets the description of the project designated as a Planned Action by the ordinance;
- The probable significant adverse environmental impacts have been adequately addressed in the EIS; and

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- The project includes any conditions or mitigation measures outlined in the ordinance.

If the project meets the above requirements, it qualifies as a Planned Action project and a SEPA threshold determination is not required.

The City will monitor the development levels approved in the two planned action areas as follows:

- Determine if the proposed land uses are within categories of land use studied in the EIS.
- Establish the maximum development potential for each private amendment request as reviewed in the EIS. Development potential can be expressed in square feet of development and in total vehicle trips.
- Implement transportation management plans and associated monitoring.

BACKGROUND DISCUSSION

These amendments were provided to the Council for review at the study session on December 2, 2008, when the Planning Commission's recommendation was transmitted. The Council's remaining questions on these amendments will be discussed further at the December 11, 2008 study session.

The Planning Commission held public hearings on the proposed amendments on April 24, 2008, June 12, 2008, October 22, 2008 and October 23, 2008. The Planning Commission recommendation and staff transmittal of the recommendation were provided to the City Council at the study session on December 2, 2008.

cc: ZON07-00016
ZON07-00019
Planning Commission
Douglas Howe, 2025 1st Avenue, Suite 790, Seattle, WA 98121
Rhoda Altom, P.O. Box 22926, Seattle, WA 98122

ORDINANCE NO. 4170

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO COMPREHENSIVE PLANNING AND LAND USE AND AMENDING THE COMPREHENSIVE PLAN, ORDINANCE 3481 AS AMENDED, TO IMPLEMENT CHANGES TO THE DOWNTOWN PLAN SECTION OF THE MOSS BAY NEIGHBORHOOD PLAN AND THE TRANSPORTATION ELEMENT, AND APPROVING A SUMMARY FOR PUBLICATION, FILE NO ZON07-00016.

WHEREAS, the City Council has received a recommendation from the Kirkland Planning Commission to amend certain portions of the Comprehensive Plan for the City, Ordinance 3481 as amended, all as set forth in that certain report and recommendation of the Planning Commission dated November 20, 2008, and bearing Kirkland Department of Planning and Community Development File No. ZON07-00016; and

WHEREAS, prior to making said recommendation the Planning Commission, following notice thereof as required by RCW 35A.63.070, held public hearings on April, 24, 2008, June 12, 2008, and October 23, 2008 on the amendment proposals and considered the comments received at said hearings; and

WHEREAS, pursuant to the State Environmental Policy Act (SEPA), there has accompanied the legislative proposal and recommendation through the entire consideration process, a Planned Action Environmental Impact Statement. The draft of which was issued on April 4, 2008, and the final of which was issued on October 16, 2008 by the responsible official pursuant to WAC 197-11-400 through 197-11 560; and

WHEREAS, in regular public meeting the City Council considered the environmental documents received from the responsible official, together with the report and recommendation of the Planning Commission; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Kirkland as follows:

Section 1. Comprehensive Plan Text, Tables, and Graphics amended: The following specific portions of the text of the Comprehensive Plan, Ordinance 3481 as amended, be and they hereby are amended to read as follows:

- A. Section IX. Transportation Element:
Amendments to Table T-6: State Routes as set forth in **Exhibit A** attached to this ordinance and incorporated by reference.
- B. Section IX. Transportation Element:
Amendments to Table T-7: Signalized State Route Intersections as set forth in **Exhibit B** attached to this ordinance and incorporated by reference.
- C. Section XV.D. Moss Bay Neighborhood:

Amendments to 3. Downtown Plan as set forth in **Exhibit C** attached to this ordinance and incorporated by reference.

Section 2. If any section, subsection, sentence, clause, phrase, part or portion of this ordinance, including those parts adopted by reference, is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. This ordinance shall be in full force and effect five days from and after its passage by the 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 4. A complete copy of this ordinance shall be certified by the City Clerk, who shall then forward the certified copy to the King County Department of Assessments.

Passed by majority vote of the Kirkland City Council in open meeting this _____ day of _____, 2008.

SIGNED IN AUTHENTICATION THEREOF this _____ day of _____, 2008.

Mayor

Attest:

City Clerk

Approved as to Form:

City Attorney

Table T-6 State Routes

State Route		PM Peak Hour Two-Way Traffic Volumes					WSDOT RCA-LOS		
I-405									
		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
From	To								
NE 39th St.	NE 70th St.	15,000/19,000	14260	19423	199870	271635	10	13	14
NE 70th St.	NE 85th St.	15,000/19,000	13550	18975	189680	265366	10	13	14
NE 85th St.	NE 116th St.	15,000/19,000	13820	18944	192660	264940	10	13	14
NE 116th St.	NE 124th St.	15,000/19,000	10136	15705	141749	219641	10	9	12
NE 124th St.	NE 132nd St.	15,000/19,000	8550	12218	119579	170865	10	8	9
SR 908 (NE 85th St.)									
SB 405 Ramp	NB 405 Ramp	4,172	3926	4596	-	-	E-Mitigated	0.94	1.10
NB 405 Ramp	120th Ave NE	4,172	3660	4764	-	-	E-Mitigated	0.88	1.14
120th Ave NE	122nd Ave NE	4,000	3186	4081	-	-	E-Mitigated	0.80	1.02
122nd Ave NE	124th Ave NE	4,000	3379	3904	-	-	E-Mitigated	0.84	0.98
124th Ave NE	126th Ave NE	4,000	3241	3728	-	-	E-Mitigated	0.81	0.93
126th Ave NE	128th Ave NE	4,000	3285	4275	-	-	E-Mitigated	0.82	1.07
128th Ave NE	132nd Ave NE	4,000	2558	3624	-	-	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		Corresponding Letter Grade LOS for 2022	Planned Improvement Projects
	Existing 2007	Future 2022	Existing 2007	Future 2022		
I-405						
116th Ave NE/NB Ramp	2,295	3,017	0.92	1.35	F	None
NE 72nd Pl/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

The following text is excerpted from the Downtown Plan section of the Moss Bay Neighborhood Plan to indicate revisions related to the Parkplace PAR within the context of the Plan. Edited paragraphs are indicated in shaded text. Graphics showing modifications to neighborhood maps are included as at the end of this document.

A. VISION STATEMENT

Downtown Kirkland provides a strong sense of community identity for all of Kirkland. This identity is derived from Downtown's physical setting along the lakefront, its distinctive topography, and the human scale of existing development. This identity is reinforced in the minds of Kirklanders by Downtown's historic role as the cultural and civic heart of the community.

Future growth and development of the Downtown must recognize its unique identity, complement ongoing civic activities, clarify Downtown's natural physical setting, enhance the open space network, and add pedestrian amenities. These qualities will be encouraged by attracting economic development that emphasizes diversity and quality within a hometown setting of human scale.

B. LAND USE

A critical mass of retail uses and services is essential to the economic vitality of the Downtown area.

The Downtown area is appropriate for a wide variety of permitted uses. The area's economic vitality and identity as a commercial center will depend upon its ability to establish and retain a critical mass of retail uses and services, primarily located west of 3rd Street. If this objective is not reached, it relegates the Downtown to a weaker and narrower commercial focus (i.e., restaurant and offices only) and lessens the opportunities and reasons for Kirklanders to frequent the Downtown.

The enhancement of the area for retail and service businesses will best be served by concentrating such uses in the pedestrian core and shoreline districts and by encouraging a substantial increase in the amount of housing and office floor area either within or adjacent to the core. In implementing this land use concept as a part of Downtown's vision, care must be taken to respect and enhance the existing features, patterns, and opportunities discussed in the following plan sections on urban design, public facilities, and circulation.

Land use districts in the Downtown area are identified in Figure C-3.

Figure C3 identifies five land use districts within the Downtown area. The districts are structured according to natural constraints such as topographical change, the appropriateness of pedestrian and/or automobile-oriented uses within the district, and linkages with nearby residential neighborhoods and other commercial activity centers.

CORE AREA

Pedestrian activity in the core area is to be enhanced.

The core area should be enhanced as the pedestrian heart of Downtown Kirkland. Land uses should be oriented to the pedestrian, both in terms of design and activity type. Appropriate uses include retail, restaurant, office, residential, cultural, and recreational.

Restaurants, delicatessens, and specialty retail shops, including fine apparel, gift shops, art galleries, import shops, and the like constitute the use mix and image contemplated in the Vision for Downtown. These uses provide visual interest and stimulate foot traffic and thereby provide opportunities for leisure time strolling along Downtown walkways for Kirklanders and visitors alike.

Drive-through facilities and ground-floor offices are prohibited.

The desired pedestrian character and vitality of the core area requires the relatively intensive use of land and continuous compact retail frontage. Therefore, automobile drive-through facilities should be prohibited. Similarly, office uses should not be allowed to locate on the ground level. These uses generally lack visual interest, generate little foot traffic, and diminish prime ground floor opportunities for the retail uses that are crucial to the ambiance and economic success of the core area.

The attractiveness of the core area for pedestrian activity should be maintained and enhanced. Public and private efforts toward beautification of the area should be promoted. Mitigation measures should be undertaken where land uses may threaten the quality of the pedestrian environment. For example, in areas where take-out eating facilities are permitted, a litter surcharge on business licenses should be considered as a means to pay for additional trash receptacles or cleaning crews.

The creation and enhancement of public open spaces is discussed.

Public open spaces are an important component of the pedestrian environment. They provide focal points for outdoor activity, provide refuge from automobiles, and stimulate foot traffic which in turn helps the retail trade. The establishment and use of public spaces should be promoted. Surface parking lots should be eliminated in favor of structured parking. In the interim, their role as one form of open area in the Downtown should be improved with landscaped buffers adjacent to rights-of-way and between properties. Landscaping should also be installed where rear sides of buildings and service areas are exposed to pedestrians.

A high-priority policy objective should be for developers to include only enough parking stalls in their projects within the core area to meet the immediate need and to locate the majority of their parking in the core frame. This approach would reserve the majority of core land area for pedestrian movement and uses and yet recognize that the adjacent core frame is within a very short walk.

The City should generally avoid vacating alleys and streets in the core area. The existing network of street and alleys provides a fine-grained texture to the blocks which allows service access and pedestrian shortcuts. The small blocks also preclude consolidation of properties which might allow larger developments with less pedestrian scale. Vacations may be considered when they will not result in increased building mass and there is a substantial public benefit. Examples of public benefit might include superior pedestrian or vehicular linkages, or superior public open space.

NORTHWEST CORE FRAME

Office and office/multifamily mixed-use projects are appropriate in the Northwest Core Frame.

The Northwest Core Frame includes the area south of City Hall and north of the core area. This area should develop with office, or office/multifamily mixed-use projects, whose occupants will help to support the commercial establishments contained in the core. Retail and restaurant uses are desirable provided that they have primary access from Central Way.

This area presents an excellent opportunity for the development of perimeter parking for the core area and is so shown in the Downtown Master Plan (Figure C4). Developers should be encouraged to include surplus public parking in their projects, or to incorporate private parking “transferred” from projects in the core or funded by the fee-in-lieu or other municipal source. While pedestrian pathways are not as critical in this area as they are in the core, drive-through facilities should nevertheless be encouraged to locate elsewhere, to the east of 3rd Street.

Northeast Core Frame

A broad range of commercial uses should be encouraged in the Northeast Core Frame.

The Northeast Core Frame currently contains the bulk of the Downtown area’s automobile-oriented uses. Redevelopment or new development in this area should be encouraged to represent a broader range of commercial uses.

Future development should set the bulk of structures back from the street while providing low, one-story retail shops at the edge of the sidewalk. Development should also underground utilities, and incorporate parking lot landscaping and a reduction in lot coverage in site design. This will present an open, green face to Central Way and, in conjunction with Peter Kirk Park on the south side of the street, create a tree-lined boulevard effect as one approaches the core area from the east.

EAST CORE FRAME

Development in the East Core Frame should be in large, intensively developed mixed-use projects.

The East Core Frame is located east of Peter Kirk Park, extending from Kirkland Way northerly to 7th Avenue. The area includes the area where the Kirkland Parkplace shopping center as well as several large office buildings and large residential complexes. South of Central way, the area is largely commercial and provides significant opportunities for redevelopment. is located, and extends northerly to 7th Avenue. Developments in this area should continue to represent a wide range of uses, in several large, mixed use projects. However, bBecause this area between Central Way and Kirkland Way provides the best opportunities in the Downtown for creating a strong vital employment base, redevelopment for this area should continue to emphasize office use should be emphasized redevelopment over residential. Within the Parkplace center site, however, retail uses should be a significant component of a mixed use complex.

Limited residential use should be allowed as a complementary use adjoining the eastern edge of Peter Kirk Park as a complementary use. These residential uses should be designed to accommodate the active nature of the park (e.g., noise, lighting, etc.) to avoid potential conflicts between future residents and park uses.

The north side of Central Way, within the East Core Frame, has been redeveloped to nearly its full potential with high density residential uses.

SOUTH CORE FRAME

Retail, office, and office/multifamily mixed-use projects are suitable for the South Core Frame.

The South Core Frame immediately abuts the southern boundary of the core area. This area is suitable for retail, office, and office/multifamily mixed-use projects.

Public parking may be provided in the South Core Frame.

The South Core Frame, like the Northwest Core Frame, presents an excellent opportunity for the development of close-in public parking. Developers should be allowed to include surplus public parking in their projects in this area or to accommodate private parking “transferred” from the core or funded by “fee-in-lieu” or other municipal source.

The western half of the South Core Frame should develop more intensively than the eastern half of this area, due to its proximity to the Downtown core. The vacation of 1st Avenue South, west of 2nd Street South, and 1st Street South should be considered as a means of concentrating more intensive development to the west.

Mitigation measures to reduce impacts on single-family residences may be required.

As this area lies just north of an established single-family neighborhood, mitigation measures may be required to minimize the impacts of any new nonresidential development on these single-family homes. These measures may include the restriction of vehicle access to projects within the South Core Frame to nonresidential streets. Public improvements, such as physical barriers to restrict traffic flow in these areas, may be considered. The architectural massing of projects in this area should be modulated both horizontally and vertically to reduce their visual bulk and to reflect the topography which presently exists.

C. URBAN DESIGN

The urban design of Downtown Kirkland consists of many disparate elements which, together, define its identity and “sense of place.” This document provides policy guidelines for the design of private development and a master plan for the development of the public framework of streets, pedestrian pathways, public facilities, parks, public buildings, and other public improvements (see Figure C4).

The following discussion is organized into three sections:

- A. Downtown Design Guidelines and Design Review;
- B. Building Height and Design Districts; and
- C. The Image of the City: Urban Design Assets.

DOWNTOWN DESIGN GUIDELINES AND DESIGN REVIEW

Mechanics of Design Review are described.

The booklet entitled “Design Guidelines for Pedestrian-Oriented Business Districts,” which is adopted in Chapter 3.30 of the Kirkland Municipal Code, contains policy guidelines and concepts for private development in Downtown Kirkland. The booklet includes an explanation of the mechanics of the Design Review process to be used for all new development and major renovations in the Downtown area. The booklet entitled “Master Plan and Design Guidelines for Kirkland Parkplace” contains guidelines for the master planned development of the Kirkland Parkplace site (Design District 5A). Discretion to deny or condition a design proposal is based on specific Design Guidelines or a master plan adopted by the City Council and administered by the Design Review Board and Planning Department. Design Review enables the City to apply the Guidelines in a consistent, predictable, and effective manner.

The Guidelines are intended to balance the desired diversity of project architecture with the equally desired overall coherence of the Downtown’s visual and historic character. This is to be achieved by injecting into each project’s creative design process a recognition and respect of design principles and methods which incorporate new development into Downtown’s overall pattern. The Guidelines would be applied to any specific site in conjunction with the policy guidance provided by the Downtown Master Plan and the following text regarding Design Districts.

The Design Review Process enables the City to require new development to implement the policy guidance contained in the Guidelines, the Master Plan for Downtown, and to protect and enhance the area's urban design assets. A more complete description of how Design Review should operate is found in the Zoning Code.

BUILDING HEIGHT AND DESIGN DISTRICTS

Figure C5 identifies eight height and design districts within Downtown Kirkland. The boundaries of these districts are determined primarily by the topographical characteristics of the land and the area's proximity to other noncommercial uses.

Design District 1

Maximum building height in Design District 1 is between two and five stories, depending on location and use.

This district is bordered by Lake Street, Central Way, 3rd Street, and generally 1st Avenue South. When combined with District 2, this area corresponds to the core area as shown in Figure C3.

The maximum building height in this area should be between two and five stories with no minimum setback from property lines. Stories above the second story should be set back from the street. To preserve the existing human scale of this area, development over two stories requires review and approval by the Design Review Board based on the priorities set forth in this plan.

Buildings should be limited to two stories along all of Lake Street South to reflect the scale of development in Design District 2. Along Park Lane west of Main Street, Third Street, and along Kirkland Avenue, a maximum height of two stories along street frontages will protect the existing human scale and pedestrian orientation. Buildings up to three stories in height may be appropriate along Central Way to reflect the scale of development in Design District 8 and as an intermediate height where adequately set back from the street. A continuous three-story street wall should be avoided by incorporating vertical and horizontal modulations into the design of buildings.

The portions of Design District 1 designated as 1A in Figure C-5 should be limited to a maximum height of three stories. As an incentive to encourage residential use of upper floors and to strengthen the retail fabric of the Core Area, a fourth story of height may be allowed. This additional story may be considered by the Design Review Board for projects where at least two of the upper stories are residential, the total height is not more than four feet taller than the height that would result from an office project with two stories of office over ground floor retail, stories above the second story are set back significantly from the street and the building form is stepped back at the third and fourth stories to mitigate the additional building mass, and the project provides superior retail space at the street level. Rooftop appurtenances and related screening should not exceed the total allowed height, and should be integrated into the height and design of any peaked roofs or parapets.

The portions of Design District 1 designated as 1B in Figure C-5 provide the best opportunities for new development that could contribute to the pedestrian fabric of the Downtown. Much of the existing development in these areas consists of older auto-oriented uses defined by surface parking lots and poor

pedestrian orientation. To provide incentive for redevelopment and because these larger sites have more flexibility to accommodate additional height, a mix of two to four stories in height is appropriate. East of Main Street, development should combine modulations in building heights with modulations of facade widths to break large buildings into the appearance of multiple smaller buildings. South of Kirkland Avenue, building forms should step up from the north and west with the tallest portions at the base of the hillside to help moderate the mass of large buildings on top of the bluff. Buildings over two stories in height should generally reduce the building mass above the second story.

As with Design District 1A, an additional story of height may be appropriate in 1B to encourage residential use of the upper floors and to strengthen the retail fabric in the Core Area. This additional story may be considered by the Design Review Board for projects where at least three of the upper stories are residential, the total height is not more than one foot taller than the height that would result from an office project with three stories of office over ground floor retail, stories above the second story are set back significantly from the street and the building form is stepped back at the at the third, fourth, and fifth stories to mitigate the additional building mass, and the project provides superior retail space at the street level. Rooftop appurtenances and related screening should not exceed the total allowed height, and should be integrated into the height and design of any peaked roofs or parapets.

Design considerations of particular importance in this area are those related to pedestrian scale and orientation. Building design at the street wall should contribute to a lively, attractive, and safe pedestrian streetscape. This should be achieved by the judicious placement of windows, multiple entrances, canopies, awnings, courtyards, arcades, and other pedestrian amenities. Service areas, surface parking, and blank facades should be located away from the street frontage.

Design District 2

One to three stories in building height above Central Way or Lake Street are appropriate in Design District 2, depending on location.

This area is bordered by the shoreline, Central Way, Lake Street, and 3rd Avenue South. This area serves as the link between Downtown and the Lake and helps define the traditional pedestrian-oriented retail environment. In addition, the existing low development allows public views of the Lake from many vantages around the Downtown and allows evening sun into the Downtown core. To emphasize this link and the traditional role, building heights in this area should remain low. Two stories above the street are appropriate along Central Way and south of Kirkland Avenue. Along Lake Street South between Kirkland Avenue and Central Way, buildings should be limited to one story above the street. Two stories in height may be allowed in this area where the impacts of the additional height are offset by substantial public benefits, such as through-block public pedestrian access or view corridors. Buildings over one story in this area should be reviewed by the Design Review Board for both design and public benefit considerations. These benefits could also be provided with the development of the Lakeshore Plaza project identified in the Downtown Master Plan (see Figure C-4). Building occurring in conjunction with that project or thereafter should be reviewed in relation to the new context to determine whether two stories are appropriate. South of Second Avenue South, buildings up to three stories above Lake Street South are appropriate. Buildings over two stories should be reviewed by the Design Review Board to ensure an effective transition along the street and properties to the south.

As in District 1, pedestrian orientation is an equally important design consideration in District 2. In addition, improvements related to the visual or physical linkage between building in this area and the lake to the west should be incorporated in building design.

The public parking lot located near Marina Park at the base of Market Street is well suited for a parking structure of several levels, due to its topography. Incentives should be developed to encourage the use of this site for additional public parking.

Design Districts 3 and 7

Maximum building height is three stories in Design Districts 3 and 7.

These districts are east of 3rd Street, north of Central Way, and south of Peter Kirk Park. Maximum building height should be three stories, with a minimum front yard setback of 20 feet and maximum lot coverage of 80 percent. Lower portions of projects with a pedestrian orientation should be allowed to encroach into the setbacks to stimulate pedestrian activity and links to eastern portions of the Downtown. Street trees and ground cover are appropriate along Kirkland Avenue and Central Way. By keeping structures in this area relatively low-rise and set back from the street, views from upland residences can be preserved and the openness around Peter Kirk Park enhanced.

In Design District 3, the restriction of access points to nonresidential streets may be necessary in order to prevent a negative impact of development in this area on the single-family enclave which exists to the south.

Design District 4

Maximum building height to be four stories.

This district is located south of 1st Avenue South, east of 1st Street South. Land in this area is appropriate for developments of four stories in height.

The method for calculating building height should be modified for this area as described in the discussion of height calculation for structures in District 8. The opportunity to take advantage of substantial grade changes with terraced building forms also exists in the western half of District 4.

Vehicular circulation will be an important consideration in project design in this area. The restriction of access points to nonresidential streets in order to prevent a negative impact of development in this area on the single-family enclave which exists to the south may be necessary.

Design District 5

Building heights of two to five stories are appropriate in Design District 5.

This district lies at the east side of Downtown between ~~Central Way~~ Design District 5A and Kirkland Way. Maximum building height should be between three and five stories. The existing mix of building heights and

arrangement of structures within the district preserves a sense of openness within the district and around the perimeter. Placement, size, and orientation of new structures in this district should be carefully considered to preserve this sense of openness. Buildings over two stories in height should be reviewed by the Design Review Board for consistency with applicable policies and criteria. Within the district, massing should generally be lower toward the perimeter and step up toward the center. ~~Facades~~ Portions of buildings facing Central Way, Kirkland Way, and Peter Kirk Park should be limited to between two and three stories, with taller portions of the building stepped back significantly. Buildings over three stories in height should generally reduce building mass above the third story.

Buildings fronting Peter Kirk Park and the Performance Center should be well modulated, both vertically and horizontally, to ease the transition to this important public space. Buildings should not turn their backs onto the park with service access ~~or~~; blank walls, ~~etc.~~ Landscaping and pedestrian linkages should be used to create an effective transition. ~~Residential development should be designed to integrate into both the office/retail character of the zone and the active urban nature of Peter Kirk Park. Residential development should also be limited to those portions of the property fronting on park green space, rather than those portions fronting the Teen Center and Performance Center.~~

Design considerations related to vehicular and pedestrian access, landscaping, and open space are particularly important in this area. ~~The intersection of 6th Street and Central Way is a prominent gateway to the Downtown. New development in this area should have a positive impact on the image of Kirkland and should be designed to enhance this entry.~~ Within the district, a north-south vehicular access between Central Way and Kirkland Way should be preserved and enhanced with pedestrian improvements.

Design Districts 5A

Building heights of 3 to 8 stories are appropriate in Design District 5A.

This district lies at the east side of Downtown between Central Way and Design District 5 and is commonly known as Parkplace. This property is distinguished from the remainder of Design District 5 by the following factors: it is a large parcel under common ownership; it is topographically distinct based on previous excavation to a level that is generally lower than Central Way and abutting properties to the south and east; it has frontage on Central Way; and it contains a mix of uses not found on other office or residential only properties in District 5. Design considerations related to vehicular and pedestrian access, landscaping, and open space are particularly important in this area. Within the district a north-south vehicular access between Central Way and Kirkland Way should be preserved and enhanced with pedestrian improvements.

Redevelopment of this area should be governed by the Kirkland Parkplace Master Plan and Design Guidelines as set forth in the Kirkland Municipal Code. Heights of up to eight stories are appropriate as an incentive to create a network of public open spaces around which is organized a dynamic retail destination. Development under the Master Plan and Design Guidelines should guide the transformation of this district from an auto-oriented center surrounded by surface parking into a pedestrian-oriented center integrated into the community by placing parking underground; activating the streets with retail uses; and creating generous pedestrian paths, public spaces and gathering places. Pedestrian connections to adjoining streets, Peter Kirk Park, and adjoining developments should be incorporated to facilitate the integration of the district into the neighborhood. Residential development could be designed to integrate into both the office/retail character of the zone and the active urban nature of Peter Kirk Park. Special attention to building design, size, and location should be provided at three key locations: at the intersection of Central Way and Sixth Street to define and enhance this

important downtown gateway; along Central Way to respond to the context along the north side of street; and facing Peter Kirk Park to provide a transition in scale to downtown's central greenspace.

Because of the intensity of land use in 5A, the design of the buildings and site should incorporate aggressive sustainability measures, including low impact development measures, deconstruction, green buildings, and transportation demand management.

Design District 6

Maximum building heights of two to four stories are appropriate for Design District 6.

This large block of land located between 5th Street and 6th Street, north of Central Way, and south of 7th Avenue, is identified as a major opportunity site for redevelopment elsewhere in this document. Figure C6 contains a schematic diagram of design and circulation considerations that should be incorporated in the redevelopment of this district. Development of this district should be relatively intensive and should be physically integrated through pedestrian access routes, design considerations, and intensive landscaping.

Safe, convenient, and attractive pedestrian connections across the district should be provided. This path should be designed under a covered enclosure or arcade along the storefronts in this area. Visual interest and pedestrian scale of these storefronts will contribute to the appeal of this walkway to the pedestrian. A connection of this pathway to Central Way should be made, with a continuation of the overhead enclosure to unify this pedestrian route.

Design considerations related to vehicular and pedestrian access, landscaping, and open space are particularly important in this area. The intersection of 6th Street and Central Way is a prominent gateway to the Downtown. New development in this area should have a positive impact on the image of Kirkland and should be designed to enhance this entry.

A substantial building setback or mitigating design such as the site configuration on the south side of Central Way is necessary in order to preserve openness at this important gateway site. The northeast and southeast corners of this block should be set aside and landscaped to provide public open spaces or miniparks at these gateways. Side-yard setbacks, however, should be minimal to reduce the appearance of a building surrounded by a parking area.

The northern portion of this district should be developed in uses that are residential both in function and scale. Access to this portion of the site may be either from 7th Avenue or from one of the adjacent side streets. Some of the significant trees along 7th Avenue should be incorporated into the site design as a means of softening the apparent mass of any new structures and to provide additional elements of continuity facing the single-family residences along 7th Avenue. In addition, building mass should step down toward 7th Avenue and design consideration should be given to the massing and form of single-family homes to the north.

Design District 8

Building heights of two to four stories are appropriate, depending on location.

This district is located north of Central Way and south of 4th Avenue, between Market Street and 3rd Street. Maximum building height should be three stories abutting Central Way and two stories at 3rd and 4th Avenues. Structures which do not abut either of these streets should be allowed to rise up to four stories.

Building height calculation should require terracing of building forms on sloped sites.

Where dramatic elevation changes exist in this district, an innovative method of calculating height is appropriate. In order to encourage the terracing of building forms on the hillside, building height should be calculated relative to the ground elevation above which the individual planes of the structure lie. Additional bulk controls should apply to restrict the height within 100 feet of noncommercial neighborhoods to the same height allowed in the adjacent zone. Heights on the north side should step down to ease the transition to the core area and moderate the mass on top of the hillside.

Vehicular circulation to nonresidential portions of projects within this area should not occur on primarily residential streets. In addition, design elements should be incorporated into developments in this area which provide a transition to the residential area to the north.

THE IMAGE OF THE CITY: URBAN DESIGN ASSETS

Many of Downtown's urban design assets are mapped on the Master Plan (Figure C4) or are discussed explicitly in the text of the Height and Design Districts or the Downtown Design Guidelines. The following text should read as an explanation and amplification of references made in those two parts of the Downtown Plan.

Visual Landmarks

Lake Washington is a major landmark in Downtown Kirkland.

The most vivid landmark in Downtown Kirkland is Lake Washington. The lake provides a sense of openness and orientation and is a prominent feature from two of the three main approaches to the Downtown. Many residents and visitors to Kirkland form their impressions of the community from these important vantage points. The preservation and enhancement of views from the eastern (NE 85th Street/Central Way) and northern (Market Street) approaches/gateways is a high-priority policy objective.

Despite the prominence from these vantage points, the core area is not well oriented to capitalize on its waterfront setting. The existing activity centers of the retail core and the lake are separated by large surface parking lots. The City and property owners around Marina Park should aggressively pursue opportunities to correct this deficiency by structuring the existing surface parking below a public plaza. This open space amenity could redefine the Downtown and become the focal point of the community.

Other outstanding visual landmarks include the large green expanse of Peter Kirk Park, which provides an open space relief to the densely developed Downtown core to the west. The Peter Kirk Park civic and cultural facilities (Library, Municipal Garage, Peter Kirk Pool, Kirkland Performance Center, Peter Kirk Community Center, Teen Union Building)library and Senior Center building located at the southeast edge of Peter Kirk

Park, as well as the METRO transit center at the western boundary of the park, are also well-known local landmarks.

The City Hall facility provides an important visual and civic landmark on the northern slope above the Downtown. Marina Park and the pavilion structure situated there are also symbolic reference points of community, recreational, and cultural activities.

There are a number of features in and nearby the Downtown area with historic significance which add to its visual character and historic flavor. These landmarks include the historic buildings on Market Street and the old ferry clock on Lake Street at Kirkland Avenue. These structures should be recognized for their community and historic value, and their preservation and enhancement should have a high priority. In contrast to the bland architecture of many of the buildings in the Downtown constructed since the 1940's, some of the older structures help define the character of the Downtown. The City will consider preserving this character through a process of inventorying these structures and adopting historic protection regulations. New regulations could range from protecting the character of designated historic buildings to protecting the actual structure. Some form of preservation would provide continuity between the Downtown vision and its unique past.

Public Views

Important Downtown views are from the northern, southern, and eastern gateways.

A number of dramatic views exist in the Downtown and its immediate vicinity due to the hills, the valley, and the sloping land areas which form the bowl-like topography which characterizes the City's center. One of the views most often associated with Downtown Kirkland is from NE 85th Street just west of Interstate 405 ~~the eastern gateway, where Central Way meets 6th Street~~. From this vantage point, the hills north and south of the core area form a frame for a sweeping view of Lake Washington in the distance and the Olympic mountain range beyond.

Another striking view, identified in Figure C4, is from the Market Street entry into Downtown. This approach is met with a view of the lake, Marina Park and its pavilion, and the City's shoreline. This view could be enhanced with redevelopment of the GTE site, where the existing massive building substantially diminishes this broad territorial view.

Where the Kirkland Avenue and 2nd Avenue South rights-of-way cross Lake Street and continue to Lake Washington, an unobstructed view of open water is visible to pedestrians and people traveling in vehicles. These views are very valuable in maintaining the visual connection and perception of public accessibility to the lake. These views should be kept free of obstruction.

Gateways

Topographic changes define gateways into the Downtown area.

The gateways into Downtown Kirkland are very clear and convey a distinct sense of entry. Two of the Downtown's three major gateways make use of a change in topography to provide a visual entry into the area.

At the eastern boundary of the Downtown area, Central Way drops toward the lake, and the core area comes clearly into view. This gateway could be enhanced by an entry sign, similar to one located farther up the hill to the east, or some other distinctive structure or landscaping feature.

A second major gateway is the Downtown's northern entrance where Market Street slopes gradually down toward Marina Park. The historic buildings at 7th Avenue begin to form the visual impression of Downtown's character and identity, and the landscaped median adds to the boulevard feeling of this entryway. Some type of sign or other feature could be incorporated into the improvements to the Waverly site.

At the Downtown's southern border, the curve of Lake Street at about 3rd Avenue South provides a very clear gateway into the commercial core. It is at this point that the transition from residential to retail uses is distinctly felt. Here, also, is an opportunity to enhance this sense of entry by creation of literal gateposts, signs, or landscape materials.

Pathways

An extensive network of pedestrian pathways covers the Downtown area.

The size and scale of Downtown Kirkland make walking a convenient and attractive activity. An extensive network of pedestrian pathways covers the Downtown area, linking residential, recreational, and commercial areas. Downtown Kirkland is a pedestrian precinct unlike virtually any other in the region. It is almost European in its scale and quality.

The core of the shopping district, with its compact land uses, is particularly conducive to pedestrian traffic. Both sides of Lake Street, Park Lane, and Kirkland Avenue are major pedestrian routes. Many residents and visitors also traverse the land west of Lake Street to view and participate in water-oriented activities available there.

The Downtown area's major east/west pedestrian route links the lake with Peter Kirk Park, the Kirkland Parkplace shopping center, and areas to the east. For the most part, this route is a visually clear pathway, with diversity and nearby destinations contributing to its appeal to the pedestrian. Enhancement and improved definition of this important east-west pedestrian corridor would help link Parkplace Place with the rest of the shopping district.

Minor pedestrian routes link the residential areas north of Central Way and south of Kirkland Avenue. These linkages need to be strengthened in order to accommodate the residential and office populations walking from the Norkirk Neighborhood and core frames, respectively. Additional improvements, such as brick paver crosswalks, pedestrian safety islands, and signalization, are methods to strengthen these north-south linkages.

Enhancement of Downtown pedestrian routes should be a high-priority objective.

Enhancement of the Downtown area's pedestrian routes should be a high-priority policy and design objective. For example, minor architectural features and attractive and informative signs should be used to identify public pathways. Public and private efforts to make pedestrian walkways more interesting, functional, convenient,

and safe, should be strongly supported. Figure C4 highlights a number of projects proposed for this purpose. These projects are discussed in detail elsewhere in this text.

D. PUBLIC FACILITIES

OPEN SPACE/PARKS

Four major park sites are critical to the Downtown's feeling of openness and greenery. These parks weave a noncommercial leisure-time thread into the fabric of the area and provide a valuable amenity, enhancing Downtown's appeal as a destination. Each of the major approaches to the Downtown is met with a park, with the Waverly site and Marina Park enhancing the northern entry, and Peter Kirk Park and Dave Brink Park augmenting the eastern and southern approaches. Physical improvements in and near these parks should strengthen their visual prominence and prevent view obstruction.

Marina Park and Peter Kirk Park in particular are well-used by families and recreational groups. Public facilities at these parks should continue to expand opportunities for residents, such as the installation of permanent street furniture and play equipment for children at Marina Park.

Pedestrian improvements should be made to improve connections between parks and nearby facilities.

Downtown projects which are not directly related to the parks should continue to locate adjacent to the parks, and in some cases, should share access or parking. Impacts from projects, such as the tour boat dock at Marina Park and the METRO transit center at Peter Kirk Park, should be minimized. Efforts to provide continuity between these facilities and the parks through the use of consistent walkway materials, landscaping, and other pedestrian amenities, will help to reduce the appearance of a separation of uses at these locations.

The boat launch ramp which exists at Marina Park is an important amenity in the community. It should be retained until another more suitable location is found.

OTHER PUBLIC FACILITIES

City Hall and the Peter Kirk Park civic and cultural center Library/Senior Center facility add to the community atmosphere and civic presence in the Downtown area. The plan for Downtown developed in 1977 recommended that the City Hall facility be moved from its previous location in the core area to its present site overlooking the Downtown from the northern slope. In its new location, City Hall is close enough to Downtown to contribute workers to the retail and restaurant trade, as well as to provide a visually prominent and symbolic landmark when viewed from the Downtown.

Public efforts to assist the Downtown business district should be continued.

The City should help to foster economic vitality in the Downtown by working with the private sector and by encouraging independent efforts toward economic development by the private sector. Such assistance to the business community might include supporting efforts to establish local improvement or business improvement districts. This could take the form of seed money for preliminary studies and the dissemination of information.

Other public efforts to strengthen the Downtown business climate should include the continued promotion of public projects such as the tour boat dock, in addition to continued support for private projects such as the Lakeshore Plaza Boardwalk, which would help to implement public policy goals.

E. CIRCULATION

PEDESTRIAN

Pedestrian routes should have equal priority to vehicular routes in Downtown circulation.

Pedestrian amenities and routes should continue to be improved, and should be given equal priority with that of vehicular routes for circulation within the Downtown. Modifications to the street network and traffic patterns should not be allowed to disrupt Downtown pedestrian activity and circulation.

To be a truly successful walking environment, the core area of the Downtown must be safe, convenient, and pleasant for the pedestrian. Pedestrian safety would be increased greatly by reducing opportunities for conflicts with cars. The reprogramming of crosswalk signals to favor the pedestrian would discourage jaywalking and allow sufficient time for slower walkers to cross the street.

Convenience to the pedestrian will be enhanced by improving the directness and ease of pedestrian routes. "Shortcuts" between streets, or even between buildings, can link pedestrian routes over large distances where vehicles cannot circulate. Coordinated public directory signs and maps of walkways should be developed to clearly identify public pathways for the pedestrian.

A system of overhead coverings should be considered to improve the quality of pedestrian walkways year-round.

The pleasures of walking in the Downtown area would be enhanced by the installation of minor public improvements, such as street furniture (benches, planters, fountains, sculptures, special paving treatments), flower baskets, and coordinated banners and public art. The creation of a system of overhead coverings such as awnings, arcades, and marquees would provide protection to the pedestrian during inclement weather, allowing for pedestrian activity year-round. All of these features would add visual interest and vitality to the pedestrian environment.

Brick crosswalks have been installed at 3rd Street and Park Lane in conjunction with the METRO transit center facility. The expansion of the use of brick for crosswalks throughout the Downtown should be considered. In any case, additional restriping of crosswalks in the Downtown area should be actively pursued.

The establishment and improvement of pedestrian pathways between activity centers should be a high-priority policy objective. Major pedestrian routes within the Downtown area are identified in Figure C4. Major pathways include the extensive east-west “spine” or “Park Walk Promenade,” which links the lake with points east of 6th Street and the shoreline public access trail.

The Downtown Master Plan also identifies other important pedestrian routes which provide north-south pedestrian access. Improvements to these pathways should be promoted, particularly at the intersection of 6th Street and Central Way. Elevated crosswalks should be considered among the alternatives reviewed for pedestrian access across Central Way. Disadvantages to elevated crosswalks which should be considered are potential view blockage and the loss of on-street pedestrian traffic.

The portion of the Park Walk Promenade spanning Peter Kirk Park was installed by the City during renovation of the park facilities. The walk serves the ~~Senior Center~~ Peter Kirk Park civic and cultural center and library, as well as commercial areas to the east and west. This walkway should be expanded upon when the remaining land south of Kirkland Parkplace develops.

Figure C4 illustrates pedestrian system improvements for the two major routes which are intended to serve several purposes. These projects would improve the safety, convenience, and attractiveness of foot traffic in the Downtown, provide shelter from the weather, and create a unifying element highlighting the presence of a pedestrian linkage.

A large public plaza should be constructed west of buildings on Lake Street to enhance the Downtown’s lake front setting (See Figure C-4).

The Lakeshore Plaza shown on the Downtown Master Plan envisions a large public plaza constructed over structured parking. Ideally, the plaza would be developed through public/private partnerships to provide a seamless connection between the Downtown and the lake. The plaza would be at the same grade as Lake Street and would provide visual and pedestrian access from a series of at-grade pedestrian connections from Central Way and Lake Street.

The Park Walk Promenade identified on the Downtown Master Plan should consist of a series of minor structures placed at prominent locations along the walkway in order to clearly identify the pathway throughout its length, as well as to provide some protection during wet weather. The plexiglas and metal “space frames” used at Mercer Island’s Luther Burbank Park and at the Seattle Center are possible design options for protective structures. The concrete and metal gateway feature where Parkplace abuts Peter Kirk Park is a good model for visual markers along the east-west pedestrian spine.

VEHICULAR

Automobiles and public transit are the modes of transportation which move people in and out of the Downtown, and often between the core area and the frame. Within the Downtown, pedestrian circulation should be given equal priority with vehicular circulation. A primary circulation goal should be to emphasize pedestrian circulation within the Downtown, while facilitating vehicle access into and out of the Downtown.

Alternate traffic routes should be considered.

Lake Street should be designated to function as a major pedestrian pathway. The objectives for land use and pedestrian circulation should be seriously considered during any plans for traffic and roadway improvements on Lake Washington Boulevard. The goal to discourage commuter traffic on the boulevard should not be viewed independently from the need to retain vehicle access for tourists, shoppers, and employees to the Downtown.

State Street should continue to serve as a major vehicular route, bringing shoppers and workers into the Downtown area. Sixth Street should be developed to accommodate additional vehicles. Future plans for Lake Street and Lake Washington Boulevard may include the diversion of cars from the Downtown area, and 6th Street would provide the most appropriate north/south alternative route. The existence of commercial development on this street renders it more appropriate than State Street to handle substantial commuter traffic.

The use of public transportation to the Downtown should be encouraged.

Third Street has been designed for the pedestrian and public transit user, with the METRO transit center located on this street. The use of public transportation as an alternative for people who work or shop in the Downtown should be encouraged. Increased use of this mode of transportation would help to reduce traffic congestion and parking problems in the core area.

The number of vehicular curb cuts in the Downtown area should be limited. Both traffic flow in the streets and pedestrian flow on the sidewalks are disrupted where driveways occur. In the core frame in particular, the placement of driveways should not encourage vehicles moving to and from commercial areas to travel through residential districts.

PARKING

The core area is a pedestrian-oriented district, and the maintenance and enhancement of this quality should be a high priority. Nevertheless, it should be recognized that pedestrians most often arrive in the core via an automobile which must be parked within easy walking distance of shops and services. To this end, as discussed elsewhere in this chapter, private projects which include a substantial amount of surplus parking stalls in their projects should be encouraged to locate these parking stalls in the core frame.

The Downtown area contains a variety of parking opportunities. Four public parking lots exist in the Downtown area: at the west side of Peter Kirk Park, the street-end of Market Street at Marina Park, in Lakeshore Plaza, and at the intersection of Central Way and Lake Street. These lots are shown on the Downtown Master Plan (Figure C4).

Public parking to be a permitted use on private properties north and south of the core area.

Other sites that would be appropriate for public parking include the north and south slope of the Downtown as shown in Figure C4. Public parking in these areas would help to serve core-area businesses, while not detracting from the dense pattern of development critical to the pedestrian environment there.

More intensive development of existing parking areas should be considered as a way to provide more close-in public parking. Certain sites, such as the Market Street-End lot and the Peter Kirk lot would adapt well to structured parking due to the topography in the immediate vicinity of these lots. Structuring parking below Lakeshore Plaza could make more efficient use of the available space and result in a dramatic increase in the number of stalls available.

The fee-in-lieu of parking alternative allows developers in the core area to contribute to a fund instead of providing required parking on site. The City's authority to spend the monies in this fund should be expanded to include the use of the funds on private property in conjunction with parking facilities being provided by private developers.

Another option for off-site parking should be considered which would allow developers to provide the parking required for their projects elsewhere in the core area or core frame. This alternative should include the construction of parking stalls in conjunction with another developer, if it can be shown that the alternative parking location will be clearly available to the public and is easily accessible to the core area.

The City's parking management and enforcement program should be maintained. The program should be evaluated periodically to assess its effectiveness, with revisions made when necessary.

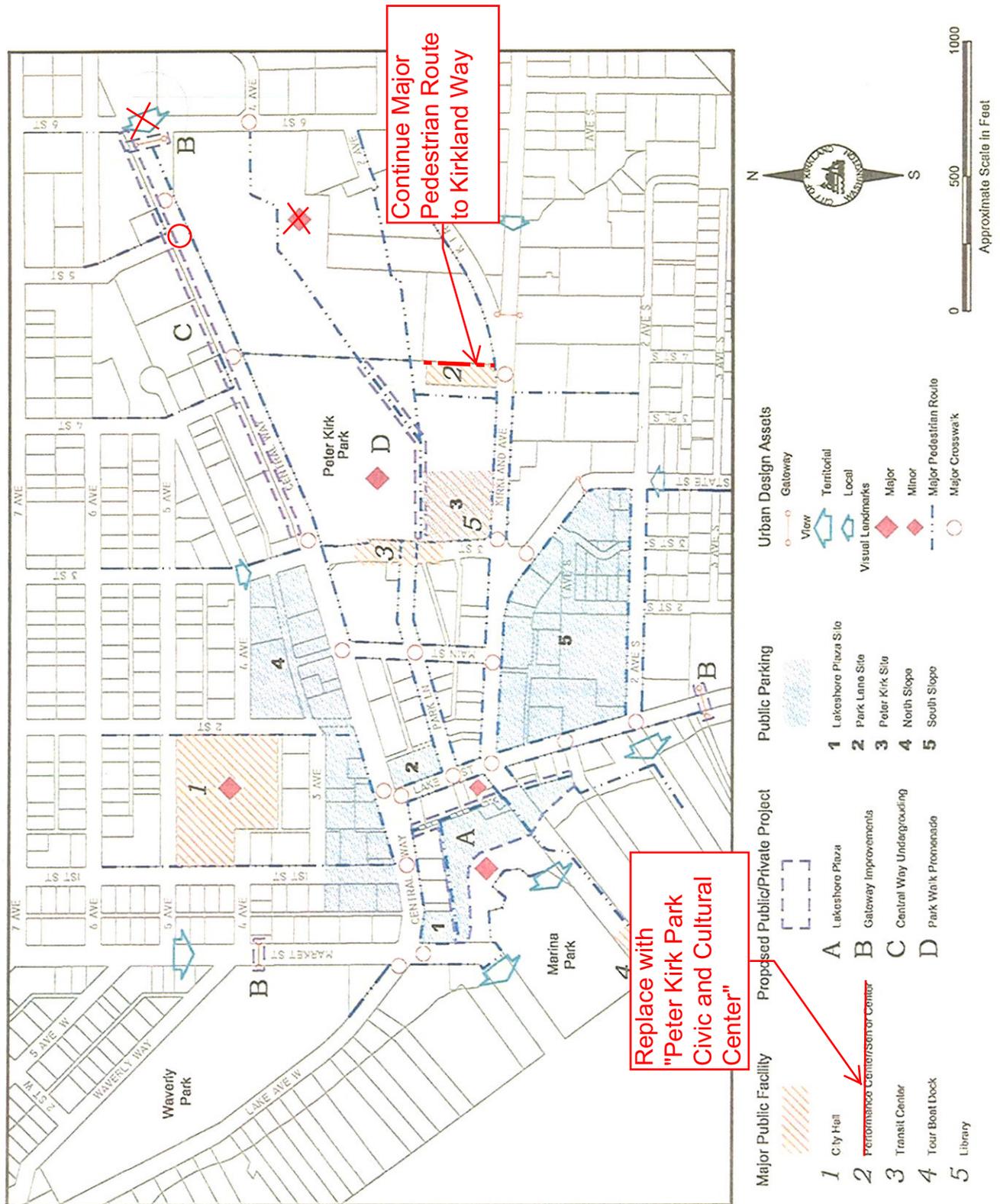


Figure C-4: Downtown Master Plan

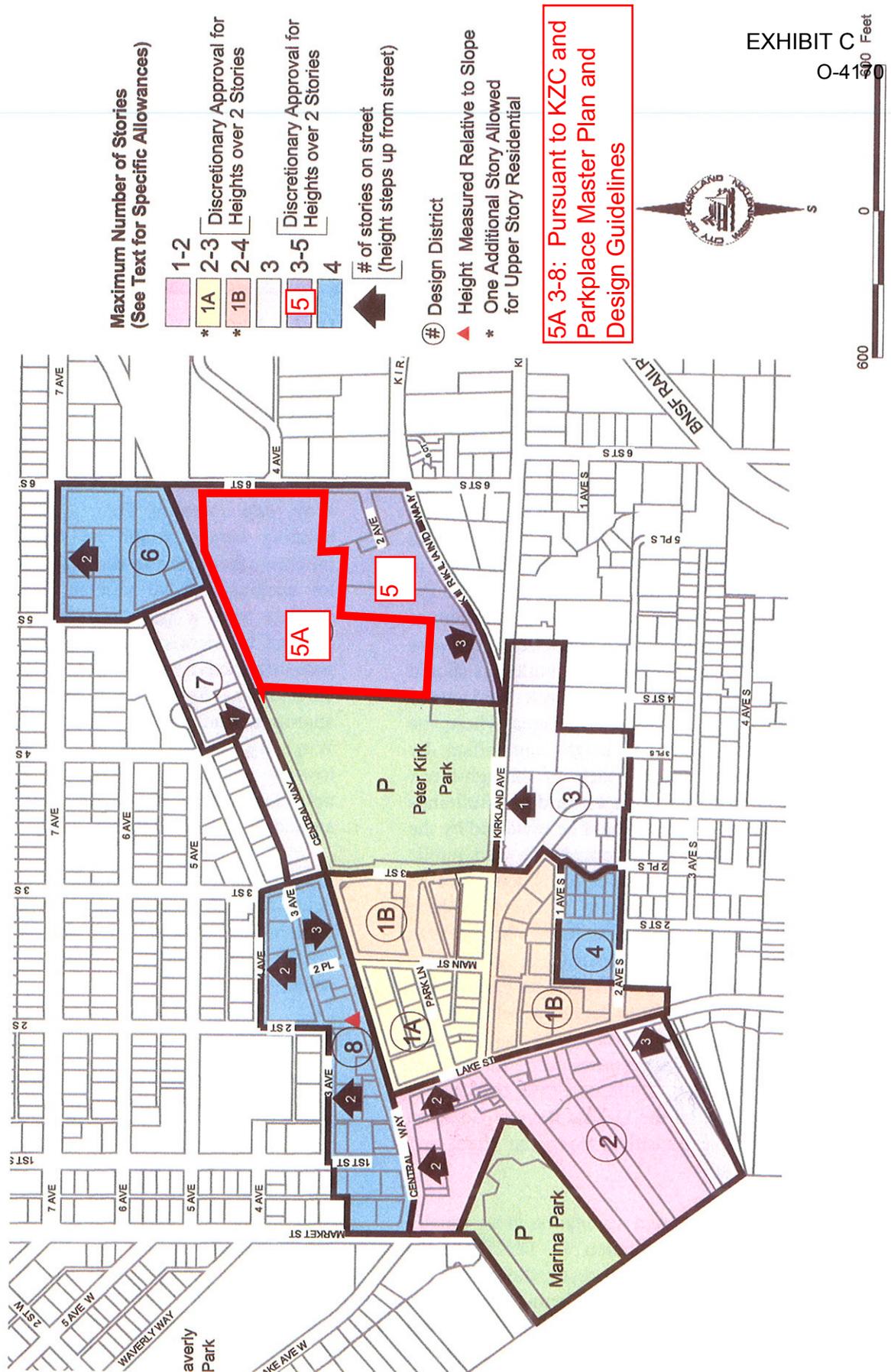


Figure C-5: Downtown Height and Design Districts

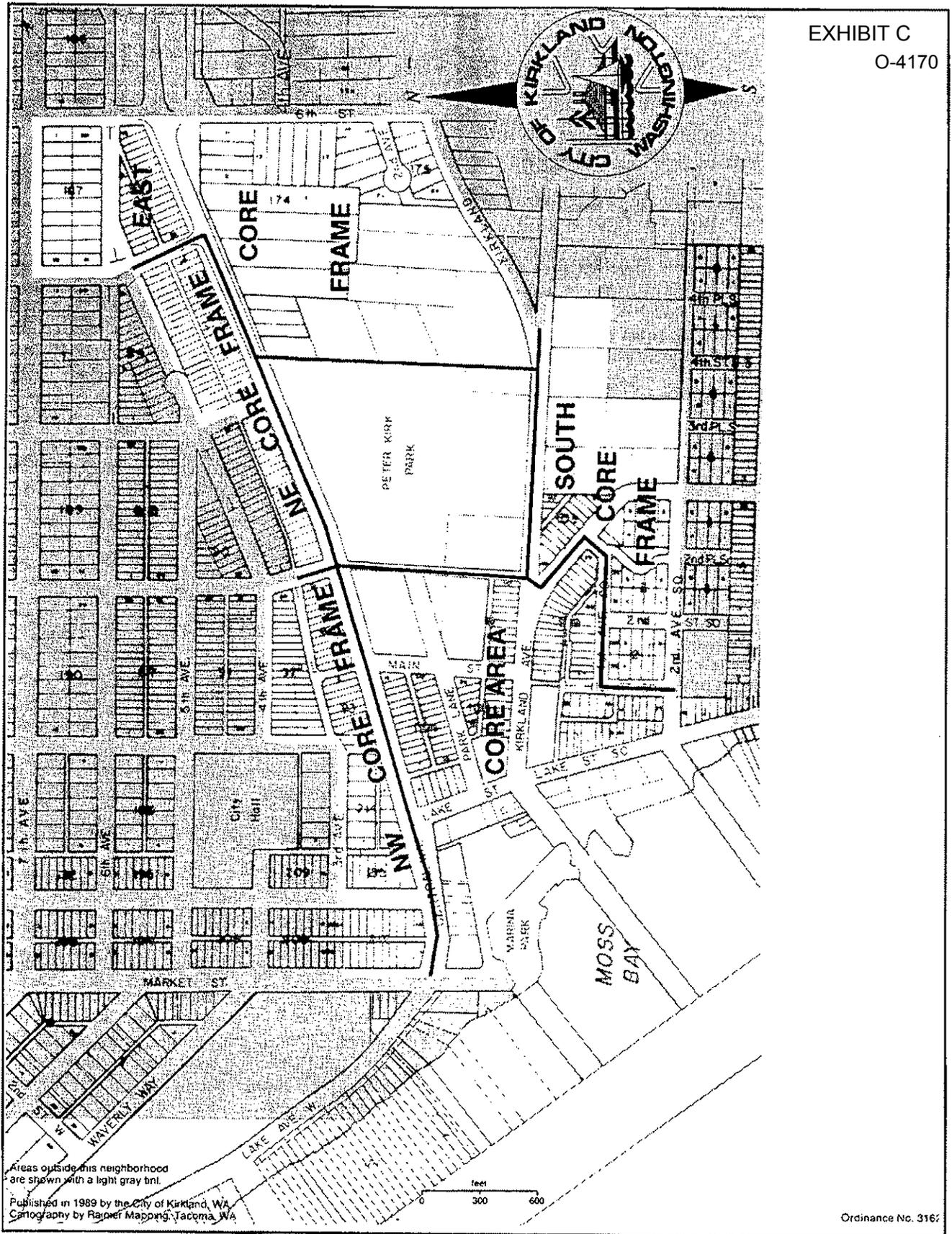


Figure C-3: Downtown Land Use Districts

XV.D. MOSS BAY NEIGHBORHOOD 3. DOWNTOWN PLAN

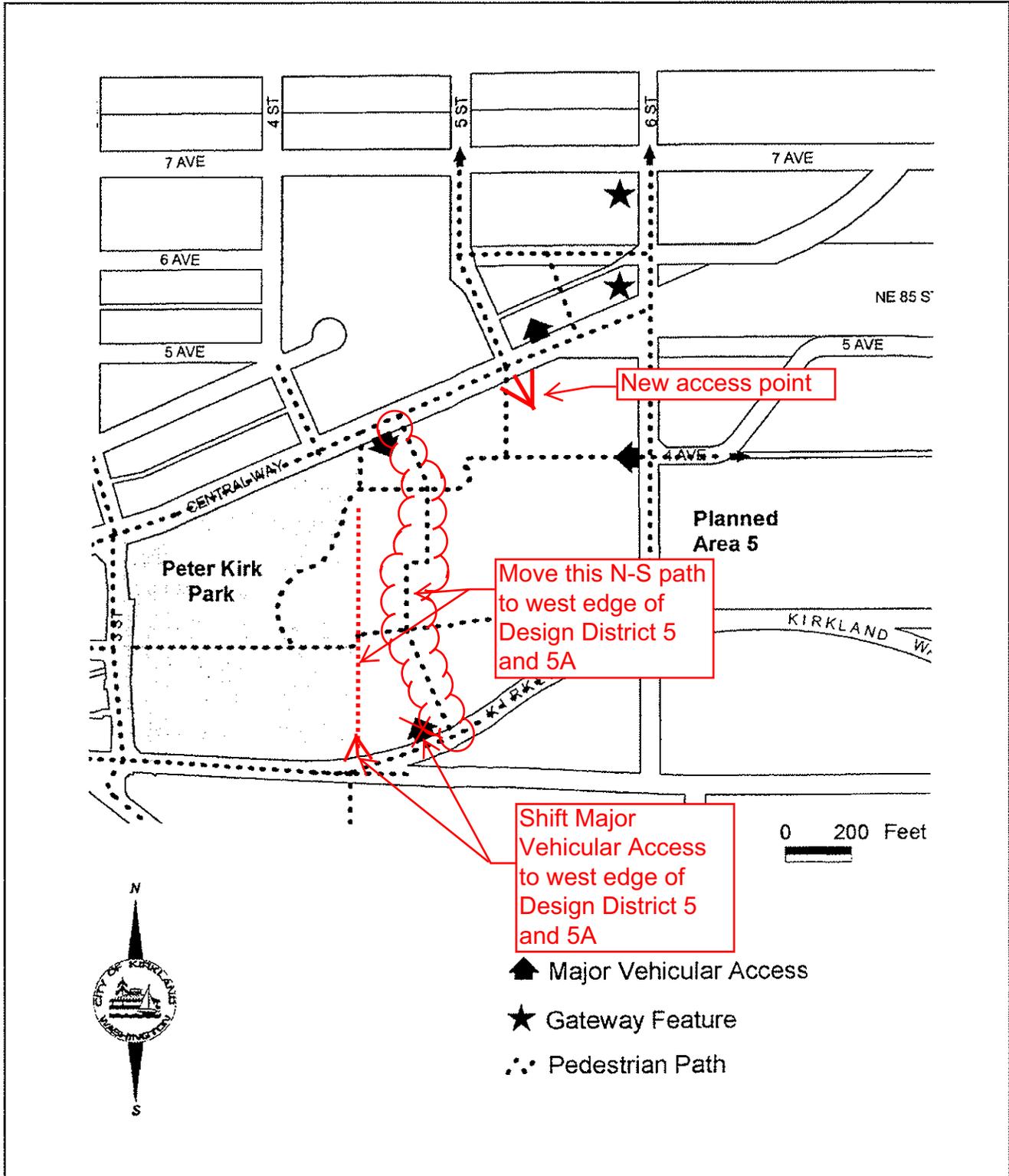


Figure C-6: Design Districts 5 and 6 - Circulation and Gateways

PUBLICATION SUMMARY
OF ORDINANCE NO. 4170

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO COMPREHENSIVE PLANNING AND LAND USE AND AMENDING THE COMPREHENSIVE PLAN, ORDINANCE 3481 AS AMENDED, TO IMPLEMENT CHANGES TO THE DOWNTOWN PLAN SECTION OF THE MOSS BAY NEIGHBORHOOD PLAN AND THE TRANSPORTATION ELEMENT, AND APPROVING THIS SUMMARY FOR PUBLICATION, FILE NO ZON07-00016

SECTION 1. Amends the following specific portions of the Kirkland Comprehensive Plan:

- A. Amends Table T-6: State Routes in the Transportation Element,
- B. Amends Table T-7: Signalized State Route Intersections in the Transportation Element'
- C. Amendments Downtown Plan (3) in the Moss Bay Neighborhood Plan section.

SECTION 2. Provides a severability clause for the ordinance.

SECTION 3. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Kirkland Municipal Code 1.08.017 and establishes the effective date as five days after publication of summary.

SECTION 4. Establishes certification by City Clerk and notification of King County Department of Assessments.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the ____ day of _____, 2008.

I certify that the foregoing is a summary of Ordinance _____ approved by the Kirkland City Council for summary publication.

City Clerk

ORDINANCE NO. 4171

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO COMPREHENSIVE PLANNING AND LAND USE AND AMENDING THE KIRKLAND ZONING CODE (TITLE 23 OF THE KIRKLAND MUNICIPAL CODE), AND THE KIRKLAND ZONING MAP, ORDINANCE 3710 AS AMENDED, TO IMPLEMENT THE NEW CBD5A ZONE, AND APPROVING A SUMMARY FOR PUBLICATION, FILE NO ZON07-00016.

WHEREAS, the City Council has received a recommendation from the Kirkland Planning Commission to amend certain portions of the Kirkland Zoning Code (Title 23 of the Kirkland Municipal Code), all as set forth in that certain report and recommendation of the Planning Commission dated November 20, 2008, and bearing Kirkland Department of Planning and Community Development File No. ZON07-00016; and

WHEREAS, prior to making said recommendation the Planning Commission, following notice thereof as required by RCW 35A.63.070, held public hearings on April 24, 2008, June 12, 2008, and October 23, 2008 on the amendment proposals and considered the comments received at said hearings; and

WHEREAS, pursuant to the State Environmental Policy Act (SEPA), there has accompanied the legislative proposal and recommendation through the entire consideration process, a Planned Action Environmental Impact Statement. The draft of which was issued on April 4, 2008 and the final of which was issued on October 16, 2008 by the responsible official pursuant to WAC 197-11-400 through 197-11 560; and

WHEREAS, in regular public meeting the City Council considered the environmental documents received from the responsible official, together with the report and recommendation of the Planning Commission; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Kirkland as follows:

Section 1. Zoning Text amended: The following specified sections of the text of the Kirkland Zoning Code (Title 23 of the Kirkland Municipal Code) are amended as follows:

- A. Table of Contents:
Add CBD5A to Chapter 50: Central Business District (CBD) Zones as set forth in **Exhibit A** attached to this ordinance and incorporated by reference.
- B. Chapter 1. User Guide:
Add CBD5A to Section 1.05: How To Use This Code as set forth in **Exhibit B** attached to this ordinance and incorporated by reference.
- C. Chapter 5. Definitions:
Add CBD5A to Section 5.960: Use Zone as set forth in **Exhibit C** attached to this ordinance and incorporated by reference.

- D. Chapter 50. Central Business District (CBD) Zones:
Add new use zone chart CBD5A as set forth in **Exhibit D** attached to this ordinance and incorporated by reference.
- E. Chapter 142. Design Review:
Text amendments to Sections 142.35 as set forth in **Exhibit E** attached to this ordinance and incorporated by reference.

Section 2. Zoning Map amended: The following specified zones of Ordinance 3710 as amended, the Kirkland Zoning Map, are amended as follows:

As set forth in **Exhibit F**, which by this reference is incorporated herein.

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. 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 5. 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 _____, 2008.

SIGNED IN AUTHENTICATION THEREOF this _____ day of _____, 2008.

Mayor

Attest:

City Clerk

Approved as to Form:

City Attorney

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[Click here](#) to view adopted ordinances that have not yet been inserted into the Zoning Code as well as pending regulations under consideration.

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[Chapter 5](#) – Definitions

[Chapter 10](#) – Legal Effect/Applicability

[Chapter 15](#) – Single-Family Residential (RS) Zones

[Chapter 17](#) – Single-Family Residential Annexation (RSX) Zones

[Chapter 20](#) – Multifamily Residential (RM) Zones

[Chapter 25](#) – Professional Office Residential (PR) Zones

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[Chapter 51](#) – Market Street Corridor (MSC) Zones

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[Chapter 53](#) – Rose Hill Business District (RHBD) Zones

1.05 How To Use This Code

This code has been designed and drafted to make it as easy as possible for the user to determine all land use regulations that apply to a particular piece of property and to uses, structures, and activities on that piece of property. Follow the step-by-step procedure laid out below to find applicable regulations.

1. Find the subject property on the Zoning Map. The subject property will be within one of the following use zones sequentially listed:

Add **CBD 5A** to following chart.

RS	CBD 3	RH 2C	TL 1B	TL 10C
RSX	CBD 4	RH 3	TL 2	TL 10D
RM	CBD 5	RH 4	TL 3A	TL 10E
PR	CBD 6	RH 5A	TL 3B	TL 11
PO	CBD 7	RH 5B	TL 3C	PLA 1
WD I	CBD 8	RH 5C	TL 3D	PLA 2
WD II	JBD 1	RH 7	TL 4A	PLA 3
WD III	JBD 2	RH 8	TL 4B	PLA 5
FC III	JBD 3	NRH1A	TL 4C	PLA 6
BN	JBD 4	NRH1B	TL 5	PLA 7
BC	JBD 5	NRH2	TL 6A	PLA 9
BCX	JBD 6	NRH3	TL 6B	PLA 14
LIT	RH 1A	NRH4	TL 7	PLA 15
P	RH 1B	NRH5	TL 8	PLA 16
CBD 1	RH 2A	NRH6	TL 10A	PLA 17
CBD 2	RH 2B	TL 1A	TL 10B	PLA 17A

2. Refer to the text of this code and find the chapter that corresponds to the use zone in which the subject property is located.
3. Each of these use zone chapters contains a series of charts. Read down the first vertical column of each chart to find the use in which you are interested. In some zones, certain uses are listed specifically (e.g., "Retail variety or department store" in Neighborhood Business Zones). In other zones, uses are listed generally (e.g., "Any retail establishment ... selling goods or providing services..." in Community Business Zones). In many cases, the general listing encompasses what could otherwise be numerous separate uses.

Uses and activities that fall under the definition of "adult entertainment use or activity" are not permitted except as allowed in Chapter [72](#) KZC.

Chapter 5 – DEFINITIONS

Sections:

[5.05](#) User Guide

[5.10](#) Definitions

5.05 User Guide

The definitions in this chapter apply for this code.

5.10 Definitions

The following definitions apply throughout this code unless, from the context, another meaning is clearly intended:

*****Definitions numbered .005 through .945.5 will not change and so are not shown.***

.955 Use – The nature of the activities taking place on private property or within structures thereon. Each separate listing under the “Use” column in the Chapters [15](#) through 60 KZC is a separate use.

.960 Use Zone – The zoning designations on the Zoning Map as follows:

Add CBD-5A to the chart below.

RS 35	LIT	RH 5B	TL 10E
RSX 35		RH 5C	TL 11
RS 12.5	P	RH 7	
RSX 12.5		RH 8	PLA 1
RS 8.5	CBD 1		PLA 2
RSX 8.5	CBD 2	NRH 1A	PLA 3A
RS 7.2	CBD 3	NRH 1B	PLA 3B
RS 6.3	CBD 4	NRH 2	PLA 5A
RS 5.0	CBD 5	NRH 3	PLA 5B
RSX 5.0	CBD 6	NRH 4	PLA 5C
	CBD 7	NRH 5	PLA 5D
RM 5.0	CBD 8	NRH 6	PLA 5E
RM 3.6			PLA 6A
RM 2.4	MSC 1	TL 1A	PLA 6B
RM 1.8	MSC 2	TL 1B	PLA 6C
	MSC 3	TL 2	PLA 6D
WD I	MSC 4		PLA 6E
WD II		TL 3A	PLA 6F
WD III	JBD 1	TL 3B	PLA 6G
	JBD 2	TL 3C	PLA 6H
PR 8.5	JBD 3	TL 3D	PLA 6I

PR 5.0	JBD 4	TL 4A	PLA 6J
PR 3.6	JBD 5	TL 4B	PLA 6K
PR 2.4	JBD 6	TL 4C	PLA 7A
PR 1.8		TL 5	PLA 7B
	RH 1A	TL 6A	PLA 7C
PO	RH 1B	TL 6B	PLA 9
	RH 2A	TL 7	PLA 15A
FC III	RH 2B	TL 8	PLA 15B
	RH 2C	TL 10A	PLA 16
BN	RH 3	TL 10B	PLA 17
BC	RH 4	TL 10C	PLA 17A
BCX	RH 5A	TL 10D	

- .965 Vehicle Service Station – A commercial use supplying petroleum products that are for immediate use in a vehicle.
- .970 Vehicle Storage Area – An outside area which is used for the storage of operational vehicles.
- .973 Vehicular Access Easement or Tract – A privately owned right-of-way, but not including a driveway easement.
- .974 View Corridor – An open area that provides an unobstructed view across the subject property to and beyond Lake Washington from the adjacent right-of-way.
- .975 Wall Sign – A sign attached to and extending not more than 18 inches from the facade or face of a building with the exposed face of the sign parallel to the facade or face of the building.
- .980 Waterward – Toward the body of water.
- .985 Wetland – As defined in Chapter [90](#) KZC.
- .990 Wholesale Trade – A commercial establishment which sells to retail establishments.
- .995 Zones – Use zones.
- .1000 Zoning Map – The map designated as such and adopted by the City showing the geographical location of use zones within the municipal boundaries.

CBD 5A USE ZONE CHART

KZC 50.38.A User Guide. The charts in KZC 50.38.C contain the basic zoning regulations that apply in the CBD 5A 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 50.38.B - 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.

USE ZONE CHART

Section 50.38.C

Use: Mixed Use Development containing office, retail and restaurant uses. See Special Regulations 1, 2, 3 and 4.

Required Review Process: DR, Chapter 142 KZC. See Special Regulation 1

Minimums:

Lot Size: None

Required Yards: see Plate X-1.

Maximums:

Lot Coverage: 100%.

Height of Structures: See Special Regulation 5 and Plate X-2A and X2-B.

Landscape Category: None

Sign Category: E. See Special Regulation 6.

Required Parking: See Special Regulation 7.

Special Regulations:

1. Development under this Use shall be pursuant to the Parkplace Master Plan and Design Guidelines contained in Kirkland Municipal Code 3.30. Compliance with the Master Plan and Design Guidelines shall be determined through DR, Chapter 142.
2. The gross floor area of retail and restaurant uses in this zone shall be equal to or greater than 25% of the gross floor area of office uses in this zone. Retail uses may include accessory short term drop-off children's play facilities.
3. The following additional uses are allowed subject to restrictions listed:
 - a. Hotel; or Athletic Club. Accessory retail or restaurant uses shall be included as retail uses under Special Regulation 2 provided they are open to the public.
 - b. Movie theater. This use may be included as a retail use under Special Regulation 2 provided that the gross floor area of this use shall not count toward more than 10% of the required minimum gross floor area of retail and restaurant uses.
 - c. Private Lodge or Club; Church; School, Day-care Center, or Mini-School or Day-care Center; Public Utility, Government Facility, or Community Facility; Public Park.
 - d. Assisted Living Facility (including a nursing home if part of the facility); Stacked or Attached Dwelling Units; provided that the gross floor area of these uses does not exceed 10% of the total gross floor area for the Master Plan.
4. The following uses are prohibited:
 - a. Any retail establishment exceeding 70,000 square feet.
 - b. At grade drive-through facilities.
 - c. The outdoor storage, sale, service and/or rental of motor vehicles, sailboats, motor boats, and recreational trailers.
5. Rooftop appurtenances may exceed the applicable height limitation by a maximum of 16 feet if the area of all appurtenances and screening does not exceed 25 percent of the total area of the building rooftop. All other regulations for rooftop appurtenances in Chapter 115 shall apply.
6. Prior to installation of permanent signs, the development must submit and receive approval of a Master Sign Plan pursuant to Chapter 100.
7. The following establishes the number of parking spaces required:
 - a. Residential uses must provide 1.7 parking spaces for each dwelling unit and one parking space for each assisted living unit.
 - b. Restaurants and taverns must provide one parking space for each 125 square feet of gross floor area
 - c. All other uses must provide one parking space for each 350 square feet of gross floor area.

A mix of uses with different peak parking times makes a project eligible for applying a shared parking methodology to parking calculations. Further parking reductions may be appropriate through a transportation management plan (TMP) and parking management measures. The development may propose and the Planning Official may permit a reduction in the required number of parking spaces based on a demand and utilization study prepared by a licensed transportation engineer. The study shall include an analysis of shared parking demonstrating that the proposed parking supply is adequate to meet the peak parking demand of all uses operating at the same time. A TMP and parking management measures shall be incorporated into the analysis. An analysis of the effectiveness of the TMP and parking management measures shall be provided for City review. The City's transportation engineer shall approve the scope and methodology of the study as well as the effectiveness of the TMP and parking management measures.

Plate X-1
CBD 5A Required Yards

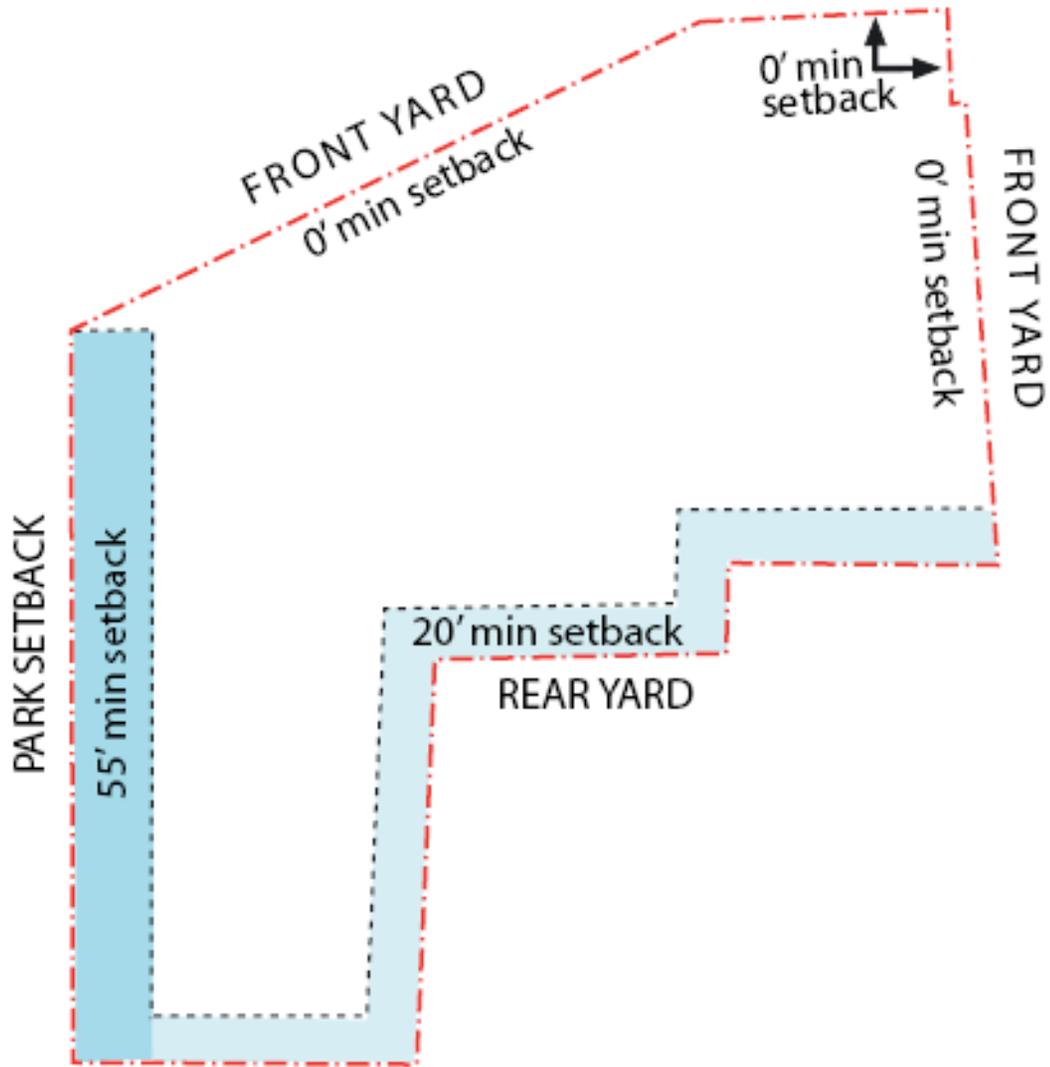
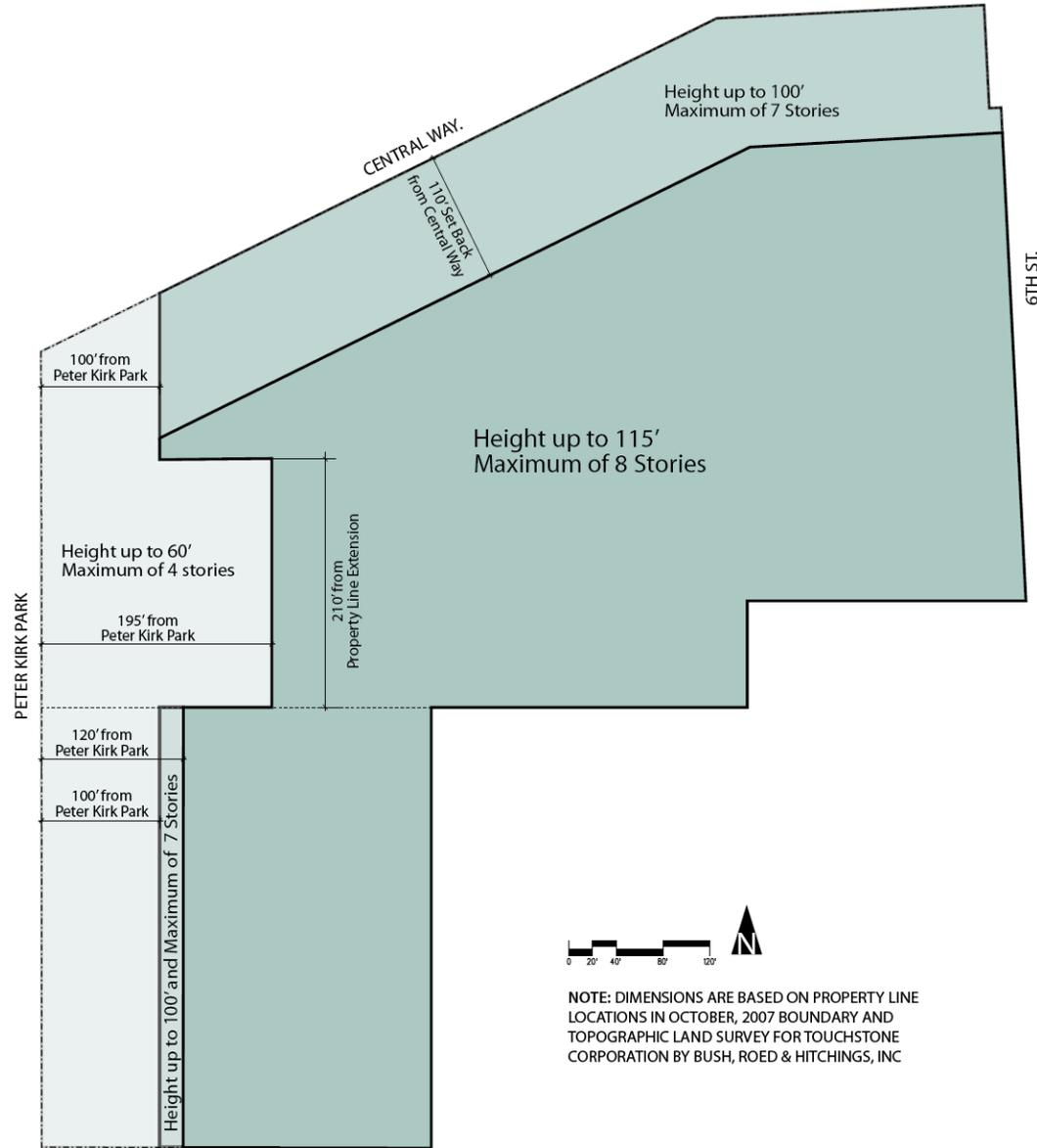


Plate X-2A CBD 5A Maximum Building Heights

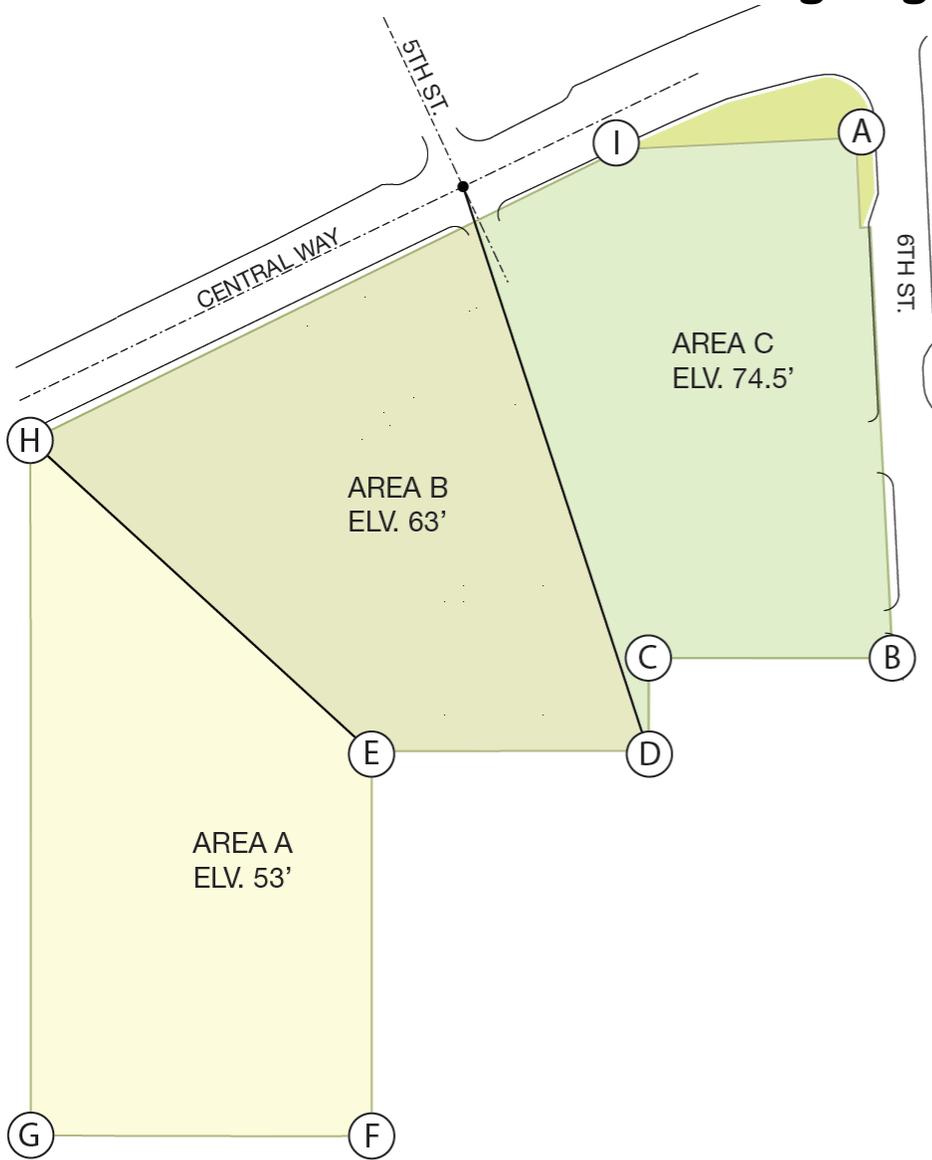
Building height and story maximums shall be measured from elevations points established by Plate X-2B



NOTE: DIMENSIONS ARE BASED ON PROPERTY LINE LOCATIONS IN OCTOBER, 2007 BOUNDARY AND TOPOGRAPHIC LAND SURVEY FOR TOUCHSTONE CORPORATION BY BUSH, ROED & HITCHINGS, INC

Plate X-2B

CBD 5A Maximum Building Height and Stories Measurement Points



Building Height & Number of Stories: Measurement Points

GENERAL NOTES:

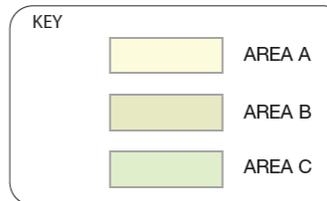
1. Where a minimum of 75% of the Gross Floor Area of a building is located in area "A", the Building Measuring Point will be elevation 53.0 feet above sea level
2. Where a minimum of 75% of the Gross Floor Area of a building is located in area "B", the Building Measuring Point will be elevation 63.0 feet above sea level
3. Where a minimum of 75% of the Gross Floor Area of a building is located in area "C", the Building Measuring Point will be elevation 74.5 feet above sea level

Area A: That portion of property area that lies west and south of a line between Property Corner H and Property Corner E.

Area B: That portion of property area that lies east of a line between Property Corner H and Property Corner E and west of a line from the centerline of the intersection of 5th Street and Central Way and property corner D.

Area C: That portion of property area that lies east of a line from the centerline of the intersection of 5th Street and Central Way and property corner D and west of 6th Street

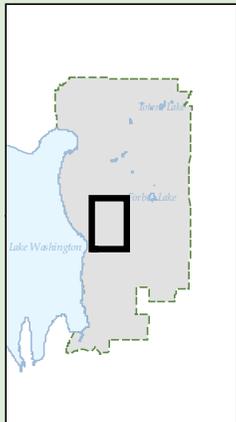
note: Based on the Boundary and Topographic Survey for Park Place Center by Bush, Roed & Hitchings, INC., dated October 2007



KZC 142.35 Design Board Review (D.B.R.) Process

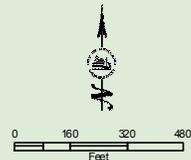
1. Timing of D.B.R. – For any development activity that requires D.B.R. approval, the applicant must comply with the provisions of this chapter before a building permit can be approved; provided, that an applicant may submit a building permit application at any time during the design review process. An applicant may request early design review, but such review shall not be considered a development permit or to in any way authorize a use or development activity. An application for D.R. approval may be considered withdrawn for all purposes if the applicant has not submitted information requested by the City within 60 calendar days after the request and the applicant does not demonstrate reasonable progress toward submitting the requested information.
2. Public Meetings – All meetings of the Design Review Board shall be public meetings and open to the public.
3. Authority – The Design Review Board shall review projects for consistency with the following:
 - a. Design guidelines for pedestrian-oriented business districts, as adopted in Chapter 3.30 KMC.
 - b. Design Guidelines for the Rose Hill Business District (RHBD) and the Totem Lake Neighborhood (TLN) as adopted in Chapter 3.30 KMC.
 - c. The applicable neighborhood plans contained in the Comprehensive Plan for areas where Design Review is required.
 - d. The Design Principles for Residential Development contained in Appendix C of the Comprehensive Plan for review of attached and stacked dwelling units located within the NE 85th Street Subarea and the Market Street Corridor.
 - e. [The Parkplace Master Plan and Design Guidelines for CBD 5A as adopted in Chapter 3.30 KMC.](#)
4. The Design Review Board is authorized to approve minor variations in development standards within certain Design Districts described in KZC 142.25(6)(a) provided the variation complies with the criteria of KZC 142.25(6)(b).

Current Zoning

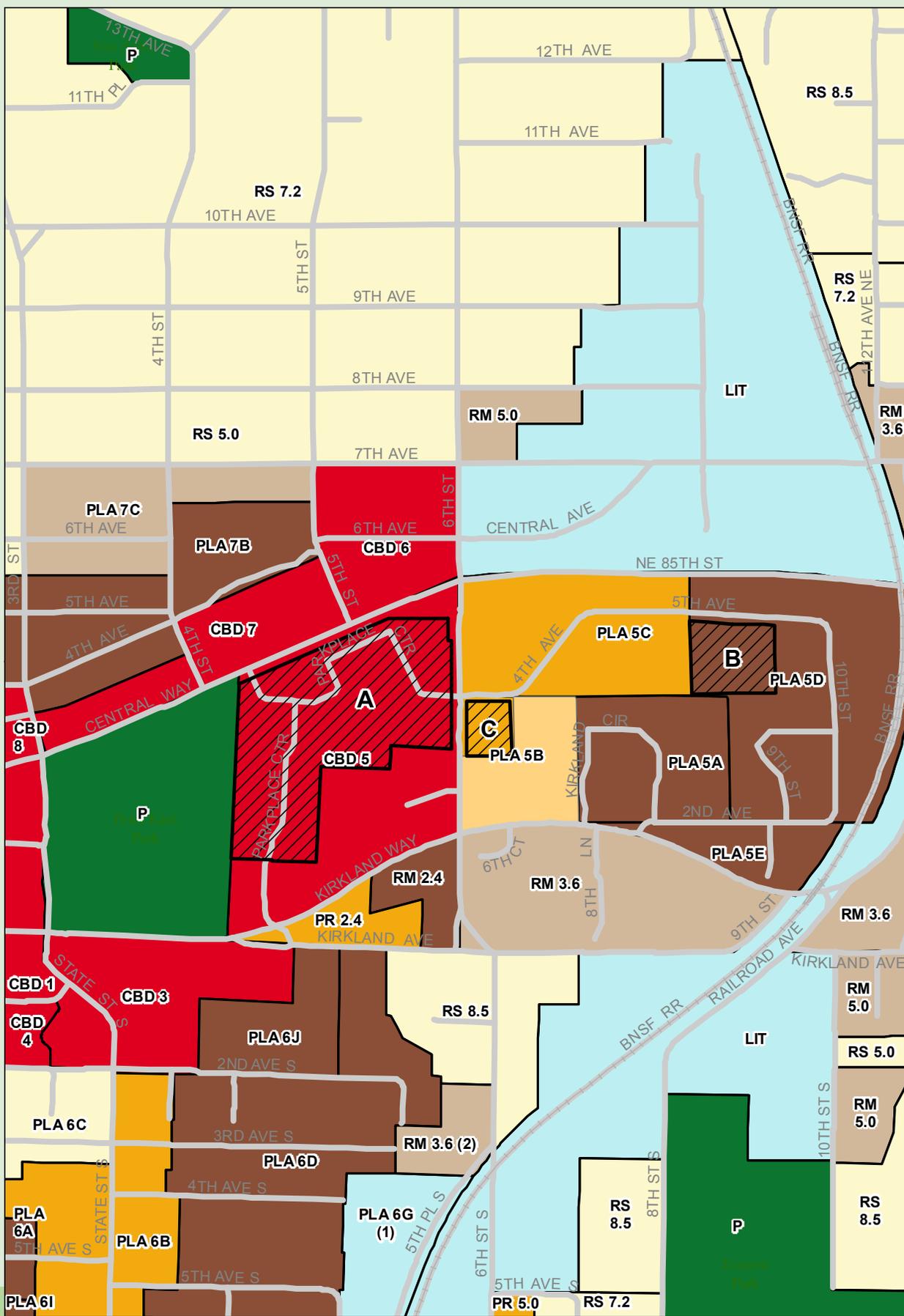


0 6,000 12,000 18,000
Feet

- Map Legend**
- Planned Action Areas
 - Railroad Centerline
 - Commercial
 - Industrial
 - Light Manufacturing Park
 - Office
 - High Density Residential
 - Medium Density Residential
 - Low Density Residential
 - Institutions
 - Park/Open Space



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PUBLICATION SUMMARY
OF ORDINANCE NO. 4171

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO COMPREHENSIVE PLANNING AND LAND USE AND AMENDING THE KIRKLAND ZONING CODE (TITLE 23 OF THE KIRKLAND MUNICIPAL CODE), AND THE KIRKLAND ZONING MAP, ORDINANCE 3710 AS AMENDED, TO IMPLEMENT THE NEW CBD5A ZONE, AND APPROVING A SUMMARY FOR PUBLICATION, FILE NO ZON07-00016.

SECTION 1. Amends the following specific portions of the Kirkland Zoning Code:

- A. Amends Table of Contents, Central Business District CBD Zones;
- B. Amends Chapter 1. User Guide Section 1.05;
- C. Amends Chapter 5. Definitions Section 5.960;
- D. Adds new zone to Chapter 50. Central Business District (CBD) Zones;
- E. Amends Chapter 142. Design Review Section 142.35

SECTION 2. Amends the Kirkland Zoning Map as set forth in Exhibit F.

SECTION 3. Provides a severability clause for the ordinance.

SECTION 4. 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.

SECTION 5. Establishes certification by City Clerk and notification of King County Department of Assessments.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the ____ day of _____, 2008.

I certify that the foregoing is a summary of Ordinance _____ approved by the Kirkland City Council for summary publication.

City Clerk

ORDINANCE NO. 4172

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO PLANNING AND LAND USE AND AMENDING TITLE 3 OF THE KIRKLAND MUNICIPAL CODE, CHAPTER 3.30 DESIGN REVIEW BOARD, TO INCLUDE "KIRKLAND PARKPLACE MIXED USE DEVELOPMENT MASTER PLAN AND DESIGN GUIDELINES," AND APPROVING A SUMMARY FOR PUBLICATION, FILE NO ZON07-00016.

WHEREAS, the City Council has received a recommendation from the Kirkland Planning Commission to amend Title 3 of the Municipal Code, as set forth in that certain report and recommendation of the Planning Commission dated November 20, 2008 and bearing Kirkland Department of Planning and Community Development File No. ZON07-00016; and

WHEREAS, prior to making said recommendation the Planning Commission, following notice thereof as required by RCW 35A.63.070, held public hearings on April 24, 2008, June 12, 2008 and October 23, 2008 on the amendment proposals and considered the comments received at said hearings; and

WHEREAS, pursuant to the State Environmental Policy Act (SEPA), there has accompanied the legislative proposal and recommendation through the entire consideration process, a Planned Action Environmental Impact Statement. The Draft of which was issued on April 4, 2008 and the Final of which was issued on October 16, 2008 by the responsible official pursuant to WAC 197-11-400 through 197-11 560; and

WHEREAS, in regular public meeting the City Council considered the environmental documents received from the responsible official, together with the report and recommendation of the Planning Commission; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Kirkland as follows:

Section 1. The following specific portion of the Municipal Code is hereby amended to read as follows:

- A. Section 3.30.040. Design guidelines adopted by reference:
Addition of "Kirkland Parkplace Mixed Use Development Master Plan and Design Guidelines" as set forth in **Exhibit A** attached to this ordinance and incorporated by reference.

Section 2. If any section, subsection, sentence, clause, phrase, part or portion of this ordinance, including those parts adopted by reference, is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. This ordinance shall be in full force and effect five days from and after its passage by the 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 4. A complete copy of this ordinance shall be certified by the City Clerk, who shall then forward the certified copy to the King County Department of Assessments.

Passed by majority vote of the Kirkland City Council in open meeting this _____ day of _____, 2008.

SIGNED IN AUTHENTICATION THEREOF this _____ day of _____, 2008.

Mayor

Attest:

City Clerk

Approved as to Form:

City Attorney

Chapter 3.30 DESIGN REVIEW BOARD

Sections:

3.30.010 Membership—Appointment—Compensation—Removal.

3.30.020 Qualifications.

3.30.030 Powers and duties.

3.30.040 Design guidelines adopted by reference.

3.30.050 Conflict of interest.

3.30.010 Membership—Appointment—Compensation—Removal.

The design review board shall be composed of seven appointed members. In addition, the director of planning and community development shall sit on the design review board (“DRB”) as a nonvoting member for purposes of advising the board on regulatory and urban design issues. Members shall be appointed by a majority vote of the city council, without regard to political affiliation. The members of the DRB shall serve without compensation. Each member shall be appointed to a four-year term; provided, that as to the two positions added in 2003, one new member’s initial term shall expire March 31, 2005, and the other new member’s initial term shall expire March 31, 2007. Any vacancy shall be filled for the remainder of the unexpired term of the vacant position. When a member misses three or more consecutive meetings not excused by a majority vote of the DRB, the DRB will consider recommending removal of that member. The board shall recommend removal if the absences have negatively affected the board’s abilities to perform its duties. The recommendation will be forwarded to city council. Members finding themselves unable to attend regular meetings are expected to tender their resignations. A member may be removed by a majority vote of the city council. (Ord. 3901 § 1, 2003: Ord. 3683A § 1 (part), 1999)

3.30.020 Qualifications.

Members of the design review board shall include design professionals and building/construction experts, and residents of Kirkland capable of reading and understanding architectural plans and knowledgeable in matters of building and design. The board shall at all times have a majority composition of professionals from architecture, landscape architecture, urban design/planning, or similar disciplines. In selecting members, professionals who are residents and/or whose place of business is within Kirkland will be preferred. (Ord. 3683A § 1 (part), 1999)

3.30.030 Powers and duties.

The design review board shall have the responsibilities designated in the zoning code. In addition, the design review board shall perform such advisory functions related to design issues as designated by the city council. (Ord. 3683A § 1 (part), 1999)

3.30.040 Design guidelines adopted by reference.

The design review board in combination with the authority set forth in Chapter 142 of the zoning code shall use the following design guidelines documents to review development permits:

(1) The document entitled "Design Guidelines for Pedestrian Oriented Business Districts" bearing the signature of the mayor and the director of the department of planning and community development dated August 3, 2004, is adopted by reference as though fully set forth herein. The city council shall consult with the planning commission prior to amending this document.

(2) The document entitled "Design Guidelines for the Rose Hill Business District" bearing the signature of the mayor and the director of the department of planning and community development dated January 3, 2006, is adopted by reference as though fully set forth herein. The city council shall consult with the planning commission prior to amending this document.

(3) The document entitled "Design Guidelines for the Totem Lake Neighborhood" bearing the signature of the mayor and the director of the department of planning and community development dated June 6, 2006, is adopted by reference as though fully set forth herein. The city council shall consult with the planning commission prior to amending this document.

(4) The document entitled "Kirkland Parkplace Mixed Use Development Master Plan and Design Guidelines" bearing the signature of the mayor and the director of the department of planning and community development dated _____, is adopted by reference as though fully set forth herein. The city council shall consult with the planning commission prior to amending this document.

~~(4)~~(5) Text Amended. The following specific portions of the text of the design guidelines are amended as set forth in Attachment A attached to Ordinance 4106 and incorporated by reference. (Ord. 4106 § 1, 2007; Ord. 4052 § 1, 2006; Ord. 4038 § 1, 2006; Ord. 4031 § 1, 2006)

3.30.050 Conflict of interest.

If a member of the design review board is an applicant or a paid or unpaid advocate, agent, or representative for an applicant on a design review application, the member shall not participate in a decision on that design review application. (Ord. 3683A § 1 (part), 1999)

KIRKLAND PARKPLACE MIXED USE DEVELOPMENT

Master Plan and Design Guidelines





Master Plan Organization

This document is comprised of the following sections:

POLICY OVERVIEW	<ol style="list-style-type: none">1. Introduction2. Vision3. Application4. Determining Compliance5. Modifications6. Phasing7. Comprehensive Plan Design Direction8. Design Intent
DEVELOPMENT STANDARDS	<ol style="list-style-type: none">9. Program Requirements10. Public Access and Amenities<ol style="list-style-type: none">a. Pedestrian Accessb. Retail Frontagesc. Activated Open Space11. Street Classifications
DESIGN GUIDELINES	<ol style="list-style-type: none">12. All District13. District Specific<ol style="list-style-type: none">a. Gatewayb. Central Wayc. Park Interfaced. Central Retail Hub

Page 311
F. INTRODUCTION

Located along Central Way and 6th Street, Kirkland Parkplace has the potential to offer many great amenities to Kirkland's downtown. The proposed mixed-use center includes approximately 1.75 million square feet of development consisting of retail, office, hotel and sports club that are, in effect, an extension of the existing downtown. Parkplace provides components that meet the City's Comprehensive Plan, East Core Frame (2004, 2008) as described below:

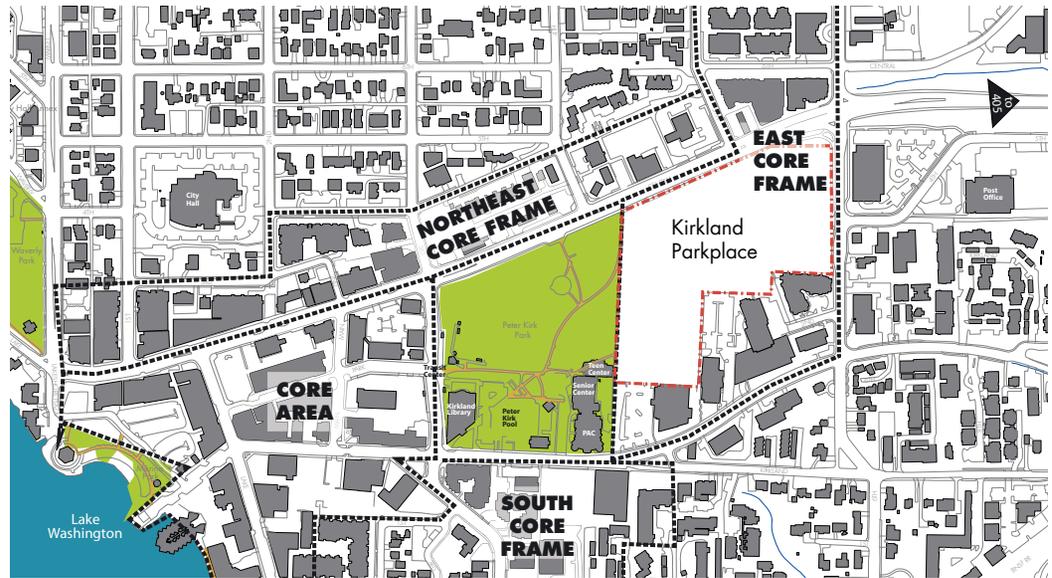
CP Policy: Heights of up to eight stories are appropriate as an incentive to create a network of public open spaces around which is organized a dynamic retail destination.

Response: Parkplace is an urban, open-air retail, restaurant, entertainment, office, hotel and sports club complex. (See page 7 for networks of open space, retail frontage and pedestrian connections.)

CP Policy: Special attention to building design, size, and location should be provided at three key locations: at the intersection of Central Way and Sixth Street to define and enhance this important downtown gateway; along Central Way to respond to the context along the north side of street; and facing Peter Kirk Park to provide a transition in scale to downtown's central greenspace. Pedestrian connections to adjoining streets, Peter Kirk Park, and adjoining developments should be incorporated to facilitate the integration of the district into the neighborhood.

Response: Specific design guidelines have been defined to encourage unique environments and experiences in each of these three locations.

CP Policy: Because of the intensity of land use in 5A, the design of the buildings and site should incorporate aggressive sustainability measures, including low impact development measures, deconstruction, green buildings, and transportation demand management.



Response: The compact development, pedestrian-friendly, mixed-use nature of the land use in 5A is fundamentally sustainable. It provides a live-work balance in downtown Kirkland and provides access to goods and services people need in proximity to where they live. Combined with a commitment to sustainable strategies in the design of the development, Kirkland Parkplace will significantly contribute to lowering carbon emissions and energy use relative to a suburban model of development.

2. VISION

Parkplace creates a new destination in Kirkland featuring tree lined streets, landscaped open spaces, offices overlooking public plazas, and a wide variety of shopping, dining, entertainment and recreation experiences. Parkplace's contemporary Northwest architecture evokes Kirkland and its environs with green design, appropriate massing, and orientation. Appropriate placement of trees, fountains, benches, street lamps, and decorative sidewalk treatments add a rich texture to Parkplace's plazas and streets.

The combination of pedestrian oriented streets, distinctive architecture, unique urban character, sensitive integration and progressive sustainable design strategies will make Kirkland Parkplace an attractive and valued gathering place for Kirkland's citizens for years to come.

3. APPLICATION

The Master Plan and Design Guidelines set forth in this document have been created to guide the development of Kirkland Parkplace to meet the intent of the vision for CBD-5A of the City of Kirkland. Compliance with this Master Plan and Design Guidelines document shall be required to allow increased height and reduced setbacks in exchange for providing a mixed-use center and public amenities. These Standards and Guidelines are to be used in addition to the standard zoning regulations for CBD-5A. These Standards and Guidelines are supplemental, not a substitution, to the City of Kirkland Municipal Code and its supporting documents.

4. REVIEW PROCESS: DETERMINING COMPLIANCE

This document establishes performance criteria and provides recommendations for achieving specific design objectives. Compliance with the Master Plan including: general standards, general public amenity and access locations and street dimensional requirements shall be determined by administrative review. Compliance and consistency with the Design Guidelines shall be determined by the Design Review Board in a Design Response conference, (refer to DRB process KMC 142.35.9). In the DRB's review of the project, the Board shall respect the requirements and commitments established in this Master Plan.

Section	Review Process
Development Standards <ul style="list-style-type: none"> • Program Requirements (Item 9) • Public Amenities and Access (Item 10) • Street Classifications (Item 11) 	Planning Official
Design Guidelines <ul style="list-style-type: none"> • All Districts (Item 12) • District Specific (Item 13) 	Design Review Board

5. MODIFICATIONS

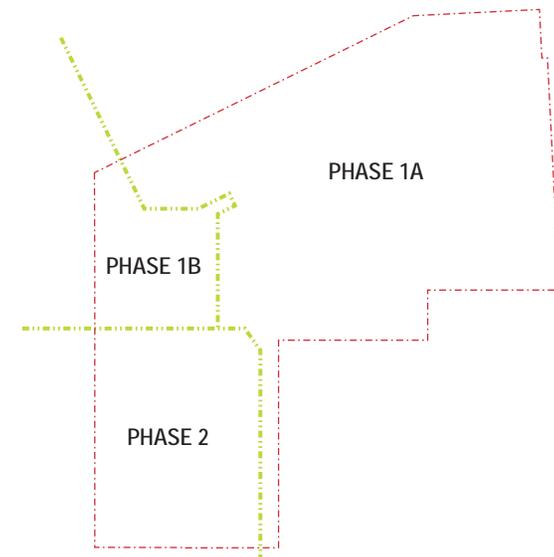
A major modification to the Master Plan is any proposal that would result in a change that would substantially alter the Plan's proposed development such as: decrease in open space quantity, changes to locations of primary access/pedestrian streets, or changes in allowed use. Major modifications to the Master Plan shall require a staff review for consistency with the Comprehensive Plan and City Council Approval, (refer to KMC 3.30.040).

A minor modification to the Master Plan is any proposal that would result in a change that would not substantially alter the Plan's proposed development such as: façade treatments, street design variation, character/design detail of public spaces, or minor variations in design of sidewalks, pathways, lighting and landscaping. The Design Review Board may grant a design departure or minor variation only if it finds that both of the following requirements are met:

- the variation is consistent with the intent of the guideline and results in superior design.
- the departure will not result in any substantial detrimental effect on nearby properties or the neighborhood.

6. PHASING

This development shall be staged in two major phases (1 and 2) with two minor stages in phase one (1A and 1B).



8. DESIGN INTENT

This Master Plan and Design Guidelines document was created using the identified 8 Guiding Principles for the project which were derived from input from the City staff, the Design Review Board, Planning Commission, various community groups and the residents of Kirkland.

GUIDING PRINCIPLES OF INTENT

1. Emotional Ownership by the Community
 - Incorporate the project into the story of Kirkland
 - Enable meaningful community exchanges
 - Inspire unique experiences and discoveries
 - Promote the coalescence of Community, Culture and Commerce
 - Provide a 'transforming experience' vs. a 'transaction experience'
 - Include neighborhood retail
2. Site Planning "Connections"
 - Include public spaces such as plazas
 - Create clear vehicular access and parking
 - Create strong emphasis on the streetscape
 - Support active public spaces
 - Provide clear and inviting public access
3. Places for People
 - Create easily accessible public spaces
 - Develop spaces that vary in size and offer choices for all ages
 - Provide safety and comfort
 - Integrate into the social life of downtown Kirkland
4. Enhance the Pedestrian Environment
 - Promote Walkability: network of internal and external pedestrian connections
 - Create visual interest for along the street
 - Incorporate rich variety of materials
 - Provide and enhance pedestrian circulation and retail continuity
5. Integrate Vehicular Access and Parking
 - Minimize the visual presence of parked cars
 - Allow parking to be utilized during nights/weekends for benefit of community and downtown
6. A Mix of Uses = A mix of Building Types
 - Create a variety of building types, scales, and materials
 - Express a three-dimensional quality to the public spaces
7. Appropriate Massing and Scale
 - Create pedestrian spaces with access to sun
 - Address surrounding edges
 - Consider scale, massing, and detail of individual buildings
 - Express human-scale, detailed street level building façades
8. Sustainability
 - Establish macro-scale/site sustainable strategies
 - Pursue building specific sustainable strategies
 - Encourage tenant-specific sustainable strategies

9. Program Requirements

- A. Pedestrian Space:

The development will include a variety of public open spaces that vary in size and character. A minimum of 10%, or 50,000 of the site shall be activated pedestrian-oriented space, in the form of courtyards, plazas, winter atrium, etc. See diagram (pg 7) for approximate locations and dimensional requirements of specific spaces. Definition of appropriate design treatments are found in the district specific design guidelines.
- B. Arts Commitment:

In an effort to encourage integrated art into the project, Parkplace is working in collaboration with representatives from the cultural council and local art community and will identify and create opportunities to integrate art into the project.
- C. Green Building Commitment:
 - 1. The following requirements will apply to the Kirkland Parkplace project:
 - a. All office buildings will be designed to achieve a LEED-CS Gold threshold. A USGBC LEED Pre-Certification application showing points meeting LEED-CS Gold will be included with permit submittals to show which points will be pursued.
 - b. The hotel will be designed to a LEED-CS Certified or LEED-NC Certified threshold, or to meet the sustainability program of the hotel operator.
 - c. The applicant shall encourage all potential tenants for Kirkland Parkplace to pursue LEED-CI. To accomplish this, the applicant will create and distribute to tenants a set of Tenant Design Guidelines to show strategies tenants can use to achieve LEED-CI certification. These Tenant Design Guidelines will be made available to the City of Kirkland to inform their ongoing sustainability programs.
 - d. At the end of all tenant build-outs on the office, the applicant will prepare an executive summary for the City of Kirkland, outlining what sustainability measures were incorporated in the tenant build-outs (unless otherwise restricted by tenant confidentiality).
 - e. In addition, the applicant will strive to make design choices in its Core and Shell buildings that are conducive to the achievement of LEED-CI by tenants.

- 2. In the interest of promoting a holistic sustainability approach, The applicant will strive to integrate site-specific strategies identified as focus areas, such as:
 - a. Energy efficiency strategies, like centralized cooling options and heat recovery.
 - b. Low Impact Development (LID) strategies like stormwater planters, vegetated roofs, and bioswales.
 - c. Materials and Resource strategies, like recycled materials, regional materials, and FSC certified wood.
- D. Community Serving Retail and Services:

Include neighborhood serving retail and services such as: grocery, childcare, bookstore, drugstore, dry cleaner, movie theatre, barbershop, shoe repair, etc.



SITE AREA BREAKDOWN



OPEN SPACE BREAKDOWN



PEDESTRIAN SPACE



BUILDING GROSS SQUARE FOOTAGE BREAKDOWN



OFFICE SPACE 1.2 MIL SQFT 68%

MIX USE 550K SQFT 32%

EXHIBIT A
0-4172

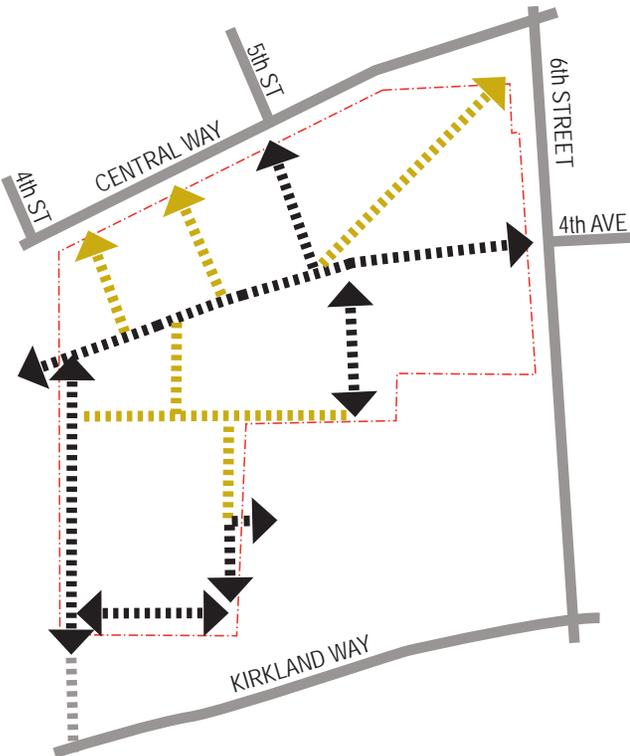
10. PUBLIC AMENITIES AND ACCESS

PEDESTRIAN CONNECTIONS

Intent: To create a network of identifiable linkages into and through the project site for pedestrians.

The diagram below shows approximate pedestrian connections. Darker lines indicate primary connections required by the Comprehensive Plan. Lighter lines show secondary pedestrian connections linking to existing and proposed streets as well as Peter Kirk Park.

-  primary pedestrian connections
-  secondary pedestrian connections

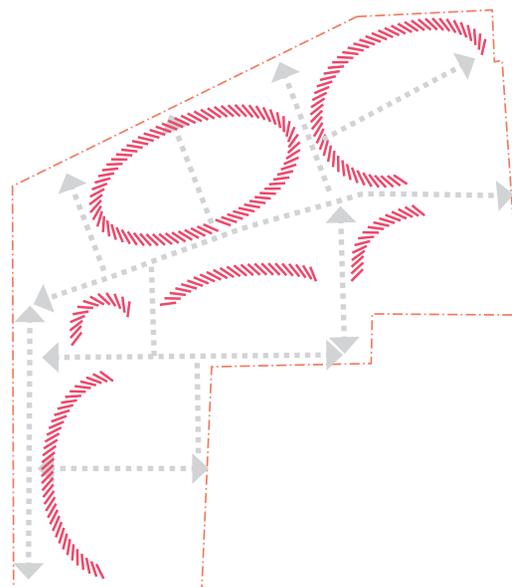


RETAIL/RESTAURANT FRONTAGE

Intent: To encourage and contribute to the liveliness and activation of pedestrian-oriented streets and spaces by providing retail and activating uses at the ground level.

Predominant retail uses including shops, restaurants, grocery, and a movie theatre are required along pedestrian-oriented streets and public spaces. Additional activating uses are encouraged on the ground level throughout the development where feasible.

 retail/restaurant frontage



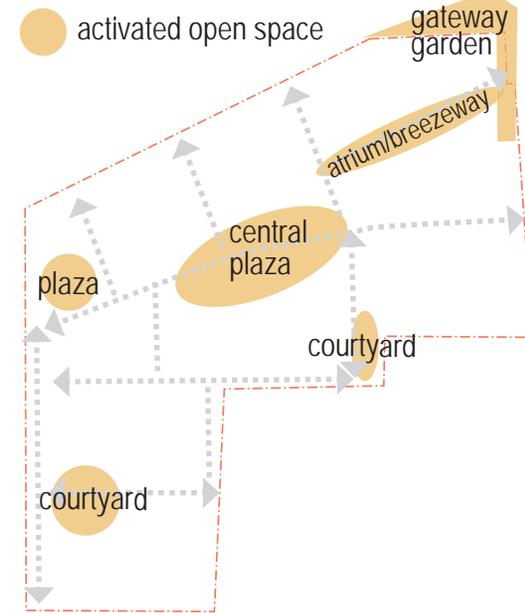
PEDESTRIAN SPACE

Intent: To provide a functional and diverse pedestrian environment by creating a variety of usable pedestrian open spaces.

The following types of public/ pedestrian space are to be provided at a minimum of 10% of the total lot area, or 50,000 sf*. Locations are approximate and not limited to those shown on the diagram below.*

- central plaza:** shall have a minimum area of 15,000 square feet with a minimum average width of 70 feet
- courtyard/plaza:** shall have a minimum area of 2,500 square feet each
- atrium/breezeway:** shall have a minimum 35 foot wide separation between office floor plates
- roof top terraces:** shall provide a minimum of 10,000 sf total of publicly accessible rooftop terraces in one or more locations

*See district specific guidelines for design parameters of public space (ex. central plaza, pg 27).



II. STREET CLASSIFICATION

Intent: To create a street and sidewalk network that responds to the existing Kirkland grid pattern, creates a pedestrian oriented environment and allows direct interaction with Peter Kirk Park.

Adjacent Street Improvements

Central Way
6th Street

Access Streets

- A.1 Central and 5th Street Connection
- A.2 6th Street and 4th Avenue Connection
- A.3 6th Street access to service alley (minor)
- A.4 Central Way and 4th Street Connection

Pedestrian Streets

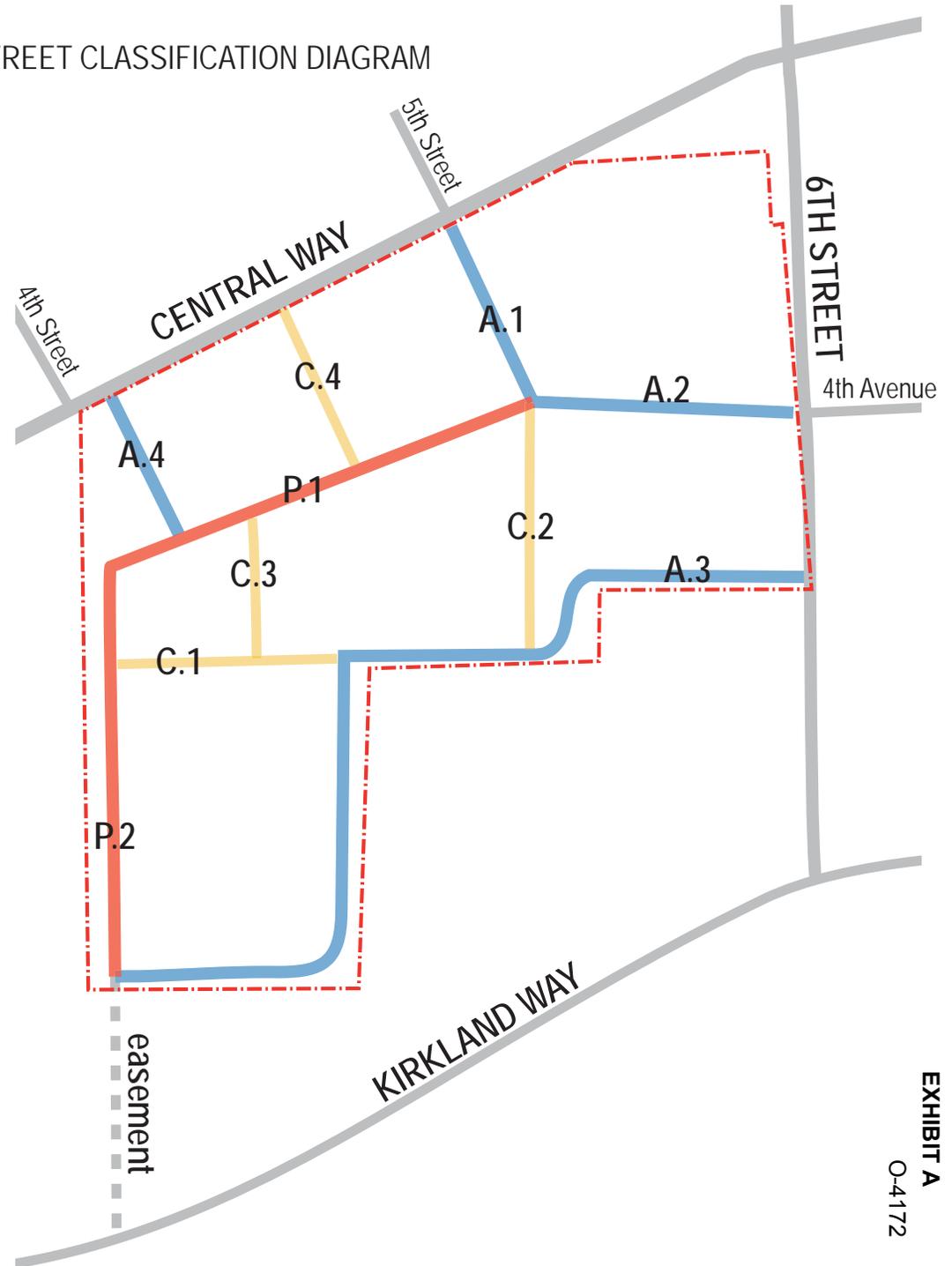
- P.1 Main Street
- P.2 Park Promenade

Secondary Connections

- C.1 Service Alley/Park Promenade
- C.2 Service Alley /Main Street Connection
- C.3 Main Street/C.1 Connection (ped only)
- C.4 Central Way Mid-Block Connection (right in, right out)

The following street classifications and diagrams represent the various types of streets anticipated in the project. Final location and classification of streets may be adjusted in the final design to include such design techniques as: tight turning radii to calm traffic, curb bulb outs, textured crossings, etc. Access shall be in compliance with city codes and policies for public improvements and emergency access.

STREET CLASSIFICATION DIAGRAM

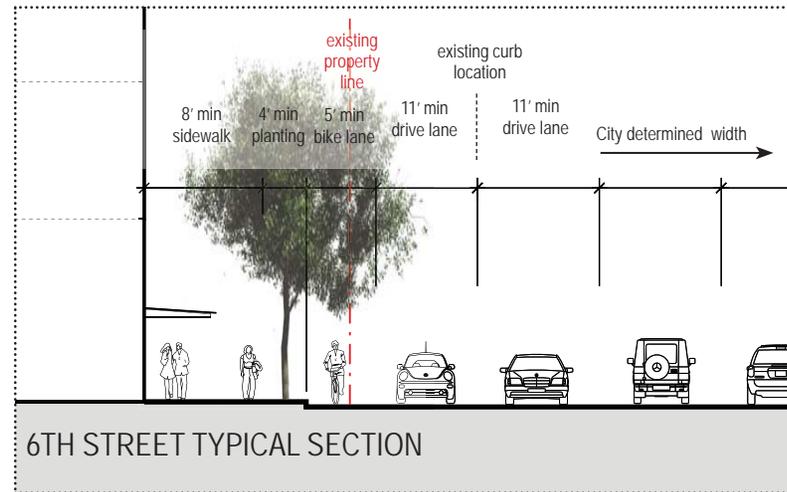
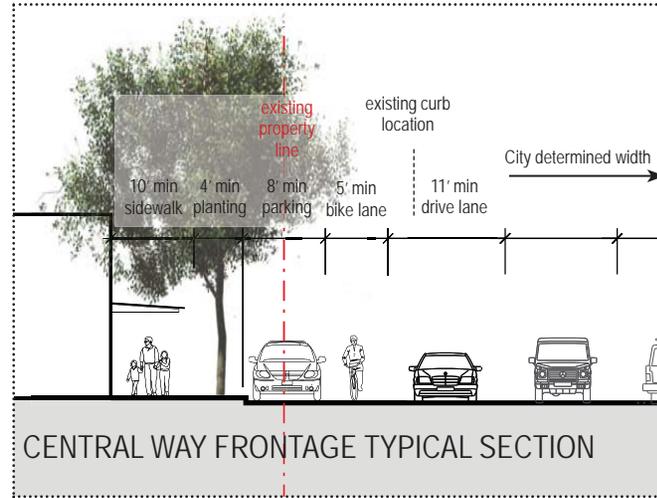
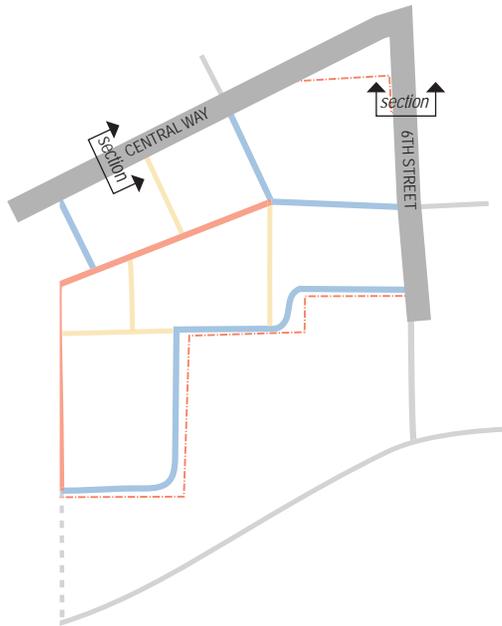


II. STREET CLASSIFICATION

Adjacent Street Improvements

Central Way
6th Street

Street classifications are meant to be typical sections of the roadway. Slight variations may be necessary to accommodate driveways, varied landscaping techniques, street furniture, structural constraints, etc.

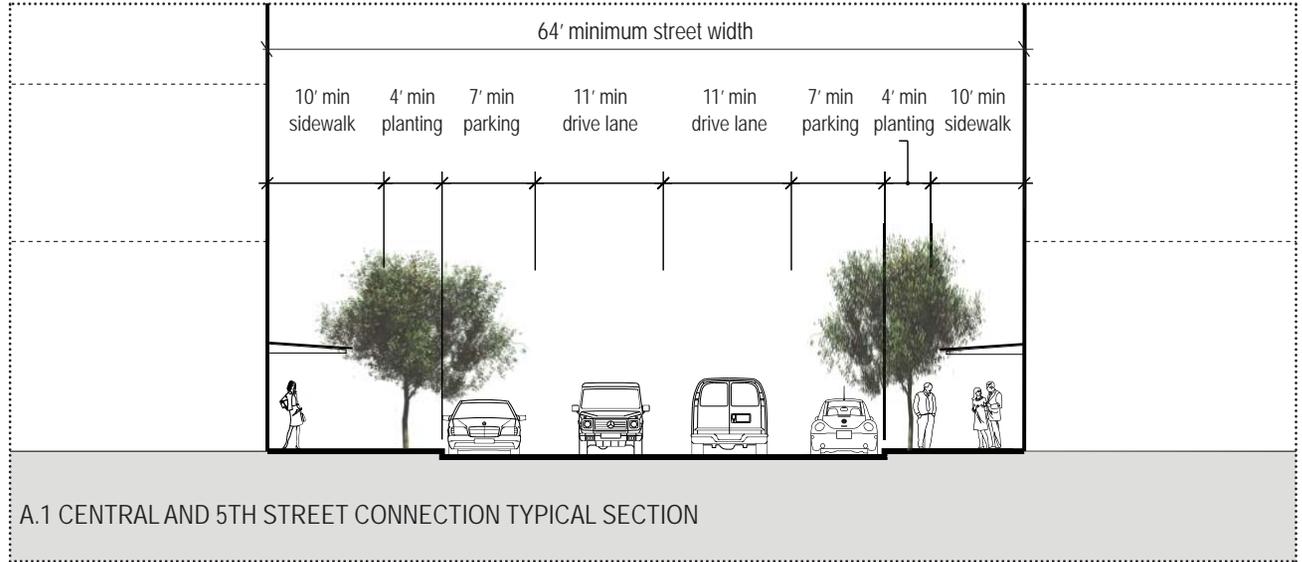
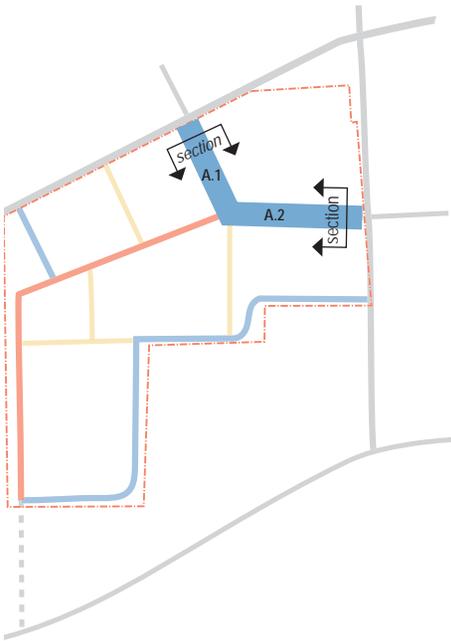


11. STREET CLASSIFICATION

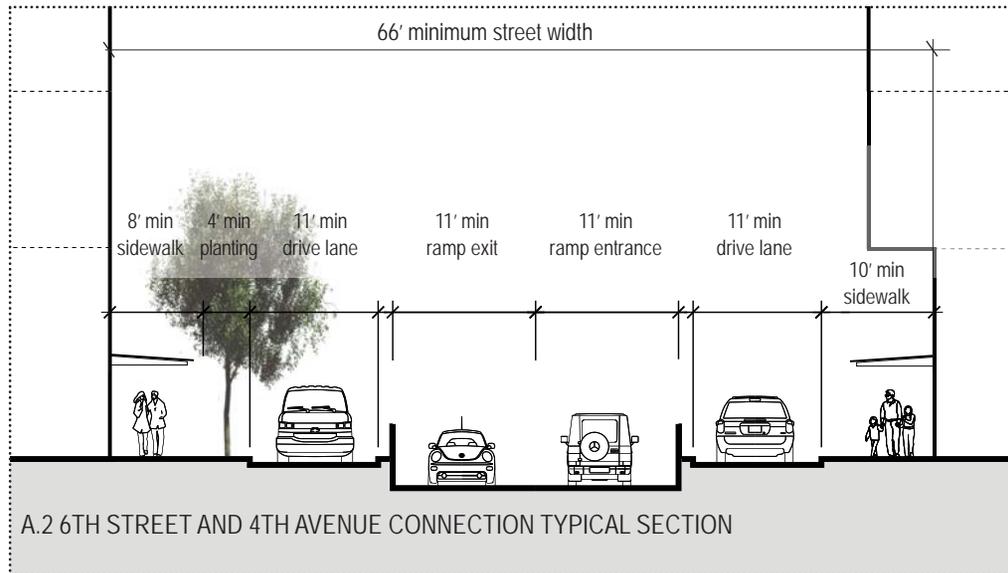
Access Streets

- A.1 Central and 5th Street Connection
- A.2 6th Street and 4th Avenue Connection

Street classifications are meant to be typical sections of the roadway. Slight variations may be necessary to accommodate driveways, varied landscaping techniques, street furniture, structural constraints, etc.



A.1 CENTRAL AND 5TH STREET CONNECTION TYPICAL SECTION



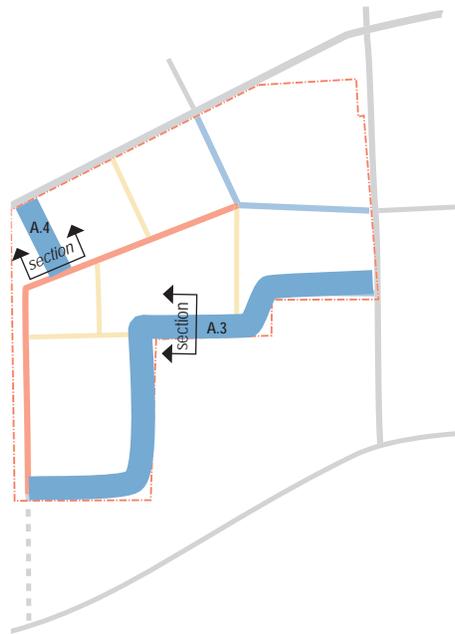
A.2 6TH STREET AND 4TH AVENUE CONNECTION TYPICAL SECTION

II. STREET CLASSIFICATION

Access Streets

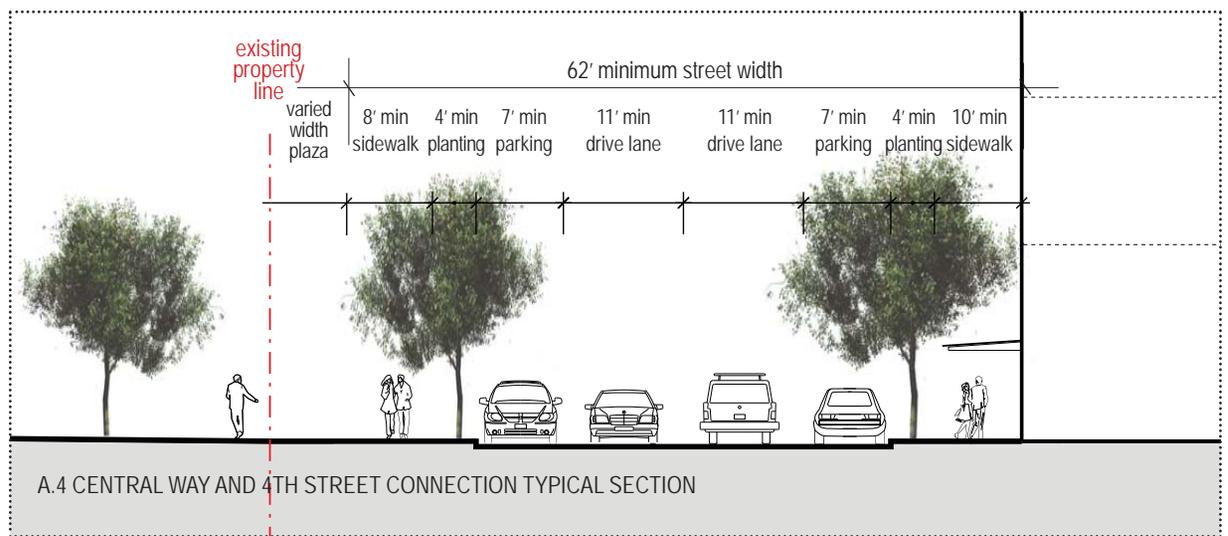
- A.3 6th Street access to service alley (minor)
- A.4 Central Way and 4th Street Connection

Street classifications are meant to be typical sections of the roadway. Slight variations may be necessary to accommodate driveways, varied landscaping techniques, street furniture, structural constraints, etc.



* a landscape or architectural screen should be incorporated along south east property line to buffer property from the adjacent the residential use, (see design guideline on page 27 for exact location).

** an 8' pedestrian path is required along the established pedestrian connections on the southeast portion of the street.

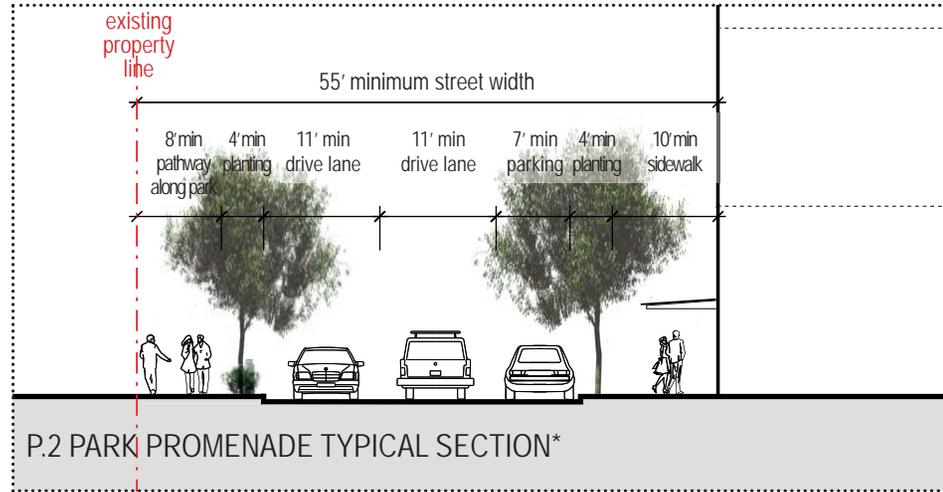
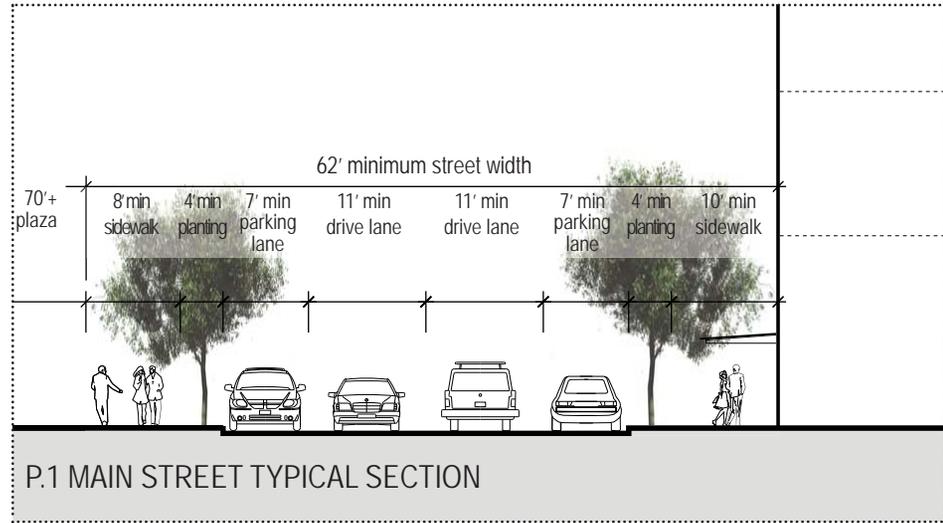
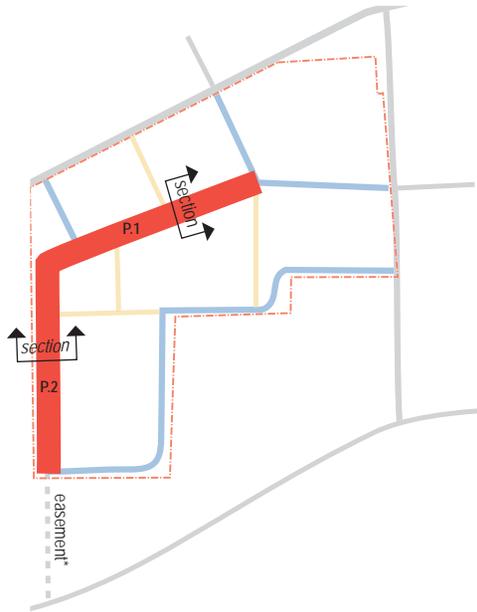


11. STREET CLASSIFICATION

Pedestrian Streets

- P.1 Main Street
- P.2 Park Promenade

Street classifications are meant to be typical sections of the roadway. Slight variations may be necessary to accommodate driveways, varied landscaping techniques, street furniture, structural constraints, etc.



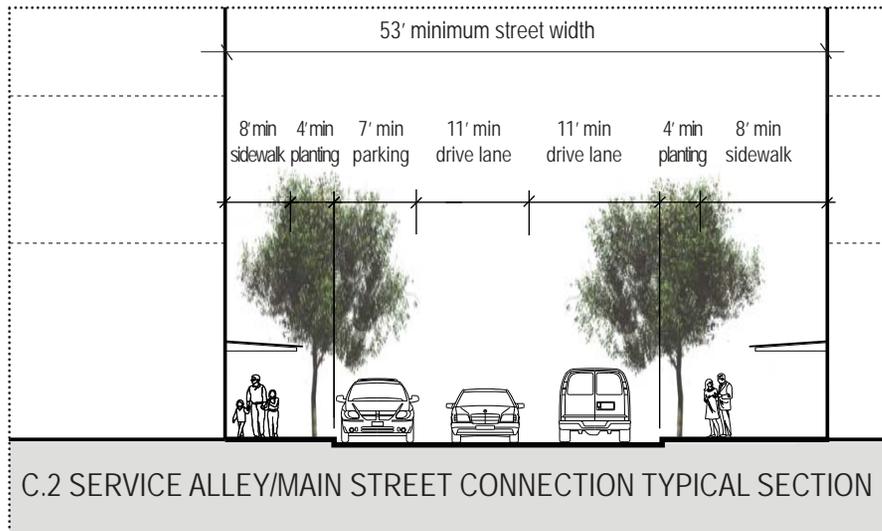
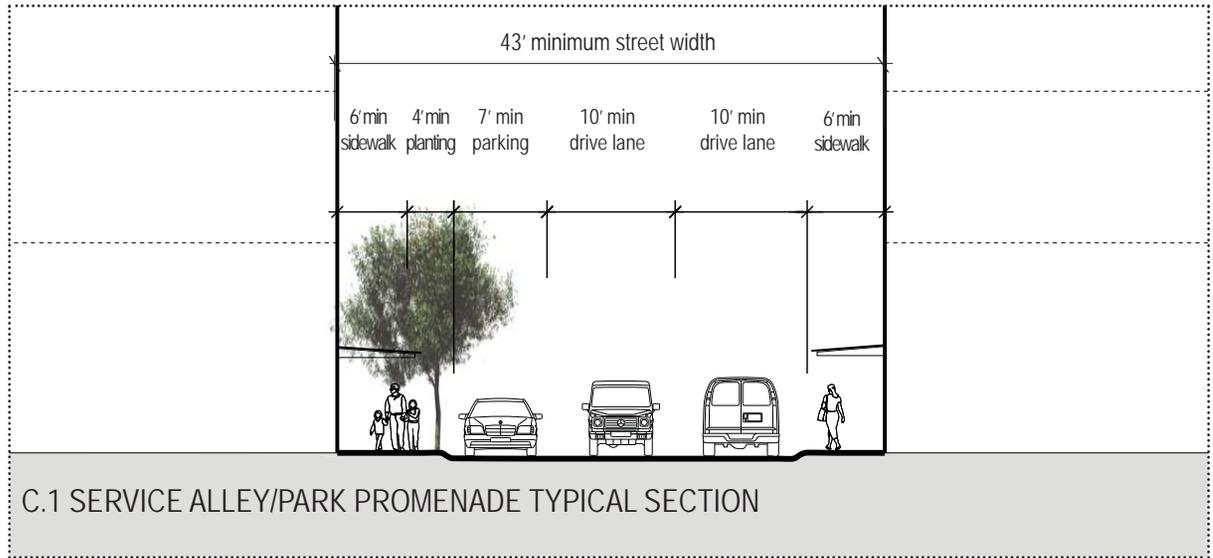
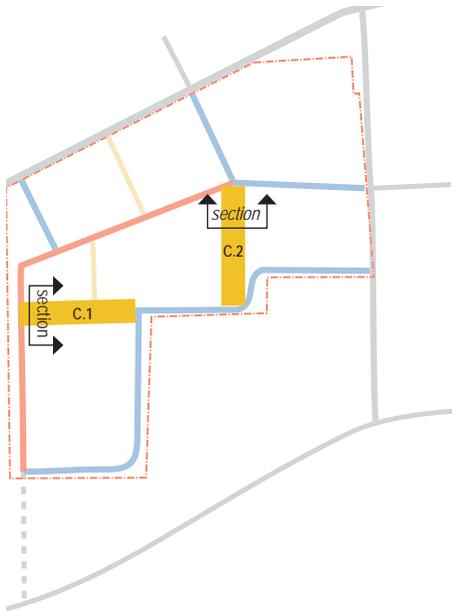
* The existing easement to the south shall include a pedestrian sidewalk connecting the Park Promenade with Kirkland Way.

II. STREET CLASSIFICATION

Secondary Connections

- C.1 Service Alley/Park Promenade
- C.2 Service Alley /Main Street Connection

Street classifications are meant to be typical sections of the roadway. Slight variations may be necessary to accommodate driveways, varied landscaping techniques, street furniture, structural constraints, etc.

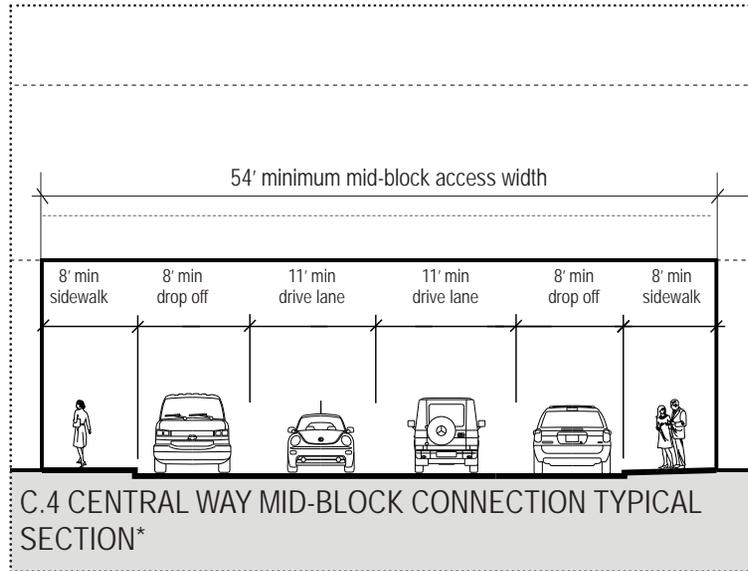
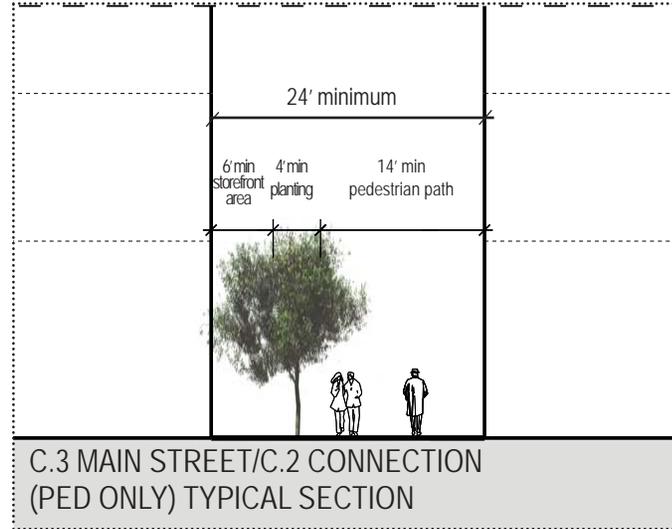
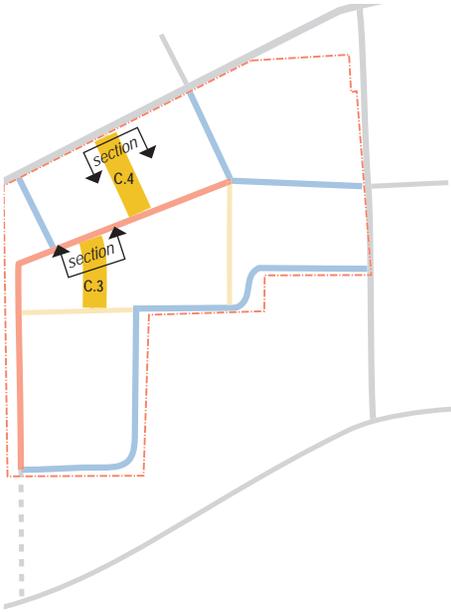


11. STREET CLASSIFICATION

Secondary Connections

- C.3 Main Street/C.2 Connection (ped only)
- C.4 Central Way Mid-Block Connection

Street classifications are meant to be typical sections of the roadway. Slight variations may be necessary to accommodate driveways, varied landscaping techniques, street furniture, structural constraints, etc.



* The connection to Central Way will be a right in, right out per City of Kirkland street standards CK-R.22)

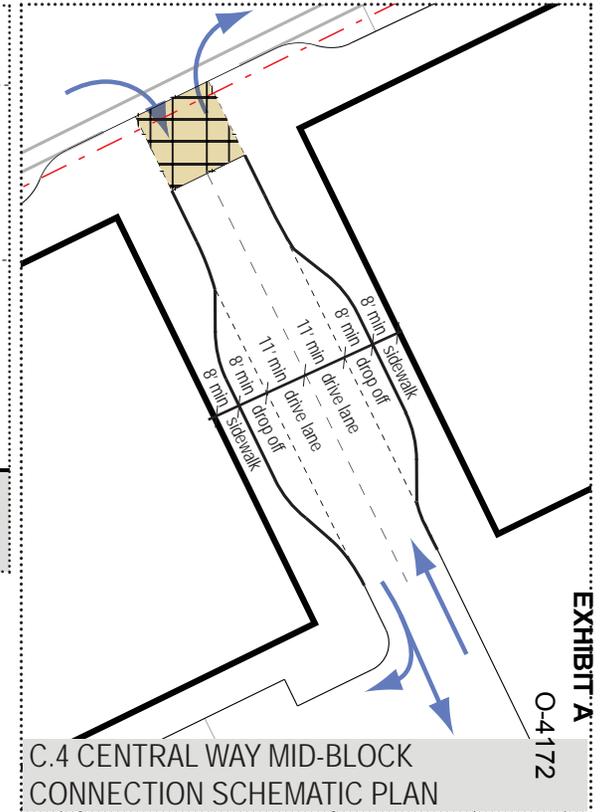


EXHIBIT A
O-4172

Overall Intent:

To create a rich pedestrian-oriented environment and successful mixed-use center.

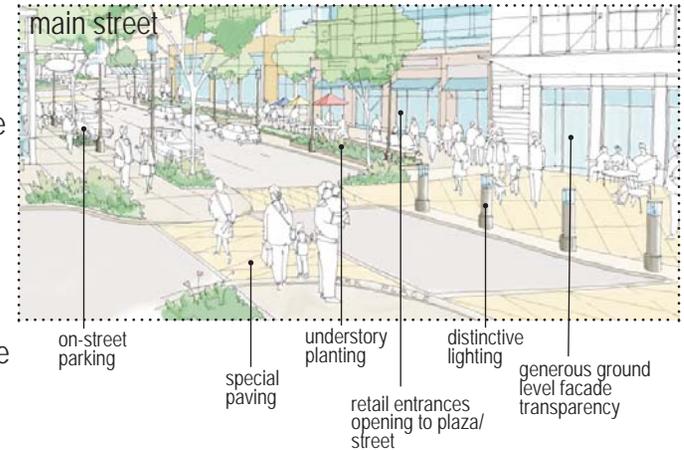
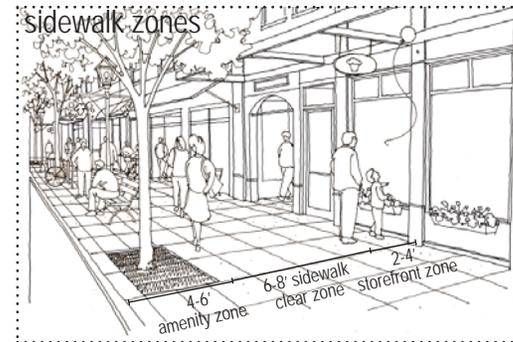
SITE PLANNING

1. Streetscape.

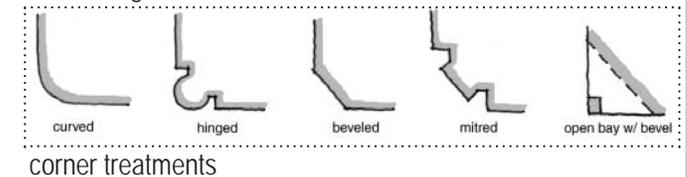
Intent: To maintain a continuous and safe streetscape with a pedestrian-friendly character.

- a. Sidewalks should maintain at least a 6-8ft clear zone for pedestrian travel.
- b. All streets should contribute to the physical safety and comfort of pedestrians. Provide both of the following where feasible to help define the sidewalk space:
 - On-street parking, (see street classifications, pgs 8-14)
 - A well-defined amenity zone set to the curb for understory planting, street trees*, and other street furniture such as benches, trash receptacles, signs
 - where restaurants are anticipated the sidewalk should be wide enough to accommodate outdoor seating.
- c. Use design elements such as separate storefronts, pedestrian-oriented signs, exterior light fixtures, awnings and overhangs to add interest and give a human dimension to street-level building facades.
- d. In general, buildings should be set as close as possible to sidewalk to establish active, lively uses. Maintain a continuous street wall, limiting gaps to those necessary to accommodate vehicular and pedestrian access.
- e. Encourage recessed main building and/or shop entrances consistent with a traditional "main street" design that is inviting and promotes streetscape continuity.
- f. The corners of buildings located at street intersections may recess to promote visibility and allow for a collection of people.
- g. Allow larger buildings to recess from the sidewalk edge to allow for entry fore-courts, provided street continuity is not interrupted along the majority of the block.

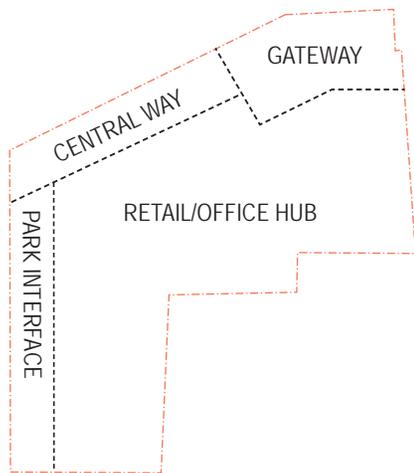
*Minor deviations for street trees and major planting spaces may be necessary in some spaces due to structural constraints.



street level faced with recessed entrances, pedestrian oriented signs, and street trees

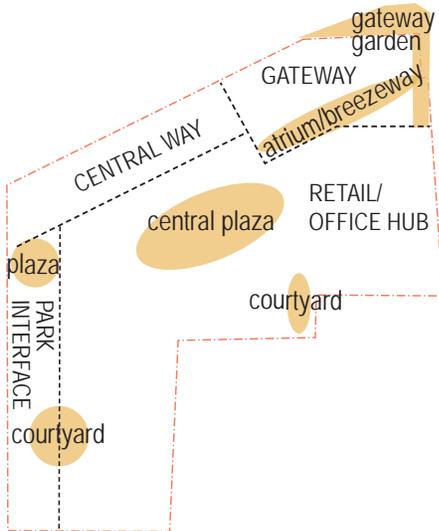


corner treatments



Overall Intent:

To create a rich pedestrian-oriented environment and successful mixed-use center.



SITE PLANNING

2. Public Spaces: Plazas, Courtyards and Seating Areas

Intent: To provide a friendly pedestrian environment by creating a variety of usable and interesting public and semi-public open spaces within private development

- a. Make plazas and courtyards comfortable for human activity and social interaction – standing, sitting, talking, eating.
- b. Define and contain outdoor spaces through a combination of building and landscape; oversized spaces that lack containment are discouraged.
- c. Establish pedestrian pathways that link public spaces to other public spaces and streets.
- d. Plazas and courtyards should include the following:
 - Planters and trees to break up space.
 - Seating, such as benches, tables, or low seating walls.
 - Special paving, such as integral colored/stained concrete, brick, or other unit pavers.
 - Specialty pedestrian scale bollards or other types of accent lighting.
 And at least one of the following:
 - Public art.
 - Water feature.
- e. Design spaces to allow for variety and individualization of temporary installations such as: lighting, banners, artwork, etc.

3. Environmental Considerations.

Consider environmental conditions such as sun, shade and prevailing winds when positioning courtyards and outdoor seating areas. Provide features and amenities to encourage and enhance pedestrian and bicycle access through out the project.



contained outdoor space with special paving, landscaping, seating and pedestrian linkages



plaza space with seating and landscaping



courtyard with seating and water features

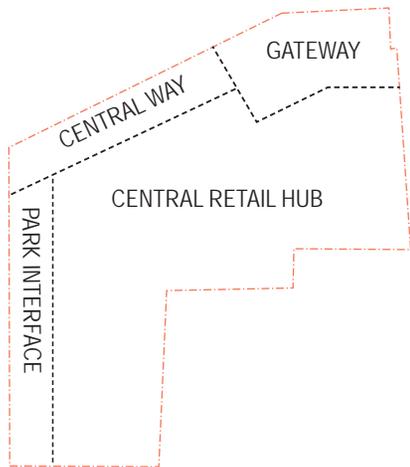


outdoor space encouraging bike and pedestrian use

EXHIBIT A

Overall Intent:

To create a rich pedestrian-oriented environment and successful mixed-use center.



SITE PLANNING

4. Pedestrian Connections and Wayfinding

Intent: To create a network of safe, attractive, and identifiable linkages for pedestrians.

- a. Clearly defined pedestrian connections shall be provided at locations specified in the Street Classification sections (pgs 8 -14).

5. Lighting

Intent: To ensure that lighting contributes to the character of the project, provides personal safety, and does not disturb adjacent developments and residences

- a. Use City-approved fixtures for street lighting along the city streets.
- b. Lighting elements throughout the project and on adjoining rights of way should be coordinated, including public open spaces, accent lighting, and streets.
- c. Accent lighting along public right of way should be soft in character and enrich the pedestrian street life.
- d. Accent lighting within the central pedestrian space should be congruous with the character of the project and the arts and pedestrian space commitments (see page 6) .
- e. Lighting should include non-glaring design solutions, such as cut off fixtures that avoid light spilling over onto other properties.
- f. Flood lighting of entire building facades is discouraged.
- g. Lighting on upper levels should be sensitive to residences and drivers.

6. Screening of Trash and Service Areas

Intent: To screen trash and service areas from public view.

- a. All service, loading and trash collection areas shall be screened by a combination of planting and architectural treatment similar to the design of the adjacent building.
- b. Avoid where ever possible locating service, loading and trash collection facilities in pedestrian-oriented areas.



passageway with retail and pedestrian-scale lighting



clear pedestrian connection alley with retail and landscaping



pedestrian-scaled lighting



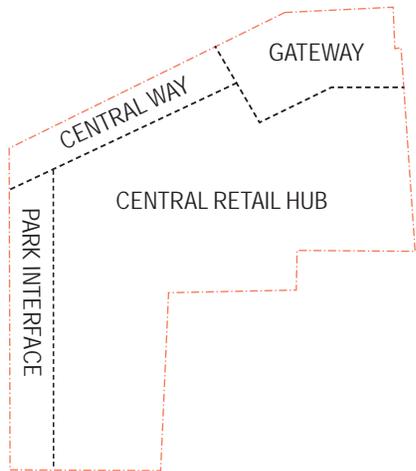
artful and expressive lighting



service screening

Overall Intent:

To create a rich pedestrian-oriented environment and successful mixed-use center.



SITE PLANNING

7. Signs: A Master Sign Plan will be created with the City that is in keeping with the following design objectives:

Intent: To create signs that are creative, engaging and effective for a variety of user groups and respond to a variety of spaces.

- a. Signage should be complementary and integrated with the unique character of the specific districts and/or buildings where they are located.
- b. Signage should be high quality and consistent with the contemporary urban/downtown character of comparable developments in similar regions.
- c. The design of buildings should identify locations, sizes and general design for future signage.
- d. The Master Sign Plan should include a hierarchy of elements based on use and function, such as:
 - site signage for entries, wayfinding, Parkplace identity
 - building signage for addressing and landmarking
 - tenant signage to encourage expressive individualization.



signage integrated with the building design



unique character of pedestrian-oriented retail signage

Overall Intent:

To create a rich pedestrian-oriented environment and successful mixed-use center.

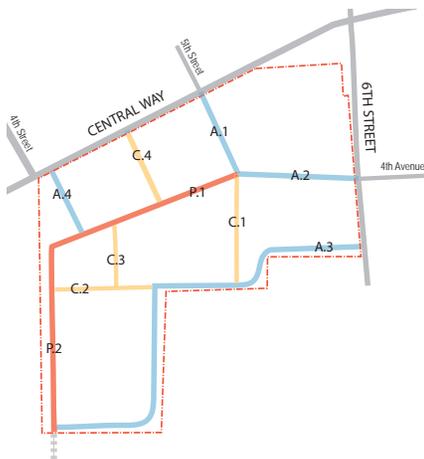
BUILDING DESIGN

1. Orientation to the Street

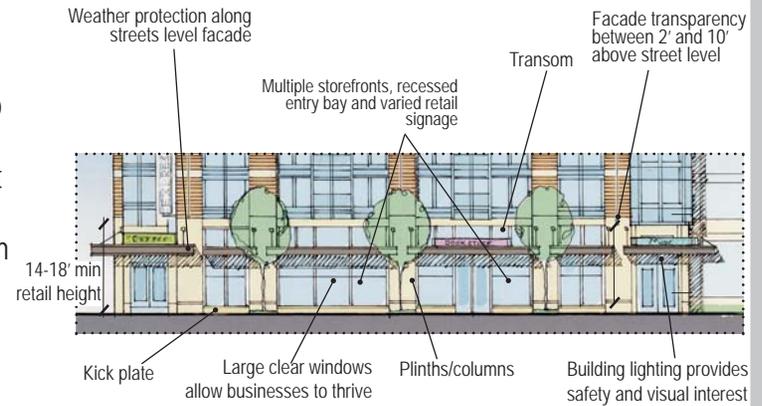
Intent: Ensure that buildings contribute to the liveliness of Parkplace's public spaces, and overall community character.

The following design treatments should apply to areas with required retail frontages, (see diagram on page 7):

- a. Streets and public spaces should be enlivened by storefronts, windows, merchandise and other activity. Buildings should be designed with frequent entrances to encourage multi-tenant occupancy and walk-in traffic.
- b. Ground level retail heights should be between 14-18 feet in height.
- c. Entrances: Principal building entry should be visible from the street and public space and marked by large entry doors, canopy/portico/overhang.
- d. Transparency: To provide a visual connection between activities, ground floor façades should provide the following minimum standards
 - windows of clear vision glass (i.e. transparent) beginning no higher than 2' above grade to at least 10' above grade
 - 60% minimum of facade length along Central Way, P.1, P.2 should provide transparency
 - 50% minimum of facade length along A.1, A.4 should provide transparency.
- e. Weather Protection: To provide pedestrians cover from weather, canopies or awnings should be:
 - a minimum of 5 feet in width unless in conflict with vehicles
 - at least 75% of facades along required retail frontages constructed of permanent, durable various materials
 - allowed to vary in design
 - encouraged to have continuity, minimizing gaps.



street level emphasis



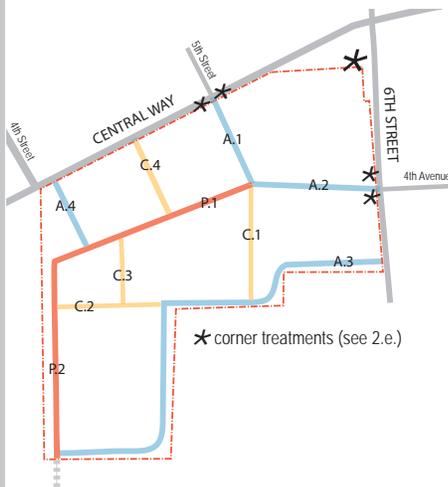
pedestrian-oriented street level facade



building design that enhances the activity on the street with multiple storefronts, and a variety of signage, awnings and merchandise displayed.

Overall Intent:

To create a rich pedestrian-oriented environment and successful mixed-use center.



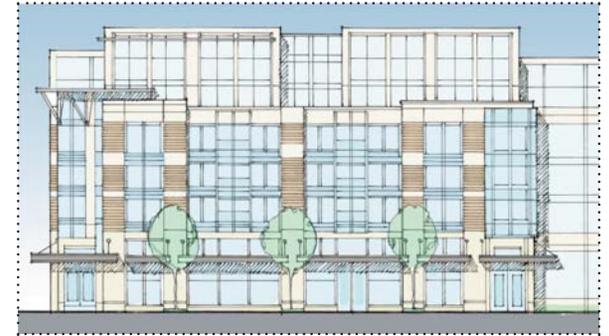
FINAL

BUILDING DESIGN

2. Massing/Articulation

Intent: To create a variety of form and massing through articulation and use of materials to maintain a pedestrian scale.

- a. In general, break down the scale and massing of buildings into smaller and varied volumes.
- b. Buildings should distinguish a “base” using articulation and materials. Include regulating lines and rhythms which may include cornice lines, belt lines, doors and windows, etc to create a pedestrian-scaled environment.
- c. Provide clear pattern of building openings. Windows, balconies and bays should unify a building’s street wall and add considerably to a façade’s three-dimensional quality.
- d. The use of ribbon windows and extensive use of mirrored glass is discouraged.
- e. Employ major architectural expressions into the façade, roof form, massing and orientation, such as tower forms, over-sized windows and entrances to demarcate important gateways and intersections; strong corner massing can function as a visual anchor at key locations within the project area. See diagram (left) for encouraged key locations.
- f. Building modulation should be employed to break up long facades and create a visual interest unique to each building in the project. The type of modulation should be determined by the overall design concept of each building, using dimensions from window sizes, column spacing, rain screen paneling, etc to a determine a distinct design solution.
- g. Roof Silhouettes:
 - Express roofs in varied ways.
 - Give consideration to potential views of the roof top from adjacent buildings.
 - Avoid monotonous design
- h. Rooftop Equipment. Locate and/or screen rooftop equipment so that it is not visible from streets and other public spaces. Use methods of rooftop screening that are integral to the building’s form.



window patterns, articulation, building modulation



window patterns, articulation



architectural expression



corner treatments



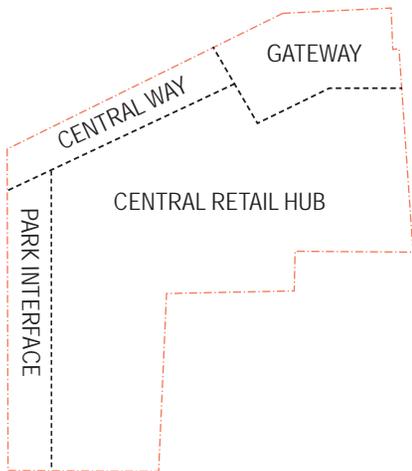
roof forms



EXHIBIT A
04172

Overall Intent:

To create a rich pedestrian-oriented environment and successful mixed-use center.



BUILDING DESIGN

3. Blank Wall Treatments

Intent: To reduce the visual impact of blank walls by providing visual interest.

- a. Although blank walls are generally not encouraged along public streets and pedestrian spaces, there may be a few occasions in which they are necessary for functional purposes. Any blank walls in these locations that are longer than 20 feet should incorporate two or more of the following:
 - Vegetation, such as trees, shrubs, ground cover and or vines adjacent to the wall surface.
 - Artwork, such as bas-relief sculpture, murals, or trellis structures.
 - Seating area with special paving and planting.
 - Architectural detailing, reveals, contrasting materials or other special visual interest.

4. Encourage High-Quality Design

Intent: To ensure that all buildings in the project area are constructed as a quality addition to the Kirkland Community.

- a. Exterior architectural design and building materials should exhibit permanence and quality appropriate to an urban setting.

5. Building Diversity

Intent: To ensure that buildings in the project are distinct and respond to the unique character of their specific district.

- a. Buildings should be designed to integrate with each other, while demonstrating architectural diversity. Buildings should be responsive to each specific district and its site conditions.
- b. Materials should be selected to integrate with each other, while allowing a richness of architectural diversity.
- c. Windows should incorporate variation in patterning between buildings.



columns, trellis, art and varied materials offer visual appeal on blank walls



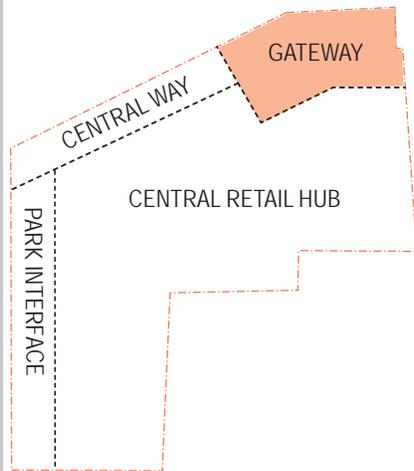
a green wall can soften an otherwise unwelcoming street level facade



buildings using high quality materials at the street level

INTENT:

To create a welcoming feature to the Parkplace development and downtown Kirkland. This area should create an inviting entryway that is representative of the community through the use of art, landscape and architecture.



SITE PLANNING

1. Incorporation of Triangular Lot “Gateway Garden”

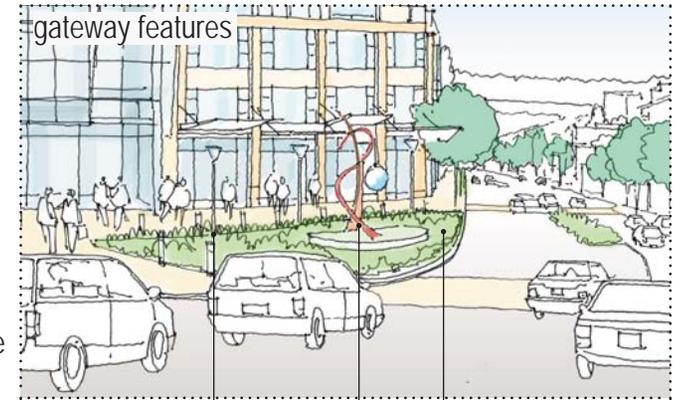
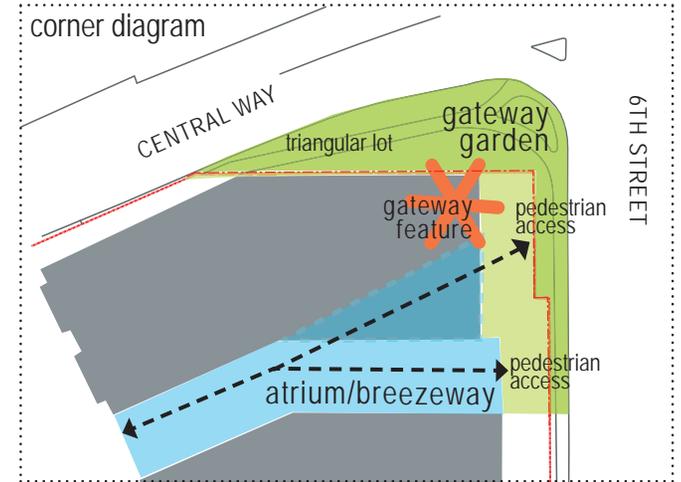
Incorporate the northeast triangular lot (excess right-of-way) into the project design to create a distinct gateway entrance that is integrated with the Parkplace development. Include:

- a. **Public Access:** Public access into the site should be visible and accessible from the corner of 6th Street and Central Way.
- b. **Hardscape / Vegetation:** Paving and landscaping materials should identify pedestrian spaces and access.
- c. **Trees and Other Planting:** Landscaping should be of appropriate scale and species to make a significant gateway gesture. Trees should be selected to provide visibility of businesses, and maintained to encourage proper growth and height.
- d. **Signage (downtown entry):** Incorporate wayfinding signage directing visitors to: Downtown, Peter Kirk Park, Waterfront/Marina, City Hall, and Civic District.

2. Public Space Connecting to Triangular Lot

Design of additional public space should be integrated with the triangular lot to provide a congruous pedestrian environment.

- a. **Public Access:** Connect pedestrian access to the gateway garden, adjacent streets and public open spaces.
- b. **Hardscape / Vegetation:** Paving and landscaping materials should identify pedestrian spaces and access.
- c. **Seating:** Incorporate seating along pedestrian pathways and gathering spaces.
- d. **Artwork:** Incorporate public art in an appropriate scale to distinguish the significance of this corner.



lighting public art unique landscaping



a gateway building and public open space can together shape a welcoming gathering space at this important corner

EXHIBIT A
0-4
2

INTENT:

To create a welcoming feature to the Parkplace development and the City. This area should create an inviting entryway that is representative of the community through the use of art, landscape and architecture.

SITE PLANNING

4. Atrium/Breezeway Space

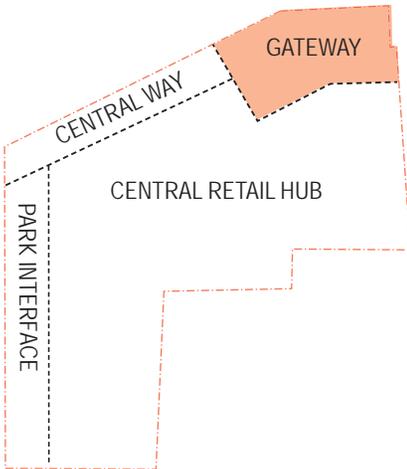
Create a pedestrian connection, visually open, from the corner of 6th and Central into the heart of the project, (see standards on page 7). The atrium/breezeway space will include the following:

- a. Covered walkway
- b. Public connection from 6th to central plaza open during regular operating hours
- c. Pedestrian lighting
- d. Seating

and may consider including:

- e. Enclosed public space
- f. Retail / restaurant uses
- g. Covered play /activity space.

5. Buildings should be separated from or differentiated from each other at this corner so that they are not perceived as one building.



possible atrium/breezeway treatments:



galleria accessing restaurants and landscaped public seating areas



open air lattice covered atrium with outdoor cafe seating



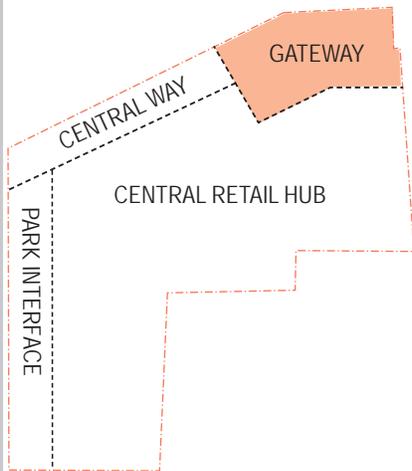
breezeway between buildings



conceptual rendering of corner buildings on 6th and Central showing ground level setbacks and change of expression for upper levels

INTENT:

To create a welcoming feature to the Parkplace development and the City. This area should create an inviting entryway that is representative of the community through the use of art, landscape and architecture.



BUILDING DESIGN

1. Ground Level Treatment

- a. **Setbacks from Streets** - The ground floor levels of the corner building should be permitted to set back to allow for cut away view and obvious pedestrian connection into the site.
- b. **Retail / Restaurant Uses** - Design for retail and restaurant uses along ground floor of the corner building.
- c. **Details Visible at Different Movement Speeds** - Incorporate details in the building along the corner that bring visual interest at the pedestrian level, as well as for vehicular traffic entering Kirkland.

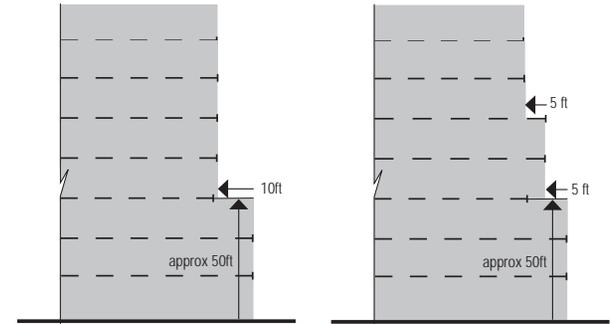
2. Upper Levels

- a. **Change of Expression: Material Choices** A clear visual division between upper and lower floors should be incorporated through a change in materials, colors, and forms.
- b. **Step backs:** A modulated step back should be incorporated after the third level (approximately 50') on building facade along Central Way. This step back can vary in depths from 0-10 feet, so long the upper levels of building appear to be receding from the base. Step backs are measured from the exposed face of the building above grade, not from any property line.
- c. **Top Floor / Roof Edge** - Should have a distinct profile against the sky through elements such as projections, overhangs, cornices, step backs, trellises, changes in material or other elements.
- d. **Accent Lighting:** The innovative use of accent lighting incorporated into the building facade is encouraged.
 - Lighting should include non-glaring design solutions, such as cut off fixtures that avoid light spilling over onto other properties.
 - Flood lighting of entire building facades is discouraged.

gateway corner approaches



conceptual rendering of corner buildings on 6th and Central showing ground level setbacks and change of expression for upper levels



possible upper level step backs



example of 10' step back modulation



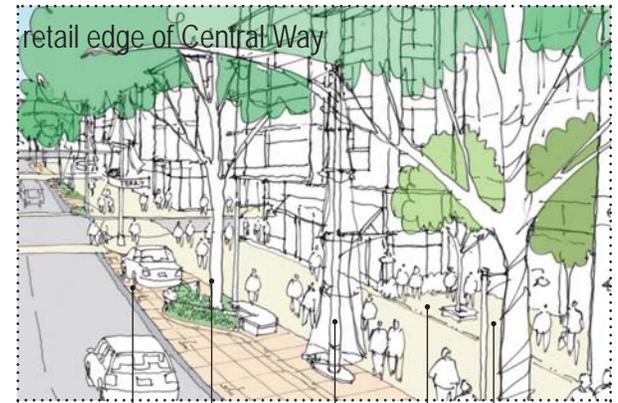
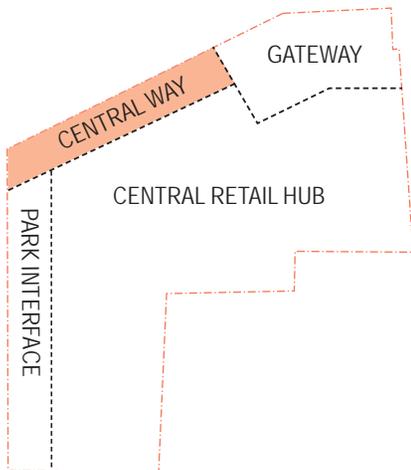
accent and pedestrian lighting

INTENT:

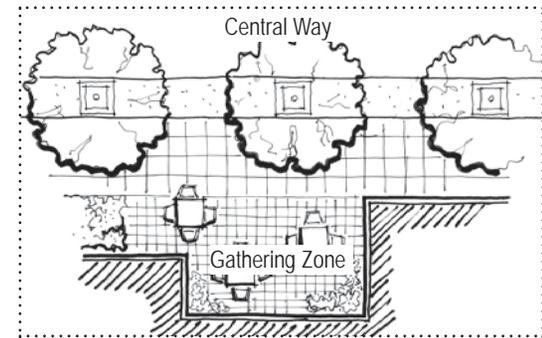
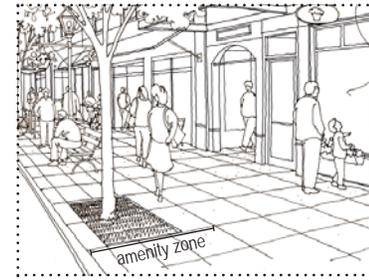
To respond to Central Way as a major arterial that links downtown Kirkland with the areas east and beyond, Parkplace must take advantage of this traffic volume and activity to help create a multi-functioning, pedestrian-scale shopping street.

SITE PLANNING

1. Encourage and activate the street edge by incorporating:
 - on-street parking along Central Way
 - buildings located up to the edge of the sidewalk
 - storefront and hotel entrances
 - generous sidewalk amenity zone (trees, lights, benches, see section on pg 9)
 - street tree selection and spacing that provide visual continuity, buffers pedestrians from the busy street, and allows visibility of retail
 - pedestrian signage.
2. Reduce the length of the street wall by pulling back portions of the building at the ground level from the street edge in key locations, provided street continuity is not interrupted.
3. The limited vehicular access to mid-block connection may be accessed from Central Way and into the interior of the project, (per C.4 section on pg 14). Pedestrian access along this route should include pedestrian-scaled lighting and a clear connection to the streetscape/plaza space on the opposite side.



on-street parking ped-scaled light vehicular-scaled light small courtyard large tree species



courtyard and gracious entry along Central Way

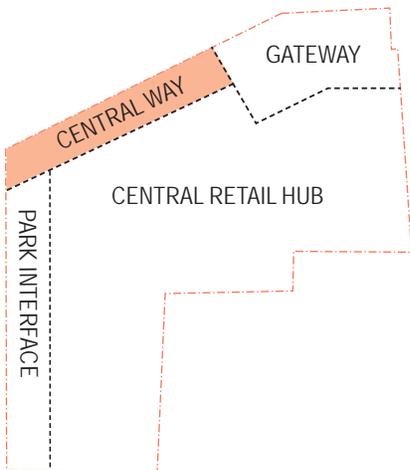


building set to sidewalk with on-street parking

FINAL

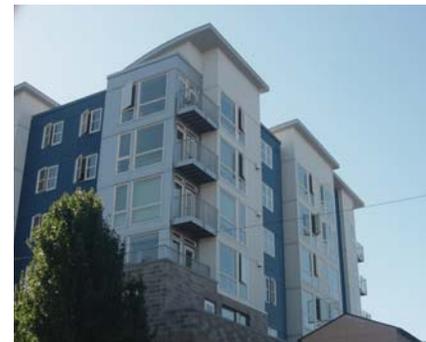
INTENT:

To respond to Central Way as a major arterial that links downtown Kirkland with the areas east and beyond, Parkplace must take advantage of this traffic volume and activity to help create a multi-functioning, pedestrian-scale shopping street.



BUILDING DESIGN

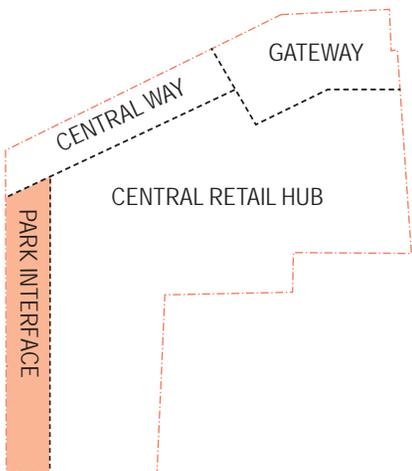
1. Reduce apparent bulk of buildings along Central Way by incorporating a 20 foot upper level step back after the third (3rd) story along the majority of the facade. However in places, step backs can vary in depths from 0-20 feet, so long as the overall upper levels of building appear to be receding from the base. Step backs are measured from the exposed face of the building above grade, not from any property line.
2. Facades that are stepped back should be distinguished by a change in elements such as window design, railings, trellises, details, materials and/or color so that the result is a richly organized combination of features that face the street.
3. Balconies, terraces and landscaping features are encouraged in upper level step backs.



examples of varied step backs

INTENT:

To create a strong connection from the park and downtown core that allows for clear pedestrian flow to and into the site by incorporating engaging building frontages and other design treatments.

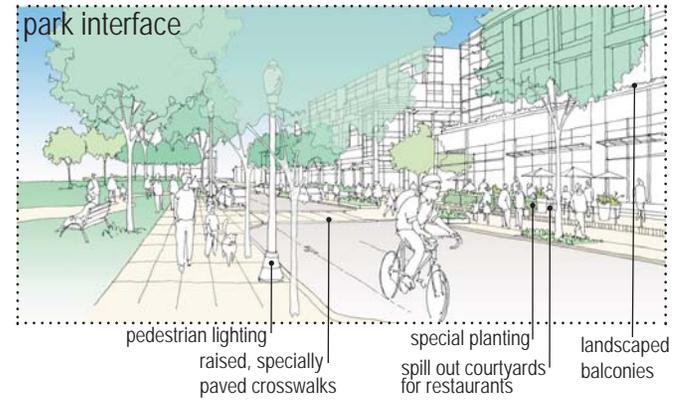


SITE PLANNING

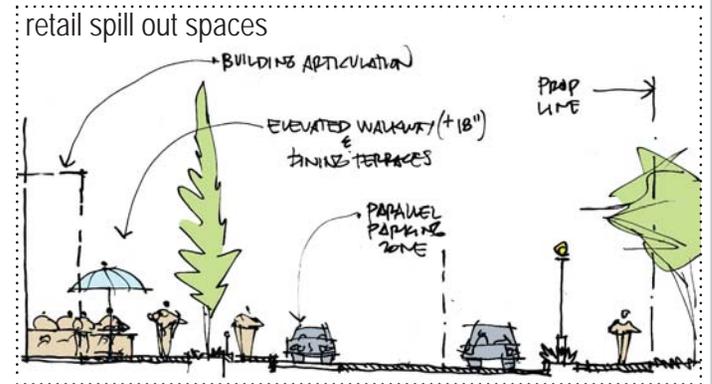
1. Incorporate ample landscaping and distinctive lighting.
2. Incorporate raised crosswalks 20' minimum in width and special paving to promote pedestrian priority along the promenade (see street section on page 12)
3. Encourage retail spill out spaces and landscaped courtyards along the building edge. Bring the "indoor" out and the "outdoor" in by spilling retail spaces onto the sidewalk and creating small gathering spaces along building edges.
4. Create a visual barrier for drivers between the drive lane and pedestrian walkway along the Peter Kirk Park edge using one or more elements such as: plantings, bollards, small seating walls, stone artwork, etc. (see section on page 12).

BUILDING DESIGN

1. Buildings shall address park and promenade street by incorporating:
 - terraces and balconies
 - entrances to retail along promenade
 - greater transparency at ground floor
 - street front courtyards
 - retail spill-out spaces.
2. Where feasible, provide rooftop terraces on lower roof levels as gathering spaces that include such amenities as:
 - seating
 - landscaping
 - canopies or coverings for weather protection
 - public access open during regular operating hours.



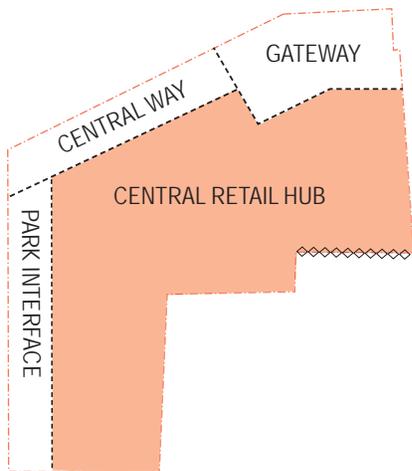
buildings addressing promenade and providing street fronting courtyards



13.1 CENTRAL RETAIL HUB

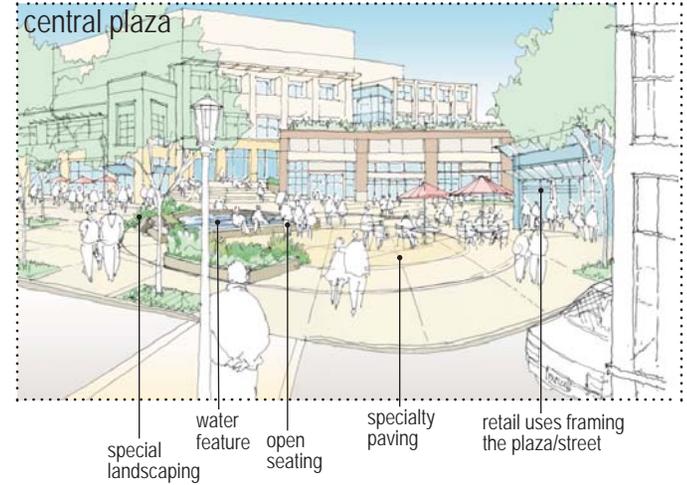
INTENT:

To establish a vibrant Central Retail Hub with activated public space and retail/window shopping experience with mix of uses overlooking a common central plaza.



SITE PLANNING

1. The central plaza space (see pedestrian space standards, pg 7) should be a significant gathering and activity space by incorporating the following:
 - special paving
 - water feature
 - special landscaping
 - seating- covered and open
 - distinct lighting
 - access to sunlight
 - accommodations for concerts/performances
2. The plaza space should be supported as an important activity space by being surrounded by active public-oriented amenities such as ground floor retail, restaurants and cafes.
3. Locate plaza at or near street grade to promote physical and visual connection to the street and adjacent buildings and their entrances.
4. Design outdoor space with safety in mind; public plazas should promote visibility from the street and provide architecturally compatible lighting to enhance night time security.
5. A 10 foot permanent landscaped edge along the southeast property line adjacent to residential uses should be incorporated within the street design, (see section on page 11 and diagram to the left as shown: ◊◊◊◊◊).
6. This district should also consider providing:
 - small retail pavilion
 - children's interactive feature.



large plaza space with distinctive lighting and interactive water feature



plaza space with special paving and seating and small retail pavilion

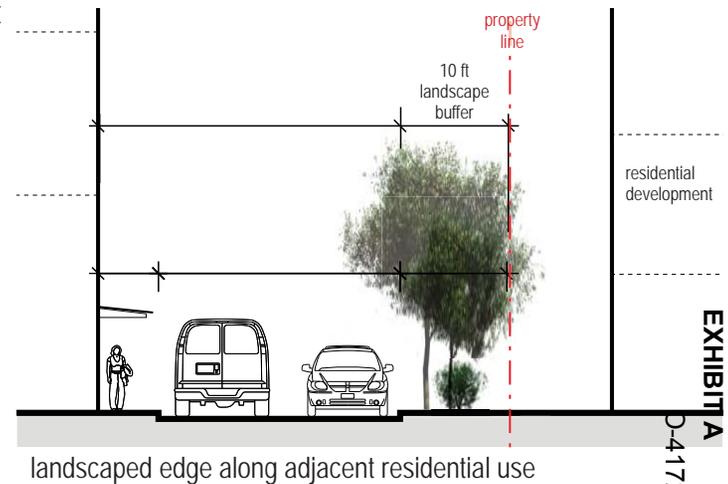


EXHIBIT A
D-4172

INTENT:

To establish a vibrant Central Retail Hub with activated public space and retail/window shopping experience with a mix of uses overlooking a common central plaza.

BUILDING DESIGN

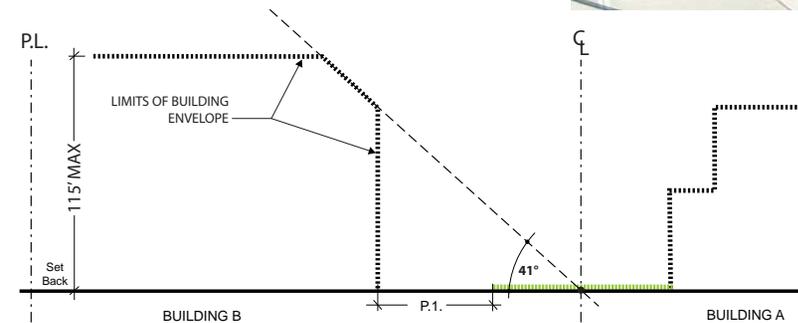
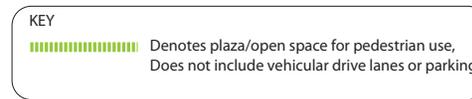
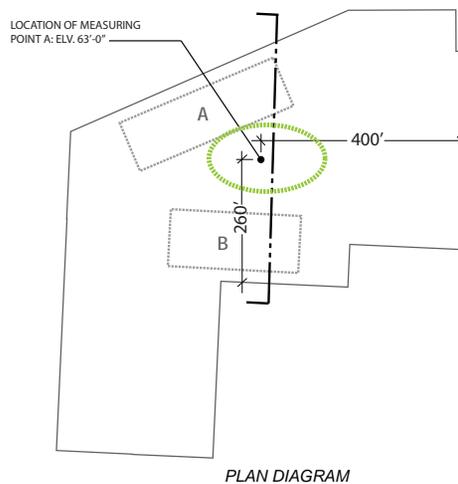
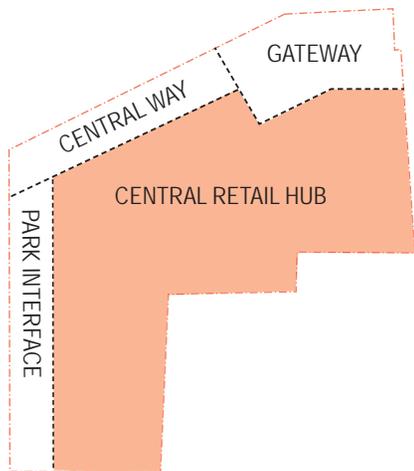
1. Lower level facades with predominantly retail uses should locate entrances at the sidewalk or edge of public space to frame pedestrian spaces in key locations.
2. Where feasible, provide rooftop terraces on lower roof levels as gathering spaces that include such amenities as:
 - seating
 - landscaping
 - canopies or coverings for weather protection
 - public access open during regular operating hours.
3. In order to maximize the amount of sunlight in the central plaza, building B as depicted in the diagram below should be contained under a line at a 41 degree angle measured from the center of the plaza, per diagrams below.



publicly accessible roof top terrace



retail uses framing pedestrian courtyards and patios



SCHEMATIC SECTION LOOKING WEST

PUBLICATION SUMMARY
OF ORDINANCE NO. 4172

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO PLANNING AND LAND USE AND AMENDING TITLE 3 OF THE KIRKLAND MUNICIPAL CODE, CHAPTER 3.30 DESIGN REVIEW BOARD, TO INCLUDE "KIRKLAND PARKPLACE MIXED USE DEVELOPMENT MASTER PLAN AND DESIGN GUIDELINES," AND APPROVING A SUMMARY FOR PUBLICATION, FILE NO ZON07-00016.

SECTION 1. Amends the following specific portions of the Municipal Code:

Section 3.30.040. Design guidelines adopted by reference.

SECTION 2. Provides a severability clause for the ordinance.

SECTION 3. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Kirkland Municipal Code 1.08.017 and establishes the effective date as five days after publication of summary.

SECTION 4. Establishes certification by City Clerk and notification of King County Department of Assessments.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the ____ day of _____, 2008.

I certify that the foregoing is a summary of Ordinance _____ approved by the Kirkland City Council for summary publication.

City Clerk

ORDINANCE NO. 4173

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO COMPREHENSIVE PLANNING AND LAND USE AND AMENDING THE COMPREHENSIVE PLAN, ORDINANCE 3481 AS AMENDED, TO IMPLEMENT CHANGES TO THE PLANNED AREA 5 SECTION OF THE MOSS BAY NEIGHBORHOOD PLAN, AND THE MOSS BAY NEIGHBORHOOD LAND USE MAP, AND APPROVING A SUMMARY FOR PUBLICATION, FILE NO ZON07-00019.

WHEREAS, the City Council has received a recommendation from the Kirkland Planning Commission to amend certain portions of the Comprehensive Plan for the City, Ordinance 3481 as amended, all as set forth in that certain report and recommendation of the Planning Commission dated November 20, 2008 and bearing Kirkland Department of Planning and Community Development File No. ZON07-00019; and

WHEREAS, prior to making said recommendation the Planning Commission, following notice thereof as required by RCW 35A.63.070, held public hearings on April 24, 2008, June 12, 2008, and October 22, 2008 on the amendment proposals and considered the comments received at said hearings; and

WHEREAS, pursuant to the State Environmental Policy Act (SEPA), there has accompanied the legislative proposal and recommendation through the entire consideration process, a Planned Action Environmental Impact Statement. The Draft of which was issued on April 4, 2008 and the Final of which was issued on October 16, 2008 by the responsible official pursuant to WAC 197-11-400 through 197-11 560; and

WHEREAS, in regular public meeting the City Council considered the environmental documents received from the responsible official, together with the report and recommendation of the Planning Commission; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Kirkland as follows:

Section 1. Comprehensive Plan Text, Tables, and Graphics amended: The following specific portions of the text of the Comprehensive Plan, Ordinance 3481 as amended, be and they hereby are amended to read as follows:

- A. Section XV.D. Moss Bay Neighborhood Plan:
Amendments to Figure C-2: Moss Bay Area Land Use as set forth in **Exhibit A** attached to this ordinance and incorporated by reference.
- B. Section XV.D. Moss Bay Neighborhood Plan:
Amendments to 4. Perimeter Areas: C. Planned Area 5 as set forth in **Exhibit B** attached to this ordinance and incorporated by reference.

Section 2. If any section, subsection, sentence, clause, phrase, part or portion of this ordinance, including those parts adopted by reference, is

for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. This ordinance shall be in full force and effect five days from and after its passage by the 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 4. A complete copy of this ordinance shall be certified by the City Clerk, who shall then forward the certified copy to the King County Department of Assessments.

Passed by majority vote of the Kirkland City Council in open meeting this _____ day of _____, 2008.

SIGNED IN AUTHENTICATION THEREOF this _____ day of _____, 2008.

Mayor

Attest:

City Clerk

Approved as to Form:

City Attorney

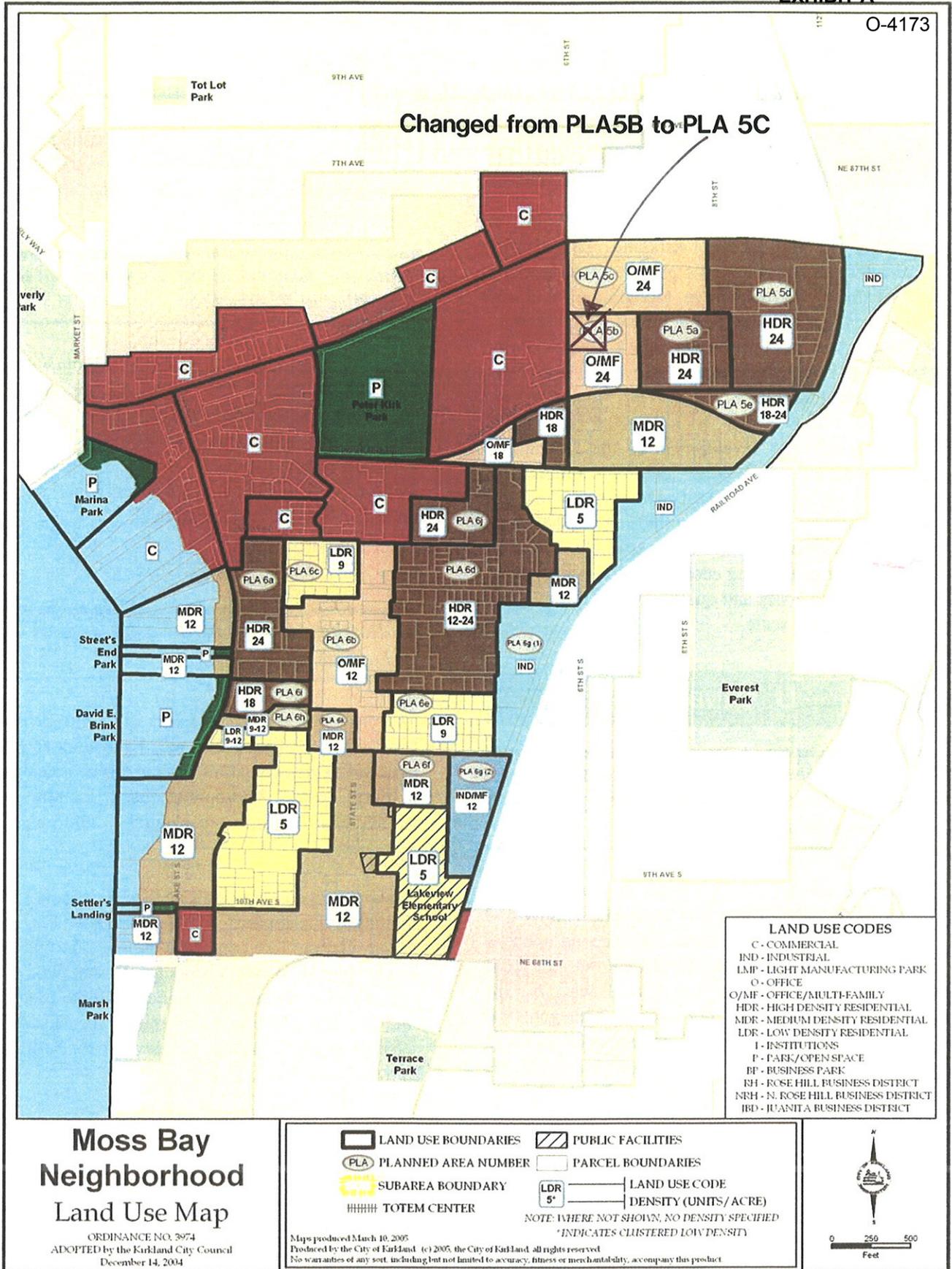


Figure C-2: Moss Bay Area Land Use

C. PLANNED AREA 5

High-density residential and office uses permitted in Planned Area 5.

The eastern portion of the Central Neighborhood has been designated as Planned Area 5. Due to topographic conditions and circulation patterns, land in Planned Area 5 is relatively secluded. The area has been designated for high-density residential and office uses because of the ability to buffer such high-density development from other uses in the area. The area is developed primarily in high-density residential development while limited office uses exist in the northeastern portion of the area. ~~In addition, a number of single-family homes as well as several parcels of vacant land remain in the area.~~ This planned area is divided into five subareas, based on the unique conditions for development within each area.

Central A Subarea

The Central A subarea of PLA 5 should be permitted to develop with high-density residential uses (up to 24 dwellings/acre). ~~Several single-family homes remain in the area, however, and should be protected from incompatible high density development. Adjacent to single family residential development, high density structures should be set back and limited in height and horizontal dimension.~~

West B Subarea

The southern portion of Subarea B is adjacent to 6th Street and the entire subarea is south of 4th Avenue. Subarea B is heavily impacted by traffic, as well as existing and future commercial uses and offices to the west. The noise and traffic make this area inappropriate for single-family use, while its ease of access and proximity to the Downtown makes it appropriate for both offices and multifamily uses at a density of up to 24 dwelling units per acre. New development in this subarea should minimize access points directly onto 6th Street. Access for offices, however, should be provided exclusively from 6th Street or 4th Avenue and precluded from Kirkland Way. Structures should be limited to three stories in height. ~~Greater height limitation, large setbacks, and limitation on horizontal dimensions should be required adjacent to single-family dwellings in Subarea A.~~

North C Subarea

Subarea C, located north of Subareas B and A, contains **office development and** the U.S. Post Office facility serving Greater Kirkland. Remaining land should develop as professional office or multifamily residential at a density of up to 24 dwelling units per acre. Structures up to five or six stories in height are appropriate here **for developments containing at least one acre.** ~~as t~~The adjacent steep hillside limits potential view obstruction from tall buildings. At the same time, taller than normal structures could themselves take advantage of views to the west while maintaining greater open area on site and enhancing the greenbelt spine. ~~Greater height limitation, large setbacks, and limitation of horizontal dimensions should be required adjacent to single family dwellings in Subarea A.~~

East D Subarea

The easternmost third of PLA 5 is identified as Subarea D. This area has developed in high-density multifamily uses in recent years. Remaining developable land is limited to one parcel in the southeast portion of the subarea. Future development should be multifamily residential at a density of up to 24 dwelling units per acre. However, to minimize impacts of future development or redevelopment on remaining single-family dwellings in Subarea A, height limitations, large setbacks, and limitation of horizontal dimensions should be required where this development is adjacent to single-family homes.

South E Subarea

The most southerly subarea is the smallest and is somewhat isolated from the other subareas. Lying between 2nd Avenue and Kirkland Way, this area could develop with high-density multifamily residential (up to 24 units per acre). Due to sight distance problems on Kirkland Way, access to and from this area should be restricted to 2nd Avenue.

PUBLICATION SUMMARY
OF ORDINANCE NO. 4173

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO COMPREHENSIVE PLANNING AND LAND USE AND AMENDING THE COMPREHENSIVE PLAN, ORDINANCE 3481 AS AMENDED, TO IMPLEMENT CHANGES TO THE PLANNED AREA 5 SECTION OF THE MOSS BAY NEIGHBORHOOD PLAN, AND THE MOSS BAY NEIGHBORHOOD LAND USE MAP, AND APPROVING A SUMMARY FOR PUBLICATION, FILE NO ZON07-00019.

SECTION 1. Amends the following specific portions of the Kirkland Comprehensive Plan:

- A. Amendments to Figure C-2: Moss Bay Area Land Use,
- B. Amendments to Perimeter Areas: C. Planned Area 5 in the Moss Bay Neighborhood Plan section.

SECTION 2. Provides a severability clause for the ordinance.

SECTION 3. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Kirkland Municipal Code 1.08.017 and establishes the effective date as five days after publication of summary.

SECTION 4. Establishes certification by City Clerk and notification of King County Department of Assessments.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the ____ day of _____, 2008.

I certify that the foregoing is a summary of Ordinance _____ approved by the Kirkland City Council for summary publication.

City Clerk

ORDINANCE NO. 4174

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO COMPREHENSIVE PLANNING AND LAND USE AND AMENDING THE KIRKLAND ZONING CODE (TITLE 23 OF THE KIRKLAND MUNICIPAL CODE) CHAPTER 92. DESIGN REGULATIONS, AND A USE ZONE CHART IN CHAPTER 60 AND THE KIRKLAND ZONING MAP, ORDINANCE 3710 AS AMENDED, AND APPROVING A SUMMARY FOR PUBLICATION, FILE NO ZON07-00019.

WHEREAS, the City Council has received a recommendation from the Kirkland Planning Commission to amend certain portions of the Kirkland Zoning Code (Title 23 of the Kirkland Municipal Code), all as set forth in that certain report and recommendation of the Planning Commission dated November 20, 2008, and bearing Kirkland Department of Planning and Community Development File No. ZON07-00019; and

WHEREAS, prior to making said recommendation the Planning Commission, following notice thereof as required by RCW 35A.63.070, held public hearings on April 24, 2008, June 12, 2008, and October 22, 2008 on the amendment proposals and considered the comments received at said hearings; and

WHEREAS, pursuant to the State Environmental Policy Act (SEPA), there has accompanied the legislative proposal and recommendation through the entire consideration process, a Planned Action Environmental Impact Statement. The Draft of which was issued on April 4, 2008 and the Final of which was issued on October 16, 2008 by the responsible official pursuant to WAC 197-11-400 through 197-11-560; and

WHEREAS, in regular public meeting the City Council considered the environmental documents received from the responsible official, together with the report and recommendation of the Planning Commission; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Kirkland as follows:

Section 1. Zoning Text amended: The following specified sections of the text of the Kirkland Zoning Code (Title 23 of the Kirkland Municipal Code) are amended as follows:

- A. Chapter 60. Planned Area 5 Zones:
Amendments to PLA 5C use zone chart as set forth in **Exhibit A** attached to this ordinance and incorporated by reference.
- B. Chapter 92. Design Regulations:

Section 92.05. Introduction, 1. General add PLA 5C as set forth in **Exhibit B** attached to this ordinance and incorporated by reference.

Section 2. Zoning Map amended: The following specified zones of Ordinance 3710 as amended, the Kirkland Zoning Map, are amended as set forth in **Exhibit C**, which by this reference is incorporated herein.

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. 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 5. 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 _____, 2008.

SIGNED IN AUTHENTICATION THEREOF this _____ day of _____, 2008.

Mayor

Attest:

City Clerk

Approved as to Form:

City Attorney

PLA5C USE ZONE CHART

The following is excerpted from the PLA5C zone of the Zoning Code to illustrate changes related to the Altom PAR. For the complete text of the PLA5C zone, review the online version of the Code from the City's webpage. Edited portions are indicated in shaded text.

KZC 60. 39 User Guide. The charts in KZC 60.42 contain the basic zoning regulations that apply in Planned Area 5C, including subzones. 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 60.40 - GENERAL REGULATIONS

The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.
2. If any portion of a structure is adjoining a low density 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 horizontal length of any façade 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.

See KZC 115.30, Distance Between Structures/Adjacency to Institutional Use, for further details.
(Does not apply to Detached Dwelling Unit uses).
3. Any portion of a structure that exceeds 30 feet above average building elevation must be setback from the front property line one foot for each one foot that the portion of the structure exceeds 30 feet above average building elevation (does not apply to Detached Dwelling and Public Park uses).
- ~~4. The minimum setback from a lot containing a low density use within PLA 5A of any structure that exceeds 30 feet above average building elevation is twice the height of that structure as measured on the side of the structure closest to the lot containing a low density use within PLA 5A (does not apply to Detached Dwelling and Park uses).~~
5. If the subject property abuts the 4th Avenue right-of-way or the easterly extension of the alignment of that right-of-way to 10th Street, the following regulations apply:
 - a. The City may require the applicant to dedicate and improve land as shown in the Public Improvements Master Plan adopted by the City for this area. Any required yard of the subject property abutting the 4th Avenue right-of-way or the easterly extension of that right-of-way will be regulated as a front yard.
 - b. Any required yard of the subject property abutting 5th Avenue will be regulated as a rear yard.
 - c. Service and parking areas must, to the maximum extent possible, be located and oriented away from the 4th Avenue right-of-way unless primary vehicular access to

the subject property is directly from that right-of-way. (Does not apply to Public Park uses).

USE ZONE CHART

Section 60.42.020

Use: Detached, Attached or Stacked Dwelling Units

Required Review Process: If the development is south of 4th Avenue and within 180 feet east of 6th Street, then Administrative Design Review for buildings over 30' above average building elevation, Chapter 142 KZC; Otherwise, none.

Minimums:

Lot Size: 3,600 sq. ft. with at least 1,800 sq. ft. per unit.

Required Yards: Front: 20'; Side: 5' for detached units. For attached or stacked units, 5', but 2 side yards must equal at least 15'; and Rear: 10'

Maximums:

Lot Coverage: 70%.

Height of Structures:

- If the development contains at least 1 acre, then the lower of 6 stories or 60 feet above average building elevation.
- If the development is south of 4th Avenue and within 180 feet east of 6th Street, and contains at least .8 acres, then the lower of 4 stories or 52' feet above average building elevation.
- If the development is south of 4th Avenue and within 180 feet east of 6th Street, and contains at least .4 acres, then the lower of 3 stories or 40 feet above average building elevation.
- Otherwise, 30 feet above average building elevation.

Landscape Category: D

Sign Category: A

Required Parking: 1.7 per unit.

Special Regulations:

Remain unchanged.

Section 60.42.030

Use: Office Use

Required Review Process: If the development is south of 4th Avenue and within 180 feet east of 6th Street, then Administrative Design Review for buildings over 30' above average building elevation, Chapter 142 KZC; Otherwise, none.

Minimums:

Lot Size: None

Required Yards: Front: 20'; Side: 5', but 2 side yards must equal at least 15'; and Rear: 10'

Maximums:

Lot Coverage: 70%.

Height of Structures:

- If the development contains at least 1 acre, then the lower of 6 stories or 60 feet above average building elevation.
- If the development is south of 4th Avenue and within 180 feet east of 6th Street, and contains at least .8 acres, then the lower of 4 stories or 52' feet above average building elevation.
- If the development is south of 4th Avenue and within 180 feet east of 6th Street, and contains at least .4 acres, then the lower of 3 stories or 40 feet above average building elevation.
- Otherwise, 30 feet above average building elevation.

Landscape Category: C

Sign Category: D

Required Parking: If a Medical, Dental, or Veterinary office, then 1 per each 200 square feet of gross floor area. Otherwise, 1 per each 300 square feet of gross floor area.

Special Regulations:

Remain unchanged.

Section 60.42.040

Use: Development Containing Stacked or Attached Dwelling Units and Office Uses.

Required Review Process: If the development is south of 4th Avenue and within 180 feet east of 6th Street, then Administrative Design Review for buildings over 30' above average building elevation, Chapter 142 KZC; Otherwise, none.

Minimums:

Lot Size: 3,600 sq. ft. with at least 1,800 sq.ft. per unit.

Required Yards: Front: 20'; Side: 5', but 2 side yards must equal at least 15'; and Rear: 10'

Maximums:

Lot Coverage: 70%.

Height of Structures:

- If the development contains at least 1 acre, then the lower of 6 stories or 60 feet above average building elevation.
- If the development is south of 4th Avenue and within 180 feet east of 6th Street, and contains at least .8 acres, then the lower of 4 stories or 52' feet above average building elevation.
- If the development is south of 4th Avenue and within 180 feet east of 6th Street, and contains at least .4 acres, then the lower of 3 stories or 40 feet above average building elevation.
- Otherwise, 30 feet above average building elevation.

Landscape Category: C

Sign Category: D

Required Parking: See KZC 105.25.

Special Regulations:

Remain unchanged.

Section 60.42.070

Use: Mini-School or Mini-Day-Care

Required Review Process: If the development is south of 4th Avenue and within 180 feet east of 6th Street, then Administrative Design Review for buildings over 30' above average building elevation, Chapter 142 KZC; Otherwise, none.

Minimums:

Lot Size: 3,600 sq.ft.

Required Yards: Front: 20'; Side: 5', but 2 side yards must equal at least 15'; and Rear: 10'

Maximums:

Lot Coverage: 70%.

Height of Structures:

- If the development contains at least 1 acre, then the lower of 6 stories or 60 feet above average building elevation.
- If the development is south of 4th Avenue and within 180 feet east of 6th Street, and contains at least .8 acres, then the lower of 4 stories or 52' feet above average building elevation.
- If the development is south of 4th Avenue and within 180 feet east of 6th Street, and contains at least .4 acres, then the lower of 3 stories or 40 feet above average building elevation.
- Otherwise, 30 feet above average building elevation.

Landscape Category: E

Sign Category: B

Required Parking: See KZC 105.25

Special Regulations:

Remain unchanged.

Section 60.42.080

Use: Assisted Living Facility

Required Review Process: If the development is south of 4th Avenue and within 180 feet east of 6th Street, then Administrative Design Review for buildings over 30' above average building elevation, Chapter 142 KZC; Otherwise, none.

Minimums:

Lot Size: 3,600 sq. ft.

Required Yards: Front: 20'; Side: 5', but 2 side yards must equal at least 15'; and Rear: 10'

Maximums:

Lot Coverage: 70%.

Height of Structures:

- If the development contains at least 1 acre, then the lower of 6 stories or 60 feet above average building elevation.
- If the development is south of 4th Avenue and within 180 feet east of 6th Street, and contains at least .8 acres, then the lower of 4 stories or 52' feet above average building elevation.
- If the development is south of 4th Avenue and within 180 feet east of 6th Street, and contains at least .4 acres, then the lower of 3 stories or 40 feet above average building elevation.

- Otherwise, 30 feet above average building elevation.

Landscape Category: D

Sign Category: A

Required Parking: 1.7 per independent unit. 1 per assisted living unit.

Special Regulations:

Remain unchanged.

Chapter 92 – DESIGN REGULATIONS

92.05 Introduction

1. General
2. Applicability
3. Design Review Procedures
4. Relationship to Other Regulations
5. Dedication
6. Design Districts in Rose Hill Business District
7. Design Districts in the Totem Lake Neighborhood

92.10 Site Design, Building Placement and Pedestrian-Oriented Facades

1. Building Placement in JBD
2. Pedestrian-Oriented Facades Defined for RHBD and TLN
3. Building Placement In RHBD and TLN
4. Multi-Story Buildings on Sites Adjacent to a Low Density Zone in RHBD and TLN
5. Multifamily Buildings Located in TLN
6. Building Location at Street Corners in the RHBD and TLN Zones
7. Building Location at Street Corners in CBD

92.15 Pedestrian-Oriented Improvements on or Adjacent to the Subject Property

1. All Zones – Pedestrian Oriented Space and Plazas in Parking Areas
2. Pedestrian-Oriented Space and Plazas in TC, CBD, NRHBD, RHBD and TLN Zones
3. Blank Wall Treatment
4. Parking Garages

92.30 Architectural and Human Scale

1. Techniques To Moderate Bulk and Mass in the CBD
2. Horizontal Definition in All Zones
3. Techniques To Moderate Bulk and Mass in the RHBD and TLN Zones
4. Techniques To Achieve Architectural Scale in All Zones
5. Techniques To Achieve Architectural Scale in the RHBD and the TLN Zones
6. Achieving Human Scale in All Zones

92.35 Building Material, Color and Detail

1. Required Elements
2. Prohibited Materials – All Zones
3. Metal Siding – All Zones
4. Concrete Block – All Zones
5. Awnings – All Zones
6. Covering of Existing Facades – All Zones
7. Building Cornerstone or Plaque – All Zones
8. Required On-Site Improvements – All Zones

92.05 Introduction

1. General – This chapter establishes the design regulations that apply to development in Design Districts including the Central Business District (CBD), Market Street Corridor (MSC), Juanita Business District (JBD), Rose Hill Business District (RHBD), Totem Lake Neighborhood (TLN), North Rose Hill Business District (NRHBD), **and in** Totem Center (TC), **and in areas indicated on the use zone charts for PLA 5C.**

Special provisions that apply to a particular Design District are noted in the section headings of the chapter.

PUBLICATION SUMMARY
OF ORDINANCE NO. 4174

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO COMPREHENSIVE PLANNING AND LAND USE AND AMENDING THE KIRKLAND ZONING CODE (TITLE 23 OF THE KIRKLAND MUNICIPAL CODE) CHAPTER 92. DESIGN REGULATIONS, AND A USE ZONE CHART IN CHAPTER 60 AND THE KIRKLAND ZONING MAP, ORDINANCE 3710 AS AMENDED, AND APPROVING A SUMMARY FOR PUBLICATION, FILE NO ZON07-00019.

SECTION 1. Amends the following specific portions of the Kirkland Zoning Code:

- A. Amends Chapter 60. Planned Area 5 Zones, use zone chart PLA 5C;
- B. Amends Chapter 92. Design Regulations, section 92.05. Introduction;

SECTION 2. Amends the Kirkland Zoning Map as set forth in Exhibit C.

SECTION 3. Provides a severability clause for the ordinance.

SECTION 4. 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.

SECTION 5. Establishes certification by City Clerk and notification of King County Department of Assessments.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the ____ day of _____, 2008.

I certify that the foregoing is a summary of Ordinance _____ approved by the Kirkland City Council for summary publication.

City Clerk

ORDINANCE No. 4175

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LAND USE AND PLANNING; ESTABLISHING A PLANNED ACTION FOR TWO AREAS IN THE MOSS BAY NEIGHBORHOOD GENERALLY LOCATED EAST OF PETER KIRK PARK, SOUTH OF CENTRAL WAY/NE 85TH STREET, WEST OF 10TH STREET, AND NORTH OF KIRKLAND WAY PURSUANT TO THE STATE ENVIRONMENTAL POLICY ACT, RCW 43.21C.031.

WHEREAS, the State Environmental Policy Act ("SEPA", 43.21C) and implementing rules (WAC 197-11) provide for the integration of environmental review with land use planning and project review through designation of "Planned Actions" by jurisdictions planning under the Growth Management Act ("GMA"); and

WHEREAS, designation of a Planned Action expedites the permitting process for subsequent, implementing projects whose impacts have been previously addressed in a Planned Action environmental impact statement ("EIS"), and thereby encourages desired growth and economic development; and

WHEREAS, the Planned Action EIS identifies impacts and mitigation measures associated with planned development in the Planned Action Area;

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

Section 1. Purpose. The purpose of this ordinance is to:

- A. Combine environmental analysis with land use planning;
- B. Streamline and expedite the development permit review process by relying on the EIS completed for the Planned Action;
- C. Establish criteria and procedures, consistent with state law, that will determine whether subsequent projects qualify as Planned Actions;
- D. Provide the public with an understanding of Planned Actions and how the City will process Planned Actions; and
- E. Apply the City's development regulations together with the mitigation measures described in the EIS and this Ordinance to address the impacts of future development contemplated by the Planned Action.

Section 2. Findings. The City Council finds as follows:

A. The City is subject to the requirements of the Growth Management Act, RCW 36.70A, and is located within an Urban Growth Area;

B. The City has adopted a Comprehensive Plan complying with the GMA;

C. The City is adopting development regulations applicable to the proposed development concurrent with adoption of this Planned Action Ordinance to address many of the impacts of future development;

D. The City has prepared an EIS complying with SEPA for the area designated as a Planned Action ("Planned Action EIS") and finds that it adequately addresses the probable significant environmental impacts associated with the type and amount of development planned to occur in the designated Planned Action area;

E. The mitigation measures identified in the Planned Action EIS are attached to this Ordinance as Exhibit B. These mitigation measures, together with City development regulations, will adequately mitigate significant impacts from development within the Planned Action area;

F. The Planned Action EIS and this Ordinance identify the location, type and amount of development that is contemplated by the Planned Action;

G. Future projects that are consistent with the Planned Action will protect the environment, benefit the public and enhance economic development;

H. The City has provided numerous opportunities for meaningful public involvement in the proposed Planned Action; has considered all comments received; and, as appropriate, has modified the proposal or mitigation measures in response to comments;

I. The proposal is not an essential public facility as defined by RCW 36.70A.200(1);

J. The Planned Action area applies to a defined area that is smaller than the overall City boundaries; and

K. Public services and facilities are adequate to serve the proposed Planned Action with the mitigation measures identified in Exhibit B..

Section 3. Procedures and criteria for evaluating and determining projects as Planned Actions:

A. Planned Action Area. The Planned Action designation shall apply to the two areas in the Moss Bay Neighborhood as are specifically shown in Exhibit A, "Planned Action Area": the 11.5 acres of property at 457 Central Way known as the Parkplace Mall and generally located east of Peter Kirk Park (Area A on Exhibit A); and the parcel at 220 6th Street and the parcel at 603 and 611 4th Avenue to the north on 0.9 acres of land (Area C on Exhibit A). Additionally, the Planned

Action designation shall apply to any off-site improvements necessitated by proposed development on the subject sites, where the off-site improvements have been analyzed in the Planned Action EIS.

B. Environmental Document. A Planned Action determination for a site-specific permit application shall be based on the environmental analysis contained in the Draft Planned Action EIS issued by the City on April 4, 2008, and the Final Planned Action EIS published on October 16, 2008. The mitigation measures contained in Exhibit B, which is attached hereto and adopted by reference as though fully set forth herein, are based upon the findings of the Draft and Final EISs and shall, along with existing City codes, ordinances, and standards, provide the framework that the City will use to impose appropriate conditions on qualifying Planned Action projects. The Draft and Final EISs shall comprise the Planned Action EIS.

C. Planned Action Designated. Land uses described in the Planned Action EIS, subject to the thresholds described in Subsection D of this Section and the mitigation measures contained in Exhibit B, are designated Planned Actions pursuant to RCW 43.21C.031. A development application for a site-specific Planned Action project located within the Planned Action Area shall be designated a Planned Action if it meets the criteria set forth in Subsection D of this Section and applicable laws, codes, development regulations and standards of the City.

D. Planned Action Thresholds. The following thresholds shall be used to determine if a site-specific development proposed within the Planned Action area is contemplated by the Planned Action and has had its environmental impacts evaluated in the Planned Action EIS. Thresholds and required mitigation measures are based on the FEIS Review Alternative contained in the Planned Action Final EIS:

(1) *Land Uses.* Subject to the mitigation measures described in Exhibit B, the following land uses, together with the customary accessory uses and amenities described in the Planned Action EIS, are Planned Actions pursuant to RCW 43.21C. 031.

(a) The following uses are the primary uses analyzed in the Planned Action EIS for Area A:

- (i) Office; and
- (ii) Retail and Other Commercial, including a hotel, restaurants, supermarket, mixed retail, athletic/health club and theater.

(b) The following uses are the primary uses analyzed in the Planned Action EIS for Area C:

- (i) Office; and
- (ii) Residential.

(2) *Land Use Review Threshold.*

(a) The Planned Action designation applies to future development proposals that are comparable or within the ranges established by Planned Action FEIS Review Alternative, as shown below:

Land Use	Area A (Parkplace)	Area C (Altom)
Office	1,200,000 sq. ft.	101,234 sq.ft. ²
Residential	<i>Not Analyzed</i>	20 dwelling units
Retail/Commercial ¹	592,700 sq.ft. ³	<i>Not Analyzed</i>
Total	1,792,700 sq.ft.	101,234 sq.ft. 20 dwelling units

1. All uses listed in the “Retail and Other Commercial” category in Subsection D(1)(a) are included in the 592,700 s.f. total.

2. If residential uses are included, the amount of permitted office use square footage would be reduced proportionately to meet zoning standards.

3. The Retail/Commercial must include a minimum of 300,000 square feet of retail development or at least 25% of the office square footage must be retail.

(b) If future development proposals in the Planned Action Area exceed the maximum development parameters reviewed in the Planned Action EIS, further environmental review may be required under SEPA, as provided in WAC 197-11-172. If proposed plans significantly change the location of development or uses in a manner that would alter the environmental determinations in the Planned Action EIS, additional SEPA review would also be required. Shifting development proposals between categories of land uses may be permitted so long as the resulting development does not exceed the trip generation thresholds (see sub-section 4(a) below) reviewed in the Planned Action EIS and does not exceed the proportions or minimums noted in sub-section 2(a) above.

(3) *Building Heights, Bulk, and Scale.* Building heights, bulk, and scale shall not exceed the maximums reviewed in the Planned Action EIS.

(4) *Transportation.*

(a) *Trip Ranges:* The range of trips reviewed in the Planned Action EIS are as follows:

Trip Generation – Net New Trips Reviewed in Planned Action EIS

Time	Area A (Parkplace) Range- Net New Trips	Area C (Altom) Range – Net New Trips
PM Peak Hour	3,531	174

(b) *Trip Threshold.* Development proposals that would exceed the maximum trips levels shown above will require additional SEPA review.

(c) *Public Works Discretion.* The City Public Works Director shall have discretion to determine incremental and total trip generation, consistent with the Institute of Traffic Engineers (ITE) Trip Generation Manual (latest edition) or an alternative manual accepted at the City Public Works Director's sole discretion, for each Planned Action Project permit application proposed under this Planned Action. It is understood that development of the Planned Action may occur in parts and over a period of years. The City shall require that off-site mitigation and transportation improvements identified in the Planned Action EIS be implemented in conjunction with development to maintain adopted levels of service standards.

(d) *Transportation improvements.*

(i) *Intersection Improvements.* The Planned Action will require off-site transportation improvements identified in Exhibit B to mitigate significant impacts. These transportation improvements have been analyzed in the Planned Action EIS. The City Public Works Director shall have the discretion to adjust the allocation of responsibility for required improvements as between individual planned action projects based on their identified impacts. Significant changes to the City's transportation improvement plan proposed as part of any Planned Action Project that have the potential to significantly increase impacts to air quality, water quality, fisheries resources, noise levels or other factors beyond the levels analyzed in the Planned Action EIS may require additional SEPA review.

(ii) *Transportation Management Program.* The owners or operators of development projects within Areas A and C shall prepare and implement Transportation Management Programs (TMP) as a means to encourage alternatives to single-occupant vehicles including transit and to thereby reduce traffic generation and parking demand. The TMP for Area A shall include the TMP elements identified in the transportation mitigation measures in the Planned Action EIS, attached as Exhibit C to this ordinance. The City Public Works Director shall have the discretion to modify the individual elements of a TMP as a means to accomplish its objectives and to enhance its effectiveness.

(iii) **Parking Management.** Parking to support development within Areas A and C shall be provided as required by Kirkland Zoning Code Chapter 105. Consistent with the incentive provision of Section 105.103.3c of the aforementioned Zoning Code, a developer may choose to reduce the number of parking spaces based on a demand and utilization study prepared by a licensed transportation engineer. The City's Transportation Engineering Manager must approve the scope and methodology of the study as well as the effectiveness of the TMP and parking management measures.

(e) **Transportation Impact Fees.** All Planned Action Projects shall pay, as a condition of approval, the applicable transportation impacts fees according to the methodology contained in the ordinance adopting such impact fees. The City may adjust such fees from time to time.

(f) **Capital Facilities.** Improvements to water facilities are identified in Exhibit B. The City Public Works Director shall have the discretion to determine and allocate responsibility for required improvements as between individual Planned Action projects.

(5) *Changed Conditions.* Should environmental conditions or assumptions change significantly from those analyzed in the Planned Action EIS, the City's SEPA Responsible Official may determine that the Planned Action designation is no longer applicable until supplemental environmental review is conducted.

(6) *Additional Mitigation Fees.* The City may adopt and apply such other fees as may be deemed necessary and appropriate to mitigate impacts to other capital facilities in the City and to accommodate planned growth. Such fees, if adopted, shall be in addition to the fee required in item (4)(e) of this subsection, and shall apply only to required improvements that are not addressed in this subsection.

E. Planned Action Review Criteria.

(1) The City's Planning and Community Development Director or designee is authorized to designate a project application that meets all of the following conditions as a Planned Action pursuant to RCW 43.21C.031(2)(a):

(a) The project is located within the Planned Action Area identified in Exhibit A, pursuant to Section 3(A) of this ordinance or is an off-site improvement directly related to a proposed development within the Planned Action Area;

(b) The project is consistent with the City of Kirkland Comprehensive Plan and the Comprehensive Plan policies for the Downtown Plan;

(c) The project's significant adverse environmental impacts have been adequately addressed in the Planned Action EIS;

(d) The proposed uses are consistent with those described in the Planned Action EIS and Section 3(D) of this Ordinance;

(e) The project is within the Planned Action thresholds of Section 3(D) and other criteria of this section of this Ordinance;

(f) The project's significant impacts have been mitigated by application of the measures identified in Exhibit B, as well as other City, county, state and federal requirements and conditions, including compliance with any conditions agreed to pursuant to a development agreement between the City and applicant if executed, which together constitute sufficient mitigation for the significant environmental impacts associated with the proposed project;

(g) The proposed project complies with all applicable local, state and/or federal laws and regulations, and where appropriate, the proposed project complies with needed variances or modifications or other special permits which have been identified; and

(h) The proposed project is not an essential public facility.

F. Effect of Planned Action.

(1) Upon designation by the City's Planning and Community Development Director that the project qualifies as a Planned Action pursuant to this Ordinance and WAC 197-11-172, the project shall not require a SEPA threshold determination, preparation of an EIS, or be subject to further review under SEPA.

(2) Being designated as a Planned Action means that a proposed project has been reviewed in accordance with this Ordinance and found to be consistent with the development parameters and environmental analysis contained in the Planned Action EIS.

(3) Planned Actions that meet all criteria established in this ordinance will not be subject to further procedural review under SEPA. However, projects will be subject to conditions as outlined in this document and the attached Exhibit B which are designed to mitigate any environmental impacts which may result from the project proposal. Additionally, projects will be subject to applicable City, state, and federal regulatory requirements. The Planned Action designation shall not excuse a project from meeting the City's code and ordinance requirements apart from the SEPA process.

G. Planned Action Permit Process. The City's Planning and Community Development Director or designee shall review projects and determine whether they meet the criteria as

Planned Actions under applicable state, federal, local laws, regulations, codes and ordinances. The procedures shall consist, at a minimum of the following:

(1) Development applications shall meet the applicable requirements of the Kirkland Municipal Code (KMC). Applications shall be made on forms provided by the City and shall include a SEPA checklist, revised SEPA checklist or such other environmental review forms provided by the City;

(2) The City's Planning and Community Development Director shall determine whether the application is complete;

(3) If the application is for a project within the Planned Action Area shown on Exhibit A, the application will be reviewed to determine if it is consistent with and meets all of the qualifications of Section 3 of this Ordinance;

(4) After the City receives and reviews a complete application, the City's Planning and Community Development Director shall determine whether the project qualifies as a Planned Action. If the project does qualify, the Director shall notify the applicant and the project shall proceed in accordance with the applicable permit review procedure, except that no SEPA threshold determination, EIS, or additional SEPA review shall be required. The decision of the Director regarding qualification as a Planned Action shall be final;

(5) Public notice and review for projects that qualify as Planned Actions shall be tied to the underlying development permit and not to SEPA notice requirements. If notice is otherwise required for the underlying permit, the notice shall state that the project has qualified as a Planned Action. If notice is not otherwise required for the underlying permit, no special notice is required by this ordinance;

(6) If a project is determined not to qualify as a Planned Action, the City's Planning and Community Development Director shall so notify the applicant and the SEPA Responsible Official shall prescribe a SEPA review procedure consistent with the City's SEPA regulations and the requirements of state law. The notice shall describe the elements of the application that result in failure to qualify as a Planned Action. If deemed ineligible, the application may be amended to qualify; and

(7) Projects that fail to qualify as Planned Actions may incorporate or otherwise use relevant elements of the Planned Action EIS, as well as other relevant SEPA documents, to assist in meeting SEPA requirements. The SEPA Responsible Official may limit the scope of SEPA review for the non-qualifying project to those issues and environmental impacts not previously addressed in the Planned Action EIS.

H. Development Agreements. The City or an applicant may request consideration and execution of a development agreement for a Planned Action project. The development agreement may address the following: review procedures applicable to a planned action project; permitted

uses; mitigation measures; construction, financing and implementation of improvements, including methods of financing and proportionate shares, and latecomers agreements; payment of impact fees; phasing; and any other topic that may properly be considered in a development agreement consistent with RCW 36.70B.170 et seq.

I. Monitoring and Review.

A. The City shall monitor the progress of development in the designated Planned Action area to ensure that it is consistent with the assumptions of this Ordinance and the Planned Action EIS regarding the type and amount of development and associated impacts, and with the mitigation measures and improvements planned for the Planned Action area.

B. This Planned Action Ordinance shall be reviewed by the SEPA Responsible Official as part of the City's ongoing Comprehensive Plan update procedure to determine its continuing validity with respect to the environmental conditions of the Planned Action Area, the impacts of development, and the adequacy of required mitigation measures. Based upon this review, this Ordinance may be amended as needed, the City may supplement or revise the Planned Action EIS, and/or another review period may be specified. Subsequent reviews of the Planned Action Ordinance shall occur as part of the City's Comprehensive Plan amendment process.

Section 4. Conflict. In the event of a conflict between this Ordinance or any mitigation measures imposed pursuant thereto and any ordinance or regulation of the City, the provisions of this Ordinance shall control, except that the provisions of the state building code shall supersede this Ordinance. In the event of a conflict between this Ordinance (or any mitigation measures imposed pursuant thereto) and any development agreement between the City and a Planned Action applicant(s), the provisions of the development agreement shall control.

Section 5. Severability. Should any section, subsection, paragraph, sentence, clause or phrase of this Ordinance or its application be declared unconstitutional or invalid or unconstitutional for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to any other person or situation.

Section 6. Expiration. This Ordinance shall expire ten (10) years from the date of passage unless it is extended by the City Council following a report from the SEPA Responsible Official and a public hearing.

Section 7. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication pursuant to Section 1.08.017, Kirkland Municipal Code in the summary form attached to the original of this ordinance and by this reference approved by the City Council.

Passed by majority vote of the Kirkland City Council in open meeting this _____ day of _____, 2008.

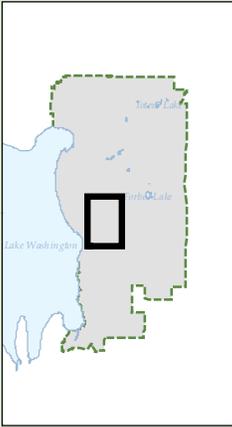
Signed in authentication thereof this _____ day of _____, 2008.

MAYOR

Attest:

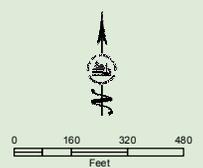
City Clerk

Vicinity Map

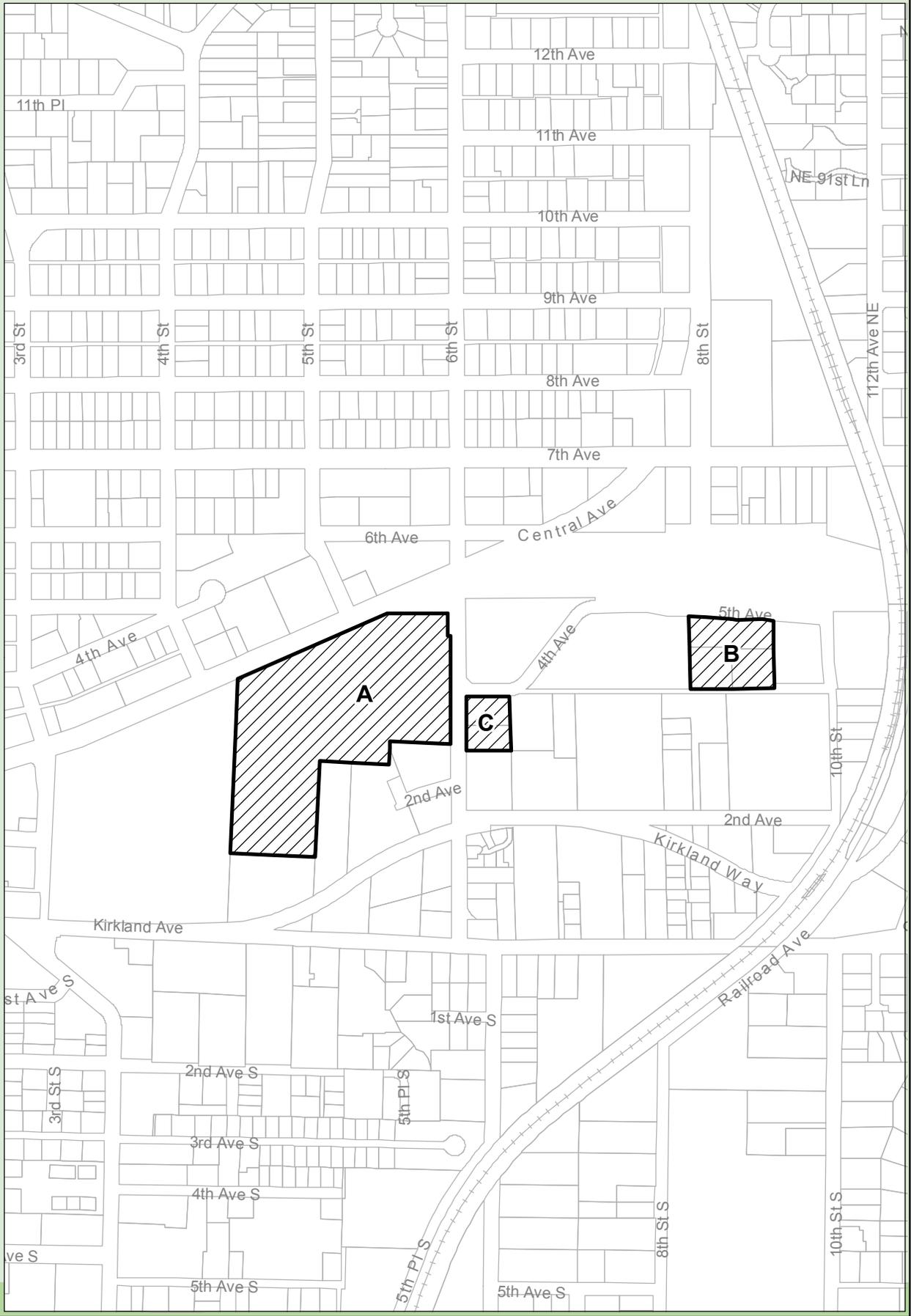


Map Legend

- Planned Action Areas
- A = Touchstone (Park Place)
- B = Orni
- C = Altom



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Planned Action Ordinance Mitigation Measures

Table 3.4-18. Potential Capacity Improvements to Address Impacts

ID	Location	Improvement	No Action ¹			Proposed Action ¹			FEIS Review ¹		
			2014 TIA	2014 Conc	2022 Conc	2014 TIA	2014 Conc	2022 Conc	2014 TIA	2014 Conc	2022 Conc
4	Central Way/Parkplace Driveway	Install signal	X			X			X		
101	Lake Washington Boulevard/NE 38th Place	Add 720-ft right lane on northbound receiving lanes (north of the Intersection), modified to extend up to NE 43rd St w/ bike lanes)			X			X			X
105	Central Way/6th Street	Construct dual westbound left turn lane and a southbound right turn lane between Central and 4 th Avenue. Modify signal to provide westbound left/northbound right overlap phase.				X		X	X		X
109	NE 85th Street/114th Avenue NE	Restripe southbound dual left and eastbound right to through conversion.	X		X	X	X	X	X	X	X
110	6th Street/4th Avenue	Dual eastbound left turn, with widening on 6th Street				X			X		
112	Kirkland Way/6th Street	Install signal. (CIP Project #TR20-3)				X			X		
128	Central Way/5th Street	Install signal.				X			X		
129	Central Way/4th Street	Extend two-way-left-turn by moving crosswalk to Parkplace Signal	X			X			X		
169	6th Street/7th Avenue	Add left turn lanes on northbound				X					

ID	Location	Improvement	No Action ¹			Proposed Action ¹			FEIS Review ¹		
			2014 TIA	2014 Conc	2022 Conc	2014 TIA	2014 Conc	2022 Conc	2014 TIA	2014 Conc	2022 Conc
		and southbound approaches									
169	6th Street/7th Avenue	Add northbound approach left turn lane							X		
202	100th Avenue NE/NE 124th Street	Modify the signal phase to be the same as during AM peak period, with northbound and southbound to be split phase, and southbound configuration to be left, left/through shared, and through/right shared. ²								X	
204	116th Way NE/NE 132nd Street	Reconfigure the intersection based on the 132nd Street Study and new I-405 northbound on-ramp			X					X	
211	Market Street/15th Avenue	Install signal.				X					
211	Market Street/15th Avenue	Install signal at this location or at 7 th Avenue.							X		
304	NE 132nd Street/124th Street NE	Construct eastbound dual left turn lane, based on the 132nd Street Study			X					X	
316	Totem Lake Boulevard/NE 132nd Street	Reconfigure the intersection based on the 132nd Street Study and new I-405 northbound on-ramp			X					X	
402	NE 85th Street/124th Avenue NE	Add northbound right-turn-only pocket				X					
402	NE 85th Street/124th Avenue NE	Provide corridor improvements such as traffic signal interconnect							X		

¹TIA = Traffic Impact Analysis; Conc = Concurrency

² No concurrency impact was identified at this intersection. This mitigation measure is recommended in order to improve conditions in the subarea, to address the concurrency impact that was identified in the northwest subarea under the 2022 Proposed Action scenario.

Police

Provision of on-site security services including video surveillance systems, to Area A in particular, may reduce the increased need for police response to that area. This reduction is largely dependent on the nature of the incident.

Security-sensitive design of buildings and the landscaping environment, such as installing only moderate height and density border shrubs, could reduce certain types of crimes, such as auto and store-front break-ins.

Water

No Action

The following water mitigation measures are required under the No Action:

- Segment A. This segment includes improvements identified as part of improvement number CIP 144. Replace an existing 8-inch diameter water main in Area A with a new 12-inch diameter water main. Replace the existing connections on the north side of Area A, crossing Central Way west of 5th Street and on the east side of the Area, crossing 6th Street south of 4th Avenue with 12-inch diameter water mains. Construct a new 12-inch diameter connection at the south side of Area A so that a looped connection is created to connect the proposed on-site 12-inch main to the existing 8-inch and 12-inch diameter water mains under Kirkland Avenue.
- Segment B. Replace the existing 8-inch water main along 6th Street with a new 12-inch water main between the east side of the Parkplace water main loop to approximately the intersection of 6th Street and Kirkland Circle.
- Segment C. Replace the existing 8-inch water main along Kirkland Circle from 6th Street to 4th Avenue with a new 12-inch main.
- Segment D. Replace the existing 8-inch water main along 4th Avenue, 5th Avenue, and 10th Street from Kirkland Circle to 3rd Avenue with a new 12 inch main.

In addition to the above segments, one of the following segments must also be constructed in order to accommodate development under either the No Action or Proposed Action alternatives.

- Segment E. Install a new 12-inch water main along the unimproved right-of-way between 2nd Avenue and 5th Avenue from approximately 4th Avenue to 10th Street. This improvement is not identified in the City of Kirkland Comprehensive Water System Plan.

- Segment F. Replace the existing 8-inch water main along 2nd Avenue and 10th Street from 6th Street to 3rd Avenue with a new 12-inch main.

Proposed Action and FEIS Review Alternative

In addition to the improvements required under No Action, the Proposed Action will require that the new 12-inch water main in Segment C (located at Kirkland Circle from 6th Street to 4th Avenue) be enlarged to a 16-inch main.

Transportation and Parking Management Plan

Purpose

The applicant shall be required to implement a Transportation Management Plan (TMP). The purpose of the TMP is to reduce drive alone¹ (single-occupant) vehicle trips generated by the development and also to reduce the demand for parking. The provisions of the TMP will apply to the site as a whole unless individual provisions are clearly intended to apply to individual buildings or individual tenants within individual buildings.

Trip Reduction Measures

At a minimum, the TMP will include the following provisions unless alternate measures are approved by the Kirkland Public Works Director.

1. **Site Transportation Coordinator (STC)** - Prior to receiving the Certificate of Occupancy for the first building, the property manager shall appoint a Site Transportation Coordinator (STC). The STC will coordinate and administer the TMP responsibilities, and shall receive sufficient support and direction from management to carry out these responsibilities effectively for the life of the project. The name, phone number and fax number of the STC shall be forwarded to the City Public Works Department, and updated if and when the STC changes.
2. **Employee Transportation Coordinators (ETC)** - Each tenant shall assign a representative to act as Employee Transportation Coordinator (ETC) and liaison between the owner or property manager and the tenant employees. The ETC and STC will inform their employees regarding commuter-related information and assist with the annual employee survey.
3. **Commuter Information Center (CIC)** - The owner shall install at least one electronic kiosk in each building in a highly visible and accessible area of the lobby or other locations approved by the City. The kiosks will display real time transportation information including transit route maps and stop times, commuter congestion, parking rates, and information about alternative modes of travel. It will also display the STC name and phone number.
4. **Commuter Information** - The STC shall produce and distribute a commuter information packet to all site employees. In order to ensure that employees and tenants understand TMP requirements, the applicant shall:
 - a. Produce a commuter information packet (CIP), a commuter benefits brochure that contains complete information about the applicant's TMP, including transportation

¹ 1. "Drive alone" means a motor vehicle occupied by one (1) employee for commute purposes, including a motorcycle and the commute trip occur between 7:00 A.M. and 9:00 A.M. Monday through Friday.

benefits, transportation options, HOV programs and discounts, bicycling amenities, transportation subsidies, and other elements of the TMP.

- b. Distribute the first CIP to tenants prior to or upon occupancy.
 - c. Redistribute the CIP and any updates to the program to tenants, employees, students, other building workers and occupants at least once each year.
 - d. Update the CIP and its contents as conditions change.
 - e. Include a copy of the CIP in the annual report to the City.
5. **Promotions** - The STC shall promote alternatives to drive alone commuting by implementing semi-annual promotional campaigns. Information in the commuter information packet or other information made available by the City and/or King County Metro shall be distributed to employees.
 6. **Ride matching** - Ride-matching information for carpool and vanpool programs shall be regularly distributed by the STC. These programs can help match an employee with potential carpool mates who live in close proximity, if that person prefers carpool as a mode choice over other alternative modes.
 7. **Training/Network Group Meetings** - The STC will attend appropriate training sessions and local network group meetings as made available by the City or through its agent.
 8. **Vanpool parking** - Vanpools registered with a public transit agency will be provided free on-site parking. At least six of the riders in each of vanpool must be employed at the site to qualify for free parking. Reserved parking spaces for all registered vanpools will be provided in the below grade parking levels in preferential locations near the building elevators.
 9. **Carpool Parking** - Carpool parking will be signed and located near the building elevators and main entrances. Carpool parking will be provided for each office tower prior to occupancy at a ratio of one space per 7,250 sf. This ratio would accommodate the goal of 12% of the employees carpooling to the site. These spaces will be reserved for carpools until 9:30 A.M. on weekdays; unused spaces can be used for visitor parking after 9:30 A.M. Additional carpool spaces shall be provided if the employee commute survey determines that more than 12% of the employees carpool to the site.
 10. **Bicycle Parking** - Secured and covered employee bicycle parking shall be provided for 50 bikes in areas approved by the City. Bike rack design shall be approved by the City. Additional bicycle racks shall be provided as needed based on the employee commute trip survey.

11. **Showers and lockers** – Initially, a total of 50 lockers and 16 showers (25 lockers and eight showers each for men and women) shall be provided at no cost to user for commuters using non-motorized transportation. Additional lockers and showers may be provided as needed based on the employee commute trip survey.
12. **Incentive for Alternative Travel Modes** – Initially, office tenants shall offer a transit pass or a “transportation allowance” for all employees who do not drive to work. The allowance, which should be equal to the cost of an average transit pass, can be used for vanpool fees, to support carpooling, or as a bonus for employees who walk or ride their bike to work.
13. **Guaranteed ride home** - A guaranteed ride home shall be provided to all employees who commute by alternative modes (this service could be provided through another program such as Metro’s Flexpass). This allows employees a quick ride home in the event of an emergency by taxi, company-owned vehicle or car-sharing vehicle. The number of free emergency rides per employee shall be limited to three per year.
14. **Part-time Parking Pass** - A part-time parking pass option shall be offered to employees who desire to use alternative modes of transportation (or telecommute) one or more days per week. This type of pass works like a debit card, and the pass holder is only charged for parking on the days that they park.
15. **Car-Sharing** - Parking for a car-sharing program (e.g., Zipcar) shall be provided. Car-sharing programs support employees who commute by alternative modes of travel by providing vehicles that can be used for daytime errands or meetings. Employer subsidies of car-sharing fees may be required to be provided by tenants.
16. **Transportation Management Association** - The developer/owner must agree to become a member of any applicable transportation management association that is formed in the future. If a TMA provides management services equivalent to the STC, the TMA could supplant the STC requirement.
17. **Modifications** - The TMP may be subject to modifications based on progress towards goal as measured by regular surveys.
18. **Recording** - The TMP shall be recorded with King County Metro as part of the covenants, conditions and restrictions of the project to assure its implementation. The recording shall be completed prior to receiving the Certificate of Occupancy for the first building. The TMP shall run for the duration of the current use of the building, and shall be binding on the heirs, successors and assignees of the parties.

Parking Management Measures

Parking management measures shall be implemented along with the TMP to ensure that parking is shared among the various land uses, to reduce drive alone commute trips and to prevent parking

from being used by commuters to other businesses or the transit center (also known as “hide and ride”). The following measures shall be implemented:

1. **Parking Manager** – A Parking Manager will be appointed to manage all site parking.
2. **Charge for all daytime parking** - All employees (except those in registered vanpools), visitors, and customers shall be charged for parking except when validated (see following paragraph). The garage shall use technology such as a “pay-on-foot” system through which parking could be paid for before exiting the garage gates. Payment kiosks will be located at garage elevators. The cost for a monthly parking permit shall exceed the cost of a monthly transit pass by at least 25%.
3. **Validate customer and visitor parking** - All tenants may validate parking for their customers or visitors. Employee parking shall not be validated. The Parking Manager may allow each business to establish its own validation requirements (e.g., minimum purchase). Validation could be done electronically through the pay-on-foot technology.
4. **Provide a segmented garage** - Using internal controls, the garage shall be divided into sections that are reserved for specific uses at different times of the day. For example, areas reserved for hotel users could be controlled so that they are not used by office workers during daytime hours.
5. **Reserve areas of the garage for short-term parking by customers and visitors** - Designate 600 to 700 parking spaces for short-term parking only. This parking shall be for customers and visitors. The initial limit will be set to three hours, which is sufficient time for most daytime dining and entertainment users. The short-term parking restrictions could apply only during midday weekday hours when office users are on site.
6. **Reserve parking for hotel** - Reserve 0.56 parking spaces per room for the hotel for customer parking. During peak daytime events, consider using valet parking to increase the number of vehicles that can be parked in this space.
7. **Share office parking on weeknights and weekends** - All parking in the garage, except those reserved for the hotel, shall be available to customers on weeknights and weekends.
8. **Do not reserve individual spaces for office parking** - No parking space in the garage may be reserved, except for car-sharing programs, a hotel, vanpools or carpools. This allows all office parking to be shared by employees.
9. **Monitor garage use** - Monitor the allocation of the parking supply to various users during weekday hours. Adjust allocation or implement additional management measures, if needed.
10. **Manage public parking outside of the parking garage** - The City shall require a parking management program to prevent spillover parking in surrounding neighborhoods. The applicant shall monitor off-site parking as described in the *Monitoring* section below. If

unacceptable off-site parking attributable to the project occurs, the site will be required to implement additional measures outlined in the *Remedy* section.

Monitoring

Reports - Prior to occupancy of the first building, the owner and City of Kirkland shall agree to the STC job description and an annual reporting form that will document the STC's activities and TMP results. At a minimum, the report shall attach materials provided to employees related to transportation programs in that year, document the site's AM peak hour trip generation, as well as the employee travel mode determined from an employee survey. The report should be compatible with the reporting requirements for Commute Trip Reduction (CTR) - affected firms to prevent duplication of effort. The first report shall be due within 12 months of initial occupancy and then repeated annually thereafter.

Parking Surveys - The applicant shall perform off-site parking studies for the potential impact area determined by the City, but no more than ½ mile from the site. Monitoring of off site impacts will be done at the following times:

- Before the project is built.
- One year after Phase One of the project is completed.
- At intervals after the first year required by the City.

Measurement of overflow parking in the neighborhoods will include the following steps:

1. Establish acceptable performance measures for the on street parking in the impact area.
2. Inventory the number and type of parking stalls on each block face within the impact area.
3. Survey the parking demand each hour between 10 AM and 7 PM on a weekday. The parking demand divided by the parking supply represents the parking occupancy rate.
4. If the acceptable occupancy rate is exceeded, the owner shall implement one or more measures, at the owner's cost, to reduce spillover parking. Potential measures are listed below.

Remedy

If the monitoring determines that a remedy is needed, the owner will modify its transportation and parking management plan to reduce trips and parking spillover. The modified plan shall be approved by the City of Kirkland. The following are potential measures that could be included in the plan; additional or alternative measures will also be considered.

- Modify on-site parking management programs to eliminate spillover.
- Increase distribution of transit passes. This may extend to all employees within the site.
- Increase incentives for employees who walk or bike to work.

- Increase incentives for carpools.
- Change the price of parking.
- Modify Phase Two construction to either limit the amount of building space constructed or increase parking for the site.
- Post parking time limits on affected streets.
- Provide off-site parking and shuttle services.

Failure to modify the plan to achieve desired goal could result in the owner being fined by the City of Kirkland. The fine shall be set to match the fine listed in Kirkland Municipal Code Section 7.06.120, Enforcement of the City of Kirkland CTR Ordinance, which is currently \$250 per day.

PUBLICATION SUMMARY
OF ORDINANCE NO. 4175

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LAND USE AND PLANNING; ESTABLISHING A PLANNED ACTION FOR TWO AREAS IN THE MOSS BAY NEIGHBORHOOD GENERALLY LOCATED EAST OF PETER KIRK PARK, SOUTH OF CENTRAL WAY/NE 85TH STREET, WEST OF 10TH STREET, AND NORTH OF KIRKLAND WAY PURSUANT TO THE STATE ENVIRONMENTAL POLICY ACT, RCW 43.21C.031.

SECTION 1. Explains purpose of the Planned Action.

SECTION 2. Sets forth City Council findings relative to the Planned Action.

SECTION 3. Outlines procedures and criteria for evaluating and determining projects as Planned Actions.

SECTION 4. Provides that the ordinance and mitigation measures imposed by the ordinance shall control in the event a of conflict with other ordinances and regulations of the City, except in the case of conflicting provisions of the state building code or any development agreement between the City and a Planned Action applicant.

SECTION 5. Provides a severability clause for the ordinance.

SECTION 6. Provides the ordinance shall expire ten years from the date of passage unless extended by the City Council following a report from the SEPA Responsible Official and a public hearing.

SECTION 7. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as five days after publication of 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 _____, 2008.

I certify that the foregoing is a summary of Ordinance _____ approved by the Kirkland City Council for summary publication.

City Clerk