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

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AGENDA
KIRKLAND CITY COUNCIL SPECIAL MEETING
City Council Chamber
Wednesday, November 8, 2006
6:00 p.m. – Special Study Session
7:30 p.m. – Special 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.

P - denotes a presentation from staff or consultant

1. *CALL TO ORDER*
2. *ROLL CALL*
3. *STUDY SESSION*
   a. Norkirk Neighborhood Plan
4. *EXECUTIVE SESSION*
   a. To Review the Performance of a Public Employee
5. *SPECIAL PRESENTATIONS*
   a. Twenty-five Year Service Award – Teresa Swan
   b. Community Emergency Response Team (CERT) Graduates Recognition
6. *REPORTS*
   a. *City Council*
      (1) Regional Issues
   b. *City Manager*
      (1) Calendar Update
7. *COMMUNICATIONS*
   a. *Items from the Audience*
   b. *Petitions*

CONSENT CALENDAR consists of those items which are considered routine, for which a staff recommendation has been prepared, and for items which Council has previously discussed and no further discussion is required. The entire Consent Calendar is normally approved with one vote. Any Council Member may ask questions about items on the Consent Calendar before a vote is taken, or request that an item be removed from the Consent Calendar and placed on the regular agenda for more detailed discussion.

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.

8. CONSENT CALENDAR

a. Approval of Minutes: October 17, 2006

b. Audit of Accounts:

Payroll $

Bills $

c. General Correspondence

(1) Ellen Curtis, Regarding Impacts of Development Activity

(2) Sean Youssefi, Regarding Under Grounding Overhead Utility Lines

d. Claims

e. Authorization to Call for Bids

f. Award of Bids

(1) Asphalt Paving Machine, Western Paver & Equipment

g. Acceptance of Public Improvements and Establishing Lien Period

(1) Kirkland Jr. High School and Crestwoods Park Playfield

h. Approval of Agreements

(1) Resolution R-4612, Approving the Interlocal Agreement With Participating Local Governments Within Water Resource Inventory Area 8 (WRIA 8) for Salmon Recovery Planning and Implementation

i. Other Items of Business

(1) Approving Cabaret Music License to Oriel Cafe

9. PUBLIC HEARINGS

a. Resolution R-4611, Approving and Adopting the Annual Update for the Six-Year Transportation and Street Construction and Improvement Program In Accordance with Section 19.08.051, Kirkland Municipal Code

b. Ordinance No. 4064, Relating to the Third Renewal of Interim Parking Regulations in Central Business District Zones 1, 2, and 8

10. UNFINISHED BUSINESS

a. Discussing Potential Annexation – Financial Model

P - denotes a presentation from staff or consultant

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

a. 2007-08 Utility Rate Proposal and Water Service Fees:

(1) Ordinance No. 4066, Relating to Water System Customer Rates for 2007, and Providing for Changes in Said Rates

(2) Ordinance No. 4067, Relating to 2007 Sewer System Customer Rates and Amending Table 15.24.070 of the Kirkland Municipal Code

(3) Ordinance No. 4068, Relating to Water System Customer Rates for 2008, and Providing for Changes in Said Rates

(4) Ordinance No. 4069, Relating to 2008 Sewer System Customer Rates and Amending Table 15.24.070 of the Kirkland Municipal Code

(5) Ordinance No. 4070, Relating to Utility Fees for Special Services and Amending Section 15.14.050 of the Kirkland Municipal Code

b. Floor Area Ratio Amendments:

(1) State Environmental Policy Act (SEPA) Appeal Hearing

(2) Ordinance No. 4065 and its Summary, Relating to Zoning, Planning, and Land Use and Amending Title 23 (The Kirkland Zoning Code) of the Kirkland Municipal Code; Amending Certain Provisions Relating to Floor Area Ratios (F.A.R.) for Detached Dwelling Units in Low Density Residential Zones, and for Allowable Structures and Improvements in Required Yards, and Amending Portions of Chapter 15 KZC (Single-Family Residential (RS) Zones), Chapter 17 KZC (Single-Family Residential Annexation (RSX) Zones), and Chapter 115 KZC (Miscellaneous Use Development and Performance Standards)

12. ANNOUNCEMENTS

13. ADJOURNMENT

P - denotes a presentation from staff or consultant

CITY OF KIRKLAND
Planning and Community Development Department
123 Fifth Avenue, Kirkland, WA 98033 425.587.3225
www.ci.kirkland.wa.us

MEMORANDUM

Date: October 23, 2006

To: David Ramsay, City Manager

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

Subject: PROPOSED NORKIRK NEIGHBORHOOD PLAN UPDATE, IMPLEMENTING ZONING REGULATIONS AND REZONES (FILE IV-03-27)

RECOMMENDATION

Review the proposed Norkirk Neighborhood Plan and implementing zoning regulations and rezones and direct changes prior to considering adoption on December 12, 2006.

COUNCIL REVIEW

Staff suggests that the Council consider the Planning Commission's memorandum of transmittal (**Exhibit A**) and recommended plan, zoning amendments and rezones for the Norkirk Neighborhood as a basis for review. The Planning Commission recommended plan would result in the following:

- A new neighborhood plan chapter for the Norkirk Neighborhood (see **Attachment 1** to the enclosed Planning Commission transmittal memo)
- New and revised sections of the Zoning Code to implement the Plan (see **Attachment 2 - 7** to the enclosed Planning Commission transmittal memo)
- A new Zoning Map based on two recommended rezones (see **Attachment 8** to the enclosed Planning Commission transmittal memo)
- Miscellaneous amendments to the Comprehensive Plan to implement the Norkirk Plan (see **Attachments 9 - 13** to the enclosed Planning Commission transmittal memo)

At your study session, Janet Pruitt, Planning Commission Chair will transmit the Commission's recommendation and staff will present an overview of the recommended Norkirk Neighborhood Plan. Staff suggests that the Council consider the plan highlights listed in the Commissions' transmission memo as a guide for discussion of the recommended plan and development regulations.

BACKGROUND DISCUSSION

History

The update of the Norkirk Neighborhood Plan began in March of 2004. The issue identification and concept development phase lasted through the 3rd quarter of 2005. During that time period, city initiated ideas and private amendment requests were considered to shape the direction of the plan. A complete description of the public process is included in the transmittal memo from the Planning Commission.

This phase culminated with a Council briefing in September 2005, where Council directed those issues to be further considered and those to be dropped from further study. Based on Council's direction, all individual private amendment requests were dropped from further consideration. However, the Council acknowledged it would be appropriate for the Planning Commission to gather more data on lot sizes and patterns in the neighborhood, and to have staff provide the information necessary for review and consideration.

The plans preparation phase of the Norkirk Plan began in 2006. At the Council briefing on June 20, 2006, the Council directed continued work on the various lot size options presented. The memorandum prepared for that briefing is available for viewing at: http://www.ci.kirkland.wa.us/__shared/assets/11a_NewBusiness4069.pdf. The audio of the briefing is available at http://www.ci.kirkland.wa.us/depart/council/Minutes.htm.

The Planning Commission public hearing on the draft plan, regulations and rezones was held on September 21, and continued to October 12, 2006 to solicit additional written comment on all aspects of the drafts. Twenty-one people spoke at the hearing, and most offered favorable comments on the draft plan. Four letters were submitted after the hearing; providing comments on various proposals in the plan.

Additionally, on October 12 the Commission conducted a public hearing to solicit pubic comment on a proposal to allow automobile sales in the Industrial Area of Norkirk. A total of 9 people spoke at the hearing. Four of the nine where associated with the Green Car Company. Of the five others who spoke, two were asking for clarification, one was against the proposal, and two spoke in favor of the proposal. The memorandums prepared for both hearings are available for viewing at: http://www.ci.kirkland.wa.us/depart/Planning/Plans_and_Projects/mnh/Work_Program.htm

The audio of both meetings, to listen to the public comments, is available at http://www.ci.kirkland.wa.us/depart/Planning/Planning_Commission/Planning_Commission_Meetings_Online.htm. All other Commission meetings are also available on-line.

All written comments received since your last Council briefing on the Norkirk Plan (on June 20, 2006) are included as **Exhibit B** to this memorandum. All Planning Commission meeting minutes are included as **Exhibit C**.

Norkirk Neighborhood Plan Summary (Attachment 1 to Exhibit A)

The recommended plan would maintain the existing land use pattern of low density in the residential core and increased density approaching the downtown. The plan would also retain commercial and multifamily uses adjoining Market Street, as well as the industrial area near the railroad tracks.

The plan would bring the zoning and residential density designation into consistency with the existing residential lot size and land use pattern in a limited area of the low-density residential core through a density redesignation of 82 parcels from six to seven dwelling units per acre, and a rezone to the comparable zoning reclassification from RS 7.2 to RS 6.3.

A new concept is being proposed that would allow reduced lot size beyond what the underlying RS 7.2 zoning allows, in order to provide an incentive to retain historic buildings and to retain or create smaller homes on smaller lots. The plan would also allow alternative housing styles (e.g. cottage housing) throughout the neighborhood in the future with passage of citywide regulations. The plan would allow clustering of detached dwelling units away from moderate and high landslide and erosion hazard areas.

The plan moves the boundary between the Market and Norkirk neighborhoods to the middle of Market Street, and moves one property that receives access from Forbes Creek Drive into the South Juanita neighborhood. A new Market Street Commercial Corridor Subarea would be created for all commercial and multifamily properties adjoining Market Street, extending north to 19th Avenue (This will be presented to the Council on November 21).

The plan encourages environmentally sustainable businesses to locate in the Industrial Area. The plan also encourages some zoning flexibility to permit non-industrial uses to occupy the historic Kirkland Cannery, in order to preserve that building. It encourages office uses as a transition between the downtown and industrial area, by allowing additional height for office use.

Zoning Code Amendment Summary

Residential Core

Amendments to the Single Family Residential (RS) use zone charts shown in **Attachment 2 to Exhibit A** are necessary to implement the creation of the SF 6.3 zone (6,300 square feet minimum lot size). All uses and development standards would be the same as the RS 7.2 zone. **Attachment 8 to Exhibit A** is the proposed rezone map that includes the location of the proposed RS 6.3 rezone.

Planned Area 7

Amendments to the Planned Area 7 (PLA 7A, 7B, and 7C) general regulations and use zone charts shown in **Attachment 3 to Exhibit A** eliminate standards for development adjacent to single-family development that have outlived their usefulness now that this area is primarily a multi-family zone. Amendments also eliminate commercial uses from subarea 7B, except at the corner of 4th Street and 4th Avenue, where there is an existing small office building. The amendments combine all three subareas (7A, 7B and 7C) into one chart, to eliminate repetition.

Industrial Area

Amendments to the Light Industrial Technology (LIT) general regulations and use zone charts are shown in **Attachment 4 to Exhibit A.** A new general regulation prohibits retail uses unless otherwise noted in the use zone charts. An automobile sales use listing is added to the LIT use zone chart to allow limited car sales along 7th Avenue and 8th Street primarily for alternative fuel vehicles. The existing use listing for Vehicle or Boat Sales, Repair, Services, Washing or Rental is modified to eliminate the Sales and Rental aspects of this listing, since sales and rental no longer are allowed in any LIT zone (Vehicle or Boat Repair, Services, or Washing are still allowed in all LIT zones). Proposed amendments to the office use listing allow an additional 5 feet of height as an incentive to encourage office uses west of 8th Street and south of 7th Avenue.

Miscellaneous

Amendments to definitions necessary to implement and administer the new RS 6.3 zone are listed below.

Definition of Low Density Use – (Attachment 5 to Exhibit A)
The Planning Commission recommends that the existing Section 5.485 definition, "A detached dwelling unit on a subject property that contains at least 7,200 square feet" is expanded to include a detached dwelling unit on a subject property that contains at least 5,000 square feet. The definition has the practical affect of extending existing landscape buffering and existing isolation protection provisions afforded to detached units on 7,200 square foot lots to those detached units on 5,000 square foot lots.

Definition of Low Density Zones – (Attachment 5 to Exhibit A)
Section 5.490 adds the RS 6.3 zone to the list.

Definition of Residential Zone – (Attachment 6 to Exhibit A)
Section 5.785 adds the RS 6.3 zone to the list.

Definition of Use Zone – (Attachment 7 to Exhibit A)
Section 5.960 adds the RS 6.3 zone to the list.

Zoning Map/Comprehensive Plan Map Amendments

The following rezones and land use redesignations are recommended in order to implement the plan:

1. **Rezone of 32 21st Place and 100 20th Avenue** from RS 12.5 to RS 7.2 zoning **(Attachment 8 to Exhibit A)**. This rezone is proposed to bring the zoning into consistency with surrounding RS 7.2 zoning to the south and west.

2. **Rezone and density redesignation of 82 parcels** in the area between 2nd Street and the alley between Market and 1st Street, and between 8th Avenue and the alley between12th and 13th Avenues from RS 7.2 to RS 6.3 zoning, and from low-density residential 6 dwelling units per acre to low-density residential 7 dwelling units per acre land use designation **(Attachment 8 to Exhibit A)**. This rezone is proposed to bring the zoning and land use designation into consistency with the existing lot size and development pattern in this limited area n accordance with Policy 3.2 in the proposed Norkirk Plan.

3. **Density redesignation of 558 20th Avenue** from 5 dwelling units per acre to 3 dwelling units per acre Low Density Residential to match the existing RS 12.5 zoning classification. **(Attachment 9 to Exhibit A)**. This parcel was proposed for rezone to bring the zoning into consistency with the RS 7.2 zoning to the south. However, the Commission is recommending not to rezone this parcel citing that on three sides there are steep slopes and only to the south is the zoning RS 7.2. Therefore, this redesignation is necessary to bring the density designation in the Plan into consistency with the zoning.

4. **Density redesignation of the entire RS 7.2 zoned area** from a 5 dwelling units per acre to a 6 dwelling units per acre Low Density Residential land use designation, to bring the density into consistency with the 7,200 square foot lot size minimum **(Attachment 9 to Exhibit A)**.

Miscellaneous Comprehensive Plan Amendment Summary

Miscellaneous amendments to the Comprehensive Plan proposed to provide internal consistency between the Norkirk Neighborhood Plan and the Comprehensive Plan are listed below.

Figure I-3: City of Kirkland Neighborhoods – (Attachment 10 to Exhibit A)

This figure is revised to reflect the new neighborhood boundary between the Market, Norkirk, and South Juanita Neighborhoods.

Table LU-3: Residential Densities and Comparable Zones – (Attachment 11 to Exhibit A)
This table is revised to reflect the density of the new comparable RS 6,300 zoning classification.

Economic Development Policy ED-3:1 – (Attachment 12 to Exhibit A)
This policy narrative has been revised to add a statement about encouraging environmentally sustainable commerce in the Norkirk Industrial Area.

Figure J-2b: South Juanita Neighborhood Land Use Map – (Attachment 13 to Exhibit A)
This figure is revised to incorporate the additional land parcel that was in the Norkirk neighborhood.

SEPA COMPLIANCE

An addendum to the City's Draft and Final EIS for the 2004 Kirkland Comprehensive Plan was issued prior to the final Planning Commission public hearing in October. It is included as **Exhibit E**.

EXHIBITS:

Exhibit A Planning Commission Transmittal Memorandum, dated October 23, 2006
Exhibit B Public Comments received on the Project since the June 20, 2006 City Council Briefing
Exhibit C Planning Commission Minutes
Exhibit D Norkirk Working Group Roster
Exhibit E SEPA Addendum

Cc: File IV-03-27Kirkland Chamber of Commerce
Market Neighborhood Association
Norkirk Neighborhood Association
South Juanita Neighborhood Association
Terry and Kiri Rennaker, 100 20th Avenue, Kirkland, WA 98033
Kenneth and Armitage Roberts, 32 21st Place, Kirkland, WA 98033
Thomas and Sharon Sherrard, 558 20th Avenue, Kirkland, WA 98033
Chaffey Homes Inc., 205 Lake Street South Suite 101, Kirkland, WA 98033
Val Bachmayer, 214 9th Avenue, Kirkland WA 98033
Patti Smith, Smith Meacham Insurance, 523 Kirkland Way, Kirkland, WA 98033
Susan Fahnestock-Draybuck, Service manager, Green Car Co., 11630 Slater Avenue NE, Suite 3, Kirkland, WA 98034

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MEMORANDUM

To: City Council

From: Kirkland Planning Commission
_____, Chair
Janet Pruitt

Date: October 23, 2006

Subject: PLANNING COMMISSION RECOMMENDATION TO ADOPT NORKIRK NEIGHBORHOOD PLAN, ZONING AMENDMENTS, AND REZONES (IV-03-27)

Introduction

We are very pleased to submit the recommended plan and implementing zoning regulations and rezones for the Norkirk Neighborhood for consideration by the City Council. This is the first major update to the plan in twenty-nine years. Over the past two plus years, the Planning Commission has made an effort to consider input from interested citizens, the Norkirk Working Group, the Transportation Commission, and testimony from the neighborhood at the public hearings. As evident from our public hearing, many of those who have participated in the project are supportive of the draft plan and regulations.

While all private amendment requests reviewed with the Plan update were dropped from further consideration after the Council briefing in September 2005, the Commission did study historic lot size and development patterns in the neighborhood to come up with three proposed options to address very distinct and compelling concerns that we heard expressed during the update process. These are discussed below in the Commission Issues section.

Major highlights

The updated Neighborhood Plan and development regulations to implement the Plan consist of the following highlights:

1. Lot Size Consistency (See Plan Goal N 3 and Policy N 3.2, RS Use Zone Charts, and Rezone Map):
   This would occur by rezoning a limited area in the southwest corner of the neighborhood from RS 7.2 to RS 6.3 to be consistent with existing lot size and development patterns. The median size of existing lots in this area is 6,000 square feet. 82 parcels between 2nd Street and the alley between Market and 1st Street, and between 8th Avenue and the alley between12th and 13th Avenues would be rezoned from RS 7.2 to RS 6.3. The rezone would allow 8 additional lots to be created in this limited area.

2. Encouraging Housing Diversity (See Plan Goal N 4 and Policy N 4.2) :
   This would occur in the RS 7.2 and proposed RS 6.3 zones by allowing properties of at least 12,200 square feet in the RS 7.2 zone, and 11,300 square feet in the proposed RS 6.3 zone, to be subdivided into two lots if a small house is built or retained on the smaller of the two newly created lots. In the RS 7.2 zone, one lot would remain 7,200 square feet, and the other smaller lot would be 5,000 square feet. In the proposed RS 6.3 zone, one lot would remain 6,300 square feet and the other would be no smaller than 5,000 square feet. This proposal would allow up to 53 additional lots in the RS 7.2 zone. If approved by City Council, the regulations for implementing the small lot single family proposal will be drafted in the first quarter of 2007.

3. Encouraging Retention of Buildings of Historic Significance (See Plan Goal N 1 and Policy N 1.2):
   In the RS 7.2 and proposed RS 6.3 zones this approach would allow a subdivision on properties of at least 10,000 square feet containing recognized historic buildings. Both resulting lots would be at least 5,000 square feet. Based on a Heritage Society Historical inventory in the late 1990's there are up to 11 historic buildings in Norkirk's RS 7.2 and proposed RS 6.3 zones. If approved by City Council, the regulations for implementing the historic preservation proposal will be drafted in the first quarter of 2007.

4. Allowing Alternative Housing Options (See Plan Goal N 4 and Policy N 4.1):
   Alternative and innovative housing types are allowed (e.g. attached, clustered small lot single-family, accessory dwelling units & cottage housing) to provide housing choice in low-density areas. Implementing regulations will be drafted as part of the innovative housing work program during 2007.

5. Kirkland Cannery (See Plan Goal N 1 and Policy N 1.2):
   Preservation of the historic Kirkland Cannery is encouraged by allowing more flexibility in the type of land uses otherwise allowed in the industrial zone.

6. Commercial and Industrial Areas

   - Commercial land use in Planned Area 7 is limited to office and only permitted at the SW corner of 4th Street and 4th Avenue. (See Plan Goal N 5 and Policy N.5.1, and PLA 7A, 7B, and 7C Office Use Zone Chart)

   - Office development is encouraged as a transitional land use between the industrial area and downtown (west of 8th Street and south of 7th Avenue) by increasing the height limit for office use from 35 to 40 feet. (See Plan Goal N 7 and Policy N 7.1, and LIT Office Use Zone Chart)

- Businesses in the industrial area that employ environmentally sustainable technologies to produce or provide "green" products or commodities are encouraged. Proposed LIT zoning amendments for "automobile sales" would limit the use to the Norkirk Industrial Area (adjoining 8th Street and 7th Avenue), would allow only interior sales and interior storage and display of autos, would prohibit exterior advertisement and would require supervised test drives; all in order to limit impacts. The use would primarily entail the sale of alternative fuel vehicles such as electric, biodiesel and ethanol. (See Plan Goal N 7 and Policy N 7.2, and LIT automobile sales use zone chart)

7. Pedestrian Connections:

- Pedestrian routes that connect activity areas and link Norkirk with other neighborhoods are identified. (See Plan Goal N 11 and Policy N 11.1)

- Development of the Cross Kirkland Trail along the railroad right-of-way is supported. (See Plan Goal N 11 and Policy N 11.2)

8. Boundary Changes:

- The Norkirk Neighborhood boundary is moved to the middle of Market Street. (See Plan Figure N-4 Norkirk Land Use Map)

- A Market Street Commercial Corridor Subarea Plan is established to address goals and policies for this commercial district that straddles Market Street. (to be discussed on November 21 at Market Neighborhood study session)

- The boundary between Norkirk and South Juanita is changed to recognize one property with Forbes Creek Drive access as part of the South Juanita Neighborhood. (see Plan Figure N-4 Norkirk Land Use Map)

9. Parcel Rezones (see rezone map):
   - A rezone of 32 21st Place and 100 20th Avenue from RS 12.5 to RS 7.2 to match the zoning in the rest of the neighborhood is recommended.

Planning Commission Issues

The Commission discussed a number of issues at length during the neighborhood plan process. The following are some of the more significant issues that were addressed.

1. Lot size and development patterns in the low density residential core

A. Rezone Proposal (Policy N 3.2)

The historic platting pattern was set in the late 19th and early 20th centuries, when in 1890 Peter Kirk's Kirkland Land and Improvement Company platted much of the original Norkirk

area (from Market to 3rd Street and south of 10th Avenue). Burke and Farrar purchased and replatted the area north of 10th Avenue and East of 3rd Street in 1914 to better reflect the topography. These early plats set the stage for the inconsistent lot sizes in Norkirk today.

The information we reviewed revealed that although most lots in the RS 7.2 zone (83%) are at least 7,200 square feet, undersized lots are scattered throughout the RS 7.2 zone. Of these undersized lots, the most (13%) were at least 6,000 square feet (see Attachment 14). We found that there is a concentration of undersized lots alongside lots with the potential to further subdivide into two 6,000 square foot lots west of 2nd Street and south of the alley between 12th and 13th Avenues. Furthermore, more than 50% of lots in this limited area are undersized and contain a median lot size of 6,000 square feet (see Attachment 15).

We heard from some residents residing in this limited area that although their lots are too small to subdivide under current regulations, they are large enough to be subdivided into two 6,000 square foot lots. They requested that they be allowed to have similar sized lots as those undersized lots adjoining them. They framed this as a fairness issue. This concern was taken seriously by the Commission and we felt that the Housing goals and policies directed us to proceed with seeking a remedy. The Commission also feels that the zoning should adequately reflect the actual (and historical) development pattern.

Kirkland Comprehensive Plan Housing Goal H-3 and Policy H-3.1 provide policy support for further lot size reductions in limited cases. Goal H-3 states, "Provide for greater housing capacity and home ownership opportunities."

Policy H-3.1 states, "Provide additional capacity for single-family development through allowing reductions in lots sizes where surplus land exists on underdeveloped parcels." The narrative states:

> "As Kirkland has become more fully developed in recent years, residential development trends have included a shift away from large subdivisions to "infilling" of vacant and underdeveloped lots within existing neighborhoods. The City already allows slight reductions in the required lot size as one method to accommodate more housing on existing residential land while helping to avoid suburban sprawl. Further lot size reductions would increase capacity in areas already served by transit and other public utilities and services. This should only be considered where compatibility with surrounding neighborhoods can be ensured through site and building design".

Within the context of this limited area, we think the rezone remedy to RS 6.3 provides the most straightforward solution, providing a few more potential lots that are compatible with existing lot size. In our view, this rezone reflects the existing development pattern, while

providing lot size equity. We choose the RS 6,300 lot size rather than the RS 6,000 lot size because when existing lot size flexibility regulations are utilized the resulting lot size is close to the median lot size in this limited area. We didn't want the resulting lot size to be smaller than the median lot size.

Policy N. 3.2 on page 15 of the Plan (Attachment 1) addresses this rezone proposal. It is proposed to bring zoning into consistency with the existing lot size in a limited area. The zoning would change from RS 7.2 (7,200 square feet minimum lot size) to RS 6.3 (6,300 square feet minimum lot size). A new RS 6.3 zoning chart would result, and all zoning regulations that now apply to the RS 7.2 zone would apply to this zoning classification. The rezone affects 82 parcels and it potentially results in 8 additional lots.

B. Small Lot Single-Family Proposal (Policy N 4.2)

Diversity is part of the vision for the Norkirk neighborhood. That includes alternative housing styles to provide choices for a diverse community that represent a range of ages, households, incomes and backgrounds. We wanted to find a way to create or retain some smaller homes so that there is more housing choice, and to counter the market trend toward large homes maximizing the building envelope and changing the character of the neighborhood.

The purpose of the Small Lot Single-Family proposal is to provide an incentive to preserve existing small homes and promote smaller new homes. It allows subdivisions with smaller lots than otherwise permitted. The minimum lot size that could take advantage of this option is 12,200 square feet in the RS7.2 zone, where one lot would be 7,200 square feet and the other would be 5,000 square feet, and contain the smaller home. The small home would be limited by a lower Floor Area Ratio (suggested somewhere in the range of .3 -.4). This option potentially results in 53 additional lots as illustrated in Attachment 16. Regulations to implement this policy (N 4.2) on page 17 of the Plan (Attachment 1) would be drafted after Plan adoption.

C. Historic Preservation Proposal (Policy N 1.2)

While Norkirk is one of the most historic neighborhoods in Kirkland, we do not require historic building preservation. The vision statement acknowledges the special role these homes play. Our thinking was to create an incentive for owners of these houses to retain them by allowing smaller lot sizes when subdividing a lot that contains an historic building, if the building is preserved. The minimum lot size that could be subdivided is 10,000 square feet resulting in two lots of at least 5,000 square feet. There are 11 potential historic homes in the RS 7.2 zone whose owners might take advantage of this incentive as illustrated in Attachment 17. Regulations to implement this policy (N 1.2) on page 8 of the Plan (Attachment 1) would be drafted after Plan adoption.

2. Proposal to allow limited automobile sales in the Industrial Area of Norkirk

The Green Car Company requested that automobile sales be allowed in the LIT zone in Norkirk. Although this proposal came to our attention at the end of the process we do think that on balance the environmental and economic benefits from the retail sale of a very limited type of automobile outweigh any adverse impacts. What we want to avoid is for this business to drive up the land values that could eventually drive out businesses that are allowed outright in the LIT zone, where land is less expensive to own and leases are more affordable than in retail areas. Because we have crafted regulations that limit the type of car sales to those that primarily sell alternative fuel vehicles and severely limit outdoor activities and accoutrements normally associated with car sales, we believe that very few other car dealerships would be attracted to or able to survive in this regulatory environment. We took into consideration the advice from Ed Starkie who stated that "given the nature of the business use proposed, it is not inconsistent with the existing profile of businesses in the area including the professional technical use" (Attachment 18). The Commission wants to be extremely careful not to expand most retail or other vehicle sales in this area.

3. Cut through traffic and speeding

This is a subject that has historically rallied the neighborhood and continues to be a concern. Goal N10 and Policy N 10.1 on page 24 of the Plan address this issue. They say "Minimize cut through traffic and speeding" and "Reduce cut-through traffic and speeding", respectively. These were particularly difficult to draft because of the fact that even in light of the work completed on Phase I of traffic calming in Norkirk, cut through traffic and speeding traffic is still a concern of residents of Norkirk. Additionally, residents are concerned that the alterations along Central Way will increase cut-through traffic. Public Works is committed to collecting data throughout Norkirk this autumn and again next spring to determine what traffic calming measures may be needed for a Phase II traffic calming effort in Norkirk. Even though Police and Public Works confirm that completely eliminating either speeding or cut through traffic may not be realistic, some citizens would nevertheless like the stated goal to be elimination of both. However, the Commission recommends the goal and policy as written because they acknowledge the problem and set achievable goals.

Future Actions

Some of the proposed goals and policies will require implementation through other Planning projects following the adoption of the Norkirk Plan:

Historic Context Policy N 1.2: Regulations to implement this policy to preserve historic buildings will be drafted in the first quarter of 2007. The historic inventory that was used to do the initial research on this option was commissioned by the Kirkland Heritage Society in the late 1990's and the idea is to use this or another inventory as the basis of confirming the viability of a historic building. Regulations will need to address the issue of retaining the historic home in perpetuity or

some agreed upon length of time, and providing the mechanism to do so. The question of allowing some level of minor alterations in order to ensure that the homeowner has some flexibility to repair and maintain the home will need to be addressed. Finally, we will have to work out details allowing a historic home to be moved within an existing lot in order to accommodate the placement of the home on the newly created lot.

The Kirkland Cannery is specifically noted in the policy narrative for Policy N 1.2. It states that some zoning flexibility to allow non-industrial uses such as live work lofts may be appropriate in order to preserve this building. The feasibility study that the Council commissioned to determine the cost of renovation for a hypothetical potential tenant is not yet completed. The proposed plan language is accommodating to further implementation strategies, which may result from that study.

Residential Land Use Policy 4.2: Regulations to implement this Small Lot Single-Family option will be drafted in the first quarter of 2007. The regulations will need to address the maximum floor area ratio for 5,000 square foot lots, constraints such as flagged lots, and a mechanism for ensuring that a small home remains on the small lot in perpetuity.

Industrial Land Use Policy 7.2: This policy introduces the idea of environmentally sustainable technologies being encouraged as businesses in Norkirk's LIT zone. Although this is a response to the Green Car Company proposal, this type of commerce benefits Kirkland's economy and reflects neighborhood values, and deserves further study to better define a possible "green zone" in Norkirk and to determine whether it should be expanded to other Industrial areas in Kirkland. Fully exploring this topic goes beyond the scope of the neighborhood plan and should be studied in a citywide context. We do keep coming back to the bigger question of what we want our LIT zones to be and what kinds of uses should be allowed in the LIT zones given their existing building stock and redevelopment potential.

Transportation Policy N 10.1: This policy highlights the functional role that alleys play in the street system. Some Commissioners are interested in regulations that either require or strongly encourage garages to be placed on alleys in areas that have an alley network. This policy can be implemented in the future.

Public Participation

As the study of the Norkirk Neighborhood has stretched over the past two plus years, there is an extensive amount of material in the record for this project. All public comments received since your June 20th 2006 briefing, are attached to this packet as Exhibit B. All Planning Commission meeting minutes are attached as Exhibit C. The Norkirk Working Group roster is attached as Exhibit D.

Activities

A key element of the neighborhood plan update process has been public involvement activities.

- The initial Market / Norkirk / Highlands (MNH) kickoff meeting at Peter Kirk Elementary School on March 29, 2004 provided an opportunity for the citizens in all three neighborhoods to provide their input to staff on issues they wanted addressed during the update process.

- Then on June 9, 2004, Norkirk residents were invited to participate in a workshop where their preferences were solicited on key questions affecting the neighborhood based on issues identified at the kick off meeting.

- The Norkirk Working Group was convened from September through November 2004 to provide feedback to planning ideas formulated over the course of the study, based on public input from the workshop and kickoff meetings and from city initiated ideas. Committee members included neighborhood residents and property owners, representatives from the Norkirk Neighborhood Association, and various stakeholders, including the PTSA, a youth representative, an environmental representative, a Chamber of Commerce representative, a faith based representative, and business owners, and members of City boards and commissions such as the Heritage Society, Transportation Commission, Parks Board, Senior Council and Cultural Council. Janet Pruitt, current Chair of the Planning Commission, chaired the working group.

  The Norkirk Working Group attended four meetings on the topics of transportation, housing, land use and private amendment requests, and the Market Street Corridor, respectively. A photo survey of the neighborhood to target issues for the update of the Plan was undertaken by the working group to identify strengths and weaknesses of Norkirk. Member's preferences on neighborhood issues were transmitted to the Planning Commission.

- At their July 28, 2005 public hearing on initial concepts, the Planning Commission considered the working group preferences along with publics' input in order to recommend plan preparation.

- The City Council directed changes to the Planning Commissions' recommended direction on initial concepts at the Norkirk Neighborhood Plan briefing on September 20, 2005. At the briefing, the Council directed that none of the private amendment requests to increase density should be further considered with the Plan update. Council did acknowledge it would be appropriate for the Commission to gather more data on lot sizes and development patterns in the neighborhood, and for staff to provide information necessary for review and consideration.

- After adoption of the Highlands Neighborhood Plan in December 2005, work began once more on the Norkirk and Market Plans. A vision workshop in February was attended by 50 people.

The author of the initial vision statement in the Norkirk Plan is a Norkirk Neighborhood Association board member and resident.

- The Norkirk and Market Working Groups reconvened in March 2006 for a joint tour of innovative housing projects in both Kirkland and elsewhere on the eastside to help determine its acceptance in the both neighborhoods.

- Several Norkirk Neighborhood Association members attended the Planning Commission meetings over the course of this plan preparation phase, where their input was considered as the draft plan was developed.

- In May, prior to the Council briefing on June 20th and the Planning Commission public hearings on September 21 and October 8, 2006, the working group and Transportation Commission reviewed and recommended revisions to the draft plan.

- In June, The Council directed the Commission to continue studying the various options to address development patterns and lot sizes in the Norkirk neighborhood.

- Twenty-one citizens provided public comment at the September hearing. Nine citizens spoke at the October hearing on the topic of the automobile sales proposal. Those working group members who attended the September Planning Commission public hearing where the draft plan was presented were generally supportive of the plan. Exceptions were for the proposal to rezone property at 558 20th Avenue and the proposed policies addressing bypass traffic and speeding. The Commission subsequently voted not to recommend the rezone of 558 20th Avenue, and tweaked Transportation Goal N 10 and Policy N 10.1 without changing the intent.

Notices

All of these events were open to all members of the public and except for the working group meetings, all were advertised via the *King County Journal* and the City's cable channel, and on four large public-notice boards in the neighborhood. The *Kirkland Courier's* city update page featured an article about all three plan updates and advertised the first public hearing. In addition, the City sent out direct mailings to all property owners, neighborhood residents and those residents within 300 feet of the neighborhood's boundary prior to the kickoff meeting, workshop and public hearings.

Prior to the public hearing on September 21, 2006, to receive public comment on the proposal, post card notices were again sent to all property owners, neighborhood residents and those within 300 feet of the neighborhood's boundary and public notice boards were posted on or near each property proposed for rezone. Additionally, a letter explaining the rationale for each of the three city initiated rezones was sent to all property owners and residents within 300 feet of each rezone.

Prior to the public hearing on October 8, 2006, to receive public comment on the automobile sales proposal in the industrial area in Norkirk, notices were sent to all property owners and residents within the LIT zone, within 300 feet of the boundary of the LIT zone, and to all who spoke at the September public hearing.

Two hundred and ninety-nine subscribers to the list service for the MNH Neighborhood Plan update project have been kept informed of the status of the MNH neighborhood plans update project. All staff memorandums were available for viewing on line on the project website. Additionally, the project website advertised the meeting schedule.

cc: File IV-03-27

Attachments:

1. Recommended Norkirk Neighborhood Plan
2. Recommended amendments to RS Zoning Regulation Use Zone Charts
3. Recommended amendments to Planned Area 7A, 7B, and 7C Zoning Regulation Use Zone Charts
4. Recommended amendments to LIT Zoning Regulation Use Zone Charts
5. Recommended amendments to Zoning Definitions 5.485 Low Density Use and 5.490 Low Density Zones
6. Recommended amendments to Zoning Definitions 5.785 Residential Zone
7. Recommended amendments to Zoning Definitions 5.960 Use Zone
8. Recommended Rezones Map
9. Recommended Norkirk Neighborhood Land Use Map
10. Recommended amendments to Comprehensive Plan Figure I-3 City of Kirkland Neighborhoods
11. Recommended amendments to Comprehensive Plan Table LU-3 Residential Densities and Comparable Zones
12. Recommended amendments to Comprehensive Plan Economic Development Policy ED-3:1
13. Recommended amendments to Comprehensive Plan Figure J-2b South Juanita Neighborhood Land Use Map
14. Map titled "Norkirk Neighborhood RS 7.2 Zone – Lots Less Than 7,200 Square Feet and Lots with Further Subdivision Potential"
15. Map titled "Norkirk Neighborhood Potential Rezone Area – Lot Size Less Than 7200 Square Feet and Further Subdivision Potential".
16. Map titled "Norkirk Neighborhood Small Lots Single-Family Option – Lots Between 12,200 SF and 13,319 SF in RS 7.2 Zone".
17. Map titled "Norkirk Neighborhood Historic Preservation Option – Historic Buildings on Lots Between 10,000 SF – 13,319 SF in RS 7.2 Zone".
18. Memorandum from Edward Starkie, Urban Advisors Ltd. Dated October 6, 2006

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1. NORKIRK OVERVIEW

The Norkirk Neighborhood lies between the Burlington Northern Santa Fe railroad tracks on the east, Market Street on the west, the Moss Bay Neighborhood, including downtown on the south, and the crest of the Juanita Slope at approximately 20th Avenue, on the north (see Figure Norkirk-1).

Most of the area is developed, and the land use pattern is well established. The neighborhood is predominately residential in character, and contains some of Kirkland's oldest homes. The neighborhood is also home to many civic and public uses including City Hall, the City Maintenance Center and the Kirkland Junior High School. The core of the neighborhood consists of low-density residential development, while medium and high-density residential uses are concentrated on the south end, transitioning to the commercial uses of the Central Business District. Commercial and multifamily residential development adjoins Market Street on Norkirk's western boundary. Light Industrial uses are located in the southeastern portion of the neighborhood.

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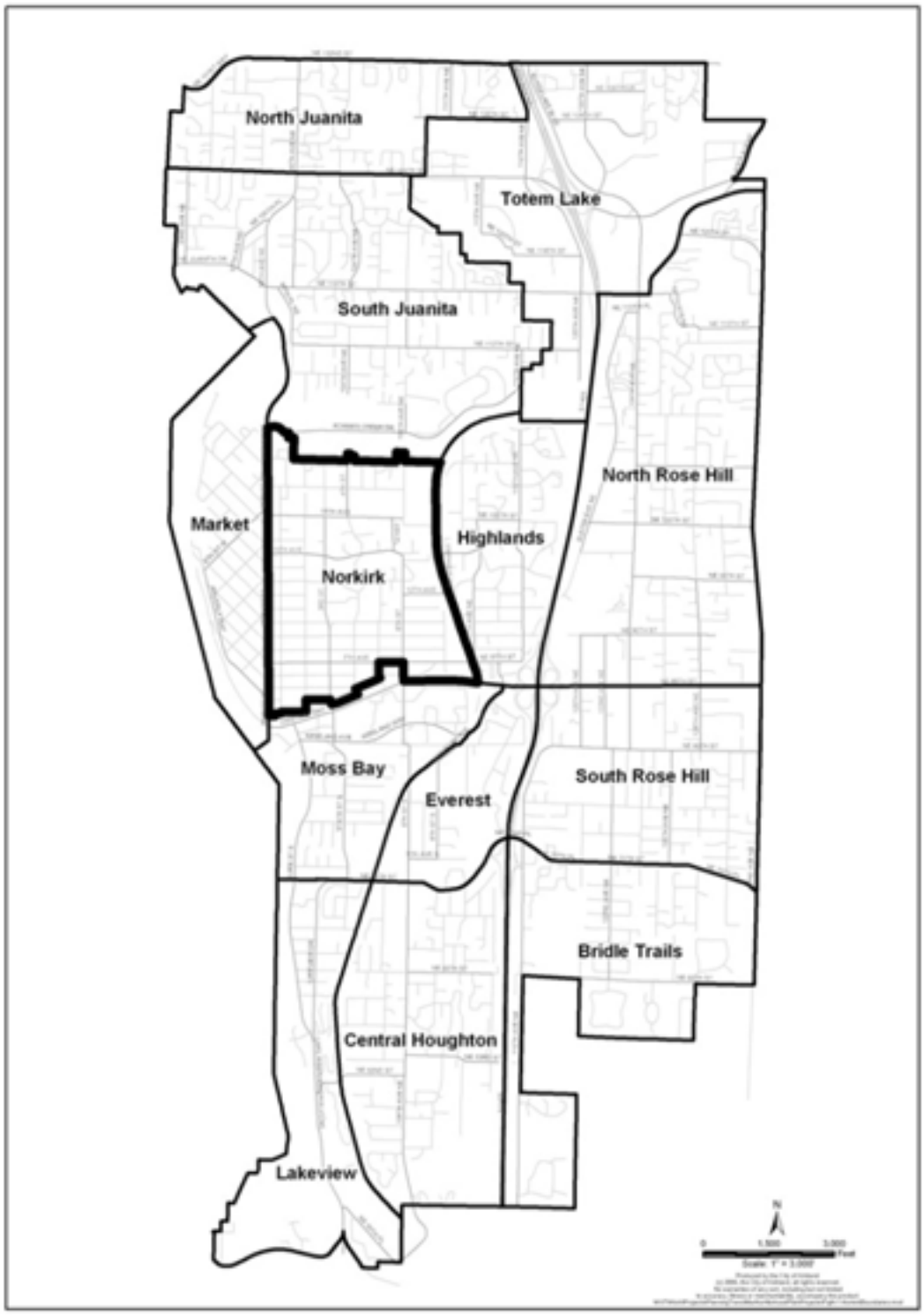

Figure N-1: Norkirk Boundaries

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2. VISION STATEMENT

The Norkirk Neighborhood in 2022 is a stable and tranquil community of neighbors who represent a range of ages, households, incomes, and backgrounds. Norkirk residents highly value the distinct identity of their own neighborhood as well as its proximity to downtown Kirkland.

Annual Norkirk Neighborhood Picnic, 2005

Norkirk residents are good neighbors because we know one another. That's because the Norkirk Neighborhood is a pleasant and safe place for walking. From the sidewalks, people greet neighbors who are working in their gardens or enjoying the quiet from their front porches. Children play in their yards and in the parks, or ride

their bikes along streets where they recognize their neighbors. Norkirk is linked to other Kirkland neighborhoods and commercial areas by safe bike and pedestrian routes and local transit.

Norkirk residents prize our beautiful surroundings. We benefit from open spaces and abundant trees. From numerous spots throughout the neighborhood one can view Lake Washington and its shoreline, the Olympics, or Mount Rainier. The parks, woodlands, and wetlands are considered the neighborhood's backyard, and residents care for those places.

The neighborhood has a unique civic presence and identity. Many city services and facilities are located here, attracting community members from outside the neighborhood. The Norkirk Neighborhood is home to both City Hall and the City Maintenance Center where the work of local government takes place. Kirkland Junior High School, situated next door to Crestwoods Park, serves the entire city. Norkirk is also home to Peter Kirk Elementary School, which draws its enrollment from not only the Norkirk Neighborhood but also from the Market and Highlands neighborhoods.

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Kirkland Junior High School

In 2022, the Norkirk Neighborhood is comprised mainly of single-family homes. Houses come in a variety of styles and sizes and, between houses, there is light and vegetation. The neighborhood feels uncrowded. Residents cherish many homes dating from early in the 20th century. Low-density residential areas successfully integrate alternative housing styles throughout the neighborhood, which provides choices for a diverse community.

Higher density multifamily development at the southern boundary of the neighborhood provides additional housing choice and a stable transition between the single-family core and the more intensive commercial and residential development in downtown Kirkland. Additional multifamily development and commercial activities are located along the Market Street Commercial Corridor. Here the alley and topographic break separate the single family area from the Market Street Commercial Corridor, minimizing conflicts between adjacent land uses and ensuring neighborhood integrity. These commercial areas provide important shopping and services for both neighborhood residents and the region. Design of new development within the Market Street Commercial Corridor is complementary to the adjacent residential portions of the Market and Norkirk Neighborhood, helping to create seamless transitions to protect and enhance the residential core.

In 2022, industrial and office uses in the southeast portion of the neighborhood are compatible with the residential uses that surround them. Located near the railroad tracks, this area provides a central city location for technology, services, offices use, wholesale businesses and the City Maintenance Center. Landscape buffers, building modulation and traffic management help integrate this area into the neighborhood.

Norkirk in 2022 is an outstanding neighborhood in which to live.

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3. HISTORIC CONTEXT

Introduction

The Norkirk Neighborhood is one of the most historic in the City of Kirkland. Norkirk has had a significant role in the development of the City starting in the late 1880's when a majority of land was purchased to be part of Peter Kirk's new town. The area around the present City Hall was the Civic Center of Kirkland in the 1900's. The churches were the community meeting places and the Kirkland Woman's Club, the American Legion Hall and schools provided numerous community services. Central School was purchased by the City of Kirkland in 1977; it was vacated in 1978 and damaged by fire in 1980. The City of Kirkland reinforced Norkirk's importance as the civic center of the City by building the new City Hall on the Central School site in 1982.

Photo of Congregational & Baptist Churches & Central School 1905

Arline Andre collection, Kirkland Heritage Society.

Homesteads in the 1880's

The land homesteaded in the 1880's by John DeMott and George Davey included most of the Norkirk Neighborhood and portions of downtown. These two homesteads extended from First Street to Sixth Street and from Kirkland Avenue up to 18th Avenue. The Carl Nelson and Martin Clarke Homesteads extended east of 6th Street up to 116th in the Highlands Neighborhood.

Kirkland Land and Improvement Company

Between 1888 and 1890, Peter Kirk's Kirkland Land and Improvement Company purchased many of the homesteads to begin the proposed new city, which would support the construction of the Steel Mill on Rose Hill near Forbes Lake. In 1890, the original plat was done with the street layout much as we see it today – particularly from Market to 3rd Street and south of 10th Avenue. The town center was to be at the intersection of Market Street and Piccadilly (7th Avenue). Piccadilly with its wide right-of-way was the connecting road to the mill on Rose Hill.

In 1893 the nationwide depression wiped out Kirk's dream of Kirkland becoming the "Pittsburgh of the West" as the financial backing stopped and the mill closed without ever having produced steel. Very little

development occurred in Kirkland until after 1910. Even though times were tough, the citizens voted to incorporate in 1905.

Boom Development 1910 – 1930 - Burke & Farrar

The most significant era of development in Norkirk was from 1910 through the 1930's after Burke & Farrar, Seattle developers, purchased Peter Kirk's remaining holdings. The area north of 10th Avenue and east of 3rd Street was replatted in 1914 to better reflect the topography. This era coincided with the national popularity of the Arts and Crafts movement and the construction of bungalow and craftsman styles of homes. The Norkirk Neighborhood has the greatest number of bungalows in the City – it is very appropriate for the neighborhood logo to reflect that time period and architectural style.

Representative photographs of Bungalows.
Inventory Reports from Kirkland Heritage Society

Railroad

The Northern Pacific Railroad line that forms much of the eastern boundary of the Norkirk neighborhood was begun in 1903 and was completed in the summer of 1904 according to information from the Issaquah Depot Museum. (We need to do more research to confirm this.)

Change of Street Names

In the late 1920's the street names defined in the original Kirk Plat were changed to the present numbering system to facilitate public safety. The street signs installed in 1999 and 2000 reflect the original historic names. For example: 3rd Street was Jersey Street; 6th Street was Orchard Street; 7th Avenue was Piccadilly Avenue; and 18th Avenue was Portland Avenue.

Naming of the Neighborhood

The name likely came from geographic references to "North Kirkland" relative to downtown. This was formalized with the naming of the Norkirk Elementary School in 1955. The 6/23/55 East Side Journal newspaper had the following story:

> The name "Norkirk Elementary School" submitted by Donna Lee Owen, age 7 of Redmond was chosen by school board members as the name of the new

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Elementary school under construction in north Kirkland. Donna is the daughter of Mr. and Mrs. Alvin L. Owen, Jr. and is a student in the second grade.

Historic Properties

The Kirkland Heritage Society utilized a grant from the Kirkland City Council to conduct an inventory of properties meeting established historic criteria in 1999. The Norkirk Neighborhood had one-third of the buildings on the citywide inventory. Twenty percent of the highest priority structures are located in Norkirk. The Woman's Club, Trueblood House, Campbell building and Peter Kirk building are on the National Register of Historic Places. The cluster of historic properties at the intersection of Market Street and 7th Avenue form an important historical link and entrance to the Norkirk neighborhood.

Woman's Club and Peter Kirk Building -Recognized by City of Kirkland Inventory and Centennial Collections, Kirkland Heritage Society.

Goal N 1 – Encourage preservation of structures and locations that reflect the neighborhood's heritage.

Policy N 1.1:

Provide markers and interpretive information at historic sites.

Providing this information will identify these important sites and enable future residents to have a link with the history of the area.

Policy N 1.2:

Provide incentives to encourage retention of identified buildings of historic significance.

Allow flexibility in lot size requirements for lots that contain historic buildings. This incentive will allow lots containing historic buildings to be subdivided into smaller lots than would otherwise be permitted if the historic buildings meet designated criteria and are preserved on site.

Minimum lot size in this situation would be 5,000 square feet in an RS 6.3 or 7.2 zone. This incentive would allow up to two smaller lots, including the one containing the historic building, if the recognized integrity of the historic building were preserved. If additional lots were created by the subdivision, they would have to meet the lot size requirements for the zone.

A particularly significant historic building in the neighborhood is the Kirkland Cannery. Located in the industrial area of Norkirk, some zoning flexibility to allow non-industrial uses such as live work lofts may be appropriate in order to preserve this building.

4. NATURAL ENVIRONMENT

Goal N 2 – Protect and enhance the natural environment in the Norkirk neighborhood.

Policy N 2.1:

Protect and improve the water quality and promote fish passage in the Forbes Creek and Moss Bay basins by undertaking measures to protect stream buffers and the ecological functions of streams, Lake Washington, wetlands and wildlife corridors.

The Norkirk Neighborhood is located within the Forbes Creek and Moss Bay drainage basins (Figure N-2). Various Moss Bay and Forbes Creek tributaries and several small wetlands constitute a valuable natural drainage system that flows into Lake Washington and provides the surface water, water quality, wildlife and fish habitat, and open space functions for the neighborhood.

In the Forbes Creek basin, there is extensive cutthroat trout habitat in the main stem of Forbes Creek downstream of Forbes Lake. Coho salmon are found west of the freeway in Forbes Creek. The various Norkirk Neighborhood tributaries leading into the Creek contribute to the water quality downstream prior to entering Lake Washington.

In the Moss Bay drainage basin, the open stream portion of the Peter Kirk Elementary Tributary near the elementary school appears to have good water quality although analysis has not been conducted. It is

suspected that water quality rapidly degrades through the piped network downstream prior to entering Lake Washington. In this tributary, removal of invasive species and revegetation of the area with native vegetation, including trees and shrubs, is worth investigating. Additionally, the feasibility of re-introduction of resident cutthroat trout into the stream and daylighting the piped portion of this tributary upon redevelopment of the Industrial area are opportunities worth investigating. The small wetland and drainage area at Van Aalst Park provides an opportunity for enhancement on public property that could be accomplished as a neighborhood or school community service project.

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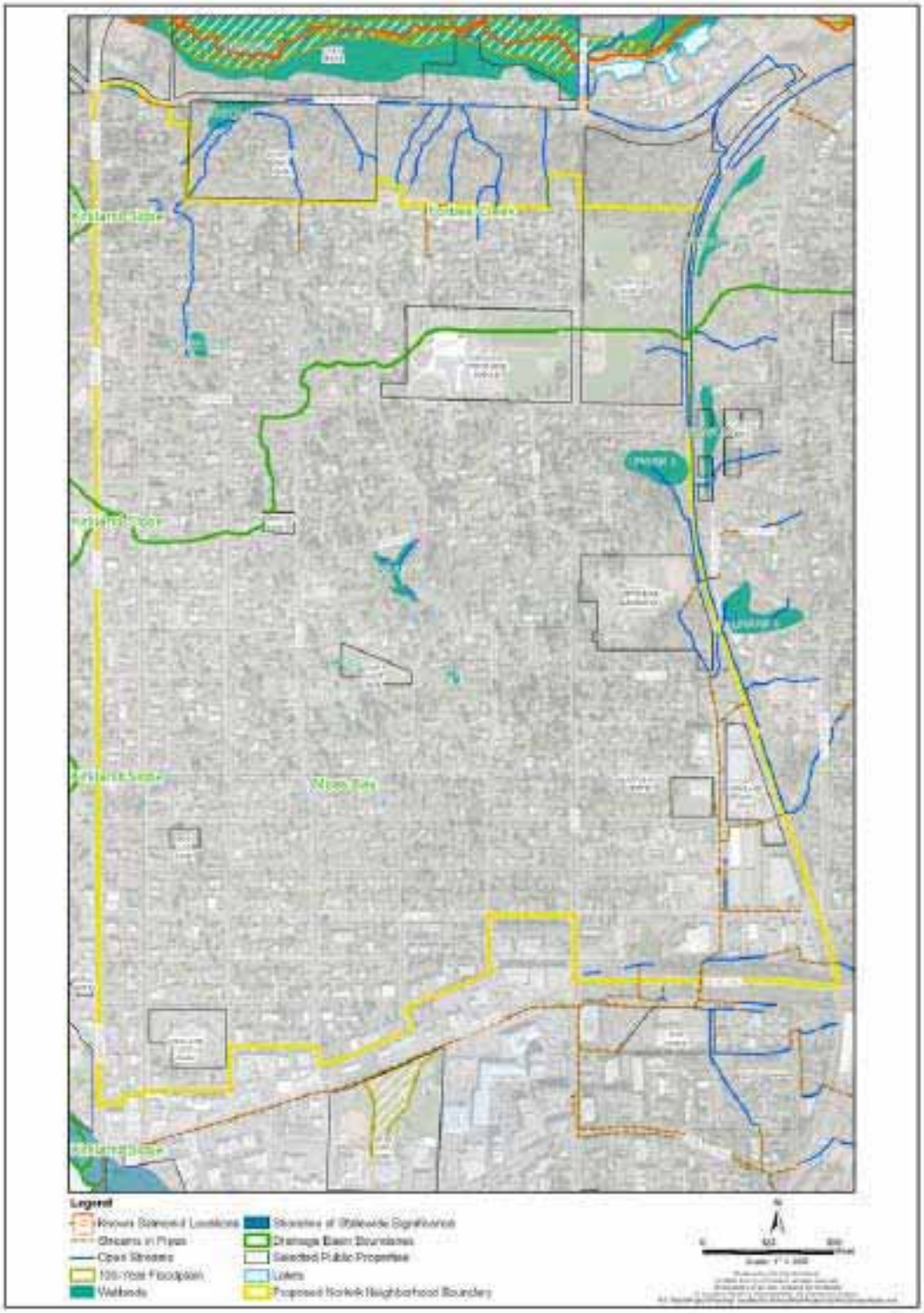

Figure N-2: Norkirk Sensitive Areas

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Policy N 2.2:

Develop viewpoints and interpretive information around streams and wetlands if protection of the natural features can be reasonably ensured.

Providing education about the locations, functions, and needs of sensitive areas will help protect these features from potentially negative impacts of nearby development, and could increase public appreciation and stewardship of these areas. When appropriate, the placement of interpretive information and viewpoints will be determined at the time of development on private property or through public efforts on City-owned land.

Policy N 2.3:

Protect, enhance and properly manage the urban forest by striving to retain and enhance the tree canopy including street trees, landmark and specimen trees, groves of trees and associated vegetation.

In the Norkirk neighborhood, protecting, enhancing, and retaining healthy trees and vegetation are key values and contribute to the quality of life. Where there are feasible and prudent alternatives to development of a site in which these trees can be preserved, the trees should be retained and protected.

Maintenance and removal of significant trees on developed private property will have a great impact to the overall urban forest. Proper pruning and reasonable reasons for removal of mature trees are strongly advised by the City, and appropriate tree replacements expected wherever possible. Where desirable, the tree canopy can be enhanced through street tree planting and in park and open space areas.

Policy N 2.4:

On properties containing high or moderate landslide or erosion hazards areas, ensure that development is designed to avoid damage to life and property.

The Norkirk Neighborhood contains areas with steep slopes including moderate and high landslide and/or erosion hazards. Moderate and high landslide hazard areas with development potential are primarily found north of Peter Kirk Elementary School near the railroad tracks (see Figure N-3). These areas are prone to landslides, which may be triggered by grading operations, land clearing, irrigation, or the load characteristics of buildings on hillsides.

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Clustering detached dwellings away from these hazard areas is encouraged when development occurs, in order to retain the natural topography and existing vegetation and to avoid damage to life and property. One way to accomplish clustering is through a Planned Unit Development, where retaining open space and the existing vegetation beyond the extent normally required would be a public benefit.

Policy N 2.5:

Avoid development of unimproved rights-of-way impacted by sensitive and landslide hazard areas:

Those portions of 16th Avenue (east of 7th St.), that are found to have sensitive areas, should not be improved. A portion of unopened right-of-way is within a wetland area, and should remain in its natural condition. Additionally, those portions of 20th Avenue that are found to be in moderate and high landslide hazard areas should be analyzed to determine if street improvements can be safely made without significant impacts on the adjacent geologically hazardous areas or adjacent sensitive areas.

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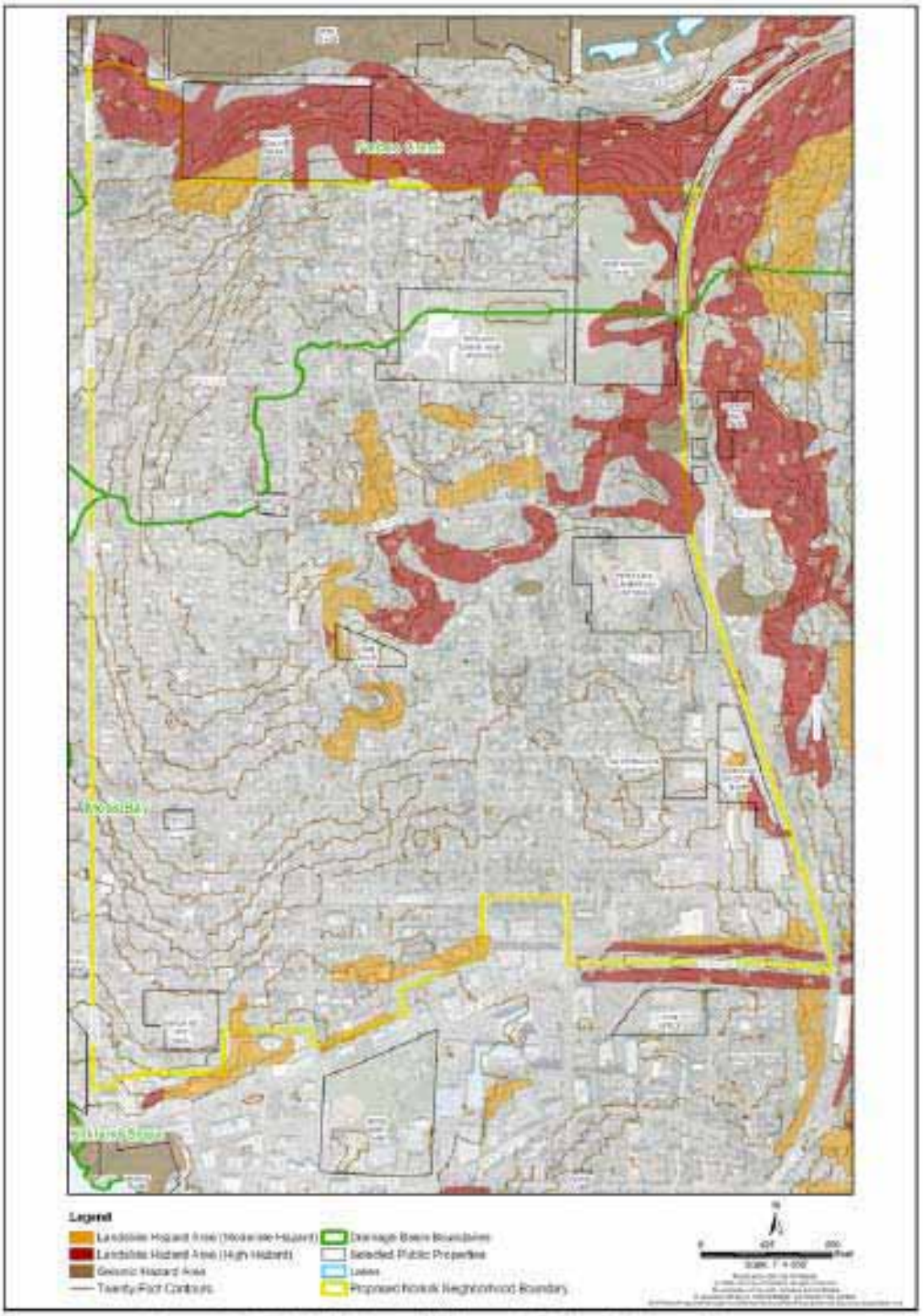

Figure N-3: Norkirk Landslide and Seismic Hazard Areas

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Policy N 2.6:

Protect wildlife throughout the neighborhood by encouraging creation of backyard sanctuaries for wildlife habitat in upland areas.

People living in the neighborhood have opportunities to attract wildlife and improve wildlife habitat on their private property. These areas provide food, water, shelter, and space for wildlife. The City, the State of Washington Department of Fish and Wildlife, and other organizations and agencies experienced in wildlife habitat restoration can provide assistance and help organize volunteer projects.

5. LAND USE

The Norkirk Neighborhood contains diverse land uses that are successfully integrated into the dominant single family residential land use pattern. Churches and schools are dispersed throughout the low-density residential

core, while other public institutional uses such as Kirkland City Hall is located in Planned Area 7 and the City Maintenance Center is located in the industrial area of the neighborhood. Multifamily apartments and condominiums are in the southern portion of the neighborhood. Retail, commercial, office, multi-family and mixed uses are focused in the Market Street Commercial Corridor and office, light industrial, and service commercial are concentrated in the light industrial zone at the southeast corner of Norkirk.

RESIDENTIAL

Goal N 3 – Promote and retain the residential character of the neighborhood while accommodating compatible infill development and redevelopment.

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Policy N 3.1:

Retain the predominantly detached single-family housing style in the core of the Norkirk Neighborhood.

Norkirk is a well-established neighborhood that has predominately low-density (6 dwelling units per acre) traditional single-family residential development located generally north of 7th Avenue. The land use transitions from the single-family core to medium and high-density multifamily development at its south end. Preservation of the eclectic mix of housing styles and sizes is important to the neighborhood's distinct character.

Policy N 3.2:

Allow lot sizes that match the existing lot size and development pattern (see Figure N-4).

A limited area, bounded on the east by 2nd Street, on the west by the alley between Market and 1st Streets, on the south 8th Avenue, and on the north by the alley between 12th and 13th Avenues, has a particularly large number of lots that are less than 7,200 square feet. Seven dwelling units per acre, which is comparable to the Single-Family Residential 6.3 zoning classification (6,300 square feet minimum lot size), are in context with the predominant platting pattern here. Similarly sized lots should be allowed in proximity to these smaller lots to be consistent with the lot pattern and to provide more housing capacity and home ownership opportunities.

Policy N 3.3:

Allow attached or detached residential development at 9 dwelling units per acre as a transition from the industrial area to 6th Street, between 7th and 8th Avenues (see Figure N-4).

There is an existing pattern of detached houses in this area. Continuing to allow the option for attached housing provides a choice of housing styles.

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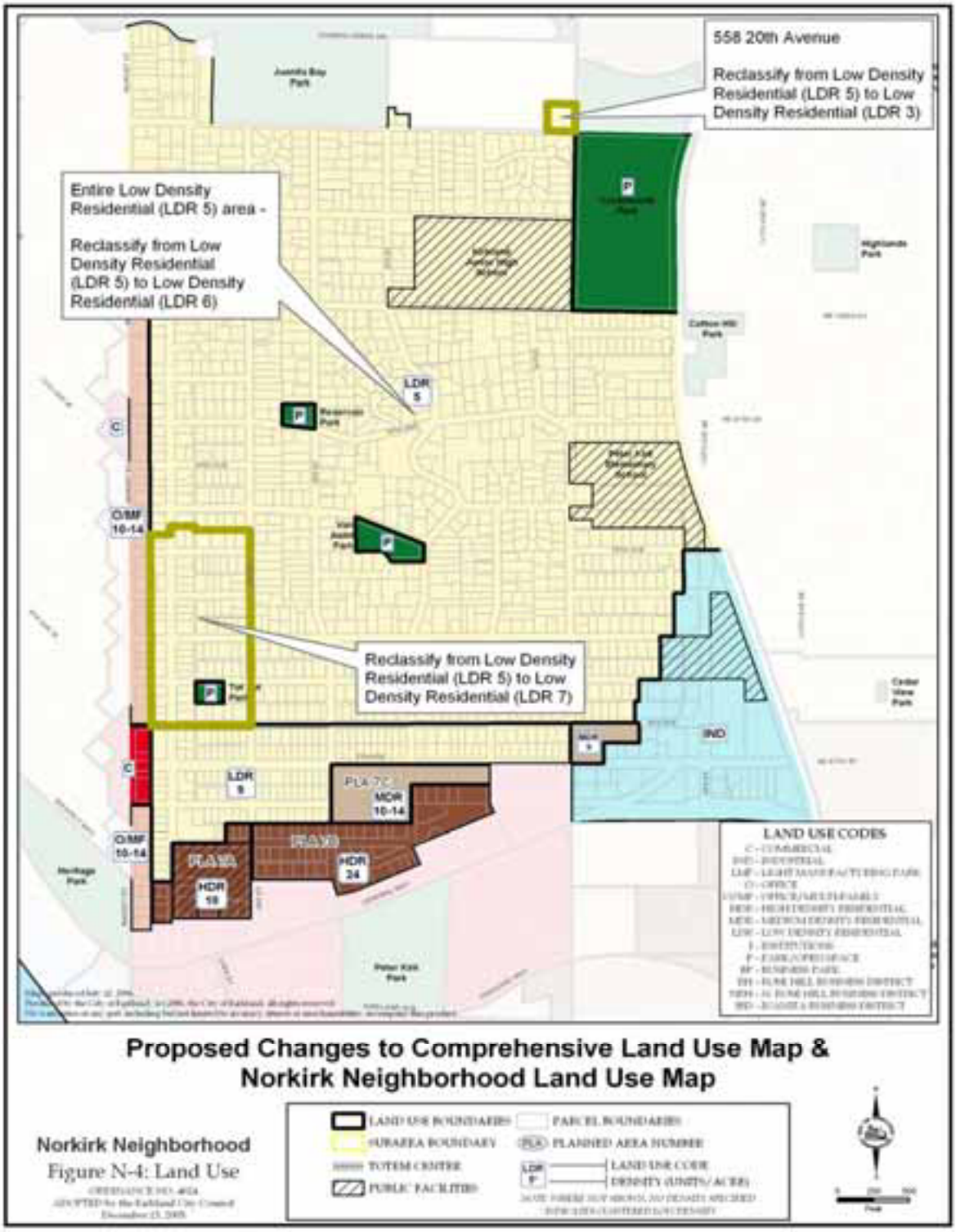

(November 2006)

Attachment 1

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Goal N 4 – Allow alternative residential development options that are compatible with surrounding development.

Policy N.4.1:

Allow a variety of development styles that provide housing choice in low-density areas.

Providing housing options for a wide spectrum of households is an important value to support and encourage. Alternative housing provides more housing choice to meet changing housing demographics such as smaller households. Rising housing prices throughout the City and region require strategies to promote lower cost housing. Allowing design innovations can help lower land and development costs and improve affordability.

Compatibility with the predominant traditional detached single-family housing style in the neighborhood will determine the acceptance of housing alternatives. Architectural and site design standards to ensure compatibility with adjacent single-family homes are important to the successful integration of alternative housing into the neighborhood. Styles such as cottage, compact single-family, common wall (attached) homes, accessory dwelling units, and clustered dwellings are appropriate options to serve a diverse population and changing household size and composition. They also may help maintain the diversity of housing that characterizes Norkirk. Standards governing the siting and construction of alternative housing types in Norkirk should be consistent with citywide regulations.

Policy N.4.2:

Encourage diversity in size of dwelling units by preserving and/or promoting smaller homes on smaller lots.

Diversity can be achieved by allowing properties to subdivide into lots that are smaller than the minimum lot size allowed in the zone if at least one of the lots contains a small home. This incentive encourages diversity, maintains neighborhood character, and provides more housing choice.

Up to 50% of the lots to be subdivided should be allowed to be smaller than the zoning designation allows if a small home is retained or built on the small lots. The lots containing the small homes should be no less than 5,000 square feet in the RS 7.2 and RS 6.3 zones. The size of the homes would be strictly limited by a reduced floor area ratio and all other zoning regulations would apply. The other 50% of the lots created by the subdivision would have to meet the size requirements for the zone.

PLANNED AREA 7

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Goal N 5 – Maintain effective transitional uses between the downtown and the low-density residential core of the neighborhood.

Policy N 5.1:

Allow a range of residential densities in Planned Area 7.

Planned Area 7 (PLA 7) is a transition zone, between the low-density residential core of the neighborhood and the downtown. A slope separates this area from commercial development in the downtown. Multifamily and single family dwellings, as well as institutional uses such as Kirkland City Hall, are appropriate here. Three Subareas within PLA 7 allow varying densities consistent with a hierarchy of increasing densities approaching the Central Business District (CBD). Medium-density is allowed south of 7th Avenue in PLA 7C, while higher densities are allowed in PLA 7A, located between the Market Street commercial corridor and 2nd Street and PLA 7B, located south of PLA 7C, between 2nd Street and the CBD. Future development throughout PLA 7 should be compatible with the scale of structures in adjacent single-family zones.

Condominiums on 4th Avenue and 2nd Street and Kirkland City Hall at 123 5th Avenue

PLA 7A – High Density Residential development up to 18 dwelling units per acre is allowed. Much of this area is owned or developed with Kirkland City facilities, including City Hall, and to a lesser extent, it is developed with medium and high-density residential uses.

PLA 7B – High Density Residential development up to 24 dwelling units per acre is allowed. Most of this area is developed with high and medium density residential uses. Office use is also appropriate for the lot located at the southwest corner of 4th Street and 4th Avenue.

PLA 7C – Medium density development up to 12 dwelling units per acre is allowed. Much of this area is developed with medium and some high-density residential uses, making future low-density residential development less appropriate. At the same time, high-density development is not appropriate due to the adjacency of a single-family residential area north of 7th Avenue and west of 3rd Street.

XV.J. NORKIRK NEIGHBORHOOD

COMMERCIAL

Goal N 6 – Focus commercial development in established commercial areas.

Policy N 6.1:

Locate new commercial development in the Market Street commercial corridor at the west boundary of the Norkirk Neighborhood.

Commercial development should remain in established commercial areas within the Market Street Commercial Corridor Subarea and not extend into the residential core of the neighborhood or north of 19th Avenue. A slope and alley parallel to Market Street provide a topographic and manmade break between the Market Street Commercial Corridor and the residential core of the neighborhood. Similarly, a slope running parallel to Central Way provides a topographic break between commercial development in the downtown and residential development in Planned Area 7. Commercial development is prohibited in low, medium, or high density residential areas (see Figure N-4)

Policy N 6.2:

Coordinate Planning for the Norkirk Neighborhood with the goals and policies found in the Market Street Commercial Corridor Subarea section of the Comprehensive Plan.

The western boundary of the Norkirk Neighborhood is located in the middle of Market Street. The Market Street Commercial Corridor Subarea is shared with the Market Neighborhood. It is important for both neighborhood plans to be coordinated with the subarea plan for the corridor.

XV.J. NORKIRK NEIGHBORHOOD

INDUSTRIAL

Goal N 7 – Maintain the light industrial area to serve the needs of the community.

Policy N 7.1:

Encourage limited light industrial uses, auto repair and similar service commercial uses, and offices to serve the neighborhood and surrounding community.

- South of 7th Avenue, between 6th and 8th Streets, office uses up to three stories are encouraged to serve as a transition between the downtown and the industrial area. Gateway features and landscaping at the intersection of 6th Street and 7th Avenue and 6th Street and Central soften the transition into this area.
- In the remainder of the area, limited light industrial, warehousing, city services, service commercial uses such as auto or furniture repair, and small offices are appropriate.

Policy N 7.2:

Encourage businesses that promote environmentally sustainable technologies.

Sustainable green technology provides benefits to Kirkland's economy and the neighborhood. The rapidly expanding new energy/clean technology industry sector promotes environmental stewardship and a vibrant economy.

XV.J. NORKIRK NEIGHBORHOOD

Goal N 8 – Ensure that adverse impacts associated with industrial uses are minimized.

Policy N 8.1:

> Regulate industrial uses to ensure that impacts which may disrupt the residential character of the surrounding area are controlled.

Techniques to minimize noise, glare, light, dust, fumes and other adverse conditions, found in the polices in the Community Character Element of the Comprehensive Plan, and limiting hours of operation, should be used so that industrial activities do not create conflicts with surrounding residential development.

Policy N. 8.2

> Industrial traffic should be controlled in order to protect the character, safety, and peace of the residential neighborhood.

Industrial truck traffic should avoid passing through residential areas. Industrial traffic should be directed to 8th Street south of 12th Avenue, 7th Avenue between 6th Street and the railroad tracks, 6th Street between 7th Avenue and Central Way, and the NE 87th Street/114th Avenue NE connection between the railroad tracks and NE 85th Street in the Highlands Neighborhood. There should be no access from 12th Avenue into the industrial area. Additionally, 11th Avenue should remain closed to industrial access.

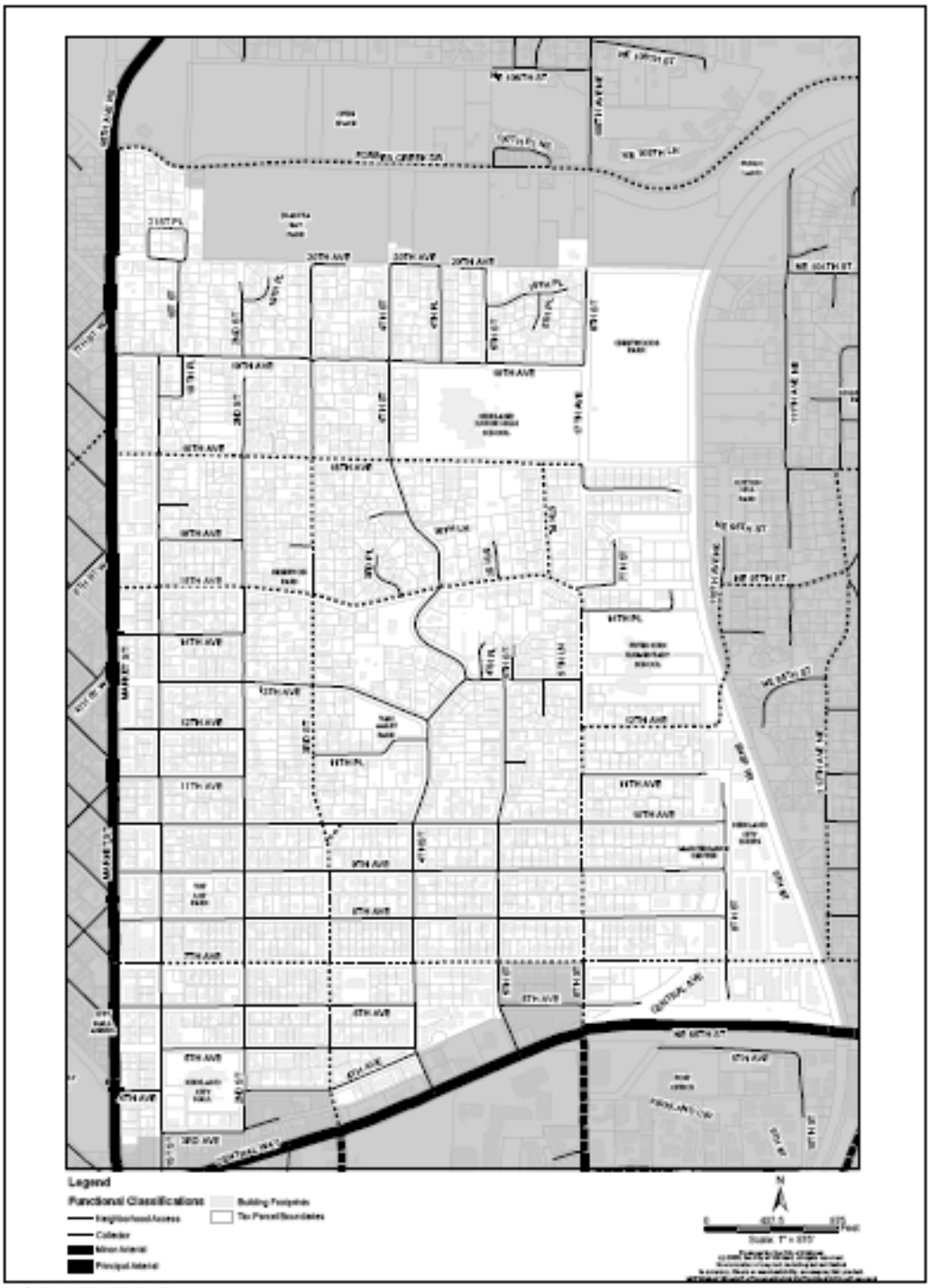
6. TRANSPORTATION

STREETS

The street network in Norkirk is a grid pattern. Maintenance of this grid will promote neighborhood mobility and more equitable distribution of traffic on neighborhood streets. The streets that compose this grid network consist of collector and local streets and alleys, with one principal arterial located at the western boundary. There are no minor arterials in Norkirk. Streets are described below and shown on Figure N-5.

Market Street is a principal arterial that is the most traveled route into and through the neighborhood. Most of Market Street is fully improved with one lane in each direction, and a series of left turn pockets south of the mid-block between 20th and 19th Avenues. The street is fully developed with curbs, gutters, sidewalks, landscape strips and bike lanes. A landscape median provides additional green space while controlling left turn movements. A center turn lane north of 20th Avenue extends to Forbes Creek Drive.

XV.J. NORKIRK NEIGHBORHOOD



City of Kirkland Norkirk Neighborhood Plan
9/27/2006 Draft

Figure N-5: Norkirk Functional Classifications

XV.J. NORKIRK NEIGHBORHOOD

Collectors: Numerous streets within the grid network of Norkirk serve as neighborhood collectors. These streets connect the neighborhood to the arterial system and provide primary access to adjacent uses. Design standards for these streets call for two traffic lanes, a parking lane, curbs, gutters, sidewalks, and landscape strips. The specific streets that serve this function are listed below and shown on Figure N-5.

- 18th Avenue, east of Market Street is a collector street up to 5th Place. It provides access to the northern portion of the neighborhood.
- 15th Avenue, east of Market Street is a collector street to 6th Street.
- 12th Avenue, east of 6th Street is a collector street that connects to the Highlands Neighborhood where it crosses the railroad tracks.
- 7th Avenue, east of Market Street is the only collector street that runs the entire width of the Norkirk Neighborhood from east to west. It connects to the Highlands neighborhood where it crosses the railroad tracks.
- 3rd Street, between Central Way and 18th Avenue is a collector that provides access into Norkirk north from downtown.
- 5th Place, is a collector street between 15th Avenue and 18th Avenue.
- 6th Street, between Central Way and 15th Avenue/5th Place is a collector street that provides access into Norkirk north from downtown.

Local Access: All of the streets not discussed above are classified as local access streets. These streets provide access to adjacent residences and connect to collectors. Full improvements on these streets typically include one traffic lane in each direction, two parking lanes, curbs, gutters, sidewalks, and landscape strips.

Alleys: Portions of Norkirk platted in the early part of the 20th century have a distinct alley grid.

Goal N 9 – Maintain and enhance the street network.

Policy N 9.1:

Maintain the street and alley grid in the Norkirk neighborhood.

The grid system enhances mobility within the neighborhood. Alleys provide access and a service route for the lots they abut, while the streets provide circulation through the neighborhood. Utilizing alleys minimizes the number of curb cuts needed to serve abutting uses, thus minimizing conflicts with pedestrian and vehicular traffic on the streets.

XV.J. NORKIRK NEIGHBORHOOD

Goal N 10 – Minimize cut through traffic and speeding.

Policy N 10.1:

Reduce cut-through traffic and speeding.

Monitor and evaluate traffic patterns and volumes in the Norkirk Neighborhood to minimize cut through traffic and speeding, especially between Market Street and Central Way. The evaluation should determine if additional strategies such as traffic calming, in cooperation with the Fire Department to accommodate emergency response needs and times, are needed. The neighborhood should be involved in this process.

Policy N 10.2:

Identify preferred routes through the neighborhood to and from City facilities.

The various city administration, public safety, and maintenance facilities located in the Norkirk Neighborhood generate both service and visitor trips. When practical, vehicles should be routed onto collector streets where improvements are in place to protect the pedestrian, rather than onto local access streets that serve the internal needs of residents.

The preferred routes for visitors coming from outside the neighborhood to City Hall and for other City vehicles leaving City Hall are along 7th Avenue via First Street and 5th Avenue, along 3rd Street via 4th and 5th Avenues, and along 1st Street via 3rd Avenue. Emergency vehicles responding or leaving City Hall or the Maintenance Center to respond to police, fire or medical emergencies take whatever route provides the most timely response. The preferred routes for service vehicles and visitors to the Maintenance Center are along 7th Avenue and 8th Street, internal to the industrial area in which it is located.

TRANSIT

In 2006, Metro transit routes 234, 236, and 255 serve the Norkirk Neighborhood. Route 234 connects Norkirk to Kirkland's Transit Center and with Kenmore and Bellevue and provides service along Market Street. Route 255, which also runs along Market Street, connects Norkirk to Kirkland's Transit Center, downtown Seattle,

and the Brickyard Park and Ride lot. . The 236-transit route provides service through Norkirk along 3rd Street and 18th Avenue, connecting to Kirkland's Transit Center and Market Street. This route connects to Woodinville.

The BNSF railroad right of way, located at the eastern boundary of the neighborhood, may provide regional rail service to commuters in the future.

PEDESTRIAN/BICYCLE CIRCULATION

The existing City of Kirkland Nonmotorized Transportation Plan (NTP) maps the planned bicycle and pedestrian facilities planned for a 10-year horizon. Those projects mapped in the Norkirk Neighborhood Plan that are not shown in the NTP should be added. Figures N-6 and N-7 show the planned bike and pedestrian system in the Norkirk neighborhood.

City street standards require that all through-streets have pedestrian improvements. Generally, these improvements include curbs, gutters, landscape strips, and sidewalks. As new development occurs, pedestrian improvements are usually installed by the developer. In developed areas without sidewalks, the City should identify areas of need and install sidewalks through the capital improvement budget process.

Bicycles are permitted on all City streets. Bike facilities may include a shared roadway; a designated bike lane with a painted line; or a shared use path for bicycle and pedestrian use. Those routes identified for proposed bicycle improvements are shown in Figure N-6.

Goal N 11 – Encourage nonmotorized mobility by providing improvements for pedestrians and bicyclists throughout the Norkirk Neighborhood.

Policy N 11.1:

Enhance and maintain pedestrian and bicycle infrastructure within the Norkirk Neighborhood, especially on routes to schools, activity nodes and adjacent neighborhoods.

The following routes should be added to the Nonmotorized Transportation Plan. The Capital Improvement budget process prioritizes when routes identified in NTP will receive funding for improvements. If funded, these routes should be improved with sidewalks, curbs, gutters, and landscape strips and lighting as needed:

- 19th Avenue, between Market and 6th Street leads to Kirkland Junior High School and Crestwoods Park.
- 7th Avenue, between Market and the Highlands Neighborhood provides a centrally located east/west pedestrian and bike route.

XV.J. NORKIRK NEIGHBORHOOD

- 4th Street, between Central Way and 19th Avenue provides a centrally located north/south pedestrian route.
- 6th Street, between 20th Avenue and Forbes Creek Drive connects the Norkirk and South Juanita Neighborhoods.
- 20th Avenue, between 3rd Street and 5th Street, provides an east/ west pedestrian route at the northern boundary of the Norkirk Neighborhood.

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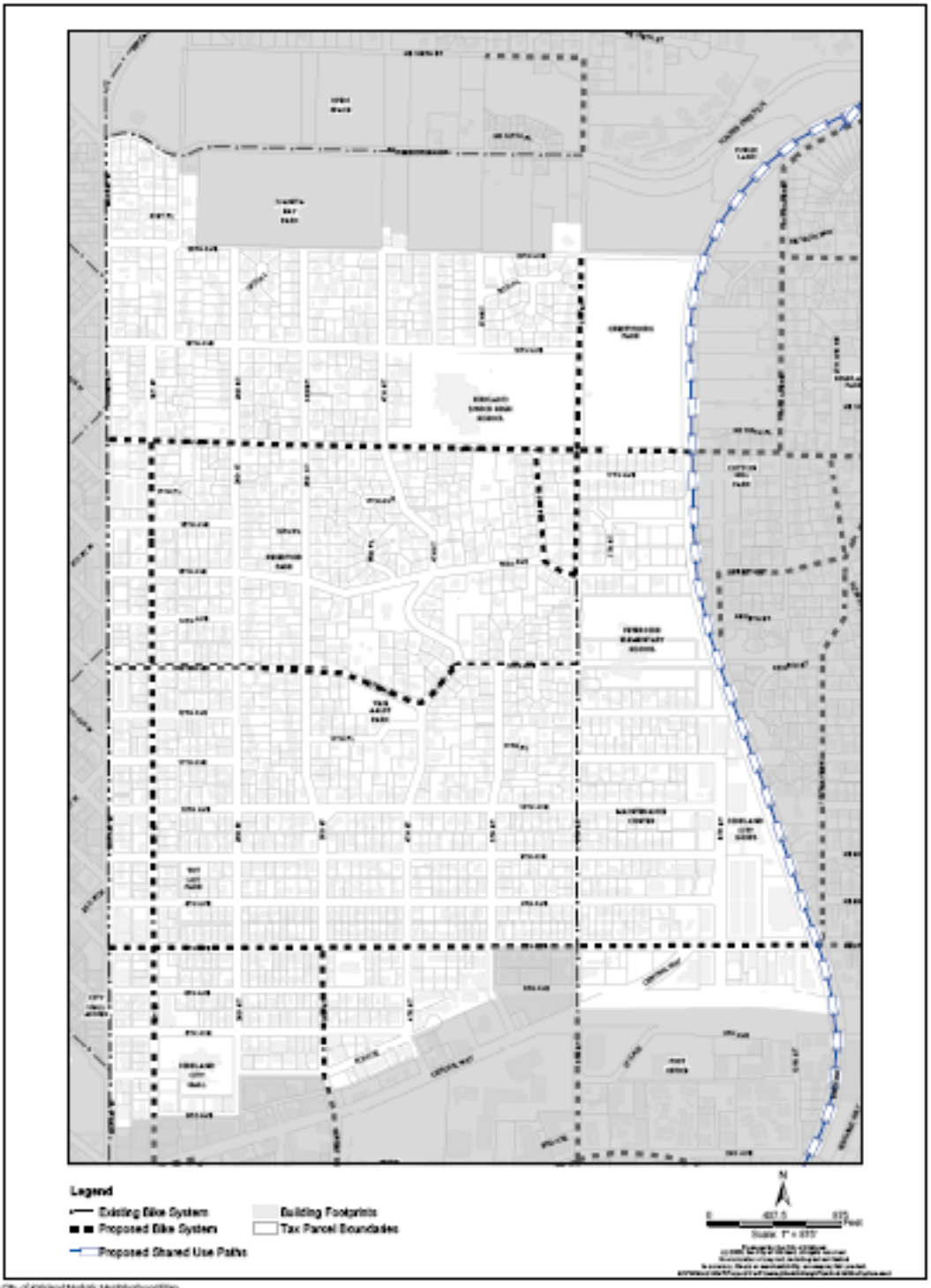

Figure N-6: Norkirk Bicycle System

XV.J. NORKIRK NEIGHBORHOOD

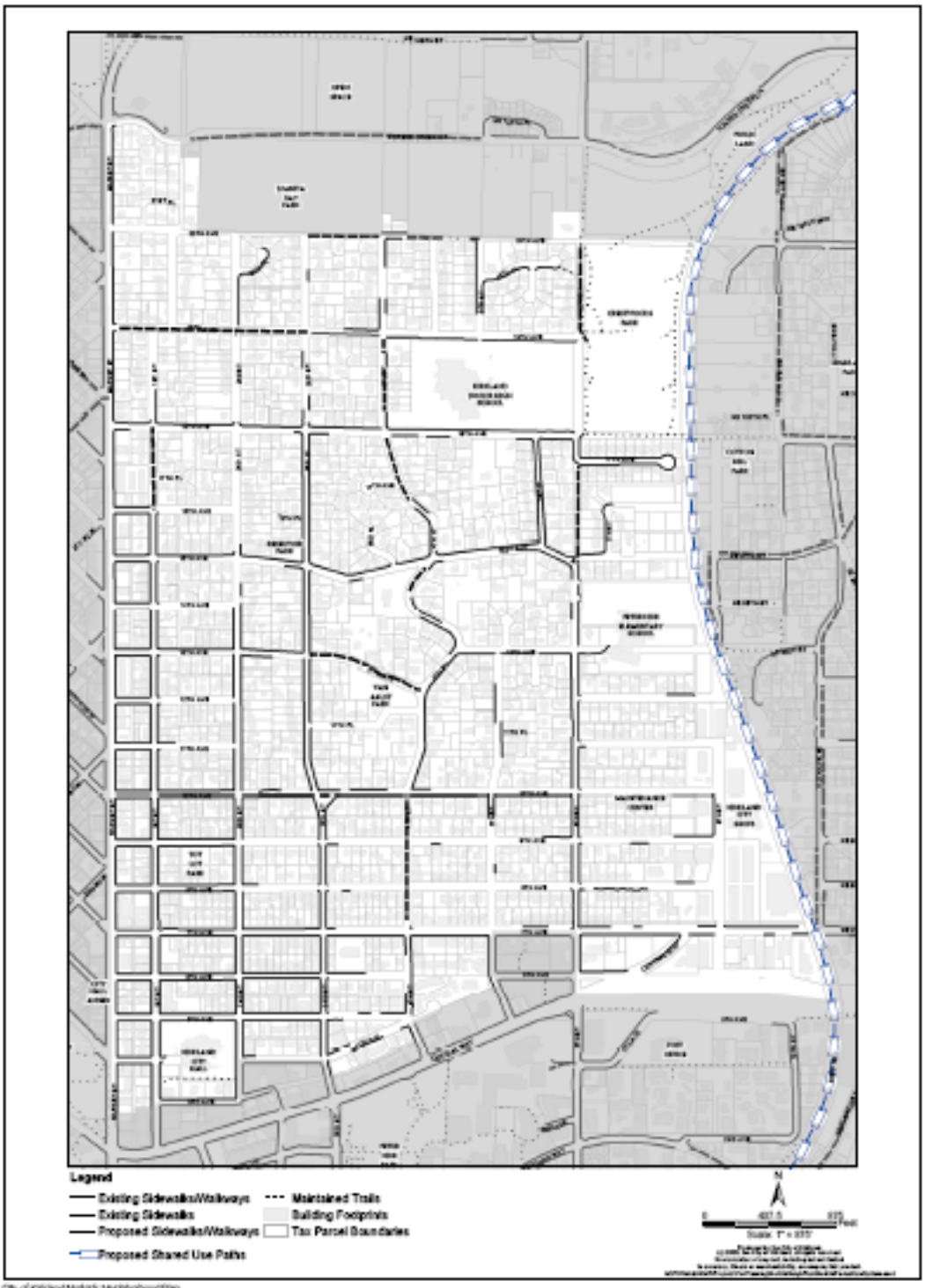

Figure N-7: Norkirk Pedestrian System

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Policy N 11.2:

Support development of the Cross Kirkland Trail.

Develop a shared use path for bicyclists and pedestrians along the railroad right-of-way as described in the Nonmotorized Transportation Plan (NTP) and the Comprehensive Park, Open Space and Recreation Plan. Referred to as the Cross Kirkland Trail, the proposed path along the railroad right-of-way is part of a larger trail network to link neighborhoods within Kirkland to other cities. This route has been identified within the NPT as a Priority 1 corridor.

7. OPEN SPACE/PARKS

There are a number of publicly owned parks in the Norkirk Neighborhood that currently provide park and open space amenities. Some also protect sensitive and natural areas. In addition, Kirkland Junior High and Peter Kirk Elementary serve the neighborhood with recreation facilities through a city/school district partnership program that fosters mutual use and development of parks and recreation facilities. The use of school district facilities enables the city to provide a much higher level of service to the neighborhood than would otherwise be possible.

PARKS

Crestwoods Park is a twenty seven-acre community park, twenty acres of which are located in the Norkirk neighborhood.

The remainder is located in South Juanita. This park is located east of 6th Street, north of 18th Avenue. Improvements in this park include paved and unpaved trails, two adult softball fields, one regulation little league field, one soccer field, children's playground, public restrooms, picnic tables, basketball court, parking, wildlife habitat and natural areas.

Reservoir Park is a .6-acre neighborhood park located at the northwest corner of 3rd Street and 15th Avenue. It includes a children's playground.

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Tot Lot Park is a .6-acre neighborhood park located at 9th Avenue and 1st Street. This fenced park features playground equipment for young children and a community garden.

Van Aalst Park is a 1.6 acre neighborhood park located in the middle of the Norkirk Neighborhood at 13th Avenue and 4th Street. It includes a children's playground, basketball court, sand volleyball pit and open space for informal recreation activity.

XV.J. NORKIRK NEIGHBORHOOD

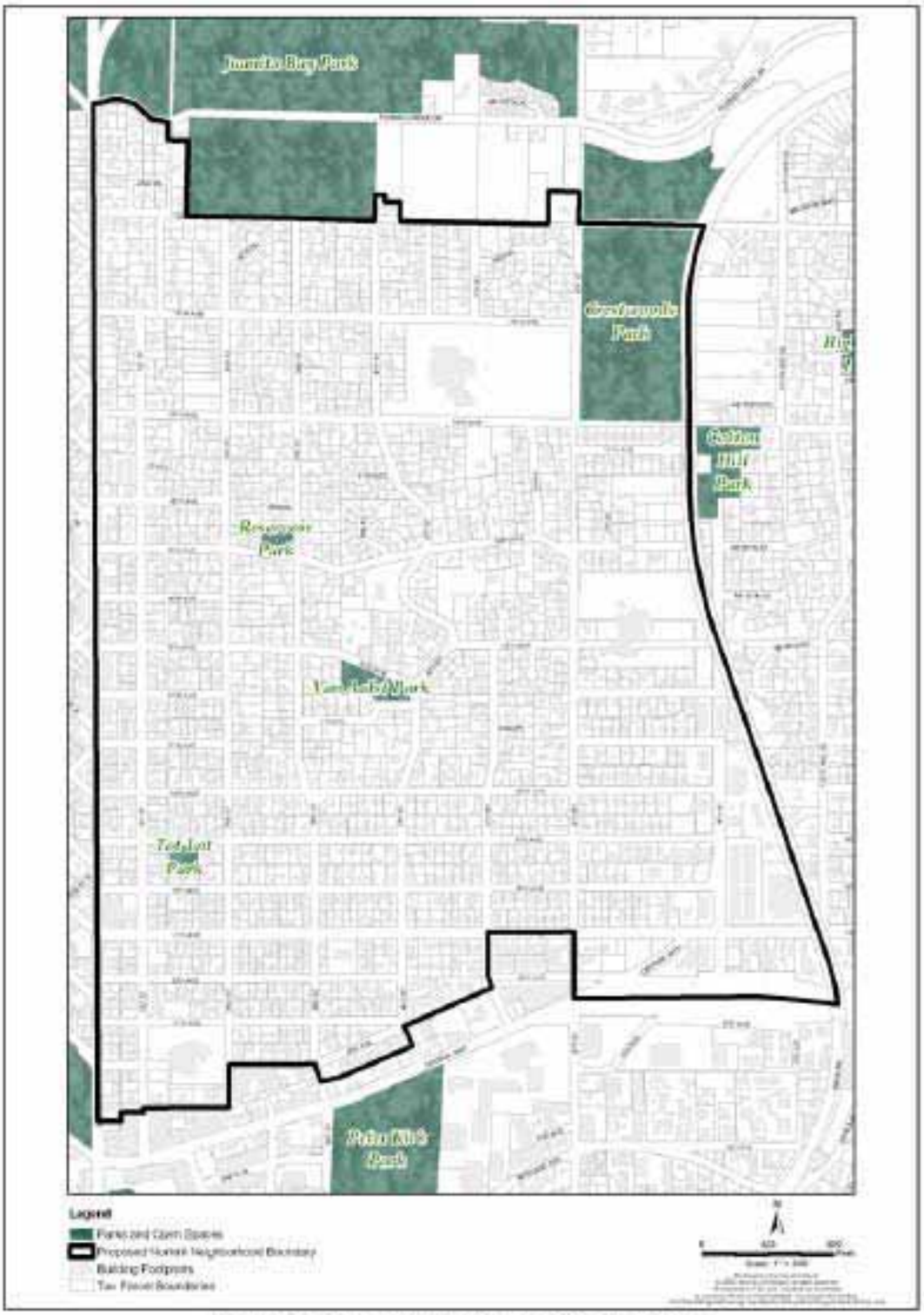

Figure N-8: Norkirk Parks and Open Spaces

XV.J. NORKIRK NEIGHBORHOOD

PUBLIC SCHOOLS

Kirkland Junior High School is over fifteen acres and is located adjacent and to the west of Crestwoods Park. It complements the park in size and supplies valuable open space for the neighborhood. The school grounds are improved with one baseball/softball field, one small nonregulation practice softball field, a quarter mile running track, one football field, and four outdoor unlighted tennis courts. The school's fieldhouse provides indoor recreation space for the City's community–wide recreation program.

Peter Kirk Elementary School is an eleven-acre site located on 6th Street at approximately 13th Avenue. The site provides playfields for youth sports, as well as space for informal recreation activities for nearby residents. Additionally, the school provides children's playground equipment and indoor recreation space on a limited basis.

Goal N 12 – Improve existing parks, open space, and shared school facilities in the neighborhood.

Policy N 12.1:

Enhance parks within the Norkirk Neighborhood as needed.

A possible improvement to Peter Kirk Elementary School field would enhance neighborhood recreation opportunities. Improvements would likely include turf renovation as well as new irrigation and drainage systems.

8. PUBLIC SERVICES/FACILITIES

The Norkirk Neighborhood is home to City Hall, and the Maintenance Center. These public facilities are where citywide governmental services are administered. City Hall, in particular, attracts citizens from outside of the neighborhood to participate in the many functions and services of the municipality.

The City provides water and sewer and surface water service to its citizens. Gas, telephone, internet and cable service are private utilities provided by private purveyors.

XV.J. NORKIRK NEIGHBORHOOD

City of Kirkland Public Works Maintenance Center Extension

Goal N 13– Assure water, sewer and surface water management facilities for the neighborhood.

Policy N 13.1:

Provide potable water and sanitary sewers and surface water management facilities to new and existing development in accordance with the Water Comprehensive Plan, the Sanitary Sewer Comprehensive Plan, the Surface Water Master Plan, the Kirkland Municipal Code, and currently adopted storm water design requirements.

New development is required to install water and sewer service as a condition of development. It must also meet storm water requirements. Although most homes are on sanitary sewer service, a few remain on septic systems. When redevelopment or further subdivision occurs, or an addition or alteration is proposed that increases the use of an existing septic system, connection to the public sewer system is required by Title 15 of the Kirkland Municipal Code.

Goal N 14 – Manage parking for public facilities in the neighborhood.

Policy N 14.1

Provide adequate parking for civic buildings, either on-site, on adjacent local streets, or in nearby parking lots.

Civic activities such as voting, public meetings and other community events, as well as day to day use, create a high parking demand, particularly at Kirkland City Hall. During periods of elevated public use, parking may spill over onto nearby residential streets, beyond those adjoining City Hall. To mitigate the impacts of on-

street parking on local residents during these periods of peak use, the City should arrange for alternate employee parking locations, and for example, by securing shared parking agreements with local private institutions such as churches to use their parking lots.

9. URBAN DESIGN

Goal N 15– Provide transitions between the low-density residential core and adjacent higher intensity uses.

Policy N 15.1:

Establish development regulations for the Industrial area, Planned Area 7, and the Market Street Commercial Corridor to address transitions and protect neighborhood character.

Landscape buffers should be used to soften and separate uses by creating a transition zone. In addition, the building mass and height of higher density structures should be restricted to prevent overwhelming adjoining low-density uses.

Goal N 16 – Provide streetscape, gateway and public art improvements that contribute to a sense of neighborhood identity and enhanced visual quality.

Policy N 16.1:

Construct and improve gateway features at the locations identified in Figure N-9.

An existing gateway sign is located on 6th Street north of 7th Avenue. Other desired locations are shown in Figure N-9. The City should pursue opportunities to work with private property owners to install gateway features as part of future development. In other instances, public investment will be necessary. Depending on the location, improvements such as landscaping, signs, public art, structures, or other features that identify the neighborhood could be included.

XV.J. NORKIRK NEIGHBORHOOD

Goal N 17 – Preserve public view corridors within the neighborhood, especially those of Lake Washington, and the Olympic Mountains.

Policy N 17.1:

Preserve the public view corridors of Lake Washington, Seattle, and the Olympic Mountains from 1st, 2nd and 3rd Streets (Figure N-9).

View from intersection at 9th Avenue and 1st Street

The street system provides Kirkland neighborhoods with a number of local and regional views. View corridors that lie within the public domain are valuable for the beauty, sense of orientation, and identity that they impart to neighborhoods. The Norkirk public view corridors should be preserved and enhanced for the enjoyment of current and future residents. One means of doing this may be the undergrounding of utilities.

Goal N 18 – Encourage residential design that builds community.

Policy N 18.1:

Establish development standards that contribute to a vibrant neighborhood.

Building and site design should respond to both the conditions of the site and the surrounding neighborhood. A variety of forms and materials result in homes with their own individual character, thus reducing monotony. Appropriate building setbacks, garage treatments, sidewalks, alley access, and architectural elements, such as entry porches, help foster a pedestrian orientation and encourage greater interaction between neighbors.

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Policy N 18.2:

Establish multi-family building and site design standards to enhance neighborhood compatibility.

Building and site design standards should address issues such as building placement on the site, site access and on-site circulation by vehicles and pedestrians, building scale, site lighting, signs, landscaping, (including that for parking lots), preservation of existing vegetation, and buffers between multi-family developments and single-family housing.

Policy N 18.3:

Encourage the appropriate scale for single-family development.

Appropriate scale results in the perception that new houses are in proportion with their lots. Setbacks, building mass, lot coverage, landscaping and building height all contribute to houses that successfully fit into the neighborhood.

XV.J. NORKIRK NEIGHBORHOOD

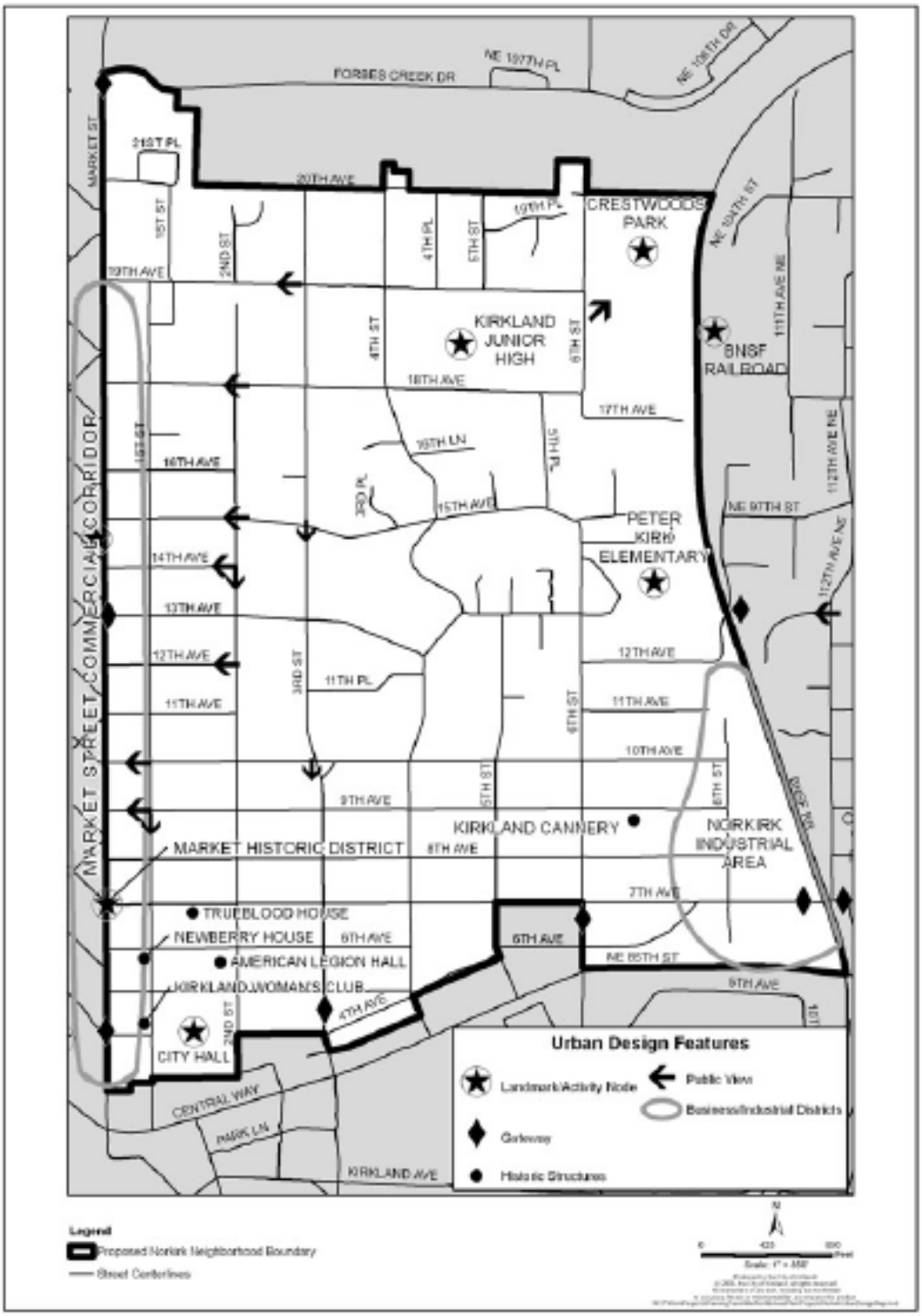


Figure N-9: Neighborhood Character/Urban Design

Section 15.10

ZONE RS USE ZONE CHART

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

Section 15.10	USE ⇩	REGULATIONS ⇨	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARDS (See Ch. 115) Front	Side	Rear	Lot Coverage	MAXIMUMS: Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Req'd Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
.010	Detached Dwelling Unit		None	As established on the Zoning Map. See Spec. Reg. 1.	20' See Spec. Reg. 3.	5', but 2 side yards must equal at least 15 feet.	10'	50% See Spec. Reg. 5.	25' above average building elevation.	E	A	2.0 per dwelling unit.	1. Minimum lot size per dwelling unit is as follows: a. In RS 35 zones, the minimum lot size is 35,000 square feet. b. In RS 12.5 zones, the minimum lot size is 12,500 square feet. c. In RS 8.5 zones, the minimum lot size is 8,500 square feet. d. In RS 7.2 zones, the minimum lot size is 7,200 square feet. e. In RS 6.3 zones, the minimum lot size is 6,300 square feet. ef. In RS 5.0 zones, the minimum lot size is 5,000 square feet. In RS 35, 12.5, 8.5, 7.2, 6.3 and 5.0 zones, not more than one dwelling unit may be on each lot, regardless of the size of each lot. 2. Floor Area Ratio (F.A.R.) allowed for the subject property is as follows: a. In RS 35 zones, F.A.R. is 20 percent of lot size. b. In RS 12.5 zones, F.A.R. is 35 percent of lot size. c. In RS 8.5 zones, F.A.R. is 50 percent of lot size. d. In RS 7.2 zones, F.A.R. is 50 percent of lot size. e. In RS 6.3 zones, F.A.R. is 50 percent of lot size. ef. In RS 5.0 zones, F.A.R. is 60 percent of lot size. *This special regulation is not effective within the disapproval jurisdiction of the Houghton Community Council.* See KZC 115.42, Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Residential Zones, for additional information. 3. On corner lots with two required front yards, one may be reduced to the average of the front yards for the two adjoining properties fronting the same street as the front yard to be reduced. The applicant may select which front yard will be reduced (see Plate 24). 4. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. 5. Residential lots in RS 35 zones within the Bridle Trails neighborhood north of Bridle Trails State Park must contain a minimum area of 10,000 permeable square feet, which shall comply with Special Regulation 6 for large domestic animals in KZC 115.20(4) (chart).	25

ATTACHMENT 2

City Council Study Sub 5/26

Section 15.10

ZONE RS USE ZONE CHART

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

Section 15.10	USE ⇩ / REGULATIONS ⇨	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARDS (See Ch. 115) Front	Side	Rear	Lot Coverage	MAXIMUMS: Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Req'd Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
.020	Church	See Spec. Reg. 3.	As establi shed on the Zoning Map. See Spec. Reg. 1.	20'	20' on each side	20'	70%	25' above average building elevation.	C	B	1 for every 4 people based on maxim um occup ancy load of any area of worshi p. See Spec. Reg. 4.	1. Minimum lot size is as follows: a. In RS 35 zones, the minimum lot size is 35,000 square feet. b. In RS 12.5 zones, the minimum lot size is 12,500 square feet. c. In RS 8.5 zones, the minimum lot size is 8,500 square feet. d. In RS 7.2 zones, the minimum lot size is 7,200 square feet. e. In RS 6.3 zones, the minimum lot size is 6,300 square feet. ef.In RS 5.0 zones, the minimum lot size is 5,000 square feet. 2. The property must be served by a collector or arterial street. 3. The required review process is as follows: a. If the subject property, including all contiguous property owned by the applicant and held by others for future use by the applicant, is less than five acres, the required review process is Process IIA, Chapter 150 KZC; provided, however, that within the jurisdiction of the Houghton Municipal Corporation, the required review process is Process IIB, Chapter 152 KZC. b. If the subject property, including all contiguous property owned by the applicant and held by others for future use by the applicant, is five or more acres, a Master Plan, approved through Process IIB, Chapter 152 KZC, is required. The Master Plan must show building placement, building dimensions, roadways, utility locations, land uses within the Master Plan area, parking location, buffering, and landscaping. 4. No parking is required for day-care or school ancillary to the use.

Section 15.10

ZONE RS USE ZONE CHART

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

Section 15.10	USE ⇩	REGULATIONS ⇨	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARDS (See Ch. 115) Front	Side	Rear	MINIMUMS: Lot Coverage	MAXIMUMS: Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Req'd Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
.030	School or Day-Care Center		See Spec. Reg. 10.	As established on the Zoning Map. See Spec. Reg. 1.	If this use can accommodate 50 or more students or children, then: 50'	50' on each side	50'	70%	25' above average building elevation. See Spec. Reg. 12.	D	B See Spec. Reg. 8.	See KZC 105.25.	1. Minimum lot size is as follows: a. In RS 35 zones, the minimum lot size is 35,000 square feet. b. In RS 12.5 zones, the minimum lot size is 12,500 square feet. c. In RS 8.5 zones, the minimum lot size is 8,500 square feet. d. In RS 7.2 zones, the minimum lot size is 7,200 square feet. e. In RS 6.3 zones, the minimum lot size is 6,300 square feet. ef. In RS 5.0 zones, the minimum lot size is 5,000 square feet. 2. May locate on the subject property only if: a. It will not be materially detrimental to the character of the neighborhood in which it is located. b. Site and building design minimizes adverse impacts on surrounding residential neighborhoods. c. The property is served by a collector or arterial street. 3. A six-foot-high fence along the side and rear property lines is required only along the property lines adjacent to the outside play areas. 4. Hours of operation and maximum number of attendees at one time may be limited to reduce impacts on nearby residential uses. 5. Structured play areas must be setback from all property lines as follows: a. 20 feet if this use can accommodate 50 or more students or children. b. 10 feet if this use can accommodate 13 to 49 students or children. 6. 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. 7. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses. 8. Electrical signs shall not be permitted. 9. May include accessory living facilities for staff persons. 10. The required review process is as follows: a. If the subject property, including all contiguous property owned by the applicant and held by others for future use by the applicant, is less than five acres, the required review process is Process IIA, Chapter 150 KZC; provided, however, that within the jurisdiction of the Houghton Municipal Corporation, the required review process is Process IIB, Chapter 152 KZC. REGULATIONS CONTINUED ON NEXT PAGE
					If this use can accommodate 13 to 49 students or children, then: 20'	20' on each side	20'						

.030	School or Day-Care Center (continued)									REGULATIONS CONTINUED FROM PREVIOUS PAGE b. If the subject property, including all contiguous property owned by the applicant and held by others for future use by the applicant, is five or more acres, a Master Plan, approved through Process IIB, Chapter 152 KZC, is required. The Master Plan must show building placement, building dimensions, roadways, utility locations, land uses within the Master Plan area, parking location, buffering, and landscaping. 11. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388). 12. For school use, structure height may be increased, up to 35 feet, if: a. The school can accommodate 200 or more students; and b. 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 c. The increased height is not specifically inconsistent with the applicable neighborhood plan provisions of the Comprehensive Plan. d. The increased height will not result in a structure that is incompatible with surrounding uses or improvements. *This special regulation is not effective within the disapproval jurisdiction of the Houghton Community Council.*

Section 15.10

ZONE RS USE ZONE CHART

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

Section 15.10	USE ⇩ / REGULATIONS ⇨	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARDS (See Ch. 115) Front	Side	Rear	Lot Coverage	MAXIMUMS: Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Req'd Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
.040	Mini-School or Mini-Day-Care Center	Process I, Chapter 145 KZC.	As established on the Zoning Map. See Special Regulation 1.	20'	5' but 2 side yards must equal at least 15'.	10'	50%	25' above average building elevation.	E	B See Spec. Reg. 8.	See KZC 105.25.	1. Minimum lot size is as follows: a. In RS 35 zones, the minimum lot size is 35,000 square feet. b. In RS 12.5 zones, the minimum lot size is 12,500 square feet. c. In RS 8.5 zones, the minimum lot size is 8,500 square feet. d. In RS 7.2 zones, the minimum lot size is 7,200 square feet. e. In RS 6.3 zones, the minimum lot size is 6,300 square feet. ef. In RS 5.0 zones, the minimum lot size is 5,000 square feet. 2. May locate on the subject property if: a. It will not be materially detrimental to the character of the neighborhood in which it is located. b. Site design must minimize adverse impacts on surrounding residential neighborhoods. 3. A six-foot-high fence is required along the property lines adjacent to the outside play areas. REGULATIONS CONTINUED ON NEXT PAGE

~~0.114, 60.119,~~60.109 User Guide.

The charts in KZC 60.117 contain the basic zoning regulations that apply in Planned Area 7A, 7B, and 7C ~~including~~ sub-zones. 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 ~~60.115,60.120,~~ 60.110

Section60.110~~, 60.115, 60.120~~ – 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 ~~or detached dwelling unit in Planned Area 7C~~, 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 facade of that portion of the structure which is parallel to the boundary of the low density zone or detached dwelling unit shall not exceed 50 feet in width.

   See KZC 115.30, Distance Between Structures Regarding Maximum Horizontal Facade Regulation, for further details.
   (Does not apply to Detached Dwelling Unit ~~and Development Containing Attached or Stacked Dwelling Units, and any Retail Establishment Selling Goods or Providing Services Including Banking and Related Financial Services or Office Uses uses~~).

~~3. If development will result in the isolation of a low density use, site design, building design, and landscaping must mitigate the impact of that isolation (does not apply to Detached Dwelling Unit, Public Utility, Development Containing Attached or Stacked Dwelling Units, and any Retail Establishment Selling Goods or Providing Services Including Banking and Related Financial Services or Office Uses, and Public Park uses).~~

~~4. Development on the subject property must be designed to minimize view obstruction from the north (does not apply to Detached Dwelling Unit and Public Park uses).~~

~~5.May not access directly onto 2nd, 3rd, 4th, 5th or 6th Streets unless no other access is available (does not apply to Detached Dwelling Unit and Public Park uses).~~

ATTACHMENT 3
City Council Study Mtg 6/

Section ~~60.117,~~ ~~60.122~~ 60.112

ZONE PLANNED AREA 7A, 7B, AND 7C USE ZONE CHART

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

Section 60.112	USE ⇩ / REGULATIONS ⇨	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARDS (See Ch. 115): Front	Side	Rear	Lot Coverage	MAXIMUMS: Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Req'd Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
.010	Detached Dwelling Unit	None	3,600 sq. ft.	20'	5', but 2 side yards must equal at least 15'.	10'	60%	If adjoining a low density zone other than RSX, ~~or~~ detached dwelling unit in Planned Area 7C, then 25' above average building elevation. Otherwise, 30' above average building elevation.	E	A	2.0 per unit.	1. For this use, only one dwelling unit may be on each lot regardless of lot size. 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
.020	Detached, Attached, or Stacked Dwelling Units	If development will result in ~~a low density use being bordered on two sides by higher density uses,~~ then Process I, Chapter 145 KZC. Otherwis	3,600 sq. ft. with at least 1,800 sq. ft. per unit.						D		1.7 per unit.	1. ~~May not access directly onto 2nd, 3rd, 4th, 5th or 6th Streets unless no other access is available.~~ 1. Minimum amount of lot area per dwelling unit is as follows: a. In the PLA 7A zone, the minimum lot area per unit is 2,400 sq. ft b. In the PLA 7B zone, the minimum lot area per unit is 1,800 sq. ft. c. In the PLA 7C zone, the minimum lot area per unit is 3,600 sq. ft. 2. If the subject property contains four or more units, then it must contain at least 200 square feet per unit of common recreational open space usable for many activities. This required common recreational open space must have the following minimum dimensions: a. For four to 20 units, the open space must be in one or more pieces each having at least 800 square feet and having a length and width of at least 25 feet. b. For 21 units or more, the open space must be in one or more pieces having a length and width of at least 40 feet. The required common recreational open space may be reduced to 150 square feet per unit if permanent outdoor furniture, pool, cooking facilities, playground equipment and/or a recreation building are provided in the common open space. The City shall determine if these outdoor provisions provide comparable recreational opportunities as would the

		e. None.					open space that is reduced, based on the number of residents that they would serve at one time. Also, the required minimum dimension for the open space containing these outdoor provisions may also be reduced in *proportion to the reduced open space area.* 3. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.

Section ~~60.117~~, ~~60.122~~,60.112

ZONE PLANNED AREA 7A, 7B, AND 7C USE ZONE CHART

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

Section 60.112	USE ⇩ / REGULATIONS ⇨	Required Review Process	MINIMUMS: Lot Size	REQUIRED YARDS (See Ch. 115): Front	Side	Rear	Lot Coverage	MAXIMUMS: Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Req'd Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
.030	Development ~~containing Attached or Stacked Dwelling Units, and any Retail Establishment selling goods or providing services~~ including banking and related financial ~~services or office~~ Office Uses (Stand Along or Mixed with Detached, Attached, or Stacked Dwelling Units) See Spec. Regs. 1 and 2.	Process 4B, Chapter ~~152 KZC~~ None.	3,600 sq. ft. with at least 1,800 sq. ft. per unit	20'	5', but 2 side yards must equal at least 15'.	10'	80%	~~The roofline may not exceed 30' above the crown of 4th Avenue lying adjacent to the subject property~~ average building elevation.	BC	D	See KZC 105.25.	1. This use is permitted only in PLA 7B, extending 50 feet west of the property line adjoining 4th Street, south of 4th Avenue ~~and only if developed in conjunction with property in the CBD-7 zone.~~ 2. ~~A veterinary office is not permitted in any development containing dwelling units.~~ 2. The following regulations apply to veterinary offices only: a. May only treat small animals on the subject property. b. Outside runs and other outside facilities for the animals are not permitted. c. Site must be designed so that noise from this use will not be audible off the subject property. A certification to this effect, signed by an Acoustical Engineer, must be submitted with the development permit application. d. A veterinary office is not permitted in any development containing dwelling units ~~3. Dwelling units may not access directly onto Central Way.~~ ~~4. Retail establishment may not access directly onto 4th Avenue.~~ ~~5. Drive-in and drive-through fast food restaurant facilities are not permitted in this zone.~~ ~~6. Vehicle service stations are not permitted in this zone.~~ ~~7. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.~~ 83. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses. 9. ~~Ancillary assembly and manufacture of goods on the premises of this use are permitted only if:~~ ~~a. The assembled or manufactured goods are directly related to and are dependent on this use, and are available for purchase and removal from the premises.~~ ~~b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail uses.~~ ~~10. A delicatessen, bakery, or other similar use may include as part of the use, accessory seating if:~~

a. The seating and associated circulation area does not exceed more than 10 percent of the gross floor area of the use; and

b. It can be demonstrated to the City that the floor plan is designed to preclude the seating area from being expanded.

11. 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.

Section ~~60.117~~, ~~60.122~~, 60.112

ZONE PLANNED AREA 7A, 7B AND 7C USE ZONE CHART

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

Section 60.112	USE ⇩	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						
.040	Church		Process IIA, Chapter 150 KZC.	7,200 sq ft.	20'	20' on each side	20'	70%	If adjoining a low density zone other than RSX, or detached dwelling unit in Planned Area 7C, then 25' above average building elevation. Otherwise, 30' above average building elevation.	C	B	1 for every 4 people based on maximum occupancy load of any area of worship. See Spec. Reg. 2.	~~1. May not access directly onto 2nd, 3rd, 4th, 5th, or 6th Streets unless no other access is available.~~ 2. No parking is required for day-care or school ancillary to this use.

Section ~~60.117~~, ~~60.122~~60.112

ZONE PLANNED AREA 7A, 7B, AND 7C USE ZONE CHART

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

Section 60.112	USE ⇩ / REGULATIONS ⇨	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARDS (See Ch. 115) Front	Side	Rear	MINIMUMS: Lot Coverage	MAXIMUMS: Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Req'd Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
.050	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'	50' on each side	50'	70%	If adjoining a low density zone other than RSX, ~~or detached~~ dwelling unit in Planned ~~Area 7C~~, then 25' above average building elevation. Otherwise, 30' above average building elevation. See Spec. Reg. 9.	D	B	See KZC 105.25 .	1. ~~May not access directly onto 2nd, 3rd, 4th, 5th or 6th Streets unless no other access is available.~~ 2. A six-foot-high fence is required only 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 setback from all property lines as follows: a. 20 feet if this use can accommodate 50 or more students or children. b. 10 feet if this use can accommodate 13 to 49 students or children. 5. An on-site passenger loading area must be provided. The City shall determine the appropriate size of the loading areas on a case-by-case basis, depending on the number of attendees and the extent of the abutting right-of-way improvements. Carpooling, staggered loading/unloading time, right-of-way improvements or other means may be required to reduce traffic impacts on any nearby residential uses. 6. May include accessory living facilities for staff persons. 7. The location of parking and passenger loading areas shall be designed to reduce impacts on any nearby residential uses. 8. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388). 9. For school use, structure height may be increased, up to 35 feet, if: a. The school can accommodate 200 or more students; and b. 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 c. The increased height is not specifically inconsistent with the applicable neighborhood plan provisions of the Comprehensive Plan. d. The increased height will not result in a structure that is incompatible with surrounding uses or improvements.
				If this use can accommodate 13 to 49 students or children, then: 20'	20' on each side	20'						

Section ~~60.117~~, ~~60.122~~,60.112

ZONE PLANNED AREA 7A, 7B, AND 7C USE ZONE CHART

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

Section 60.112	USE ⇩ / REGULATIONS ⇨	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARDS (See Ch. 115): Front	Side	Rear	Lot Coverage	MAXIMUMS: Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Req'd Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
.060	Mini-School or Mini-Day-Care	None	3,600 sq. ft.	20'	5', but 2 side yards must equal at least 15'.	10'	60%	If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 30' above average building elevation.	E	B	See KZC 105.25 .	1. A six-foot-high fence is required only along the property lines adjacent to the outside play area. 2. Hours of operation may be limited by the City to reduce impacts on nearby residential uses. 3. Structured play areas must be setback from all property lines by five feet. 4. An on-site passenger loading area may be required depending on the number of attendees and the extent of the abutting right-of-way improvements. 5. The location of parking and passenger loading areas shall be designed to reduce impacts on any nearby residential uses. 6. May include accessory living facilities for staff persons. 7. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388). ~~8. May not access directly onto 2nd, 3rd, 4th, 5th or 6th Streets unless no other access is available.~~

Section ~~60.117,~~ ~~60.122,~~ 60.112

ZONE PLANNED AREA 7A, 7B, AND 7C USE ZONE CHART

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

Section 60.112	USE ⇩ / REGULATIONS ⇨	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARDS (See Ch. 115): Front	MINIMUMS: REQUIRED YARDS (See Ch. 115): Side	MINIMUMS: REQUIRED YARDS (See Ch. 115): Rear	MINIMUMS: Lot Coverage	MAXIMUMS: Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Req'd Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
.070	Assisted Living Facility	If development will ~~result in a low density use being bordered on two sides by higher density uses,~~ then ~~Process I,~~ Chapter 145 KZC. Otherwise, None.	3,600 sq. ft.	20'	5', but 2 side yards must equal at least 15'.	10'	60%	If adjoining a low density zone other than RSX, ~~or detached~~ dwelling unit in Planned ~~Area 7C,~~ then 25' above average building elevation. Otherwise, 30' above average building elevation.	D	A	1.7 per independent unit. 1 per assisted living unit.	1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility. 2. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses. 3. For density purposes, two assisted living units shall constitute one dwelling unit. Total dwelling units may not exceed the number of Stacked Dwelling Units allowed on the subject property. Through Process IIB, Chapter 152 KZC, up to 1 1/2 times the number of Stacked Dwelling Units allowed on the subject property may be approved if the following criteria are met: a. Project is of superior design, and b. Project will not create impacts that are substantially different than would be created by a permitted multifamily development. 4. The assisted living facility shall provide usable recreational space of at least 100 square feet per unit, in the aggregate, for both assisted living units and independent dwelling units, with a minimum of 50 square feet of usable recreational space per unit located outside. 5. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.

Section ~~60.117~~, ~~60.122~~,60.112

ZONE PLANNED AREA 7A, 7B, AND 7C USE ZONE CHART

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

Section 60.112	USE	REGULATIONS	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARDS (See Ch. 115): Front	MINIMUMS: REQUIRED YARDS (See Ch. 115): Side	MINIMUMS: REQUIRED YARDS (See Ch. 115): Rear	MINIMUMS: Lot Coverage	MAXIMUMS: Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Req'd Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
.080	Convalescent Center or Nursing Home		Process IIA, Chapter 150 KZC.	7,200 sq. ft.	20'	10' on each side	10'	70%	If adjoining a low density zone other than RSX, ~~or~~ detached ~~dwelling unit~~ in Planned Area ~~7C~~, then 25' above average building elevation. Otherwise, 30' above average building elevation.	C	B	1 for each bed.	1. May not access ~~directly onto 2nd, 3rd, 4th, 5th or 6th Streets unless no other access is available.~~ 2. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses.
.090	Public Utility			None		20' on each side				A		See KZC 105.25.	
.100	Government Facility or Community Facility					10' on each side				C See Spec. Reg. 2.			~~1. May not access directly onto 2nd, 3rd, 4th, 5th or 6th Streets unless no other access is available.~~ 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.

Section ~~60.117~~, ~~60.122~~, 60.112

ZONE PLANNED AREA 7A, 7B, AND 7C USE ZONE CHART

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

Section 60.112	USE ⇩ / REGULATIONS ⇨	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARDS (See Ch. 115) Front	Side	Rear	Lot Coverage	MAXIMUMS: Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Req'd Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
.110	Public Park	See Special Regulations 1 and 2.	None	Will be determined on a case-by-case basis.					---	B	See KZC 105.25	1. Except as provided for in Special Regulation 2 below, any development or use of a park must occur consistent with a Master Plan. A Master Plan shall be reviewed through a community review process, established by the Parks and Community Services Director, which shall *include at a minimum:* a. One formal public hearing, conducted by the Parks Board, preceded by appropriate public notice. b. The submittal of a written report on the proposed Master Plan from the Parks Board to the City Council, containing at least the following: 1) A description of the proposal; 2) An analysis of the consistency of the proposal with adopted Comprehensive Plan policies, including the pertinent Park and Recreation Comprehensive Plan policies; 3) An analysis of the consistency of the proposal with applicable developmental regulations, if any; 4) A copy of the environmental record, if the proposal is subject to the State Environmental Policy Act; 5) A summary and evaluation of issues raised and comments received on the proposed Master Plan; and 6) A recommended action by the City Council. c. City Council review and approval. The City Council shall approve the Master Plan by resolution only if it finds: 1) It is consistent with all applicable development regulations and, to the extent there is no applicable development regulation, the Comprehensive Plan; and 2) It is consistent with the public health, safety, and welfare. In addition to the features identified in KZC 5.10.505, the Master Plan shall identify the following: a. Location, dimensions, and uses of all active and passive recreation areas; b. Potential users and hours of use; c. Lighting, including location, hours of illumination, lighting intensity, and height of light standards; d. Landscaping; e. Other features as appropriate due to the character of the neighborhood or characteristics of the subject property. REGULATIONS CONTINUED ON NEXT PAGE 2. Development and use of a park does not require a Master Plan under this code if it will not involve any of the following: a. Lighting for outdoor nighttime activities; b. The construction of any building of more than 4,000 square feet;

								c. The construction of more than 20 parking stalls; d. The development of any structured sports or activity areas, other than minor recreational equipment including swing sets, climber toys, slides, single basketball hoops, and similar equipment.

Chapter 48 – LIGHT INDUSTRIAL TECHNOLOGY (LIT) ZONES[1]

48.05 User Guide.

The charts in KZC 48.15 contain the basic zoning regulations that apply in the LIT 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 48.10

Section 48.10 – 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 in width.

   See KZC 115.30, Distance Between Structures Regarding Maximum Horizontal Facade Regulation, 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 o 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 pedestrian pathway connecting to an east-west pathway designated in the Comprehensive Plan between 124th Avenue NE to 120th Avenue NE.

5. Retail uses are prohibited unless otherwise allowed in the use zone charts.

ATTACHMENT 4
City Council Study Mtg 8/26

Section 48.15

ZONE LIT USE ZONE CHART

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

Section 48.15	USE ⇩ / REGULATIONS ⇨	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARDS (See Ch. 115): Front	Side	Rear	Lot Coverage	MAXIMUMS: Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Req'd Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
.100	Office Use	Within the NE 85th Street Subarea, D.R., Chapter 142 KZC. Otherwise, none.	None	20'	0'	0'	70%	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 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' above average building elevation. b. In the Norkirk 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..

Section 48.15

USE ZONE CHART

Section 48.15	USE ⇩ / REGULATIONS ⇨	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARDS (See Ch. 115): Front	Side	Rear	Lot Coverage	MAXIMUMS: Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Req'd Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
		DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS										
.190	Vehicle or Boat Sales, Repair, Services, or Washing ~~or Rental~~ ~~See Spec. Reg. 1,~~	Within the NE 85th Street Subarea, D.R., Chapter 142 KZC. Otherwise, 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.	A	E	See KZC 105.25 .	~~1. Vehicle or boat sales or rental uses are only permitted if the property has direct vehicle access from NE 116th Street or 120th Avenue NE.~~ 12. 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. 23. 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.

Section 48.15

USE ZONE CHART

Section 48.15	USE ⇩ / REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS					MAXIMUMS	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	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						
196	Automobile Sales	Process I, Chapter 145 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	1. This use is permitted only on properties that adjoin 8th Street or 7th Avenue in the Norkirk 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 AM – 8 PM. 7. Cabinet signs are not permitted. 8. This use primarily entails the sale of alternative fuel vehicles such as biodiesel, ethanol and electric vehicles.

hanging vegetation and fire hazards as specified in Chapter 9.12 KMC shall not be deemed to be land surface modifications.

.465 Landscaping – The planting, removal and maintenance of vegetation along with the movement and displacement of earth, topsoil, rock, bark and similar substances done in conjunction with the planting, removal and maintenance of vegetation.

.467 Landslide Hazard Areas – As defined in Chapter 85 KZC.

.470 Landward – Toward dry land.

.475 Linear Frontage of Subject Property – The frontage of the subject property adjacent or parallel to all open improved public rights-of-way. Frontage adjacent to I-405 is not applicable except for properties within FC I, FC II, and PLA 10 Zones. If the subject property does not have frontage on an open improved right-of-way, the frontage of any public access easements which serve the subject property and unopened rights-of-way which front on the subject property is the linear frontage of the subject property.

.480 Lot – A parcel of land having fixed boundaries, sufficient in area and dimension to meet zoning requirements for width and area, having common ownership and not severed by an existing public right-of-way.

.482 Lot size – The total area of the subject property minus the area of vehicular access easements or tracts serving more than one lot not abutting a right-of-way.

.485 Low Density Use – A detached dwelling unit on a subject property that contains at least 5,000 ~~7,200~~ square feet.

.490 Low Density Zones – The following zones: RS 35; RSX 35; RS 12.5; RSX 12.5; RS 8.5; RSX 8.5; RS 7.2; RSX 7.2; RS 6.3; RS 5.0; RSX 5.0; PLA 6C, 6E; PLA 16; WD II; and comparable zones in other adjoining jurisdictions, except properties with approved intent to rezones to zoning designations other than low density.

.491 Low Income Household – One or more adults and their dependents whose income does not exceed 50 percent of the median household income for King County, adjusted for household size, as published by the United States Department of Housing and Urban Development.

.492 Low Income Unit – A housing unit for which the monthly housing expense, including an appropriate utility allowance, is no greater than 30 percent of the median monthly income for a low income household.

.500 Marquee Sign – Any sign which forms part of, or is integrated into, a marquee or canopy and which does not extend horizontally beyond the limits of such marquee or canopy.

.505 Master Plan – A complete development plan for the subject property showing placement, dimensions and uses of all structures as well as streets and other areas used for vehicular circulation.

.510 Maximum Lot Coverage – The maximum percentage of the surface of the subject property that may be covered with materials which will not allow for the percolation of water into the underlying soils.

.515 Medium Density Use – Detached, attached, or stacked dwelling units on a subject property which contains at least 3,600 square feet per unit but not more than 7,199 square feet per unit.

ATTACHMENT 5
City Council Study Nov 8, 0

.780 Residential Use – Developments in which persons sleep and prepare food, other than developments used for transient occupancy.

.785 Residential Zone – The following zones: RS 35; RSX 35; RS 12.5; RSX 12.5; RS 8.5; RSX 8.5; RS 7.2; RSX 7.2; RS 6.3; RS 5.0; RSX 5.0; RM 5.0; RM 3.6; RM 2.4; RM 1.8; WD I; WD II; WD III; PLA 2; PLA 3B; PLA 5A, D, E; PLA 6A, C, D, E, F, H, I, J, K; PLA 7A, B, C; PLA 9; PLA 15B; PLA 16; and PLA 17.

.790 Restaurant or Tavern – Commercial use (excluding fast food restaurants) which sells prepared food or beverages and generally offers accommodations for consuming the food or beverage on the premises, and where the seating and associated circulation areas exceed 10 percent of the gross floor area of the use.

.795 Retail Establishment – A commercial enterprise which provides goods and/or services directly to the consumer, whose goods are available for immediate purchase and removal from the premises by the purchaser and/or whose services are traditionally not permitted within an office use. The sale and consumption of food are included if: (a) the seating and associated circulation area does not exceed more than 10 percent of the gross floor area of the use, and (b) it can be demonstrated to the City that the floor plan is designed to preclude the seating area from being expanded.

.800 Retention of Storm Water – The collection of water, due to precipitation, in a given area and the dispersal of these waters through the natural process of groundwater recharge and evaporation or the incorporation of this collection area into a natural stream and lake system and setting.

.805 Right-of-Way – Land dedicated primarily to the movement of vehicles and pedestrians and providing for primary access to adjacent parcels. Secondarily, the land provides space for utility lines and appurtenances and other publicly owned devices.

.810 Right-of-Way Realignment – The changing of the horizontal position of the right-of-way.

.815 Roofline – The line formed by the outside of the gable of the roof, or if the roof is flat or mansard, the top of the roof or mansard.

.817 Rooftop Appurtenances – HVAC equipment, mechanical or elevator equipment and penthouses, roof access stair enclosures, and similar equipment or appurtenances that extend above the roofline of a building, but not including personal wireless service facilities as defined by KZC 117.05.10.

.820 Runoff – The overland or subsurface flow of water.

.823 Salmonid – As defined in Chapter 90 KZC.

.824 School – A school operation with 13 or more attendees at any one time, not including immediate family members who reside in the school or employees.

.825 School Operation – Any institution of learning, excluding those offering post-secondary education, offering instruction in the several branches of learning and study required by the Basic Education Code of the State of Washington to be taught in the public, private and parochial schools.

.826 Secure Community Transition Facility (SCTF) – A facility as defined by RCW 71.09.020, now or as hereafter amended.

.827 Seismic Hazard Areas – As defined in Chapter 85 KZC.

.830 SEPA – The State Environmental Policy Act, Chapter 43.21C [illegible]

ATTACHMENT 6
City Council Study Nov 8, 06

.960 Use Zone – The zoning designations on the Zoning Map as follows:

RS 35	FC I	NRH 1A	PLA 6C
RSX 35	FC II	NRH 1B	PLA 6D
RS 12.5	FC III	NRH 2	PLA 6E
RSX 12.5		NRH 3	PLA 6F
RS 8.5	BN	NRH 4	PLA 6G
RSX 8.5	BC	NRH 5	PLA 6H
RS 7.2	BCX	NRH 6	PLA 6I
RS 5.0			PLA 6J
RSX 5.0	LIT	TL 1A	PLA 6K
	P	TL 1B	PLA 7A
RM 5.0		TL 2	PLA 7B
RM 3.6	CBD 1	TL 3	PLA 7C
RM 2.4	CBD 2		PLA 8
RM 1.8	CBD 3	ILC	PLA 9
	CBD 4		PLA 10A
WD I	CBD 5	PLA 1	PLA 10B
WD II	CBD 6	PLA 2	PLA 10C
WD III	CBD 7	PLA 3A	PLA 11
	CBD 8	PLA 3B	PLA 13A
PR 8.5		PLA 5A	PLA 13B
PR 5.0	JBD 1	PLA 5B	PLA 15A
PR 3.6	JBD 2	PLA 5C	PLA 15B
PR 2.4	JBD 3	PLA 5D	PLA 16
PR 1.8	JBD 4	PLA 5E	PLA 17
	JBD 5	PLA 6A	PLA 17B
PO	JBD 6	PLA 6B	PLA 17C

RS6.3

.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.

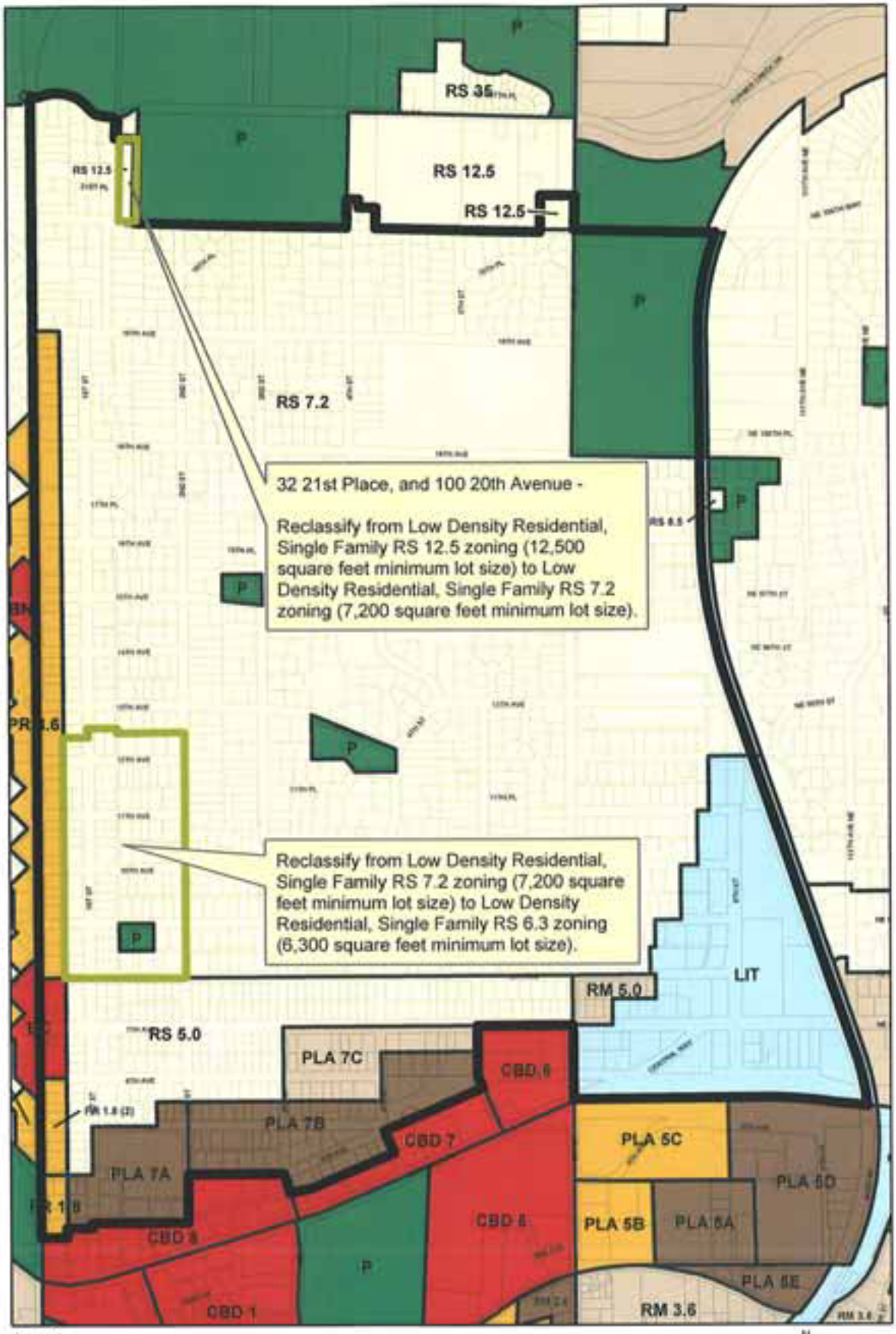
.985 Wetland – As defined in Chapter 90 KZC.

.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.

ATTACHMENT 7
City Council Study Nov 8, 06



Legend

- Commercial
- Industrial
- Light Manufacturing Park
- Office
- High Density Residential
- Medium Density Residential
- Low Density Residential
- Institutions
- Park/Open Space
- Proposed Norkirk Neighborhood Boundary
- Tax Parcel Boundaries

N

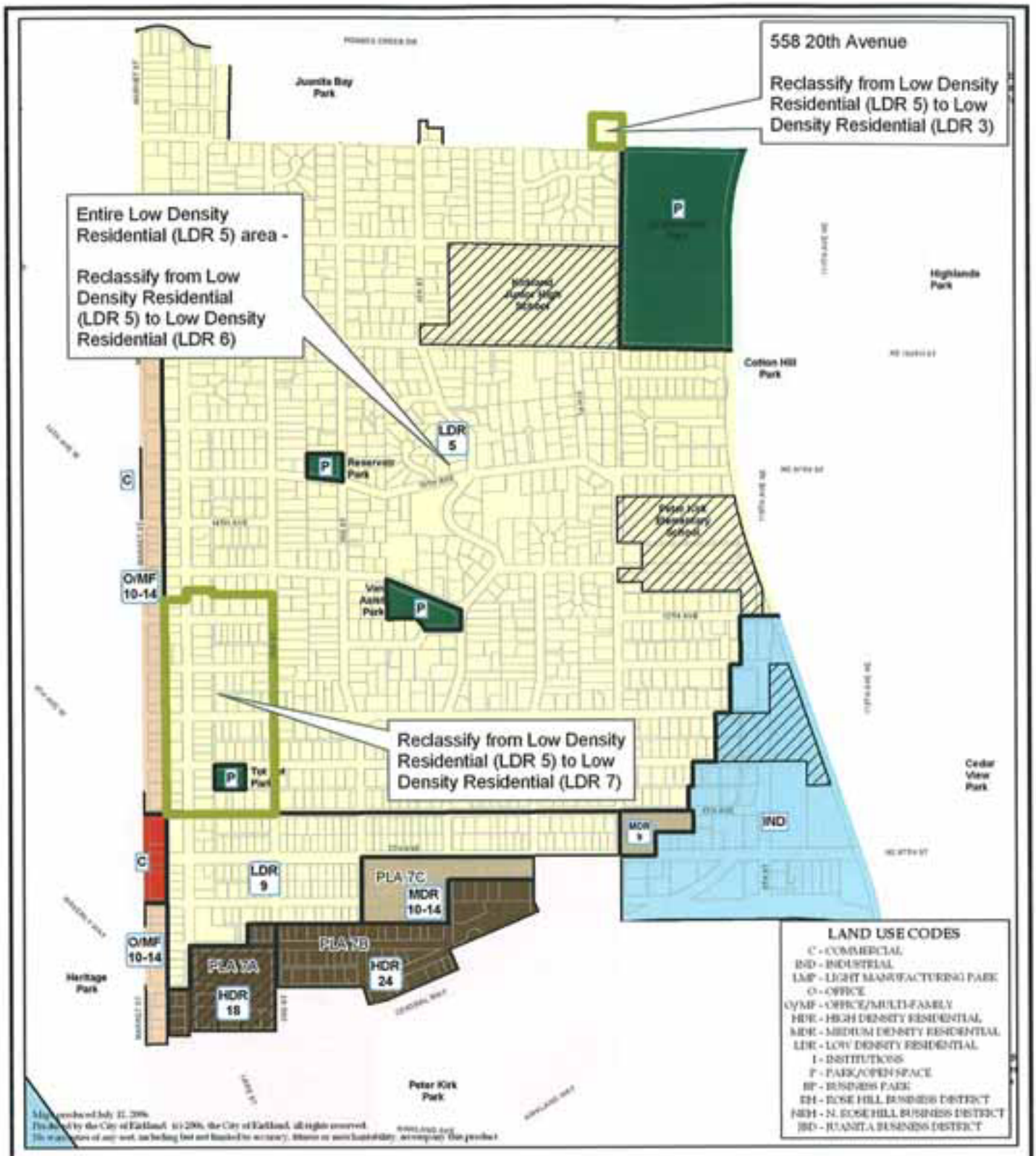
0 375 750 Feet

Scale: 1" = 750'

City of Kirkland Norkirk Neighborhood Plan
7/11/2006 Draft

Proposed Changes to Kirkland Zoning Map

ATTACHMENT 8
City Council Study Nov 8, 06



Proposed Changes to Comprehensive Land Use Map & Norkirk Neighborhood Land Use Map

Norkirk Neighborhood

Figure N-4: Land Use

ORDINANCE NO. 4024
ADOPTED by the Kirkland City Council
December 13, 2005

LAND USE BOUNDARIES
PARCEL BOUNDARIES
SUBAREA BOUNDARY
PLA PLANNED AREA NUMBER
TOTEM CENTER
LDR 5' LAND USE CODE DENSITY (UNITS/ACRE)
PUBLIC FACILITIES

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

ATTACHMENT

City Council Study Nov. 8, 06

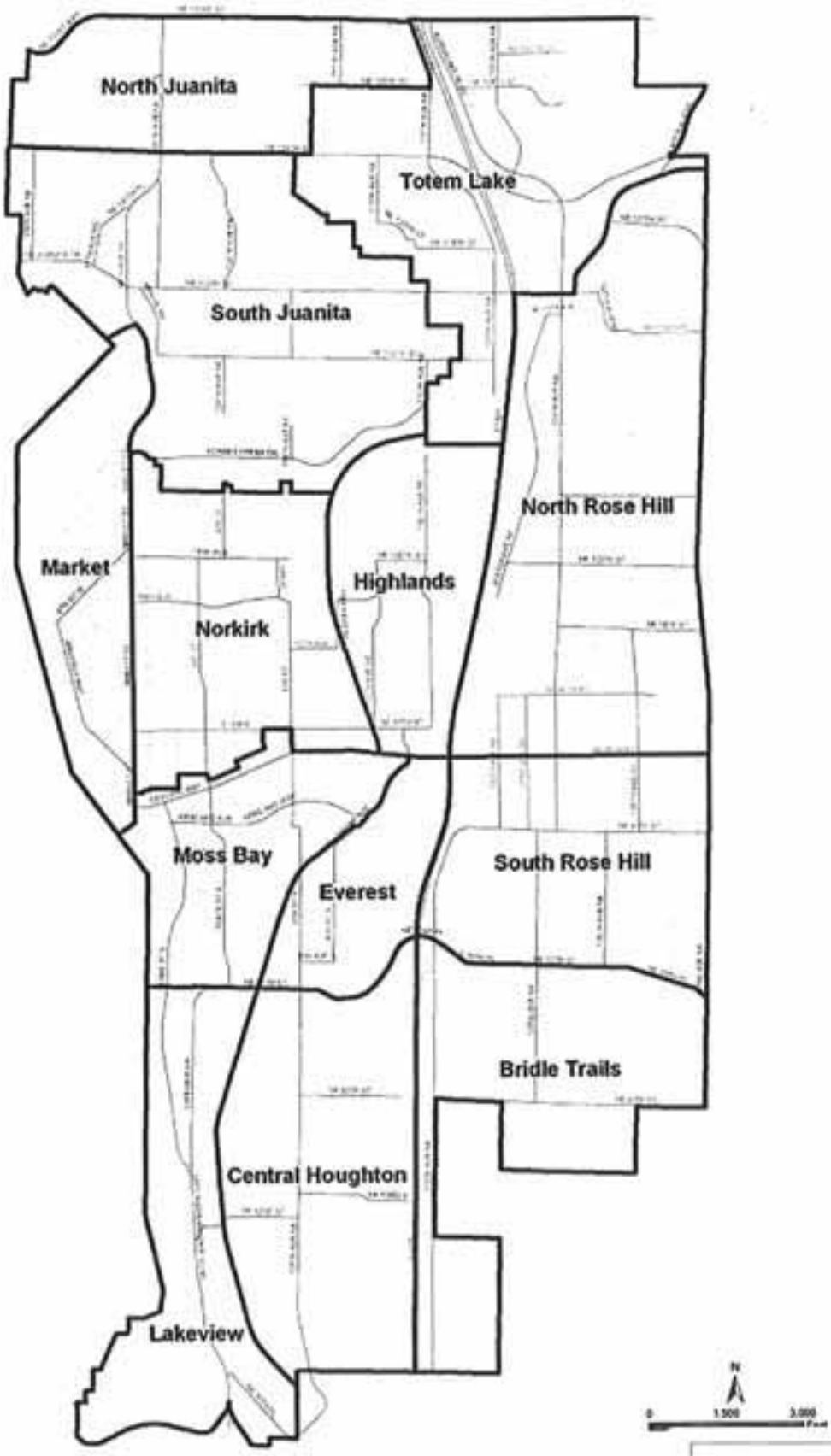


Figure I-3: City of Kirkland Neighborhoods

ATTACHMENT 10

City Council Study Nov 8,

Table LU-3 below provides a range of residential densities described in the Comprehensive Plan with comparable zoning classifications.

Table LU-3

Residential Densities and Comparable Zones

General Residential Densities	Residential Densities as Specified in Comprehensive Plan in Units per Net Acres (d/a)	Comparable Zoning Classification
LOW DENSITY	Up to 1 d/a	RS – 35,000
	Up to 3 d/a	RS – 12,500
	4 – 5 d/a	RS – 8,500 RS – 7,200
	~~6 – 7 d/a~~	~~RS – 7,200~~ ~~RS – 6,300~~
	8 – 9 d/a	RS – 5,000
MEDIUM DENSITY	8 – 9 d/a	RM – 5,000
	10 – 14 d/a	RM – 3,600
HIGH DENSITY	15 – 18 d/a	RM – 2,400
	19 – 24 d/a	RM – 1,800

Higher unit per acre counts may occur within each classification if developed under the City's PUD, innovative or affordable housing programs.

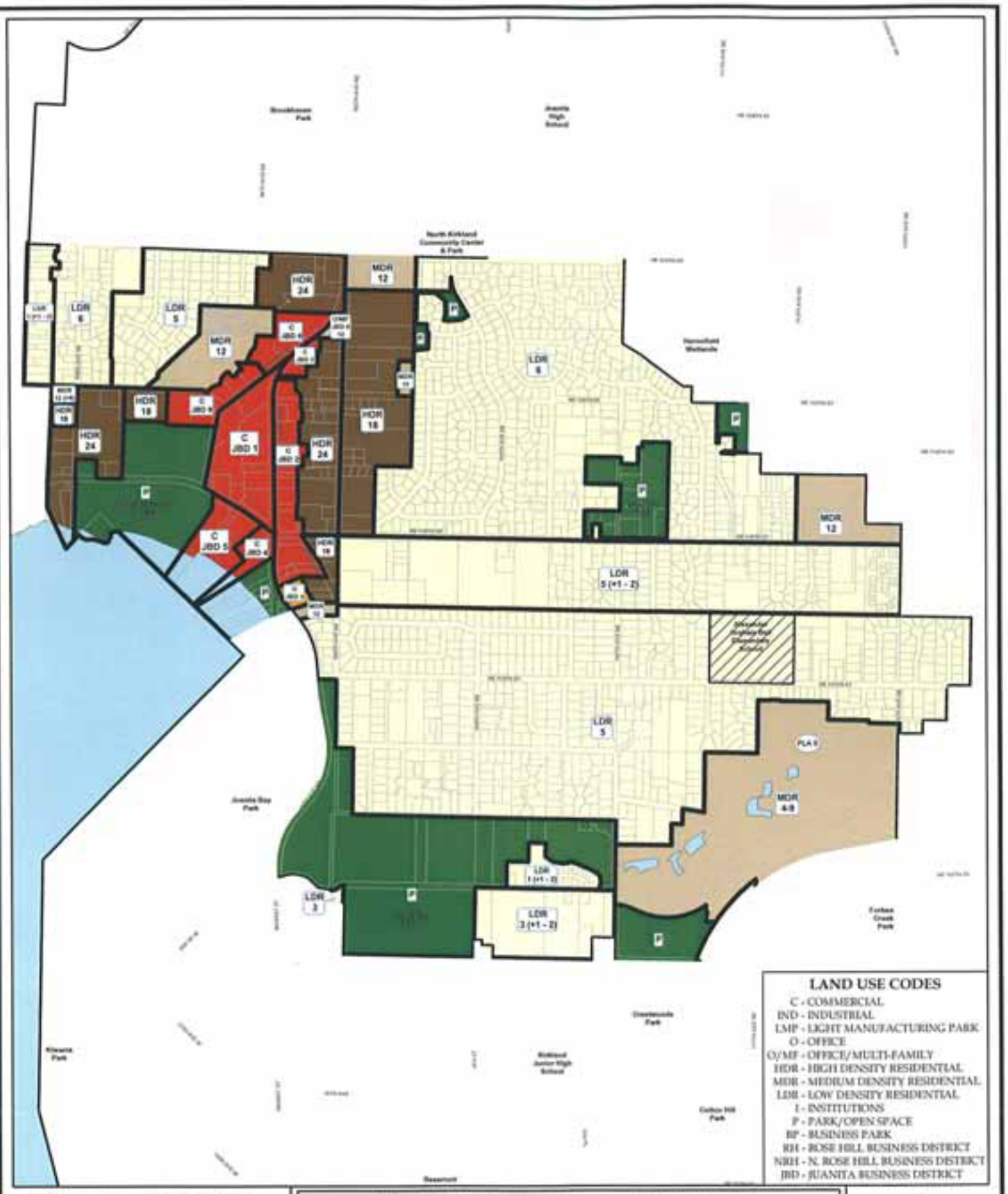
ATTACHMENT 11
City Council Study Nov 8, 06

Goal ED-3: Strengthen the unique role and economic success of Kirkland's commercial areas

Policy ED-3:1. Promote economic success within Kirkland's commercial areas.

The Land Use Element sets forth the general land-use development pattern for Kirkland's commercial areas. Consistent with each Neighborhood Plan there will be opportunities to strengthen commercial area in the types of businesses provided and redevelopment opportunities. Following is a summary of the role of each commercial area.

- Totem Lake's role is an Urban Center that serves as a community and regional center for destination retailing, health care, automobile sales, high technology, light industrial, professional offices and housing.
- Downtown's role is an Activity Area that serves as a community and regional center for professional and government services, specialty retail, tourism, arts and entertainment, neighborhood services and housing.
- The Yarrow Bay and Carillon Point Business Districts provide corporate headquarters, professional offices, professional services, restaurants and housing.
- The Rose Hill Business District along NE 85th Street provides regional and neighborhood services in general retail, automobile sales, high technology, small office parks and housing.
- The North Rose Hill Business District provides both regional and neighborhood services, retail stores and housing.
- The Market, Juanita, Houghton and Bridle Trails Neighborhood Centers provide neighborhood retail stores, professional services, recreation and housing.
- The Everest and Norkirk Industrial Areas provide opportunities for small businesses in light industrial, manufacturing, wholesale, office and high technology. Within the Norkirk Industrial Area, environmentally sustainable technology and clean energy commerce is encouraged.
- The Residential Markets along Lake Washington Blvd. provide convenience commercial goods and services.



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

South Juanita Neighborhood

Land Use Map

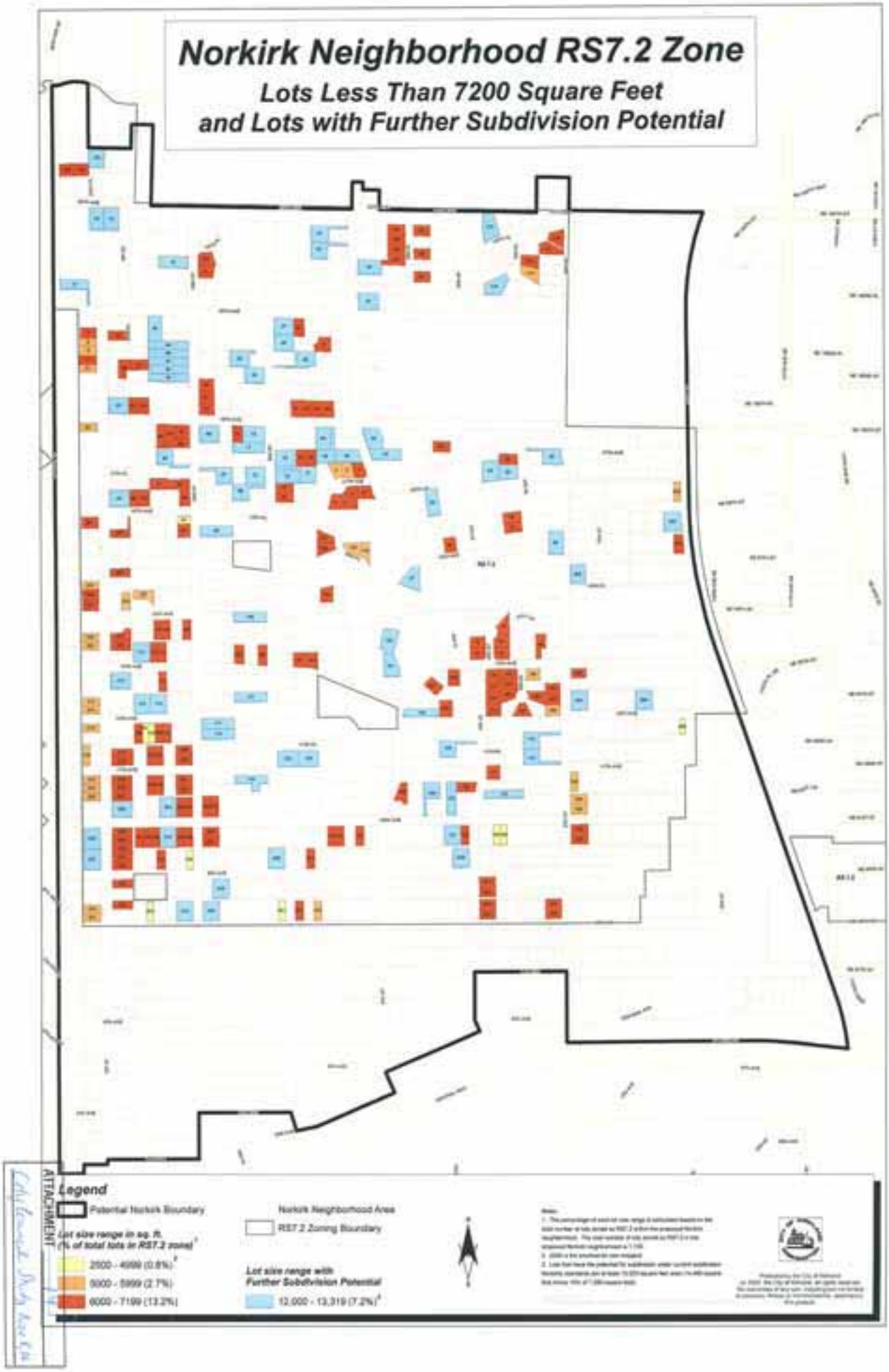
ORDINANCE NO. 4028
ADOPTED by the Kirkland City Council
December 13, 2005

LAND USE BOUNDARIES
SUBAREA BOUNDARY
TOTEM CENTER
PUBLIC FACILITIES
PARCEL BOUNDARIES
PLA PLANNED AREA NUMBER
LDR 5* LAND USE CODE / DENSITY (UNITS/ACRE)
NOTE: WHERE NOT SHOWN, NO DENSITY SPECIFIED
* INDICATES CLUSTERED LOW DENSITY

Maps produced July 12, 2006.
Produced by the City of Kirkland. (c) 2006, the City of Kirkland, all rights reserved.
No warranties of any sort, including but not limited to accuracy, fitness or merchantability, accompany this product.

ATTACHMENT 13
City Council Study 7.06

0 250 500 Feet


Norkirk Neighborhood RS7.2 Zone
Lots Less Than 7200 Square Feet
and Lots with Further Subdivision Potential
Legend
Potential Norkirk Boundary
Lot size range in sq. ft.
(% of total lots in RS7.2 zone)
2500 - 4999 (0.8%)
5000 - 5999 (2.7%)
6000 - 7199 (13.2%)
Norkirk Neighborhood Area
RS7.2 Zoning Boundary
Lot size range with
Further Subdivision Potential
12,000 - 13,319 (7.2%)
ATTACHMENT

Norkirk Neighborhood Potential Rezone Area

Lot Size Less Than 7200 Square Feet and Further Subdivision Potential

Legend

RS7.2 Zoning Boundary

Potential New Zone

Norkirk Neighborhood Area

Lot size range in sq.ft. (% of total lots in limited area of RS7.2 zone) [1]

SqFtLot

2700 - 4999 (4.9%) [2]

5000 - 5999 (11%)

6000 - 7199 (37.8%)

Lot size range with Further Subdivision Potential

SqFtLot

12600 - 13319 (3.7%) [3]

11655 - 12599 (6.1%) [4]

Median size of undersized lot = 6,000 sq ft [5]

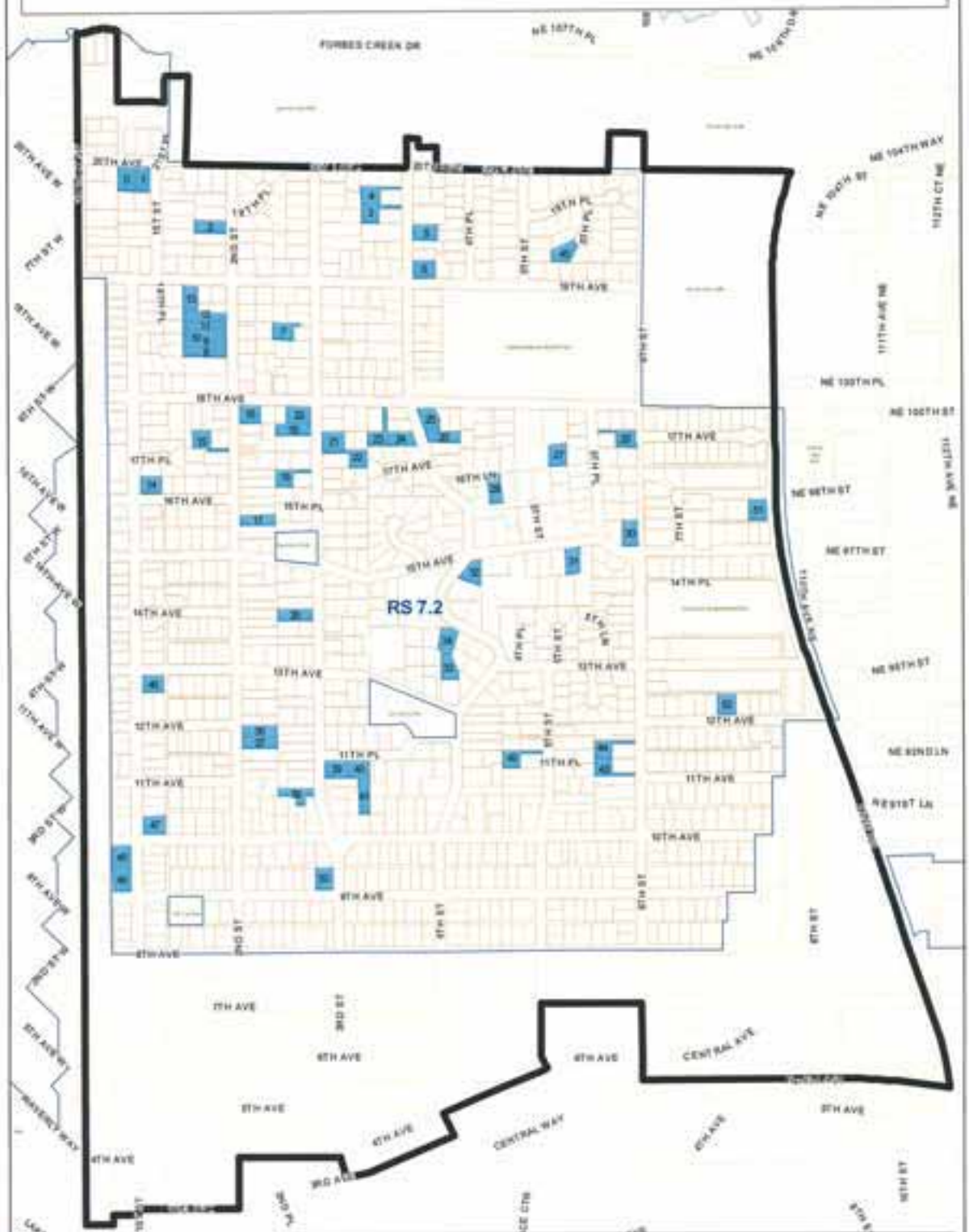
Average size of undersized lot = 5,849 sq ft [6]

Notes:

1. The percentage of each lot size range is calculated based on the total number of lots zoned as RS7.2 in the area. The total number of lots zoned as RS7.2 in this area is 82.
2. 2700 sq. ft. is the smallest lot size mapped.
3. Blue indicates which lots could be subdivided outright if the area is rezoned to RS6.3. Lots that have the potential for subdivision under current subdivision flexibility standards are at least 13,320 square feet area (14,400 sq ft minus 15% of 7,200 sq ft.)
4. Green indicates which lots have the potential for subdivision under current subdivision flexibility standards if the area is rezoned to RS6.3. Lots that have the potential for subdivision under current subdivision flexibility standards are at least 11,655 sq ft. (12,600 sq ft. minus 15% of 6,300 sq ft.)
5. The median size of undersized lots is calculated by finding the middle value in a series of values arranged in order of size.
6. The average undersized lot size is calculated by adding up all undersized lot sizes (the combined lots equal to 257,358 sq ft) and dividing by the number of undersized lots (44 lots)

ATTACHMENT 15

Norkirk Neighborhood Small Lots Single-Family Option
Lots Between 12,200 SF and 13,319 SF in RS 7.2 Zone



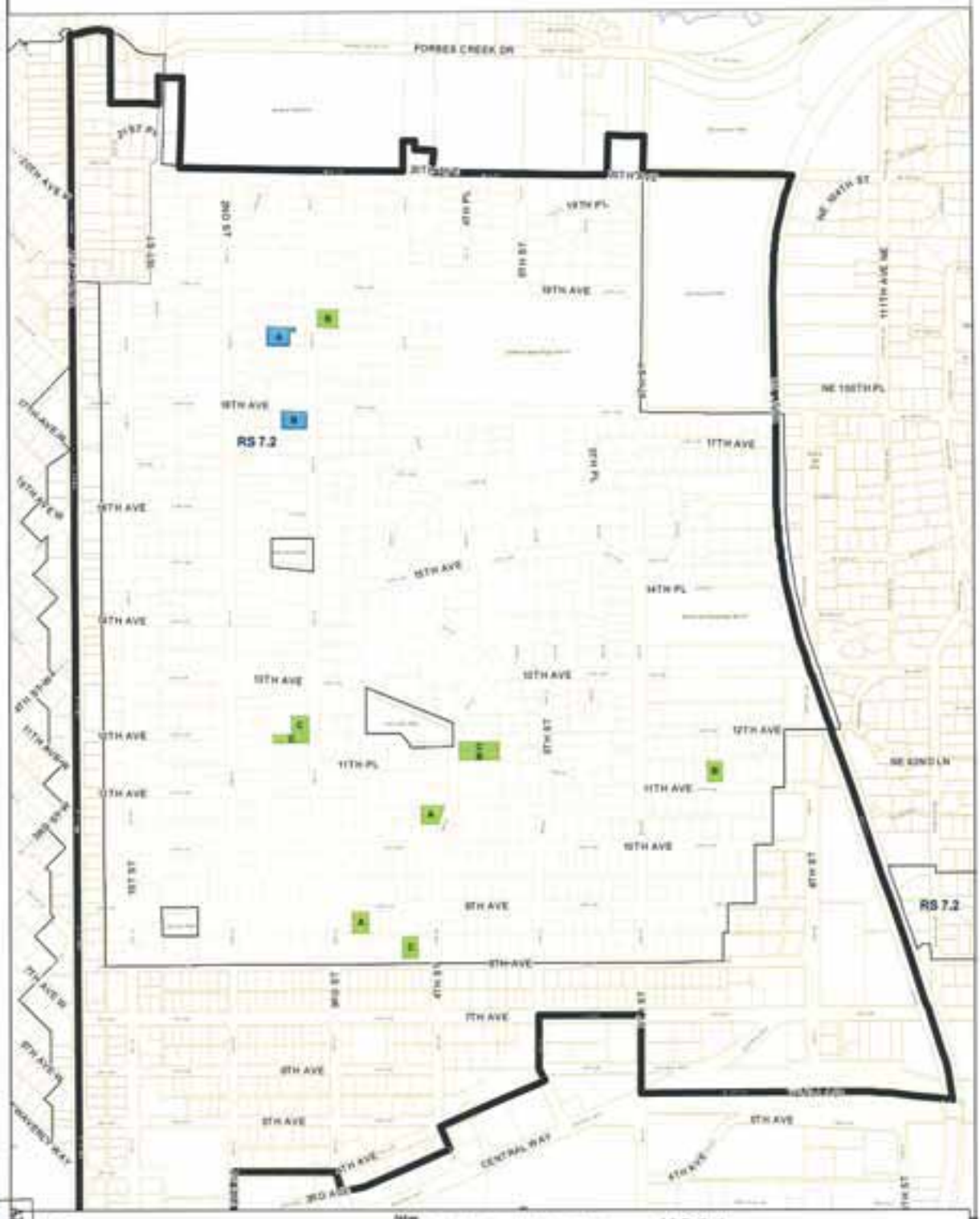
Legend

- Potential Norkirk Boundary
- RS7.2 Zoning Boundary
- Norkirk parcels
- Norkirk Parcels in RS7.2 zone
- Norkirk_12200-13319 sf 1,2

Miles

Notes:
1. There are 53 lots that have potential for subdivision under the small lot single family option.
2. Lots that have the potential for subdivision under current subdivision flexibility standard are at least 13,320 square feet in area (14,400 SF minus 15% of 7,200 SF).

Norkirk Neighborhood Historic Preservation Option
Historic Buildings on Lots Between 10,000 SF - 13,319 SF in RS 7.2 Zone



Legend

- Potential Norkirk Boundary
- RS7.2 Zoning Boundary
- Norkirk Parcels_RS7
- Norkirk_10000sf-11999sf-Historic
- Norkirk_12000sf-13319sf-Historic

HISTORIC SIGNIFICANCE

- A Most Significant *
- B Significant *
- C Notable *

Miles 0 0.025 0.05 0.1 0.15 0.2

Notes:
1. Lots that have the potential for subdivision under current subdivision flexibility standard are at least 13,320 square feet in area (14,400 SF minus 10% of 7,200 SF)
2. A. Most Significant
These buildings are architecturally intact, or have considerable significance through association with people or events important in Kirkland's history. They either are on or are eligible for listing on the National Register of Historic Places, State Heritage Register, or King County Landmark designation.
(3 buildings)

3. B. Significant
These buildings have been altered slightly but substantially retain their original character.
(4 buildings)
4. C. Notable
These buildings have been altered considerably, but their original character is still apparent. This could include, for example, a building that has been moved but retains its character, a compatible addition, or changes to windows on the sides or rear.
(8 buildings)

City Council Study Session

URBANADVISORS LTD

Memorandum

Date: October 6, 2006

To: Ellen Miller Wolfe
City of Kirkland
From: Edward Starkie, Urban Advisors Ltd.
Subject: The Green Car Company

As requested, I have reviewed the proposed use by the Green Car Company of the building at 1129 8th Street in the Norkirk industrial area. To understand this we reviewed the Green Car Company letter describing the proposed use of the site,[1] existing uses in the Norkirk LIT district, the proposed LIT Automobile Sales Amendments, and previous work and analysis of the Norkirk district published in the Kirkland Industrial Study completed by Urban Advisors.

Currently, there are 11 automobile oriented businesses in the area along with a mix of warehouse, manufacturing, service, contractors and construction materials sales, public service yards, and professional/technical offices. Adjoining this business area to the west is a low-density neighborhood. The main issues are whether the new use will inhibit the existing business climate, and whether the business can operate without disturbing the adjoining neighborhood.

A major difficulty that a retail dealership might present to existing business is a large amount of retail traffic to and from the building that might conflict with trucking. After review of the business plan for The Green Car Company for the site, this is unlikely to be an issue for several reasons. First, a large proportion of their sales contacts take place through the internet and word-of mouth. Second, according to their letter, their business does not rely on typical retail exposure to drive-by traffic and does nothing to encourage that traffic. In this way, the proposed use is not dissimilar to the existing auto oriented uses that have coexisted with other land uses in this area for many years. The proposed operation appears to work as a destination for the completion of sales as opposed to a site for the promotion of sales.

The issues for the adjoining neighborhood include noise, light, and traffic generation. The letter submitted to the Planning Commission indicates that there will be no use of outdoor speakers as is common on auto sales lots. The letter also states that outdoor car lot lighting will not be used. According to the letter, there will be no attempt to use the normal sorts of outdoor promotional devices such as flags, balloons, etc., and that the company preference is that passersby not even realize a car dealership is on the property. The company avers that test

[1] Letter to the Planning Commission from Susan Fahnestock to Janet Pruitt dated September 13, 2006.

URBANADVISORS LTD
Urban Economic Advisory Services
1211 NW Glisan Street, Suite 204, Portland, Oregon 97209
phone: 503.248.4030 • email: office@urbanadvisors.com

ATTACHMENT 18
City Council Study Nov 8, 06

drives from the site will not traverse neighborhood streets; making this a condition of approval could assure that it will be the case. As they do not promote a high volume of traffic through advertising with the typical means of attracting drive-by stops, and are not using the site for promotion of sales, they are less likely to generate the traffic usually associated with a retail lot.

Given the nature of the business use proposed, it is not inconsistent with the existing profile of businesses in the area including the professional technical use. The proposed plan of operation for the site has none of the characteristics of a typical auto sales lot and would thus not conflict with other transitional uses between the neighborhood and more intense industrial use. As a business focusing on providing a more environmentally sound form of a typical land use, this proposal could offer a valuable example of new ways of doing business in Kirkland while offering residents a valuable service.

URBANADVISORS LTD
Urban Economic Advisory Services
1211 NW Glisan Street, Suite 204, Portland, Oregon 97209
phone: 503.248.4030 • email: office@urbanadvisors.com

City Council & Planning Department
City of Kirkland
123 5th Ave.
Kirkland WA 98033

RE: DRAFT NORKIRK NEIGHBORHOOD PLAN (FILE IV-03-27)

Dear Members of the City Council & Planning Department:

We are writing to express our serious concerns about certain aspects of the City of Kirkland Planning Commission's draft of the Norkirk Neighborhood Plan that would degrade our neighborhood. There is a message that we wish to be very clearly understood by the Planning Department and City Council:

Norkirk residents are strongly opposed to increased density in their neighborhood.

In 2005, 201 residents signed a petition and another 145 residents sent postcards asking the City to reject Private Amendment Requests that reduced minimum lot sizes or increased density. The message was clear and the City Council unanimously rejected all Private Amendment Requests in the fall of 2005.

It was demonstrated that there are over 36 acres of land in the RS 7.2 zone that can be subdivided under current zoning regulations. These 36 acres accommodate growth in a city that already meets it Growth Management Act (GMA) targets. Kirkland already has the highest density of any eastside city according to 2000 census data. Why should we modify zoning to allow for more? Simply stated, we shouldn't.

There is no need to further increase density or create non-conforming lots in Norkirk!

Policy N 4.2 of the draft plan states: "Encourage diversity in size of dwelling units by preserving and/or promoting smaller homes on smaller lots.

Up to 50% of the lots to be subdivided should be allowed to be smaller than the zoning designation allows if a small home is retained or built on the small lots. The lots containing the small homes should be no less than 5,000 square feet in the RS7.2 and RS 6.3 zones."

Attachment 20 of the packet shows that the proposal would allow 67 additional non-conforming lots to be created in the RS 7.2 zone with sizes as low as 4800 sq.ft. (12000 minus 7200).

The vision statement for Norkirk in 2022 that was agreed upon in neighborhood workshops and that has been through several Planning Commission reviews states:

"The neighborhood feels un-crowded."

Policy N 4.2 is contrary to that vision. Policy N.4.2 would further homogenize and crowd the neighborhood. Part of Norkirk's character is a variety of housing styles and lot sizes, including lots that are greater than the minimum 7200 sq. ft. The larger lots provide additional open space, tree canopy, and greenery.

We strongly urge you to remove Policy N 4.2 from the update, and do all that you can to maintain the current character, integrity and safety of the Norkirk community.

Most sincerely,

Peter Speer & Marian Osborne
1520 2nd Street
Kirkland WA 98033

EXHIBIT B
City Council Study Nov 8, 06

Joan Lieberman-Brill

From: Eric Eng [eng_eric@hotmail.com]
Sent: Monday, June 19, 2006 12:58 PM
To: Joan Lieberman-Brill
Subject: FW: Comment-Market Street

Hello Joan,

I wanted to forward you this email regarding feedback on the Market Street Access Project because it relates to the Norkirk update to the Comprehensive Plan (Section 6, Transportation).

Best regards,
Eric

>From: "Peter Chocensky" <peterchoc@hotmail.com>
>To: eng_eric@hotmail.com
>CC: nschoneman@ci.kirkland.wa.us
>Subject: Comment-Market Street
>Date: Tue, 06 Jun 2006 10:55:11 -0700
>
>Peter Chocensky
>808 1st Street
>Kirkland, WA 98033
>
>
>
>RE: Market Street Access Project
>
>
>Dear Mr. Schoneman and Mr.Eng,
>
>After reading the Norkirk News newsletter I have decided to send you my
>comments to the Market Street Access Project ("Project").
>
>I am aware that there must be something done and I support the idea of
>Downtown Kirkland becoming more pedestrian friendly. Yet, all the
>traffic changes on Central/Market Street are just worsening another problem.
>
>Even now during rush hour, mainly, all the commuters taking Market
>Street to go to Juanita, Finn Hill from Bellevue, Redmond etc, are
>using the East of Market Streets as a shortcut. Can you imagine what
>would happen once stop lights are be put in and the Central way project finished?
>
>All the traffic will be diverted, even more than now, into our
>residential neighborhood.
>I don't even want to imagine the situation! The streets will turn into
>a nightmare for us, the residents of East of Market.
>
>It compromises our neighborhood livability - creating noise and air
>pollution, causing difficulties for pedestrians and bicyclists, and
>more importantly it jeopardizes everyone's safety.
>
>My proposal to solve the traffic situation for both West and East of
>Market
>residents:
>
>Proceed with the Project, however, put in a "No Thru Traffic" sign in
>East of Market and, of course, ensure that no drivers cut through the
>Norkirk Neighborhood, with the help of the police department.
>
>Another solution would go even further:
>

>I believe we need to limit cars driving through to get to/from
>Bellevue, Redmond, Juanita, Finn Hill etc., i.e. cars that pass through
>without having an origin or destination into our downtown.
>
>I believe, our neighborhood streets, as well as streets like Central,
>Market, Lake Washington Boulevard and other streets in DT Kirkland were
>not build as substitutes for I 405.
>
>As a result, I believe we should try to completely limit thru traffic
>in our Town; this is a trend that is gaining support throughout the
>world, including several towns in the United States.
>
>I look forward to hearing from you the solutions and how we can,
>together, solve this problem.
>
>Kind regards,
>
>Peter Chocensky
>
>

Joan Lieberman-Brill

From: DBucklen@aol.com
Sent: Monday, June 26, 2006 4:25 PM
To: Joan Lieberman-Brill
Subject: Re: FW: More on 20th Ave Trail

Hi Joan,
As I mentioned in our phone conversation I am against the sidewalk on 20th Ave. between 3rd and 4th, as 3rd street is a dead-end road, and the section that is paved on 20th Ave is too narrow to accommodate a sidewalk (safely) that wouldn't infringe on the natural greenbelt forest that exists on that stretch. Since 20th was considered a closed road and cannot go through to Market because of terrain and protected greenbelt, (as well as environmental concerns) I don't see the advantage of foot traffic coming all the way to 3rd street. It could or would create more opportunity for accidents at the corner of 3rd and 20th where I live. My neighbors and I have enjoyed the privacy of this dead-end road, and has helped to increase home value. In addition, since the neighbors fought successfully to block a thru road to 4th on 20th Ave a couple of years ago, to have future traffic foot or otherwise on that narrow section of 20th is an unnecessary waste of my city tax dollars. Being secluded at the end of the street with the privacy of the greenbelt, I do not wish to have many strangers walking by in front of my house and possibly trespassing further onto my property.

Thank you,

David Bucklen
1957 3rd Street
Kirkland WA 98033
In a message dated 6/13/2006 11:01:14 AM Pacific Standard Time, JLieberman-Brill@ci.kirkland.wa.us writes:

From: Joan Lieberman-Brill
Sent: Tuesday, June 13, 2006 9:32 AM
To: 'dbuckoen@aol.com'
Cc: Noel Schoneman
Subject: FW: More on 20th Ave Trail

Dear Mr. Bucklen-

Noel Schoneman of the Kirkland Public Works Department asked me to notify you if the 20th Avenue path/trail is included in the draft Norkirk Plan.

It is the policy of the City that all streets eventually have sidewalks. They are required either when a lot is developed for the first time, when redevelopment triggers the threshold for sidewalk improvement, or because of a publicly funded capital improvement project. The draft Norkirk Neighborhood Plan being considered by the Kirkland Planning Commission does identify a portion of 20th Avenue (between 3rd Street and 5th Street) for improvement with a sidewalk/walkway as a part of the Norkirk Pedestrian

system. The difference is that this sidewalk segment can be considered for City funding rather than as a result of private development, if it is added to the Norkirk Pedestrian system in the Norkirk Neighborhood Plan and to the Nonmotorized Transportation Plan. If adopted, improvements can be prioritized for funding through the Capital Improvement Program budget process. The process for prioritizing funding is handled by the Public Works department.

Some portions of the 20th Avenue right-of-way between 3rd Street and 5th Street are currently unopened, some are improved with just a street, but without sidewalks, and some are improved with a pedestrian trail. One recent subdivision at the southwest corner of 20th Avenue and 4th Street will be installing a section of walkway along 20th, adjoining that land parcel, as a condition of plat approval.

Much of the remaining land fronting 20th between 4th and 5th is fully subdivided, so there isn't likely to be a similar opportunity there for private development to trigger pedestrian improvements. An existing dirt path connection does provide a short cut connection to the park. Staff thinks that the immediate neighborhood regards this as an asset. They probably wouldn't want a road connection but modest improvements to the path would be considered a good thing. This segment would be on the list of those projects that could receive funding through the Capital Improvement Budget process.

No decision has been made yet. Adoption of the Norkirk Neighborhood Plan, including this pedestrian route, is scheduled for December 2006. You may comment on this or any other aspect of the Norkirk Plan by sending me an email or letter, which will be passed along to the Planning Commission, or by coming to a Planning Commission study session and providing oral comments directly to the Commission. The next meeting of the Planning Commission on the Norkirk Neighborhood Plan is on June 22. A pubic hearing is scheduled in the fall to solicit public comment on all aspects of the proposed Plan.

You may find out more information about this project by following this link to the Market Norkirk Highlands Neighborhood Plans Update project home page: http://www.ci.kirkland.wa.us/depart/Planning/Plans_and_Projects/mnh.htm. Please sign up to receive emails alerting you to when new information is posted on this website.

Please feel free to contact me if you have questions.

Sincerely,

Joan

Joan Lieberman-Brill, AICP

Senior Planner

Kirkland Department of Planning and Community Development

425-587-3254

jbrill@ci.kirkland.wa.us

Mon - Thurs

FAX (425) 587-3232

From: Joan Lieberman-Brill
Sent: Thursday, April 06, 2006 5:15 PM
To: Noel Schoneman
Subject: RE: More on 20th Ave Trail

Thanks!

From: Noel Schoneman
Sent: Thursday, April 06, 2006 4:21 PM
To: Joan Lieberman-Brill
Subject: More on 20th Ave Trail

Joan –

During my site visit today, I ran into a Mr. Dave Bucklen, 1957 – 3rd Street, 765-1209, dbuckoen@aol.com . He would like to be notified if the 20th Ave path/trail is placed in the Draft Plan. He would not favor such a connection.

Noel

Noel Schoneman, P.E.

Neighborhood Traffic Control Coordinator

Office Hours:

Wed 7:30 a.m. - Noon

Th & Fri 7:30 - 4:30 p.m.

(425) 587-3870

RECEIVED
SEP 5 2006
AM
PLANNING DEPARTMENT
BY

642 9th Ave KIRKLAND, WA 98033

Application For Multi use Zoning

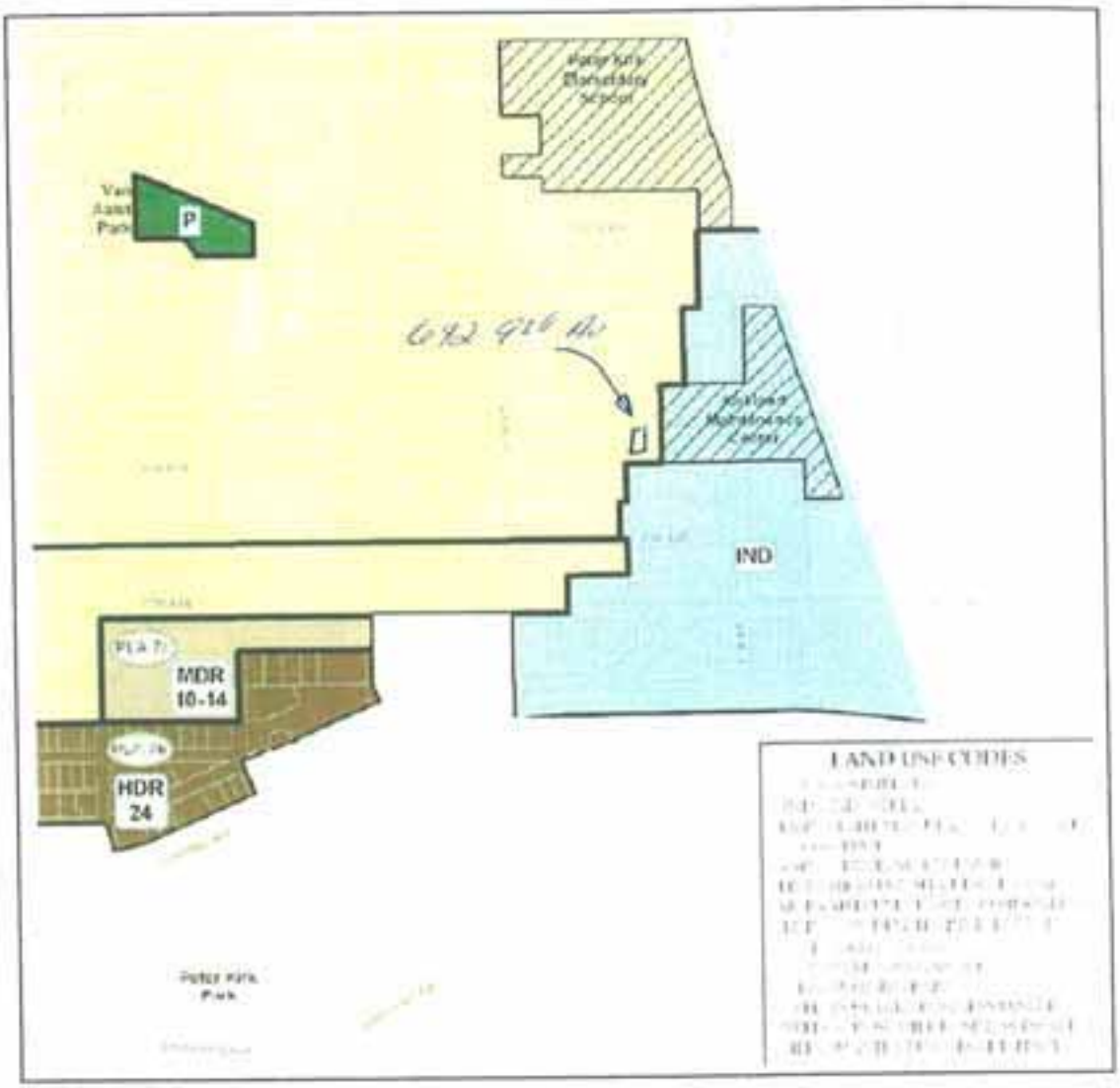
Property Address: 642 9th Ave , Kirkland, Wa 98033
Current Zoning: RS 7200

The property has no unstable slopes, woodlands, streams and wetlands, nor is it a flood hazard zone. Per the NorKirk plan, (see attached), "Townhouse" units should be permitted east of 6th Ave and adjacent to light industrial. The structure we would build would be a buffer between industrial and residential properties. Currently the structure is a "Starter Home" valued at $76,000 while the land has a value of $297,000. This is approximately 50% of value of homes in the area, not having industrial exposure or bordering same. There is no historical character of the home and the house itself based on current tax assessments has declined $22,000 in value over one year with the current home is approximately 50 years old. The house, once part of a neighborhood, now has devalued considerable as a single family home. For these same businesses, the code allows for their being 35 feet in height. According to your master plan, we feel our home has been used as a buffer and should be competitive in height and purpose along with competing for parking.

Presently 9th Ave is open for industrial and emergency access. Light industrial buildings across the street of the 642 residence are at a zero lot line side setback. The city has stopped improvement of the older light industrial property by requiring that setbacks be honored. Current building height limitation is 35 feet while residential is 25 feet. It is unsightly to look at light industrial structures that won't change due to nonconformity but ask us to conform to our new building to strictly residential codes which would allow for the potential of a commercial structure towering by 10 feet over our single family residentially coded property. Current timeframes for a building permit is one year added to building permits allowing for 5 months for construction. This would put us into 2008, and in 2008 projections for retail space and affordable housing is even more stretched and limited. Creating a mixed use for our property would add to valuable retail space this city desperately needs along with housing. In addition, your projection includes that Kirkland employees don't reside in Kirkland due to housing costs. Sales tax revenues will decline as businesses move to cheaper locations and closer to employee's residences where commuting time and expense are more affordable. Also projected is that school population will decline due to lack of affordable housing for young school age families. Therefore we pray that you will consider the following:

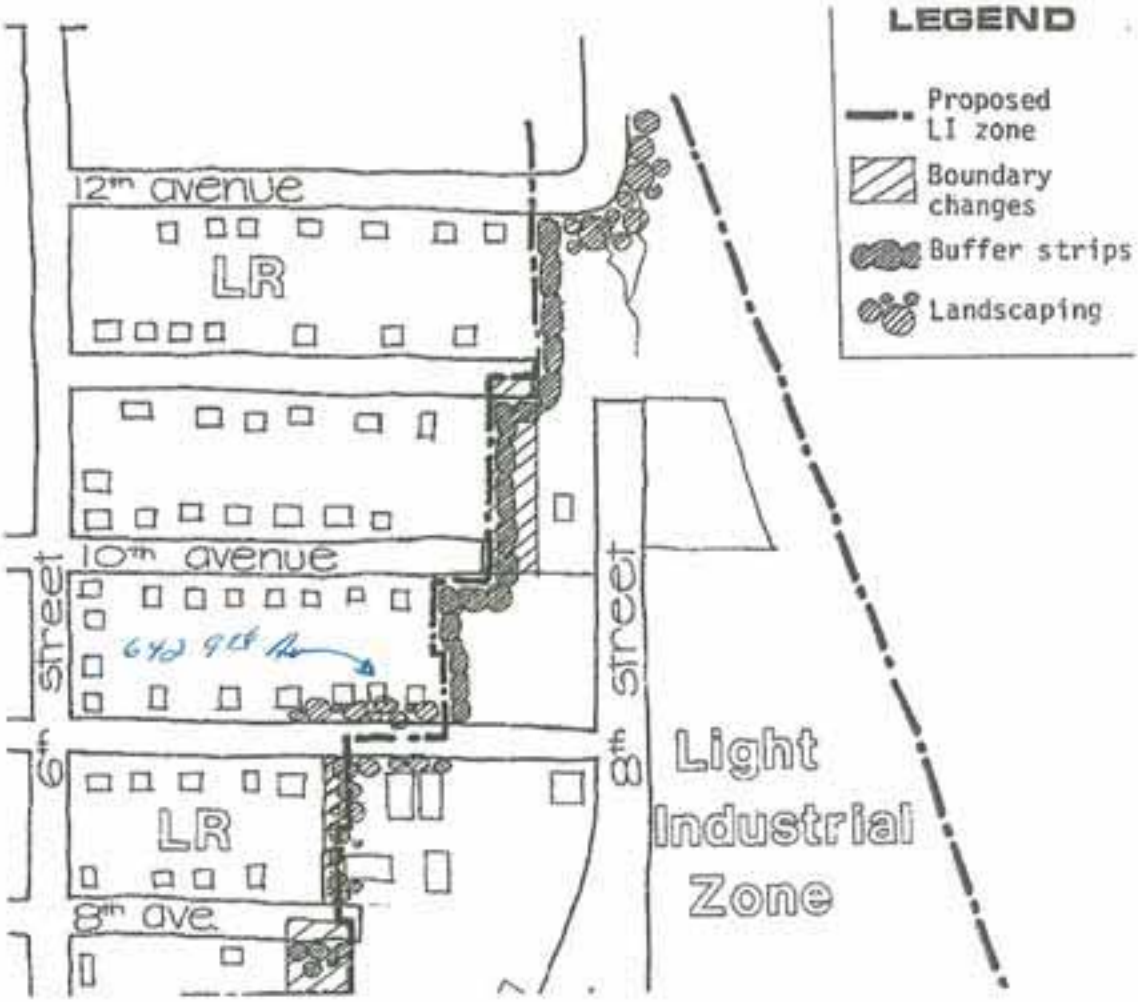
Multi-use zoning with underground parking
Increase in building height to 35 feet
Retail use would require 12 ft ceiling.
Parking below the structure would reduce parking impact on the community in that area.

Below are two site plans showing the property address



SITE MAP 1

SITE MAP 2



Policy ED-3.5: Encourage mixed-use development within commercial areas.

A mix of uses improves the vitality of commercial areas. Mixed-use residential and commercial development provides the opportunity for residents to live, shop and work in commercial areas. Mixed-use development encourages one-stop shopping when a variety of businesses are located in close proximity to each other and shared parking is provided. Mixed-use development, when combined with multi-story structures, promotes a more compact and sustainable land use pattern and encourages walking and transit use to reduce dependence on automobiles.

R. Hendsch
23205 83rd Ave W, Edmonds, WA. 98026
425-673-5265

THE green car COMPANY
11630 Slater Ave. NE #3
Kirkland, WA 98034
P: (425) 820-4549
F: (425) 825-1255

September 13th, 2006

To: Janet Pruitt
Chair, Kirkland Planning Commission
Kirkland City Hall
123 Fifth Avenue
Kirkland, WA 98033-6189

Dear Janet,

I would like to introduce myself and my company to you. My name is Susan Fahnestock and I am one of the founders of The Green Car Company here in Kirkland. In order to give you an idea of what my company is about, I though that I would quote the mission statement that can be found on the first page of our website,:

"At The Green Car Company our goal is to bring awareness and educate the mainstream American population about how their transportation choices affect the environment. Our main focus is on CO2 reduction to combat global warming through the use of biofuels such as Biodiesel and Ethanol. We are also concerned about sustainability and resource depletion so we want to promote vehicles that are highly fuel efficient like the Smart Car. We will use our automotive expertise and knowledge to stay on the cutting edge of new green transportation and our resources to promote the cause of biofuels, sustainability and environmental education."

The Green Car Company sells and services eco-friendly vehicles. We are the only eco-friendly car dealership in the country. We also have a biodiesel fueling station. Our repair shop is a state-of-the-art environmentally friendly shop. We also have an education center where we show movies, conduct classes and hold seminars.

As you can see, we are not a "typical car dealership". While I do not want to bad mouth the traditional car dealership, I think it is important for me to explain how our dealership model is completely different:

We do not rely on retail exposure. All car dealerships rely heavily on retail exposure and foot traffic. Not us. We have never had retail visibility. Our current location is in the North Park Business Center, a light industrial complex behind Ford of Kirkland. A person would never realize that there is a car dealership back there and that is how we

prefer it. You see, we get all of our business from the internet, word-of-mouth, through publicity, and by being involved in the green community at large.

We do not have any of the "trappings" of the traditional car dealership. We never use balloons, streamers, inflatables, etc. We do not write all over our cars. We simply post the legally required documents in the window. We do not have salespeople hanging out in the parking lot waiting to pounce on prospects. They are too busy inside answering emails and dealing with their customer appointments. We do not need loudspeakers to contact employees. We use Instant Messenger. We also do not use outdoor lighting as we show our cars inside our showroom and are not usually open when it is dark outside.

We are a truly eco-friendly dealership. We are a carbon neutral company. What does that mean? We subscribe to the PSE green power program to purchase renewable energy. We also go through Bonneville Environmental Foundation to purchase "green tags" to mitigate the amount of Carbon Dioxide that our facility and auto transportation produces every month. All of our diesel vehicles that we sell or use as company cars are filled and ran on 99% biodiesel, a renewable soy-based fuel that leads to an 80% reduction in CO2 emissions. We recycle. We do not wash cars outside so as to avoid getting chemicals into the storm drains. Our repair facility does not use a chemical solvent tank. We use a very expensive eco-friendly water pressure tank to clean parts. You also will never see any fluids spilled on the floor of our repair shop. Our mechanics are all on the same page, environmentally, and they clean up spills immediately and with the proper technique to avoid contamination.

With all of this in mind, we are asking that you allow us the use of the facility on 1129 8th St. for some vehicle sales. We are growing so rapidly that our current location in Totem Lake is not sufficient. Our intention is to use the facility on 8th St as our corporate office, detail facility, and sales office. We would keep our Totem Lake facility as our service center and biodiesel fueling station. With over 6000 square feet of warehouse space at the new facility, we would be able to conduct all of our sales activities indoors. We would probably be keeping between 20-30 vehicles inside and reserve the majority of the outside space for our employees and customers. We don't do many test drives with customers since many cars are purchased online. However, the limited numbers that we do conduct, would be supervised by one of our staff members and restricted to commercial areas. Driving in residential neighborhoods would not be allowed.

In other words, we would be a very low impact business in your neighborhood. Most residents would not even be aware of our existence. If we were to use the facility as our repair facility (which is allowed with current zoning) we would definitely be a little noisier with much more road testing of vehicles.

As a company, we really want to stay in Kirkland. We are working with Kirkland city officials and fleet managers to help build Kirkland into the cutting edge "green city" that it could be. We think that it could rival Seattle. We want to be part of that. However, with the price of real estate in Kirkland and the limited size of most rentals, it has become very hard to expand our company here. It would be so much easier to just buy a facility in a city like Everett or Renton, but we do not want to be in those cities. We want to be

in Kirkland. This new building at 8th really helps us stay here. We would greatly appreciate your consideration in this matter and we know that working together we can arrive at a win-win situation.

I would like to present our case at your next meeting on September 20th. Please let me know if this is acceptable. If you have any questions or would like a tour of our current facility, please do not hesitate to call me at 425-269-7950.

Sincerely,

THE GREEN CAR COMPANY

Susan Fahnestock

Founder

www.greencarco.com

Changing the world, one car at a time.

Joan Lieberman-Brill

From: robert stonefelt [stoneyage@msn.com]
Sent: Wednesday, September 13, 2006 10:49 AM
To: Joan Lieberman-Brill
Cc: Paul Stewart
Subject: Please Forward to PC Members

Dear Chair, Vice Chair, Members,

We are looking forward to the weeks and months ahead. Your recommendations, for the Norkirk Update, will go out to the public, receive public input, and be presented to Kirkland's City Council.

As you all are aware, it will ultimately be the City Council that will decide the merits of the Commission's many months (actually, year or two) of work, along with City Staff. Our City Council has delegated and entrusted you with this major task, including land use patterns, to study, review, and make recommendations on.

I have witnessed now, for quite some time, your Commission with the diversity of its members, work together in harmony, to provide these Norkirk recommendations.
I consider you to have an extremely thorough understanding of what the City Council has designated its Planning Commission to do.

We hope and are expectant even with some potential public opposition, that the Council will respect its Commission's findings and the time it has taken the Commission to thoroughly take on the CC appointed task.

Yes, I write this at this time, due to family private interests in this neighorhood update.
However, when I first became involved, I was lead to Kirkland's Comprehensive Plan under the Growth Management Act. It is our understanding
that this important State plan for its managed future growth is important to follow.

I have reviewed the City's Comp Plan quite a bit and what it requires this community to fulfill in adhering to the GMA. My respect and support for the Commission is based on your decisions/recommendations for City Council based on our Comp Plan.
There are numerous portions in the Comp Plan that support your recommendations.

In conclusion, could you please consider specifically, addressing or least being aware of this notion by some, that your recommendations; INCREASES DENSITY? What does the GMA and Comp Plan say about this issue? Is that even an option for this community? What exactly does this; no more density demand actually mean? How would we implement as a community no more density and how would that measure up with Kirkland's Comp Plan under the State Growth Management Act? No More Density, is that very neighborly, seriously?

We appreciate your further refinement of limited rezone change in the RS7.2 section, to RS6.3. Again, with this refinement from earlier RS6; is another indicator that Kirkland's Planning Commission has a thorough grasp on this limited rezone area.
Thanks, once more, for your continued community and public service. I remain

Sincerely Yours,
Robert Stonefelt (Also on behalf of my parents, Vernon and Marjorie Stonefelt)

Joan Lieberman-Brill

From: Joan Lieberman-Brill
Sent: Monday, September 18, 2006 12:43 PM
To: 'quincoses'
Subject: RE: Norkirk Draft Plan - comments

Thanks for your comments. They will be forwarded to the Kirkland Planning Commission.

More information on the Kirkland Cannery can be found be following this link:
http://www.ci.kirkland.wa.us/depart/CMO/Kirkland_Cannery.htm

From: quincoses [mailto:quincoses@comcast.net]
Sent: Monday, September 18, 2006 12:35 PM
To: Joan Lieberman-Brill
Subject: Norkirk Draft Plan - comments

Dear Joan Lieberman,

I was reviewing the Norkirk Draft Plan and wanted to provide a few comments, please let me know if I have directed my comments to the right place.

Smaller lots - On streets that have adequate traffic capacity smaller lots are a wonderful idea. I don't feel the need to provide special privileges for specific home styles so I don't believe historic houses should receive special exceptions. Increased density also leads to parking issues so any lots that get this privilege should have to provide offstreet parking as part of the subdivision-building permit.

Kirkland Cannery - Don't preserve this building just because it is old, put up a plaque about its history on the site of whatever would best benefit the community on this site; perhaps an indoor pool facility, dance hall, or a large park, etc. I hadn't even heard of the cannery until recently after living in Kirkland for over 12 years. What is it currently used for?

Railway Trail - I strongly support the creation of a trail along this route, being able to connect people to parks and different parts of the community helps create a quality living atmosphere. It would also be a great addition to the options available for the many races that Kirkland frequently hosts.

Please feel free to contact me or forward my comments as appropriate.

Paul Quincoses
425-822-9195

Joan Lieberman-Brill

From: Joan Lieberman-Brill
Sent: Monday, September 18, 2006 10:16 AM
To: 'timothy.onders@thinksideways.com'
Cc: Angela Ruggeri
Subject: RE: Neighborhood Plan Boundary Changes

Dear Mr. Onders & Ms. Wilbur,

I want to provide you with the addresses where the proposed boundary change is proposed. The 8 affected parcels are 9831,9829,9823,9827,9819,9821,9825 Forbes Creek Drive and the vacant parcel adjoining and to the west of 558 20th Avenue (2 lots to the west of Crestwoods Park). The reasons why these parcels are being proposed to become part of the South Juanita Neighborhood are that they receive their access from Forbes Creek Drive and are oriented topographically to the north.
I will forward your e-mail to the Planning Commission.

Joan
Joan Lieberman-Brill, AICP
Senior Planner
Kirkland Department of Planning and Community Development
425-587-3254
jbrill@ci.kirkland.wa.us
Mon - Thurs
FAX (425) 587-3232

From: Angela Ruggeri
Sent: Friday, September 15, 2006 10:31 AM
To: 'timothy.onders@thinksideways.com'
Cc: Joan Lieberman-Brill
Subject: RE: Neighborhood Plan Boundary Changes

Thank you for your e-mail. You are correct in your assumption that there is a proposed change in the Norkirk and Market boundary lines which would put your property in the South Juanita Neighborhood (see Page 5 of the Planning Commission memo on the Norkirk Plan dated 9/13/06). The Planning Commission has been discussing these boundary changes and accepting public comment on them over the past year. In addition, they will be holding the public hearing on the Norkirk Plan next Thursday evening (9/21) at 7:00. I would suggest that you come to the hearing and express your concerns. I will also pass this e-mail on to Joan Lieberman-Brill. Joan is in charge of the Norkirk Plan and will forward your comments on to the Planning Commission.

From: Timothy Onders [mailto:timothy.onders@thinksideways.com]
Sent: Thursday, September 14, 2006 8:53 PM
To: Angela Ruggeri
Subject: Neighborhood Plan Boundary Changes

Dear Ms. Ruggeri,

I apologize for not being more actively involved in the public review process of the Market and Norkirk neighborhood plans. I have attempted to follow the process, but I have unfortunately generally yielded to more pressing demands on my time.

That said I have now apparently discovered something potentially concerning both to myself and my neighbors,

which I would like to clarify before bringing it to their attention.

We live at 9825 Forbes Creek Drive, one of a small cluster of houses just off the top of Market Street across from the fire house. Past our houses is undeveloped nature preserve for a good stretch down Forbes Creek Drive. For reasons which are clear both from a map and to anyone who has visited our corner, these homes have previously been part of the Market Street neighborhood. We share much in both neighborhood character and general style with the other homes abutting the large park areas at the top of Market.

In reviewing the material for tonight's Planning Council meeting, I was disappointed (although not actually surprised) to see that the eastern boundary for the Market Street neighborhood is being moved to the middle of Market. While we generally feel more a part of Market than of Norkirk, and I have other concerns about the practical impact on us of such a change, I am willing to accept this as my penalty for not being more involved at an earlier time.

However, in reviewing the memorandum for the meeting, I noticed something in the figures which is very concerning. Upon my return home I immediately reviewed all the Norkirk Plan information I could find on the city's web site to see if I could confirm what I saw. It seems to exist in all the figures, but is nowhere described in any text.

What I have found is that the revised Market and Norkirk plans have not only exiled our little corner from the Market neighborhood, but we also seem to be carved out of Norkirk. The Norkirk figures show all of what used to be the Market neighborhood east of Market – except for the 8 lots in our little cluster – included in Norkirk.

This is very concerning to my wife and me. With the neighborhood boundaries as they appear to have been redrawn, we are now part of the South Juanita neighborhood – an area with which we have no geographic, zoning, or cultural connection. Please let us know how we can confirm the accuracy of the figures in the current documents, and what the process of being accepted (back) into Norkirk entails. I am sure all of the owners and residents of our corner will be equally concerned.

Thank you for your assistance,
Timothy Onders & Laura Wilbur
9825 Forbes Creek Dr.
Kirkland, WA 98033

Joan Lieberman-Brill

From: Peter Chocensky [peterchoc@hotmail.com]
Sent: Tuesday, September 19, 2006 9:15 PM
To: Joan Lieberman-Brill
Subject: Written comment to File No. IV - 03 - 27

RE: File No. IV-03-27

Dear Mrs. Lieberman-Brill,

I would like to voice my opinion, as resident of this community, in regards to the File No. IV - 03 - 27. On the basis of my study I feel that the proposed change would only affect a handful of properties that can be redeveloped and we feel there isn't sufficient reason and backing to waste tax payers money for those few property owners who would be the only beneficiaries from this change. In addition, this proposed change will have no affect on this locations density ratio, once again, due to the fact that only few properties will be affected.

Also, I feel that the current zoning is suitable and adequate, and I don't think that we need more houses in the East of Market neighborhood.

Sincerely,
Peter Chocensky

808 1st. street

Joan Lieberman-Brill

From: Sheila Edwards [shdesign@mac.com]
Sent: Tuesday, September 19, 2006 1:01 PM
To: Joan Lieberman-Brill
Cc: nshoneman@ci.kirkland.wa.us
Subject: regarding zoning

Hello,

I have some comments regarding zoning of the 82 parcels east of Market St. and also comments on the Norkirk wish list.

The rezoning of the 82 parcels does not allow for trees of any significant growth to grow between homes, which I am in disagreement of. Also the privacy between homes for sound and activity.

The new set back from the alley also does not allow for this privacy between homes for sound and activity. We are on 6th Avenue and have a child and a teen and have had so far one neighbor who complained of voices of children in daytime hours! (since they work at night!)and live in a condo that was built behind us, that was suppose to be built on the front of the property. And we have the original zoning, I would think folks would not need it any closer together restricting their permeable space as well. This is all about the builders who are greedy about selling square footage. Let's consider what humans would like to live in.

Thank you.
Sheila Edwards
219 6th Avenue
Kirkland WA 98033

shdesign@mac.com

These further comments are regarding monies spent on the Norkirk grant;

FAR changes to 50% is great, thank you.

A Contemplation Garden is already in place at Waverly site, perhaps not needed at Van Aalst.

I thought more importantly a bike path on 7th Avenue since it stops at the end of Market. and / or continue it through along the Lake.

Perhaps instead of fencing in the park at 3rd and 15th avenue, the Rock rose bushes that are along the east side of the park could continue on the southern edge.

Also when will light rail or street cars (as the very successful cute ones in Portland) be considered in our lovely city. We could be the leader of this, since Seattle is slow in the very important feature.

Thank you.

Joan Lieberman-Brill

From: Beth Wilder [beth.wilder@yahoo.com]
Sent: Tuesday, September 19, 2006 6:35 PM
To: Kirkland Council; Joan Lieberman-Brill
Cc: mjw555@verizon.net
Subject: Norkirk Neighborhood update to the Kirkland Comprehensive Plan

Planning Commission and City Council Members:

I am writing to ask that Policy N 4.2 be removed from the update to the Kirkland Comprehensive Plan for the Norkirk Neighborhood.

There is no need for this Policy and it is contrary to

the vision statement for Norkirk in 2022 that was agreed upon in neighborhood workshops and that has been through several Planning Commission reviews which states:

"The neighborhood feels uncrowded."

Currently 36 acres of land in the RS
7.2 zone can be subdivided under current zoning regulations. These 36 acres accommodate growth in a city that already meets it Growth Management Act (GMA) targets. Kirkland already has the highest density of any eastside city according to 2000 census data. There is no need to further increase density or create non-conforming lots in Norkirk.

Part of Norkirk's character is a variety of housing styles and lot sizes, including lots that are greater than the minimum 7200 sqft. The larger lots provide additional open space, tree canopy, and
greenery. Policy N.4.2
would further homogenize and crowd the neighborhood.

Thank you for for your consideration.

Regards,

Beth and Martin Wilder
169 16th Ave
Kirkland, WA
425.822.4009

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Tired of spam? Yahoo! Mail has the best spam protection around http://mail.yahoo.com

Joan Lieberman-Brill

From: Terry Dessert [Terrydessert@comcast.net]
Sent: Wednesday, September 20, 2006 10:00 PM
To: Kirkland Council
Cc: Joan Lieberman-Brill
Subject: Policy 42

To Joan Lieberman-Brill and the Kirkland City Council,

Our family lives at 917 First Street having moved to our home three years ago. The Norkirk zoning proposal would directly affect our property. We purchased our 13,000 square foot property in April of 2002 on which we built a 3,000 sf house and an 850 sf ADU. It was not easy to to find a lot that was big enough to build our project, but too small for a builder to
subdivide. With that background in mind, we feel strongly that Policy 4.2
is contrary to the planning commision's goal of having an uncrowded neighborhood feel for the following reasons:

1. Kirkland's East and West of Market and Norkirk neighborhoods are already some of the highest density on the East side. The trend toward 4 or 5,000 sf homes on small lots is suffocating a once open and charming neighborhood.

2. The boxy, flat topped homes that are beginning to populate the neighborhood are in direct contrast to the graceful, sloped rooflines that once characterized this part of town. Norkirk and Kirkland in general is losing its charm as a result!

3. We raised four children in homes that were 2400 sf and smaller. We built our current home using the Not So Big House Book for inspiration.
Others can well do the same. Giving the builders the opportunity to build on smaller lots will not promote diversity in home opportunities, it will only result in less property on which to build their oversize structures.
First time buyers have been long since been priced out of this market and now, many mature home owners are being forced out to make room for the new "megas".

We strongly urge the city council to end the steamroller effect of these new zoning proposals and defeat Policy 42.

Ross and Terry Dessert

Joan Lieberman-Brill

From: Eric Eng [eng_eric@hotmail.com]
Sent: Thursday, September 21, 2006 12:38 AM
To: James Lauinger; Joan McBride; Dave Asher; Mary-Alyce Burleigh; Jessica Greenway; Tom Hodgson; Bob Sternoff
Cc: Joan Lieberman-Brill
Subject: Norkirk Neighborhood Draft Plan

To: Kirkland City Council,
Kirkland Planning Commission, and
Kirkland Department of Planning and Community Development

RE: Norkirk Neighborhood Draft Plan

I am writing to encourage the City to drop Policy N 4.2 from further consideration in the Norkirk Neighborhood Plan update. The "Small-lot single family option" is wrong for our neighborhood for the following
reasons:

· The City would create non-conforming lots within the RS 7.2 zone. The City should not break its own zoning policies when it comes to minimum lot sizes. At least 70 non-conforming lots as small at 4800 sqft could be created under this policy, and that only accounts for parcels less than 13,320 sqft. For large parcels that could be subdivided into more than two lots, half of those lots could be non-conforming. Consider how much trouble non-conforming lots have already caused this neighborhood.

· Norkirk residents are overwhelmingly against the creation of 5000 sqft lots in the RS 7.2 zone. In 2005, 201 residents signed a petition and 145 residents sent postcards asking the City to reject Private Amendment Requests that would have reduced minimum lot sizes or increased density.
The message was clear and the City Council unanimously rejected all Private Amendment Requests in the fall of 2005.

· Additional density in Norkirk is not needed. There are at least 36 acres of existing land in the RS 7.2 zone that can be subdivided under existing zoning regulations. These 36 acres accommodate growth in a city that already meets it Growth Management Act (GMA) targets. Density proponents should not be allowed to hide behind the GMA; Kirkland has the highest density of any eastside city according to 2000 census data.

· Residents don't want to feel any more crowded than they already feel. The Norkirk Plan's vision statement for Norkirk in 2022 that was agreed upon in neighborhood workshops and that has been through several Planning Commission reviews states, "The neighborhood feels uncrowded."

Part of Norkirk's character is a variety of housing styles and lot sizes, including lots that are greater than the minimum 7200 sqft. The larger lots provide additional open space, tree canopy, and greenery. Policy N 4.2 would further homogenize and crowd the neighborhood.

Smaller houses are being addressed through other regulations. Higher density is addressed through other means. The City has repeatedly stated that Kirkland is on target for GMA projections. Please stick to the current minimum lot size standards that residents expect, and drop Policy N 4.2.
Thank you for your consideration.

Sincerely,
Eric Eng
433 7th Avenue

Joan Lieberman-Brill

From: Fay, Patrick M [patrick.m.fay@boeing.com]
Sent: Thursday, September 21, 2006 12:18 PM
To: Joan Lieberman-Brill
Subject: Kirkland Comprehensive Plan

Dear Joan,

My wife, Krista, and I would like the planning department to reject Private Amendment Requests that reduce minimum lot size or allow for increased density in the Norkirk neighborhood and in the City of Kirkland.

The reason we oppose this is because Kirkland is, in our opinion, too dense now. Allowing smaller lots and increased numbers of houses will just increase the density of our neighborhoods. This increases the noise, the traffic and the very quality of life that makes Kirkland such a pleasant city in which to live.

We have examples in Seattle of what happens when increased density is allowed. The city of Seattle allows homeowners to subdivide their lots to allow for increased density. I have seen where Seattle homeowners have taken their 4,000 SF back yard, broken it off in a short plat, and then sold it to a general contractor. The general contractor then builds a house in the back yard resulting in houses packed in so tight that there is no yard and no beauty left in the neighborhood.

In 2005, my wife and I signed a petition along with about 200 other residents of Norkirk asking the City to reject Private Amendment Requests. Our opinion is still the same now.

We understand that the proposed policy N 4.2 would allow taking a larger lot and allowing a smaller lot to be subdivided and a smaller house be added. Earlier this year we participated in a town meeting held at the City of Kirkland where we agreed upon a vision statement for Norkirk in 2022. We agreed and voted to keep Kirkland uncrowded. Policy N 4.2 is contrary to that vision.

Please do not allow increased density to ruin a very nice city that is a wonderful place to live. Please reject Private Amendment Requests and proposed policy N 4.2.

Sincerely,

Patrick Fay Krista Fay
1334 2nd ST
Kirkland, WA

September 21, 2006

Joan Lieberman-Brill
City of Kirkland
Planning and Community Development
123 5th Avenue
Kirkland, Washington 98033

Re: Kirkland Planning Commission
Norkirk Neighborhood Plan Public Hearing
Rezoning properties to lower density values

Dear Ms. Lieberman-Brill and the Kirkland Planning Commission:

We have been residents of Kirkland for 26 years, moving here from Southern California in 1980. One of the reasons we moved to Kirkland was because it was so charming, and the neighborhoods felt open, alive, and allowed for uniqueness in house design. This was particularly desirable because of our experience in Southern California, where once unique communities (for example, Redondo Beach and Manhattan Beach) allowed large, square, flat-topped houses to fill up incredible proportions of the lot space, creating an almost impregnable wall of massive stucco sameness. These communities lost their charm, their sense of open space and relationship to nature, and their individuality. They became, essentially, the same as blocks of apartment buildings, with so little space in between as to lose distinction as individual homes.

Filling up a lot with as much floor space as possible and reducing set-backs is not a plan for a suburban, residential community whose character is defined by its charm, its spaciousness, and individuality. These are the characteristics Kirkland has always epitomized, and is already losing to over-sized houses and over-zealous lot coverage and carbon-copy spec houses. When did we stop being a community and start being fishing grounds for real estate agents, contractors and developers? We desperately need more help from the Planning Commission to retain the unique character and charm of our city and neighborhoods, and allow them to develop more naturally out of a sense of community.

The Seattle Times recently published an article about how the cities in Puget Sound are becoming indistinguishable in character. Much of what makes Kirkland a desirable place to live is its unique personality. Please, save Kirkland's sense of self. Save Kirkland's valuable character, by choosing to decrease the allowable lot density values.

Sincerely,

Melissa and Jeff Thirloway
235 Tenth Avenue West
Kirkland, Washington 98033

Thomas & Sharon Sherrard
558 20th Avenue
Kirkland, WA 98033
sherrards@sherrards.org
(425) 822-7084
(425) 736-3044 (mobile)

September 21, 2006

Kirkland Planning Commission
Joan Lieberman-Brill, Senior Planner

Comments on Norkirk Neighborhood Draft Plan: Rezone of 558 20th Avenue

We want to express our appreciation for the efforts of the City's planning staff and of the Planning Commission in developing the Norkirk Plan. In general, we support essentially all the elements of the plan. In particular, we applaud the careful balance between managing ongoing development in the neighborhood and maintaining and improving the character of the neighborhood as expressed in the vision statement. We are especially supportive of efforts to increase the variety and diversity in housing stock, and encourage the Commission and the city to aggressively pursue Goal N.4 (alternative residential development approaches).

Our major concern is with the proposal to rezone our property at 558 20th Avenue from RS12.5 to RS7.2. We recognize that this is a small part of the plan, but believe that it would not be in the best interests of the neighborhood or the city to make this change.

We believe this rezone would be in conflict with Policies N 2.1, 2.3, 2.4, 2.5 and 2.6. In particular:

- The property is part of the greenbelt that covers almost all the south side of the Forbes Creek valley from I-405 to the lake, and is immediately adjacent to the undeveloped north end of Crestwoods Park
- The entire property is within the High Landslide Hazard Area shown in Figure N-3
- The western boundary of the property is an open stream supplying the wetlands
- The northern boundary is the 20th Avenue right-of-way, that if developed, would have to cross the open stream and very steep slopes

All of this means that development of this property would threaten the city's tree canopy, water quality and wildlife corridors (see above Policies). Also, because of the landslide hazards, development would require enormously disruptive engineering and foundation work.

Of course, the permitting process could potentially mitigate some of these issues. However, especially in today's "property rights" political climate, this could be a very lengthy and expensive process for both the city and a potential developer. The simplest way to avoid this would be to simply leave the zoning as it stands.

Thank you for your consideration of our comments.

Sincerely,

Tom & Sharon Sherrard

To: City of Kirkland Planning and Development

Subject: Norkirk Plan Public Hearing September 21, 2006

From: Joseph & Margaret Camden
124 11th Avenue, Kirkland

My wife Margaret and I have been long-term owners of property at 124 11th Avenue Kirkland for 20+ years. We both fully support the proposal to rezone the 82 parcels west of 2nd street, east of the alley between market and 1st street, north of 8th avenue and south of the alley between 12th and 13th avenues if extended. We think it would be an outstanding improvement to the neighborhood to reclassify this area from low-density residential, single-family RS 7.2 (7,200 square feet of minimum lot size) zoning to low density, single-family RS 6.3 (6300 square feet minimum lot size). We feel the city of Kirkland would do well with this proposal in order to bring this area into consistency with the existing lot size and development patterns.

Thank you for your kind consideration of our opinion.

Sincerely,

Joseph & Margaret Camden

Joan Lieberman-Brill

From: Fay, Patrick M [patrick.m.fay@boeing.com]
Sent: Tuesday, October 03, 2006 3:32 PM
To: KirklandCouncil
Cc: Joan Lieberman-Brill
Subject: Norkirk Neighborhood Plan

Dear City Council Members,

I wrote you an email about two weeks ago opposing two proposed changes in zoning in the Norkirk neighborhood. I would like to change my opinion on one of the areas in question, namely, the 82 parcels located west of 2nd Street to the alley between 12th & 13th avenues.

I was originally opposed to the idea of reducing the lot size from RS 7.2 to RS 6.3. I now support the change to RS 6.3. The reason I changed my mind is because of the discussions held at the public hearing on September 21st. I learned that this area is already generally 6,300 SF lots now. The speakers from that neighborhood and Ms. Brill from the planning department helped me to understand that this change is in keeping with the nature of this part of the neighborhood as it is now. I had thought it would have been a big change.

I have come to realize that to deny those property owners in this area the RS 6.3 zoning that their neighbors already have is unfair. I do support the change from RS 7.2 to RS 6.3.

However, I still do not support the change of being able to take a 12,200 SF lot and split it into two lots with one lot for 'cottage housing'. The reason I do not support this change is because I have seen what the Seattle neighborhoods look like after the backyards have been built on. It just looks terrible with that much density. I hope we do not allow that kind of density in Kirkland.

Sincerely, Pat Fay

Joan Lieberman-Brill

From: angelique.reiss@comcast.net
Sent: Tuesday, October 03, 2006 7:27 PM
To: Joan Lieberman-Brill
Cc: angelique.reiss@comcast.net
Subject: Please OPPOSE smaller lot sizes and increased subdividing in Norkir

letter re Norkirk plan -

Dear Members of the Planning Commission and Planning Department Staff,

As a former legislative aide I know that you may be too busy to personally read every constituent letter, but please read this one. The social fabric that holds this community together is at stake, and you have the power to protect it, as well as to safeguard the natural beauty and quality of life of Kirkland.

Please OPPOSE smaller lot sizes and increased subdividing in Norkirk. Please do NOT turn this place into a soul-less, concrete filled, tree deprived, overcrowded, real-estate obsessed, transient copy of Silicon Valley.

I grew up in Woodinville, which unfortunately lacked Kirkland's amenities like pools and libraries and parks, but at least had lots of green space and yards on every street for kids to play in. Families put down roots and cared enough to support the schools, which were excellent even though our neighborhood was not affluent. After graduating from the UW, I worked and lived in the Tokyo Bay area for two years with my husband in a 180 square foot apartment. It was so small that there was no oven or cupboards in the kitchen. We cooked in a toaster oven, our one burner, or the rice cooker, and kept our dishes in a plastic bucket on the floor. Then we worked and lived in the San Francisco Bay area for ten years, most of that time in a 540 sf studio apartment. We lived in high density housing for ten years, and we are not opposed to high density housing in appropriate settings: apartments, condos and town houses. ; But when couple starts a family, they should be able to buy a house in a neighborhood of single family homes, and those homes should have YARDS. That is part of the American Dream. We save and save for years and then buy a real home where the kids can play together outside and the adults can gather outside as well and have neighborhood BBQ's. When a job transfer this year finally allowed us to move back to our beloved Northwest , and settle in wonderful Kirkland, we moved with our young son to 16th Lane, a dead-end street with lots of trees where the kids do play together in the front yards and the adults gather in the street. We have a little "village", the kind of place where some of the parents stay home and help keep an eye on all the kids. We have envisioned being very active with Peter Kirk Elementary school when our son starts there.

Sadly, greed is threatening this community. People are moving away and selling their homes for huge profits beyond their wildest dreams, but that's not enough. They are selling to investors and developers who want to subdivide all eligible lots so there will be two homes with NO YARDS where there was once one. Behind our house, six homes were built last year where there was once one, and many trees. One tree was left standing. The six monster homes have no yards. During our first week in our new home, the rear neighbors bulldozed the ground away behind our backyard and tried to invade our property line, and also to cut away a main root of our big tree, to carve a semblance of a strip of a yard where there isn't enough room. The developer sold these homes for well over a million dollars, and reaped huge profits while we all suffer because this over-development pits neighbor against neighbor. Now the investor owner of the home next to ours is planning to try to build a house in the front yard of

the home he rents out that is already there. We would never have bought this house if we had imagined that anyone would do such a thing. If the city allows him to do this, he will cut down a row of beautiful old tall evergreens and put in this strange looking lot and a house that is right on the street, with neither house having a yard. It will be a blight on our street and we will look out from our dining room table not onto grass and trees and the light of the setting sun, but just a big house a few feet from ours. This is extremely disappointing and may cause us to decide that this is not our permanent home after all.

If the leaders of this city don't lead with wisdom and courage, and they allow smaller lots for sub plats, and encourage this city to become even more of a construction zone, there will be many negative outcomes. More and more owners will be tempted to sell instead of staying and making this a livable, sustainable community with a good mix of long-term residents and age groups. The buyers will often not be families, but developers and investors who build new unattractive crowded homes without character, that are so overpriced that only the very wealthy can buy them.

City leaders are probably under pressure from developers, investors, realtors, and homeowners who want to maximize their profits at the expense of this community to decrease lot sizes, and the area ratios of homes to lots as well. These parties will have the resources of time and money to lobby effectively for their cause. Many young families who want to keep this a nice place to live, with the yards and trees that past generations were able to enjoy, are too busy feeding their kids dinner, giving them baths and putting them to bed, to attend city meetings and voice their concerns. Families and kids need to represented fairly by the leaders that we elect, and the staff they hire. Please remember the busy parents at home reading The Hungry Caterpillar to their children while these issues are being deliberated. You have been given the awesome responsibility to govern. Please remember that the voices who lobby the loude st are not necessarily right.

Thank you for your consideration.

Sincerely,

Angelique and Joshua Reiss
428 16th Lane
Kirkland, WA 98033

RECEIVED
OCT - 4 2006
AM PM
PLANNING DEPARTMENT
BY

To whom it may concern:

As residents of downtown Kirkland we strongly disagree with the request to allow limited automobile sales in the Industrial Area of Norkirk for the following reasons.

1. At one time there was an automobile (Studebaker) agency in downtown and that was eliminated. The area including the industrial area of Norkirk is changing and will, in our opinion in the future, become more residential in nature.

2. The industrial area of Norkirk is quiet and discrete. Most people do not know that it exists and it should remain that way. A car dealership would not enhance the values of the private homes that abut the industrial area.

3. If you allow one car agency into the area you will not be able to stop others. This area is already crowded and traffic is heavy at best. We do not want Kirkland to become a honky-tonk area known for car dealers and other like type industry.

4. Totem Lake and the other side of I-405 already have car dealerships and should remain that way. It is not necessary to have them spread all over the city. There is plenty of room for car dealerships on the other side of I-405 or in Totem Lake where dealerships are already in existence. The other side of I-405 is less than a mile from where this request is being sought.

5. Sometimes we wonder at your foresight. You have a plan for Kirkland and at a whim you deviate from it.

Sincerely,

Fred & Harriette Dorkin

Fred and Harriette Dorkin
520 6th Ave #4002
Kirkland 98033
425-827-9452
DORKIRK@YERISON.NET

FILE # IV-03-27

Joan Lieberman-Brill

From: robert stonefelt [stoneyage@msn.com]
Sent: Sunday, October 08, 2006 3:17 PM
To: Joan Lieberman-Brill
Cc: Paul Stewart; David Ramsay
Subject: Please Forward To Planning Commission For Norkirk Update

Dear Chair, Vice Chair, And Members,

Some things have come up recently. I was personally informed of potential and probable future attempt, by one, to try and undermine the work of the Planning Commission and its rezone recommendations. Commission was called biased and that City Council would be informed of comments made by several Commission Members made last year at a Commission Meeting. This, right after Council directed no further study regarding all PARs. The point being that some PC Members were/are bent in undermining City Council.

As you know, since the first of the year, Commission has provided and received public input on, among other issues; Land Use Patterns. The Norkirk Update has provided a process for public/citizen involvement during public comments and via written comment opportunities. I believe this Commission has desired public input from Norkirk residents to help craft any update. All year long, no one has spoken in opposition where the facts of the Land Use Patterns Study was leading City Staff and Commission in its recommendations.

Since your Study Of Land Use Patterns, upon the direction of City Council, I have been at all Planning Commission Meetings regarding Norkirk and have not experienced any contention during this study and subsequent recommendations.
This includes the 9/21/06 Public Hearing where, again, the public was given the opportunity to address rezone recommendations.

It was clear, there was substantial support for your recommendations in those who made public comment. One, maybe, 2 individuals, did not support. But, no contention and a very orderly Public Hearing. Unlike, the Private Amendment Requests of last year.

The reason for informing you of the above is that I have committed to to you all, that I would support the efforts of City Staff and the Commission. If the going gets tough or contention raises its head; and people attempt to use the Commission as a scapegoat, unfairly attacking, and/or try to undermine all you have done, then, I and others will certainly be there to set the record straight.

Please bear with me as to another long email. This is a problem I have been unable to overcome, I leave you with this:
Land Use Patterns Study results have revealed;

1. Large concentration of lots in a limited section of Norkirk that are inconsistent to their designated RS7.2 Zoning. True? Untrue?
2. Recommendation to rezone limited section to RS6.3 would bring these nonconforming, but legal lots more in line with the median 6,000 sq.ft. of undersized lots. True? Untrue?
3. Recommendation would provide potential greater home ownership opportunities. True?

Untrue?
4. Recommendation would provide 6 to 8 current homeowners of large lots the choice/ability to subdivide, that currently cannot. Fair? Unfair? Reasonable? Unreasonable?
5. Recommendation for this area's RS6.3 rezone has focused on Comp Plan, that directs community growth to continue with existing pattern of land use and to be compatible with surrounding neighbors and/or neighborhood. True? Untrue?
6. Recommendation for RS6.3 rezone does not increase density according to Comp Plan density chart for low density residential single family dwellings. Chart indicates 6 to 7 dwelling units per acre in RS7.2 zoning and a Rezone to RS6.3 would conform and be within 7 units per acre.
True? Untrue?

Under XIV. Implementation Strategies; Regulations:
THE GROWTH MANAGEMENT ACT REQUIRES THAT DEVELOPMENT REGULATIONS MUST BE CONSISTENT WITH THE COMPREHENSIVE PLAN.....

Kirkland's Planning Commission has adhered to our Comp Plan under GMA, in its rezone recommendations for the Norkirk Neighborhood. Some think and really have remained unchallenged or given a pass; that Growth Management Act Mandate exempts NORKIRK and is a mandate; To prevent increased density and growth. It is a mandate for the very opposite. I have not found one GOAL, POLICY, and/or Narrative in our Comp Plan on how we should implement the prevention of growth and increased density.

The issue is and always has been about HOW DO WE BEST MANAGE AND ACCOMMODATE GROWTH, for our neighborhoods. We can have sentiments one way or another, but we cannot ignore and make decisions, legislatively, or otherwise, that are inconsistent with our Comprehensive Plan and the Growth Management Act. Thank you for being fair, open minded, and consistent to our City's obligation to follow it. And, yes, unbiased, with no set agenda during this important update process.

Sincerely, Yours,
Robert Stonefelt

October 10, 2005

Joan Lieberman-Brill

City of Kirkland Planning Department

Kirkland City Council

123 5th Avenue

Kirkland, WA 98033

To Whom It May Concern:

I am writing because I have been informed that the city is considering the creation of cottage communities in the Norkirk neighborhood. Though the cottage communities are adorable aesthetically, I am writing in opposition of them.

I'm sure you believe that all businesses should thrive here in Kirkland, and that includes the vast Realtor community. The Cottage Company, who works in conjunction with Ross Chapin, Architect, to create the cottage communities, examples of such already in existence in Kirkland being Danielson Grove on Rose Hill and Connover Commons in nearby Redmond, have conspired to eliminate Realtors in the use of the sale of the properties. It has been my experience and knowledge that they use a limited service listing agent and offer less than usual selling office commission. It has also been my experience that the seller, who is on site, will let the buyer know that if they choose to buy without representation, the discount (or the selling office commission) would go to them. The results of this undermining of our Realtor/client relationships is, I'm sure, causing Realtors to lose out on commissions after working with those buyers for varying lengths of time. As you may know, being paid on commission means that Realtors only get paid when their names are on the paperwork and the deal goes through escrow making it to closing. So the varying lengths of time are essentially done for no pay, if the culmination of work ends up not in the closing on a Real Estate property. It is a clear breach of respect for our profession, and as the beneficiary of a lost client to Danielson Grove, I'm almost more concerned about that than the lost commission. I'm sure that the City of Kirkland is as concerned about keeping the Realtor community happy as keeping others happy, and at the increased price of homes in these communities, I'm wondering what others actually will be happy with them.

From the statistics available on the Multiple Listing Service website, listing at roughly

$409,000k last year, the 1118sf (average) Connover Commons cottages averaged $367 per square foot. This year's model, the cottages of Danielson Grove, are selling at an average of $547,770.00. The 1385sf cottages (average) are running at between $411-$425 per square foot. The average days on market between Connover Commons and Danielson Grove has also doubled, indicating to me that, as cute as they are, people aren't willing to pay exorbitant prices for these cottage communities. And moving from Rose Hill locations to the more desirable downtown Kirkland/East of Market areas are sure to drive the prices up even further. Weren't the point of these communities to create smaller homes at more affordable prices? I think, at this point, they are becoming some of the most overpriced properties in Kirkland. In fact, the average price of homes currently on the market in Kirkland* is $352.45 per square foot.

So, again, I oppose any future projects by any joint ventures of Ross Chapin and the Cottage Company. I feel they are not in the best interest of Kirkland's residents or business community, therefore, not in the best interest of Kirkland.

Thank you,

Julie Devine
206-227-4954
DevineHomesRE@aol.com
www.DevineHomes.com

cc Jerry Martin, RE/Max Northwest
Northwest Multiple Listing Service

*MLS area 560, residential single family homes, currently active

Joan Lieberman-Brill

From: Alice Dobry [adobry@speakeasy.net]
Sent: Thursday, October 12, 2006 4:46 PM
To: Joan Lieberman-Brill
Subject: Norkirk Plan Comments

Hello Ms. Lieberman-Brill,

My husband and I attended the August public meetings for Norkirk and Market Street Neighborhoods. We listened to the speakers but were not prepared to speak ourselves. The comments below were prepared in a hurry for today's deadline, and so I apologize for that.

Comment #1:
Goal N 10: Minimize Impact of Cut-Through Traffic and Speeding
We live on 1st Street between 19th and 20th Ave. Although we get very little of the cut-through traffic, there definitely are cars between the hours of 4:30 and 6:30 pm weekdays that turn right from 19th Ave and pass by my house and then the driver (usually alone) turns right to continue onto Market Street. These cut throughs don't happen on weekends or at other times of the day. Could the City just install "Local Traffic Only" signs at the intersections of 3rd and 6th Streets at Central Way? Seems to me, that would discourage much of this, even if Kirkland Police does not attempt to enforce it. I've observed particularly a lot of cut-through traffic on 6th Street and 15th Ave. Alternatively, perhaps just 3 or 4 strategically-placed stop-signs on the connector streets would discourage some drivers from leaving Central Way to cut through Market Street as they go home to the north of Norkirk.

Comment #2:
In the section that discusses the Non motorized Transportation Plan, I noticed that 19th Ave. between 6th and Market street was being considered for improvements. I strongly support having a sidewalk placed on 19th Ave. There are at least five families on our block that have school-age children and nobody walks along 19th Ave to reach 3rd Street enroute to KJH or Peter Kirk Elementary. There are no shoulders on either side of the road and several property owners along 19th Ave. have mature landscaping installed up to the pavement. We do not walk our kids to and from Peter Kirk, largely because how unsafe this portion of the route is. Other neighbors have expressed a reluctance to use 19th Ave to walk due to excessive shading by trees and having to walk into the lane along side the cars.

Comment #3:
Regarding the proposal to allow subdivision of 12,200 SF to 13,319, this would offer the potential for some portions of Norkirk to have newer homes be built that would not otherwise happen. For me personally, this would be desirable because most likely the replacement 2-story homes would bring more families to the neighborhood.

Thank you for consideration of my comments.
Alice Dobry
1925 1st Street
425-739-9253

KIRKLAND PLANNING COMMISSION MEETING MINUTES – FEBRUARY 26, 2004

Amended 4/8/04

CALL TO ORDER/ROLL CALL

The meeting was called to order at 7:00 p.m. by Chair Tom Hodgson. Members Present: Matt Aho, Matt Gregory, ~~Carolyn Hayek,~~ Janet Pruitt, Kiri Rennaker, and new member Karen Tennyson. Carolyn Hayek was absent. Eric Shields, Paul Stewart, Joan Lieberman-Brill and Dawn Nelson represented the Department of Planning and Community Development.

TASK FORCE REPORTS

Lakeshore Plaza Committee: After interviews with several teams of architects, GGLO has been chosen as the facilitator. On March 4 at 3:30 p.m., the City will hold a meeting for the architects to do a dry run of their presentation, and on March 9 will hold an open house at 6:00 pm and at 7:00 p.m. a workshop. (Rennaker)

Street Improvement Review Committee: The Street Improvement Review Committee's recommendations have gone to Council. The Council supports having sidewalks, with regulations for rural and urban improvements, and supports continuing the CIP funding and a school walkway bond for funding sidewalks. The committee will reconvene on March 1. The committee suggested that a new team consisting of the Planning Commission, the Transportation Commission and Public Works staff review the street standard criteria. (Gregory)

Totem Lake Action Team: The Totem Lake Action Team met the previous week and is in the process of deciding what the structure will be. They talked about some of the issues the Action Team could take up initially and decided at first to focus on the Totem Lake Mall redevelopment, and on March 31, to invite the mall developers or architects in to give a presentation. Staff may need to move the meeting date since they are coming from back East. (Hodgson)

REQUESTS FROM THE AUDIENCE

Maxine Keesling said she came because of an item in the paper about affordable housing and her concerns for economic development. She read her statement, saying that as a property owner she paid a consultant to determine if the stream on her property connects to storm drains. She commented that a 60-foot required stream buffer eats up a lot of the buildable land area on her property. She will have to go through an expensive reasonable use process to develop her properties. She noted that the newspapers have run articles that the City of Kirkland is concerned about the lack of affordable housing and about jobs in the city.

STUDY SESSION

a. Market, Norkirk and Highlands Neighborhood Plans – File No. IV-03-27

Ms. Lieberman-Brill presented the staff report dated February 12, 2004. She passed out a notebook to each member on these neighborhood plans for the use of the Planning Commissioners during the project. She also distributed a traffic trend memo provided by

EXHIBIT C
City Council Study Nov 8, 04

Public Works and a replacement of Exhibit 4 to Attachment 10, which is a spreadsheet talking about businesses located in the Norkirk industrial area. She also passed out existing condition maps for each neighborhood that showed the bicycle system, pedestrian system, street classification system, parks and open space, as well as seismic and landslide areas and sensitive areas. She also distributed copies of an email received from a private amendment applicant Pat Mace (#1 on the map) that explains that he wants some flexibility in his application so his project could be done in stages, and included some additional verbiage for Private Amendment #1. Ms. Lieberman-Brill summarized the highlights about the neighborhoods. She asked the Planning Commission to give direction by responding to some questions.

1. Do you agree with the Planning Commission role as facilitator at the kick off meeting on March 29th?

   There was agreement that the Planning Commissioners should serve as facilitators of discussions by neighborhood participants to solicit issues they wish to have addressed during the plan update process. A City staff team will be present also. Ms. ~~Brill~~ Lieberman-Brill will do a presentation at the beginning to explain the process, what to expect, how they can contribute, what the City has identified as project goals, background information about each neighborhood. The kickoff neighborhood meeting is scheduled for March 29th at Peter Kirk Elementary School Gym between 7-9 p.m.

2. Private Amendment Requests – At what point is it too late to consider adequately private amendment requests?

   There was agreement that it is too late to consider private amendment requests ~~prior to when~~ after each working group considers the topic of land use, so private amendment requests will be accepted until September 1, 2004.

3. Bus Tour – A bus tour of the Market, Norkirk and Highlands neighborhoods on Thursday, April 22 between 3-6 p.m. Can Commissioners commit to this date and time for the bus tour?

   There was agreement that the Planning Commissioners could commit to this, and then have dinner before the regular meeting at 7 p.m. on April 22.

4. Working Groups – Are there any other suggested participants?

   There should be representatives from other board and commissions who are from the specific neighborhoods, if possible. Other suggestions: Senior Council, PTSA, Audubon Society, churches, Arts Commission, and Creative Arts League. The groups could include people from the Moss Bay and South Juanita Neighborhood Associations. It was noted that ARCH is part of staff.

   There was agreement with appointing Planning Commission chairs for each of these groups. The respective chairs and neighborhoods are as follows:

Highlands Neighborhood – Mr. Gregory
Market Neighborhood – Ms. Tennyson
Norkirk Neighborhood – Ms. Pruitt

Ms. Pruitt suggested having a discussion about the possibility of changing the boundary to Market Street between the Norkirk and Market neighborhoods. She wants to make sure Norkirk has some input on Market Street issues.

PUBLIC COMMENT:

Elisa Bakker, President, Norkirk Neighborhood Association, expressed interest in taking half of Market Street for the neighborhood boundary, but said that the neighborhood has not had a chance to put together comments on this issue. She requested that they be given some kind of claim to this in the initial evaluation. Ms. Bakker explained that Ms. ~~Brill~~ Lieberman-Brill had an informal meeting with the three neighborhood associations' officers, and there was dialogue about what they saw as concerns and issues for their neighborhoods. She said that Ms. Brill-Brill had summarized the comments and emailed the summary to the officers. Ms. Bakker expressed her concern about the educational process, and said that she would like to see a neighborhood plan that is not just a reaction to the problem. She would like to look at it from a planner's point of view to determine what makes a good neighborhood, and said she would like to have the downtown plan reviewed along with the Norkirk neighborhood plan.

Ms. ~~Brill~~ Lieberman-Brill agreed to make a copy of this summary for the Planning Commission members.

Loren Spurgeon, Co-Chair, Market Neighborhood Association, commented that the initial draft in the packet was from him. He said that he liked the way the Planning Commission approached the North Rose Hill Neighborhood Plan. The Market neighborhood has some citizens who are involved in the process, but there are 2,200 in the neighborhood, with only about ten attending the neighborhood meetings. He wants to have a plan for everyone in the neighborhood and to work actively and positively with the Planning Commission on the Market Neighborhood Plan.

Mr. Shields encouraged the chairs of the neighborhood associations to work with the groups to find out the issues and to look at the neighborhood at a broad level.

Ken Nash, President, Highlands Neighborhood Association, noted that his neighborhood is really isolated, but he is trying to get people involved. There are 2,500 residents who receive a newsletter and 70 who receive neighborhood association emails. His goal is to try to get more people involved.

A sign-up sheet was passed around for people in the audience to sign to volunteer for the neighborhood working groups.

Maria Staaf, 1675 10th Street W, Kirkland, commented that there is not a Design Review Board in the Market neighborhood. She continued that she has been working with the neighborhood association, and has been reading the existing neighborhood plan to be informed and to be a

good participant in the process. She said that July is not the greatest month for neighborhood participation. For the working groups, she encouraged placing people who are from the specific three neighborhoods and who also serve on other boards and commissions in Kirkland.

There will be four laminated 4x4-foot posters on the public signboards in each neighborhood. These signs will go up two weeks prior and stay up until a couple days after the neighborhood events.

The following suggestions for improving the neighborhood plan process were made by the Planning Commission:

- Have a special logo for the neighborhood plan events. (Hodgson)
- Look at transit service as part of this process, as this would be a good opportunity to promote Flex pass programs in higher density areas—Market especially. (Aho)
- Explore opportunities to link vehicular transportation routes. (Gregory)

There was agreement with the Process and Plan Goals 1-13, as presented on pages 2-3 of the staff report.

Ms. Rennaker commented that she would prefer to keep both sides of Market Street in the same neighborhood, rather than having a dividing line down the middle of the street. She suggested instead a review of the boundaries for possible change; for example, where the Market neighborhood on the north side goes in a block and a half into Norkirk.

PUBLIC HEARING

a. Market Incentives for Affordable Housing – File No. IV-00-13, #4

The Chair opened the public hearing at 8:47 p.m.

Art Sullivan, ARCH (A Regional Coalition for Housing) presented the staff memorandum dated February 19, 2004. He gave a summary of comments on the draft recommendations by some developers.

Ms. Nelson gave a presentation on the regulations and noted that they apply only to multifamily developments.

There was no public present to make comments.

Staff requested input on policy issues related to the multifamily tax exemption program.

1. Residential target areas. There was agreement with the staff recommendation that the boundaries for the designated residential targeted areas are appropriate as drawn in Attachments 5 through 8, except that the RS 5.0 area in the Juanita area should be deleted.

2. Income eligibility and monitoring for rental units. There was agreement with the staff recommendation for income monitoring for rental units at the time of

KIRKLAND PLANNING COMMISSION MINUTES – APRIL 22, 2004

The meeting was called to order at 7:00 p.m. by ~~Vice~~ Chair Kiri Rennaker, ~~prior to the arrival of the Chair, Tom Hodgson~~. Members Present: Matthew Aho, Carolyn Hayek, Janet Pruitt, Karen Tennyson ~~and~~ Tom Hodgson and Matthew Gregory. Eric Shields, Paul Stewart, Janice Soloff and Joan Lieberman-Brill represented the Department of Planning and Community Development

READING AND/OR APPROVAL OF MINUTES: APRIL 8, 2004

Motion by Mr. Hodgson and second by Mr. Aho to approve the minutes of the April 8, 2004 Planning Commission meeting as presented. Motion carried unanimously.

ANNOUNCEMENT OF AGENDA

Ms. Rennaker reviewed the agenda.

TASK FORCE REPORTS: None

REQUESTS FROM THE AUDIENCE: None

STUDY SESSIONS

a. **Market/Norkirk/Highlands (and Bus Tour), File No. IV-03-27**

Pat Mace, 1950 Market Street, Kirkland, said property owners along Market Street have expressed a desire to establish a stakeholders group that would formally participate in the neighborhood plan update. The group's involvement would ensure representation of those with specific interests in the outcome of the planning process and that all significant issues are evaluated before the plan is drafted and released for public comment. Adding the input of residents, property owners and businesses along Market Street would build a partnership between those affected groups and the City that would result in a successful neighborhood update and fulfillment of the City's planning goals. He said he would be interested in serving as one of the two citizens at large, representing the needs of the group.

Ms. Lieberman-Brill announced the volunteer designees for the working groups to be confirmed this evening that were submitted by stake holder groups after the staff memorandum was printed (representing all positions except citizen at large and business owners, who were to be selected by the Planning Commission):

- Norkirk Neighborhood Working Group -Norkirk Neighborhood Association representatives: Alisa Baker and Pete Bartnick
- Market Neighborhood Working Group -Park Board representative: Cindy Zeck
- Norkirk Neighborhood Working Group -Park Board representative: Chris Heffernan
- Highlands Neighborhood Working Group -Park Board representative: Jeff Trager
- Norkirk Neighborhood Working Group -Chamber of Commerce representative: Paula Gaines
- Norkirk Working Group -Moss Bay Neighborhood Association representative : Mark Eliasen (also has submitted a Private Amendment Request in the Norkirk Neighborhood)

Stakeholder Position designees noted in the staff memorandum where also confirmed. The Planning Commission discussed the following issues regarding the working groups:

- Personal agendas/conflict of interest of the applicants
- Applicants representing residential interests versus those representing business interests
- Issues that are beyond the scope of what the group is discussing presently – level of service, traffic at peak hour (18,000 daily trips along Market Street corridor), pedestrian problems, redevelopment
- Extension of the Norkirk Neighborhood boundary into Market area
- Ensure that all interest groups (environmental, etc.) are involved to maintain balance in decision-making
- Business owner/property owners need strong representation within the working groups

Citizen at Large positions for the Market Working Group: Maria Staaf, Roger Kirk

Motion by Mr. Hodgson and second by Ms. Tennyson to approve the two applicants. Motion carried unanimously.

Business Owners positions for Market Working Group: Either Dennis Turnbow or Ross Worthington (to represent Market side); Pat Mace, property owner (to represent Norkirk side)

Motion by and second by to approve either Dennis Turnbow or Ross Worthington as business owner representative in Market Working Group. Staff was directed to confirm with them which one would be the representative. It was acknowledged that both also have submitted a private amendment request in the Market Neighborhood.

Motion by Mr. Gregory and second by Mr. Hodgson to add two more business/property owner positions specifically for the Market Street commercial corridor, one for the Market working group and one for the Norkirk working group. Motion carried (6-1), with Ms. Tennyson opposed.

Motion by Mr. Gregory and second by Mr. Hodgson to propose Mr. Mace as the Market Street property owner for the Market working group. Motion carried unanimously.

The Commission asked staff to find a Market Street property owner /business owner representative for the Norkirk working group.

Citizen at Large for Norkirk Neighborhood: Bruce Reed, Mark Mazuti, Gregg Wyrick

Motion by Mr. Gregory and second by Ms. Tennyson, to propose Mr. Reed for this position. Motion carried unanimously.

Motion by Mr. Gregory and second by Mr. Hodgson to propose Mr. Wyrick for this position. Motion carried unanimously.

Candidate at Large for Highlands Neighborhood: Mike Robon, Anna Hersey

Motion by Ms. Rennaker and second by Mr. Hodgson to approve these two applicants. Motion carried unanimously.

A citizen, Mr. Tom Uren, spoke up from the audience, relating that he had applied for the Citizen

at Large position through email correspondence with Ms. Lieberman-Brill.

Citizen at Large position for Norkirk Neighborhood: Bruce Reed, Tom Uren

Motion by Mr. Gregory and second by Ms. Pruitt to propose these two applicants. Motion carried unanimously.

Stakeholders Designees for Working Groups Positions yet to be filled were identified as:

- Second Market Neighborhood Association Representative
- Market, Norkirk and Highlands Environmental Group Representative
- Norkirk Market Street Business Owner/Property Owner Representative
- Market and Highlands Cultural Council Representative
- Market and Highlands Senior Council Representative
- Market, Norkirk and Highlands Faith Based Representative
- Norkirk South Juanita Neighborhood Association Representative
- Norkirk and Highlands Youth Council Representative
- Highlands Heritage Society Representative

Ms. Lieberman-Brill briefed the Commission on the kickoff meeting held on March 29, 2004. The response was enthusiastic and favorable. Participants placed marker pins on the "Where Do You Live?" map that illustrated the number and orgin of the attendees. There were about 200 attendees.

June Public Workshops are scheduled, to be held in the Peter Kirk Room from 7 PM to 9 PM:

- June 2 – Market; Ms. Tennyson
- June 9 – Norkirk; Ms. Pruitt
- June 14 – Highland; Mr. Gregory

b. Economic Development Element, File No. IV-02-1

Janice Soloff highlighted changes to the Economic Development Element:

- Page 12 of 12: Move Goal 7 to Goal 4, and shift the other goals down.
- Page 6 of 15: The Commission requested that staff provide data that represents "Unassigned: Other" and "Unassigned: Contracting" in the Sales Tax Revenue by District pie chart. Staff will define the parameters in the text.
- Page 10 of 12: Goal 3, Policy 3 Change fourth sentence to read, "Expansion of business district boundaries should be discouraged and considered only when..."
- Page 3 of 12: Change second line to read, "Businesses can now reach international customers because of the "freeing up" trade agreements and advanced telecommunications..."

C. Community Character Element - File No. IV-02-01

Paul Stewart highlighted changes to the Community Character Element:

Page IV-6, Built and Natural Environment:

no developer would give up the opportunity build residential if the market guaranteed that residential would be desirable in the future. There are simply no guarantees at this time. Staying with medical use is a way to fulfill the need of medical in the area and allow expansion for residential in the future if necessary. He closed by saying that he appreciated the work of the staff and the willingness of all involved to work together toward a higher density solution. He requested that the commission allow the work to continue to finalize the development agreement provisions under TL1A.

Ms. Rennaker asked Mr. Kent Gregory to address 1) Structured parking and how it works with PR1.8 and 2) the TL1B plan and whether a height limit of 40 feet in that zone would help solve some of the problems. Mr. Kent Gregory replied that there are a number of challenges they face includes the parking needs of staying within 5 parking spots per thousand, height restrictions, and open space.

There was discussion between Mr. Kent Gregory, staff and the Commission. Mr. Kent Gregory defended his use of the 5 parking spots per thousand rationale. Mr. Matthew Gregory questioned the 5 per thousand number in regard to the transit center, ride share, etc. saying that the 5 per thousand is based on current practices and not on what might happen in the future. Mr. Kent Gregory responded that the parking situation will be monitored, but he said that he could not guarantee a benefit of less parking.

After the Commission and staff discussed the issues presented, Mr. Shields summarized that the option for a mixed use with more intensive office would be available only for all properties dedicating road right of way. The commission was comfortable with an option that would allow more than one FAR for office. The commissioners agreed that strong office was important with the option for residential.

Three questions were presented by staff for direction:

1. **Question:** Should the boundary be moved with no changes to the draft regulations?
   Response: No.

2. **Question:** Do all support moving TL1A boundary if incentives for residential use are included?
   Response: **No**.

3. **Question:** Should more residential be allowed?
   Response: Yes.

Motion by Mr. Matthew Gregory and second by Ms. Tennyson to continue the hearing to June 10, 2004. Motion carried unanimously.

STUDY SESSIONS

a. Market/Norkirk/Highlands - File No. IV-03-27

Ms. Lieberman-Brill reviewed the upcoming June workshops format. She informed the Commission that the plan is on course and presented the following key points regarding workshop format:

- The top comments from breakout groups were pooled to develop questions for the agenda.
- Ms. Brill's PowerPoint presentation will illustrate those top questions.
- Breakout groups for the Market neighborhood.
- Waiting to hear from the chair for the Market Neighborhood to suggest an alternate Public-at-large person
- Workshop participants will break into six small groups
- A facilitator and scribe will be provided by the Planning city staff. The scribes will not use flip charts, just note taking at the tables.
- Ms. Lieberman-Brill will show maps of the private request areas, but they will not be the focus of the presentation.

Ms. Lieberman-Brill said there is no action required of the commissioners at this time. The idea behind the workshops is to get more in depth about the major questions asked so that when the working groups convene in the fall the team will have more background and information. After that the Planning Commission can provide feedback and staff can go forward on writing a draft.

b. Comprehensive Plan: Land Use Element Amendments for Essential Government Facilities; Discussion on letter from 1000 Friends of Washington, File No. IV-02-1

Ms. Swan said a letter was received from the Department of Corrections reviewing terminology regarding regional and community facilities. The comp plan goals and policies need to be improved to be consistent with the updated RCW which was distributed to the Commission. DSHS came up with standards for transitional facilities, but the Department of Corrections has not yet for their work release facilities. Next year the city of Kirkland may want to improve its standards to include mitigating measures for these facilities. If the Commission has general edits to the policies, they can be given to Ms. Swan after the meeting. There were no major revisions to be discussed during the meeting

Ms. Swan discussed the land use map rezone regarding density levels. She explained that everything is zoned 4 acres or less, – or is exempt for the equestrian or sensitive areas with exception of a section in the Bridle Trails west of 116th. Staffs recommendation is to wait for the Bridle Trails neighborhood plan rather than rezone the area immediately.

In conclusion, Ms. Swan itemized the upcoming meeting dates:

- July 12: Open house
- July 22: Joint hearing – Planning Commission/Transportation Commission

Sharon Daniels, 10454 ~~Forest~~ Forbes Creek Drive, Kirkland, said she has lived on the property for 40 years and it has never changed in zoning. There are new houses with large lots going in across the street. In 1997 the City acquired under an acre to the north under condemnation and took part of her density away. She sent a copy of the letter she was sent by the City to Paul Stewart stating that the City would move the density to the southern portion of the property, which would give her 7 units clustered around ~~Forest~~ Forbes Creek Drive. She said she wants her property to coincide with other properties in the area. The Commission reviewed the letter and the map.

Mr. Shields asked if Ms. Daniels had talked to the neighbors to the west to find out if they have a similar interest. She said she didn't know. Mr. Aho asked if there would be an opportunity for the neighbors to the west of Ms. Daniels to piggyback on this project. Mr. Shields said yes.

The Commission decided to put forward staff's recommendation to consider the project in 2006 including the two parcels to the west of Ms. Daniels' property.

b. Proposed Work Program for Market Norkirk Highlands Neighborhood Plan Preparation Phase II

Ms. Lieberman-Brill updated the audience on the status of the proposal, and provided background on why the City talks about street connections in neighborhood plan updates. The Public Works Department and City Council decided several years ago that any known street connection should be shown in the neighborhood plans for each neighborhood in the city. As each neighborhood plan is updated, an updated map would be added. This process was first used in the North Rose Hill neighborhood plan update and is currently underway for the Market, Norkirk and Highlands neighborhoods. It is s important to consider connections for bicycles, pedestrians and vehicles and the connections may not the same for all modes of transportation. City staff understands that these are contentious issues, but they must be looked at from a neighborhood view and city view and specific language must be incorporated into each neighborhood plan. Connectivity in the neighborhoods is expressed in the Comprehensive Plan in Transportation Elements which is a function of the Comprehensive Plan in providing mobility while maintaining neighborhood character meant to equalize traffic impact in neighborhoods.

Ms. Lieberman-Brill said the 9th Street West project would connect the open portion of 9th Street West to Market through the Juanita Bay Park parking lot. The Public Works Department has looked at the pros and cons of the project and concluded that it may work for pedestrian and bicycle connection, but likely not a vehicle connection. They will be meeting on February 23 with the Transportation Commission to get their official position. The City will then transmit the preference of the Transportation Commission back to the Planning Commission. Citizens will know the status of the street connection and it will be pursued or dropped as a vehicle connection. The work program being considered tonight will propose meeting dates where that information will come out.

Ann Ferguson , 2036 9th Street West, Kirkland, said she lives three houses from the park entrance and is concerned about many issues regarding the project: protected evergreens, the endangered species act, the park will always be locked at night, traffic statistics, and accidents. She said she

talked to the Public Works Department and the Deputy Fire Chief, and the Parks Department, and none feel connectivity is an important issue. She said 9th Street is too narrow to put a traffic light, which would mean widening of the road, and 20 homes would lose portions of their front yards. The cost of the project would be significant. The logic of the idea doesn't make sense and doesn't increase connectivity, but merely increases traffic on a quiet street where children live and play on 9th Street. She said she wants to keep the neighborhood safe for generations to come.

Debbie Lamont, 1835 9th Street West, Kirkland, came forward to speak for her mother who has had a stroke and cannot attend the meeting. Ms. Lamont said that she was conceived and raised in the Market neighborhood and as a child played there every day. She has been here her whole life, has a business in Kirkland and agrees with everything that Ms. Ferguson said. She doesn't like what is happening west of Market Street, with the building of obtrusive houses on small lots and the children have to play in the streets because there are no more yards for kids to play in. She said that if the project goes through, children and pets will be killed or injured. She said the project makes no sense for the neighborhood and will bring nothing positive to the area.

Ms. Lieberman-Brill explained that staff is asking the Planning Commission to adopt the work program and that tonight will be discussed the Plans Writing Phase of Proposed Work Program. When it is finalized it will be posted on the website and advertised on neighborhood signs. She encouraged citizens to sign up on the Listserve as well to keep informed. She distributed the new correspondence to the Commissioners that came in since the packet went out. She described the Plans Writing Phase of the Proposed Work Program schedule and the steps involved in the process related to Council and the and neighborhood public process. She explained that this schedule incorporates two neighborhood specific public hearings; one for each neighborhood in the Spring to give the opportunity to the public to provide their comments on all issues discussed so far with the working groups, and to solicit new ideas to include in the plans, and a second set, after each draft plan is prepared, and prior to transmittal to the City Council for adoption.

The Commission and staff discussed Planning Commission meeting dates, neighborhood plan meeting dates and public hearing dates.

Ann Ferguson , 2036 9th Street West, Kirkland, proposed to take the 9th Street project off of the table. Ms. Rennaker explained that it was up to the Transportation Department and Public Works Department to take it off of the table. After general discussion, Ms. Lieberman-Brill explained that Public Works has been discussing the pros and cons of the project and that the issue will return after the February 23 Transportation Commission recommendation is transmitted to the Planning Commission and then the Planning Commission can give input at that point. Ms. Rennaker explained to Ms. Ferguson that the project will die a natural death after it goes through the proper city channels.

Mark Sovold, 1200 Second Street, Kirkland, asked if the Commission is accepting any additional PARs for the Market and Norkirk neighborhoods. Ms. Lieberman-Brill said it is not appropriate for staff to accept additional PARs, but a person does have a right to appear at the public hearing for the neighborhood and speak about any proposed land use that he or she may see for the neighborhood. Mr. Sovold asked when the changes in zoning will available for public comment.

Ms. Lieberman-Brill gave dates of April 28 for Market, and May 19 for Norkirk. Mr. Shields interjected and explained the PAR and public process to Mr. Sovold.

Dennis Turnbow, 1121 Champagne Point Road, Kirkland, said in relation to a particular PAR that has been ongoing since 2002, perhaps some less significant PARs could be moved up and dealt with rather than pushed out another two years.

Sunday Stray, 22 21st Place, Kirkland, expressed concern that issues that are going to the working groups are in the interest of some of the members who have existing PARs. She felt it was unfair that they were making recommendations and voting. She thought members with a conflict of interest should recuse themselves from the discussions that involve their own PARs.

Eric Horvitz, 3 Waverly Way, Kirkland, said it is important City ordinances be reviewed carefully in terms of conflict of interest, and that decisions involving those who serve on working groups should not be made on the basis that no one other than those with conflicts of interest can be found to serve.

Ms. Lieberman-Brill said several more PAR requests were received after the September 10 deadline. She said staff recommends that the Commission does not provide the same level of review as the PARs that met the deadline.

There was consensus to not accept the PARs that missed the September 10 deadline.

Ms. Lieberman-Brill handed out the working group's background materials to the Commission.

Mark Sovold, 1200 Second Street, Kirkland, returned to the podium to ask questions about the PAR City wide amendment process. He asked if it was opened to the public once a year if citizens could submit PARs they wanted considered for the 2006 work plan. Mr. Shields responded that amendments are preferred to be considered with neighborhood plans. There are other avenues besides PARs through which the public can participate. Mr. Sovold responded that he has been working with the Planning Department on a rezone for his property. Mr. Shields responded that the Commission must look at the broader area for rezone, not just one isolated property. Ms. Rennaker explained that he is welcome to raise this issue on the Norkirk Neighborhood Plan ~~do that through the public hearing process~~.

UNFINISHED BUSINESS: None

NEW BUSINESS

Mr. Stewart said that the work plan, neighborhood plan and PAR process would be discussed in depth before going to Council. Mr. Shields added that there is a lot of angst among citizens regarding PARs.

Ms. Rennaker asked Mr. Shields how the hiring process is going in bringing on more Planning Department staff. Mr. Shields said it is going well, and we will be hiring and training new staff

REQUESTS FROM THE AUDIENCE - None

UNFINISHED BUSINESS - None

TASK FORCE REPORTS

Totem Lake Task Force: Mr. Hodgson reported the Task Force will be meeting in June to discuss the mission and possibly hear an update regarding the Totem Lake Mall. Mr. Gregory offered to review the working drawings for the medical office building and parking garage current under construction near the freeway.

85th Street Action Team: Ms. Tennyson reported the Team reviewed the zoning regulations for the 85th Street corridor with the exception of the Lee Johnson property.

Sidewalk Bond Committee: Ms. Tennyson reported the Committee will be meeting with the survey company tomorrow to develop questions and move forward with the bond survey. The goal is to have the bond on the same ballot as the Lake Washington School District bond in February 2006.

ADMINISTRATIVE REPORTS

a. City Council Actions

1) The Lake & Central Steering Committee met last night; they are interested in continuing their work in some form with regard to downtown. It was suggested they attend a future meeting.
2) The Council denied the SEDORCO Private Amendment Request.

b. Hearing Examiner Actions

c. Public Meeting Calendar Update

1) Open houses regarding the Conover Commons are scheduled for Thursday, April 28 and Saturday, April 30.
2) The Sound Transit Citizen Oversight Panel has released their report.
3) The hospital expansion renderings are now available.
4) The Transportation Commission is interested in a joint meeting in June/July. It was agreed the Committee Chairs would discuss an appropriate date.

STUDY SESSIONS

a. Market Neighborhood Plan – File No. IV-03-27

Project Planner Joan Lieberman-Brill explained the purpose of tonight's study session was to apprise the Planning Commission about outcomes and preferences of the Market

Working Group on Market neighborhood plan issues and provide recommendations of the Transportation Commission on transportation issues affecting the Market neighborhood. She briefly reviewed the schedule which includes the March kick-off meeting, public hearing on May 19, Planning Commission workshop on June 23 to provide staff direction, and check-in with City Council in July.

Ms. Lieberman-Brill presented the top concepts from the March 2004 kick-off meeting and provided a recap of the results of the June Market Neighborhood workshop. She reviewed the comments of the September-December Market Neighborhood Work Group with regard to the following topics:

Transportation

- Central Way Corridor
- Traffic Signal at Market and Central Way
- Sidewalk Improvements,
- Bike Routes
- Vehicle connection within the Market neighborhood (9th Street West street extension to Market Street)

Housing

Land Use

- PAR 1 and 5 (RS 8.5 to RS 7.2) and city-initiated rezones at 805 and 815 14th Avenue West (RS 12.5 to RS 7.2)
- PAR 3 and 4 (RS 7.2 to PR 3.6)
- City initiated rezones at 1250 and 1230 4th Street W (PR 3.6 to RS 7.2)
- City initiated idea of View Stations at Unopened Street Ends along Waverly Way

Market Street Corridor

- City initiated idea of a Market Street Corridor zone
- PAR 2, 6, 7, 8, 9, 10, 11, 12 (RS 7.2 to PR 3.6)
- City initiated rezones at 1250 and 1230 4th Street West (PR 3.6 to RS 7.2)

Joint Market/Norkirk Working Group Market Street Corridor

- Subarea 1 PR Zone
- Changing the Neighborhood Boundary
- Subarea 2 BN Zone
- Subarea 3 BC Zone Historic Area
- Subarea 4 PR Zone south of BC Zone
- Subarea 5 North PAR

During and following her presentation, Ms. Lieberman-Brill responded to Commissioners' questions regarding the topics and the Working Group's comments.

Audience Comments: Rita Williams, a resident within PAR 12, provided drawings of four duplexes proposed to be constructed in that area.

Carl Volkle, one of 31 homes included in PAR #12, advised several property owners were not notified of this request. He recalled the Market Neighborhood Association unanimously voted against this PAR. He submitted a petition with 130 signatures in opposition to PAR #12 and requested staff abandon the PAR #12 proposal.

Chris Farick, property owner within PAR #4, expressed support for the rezone to commercial to be consistent with adjacent zoning.

Ann Ferguson, 2036 9th Street West, expressed support for the Transportation Commission's recommendation to not extend 9th Street west and the potential for a non-motorized rail. She recommended not disturbing old growth trees.

Staff advised the next step was the May 19 public hearing.

b. Tree and Landscaping Regulations – File No. IV-03-101

Deputy Planning Director Paul Stewart explained an initial draft of the Tree and Landscaping code amendments was prepared based on direction received in late 2004 from the Planning Commission, City Council, and Houghton Community Council as well as comments from the Kirkland Chamber of Commerce and the general public. He highlighted the proposed schedule that included a Commission study session in July, Houghton Community Council and Planning Commission public hearings in August, City Council study session in September and City Council and Houghton Community Council action in October. He explained that because the suggested changes to the existing code were extensive, they were not presented as edits to the current text, instead the memorandum describes each suggested change, the reason for it, and the implications for customers and for the City. He advised amendments to Section 95.35 Tree Retention, Protection and Replacement would be reviewed at the Planning Commission's May 26 meeting.

Urban Forester Elizabeth Walker reviewed reasons and implications for suggested amendments to the following:

- Section 95.05 Purpose and Intent
- Section 95.10 Definitions
- Section 95.15 Applicability
- Section 95.20 Exemptions from Permit and Plan
- Section 95.25 Alternative Compliance
- Section 95.30 City Forestry Account

Senior Planner Patrice Tovar reviewed proposed amendments, the reasons for and implications of changes to the following:

- Section 95.40 Required Landscaping
- Section 95.40.1 User Guide
- Section 95.40.2 Use of Significant Existing Vegetation

Todd Woosley spoke again to list the seven uses that were removed from TL 7 in a previous zoning action.

TL 10E discussion.

Discussion on industrial uses, pre-existing uses, accessory uses and vehicle sales.

Continued discussion of TL 10C.

Review of TL 10A.

Public Comment:

1) Mansor Baghshomali, 8223 125th Pl NE Kirkland, has represented the Schott property for the last six years. Not able to market the site and asks to not limit use and allow residential uses.

Planning Commission supports residential as a reasonable use in this area. In agreement to leave existing uses but also add multi-family as well.

TL 10B discussion of building height and using height as an incentive for affordable housing.

B. Norkirk Neighborhood Plan File No. IV-03-27
To apprise the Planning Commission about 1) outcomes and preferences of the Norkirk Working Group on Norkirk neighborhood plan issues and 2) the recommendations of the Transportation Commission on transportation issues affecting the Norkirk neighborhood.
Study Session opened at 9:15 pm.

Ms. Lieberman-Brill made a presentation recapping results of Norkirk March kick off meeting and June workshop and September - December working groups re: transportation topic, housing topic, land use topic, and Market Street Corridor topic.

Study Area 1, PAR 1

Study Areas 2 and 6, PAR 6

Study Area # 3, PAR 2

Study Area # 4, PARs 3 & 4

Study Area # 5, PAR 5

Corridor Topic
Norkirk Neighborhood supports boundary line change, Market Neighborhood does not support change.

Transportation Commission recommendations:

The Transportation Commission does not want to continue considering vehicle connections on 1st. The working group supported spending money on sidewalks in the neighborhood rather than on roads through unstable and sensitive areas. Working group felt that park space was more valuable than vehicle connection. The Transportation Commission had no comments on nonmotorized routes. They want to review the draft plan.

What's Next: Ms. Lieberman-Brill describes next steps in Neighborhood update process.

Important Concepts to Neighborhood update:
Innovative and Affordable Housing
Residential and Employment Capacity
Industrial Area and Transitions

Public Comment re: Norkirk Neighborhood Plan update:

1) Marcel Beauclair, 1200 2nd Street, re: PAR 6 zoning change and replacement of small homes with large homes

2) Robert Stonefelt, 901 1st Street, he and his elderly parents live at that location, disappointed that he wasn't notified of meeting, lives in Study Area 6, comments re:

policies. He will send a letter to complete his comments.

3) Sharon Parzino, 128 12th Ave, liveS in Study Area # 6, had requested rezone from 7.2 to 5.0, in support of changing zoning but keeping FAR of 50% in keeping of flavor in neighborhood. Requests easing flexibility standards in subdividision ordinance as alternative to rezone.

4) James Parzino, 128 12th Ave, spoke in support of rezone (Study Area # 6).

5) Mike Nykreim, 101 10th Avenue, in support of rezone, Study Area # 6 complies with Growth Management, gave examples. Requests to have staff show compatability with neighborhood.

Ms. Lieberman-Brill requests feedback re: presentation of information to public.

Study Session closes at 10:50 pm.

7. UNFINISHED BUSINESS: None

8. NEW BUSINESS

9. TASK FORCE REPORTS

Ms. Tennyson: re: NE 85th Street group is moving along, TIP (Theory in Practice consulting group) gave presentation re: Econ Dev. to City Council Retreat.

Mr. Hodgson: TLAT has a date for next month.

Ms. Hayek: I 405 Corridor Meeting re: Nickel project progress

10. ADMINISTRATIVE REPORTS

A. City Council Actions

(1) Jim Hart Private Amendment Request

(2) Planning Work Program: The Planning Work Program was approved by City Council

1. Tom Shaefer is a property owner in Parmac Business Park.
   a. He believes 10D and 10E are very similar and should be considered together.
   b. He agrees with Commission's vehicle sales decision.
   c. He agrees with restriction of interim uses until area is fully redeveloped.
   d. He feels there should be opening up of service areas in that area.

2. Todd Woosley of Totem Lake requesting restoration of all previously-allowed uses.

Commission discussed questions in memo, including:
   a. meeting the comp plan regarding affordability and incentives
   b. a suggestion to limit height to 45' but require affordability
   c. the possibility of TL9 remaining LIT
   d. expansion

In two weeks the Commission will be talking more about Totem Lake regulations.

The Study Session was closed at 7:31 pm.

CHAIR CALLS FOR FIVE-MINUTE BREAK

6. **PUBLIC HEARINGS**

A. NORKIRK NEIGHBORHOOD, File No. IV.03.23

PURPOSE: Hold a public hearing to receive public input on initial City initiated concepts and ideas and private amendment requests for the Norkirk Neighborhood Plan update and to hear ideas about what should be included in the new Norkirk Neighborhood Plan

The Public Hearing was opened at 7:37 pm.

Presentation by Joan Lieberman-Brill

1. Common concerns and issues from Concept Development Phase

2. Vehicle connections on 1st Street, between 21st Place and Forbes Creek Drive and 3rd Street, between 20th Ave and Forbes Creek Drive.

3. Single Family Design Regulations

4. Innovative and Affordable Housing

5. Pedestrian routes

6. Bike routes

7. Central Way corridor

8. Innovative and Affordable Housing

9. Burlington Northern Santa Fe Railroad Dual Use Non-Motorized and Light Rail corridor

10. Single Family design regulations

11. Land use issues - City-initiated rezone 32 - 21st Place and 100 20th Avenue from RS 12.5 to RS 7.2

12. City-initiated rezone 558 20th Avenue & vacant tax parcel to the west from RS 12.5 to RS 7.2

13. PAR 2 - applicant has withdrawn request

14. Study Areas 1, 2, and 6

15. Study Area 1 and 3

16. Study Areas 4 and 5

17. Study Area #1 - PAR 818 Sixth Street:: request reclassify from RS 7.2 to RS 5.0.

18. Study Areas #2 and #6 - PAR #6: 128th 12th Avenue, reclassify from RS 7.2 to RS 5.0.

19. Study Area #3 - PAR #2, 634 7th Avenue and 701 8th Avenue (withdrawn) - reclassify from RS 7.2 to RS 5.0.

20. Study Area #4 - PAR #3, 419, 421, 427, 429, 433, 441, 445, 447 and 449 7th Avenue & 624, 522, 518 4th Street; PAR #4: 337 6th Avenue, reclassify from Planned Area 7C to 7B (medium to high density).

21. Study Area #5, PAR #5, 214 & 230 4th Avenue, reclassify from Planned Area 7B to CBD (high density to no density limit).

22. PAR #'s 2,6,7,8,9,10,11, & 12, reclassify from RS 7.2 to PR 3.6.

23. Allowed land uses for area if it were rezoned to PR

24. Market PAR #3 - parking lot adjoining & west of 1611 Market St, reclassify from RS 7.2 to PR 3.6.

25. Market PAR #4, 419 14th Avenue W & 421 14th Avenue W, reclassify from RS 7.2 to PR 3.6.

26. City-initiated rezone - 1250 & 1230 4th St W, reclassify from PR 3.6 to RS 7.2.

27. City-initiated idea for Market St Corridor zone

28. City-initiated idea to change neighborhood boundary to middle of Market Street.

29. Things to think about during the Norkirk plan update.

PUBLIC COMMENTS:

FOR THE RECORD: Commissioner Rennaker's statement: One of the properties that is being considered as a City-initiated rezone is the property in which my home is located, so I will not be discussing with the Commission any aspects of that rezone.

1. Peter Speer, 1520 2nd St, opposes most PARs discussed tonight.

2. Mohammad Kashani, 6503 113th Ave NE, favors rezone of his area, study area 1

3. Maheen Dehkordi, 6503 113th Ave NE, wife of Mohammad Kashani, favors rezone

4. Eric Eng, 433 7th Ave, opposes PARs 3 & 4 and recommends no change in zoning

5. Robert Stonefelt, 901 First Street, supports rezoning on Market Street near his address in area 6

6. Mike Nykreim, 101 10th Ave, supports growth and development and requests Commission continue to look at infill development to continue in Kirkland

7. Sharon Parzino, 120 12th Ave, supports rezoning or ease of flexibility standards (adjustment of FAR).

8. Barry Hovsepian, 337 6th Ave, wants his property separated from Study Area

#4

9. Fredericka Carpenter, 513 8th Ave., agrees with Eric Eng in his opposition to PARs 3 and 4

10. Heidi Zappone, owns property at 701 8th Ave, - opposes rezone of Study Group #3 to 5.0

11. Judith Blake passes

12. Beverly Reynolds passes

13. Brenda Klos, owner of 634 7th Ave., opposes a rezone of that property to 5.0

14. Patrick Leewens, 630 & 634 7th Avenue, opposes change to residential in Planning Area #3.

15. Eric Klos, 634 7th Avenue, opposes rezone of his property

16. Sharon Sherrard, 558 20th Avenue, opposes City-initiated rezone request regarding her property

17. Alice Probert, 127 14th Ave., opposes Norkirk rezoning

18. Jeff Cysewski, 314 8th Ave., opposes Norkirk Study Area #2 rezone and encroachment of high density.

19. Peter Bartnick, was on Working Group and is a member of Norkirk Neighborhood Association:

a. The Working Group supported the proposal to change Central Way from two lanes to one lane, eastbound only, with the stipluation that this is a temporary change; the City was to study the change's effects and the change could then be reversed if the resultant encroachment into neighborhoods is unacceptable.

b. Regarding Study Area #4, it is not good to put high density next to single-family houses while reducing buffers of less dense apartments.

c. Regarding increasing the density of the "U" shape being studied, it is unclear what the benefit of this action would be to the neighborhood.

He supports selective rezoning.

20. Shahrzad Mamini, owner of apartments at 230 & 214 4th Avenue, supports further study of this area in PAR 5.

21. Terry Rennaker, 100 20th Ave., supports rezone of his area to 7.2.

22. James Parzino, 128 12th Avenue, supports rezoning or ease of flexibility standards in Study Area #6.

23. Susan Eng, 433 7th Ave., regarding PAR #4, opposes the system used to consider or proposes studies.

24. Bruce Reid, 222 10th Ave., owner and applicant of PAR #3. PAR #3 was last heard in 2001 and was found to have merit at that time. Opposes a larger study area.

25. Dick Armstrong, 132 12th Ave., adjacent to Parcel #6. Wants working group's comments carefuly considered.

26. Thad Pound, PO BOX 2040, Kirkland, WA 98083, 53 year resident or employer of Kirkland, reports that the owner of the property south of the cannery, Mr. Lux, wants to build two homes there and he wanted the Commission to be aware of that fact.

CHAIR CLOSES PUBLIC HEARING AT 9:26 pm.

7. UNFINISHED BUSINESS

NONE

8. NEW BUSINESS

NONE

9. TASK FORCE REPORTS
Dorian reported that the NE 85th St Task Force meeting was last night; there will be a report in a couple of weeks.

10. ADMINISTRATIVE REPORTS

NONE

A. City Council Actions

NONE

B. Hearing Examiner Actions

NONE

C. Public Meeting Calendar Update

NONE

KIRKLAND PLANNING COMMISSION
July 28, 2005

1. **CALL TO ORDER/ROLL CALL 7:01 p.m.**
Commissioners present: Carolyn Hayek (Chair), Tom Hodgson, Janet Pruitt, Kiri Rennaker.
Absent/Excused: Matthew Gregory; Karen Tennyson; Byron Katsuyama
Staff present: Eric Shields, Paul Stewart, Joan Lieberman-Brill, Angela Ruggeri, Elizabeth Walker, Dorian Collins.

NOTE: Due to technical difficulties, the audio file is blank until approximately 1 hour and 26 minutes into the meeting.

2. **ANNOUNCEMENT OF AGENDA 7:02 p.m.**

3. **REQUESTS FROM THE AUDIENCE**
There were no comments from the audience regarding matters not on the agenda.

4. **PUBLIC HEARINGS**

None.

5. **STUDY SESSIONS (7:04 p.m. to 10:10 p.m.)**

A. Norkirk Neighborhood Planning Commission Direction, File No. IV-03-27 7:04 p.m. - Received direction from the Planning Commission on which city initiated concepts and ideas and private amendment requests for the Market Neighborhood Plan update to continue studying and which to drop from further consideration.

Chair invited Public Comment on this item. 7:05 p.m. to 7:30 p.m.

1. Mary Redmayne, 1843 Third Street, Kirkland, wants a Vision Statement for the Norkirk Comprehensive Plan. Opposes proposed rezoning.

2. Barbara Trunkhill, 345 19th Avenue, Kirkland, wants design regulation adjustments, moritorium on 3,000 sq ft homes. She says that neighbors agree. Bulk and size of new homes on small lots affect neighborhood negatively.

3. Eric Eng, 433 Seventh Avenue, Kirkland, feels that proposed zoning changes should be rejected.

4. Frederica Carpenter, 513 Eighth Avenue, Kirkland, supports what previous speakers have said. Her neighbors agree. She feels PAR process is flawed.

5. Mike Nykreim, 101 Tenth Avenue, Kirkland, wants continued study on PARs 1 through 6. He submitted several signatures supporting his view.

6. Patrick Fay, 1334 Second Street, Kirkland, supports the majority of what has been said [by the public] tonight. He does not support reducing square footage and believes that high density results in too much noise.

7. Norc Korg, 410 Second Street, Kirkland, opposes commercial buildings in study Area 5. He encourages the Commission to request that the Planning Department continue to study PARs to determine how many lots will be affected.

8. Robert Stonefelt, 901 First St, Kirkland, feels there is a fairness issue. He fully expressed his opinion in his July 8, 2005 letter to the Commission, and supports 6,000 sq. foot zoning with a .5 FAR.

9. Sharon Parzino, 128 12th Avenue, Kirkland, she noted that 49 out of 90 lots in Study Area 6 are out of compliance with zoning lot size minimum of 7,200 sq. feet. She supports further study of her PAR # 6 in order to get the facts on how many lots are smaller than 7,200 sq. feet and already have homes on them and what effect a rezone would have on further development potential.

As no other audience members wished to comment on this matter, Chair closed public comments and requested Staff report.

Joan Lieberman-Brill presented Staff recommendations on how to proceed with various City initiated ideas and PARs discussed with the Norkirk working group and addressed on the bus tour on July 14th (7:30 p.m. to 8:39 p.m.):

1. Norkirk Working Group Transportation Topic

A. Regarding potential street connections #2 and #3, staff concurs with the

Transportation Commission that discussion continue designating these as bike and pedestrian connections. Vehicle Connections. Planning Commission concurs.

B. Central Way Corridor: The working group supported the preferred alternative plan. This is for information only. The Commission had no comment.

C. Pedestrian routes: Staff recommends considering updating the neighborhood plan maps and Kirkland Non-Motorized Transportation Plan to indicate routes along 19th Avenue and along 4th Street as potential priority locations for non-motorized public improvements. Commission wants sidewalks to be pursued.

D. Bicycle routes: Staff recommended various locations for further consideration as bicycle routes. Commission agrees with Staff recommendations.

E. BNSFRR: Staff recommends inclusion in the neighborhood plan of the current plan status of the light rail facility. Commission has no comment.

2. Norkirk Working Group Housing Topic

A. Innovative and Affordable Housing: Staff recommends continued discussion on approaches to innovative housing. The Commission is concerned that innovative and affordable housing demonstration projects were to result in permanent innovative housing regulations. Mr. Shields said there is a citywide plan for innovative and affordable housing, that it is not specific to one particular neighborhood. The Commission wants to continue looking at this issue.

B. Single Family Design: Staff recommends further FAR discussion for RS 5 zones. Commission wants staff to continue creative discussion regarding existing homes and trees that should be preserved.

3. Norkirk Working Group Land Use Topic

A. Study Area No. 1, PAR # 1, 818 Sixth Street, rezone from RS 7.2 to RS 5.0.. Staff recommends continued study. Commission agrees more information is needed; it should be studied, taking into account the FAR.

B. Study Areas #2 and #6, PAR #6, 128 12th Avenue, rezone from RS 7.2 to RS 5.0. Some Commission members want to take 60% FAR off the table; all wish to continue study.

C. Study Area #3, PAR #2, 634 7th Avenue and 701 8th Avenue (withdrawn) from LIT to RS 5.0.. Staff wants to continue study of zoning in the area. Commission wants area residents' opinions included in the study.

D. Study Area #4, PAR #3 and PAR #4, rezone from Planned Area 7C to Planned Area 7B. Staff recommends continued study of all planned area except to drop consideration of increased density in PAR 3. Commission concurs, with Ms.

Rennaker dissenting.

E. Study Area #5, PAR #5, 214 & 230 4th Avenue, reclassify from Planned Area 7B to CBD (commercial zone, no density limit) which would allow unlimited residential density. Staff recommends continued study of this issue. Commission supports study and feels residential density is appropriate but no offices unless it is connected to a residence, including home occupations.

F. City initiated rezone 32 - 21st Pl and 100 20th Ave from RS 12.5 to RS 7.2. Staff recommends continued study. Commission concurs that continued study is indicated, though only three members present can vote on this matter, so this is not an official vote.

G. City initiated rezone at 558 20th Ave & vacant tax parcel to the west from RS 12.5 to RS 7.2. Staff does not recommend continued study of vacant parcel but that it should be considered in a boundary line change that would include this parcel in the South Juanita neighborhood. Commission concurs.

H. City initiated idea to study entire LIT zone in the context of the industrial lands study. Staff recommends continued study. Commission concurs and suggests Staff study possibility of a small section of Central Way east of 6th Street being closed to use.

4. Norkirk Working Group Market Street Corridor Topic

A. On June 23, 2005, the Planning Commission made various recommendations on the Market Street corridor.

B. Market PAR #2 and #6 through 12 and surrounding area North End of Market Street Corridor, rezone from RS 7.2 to PR 3.6: Staff will drop from further consideration, per Commission direction. Staff will provide further information regarding preservation of log cabin on PAR #11.

C. PAR for parking lot adjoining and west of 1611 Market Street. Staff will continue study, per Commission direction.

D. Study of PAR for 419 and 421 14th Avenue W from RS 7.2 to PR 3.6 is dropped from further consideration, per Commission direction.

E. City initiated rezone at 1250 and 1230 4th Street W is dropped from further consideration per direction from Commission.

F. The Planning Commission recommendation regarding the City initiated idea of Market Street Corridor Zone merits continued study within the context of the existing zoning rather than creating a new zoning district.

G. The City initiated idea of changing the boundary of the neighborhoods to the middle of Market Street was deferred by the Commission until this evening to give citizens an opportunity to express their views in the matter at the Norkirk neighborhood meeting. Commission concurred that shifting boundary north of 19th to better represent the perception of neighborhood identity. Commission concurs that the boundary change south of 19th would be to the center of Market Street. Staff recommends Option 1 or Option 2 of the following three options in order to format the plans:

Option 1: Leave the entire corridor in the Market neighborhood (no boundary changes), except for single family area at north end.

Option 2: Split the corridor along Market Street, and create a separate corridor plan utilizing existing zoning.

Option 3: Split the corridor along Market Street, and discuss the west side in the Market Neighborhood Plan and the east side in the Norkirk Neighborhood Plan utilizing existing zoning.

The Commission chose Option 2. City Council will confirm the Planning Commission direction at the September 20th meeting; staff will then begin drafting the new Plan and public review of the draft will continue into next summer.

B. **Tree Regulations, File No. IV-03-101 (8:39 p.m. to 9:18 p.m.) -** Confirmed direction on approaches to tree plan levels discussed at the July 14th Commission meeting.

Elizabeth Walker reported on the major and minor development categories, tree plan requirements, site design and retention standards, and tree density requirement. Staff has been working on these items per Commission direction and presented an updated matrix of requirements and standards. There was discussion regarding "specimen", "majestic", and "landmark" trees.

Chair invited public comment.

Mike Nykreim, 101 Tenth Avenue, Kirkland, expressed concern about this ordinance and requests that staff have conversations with persons connected to property being used as an example.

Public comment closed.

Commission asked if builders and developers were included in discussion of this matter. Staff advised that they were, and all their comments were included in the green sheet provided the Commission. Staff is still waiting to hear feedback from some developers. Revisions have been made based on some feedback received. There was discussion regarding tree density requirements on property that do not

either existing business when it is once replaced with a different other permitted use. There will be no allowance for reverting to either of the above two businesses, once either is replaced with a new (different) business.

d. Lighting compliance (shielding); full compliance with lighting standards at over 25% expansion

e. Subject to full compliance of lighting standards

2. Multi-Family buffers: Keep the 5' landscape strip between multi-family and single family.

3. Conceptual Master Plan: Keep only in the RH3 zone. Move the special regulations that are more design document oriented for RH2A-C and RH3 to Design Guidelines.

4. RH1B: Allow some limited retail east side of 120th south of NE 90th that will not generate high traffic, e.g., equate to office use.

All "for" with one against (Tennyson)

Chair will attend the November 1 study session on this subject at City Council.

Chair declared a short break at 10:09 p.m.

Chair reconvened the meeting at 10:15 p.m.

B. Norkirk Neighborhood Plan - File No. IV-03-27 10:15 - 11:00 p.m.

Chair invited public comment:

1. Robert Stonefelt, 901 First Street, had a question about land use that doesn't match current zoning but complies with Comprehensive Plan. For his parents' propertry, he wants authorization for a new use that matches other uses that are already allowed. He wants to split the lot and keep one half in the family.

2. Jeff Cysewski, 314 Eighth Ave, feels the PARs were driving the Norkirk Neighborhood plan inappropriately. He wants to work with the Commission to develop the plan.

3. Sharon Parzino, 128 Twelfth Avenue, wants homeowners' rights protected from arbitrary and discriminatory actions.

There being no further comment from the audience, Commission discussion resumed.

Mr. Shields reviewed the Plan and how the PARs have impacted the process. Commission is in favor of further study of the Norkirk Neighborhood and feel

PARs should be addressed after the plan is developed. Chair feels Planning Commission should gather information to update the Plan but the Council was eager to turn down PARs, so additional action by Planning Commission is futile.

Innovative/affordable housing and infill development was discussed. Commission discussed continued study in this neighborhood to see what the land use pattern is to bring under the heading of "innovative housing" many issues that they then can apply toward a Citywide policy. Commission members discussed looking at issues raised by the PARs to study other neighborhoods in future, with a view toward establishing a Citywide policy.

Mr. Shields suggested using the information obtained, in a general way to determine whether there are patterns and decide which issues are important to study. He said that, when staff begins again on this project, they will start with the vision and goals and will bring information to the Commission after the first of the year. Commission concurred with this approach.

5. **UNFINISHED BUSINESS 11:00 p.m.**
None.

6. **NEW BUSINESS 11:00 p.m.**
None.

7. **READING AND/OR APPROVAL OF MINUTES 11:00 p.m.**
August 25, 2005 minutes. Corrected one word, as indicated, on Page 2, third paragraph from the bottom: "Mr. Gregory has concerns regarding the transmission easements shown..."

Motion to Approve AUGUST 25, 2005 MINUTES:
Moved by Karen Tennyson, no second required

8. **TASK FORCES 11:02 p.m.**
None.

9. **ADMINISTRATIVE REPORTS 11:03 p.m.**
Mr. Stewart thanked both Chair Hayek and Ms. Pruitt who appeared before City Council. Ms. Hayek transmitted the Commission's recommendation on the tree and landscaping regulations and Ms. Pruitt addressed the Council on the Norkirk Neighborhood Plan.

10. **COMMENTS FROM THE AUDIENCE 11:03 p.m.**

1. Robert Stonefelt agrees with Jeff that a round-table discussion is needed as the three minute testimony limit is frustrating.
2. Sharon Parzino requested her situation be addressed.
3. Jeff Cysewski feels Commission's thinking is being dominated by the theme of

comments to the Planning Commission. He is open to the Commission's wishes on how to get neighborhood input.

Chair invited continued public comment:

3. Mary Redmayne, 1843 Third St, Kirkland, feels it is important that the public is informed about upcoming meetings. She feels mailings should be done by the City and wants communications for "Market" and "Norkirk" separated so that the targeted audience will open the mail.

Ms. Lieberman-Brill said that each mailing costs about $2,000.00, so they have to weigh the financial impact on the City as to whether or not to do a mailing.

4. Sharon Parzino, 128 12th Avenue, Kirkland, wanted to know when the plan will be updated.

5. Maria Staaf, 1675 10th St W, Kirkland, wants more turnaround time to respond to Planning Commission packets.

6. UNFINISHED BUSINESS - 10:24 p.m.

A. Planning Work Program & Joint Meeting, File CC-94-84

Reviewed Revised Planning Work Program and the discussion Items for the joint meeting with the City Council.

Mr. Stewart spoke regarding the February 7th joint meeting with City Council and reviewed points Commission made at their retreat.

7. NEW BUSINESS - 10:54 p.m.

None.

8. READING AND/OR APPROVAL OF MINUTES - 10:54 p.m.

a. October 11, 2005

Page 1, correct spelling of "threshold." Insert information on Page 2 about Linda Jones speaking about non-conforming use and that "she objected to allowing expansion of the 85th Street Goodyear tire shop's existing use." Strike, ~~The Planning Commission directed staff to prepare revised text that would allow the existing use, allow expansion but new uses would not be permitted.~~ Approved as corrected.

b. October 27, 2005

Page 2, second paragraph, substitute improve for ~~approve~~ neighborhood aesthetics. Under testimony by Robert Kamuda, insert vehicular after "northend". Page 3, move "brief recess" and "back in session" to before the public hearing, Item B. Approved as corrected.

c. December 15, 2005

Page 2, correct spelling of "disputed" under item g. Page 3, add the "s" under Judy Eilers' name. Change wording in the paragraph that follows to read: "...had a problem with ~~the homeless~~ SHARE/WHEEL, the sponsoring organization, and how the City..." Strike "no second required" after "Moved by Carolyn Hayek, Chair." Approved as corrected.

9. TASK FORCE REPORTS - 11:06 p.m.

Chair reported that the Downtown Action Team has been postponed to March.

Mr. Gregory said that the Totem Lake Action Team is not meeting currently.

Ms. Jenkinson explained that a consent decree is a settlement that the parties reach and does not bind any other parties. She said it is not precedent setting and the Bellevue ordinance remains intact in every other way.

Chair closed the public hearing.

Lt. Hamilton and Chief Aston responded to questions on the subject of Public Safety and associated costs. Ms. Jenkinson provided clarification as to legal issues on items under discussion.

The Commission favored leaving the proposed code language as drafted regarding allowing churches and other organizations to participate in hosting homeless encampments. They also favored Staff's recommendation of Option 2 that requires a public information meeting prior to application for a permit, with no administrative appeal. On the frequency and duration issue, they favored a once-per-site-per-year frequency and 92 days duration.

Motion: recommend approval of the Temporary Use Permit Chapter Amendments with addition of a standard to prohibit animals other than service animals in homeless encampments, and deletion of the word "inherently" in the "User Guide" section.

Moved by Matthew Gregory, no second required.
Motion was approved by a vote of 5-1.

Chair declared a break.

5. STUDY SESSIONS - 9:27 p.m.

A. Market and Norkirk Work Program, File No. IV-03-27
Considered the draft work program and schedule for the plans preparation phase of the Market and Norkirk Neighborhoods Plans update project. In addition, review the Market and Norkirk February public workshops agendas, consider the involvement and role of the working groups, neighborhood associations, and the public in the plans update, and consider the desired level of analysis on development patterns in the Market and Norkirk neighborhoods.

Ms. Lieberman-Brill gave a summary of Staff's vision of proposed actions and upcoming meetings regarding this project, through September of this year.
It is requested that Commission members attend the Norkirk (February 1) and Market (February 16) Neighborhood workshops, just to observe. The purpose of the workshops is to talk about the City's vision for these Neighborhoods.

Ms. Lieberman-Brill said Staff wants to start the plan writing phase on a positive note, focusing on the big picture.

Chair invited public comment:

1. Robert Stonefelt, 901 First St, Kirkland, supports further study of neighborhood land use patterns and lot sizes.

2. Eric Eng, 433 Seventh Avenue, Kirkland feels the neighborhood association should have another public hearing to review the draft Norkirk Plan.

Ms. Lieberman-Brill said that the packets are always sent to the neighborhood associations. Mr. Stewart said that the public can attend working group sessions and submit their

Ms. Ruggeri discussed the Goals section of the plan.

The Chair invited comments from the public on Market Neighborhood - none.

B. Norkirk Neighborhood Plan Update File No. IV-03-27

The Planning Commission considered and directed changes to the draft overview, vision statement, goals and Parks & Open Space and Public Services/Facilities Sections for the Norkirk Neighborhood Plan.

Joan Lieberman-Brill began discussion on the Norkirk Neighborhood Plan Update. Ms. Lieberman-Brill noted that the Norkirk Plan review tonight includes two sections; Parks & Open Space and Public Services Facilities Sections in addition to the Overview, Vision Statement and Goals.

There have been changes made to the Norkirk Neighborhood schedule. The neighborhood signs will be updated to reflect these changes.

Ms. Lieberman-Brill mentioned that the basis for the Norkirk draft plan is the vision statement and framework goals from the Comprehensive Plan, the public comment received during the concept development phase, public input from the Norkirk workshops and City Council direction.

The Chair invited comments from the public.

1. Sharon Parzino, 128 12th Avenue. Ms. Parzino had questions on the land use information and neighborhood map. She noted that the Comprehensive Plan contained wording regarding infill and adjustments in lot size but noticed there is no reference to that in the Norkirk Neighborhood plan.

2. Pete Bartnick, member of the Norkirk Neighborhood Association. Mr. Bartnick invited commission to the next Norkirk neighborhood meeting. He favors grandfathering property rights and use of incentives and flexibility to encourage desired outcomes.

3. Robert Stonefelt, 901 1st Street. Mr. Stonefelt spoke about inconsistencies between the Comprehesive Plan and the Zoning Code.

There were no further comments from the public.

Ms. Lieberman-Brill began discussion of the Overview section of the plan.

Ms. Lieberman-Brill began discussion of the Vision Statement. The Commission offered suggestions for revisions and discussed a rewrite that would change the voice and the elements of the statement. The Commission asked that the City Hall and other government facilities, as well as the junior high school and elementary school, that draw people into the Norkirk neighborhood be addressed in the vision statement.

Ms. Lieberman-Brill began discussion of the Framework Goals . There are two goals to be addressed: Historic Context and Natural Environment. The Commission questioned whether or not there are any incentives in place to encourage homeowners to keep an existing house. Mr. Shields commented that currently only a demolition permit is required.

The Chair invited comments from the public.

1. Robert Stonefelt, 901 First Street, Kirkland, WA. Mr. Stonefelt presented information regarding building materials and healthly building practice issues with older homes.

6. **UNFINISHED BUSINESS** - None.

7. **NEW BUSINESS** - None.

8. **READING AND/OR APPROVAL OF MINUTES** - None.

9. **TASK FORCE REPORTS**

A. Downtown Action Team

The Downtown Action Team (DAT) is currently working on a mission and direction for the Team. The Chair reported that she was elected Chair of the DAT. Her Chairmanship of the Planning Commission ends next month.

Ms. Pruitt will have a discussion with the Transit Center Workshop Committee on March 24, 2006.

10. **ADMINISTRATIVE REPORTS**

A. City Council Actions

The City Council adopted most of the Totem Lake Neighborhood zoning. They still have concerns regarding the Par-Mac area relating to the balance between housing and employment. They also are discussing building heights and the design guidelines. A bus tour of the area will be arranged.

Mr. Stewart reported on the Transportation Commission's work program.

Chair reported that the Moss Bay Neighborhood met this week and discussed parking issues.

B. Hearing Examiner Actions - None.

C. Public Meeting Calendar Update - None.

Mr. Katsuyama noted that the new City web page is active.

12. **ADJOURNMENT** - 9:56 PM

Carolyn J Hayek

Chair
Kirkland Planning Commission

Planning Staff
Department of Planning and Community Development

KIRKLAND PLANNING COMMISSION
April 27, 2006

1. **CALL TO ORDER/ROLL CALL - 7:02 p.m.**

Members Present: Matthew Gregory, Janet Pruitt, Karen Tennyson, Byron Katsuyama, Carolyn Hayek, Chair, Kiri Rennaker, and Andrew Held.

Members Absent: None.

Staff Present: Eric Shields, Paul Stewart, Joan Lieberman-Brill, Angela Ruggeri; Edward Starkie, Consultant

2. **ANNOUNCEMENT OF AGENDA - 7:02 p.m.**

3. **REQUESTS FROM THE AUDIENCE - 7:02 p.m.**
None.

4. **PUBLIC HEARINGS - 7:03 p.m.**
None.

5. **STUDY SESSIONS - 7:03 p.m.**

A. **Norkirk Neighborhood Update - IV-03-27 - 7:01 p.m.**
Ms. Lieberman-Brill gave an overview of this evening's items. The Commission will be asked to consider and direct changes to the Norkirk Neighborhood Plan draft policies, narrative, and maps, and review and further refine revisions that were made to remaining sections of the draft considered at their March 23rd meeting. Also, Staff requests direction on discussion topics. She asked if there were any comments from the audience regarding this matter.

Jeff Peterson, 1112 First Street, Kirkland, reviewed his comments from the last meeting. He also said that he has not heard a lot of comments in favor of change in present codes. He said that the majority of those present at a recent Norkirk Neighborhood meeting were in favor of no change.

Robert Stonefelt, 901 First Street, Kirkland, displayed "Map 5" of RS 7.2 showing the density of undersized lots there.

Public comments were closed at this time.

Ms. Lieberman-Brill reviewed attachments to her April 19, 2006 memo to the Commission as well as new maps that were distributed to Commission members. Staff is requesting direction

from the Commission regarding change of land use in the Norkirk LIT Zone, in the following areas:

1. South of 7th Avenue, west of 8th Street: should this be changed from Light Industrial to focus more on office use?
2. East of 8th Avenue, south of 7th Street: should this focus less on Office and more on Auto and Service commercial uses?
3. Northern portion of Industrial zone, on the border between the residential and LIT zone, should Live/Work lofts be allowed as a transitional use?

Ms. Lieberman-Brill invited Mr. Starkie to speak regarding his April 18, 2006 memo to the City that is Attachment 10 to her April 19, 2006 memo to Commissioin.

Mr. Starkie said that he looked at the viability of the Industrial use of the area, whether some reinforcement can be offered for existing businesses, and whether there is a way to effect a better, more smooth transition between the Light Industrial and Residential areas. He and Staff answered Commissioners' questions. There was extensive discussion.

Ms. Lieberman-Brill asked if the ideas Mr. Starkie put forth are worth pursuing or should Comp Plan policy be kept as-is.

Chair led discussion regarding each issue:

1. Should Office use be encouraged in the area with Increase Height west of 8th Street & south of 7th Avenue?

There was discussion.
Commission decision: Offices should be encouraged with increased height and, because the area is a gateway, a gateway feature should be required. In the case of surface parking and under-building parking, a landscaped screening requirement should be imposed and there should be significant landscaping requirements in the required setbacks.

2. Should area south of 7th Avenue, east of 8th Street be Service and Auto retail-oriented, restricting stand-alone offices, and allow accessory offices (deemphasize office)?

There was lengthy discussion.

Commission decision: Continue to allow Office for the entire zone, as it is now.

3. Should we explore the Live/Work loft concept to make it more viable?

There was discussion.

Commission decision: Direct Staff to pursue the Live/Work concept as applies to the entire zone and have that reflected in the Comp Plan, with a restriction of certain attributes, e.g., noise, within 100' of a single-family zone.

Ms. Lieberman-Brill referred to Planned Area 7. Staff wishes to retain existing land use and

density, except eliminate from the mix of uses in that zone, Office. Existing Office is non-conforming already. Commission concurs.

Staff also wants to eliminate two obsolete general regulations; Commission concurs.

Ms. Lieberman-Brill addressed Legislative Rezones as discussed in her memo. Staff is requesting Commission's approval to include these matters in a public hearing:

1. Rezone from RS 12.5 to RS 7.2 to 32 21st Place and 100 20th Avenue. Ms. Rennaker recused herself from this decision as one of the properties is her home. There was discussion.
Commission decision: Commission concurs with rezone.

2. Rezone from RS 12.5 to RS 7.2: 558 20th Avenue. Staff recommends **against** this rezone request. There was discussion.
Commission decision: Commission does not concur with staff recommendation that this should not be rezoned and wishes to include the matter in the public hearing.

Chair declared a five-minute break. - 9:02 p.m.

Chair reconvened the meeting. - 9:10 p.m.

Ms. Lieberman-Brill reviewed Land use patterns, requesting direction from the Commission on whether or not to proceed with exploring limited lot size reduction in a limited area of Norkirk's RS 7.2 zone. She referenced maps attached to her memo. There was lengthy discussion.

Ms. Lieberman-Brill reviewed the current standard, Goal H-3 and Policy H-3.1 that support further lot size reduction in limited cases. She asked the Commission to consider whether this Citywide policy should be implemented in the area west of 2nd, where a cluster of nonconforming lots is located. There was extensive discussion.

Ms. Pruitt questioned whether Council was rejecting rezoning land at RS 5.0 as stated on Page 3 of the April 19 memo, or if they were rejecting the PARs that were requesting the 5.0 zoning. Ms. Lieberman-Brill and Mr. Shields spoke to that issue, and concluded that Council was rejecting the PAR's.

Mr. Shields addressed the Commissioners' question about rezoning being a context issue. There was discussion about maintaining the character of the neighborhood, growth management, and comparison to other cities.

Commission directed Staff to pursue the following issues for the public hearing:
1. Flexibility and equity standard based on the context
2. Historic Preservation (character of the neighborhood)
3. Housing that is more affordable than generally available in the neighborhood as defined by size (having a smaller FAR)

Chair requested comments from the audience.

Robert Stonefelt said he would welcome a conversation with City Staff and a member of the Planning Commission to discuss this issue at length as he feel he has something valuable to contribute to this issue. He requested information regarding the formula being used to arrive at a percentage, keyed off of lot sizes, per the subdivision lot size reduction flexibility standards.

Mr. Shields answered that this formula was used to accommodate one additional lot in a subdivision, if there were a shortage in a subdivision of not more than 15% of one lot's square footage. Commission assured Mr. Stonefelt that his input, including e-mails, will receive great attention from the Commission.

Chair closed comments.

Ms. Lieberman-Brill continued, directing the Commission's attention to Attachment 1 of the memo.

At 10:23 p.m., Mr. Held excused himself from the remainder of the meeting due to an ear infection.

Commission discussed Attachment 1 at length, page by page. They suggested some clarifying corrections and will e-mail Ms. Lieberman-Brill with additional verbiage changes. Staff talked about proposed policy changes and answered Commission's questions.

Ms. Lieberman-Brill pointed out the Urban Design map and expanded on the detail. There was some additional discussion.

6. **UNFINISHED BUSINESS - 10:55 p.m.**
   None.

7. **NEW BUSINESS - 10:55 p.m.**
   None.

8. **READING AND/OR APPROVAL OF MINUTES - 10:55 p.m.**
   None.

9. **TASK FORCE REPORTS - 10:55 p.m.**

Mr. Gregory reported that he and Ms. Pruitt joined City Council on a bus tour to view the Par Mac area. Council will have a public hearing on revisions zoning. There was discussion about concurrency.

Chair announced Transit Center events scheduled for May 25:
1. Morning workshop for those who were previously involved in the workshop.
2. Open House 5-7 p.m. at the Teen Center.

Ms. Tennyson said Sound Transit and Evergreen Hospital are very close to an agreement and to starting the building previously discussed.

Mr. Gregory reported that Kirkland Kiwanis had a presentation regarding the 520 Bridge project. He said that the cheapest option proposed is a four-lane replacement of the bridge with

KIRKLAND PLANNING COMMISSION
May 25, 2006

1. **CALL TO ORDER/ROLL CALL**

Members Present: Matthew Gregory, Janet Pruitt (Chair), Karen Tennyson, Byron Katsuyama, Carolyn Hayek, Kiri Rennaker, and Andy Held.

Members Absent: None.

Staff Present: Eric Shields, Paul Stewart, Angela Ruggeri, Joan Lieberman-Brill, Dan Fisher of the Kirkland Transportation Commission, and Dave Godfrey of the Public Works Department.

2. **ANNOUNCEMENT OF AGENDA**

Chair announced the following change in the agenda under "Study Sessions":

A. Transportation Commission comments (Market & Norkirk)
B. Light Industrial Zone - Norkirk
C. Norkirk Working Group Comments
D. Lot Size Discussion (Market & Norkirk)
E. Norkirk Plan
F. Market Street Corridor Subarea Draft Plan
G. Market Plan

3. **REQUESTS FROM THE AUDIENCE**

Chair invited audience comments not germane to the agenda. There was none. She invited comment regarding Norkirk or Market.

Peter Loft, 1214 Sixth Street, complimented the City on being responsive. He relayed traffic problems and indicated a need for more speed control and traffic calming, especially on the collector streets.

Guy Gilbo, 448 Seventh Avenue, agrees wih Mr. Loft. He doesn't feel the traffic calming circles work and feels traffic is out of control. He does not want garages included in FAR statistics.

Marie Staaf, 1675 Tenth Street West is on the Market Working Group. She does not favor increased flexibility for subdividing because of higher density, more traffic, and effect on property values. Affordable housing should be constructed for long-term viability. Landscape buffers should be high enough to provide noise, dust, and view barriers between commercial and residential areas. She provided the Commission with a copy of an e-mail she had written to them.

4. **STUDY SESSIONS** - Market & Norkirk Neighborhoods Draft Plans and Market Street Corridor Subarea Draft Plan - File No. IV-03-27

A. Transportation Commission Comments (Market & Norkirk)
Mr. Fisher spoke to the transportation issues of the two plans. He began with responses to questions that Commissioners had put to him. The Transportation Commission reviewed functional classifications for some streets between Market & Norkirk Neighborhoods and they did not feel there is a need to change those classifications.

Mr. Fisher said that the Transportation Commission favors retaining bike routes and connecting them. The Transportation Commission would favor adding crosswalks only if there were a median in the road, as on 11th and 12th Streets. Mr. Fisher said that the Transportation Commission feels that, in general, they had no issues with the text or spirit of the Market Plan. There was some discussion.

In response to Mr. Held's question, Mr. Godfrey spoke to the specifications of a collector street. There was discussion.

Mr. Fisher said that the Transportation Commission does not feel that non-motorized connections to Forbes Creek at First and Third are feasible. He expanded on that issue. He said the Commission sees no need to change collector identified in the plan. Mr. Fisher reported that the Transportation Commission discussed cut-through traffic in Norkirk. They received input from the neighborhood on this issue. They felt that Goal N.10 is sufficient to address cut-through traffic. Mr. Fisher said that the Transportation Commission feels that in general, they had no issues with the text or spirit of the Norkirk Plan.

There was discussion regarding the Market Street Corridor Subarea. It was stated that the Market Street Task Force is searching for an acceptable idea that makes important differences in traffic on Market Street during commute times.

Chair thanked Mr. Fisher and Mr. Godfrey for their report.

B. Light Industrial Zone - Norkirk
Ms. Lieberman-Brill referred to her May 17, 2006 memo with attachments, to the Commission. She discussed the Live/Work issue. She said that research revealed that the mixed land use is likely to revert over time to residential uses. Staff's goal is to strive for an industrial base. So, Staff feels it is appropriate to limit the Live/Work option to the historic Kirkland cannery site. There was discussion regarding this matter and land use buffers. Commission concurred that the Live/Work option be eliminated from the light industrial area other than the cannery.

C. Norkirk Working Group Comments
Ms. Lieberman-Brill reported that the Norkirk Working Group met May 17 where two members attended, along with Staff. A comments summary was e-mailed to Commissioners. The Overview includes more content than the preexisting plan. The City Council briefing is scheduled for June 20 whereupon the Plan will come back to this Commission with City Council's comments on June 22. There was discussion regarding the Working Group's comments. Mr. Held and Mr. Gregory offered comments and suggested revisions regarding the Overview that they feel overemphasizes the residential aspect of Norkirk. There was discussion and direction was provided Staff on rewording.

Ms. Lieberman-Brill said that the Working Group felt that the topography should be recognized as serving a transition between the neighborhoods. Commissioners feel that they need additional time to review this issue.

The Planned Area 7 text was addressed by Ms. Lieberman-Brill. There was discussion about the Commercial area language; Staff will come back with some revisions.
The Working Group agreed to limiting office use in PLA7B only to the lot on the corner of 4th Avenue and 4th Street where an existing non-conforming office is located.

The Working Group asked that the Industrial Land Use section incorporate existing standards to ensure impacts will be minimized. Proposed new language was discussed. Staff will come back to the Commission with revised text.

No change was suggested by the Working Group on the Transportation Section. The Working Group was cautious regarding the Lot Size topic but wanted continued discussion.

The Working Group wants to learn what the surrounding residents think of the Legislative Rezones at the north end of the neighborhood. Mailed notices will be sent to affected residents in the neighborhood and notices will be posted.

This concludes the Working Group comments.

Chair declared a short break at 8:33 p.m.

Chair reconvened the meeting at 8:45 p.m.

D. Lot Size Discussion (Market & Norkirk)
Ms. Lieberman-Brill continued with her PowerPoint presentation and gave an overview of the three options that would allow reduction of lot sizes in these neighborhoods when specific public benefits can be demonstrated.

The first was the Context Option that would provide equity when dealing with lots that are in proximity to undersized lots. The second is the Historic Option that is meant to preserve historic homes. The third is the Compact Single-Family Option meant to preserve existing small homes and/or allow an incentive to create smaller homes.

Ms. Lieberman-Brill discussed the proposed greater lot size flexibility, referencing color-coded maps. Extensive Commission discussion followed.

The idea of combining various options was explored. ADU's were discussed as well as subdividing and siting of homes. The economics of buying land and building homes was discussed.

Mr. Gregory proposed eliminating the methods discussed in the memo to address the Context Option, but to instead rezone a new limited area to RS 6.0 and implement the Historic and Compact Single Family Options. There was consensus on this idea.

Mr. Shields pointed out various Norkirk Neighborhood lots on the maps. Boundaries for

the new zoning were considered. They sugested that a rezone should be pursued between 2nd Street and the PR zone in the Market Street Corridor, and between 14th Avenue and 8th Avenue. City Council will be giving Staff further direction and public comment will be invited.

Ms. Ruggeri referenced the additional materials packet and pointed out Market Neighborhood lots on the provided map. Commissioners stated they have no interest in the Context Option for the Market Neighborhood.

Historic houses were discussed and ideas were explored as to how to define them. Minimum lot size and house standards were discussed for the Historic option. Commission proposed a 5,000 sq ft minimum lot size. For properties that have at least 12,200 square feet, they proposed a 5,000 sq. ft. minimum lot size for the compact single family option. Staff will provide a spreadsheet for a future meeting of the Commission, demonstrating how these options would work.

Ms. Lieberman-Brill requested comments about the Norkirk Plan. Commission will provide edits to her.

Chair invited public comment on items discussed.

Robert Stonefelt, 901 First Street, supports equity for all residents. Mr. Shields confirmed that the kind of equity Mr. Stonefelt supports would be allowed.

Sharon Parzino, 128 Twelfth Avenue requested clarification on issues discussed by the Commission. She supports rezone to 6.0.

Mike Nykreim, 101 Tenth Avenue, spoke about the State of Washington growth management policy. He supports rezone to 6.0. He wants the Commission to stick to the Comprehensive Plan.

Chair, noting no further request for audience participation, closed public comment.

Mr. Held excused himself from the meeting at 10:29 p.m.

E. Norkirk Plan
Ms. Lieberman-Brill spoke about Planned Area 7B. Under current zoning regulations, property in CBD7 Zone south of 4th Avenue can be redeveloped as residential with mixed commercial use. There is only one office in that area and it is non-conforming. There was discussion and Commission expressed their desire to limit the office option to that one site. Commission commented on language of the plan.

F. Market Street Corridor Subarea Draft Plan
Ms. Ruggeri called the Commission's attention to language changes.

G. Market Plan
Ms. Ruggeri referenced a potential rezone at 1230 and 1250 4th Street West, as described in Commission's packet. Staff recommends that it be left at PR 3.6. Commission concurs. She also questioned whether Policy M 7.3 should be left in the

KIRKLAND PLANNING COMMISSION
June 22, 2006

1. **CALL TO ORDER/ROLL CALL** - 7:00 p.m.

Members Present: Matthew Gregory, Carolyn Hayek, Andy Held, Janet Pruitt (Chair), Kiri Rennaker, and Karen Tennyson.

Members Absent: Byron Katsuyama.

Staff Present: Eric Shields, Paul Stewart, Joan Lieberman-Brill, and Angela Ruggeri.

2. **ANNOUNCEMENT OF AGENDA** - 7:00 p.m.

3. **REQUESTS FROM THE AUDIENCE** - 7:00 p.m.

Chair invited public comment regarding items not on the agenda.

Per-ola Selander, 10830 101th Avenue NE, encouraged the Commission to look at the soul of Kirkland, made up of diverse houses and neighborhoods.

Hearing no further requests, Chair closed public comment.

4. **PUBLIC HEARINGS** - None

5. **STUDY SESSIONS** - 7:04 p.m.

A. **Norkirk Neighborhood Draft Plan - File No. IV-03-27** - 7:04 p.m.

It was reported by Ms. Lieberman-Brill that Staff would review the Norkirk Neighborhood issues and Draft Plan, the Market Street Corridor Subarea Draft Plan, and Market Neighborhood issues and Draft Plan. Prior to the meeting, she had provided the Commission with a memorandum dated June 14, 2006 on this subject.

Ms. Lieberman-Brill summarized City Council's comments regarding related subjects. Regarding the **Industrial Zone**, Council upheld the direction of the Planning Commission:
- to continue to maintain the established focus of the LIT Zone in the entire area,

- to change to an office focus at slightly increased height (40' above average building elevation, allowing three stories of office with parking underground), south of 7th and west of 8th, and
- to allow live/work lofts or other uses identified in the Kirkland Cultural Council Study at the Kirkland Cannery to encourage retention of the historic structure.

Staff will need Commission's direction as to how to implement the changes indicated. Ms. Lieberman-Brill said that Staff will provide follow-up drafts and information by the August 10 meeting.

Chair invited comments from the audience.

Robert Stonefelt, 901 First Street, Kirkland, reported that he supported the Planning Commission on various points, at the City Council meeting. He appreciates Staff and the Commission.

Sharon Parzino, 128 Twelfth Avenue, said she and her neighbors feel the Commission has bent over backwards to address everyone's issues regarding lot size in Norkirk. She feels citizens should be educated to understand the maps and Zoning Code.

There being no further comment, comments were closed. Commission discussed the Industrial Zone and directed Staff to implement thes few changes through special regulations in the LIT Zone to allow increased height for office use south of 7th Avenue and west of 8th Street.

Ms. Lieberman-Brill reported that regarding **Lot Size**, a majority of Council wants to go forward with the rezone of a limited area. Council asked that the Commission proceed with caution and measure public's acceptance during a public hearing that will occur in September. Council is concerned that the resulting dwelling units be compatible with the neighborhood.

Ms. Lieberman-Brill reported that Council wants to go forward with the **Historic Preservation Option** and feels that the Commission is very creative in dealing with issues before them, trying to preserve historic structures.

Council wants to go forward with the **Compact Single Family Option**. Ms. Lieberman-Brill opened discussion regarding each option to gain feedback from the Commission so that Staff can bring back policies for Commission's approval on August 10. Implementation regulations for this option will be written after the September public hearings for the Historic Preservation and Compact Single Family Options.

Ms. Lieberman-Brill reviewed that, for the Historic Preservation Option, the

existing subdivision flexibility standards should not apply. There was Commission and Staff discussion about this option. This option would allow lots of at least 10,000 square feet with a historic structure to divide into two 5,000 square foot lots as long as the historic structure is retained on one of the lots.

The **Compact Single Family Option** was addressed. Council is supportive of going forward with this option and want to hear what the public has to say about this. Mr. Shields commented on the Council's reaction to options presented. There was extensive discussion regarding the minimum lot size and other suggestions about what may be included in this option.

Commissioners reviewed their views on lot size and FAR.

Mr. Shields summarized the majority opinion. Staff will develop policy based on Commissioners' views. The majority support a 12,000 square foot lot divided into 2, with one lot remaining 7,200 square feet, and a second lot of 4,800 sq ft, with a FAR of .3 or .4. They confirmed that the existing subdivision flexibility standards should not apply, and that their intent is to both promote smaller dwelling units and promote more affordable housing.

Ms. Lieberman-Brill referenced the memo and maps for presentation on the **Context Option**. She questioned the Commission on several points on which they provided direction:

a. Determine the area that should be identified for the rezone proposal - Chair Pruitt discussed this and presented rationale to support that it would be best to **cut off the northern boundary at the alley between 12th & 13th**. Commissioners concurred.

b. Should the rezone be to RS 6,000? **Yes, or 6,300 square feet with 10% flexibility.**

c. Would FAR be .5? **Yes**

d. Would all other Single-Family regulations apply to this new zoning classification? **Yes**

e. Would subdivision flexibility standards apply? **Yes**

Ms. Lieberman-Brill reported that City Council agreed with all other direction for the Norkirk Neighborhood plan update. She asked Commission for further comments about the plan draft.

Commission went through the plan, page by page, and commented on substantive changes that they would like Staff to make on the Goals and Policies. Grammatical corrections, if any, will be forwarded to Staff in writing. Commissioners' questions were addressed.

Commissioner Rennaker related the beauty of Palo Alto, California's treescape and suggested that such a plan would benefit Kirkland while

allowing diversity in housing. Mr. Shields related Kirkland's history regarding sidewalk and parkway requirements. Commission discussed this matter.

Chair invited public comment.

Sharon Parzino thanked the Commission for all the work on this matter. She thinks subdividing her property is a property rights issue and wonders what public acceptance has to do with it. Mr. Shields answered her question stating that, in order to make this happen, the law would have to change and the people who make the change must believe that it is in the community's best interest to do so.

Robert Stonefelt thanked the Commission for their thorough work.

Eric Eng, 433 Seventh Avenue, commented about square footage and provided the Commission with some calculations on the Compact Single Family option.

Per-ola Selander said he does not favor subdividing but loves diversity. He related his travel experiences and observation of elements in other cities. He favors treescapes and does not think ADUs are working.

Chair declared a short break.

Chair reconvened the meeting at 9:27 p.m.

B. Market Street Corridor Subarea Draft Plan - File No. IV-03-27 - 9:27 p.m.

Chair invited public comment. There was none.

Ms. Ruggeri said that City Council did not have any comments regarding this matter. She referenced her June 14 memo to the Commission and reviewed the Market Street Corridor Subarea Draft Plan. She heard Commission comments and discussion regarding goals and policies of Attachment 2. Changes were suggested.

Chair invited public comment. There was none.

C. Market Neighborhood Draft Plan - File No. IV-03-27 - 9:50 p.m.

Chair invited public comment.

Thelma Shanks, 815 18th Avenue W, spoke regarding the zoning west of Market subdividing properties. She requests support for her desire to make

DRAFT

Commission discussion and offered changes to item two *Vision Statement.*

Commission discussion and offered changes to item three *Historic Context.*

Commission discussion and offered changes to item four *Land Use.*

Commission discussion and offered changes to item five *Transportation.*

Commission discussion and offered changes to item six *Urban Design.*

The Chair invited public comment. There was none.

This concludes discussion on the Market Neighborhood Plan and Market Street Corridor Subarea Plan.

The Chair called for a break at 8:48 p.m.

The meeting reconvened at 8:57 p.m.

B. **Norkirk - File No. IV-03-27**
Reviewed plan revisions, discussed land use patterns, the Industrial Zone, Planned Area 7, and reviewed zoning code amendments in preparation of public hearing on September 21. Provided direction on plan, zoning amendments, and discussion issues.

The Chair asked for public comment.

1. Robert Stonefelt. 901 1st St, Kirkland. He spoke in favor of the zoning proposal on density.

2. Mike Nykreim 101 10th Ave. He feels that the City is not correctly reporting building activity numbers to King County and the State and we are not meeting Growth Management goals.

3. Sharon Parzino, 128 12th Avenue. Commented in opposition to the small lot single family lot size threshold change that would allow a 12,000 square foot lot to be divided into one 7,200 and one 4,800 square foot lot as she could not see any purpose in making the change.

There were no other comments.

Joan Lieberman-Brill began her presentation of the Norkirk Neighborhood Plan. She described the revised boundry of the area considered for a rezone from RS 7.2 to RS 6.3, and details of the rezone proposal.

The discussion will begin with Land Use Patterns, Industrial Zone, and Planned Area 7 topics. This will be followed by discussion on the draft Norkirk Plan.

Commission discussion on proposed zoning changes.

Ms. Lieberman-Brill confirmed that they will be getting public comment on this whole package during the September 21st public hearing.

Ms. Lieberman-Brill asked for Commission direction on Historic preservation.

Ms. Lieberman-Brill summarized previous discussions on the Small Lot, single family option.

Commission discussion and offered changes to Small Lot, Single Family Option.

Ms. Lieberman-Brill clarified the suggested changes to Small Lot, Single Family Option.

Commission discussion on Industrial Zone.

Ms. Lieberman-Brill gave a brief update of plans for the Cannery Site.

Ms. Lieberman-Brill gave an overview of Planned area 7 zone.

Commission discussion on Planned Area 7 zone.

Ms. Lieberman-Brill asked Commission if there were more edits, and clarified that there could still be changes to the language as needed.

Ms. Lieberman-Brill discussed a call she received regarding the American Legion Building (currently houses the Greek Orthodox Church) and a request for a possible rezone.

Commission discussion on the zoning around this property.

Commission decision not to make any zoning changes for this property.

The Chair asked for more public comment.

1. Robert Stonefelt, 901 1st St, Kirkland. Commented that he would like the Commission to recommend approval of the change to 6.3 zoning and not refer to the 12,000 square foot threshold, but instead use the 12,200 square foot size threshold for the small lot single family option.

2. Sharon Parzino, 128 12th Ave, Kirkland. Reiterated her previous comments and recommended approval of the 6.3 zoning and not give the City Council another size threshold (i.e. the 12,000) for the small lot single family option. Smaller lots is not an option.

3. Mike Nykreim, 101 10th Ave, Kirkland commented in favor of the 6.0-6.3 rezone proposal for the Norkirk area.

6. **UNFINISHED BUSINESS**

7. **NEW BUSINESS**

8. **READING AND/OR APPROVAL OF MINUTES**

None.

9. **TASK FORCE REPORTS**

10. **ADMINISTRATIVE REPORTS**

A. City Council Actions

(1) Floor Area Ratio Study Session

Commission discussion.

B. Hearing Examiner Actions

C. Public Meeting Calendar Update

12. **ADJOURNMENT - 10:41**

Motion to Adjourn
Moved by Karen Tennyson, seconded by Andy Held

Chair
Kirkland Planning Commission

KIRKLAND PLANNING COMMISSION
September 21, 2006

DRAFT

1. **CALL TO ORDER/ROLL CALL - 7:00 PM**

Members Present:	Carolyn Hayek, Andy Held, Byron Katsuyama, Janet Pruitt, Chair, Kiri Rennaker, and Karen Tennyson.
Members Absent:	Matthew Gregory.
Staff Present:	Paul Stewart, Joan Lieberman-Brill, and Angela Ruggeri.

2. **ANNOUNCEMENT OF AGENDA**

3. **REQUESTS FROM THE AUDIENCE** - None.

Chair asked for comments from the audience on items other than the Norkirk Neighborhood Plan or Market Street Subarea Plan.

4. **PUBLIC HEARING**

A. **Norkirk Neighborhood Plan - File Number IV-03-27.** Took public comment on the Norkirk Neighborhood Draft Plan and related zoning changes, and the Market Street Commercial Corridor Subarea Draft Plan. Provided staff with direction. Joan Lieberman-Brill provided background information on the Norkirk Neighborhood Update Project.

Ms. Lieberman-Brill discussed the key issues of the Norkirk Neighborhood Plan, beginning with key issue #1 pertaining to boundry changes at the middle of Market Street and between the Norkirk and South Juanita neighborhoods.

Ms. Lieberman-Brill discussed key issue #2; rezone to RS 6.3, small lot single-family option, Historic Preservation option, policy allowing alternative residential development options to provide housing choices in low density zones within the Norkirk neighborhood.

Ms. Lieberman-Brill discussed key issue #3; Industrial zone and planned area 7. In the industrial area, offices would be encouraged south of 7th Avenue and west of 8th street and an additional five feet in height would be allowed going from 35 feet previously to 40 feet. In PLA 7, standards that have outlined their usefulness would be eliminated adjoining detached dwelling units since that area primarly is a multifamily zone.

Ms. Lieberman-Brill discussed key issue #4; pedestrian routes and cross Kirkland Trail. Pedestrian and bike routes were identified.

She also noted two other city initiated rezones included with the Norkirk Neighborhood Plan. The City is proposing the rezones to bring the zoning in consistency with the predominate RS 7.2 zoning in the neighborhood.

Ms. Lieberman-Brill discussed the Market Street Commercial Corridor Subarea Plan key issues which are mainly to take into account the commercial nature of the Market Street Commercial Corridor between the Norkirk and Market neighborhoods. The key issues are to maintain the development pattern of office and multifamily along the corridor, to designate a historic district, to provide design review for new historic district and review zoning regulations and appropriate retail use.

Ms. Lieberman-Brill also discussed two new private amendment requests. The first is to allow mixed use commercial development in the RS 7.2 zone and the other is to allow limited auto sales in the LIT zone.

Ms. Lieberman-Brill introduced Ellen Miller-Wolfe, Economic Development Manager for the City of Kirkland, to address the limited auto sales proposal.

Ms. Miller-Wolfe gave an overview of why this city initiated rezone should be considered. The Green Car Company is located in Totem Lake and is looking to expand. They are the only North American distributor of smart car and also run an environmental education center. The Green Car Company is also a provider of sales.

Ms. Lieberman-Brill resumed her presentation with a timeline for plan adoption and implementation, and she gave the staff recommendation regarding the timeline for obtaining public comment.

The Chair asked for public comment.

1. Susan Fahnestock, 11630 Slater Ave. NE, #3, founder of the Green Car Company and Norkirk resident. Spoke in favor of rezone. She pointed out that The Green Car Company does not have retail displays, balloons, streamers, etc.

2. Pete Bartnick, 313 11th Place. Asked for clarification of the small lot single family option. Felt the plan really addressed the future of Norkirk and is thrilled with the recommendations.

3. Manny Mankowski, 1510 5th Place. Commented on the character of Norkirk as a 27 year resident and feels it has lost its character. Wishes for smaller homes.

4. Mary Redmayne, 1843 3rd Street. Would like to see stronger language on cut through traffic. Unhappy with the increased density. Commented on the Green

Car proposal and would like the Commission to do something visionary.

5. Greg Slayden, 1314 4th Place. Questioned FAR. Expressed support for points that address house size. Encouraged Commission regarding the Cross Kirkland Trail to preserve the corridor as a rail corridor.

6. Timothy Onders, 9825 Forbes Creek Drive. Commented on neighborhood boundries. Requests their home be included in Norkirk neighborhood rather than South Juanita neighborhood.

7. Tracy Hendershott, 1314 4th Place. Commented on rezoning, railroads, and traffic. Encouraged by proposed language for small houses in the draft.

8. Tom Sherrard 558 20th Avenue. Concerned with rezone of his property. In favor of smaller homes for diversity of housing sizes.

9. Judi Radloff, 504 19th Place. Spoke against proposed rezone of property at 6th Street & 20th Avenue. Supports innovative housing. Does not want development on the bluff over Forbes Creek.

10. Krista Kanale-Fay, 1334 2rid Street. Supports innovatve housing and cottage houses but is against the idea to have common walls. Spoke in favor of the 12,200 square foot option. Also, traffic in the neighborhood is very disturbing.

11. Armene Wegener, 1325 1st St. Questioned if developers will increase the height of homes if required to make them smaller. Spoke against the common walls.

12. Ardell Della Loggia, 127 10th Ave. Does not think it is fair to exclude ADU's from FAR. Commented that it's difficult to find small lots.

13. Ed Irwin, 1917 6th St. Spoke in favor of keeping the railroad. In favor of the Green Car Co. Not in favor of attached housing or duplexes. Against rezoning Sherrard property. Cottage Housing doesn't provide affordability. Commented on behalf of his wife who has concerns with the traffic and feels the roundabouts do not seem to be working.

Commission addressed the audience to clarify the term innovative housing and also traffic calming.

14. Tim Olson, 1571 3rd Street. Spoke regarding small lot single-family option. The incentive for developers to construct a small house may not be there.

15. Mike Nykreim, 101 10th Avenue. Stated that it is possible to have good designs on small lots and make them affordable too. Feels there are good ideas in the plan.

16. Bill Gauthier, 912 1st Street. Owns a 4,000 square foot home on a 6,300 square foot lot. Affordability is a relative term.

17. Robert Stonefelt, 901 1st Street. Supports rezoning to RS 6.3.

18. Bob Martin, 1918 4th Place. Spoke in favor of the rezone.

19. Perola Selander, 10830 101st Avenue NE. Opposes the neighborhood boundry adjustment from Norkirk to Juanita. Happy to hear people discussing the look and feel of the neighborhood and traffic calming issues.

20. Jill Thomsen, 1312 1st St. Concerned about the rezone and how increasing the density will impact the traffic.

21. Neil Sadis, 1530 2nd Street. In favor of rezoning and preserving historic sites.

22. Jill Thomsen spoke again to ask commission why the rezone to RS 6.3 is changed at the half block. Commission responded.

23. Sharon Parzino, 128 12th Avenue. Noted that this has been a two year process rather than one year as noted previously by the Economic Development Manager. Appreciates the Commissions consideration of the process. In favor of the rezone.

24. Krista Kanale-Fay clarified concerns regarding traffic.

25. Pam Jordan, 307 9th Ave. Lives in a historic home that is under 800 square feet. Questioned whether the Commission feels her house is of historical value and worth keeping because they have considered remodeling like others in the area.

26. Tracy Hendershott, 1314 4th Place. Spoke again regarding quality of house materials.

27. Pete Bartnick, 313 11th. Spoke to Pam Jordan regarding her historic home Likes the idea of ADU's, but not big ADU's in the front.

28. Tim Olson, 1571 3rd Street. Spoke about historic homes and the traffic calming measures in Norkirk. Was on the original task force to develop the current traffic calming devices. Commented that you can't control the behavior of drivers.

29. Bill Gauthier spoke again to question the commission on how many lots are involved.

30. Mary Redmayne spoke again about traffic.

The Chair called for a break - 8:59 PM

The meeting was reconvened at 9:12 PM.

The Chair asked for instruction. Commission discussed and offered changes to item one, Norkirk Overview. Offered no changes to item two, vision statement. Discussed item three, Historic Context.

Ms. Ruggeri suggested changes to mirror changes made to Market Plan. The Commission discussed item four, Natural Environment, and rezone of property.

Commission discussed and offered changes to item five, Land Use and offered changes to planned area 7.

Ms. Lieberman-Brill responded to commission questions regarding the allowance of the Green Car Company.

Continued discussion on LIT and offered changes to item six, Transportation.

Commission requests to add language in 3.2 to rezone to 6.3 to match existing lot sizes. Identified preferred routes to the neighborhood to and from city facilities.

Discussion of Open Space/Parks. No changes to item eight Public Services/Facilities. Discussion on item nine, Urban Design. Commission offered changes to the neighborhood boundary between Norkirk and South Juanita. Commission did not make any changes to the Market Street Corridor Plan since changes have already been offered during the previous Planning Commission meeting.

Commission questioned the issue of primary route to City Hall. Staff responded. Continued discussion on the Green Car Company PAR and whether it should be considered at this late date.

Susan Fahnestock questioned why the Green Car Company doesn't have the car sales portion of the business in Totem Lake and the repairs portion in the LIT zone. Susan Fahnsestock responded. The Commission continued discussion on LIT zone.

Ms. Miller-Wolfe addressed the Commission regarding their concern that retail may trump other industrial uses like fueling stations, etc. Staff responded to questions of the Commission.

Commission agrees to allow the Green Car Company to be considered at a future meeting.

Motion to continue the public hearing to October 12, 2006 and to close the hearing for oral testimony.
Moved by Andy Held, seconded by Karen Tennyson
Motion to schedule a public hearing on October 12, 2006 to obtain public comment on the proposal to allow limited automobile use and sales in LIT zone.
Moved by Carolyn Hayek, seconded by Matthew Gregory

Mr. Stewart suggested the order in which the Commission should hold the

hearings should be to hear the Market Street Neighborhood Plan first, then Norkirk neighborhood followed by the LIT zone and Zoning Code on October 12th.

5. **STUDY SESSIONS** - None.

6. **UNFINISHED BUSINESS** - None.

7. **NEW BUSINESS** - None.

8. **READING/APPROVAL OF MINUTES** - None.

9. **TASK FORCE REPORTS**

Ms. Hayek discussed Downtown Action Team and her role as chair.

10. **ADMINISTRATIVE REPORTS**

Chair reminded commissioners of the need to use the queing system when commenting.

A. City Council Actions

FAR study session to be discussed during City Council meeting on September 26th.

B. Hearing Examiner Actions - None.

C. Public Meeting Calendar Update
* Council Study Session on FAR Regulations - Sept. 26 at 7:00 PM
* Public Forums on Shoreline Master Plan - Sept 18th and Sept 30th

* No meeting on September 28th

Mr. Stewart encourages commissioners to attend the Shoreline Master Program meeting Sept. 30th, 8:30 AM.

11. **COMMENTS FROM THE AUDIENCE** - None.

12. **ADJOURNMENT** - 11:00 PM

Chair
Kirkland Planning Commission

KIRKLAND PLANNING COMMISSION
October 12, 2006

DRAFT

1. CALL TO ORDER/ROLL CALL - 7:01 PM

Members Present: Matthew Gregory, Carolyn Hayek, Andy Held, Byron Katsuyama, Janet Pruitt, Chair, and Kiri Rennaker.

Members Absent: Karen Tennyson, Vice Chair.

Staff Present: Joan Lieberman-Brill, Ellen Miller-Wolfe, Economic Development Manager, Angela Ruggeri, Eric Shields, and Paul Stewart.

2. ANNOUNCEMENT OF AGENDA

3. REQUESTS FROM THE AUDIENCE

None.

4. PUBLIC HEARINGS

A. **Miscellaneous Zoning Code Amendments, File No. ZON06-00001.** Continue the public hearing on, and further consideration of, proposed zoning code amendments.

Due to the full agenda, the Chair asked for a motion to move the public hearing on Miscellaneous Zoning Code Ammendments. The Chair asked for public comment first, there were none.

Motion to Continue to continue the public hearing on, and further consideration of, proposed zoning code amendments.

Moved by Matthew Gregory, seconded by Andy Held
Vote: Motion carried 6-0
Yes: Matthew Gregory, Carolyn Hayek, Andy Held, Byron Katsuyama, Janet Pruitt, Chair, and Kiri Rennaker.

B. **Market Neighborhood Draft Plan and Market Street Commercial Corridor Subarea Draft Plan, File No. IV-03-27.** To considered the additional written comments received since the 9/14 meeting on the two plans and the related zoning changes, and to finalize the Commission's recommendation to the City Council.

Mr. Stewart responded to Commission questions regarding point of order procedure.

Karen Tennyson, Vice Chair, joined the meeting.

Angela Ruggeri presented the written comments that had been received since the September 14th meeting. The Chair closed the hearing to further public comment.

Commission discussion on the Market Neighborhood Draft Plan.

Motion to Approve Market Neighborhood Draft Plan File No. IV-03-27
Moved by Karen Tennyson, Vice Chair, seconded by Matthew Gregory

Commission discussion on the Market Neighborhood Draft Plan.

Vote: Motion carried 7-0
Yes: Matthew Gregory, Carolyn Hayek, Andy Held, Byron Katsuyama, Janet Pruitt, Chair, Kiri Rennaker, and Karen Tennyson, Vice Chair.

Ms. Ruggeri asked the Commission to consider each zoning change, starting with 805 & 815 14th Ave West.

Motion to Recommend the zoning change on 14th Avenue West.
Moved by Carolyn Hayek, seconded by Karen Tennyson, Vice Chair
Vote: Motion carried 7-0
Yes: Matthew Gregory, Carolyn Hayek, Andy Held, Byron Katsuyama, Janet Pruitt, Chair, Kiri Rennaker, and Karen Tennyson, Vice Chair.

Motion to Recommend the rezone at 1611 Market Street of the parking lot.
Moved by Carolyn Hayek, seconded by Matthew Gregory
Vote: Motion carried 7-0
Yes: Matthew Gregory, Carolyn Hayek, Andy Held, Byron Katsuyama, Janet Pruitt, Chair, Kiri Rennaker, and Karen Tennyson, Vice Chair.

Commission discussion on Market Street Commercial Corridor Subarea Plan. Ms. Ruggeri pointed out slight changes that have been made.

Commission discussion on transportation.

Motion to Recommend adoption of Market Street Commercial Corridor Subarea Plan to Council as written with the edits.
Moved by Kiri Rennaker, seconded by Carolyn Hayek
Vote: Motion carried 7-0
Yes: Matthew Gregory, Carolyn Hayek, Andy Held, Byron Katsuyama, Janet

Pruitt, Chair, Kiri Rennaker, and Karen Tennyson, Vice Chair.

Ms. Ruggeri discussed the timeline of the Market Neighborhood Plan. The recommended plan will be presented to City Council on November 21, followed by Plan adoption in December. The Code Ammendments will be discussed after the first of the year.

Mr. Shields added that the Commission should also discuss how these plans will be presented to City Council.

C. **Norkirk Neighborhood Proposal to allow limited automobile sales in the LIT Zone File No. IV-03-27**

The Chair asked the Commission to consider the Norkirk Neighborhood Draft Plan and the Proposal to allow limited automobile sales in the LIT at the same time.

Mr. Shields clarified that the public hearing for the Norkirk Neighborhood Plan is closed, but the public hearing regarding limited automobile sales in the LIT zone is still open as it was continued from the previous meeting.

Joan Lieberman-Brill began her presentation on the Norkirk Neighborhood Plan. She summarized the schedule they would follow on their recommendation to City Council for the Norkirk Neighborhood Plan.

Ms. Lieberman-Brill began her public hearing overview of the Automobile Sales Proposal in Norkirk LIT Zone.

Ms. Lieberman-Brill summarized the plan, and was available for questions.

Ms. Lieberman-Brill responded to questions regarding signage.

Ellen Miller-Wolfe, economic developer for the City of Kirkland began her presentation on the proposal to allow limited automobile sales in the LIT zone, specifically the Green Car Company.

Ms. Miller-Wolfe responded to questions regarding green businesses.

Ms. Lieberman-Brill concluded her presentation. She reminded the Commission of the written comments that were received on those aspects of the plan other than the automobile sales proposals and should be considered along with the public comments to be heard tonight.

The Chair invited public comment on Limited Auto Sales in the LIT zone.

1. Don Fahnestock of the Green Car Co., 1225 5th Place. Spoke for allowing limited auto sales in the LIT zone.

2. Jim Bowman of the Green Car Co., 630 Kirkland Way. Spoke for allowing limited

auto sales in the LIT zone.

3. Greg Rock of the Green Car Co., 7351 23rd Avenue, Seattle. Spoke for allowing limited auto sales in the LIT zone.

4. Susan Fahnestock of the Green Car Co., 1225 5th Place. Spoke for allowing limited auto sales in the LIT zone.

Ms. Fahnestock responded to questions of the Commission.

5. Pher Holmberg, 1130 8th St (business address). Had clarifying questions regarding the operations practices of limited auto sales. Is undecided on allowing limited auto sales in the LIT zone.

Mr. Holmberg responded to questions from the Commission.

Ms. Fahnstock responded to Mr. Holmberg's and Commission's questions and concerns regarding the business activity.

Pher Holmberg commented on the current signage in the area. Also questioned the cars that are currently on the property.

6. Ginger Merrill, 619 9th Avenue. Asked for clarification on the location of the LIT zone, and where this business would like to be located. No comment on the limited auto sales in the LIT zone.

7. Jim Henwood, 7416 NE 122nd St, Kirkland. Spoke on behalf of his son, Jay Henwood, who lives at 1313 5th Street. Spoke against opening the LIT zone to retail.

8. Peter Primeau, lives in Bellevue but owns property (615 7th Ave.) in the LIT zone. Spoke for allowing limited auto sales in the LIT zone.

9. Per-ola Selander, 10830 101st Ave NE. Spoke for allowing this type of limited retail in the LIT zone.

Mr. Shields had responses to some of the issues that were raised during public comment. He described the different uses in this zone, and the signage/lighting that are currently allowed.

Ms. Lieberman-Brill summarized the SEPA study that was done.

Commission discussion on traffic.

Commission discussion on zoning code language.

Planning staff responded to questions of the Commission regarding limitations to current businesses on allowable retail sales.

Commission discussion on use zone chart, and how green companies could be

encouraged.

Mr. Shields suggested options to include a green zone into the use zone chart.

Commission discussion on attracting other green businesses.

Ms. Fahnestock responded to Commission questions on the impact of waiting six months or more in order for the Commission to refine the use zone chart.

Commission and staff discussion on LIT zone uses, and introduction of retail to this area.

Commission and staff discussion regarding options for adopting interim zoning code.

Ms. Miller-Wolfe responded to comments regarding the choice of location of The Green Car Company.

Commission further discussion on limited retail in the LIT zone.

Mr. Shields addressed Commission comments with ideas of how to proceed in order to allow this use.

Commission discussed ways to proceed.

Motion to close the public hearing on the Norkirk Neighborhood Proposal to allow limited automobile sales in the LIT Zone.
Moved by Andy Held, seconded by Matthew Gregory
Vote: Motion carried 7-0
Yes: Matthew Gregory, Carolyn Hayek, Andy Held, Byron Katsuyama, Janet Pruitt, Chair, Kiri Rennaker, and Karen Tennyson, Vice Chair.

Motion to recommend to City Council adoption of the Draft Norkirk Plan and miscellaneous plan changes as listed during Ms. Lieberman-Brill's presentation.
Moved by Andy Held, failed due to lack of second.
Motion to Recommend for adoption the draft language in the Norkirk Neighborhood Plan and its policy N7.2 and the encompassing zoning code language that talks about allowing limited auto sales in the LI zone.
Moved by Kiri Rennaker, seconded by Byron Katsuyama
Vote: Motion carried 4-3
Yes: Carolyn Hayek, Byron Katsuyama, Janet Pruitt, Chair, and Kiri Rennaker.
No: Matthew Gregory, Andy Held, and Karen Tennyson, Vice Chair.

The Chair called for a break at 10:02

The Chair resumed the meeting at 10:11

Motion to further recommend to Council that PC will continue to look at the Green Zone area in the LI zone, what it looks like and set forth that vision, and whether it applies to

other LI zones in the City.
Moved by Kiri Rennaker, seconded by Andy Held
Vote: Motion carried 7-0
Yes: Matthew Gregory, Carolyn Hayek, Andy Held, Byron Katsuyama, Janet Pruitt, Chair, Kiri Rennaker, and Karen Tennyson, Vice Chair.

Motion to look at this again in 2007.
Moved by Janet Pruitt, Chair, failed due to lack of second.
Staff recommended options for specific language to use to clarify the zoning code use chart.

Motion to adopt the proposed language change to the general regulation, and add a special regulation number eight that was submitted by Eric Shields.
Moved by Carolyn Hayek, seconded by Byron Katsuyama
Commission and staff discussion on clarifying revised language for the previous motion.

Vote: Motion carried 7-0
Yes: Matthew Gregory, Carolyn Hayek, Andy Held, Byron Katsuyama, Janet Pruitt, Chair, Kiri Rennaker, and Karen Tennyson, Vice Chair.

Motion to additional edits to the use zone chart; sign category *'C'*, edit to item five the word *supervised* replaced with *accompanied by an employee*, the words *in route* replaced with the word *enroute*, and required review process is chanded to *one*.
Moved by Andy Held, seconded by Karen Tennyson, Vice Chair
Vote: Motion carried 5-2
Yes: Matthew Gregory, Andy Held, Byron Katsuyama, Kiri Rennaker, and Karen Tennyson, Vice Chair.
No: Carolyn Hayek, and Janet Pruitt, Chair.

Commission discussion on Norkirk Neighborhood Plan.

Motion to recommend for adoption the Norkirk Plan goals, policies and narrative.
Moved by Andy Held, seconded by Carolyn Hayek
Commission discussion on Norkirk Plan goals, policies and narrative.

Vote: Motion carried 7-0
Yes: Matthew Gregory, Carolyn Hayek, Andy Held, Byron Katsuyama, Janet Pruitt, Chair, Kiri Rennaker, and Karen Tennyson, Vice Chair.

Motion to forward a recommendation for adoption of the South Juanita neighborhood map, the Kirkland neighborhoods map, the residential densities and comparable zones figure.
Moved by Andy Held, seconded by Karen Tennyson, Vice Chair
Vote: Motion carried 7-0
Yes: Matthew Gregory, Carolyn Hayek, Andy Held, Byron Katsuyama, Janet Pruitt, Chair, Kiri Rennaker, and Karen Tennyson, Vice Chair.

Commission discussion on zoning ammendments.

Motion to adopt the use zone chart as proposed.
Moved by Kiri Rennaker, seconded by Karen Tennyson, Vice Chair
Vote: Motion carried 7-0
Yes: Matthew Gregory, Carolyn Hayek, Andy Held, Byron Katsuyama, Janet Pruitt, Chair, Kiri Rennaker, and Karen Tennyson, Vice Chair.

Motion to recommend for adoption planned area 7A, 7B, 7C use zone charts.
Moved by Andy Held, seconded by Kiri Rennaker
Vote: Motion carried 7-0
Yes: Matthew Gregory, Carolyn Hayek, Andy Held, Byron Katsuyama, Janet Pruitt, Chair, Kiri Rennaker, and Karen Tennyson, Vice Chair.

Motion to recommend for adoption of the LIT zone chart incorporating the motion previously adopted on .195.
Moved by Andy Held, seconded by Matthew Gregory
Vote: Motion carried 7-0
Yes: Matthew Gregory, Carolyn Hayek, Andy Held, Byron Katsuyama, Janet Pruitt, Chair, Kiri Rennaker, and Karen Tennyson, Vice Chair.

Commission discussion on density.

Matthew Gregory left the meeting @ 10:54

Motion to recommend adoption of miscellaneous definitions as corrected.
Moved by Andy Held, seconded by Kiri Rennaker
Vote: Motion carried 6-0
Yes: Carolyn Hayek, Andy Held, Byron Katsuyama, Janet Pruitt, Chair, Kiri Rennaker, and Karen Tennyson, Vice Chair.

Motion to recommend for adoption the rezone of the 82 lots from RS7.2 to 6.3.
Moved by Andy Held, seconded by Karen Tennyson, Vice Chair
Vote: Motion carried 6-0
Yes: Carolyn Hayek, Andy Held, Byron Katsuyama, Janet Pruitt, Chair, Kiri Rennaker, and Karen Tennyson, Vice Chair.

Motion to to recommend for adoption the rezone of 558 20th Ave from RS 12.5 to RS 7.2.
Moved by Andy Held, seconded by Kiri Rennaker
Vote: Motion failed 2 - 4
Yes: Andy Held, and Kiri Rennaker.

No: Carolyn Hayek, Byron Katsuyama, Janet Pruitt, Chair, and Karen Tennyson, Vice Chair.

Motion to recommend for adoption the rezone of 32 21st PL and 100 20th Ave from RS 12.5 to RS 7.2.
Moved by Andy Held, seconded by Karen Tennyson, Vice Chair
Vote: Motion carried 5-0
Yes: Carolyn Hayek, Andy Held, Byron Katsuyama, Janet Pruitt, Chair, and Karen Tennyson, Vice Chair.

Motion to close the Public Hearing.
Moved by Karen Tennyson, Vice Chair, seconded by Andy Held
Vote: Motion carried 6-0
Yes: Carolyn Hayek, Andy Held, Byron Katsuyama, Janet Pruitt, Chair, Kiri Rennaker, and Karen Tennyson, Vice Chair.

Ms. Lieberman-Brill discussed the timeline for the Neighborhood Plans. Norkirk study session is November 8th, Market study session is November 21st. Both would go forward with modifications for adoption on December 12th.

Commission discussion on how to present plan to City Council.

6. **UNFINISHED BUSINESS**

7. **NEW BUSINESS**

8. **READING AND/OR APPROVAL OF MINUTES:**

A. July 27, 2006

Motion to approve July 27, 2006 meeting minutes.
Moved by Karen Tennyson, Vice Chair, seconded by Kiri Rennaker
Vote: Motion carried 6-0
Yes: Carolyn Hayek, Andy Held, Byron Katsuyama, Janet Pruitt, Chair, Kiri Rennaker, and Karen Tennyson, Vice Chair.

9. **TASK FORCE REPORTS**

Carolyn Hayek went to APA conference in Yakima.

Discussion on Hope Link, they are trying to get an emergency ordinance to move to the Bridle Trails Neighborhood.

10. **ADMINISTRATIVE REPORTS**

A. City Council Actions. Commisssion discussion on FAR.

11. COMMENTS FROM THE AUDIENCE

1. Robert Stonefeldt. Made several comments on the Plan regarding Land Use and Growth Management.

12. ADJOURNMENT - 11:17

Motion to adjourn.
Moved by Karen Tennyson, Vice Chair, no second required

Chair
Kirkland Planning Commission

NORKIRK WORKING GROUP			
Name	***Address***	***Phone Contacts***	***Email***
Norkirk Neighborhood Association			
Eric Eng*	433 7th Avenue Kirkland, WA 98033	425-827-6968	eng_eric@hotmail.com
Pete Bartnick	313 11th Place Kirkland, WA 98033		Peter.a.bartnick@boeing.com
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Bruce Reid	222 10th Avenue Kirkland, WA 98033	425-822-1109	Bruce.reid@verizon.net
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Heritage Society			
Bob Burke	1032 4th St Kirkland, WA 98033	425-828-4095	rgburke@covad.net
Youth Council			
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Environmental Group			
Nancy Mendenhall	314 17th Avenue Kirkland, WA 98033-4907	(425) 827-2985	margueri@gte.net

Chamber of Commerce			
Paula Gaines	631 8th Avenue Kirkland, WA 98033	425-827-0785 x105 (w) 425-827-5567 (h)	paulag@techcitybowl.com
Business Owner			
Jay Henwood	817 7th Avenue Kirkland, WA 98033	425-822-3333 (w) 425-889-9877 (h)	jayhenwood1@aol.com
Transporatation Commission			
Dan Fisher	1216 5th Place Kirkland, WA 98033	425-827-2123	danfi@norkirk.org
Moss Bay Neighborhood Association			
Mark Eliasen	PO Box 471 Kirkland, WA 98033	425-827-5110	m.eliasen@verizon.net
South Juanita Neighborhood Association			
Cultural Council			
Robert Larson	1201 1st Street Kirkland, WA 98033	425-828-4405	Robert_larson@hotmail.com
Senior Council			
Dorothy Wahl	145 9th Avenue Kirkland, WA 98033	H 425-889-2418	Dorothy.wahl@verizon.net
Faith Based Representatitve			
Sharon Sherrard	558 20th Avenue Kirkland, WA 98033		sharon@sherrards.org
Market Street Property or Business Owner			
Chris Fox	50 16th Avenue Kirkland, WA 98033	425-827-8757	cfox@isomedia.com

NOTICE OF AVAILABILITY

October 4, 2006

The City of Kirkland has issued a 2nd addendum to the Draft and Final Environmental Impact Statements for the 2004 Kirkland Comprehensive Plan. The Draft and Final EIS's were issued on July 1, 2004 and October 15, 2004 respectively. The subject of the 2nd EIS addendum is the updated Norkirk Neighborhood Plan Chapter in the Comprehensive Plan and related Zoning Map and Zoning Code amendments pursuant to Chapters 130, 135, 140 and 160 KZC – Process IV. **The modification that requires a second addendum is a new proposal to add regulations to establish specific performance standards and requirements to allow limited automobile sales in the Light Industrial Technology zoning regulations in the Norkirk Industrial Area in Kirkland, and potential Comprehensive Plan amendments.** File No. IV-03-27.

The Draft Norkirk Neighborhood Plan Amendments address land use, natural environment, public services and facilities, urban design, historical context and transportation. The plan also includes a vision statement and goals and policies covering the above topics. Related Zoning Map changes reflect rezones necessary to implement the proposed Plan as do proposed amendments to the Zoning Code regulations. This update represents revised goals and policies for the Norkirk Neighborhood through 2022.

The following steps will occur in the City of Kirkland's review of this proposal: Public Hearings conducted by the Planning Commission on September 21 **and October 12** 2006; decision and action by City Council on December 12, 2006. All dates are subject to change.

If you wish to receive a copy of the proposed Norkirk Neighborhood Plan and Zoning Map and Code Amendments or the EIS Addendum, or have any questions, please contact Joan Lieberman-Brill, Kirkland Senior Planner at (425) 587-3254. You may also send requests for copies via e-mail, at jbrill@ci.kirkland.wa.us.

cc: File IV-03-27

Exhibit E

Fact Sheet

Action Sponsor and Lead Agency	City of Kirkland Department of Planning and Community Development
Proposed Action	Legislative adoption of an updated Norkirk Neighborhood Plan as part of the City of Kirkland Comprehensive Plan, and Zoning Map Amendments and new or revised zoning regulations to implement the Neighborhood Plan pursuant to Chapters 130, 135, 140, and 160 KZC (Process IV).
Responsible Official	_____ **Eric R. Shields, AICP** **Planning Director**
Contact Person	Joan Lieberman-Brill AICP Senior Planner, City of Kirkland (425) 587-3254.
Required Approvals	Adoption by Kirkland City Council
Location of Background Data	File IV-03-27 City of Kirkland Department of Planning and Community Development 123 Fifth Avenue Kirkland, WA 98033
Date of Issuance	_____

City of Kirkland

Process IV Norkirk Neighborhood Plan and Zoning Map and Zoning Code Amendments

EIS 2nd Addendum dated October 4, 2006

File No. IV-03-27

I. Background

The City of Kirkland proposes to adopt a new Norkirk Neighborhood Plan as a chapter of the City's Comprehensive Plan and new or revised zoning code regulations and rezones necessary to implement the plan. The amendments will be reviewed using the Chapter 160 KZC, Process IV with adoption by City Council.

This Environmental Impact Statement (EIS) Addendum is intended to fulfill the environmental requirements pursuant to the State Environmental Policy Act (SEPA) for the proposed Comprehensive Plan, Zoning Code, and Zoning Map amendments.

An addendum was issued on September 7, 2006, on the Norkirk Neighborhood Plan, zoning code regulations and rezones. Since then, new information and a new proposal are being considered, and are therefore disclosed with this 2nd Addendum. The proposal is to add regulations to establish specific performance standards and requirements to allow limited automobile sales in the Light Industrial Technology (LIT) zoning regulations in the Norkirk Industrial Area of Kirkland, and potential Comprehensive Plan amendments.

II. EIS Addendum

According to the SEPA Rules, an EIS addendum provides additional analysis and/or information about a proposal or alternatives where their significant environmental impacts have been disclosed and identified in a previous environmental document (WAC 197-11-600(2). An addendum is appropriate when the impacts of the new proposal are the same general types as those identified in the prior document, and when the new analysis does not substantially change the analysi1s of significant impacts and alternatives in the prior environmental document (WAC 197-11-600(4)(c) -625, and -706.

The City published a Draft and Final EIS on its Comprehensive Plan in 2004. This EIS addressed the 2004 Comprehensive Plan, Zoning Code and Zoning Map updates required by the Washington State Growth Management Act (GMA). Elements of the environment addressed in this EIS include population and employment growth, earth resources, air quality, water resources, plants and animals, energy, environmental health (noise, hazardous materials), land use, socioeconomics, aesthetics, parks/recreation, transportation, and public services/utilities.

This 2nd addendum to the *City of Kirkland 2004 Draft and Final Comprehensive Plan 10-Year Update EIS* is being issued pursuant to WAC 197-11-625 to meet the City's SEPA responsibilities. The EIS evaluated plan alternatives and impacts that encompass the same general policy direction, land use pattern, and environmental impacts that are expected to be associated with the proposed Norkirk Neighborhood Plan and zoning amendments and rezones discussed herein. While the specific location, precise magnitude, or timing of some impacts may vary from those estimated in the 2004 EIS, they are still within the range of what was evaluated and disclosed there. No new significant impacts have been identified.

III. Non-Project Action

Decisions on the adoption or amendment of Comprehensive Plans and zoning regulations are referred to in the SEPA rules as "non-project actions" (WAC 197-11-704(2)(b)). The purpose of an EIS in analyzing a non-project action is to help the public and decision-makers identify and evaluate the environmental effects of alternative policies, implementation approaches, and similar choices related to future growth. While plans and regulations do not directly result in alteration of the physical environment, they do provide a framework within which future growth and development – and resulting environmental impacts – will occur. Both the adoption of the Comprehensive Plan evaluated in the *City of Kirkland 2004 Draft and Final Comprehensive Plan 10-Year Update EIS* and eventual action on the Norkirk Neighborhood Plan and implementing zoning regulations and rezones are "non-project actions".

IV. Environmental Analysis

The *Comprehensive Plan EIS* (City of Kirkland, 2004) evaluated the environmental impacts associated with adoption of proposed policies and land use designations. The plan's policies are intended to accomplish responsibilities mandated by the Washington State Growth Management Act (GMA), and to mitigate the impacts of future growth. In general, environmental impacts associated with the proposed Norkirk Neighborhood Plan and Zoning Map and Zoning Code amendments are similar in magnitude to the potential impacts disclosed in the *2004 Comprehensive Plan EIS*. As this proposal is consistent with the policies and designations of the Comprehensive Plan and the environmental impacts disclosed in the *Comprehensive Plan EIS*, no additional or new significant impacts beyond those identified in the EIS for the Comprehensive Plan are anticipated.

Traffic Impacts

There are three proposed zoning changes to a higher residential density classification in the neighborhood. The rezone of the 82 parcels from RS 7.2 to RS 6.3 would result in a potential increase of eight units. The rezone of 32 21st Place and 100 20th Avenue would result in a potential increase of three units. The rezone of 558 20th Avenue would result in a potential increase of two units. Together they will produce an estimated net increase of 13 units (this does not factor in the sensitive area density reduction that cannot be determined until stream buffers are delineated on several affected parcels). In addition to

units that would result from rezones, other proposed policies could also generate additional residential units. Included are those 11 properties in the RS 7.2 zone with recognized historic buildings meeting the minimum lot size threshold of 10,000 square feet, which could produce a net increases of 11 units if subdivided. Finally, if those 81 lots meeting the minimum size threshold of 12,000 subdivide to preserve or create small homes on small lots, they will produce a net increase of 81 units. Together, these changes will generate 1050 additional Average Daily Trips, approximately 105 (10%) of which will occur in the PM peak hour, which is within the range expected with infill of the neighborhood at current zoning. 105 additional vehicle trips in the PM peak hour within a neighborhood planning area would present an insignificant traffic impact to the City transportation system. The addition of 105 units would have negligible impact to our concurrency LOS standards for the planning horizon of 2022.

Part of the proposal is to allow limited automobile sales in the Industrial Area in Norkirk. The proposed use will not exhibit the same characteristics as a traditional car dealership. Limited automobile sales will not have visual advertisement, all car inventory will be inside a building, and only those properties adjoining 8th Street or 7th Avenue together not exceeding 40,000 square feet, would be available for such an enterprise. The proposed zoning regulations for the new use are included in Attachment 7.

A typical car dealership has a floor building area to site area ratio (FAR) between 14% and 30%. Using an average FAR of 22%, a 40,000 square foot site would produce an 8,800 sq foot building. This is about the size of building the Green Car Company, the proponent of this use, is interested in. Using the trip generation rates from the Institute of Transportation Engineers Trip Generation 7th Edition land use code 841 (New Car Sales), an 8,800 square foot car dealership building would generate approximately 293 daily trips and 23 PM peak hour trips.

This is a high estimate for the proposed use. Nonetheless, the traffic impact from the proposed use is small and would likely meet the City's traffic concurrency level of service. The PM peak hour trip generated by the proposed use would be similar to a 5,500 square foot Tire Sales Store or a 23,000 square foot General Light Industrial use, which are currently allowed uses in this zone.

V. Description of the Proposed Norkirk Neighborhood Plan and Zoning Amendments and Zoning Map Changes

The proposal would revise the existing Norkirk neighborhood plan contained in the City of Kirkland Comprehensive Plan. The plan provides a framework that will guide public actions and decisions regarding the use of land, such as implementation of new development regulations or future public investments. It will also influence the actions and decisions of private parties relating to their land use and development options. Consistent with the Kirkland Comprehensive Plan, the proposed Norkirk Neighborhood Plan addresses future land use through 2022.

In addition to the plan, development regulations have been prepared to implement the plan. These include rezones to change the zoning classifications to be consistent with the land use designations and new or revised zoning regulations to implement the plan goals and policies.

Description of proposed Neighborhood Plan

The proposed Neighborhood Plan consists of a vision statement, and goals and policies regarding the historical context, the natural environment, land use, transportation, parks and open space, public services/facilities, and urban design. The plan also includes maps on land use, transportation, sensitive and geologic hazard areas, urban design and public parks and open space. Key elements of the proposed neighborhood plan are summarized below.

Neighborhood Vision

A portion of the vision statement, excerpted below, provides an overview of the City's vision for the neighborhood.

In 2022, the Norkirk Neighborhood is comprised mainly of single-family homes. Houses come in a variety of styles and sizes and, between houses, there is light and vegetation. The neighborhood feels uncrowded. Residents cherish many homes dating from early in the 20th century. Low-density residential areas successfully integrate alternative housing styles throughout the neighborhood, which provides choices for a diverse community.

Higher density multifamily development at the southern boundary of the neighborhood provides additional housing choice and a stable transition between the single-family core and the more intensive commercial and residential development in downtown Kirkland. Additional multifamily development and commercial activities are located along the Market Street Commercial Corridor. Here the alley and topographic break separate the single-family area from the Market Street Commercial Corridor, minimizing conflicts between adjacent land uses and ensuring neighborhood integrity. These commercial areas provide important shopping and services for both neighborhood residents and the region. Design of new development within the Market Street Commercial Corridor is complementary to the adjacent residential portions of the Market and Norkirk Neighborhood, helping to create seamless transitions to protect and enhance the residential core.

In 2022, industrial and office uses in the southeast portion of the neighborhood are compatible with the residential uses that surround them. Located near the railroad tracks, this area provides a central city location for technology, services, offices use, wholesale businesses and the City Maintenance Center. Landscape buffers, building modulation and traffic management help integrate this area into the neighborhood.

Proposed Land Use Pattern

The proposal would bring the zoning and residential density designation into consistency with the existing residential lot size and land use pattern in a limited area of the low-density residential core through a rezone of 82 parcels from six to seven dwelling units

per acre, comparable to a rezone from RS 7.2 to RS 6.3. The proposal would also support increased office use in the southwest portion of the industrial area as a transition to residential uses and the downtown.

The proposal could theoretically result in 80 new detached dwelling units, which represents a negligible increase in residential capacity in the neighborhood. Up to 13 potential detached dwelling units would result from three proposed rezones. Up to 11 additional units would be created if land parcels of at least 10,000 square feet containing recognized historic buildings are subdivided, utilizing the historic preservation policy to preserve historic homes. Finally, up to 67 detached units would result if those lots of at least 12,000square feet were subdivided, taking advantage of the proposed small lot single-family policy to create or preserve small homes on small lots.

Neighborhood Plan Policies

Please refer to the proposed Plan for complete text of the goals and policies. New neighborhood polices are listed here:

1. Historic Context

Historic context policies encourage the identification of historic sites with historic markers and interpretive information. Proposed policies also encourage retention of buildings of historic and architectural significance. One strategy to retain historic buildings is to allow smaller lots than would otherwise be permitted in the RS 7.2 or 6.3 zones in order to retain a historic building, if the recognized integrity of the historic building is preserved. Subdivision of a 10,000 square foot lot into two 5,000 square foot lots would be allowed as an incentive to preserve the recognized historic building on one of the lots. Another strategy is to allow a greater flexibility of uses than otherwise permitted at the Historic Kirkland Cannery in the Industrial zone

2. Natural Environment

New policies address protection of the Forbes Creek and Moss Bay Drainage basins, protection of the tree canopy, allow clustering of detached dwellings away from moderate and high landslide and erosion hazard areas, and creation of wildlife sanctuaries on private property.

3. Land Use and Housing

Proposed residential land use policies retain the predominately detached single family housing style in the core of the neighborhood while allowing lot formation to match the existing lot size and development pattern (to be implemented through a rezone to a limited area from RS 7.2 to RS 6.3). New policies also allow alternative housing options to provide housing choice in low-density areas consistent with citywide regulations and eliminate development standards in Planned Area 7 that have outlived their usefulness

while retaining medium and high residential density in that area and allowing office use at the southwest corner of 4th Street and 4th Avenue.

Proposed commercial land use policies focus commercial development in established commercial areas within the Market Street Commercial Corridor, establish a subarea plan for the corridor, and affirm that the northern boundary of the commercial area is 19th Avenue. The subarea straddles both the Market and Norkirk neighborhoods, with the Norkirk neighborhood boundary shifted westward to the middle of Market Street.

Proposed industrial land use policies are intended to serve the needs of the community. They encourage office development south of 7th Avenue and west of 8th Street as a transition to the downtown, identify limited light industrial, warehousing, city services, service commercial uses and small offices as appropriate in the remaining area, and provide preservation alternatives for the historic Kirkland Cannery site. The policies also address encouragement of environmentally sustainable green industries within the Norkirk industrial area.

4. Transportation

The proposed vehicular transportation network remains the same with the priority to minimize impacts of cut through traffic and speeding. New bicycle and pedestrian policies encourage the improvement and completion of the non-motorized system in the neighborhood along specific street rights-of-ways and along the railroad right of way.

5. Parks and Open Space

Since the park level of service has been met in this neighborhood, proposed policies focus on the improvement of existing parks open space and shared school facilities as needed.

6. Public Services/Facilities

Proposed policies reiterate policies in the Sanitary Sewer Comprehensive Plan and Water Comprehensive Plan, Surface Water Master Plan and Kirkland Municipal Code and address management of parking for public facilities in the neighborhood.

7. Urban Design

Proposed urban design policies address transitions between the low-density residential core and adjacent higher intensity uses in the industrial area, in PLA 7 and in the Market Street Commercial Corridor through the continued utilization of landscape buffers and restrictions on building mass and height. New policies are intended to help create a sense of neighborhood identity and enhanced visual quality by establishment of streetscape and gateway features in specific locations, and to preserve view corridors along specific public rights of ways to preserve the views of Olympics and Lake Washington. New policies also encourage residential design that builds community by establishing

development standards that contribute to a vibrant neighborhood, by encouraging the appropriate scale for single-family development, and by establishing building and site design standards for multi-family development.

Kirkland Zoning Code

The following amendments are being considered in order to implement the proposed Norkirk Neighborhood Plan.

- **Chapter 5 Definitions** – Addition of the new RS 6.3 classification to the definitions for "Low density Use", "Low Density Zones", "Residential Zones", and "Use Zone".
- **Chapter 15 Single Family Residential (RS) Zones** – Change to the Detached Dwelling Unit, Church, School and Day-Care Center special regulations to recognize the new zoning classification of RS 6.3 classification that establishes a minimum lot size of 6,300 square feet.
- **Chapter 48 Light Industrial Technology (LIT) Zones** – Change to the Office use zone chart to allow increased height (40 feet rather than 35 feet) for office use south of 7th Avenue and west of 8th Street in the LIT zone in the Norkirk neighborhood. Addition of new limited automobile sales use on properties adjoining 8th Street and 7th Avenue.
- **Chapter 60.110, 60.115, and 60.120 Planned Area 7A, 7B, and 7C, respectively** – Proposal combines these zones into one use zone chart to eliminate redundancy. Proposed changes to the general regulations and use zone charts include elimination of:
    - regulations protecting low-density uses (detached dwelling units on lots greater than 7,200 square feet) from being isolated (on three sides) by more intensive development;
    - regulations restricting new development (except detached dwelling units or public parks) from obstructing views from the north;
    - regulations limiting access to certain streets (except detached dwelling units or public parks), unless no other access is available;
    - regulations that limit the horizontal façade of multifamily unit adjoining detached unit within PLA 7C (this regulation remains in effect if adjoining a low density zone) and,
    - regulations that limit the height of all structures to 25 feet if adjoining a detached dwelling unit in PLA 7C (this regulation remains in effect for multifamily adjoining RS 5, which is a low density zone) and,
    - Regulations that require Process I Planning Director approval when multifamily uses isolate a low density-use on two sides

  Also proposed are amendments to the PLA 7B mixed-use zone chart to eliminate commercial use from those uses allowed in this subarea, except at the corner of 4th Street and 4th Avenue, where office use exists and will continue to be allowed.

Kirkland Zoning Map

The following zoning map changes and land use redesignations are being considered in order to implement the proposed Norkirk Neighborhood Plan.

1. Rezone of 32 21st Place and 100 20th Avenue from RS 12.5 to RS 7.2 to bring it into consistency with the predominant zoning of the neighborhood.
2. Rezone of 558 20th Avenue from RS 12.5 to RS 7.2 to bring it into consistency with the predominant zoning of the neighborhood.
3. Rezone and residential density redesignation of 82 parcels located west of 2nd Street, east of the alley between Market and 1st Streets, north of 8th Street and south of the alley between 12th and 13th Streets, if extended. The proposal is to rezone this area from RS 7.2 to RS 6.3 to bring this area into consistency with the existing lot size and development pattern.

Other Comprehensive Plan Amendments

Because of the proposed Norkirk Neighborhood Plan update, several amendments to other sections of the Kirkland Comprehensive Plan are necessary. The following changes are proposed.

- **Figure J-2b - South Juanita Neighborhood Land Use Map** – to reflect a boundary change between the Norkirk and South Juanita Neighborhoods. The proposed change would eliminate from the Norkirk neighborhood one property that gains vehicular access from Forbes Creek Drive and adds it to the South Juanita Neighborhood.
- **Figure I-3 – City of Kirkland Neighborhoods Map** – to reflect the boundary line change between South Juanita and Norkirk as noted above and the boundary change between the Norkirk and Market Neighborhoods to the middle of Market Street.
- **Table LU – 3 Residential Densities and Comparable Zones** – to reflect the new low-density residential land use designation of 7 Units per Net Acre (d/a) comparable with the proposed rezone to the RS 6.3 zoning classification. .
- **Figure LU-1 - Comprehensive Plan Land Use Map** – to reflect two residential density redesignations. The first change is from LDR 5 to LDR 6, to bring the density designation into consistency with current RS 7.2 zoning, (except for the 82-parcel area that is proposed to be rezoned to RS 6.3). The second change is from LDR 5 to LDR 7 for the 82-parcel area to match the proposed rezone from RS 7.2 to RS 6.3.
- **Policy ED**-3.1 – to acknowledge that in Norkirk's Industrial Area businesses that promote environmentally sustainable technologies are encouraged.

VI. Public Involvement

Over the course of this project, various public involvement events have been held to solicit public input on the Plan update. These included an open house to kick off the project, workshops, working group meetings and field trips, and Planning Commission meetings.

Events were open to the public and advertised in the Eastside Journal, in City Update articles in the Kirkland Courier, via the City's cable channel and on public notice

signboards in the area. In addition, the City sent out direct mailings to all property owners, neighborhood residents and those within 300 feet of the neighborhood boundaries, prior to the kick off open house, workshops, and public hearing. Additionally, prior to the public hearing, letters were sent to property owners and residents within 300 feet of each property proposed for rezone and public notice sign boards were posted to advertise each rezone and the hearing. Finally, all information was advertised in the City's Market/Norkirk/Highlands website and a list service was set up to alert email subscribers when various public involvement events were scheduled.

The Planning Commission held a public hearing on September 21st. A public hearing on the proposal to allow limited car sales in the Industrial Area will be held on October 12th. Public notice of the amendments and the public hearings and meeting are being provided in accordance with State law. The City Council will have a study session on November 8 and take final action on the proposal on December 12, 2006. All dates are subject to change.

VII. Conclusion

This EIS Addendum fulfills the environmental review requirements for the proposed Norkirk Neighborhood Plan amendment and associated development regulations. The impacts of the proposal are within the range of impacts disclosed and evaluated in the *2004 City of Kirkland Draft and Final Comprehensive Plan EIS*; no new significant impacts have been identified. Therefore, issuance of this EIS Addendum is the appropriate course of action.

Attachments:
1. Proposed Norkirk Neighborhood Plan
2. Proposed Norkirk Neighborhood Plan Maps
3. Proposed Chapter 5 Zoning Code Definition of Low Density Uses and Low Density Zones
4. Proposed Chapter 5 Zoning Code Definition of Residential Zones
5. Proposed Chapter 5 Zoning Code Definition of Use Zone
6. Proposed Single Family Residential use zone charts
7. Proposed Light Industrial Technology use zone charts
8. Proposed Planned Area 7 use zone charts
9. Proposed Rezones
10. Proposed Figure J-2b - South Juanita Neighborhood Land Use Map
11. Proposed Figure I-3 – City of Kirkland Neighborhoods Map
12. Proposed Table LU – 3 Residential Densities and Comparable Zones
13 Proposed ED-3.1 amendments

XV.J. NORKIRK NEIGHBORHOOD

1. NORKIRK OVERVIEW

The Norkirk Neighborhood lies between the Burlington Northern Santa Fe railroad tracks on the east, Market Street on the west, the Moss Bay Neighborhood, including downtown on the south, and the crest of the Juanita Slope at approximately 20th Avenue, on the north (see Figure Norkirk-1).

Most of the area is developed, and the land use pattern is well established. The neighborhood is predominately residential in character, and contains some of Kirkland's oldest homes. The neighborhood is also home to many civic and public uses including City Hall, the City Maintenance Center and the Kirkland Junior High School. The core of the neighborhood consists of low-density residential development, while medium and high-density residential uses are concentrated on the south end, transitioning to the commercial uses of the Central Business District. Commercial and multifamily residential development adjoins Market Street on Norkirk's western boundary. Light Industrial uses are located in the southeastern portion of the neighborhood.

Figure N-1: Norkirk Boundaries

2. VISION STATEMENT

The Norkirk Neighborhood in 2022 is a stable and tranquil community of neighbors who represent a range of ages, households, incomes, and backgrounds. Norkirk residents highly value the distinct identity of their own neighborhood as well as its proximity to downtown Kirkland.

Norkirk residents are good neighbors because we know one another. That's because the Norkirk Neighborhood is a pleasant and safe place for walking. From the sidewalks, people greet neighbors who are working in their gardens or enjoying the quiet from their front porches. Children play in their yards and in the parks, or ride their bikes along streets where they recognize their neighbors. Norkirk is linked to other Kirkland neighborhoods and commercial areas by safe bike and pedestrian routes and local transit.

Norkirk residents prize our beautiful surroundings. We benefit from open spaces and abundant trees. From numerous spots throughout the neighborhood one can view Lake Washington and its shoreline, the Olympics, or Mount Rainier. The parks, woodlands, and wetlands are considered the neighborhood's backyard, and residents care for those places.

ATTACHMENT 1
2nd Sepa Addendum

XV.J. NORKIRK NEIGHBORHOOD

The neighborhood has a unique civic presence and identity. Many city services and facilities are located here, attracting community members from outside the neighborhood. The Norkirk Neighborhood is home to both City Hall and the City Maintenance Center where the work of local government takes place. Kirkland Junior High School, situated next door to Crestwoods Park, serves the entire city. Norkirk is also home to Peter Kirk Elementary School, which draws its enrollment from not only the Norkirk Neighborhood but also from the Market and Highlands neighborhoods.

In 2022, the Norkirk Neighborhood is comprised mainly of single-family homes. Houses come in a variety of styles and sizes and, between houses, there is light and vegetation. The neighborhood feels uncrowded. Residents cherish many homes dating from early in the 20th century. Low-density residential areas successfully integrate alternative housing styles throughout the neighborhood, which provides choices for a diverse community.

Higher density multifamily development at the southern boundary of the neighborhood provides additional housing choice and a stable transition between the single-family core and the more intensive commercial and residential development in downtown Kirkland. Additional multifamily development and commercial activities are located along the Market Street Commercial Corridor. Here the alley and topographic break separate the single family area from the Market Street Commercial Corridor, minimizing conflicts between adjacent land uses and ensuring neighborhood integrity. These commercial areas provide important shopping and services for both neighborhood residents and the region. Design of new development within the Market Street Commercial eCorridor is complementary to the adjacent residential portions of the Market and Norkirk Neighborhood, helping to create seamless transitions to protect and enhance the residential core.

In 2022, industrial and office uses in the southeast portion of the neighborhood are compatible with the residential uses that surround them. Located near the railroad tracks, this area provides a central city location for technology, services, offices use, wholesale businesses and the City Maintenance Center. Landscape buffers, building modulation and traffic management help integrate this area into the neighborhood.

Norkirk in 2022 is an outstanding neighborhood in which to live.

3. HISTORIC CONTEXT

Introduction

The Norkirk Neighborhood is one of the most historic in the City of Kirkland. Norkirk has had a significant role in the development of the City starting in the late 1880's when a majority of land was purchased to be part of Peter Kirk's new town. The area around the present City Hall was the Civic Center of Kirkland in the 1900's. The churches were the community meeting places and the Kirkland Woman's Club, the American Legion Hall and schools provided numerous community services. Central School was purchased by the City of Kirkland in 1977; it was vacated in 1978 and ~~burned~~ damaged by fire in 1980. The City of Kirkland reinforced Norkirk's importance as the civic center of the City by building the new City Hall on the Central School site in 1982.

XV.J. NORKIRK NEIGHBORHOOD

Photo of Congregational & Baptist Churches & Central School 1905
Arline Andre collection, Kirkland Heritage Society.

Homesteads in the 1880's

The land homesteaded in the 1880's by John DeMott and George Davey included most of the Norkirk Neighborhood and portions of downtown. These two homesteads extended from First Street to Sixth Street and from Kirkland Avenue up to 18th Avenue. The Carl Nelson and Martin Clarke Homesteads extended east of 6th Street up to 116th in the Highlands Neighborhood.

Kirkland Land and Improvement Company

Between 1888 and 1890, Peter Kirk's Kirkland Land and Improvement Company purchased many of the homesteads to begin the proposed new city, which would support the construction of the Steel Mill on Rose Hill near Forbes Lake. In 1890, the original plat was done with the street layout much as we see it today – particularly from Market to 3rd Street and south of 10th Avenue. The town center was to be at the intersection of Market Street and Piccadilly (7th Avenue). Piccadilly with its wide right-of-way was the connecting road to the mill on Rose Hill.

In 1893 the nationwide depression wiped out Kirk's dream of Kirkland becoming the "Pittsburgh of the West" as the financial backing stopped and the mill closed without ever having produced steel. Very little development occurred in Kirkland until after 1910. Even though times were tough, the citizens voted to incorporate in 1905.

Boom Development 1910 – 1930 - Burke & Farrar

The most significant era of development in Norkirk was from 1910 through the 1930's after Burke & Farrar, Seattle developers, purchased Peter Kirk's remaining holdings. The area north of 10th Avenue and east of 3rd Street was replatted in 1914 to better reflect the topography. This era coincided with the national popularity of the Arts and Crafts movement and the construction of bungalow and craftsman styles of homes. The Norkirk Neighborhood has the greatest number of bungalows in the City – it is very appropriate for the neighborhood logo to reflect that time period and architectural style.

Representative photographs of Bungalows.
Inventory Reports from Kirkland Heritage Society

Railroad

The Northern Pacific Railroad line that forms much of the eastern boundary of the Norkirk neighborhood was begun in 1903 and was completed in the summer of 1904 according to information from the Issaquah Depot Museum. (We need to do more research to confirm this.)

Change of Street Names

In the late 1920's the street names defined in the original Kirk Plat were changed to the present numbering system to facilitate public safety. The street signs installed in 1999 and 2000 reflect the original historic names. For example: 3rd Street was Jersey Street; 6th Street was Orchard Street; 7th Avenue was Piccadilly Avenue; and 18th Avenue was Portland Avenue.

XV.J. NORKIRK NEIGHBORHOOD

Naming of the Neighborhood

The name likely came from geographic references to "North Kirkland" relative to downtown. This was formalized with the naming of the Norkirk Elementary School in 1955. The 6/23/55 *East Side Journal* newspaper had the following story:

> The name "Norkirk Elementary School" submitted by Donna Lee Owen, age 7 of Redmond was chosen by school board members as the name of the new Elementary school under construction in north Kirkland. Donna is the daughter of Mr. and Mrs. Alvin L. Owen, Jr. and is a student in the second grade.

Historic Properties

The Kirkland Heritage Society utilized a grant from the Kirkland City Council to conduct an inventory of properties meeting established historic criteria in 1999. The Norkirk Neighborhood had one-third of the buildings on the citywide inventory. Twenty percent of the highest priority structures are located in Norkirk. The Woman's Club, Trueblood House, Campbell building and Peter Kirk building are on the National Register of Historic Places. The cluster of historic properties at the intersection of Market Street and 7th Avenue form an important historical link and entrance to the Norkirk neighborhood.

Photographs of Buildings Recognized by City of Kirkland Inventory and Centennial Collections, Kirkland Heritage Society. .

Goal N 1 – Encourage preservation of structures and locations that reflect the neighborhood's heritage.

Policy N 1.1:

Provide markers and interpretive information at historic sites.

Providing this information will identify these important sites and enable future residents to have a link with the history of the area.

Policy N 1.2:

Provide incentives to encourage retention of identified buildings of historic ~~and architectural~~ significance. Allow flexibility in lot size requirements for lots that contain historic buildings. This incentive will allow lots containing historic buildings to be subdivided into smaller lots than would otherwise be permitted if the historic buildings meet designated criteria and are preserved on site.

Minimum lot size in this situation would be 5,000 square feet in an RS 6.3 or 7.2 zone. This incentive would allow up to two smaller lots, including the one containing the historic building, if the recognized integrity of the historic building were preserved. If additional lots were created by the subdivision, they would have to meet the lot size requirements for the zone.

A particularly significant historic building in the neighborhood is the Kirkland Cannery. Located in the industrial area of Norkirk, some zoning flexibility to allow non-industrial uses such as live work lofts may be appropriate in order to preserve this building.

4. NATURAL ENVIRONMENT

Goal N 2 – Protect and enhance the natural environment in the Norkirk neighborhood.

Policy N 2.1:

Protect and improve the water quality and promote fish passage in the Forbes Creek and Moss Bay basins by undertaking measures to protect stream buffers and the ecological functions of streams, Lake Washington, wetlands and wildlife corridors.

The Norkirk Neighborhood is located within the Forbes Creek and Moss Bay drainage basins (Figure N-2). Various Moss Bay and Forbes Creek tributaries and several small wetlands constitute a valuable natural drainage system that flows into Lake Washington and provides the surface water, water quality, wildlife and fish habitat, and open space functions for the neighborhood.

In the Forbes Creek basin, there is extensive cutthroat trout habitat in the main stem of Forbes Creek downstream of Forbes Lake. Coho salmon are found west of the freeway in Forbes Creek. The various Norkirk Neighborhood tributaries leading into the Creek contribute to the water quality downstream prior to entering Lake Washington.

In the Moss Bay drainage basin, the open stream portion of the Peter Kirk Elementary Tributary near the elementary school appears to have good water quality although analysis has not been conducted. It is suspected that water quality rapidly degrades through the piped network downstream prior to entering Lake Washington. In this tributary, removal of invasive species and revegetation of the area with native vegetation, including trees and shrubs, is worth investigating. Additionally, the feasibility of re-introduction of resident cutthroat trout into the stream and daylighting the piped portion of this tributary upon redevelopment of the Industrial area are opportunities worth investigating. The small wetland and drainage area at Van Aalst Park

provides an opportunity for enhancement on public property that could be accomplished as a neighborhood or school community service project.

Figure N-2: Norkirk Sensitive Areas

Policy N 2.2:

Develop viewpoints and interpretive information around streams and wetlands if protection of the natural features can be reasonably ensured.

Providing education about the locations, functions, and needs of sensitive areas will help protect these features from potentially negative impacts of nearby development, and could increase public appreciation and stewardship of these areas. When appropriate, the placement of interpretive information and viewpoints will be determined at the time of development on private property or through public efforts on City-owned land.

Policy N 2.3:

Protect, enhance and properly manage the urban forest by striving to retain and enhance the tree canopy including street trees, landmark and specimen trees, groves of trees and associated vegetation.

In the Norkirk neighborhood, protecting, enhancing, and retaining healthy trees and vegetation are key values and contribute to the quality of life. Where there are feasible and prudent alternatives to development of a site in which these trees can be preserved, the trees should be retained and protected.

Maintenance and removal of significant trees on developed private property will have a great impact to the overall urban forest. Proper pruning and reasonable reasons for removal of mature trees are strongly advised by the City, and appropriate tree replacements expected wherever possible. Where desirable, the tree canopy can be enhanced through street tree planting and in park and open space areas.

Policy N 2.4:

On properties containing high or moderate landslide or erosion hazards areas, ensure that development is designed to avoid damage to life and property.

The Norkirk Neighborhood contains areas with steep slopes including moderate and high landslide and/or erosion hazards. Moderate and high landslide hazard areas with development potential are primarily found north of Peter Kirk Elementary School near the railroad tracks (see Figure N-3). These areas are prone to landslides, which may be triggered by grading operations, land clearing, irrigation, or the load characteristics of buildings on hillsides.

Clustering detached dwellings away from these hazard areas is encouraged when development occurs, in order to retain the natural topography and existing vegetation and to avoid damage to life and property. One way to accomplish clustering is through a Planned Unit Development, where retaining open space and the existing vegetation beyond the extent normally required would be a public benefit.

Policy N 2.5:

Avoid development of unimproved rights-of-way impacted by sensitive and landslide hazard areas:

Those portions of 16th Avenue (east of 7th St.), that are found to have sensitive areas, should not be improved. A portion of unopened right-of-way is within a wetland area, and should remain in its natural condition. Additionally, those portions of 20th Avenue that are found to be in moderate and high landslide hazard areas should be analyzed to determine if street improvements can be safely made without significant impacts on the adjacent geologically hazardous areas or adjacent sensitive areas.

Figure N-3: Norkirk Seismic and Landslide Hazards

Policy N 2.6:

Protect wildlife throughout the neighborhood by encouraging creation of backyard sanctuaries for wildlife habitat in upland areas.

People living in the neighborhood have opportunities to attract wildlife and improve wildlife habitat on their private property. These areas provide food, water, shelter, and space for wildlife. The City, the State of Washington Department of Fish and Wildlife, and other organizations and agencies experienced in wildlife habitat restoration can provide assistance and help organize volunteer projects.

5. LAND USE

The Norkirk Neighborhood contains diverse land uses that are successfully integrated into the dominant single family residential land use pattern. Churches and schools are dispersed throughout the low-density residential core, while other public institutional uses such as Kirkland City Hall is located in Planned Area 7 and the City Maintenance Center is located in the industrial area of the neighborhood. Multifamily apartments and condominiums are in the southern portion of the neighborhood. Retail, commercial, office, multi-family and mixed uses are focused in the Market Street Commercial Corridor and office, light industrial, and service commercial are concentrated in the light industrial zone at the southeast corner of Norkirk.

RESIDENTIAL

Goal N 3 – Promote and retain the residential character of the neighborhood while accommodating compatible infill development and redevelopment.

Policy N 3.1:

Retain the predominantly detached single-family housing style in the core of the Norkirk Neighborhood.

XV.J. NORKIRK NEIGHBORHOOD

Norkirk is a well-established neighborhood that has predominately low-density (6 dwelling units per acre) traditional single-family residential development located generally north of 7th Avenue. The land use transitions from the single-family core to medium and high-density multifamily development at its south end. Preservation of the eclectic mix of housing styles and sizes is important to the neighborhood's distinct character.

Policy N 3.2:

Allow lot sizes that match the existing lot size and development pattern (see Figure N-4).

A limited area, bounded on the east by 2nd Street, on the west by the alley between Market and 1st Streets, on the south 8th Avenue, and on the north by the alley between 12th and 13th Avenues, has a particularly large number of lots that are less than 7,200 square feet. Seven dwelling units per acre, which is comparable to the Single-Family Residential 6.3 zoning classification (6,300 square feet minimum lot size), are in context with the predominant platting pattern here. Similarly sized lots should be allowed in proximity to these smaller lots to be consistent with the lot pattern and to provide more housing capacity and home ownership opportunities.

Policy N 3.3:

Allow attached or detached residential development at 9 dwelling units per acre as a transition from the industrial area to 6th Street, between 7th and 8th Avenues (see Figure N-4).

There is an existing pattern of detached houses in this area. Continuing to allow the option for attached housing provides a choice of housing styles.

Goal N 4 – Allow alternative residential development options that are compatible with surrounding development.

Policy N.4.1:

Allow a variety of development styles that provide housing choice in low-density areas.

Providing housing options for a wide spectrum of households is an important value to support and encourage. Alternative housing provides more housing choice to meet changing housing demographics such as smaller households. Rising housing prices throughout the City and region require strategies to promote lower cost housing. Allowing design innovations can help lower land and development costs and improve affordability.

Compatibility with the predominant traditional detached single-family housing style in the neighborhood will determine the acceptance of housing alternatives. Architectural and site design standards to ensure compatibility with adjacent single-family homes are important to the successful integration of alternative housing into the neighborhood. Styles such as cottage, compact single-family, common wall (attached) homes, accessory dwelling units, and clustered dwellings are appropriate options to serve a diverse population and

changing household size and composition. They also may help maintain the diversity of housing that characterizes Norkirk. Standards governing the siting and construction of alternative housing types in Norkirk should be consistent with citywide regulations.

Policy N.4.2:

Encourage diversity in size of dwelling units by preserving and/or promoting smaller homes on smaller lots.

Diversity can be achieved by allowing properties to subdivide into lots that are smaller than the minimum lot size allowed in the zone if at least one of the lots contains a small home. This incentive encourages diversity, maintains neighborhood character, and provides more housing choice.

Up to 50% of the lots to be subdivided should be allowed to be smaller than the zoning designation allows if a small home is retained or built on the small lots. The lots containing the small homes should be no less than 5,000 square feet in the RS 7.2 and RS 6.3 zones. The size of the homes would be strictly limited by a reduced floor area ratio and all other zoning regulations would apply. The other 50% of the lots created by the subdivision would have to meet the size requirements for the zone.

Figure N-4: Norkirk Land Use

PLANNED AREA 7

Goal N 5 – Maintain effective transitional uses between the downtown and the low-density residential core of the neighborhood.

Policy N 5.1:

Allow a range of residential densities in Planned Area 7.

Planned Area 7 (PLA 7) is a transition zone, between the low-density residential core of the neighborhood and the downtown. A slope separates this area from commercial development in the downtown. Multifamily and single family dwellings, as well as institutional uses such as Kirkland City Hall, are appropriate here. Three Subareas within PLA 7 allow varying densities consistent with a hierarchy of increasing densities approaching the Central Business District (CBD). Medium-density is allowed south of 7th Avenue in PLA 7C, while higher densities are allowed in PLA 7A, located between the Market Street commercial corridor and 2nd Street and PLA 7B, located south of PLA 7C, between 2nd Street and the CBD. Future development throughout PLA 7 should be compatible with the scale of structures in adjacent single-family zones.

PLA 7A – High Density Residential development up to 18 dwelling units per acre is allowed. Much of this area is owned or developed with Kirkland City facilities, including City Hall, and to a lesser extent, it is developed with medium and high-density residential uses.

PLA 7B – High Density Residential development up to 24 dwelling units per acre is allowed. Most of this area is developed with high and medium density residential uses. Office use is also appropriate for the lot located at the southwest corner of 4th Street and 4th Avenue.

PLA 7C – Medium density development up to 12 dwelling units per acre is allowed. Much of this area is developed with medium and some high-density residential uses, making future low-density residential development less appropriate. At the same time, high-density development is not appropriate due to the adjacency of a single-family residential area north of 7th Avenue and west of 3rd Street.

COMMERCIAL

Goal N 6 – Focus commercial development in established commercial areas.

Policy N 6.1:

Locate new commercial development in the Market Street commercial corridor at the west boundary of the Norkirk Neighborhood.

Commercial development should remain in established commercial areas within the Market Street Commercial Corridor Subarea and not extend into the residential core of the neighborhood or north of 19th Avenue. A slope and alley parallel to Market Street provide a topographic and manmade break between the Market Street Commercial Corridor and the residential core of the neighborhood. Similarly, a slope running parallel to Central Way provides a topographic break between commercial development in the downtown and residential development in Planned Area 7. Commercial development is prohibited in low, medium, or high density residential areas (see Figure N-4)

Policy N 6.2:

Coordinate Planning for the Norkirk Neighborhood with the goals and policies found in the Market Street Commercial Corridor Subarea section of the Comprehensive Plan.

The western boundary of the Norkirk Neighborhood is located in the middle of Market Street. The Market Street Commercial Corridor Subarea is shared with the Market Neighborhood. It is important for both neighborhood plans to be coordinated with the subarea plan for the corridor.

INDUSTRIAL

XV.J. NORKIRK NEIGHBORHOOD

Goal N 7 – Maintain the light industrial area to serve the needs of the community.

Policy N 7.1:

Encourage limited light industrial uses, auto repair and ~~other~~ similar service commercial uses, and offices to serve the neighborhood and surrounding community.

- South of 7th Avenue, between 6th and 8th Streets, office uses up to three stories are encouraged to serve as a transition between the downtown and the industrial area. Gateway features and landscaping at the intersection of 6th Street and 7th Avenue and 6th Street and Central soften the transition into this area.
- In the remainder of the area, limited light industrial, warehousing, city services, service commercial uses such as auto or furniture repair, and small offices are appropriate.

Policy N 7.2:

Encourage businesses that promote environmentally sustainable technologies.

Sustainable green technology provides benefits to Kirkland's economy and the neighborhood. The rapidly expanding new energy/clean technology industry sector promotes environmental stewardship and a vibrant economy.

Goal N 8 – Ensure that adverse impacts associated with industrial ~~development~~ uses are minimized.

Policy N 8.1:

Regulate industrial ~~development~~ uses to ensure that impacts which may disrupt the residential character of the surrounding area are controlled.

Techniques to minimize noise, glare, light, dust, fumes and other adverse conditions, found in the polices in the Community Character Element of the Comprehensive Plan, and limiting hours of operation, should be used so that industrial activities do not create conflicts with surrounding residential development.

Policy N. 8.2

Industrial traffic should be controlled in order to protect the character, safety, and peace of the residential neighborhood.

Industrial truck traffic should avoid passing through residential areas. Industrial traffic should be directed to 8th Street south of 12th Avenue, 7th Avenue between 6th Street and the railroad tracks, 6th Street between 7th Avenue and Central Way, and the NE 87th Street/114th Avenue NE connection between the railroad tracks and ~~Central Way~~NE 85th Street in the Highlands Neighborhood. There should be no access from 12th Avenue into the industrial area. Additionally, 11th Avenue should remain closed to industrial access.

6. TRANSPORTATION

STREETS

The street network in Norkirk is a grid pattern. Maintenance of this grid will promote neighborhood mobility and more equitable distribution of traffic on neighborhood streets. The streets that compose this grid network consist of collector and local streets and alleys, with one principal arterial located at the western boundary. There are no minor arterials in Norkirk. Streets are described below and shown on Figure N-5.

Market Street is a principal arterial that is the most traveled route into and through the neighborhood. Most of Market Street is fully improved with one lane in each direction, and a series of left turn pockets south of the mid-block between 20th and 19th Avenues. The street is fully developed with curbs, gutters, sidewalks, landscape strips and bike lanes. A landscape median provides additional green space while controlling left turn movements. A center turn lane north of 20th Avenue extends to Forbes Creek Drive.

Figure N-5: Norkirk Street Classifications

Collectors: Numerous streets within the grid network of Norkirk serve as neighborhood collectors. These streets connect the neighborhood to the arterial system and provide primary access to adjacent uses. Design standards for these streets call for two traffic lanes, a parking lane, curbs, gutters, sidewalks, and landscape strips. The specific streets that serve this function are listed below and shown on Figure N-5.

- 18th Avenue, east of Market Street is a collector street up to 5th Place. It provides access to the northern portion of the neighborhood.
- 15th Avenue, east of Market Street is a collector street to 6th Street.
- 12th Avenue, east of 6th Street is a collector street that connects to the Highlands Neighborhood where it crosses the railroad tracks.

- 7th Avenue, east of Market Street is the only collector street that runs the entire width of the Norkirk Neighborhood from east to west. It connects to the Highlands neighborhood where it crosses the railroad tracks.

- 3rd Street, between Central Way and 18th Avenue is a collector that provides access into Norkirk north from downtown.

- 5th Place, is a collector street between 15th Avenue and 18th Avenue.

- 6th Street, between Central Way and 15th Avenue/5th Place is a collector street that provides access into Norkirk north from downtown.

Local Access: All of the streets not discussed above are classified as local access streets. These streets provide access to adjacent residences and connect to collectors. Full improvements on these streets typically include one traffic lane in each direction, two parking lanes, curbs, gutters, sidewalks, and landscape strips.

Alleys: Portions of Norkirk platted in the early part of the 20th century have a distinct alley grid.

Goal N 9 – Maintain and enhance the street network.

Policy N 9.1:

Maintain the street and alley grid in the Norkirk neighborhood.

The grid system enhances mobility within the neighborhood. Alleys provide access and a service route for the lots they abut, while the streets provide circulation through the neighborhood. Utilizing alleys minimizes the number of curb cuts needed to serve abutting uses, thus minimizing conflicts with pedestrian and vehicular traffic on the streets.

Goal N 10 – Minimize ~~impacts of~~ cut through traffic and speeding.

Policy N 10.1:

~~Mitigate~~ Reduce cut-through traffic and speeding.

Monitor and evaluate traffic patterns and volumes in the Norkirk Neighborhood to ~~mitigate~~ minimize cut through traffic and speeding, especially between Market Street and Central Way. The evaluation should determine if additional strategies such as traffic calming are needed in cooperation with the Fire Department to accommodate emergency response needs and times. The neighborhood should be involved in this process.

Policy N 10.2:

Identify preferred routes through the neighborhood to and from City facilities.

The various city administration, public safety, and maintenance facilities located in the Norkirk Neighborhood generate both service and visitor trips. When practical, vehicles should be routed onto collector streets where improvements are in place to protect the pedestrian, rather than onto local access streets that serve the internal needs of residents.

The preferred routes for visitors coming from outside the neighborhood to City Hall and for other City vehicles leaving City Hall are along 7th Avenue via First Street and 5th Avenue, ~~and~~ along 3rd Street via 4th and 5th Avenues, and along 1st Street via 3rd Avenue. Emergency vehicles responding or leaving City Hall or the Maintenance Center to respond to police, fire or medical emergencies take whatever route provides the most timely response. The preferred routes for service vehicles and visitors to the Maintenance Center are along 7th Avenue and 8th Street, internal to the industrial area in which it is located.

TRANSIT

In 2006, Metro transit routes 234, 236, and 255 serve the Norkirk Neighborhood. Route 234 connects Norkirk to Kirkland's Transit Center and with Kenmore and Bellevue and provides service along Market Street. Route 255, which also runs along Market Street, connects Norkirk to Kirkland's Transit Center, downtown Seattle, and the Brickyard Park and Ride lot. . The 236-transit route provides service through Norkirk along 3rd Street and 18th Avenue, connecting to Kirkland's Transit Center and Market Street. This route connects to Woodinville.

The BNSF railroad right of way, located at the eastern boundary of the neighborhood, may provide regional rail service to commuters in the future.

PEDESTRIAN/BICYCLE CIRCULATION

The existing City of Kirkland Nonmotorized Transportation Plan (NTP) maps the planned bicycle and pedestrian facilities planned for a 10-year horizon. Those projects mapped in the Norkirk Neighborhood Plan that are not shown in the NTP should be added. Figures N-6 and N-7 show the planned bike and pedestrian system in the Norkirk neighborhood.

City street standards require that all through-streets have pedestrian improvements. Generally, these improvements include curbs, gutters, landscape strips, and sidewalks. As new development occurs, pedestrian improvements are usually installed by the developer. In developed areas without sidewalks, the City should identify areas of need and install sidewalks through the capital improvement budget process.

Bicycles are permitted on all City streets. Bike facilities may include a shared roadway; a designated bike lane with a painted line; or a shared use path for bicycle and pedestrian use. Those routes identified for proposed bicycle improvements are shown in Figure N-6.

XV.J. NORKIRK NEIGHBORHOOD

Goal N 11 – Encourage nonmotorized mobility ~~through nonmotorized transportation~~ by providing improvements for pedestrians and bicyclists throughout the Norkirk Neighborhood.

Policy N 11.1:

Enhance and maintain pedestrian and bicycle infrastructure within the Norkirk Neighborhood, especially on routes to schools, activity nodes and adjacent neighborhoods.

The following routes should be added to the Nonmotorized Transportation Plan. The Capital Improvement budget process prioritizes when routes identified in NTP will receive funding for improvements. If funded, these routes should be improved with sidewalks, curbs, gutters, and landscape strips and lighting as needed:

- 19th Avenue, between Market and 6th Street leads to Kirkland Junior High School and Crestwoods Park.
- 7th Avenue, between Market and the Highlands Neighborhood provides a centrally located east/west pedestrian and bike route.
- 4th Street, between Central Way and 19th Avenue provides a centrally located north/south pedestrian route.
- 6th Street, between 20th Avenue and Forbes Creek Drive connects the Norkirk and South Juanita Neighborhoods.
- 20th Avenue, between 3rd Street and 5th Street, provides an east/ west pedestrian route at the northern boundary of the Norkirk Neighborhood.

Figure N-6: Norkirk Bicycle System

Figure N-7: Norkirk Pedestrian System

Policy N 11.2:

Support development of the Cross Kirkland Trail.

Develop a shared use path for bicyclists and pedestrians along the railroad right-of-way as described in the Nonmotorized Transportation Plan (NTP) and the Comprehensive Park, Open Space and Recreation Plan. Referred to as the Cross Kirkland Trail, the proposed path along the railroad right-of-way is part of a larger trail network to link neighborhoods within Kirkland to other cities. This route has been identified within the NPT as a Priority 1 corridor.

XV.J. NORKIRK NEIGHBORHOOD

7. OPEN SPACE/PARKS

There are a number of publicly owned parks in the Norkirk Neighborhood that currently provide park and open space amenities. Some also protect sensitive and natural areas. In addition, Kirkland Junior High and Peter Kirk Elementary serve the neighborhood with recreation facilities through a city/school district partnership program that fosters mutual use and development of parks and recreation facilities. The use of school district facilities enables the city to provide a much higher level of service to the neighborhood than would otherwise be possible.

PARKS

Crestwoods Park is a twenty seven-acre community park, twenty acres of which are located in the Norkirk neighborhood. The remainder is located in South Juanita. This park is located east of 6th Street, north of 18th Avenue. Improvements in this park include paved and unpaved trails, two adult softball fields, one regulation little league field, one soccer field, children's playground, public restrooms, picnic tables, basketball court, parking, wildlife habitat and natural areas.

Reservoir Park is a .6-acre neighborhood park located at the northwest corner of 3rd Street and 15th Avenue. It includes a children's playground.

Tot Lot Park is a .6-acre neighborhood park located at 9th Avenue and 1st Street. This fenced park features playground equipment for young children and a community garden.

Van Aalst Park is a 1.6 acre neighborhood park located in the middle of the Norkirk Neighborhood at 13th Avenue and 4th Street. It includes a children's playground, basketball court, sand volleyball pit and open space for informal recreation activity.

Figure N-8: Norkirk Parks and Open Space

PUBLIC SCHOOLS

Kirkland Junior High School is over fifteen acres and is located adjacent and to the west of Crestwoods Park. It complements the park in size and supplies valuable open space for the neighborhood. The school grounds are improved with one baseball/softball field, one small nonregulation practice softball field, a quarter mile running track, one football field, and four outdoor unlighted tennis courts. The school's fieldhouse provides indoor recreation space for the City's community–wide recreation program.

Peter Kirk Elementary School is an eleven-acre site located on 6th Street at approximately 13th Avenue. The site provides playfields for youth sports, as well as space for informal recreation activities for nearby residents. Additionally, the school provides children's playground equipment and indoor recreation space on a limited basis.

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Goal N 12 – Improve existing parks, open space, and shared school facilities in the neighborhood.

Policy N 12.1:

Enhance parks within the Norkirk Neighborhood as needed.

A possible improvement to Peter Kirk Elementary School field would enhance neighborhood recreation opportunities. Improvements would likely include turf renovation as well as new irrigation and drainage systems.

8. PUBLIC SERVICES/FACILITIES

The Norkirk Neighborhood is home to City Hall, and the Maintenance Center. These public facilities are where citywide governmental services are administered. City Hall, in particular, attracts citizens from outside of the neighborhood to participate in the many functions and services of the municipality.

The City provides water and sewer and surface water service to its citizens. Gas, telephone, internet and cable service are private utilities provided by private purveyors.

Goal N 13– Assure water, sewer and surface water management facilities for the neighborhood.

Policy N 13.1:

Provide potable water and sanitary sewers and surface water management facilities to new and existing development in accordance with the Water Comprehensive Plan, the Sanitary Sewer Comprehensive Plan, the Surface Water Master Plan, the Kirkland Municipal Code, and currently adopted storm water design requirements.

New development is required to install water and sewer service as a condition of development. It must also meet storm water requirements. Although most homes are on sanitary sewer service, a few remain on septic systems. When redevelopment or further subdivision occurs, or an addition or alteration is proposed that increases the use of an existing septic system, connection to the public sewer system is required by Title 15 of the Kirkland Municipal Code.

Goal N 14 – Manage parking for public facilities in the neighborhood.

Policy N 14.1

Provide adequate parking for civic buildings, either on-site, on adjacent local streets, or in nearby parking lots.

Civic activities such as voting, public meetings and other community events, as well as day to day use, create a high parking demand, particularly at Kirkland City Hall. During periods of elevated public use, parking may spill over onto nearby residential streets, beyond those adjoining City Hall. To mitigate the impacts of on-street parking on local residents during these periods of peak use, the City should arrange for alternate employee parking locations, and for example, by securing shared parking agreements with local private institutions such as churches to use their parking lots.

9. URBAN DESIGN

Goal N 15– Provide transitions between the low-density residential core and adjacent higher intensity uses.

Policy N 15.1:

Establish development regulations for the Industrial area, Planned Area 7, and the Market Street Commercial Corridor to address transitions and protect neighborhood character.

Landscape buffers should be used to soften and separate uses by creating a transition zone. In addition, the building mass and height of higher density structures should be restricted to prevent overwhelming adjoining low-density uses.

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Goal N 16 – Provide streetscape, gateway and public art improvements that contribute to a sense of neighborhood identity and enhanced visual quality.

Policy N 16.1:

Construct and improve gateway features at the locations identified in Figure N-9.

An existing gateway sign is located on 6th Street north of 7th Avenue. Other desired locations are shown in Figure N-9. The City should pursue opportunities to work with private property owners to install gateway features as part of future development. In other instances, public investment will be necessary. Depending on the location, improvements such as landscaping, signs, public art, structures, or other features that identify the neighborhood could be included.

Goal N 17 – Preserve public view corridors within the neighborhood, especially those of Lake Washington, and the Olympic Mountains.

Policy N 17.1:

Preserve the public view corridors of Lake Washington, Seattle, and the Olympic Mountains from 1st, 2nd and 3rd Streets (Figure N-9).

The street system provides Kirkland neighborhoods with a number of local and regional views. View corridors that lie within the public domain are valuable for the beauty, sense of orientation, and identity that they impart to neighborhoods. The Norkirk public view corridors should be preserved and enhanced for the enjoyment of current and future residents. One means of doing this may be the undergrounding of utilities.

Goal N 18 – Encourage residential design that builds community.

Policy N 18.1:

Establish development standards that contribute to a vibrant neighborhood.

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Building and site design should respond to both the conditions of the site and the surrounding neighborhood. A variety of forms and materials result in homes with their own individual character, thus reducing monotony. Appropriate building setbacks, garage treatments, sidewalks, alley access, and architectural elements, such as entry porches, help foster a pedestrian orientation and encourage greater interaction between neighbors.

Policy N 18.2:

Establish multi-family building and site design standards to enhance neighborhood compatibility.

Building and site design standards should address issues such as building placement on the site, site access and on-site circulation by vehicles and pedestrians, building scale, site lighting, signs, landscaping, (including that for parking lots), preservation of existing vegetation, and buffers between multi-family developments and single-family housing.

Policy N 18.3:

Encourage the appropriate scale for single-family development.

Appropriate scale results in the perception that new houses are in proportion with their lots. Setbacks, building mass, lot coverage, landscaping and building height all contribute to houses that successfully fit into the neighborhood.

Figure N-9: Norkirk Urban Design

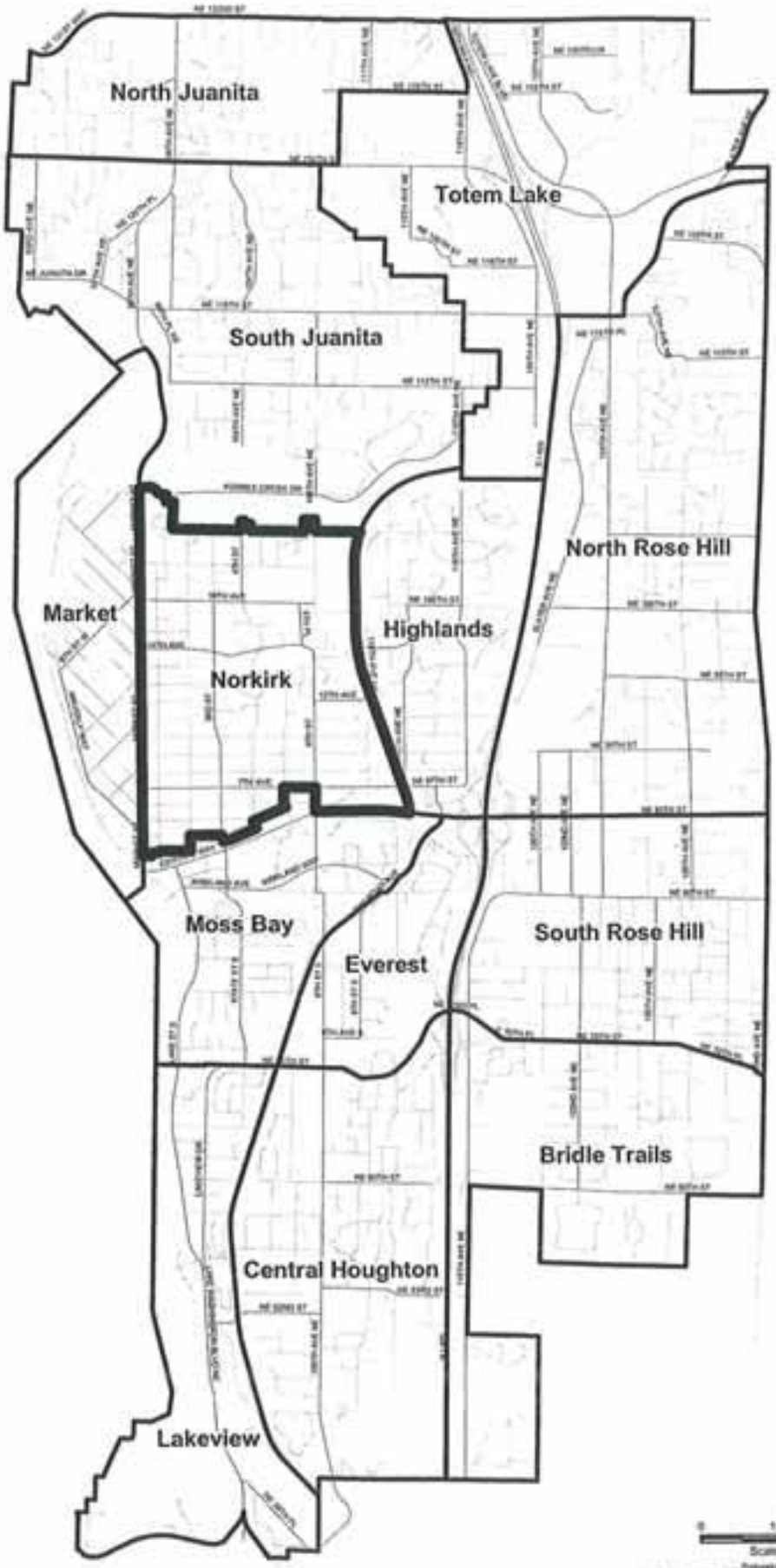


Figure N-1: Norkirk Boundaries

ATTACHMENT 2
2nd SEPA Addendum

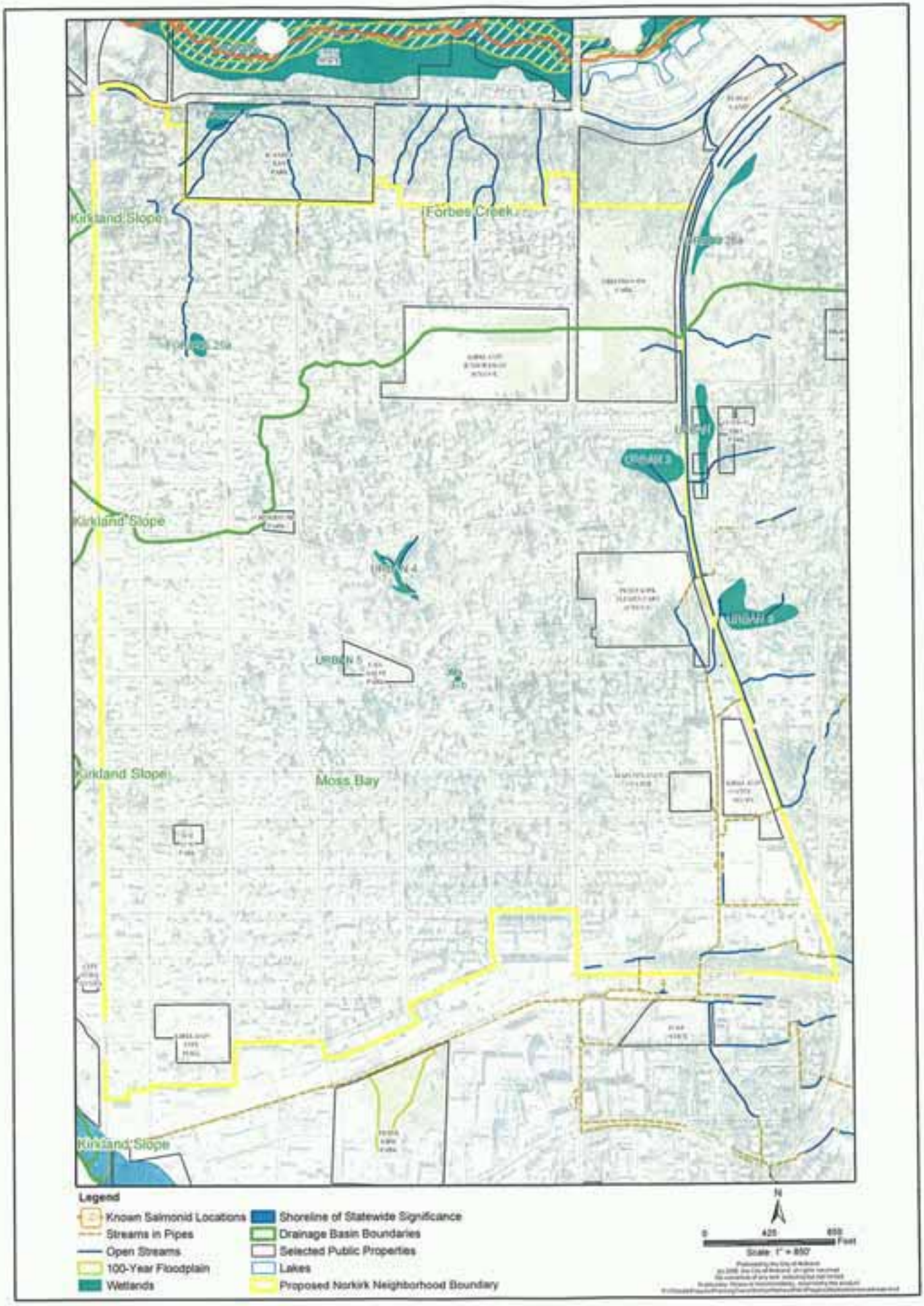


Figure N-2: Norkirk Sensitive Areas

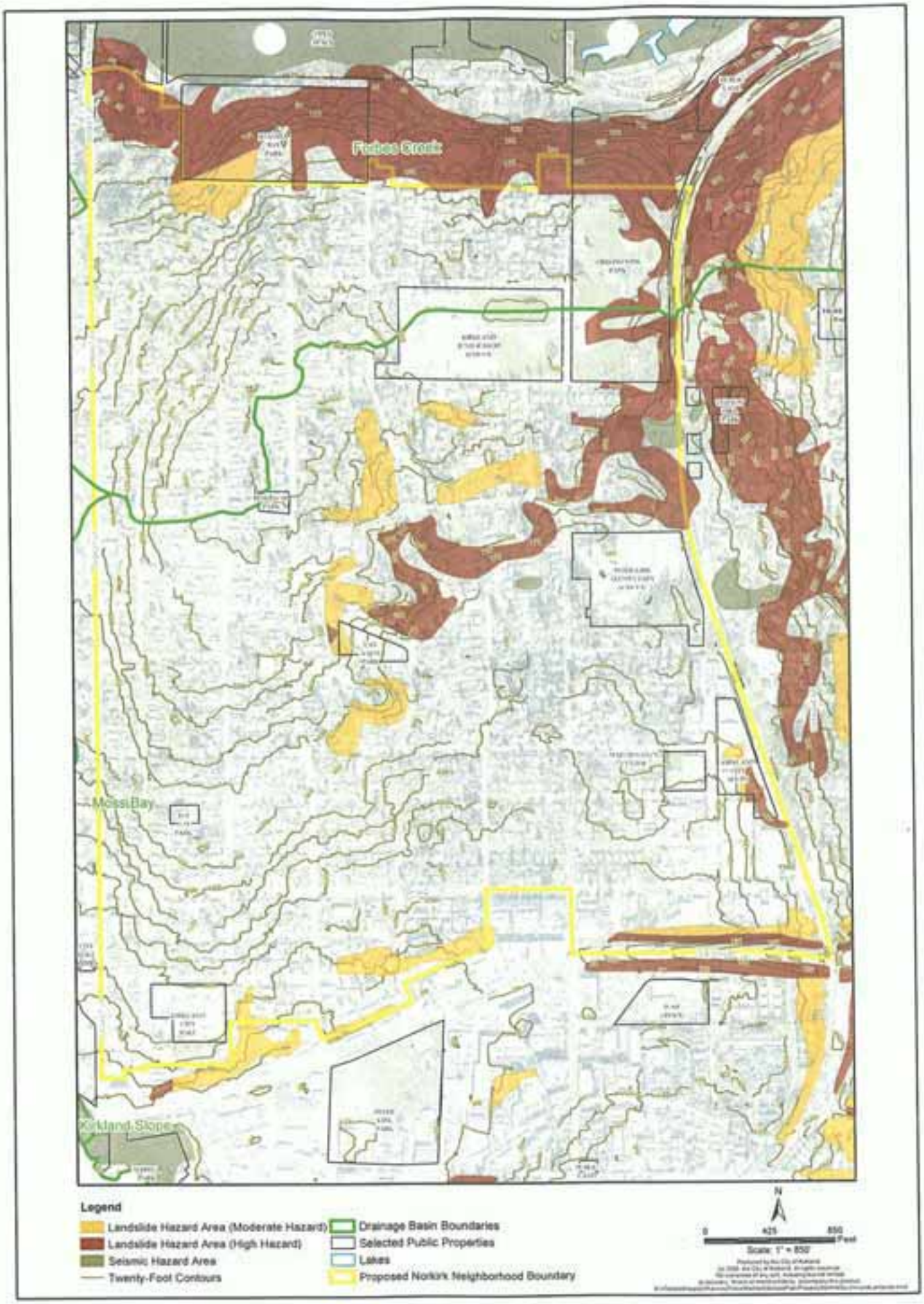
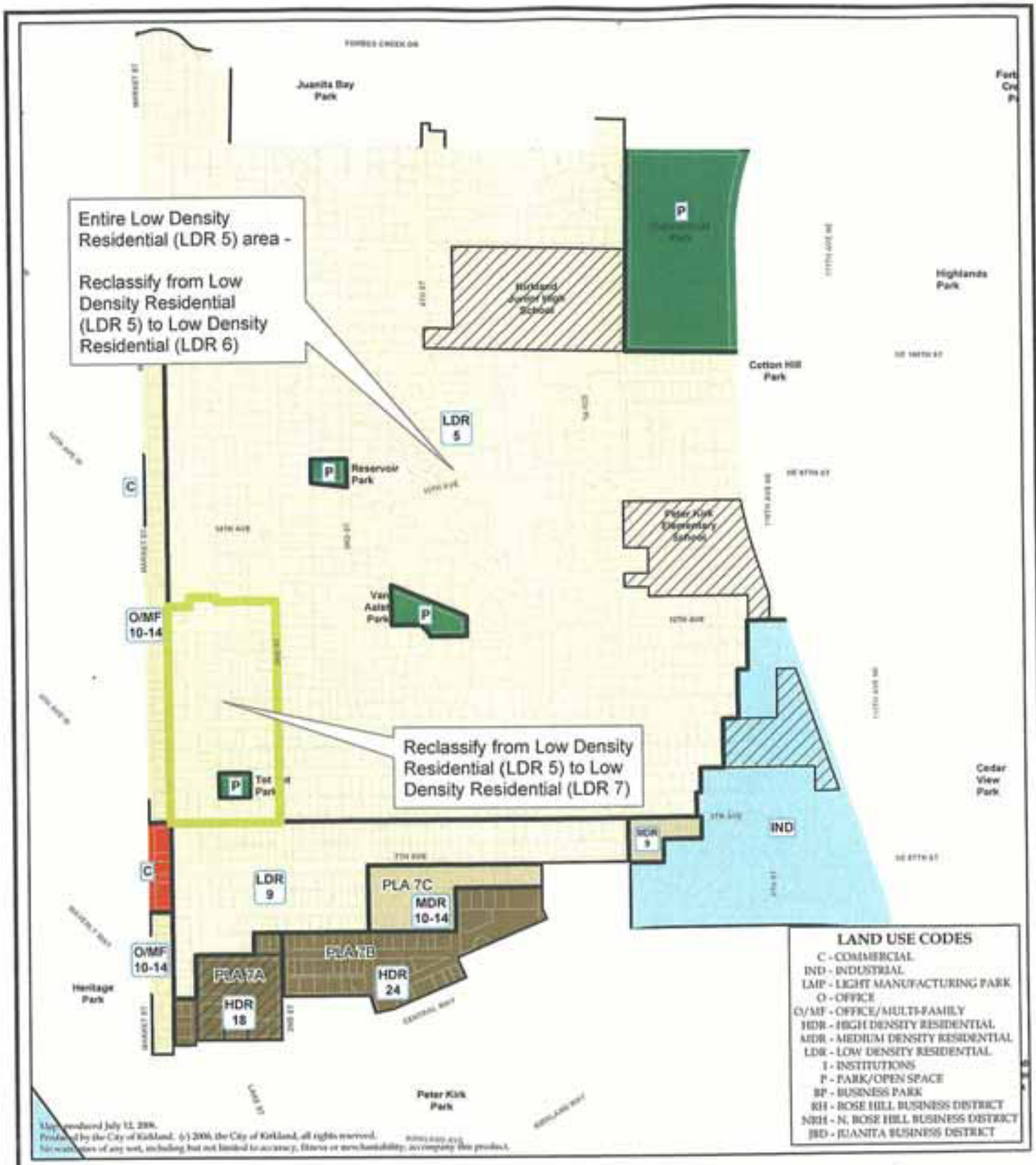


Figure N-3: Norkirk Landslide and Seismic Hazard Areas



Proposed Changes to Comprehensive Land Use Map & Norkirk Neighborhood Land Use Map

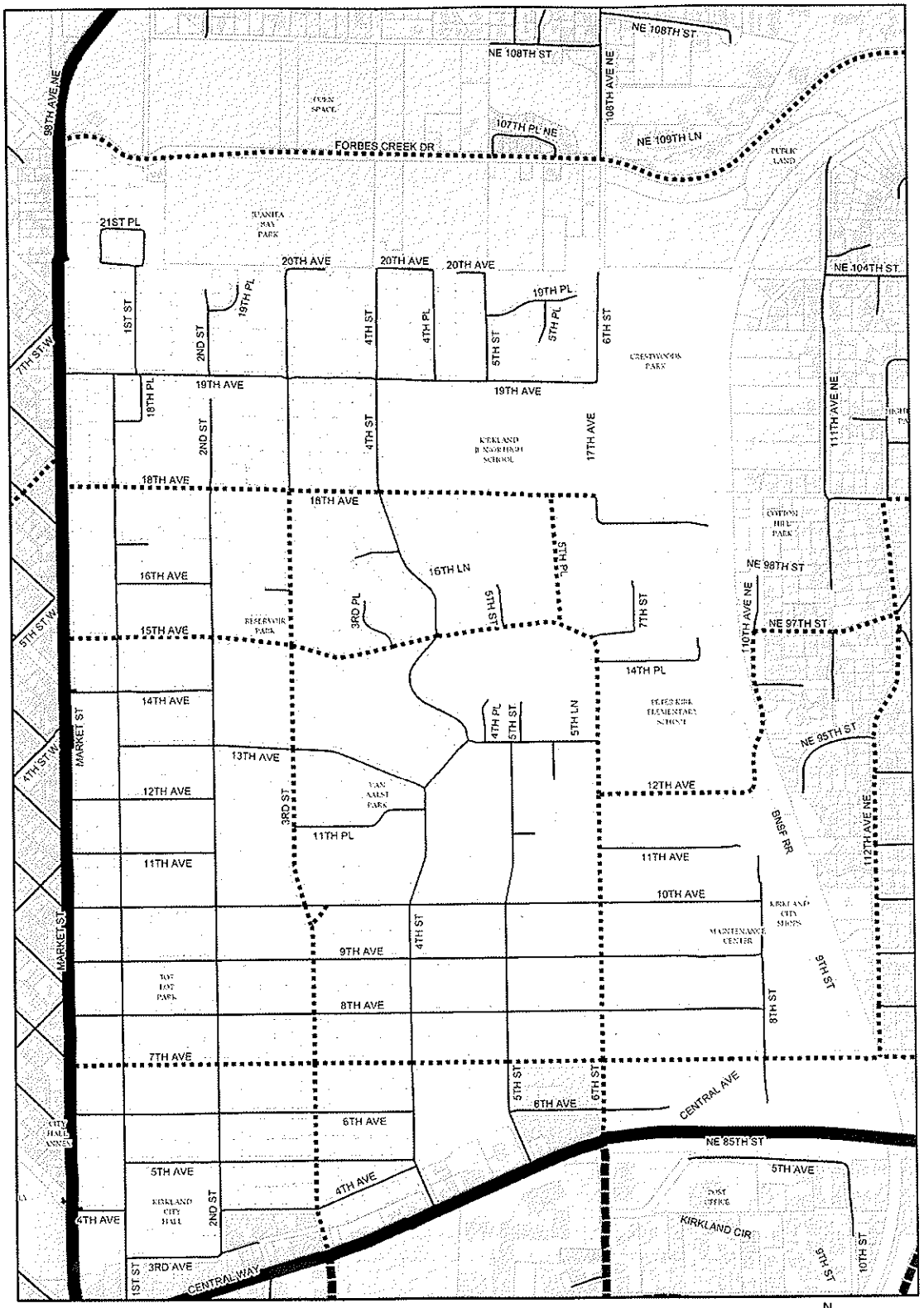
Norkirk Neighborhood

Figure N-4: Land Use

ORDINANCE NO. 4024
ADOPTED by the Kirkland City Council
December 13, 2005

LAND USE BOUNDARIES
SUBAREA BOUNDARY
TOTEM CENTER
PUBLIC FACILITIES
PARCEL BOUNDARIES
PLA PLANNED AREA NUMBER
LDR 5* — LAND USE CODE / DENSITY (UNITS/ ACRE)
NOTE: WHERE NOT SHOWN, NO DENSITY SPECIFIED
* INDICATES CLUSTERED LOW DENSITY

0 250 500
Feet



Legend

Functional Classifications

- Neighborhood Access
- Collector
- Minor Arterial
- Principal Arterial

Building Footprints

Tax Parcel Boundaries

N

0 437.5 875 Feet

Scale: 1" = 875'

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Figure N-5: Norkirk Functional Classifications

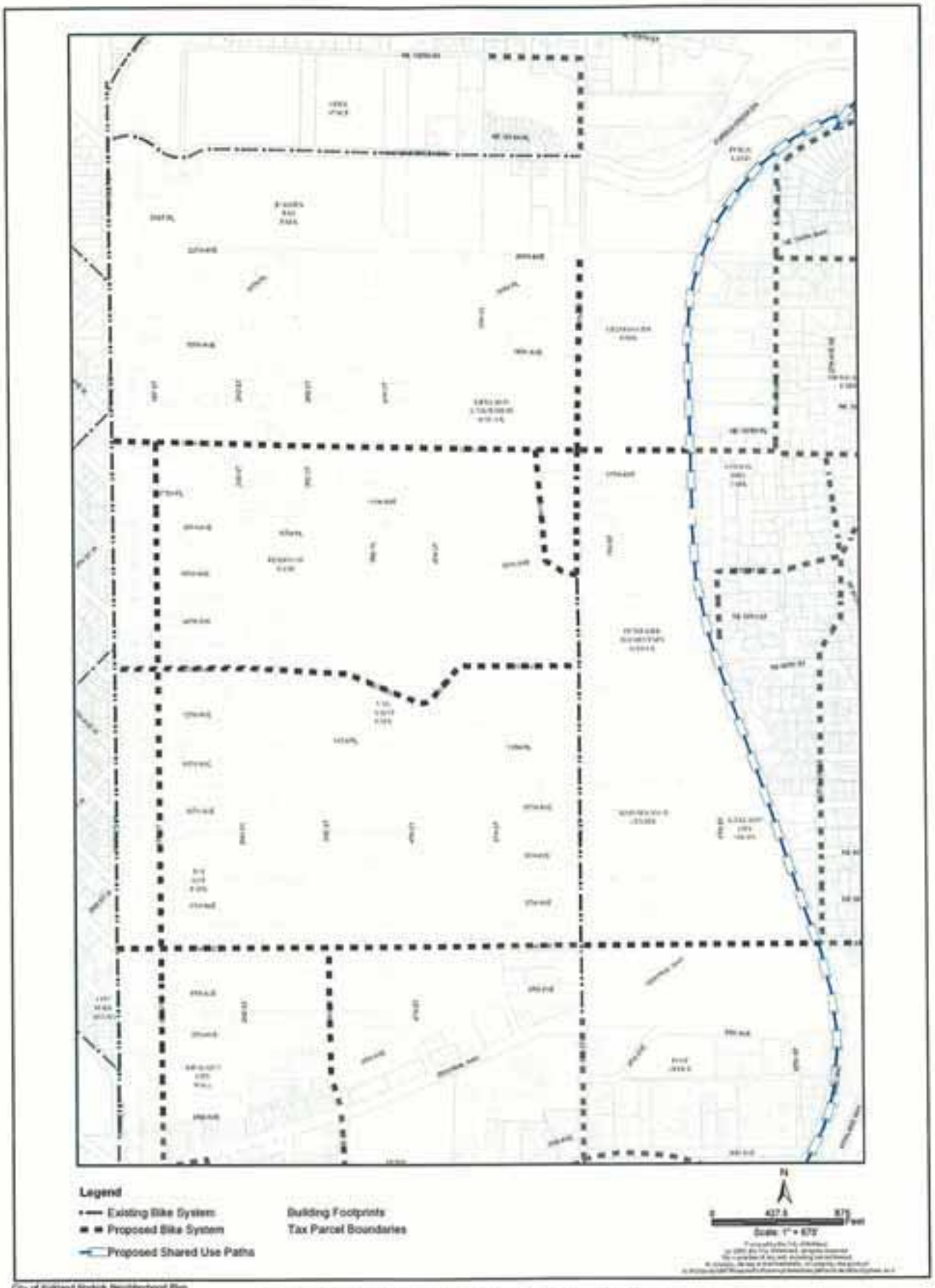


Figure N-6: Norkirk Bicycle System

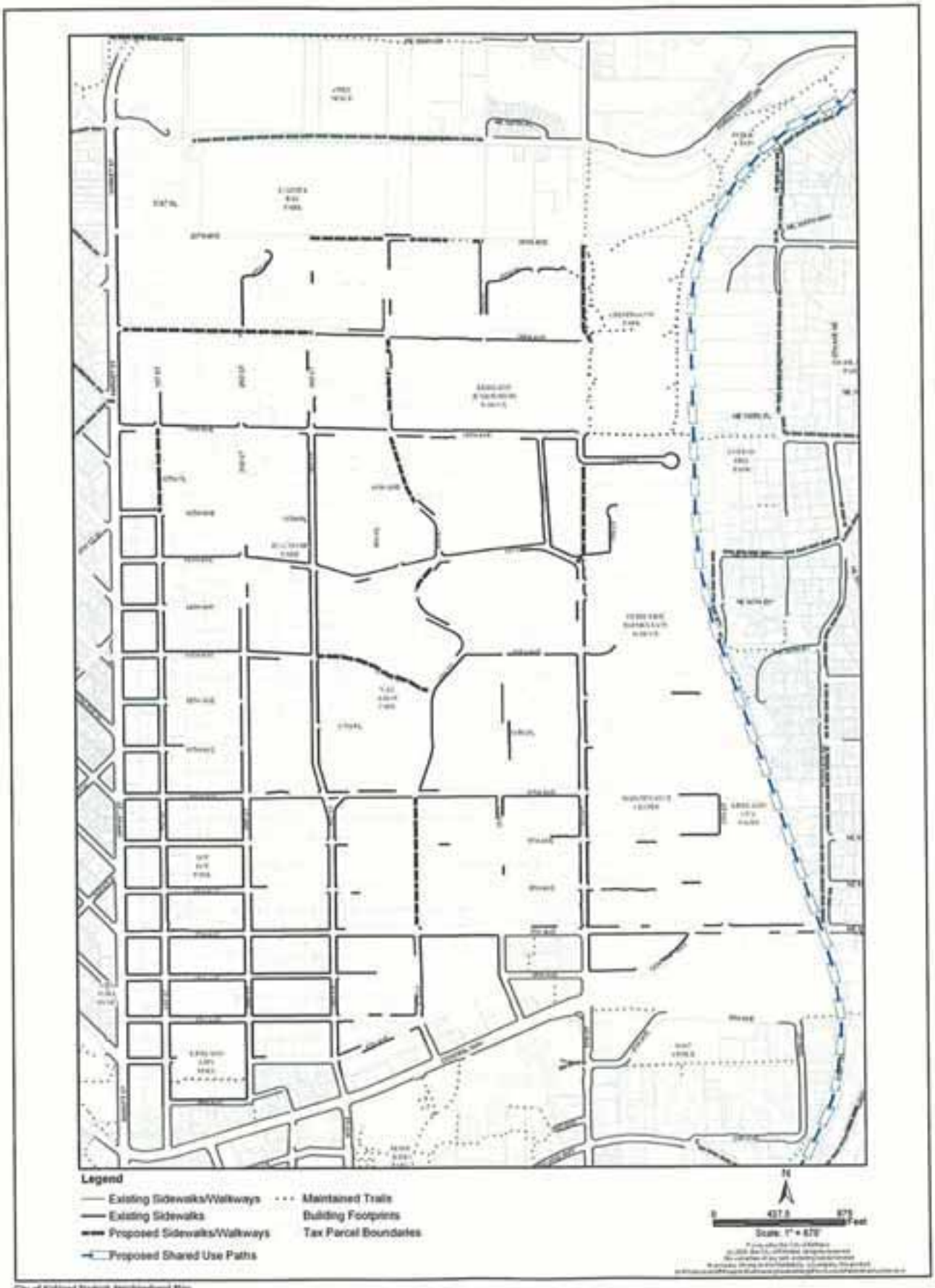


Figure N-7: Norkirk Pedestrian System

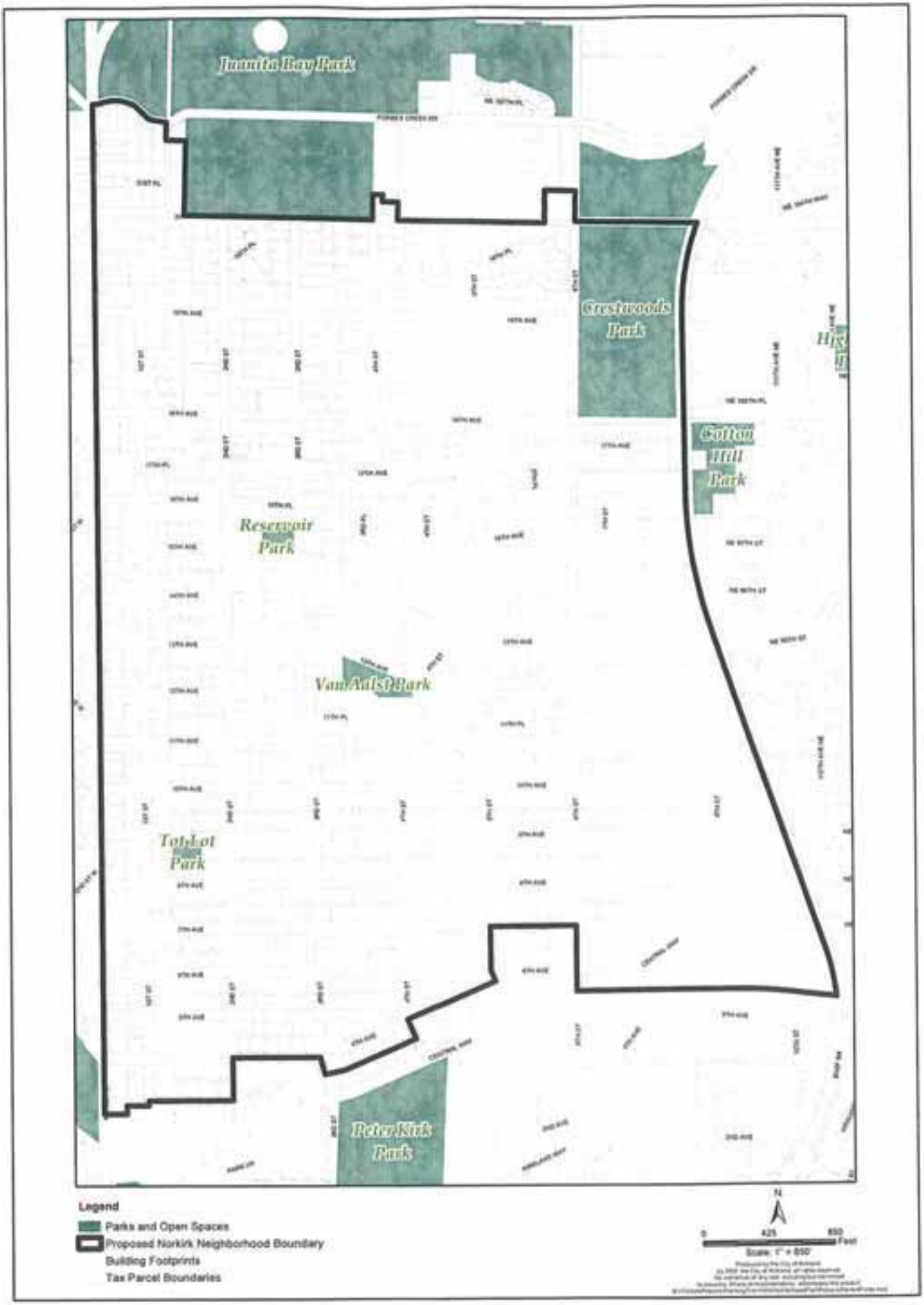


Figure N-8: Norkirk Parks and Open Spaces

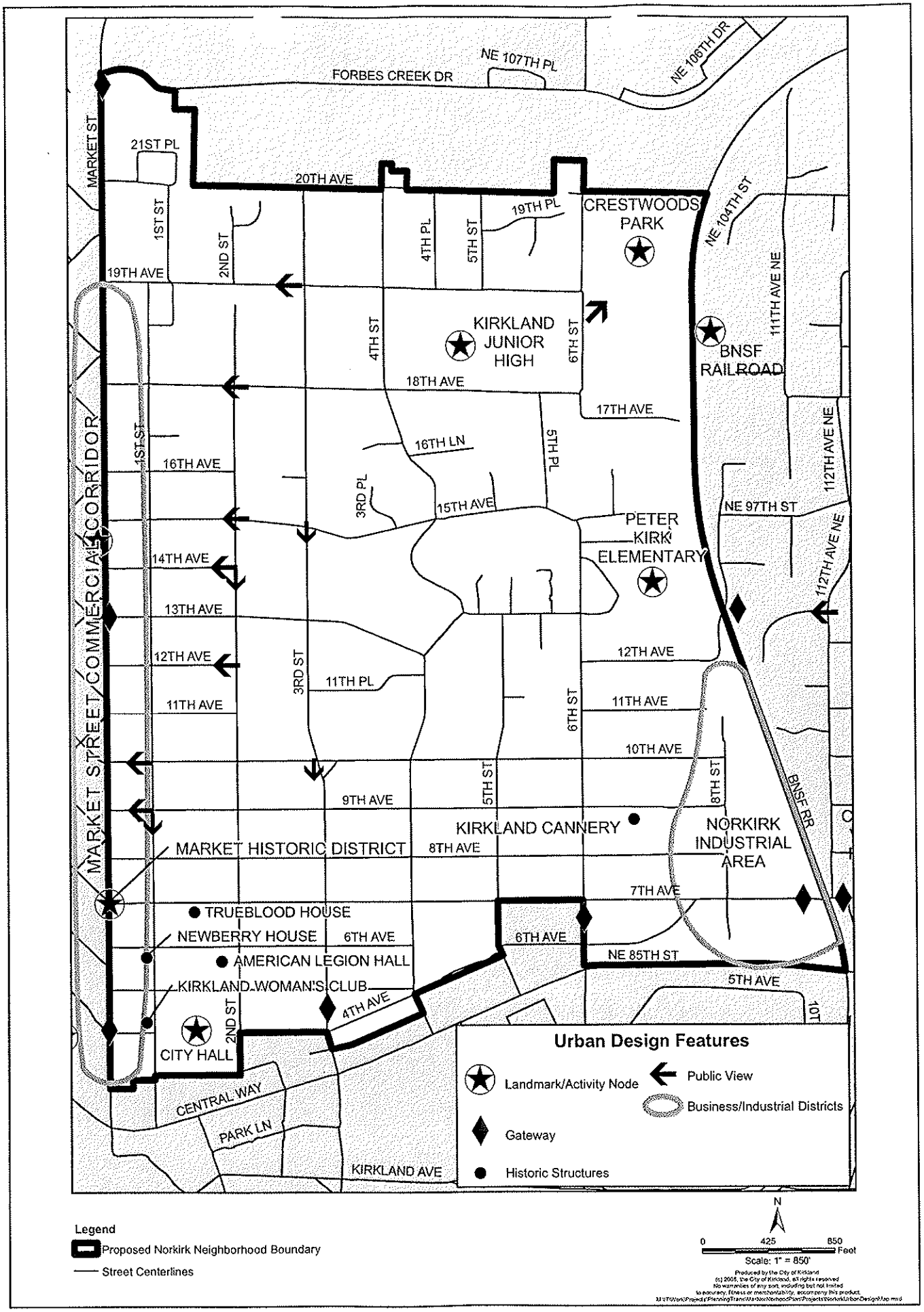


Figure N-9: Neighborhood Character/Urban Design

hanging vegetation and fire hazards as specified in Chapter 9.12 KMC shall not be deemed to be land surface modifications.

.465 Landscaping – The planting, removal and maintenance of vegetation along with the movement and displacement of earth, topsoil, rock, bark and similar substances done in conjunction with the planting, removal and maintenance of vegetation.

.467 Landslide Hazard Areas – As defined in Chapter 85 KZC.

.470 Landward – Toward dry land.

.475 Linear Frontage of Subject Property – The frontage of the subject property adjacent or parallel to all open improved public rights-of-way. Frontage adjacent to I-405 is not applicable except for properties within FC I, FC II, and PLA 10 Zones. If the subject property does not have frontage on an open improved right-of-way, the frontage of any public access easements which serve the subject property and unopened rights-of-way which front on the subject property is the linear frontage of the subject property.

.480 Lot – A parcel of land having fixed boundaries, sufficient in area and dimension to meet zoning requirements for width and area, having common ownership and not severed by an existing public right-of-way.

.482 Lot size – The total area of the subject property minus the area of vehicular access easements or tracts serving more than one lot not abutting a right-of-way.

.485 Low Density Use – A detached dwelling unit on a subject property that contains at least 6,300 ~~7,200~~ square feet.

.490 Low Density Zones – The following zones: RS 35; RSX 35; RS 12.5; RSX 12.5; RS 8.5; RSX 8.5; RS 7.2; RSX 7.2; RS 6.3; RS 5.0; RSX 5.0; PLA 6C, 6E; PLA 16; WD II; and comparable zones in other adjoining jurisdictions, except properties with approved intent to rezones to zoning designations other than low density.

.491 Low Income Household – One or more adults and their dependents whose income does not exceed 50 percent of the median household income for King County, adjusted for household size, as published by the United States Department of Housing and Urban Development.

.492 Low Income Unit – A housing unit for which the monthly housing expense, including an appropriate utility allowance, is no greater than 30 percent of the median monthly income for a low income household.

.500 Marquee Sign – Any sign which forms part of, or is integrated into, a marquee or canopy and which does not extend horizontally beyond the limits of such marquee or canopy.

.505 Master Plan – A complete development plan for the subject property showing placement, dimensions and uses of all structures as well as streets and other areas used for vehicular circulation.

.510 Maximum Lot Coverage – The maximum percentage of the surface of the subject property that may be covered with materials which will not allow for the percolation of water into the underlying soils.

.515 Medium Density Use – Detached, attached, or stacked dwelling units on a subject property which contains at least 3,600 square feet per unit but not more than 7,199 square feet per unit.

ATTACHMENT 3
2nd Sepa Addendum

.780 Residential Use – Developments in which persons sleep and prepare food, other than developments used for transient occupancy.

.785 Residential Zone – The following zones: RS 35; RSX 35; RS 12.5; RSX 12.5; RS 8.5; RSX 8.5; RS 7.2; RSX 7.2; RS 5.0; RSX 5.0; RM 5.0; RM 3.6; RM 2.4; RM 1.8; WD I; WD II; WD III; PLA 2; PLA 3B; PLA 5A, D, E; PLA 6A, C, D, E, F, H, I, J, K; PLA 7A, B, C; PLA 9; PLA 15B; PLA 16; and PLA 17.

.790 Restaurant or Tavern – Commercial use (excluding fast food restaurants) which sells prepared food or beverages and generally offers accommodations for consuming the food or beverage on the premises, and where the seating and associated circulation areas exceed 10 percent of the gross floor area of the use.

.795 Retail Establishment – A commercial enterprise which provides goods and/or services directly to the consumer, whose goods are available for immediate purchase and removal from the premises by the purchaser and/or whose services are traditionally not permitted within an office use. The sale and consumption of food are included if: (a) the seating and associated circulation area does not exceed more than 10 percent of the gross floor area of the use, and (b) it can be demonstrated to the City that the floor plan is designed to preclude the seating area from being expanded.

.800 Retention of Storm Water – The collection of water, due to precipitation, in a given area and the dispersal of these waters through the natural process of groundwater recharge and evaporation or the incorporation of this collection area into a natural stream and lake system and setting.

.805 Right-of-Way – Land dedicated primarily to the movement of vehicles and pedestrians and providing for primary access to adjacent parcels. Secondarily, the land provides space for utility lines and appurtenances and other publicly owned devices.

.810 Right-of-Way Realignment – The changing of the horizontal position of the right-of-way.

.815 Roofline – The line formed by the outside of the gable of the roof, or if the roof is flat or mansard, the top of the roof or mansard.

.817 Rooftop Appurtenances – HVAC equipment, mechanical or elevator equipment and penthouses, roof access stair enclosures, and similar equipment or appurtenances that extend above the roofline of a building, but not including personal wireless service facilities as defined by KZC 117.05.10.

.820 Runoff – The overland or subsurface flow of water.

.823 Salmonid – As defined in Chapter 90 KZC.

.824 School – A school operation with 13 or more attendees at any one time, not including immediate family members who reside in the school or employees.

.825 School Operation – Any institution of learning, excluding those offering post-secondary education, offering instruction in the several branches of learning and study required by the Basic Education Code of the State of Washington to be taught in the public, private and parochial schools.

.826 Secure Community Transition Facility (SCTF) – A facility as defined by RCW 71.09.020, now or as hereafter amended.

.827 Seismic Hazard Areas – As defined in Chapter 85 KZC.

.830 SEPA – The State Environmental Policy Act, Chapter 43.21C RCW.

ATTACHMENT 4
Sepa Addendum

.960 Use Zone – The zoning designations on the Zoning Map as follows:

RS 35	FC I	NRH 1A	PLA 6C
RSX 35	FC II	NRH 1B	PLA 6D
RS 12.5	FC III	NRH 2	PLA 6E
RSX 12.5		NRH 3	PLA 6F
RS 8.5	BN	NRH 4	PLA 6G
RSX 8.5	BC	NRH 5	PLA 6H
RS 7.2	BCX	NRH 6	PLA 6I
RS 5.0			PLA 6J
RSX 5.0	LIT	TL 1A	PLA 6K
	P	TL 1B	PLA 7A
RM 5.0		TL 2	PLA 7B
RM 3.6	CBD 1	TL 3	PLA 7C
RM 2.4	CBD 2		PLA 8
RM 1.8	CBD 3	ILC	PLA 9
	CBD 4		PLA 10A
WD I	CBD 5	PLA 1	PLA 10B
WD II	CBD 6	PLA 2	PLA 10C
WD III	CBD 7	PLA 3A	PLA 11
	CBD 8	PLA 3B	PLA 13A
PR 8.5		PLA 5A	PLA 13B
PR 5.0	JBD 1	PLA 5B	PLA 15A
PR 3.6	JBD 2	PLA 5C	PLA 15B
PR 2.4	JBD 3	PLA 5D	PLA 16
PR 1.8	JBD 4	PLA 5E	PLA 17
	JBD 5	PLA 6A	PLA 17B
PO	JBD 6	PLA 6B	PLA 17C

RS6.3 →

.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.

ATTACHMENT 5
2nd Sepa Addendum

Section 15.10

ZONE RS USE ZONE CHART

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

Section 15.10	USE ⇩ / REGULATIONS ⇨	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARDS (See Ch. 115): Front	Side	Rear	MINIMUMS: Lot Coverage	MAXIMUMS: Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Req'd Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
.010	Detached Dwelling Unit	None	As established on the Zoning Map. See Spec. Reg. 1.	20' See Spec. Reg. 3.	5', but 2 side yards must equal at least 15 feet.	10'	50% See Spec. Reg. 5.	25' above average building elevation.	E	A	2.0 per dwelling unit.	1. Minimum lot size per dwelling unit is as follows: a. In RS 35 zones, the minimum lot size is 35,000 square feet. b. In RS 12.5 zones, the minimum lot size is 12,500 square feet. c. In RS 8.5 zones, the minimum lot size is 8,500 square feet. d. In RS 7.2 zones, the minimum lot size is 7,200 square feet. e. In RS 6.3 zones, the minimum lot size is 6,300 square feet. ef. In RS 5.0 zones, the minimum lot size is 5,000 square feet. In RS 35, 12.5, 8.5, 7.2, 6.3 and 5.0 zones, not more than one dwelling unit may be on each lot, regardless of the size of each lot. 2. Floor Area Ratio (F.A.R.) allowed for the subject property is as follows: a. In RS 35 zones, F.A.R. is 20 percent of lot size. b. In RS 12.5 zones, F.A.R. is 35 percent of lot size. c. In RS 8.5 zones, F.A.R. is 50 percent of lot size. d. In RS 7.2 zones, F.A.R. is 50 percent of lot size. e. In RS 6.3 zones, F.A.R. is 50 percent of lot size. ef. In RS 5.0 zones, F.A.R. is 60 percent of lot size. *This special regulation is not effective within the disapproval jurisdiction of the Houghton Community Council.* See KZC 115.42, Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Residential Zones, for additional information. 3. On corner lots with two required front yards, one may be reduced to the average of the front yards for the two adjoining properties fronting the same street as the front yard to be reduced. The applicant may select which front yard will be reduced (see Plate 24). 4. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. 5. Residential lots in RS 35 zones within the Bridle Trails neighborhood north of Bridle Trails State Park must contain a minimum area of 10,000 permeable square feet, which shall comply with Special Regulation 6 for large domestic animals in KZC 115.20(4) (chart).

ATTACHMENT 6

2nd Supp. Addendum

Section 15.10

ZONE RS USE ZONE CHART

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

Section 15.10	USE ⇩ / REGULATIONS ⇨	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARDS (See Ch. 115) Front	Side	Rear	MINIMUMS: Lot Coverage	MAXIMUMS: Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Req'd Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
.020	Church	See Spec. Reg. 3.	As established on the Zoning Map. See Spec. Reg. 1.	20'	20' on each side	20'	70%	25' above average building elevation.	C	B	1 for every 4 people based on maximum occupancy load of any area of worship. See Spec. Reg. 4.	1. Minimum lot size is as follows. a. In RS 35 zones, the minimum lot size is 35,000 square feet. b. In RS 12.5 zones, the minimum lot size is 12,500 square feet. c. In RS 8.5 zones, the minimum lot size is 8,500 square feet. d. In RS 7.2 zones, the minimum lot size is 7,200 square feet. e. In RS 6.3 zones, the minimum lot size is 6,300 square feet. ef. In RS 5.0 zones, the minimum lot size is 5,000 square feet. 2. The property must be served by a collector or arterial street. 3. The required review process is as follows: a. If the subject property, including all contiguous property owned by the applicant and held by others for future use by the applicant, is less than five acres, the required review process is Process IIA, Chapter 150 KZC; provided, however, that within the jurisdiction of the Houghton Municipal Corporation, the required review process is Process IIB, Chapter 152 KZC. b. If the subject property, including all contiguous property owned by the applicant and held by others for future use by the applicant, is five or more acres, a Master Plan, approved through Process IIB, Chapter 152 KZC, is required. The Master Plan must show building placement, building dimensions, roadways, utility locations, land uses within the Master Plan area, parking location, buffering, and landscaping. 4. No parking is required for day-care or school ancillary to the use.

Section 15.10

ZONE RS USE ZONE CHART

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

Section 15.10	USE ⇩ / REGULATIONS ⇨	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARDS (See Ch. 115) Front	Side	Rear	MINIMUMS: Lot Coverage	MAXIMUMS: Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Req'd Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
.030	School or Day-Care Center	*See Spec. Reg. 10.*	As established on the Zoning Map. See Spec. Reg. 1.	*If this use can accommodate 50 or more students or children, then:* 50'	50' on each side	50'	70%	25' above average building elevation. See Spec Reg. 12.	D	B See Spec. Reg. 8.	See KZC 105.25	1. Minimum lot size is as follows: a. In RS 35 zones, the minimum lot size is 35,000 square feet. b. In RS 12.5 zones, the minimum lot size is 12,500 square feet. c. In RS 8.5 zones, the minimum lot size is 8,500 square feet. d. In RS 7.2 zones, the minimum lot size is 7,200 square feet. e. In RS 6.3 zones, the minimum lot size is 6,300 square feet. ef. In RS 5.0 zones, the minimum lot size is 5,000 square feet. 2. May locate on the subject property only if: a. It will not be materially detrimental to the character of the neighborhood in which it is located b. Site and building design minimizes adverse impacts on surrounding residential neighborhoods. c. The property is served by a collector or arterial street. 3. A six-foot-high fence along the side and rear property lines is required only along the property lines adjacent to the outside play areas. 4. Hours of operation and maximum number of attendees at one time may be limited to reduce impacts on nearby residential uses. 5. Structured play areas must be setback from all property lines as follows: a. 20 feet if this use can accommodate 50 or more students or children. b. 10 feet if this use can accommodate 13 to 49 students or children. 6 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 o. means may be required to reduce traffic impacts on nearby residential uses. 7 The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses. 8. Electrical signs shall not be permitted. 9. May include accessory living facilities for staff persons. 10. The required review process is as follows: a. *If the subject property, including all contiguous property owned by the applicant* and held by others for future use by the applicant, is less than five acres, the required review process is Process IIA, Chapter 150 KZC; provided, however, that within the jurisdiction of the Houghton Municipal Corporation, the required review process is Process IIB, Chapter 152 KZC. REGULATIONS CONTINUED ON NEXT PAGE
				If this use can accommodate 13 to 49 students or children, then: 20'	20' on each side	20'						

.030	School or Day-Care Center (continued)										REGULATIONS CONTINUED FROM PREVIOUS PAGE b. If the subject property, including all contiguous property owned by the applicant and held by others for future use by the applicant, is five or more acres, a Master Plan, approved through Process IIB, Chapter 152 KZC, is required. The Master Plan must show building placement, building dimensions, roadways, utility locations, land uses within the Master Plan area, parking location, buffering, and landscaping. 11. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388). 12. For school use, structure height may be increased, up to 35 feet, if: a. The school can accommodate 200 or more students; and b. 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 c. The increased height is not specifically inconsistent with the applicable neighborhood plan provisions of the Comprehensive Plan. d. The increased height will not result in a structure that is incompatible with surrounding uses or improvements. *This special regulation is not effective within the disapproval jurisdiction of the Houghton Community Council.*

Section 15.10

ZONE RS USE ZONE CHART

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

Section 15.10	USE ⇩ / REGULATIONS ⇨	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARDS (See Ch. 115) Front	Side	Rear	MINIMUMS: Lot Coverage	MAXIMUMS: Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Req'd Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
.040	Mini-School or Mini-Day-Care Center	Process I, Chapter 145 KZC.	As established on the Zoning Map. See Special Regulation 1.	20'	5' but 2 side yards must equal at least 15'.	10'	50%	25' above average building elevation.	E	B See Spec. Reg. 8.	See KZC 105.25.	1. Minimum lot size is as follows: a. In RS 35 zones, the minimum lot size is 35,000 square feet. b. In RS 12.5 zones, the minimum lot size is 12,500 square feet. c. In RS 8.5 zones, the minimum lot size is 8,500 square feet. d. In RS 7.2 zones, the minimum lot size is 7,200 square feet. e. In RS 6.3 zones, the minimum lot size is 6,300 square feet. ef. In RS 5.0 zones, the minimum lot size is 5,000 square feet. 2. May locate on the subject property if: a. It will not be materially detrimental to the character of the neighborhood in which it is located. b. Site design must minimize adverse impacts on surrounding residential neighborhoods. 3. A six-foot-high fence is required along the property lines adjacent to the outside play areas. REGULATIONS CONTINUED ON NEXT PAGE

Section 48.15

ZONE LIT USE ZONE CHART

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

Section 48.15	USE ⇩ / REGULATIONS ⇨	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARDS (See Ch. 115): Front	Side	Rear	MINIMUMS: Lot Coverage	MAXIMUMS: Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Req'd Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
.100	Office Use	Within the NE 85th Street Subarea, D.R., Chapter 142 KZC. Otherwise, none.	None	20'	0'	0'	70%	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 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' above average building elevation. b. In the Norkirk 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..

ATTACHMENT 7
2nd Supp Addendum

Section 48.15

USE ZONE CHART

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

Section 48.15	USE ⇩ / REGULATIONS ⇨	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARDS (See Ch. 115) Front	Side	Rear	MINIMUMS: Lot Coverage	MAXIMUMS: Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Req'd Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
.190	Vehicle or Boat ~~Sales,~~ Repair, Services, or Washing ~~e Rental See Spec. Reg. 1.~~	Within the NE 85th Street Subarea, D.R., Chapter 142 KZC. Otherwise, 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.	A	E	See KZC 105.25	~~1. Vehicle or boat sales or rental uses are only permitted if the property has direct vehicle access from NE 116th Street or 120th Avenue NE.~~ 12. 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. 23. 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.

Section 48.15

USE ZONE CHART

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

Section 48.15	USE ⇩ / REGULATIONS ⇨	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARDS (See Ch. 115) Front	Side	Rear	MINIMUMS: Lot Coverage	MAXIMUMS: Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Req'd Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
.195	Automobile Sales	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.	A	E See Spec. Reg. 7	See KZC 105.25	1. This use is permitted only on properties that adjoin 8 Street or 7th Avenue in the Norkirk 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 supervised through the LIT zone and limited to 8th Street, 7th Avenue, and either 6th Street or 114th Avenue NE in route to Central Way/NE 85th Street. 6. Hours of operation are limited to 7 AM – 8 PM. 7. Cabinet signs are not permitted.

~~60.114, 60.119,~~60.109 User Guide.

The charts in KZC 60.117 contain the basic zoning regulations that apply in Planned Area 7A, 7B, and 7C ~~including~~ sub-zones. 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 ~~60.115,60.120,~~ 60.110

Section60.110~~, 60.115, 60.120~~ – 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 ~~or detached dwelling unit in Planned Area 7C~~, 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 facade of that portion of the structure which is parallel to the boundary of the low density zone or detached dwelling unit shall not exceed 50 feet in width.

   See KZC 115.30, Distance Between Structures Regarding Maximum Horizontal Facade Regulation, for further details.
   (Does not apply to Detached Dwelling Unit ~~and Development Containing Attached or Stacked Dwelling Units, and any Retail Establishment Selling Goods or Providing Services Including Banking and Related Financial Services or Office Uses uses~~).

~~3. If development will result in the isolation of a low density use, site design, building design, and landscaping must mitigate the impact of that isolation (does not apply to Detached Dwelling Unit, Public Utility, Development Containing Attached or Stacked Dwelling Units, and any Retail Establishment Selling Goods or Providing Services Including Banking and Related Financial Services or Office Uses, and Public Park uses).~~

~~4. Development on the subject property must be designed to minimize view obstruction from the north (does not apply to Detached Dwelling Unit and Public Park uses).~~

ATTACHMENT 8
2nd Supp Addendum

Section ~~60.117~~, ~~60.122~~ 60.112

ZONE PLANNED AREA 7A, 7B, AND 7C USE ZONE CHART

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

Section 60.112	USE ⇩ / REGULATIONS ⇨	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARDS (See Ch. 115) Front	Side	Rear	MINIMUMS: Lot Coverage	MAXIMUMS: Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Req'd Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
.010	Detached Dwelling Unit	None	3,600 sq. ft.	20'	5', but 2 side yards must equal at least 15'.	10'	60%	If adjoining a low density zone other than RSX. ~~or detached~~ dwelling unit in Planned ~~Area 7C~~ then 25' above average building elevation. Otherwise, 30' above average building elevation.	E	A	2.0 per unit	1. For this use only one dwelling unit may be on each lot regardless of lot size. 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
.020	Detached, Attached, or Stacked Dwelling Units	If development will result in a low density use being bordered on two ~~sides by~~ higher density uses, then Process I, Chapter ~~145~~ KZC. Otherwis	3,600 sq. ft. with at least ~~1,800 sq. ft. per~~ unit.						D		1.7 per unit.	1. ~~May not access directly onto 2nd, 3rd, 4th, 5th or 6th Streets unless no other access is available.~~ 1. Minimum amount of lot area per dwelling unit is as follows: a. In the PLA 7A zone, the minimum lot area per unit is 2,400 sq. ft. b. In the PLA 7B zone, the minimum lot area per unit is 1,800 sq. ft. c. In the PLA 7C zone, the minimum lot area per unit is 3,600 sq. ft. 2. If the subject property contains four or more units, then it must contain at least 200 square feet per unit of common recreational open space usable for many activities. This required common recreational open space must have the following minimum dimensions: a. For four to 20 units, the open space must be in one or more pieces each having at least 800 square feet and having a length and width of at least 25 feet. b. For 21 units or more, the open space must be in one or more pieces having a length and width of at least 40 feet. The required common recreational open space may be reduced to 150 square feet per unit if permanent outdoor furniture, pool, cooking facilities, playground equipment and/or a recreation building are provided in the common open space. The City shall determine if these outdoor provisions provide comparable recreational opportunities as would the

		e. None.						open space that is reduced, based on the number of residents that they would serve at one time. Also, the required minimum dimension for the open space containing these outdoor provisions may also be reduced in proportion to the reduced open space area 3. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.

Section ~~60.117,~~ 60.122,60.112

ZONE PLANNED AREA 7A, 7B, AND 7C USE ZONE CHART

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

Section 60.112	USE ⇩	REGULATIONS ⇨	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARDS (See Ch. 115): Front	MINIMUMS: REQUIRED YARDS (See Ch. 115): Side	MINIMUMS: REQUIRED YARDS (See Ch. 115): Rear	MINIMUMS: Lot Coverage	MAXIMUMS: Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Req'd Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
.030	Development containing Attached or Stacked Dwelling Units; ~~and any Retail Establishment selling goods or providing services including banking and related financial services, or~~ office Office Uses (Stand Alone or Mixed with Detached, Attached, or Stacked Dwelling Units) See Spec. Regs. 1 and 2.		Process IIB, ~~Chapter~~ 152 KZC None.	3,600 sq. ft. with at least 1,800 sq. ft. per unit	20'	5', but 2 side yards must equal at least 15'.	10'	80%	The roofline may not exceed 30' above the crown of ~~4th Avenue lying adjacent to~~ the subject property average building elevation.	BC	D	See KZC 105.25.	1. This use is permitted only in PLA 7B, extending 50 feet west of the property line adjoining 4th Street, south of 4th Avenue ~~and only if developed in conjunction with property in the CBD-7 zone.~~ 2. ~~A veterinary office is not permitted in any development containing~~ dwelling units. 2. The following regulations apply to veterinary offices only: a. May only treat small animals on the subject property. b. Outside runs and other outside facilities for the animals are not permitted. c. Site must be designed so that noise from this use will not be audible off the subject property. A certification to this effect, signed by an Acoustical Engineer, must be submitted with the development permit application. d. A veterinary office is not permitted in any development containing dwelling units. ~~3. Dwelling units may not access directly onto Central Way.~~ ~~4. Retail establishment may not access directly onto 4th Avenue.~~ ~~5. Drive-in and drive-through fast food restaurant facilities are not permitted in this zone.~~ ~~6. Vehicle service stations are not permitted in this zone.~~ ~~7. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use~~ ~~8~~3. Ancillary assembly and manufacture of goods on the premise this use are permitted only if: a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses. ~~9. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if:~~ ~~a. The assembled or manufactured goods are directly related to and are dependent on this use, and are available for purchase and removal from the premises.~~ ~~b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail uses.~~ ~~10. A delicatessen, bakery, or other similar use may include, as part of the use, accessory seating if:~~

												a. The seating and associated circulation area does not exceed more than 10 percent of the gross floor area of the use; and b. It can be demonstrated to the City that the floor plan is designed to preclude the seating area from being expanded. 11. 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.

Section ~~60.117,~~ ~~60.122,~~ 60.112

ZONE PLANNED AREA 7A, 7B AND 7C USE ZONE CHART

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

Section 60.112	USE ⇩ / REGULATIONS ⇨	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARDS (See Ch. 115): Front	MINIMUMS: REQUIRED YARDS (See Ch. 115): Side	MINIMUMS: REQUIRED YARDS (See Ch. 115): Rear	MINIMUMS: Lot Coverage	MAXIMUMS: Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Req'd Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
.040	Church	Process IIA, Chapter 150 KZC.	7,200 sq ft.	20'	20' on each side	20'	70%	If adjoining a low density zone other than RSX, or detached dwelling unit in Planned Area 7C, then 25' above average building elevation. Otherwise, 30' above average building elevation.	C	B	1 for every 4 people based on maximum occupancy load of any area of worship. See Spec. Reg. 2.	1. May not access directly onto 2nd, 3rd, 4th, 5th, or 6th Streets unless no other access is available. 2. No parking is required for day-care or school ancillary to this use.

Section ~~60.117~~, ~~60.122~~60.112

ZONE PLANNED AREA 7A, 7B, AND 7C USE ZONE CHART

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

Section 60.112	USE ⇩ / REGULATIONS ⇨	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARDS (See Ch. 115) Front	Side	Rear	Lot Coverage	MAXIMUMS: Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Req'd Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
.050	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'	50' on each side	50'	70%	If adjoining a low density zone other than RSX, ~~or detached~~ dwelling ~~unit in Planned Area 7C,~~ then 25' above average building elevation. Otherwise, *30' above* average building elevation. See Spec. Reg. 9.	D	B	See KZC 105.25	1. ~~May not access directly onto 2nd, 3rd, 4th, 5th or 6th Streets unless no other access is available.~~ 2. A six-foot-high fence is required only 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 setback from all property lines as follows: a. *20 feet if this use can accommodate 50 or more students or children.* b. 10 feet if this use can accommodate 13 to 49 students or children. 5. An on-site passenger loading area must be provided. The City shall determine the appropriate size of the loading areas on a case-by-case basis, depending on the number of attendees and the extent of the abutting right-of-way improvements. Carpooling, staggered loading/unloading time, right-of-way improvements or other means may be required to reduce traffic impacts on any nearby residential uses. 6. May include accessory living facilities for staff persons. 7. The location of parking and passenger loading areas shall be designed to reduce impacts on any nearby residential uses. 8. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388). 9. For school use, structure height may be increased, up to 35 feet, if: a. The school can accommodate 200 or more students; and b. 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 c. The increased height is not specifically inconsistent with the *applicable neighborhood plan provisions of the Comprehensive Plan.* d. The increased height will not result in a structure that is incompatible with surrounding uses or improvements.
				If this use can accommodate 13 to 49 students or children, then: 20'	20' on each side	20'						

Section ~~60.117~~, 60.122,60.112

ZONE PLANNED AREA 7A, 7B, AND 7C USE ZONE CHART

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

Section 60.112	USE ⇩ / REGULATIONS ⇨	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARDS (See Ch. 115) Front	Side	Rear	Lot Coverage	MAXIMUMS: Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Req'd Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
.060	Mini-School or Mini-Day-Care	None	3,600 sq. ft.	20'	5', but 2 side yards must equal at least 15'.	10'	60%	If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 30' above average building elevation.	E	B	See KZC 105.25	1. A six-foot-high fence is required only along the property lines adjacent to the outside play area. 2. Hours of operation may be limited by the City to reduce impacts on nearby residential uses. 3. Structured play areas must be setback from all property lines by five feet. 4. An on-site passenger loading area may be required depending on the number of attendees and the extent of the abutting right-of-way improvements. 5. The location of parking and passenger loading areas shall be designed to reduce impacts on any nearby residential uses. 6. May include accessory living facilities for staff persons. 7. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388). ~~8. May not access directly onto 2nd, 3rd, 4th, 5th or 8th Streets unless no other access is available.~~

Section ~~60.117,~~ ~~60.122,~~ 60.112

ZONE PLANNED AREA 7A, 7B, AND 7C USE ZONE CHART

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

Section 60.112	USE ⇩ / REGULATIONS ⇨	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARDS (See Ch. 115): Front	Side	Rear	Lot Coverage	MAXIMUMS: Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Req'd Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
.070	Assisted Living Facility	If develop ment will result in a low density use being bordered on two sides by higher density uses, then Process I, Chapter 145 KZC. Otherwise, None.	3,600 sq. ft.	20'	5', but 2 side yards must equal at least 15'.	10'	60%	If adjoining a low density zone other than RSX, or detached dwelling unit in Planned Area 7C, then 25' above average building elevation. Otherwise, 30' above average building elevation.	D	A	1.7 per independent unit. 1 per assisted living unit.	1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility. 2. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses. 3. For density purposes, two assisted living units shall constitute one dwelling unit. Total dwelling units may not exceed the number of Stacke Dwelling Units allowed on the subject property. Through Process IIB, Chapter 152 KZC, up to 1 1/2 times the number of Stacked Dwelling Units allowed on the subject property may be approved if the following criteria are met: a. Project is of superior design, and b. Project will not create impacts that are substantially different than would be created by a permitted multifamily development. 4. The assisted living facility shall provide usable recreational space of at least 100 square feet per unit, in the aggregate, for both assisted living units and independent dwelling units, with a minimum of 50 square feet of usable recreational space per unit located outside. 5. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.

Section ~~60.117~~, ~~60.122~~,60.112

ZONE PLANNED AREA 7A, 7B, AND 7C USE ZONE CHART

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

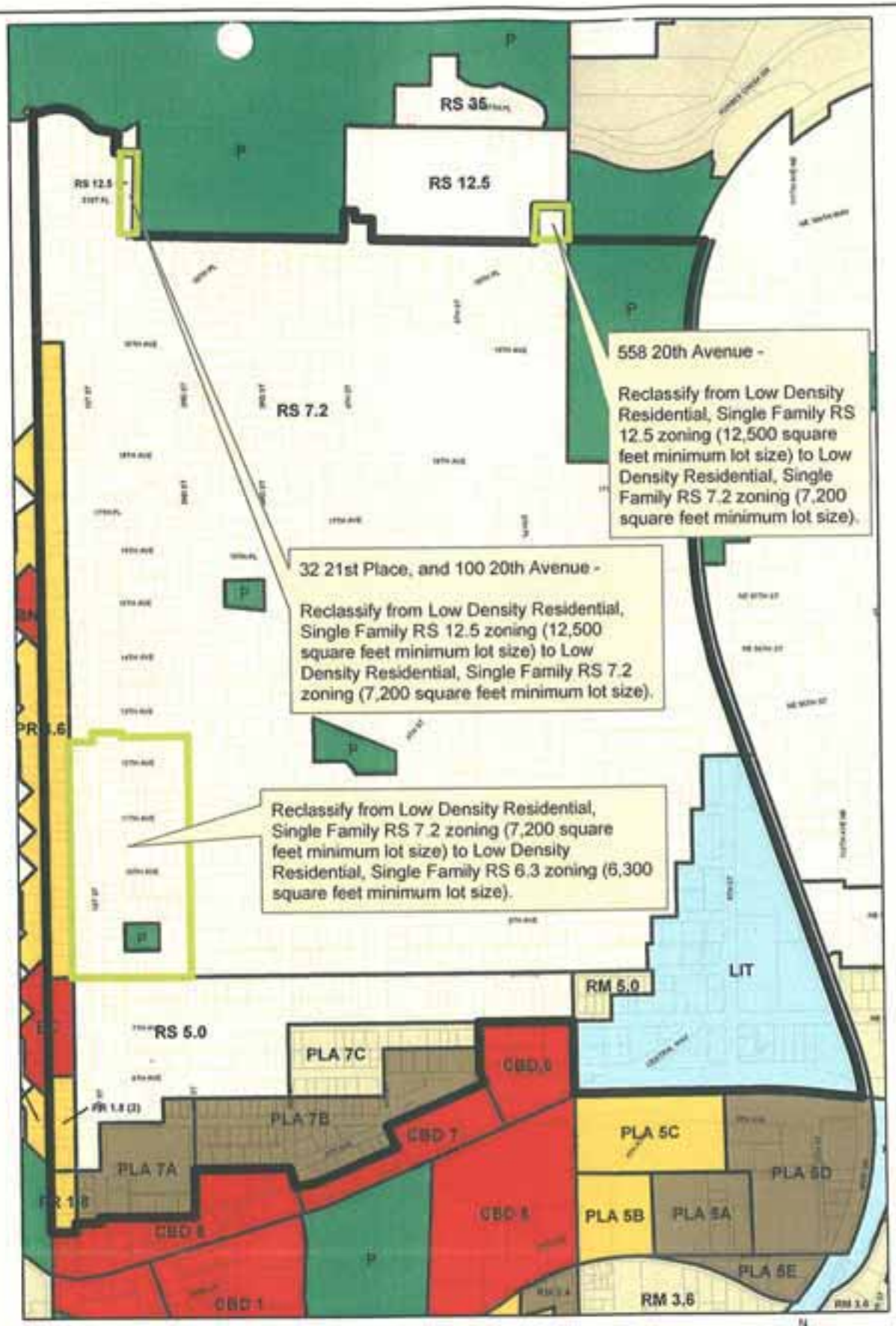
Section 60.112	USE ⇩ / REGULATIONS ⇨	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARDS (See Ch. 115) Front	Side	Rear	Lot Coverage	MAXIMUMS: Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Req'd Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
.080	Convalescent Center or Nursing Home	Process IIA, Chapter 150 KZC.	7,200 sq. ft.	20'	10' on each side	10'	70%	If adjoining a low density zone other than RSX, or detached dwelling unit in Planned Area 7C, then 25' above average building elevation. Otherwise, 30' above average building elevation	C	B	1 for each bed.	~~1. May not access directly onto 2nd, 3rd, 4th, 5th or 6th Streets unless no other access is available.~~ 2. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses.
.090	Public Utility		None		20' on each side				A		See KZC 105.25.	
.100	Government Facility or Community Facility				10' on each side				C See Spec. Reg. 2.			~~1. May not access directly onto 2nd, 3rd, 4th, 5th or 6th Streets unless no other access is available.~~ 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.

Section ~~60.117,~~ ~~60.122,~~ 60.112

ZONE PLANNED AREA 7A, 7B, AND 7C USE ZONE CHART

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

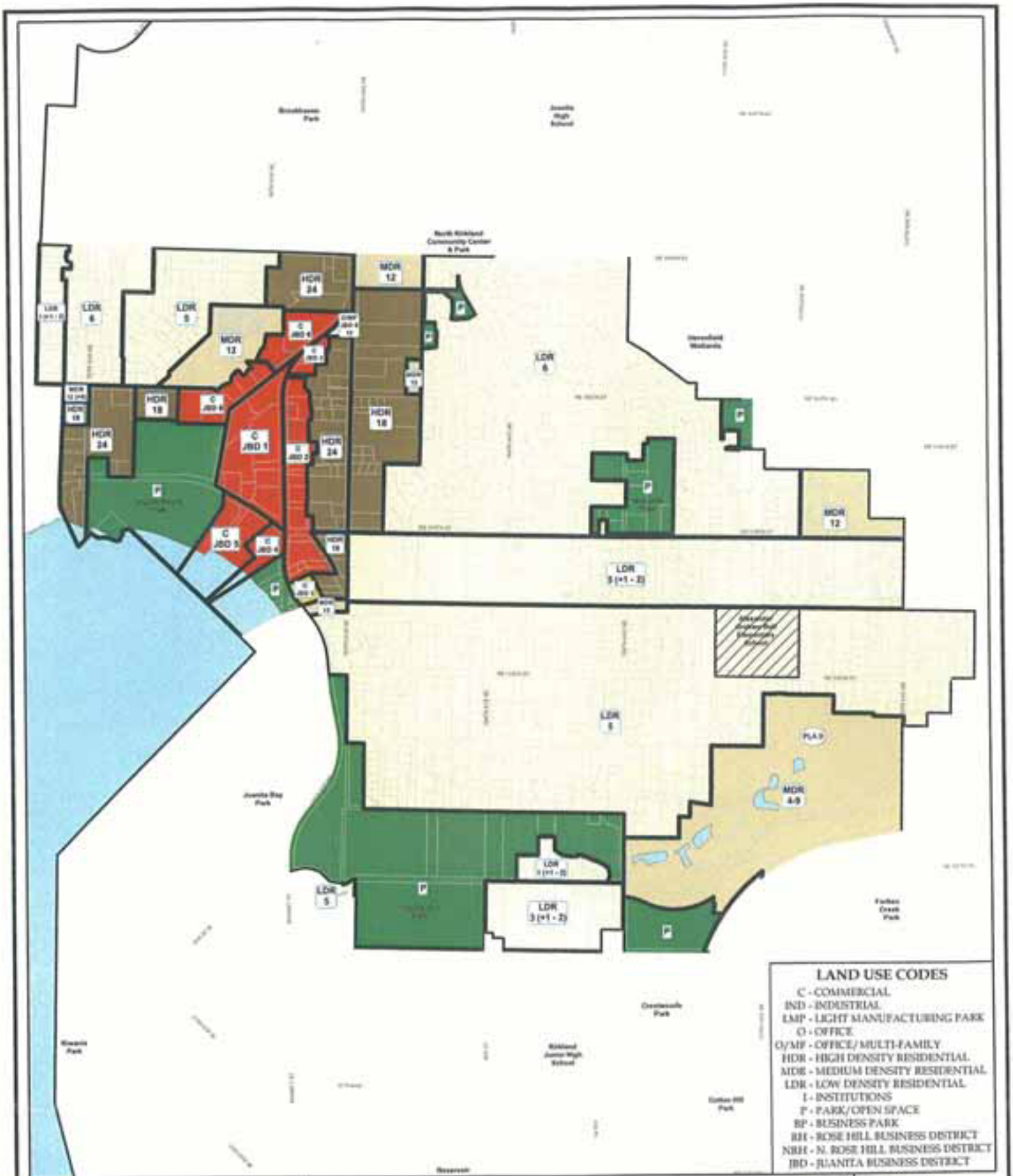
Section 60.112	USE ⇩	REGULATIONS ⇨	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARDS (See Ch. 115) Front	Side	Rear	MINIMUMS: Lot Coverage	MAXIMUMS: Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Req'd Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
.110	Public Park		See Special Regulations 1 and 2.	*None*	*Will be determined on a case-by-case basis.*					---	B	See KZC 105.25	1. Except as provided for in Special Regulation 2 below, any development or use of a park must occur consistent with a Master Plan. A Master Plan shall be reviewed through a community review process, established by the Parks and Community Services Director, which shall include at a minimum: a. One formal public hearing, conducted by the Parks Board, preceded by appropriate public notice. b. The submittal of a written report on the proposed Master Plan from the Parks Board to the City Council, containing at least the following: 1) A description of the proposal; 2) An analysis of the consistency of the proposal with adopted Comprehensive Plan policies, including the pertinent Park and Recreation Comprehensive Plan policies; 3) An analysis of the consistency of the proposal with applicable developmental regulations, if any; 4) A copy of the environmental record, if the proposal is subject to the State Environmental Policy Act; 5) A summary and evaluation of issues raised and comments received on the proposed Master Plan; and 6) A recommended action by the City Council. c. City Council review and approval. The City Council shall approve the Master Plan by resolution only if it finds: 1) It is consistent with all applicable development regulations and, to the extent there is no applicable development regulation, the Comprehensive Plan; and 2) It is consistent with the public health, safety, and welfare. In addition to the features identified in KZC 5.10.505, the Master Plan shall identify the following: a. Location, dimensions, and uses of all active and passive recreation areas; b. Potential users and hours of use; c. Lighting, including location, hours of illumination, lighting intensity, and height of light standards; d. Landscaping; e. Other features as appropriate due to the character of the neighborhood or characteristics of the subject property. REGULATIONS CONTINUED ON NEXT PAGE 2. Development and use of a park does not require a Master Plan under this code if it will not involve any of the following: a. Lighting for outdoor nighttime activities; b. The construction of any building of more than 4,000 square feet; c. The construction of more than 20 parking stalls; d The development of any structured sports or activity areas, other than minor recreational equipment including swing sets, climber toys, slides, single basketball hoops, and similar equipment.



City of Kirkland Norkirk Neighborhood Plan
7/12/2006 Draft

Proposed Changes to Kirkland Zoning Map

ATTACHMENT 9
2nd SEPA Addendum



South Juanita Neighborhood

Land Use Map

ORDINANCE NO. 4028
ADOPTED by the Kirkland City Council
December 13, 2005

LAND USE BOUNDARIES
SUBAREA BOUNDARY
TOTEM CENTER
PUBLIC FACILITIES

PARCEL BOUNDARIES
PLA PLANNED AREA NUMBER
LDR 5* — LAND USE CODE / DENSITY (UNITS/ACRE)

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

Maps produced July 12, 2006.
Produced by the City of Kirkland. (c) 2006, the City of Kirkland, all rights reserved.
No warranties of any sort, including but not limited to accuracy, fitness or merchantability, accompany this product.

ATTACHMENT 10
2nd SEPA addendum

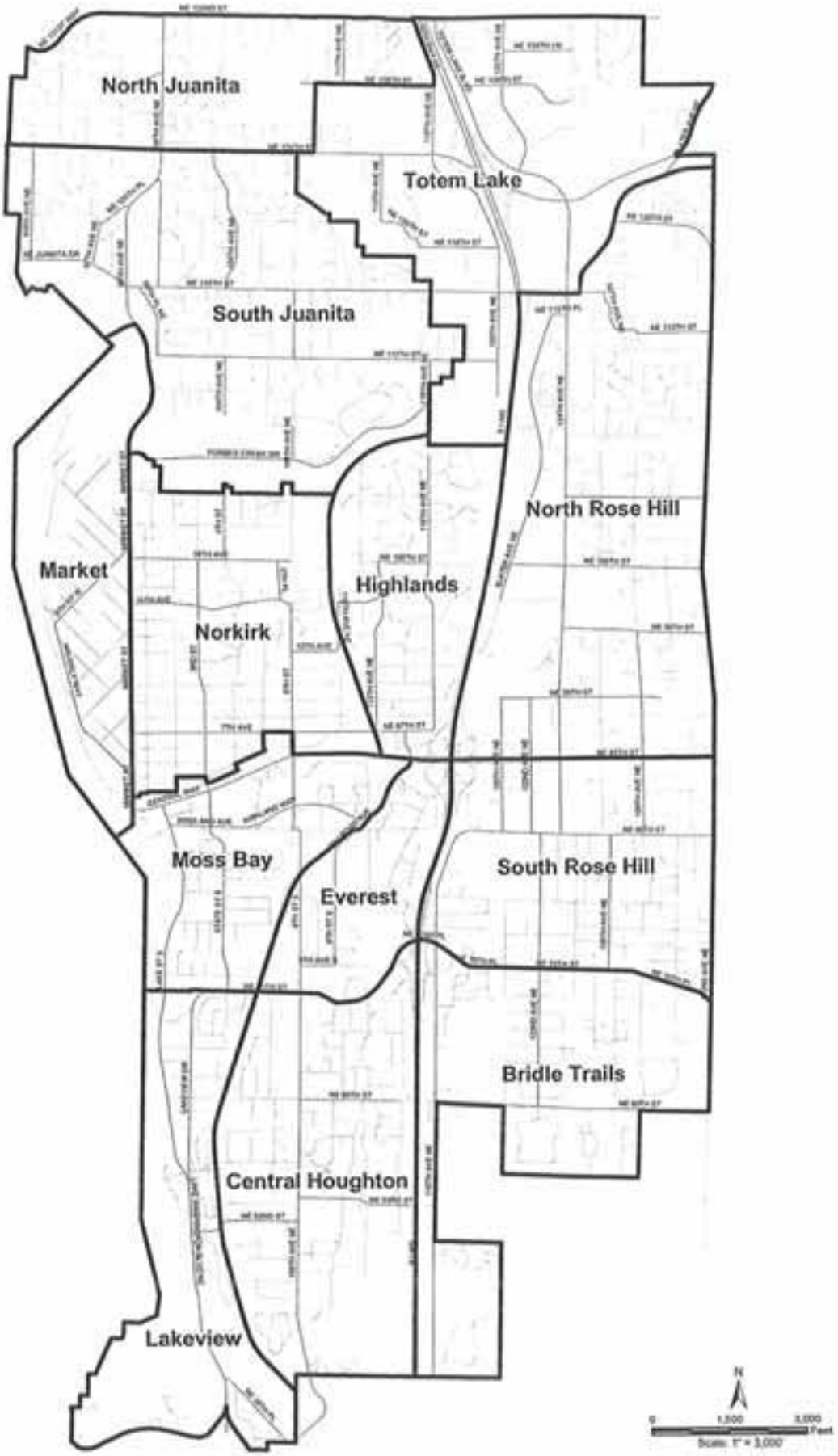


Figure I-3: City of Kirkland Neighborhoods

ATTACHMENT 11
2nd SEPA addendum

Table LU-3 below provides a range of residential densities described in the Comprehensive Plan with comparable zoning classifications.

Table LU-3

Residential Densities and Comparable Zones

General Residential Densities	Residential Densities as Specified in Comprehensive Plan in Units per Net Acres (d/a)	Comparable Zoning Classification
LOW DENSITY	Up to 1 d/a	RS – 35,000
	Up to 3 d/a	RS – 12,500
	4 – 5 d/a	RS – 8,500 RS – 7,200
	~~6 – 7 d/a~~ 7 - d/a	~~RS – 7,200~~ RS - 6,300
	8 – 9 d/a	RS – 5,000
MEDIUM DENSITY	8 – 9 d/a	RM – 5,000
	10 – 14 d/a	RM – 3,600
HIGH DENSITY	15 – 18 d/a	RM – 2,400
	19 – 24 d/a	RM – 1,800

Higher unit per acre counts may occur within each classification if developed under the City's PUD, innovative or affordable housing programs.

ATTACHMENT 12
2nd Supp Addendum

Goal ED-3: Strengthen the unique role and economic success of Kirkland's commercial areas

Policy ED-3:1. Promote economic success within Kirkland's commercial areas.

The Land Use Element sets forth the general land-use development pattern for Kirkland's commercial areas. Consistent with each Neighborhood Plan there will be opportunities to strengthen commercial area in the types of businesses provided and redevelopment opportunities. Following is a summary of the role of each commercial area.

- Totem Lake's role is an Urban Center that serves as a community and regional center for destination retailing, health care, automobile sales, high technology, light industrial, professional offices and housing.
- Downtown's role is an Activity Area that serves as a community and regional center for professional and government services, specialty retail, tourism, arts and entertainment, neighborhood services and housing.
- The Yarrow Bay and Carillon Point Business Districts provide corporate headquarters, professional offices, professional services, restaurants and housing.
- The Rose Hill Business District along NE 85th Street provides regional and neighborhood services in general retail, automobile sales, high technology, small office parks and housing.
- The North Rose Hill Business District provides both regional and neighborhood services, retail stores and housing.
- The Market, Juanita, Houghton and Bridle Trails Neighborhood Centers provide neighborhood retail stores, professional services, recreation and housing.
- The Everest and Norkirk Industrial Areas provide opportunities for small businesses in light industrial, manufacturing, wholesale, office and high technology. Within the Norkirk Industrial Area, environmentally sustainable technology and clean energy commerce is encouraged.
- The Residential Markets along Lake Washington Blvd. provide convenience commercial goods and services.

ATTACHMENT 13
2nd SEPA addendum

CITY OF KIRKLAND
Planning and Community Development Department
123 Fifth Avenue, Kirkland, WA 98033 425.587.3225
www.ci.kirkland.wa.us

MEMORANDUM

Date: **October 31, 2006**

To: **David Ramsay, City Manager**

From: **Eric Shields, Planning Director**
Paul Stewart, Deputy Planning Director

Subject: **Presentation of 25 Year Service Award**

Recommendation
Mayor present 25 Year Service Award to Senior Planner Teresa Swan at the November 8th, 2006 regular City Council Meeting.

CITY OF KIRKLAND

Service Award

The City of Kirkland Proudly Recognizes and Honors

Teresa Swan

for your contributions over the last 25 years as of April 8, 2006.

Thank you for your service.

James L. Lauinger, Mayor _____

David H. Ramsay, City Manager _____

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

MEMORANDUM

To: Dave Ramsay, City Manager

From: Jeff Blake, Director of Fire and Building Department

Date: 10/16/06

Subject: Special Presentation

RECOMMENDATION:

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

BACKGROUND DISCUSSION:

KIRKLAND GRADUATES FOURTH CERT CLASS

The Community Emergency Response Team (CERT) program trains citizens to be better prepared to respond to emergency situations in their communities. When emergencies happen, CERT members can give critical support to first responders, provide immediate assistance to victims, and organize untrained volunteers at disaster sites. CERT members may also help with non-emergency projects that help improve the safety of their community.

The 24-hour CERT course is taught by a trained team of first responders and other professionals. Training covers the Incident Command System, disaster preparedness, fire suppression, basic medical assessment and first aid, light search & rescue operations, and disaster psychology.

CERT members understand the risks disasters pose to people and property. They take steps to reduce hazards and lessen the impact of disasters once they have occurred. When disasters overwhelm local response capability, they will be able to give critical support to their families, neighbors, and others in their immediate area until professional help arrives. When professionals arrive, they will be able to provide useful information and support first responder efforts. Later they will be able to help efforts to reestablish stability to the community.

Kirkland's fourth CERT course, graduating Nov. 4th, inaugurates the second year of the City's program. The course will be offered again throughout the winter, spring and fall of 2007. The next course is scheduled to begin Jan. 9, 2007. Residents in the Kirkland fire response area (Kirkland and Fire District 41) are welcome to participate. Residents outside this area will be accepted on a space-available basis.

KIRKLAND CITY COUNCIL REGULAR MEETING MINUTES
October 17, 2006

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. STUDY SESSION

a. Kirkland Alliance of Neighborhoods

Joining Councilmembers for this discussion in addition to City Manager Dave Ramsay, Assistant City Manager Marilynne Beard, and Neighborhood Services Coordinator Kari Page, were Kirkland Alliance of Neighborhoods members: Coordinator Jim McElwee, Greg Butler, Margaret Carnegie, Mark Eliasen, Eric Eng, Lynda Haneman, Bob Kamuda, Sue Keller, Glenn Peterson, Anna Rising, Jeanette Simecek and Norm Storme.

4. EXECUTIVE SESSION

a. To Discuss Labor Relations

5. SPECIAL PRESENTATIONS

a. Designating October 24, 2006 as Kirkland Arbor Day

The proclamation was presented to Cindy Scott, representing Campfire USA.

b. Designating October, 2006 as National Code Compliance Month

Council recognized City Code Enforcement officers Judd Tuberg and Craig Salzman.

c. Intelligent Transportation System Briefing

Transportation Commission Member Joel Pfundt presented information on the proposal.

d. Emergency Preparedness Update

Deputy Fire Chief Helen Ahrens-Byington provided Council with a status report.

6. REPORTS

a. City Council

(1) Regional Issues

Councilmembers shared information regarding the King Conservation District; Baby Boomers and Beyond Expo; participation in the Discovery Institute study of the San Francisco Water Transit Authority; Sound Transit Direct Access dedication; Governing Magazine Performance Management conference; NorKirk Neighborhood Council meeting; Kirkland Business Roundtable; Regional Policy Committee meeting; Metropolitan Solid Waste Management Advisory Committee meeting; Visit from the San Diego Economic Development group; and scheduled Annexation workshops.

b. City Manager

(1) Calendar Update

(2) Introduction of Duncan Milloy, Business Retention Consultant

7. COMMUNICATIONS

a. Items from the Audience

Suzanne Gordon, 8330 142nd Avenue NE, Redmond, WA
Bill Vadino, Kirkland Chamber of Commerce, 410 ParkPlace, Kirkland, WA
Jim Hutchinson, Kirkland Chamber of Commerce, 410 ParkPlace, Kirkland, WA

b. Petitions

8. CONSENT CALENDAR

a. Approval of Minutes: October 3, 2006

b. Audit of Accounts:

Payroll $1,740,941.47
Bills $1,946,644.95
run # 628 check #'s 482434 - 482637
run # 629 check # 482662
run # 630 check #'s 482663 - 482822

c. General Correspondence

d. Claims

(1) Lyn Brown

(2) Jack L. Duranceau

e. Authorization to Call for Bids

f. Award of Bids

g. Acceptance of Public Improvements and Establishing Lien Period

h. Approval of Agreements

i. Other Items of Business

(1) Ordinance No. 4060 and its Summary, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND, WASHINGTON, GRANTING PUGET SOUND ENERGY, INC., A WASHINGTON CORPORATION, THE RIGHT, PRIVILEGE, AUTHORITY AND FRANCHISE TO SET, ERECT, CONSTRUCT, SUPPORT, ATTACH, CONNECT AND STRETCH FACILITIES BETWEEN, MAINTAIN, REPAIR, REPLACE, ENLARGE AND OPERATE FACILITIES IN, UPON, UNDER ALONG AND ACROSS THE FRANCHISE AREA FOR THE PURPOSES OF TRANSMISSION, DISTRIBUTION AND SALE OF NATURAL GAS."

(2) Approving Sale of Surplus Equipment Rental Vehicles/Equipment

Fleet #	Year	Make	VIN/Serial Number	License #	Mileage/Hrs.
Gator-1	2003	John Deere 6x4 Turf Gator	W006X4X068082	N/A	N/A
V-01	1993	Ford L9000 Guzzler	1FDZY90L4PVA29394	15219D	10,743 Hrs.

(3) Accepting Transportation Commission Youth Member Resignation

Motion to Approve the Consent Calendar.
Moved by Councilmember Mary-Alyce Burleigh, seconded by Councilmember

Jessica Greenway
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

a. Initiative Measure No. 937 concerns energy resource use by certain electric utilities. This measure would require certain electric utilities with 25,000 or more customers to meet certain targets for energy conservation and use of renewable energy resources, as defined, including energy credits, or pay penalties. Should this measure be enacted into law? Yes [ ] No [ ]

(1) Resolution R-4609, Stating the City Council's Support for Initiative 937, Relating to Energy Resource Use by Certain Electrical Utilities

Mayor Lauinger opened the public hearing. Senior Management Analyst Tracy Burrows reviewed information concerning the Initiative. Testimony was provided by Bill LaBorde, 150 Nickerson, Ste. 109, Seattle WA 98104. No further testimony was offered and the Mayor closed the hearing.

Motion to Approve Resolution R-4609, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND STATING THE CITY COUNCIL'S SUPPORT FOR INITIATIVE 937, RELATING TO ENERGY RESOURCE USE BY CERTAIN ELECTICAL UTILITIES."
Moved by Deputy Mayor Joan McBride, seconded by Councilmember Dave Asher
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. Resolution R-4610, Expressing an Intent to Vacate a Portion of Right-of-Way Filed by Michael R. Mastro of Mastro Properties, File Number VAC06-00002

Mayor Lauinger opened the public hearing. Project Planner Stacy Clauson reviewed the issues surrounding the vacation. Testimony was provided by Karen Whittle, 11114 122nd Lane NE, #N108, Kirkland, WA 98033. No

further testimony was offered and the Mayor closed the hearing.

Motion to Approve Resolution R-4610, entitled "A RESOLUTION OF THE CITY OF KIRKLAND EXPRESSING AN INTENT TO VACATE A PORTION OF A RIGHT-OF-WAY FILED BY MICHAEL R. MASTRO OF MASTRO PROPERTIES, FILE NUMBER VAC06-00002."
Moved by Councilmember Mary-Alyce Burleigh, seconded by Councilmember Jessica Greenway
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.

Following agenda item 9.b., Council recessed for a short break.

c. Ordinance No. 4062, Authorizing the City Manager to Permit the Use of the City-Owned Property at 13013 NE 65th Street as a Community Facility by Kirkland Hopelink for up to 75 Days, While a Process I Application is Pending; Requiring Kirkland Hopelink to Secure a Process I Approval Within 75 Days of this Ordinance and Maintain Process I Approval Through any Administrative or Judicial Appeals or to Vacate the Premises at 13013 NE 65th Street; and Declaring an Emergency

Following comments relating to the conduct of the hearing, Mayor Lauinger opened the public hearing. Deputy Parks and Community Services Director Carrie Hite provided background and an update on recent activities related to the issues. Further information was provided by Shelley Noble, Director of Family and Emergency Services for Hopelink, and Ross Treleven, Branch Manager, Sprague Pest Control. Additional testimony was provided by:
C. Ray Allshouse, 12023 NE 66th Street, Kirkland, WA
Harry McGuane, 13000 NE 61st Place, Kirkland, WA
Lorraine Trosper, 6150 130th Avenue NE, Kirkland, WA
Ray Schlienz, 12031 NE 67th Street, Kirkland, WA
Don Kaufman, 6330 133rd Avenue NE, Kirkland, WA
Michael Hobbs, 13506 NE 66th Street, Kirkland, WA
Nancy Bick, 6126 130th Avenue NE, Kirkland, WA
Teresa Anderson, 12920 NE 64th Street, Kirkland, WA
Quinn Elliott, Kirkland Arts Center, 620 Market Street, Kirkland, WA
Margaret Schwender, 6556 116th Place NE, Kirkland, WA
Vicki Lotz, 6552 116th Place NE, Kirkland, WA
Gerri Haines, 104 7th Avenue, Kirkland, WA
Sharon Sherrard, 558 20th Avenue, Kirkland, WA
Brett LeMoine, 15617 ME 70th Court, Redmond, WA
Peter Knox, 13019 NE 61st Place, Kirkland, WA

Christina Dugoni, 6229 132nd Avenue NE, Kirkland, WA
Joel Cowger, 6131 128th Avenue NE, Kirkland, WA
Jim McElwee, 12907 NE 78th Place, Kirkland, WA
Suzanne Kagen, 36 Bridlewood Circle, Kirkland, WA
Bill Anderson, 12920 NE 64th Street, Kirkland, WA
Heidi Petersen, 6410 1/2 Phinney Avenue North, Seattle, WA
Andy Held, 5505 127th Avenue NE, Kirkland, WA
Luke Ivey, 4823 S. Findlay Street, Seattle, WA
Tom Sherrard, 558 20th Avenue, Kirkland, WA
Diane Sloda, 11001 NE 145th St, , WA
Karen McGlynn, 13030 NE 61st Place, Kirkland, WA
No other testimony was offered and the Mayor closed the hearing.

Motion to Approve Ordinance No. 4062, entitled "AN EMERGENCY ORDINANCE OF THE CITY OF KIRKLAND AUTHORIZING THE CITY MANAGER TO PERMIT THE USE OF THE CITY-OWNED PROPERTY AT 13013 NE 65TH STREET AS A COMMUNITY FACILITY BY KIRKLAND HOPELINK FOR UP TO 75 DAYS, WHILE A PROCESS I APPLICATION IS PENDING; REQUIRING KIRKLAND HOPELINK TO SECURE PROCESS I APPROVAL WITHIN 75 DAYS OF THIS ORDINANCE AND MAINTAIN PROCESS I APPROVAL THROUGH ANY ADMINISTRATIVE OR JUDICIAL APPEALS OR TO VACATE THE PREMISES AT 13013 NE 65TH STREET; AND DECLARING AN EMERGENCY. (FILE MIS06-00038)."
Moved by Deputy Mayor Joan McBride, 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.

Motion to Approve the use of funds totaling $24,042 per the fiscal note dated October 13, 2006, including one-time use of $16,042 from the contingency fund and one-time re-programming of $8,000 from the Parks professional services budget.
Moved by Deputy Mayor Joan McBride, seconded by Councilmember Dave Asher
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.

Following agenda item 9.c., Council recessed for a short break.

10. UNFINISHED BUSINESS

a. Sidewalk Bond Exploratory Committee Recommendation

Chair Norm Storme of the Sidewalk Bond Exploratory Committee provided an overview of the recommendation.

b. Ordinance No. 4063, Relating to Solid Waste Collection Rates and Amending Section 16.12.030 of the Kirkland Municipal Code

Public Works Director Daryl Grigsby and Facilities and Operations Administrative Manager Erin Leonhart responded to Council questions and comments.

Motion to Approve Ordinance No. 4063, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO SOLID WASTE COLLECTION RATES AND AMENDING SECTION 16.12.030 OF THE KIRKLAND MUNICIPAL CODE" without the commercial organics.
Moved by Councilmember Mary-Alyce Burleigh, seconded by Councilmember Bob Sternoff
Vote: Motion failed 3 - 4
Yes: Mayor Jim Lauinger, Councilmember Mary-Alyce Burleigh, and Councilmember Bob Sternoff.
No: Deputy Mayor Joan McBride, Councilmember Dave Asher, Councilmember Jessica Greenway, and Councilmember Tom Hodgson.

Motion to Approve Ordinance No. 4063, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO SOLID WASTE COLLECTION RATES AND AMENDING SECTION 16.12.030 OF THE KIRKLAND MUNICIPAL CODE."
Moved by Councilmember Jessica Greenway, seconded by Councilmember Tom Hodgson
Vote: Motion carried 5-2
Yes: Deputy Mayor Joan McBride, Councilmember Dave Asher, Councilmember Mary-Alyce Burleigh, Councilmember Jessica Greenway, and Councilmember Tom Hodgson.
No: Mayor Jim Lauinger, and Councilmember Bob Sternoff.

11. NEW BUSINESS

12. ANNOUNCEMENTS

13. ADJOURNMENT

The October 17, 2006 regular meeting of the Kirkland City Council adjourned at 12:22 a.m. , October 18, 2006.

City Clerk Mayor

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: Eric Shields, Planning Director

Date: October 26, 2006

Subject: LETTER FROM ELLEN CURTIS

RECOMMENDATION

Authorize the mayor to sign the proposed letter to Ellen Curtis.

BACKGROUND DISCUSSION

Ms. Curtis's letter to the Council expresses concern about the impacts of development activity, particularly adjacent to her residence.

430 Lake Street South, #33
Kirkland, WA 98033
October 18, 2006

Kirkland City Council
123 Fifth Avenue
Kirkland, WA 98033

RECEIVED
OCT 23 2006
CITY OF KIRKLAND
CITY MANAGER'S OFFICE

Dear Kirkland City Council:

The joy and delight of living in Kirkland is rapidly waning. I've lived in the downtown area since 1991. I have painfully watched what used to be a quaint, village-like atmosphere become a city under siege as cranes and bulldozers make way for numerous new condos and homes. For the last two years, I've navigated from 5th Avenue South, State Street, Kirkland Way, Central Way, and Lake Street as all have been under construction.

My own living space is crowded out, too. There is a second multi-unit condo going up on 5th Avenue South, about a car length away from our now shared driveway. We put up with garbage strewn in the lot, hastily-laid asphalt tracked in on our carpets, noise from dozers and saws and pounding, as well as dust and grit from sanding. I feel the walls shake and windows rattle from the noise some days. I leave the fan on and play CDs most of the day while at home to create white noise. Did I mention the "Honey Bucket" on the lot fills my unit with its odors? I keep towels under the door and the windows shut to keep the stench from seeping in.

And today, as if the frog has not completely boiled in increasingly hotter water, the Fire department and construction workers pounded on our doors to alert us of a gas line break. We had to rush out and couldn't leave in our cars because of the danger of an explosion. What a disaster! One considerate construction worker dropped a few of us off at the coffee shop while the gas line was repaired. A casual "Sorry about that" was offered by the construction manager when I walked home. I'm now sitting in my unit, doors and windows open. Puget Sound Energy confirmed it is "safe" to enter.

Along with the gas that is dissipating, my love for this community is evaporating. I'm afraid Kirkland has lost its way. The city's mission statement reads: *"We are committed to the enhancement of Kirkland as a community for living, working and leisure, with an excellent quality of life which preserves the City's existing charm and natural amenities."* Is this what our community leaders and visionaries are committed to? Only if one if can afford the price tag of the "new Kirkland" with its traffic, dozers, mud, debris, and noise. No thanks. The price of losing that intangible charm and quality of life is just too high.

Sincerely,

Ellen Curtis

Ellen Curtis
425-827-5636
sarahe.curtis@att.net

cc: Kirkland Courier
The Seattle Times
King County Journal

November 8, 2006

D R A F T

Ellen Curtis
430 Lake St. South #33
Kirkland, WA 98033

Dear Ms Curtis:

The City Council received your letter describing the impacts you've experienced from development activity near your home. Like most other cities in the Puget Sound area, Kirkland has continued to grow, and with that we have experienced growing pains. The City seeks to minimize development impacts through our development regulations. We acknowledge your frustration with the adjacent construction and regret that the City was not able to do more to prevent the problems you experienced.

Your letter mentions several specific issues, among them: a gas line break, the noise and commotion of development activity and the location of a "Honey Bucket" near your front door. The gas line break appears to be due to the fact that the line was unmarked by Puget Power.

Development activity is limited to the hours 7:00 a.m. to 8:00 p.m. Monday through Friday and 9:00 a.m. through 6:00 p.m. on Saturday. If development is occurring outside of those hours, please report this to the code enforcement group in the Planning Department at 425-587-3225. During hours when City Hall is closed you can call the Police Department at 425-587-3400.

With regard to the "Honey Bucket," although the City does not have any specific requirements for them, a City inspector was asked to look at the placement of the one located on the development site next to you. He reported that it was placed in the only feasible location given the development activity on the site. The location is also roughly equal distance from your building and the building to the east of the site. I encourage you to discuss any concerns you have about this with the construction superintendent.

Again, we are sorry that the recent development activity next to you and in the vicinity has negatively impacted you. Although the City is unable to control all impacts, please feel free to contact the City if you have any concerns and we will be happy to investigate.

Sincerely
KIRKLAND CITY COUNCIL

by: Jim Lauinger, Mayor

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

From: John Burkhalter, PE, Senior Development Engineer
Daryl Grigsby, Public Works Director

Date: October 13, 2006

Subject: Response to Letter from Mr. Sean Youseffi, Seawest Investment Associates, regarding under grounding of over head utility lines in conjunction with their development projects.

RECOMMENDATION**:**

Recommend the City Council authorize the Mayor to sign the response letter.

BACKGROUND DISCUSSION:

On July 18, 2006 Mr. Youseffi hand delivered a letter to the City Council requesting that the Council reconsider the decision to require the under grounding of overhead utility lines along the frontage of two of their development projects (letter attached). Below is a general chronology of the events that got us to this point.

- The Public Works Department at the pre-application stage conditioned the applicant to sign concomitant agreements for under grounding.
- Those agreements were signed and recorded this past June.
- Since that time Council approved the NE 85th Street Utility Under Ground Conversion Project, and Staff informed the applicant we would be requiring the under grounding to take place with the construction of their required frontage improvements.
- Staff met with the applicant on October 2, 2006 and worked out an agreement satisfactory to all concerned per the attached letter for Mayor Lauinger's signature.

CC: Rob Jammerman, Development Engineering Manager

Seawest Investment Associates, LLC

13120 NE 70th Place, Suite 1
Kirkland, WA 98033
425.828.7777 Phone
425.827.3276 Fax

RECEIVED
JUL 18 2006
CITY OF KIRKLAND
CITY MANAGER'S OFFICE

July 17, 2006

Kirkland City Council
123 Fifth Avenue
Kirkland, Washington 98033

RE: Permit Appl. BLD05-01366 Rose Hill Plaza (south-east corner of NE 85th St & 128th Ave NE)
Permit Appl. BLD05-01434 Rose Hill Gateway (south-west corner of NE 85th St & 132nd Ave NE)

Honorable Council Members,

We are writing you in regards to the City's policy concerning concomitant agreements for undergrounding of power lines in the Rose Hill area and how a change in this policy is affecting our two proposed building projects referenced above.

At the time of pre-application meetings for these projects (April and January 2005, respectively), the City's policy was for the owner to sign a concomitant agreement. This was still the City's policy when we submitted and the City accepted (vested) the permit applications for these projects (November and December 2005, respectively). Subsequently, we submitted fully executed concomitant agreements on 6/12/06 and 6/13/06.

On 6/23/06, we were greatly surprised to learn of a change in City's policy to the effect that we now have to underground for our own project regardless of the City's future plans. This change decidedly adds an unforeseen and burdensome hardship to our projects. The cost of performing this work just at our property will be much higher since it will be a very inefficient, piecemeal job (cut the lines, underground at just one property and then reconnect up the next pole) for the utility company and therefore not benefit from the economies of scale which would naturally occur in performing the undergrounding on a larger level contiguously.

What makes this situation worse is that if the nearest power pole is away from our property frontage, then we will have to pay for the extra length of undergrounding for other properties' frontages or right-of-ways.

Please note that we do not contest the City's undergrounding requirements, only the change in policy from a concomitant agreement to requiring undergrounding now. Seawest (or the future owner) of these properties will pay its fare share of the undergrounding costs per the concomitant agreement.

We have spent a tremendous amount of human and financial resources designing our projects based on certain assumptions regarding construction costs and duration. The City's change of policy on this issue at this late hour adversely affects these plans. Our understanding is that our permit application vested under the concomitant policy. We respectfully ask the City Council to apply the original City policy regarding the undergrounding to these projects.

Sincerely,

Sean Youssefi
Seawest Investment Associates, LLC

Additional Comments

Rose Hill Plaza: We were informed that the City Council has decided to stop the City's undergrounding project on NE 85th Street right at 128th Avenue NE and not go any further east at this time. We would like to suggest to the Council that if they approve the undergrounding just past our property which is the south-east corner of 85th and 128th, then we can benefit from the economics of the larger undergrounding and still pay our fare share per the concomitant agreement.

Rose Hill Gateway: There are two distinct set of power lines along 132nd Avenue NE – a lower voltage and a higher voltage. It is our understanding that the technology to underground the higher voltage power lines does not currently exist. We ask the City Council to consider the benefits of undergrounding one set of power lines while still another set (including the very tall, oversized poles) will remain in the air indefinitely.

November 8, 2006 **DRAFT**

Mr. Sean Youssefi
Seawest Investment Associates, LLC
13120 NE 70th Place, Suite 1
Kirkland, Washington 98033

Subject: Requirement for under grounding overhead utility lines for BLD05-01366 and BLD05-01343

Dear Mr. Youssefi:

Thank you for your letter dated July 18, 2006 concerning under grounding of overhead utility lines as a condition of development for your two projects (BLD05-01366 and BLD05-01434) along the NE 85th Street corridor.

I understand that you met with City staff on October 2, 2006 and have resolved the issue according to the following:

1. In conjunction with Sound Transit and the City's NE 85th Street Improvement and Under Grounding Project the City will install conduit and under ground the overhead utility lines along your project frontages, and install the frontage improvement along the under grounding route as required by the conditions of your development.

2. You have signed concomitants for the under grounding work and have agreed to sign additional concomitants for the installation of frontage improvements adjacent to these properties where the under grounding work is to take place. When the project is complete the City will call these concomitants whereby you will be required to pay your prorata fair share of the cost of the under grounding and frontage improvement work.

Thank you for working with us on this issue.

Sincerely,

KIRKLAND CITY COUNCIL

James L. Lauinger
Mayor

CITY OF KIRKLAND
Department of Public Works
123 Fifth Avenue, Kirkland, WA 98033 425.587.3800
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: October 24, 2006

Subject: ASPHALT PAVING MACHINE – AUTHORIZE PURCHASE

RECOMMENDATION:

It is recommended that the City Council authorize the City's purchase of a paving machine that is currently under lease from Western Power and Equipment Corp. of Marysville, WA in the amount of $93,155.17.

BACKGROUND AND DISCUSSION:

During their budget discussions in the fall of 2005, City Council reviewed and approved a Public Works proposal to utilize the 2006 construction season to explore the effectiveness of a City-owned asphalt paving machine. Upon adoption of the 2006 mid-biennial budget update, staff prepared and received bids for an asphalt paving machine based on specifications that would be compatible with the City's existing equipment and personnel.

On January 12, 2006, bids were opened. Three bids (four options) were submitted and are summarized as follows:

Option	BIDDER	Monthly Rental Rate	Purchase Price at six-months	Total Option (6 mo rent + purchase)
1A	Western Paver & Equipment	6,238.75	93,155.17	130,587.67
1B	Western Paver & Equipment	6,238.75	68,484.98	105,917.48
2	Ingersoll-Rand Equipment Service	9,248.00	64,823.04	120,311.04
3	N.C. Machinery	14,000.00	225,411.84	309,411.84

Based on the performance and features provided in each of the bids, in consideration of the funding that was available, Council approved Option 1A at their February 7, 2006 meeting. Option 1A provided a relatively new feature that allowed the paving operations to span a15 foot width vs. 13 feet for the other options; it was decided that this option would provide the greatest future flexibility for a relatively modest increase in the cost. Funding for lease of the paver comes from the 2006 street preservation program (annual overlay). As requested at the February 7th meeting, staff has tracked the production using the piece of equipment, and through the course of the construction season, has also identified other valuable opportunities for the paver besides increased productivity.

As anticipated, the paver has increased the street crew's production rates using similar crew sizes in preparation of the annual overlay program. One example of increased production was the patching associated with the recent overlay of 7th

Ave in Norkirk – during one day of patching, a three person crew installed 115 tons of asphalt; the largest previous paving operation with a crew of that size was less than 35 tons. Other benefits include, improved finish/durability on projects previously done by hand with City forces, ability to undertake smaller paving operations such as the asphalt paving associated with the North Rose Hill Woodlands Park project, and the upcoming paving of the 122nd Ave pathway in South Rose Hill. The improved efficiency of City maintenance operations will, over the anticipated 10 year life of the equipment, improve the street network overall pavement condition index (PCI) and lower the deferred system maintenance for the City street network when compared to a scenario without the equipment (Attachment A).

This chart illustrates how funds that are being diverted to the purchase of the paver in year one (2006), cause the overall PCI to fall below a scenario where all budgeted funds are used in the preservation program (67 PCI vs. 68 PCI). This PCI trend is reversed, however, in subsequent years to the point where at the end of the analysis period the PCI has improved to 70 vs. 69. The other important measure of the street system's health is to compare the level of deferred maintenance at the end of the analysis period – in this case, the purchase scenario reduces the costs by nearly one million dollars ($24 million vs. approx $23 million).

Staff recommends purchasing this piece of equipment using funds allocated to the annual street preservation program.

Cc: John Hopfauf, Street Manager
Mark Berntsen, Lead – Street Division

BOMAG

Success Stories

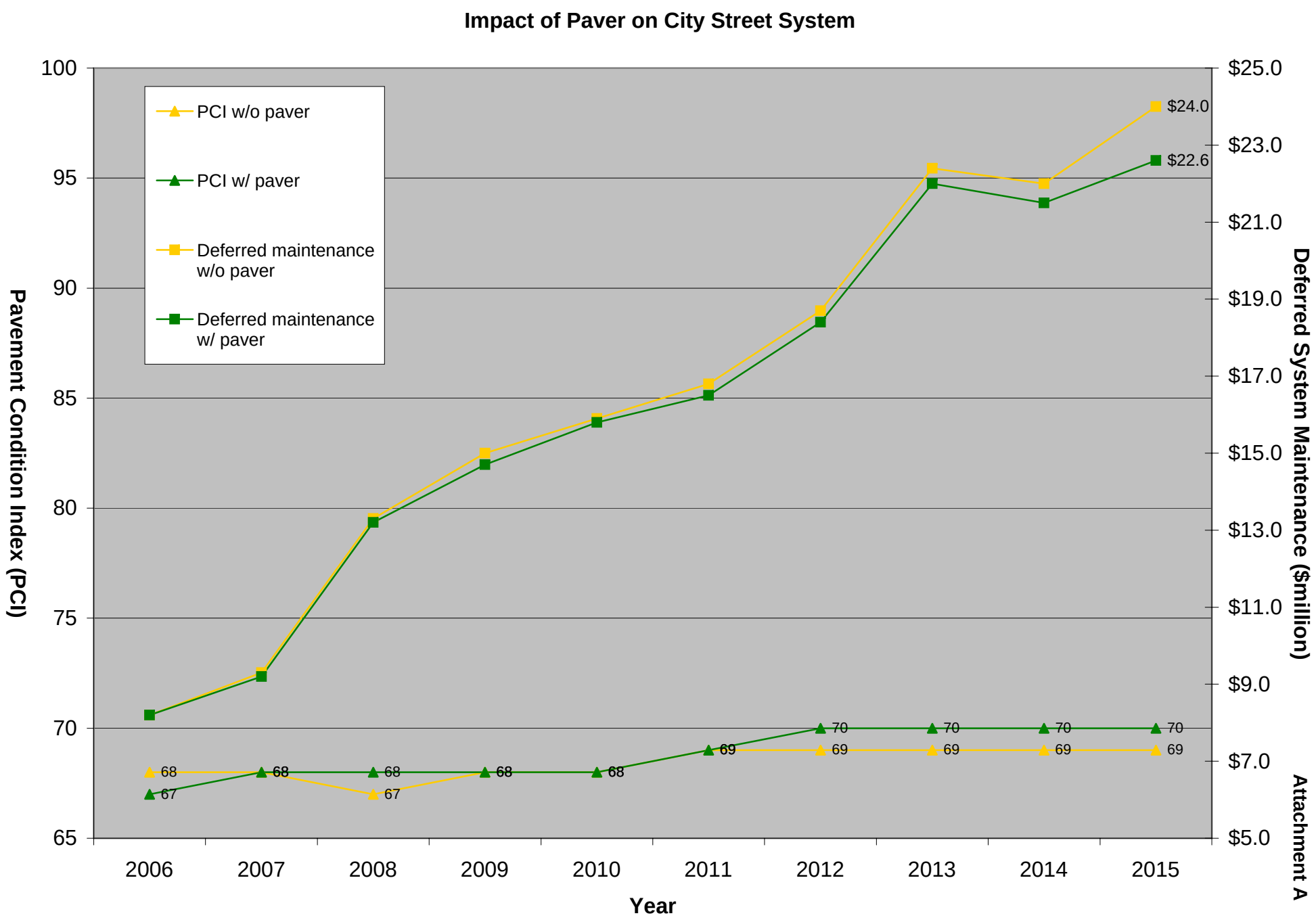
Bomag Delivers Powerful Paving for City of Kirkland

The City of Kirkland, Washington is located on Lake Washington near Seattle. The city is situated in a valley, and the terrain aggressively climbs from there.

This picture illustrates just how powerful the new Cummins B3.3T engine is, delivering 85 horsepower, with 215 foot-pounds of output torque. The new Bomag 815-2 is shown paving 14 feet wide, and 2 1/2 inches thick while pushing a tandem axle truck full of asphalt up an incline in excess of 6% grade. The smoke in the picture is from the very hot asphalt being placed.

The City had always performed their street maintenance with a tow behind style paver. They have recently hired experienced paving operators and purchased a new Bomag 815-2 to do larger projects rather than sub-contract the maintenance work to outside contractors.

Congratulations to Western Power Salesman Ron Olsson, Chuck Blanton, Manager of Western Power & Equipment and Ray Erickson, Bomag Asphalt Specialist for this Bomag Success Story.



Attachment A

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: David Ramsay, City Manager

From: Jennifer Schroder, Director, Parks and Community Services
Michael Cogle, Park Planning Manager

Date: October 24, 2006

Subject: ACCEPTANCE OF WORK: Kirkland Jr. High School and Crestwoods Park Playfield Improvements

RECOMMENDATION:

That the City Council accept the work of Jansen, Inc. for construction of playfield improvements at Kirkland Junior High School and Crestwoods Park and establish the 45 day lien period.

BACKGROUND DISCUSSION:

At their meeting of May 17, 2005 the City Council awarded the contract for this project to Jansen Construction in the amount of $786,624. The consultant's estimate for construction costs was $805,000.

KJH/Crestwoods Playfields Project	Budgeted	Actual
Construction Base Contract:	$805,000	$786,624
Construction Contingency (Change Orders):	$ 74,500	$ 31,308.68
Design/Engineering/Project Management/ Inspections/Testing/City Installed Items:	$193,300	$190,956
Total:	$1,072,800	$1,008,889

Total payments to the contractor totaled $817,932.68.

The majority of construction was completed last fall, and use of the fields began this spring. The delay in final acceptance has been due to some additional minor fencing, irrigation and drainage work required by contract, and a lengthy negotiation for finalizing change orders. All work is now complete.

At Kirkland Junior High School, improvements were made to the multipurpose playfield area south of the track, including new turf, drainage and irrigation systems, fencing, backstops, spectator areas, and pathways. Similar improvements were completed at the Little League field located in the northeast corner of Crestwoods Park. The Kirkland Jr. High portion of this project was funded via the 2002 voter-approved Kirkland Park Bond.

CITY OF KIRKLAND

123 FIFTH AVENUE • KIRKLAND, WASHINGTON 98033-6189 • (425) 587.3800

DEPARTMENT OF PUBLIC WORKS
MEMORANDUM

To: David Ramsay, City Manager

From: Jenny Gaus, Senior Surface Water Utility Engineer
Daryl Grigsby, Public Works Director

Date: October 25, 2006

Subject: Interlocal agreement to provide a mechanism and governance structure and related services to support implementation of the *Lake Washington/Cedar/Sammaish Watershed (WRIA 8) Chinook Salmon Conservation Plan* (WRIA 8 Plan)

RECOMMENDATION:

We recommend that the Council adopt the enclosed resolution approving the interlocal agreement to provide a mechanism and governance structure and related services to support implementation and management of the *Lake Washington/Cedar/Sammaish Watershed (WRIA 8) Chinook Salmon Conservation Plan* (WRIA 8 Plan)

POLICY IMPLICATIONS:

Kirkland's support of implementation of the WRIA 8 Plan is consistent with the City's adopted policies that promote system-wide management of environmental resources and support inter-agency coordination among jurisdictions sharing an ecosystem. Entering into the interlocal agreement would commit Kirkland to paying approximately $15,000 - $20,000 annually for five years. The costs for 2007-2008 have been included in the 2007-2008 base budget for the Surface Water Utility.

BACKGROUND DISCUSSION:

For the past 6 years, Kirkland has participated in development of the WRIA 8 Plan through both Council member involvement on the WRIA 8 Forum, and through financial support of WRIA 8 salmon conservation planning services as provided in a previous interlocal agreement. Past costs were approximately $15,000 per year. The plan is now complete and final, and was adopted by the City Council at the June 21, 2005

regular meeting. It is now time to implement the plan. To that end, the interlocal agreement has the following purposes:

- To provide a mechanism and governance structure for the implementation and adaptive management of the implementation of the WRIA 8 Plan and to share the cost of the staff team to coordinate and provide the services necessary for the successful implementation and management of the WRIA 8 Plan.
- To provide a mechanism for securing technical assistance and any available funding from state agencies or other sources.
- To provide a mechanism for the implementation of other habitat, water quality and flood projects with regional, state, federal and non-profit funds as may be contributed to the WRIA 8 Salmon Recovery Council.
- To provide a framework for cooperation and coordination among the parties on issues relating to the implementation and management of the implementation of the WRIA 8 Plan or to meet the requirement or a commitment by any party to participate in WRIA-based or watershed basin planning in response to any state or federal law which may require such participation as a condition of any funding, permitting or other program of state or federal agencies.
- To develop and articulate WRIA-based positions on salmon habitat, conservation and funding to state and federal legislators.
- To provide for the ongoing participation of citizens and other stakeholders in such efforts and to ensure continued public outreach efforts to educate and garner support for current and future ESA efforts.

Key provisions of the interlocal agreement are:

- **Effective Date**: The agreement would become effective January 1, 2007, provided it has been signed by at least nine local governments representing at least 70% of the affected population have signed it. This "double majority" requirement is designed to ensure that the interests of the smaller jurisdictions are not overpowered by the larger jurisdictions in our watershed (e.g., Seattle, Bellevue, King County).

- **Term**: Nine years, with annual review and approval of work program and budget. The 2007 budget and work program are attached (Attachments A and B).

- **Organization**:
  - The newly configured WRIA 8 Salmon Recovery Council will consist of one elected official from each party to the agreement and representatives from stakeholder entities who are selected under the voting provisions of the agreement. This group replaces the previous governance structure that consisted of the WRIA 8 Forum composed of elected officials signatory to the ILA and the WRIA 8 Steering Committee which included both stakeholders and elected officials.
  - The WRIA 8 Salmon Recovery Council will establish a five-member Management Committee to shape, direct, oversee, and evaluate implementation of the interlocal agreement (ILA) and expenditure of ILA-generated funds.
  - King County is expected to be the ILA service provider and fiscal agent.

- **Cost-Sharing**: Each jurisdiction shall contribute funds under the ILA, based on a formula that averages population, geographic area, and assessed valuation (Attachment C). Kirkland's share for 2007-2015 would be approximately $15,000 – $20,000. The amount of approximately $15,000 is included in the 2007-2008 base budget for the Surface Water Utility.

- **Voting Procedures**: Decisions are made by consensus as much as possible. When consensus cannot be reached, decisions are made by a dual-majority voting procedure when a quorum is present. Positions left vacant, as defined by absence at 3 consecutive meetings, shall not be counted toward a quorum.

- **Adaptive management of the WRIA Chinook Salmon Conservation Plan:** This section sets a procedure for review and approval of updates and amendments to the WRIA 8 Plan, which are expected as part of an adaptive management approach.

- **Latecomers**: After 12 months from effectiveness date, latecomers to the ILA may join only with the written consent of all parties.

- **Termination**: The ILA may be terminated at any time by written agreement of all parties. A single party may terminate its participation upon 60 days notice.

Attachments:
A WRIA 8 Forum 2007 Final Budget Summary
B 2007 WRIA 8 - Service Provider Staffing for WRIA 8 – 6-15-06
C WRIA Based Cost-share: WRIA 8 Only

Attachment A

WRIA 8 Forum 2007 Final Budget Summary

REVENUE:

ILA Cost Shares		**$501,063**
WDFW Lead Entity Grant		**$ 60,000**
	Total	**$561,063**

EXPENDITURE:

Staff (3.5 FTE) and Overhead		**$405,349**
Operations		**$ 96,000**
	Total	**$501,349**

BALANCE: **$59,714**

To be used for monitoring needs identified by the WRIA 8 Technical Committee.

GRANT REVENUE AND EXPENDITURES:

King Conservation District Funds and Grants **$1,235,370**

Note: King Conservation District Grant Funds are a one year authorization and assessment for 2006. A new reauthorization and allocation will need to occur for these funds and grants to continue in 2007.

Approved 6-15-06

WRIA 8 Forum - 2007 BUDGET

Approved June 15, 2006

REVENUES	2007
ILA Cost Share	501,063
Lead Entity Grant	60,000
King Conservation District Funds	1,235,370[1]
Revenue Total	1,796,443
EXPENDITURES	
Staffing[2] and Overhead	
WRIA Coordinator	101,055
Projects and Funding Coordinator	94,209
Administrative Support (½ FTE)	33,808
Technical Coordination (¾ FTE Technical Coordinator and ¼ FTE Technical Support)	96,457
Overhead Cost (32% on salaries)	79,820
Staffing Sub-total	405,349
Operations	
Meeting and Event support	3,500
Mileage and Vehicle Use	2,500
Communications	8,000
Supplies and Training	2,000
Consultant - Database	8,000
Facilitation	6,000
EDT License	10,000
Consultant - Communication	56,000
Operations Sub-total	96,000
Staffing, Operations, and Overhead Expenditures Sub-Total	501,349
King Conservation District Grants	1,235,370[3]
Expenditure Totals	1,736,719
ILA and Lead Entity Revenue ($561,063) minus ILA Expenditures ($501,349) Balance to be used for monitoring needs identified by the WRIA 8 Technical Committee	59,714

[1] Amount dependent upon KCD reauthorization and allocation.
[2] Staffing costs for King County employees includes salary, benefits, retirement, industrial insurance, and OASI.
[3] Amount spent will be dependent upon amount collected and distributed to WRIA Forums.

Comparison of 2006 and Proposed 2007 WRIA 8 Budget
Total Revenues and Expenditures
June 15, 2006

REVENUES	**2006**		**Proposed 2007**
ILA Cost Share	501,063	ILA Cost Share	501,063
King Conservation District	660,0004	Lead Entity Grant	60,000
Lead Entity	60,000	King Conservation District Funds	1,235,370
Revenue Total	1,221,063	**Revenue Total**	1,796,443
EXPENDITURES			
Staffing		***Proposed Staffing***	
WRIA Coordinator	126,470	WRIA Coordinator	101,055
Program Manager	102,149	Projects and Funding Coordinator	94,209
Projects and Funding Coordinator	117,787	Administrative Support (½ FTE)	33,808
Administrative Support (½ FTE)	35,787	Technical Coordination (¾ FTE Tech Coordinator and ¼ FTE Technical Support)	96,457
Technical Coordination (½ FTE Technical Coordinator and ½ FTE Technical Support)	102,382	Overhead Cost (32% on salaries)	79,820
Sub-total	484,575	Staffing Sub-total	405,349
Operations		***Operations***	
Meeting and Event support	2,000	Meeting and Event support	3,500
Mileage and Vehicle Use	2,500	Mileage and Vehicle Use	2,500
Communications	10,000	Communications	8,000
Supplies and Training	2,500	Supplies and Training	2,000
Consultants	18,000	Consultant - Database	8,000
Facilitation	15,000	Facilitation	6,000
EDT License	10,000	EDT License	10,000
		Consultant - Communication	56,000
Sub-total	60,000	Operations Sub-total	96,000
Staffing and Operations Total	544,575	*Staffing, Operations, and Overhead Expenditures Sub-Total*	501,349
Projects, Stewardship, Studies		*King Conservation District Grants*	1,235,370[5]
KCD Grants	660,000		
Unallocated- to be allocated or returned	16,488		
		Expenditure Totals	1,736,719
Projects, Stewardship, Studies Total	660,000		
		ILA and Lead Entity Revenue ($561,063) minus ILA Expenditures ($501,349)	59,714
Expenditure Total	1,221,063		

ATTACHMENT B

2007 WRIA 8 - Service Provider Staffing for WRIA 8 – 6-15-06

NOTE: 1) The Service Provider uses a team approach, which means that staff involve and coordinate with other team members as appropriate based on expertise, respective committee coordination, and related job duties. In most instances, only the lead staff on a particular task is shown in the table below for ease of review. 2) Additional tables for other major work areas are shown below the service provider staff.

Job Classification	Position Title	Time	Job Duties
Project/ Program Manager IV	**Watershed Coordinator (title change in process)** **1.0 FTE**	0.40	▪ Schedule and staff four to five Salmon Recovery Council meetings and one to three Management Committee meetings per year at key decision points. Develop materials for proposed work program, staffing plan, budget, and meetings. ▪ Administration, contracts, billings, staff supervision, and conduct hiring of staff or consultants.
		0.15	▪ Maintain elected relations and provide briefings. ▪ Present reports on regional coordination – Federal, State, Puget Sound, and WRIAs to Forum/Steering Committee. ▪ Coordinate with NOAA Fisheries and U.S. Fish and Wildlife – policy. ▪ Track state and federal funding and legislation. ▪ Develop letters, notices, communications, and Salmon Recovery Council, and Management Committee meeting handouts. ▪ Build relations between jurisdictions and organizations. ▪ Respond to citizen inquires on WRIA 8 process.
		0.25	▪ Schedule and staff 2-3 communication/outreach committee mtgs. ▪ Communicate with press. Maintain and grow media relations and coverage of work. ▪ Oversee Development and clearly communicate a vision of the plan's desired outcomes to more easily gain long-term support. Support the Forum/Steering Committee as a credible and objective voice for salmon conservation in the watershed.
		0.20	▪ Participate in Shared Strategy's Watershed Leads meetings. ▪ Provide staff support to WRIA 8 Forum's Watershed Representative to Shared Strategy's Puget Sound Salmon Recovery Council. ▪ Participate in Lead Entity Advisory Group meetings. ▪ Participate in cross-WRIA meetings and activities. ▪ Participate in activities from the Puget Sound Partnership.

Job Classification	Position Title	Time	Job Duties
Project/ Program Manager III	**Project and Funding Coordinator (title change in process)** **1.0 FTE**	0.15	• Research and pursue other creative fundraising options, i.e., private donor searches, Non-profit partnerships; Work one-one one (e.g. give presentations and host tours) with non-profit organizations to gain project support for on-the-ground work. • Work with Forum to advocate for state and federal funding allocations (Corps funding/Lake Washington GI effort included).
		0.20	• Schedule and staff eight to twelve Implementation Committee meetings, includes staff support to Project Subcommittee. • Coordinate with WRIA 8 partners and stakeholders to develop programmatic milestones to measure implementation progress • Coordinate annual accomplishments and implementation milestones.
		0.35	• Coordinate project and program grant recommendations and progress reports – SRFB and KCD. o Develop criteria, RFP, schedule, timeline. o Lead ranking and selection process. o Provide presentations on project and program proposals to SRFB Review panel, SRF Board, and KCD Board. o Track progress, status of all grants. o Process grant amendments.
		0.20	• Work with cities, federal, state and other organizations to encourage implementation of identified projects consistent with watershed project list and the Plan by providing background, assistance, data, coordination, advocacy, etc. • Track implementation of plan actions – project and programmatic and technical monitoring. • Develop and maintain a clear capital project list that can be "marketed" to jurisdictions' capital improvement project programs, non-profit organizations, willing landowners and funding sources. (Including a mix of public lands and private lands with willing landowners.)
		0.10	• Work with the Corps of Engineers and local sponsors to seek funding and implementation of projects through the General Investigation Ecosystem Restoration Project. • Identify and draft proposed plan amendments and plan addendums. • Respond to citizen inquires on WRIA 8 process. • Conduct site visits for congressional staff.
Project/ Program Manager III	**Technical Coordinator** **1.0 FTE** Note: This position is located in the Science Unit per the recommendation of the Technical Committee.	0.30	▪ Coordinate implementation of WRIA 8 monitoring activities with local jurisdictions, agencies, stakeholders, other WRIAs, and Tribal governments. ▪ Staff, facilitate, and schedule Technical Committee meetings.
		0.10	▪ Identify appropriate sampling design and protocols necessary to monitor and evaluate plan implementation. Ensure that data from multiple parties can be aggregated and compared. ▪ Compile and assess on-going and proposed habitat and salmon monitoring to identify monitoring and evaluation gaps. ▪ Summarize and report progress on effectiveness monitoring for annual report (note that Chapter 2 of Plan calls for reporting on direct effectiveness of a sub-set of actions in year 3 and

Job Classification	Position Title	Time	Job Duties
			cumulative effectiveness in year 5).
		0.20	▪ Identify and draft proposed plan amendments and plan addendums. ▪ Coordinate technical reports and adaptive management recommendations. ▪ Gather and utilize information on broad water resource issues such as water quality, ground water, flood hazard reduction and water quantity to have cogent discussion of watershed issues at the Forum. ▪ Develop scopes necessary to implement the monitoring and evaluation strategy using protocols recommended by NOAA Fisheries. ▪ Respond to Technical inquires on WRIA 8 process.
		0.05	▪ Organize and oversee technical services contractors to carry out specific technical tasks (e.g., related to monitoring and data management).
		0.05	▪ Work with NOAA Fisheries Technical Recovery Team (TRT) ▪ Coordinate with other Shared Strategy work groups, such as H-integration, or Puget Sound technical groups.
		0.10	▪ Coordinate and update EDT modeling with regional land use and hydrologic modeling (e.g., Puget Sound Regional Council) and other new habitat information to compare the expected effects of plan actions as needed. ▪ Participate in Shared Strategy Adaptive Management Work Group.
Administrative Specialist III	**Half-time Administrative Coordinator 0.05 FTE**	0.28	▪ Provide administrative support to WRIA 8 Forum and WRIA 8 Steering Committee (schedule meetings, write meeting notes and handouts), and WRIA 8 Service Provider staff.
		0.16	▪ Assist with budget development and tracking, and trimester reporting and billings. ▪ Maintain email distribution lists, and distribute letters, notices, and communications. ▪ Process grant amendments. ▪ Address grant budget and financial issues.
		0.06	▪ Update Website. Continue to clearly communicate progress of plan implementation to stakeholders. Communicate the leadership and community activities that work toward salmon conservation. ▪ Maintain archives and records.

Below: Additional tables show the work that will be provided by other means than the ILA Service Provider staff

Communications Consultant – to provide sophisticated, multi-modal communication tools, training, etc, for use by civic leaders, elected officials, public affairs staff within jurisdictions, watershed coordinator, and others.
▪ Create messages for the Leaders Group Members to use during speaking opportunities to build partnerships around a "shared vision" with other county and city agencies, and with the General Public. ▪ Develop Messages for annual tours – Congressional, Forum, Steering Committee, Jurisdictional Partners. ▪ Maintain and grow media relations and coverage of work. ▪ Develop communication tool to regularly update and inform local, state and federal elected officials on progress of plan implementation. ▪ Produce Annual Progress Reports. ▪ Refine and utilize "State of the Watershed" communication tool (e.g. report or database) to house cross-jurisdictional information available on the watershed to aid in decision making and track watershed-wide issues

- Update press packets, public information sheets, funding packets.
- Update Website. Continue to clearly communicate progress of plan implementation to stakeholders. Communicate the leadership and community activities that work toward salmon conservation. (This is message development – task is also in Administrative Assistant).
- Edit proposed plan amendments and plan addendums (technical writer roll-up)

Consultant – Database (completing Fall 2006 work)

- Coordinate with WRIA 7 and 9 and Snohomish County on a project and programmatic actions shared plan tracking database in GIS.
- Maintain data sharing system

Implementation by Jurisdictional Staff, and Stakeholder Organizations

Jurisdictional Staff and Stakeholder Partners Note: Some of this work would be within individual jurisdictions or stakeholder organizations and some would be the work program for the Implementation Committee. Note: This is 1 FTE (2080 hours) of work if in a centralized position. For each of the jurisdictional staff that participates this would represent a commitment of 6 to 7 weeks of time. This time estimate is based on 5 to 9 current Staff Committee members who participant on a regular basis.	▪ **(.01) Respond to citizen inquires on WRIA 8 process.** ▪ (.05) Coordinate with jurisdictional partners to engage citizen volunteers for outreach and education projects (school presentations; community projects). ▪ (.10) Host four or more Implementation Committee meetings. ▪ (.05) Participate in Implementation Committee to facilitate implementation of programmatic actions: outreach and education; incentives; best management practices; collaboration; regulatory flexibility; studies; innovations for stormwater and shorelines; support for regulations; and stewardship. ▪ (0.25) Coordinate with jurisdictional partners, organizations, other interested parties, and Service Provider team to develop appropriate tools to facilitate implementation of the programmatic actions, such as workshops, information exchanges, peer matching, training, and fact sheets. ▪ (0.25) Seek ways to implement project and programmatic actions through other processes, e.g., flood plan implementation, critical areas ordinances, shoreline master programs, stormwater management programs, stewardship and other education programs, etc ▪ (.03) Coordinate with WRIA 8 partners and stakeholders to develop programmatic milestones to measure implementation progress ▪ (.02) Coordinate annual accomplishments and implementation milestones. ▪ (.05) Coordinate programmatic actions reports. ▪ (.05) Build relationships between jurisdictions and organizations. ▪ (.08) Identify and draft proposed plan amendments and plan addendums. ▪ (.02) Coordinate and work with watershed groups to facilitate volunteer events that support the WRIA plan actions, such as riparian planting events. ▪ (0.02) Conduct congressional staff site visits ▪ (0.1) Participate in Communications Committee ▪ Participate in technical work and Technical Committee

Exhibit A - Updated 6-15-06 FINAL

Attachment C

Regional Watershed Funding

WRIA Based Cost-share: WRIA 8 Only

WRIA 08	Population (Pop)		Assessed Value (AV)		Area		Average of Pop, AV, Area	$501,063	WRIA 08
					Sq. Mi.				
Beaux Arts	273	0.0%	$92,776,000	0.0%	0.08	0.0%	0.0%	$137	Beaux Arts
Bellevue	113521	8.8%	$21,614,400,035	10.1%	31.81	6.9%	8.6%	$43,121	Bellevue
Bothell	16,600	1.3%	$2,383,086,200	1.1%	5.63	1.2%	1.2%	$6,053	Bothell
Clyde Hill	2624	0.2%	$1,163,326,000	0.5%	1.06	0.2%	0.3%	$1,633	Clyde Hill
Hunts Point	551	0.0%	$631,691,500	0.3%	0.28	0.1%	0.1%	$666	Hunts Point
Issaquah	17441	1.4%	$3,930,341,856	1.8%	11.36	2.5%	1.9%	$9,446	Issaquah
Kenmore	19811	1.5%	$2,327,085,450	1.1%	6.11	1.3%	1.3%	$6,599	Kenmore
Kent	206	0.0%	$30,127,800	0.0%	0.49	0.1%	0.0%	$228	Kent
King County (Uninc.)	170156	13.2%	$25,657,259,834	12.0%	174.29	37.8%	21.0%	$105,242	King County (Uninc.)
Kirkland	42573	3.3%	$7,415,403,959	3.5%	10.51	2.3%	3.0%	$15,118	Kirkland
Lake Forest Park	13254	1.0%	$1,752,445,211	0.8%	3.51	0.8%	0.9%	$4,358	Lake Forest Park
Maple Valley	2702	0.2%	$474,585,300	0.2%	1.3	0.3%	0.2%	$1,192	Maple Valley
Medina	2800	0.2%	$2,419,412,700	1.1%	1.41	0.3%	0.6%	$2,764	Medina
Mercer Island	21055	1.6%	$6,689,373,386	3.1%	6.21	1.3%	2.0%	$10,204	Mercer Island
Newcastle	10965	0.9%	$1,444,911,024	0.7%	4.47	1.0%	0.8%	$4,169	Newcastle
Redmond	48331	3.7%	$9,096,572,542	4.3%	16.25	3.5%	3.8%	$19,257	Redmond
Renton	42579	3.3%	$5,014,423,494	2.3%	11.28	2.4%	2.7%	$13,522	Renton
Sammamish	32481	2.5%	$6,148,330,366	2.9%	17.11	3.7%	3.0%	$15,211	Sammamish
Seattle	422248	32.8%	$75,516,155,694	35.3%	54.6	11.8%	26.6%	$133,491	Seattle
Shoreline	53017	4.1%	$6,738,318,837	3.2%	11.61	2.5%	3.3%	$16,340	Shoreline
Woodinville	10965	0.9%	$1,996,556,907	0.9%	5.66	1.2%	1.0%	$5,031	Woodinville
Yarrow Point	972	0.1%	$589,088,300	0.3%	0.36	0.1%	0.1%	$717	Yarrow Point
Bothell	15090	1.2%	$2,259,238,300	1.1%	6.39	1.4%	1.2%	$6,036	Bothell
Edmonds	39070	3.0%	$5,934,090,139	2.8%	8.94	1.9%	2.6%	$12,938	Edmonds
Mill Creek	16817	1.3%	$2,274,491,533	1.1%	4.56	1.0%	1.1%	$5,608	Mill Creek
Mountlake Terrace	20087	1.6%	$1,903,327,160	0.9%	4.17	0.9%	1.1%	$5,601	Mountlake Terrace
Mukilteo	17626	1.4%	$2,880,303,500	1.3%	5.93	1.3%	1.3%	$6,683	Mukilteo
Sno. Co. (Uninc.)	135154	10.5%	$15,419,132,162	7.2%	55.59	12.1%	9.9%	$49,700	Snoh. Co. (Uninc.)
Totals	1288969	100.0%	$213,796,255,189	100.0%	460.97	100.0%	100.0%	$501,063	**Totals**
								$501,063	

NOTE: King County land area excludes the Upper Cedar basin

RESOLUTION R-4612

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE INTERLOCAL AGREEMENT WITH PARTICIPATING LOCAL GOVERNMENTS WITHIN WATER RESOURCE INVENTORY AREA 8 (WRIA 8) FOR SALMON RECOVERY PLANNING AND IMPLEMENTATION.

WHEREAS, Puget Sound wild chinook salmon has been listed as a "threatened" species under the Endangered Species Act, and the National Marine Fisheries Service and the Washington State legislature have indicated that salmon recovery should be undertaken at the watershed level; and

WHEREAS, Kirkland is located within the watershed designated as WRIA 8 by the State, and participation in the WRIA 8 salmon recovery process is within the best interests of the City and its residents and is consistent with the City's Comprehensive Plan; and

WHEREAS, Kirkland City Council on June 21, 2005 adopted the *Lake Washington/Cedar/Sammamish Watershed (WRIA 8) Chinook Salmon Conservation Plan*, which has the purposes of preserving, protecting, and restoring habitat with the intent to recover listed species, including sustainable, genetically diverse, harvestable populations of naturally spawning Chinook salmon, and recognizes that implementation of this plan is an integral part of the WRIA 8 salmon recovery process; and

WHEREAS, the City of Kirkland is authorized by RCW Chapter 39.34 to enter into interlocal agreements with other governmental entities;

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

Section 1. The City Manager is hereby authorized to execute an Interlocal Agreement with King County and the other municipalities on behalf of the City in substantially the form attached hereto as Exhibit A and incorporated herein by this reference.

Passed by majority vote of the Kirkland City Council in open meeting this _____day of _____, 2006.

Signed in authentication thereof this _____day of _____, 2006.

_____
MAYOR

Attest:

_____
City Clerk

INTERLOCAL AGREEMENT

For the Watershed Basins within Water Resource Inventory Area 8

PREAMBLE

THIS AGREEMENT ("Agreement") is entered into pursuant to Chapter 39.34 RCW by and among the eligible county and city governments signing this agreement that are located in King and Snohomish Counties, lying wholly or partially within the management area of Watershed Resource Inventory Area ("WRIA") 8, which includes all or portions of the Lake Washington, Cedar, and Sammamish basins, all political subdivisions of the State of Washington (individually for those signing this Agreement "party" and collectively "parties"). The parties share interests in and responsibility for addressing long-term watershed planning and conservation for the watershed basins in WRIA 8 and wish to provide for funding and implementation of various activities and projects therein.

MUTUAL CONVENANTS AND AGREEMENTS

1. **DEFINITIONS.** For purposes of this Agreement, the following terms shall have the meaning provided for below:

   1.1. **ELIGIBLE JURISDICTIONS:** The governments eligible for participation in this Agreement as parties are the Counties of King and Snohomish, and the Cities of Bellevue, Bothell, Brier, Clyde Hill, Edmonds, Everett, Issaquah, Kenmore, Kent, Kirkland, Lake Forest Park, Lynnwood, Maple Valley, Medina, Mercer Island, Mill Creek, Mountlake Terrace, Mukilteo, Newcastle, Redmond, Renton, Sammamish, Seattle, Shoreline, Woodinville, and Woodway and the Towns of Beaux Arts, Hunts Point and Yarrow Point.

   1.2. **WRIA 8 SALMON RECOVERY COUNCIL**: The ***WRIA 8 Salmon Recovery Council*** created herein is the governing body responsible for implementing this Agreement and is comprised of members who are designated representatives of eligible jurisdictions who have authorized the execution of and become parties to this Agreement. In addition, the ***WRIA 8 Salmon Recovery Council*** includes members who are not representatives of the parties and are comprised of a balance of stakeholder representatives and any other persons who are deemed by the parties to this Agreement to be appropriate for the implementation and adaptive management of the ***WRIA 8 Plan***. The appointed representatives of parties will appoint the members who are not representing parties, using the voting provisions of Section 5 of this Agreement.

   1.3. **LAKE WASHINGTON/CEDAR/SAMMAMISH WATERSHED (WRIA 8) CHINOOK SALMON CONSERVATION PLAN, JULY 2005**: ***WRIA 8 Plan*** as referred to herein is the three volume document developed in partnership with stakeholder representatives and ratified by the parties to this Agreement for the purposes of preserving, protecting,

and restoring habitat with the intent to recover listed species, including sustainable, genetically diverse, harvestable populations of naturally spawning Chinook salmon.

1.4 **MANAGEMENT COMMITTEE**: ***Management Committee*** as referred to herein consists of five (5) elected officials or their designees which elected officials are chosen by the party members of the ***WRIA 8 Salmon Recovery Council***, according to the voting procedures in Section 5, and charged with staff oversight and administrative duties on the ***WRIA 8 Salmon Recovery Council's*** behalf.

1.5 **SERVICE PROVIDER(S)**: ***Service Provider(s)***, as used herein, means that agency, government, consultant or other entity which supplies staffing or other resources to and for the ***WRIA 8 Salmon Recovery Council***, in exchange for payment. The ***Service Provider(s)*** may be a party to this Agreement.

1.6 **FISCAL AGENT**: The ***Fiscal Agent*** refers to that agency or government who performs all accounting services for the ***WRIA 8 Salmon Recovery Council***, as it may require, in accordance with the requirements of Chapter 39.34 RCW.

1.7 **STAKEHOLDERS:** Stakeholders refers to those public and private entities within the WRIA who reflect the diverse interests integral for planning, implementation, and adaptive management for the recovery of the listed species under the Endangered Species Act, which may include but are not limited to environmental and business interests.

2. **PURPOSES.** The purposes of this Agreement include the following:

2.1 To provide a mechanism and governance structure for the implementation and adaptive management of the implementation of the ***WRIA 8 Plan*** and to share the cost of the WRIA 8 Service Provider team to coordinate and provide the services necessary for the successful implementation and management of the ***WRIA 8 Plan***. The maximum financial or resource obligation of any participating eligible jurisdiction under this Agreement shall be limited to its share of the cost of the Service Provider staff and associated operating costs.

2.2 To provide a mechanism for securing technical assistance and any available funding from state agencies or other sources.

2.3 To provide a mechanism for the implementation of other habitat, water quality and flood projects with regional, state, federal and non-profit funds as may be contributed to the ***WRIA 8 Salmon Recovery Council***.

2.4 To provide a framework for cooperation and coordination among the parties on issues relating to the implementation and management of the implementation of the ***WRIA 8 Plan*** or to meet the requirement or a commitment by any party to participate in WRIA-based or watershed basin planning in response to any state or federal law which may

require such participation as a condition of any funding, permitting or other program of state or federal agencies, at the discretion of such party to this Agreement.

2.5 To develop and articulate WRIA-based positions on salmon habitat, conservation and funding to state and federal legislators.

2.6 To provide for the ongoing participation of citizens and other stakeholders in such efforts and to ensure continued public outreach efforts to educate and garner support for current and future ESA efforts.

It is not the purpose or intent of this Agreement to create, supplant, preempt or supersede the authority or role of any individual jurisdiction or water quality policy bodies such as the Regional Water Quality Committee.

3. **EFFECTIVE DATE AND TERM.** This Agreement shall become effective on January 1, 2007 provided it has been signed by that date by at least nine (9) of the eligible jurisdictions within WRIA 8 representing at least seventy per cent (70%) of the affected population, as authorized by each jurisdiction's legislative body, and further provided that after such signatures this Agreement has been filed by King County and Snohomish County in accordance with the terms of RCW 39.34.040 and .200. This agreement in conjunction with the ILA Extension of 2006 reflects the ten-year timeframe of the priority actions identified in the ***WRIA 8 Plan*** Start-List. The ILA Extension of 2006 provides the mechanism and governance structure for year-one of implementation. This Agreement provides the mechanism and governance structure for the subsequent years of implementation of the Start-List Chapter of the ***WRIA 8 Plan***. Once effective, this Agreement shall remain in effect for a term of nine (9) years; provided, however, that this Agreement may be extended for such additional terms as the parties may agree to in writing, with such extension being effective upon its execution by at least nine (9) of the eligible jurisdictions within WRIA 8 representing at least seventy per cent (70%) of the affected population,.

4. **ORGANIZATION AND NATURE OF WRIA 8 SALMON RECOVERY COUNCIL.** The parties to this Agreement hereby establish a governing body for WRIA 8 and the Lake Washington-Cedar and Sammamish watershed basins and associated Puget Sound drainages (hereinafter the "***WRIA 8 Salmon Recovery Council***" the precise boundaries of which are established in Chapter 173-500 WAC, or as determined by the ***WRIA 8 Salmon Recovery Council***) to serve as the formal governance structure for carrying out the purposes of this Agreement in partnership with non-party members. Each party to this agreement shall appoint one (1) elected official to serve as its representative on the ***WRIA 8 Salmon Recovery Council***. The ***WRIA 8 Salmon Recovery Council*** is a voluntary association of the county and city governments located wholly or partially within the management area of WRIA 8 and the Lake Washington-Cedar and Sammamish watershed basins and associated Puget Sound drainages who choose to be parties to this

Agreement. Representatives from stakeholder entities who are selected under the voting provisions of Section 5.2 of this agreement are also part of this association.

4.1 Upon the effective execution of this agreement and the appointment of representatives to the ***WRIA 8 Salmon Recovery Council***, the party members of the ***WRIA 8 Salmon Recovery Council*** shall meet and choose from among its members, according to the voting provisions of Section 5, five (5) elected officials or their designees, to serve as a ***Management Committee*** to oversee and direct the funds and personnel contributed under this Agreement, in accordance with the adopted annual budget and such other directions as may be provided by the party members of the ***WRIA 8 Salmon Recovery Council***. Representatives of the ***Fiscal Agent*** and ***Service Provider*** may serve as non-voting ex officio members thereof. The ***Management Committee*** shall act as an executive subcommittee of the ***WRIA 8 Salmon Recovery Council***, responsible for oversight and evaluation of any ***Service Providers*** or consultants, for administration of the budget, and for providing recommendations on administrative matters to the ***WRIA 8 Salmon Recovery Council*** for action, consistent with the other subsections of this section.

4.1.1 It is contemplated that services to the ***WRIA 8 Salmon Recovery Council*** for the term of this agreement shall be provided by King County Department of Natural Resources which shall be the primary ***Service Provider*** unless the party members pursuant to the voting provisions of Section 5 choose another primary ***Service Provider***. The ***Management Committee*** shall prepare a Memorandum of Understanding to be signed by an authorized representative of King County and an authorized representative of WRIA 8, which shall set out the expectations for services to be provided. Services should include, without limitation, identification of and job descriptions for dedicated staff in increments no smaller than .5 FTE, description of any supervisory role retained by the ***Service Provider*** over any staff performing services under this Agreement, and a method of regular consultation between the ***Service Provider*** and the ***Management Committee*** concerning the performance of services hereunder.

4.1.2 The ***Management Committee*** shall make recommendations to the party members of the ***WRIA 8 Salmon Recovery Council*** for action, including decisions related to work program, staffing and service agreements, and budget and financial operations, for each year of this Agreement. All duties of the ***Management Committee*** shall be established by the party members of the ***WRIA 8 Salmon Recovery Council***.

4.2 The party members of the ***WRIA 8 Salmon Recovery Council*** shall have the authority and mandate to establish and adopt the following:

4.2.1 By September 1 of each year, establish and approve an annual budget, establishing the level of funding and total resource obligations of the parties which are to be allocated on a proportional basis based on the average of the population, assessed valuation and area attributable to each party to the Agreement, in accordance with the formula set forth in Exhibit A, which formula shall be updated every third year by the ***WRIA 8 Salmon Recovery Council***, as more current data become available, and in accordance with Section 2.1.

4.2.2 Review and evaluate annually the duties to be assigned to the ***Management Committee*** hereunder and the performance of the ***Fiscal Agent*** and ***Service Provider(s)*** to this Agreement, and provide for whatever actions it deems appropriate to ensure that quality services are efficiently, effectively and responsibly delivered in the performance of the purposes of this Agreement. In evaluating the performance of any ***Service Provider(s)***, at least every three (3) years, the ***WRIA 8 Salmon Recovery Council*** shall retain an outside consultant to perform a professional assessment of the work and services so provided. Evaluations of the ***Service Provider***(s) shall occur in years 3, 6, and 9 of the Agreement, which correspond to years 4, 7, and 10 of the ***WRIA 8 Plan*** Start-List timeline.

4.2.3 Oversee and administer the expenditure of budgeted funds and allocate the utilization of resources contributed by each party or obtained from other sources in accordance with an annual prioritized list of implementation and adaptive management activities within the WRIA during each year of this Agreement.

4.3 The ***WRIA 8 Salmon Recovery Council*** through the primary ***Service Provider*** may contract with similar watershed forum governing bodies or any other entities for any lawful purpose related hereto, including specific functions and tasks which are initiated and led by another party to this Agreement beyond the services provided by the primary ***Service Provider***. The parties may choose to create a separate legal or administrative entity under applicable state law, including without limitation a nonprofit corporation or general partnership, to accept private gifts, grants or financial contributions, or for any other lawful purposes.

4.4 The party members of the ***WRIA 8 Salmon Recovery Council*** shall adopt other rules and procedures that are consistent with its purposes as stated herein and are necessary for its operation.

5. **VOTING**. The party members on the ***WRIA 8 Salmon Recovery Council*** shall make decisions, approve scope of work, budget, priorities and any other actions necessary to carry out the purposes of this Agreement as follows:

5.1 No action or binding decision will be taken by the ***WRIA 8 Salmon Recovery Council*** without the presence of a quorum of active party members. A quorum exists if a majority of the party members are present at the ***WRIA 8 Salmon Recovery Council*** meeting, provided that positions left vacant on the ***WRIA 8 Salmon Recovery Council*** by parties to this agreement shall not be included in calculating the quorum. In addition, positions will be considered vacant on the third consecutive absence and shall not be included in calculating a quorum until that time in which the party member is present. The voting procedures provided for in 5.1.1 through 5.1.2 are conditioned upon there being a quorum of the active party members present for any action or decision to be effective and binding.

5.1.1 Decisions shall be made using a consensus model as much as possible. Each party agrees to use its best efforts and exercise good faith in consensus decision-making. Consensus may be reached by unanimous agreement of the party members at the meeting, or by a majority recommendation agreed upon by the active party members, with a minority report. Any party who does not accept a majority decision may request weighted voting as set forth below.

5.1.2 In the event consensus cannot be achieved, as determined by rules and procedures adopted by the ***WRIA 8 Salmon Recovery Council***, the ***WRIA 8 Salmon Recovery Council*** shall take action on a dual-majority basis, as follows:

5.1.2.1 Each party, through its appointed representative, may cast its weighted vote in connection with a proposed ***WRIA 8 Salmon Recovery Council*** action.

5.1.2.2 The weighted vote of each party in relation to the weighted votes of each of the other parties shall be determined by the percentage of the annual contribution by each party set in accordance with Subsection 4.2.1 in the year in which the vote is taken.

5.1.2.3 For any action subject to weighted voting to be deemed approved, an affirmative vote must be cast by both a majority of the active party members to this Agreement and by a majority of the weighted votes of the active party members to this Agreement. No action shall be valid and binding on the parties to this Agreement until it shall receive majority of votes of both the total number of active party members to the Agreement and of the active members representing a majority of the annual budget contribution for the year in which the vote is taken. A vote of abstention shall be recorded as a “no” vote.

5.2 The party members on the ***WRIA 8 Salmon Recovery Council*** may deem it appropriate to appoint to the ***WRIA 8 Salmon Recovery Council*** non-party stakeholder

representatives and other persons who are appropriate for the implementation and adaptive management of the ***WRIA 8 Plan***.

5.2.1 Nomination of such non-party members may be made by any member of the ***WRIA 8 Salmon Recovery Council***. Appointment to the ***WRIA 8 Salmon Recovery Council*** of such non-party members requires either consensus or dual majority of party members as provided in Section 5.1.

5.2.2 The party members on the ***WRIA 8 Salmon Recovery Council*** may deem it appropriate to allow non-party members to vote on particular ***WRIA 8 Salmon Recovery Council*** decisions. The party members may determine which issues are appropriate for non-party voting by either consensus or majority as provided in Sections 5.1, except in the case where legislation requires non-party member votes.

5.2.3 Decisions of the entire ***WRIA 8 Salmon Recovery Council***, both party and non-party members, shall be made using a consensus model as much as possible. Voting of the entire ***WRIA 8 Salmon Recovery Council*** will be determined by consensus or majority as provided in Sections 5.1 and a majority of the non-party members.

6. **ADAPTIVE MANAGEMENT OF THE WRIA 8 CHINOOK SALMON CONSERVATION PLAN**.

The ***WRIA 8 Plan*** shall be implemented with an adaptive management approach. Such an approach anticipates updates and amendments to the ***WRIA 8 Plan***. Such amendments to be effective and binding must comply with the following provisions:

6.1 The ***WRIA 8 Salmon Recovery Council*** shall act to approve or remand any ***WRIA 8 Plan*** amendments prepared and recommended by the committees of the ***WRIA 8 Salmon Recovery Council*** within ninety (90) days of receipt of the plan amendments, according to the voting procedures described in Section 5.

6.2 In the event that any amendments are not so approved, they shall be returned to the committees ***of the WRIA 8 Salmon Recovery Council*** for further consideration and amendment and thereafter returned to the ***WRIA 8 Salmon Recovery Council*** for decision.

6.3 After approval of the ***WRIA 8 Plan*** amendments by the ***WRIA 8 Salmon Recovery Council***, the plan amendments shall be referred to the parties to this Agreement for ratification prior to the submission to any federal or state agency for further action. Ratification means an affirmative action, evidenced by a resolution, motion, or ordinance of the jurisdiction's legislative body, by at least nine (9) jurisdictions within WRIA 8 representing at least seventy per cent (70%) of the total population of WRIA 8. Upon ratification, the ***WRIA 8 Salmon Recovery Council*** shall transmit the ***updated WRIA 8 Plan*** to any state or federal agency as may be required for further action.

6.4 In the event that any state or federal agency to which the ***WRIA 8 Plan*** or amendments thereto are submitted shall remand the ***WRIA 8 Plan*** or amendments thereto for further consideration, the ***WRIA 8 Salmon Recovery Council*** shall conduct such further consideration and may refer the plan or amendments to the committees of the ***WRIA 8 Salmon Recovery Council*** for recommendation on amendments thereto.

6.5 The parties agree that any amendments to the ***WRIA 8 Plan*** shall not be forwarded separately by any of them to any state or federal agency unless it has been approved and ratified as provided herein.

7. **OBLIGATIONS OF PARTIES; BUDGET; FISCAL AGENT; RULES**.

7.1 Each party shall be responsible for meeting its financial obligations hereunder as described in Section 2.1 and established in the annual budget adopted by the ***WRIA 8 Salmon Recovery Council*** under this Agreement and described in Section 4.2.1. The maximum funding responsibilities imposed upon the parties during the first year of this Agreement shall not exceed the amounts set forth in Exhibit A, which shall be updated every third year as described in Section 4.2.1.

7.2 No later than September 1 of each year of this Agreement, the ***WRIA 8 Salmon Recovery Council*** shall adopt a budget, including its overhead and administrative costs, for the following calendar year. The budget shall propose the level of funding and other (e.g. staffing) responsibilities of the individual parties for the following calendar year and shall propose the levels of funding and resources to be allocated to specific prioritized implementation and adaptive management activities within the WRIA. The parties shall thereafter take whatever separate legislative or other actions that may be necessary to timely address such individual responsibilities under the proposed budget, and shall have done so no later than December 1st of each such year.

7.3 Funds collected from the parties or other sources on behalf of the ***WRIA 8 Salmon Recovery Council*** shall be maintained in a special fund by King County as ***Fiscal Agent*** and as *ex officio* treasurer on behalf of the ***WRIA 8 Salmon Recovery Council*** pursuant to rules and procedures established and agreed to by the ***WRIA 8 Salmon Recovery Council***. Such rules and procedures shall set out billing practices and collection procedures and any other procedures as may be necessary to provide for its efficient administration and operation. Any party to this Agreement may inspect and review all records maintained in connection with such fund at any reasonable time.

8. **LATECOMERS**. A county or city government in King or Snohomish County lying wholly or partially within the management area of WRIA 8 and the Lake Washington-Cedar and Sammamish watershed basins and adjacent Puget Sound drainages which has not become a party to this Agreement within twelve (12) months of the effective date of this Agreement may become a party only with the written consent of all the parties. The provisions of Section 5

otherwise governing decisions of the ***WRIA 8 Salmon Recovery Council*** shall not apply to Section 8. The parties and the county or city seeking to become a party shall jointly determine the terms and conditions under which the county or city may become a party. These terms and conditions shall include payment by such county or city to the parties of the amount determined jointly by the parties and the county or city to represent such county or city's fair and proportionate share of all costs associated with activities undertaken by the ***WRIA 8 Salmon Recovery Council*** and the parties on its behalf as of the date the county or city becomes a party. Any county or city that becomes a party pursuant to this section shall thereby assume the general rights and responsibilities of all other parties to this Agreement.

9. **TERMINATION**. This Agreement may be terminated by any party, as to that party only, upon sixty (60) days' written notice to the other parties. The terminating party shall remain fully responsible for meeting all of its funding and other obligations through the end of the calendar year in which such notice is given, together with any other costs that may have been incurred on behalf of such terminating party up to the effective date of such termination. This Agreement may be terminated at any time by the written agreement of all parties. It is expected that the makeup of the parties to this Agreement may change from time to time. Regardless of any such changes, the parties choosing not to exercise the right of termination shall each remain obligated to meet their respective share of the obligations of the ***WRIA 8 Salmon Recovery Council*** as reflected in the annual budget.

10. **HOLD HARMLESS AND INDEMNIFICATION**. To the extent permitted by state law, and for the limited purposes set forth in this agreement, each party shall protect, defend, hold harmless and indemnify the other parties, their officers, elected officials, agents and employees, while acting within the scope of their employment as such, from and against any and all claims (including demands, suits, penalties, liabilities, damages, costs, expenses, or losses of any kind or nature whatsoever) arising out of or in any way resulting from such party's own negligent acts or omissions related to such party's participation and obligations under this agreement. Each party agrees that its obligations under this subsection extend to any claim, demand and/or cause of action brought by or on behalf of any of its employees or agents. For this purpose, each party, by mutual negotiation, hereby waives, with respect to the other parties only, any immunity that would otherwise be available against such claims under the industrial insurance act provisions of Title 51 RCW. The provisions of this subsection shall survive and continue to be applicable to parties exercising the right of termination pursuant to Section 9.

11. **NO ASSUMPTION OF LIABILITY**. In no event do the parties to this Agreement intend to assume any responsibility, risk or liability of any other party to this Agreement or otherwise with regard to any party’s duties, responsibilities or liabilities under the Endangered Species Act, or any other act, statute or regulation of any local municipality or government, the State of Washington or the United States.

12. **VOLUNTARY AGREEMENT**. This is a voluntary agreement and it is acknowledged and agreed that, in entering into this Agreement, no party is committing to adopt or implement any actions or recommendations that may be contained in the ***WRIA 8 Plan*** pursuant to this Agreement.

13. **NO PRECLUSION OF ACTIVITIES OR PROJECTS**. Nothing herein shall preclude any one or more of the parties to this Agreement from choosing or agreeing to fund or implement any work, activities or projects associated with any of the purposes hereunder by separate agreement or action, provided that any such decision or agreement shall not impose any funding, participation or other obligation of any kind on any party to this Agreement which is not a party to such decision or agreement.

14. **NO THIRD PARTY RIGHTS.** Nothing contained in this Agreement is intended to, nor shall it be construed to, create any rights in any third party, including without limitation the non-party members, NMFS, USFWS, any agency or department of the United States, or the State of Washington, or to form the basis for any liability on the part of the ***WRIA 8 Salmon Recovery Council*** or any of the parties, or their officers, elected officials, agents and employees, to any third party.

15. **AMENDMENTS.** This Agreement may be amended, altered or clarified only by the unanimous consent of the parties to this Agreement, represented by affirmative action by their legislative bodies.

16. **COUNTERPARTS**. This Agreement may be executed in counterparts.

17. **APPROVAL BY PARTIES' GOVERNING BODIES**. The governing body of each party must approve this Agreement before any representative of such party may sign this Agreement.

18. **FILING OF AGREEMENT.** This Agreement shall be filed by King County and Snohomish County in accordance with the provisions of RCW 39.34.040 and .200 and with the terms of Section 3 herein.

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

Approved as to form:	TOWN OF BEAUX ARTS VILLAGE
By:_____	By:_____
Title:_____	Title:_____
Date:_____	Date:_____

Approved as to form: CITY OF BELLEVUE

By:_____ By:_____

Title:_____ Title:_____

Date:_____ Date:_____

Approved as to form: CITY OF BOTHELL

By:_____ By:_____

Title:_____ Title:_____

Date:_____ Date:_____

Approved as to form: CITY OF CLYDE HILL

By:_____ By:_____

Title:_____ Title:_____

Date:_____ Date:_____

Approved as to form: CITY OF EDMONDS

By:_____ By:_____

Title:_____ Title:_____

Date:_____ Date:_____

Approved as to form:	TOWN OF HUNTS POINT
By:_____	By:_____
Title:_____	Title:_____
Date:_____	Date:_____
Approved as to form:	CITY OF ISSAQUAH
By:_____	By:_____
Title:_____	Title:_____
Date:_____	Date:_____
Approved as to form:	CITY OF KENMORE
By:_____	By:_____
Title:_____	Title:_____
Date:_____	Date:_____
Approved as to form:	CITY OF KENT
By:_____	By:_____
Title:_____	Title:_____
Date:_____	Date:_____

Approved as to form:

By:_____

Title:_____

Date:_____

KING COUNTY

By:_____

Title:_____

Date:_____

Approved as to form:

By:_____

Title:_____

Date:_____

CITY OF KIRKLAND

By:_____

Title:_____

Date:_____

Approved as to form:

By:_____

Title:_____

Date:_____

CITY OF LAKE FOREST PARK

By:_____

Title:_____

Date:_____

Approved as to form:

By:_____

Title:_____

Date:_____

CITY OF MAPLE VALLEY

By:_____

Title:_____

Date:_____

Approved as to form: CITY OF MEDINA

By:_____ By:_____

Title:_____ Title:_____

Date:_____ Date:_____

Approved as to form: CITY OF MERCER ISLAND

By:_____ By:_____

Title:_____ Title:_____

Date:_____ Date:_____

Approved as to form: CITY OF MILL CREEK

By:_____ By:_____

Title:_____ Title:_____

Date:_____ Date:_____

Approved as to form: CITY OF MOUNTLAKE TERRACE

By:_____ By:_____

Title:_____ Title:_____

Date:_____ Date:_____

Approved as to form:	CITY OF MUKILTEO
By:_____	By:_____
Title:_____	Title:_____
Date:_____	Date:_____
Approved as to form:	CITY OF NEWCASTLE
By:_____	By:_____
Title:_____	Title:_____
Date:_____	Date:_____
Approved as to form:	CITY OF REDMOND
By:_____	By:_____
Title:_____	Title:_____
Date:_____	Date:_____
Approved as to form:	CITY OF RENTON
By:_____	By:_____
Title:_____	Title:_____
Date:_____	Date:_____

Approved as to form:	CITY OF SAMMAMISH
By:_____	By:_____
Title:_____	Title:_____
Date:_____	Date:_____
Approved as to form:	CITY OF SEATTLE
By:_____	By:_____
Title:_____	Title:_____
Date:_____	Date:_____
Approved as to form:	CITY OF SHORELINE
By:_____	By:_____
Title:_____	Title:_____
Date:_____	Date:_____
Approved as to form:	SNOHOMISH COUNTY
By:_____	By:_____
Title:_____	Title:_____
Date:_____	Date:_____

Approved as to form:	CITY OF WOODINVILLE
By:_____	By:_____
Title:_____	Title:_____
Date:_____	Date:_____
Approved as to form:	TOWN OF YARROW POINT
By:_____	By:_____
Title:_____	Title:_____
Date:_____	Date:_____

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

From: Tracey Dunlap, Director of Finance and Administration

Date: October 11, 2006

Subject: Cabaret Music License

RECOMMENDATION:

City Council authorizes the issuance of a Cabaret Music License to Oriel Café.

POLICY IMPLICATION:

The request and recommended action being presented to the City Council is consistent with the Municipal Code and City Council practice.

BACKGROUND DISCUSSION:

The Oriel Café, located at 129 Lake St, has made application for a Cabaret Music License. Staff has completed its review/investigation and the above referenced establishment has met the requirements of the Municipal Code. Staff recommends the issuance of a Cabaret Music License be granted.

The restrictions contained within KMC 7.02.030 are the standards by which the police department representatives reviewing applications are legally allowed to approve or deny the issuance of a license. The City's application form was last updated in 2006 and was updated to include perjury statement and waiver to allow a more stringent background check. These checks are completed prior to approval by the police department representative assigned to complete the investigation. The application form was also updated to include wording allowing approval by the designee of the Chief of Police, as has been past practice.

CITY OF KIRKLAND

123 FIFTH AVENUE KIRKLAND, WASHINGTON 98033-6189 425.587.3140

AUG 2 5 2006

LICENSE APPLICATION FOR CABARET, CELEBRATION, PUBLIC DANCE

This application may be used for the procurement of any of the following: **a Public Dance License** whereby a public dance shall include any dance to which the general public is admitted for which an attendance charge or donation is imposed as a condition of attendance; **a Celebration License** for a one-time event, **a Cabaret License** permitting music only, or permitting both music and dancing, in a place of business in which food or liquor is sold and consumed on the premises.

This license may be issued to the manager of the place of business or in the name of a corporation or partnership. Full information must be supplied with references to all of the partners, officers and directors of the corporation, as required by City ordinances. Upon report by the Chief of Police, this application will be referred to the City Council for final determination.

PLEASE PRINT OR TYPE

1. **CHECK ONE**

____	* Application for Public Dance License	$ 100.00 yearly
____	* Application for Public Dance Permit	$ 25.00 per dance
X	** Application for Cabaret Music License	$ 100.00 yearly
____	** Application for Cabaret Dance License	$ 250.00 yearly
____	Application for Celebration License	$ 25.00 one day - one-time
	Date of Event Only _____	

(* Application must be submitted 48 hours prior to dance.)

(** $ 15.00 deposit for investigative costs required with application.)

2. Name of Applicant: ANDREW ~~JONATHAN~~ SHARP Applicant's Telephone: ~~4258271918~~ 4255761141 HM
   Applicants Address: ~~441 3RD AVE S~~ 523 13TH AVE W KIRKLAND 98033
3. Name of Business: ORIEL CAFE Business Telephone: 4258227319
4. Will any admission fee be charged for the listed activity? If so, how much? NO
5. Name and address where event is to be held (if different from business address): SAME
6. Name of Manager: JONATHAN SHARP Manager's Telephone: 4258271918 HM
   Manager's Address: ~~SAME~~ 441 3RD AVE S KIRKLAND 98033
7. Name of person(s) or corporation to whom or which license is to be issued: ORIEL CAFE
8. Qualifications of person signing this application:
   a. How long have you resided in King County? 4 YEARS
   b. How long have you resided in the State of Washington? 5 YEARS
   c. Previous address: 441 THIRD AVE S KIRKLAND Dates at that address: DEC 02 - JUL 04
9. Have you ever been convicted of committing a felony? NO

DECLARATION:
I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

10. Signature and official capacity of applicant: [signature]
11. Signature of person accepting fee: Gloria Martin Date: 8/25/06

RETURN COMPLETED FORM AND PAYMENT TO:

City of Kirkland/Licensing
123 Fifth Avenue
Kirkland WA 98033
(425) 587-3140 or Fax (425)587-3110

H:\!DesignGroup\MMS\F&A\BL\Lic Appl-Dance.doc\04-03-06\GM:th

FOR OFFICIAL USE ONLY

Record of Report of Chief of Police/or his designee

I hereby recommend ORIEL CAFE of license for which application has been made.

Remarks: BACKGROUND CHECK COMPLETED 9/25/06. NO DISQUALIFYING INFORMATION DISCOVERED ON APPLICANT OR BUSINESS.

Signature of the Chief of Police Rex Caldwell (DESIGNEE) Date: 9/25/06

Action of the Kirkland City Council (where applicable)

Application Approved by _____ Date: _____

Application Approved by _____ Date: _____

Reason for Disapproval _____

License No. _____ Date: _____

Receipt No. 122448 Date: 8/25/06

Fee Amount: $100.00

CITY OF KIRKLAND
Department of Public Works
123 Fifth Avenue, Kirkland, WA 98033 425.587.3830
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: October 26, 2006

Subject: 2007-2012 TRANSPORTATION IMPROVEMENT PROGRAM (TIP) – PUBLIC HEARING

RECOMMENDATION:

It is recommended that City Council conduct a public hearing on the 2007-2012 TIP. Based on information received, it is further recommended that Council approve the attached resolution confirming the six-year TIP.

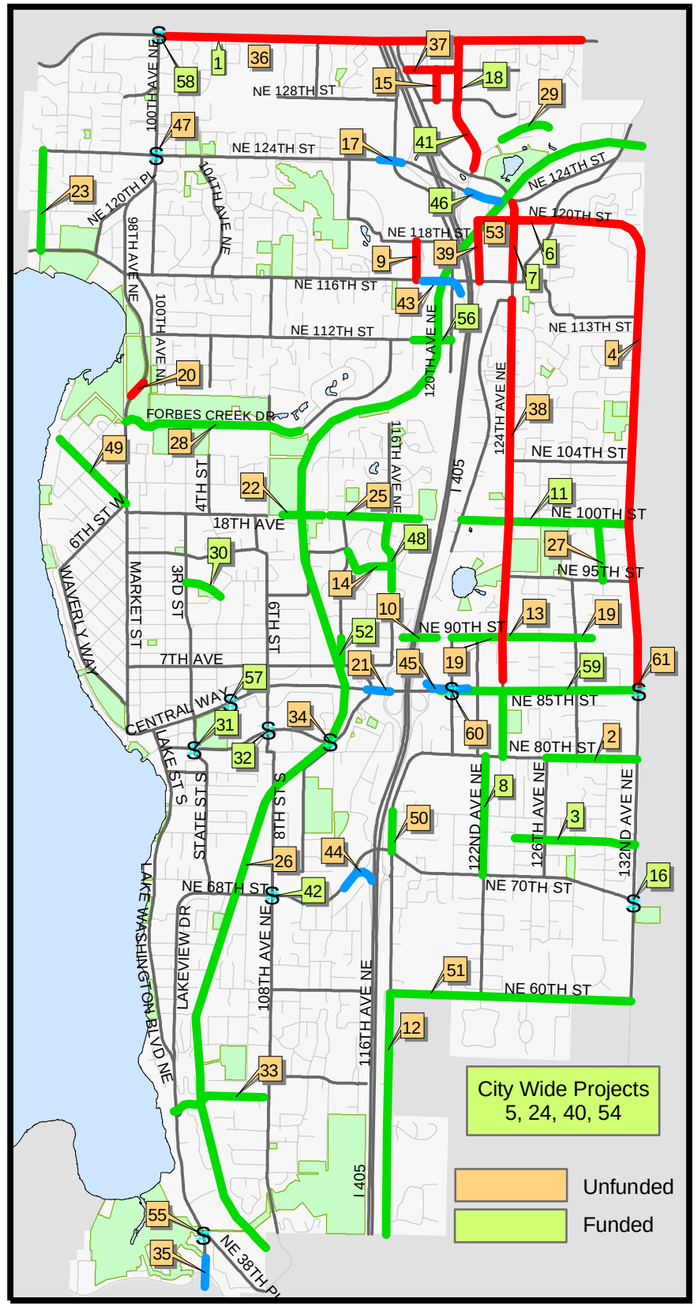
BACKGROUND DISCUSSION:

On November 8, 2006 the City Council will conduct a public hearing on the 2007-2012 TIP. The purpose of the hearing is to provide an opportunity for the public to comment and provide input on transportation projects that are planned for the City. Changes introduced at the public hearing will be incorporated into the City's TIP prior to submitting it to the Puget Sound Regional Council, Washington State DOT, and other adjacent agencies. Annual adoption of a six-year TIP is in accordance with RCW 35.77.010 and 47.26.210 and is used to designate transportation projects which are eligible for federal, state and/or local funding.

For the most part, projects identified in the 2007-2012 TIP mirror projects in the transportation element of the 2006-2011 CIP revision that was adopted by the Council on October 3, 2006. Since Kirkland only does a complete CIP process every two years, and does only minor updates in the even years (i.e. this year), the final year of this TIP will not be included in the CIP. Because the TIP extends to 2012, and funding for the recently adopted CIP extends only to 2011, funded projects shown in 2012 by the TIP are only those that represent continuation of projects already funded in 2011; no new projects begin in 2012. The TIP includes both funded and unfunded CIP projects as well as expenditures for transportation that are identified in the 117 street operating fund such as loop detector replacements and the annual striping and sidewalk repair programs.

Attachments: Transportation Improvement Program Map – Attachment 1
Resolution with 2007-2012 TIP

Transportation Improvement Program (2007-2012)



NOT TO SCALE

Legend

- S Intersection Improvements
- HOV Improvements
- Roadway Improvements
- Non-Motorized Improvements

Produced by the City of Kirkland.
(c) 2006, the City of Kirkland, all rights reserved.
No warranties of any sort, including but not limited to accuracy, fitness or merchantability, accompany this product.

Map Printed October 16, 2006 - Public Works GIS

1. NE 132nd St
Corridor study to determine configuration, phasing and financial implications of 2022 roadway configuration.
(Funded)

2. NE 80th St Sidewalk
Install of concrete curb, gutter, sidewalk and storm drainage improvements on the south side of NE 80th Street from 126th Ave NE to 130th Ave NE.

3. NE 73rd Street Sidewalk
Install 650 ft. of curb, gutter, sidewalk and planter strip along the north side of NE 73rd St between 124th Ave NE and 132nd Ave NE.

4. 132nd Ave NE Roadway Improvement
This project consists of widening the road to accommodate a center turn lane, bicycle lanes, sidewalks, storm drainage and landscaping.

5. Annual Street Preservation Program
The annual improvements included are street overlays, slurry seal, crack seal, and others.

6. NE 120th Street Roadway Extension
Connect NE 120th St through from Slater Ave NE to 124th Ave NE

7. 124th Ave NE Roadway Improvements - N. Section
Widen existing roadway between NE 116th St. to NE 124th St. to 5 lanes including CLTL, improved crosswalks, sidewalks, and bike lanes.

8. 122nd Ave NE Sidewalk
Install 2,100 ft. of curb, gutter, sidewalk and planter strip along the east side of 122nd Ave NE between NE 70th St and NE 75th St and along the west side of 122nd Ave NE between NE 75th St and NE 80th St.

9. 118th Ave NE Roadway Extension
Extend approx. 450' of 28' roadway including a retaining wall, and a new signal at NE 116th Street.

10. NE 90th St Overpass Pedestrian Crossing Bridge
I-405 at NE 90th St-Construct a pedestrian/bicycle bridge across Interstate 405.

11. NE 100th Street Bike Lane
Install five foot bike lanes along the existing roadway between Slater Ave NE and 132nd Ave NE.

12. 116th Ave NE (South Section) Non-motorized Facilities – Phase II
Consists of widening both sides of 116th Ave NE, from NE 40th St to NE 60th St, to accommodate a 5-foot paved bicycle lane in each direction.

13. NE 90th Street Sidewalk (Phase I)
Install 1,500 ft. of curb, gutter, sidewalk and planter strip between 124th Ave NE and 128th Ave NE .

14. NE 95th Street Sidewalk (Highlands)
Install 1,260 ft. of curb, gutter, sidewalk and street trees between 112th Ave NE and 116th Ave NE.

15. 119th Ave NE Roadway Extension
Extend appx. 600' of 28' roadway including ped and bike facilities, curb and gutter.

16. NE 70th Street/132nd Avenue NE Intersection Improvements
Install new right turn lanes for westbound and northbound travel lanes.

17. NE 124th St HOV Queue Bypass
Install 450 ft of eastbound HOV lanes on NE 124th St to S. bound I-405 - modify signal at 116th Ave NE.

18. 120th Ave NE Roadway Improvements
Widen existing roadway between NE 132nd St. and NE 128th Street to a 5 lane section including sidewalks, curb and gutter, landscaped medians, signal reconstructions, and utility undergrounding.

19. NE 90th St Sidewalk-120th Avenue NE to 128th Avenue NE
This project consists of installing curb and gutter, storm drainage, sidewalk and landscaping.

20. Bridge Replacement - 98th Ave NE
This project consists of replacing a bridge along a principal arterial that is seismically vulnerable. Bridge 000/01123A.

21. NE 85th St Queue By-Pass
Install 400 ft of eastbound HOV lanes on NE 85th St to S. bound I-405, modify signal at 114th Ave NE.

22. Crestwoods Park/BNSF Ped/Bike Facility
Construct concrete pedestrian and bicycle path, stairs and overpass between Crestwood Park and the Highlands

23. 93rd Ave NE Sidewalk
Install curb and gutter, sidewalk and storm drainage along 93rd Ave NE from NE 124th St. to Juanita Drive.

24. Crosswalk Upgrades
Crosswalk improvements at various locations throughout the City.

25. Spinney Homestead Park/NE 100th St.
Install 1300' of sidewalk along the N. side of NE 100th St., including curb and gutter and landscaping.

26. Cross Kirkland Trail
Construct a multiuse recreational trail along the active BNSF Railroad right of way between Bellevue and the north City limits at Totem Lake.

27. 130th Ave NE Sidewalk
Install 1000' of sidewalk, curb and gutter, and storm drainage improvements between NE 95th St. and NE 100th St.

28. Forbes Valley Pedestrian Facility
Construct sidewalk adjacent to Forbes Creek Drive.

29. Non-Motorized Facilities - NE 126th St.
Install a 2100 ft. pathway along with retaining walls at NE 126th Street in Totem Lake.

30. 13th Ave Sidewalk
Install appx. 815' of sidewalk, curb and gutter between 3rd St and 4th St (Van Aalst Park) along south side of 13th Ave.

31. Kirkland Avenue/Third Street Traffic Signal
Install new traffic signal, channelization, and pedestrian crossings. Concurrent with the new downtown transit center.

32. 6th St./Kirkland Way-New Traffic Signal
Construct traffic signal at 6th Street/Kirkland Way intersection

33. NE 52nd St Sidewalk
Widening and minor realignment west of BNSF railroad tracks; installation of retaining wall, sidewalks, curb and gutter along the north side, and drainage improvements.

34. Kirkland Way/BNSF Railroad Abutment Intersection Improvements
Construct new railroad undercrossing to correct geometric deficiencies, install sidewalks.

35. Lake Washington BLVD HOV Queue Bypass
Add appx. 500' of southbound HOV travel lane to Lake Wash. Blvd. between Cochran Springs Creek and the City of Bellevue at SR 520.

36. NE 132nd St. Roadway Improvements
Complete five lane section of from 100th Ave NE to 132nd Ave NE.

37. NE 130th St. Roadway Extension
Extend approx. 1,100' of new 28' roadway including sidewalks, curb and gutter, and bike lanes

38. 124th Ave NE Roadway Widening (South Section)
Widen approx. 1.8 miles of roadway from 2 lanes to three lanes, with sidewalks, bike lanes, landscaping,

39. 120th Pl NE Roadway Extension
North of NE 116th St, construct a new roadway from the intersection of 116th Ave NE/I-405 off-ramp to NE 120th St.

40. Miscelleneous Street Improvements
The annual elements included are sidewalk repair, pavement marking, detection loop replacement, and spot pedestrian improvements.

41. 120th Ave NE Reconstruction
On street parking, pedestrian features and traffic calming being implemented on 120th Ave, between the North and South branches of the Totem Lake Mall, with redevelopment of the Totem Lake Mall.

42. NE 68th Street/108th Avenue NE Intersection Improvements
Construct eastbound, westbound and northbound right turn lanes and other improvements.

43. NE 116th St Eastbound HOV Queue Bypass
Install approx. 1500 ft. of new eastbound HOV west of the intersection of 120th Ave. NE that will allow transit and HOV vehicles to enter I-405 in the southbound direction.

44. NE 70th St. Eastbound HOV Queue Bypass
Install approx. 300 ft. of new eastbound travel lane west of I-405 to allow transit and HOW traffic to enter I-405 in the southbound direction at NE 70th St.

45. NE 85th St. Westbound HOV Queue Bypass
Install approx. 350 ft. of new westbound travel lane east of the intersection of NE 85th St. and 120th Ave. NE that will allow transit and HOV traffic to enter I-405 in the northbound direction.

46. NE 124th St. Westbound HOV Queue Bypass
Install approximately 500 ft. of new westbound travel lane east of the I-405 northbound off-ramp that will allow transit and HOV traffic to enter northbound I-405.

47. 100th Avenue NE/NE 124th Street Intersection Improvements
Construct a 250 foot northbound receiving lane on the north leg of the intersection.

48. 116th Ave NE Sidewalks (Highlands)
Install 1,900 ft. of curb, gutter, sidewalk and street trees from NE 100th St to NE 94th St.

49. 18th Avenue West Sidewalk
Install 2,400 ft. of curb, gutter, sidewalk, planter strip and street trees from Market St. to Rose Point Lane.

50. 116th Ave NE Sidewalk (South Rose Hill)
Install 770 ft. of curb, gutter, sidewalk and planter strip between NE 70th St and NE 75th St.

51. NE 60th Street Sidewalk
Install curb, gutter, sidewalk and a bike lane along the north side of NE 60th St from 116th Ave NE to 132nd Ave NE.

52. 112th Ave NE Sidewalk
Install curb, gutter and sidewalk from NE 87th St to NE 90th St.

53. NE 120th St Roadway Improvements
Install 1,450 ft. of new roadway along an alignment north of NE 116th St/I-405 off-ramp.

54. Annual Sidewalk Repair Program
Preservation and maintenance of the City's 200 miles of sidewalk.

55. Lake Washington Boulevard/ NE 38th Place Intersection Improvements
Install one additional northbound travel lane. Upgrade existing signalized intersection. Replace all existing pedestrian facilities and consolidate commercial driveways where feasible.

56. NE 112th Street Sidewalk (North side)
Install 610 ft. of curb, gutter and sidewalk between 117th Pl NE and the existing sidewalk east of the BNSF railroad crossing.

57. Central Way/Park Place Center Traffic Signal
Install traffic signal to minimize traffic conflict, improve safety and traffic operation.

58. 100th Avenue NE/NE 132nd Street Intersection Improvements
Restripe northbound to eastbound right-turn lane; construct a 250 foot northbound receiving lane on the north leg of the intersection.

59. Rose Hill Business District Sidewalks
Along NE 85th St from I-405 to 132nd Ave NE and 124th Ave NE from NE 80th St to NE 85th St; install sidewalks, planters, improved lighting, median islands and consolidated driveways.

60. NE 85th St/120th Ave NE Intersection Improvements
Install new turn lanes and pedestrian facilities. Consolidate commercial driveways where feasible. Replace all existing pedestrian facilities.

61. NE 85th St/132nd Ave NE Intersection Improvements
Install one each new travel lanes westbound and east bound. Upgrade existing signalized intersection. Replace all existing pedestrain facilities.

ATTACHMENT 1

RESOLUTION R-4611

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING AND ADOPTING THE ANNUAL UPDATE FOR THE SIX-YEAR TRANSPORTATION AND STREET CONSTRUCTION AND IMPROVEMENT PROGRAM IN ACCORDANCE WITH SECTION 19.08.051, KIRKLAND MUNICIPAL CODE.

WHEREAS, the City is required annually to review and modify or amend as deemed appropriate the Six-Year Transportation and Street Construction and Improvement Program; and

WHEREAS, the Public Works Director has submitted his report and recommendation for review by the City Council as required by state law; and

WHEREAS, public hearing has been held before the City Council on Noivember 8, 2006; and

WHEREAS, the City Council has considered the recommendation and comment received during the public hearing;

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

Section 1. The perpetual Six-Year Transportation and Street Construction and Improvement Program for the City of Kirkland is hereby adopted, modified, and amended, all as set forth in Attachment A, which exhibit is incorporated herein by reference. Pursuant to Section 19.08.051 (as amended) of the Kirkland Municipal Code, said Attachment A constitutes the Transportation Improvement Program in the form required by RCW Chapter 47.26 and is in conformance to and in furtherance of the circulation element of the Comprehensive Land Use Policies Plan adopted by Kirkland Ordinance 2346.

Section 2. A copy of this resolution, including Attachment A, shall be filed with the Secretary of Transportation for the State of Washington as required by law.

Passed by majority vote of the Kirkland City Council in open meeting this _____ day of _____, 2006.

Signed in authentication thereof this _____ day of _____, 2006.

_____
MAYOR

Attest:

_____
City Clerk

Washington State Department of Transportation

Six Year Transportation Improvement Program

From 2007 to 2012

Agency: Kirkland

Co. No.: 17 Co. Name: King Co.

City No.: 0625 MPO/RTPO:

Hearing Date: 11/7/2006 Adoption Date: 11/8/2006

Amend Date: 11/8/2006 Resolution No.: R-4611

Functional Class	Priority Number	Project Identification (A. Federal Aid No. B. Bridge No. C. Project Title D. Street/Road Name or Number E. Beginning MP or road - Ending MP or road F. Describe Work to be Done)	Improvement Type(s)	Status	Total Length	Utility Codes	Project Costs in Thousands of Dollars: Project Phase	Phase Start (mm/dd/yyyy)	Fund Source Information: Federal Funding: Federal Fund Code	Federal Cost by Phase	State Fund Code	State Funds	Local Funds	Total Funds	Expenditure Schedule (Local Agency): 1st	2nd	3rd	4th Thru 6th	Federally Funded Projects Only: Envir. Type	R/W Required Date (MM/YY)
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
14	1	NE 132nd Street Corridor Study NE 132nd Street from: 100th Ave NE to: 132nd Ave NE Corridor study to determine phasing and financial implications of 2022 roadway configuration.	04	S	1.8		PE	1/1/2007					200	200	200					No
							Totals						200	200	200					
17	2	NE 80th Street Sidewalk NE 80th St from: 126th Ave NE to: 130th Ave NE Install curb, gutter, sidewalk, and associated storm drainage improvements	06 32	P	0.17		PE CN						75 207	75 207					CE	No
							Totals						282	282						
19	3	NE 73rd Street Sidewalk NE 73rd Street from: 124th Avenue NE to: 132nd Ave NE Install 650 feet of sidewalk, curb and gutter and planter strip with street trees.	32	S	0.12		PE CN	3/1/2008 3/1/2008					54 150	54 150	31 50	23 100			EA	No
							Totals						204	204	81	123				
16	4	132nd Ave NE Roadway Improvement 132nd Ave NE from: to: Consists of widening the road to accomodate a CLTL, bicycle lanes, sidewalks, storm drainage, and landscaping	04 06	P	2.3	C P T	PE RW CN					2662 940 8368	665 239 2090	3327 1179 10458					EA	Yes
							Totals					11968	2994	14962						
00	5	Annual Street Preservation Program from: to: Annual Improvements included are street overlays, slurry seal, crack seal, and others	03 12	S		P T	PE CN	1/1/2006 6/1/2004					2085 8401	2085 8401	370 1430	235 1251	370 1430	1110 4290	EA	No
							Totals						10486	10486	1800	1486	1800	5400		
16	6	NE 120th Street Roadway Extension NE 120th Street from: Slater Ave NE to: 124th Ave NE Connect NE 120th St through from Slater Ave NE to 124th Ave NE	01	S	0.17		PE RW CN	1/1/2007 7/1/2008 6/1/2010					1060 2170 1396	1060 2170 1396	257 52	269 1018	239 800 600	295 796	EA	Yes
							Totals						4626	4626	309	1287	1639	1091		

R-4611

EXHIBIT A

Washington State Department of Transportation

Six Year Transportation Improvement Program

From 2007 to 2012

Agency: Kirkland
Co. No.: 17 Co. Name: King Co.
City No.: 0625 MPO/RTPO:

Hearing Date: 11/7/2006 Adoption Date: 11/8/2006
Amend Date: 11/8/2006 Resolution No.: R-4611

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1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
14	7	124th Ave NE Roadway Improvement - N. Sec. 124th Ave NE from: NE116th St to: NE 124th St Widen existing roadway between NE 116th St to NE 124th St to 5 lanes, including CLTL, improved crosswalks, sidewalks, and bike lanes	04 06 32	P	0.60	P	PE RW CN	1/1/2007 6/1/2007 4/1/2009				233 220 762	346 507 1557	579 727 2319	292 515 51	117 212 1050	170 1217		EA	Yes
							Totals					1215	2410	3625	858	1379	1387			
17	8	122nd Avenue NE Sidewalk 122nd Avenue NE from: NE 70th Street to: NE 80th Street Install sidewalk, curb and gutter, planter strip with street trees and bicycle facilities.	32	S	0.40		PE CN	1/1/2009 3/1/2011					162 505	162 505			57 105	105 400	EA	No
							Totals						667	667			162	505		
17	9	118th Ave NE Roadway Extension 118th Ave NE from: NE 116th St to: NE 118th St Extend approximately 450' of 28' roadway including a retaining wall and a new signal at NE 116th St	01	P	.09		PE RW CN						514 1548 1615	514 1548 1615					EA	Yes
							Totals						3677	3677						
00	10	NE 90th Street Overpass - Pedestrian Crossing Bridge NE 90th Street from: to: I-405 at NE 90th St - construct a pedestrian/bicycle bridge across Interstate 405	08 32	P	0.11		PE RW CN						891 538 1959	891 538 1959					EA	Yes
							Totals						3388	3388						
17	11	NE 100th Street Bike Lane NE 100th Street from: Slater Ave NE to: 132nd Ave NE Install five foot bike lanes along the existing roadway between Slater Ave NE and 132nd Ave NE	32	S	0.28		PE CN	1/1/2011 6/1/2011					63 169	63 169				63 169	EA	No
							Totals						232	232				232		
17	12	Non-motorized Facilities 116th Ave NE (south) 116th Ave NE from: NE 40th St to: NE 60th St Consists of widening both sides of 116th Ave NE to accomodate a 5-foot paved bicycle lane in each direction	32	P	1.36	C P T	PE CN		CMAQ CMAQ	275			548 1105	823 1105					EA	No
							Totals			275			1653	1928						

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From 2007 to 2012

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Hearing Date: 9/6/2005 **Adoption Date:** 11/8/2006
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1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
19	13	NE 90th Street Sidewalk (Phase I) NE 90th Street from: 124th Avenue NE to: 128th Avenue NE Install sidewalk, planter strip with trees and curb and gutter.	32	P	0.28		PE CN						151 416	151 416					EA	No
							Totals						567	567						
17	14	NE 95th Street Sidewalk NE 95th Street from: 112th Ave NE to: 116th Ave NE Install 1260 feet of curb, gutter, sidewalk, and street trees	32	P	0.24		PE CN						103 285	103 285					EA	No
							Totals						388	388						
17	15	119th Ave NE Roadway Extension 119th Ave NE from: to: Extend approximately 600' of 28' roadway including pedestrian and bike facilities, curb and gutter	01	P	0.11		PE RW CN						226 2187 709	226 2187 709					EA	Yes
							Totals						3122	3122						
16	16	NE 70th Street/132nd Ave NE Intersection Improvements NE 70th Street from: 132nd Ave NE to: 132nd Ave NE Construct a westbound right turn lane and a northbound right turn lane	05 06	S			PE CN						384 269	384 269				384 269	EA	No
							Totals						653	653				653		
17	17	NE 124th Street HOV Queue Bypass NE 124th Street from: to: Install 450' of eastbound HOV lanes on NE 124th St to southbound I-405, modify signal at 116th Ave NE	12 21	P	0.09	T	PE RW CN						304 64 608	304 64 608					EA	Yes
							Totals						976	976						
17	18	120th Ave NE Roadway Improvements 120th Ave NE from: NE 128th Street to: NE 132nd Street Widen existing roadway between NE 132nd St and NE 128th St to a 5 lane section including sidewalks, curb and gutter, landscaped medians, signal reconstructions, and utility undergrounding	04 32 12	P	0.21		PE RW CN	1/1/2009 7/1/2008 7/1/2010				622 1083 1323	648 1130 1377	1270 2213 2700		393	437 1256	440 957 2700	EA	Yes
							Totals					3028	3155	6183		393	1693	4097		

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17	19	NE 90th Street Sidewalk NE 90th Street from: 120th Ave NE to: 128th Ave NE Consists of installing curb and gutter, storm drainage, sidewalk and landscaping	32	P	0.50		PE CN						201 552	201 552					EA	No
							Totals						753	753						
14	20	Bridge Replacement - 98th Ave NE 98th Ave NE from: to: Consists of replacing a bridge along a principal arterial that is seismically vulnerable, bridge 000/01123A	09	P	0.10		PE CN		 BR	1279 2815			794 704	2073 3519					EA	No
							Totals			4094			1498	5592						
14	21	NE 85th Street Queue Bypass NE 85th Street from: to: Install 400' of eastbound HOV lanes on NE 85th St to southbound I-405, modify signal at 114th Ave NE	12 21	P	0.08	T	PE CN						310 668	310 668					EA	No
							Totals						978	978						
00	22	Crestwoods Park/BNSF Ped/Bike Facility from: to: Construct concrete pedestrian and bicycle path, stairs, and overpass between Crestwoods Park and the Highlands	32	P	0.25		PE CN						324 712	324 712					EA	No
							Totals						1036	1036						
17	23	93rd Ave NE Sidewalk 93rd Ave NE from: NE 124th Street to: Juanita Drive Install curb and gutter, sidewalk, and storm drainage	32	P	0.50	P C T	PE RW CN						93 10 256	93 10 256					EA	Yes
							Totals						359	359						
00	24	Crosswalk Upgrades from: to: Crosswalk Improvements at various locations throughout the City	32	S			PE CN	1/1/2007 5/1/2007					75 135	75 135	25 45		25 45	25 45	EA	No
							Totals						210	210	70		70	70		

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1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
17	25	Spinney Homestead Park/NE 100th Street NE 100th Street from: to: Install 1300' of sidewalk along the north side of NE 100th St, including curb and gutter	32	P	0.25		PE						57	57					EA	No
							CN						143	143						
							Totals						200	200						
00	26	Cross Kirkland Trail from: to: Construct a multiuse recreational trail along the active BNSF railroad right of way between Bellevue and the north City limits at Totem Lake	32	P	5		PE												EA	No
							CN													
							Totals													
19	27	130th Ave NE Sidewalk 130th Ave NE from: NE 95th Street to: NE 100th Street Install 1000' of sidewalk, curb & gutter, and storm drainage improvements	32	P	0.20	C P T	PE						82	82					EA	Yes
							RW						5	5						
							CN						226	226						
							Totals						313	313						
00	28	Forbes Valley Pedestrian Facility from: to: Construct sidewalk adjacent to Forbes Creek Drive	32	P	3.00		PE						266	266					EA	No
							CN						734	734						
							Totals						1000	1000						
17	29	NE 126th Street Non-Motorized Facilities NE 126th Street from: to: Install a 2100 foot pathway with retaining walls at NE 126th Street in Totem Lake	32	P	0.40		PE						316	316					EA	Yes
							RW						950	950						
							CN						1034	1034						
							Totals						2300	2300						
19	30	13th Ave NE Sidewalk 13th Ave NE from: to: Install approx. 1200 feet of sidewalk, curb & gutter, and landscaping between Van Aalst Park along the south side of 13th Ave NE to NE 6th St at Peter Kirk School	32	S	0.23		PE	1/1/2004					54	54			50	4	EA	No
							CN	6/1/2005					152	152				152		
							Totals						206	206			50	156		

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1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
19	31	Kirkland Ave/3rd Street Traffic Signal Kirkland Ave from: NE 3rd St to: NE 3rd St Install new traffic signal, channelization, and pedestrian crossings	12	S			PE						119	119			119		EA	No
							CN						239	239			239			
							Totals						358	358			358			
16	32	6th Street/Kirkland Way New Traffic Signal 6th Street from: Kirkland Way to: Kirkland Way Construct traffic signal at 6th Street/Kirkland Way intersection	12	S			PE	1/1/2009					135	135			135		EA	No
							CN	6/1/2009					271	271			271			
							Totals						406	406			406			
17	33	NE 52nd Street Sidewalk NE 52nd Street from: to: Widening and minor realignment west of BNSF railroad tracks; installation of retaining wall, sidewalks, curb & gutter, along the north side, and drainage improvements	32	P	0.25		PE						190	190					EA	Yes
							RW						33	33						
							CN						523	523						
							Totals						746	746						
17	34	Kirkland Way/BNSF Railroad Abutment Intersection Kirkland Way from: to: Construct new railroad undercrossing to correct geometric deficiencies, install sidewalks	09	P			PE						1147	1147					EA	No
							CN						2525	2525						
							Totals						3672	3672						
14	35	Lake Washington Blvd HOV Queue Bypass Lake Washington Blvd from: Cochran Springs Creek to: City of Bellevue at SR520 Add approx. 500 feet of southbound HOV travel lane to Lake Washington Blvd	12 21	P	0.09		PE						376	376					EA	Yes
							RW						2376	2376						
							CN						621	621						
							Totals						3373	3373						
16	36	NE 132nd Street Roadway Improvements NE 132nd Street from: 100th Ave NE to: 132nd Ave NE Complete three lane section of approx. one mile of roadway	03 05 06 12	P	1.00		PE						4000	4000					EA	Yes
							RW						10900	10900						
							CN						12649	12649						
							Totals						27549	27549						

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1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
19	37	NE 130th Street Roadway Extension NE 130th Street from: to: Extend approx. 1100 feet of new 28 foot roadway including sidewalks, curb & gutter, and bike lanes	01	P	0.21		PE						398	398					EA	Yes
							RW						3886	3886						
							CN						1253	1253						
							Totals						5537	5537						
14	38	124th Ave NE Roadway Widening (South section) 124th Ave NE from: to: Widen approx. 1.8 miles of roadway from 2 lanes to 3 lanes, with sidewalks, bike lanes, landscaping	04	P	1.80	C P T	PE						3920	3920					EA	Yes
							RW						1760	1760						
							CN						12320	12320						
							Totals						18000	18000						
16	39	120th Ave NE Roadway Extension 120th Ave NE from: to: North of NE 116th St, construct new roadway from intersection of 116th Ave NE west to BNSFRR and terminate at 120th Pl NE, improvements also include signal modifications, crossing gates, and planter strips	01 06	P	0.27		PE						3501	3501					EA	Yes
							RW						2243	2243						
							CN						5291	5291						
							Totals						11035	11035						
00	40	Misc. Street Improvements from: to: Annual elements included are sidewalk repair, pavement marking, detection loop replacement, and spot pedestrian improvements	06	S			PE	2/1/2002					240	240	40	40	40	120	EA	No
							CN	9/1/2002					1110	1110	185	185	185	555		
							Totals						1350	1350	225	225	225	675		
17	41	120th Ave NE Traffic Calming 120th Ave NE from: to: Traffic calming devices and measures being implemented on 120th Ave Ne between north and south branches of Totem Lake Mall	06 12	S	0.33		PE	1/1/2007					223	223	113	110			EA	No
							CN	6/1/2008					304	304		304				
							Totals						527	527	113	414				
16	42	NE 68th Street/108th Ave NE Intersection Improvements NE 68th Street from: 108th Ave NE to: 108th Ave NE Construct westbound to northbound right turn and other improvements	05 06	S			PE	1/1/2007					136	136	40	35	61		EA	Yes
							RW						61	61		61				
							CN	6/1/2009					271	271		63	208			
							Totals						468	468	40	159	269			

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16	43	NE 116th Street Eastbound HOV Queue Bypass NE 116th Street from: to: Install approx. 1500 feet of new eastbound HOV west of the intersection of 120th Ave NE that will allow transit and HOV vehicles to enter I-405 in the southbound direction	05 12 21	P	0.28		PE RW CN						1142 607 2286	1142 607 2286					EA	Yes
							Totals						4035	4035						
16	44	NE 70th Street Eastbound HOV Queue Bypass NE 70th Street from: to: Install approx. 300 feet of new eastbound travel lane west of I-405 to allow transit and HOV traffic to enter I-405 in the southbound direction at NE 70th St	05 12 21	P	0.06		PE RW CN						251 181 503	251 181 503					EA	Yes
							Totals						935	935						
14	45	NE 85th Street Westbound HOV Queue Bypass NE 85th Street from: to: Install approx. 350 feet of new westbound travel lane east of the intersection of NE 85th St and 120th Ave NE that will allow transit and HOV traffic to enter I-405 in the northbound direction	05 12 21	P	0.07		PE RW CN						159 500 319	159 500 319					EA	Yes
							Totals						978	978						
14	46	NE 124th Street Westbound HOV Queue Bypass NE 124th Street from: to: Install approx. 500 feet of new westbound travel lane east of the I-405 northbound off-ramp that will allow transit and HOV traffic to enter northbound I-405 northbound direction	05 12 21	P	0.09		PE RW CN						304 64 608	304 64 608					EA	No
							Totals						976	976						
14	47	100th Ave NE/NE 124th Street Intersection Improvements 100th Ave NE from: NE 124th Street to: NE 124th Street Construct a 250 foot northbound through lane on the south leg of the intersection; construct a 250 foot northbound receiving lane on the north leg of the intersection	05 06	P			PE CN	6/1/2008					174 1023	174 1023					EA	No
							Totals						1197	1197						
16	48	116th Avenue NE Sidewalks (Highlands) 116th Ave NE from: NE 94th St to: NE 100th St Project consists of installing curb, gutter, sidewalk, and street trees	05	S	0.36		PE CN	1/1/2007 5/1/2007					180 429	180 429	103	53 180	24 249		EA	No
							Totals						609	609	103	233	273			

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1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
19	49	18th Avenue West Sidewalk 18th Ave W from: 10th St to: Rose Point Ln Project consists of installing curb, gutter, sidewalk, and planter strips	03 05 12	P	0.45		PE CN						199 543	199 543					EA	No
							Totals						742	742						
16	50	116th Ave NE Sidewalk (Rose Hill) 116th Ave NE from: NE 70th St to: NE 75th St Project consists of installing curb, gutter, sidewalk, and planter strips	06	P	0.15		PE CN						63 175	63 175					EA	No
							Totals						238	238						
16	51	NE 60th Street Sidewalk NE 60th St from: 116th Ave NE to: 132nd Ave NE Project consists of installing curb, gutter, sidewalk, and a bike lane on the north side of NE 60th St	06 12	P	1.0		PE CN						436 1201	436 1201					EA	No
							Totals						1637	1637						
17	52	112th Ave NE Sidewalk 112th Ave NE from: NE 87th St to: NE 90th St Curb, gutter, and sidewalk will continue across the railroad crossing	05 06	S	0.13		PE CN						63 183	63 183				63 183	EA	No
							Totals						246	246				246		
16	53	NE 120th Street Roadway Extension (west) NE 120th St from: to: Extend west of BNSFRR crossing; construct new alignment extending to the west, terminating at 120th Pl NE; will include signal modifications, crossing gates, and planter strips	01 06	P	0.12		PE RW CN						346 1762 1088	346 1762 1088					EA	Yes
							Totals						3196	3196						
19	54	Annual Sidewalk Replacement Program City-wide from: to: Preservation and maintenance of the City's 200 miles of sidewalk.	32 03	S			PE CN	1/1/2006 4/1/2006					480 720	480 720	80 120	80 120	80 120	240 360	EA	No
							Totals						1200	1200	200	200	200	600		

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Co. No.: 17 **Co. Name:** King Co.

City No.: 0625 **MPO/RTPO:**

Hearing Date: 9/6/2005 **Adoption Date:** 11/8/2006

Amend Date: 11/8/2006 **Resolution No.:** R-4611

Functional Class	Priority Number	Project Identification (A. Federal Aid No. B. Bridge No. C. Project Title D. Street/Road Name or Number E. Beginning MP or road - Ending MP or road F. Describe Work to be Done)	Improvement Type(s)	Status	Total Length	Utility Codes	Project Costs In Thousands of Dollars: Project Phase	Phase Start (mm/dd/yyyy)	Fund Source Information: Federal Funding: Federal Fund Code	Federal Cost by Phase	State Fund Code	State Funds	Local Funds	Total Funds	Expenditure Schedule (Local Agency): 1st	2nd	3rd	4th Thru 6th	Federally Funded Projects Only: Envir. Type	R/W Required Date (MM/YY)
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
14	55	Lake Washington Boulevard/ NE 38th Place Intersection Improvements from: to: Install new travel lane through the intersection. Upgrade the existing signalized intersection. Replace all exsiting pedestrian facilities and consolidate commercial driveways	05 03 06 12	P	NA		PE CN						567 1133	567 1133					EA	No
							Totals						1700	1700						
17	56	NE 112th Street Sidewalk (North side) NE 112th Street Sidewalk from: 117th Pl NE to: BNSF railroad crossing Install sidewalk and curb and gutter. Relocate existing rock wall.	32	S			PE CN	1/1/2008					55 150	55 150		30 53	25 97		EA	No
							Totals						205	205		83	122			
14	57	Central Way/Park Place Center Traffic Signal Central Way from: to: Install signal to minimize traffic conflicts, improve safety and traffic operations	06 12	S			PE CN						125 210	125 210	45 180				EA	No
							Totals						335	335	225					
14	58	100th Ave NE/NE 132nd Street Intersection Improvements 100th Ave NE from: NE 132nd St to: NE 132nd St Restripe northbound right-turn to shared through lane; construct a 250 foot northbound receiving lane on the north leg of the intersection	05 06	S			PE CN	1/1/2010 6/1/2011					354 723	354 723				354 723	EA	No
							Totals						1077	1077				1077		
14	59	Rose Hill Business District Sidewalks from: to: I-405 to 132nd Ave NE on NE 85th St; 124th Ave NE between NE 80th St and NE 85th St; install sidewalks, planters, improved lighting, median islands and consolidated driveways	03 05 06	S			PE RW CN	1/1/2004 1/1/2005 6/1/2006					758 483 1557	758 483 1557	62 247				EA	Yes
							Totals						2798	2798	309					
14	60	NE 85th St/120th Ave NE Intersection Improvements from: to: Install new turn lanes and pedestrian facilities. Consolidate commercial driveways where feasible.	03 05 12 06	P	NA		PE CN						467 933	467 933					EA	No
							Totals						1400	1400						

R-4611

Washington State Department of Transportation

Six Year Transportation Improvement Program

From 2007 to 2012

Agency: Kirkland

Co. No.: 17 **Co. Name:** King Co.

City No.: 0625 **MPO/RTPO:**

Hearing Date: 11/7/2006 **Adoption Date:** 11/8/2006

Amend Date: 11/8/2006 **Resolution No.:** R-4611

Functional Class	Priority Number	Project Identification A. Federal Aid No. B. Bridge No. C. Project Title D. Street/Road Name or Number E. Beginning MP or road - Ending MP or road F. Describe Work to be Done	Improvement Type(s)	Status	Total Length	Utility Codes	Project Costs in Thousands of Dollars: Project Phase	Phase Start (mm/dd/yyyy)	Fund Source Information: Federal Funding: Federal Fund Code	Federal Cost by Phase	State Fund Code	State Funds	Local Funds	Total Funds	Expenditure Schedule (Local Agency): 1st	2nd	3rd	4th Thru 6th	Federally Funded Projects Only: Envir. Type	R/W Required Date (MM/YY)
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
14	61	NE 85th Street/132nd Avenue NE Intersection Improvements from: to: Install new travel lanes. Upgrade the exisiting signalized intersection. Replace all pedestrian facilities and consolidate commercial driveways where feasible	05 03 06 12	P	NA		PE CN						333 667	333 667					EA	No
							Totals						1000	1000						
				Grand Totals for Kirkland						4369		16211	146058	166638	4533	5982	8654	14802		

R-4611

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

MEMORANDUM

To: Dave Ramsay, City Manager

From: Jeremy McMahan, Planning Supervisor
Eric Shields, Planning Director

Date: October 26, 2006

Subject: Public hearing to extend interim fee-in-lieu of parking ordinance (originally adopted as O-3996), File No. MIS05-00019

Recommendation

Hold public hearing to receive testimony on extending the interim fee-in-lieu of parking ordinance. Adopt the interim ordinance for another six-month period.

Background

On June 7, 2005, the City Council adopted Ordinance 3996 as an interim ordinance modifying the fee-in-lieu parking provisions of the Kirkland Zoning Code. This is the third extension of the interim ordinance. The interim ordinance will expire on November 20, 2006 if not renewed. No fee-in-lieu requests have been filed or are currently anticipated under the interim ordinance.

The permanent ordinance is currently in the public hearing process before the Planning Commission and staff expects a Planning Commission recommendation by the end of the year.

ORDINANCE 4064

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO THE THIRD RENEWAL OF INTERIM PARKING REGULATIONS IN CENTRAL BUSINESS DISTRICT ZONES 1, 2, AND 8.

WHEREAS, the City has the authority to adopt interim zoning ordinances pursuant to RCW 35A.63.220 and 36.70A.390; and

WHEREAS, the Kirkland City Council at its June 7, 2005 Council meeting determined that there is a need for an interim zoning ordinance modifying the parking requirements for Central Business District ("CBD") Zones 1,2 and 8 and adopted an interim zoning ordinance at said meeting by Ordinance No. 3996, AN INTERIM ORDINANCE OF THE CITY OF KIRKLAND RELATING TO PARKING PROVISIONS IN CENTRAL BUSINESS DISTRICT ZONES 1, 2, AND 8. AND MODIFYING SECTION 50.60 OF THE KIRKLAND ZONING CODE; and

WHEREAS, the Kirkland City Council at its November 15, 2005 Council meeting, after a public hearing, extended the interim zoning ordinance for an additional six months; and

WHEREAS, the Kirkland City Council at its May 16, 2006 Council meeting, after a public hearing, extended the interim zoning ordinance for an additional six months;

WHEREAS, the Kirkland City Council desires to extend the interim zoning ordinance for an additional six month period; and

WHEREAS, pursuant to RCW 35A.63.220, a public hearing was held prior to the adoption of this ordinance.

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

Section 1. The Kirkland City Council makes the following findings:

a. The purpose and intent of this Ordinance is to: (1) increase the fee-in-lieu rate charged for required parking stalls under Kirkland Zoning Code ("KZC") Section 50.60.4.b.1; (2) provide that the fee-in-lieu option of meeting parking requirements is available to applicants only with City approval.

b. Raising the fee-in-lieu rate from $6,000 to $20,000 per parking stall is appropriate because the $6,000 rate has been in place since 1982 and the rate increase will more accurately reflect the current cost of parking development.

c. An applicant's ability to use the fee-in-lieu option should be subject to certain limits and criteria. Use of the option to meet a parking obligation for more than ten parking stalls should require City approval based on whether the City has plans or provisions to expend the fee in a manner

consistent with Section 5.50.020 (Off-Street Parking Fund) of the Kirkland Municipal Code.

d. The City is currently implementing a work plan to develop zoning code amendments that specifically address parking in Zones 1, 2 and 8 of the CBD;

e. Until permanent amendments to KZC Section 50.60 regarding parking in Zones 1, 2 and 8 of the CBD can be implemented, there is a need for an interim ordinance.

Section 2. Section 4 of Ordinance 3996 is amended to renew its effect as an interim zoning ordinance for an additional six months. The interim zoning ordinance thereafter may be renewed for one or more six month periods if a subsequent public hearing is held and findings of fact are made prior to each renewal.

Section 3. 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 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 _____, 2006.

Signed in authentication thereof this _____ day of _____, 2006.

_____
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

Date: October 25, 2006

Subject: Preliminary Annexation Long-Term Fiscal Impact Modeling

RECOMMENDATION:

Council review the long-term fiscal impact modeling description, assumptions, and policy discussion in preparation for an introductory presentation on November 8, which will be followed by a study session on December 12 to discuss draft scenario results.

BACKGROUND DISCUSSION:

In September, the City engaged Berk & Associates to create an analytical model to project the long-term fiscal impacts of annexation under a variety of different development, cost, and revenue scenarios and to assist the City in identifying strategies to address the projected financial shortfall from annexation. The information developed for the 2005 annexation forms the basic starting point for this effort, but the model also merges the City of Kirkland financial forecast projections with the Potential Annexation Area (PAA) to provide a full picture of the impacts. The model also addresses the potential benefit provided by the sales tax credit made available by the Washington State legislature to aid in annexation transition for up to a ten year period.

The analysis has been constructed and calibrated using the 2006-2012 forecast, the 2005 annexation service packages, and related land use data. The process for identifying and evaluating alternatives is described in the attached packet prepared by the consultant. This information is to provide background and context in advance of the presentation on November 8.

One of the key results of this effort to date is to bring into clear focus that, before addressing strategies for closing the annexation financial gap, that the policy discussion needs to focus on how to close the City of Kirkland's current financial gap. Once a strategy is defined in that context, the impacts of annexation can be tested and refinements to the strategy can be made. Initial modeling confirms that "closing the gap" is not likely to be accomplished by any single change in development strategy, cost structure, or revenue base but rather through a combination of changes to all three elements.

Berk & Associates expects to complete their report on this effort in the coming weeks and a draft will be provided to the City Council in advance of the December 12 study session.

Cc: Marilynne Beard, Assistant City Manager

CITY OF KIRKLAND

LONG-TERM FISCAL IMPACTS OF ANNEXATIONS

Discussion of Model Capabilities and

Approach to Annexation Analysis

October 26, 2006

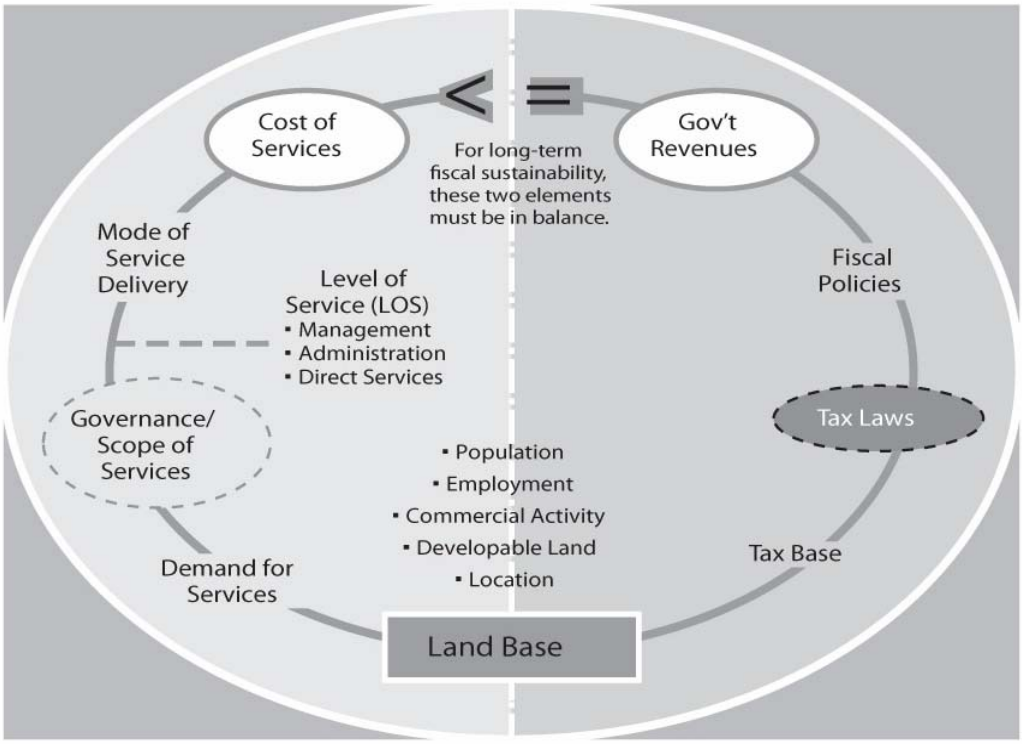
PURPOSE AND OBJECTIVES OF MODEL

- The model is designed to estimate revenues and expenses for the current City of Kirkland as well as post-annexation versions of the city.
- While the model is not Fund-based it does isolate the components of the City's budget that are funded through general tax and fee revenues, including functions and departments within the General Fund, Street Operating Fund, Parks Maintenance Fund, Facilities Maintenance Fund, Equipment Rental Fund, and Information Technology Fund. The model does not include the utility enterprise funds, since they are not tax-supported.
- Capital cost implications are included only for the equipment, fleet and facility costs associated with increasing staff levels associated with growth or annexation. Capital implications related to new public infrastructure are excluded from the model.
- Another objective of the model is to factor in the new sales tax credit funding enacted by the State Legislature.
    - This funding is designed to assist eligible cities that annex by 2010 by providing support for up to 10 years. Therefore, the model runs through 2025, five years past the last possible year of sales tax credit funding support.
- The model has built-in flexibility that will allow city staff to support policy discussions related to fiscal issues pre- and post-annexation.
- This flexibility is derived from the model's ability to show the impacts of a variety of scenarios. City staff can vary the following:
    - Development scenarios;
    - Tax policies;
    - Cost of services including level-of-service; and
    - Annexation transition assumptions, such as the possibility of phasing in the impact over several years.

CONCEPTUAL MODEL FRAMEWORK

- The model was developed using a conceptual Fiscal Balance Framework, which operates as follows:
  - Factors in the land base, such as population, employment, and commercial activity, drive both demand for services and the tax base.
  - Depending on a jurisdiction's scope of services and choices regarding level of service, demand for services leads to costs.
  - Depending on a jurisdiction's choices regarding fiscal and taxing policy (limited by tax laws), its tax base will lead to tax and fee revenues.

Fiscal Balance Framework

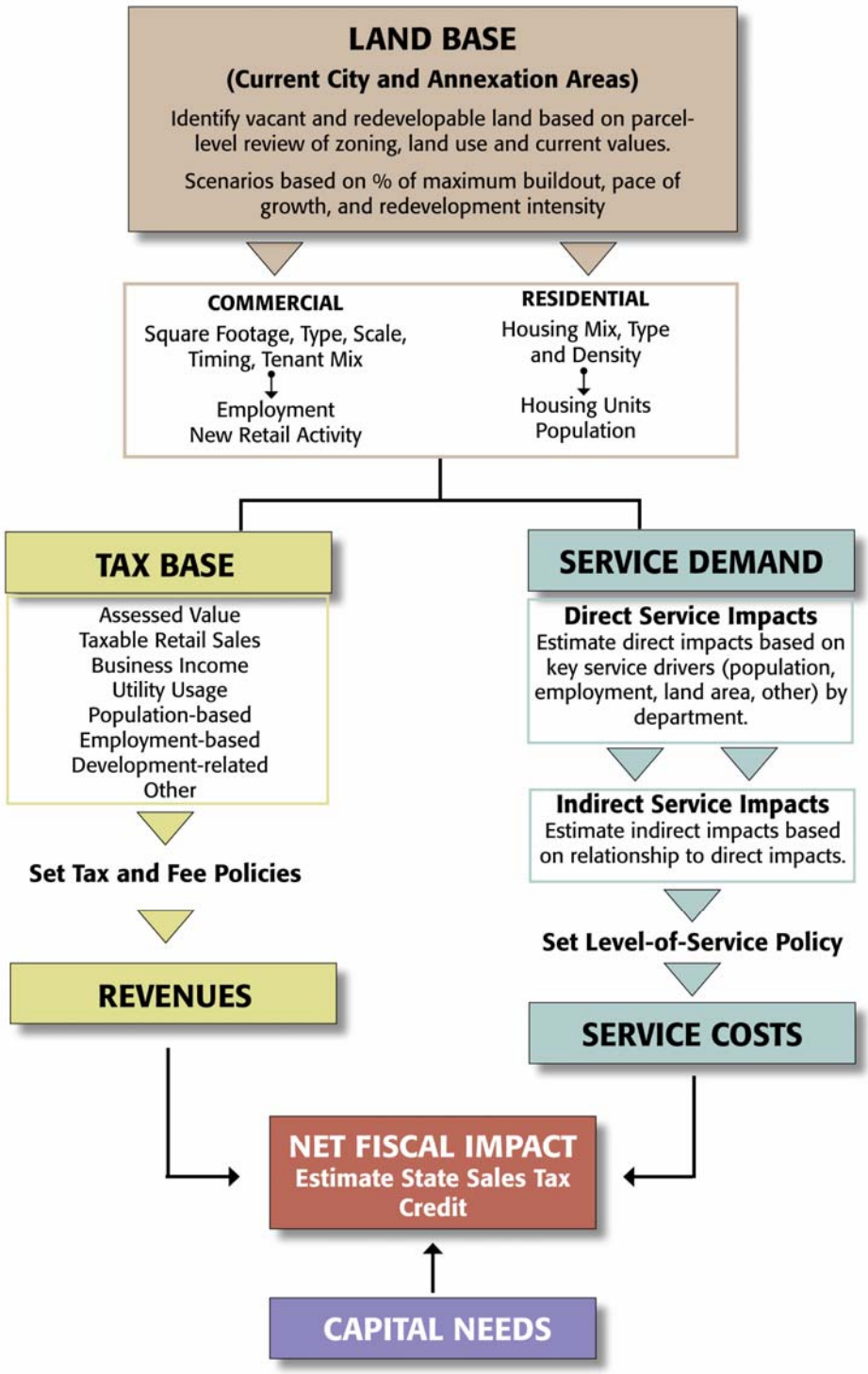


© |BERK & ASSOCIATES|

- A particular challenge for this project is the need to project land base changes over a 20-year window.

MODEL SCHEMATIC

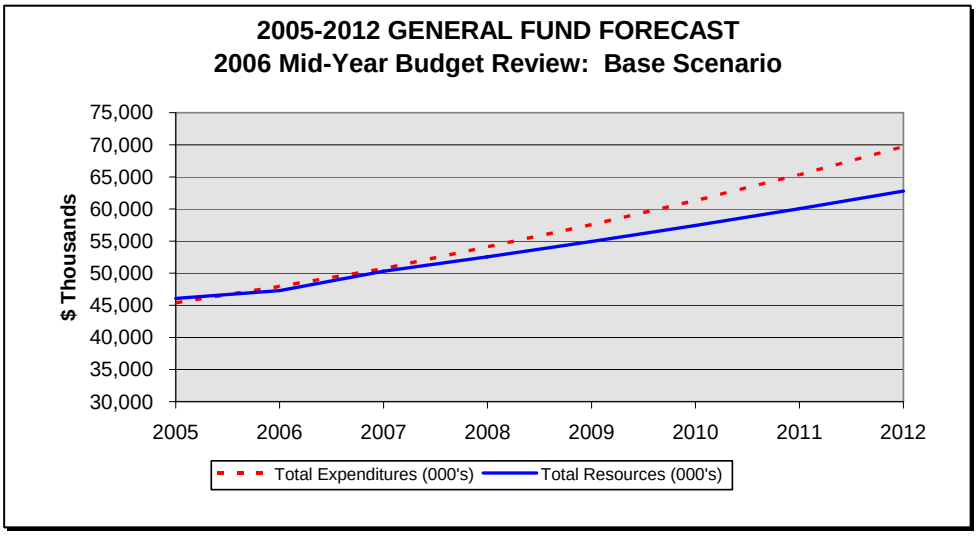
Long-Term Fiscal Model Schematic



APPROACH TO THE EVALUATION OF LONG-TERM FISCAL IMPACTS FROM ANNEXATION

- The current fiscal outlook for the City assuming continuation of current tax policy and current levels-of-service, results in ongoing budget shortfalls in the General Fund and the other general tax supported operating programs.
- The previous annexation analyses suggested that annexation of the three PAA's would result in a net loss to the City as the cost of providing services would be greater than the additional revenues from the area. These previous analyses took the approach of analyzing the hypothetical "if the area were part of the City today" what would be the impact on City finances.
- This hypothetical approach only works if the baseline outlook is balanced. If the outlook is not balanced (i.e. there are expected future deficits) then the economics of annexation will depend on how the baseline situation is addressed.

Baseline Kirkland Fiscal Outlook[1]



- As a result, the annexation impacts need to be evaluated in a two step process:
  - First, develop a "balanced budget scenario" by making policy assumptions that would close the City's fiscal gap in the future.
  - Second, keeping the policy assumptions constant, layer in the annexation areas to determine whether annexation makes the base situation better or worse.

[1] Note that this graphic reflects the 2005-2012 forecast. The forecast is currently being updated to reflect 2007-2014, although the projected trend is expected to continue.

MODEL FLEXIBILITY TO SUPPORT POLICY ANALYSIS OF ANNEXATION

Three Elements Will Dictate Kirkland's Long-Term Fiscal Balance

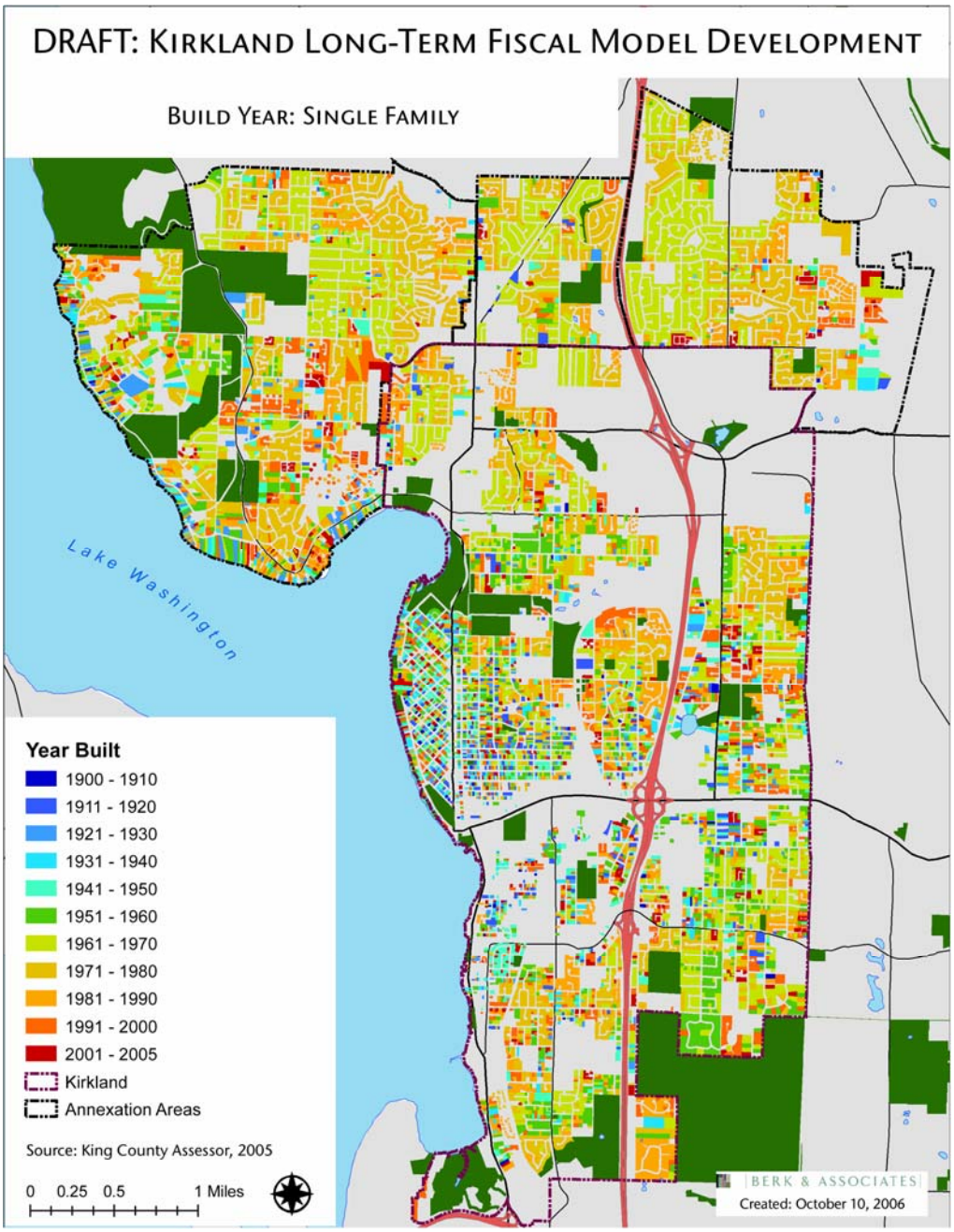
- Balancing future budgets for the City (regardless of annexation) will depend on one or more of the following:
  - **Development.** While the City does not directly control the pace, scale or type of development activity, this will have an impact on future costs and revenues. Varying development scenarios for single family, multifamily, and commercial/industrial properties allows for the risk assessments and testing the effects of other city policies designed to affect fiscal balance.
  - **Cost factors and level of service changes.** As development and/or annexation occur, there will be increases in demands for services. The City will be making choices about the level-of-service provided.
  - **Tax policy changes.** The other major policy variable for the City to consider in balancing its budget is the tax policy, including taxes on property, businesses, and utilities.
- It is important to note that these are the factors that are in play every time the Council considers its next City budget. The question is the same – "how do we balance the budget?" – and the choices are the same – "can we afford to maintain current levels-of-service?" and "do we need to consider changes in tax policy to fund essential city services?".
- Since this is a long-term financial planning effort, the Council will need to grapple with these issues in a somewhat more conceptual way. The immediate task is not about making decisions about how to balance future budgets, but rather to identify a range of possible policy choices that could result in a balanced city budget in order to evaluate the impact of annexation. The Council will need to determine whether the options available to them are acceptable to apply in future budgets in order to then assess whether to move forward with annexation.
- Ultimately, it is likely that a series of scenarios will be necessary to explore the range of options available to balance the baseline conditions pre-annexation and these scenarios will likely be combinations of some or all of the factors listed above. Once the Council has determined that they have a range of acceptable options to balance the city's base budget, they can evaluate whether further measures needed to balance the budget after annexation are acceptable.

DEVELOPMENT SCENARIOS

- Both revenues and costs will be dependent on the type and quantity of development over the next 20 years. As a result, it is important to have the ability to test different development scenarios in order to evaluate the fiscal implications of growth on the City and how different growth trends affect the City's fiscal and annexation policy choices.
- The development model is based on zoning and land use information for all 22,000+ parcels in the City and PAA's, under current zoning unless otherwise noted.
- Development scenarios are constructed by choosing a "maximum development" scenario and then selecting what percent of the max will be achieved by 2025 and whether the development will be front-loaded (with a user defined share occurring within the first 8 years), back-loaded (with a user defined share occurring within the last 8 years) or occur in a relatively linear fashion.
- The model has several maximum development scenarios, each based on the current zoning in the City and PAA's. The differences are in the settings for redevelopment (low, medium and high redevelopment scenarios) and the degree to which some environmental factors (such as steep slopes) may reduce the development capacity.
- As an illustration of the maximum development concept, the following maps show the components of the development potential, with a particular focus on the single family housing component. The maps include:
    - Build Year. Shows how the average age of single family homes and how this may relate to the potential for redevelopment and reinvestment throughout the City and PAA's
    - Land Value. Show the distribution of land values throughout based on current County Assessor assessed value of land.
    - Improvement to Land Ratio. An indicator of redevelopment potential which identifies the ratio of improvement value to land value. A ratio of less than 1.0 suggests that the land is worth more than the building.
    - SF (Vacant, Subdividable, Redevelopable). Shows the single family parcels that are shown to be currently vacant, subdividable or redevelopable. The subdividable properties must be at least 2 times larger than the minimum lot size for the parcel. Redevelopable properties are shown at two different redevelopment thresholds: improvement to land ratio of 0.25 (building less than 25% of land value) and a ratio of 0.5 (building value less than 50% of land value, but more than 25%). As a point of comparison, the city's Planning Department uses 0.5 as the threshold for likely redevelopment.
    - Potential for new and redeveloped Multi-Family Units. This map shows the distribution of potential new multi-family units.
    - Potential for new and redeveloped Commercial/Industrial Square Footage. This map shows the distribution of potential commercial and industrial space.

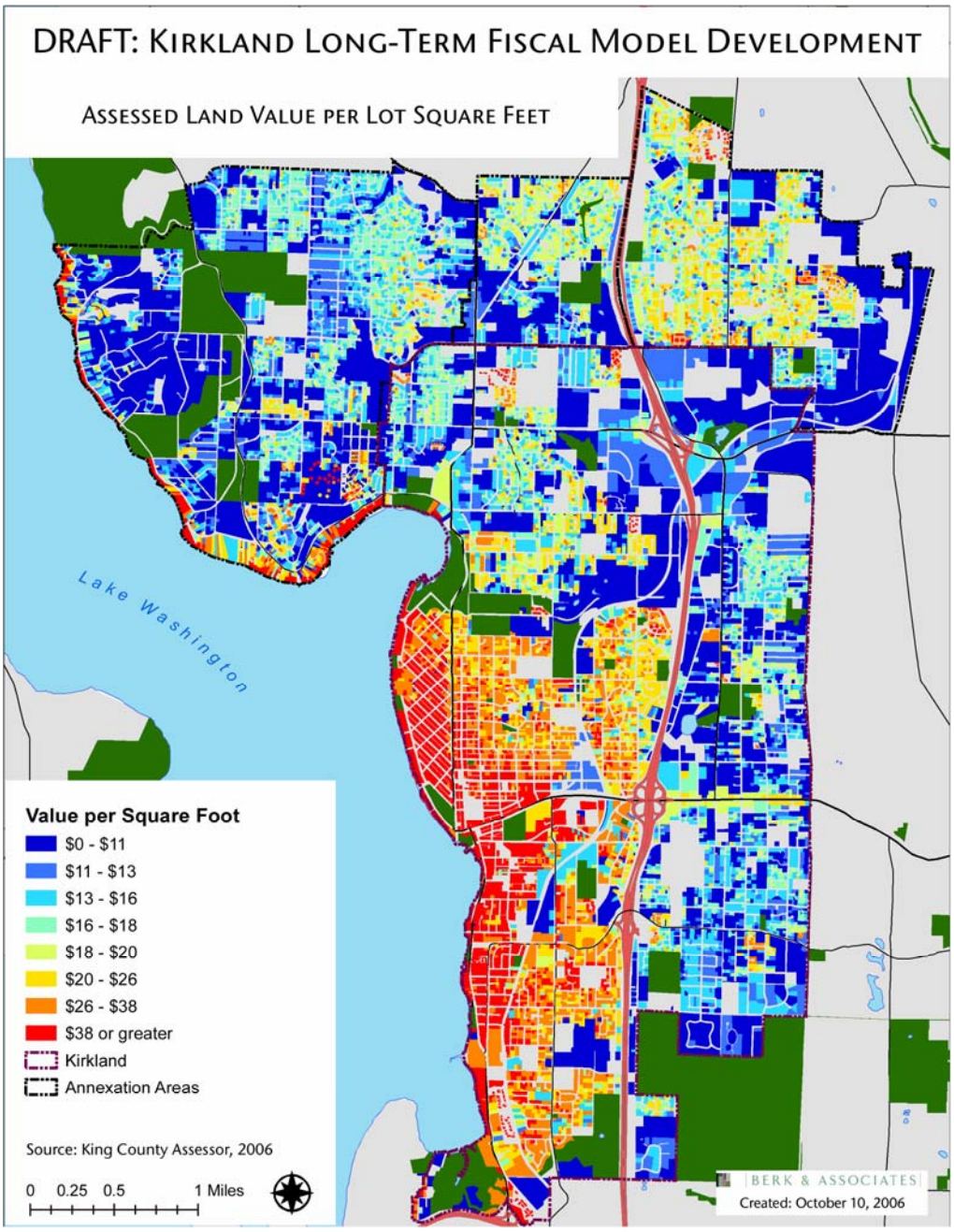
BUILD YEAR

- Older single family homes are scattered throughout the City and to a less degree the PAA's, but are clearly focused in the area immediately north of downtown Kirkland.



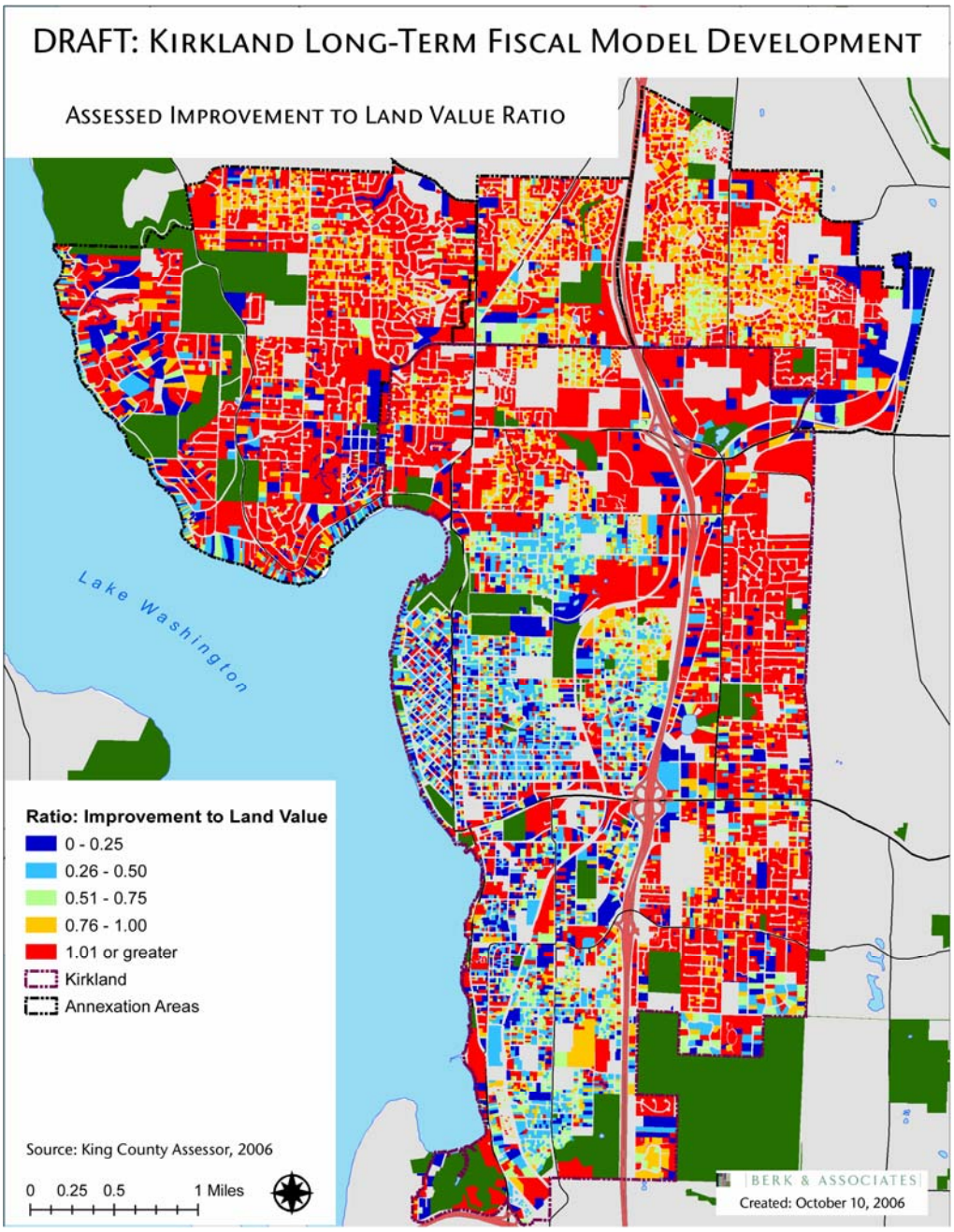
LAND VALUE

- There are clear patterns in land values on a per square foot basis, with the highest values along the water, downtown and concentrated in some of the older neighborhoods.
- There are significant differences in land values between the PAA's, areas east of I-405 and the higher value areas of the City.



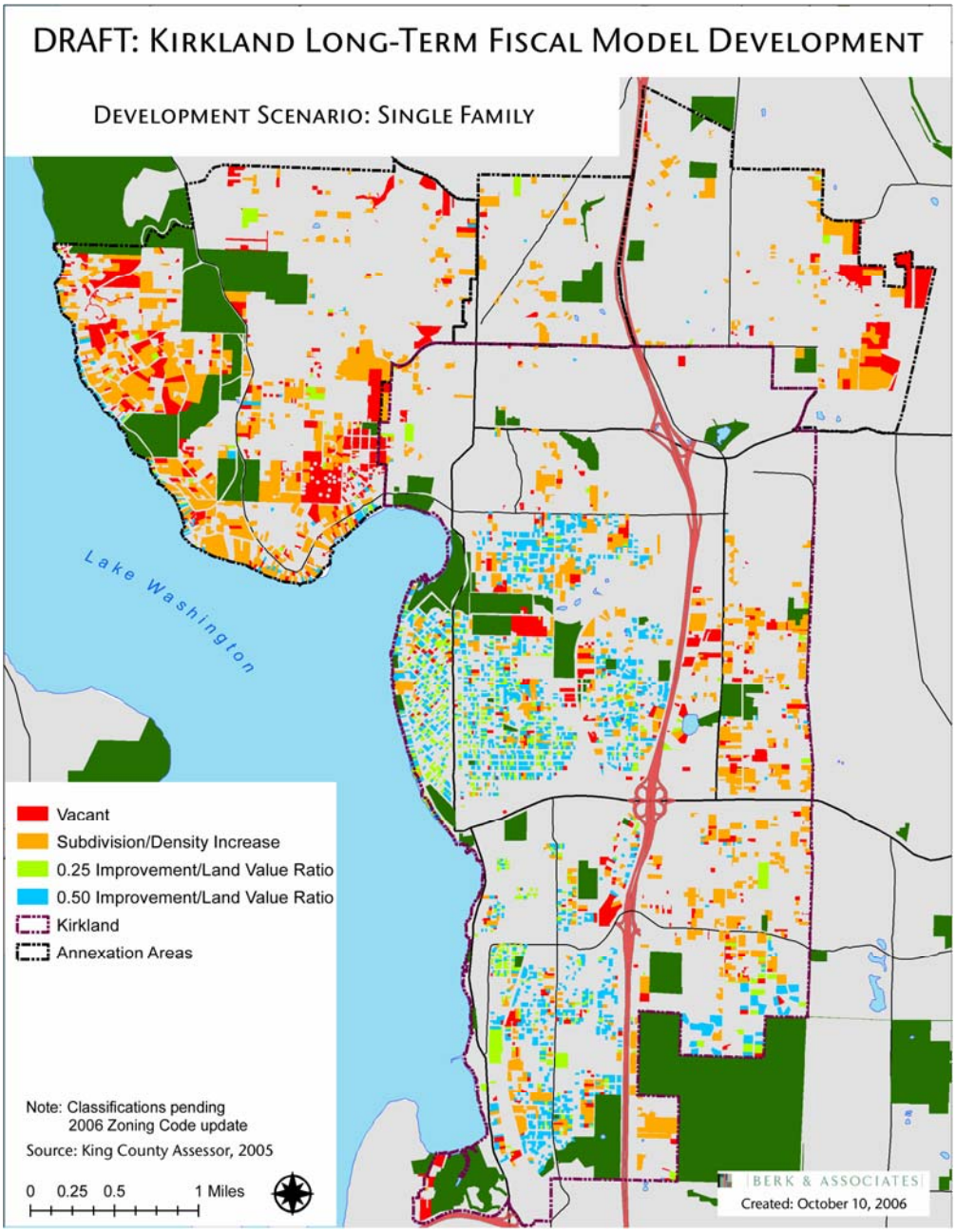
IMPROVEMENT TO LAND RATIO

- Not surprisingly many of the areas with low improvement to land ratios are located in the high land value areas and where there are older buildings. These are the areas that are likely to experience redevelopment pressures and higher rates of reinvestment in existing buildings.



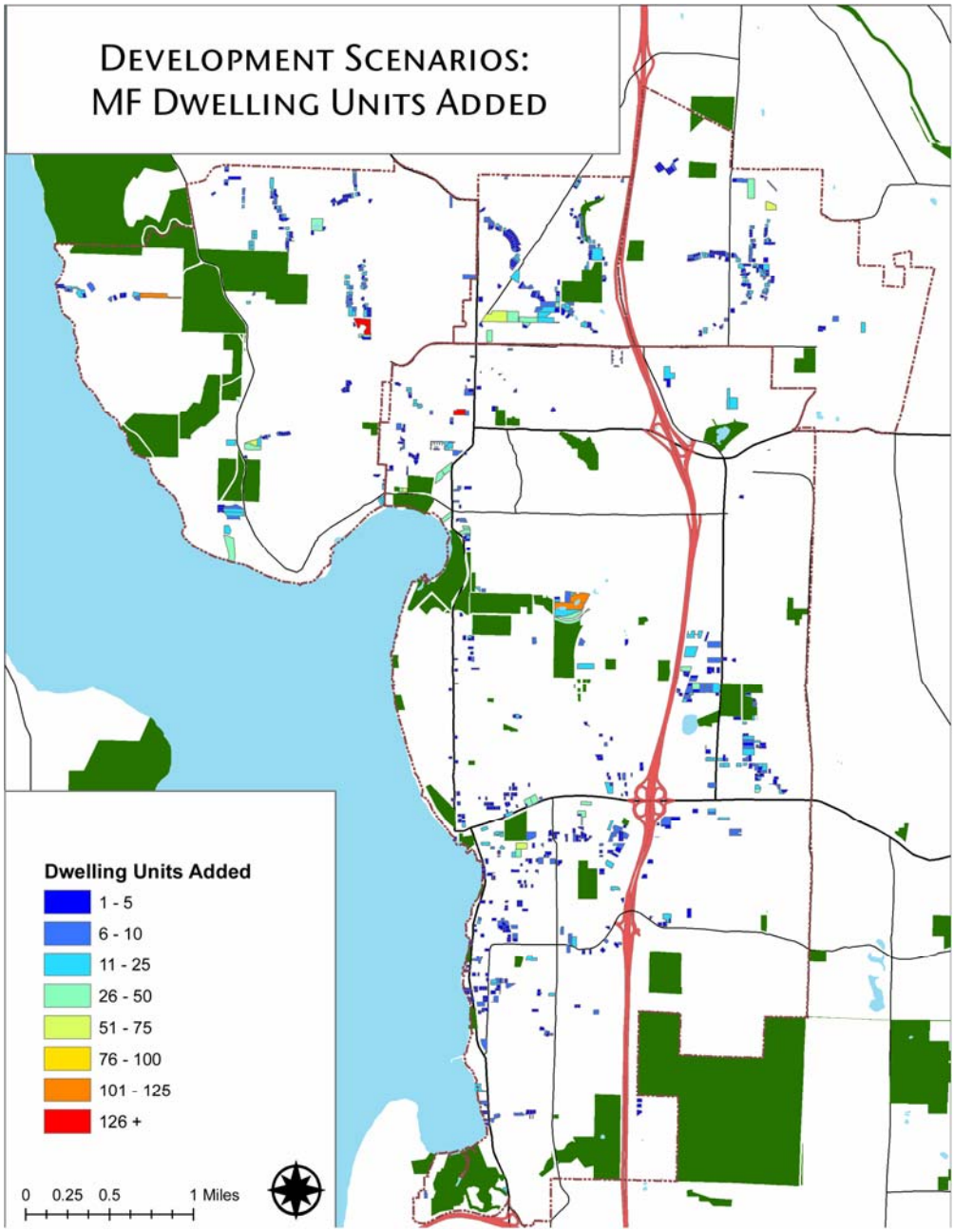
SF (VACANT, SUBDIVIDABLE, REDEVELOPABLE)

- The potential for new single-family development includes a significant number of subdividable properties in the Finn Hill and Rose Hill areas as well as redevelopment/reinvestment in the older Kirkland neighborhoods.
- A considerable number of the subdividable properties in Finn Hill are within steep slope and erosion areas, which does not necessarily reduce the development potential, but likely makes development more costly. In this case it is possible to reduce the assumed level of development in these areas.



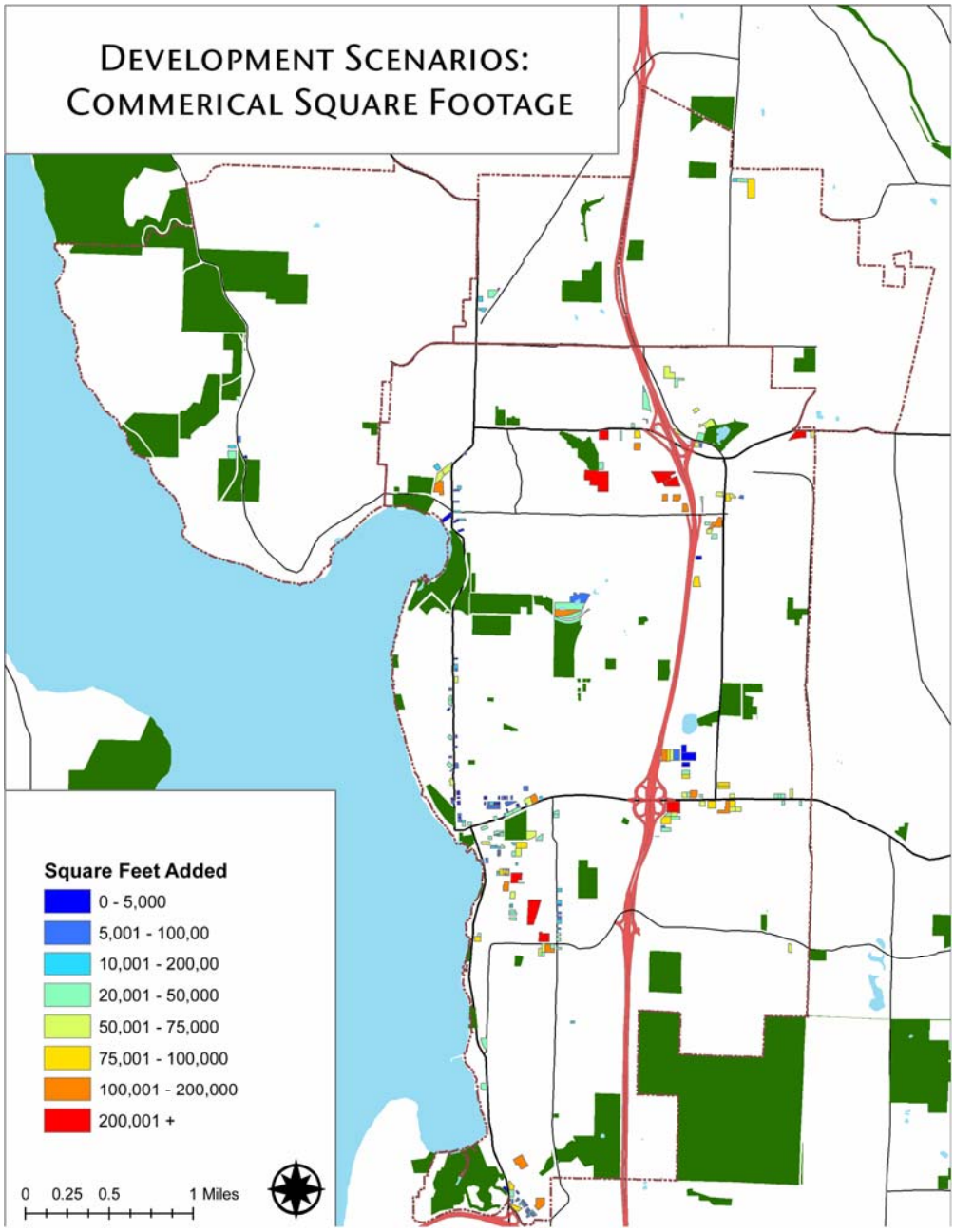
POTENTIAL FOR NEW AND REDEVELOPED MULTI-FAMILY UNITS

- Applying the same approach described above, results in the following distribution of potential new multifamily housing.
- The model allows for different assumptions about the mix of uses in the mixed use zones, such as higher residential or commercial mixes.



POTENTIAL FOR NEW AND REDEVELOPED COMMERCIAL/INDUSTRIAL SQUARE FOOTAGE

- Applying the same approach described above results in the following distribution of potential new commercial activity.
- This map assumes no rezoning, though the model does allow for testing the potential of rezoning or adding density throughout the City or PAA's.



ESTIMATING CHANGES IN DEMAND AND COST OF SERVICES

The model estimates changes in the cost of services based on relationships between direct services, such as maintenance workers or planners and underlying demographic and community changes such as increases in population, housing units, commercial activity and area.

- Costs are broken up into labor and non-labor categories.
- Non-labor costs in each department are driven by the labor costs in that department.
- Drivers for labor costs are variable in the model, and generally fall into one of four categories:
  - **Fixed.** These positions do not change over the planning horizon (for instance, there will always be one City Manager or one Police Chief).
  - **Direct.** These positions are driven directly by changes to the underlying land base of the city, such as population or employment. The relationship between demand for services and the underlying land base is largely defined based on the 2005 annexation service packages which identified how each department would be affected by growth in these key variables.
  - **Indirect (by Position).** These positions are driven by staffing levels of one or more positions in a specific department. For instance, a planning supervisor is related to the need for new associate planners, planners and senior planners.
  - **Indirect (by Department).** These positions are driven by staffing levels of one or more departments. For instance, a human resource analyst position is related to total new staffing levels in most other City departments.
- By accounting for the indirect to direct relationships, when a direct service position is added, the model ensures an increment of indirect support necessitated by the addition of the direct service.

POLICY OPTIONS TO ADDRESS COST OF SERVICES

- The policy options available to "balance the budget" include:
  - Changing assumptions about the underlying relationship between direct services and the demand drivers or between the direct staff positions and the indirect positions.
  - Changing assumptions about level-of-service. The model uses the current level-of-service to determine when new positions are needed in response to growth. It is possible to adjust the level-of-service by either reducing it (would require more growth to trigger the next staff hire) or increasing it (would require less growth to trigger the next hire).
  - Changing assumptions about the expected escalation in key cost centers, such as salary and benefit costs per person and general inflationary costs in non-labor cost categories.

ESTIMATING TAX AND FEE REVENUES

- Tax and fee revenues are estimated based on the changes in the components of the City's tax base resulting from growth (with or without annexation). Components of growth which could influence revenue growth include population, employment, base inflation in certain components of the tax base, or land use changes,
- Each of the City's tax and fee revenue sources is separately estimated by estimating changes in the tax base and applying current tax and fee rates to generate revenue projections.
- To give the Council a full list of potential tax policy choices and the ability to model different tax policy options, the estimated tax base is included for all major potential City taxes (even those not currently imposed).

POLICY OPTIONS TO ADDRESS TAX POLICY OPTIONS

- The model has the ability to assess changes in potential tax and fee revenues on properties, businesses, and utilities by varying the rate of taxes and fees and/or varying the assumptions about growth in the various components of the tax base. For example:
    - Options are available to assess different property tax scenarios including levy lid lifts and excess levies (which would require voter approval).
    - Options are available to change the tax and fee rates of existing sources (some of which would require voter approval and others which would not).
    - Options are available to add new taxes and fees on businesses and/or residents.

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

MEMORANDUM

To: Dave Ramsay, City Manager

From: Daryl Grigsby, Public Works Director
Tracey Dunlap, Finance Director

Date: October 23, 2006

Subject: 2007-08 Utility Rates and Fees

RECOMMENDATION:

1. It is recommended that the City Council authorize the proposed 2007-08 Rates for the Water Utility and the Sewer Utility of the City of Kirkland and adopt the attached Ordinances establishing those rates.
2. Amend Kirkland Municipal Code section 15.14.050 Fees for special services rendered to add or update fees for the following special services: after hours turn on, alternate billings, cut lock fees and door tags notices for water shut-off.

I. Utility Rates

BACKGROUND AND DISCUSSION:

The recommended Water Rate increase is 9.5% in 2007 and 9.5% in 2008. The recommended Sewer Rate increase is 7% in 2007 and 6% in 2008. There is no proposed change for the Surface Water Utility. The Solid Waste rate increase of 4% for 2007 was adopted by Council by Ordinance on October 17, 2006. All the utility rate recommendations were reviewed by the Finance Committee during their meetings of September 19 and October 9. The Finance Committee directed staff to develop a two-year rate for both the Water Utility and the Sewer Utility. They recommended one year for the Solid Waste Utility given possible King County approval of an increased landfill tipping fee in 2008. In addition, the Sewer rate increases recommended here are less than those reviewed and approved by the Finance Committee. Since the October 9th meeting and now, further analysis demonstrated our actual 2006 wastewater utility revenues to be higher than anticipated. Therefore, the rate increase necessary to meet our fiscal requirements in 07-08 is smaller than discussed with the Finance Committee. The Facility Charge Fee discussion below is noted to inform Council of a change in methodology, and only requires Council direction to staff to pursue administratively.

A. Water Rates

The current typical single family rate is $27.35 per month for water service. Staff and our consultants have worked over the last several weeks to refine the revenue requirements and expense history to develop the most affordable rate possible given increased needs. As a result of our analysis, we are recommending a water rate increase of 9.5% in 2007 and another 9.5% in 2008. This proposal would result in a 2007 single-family rate of $29.95, $2.60 per

month over the current $27.35. In 2008 the monthly rate would be $32.80 per month, $2.85 over the 2007 rate, a total increase over the two years of $5.45. Listed below are the primary drivers for the proposal.

The current monthly residential rate of $27.35 per month includes revenue for the construction, maintenance and operation of the water distribution system within the city of Kirkland. It also includes revenue to fund water delivered to us through our membership in the Cascade Water Alliance. Unlike cities like Renton, Issaquah, and others, we have no local sources like wells, groundwater, and surface rivers providing potable water. We instead are completely reliant on water delivered to us from a water purveyor. Through our membership and voting privileges in the Cascade Water Alliance, we have control over future water deliveries to our citizens. Unlike our former status as a customer of the City of Seattle, where we had no decision-making authority or any guarantees for long-term, reliable and affordable water, the Cascade Water Alliance provides Kirkland with a measure of control over the cost, reliability and quality of our future water supply. Currently 39% of the total annual expenses in the Water Utility are for services and water provided by the Cascade Water Alliance. 90% of the total payments to Cascade Water Alliance are for the purchase of drinking water supply.

During the past several months the city hired FCS, our regular rate consultant, to review the Financial Policies for the Water and Sewer Utility. The Financial Policies were originally developed in the Final Summary Report: City of Kirkland Utilities Capital Financing and Reserve Analysis. This analysis was completed in 1998 and provides the framework for the current reserve fund target balances and recommendations relative to rate equity, use of debt and other key elements of the current Utility Fund structure. This most recent analysis confirmed the types of reserves and the target balances for those reserves. It also confirmed the method for funding capital projects from capital facility charges (growth paying for growth) and the 'pay as you go' method of transferring an annual amount to capital projects based on annual system depreciation. Specifically, FCS provided the City of Kirkland with a report titled 'Revenue Requirements and CFCs' dated October 4, 2006. In that report they confirmed the Fiscal Policies relative to five separate instruments as noted below:

- Working Capital (WCR) - Maintain fund balance of 45-60 days of O & M (generally 12%)
- Operating Capital Reserve (OCR) - Maintain fund balance of 12%-15% operating costs (higher for water to address Cascade fixed rate structure)
- Capital Contingency (CCR) - Maintain balance of 10% of 6-year CIP
- System Reinvestment - Fund from rates an amount at least equal to annual depreciation expense
- Debt Service Coverage – Maintain net revenues at least 1.5 times total debt service, excluding CFC revenues

The consultant confirmed that our minimum balances are in line with industry standards, that the utility has maintained adequate balances over the time period, and that the recommended rates sustain the necessary balances and coverages in the above funding sources. Further information will be provided at the November 8 Council meeting regarding the positive impacts of the fiscal policies and system reinvestment.

The Fiscal Policies are intended to provide capital and operating funding to successfully manage the water infrastructure. Specifically, 7.7% (13 miles) of the water pipeline infrastructure is over sixty years old. In addition, a total of 11.7% (19.6 miles) of the water pipe system is over fifty years old. Age does not automatically imply the need for replacement, for soil conditions, initial construction capabilities, and pipe type also factor in deterioration, we do look much closer at pipelines over sixty years old as candidates for replacement.

Finally, the Water Utility relies on labor, supplies, materials, services, IT support, fuel and other factors to complete its mission of delivering reliable clean water to our citizens. In 2006 and projected throughout the next two years, the costs of all these elements will increase. In some cases the increase has been consistent with inflation; in others, the increase has actually outstripped annual inflation. As a result, many services within the Base Budget for the Water Utility are anticipated to increase in the 2007-08 time period. Specifically, benefits, utility billing costs, IT charges

and other costs will increase at varying percentages. In addition, the Water Utility must comply with a new water quality monitoring program mandated by the Environmental Protection Agency (EPA). The Stage 2 Disinfection Byproducts Rule Initial Distribution System Evaluation Standard Monitoring Plan requires local utilities to monitor chlorine residuals in the drinking water supply. This new program will be done by existing city staff but lab analysis and reporting require additional funding. It should be noted Kirkland was the second jurisdiction in the state to receive EPA approval for a monitoring plan.

Of the overall rate increase, 47% is a result of Cascade Water Alliance rates, 38% from increases in the Operating program, and 15% from adherence to the Fiscal Policies.

Given the above increases in costs, staff has worked hard to develop productivity improvements, increase efficiencies and implement cost savings. Specifically, over the last year city staff worked with Water District #1 to purchase water rights for use in shoreline park irrigation. This will, in the long run, reduce overall system demand. In addition, staff from Water Operations, Development Services and Utility Billing are currently working on procedures to streamline and improve the meter transaction process during home demolitions. This is anticipated to save money and time for the City and the homeowner/developer. In addition, in 2007 staff developed improvements to the meter reading system to eliminate steps and improve route scheduling.

The three primary drivers above, Cascade Water Alliance rates, compliance with fiscal policies, and increasing cost of labor, benefits, services and supplies, result in a recommended Water Utility rate increase in 2007 of 9.5% over the current single family rate of $27.35. This 9.5% increase applies uniformly to single-family, multi-family and commercial accounts. The Finance Committee requested that staff look at a two-year rate, and that additional review of expenditures and obligations indicated a 9.5% increase in 2008.

We normally use the rate impact to a typical single-family customer to show the monthly impact to our citizens. Each billing cycle is two months, so the bills are sent out for payment every sixty days. Actual rates will vary depending on the size of the account and the amount of water used. The impact to a single-family residence is as follows:

Current typical monthly residential Water Rate $27.35
2007 Proposed monthly Rate $29.95 (+ 9.5%, or + $2.60 per month)
2008 Proposed monthly Rate $32.80 (+ 9.5%, or + $2.85 per month)

One final note relative to the Water Utility is that Public Works staff are currently reviewing a draft Water Comprehensive Plan. This Plan outlines our water capital needs over the next six year period, from 2008-2013. This report increases the City's annual capital commitment to rehabilitation and replacement projects in the system. The report, however, does not factor in the proposed rate increase for 2007-08. Since the Water Capital program is currently funded from three sources, system reinvestment, Capital Facility Charges, and cash reserves. System reinvestment is a direct, rate-funded, transfer from the Operations budget equal to the annual amount of system depreciation. Facility Charges fund development's share of growth. Currently there is adequate funding in cash reserves to fund the proposed capital increases in the Water Comp Plan. The system reinvestment portion funded from rates is not being modified to accommodate the Comp Plan. There is an increase in proposed system reinvestment, but that is to fund projects already approved in the existing Water Comp Plan. The Updated Water Comprehensive Plan will come before Council in the 2nd Quarter of 2007 for a full discussion.

B. Water Capital Facility Charges

The Growth Management Act and City Council policy urge that growth pay for growth. As a result, the City of Kirkland has approved Water Capital Facility Charges whereby new Facility Charges pay for connecting to the water distribution system as well as their proportionate share of the future growth of that system. To this end, every year

we adjust the Water Capital Facility Charge. This is done administratively, after staff calculates the charge consistent with the methodology recommended by our consultant.

We are bringing this issue to Council's attention this year to note a change in calculation. Last year during discussion of the Surface Water rate, Council directed staff to develop a Capital Facilities Charge (CFC) for Surface Water. This fee recognized that development benefits from both prior investments in the surface water system, as well as contributes to the growth of that system. During review of the Surface Water CFC, the consultant determined that the methodology we used for both Water and Sewer was outdated. While still defensible, the old rate was not as accurate as the more current methodology.

The City's current capital facilities charge is calculated based on the current investment in utility capital facilities divided by the current residential customer equivalents. The approach represents a "buy-in" to existing facilities paid for by current customers and the resulting charge amount has decreased over time. The recently implemented storm water CFC used a revised method. This approach identifies the existing facilities, net of contributed plant plus interest as allowed by statute and adds it to the growth-related share of the capital improvements identified in the comprehensive plan for 20 years, and divides that total by the total customers projected for the 20-year planning period. This approach recognizes that the average cost of serving new customers increases over time. The proposed water CFC is based on this updated method.

Beginning in 2007, staff will administratively implement the new Water Facility Charge of $2585 per RCE (3/4'or 1' meter connection). This is an increase over the current fee of $2066. It should be noted the 2006 fee was actually lower than the 2005 fee of $2188 per RCE. We also want the Council to be aware that beginning in 2007 the Cascade Water Alliance Regional Capital Facility Charge will be $5297 per RCE. This is an increase over the current Cascade charge of $4648. As you recall, the Cascade RCFC provides cash for paying off the bonds currently obligated for construction of future water facilities like a possible treatment plant at Lake Tapps and regional water pipelines to transport water from Tacoma facilities and Lake Tapps. The Cascade RCFC has already been approved by the Cascade Board of Directors and has been the subject of a prior Reading File memo to Council.

This section is for information only, so that Council may be aware of the full impact on new developments relative to Water Capital Facility Charges, and have background on both the City's fee and the Cascade RCFC.

C. Wastewater Rates

The current typical monthly sewer bill is $42.85 per month for sewer services. 60% of this amount, or $25.60 per month, is for King County's Metro Regional Wastewater facility costs. The remaining 40% funds the construction, operation and maintenance of the City's local wastewater collection system. Staff and our consultant reviewed expenses and revenue projections and developed rates for 2007 and 2008. We recommend a 7% rate increase in 2007, resulting in a single family monthly rate of $45.85, a monthly increase of $3.00. For 2008 we recommend a rate increase of 6%. Under the proposed rate the monthly sewer bill would be $48.60 per month in 2008, or a total of $5.75 over the current rate.

As described above, the current monthly bill of $42.85 includes $25.60 for our participation in the regional wastewater system. This portion of the utility bill is a pass-through, approved by the King County Council and paid by the component agencies of the wastewater system. This Metro portion of the bill funds facilities that benefit the City of Kirkland. The Eastside Interceptor which runs parallel to I-405 transports wastewater to the South Treatment Plant in Renton. The York Pump Station, located just outside our Potential Annexation Boundary in Sammamish Valley, is capable of pumping wastewater either to the South plant or to West Point in Seattle. In addition, Metro is upgrading the Juanita Pump Station on Juanita Drive, and maintains several other significant sewer collection and treatment facilities in our region. The County has implemented several programs to control costs and enhance efficiency, including a nationally-recognized Productivity Initiative, Balanced Scorecard and other innovations. There are,

however, several factors which increase their program costs. The cost of Brightwater, a new $1.75 B secondary treatment facility in Snohomish County (with capability for reclaimed water production), increased program costs for supplies, labor, and energy, and ongoing capital replacement costs have resulted in a 9% increase in the Metro rate. This increases the current $25.60 pass through to $27.95 per month. It is important to note that King County Metro is proposing a 2009 rate increase of over 20%, a $34 monthly rate; for transport, treatment and disposal charges as the Brightwater plant nears completion.

As discussed earlier, the consultant reviewed the Financial Policies for the Water and Sewer Utility. The Financial Policies were originally developed in the Final Summary Report: City of Kirkland Utilities Capital Financing and Reserve Analysis. This analysis was completed in 1998 and provides the framework for the current reserve fund target balances. Further discussion of the Fiscal Policies and system reinvestment will occur at the November 8 council meeting. Similar to the information for the Water Utility above, the consultant confirmed the following five instruments for the Sewer Utility:

- Working Capital (WCR) - Maintain fund balance of 45-60 days of O & M (generally 12%)
- Operating Capital Reserve (OCR) - Maintain fund balance of 12% of operating costs
- Capital Contingency (CCR) - Maintain balance of 10% of 6-year CIP
- System Reinvestment - Fund from rates an amount at least equal to annual depreciation expense
- Debt Service Coverage – Maintain net revenues at least 1.5 times total debt service, excluding CFC revenues

The consultant confirmed that our minimum balances are in line with industry standards, that the utility has maintained adequate balances over the time period, and that the recommended rates sustain the necessary balances and coverages in the above funding sources.

The Fiscal Policies are intended to provide capital and operating funding to successfully manage the wastewater infrastructure. Specifically, 11.6% (13.4 miles) of the wastewater pipeline infrastructure is over sixty years old. In addition, a total of 15% (17.4 miles) of wastewater pipe is over fifty years old. Age does not automatically imply the need for replacement, for soil conditions, initial construction capabilities, and pipe type also factor in deterioration. We do, however, look much closer at pipelines over sixty years old as candidates for replacement. Sewer pipelines undergo unique stresses such as corrosive gases, root intrusion, grease blockages, offset joints and other factors often exacerbated by pipeline age.

Finally, the Sewer Utility relies on labor, supplies, materials, services, IT support, fuel and other factors to complete its mission of collecting wastewater from residences and businesses and transporting into the regional transport system for treatment. In 2006 and projected throughout the next two years, the costs of all these elements will increase. In some cases the change has been consistent with inflation; in others, the increase has surpassed annual inflation. As a result, many services within the Base Budget for the Sewer Utility are anticipated to increase in the 2007-08 time period. Specifically, benefits, utility billing costs, IT charges and other costs will increase at varying percentages.

Of the overall rate increase, 52% is the Metro Treatment and Disposal charge from King County, 30% from operating program changes, and the remaining 18% from adherence to the Fiscal Policies.

City staff is constantly exploring ways of improving services, enhancing productivity and reducing expenses. Specifically, the Sewer operations crew has utilized new technology to enhance our sewer main cleaning program. An active sewer cleaning program prevents manhole surcharges and sewer spills, and eliminates overflows from house cleanouts or domestic internal plumbing. Sanitary Sewer Overflows, known in EPA and Department of Ecology as SSO's, are threats to public health and water quality. Consequently, the Clean Water Act of the Federal government requires that SSO's be eliminated to the 'maximum extent practicable' from public sewer collection systems. The

ultimate goal is to have no SSOs from the sewer system. Some cities and agencies have a significant problem with SSO's, and face negative media attention, public criticism, and in some cases, fines and penalties from EPA and state regulatory agencies. In addition, the Endangered Species Act forbids the degradation and 'take' of viable fish habitat. While Kirkland does not have Chinook-bearing streams within its boundaries, we are responsible for eliminating wastewater overflows into Lake Washington.

Currently our Capital replacement program and annual operations and maintenance schedule results in 1 or 2 manhole surcharges per year. Sometimes the surcharges are caught and repaired before they result in a formal SSO. Our cleaning program was enhanced this past year when the city purchased a video inspection vehicle. This truck has computer equipment, a video camera on wheels or a track, and other technology to enable the operator to view a stretch of sewer main, record defects and obstacles, enter that data into our system, and dispatch the appropriate cleaning equipment. The camera can detect offset joints, roots, grease, lateral deficiencies, or any other factor that could impede the efficient flow of wastewater through the sewer main. Further, the program to eliminate wastewater lift stations from the system continues to result in significant savings in energy, and reductions in SSO's. Lift stations are often primary generators of larger overflows into critical areas; they are more vulnerable to failure and power outages, often are located near water bodies, and are costly to maintain and operate. The City's program to reduce the number of pump stations in the system from 11 to 6 over the last several years has resulted in a significant reduction in sewer overflows and increased protection of public health and water quality. An example of this proactive work is the current project to relocate and upgrade the Waverly Beach Pump Station.

Other enhancements this past year was replacement of one pump and impeller at the Marina Pump Station. This station's telemetry system often recorded weekly problems as the old impeller and pump were clogged with paper. Staff investigated alternate pumps and impellers, and discovered a system capable of passing larger items deposited in the wastewater system. This has resulted in a significant labor savings as crews formally called out bi-weekly for pump maintenance can now perform more proactive duties. Finally, this year wastewater crews worked with Parks and Streets staff to develop a streamlined method for transporting decant material from our yard to the vendor. This new method is estimated to result in over $30,000 in annual savings beginning in 2007.

Despite the improvements noted above, the cost drivers described from Metro regional costs, inflationary increases for services, supplies and labor, and compliance with the financial policies result in a recommended rate increase of 7% in 2007 and 6% in 2008. For 2007 the typical monthly rate would increase as follows:

Current typical monthly residential sewer rate is $42.85
2007 Proposed monthly rate is $45.85 (7% or + $3.00)
2008 Proposed monthly rate is $48.60 (6% or + $5.75 over 2007)

D. Wastewater Capital Facility Charges

The Wastewater Capital Facility Charge (CFC) will be modified by the method utilized in water as described above at a later date. We do not recommend changing the current Sewer Facility Charge Fee of $1860 per RCE at this time. The Sewer Comp Plan is currently being updated, and there may be changes to the long-range sewer capital needs list. The Facility Charge will be changed administratively when the Sewer Comp plan is complete. It should be noted the 2006 Facility Charge is $394 less than the 2005 rate of $2254 per RCE.

II. WATER SERVICE FEES

As part of the overall rate review, the current fees for miscellaneous services were reviewed by staff and approved by the Finance Committee on October 9. These fees are proposed to be increased to be consistent with the actual cost

of service and with common municipal practice. These are fees for services above and beyond what ongoing rates fund. They are located in a separate part of the Kirkland Municipal Code and require a separate ordinance.

Recommendation

Amend Kirkland Municipal Code section 15.14.050 Fees for special services rendered to add or update fees for the following special services: after hours turn on, alternate billings, cut lock fees and door tags notices for water shut-off.

Background

The City currently provides a variety of services to utility customers below cost or at no charge. Services provided to a smaller segment of customers should be supported by fees paid by those customers rather than be borne by all the rate payers. The service with the greatest impact to staff is providing shut-off tags as a final notice before water is shut off for non payment. Utility staff prepares and hangs about 100 tags three weeks out of each month totaling over 3,200 tags annually. About 10% of those customers get their water shut off. Most of the 90% who pay their bill are the same customers who use the tags as notice to pay their bill. The additional fees are recommended to recover costs and to provide the customer an incentive to pay their utility bill before they receive a shut-off tag. Public Works has reviewed the proposed fees and supports this recommendation. A comparison of special services fees by neighboring utilities districts is attached.

Utility customers would be notified of these changes through messages on the utility bills, an insert describing the changes, changing the color on the delinquent notice mailed to customers to provide an alternate visual cue to paying their bills, notices on the website and providing advance warning on the last cycle of tags delivered at the end of 2006.

Fiscal Impact

The added and increased fees for special services are expected to generate approximately $35,000 in revenue as listed in the following table:

Activity	Current Charge	Proposed Charge	Annual Activity	Est. Annual Revenue	
After Hours Turn On	$35	**$50**	10	$150	
Alternate Billing	0	**$10**	280	$2,800	
Cut Lock Fee	$13	**$60**	5	$235	
Shut-Off Tag	0	**$20**	3,200	$32,000	*
Total				$35,185	
Assumes a 50% reduction in activity due to the charge					

Conclusion

In order to provide the revenue to be consistent with the financial policies and system needs, we recommend that Council adopt the Water and Sewer rates as proposed. The funds generated will enable Kirkland to provide a reliable level of service relative to water and sewer infrastructure operation. The financial policies enable the City of Kirkland

to meet industry standards for water delivery and wastewater collection. In addition, we recommend the fees for special services to be adopted as recommended. Enclosed are attachments which illustrate many of the issues raised in this memo.

Attachments:

A – Memo on Cascade Water Alliance rates
B – Water Expenditures
C – Water CIP Components
D – Water Cost Drivers
E – Water System Indicators
F – Age of Pipe in Water System
G – Sewer Expenditures
H – Sewer CIP Components
I – Sewer Cost Drivers
J – Sewer System Indicators
K – Age of Pipe in Sewer System
L – Regs and CFCs Review
M – Rate Sheet

ATTACHMENT A

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

MEMORANDUM

To: David Ramsay, City Manager

From: Erin J. Leonhart, Public Works Facilities & Administrative Manager
Daryl Grigsby, Public Works Director

Date: October 26, 2006

Subject: CASCADE WATER ALLIANCE –2007 BUDGET

This is an update about the Cascade Water Alliance (Cascade) 2007 Budget. The 2007 Preliminary Cascade Operating Budget was reviewed by the Cascade Finance Committee, of which Mayor Burleigh is a member, on September 14th and October 12th. The 2007 Cascade Budget adopted by the Cascade Board on October 25th includes an Operating Budget increase to $19.9 million from $18.8 million in 2006, primarily due to a net 6.6% increase in the cost of water purchased from Seattle, funding for additional Cascade positions and Lake Tapps operating costs. The 2007 Capital Budget is projected to be $70.2 million for completion of Lake Tapps acquisition and pipeline construction and design. Cascade had an initial bond issue in the amount of $55 million in 2006 and is planning for a second issue in the amount of $75 million in 2007.

CITY OF KIRKLAND PAYMENTS TO CASCADE – 2006 & 2007 BUDGETS				
PAYMENT TYPE	2006		2007	
*CERU's**		*17,287*		*17,436*
Administrative Dues	$4.25/CERU	$73,470	$6.63/CERU	$115,600
Conservation Program Charge	$3.85/CERU	$66,555	$4.23/CERU	$73,754
Demand Share Payment	$406,863/SHARE	$2,241,814	$439,526/SHARE	$2,448,160
New Water Surcharge	$0.75/ccf	$397,946	$0.75/ccf	$394,605
New Water Adjustments (Prior Years)				($107,721)
TOTAL		***$2,779,785***		***$2,924,398***
PERCENTAGE CHANGE				***+5.2%***
Projected RCFC Charges	$4,648/CERU	$845,936	$5,297 /CERU	$943,938

*Cascade Equivalent Residential Units

There will be a projected 5% increase in Kirkland's portion of Demand Share Payments, New Water Surcharges, Conservation Program Charges and Administrative Dues. There will also be a significant increase in the RCFC (from $4648 to $5297 per Cascade Equivalent Residential Unit), which is a portion of the Kirkland connection fee and reflects actual growth, because Cascade has started acquiring and building capital infrastructure. These increases are consistent with projections. The complete Summary of Member Charges 2006-2007 is included as Attachment A.

CONCLUSION

The Cascade Water Alliance is working on a significant number of projects with the goal of providing water from Tacoma Water, in addition to the Seattle Public Utilities block, by 2010. Kirkland's Cascade Board Representative Councilmember Burleigh and Alternate Mayor Lauinger along with Public Works staff will continue to keep the Council informed of activities.

cc: Tracey Dunlap, Director of Finance & Administration

Attachment A – Summary of Member Charges 2006-2007

GLOSSARY OF TERMS

Administrative Dues – Annual dues paid by Cascade Members to defray part of Cascade's administrative costs, as required by the Interlocal Contract. Dues are based upon the number of CERUs served by the Member's water system. Administrative Dues may no exceed the greater of $1,000,000 or 5% of Cascade's annual revenue requirement, less debt service.

Demand Share – A Cascade Member's share of water provided throughout the Supply System. Kirkland has a demand share of 13.66%, third largest after Bellevue (54.8%) and Redmond (18.36%). The demand share determines the member's charge for wholesale water purchases and related operating costs.

Cascade Equivalent Residential Unit (CERU) – A unit of water consumption measurement equivalent to an average single residence, based on meter size. A standard residential meter (5/8' x 3/4") is assigned a base factor of one.

Purveyor – A purveyor (supplier) of Seattle Water; specifically, an agency that purchased water supply from Seattle Public Utilities ("Seattle" or SPU) under a 1982 contract. Kirkland became a purveyor when the Rose Hill Water District was assumed on January 1, 1994. Each purveyor had an individual contract with Seattle. The existing "Water Purveyor Contract" between Kirkland and Seattle was scheduled to expire on December 31, 2011. Cascade Members relinquished their Purveyor contracts in conjunction with acceptance of the Seattle Block Contract.

New Water Surcharge – Per the Cascade Interlocal, "A new water surcharge of $0.75 per 100 cubic feet (ccf) shall be imposed, effective on the Cascade Supply Date, and continue through December 31, 2011. It shall be applicable to all water purchased by Members over and above each Member's Old Water Allowance in the Seattle Purveyor Contract, if applicable, or to all water purchased by non-Seattle Purveyor Members. New water surcharge revenues shall be used to offset or reduce Rates and Charges to Members to the extent practicable, except that such revenue need not be treated as reducing or offsetting those amounts that are necessary for payment of debt service on Bonds and for the provision of reserve and coverage requirements for the Bonds." Kirkland's Old Water Allowance is 1,467,881 ccf and our projected demand for 2007 is 1,963,670 ccf so the New Water Surcharge would apply to 495,789 ccf.

Regional Capital Facilities Charge (RCFC) – The fee charged by Cascade to members for each new CERU (see definition above). The RCFC is based on the incremental cost of providing new supply to new customers. This income is used to develop new water supply.

Wheeling (of water) – Moving water from one area to another through a transmission system.

ATTACHMENT "A"

Cascade Water Alliance
2006 Adopted - 2007 Proposed Budget

Summary of Member Charges

Administrative Dues	2006	2007	Difference	Percent Change
Bellevue	$ 274,769	$ 434,521	$ 159,752	58.1%
Covington Water District	$ 64,039	$ 104,108	$ 40,069	62.6%
Issaquah	$ 42,687	$ 70,897	$ 28,210	66.1%
Kirkland	$ 73,470	$ 115,583	$ 42,113	57.3%
Redmond	$ 121,695	$ 194,630	$ 72,935	59.9%
Sammamish Plateau Water & Sewer District	$ 85,888	$ 136,489	$ 50,601	58.9%
Skyway Water & Sewer District	$ 16,003	$ 24,964	$ 8,961	56.0%
Tukwila	$ 37,230	$ 58,065	$ 20,835	56.0%
Total	**$ 715,781**	**$ 1,139,258**	**$ 423,477**	

Conservation Charges	2006	2007	Difference	Percent Change
Bellevue	$ 248,908	$ 277,151	$ 28,243	11.3%
Covington Water District	$ 40,608	$ 46,482	$ 5,874	14.5%
Issaquah	$ 38,669	$ 45,220	$ 6,551	16.9%
Kirkland	$ 66,555	$ 73,723	$ 7,168	10.8%
Redmond	$ 110,241	$ 124,141	$ 13,900	12.6%
Sammamish Plateau Water & Sewer District	$ 77,805	$ 87,057	$ 9,252	11.9%
Skyway Water & Sewer District	$ 14,497	$ 15,923	$ 1,426	9.8%
Tukwila	$ 33,726	$ 37,035	$ 3,309	9.8%
Total	**$ 631,009**	**$ 706,733**	**$ 75,724**	

Net New Water Surcharges	2006	2007	Difference	Percent Change
Bellevue	$ 954,260	$ 612,753	$ (341,507)	-35.8%
Covington Water District		$ -	$ -	
Issaquah	$ 198,016	$ 146,608	$ (51,408)	-26.0%
Kirkland	$ 399,917	$ 264,121	$ (135,796)	-34.0%
Redmond	$ 928,935	$ 950,791	$ 21,856	2.4%
Sammamish Plateau Water & Sewer District	$ 77,509	$ 74,824	$ (2,685)	-3.5%
Skyway Water & Sewer District		$ -	$ -	
Tukwila		$ -	$ -	
Total	**$ 2,558,637**	**$ 2,049,098**	**$ (509,539)**	

Net Demand Share Charges	2006	2007	Difference	Percent Change
Bellevue	$ 9,095,199	$ 9,880,228	$ 785,029	8.6%
Covington Water District		$ -	$ -	
Issaquah	$ 121,858	$ 288,896	$ 167,038	137.1%
Kirkland	$ 2,231,280	$ 2,462,742	$ 231,462	10.4%
Redmond	$ 3,012,835	$ 3,309,710	$ 296,875	9.9%
Sammamish Plateau Water & Sewer District	$ 193,025	$ 161,383	$ (31,642)	-16.4%
Skyway Water & Sewer District	$ 222,723	$ 240,259	$ 17,536	7.9%
Tukwila	$ 1,251,299	$ 1,327,051	$ 75,752	6.1%
Total	**$ 16,128,219**	**$ 17,670,268**	**$ 1,542,049**	

ATTACHMENT A

Summary of Member Charges

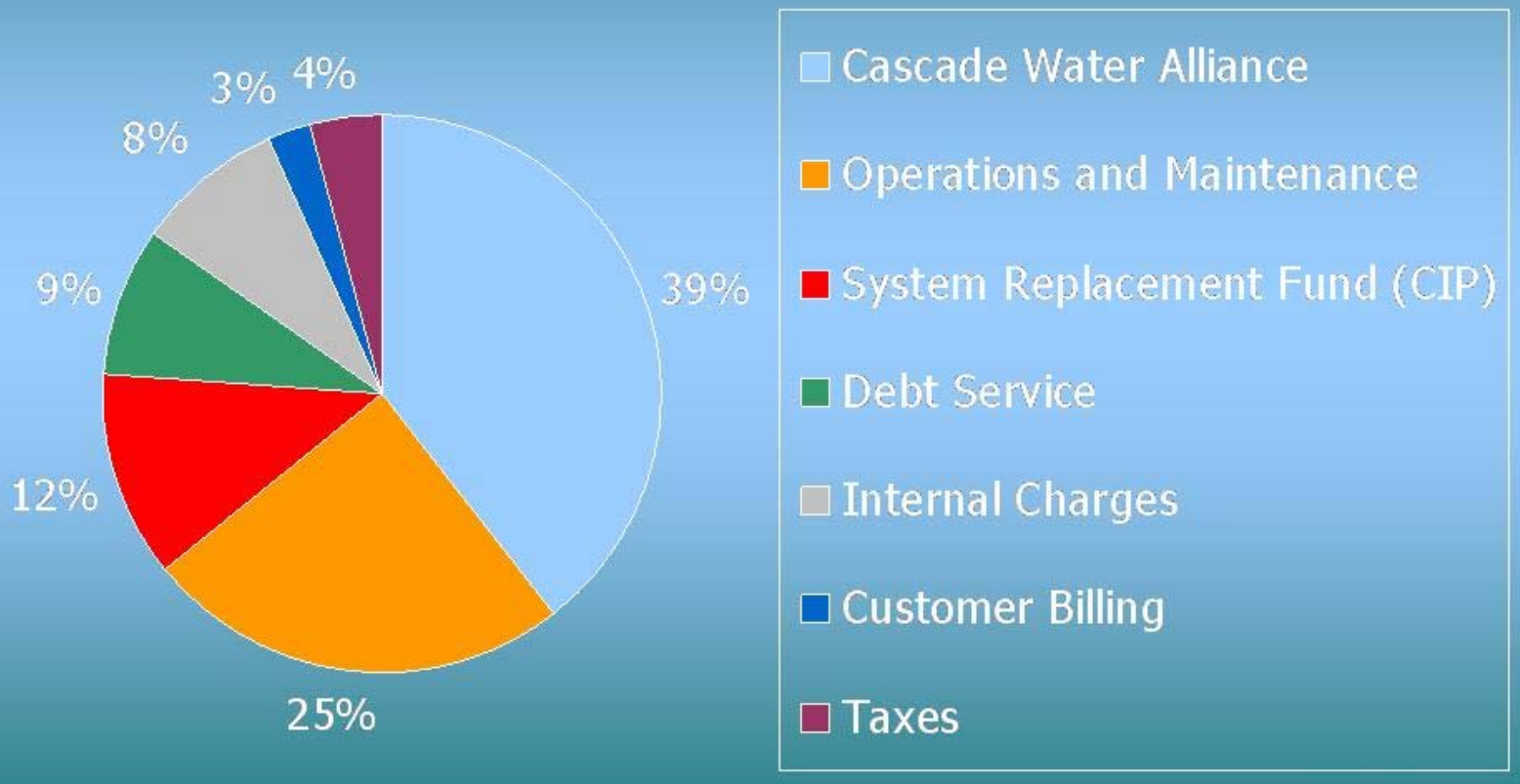
Estimated RCFCs	2006	2007	Difference	Percent Change
Bellevue	$ 1,148,056	$ 1,112,333	$ (35,723)	-3.1%
Covington Water District		$ -	$ -	
Issaquah	$ 3,718,400	$ 2,792,674	$ (925,726)	-24.9%
Kirkland	$ 845,936	$ 825,506	$ (20,430)	-2.4%
Redmond	$ 3,718,400	$ 3,676,019	$ (42,381)	-1.1%
Sammamish Plateau Water & Sewer District	$ 3,114,160	$ 3,092,546	$ (21,614)	-0.7%
Skyway Water & Sewer District	$ 46,480	$ 44,553	$ (1,927)	-4.1%
Tukwila	$ 139,440	$ 135,340	$ (4,100)	-2.9%
Total	**$ 12,730,872**	**$ 11,678,972**	**$ (1,051,900)**	

Total Payments w/out RCFCs	2006	2007	Difference	Percent Change
Bellevue	$ 10,573,136	$ 11,204,653	$ 631,517	6.0%
Covington Water District	$ 104,647	$ 150,591	$ 45,944	43.9%
Issaquah	$ 401,230	$ 551,622	$ 150,392	37.5%
Kirkland	$ 2,771,222	$ 2,916,169	$ 144,947	5.2%
Redmond	$ 4,173,706	$ 4,579,273	$ 405,567	9.7%
Sammamish Plateau Water & Sewer District	$ 434,227	$ 459,753	$ 25,526	5.9%
Skyway Water & Sewer District	$ 253,223	$ 281,145	$ 27,922	11.0%
Tukwila	$ 1,322,255	$ 1,422,151	$ 99,896	7.6%
Total	**$ 20,033,646**	**$ 21,565,357**	**$ 1,531,711**	

Total Payments w/RCFCs	2006	2007	Difference	Percent Change
Bellevue	$ 11,721,192	$ 12,316,986	$ 595,794	5.1%
Covington Water District	$ 104,647	$ 150,591	$ 45,944	43.9%
Issaquah	$ 4,119,630	$ 3,344,296	$ (775,334)	-18.8%
Kirkland	$ 3,617,158	$ 3,741,675	$ 124,517	3.4%
Redmond	$ 7,892,106	$ 8,255,292	$ 363,186	4.6%
Sammamish Plateau Water & Sewer District	$ 3,548,387	$ 3,552,300	$ 3,913	0.1%
Skyway Water & Sewer District	$ 299,703	$ 325,699	$ 25,996	8.7%
Tukwila	$ 1,461,695	$ 1,557,491	$ 95,796	6.6%
Total	**$ 32,764,518**	**$ 33,244,329**	**$ 479,811**	

ATTACHMENT B

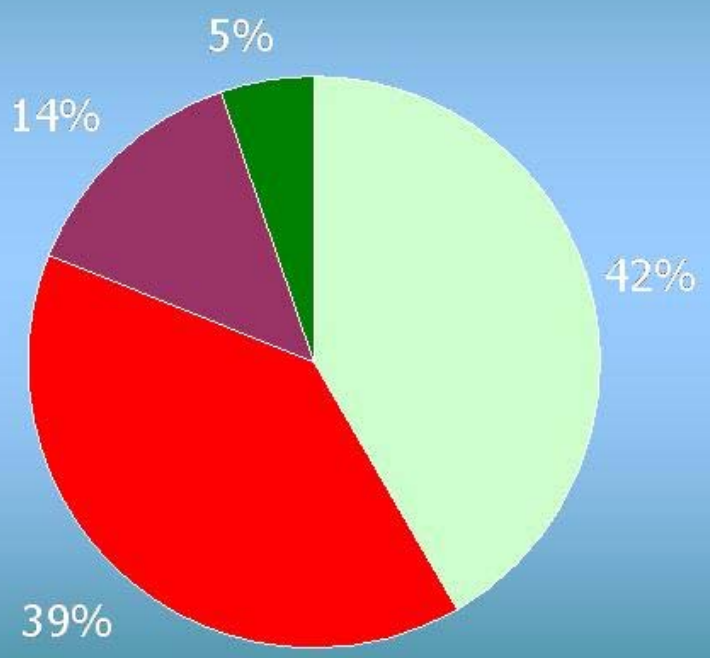
Water Expenditures* - $8.2 M



*YE 2008

ATTACHMENT C

Water CIP - $2.5 M

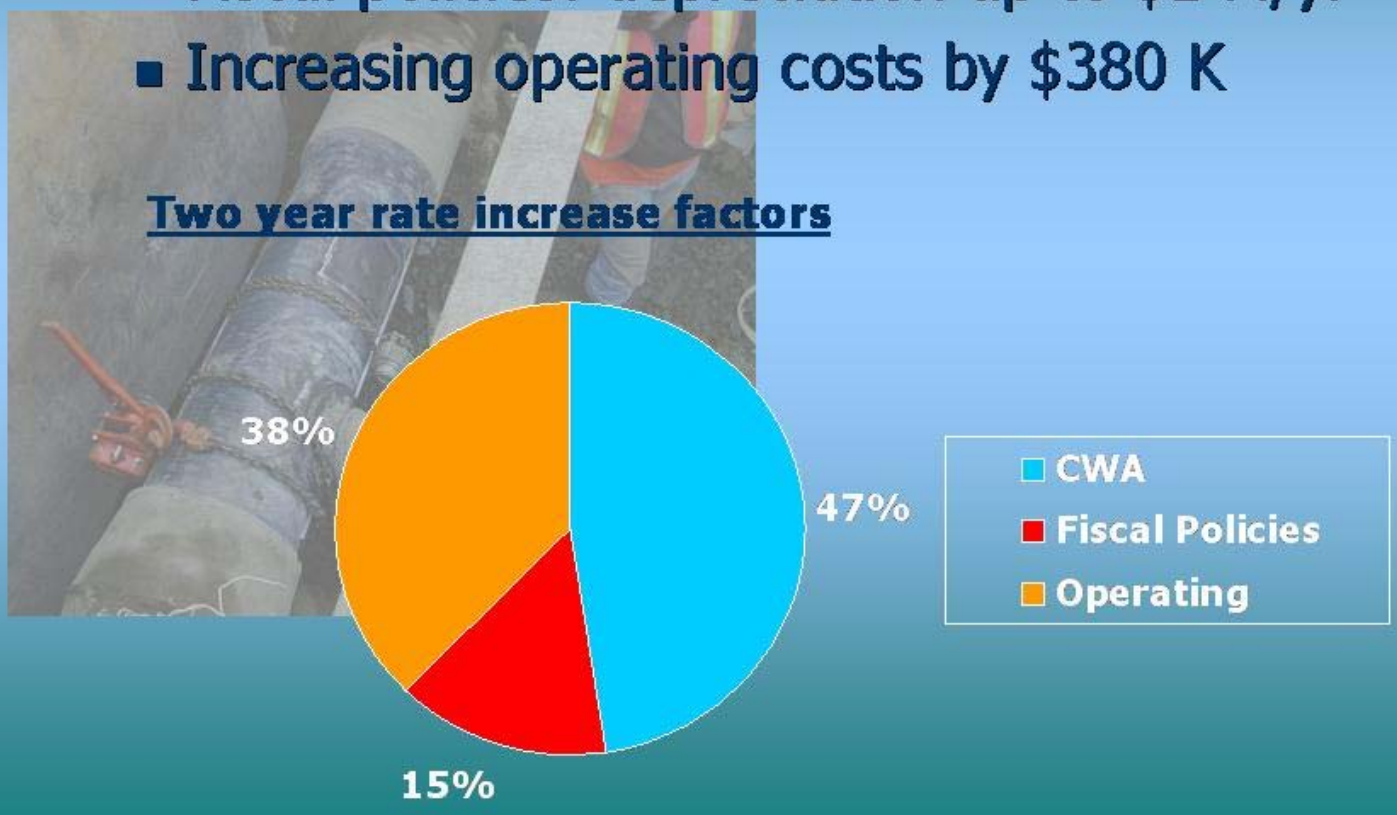


- Capital Reserve
- Depreciation
- Connection Fees
- Fund Interest Earnings

Water Rate increases

- CWA increases by $476K (up from $2.8 M)
- Fiscal policies: depreciation up to $1 M/yr
- Increasing operating costs by $380 K

Two year rate increase factors

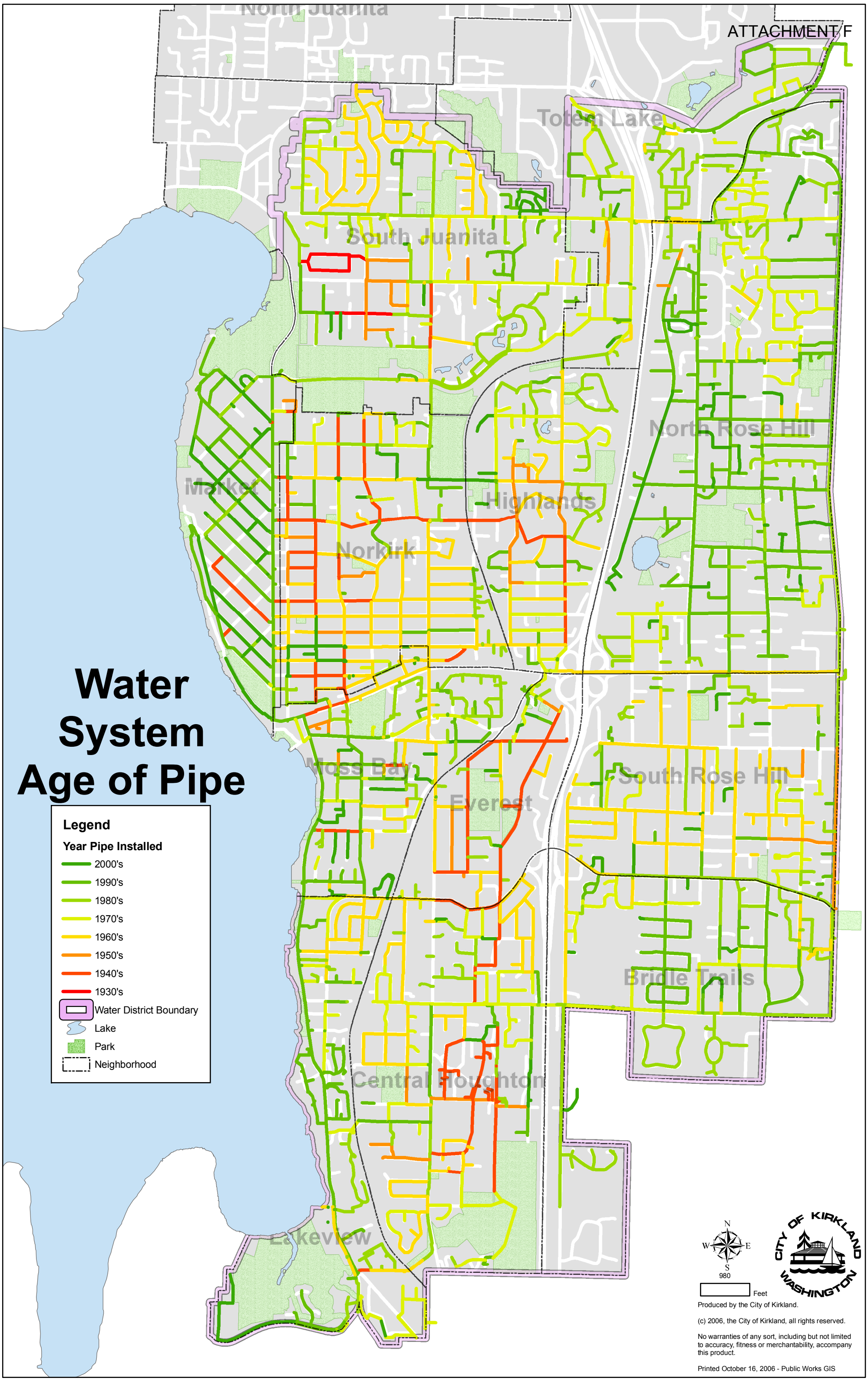


Water System Indicators and Outcomes

- Total Water Plant Value - $45,453,000
- Average annual water consumption, 6.2 MGD
- 11, 317 meters serving 39,480 customers
- 168 miles of water distribution pipe
- Service level - repair all water service leaks within same working day hours; 140 repairs in 2005
- Service level – eliminate water main breaks, average 2 per year; down from 8-10 per year in the 1990s
- Replace 1.6 miles of A/C (Asbestos/Cement) pipe per year, currently 31%, or 51 miles, is AC pipe; down from 38% in 1998.

ATTACHMENT F

Water System Age of Pipe



Produced by the City of Kirkland.

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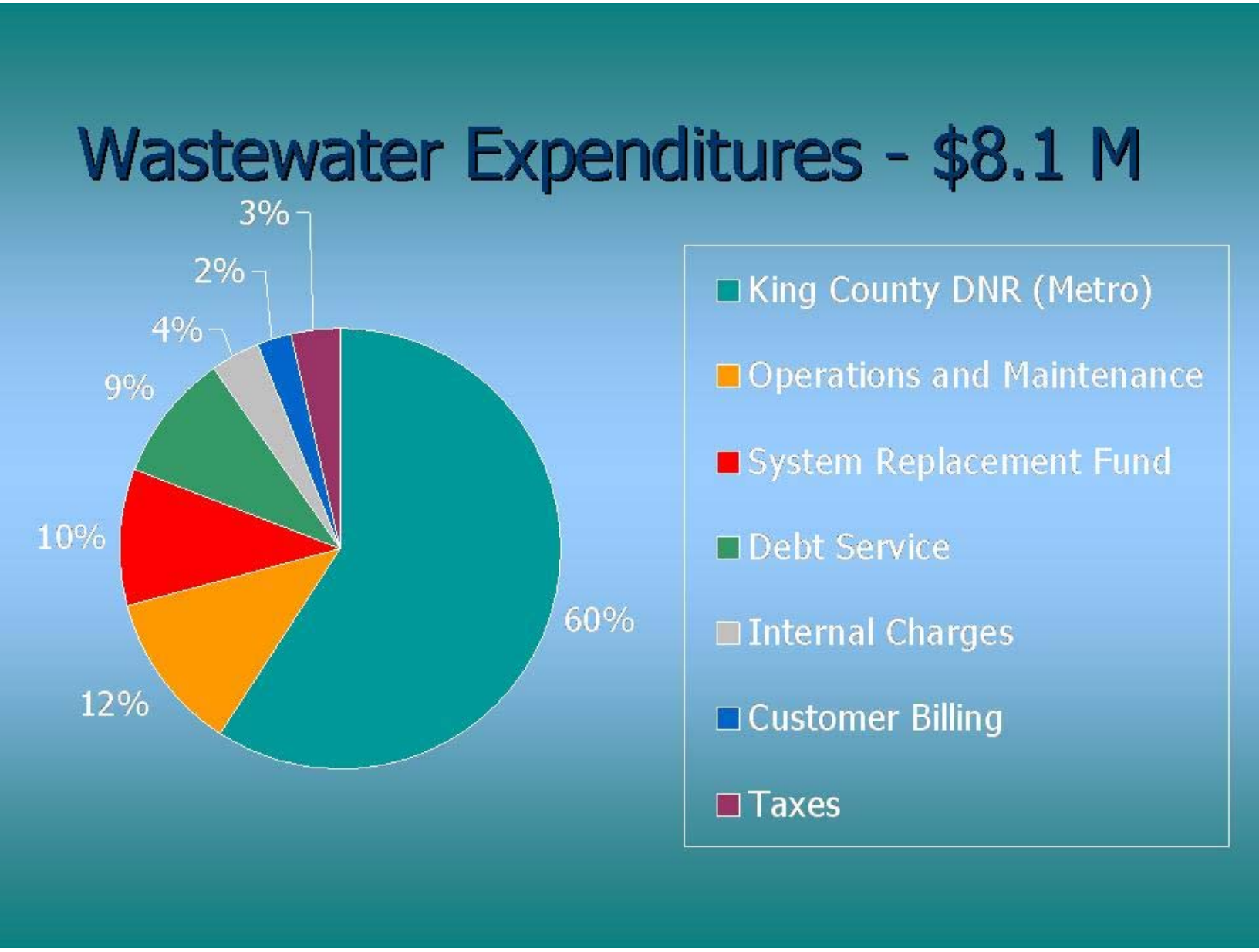
No warranties of any sort, including but not limited to accuracy, fitness or merchantability, accompany this product.

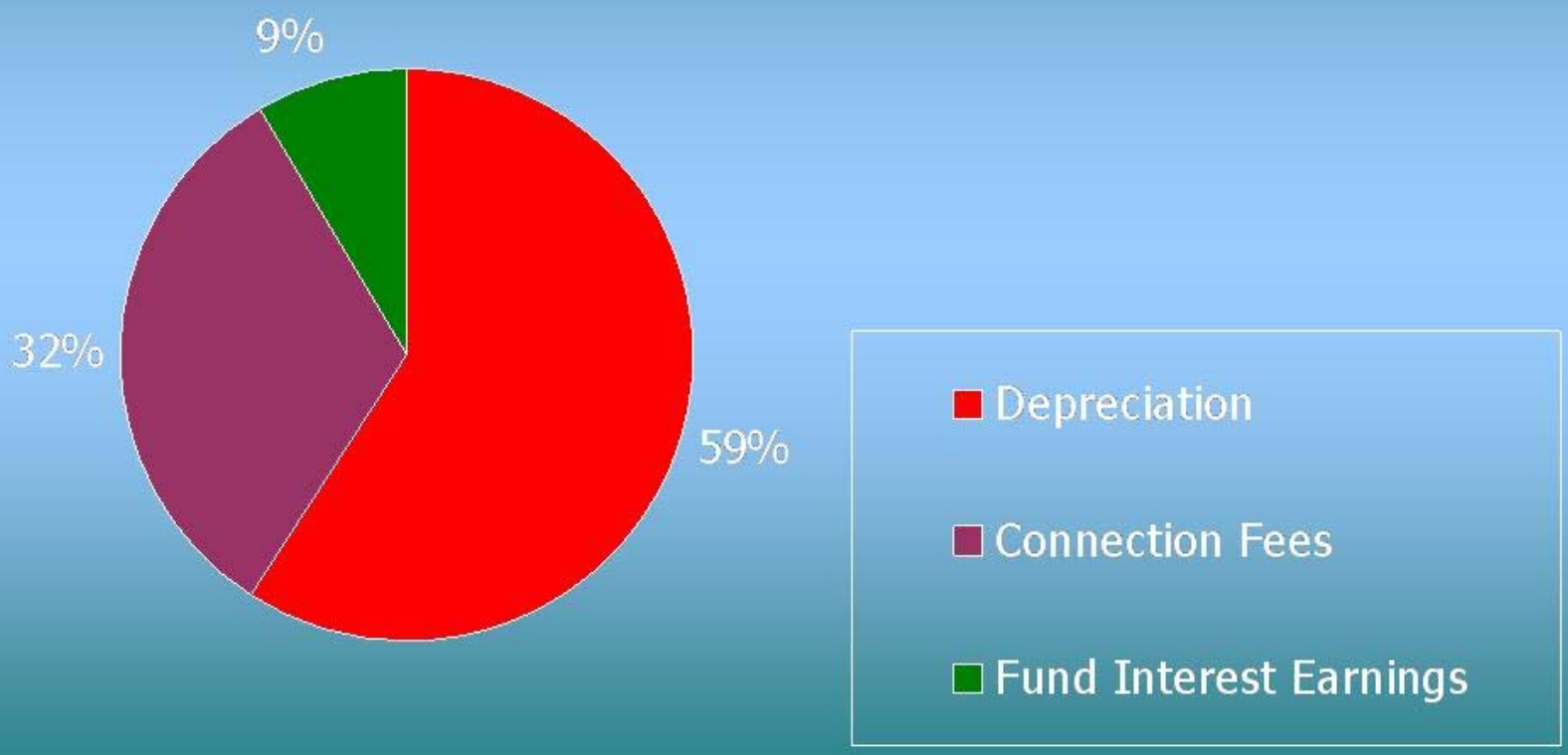
Printed October 16, 2006 - Public Works GIS

ATTACHMENT G



ATTACHMENT H

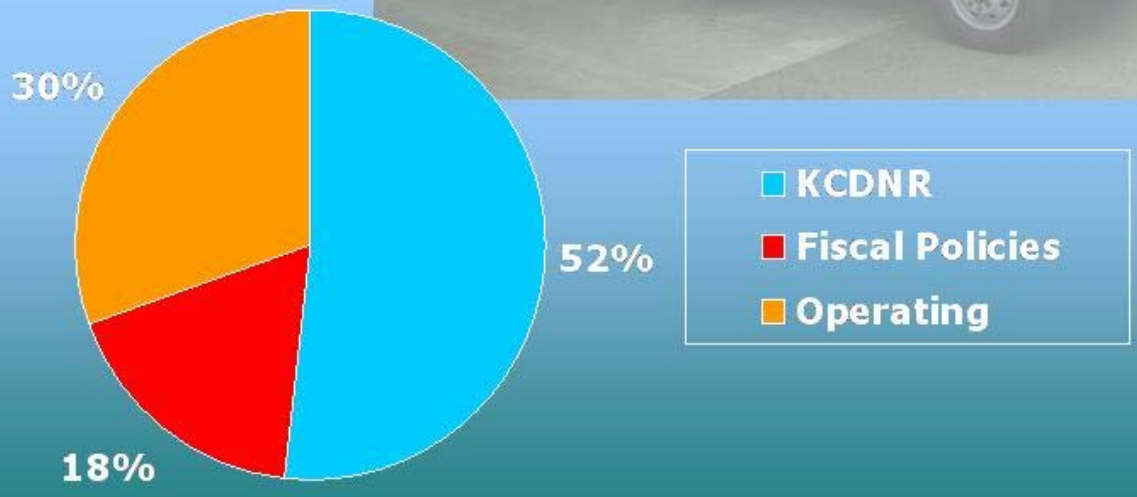
Wastewater CIP - $1.1 M



Wastewater rate increases

- KC DNR increases by $456K (up from $4.4 M)
- Fiscal policies: depreciation up to $900 K/yr
- Increasing operating costs by $269K

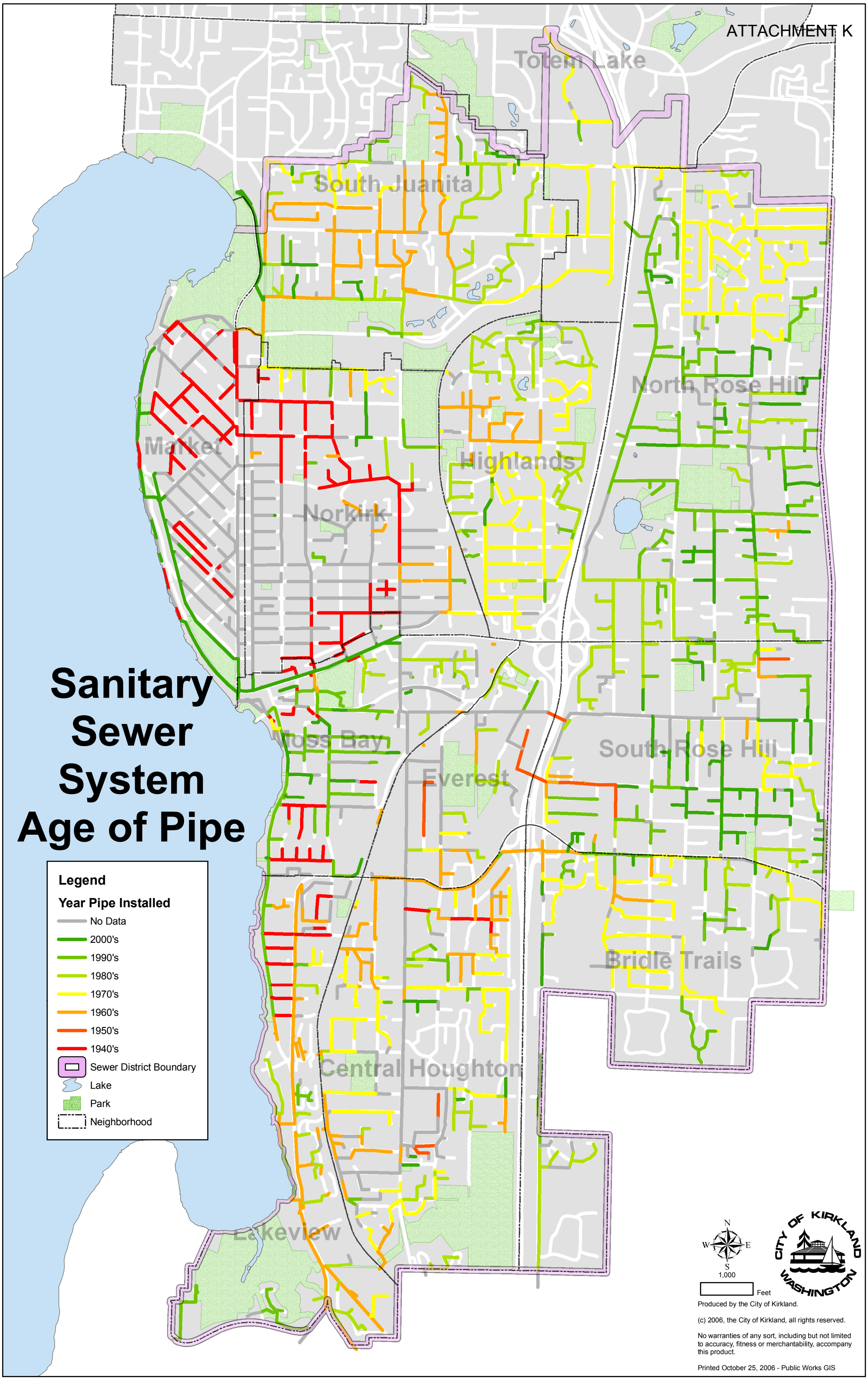
Two year rate increase factors



Wastewater System Indicators and Outcomes

- Total Sewer Plant Value is $42,384,788
- 116 miles of wastewater collection pipes in the collection system; 2900 manholes
- 6 wastewater lift stations; stations generally have high maintenance and energy costs. Down from 11 in 1992.
- Utility crews clean entire system every three years, and higher maintenance Concrete Pipe every year. Crews clean equivalent of 41% of system (47 miles per year on average)
- Higher maintenance Concrete pipe is subject of annual pipe replacement program, currently 48% of system
- Service level to eliminate all Sanitary Sewer Overflows (SSO's), currently average 2-4 per year of stopped lines or surcharging manholes; often caught before SSO occurs

ATTACHMENT K



Fiscal Policies

	Existing Policies	Recommended Policies	Comments
Working Capital (WCR)	Maintain fund balance of at least 45 days of O&M for each utility	Water & Sewer: 45 – 60 days of O&M (12%)	No major changes; current WCR adequate to meet target - no impact on rates
Operating Capital Reserves (OCR)	Maintain balance of 12% of operating costs (excluding debt service, capital funding)	Water: 12% to 15% to deal with CWA fixed rate structure Sewer: 12% of operating costs	No major changes; currently funded; slightly under-funded at 12% during study period
Capital Contingency (CCR)	Maintain balance of 10% of 6-year CIP for each utility	Water & Sewer: 10% of individual utility's 6-year CIP inflated dollars	No major changes; current CCR adequate to meet target - no impact on rates
System Reinvestment Funding	Fund from rates an amount at least equal to annual depreciation expense	Water & Sewer: fund from rates an amount equal to annual depreciation expense	No change Funding level results in increased rates
Debt Service Coverage	Internal policy set such that net revenues of each utility equals 1.5 times total debt service	Maintain net revenues of combined utilities at least 1.5 times total debt service, excluding CFC revenues	No major change; met or exceeded in every year; excess revenue available to fund any utility cost

ATTACHMENT M

City of Kirkland

Single Family Residential Utility Rates

			2006 SF Monthly Rate	$ change	% change	2007 Proposed SF Monthly Rate	2007 Increase in Monthly Bill	% Increase	2007 Proposed SF Monthly Rate	$ change	% change	2008 Proposed SF Monthly Rate	2008 Increase in Monthly Bill	% Increase
Fund 411	**Water**	(730cf/mo)	$27.35	2.60	9.50%	$29.95	$2.60	9.50%	$29.95	2.85	9.50%	$32.80	$2.85	9.52%
Fund 411	**Sewer**		$42.85	3.00	7.00% (weighted ave)	$45.85	$3.00	7.00% (weighted ave)	$45.85	2.75	6.00% (weighted ave)	$48.60	$2.75	6.00% (weighted ave)
Fund 431	**Solid Waste**		$23.50	0.94	4.00%	$24.44	$0.94	4.00%	$24.44	1.83	7.50%	$26.27	$1.83	7.50%
	Total Monthly Utility Bill		**$93.70**			**$100.24**	**$6.54**	**6.98%**	**$100.24**			**$107.67**	**$7.43**	**7.41%**
Fund 421	***Surfacewater**		$14.15	0.00	0.00%	$14.15	$0.00	0.00%	$14.15	0.00	0.00%	$14.15	$0.00	0.00%
	Total Monthly Charge		**$107.85**			**$114.39**	**$6.54**	**6.06%**	**$114.39**			**$121.82**	**$7.43**	**6.50%**

*charged via King County Property Tax Bill

ORDINANCE 4066

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO WATER SYSTEM CUSTOMER RATES FOR 2007 AND PROVIDING FOR CHANGES IN SAID RATES.

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

Section 1. Table 15.24.020 of Section 15.24.020 of the Kirkland Municipal Code, as last amended by Ordinance 4012, which establishes the monthly water charge required to be paid to the City by customers of the Kirkland Water System is further amended to read as follows:

Table 15.24.020

Customer Class	Rate
a. Single-family residential	
(1) Basic charge (includes 200 cubic feet of water consumed)	$~~12.04~~ 13.18
PLUS	
(2) Water consumption charge - 201 cubic feet to 1,200 cubic feet	$~~2.88~~ 3.15 per 100 cubic feet
PLUS	
(3) Water consumption charge - over 1,200 cubic feet	$~~3.78~~ 4.14 per 100 cubic feet

b. All other customers, including commercial and multifamily residential

	Meter Size (inches)	Rate	
(1) Basic charge per size of meter	5/8 x 3/4	$~~11.07~~	12.12
	1	$~~19.03~~	20.84
	1-1/2	$~~30.25~~	33.12
	2	$~~48.53~~	53.14
	3	$~~137.85~~	150.95
	4	$~~190.41~~	208.50
	5	$~~246.22~~	269.61
	6	$~~325.99~~	356.96
	8	$~~485.55~~	531.68

PLUS

(2) Water consumption charge	$~~3.34~~ 3.66 per 100 cubic feet of water consumed

PLUS

(3) Sprinkler consumption charge	$~~3.78~~ 4.14 per 100 cubic feet of water consumed

Section 2. Effective date for new rates: The monthly service and consumption rates for water customers established in this ordinance shall go into effect and become the rates to be charged as of December 1, 2006, provided, however, that the monthly rates for water customers billed on the City of Kirkland billing cycles number 2, number 4, and number 5 shall go into effect January 1, 2007.

Section 3. The water rates set forth in KMC 15.24.020, which is amended by this ordinance, shall remain in force and effect until the rates set forth in this ordinance go into effect.

Section 4. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance, or the application of the provision to other persons or circumstances is not affected.

Section 5. 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 _____, 2006.

Signed in authentication thereof this ____ day of _____, 2006.

_____
MAYOR

Attest:

_____
City Clerk

Approved as to Form:

_____
City Attorney

ORDINANCE 4067

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO 2007 SEWER SYSTEM CUSTOMER RATES AND AMENDING TABLE 15.24.070 OF THE KIRKLAND MUNICIPAL CODE.

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

Section 1. Table 15.24.070 of Section 15.24.070 of the Kirkland Municipal Code, as last amended by Ordinance 4013, which establishes the monthly sewer charge required to be paid to the City by customers of the Kirkland Sewer System is further amended to read as follows:

Table 15.24.070

Customer Class	**Rate**
a. Single-family residential	
Basic charge	$~~34.06~~ 36.86 for first 300 cubic feet of average winter water consumption ("AWWC").
PLUS	
Consumption charge	$~~2.82~~ 2.97 per 100 cubic feet of AWWC beyond first 300 cubic feet.
b. Multifamily residential and commercial	
Basic charge	$~~33.30~~35.63 for first 600 cubic feet of water consumed.
PLUS	
Consumption charge	$~~5.84~~ 6.25 per 100 cubic feet of water consumed beyond first 600 cubic feet.

c. In special cases, single-family residents will be billed according to the following policies:

Special Case	**Sewer Rate Policy**
New homes	Billed only basic charge until use is established.
Changes in property ownership	Billed only basic charge until use is established.
Changes in tenancy	Billed only basic charge until use is established.
Non-water customers	Billed at system average.
Leak adjustments	Billed per adjusted winter volume. City will factor water leak adjustment into calculation for sewer rate

Section 2. Effective date for new rates: The monthly service and consumption rates for sewer customers established in this ordinance shall go into effect and become the rates to be charged as of December 1, 2006; provided that, the monthly rates for sewer customers billed on the City of

Kirkland billing cycles number 2, number 4, and number 5 shall go into effect January 1, 2007.

Section 3. The sewer rates set forth in KMC 15.24.070, which is amended by this ordinance, shall remain in force and effect until the rates set forth in this ordinance go into effect.

Section 4. 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.

Passed by majority vote of the Kirkland City Council in open meeting this _____ day of _____, 2006.

Signed in authentication thereof this _____ day of _____, 2006.

_____
MAYOR

Attest:

_____
City Clerk

Approved as to Form:

_____
City Attorney

ORDINANCE 4068

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO WATER SYSTEM CUSTOMER RATES FOR 2008 AND PROVIDING FOR CHANGES IN SAID RATES.

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

Section 1. Table 15.24.020 of Section 15.24.020 of the Kirkland Municipal Code, as last amended by Ordinance 4066, which establishes the monthly water charge required to be paid to the City by customers of the Kirkland Water System is further amended to read as follows:

Table 15.24.020

Customer Class	Rate
a. Single-family residential	
(1) Basic charge (includes 200 cubic feet of water consumed)	$~~13.18~~ 14.43
PLUS	
(2) Water consumption charge - 201 cubic feet to 1,200 cubic feet	$~~3.15~~ 3.45 per 100 cubic feet
PLUS	
(3) Water consumption charge - over 1,200 cubic feet	$~~4.14.~~ 4.53 per 100 cubic feet

b. All other customers, including commercial and multifamily residential

	Meter Size (inches)	Rate	
(1) Basic charge per size of meter	5/8 x 3/4	$~~12.12~~	13.27
	1	$~~20.84~~	22.82
	1-1/2	$~~33.12~~	36.27
	2	$~~53.14~~	58.19
	3	$~~150.95~~	165.29
	4	$~~208.50~~	228.32
	5	$~~269.61~~	295.22
	6	$~~356.96~~	390.87
	8	$~~531.68~~	582.19

PLUS

(2) Water consumption charge	$~~3.66~~ 4.01 per 100 cubic feet of water consumed

PLUS

(3) Sprinkler consumption charge	$~~4.14~~ 4.53 per 100 cubic feet of water consumed

Section 2. Effective date for new rates: The monthly service and consumption rates for water customers established in this ordinance shall go into effect and become the rates to be charged as of December 1, 2007, provided, however, that the monthly rates for water customers billed on the City of Kirkland billing cycles number 2, number 4, and number 5 shall go into effect January 1, 2008.

Section 3. The water rates set forth in KMC 15.24.020, which is amended by this ordinance, shall remain in force and effect until the rates set forth in this ordinance go into effect.

Section 4. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance, or the application of the provision to other persons or circumstances is not affected.

Section 5. 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 _____, 2006.

Signed in authentication thereof this ____ day of _____, 2006.

_____
MAYOR

Attest:

_____
City Clerk

Approved as to Form:

_____
City Attorney

ORDINANCE 4069

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO 2008 SEWER SYSTEM CUSTOMER RATES AND AMENDING TABLE 15.24.070 OF THE KIRKLAND MUNICIPAL CODE.

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

Section 1. Table 15.24.070 of Section 15.24.070 of the Kirkland Municipal Code, as last amended by Ordinance 4067, which establishes the monthly sewer charge required to be paid to the City by customers of the Kirkland Sewer System is further amended to read as follows:

Table 15.24.070

Customer Class	**Rate**
a. Single-family residential	
Basic charge	$~~36.86~~ 38.27 for first 300 cubic feet of average winter water consumption ("AWWC").
PLUS	
Consumption charge	$~~2.97~~ 3.44 per 100 cubic feet of AWWC beyond first 300 cubic feet.
b. Multifamily residential and commercial	
Basic charge	$~~35.63~~ 37.77 for first 600 cubic feet of water consumed.
PLUS	
Consumption charge	$~~6.25~~ 6.63 per 100 cubic feet of water consumed beyond first 600 cubic feet.

c. In special cases, single-family residents will be billed according to the following policies:

Special Case	**Sewer Rate Policy**
New homes	Billed only basic charge until use is established.
Changes in property ownership	Billed only basic charge until use is established.
Changes in tenancy	Billed only basic charge until use is established.
Non-water customers	Billed at system average.
Leak adjustments	Billed per adjusted winter volume. City will factor water leak adjustment into calculation for sewer rate

Section 2. Effective date for new rates: The monthly service and consumption rates for sewer customers established in this ordinance shall go into effect and become the rates to be charged as of December 1, 2007; provided that, the monthly rates for sewer customers billed on the City of

Kirkland billing cycles number 2, number 4, and number 5 shall go into effect January 1, 2008.

Section 3. The sewer rates set forth in KMC 15.24.070, which is amended by this ordinance, shall remain in force and effect until the rates set forth in this ordinance go into effect.

Section 4. 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.

Passed by majority vote of the Kirkland City Council in open meeting this _____ day of _____, 2006.

Signed in authentication thereof this _____ day of _____, 2006.

_____
MAYOR

Attest:

_____
City Clerk

Approved as to Form:

_____
City Attorney

ORDINANCE 4070

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO UTILITY FEES FOR SPECIAL SERVICES AND AMENDING SECTION 15.14.050 OF THE KIRKLAND MUNICIPAL CODE.

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

Section 1. Section 15.14.050 of the Kirkland Municipal Code is hereby amended to read as follows:

15.14.050 Fees for special services rendered.

In addition to all other user rates and service connection fees required to be paid to the city, the following special service fees are established and shall be paid by the owner of the property served:

(1) Customer Requested Service Shutoff. A water service shutoff or disconnect made at the request of the owner or occupant of the premises served:

(A) When shutoff may be made by the city during regular business hours, thirty dollars;

(B) When shutoff can only be made by the city during nonbusiness hours, ~~seventy-five~~ eighty dollars.

(2) Water Service Shut-Off or Turn-On for Unpaid User Bill. A water service shutoff or disconnect for nonpayment of delinquent water, sewer or refuse bill as authorized by Section 15.20.020, or for turning it on after payment of such delinquencies, forty dollars within normal business hours, ~~seventy-five~~ ninety dollars if during nonbusiness hours.

(3) Service Calls. When a service call is made at the request of the owner or occupant of the premises for assistance in shutting off the water line to help locate and/or repair a water line leak, no charge will be assessed if the broken water line was not caused by the owner or occupant of the premises. However, a charge of twenty dollars shall be made ~~only when~~ if it is determined ~~that~~ the ~~location or cause of such~~ water line leak ~~is not within the city-owned water main and it~~ was caused by the owner or occupant of the premises. ~~The foregoing fees when incurred shall be added to the next customer billing as provided in Section 15.20.050.~~

(4) Special Water Meter Reading. A reading of a customer's water meter, at the request of the owner, title or escrow company, occurring on any day other than the day the city has established as the property's regular scheduled water meter reading, forty dollars.

(5) Alternate Billing. When alternate billing is requested as authorized by Section 15.20.010, ten dollars.

(6) Cut Lock Fee. When the water meter is discovered unlocked after the meter has been turned off and locked for non-payment of delinquent water, sewer or refuse bill as authorized by Section 15.20.020, sixty dollars.

(7) Shut-off Tag. A customer receiving a shut-off tag notice as final notice before water is shut off for non-payment, twenty dollars.

(8) The foregoing fees when incurred shall be added to the next customer billing as provided in Section 15.20.050.

Section 2. Effective date for new fees: The fees established in this Ordinance shall go into effect and become the fees to be charged as of January 1, 2007.

Section 3. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication, as required by law.

Passed by majority vote of the Kirkland City Council in open meeting this _____ day of _____, 2006.

Signed in authentication thereof this _____ day of _____, 2006.

_____
MAYOR

Attest:

_____
City Clerk

Approved as to Form:

_____
City Attorney

CITY OF KIRKLAND
Planning and Community Development Department
123 Fifth Avenue, Kirkland, WA 98033 425.587.3225
www.ci.kirkland.wa.us

To: David Ramsay, City Manager

From: Eric R. Shields, AICP, Director
Michael Bergstrom, AICP, Consultant

Date: October 27, 2006

Subject: NOVEMBER 8, 2006 SEPA APPEAL HEARING AND POSSIBLE FINAL ACTION ON PROPOSED ZONING CODE AMENDMENTS: SINGLE-FAMILY FLOOR AREA RATIOS AND SETBACK ENCROACHMENTS
- ZONING CASE FILE NO. ZON05-00019
- SEPA CASE FILE NO. SEP05-00024
- SEPA APPEAL CASE FILE NO. APL06-00008

NOTE: Council members should also refer to their packets from the August 1 and September 26, 2006 meetings. These packets are available on-line or through the following links. If you would like a hard copy please let us know.

http://www.ci.kirkland.wa.us/__shared/assets/3a_StudySession4281.pdf

http://www.ci.kirkland.wa.us/__shared/assets/3a_StudySession4573.pdf

I. RECOMMENDATION:

A. Conduct a hearing on the appeal of the SEPA Determination of Nonsignificance (DNS) for this proposal, and affirm the issuance of the DNS.

B. Adopt the proposed amendments to the Kirkland Zoning Code. The Council may do by adopting the enclosed ordinance, with or without options discussed in this memo.

II. BACKGROUND DISCUSSION:

The City Council met in study sessions on August 1 and September 26, 2006 to review Planning Commission recommendations for changes to the City's Floor Area Ratio regulations that apply to detached dwelling units in low density zones. Those recommendations also addressed allowable encroachments into required yards. On September 26, the Council directed Staff to prepare an ordinance for consideration, to include alternatives for some of the proposed amendments.

The amendments address the following Zoning Code components:

A. FAR in the RS 5.0 and RSX 5.0 zones.
B. The FAR exemption for accessory structures located more than 20 feet from primary structures.
C. The treatment of vaulted space in FAR calculations.
D. Allowable setback encroachments.

An ordinance has been prepared (enclosed) which addresses the above components, based on direction given by the City Council at the study sessions. Optional approaches to some of these components are discussed later in this memo, as requested by the Council.

The ordinance reflects a delayed effective date (Sections 6 and 7 of the ordinance), in response to concerns addressed both by builders and the Planning Commission. The effective date would be sixty days after ordinance publication, or January 15, 2007, whichever is later. This is to allow builders and architects a reasonable window of time to complete and submit permit drawings that are being prepared under current regulations.

Before the Council takes action on the ordinance, it must first conduct a hearing on the appeal of the SEPA Determination of Nonsignificance (DNS) that was issued for the proposal.

III. SEPA APPEAL:

As required by the State Environmental Policy Act, the SEPA Responsible Official reviewed the proposal and issued a Threshold Determination (WAC 197-11-310). The Threshold Determination issued by the Responsible Official was a Determination of Non-Significance, which means that it was determined that there will be "no probable significant adverse environmental impacts" from the proposal (WAC 197-11-340) (see Enclosure 1). A timely appeal of the DNS was filed by Mr. Mike Nykreim.

KMC 24.02.105 contains provisions and procedures for appeals of a Threshold Determination ("SEPA appeal"). Because the proposed amendments require a legislative action, the City Council is the appropriate body to review the SEPA appeal. The Council must hold a public hearing on the appeal, and may continue the hearing, if needed, to a later date. At the close of the hearing, the City Council may Affirm, Reverse, or Modify the decision being appealed.

KMC 24.02.105(d) How to Appeal provides that the appeal must be in writing and must contain a brief and concise statement of the matter being appealed, the specific components or aspects that are being appealed, the appellant's basic

rationale or contentions on appeal, and a statement demonstrating standing to appeal. It may also contain whatever supplemental information the appellant wishes to include.

A copy of Mr. Nykreim's appeal is enclosed (see Enclosure 2). Oskar Rey of the City Attorney's Office has prepared the City's response to the appeal and will be available at the November 8 City Council meeting to represent the City's position (see Enclosure 4).

If the City Council affirms the DNS issuance, it may then consider and take action on the proposed amendments. If the DNS is reversed or modified, no action can be taken on the amendments until the resulting environmental review process is completed.

IV. SUMMARY OF THE PROPOSED ORDINANCE AND OPTIONS:

The proposed ordinance would result in four changes to the Kirkland Zoning Ordinance. Those amendments are addressed in Sections 1 – 4 of the enclosed ordinance, and are summarized here, along with options where appropriate:

A. FAR in RS 5.0 and RSX 5.0 Zones. Sections 1 and 2 of the enclosed ordinance would change the allowable F.A.R. in the RS 5.0 and RSX 5.0 zones from 60% of the site area to 50% of the site area. It would allow an increase to 60% for the first 5,000 square feet of site area if (1) The primary roof form of all structures has a minimum pitch of 4' vertical : 12' horizontal, and (2) A setback of at least 7.5 feet is provided along each side yard.

No options were requested or prepared for these amendments.

B. Accessory Structure Exemption. Section 3 of the ordinance would change the exemption for certain detached accessory structures. Currently, any accessory structure located more than 20 feet from the primary structure is not included in the allowable F.A.R.

As written, Section 3 would limit this exemption to the first 500 square feet of an Accessory Dwelling Unit (ADU) in an accessory structure located more than 20 feet from the primary structure. In other words, the exemption would apply only to ADUs and not other accessory structure space such as a garage, and only to the first 500 square feet of the ADU.

This appears to reflect the direction of the majority of the City Council. However, the Council asked for options to consider, and the options

developed by Staff address (1) total removal of the exemption (as recommended by Planning Commission), (2) size of the exemption, (3) height limits on exempted accessory space, and (4) applying the exemption to any accessory structure regardless of use. The Council could substitute any of the following options for the language currently shown in Section 3, changing the current text of KZC 115.42.1.c:

1. Remove the exemption entirely (Planning Commission recommendation):

   ~~c. Accessory structures located more than 20 feet from the main structure (see KZC 115.30 for additional information on the required distance between structures.~~

   Staff observations: This option may work against two City objectives: (1) Encourage ADUs and (2) Encourage alley-oriented or detached garages in rear yards.

2. Allow an 800 sq. ft. exemption for ADUs, rather than 500 sq. ft:

   c. The first 800 square feet of an Accessory Dwelling Unit contained in an ~~A~~ccessory structure~~s~~, when such accessory structure is located more than 20 feet from the main structure (see KZC 115.30 for additional information on the required distance between structures).

   Staff observations: 800 sq. ft. may more realistically reflect typical ADU size. On the other hand, a 500 sq. ft. limitation does not prohibit a larger ADU; it just removes incentive for larger ADUs.

3. Allow the exemption for ADUs only if they are in an accessory structure less than 15' in height:

   c. The first (((500/800))) square feet of an Accessory Dwelling Unit contained in an ~~A~~accessory structure~~s~~, when such accessory structure is located more than 20 feet from the main structure, but only if said structure~~s are~~ is 15 feet or less in height (see KAC 115.30 for additional information on the required distance between structures).

   Staff observations: This option may cause an owner to choose between a detached garage and a detached ADU. If the garage

already exists, it would prohibit adding an ADU above the garage unless there were excess FAR available.

4. Allow the exemption for any accessory structure, regardless of use:

   c. The first (((500/800))) square feet of ~~A~~ccessory structures located more than 20 feet from the main structure (see KZC 115.30 for additional information on the required distance between structures).

   Staff observations: This allows an owner to choose between using the exemption for an ADU, a detached garage, or some portion or combination thereof. It provides flexibility.

5. Allow the exemption only for structures less than 15' in height, regardless of use of such structure:

   c. The first (((500/800))) square feet of ~~A~~ccessory structures located more than 20 feet from the main structure, but only if said structures are 15 feet or less in height (see KZC 115.30 for additional information on the required distance between structures).

   Staff observations: Like the option above, this allows an owner to choose between using the exemption for an ADU, a detached garage, or some portion or combination thereof. But it removes the option of placing an ADU over a garage.

C. Vaulted Space. Section 3, as written, would require that floor area with a ceiling height greater than 16 feet be counted twice toward F.A.R., except that the first 100 square feet of such area would count only once toward F.A.R. This introduces a new KZC 115.42.2, and changes existing KZC 115.42.2 to 115.42.3. Currently, the Zoning Code does not address vaulted space, and as a result such space, regardless of floor area or height, is counted only once toward F.A.R.

The 100 square foot limitation was the concept that received most discussion at the September 26 City Council study session. Therefore, that is the concept embodied in Section 3 of the enclosed ordinance. However, the Council requested options for this amendment, and Staff has developed the following ones for consideration:

1. No change to existing approach (Planning Commission recommendation):

   (No changes to the Zoning Code text necessary).

   Staff observations: This option would continue the current practice of counting vaulted space only once. This can potentially result in a substantial increase in building volume.

2. Require that all vaulted space exceeding a prescribed height (16' proposed) count twice toward FAR:

   2. Floor area with a ceiling height greater than 16 feet shall be calculated at twice the actual floor area.

   Staff observations: This would reduce overall building volume in some cases, but may remove an architectural element desired by many owners. However, vaulted spaced up to the point the ceiling reaches 16 feet in height, which could occur with a stepped or sloping ceiling, would continue to count only once toward FAR. Therefore, this option would have no effect on vaulted space up to a height of 16 feet.

3. Allow a greater amount of vaulted space to count only once toward FAR (greater than 100 sq. ft. of such space):

   2. Floor area with a ceiling height greater than 16 feet shall be calculated as follows:
      a. The first (((200/300))) square feet of such floor area shall be calculated only once toward allowable F.A.R.; and
      b. Floor area in excess of the first (((200/300))) square feet shall be calculated at twice the actual floor area toward allowable F.A.R.

   Staff observations: 300 sq. ft. is equivalent to 10% of a 3,000 sq. ft. house and may reflect a good proportionality. However, when combined with vaulted space up to the 16 foot height (which would only count once toward FAR), the total amount of vaulted space could substantially increase the volume of a structure.

4. Allow a certain percentage (e.g. 10%) of total area of vaulted space to count only once toward FAR:

2. Floor area with a ceiling height greater than 16 feet shall be calculated as follows:
   a. Floor area equal to or less than 10% of the total gross floor area shall be calculated only once toward allowable F.A.R.;
   b. Floor area exceeding 10% of the total gross floor area shall be calculated at twice the actual floor area toward allowable F.A.R.

Staff observations: While this option might make sense on the surface, it is complex in its application. As with Option 2, the total combined vaulted space (up to 16 feet and above 16 feet) could substantially increase the volume of a structure.

D. Setback Encroachments. Section 4 would require that building-mounted architectural features, such as chimneys, bay windows, cornices, etc, extend no closer than 4 feet to any property line. Currently, the Zoning Code allows these features to extend 18 inches from the wall of the structure, or within 3.5 feet from a side property line in a single-family zone.

No options were requested or prepared for this amendment.

V. CONCLUSION:

The City Council should conduct a hearing on the SEPA appeal filed by Mike Nykreim for this proposal. For the reasons stated in Oskar Rey's response (Enclosure 4), we believe the issuance of the DNS should be affirmed. If the DNS is affirmed, the Council should deliberate on the proposed amendments and options presented in this memo, and take final action on the proposed ordinance.

ENCLOSURES:

1. SEPA Materials
2. Nykreim Appeal
3. June 7, 2006 Letter from Eric Shields to Mike Nykreim RE: SEPA Appeal Review Process
4. City Attorney Response to Nykreim Appeal
   Ordinance
   Summary Publication Ordinance

CITY OF KIRKLAND
123 FIFTH AVENUE, KIRKLAND, WASHINGTON 98033-6189
(425) 587-3225

DETERMINATION OF NONSIGNIFICANCE (DNS) .

CASE #: SEP05-00024 DATE ISSUED: 5/19/2006

DESCRIPTION OF PROPOSAL

Amendments to the Kirkland Zoning Code affecting permitted Floor Area Ratios in residential zones.

PROPONENT:

LOCATION OF PROPOSAL

CITY-WIDE

LEAD AGENCY is **The City of Kirkland**

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21.030 (2) (c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public upon request.

There is no comment period for this DNS.

Responsible official: 5/19/06
Date

Eric Shields, Director
Department of Planning and Community Development
425-587-3225

Address: City of Kirkland
123 Fifth Avenue
Kirkland, WA 98033-6189

You may appeal this determination to **NANCY COX at Kirkland City Hall, 123 Fifth Avenue, Kirkland, WA 98033 no later than 5:00 p.m., Friday, June 02, 2006 by WRITTEN NOTICE OF APPEAL.**

You should be prepared to make specific factual objections. Contact Nancy Cox to read or ask about the procedures for SEPA appeals.

Please reference case # SEP05-00024.

cc: Case # SEP05-00024

ENCLOSURE 1
FILE NO. ZON05-00019

Distributed By: Date:

SEPA_A rev: 5/19/2006

CITY OF KIRKLAND ENVIRONMENTAL CHECKLIST

Purpose of Checklist:

The State Environmental Policy Act (SEPA), Chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the City identify impacts from your proposal, and to reduce or avoid impacts from the proposal, whenever possible

Instructions for Applicants:

This environmental checklist asks you to describe some basic information about your proposal. Answer the questions briefly with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply." Complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the City staff can assist you.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The City may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impacts.

Use of Checklist for Non-project Proposals:

Complete this checklist for non-project proposals also, even though questions may be answered "does not apply." IN ADDITION, complete the SUPPLEMENTAL SHEET FOR NON-PROJECT ACTIONS (Part D).

For non-project actions, the references in the checklist to the words "project," "applicant," and "property or site" should be read as "proposal," "proposer," and "affected geographic area," respectively.

A. BACKGROUND

1. Name of proposed project, if applicable: **Zoning Code Amendments – Floor Area Ratios (FAR) for Detached Dwelling Units in Low Density Residential Zones and Allowable Setback Encroachments. File No. ZON05-00019, SEP05-00024.**

2. Name of applicant: *City of Kirkland.*

3. Tax parcel number: *City-wide.*

4. Address and phone number of applicant and contact person:

   Paul Stewart, Deputy Director, Planning & Community Development, City of Kirkland, 123 Fifth Avenue, Kirkland, WA 98033-6189. (425) 587-3227.

5. Date checklist prepared:

   May 9, 2006.

6. Agency requesting checklist:

   City of Kirkland.

7. Proposed timing or schedule (including phasing, if applicable):

   Amendments are anticipated to be adopted by City Council in Summer, 2006.

8. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal?

   New construction of or additions to detached single-family structures will be subject to the revised regulations. Additional revisions to FAR regulations are possible but not proposed at this time. Any such additional revisions will be reviewed through a separate SEPA review process.

9. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

   None.

10. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

    Any building permit applications which are currently vested or will become vested prior to the adoption and effective date of the proposal will not be affected by the proposal. It is possible that some proposed building activity that is in the design phase but not yet vested by means of a complete building permit application will, depending on the timing of vesting, be subject to the new regulations. Any permit applications vested after the effective date of the proposal will be subject to the new or amended regulations.

11. List any government approvals or permits that will be needed for your proposal, if known.

City Council adoption of the proposed amendments by ordinance. Houghton Community Council approval or lack of disapproval for amendments within its jurisdiction.

12. Give brief, complete description of your proposal, including the proposed uses, the size and scope of the project and site including dimensions and use of all proposed improvements. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page.

The proposal would revise existing Zoning Code regulations governing allowable Floor Area Ratios (FAR) for single-family detached dwelling units in Low Density Residential Zones, affecting some or all of the following zones: RS 35, RSX 35, RS 12.5, RSX 12.5, RS 8.5, RSX 8.5, RS 7.2, RSX 7.2, RS 5.0, RSX 5.0, PLA 6C, PLA 6E, and PLA 16. The proposal would (a) reduce maximum allowable FAR for some zones, (b) change the manner in which FAR is calculated, (c) clarify FAR provisions through text changes and addition of graphic illustrations (Plates), and (d) expand the geographical area to which the FAR regulations apply to include the jurisdiction of the Houghton Municipal Corporation (if the Houghton Community Council so elects). It would also reduce the extent to which certain building elements may encroach into required yards. A complete copy of the proposal is attached to this checklist, in a memo dated May 3, 2006. The proposal is likely to change to some extent as a result of industry and public input during the public review process.

13. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

The proposed amendments will apply city-wide, unless the Houghton Community Council elects to disapprove the amendments within its jurisdiction.

TO BE COMPLETED BY APPLICANT

EVALUATION FOR AGENCY USE ONLY
REVIEWED BY:

B. ENVIRONMENTAL ELEMENTS

1. EARTH

a. General description of the site (circle one): Flat, rolling, hilly, steep, slopes, mountainous, other
N/A - Proposal is a non-project action.

b. What is the steepest slope on the site (approximate percent slope)?
N/A - Proposal is a non-project action.

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.
N/A - Proposal is a non-project action.

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.
N/A - Proposal is a non-project action.

e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.
N/A - Proposal is a non-project action.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.
N/A - Proposal is a non-project action.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt, buildings)?
N/A - Proposal is a non-project action.

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:
N/A - Proposal is a non-project action.

2. AIR

a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction and when the project is completed? If

any, generally describe and give approximate quantities, if known.
N/A - Proposal is a non-project action.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.
N/A - Proposal is a non-project action.

c. Proposed measures to reduce or control emissions or other impacts to air, if any:
N/A - Proposal is a non-project action.

3. WATER

a. Surface

1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.
N/A - Proposal is a non-project action.

2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.
N/A - Proposal is a non-project action.

3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.
N/A - Proposal is a non-project action.

4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.
N/A - Proposal is a non-project action.

5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.
N/A - Proposal is a non-project action.

6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.
N/A - Proposal is a non-project action.

b. Ground

1) Will ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximate quantities if known.
N/A - Proposal is a non-project action.

2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals...; agricultural; etc.) Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.
N/A - Proposal is a non-project action.

c. Water Runoff (including storm water):

1) Describe the source of runoff (include storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.
N/A - Proposal is a non-project action.

2) Could waste materials enter ground or surface waters? If so, generally describe.
N/A - Proposal is a non-project action.

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:
N/A - Proposal is a non-project action.

4. PLANTS

a. Check or circle types of vegetation found on the site:

_____ deciduous tree: alder, maple, aspen, other
_____ evergreen tree: fir, cedar, pine, other
_____ shrubs
_____ grass
_____ pasture
_____ crop or grain
_____ wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
_____ water plants: water lily, eelgrass, milfoil, other

_____ other types of vegetation
N/A - Proposal is a non-project action.

b. What kind and amount of vegetation will be removed or altered?
N/A - Proposal is a non-project action.

c. List threatened or endangered species known to be on or near the site.
N/A - Proposal is a non-project action.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:
N/A - Proposal is a non-project action.

5. ANIMALS

a. Circle any birds and animals which have been observed on or near the site or are known to be on or near the site:

birds: hawk, heron, eagle, songbirds, other
mammals: deer, bear, elk, beaver, other
fish: bass, salmon, trout, herring, shellfish, other
N/A - Proposal is a non-project action.

b. List any threatened or endangered species known to be on or near the site.
N/A - Proposal is a non-project action.

c. Is the site part of a migration route? If so, explain.
N/A - Proposal is a non-project action.

d. Proposed measures to preserve or enhance wildlife, if any:
N/A - Proposal is a non-project action.

6. ENERGY AND NATURAL RESOURCES

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.
N/A - Proposal is a non-project action.

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.
N/A - Proposal is a non-project action.

c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:
N/A - Proposal is a non-project action.

7. ENVIRONMENTAL HEALTH

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.
N/A - Proposal is a non-project action.

1) Describe special emergency services that might be required.
N/A - Proposal is a non-project action.

2) Proposed measures to reduce or control environmental health hazards, if any:
N/A - Proposal is a non-project action.

b. Noise

1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?
N/A - Proposal is a non-project action.

2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.
N/A - Proposal is a non-project action.

3) Proposed measures to reduce or control noise impacts, if any:
N/A - Proposal is a non-project action.

8. LAND AND SHORELINE USE

a. What is the current use of the site and adjacent properties?
The proposal will affect properties that lie within a Low Density Zone, and on which future development or redevelopment may occur. The sites include a combination of currently vacant properties and properties with existing single-family residential structures, as well as possibly some non-conforming uses.

b. Has the site been used for agriculture? If so, describe.

N/A - Proposal is a non-project action.

c. Describe any structures on the site.
It is likely that many of the affected sites contain existing residential structures and structures accessory thereto.

d. Will any structures be demolished? If so, what?
It is likely that some existing structures will be demolished over time as they become obsolete and the desire to rebuild arises.

e. What is the current zoning classification of the site?
The proposal some or all of the following Low Density Zones: RS 35, RSX 35, RS 12.5, RSX 12.5, RS 8.5, RSX 8.5, RS 7.2, RSX 7.2, RS 5.0, RSX 5.0, PLA 6C, PLA 6E, and PLA 16.

f. If applicable, what is the current shoreline master program designation of the site?
N/A - Proposal is a non-project action.

g. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.
N/A - Proposal is a non-project action.

h. Approximately how many people would reside or work in the completed project.
N/A - Proposal is a non-project action.

i. Approximately how many people would the completed project displace?
N/A - Proposal is a non-project action.

j. Proposed measures to avoid or reduce displacement impacts, if any:
N/A - Proposal is a non-project action.

k. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:
Proposal will be reviewed through a public review process. A public hearing will be held to invite public comment.

9. HOUSING

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.
The proposal is not expected to have any effect on the number of housing units that might be built in the future.

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.
The proposal is not expected to have any effect on the number of housing units that might be demolished in the future in order to accommodate redevelopment.

c. Proposed measures to reduce or control housing impacts, if any:
The proposal is intended to reduce and control the impacts of new single-family residential development on adjacent residential development, by ensuring that new or expanded residences are in scale with their surroundings.

10. AESTHETICS

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?
Proposal is a non-project action, and will not affect allowable building heights.

b. What views in the immediate vicinity would be altered or obstructed?
If allowable FAR is reduced as a result of this proposal, future impacts on existing views should be somewhat less than without the FAR reduction.

c. Proposed measures to reduce or control aesthetic impacts, if any:
The proposal is intended to reduce and control aesthetic impacts of new single-family residential development on adjacent residential development, by ensuring that new or expanded residences are in scale with their surroundings.

11. LIGHT AND GLARE

a. What type of light or glare will the proposal produce? What time of day would it mainly occur?
N/A - Proposal is a non-project action.

b. Could light or glare from the finished project be a safety hazard or interfere with views?
N/A - Proposal is a non-project action.

c. What existing off-site sources of light or glare may affect your proposal?
N/A - Proposal is a non-project action.

d. Proposed measures to reduce or control light and glare impacts, if any:
N/A - Proposal is a non-project action.

12. RECREATION

a. What designated and informal recreational opportunities are in the immediate vicinity?
N/A - Proposal is a non-project action.

b. Would the proposed project displace any existing recreational uses? If so, describe.
N/A - Proposal is a non-project action.

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:
N/A - Proposal is a non-project action.

13. HISTORICAL AND CULTURAL PRESERVATION

a. Are there any places or objects listed in, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.
N/A - Proposal is a non-project action.

b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.
N/A - Proposal is a non-project action.

c. Proposed measures to reduce or control impacts, if any:
N/A - Proposal is a non-project action.

14. TRANSPORTATION

a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on-site plans, if any.
N/A - Proposal is a non-project action.

b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?
N/A - Proposal is a non-project action.

c. How many parking spaces would the completed project have? How many would the project eliminate?
N/A - Proposal is a non-project action.

d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or

private).
N/A - Proposal is a non-project action.

e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.
N/A - Proposal is a non-project action.

f. How many vehicular trips per day would be generated by the completed project? If know, indicate when peak volumes would occur.
N/A - Proposal is a non-project action.

g. Proposed measures to reduce or control transportation impacts, if any:
N/A - Proposal is a non-project action.

15. PUBLIC SERVICES

a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe.
N/A - Proposal is a non-project action.

b. Proposed measures to reduce or control direct impacts on public services, if any.
N/A - Proposal is a non-project action.

16. UTILITIES

a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other
N/A - Proposal is a non-project action.

b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.
N/A - Proposal is a non-project action.

C. SIGNATURE

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: _____

Date Submitted: May 10, 2006

D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS

(Do not use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?
The proposed amendments will have no effect on these elements of the environment.

Proposed measures to avoid or reduce such increases are:
None necessary.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?
The proposed amendments will not affect plants, animals, fish, or marine life.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:
None necessary.

3. How would the proposal be likely to deplete energy or natural resources?
The proposed amendments will not deplete energy or natural resources.

Proposed measures to protect or conserve energy and natural resources are:
None necessary.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?
The proposed amendments will not use or affect environmentally sensitive areas.

Proposed measures to protect such resources or to avoid or reduce impacts are:
None necessary.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?
The proposal will amend the City's regulations governing the maximum size of single-family

detached dwelling units in low density residential zones, expressed and regulated as Floor Area Ratio (FAR). Through reductions to the allowable FAR and/or revisions to how FAR is calculated, potential house sizes will be reduced. While not all new houses are constructed to the maximum allowable FAR, and therefore may not be affected by the changes, those future homes that do wish to design to the maximum size allowable will be somewhat smaller than they would be without the amendments. The proposal will not allow or encourage uses incompatible with existing plans.

Proposed measures to avoid or reduce shoreline and land use impacts are:
The proposal is intended to reduce impacts of new development on existing residential uses and neighborhoods, while allowing new residential development that reasonably responds to and satisfies current and expected market demand.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?
The proposed amendments will have no effect on transportation, public services, or utilities.

Proposed measures to reduce or respond to such demand(s) are:
None necessary.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.
The proposal will not conflict with such requirements.

CITY OF KIRKLAND
Planning and Community Development Department
123 Fifth Avenue, Kirkland, WA 98033 425.587.3225
www.ci.kirkland.wa.us

To: Interested Parties

From: Eric R. Shields, AICP, Director
Michael Bergstrom, AICP, Consultant MB

Date: May 3, 2006

Subject: Potential Revisions to City of Kirkland Floor Area Ratios (FAR) and Allowable Building Element Encroachments, File No. ZON05-00019 and SEP05-00024

The following options have been prepared by Planning and Community Development Staff for consideration through Process IV pursuant to chapter 160 KZC. These options are based on prior input from the City Council and Planning Commission, and are intended to serve as a basis for public discussion.

The options reflect different approaches that could be used to address the following components of current FAR regulations and provisions for setback encroachments: (A) Allowable FAR in the RS 5.0 and RSX 5.0 zones; (B) the exemption from FAR calculation for certain detached accessory structures; (C) the exemption from FAR calculation for vaulted space within a structure; and (D) the extent to which certain building elements may encroach into required setbacks. In addition, the options reflect the possibility of extending FAR regulations to the Houghton area of the city.

A. FAR in RS/RSX 5.0 Zones

OPTION 1: Reduce from 60% to 50% (Staff recommended option).

Amend KZC 15.10.010, Special Regulation No. 2, as follows:

2. Floor Area Ratio (F.A.R.) allowed for the subject property is as follows:
   a. In RS 35 zone, F.A.R. is 20 percent of lot size.
   b. In RS 12.5 zones, F.A.R. is 35 percent of lot size.
   c. In RS 8.5 zones, F.A.R. is 50 percent of lot size.
   d. In RS 7.2 zones, F.A.R. is 50 percent of lot size.
   e. In RS 5.0 zones, F.A.R. is ~~60~~ 50 percent of lot size.

~~*This special regulation is not effective within the disapproval jurisdiction of the Houghton Community Council.*~~
See KZC 115.42, Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Residential Zones, for additional information.

AND Amend KZC 17.10.010, Special Regulation No. 2, as follows:

2. Floor Area Ratio (F.A.R.) allowed for the subject property is as follows
   a. In RSX 35 zone, F.A.R. is 20 percent of lot size.
   b. In RSX 12.5 zones, F.A.R. is 35 percent of lot size.
   c. In RSX 8.5 zones, F.A.R. is 50 percent of lot size.
   d. In RSX 7.2 zones, F.A.R. is 50 percent of lot size.
   e. In RSX 5.0 zones, F.A.R. is ~~60~~ 50 percent of lot size.

See KZC 115.42, Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Residential Zones, for additional information.

OPTION 2: Reduce from 60% to 50%, with incentives/standards to reach 60%.

Amend KZC 15.10.010, Special Regulation No. 2, as follows:

2. Floor Area Ratio (F.A.R.) allowed for the subject property is as follows:
   a. In RS 35 zone, F.A.R. is 20 percent of lot size.
   b. In RS 12.5 zones, F.A.R. is 35 percent of lot size.
   c. In RS 8.5 zones, F.A.R. is 50 percent of lot size.
   d. In RS 7.2 zones, F.A.R. is 50 percent of lot size.
   e. In RS 5.0 zones, F.A.R. is ~~60~~ 50 percent of lot size; provided, that F.A.R. may be increased up to 60 percent of lot size, if the following criteria are met:
      i. The primary roof form of all structures on the site is peaked, with a minimum pitch of 4' vertical:12' horizontal; and
      ii. A setback of at least 7.5' is provided along each side yard; and
      iii. The garage utilizes an alley for its primary vehicular access and is setback within 5 feet of the rear property line, as provided by KZC 115.115.3.o (this requirement is not effective within the disapproval jurisdiction of the Houghton Community Council).

~~*This special regulation is not effective within the disapproval jurisdiction of the Houghton Community Council.*~~

See KZC 115.42, Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Residential Zones, for additional information.

AND Amend KZC 17.10.010, Special Regulation No. 2, as follows:

2. Floor Area Ratio (F.A.R.) allowed for the subject property is as follows
   a. In RSX 35 zone, F.A.R. is 20 percent of lot size.
   b. In RSX 12.5 zones, F.A.R. is 35 percent of lot size.
   c. In RSX 8.5 zones, F.A.R. is 50 percent of lot size.
   d. In RSX 7.2 zones, F.A.R. is 50 percent of lot size.
   e. In RSX 5.0 zones, F.A.R. is ~~60~~ 50 percent of lot size; provided, that F.A.R. may be increased up to 60 percent of lot size, if the following criteria are met:

i. The primary roof form of all structures on the site is peaked, with a minimum pitch of 4' vertical:12' horizontal; and
ii. A setback of at least 7.5' is provided along each side yard; and
iii. The garage utilizes an alley for its primary vehicular access and is setback within 5 feet of the rear property line, as provided by KZC 115.115.3.o.

See KZC 115.42, Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Residential Zones, for additional information.

B. Detached Accessory Structures

OPTION 1: Remove Exemption.

Amend KZC 115.42 Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Residential Zones as follows:

1. Gross floor area for purposes of calculating F.A.R. and maximum floor area for detached dwelling units in low density residential zones does not include the following:
   a. Attic area with less than five feet of headroom.
   b. Floor area with a ceiling height, including the horizontal supporting members for the ceiling, less than six feet above finished grade. The ceiling height will be measured along the outside perimeter of the building (see Plate 23).
   ~~c. Accessory structures located more than 20 feet from the main structure (see KZC 115.30 for additional information on the required distance between structures).~~
   ~~d~~ c. Uncovered and covered decks, porches, and walkways.

~~2. *This section is not effective with the disapproval jurisdiction of the Houghton Community Council.*~~

OPTION 2: Exempt up to 500 sq. ft. of one story accessory structures (Staff recommended option).

Amend KZC 115.42 Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Residential Zones as follows:

1. Gross floor area for purposes of calculating F.A.R. and maximum floor area for detached dwelling units in low density residential zones does not include the following:
   a. Attic area with less than five feet of headroom.

b. Floor area with a ceiling height, including the horizontal supporting members for the ceiling, less than six feet above finished grade. The ceiling height will be measured along the outside perimeter of the building (see Plate 23).
c. No more than 500 sq. ft. of an Accessory Dwelling Unit or garage contained in an ~~A~~accessory structures. Such structure shall be located more than 20 feet from the main structure, shall be no more than 15 feet in height above finished grade and, if a garage, shall utilize an alley for primary vehicle access (see KZC 115.30 for additional information on the required distance between structures).
d. Uncovered and covered decks, porches, and walkways.

~~2. *This section is not effective with the disapproval jurisdiction of the Houghton Community Council.*~~

OPTION 3: Exempt up to 800 sq. ft. of the portion of accessory structure containing an ADU.

Amend KZC 115.42 Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Residential Zones as follows:

1. Gross floor area for purposes of calculating F.A.R. and maximum floor area for detached dwelling units in low density residential zones does not include the following:
   a. Attic area with less than five feet of headroom.
   b. Floor area with a ceiling height, including the horizontal supporting members for the ceiling, less than six feet above finished grade. The ceiling height will be measured along the outside perimeter of the building (see Plate 23).
   c. No more than 800 square feet of the floor area of an Accessory Dwelling Unit within an ~~A~~accessory structures, if such accessory structure is located more than 20 feet from the main structure (see KZC 115.30 for additional information on the required distance between structures).
   d. Uncovered and covered decks, porches, and walkways.

~~2. *This section is not effective with the disapproval jurisdiction of the Houghton Community Council.*~~

OPTION 4: Combination of Options 2 and 3 (Note: The Planning Commission did not specifically request this option).

Amend KZC 115.42 Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Residential Zones as follows:

1. Gross floor area for purposes of calculating F.A.R. and maximum floor area for detached dwelling units in low density residential zones does not include the following:
   a. Attic area with less than five feet of headroom.
   b. Floor area with a ceiling height, including the horizontal supporting members for the ceiling, less than six feet above finished grade. The ceiling height will be measured along the outside perimeter of the building (see Plate 23).
   c. No more than 800 sq. ft. of an Accessory Dwelling Unit contained in an ~~A~~accessory structures. Such structure shall be located more than 20 feet from the main structure, and shall be no more than 15 feet in height above finished grade (see KZC 115.30 for additional information on the required distance between structures).
   d. Uncovered and covered decks, porches, and walkways.

~~2. *This section is not effective with the disapproval jurisdiction of the Houghton Community Council.*~~

OPTION 5: No change to existing accessory structure exemption.

C. Vaulted Space

OPTION 1: Count vaulted space twice, where the ceiling height exceeds a specified dimension (Staff recommended option).

Amend KZC 115.42 Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Residential Zones as follows:

1. Gross floor area for purposes of calculating F.A.R. and maximum floor area for detached dwelling units in low density residential zones does not include the following:
   a. Attic area with less than five feet of headroom.
   b. Floor area with a ceiling height, including the horizontal supporting members for the ceiling, less than six feet above finished grade. The ceiling height will be measured along the outside perimeter of the building (see Plate 23).
   c. Accessory structures located more than 20 feet from the main structure (see KZC 115.30 for additional information on the required distance between structures).
   d. Uncovered and covered decks, porches, and walkways.

~~2. *This section is not effective with the disapproval jurisdiction of the Houghton Community Council.*~~

2. Floor area with a ceiling height greater than 16 feet shall be calculated at twice the actual floor area.

OPTION 2: No change to existing treatment of vaulted space.

D. Allowable Setback Encroachments

OPTION 1: Eliminate allowances for wall-mounted encroachments.

Amend KZC 115.115.3 as follows:

3. Structures and Improvements – No improvement or structure, including chimneys, bay windows, greenhouse windows, cornices, awnings, and canopies, may be in a required yard except as follows:

   a. – c. No change

   d. ~~Chimneys, bay windows, greenhouse windows, eaves, cornices, awnings, and canopies may extend up to 18 inches into any required yard. Eaves on bay windows may extend an additional 18 inches beyond the bay window. The total horizontal dimension of the elements that extend into a required yard, excluding eaves and cornices, may not exceed 25 percent of the length of the façade of the structure. See Plate 10.~~ Eaves may extend up to 18 inches into any required yard.

   e. – o. No change.

OPTION 2: Reduce allowances for wall-mounted encroachments (Staff recommended option).

Amend KZC 115.115.3 as follows:

3. Structures and Improvements – No improvement or structure may be in a required yard except as follows:

   a. – c. No change

   d. Eaves may extend up to 18 inches into any required yard. Chimneys, bay windows, greenhouse windows, ~~eaves,~~ cornices, awnings, and canopies may extend up to ~~18~~ 12 inches into any required yard. Eaves on bay windows may extend an additional ~~18~~ 12 inches beyond the bay window. The total horizontal dimension of the elements that

extend into a required yard, excluding eaves and cornices, may not exceed 25 percent of the length of the façade of the structure. See Plate 10.

e. – o. No change.

OPTION 3: No change to existing setback allowances.

Additional options have been evaluated over the past several months and are not being recommended by PCD Staff for further consideration at this time. They include:

- Reducing allowable FAR for lots that do not meet the minimum lot size of the underlying zone. For example, if a 6,000 sq. ft. lot exists in the RS 7.2 zone, the 50% FAR could be reduced to 45% or some other number.

- Further reducing the extent to which certain building elements are allowed to encroach into required setbacks. For example, limiting such encroachments to 6 inches, rather than 12 inches or the current 18 inches.

- Requiring the larger side elevation of a structure to maintain the larger side yard setback. While the current side yard setbacks of the RS zone would not be changed from a combined total of at least 15 feet, the larger façade would be required to maintain a setback of 7.5 feet or 10 feet

CITY OF KIRKLAND
Planning and Community Development Department
123 Fifth Avenue, Kirkland, WA 98033 425.587.3225
www.ci.kirkland.wa.us

MEMORANDUM

To: Eric Shields, AICP, SEPA Responsible Official

From: Michael Bergstrom, AICP, Consultant MB

Date: May 16, 2006

File: SEP05-00024

Subject: ENVIRONMENTAL DETERMINATION FOR POTENTIAL AMENDMENTS TO THE KIRKLAND ZONING CODE REGULATING (1) MAXIMUM ALLOWABLE FLOOR AREA RATIOS (F.A.R.) FOR DETACHED DWELLING UNITS IN LOW DENSITY RESIDENTIAL ZONES, AND (2) ALLOWABLE SETBACK ENCROACHMENTS.

Background:

The City adopted Floor Area Ratio (FAR) regulations in the late 1990's in an effort to control the size of new or expanding houses. The regulations were intended to result in houses that are sized in proportion to the lot on which they are built, while reasonably accommodating the demands of the housing market. In recent months, City staff and City Council members have heard concerns from some members of the community that the FAR regulations are not effectively controlling the size of new or remodeled homes and the impacts related thereto. In response, the City Council has directed Staff to work with the Planning Commission and develop recommended changes to the regulations.

Over the past several months, Staff has worked with the City Council, Planning Commission, and Houghton Community Council in study sessions to develop options for consideration through the public review process. We have also met with industry representatives to obtain preliminary feedback and input. The City has received some input to date from the public at large and additional input is expected once the formal public hearing process gets underway. Staff has obtained sufficient input and direction to develop a proposal, including options, for public review and evaluation pursuant to SEPA. The proposal is likely to change to some extent as a result of additional public input during the public review process.

The proposal is considered a "Non-Project Action" pursuant to WAC 197-11-704(2)(b)(ii) (SEPA Definitions). The proposal is not categorically exempt from the environmental review requirements pursuant to WAC 197-11-800, and therefore an Environmental Checklist and Threshold Determination are required. An environmental checklist has been prepared for this action, and is enclosed.

A memo dated May 3, 2006 is attached to the environmental checklist, and describes the proposal and the various options that will be the subject of public review. The memo also identifies some options that had been evaluated but are not being recommended by Planning and Community Development Staff for further consideration. However, given that the City Council will make the ultimate decision on which options to adopt, including options not currently being forwarded by the staff, they are included for evaluation pursuant to SEPA.

Environmental Issues

Due to the non-project nature of the proposed amendments, no environmental issues were identified. Future development projects proposed in accordance with the amendments will be subject to, and reviewed pursuant to, the applicable provisions of SEPA.

Conclusions and Recommendation:

Based on my review of all available information and adopted policies of the City, I recommend that a Determination of Non-Significance (DNS) be issued for this proposal.

SEPA ENCLOSURES

Environmental Checklist, with proposal attached.

Review by Responsible Official:

I concur ✓

I do not concur _____

Comments: _____

_____

_____

Eric Shields, Director 5/18/06 Date

To: Eric Shields Re: Appeal of File # ZONO5-00019

From: Mike Nykreim
101 10th Ave
Kirkland, WA 98033

Date: 6-2-6

Phone - home 425-822-8031
off 425-827-2234
cell 425-466-2611
Email MIKE@KIRKLANDBUILDERSGROUP.COM

RECEIVED JUN - 2 2006 AM PM PLANNING DEPARTMENT BY

APPEALS (SEPA)

Any person wishing to file an appeal must do the following:

1. Deliver the appeal to the Planning Department within fourteen (14) days of the date the determination is issued by the responsible official. (An appeal of a determination of significance must be filed within seven (7) days of the date it is published under Section 85 of Municipal Code Chapter 24.02.) The appeal must be in the form of a written notice of appeal and must contain a brief and concise statement of the matter being appealed, the specific components or aspects that are being appealed, the appellant's basic rationale or contentions on appeal, and a statement demonstrating standing to appeal. The appeal may also contain whatever supplemental information the appellant wishes to include.
2. Submit to the Planning Department a filing fee along with the appeal.

*Appeal is on behalf of any person who is of stand by any communication to Sta concerning this issue.

*My Standing: Owner & Taxpayer of Kirkland property since 1978.
Owner & co owner of 12 homes &/or lots in the City.

Reason: lack of City Wide notification to
(A) effected property owners.
(B) Violation of GMA & SEPA.

Request: City Staff to Complete Full Environmental Impact Statement as to the Effects on our environment for our City's Current Land Use Policies Contributing to SPRAWL.

ENCLOSURE 2 FILE NO. ZONO5-00019

115

June 7, 2006

Mike Nykreim
101 10th Avenue
Kirkland, WA 98033

RE: Appeal of SEPA Determination; File No. ZON05-00019

Dear Mr. Nykreim:

This confirms that the City received your appeal of the City's issuance of a Determination of Non-Significance (DNS) with respect to the non-project action on the proposed Kirkland Zoning Code amendments to the City's floor area ratio (FAR) regulations. Your appeal was filed on June 2, 2006 within the applicable 14 day appeal period for State Environmental Policy Act (SEPA) determinations.

I would like to explain the process by which your SEPA appeal will be heard. Both state law and the Kirkland Municipal Code (KMC) encourage the hearing of SEPA appeals as part of the process of deciding the underlying government action. See Wash. Rev. Code Section 43.21C.075(2); Wash. Admin. Code (WAC) 197-11-680(3); KMC 24.02.105(f). In addition, the City may not provide for more than one appeal of a threshold determination at the administrative level. See WAC 197-11-680(3).

In this case, the proposed FAR amendments will be considered by the Kirkland Planning Commission. The Planning Commission will make a recommendation to the Kirkland City Council. The City Council will consider the public comments and the Planning Commission's recommendation and ultimately decide which amendments to the FAR regulations to adopt, if any.

Based on the applicable law, and since the City Council is the final decision maker with respect to the proposed FAR amendments, the City Council is the governmental body to hear your SEPA appeal in connection with its consideration of the proposed FAR amendments. Since the Planning Commission only makes recommendations, the Commission is not the appropriate forum for the appeal and will not consider your SEPA appeal as a part of its deliberations. Its role will be limited to making recommendations to the City Council regarding the proposed FAR amendments.

Please let me know if you have any questions regarding the process by which your SEPA administrative appeal will be heard.

Sincerely,

PLANNING & COMMUNITY DEVELOPMENT

Eric Shields, AICP
Director

ENCLOSURE 3
FILE NO. ZON05-00019

CITY OF KIRKLAND
City Attorney's Office
123 Fifth Avenue, Kirkland, WA 98033 425.587.3030
www.ci.kirkland.wa.us

MEMORANDUM

To: Dave Ramsay, City Manager

From: Oskar Rey, Assistant City Attorney OER

Date: October 27, 2006

Subject: SEPA Appeal Hearing re Zoning Code Amendments to Floor Area Ratio Regulations;
SEPA Case File No. ZON05-00024;
SEPA Appeal Case File No. APL06-00008

I. INTRODUCTION

This Memo is a response to the SEPA[1] Appeal filed by Mike Nykreim. Mr. Nykreim appeals the City's issuance of a determination of non-significance ("DNS") in connection with proposed amendments to Kirkland Zoning Code ("KZC") single-family floor area ratio ("FAR") regulations. Mr. Nykreim contends that the City was required to issue a determination of significance ("DS") instead of a DNS with respect to proposed FAR regulations.[2] Staff recommends that the Council affirm the issuance of the DNS and deny Mr. Nykreim's SEPA Appeal. The Council should hear and decide this appeal prior to considering the proposed FAR regulations.[3]

II. BACKGROUND AND PROCEDURAL HISTORY

The City originally adopted FAR regulations in the late 1990s. In 2005, in response to concerns expressed by some members of the community about the size and scale of new and remodeled homes, the City Council directed staff to develop proposed amendments to the existing FAR regulations (Planning Dept. File No. ZON05-00019). In the meantime, staff worked with the City Council and Planning Commission in study sessions to develop options for consideration during the public review process. Staff also met with members of the building and real estate industries on April 13, 2006 to obtain input and feedback.

The City issued a DNS with respect to the proposed FAR regulations on May 19, 2006. Staff Report, Enclosure 1. The issuance of the DNS was based, in part, on the City of Kirkland Environmental Checklist

ENCLOSURE 4
FILE NO. ZON05-00019

[1] "SEPA" is an abbreviation of State Environmental Policy Act, RCW Chapter 43.21C.
[2] Issuance of a DS would require the City to prepare an Environmental Impact Statement with respect to the proposed FAR regulations.
[3] Where possible, this Memo will cite to file documents that accompany the Planning Department Staff Report ("Staff Report") to which this Memo is an attachment. Documents that are not a part of the Staff Report are included with this Memo as attachments.

dated May 10, 2006 ("Checklist") which assessed the potential environmental impacts of the FAR regulations. Staff Report, Enclosure 1 (the Checklist accompanies the DNS issued by the City). A significant portion of the Checklist is devoted to "project actions."[4] The adoption of legislation, such as FAR regulations, constitutes a "non-project action."[5] Many questions on the Checklist are geared towards project actions and are not applicable to non-project actions. However, the City also completed a non-project action supplement to the Checklist with specific questions geared towards non-project actions.

The answers on the Checklist regarding non-project actions illustrate the minimal effect the FAR regulations would have on the environment. Adoption of the proposed FAR regulations would, if anything, result in reductions in the size of detached dwelling units in low density residential zones. Therefore, the regulations would have no effect on plants, animals, natural resources or environmentally sensitive areas. Moreover, it is reasonable to expect that the proposed FAR regulations would reduce the impact of new development on existing residential uses and neighborhoods.

Mr. Nykreim filed a timely appeal of the City's issuance of a DNS on June 2, 2006. No other party has appealed.

III. LEGAL ISSUES AND ANALYSIS.

SEPA encourages or requires the hearing of SEPA appeals together with the hearing on the underlying action. RCW 43.21.075. The matters to be considered and decided upon a SEPA appeal are limited to the matters raised in the written appeal. KMC Section 24.02.105(i)(1). The initial decision to issue a DNS shall be accorded substantial weight. KMC Section 24.02.105(i)(2). After conducting the hearing, the City Council shall affirm, reverse or modify the decision being appealed. KMC Section 24.02.105(h)(1). Staff will prepare a written decision memorializing the City Council's decision.

In his one page written appeal, Mr. Nykreim does not explain how he thinks the proposed FAR regulations would impact the environment. Rather, he makes two assertions: (1) that there should have been city-wide notification to affected property owners; and (2) that issuance of the DNS violates SEPA and the GMA. Mr. Nykreim also does not explain why he thinks there was a violation of SEPA or the GMA. He merely requests that staff complete "a full Environmental Impact Statement as to the effects on our environment for our City's current Land Use Policies contributing to sprawl." For the reasons that follow, the City gave proper notice of the proposed FAR regulations and complied with SEPA and the GMA. In addition, Mr. Nykreim has not demonstrated that he has standing to appeal the issuance of the DNS.

A. Notice was Proper.

Mr. Nykreim's appeal does not indicate whether he is contesting (1) the notice given for the consideration of the FAR regulations in general; or (2) the notice given for the issuance of the DNS. In both cases, the notice given by the City was proper and complied with state and local regulations.

Preliminarily, it should be noted that a SEPA appeal is not the appropriate vehicle for challenging the notice given for the underlying action. SEPA appeals are limited in scope to whether an agency complied with

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[4] A project action "involves a decision on a specific project, such as a construction or management activity located in a defined geographic area." WAC 197-11-704(2)(a).
[5] WAC 197-11-704(2)(b)(i).

SEPA–in this case whether the City should have issued a DS or a DNS. In any event, the City provided proper notice of the proposed FAR amendments pursuant to Process IV in the Kirkland Zoning Code (KZC Chapter 160). Under KZC Section 160.40, the City was required to publish notice of public hearings on the proposed FAR amendments in the official City newspaper at least 14 days prior to the hearing date and post copies of the notice on the notification boards of the City. The City did so in this case. Attachment 1 to this Memo (Affidavits of Publication of Hearing Notice dated May 25, 2006 and June 1, 2006). The City is not required to notify property owners individually of proposed amendments to the KZC.[6]

The City also provided proper notice of issuance of the DNS. The City distributed the DNS in accordance with its standard distribution procedures. Again, the City is not required to notify property owners individually of the issuance of a DNS.

B. The City Complied with SEPA and the GMA.

Under SEPA, an agency must make a "threshold determination" with respect to all actions that are not "categorically exempt."[7] In making the threshold determination, the agency must consider whether the action would have "significant adverse environmental impact." WAC 197-11-330. If the action would have probable significant adverse impact, then the agency issues a DS and the applicant is required to prepare an environmental impact statement ("EIS"). If not, then the agency issues a DNS.[8]

As stated earlier, the City is not required to issue a DS unless the proposed action will result in substantial adverse environmental impact. A review of the Checklist and other SEPA documents makes clear that the proposed FAR regulations will not have a substantial impact on the environment.

Cases addressing SEPA challenges typically involve project actions. See, e.g., Moss v. City of Bellingham, 109 Wash.App. 6, 31 P.3d 703 (2001)(issuance of a mitigated DNS upheld for 79 acre 172 lot subdivision). However, in a case similar to this one, the Court upheld the issuance of a DNS for proposed zoning code changes. See Trepanier v. City of Everett, 64 Wash.App. 380, 824 P.2d 524 (1992). In Trepanier, a person who worked, lived and owned property in Everett challenged the City of Everett's issuance of a DNS with respect to zoning code amendments. Mr. Trepanier argued that some of the proposed amendments would "reduce allowable densities and development potential within Everett, thereby transferring growth that cannot occur in Everett to unincorporated Snohomish County." Id. 64 Wash.App at 383. The Court dismissed this argument, and upheld the issuance of the DNS, stating that:

> His argument is based on the unsupported assumption that reducing densities in some areas will *necessarily* result in reduced development potential within Everett to such an extent that development will be forced into unincorporated Snohomish County. Trepanier's argument is fatally flawed because his bare assertion that the new code will likely create

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[6] The City did more than what is legally required to provide notice of the proposed FAR amendments by, for example, meeting with construction and real estate representatives to get input and feedback on the proposed amendments and sending out several e-mail notices to interested parties and list serve subscribers.

[7] If an action is categorically exempt, no SEPA consideration is required. Since the adoption of regulations is not categorically exempt, the City was required to perform a threshold determination, which it did by issuing a DNS on May 19, 2006.

[8] An agency can issue a mitigated DNS in cases where significant impacts can be eliminated through specified mitigation measures.

> serious adverse impacts on unincorporated Snohomish County has absolutely no factual support in the record.

Likewise, in this case, Mr. Nykreim has provided no factual support for his belief that the proposed FAR regulations will contribute to "sprawl." Moreover, the regulations in Trepanier involved reduction in density. Although Kirkland's proposed FAR regulations may impact building size, they do not cause a reduction of residential density.

Mr. Nykreim has not specified how he believes the City's issuance of a DNS violates the Growth Management Act ("GMA"). Since this is an appeal of a SEPA determination, GMA compliance is not within the proper scope of the appeal. Moreover, there is nothing in the GMA that prohibits the City from amending its FAR regulations. In any event, the City complied with the GMA by providing the State with notice of the proposed FAR amendments pursuant to RCW 36.70A.106. Attachment 2 to this Memo (State acknowledgement of receipt of proposed amendments).

C. Mr. Nykreim Lacks Standing.

Mr. Nykreim states that he is a Kirkland property owner and taxpayer. However, in order to have standing to appeal a SEPA determination, he must also establish that he will be adversely affected by the City's decision not to prepare an EIS. Trepanier, 64 Wash.App. at 383.

Again, the Trepanier case provides guidance on the question of standing. To establish standing, Mr. Nykreim must do more than state that he is a Kirkland resident and property owner. Rather, he must show that he will be "specifically and perceptibly harmed by the proposed action." Trepanier, 64 Wash.App. at 382. Since he has not done so, he lacks standing to appeal the issuance of the DNS.

IV. CONCLUSION

Staff recommends that the Council affirm the issuance of the DNS and dismiss Mr. Nykreim's SEPA appeal.

Attachment 1

STATE OF WASHINGTON, COUNTY OF KING }
AFFIDAVIT OF PUBLICATION

PUBLIC NOTICE

Jody Barton, being first duly sworn on oath that she is the Legal Advertising Representative of the

King County Journal

a daily newspaper, which newspaper is a legal newspaper of general circulation and is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in King County, Washington. The King County Journal has been approved as a Legal Newspaper by order of the Superior Court of the State of Washington for King County.

The notice in the exact form annexed was published in regular issues of the King County Journal (and not in supplement form) which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

Public Notice

was published May 25, 2006.

The full amount of the fee charged for said foregoing publication is the sum of $155.40.

Jody Barton
Legal Advertising Representative, King County Journal
Subscribed and sworn to me this 25th day of May, 2006

B D Cantelon
Notary Public for the State of Washington, Residing in Kent, Washington
PO Number:

B D Cantelon
My Commission Expires
March 1 2010
State Of Washington
Notary Public

CITY OF KIRKLAND
NOTICE OF HEARING
MAY 25, 2006

REQUEST: Potential revisions to Floor Area Ratio (FAR) regulations governing maximum allowable gross floor area for detached dwelling units in low density residential zones. The revisions, if adopted, could reduce the allowable Floor Area Ratio in some of all of the following zones: RS 35, RSX 35, RS 12.5, RSX 12.5, RS 8.5, RSX 8.5, RS 7.2, RSX 7.2, RS 5.0, RSX 5.0, PLA 6C, PLA 6E, and PLA 16, and could extend FAR regulations to low density residential zones located within the jurisdiction of the Houghton Municipal Corporation.

LOCATION: The proposal affects property city-wide.

APPLICANT: City of Kirkland

PUBLIC HEARINGS: A public hearing will be held by the KIRKLAND PLANNING COMMISSION on June 8, 2006 at 7:00 p.m. or as soon thereafter as possible AND a public Meeting will be held by the HOUGHTON COMMUNITY COUNCIL on June 19, 2006 at 7:00 p.m. or as soon thereafter as possible both in the Council Chamber at 123 5th Avenue.

The Houghton Community Council's public meeting is to allow the Community Council to make recommendations to the Planning Commission and City Council. The Planning Commission's hearing is the official hearing of the City. The Planning Commission will prepare a recommendation to the City Council for their final decision at a public meeting. The date of the City Council meeting has not been set.

PUBLIC COMMENT: During the meetings, anyone may speak or submit written comments. Before the meetings, written comments may be submitted to the Houghton Community Council and/or the Planning Commission in care of Paul Stewart of the Planning Department, 123 6th Avenue, Kirkland, WA 98033 or pstewart@ci.kirkland.wa.us. Please refer to File No. ZON05-00019 and include your name, mailing address and e-mail address.

FOR MORE INFORMATION: You may view the official file No. ZON05-00019 available at the Planning Department or contact project planner, Paul Stewart at 425-587-3227. People requiring a disability accommodation may call 425-587-3000 or for TTY service call 425-587-3111 prior to the meetings.

Publishing Date: May 25, 2006
Published in the King County Journal
May 25, 2006. #860805

RECEIVED
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AM PM
PLANNING DEPARTMENT
BY

ZON05-00019

STATE OF WASHINGTON, COUNTY OF KING }
AFFIDAVIT OF PUBLICATION

PUBLIC NOTICE

Jody Barton, being first duly sworn on oath that she is the Legal Advertising Representative of the

King County Journal

a daily newspaper, which newspaper is a legal newspaper of general circulation and is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in King County, Washington. The King County Journal has been approved as a Legal Newspaper by order of the Superior Court of the State of Washington for King County.

The notice in the exact form annexed was published in regular issues of the King County Journal (and not in supplement form) which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

Public Notice

was published June 5, 2006.

The full amount of the fee charged for said foregoing publication is the sum of $180.60.

Jody Barton
Legal Advertising Representative, King County Journal
Subscribed and sworn to me this 5th day of June, 2006

B D Cantelon
Notary Public for the State of Washington, Residing in Kent, Washington
PO Number:

B D Cantelon
My Commission Expires
March 1 2010
State of Washington
Notary Public

CITY OF KIRKLAND
REVISED-NOTICE OF HEARING
FLOOR AREA RATIO
REGULATIONS
June 1, 2006

PROPOSAL: Potential revisions to Floor Area Ratio (FAR) regulations governing maximum allowable gross floor area for detached dwelling units in low density residential zones. The revisions, if adopted, could revise the allowable Floor Area Ratio in some of all of the following zones: RS 35, RSX 35, RS 12.5, RSX 12.5, RS 8.5, RSX 8.5, RS 7.2, RSX 7.2, RS 5.0, RSX 5.0, PLA 6C, PLA 6E, and PLA 16, and could extend FAR regulations to low density residential zones located within the jurisdiction of the Houghton Municipal Corporation.

LOCATION: The proposal affects property city-wide.

APPLICANT: City of Kirkland

PUBLIC HEARINGS: A public hearing will be held by the KIRKLAND PLANNING COMMISSION on June 8, 2006 at 7:00 p.m. (or as soon thereafter as possible) AND a courtesy hearing will be held by the HOUGHTON COMMUNITY COUNCIL on June 27, 2006 at 7:00 p.m., (or as soon thereafter as possible), both in the Council Chamber at 123 5th Avenue. Please note that hearing before the Houghton Community Council was originally scheduled for June 19. That meeting has been rescheduled to June 27th, 2006.

The Houghton Community Council's public meeting is to allow the Community Council to make recommendations to the Planning Commission and City Council. The Planning Commission's hearing is the official hearing of the City. The Planning Commission will prepare a recommendation to the City Council for their final decision at a public meeting. The date of the City Council meeting has not been set.

PUBLIC COMMENT: During the meetings, anyone may speak or submit written comments. Before the meetings, written comments may be submitted to the Planning Commission and/or the Houghton Community Council in care of Paul Stewart of the Planning Dept, 123 5th Avenue, Kirkland, WA 98033 or pstewart@ci.kirkland.wa.us. Please refer to File No. ZON05-00019 and include your name, address, e-mail address and phone number.

FOR MORE INFORMATION: To view the Planning Commission public hearing packet and related materials go to the following link: http://www.ci.kirkland.wa.us/depart/Planning.htm.

You may view the official file (File No.ZON05-00019) available at the Planning Department or contact Paul Stewart at 425-587-3227. People requiring a disability accommodation may call 425-587-3000 or for TTY service call 425-587-3111 prior to the meetings.

Publishing Date: June 5, 2006
Published in the King County Journal June 5, 2006. #860710

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PLANNING DEPARTMENT
BY

ZON05-00019

ZON05-00019

RECEIVED

MAY 23 2006

AM
PLANNING DEPARTMENT
BY

STATE OF WASHINGTON

DEPARTMENT OF COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT

128 - 10th Avenue SW • PO Box 42525 • Olympia, Washington 98504-2525 • (360) 725-4000

May 19, 2006

Michael Bergstrom
Contract Planner
City of Kirkland
123 Fifth Avenue
Kirkland, Washington 98033-6189

Dear Mr. Bergstrom:

Thank you for sending the Washington State Department of Community, Trade and Economic Development (CTED) the following materials as required under RCW 36.70A.106. Please keep this letter as documentation that you have met this procedural requirement.

City of Kirkland - Proposed amendment to the Kirkland Zoning Code for single-family floor area regulations and allowable building encroachments into required yards. These materials were received on 05/19/2006 and processed with the Material ID # 10375.

We have forwarded a copy of this notice to other state agencies. If this is a draft amendment, adopted amendments should be sent to CTED within ten days of adoption and to any other state agencies who commented on the draft.

If you have any questions, please call me at (360) 725-3063.

Sincerely,

Linda Weyl
for

Sam Wentz
GIS Coordinator
Growth Management Services

Enclosure

Attachment 2

STATE AGENCIES REVIEWING DEV REGS

Revised August 9, 2005

Cities and counties need to send their development regulations to the agencies' representatives, as listed below, at least 60 days ahead of adoption. Adopted development regulations should be sent to Washington State Department of Community, Trade and Economic Development (CTED) immediately upon publication, as well as to any state agencies that commented on the draft regulation. A jurisdiction does *not* need to send its regulation to the agencies which have been called ahead and that have indicated the local plan will not be reviewed. The jurisdiction should keep a record of this contact with state agencies and the state agencies response.

Elizabeth McNagny
Department of Social and Health Services
Post Office Box 45848
Olympia, Washington 98504-5848
(360) 902-8164 Fax: 902-7889
Email: mcnagec@dshs.wa.gov

SEPA/GMA Coordinator
Department of Ecology
Post Office Box 47600
Olympia, Washington 98504-7600
(360) 407-6960 Fax: (360) 407-6904
Email: gmacoordination@ecy.wa.gov

Steve Penland
Department of Fish and Wildlife
Post Office Box 43155
Olympia, Washington 98504-3155
(360) 902-2598 Fax: (360) 902-2946
Email: penlastp@dfw.wa.gov

Harriet Beale
Puget Sound Water Quality Action Team
Post Office Box 40900
Olympia, Washington 98504-0900
(360) 725-5442 Fax: (360) 407-7333
Email: hbeale@psat.wa.gov

Review Team
Department of Community, Trade and Economic Development
Growth Management Services
Post Office Box 42525
Olympia, Washington 98504-2525
(360) 725-3000 Fax: (360) 753-2950
Email: reviewteam@cted.wa.gov

Bill Wiebe
Department of Transportation
Post Office Box 47300
Olympia, Washington 98504-7370
(360) 705-7965 Fax: 705-6813
Email: wiebeb@wsdot.wa.gov

Anne Sharar
Department of Natural Resources
Post Office Box 47001
Olympia, Washington 98504-7001
(360) 902-1739 Fax: (360) 902-1776
Email: anne.sharar@wadnr.gov

Rebecca Barney
Department of Corrections
Post Office Box 41112
Olympia, Washington 98504-1112
(360) 753-3973 Fax: (360) 586-8723
Email: rmbarney@doc1.wa.gov

John Aden
Department of Health
Division of Drinking Water
Post Office Box 47822
Olympia, Washington 98504-7822
(360) 236-3157 Fax: (360) 236-2252
Email: John.Aden@doh.wa.gov

S:\Gmu\ADMIN\Lists\State Agencies Reviewing Dev Regs 8-05.doc
Maintained by Linda Weyl

ORDINANCE 4065

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE AND AMENDING TITLE 23 (THE KIRKLAND ZONING CODE) OF THE KIRKLAND MUNICIPAL CODE; AMENDING CERTAIN PROVISIONS RELATING TO FLOOR AREA RATIOS (F.A.R.) FOR DETACHED DWELLING UNITS IN LOW DENSITY RESIDENTIAL ZONES, AND FOR ALLOWABLE STRUCTURES AND IMPROVEMENTS IN REQUIRED YARDS, AND AMENDING PORTIONS OF CHAPTER 15 KZC (SINGLE-FAMILY RESIDENTIAL (RS) ZONES), CHAPTER 17 KZC (SINGLE-FAMILY RESIDENTIAL ANNEXATION (RSX) ZONES), AND CHAPTER 115 KZC (MISCELLANEOUS USE DEVELOPMENT AND PERFORMANCE STANDARDS) (FILE NO. ZON05-00019).

WHEREAS, the City Council has received from the Kirkland Planning Director a recommendation to amend certain portions of the Kirkland Zoning Code, Ordinance 3719 as amended (Title 23 of the Kirkland Municipal Code), relating to Floor Area Ratios (F.A.R.) for detached dwelling units in low density residential zones, and also relating to allowable structures and improvements in required yards, and bearing Kirkland Department of Planning and Community Development File No. ZON05-00019; and

WHEREAS, pursuant to the City of Kirkland's Concurrency Management System, KMC Title 25, this action is exempt from the concurrency management process; and

WHEREAS, prior to making said recommendation, the Planning Commission, following notice thereof as required by RCW 35A.63.070, on June 8, 2006 and July 13, 2006, held a public hearing on the proposal and considered the comments received at the hearings; and

WHEREAS, pursuant to the State Environmental Policy Act, there has accompanied the proposal and recommendation through the entire consideration process a Determination of Nonsignificance (DNS), including supporting environmental documents, issued by the Responsible Official on May 19, 2006, pursuant to WAC 197-11-340 and WAC 197-11-390; and

WHEREAS, an appeal of said DNS was received on June 2, 2006; and

WHEREAS, on November 8, 2006 the City Council held a hearing on the DNS appeal and considered all information and material within the scope of the appeal, and at the conclusion of said hearing the City Council affirmed the issuance of the DNS; and

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

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

Section 1. KZC 15.10.010, Special Regulation No. 2 is hereby amended to read as follows:

2. Floor Area Ratio (F.A.R.) allowed for the subject property is as follows:
   a. In RS 35 zones, F.A.R. is 20 percent of lot size.
   b. In RS 12.5 zones, F.A.R. is 35 percent of lot size.
   c. In RS 8.5 zones, F.A.R. is 50 percent of lot size.
   d. In RS 7.2 zones, F.A.R. is 50 percent of lot size.
   e. In RS 5.0 zones, F.A.R. is ~~60~~ 50 percent of lot size; provided, that F.A.R. may be increased up to 60 percent of lot size for the first 5,000 square feet of lot area if the following criteria are met:
      i. The primary roof form of all structures on the site is peaked, with a minimum pitch of 4 feet vertical: 12 feet horizontal; and
      ii. A setback of at least 7.5 feet is provided along each side yard.

   This special regulation is not effective within the disapproval jurisdiction of the Houghton Community Council.

   See KZC 115.42, Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Residential Zones, for additional information.

Section 2. KZC 17.10.010, Special Regulation No. 2 is hereby amended to read as follows:

2. Floor Area Ratio (F.A.R.) allowed for the subject property is as follows:
   a. In RSX 35 zones, F.A.R. is 20 percent of lot size.
   b. In RSX 12.5 zones, F.A.R. is 35 percent of lot size.
   c. In RSX 8.5 zones, F.A.R. is 50 percent of lot size.
   d. In RSX 7.2 zones, F.A.R. is 50 percent of lot size.
   e. In RSX 5.0 zones, F.A.R. is ~~60~~ 50 percent of lot size; provided, that F.A.R. may be increased up to 60 percent of lot size for the first 5,000 square feet of lot area if the following criteria are met:
      i. The primary roof form of all structures on the site is peaked, with a minimum pitch of 4 feet vertical: 12 feet horizontal; and
      ii. A setback of at least 7.5 feet is provided along each side yard.

   See KZC 115.42, Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Residential Zones, for additional information.

Section 3. KZC 115.42 is hereby amended to read as follows:

1. Gross floor area for purposes of calculating F.A.R. and maximum floor area for detached dwelling units in low density residential zones does not include the following:
   a. Attic area with less than five feet of headroom.
   b. Floor area with a ceiling height, including the horizontal supporting members for the ceiling, less than six feet above finished grade. The ceiling height will be measured along the outside perimeter of the building (see Plate 23);
   c. The first 500 square feet of an Accessory Dwelling Unit contained in an ~~A~~accessory structure~~s~~, when such accessory structure is located more than 20 feet from the main structure (see KZC 115.30 for additional information on the required distance between structures).
   d. Uncovered and covered decks, porches, and walkways.

2. Floor area with a ceiling height greater than 16 feet shall be calculated as follows:
   a. The first 100 square feet of such floor area, in aggregate, shall be calculated only once toward allowable F.A.R.;
   b. Floor area in excess of the first 100 square feet shall be calculated at twice the actual floor area toward allowable F.A.R.

~~2~~ 3. *This section is not effective within the disapproval jurisdiction of the Houghton Community Council.*

Section 4. KZC 115.115.3 is hereby amended to read as follows:

3. Structures and Improvements – No improvement or structure may be in a required yard except as follows:

   a. – c. No change.

   d. Chimneys, bay windows, greenhouse windows, eaves, cornices, awnings, and canopies may extend up to 18 inches into any required yard. Eaves on bay windows may extend an additional 18 inches beyond the bay window. The total horizontal dimension of the elements that extend into a required yard, excluding eaves and cornices, may not exceed 25 percent of the length of the façade of the structure. Except for properties located within the disapproval jurisdiction of the Houghton Community Council, chimneys, bay windows, greenhouse windows, cornices, awnings, and/or canopies may not extend closer than 4 feet to any property line. See Plate 10.

   e. – o. No change.

Section 5. 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 6. To the extent the subject matter of this ordinance, pursuant to Ordinance 2001, is subject to the disapproval jurisdiction of the Houghton Community Council, this ordinance shall become effective within the Houghton Community Municipal Corporation only upon approval of the Houghton Community Council or the failure of said Community Council to disapprove this ordinance within 60 days of the date of the

passage of this ordinance, but in no event sooner than sixty (60) days from and after its passage by the Kirkland City Council and publication, or on January 15, 2007, whichever is later, as provided in Section 7.

Section 7. Except as provided in Section 6, this ordinance shall be in full force and effect sixty (60) days from and after its passage by the Kirkland City Council and publication, or on January 15, 2007, whichever is later, pursuant to Section 1.08.017 Kirkland Municipal Code, in the summary form attached to the original of this ordinance and by this reference approved by the City Council, as required by law.

Section 8. 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 regular, open meeting this _____ day of _____, 2006.

SIGNED IN AUTHENTICATION thereof this _____ day of _____, 2006.

_____
Mayor

Attest:

_____
City Clerk

Approved as to Form:

_____
City Attorney

ORDINANCE 4065
PUBLICATION SUMMARY

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE AND AMENDING TITLE 23 (THE KIRKLAND ZONING CODE) OF THE KIRKLAND MUNICIPAL CODE; AMENDING CERTAIN PROVISIONS RELATING TO FLOOR AREA RATIOS (F.A.R.) FOR DETACHED DWELLING UNITS IN LOW DENSITY RESIDENTIAL ZONES, AND FOR ALLOWABLE STRUCTURES AND IMPROVEMENTS IN REQUIRED YARDS, AND AMENDING PORTIONS OF CHAPTER 15 KZC (SINGLE-FAMILY RESIDENTIAL (RS) ZONES), CHAPTER 17 KZC (SINGLE-FAMILY RESIDENTIAL ANNEXATION (RSX) ZONES), AND CHAPTER 115 KZC (MISCELLANEOUS USE DEVELOPMENT AND PERFORMANCE STANDARDS) (FILE NO. ZON05-00019).

Section 1. Identifies the specific amendments to Ordinance 3719, as amended, the Kirkland Zoning Code, affecting allowable Floor Area Ratios (F.A.R.) in the RS 5.0 zone.

Section 2. Identifies the specific amendments to Ordinance 3719, as amended, the Kirkland Zoning Code, affecting allowable Floor Area Ratios (F.A.R.) in the RSX 5.0 zone.

Section 3. Identifies the specific amendments to Ordinance 3719, as amended, to KZC 115.42, affecting the manner in which Gross Floor Area for the purpose of calculating Floor Area Ratio (F.A.R.) is determined with respect to certain detached accessory structures and vaulted spaces.

Section 4. Identifies the specific amendments to Ordinance 3719, as amended, to KZC 115.115.3, affecting allowable structures and improvements in required yards.

Section 5. Addresses severability.

Section 6. Establishes that this ordinance will be effective within the disapproval jurisdiction of the Houghton Community Council Municipal Corporation upon approval by the Houghton Community Council or the failure of said Community Council to disapprove this ordinance within 60 days of the date of the passage of this ordinance, but no sooner than sixty days after publication as provided in Section 7, or January 15, 2007, whichever is later.

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 sixty days after publication of said summary, or January 15, 2007, whichever is later.

Section 8. Directs the City Clerk to certify and forward a complete certified copy of this ordinance to the King County Department of Assessments.

The full text of this ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The ordinance was passed by the Kirkland City Council at its regular meeting on the _____ day of _____, 2006.

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

Attest:

_____

City Clerk