



**CITY OF KIRKLAND**  
**Department of Public Works**  
123 Fifth Avenue, Kirkland, WA 98033 425.587.3800  
[www.ci.kirkland.wa.us](http://www.ci.kirkland.wa.us)

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## MEMORANDUM

**To:** Dave Ramsay, City Manager

**From:** Daryl Grigsby, Public Works Director  
Ellen Miller-Wolfe, Economic Development Manager

**Date:** September 20, 2007

**Subject:** McNamara Letter Response

## RECOMMENDATION

Council approve the proposed response to Mr. Dennis McNamara's letter regarding the impacts of c-curbing on NE 85<sup>th</sup> Street.

## BACKGROUND & DISCUSSION

This memo provides background information on the City's response to Mr. Dennis McNamara, a business owner on NE 85<sup>th</sup> Street, who recently wrote the Mayor about impacts to access for his business related to c-curbing constructed as mitigation for a private development on the south side of NE 85<sup>th</sup> Street this past summer.

Mr. McNamara and his wife operate *My Pet's Vet Clinic* at 12804 NE 85<sup>th</sup> Street, at the northeast corner of 128<sup>th</sup> Avenue NE and NE 85<sup>th</sup> Street. In 2004 the City constructed a new traffic signal at the intersection of 128<sup>th</sup> and 85<sup>th</sup>, when it was determined that safety considerations, both pedestrian and vehicular, warranted signalization. The desirability of a signal at this location was identified in the City's Comprehensive Plan, Non-motorized Transportation Plan, neighborhood plan and NE 85<sup>th</sup> Street Sub-Area Plan. Funded in part by state grant monies for safe school routes, the new signal also met criteria needs based on increasing pedestrian safety when crossing NE 85<sup>th</sup> Street and evening peak hour volumes.

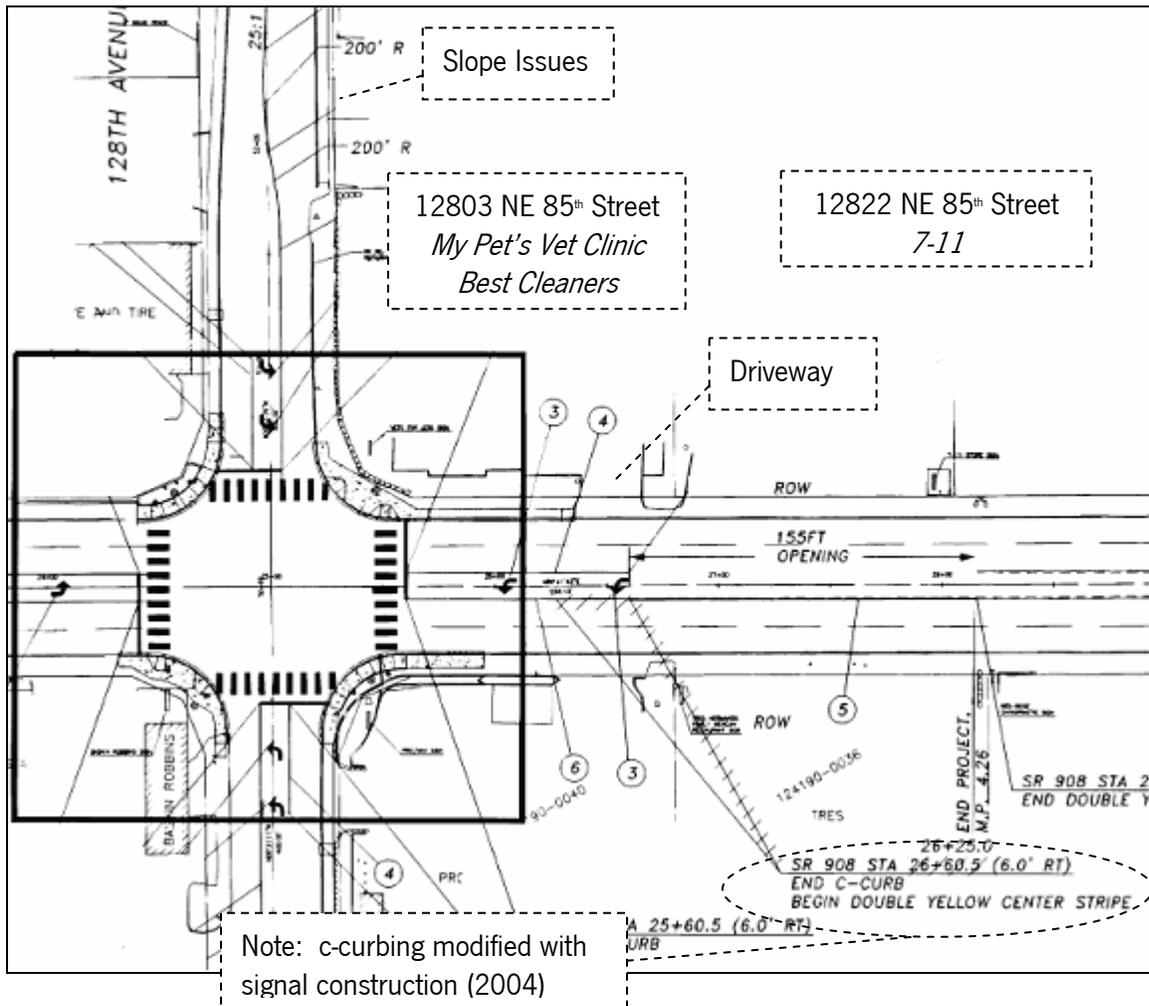
The NE 85<sup>th</sup> Street Corridor Improvements Projects have had several public meetings over recent years with the business community, neighborhood associations, the NE 85<sup>th</sup> Street Action Team, and the general public. Property owners have been advised of these opportunities to comment on project elements that might impact them. In addition, SEPA review for the new private development across the street included a general notification provision to inform area properties that a development was in review, and then also in association with the environmental determination (reasonableness does not permit specific conditions of environmental determinations to be published or advertised but are available for public inquiry and review).

Access control measures at signalized intersections are a common means of ensuring public safety for the traveling public. C-curbing, as a type of access control infrastructure in public roads, ensures that vehicles cannot make directional changes that require crossing too many conflicting traffic movements, in this case, either turning west out of properties on the south side of 85<sup>th</sup> or turning east from properties on the north side of 85<sup>th</sup>, such as 12804 NE 85<sup>th</sup>. These movements are especially hazardous where significant traffic volumes cause queuing, or when red lights

at traffic signals stop traffic and cause queuing. The City has provided similar access control measures (c-curbing extensions at left-turn pockets) with private developments at the following locations: NE 68<sup>th</sup> Street/108<sup>th</sup> Avenue NE, NE 124<sup>th</sup> Street/124<sup>th</sup> Avenue NE, Juanita Drive/Juanita Village to name a few.

In 2004, the city's design provided for a typical access control measure (extension of c-curbing). At that time, Mr. McNamara met with city engineers and a compromise was made available. Figure 1 shows a portion of the record drawings for the project indicating where city curbing was designed to be installed and the extents where the city built it in response to Mr. McNamara's concerns then.

Figure 1: C-Curbing Extents with New Signal (2004 Record Drawing)



Prior to the installation of the c-curbing, Mr. McNamara's business and a dry cleaning business in the same complex had one driveway available to them off of NE 85<sup>th</sup> that allowed customers to turn right or left on to that roadway. When this property was developed and built out, the property owner at that time did not design or build to provide additional drivable accesses off of 128<sup>th</sup> Avenue NE. Now the c-curbing extension on NE 85<sup>th</sup> Street placed with private development limits access and egress to these businesses to right-turns only. Mr. McNamara indicates his business has suffered from the access change.



**ATTACHMENT A –LETTER  
FROM MR. McNAMARA**

Dennis R. McNamara  
P.O. Box 604  
Monroe, WA 98272-0604  
September 1, 2007

Mayor James L. Lauinger  
City of Kirkland  
123 Fifth Ave.  
Kirkland, WA 98033

RECEIVED  
CITY OF KIRKLAND  
CITY MANAGER'S OFFICE

Your Honor, Mayor Lauinger:

Having consulted the city's website, I am still unsure as to whom on the council I should direct this letter.

We are coming to you as a business in your community seeking redress. My wife and I own My Pet's Vet Clinic, located at 12804 NE 85<sup>th</sup> St. The clinic is well over ten years old. We share the building with Best Cleaners.

Since the beginning of the NE 85<sup>th</sup> St. Project, we have been trying to understand a process that excluded us in the planning, ignored us in the implementation, and continues to brush us off concerning the direct impact to our business.

Two years ago, the owner of the property directly to the East of us (7-11), and I met with Gina Hortillosa, Project Engineer, following a public informational meeting. The discussion consisted of what to do about the impact the new 128<sup>th</sup> Ave. traffic signal and related "C" curbing would have on access to our business. Keep in mind that there never was any study about the impact the installation of the signal and "C" curbing would cause. The dialog with Gina was to have a consolidated drive in front of 7-11, that could be accessed by all three businesses. Gina indicated that the planning department was interested in consolidating several drives throughout the project. She also agreed in principle that the city could stand the cost of the grading between the two properties, because the problem was created by the city. Nothing further happened. I have been told by other members of the planning department that Gina doesn't remember the conversation. Ms. Hortillosa has never had the courtesy to return any of my calls subsequent to that meeting.

During the installation of the traffic signal, I talked to the onsite project engineer, and the result of that conversation was a shortening of the "C" curbing, in front of our business to at least barely allow access from East bound traffic.

On June 14, 2006, I attended a meeting, "NE 85<sup>th</sup> Street Corridor Project Update." Although a public meeting, in as much as I was not an invited participant, I was relegated to the bleachers to observe. When questions were allowed, I asked about the access problem to our business created by the project. The focus of the meeting was underground utilities and I was treated as "out of order." Following the meeting, I met with Don Anderson, P.E., and he indicated he would look into the problem. I followed up with further details of the problem in an email that evening. All I ever heard back was that the 7-11 owner was not interested in a consolidated drive. During the year of no action by Gina, and unknown to us, the property had changed hands and the window of opportunity for an acceptable solution was gone.

Let me digress briefly. On October 18, 2005 Gina sent a letter to the business owners. I quote from that letter. ".....The City of Kirkland and its consultant team will be scheduling meetings

*on a one-on-one basis with each of the impacted property owners to discuss impacts, possible mitigation options and next steps."* This was never done! Do you see a pattern developing here?

On July 30, 2007, in conjunction with new construction directly across 85<sup>th</sup> from our clinic, the "C" curbing was extended to a point eliminating all access to our clinic and the cleaners from East bound traffic.

On August 6, 2007, my landlord (North Stream) and I met with engineers Don Anderson and Thang Nguyen. Mr. Anderson prefaced the meeting by admitting that no study had been taken to determine the impact of the project on our businesses. Subsequent to that meeting, we learned of the change of ownership of the 7-11 property and their refusal to join in a consolidated drive. U-Turns cannot be legalized because the 85<sup>th</sup> St. roadway is too narrow. The "C" curbing cannot be returned to its previous length because of a new drive entrance for the building across the street. This gives that building two entrances on two streets. We now have one limited entrance. A second entrance cannot be accommodated for us, as it would be too close to the intersection. Most of our East bound customers turn into the 7-11 East drive, and exit the West drive to access our entrance. Customers who wish to go East on 85<sup>th</sup> have to drive in a rectangle three miles through neighborhood streets and school zones to 132<sup>nd</sup> and then back on to 85<sup>th</sup>.

Our Hospital Director has indicated that we are losing \$800-\$1000 a day. The cleaners estimated they have been impacted about 25%. We pay a fee to do business in the City of Kirkland, and the City of Kirkland is impacting our ability to do that business. Our employees spend money in Kirkland, but we have had to cut hours for most of our employees.

We offered a solution: Close off the new drive (on 85<sup>th</sup>) across the street and return the "C" curbing to its prior location. This was flatly refused. For some unknown reason, the new building has priority over an established business.

There are three veterinary practices between 128<sup>th</sup> and 132<sup>nd</sup> along the North side of 85<sup>th</sup> St. We are the only one of those three impacted by the project. Why are we being discriminated against?

We have suggested that maybe the city should stand the cost of relocating our business before its value drops any more due to the problem. We have a track record of steady growth of the business until the installation of the traffic signal and related access problems. Of course that was a definite NO.

Our landlord is concerned because if we relocate, they will not be able to rent the property at the current rate, if at all.

I have pointed out time and time again that the problem is due to the city not evaluating and acknowledging the impact to our business. Your Planning Department refuses to take ownership for their mistake. All we hear is that it was for traffic safety, and then they go mute when I ask why it has to be at our expense. It appears that they feel that they are not subject to any accountability. Especially to the people they are supposed to be serving.

Throughout the history of the project, comments have been made that the City of Kirkland was very concerned about the business and property owners along the 85<sup>th</sup> St. corridor and wanted to maintain a good working relationship. That may be for the large high profile businesses, but does not include the smaller ones.

We feel that our Rights as a business in your community, and as tax paying citizens of the State of Washington and the United States, have been deliberately trampled on. We believe that the Planning Department knew of the potential impact, with compensation that should be addressed, and chose to try to sidestep the whole matter. We feel that the Planning Department has been careless with the truth and have chosen to ignore us or go silent when directly confronted. Many years ago, I spent six years in another larger city's Engineering Department. I am not foreign such operations. I am a Vietnam era veteran and spent ten years as an Engineering Aide in the Seabees. I am insulted by some of the excuses I am given in this matter.

We are asking you to stand up for our rights and make the Planning Department be accountable for their mistake and take the necessary steps to fix the problem. I have already explained to Mr. Anderson, that I refuse to be silent. If the members of the City Council choose not to address this issue and make things right, then I will go higher and more vocal. Although mostly positive, articles of mine have been printed in newspapers. Finally, North Stream has recommended a couple attorneys that have dealt with the City of Kirkland.

It is now up to you to protect the dignity of your city and make thing right.

Respectfully,

A handwritten signature in cursive script that reads "Dennis R. McNamara".

Dennis R. McNamara

## **DRAFT**

October 2, 2007

Mr. Dennis R. McNamara  
P.O. Box 604  
Monroe, Washington 98272-0604

Re: Letter of September 1, 2007

Dear Mr. McNamara:

Thank you for your letter expressing concerns about recent changes at NE 85<sup>th</sup> Street affecting access to your business, My Pet's Vet Clinic at 12804 NE 85<sup>th</sup> Street. The Kirkland City Council is committed to due consideration on the issues of access control, its effects on business activities, and the need to balance these issues while maintaining public safety. We understand you've been in contact with several city staff this summer and over recent years in the Public Works and Planning departments, and with staff in the City Manager's office and the Chamber of Commerce; and that this correspondence with staff has included phone calls, emails and meetings at City Hall and at your business site on Rose Hill.

There have been three separate, distinct projects in the vicinity of your business: the new traffic signal at the corner, the NE 85<sup>th</sup> Street projects, and the new private development project across the street.

1. Due to traffic volumes and pedestrian crossing concerns, the City constructed the new traffic signal at 128<sup>th</sup> Avenue NE and NE 85<sup>th</sup> Street in 2004. During the time of construction you met with city traffic engineers and requested the city's project reconsider the length of the c-curbings so as not to prevent eastbound left-turns into the driveway. A compromise to the length was made at that time.
2. The City continues to plan and design for the NE 85<sup>th</sup> Street Corridor Improvements Projects. The majority of work at this time has been steeped in resolving utility design conflicts due to this Council's direction to underground overhead utility lines. Another goal of those projects has been to consolidate driveways where possible. To that end, city staff facilitated communication with the property owner adjacent to your business by writing a letter as well as telephoning the owners. We advocated for discussions that would perhaps meet your needs, but the current owners did not have interest in changing their driveway configuration. As you are aware, the city is not in a position to force property owners to combine their accesses.
3. The 2006 – 2007 redevelopment of the southeast corner of the intersection at 128<sup>th</sup> and 85<sup>th</sup> required an analysis of travel trips generated and conflicting traffic movements as part of the City's

Letter to D. McNamara

October 2, 2007

Page 2 of 2

requirements under the State Environmental Policy Act (SEPA). An outcome of SEPA review was a public safety requirement for the development to extend the c-curbing east to remove the possibility for conflicting traffic movements due to all possible left turns at this location. Our staff analysis has determined that allowing left turns at this location, so close to a signalized intersection, would create safety hazards for drivers and pedestrians. While we were able to compromise with you on the traffic signal work described above, our engineering judgment and understanding of traffic flow at the location was that the conflicting traffic movements could lead to collisions and dangerous conditions.

One of the main public service goals of our city is to assure everyone gets where they need to go safely, for pedestrians and motorists alike, for commuters as well as for the clients of businesses such as yours. We must continue to support measures which ensure the public safety.

We understand an outcome of your meetings with city staff was the assistance of the Kirkland Chamber of Commerce's staff (Duncan Milloy, Business Retention Consultant) to develop a strategy with you for re-educating your business's customers and vendors on how best to get to your property safely. We encourage you to use this resource as much as possible.

Thank you again for writing to us. If you have more specific questions on this matter, you may contact Don Anderson in the Public Works Department at (425) 587-3826, or Daryl Grigsby, Director of Public Works, at (425) 587-3801.

Sincerely,

KIRKLAND CITY COUNCIL

James L. Lauinger

Mayor

cc: Daryl Grigsby, Public Works Director  
Eric Shields, Planning Director  
Ellen Miller-Wolfe, Economic Development Manager  
Kim Bentz, Northstream Development