



# 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

#### Tuesday, December 11, 2007

#### 6:00 p.m. – Special Study Session – Peter Kirk Room

#### 7:30 p.m. – Special Meeting

COUNCIL AGENDA materials are available on the City of Kirkland website [www.ci.kirkland.wa.us](http://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.

1. *CALL TO ORDER*
2. *ROLL CALL*
3. *STUDY SESSION*, Peter Kirk Room
  - a. Joint Meeting with the Parking Advisory Board
4. *EXECUTIVE SESSION*
5. *SPECIAL PRESENTATIONS*
  - a. Green Tips
6. *REPORTS*
  - a. *City Council*
    - (1) Regional Issues
  - b. *City Manager*
    - (1) Performance Measures Report
    - (2) Calendar Update
7. *COMMUNICATIONS*
  - a. *Items from the Audience*
  - b. *Petitions*

**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.

**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.

8. *CONSENT CALENDAR*

- a. *Approval of Minutes:* (1) November 15, 2007  
(2) November 20, 2007

- b. *Audit of Accounts:*

- Payroll* \$
  - Bills* \$

- c. *General Correspondence*

- (1) Downtown Commercial Property Owners Group and Andrew G. Chavez Regarding, Moratorium on Downtown Development

- d. *Claims*

- (1) Donald C. Barrett
  - (2) Halbar-RTS, Inc.
  - (3) Debra McGuire
  - (4) James D. Twisselman Guardian ad Litem for Elizabeth C. J. Peters

- e. *Award of Bids*

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

- (1) Carillon Woods Park Improvements
  - (2) Franklin Elementary School Improvements

- g. *Approval of Agreements*

- h. *Other Items of Business*

- (1) Resolution R-4680, Proclaiming an Emergency as of December 2, 2007
  - (2) Issuing a Cabaret Music License to Brix Wine Cafe
  - (3) Ordinance No. 4123, Relating to Sidewalk Construction and Maintenance and Amending Portions of Chapter 19.20 of the Kirkland Municipal Code
  - (4) City Manager Compensation:
    - (a) Resolution R-4678, Approving an Employment Agreement Between the City of Kirkland and David H. Ramsay, its City Manager, and Authorizing the Mayor to Sign
    - (b) Ordinance No. 4124, Relating to the Salary for the City Manager

**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.

9. *PUBLIC HEARINGS*

- a. Regarding Issue of Expansion to the Maximum Size for Cottage Housing Projects, File ZON07-00005
- b. Ordinance No. 4120 and its Summary, Relating to Zoning, Planning, and Land Use and Amending Ordinance 3719 as Amended, the Kirkland Zoning Ordinance and Approving a Summary Ordinance for Publication, File ZON07-00005

10. *UNFINISHED BUSINESS*

- a. 2007-2008 Mid Biennial Budget Update:
  - (1) Ordinance No. 4125, Amending the Biennial Budget for 2007-2008
  - (2) Resolution R-4679, Adopting the Fiscal Policies for the City of Kirkland
- b. Ordinance No. 4126, Levying the Taxes for the City of Kirkland, Washington, for the Year 2008 and Repealing Ordinance 4117
- c. Ordinance No. 4127 and its Summary, Relating to Fees Charged Under KMC Chapters 5.74.070 and 21.74.030
- d. Awarding Contract for 116th Avenue NE (North Section) Non-Motorized Facilities Project to Trimaxx Construction Inc. and Authorizing Additional Funds

11. *NEW BUSINESS*

- a. Multifamily Housing Property Tax Exemption Update
- b. Lodging Tax Staffing Proposal
- \* c. Camwest Fifth Avenue, LLC Planned Unit Development and Historic Overlay Zone Final Decision:
  - (1) Ordinance No. 4118, Relating to Land Use Approval of a Preliminary (and Final) Planned Unit Development (PUD) as Applied for by Camwest Fifth Avenue, LLC, in Department of Planning and Community Development File No. ZON07-00022 and Setting Forth Conditions of Said Approval
  - (2) Ordinance No, 4119, Approving a Development Proposal Submitted Under the Non-Project Related Quasi Judicial Rezone Provisions of Kirkland Zoning Code (KZC) Chapter 130 and Historic Overlay Zone Provisions of KZC Chapter 75 to Amend the Kirkland Zoning Map, Ordinance 3719, as Amended, to Add an Historic Landmark (HL) Overlay Zone Over a Portion of Subject Property Located in a Planned Area (PLA) 6B Zone as Applied for by Camwest Fifth Avenue, LLC in Department of Planning and Community Development in File ZON07-00022

**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.

- d. Miscellaneous Zoning and Municipal Code Amendments:
  - (1) Ordinance No. 4121 and its Summary, Relating to Zoning, Planning, and Land Use and Amending Portions of the Following Chapters of Ordinance 3719 as Amended, The Kirkland Zoning Ordinance: Chapter 1-User Guide; Chapter 5-Definitions; Chapter 10-Legal Effect; Chapter 15-RS Zones; Chapter 17-RSX Zones; Chapter; Chapter 20-RM Zones; Chapter 25-PR Zones; Chapter 27-PO Zones; Chapter 30-WD Zones; Chapter 35-FC Zones; Chapter 40-BN Zones; Chapter 45-BC Zones; Chapter 47-BCX Zones; Chapter 48-LIT Zones; Chapter 50-CBD Zones; Chapter 51-MSC Zones; Chapter 52-JBD Zones; Chapter 53-RH Zones; Chapter 54-NRH Zones; Chapter 55-TL Zones; Chapter 60-PLA ZONES; Chapter 72-Adult Activities Overlay Zone; Chapter 75- Historic Landmark Overlay Zone and Historic Residence Designation; Chapter 80-Equestrian Overlay Zone; Chapter 95-Tree Management and Required Landscaping; Chapter 105-Parking Areas, Vehicle and Pedestrian Access, and Related Improvements; Chapter 115-Miscellaneous Standards; Chapter 117-Personal Wireless Service Facilities; Chapter 130-Rezones; Chapter 142-Design Review; Chapter 150-Process IIA; Chapter 160-Process IV; Chapter 161-Process IVA; and Chapter 180-Plates; and Approving a Summary Ordinance for Publication, File No. ZON06-00033
  - (2) Ordinance No. 4122 and its Summary, Relating to Planning and Land Use and Amending Portions of the Following Titles of the Kirkland Municipal Code: Title 19-Streets and Sidewalks and Title 22-Subdivisions; and Approving a Summary Ordinance for Publication, File No. ZON06-00033

12. ANNOUNCEMENTS

13. ADJOURNMENT

**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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**To:** Kirkland City Council

**From:** Parking Advisory Board, Ken Dueker Chair

**Date:** November 30, 2007

**Subject:** Recommendations for Consideration at December 11, 2007 Study Session

*Background*

At the last study session between the PAB and the City Council, the PAB proposed to make free stalls at Lake and Central pay as a first small step to expanding pay parking. This recommendation followed a public process consisting of an open house and individual discussions with merchants. There was some support for the idea but much opposition. The PAB discussed idea with Council and discovered a lack of consensus on extending pay parking to all of Lake and Central. The Council directed PAB to explore two areas

- Gather more information about what parkers, property owners and downtown business owners think of pay parking
- Explore parking technology in an attempt to make pay parking, if implemented, easier and friendly for users.

Two surveys were conducted, one of downtown merchants/property owners, and the other of downtown parkers. We engaged a Consultant to help with survey construction and methodology. Attachment A contains a description of the Merchant/owner parking survey preliminary interpretations and the Merchant/owner survey instrument. Attachment B is a description of the Parker survey preliminary interpretations; the Parker survey instrument is in Attachment C. Attachment D contains the report of the PAB technology committee, which finds we ought to continue to rely on pay and display. Attachment E contains parking occupancy data, which indicates the parking problem is greatest in the evening and noontime periods.

As expected, the key finding of the parking surveys indicate a desire for more convenient and readily available parking, but there is an unwillingness to pay for parking. They also want the City to provide more, free close-in parking. There is less difficulty in finding available parking and the parking system is less unfriendly than we expected to find. However, those who park downtown are less unhappy with the parking situation than are merchants and property owners. Those who park downtown appear to be more inclined to walk or wait for free spaces rather than pay (See questions 8 and 9 of the Parker Study results).

*The Parking Problem*

For years, parking in Downtown Kirkland has been perceived as being difficult, crowded, user unfriendly and too strictly enforced. Although this is confirmed somewhat by our parking surveys, the system is not in crisis. This leads the PAB to suggest improvements in managing parking by allocating scarce parking

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supply by pricing rather than regulation, which will lessen the perception of heavy handed enforcement. Although some merchants have been vocal in their opposition to pay parking, the parking problem, if left unchanged, will worsen due to more development and more employees in the downtown. The lack of parking revenue to finance new parking supply exacerbates the situation.

### *The Parking Program*

The PAB has progressed in developing a comprehensive parking program and recommendations for implementation. We urge the City Council to endorse the program and act on the first two implementation recommendations in time to institute the changes by April 2008.

The PAB has conducted research in studying the parking problem, and consulted with parking management experts. The results indicate we should manage parking by a market-based approach. People are willing to pay a premium for a close, easily accessible parking place as long as the process is easy and well managed. This means the parking rules must be understandable, users must have an easy way to pay using a range of options, and trust that the enforcement system is firm but fair.

The PAB as a whole and through various committees has studied these issues closely and evaluated the many options available and based on the results of this extensive research has determined that the best way to manage parking overall in Downtown Kirkland is to adopt the following program and to implement it in stages:

- Charge for parking in public off- street parking locations in Downtown (Lake & Central, and Lakeshore Plaza lots) using Pay and Display kiosks
- Charge for parking in the Library garage, including employees enrolled in ParkSmart.
- Charge for on-street parking in the Downtown core.
- Parking charges apply from 11 am – 9 pm, Monday – Saturday.
- During times when parking charges apply, there is no time limit.
- In locations where there are no parking charges, time limits will be used to manage parking.
- Provide employers with incentives to encourage employees to use alternative modes of travel.
- Use a common pay-and-display technology in all locations to make the system understandable.
- Work with merchants to develop effective validation scheme for future visits.
- Build a public parking garage in the downtown core, or partner with a developer, financed using a mix of parking revenue bonds, local improvement district bonds, and general revenue bonds.

To avoid spillover of parking from pay to free locations, it would be best to implement the program in its entirety. However, The PAB recognizes it may be preferable to adopt the program in principle and implement it in stages. The PAB recommends taking implementing steps in the following order:

- Charge for public off- street parking in Downtown (Lake & Central, and Lakeshore Plaza lots)
  - \$1 per hour
  - From 11 – 9 pm.
  - Implement April, 2008
- Charge for parking in Library parking garage.
  - All public spaces priced from 11 am - 5 pm with 3- hour time limit.

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- Price is \$1 per hour for all spaces except lower level of Library Garage which would be \$0.25 from 11 am - 5 pm for employees.
- Parking pass or tokens included with registration for swim lessons.
- Free parking at library level.
- Implement April 2008 or April 2009
- Charge for on-street parking
  - 5 pm - 9pm with no time limit after 5 PM.
  - Free with 2-hour time limit from 9 am – 5 pm.
  - Implement April 2009
- Charge for parking on-street and off-street lots, day and evening.
  - All on-street spaces and off-street lots priced at \$1 per hour from 11 am - 9 pm with no time limit.
  - Time period for parking charges in Library parking garage remains to at 11 am - 5 pm.
  - Implement April 2010

## Preliminary Results of Survey of Business Licensees and Property Owners

Survey conducted by mail in November 2007. Surveys were mailed to approximately 300 holders of business licenses and about 50 property owners. These groups represent all licensees and property owners in the area of downtown affected by Park Smart.

## QUESTION 1

Please rate how easy or difficult it is for your customers/clients to park in Downtown Kirkland. (Where "1" means "very difficult" and "5" means "very easy." If you do not park in Downtown Kirkland during that time of day, please respond with N/A.)

a) Overall ease of finding available parking that suits your needs

<b>Q1a</b>	Frequency	Percent	Valid Percent	Cumulative Percent
1 Very Difficult	19	27%	28%	28%
2 Difficult	18	26%	27%	55%
3 Neutral	17	24%	25%	81%
4 Easy	8	11%	12%	93%
5 Very Easy	<u>5</u>	<u>7%</u>	<u>7%</u>	100%
Total	67	96%	100%	
N/A	3	4%		
Total	70	100%	<b>Mean Score 2.43</b>	

b) During the day (9 AM – 6 PM)

<b>Q1b</b>	Frequency	Percent	Valid Percent	Cumulative Percent
1 Very Difficult	22	31%	32%	32%
2 Difficult	12	17%	18%	50%
3 Neutral	17	24%	25%	75%
4 Easy	11	16%	16%	91%
5 Very Easy	6	<u>9%</u>	<u>9%</u>	100%
Total	68	97%	100%	
N/A	2	3%		
Total	70	100%	<b>Mean Score 2.51</b>	

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## c) During the evening (6 PM – 10 PM)

<b>Q1c</b>	Frequency	Percent	Valid Percent	Cumulative Percent
1 Very Difficult	16	23%	29%	29%
2 Difficult	15	21%	27%	56%
3 Neutral	10	14%	18%	75%
4 Easy	8	11%	15%	89%
5 Very Easy	6	<u>9%</u>	<u>11%</u>	100%
Total	55	79%	100%	
N/A	15	21%		
Total	70	100%	<b>Mean Score 2.51</b>	

## d) Saturday and Sunday

<b>Q1d</b>	Frequency	Percent	Valid Percent	Cumulative Percent
1 Very Difficult	11	16%	19%	19%
2 Difficult	11	16%	19%	39%
3 Neutral	19	27%	33%	72%
4 Easy	4	6%	7%	79%
5 Very Easy	12	<u>17%</u>	<u>21%</u>	100%
Total	57	81%	100%	
N/A	13	19%		
Total	70	100%	<b>Mean Score 2.91</b>	

## QUESTION 2

What can the City of Kirkland do to make it easier to find available parking in Downtown?

1. Build another lot
2. monthly payment for business owners
3. build a parking garage!!
4. Paid parking by Bank or America
5. parking structure needed
6. time limit enforcement
7. more meters
8. garage parking
9. paid parking for everyone, equal opp.
10. new buildings take away spots.
11. more parking areas
12. build/acquire large facility to park
13. more parking lots
14. build parking
15. add more parking
16. build multi-level garage
17. charge less \$ to park
18. parking garage
19. large underground parking structure

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20. more lots
21. better signage
22. 3 hr. parking paint on ground to ID spot
23. crack down on owners/employees
24. get rid of paid parking
25. new buildings supply garage
26. enforce employee parking
27. 3 story garage
28. less restrictions
29. more long term parking
30. stop building new buildings
31. meters and more short term spots
32. add more to library
33. more signs more space
34. build a parking garage!!
35. business validation of spots
36. clear signage
37. build garage
38. require buildings to add parking
39. too many 2 hours, build free lot.
40. provide a garage on Lake and Central
41. parking kiosks to accept coins too
42. park and shuttle lots
43. garage parking with tram service

QUESTION 3

How would you rate the overall friendliness of parking in Downtown Kirkland?

<b>Q3</b>	Frequency	Percent	Valid Percent	Cumulative Percent
1 Not at all Friendly	27	39%	40%	40%
2 Not Friendly	15	21%	22%	63%
3 Neutral	14	20%	21%	84%
4 Friendly	9	13%	13%	97%
5 Very Friendly	2	3%	3%	100%
Total	67	96%	100%	
N/A	3	4%		
Total	70	100%	<b>Mean Score</b>	<b>2.16</b>

QUESTION 4

What can the City of Kirkland do to make parking friendlier in Downtown?

1. Add another central pay station
2. more parking for employees
3. warnings before tickets. Rude attendants
4. more 2 hour free parking
5. free parking. Free!
6. no limit during day. Time crunch, cannot enjoy area
7. more parking areas
8. free parking. Free!
9. do not ticket for parking

## Attachment A Preliminary Results of Merchant and Owner survey

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10. 3 hour spots
11. don't ticket if someone has a problem.
12. do not discriminate who can use parking
13. treat employees as paying customers
14. happier enforcement officers
15. customers do not like tickets while shopping
16. be like Edmunds, 3 hr free parking
17. friendliness is ok
18. get rid of parking nazis, warnings
19. get rid of paid parking
20. there is not a lot that can be done
21. more easy on tickets, warnings!
22. build parking
23. build large garage
24. take away pay lots, build underground
25. more leway on parking tickets.
26. less tickets to our customers
27. quit doing surveys that result in no action.
28. have more of it
29. get rid of enforcement, use attendants.
30. train police to be more friendly
31. quit ticketing
32. build a garage, don't let Kirkland become Seattle
33. garage on Lake and Central
34. nicer meter personnel
35. less tickets, clearly worded signs
36. don't be so quick in writing tickets

## QUESTION 5

How important are the following attributes for a parking system in Downtown Kirkland? (Rate on a 5 point scale where "1" means "not at all important" and "5" means "extremely important".)

## a) Cost of parking

<b>Q5a</b>	Frequency	Percent	Valid Percent	Cumulative Percent
1 Not at all Important	4	6%		6%
2 Unimportant	4	6%		11%
3 Neutral	20	29%		40%
4 Important	14	20%		60%
5 Extremely Important	28	<u>40%</u>		100%
Total	70	100%		100%
N/A	0	0%		
Total	70	100%	<b>Mean Score</b>	<b>3.83</b>

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## b) Proximity of parking for Downtown Kirkland destinations

<b>Q5b</b>	Frequency	Percent	Valid Percent	Cumulative Percent
1 Not at all Important	1	1%	1%	1%
2 Unimportant	4	6%	6%	7%
3 Neutral	9	13%	13%	20%
4 Important	15	21%	22%	42%
5 Extremely Important	40	<u>57%</u>	<u>58%</u>	100%
Total	69	99%	100%	
N/A	1	1%		
Total	70	100%	<b>Mean Score</b>	<b>4.29</b>

## c) Easy access to parked vehicles

<b>Q5c</b>	Frequency	Percent	Valid Percent	Cumulative Percent
1 Not at all Important	3	4%	5%	5%
2 Unimportant	3	4%	5%	9%
3 Neutral	15	21%	23%	32%
4 Important	19	27%	29%	61%
5 Extremely Important	26	<u>37%</u>	<u>39%</u>	100%
Total	66	94%	100%	
N/A	4	6%		
Total	70	100%	<b>Mean Score</b>	<b>3.94</b>

## d) The ability to come and go from parking locations

<b>Q5d</b>	Frequency	Percent	Valid Percent	Cumulative Percent
1 Not at all Important	3	4%	5%	5%
2 Unimportant	6	9%	10%	15%
3 Neutral	11	16%	18%	33%
4 Important	16	23%	27%	60%
5 Extremely Important	24	<u>34%</u>	<u>40%</u>	100%
Total	60	86%	100%	
N/A	10	14%		
Total	70	100%	<b>Mean Score</b>	<b>3.87</b>

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## e) Covered parking

<b>Q5e</b>	Frequency	Percent	Valid Percent	Cumulative Percent
1 Not at all Important	29	41%	43%	43%
2 Unimportant	14	20%	21%	63%
3 Neutral	12	17%	18%	81%
4 Important	6	9%	9%	90%
5 Extremely Important	7	<u>10%</u>	<u>10%</u>	100%
Total	68	97%	100%	
N/A	2	3%		
Total	70	100%	<b>Mean Score</b>	<b>2.24</b>

## f) Underground parking garage

<b>Q5f</b>	Frequency	Percent	Valid Percent	Cumulative Percent
1 Not at all Important	19	27%	30%	30%
2 Unimportant	7	10%	11%	41%
3 Neutral	16	23%	25%	66%
4 Important	12	17%	19%	84%
5 Extremely Important	10	<u>14%</u>	<u>16%</u>	100%
Total	64	91%	100%	
N/A	6	9%		
Total	70	100%	<b>Mean Score</b>	<b>2.80</b>

## g) Ease of locating an available spot

<b>Q5g</b>	Frequency	Percent	Valid Percent	Cumulative Percent
1 Not at all Important	3	4%	5%	5%
2 Unimportant	5	7%	8%	12%
3 Neutral	9	13%	14%	26%
4 Important	9	13%	14%	40%
5 Extremely Important	39	<u>56%</u>	<u>60%</u>	100%
Total	65	93%	100%	
N/A	5	7%		
Total	70	100%	<b>Mean Score</b>	<b>4.17</b>

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## h) Signage or directions to parking, in Downtown

<b>Q5h</b>	Frequency	Percent	Valid Percent	Cumulative Percent
1 Not at all Important	3	4%	4%	4%
2 Unimportant	11	16%	16%	20%
3 Neutral	10	14%	14%	35%
4 Important	13	19%	19%	54%
5 Extremely Important	32	<u>46%</u>	<u>46%</u>	100%
Total	69	99%	100%	
N/A	1	1%		
Total	70	100%	<b>Mean Score</b>	<b>3.87</b>

## QUESTION 6

Please indicate your preference in paying to park vs. regulations in parking. I would prefer

<b>Q6</b>	Frequency	Percent	Valid Percent
To have everyone pay-to-park to increase parking availability with no time limits	5	7%	10%
To have free parking and strict regulation of time limits to increase parking availability	15	21%	29%
Free on-street parking (2-hr. limit) and pay off-street parking, where customers could buy up to 4 hours at a time	28	40%	55%
Pay-to-park on-street parking (2-hr limit) and pay off-street parking, where customers could buy up to 4 hours at a time	3	4%	6%
	Total	51	<u>73%</u> 100%
Other/Unsure/NA	19	27%	
Total	70	100%	

## Other responses

1. Does not mind walking
2. more parking structures w/ free spots
3. pay night, free during day, let drunks pay
4. employees take up spots
5. pay and free w/ 4 hour limits
6. 4 hour limits improve shopping time.
7. more time to park for free
8. no paid parking
9. monthly permit fee
10. free long term.
11. free w/ option to buy.
12. 2 hr everywhere.
13. build garage
14. free unlimited spots
15. pay on street, free elsewhere

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## QUESTION 7

Between the following choices for a pay-to-park system which do you prefer? (Select one choice)

<b>Q7</b>	Frequency	Percent	Valid Percent
Pay and display system: Park, then pay at the central automated kiosk and return to your car to put the receipt on your dashboard	29	41%	60%
Pay by space system: Park, then note the stall number where you are parked so that when paying at the central automated kiosk you will have the correct stall	19	27%	40%
total	48	69%	100%
Other/Unsure/NA	22	31%	
total	70	100%	

## Other responses

1. prefer not to return to car
2. do not remove free parking
3. credit card kiosk works well
4. free
5. do not want to pay to park
6. no pay to park
7. clients complain about parking
8. pay when leaving lot.
9. parking meter per stall
10. bring back meters
11. no free parking.
12. cheap monthly permit
13. pay at kiosk with credit card

## QUESTION 8

What time periods should apply, if pay-to-park were to be adopted in Downtown Kirkland

<b>Q8</b>	Frequency	Percent	Valid Percent
Pay-to-park should be evenings only (5 PM – 10 PM)	11	16%	24%
Pay-to-park should be from 11 AM - 9 PM	9	13%	20%
Pay-to-park should be from 9 AM – 6 PM	26	37%	57%
Total	46	66%	100%
Other/Unsure/NA	24	34%	
Total	70	100%	

## Other responses

1. if pay-to-park, free on sundays
2. 11AM - 7:30PM
3. free

## Attachment A Preliminary Results of Merchant and Owner survey

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4. 7PM - 12PM
5. 9am - 9pm
6. 7PM - 12PM

## QUESTION 9

How should new public parking in Downtown Kirkland be financed?

<b>Q9</b>	Frequency	Percent	Valid Percent
The City of Kirkland should finance new public parking supply from general revenue	25	36%	58%
The City of Kirkland should finance new public parking supply from a mix of general revenue, parking revenue, tax increment of sales tax revenue, and a local improvement district	18	26%	42%
total	43	61%	100%
Other/Unsure	27	39%	
total	70	100%	

## Other responses

1. building for parking
2. gen. rev. NO TAX!
3. gen. rev./ parking rev.
4. parking rev.
5. add more spots, don't waste money
6. plenty of parking available

## QUESTION 10

How much do you agree with each statement on a 5 point scale where "1" means "strongly disagree" and "5" means "strongly agree."

## a) Build a public parking garage in Downtown

<b>Q10a</b>	Frequency	Percent	Valid Percent	Cumulative Percent
1 Strongly Disagree	7	10%	11%	11%
2 Disagree	6	9%	10%	21%
3 Neutral	4	6%	7%	28%
4 Agree	9	13%	15%	43%
5 Strongly Agree	35	<u>50%</u>	<u>57%</u>	100%
total	61	87%	100%	
N/A	9	13%		
Total	70	100%	<b>Mean Score</b>	<b>3.97</b>

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## b) Partner with a developer to build a parking garage in Downtown

<b>Q10b</b>	Frequency	Percent	Valid Percent	Cumulative Percent
1 Strongly Disagree	8	11%	15%	15%
2 Disagree	5	7%	9%	24%
3 Neutral	9	13%	16%	40%
4 Agree	7	10%	13%	53%
5 Strongly Agree	26	<u>37%</u>	<u>47%</u>	100%
total	55	79%	100%	
N/A	15	21%		
Total	70	100%	<b>Mean Score</b>	<b>3.69</b>

## c) Fund programs that promote walking, biking and bus transit

<b>Q10c</b>	Frequency	Percent	Valid Percent	Cumulative Percent
1 Strongly Disagree	13	19%	28%	28%
2 Disagree	13	19%	28%	55%
3 Neutral	6	9%	13%	68%
4 Agree	4	6%	9%	77%
5 Strongly Agree	11	<u>16%</u>	<u>23%</u>	100%
total	47	67%	100%	
N/A	23	33%		
Total	70	100%	<b>Mean Score</b>	<b>2.72</b>

## d) Fund improvements for downtown, e.g. lighting, sidewalks, planters

<b>Q10d</b>	Frequency	Percent	Valid Percent	Cumulative Percent
1 Strongly Disagree	11	16%	22%	22%
2 Disagree	7	10%	14%	36%
3 Neutral	8	11%	16%	52%
4 Agree	12	17%	24%	76%
5 Strongly Agree	12	<u>17%</u>	<u>24%</u>	100%
total	50	71%	100%	
N/A	20	29%		
Total	70	100%	<b>Mean Score</b>	<b>3.14</b>

## Attachment A Preliminary Results of Merchant and Owner survey

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## QUESTION 11

The ParkSmart program prohibits downtown employees from parking in public spaces in the downtown and sets aside space in the Library garage for employees to park free. In your opinion how well does ParkSmart work

<b>Q11</b>	Frequency	Percent	Valid Percent
I believe that ParkSmart does not work and stronger enforcement is needed to make it more effective	6	9%	14%
I believe that ParkSmart does not work. Get rid of it and price public parking downtown for all users	12	17%	28%
I believe that ParkSmart works fine and should be kept as is	25	36%	58%
Total	43	61%	100%
Other/Unsure/NA	27	39%	
Total	70	100%	

## Other responses

1. additional parking for workers
2. not enough room for employee and employer
3. Charge employer for maintenance
4. employee parking
5. employees of downtown live in Kirkland too, let them park
6. works better if more spots available
7. new buildings should supply employee parking
8. more employee parking
9. bad deal, discourages workers from visiting area.
10. library is too far away for elders
11. parksmart does not work!
12. more than just library
13. does not work.

## Attachment A Preliminary Results of Merchant and Owner survey

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## QUESTION 12

If you are a Downtown merchant, what is your type of business:

<b>Q12</b>	Frequency	Percent
Restaurant/Bar	10	16%
Bank/Financial	4	6%
Salon/Spa	7	11%
Gallery	5	8%
Retail	14	22%
Office	7	11%
Blank	16	25%
Total	63	100%

## QUESTION 13

If you are a Downtown property owner, answer the following

<b>Q13</b>	Frequency	percent
Single Bus.	9	36%
Parking	7	28%
Multiple Bus.	8	32%
No Parking	1	4%
Total	25	100%

Question 14. If you have any additional comments for the City of Kirkland's Parking Advisory Board, please use the space provided below.

1. monthly payments to park downtown
2. get rid of day off passes. Employees are residents
3. high volume public structures worked in Santa Monica, CA
4. too much residents being built. Customers cannot access area
5. issuing permits was bad idea. Losing clients due to lack of space
6. getting tickets on days not working. Lose "day off" permits.
7. medians are bad, fixing parking creating traffic.
8. customers do not want to pay or get tickets
9. new developments should supply spots per unit.
10. prefer underground structure. Workers live in kirkand, too
11. parking is biggest complaint received.
12. hard to park as an empoyee, no spots
13. better use of lots.
14. just get this project done already.
15. have an area downtown for parking, with taxi places.



## Merchant/Property Owner Downtown Parking Survey

Please answer the following questions based on your knowledge of parking in the Downtown Kirkland area. For any question that does not apply to you, please select "not applicable" (N/A). You may either mark your response with an "x" or "√" or fill in the bubble.

**Thank you in advance for your participation!**

Q1) Please rate how easy or difficult it is for your customers/clients to park in Downtown Kirkland. (Where "1" means "very difficult" and "5" means "very easy." If you do not park in Downtown Kirkland during that time of day, please respond with N/A.)

		1 – Very Difficult	2	3	4	5 - Very Easy	N/A
Q1a	Overall ease of finding available parking that suits your needs	<input type="radio"/>					
Q1b	During the day (9 AM – 6 PM)	<input type="radio"/>					
Q1c	During the evening (6 PM – 10 PM)	<input type="radio"/>					
Q1d	Saturday and Sunday	<input type="radio"/>					

Q2) What can the City of Kirkland do to make it easier to find available parking in Downtown? \_\_\_\_\_

\_\_\_\_\_

		1 – Not at all Friendly	2	3	4	5 - Very Friendly [Skip to Q5]	N/A
Q3)	How would you rate the overall friendliness of parking in Downtown Kirkland?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Q4) What can the City of Kirkland do to make parking friendlier in Downtown? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Q5) How important are the following attributes for a parking system in Downtown Kirkland? (Rate on a 5 point scale where "1" means "not at all important" and "5" means "extremely important".)

	<i>How important is...?</i>	1 – Not at all Important	2	3	4	5 – Extremely Important	N/A
Q5a	Cost of parking	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Q5b	Proximity of parking to Downtown Kirkland destinations	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Q5c	Easy access to parked vehicles	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Q5d	The ability to come and go from parking locations	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Q5e	Covered parking	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Q5f	Underground parking garage	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Q5g	Ease of locating an available spot	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Q5h	Signage or directions to parking, in Downtown	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Q6) Please indicate your preference in paying to park vs. regulations in parking. I would prefer...

- To have everyone pay-to-park to increase parking availability with no time limits
- To have free parking and strict regulation of time limits to increase parking availability
- Free on-street parking (2-hr. limit) and pay off-street parking, where customers could buy up to 4 hours at a time
- Pay-to-park on-street parking (2-hr. limit) and pay off-street parking, where customers could buy up to 4 hours at a time
- Other \_\_\_\_\_
- Unsure / Prefer not to answer

Q7) Between the following choices for a pay-to-park system which do you prefer? (Select one choice)

- Pay and display system: Park, then pay at the central automated kiosk and return to your car to put the receipt on your dashboard
- Pay by space system: Park, then note the stall number where you are parked so that when paying at the central automated kiosk you will have the correct stall
- Other \_\_\_\_\_
- Unsure / Prefer not to answer

Q8) What time periods should apply, if pay-to-park were to be adopted in Downtown Kirkland

- Pay-to-park should be evenings only (5 PM – 10 PM)
- Pay-to-park should be from 11 AM - 9 PM
- Pay-to-park should be from 9 AM – 6 PM
- Other \_\_\_\_\_
- Unsure / Prefer not to answer

Q9) How should new public parking in Downtown Kirkland be financed?

- The City of Kirkland should finance new public parking supply from general revenue
- The City of Kirkland should finance new public parking supply from a mix of general revenue, parking revenue, tax increment of sales tax revenue, and a local improvement district
- Other \_\_\_\_\_
- Unsure / Prefer not to answer

Q10) How much do you agree with each statement on a 5 point scale where “1” means “strongly disagree” and “5” means “strongly agree.”

	<i>Pay-to-park revenue should be used to ...?</i>	1 – Strongly Disagree	2	3	4	5 – Strongly Agree	N/A
Q10a	Build a public parking garage in Downtown	<input type="radio"/>					
Q10b	Partner with a developer to build a parking garage in Downtown	<input type="radio"/>					
Q10c	Fund programs that promote walking, biking and bus transit	<input type="radio"/>					
Q10d	Fund improvements for downtown, e.g. lighting, sidewalks, planters	<input type="radio"/>					

Q11) The ParkSmart program prohibits downtown employees from parking in public spaces in the downtown and sets aside space in the Library garage for employees to park free. In your opinion how well does ParkSmart work?

- I believe that ParkSmart does not work and stronger enforcement is needed to make it more effective
- I believe that ParkSmart does not work. Get rid of it and price public parking downtown for all users
- I believe that ParkSmart works fine and should be kept as is
- Other \_\_\_\_\_
- Unsure / Prefer not to answer

Q12) If you are a Downtown merchant, what is your type of business:

- Restaurant/Bar
- Bank/Financial
- Salon/Spa
- Gallery
- Retail Business
- Office
- Other \_\_\_\_\_

Q13) If you are a Downtown property owner, answer the following

- Single business on property
- Multiple businesses on property
- Parking is provided on property
- Parking is not provided on property

Q23) If you have any additional comments for the City of Kirkland’s Parking Advisory Board, please use the space provided below.

## City of Kirkland Downtown Parking Survey

### Preliminary Data Results

**Please note the following:**

- *All output below is based off of preliminary data and answers may slightly vary in final data.*
- *Mean score calculations from preliminary data topline report exclude “Don’t know”, “Refused” and “Not Applicable” answers from respondents, although these answers are included in the overall percentage computation.*
- *When evaluating preliminary data results please use the valid percent column.*
- *Questions where respondents are allowed to choose more than one response can total more than 100% due to multiple responses.*
- *Open-ended questions or questions that contain an “other” response have preliminary codes so the “other” response may be high. In the final data all responses will be coded into a category of similar responses of at least 5% or more, likely decreasing the general “other” response with more specific responses so as to better evaluate questions.*
- *Preliminary data results are presented in a question by question format and do not include cross-tabulations by demographics or other key segments*

**Q1a Q1A - Please rate how easy or difficult it is for you to find available parking in Downtown Kirkland...Overall ease of finding available parking that suits your needs?**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1 1 - Very Difficult	30	14.2	14.7	14.7
	2 2	52	24.6	25.5	40.2
	3 3	69	32.7	33.8	74.0
	4 4	37	17.5	18.1	92.2
	5 5 - Very Easy	16	7.6	7.8	100.0
	Total	204	96.7	100.0	
Missing	9 Not Applicable / No response	7	3.3		
Total		211	100.0		

**Mean score: 2.79**

## Attachment B Parker Survey Results

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**Q1b Q1B - Please rate how easy or difficult it is for you to find available parking in Downtown Kirkland...During the day (9 AM – 6 PM)?**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1 1 - Very Difficult	30	14.2	16.3	16.3
	2 2	45	21.3	24.5	40.8
	3 3	43	20.4	23.4	64.1
	4 4	48	22.7	26.1	90.2
	5 5 - Very Easy	18	8.5	9.8	100.0
	Total	184	87.2	100.0	
Missing	9 Not Applicable / No response	27	12.8		
Total		211	100.0		

**Mean score: 2.89****Q1c Q1C - Please rate how easy or difficult it is for you to find available parking in Downtown Kirkland...During the evening (6 PM – 10 PM)?**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1 1 - Very Difficult	33	15.6	18.6	18.6
	2 2	53	25.1	29.9	48.6
	3 3	51	24.2	28.8	77.4
	4 4	29	13.7	16.4	93.8
	5 5 - Very Easy	11	5.2	6.2	100.0
	Total	177	83.9	100.0	
Missing	9 Not Applicable / No response	34	16.1		
Total		211	100.0		

**Mean score: 2.62****Q1d Q1D - Please rate how easy or difficult it is for you to find available parking in Downtown Kirkland...Saturday and Sunday?**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1 1 - Very Difficult	34	16.1	18.6	18.6
	2 2	38	18.0	20.8	39.3
	3 3	55	26.1	30.1	69.4
	4 4	33	15.6	18.0	87.4
	5 5 - Very Easy	23	10.9	12.6	100.0
	Total	183	86.7	100.0	
Missing	9 Not Applicable / No response	28	13.3		
Total		211	100.0		

**Mean score: 2.85**

**Q2) What can the City of Kirkland do to make it easier to find available parking in Downtown**

**\$Q2 Frequencies**

	Responses		Percent of Cases
	N	Percent	
\$Q2 <sup>a</sup> Free parking	27	15.5%	19.1%
More parking spaces	42	24.1%	29.8%
Build a garage	35	20.1%	24.8%
Other	70	40.2%	49.6%
Total	174	100.0%	123.4%

a. Group

**Q3 Q3 - How would you rate the overall friendliness of parking in Downtown Kirkland?**

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid 1 1 - Not at all Friendly	40	19.0	21.9	21.9
2 2	37	17.5	20.2	42.1
3 3	53	25.1	29.0	71.0
4 4	39	18.5	21.3	92.3
5 5 - Very Friendly	14	6.6	7.7	100.0
Total	183	86.7	100.0	
Missing 9 Not Applicable / No response	28	13.3		
Total	211	100.0		

**Mean score: 2.73**

**Q4) What can the City of Kirkland do to make parking friendlier in Downtown?**

**\$Q4 Frequencies**

	Responses		Percent of Cases
	N	Percent	
\$q4 <sup>a</sup> Free parking	37	25.7%	32.5%
More parking spaces	21	14.6%	18.4%
Build a garage	8	5.6%	7.0%
Too many police officers / Negative comment about Police	10	6.9%	8.8%
More signage for parking	6	4.2%	5.3%
Other	62	43.1%	54.4%
Total	144	100.0%	126.3%

a. Group

## Attachment B Parker Survey Results

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**Q5a Q5A - How important to you are the following attributes in choosing where you park when visiting Downtown Kirkland...Cost of parking?**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1 1 - Not at all Important	9	4.3	4.4	4.4
	2 2	14	6.6	6.8	11.2
	3 3	30	14.2	14.6	25.7
	4 4	45	21.3	21.8	47.6
	5 5 - Extremely Important	108	51.2	52.4	100.0
	Total	206	97.6	100.0	
Missing	9 Not Applicable / No response	5	2.4		
Total		211	100.0		

**Mean score: 4.11****Q5b Q5B - How important to you are the following attributes in choosing where you park when visiting Downtown Kirkland...Proximity of parking to your Downtown Kirkland destination?**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1 1 - Not at all Important	3	1.4	1.5	1.5
	2 2	13	6.2	6.3	7.8
	3 3	39	18.5	19.0	26.8
	4 4	83	39.3	40.5	67.3
	5 5 - Extremely Important	67	31.8	32.7	100.0
	Total	205	97.2	100.0	
Missing	9 Not Applicable / No response	6	2.8		
Total		211	100.0		

**Mean score: 3.97****Q5c Q5C - How important to you are the following attributes in choosing where you park when visiting Downtown Kirkland...Easy access to your vehicle?**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1 1 - Not at all Important	3	1.4	1.5	1.5
	2 2	14	6.6	6.8	8.3
	3 3	45	21.3	22.0	30.2
	4 4	85	40.3	41.5	71.7
	5 5 - Extremely Important	58	27.5	28.3	100.0
	Total	205	97.2	100.0	
Missing	9 Not Applicable / No response	6	2.8		
Total		211	100.0		

**Mean score: 3.88**

**Q5d Q5D - How important to you are the following attributes in choosing where you park when visiting Downtown Kirkland...The ability to come and go as you please from your parking location?**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1 1 - Not at all Important	16	7.6	7.8	7.8
	2 2	27	12.8	13.1	20.9
	3 3	40	19.0	19.4	40.3
	4 4	67	31.8	32.5	72.8
	5 5 - Extremely Important	56	26.5	27.2	100.0
	Total	206	97.6	100.0	
Missing	9 Not Applicable / No response	5	2.4		
Total		211	100.0		

**Mean score: 3.58**

**Q5e Q5E - How important to you are the following attributes in choosing where you park when visiting Downtown Kirkland...Covered parking?**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1 1 - Not at all Important	88	41.7	42.5	42.5
	2 2	60	28.4	29.0	71.5
	3 3	47	22.3	22.7	94.2
	4 4	10	4.7	4.8	99.0
	5 5 - Extremely Important	2	.9	1.0	100.0
	Total	207	98.1	100.0	
Missing	9 Not Applicable / No response	4	1.9		
Total		211	100.0		

**Mean score: 1.93**

**Q5f Q5F - How important to you are the following attributes in choosing where you park when visiting Downtown Kirkland...Underground parking garage?**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1 1 - Not at all Important	89	42.2	43.6	43.6
	2 2	50	23.7	24.5	68.1
	3 3	46	21.8	22.5	90.7
	4 4	11	5.2	5.4	96.1
	5 5 - Extremely Important	8	3.8	3.9	100.0
Total		204	96.7	100.0	
Missing	9 Not Applicable / No response	7	3.3		
Total		211	100.0		

**Mean score: 2.01**

**Q5g Q5G - How important to you are the following attributes in choosing where you park when visiting Downtown Kirkland...Ease of locating an available spot?**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1 1 - Not at all Important	1	.5	.5	.5
	2 2	5	2.4	2.4	2.9
	3 3	17	8.1	8.3	11.2
	4 4	67	31.8	32.7	43.9
	5 5 - Extremely Important	115	54.5	56.1	100.0
Total		205	97.2	100.0	
Missing	9 Not Applicable / No response	6	2.8		
Total		211	100.0		

**Mean score: 4.41**

## Attachment B Parker Survey Results

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**Q5h Q5H - How important to you are the following attributes in choosing where you park when visiting Downtown Kirkland...Signage or directions to parking, in Downtown?**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1 1 - Not at all Important	27	12.8	13.0	13.0
	2 2	24	11.4	11.6	24.6
	3 3	56	26.5	27.1	51.7
	4 4	50	23.7	24.2	75.8
	5 5 - Extremely Important	50	23.7	24.2	100.0
	Total	207	98.1	100.0	
Missing	9 Not Applicable / No response	4	1.9		
Total		211	100.0		

**Mean score: 3.35****Q6a Q6A - How often do you...Circle the block awaiting a space?**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1 All the Time	25	11.8	12.0	12.0
	2 Often	65	30.8	31.3	43.3
	3 Sometimes	65	30.8	31.3	74.5
	4 Rarely	42	19.9	20.2	94.7
	5 Never	11	5.2	5.3	100.0
	Total	208	98.6	100.0	
Missing	9 Not Applicable / No response	3	1.4		
Total		211	100.0		

**Mean score: 2.75****Q6b Q6B - How often do you...Have to park more than two blocks away from your destination to find a place?**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1 All the Time	34	16.1	16.3	16.3
	2 Often	95	45.0	45.7	62.0
	3 Sometimes	53	25.1	25.5	87.5
	4 Rarely	24	11.4	11.5	99.0
	5 Never	2	.9	1.0	100.0
	Total	208	98.6	100.0	
Missing	9 Not Applicable / No response	3	1.4		
Total		211	100.0		

**Mean score: 2.35**

Attachment B Parker Survey Results

**Q6c Q6C - How often do you...Leave downtown and go elsewhere due to lack of free convenient parking?**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1 All the Time	10	4.7	4.9	4.9
	2 Often	33	15.6	16.1	21.0
	3 Sometimes	60	28.4	29.3	50.2
	4 Rarely	47	22.3	22.9	73.2
	5 Never	55	26.1	26.8	100.0
	Total	205	97.2	100.0	
Missing	9 Not Applicable / No response	6	2.8		
Total		211	100.0		

**Mean score: 3.51**

**Q6d Q6D - How often do you...Receive tickets for overtime parking?**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1 All the Time	3	1.4	1.5	1.5
	2 Often	15	7.1	7.4	8.9
	3 Sometimes	25	11.8	12.3	21.2
	4 Rarely	48	22.7	23.6	44.8
	5 Never	112	53.1	55.2	100.0
	Total	203	96.2	100.0	
Missing	9 Not Applicable / No response	8	3.8		
Total		211	100.0		

**Mean score: 4.24**

**Q6e Q6E - How often do you...Park in the Municipal Parking Garage at Kirkland Library?**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1 All the Time	12	5.7	5.8	5.8
	2 Often	47	22.3	22.7	28.5
	3 Sometimes	43	20.4	20.8	49.3
	4 Rarely	41	19.4	19.8	69.1
	5 Never	64	30.3	30.9	100.0
	Total	207	98.1	100.0	
Missing	9 Not Applicable / No response	4	1.9		
Total		211	100.0		

**Mean score: 3.47**

**Q6f Q6F - How often do you...Pay-to-park?**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1 All the Time	13	6.2	6.3	6.3
	2 Often	34	16.1	16.3	22.6
	3 Sometimes	46	21.8	22.1	44.7
	4 Rarely	50	23.7	24.0	68.8
	5 Never	65	30.8	31.3	100.0
	Total	208	98.6	100.0	
Missing	9 Not Applicable / No response	3	1.4		
Total		211	100.0		

**Mean score: 3.58**

**Q7) [If you pay-to-park...] Why have you or do you pay-to-park?**

**\$q7 Frequencies**

		Responses		Percent of Cases
		N	Percent	
\$q7 <sup>a</sup>	To save time	60	22.1%	36.6%
	To avoid walking	25	9.2%	15.2%
	Only spaces / Lots available	116	42.6%	70.7%
	Wanted to stay more than 2 hours	52	19.1%	31.7%
	Other	19	7.0%	11.6%
Total		272	100.0%	165.9%

a. Group

## Attachment B Parker Survey Results

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**Q8 Q8 - Please indicate your preference in paying to park vs. circling for free parking**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1 I would prefer to have everyone pay-to-park to increase parking availability	25	11.8	13.6	13.6
	2 I would prefer to have the ability to park for free and for longer times and do not mind waiting or circling to accomplish	100	47.4	54.3	67.9
	3 Other	59	28.0	32.1	100.0
	Total	184	87.2	100.0	
Missing	9 Unsure / Prefer not to answer	27	12.8		
Total		211	100.0		

**Q9 Q9 - Please indicate your preference in paying to park vs. walking for free parking**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1 I would prefer to pay-to-park rather than walk more than two blocks to my destination	34	16.1	17.1	17.1
	2 I will not pay for parking and do not mind walking or waiting for a spot	128	60.7	64.3	81.4
	3 Other	37	17.5	18.6	100.0
	Total	199	94.3	100.0	
Missing	9 Unsure / Prefer not to answer	12	5.7		
Total		211	100.0		

**Q10 Q10 - Please indicate your preference in paying to park vs. regulations in parking. I would prefer...**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1 To have everyone pay-to-park to increase parking availability with no time limits	14	6.6	7.7	7.7
	2 To have free parking and strict regulation of time limits to increase parking availability	68	32.2	37.2	44.8
	3 Free on-street parking (2-hr. limit) and pay off-street parking, where customers could buy up to 4 hours at a time	67	31.8	36.6	81.4
	4 Pay-to-park on-street parking (2-hr. limit) and pay off-street parking, where customers could buy up to 4 hours at a time	9	4.3	4.9	86.3
	5 Other	25	11.8	13.7	100.0
	Total	183	86.7	100.0	
Missing	9 Unsure / Prefer not to answer	28	13.3		
Total		211	100.0		

**Q11 Q11 - Between the following choices for a pay-to-park system which do you prefer?**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1 Pay and display system: Park, then pay at the central automated kiosk and return to your car to put the receipt on your car	77	36.5	48.7	48.7
	2 Pay by space system: Park, then note the stall number where you are parked so that when paying at the central automated kiosk	81	38.4	51.3	100.0
	Total	158	74.9	100.0	
Missing	9 Unsure / Prefer not to answer	53	25.1		
Total		211	100.0		

## Attachment B Parker Survey Results

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**Q12a Q12A - How much do you agree with the statement - Pay-to-park revenue should be used to ...Build a public parking garage in Downtown?**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1 1 - Strongly Disagree	30	14.2	15.7	15.7
	2 2	14	6.6	7.3	23.0
	3 3	28	13.3	14.7	37.7
	4 4	36	17.1	18.8	56.5
	5 5 - Strongly Agree	83	39.3	43.5	100.0
	Total	191	90.5	100.0	
Missing	9 Not Applicable / No response	20	9.5		
Total		211	100.0		

**Mean score: 3.67****Q12b Q12B - How much do you agree with the statement - Pay-to-park revenue should be used to ...Partner with a developer to build a parking garage in Downtown?**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1 1 - Strongly Disagree	39	18.5	20.5	20.5
	2 2	21	10.0	11.1	31.6
	3 3	41	19.4	21.6	53.2
	4 4	45	21.3	23.7	76.8
	5 5 - Strongly Agree	44	20.9	23.2	100.0
	Total	190	90.0	100.0	
Missing	9 Not Applicable / No response	21	10.0		
Total		211	100.0		

**Mean score: 3.18****Q12c Q12C - How much do you agree with the statement - Pay-to-park revenue should be used to ...Fund programs that promote walking, biking and bus transit?**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1 1 - Strongly Disagree	44	20.9	23.8	23.8
	2 2	33	15.6	17.8	41.6
	3 3	45	21.3	24.3	65.9
	4 4	29	13.7	15.7	81.6
	5 5 - Strongly Agree	34	16.1	18.4	100.0
	Total	185	87.7	100.0	
Missing	9 Not Applicable / No response	26	12.3		
Total		211	100.0		

**Mean score: 2.87**

**Q12d Q12D - How much do you agree with the statement - Pay-to-park revenue should be used to ...Fund improvements for downtown, e.g. lighting, sidewalks, planters?**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1 1 - Strongly Disagree	36	17.1	19.6	19.6
	2 2	26	12.3	14.1	33.7
	3 3	44	20.9	23.9	57.6
	4 4	33	15.6	17.9	75.5
	5 5 - Strongly Agree	45	21.3	24.5	100.0
	Total	184	87.2	100.0	
Missing	9 Not Applicable / No response	27	12.8		
Total		211	100.0		

**Mean score: 3.14**

**Q13 What is your age?**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	2 18 to 24	2	.9	1.0	1.0
	3 25 to 34	32	15.2	15.3	16.3
	4 35 to 44	48	22.7	23.0	39.2
	5 45 to 54	55	26.1	26.3	65.6
	6 55 to 64	47	22.3	22.5	88.0
	7 65 or older	25	11.8	12.0	100.0
	Total	209	99.1	100.0	
Missing	9 Prefer not to answer	2	.9		
Total		211	100.0		

**Q14 Q14 - What is your gender?**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1 Male	95	45.0	45.9	45.9
	2 Female	112	53.1	54.1	100.0
	Total	207	98.1	100.0	
Missing	9 Missing Response	4	1.9		
Total		211	100.0		

**Q15quota Q15 - How far do you live from Downtown Kirkland? (In Miles)**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1 1 mile or less	30	14.2	15.1	15.1
	2 2 to 3 miles	45	21.3	22.6	37.7
	3 4 to 5 miles	46	21.8	23.1	60.8
	4 6 to 10 miles	36	17.1	18.1	78.9
	5 11 to 20 miles	32	15.2	16.1	95.0
	6 20 miles or more	10	4.7	5.0	100.0
	Total	199	94.3	100.0	
Missing	9 Missing Response	12	5.7		
Total		211	100.0		

**Mean score: 8.84**

## Attachment B Parker Survey Results

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## Q16 Q16 - What is your home zip code?

			Frequency	Percent	Valid Percent	Cumulative Percent
Valid	98004	Bellevue	7	3.3	3.4	3.4
	98005	Bellevue	2	.9	1.0	4.4
	98006	Bellevue	3	1.4	1.5	5.9
	98007	Bellevue	4	1.9	2.0	7.8
	98008	Bellevue	3	1.4	1.5	9.3
	98011	Bothell	8	3.8	3.9	13.2
	98012	Bothell	4	1.9	2.0	15.1
	98019	Duvall	1	.5	.5	15.6
	98020	Edmonds	1	.5	.5	16.1
	98021	Bothell	4	1.9	2.0	18.0
	98024	Fall City	1	.5	.5	18.5
	98026	Edmonds	1	.5	.5	19.0
	98027	Issaquah	2	.9	1.0	20.0
	98028	Kenmore	4	1.9	2.0	22.0
	98029	Issaquah	1	.5	.5	22.4
	98031	Kent	1	.5	.5	22.9
	98033	Kirkland	69	32.7	33.7	56.6
	98034	Kirkland	36	17.1	17.6	74.1
	98036	Lynnwood	3	1.4	1.5	75.6
	98039	Medina	1	.5	.5	76.1
	98040	Mercer Island	1	.5	.5	76.6
	98042	Kent	1	.5	.5	77.1
	98045	North Bend	1	.5	.5	77.6
	98052	Redmond	11	5.2	5.4	82.9
	98053	Redmond	1	.5	.5	83.4
	98056	Renton	1	.5	.5	83.9
	98057	Renton	1	.5	.5	84.4
	98058	Renton	2	.9	1.0	85.4
	98072	Woodinville	4	1.9	2.0	87.3
	98074	Sammamish	3	1.4	1.5	88.8
	98075	Sammamish	3	1.4	1.5	90.2
	98077	Woodinville	2	.9	1.0	91.2
	98103	Seattle	2	.9	1.0	92.2
	98105	Seattle	1	.5	.5	92.7
	98107	Seattle	1	.5	.5	93.2
	98109	Seattle	2	.9	1.0	94.1
	98125	Seattle	1	.5	.5	94.6
	98146	Seattle	1	.5	.5	95.1
	98177	Seattle	1	.5	.5	95.6
	98223	Arlington	1	.5	.5	96.1
	98258	Lake Stevens	1	.5	.5	96.6
	98290	Snohomish	2	.9	1.0	97.6
	98296	Snohomish	1	.5	.5	98.0
	98371	Puyallup	1	.5	.5	98.5
	98570	Onalaska	1	.5	.5	99.0
	98815	Cashmere	1	.5	.5	99.5
	98942	Selah	1	.5	.5	100.0
	Total		205	97.2	100.0	
Missing	99999	Missing Response	6	2.8		
Total			211	100.0		

**17QUOTA Q17 - How often do you park in Downtown Kirkland in a typical month? (Indicate approximate visits per month)**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1 Once or less a month	13	6.2	6.4	6.4
	2 2 to 5 times	79	37.4	38.9	45.3
	3 6 to 10 times	51	24.2	25.1	70.4
	4 11 to 20 times	41	19.4	20.2	90.6
	5 21 or more times a month	19	9.0	9.4	100.0
	Total	203	96.2	100.0	
Missing	9 Missing Response	8	3.8		
Total		211	100.0		

**Mean score: 10.04**

**Q18 Q18 - What time of day do you most often park in Downtown Kirkland?**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1 Day	81	38.4	38.9	38.9
	2 Night	31	14.7	14.9	53.8
	3 Both	96	45.5	46.2	100.0
	Total	208	98.6	100.0	
Missing	9 Prefer not to answer	1	.5		
	System	2	.9		
	Total	3	1.4		
Total		211	100.0		

**Q19) For what purpose do you come to Downtown Kirkland most often?**

**\$Q19 Frequencies**

	Responses		Percent of Cases
	N	Percent	
\$Q19 <sup>a</sup> Work	34	7.8%	16.3%
Recreation	82	18.9%	39.4%
Restaurants / Dining	170	39.2%	81.7%
Shopping	70	16.1%	33.7%
Errands	49	11.3%	23.6%
Other	29	6.7%	13.9%
Total	434	100.0%	208.7%

a. Group

Attachment B Parker Survey Results

**Q20) Please select which locations you have used while parking in Downtown Kirkland among the following parking locations.**

**\$Q20 Frequencies**

	Responses		Percent of Cases
	N	Percent	
\$Q20 <sup>a</sup> Municipal Parking Garage at Kirkland Library	113	17.0%	55.1%
Marina Park Lot (2hr free)	148	22.2%	72.2%
Lake Street Lot (2hr free)	105	15.8%	51.2%
Lake Street Lot (4hr pay)	59	8.9%	28.8%
Marina Park Lot (4hr pay)	45	6.8%	22.0%
Street Parking	170	25.5%	82.9%
Other	26	3.9%	12.7%
Total	666	100.0%	324.9%

a. Group

**Q21) What is the primary benefit, to you, of paying to park in Downtown Kirkland?**

**\$Q21 Frequencies**

	Responses		Percent of Cases
	N	Percent	
\$Q21 <sup>a</sup> Saves time	12	6.9%	6.9%
Close to destination / Proximity/Accessibility	29	16.6%	16.8%
None / No benefit	67	38.3%	38.7%
Other	67	38.3%	38.7%
Total	175	100.0%	101.2%

a. Group

Attachment B Parker Survey Results

**Q22) What is the primary objection, to you, of paying to park in Downtown Kirkland?**

**\$Q22 Frequencies**

	Responses		Percent of Cases
	N	Percent	
\$Q22 <sup>a</sup> Paying / Too expensive / Cost	58	31.5%	32.2%
Time limitation	5	2.7%	2.8%
None / No objection	13	7.1%	7.2%
Other	108	58.7%	60.0%
Total	184	100.0%	102.2%

a. Group



# City of Kirkland – Downtown Parking Survey

Please answer the following questions based on your experiences and preferences with parking in the Downtown Kirkland area. For any question that does not apply to you, please select “not applicable” (N/A). You may either mark your response with an “x” or “√” or fill in the bubble.

Thank you in advance for your participation!

Q1) Please rate how easy or difficult it is for you to find available parking in Downtown Kirkland. (Where “1” means “very difficult” and “5” means “very easy.” If you do not park in Downtown Kirkland during that time of day, please respond with N/A.)

		1 – Very Difficult	2	3	4	5 - Very Easy	N/A
Q1a	Overall ease of finding available parking that suits your needs	<input type="radio"/>					
Q1b	During the day (9 AM – 6 PM)	<input type="radio"/>					
Q1c	During the evening (6 PM – 10 PM)	<input type="radio"/>					
Q1d	Saturday and Sunday	<input type="radio"/>					

Q2) What can the City of Kirkland do to make it easier to find available parking in Downtown? \_\_\_\_\_

		1 – Not at all Friendly	2	3	4	5 - Very Friendly [Skip to Q5]	N/A
Q3)	How would you rate the overall friendliness of parking in Downtown Kirkland?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Q4) What can the City of Kirkland do to make parking friendlier in Downtown? \_\_\_\_\_

Q5) How important to you are the following attributes in choosing where you park when visiting Downtown Kirkland? (Rate on a 5 point scale where “1” means “not at all important” and “5” means “extremely important”.)

	<i>How important is...?</i>	1 – Not at all Important	2	3	4	5 – Extremely Important	N/A
Q5a	Cost of parking	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Q5b	Proximity of parking to your Downtown Kirkland destination	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Q5c	Easy access to your vehicle	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Q5d	The ability to come and go as you please from your parking location	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Q5e	Covered parking	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Q5f	Underground parking garage	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Q5g	Ease of locating an available spot	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Q5h	Signage or directions to parking, in Downtown	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Q6) How often do you...?

		All the Time	Often	Sometimes	Rarely	Never	N/A
Q6a	Circle the block awaiting a space	<input type="radio"/>					
Q6b	Have to park more than two blocks away from your destination to find a place	<input type="radio"/>					
Q6c	Leave downtown and go elsewhere due to lack of free convenient parking	<input type="radio"/>					
Q6d	Receive tickets for overtime parking	<input type="radio"/>					
Q6e	Park in the Municipal Parking Garage at Kirkland Library	<input type="radio"/>					
Q6f	Pay-to-park	<input type="radio"/>					

Q7) [If you pay-to-park...] Why have you or do you pay-to-park? (Select all that apply.)

- To save time
- To avoid walking
- Only spaces / Lots available
- Wanted to stay more than 2 hours
- Other (Please specify \_\_\_\_\_)
- Unsure / Prefer not to answer

Q8) Please indicate your preference in paying to park vs. circling for free parking.

- I would prefer to have everyone pay-to-park to increase parking availability
- I would prefer to have the ability to park for free and for longer times and do not mind waiting or circling to accomplish this goal
- Other \_\_\_\_\_
- Unsure / Prefer not to answer

Q9) Please indicate your preference in paying to park vs. walking for free parking.

- I would prefer to pay-to-park rather than walk more than two blocks to my destination

- I will not pay for parking and do not mind walking or waiting for a spot.
- Other \_\_\_\_\_
- Unsure / Prefer not to answer

- Q10) Please indicate your preference in paying to park vs. regulations in parking. I would prefer...
- To have everyone pay-to-park to increase parking availability with no time limits
  - To have free parking and strict regulation of time limits to increase parking availability
  - Free on-street parking (2-hr. limit) and pay off-street parking, where customers could buy up to 4 hours at a time
  - Pay-to-park on-street parking (2-hr. limit) and pay off-street parking, where customers could buy up to 4 hours at a time
  - Other \_\_\_\_\_
  - Unsure / Prefer not to answer

- Q11) Between the following choices for a pay-to-park system which do you prefer? (Select one choice)
- Pay and display system: Park, then pay at the central automated kiosk and return to your car to put the receipt on your dashboard
  - Pay by space system: Park, then note the stall number where you are parked so that when paying at the central automated kiosk you will have the correct stall
  - Unsure / Prefer not to answer

Q12) How much do you agree with each statement on a 5 point scale where "1" means "strongly disagree" and "5" means "strongly agree."

	<i>Pay-to-park revenue should be used to ...?</i>	1 – Strongly Disagree	2	3	4	5 – Strongly Agree	N/A
Q12a	Build a public parking garage in Downtown	<input type="radio"/>					
Q12b	Partner with a developer to build a parking garage in Downtown	<input type="radio"/>					
Q12c	Fund programs that promote walking, biking and bus transit	<input type="radio"/>					
Q12d	Fund improvements for downtown, e.g. lighting, sidewalks, planters	<input type="radio"/>					

Q13) What is your age?  Under 18  18 to 24  25 to 34  35 to 44  45 to 54  55 to 64  65 or older  Prefer not to answer

Q14) What is your gender?  Male  Female

Q15) How far do you live from Downtown Kirkland? \_\_\_\_\_ miles

Q16) What is your home zip code? \_\_\_\_\_

Q17) How often do you park in Downtown Kirkland in a typical month? \_\_\_\_\_ [Indicate approximate visits per month]

Q18) What time of day do you most often park in Downtown Kirkland?  Day  Night  Both  Prefer not to answer

Q19) For what purpose do you come to Downtown Kirkland most often?  Work  Restaurants/Dining  Errands  Prefer not to answer  
 Recreation  Shopping  Other \_\_\_\_\_

Q20) Please select which locations you have used while parking in Downtown Kirkland among the following parking locations. (Select all that apply.)

- Municipal Parking Garage at Kirkland Library
- Lake Street Lot (4hr pay)
- Marina Park Lot (4hr pay)
- Marina Park Lot (2hr free)
- Street Parking
- Lake Street Lot (2hr free)
- Other (specify \_\_\_\_\_)
- Unsure / Prefer not to answer

Q21) What is the primary benefit, to you, of paying to park in Downtown Kirkland? \_\_\_\_\_

Q22) What is the primary objection, to you, of paying to park in Downtown Kirkland? \_\_\_\_\_

Q23) If you have any additional comments for the City of Kirkland's Parking Advisory Board, please use the space provided below.

## ATTACHMENT D

### Parking Technology Subcommittee Recommendations

As the City of Kirkland explores expanding paid parking and works to enhance the ease and experience of parking in Downtown Kirkland, the City Council and the PAB expressed an interest in obtaining more information about how the improvements in parking technology options could be utilized to make paid parking as effective as possible.

The PAB formed a subcommittee to explore the various technological options available. The members, Tami White, David Godfrey, Glenn Peterson, John Torrance, and Sarah Andeen all researched what various cities were currently using to manage parking, researched the companies providing ways to charge for parking and requested more information from several of the vendors. For more details on the various vendors please see the attached chart. After exploring the various options and speaking with the representatives from some of the companies the committee has determined that the City of Kirkland would be best served by expanding the current pay and display system currently in use in the Lake and Central lot.

The goal was to find a solution that would meet the following criteria:

- User friendly
- Clear instructions and violation guidelines
  - Flexible
  - Multiple options
- Covers on-street, lot and garage
- Can give discounts/validation by merchants
- In use in similar kinds of cities
- Works with other systems. Would like to be able to offer multiple options including:
  - Payment via mobile phone
  - Validation
  - Free time
  - Internet payment
- Easy to upgrade and modify as needed
- Enforcement
  - Works with current structure
  - Easy to understand for consumers – why ticket was issued and how to pay violation
- Implementation and long term management costs for the City should be analyzed on a cost-benefit basis
- Remote payment for parking be it cell, Internet, other on street meters or kiosks not at the parking site

The option that the committee believes best fits these criteria is to obtain additional pay and display terminals and have them installed to support paid parking on street and in the library garage. Pay and display meets these goals by:

Attachment D

Page 2

- Being user friendly. This system is familiar to most people parking in the area as Seattle and many other local cities use this system.
- Clear instructions and violation guidelines – the tickets can have specific messages printed on them.
- Pay and Display can be implemented in all of Kirkland's parking situations and is flexible enough to provide for different kinds of time limits and situations.
- The system can be used in conjunction with merchant validation programs.
- Pay and Display does works with multiple parking enhancement options including:
  - Payment via mobile phone
  - Validation
  - Free time
  - Internet payment
- This system is reasonable easy to enforce and is currently in place in the Lake and Central lot so it does:
  - Work with the current structure
  - Easy to understand for consumers – why ticket was issued and how to pay violation

There are some advantages and disadvantages to this technology including:

Advantages:

- Would allow the City to increase payment options to include
  - Remote or mobile phone payment
  - payment by cash
  - payment by credit card
- System currently in place and familiar to patrons
- Works in all locations – street, lot, garage
- Vehicles can be moved within the parking area during the time paid

Disadvantages

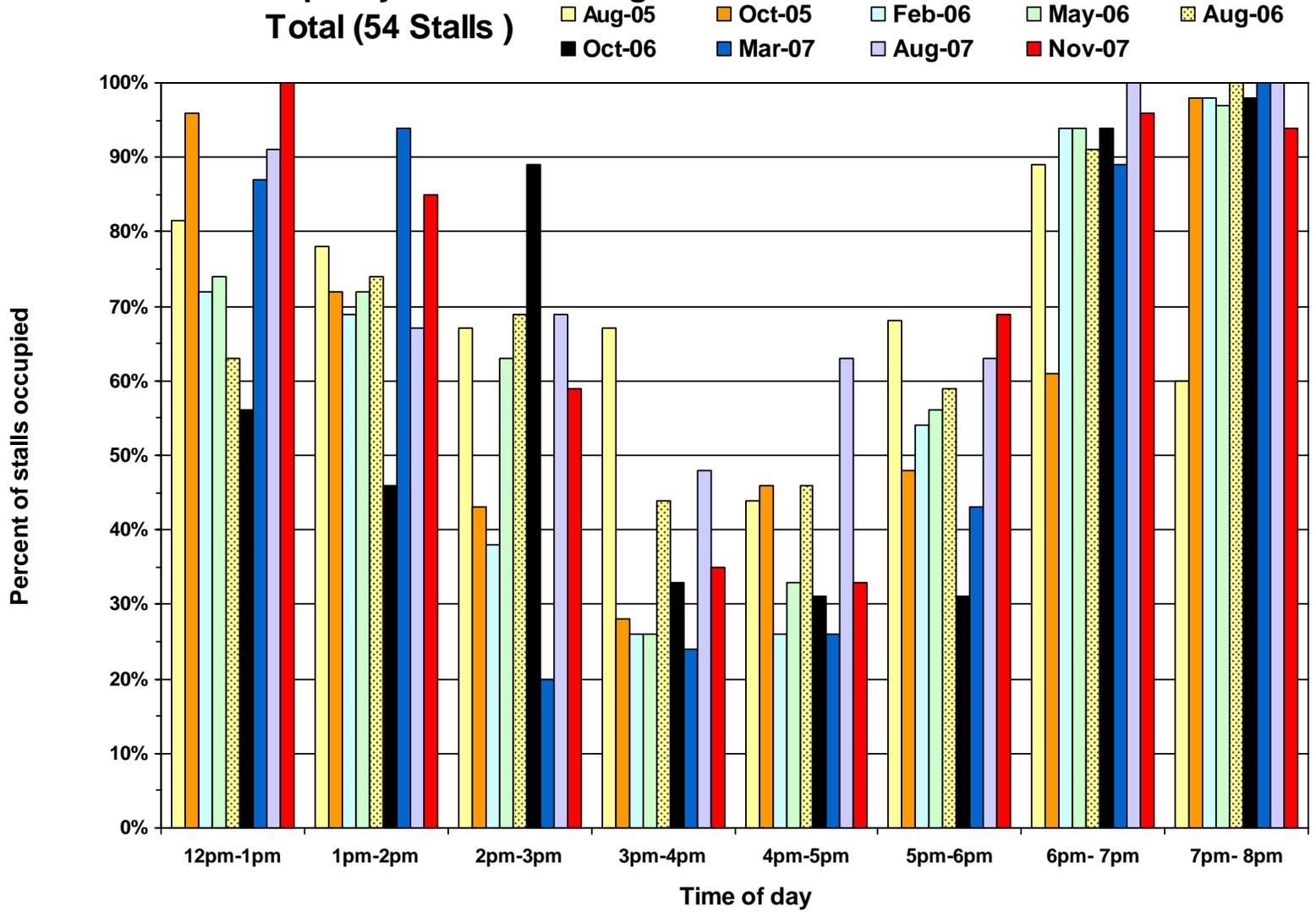
- Patrons must pay in advance
- No easy way for merchants to validate for parking
- Additional time cannot be purchased remotely
- Patrons must pay and return to their car with their ticket

As one of the reasons Kirkland is looking to increase the number of paid parking spots is to help increase turnover and improve access to parking spots, the inability to add time remotely is not perceived as negative. Expanding the capabilities and range of the current system will allow the City to increased paid parking while maintaining a system which currently is working well and people are familiar with using.

<b>Parking Vendors Explored by PAB</b>				
<b>Vendor Name</b>	<b>URL</b>	<b>Comments</b>	<b>Clients</b>	<b>Add On</b>
Cale Parking Systems	<a href="http://www.caleparkingusa.com">www.caleparkingusa.com</a>	Pay and display - flexible - remote	Kirkland	
Creditcall	<a href="http://www.creditcall.co.uk">www.creditcall.co.uk</a>	full card and gate and pay at remote, web based services	Seattle	Y
Digital Payment Technologies	<a href="http://www.digitalpaytech.com/company.html">http://www.digitalpaytech.com/company.html</a>	Pay by space or time, pay by cell phone integration, wireless site management, coupons for time	Mainly Canadian	
Ganis	<a href="http://www.ganis-systems.com/">http://www.ganis-systems.com/</a>	Park and display, SmartPark - personal parking	Grand Rapids, Portland	
Integrated Parking Solutions	<a href="http://www.integratedparkingsolutions.com/products.html">http://www.integratedparkingsolutions.com/products.html</a>	Phone and mobile, wireless, can add free time, can monitor time, an add time without returning	UW, Oakland, Lansing, Tallahassee	
McGann	<a href="http://www.mcgannsoft.com/ProductsHARPaystationsPage.asp">http://www.mcgannsoft.com/ProductsHARPaystationsPage.asp</a>	Call to park - also remote access	Coral Gables, Miami, San Francisco	
Parcxmart Technologies	<a href="http://www.parcxmart.com/how_citysolutions.html">http://www.parcxmart.com/how_citysolutions.html</a>	Reloadable, can use with merchants, can use with some current systems (including Cale)	Bridgeport, New Haven, Yonkers	Y
Park by Phone	<a href="http://park-by-phone.com/HowTos/">http://park-by-phone.com/HowTos/</a>	Sig up online and manage parking fees by phone	Denver, Seattle, LA, Coral Gables	Y
Paymint	<a href="http://mintcommerce.com/aboutus.php">http://mintcommerce.com/aboutus.php</a>	Allows users to pay for parking online, works with other systems	Coral Gables,	Y
Verrus	<a href="http://verrus.com/verrus/products.aspx">http://verrus.com/verrus/products.aspx</a>	Remote payment for parking by phone- works with other systems	Seattle, Oakland, Redwood City	Y
WorldWide Parking	<a href="http://www.wwparking.com/services.htm">http://www.wwparking.com/services.htm</a>	Turnkey with lots of options including management and	Washington DC, New Orleans	

# Cross seasonal counts

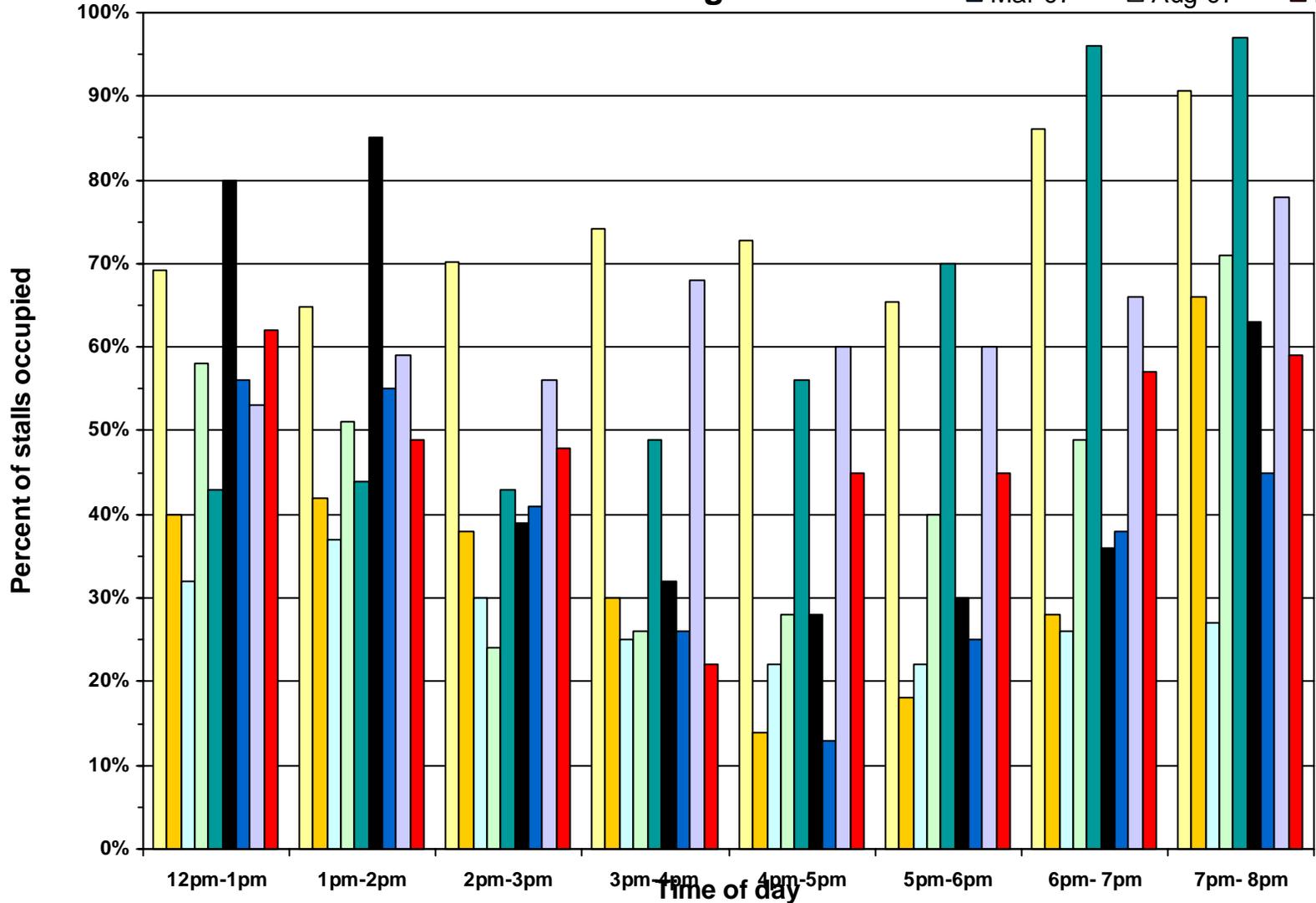
# Seasonal Occupancy Lake St Parking Lot Total (54 Stalls)



# Seasonal Occupancy at Library Garage

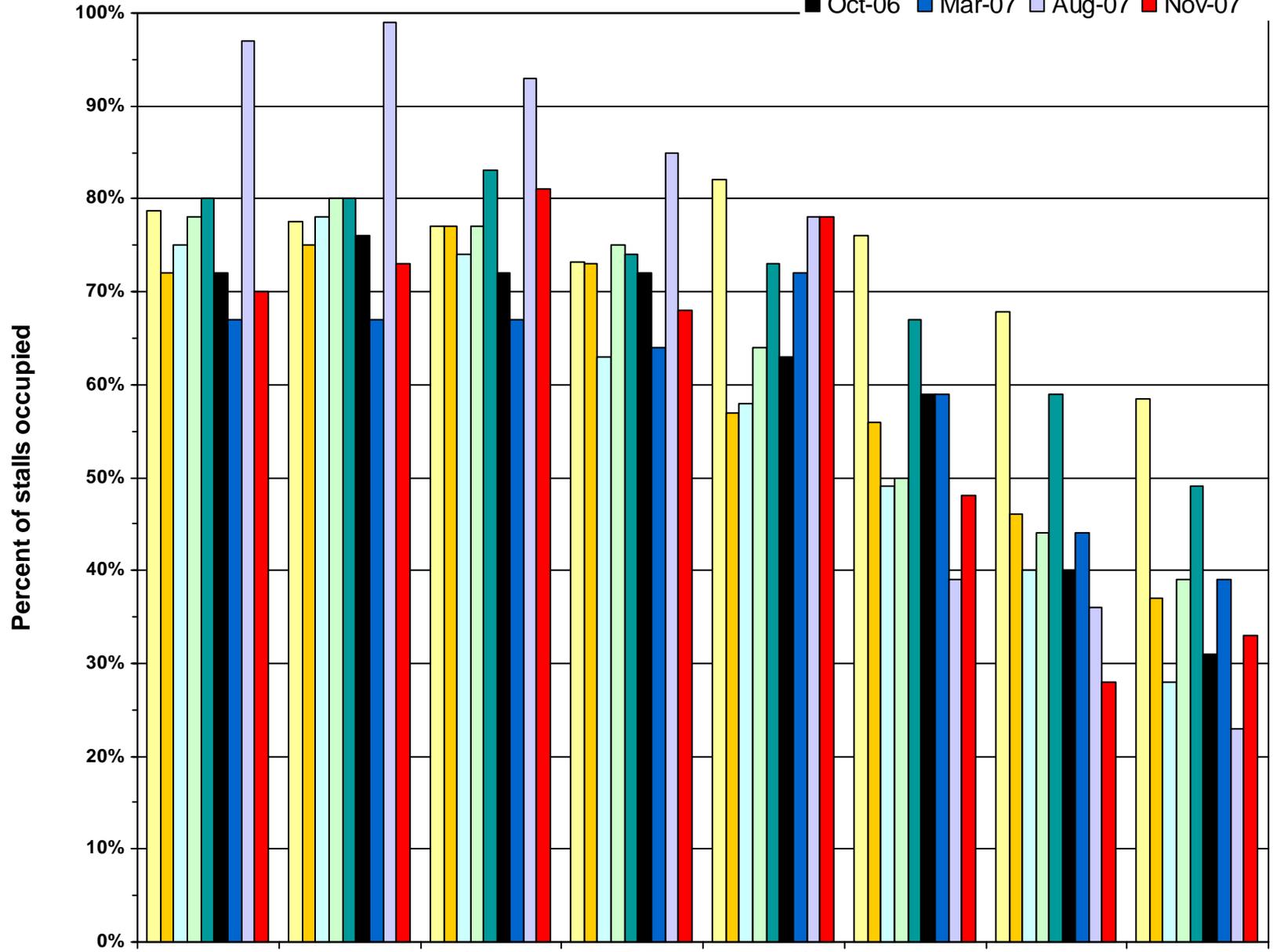
## 4-hour Free Parking

■ Aug-05    ■ Oct-05    ■ Feb-06  
■ May-06    ■ Aug-06    ■ Oct-06  
■ Mar-07    ■ Aug-07    ■ Nov-07



### Seasonal Occupancy at Library Garage Permit Parking (183 Stalls)

■ Aug-05 ■ Oct-05 ■ Feb-06 ■ May-06 ■ Aug-06  
■ Oct-06 ■ Mar-07 ■ Aug-07 ■ Nov-07



Time of day

12pm-1pm

1pm-2pm

2pm-3pm

3pm-4pm

4pm-5pm

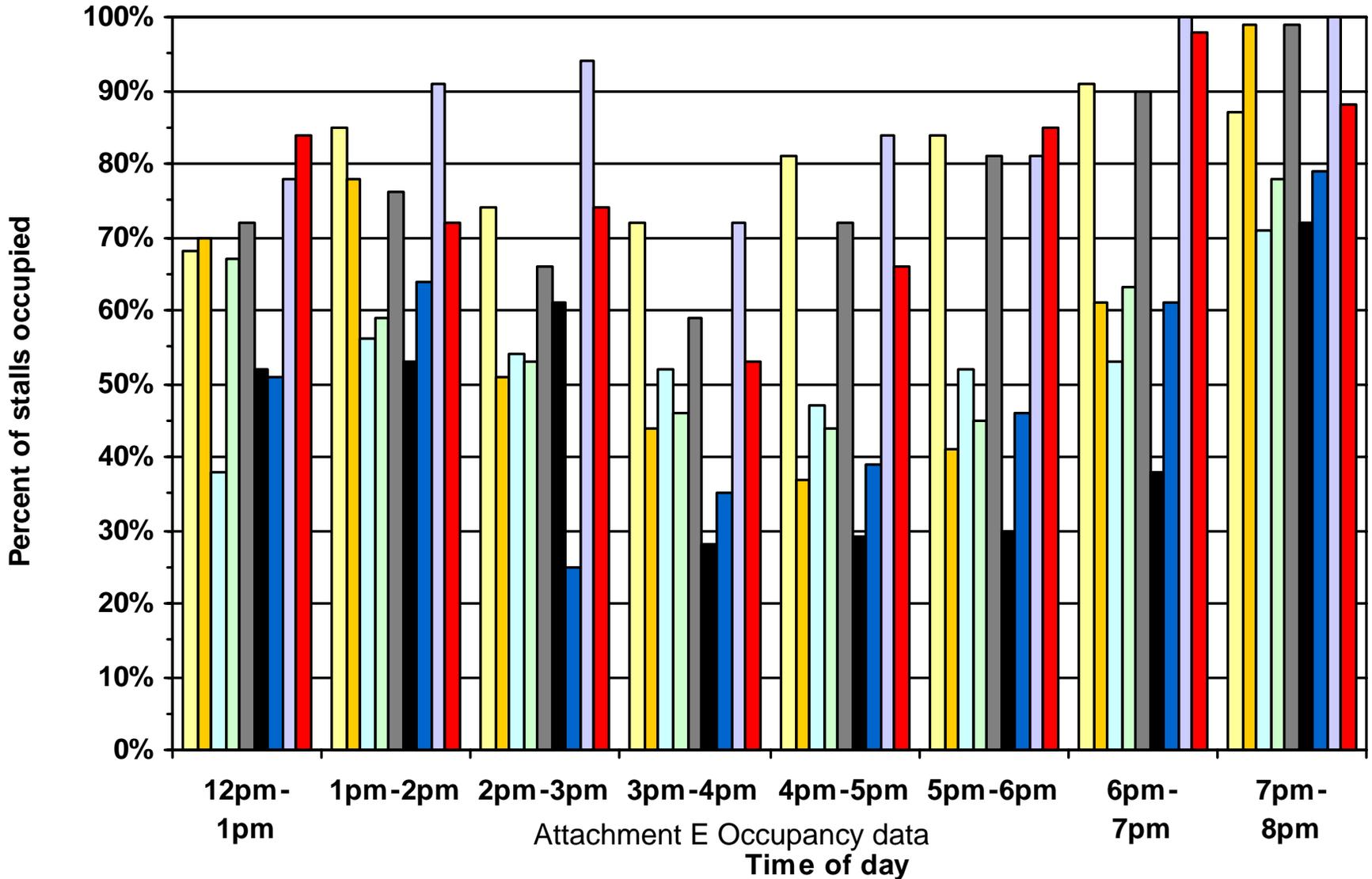
5pm-6pm

6pm-7pm

7pm-8pm

### Seasonal Occupancy Lakeshore Plaza Total (116 Stalls )

- Aug-05
- Oct-05
- Feb-06
- May-06
- Aug-06
- Oct-06
- Mar-07
- Aug-07
- Nov-07

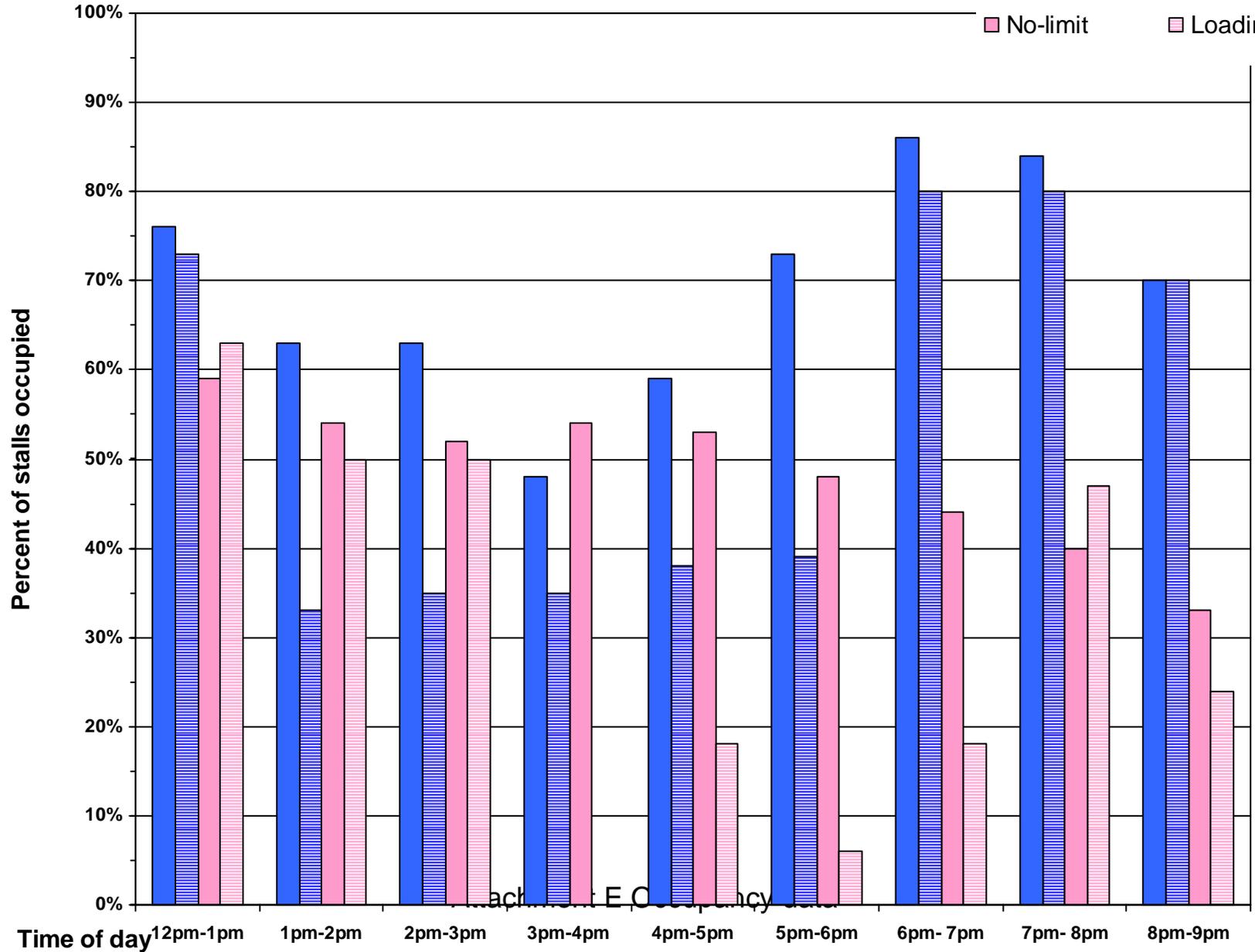


# On-Street

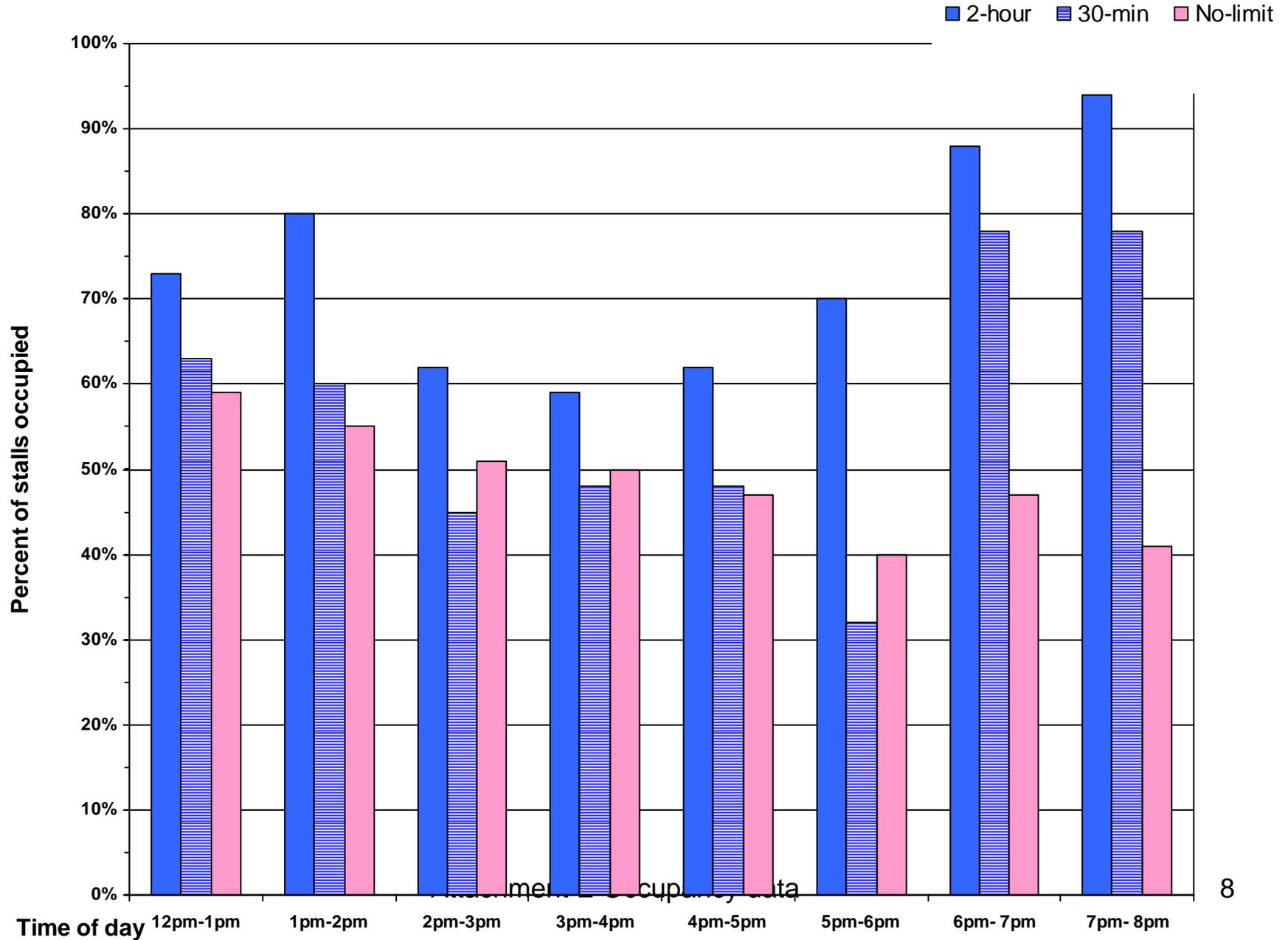
# On- Street Occupancy November 2007

2-hour 30-min

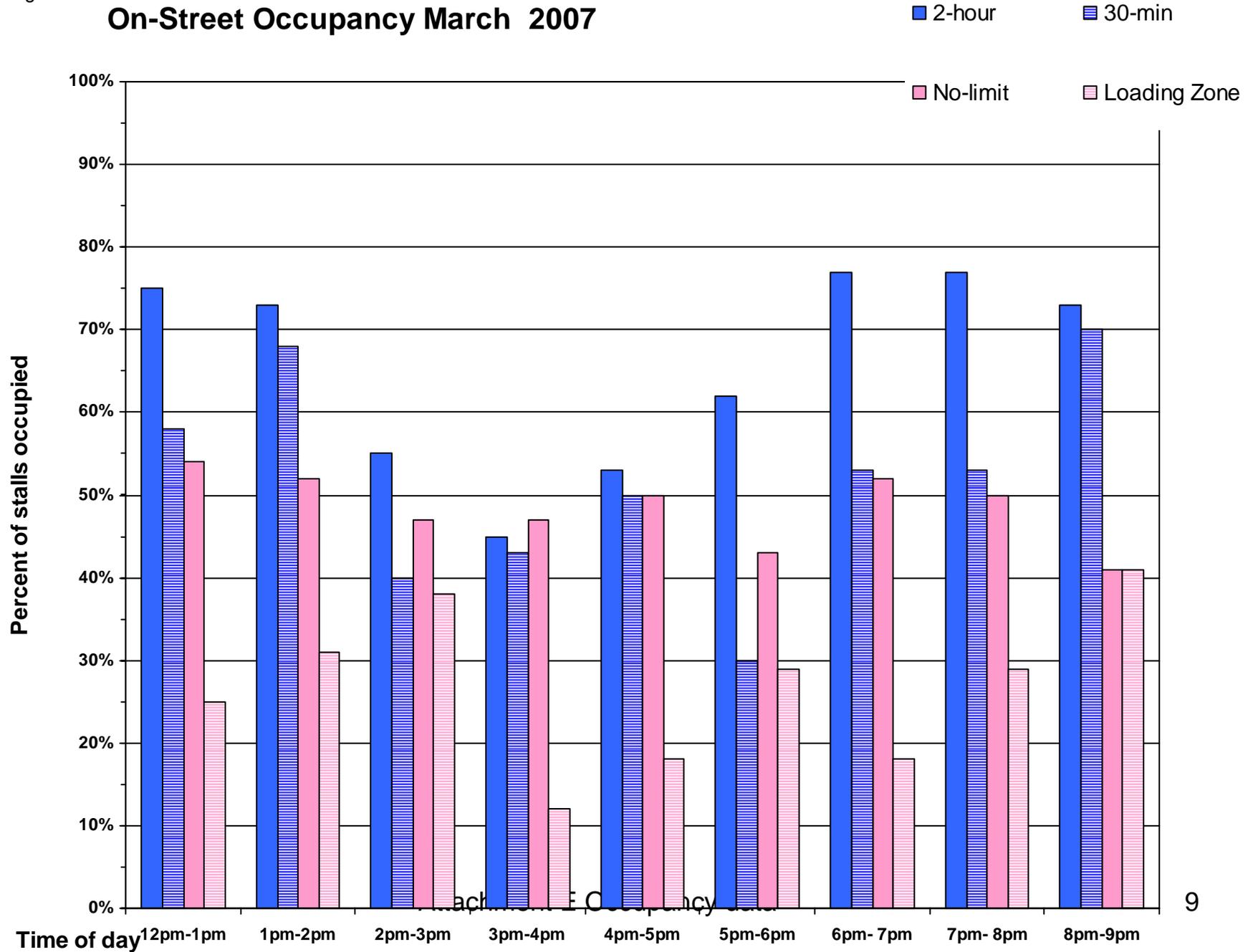
No-limit Loading Zone



# On-Street Occupancy August 2007



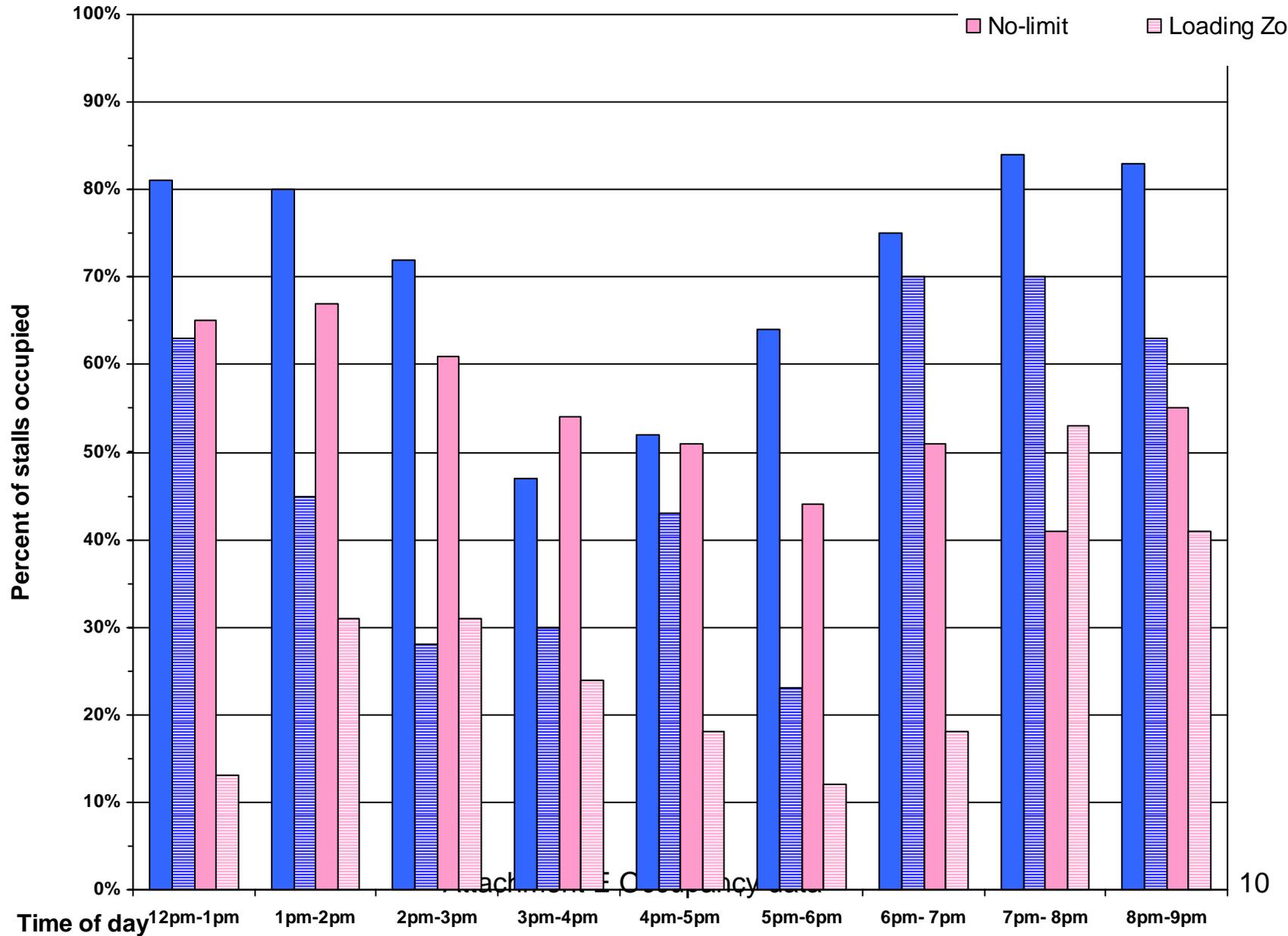
# On-Street Occupancy March 2007



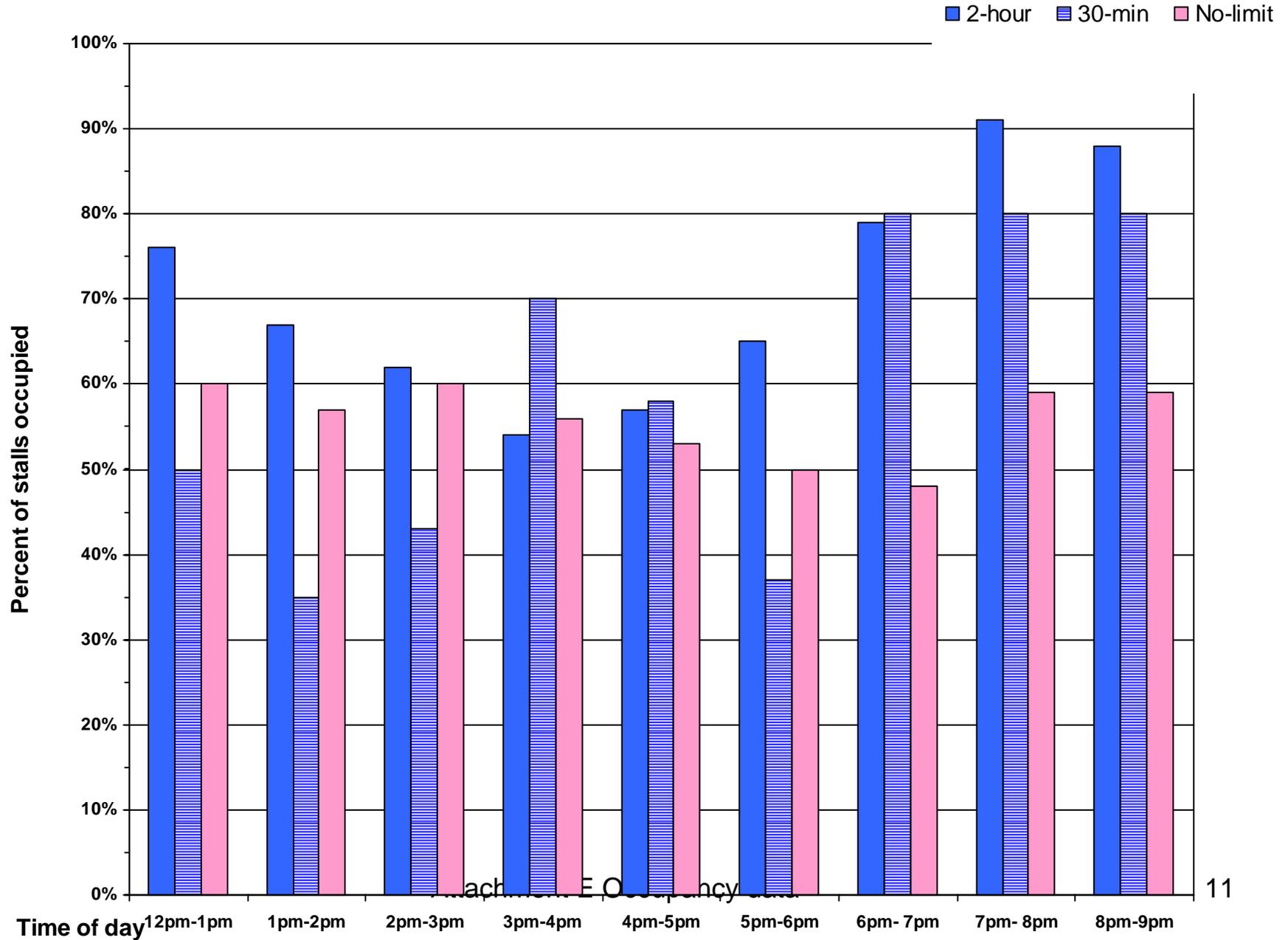
# On- Street Occupancy October 19, 2006

2-hour 30-min

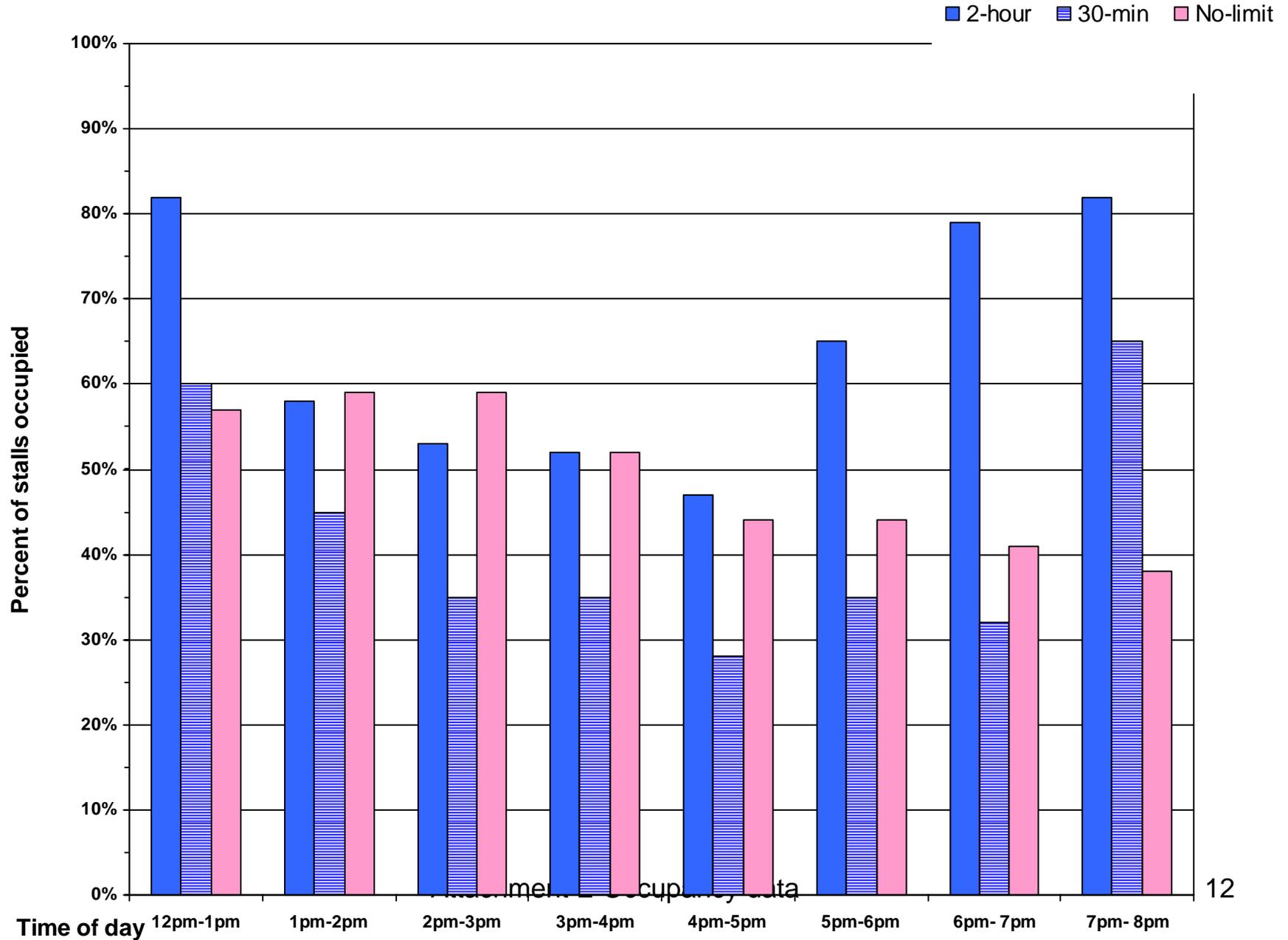
No-limit Loading Zone

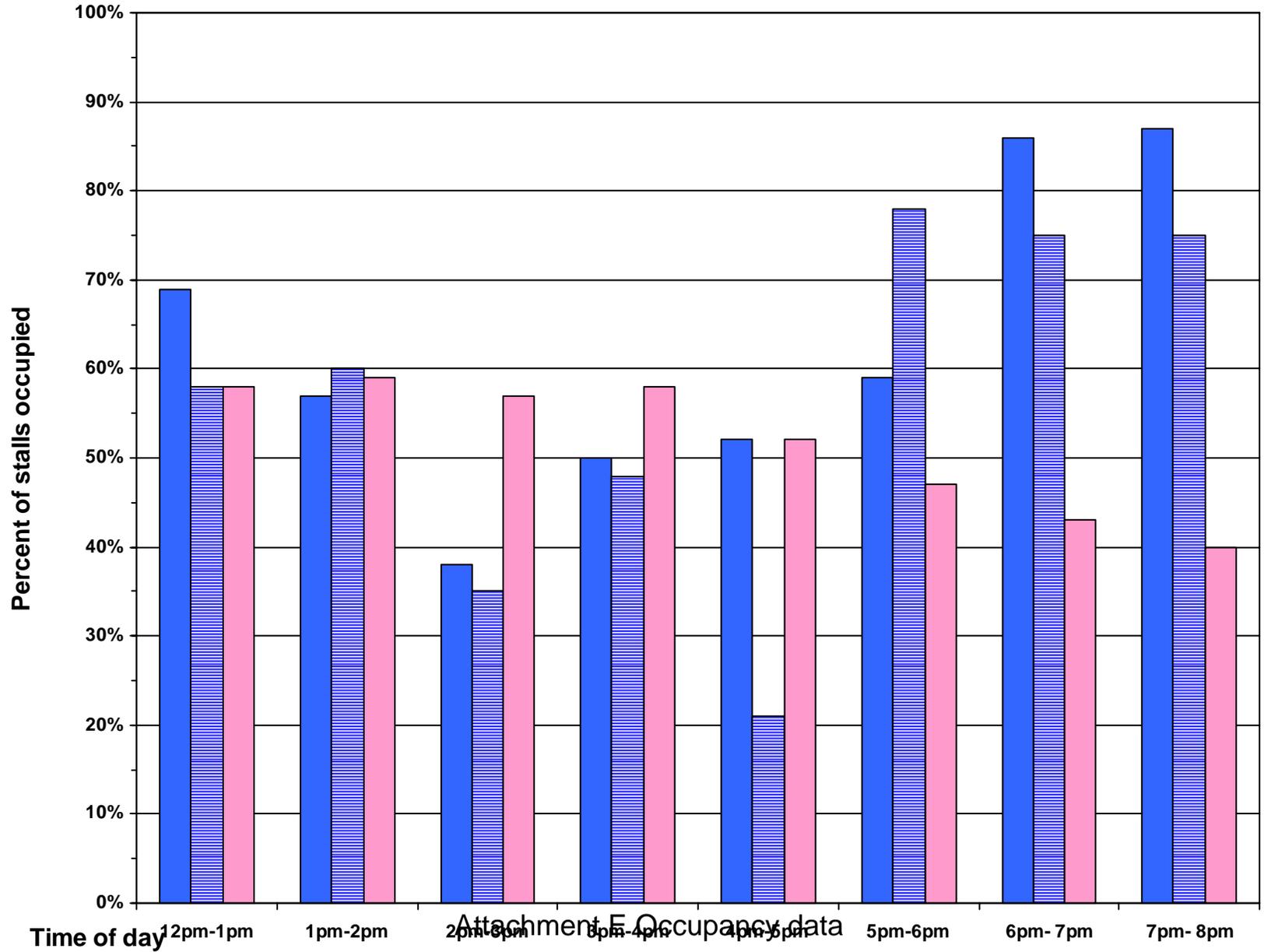


# On- Street Occupancy August 17, 2006



# On- Street Occupancy May 25, 2006



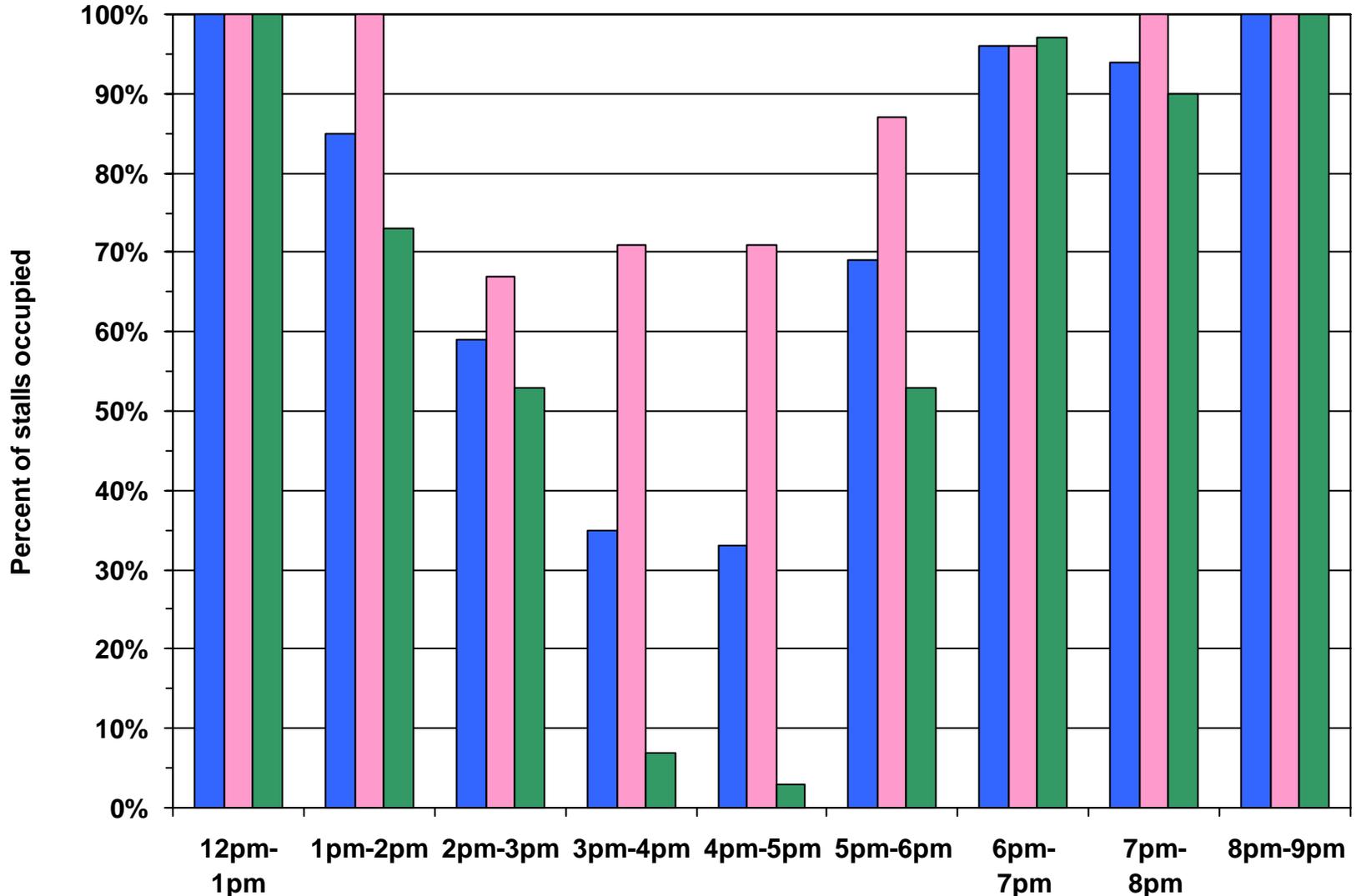


Attachment E Occupancy data

# Lake and Central Lot

# Occupancy at Lake St / Central Parking Lot November, 2007

■ Total (54 Stalls)    ■ Free (24 Stalls)    ■ Pay (30 Stalls)



Attachment E Occupancy data  
Time of day

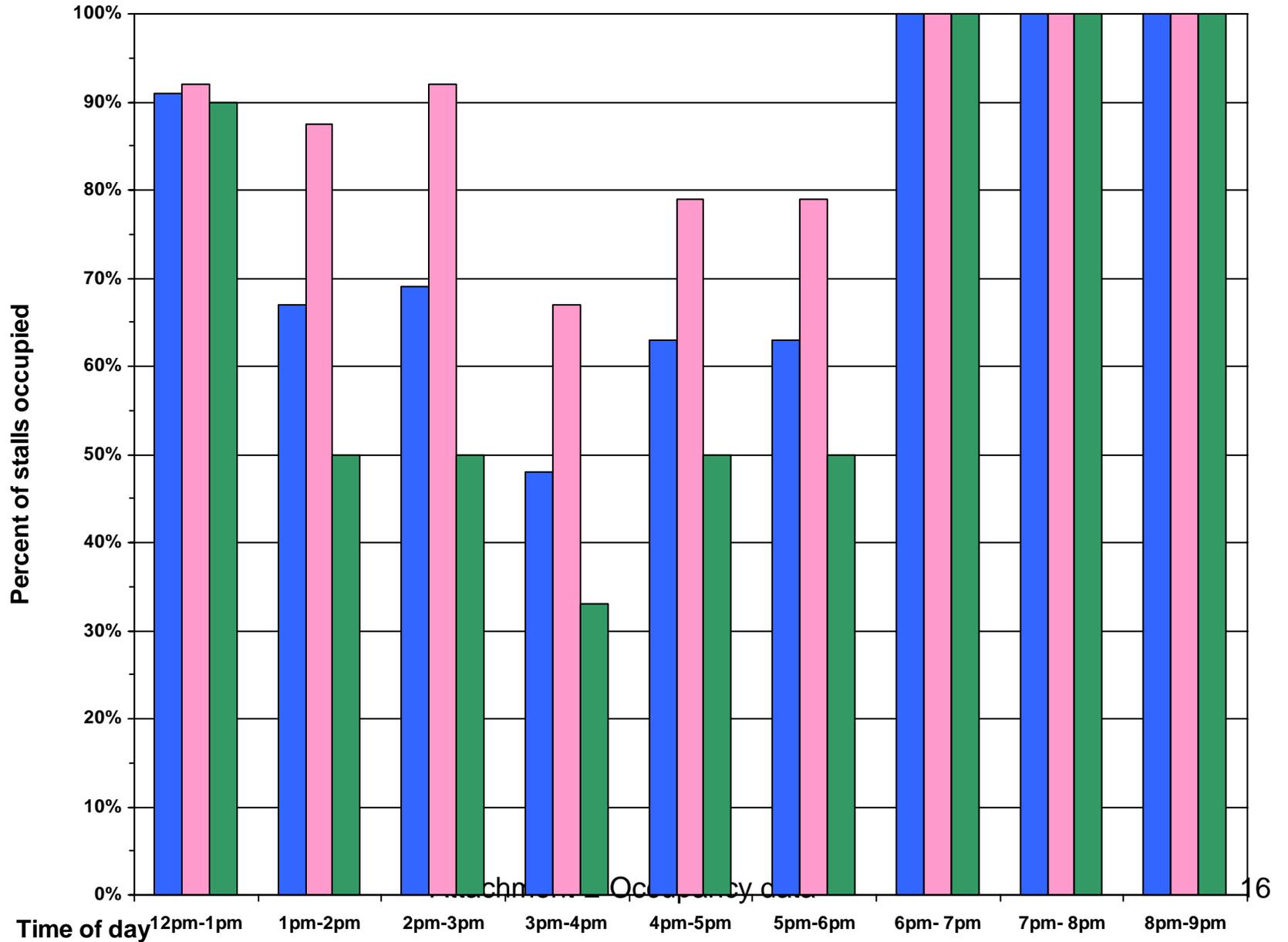
# Occupancy at Lake St / Central Parking Lot

August 2007

Total (54 Stalls)

Free (24 Stalls)

Pay (30 Stalls)



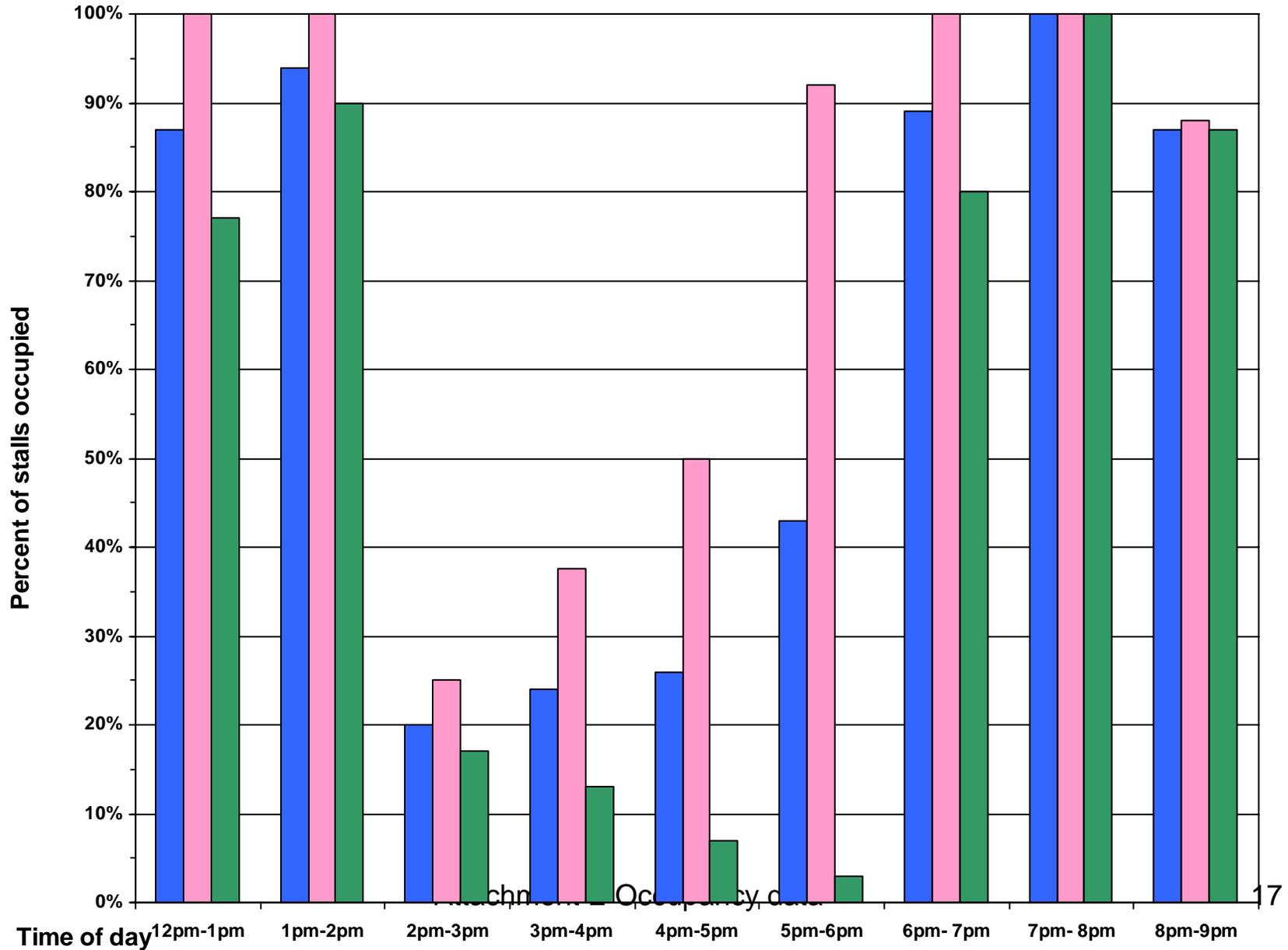
# Occupancy at Lake St / Central Parking Lot

March 2007

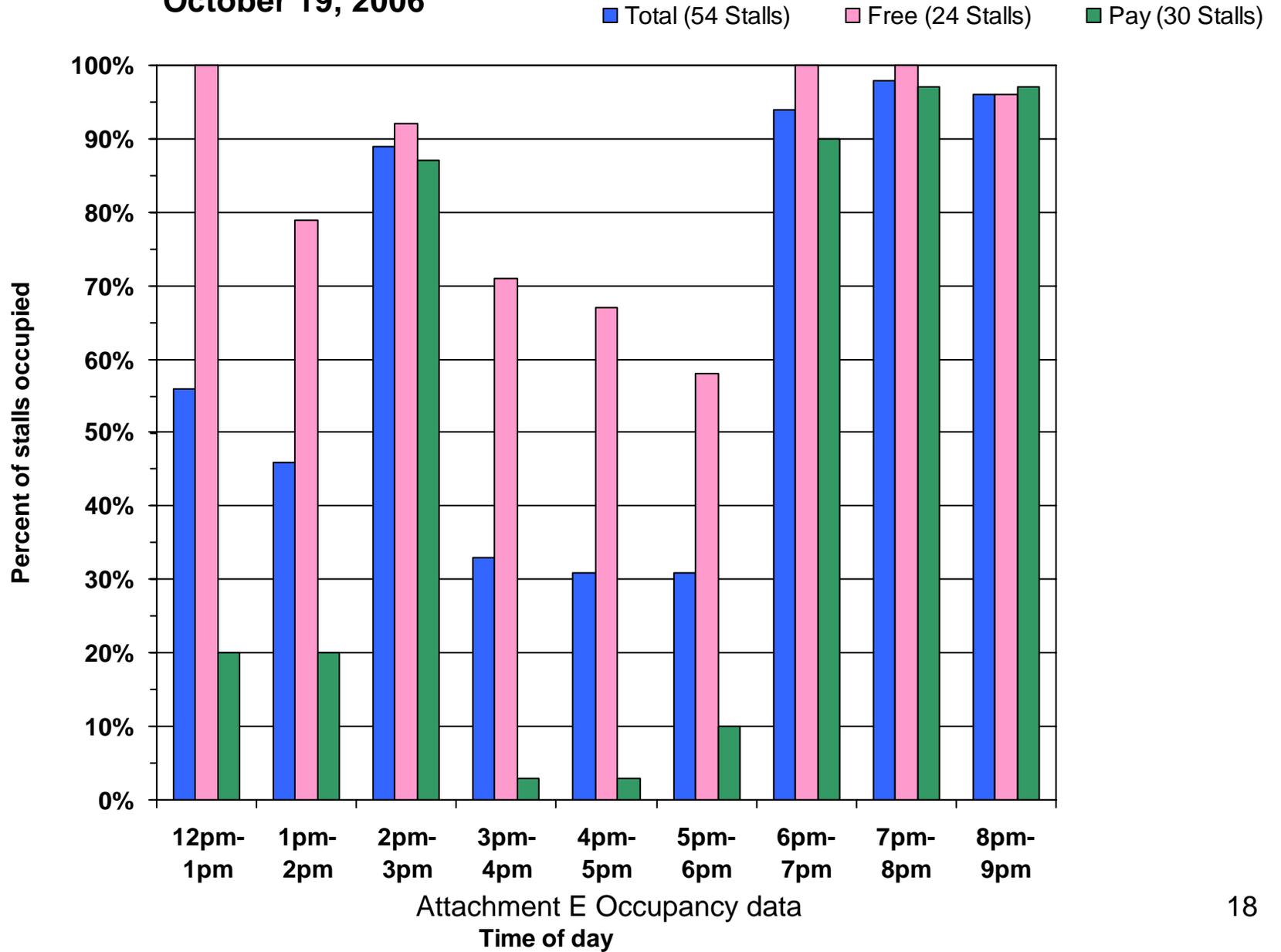
Total (54 Stalls)

Free (24 Stalls)

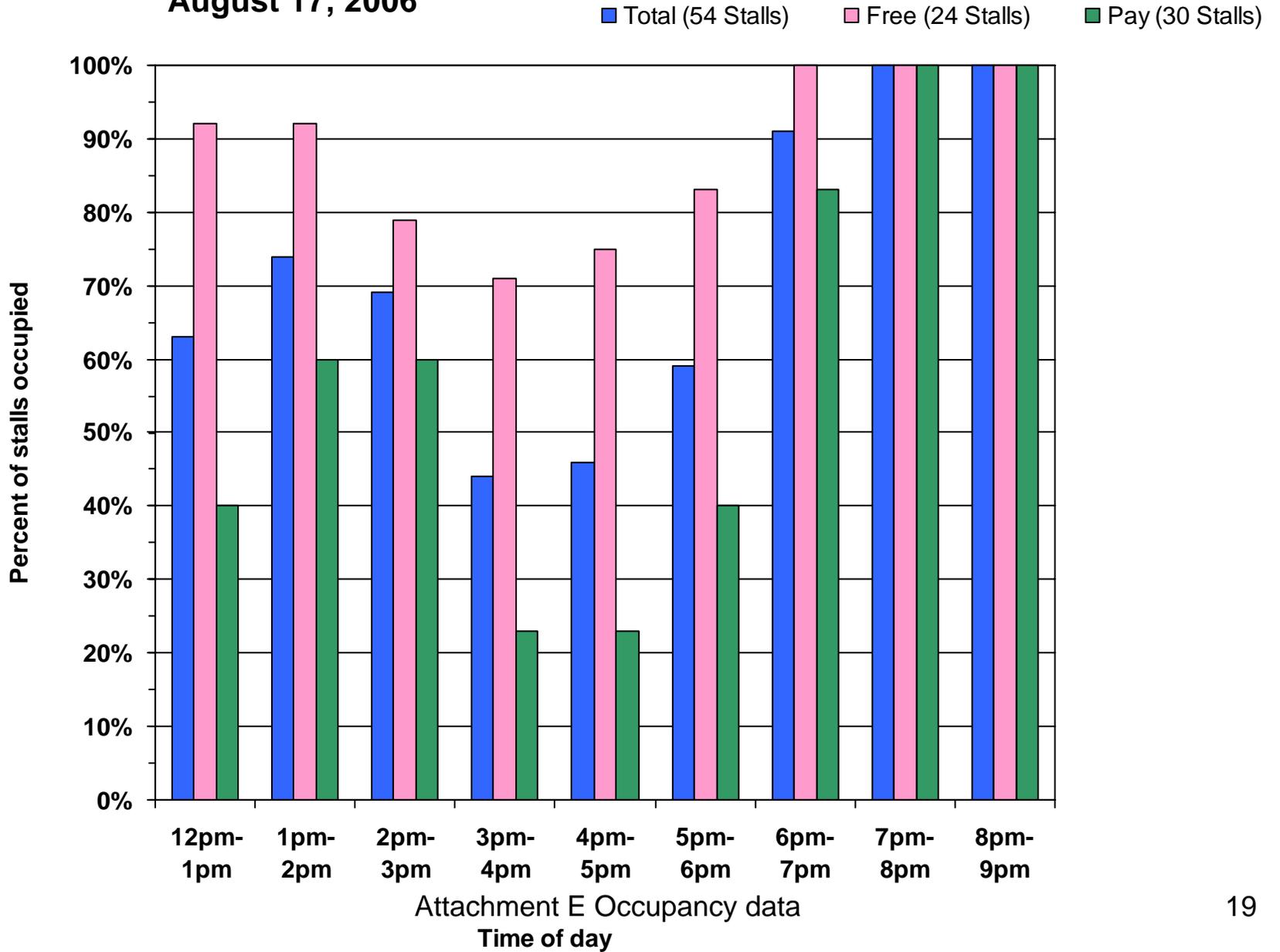
Pay (30 Stalls)



# Occupancy at Lake St / Central Parking Lot October 19, 2006



# Occupancy at Lake St / Central Parking Lot August 17, 2006



Attachment E Occupancy data  
Time of day

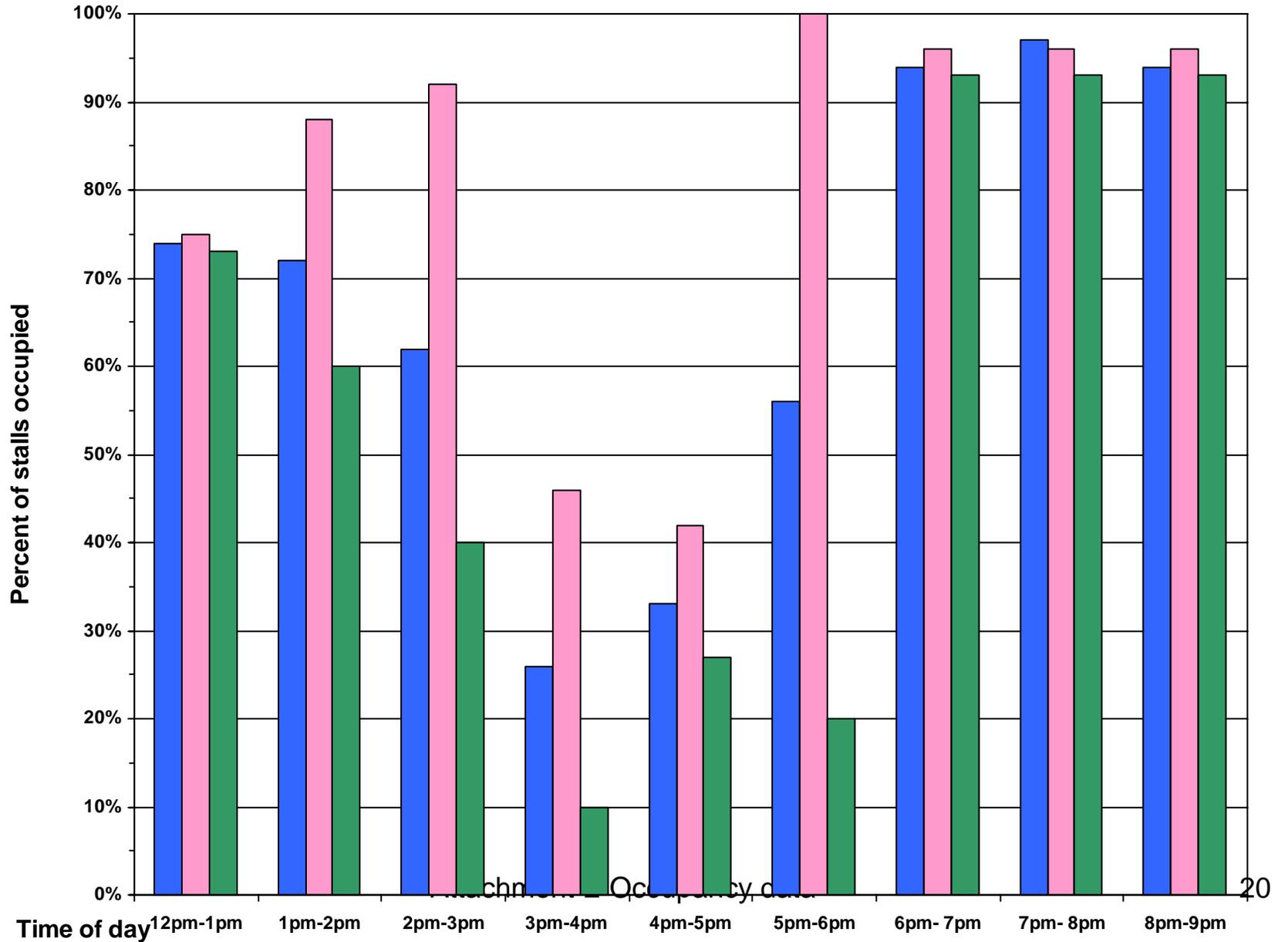
# Occupancy at Lake St / Central Parking Lot

May 25, 2006

■ Total (54 Stalls)

■ Free (24 Stalls)

■ Pay (30 Stalls)



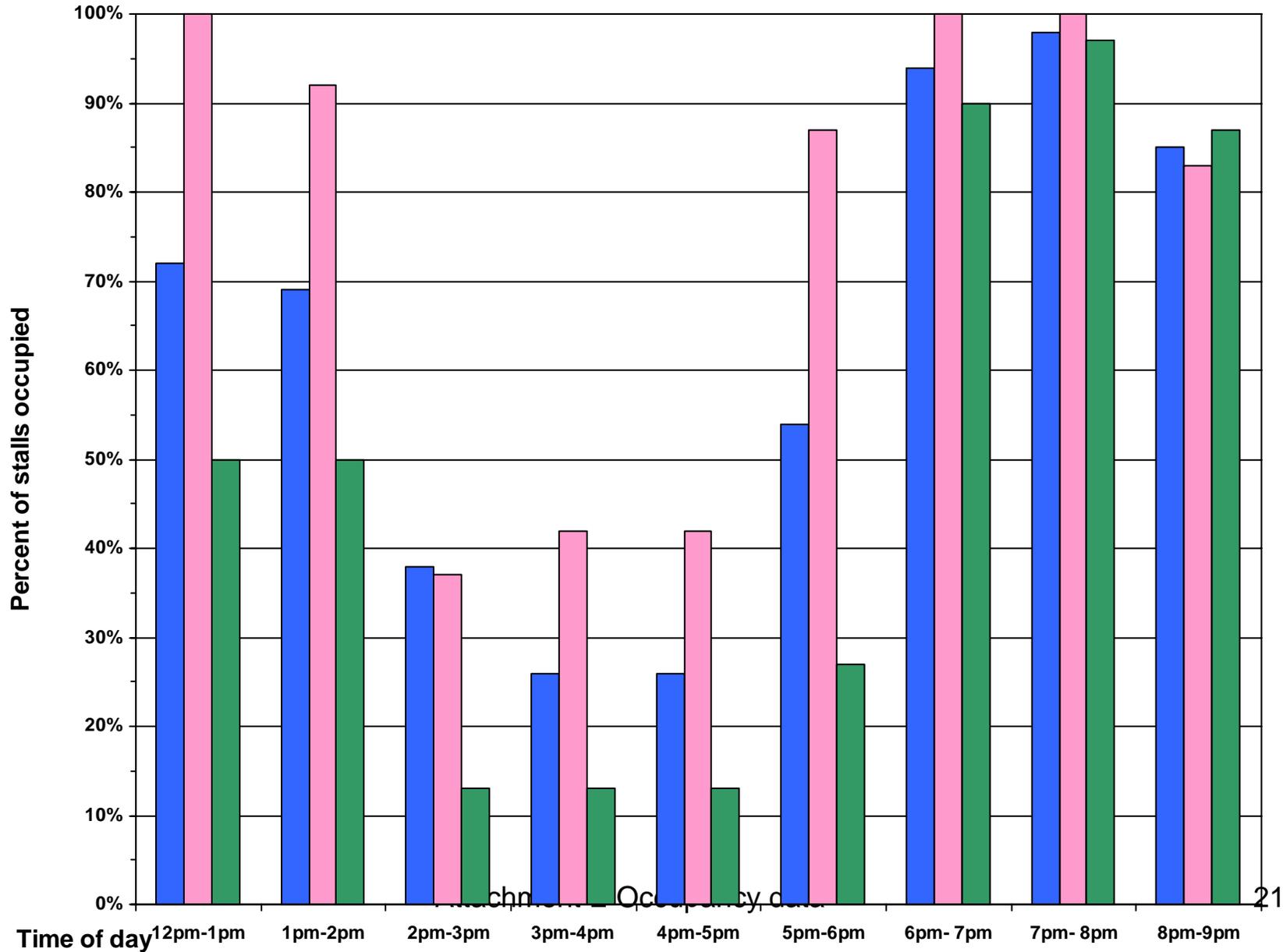
# Occupancy at Lake St / Central Parking Lot

February 16, 2006

■ Total (54 Stalls)

■ Free (24 Stalls)

■ Pay (30 Stalls)



# Lakeshore Plaza

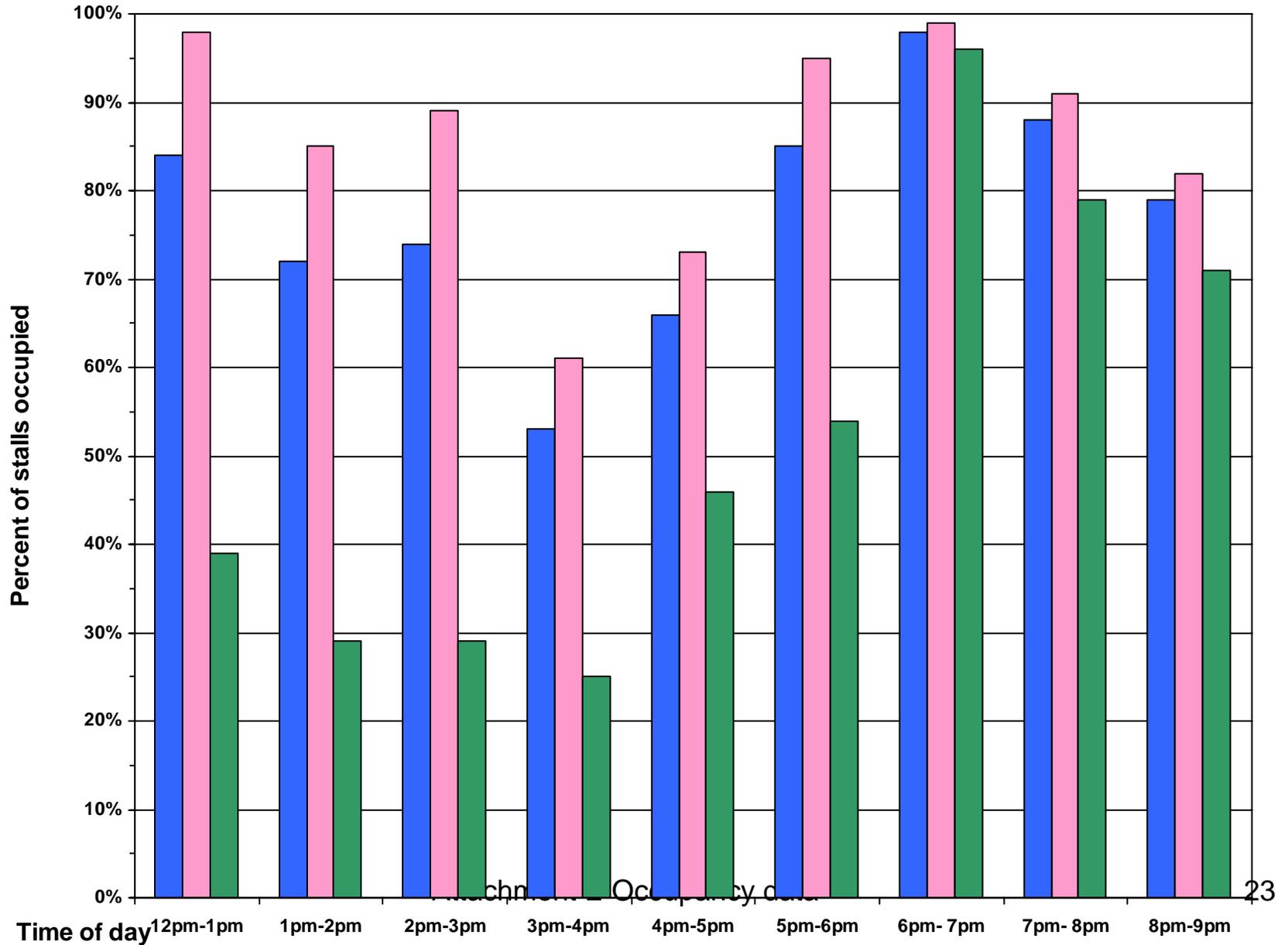
# Occupancy at Lakeshore Parking Lot

November 2007

Total (116 Stalls)

Free (88 Stalls)

Pay (28 Stalls)



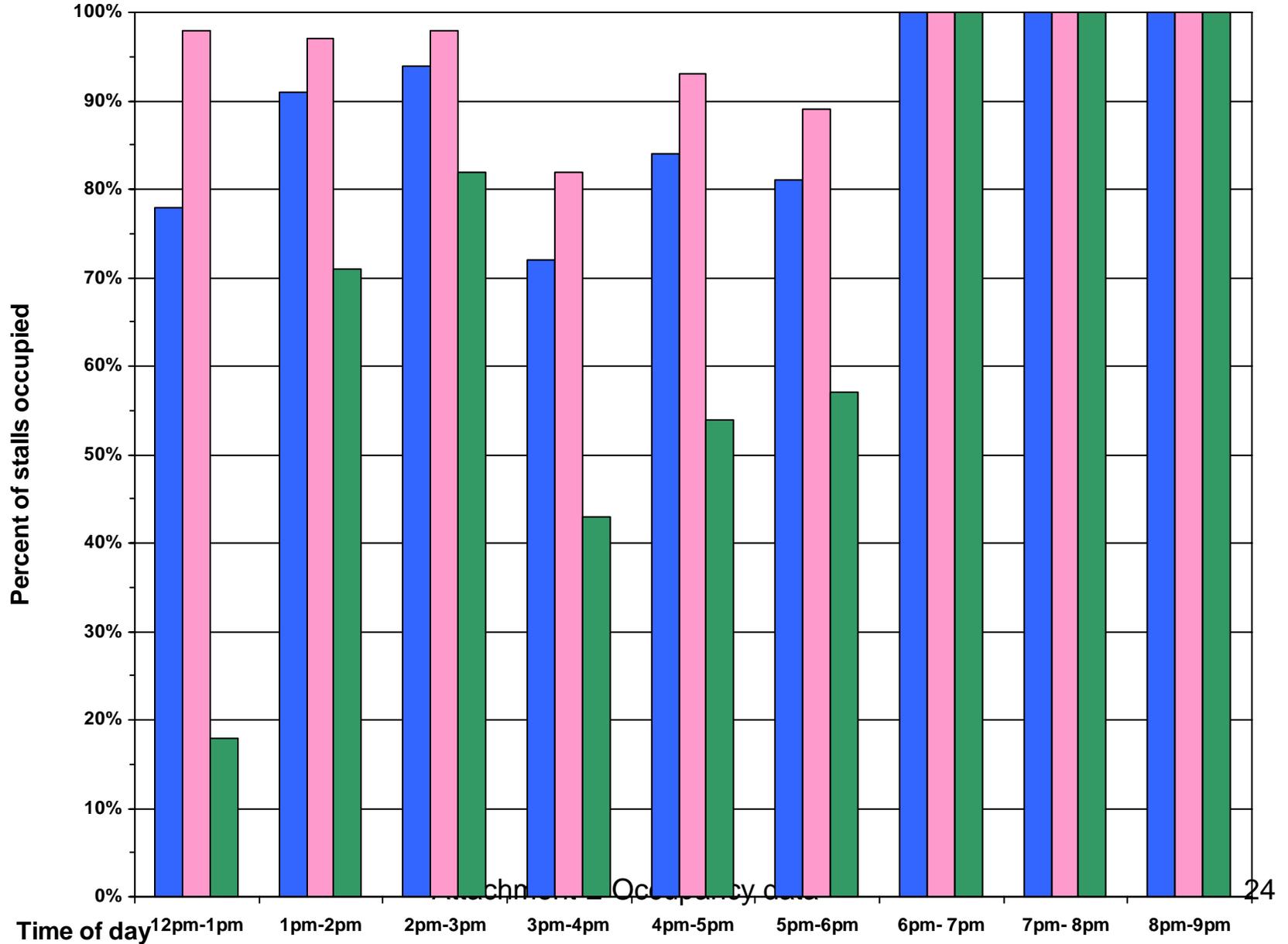
# Occupancy at Lakeshore Parking Lot

August 2007

Total (116 Stalls)

Free (88 Stalls)

Pay (28 Stalls)



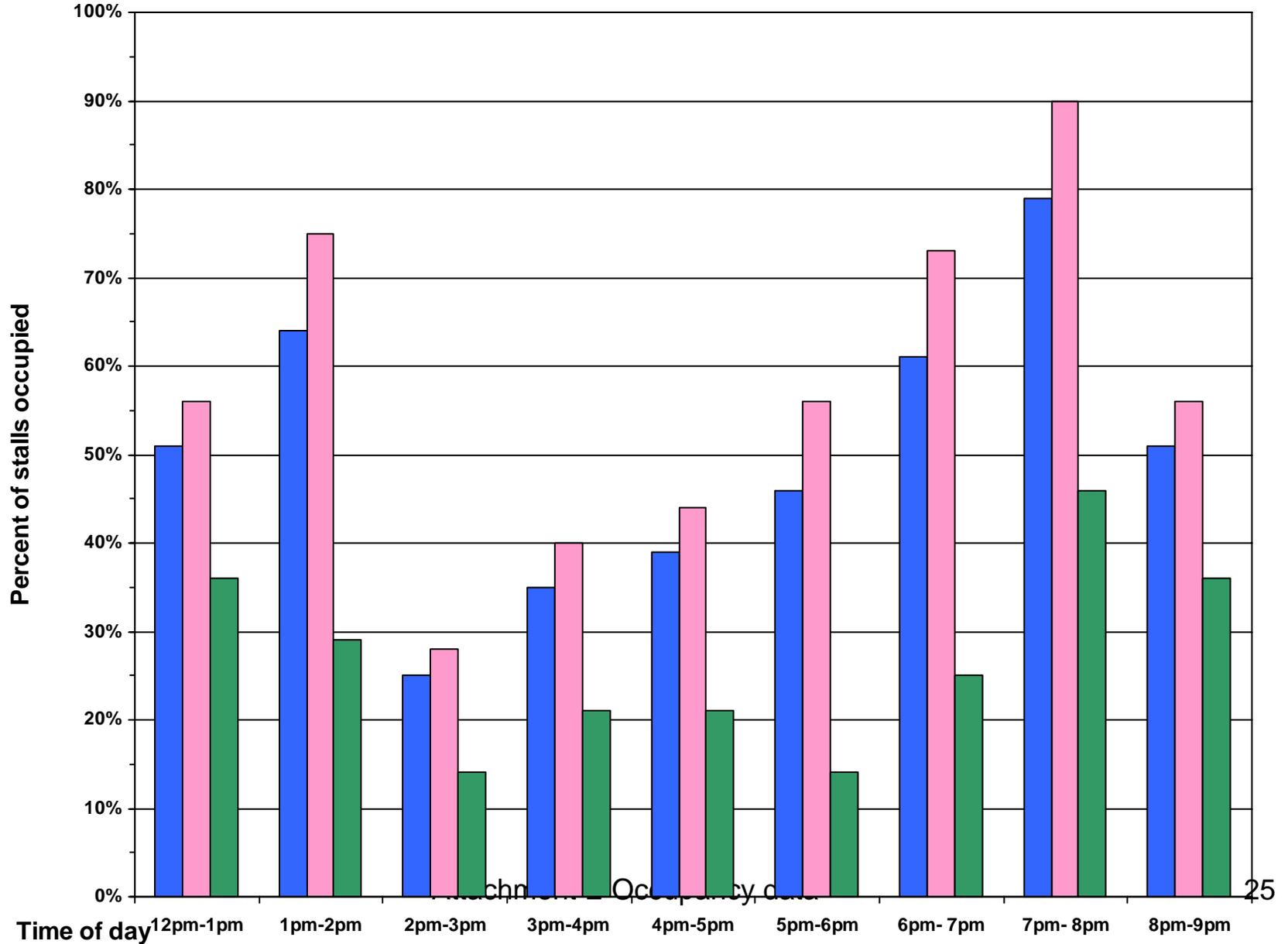
# Occupancy at Lakeshore Parking Lot

March, 2007

Total (116 Stalls)

Free (88 Stalls)

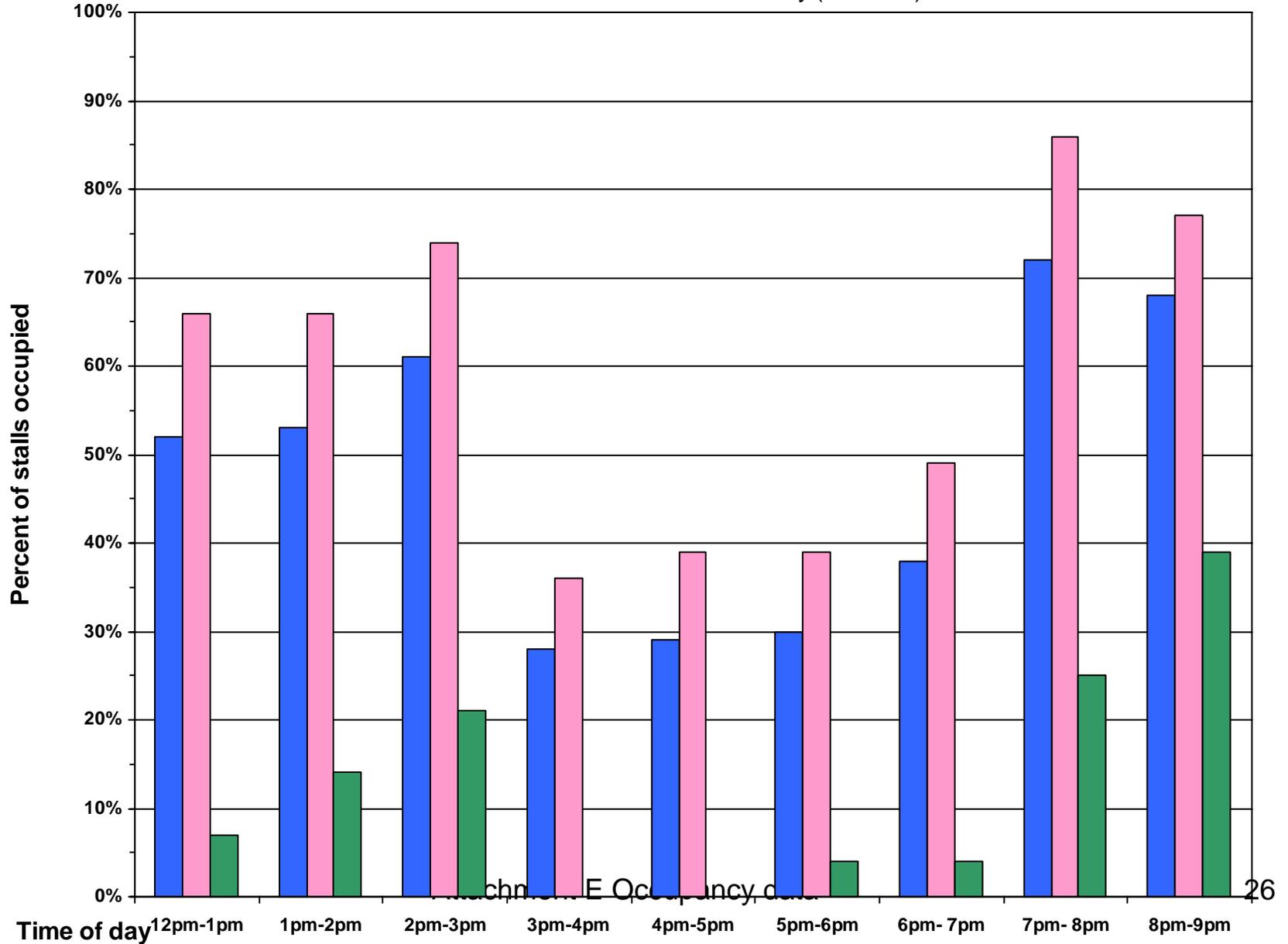
Pay (28 Stalls)



# Occupancy at Lakeshore Parking Lot October 19, 2006

Total (116 Stalls)  
Pay (28 Stalls)

Free (88 Stalls)



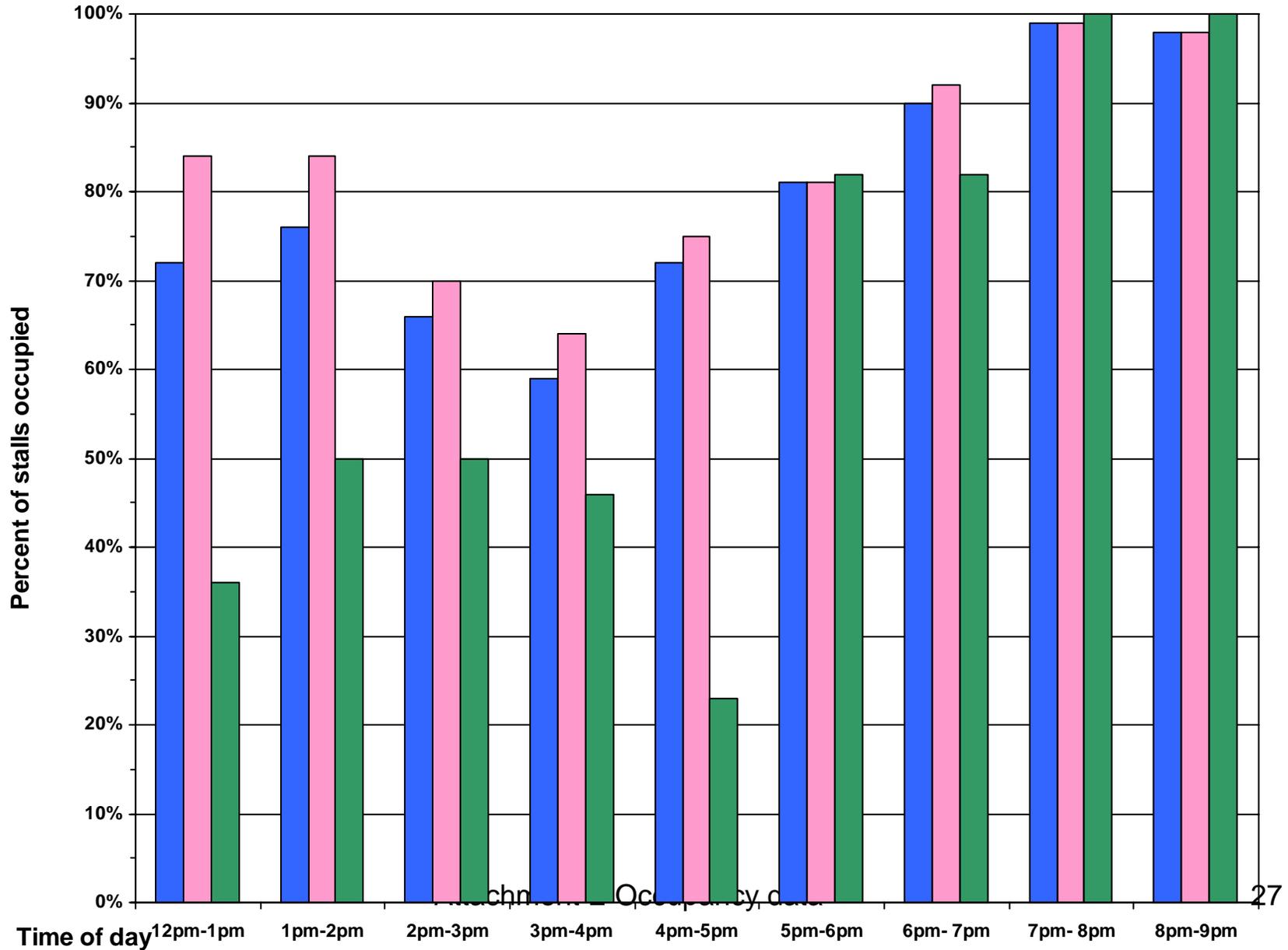
# Occupancy at Lakeshore Parking Lot

August 17, 2006

■ Total (116 Stalls)

■ Free (88 Stalls)

■ Pay (28 Stalls)



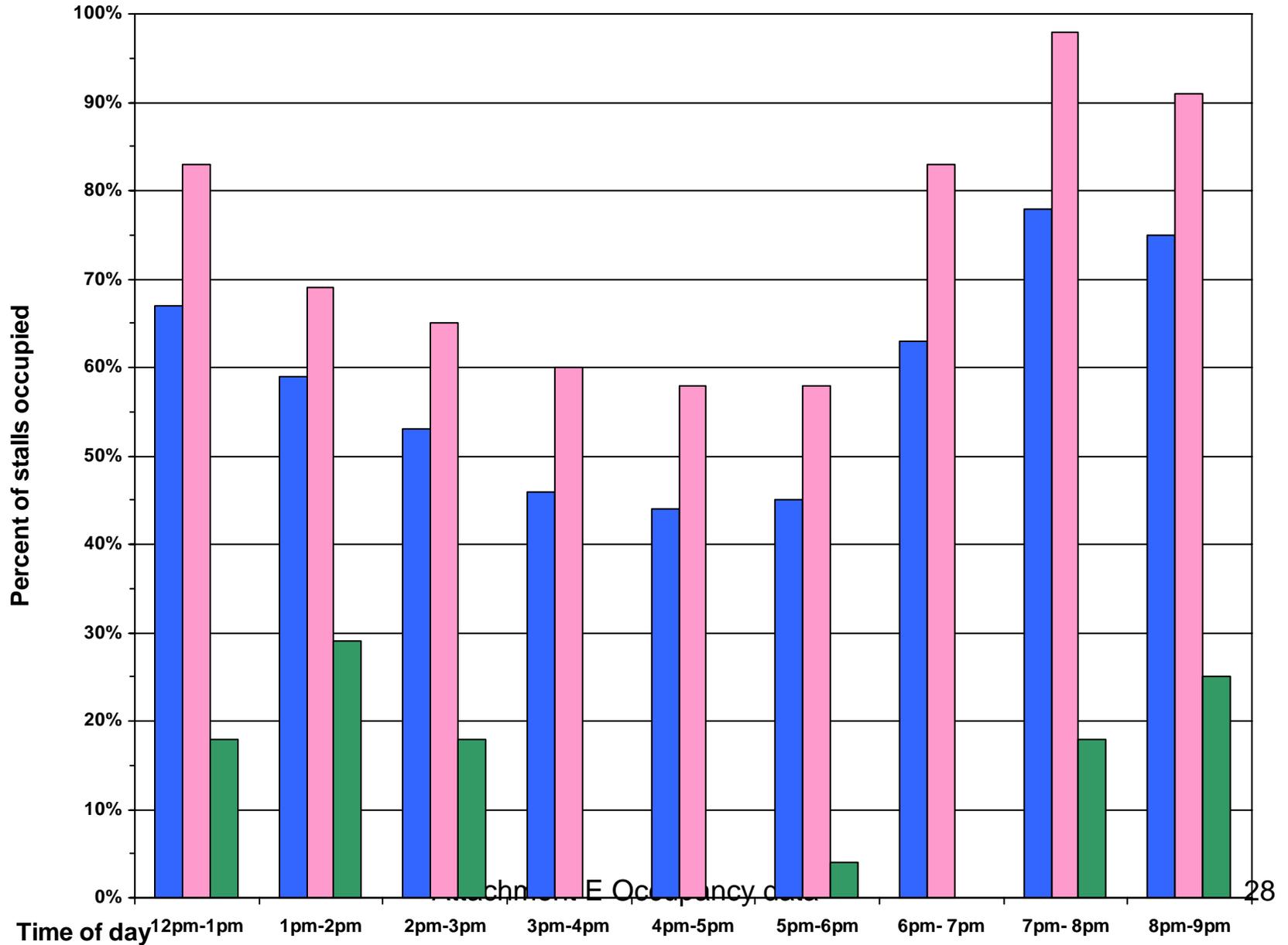
# Occupancy at Lakeshore Parking Lot

May 25, 2006

Total (116 Stalls)

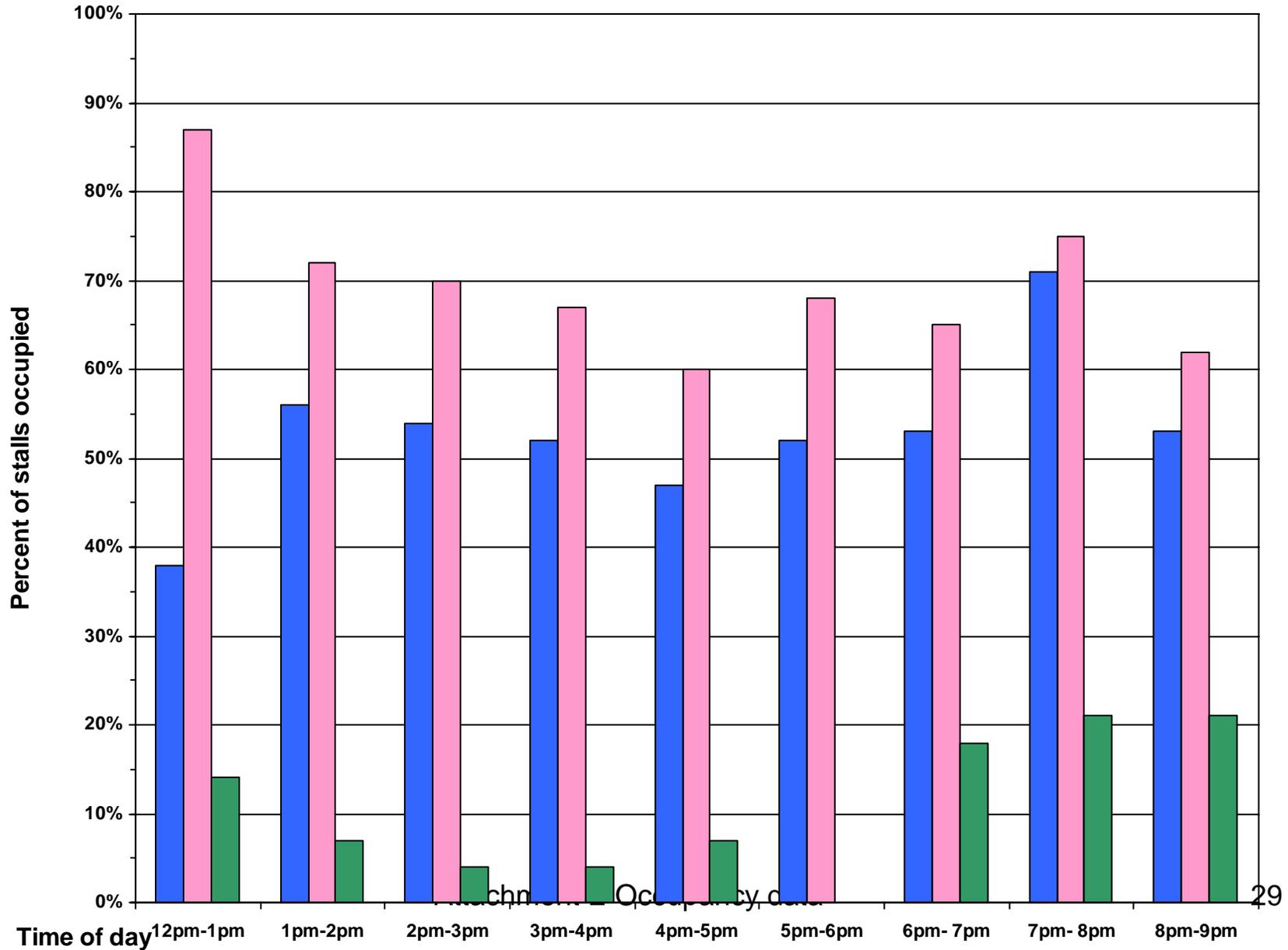
Free (88 Stalls)

Pay (28 Stalls)



# Occupancy at Lakeshore Parking Lot February 16, 2006

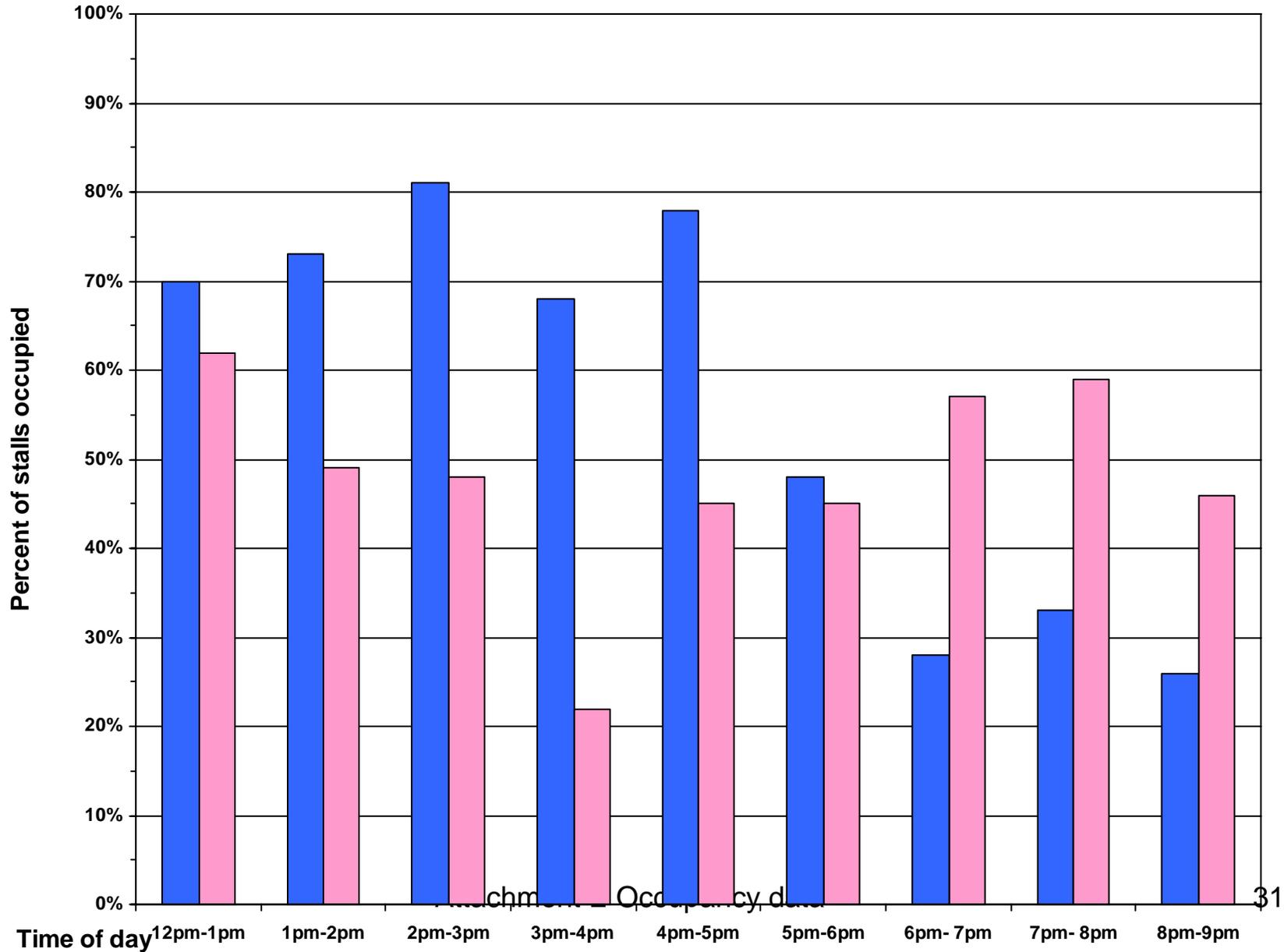
■ Total (54 Stalls) ■ Free (24 Stalls) ■ Pay (30 Stalls)



# Library Garage

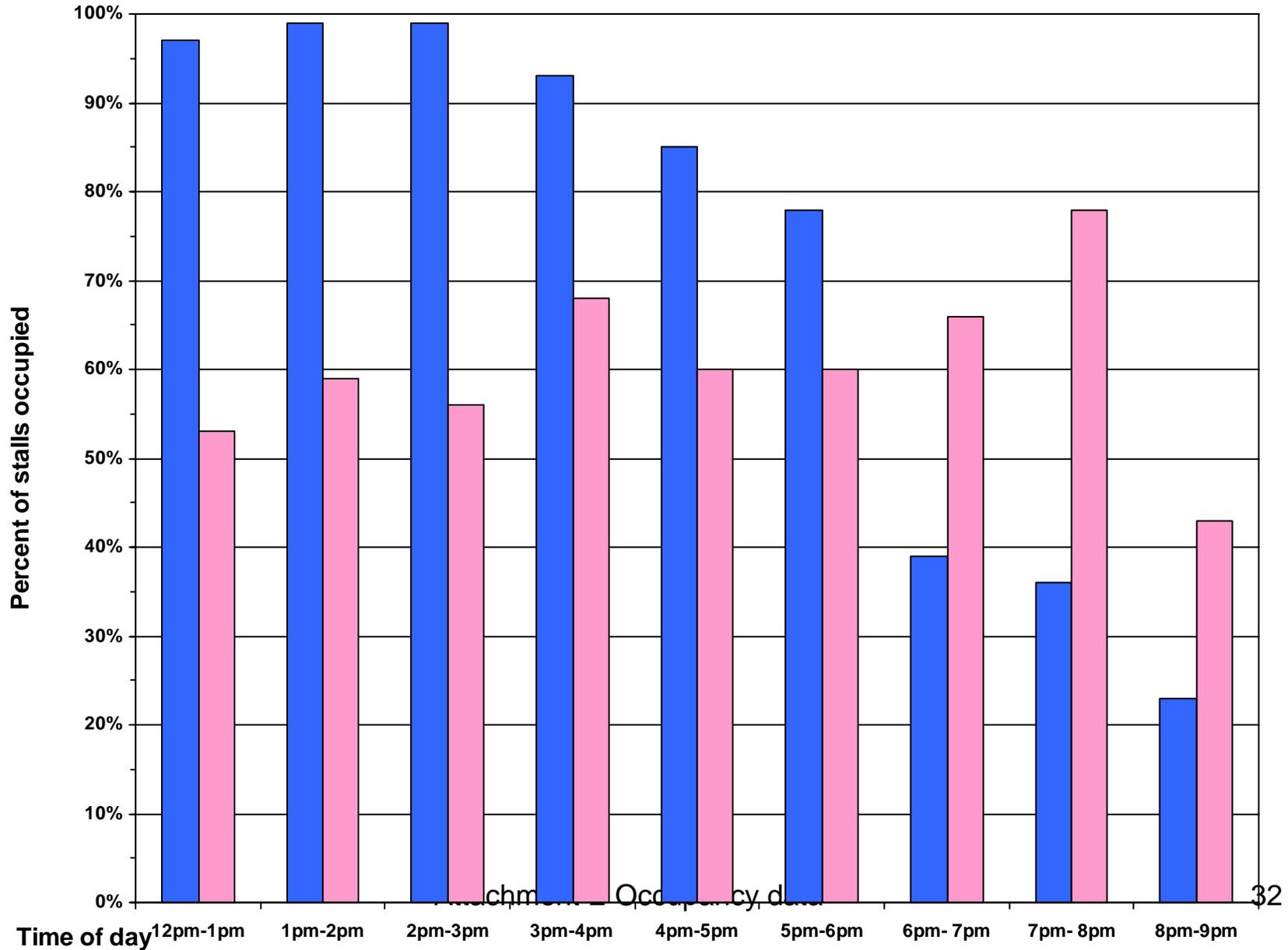
# Occupancy at Library Parking Garage November 2007

■ Permit (183 Stalls) ■ 4-hr Free (152 Stalls)



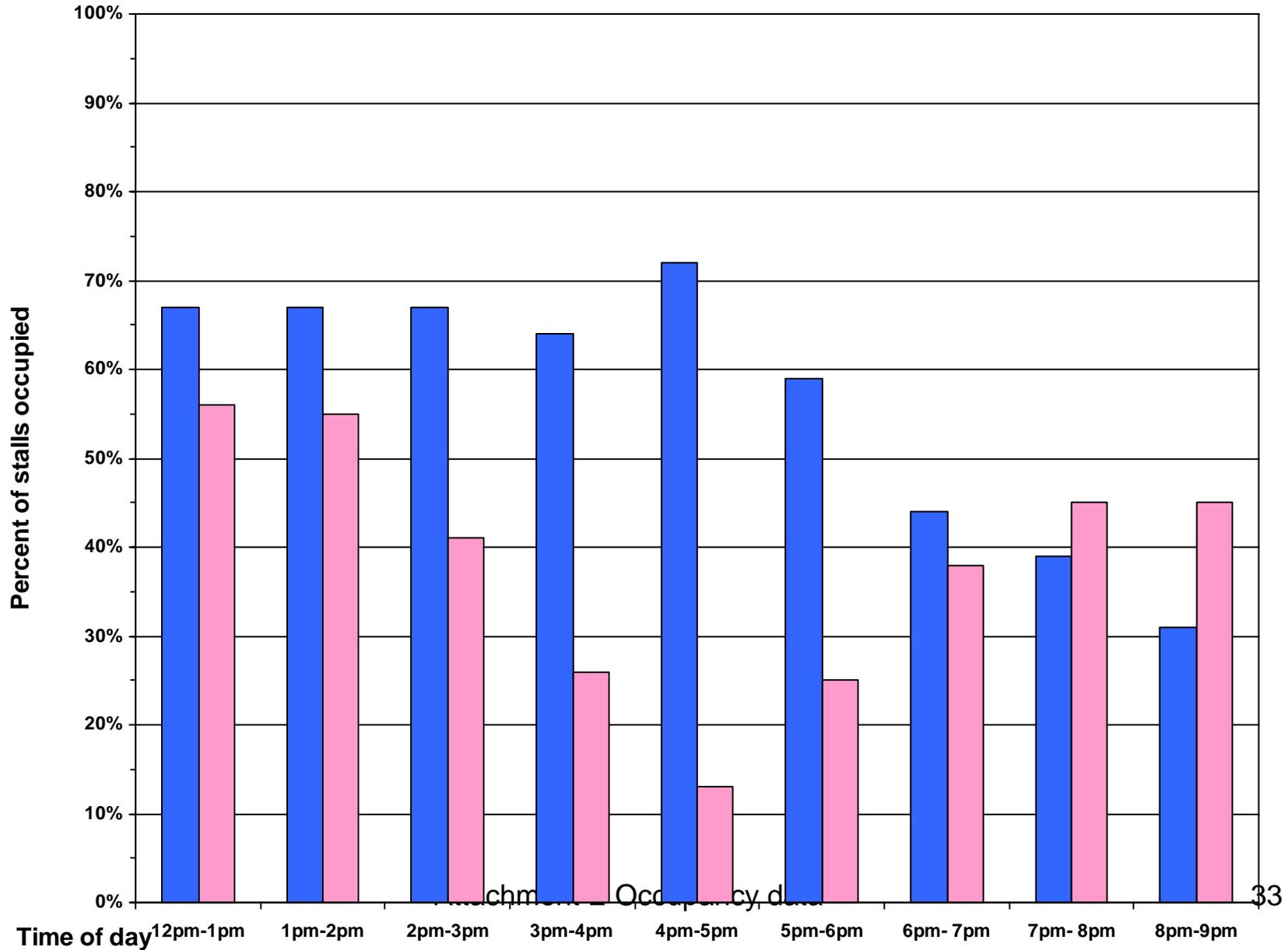
# Occupancy at Library Parking Garage August 2007

■ Permit (168 Stalls) ■ 4-hr Free (167 Stalls)



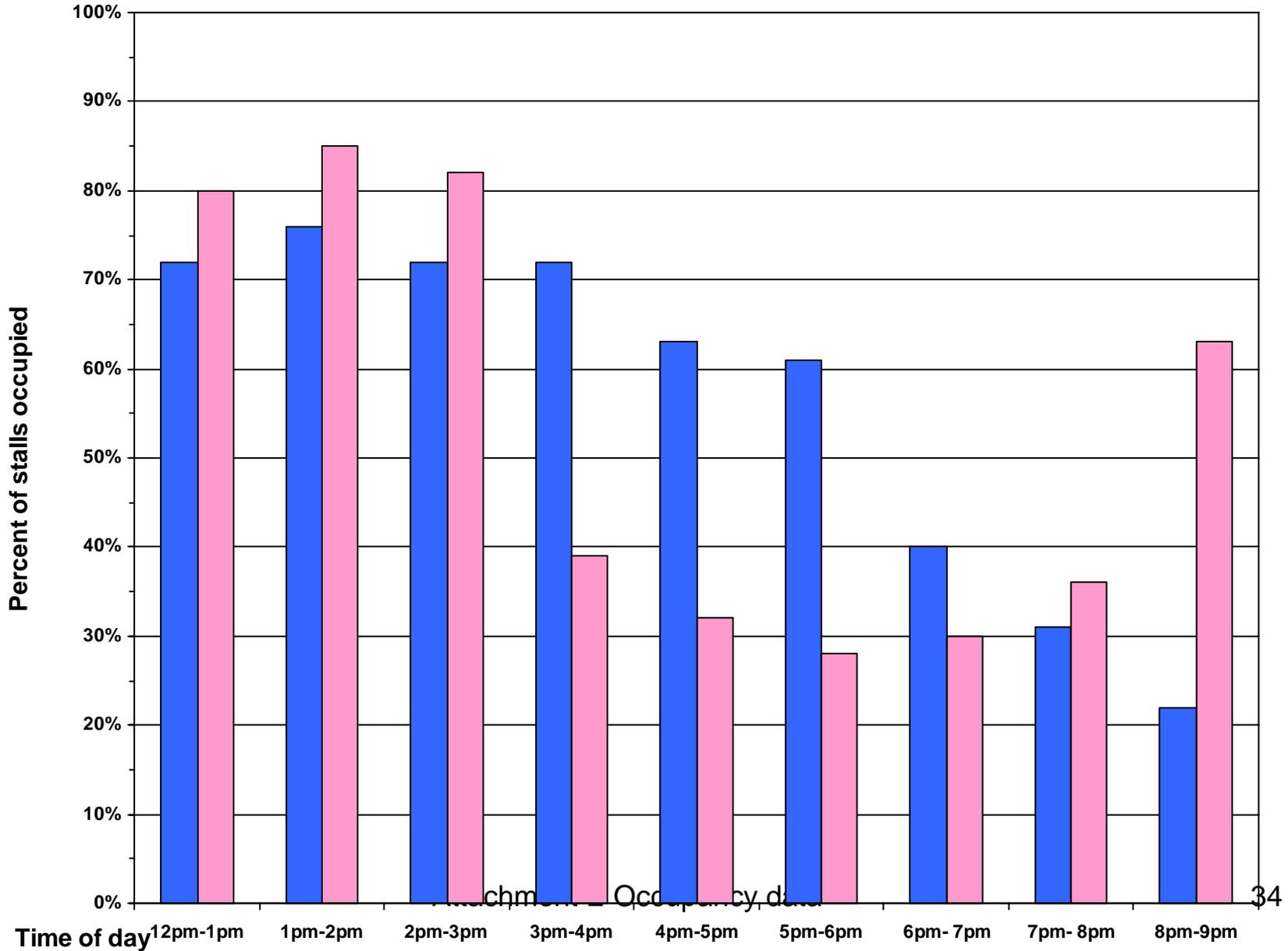
# Occupancy at Library Parking Garage March, 2007

■ Permit (183 Stalls) ■ 4-hr Free (194 Stalls)



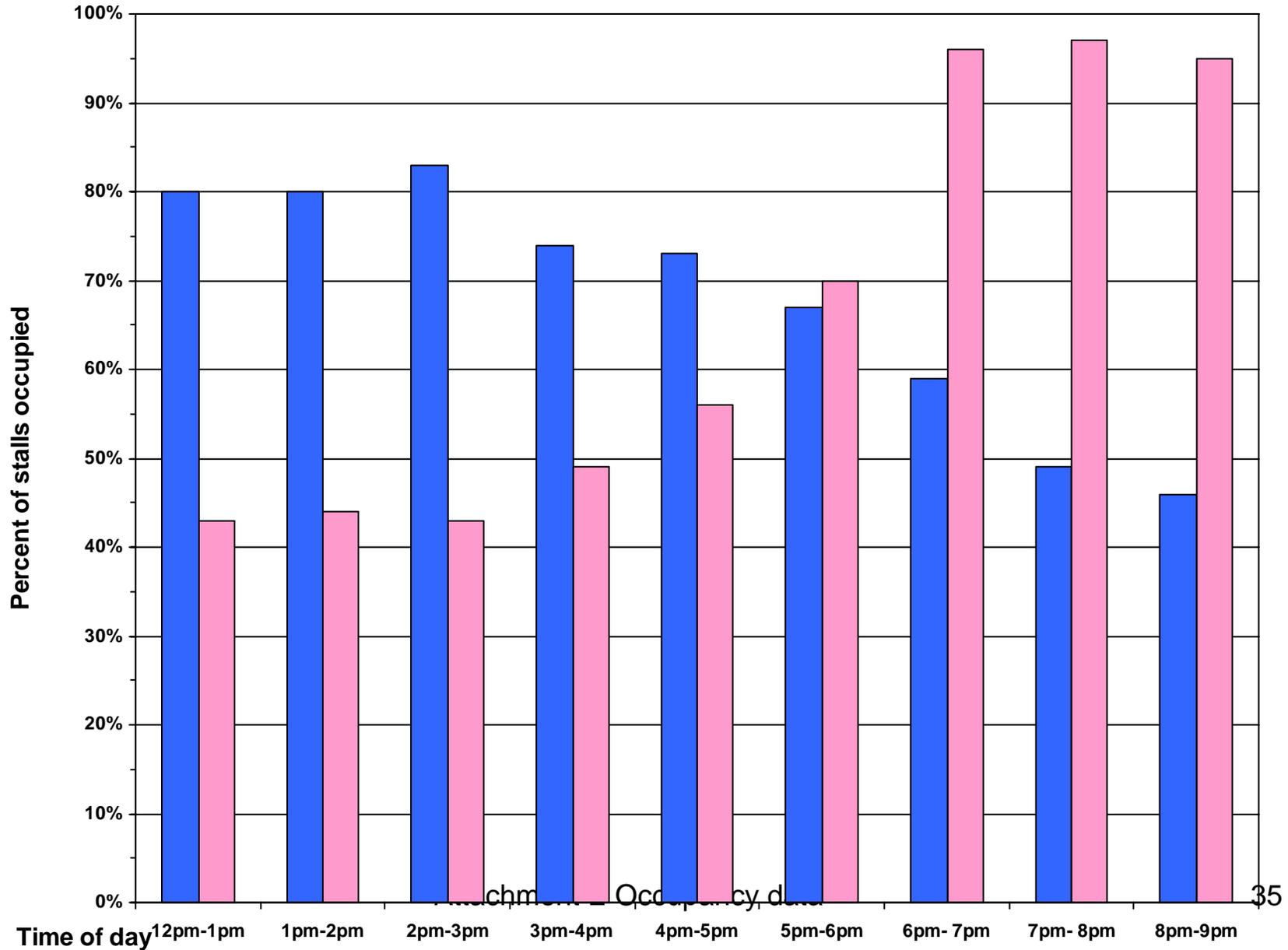
# Occupancy at Library Parking Garage October 19, 2006

■ Permit (183 Stalls)    ■ 4-hr Free (194 Stalls)



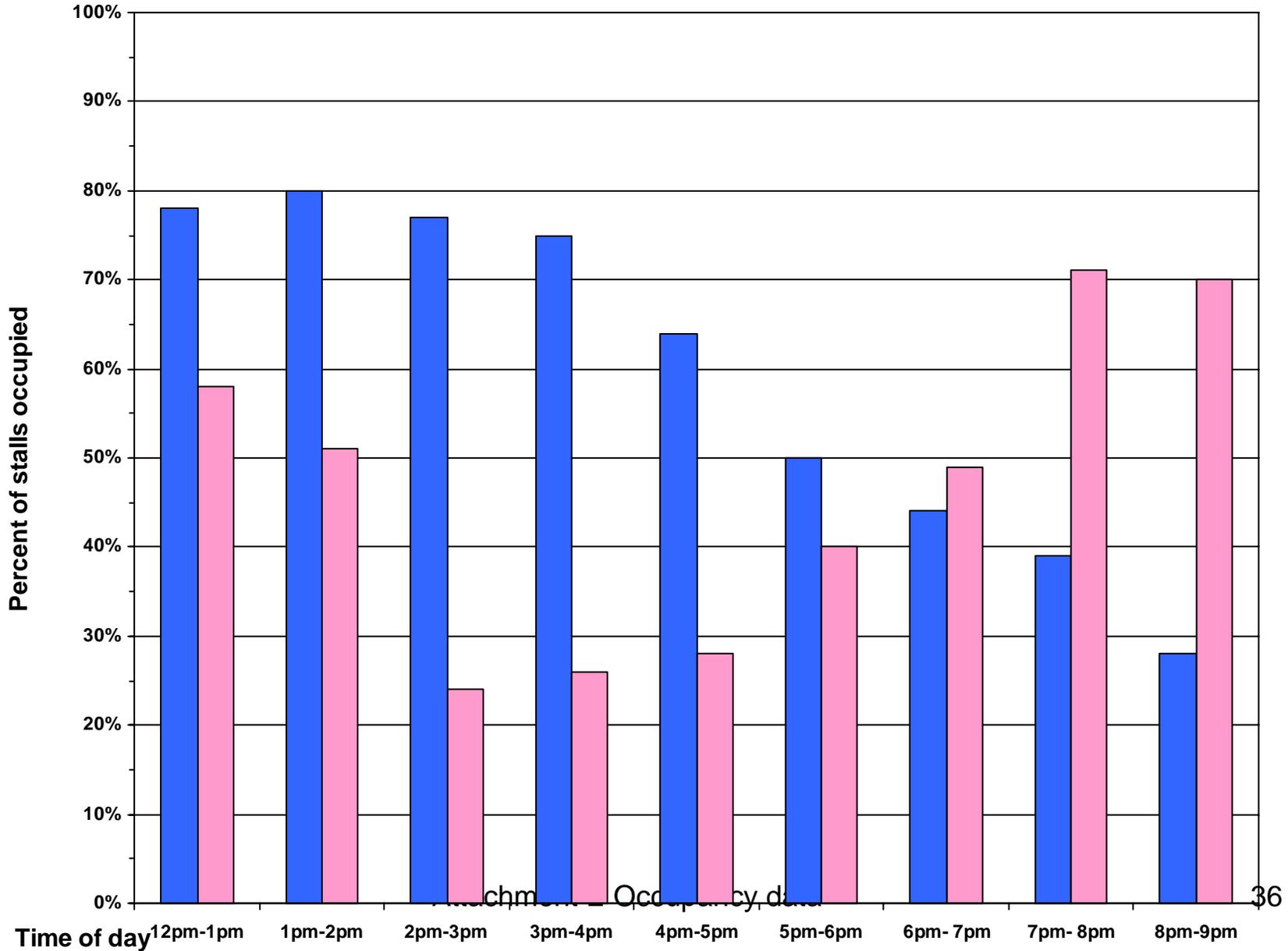
# Occupancy at Library Parking Garage August 17, 2006

■ Permit (183 Stalls) ■ 4-hr Free (194 Stalls)



# Occupancy at Library Parking Garage May 25, 2006

■ Permit (183 Stalls)   ■ 4-hr Free (194 Stalls)





KIRKLAND CITY COUNCIL SPECIAL STUDY SESSION MINUTES  
November 15, 2007

I. Call to Order

The Special Study Session was called to order at 6:08 p.m.

II. 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.

Deputy Mayor McBride attended the meeting via teleconference from New York City.

III. Potential Annexation Update

Joining Council for the discussion, and presenting information, were City Manager Dave Ramsay, Assistant City Manager Marilynne Beard, Intergovernmental Relations Manager Tracy Burrows and Financial Planning Manager Sandi Hines.

IV. Adjournment

The Kirkland City Council Special Study Session of November 15, 2007 was adjourned at 8:30 p.m.

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City Clerk

Mayor



KIRKLAND CITY COUNCIL REGULAR MEETING MINUTES  
November 20, 2007

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. Cottage, Carriage and Multiplex Housing Regulations

Joining Council at the table for this discussion, in addition to City Manager Dave Ramsay, were Senior Planner Dorian Collins, Planning Commission Chair Karen Tennyson and Planning and Community Development Director Eric Shields.

4. EXECUTIVE SESSION

a. To Review the Performance of a Public Employee

b. To Discuss Labor Negotiations

5. SPECIAL PRESENTATIONS

a. Thirty Year Service Award, Ed Ulrich

Fire Chief Jeff Blake reviewed highlights of Mr. Ulrich's service and accomplishments.

b. Peter Kirk Community Center Donation from Merrill Gardens

Parks and Community Services Deputy Director Carrie Hite introduced Barbara Bowman, Merrill Gardens Regional Director of Operations, who accepted a certificate of appreciation for their donation for enhancements to the Peter Kirk Community Center .

c. National Programming Award

Multimedia Services Manager Janice Perry provided a review of the history and development of the "Currently Kirkland" newsmagazine, which won third place in a recent NATOA competition in it's category.

d. Climate Solutions

John Mauro of Climate Solutions and Megan Blank-Weiss of Futurewise shared information on their organizations' goals.

e. I-405 Totem Lake Freeway Station Project Update

A status report was provided by Christine Post, Sound Transit Capital Projects, with additional information from Hank Howard, Project Manager, Sound Transit, and Doug Haight, WSDOT Project Engineer.

6. REPORTS

a. City Council

(1) Regional Issues

Members of the Council shared information regarding the Deputy Mayor's recent meetings with legislators and staff in Washington D.C. and trip to New York City; King County Council Approval of Flood Control Levy Rate; Youth In Government Day; Suburban Cities Public Issues Committee meeting; Seattle Church Council Symposium on Affordable Housing; 520 Mediation Meeting; upcoming St. Andrews Housing Group Affordable Housing meeting and Eastside Human Services Forum; Police and Fire Department Chili Cookoff; recent book signing by author Daryl Grigsby, Public Works Director; and a City of Spokane proposed ban on the use of studded tires on City vehicles.

b. City Manager

(1) Competitive Growth Management Act Planning Grant for Sustainable Community

Economic Development Manager Ellen Miller-Wolfe described the work to be done with the grant funds received.

(2) Calendar Update

7. COMMUNICATIONS

a. Items from the Audience

Bob Style, 6735 Lake Washington Blvd., Kirkland, WA  
Lynda Haneman, 13506 131st Avenue NE, Kirkland, WA  
Frank Radford, 11244 Champagne Point Road, Kirkland, WA  
Katherine Casseday, 9726 NE 138th Place, Kirkland, WA  
Bill Vadino, Greater Kirkland Chamber of Commerce, 401 ParkPlace, Suite  
102, Kirkland, WA  
Dennis McNamara, My Pets' Vet Clinic, P.O. Box 604, Monroe, WA  
Brad Roetcisoender, 14250 131st Avenue NE, Kirkland, WA

b. Petitions

8. CONSENT CALENDAR

a. Approval of Minutes: November 7, 2007

b. Audit of Accounts:

Payroll \$ 2,034,945.22  
Bills \$ 698,909.86  
run # 705 check # 493649  
run # 706 check #'s 493676 - 493829  
run # 707 check #'s 493830 - 493927  
run # 708 check #'s 493928 - 493987

c. General Correspondence

(1) Bob Hentges, Regarding Removal of a Basketball Hoop in the  
Street Right-of-Way

d. Claims

(1) Melissa Hart

e. Award of Bids

f. Acceptance of Public Improvements and Establishing Lien Period

(1) Information Technology Improvement Project Phase One -  
Electrical

The work, as completed by Modular Electric, was accepted and the  
statutory lien period established.

g. Approval of Agreements

(1) Resolution R-4676, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING PARTICIPATION BY THE CITY IN A COOPERATIVE PURCHASINNG AGREEMENT WITH KING COUNTY AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT ON BEHALF OF THE CITY OF KIRKLAND."

h. Other Items of Business

Motion to Approve the Consent Calendar with the exception of item 8.c.(1)., which was pulled and addressed as item 11.d., under New Business, and the addition of Deputy Mayor McBride's statement at the November 7 Council meeting regarding her attendance at the November 15 Council study session.

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

Vote: Motion carried 7-0

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

Council recessed for a short break.

9. PUBLIC HEARINGS

a. 2007-2008 Mid-Biennium Budget Update

Mayor Lauinger opened the public hearing. No testimony was offered and the Mayor closed the hearing. Financial Planning Manager Sandi Hines presented information on the mid-biennial budget update and responded to Council questions and comment.

10. UNFINISHED BUSINESS

a. Correspondence to Dennis R. McNamara Regarding the NE 85th Street Access

Public Works Director Daryl Grigsby provided background on the issues and current status of discussions in regard to the issue. Council agreed to continue this item to their first regular meeting in January.

b. NE 85th Street Business Access

Public Works Director Daryl Grigsby updated Council on the status of the project.

11. NEW BUSINESS

a. Kirkland Single Family Residential Permit Process Assessment

Rob Jammerman, Public Works Engineering Manager, provided background on the assessment done and introduced Kurt Latimore, of The Latimore Company, who shared information about his findings.

b. Preliminary 2008 Property Tax:

(1) Ordinance No. 4117, Levying the Taxes for the City of Kirkland, Washington for the Year 2008

Motion to Approve Ordinance No. 4117, entitled "AN ORDINANCE LEVYING THE TAXES FOR THE CITY OF KIRKLAND, WASHINGTON, FOR THE YEAR 2008."

Moved by Councilmember Mary-Alyce Burleigh, 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.

(2) Resolution R-4677, Providing for the Banking of Levy Capacity Pursuant to RCW 84.55.092

Motion to Approve Resolution R-4677, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND PROVIDING FOR THE BANKING OF LEVY CAPACITY PURSUANT TO RCW 84.55.092."

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

Vote: Motion carried 5-2

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

No: Councilmember Jessica Greenway, and Councilmember Bob Sternoff.

c. Bridle View Annexation

Planning and Community Development Director Eric Shields provided background on the issues involved. Council expressed agreement that staff

should move forward to amend Kirkland's potential annexation boundary to include the Bridle View subdivision.

- d. Correspondence from Bob Hentges, Regarding Removal of a Basketball Hoop in the Street Right-of-Way

This item was pulled from the consent calendar for discussion under New Business. Council agreed that the draft correspondence would not be sent and that Councilmembers Hodgson and Greenway would work with staff to develop potential additional solutions to the issue.

12. ANNOUNCEMENTS

13. ADJOURNMENT

The Kirkland City Council regular meeting of November 20, 2007 was adjourned at 10:28 p.m.

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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**

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**MEMORANDUM**

**To:** David Ramsay, City Manager

**From:** Eric Shields, Planning Director  
Jeremy McMahan, Planning Supervisor

**Date:** November 30, 2007

**Subject:** DOWNTOWN CORRESPONDENCE

**RECOMMENDATION**

Authorize the Mayor to sign the attached response letters.

**BACKGROUND DISCUSSION**

The City has received the attached two items of correspondence referencing a petition for a moratorium on downtown development. As of November 30<sup>th</sup>, the City has not received the petition. The letter from the Downtown Kirkland Commercial Property Owners Group urges the City Council to not impose a development moratorium (Attachment 2). The letter from Mr. Chavez encourages the City Council to enact a development moratorium (Attachment 3). Points are raised in these letters that should be addressed by the City.

There appears to be confusion as to the role/standing of the Downtown Strategic Plan (DSP), with an implication that the DSP is a regulatory document. The 2001 DSP has no regulatory standing (nor would be an update to that plan). This is not to say that the DSP has no meaning. The City went through a process following adoption of the DSP to update the Comprehensive Plan and Zoning Code to implement the recommendations of the DSP. Most notable was the inclusion of a "bonus" story for housing in the core area. The letter from Mr. Chavez states that the DSP recommended 2-3 story building height limits. The DSP recommendation on heights for the core area states "Zoning Standards. Continue the current height requirements with minor refinements..." and proceeds to outline the bonus story recommendations (2001 DSP, Page 10).

Downtown development is regulated by the Kirkland Zoning Code and Design Guidelines for Pedestrian Oriented Business District. The Zoning Code further requires buildings in the core area that are over two stories in height to be reviewed by the Design Review Board for compliance with the provisions of the Downtown Plan chapter of the Comprehensive Plan. Current projects over two stories are pending before the DRB where the Board is evaluating compliance with these

regulations and policies. The DRB has previously reviewed and approved three core area projects (Heathman Hotel, Kirkland Central Condominiums, and Merrill Gardens Assisted Living) under these regulations and policies. A staff summary of the Downtown Plan policies relative to building heights is included as Attachment 4.

There also appears to be confusion in statements regarding the lack of long range policy vision and guidance for downtown Kirkland. The City Comprehensive Plan for downtown Kirkland was adopted in 1989, following four years of community process, and has been periodically updated (most significantly in 1998 following the 1997 moratorium). Pursuant to the mandates of the Growth Management Act, the Comprehensive Plan establishes plans for a 20-year horizon. An excerpt of the Downtown Plan, including the City's vision statement and land use goals, is included as Attachment 5.

Attachments:

2. Letter from Downtown Kirkland Commercial Property Owners Group
3. Letter from Andrew Chavez
4. Summary of Comprehensive Plan height provisions for downtown Core Area
5. Excerpt of vision statement and land use goals for Comprehensive Plan

November 27, 2007

Attention: Kirkland City Council and Downtown Advisory Committee (DAC)  
City of Kirkland  
123 Fifth Avenue  
Kirkland, WA 98033

**RE: Response to Stop High-Rise Buildings Petition of 11/07**

We the **Downtown Kirkland Commercial Property Owners Group**, understand and respect the petitioners feelings and concern for retaining the charm of Kirkland, however, we feel there are many facts that need to be understood by everyone involved as well as downtown residents before considering any actions or changes to the current zoning.

**Supporting Facts:**

- 1. Retail businesses in downtown Kirkland have been struggling for many years.** In large part, this is due to the lack of adequate, convenient customer parking, the poor condition and appearance of many of the existing retail buildings, the lack of availability of larger retail spaces, the lack of daytime shoppers and the long-term seasonality of downtown's retail business climate. These issues limit the type of retail businesses willing to locate in downtown Kirkland. These issues are undermining the downtown's economic vitality. **This situation results in frequent business failures and turnovers all of which create a negative perception of downtown Kirkland.** New, vibrant commercial retail/office/residential development is needed to provide convenient customer parking, larger retail and restaurant spaces, and more customers to shop in Kirkland's downtown business district.
- 2. The DAC delivered the Phase I Strategic Situation Assessment Report** to the City Council on October 16, 2007. **The report was compiled with careful thought using professional consultants and the input from a wide array of stakeholder representatives that were carefully selected by the City's Staff. This report included a vision that looks to the future – 5, 10, 20 or more years from now.** The vision describes a vibrant and charming urban waterfront community with unique shopping, destination dining, public art and galleries, beautiful parks and gathering places. The Report's visionary future anticipates an economically vital, pedestrian friendly district that attracts city residents and visitors. This vision resulted from 8 months of intense work on the part of DAC members. Phase II of the Assessment Project will be to update the **Kirkland Downtown Strategic Plan (DSP)**, to reflect this visionary future through refinements and expansion of the vision developed during Phase I of the DAC mandate.

- 3. The current Downtown zoning does comply with the DSP published in 2001.**  
The 2001 DSP is a strategic tool that sets forth goals and objectives for downtown Kirkland. The 2001 DSP supports the City Comprehensive Plan and the Zoning Code – both of which regulate the development in downtown Kirkland. The 2001 DSP was developed after years of extensive citizen participation and exhaustive public commentary prior to its approval. The 2001 DSP clearly pointed to the need to redevelop the downtown area while maintaining its character and charm. The updated DSP will be a refinement of the original DSP and will further define the future plan and vision for downtown Kirkland.

The **Downtown Kirkland Commercial Property Owners Group** feel that **the City Council should not consider unilaterally limiting building heights or endorse down zoning of commercial property along Lake Street.** If imposed by City Council, this would in effect, impose a development moratorium on downtown Kirkland and be in direct conflict with the current Zoning Code, the 2001 Downtown Strategic Plan, the Comprehensive Plan, and Phase I of the DSP project currently underway and certainly would undermine the much needed thoughtful growth to the downtown Core. The Council should not act on the above referenced petition and should continue to support the DAC and let it finish Phase II of its mandate to update the 2001 DSP.

The City Council must recognize that achievement of downtown Kirkland's visionary future needs to be a collaborative effort between the City, the residents and the commercial property owners. Giving consideration to the above referenced petition does not encourage or foster this much needed collaborative partnership.

The **Downtown Kirkland Commercial Property Owners Group** is in agreement with the future vision provided in the SSA report, is enthusiastic about completing the update of the DSP and look forward to finding ways to partner with the City in the future.

**Downtown Kirkland Commercial Property Owners Group**

**November 2007**

**Joe Castleberry  
Chairman  
133 C Lake Street South  
Kirkland, Wa. 98033**

---

**From:** Andrew G. Chavez [mailto:agchavez@verizon.net]  
**Sent:** Thursday, November 29, 2007 12:09 PM  
**To:** Joan McBride  
**Cc:** KirklandCouncil; 'Amy L. Chavez'  
**Subject:** Moratorium on Building Permits & Reduction of Current Zoning Heights in Downtown Kirkland Petition  
**Sensitivity:** Confidential

To: Kirkland City Council and Deputy Mayor Joan McBride:  
**RE: Moratorium on Building Permits and Reduction of Current Zoning Heights in Downtown Kirkland Petition**

Dear Deputy Mayor Joan McBride:

We are writing to share our concerns as residents who currently love Kirkland's small town charm, along with the other very large contingent of Kirkland residents, relative to requesting an immediate moratorium on all downtown building permits and reduction of current zoning heights in Downtown Kirkland.

After having attended a number of DAC (the Downtown Advisory Committee) meetings over the last couple of months, as well as attending a couple of Design Review Board (DRB) meetings, a feeling is being shared that community sentiment and the Kirkland Strategic Plan are being ignored in the process of building height decisions along Lake Street. Even the DRB seems at odds with it's mandated direction (see attached supporting material taken at the October 16, 2007 DAC meeting which highlights the DRB and DAC's confusion on this issue).

<<...>>

At one of the latest DRB meetings, there was a very lengthy discussion of what is expected by the community and there is a real split among those members. It states very clearly in the comprehensive plan that the approval of 2-4 floors in CBD1 is discretionary. The "***Kirkland Downtown Strategic Plan recommended by the Kirkland Downtown Action Team***", which the DAC is charged with updating, calls for a high to low, bowl shape downtown starting from Park Place down to the waterfront. Four and / or five floors on Lake Street destroys that vision.

Numerous petitions have been presented to the Kirkland City Council asking for a moratorium on building permits in downtown Kirkland until the current DAC has completed it's update of the "***Kirkland Downtown Strategic Plan recommended by the Kirkland Downtown Action Team***". Additional petition forms will be forthcoming.

Thank you for considering this issue. Should you have any questions, please contact my wife and [me](#) by email at the address listed above or call us at 425-576-1257. Thank you for your prompt attention to this matter.

Respectfully yours,

Andrew and Amy Chavez

**IMPORTANT:** This email, and any attachments, are Proprietary and may contain information that is privileged or confidential or both. If you are not the intended recipient, please delete this message and any attachments and notify me immediately by return email. Thank You.

## Supporting Materials:

There were a number of important themes that were raised by members of the City Council, members of the DAC, and others, at the October 16, 2007 DAC meeting, that we, as taxpaying citizens and residents, agree upon the following:

1. The City Council and DAC clearly have not completed a "Future Plan and Vision" for our Downtown Kirkland area. What is our 3, 5, 10, 20 and 50 year "Future Plan and Vision" for downtown?
2. Nowhere in the current DAC vision statement or plan does it state as a goal that we need to maintain the City of Kirkland's small town identity and close-knit charm for which we all moved here. This is the paramount starting point to this badly needed "Future Plan and Vision" for Downtown Kirkland
3. As a result of this lack of completed plan, current zoning for CBD1 along Lake Street currently allows for 2-4 stories (or 5 as a "bonus" with "superior retail"), and this is in direct conflict with the small downtown Kirkland charm for which we all moved here. In addition, this goes against the "Kirkland Downtown Strategic Plan recommended by the Kirkland Downtown Advisory Team". With the current height of Merrill Gardens and the proposal for the Bank of America building, the small town charm of Kirkland is rapidly diminishing and needs to be brought back into this "Future Plan and Vision" for Downtown Kirkland.
4. The City Council and DAC need to understand and listen to the voices that declare that zoning as it pertains to height needs to be reduced, not increased in Downtown Kirkland, especially in CBD1 along Lake Street.
5. "Superior retail" and "bonus floors", need to be thrown out. The language surrounding these requirements is vague, and no one can truly define them, their need, or the regulation of their future use. What is needed, as recommended by various council members, is 2 story buildings along Lake Street, with retail/restaurants on the street level and professional office space for community service providers, etc., on the second floor.

The bottom line is that we are concerned and would like to request your immediate attention to address the necessary changes to the zoning guidelines until this "Future Plan and Vision" for Downtown Kirkland is completed and agreed to by all parties! If we build the wrong Downtown, we will all have to live with it, resulting in diminishing the appeal of our community.

In order to maintain the remaining downtown Kirkland charm, the zoning must be changed immediately to allow for no more than 2-3 stories, which was the original proposal in the "Kirkland Downtown Strategic Plan recommended by the Kirkland Downtown Advisory Team". This Downtown Strategic Plan seems to have become extinct and a new "Future Plan and Vision" is needed. We ask that you listen to the taxpaying citizens and voters of Kirkland and immediately drive this "Future Plan and Vision" for Downtown Kirkland and until this is completed, all zoning and current plans be immediately rescinded until such a plan and vision is enacted!

## **Maximum Building Height in CBD 1**

*To determine maximum building height in CBD 1, regulations and policies in both the Zoning Code and Downtown Plan policies must be considered. Below is a copy of the Downtown Plan policies as written and reformatted for reading ease.*

### **1. ZONING REGULATIONS**

#### **CBD 1 Zoning allows a range of building height depending on use (section 50.12):**

- 2-4 stories for mixed use retail and office
- 2-5 stories for mixed use retail, hotels, attached or stacked dwelling units, and assisted living
- Buildings exceeding 2 stories must demonstrate compliance with design regulations in KZC chapter 92 and all provisions of the Downtown Plan.

### **2. DOWNTOWN PLAN HEIGHT AND DESIGN POLICIES**

#### **A. Figure C-5 Downtown Height and Design Districts**

Design District 1 allows a range of 2-5 stories with discretionary approval for over 2 stories (see text below for specific allowances)

1A (yellow) 2-3 stories with 1 additional story allowed (4 stories) for upper story residential and if design criteria above the 2<sup>nd</sup> floor are met.

1B (orange) allows 2-4 stories with 1 additional story (5 stories) for upper story residential and if the design considerations described in the text below are met:

#### **B. General Design District 1 Text (applies to 1A and 1B):**

##### **Maximum building height in the core area should be 2-5 stories with 0' setbacks:**

- ✓ Stories above the 2nd floor should be setback from the street. To preserve the existing human scale of this area (core area 1A and 1B) development over two stories require review and approval the Design Review Board based on priorities set forth in this plan.
- ✓ Buildings should be limited to 2 stories along all of Lake Street South to reflect the scale of development in district 2 (west side of Lake Street So.).
- ✓ Along Park Lane (west of Main Street), Third Street, and along Kirkland Avenue, a maximum of 2 stories along street frontages will protect the existing human scale and pedestrian orientation.

##### **1A Design District**

- ✓ Portions of 1A should be a maximum height of 3 stories.
- ✓ As an incentive to encourage residential use and to strengthen the retail fabric of the Core Area 4 stories may be allowed by the DRB for projects where:
  - ✓ At least 2 floors are residential
  - ✓ Total height is not more than 4' taller than would result from an office project with 2 stories of office over retail,
  - ✓ Stories above the 2nd floor are set back significantly from the street and building form is stepped back at the third and fourth stories to mitigate the additional building mass,
  - ✓ The project provides superior retail at street level,

- ✓ Rooftop appurtenances and related screening do not exceed the total allowed height and are integrated into the height and design of any peaked roofs or parapets.

### **Design District 1B Text-General**

#### **Maximum building height in the core area should be 2-5 stories with 0' setbacks from property lines:**

- ✓ Stories above the 2nd floor should be setback from the street. To preserve the existing human scale of this area development over two stories require review and approval the Design Review Board based on priorities set forth in this plan.
- ✓ Buildings should be limited to 2 stories along all of Lake Street South to reflect the scale of development in District 2 (west side of Lake Street So.).
- ✓ Along Kirkland Avenue a maximum of 2 stories along street frontages will protect the existing human scale and pedestrian orientation.
- ✓ Portions of Design District 1 designated as 1B (in Figure C-5) provide the best opportunities for new development that could contribute to the pedestrian fabric of Downtown. The existing development in this area is older, auto-oriented, defined by parking lots and poor pedestrian orientation.

#### **To provide incentive for redevelopment and because these larger sites have more flexibility to accommodate additional height, a mix of 2-4 stories is appropriate.**

#### **Design Considerations for 2-4 stories:**

- ✓ South of Kirkland Avenue, building forms should step up from the north and west with tallest portions at the base of the hillside to help moderate the mass of large buildings on top of the bluff.
- ✓ Buildings over two stories should generally reduce the building mass above the second story.

#### **One additional story (5 stories) may be appropriate to encourage residential on upper floors and strengthen retail in the core area. This additional story (5<sup>th</sup> floor) may be considered by the DRB if:**

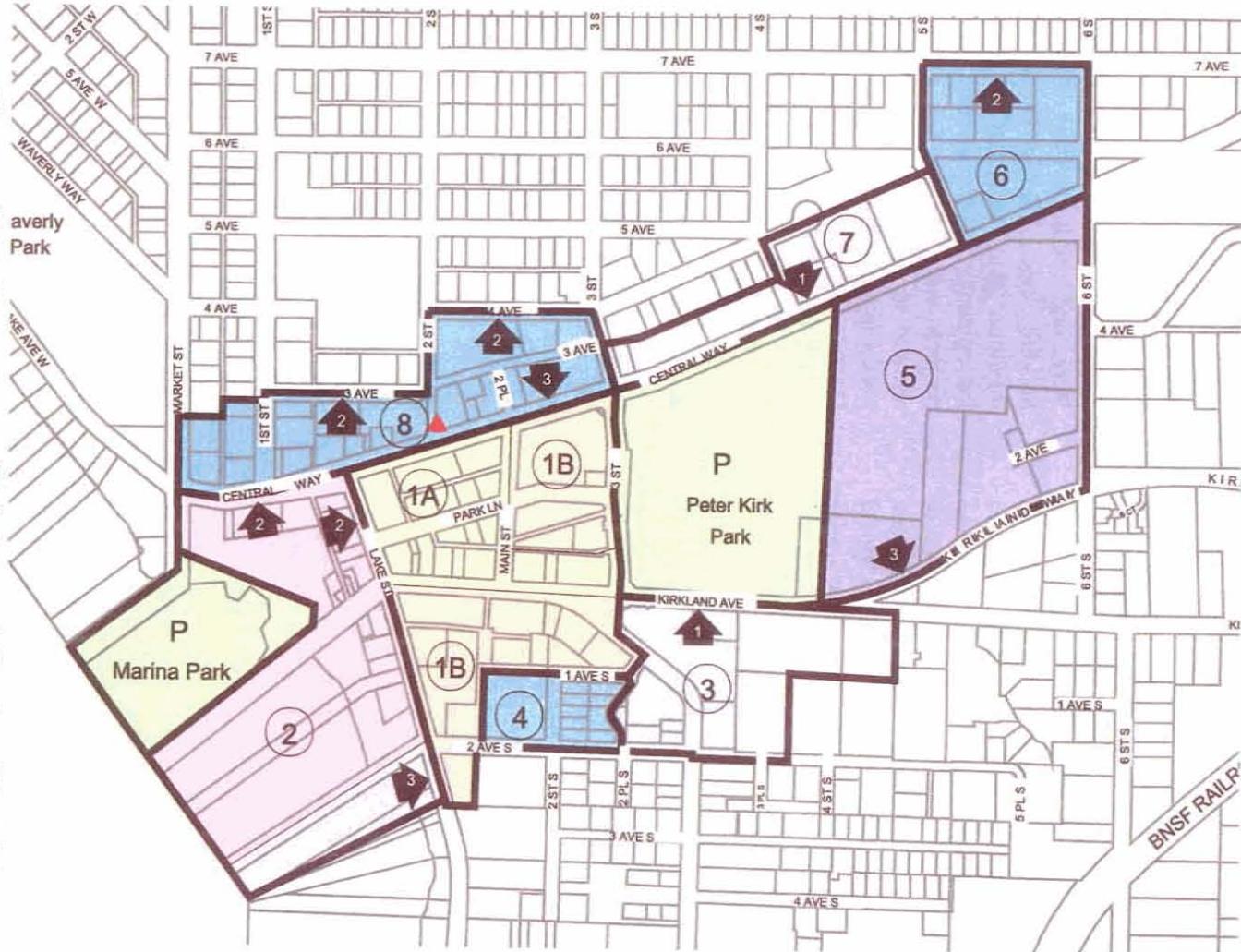
- ✓ At least 3 of the upper stories are residential,
- ✓ Total height is not more than one foot taller than the height that would result from an office project with three stories of office over ground floor retail (55 feet),
- ✓ Stories above the second story are setback significantly from the street,
- ✓ The building form is stepped back at the third, fourth, and fifth stories to mitigate additional building mass,
- ✓ Superior retail space is provided at street level,
- ✓ Rooftop appurtenances and related screening does not exceed the total allowed height is integrated into the height and design of peaked or parapet roofs.

#### **C. General design considerations related to pedestrian scale and orientation are of particular importance in this area:**

- ✓ Street wall (façade) should contribute to lively, attractive, and safe pedestrian streetscape
- ✓ Judicious placement of windows
- ✓ Multiple entrances

- ✓ Awnings and canopies
- ✓ Courtyards, arcades
- ✓ Other pedestrian amenities
- ✓ Service area, parking, blank facades are located away from street frontage

Figure C-5: Downtown Height and Design Districts



Maximum Number of Stories  
 (See Text for Specific Allowances)

- 1-2
- \*  1A 2-3 Discretionary Approval for Heights over 2 Stories
- \*  1B 2-4 Discretionary Approval for Heights over 2 Stories
- 3
- 3-5 Discretionary Approval for Heights over 2 Stories
- 4
- # of stories on street (height steps up from street)

- # Design District
- ▲ Height Measured Relative to Slope
- \* One Additional Story Allowed for Upper Story Residential



## XV.D. MOSS BAY NEIGHBORHOOD

### 3. DOWNTOWN PLAN

#### A. VISION STATEMENT

Downtown Kirkland provides a strong sense of community identity for all of Kirkland. This identity is derived from Downtown's physical setting along the lakefront, its distinctive topography, and the human scale of existing development. This identity is reinforced in the minds of Kirklanders by Downtown's historic role as the cultural and civic heart of the community.

Future growth and development of the Downtown must recognize its unique identity, complement ongoing civic activities, clarify Downtown's natural physical setting, enhance the open space network, and add pedestrian amenities. These qualities will be encouraged by attracting economic development that emphasizes diversity and quality within a hometown setting of human scale.

#### B. LAND USE

***A critical mass of retail uses and services is essential to the economic vitality of the Downtown area.***

The Downtown area is appropriate for a wide variety of permitted uses. The area's economic vitality and identity as a commercial center will depend upon its ability to establish and retain a critical mass of retail uses and services, primarily located west of 3rd Street. If this objective is not reached, it relegates the Downtown to a weaker and narrower commercial focus (i.e., restaurant and offices only) and lessens the opportunities and reasons for Kirklanders to frequent the Downtown.

The enhancement of the area for retail and service businesses will best be served by concentrating such uses in the pedestrian core and shoreline districts and by encouraging a substantial increase in the amount of housing and office floor area either within or adjacent to the core. In implementing this land use concept as a part of Downtown's vision, care must be

taken to respect and enhance the existing features, patterns, and opportunities discussed in the following plan sections on urban design, public facilities, and circulation.

***Land use districts in the Downtown area are identified in Figure C-3.***

Figure C-3 identifies five land use districts within the Downtown area. The districts are structured according to natural constraints such as topographical change, the appropriateness of pedestrian and/or automobile-oriented uses within the district, and linkages with nearby residential neighborhoods and other commercial activity centers.

#### *CORE AREA*

***Pedestrian activity in the core area is to be enhanced.***

The core area should be enhanced as the pedestrian heart of Downtown Kirkland. Land uses should be oriented to the pedestrian, both in terms of design and activity type. Appropriate uses include retail, restaurant, office, residential, cultural, and recreational.

Restaurants, delicatessens, and specialty retail shops, including fine apparel, gift shops, art galleries, import shops, and the like constitute the use mix and image contemplated in the Vision for Downtown. These uses provide visual interest and stimulate foot traffic and thereby provide opportunities for leisure time strolling along Downtown walkways for Kirklanders and visitors alike.

December 11, 2007

**DRAFT**

Downtown Kirkland Property Owners Group  
c/o Joe Castleberry  
133 C Lake Street South  
Kirkland, WA 98033

RE: Property Owners Group response to petition

Dear Downtown Kirkland Property Owners Group:

Thank you for your letter regarding a petition for downtown Kirkland. Your insights into the retail challenges faced in our downtown are helpful. As of December 1<sup>st</sup> the City has not received the petition you reference in you letter. We are also eager to work with the Downtown Advisory Committee in updating the Downtown Strategic Plan (DSP) and we would encourage your group to stay involved.

If you have any additional questions, please contact Jeremy McMahan at 425.587.3229.

Sincerely,

KIRKLAND CITY COUNCIL

by James Lauinger  
Mayor

Cc: Jeremy McMahan, Planning Supervisor

December 11, 2007

**DRAFT**

Andrew Chavez  
109 2<sup>nd</sup> Street South  
#239  
Kirkland, WA 98033

RE: Moratorium on building permits

Dear Mr. Chavez:

Thank you for your letter regarding building in downtown Kirkland. We appreciate the concern you share, with all Kirkland residents, for the long term success of our downtown. In your supporting materials you note that the City Council does not have a completed future plan and vision for downtown. While there is certainly room for debate and discourse over the direction of downtown, we would like to assure you that the community has very deliberately developed a Comprehensive Plan and vision for the entire City and for downtown Kirkland specifically. Comprehensive plans are mandated by the State Growth Management Act and jurisdictions are required to adopt development regulations that are consistent with those plan. All new development is reviewed for consistency with those development regulations.

There may be some confusion in the community about what the Downtown Strategic Plan (DSP) is. The DSP is not a regulatory document. The intent of the 2001 DSP was to provide strategic level recommendations on how to best invest public and private resources consistent with established policies and regulations. The fact the DAC has not completed its work on updating the DSP should not be construed as an indication that plans and regulations are not already in place to guide development.

One of the important roles that these policies and regulations play is to let property owners and neighbors know what the development potential is for property. Those documents go through the highest level of City review before they are adopted by the City Council. The City does have provisions for updating our Comprehensive Plan (no more than once a year under State law) and development regulations as needed. However, to provide a degree of certainty and predictability in our rules, sudden changes in development rules, as suggested by a moratorium, are seldom used.

We are also eager to work with the Downtown Advisory Committee in updating the Downtown Strategic Plan (DSP) and we would encourage you to stay involved. If you have any additional questions, please contact Jeremy McMahan at 425.587.3229.

Sincerely,

KIRKLAND CITY COUNCIL

by James Lauinger  
Mayor

Cc: Jeremy McMahan, Planning Supervisor



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

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## **MEMORANDUM**

**To:** David Ramsay, City Manager  
**From:** Kathi Anderson, City Clerk  
**Date:** December 5, 2007  
**Subject:** CLAIM(S) FOR DAMAGES

### **RECOMMENDATION**

It is recommended that the City Council acknowledge receipt of the following Claim(s) for Damages and refer each claim to the proper department (risk management section) for disposition.

### **POLICY IMPLICATIONS**

This is consistent with City policy and procedure and is in accordance with the requirements of state law (RCW 35.31.(040)).

### **BACKGROUND DISCUSSION**

The City has received the following Claim(s) for Damages from:

- (1) Donald C. Barrett  
6208 126<sup>th</sup> Ave NE  
Kirkland, WA 98033

**Amount:** \$466.09

**Nature of Claim:** Claimant states damage to vehicle resulted from striking unmarked curb.

- (2) Halbar-RTS, Inc.  
1110 8<sup>th</sup> Street  
Kirkland, WA 98033

**Amount:** Unspecified Amount

**Nature of Claim:** Claimant states damage to building resulted from concrete blocks falling against the building.

December 5, 2007

Claim(s) for Damages

Page 2

- (3) Debra McGuire  
123 5<sup>th</sup> Avenue  
Kirkland, WA 98033

**Amount:** \$408.38

**Nature of Claim:** Claimant states damage to vehicle resulted from being struck by a City vehicle.

- (4) James D. Twisselman Guardian ad Litem for Elizabeth C.J. Roberts  
2911 ½ Hewitt Avenue, Suite 6  
Everett, WA 98201

**Amount:** Unspecified Amount

**Nature of Claim:** Claimant states damage resulting from death following a bicycle/auto accident on Holmes Point Drive. (This incident occurred in unincorporated King County and not within the City.)



**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 of Parks and Community Services  
Michael Cogle, Park Planning Manager

**Date:** November 29, 2007

**Subject:** Acceptance of Work – Carillon Woods Park Improvements

### **RECOMMENDATION:**

That the City Council accept the work of L. W. Sundstrom, Inc. for Carillon Woods park improvements and establish a 45-day lien period.

### **BACKGROUND DISCUSSION:**

L.W. Sundstrom has completed park improvements at Carillon Woods.

<b>Carillon Woods Project</b>	<b>Budgeted</b>	<b>Actual</b>
<b>Construction Base Contract:</b>	\$ 300,000	\$ 297,297.00
<b>Construction Contingency (Change Orders):</b>	\$ 26,000	\$ 3,738.80
<b>Design/Engineering/Project Management/ Permits/Testing/City Installed Items:</b>	\$ 86,500	\$ 113,523.51
<b>Total:</b>	\$412,500	\$ 414,559.31

*(Figures include sales tax where applicable)*

Improvements included construction of new soft-surface and asphalt trails, interpretive signage, native plantings, and a children's playground. This project was funded via the 2002 voter-approved Kirkland Park Bond as well as from unexpended funds from the completed B.E.S.T. School Playfield project. Total project budget was \$412,500. The project at completion will be approximately \$2,500 over budget due to unanticipated costs for geotechnical evaluation and arborist services.



**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 of Parks and Community Services  
Michael Cogle, Park Planning Manager

**Date:** November 29, 2007

**Subject:** Acceptance of Work – Franklin Elementary School Improvements

### RECOMMENDATION:

That the City Council accept the work of Pacific Earth Works for community improvements at Franklin Elementary School and establish the 45-day lien period.

### BACKGROUND DISCUSSION:

Pacific Earth Works has completed improvements at Franklin Elementary School.

<b>Franklin Elementary School Project</b>	Budgeted	Actual
<b>Construction Base Contract:</b>	\$ 299,200	\$ 271,751.23
<b>Construction Contingency (Change Orders):</b>	\$ 29,700	\$ 1,757.64
<b>Design/Engineering/Project Management/Permits/Testing/City Installed Items:</b>	\$ 96,100	\$ 147,372.81
<b>Total:</b>	\$ 425,000	\$ 420,881.68

*(Costs include sales tax where applicable.)*

This project was funded via the 2002 Kirkland Park Bond. Construction included forest restoration, trail improvements, landscaping, a climbing boulder play area, and a picnic shelter. The overall budget was \$425,000, with a final balance of about \$4,100 at this time.

A community dedication event will be held next spring in cooperation with the Lake Washington School District.

**CITY OF KIRKLAND**

123 FIFTH AVENUE

KIRKLAND, WASHINGTON 98033-6189

425.587.3030

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**CITY ATTORNEY'S OFFICE**  
**MEMORANDUM**

**To:** David Ramsay, City Manager  
**From:** Robin S. Jenkinson, City Attorney  
**Date:** December 3, 2007  
**Subject:** Resolution to Ratify City Manager's Declaration of Emergency

RECOMMENDATION:

That the Council pass the attached Resolution.

POLICY IMPLICATIONS:

As a result of the severe storm event which began on Sunday, December 2, 2007, Governor Christine O. Gregoire declared an emergency to exist throughout Washington State. The attached Resolution identifies that private and public properties within the City of Kirkland sustained damage should state or federal funding be made available to help recovery efforts.

BACKGROUND DISCUSSION:

On December 3, 2007, the Assistant City Manager declared an emergency as a result of the severe storm event which was experienced in much of Washington State, including the City of Kirkland. Under Kirkland Municipal Code 3.20.090, in the event of an emergency or disaster the City Manager has the authority to act on behalf of the City Council and/or the Mayor. This authority is subject to ratification by the City Council as soon as is practicable. The attached Resolution will ratify the Assistant City Manager's declaration of emergency.

## City of Kirkland, Washington PROCLAMATION OF EMERGENCY

**WHEREAS**, a Pacific front storm system swept into Washington State, including the City of Kirkland, on the morning of December 2, 2007, threatening citizens and property of Washington State; and

**WHEREAS**, statewide this storm system is producing heavy rains, flooding, landslides, high winds, and major road closures and is causing extensive damage to homes, businesses, public utilities, public facilities, and infrastructure in jurisdictions throughout Washington State; and

**WHEREAS**, on December 3, 2007, Governor Christine O. Gregoire proclaimed a state of emergency to exist in Washington State; and

**WHEREAS**, the Kirkland Director of Emergency Services has reported that locally the storm has caused flooding, road closures, and downed trees; and

**WHEREAS**, these problems have caused a threat to life, property and environment, and

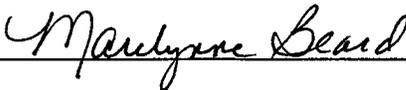
**WHEREAS**, this constitutes an emergency as defined by the City of Kirkland Municipal Code and the Comprehensive Emergency Management Plan and necessitates the utilization of emergency powers granted pursuant to Kirkland Municipal Code 3.20 and 3.85.090, RCW 35.33.081, and RCW 38.52.070(2); Now, Therefore,

**BE IT PROCLAIMED** that an emergency exists in the City of Kirkland; therefore, City of Kirkland departments are authorized to do the following:

- (1) enter into contracts and incur obligations necessary to combat such emergency situations to protect the health and safety of persons and property;
- (2) provide appropriate emergency assistance to the victims of such disaster; and
- (3) other actions, as appropriate.

Each City of Kirkland department is authorized to exercise the powers vested under this proclamation in the light of the exigencies of an emergency situation without regard to time consuming procedures and formalities prescribed by law (excepting mandatory constitutional requirements).

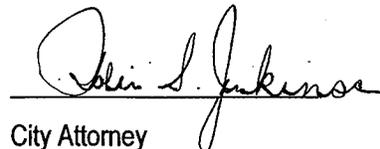
Dated this 3<sup>rd</sup> day of December, 2007.

 Maudyrene Beard, Assistant City Manager

Recommended by:

Approved as to form:

  
Emergency Management Director

  
City Attorney

RESOLUTION R-4680

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND PROCLAIMING AN EMERGENCY AS OF DECEMBER 2, 2007.

WHEREAS, a Pacific front storm system swept into Washington State, including the City of Kirkland, on the morning of December 2, 2007, threatening citizens and property of Washington State; and

WHEREAS, statewide this storm produced heavy rains, flooding, landslides, high winds, and major road closures and caused extensive damage to homes, businesses, public utilities, public facilities, and infrastructure throughout Washington State; and

WHEREAS, as a result of the storm Governor Christine O. Gregoire proclaimed a state of emergency to exist in Washington State; and

WHEREAS, in the City of Kirkland the storm caused flooding, road closures, and downed trees and as a result properties, both public and private, experienced damage; and

WHEREAS, as a result of this storm Kirkland Assistant City Manager Marilynne Beard issued a proclamation of emergency in the City of Kirkland;

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

Section 1. The City Council of the City of Kirkland hereby proclaims that an emergency existed in the City of Kirkland beginning on the morning, of December 2, 2007, due to the storm affecting much of Washington State Puget Sound, including the City of Kirkland.

Section 2. The City Council hereby ratifies Assistant City Manager Marilynne Beard's proclamation of an emergency dated December 3, 2007, and ratifies the City Manager's actions pursuant to Kirkland Municipal Code Chapter 3.20.

Section 3. The City Manager, the Director of Emergency Services, and other City officials are authorized to exercise the powers vested under this Resolution pursuant to RCW Chapter 38.52 and Kirkland Municipal Code Chapter 3.20 as considered necessary in the light of the emergency proclaimed.

Passed by majority vote of the Kirkland City Council in open meeting this \_\_\_\_ day of \_\_\_\_\_, 2007.

Signed in authentication thereof this \_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
MAYOR

Attest:

\_\_\_\_\_  
City Clerk



**CITY OF KIRKLAND**  
**Department of Finance & Administration**  
123 Fifth Avenue, Kirkland, WA 98033 425.587.3100  
[www.ci.kirkland.wa.us](http://www.ci.kirkland.wa.us)

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## **MEMORANDUM**

**To:** Dave Ramsay  
**From:** Tracey Dunlap, Director of Finance and Administration  
**Date:** November 14, 2007  
**Subject:** Cabaret Music License

### **RECOMMENDATION:**

City Council authorizes the issuance of a Cabaret Music License to Brix Wine Cafe.

### **BACKGROUND DISCUSSION:**

The request and recommended action being presented to the City Council is consistent with the Municipal Code and City Council practice.

### **BACKGROUND DISCUSSION:**

Brix Wine Café, located at 11833 98<sup>th</sup> Ave NE, 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 7.20.030 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 a 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

## 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

#### I. CHECK ONE

- \* Application for Public Dance License \$ 100.00 yearly
  - \* Application for Public Dance Permit \$ 25.00 per dance
  - \*\* 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.)

OCT 31 REC'D

2. Name of Applicant: Dave Zimmerman Applicant's Telephone: 425-814-1380  
Applicants Address: 12024 87th Ave NE Kirkland WA 98034
3. Name of Business: Brx Wine Cafe Business Telephone: 425-242-3802
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): \_\_\_\_\_
6. Name of Manager: Natalie St. Aubin Manager's Telephone: 425-485-242-3802  
Manager's Address: 9749 NE 119th Way Kirkland WA 98034
7. Name of person(s) or corporation to whom or which license is to be issued: The Chef's Plate LLC dba Brx Wine Cafe
8. Qualifications of person signing this application:
  - a. How long have you resided in King County? 14 yrs
  - b. How long have you resided in the State of Washington? 14 yrs
  - c. Previous address: \_\_\_\_\_ Dates at that address: \_\_\_\_\_
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] owner
11. Signature of person accepting fee: Patricia A. Ball Date: 11/01/2007

#### RETURN COMPLETED FORM AND PAYMENT TO:

City of Kirkland/Licensing  
123 Fifth Avenue  
Kirkland WA 98033  
(425) 587-3140 or Fax (425)587-3110

**FOR OFFICIAL USE ONLY**

**Record of Report of Chief of Police/or his designee**

I hereby recommend BRIX WINE CAFE of license for which application has been made.

Remarks: Full license only

Signature of the Chief of Police [Signature] - M.T. URSI, DO Date: 11/07/07

**Action of the Kirkland City Council (where applicable)**

Application Approved by \_\_\_\_\_ Date: \_\_\_\_\_

Application Approved by \_\_\_\_\_ Date: \_\_\_\_\_

Reason for Disapproval \_\_\_\_\_

License No. \_\_\_\_\_ Date: \_\_\_\_\_

Receipt No. \_\_\_\_\_ Date: \_\_\_\_\_

Fee Amount: \_\_\_\_\_

**CITY OF KIRKLAND**

123 FIFTH AVENUE

KIRKLAND, WASHINGTON 98033-6189

425.587.3030

**CITY ATTORNEY'S OFFICE  
MEMORANDUM**

**To:** David Ramsay, City Manager  
**From:** Oskar Rey, Assistant City Attorney  
**Date:** November 29, 2007  
**Subject:** Sidewalk Maintenance and Construction

**RECOMMENDATION:**

Staff recommends that Council adopt the attached Ordinance revising Chapter 19.20 of the Kirkland Municipal Code ("KMC") relating to sidewalk construction and maintenance.

**BACKGROUND DISCUSSION:**

At the August 7, 2007 Council Meeting Study Session, the City Council requested more information about the extent to which an abutting property owner can be required to maintain and sidewalks in the right of way. In particular, concern was expressed about KMC 19.20.030, which provides that an abutting property owner is liable to the City for any injury or damage to any person caused by a defective condition of the sidewalk.

The City Attorney's Office has reviewed the applicable case law with respect to construction, maintenance and repair of sidewalks. In general, cities are responsible for the physical condition of sidewalks in public rights of way. Abutting property owners are also responsible for sidewalks if they cause or contribute to a defective condition in the sidewalk. In addition, abutting property owners are responsible for removal of obstructions, ice and snow from the sidewalks in front of their property.

Ordinances that purport to require abutting property owners to indemnify a city from injuries sustained from sidewalk defects have been struck down. Washington courts have ruled that such provisions are unconstitutional because they are unduly burdensome on property owners. Rivett v. City of Tacoma, 123 Wn.2d 573, 870 P.2d 299 (1994).

KMC Chapter 19.20 was adopted in 1982 and contains an indemnification provision similar to the one struck down in Rivett. As a matter of practice, the City has not attempted to utilize this indemnification provision, and the attached Ordinance removes it from the Chapter.

The attached Ordinance also provides that sidewalk construction may occur pursuant to RCW Chapters 35.68, 35.69 and 35.70. These provisions allow for sidewalk construction in a manner similar to a local improvement district. The attached Ordinance removes references to Chapter 21.48 of the KMC because that chapter no longer exists. Apparently, that chapter used to govern installation of sidewalks in connection with development permits and construction activity. Those provisions are now contained in Chapter 92 of the Kirkland Zoning Code.

Finally, the attached Ordinance revises KMC 19.20.030 to clarify that abutting property owners are responsible for maintaining and repairing sidewalks but not construction (outside the context of development activity or RCW Chapters 35.68, 35.69 and 35.70). This revision brings KMC Chapter 19.20 into line with the City's actual practices with respect to sidewalk construction. With respect to maintenance and repair, the City Attorney's Office recommends retaining the provision that provides it is the abutting owner's responsibility. While there is concurrent responsibility for sidewalks as between the abutting owner and the City, Washington courts have recognized that abutting owners are in the best position to perform routine maintenance and repair. They are also in the best position to call larger problems to the attention of the City.

ORDINANCE 4123

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO SIDEWALK CONSTRUCTION AND MAINTENANCE AND AMENDING PORTIONS OF CHAPTER 19.20 OF THE KIRKLAND MUNICIPAL CODE.

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

Section 1. Section 19.20.030 of the Kirkland Municipal Code is hereby amended to read as follows:

**19.20.030 Expense of maintenance and repair to be borne by abutting property and owner thereof.**

The burden and expense of ~~constructing,~~ maintaining and repairing sidewalks along the side of any street or other public place shall devolve upon and be borne by the property directly abutting thereon. ~~In case any injury or damage to any person shall be caused by the defective condition of any sidewalk, or ice or snow thereon, or by the lack of proper guards or railings on or along the property abutting on any public way, the abutting property where the injury or damage occurs and the owner or owners thereof shall be liable to the city for all damage, injuries, costs and disbursements which it may be required to pay to the person injured or damaged.~~

Section 2. Section 19.20.040 of the Kirkland Municipal Code is hereby amended to read as follows:

**19.20.040 Procedure to order construction or repair.**

A. If the judgment of the city engineer or the department of public ~~services~~ works, public convenience or safety requires that a sidewalk be constructed or repaired along either side of any street, such fact shall be reported to the city council.

B. If upon receiving a report from the proper officer, the city council deems the construction of the proposed sidewalk or repair of such sidewalk necessary or convenient for the public health, safety or welfare, the city council may then order such work to be done pursuant to the procedures established ~~therefor~~ in RCW Chapters 35.68, 35.69 or 35.70 ~~relating to local improvement districts for sidewalks, curbs and gutters; or in the alternative, where the council deems the method appropriate, the council may require such work to be done pursuant to Chapter 21.48 of this code relating to public improvements required to be done in connection with certain land use and construction permits. In either case, t~~he cost of such proposed sidewalk construction or sidewalk repair shall be borne by the abutting property ~~or the owners thereof, to the extent deemed reasonable and appropriate by the city council in accordance with the procedure then to be followed pursuant to either RCW Chapters 35.68, 35.69 or 35.70 or Chapter 21.48 of this code.~~

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 \_\_\_\_\_, 2007.

Signed in authentication thereof this \_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
MAYOR

Attest:

\_\_\_\_\_  
City Clerk

Approved as to Form:

\_\_\_\_\_  
City Attorney



**CITY OF KIRKLAND**

**City Attorney's Office**

**123 Fifth Avenue, Kirkland, WA 98033 425.587.3030**

**www.ci.kirkland.wa.us**

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**MEMORANDUM**

**To:** City Council

**From:** Robin S. Jenkinson, City Attorney

**Date:** December 5, 2007

**Subject:** City Manager Employment Agreement/Salary

**RECOMMENDATION**

Consider the attached resolution approving a new Employment Agreement for the City Manager and the companion ordinance which sets the City Manager's salary.

**BACKGROUND DISCUSSION**

The current Employment Agreement for the City Manager expires December 31, 2007. The term of the new Agreement is January 1, 2008, through December 31, 2010. The new Agreement increases the salary of the City Manager by 3.74% to \$158,004 per year. This amount includes the 2008 cost of living adjustment. The City's contribution to the City Manager's deferred compensation is increased from 11.5% to 14.5% of his base salary and the automobile allowance is increased from \$325 to \$425 per month. (A copy of the new Employment Agreement is attached as Exhibit "A" to the resolution.) The companion ordinance reflects the City Manager's new salary of \$158,004 per year.

RESOLUTION R-4678

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING AN EMPLOYMENT AGREEMENT BETWEEN THE CITY OF KIRKLAND AND DAVID H. RAMSAY, ITS CITY MANAGER, AND AUTHORIZING THE MAYOR TO SIGN.

Be it resolved by the City Council of the City of Kirkland as follows:

Section 1. The Employment Agreement between the City of Kirkland and David H. Ramsay, its City Manager, a copy of which is attached as Exhibit "A" to this resolution is hereby approved. As of its effective date, this Agreement shall supersede and replace the prior Employment Agreement which was effective as of January 1, 2005.

Section 2. The Mayor is authorized to sign an Employment Agreement which is substantially similar to that attached to this resolution as Exhibit A.

Passed by majority vote of the Kirkland City Council in open meeting this \_\_\_\_ day of \_\_\_\_\_, 2007.

Signed in authentication thereof this \_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
MAYOR

Attest:

\_\_\_\_\_  
City Clerk

## **EMPLOYMENT AGREEMENT**

This Employment Agreement is entered into between David H. Ramsay (“City Manager”) and the City of Kirkland (“City”) to describe the terms and conditions of the City Manager’s employment with the City.

### **1. Agreement and Effective Date**

The effective date of this Agreement is January 1, 2008. In accordance with the provisions of Chapter 35A.13 RCW, the City Manager is appointed by the Kirkland City Council (“Council”) for an indefinite term and may be removed at any time by a vote of the majority of the Council.

### **2. Residence**

The City Manager shall reside within the City.

### **3. Powers and Duties**

The City Manager’s powers and duties shall be as provided for by the laws of the State of Washington, by City ordinance, and as the Council may from time to time prescribe. The City Manager agrees to abide by the International City Management Association (“ICMA”) Code of Ethics.

### **4. Salary**

The City Manager’s salary shall be \$158,004 per year effective January 1, 2008. The Council shall review the City Manager’s salary on or about the first City Council meeting of December, at which time it may adjust the City Manager’s salary effective the following January; *provided*, that the City Manager’s salary will not be reduced during the term of this Agreement (absent removal or resignation) unless the average salary for all full-time City employees is reduced, in which case the City Manager’s salary may not be reduced by more than the City-wide average reduction.

### **5. Performance Appraisals**

The Council shall review the City Manager’s performance annually on or about the first City Council meeting of June. Performance appraisal may be combined with the annual salary review. In addition the City Council and the City Manager shall meet semi-annually to discuss the City Manager’s performance.

## **6. Benefits**

### ***Holidays and Leaves***

The City Manager shall receive 20 days' vacation leave per year. Unused vacation leave may be carried forward to the next calendar year, so long as the total balance of vacation leave does not exceed 240 hours. There shall be no payment in lieu of vacation except as provided in Section 7, below.

The City Manager shall be granted holidays, sick leave, and management leave as provided in Kirkland Municipal Code Chapter 3.80.

### ***Insurance***

The City Manager will be provided the same medical, dental, disability, and life insurance benefits as other non-represented City employees in the Executive Management group. The City Manager is encouraged to have a complete annual medical exam at City expense.

### ***Retirement***

In lieu of federal Social Security contributions, equivalent employer and employee contributions shall be made to the Municipal Employees Benefit Trust.

The City Manager, pursuant to State law, has elected to opt out of the Public Employees' Retirement System (PERS). Instead, the City shall contribute to an ICMA 401A retirement plan. The contributions for the City Managers' ICMA 401A retirement plan shall be at a City contribution rate of 14.5% of base salary and an employee contribution rate of 4.65% of base salary.

The City Manager may elect to direct pre-tax dollars to a voluntary ICMA deferred compensation program for City employees, consistent with applicable Internal Revenue Code requirements. The City Manager has elected to participate in this voluntary program.

### ***Automobile and Travel***

In lieu of other expense reimbursement for travel within the local area, the City Manager shall receive \$425 per month to defray the expense of using a personal automobile for official travel. (Pursuant to Chapter 42.24 RCW, it is the determination of the Council that this means of reimbursement is less costly than providing an automobile to the City Manager.) The City Manager will also be entitled to mileage reimbursement (or use of City vehicles, if available) for travel outside the local area, meaning for travel outside of a 50-mile radius of Kirkland City Hall. In addition, the City Manager may be reimbursed for other reasonable and necessary expenses incurred in the course of City business as allowed by law and City procedures.

**7. Termination and Severance Pay**

In the event the City Manager is removed from office or asked to resign by the Council during the term of this Agreement, the City Manager shall receive severance pay equal to six months' salary; *provided* that the City Manager shall not be eligible for severance pay if removed or asked to resign for malfeasance in office or conviction of a felony. Severance pay will not be payable upon expiration of this Agreement (or any automatic extension hereof) if either party gives timely notice of intent not to renew under Section 9.

In the event the City Manager voluntarily resigns and gives at least 45 days' advance notice in writing, the City Manager will be paid at separation for up to 240 hours of unused vacation, or such lesser amount as will avoid excess compensation liability to the City under applicable retirement laws.

**8. Entire Agreement**

This Agreement constitutes the entire agreement and supersedes any other agreements, oral or written, between the parties.

**9. Duration**

This Agreement is effective January 1, 2008, and shall continue in effect through December 31, 2010, absent prior termination. This Agreement will be automatically extended for additional one year periods on the same terms and conditions, unless either party gives the other written notice of intent not to renew at least six months prior to the expiration date (i.e., before July 1, 2010, or, in the event of automatic extension, before the applicable subsequent anniversary date).

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
David H. Ramsay, City Manager

\_\_\_\_\_  
James Lauinger, Mayor

Attest:

\_\_\_\_\_  
City Clerk

ORDINANCE 4124

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

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

Section 1. The salary for the City Manager is hereby increased by 3.74% to \$158,004 per year effective from January 1, 2008. This amount includes the 2008 cost of living adjustment.

Section 2. This Ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication, as required by law.

Passed by majority vote of the Kirkland City Council in open meeting this \_\_\_\_ day of \_\_\_\_\_, 2007.

Signed in authentication thereof this \_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
MAYOR

Attest:

\_\_\_\_\_  
City Clerk

Approved as to Form:

\_\_\_\_\_  
City Attorney

**CITY OF KIRKLAND**

123 FIFTH AVENUE, KIRKLAND, WASHINGTON 98033-6189 (425) 587-3249

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**DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT  
MEMORANDUM**

**To:** David Ramsay, City Manager

**From:** Dorian Collins, AICP, Senior Planner  
Paul Stewart, AICP, Deputy Director  
Eric Shields, AICP, Planning Director

**Date:** November 29, 2007

**Subject:** ADOPTION OF ORDINANCE 4120 AND ITS SUMMARY AMENDING THE KIRKLAND ZONING CODE FOR NEW DEVELOPMENT REGULATIONS TO ALLOW FOR COTTAGE, CARRIAGE AND TWO/THREE-UNIT HOMES (FILE ZONO7-00005)

**RECOMMENDATION**

1. Conduct a public hearing on the issue of expansion of the maximum size for cottage developments from 24 to 48 units.
2. Approve the enclosed ordinance amending the Zoning Code related to new and revised regulations for cottage, carriage and two/three-unit homes. The amendments include a new Chapter 113, and miscellaneous changes to the Table of Contents and Chapters 5, 90, and 115.

Two alternative sets of the regulations for Chapter 113 are provided with the ordinance, labeled Attachment A, and Attachment A\*. The first, Attachment A to the ordinance, limits the maximum size for cottage projects to 24 units. Attachment A\* provides for larger cottage projects, to 48 units, along with additional criteria for approval of these projects. The Council should select the Attachment that includes the appropriate regulations, based on the decision on the issue of maximum project size following the public hearing.

Both versions of the regulations contain the changes to the regulations directed by the Council at the study session on this topic on November 20, 2007. These changes include:

- New terms for “multiplex”, “duplex” and “triplex”. Under the revised proposed regulations, these units would be referred to as two-unit and three-unit homes.
- Limitation for stand-alone two/three-unit homes to areas outside the jurisdiction of the Houghton Community Council.

## **BACKGROUND DISCUSSION**

The recommended amendments establish new development standards for cottage, carriage and two/three-unit homes. The Planning Commission held a public hearing on the proposed amendments on October 11, 2007. The Planning Commission recommendation and staff transmittal of the recommendation were provided to the City Council at the study session held on November 20, 2007. The packet materials for that meeting, which include links to meeting minutes and additional information, can be viewed at [City Council Meeting - November 20th](#).

At the meeting on November 20<sup>th</sup>, the City Council directed staff to revise the regulations to address the concern expressed by the Houghton Community Council regarding stand-alone two/three-unit homes within their jurisdiction. At the meeting of the Houghton Community Council on November 26<sup>th</sup>, staff provided a report regarding the Council's direction. The Houghton Community Council was pleased, and agreed that they would likely support the proposed regulations when they are brought to them for final approval on December 19<sup>th</sup>. The regulations have been revised accordingly, to prohibit these housing types within Houghton, unless they are included within a cottage project.

Also at the study session on November 20<sup>th</sup>, the City Council discussed a comment letter the City had received from Triad Development. In the letter, Marco Lowe from Triad Development asked the City Council to consider expanding the maximum size for cottage projects specified in the draft regulations from 24 units to 48 units. The Council discussed the suggestion, and concluded that they wanted to refer the issue to the Planning Commission for consideration and recommendation, since the letter was received after the public hearing held by the Planning Commission.

The Planning Commission discussed the concept of revising the draft regulations to allow for larger cottage projects at a study session on November 29<sup>th</sup>. The Commission eventually concluded that they did not support the expansion of the maximum size for cottage projects, and passed the following motion:

*"The Planning Commission recommends that the City Council not consider expanding the size limit for cottage, carriage and two/three-unit homes".*

In their discussion, the Commission expressed concern that the issue had been raised following over a year of careful study, and that they were not comfortable moving forward with such a change at this time. The Commission also noted that they viewed the Happy Church site, and other large sites, as still having the potential for other creative development types, such as a combination of a cottage development on a portion of the site, and traditional single family development on the remainder. They also discussed the development concept that has been used by the Cottage Company that includes a cluster of single family homes and accessory dwelling units, which could also be developed under the City's existing regulations. Finally, several commissioners acknowledged that the oral comments provided by the representative from Triad Development at the study session which indicated that the acquisition of the Happy Church site may not occur, was a factor in their decision that a change to the regulations may not be necessary in the short term.

If the Council is still interested in pursuing an expansion to the maximum size for cottage projects, staff has identified the following criteria for consideration:

- Higher level of review by the City (Process IIA)
- Access of the project site to an arterial
- Adjacency of the project site to a non-residential zone or a medium/high density residential zone

The draft regulations contained in Attachment A\* (note asterisk) for the ordinance allow for projects up to 48 units in size, with the addition of the criteria noted above.

**Exhibits**

A. Additional Comment Letters

cc: ZON07-00005  
Planning Commission  
Houghton Community Council  
Arthur Sullivan, ARCH

-----Original Message-----

*From: Patti [mailto:patti.sutter@verizon.net]  
Sent: Monday, November 26, 2007 4:29 PM  
To: Dorian Collins  
Subject: Innovative housing*

*I am quite aware that this will be too little too late. I am horrified by the prospect of rampant cottage, carriage and multiplex housing within our single family neighborhoods! How it can be considered to maintain the character of the neighborhoods is beyond my capacity. Within the residential neighborhoods of Kirkland there is an abundance of smaller, 'affordable' homes. Who said those smaller, 'affordable' homes had to be new construction? We have an abundance of multifamily housing in the form of condominiums and apartments within the City. To extend the whole concept of multiplex housing within the single family zoning is outrageous! I believe this direction is to the detriment of Kirkland. And I do not welcome this change.*

*Patti Sutter  
206-915-9134*

**Exhibit A, page 2**  
**ZON07-00005**

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**From:** Chuck Pilcher [mailto:chuck@bourlandweb.com]  
**Sent:** Thursday, November 29, 2007 9:11 AM  
**To:** Kathi Anderson  
**Subject:** Comment on Cottage Housing for Council Meeting December 11

I read the Planning Commission report on the Council agenda about Cottage/Carriage Housing. I've seen both projects done on Rose Hill. Here are my comments:

- The composition of the Planning Commission's Advisory Board seemed to be stacked with people likely to profit from this.
- The appearance of the "cottage development" along about NE 97<sup>th</sup> west of 132<sup>nd</sup> Ave. NE is ok, but the homes sure didn't fit my definition of "affordable," being mostly in the \$450,000 price range if I recall correctly.
- The "cottage development" to the NW of that, kind of down in a hole, is ugly as sin, and looks like each unit should come with a pair of Birkenstocks and an elf. Or maybe a book of Grimms Fairy Tales. And again, they don't seem to be that affordable.
- The developments definitely change the character of a neighborhood. I used the word "ghetto" when looking at the second one. Location is crucial.
- Perhaps if they actually were larger but hidden behind a lot of trees or something, with limited access, like a gated community, they'd be less "silly looking." And people who choose to live in such a setting may then have a common bond through their homeowners' association.
- My biggest concern is that they are not really affordable, and that all we are doing is re-zoning for increased density, the benefit of which accrues more to developers and land sellers than to those needing an affordable home.

Chuck Pilcher  
10127 NE 62nd Street  
Kirkland, WA 98033  
chuck@bourlandweb.com  
425-828-3165  
206-915-8593 cell

**From:** Jim Soules [mailto:jim@cottagecompany.com]  
**Sent:** Thursday, November 29, 2007 4:33 PM  
**To:** Dorian Collins  
**Cc:** Linda Pruitt  
**Subject:** Cottages to Max. 48

Dorian,

Yes – I'll be at the meeting with a few thoughts. I will point out that the code was designed to allow small developments to compatibly fit within existing single-family residential neighborhoods. The assumption was it was single-family uses on all sides. I drove by the site and it has multi-family townhouses to the east and an undeveloped park to the south so if there is a criteria to allow more than 24 I support your thinking that it needs to have non SF on at least 2 sides and a higher level of review process.

I checked with Triad Associates (civil engineers in Kirkland) and they are not affiliated in any way with Triad Development.

After the Developers Forum from 8 to 10:30 this morning I looked at the 24 lot plat. It is a 199,624 SF site, but as platted there is 26,873 SF of ROW leaving a net site of 172,801 SF. And as you know the allowable FAR is based on after any ROW dedication.

I notice the discussion assumes the developer will automatically get double the number of homes over the current 24 lot plat. If they proposed and managed to obtain approval with no ROW dedication the allowable FAR at 35% is 69,868 SF and with 48 units that is an average size of 1,455 SF. 1,455 SF is adequate to design a good 3-bedroom home. But once parking is worked, and home type variety considered it's possible the number of units may less than 48.

However if there is a requirement for a public street inside the site the number of homes will definitely be less, and could be closer to 40.

Another suggestion if more than 24 units would be to restrict the number cottages or multi-plex units to 24. That way the project could be a group of 24 cottages on 8 triplex type buildings that would provide more housing choices.

Jim Soules  
The Cottage Company, LLC  
P 206.579.8731 F 206.324.6337

## Chapter 113 – COTTAGE, CARRIAGE AND TWO/THREE-UNIT HOMES

### Sections:

113.05 User Guide

113.10 Voluntary Provisions and Intent

113.15 Housing Types Defined

113.20 Applicable Use Zones

113.25 Parameters for Cottages, Carriage Units and Two/Three-Unit Homes

113.30 Community Buildings and Community Space in Cottage Developments

113.35 Design Standards and Guidelines

113.40 Median Income Housing

113.45 Review Process

113.50 Additional Standards

### 113.05 User Guide

This chapter provides standards for alternative types of housing in Single-Family zones. If you are interested in proposing cottage, carriage or two/three-unit homes or you wish to participate in the City's decision on a project including these types of housing units, you should read this chapter.

### 113.10 Voluntary Provisions and Intent

The provisions of this chapter are available as alternatives to the development of typical detached single family homes. These standards are intended to address the changing composition of households, and the need for smaller, more diverse, and often, more affordable housing choices. Providing for a variety of housing types also encourages innovation and diversity in housing design and site development, while ensuring compatibility with surrounding single family residential development.

### 113.15 Housing Types Defined

The following definitions apply to the housing types allowed through the provisions in this Chapter:

1. Cottage – A detached, single-family dwelling unit containing 1,500 square feet or less of gross floor area.
2. Carriage Unit – A single-family dwelling unit, not to exceed 800 square feet in gross floor area, located above a garage structure.
3. Two/Three-Unit Home – A structure containing two dwelling units or three dwelling units, designed to look like a detached single-family home.

### 113.20 Applicable Use Zones

The housing types described in this chapter may be used only in the following low density zones: RS 7.2, RSX 7.2, RS 8.5, RSX 8.5, RS 12.5 and RSX 12.5 (see Section 113.25 for further standards regarding location of these housing types).

### 113.25 Parameters for Cottages, Carriage Units and Two/Three-Unit Homes

Please refer to Sections 113.30, 113.35 and 113.40 for additional requirements related to these standards.

	Cottage	Carriage	Two/Three-Unit Home <sup>1</sup>
Max Unit Size <sup>2</sup>	1,500 square feet <sup>3</sup>	800 square feet	1,000 square feet average unit size  Structure total <sup>4</sup> : Two-Unit: 2,000 s.f. Three-Unit: 3,000 s.f.
Density	2 times the maximum number of detached dwelling units allowed in the underlying zone <sup>5 &amp; 6</sup>		
Max Floor Area Ratio (FAR), <sup>7, 8</sup>	.35		

<sup>1</sup> Within the jurisdiction of the Houghton Community Council, this housing type is only allowed where it is included in a cottage project.

<sup>2</sup> A covenant restricting any increases in unit size after initial construction shall be recorded against the property. Vaulted space may not be converted to habitable space.

<sup>3</sup> Maximum size for a cottage is 1,500 square feet. A cottage may include an attached garage, not to exceed 250 square feet.

<sup>4</sup> Maximum size for a two-unit home is 2,000 square feet. A two-unit home may include an attached garage, not to exceed 500 square feet. The maximum size for a three-unit home is 3,000 square feet. A three-unit home may include an attached garage, not to exceed 750 square feet.

<sup>5</sup> Existing detached dwelling units may remain on the subject property and will be counted as units.

<sup>6</sup> When the conversion from detached dwelling units to equivalent units results in a fraction, the equivalent units shall be limited to the whole number below the fraction.

<sup>7</sup> FAR regulations are calculated using the entire development site. FAR for individual lots may vary.

<sup>8</sup> Median income units, and any attached garages for the median income units provided under Section 113.40 shall not be included in the FAR calculation for the development.

**Attachment A**

	<b>Cottage</b>	<b>Carriage</b>	<b>Two/Three-Unit Home</b>
<b>Development Size</b>	Min. 4 units Max 24 units	Must be included in a cottage project.	Must be limited to either one two-unit home or one three-unit home, or be part of a cottage development, unless approved through Process IIA, Chapter 150.
	Maximum cluster <sup>9</sup> : 12 units		
<b>Review Process</b>	Process I		Single two-unit home or single three-unit home: Process I <sup>10</sup>  Development containing more than one two-unit or one three-unit home (other than a cottage project): Process IIA <sup>11</sup>
<b>Location</b>	Developments containing cottage, carriage and/or two/three-unit homes may not be located closer than the distance noted below to another development approved under the provisions of this Chapter:  1 to 9 Units: 500' 10-19 Units: 1,000' 20-24 Units: 1,500'		
<b>Parking Requirements</b>	Units under 700 square feet: 1 space per unit Units between 700-1,000 square feet: 1.5 spaces per unit Units over 1,000 square feet: 2 spaces per unit.  Must be provided on the subject property.		
<b>Minimum Required Yards</b> (from exterior property lines of subject property)	Front: 20' Other: 10'	Must be included in a cottage project	Front: 20' Other: 10'

<sup>9</sup> Cluster size is intended to encourage a sense of community among residents. A development site may contain more than one cluster, with a clear separation between clusters.

<sup>10</sup> Stand-alone two/three-unit homes are not allowed within the jurisdiction of the Houghton Community Council.

<sup>11</sup> See Section 113.45. Carriage units and two/three-unit homes may be included within a cottage housing proposal to be reviewed through Process 1 provided that the number of two/three-unit homes and carriage units does not exceed 20% of the total number of units in the project.

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	<b>Cottage</b>	<b>Carriage</b>	<b>Two/Three-Unit Home</b>
Lot coverage (all impervious surfaces) <sup>12</sup>	50%	Must be included in a cottage project.	50%
Height Dwelling Units  Accessory Structures	25' (RS Zones) and 27' (RSX Zones) maximum above A.B.E., (where minimum roof slope of 6:12 for all parts of the roof above 18' are provided). Otherwise, 18' above A.B.E.  One story, not to exceed 18' above A.B.E.		
Tree Retention	Standards contained in Section 95.35 for Tree Plan III shall apply to development approved under this Chapter.		

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<sup>12</sup> Lot coverage is calculated using the entire development site. Lot coverage for individual lots may vary.

	<b>Cottage</b>	<b>Carriage</b>	<b>Two/Three-Unit Home</b>
Common Open Space	400 square feet per unit. Private open space is also encouraged (See Section 113.35)		
Community Buildings	Community buildings are encouraged. See Section 113.30 for further regulations.		
Attached Covered Porches <sup>13</sup>	Each unit must have a covered porch with a minimum area of 64 square feet per unit and a minimum dimension of 7' on all sides.		
Development Options	Subdivision Binding Site Plan Condominium Rental or Ownership		
Accessory Dwelling Units (ADUs)	Not permitted as part of a cottage, carriage or two/three-unit home development.		

### **113.30 Community Buildings and Community Space in Cottage Developments**

Community buildings and community space are encouraged in cottage developments.

1. Community buildings or space shall be clearly incidental in use and size to the dwelling units.
2. Building height for community buildings shall be no more than one story. Where the community space is located above another common structure, such as a detached garage or storage building, standard building heights apply.

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<sup>13</sup> Requirements for porches do not apply to carriage or two/three-unit homes.

3. Community buildings must be located on the same site as the cottage housing development, and be commonly owned by the residents.

### 113.35 Design Standards and Guidelines

1. Cottage Projects

- a. Orientation of Dwelling Units

Dwellings within a cottage housing development should be oriented to promote a sense of community, both within the development, and with respect to the larger community, outside of the cottage project. A cottage development should not be designed to “turn its back” on the surrounding neighborhood.

1. Where feasible, each dwelling unit that abuts a common open space shall have a primary entry and/or covered porch oriented to the common open space.
2. Each dwelling unit abutting a public right-of-way (not including alleys) shall have an inviting façade, such as a primary or secondary entrance or porch, oriented to the public right-of-way. If a dwelling unit abuts more than one public right-of-way, the City shall determine to which right-of-way the inviting façade shall be oriented.

- b. Required Common Open Space

Common open space should provide a sense of openness, visual relief, and community for cottage developments. The space must be outside of wetlands, streams and their buffers, and developed and maintained to provide for passive and/or active recreational activities for the residents of the development.

1. Each area of common open space shall be in one contiguous and useable piece with a minimum dimension of 20 feet on all sides.
2. Required common open space may be divided into no more than two separate areas per cluster of dwelling units.
3. Common open space shall be located in a centrally located area and be easily accessible to all dwellings within the development.
4. Fences may not be located within required open space areas.
5. Landscaping located in common open space areas shall be designed to allow for easy access and use of the space by all residents, and to facilitate maintenance needs. Where feasible, existing mature trees should be retained.

**Attachment A**

6. Unless the shape or topography of the site precludes the ability to locate units adjacent to the common open space, the following standards must be met:
  - a. The open space shall be located so that it will be surrounded by cottages or two/three-unit homes on at least two sides;
  - b. At least 50% of the units in the development shall abut a common open space. A cottage is considered to “abut” an area of open space if there is no structure between the unit and the open space.
7. Surface water management facilities shall be limited within common open space areas. Low Impact Development (LID) features are permitted, provided they do not adversely impact access to or use of the common open space for a variety of activities. Conventional stormwater collection and conveyance tools, such as flow control and/or water quality vaults are permitted if located underground.

c. Shared Detached Garages and Surface Parking Design

Parking areas should be located so their visual presence is minimized, and associated noise or other impacts do not intrude into public spaces. These areas should also maintain the single family character along public streets.

1. Shared detached garage structures may not exceed four garage doors per building, and a total of 1,200 square feet.
2. For shared detached garages, the design of the structure must be similar and compatible to that of the dwelling units within the development.
3. Shared detached garage structures and surface parking areas must be screened from public streets and adjacent residential uses by landscaping or architectural screening.
4. Shared detached garage structures shall be reserved for the parking of vehicles owned by the residents of the development. Storage of items which preclude the use of the parking spaces for vehicles is prohibited.
5. Surface parking areas may not be located in clusters of more than 4 spaces. Clusters must be separated by a distance of at least 20 feet.
6. The design of carports must include roof lines similar and compatible to that of the dwelling units within the development.

d. Low Impact Development

The proposed site design shall incorporate the use of low impact development (LID) strategies to meet stormwater management standards. LID is a set of techniques that mimic natural watershed hydrology by slowing, evaporating/transpiring, and filtering water, which allows water to soak into the ground closer to its source. The design should seek to meet the following objectives:

1. Preservation of natural hydrology.
2. Reduced impervious surfaces.
3. Treatment of stormwater in numerous small, decentralized structures.
4. Use of natural topography for drainageways and storage areas.
5. Preservation of portions of the site in undisturbed, natural conditions.
6. Reduction of the use of piped systems. Whenever possible, site design should use multifunctional open drainage systems such as vegetated swales or filter strips which also help to fulfill landscaping and open space requirements.

e. Two/Three-Unit Homes and Carriage Units within Cottage Projects

Two/three-unit homes and carriage units may be included within a cottage housing development. Design of these units should be compatible with that of the cottages included in the project.

f. Variation in Unit Sizes, Building and Site Design

Cottage projects should establish building and site design that promotes variety and visual interest that is compatible with the character of the surrounding neighborhood.

1. Projects should include a mix of unit sizes within a single development.
2. Proposals are encouraged to provide a variety of building styles, features and site design elements within cottage housing communities. Dwellings with the same combination of features and treatments should not be located adjacent to each other.

g. Private Open Space

Open space around individual dwellings should be provided to contribute to the visual appearance of the development, and to promote diversity in landscape design.

h. Pedestrian Flow through Development

Pedestrian connections should link all buildings to the public right of way, common open space and parking areas.

2. Two/Three-Unit Homes not included in Cottage Developments

Two and three-unit homes are an allowed use on individual lots in the zones listed in Section 113.20. These homes should be consistent in height, bulk, scale and style with surrounding single-family residential uses.

a. Entries

Two and three-unit homes shall maintain the traditional character and quality of detached single-family dwelling units by using design elements such as the appearance of single points of entry addressing the street, pitched roofs, substantial trim around windows, porches and chimneys. Ideally, the multiple-unit home will have no more than one entry on each side of the structure.

b. Low Impact Development (LID)

Projects containing two or more two/three-unit homes shall follow the LID standards set forth in Section 113.35 of this Chapter.

c. Garages and Surface Parking Design

1. Garages and driveways for two/three-unit homes shall meet the standards established in Sections 115.43 and 115.115.5 of this Zoning Code. In addition, no more than three garage doors may be visible on any façade of the structure.

2. Surface parking shall be limited to groups of no more than three stalls. Parking areas with more than two stalls must be visually separated from the street, perimeter property lines and common areas through site planning, landscaping or natural screening.

**113.40 Median Income Housing**

1. Requirement to Provide Median Income Housing – Projects including 10 or more housing units shall be required to provide 10% of the units as affordable to median income households. The level of affordability shall be determined according to the following schedule:

- 10 unit project: 1 unit affordable to households earning 100% of King County Median Income

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- 11 unit project: 1 unit affordable to households earning 98% of King County Median Income
- 12 unit project: 1 unit affordable to households earning 96% of King County Median Income
- 13 unit project: 1 unit affordable to households earning 94% of King County Median Income
- 14 unit project: 1 unit affordable to households earning 92% of King County Median Income
- 15 unit project: 1 unit affordable to households earning 90% of King County Median Income
- 16 unit project: 1 unit affordable to households earning 88% of King County Median Income
- 17 unit project: 1 unit affordable to households earning 86% of King County Median Income
- 18 unit project: 1 unit affordable to households earning 84% of King County Median Income
- 19 unit project: 1 unit affordable to households earning 82% of King County Median Income

For projects with 20 units or more, the following schedule will apply:

- 20 unit project: 2 units affordable to households earning 100% of King County Median Income
- 21 unit project: 2 units affordable to households earning 98% of King County Median Income
- 22 unit project: 2 units affordable to households earning 96% of King County Median Income
- 23 unit project: 2 units affordable to households earning 94% of King County Median Income
- 24 unit project: 2 units affordable to households earning 92% of King County Median Income

Median Income dwelling units shall have the same general appearance and use the same exterior materials as the market rate dwelling units, and shall be dispersed throughout the development.

The type of ownership of the median income housing units shall be the same as the type of ownership for the rest of the housing units in the development.

As noted in Section 113.25, any median income units, and any attached garages for the median income units, provided under this section shall not be included in the Floor Area Ratio (FAR) calculation for the development.

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2. Agreement for Median Income Housing Units– Prior to issuance of a certificate of occupancy, an agreement in a form acceptable to the City Attorney shall be recorded with King County Department of Records and Elections. The agreement shall address price restrictions, homebuyer or tenant qualifications, long-term affordability, and any other applicable topics of the median income housing units. The agreement shall be a covenant running with the land and shall be binding on the assigns, heirs and successors of the applicant.

Median income housing units that are provided under this section shall remain as median income housing for a minimum of 30 years from the date of initial owner occupancy for ownership median income housing units and for the life of the project for rental median income housing units.

**113.45 Review Process**

1. Approval Process – Cottage Housing Development
  - a. The City will process an application for cottage development through Process I, Chapter 145.
  - b. Public notice for developments proposed through this Section shall be as set forth under the provisions of Chapter 150 (Process IIA).
2. Approval Process – Carriage Unit and Two/Three-Unit Home Development
  - a. Two/Three-Unit Homes and carriage units that are part of a cottage project shall be reviewed through Process I provided that the number of two/three-unit homes and carriage units does not exceed 20% of the total number of units in the project. Noticing requirements shall be as described in paragraph 1.b, above.
  - b. All other developments containing carriage and two/three-unit homes shall be reviewed using Process IIA.
3. Approval Process – Requests for Modifications to Standards
  - a. Minor Modifications: Applicants may request minor modifications to the general parameters and design standards set forth in this Chapter. The Planning Director or Hearing Examiner may modify the requirements if all of the following criteria are met:

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- i. The site is constrained due to unusual shape, topography, easements or sensitive areas.
- ii. The modification is consistent with the objectives of this Chapter.
- iii. The modification will not result in a development that is less compatible with neighboring land uses

4. Review Criteria

- a. In addition to the criteria established for review of development proposals in Chapter 145 and 150, the applicant must demonstrate that:
  - i. The proposal is compatible with and is not larger in scale than surrounding development with respect to size of units, building heights, roof forms, setbacks between adjacent buildings and between buildings and perimeter property lines, number of parking spaces, parking location and screening, access and lot coverage.
  - ii. Any proposed modifications to provisions of this Chapter are important to the success of the proposal as an alternative housing project and are necessary to meet the intent of these regulations.

**113.50 Additional Standards**

- 1. Application fees for the Process I or IIA review of the proposed project shall be based on the number of single-family units that would be allowed by the underlying zoning, regardless of the number of units proposed under this Chapter.
- 2. Impact fees under Kirkland Municipal Code Chapters 27.04 and 27.06 for the proposed project shall be assessed at the rates for multifamily dwelling units, as identified in Appendix A of Kirkland Municipal Code Chapters 27.04 and 27.06.
- 3. The City's approval of a cottage housing or two/three-unit home development does not constitute approval of a subdivision, a short plat, or a binding site plan. A lot that has cottage, carriage or two/three-unit homes may not be subdivided unless all of the requirements of the Zoning Code and Title 22 of the Kirkland

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Municipal Code are met. A lot containing a two/three-unit home may not be subdivided in a manner that results in the dwelling units being located on separate lots.

**Title 23  
ZONING**

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## Revision to Chapter 5

*(Definitions would be incorporated alphabetically into the current set of definitions in the Zoning Code)*

### Chapter 5 – DEFINITIONS

Sections:

5.05 User Guide

5.10 Definitions

#### **5.05 User Guide**

The definitions in this chapter apply for this code.

#### **5.10 Definitions**

The following definitions apply throughout this code unless, from the context, another meaning is clearly intended:

1. Cottage – A detached, single-family dwelling unit containing 1,500 square feet or less of gross floor area.
2. Carriage Unit – A single-family dwelling unit, not to exceed 800 square feet in gross floor area, located above a garage structure.
3. Two/Three-Unit Home – A structure containing two dwelling units or three dwelling units, designed to look like a detached single-family home.

### 90.135 Maximum Development Potential

1. Dwelling Units – The maximum potential number of dwelling units for a site which contains a wetland, stream, minor lake, or their buffers shall be the buildable area in square feet divided by the minimum lot area per unit as specified by Chapters 15 through 60 KZC, plus the area of the required sensitive area buffer in square feet divided by the minimum lot area per unit as specified by Chapters 15 through 60 KZC, multiplied by the development factor derived from subsection (2) of this section:

$$\text{MAXIMUM DWELLING UNIT POTENTIAL} = (\text{BUILDABLE AREA/THE PRESCRIBED MINIMUM LOT AREA PER UNIT}) + [(\text{BUFFER AREA/THE PRESCRIBED MINIMUM LOT AREA PER UNIT}) \times (\text{DEVELOPMENT FACTOR})]$$

For purposes of this subsection only, “buildable area” means the total area of the subject property minus sensitive areas and their buffers.

For developments providing affordable housing units pursuant to Chapter 112 KZC, or cottage, carriage or two/three-unit homes pursuant to Chapter 113, the density bonus and resulting maximum density shall be calculated using the maximum dwelling unit potential of this section as the base to which the bonus units will be added.

For multifamily development, if application of the maximum development potential formula results in a fraction, the number of permitted dwelling units shall be rounded up to the next whole number (unit) if the fraction of the whole number is at least 0.66. For single-family development, if application of the maximum development potential formula results in a fraction, the number of permitted dwelling units (lots) shall not be rounded up, regardless of the fraction. This provision shall not be construed to preclude application of Chapter 22.28 KMC.

Lot size and/or density may be limited by or through other provisions of this code or other applicable law, and the application of the provisions of this chapter may result in the necessity for larger lot sizes or lower density due to inadequate buildable area.

3. Development Factor – The development factor, consisting of a “percent credit,” to be used in computing the maximum potential number of dwelling units for a site which contains a sensitive area buffer is derived from the following table:

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Percentage of Site in Sensitive Area Buffer			Counted at
< 1	to	10%	100%
> 10	to	20%	90%
> 20	to	30%	80%
> 30	to	40%	70%
> 40	to	50%	60%
> 50	to	60%	50%
> 60	to	70%	40%
> 70	to	80%	30%
> 80	to	90%	20%
> 90	to	100%	10%

## Revision to Section 115.115.5

5. Driveways and Parking Areas – Driveways and parking areas are not allowed in required yards except as follows:

a. Detached Dwelling Units, Two-Unit Homes and Three-Unit Homes, approved under Chapter 113

1) General – Vehicles may be parked in the required front, rear, and north property line yards if parked on a driveway and/or parking area. For the purpose of this section, vehicles are limited to those devices or contrivances which can carry or convey persons or objects and which are equipped as required by federal or state law for operation on public roads. A driveway and/or parking area shall not exceed 20 feet in width in any required front yard, and shall be separated from other hard-surfaced areas located in the required front yard by a landscape strip at least five feet in width. This landscape strip may be interrupted by a walkway or pavers providing a connection from the driveway to other hard-surfaced areas, as long as such walkway or pavers cover no more than 20 percent of the landscape strip. A driveway and/or parking area located in a required front yard shall not be closer than five feet to any side property line (see Plate 14); provided:

a) That where access to a legally established lot is provided by a panhandle or vehicle access easement measuring less than 20 feet in width, a driveway not exceeding 10 feet in width, generally centered in the panhandle or access easement, shall be permitted (see Plate 14A); and

b) That any driveway which generally parallels a right-of-way or easement road shall be set back at least five feet from the right-of-way or easement, except for a 20-foot-wide section where the driveway connects with the right-of-way or easement. Such driveway shall not have a width of more than 10 feet within the front or rear yard (see Plate 14B) and shall be separated from other hard-surfaced areas located in the front or rear yard by a landscape strip at least five feet in width. Where more than one driveway is permitted within a front or rear yard, those driveways shall be separated by a landscape strip at least five feet in width.

2) Exception – Driveways and/or parking areas may exceed 20 feet in width if:

a) The driveway/parking area serves a three-car garage; and

b) The subject property is at least 60 feet in width; and

c) The garage(s) is (are) located no more than 40 feet from the front property line; and

d) The driveway/parking area flares from 20 feet at the property line to a maximum of 30 feet in width.

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- 3) The Planning Official may approve a modification to the driveway and/or setback requirements in KZC 115.115(5)(a)(1) if:
  - a) The existing topography of the subject property or the abutting property decreases or eliminates the need for the setback; or
  - b) The location of pre-existing improvements or vegetation on the abutting site eliminates the need for or benefit of a setback; and
  - c) The modification will not have any substantial detrimental effect on abutting properties or the City as a whole.

## Chapter 113 – COTTAGE, CARRIAGE AND TWO/THREE-UNIT HOMES

### Sections:

[113.05](#) User Guide

[113.10](#) Voluntary Provisions and Intent

[113.15](#) Housing Types Defined

[113.20](#) Applicable Use Zones

[113.25](#) Parameters for Cottages, Carriage Units and Two/Three-Unit Homes

[113.30](#) Community Buildings and Community Space in Cottage Developments

[113.35](#) Design Standards and Guidelines

[113.40](#) Median Income Housing

[113.45](#) Review Process

[113.50](#) Additional Standards

### 113.05 User Guide

This chapter provides standards for alternative types of housing in Single-Family zones. If you are interested in proposing cottage, carriage or two/three-unit homes or you wish to participate in the City's decision on a project including these types of housing units, you should read this chapter.

### 113.10 Voluntary Provisions and Intent

The provisions of this chapter are available as alternatives to the development of typical detached single family homes. These standards are intended to address the changing composition of households, and the need for smaller, more diverse, and often, more affordable housing choices. Providing for a variety of housing types also encourages innovation and diversity in housing design and site development, while ensuring compatibility with surrounding single family residential development.

### 113.15 Housing Types Defined

The following definitions apply to the housing types allowed through the provisions in this Chapter:

1. Cottage – A detached, single-family dwelling unit containing 1,500 square feet or less of gross floor area.
2. Carriage Unit – A single-family dwelling unit, not to exceed 800 square feet in gross floor area, located above a garage structure.
3. Two/Three-Unit Home – A structure containing two dwelling units or three dwelling units, designed to look like a detached single-family home.

### 113.20 Applicable Use Zones

The housing types described in this chapter may be used only in the following low density zones: RS 7.2, RSX 7.2, RS 8.5, RSX 8.5, RS 12.5 and RSX 12.5 (see Section 113.25 for further standards regarding location of these housing types).

### 113.25 Parameters for Cottages, Carriage Units and Two/Three-Unit Homes

Please refer to Sections 113.30, 113.35 and 113.40 for additional requirements related to these standards.

	Cottage	Carriage	Two/Three-Unit Home <sup>1</sup>
Max Unit Size <sup>2</sup>	1,500 square feet <sup>3</sup>	800 square feet	1,000 square feet average unit size  Structure total <sup>4</sup> : Two-Unit: 2,000 s.f. Three-Unit: 3,000 s.f.
Density	2 times the maximum number of detached dwelling units allowed in the underlying zone <sup>5 &amp; 6</sup>		
Max Floor Area Ratio (FAR), <sup>7, 8</sup>	.35		

<sup>1</sup> Within the jurisdiction of the Houghton Community Council, this housing type is only allowed where it is included in a cottage project.

<sup>2</sup> A covenant restricting any increases in unit size after initial construction shall be recorded against the property. Vaulted space may not be converted to habitable space.

<sup>3</sup> Maximum size for a cottage is 1,500 square feet. A cottage may include an attached garage, not to exceed 250 square feet.

<sup>4</sup> Maximum size for a two-unit home is 2,000 square feet. A two-unit home may include an attached garage, not to exceed 500 square feet. The maximum size for a three-unit home is 3,000 square feet. A three-unit home may include an attached garage, not to exceed 750 square feet.

<sup>5</sup> Existing detached dwelling units may remain on the subject property and will be counted as units.

<sup>6</sup> When the conversion from detached dwelling units to equivalent units results in a fraction, the equivalent units shall be limited to the whole number below the fraction.

<sup>7</sup> FAR regulations are calculated using the entire development site. FAR for individual lots may vary.

<sup>8</sup> Median income units, and any attached garages for the median income units provided under Section 113.40 shall not be included in the FAR calculation for the development.

	<b>Cottage</b>	<b>Carriage</b>	<b>Two/Three-Unit Home</b>
<b>Development Size</b>	Min. 4 units Max 48 units  Maximum cluster <sup>9</sup> : 12 units	Must be included in a cottage project.	Must be limited to either one two-unit home or one three-unit home, or be part of a cottage development, unless approved through Process IIA, Chapter 150.
<b>Review Process</b>	4-24 Units: Process I  25-48 Units: Process IIA		
<b>Location</b>	<p>Developments containing cottage, carriage and/or two/three-unit homes may not be located closer than the distance noted below to another development approved under the provisions of this Chapter:</p> <p>1 to 9 Units: 500' 10-19 Units: 1,000' 20-48 Units: 1,500'</p> <p>Cottage projects containing more than 24 units must be located on sites with direct access to an arterial street. These sites must also be adjacent to either a non-residential zone, or a medium or high density residential zone.</p>		
<b>Parking Requirements</b>	<p>Units under 700 square feet: 1 space per unit Units between 700-1,000 square feet: 1.5 spaces per unit Units over 1,000 square feet: 2 spaces per unit.</p>		

<sup>9</sup> Cluster size is intended to encourage a sense of community among residents. A development site may contain more than one cluster, with a clear separation between clusters.

<sup>10</sup> Stand-alone two/three-unit homes are not allowed within the jurisdiction of the Houghton Community Council.

<sup>11</sup> See Section 113.45. Carriage units and two/three-unit homes may be included within a cottage housing proposal to be reviewed through Process 1 provided that the number of two/three-unit homes and carriage units does not exceed 20% of the total number of units in the project.

	Must be provided on the subject property.		
Minimum Required Yards (from exterior property lines of subject property)	Front: 20' Other: 10'	Must be included in a cottage project	Front: 20' Other: 10'
	<b>Cottage</b>	<b>Carriage</b>	<b>Two/Three-Unit Home</b>
Lot coverage (all impervious surfaces) <sup>12</sup>	50%	Must be included in a cottage project.	50%
Height Dwelling Units Accessory Structures	25' (RS Zones) and 27' (RSX Zones) maximum above A.B.E., (where minimum roof slope of 6:12 for all parts of the roof above 18' are provided). Otherwise, 18' above A.B.E. One story, not to exceed 18' above A.B.E.		
Tree Retention	Standards contained in Section 95.35 for Tree Plan III shall apply to development approved under this Chapter.		

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<sup>12</sup> Lot coverage is calculated using the entire development site. Lot coverage for individual lots may vary.

	<b>Cottage</b>	<b>Carriage</b>	<b>Two/Three-Unit Home</b>
Common Open Space	400 square feet per unit. Private open space is also encouraged (See Section 113.35)		
Community Buildings	Community buildings are encouraged. See Section 113.30 for further regulations.		
Attached Covered Porches <sup>13</sup>	Each unit must have a covered porch with a minimum area of 64 square feet per unit and a minimum dimension of 7' on all sides.		
Development Options	Subdivision Binding Site Plan Condominium Rental or Ownership		
Accessory Dwelling Units (ADUs)	Not permitted as part of a cottage, carriage or two/three-unit home development.		

### **113.30 Community Buildings and Community Space in Cottage Developments**

Community buildings and community space are encouraged in cottage developments.

1. Community buildings or space shall be clearly incidental in use and size to the dwelling units.
2. Building height for community buildings shall be no more than one story. Where the community space is located above another common structure, such as a detached garage or storage building, standard building heights apply.

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<sup>13</sup> Requirements for porches do not apply to carriage or two/three-unit homes.

3. Community buildings must be located on the same site as the cottage housing development, and be commonly owned by the residents.

### 113.35 Design Standards and Guidelines

1. Cottage Projects

- a. Orientation of Dwelling Units

Dwellings within a cottage housing development should be oriented to promote a sense of community, both within the development, and with respect to the larger community, outside of the cottage project. A cottage development should not be designed to “turn its back” on the surrounding neighborhood.

1. Where feasible, each dwelling unit that abuts a common open space shall have a primary entry and/or covered porch oriented to the common open space.
2. Each dwelling unit abutting a public right-of-way (not including alleys) shall have an inviting façade, such as a primary or secondary entrance or porch, oriented to the public right-of-way. If a dwelling unit abuts more than one public right-of-way, the City shall determine to which right-of-way the inviting façade shall be oriented.

- b. Required Common Open Space

Common open space should provide a sense of openness, visual relief, and community for cottage developments. The space must be outside of wetlands, streams and their buffers, and developed and maintained to provide for passive and/or active recreational activities for the residents of the development.

1. Each area of common open space shall be in one contiguous and useable piece with a minimum dimension of 20 feet on all sides.
2. Required common open space may be divided into no more than two separate areas per cluster of dwelling units.
3. Common open space shall be located in a centrally located area and be easily accessible to all dwellings within the development.
4. Fences may not be located within required open space areas.
5. Landscaping located in common open space areas shall be designed to allow for easy access and use of the space by all residents, and to facilitate maintenance needs. Where feasible, existing mature trees should be retained.

6. Unless the shape or topography of the site precludes the ability to locate units adjacent to the common open space, the following standards must be met:
  - a. The open space shall be located so that it will be surrounded by cottages or two/three-unit homes on at least two sides;
  - b. At least 50% of the units in the development shall abut a common open space. A cottage is considered to “abut” an area of open space if there is no structure between the unit and the open space.
7. Surface water management facilities shall be limited within common open space areas. Low Impact Development (LID) features are permitted, provided they do not adversely impact access to or use of the common open space for a variety of activities. Conventional stormwater collection and conveyance tools, such as flow control and/or water quality vaults are permitted if located underground.

c. Shared Detached Garages and Surface Parking Design

Parking areas should be located so their visual presence is minimized, and associated noise or other impacts do not intrude into public spaces. These areas should also maintain the single family character along public streets.

1. Shared detached garage structures may not exceed four garage doors per building, and a total of 1,200 square feet.
2. For shared detached garages, the design of the structure must be similar and compatible to that of the dwelling units within the development.
3. Shared detached garage structures and surface parking areas must be screened from public streets and adjacent residential uses by landscaping or architectural screening.
4. Shared detached garage structures shall be reserved for the parking of vehicles owned by the residents of the development. Storage of items which preclude the use of the parking spaces for vehicles is prohibited.
5. Surface parking areas may not be located in clusters of more than 4 spaces. Clusters must be separated by a distance of at least 20 feet.
6. The design of carports must include roof lines similar and compatible to that of the dwelling units within the development.

d. Low Impact Development

The proposed site design shall incorporate the use of low impact development (LID) strategies to meet stormwater management standards. LID is a set of techniques that mimic natural watershed hydrology by slowing, evaporating/transpiring, and filtering water, which allows water to soak into the ground closer to its source. The design should seek to meet the following objectives:

1. Preservation of natural hydrology.
2. Reduced impervious surfaces.
3. Treatment of stormwater in numerous small, decentralized structures.
4. Use of natural topography for drainageways and storage areas.
5. Preservation of portions of the site in undisturbed, natural conditions.
6. Reduction of the use of piped systems. Whenever possible, site design should use multifunctional open drainage systems such as vegetated swales or filter strips which also help to fulfill landscaping and open space requirements.

e. Two/Three-Unit Homes and Carriage Units within Cottage Projects

Two/three-unit homes and carriage units may be included within a cottage housing development. Design of these units should be compatible with that of the cottages included in the project.

f. Variation in Unit Sizes, Building and Site Design

Cottage projects should establish building and site design that promotes variety and visual interest that is compatible with the character of the surrounding neighborhood.

1. Projects should include a mix of unit sizes within a single development.
3. Proposals are encouraged to provide a variety of building styles, features and site design elements within cottage housing communities. Dwellings with the same combination of features and treatments should not be located adjacent to each other.

g. Private Open Space

Open space around individual dwellings should be provided to contribute to the visual appearance of the development, and to promote diversity in landscape design.

h. Pedestrian Flow through Development

Pedestrian connections should link all buildings to the public right of way, common open space and parking areas.

2. Two/Three-Unit Homes not included in Cottage Developments

Two and three-unit homes are an allowed use on individual lots in the zones listed in Section 113.20. These homes should be consistent in height, bulk, scale and style with surrounding single-family residential uses.

a. Entries

Two and three-unit homes shall maintain the traditional character and quality of detached single-family dwelling units by using design elements such as the appearance of single points of entry addressing the street, pitched roofs, substantial trim around windows, porches and chimneys. Ideally, the multiple-unit home will have no more than one entry on each side of the structure.

b. Low Impact Development (LID)

Projects containing two or more two/three-unit homes shall follow the LID standards set forth in Section 113.35 of this Chapter.

c. Garages and Surface Parking Design

1. Garages and driveways for two/three-unit homes shall meet the standards established in Sections 115.43 and 115.115.5 of this Zoning Code. In addition, no more than three garage doors may be visible on any façade of the structure.

2. Surface parking shall be limited to groups of no more than three stalls. Parking areas with more than two stalls must be visually separated from the street, perimeter property lines and common areas through site planning, landscaping or natural screening.

**113.40 Median Income Housing**

1. Requirement to Provide Median Income Housing – Projects including 10 or more housing units shall be required to provide 10% of the units as affordable to median income households. The level of affordability shall be determined according to the following schedule:

- 10 unit project: 1 unit affordable to households earning 100% of King County Median Income

**Attachment A\***

- 11 unit project: 1 unit affordable to households earning 98% of King County Median Income
- 12 unit project: 1 unit affordable to households earning 96% of King County Median Income
- 13 unit project: 1 unit affordable to households earning 94% of King County Median Income
- 14 unit project: 1 unit affordable to households earning 92% of King County Median Income
- 15 unit project: 1 unit affordable to households earning 90% of King County Median Income
- 16 unit project: 1 unit affordable to households earning 88% of King County Median Income
- 17 unit project: 1 unit affordable to households earning 86% of King County Median Income
- 18 unit project: 1 unit affordable to households earning 84% of King County Median Income
- 19 unit project: 1 unit affordable to households earning 82% of King County Median Income

For projects with 20 units or more, the following schedule will apply:

- 20 unit project: 2 units affordable to households earning 100% of King County Median Income
- 21 unit project: 2 units affordable to households earning 98% of King County Median Income
- 22 unit project: 2 units affordable to households earning 96% of King County Median Income
- 23 unit project: 2 units affordable to households earning 94% of King County Median Income
- 24 unit project: 2 units affordable to households earning 92% of King County Median Income
- 25 unit project: 2 units affordable to households earning 90% of King County Median Income
- 26 unit project: 2 units affordable to households earning 88% of King County Median Income
- 27 unit project: 2 units affordable to households earning 86% of King County Median Income
- 28 unit project: 2 units affordable to households earning 84% of King County Median Income

**Attachment A\***

- 29 unit project: 2 units affordable to households earning 82% of King County Median Income

For projects with 30 units or more, the following schedule will apply:

- 30 unit project: 3 units affordable to households earning 100% of King County Median Income
- 31 unit project: 3 units affordable to households earning 98% of King County Median Income
- 32 unit project: 3 units affordable to households earning 96% of King County Median Income
- 33 unit project: 3 units affordable to households earning 94% of King County Median Income
- 34 unit project: 3 units affordable to households earning 92% of King County Median Income
- 35 unit project: 3 units affordable to households earning 90% of King County Median Income
- 36 unit project: 3 units affordable to households earning 88% of King County Median Income
- 37 unit project: 3 units affordable to households earning 86% of King County Median Income
- 38 unit project: 3 units affordable to households earning 84% of King County Median Income
- 39 unit project: 3 units affordable to households earning 82% of King County Median Income

For projects with 40 units or more, the following schedule will apply:

- 40 unit project: 4 units affordable to households earning 100% of King County Median Income
- 41 unit project: 4 units affordable to households earning 98% of King County Median Income
- 42 unit project: 4 units affordable to households earning 96% of King County Median Income

**Attachment A\***

- 43 unit project: 4 units affordable to households earning 94% of King County Median Income
- 44 unit project: 4 units affordable to households earning 92% of King County Median Income
- 45 unit project: 4 units affordable to households earning 90% of King County Median Income
- 46 unit project: 4 units affordable to households earning 88% of King County Median Income
- 47 unit project: 4 units affordable to households earning 86% of King County Median Income
- 48 unit project: 4 units affordable to households earning 84% of King County Median Income

Median Income dwelling units shall have the same general appearance and use the same exterior materials as the market rate dwelling units, and shall be dispersed throughout the development.

The type of ownership of the median income housing units shall be the same as the type of ownership for the rest of the housing units in the development.

As noted in Section 113.25, any median income units, and any attached garages for the median income units, provided under this section shall not be included in the Floor Area Ratio (FAR) calculation for the development.

2. Agreement for Median Income Housing Units– Prior to issuance of a certificate of occupancy, an agreement in a form acceptable to the City Attorney shall be recorded with King County Department of Records and Elections. The agreement shall address price restrictions, homebuyer or tenant qualifications, long-term affordability, and any other applicable topics of the median income housing units. The agreement shall be a covenant running with the land and shall be binding on the assigns, heirs and successors of the applicant.

Median income housing units that are provided under this section shall remain as median income housing for a minimum of 30 years from the date of initial owner occupancy for ownership median income housing units and for the life of the project for rental median income housing units.

**113.45 Review Process**

1. Approval Process – Cottage Housing Development

**Attachment A\***

- a. The City will process applications for cottage developments with less than 25 units through Process I, Chapter 145. Cottage developments with 25 or more units will be processed through Process IIA, Chapter 150.
  - b. Public notice for all cottage developments proposed through this Section shall be as set forth under the provisions of Chapter 150 (Process IIA).
2. Approval Process – Carriage Unit and Two/Three-Unit Home Development
- a. Two/Three-Unit Homes and carriage units that are part of a cottage project shall be reviewed through Process I provided that the number of two/three-unit homes and carriage units does not exceed 20% of the total number of units in the project, and the total project size does not exceed 24 units. Noticing requirements shall be as described in paragraph 1.b, above.
  - b. All other developments containing carriage and two/three-unit homes shall be reviewed using Process IIA.
4. Approval Process – Requests for Modifications to Standards
- a. Minor Modifications: Applicants may request minor modifications to the general parameters and design standards set forth in this Chapter. The Planning Director or Hearing Examiner may modify the requirements if all of the following criteria are met:
    - i. The site is constrained due to unusual shape, topography, easements or sensitive areas.
    - ii. The modification is consistent with the objectives of this Chapter.
    - iii. The modification will not result in a development that is less compatible with neighboring land uses

4. Review Criteria

- a. In addition to the criteria established for review of development proposals in Chapter 145 and 150, the applicant must demonstrate that:
  - i. The proposal is compatible with and is not larger in scale than surrounding development with respect to size of units, building heights, roof forms, setbacks between adjacent buildings and between buildings and perimeter property lines, number of parking spaces, parking location and screening, access and lot coverage.
  - ii. Any proposed modifications to provisions of this Chapter are important to the success of the proposal as an alternative housing project and are necessary to meet the intent of these regulations.

**113.50 Additional Standards**

1. Application fees for the Process I or IIA review of the proposed project shall be based on the number of single-family units that would be allowed by the underlying zoning, regardless of the number of units proposed under this Chapter.
2. Impact fees under Kirkland Municipal Code Chapters 27.04 and 27.06 for the proposed project shall be assessed at the rates for multifamily dwelling units, as identified in Appendix A of Kirkland Municipal Code Chapters 27.04 and 27.06.
3. The City's approval of a cottage housing or two/three-unit home development does not constitute approval of a subdivision, a short plat, or a binding site plan. A lot that has cottage, carriage or two/three-unit homes may not be subdivided unless all of the requirements of the Zoning Code and Title 22 of the Kirkland Municipal Code are met. A lot containing a two/three-unit home may not be subdivided in a manner that results in the dwelling units being located on separate lots.

## **Title 23 ZONING**

### **TABLE OF CONTENTS**

<u>Chapter 110</u>	Required Public Improvements
<u>Chapter 112</u>	Affordable Housing Incentives – Multifamily
<u>Chapter 113</u>	Cottage, Carriage and Two/Three-Unit Homes
<u>Chapter 115</u>	Miscellaneous Use Development and Performance Standards
<u>Chapter 117</u>	Personal Wireless Service Facilities
<u>Chapter 120</u>	Variances
<u>Chapter 125</u>	Planned Unit Development
<u>Chapter 127</u>	Temporary Use
<u>Chapter 130</u>	Rezone
<u>Chapter 135</u>	Amendments to the Text of the Zoning Code
<u>Chapter 140</u>	Amendments to the Comprehensive Plan
<u>Chapter 142</u>	Design Review
<u>Chapter 145</u>	Process I
<u>Chapter 150</u>	Process IIA
<u>Chapter 152</u>	Process IIB
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<u>Chapter 162</u>	Nonconformance
<u>Chapter 165</u>	Authority
<u>Chapter 170</u>	Code Enforcement
<u>Chapter 175</u>	Bonds
<u>Chapter 180</u>	Plates
<u>Ordinance Table</u>	

## Revision to Chapter 5

*(Definitions would be incorporated alphabetically into the current set of definitions in the Zoning Code)*

### Chapter 5 – DEFINITIONS

Sections:

5.05 User Guide

5.10 Definitions

#### **5.05 User Guide**

The definitions in this chapter apply for this code.

#### **5.10 Definitions**

The following definitions apply throughout this code unless, from the context, another meaning is clearly intended:

1. Cottage – A detached, single-family dwelling unit containing 1,500 square feet or less of gross floor area.
2. Carriage Unit – A single-family dwelling unit, not to exceed 800 square feet in gross floor area, located above a garage structure.
3. Two/Three-Unit Home – A structure containing two dwelling units or three dwelling units, designed to look like a detached single-family home.

### 90.135 Maximum Development Potential

1. Dwelling Units – The maximum potential number of dwelling units for a site which contains a wetland, stream, minor lake, or their buffers shall be the buildable area in square feet divided by the minimum lot area per unit as specified by Chapters [15](#) through 60 KZC, plus the area of the required sensitive area buffer in square feet divided by the minimum lot area per unit as specified by Chapters [15](#) through 60 KZC, multiplied by the development factor derived from subsection (2) of this section:

$$\text{MAXIMUM DWELLING UNIT POTENTIAL} = (\text{BUILDABLE AREA/THE PRESCRIBED MINIMUM LOT AREA PER UNIT}) + [(\text{BUFFER AREA/THE PRESCRIBED MINIMUM LOT AREA PER UNIT}) \times (\text{DEVELOPMENT FACTOR})]$$

For purposes of this subsection only, “buildable area” means the total area of the subject property minus sensitive areas and their buffers.

For developments providing affordable housing units pursuant to Chapter [112](#) KZC, or cottage, carriage or two/three-unit homes pursuant to Chapter 113, the density bonus and resulting maximum density shall be calculated using the maximum dwelling unit potential of this section as the base to which the bonus units will be added.

For multifamily development, if application of the maximum development potential formula results in a fraction, the number of permitted dwelling units shall be rounded up to the next whole number (unit) if the fraction of the whole number is at least 0.66. For single-family development, if application of the maximum development potential formula results in a fraction, the number of permitted dwelling units (lots) shall not be rounded up, regardless of the fraction. This provision shall not be construed to preclude application of Chapter 22.28 KMC.

Lot size and/or density may be limited by or through other provisions of this code or other applicable law, and the application of the provisions of this chapter may result in the necessity for larger lot sizes or lower density due to inadequate buildable area.

3. Development Factor – The development factor, consisting of a “percent credit,” to be used in computing the maximum potential number of dwelling units for a site which contains a sensitive area buffer is derived from the following table:

Percentage of Site in Sensitive Area Buffer			Counted at
< 1	to	10%	100%
> 10	to	20%	90%
> 20	to	30%	80%
> 30	to	40%	70%
> 40	to	50%	60%
> 50	to	60%	50%
> 60	to	70%	40%
> 70	to	80%	30%
> 80	to	90%	20%
> 90	to	100%	10%

## Revision to Section 115.115.5

5. Driveways and Parking Areas – Driveways and parking areas are not allowed in required yards except as follows:

a. Detached Dwelling Units, Two-Unit Homes and Three-Unit Homes, approved under Chapter 113

1) General – Vehicles may be parked in the required front, rear, and north property line yards if parked on a driveway and/or parking area. For the purpose of this section, vehicles are limited to those devices or contrivances which can carry or convey persons or objects and which are equipped as required by federal or state law for operation on public roads. A driveway and/or parking area shall not exceed 20 feet in width in any required front yard, and shall be separated from other hard-surfaced areas located in the required front yard by a landscape strip at least five feet in width. This landscape strip may be interrupted by a walkway or pavers providing a connection from the driveway to other hard-surfaced areas, as long as such walkway or pavers cover no more than 20 percent of the landscape strip. A driveway and/or parking area located in a required front yard shall not be closer than five feet to any side property line (see Plate 14); provided:

a) That where access to a legally established lot is provided by a panhandle or vehicle access easement measuring less than 20 feet in width, a driveway not exceeding 10 feet in width, generally centered in the panhandle or access easement, shall be permitted (see Plate 14A); and

b) That any driveway which generally parallels a right-of-way or easement road shall be set back at least five feet from the right-of-way or easement, except for a 20-foot-wide section where the driveway connects with the right-of-way or easement. Such driveway shall not have a width of more than 10 feet within the front or rear yard (see Plate 14B) and shall be separated from other hard-surfaced areas located in the front or rear yard by a landscape strip at least five feet in width. Where more than one driveway is permitted within a front or rear yard, those driveways shall be separated by a landscape strip at least five feet in width.

2) Exception – Driveways and/or parking areas may exceed 20 feet in width if:

a) The driveway/parking area serves a three-car garage; and

b) The subject property is at least 60 feet in width; and

c) The garage(s) is (are) located no more than 40 feet from the front property line; and

d) The driveway/parking area flares from 20 feet at the property line to a maximum of 30 feet in width.

**Attachment A\***

- 3) The Planning Official may approve a modification to the driveway and/or setback requirements in KZC 115.115(5)(a)(1) if:
  - a) The existing topography of the subject property or the abutting property decreases or eliminates the need for the setback; or
  - b) The location of pre-existing improvements or vegetation on the abutting site eliminates the need for or benefit of a setback; and
  - c) The modification will not have any substantial detrimental effect on abutting properties or the City as a whole.

ORDINANCE NO. 4120

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE AND AMENDING ORDINANCE 3719 AS AMENDED, THE KIRKLAND ZONING ORDINANCE AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. ZON07-00005.

WHEREAS, the City Council has received a recommendation from the Kirkland Planning Commission to amend certain sections of the text of the Kirkland Zoning Code, Ordinance 3719 as amended, all as set forth in that certain report and recommendation of the Planning Commission dated November 7, 2007, and bearing Kirkland Department of Planning and Community Development File No. ZON07-00005; and

WHEREAS, prior to making said recommendation, the Kirkland Planning Commission, following notice thereof as required by RCW 35A.63.070, on October 11, 2007, held a public hearing, on the amendment proposals and considered the comments received at said hearing; and

WHEREAS, prior to making said recommendation, the Houghton Community Council, following notice thereof as required by RCW 35A.63.070, on September 24, 2007, held a courtesy hearing, on the amendment proposals and considered the comments received at said hearing; and

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

WHEREAS, in an open 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, BE IT ORDAINED by the City Council of the City of Kirkland as follows:

Section 1. Zoning text amended: The following specified sections of the text of Ordinance 3719 as amended, the Kirkland Zoning Ordinance, be and they hereby are amended to read as follows:

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

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

Section 3. 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.

Section 4. Except as provided in Section 3, this ordinance shall be in full force and effect on January 28, 2008, after its passage by the Kirkland City Council and publication, (pursuant to Kirkland Municipal Code 1.08.017, in the summary form attached to the original of this ordinance and by this reference approved by the City Council), as required by law.

Section 5. A complete copy of this ordinance shall be certified by the City Clerk, who shall then forward the certified copy to the King County Department of Assessments.

PASSED by majority vote of the Kirkland City Council in open meeting this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

SIGNED IN AUTHENTICATION thereof this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to Form:

\_\_\_\_\_  
City Attorney

PUBLICATION SUMMARY  
OF ORDINANCE NO. 4120

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE AND AMENDING ORDINANCE 3719 AS AMENDED, THE KIRKLAND ZONING ORDINANCE AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. ZON07-00005.

SECTION 1. Amends the following specific sections of the text of Ordinance 3719 as amended, the Kirkland Zoning Ordinance:

- A. Amends text in the Table of Contents
- B. Amends text in Chapter 5, Definitions
- C. Amends text in Chapter 90, Drainage Basins
- D. Adds new Chapter 113, Cottage, Carriage and Two/Three Unit Homes
- E. Amends text in Chapter 115, Miscellaneous Use Development and Performance Standards

SECTION 2. Provides a severability clause for the ordinance.

SECTION 3. Provides that the effective date of the ordinance is affected by the disapproval jurisdiction of the Houghton Community Council.

SECTION 4. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Kirkland Municipal Code 1.08.017 and establishes the effective date as January 28, 2008.

SECTION 5. Establishes certification by City Clerk and notification of King County Department of Assessments.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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

\_\_\_\_\_  
City Clerk

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

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**MEMORANDUM**

**To:** David Ramsay, City Manager

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

**Date:** November 29, 2007

**Subject:** **2007-2008 MID-BIENNIAL BUDGET ADJUSTMENT**

**RECOMMENDATION:**

Council approve the attached ordinance adjusting the budget for the 2007-2008 biennium and the attached resolution adopting revisions to the City's Fiscal Policies.

**BACKGROUND DISCUSSION:**

At the November 7<sup>th</sup> Council Study Session, the City Council was presented with a financial update and series of policy and funding recommendations to update the adopted 2007-2008 Budget. Following their review, the City Council made two changes from the original recommendation as follows:

- Recognized Kirkland Public Library's withdrawal of their original request for funding of \$1,000 due to a change in the library's schedule of events.
- Awarded \$1,250 to the Eastside Heritage Center of their original \$4,500 request, which had not been funded in the proposed funding recommendations for outside agencies.

Additionally, at the public hearing held on November 20<sup>th</sup>, the Council discussed interest in two more potential changes including:

- Considering a larger allocation to the Eastside Heritage Center than the \$1,250 that Council awarded at the study session on November 7<sup>th</sup>. The Council Special Projects Reserve was discussed as a potential funding source with Council requesting staff to bring back options for funding the Eastside Heritage Center up to \$3,000 and information about how the \$1,250 allocation was reached:
  - The \$1,250 allocation was the result of adding the \$1,000 freed up by the Kirkland Library's withdrawal of their request and the \$250 remaining unallocated of the budget appropriation. The \$1,250 allocation fit within the budgeted outside agency appropriation without having to make adjustments to other agency allocations.
  - The Council Special Projects Reserve has a current balance of \$276,960 against a target of \$250,000. This reserve is able to fully fund an increase of up to \$1,750 for the Eastside Heritage Center to bring the current allocation to \$3,000. This change is not reflected in the ordinance pending Council direction.

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- Information regarding the Kirkland Downtown Association's (KDA) request for \$41,000. Interest was expressed regarding additional funding above the \$27,000 that is included in the recommendation after the Council receives additional information regarding the rent increase and the needs included in KDA's request.
  - The KDA request included an anticipated rent increase of \$300-\$500 per month in 2008, or \$6,000 for the year. The rent for the current location will increase from \$800/month to \$1,100/month. There is a possibility that the KDA could move into a larger and better location next door sometime next year. The rent for the new location has not been determined yet but is estimated at \$1,300/month or an increase of \$500/month over the current rent for the current location.
  - The KDA request also included the addition of a part-time administrative staff person to help in the day-to-day activities that include helping walk-in visitors, helping with promotional activities, poster and notice distributions, volunteer coordination, and website updates. This person would work between 10 a.m. and 3 p.m., Monday through Friday, for an hourly wage of \$15, or approximately \$19,500 for the year.
  - The remaining amount includes funding for other KDA program elements.
- The budget adjustments include a placeholder for funding the remaining Phase 3 annexation services packages, totaling \$197,236, pending the City Council's go/no go decision scheduled for January 15, 2008. The specific service packages are listed in the lower box on Attachment A. If the decision is made not to proceed to Phase 3, this one-time funding would be available for other unfunded needs or as an addition to reserves.

The City's budget is adopted at the fund level which sets the total expenditure authority for the biennium for each fund. A summary of the 2007-2008 adjusted budget by fund type is included in the table below:

<b>Fund Type</b>	<b>Current 07-08 Budget</b>	<b>Adjustments</b>	<b>Revised 07-08 Budget</b>
<b>General Government:</b>			
General Fund	111,135,934	2,380,010	113,515,944
Other Operating Funds	22,994,442	751,789	23,746,231
Internal Service Funds	22,393,038	740,269	23,133,307
Non-Operating Funds	97,254,595	8,025,711	105,280,306
<b>Utilities:</b>			
Water/Sewer	58,584,784	951,644	59,536,428
Surface Water	21,878,466	356,783	22,235,249
Solid Waste	17,062,870	170,452	17,233,322
<b>Total Budget</b>	<b>351,304,129</b>	<b>13,376,658</b>	<b>364,680,787</b>

Total adjustments of \$13,376,658 are recommended and reflect four types of adjustments:

- **Priority Service Package Requests** – This group of adjustments includes requests that were made during the 2007-2008 budget process that were not funded, or only partially funded, but identified by Council as priorities for any available resources at the mid-biennial review process. Many of these requests are continuations of existing

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programs that have been funded in prior years with one-time resources. The amounts were revised as part of this process. Attachment A provides an updated summary of the adjustments that are incorporated within the authorizing ordinance.

- **Council Directed/Other Requests** – Some of these requests are for items that have gone before the Council since the budget was adopted where Council directed staff to move forward with a funding request at the mid-bi process. These include Public Art funding, CTR Plan funding, Green Power, and Green Building Issues. The other requests are service packages related to a variety of processes underway and include a placeholder for the remaining annexation related service packages for phase 3, services and support related to the development services cost of service study, recruitment advertising and support, the City's share of the NORCOM 2008 technology costs, funding for federal legislative advocate services, funding for franchise negotiations with Verizon, and additional funding for tourism through the Lodging Tax Fund. Attachment A provides a summary of the adjustments that incorporated within the authorizing ordinance.

In addition to the Council-requested modifications, the City Manager is recommending implementation of the Management and Confidential (MAC) market survey and cost of living adjustment (COLA) as a line item adjustment. The recommendation requires an increase of about \$70,000 to the budgeted COLA reserve set-aside for MAC of \$366,000, which can be funded from unused COLA reserves from 2006. Since the distribution for the salary survey and COLA adjustment are from reserves within each operating fund, no change to any fund's appropriation is necessary.

- **Previously Approved Adjustments** – These include funding requests already reviewed by Council at an earlier meeting this year for new or additional funding from reserves. Adjustments include reserve uses for property purchases (Niedermeier and Shelton properties), planned action EIS for downtown private amendment requests, additional funding for annexation phase 2 outreach, affordable housing regulations, and the Concours d'Elegance admissions tax rebate to Evergreen Hospital.
- **Housekeeping** – These adjustments are primarily related to reconciling budgeted beginning fund balances to actual beginning fund balances and acknowledging the 2008 to 2013 Capital Improvement Program adopted in September.

A summary of all adjustments is included as Attachment B. It is organized by adjustment type within each fund. The adjustment summary provides the department request (where applicable), City Council's approval for funding, and the funding source.

### **Fiscal Policies Related to Capital Reserves and CIP Funding**

As a result of closing out a number of completed CIP projects, the need to revisit and update the fiscal policies regarding capital reserves and the CIP was identified. Recommended changes were presented for Council's consideration at the November 7<sup>th</sup> study session. The resolution adopting the revised fiscal policies as well as the revised fiscal policies themselves are attached. The impacted section is on the last page under the heading "Capital Improvement Policies".

### **Follow-up Information**

The City Council requested information on a variety of topics during their budget meetings.

- A report and discussion for the City Council retreat concerning the 2-year sales tax lag with pros, cons and reasons why it has not be re-established since the Council changed to a 1-year lag several years ago.

November 29, 2007

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- A request for the split of new construction property tax between residential and commercial.
- A request for the expiration date of the Totem Lake Mall development agreement – The agreement expires 10 years from the date of the final signature, March 6, 2016.
- A white paper on employee recruitments with information on the City's current turnover rate with historical trend comparisons, an analysis of whether the City is facing a large retirement trend in the future, and information regarding temporary positions and the number of years those positions have been funded.
- A discussion regarding the budget gap and how to effectively communicate this information to our citizens. The topic was suggested as a City Council retreat topic with a first pass through the Finance Committee.
- A need for additional funding for the community survey was discussed, but any specific amount is pending negotiations with the consultant. Information regarding a budget adjustment, if necessary, will be brought to Council as it is known.
- A report on the city/school partnership agreement for indoor and outdoor scheduling with information on the history and current status of the partnership.
- Staff to ensure the Public Art policy includes Council's direction for funding of public art at \$50,000 from general fund resources is one-time in nature and reevaluated each year as funds are available.

A number of "Other Items or Actions of Note" were identified in the November 7 staff report. No formal Council action is required for those items except adoption of the revised development fees, which is also scheduled for action on December 11, 2007.

**City of Kirkland**  
**2007-2008 Budget**  
**Mid-biennial Service Package Requests**

REVISED 11-7-07

**Original Priority List**

Department	Request Description	One-Time Staff Req.	Original Amount	Revised Amount	City Manager Recommendation	Funding Source
City Manager	Additional Economic Development Funding*		86,000	55,000	55,000	07 Addtl revenue
City Manager	NORCOM Transition (City of Kirkland share)		91,000	189,349	189,349	07 Addtl revenue
Parks & Comm. Service	Additional Human Services Grant Funding*		56,983	-	-	Funded in Final Bgt
Parks & Comm. Service	EnhanceWellness Program for Older Adults		15,000	7,500	7,500	07 Addtl revenue
Parks & Comm. Service	Environmental Stewardship-Comm. Outreach & Ed.	0.5	46,731	53,588	53,588	07 Addtl revenue
Finance & Admin.	Document Management Prof. Svcs (CIP potential)*		85,000	-	-	Funded in CIP
Planning & Comm. Develop.	ARCH Housing Trust Fund: Annual Contribution		216,000	216,000	216,000	07 Addtl revenue
Planning & Comm. Develop.	Code Enforcement Officer	0.5	48,215	56,127	56,127	07 Addtl revenue
Planning & Comm. Develop.	Neighborhood Plan Updates		20,000	-	-	
Police	Accreditation Fees and Expenses		25,480	25,480	25,480	07 Addtl revenue
Fire & Building	Plans Examiner	1.0	50,846	-	-	Funded in Final Bgt
Public Works - Street Op.	Graffiti Program	1.0	79,716	82,791	82,791	07 Addtl revenue
Public Works - Street Op.	Public Grounds Tech	1.0	83,159	81,956	81,956	07 Addtl revenue
Information Technology	Applications Analyst - PD Systems	1.0	87,825	94,929	94,929	07 Addtl revenue
Information Technology	Currently Kirkland Intern	hourly	16,229	15,613	15,613	07 Addtl revenue
Information Technology	Web Production Assistant	1.0	68,762	78,351	78,351	07 Addtl revenue
<b>Total</b>			<b>1,076,946</b>	<b>956,684</b>	<b>956,684</b>	

Except for those items denoted by \*, amount is the department's 2008 request. For those items with \*, amount is the difference between the total 07-08 department request and the City Manager's recommended funding.

**City Council Directed/Other Requests**

Department	Request Description	One-Time Staff Req.	Original Amount	Revised Amount	City Manager Recommendation	Funding Source
City Manager	Estimated NORCOM One-Time Costs**		1,375,000	188,297	188,297	CIP & E-911 Funds
City Manager	Public Art Funding		50,000	50,000	50,000	07 Addtl revenue
City Manager	Federal Legislative Advocate Services		20,000	20,000	20,000	07 Addtl revenue
Public Works	CTR Plan Funding		50,000	50,000	50,000	07 Addtl revenue
Public Works-Facilities	Green Power		10,000	10,000	10,000	07 Addtl revenue
City Manager	Annexation - Phase 3 Communications		26,100	39,100	39,100	07 Addtl revenue
Human Resources	Annexation - Human Resources Analyst		56,810	-	-	
City Attorney's Office	Annexation - Legal Services		40,000	20,000	20,000	07 Addtl revenue
Public Works	Annexation - CIP Assessment of Sidewalks		13,000	-	-	
Finance & Admin	Annexation - Fiscal Services Resources		70,147	70,147	70,147	07 Addtl revenue
Information Technology	Annexation - GIS Mapping		281,920	281,920	67,989	07 Addtl revenue
Human Resources	HR Analyst	0.7	56,977	56,977	56,977	07 Addtl revenue
Human Resources	Recruitment Advertising		40,000	40,000	40,000	07 Addtl revenue
Planning & Comm. Develop.	Urban Forester	0.5	53,789	53,789	24,295	07 Addtl revenue
Planning & Comm. Develop.	Professional Services for Permit Review		64,000	64,000	64,000	Development Fees
Planning & Comm. Develop.	Downtown Strategic Plan Update - Phase II		30,400	30,400	30,400	Expenditure Savings
Planning & Comm. Develop.	Green Building Issues		18,500	18,500	18,500	07 Addtl revenue
Police	School Resource Officer	1.0	181,793	181,793	-	
Information Technology	Verizon Franchise Negotiations		50,000	50,000	50,000	07 Addtl revenue
Information Technology	Support for Wireless in the Field Project	0.65	63,210	63,210	63,210	IT Reserves
Information Technology	Support for Dev. Svcs-Wireless in the Field Proj (fee study)	0.35	34,478	34,478	34,478	Development Fees
Fire & Building	Building Services - Office Technician (fee study)	1.0	66,859	66,859	66,859	Development Fees
Dev Svcs (PW, Plng, F/B)	Permit Process Review-Phase 2 (fee study)		70,000	70,000	70,000	Development Fees
Dev Svcs (PW, Plng, F/B)	Acceptance of Credit Cards (fee study)		50,000	50,000	50,000	Development Fees
<b>Total</b>			<b>2,772,983</b>	<b>1,509,470</b>	<b>1,084,252</b>	

Lodging Tax Fund	Tourism Program		11,000	11,000	11,000	Hotel/Motel Tax
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<b>Grand Total</b>			<b>3,860,929</b>	<b>2,477,154</b>	<b>2,051,936</b>	
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\*\* Revised amount reflects 2008 technology share only. One-time costs in 2009 are estimated at \$1.1 million.

**City of Kirkland  
2007-2008 Budget  
Mid-biennial Adjustments**

Fund & Adjustment Type	2007-2008 Proposed Adjustment			2007-2008 City Manager Recommended			Funding Source				
	Ongoing	One-time	Total	Ongoing	One-time	Total	Available Fund Balance	Additional Revenue	Expenditure Offset	Reserves	Notes
<b>GENERAL FUND</b>											
<b>ORIGINAL PRIORITY LIST</b>											
Additional Economic Development Funding	-	55,000	55,000	-	55,000	55,000	-	55,000	-	-	
NORCOM Transition (City of Kirkland share)	-	189,349	189,349	-	189,349	189,349	-	189,349	-	-	
EnhanceWellness Program for Older Adults	-	7,500	7,500	-	7,500	7,500	-	7,500	-	-	
Environmental Stewardship-Comm. Outreach & Education	-	53,588	53,588	-	53,588	53,588	-	53,588	-	-	
ARCH Housing Trust Fund: Annual Contribution	-	216,000	216,000	-	216,000	216,000	-	216,000	-	-	
Code Enforcement Officer	-	56,127	56,127	-	56,127	56,127	-	56,127	-	-	
Police Accreditation Fees and Expenses	-	25,480	25,480	-	25,480	25,480	-	25,480	-	-	
Graffiti Program (funding to Street Operating)	-	82,791	82,791	-	82,791	82,791	-	82,791	-	-	
Public Grounds Tech (funding to Street Operating Fund)	-	81,956	81,956	-	81,956	81,956	-	81,956	-	-	
Applications Analyst - PD Systems (funding to IT Fund)	-	94,929	94,929	-	94,929	94,929	-	94,929	-	-	
Currently Kirkland Intern (funding to IT Fund)	-	15,613	15,613	-	15,613	15,613	-	15,613	-	-	
Web Production Assistant (funding to IT Fund)	-	78,351	78,351	-	78,351	78,351	-	78,351	-	-	
<b>COUNCIL DIRECTED/OTHER REQUESTS</b>											
Estimated NORCOM One-Time Costs	-	188,297	188,297	-	188,297	188,297	-	43,697	144,600	-	CIP Reallocation/E-911 Rev
Public Art Funding	-	50,000	50,000	-	50,000	50,000	-	50,000	-	-	
Federal Legislative Advocate Services	-	20,000	20,000	-	20,000	20,000	-	20,000	-	-	
CTR Plan funding	-	50,000	50,000	-	50,000	50,000	-	50,000	-	-	
Green Power (funding to Facilities Fund)	-	10,000	10,000	-	10,000	10,000	-	10,000	-	-	
Annexation - Phase 3 Communications	-	39,100	39,100	-	39,100	39,100	-	39,100	-	-	
Annexation - Legal Services	-	20,000	20,000	-	20,000	20,000	-	20,000	-	-	
Annexation - Fiscal Services Resources	-	70,147	70,147	-	70,147	70,147	-	70,147	-	-	
Annexation - GIS Mapping (funding to IT Fund)	-	281,920	281,920	-	67,989	67,989	-	67,989	-	-	
Verizon Franchise Negotiations (funding to IT Fund)	-	50,000	50,000	-	50,000	50,000	-	50,000	-	-	
HR Analyst	-	56,977	56,977	-	56,977	56,977	-	56,977	-	-	
Recruitment Advertising	-	40,000	40,000	-	40,000	40,000	-	40,000	-	-	
Urban Forester	-	53,789	53,789	-	24,295	24,295	-	24,295	-	-	
Professional Services for Permit Review	-	64,000	64,000	-	64,000	64,000	-	64,000	-	-	Development Fees
Green Issues	-	18,500	18,500	-	18,500	18,500	-	18,500	-	-	
School Resource Officer	-	181,793	181,793	-	-	-	-	-	-	-	
Support for Dev. Svcs-Wireless in the Field Project (fee study)	-	34,478	34,478	-	34,478	34,478	-	34,478	-	-	Development Fees
Building Services - Office Technician (fee study)	-	66,859	66,859	-	66,859	66,859	-	66,859	-	-	Development Fees
Permit Process Review - Phase 2 (fee study)	-	70,000	70,000	-	70,000	70,000	-	70,000	-	-	Development Fees
Acceptance of Credit Cards (fee study)	-	50,000	50,000	-	50,000	50,000	-	50,000	-	-	Development Fees

City of Kirkland  
2007-2008 Budget  
Mid-biennial Adjustments

Fund & Adjustment Type	2007-2008 Proposed Adjustment			2007-2008 City Manager Recommended			Funding Source				
	Ongoing	One-time	Total	Ongoing	One-time	Total	Available Fund Balance	Additional Revenue	Expenditure Offset	Reserves	Notes
<b>GENERAL FUND continued</b>											
<b>PREVIOUSLY APPROVED</b>											
Annexation Outreach	-	54,436	54,436	-	54,436	54,436	-	-	-	54,436	Contingency Fund
Park Place Economic Benefit Analysis	-	25,000	25,000	-	25,000	25,000	-	-	-	25,000	Contingency Fund
Park Place Environmental Impact Statement	-	200,000	200,000	-	200,000	200,000	-	-	-	200,000	Contingency Fund
Affordable Housing Regulations Workplan	-	18,000	18,000	-	18,000	18,000	-	-	-	18,000	Council Special Projects Rsv
<b>HOUSEKEEPING ADJUSTMENTS</b>											
FEMA Windstorm Reimbursement	-	57,391	57,391	-	57,391	57,391	-	57,391	-	-	FEMA Reimbursement
2007 Resources Forward Adjustment to Actual Balance	-	77,857	77,857	-	77,857	77,857	77,857	-	-	-	
<b>GENERAL FUND TOTAL</b>	-	<b>2,805,228</b>	<b>2,805,228</b>	-	<b>2,380,010</b>	<b>2,380,010</b>	<b>77,857</b>	<b>1,860,117</b>	<b>144,600</b>	<b>297,436</b>	
<b>OTHER FUNDS</b>											
<b>LODGING TAX FUND</b>											
<b>COUNCIL DIRECTED/OTHER REQUESTS</b>											
Tourism Program	-	11,000	11,000	-	11,000	11,000	-	11,000	-	-	Outside Agency Funding
<b>HOUSEKEEPING ADJUSTMENTS</b>											
2007 Resources Forward Adjustment to Actual Balance	-	85,968	85,968	-	85,968	85,968	85,968	-	-	-	
<b>LODGING TAX FUND TOTAL</b>	-	<b>96,968</b>	<b>96,968</b>	-	<b>96,968</b>	<b>96,968</b>	<b>85,968</b>	<b>11,000</b>	-	-	
<b>STREET OPERATING FUND</b>											
<b>ORIGINAL PRIORITY LIST</b>											
Graffiti Program	-	82,791	82,791	-	82,791	82,791	-	82,791	-	-	General Fund Revenue
Public Grounds Tech	-	81,956	81,956	-	81,956	81,956	-	81,956	-	-	General Fund Revenue
<b>HOUSEKEEPING ADJUSTMENTS</b>											
FEMA Windstorm Reimbursement	-	10,496	10,496	-	10,496	10,496	-	10,496	-	-	FEMA Reimbursement
2007 Resources Forward Adjustment to Actual Balance	-	183,378	183,378	-	183,378	183,378	183,378	-	-	-	
<b>STREET OPERATING FUND TOTAL</b>	-	<b>358,621</b>	<b>358,621</b>	-	<b>358,621</b>	<b>358,621</b>	<b>183,378</b>	<b>175,243</b>	-	-	
<b>CEMETERY OPERATING FUND</b>											
<b>HOUSEKEEPING ADJUSTMENTS</b>											
2007 Resources Forward Adjustment to Actual Balance	-	(805)	(805)	-	(805)	(805)	(805)	-	-	-	
<b>CEMETERY OPERATING FUND TOTAL</b>	-	<b>(805)</b>	<b>(805)</b>	-	<b>(805)</b>	<b>(805)</b>	<b>(805)</b>	-	-	-	
<b>PARKS MAINTENANCE FUND</b>											
<b>HOUSEKEEPING ADJUSTMENTS</b>											
2007 Resources Forward Adjustment to Actual Balance	-	184,293	184,293	-	184,293	184,293	184,293	-	-	-	
<b>PARKS MAINTENANCE FUND TOTAL</b>	-	<b>184,293</b>	<b>184,293</b>	-	<b>184,293</b>	<b>184,293</b>	<b>184,293</b>	-	-	-	

City of Kirkland  
2007-2008 Budget  
Mid-biennial Adjustments

Fund & Adjustment Type	2007-2008 Proposed Adjustment			2007-2008 City Manager Recommended			Funding Source				
	Ongoing	One-time	Total	Ongoing	One-time	Total	Available Fund Balance	Additional Revenue	Expenditure Offset	Reserves	Notes
<b>RECREATION REVOLVING FUND</b>											
<b>HOUSEKEEPING ADJUSTMENTS</b>											
2007 Resources Forward Adjustment to Actual Balance	-	(74,863)	(74,863)	-	(74,863)	(74,863)	(74,863)	-	-	-	
Prior Year Operating Transfer from General Fund	-	39,000	39,000	-	39,000	39,000	-	39,000	-	-	General Fund Revenue
<b>RECREATION REVOLVING FUND TOTAL</b>	-	<b>(35,863)</b>	<b>(35,863)</b>	-	<b>(35,863)</b>	<b>(35,863)</b>	<b>(74,863)</b>	<b>39,000</b>	-	-	
<b>FACILITIES MAINTENANCE FUND</b>											
<b>COUNCIL DIRECTED/OTHER REQUESTS</b>											
Green Power	-	10,000	10,000	-	10,000	10,000	-	10,000	-	-	General Fund Revenue
<b>PREVIOUSLY APPROVED</b>											
Concours d'Elegance Admissions Tax to Evergreen Hospital	-	3,000	3,000	-	3,000	3,000	-	3,000	-	-	Admissions Tax Rebate
<b>HOUSEKEEPING ADJUSTMENTS</b>											
FEMA Windstorm Reimbursement	-	2,535	2,535	-	2,535	2,535	-	2,535	-	-	FEMA Reimbursement
2007 Resources Forward Adjustment to Actual Balance	-	133,040	133,040	-	133,040	133,040	133,040	-	-	-	
<b>FACILITIES MAINTENANCE FUND TOTAL</b>	-	<b>148,575</b>	<b>148,575</b>	-	<b>148,575</b>	<b>148,575</b>	<b>133,040</b>	<b>15,535</b>	-	-	
<b>CONTINGENCY FUND</b>											
<b>HOUSEKEEPING ADJUSTMENTS</b>											
2007 Resources Forward Adjustment to Actual Balance	-	(253,036)	(253,036)	-	(253,036)	(253,036)	(253,036)	-	-	-	
<b>CONTINGENCY FUND TOTAL</b>	-	<b>(253,036)</b>	<b>(253,036)</b>	-	<b>(253,036)</b>	<b>(253,036)</b>	<b>(253,036)</b>	-	-	-	
<b>CEMETERY IMPROVEMENT FUND</b>											
<b>HOUSEKEEPING ADJUSTMENTS</b>											
2007 Resources Forward Adjustment to Actual Balance	-	(973)	(973)	-	(973)	(973)	(973)	-	-	-	
<b>CEMETERY IMPROVEMENT FUND TOTAL</b>	-	<b>(973)</b>	<b>(973)</b>	-	<b>(973)</b>	<b>(973)</b>	<b>(973)</b>	-	-	-	
<b>IMPACT FEES FUND</b>											
<b>HOUSEKEEPING ADJUSTMENTS</b>											
2007 Resources Forward Adjustment to Actual Balance	-	(292,894)	(292,894)	-	(292,894)	(292,894)	(292,894)	-	-	-	
<b>IMPACT FEES FUND TOTAL</b>	-	<b>(292,894)</b>	<b>(292,894)</b>	-	<b>(292,894)</b>	<b>(292,894)</b>	<b>(292,894)</b>	-	-	-	
<b>PARK &amp; MUNICIPAL RESERVE FUND</b>											
<b>HOUSEKEEPING ADJUSTMENTS</b>											
2007 Resources Forward Adjustment to Actual Balance	-	1,264,426	1,264,426	-	1,264,426	1,264,426	1,264,426	-	-	-	
<b>PARK &amp; MUNICIPAL RESERVE FUND TOTAL</b>	-	<b>1,264,426</b>	<b>1,264,426</b>	-	<b>1,264,426</b>	<b>1,264,426</b>	<b>1,264,426</b>	-	-	-	

City of Kirkland  
2007-2008 Budget  
Mid-biennial Adjustments

Fund & Adjustment Type	2007-2008 Proposed Adjustment			2007-2008 City Manager Recommended			Funding Source				
	Ongoing	One-time	Total	Ongoing	One-time	Total	Available Fund Balance	Additional Revenue	Expenditure Offset	Reserves	Notes
<b>TOUR DOCK FUND</b>											
<b>HOUSEKEEPING ADJUSTMENTS</b>											
2007 Resources Forward Adjustment to Actual Balance	-	6,024	6,024	-	6,024	6,024	6,024	-	-		
<b>TOUR DOCK FUND TOTAL</b>	-	<b>6,024</b>	<b>6,024</b>	-	<b>6,024</b>	<b>6,024</b>	<b>6,024</b>	-	-		
<b>STREET IMPROVEMENT FUND</b>											
<b>HOUSEKEEPING ADJUSTMENTS</b>											
2007 Resources Forward Adjustment to Actual Balance	-	621,267	621,267	-	621,267	621,267	621,267	-	-		
<b>STREET IMPROVEMENT FUND TOTAL</b>	-	<b>621,267</b>	<b>621,267</b>	-	<b>621,267</b>	<b>621,267</b>	<b>621,267</b>	-	-		
<b>GRANT CONTROL FUND</b>											
<b>HOUSEKEEPING ADJUSTMENTS</b>											
2007 Resources Forward Adjustment to Actual Balance	-	(38)	(38)	-	(38)	(38)	(38)	-	-		
<b>GRANT CONTROL FUND TOTAL</b>	-	<b>(38)</b>	<b>(38)</b>	-	<b>(38)</b>	<b>(38)</b>	<b>(38)</b>	-	-		
<b>EXCISE TAX FUND</b>											
<b>HOUSEKEEPING ADJUSTMENTS</b>											
2007 Resources Forward Adjustment to Actual Balance	-	448,073	448,073	-	448,073	448,073	448,073	-	-		
<b>EXCISE TAX FUND TOTAL</b>	-	<b>448,073</b>	<b>448,073</b>	-	<b>448,073</b>	<b>448,073</b>	<b>448,073</b>	-	-		
<b>UTGO DEBT FUND</b>											
<b>HOUSEKEEPING ADJUSTMENTS</b>											
2007 Resources Forward Adjustment to Actual Balance	-	(13,445)	(13,445)	-	(13,445)	(13,445)	(13,445)	-	-		
<b>UTGO DEBT FUND TOTAL</b>	-	<b>(13,445)</b>	<b>(13,445)</b>	-	<b>(13,445)</b>	<b>(13,445)</b>	<b>(13,445)</b>	-	-		
<b>LID DEBT SERVICE FUND</b>											
<b>HOUSEKEEPING ADJUSTMENTS</b>											
2007 Resources Forward Adjustment to Actual Balance	-	2,286	2,286	-	2,286	2,286	2,286	-	-		
<b>LID DEBT SERVICE FUND TOTAL</b>	-	<b>2,286</b>	<b>2,286</b>	-	<b>2,286</b>	<b>2,286</b>	<b>2,286</b>	-	-		
<b>GENERAL CAPITAL PROJECTS FUND</b>											
<b>PREVIOUSLY APPROVED ADJUSTMENTS</b>											
Niedermeier Property Purchase (Everest Pk) C PK 0130	-	193,200	193,200	-	193,200	193,200	-	-	-	193,200	REET 1 Reserve
Shelton Property Purchase Closing Costs		5,000	5,000		5,000	5,000	-	-	-	5,000	REET 1 Reserve
<b>HOUSEKEEPING ADJUSTMENTS</b>											
2007 Resources Forward Adjustment to Actual Balance	-	1,840,385	1,840,385	-	1,840,385	1,840,385	1,840,385	-	-	-	
Update to 2008-13 Adopted CIP	-	3,831,105	3,831,105	-	3,831,105	3,831,105	-	3,831,105	-	-	
Fire District #41 Contract Reconciliation	-	(32,000)	(32,000)	-	(32,000)	(32,000)	(32,000)	-	-	-	
<b>GENERAL CAPITAL PROJECTS FUND TOTAL</b>	-	<b>5,837,690</b>	<b>5,837,690</b>	-	<b>5,837,690</b>	<b>5,837,690</b>	<b>1,808,385</b>	<b>3,831,105</b>	-	<b>198,200</b>	

City of Kirkland  
2007-2008 Budget  
Mid-biennial Adjustments

Fund & Adjustment Type	2007-2008 Proposed Adjustment			2007-2008 City Manager Recommended			Funding Source				
	Ongoing	One-time	Total	Ongoing	One-time	Total	Available Fund Balance	Additional Revenue	Expenditure Offset	Reserves	Notes
<b>GRANT CAPITAL PROJECTS FUND</b>											
<b>HOUSEKEEPING ADJUSTMENTS</b>											
2007 Resources Forward Adjustment to Actual Balance	-	71,066	71,066	-	71,066	71,066	71,066	-	-	-	
Update to 2008-13 Adopted CIP	-	334,400	334,400	-	334,400	334,400	-	334,400	-	-	
<b>GRANT CAPITAL PROJECTS FUND TOTAL</b>	<b>-</b>	<b>405,466</b>	<b>405,466</b>	<b>-</b>	<b>405,466</b>	<b>405,466</b>	<b>71,066</b>	<b>334,400</b>	<b>-</b>	<b>-</b>	
<b>WATER/SEWER OPERATING FUND</b>											
<b>HOUSEKEEPING ADJUSTMENTS</b>											
FEMA Windstorm Reimbursement	-	20,233	20,233	-	20,233	20,233	-	20,233	-	-	FEMA Reimbursement
2007 Resources Forward Adjustment to Actual Balance	-	(15,569)	(15,569)	-	(15,569)	(15,569)	(15,569)	-	-	-	
<b>WATER/SEWER OPERATING FUND TOTAL</b>	<b>-</b>	<b>4,664</b>	<b>4,664</b>	<b>-</b>	<b>4,664</b>	<b>4,664</b>	<b>(15,569)</b>	<b>20,233</b>	<b>-</b>	<b>-</b>	
<b>WATER/SEWER DEBT SERVICE FUND</b>											
<b>HOUSEKEEPING ADJUSTMENTS</b>											
2007 Resources Forward Adjustment to Actual Balance	-	2,120	2,120	-	2,120	2,120	2,120	-	-	-	
<b>WATER/SEWER DEBT SERVICE FUND TOTAL</b>	<b>-</b>	<b>2,120</b>	<b>2,120</b>	<b>-</b>	<b>2,120</b>	<b>2,120</b>	<b>2,120</b>	<b>-</b>	<b>-</b>	<b>-</b>	
<b>WATER/SEWER CAPITAL PROJECTS FUND</b>											
<b>HOUSEKEEPING ADJUSTMENTS</b>											
2007 Resources Forward Adjustment to Actual Balance	-	599,006	599,006	-	599,006	599,006	599,006	-	-	-	
Update to 2008-13 Adopted CIP	-	345,854	345,854	-	345,854	345,854	-	345,854	-	-	
<b>WATER/SEWER CAPITAL PROJ. FUND TOTAL</b>	<b>-</b>	<b>944,860</b>	<b>944,860</b>	<b>-</b>	<b>944,860</b>	<b>944,860</b>	<b>599,006</b>	<b>345,854</b>	<b>-</b>	<b>-</b>	
<b>SURFACE WATER OPERATING FUND</b>											
<b>HOUSEKEEPING ADJUSTMENTS</b>											
FEMA Windstorm Reimbursement	-	10,795	10,795	-	10,795	10,795	-	10,795	-	-	FEMA Reimbursement
2007 Resources Forward Adjustment to Actual Balance	-	298,988	298,988	-	298,988	298,988	298,988	-	-	-	
<b>SURFACE WATER OPERATING FUND TOTAL</b>	<b>-</b>	<b>309,783</b>	<b>309,783</b>	<b>-</b>	<b>309,783</b>	<b>309,783</b>	<b>298,988</b>	<b>10,795</b>	<b>-</b>	<b>-</b>	
<b>SURFACE WATER CAPITAL PROJECTS FUND</b>											
<b>HOUSEKEEPING ADJUSTMENTS</b>											
Update to 2008-13 Adopted CIP	-	47,000	47,000	-	47,000	47,000	-	47,000	-	-	
<b>SURFACE WATER CAPITAL PROJ. FUND TOTAL</b>	<b>-</b>	<b>47,000</b>	<b>47,000</b>	<b>-</b>	<b>47,000</b>	<b>47,000</b>	<b>-</b>	<b>47,000</b>	<b>-</b>	<b>-</b>	

City of Kirkland  
2007-2008 Budget  
Mid-biennial Adjustments

Fund & Adjustment Type	2007-2008 Proposed Adjustment			2007-2008 City Manager Recommended			Funding Source				
	Ongoing	One-time	Total	Ongoing	One-time	Total	Available Fund Balance	Additional Revenue	Expenditure Offset	Reserves	Notes
<b>SOLID WASTE FUND</b>											
<b>HOUSEKEEPING ADJUSTMENTS</b>											
FEMA Windstorm Reimbursement	-	44,439	44,439	-	44,439	44,439	-	44,439	-	-	FEMA Reimbursement
2007 Resources Forward Adjustment to Actual Balance	-	126,013	126,013	-	126,013	126,013	126,013	-	-	-	
<b>SOLID WASTE FUND TOTAL</b>	<b>-</b>	<b>170,452</b>	<b>170,452</b>	<b>-</b>	<b>170,452</b>	<b>170,452</b>	<b>126,013</b>	<b>44,439</b>	<b>-</b>	<b>-</b>	
<b>EQUIPMENT RENTAL FUND</b>											
<b>HOUSEKEEPING ADJUSTMENTS</b>											
Service Package Vehicle Equipment	-	13,400	13,400	-	13,400	13,400	-	13,400	-	-	General Fund funding
2007 Resources Forward Adjustment to Actual Balance	-	89,731	89,731	-	89,731	89,731	89,731	-	-	-	
<b>EQUIPMENT RENTAL FUND TOTAL</b>	<b>-</b>	<b>103,131</b>	<b>103,131</b>	<b>-</b>	<b>103,131</b>	<b>103,131</b>	<b>89,731</b>	<b>13,400</b>	<b>-</b>	<b>-</b>	
<b>INFORMATION TECHNOLOGY FUND</b>											
<b>ORIGINAL PRIORITY LIST</b>											
Applications Analyst - PD Systems funding to Info Tech	94,929	-	94,929	-	94,929	94,929	-	94,929	-	-	General Fund Revenue
<b>COUNCIL DIRECTED/OTHER REQUESTS</b>											
Currently Kirkland Intern funding to Info Tech	15,613	-	15,613	-	15,613	15,613	-	15,613	-	-	General Fund Revenue
Web Production Assistant funding to Info Tech	78,351	-	78,351	-	78,351	78,351	-	78,351	-	-	General Fund Revenue
Annexation - GIS Mapping	-	281,920	281,920	-	67,989	67,989	-	67,989	-	-	General Fund Revenue
Verizon Franchise Negotiations	-	50,000	50,000	-	50,000	50,000	-	50,000	-	-	General Fund Revenue
Support for Dev. Svcs-wireless in the field project (IT Rsvs)	63,210	-	63,210	-	63,210	63,210	-	-	-	63,210	IT Reserves
Support for Dev. Svcs-wireless in the field project (fee study)	34,478	-	34,478	-	34,478	34,478	-	34,478	-	-	Development Fees
<b>HOUSEKEEPING ADJUSTMENTS</b>											
2007 Resources Forward Adjustment to Actual Balance	-	232,568	232,568	-	232,568	232,568	232,568	-	-	-	
<b>INFORMATION TECHNOLOGY FUND TOTAL</b>	<b>286,581</b>	<b>564,488</b>	<b>851,069</b>	<b>-</b>	<b>637,138</b>	<b>637,138</b>	<b>232,568</b>	<b>341,360</b>	<b>-</b>	<b>63,210</b>	
<b>FIREFIGHTERS PENSION FUND</b>											
<b>HOUSEKEEPING ADJUSTMENTS</b>											
2007 Resources Forward Adjustment to Actual Balance	-	865	865	-	865	865	865	-	-	-	
<b>FIREFIGHTERS PENSION FUND TOTAL</b>	<b>-</b>	<b>865</b>	<b>865</b>	<b>-</b>	<b>865</b>	<b>865</b>	<b>865</b>	<b>-</b>	<b>-</b>	<b>-</b>	
<b>TOTAL OTHER FUNDS</b>	<b>286,581</b>	<b>10,923,998</b>	<b>11,210,579</b>	<b>-</b>	<b>10,996,648</b>	<b>10,996,648</b>	<b>5,505,874</b>	<b>5,229,364</b>	<b>-</b>	<b>261,410</b>	
<b>TOTAL ALL FUNDS</b>	<b>286,581</b>	<b>13,729,226</b>	<b>14,015,807</b>	<b>-</b>	<b>13,376,658</b>	<b>13,376,658</b>	<b>5,583,731</b>	<b>7,089,481</b>	<b>144,600</b>	<b>558,846</b>	
<b>NON-APPROPRIATION ADJUSTMENTS</b>											
Downtown Strategic Plan Update - Phase II	-	30,000	30,000	-	30,000	30,000	-	-	(30,000)	-	Expenditure Savings

ORDINANCE NO. 4125

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

WHEREAS, the Kirkland City Council conducted a duly noticed public hearing on November 20, 2007, to take public comment with respect to the proposed adjustments to the Biennial Budget of the City of Kirkland for 2007-2008 and all persons wishing to be heard were heard; and

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

Section 1. Mid-biennial adjustments to the Biennial Budget of the City of Kirkland for 2007-2008 are hereby adopted.

Section 2. In summary form, modifications to the totals of estimated revenues and appropriations for each separate fund and the aggregate totals for all such funds combined are as follows:

Funds	Current Budget	Adjustments	Revised Budget
General	111,135,934	2,380,010	113,515,944
Lodging Tax	398,214	96,968	495,182
Street Operating	9,233,791	358,621	9,592,412
Cemetery Operating	337,514	(805)	336,709
Parks Maintenance	1,959,973	184,293	2,144,266
Recreation Revolving	2,147,201	(35,863)	2,111,338
Facilities Maintenance	8,917,749	148,575	9,066,324
Contingency	3,193,826	(253,036)	2,940,790
Cemetery Improvement	550,473	(973)	549,500
Impact Fees	4,002,831	(292,894)	3,709,937
Park & Municipal Reserve	11,426,772	1,264,426	12,691,198
Off-Street Parking Reserve	69,564	0	69,564
Tour Dock	93,211	6,024	99,235
Street Improvement	2,600,998	621,267	3,222,265
Grant Control Fund	285,873	(38)	285,835
Excise Tax Capital Improvement	21,642,983	448,073	22,091,056
Limited General Obligation Bonds	4,966,356	0	4,966,356
Unlimited General Obligation Bonds	3,256,779	(13,445)	3,243,334
L.I.D. Control	7,361	2,286	9,647
General Capital Projects	27,801,445	5,837,690	33,639,135
Grant Capital Projects	15,974,263	405,466	16,379,729
Water/Sewer Operating	38,467,206	4,664	38,471,870
Water/Sewer Debt Service	3,756,868	2,120	3,758,988
Utility Capital Projects	16,360,710	944,860	17,305,570
Surface Water Management	11,784,790	309,783	12,094,573
Surface Water Capital Projects	10,093,676	47,000	10,140,676

<u>Funds</u>	<u>Current Budget</u>	<u>Adjustments</u>	<u>Revised Budget</u>
Solid Waste	17,062,870	170,452	17,233,322
Equipment Rental	12,262,223	103,131	12,365,354
Information Technology	10,130,815	637,138	10,767,953
Firefighter's Pension	1,381,860	865	1,382,725
	<u>351,304,129</u>	<u>13,376,658</u>	<u>364,680,787</u>

Section 3. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication, as required by law.

Passed by majority vote of the Kirkland City Council in open meeting this 11<sup>th</sup> day of December, 2007.

Signed in authentication thereof this 11<sup>th</sup> day of December, 2007.

\_\_\_\_\_  
MAYOR

Attest:

\_\_\_\_\_  
City Clerk

Approved as to Form:

\_\_\_\_\_  
City Attorney

RESOLUTION R-4679

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND  
ADOPTING THE FISCAL POLICIES FOR THE CITY OF KIRKLAND.

WHEREAS, the stewardship of public funds is one of the greatest responsibilities given to the officials and managers of the City of Kirkland; and

WHEREAS, the establishment of and maintenance of wise fiscal policies enables City officials to protect public interests and ensure public trust; and

WHEREAS, most of the City of Kirkland's Fiscal Policies represent long-standing principles, traditions, and practices that have guided the City management in the past and are intended to ensure that the City is financially able to meet its immediate and long-term objectives; and

WHEREAS, the City of Kirkland's Fiscal Policies need to be amended to be clarify existing capital reserve use language and provide additional capital reserve use authorization to the City Manager for capital projects;

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

Section 1. The City Council hereby adopts the City of Kirkland's Fiscal Policies, a copy of which is attached hereto and by this reference incorporated herein.

Section 2. The City of Kirkland's Fiscal Policies are intended to provide general fiscal guidelines and to provide sound direction in the management of the City's financial affairs.

Passed by majority vote of the Kirkland City Council in open meeting this 11<sup>th</sup> day of December, 2007.

Signed in authentication thereof this 11th day of December, 2007.

\_\_\_\_\_  
MAYOR

Attest:

\_\_\_\_\_  
City Clerk

**CITY OF KIRKLAND*****FISCAL POLICIES*****BACKGROUND AND PURPOSE**

The stewardship of public funds is one of the greatest responsibilities given to the officials and managers of the City of Kirkland. Therefore, the establishment and maintenance of wise fiscal policies enables city officials to protect public interests and ensure public trust.

This document incorporates past financial practices in defining the current policies to be used by the City to meet its obligations and operate in a financially prudent manner. These policies have been established to provide general fiscal guidelines and are intended to provide sound direction in the management of the City's financial affairs.

**OPERATING BUDGET POLICIES**

The municipal budget is the central financial planning document that embodies all operating revenue and expenditure decisions. It establishes the level of services to be provided by each department within the confines of anticipated municipal revenues.

- The City Council will adopt a biennial budget which will reflect estimated revenues and expenditures for the ensuing two years. A min-biennium review and update will take place as prescribed by law during the first year of the biennium.
- The City Council will establish municipal service levels and priorities for the ensuing two years prior to and during the development of the preliminary budget.
- The City Manager shall incorporate the Council's priorities in the formulation of the preliminary and final budget proposal.
- Adequate maintenance and replacement of the City's capital plant and equipment will be provided for in the biennial budget.

- The biennial budget will be balanced with resources in that biennium.

**REVENUE AND EXPENDITURE POLICIES**

Annual revenues are conservatively estimated as a basis for preparation of the biennial budget and city service programs.

Expenditures approved by the City Council in the biennial budget define the City's spending limits for the upcoming biennium. Beyond legal requirements, the City will maintain an operating philosophy of cost control and responsible financial management.

- The City will maintain revenue and expenditure categories according to state statute and administrative regulation.
- Current revenues will be sufficient to support current expenditures.
- All revenue forecasts will be performed utilizing accepted analytical techniques.
- All fees for services shall be reviewed and adjusted (where necessary) at least every three years to ensure that rates are equitable and cover the total cost of service, or that percentage of total service cost deemed appropriate by the City.
- Revenues of a limited or indefinite term will be used for capital projects or one-time operating expenditures to ensure that no ongoing service program is lost when such revenues are reduced or discontinued.
- Grant applications to fund new service programs with state or federal funds will be reviewed by the City, as they become available, with due consideration being given to whether locally generated revenues will be required to support these programs when outside funding is no longer available.

- The City of Kirkland will establish and maintain Special Revenue Funds which will be used to account for proceeds from specific revenue sources to finance designated activities which are required by statute, ordinance, resolution or executive order.
- Biennial expenditures will be maintained within the limitations of biennial revenues. The City will not use short-term borrowing to finance current operating needs without full financial analysis and prior approval of the City Council.
- In order to ensure the continuity of services, the City will budget no more sales tax revenue than was received in the prior year as a hedge against possible future economic events.
- Interest income revenue will be used to finance one-time capital or time-limited goods or services including debt service on councilmanic bond issues.
- All authorized positions will be budgeted for a full year (or biennium) unless specifically designated by the City Council as a partial-year position.
- In the event that budget reductions are needed in order to balance revenues and expenditures, the City Council will provide policy direction to staff as to the priority order and combination for using the following strategies:
  - Raise revenue
  - Reduce expenditures
  - Use reserves
- The use of reserves to balance the budget will only be used to address short term temporary revenue shortfalls and expenditure increases.
- The biennial budget will be formally amended by the City Council as needed to acknowledge unforeseen expenditures. All requests for funding will be analyzed by the Finance and Administration Department.

The Council will be provided with a discussion of the legality and/or policy basis of the expenditure, the recommended funding source, an analysis of the fiscal impact and a review of all reserves and previously approved amendments since budget adoption.

- A request will not be approved at the same meeting at which it is introduced unless it is deemed an urgent community issue by a supermajority vote of the City Council. Requests made to Council outside of the formal budget adjustment process will be analyzed and presented to the Council for approval at the next regular Council meeting that allows sufficient time for staff to prepare an analysis and recommendation.

#### ENTERPRISE FUND POLICIES

The City will establish enterprise funds for city services when 1) the intent of the City is that all costs of providing the service should be financed primarily through user charges; and/or 2) the City Council determines that it is appropriate to conduct a periodic review of net income for capital maintenance, accountability, or other public policy purposes.

- Enterprise funds will be established for city-operated utility services.
- Enterprise fund expenditures will be established at a level sufficient to properly maintain the fund's infrastructure and provide for necessary capital development.
- Each enterprise fund will maintain an adequate rate structure to cover the costs of all operations, including maintenance, depreciation, capital and debt service requirements, reserves (as established by fiscal policy or bond covenant), and any other cost deemed necessary.
- Rates may be offset from available fund cash after requirements are met for cash flow and scheduled reserve contributions.
- Enterprise fund services will establish and maintain reserves for general contingency and capital purposes consistent with those

maintained for general governmental services.

- Revenue bonds shall be issued only when projected operating revenues are insufficient for the enterprise's capital financing needs.
- The City will insure that net operating revenues of the enterprise constitute a minimum of 1.5 times the annual debt service requirements.
- The City will limit the maturities of all utility revenue bond issues to 25 years or less.

### CASH MANAGEMENT AND INVESTMENT POLICIES

Careful financial control of the City's daily operations is an important part of Kirkland's overall fiscal management program. Achieving adequate cash management and investment control requires sound financial planning to ensure that sufficient revenues are available to meet the current expenditures of any one operating period. Once steps are taken to ensure that the City maintains a protected cash position in its daily operations, it is to the municipality's advantage to prudently invest idle funds until such time as they are required to make expenditures.

- The City's idle cash will be invested on a continuous basis in accordance with the City's adopted investment policies.
- The City will maintain a formal investment policy which is reviewed and endorsed by state and national professional organizations.
- The City will invest all funds (in excess of current requirements) based upon the following order of priority: 1) legality; 2) safety; 3) liquidity; and 4) yield.
- Investments with City funds shall not be made for purposes of speculation.
- The City is prohibited from investing in derivative financial instruments for the City's managed investment portfolio.
- Proper security measures will be taken to safeguard investments. The City's

designated banking institution will provide adequate collateral to insure City funds.

- The City's investment portfolio will be reviewed every two years by a qualified portfolio valuation service to assess the portfolio's degree of risk and compliance with the adopted investment policies.
- An analysis of the City's cash position will be prepared at regular intervals throughout the fiscal year.
- The City Council will be provided with quarterly reports on the City's investment strategy and performance.
- Sufficient cash shall be maintained to provide adequate funds for current operating expenditures.
- Where permitted, the City will pool its cash resources from various funds ("Treasurer's Cash") for investment purposes.
- Net investment income from Treasurer's Cash will be allocated in accordance with RCW 5.24.060 considering 1) average cash balance of the participating fund and 2) the minimum cash balance needs of each fund as determined by the Finance and Administration Director. Net investment income is the amount of annual investment proceeds after an allocation is made to any enterprise funds and Council-directed obligations are met for General Fund purposes.
- The City of Kirkland will select its official banking institution through a formal bidding process in order to provide the City with the most comprehensive, flexible, and cost-effective banking services available.

### ACCOUNTING, FINANCIAL REPORTING AND AUDITING POLICIES

The City of Kirkland will establish and maintain a high standard of accounting practices. Accounting and budgetary systems will, at all times, conform to Generally Accepted Accounting Principles, the State of Washington Budgeting Accounting Reporting System (BARS) and local regulations.

- A comprehensive accounting system will be maintained to provide all financial information necessary to effectively operate the City.
- The City will meet the financial reporting standards set by the Governmental Accounting Standards Board.
- Full disclosure will be provided in all City financial reports and bond representations.
- An annual audit will be performed by the State Auditor's Office and include the issuance of a financial opinion.

#### RESERVE AND FUND BALANCE POLICIES

Adequate fund balance and reserve levels are a necessary component of the City's overall financial management strategy and a key factor in external agencies' measurement of the City's financial strength.

Maintenance of fund balance for each accounting fund assures adequate resources for cash flow and to mitigate short-term effects of revenue shortages.

City and state regulations have been established to allow the City of Kirkland to create and maintain specific reserve funds. Prudent use of reserve funds enables the City to defray future costs, take advantage of matching funds, and beneficial (but limited) opportunities. Reserve funds provide the City with the ability to exercise flexible financial planning in developing future capital projects. Reserve funds are necessary to enable the City to deal with unforeseen emergencies or changes in condition.

- The City will establish minimum fund balance targets for each fund based on the cash flow requirements of the fund. The City will include all fund balances in the biennial budget.
- The minimum fund balance will be attained and maintained through expenditure management, revenue management and/or contributions from the General Fund.
- All expenditures drawn from reserve accounts shall require prior Council approval

unless previously authorized by the City Council for expenditure in the biennial budget.

- A Contingency Reserve Fund shall be maintained in accordance with RCW 35A.33.145 to meet any municipal expense, the necessity or extent of which could not have been reasonably foreseen at the time of adopting the biennial budget. The target balance will be consistent with state law at \$.375 per \$1,000 of assessed valuation. Annual contributions to the Contingency Fund will be budgeted from interest income and General Fund resources.
- The City will maintain a General Operating Reserve at an amount equivalent to five percent of the tax-supported general government budgets (General Fund, Street Operating Fund and Parks Maintenance Fund) for the second year of the biennium. The General Operating Reserve is available to address unforeseen revenue shortfalls or expenditure needs that occur during the current biennium. Annual contributions will be budgeted from General Fund resources as available to attain and maintain an established reserve level.
- The City will maintain a Revenue Stabilization Reserve to address temporary revenue losses due to economic cycles or other time-limited causes. The Revenue Stabilization Reserve will be maintained at ten percent of selected General Fund revenue sources which, in the judgment of the Finance and Administration Director, are subject to volatility. The Revenue Stabilization Reserve may be used in its entirety; however, replenishing the reserve will constitute the first priority for use of year-end General Fund resources in excess of those needed to maintain the fund balance at the target level.
- The City will maintain a General Capital Contingency to address unforeseen project expenditures or external revenue shortfalls in an amount equivalent to ten percent of the funded six-year CIP, less proprietary fund

projects. Contributions will be made from General Fund resources as they are available.

- The City Manager may authorize the use of capital funding reserves up to an aggregate total of \$100,000 per year in increments not to exceed \$25,000. The City Manager will provide regular reports to the City Council at a regular Council meeting if this authorization is used. Capital funding reserves include: General Capital Contingency, Street Improvement Reserve, REET Reserves, Impact Fee Reserves, Water/Sewer Capital Contingency, Water/Sewer Construction Reserve, Surface Water Capital Contingency, and Surface Water Construction Reserve.
- The City will maintain a Capital Improvement Project Grant Match Reserve as a means of assuring the availability of cash resources to leverage external funding when the opportunity arises. The reserve will be maintained in the Real Estate Excise Tax Capital Reserve Fund and maintained through excise tax revenue received over and above the annual allocation to the Capital Improvement Plan.
- The City will maintain fully funded reserves for the replacement of vehicles and personal computers. Contributions will be made through assessments to the using funds and maintained on a per asset basis.
- Additional reserve accounts may be created by Council to account for monies for future known expenditures, special projects, or other specific purposes.
- All reserves will be presented in the biennial budget.

#### DEBT MANAGEMENT POLICIES

The amount of debt issued by the city is an important factor in measuring its financial performance and condition. Proper use and management of borrowing can yield significant advantages. From a policy perspective, the City of Kirkland uses debt in two ways: (1) as a mechanism to equalize the costs of

needed improvements to both present and future citizens; and (2) as a mechanism to reduce the immediate costs of substantial public improvements.

- City Council approval is required prior to the issuance of debt.
- An analytical review shall be conducted prior to the issuance of debt.
- The City will use the services of a legally certified and credible bond counsel in the preparation of all bond representations.
- The City of Kirkland will not use long-term debt to support current operations.
- Long-term borrowing will only be used for capital improvements that cannot be financed from current revenues.
- Short-term borrowing will only be used to meet the immediate financing needs of a project for which long-term financing has been secured but not yet received.
- The issuance of bonds shall be financed for a period not to exceed a conservative estimate of the asset's useful life.
- Non-capital furnishings, supplies, and personnel will not be financed from bond proceeds.
- The City will use refunding bonds, where appropriate, when restructuring its current outstanding debt.
- Reserves, interest costs, operating costs, and/or maintenance expenses will be capitalized only for enterprise activities; capitalized operating expenses will be strictly limited to those expenses incurred prior to actual operation of the facilities.
- The City will maintain a good credit rating at all times.
- Assessment bonds will be issued in place of general obligation bonds, where possible, to assure the greatest degree of public equity.
- Under most circumstances, the maturity of all assessment bonds shall not exceed 12 years.

- General Obligation bonds will be issued with maturities of 20 years or less.
- The voter approved general obligation debt of Kirkland will not exceed an aggregated total of 7.5% of the assessed valuation of the taxable property within the City.
- The following individual percentages shall not be exceeded in any specific debt category:
  - General Debt - 2.5% of assessed valuation
  - Utility Debt - 2.5% of assessed valuation
  - Open Space and Park Facilities - 2.5% of assessed valuation
- Limited-tax general obligation bonds will not exceed one and one-half percent of the City's current assessed property valuation.
- Limited-tax general obligation bonds will be issued only if:
  - A project requires funding not available from alternative sources;
  - Matching fund monies are available which may be lost if not applied for in a timely manner; or
  - Emergency conditions exist.
- The City Council will designate annual ongoing funding levels for each of the major project categories within the Capital Improvement Program.
- Financial analysis of funding sources will be conducted for all proposed capital improvement projects.
- A Capital Improvement Budget will be developed and adopted by the City Council as part of the biennial budget and will be amended during the mid-biennial budget review process (during the first year of the biennium) to reflect any changes in the updated Capital Improvement Program.
- The Capital Improvement Program will be consistent with the Capital Facilities Element of the Comprehensive Plan.
- The City Manager may authorize the reallocation of CIP project funds between CIP projects within a CIP category up to \$50,000 per instance. Funding may only be reallocated within a CIP category (i.e. between Transportation projects, or Parks projects, or Public Safety projects, etc.) when one project is over budget and, in the same period, a second project within the same CIP category has been completed and is closing out under budget. The City Manager will provide regular reports to the City Council at a regular Council meeting if this authorization is used.

#### CAPITAL IMPROVEMENT POLICIES

Kirkland's city government is accountable for a considerable investment in buildings, parks, roads, sewers, equipment and other capital investments. The preservation, maintenance, and future improvement of these facilities are a primary responsibility of the City. Planning and implementing sound capital improvement policies and programs today will help the City avoid emergencies and major costs in the future, therefore:

- The City will establish and implement a comprehensive multi-year Capital Improvement Program.
- The Capital Improvement Program will be prepared and updated biennially during the first year of the biennium.



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**Department of Finance & Administration**  
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## **MEMORANDUM**

**To:** David Ramsay, City Manager

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

**Date:** December 6, 2007

**Subject:** **FINAL 2008 PROPERTY TAX LEVY**

### **RECOMMENDATION:**

Council approve the attached ordinance, which repeals Ordinance 4117 approved on November 20, 2007 and establishes the final property tax levy for the 2008 fiscal year.

### **BACKGROUND DISCUSSION:**

The attached ordinance reflects the final property tax levy data received from King County. This ordinance replaces the interim ordinance that was approved on November 20, 2007 in order to meet the County's deadline for 2008 levy information. As noted in the preliminary 2008 property tax levy memo, the initial levy was set intentionally high to ensure that the City would capture any additional new construction and state assessed valuation that was not recorded at the time of the preliminary levy. The attached ordinance reflects the final new construction figures received from King County on December 5, 2007.

### **Regular Levy**

For 2008, there are two factors impacting the amount of the regular levy – the new construction levy and the optional increase.

#### New Construction

New construction represents additional property taxes to be received from the construction of new buildings and additions to existing structures. The new construction levy increases revenue to the City but does not increase the tax levy on existing taxpayers. The new construction levy is calculated by dividing the new construction valuation by \$1,000 and multiplying the quotient by the current year's regular levy tax rate (\$1.25175 per \$1,000 of assessed valuation). The following table shows new construction growth trends (as a percentage of each year's total regular levy and as a levy amount) for the past eight years and the projected growth for 2008:

<i>Levy Year</i>	<i>% Increase</i>	<i>New Construction Levy</i>
2000	2.34%	\$185,860
2001	2.53%	\$208,632
2002	2.94%	\$250,496
2003	1.56%	\$136,590
2004	1.36%	\$132,113
2005	1.70%	\$170,575
2006	2.86%	\$273,577
2007	3.94%	\$428,058
<b>2008</b>	<b>3.57%</b>	<b>\$441,061 (new construction as of 12/5/07)</b>

The final new construction valuation for the 2008 levy is \$352,355,765, which translates into a new construction levy of \$441,061 ( $\$352,355,765 / \$1,000 \times \$1.25175$ ).

#### Optional Levy Increase

The 2007-2008 Budget assumes an optional increase of one percent in each year, so the 2008 levy includes the one percent increase. Each one percent increase in the regular levy equates to almost \$116,000 in new revenue to the General Fund and about \$7,500 in new revenue to the Parks Maintenance Fund, for a total of about \$123,500 in 2008.

#### **Banked Capacity**

The law also allows the use of “banked” capacity, which is the amount of unused optional increases that have accumulated over the years. The 2007-2008 Budget used banked capacity to fund a fifth Corrections Officer (four Corrections Officers were funded by the new construction property tax) and a Communications Coordinator (\$162,400). After this use, the City had approximately \$190,000 of available banked capacity remaining. However, the banked capacity remaining under the 2008 allowable levy has been reduced to \$147,000 due to the impact of the “relevy for prior year refunds” associated with a court ordered refund to Qwest.

On November 20<sup>th</sup>, the Council adopted resolution R-4677 which banked the maximum amount of levy capacity available from the highest lawful levy, pending any new statutory changes under consideration.

#### **Excess Levy**

The total excess levy, which relates to voted debt, is decreasing slightly from \$1,465,678 in 2007 to \$1,452,838 in 2008. This translates to a rate per \$1,000 assessed value of \$0.12736.

#### **Trends in Assessed Valuation**

Growth in assessed valuation is composed of new construction and revaluation of existing properties. Final valuation figures from King County dated 12/5/07, indicate that the City’s total assessed valuation increased by 15.66% with 3.57% due to new construction and 12.09% due to revaluations.

The increase in existing valuation does not in itself generate additional revenue for the City. If the Council takes no optional increase in the levy and the assessed valuation increases, it has the effect of lowering the rate applied to each \$1,000 of assessed valuation.

Based on the final levy worksheet, the new construction levy of \$441,061 and the 1% optional increase the overall tax rate (regular levy only) would decrease from \$1.25175 per \$1,000 of assessed valuation in 2007 to \$1.13633 in 2008.

**Final Levy Recap:**

Base General Levy (2008 Rate)	\$ 11,594,442
1% Optional Increase (General Levy)	115,944
Optional Banked Capacity	0
Base Parks Maintenance Levy (2008)	754,338
1% Optional Increase (Parks Maint. Levy)	7,543
New Construction and Prior Yr. Adjustments*	<u>490,153</u>
Total Regular and Parks Maint Levy	\$ 12,962,420
Excess Levy (for voted debt)	<u>1,452,838</u>
<b>Total 2008 Final Levy</b>	<b><u>\$14,415,258</u></b>

\*Prior-year adjustments include new construction levy, relevel for prior-year refunds, and any other levy changes or omissions. The prior-year refund levy for 2008 is \$39,573 and other changes total \$9,519.

Attachment

Cc: Sandi Hines, Financial Planning Manager

**CITY OF KIRKLAND**  
**2008 PROPERTY TAX DISTRIBUTION (FINAL LEVY)**

<b>Taxable Assessed Valuation For 2008 Levy</b>		<b>\$11,407,260,325</b>
<b>REGULAR LEVY</b>		
Operating Fund	Levy	Rate per \$1,000 AV
General Fund	\$9,222,153	\$0.80845
Street Operating Fund	\$2,946,807	\$0.25833
Parks Maintenance Fund	\$793,459	\$0.06956
<b>Total 2008 Regular Levy</b>	<b>\$12,962,420</b>	<b>\$1.13633</b>
<b>EXCESS LEVY</b>		
Unlimited General Obligation Bond Issue	Levy	Rate per \$1,000 AV
1993 Unlimited G.O. Refunding (Parks)	\$542,258	\$0.04754
1995 Unlimited G.O. (Public Safety)	\$88,068	\$0.00772
2001 Unlimited G.O. Refunding (Public Safety)	\$186,287	\$0.01633
2003 Unlimited G.O. (Parks)	\$636,225	\$0.05577
<b>Total 2008 Excess Levy</b>	<b>\$1,452,838</b>	<b>\$0.12736</b>
<b>TOTAL LEVY</b>		
	Levy	Rate per \$1,000 AV
<b>Total 2008 Levy</b>	<b>\$14,415,258</b>	<b>\$1.26369</b>

ORDINANCE 4126

AN ORDINANCE OF THE CITY OF KIRKLAND LEVYING THE TAXES FOR THE CITY OF KIRKLAND, WASHINGTON, FOR THE YEAR 2008 AND REPEALING ORDINANCE 4117.

WHEREAS, the City Council held a public hearing on September 19, 2006, to consider revenue sources for the 2007-2008 Biennial Budget; and

WHEREAS, the City Council and the City Manager have considered the anticipated financial requirements of the City of Kirkland for the fiscal year 2008; and

WHEREAS, pursuant to RCW 35A.33.135, the City Council is required to determine and fix by ordinance the amount to be raised by ad valorem taxes; and

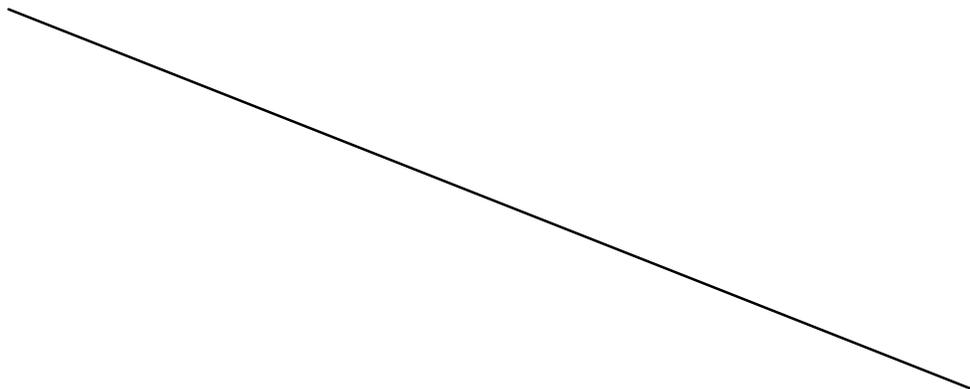
WHEREAS, on November 20, 2007, the City Council passed Ordinance 4177 which was the preliminary property tax levy; and

WHEREAS, the City Council wishes to repeal the preliminary property tax levy and pass the final tax levy based upon the most recent property tax levy data provided by King County; and

WHEREAS, RCW 84.55.120 requires that the increase in the levy over the prior year shall be stated both as to dollars and percentage;

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

Section 1. Ordinance 4117 passed November 20, 2007, is hereby repealed.



Section 2. The regular property tax levy for the year 2008 is hereby fixed and established in the amount of \$12,962,420.

	<u>2007</u>	<u>2008</u>	<u>Increase/ (Decrease)</u>
Assessed Valuation	\$ 9,862,547,464	\$11,407,260,325	\$ 1,544,712,861
Base Levy	\$ 10,861,816	\$ 11,594,442	\$ 732,626
Optional Increase on Base Levy			
–Dollars	\$ 108,618	\$ 115,944	\$ 7,326
–Percent	1.00%	1.00%	0.00%
Parks Maintenance Levy	\$ 732,366	\$ 754,338	\$ 21,972
Optional Increase on Parks Maintenance Levy			
–Dollars	\$ 7,324	\$ 7,543	\$ 219
–Percent	1.00%	1.00%	0.00%
Optional Banked Capacity			
–Dollars	\$ 162,400	\$ 0	\$ (162,400)
–Percent	1.40%	0.00%	-1.40%
Prior Year Levy Adjustments and New Construction	<u>\$ 476,256</u>	<u>\$ 490,153</u>	<u>\$ 13,897</u>
Total Regular Levy in Dollars	\$ 12,348,780	\$ 12,962,420	\$ 613,640
Rate per \$1,000 of Assessed Valuation	\$ 1.252	\$ 1.13633	\$ (0.11576)

Section 3. The special tax levies, as heretofore approved by the voters of the City of Kirkland, as to the following general obligation bonds are hereby fixed and established as follows:

<u>Kirkland Taxing Limit #0 and #6</u>	<u>Levy Amount</u>
1993 Unlimited Refunding	542,258
1995 Unlimited Public Safety	88,068
2001 Unlimited Refunding	186,287
2003 Unlimited Parks	<u>636,225</u>
Total Excess Levy	1,452,838

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 \_\_\_\_\_, 2007.

Signed in authentication thereof this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
MAYOR

Attest:

\_\_\_\_\_  
City Clerk

Approved as to Form:

\_\_\_\_\_  
City Attorney

**CITY OF KIRKLAND****Department of Finance & Administration**

123 Fifth Avenue, Kirkland, WA 98033 425.587-3101

[www.ci.kirkland.wa.us](http://www.ci.kirkland.wa.us)**MEMORANDUM**

**To:** Dave Ramsay, City Manager

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

**Date:** November 29, 2007

**Subject:** **Development Fee Update**

**RECOMMENDATION:**

Council adopt the attached ordinance amending development fees.

**BACKGROUND DISCUSSION:**

On November 7, 2007, Council reviewed the results of the development fee update, including fee recommendations, and directed staff to draft an ordinance amending Building, Planning, and Public Works development fees. This memo summarizes the changes to development fees to maintain the level of cost recovery at the target levels established by the City Council.

As discussed at the November 7<sup>th</sup> Council meeting, the 2008 development services costs were estimated by:

- Escalating 2007 costs by 3.31% (June 2007 CPI), and
- Adding anticipated new costs for service improvements:
  - Credit card acceptance fees – \$50,000
  - Permit tracking system fee component – \$70,000
  - Resources to support wireless in the field (\$35,000) and additional office technician support for the Building Division (\$68,000) – \$103,000

Each of these new costs is expected to improve customer service and processing. Additional professional services for development review services in Planning (\$64,000) to reflect higher short-plat costs were also added to the 2008 costs.

Also as discussed at the November 7<sup>th</sup> Council meeting, staff developed the following specific fee recommendations to maintain cost recovery at the established target levels:

- **Building Activity fees** – The fee structure for building activities currently in place is recovering close to the identified target costs because the valuation table update helps keep pace with inflation and therefore only a minor structural change to mechanical fees is recommended. Further fee changes related to the process improvements in single family review will be evaluated during 2008.
- **Evaluating Fire Prevention Bureau Fees.** A separate study to evaluate Bureau staffing needs was completed by Towzen & Associates (see Attachment A) and presented to the Public Safety Committee on November 15, 2007. The fee recommendations based on the Towzen report will be analyzed and addressed through a separate process in 2008.
- **Transportation Concurrency Analysis fee** – The new fee schedule is more representative of the City's cost of service. The table below presents the proposed fee structure:

<b>Estimated Number of Gross PM Peak Trips</b>	<b>Concurrency Review Fee</b>
Less than 20 trips	\$500
21 – 50 trips	\$700
51 – 200 trips	\$1,400
Greater than 200 trips	\$1,800

- **SEPA (State Environmental Policy Act) review (transportation component only)** – The new fee schedule eliminates the fee per new residential unit and the fee per sq. ft. new non-residential Gross Floor Area (GFA) and replaces it with fees based on the estimated number of gross PM peak trips generated by the proposed development. The table below presents the proposed fee structure:

<b>SEPA Fees (Transportation Component only)</b>	<b>Current Fee</b>	<b>Proposed Fee</b>
Applications involving traffic reports		
Fee per new residential unit	\$40.00	\$0.00
Fee per sq. ft. new non-residential GFA	\$0.04	\$0.00
Estimated Number of Gross PM Peak Trips		
Less than 20 trips		\$850
21 – 50 trips		\$1,700
51 – 200 trips		\$3,400
Greater than 201 trips		\$6,800

- **Planning Activity fees** – The comparison of 2008 costs (with new costs for service improvements) and 2008 estimated revenues without fee increases for Planning activities indicated the fees under-recover by approximately 30%. In order to maintain the graduated fee structure, the increases range from 25-35% for most Planning permits except for:
  - Environmental Review base fee for Planning portion of SEPA review – from \$260 to \$520 – a 100% increase
  - Design review base fee – from \$3,920 to \$4,116 – an increase of 5%
  - Sidewalk Café permits (fixed fee) – from \$560 to \$616 – an increase of 10%
  - Rooftop Appurtenance Modification – new fee – \$780

The recommended increase in all fees is projected to generate \$230,040 in additional fee revenue, which equates to a 5% increase in total development services revenue. With the inclusion of the recommended fee adjustments, the General Fund contribution to development services will be \$1.8 million, an increase of \$184,925 from 2007.

The Council also confirmed retaining the provision within the relevant code sections to allow for interim inflation adjustments to be made administratively between update cycles if necessary. Note that the provision would only apply to those categories that are not subject to valuation table changes (building plan review and inspection and engineering development review would not be subject to automatic adjustments).

Based on Council’s direction, an ordinance amending Building, Planning, and Public Works development fees has been prepared and is attached for Council adoption at the meeting on December 11, 2007. Staff recommends that the new fees become effective on February 1, 2008.

Attachments

Cc: Eric Shields, Planning and Community Development Director  
Nancy Cox, Development Review Manager  
Daryl Grigsby, Public Works Director  
Rob Jammerman, Development Engineering Manager  
Jeff Blake, Fire and Building Director  
Tom Phillips, Building Manager  
Sandi Hines, Financial Planning Manager



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## MEMORANDUM

**To:** Dave Ramsay, City Manager

**From:** Jeff Blake, Director of Fire & Building

**Date:** November 21, 2007

**Subject:** Fire Prevention Inspection and Plan Review - Consultant Report

Staff has been working with the Public Safety Committee on a residential fire sprinkler ordinance. Our discussions included what staffing might be needed to support the new ordinance, as well as current fire plan review and inspections staffing needs. The results of these discussions led us to hire a consultant to do an evaluation of our current program, the staffing to support both the current workload and the potential new workload from the fire sprinkler ordinance.

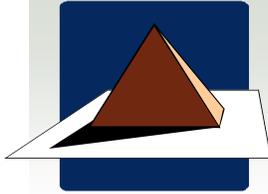
The timing of fire prevention program analysis was parallel to the development services fee study. Because of the fire prevention study, fire prevention permit fees were put on hold in the development fee review. This was done in case a recommendation to address fire prevention permit fees came out of the fire prevention study. As you will read in the attached fire prevention study, a recommendation was made by the consultant to implement fire prevention permits and fees to support the current fire inspection program.

We have reviewed the fire prevention study with the Public Safety Committee and identified next steps. Those steps include:

- Develop an implementation plan for each of the recommendations in the report
- Set a priority of implementation for the recommendations
- Develop a set of recommendations of which fire prevention permits to consider enacting, including fees for those permits

These items will be brought back to the Public Safety Committee prior to coming before the full council. Staff recommended to the Public Safety Committee that we hold off pursuing a fire sprinkler ordinance, until the current fire inspection staffing needs are addressed. We feel it is important to bring our current inspection workload into compliance with our standards, before we add new workload to the fire prevention bureau.

As identified through the development fee review, fire permit fee recommendations would follow at a later date; most likely in the first quarter of 2008. We will be working with Finance to create a set of recommendations for council's consideration.



**TOWNZEN & ASSOCIATES**  
EMERGENCY MANAGEMENT CONSULTANTS

# **THE CITY OF KIRKLAND**

## **FIRE PREVENTION INSPECTION AND PLAN REVIEW**

### **FINAL REPORT**

**Submitted By:  
TOWNZEN & ASSOCIATES  
October 12, 2007**

**Report Prepared By:  
Mr. Steven Nuttall, Consultant**



City of Kirkland Fire Department  
Final Report  
Fire Inspection and Plan Review

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Service Level Productivity	7
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Recommendations	10

**Attachments**

Comparable Jurisdictions	Attachment "A"
Workload Analysis	Attachment "B"
Current and Recommended Resources	Attachment "C"
Resource vs. Workload Graph	Attachment "D"



## City of Kirkland Fire Department Final Report Fire Inspection and Plan Review

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### **Acknowledgements:**

The firm of Townzen and Associates wishes to acknowledge and express appreciation to numerous City staff who provided invaluable support and cooperation during the development of this report. Many hours were spent acquiring important background and historical documents regarding past prevention practices, as well as the time involved in direct meetings needed to clarify issues and information.

This cooperation and willingness to collaborate on behalf of staff personnel at all levels significantly assisted in accomplishing this report in a timely manner. We would like to extend a special acknowledgement to Fire Chief Jeff Blake, Deputy Chief Helen Ahrens-Byington and Fire Marshal Grace Steuart for their relentless assistance. Their efforts made our job much easier, particularly with the daunting amount of information that was requested to complete this report.

### **Staff Interviews**

In order to gain an appreciation for the efforts to date and to understand the concepts used to deliver the existing prevention inspection and review program, staff from several City departments were interviewed. In addition, an assessment was made of comparable jurisdictions in the region through interviews and correspondence. These interviews were essential to gaining a good understanding of previous prevention efforts. Staff and others interviewed included:

#### **Fire Department**

Jeff Blake, Fire Chief  
Helen Ahrens-Byington, Deputy Chief  
Grace Allen Steuart, Fire Marshal

#### **Kirkland I.T.**

Kyle Coulson, System Administrator  
Xiaoning Jiang, GIS Administrator  
Dawn Walker, System Analyst

#### **Regional Agencies**

Ken Carlson, Bellevue Fire  
Tim Pilling, Eastside Fire  
Robert Lovett, Redmond Fire  
Wally Holstad, Woodinville Fire

Rod Mandery, Mercer Island Fire  
Mark Bunje, Shoreline Fire  
Jeff LaFlam, Northshore Fire



## City of Kirkland Fire Department Final Report Fire Inspection and Plan Review

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### **Executive Summary**

As requested by the City of Kirkland, Townzen and Associates performed an analysis of the city's fire prevention inspection and review delivery system. The city was specifically interested in clarifying the existing inspection workload and the appropriate resources necessary to ensure adequate levels of inspection. In addition to establishing a staffing to workload analysis, additional components of the report were to include:

- Assess current staffing to determine if existing resources are appropriate
- Establish service levels for prevention activities related to fire inspections and plan review
- Determine the staffing necessary to implement a new zero threshold residential sprinkler ordinance

### **Methodology**

A plan and schedule for the project that involved reviewing documents associated with past and current fire prevention practices, identifying existing workload in terms of occupancies that should be inspected, interviews with key personnel, and review of current practices within the region was developed.

The study was based upon the following activities and examined key aspects of the Kirkland fire inspection and review program:

- Interviews with key staff.
- Review of fire inspection and occupancy data, including analysis of several data sets. Data reviewed and analyzed included the existing fire department records management system, the Kirkland permit tracking system, city GIS, and the city business license database.
- Review of existing fire prevention inspection and review performance standards, goals, and objectives.
- Review and comparison of current efforts of regional partners and other industry practices.



## City of Kirkland Fire Department Final Report Fire Inspection and Plan Review

The existing workload was analyzed, including development of a basic understanding of the total number of buildings and businesses, educational, healthcare, and industrial occupancies in Kirkland. In addition, specific types of activities were analyzed to determine whether the level of inspection frequency was appropriate to the hazard. Further analysis was conducted to ensure that stated performance goals were consistent with industry practices and the level of service delivery currently provided by other jurisdictions in the region.

### **Assessment of Current Workload**

The City of Kirkland is a mix of commercial, light industrial and multi-family occupancies. A review and assessment of the current workload utilized several different databases currently maintained by the city or other governmental organizations. For the most part, the systems were generally consistent, with some omissions or differences in each. It can be safely assumed, based upon these databases, that approximately 2500-3000 occupancies of various types currently exist within Kirkland that need basic fire prevention inspection activities. For purposes of establishing a baseline of work, this report utilized 2,750 total "inspectable" occupancies.

It would appear that past annual fire inspections of these buildings and activities have been sporadic at best. Some businesses have not received a regular inspection in several years, while others appear to have a more current assessment, often related to new construction or remodeling activities. The current goal, as stated with the Department's strategic plan, is annual inspections of most businesses with more frequent inspections of more hazardous activities.

### **Current Staffing Strategies**

The current staffing within the fire prevention division includes a Deputy Chief (DC), Fire Marshal (FM), Deputy Fire Marshal (DFM), Fire Inspector (FI), and Community Education and Information Specialist. It should be noted that the Deputy Chief's position is primarily involved in the general oversight of the prevention program as part of the Department's chain of command and does not provide direct prevention services. Additionally, it does not appear as though staffing levels within the fire prevention division have increased since 1992; while the workload has increased significantly over the same period.

The three current staff positions are charged with completing all fire prevention inspections of existing buildings, plan review of new construction projects, new



## City of Kirkland Fire Department Final Report Fire Inspection and Plan Review

construction inspection and approval efforts, and some involvement in fire investigation efforts. In addition, the Fire Marshal position is expected to provide supervisory oversight to the prevention related strategies, and interface with Department leadership as part of the fire department management team.

The current allocation of work includes the Fire Marshal position being solely responsible for new construction plan review and approval, fire investigation oversight, typical supervisory duties, and those activities associated with being part of the management team of the department. The deputy fire marshal and fire inspector positions are responsible for conducting all new construction inspections and associated data reporting, inspection of all existing businesses and activities in the community, response to citizen complaints and concerns, special event participation, and some fire investigation duties. It is clear that this level of staffing is not adequate to meet the current responsibilities of the prevention program, particularly given the strong building environment that exists within the community.

### **Comparable Jurisdictions**

A review of comparable jurisdictions in the region (Attachment A) suggests that an annual inspection goal appears to be consistent among agencies. A significant reason for this consistency is the emphasis that the Washington Survey and Rating Bureau (WSRB) place on the completion of at least annual fire inspections. The WSRB is a privately funded agency that “rates” fire agencies that in many cases drives fire insurance premiums charged to residents and businesses.

The organizational structure of KFD relative to fire prevention is typical, with a fire marshal position designated to provide oversight to the program and inspection staff charged with various duties, such as conducting annual inspections. Most agencies struggle with the ability to maintain staff support, with most relying on inspection staff to maintain data and reporting systems. Similarly, administrative support in Kirkland is minimal for fire prevention staff and takes fire inspectors away from inspection duties to perform office support tasks.

Kirkland ranks third behind eastside agencies in terms of the number of existing businesses, but ranks last among the eight reporting jurisdictions relative to the ratio of staff to the number of businesses in the community. (See attachment A)



## City of Kirkland Fire Department Final Report Fire Inspection and Plan Review

Of significant note is the inability of KFD to maintain a consistent annual inspection cycle in comparison to other eastside jurisdictions. As a result, it can be assumed that significant fire safety violations exist within the community. In addition, there are limited efforts to ensure reliability of existing fire protection systems, such as fire sprinkler, alarm, and specialty fire protection systems. The effective operation of these systems is generally a key component to whether the fire remains small, or whether occupants in danger are able to safely exit a building during an emergency.

Within the industry, it is generally assumed that failure to conduct regular and consistent inspections will result in a greater number of fires, both in number and in scale. In fact, the city of Portland reports that a jurisdiction that conducts consistent and regular inspections is approximately 50% less likely to suffer a catastrophic or major fire incident in their community.

### **Establishing Service Levels**

#### - Frequency

The current fire inspection frequency goals within the Department are ambitious and not currently being met. Current Department goals include multiple inspections of existing businesses labeled more hazardous and less frequent for those businesses considered a lesser threat. The inspection frequency goal is significantly higher than the comparable jurisdictions in the region, with Kirkland being the only jurisdiction with a frequency higher than annual for some occupancy types, such as hazardous operations.

#### - Productivity

Within the Kirkland system, a deputy fire marshal and fire inspector's duties can vary dramatically, which makes both meeting and establishing a daily quota of inspections difficult. For example, on any given day, inspection staff might be involved in the review and approval of a new sprinkler system, conducting a fire investigation, or providing general inspection of an existing building or activity. Each of these activities, or the amount of time necessary to accomplish them, is dictated by the complexity, size, and relative time sensitivity of the effort. For example, a fire investigation will take precedence over a routine fire prevention inspection, but may be usurped by a time sensitive new construction approval. Similarly, the time necessary to conduct an inspection of a small boutique store is significantly different from the time and complexity involved in conducting an inspection of a hospital, nursing home, or school.

In order to identify an industry standard of productivity, study was conducted on both from a national perspective, as well as a more detailed analysis of regional



## City of Kirkland Fire Department Final Report Fire Inspection and Plan Review

programs. Interestingly, the fire service as an industry has more recently focused attention on this matter, but a clear consensus on a concise standard has been elusive. The performance standard dilemma is caused in part by the wide variety of inspection delivery methods and the substantial scope of a fire inspector's duty.

An analysis of productivity (Attachment B) was conducted to identify the amount of time the agency could expect a single fire inspector to have in pursuit of their duties. In essence, a full time employee would have approximately 1200 direct service hours available per year to inspect or perform prevention-focused activities. This number considers hours directed towards leave, training, and office related activities. Our analysis would suggest that KFD conservatively has nearly 6900 hours of work associated with the delivery of inspection, plan review, and construction oversight related activities or equivalent to 5.75 FTE's. The current staffing of 3 FTE's leaves a resource gap of 2.75 FTE's.

The inspection, review, and construction oversight analysis above does not include the need for appropriate staff oversight, planning, and customer intervention that is generally the role of the Fire Marshal. Currently, the Fire Marshal's position is only able to react to customer issues and personnel matters that are near crisis level. It would appear prudent to add resources equivalent to .5 FTE to provide appropriate levels of management and supervision to the fire prevention division.

### **Zero Threshold Sprinkler Requirement**

The Kirkland Fire Department is specifically interested in exploring a revision of the existing fire sprinkler threshold that would require automatic fire sprinklers in all newly constructed single-family dwellings. In 2004, the City adopted a revised sprinkler standard that has resulted in all dwellings larger than 5,000 square feet being protected with residential automatic sprinklers. The intent of the ordinance is to effectively reduce residential structure fires to near zero for those protected with residential sprinklers, and to more effectively manage and control the resources necessary to protect the community from the threat of fire in the future.

Although the ultimate impact to the community would be a substantial reduction in hostile and damaging fires, the fire prevention program could expect some increase in division workload. For example, all newly installed systems would require plan review and acceptance, along with a site inspection(s) to ensure compliance with fire protection standards. In addition, increased customer inquiries could be expected, along with additional customer support needs. Longer term, systems would require a minimal level of oversight to ensure operability by routine servicing and testing of systems. This will have an



## City of Kirkland Fire Department Final Report Fire Inspection and Plan Review

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administrative support impact, to an already existing deficiency within the fire prevention division. It is estimated a .50 FTE would be necessary for administrative support functions.

To quantify this level of increased work effort, we can simply look at the current workload surrounding residential sprinklers within the city. In the first 3 quarters of 2007, the prevention program reviewed plans for approximately 164 single-family homes. Of those, 70 required the installation of automatic sprinklers based upon inadequate water supplies, poor fire department access, or other specific code identified deficiency. If we extrapolate data for the entire year, we can approximate 225 single-family projects per year. Experience has demonstrated that each newly installed system will require between 2-3 inspections, depending on level of compliance and understanding of the builder or installed. Each inspection (including travel time and data entry) will require approximately 1 hour of staff time. In addition, plan review will require .5 hours per project or approximately 112 hours of plan review effort.

The total impact of service requirement for a zero threshold sprinkler ordinance would appear to be approximately 675 hours, or an increase of approximately 300 hours of additional staff time. 300 hours would equate to an approximate .25 additional FTE allocation. In addition, a .5 FTE allocation should be provided for support services that would allow for the monitoring of basic system maintenance and reliability requirements. The additional .5 FTE allocation would also provide for badly needed data entry resources and free up fire inspectors for additional direct service delivery.



## City of Kirkland Fire Department Final Report Fire Inspection and Plan Review

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### **Recommendations**

1. The Department should place additional emphasis on the collection of fire prevention data, including inspection efforts and results. The ability to collect and maintain meaningful inspection information will provide a framework for future assessments of program productivity and allow for the establishment of baseline performance standards.
2. The Department should review opportunities to consolidate data capturing systems, i.e., potentially utilizing the existing permit tracking system for new construction and maintenance inspections of existing occupancies. A single system would ease data entry efforts and improve the ability to measure work efforts. Opportunities may also exist to allow for the simple integration of data results from multiple systems into a single reporting framework for purposes of program assessment.
3. Staffing levels within the prevention program should be consistent with department goals and estimated workload. Estimates contained within this report suggest that 5.75 FTE's are necessary to complete the most basic and existing fire prevention needs of the community. This represents approximately 2.75 additional FTE's from the current staffing.
4. The Fire Marshal position should be structured to allow for appropriate management of the prevention program. Currently, the Fire Marshal is obligated to full time plan review and new construction oversight, leaving little or no time to conduct appropriate supervisory duties, strategic planning, quality assurance, code enforcement consistency, and program assessment. A .5 FTE resource allocation should be added to the Fire Prevention Division to provide for proper management and supervision.
5. The organization should consider revising the inspection frequency to an annual cycle. The annual inspection of business is more consistent with comparable jurisdictions in the region and would provide appropriate levels of fire safety oversight in the community.
6. The Department should consider implementation of a program that issues permits in accordance with the International Fire Code. The permit issuance process also has the added advantage of developing a revenue stream that will offset the cost of delivering inspection services.
7. The city should consider the implementation of a reduced threshold sprinkler ordinance that would effectively protect all newly constructed residential structures. To administer this effort, a .25 inspection FTE should be added to fire prevention resources. In addition, .5 FTE should be allocated for support functions and to assist in monitoring system maintenance requirements and reliability.



City of Kirkland Fire Department  
Final Report  
Fire Inspection and Plan Review

## Attachment A

### Comparable Jurisdictions

Department	Estimated Occupancies	Number of Inspectors	Inspection Frequency	Meeting Frequency Goals
Bellevue Fire Department	8300	10	Annual	Yes
Eastside Fire and Rescue	1400	Eng Co.	Annual	Yes
Kirkland Fire Department	2750	-	Various	No
Mercer Is Fire Department	700	Eng Co	Annual	Yes
Northshore Fire Department	375	1	Annual	Yes
Redmond Fire Department	4000	4	1-2 yrs	Yes
Shoreline Fire Department	1200	1.5	Annual	Yes
Woodinville Fire Department	1200	3.25	Annual	Yes



City of Kirkland Fire Department  
Final Report  
Fire Inspection and Plan Review

**Attachment B**  
**Workload Analysis**

Activity	Estimated Activity time	Estimated Events	Estimated Annual Hours
<b>Preventative Activities</b>			
Annual Inspection of Existing Occupancies	1.5	2750	4125
Re-Inspection of Existing Occupancies	0.5	1250	625
Special or Permitted Activities	1	150	150
Customer Service Responses	1	200	200
Preventative Activities Sub-Total		4350	5100
<b>Construction Oversight Efforts</b>			
New construction reviews		840	993
new construction inspections	1	250	250
protection system inspections	1	540	540
Construction Oversight Effort Sub-Total		1630	1783

Available Annual Hours per FTE	2080
Vacation	120
Disability Leave	34
Holiday Leave	96
Prevention Training	80
Certification Training	100
Meetings	150
Office Phone Contacts	300
Non-Direct Service Delivery Total	880
Available for Direct Service Delivery	1200

Total number of FTE allocations needed to accomplish basic tasks is calculated using estimated hours associated with activity compared with available hours per FTE. The estimated number of FTE's required to complete basic prevention tasks is 5.75. This does not include the duties of a Fire Marshal position that should be allocated to manage the program, provide appropriate oversight, and interface as part of the Department's senior management team.



City of Kirkland Fire Department  
 Final Report  
 Fire Inspection and Plan Review

**Attachment "C"**

**Current and Recommended Resources**

	Supervision and Oversight	New Construction Plan Review	New Construction Inspection	Customer Service	Existing Buildings	Sprinkler Ordinance
Estimated Hours of Work	600	993	790	200	4750	900
<b>Existing Resources</b>						
Fire Marshal						
Deputy Fire Marshal						
Fire Inspector						
<b>Existing + Recommended Resources</b>						
Fire Inspector						
Fire Inspector						
Fire Inspector						
.5 Supervision						
<b>Recommended + Reduced Threshold Sprinkler Ordinance Resources</b>						
.25 Fire Inspector						
.5 Support Service						

Dark Shaded areas represent resources consistent with workload

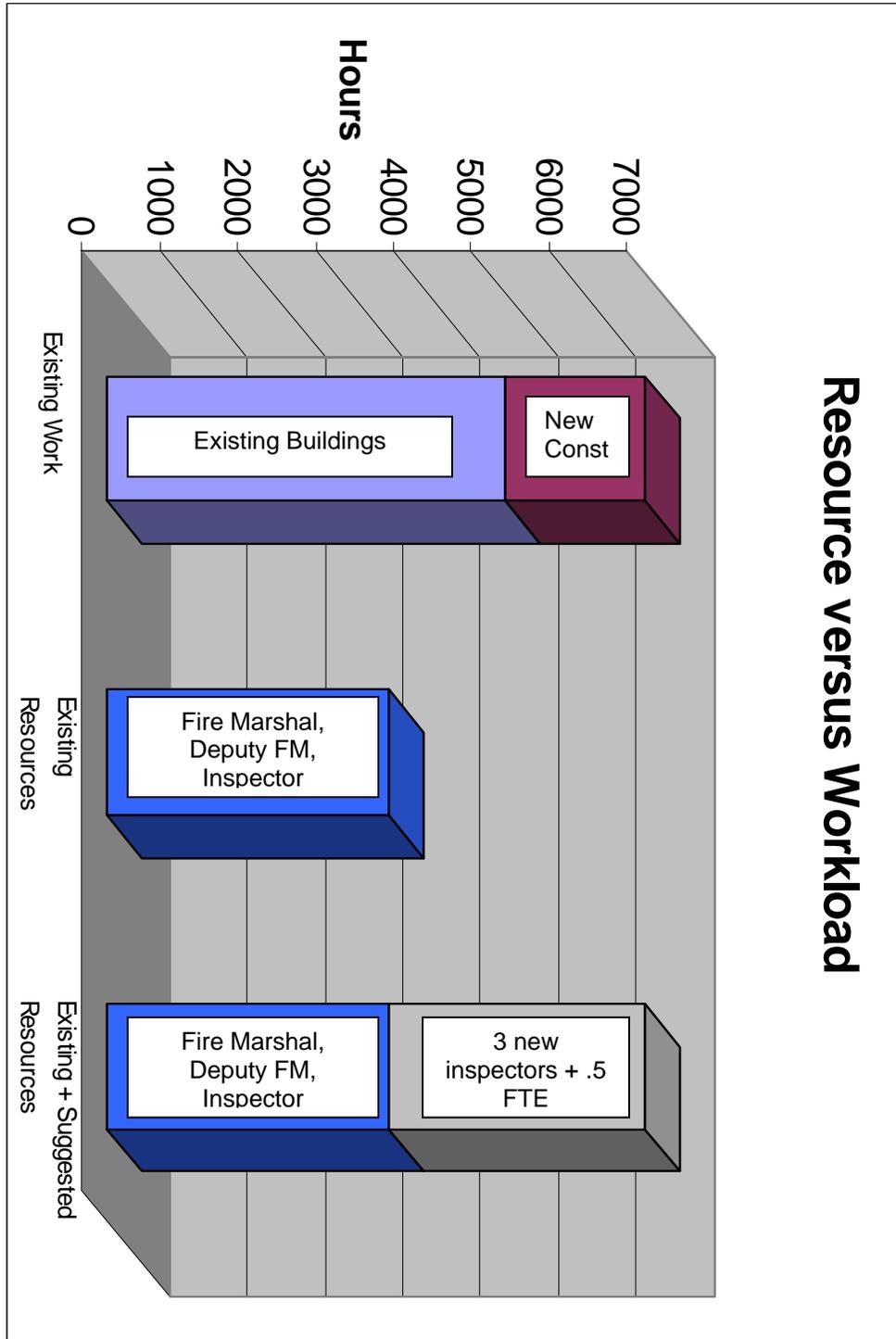


Blank areas represent resources are insufficient to complete existing work.



# City of Kirkland Fire Department Final Report Fire Inspection and Plan Review

## Attachment "D"



ORDINANCE 4127

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO FEES CHARGED UNDER KMC CHAPTERS 5.74.070 AND 21.74.030.

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

Section 1. Section 5.74.070 of the Kirkland Municipal Code is hereby amended to read as follows:

**5.74.070 Fees charged by planning department.**

(a) The schedule below establishes fees charged by the planning department. The entire fee must be paid before the review or processing begins, except as otherwise specified. ~~The fees listed below go into effect May 1, 2005.~~

FEE TYPE	FEE AMOUNT
<p><b>Presubmittal Meeting and/or Predesign Conference</b> Note: Fee subtracted from the application fee if the application is submitted within six months of the date of the presubmittal meeting.</p>	<p><del>\$350.00</del> <u>475.00</u></p>
<p><b>Planning Official Decisions</b> Accessory Dwelling Unit (not required if reviewed concurrently with a building permit) Personal Wireless Service Facility Planning Official Decision Personal Wireless Service Facility Subsequent or Minor Modification Parking Modification Sensitive Area Planning Official Decision or Administrative Design Review Fixed fee Fee per new unit Fee per square foot new GFA Master Sign Plan of Approval Modification Off-Site Directional Sign Approval Modification Design Review Approval Modification Design Review Approval Extension Historic Residence Alteration <u>Rooftop Appurtenance Modification</u></p>	<p><del>\$300.00</del> <u>390.00</u> <del>\$6,050.00</del> <u>7,865.00</u> <del>\$600.00</del> <u>780.00</u> <del>\$380.00</del> <u>494.00</u> <del>\$1,500.00</del> <u>1,950.00</u> \$0.00 \$0.00 <del>\$600.00</del> <u>780.00</u> <del>\$380.00</del> <u>494.00</u> <del>\$760.00</del> <u>988.00</u> <del>\$300.00</del> <u>390.00</u> <del>\$600.00</del> <u>780.00</u> <u>\$780.00</u></p>
<p><b>Planning Director Decisions</b> Temporary Use Permit Variance Exception</p>	<p><del>\$760.00</del> <u>988.00</u> <del>\$760.00</del> <u>988.00</u></p>

Off-Site Directional Sign	\$ <del>760.00</del> <u>988.00</u>
Master Sign Plan	\$ <del>2,120.00</del> <u>2,756.00</u>
Short Plat or Subdivision Approval Modification	\$ <del>600.00</del> <u>780.00</u>
Process I Approval Modification	\$ <del>600.00</del> <u>780.00</u>
Process IIA, IIB or III Approval Modification	\$ <del>760.00</del> <u>988.00</u>
Lot Line Alteration	\$ <del>760.00</del> <u>988.00</u>
Binding Site Plan	\$ <del>1,510.00</del> <u>1,963.00</u>
Multifamily Housing Property Tax Exemption Conditional Certificate	\$ <del>760.00</del> <u>988.00</u>
Multifamily Housing Property Tax Exemption Contract Amendment	\$ <del>380.00</del> <u>494.00</u>
Multifamily Housing Property Tax Exemption Conditional Certificate Extension	\$ <del>380.00</del> <u>494.00</u>
Noise Variance	\$ <del>380.00</del> <u>494.00</u>
<b>Process I Review</b>	
Short Subdivision	\$ <del>3,000.00</del> <u>3,900.00</u>
Base fee	\$ <del>700.00</del> <u>910.00</u>
Fee per lot	
Innovative Short Subdivision	\$ <del>4,900.00</del> <u>6,370.00</u>
Fixed fee	\$ <del>700.00</del> <u>910.00</u>
Fee per lot	
Substantial Development Permit	
General Moorage Facility	\$ <del>7,560.00</del> <u>9,828.00</u>
Other Shoreline Improvements	\$ <del>3,240.00</del> <u>4,212.00</u>
Personal Wireless Service Facility Process I Review	\$ <del>7,560.00</del> <u>9,828.00</u>
Other Process I Review	
Residential	
Base fee	\$ <del>3,000.00</del> <u>3,900.00</u>
Fee per new residential unit	\$ <del>350.00</del> <u>455.00</u>
Nonresidential	
Base fee	\$ <del>3,000.00</del> <u>3,900.00</u>
Fee per square foot new GFA	\$ <del>0.21</del> <u>0.27</u>
Mixed Use	
Fixed fee	\$ <del>3,000.00</del> <u>3,900.00</u>
Fee per new unit	\$ <del>350.00</del> <u>455.00</u>
Fee per square foot new GFA	\$ <del>0.21</del> <u>0.27</u>
Home Occupation	\$1,000.00
Historic Residence Designation	\$1,000.00
<b>Process IIA Review</b>	
Preliminary Subdivision	
Fixed fee	\$ <del>6,310.00</del> <u>8,203.00</u>
Fee per lot	\$ <del>760.00</del> <u>988.00</u>
Innovative Preliminary Subdivision	

Fixed fee	<del>\$7,820.00</del> <u>10,166.00</u>
Fee per lot	<del>\$760.00</del> <u>988.00</u>
Personal Wireless Service Facility Process IIA Review	<del>\$14,640.00</del>
Other IIA	<u>19,032.00</u>
Base fee	
Fee per new residential unit	<del>\$5,290.00</del> <u>6,877.00</u>
Fee per square foot new nonresidential GFA	<del>\$300.00</del> <u>390.00</u>
	<del>\$0.30</del> <u>0.39</u>
<b>Process IIB and Process III Review</b>	
Subdivision Vacation or Alteration	<del>\$6,480.00</del> <u>8,424.00</u>
Historic Landmark Overlay or Equestrian Overlay	<del>\$760.00</del> <u>988.00</u>
Personal Wireless Service Facility Process IIB Review	<del>\$21,120.00</del>
Other IIB or III	<u>27,456.00</u>
Residential (Including Short Subdivisions Reviewed Through Process IIB per KMC 22.20.050)	
Base fee	
Fee per new residential unit	<del>\$8,160.00</del> <u>10,608.00</u>
Fee per square foot new nonresidential GFA	<del>\$300.00</del> <u>390.00</u>
	<del>\$0.30</del> <u>0.39</u>
<b>Design Board Review</b>	
Design Board Concept Review	<del>\$1,280.00</del> <u>1,344.00</u>
Design Board Design Response Review	
Base fee	<del>\$3,920.00</del> <u>4,116.00</u>
Fee per new unit	<del>\$180.00</del> <u>189.00</u>
Fee per square foot new GFA	<del>\$0.18</del> <u>0.19</u>
<b>State Environmental Policy Act (SEPA) Fees</b>	
Review of Environmental Checklist	
Base fee	<del>\$260.00</del> <u>520.00</u>
Applications involving traffic reports	
Fee per new residential unit	<del>\$40.00</del>
Fee per square foot new nonresidential GFA	<del>\$0.04</del>
Less than 20 trips	<u>\$850.00</u>
21-50 trips	<u>\$1,700.00</u>
51-200 trips	<u>\$3,400.00</u>
Greater than 200 trips	<u>\$6,800.00</u>
Applications involving sensitive areas	<del>\$260.00</del> <u>520.00</u>
<b>Preparation of Environmental Impact Statement (EIS)</b>	
* The cost of preparing an EIS is the sole responsibility of the applicant. Kirkland Ordinance No. 2473, as amended, establishes the procedures that the city will use to charge for preparation and distribution of a draft and final EIS. The applicant	



applicant to fund such studies.

b. Voluntary wetland restoration and voluntary stream rehabilitation projects are not subject to fees.

4. Construction of Affordable Housing Units Pursuant to Chapter 112 of the Kirkland Zoning Code. The fee per new unit and fee per square foot new GFA shall be waived for the bonus or additional units or floor area being developed.

5. Note for Historic Residence Permits. An additional fee shall be required for consulting services in connection with designation and alteration of historic residences.

(b) The director is authorized to interpret the provisions of this chapter and may issue rules for its administration. This includes, but is not limited to, correcting errors and omissions and adjusting fees to match the scope of the project. The fees established here will be reviewed annually, and, effective January 1st of each year, may be administratively increased or decreased, by an adjustment to reflect the current published annual change in the Seattle Consumer Price Index for Wage Earners and Clerical Workers as needed in order to maintain the cost recovery objectives established by the city council.

Section 2. Table 8 of Section 21.74.030 of the Kirkland Municipal Code which establishes the Mechanical Inspection fees for one and two-family dwellings, is hereby amended to read as follows:

### **21.74.030**

**Table 8—Mechanical Inspection Fees—One- and Two-Family Dwellings**

<u>Type</u>	<u>Fee</u>
Air conditioners with or without duct work	\$29.00 for each dwelling
Appliance vents	\$7.25 per vent
Furnace—up to and including 100,000 BTUs—including duct work, piping and thermostat wiring	\$29.00
Furnace—over 100,000 BTUs—including duct work, piping, and thermostat wiring	\$38.00
Gas piping only—no fixture installation	\$29.00 per permit
Gas appliances with gas piping	\$29.00 each appliance
Heat pumps with or without duct work	\$29.00 for each dwelling
Minimum permit fee	\$29.00
Permit issuance fee	\$5.00
Wood stoves or heaters including gas piping	\$21.00

<b><u>MECHANICAL FEES FOR NEW SINGLE FAMILY AND DUPLEXES:</u></b>	
<u>8% of the Building Permit Fee</u>	
<b><u>MECHANICAL FEES FOR REMODELS/ADDITIONS*</u></b>	
<ul style="list-style-type: none"> <li>• <u>Each New Appliance \$40 (Maximum Fee \$240)**</u></li> <li>• <u>New Duct System \$40</u></li> <li>• <u>Gas Piping Only \$40</u></li> <li>• <u>Thermostat Wiring \$20***</u></li> </ul>	
<u>*No fee for source specific exhaust fans</u>	
<u>**Gas Piping Included</u>	
<u>***Must Be a Licensed Electrical Contractor</u>	
<b><u>Other Fees:</u></b>	
<u>Additional plan review required by changes, additions or revisions to plans for which an initial review has been completed.</u>	<b><u>\$79.00 per hour</u></b> (minimum charge ½ hr)
<u>Re-inspection fees assessed under provisions of KMC 21.74.030 (2)</u>	<b><u>\$79.00</u></b> (per inspection)
<u>Inspection for which no fee is specifically indicated.</u>	<b><u>\$79.00 per hour</u></b> (minimum charge ½ hr)
<u>Inspections outside of normal business hours.</u>	<b><u>\$118.50 per hour</u></b> (min. charge two hours)

Section 3. The fees established in this ordinance shall go into effect on February 1, 2008; provided that, a land use development permit application which the City determines was complete before the effective date of a revised fee, shall be charged the fee in effect on the date such application became a complete application.

Section 4. The fees set forth in KMC 5.74.070 and Table 8 of KMC 21.74.030, which are amended by this ordinance, shall remain in force and effect until the fees set forth in this ordinance go into effect.

Section 5. 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 6. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication pursuant to Section 1.08.017, Kirkland Municipal Code in the summary form attached to the original of this ordinance and by this reference approved by the City Council.

Passed by majority vote of the Kirkland City Council in open meeting this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

Signed in authentication thereof this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
MAYOR

Attest:

\_\_\_\_\_  
City Clerk

Approved as to Form:

\_\_\_\_\_  
City Attorney

PUBLICATION SUMMARY  
OF ORDINANCE NO. 4127

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO FEES CHARGED UNDER KMC CHAPTERS 5.74.070 AND 21.74.030.

SECTION 1. Amends fees charged as authorized in KMC Section 5.74.070.

SECTION 2. Amends mechanical inspection fees for one and two-family dwellings in Table 8 of KMC Section 21.74.030.

SECTIONS 3-4. Provides an effective date for the fees and confirms the current rates remain in effect until that date.

SECTION 5. Provides a severability clause for the ordinance.

SECTION 6. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as five days after publication of summary.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the \_\_\_\_\_ day of \_\_\_\_\_, 2007.

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

\_\_\_\_\_  
City Clerk



**CITY OF KIRKLAND**  
**Department of Public Works**  
123 Fifth Avenue, Kirkland, WA 98033 425.587.3000  
[www.ci.kirkland.wa.us](http://www.ci.kirkland.wa.us)

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## MEMORANDUM

**To:** David Ramsay, City Manager

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

**Date:** November 29, 2007

**Subject:** 116<sup>TH</sup> AVENUE NE (NORTH SECTION) NON-MOTORIZED FACILITIES  
AWARD CONTRACT AND AUTHORIZE ADDITIONAL FUNDING

### RECOMMENDATION:

It is recommended that the City Council award the contract for construction of the 116th Avenue NE Non-Motorized Facilities Project to Trimaxx Construction, Inc. of Sedro Woolley, Washington in the amount of \$1,057,185.43. In addition it is recommended that City Council authorize the use of an additional \$165,500 from Surface Water Contingency.

### BACKGROUND DISCUSSION:

The 116<sup>th</sup> Avenue NE (North Section) Non-Motorized Facilities project will provide for the installation of non-motorized and surface water improvements between NE 60<sup>th</sup> Street and NE 67<sup>th</sup> Street (Attachment A). These improvements are identified as Priority One improvements (pedestrian and bicycle) in the City's Non-Motorized Plan. They include 1,880 linear feet of bicycle lanes on both sides of 116<sup>th</sup> Avenue NE, curb, gutter, concrete sidewalk, ADA curb ramps, and crosswalk markings on the east side of 116<sup>th</sup> Avenue NE. The protected pedestrian route will complete the 116<sup>th</sup> Avenue NE pedestrian corridor between the NE 60<sup>th</sup> Street/I-405 pedestrian bridge and the Houghton Park and Ride. Planter strip is included where feasible, however due to significant grade behind the sidewalk, it is eliminated for much of the project.

At their meeting of June 5, 2007, Council authorized Public Works staff to advertise for contractor bids in the more competitive market of late fall. At that time staff informed Council of a potential budget short fall of approximately \$165,000; budget adjustments were not recommended until contractor bids were received. The first advertisement was published on October 25, 2007, and bids were opened and read publicly on November 20, 2007. A very competitive total of fourteen (14) bids were received and tabulated with Trimaxx Construction being the lowest bidder. Trimaxx's bid of \$1,057,185.43 was approximately \$74,492 below the engineer's estimate of \$1,131,677.82; three other bids were also below the engineer's estimate (Attachment B).

The total budget necessary to complete the project is \$1,480,000; approximately \$165,500 over the current project budget and an amount similar to that anticipated at time of authorization to advertise (Attachments C). The \$165,500 represents shortfall in funds for the non-motorized and surface water projects, but it does not reflect the whole picture within the restraints of the specific funding. Attachment D shows a funding shortfall of \$239,245 for the surface water project; mostly made up of \$59,440 in engineering and \$178,622 in construction. Based on bids received, scope of the project, and competitive market, staff recommends raising the current budget an additional \$165,500 to bring the project budget to \$1,480,000.

This will be Kirkland's first contract with Trimaxx, however all reference checks indicate their contractor practices, quality of work, and public awareness are over and above standard contract requirements. With Council approval, construction is anticipated to begin in January with substantial completion expected in May.

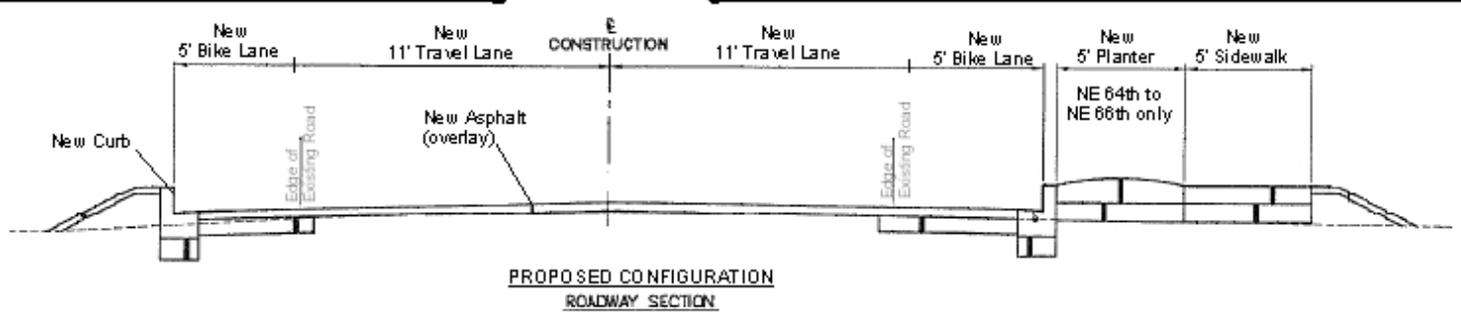
Attachments: (5)



NE 60th St Pedestrian Bridge

Houghton Transfer Station

Bridle Trails State Park



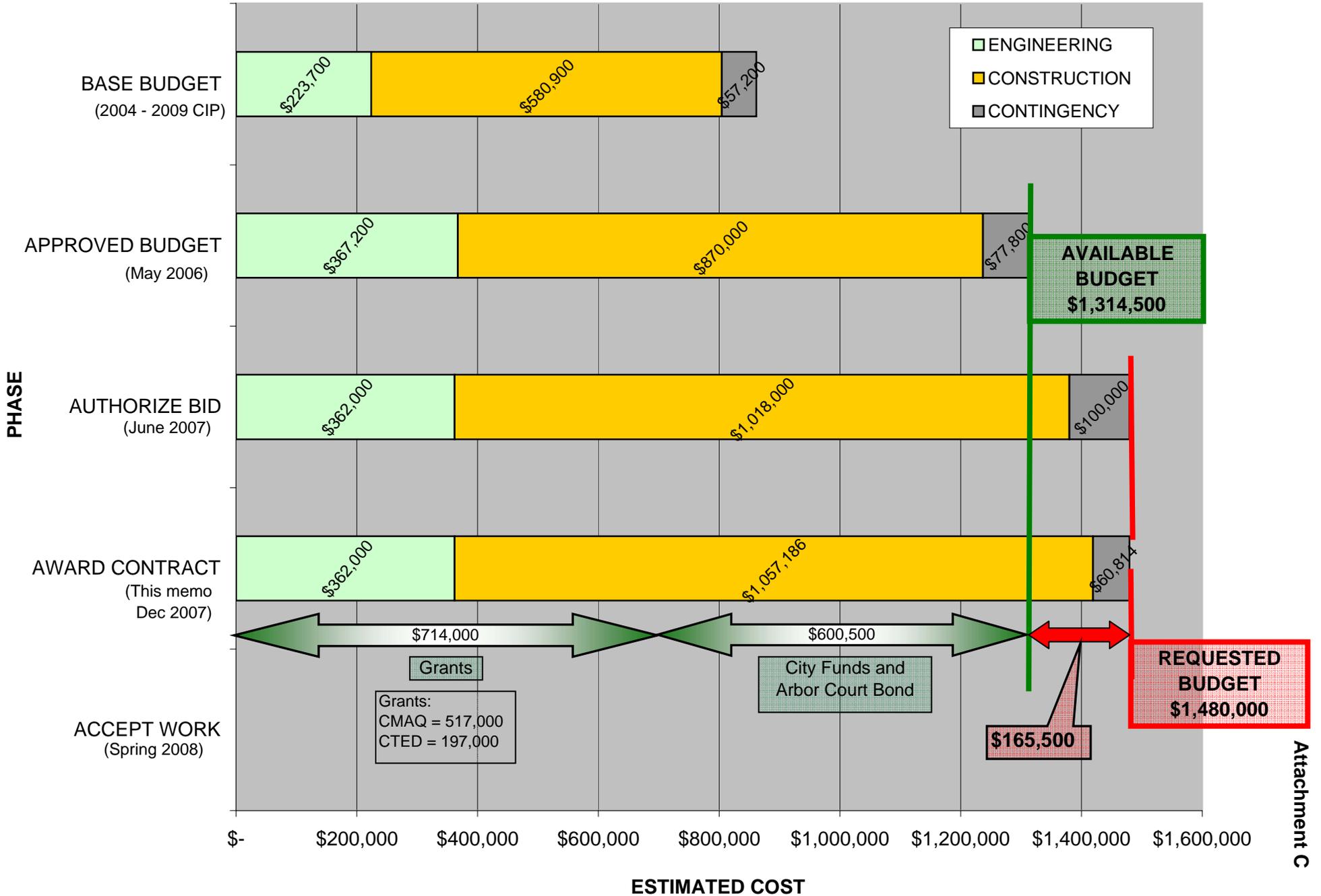
Vicinity Map  
 116th Avenue NE Non-Motorized Facilities  
 (North Section NE 60th Street to NE 67th Street)

**BID TABULATION**  
**116<sup>TH</sup> AVENUE NE NON-MOTORIZED FACILITIES**

<b>Contractor</b>	<b>Total Bid</b>
Trimaxx Construction	1,057,185.43
Johansen Excavating	1,080,972.64
Grade Inc	1,084,788.15
R.L. Alia Co	1,109,281.09
<i>Engineer's Est</i>	<i>1,131,677.82</i>
Construct Co	1,197,907.68
Precision Earthwork	1,233,066.69
West Coast Construction	1,297,989.81
Dennis R Craig	1,317,481.06
Laser Underground	1,324,766.23
SCI Infrastructure	1,331,877.44
Sanders General	1,339,930.01
DPK, Inc.	1,511,153.27
Westwater Construction	1,542,154.86
A-1 Landscaping	2,154,009.98
Average	1,327,326.02

# 116TH AVENUE NE (NORTH SECTION) NON-MOTORIZED FACILITIES

## PROJECT BUDGET REPORT



**PROJECT BUDGET TABLE**

Component	Budget			Actual (Est. or bid)	Budget minus Actual
	Grant (CTED & CMAQ)	City+Arbor Court	Sum		
<b>Engineering</b>					
non-motorized	\$ 35,000	\$ 267,520	\$ 302,520	\$ 243,080	\$ 59,440
surface water	\$ -	\$ 59,480	\$ 59,480	\$ 118,920	\$ (59,440)
			\$ 362,000		
<b>Construction</b>					
non-motorized	\$ 679,000	\$ 50,832	\$ 729,832	\$ 708,896	\$ 20,936
surface water		\$ 169,668	\$ 169,668	\$ 348,290	\$ (178,622)
			\$ 899,500		
<b>Contingency</b>					
non-motorized	\$ -	\$ 34,214	\$ 34,214	\$ 40,780	\$ (6,566)
surface water	\$ -	\$ 18,852	\$ 18,852	\$ 20,034	\$ (1,182)
			\$ 53,066		
<b>Totals by Project</b>					
non-motorized	\$ 714,000	\$ 352,566	\$ 1,066,566	\$ 992,755	\$ 73,811
surface water	\$ -	\$ 248,000	\$ 248,000	\$ 487,245	\$ (239,245)
<b>Total</b>	\$ 714,000	\$ 600,566	\$ 1,314,566	\$ 1,480,000	\$ (165,434)

Trimaxx Bid = \$1,057,186

Requested Funds

**FISCAL NOTE**

CITY OF KIRKLAND

<b>Source of Request</b>							
Daryl Grigsby, Public Works Director							
<b>Description of Request</b>							
Request for additional funding of \$165,500 from the Surface Water Capital Contingency for the 116th Ave NE (North Section) Non-Motorized Facilities project (CNM 0042 423). This project has 2 components - pedestrian/bicycle and surface water improvements on 116th Ave NE between NE 60th Street and NE 67th Street. The funding shortfall for the surface water portion of the project is identified as \$239,245, but this is offset by \$73,811 in available funding in the non-motorized portion of the project for a net additional funding requirement of \$165,500. Based on bids received, scope of the project, and competitive market, staff recommends raising the budget an additional \$165,500 to bring the project budget to \$1,480,000.							
<b>Legality/City Policy Basis</b>							
<b>Fiscal Impact</b>							
<b>One-time use of \$165,500 of the Surface Water Capital Contingency</b> designated for surface water capital projects. The reserve is fully able to fund this request.							
<b>Recommended Funding Source(s)</b>							
<b>Reserve</b>	Description	2008 Est End Balance	Prior Auth. 2007-08 Uses	Prior Auth. 2007-08 Additions	Amount This Request	Revised 2008 End Balance	2008 Target
	Surface Water Capital Contingency	876,760	202,000	0	165,500	509,260	876,760
	2007-08 Prior Authorized Uses include: \$202,000 for the Juanita Creek Channel Enhancement project in Juanita Beach Park.						
<b>Revenue/Exp Savings</b>							
<b>Other Source</b>							
<b>Other Information</b>							

Prepared By	Neil Kruse, Budget Analyst	Date	November 29, 2007
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**CITY OF KIRKLAND****Department of Planning and Community Development  
123 Fifth Avenue, Kirkland, WA 98033 425-587-3225  
www.ci.kirkland.wa.us****MEMORANDUM**

**To: David Ramsay, City Manager**

**From: Dawn Nelson, Planning Supervisor  
Arthur Sullivan, ARCH Program Manager  
Eric Shields, Planning Director**

**Date: December 5, 2007**

**Subject: Multifamily Property Tax Exemption Update, File MIS07-00032**

RECOMMENDATION

The City needs to update the Multifamily Housing Property Tax Exemption (KMC 5.88) to be in compliance with amendments to RCW 84.14 that were adopted in Engrossed Second Substitute House Bill 1910 last spring. City Council should provide direction to staff to prepare an ordinance for consideration at the January 15, 2008 council meeting. Staff recommends the following elements, discussed in detail on pages 3 through 6 of this memo, for the City's tax exemption program. The proposal includes a two tier approach, with differing lengths of tax exemption and affordability requirements based on allowances in RCW 84.14.

***Percent affordable housing required to qualify for tax exemption***

- 10% affordable rental units for 8 year tax exemption, exemption applied to entire project (Tier 1)
- No minimum for affordable ownership units for 8 year tax exemption, exemption applied only to affordable units (Tier 1)
- 20% affordable units (rental or ownership) for 12 year tax exemption, exemption applied to entire project for rental and only to affordable units for ownership (Tier 2)

***Duration of affordability required***

- Life of project for rental units
- 30 years for ownership units

***Affordability levels***

- 10% of units at 50% of King County median income for rental housing for 8 year exemption (Tier 1)

- 10% of units at 50% of King County median income and 10% of units at 80% of King County median income for rental housing for 12 year exemption (Tier 2)
- Affordable units at 70% of King County median income for ownership housing for 8 year exemption (Tier 1)
- 10% of units at 70% of King County median income and 10% of units at 100% of King County median income for ownership housing for 12 year exemption (Tier 2)

### BACKGROUND DISCUSSION

The City of Kirkland adopted KMC 5.88 in May 2004 as part of a package of incentives to encourage the creation of affordable multifamily housing (see Attachment 1). (Staff will be reporting on the incentive program at the January 2, 2008 City Council meeting.) KMC 5.88 allows a ten year exemption of property taxes on the value of new or rehabilitated housing improvements in specific geographic areas of the City. It requires that rental projects provide at least 12.5% of the units affordable to households earning less than 50% of King County median income. The exemption applies to the full value of the residential improvements in rental projects. For owner-occupied projects, only those units that are affordable to households earning less than 70% of King County median income are eligible for the exemption. The units in both rental and ownership projects are required to remain affordable for at least 30 years.

The tax exemption has not yet been used. However, a developer of a property in the TL6A zone along NE 124<sup>th</sup> Street in Totem Lake is preparing a Conceptual Design Conference submittal for a 180 unit apartment building, taking advantage of the extra height offered in that zone in exchange for providing 10% of the units as affordable housing. They would like to apply for the tax exemption but our regulations are currently out of compliance with RCW 84.14.

The following chart identifies the differences between RCW 84.14 as it existed when Kirkland adopted its exemption program in KMC 5.88 and the amendments to RCW 84.14 adopted last spring (see Attachment 2). The state regulations did not previously require affordable housing to qualify for the tax exemption. However, the City chose to require affordable housing in order for projects to be eligible for the tax exemption. The state still allows an eight year exemption without affordable housing, but now requires 20% of the units in a project to be affordable to achieve a 12 year exemption. The affordability levels required in the state regulations are more relaxed than Kirkland's standards, allowing rental housing to be affordable at levels up to 100% of median income and ownership housing to be affordable at levels up to 150% of median income.

	<b>% Affordable Units Required</b>	<b>Affordability Level – Rental</b>	<b>Affordability Level – Ownership</b>	<b>Duration of Tax Exemption</b>	<b>Minimum Duration of Affordability</b>
<b>Previous RCW 84.14 (2004)</b>	None Required	None Required	None Required	10 Years	None Required
<b>Current RCW 84.14 (2007) Option 1</b>	None Required	None Required	None Required	8 Years	None Required
<b>Current RCW 84.14 (2007) Option 2</b>	Rental or Ownership: 20%	80 - 100% of King County Median Income	80 - 150% of King County Median Income	12 Years	12 Years

RCW 84.14, as amended, allows cities to adopt more stringent program provisions when affordable housing is required in order to access the tax exemption. At a minimum, the City must change the duration of the tax exemption from ten years to eight years to be in compliance with the amendments to RCW 84.14. If only that change were made, the value of the incentive to the developer would be reduced by two years worth of tax exemption. Therefore, staff suggests that we also consider a multi-tier system to allow more flexibility and potentially achieve a greater number of affordable housing units. In this system, the first tier is similar to the current exemption provisions, with minor changes to the minimum percent affordable units required, the length of affordability and the duration of affordability. The affordability levels are consistent with Zoning Code requirements for affordable housing. The second tier would allow for a longer tax exemption period with a larger percentage of affordable units and more variety in the affordability level. Proposed changes are highlighted in red in the following table and discussed below.

	<b>% Affordable Units Required</b>	<b>Affordability Level – Rental</b>	<b>Affordability Level – Ownership</b>	<b>Duration of Tax Exemption</b>	<b>Minimum Duration of Affordability</b>
<b>Current Program KMC 5.88</b>	Rental: 12.5 %  Ownership: No minimum - exemption applies only to affordable units	50% of King County Median Income	70% of King County Median Income	10 Years	30 Years
<b>Proposed Tier 1</b>	<b>Rental: 10%</b>  Ownership: No minimum - exemption applies only to affordable units	50% of King County Median Income	70% of King County Median Income	<b>8 Years</b>	<b>Rental: Life of Project</b>  Ownership: 30 Years
<b>Proposed Tier 2</b>	<b>Rental: Additional 10%</b>  <b>Ownership: 20%</b>	<b>80% of King County Median Income</b>	<b>First 10% at 70% of King County Median Income</b>  <b>Second 10% at 100% of King County Median Income</b>	<b>12 Years</b>	Rental: Life of Project  Ownership: 30 Years

### **Tier 1 Options**

***Change duration of tax exemption from 10 years to 8 years.***

***Pros:*** This would bring the City's exemption program into compliance with RCW 84.14.

**Cons:** Taking this action alone reduces the economic value of the tax exemption as an incentive to produce affordable housing by approximately 20%.

***Change percent of affordable rental units required from 12.5% to 10%.***

**Pros:** This would be consistent with the percentage of affordable units required to access the extra height allowed in some Totem Lake and Rose Hill zones.  
It would simplify administration of the restrictive covenants to have one consistent percentage.  
It accounts for the reduced economic value of receiving the property tax exemption for eight years instead of ten years, which is approximately 20% of the value.

**Cons:** Potential for slightly fewer affordable housing units.

***Change duration of affordability for rental developments from 30 years to life of project.***

**Pros:** This would be consistent with the Zoning Code requirements, which would apply anyway if a project were using both Zoning incentives and the tax exemption program.  
It would simplify administration of the restrictive covenants to have the duration be consistent for all rental developments.

**Cons:** Developments not using Zoning incentives may choose not to use this incentive if the duration of affordability makes a difference.

**Tier 2 Options**

***Allow an additional four years of tax exemption (12 years total) with the provision of at least 20% affordable housing units.***

**Pros:** This meets the requirements of RCW 84.14, which requires 20% affordable units (as defined in RCW 84.14) to achieve 12 year tax exemption.  
It would result in the potential for a greater number of affordable housing units.  
The additional tax exemption could be a big factor in encouraging redevelopment in Totem Lake, where the City is anticipating residential developments that are taller and more dense than other areas of the City.

**Cons:** City would realize a 20% increase in foregone regular and special levy taxes due to two additional years of exemption (over assumptions made for previous ten year program – see Attachment 3).

***Allow a 30% higher income threshold over Tier 1 requirements.***

**Pros:** Allows for a broader mix of incomes within developments, while still providing meaningful affordability in the Kirkland housing market.  
The proposed affordability levels and the potential loss of revenue to developers for the second tier of affordable units are commensurate with the value of the property tax

exemption in years 8 through 12. Requiring a lower level of affordability (e.g. 50% or 70% of median) would result in the lost revenue to the developer being greater than the tax benefit in that period.

A broader mix of incomes may be more palatable to developers and result in a greater number of affordable units being constructed.

**Cons:** The proposed affordability level at 80% of median income for rental units may not be significantly below market for existing rental housing. However, it does help insure against current market trends showing increasing rents, especially in newly developing areas.

### **Future Considerations**

This proposal attempts to balance the economic value of the tax exemption to the developer with the cost of providing the specified affordable housing. One of the challenges in doing that analysis is that even within Kirkland there are different sub-markets for land costs (e.g. downtown, north Kirkland) and a range of types of construction with varying costs. With ever changing market conditions, this indicates that a program such as the property tax exemption should be evaluated on a regular basis to ensure that it reflects shifts in market conditions. While this proposal appears reasonable given current conditions, future adjustments may be warranted as market conditions or other City programs change.

### **Attachments**

1. KMC 5.88 – Multifamily Housing Property Tax Exemption
2. Engrossed Second Substitute House Bill 1910
3. Analysis of 10 Year Property Tax Exemption Program

## MULTIFAMILY HOUSING PROPERTY TAX EXEMPTION

### Sections:

- [5.88.010](#) Purpose.
- [5.88.020](#) Definitions.
- [5.88.030](#) Residential targeted areas—Criteria—Designation—Rescission.
- [5.88.040](#) Project eligibility.
- [5.88.050](#) Application procedure—Fee.
- [5.88.060](#) Application review—Issuance of conditional certificate—Denial—Appeal.
- [5.88.065](#) Amendment of contract.
- [5.88.070](#) Extension of conditional certificate.
- [5.88.080](#) Final certificate—Application—Issuance—Denial and appeal.
- [5.88.090](#) Exemption—Duration—Limits.
- [5.88.100](#) Annual certification—Cancellation of exemption.
- [5.88.110](#) Appeals to hearing examiner.
- [5.88.120](#) Annual reporting.

### 5.88.010 Purpose.

- (a) The purposes of this chapter are:
- (1) To encourage more multifamily housing opportunities within the city;
  - (2) To stimulate the construction of new multifamily housing and the rehabilitation of existing vacant and underutilized buildings for multifamily housing;
  - (3) To increase the supply of multifamily housing opportunities within the city for low and moderate income households;
  - (4) To accomplish the planning goals required under the Growth Management Act, Chapter 36.70A RCW, as implemented by the city's comprehensive plan;
  - (5) To promote community development and affordable housing; and
  - (6) To encourage additional housing in certain areas to support investment in public transit projects.
- (b) Any one or a combination of these purposes may be furthered by the designation of a residential targeted area under this chapter. (Ord. 3937 § 1 (part), 2004)

### 5.88.020 Definitions.

- (a) "Affordable" means: (1) for an owner-occupied dwelling unit, housing reserved for occupancy by eligible households and affordable to households whose household annual income is less than seventy percent of the King County median household income, adjusted for household size, as determined by the United States Department of Housing and Urban Development (HUD), and no more than thirty percent of the monthly household income is paid for monthly housing expenses; or (2) for a renter-occupied dwelling unit, housing reserved for occupancy by eligible households and affordable to households whose household annual income is less than fifty percent of the King County median household income, adjusted for household size, as determined by HUD, and no more than thirty percent of the monthly household income is paid for monthly housing expenses (rent and an appropriate utility allowance). In the event that HUD no longer publishes median income figures for King County, the city may use or determine such other method as it may choose to determine the King County median income, adjusted for household size.
- (b) "Assessor" means the King County assessor.
- (c) "Director" means the director of the city's department of planning and community development, or any other city office, department or agency that shall succeed to its functions with respect to this chapter, or his or her authorized designee.

(d) "Eligible household" means one or more adults and their dependents who, as set forth in the regulatory agreement referenced in Section 5.88.040(8), certify that their household annual income does not exceed the applicable percent of the median household income for King County, adjusted for household size, as determined by the United States Department of Housing and Urban Development (HUD); and who certify that they meet all qualifications for eligibility, including, if applicable, any requirements for recertification on income eligibility.

(e) "Household annual income" means the aggregate annual income of all persons over eighteen years of age residing within the same household for a period of at least four months.

(f) "Multifamily housing" means a building or townhouse project having four or more dwelling units designed for permanent residential occupancy resulting from new construction or rehabilitation or conversion of vacant, underutilized, or substandard buildings.

(g) "Owner" means the property owner of record.

(h) "Permanent residential occupancy" means multifamily housing that provides either rental or owner occupancy for a period of at least one month, and excludes hotels and motels that predominately offer rental accommodation on a daily or weekly basis.

(i) "Rehabilitation improvements" means:

(1) Modifications to an existing structure, the residential portion of which has been vacant for at least twelve months prior to application for exemption under this chapter, that are made to achieve a condition of substantial compliance with the applicable building and construction codes contained in Title 21 of this code; or

(2) Modifications to an existing occupied residential structure or mixed use structure that contains occupied residential units, that add at least four multifamily dwelling units.

(j) "Residential targeted area" means an area within an urban center as defined by Chapter 84.14 RCW and the city that has been so designated by the city council pursuant to this chapter.

(k) "Substantial compliance" means compliance with the applicable building and construction codes contained in Title 21 of this code that is typically required for rehabilitation as opposed to new construction. (Ord. 3937 § 1 (part), 2004)

### **5.88.030 Residential targeted areas—Criteria—Designation—Rescission.**

(a) Following notice and public hearing as prescribed in RCW 84.14.040, the city council may designate one or more residential targeted areas, in addition to the areas stated in subsection (d) of this section, upon a finding by the city council in its sole discretion that the residential targeted area meets the following criteria:

(1) The residential targeted area is within an urban center as defined by Chapter 84.14 RCW;

(2) The residential targeted area lacks sufficient available, desirable and convenient residential housing to meet the needs of the public who would be likely to live in the urban center if desirable, attractive and livable residences were available; and

(3) Providing additional housing opportunity in the residential targeted area will assist in achieving one or more of the following purposes:

(A) Encourage increased residential opportunities within the city; or

(B) Stimulate the construction of new affordable multifamily housing; or

(C) Encourage the rehabilitation of existing vacant and underutilized buildings for multifamily housing.

(b) In designating a residential targeted area, the city council may also consider other factors, including:

(1) Whether additional housing in the residential targeted area will attract and maintain an increase in the number of permanent residents;

(2) Whether providing additional housing opportunities for low and moderate

income households would meet the needs of citizens likely to live in the area if affordable residences were available;

(3) Whether an increased permanent residential population in the residential targeted area will help to achieve the planning goals mandated by the Growth Management Act under Chapter 36.70A RCW, as implemented through the city's comprehensive plan; or

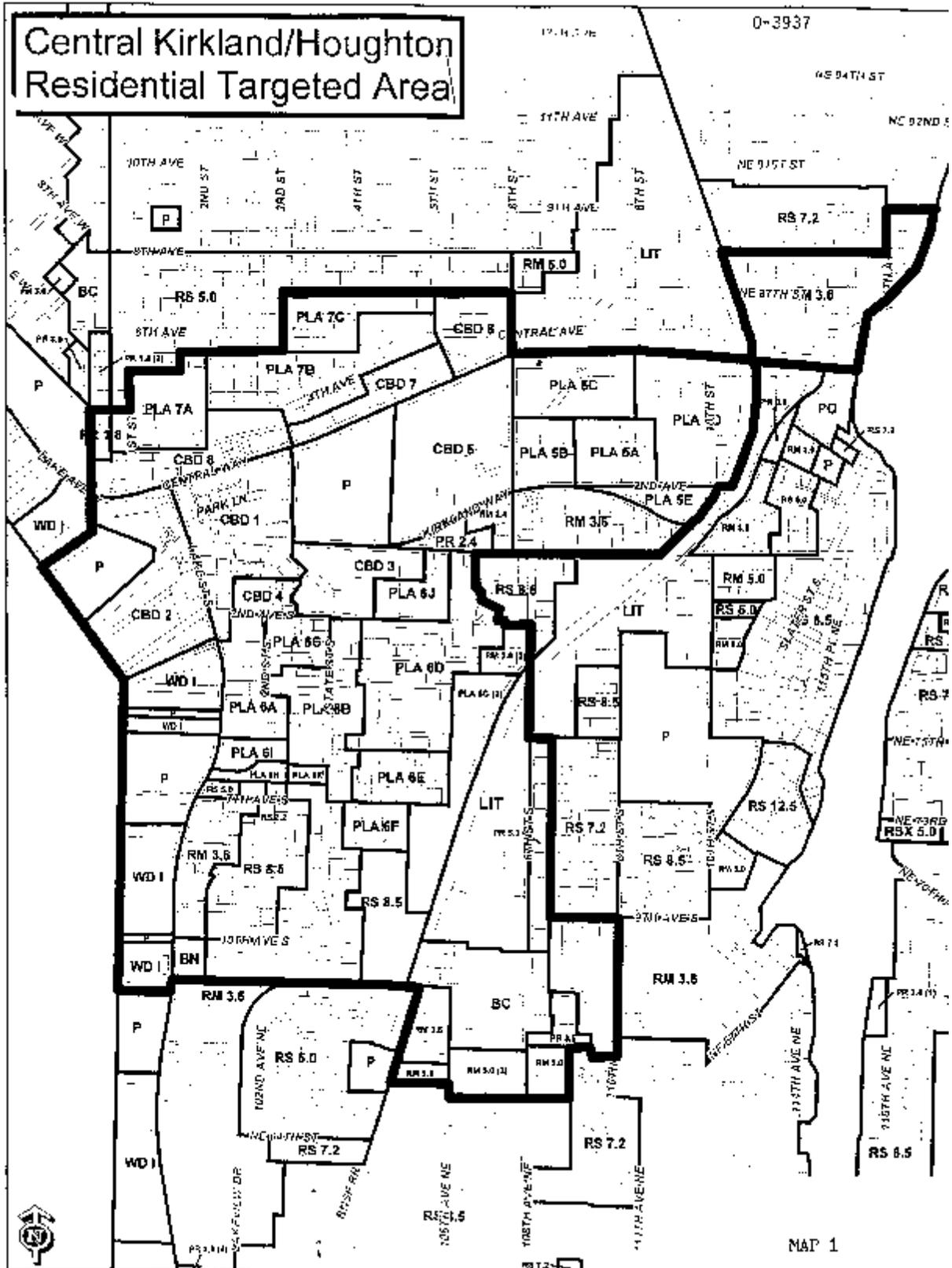
(4) Whether encouraging additional housing in the residential targeted area supports plans for significant public investment in public transit or a better jobs and housing balance.

(c) At any time the city council may, by ordinance, in its sole discretion, amend or rescind the designation of a residential targeted area pursuant to the same procedural requirements as set forth in this chapter for original designation.

(d) The following areas, as shown Maps 1 through 4 in this section, meet the criteria of this chapter for residential targeted areas and are designated as such:

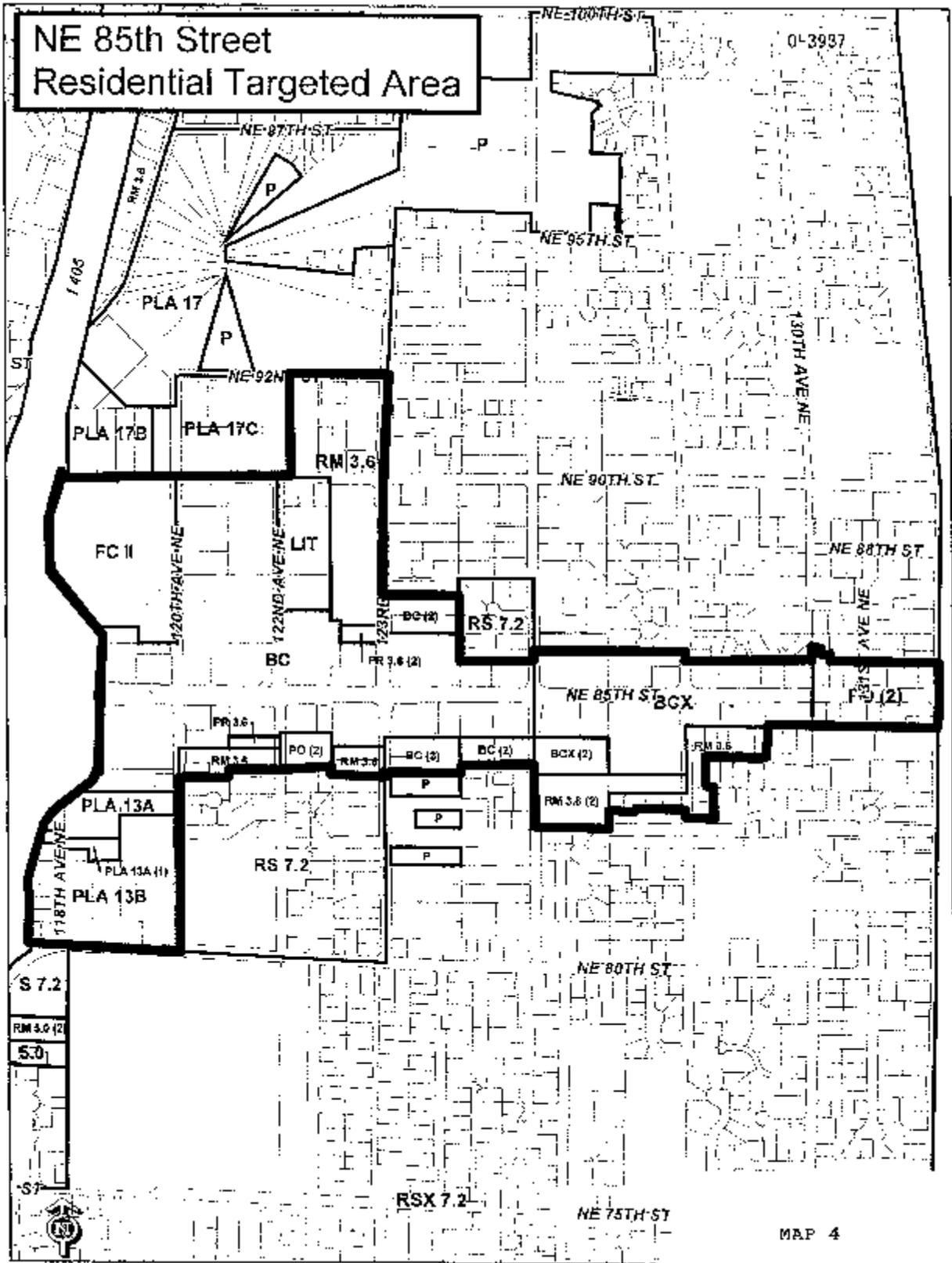
- (1) Central Kirkland/Houghton;
- (2) Totem Lake and North Rose Hill;
- (3) Juanita; and
- (4) NE 85th Street.

(e) If a part of any legal lot is within a residential targeted area as shown in Maps 1 through 4, then the entire lot shall be deemed to lie within such residential targeted area.









(Ord. 3937 § 1 (part), 2004)

**5.88.040 Project eligibility.**

To be eligible for exemption from property taxation under this chapter, the property shall satisfy all of the following requirements:

- (1) The property must be located in a residential targeted area.
- (2) The project must be multifamily housing consisting of at least four dwelling units within a residential structure or as part of a mixed use development, in which at least fifty percent of the space within such residential structure or mixed use development is intended for permanent residential occupancy.
- (3) For new construction, a minimum of four new dwelling units must be created; for rehabilitation or conversion of existing occupied structures, a minimum of four additional dwelling units must be added.
- (4) Existing dwelling units proposed for rehabilitation shall have been unoccupied for a minimum of twelve months prior to submission of an application and shall fail to comply with one or more requirements the building code as set forth in Title 21 of this code.
- (5) No application may result in the net loss of existing affordable housing which receives housing assistance through federal low or moderate income housing programs (e.g., HUD Section 8 program).
- (6) For rental projects to receive an exemption for the entire residential portion of the project, at least twelve and one-half percent of the units shall be affordable as defined in Section [5.88.020\(a\)](#), or shall have such other comparable level of affordability as provided for in the city's affordable housing incentive program, as regulated through Chapter 112 of the Kirkland Zoning Code. To the extent allowed by Chapter 84.14 RCW, the city may grant a partial exemption if a lesser amount of affordability is provided. The amount of the partial exemption shall be proportional to the amount of affordability provided relative to that required for a full exemption. (For example, if a project includes six and one-quarter percent of the units affordable at fifty percent of median income, the property will receive an exemption on fifty percent of the residential portion of the project.) If the percentage of affordable units in the project required is a fraction, then the number of required affordable units shall be rounded up to the next whole number (unit) if the fraction of the whole number is at least 0.66.
- (7) For owner-occupied projects, the property tax exemption shall apply only to those units that are affordable as defined in Section [5.88.020\(a\)](#) or that have such other comparable level of affordability as provided for in the city's affordable housing incentive program, as regulated through Chapter 112 of the Kirkland Zoning Code.
- (8) Prior to issuing a certificate of occupancy, an agreement in a form acceptable to the city attorney that addresses price restrictions, eligible household qualifications, long-term affordability, and any other applicable topics of the affordable housing units shall be recorded with King County department of records and elections. This agreement shall be a covenant running with the land and shall be binding on the assigns, heirs and successors of the applicant. Affordable housing units that are provided under this section shall remain as affordable housing for a minimum of thirty years from the date of initial occupancy.
- (9) The owner may request that the city approve a partial or full exemption in circumstances where less affordability is proposed than is required in subsection (6) or (7) of this section. Criteria for considering such requests shall include the owner's inability to utilize some or all of the incentives available in Chapter 112 of the Kirkland Zoning Code. Requests under this subsection (9) require city council approval and shall be made at the sole discretion of the city council.
- (10) The mix and configuration of housing units (e.g., studio, one-bedroom, two-bedroom, etc.) used to meet the requirement for affordable units under subsections (6), (7) and (9) of this section shall be substantially proportional to the mix and configuration of the total housing units in the project.
- (11) For owner-occupied projects, the contract with the city required under

Section [5.88.060](#) shall identify those units that shall be eligible per subsection (7) of this section.

(12) The project shall comply with all applicable zoning requirements, land use regulations, and building and housing code requirements contained in Titles 21 and 23 of the Kirkland Municipal Code.

(13) New construction of multifamily housing and rehabilitation improvements must be scheduled to be completed within three years from the date of approval of the application. (Ord. 3937 § 1 (part), 2004)

#### **5.88.050 Application procedure—Fee.**

(a) The owner of property applying for exemption under this chapter shall submit an application to the director, on a form established by the director. The owner shall verify the application by oath or affirmation. The application shall contain such information as the director may deem necessary or useful, and shall include:

(1) A brief written description of the project and preliminary schematic site and floor plans of the multifamily units and the structure(s) in which they are proposed to be located;

(2) A statement from the owner acknowledging the potential tax liability when the property ceases to be eligible for exemption under this chapter;

(3) Information describing how the applicant will comply with the affordability requirements in Sections [5.88.040](#)(6) or (7) of this chapter; or if applicable, request for approval under Section [5.88.040](#)(9) of this chapter and their justification for such request; and

(4) In the case of rehabilitation of an existing vacant structure under Section [5.88.020](#)(i)(1), verification from the fire and building department of non-compliance with applicable building and housing codes as required under Section [5.88.020](#)(i)(1), and an affidavit from the owner verifying that the existing dwelling units have been vacant for a period of twelve months prior to filing the application.

(b) At the time of application under this section, the applicant shall pay to the city an initial application fee as established by ordinance. In addition, at the time of application under this section, the applicant shall pay to the city a fee of one hundred fifty dollars to cover the county assessor's administrative costs. If the director approves the application pursuant to Section [5.88.080](#), the city shall forward the fee for the county assessor's administrative costs to the county assessor. If the director denies the application pursuant to Section [5.88.080](#), the city shall refund the fee for the assessor's administrative costs to the applicant.

(c) The director shall notify the applicant within twenty-eight days of the application being filed if the director determines that an application is not complete and shall identify what additional information is required before the application will be complete. Within fourteen days of receiving additional information, the director shall notify the applicant in writing if the director determines that the application is still not complete, and what additional information is necessary. An application shall be deemed to be complete if the director does not notify the applicant in writing by the deadlines in this section that the application is incomplete; however, a determination of completeness does not preclude the director from requiring additional information during the review process if more information is needed to evaluate the application according to the criteria in this chapter.

(d) The application shall be submitted any time before, but no later than, the date the building or other construction permit is issued under Title 21 of this code. (Ord. 3937 § 1 (part), 2004)

#### **5.88.060 Application review—Issuance of conditional certificate—Denial—Appeal.**

(a) Other than requests under Section [5.88.040](#)(9), the director shall approve or deny an application under this chapter. If the application is approved, the applicant shall enter into a contract with the city, subject to approval by resolution of the city

council, regarding the terms and conditions of the project and eligibility for exemption under this chapter. The city council's resolution to approve the applicant's contract with the city shall take place within ninety days of the director's receipt of the completed application. Upon city council approval of the contract, the director shall execute the contract as approved by the city council, and shall issue a conditional certificate of acceptance of tax exemption. The conditional certificate shall expire three years from the date of approval unless an extension is granted as provided in this chapter.

(b) If the application is denied, the director shall state in writing the reasons for the denial and send notice of denial to the applicant's last known address within ten days of the denial.

(c) An applicant may appeal the director's denial of the application to the city council by filing a notice of appeal with the city clerk along with the appeal fee as established by ordinance within thirty days of the date of the denial. The appeal before the city council shall be based upon the record before the director, and the director's decision shall be upheld unless the applicant can show that there is no substantial evidence on the record to support the director's decision. The city council's decision on appeal is final. (Ord. 3937 § 1 (part), 2004)

#### **5.88.065 Amendment of contract.**

(a) Any applicant seeking amendment(s) to the contract approved by the city council may do so by submitting a request in writing to the director at any time within three years of the date of the city council's approval of the contract.

(b) The director shall have authority to approve amendments to the contract between the applicant and the city that are reasonably within the scope and intent of the contract approved by the city council. Amendments that are not reasonably within the scope and intent of the approved contract, as determined by the director, shall be submitted to the city council for approval by resolution.

(c) Any applicant seeking amendments to the approved contract, which in the sole discretion of the director require approval by the city council, shall pay to the city an amendment application fee as established by ordinance.

(d) The date for expiration of the conditional certificate shall not be extended by contract amendment unless: (1) all the conditions for extension set forth in Section [5.88.070](#) are met, or (2) the conditions set forth in Section [5.88.070](#)(1) and (2) are met and the city council specifically approves the extension. (Ord. 3937 § 1 (part), 2004)

#### **5.88.070 Extension of conditional certificate.**

The conditional certificate may be extended by the director for a period not to exceed twenty-four consecutive months. The applicant shall submit a written request stating the grounds for the extension together with a fee as established by ordinance. The director may grant an extension if the director determines that:

(1) The anticipated failure to complete construction or rehabilitation within the required time period is due to circumstances beyond the control of the owner;

(2) The owner has been acting and could reasonably be expected to continue to act in good faith and with due diligence; and

(3) All the conditions of the original contract between the applicant and the city will be satisfied upon completion of the project. (Ord. 3937 § 1 (part), 2004)

#### **5.88.080 Final certificate—Application—Issuance—Denial and appeal.**

(a) Upon completion of the rehabilitation improvements or new construction as provided in the contract between the applicant and the city, and upon issuance of a certificate of occupancy, the applicant may request a final certificate of tax exemption. The applicant shall file with the director such information as the director may deem necessary or useful to evaluate eligibility for the final certificate, and shall include:

(1) A statement of expenditures made with respect to each multifamily housing unit and the total expenditures made with respect to the entire property;

(2) A description of the completed work and a statement of qualification for the exemption;

(3) A statement that the work was completed within the required three-year period or any approved extension; and

(4) Information on the applicant's compliance with the affordability requirements in Section [5.88.040](#)(6), (7) and/or (9).

(b) Within thirty days of receipt of all materials required for a final certificate, the director shall determine whether the completed work is consistent with the application and contract approved by the city council and is qualified for limited exemption under Chapter 84.14 RCW, and which specific improvements completed meet the requirements of this chapter and the required findings of RCW 84.14.060.

(c) If the director determines that the project has been completed in accordance with subsection (a) of this section, the city shall file a final certificate of tax exemption with the assessor within ten days of the expiration of the thirty-day period provided under subsection (b) of this section.

(d) The director is authorized to cause to be recorded, or to require the applicant or owner to record, in the real property records of the King County department of records and elections, the contract with the city required under Section [5.88.060](#)(a), and such other document(s) as will identify such terms and conditions of eligibility for exemption under this chapter as the director deems appropriate for recording, including requirements under this chapter relating to affordability of units.

(e) The director shall notify the applicant in writing that the city will not file a final certificate if the director determines that the project was not completed within the required three-year period or any approved extension or was not completed in accordance with subsection (b) of this section; or if the director determines that the owner's property is not otherwise qualified under this chapter or if the owner and the director cannot agree on the allocation of the value of the improvements allocated to the exempt portion of rehabilitation improvements, new construction and multiuse new construction.

(f) Within thirty days of the date of notice of denial of final certificate, the applicant may file a notice of appeal with the city clerk along with the appeal fee as established by ordinance specifying the factual and legal basis for the appeal. The appeal shall be heard by the city's hearing examiner pursuant to Section [5.88.110](#). (Ord. 3937 § 1 (part), 2004)

#### **5.88.090 Exemption—Duration—Limits.**

(a) The value of new housing construction and rehabilitation improvements qualifying under this chapter shall be exempt from ad valorem property taxation for ten successive years as provided in RCW 84.14.020(1).

(b) The exemption does not apply to the value of land or to the value of improvements not qualifying under this chapter, to increases in assessed valuation of land and nonqualifying improvements, or to increases made by lawful order of the King County board of equalization, Washington State Department of Revenue, State Board of Tax Appeals, or King County, to a class of property throughout the county or a specific area of the county to achieve uniformity of assessment or appraisal as required by law. In the case of rehabilitation of existing buildings, the exemption does not include the value of improvements constructed prior to submission of the completed application required under this chapter. (Ord. 3937 § 1 (part), 2004)

#### **5.88.100 Annual certification—Cancellation of exemption.**

(a) A property or individual affordable ownership unit that receives a tax exemption under this chapter shall continue to comply with the contract and the requirements of this chapter in order to retain its property tax exemption.

(b) Within thirty days after the first anniversary of the date the city filed the final certificate of tax exemption and each year thereafter, for a period of ten years, the property owner shall file a certification with the director, verified upon oath or affirmation, which shall contain such information as the director may deem necessary or useful, and shall include the following information:

(1) A statement of occupancy and vacancy of the multifamily units during the previous year;

(2) A certification that the property has not changed use since the date of filing of the final certificate of tax exemption, and continues to be in compliance with the contract with the city and the requirements of this chapter;

(3) A description of any improvements or changes to the property made after the filing of the final certificate or last declaration, as applicable; and

(4) Information demonstrating the owner's compliance with the affordability requirements of Section [5.88.040](#)(6), (7), (8) and/or (9).

(c) Failure to submit the annual declaration may result in cancellation of the tax exemption.

(d) For the duration of the exemption granted under this chapter, the property shall have no violation of applicable zoning requirements, land use regulations, and building and housing code requirements contained in Titles 21 and 23 of the Kirkland Municipal Code for which the designated city department shall have issued a notice of violation or notice of civil infraction that is not resolved by a certificate of compliance, certificate of release, or withdrawal within the time period for compliance provided in such notice of violation or notice of civil infraction and any extension of the time period for compliance granted by the director.

(e) For owner-occupied affordable units, in addition to any other requirements in this chapter, the affordable owner-occupied units must continue to meet the conditions of Section [5.88.040](#)(7). In the event of a sale of an affordable owner-occupied unit to a household other than an eligible household, or at a price greater than prescribed in the regulatory agreement referenced in Section [5.88.040](#)(8), the property tax exemption for that affordable owner-occupied unit shall be cancelled pursuant to this section.

(f) For property with renter-occupied dwelling units, in addition to any other requirements in this chapter, the affordable renter-occupied units must continue to meet the conditions of Section [5.88.040](#)(6). In the event of a rental of an affordable renter-occupied unit to a household other than an eligible household, or at a rent greater than prescribed in the regulatory agreement referenced in Section [5.88.040](#)(8), the property tax exemption for the property shall be cancelled pursuant to this section.

(g) If the owner converts the multifamily housing to another use, the owner shall notify the director and the county assessor within sixty days of the change in use. Upon such change in use, the tax exemption shall be canceled and additional taxes, interest and penalty imposed pursuant to state law.

(h) The director shall cancel the tax exemption for any property or individual unit that no longer complies with the terms of the contract or with the requirements of this chapter. Upon cancellation, additional taxes, interest and penalties may be imposed pursuant to state law. Upon determining that a tax exemption shall be canceled, the director shall notify the property owner by certified mail, return receipt requested. The property owner may appeal the determination by filing a notice of appeal with the city clerk along with the appeal fee established by ordinance within thirty days of the date of notice of cancellation, specifying the factual and legal basis for the appeal. The appeal shall be heard by the hearing examiner pursuant to Section [5.88.110](#). (Ord. 3937 § 1 (part), 2004)

### **5.88.110 Appeals to hearing examiner.**

(a) The city's hearing examiner is provided jurisdiction to hear appeals of the decisions of the director on the final certificate of tax exemption and cancellation

thereof.

(b) The hearing examiner's procedures shall apply to hearings under this chapter to the extent they are consistent with the requirement of this chapter and Chapter 84.14 RCW. The hearing examiner shall give substantial weight to the director's decision and the burden of overcoming the weight shall be on the appellant. The decision of the hearing examiner constitutes the final decision of the city. An aggrieved party may appeal the decision to superior court under RCW 34.05.510 through 34.05.598 if the appeal is properly filed within thirty days of the date of the notification by the city to the appellant of that decision. (Ord. 3937 § 1 (part), 2004)

**5.88.120 Annual reporting.**

Annually, beginning in 2005, the director or designee shall review the program established by this chapter and provide a report to the city council outlining development activity, types and numbers of units produced and their locations, rent and sales prices, information regarding the number of low and moderate income households benefiting from the program, and other appropriate factors. These reports may include recommendations on whether any neighborhoods should be added or removed, whether affordability limits should be changed in certain areas, and will analyze any issues related to the use of the program for homeownership units. The annual report shall be submitted to the city council no later than March 30th of each year the program is in effect, starting in 2005; each report shall include information for the previous year. (Ord. 3937 § 1 (part), 2004)



CERTIFICATION OF ENROLLMENT

**ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1910**

60th Legislature  
2007 Regular Session

Passed by the House April 14, 2007  
Yeas 63 Nays 31

\_\_\_\_\_  
**Speaker of the House of Representatives**

Passed by the Senate April 9, 2007  
Yeas 41 Nays 2

\_\_\_\_\_  
**President of the Senate**

Approved

\_\_\_\_\_  
**Governor of the State of Washington**

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1910** as passed by the House of Representatives and the Senate on the dates hereon set forth.

\_\_\_\_\_  
**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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**ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1910**

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AS AMENDED BY THE SENATE

Passed Legislature - 2007 Regular Session

**State of Washington                      60th Legislature                      2007 Regular Session**

**By**            House Committee on Finance (originally sponsored by  
Representatives Ormsby, Fromhold, Miloscia, Dunshee, Kenney,  
Appleton, Darneille, Hasegawa and Morrell)

READ FIRST TIME 03/05/07.

1            AN ACT Relating to tax incentives for certain multiple-unit  
2 dwellings in urban centers that provide affordable housing; amending  
3 RCW 84.14.005, 84.14.007, 84.14.010, 84.14.020, 84.14.030, 84.14.040,  
4 84.14.050, 84.14.060, 84.14.090, 84.14.100, and 84.14.110; and  
5 declaring an emergency.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7            **Sec. 1.** RCW 84.14.005 and 1995 c 375 s 1 are each amended to read  
8 as follows:

9            The legislature finds:

10            (1) That in many of Washington's urban centers there is  
11 insufficient availability of desirable and convenient residential  
12 units, including affordable housing units, to meet the needs of a  
13 growing number of the public who would live in these urban centers if  
14 these desirable, convenient, attractive, affordable, and livable places  
15 to live were available;

16            (2) That the development of additional and desirable residential  
17 units, including affordable housing units, in these urban centers that  
18 will attract and maintain a significant increase in the number of  
19 permanent residents in these areas will help to alleviate the

1 detrimental conditions and social liability that tend to exist in the  
2 absence of a viable mixed income residential population and will help  
3 to achieve the planning goals mandated by the growth management act  
4 under RCW 36.70A.020; and

5 (3) That planning solutions to solve the problems of urban sprawl  
6 often lack incentive and implementation techniques needed to encourage  
7 residential redevelopment in those urban centers lacking a sufficient  
8 variety of residential opportunities, and it is in the public interest  
9 and will benefit, provide, and promote the public health, safety, and  
10 welfare to stimulate new or enhanced residential opportunities,  
11 including affordable housing opportunities, within urban centers  
12 through a tax incentive as provided by this chapter.

13 **Sec. 2.** RCW 84.14.007 and 1995 c 375 s 2 are each amended to read  
14 as follows:

15 It is the purpose of this chapter to encourage increased  
16 residential opportunities, including affordable housing opportunities,  
17 in cities that are required to plan or choose to plan under the growth  
18 management act within urban centers where the ~~((legislative body))~~  
19 governing authority of the affected city has found there is  
20 insufficient housing opportunities, including affordable housing  
21 opportunities. It is further the purpose of this chapter to stimulate  
22 the construction of new multifamily housing and the rehabilitation of  
23 existing vacant and underutilized buildings for multifamily housing in  
24 urban centers having insufficient housing opportunities that will  
25 increase and improve residential opportunities, including affordable  
26 housing opportunities, within these urban centers. To achieve these  
27 purposes, this chapter provides for special valuations in residentially  
28 deficient urban centers for eligible improvements associated with  
29 multiunit housing ~~((in residentially deficient urban centers))~~, which  
30 includes affordable housing.

31 **Sec. 3.** RCW 84.14.010 and 2002 c 146 s 1 are each amended to read  
32 as follows:

33 Unless the context clearly requires otherwise, the definitions in  
34 this section apply throughout this chapter.

35 (1) "City" means either (a) a city or town with a population of at  
36 least ~~((thirty))~~ fifteen thousand ~~((or))~~, (b) the largest city or town,

1 if there is no city or town with a population of at least (~~thirty~~)  
2 fifteen thousand, located in a county planning under the growth  
3 management act, or (c) a city or town with a population of at least  
4 five thousand located in a county subject to the provisions of RCW  
5 36.70A.215.

6 (2) "Affordable housing" means residential housing that is rented  
7 by a person or household whose monthly housing costs, including  
8 utilities other than telephone, do not exceed thirty percent of the  
9 household's monthly income. For the purposes of housing intended for  
10 owner occupancy, "affordable housing" means residential housing that is  
11 within the means of low or moderate-income households.

12 (3) "Household" means a single person, family, or unrelated persons  
13 living together.

14 (4) "Low-income household" means a single person, family, or  
15 unrelated persons living together whose adjusted income is at or below  
16 eighty percent of the median family income adjusted for family size,  
17 for the county where the project is located, as reported by the United  
18 States department of housing and urban development. For cities located  
19 in high-cost areas, "low-income household" means a household that has  
20 an income at or below one hundred percent of the median family income  
21 adjusted for family size, for the county where the project is located.

22 (5) "Moderate-income household" means a single person, family, or  
23 unrelated persons living together whose adjusted income is more than  
24 eighty percent but is at or below one hundred fifteen percent of the  
25 median family income adjusted for family size, for the county where the  
26 project is located, as reported by the United States department of  
27 housing and urban development. For cities located in high-cost areas,  
28 "moderate-income household" means a household that has an income that  
29 is more than one hundred percent, but at or below one hundred fifty  
30 percent, of the median family income adjusted for family size, for the  
31 county where the project is located.

32 (6) "High cost area" means a county where the third quarter median  
33 house price for the previous year as reported by the Washington center  
34 for real estate research at Washington State University is equal to or  
35 greater than one hundred thirty percent of the statewide median house  
36 price published during the same time period.

37 (7) "Governing authority" means the local legislative authority of

1 a city having jurisdiction over the property for which an exemption may  
2 be applied for under this chapter.

3 ~~((3))~~ (8) "Growth management act" means chapter 36.70A RCW.

4 ~~((4))~~ (9) "Multiple-unit housing" means a building having four or  
5 more dwelling units not designed or used as transient accommodations  
6 and not including hotels and motels. Multifamily units may result from  
7 new construction or rehabilitated or conversion of vacant,  
8 underutilized, or substandard buildings to multifamily housing.

9 ~~((5))~~ (10) "Owner" means the property owner of record.

10 ~~((6))~~ (11) "Permanent residential occupancy" means multiunit  
11 housing that provides either rental or owner occupancy on a  
12 nontransient basis. This includes owner-occupied or rental  
13 accommodation that is leased for a period of at least one month. This  
14 excludes hotels and motels that predominately offer rental  
15 accommodation on a daily or weekly basis.

16 ~~((7))~~ (12) "Rehabilitation improvements" means modifications to  
17 existing structures, that are vacant for twelve months or longer, that  
18 are made to achieve a condition of substantial compliance with existing  
19 building codes or modification to existing occupied structures which  
20 increase the number of multifamily housing units.

21 ~~((8))~~ (13) "Residential targeted area" means an area within an  
22 urban center that has been designated by the governing authority as a  
23 residential targeted area in accordance with this chapter.

24 ~~((9))~~ (14) "Substantial compliance" means compliance with local  
25 building or housing code requirements that are typically required for  
26 rehabilitation as opposed to new construction.

27 ~~((10))~~ (15) "Urban center" means a compact identifiable district  
28 where urban residents may obtain a variety of products and services.  
29 An urban center must contain:

30 (a) Several existing or previous, or both, business establishments  
31 that may include but are not limited to shops, offices, banks,  
32 restaurants, governmental agencies;

33 (b) Adequate public facilities including streets, sidewalks,  
34 lighting, transit, domestic water, and sanitary sewer systems; and

35 (c) A mixture of uses and activities that may include housing,  
36 recreation, and cultural activities in association with either  
37 commercial or office, or both, use.

1           **Sec. 4.** RCW 84.14.020 and 2002 c 146 s 2 are each amended to read  
2 as follows:

3           (1)(a) The value of new housing construction, conversion, and  
4 rehabilitation improvements qualifying under this chapter is exempt  
5 from ad valorem property taxation, as follows:

6           (i) For properties for which applications for certificates of tax  
7 exemption eligibility are submitted under chapter 84.14 RCW before the  
8 effective date of this act, the value is exempt for ten successive  
9 years beginning January 1 of the year immediately following the  
10 calendar year of issuance of the certificate ((of tax exemption  
11 eligibility. However, the exemption does not include the value of land  
12 or nonhousing-related improvements not qualifying under this chapter));  
13 and

14           (ii) For properties for which applications for certificates of tax  
15 exemption eligibility are submitted under chapter 84.14 RCW on or after  
16 the effective date of this act, the value is exempt:

17           (A) For eight successive years beginning January 1st of the year  
18 immediately following the calendar year of issuance of the certificate;  
19 or

20           (B) For twelve successive years beginning January 1st of the year  
21 immediately following the calendar year of issuance of the certificate,  
22 if the property otherwise qualifies for the exemption under chapter  
23 84.14 RCW and meets the conditions in this subsection (1) (a) (ii) (B).  
24 For the property to qualify for the twelve-year exemption under this  
25 subsection, the applicant must commit to renting or selling at least  
26 twenty percent of the multifamily housing units as affordable housing  
27 units to low and moderate-income households, and the property must  
28 satisfy that commitment and any additional affordability and income  
29 eligibility conditions adopted by the local government under this  
30 chapter. In the case of projects intended exclusively for owner  
31 occupancy, the minimum requirement of this subsection (1) (a) (ii) (B) may  
32 be satisfied solely through housing affordable to moderate-income  
33 households.

34           (b) The exemptions provided in (a) (i) and (ii) of this subsection  
35 do not include the value of land or nonhousing-related improvements not  
36 qualifying under this chapter.

37           (2) When a local government adopts guidelines pursuant to RCW  
38 84.14.030(2) and ((the qualifying dwelling units are each on separate

1 ~~parcels for the purpose of property taxation)~~ includes conditions that  
2 must be satisfied with respect to individual dwelling units, rather  
3 than with respect to the multiple-unit housing as a whole or some  
4 minimum portion thereof, the exemption may, at the local government's  
5 discretion, be limited to the value of the qualifying improvements  
6 allocable to those dwelling units that meet the local guidelines.

7 ~~((2))~~ (3) In the case of rehabilitation of existing buildings,  
8 the exemption does not include the value of improvements constructed  
9 prior to the submission of the application required under this chapter.  
10 The incentive provided by this chapter is in addition to any other  
11 incentives, tax credits, grants, or other incentives provided by law.

12 ~~((3))~~ (4) This chapter does not apply to increases in assessed  
13 valuation made by the assessor on nonqualifying portions of building  
14 and value of land nor to increases made by lawful order of a county  
15 board of equalization, the department of revenue, or a county, to a  
16 class of property throughout the county or specific area of the county  
17 to achieve the uniformity of assessment or appraisal required by law.

18 ~~((4))~~ (5) At the conclusion of the ~~((ten-year))~~ exemption period,  
19 the new or rehabilitated housing cost shall be considered as new  
20 construction for the purposes of chapter 84.55 RCW.

21 **Sec. 5.** RCW 84.14.030 and 2005 c 80 s 1 are each amended to read  
22 as follows:

23 An owner of property making application under this chapter must  
24 meet the following requirements:

25 (1) The new or rehabilitated multiple-unit housing must be located  
26 in a residential targeted area as designated by the city;

27 (2) The multiple-unit housing must meet ~~((the))~~ guidelines as  
28 adopted by the governing authority that may include height, density,  
29 public benefit features, number and size of proposed development,  
30 parking, ~~((low-income-or-moderate-))~~ income limits for occupancy  
31 ~~((requirements))~~, limits on rents or sale prices, and other adopted  
32 requirements indicated necessary by the city. The required amenities  
33 should be relative to the size of the project and tax benefit to be  
34 obtained;

35 (3) The new, converted, or rehabilitated multiple-unit housing must  
36 provide for a minimum of fifty percent of the space for permanent  
37 residential occupancy. In the case of existing occupied multifamily

1 development, the multifamily housing must also provide for a minimum of  
2 four additional multifamily units. Existing multifamily vacant housing  
3 that has been vacant for twelve months or more does not have to provide  
4 additional multifamily units;

5 (4) New construction multifamily housing and rehabilitation  
6 improvements must be completed within three years from the date of  
7 approval of the application;

8 (5) Property proposed to be rehabilitated must fail to comply with  
9 one or more standards of the applicable state or local building or  
10 housing codes on or after July 23, 1995. If the property proposed to  
11 be rehabilitated is not vacant, an applicant shall provide each  
12 existing tenant housing of comparable size, quality, and price and a  
13 reasonable opportunity to relocate; and

14 (6) The applicant must enter into a contract with the city approved  
15 by the governing ((body)) authority, or an administrative official or  
16 commission authorized by the governing authority, under which the  
17 applicant has agreed to the implementation of the development on terms  
18 and conditions satisfactory to the governing authority.

19 **Sec. 6.** RCW 84.14.040 and 1995 c 375 s 7 are each amended to read  
20 as follows:

21 (1) The following criteria must be met before an area may be  
22 designated as a residential targeted area:

23 (a) The area must be within an urban center, as determined by the  
24 governing authority;

25 (b) The area must lack, as determined by the governing authority,  
26 sufficient available, desirable, and convenient residential housing,  
27 including affordable housing, to meet the needs of the public who would  
28 be likely to live in the urban center, if the affordable, desirable,  
29 attractive, and livable places to live were available; and

30 (c) The providing of additional housing opportunity, including  
31 affordable housing, in the area, as determined by the governing  
32 authority, will assist in achieving one or more of the stated purposes  
33 of this chapter.

34 (2) For the purpose of designating a residential targeted area or  
35 areas, the governing authority may adopt a resolution of intention to  
36 so designate an area as generally described in the resolution. The  
37 resolution must state the time and place of a hearing to be held by the

1 governing authority to consider the designation of the area and may  
2 include such other information pertaining to the designation of the  
3 area as the governing authority determines to be appropriate to apprise  
4 the public of the action intended.

5 (3) The governing authority shall give notice of a hearing held  
6 under this chapter by publication of the notice once each week for two  
7 consecutive weeks, not less than seven days, nor more than thirty days  
8 before the date of the hearing in a paper having a general circulation  
9 in the city where the proposed residential targeted area is located.  
10 The notice must state the time, date, place, and purpose of the hearing  
11 and generally identify the area proposed to be designated as a  
12 residential targeted area.

13 (4) Following the hearing, or a continuance of the hearing, the  
14 governing authority may designate all or a portion of the area  
15 described in the resolution of intent as a residential targeted area if  
16 it finds, in its sole discretion, that the criteria in subsections (1)  
17 through (3) of this section have been met.

18 (5) After designation of a residential targeted area, the governing  
19 authority (~~shall~~) must adopt and implement standards and guidelines  
20 to be utilized in considering applications and making the  
21 determinations required under RCW 84.14.060. The standards and  
22 guidelines must establish basic requirements for both new construction  
23 and rehabilitation (~~including~~), which must include:

24 (a) Application process and procedures (~~(. These guidelines may~~  
25 ~~include the following:))~~;

26 (~~(a))~~) (b) Requirements that address demolition of existing  
27 structures and site utilization; and

28 (~~(b))~~) (c) Building requirements that may include elements  
29 addressing parking, height, density, environmental impact, and  
30 compatibility with the existing surrounding property and such other  
31 amenities as will attract and keep permanent residents and that will  
32 properly enhance the livability of the residential targeted area in  
33 which they are to be located.

34 (6) The governing authority may adopt and implement, either as  
35 conditions to eight-year exemptions or as conditions to an extended  
36 exemption period under RCW 84.14.020(2), or both, more stringent income  
37 eligibility, rent, or sale price limits, including limits that apply to

1 a higher percentage of units, than the minimum conditions for an  
2 extended exemption period under RCW 84.14.020(2).

3 **Sec. 7.** RCW 84.14.050 and 1999 c 132 s 2 are each amended to read  
4 as follows:

5 An owner of property seeking tax incentives under this chapter must  
6 complete the following procedures:

7 (1) In the case of rehabilitation or where demolition or new  
8 construction is required, the owner shall secure from the governing  
9 authority or duly authorized (~~agent~~) representative, before  
10 commencement of rehabilitation improvements or new construction,  
11 verification of property noncompliance with applicable building and  
12 housing codes;

13 (2) In the case of new and rehabilitated multifamily housing, the  
14 owner shall apply to the city on forms adopted by the governing  
15 authority. The application must contain the following:

16 (a) Information setting forth the grounds supporting the requested  
17 exemption including information indicated on the application form or in  
18 the guidelines;

19 (b) A description of the project and site plan, including the floor  
20 plan of units and other information requested;

21 (c) A statement that the applicant is aware of the potential tax  
22 liability involved when the property ceases to be eligible for the  
23 incentive provided under this chapter;

24 (3) The applicant must verify the application by oath or  
25 affirmation; and

26 (4) The application must be accompanied by the application fee, if  
27 any, required under RCW 84.14.080. The governing authority may permit  
28 the applicant to revise an application before final action by the  
29 governing authority.

30 **Sec. 8.** RCW 84.14.060 and 1995 c 375 s 9 are each amended to read  
31 as follows:

32 The duly authorized administrative official or committee of the  
33 city may approve the application if it finds that:

34 (1) A minimum of four new units are being constructed or in the  
35 case of occupied rehabilitation or conversion a minimum of four  
36 additional multifamily units are being developed;

1           (2) If applicable, the proposed multiunit housing project meets the  
2 affordable housing requirements as described in RCW 84.14.020;

3           (3) The proposed project is or will be, at the time of completion,  
4 in conformance with all local plans and regulations that apply at the  
5 time the application is approved;

6           ~~((3))~~ (4) The owner has complied with all standards and  
7 guidelines adopted by the city under this chapter; and

8           ~~((4))~~ (5) The site is located in a residential targeted area of  
9 an urban center that has been designated by the governing authority in  
10 accordance with procedures and guidelines indicated in RCW 84.14.040.

11           **Sec. 9.** RCW 84.14.090 and 1995 c 375 s 12 are each amended to read  
12 as follows:

13           (1) Upon completion of rehabilitation or new construction for which  
14 an application for a limited tax exemption under this chapter has been  
15 approved and after issuance of the certificate of occupancy, the owner  
16 shall file with the city the following:

17           (a) A statement of the amount of rehabilitation or construction  
18 expenditures made with respect to each housing unit and the composite  
19 expenditures made in the rehabilitation or construction of the entire  
20 property;

21           (b) A description of the work that has been completed and a  
22 statement that the rehabilitation improvements or new construction on  
23 the owner's property qualify the property for limited exemption under  
24 this chapter; ~~((and))~~

25           (c) If applicable, a statement that the project meets the  
26 affordable housing requirements as described in RCW 84.14.020; and

27           (d) A statement that the work has been completed within three years  
28 of the issuance of the conditional certificate of tax exemption.

29           (2) Within thirty days after receipt of the statements required  
30 under subsection (1) of this section, the authorized representative of  
31 the city shall determine whether the work completed, and the  
32 affordability of the units, is consistent with the application and the  
33 contract approved by the ~~((governing authority))~~ city and is qualified  
34 for a limited tax exemption under this chapter. The city shall also  
35 determine which specific improvements completed meet the requirements  
36 and required findings.

1 (3) If the rehabilitation, conversion, or construction is completed  
2 within three years of the date the application for a limited tax  
3 exemption is filed under this chapter, or within an authorized  
4 extension of this time limit, and the authorized representative of the  
5 city determines that improvements were constructed consistent with the  
6 application and other applicable requirements, including if applicable,  
7 affordable housing requirements, and the owner's property is qualified  
8 for a limited tax exemption under this chapter, the city shall file the  
9 certificate of tax exemption with the county assessor within ten days  
10 of the expiration of the thirty-day period provided under subsection  
11 (2) of this section.

12 (4) The authorized representative of the city shall notify the  
13 applicant that a certificate of tax exemption is not going to be filed  
14 if the authorized representative determines that:

15 (a) The rehabilitation or new construction was not completed within  
16 three years of the application date, or within any authorized extension  
17 of the time limit;

18 (b) The improvements were not constructed consistent with the  
19 application or other applicable requirements; ~~((or))~~

20 (c) If applicable, the affordable housing requirements as described  
21 in RCW 84.14.020 were not met; or

22 (d) The owner's property is otherwise not qualified for limited  
23 exemption under this chapter.

24 (5) If the authorized representative of the city finds that  
25 construction or rehabilitation of multiple-unit housing was not  
26 completed within the required time period due to circumstances beyond  
27 the control of the owner and that the owner has been acting and could  
28 reasonably be expected to act in good faith and with due diligence, the  
29 governing authority or the city official authorized by the governing  
30 authority may extend the deadline for completion of construction or  
31 rehabilitation for a period not to exceed twenty-four consecutive  
32 months.

33 (6) The governing authority may provide by ordinance for an appeal  
34 of a decision by the deciding officer or authority that an owner is not  
35 entitled to a certificate of tax exemption to the governing authority,  
36 a hearing examiner, or other city officer authorized by the governing  
37 authority to hear the appeal in accordance with such reasonable  
38 procedures and time periods as provided by ordinance of the governing

1 authority. The owner may appeal a decision by the deciding officer or  
2 authority that is not subject to local appeal or a decision by the  
3 local appeal authority that the owner is not entitled to a certificate  
4 of tax exemption in superior court under RCW 34.05.510 through  
5 34.05.598, if the appeal is filed within thirty days of notification by  
6 the city to the owner of the decision being challenged.

7 **Sec. 10.** RCW 84.14.100 and 1995 c 375 s 13 are each amended to  
8 read as follows:

9 (1) Thirty days after the anniversary of the date of the  
10 certificate of tax exemption and each year for ((a period of ten  
11 years)) the tax exemption period, the owner of the rehabilitated or  
12 newly constructed property shall file with a designated ((agent))  
13 authorized representative of the city an annual report indicating the  
14 following:

15 ((+1)) (a) A statement of occupancy and vacancy of the  
16 rehabilitated or newly constructed property during the twelve months  
17 ending with the anniversary date;

18 ((+2)) (b) A certification by the owner that the property has not  
19 changed use and, if applicable, that the property has been in  
20 compliance with the affordable housing requirements as described in RCW  
21 84.14.020 since the date of the certificate approved by the city; ((and

22 +3)) (c) A description of changes or improvements constructed  
23 after issuance of the certificate of tax exemption; and

24 (d) Any additional information requested by the city in regards to  
25 the units receiving a tax exemption.

26 (2) All cities, which issue certificates of tax exemption for  
27 multiunit housing that conform to the requirements of this chapter,  
28 shall report annually by December 31st of each year, beginning in 2007,  
29 to the department of community, trade, and economic development. The  
30 report must include the following information:

31 (a) The number of tax exemption certificates granted;

32 (b) The total number and type of units produced or to be produced;

33 (c) The number and type of units produced or to be produced meeting  
34 affordable housing requirements;

35 (d) The actual development cost of each unit produced;

36 (e) The total monthly rent or total sale amount of each unit  
37 produced;

- 1        (f) The income of each renter household at the time of initial  
2 occupancy and the income of each initial purchaser of owner-occupied  
3 units at the time of purchase for each of the units receiving a tax  
4 exemption and a summary of these figures for the city; and  
5        (g) The value of the tax exemption for each project receiving a tax  
6 exemption and the total value of tax exemptions granted.

7        **Sec. 11.** RCW 84.14.110 and 2002 c 146 s 3 are each amended to read  
8 as follows:

9        (1) If improvements have been exempted under this chapter, the  
10 improvements continue to be exempted ~~((and))~~ for the applicable period  
11 under RCW 84.14.020, so long as they are not ((be)) converted to  
12 another use ((for at least ten years from date of issuance of the  
13 certificate of tax exemption)) and continue to satisfy all applicable  
14 conditions. If the owner intends to convert the multifamily  
15 development to another use, or if applicable, if the owner intends to  
16 discontinue compliance with the affordable housing requirements as  
17 described in RCW 84.14.020 or any other condition to exemption, the  
18 owner shall notify the assessor within sixty days of the change in use  
19 or intended discontinuance. If, after a certificate of tax exemption  
20 has been filed with the county assessor, ~~the ((city or assessor or~~  
21 ~~agent))~~ authorized representative of the governing authority discovers  
22 that a portion of the property is changed or will be changed to a use  
23 that is other than residential or that housing or amenities no longer  
24 meet the requirements, including, if applicable, affordable housing  
25 requirements, as previously approved or agreed upon by contract between  
26 the ~~((governing authority))~~ city and the owner and that the multifamily  
27 housing, or a portion of the housing, no longer qualifies for the  
28 exemption, the tax exemption must be canceled and the following must  
29 occur:

30        (a) Additional real property tax must be imposed upon the value of  
31 the nonqualifying improvements in the amount that would normally be  
32 imposed, plus a penalty must be imposed amounting to twenty percent.  
33 This additional tax is calculated based upon the difference between the  
34 property tax paid and the property tax that would have been paid if it  
35 had included the value of the nonqualifying improvements dated back to  
36 the date that the improvements were converted to a nonmultifamily use;

1 (b) The tax must include interest upon the amounts of the  
2 additional tax at the same statutory rate charged on delinquent  
3 property taxes from the dates on which the additional tax could have  
4 been paid without penalty if the improvements had been assessed at a  
5 value without regard to this chapter; and

6 (c) The additional tax owed together with interest and penalty must  
7 become a lien on the land and attach at the time the property or  
8 portion of the property is removed from multifamily use or the  
9 amenities no longer meet applicable requirements, and has priority to  
10 and must be fully paid and satisfied before a recognizance, mortgage,  
11 judgment, debt, obligation, or responsibility to or with which the land  
12 may become charged or liable. The lien may be foreclosed upon  
13 expiration of the same period after delinquency and in the same manner  
14 provided by law for foreclosure of liens for delinquent real property  
15 taxes. An additional tax unpaid on its due date is delinquent. From  
16 the date of delinquency until paid, interest must be charged at the  
17 same rate applied by law to delinquent ad valorem property taxes.

18 (2) Upon a determination that a tax exemption is to be canceled for  
19 a reason stated in this section, the governing authority or authorized  
20 representative shall notify the record owner of the property as shown  
21 by the tax rolls by mail, return receipt requested, of the  
22 determination to cancel the exemption. The owner may appeal the  
23 determination to the governing authority or authorized representative,  
24 within thirty days by filing a notice of appeal with the clerk of the  
25 governing authority, which notice must specify the factual and legal  
26 basis on which the determination of cancellation is alleged to be  
27 erroneous. The governing authority or a hearing examiner or other  
28 official authorized by the governing authority may hear the appeal. At  
29 the hearing, all affected parties may be heard and all competent  
30 evidence received. After the hearing, the deciding body or officer  
31 shall either affirm, modify, or repeal the decision of cancellation of  
32 exemption based on the evidence received. An aggrieved party may  
33 appeal the decision of the deciding body or officer to the superior  
34 court under RCW 34.05.510 through 34.05.598.

35 (3) Upon determination by the governing authority or authorized  
36 representative to terminate an exemption, the county officials having  
37 possession of the assessment and tax rolls shall correct the rolls in  
38 the manner provided for omitted property under RCW 84.40.080. The

1 county assessor shall make such a valuation of the property and  
2 improvements as is necessary to permit the correction of the rolls.  
3 The value of the new housing construction, conversion, and  
4 rehabilitation improvements added to the rolls shall be considered as  
5 new construction for the purposes of chapter 84.55 RCW. The owner may  
6 appeal the valuation to the county board of equalization under chapter  
7 84.48 RCW and according to the provisions of RCW 84.40.038. If there  
8 has been a failure to comply with this chapter, the property must be  
9 listed as an omitted assessment for assessment years beginning January  
10 1 of the calendar year in which the noncompliance first occurred, but  
11 the listing as an omitted assessment may not be for a period more than  
12 three calendar years preceding the year in which the failure to comply  
13 was discovered.

14 NEW SECTION. **Sec. 12.** This act is necessary for the immediate  
15 preservation of the public peace, health, or safety, or support of the  
16 state government and its existing public institutions, and takes effect  
17 immediately.

--- END ---

**ANALYSIS OF USING THE 10 YEAR PROPERTY TAX EXEMPTION PROGRAM AS AN INCENTIVE FOR THE CREATION OF AFFORDABLE HOUSING UNITS IN KIRKLAND***Background*

One strategy identified in the Housing Task Force Recommendation Report is use of the statewide property tax exemption program for multifamily housing as an incentive for creation of affordable housing. The state legislation allows cities to exempt new multifamily housing (or significantly rehabilitated housing) located in designated urban center areas from property taxes assessed on the housing's improvement value for a period of ten years. The urban center areas under this program would be designated by the City as areas that are compact, identifiable districts where shops, services and adequate public facilities are available. Centers would likely include downtown Kirkland and the Juanita, Totem Lake, and Rose Hill business districts.

*Value of Exemption*

At this time, the legislation allows only a full exemption of the property taxes on the eligible improvements for rental properties. An exemption on a unit by unit basis is available for owned housing units (such as condominiums). In a rental situation, the value of this exemption per unit is estimated to be in the range of \$7,700 to \$9,900. Therefore, depending on the percentage of affordable housing in a development, a property tax incentive could provide a large part of the incentive needed to offset the cost of providing an affordable housing unit (estimated to be between \$90,000 and \$137,000, based on a variety of factors such as unit size and property location). For example, if 10% of the units are affordable, and the entire development receives a 10 year property tax exemption, the value of the property tax exemption per affordable unit could be \$77,000 to \$99,000.

*Tax Impacts to City*

The information on the attached spreadsheet outlines the financial impact to the City of Kirkland of adopting a program that would allow a full exemption for rental properties in urban center areas that include affordable housing units. (The attached analysis was reviewed by the Finance Department.) Sections C.1 and C.2 represent two different assumptions about the value of the improvements that would be exempt. Section C.1, which estimates the upper end of the anticipated impact, uses a top-down approach based on historic tax trends and results in an average improvement value of about \$258,000 per unit. Section C.2, which estimates the lower end of the anticipated impact, uses a bottom-up approach based on an assumed average improvement value of \$145,000 per unit. Assuming 50% of new housing in the designated urban centers utilize the property tax exemption, the impacts of the program are estimated to be:

- Between \$10,231 and \$18,238 in forgone regular levy taxes for the first year, peaking at between \$102,305 and \$182,382 in forgone regular levy taxes in the tenth year of the program;
- Between \$784 and \$1,398 in forgone special levy taxes for the first year, peaking at between \$7,840 and \$13,980 in forgone special levy taxes in the tenth year of the program;

Attachment 3  
Multifamily Property Tax  
Exemption Update

- The amount of regular levy taxes that would be foregone represents between 5.8% and 10.4% of the City's portion of the taxes from new construction.

Several assumptions have gone into these calculations, including:

- The City's annual increase in assessed valuation due to new construction will be 2.0%. Historically, it has been between 2.0% and 2.5%.
- 28.1% of new assessed valuation will continue to be from new multifamily units.
- 74% of new multifamily development in Kirkland will be in the identified urban center areas, which is equal to their proportion of the City's multifamily residential capacity.
- 54 new multifamily units using the tax exemption program will be developed in the urban center areas each year (50% of anticipated development in these areas).

This last assumption is an aggressive one that anticipates high usage of the tax exemption program.

*Partial Exemption*

One way for the City to create a better balance between the incentive and the cost of providing affordable units would be to utilize a partial exemption of property taxes. For example, if 10% of the units in a project are affordable, 20% or some other set percentage of the units in the project would be exempt from taxes. This would also reduce the amount of tax revenue lost to the City. A partial exemption is explicitly allowed for ownership units, but does not appear to be allowed at this time for rental housing. If exemptions can only be provided for an entire building, then the amount of affordability the City may want in exchange for the tax exemption could be higher than what a developer is interested in providing. If a partial exemption can be provided, then a relatively low proportion of affordability (e.g. 10% - 20%) could be required, which appears to be more acceptable to builders.

**ESTIMATE OF INCREMENTAL PROPERTY TAX INCREASE**Attachment 3  
Multifamily Property Tax  
Exemption Update**A. EXISTING PROPERTY TAX ASSESSMENT**

KIRKLAND TOTAL ASSESSED VALUATION (2002)			\$	6,727,972,285
TOTAL PROPERTY TAXES	Assessment rate/ \$1,000 value	\$	10.31	\$ 69,365,394
<b>KIRKLAND PROPERTY TAXES</b>				
Regular Levy	Assessment rate/ \$1,000 value	\$	1.31	\$ 8,780,004
Excess Levy	Assessment rate/ \$1,000 value	\$	0.13	\$ 888,092
Special Levy (Parks)	Assessment rate/ \$1,000 value	\$	0.10	\$ 672,797
TOTAL	Assessment rate/ \$1,000 value	\$	1.54	\$ 10,340,893

**B. PROPERTY TAX ASSESSMENT FROM NEW CONSTRUCTION**

ANNUAL PERCENT INCREASE IN ASSESSED VALUATION				<b>2.0%</b>
Due to new construction / additions				
ANNUAL DOLLAR INCREASE IN ASSESSED VALUATION			\$	134,559,446
Due to new construction / additions				
Total Property Taxes	Assessment rate	\$	10.31	\$ 1,387,308
<b>Kirkland Property Taxes</b>				
Regular Levy	Assessment rate	\$	1.31	\$ 175,600
Excess Levy	Assessment rate	\$	0.13	\$ 17,762
Special Levy (Parks)	Assessment rate	\$	0.10	\$ 13,456
TOTAL	Assessment rate	\$	1.54	\$ 206,818

**C. POTENTIAL IMPACT OF 10 YEAR EXEMPTION PROGRAM**

2001 - 2022 GMA HOUSING TARGET	5480 units
PROJECTED AVERAGE ANNUAL GROWTH	249 units
PROPOSED 'URBAN CENTER' RESIDENTIAL CAPACITY	2,467 units
As Percent of total residential capacity	#REF!
As Percent of total multifamily capacity	#REF!
PORTION OF 'URBAN CENTER' HOUSING UTILIZING EXEMPTION	50%
New units per year utilizing 10 year exemption	54 units

**IMPACT ON PROPERTY TAXES (Property Taxes Foregone)****1. Approach Utilizing Historic Tax Trends**

Kirkland Property Taxes (Estimated Annual Impact)	
Regular Levy	\$ 18,238
Special Levy	\$ 1,398
Excess Levy	Not applicable
Percent of New Taxes from New Construction	10.4%
PEAK ANNUAL TOTAL PROPERTY TAX EXEMPTION AFTER 10 YEARS	
Regular Levy	\$ 182,382
Special Levy	\$ 13,980

**2. Approach Utilizing Per Unit Assessment**

Kirkland Property Taxes (Estimated Annual Impact)	
Regular Levy	\$ 10,231
Special Levy	\$ 784
Excess Levy	Not applicable
Percent of New Taxes from New Construction	5.8%
PEAK ANNUAL TOTAL PROPERTY TAX EXEMPTION AFTER 10 YEARS	
Regular Levy	\$ 102,305
Special Levy	\$ 7,840

Assumptions for Analysis:

- 1) Projected housing growth over next 20 years is expected to occur at 2/3rds the rate of the last 10 years (249 per year versus 377 per year)
- 2) Urban Center' as defined under property tax exemption law, not GMA 'Urban Center Definition' Included mixed use and multifamily zones around the Downtown, Rose Hill, Totem Lake, and Juanita
- 3) While multifamily units have averaged 63% of all new housing units, on average they account for 28% of new assessment.
- 4) For Per Unit assessment calculation, average assessment of a new multifamily unit is \$145,000

**CITY OF KIRKLAND****City Manager's Office****123 Fifth Avenue, Kirkland, WA 98033 425.587.3001****[www.ci.kirkland.wa.us](http://www.ci.kirkland.wa.us)**

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**MEMORANDUM**

**To:** Dave Ramsay, City Manager

**From:** Marilynne Beard, Assistant City Manager

**Date:** November 30, 2007

**Subject:** TOURISM STAFFING PROPOSAL

**BACKGROUND:**

City Council approves the Lodging Tax Advisory Committee's recommendation regarding use of Lodging Tax revenue for additional tourism program funding.

**BACKGROUND:**

The Lodging Tax Advisory Committee (LTAC) is responsible for developing recommendations for use of Lodging Tax revenue which is dedicated by law to tourism activities. Staff presented a proposal to the LTAC to increase staff time to the tourism program to provide more consistent support to the program. A companion recommendation to this proposal is to transfer special events permit processing and coordination from the City Manager's Office to the Parks and Community Services Department. We believe that the functions of a special events coordinator align with the mission of the Parks Department. Special events coordination is a General Fund-supported activity. The special events portion of the City Manager's Office budget would be transferred to the Parks Department. The tourism program aligns with the Economic Development program and is supported by Lodging Tax revenue. The recent addition of two new hotels in Kirkland produces a revenue stream sufficient to fund increased hours for this function. The attached memo to the LTAC provides the details of the proposal.

The LTAC considered the proposal at a recent meeting and voted unanimously to forward the recommendation for approval to the City Council. At that meeting, the LTAC also discussed the need to update the City's tourism marketing plan and provide a system to measure the success of our tourism program so that the LTAC can exercise proper oversight of Lodging Tax funds.

If Council approves the staffing proposal, a formal budget adjustment will be presented to Council to recognize the additional lodging tax revenue for appropriation and to increase the lodging tax FTE from .25 to .90. A fiscal note is attached that describes the revenue trends in the Lodging Tax Fund.



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**MEMORANDUM**

**To:** Lodging Tax Advisory Committee

**From:** Marilynne Beard, Assistant City Manager

**Date:** November 24, 2007

**Subject:** TOURISM STAFFING PROPOSAL

RECOMMENDATION:

The Lodging Tax Advisory Committee considers the proposed staffing change for tourism and forwards a recommendation to the City Council for consideration at their December 11 regular Council meeting.

BACKGROUND:

The City Council first implemented the Lodging Tax in 2001. By state law, lodging tax proceeds are dedicated to tourism promotion, although recent legislative changes broadened the allowable uses. The Council appoints a Lodging Tax Advisory Committee that provides recommendations to the City Council regarding the use of lodging tax revenues. This recommendation has typically coincided with the biennial budget process and/or the mid-biennial budget update.

Tourism is one element of the City's overall economic development strategy. The tourism program follows the general guidelines set forth in the Tourism Strategic Plan aimed at attracting visitors to Kirkland for overnight stays and to patronize local businesses. As the program has become more established, staff and consulting hours have increased. Originally budgeted at .10 FTE (4 hours per week), the Special Projects Coordinator (Sheila Cloney) was primarily engaged in managing contracts for tourism promotion activities such as development and maintenance of the "Explore Kirkland" website, placement of paid advertisements in local and national travel publications, management of lodging tax grants to outside agencies and coordination with special events activities. In the 2007-2008 Budget, the staff hours were increased to .25 FTE (10 hours per week) in recognition of the growing work program and interest in Kirkland as a tourist destination. The balance of the Special Project Coordinator's time is devoted to internal coordination of special events permits. The .25 Special Projects Coordinator devoted to tourism is assisted by a tourism intern, on-call clerical staff, public relations consultants and tourism consultants (for special projects).

In 2006 and 2007, two major new hotels opened in Kirkland, increasing lodging tax revenue and reinforcing the need for an effective marketing plan that attracts overnight stays at new and existing lodging establishments. The following table shows a five-year history of lodging tax revenue, including estimates for 2007 and 2008 as compared to budgeted revenue:

	<b>Budgeted</b>	<b>Actual/Estimated</b>
2003	110,000	126,860
2004	100,000	124,953
2005	105,000	135,211
2006*	110,000	153,469
2007**	130,000	204,000
2008***	150,000	250,000

*\*Includes partial year of Marriott*

*\*\*Estimated year-end receipts; excludes Heathman Hotel*

*\*\*\*Includes estimated full year with all current hotels/motels*

For 2007-2008, the Lodging Tax Advisory Committee recommended, and the City Council approved, the following budget.

	<b>2007</b>	<b>2008</b>	<b>Notes</b>
Regular staff wage/benefit	21,835	24,824	.25 FTE Spec. Proj. Coord.
Tourism Intern/Clerical	16,218	16,435	Website maintenance and local brochure distribution
Supplies/Memberships	4,500	5,500	
Professional Services			
–Tourism consultant	30,000	30,000	Marketing, public relations
–Web-site Hosting & Svcs.	2,500	10,000	
–Misc. Prof. Svcs.	10,430	6,950	
–Photography		4,400	
–Brochure distribution		10,000	Contracted service
Outside Agency Grants*	30,000	28,600	See detail below; 2008 includes additional \$11,000 requested by LTAC
Travel		5,000	Trade shows and hosting others
Advertising	10,500	13,000	
Printing	9,000	9,000	
Marketing	5,000	5,000	Video project
<b>Total</b>	<b>139,983</b>	<b>168,709</b>	

\*Detail of Outside Agency Grants:

	<b>2007</b>	<b>2008</b>
Celebrate Kirkland Marketing	4,000	4,000
Concours	3,000	6,000
KDA – General Promotion	8,000	8,000
Kirkland Art Center Brochure	2,000	0
Kirkland Artist Studio Tours	2,000	2,000
Kirkland Performance Center Brochure	8,000	8,000
Heritage Society	3,000	0
Total	30,000	28,000

## 2008 Proposed Changes

The proposed change in staffing will provide an increased emphasis on tourism program management and consolidate some functions into one in-house position. There are two elements to this proposal and it is proposed for implementation in two phases to accommodate a special schedule request from staff:

January 2008 through June 2008

1. Increase Special Projects Coordinator to .50 FTE for Tourism Program Management (20 hours per week) and eliminate tourism intern. The Special Projects Coordinator will have another .10 FTE devoted to management of General Fund outside agency grants. This portion of the proposal is in response to a request for a temporary part-time schedule to allow for completion of graduate studies in Public Affairs.
2. Transfer special events permitting functions to the Parks and Community Services Department (this is a General Fund function and not within the scope of the Lodging Tax Advisory Committee. However, transferring this function makes existing staff available for increased tourism support).

July 2008 through December 2008

1. Increase Special Projects Coordinator to .90 FTE for Tourism Program Management (36 hours per week) and reduce some contracted tourism support. The Special Projects Coordinator will still have another .10 FTE devoted to management of General Fund outside agency grants.

The following chart shows the estimated cost of this proposal and proposed source of funds:

2007 Estimated Lodging Tax Revenue	\$205,000
2008 Estimated Lodging Tax Revenue	250,000
2008 Budgeted Lodging Tax Revenue	<u>150,000</u>
2008 Unallocated Lodging Tax	\$100,000
Funding Needed for Staffing Proposal	<u>48,347</u>
Net Unallocated	\$ 51,653

## 2008 Work Program Elements

The additional staff time will allow greater focus on the tourism program including:

- More timely and thorough follow-up of LTAC requests and initiatives
- Increased networking with travel industry and media contacts
- Full development and maintenance of the assets tool
- Identification and development of stories six to twelve months in advance to pitch to travel writers
- Initial planning for web site update in 2009 (Explore Kirkland)
- Improved responsiveness to publicists and other tourism contacts

In addition to the unallocated revenue, the Lodging Tax Fund has an available balance of \$131,782 that was carried forward from 2006 and that is not presently obligated in the 2007 or 2008 Budget. There is a need to do a comprehensive update of the Explore Kirkland website and the Lodging Tax Advisory Committee has indicated an interest in making additional funds available for outside agency funding. The website update is a one-time expense that is appropriate to fund from the available balance. At least a portion of the unallocated ongoing lodging tax

revenue could be used for additional outside agency grants. These items can be requested in the 2009-2010 Budget.

**Staff Recommendation:**

The Lodging Tax Advisory Committee recommend to the City Council to increase staff support for the tourism program per the program outlined above for consideration at their December 11<sup>th</sup> Council meeting.

**FISCAL NOTE**

CITY OF KIRKLAND

Source of Request							
Marilynne Beard, Assistant City Manager							
Description of Request							
Request for use of ongoing Lodging Tax Revenue of \$48,347 (2008 estimate) for additional tourism program funding per Lodging Tax Advisory Committee's recommendation. Revenue and expenditure estimates provided by Finance & Administration Department.							
Fiscal Impact							
<b>Ongoing use of Lodging Tax Revenue.</b> This fund is expected to receive ongoing Lodging Tax revenue sufficient for this request. Additional revenue of \$100,000 in 2008 is estimated.							
Recommended Funding Source(s)							
<b>Reserve</b>	Description	2008 Est End Balance	Prior Auth. 2007-08 Uses	Prior Auth. 2007-08 Additions	Amount This Request	Revised 2008 End Balance	2008 Target
	N/A	0	0	0	0	0	0
		0	0	0	0	0	0
<b>Revenue/ Exp Savings</b>	Lodging Tax Revenue (ongoing)						
<b>Other Source</b>							
Other Information							

Prepared By	Neil Kruse, Budget Analyst	Date	December 3, 2007
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**CITY OF KIRKLAND**

Planning and Community Development Department  
123 Fifth Avenue, Kirkland, WA 98033 425.587-3225  
[www.ci.kirkland.wa.us](http://www.ci.kirkland.wa.us)

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**MEMORANDUM**

**To:** David Ramsay, City Manager

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

**Date:** November 28, 2007

**Subject:** CAMWEST PUD AND HISTORIC OVERLAY AT 400 STATE STREET SO,  
FILE NO. ZON07-00022

**RECOMMENDATION**

The City Council should consider the Hearing Examiner recommendation for approval of the Camwest Fifth Avenue LLC request for a Preliminary and Final Planned Unit Development and quasi judicial non-project rezone for a Historic Overlay Zone at 400 State Street So (previously Green's Funeral Home site). See attached vicinity map, proposed site plan and building elevations. The Hearing Examiner's recommendation issued on October 25, 2007 along with the staff report, attachments and meeting minutes may be viewed at

[http://www.kirklandpermits.net/tm\\_web/doc/200711/ZON0700022/HEARINGEXAMINERREC.pdf](http://www.kirklandpermits.net/tm_web/doc/200711/ZON0700022/HEARINGEXAMINERREC.pdf)

**RULES FOR CITY COUNCIL CONSIDERATION**

The City Council shall consider the application based on the record before the Hearing Examiner and the recommendation of the Hearing Examiner. Process IIB does not provide for testimony and oral arguments. However, the City Council in its discretion may ask questions of the applicant and the staff regarding facts in the record, and may request oral argument on legal issues.

The City Council should direct staff to return to the January 2, 2007 Council meeting with the appropriate ordinances and resolution that approve the application as recommended by the Hearing Examiner. The City Council may, by a vote of at least five members, suspend the rule to vote on the matter at the next meeting and vote on the application at this meeting.

If the Council decides to depart from the Hearing Examiner's recommendation, it may do so by selecting one of the following courses of action:

1. Modify and grant approval of the application by providing staff with direction for desired changes to the enclosed ordinances and resolution for adoption at a subsequent regular meeting; or

2. Deny the application; or
3. If Council concludes that the record compiled by the Hearing Examiner is incomplete or inadequate, they may by motion direct the Hearing Examiner to reopen the hearing on the matter. The Council may limit the scope of the issues to be considered at the rehearing.

The City Council decision should be based on the criteria for review of a Process IIB permit (KZC Section 152.70), a PUD (KZC Section 125.35), and a quasi judicial non-project rezone (KZC Section 130.45) to place a Historic Landmark Overlay Zone (KZC Section 75.20) over a portion of the property. An analysis of how the project meets the criteria can be found in the Hearing Examiner and City staff reports.

### **BACKGROUND OF DEVELOPMENT PROPOSAL**

Camwest Fifth Avenue LLC, proposes the following development activities:

- a. To move the historic Nettleton house (Green's Funeral Home) to the southwest corner of the subject property (condominium lot 25), remove the non-historic rear portion of the structure, remodel the exterior of the house, and add a one story, one car garage.
- b. A quasi-judicial non-project related rezone to place a historic landmark overlay zone on the Zoning Map over condominium lot 25 to preserve the historic significance of the Nettleton house.
- c. A preliminary and final planned unit development to construct 24 detached condominium units on the remainder of the property. An internal private road will provide access to the site between 4<sup>th</sup> and 5<sup>th</sup> Avenues. The site plan contains two open spaces with pedestrian walkways meandering through the property connecting to surrounding streets. Three trees will be preserved as landmark trees in front of the relocated Nettleton house. Other groups of trees will be retained in the center of the site and along the east property line. The new homes will be designed in an older architectural style to compliment the Nettleton house. Homes on the periphery of the site will face surrounding streets with garages accessible from the internal road.

Modifications to Zoning Code regulations are proposed to reduce front yard setbacks along 4<sup>th</sup> and 5<sup>th</sup> avenues, average lot coverage throughout the site, and allow the existing non-conforming height of the Nettleton house to remain.

Public benefits proposed as part of the PUD are: restoration of the historic Nettleton house, providing street improvements along 4<sup>th</sup> Avenue beyond what is required by code (wider street; sidewalks along property to provide on street parking) and superior architectural and site design of the project.

Public comments received during the public hearing focused on retaining additional trees along the east property line requested by residents of the condominium building to the east and from one resident on the adjacent property to the east, concerns regarding view obstruction of the new house to be located in the southeast corner of the property. October 17, 2007 Hearing Examiner public hearing minutes are available on line at

[http://www.ci.kirkland.wa.us/depart/Planning/Hearing\\_Examiner\\_Meeting\\_Information/hem.htm](http://www.ci.kirkland.wa.us/depart/Planning/Hearing_Examiner_Meeting_Information/hem.htm)

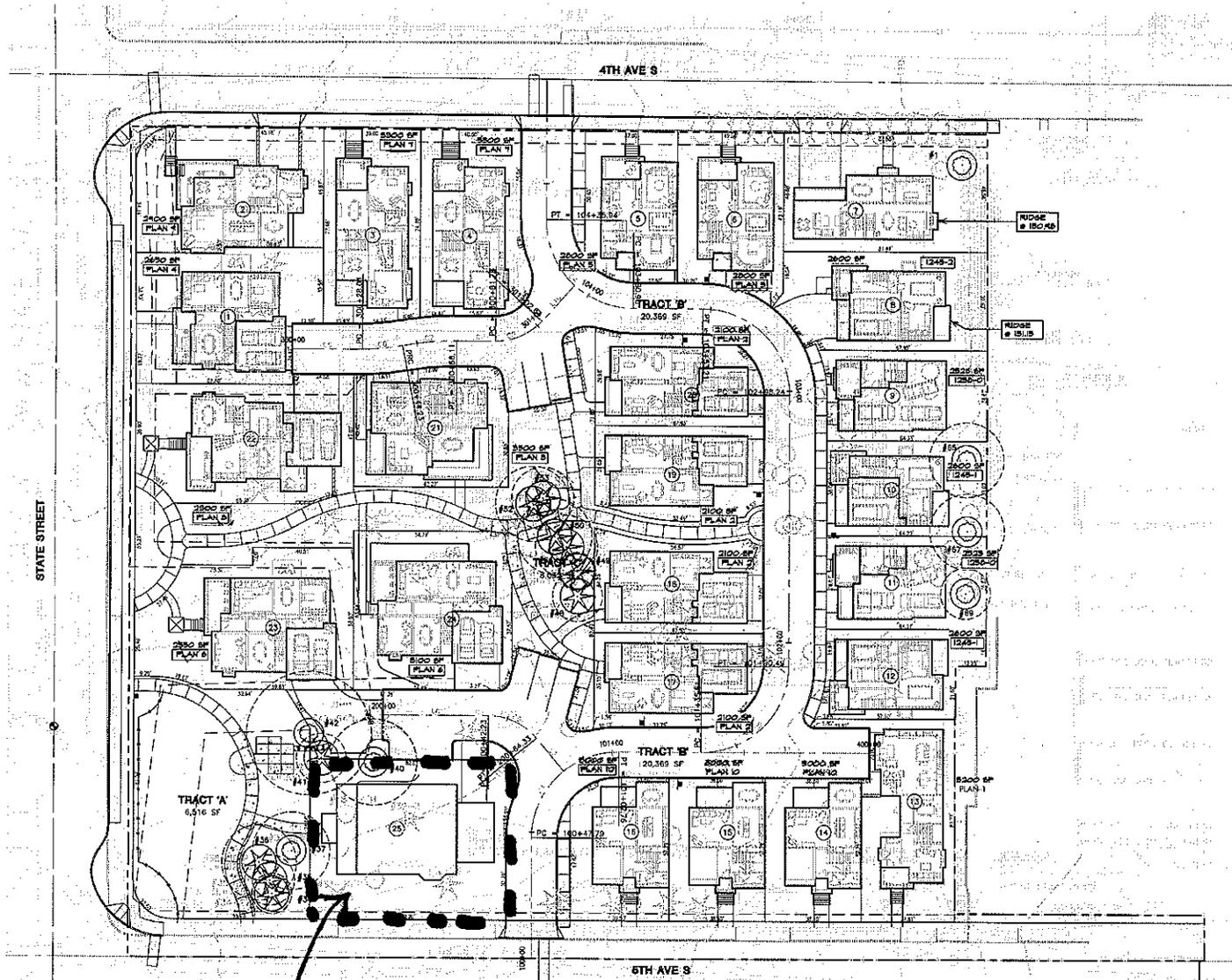
Enclosures:

1. Vicinity Map
2. Proposed Site Plan
3. Proposed building elevations of new residential units and restored Nettleton house
4. Ordinance adopting PUD
5. Ordinance adopting non-project rezone and historic overlay on Lot 25

cc: File ZON07-00022

# Camwest PUD and Historic Overlay





*HISTORIC  
LANDMARK  
OVERLAY ZONE  
OVER LOT 25*

NETTLETON PROPERTY  
CAMWEST DEVELOPMENT, INC.

KIRKLAND, WASHINGTON

SITE PLAN  
SCALE: 1" = 20'

September 7, 2007 Project No.: 113.101

**DAHLIN GROUP**  
ARCHITECTS

5865 Owens Drive  
Folsom, CA 95658  
925.251.7200  
925.251.7201 fax

Enclosure 2

A.4



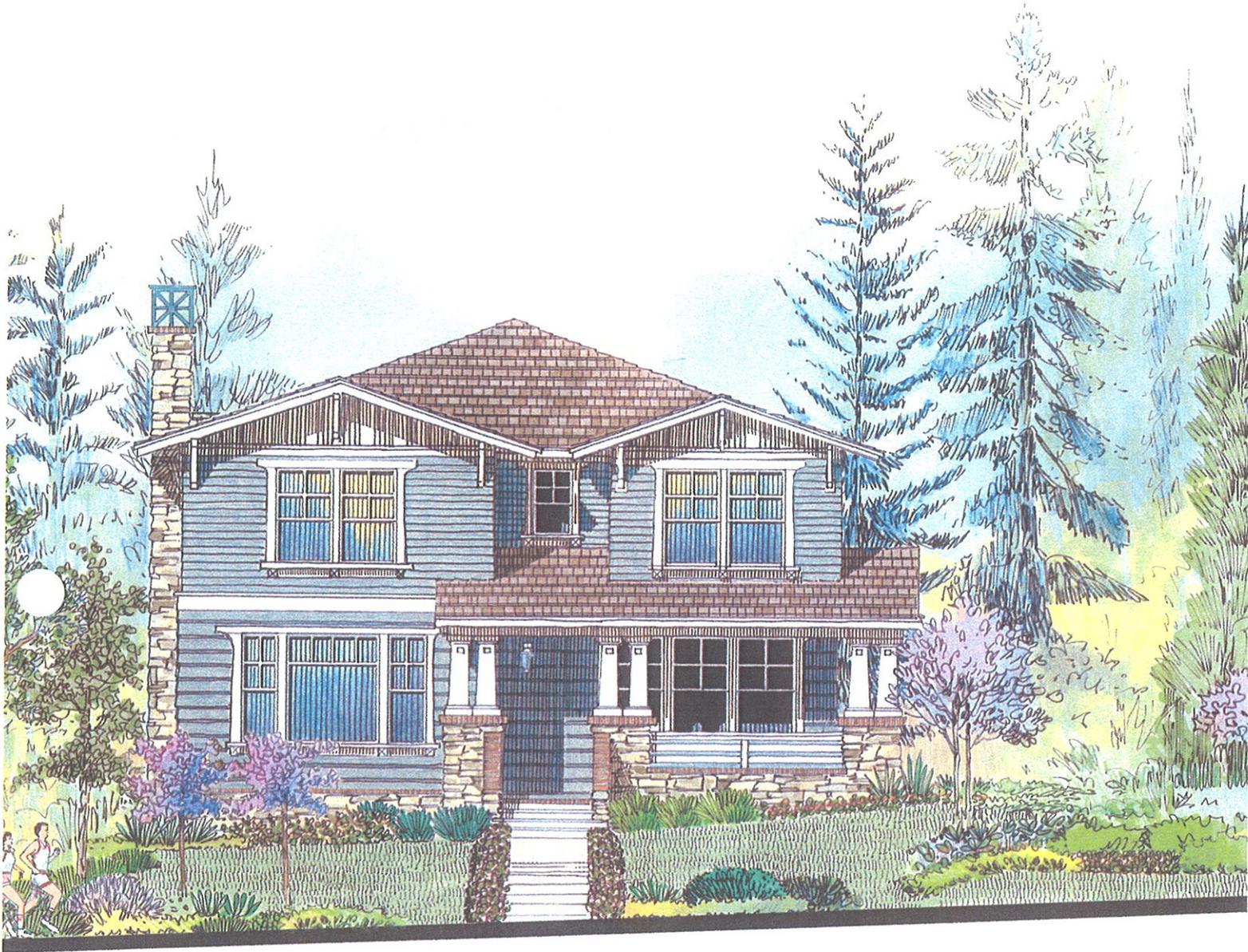
NETTLETON HOUSE





ET





ELEVATION FROM STA

SCALE: 1/4" = 1'-0"

ORDINANCE NO. 4118

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LAND USE APPROVAL OF A PRELIMINARY (AND FINAL) PLANNED UNIT DEVELOPMENT (PUD) AS APPLIED FOR BY CAMWEST FIFTH AVENUE LLC, IN DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT FILE NO. ZON07-00022 AND SETTING FORTH CONDITIONS OF SAID APPROVAL.

WHEREAS, the Department of Planning and Community Development has received an application, pursuant to Process IIB, for a Preliminary (and Final) Planned Unit Development (PUD) filed by Camwest Fifth Avenue LLC, as Department of Planning and Community Development File No. ZON07-00022 to: 1) construct 24 detached condominium dwelling units; 2) relocate and restore the historic Nettleton house on the subject property; and 3) approve a non-project related rezone to place a historic overlay zone over the Nettleton house, all within the Planned Area (PLA) 6B and PLA 6D zones; and

WHEREAS, pursuant to the City of Kirkland's Concurrency Management System, Kirkland Municipal Code Title 25, a concurrency application has been submitted to the City of Kirkland, reviewed by the responsible Public Works official, the concurrency test has been passed, and a concurrency test notice was issued on February 16, 2007; and

WHEREAS, pursuant to the State Environmental Policy Act, RCW Chapter 43.21C, and the Administrative Guidelines and local ordinance adopted to implement it, an environmental checklist was submitted to the City of Kirkland, reviewed by the responsible official of the City of Kirkland, and a negative determination reached on September 12, 2007; and

WHEREAS, said environmental checklist and determination have been available and accompanied the application through the entire review process; and

WHEREAS, the application was submitted to the Kirkland Hearing Examiner who held a public hearing thereon on October 17, 2007; and

WHEREAS, the Kirkland Hearing Examiner after her public hearing and consideration of the recommendations of the Department of Planning and Community Development did adopt certain Findings, Conclusions and Recommendations and did recommend approval of the Process IIB Permit subject to the specific conditions set forth in said recommendations; and

WHEREAS, the City Council, in open meeting, did consider the environmental documents received from the responsible official, together with the recommendation of the Hearing Examiner; and

WHEREAS, the Kirkland Zoning Ordinance requires approval of this application for PUD to be made by ordinance.

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

Section 1. The Findings, Conclusions, and Recommendations of the Kirkland Hearing Examiner as signed by her and filed in the Department of Planning and Community

Development File No. ZON07-00022 are adopted by the Kirkland City Council as though fully set forth herein.

Section 2. After completion of final review of the PUD, as established in Sections 125.50 through 125.75 (inclusive) of the Kirkland Zoning Code, Ordinance 3719, as amended, the Process IIB Permit shall be issued to the applicant subject to the conditions set forth in the Recommendations hereinabove adopted by the City Council.

Section 3. Upon completion of the PUD as approved, the Director of Planning and Community Development is hereby directed to amend the official Kirkland zoning map to place the designation "PUD" on the subject property.

Section 4. Nothing in this ordinance shall be construed as excusing the applicant from compliance with any federal, state or local statutes, ordinances or regulations applicable to this project, other than expressly set forth herein.

Section 5. Failure on the part of the holder of the permit to initially meet or maintain strict compliance with the standards and conditions to which the Process IIB Permit is subject shall be grounds for revocation in accordance with Ordinance No. 3719, as amended, the Kirkland Zoning Ordinance.

Section 6. This ordinance shall be in full force and effect five (5) days from and after its passage by the City Council and publication as required by law.

Section 7. A complete copy of this ordinance, including Findings, Conclusions and Recommendations adopted by reference, shall be certified by the City Clerk, who shall then forward the certified copy to the King County Department of Assessments.

Section 8. A certified copy of this ordinance, together with the Findings, Conclusions, and Recommendations herein adopted shall be attached to and become a part of the Process IIB Permit or evidence thereof delivered to the permittee.

PASSED by majority vote of the Kirkland City Council in open meeting this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

SIGNED IN AUTHENTICATION THEREOF on this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to Form:

\_\_\_\_\_  
City Attorney

ORDINANCE NO. 4119

AN ORDINANCE OF THE CITY OF KIRKLAND APPROVING A DEVELOPMENT PROPOSAL SUBMITTED UNDER THE NON-PROJECT RELATED QUASI JUDICIAL REZONE PROVISIONS OF KIRKLAND ZONING CODE (KZC) CHAPTER 130 AND HISTORIC OVERLAY ZONE PROVISIONS OF KZC CHAPTER 75 TO AMEND THE KIRKLAND ZONING MAP, ORDINANCE 3719, AS AMENDED, TO ADD AN HISTORIC LANDMARK (HL) OVERLAY ZONE OVER A PORTION OF SUBJECT PROPERTY LOCATED IN A PLANNED AREA (PLA) 6B ZONE AS APPLIED FOR BY CAMWEST FIFTH AVENUE, LLC IN DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT IN FILE ZON07-00022.

WHEREAS, the City Council has received from the Hearing Examiner a recommendation to amend certain portions of the zoning map for the City of Kirkland, Ordinance 3719 as amended all as set forth in that certain report and recommendation of the Hearing Examiner dated October 25, 2007 bearing Kirkland Department of Planning and Community Development File No. ZON07-00022; and

WHEREAS, pursuant to the City of Kirkland's Concurrency Management System, Kirkland Municipal Code (KMC) Title 25, this action is exempt from the concurrency management process; and

WHEREAS, pursuant to the State Environmental Policies Act there has accompanied the proposal and recommendation through the entire consideration process, a determination of non-significance, including supporting environmental documents, issued by the responsible official pursuant to WAC 197-11-340 and WAC 197-11-390; and

WHEREAS, prior to making said recommendation the Hearing Examiner, following notice thereof as required by RCW 35A.63.070, on October 17, 2007, held a public hearing on the amendment proposals and considered the comments received at said hearing; and

WHEREAS, in regular public meeting the City Council considered the environmental documents received from the responsible official together with the recommendation of the Hearing Examiner;

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

Section 1. The Findings, Conclusions, and Recommendations of the Kirkland Hearing Examiner as signed by her and filed in the Department of Planning and Community Development File No. ZON07-00022 are adopted by the Kirkland City Council as though fully set forth herein.

Section 2. The following specific portions of the Kirkland zoning map as adopted by Ordinance 3719, be and they are hereby rezoned to include a Historic Landmark (HL) Overlay Zone on a portion of the subject property zoned PLA 6B, pursuant to Chapters 75 and 130 of the Kirkland Zoning Code (KZC), Ordinance 3719, as amended. A legal description of the subject property is attached to this ordinance and by this reference incorporated herein.

Section 3. The HL Overlay Zone applies only to the exterior and surrounding area of the Nettleton house itself which may not be altered except as provided for in KZC 75.35 through 75.45.

Section 4. The Director of the Department of Planning and Community Development is hereby directed to amend the official Kirkland zoning map to conform with this ordinance, indicating thereon the date of ordinance adoption.

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

Section 7. A complete copy of this ordinance, including Findings, Conclusions and Recommendations adopted by reference, shall be certified by the City Clerk, who shall then forward the certified copy to the King County Department of Assessments.

PASSED by majority vote of the Kirkland City Council in open meeting this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

SIGNED IN AUTHENTICATION thereof this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to Form:

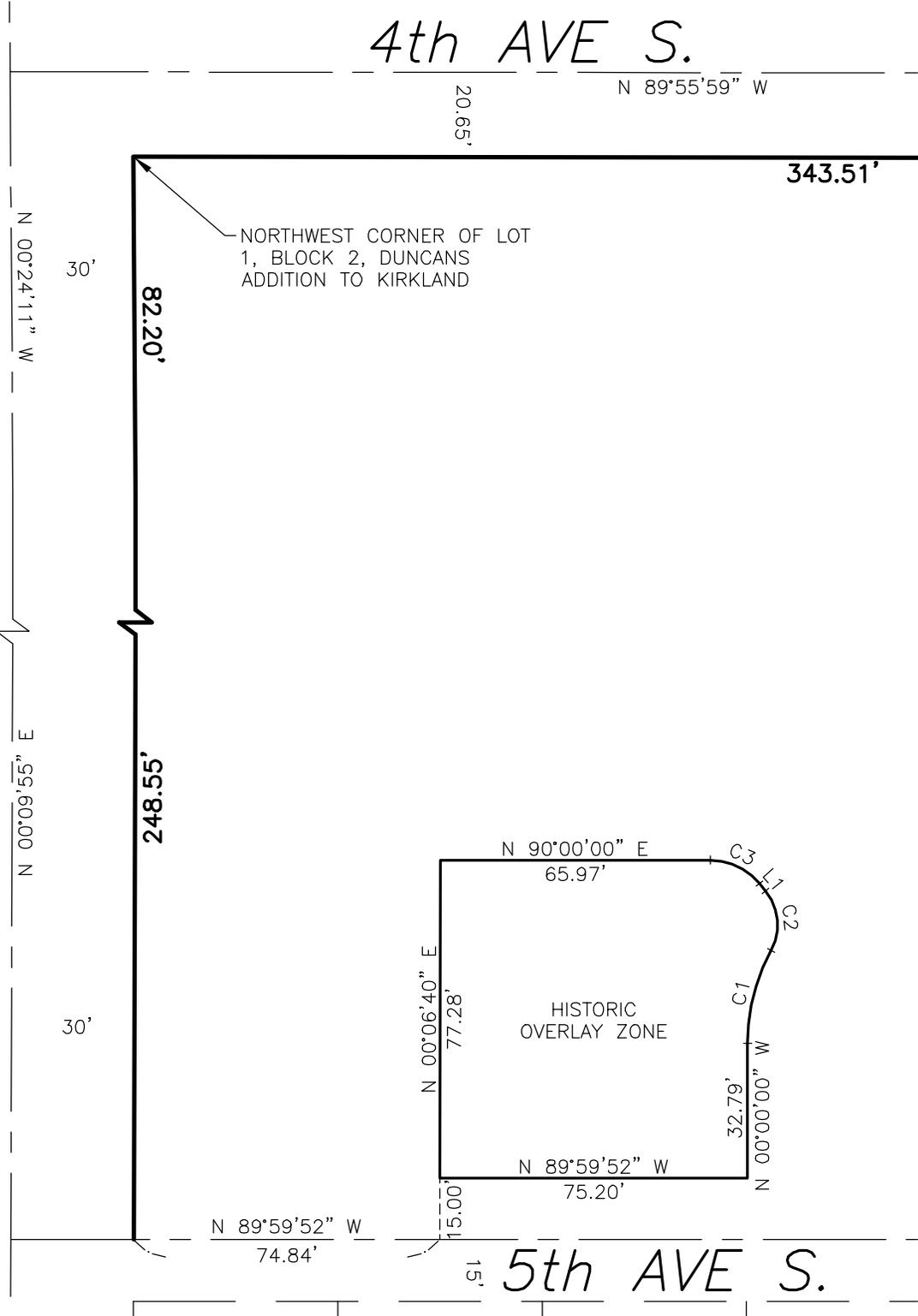
\_\_\_\_\_  
City Attorney

HISTORIC OVERLAY ZONE EXHIBIT

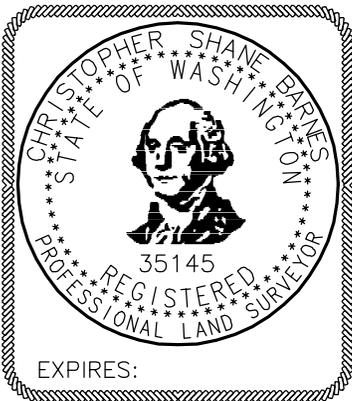
STATE ST. (NEW STATE ST.)

4th AVE S.

5th AVE S.



SCALE: 1"=40'



JOB NO. 05087

LINE TABLE		
LINE	LENGTH	BEARING
L1	2.36	N 39°20'02" W

CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	23.49	47.00	28°38'30"
C2	15.42	13.00	67°58'32"
C3	13.71	15.50	50°39'58"

NE1/4, NW1/4, SEC. 8, T. 25 N., R. 5 E., W.M.



**Mead Gilman & Assoc.**  
Professional Land Surveyors

P.O. BOX 289, WOODINVILLE, WA 98072  
PHONE: (425) 486-1252 FAX: (425) 486-6108

HISTORIC OVERLAY ZONE LEGAL DESCRIPTION

THAT PORTION OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 25 NORTH, RANGE 5 EAST, W.M. DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 1, BLOCK 2, DUNCANS ADDITION TO KIRKLAND ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 6 OF PLATS AT PAGE 49, RECORDS OF KING COUNTY;

THENCE SOUTH 00°24'11" EAST ALONG THE EASTERLY MARGIN OF STATE STREET 82.20 FEET;

THENCE SOUTH 00°09'55" WEST ALONG THE EASTERLY MARGIN OF STATE STREET 248.55 FEET;

THENCE SOUTH 89°59'52" EAST ALONG THE NORTHERLY MARGIN OF 5<sup>TH</sup> AVENUE SOUTH 74.84 FEET;

THENCE NORTH 0°06'40" EAST 15.00 FEET TO THE **TRUE POINT OF BEGINNING**;

THENCE CONTINUING NORTH 0°06'40" EAST 77.28 FEET;

THENCE SOUTH 90°00'00" EAST 65.97 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 15.50 FEET;

THENCE ALONG SAID CURVE 13.71 FEET THROUGH A CENTRAL ANGLE OF 50°39'58";

THENCE SOUTH 39°20'02" EAST 2.36 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 13.00 FEET;

THENCE ALONG SAID CURVE 15.42 FEET THROUGH A CENTRAL ANGLE OF 67°58'32" TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 47.00 FEET;

THENCE ALONG SAID CURVE 23.49 FEET THROUGH A CENTRAL ANGLE OF 28°38'30";

THENCE SOUTH 0°00'00" EAST 32.79 FEET;

THENCE NORTH 89°59'52" WEST 75.20 FEET TO THE **TRUE POINT OF BEGINNING**;

**CITY OF KIRKLAND**

Planning and Community Development Department  
123 Fifth Avenue, Kirkland, WA 98033 425.587-3225  
[www.ci.kirkland.wa.us](http://www.ci.kirkland.wa.us)

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**MEMORANDUM**

**To:** David Ramsay, City Manager

**From:** Eric R. Shields, AICP, Planning Director  
Lauri Anderson, AICP, Consultant

**Date:** November 28, 2007

**Subject:** MISCELLANEOUS ZONING AND MUNICIPAL CODE  
AMENDMENTS, FILE NO. ZON06-00033

**RECOMMENDATION**

- Adopt two ordinances—one for the Zoning Code and one for the Municipal Code—reflecting the recommendations from the Planning Commission regarding the Miscellaneous Zoning and Municipal Code Amendments project, File No. ZON06-00033.
- Provide direction to staff regarding an additional fee for reviewing height calculations.

**BACKGROUND DISCUSSION**

Each year, the Planning Department presents to the Planning Commission a packet of “miscellaneous” Code amendments for their review and recommendation to the City Council. These amendments come from a variety of sources: an ongoing list of code issues maintained by staff, code interpretations, requests from the public, and requests from the City Council.

This year’s package includes amendments to the Zoning Code and the Municipal Code, including the Subdivision Ordinance. While many of the amendments would correct or clarify existing Zoning Code language, others raise more significant policy issues. In the ongoing effort to streamline City Council packets and avoid redundancy, most of the background information on the amendments is found in the Planning Commission meeting packets. Links to these packets are provided later in this memo.

Highlights from this year’s Code amendment package include:

- revise method for calculating building height;
- revise garage setbacks requirements for detached dwelling units in low density residential zones;

Memo to David Ramsay

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- reduce side yards for detached dwelling units in commercial and multifamily zones to accommodate smaller lot sizes;
- provide zero lot line opportunities for attached dwelling units in multifamily zones;
- eliminate fast food restaurant use listings and, instead, add standards to restaurant use listings regarding drive-in and drive-through facilities;
- clarify requirements for minimum commercial uses on the ground-floor of buildings in some mixed-use commercial zoning districts;
- modify height and setbacks for a portion of the CBD4 zone to update transition standards between high density and low density uses;
- eliminate requirement for ground floor retail uses in a portion of the TL8 zone;
- allow medium density detached dwelling units in a portion of the PLA6G zone;
- allow rental services in the LIT zone;
- identify prohibited plants for the City;
- provide noise exceptions for emergency generators;
- adjust review processes for Personal Wireless Service Facilities in public parks and on multifamily residential buildings, and allow antennas on top of the Seattle City Light transmission towers;
- revise oversize vehicle regulations;
- amend rezone process to better distinguish between legislative and quasi-judicial rezones; and
- create process to make minor modifications to recorded short plats.

The Planning Commission held two study sessions (July 26 and September 13, 2007) and a public hearing (October 25, 2007) on the proposed amendments. To review the meeting packets, which provide detailed information on each of the changes, please see [http://www.ci.kirkland.wa.us/depart/Planning/Planning\\_Commission.htm](http://www.ci.kirkland.wa.us/depart/Planning/Planning_Commission.htm). The minutes and audio-recordings of the meetings are available at [http://www.ci.kirkland.wa.us/depart/Planning/Planning\\_Commission/Planning\\_Commission\\_Meetings\\_Online.htm](http://www.ci.kirkland.wa.us/depart/Planning/Planning_Commission/Planning_Commission_Meetings_Online.htm).

The Houghton Community Council held a courtesy hearing on the amendments within their jurisdiction on September 24, 2007. Their meeting packet can be found at [http://www.ci.kirkland.wa.us/depart/Planning/Houghton\\_Community\\_Council\\_Meeting\\_Information.htm](http://www.ci.kirkland.wa.us/depart/Planning/Houghton_Community_Council_Meeting_Information.htm) and the minutes and audio-recordings of their meeting can be reviewed at [http://kirkland.granicus.com/ViewPublisher.php?view\\_id=16](http://kirkland.granicus.com/ViewPublisher.php?view_id=16). The recommendations from the Houghton Community Council are described in detail in the Planning Commission's October 25 meeting packet and were discussed at the Planning Commission's public hearing.

The Planning Commission's recommendation memo is included as Exhibit 1. The memo discusses the most significant amendments from the Planning Commission's perspective.

Memo to David Ramsay

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While the Planning Commission agreed with the Houghton Community Council's recommendations for several items, their recommendations for four items differ: Prohibited Vegetation (Zoning Code Section 95.52); Garage Requirements (Section 5.10.326.5, changes to multiple zoning districts, and Section 115.43); Vehicle Size in Residential Zones (Section 115.150); and the Personal Wireless Service Facilities (PWSF) Review Process for buildings in public parks (Section 117.40). The Planning Commission endorses these amendments as written; the Houghton Community Council does not. The Planning Commission recommendation does include an exception in the Garage Requirements section stating that the rules do not apply within the disapproval jurisdiction of the Houghton Community Council.

Five members of the public spoke at the public hearing. Two speakers were property-owners supporting the changes they had suggested for the CBD4 (Zoning Code Sections 50.30.2 and 50.30.5) and TL8 (Section 55.55.2) zones. One person spoke in support of more stringent controls on the parking of oversize vehicles (Section 115.150). Another spoke in support of the proposed prohibited vegetation rules (Section 95.52).

The final speaker endorsed allowing the use of two Average Building Elevation (ABE) calculations—either the existing calculation or the new simplified version under consideration (Sections 5.10.045, 115.59 and Chapter 180). This speaker also addressed the proposed new garage setback requirements (Sections 5.10.326.5 and 115.43, and changes to multiple zoning districts). He felt that the 8' garage setback requirement was arbitrary (requesting 7' instead) and that the garage setback deviation opportunity should be provided in all cases—not just cases where some aspect of the lot or terrain made the proposed standards difficult to comply with. The Planning Commission did not share this last point of view.

State Environmental Policy Act (SEPA) review was completed for the amendment package on October 25, 2007. An Addendum to the 2004 Comprehensive Plan was prepared. All SEPA materials are available in the official file, ZON06-00033, and copies are attached (see Exhibit 2).

### **ADDITIONAL INFORMATION**

Planning, Building and Public Works staff have been working with a consultant, Kurt Latimore, to review the single-family permit process. One of his recommendations is that the Average Building Elevation (ABE) calculations be simplified to assist permit applicants and to reduce staff review time. Both the Planning Commission and Houghton Community Council are recommending that permit applicants be allowed to choose between either the existing ABE calculation or the new simplified calculation included with these amendments for their permit submittals.

Planning staff would like to recommend that if the opportunity to use the more complicated existing ABE calculation is retained, an additional permit fee be assessed to address the extra costs of increased staff review time.

Memo to David Ramsay

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Enclosures

Exhibit 1: Planning Commission Recommendation Transmittal Memo

Exhibit 2: Environmental Review Documents

Ordinance – Zoning Code, and Publication Summary

Ordinance – Municipal Code, and Publication Summary

**CITY OF KIRKLAND**

Planning and Community Development Department  
123 Fifth Avenue, Kirkland, WA 98033 425.587-3225  
[www.ci.kirkland.wa.us](http://www.ci.kirkland.wa.us)

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**MEMORANDUM**

**To:** Kirkland City Council

**From:** Kirkland Planning Commission Chair, Karen Tennyson

**Date:** November 28, 2007

**Subject:** PLANNING COMMISSION RECOMMENDATION ON  
MISCELLANEOUS ZONING AND MUNICIPAL CODE  
AMENDMENTS, FILE NO. ZON06-00033

On behalf of the Planning Commission, I am pleased to forward to the City Council for your consideration a package of amendments to the Kirkland Zoning and Municipal Codes. The amendments cover a wide range of topics, from fairly simple language changes to ensure internal code consistency, to more complex issues such as average building elevation calculations, requirements for commercial uses on the ground-floor of buildings in mixed use commercial centers, and requirements for garage setbacks in low-density residential zones.

The Planning Commission held a public hearing on the proposed amendments on October 25, 2007. At that time, we also considered recommendations from the Houghton Community Council. Most of the proposed amendments generated little, if any, public comment or controversy. Our discussion focused on the following ten topics (placed in order as they appear in the proposed Zoning Code ordinance):

1. Average Building Elevation Calculation (changes to Section 5.10.045, Section 115.59, and Chapter 180-Plates). These amendments offer a new, simplified technique to calculate average building elevation—the basis for measuring height limits within the City. The public and the Houghton Community Council recommended retaining the ability to use either the existing or the new calculation for permit submittals, based on the preference of the building permit applicant. The Planning Commission supports simplification of the calculation, but is comfortable using this dual approach.
2. Restaurant and Fast Food Restaurant Uses (changes to Section 5.10.305 and Section 5.10.790, and changes to multiple zoning districts). This proposal eliminates the fast food restaurant definition and use listings, and, instead, focuses on whether drive-in or drive-through facilities are permitted for restaurant uses. The proposed amendments retain current restrictions on drive-in or drive-through facilities. In zones where drive-in and drive-through facilities are already permitted,

requirements have been standardized to include outdoor waste receptacle provision and Public Works review to prevent automobile stacking onto the street.

3. Garage Setback Requirements (the addition of Section 5.10.326.5, changes to multiple zoning districts and revisions to Section 115.43). These amendments completely rewrite the standards regarding setting the garage back from the main façade of a detached dwelling unit in the City's low-density residential zones. The new rules add requirements that a single-family residence must access off of an open alley, if available; that the front yard setback for a garage be 8' greater than the front yard setback for the remainder of the residence; and that the garage width not exceed 50% of the total width of the front façade of the residence. The new standards specifically exempt houses on flag lots and those with below-grade garages from compliance. They also provide for deviation from the requirements, when necessary because of unique site conditions. The Houghton Community Council does not support these amendments for their jurisdiction, and the Planning Commission is recommending that an exemption for the Houghton area be written into the ordinance.
4. Ground-Floor Use Requirements in Commercial Areas (changes to multiple zoning districts). The purpose of this proposal was to clarify the status of residential uses (such as lobbies) on the ground-floor of buildings in mixed-use zones, and to require a minimum percentage of commercial/office uses on the ground-floor of these buildings to preserve commercial opportunities. The amendments recommended by the Planning Commission clarify that residential lobbies are permitted on the ground-floor of buildings in the BC, BCX, BN, MSC2 and MSC3 zones, and add a corollary requirement that 75% of the floorspace on the ground-floor of buildings on a parcel be devoted to retail, restaurant, office, and/or hotel/motel uses.
5. Prohibited Plants (changes to Section 95.52). There was much discussion about this amendment, which would make it illegal to plant certain types of vegetation on property within the City. The Houghton Community Council does not support this amendment based on concerns about adequate enforcement; but some public support was voiced. We believe that such an amendment would aid City efforts to eradicate noxious vegetation, as well as support County and State efforts to do so, and are not recommending an exemption for the Houghton area. Planning staff has prepared a draft "Prohibited Plants List" for the City, which the Planning Commission has endorsed. This list can be found at [http://www.ci.kirkland.wa.us/\\_shared/assets/ZONING\\_CODE\\_AMENDMENTS\\_ATTACH\\_46912.pdf](http://www.ci.kirkland.wa.us/_shared/assets/ZONING_CODE_AMENDMENTS_ATTACH_46912.pdf) (Attachment 4 to our October 25 meeting packet).
6. Noise Exceptions for Emergency Generators (changes to Section 115.95). The Planning Commission's recommendation allows exceptions for emergency generators (whether residential or commercial) during times when no electrical service is available from the primary supplier due to natural disaster or power outage.

7. Vehicle Size in Residential Zones (changes to Section 115.150). This amendment would limit the time period during which oversize vehicles (now proposed to specifically include boats and trailers) could park on a residential lot. The Planning Commission recommends a limitation of 24 hours within a 7-day period. Although the Houghton Community Council recommended that the hourly restriction remain at 48 hours within the 7-day period, the Planning Commission heard public testimony supporting greater restrictions. The Planning Commission also recommends placing a size limitation on boats in the front yard.
8. Personal Wireless Service Facilities Review Process (changes to Section 117.40). This amendment reduces the review process for attachment of antennas to existing buildings within parks to Planning Official decision, from Process I. While the Houghton Community Council does not support this amendment, the Planning Commission believes that the Parks and Planning Departments would work closely enough to address any concerns raised by a proposed project, including identification of the need for public involvement. The Planning Commission is not recommending an exception for the Houghton area.
9. Rezoning (changes to all of Chapter 130). This change rewrites the rezone process chapter to address issues raised by recent court cases. At the suggestion of the Houghton Community Council, the Planning Commission has added a review criterion for quasi-judicial rezoning that looks at compatibility with surrounding land uses.
10. Automotive Service Center and Auto Service and Repair Uses. Staff initially recommended that changes be made throughout the Zoning Code to bring consistency to treatment of these uses. Upon further reflection, staff recommends these amendments not be included at this time to enable a more comprehensive look at the topic. The Planning Commission concurs, and has not included these changes in our packet of recommended amendments.

At the conclusion of the public hearing, the Planning Commission gave staff direction on changes to the proposal that we determined were appropriate, and the amendments forwarded to you for City Council consideration reflect our direction. Therefore, we recommend that the City Council adopt the proposed amendments.

**EXHIBIT 2**

**Fact Sheet**

<b>Action Sponsor and Lead Agency</b>	City of Kirkland Department of Planning and Community Development
<b>Proposed Action</b>	Legislative adoption of Miscellaneous Amendments to the Kirkland Zoning and Municipal Codes, pursuant to Chapter 160 KZC (Process IV).
<b>Responsible Official</b>	<hr/> <b>Eric R. Shields, AICP</b> <b>Planning Director</b>
<b>Contact Person</b>	Paul Stewart, Deputy Director, City of Kirkland (425) 587-3258 or Lauri Anderson, Planning Consultant, City of Kirkland (206) 525-5240.
<b>Required Approvals</b>	Adoption by Kirkland City Council. Approval by Houghton Community Council for amendments within its jurisdiction.
<b>Location of Background Data</b>	File ZON06-00033 City of Kirkland Department of Planning and Community Development 123 Fifth Avenue Kirkland, WA 98033
<b>Date of Issuance</b>	<hr/> 10-25-2007 <hr/>

**City of Kirkland**

**Process IV Miscellaneous Zoning and Municipal Code Amendments**

**EIS Addendum dated October 22, 2007**

**File No. ZON06-00033**

**I. Background**

The City of Kirkland proposes to amend several provisions of the Kirkland Zoning Code (KZC) and Municipal Code, including the Subdivision Ordinance. These amendments will be reviewed under Process IV, pursuant to Chapter 160 KZC, with adoption by City Council and final approval by the Houghton Community Council as the amendments are within their jurisdiction.

This Environmental Impact Statement (EIS) Addendum is intended to fulfill the environmental requirements pursuant to the State Environmental Policy Act (SEPA) for the proposed Zoning Code and Municipal Code 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 analysis of significant impacts and alternatives in the prior environmental document (WAC 197-11-600(4)(c), -625 and -706).

The City published the *City of Kirkland 2004 Draft and Final Comprehensive Plan 10-year Update*. This EIS addressed the 2004 Comprehensive Plan, Zoning Code and Zoning Map updates required by the Washington State Growth Management Act (GMA). Elements of the environment addressed in this EIS include population and employment growth, earth resources, air quality, water resources, plants and animals, energy, environmental health (noise, hazardous materials), land use, socioeconomics, aesthetics, parks/recreation, transportation, and public services/utilities.

This addendum to the *City of Kirkland 2004 Draft and Final Comprehensive Plan 10-year Update* 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 miscellaneous Zoning and Municipal Code amendments discussed herein. While the specific location, precise magnitude, or timing of some impacts may vary from those estimated in the *City of Kirkland 2004 Draft and*

**EXHIBIT 2**

*Final Comprehensive Plan 10-year Update*, they are still within the range of what was evaluated and disclosed there. No new significant impacts have been identified.

**III. Non-Project Action**

Decisions on the adoption or amendment of zoning ordinances are referred to in the SEPA rules as “non-project actions” (WAC 197-11-704(2)(b)). The purpose of an EIS in analyzing a non-project action is to help the public and decision-makers identify and evaluate the environmental effects of alternative policies, implementation approaches, and similar choices related to future growth. While plans and regulations do not directly result in alteration of the physical environment, they do provide a framework within which future growth and development – and resulting environmental impacts – will occur. Both the adoption of the Comprehensive Plan evaluated in the *City of Kirkland 2004 Draft and Final Comprehensive Plan 10-year Update* and eventual action on the miscellaneous Zoning and Municipal Code amendments are “non-project actions”.

**IV. Environmental Analysis**

The *City of Kirkland 2004 Draft and Final Comprehensive Plan 10-year Update* 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 Zoning and Municipal Code amendments are similar in magnitude to the potential impacts disclosed in the *City of Kirkland 2004 Draft and Final Comprehensive Plan 10-year Update*. As this proposal is consistent with the policies and designations of the Comprehensive Plan and the environmental impacts disclosed in the *City of Kirkland 2004 Draft and Final Comprehensive Plan 10-year Update*, no additional or new significant impacts beyond those identified in the EIS for the Comprehensive Plan are anticipated.

**V. Description of the Proposed Zoning and Municipal Code Amendments**

The proposal would modify, add, and delete several provisions of the Zoning Code and Municipal Code (including the Subdivision Ordinance). The proposal will codify one existing Interpretation—I-06-3 (Structures and Improvements in Required Yards)—and eliminate another—I-04-2 (Calculation of Average Building Elevation—Use of Historic Grades).

In addition the following Zoning and Municipal Code chapters will be affected:

Zoning Code

- Ch 1 – User Guide
- Ch 5 – Definitions
- Ch 10 – Legal Affect/Applicability

**EXHIBIT 2**

- Ch 15 – Single-Family Residential (RS) Zones
- Ch 17 – Single-Family Residential Annexation (RSX) Zones
- Ch 20 – Multifamily Residential (RM) Zones
- Ch 25 – Professional Office Residential (PR) Zones
- Ch 27 – Professional Office (PO) Zones
- Ch 30 – Waterfront District (WD) Zones
- Ch 35 – Freeway Commercial (FC) Zones
- Ch 40 – Neighborhood Business (BN) Zone
- Ch 45 – Community Business (BC) Zones
- Ch 47 – Community Business Annexation (BCX) Zones
- Ch 48 – Light Industrial Technology (LIT) Zones
- Ch 50 – Central Business District (CBD) Zones
- Ch 52 – Juanita Business District (JBD) Zones
- Ch 53 – Rose Hill Business District (RH) Zones
- Ch 54 – North Rose Hill Business District (NRH) Zones
- Ch 55 – Totem Lake (TL) Zones
- Ch \_\_ – Market Street Corridor (MSC) Zones
- Ch 60 – Planned Areas (PLA) Zones
- Ch 72 – Adult Activities Overlay Zone
- Ch 75 – Historic Landmark Overlay Zone and Historic Residence Designation
- Ch 80 – Equestrian Overlay Zone
- Ch 95 – Tree Management and Required Landscaping
- Ch 105 – Parking Areas, Vehicle and Pedestrian Access, and Related Improvements
- Ch 115 – Miscellaneous Use Development and Performance Standards
- Ch 117 – Personal Wireless Service Facilities
- Ch 130 – Rezone Process
- Ch 142 – Design Review
- Ch 150 – Process IIA
- Ch 160 – Process IV
- Ch 161 – Process IVA
- Ch 180 – Plates

Municipal Code

- Title 19 – Streets and Sidewalks
- Title 22 – Subdivisions

A summary of the proposed amendments is attached to this memo. As a result of the upcoming public hearing process, it is possible that some of the proposed amendments will not be adopted, and others may change slightly due to public input.

**VI. Public Involvement**

Study sessions were held with the Planning Commission on July 26 and October 13, 2007. A courtesy hearing was held with the Houghton Community Council on

## EXHIBIT 2

September 24, 2007. The Planning Commission will hold a hold public hearing on October 25, 2007 and will forward a recommendation to the City Council. The City Council will consider the recommendation in December 2007 and may take final action on that date. Houghton Community Council action would follow for amendments within their jurisdiction. Public notice of the amendments and the public hearings has been provided in accordance with State law. All dates are subject to change.

In addition, notice has been provided to Kirkland neighborhood associations, the Kirkland Chamber of Commerce, and a “list serve” of development industry representatives. Information concerning the amendments also has been posted on the City’s website.

### **VII. Conclusion**

This EIS Addendum fulfills the environmental review requirements for the proposed Miscellaneous Zoning and Municipal Code Amendments contained in File No. ZON06-00033. The impacts of the proposal are within the range of impacts disclosed and evaluated in the *City of Kirkland 2004 Draft and Final Comprehensive Plan 10-year Update*; no new significant impacts have been identified. Therefore, issuance of this EIS Addendum is the appropriate course of action.

Attachment: Summary of Proposed Amendments

## City of Kirkland

## Summary of Miscellaneous Zoning and Municipal Code Amendments

File No. ZON06-00033

**ZONING CODE****Code Section(s)****Purpose of Amendment**1.10 and  
95.52Add new section to prohibit invasive plants in landscaping.

5.10.043, 47.10.020, 47.10.060,  
 52.12.020, 52.12.070, 52.17.020,  
 52.17.070, 52.27.050, 52.32.050,  
 52.42.040, 53.04, 53.06.020,  
 53.06.040, 53.12.030, 53.22,  
 53.24.020, 53.24.050, 53.32,  
 53.34.030, 53.34.050, 53.52,  
 53.54.020, 53.54.050, 53.72,  
 53.82, 53.74.020, 53.74.080,  
 53.84.040, 54.06.060, 54.06.070,  
 54.12.030 54.12.050 and MSC1-4

Eliminate automotive service center definition and replace with "Retail establishment providing vehicle service or repair," including development standards, as appropriate.5.10.045 and  
115.59Amend average building elevation calculation to include partially above-grade walls that enclose interior space; eliminate use of historic grades and establish that existing elevation is used; and simplify calculation.5.10.145,  
5.10.595, and  
5.10.960Add MSC zones to appropriate definitional categories.5.10.298,  
5.10.299 and  
117.15Move common definitions from Chapter 117, Personal Wireless Service Facilities, to Chapter 5.5.10.302 and  
115.10Revise family day-care home regulations consistent with current state law.

5.10.305, 5.10.790, 25.10.050,  
 27.10.020, 30.15.060, 35.30.020,  
 35.30.050, 40.10.060, 45.10.030,  
 45.10.040, 47.10.030, 47.10.040,  
 48.15.200, 50.12.010, 50.12.050,  
 50.27.040, 50.32.010, 50.37.010,  
 50.37.020, 50.42.020, 50.47.020,  
 50.47.030, 50.52.020, 52.12.040,

**EXHIBIT 2**

52.12.050, 52.12.120, 52.17.040,  
52.17.050, 52.27.020, 52.27.030  
52.27.050, 52.32.020, 52.32.030,  
52.42.010, 52.42.020, 53.06.030,  
53.12.030, 53.24.030, 53.32,  
53.34.010, 53.34.040, 53.54.040,  
53.72, 53.74.010, 53.74.080,  
53.82, 54.06.030, 54.06.040,  
54.12.020, 54.30.030, 54.30.040,  
55.21.010, 55.33, 55.39.010,  
55.39.040, 55.45.030, 55.51.140,  
55.51.190, 55.57.050, 55.69.030,  
55.81.140, 55.87.140, 55.93.120,  
60.172.070 and MSC1-4

Eliminate fast food restaurant definition and amend “Restaurant” definition and requirements to address drive-in and drive-through facilities.

5.10.323 and  
115.90

Exclude from lot coverage any easement that is not included in the calculation of lot area AND amend lot coverage exception for driveways as it should not apply to flag lots.

5.10.326.5,  
15.10.010,  
17.10.010,  
30.25.010,  
60.67.010,  
60.77.010,  
60.182.010 and  
115.43

Revise garage setback requirements for detached dwelling units in low density zones

5.10.507 and  
115.30

Clarify measurement of maximum horizontal façade when building is at an angle to property line or zone boundary.

10.25

Add MSC zones to adopted zoning categories.

15.08,  
17.08,  
30.25.030,  
30.25.040,  
60.65,  
60.75 and  
60.180

Clarify that general regulation regarding maximum horizontal façade applies when adjoining detached dwelling units in low density zones.

20.10.010, 25.10.010, 50.27.080,  
50.32.110, 53.44.010, 60.22.010,  
60.32.010, 60.42.010, 60.47.010,  
60.52.010, 60.57.010, 60.62.010,  
60.72.010, 60.82.010, 60.92.010,  
60.97.010, 60.102.010, 60.107.010,

**EXHIBIT 2**

60.112.010, MSC 1, 4	60.132.020, 60.177.010 and	Allow <u>detached dwelling units</u> in multifamily and commercial zones to have a minimum <u>side yard</u> of 5'.
20.10.020, 54.18.010, 54.42.010, 60.47.020, 60.62.020, 60.87.130, 60.102.020, MSC 1,4	25.10.020, 53.44.020, 54.24.010, 54.36.010, 60.32.020, 60.42.020, 60.52.020, 60.57.020, 60.72.020, 60.82.020, 60.92.020, 60.97.020, 60.107.020, 60.112.020 and	Amend <u>detached, attached, or stacked dwelling units</u> to allow detached units to have a minimum <u>side yard</u> of 5'.
20.10.020, 60.82, 60.92, 60.107 and 60.112		Exempt <u>low density uses in medium density zones</u> from <u>buffering</u> other detached units in low density zones.
30.15.020, 53.44.060, 54.36.010, 55.57.080, 55.87.100, 60.172.070 and 60.187.020	30.35.020, 53.44.020, 54.18.010, 54.24.010, 54.42.010, 55.57.070, 55.75.010, 55.81.010, 55.99.010, 60.132.030,	Allow <u>zero lot line</u> development for <u>attached units</u> .
40.10.090  40.08, 40.10.100, 45.08, 45.10.110, 47.08, 47.10.110 and MSC 2,3		Reduce rear yard setback to 10' for <u>office uses in BN</u> zone to be consistent with other office zones.  Add requirement for <u>commercial uses on the ground-floor</u> of structures in some commercial zones.
48.15.075		Add <u>rental services</u> as a permitted use in the <u>LIT</u> zone.
48.15.190		Add vehicle storage as permitted use in the <u>LIT</u> zone.
50.30.2 and 50.30.5		Amend height and setback rules in <u>CBD4</u> .
53.24, 53.54, 53.70 and 53.84		For <u>zones other than RH1A, 3, and 4</u> , change the <u>required front yard</u> to read: 10' adjacent to NE 85 <sup>th</sup> St.; otherwise 20'.

**EXHIBIT 2**

- 45.10.020,  
54.30.020,  
55.33.030,  
55.39.030 and  
55.45.020
- Revise auto sales listings in to allow used car sales and services.
- 55.55.2
- Amend TL8 regulations to eliminate requirement for certain ground floor uses on properties not fronting 120<sup>th</sup> Avenue NE.
- 55.69
- Add special regulations for veterinary uses in TL10A.
- 55.69
- Add parking requirements for medical, dental and veterinary offices in TL10A.
- 55.69
- Add nursing home to convalescent center use in TL10A.
- 60.85 and  
60.87.130
- Add detached dwelling units as a permitted use in PLA6G.
- 60.92
- Delete special regulation that increases building height next to schools in PLA6H. This zone has an across the board 25' height limit.
- 60.187
- Amend required review process and delete development standards for parks as in all other zones.
- 72.10,  
75.10,  
80.10 and  
Chapter 130
- Revise rezone process to clarify that private amendment requests are legislative and to bring rezone rules into conformance with state law as clarified in recent court cases.
- 95.40.6
- Clarify tree spacing requirements in landscape buffers.
- 105.18
- Require easements for pedestrian connections.
- 115.30
- For exceptions to distance between structures, replace “and may be located within 10 feet of one another” with “if they are separated by at least 10 feet.”
- 115.42
- Better define when a garage or ADU is “behind the main structure” for purposes of FAR.
- 115.95
- Allow an exception to noise regulations for emergency generators.
- 115.115.3.d.
- Codify Interpretation No. 06-3 regarding structures in required yards.
- 115.115.3.p.
- In addition to HVAC units, allow other equipment in setbacks per same standards.
- 115.115.5
- Remove requirement for 5' driveway setback in flag lot driveways next to interior lot that is part of the same plat.
- 115.120
- Clarify that replacement rooftop appurtenances are also subject to screening.

**EXHIBIT 2**

115.150	Add boats to <u>over-size vehicle regulation</u> in residential zones. Clarify time limits for loading/unloading over-size vehicles.
117.40	Allow building-mounted <u>wireless</u> in a park as a Planning Official decision.
117.40	Do not require Process IIA for <u>antennas</u> on residential buildings in nonresidential zones.
117.65.6	Allow <u>antennas on a Seattle City Light transmission tower</u> to be up to 15' above the top of the tower.
117.70.3	Provide exception to maximum height of <u>ground-mounted equipment structures located in right-of-way</u> if required by the electrical utility.
142.35	Add language that if an applicant does not submit a complete application for a <u>Design Response Conference</u> within 6 months of the Conceptual Design Conference (CDC), the CDC expires.
142.40	Add language to <u>Design Review</u> Chapter, as in other process chapters, about petitioners not having <u>appeal</u> standing.
150.90 and 150.95	Clarify process for testimony and oral arguments at City Council <u>Process IIA</u> appeals.
160.25	Clarify threshold review for <u>Process IV</u> .
161.25	Clarify use of <u>Process IVA</u> for Zoning Map amendments.

**MUNICIPAL CODE**

<b><u>Code Section(s)</u></b>	<b><u>Purpose of Amendment</u></b>
19.16.070	Eliminate requirement that <u>street vacation vicinity maps</u> be published in the newspaper.
22.04.020	Revise <u>lot line adjustment</u> criteria to address recent court decision in "City of Seattle v. Crispin"
22.04.040, 22.04.045 and 22.08.030	Reduce <u>binding site plan</u> review process.
22.12.020	Delete list of <u>application requirements for preliminary plats</u> and authorize Planning Department to establish same.
22.12.100 through 22.12.140 and 22.12.370	Eliminate references to <u>Houghton Community Council</u> review for preliminary plats. Preliminary plat review process is IIA.
22.16.030 and 22.16.040	Delete list of <u>application requirements for final plats</u> and authorize Planning Department to establish same.

**EXHIBIT 2**

- 22.20.025 Provide alternative means of modifying dedicated easements and/or making minor alterations to recorded short plats.
- 22.20.050 Delete list of application requirements for short plats and authorize Planning Department to establish same.
- 22.20.245 Add short plat appeal to City Council when an existing right-of-way is opened with a project.
- 22.26.050,  
22.26.460,  
22.26.470,  
22.26.680 and  
22.26.690 Delete list of application requirements for plat alterations and vacations and authorize Planning Department to establish same.
- 22.28.050 Clarify that lot width requirement is not applicable in multifamily zones.
- 22.28.080 Modify rule so that easements across flag lots must be excluded from the computation of the lot area of the flag lot.
- 22.32.030 Change reference for stormwater control requirements to Municipal Code.

ORDINANCE NO. 4121

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE AND AMENDING PORTIONS OF THE FOLLOWING CHAPTERS OF ORDINANCE 3719 AS AMENDED, THE KIRKLAND ZONING ORDINANCE: CHAPTER 1—USER GUIDE; CHAPTER 5—DEFINITIONS; CHAPTER 10—LEGAL EFFECT; CHAPTER 15—RS ZONES; CHAPTER 17—RSX ZONES; CHAPTER 20—RM ZONES; CHAPTER 25—PR ZONES; CHAPTER 27—PO ZONES; CHAPTER 30—WD ZONES; CHAPTER 35—FC ZONES; CHAPTER 40—BN ZONES; CHAPTER 45—BC ZONES; CHAPTER 47—BCX ZONES; CHAPTER 48—LIT ZONES; CHAPTER 50—CBD ZONES; CHAPTER 51—MSC ZONES; CHAPTER 52—JBD ZONES; CHAPTER 53—RH ZONES; CHAPTER 54—NRH ZONES; CHAPTER 55—TL ZONES; CHAPTER 60—PLA ZONES; CHAPTER 72—ADULT ACTIVITIES OVERLAY ZONE; CHAPTER 75—HISTORIC LANDMARK OVERLAY ZONE AND HISTORIC RESIDENCE DESIGNATION; CHAPTER 80—EQUESTRIAN OVERLAY ZONE; CHAPTER 95—TREE MANAGEMENT AND REQUIRED LANDSCAPING; CHAPTER 105—PARKING AREAS, VEHICLE AND PEDESTRIAN ACCESS, AND RELATED IMPROVEMENTS; CHAPTER 115—MISCELLANEOUS STANDARDS; CHAPTER 117—PERSONAL WIRELESS SERVICE FACILITIES; CHAPTER 130—REZONES; CHAPTER 142—DESIGN REVIEW; CHAPTER 150—PROCESS IIA; CHAPTER 160—PROCESS IV; CHAPTER 161—PROCESS IVA; AND CHAPTER 180—PLATES; AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. ZON06-00033.

WHEREAS, the City Council has received recommendations from the Kirkland Planning Commission and the Houghton Community Council to amend certain sections of the text of the Kirkland Zoning Code, Ordinance 3719 as amended, all as set forth in that certain report and recommendation of the Planning Commission and the Houghton Community Council dated November 28, 2007 and bearing Kirkland Department of Planning and Community Development File No. ZON06-00033; and

WHEREAS, prior to making said recommendation, the Kirkland Planning Commission, following notice thereof as required by RCW 35A.63.070, on October 25, 2007, held a public hearing on the amendment proposals and considered the comments received at said hearing; and

WHEREAS, prior to making said recommendation, the Houghton Community Council, following notice thereof as required by RCW 35A.63.070, on September 24, 2007, held a courtesy hearing on the amendment proposals and considered the comments received at said hearing; and

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

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

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

Section 1. Zoning text amended: The following specified sections of the text of Ordinance 3719 as amended, the Kirkland Zoning Ordinance, be and they hereby are amended to read as follows:

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

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

Section 3. 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.

Section 4. Except as provided in Section 3, all portions of this ordinance excluding Section 5.10.326.5, Multiple Zoning Districts – Garage Setback Requirements, and Section 115.43, shall be in full force and effect thirty (30) days from and after its passage by the Kirkland City Council and publication, pursuant to Kirkland Municipal Code 1.08.017, in the summary form attached to the original of this ordinance and by this reference approved by the City Council, as required by law. Sections 5.10.326.5, Multiple Zoning Districts – Garage Setback Requirements, and Section 115.43 shall be in full force and effect one-hundred twenty (120) days from and after passage of this ordinance by the Kirkland City Council and its publication in summary form.

Section 5. A complete copy of this ordinance shall be certified by the City Clerk, who shall then forward the certified copy to the King County Department of Assessments.

PASSED by majority vote of the Kirkland City Council in open meeting this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

SIGNED IN AUTHENTICATION thereof this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to Form:

\_\_\_\_\_  
City Attorney

## ATTACHMENT A

**ZONING CODE AMENDMENTS**  
**File No. ZON06-00033**

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HOW TO READ THIS:

- Text that is covered by a strike-through (~~strike-through~~) is existing text currently contained in the Zoning Code, that is to be deleted.
  - Text that is underlined (underlined), with the exception of section headings, is new text that is to be added.
- 

**Chapter 1 – User Guide**

1.10 Amend Additional Regulations to add new reference as follows:

26. Landscaping – Are you interested in landscaping your property? If so, you should read KZC 95.52, Prohibited Vegetation.

**Chapter 5 – Definitions** (Note: Only definitions for which changes are being made are included below. All other definitions in Chapter 5 of the Kirkland Zoning Code remain unchanged).

5.10 Definitions

The following definitions apply throughout this code unless, from the context, another meaning is clearly intended:

- .045 Average Building Elevation – The weighted average elevation of the topography, prior to any development activity, either (1) under the footprint of a building as measured by delineating the smallest rectangle which can enclose the building footprint and then averaging the elevations taken at the midpoint of each side of the rectangle, or (2) at the center of all exterior walls of a building or structure, including decks and porches, unless the deck or porch has no walls at or below the deck level and no roof above the deck or porch, and including cantilevered portions of a building which enclose exterior space.
- .145 Commercial Zones – The following zones: BN; BC; BCX; CBD; JBD 1; JBD 2; JBD 4; JBD 5; JBD 6; MSC 2; MSC 3; NRH 1A; NRH 1B; NRH 4; RH 1A; RH 1B; RH 2A; RH 2B; RH 2C; RH 3; RH 5A; RH 5B; RH 5C; RH 7; TL 2; TL 4A; TL 4B; TL 5; TL 6A; TL 6B; and TL 8.
- .298 FAA – The Federal Aviation Administration.
- .299 FCC – The Federal Communications Commission.
- .302 Family DayChild-Care Home – A child-day-care operation in the family living quarters of the provider's home for no more than 12 children, not including family members who reside in the home or employees of the family day-care home, licensed by the Department of Early Learning.

~~.305 Fast Food Restaurant – An establishment which offers quick food service which is accomplished through a limited menu of easily produced items. Orders are not taken at the customer’s table, and food is served in disposable wrappings or containers, and the seating and associated circulation areas exceed 10 percent of the gross floor area of the use.~~

.323 Flag Lot - A lot which has a very narrow frontage along the right-of-way in order to accommodate the driveway which accesses the wider, buildable portion of the lot.

326.5 Front Façade – The face of a building essentially parallel to the street, access easement or tract serving the subject property. The front façade may have multiple planes, including a covered entry porch. On a corner lot, the front façade shall be the façade that includes the main entry.

.507 Maximum Horizontal Façade – The widest cross-section of the building(s) in the area adjoining the low density zone or within 100’ of the adjoining lot containing the detached dwelling unit or low density use. The cross-section width is measured parallel to the zone or lot(s). (See Plate \_\_\_\_.)

.595 Office Zones – The following zones: PO; PR 8.5; PR 5.0; PR 3.6; PR 2.4; PR 1.8; JBD 3; PLA 3A, PLA 5B, C; PLA 6B; PLA 15A; PLA 17A; FC III; MSC 1; MSC 4; NRH 2; NRH 3; NRH 5; NRH 6; RH 4; RH 8; TL 1A; TL 10A, TL 10B; TL 10C; TL 10D; and TL 10E.

.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.

.960 Use Zone

Amend definition to add new zoning categories:

- MSC 1
- MSC 2
- MSC 3
- MSC 4

**Chapter 10 – Legal Effect**

10.25 Amend Zoning Categories Adopted as follows:

The City is divided into the following zoning categories:

<u>Zoning Category</u>	<u>Symbol</u>
1.-10. <i>No change</i>	
<u>11. Market Street Corridor</u>	<u>MSC (followed by a designation indicating which sub-zone within the Market Street Corridor)</u>
12.-17. <i>No change, but renumbered</i>	

**Chapter 40 – BN Zone**

40.10.090 Revise the Required Rear Yard for the Office use listing as follows:

Required Rear Yard: ~~20'~~ 10'

#### Chapter 48 – LIT Zone

48.15 Add new use listing 48.15.075 as follows:

A Retail Establishment Providing Rental Services (add same standards as 48.15.070)

48.15.190 Amend Vehicle or Boat Repair, Services or Washing as follows:

Vehicle or Boat Repair, Services, Storage, or Washing

#### Chapter 50 – CBD Zones

50.30.2 Amend General Regulation No. 2 in CBD4 as follows:

2. Structures east of Second Street South shall be setback ~~20'~~ 10' feet from Second Avenue South (does not apply to Detached Dwelling Unit and Public Park uses).

50.30.5 Amend General Regulation No. 5 in CBD4 as follows:

5. No portion of a structure within 100 feet of the southerly boundary of 2<sup>nd</sup> Avenue South abutting Planned Area 6C may exceed ~~25'~~ 35' feet. No portion of a structure within 40 feet of First Avenue South shall exceed 3 stories (does not apply to Detached Dwelling Unit uses).

#### Chapter 53 – RH Zones

Change Required Front Yard for all uses except vehicle service station and public park as follows in the RH2A,B,C (Section 53.24) and RH5A,B (Section 53.54) zones:

10' adjacent to NE 85<sup>th</sup> St; ~~Otherwise 20' adjoining a residential zone.~~

AND

Change required front yard for all uses except public park as follows in the RH7 (Section 53.74), and RH8 (Section 53.84) zones:

10' adjacent to NE 85<sup>th</sup> St; ~~Otherwise 20' adjoining a residential zone.~~

#### Chapter 55 – Totem Lake Zones

55.55.2 In the TL 8 zone, amend General Regulation No. 2 as follows:

Ground floor uses on the ~~three~~ two westernmost parcels in this zone with frontage on 120<sup>th</sup> Avenue NE must contain retail, restaurants, and/or taverns ~~and/or fast food restaurants.~~

55.69.020 In the TL10A zone, Office Use, add Special Regulation No. 4 as follows:

4. The follow regulations apply only to veterinary offices:
  - a. If there are outdoor runs or other outdoor facilities for the animals, then use must comply with Landscape Category A.

- b. Outdoor runs and other 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.

55.69.020 In the TL10A zone, Office Use, revise Required Parking Spaces as follows:

If manufacturing, then 1 per each 1,000 sq.ft. of gross floor area. If office, then 1 per each 300 sq.ft. of gross floor area. If a medical, dental, or veterinary office, then 1 per each 200 sq.ft. of gross floor area. Otherwise, see KZC 105.25.

55.69.060 In the TL10A zone, Convalescent Center use, revise use as follows:

Convalescent Center or Nursing Home

## Chapter 60 – Planned Area Zones

60.85 Amend General Regulations in PLA6G as follows:

1. *No change*
2. If any portion of a structure is adjoining a low density zone, then either:
  - a. The height of that portion of the structure shall not exceed 20 feet above average building elevation, or
  - b. ~~The maximum horizontal length of any façade 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 KZC115.30, Distance Between Structures—Regarding Maximum Horizontal Façade Regulation/Adjacency to Institutional Use for further details.  
(Does not apply to Detached, Attached or Stacked Dwelling Units).
3. The required yard of any portion of the structure must be increased one foot for each foot that any portion of the structure exceeds 25 feet above average building elevation (does not apply to Detached, Attached or Stacked Dwelling Units, Assisted Living Facility and Public Park uses).
4. 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 application neighborhood plan provisions of the Comprehensive Plan; and
  - c. The need for additional setback yards to compensate for the added height and bulk will be determined as part of the review of any request to increase structure height.  
(Does not apply to Detached, Attached or Stacked Dwelling Units, Assisted Living Facility and Public Park uses).
5. All vehicular access shall be from the east. The site access shall be configured to structurally prevent the use of 7th Avenue South or other residential streets (does not apply to Detached, Attached or Stacked Dwelling Units, Assisted Living Facility and Public Park uses).

60.87 Amend 60.87.130 Attached or Stacked Dwelling Units use listing as follows:

Detached, Attached or Stacked Dwelling Units. See Special Regulation 6.

60.92.020 In the PLA 6H zone for Detached, Attached or Stacked Dwelling Units, delete Special Regulation 7 as follows:

~~Where the 25-foot height limitation results solely from an adjoining low density zone occupied by a school that has been allowed to increase its height to at least 30 feet, then a structure height of 30 feet above average building elevation is allowed.~~

68.187.070 In the PLA17 zone, eliminate Family Day-Care Home use listing (Section 60.187.070).

60.187.120 For Public Park use in the PLA17 zone (Section 60.187.120), delete required review process, all development standards, and special regulations and replace as follows:

Development standards will be determined on case-by-case basis. See Chapter 49 KZC for required review process.

### **Multiple Zoning Districts -- Garage Setback Requirements**

Add reference to (under Required Front Yard) and Special Regulation for Detached Dwelling Unit use as follows in the RS (Section 15.10.010), RSX (Section 17.10.010), WDII (Section 30.25.010), PLA6C (Section 60.67.010), PLA6E (Section 60.77.010), and PLA16 (Section 60.182.010) zones:

\_\_\_. Garages shall comply with the requirements of KZC 115.43, including required front yard. These requirements are not effective within the disapproval jurisdiction of the Houghton Community Council.

### **Multiple Zoning Districts -- Ground Floor Use Requirements**

Add a new General Regulation as follows in the BN (Section 40.08) and MSC2 (Section 51.18) zones:

\_\_\_. At least 75 percent of the total gross floor area located on the ground floor of all structures on the subject property must contain retail establishments, restaurants, taverns, or offices. These uses shall be oriented to an adjacent arterial, a major pedestrian sidewalk, a through block pedestrian pathway or an internal pathway.

AND

Add a new General Regulation as follows in the BC (Section 45.08), BCX (Section 47.08), and MSC3 (Section 51.28) zones:

\_\_\_. At least 75 percent of the total gross floor area located on the ground floor of all structures on the subject property must contain retail establishments, restaurants, taverns, hotels or motels, or offices. These uses shall be oriented to an adjacent arterial, a major pedestrian sidewalk, a through block pedestrian pathway or an internal pathway.

AND

Amend Stacked Dwelling Unit Special Regulation as follows in the BN (Section 40.10.100), BC (Section 45.10.110), BCX (Section 47.10.110), MSC2 (Section 51.20.050) and MSC3 (Section 51.30.070) zones:

\_\_\_. This use, with the exception of a lobby, may not be located on the ground floor of a structure.

### Multiple Zoning Districts -- Landscape Buffering Requirements

Amend Detached, Attached or Stacked Dwelling Units, Special Regulation 4 addressing landscaping, as follows in the RM zone (Section 20.10.020):

4. Except for low density uses, if the subject property is located within the NRH neighborhood, west of Slater Avenue NE and south of NE 100<sup>th</sup> Street, and if it adjoins a low density zone or a low density use in PLA17, then landscape category A applies.

AND

Amend Detached, Attached or Stacked Dwelling Units, Landscape Category, to make reference to and add Special Regulation as follows in the RM zone (Section 20.10.020):

9. When a low density use adjoins a detached dwelling unit in a low density zone, Landscape Category E applies.

AND

Amend Landscape Category for Detached, Attached or Stacked Dwelling Units to make reference to and add Special Regulation as follows in the PLA 6F (Section 60.82.020), PLA6H (Section 60.92.020), PLA6K (Section 60.107.020), and PLA7A,B,C (Section 60.112.020) zones:

- When a low density use abuts a detached dwelling unit in a low density zone, Landscape Category E applies.

AND

Amend Special Regulation No. 2 in the PLA6H zone (Section 60.92.020) as follows:

2. Except for low density uses, ~~M~~ must provide the buffer described in Buffering Standard 2 in Chapter 95 KZC where the subject property adjoins a low density zone.

### Multiple Zoning Districts -- Maximum Horizontal Façade Requirements

Amend General Regulation as follows in the RS (Section 15.08) and RSX (Section 17.08) zones:

- \_\_\_ If any portion of a structure is adjoining a detached dwelling unit in a low density zone, then either:
  - a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or
  - b. The maximum horizontal length of any façade of that portion of the structure which is parallel to the boundary of the low density zone shall not exceed 50 feet.

See KZC 115.30, Distance Between Structures/Adjacency to Institutional Use, for further details.

*No change to remainder of section*

AND

Amend General Regulation 2 as follows in the PLA6C (Section 60.65), PLA6E (Section 60.75), and PLA16 (Section 60.180) zones:

2. If any portion of a structure is adjoining a detached dwelling unit in a low density zone, then either:
  - a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or
  - b. The maximum horizontal length of any façade 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 Façade Regulation/~~Adjacency to Institutional Use, for further details.

*No change to remainder of section*

AND

Amend Special Regulation No. 2, applicable to Public Utility and Government Facility and Community Facility uses in the WDII zone (Sections 30.25.030 and 30.25.040) as follows:

2. If any portion of a structure is adjoining a detached dwelling unit in a low density zone, then either:
  - a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or
  - b. The maximum horizontal length of any façade 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 Façade Regulation/~~Adjacency to Institutional Use, for more details.

### **Multiple Zoning Districts -- Required Side Yard for Detached Dwelling Units**

Amend Detached Dwelling Units, Required Side Yard, as follows in the RM (Section 20.10.010), PR (Section 25.10.010), MSC1,4 (Section 51.10.010), PLA3A (Section 60.22.010), PLA5A (Section 60.32.010), PLA5C (Section 60.42.010), PLA5D (Section 60.47.010), PLA5E (Section 60.52.010), PLA6A (Section 60.57.010), PLA6B (Section 60.62.010), PLA6D (Section 60.72.010), PLA6F (Section 60.82.010), PLA6H (Section 60.92.010), PLA6I (Section 60.97.010), PLA6J (Section 60.102.010), PLA6K (Section 60.107.010), PLA7A,B,C (Section 60.112.010), PLA9 (Section 60.132.020), and PLA15B (Section 60.177.010) zones:

~~5', but 2 side yards must equal at least 15'.~~

AND

Amend Detached Dwelling Units, Required Side Yard, as follows in the CBD3 (Section 50.27.080) and CBD4 (Section 50.32.110) zones:

~~5', but 2 side yards must be at least 15'.~~

AND

Amend Detached Dwelling Units, Required Side Yard, as follows in the RH4 zone (Section 53.44.010):

~~5', but 2 side yards must equal to least 15'.~~

AND

Eliminate related Special Regulation as follows in the RM zone (Section 20.10.010):

- ~~3. If the property is in an RM 1.8, 2.4, or 3.6 zone and contains less than 5,000 sq.ft., each side yard may be five feet.~~

AND

Amend Detached, Attached or Stacked Dwelling Units, Required Side Yard, as follows in the RM (Section 20.10.020), PR (Section 25.10.020), MSC1,4 (Section 51.10.020), NRH2 (Section 54.18.010), NRH3 (Section 54.24.010), NRH5 (Section 54.36.010), NRH6 (Section 54.42.010), PLA5A (Section 60.32.020), PLA5C (Section 60.42.020), PLA5D (Section 60.47.020), PLA5E (Section 60.52.020), PLA6A (Section 60.57.020), PLA6B (Section 60.62.020), PLA6D (Section 60.72.020), PLA6F (Section 60.82.020), PLA6G (Section 60.87.130), PLA6H (Section 60.92.020), PLA6I (Section 60.97.020), PLA6J (Section 60.102.020), PLA6K (Section 60.107.020), and PLA7A,B,C (Section 60.112.020) zones:

5' for Detached Units. For Attached or Stacked Units, 5', but 2 side yards must equal at least 15'. No change to remainder of section.

AND

Amend Detached Attached or Stacked Dwelling Units, Required Side Yard, as follows in the RH4 zone (Section 53.44.020):

5' for Detached Units. For Attached or Stacked Units, 5', but 2 side yards must equal to at least 15'.

#### **Multiple Zoning Districts – Restaurants/Fast Food Restaurants: Drive-In and Drive-Through Facilities Prohibited**

Eliminate Fast Food Restaurant use listing in the CBD1 (Section 50.12.050), CBD8 (Section 50.52.020), JBD4 (Section 52.27.030), JBD5 (Section 52.32.030), JBD6 (Section 52.42.020) and NRH1A (Section 54.06.040) zones.

AND

Amend Restaurant or Tavern use listing to add new Special Regulation as follows in the PR (Section 25.10.050), PO (Section 27.10.020), WDI (Section 30.15.060), CBD1 (Section 50.12.010), CBD4 (Section 50.32.010), JBD4 (Section 52.27.020), JBD5 (Section 52.32.020), JBD6 (Section 52.42.010), NRH1A (Section 54.06.030), and NRH1B (Section 54.12.020) zones:

\_\_\_ Drive-in or drive-through facilities are prohibited.

AND

Amend Fast Food or Restaurant use listing as follows in the LIT zone (Section 48.15.200):

~~Fast Food or Restaurant.~~ See Spec. Reg. 1.

AND

Amend Any Retail Establishment use listing Special Regulation 1 as follows in the CBD3 zone (Section 50.27.040):

1. The following uses are not permitted in this zone:
  - a. Vehicle service stations

- b. The sale, service and/or rental of motor vehicles, sailboats, motor boats, and recreational trailers; provided, that motorcycle sales, service, or rental is permitted if conducted indoors.
- ~~c. Fast food restaurants.~~
- ~~c.d. Drive-in facilities and drive-through facilities.~~

AND

Amend use listing as follows in MSC1,4 (Section 51.10.040), MSC2 (Section 51.20.020), MSC3 (Section 51.30.010), TL10C (Section 55.81.140), TL10D (Section 55.87.140), and TL10E (Section 55.93.120) zones:

~~Restaurant, or Tavern or Fast Food Restaurant~~

AND

Amend Special Regulation 1 in the MSC2 zone (Section 51.20.020) as follows:

- 1. ~~Restaurants and;~~ taverns ~~and fast food restaurants~~ are limited to 4,000 sq.ft. maximum.

AND

Eliminate Special Regulation 3 as follows in the MSC1,4 (Section 51.10.040), MSC2 (Section 51.20.020), and MSC3 (Section 51.30.030) zones:

- ~~3. Fast food restaurants must provide one outdoor waste receptacle for every eight parking stalls.~~

AND

Amend Any Retail Establishment... Special Regulation 1 as follows in the RH1B zone (Section 53.12.030):

- 1. This use is only permitted south of NE 90<sup>th</sup> Street if the vehicle trip generation will not exceed the traffic generated by a general office use; provided, that the following retail uses are not permitted:
  - a. ~~Restaurants, fast food restaurants~~ or taverns.
  - b. A retail establishment involving repair or service of automobiles, trucks, boats, motorcycles, recreational vehicles, heavy equipment, and similar vehicles.
  - c. Vehicle service stations.
  - d. Automotive service centers.
  - e. Uses with drive-in or drive-through facilities.

AND

Amend General Regulations as follows in the RH7 zone (Section 53.72):

- 1.-6. *No change*
- 7. Drive-through and drive-in facilities are not permitted in this zone.
- 8.-11. *No change*

AND

Amend use listing as follows in the RH7 zone (Section 53.74.010):

~~Restaurants, or Taverns or Fast Food Restaurants~~

AND

Amend use listing as follows in the RH7 zone (Section 53.74.080):

Development Containing Stacked Dwelling Units and one or more of the following uses: Retail uses including Banking and Other Financial Services, Restaurants, or Taverns, or Fast Food Restaurants.

AND

Amend General Regulations as follows in the RH8 zone (Section 53.82):

- 1.-7. *No change*
- 8. Drive-through and drive-in facilities are not permitted in this zone.
- 9.-12. *No change*

AND

Amend A Multi-Use Complex use listing as follows in the TL7 zone (Section 55.51.140):

A multi-use complex or mixed use building containing 7 or more restaurants, taverns, ~~fast food restaurants,~~ retail establishments, or churches

AND

Amend use listing as follows in the TL7 zone (Section 55.51.190):

~~Fast Food or Restaurant~~

AND

Amend Restaurant or Tavern use Special Regulation 3 as follows in the TL8 zone (Section 55.57.050):

- 3. Outdoor storage and drive-in or drive-through facilities are not permitted.

AND

Amend Special Regulation 1 as follows in the TL10C zone (Section 55.81.140):

- 1. This use is permitted if accessory to a primary use, and:
  - a. It will not exceed 20 percent of the gross floor area of the building;
  - b. It is not located in a separate structure from the primary use;
  - c. The use is integrated into the design of the building;
  - d. There is no vehicle drive-in or drive-through;
  - ~~e. One waste receptacle is provided for every eight parking stalls for fast food restaurants.~~

AND

Amend Special Regulation 1 as follows in the TL10D zone (Section 55.87.140):

- 1. This use is permitted if accessory to a primary use, and:

- a. It will not exceed 20 percent of the gross floor area of the building;
- b. It will not be located in a separate structure from the primary use;
- c. It will not exceed 50 percent of the ground floor area of the building;
- d. The use is integrated into the design of the building; and
- e. There is no vehicle drive-in or drive-through; and
- ~~f. One waste receptacle is provided for every eight parking stalls for fast food restaurants.~~

AND

Amend Special Regulation 1 as follows in the TL10E zone (Section 55.93.120):

- 1. This use is permitted if accessory to a primary use, and:
  - a. It will not exceed 20 percent of the gross floor area of the building;
  - b. It is not located in a separate structure from the primary use;
  - c. The use is integrated into the design of the building; and
  - d. There is no vehicle drive-in or drive-through; and
  - ~~e. One waste receptacle is provided for every eight parking stalls for fast food restaurants.~~

AND

Amend Development Containing: Attached or Stacked Dwelling Units; and Restaurant or Tavern; and General Moorage Facility use listing to add new Special Regulation as follows in the PLA15A zone (Section 60.172.070):

- ~~\_\_\_ Restaurant uses with drive-in or drive-through facilities are not permitted in this zone.~~

### **Multiple Zoning Districts – Restaurants/Fast Food Restaurants: Drive-In and Drive-Through Facilities Permitted**

Eliminate Fast Food Restaurant use listing in the FCIII (Section 35.30.050), BC (Section 45.10.040), BCX (Section 47.10.040), CBD5 (Section 50.37.020), CBD6 (Section 50.42.020), CBD7 (Section 50.47.030), JBD1 (Section 52.12.050), JBD2 (Section 52.17.050), and NRH4 (Section 54.30.040) zones.

AND

Amend A Retail Establishment... Special Regulations as follows in the FCIII zone (Section 35.30.060):

- 1. *No change*
- 2. ~~The following regulation applies to retail establishments selling groceries and related items: A Gross floor area for the use may not exceed 3,000 square feet.~~
- 3. ~~Fast Food Restaurant use must provide one outdoor waste receptacle for every eight parking stalls.~~
- 4. ~~Access for 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.~~
- 5. *No change, except renumbered to 3.*

AND

Add a new Special Regulation to Restaurant or Tavern use listing as follows in the FCIII (Section 35.30.020), BC (Section 45.10.030), and BCX (Section 47.10.030) zones:

- \_\_\_ For restaurants with drive-in or drive-through facilities:
  - a. One outdoor waste receptacle shall be provided for every eight parking stalls.
  - b. Access for drive-through facilities shall be approved by the Public Works Department. Drive-through facilities shall be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served.
  - c. Landscape Category A shall apply.

Add a new Special Regulation to Restaurant or Tavern use listing as follows in the BN zone (Section 40.10.060):

- \_\_\_ For restaurants with drive-in or drive-through facilities:
  - a. One outdoor waste receptacle shall be provided for every eight parking stalls.

AND

Add a new Special Regulation to Restaurant or Tavern use as follows in the CBD5 zone (Section 50.37.010):

- \_\_\_ For restaurants with drive-in or drive-through facilities:
  - a. One outdoor waste receptacle shall be provided for every eight parking stalls.
  - b. Access for drive-through facilities shall be approved by the Public Works Department. Drive-through facilities shall be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served.
  - c. Landscape Category A shall apply if the subject property is adjacent to 6<sup>th</sup> Street or Kirkland Avenue.

AND

Amend Restaurant or Tavern use listing Special Regulation 1 and add new Special Regulation 3 as follows in the CBD7 zone (Section 50.47.020):

- 6. Landscape Category B is required if the subject property is adjacent to Planned Area 7B, unless drive-in or drive-through facilities are present in which case Landscape Category A shall apply.
- 3. For restaurants with drive-in or drive-through facilities:
  - a. One outdoor waste receptacle shall be provided for every eight parking stalls.
  - b. Access for drive-through facilities shall be approved by the Public Works Department. Drive-through facilities shall be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served.

AND

Amend Restaurant or Tavern use listing to add Special Regulation as follows in the JBD 1 zone (Section 52.12.040):

- 1. For restaurants with drive-in or drive through facilities:
  - a. These facilities are permitted only if they do not compromise the pedestrian orientation of the development. The location and specific design of the facilities require Planning Official approval.
  - b. Access for drive-through facilities shall be approved by the Public Works Department. Drive-through facilities shall be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served.
  - c. One outdoor waste receptacle shall be provided for every eight parking stalls.
  - d. Landscape Category B shall apply.

AND

Amend Development Containing Two or More of the Following use listing as follows in the JBD1 zone (Section 52.12.120):

Development containing two or more of the following uses:

- Retail Establishments, including Restaurants; and Taverns, ~~and Fast Food Restaurants~~
- Office Uses
- Stacked or Attached Dwelling Units

AND

Amend Development Containing Two or More of the Following use listing Special Regulations 7 and 9 as follows in the JBD1 zone (Section 52.12.120):

7. If the development contains restaurant, tavern, ~~fast food restaurant~~, or retail use, then sign category E applies. Otherwise, sign category D applies.
9. Restaurants, taverns, ~~fast food restaurants~~, and retail establishments selling goods and services should be the ~~predominate~~ predominant use on the ground floor of structures. Other permitted uses, including dwelling units, may be allowed on the ground floor of structure if this does not compromise the desired mixed use character of the development

AND

Add a new Special Regulation to Restaurant or Tavern use as follows in the JBD2 zone (Section 52.17.040):

- \_\_\_. For restaurants with drive-in or drive-through facilities:
  - a. One outdoor waste receptacle shall be provided for every eight parking stalls.
  - b. Access for drive-through facilities shall be approved by the Public Works Department. Drive-through facilities shall be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served.
  - c. Landscape Category B shall apply.

AND

Amend use listing as follows in the RH1A (Section 53.06.030) and RH3 (Section 53.34.040) zones:

~~Restaurant, Fast Food Restaurant~~ or Tavern

AND

Revise Special Regulation 1 as follows in the RH1A (Section 53.06.030) and TL4A,B, C (Section 55.33.040) zones:

1. For restaurants with drive-in or drive-through facilities:
  - a. ~~Must provide e~~ One outdoor waste receptacle shall be provided for every eight parking stalls.
  - b. Access for drive-through facilities shall be approved by the Public Works Department. Drive-through facilities shall be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served.

AND

Amend Development Containing... use listing as follows in the RH3 zone (Section 53.34.010):

Development containing: retail establishments selling goods, or providing services including banking and other financial services, restaurants, taverns, ~~fast-food restaurants~~

AND

Amend Special Regulation as follows in the RH3 zone (Section 53.34.040):

- ~~Fast food~~ For Restaurants with drive-in or drive-through facilities:
  - a. ~~Shall provide~~ One outdoor waste receptacle shall be provided for every eight parking stalls.
  - b. Access for drive-through facilities shall be approved by the Public Works Department. Drive-through facilities shall be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served.

AND

Amend use listing as follows in the RH2A,B,C (Section 53.24.030), RH5A,B (Section 53.54.040), TL4A,B,C (Section 55.33.040), TL5 (Section 55.39.040), TL6A,B (Section 55.45.030), and TL10A (Section 55.69.030) zones:

~~Restaurant, or Tavern or Fast Food Restaurant~~

AND

Amend Special Regulation as follows in the RH2A,B,C (Section 53.24.030), TL5 (Section 55.39.040), TL6A,B (Section 55.45.030), and TL10A (Section 55.69.030) zones:

- ~~Fast food~~ For Restaurants with drive-in or drive-through facilities:
  - a. ~~Must provide~~ One outdoor waste receptacle shall be provided for every eight parking stalls.
  - b. Access for drive-through facilities shall be approved by the Public Works Department. Drive-through facilities shall be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served.

AND

Amend Special Regulations 1 and 2 as follows in the RH5A,B zone (Section 53.54.040):

1. Taverns and ~~fast food~~ restaurants with drive-in or drive-through facilities are not permitted uses in an RH 5B zone, ~~except fast food restaurants which:~~
  - a. ~~Do not include drive-in or drive-through facilities; and~~
  - b. ~~Primarily prepare and serve specialty nonalcoholic beverages, such as coffee, tea, juices, or sodas, or specialty snacks, such as ice cream, frozen yogurt, cookies, or popcorn, for consumption on or near the premises. Fast food restaurants allowed under this provision may also engage in the sale of related products such as coffee beans, mugs, and coffee makers in support of or ancillary to the beverages or snacks listed above; and~~
2. ~~Fast food~~ For restaurants with drive-in or drive-through facilities:
  - a. One outdoor waste receptacle shall be provided for every eight parking stalls.

- b. Access for drive-through facilities shall be approved by the Public Works Department. Drive-through facilities shall be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served.

AND

Amend Restaurant or Tavern use listing to add the following Special Regulation in the NRH4 zone (Section 54.30.030):

1. The following regulations apply to restaurants with drive-in or drive-through facilities:
- a. This use is permitted only if the subject property abuts Slater Avenue NE. No aspect or component of a restaurant with drive-in or drive-through facilities may be located on or oriented towards NE 116<sup>th</sup> Street.
  - b. Access for drive-through facilities shall be approved by the Public Works Department. Drive-through facilities shall be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served.
  - c. One outdoor waste receptacle shall be provided for every eight parking stalls.
  - d. Landscape Category A shall apply.

AND

Amend Development Containing Retail... use listing as follows in the TL2 zone (Section 55.21.010):

Development Containing Retail Uses, Selling Goods or Providing Services, Including Restaurants; and Taverns ~~and Fast Food Restaurants~~, Banking and Other Financial Services

AND

Amend Special Regulation 3.c. as follows in the TL2 (Section 55.21.010), and TL5 (Section 55.39.010) zones:

- 3.c. Ground floor spaces designed in a configuration which encourages pedestrian activity and visual interest. Uses other than retail, restaurants, and taverns ~~and fast food restaurants~~ may be permitted on the ground floor of structures only if the use and location do not compromise the desired pedestrian orientation and character of the development.

### **Multiple Zoning Districts -- Used Vehicle/Boat Sales Permitted**

Revise the use listing as follows in the BC (Section 45.10.020), NRH4 (Section 54.30.020), TL4A,B,C (Section 55.33.030), TL5 (Section 55.39.030), and TL6A,B (Section 55.45.020) zones:

A retail establishment providing ~~new~~ vehicle or boat sales or vehicle or boat service or repair. See Spec. Reg. \_\_\_.

AND

Revise Special Regulation 2 as follows in the BC zone (Section 45.10.020):

2. Vehicle and boat rental ~~and used vehicles or boat sales~~ are allowed as part of this use.

### Multiple Zoning Districts -- Zero Lot Line Opportunities

Amend Attached or Stacked Dwelling Units, Required Yards, to make reference to and add Special Regulations as follows in the WD1 (Section 30.15.020), WDIII (Section 30.35.020), and PLA15A (Section 60.172.020) zones:

Special Regulation \_\_\_\_ . Any required yard, other than the front or high water line required yard, may be reduced to zero feet if the side of the dwelling unit is attached to a dwelling unit on an adjoining lot. If one side of a dwelling unit is so attached and the opposite side is not, the side that is not attached shall provide the minimum required yard.

AND

Amend Attached or Stacked Dwelling Units, Required Yards, to make reference to and add Special Regulations as follows in the TL8 (Section 55.57.070), TL10B (Section 55.75.010), TL10C (Section 55.81.010), TL11 (Section 55.99.010), and PLA17 (Section 60.187.020) zones:

Special Regulation \_\_\_\_ . The side yard may be reduced to zero feet if the side of the dwelling unit is attached to a dwelling unit on an adjoining lot. If one side of a dwelling unit is so attached and the opposite side is not, the side that is not attached must provide a minimum side yard of five feet.

Special Regulation \_\_\_\_ . The rear yard may be reduced to zero feet if the rear of the dwelling unit is attached to a dwelling unit on an adjoining lot.

AND

Amend Detached, Attached or Stacked Dwelling Units, Required Yards, to make reference to and add Special Regulations as follows in the RH4 zone (Section 53.44.020):

Special Regulation \_\_\_\_ . The side yard may be reduced to zero feet if the side of the dwelling unit is attached to a dwelling unit on an adjoining lot. If one side of a dwelling unit is so attached and the opposite side is not, the side that is not attached must provide a minimum side yard of five feet.

Special Regulation \_\_\_\_ . The rear yard may be reduced to zero feet if the rear of the dwelling unit is attached to a dwelling unit on an adjoining lot.

AND

Amend Development Containing Stacked or Attached Dwelling Units and Office Uses, Required Yards, to make reference to and add Special Regulations as follows in the RH4 zone (Section 53.44.060):

Special Regulation \_\_\_\_ . The side yard may be reduced to zero feet if the side of the dwelling unit is attached to a dwelling unit on an adjoining lot. If one side of a dwelling unit is so attached and the opposite side is not, the side that is not attached must provide a minimum side yard of five feet.

Special Regulation \_\_\_\_ . The rear yard may be reduced to zero feet if the rear of the dwelling unit is attached to a dwelling unit on an adjoining lot.

AND

Amend Detached, Attached or Stacked Dwelling Units (Stand Alone or Mixed with Other Uses), Required Yards, to make reference to and add Special Regulations as follows in the NRH2 (Section 54.18.010) and NRH3 (Section 54.24.010) zones:

Special Regulation \_\_\_\_ . The side yard may be reduced to zero feet if the side of the dwelling unit is attached to a dwelling unit on an adjoining lot. If one side of a dwelling unit is so attached and the opposite side is not, the side that is not attached must provide a minimum side yard of five feet.

Special Regulation \_\_\_\_ . The rear yard may be reduced to zero feet if the rear of the dwelling unit is attached to a dwelling unit on an adjoining lot.

AND

Amend Detached, Attached or Stacked Dwelling Units (Stand Alone or Mixed with Office Uses), Required Yards, to make reference to and add Special Regulations as follows in the NRH5 (Section 54.36.010) and NRH6 (Section 54.42.010) zones:

Special Regulation \_\_\_\_ . The side yard may be reduced to zero feet if the side of the dwelling unit is attached to a dwelling unit on an adjoining lot. If one side of a dwelling unit is so attached and the opposite side is not, the side that is not attached must provide a minimum side yard of five feet.

Special Regulation \_\_\_\_ . The rear yard may be reduced to zero feet if the rear of the dwelling unit is attached to a dwelling unit on an adjoining lot.

AND

Amend Development Containing Attached or Stacked Dwelling Units and Offices, Restaurants or Taverns, or Retail Uses Allowed in this Zone, Required Yards, to make reference to and add Special Regulations as follows in the TL 8 zone (Section 55.57.080):

Special Regulation \_\_\_\_ . The side yard may be reduced to zero feet if the side of the dwelling unit is attached to a dwelling unit on an adjoining lot. If one side of a dwelling unit is so attached and the opposite side is not, the side that is not attached must provide a minimum side yard of five feet.

Special Regulation \_\_\_\_ . The rear yard may be reduced to zero feet if the rear of the dwelling unit is attached to a dwelling unit on an adjoining lot.

AND

Amend Attached or Stacked Dwelling Units, Required Yards, to make reference to and add Special Regulations as follows in the TL10D zone (Section 55.87.100)

Special Regulation \_\_\_\_ . The side yard may be reduced to zero feet if the side of the dwelling unit is attached to a dwelling unit on an adjoining lot. If one side of a dwelling unit is so attached and the opposite side is not, the side that is not attached must provide a minimum side yard of five feet.

AND

Amend Attached Dwelling Units, Required Yards, to make reference to and add Special Regulations as follows in the PLA9 zone (Section 60.132.030):

Special Regulation . The side yard may be reduced to zero feet if the side of the dwelling unit is attached to a dwelling unit on an adjoining lot. If one side of a dwelling unit is so attached and the opposite side is not, the side that is not attached must provide a minimum side yard of five feet.

Special Regulation . The rear yard may be reduced to zero feet if the rear of the dwelling unit is attached to a dwelling unit on an adjoining lot.

### **Chapter 72 – Adult Activities Overlay Zone**

72.10 Amend Designation – Required Review as follows:

The City will review and decide upon each application to designate an area as an Adult Entertainment Overlay Zone on the Zoning Map, using the ~~nonproject~~ quasijudicial rezone provisions of Chapter 130 KZC.

### **Chapter 75– Historic Landmark Overlay Zone and Historic Residence Designation**

75.10 Amend Historic Landmark Overlay Zone Designation – Required Review as follows:

The City will review and decide upon each proposal to designate an area as an Historic Landmark Overlay Zone on the Zoning Map using the ~~nonproject~~ quasijudicial rezone provisions of Chapter 130 KZC.

### **Chapter 80 – Equestrian Overlay Zone**

80.10 Amend Designation – Required Review as follows:

The City will review and decide upon each application to designate an area as an Equestrian Overlay Zone on the Zoning Map using the ~~nonproject~~ quasijudicial rezone provisions of Chapter 130 KZC.

### **Chapter 95 – Tree Management and Required Landscaping**

95.40.6 Amend the Land Use Buffering Standards, sub (a), sub (1) (buffering standard 1) as follows:

- 1) Trees planted at the rate of one tree per 20 linear feet of land use buffer, with deciduous trees of two and one-half inch caliper, minimum, and/or coniferous trees eight feet in height, minimum. At least 70 percent of trees shall be evergreen. ~~Evergreen and deciduous~~ The trees shall be distributed evenly throughout the buffer, spaced no more than 20 feet apart on center.

95.52 Add a new section, Prohibited Vegetation, as follows:

Plants listed as prohibited in the Kirkland Plant List shall not be planted in the City.

For landscaping not required under this chapter, this prohibition shall become effective on (effective date of ordinance). The City may require removal of prohibited vegetation if installed after this date. Residents and property-owners are encouraged to remove pre-existing prohibited vegetation whenever practicable.

### **Chapter 105 – Parking Areas, Vehicle and Pedestrian Access, and Related Improvements**

105.18 Pedestrian Access

2. Development standards required for pedestrian improvements-
  - a. Pedestrian Walkway Standards – General – The applicant shall install pedestrian walkways pursuant to the following standards:
    - 1)-7) *No change*
    - 8) Easements to provide rights of access between adjacent properties shall be recorded prior to project occupancy.

## Chapter 115 - Miscellaneous Standards

### 115.10 Accessory Uses, Facilities and Activities

7. Family ~~Day~~Child-Care Home - Pursuant to Chapter ~~74.15 RCW~~ 43.215 RCW, a family ~~daychild~~-care home is a permitted accessory use in any residential or commercial zone which allowed residential use. A family ~~daychild~~-care home shall be subject to the following regulations:
  - a. The family ~~daychild~~-care home is subject to the requirements established by the Washington State Department of ~~Social and Health Services (DSHS) (WAC Title 388)~~ Early Learning (DEL) (WAC Title 170).
  - b. The family ~~daychild~~-care provider shall be licensed by ~~DSHS~~ DEL to operate a family ~~daychild~~-care home.
  - c. A safe passenger loading area as certified by the ~~DSHS-DEL~~ licensor shall be provided.
  - d. The family ~~daychild~~-care home shall comply with all applicable building, fire, safety, and health codes enforced by the City.
  - e. The family ~~daychild~~-care home shall comply with all applicable use regulations of the Kirkland Zoning Code.
  - f. *No change.*
  - g. *No change.*
  - h. Prior to receiving State licensing, the family ~~daychild~~-care provider shall provide the City with proof of written notification informing immediately adjoining property owners of the intent to locate and maintain the family ~~daychild~~-care home. The notification shall:
    - i. Inform the notified parties that comments may be submitted to the ~~State licensor~~ Department of Early Learning; and
    - ii. Provide contact information for submitting such comments to the ~~licensor~~ Department of Early Learning; and
    - iii. ~~Include a statement that neighborhood dispute resolution pertaining to the proposed family day-care home is available from DSHS.~~

The proof of notification shall be in the form of a written affidavit containing:

    - 1) The date and means of notification;
    - 2) A copy of the notification; and
    - 3) A list of the parties to whom the notification was distributed.

### 115.30 Distance Between Structures/Adjacency to Institutional Use

1. Distance Between Structures
  - a. Apply to:
    - 1) Calculation of F.A.R. for detached dwelling units in low density zones, and

- 2) Regulation of maximum horizontal façade (see KZC 5.10.507 for definition).
- b. *No change*
- c. Exceptions
  - 1)-2) *No change*
  - 3) Detached dwelling units approved and constructed as a "Detached, Attached, or Stacked Dwelling Unit" are excluded from horizontal façade regulations and may be located within 10 feet of one another if they are separated by at least 10 feet.
  - 4) *No change*

115.42 Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Residential Zones

1.c. On lots less than 8,500 square feet, the first 500 square feet of an accessory dwelling unit or garage contained in an accessory structure, when such accessory structure is located more than 20 feet from and behind the main structure (see KZC 115.30 for additional information on the required distance between structures); provided that the entire area of an accessory structure, for which a building permit was issued prior to March 6, 2007, shall not be included in the gross floor area used to calculate F.A.R. For purposes of this section, "behind" means located behind an imaginary plane drawn at the back of the main structure at the farthest point from, and parallel to, the street or access easement serving the residence.

115.43 Garage ~~Setback~~ Requirements for Detached Dwelling Units in Low Density Zones.

Eliminate existing requirements and replace with new section, as follows:

- ~~1. In a low density zone, the garage must be set back five feet from the remaining portion of the front façade of a dwelling unit, if:
 
  - ~~a. The garage door is located on the front façade of the dwelling unit; and~~
  - ~~b. The lot is at least 50 feet wide at the front setback line; and~~
  - ~~c. The garage width exceeds 50 percent of the combined dimensions of the front facades of the dwelling unit and the garage.~~~~
- ~~2. In measuring the garage setback, the front façade of the dwelling unit shall include covered entry porches that extend across 100 percent of the remaining front façade, but shall not include other elements that are allowed to extend into the required front yard, pursuant to KZC 115.115.~~
1. Purpose and Intent. The intent of these regulations is to minimize the appearance of the garage when viewing the front façade of a house. To achieve this result, the following principles apply:
  - a. The garage doors, whenever practicable, should not be placed on the front facade of the house;
  - b. If the garage doors are on the front façade, the garage should be set back from the plane of the front façade closest to the street, access easement or tract;
  - c. The width of the garage face generally should be no more than the width of the remainder of the front façade; and
  - d. Garages with garage doors perpendicular to the street, access easement or tract (side-entry garages) should not have a blank wall on the front façade.

2. General Requirements
  - a. Detached dwelling units served by an open public alley, or an easement or tract serving as an alley, shall enter all garages from that alley;
  - b. Side-entry garages shall minimize blank walls by incorporating architectural details or windows on the front facade that complement the features of the remainder of the front façade.
3. Additional Requirements for Garages with Garage Doors on the Front Façade of the Detached Dwelling Unit
  - a. The required front yard for the garage shall be 8' greater than the required front yard for the remainder of the detached dwelling unit (not including covered entry porches approved under KZC 115.115.3.n).
  - b. The garage width shall not exceed 50% of the total width of the front façade. (This standard shall not apply if the lot width, as measured at the back of the required yard for the front façade, is less than 55'.)
  - c. For purposes of this section, the width of the front façade shall not include those items located along the side facades described in Section 115.115.3.d. of this code, even if they are outside of a required yard.
4. Exemptions. The following are exempt from the requirements of Subsection 3 of this section:
  - a. Houses on flag lots;
  - b. Houses with below-grade garages. For purposes of this exemption, a "below-grade garage" is one that has at least 75% of the area of the garage doors below the midpoint elevation(s) of the street, access easement or tract as it passes along the front of the garage.
5. Deviation From Requirements. The Planning Official may allow deviations from the requirements of this section if the following criteria are met:
  - a. The modification is necessary because of the size, configuration, topography or location of the subject property; and
  - b. The modification supports the purpose and intent of the garage setback regulations; and
  - c. The modification includes design details that minimize the dominant appearance of the garage when viewed from the street, access easement or tract (for example, casings; columns; trellises; windows; surface treatments or color; single-stall doors; door offsets; narrowed driveway widths; and/or enhanced landscaping); and
  - d. The modification will not have any substantial detrimental effect on nearby properties and the City as a whole.
6. This section is not effective within the disapproval jurisdiction of the Houghton Community Council.

115.59 Height Regulations – Calculating Average Building Elevation (ABE).

Modify existing subsections and add new subsection, as follows:

1. General – ABE shall be calculated using the following formula:

$$\text{ABE} = (\text{Mid-point Elevation}) \times (\text{Length of Segment}) +$$

$$\frac{(\text{Mid-point Elevation}) \times (\text{Length of Segment})}{(\text{Length of Segment}) + (\text{Length of Segment})}$$

(See Plates 17A and 17B. The permit applicant may choose whether to use the simplified calculation as depicted in Plate 17A, Option 1, or the more complicated calculation as depicted in Plate 17B, Option 2.)

For both options, the ABE segments shall include decks and porches, unless the deck or porch has no walls at or below the deck level and no roof above the deck or porch, as well as cantilevered portions of a building which enclose interior space.

For Option 1, those items allowed to extend into required yards through Section 115.115.3.d shall not be included within the square or rectangle.

For Option 2, those items allowed to extend into required yards through Section 115.115.3.d shall be included in the wall segments.

For calculation of mid-point elevation, existing predevelopment grades shall be used, unless fill has been placed on the site, whether legally or illegally, within a 10-year period prior to the development application, in which case the grades prior to the placement of the fill shall be used.

2. *No change*
3. Partially underground structures or improvements – Building wall segments more than 4' in height above finished grade and enclosing interior space shall be included in the height calculations.

#### 115.90 Calculating Lot Coverage

1. General – The area of all structures and pavement and any other impervious surface on the subject property will be calculated as a percentage of total lot area. If the subject property contains more than one use, the maximum lot coverage requirements for the predominant use will apply to the entire development.
2. Exceptions
  - a. *No change*
  - b. An access easement or tract that is not included in the calculation of lot size serves more than one lot that does not abut a right-of-way will not be used in calculating lot coverage for any lot it serves or crosses.
  - c. For detached dwelling units in low density zones and having a front yard, 10 feet of the width of a driveway, outside of the required front yard, serving a garage or carport; provided that:
    - 1) This exception cannot be used for flag or panhandle lots;
    - 2) *Renumbering, no change.*
    - 3) *Renumbering, no change.*
  - d.i. *No change*

#### 115.95 Amend Noise Regulations as follows:

- 1-2. *No change*
3. Exceptions:– Sounds created by emergency generators are exempt from the provisions of this section when:

- i. operating as necessary for their intended purpose during periods when there is no electrical service available from the primary supplier due to natural disaster or power outage;
- ii. conducting periodic testing, as required by the manufacturer. Testing shall be limited to the hours after 8:00 a.m. and before 8:00 p.m.

~~3.4.~~ *No change*

115.115 Required Yards

3. Structures and Improvements – No improvement or structure may be in a required yard except as follows:

- d. Chimneys, bay windows, greenhouse windows, eaves, cornices, awnings, and canopies may extend up to 18 inches into any required yard, subject to the limitations of this section. 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 attached to detached dwelling units and their accessory structures located in low density zones in which the Floor Area Ratio regulations of KZC 115.42 apply may not extend closer than 4 feet to any property line. See Plate 10.

*(codifies Interpretation 06-03)*

- p. HVAC and similar types of mechanical equipment may be placed no closer than five feet ~~of~~ to a side or rear property line, and shall not be located within a required front yard; provided, that such HVAC equipment may be located in a storage shed approved pursuant to subsection (3)(m) of this section or a garage approved pursuant to subsection (3)(o)(2) of this section. All HVAC and similar types of mechanical equipment shall be baffled, shielded, enclosed, or placed on the property in a manner that will ensure compliance with the noise provisions of KZC 115.95.

5. Driveways and Parking Areas – Driveways and parking areas are not allowed in required yards except as follows:

- a. Detached Dwelling Units and Duplexes

1) General – Vehicles may be parked in the required front, rear and north property line yards if parked on a driveway and/or parking area. For the purpose of this section, vehicles are limited to those devices or contrivances which can carry or convey persons or objects and which are equipped as required by federal or state law for operation on public roads. A driveway and/or parking area shall not exceed 20 feet in width in any required front yard, and shall be separated from other hard-surfaced areas located in the required front yard by a landscape strip at least five feet in width. This landscape strip may be interrupted by a walkway or pavers providing a connection from the driveway to other hard-surfaced areas, as long as such walkway or pavers cover no more than 20 percent of the landscape strip. A driveway and/or parking area located in a required front yard shall not be closer than five feet to any side property line (see Plate 14); provided:

a) *no change*

- b) That for panhandle lots, a 5' setback is not required from any side property line that abuts a neighboring lot that was part of the same plat.
- c) *Renumbered, but no change.*

115.120 Rooftop Appurtenances

- 1. – 2. *No change*
- 3. Required Screening:
  - a. *No change*
  - b. New or replacement appurtenances on existing buildings and new appurtenances on new buildings where compliance with subsection (3)(a) of this section is not feasible shall be surrounded by a solid screening enclosure equal in height to the appurtenances being screened. The screen must be integrated into the architecture of the building.
  - c. *No change*
- 4. – 5. *No change*

115.150 Vehicles, Boats and Trailers – Size in Residential Zones Limited

- 1. General – Except as specified below, it is a violation of this code to park or store any vehicle, boat or trailer on any lot in a residential zone if that vehicle, boat or trailer is both more than nine feet in height and 22 feet in length, including bumpers and any other elements that are required by federal or state law for the operation of the vehicle, boat or trailer on public roads or waterways and including any trailer upon which such vehicle or boat rests. Any boat that is 16 feet or longer and has a gunwale which is at least five (5) feet from the ground when the boat is sitting on a boat trailer shall not be parked or stored in a required front yard.
- 2. Exceptions
  - a. A vehicle, boat or trailer of any size may be parked on any lot in the City for not more than ~~48~~ 24 hours in any consecutive seven-day period for the exclusive purpose of loading or unloading the vehicle, boat or trailer.
  - b. The City may, using Process IIA, described in Chapter 150 KZC, approve a request to park or store a vehicle, boat or trailer of any size on a lot in a residential zone if:
    - 1) The parking or storage of the vehicle, boat or trailer will not be detrimental to the character of the neighborhood; and
    - 2) The property abutting the subject property will not be impacted by the parking or storage; and
    - 3) The placement of the vehicle, boat or trailer will not create a potential fire hazard; and
    - 4) The parking or storage is clearly accessory to a residential use on the subject property and the vehicle, boat or trailer is operated by a resident of the subject property.

The City may impose screening requirements, limit the hours of operation of the vehicle, boat or trailer, and impose other restrictions to eliminate adverse impacts of the parking or storage.

## Chapter 117 – Personal Wireless Service Facilities

### 117.15 Definitions

For the purpose of this chapter, the following terms shall have the meaning ascribed to them below. Terms not defined in this section shall be defined as set forth in Chapter 5 KZC:

1. – 2. *No change*
3. ~~“Building” shall mean a roofed structure used or intended for human occupancy.~~
4. – 5. Renumber to 3. – 4.
5. “Conductor” means a material or object designed and used to conduct heat, electricity, light, or sound, and contains electrical charges that are relatively free to move through the material. The term conductor does not include “insulator” or any connecting or support device.
6. – 7. *No change*
8. ~~“FAA” shall mean the Federal Aviation Administration.~~
9. ~~“FCC” shall mean the Federal Communications Commission.~~
8. “Insulator” means a material in a unit form designed and used so as to support a charged conductor and electrically isolate it.
10. – 13. Renumber to 9. – 12.
- 14 13. “Residential zone” for the purpose of this chapter, shall mean portions of the City in 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 1; PLA 1; PLA 5A, D, E; PLA 6A, C, D, E, F, H, I, J, K; PLA 7A, B, C; PLA 9; PLA 15B; PLA 16; PLA 17; and be as defined in KZC 5.10.785, together with the PLA1 and P zones; and rights-of-way adjacent thereto to each of the afore-mentioned zones, measured to the centerline of the right-of-way.
15. – 16. Renumber to 14. – 15.

117.40 Application Review Process Amend 117.40.1 (Planning Official Decision) and add a new subsection (e), to read:

e) Attachment of antennas to existing buildings within a public park, regardless of zone.

117.40 Application Review Process Amend 117.40.2 (Process I Permit) as follows:

a) – c) *No change*

- d) Attachment of antennas to nonresidential buildings, such as schools or churches, in residential zones, except when located in a public park.<sup>3</sup> See KZC 117.65(7).

117.40 Application Review Process Amend 117.40.3 (Process IIA Permit) as follows:

- a) – b) *No change*
- c) Attachment of antennas to multifamily residential buildings in any residential zones<sup>3</sup>.

117.65 PWSF Standards Amend 117.65.6 as follows:

6. Antennas on a Utility Pole – Antennas mounted to an existing or replacement utility pole shall be subject to the following height limits:
- a. In any zone, 15 feet above the top of a pole not used to convey electrical service;
  - b. In a residential zone, 15 feet above the electrical distribution or transmission conductor (as opposed to top of pole) if the pole is used to convey electrical service; and
  - c. In a nonresidential zone, 15 feet above an electrical distribution conductor or 21 feet above an electrical transmission conductor (as opposed to top of pole) if the pole is used to convey electrical service.
  - d. On Seattle City Light transmission towers, regardless of zone, 15' above the top of the tower, before any tower extensions, subject to the concealment measures identified in Section 117.65.3.

117.70 Equipment Structure Standards Amend 117.70.3 as follows:

3. Equipment Structures Located in Right-of-Way –
- a. If ground-mounted, equipment structures shall not exceed a height of 30 inches. If mounted on poles, said structures shall comply with subsection (6) of this section. Setback requirements do not apply to equipment structures located in the right-of-way.
  - b. Exception: The Planning Official may increase the 30 inch height limitation for ground-mounted equipment structures to a maximum of 66 inches, if:
    - 1) The height increase is required by the serving electrical utility; and
    - 2) No feasible alternative exists for reducing the height of the structure;  
and
    - 3) Concealment measures are employed; and
    - 4) The height increase will not adversely impact the neighborhood or the City.

## Chapter 130 - Rezones

Sections:

- 130.05 User Guide
- 130.10 Types of Reclassification
- 130.15 Legislative Rezones – Applicable Process
- 130.20 Legislative Rezones – Criteria
- 130.25 Legislative Rezones – Map Change
- 130.30 Quasijudicial Rezones – Applicable Process
- 130.35 Quasijudicial Rezones – Application
- ~~130.40 Quasijudicial Rezones – Types~~

- ~~130.4540~~ Quasijudicial ~~Nonproject~~ Rezones – Criteria
- ~~130.5045~~ Quasijudicial ~~Nonproject~~ Rezones – Map change
- ~~130.55~~ Quasijudicial Project Rezones – General
- ~~130.60~~ Quasijudicial Project Rezones – Criteria
- ~~130.65~~ Quasijudicial Project Rezones – Effect of Approval
- ~~130.70~~ Quasijudicial Project Rezones – Minor Modifications
- ~~130.75~~ Quasijudicial Project Rezones – Major Modifications
- ~~130.80~~ Quasijudicial Project Rezones – Lapse of a Resolution of Intent to Rezone
- ~~130.85~~ Quasijudicial Project Rezones – Map Change

### 130.35 User Guide

This chapter establishes the mechanism and criteria for the City to change a zoning classification on the Zoning Map and to change the boundaries of zones on the Zoning Map. This mechanism is called rezoning. If you are interested in proposing a rezone or want to participate in the City's decision on a proposed rezone, you should read this chapter.

Please note that this chapter does not apply to proposals to amend the text of this code. Chapter 135 KZC describes how that can be done.

### 130.10 Types of Reclassification

There are two types of reclassification as follows:

1. Legislative Rezones – A rezone will be treated as a legislative matter when:
  - a. It is initiated by the City; and
  - ~~b. 1)~~ 1) The subject property is part of a significant class of properties which are similarly affected by the proposed rezone; and
  - ~~c. 2)~~ 2) It is either:
    - ~~1)~~ (a) Based upon and will implement the results of a comprehensive planning process; or
    - ~~2)~~ (b) Part of a process that includes, and is necessary to implement, amendingment of the text of this code; or
  - ~~b.~~ It is initiated by the City and the sole purpose of the rezone is to correct grammatical, labeling, scrivener's, or similar errors on the official Zoning Map; or
  - ~~c.~~ It is initiated by either the City or another party and will implement a citizen-initiated amendment to the comprehensive plan approved pursuant to Chapter 140 KZC.
2. Quasijudicial – A rezone will be treated as a quasijudicial matter when it does not meet the requirements of subsection (1) of this section. Quasijudicial rezones include proposals to change the Zoning Map within a range or category that is established by the existing comprehensive plan, comprehensive plan land use map and/or zoning code regulations, as well as proposals to place or remove an overlay zoning designation on the Zoning Map.

KZC 130.15 through 130.25 apply to legislative rezones. KZC 130.30 through 130.85 130.45 apply to quasijudicial rezones.

130.15 Legislative Rezones – Applicable Process

The City will use Process IV described in Chapter 160 KZC to review and decide upon a proposal for a legislative rezone; provided, that a rezone for the purpose of correcting grammatical, labeling, scrivener's, or similar errors on the official Zoning Map may be processed either through Process IV or Process IVA pursuant to Chapter 161 KZC.

130.20 Legislative Rezones – Criteria

The City may decide to approve a ~~proposal to~~ legislative rezone land only if it finds that:

1. Conditions have substantially changed since the property was given its present zoning or ~~The proposal is consistent with the applicable provisions of~~ implements the policies of the Comprehensive Plan; and
2. The proposal bears a substantial relationship to the public health, safety, or welfare; and
3. The proposal is in the best interest of the ~~residents~~ community of Kirkland.

130.25 Legislative Rezones – Map Change

If the City approves a ~~proposal to~~ legislative rezone land it will give effect to this decision by making the necessary amendment to the Zoning Map of the City.

130.30 Quasijudicial Rezones – Applicable Process

The City will use Process IIB described in Chapter 152 KZC to review and decide upon an application for a quasijudicial rezone.

130.35 Quasijudicial Rezones – Application

In addition to the application materials required in Chapter 152 KZC, the applicant shall submit a completed application on the form provided by the Planning Department, along with all the information listed on that form.

~~130.40 Quasijudicial Rezones – Types~~

~~There are two types of quasijudicial rezones as follows:~~

- ~~1. Nonproject Related – A quasijudicial rezone will be treated as nonproject related when:~~
  - ~~a. The proposed rezone is initiated by the City and the subject property is not owned by the City; or~~
  - ~~b. The proposed rezone is from one single-family residential zone classification to another single-family residential zone classification; or~~
  - ~~c. The proposed rezone is to place or remove an overlay zoning designation on the Zoning Map under Chapters 70 through 80 KZC.~~

~~2. Project Related – A quasijudicial rezone will be treated as project related when it does not meet the provisions of subsection (1) of this section. All project related reclassifications require a specific development proposal for the subject property.~~

~~— KZC 130.45 through 135.50 apply to nonproject related quasijudicial rezones. KZC 130.55 through 130.85 apply to project related quasijudicial rezones.~~

#### 130.4540 Quasijudicial Nonproject Rezones – Criteria

The City may approve an application for a nonproject quasijudicial rezone only if it finds that:

- ~~1. The proposed rezone is consistent with the Comprehensive Plan; and Conditions have substantially changed since the property was given its present zoning or the proposed rezone implements the policies of the comprehensive plan, and~~
- ~~2. The proposed rezone is compatible with the existing land uses in the immediate vicinity of the subject property; and~~
- ~~2.3. The proposed rezone bears a substantial relationship to the public health, safety, or welfare; and~~
- ~~3.4. The proposed rezone is in the best interest of the residents community of Kirkland; and~~
- ~~4. The proposed rezone is appropriate because either:~~
  - ~~a. Conditions in the immediate vicinity have so markedly changed since the property was given its present zoning and that under these changed conditions a rezone is within the public interest; or~~
  - ~~b. The rezone will correct a zone classification or zone boundary that was inappropriate when established; or~~
  - ~~c. —~~
- ~~4.5. If the rezone is to place or remove an overlay zoning designation on the Zoning Map, and the proposal meets the applicable designation criteria of Chapters 70 through 80 KZC;~~

~~provided, that a showing of changed conditions pursuant to subsection (4) of this section is not required if the rezone will implement the policies of the Comprehensive Plan.~~

#### 130.5045 Quasijudicial Nonproject Rezones – Map Changes

If the City approves an application for a nonproject related quasijudicial rezone it will give effect to this decision by adopting an ordinance that makes the appropriate change to the zone boundary or zone classification on the Zoning Map.

#### 130.55 Quasijudicial Project Rezones – General

~~The purpose of a project related rezone is to enable the City to evaluate the applicant's specific development proposal for the subject property as part of the decision on the rezone. If the City decides to grant the application, it will adopt a resolution of intent to rezone which permits the applicant to develop the subject property as shown on the site plan that will be approved as part of that resolution. After the approved development is completed, the City will make the appropriate change to the Zoning Map of the City.~~

#### ~~130.60 Quasijudicial Project Rezones – Criteria~~

~~The City may approve an application for a project related rezone only if it finds that:~~

- ~~1. The criteria set forth in KZC 130.45 are met; and~~
- ~~2. The proposed project complies with this code in all respects; and~~
- ~~3. The site plan of the proposed project is designed to minimize all adverse impacts on existing land use in the immediate vicinity of the subject property.~~
- ~~4. \_\_\_\_\_~~

#### ~~130.65 Quasijudicial Project Rezones – Effect of Approval~~

~~If City Council approves an application for a project related rezone, it will give effect to this decision by adopting a resolution of intent to rezone which will have the following effects:~~

- ~~1. Effect on the Applicant – The applicant may, subject to all other applicable codes and ordinances, develop the subject property in conformity with the resolution of intent to rezone and the site plan approved as part of that resolution.~~
- ~~2. Effect on the City – If the applicant completes development of the subject property in conformity with the resolution of intent to rezone and the site plan approved as part of that resolution, the City shall make the zone boundary or zone classification change on the Zoning Map that was approved in that resolution.~~

#### ~~130.70 Quasijudicial Project Rezones – Minor Modifications~~

~~Subsequent to the adoption of the resolution of intent to rezone, the applicant may apply for a minor modification to the site plan approved as part of that resolution. The Planning Official shall administratively review and decide upon an application for a minor modification. The City may approve a minor modification only if it finds that:~~

- ~~1. The change will not result in reducing the landscaped area, buffering areas or the amount of open space on the project; and~~
- ~~2. The change will not result in increasing the residential density or gross floor area of the project; and~~
- ~~3. The change will not result in any structure, or vehicular circulation or parking area, being moved more than 10 feet in any direction and will not reduce any required yard; and~~
- ~~4. The change will not result in any increase in height of any structure above any of the following:~~

- ~~a. Ten percent above the originally approved height;~~
  - ~~b. The maximum height of structure of the underlying zone; or~~
  - ~~c. The maximum allowable height, if any, specified in the resolution of intent to rezone; and~~
- ~~5. The City determines that the change will not increase any adverse impacts or undesirable effects of the project and that the change in no way significantly alters the project.~~

#### ~~130.75 Quasijudicial Project Rezones – Major Modifications~~

~~If the applicants seeks a modification to the approved site plan that does not meet all of the requirements of KZC 130.70, he/she may do so by submitting the application material required for a new quasijudicial project related rezone. The City will process and decide upon this application, using the provisions in KZC 130.55 through this section, as if it were an application for a new quasijudicial project related rezone.~~

#### ~~130.80 Quasijudicial Project Rezones – Lapse of a Resolution of Intent to Rezone~~

- ~~1. Increased Time – City Council may, in the resolution of intent to rezone, extend the time limit of Chapter 152 KZC for the project.~~
- ~~2. Effect on Land Use If Resolution Lapses – If the resolution of intent to rezone lapses under the time limits of Chapter 152 KZC, or subsection (1) of this section, any development on the subject property must comply with all applicable laws of the City as if the resolution of intent to rezone had not been granted.~~

#### ~~130.85 Quasijudicial Project Rezones – Map Change~~

~~Upon completion of the project in full compliance with the resolution of intent to rezone and the site plan approved as part of that resolution, the City shall give effect to the rezone by adopting an ordinance that makes the change to the zone boundary or zone classification on the Zoning Map that was approved in the resolution of intent to rezone.~~

### **Chapter 142 – Design Review**

#### 142.35 Design Board Review (D.B.R.)

- 1. – 5. *No change*
- 6. Conceptual Design Conference – Before applying for design review approval, the applicant shall attend a conceptual design conference (CDC) with the Design Review Board. The conference will be scheduled by the Planning Official to occur within 30 days of written request by the applicant. The applicant shall submit a complete application for Design Review within six (6) months following the CDC, or the results of the CDC will be null and void and a new CDC will be required prior to application for design review approval. The purpose of this conference is to provide an opportunity for the applicant to discuss the project concept with the Design Review Board and:
  - a. – c. *No change*

7. – 10. *No change*

142.40 Appeals of Design Review Board Decisions

1. *No change*

2. Who May Appeal – The decision of the Design Review Board may be appealed by the applicant or any other individual or entity who submitted written or oral comments to the Design Review Board. A party who signed a petition may not appeal unless such party also submitted independent written comments or information.

3. – 11. *No change*

**Chapter 150 – Process IIA**

150.90 Participation in the Appeal

Only those person entitled to appeal the decision under KZC 150.80(1) who file an appeal under KZC 150.80(2) may participate in the appeal; provided, that the applicant may submit a written response to an appeal filed by an appellant, regardless of whether the applicant filed an appeal. These persons may participate in either or both of the following ways:

1. By submitting written arguments to the City Council prior to the commencement of the City Council's consideration of the appeal.
2. By appearing in person, or through a representative, at the City Council's consideration of the appeal and providing oral or written arguments directly to the City Council. ~~The Council may reasonably limit the extent of the oral arguments to facilitate the orderly and timely conduct of their consideration of the appeal.~~ The City Council shall allow each side (proponents and opponents) to speak for a maximum of ten minutes each.

150.95 Nature of the Appeal and Scope of the Appeal

The appeal will be a closed record appeal. The scope of the appeal is limited to the specific factual findings and conclusions disputed in the letter of appeal, and City Council may only consider arguments on these factual findings and conclusions. The appeal will be considered only on the record developed in the hearing before the Hearing Examiner. No new evidence may be presented.

**Chapter 160 – Process IV**

160.25 Threshold Review

1. General – The City Council shall make a threshold review of each citizen-initiated proposal to amend the Comprehensive Plan pursuant to KZC 140.20, ~~to make a legislative rezone,~~ and to amend the Zoning Code and/or Zoning Map done in conjunction with the process to amend the Comprehensive Plan.
2. Threshold Review
  - a. The Planning Commission shall review each proposal and make a threshold recommendation to the City Council to determine those

proposals eligible for further consideration. The recommendation shall be consistent with KZC 160.60 and based on the criteria described in Chapter 135 KZC for Zoning Code amendments and in Chapter 140 KZC for Comprehensive Plan amendments.

- b. The Houghton Community Council may review any proposal within its jurisdiction and also make a recommendation to the Planning Commission and City Council.
  - c. The Planning Department shall provide the Planning Commission and Houghton Community Council with a staff report for the threshold review consistent with KZC 160.45 and include an analysis of the threshold criteria.
3. Threshold Decision – After consideration of the Planning Commission and Houghton Community Council recommendations, the City Council shall decide one of the following:
- a. The proposal has merit and shall be considered by the Planning Commission and City Council during the current year; and
  - b. The proposal has merit, but should be considered at a subsequent amendment phase; or
  - c. The proposal does not have merit and shall not be given further consideration.

### **Chapter 161 – Process IVA**

#### 161.25 Suitability for Process IVA

1. General – Process IVA is for:
  - a. ~~Minor~~ Minor Zoning Code amendments to promote clarity, eliminate redundancy, or to correct inconsistencies, or
  - b. Minor Zoning Map amendments to correct grammatical, labeling, scrivener's, or similar errors on the official Zoning Map.

The Planning Director may propose amendments for review under Process IVA. To do so, the Planning Director shall periodically present to the City Council a roster of proposed amendments for review and decision under Process IVA. The City Council, by motion, may approve the entire proposed Process IVA roster. Otherwise, the City Council may ask for more discussion about the suitability of a subject for Process IVA or could remove a subject from the Process IVA roster.

2. Distribution - *No change*

### **Chapter 180 – Plates**

Revise Plate 17 as follows:

Plate 17A, Calculating Average Building Elevation, Option 1

Add two new plates as follows:

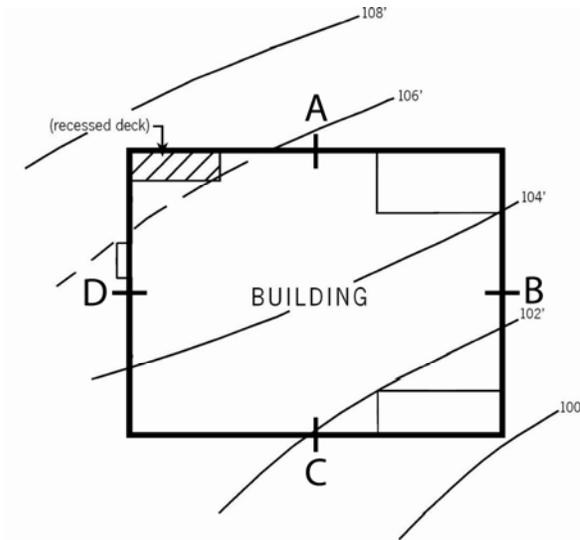
Plate 17B, Calculating Average Building Elevation, Option 2  
Plate \_\_\_\_\_, Measuring Maximum Horizontal Facade

**Plate 17A**

**Calculating Average Building Elevation  
Option 1**

A, B, C, D... Existing Ground Elevation at Midpoint of Rectangle Segment\*  
a, b, c, d... Length of Rectangle Segment\*

\*Rectangle includes the perimeter of a deck or porch, unless the deck or porch has no walls at or below the deck level and no roof above the deck or porch, as well as cantilevered portions of a building which enclose interior space.



**Midpoint Elevation**

A = 105.6  
B = 102.5  
C = 101.9  
D = 105.2

**Rectangle Segment Length**

a = 47'  
b = 40'  
c = 47'  
d = 40'

Site Plan  
Not to scale

FORMULA:

$$\frac{(A \times a) + (B \times b) + (C \times c) + (D \times d)}{a + b + c + d} = \text{Average Building Elevation (ABE)}$$

EXAMPLE:

$$\frac{(105.6)(47) + (102.5)(40) + (101.9)(47) + (105.2)(40)}{47 + 40 + 47 + 40} = \frac{18,060.5}{174} = 103.80 \text{ ABE}$$



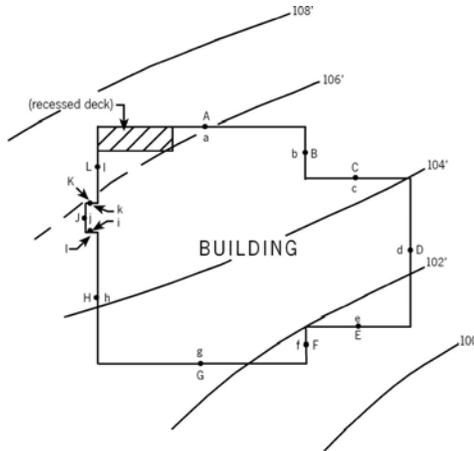
**NOTE: PLEASE INCLUDE THE ELEVATION OF THE ROOFLINE ON THE SITE PLAN AND INDICATE ON THE ELEVATION DRAWINGS WHERE THE AVERAGE BUILDING ELEVATION (CALCULATED ABOVE) STRIKES THE BUILDING.**

**Plate 17B**

**Calculating Average Building Elevation  
Option 2**

A, B, C, D... Existing Ground Elevation at Midpoint of Wall Segment\*  
a, b, c, d... Length of Wall Segment Measured on Outside of Wall\*

\*Wall Segment includes the perimeter of a deck, unless the deck has no walls at or below the deck level and no roof above the deck.



Midpoint Elevation	Wall Segment Length
A = 106.1	a = 30'
B = 104.7	b = 9'
C = 104.4	c = 17'
D = 102.2	d = 25'
E = 101.6	e = 13'
F = 101.7	f = 6'
G = 102.5	g = 34'
H = 104.2	h = 22'
I = 105.0	i = 2'
J = 105.5	j = 6'
K = 106.0	k = 2'
L = 106.8	l = 12'

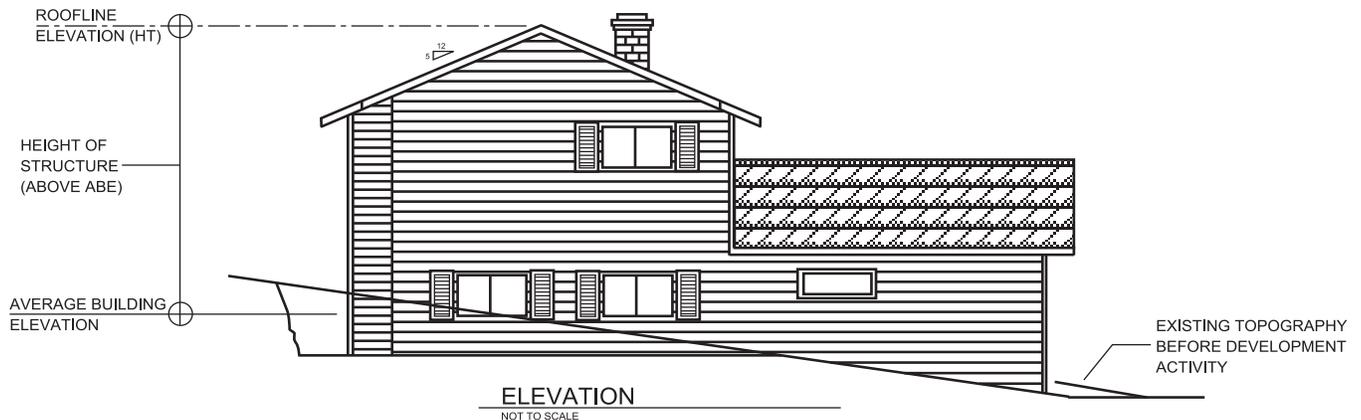
Site Plan  
Not to scale

FORMULA:

$$\frac{(A \times a) + (B \times b) + (C \times c) + (D \times d) + (E \times e) + (F \times f) \dots + (L \times l)}{a + b + c + d + e + f \dots + l} = \text{Average Building Elevation (ABE)}$$

EXAMPLE:

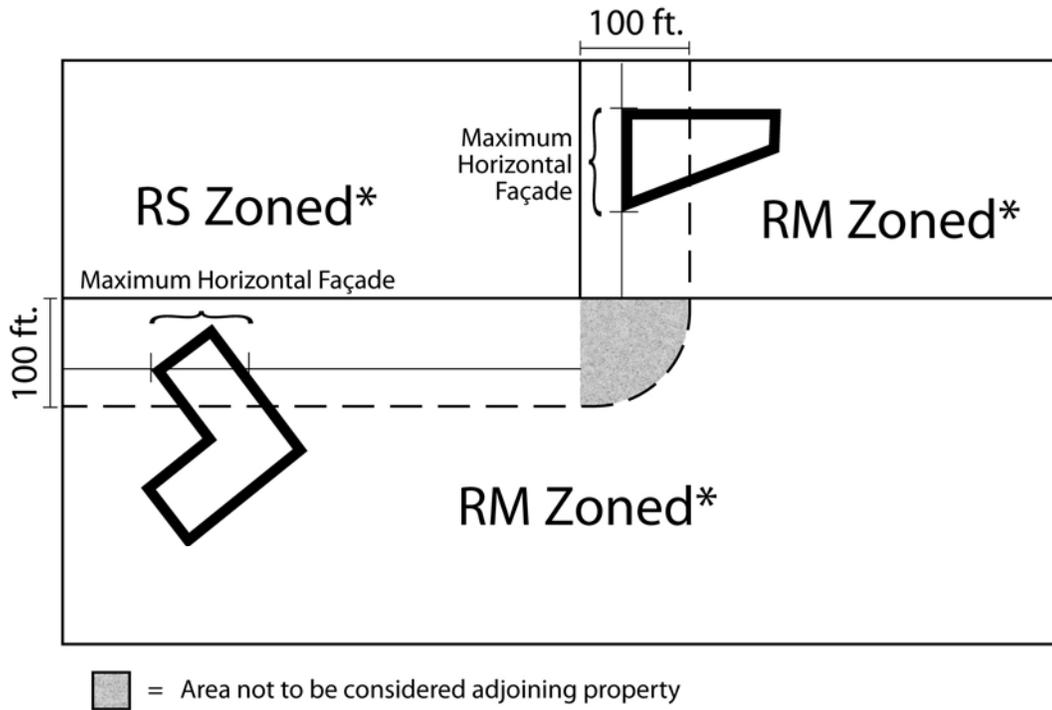
$$\frac{(106.1)(30) + (104.7)(9) + (104.4)(17) + (102.2)(25) + (101.6)(13) + (101.7)(6) + (102.5)(34) + (104.2)(22) + (105.0)(2) + (105.5)(6) + (106.0)(2) + (106.8)(12)}{30 + 9 + 17 + 25 + 13 + 6 + 34 + 22 + 2 + 6 + 2 + 12} = \frac{18,500.10}{178} = 103.93 \text{ ABE}$$



**NOTE: PLEASE INCLUDE THE ELEVATION OF THE ROOFLINE ON THE SITE PLAN AND INDICATE ON THE ELEVATION DRAWINGS WHERE THE AVERAGE BUILDING ELEVATION (CALCULATED ABOVE) STRIKES THE BUILDING.**

Plate \_\_\_\_\_

### Measuring Maximum Horizontal Façade



\*Used for example only. Maximum horizontal façade requirements are specified by individual zoning district.

ORDINANCE NO. 4121  
PUBLICATION SUMMARY

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE AND AMENDING PORTIONS OF THE FOLLOWING CHAPTERS OF ORDINANCE 3719 AS AMENDED, THE KIRKLAND ZONING ORDINANCE: CHAPTER 1—USER GUIDE; CHAPTER 5—DEFINITIONS; CHAPTER 10—LEGAL EFFECT; CHAPTER 15—RS ZONES; CHAPTER 17—RSX ZONES; CHAPTER 20—RM ZONES; CHAPTER 25—PR ZONES; CHAPTER 27—PO ZONES; CHAPTER 30—WD ZONES; CHAPTER 35—FC ZONES; CHAPTER 40—BN ZONES; CHAPTER 45—BC ZONES; CHAPTER 47—BCX ZONES; CHAPTER 48—LIT ZONES; CHAPTER 50—CBD ZONES; CHAPTER 51—MSC ZONES; CHAPTER 52—JBD ZONES; CHAPTER 53—RH ZONES; CHAPTER 54—NRH ZONES; CHAPTER 55—TL ZONES; CHAPTER 60—PLA ZONES; CHAPTER 72—ADULT ACTIVITIES OVERLAY ZONE; CHAPTER 75—HISTORIC LANDMARK OVERLAY ZONE AND HISTORIC RESIDENCE DESIGNATION; CHAPTER 80—EQUESTRIAN OVERLAY ZONE; CHAPTER 95—TREE MANAGEMENT AND REQUIRED LANDSCAPING; CHAPTER 105—PARKING AREAS, VEHICLE AND PEDESTRIAN ACCESS, AND RELATED IMPROVEMENTS; CHAPTER 115—MISCELLANEOUS STANDARDS; CHAPTER 117—PERSONAL WIRELESS SERVICE FACILITIES; CHAPTER 130—REZONES; CHAPTER 142—DESIGN REVIEW; CHAPTER 150—PROCESS IIA; CHAPTER 160—PROCESS IV; CHAPTER 161—PROCESS IVA; AND CHAPTER 180—PLATES; AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. ZON06-00033.

Section 1. Identifies the specific amendments to Ordinance 3719, as amended, the Kirkland Zoning Code.

Section 2. Addresses severability.

Section 3. 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.

Section 4. 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 thirty days after publication of said summary for all amendments except Section 5.10.326.5, Multiple Zoning Districts – Garage Setback Requirements, and Section 115.43, whose effective dates shall be one-hundred and twenty days after publication of said summary.

Section 5. 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 \_\_\_\_\_, 2007.

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

Attest:

\_\_\_\_\_  
City Clerk

ORDINANCE NO. 4122

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO PLANNING AND LAND USE AND AMENDING PORTIONS OF THE FOLLOWING TITLES OF THE KIRKLAND MUNICIPAL CODE: TITLE 19—STREETS AND SIDEWALKS AND TITLE 22—SUBDIVISIONS; AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. ZON06-00033.

WHEREAS, the City Council has received recommendations from the Kirkland Planning Commission and the Houghton Community Council to amend certain sections of the text of the Kirkland Municipal Code, all as set forth in that certain report and recommendation of the Planning Commission and the Houghton Community Council dated November 28, 2007 and bearing Kirkland Department of Planning and Community Development File No. ZON06-00033; and

WHEREAS, prior to making said recommendation, the Kirkland Planning Commission, following notice thereof as required by RCW 35A.63.070, on October 25, 2007, held a public hearing on the amendment proposals and considered the comments received at said hearing; and

WHEREAS, prior to making said recommendation, the Houghton Community Council, following notice thereof as required by RCW 35A.63.070, on September 24, 2007, held a courtesy hearing on the amendment proposals and considered the comments received at said hearing; and

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

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

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

Section 1. Municipal Code text amended: The following specified sections of the text of the Municipal Code be and they hereby are amended to read as follows:

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

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

Section 3. 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.

Section 4. Except as provided in Section 3, this ordinance shall be in full force and effect thirty (30) days from and after its passage by the Kirkland City Council and publication, pursuant to Kirkland Municipal Code 1.08.017, in the summary form attached to the original of this ordinance and by this reference approved by the City Council, as required by law.

Section 5. A complete copy of this ordinance shall be certified by the City Clerk, who shall then forward the certified copy to the King County Department of Assessments.

PASSED by majority vote of the Kirkland City Council in open meeting this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

SIGNED IN AUTHENTICATION thereof this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to Form:

\_\_\_\_\_  
City Attorney

**ATTACHMENT A**

**MUNICIPAL CODE AMENDMENTS**

**File No. ZON06-00033**

-----  
**HOW TO READ THIS:**

- Text that is covered by a strike-through (~~strike-through~~) is existing text currently contained in the Municipal Code, that is to be deleted.
  - Text that is underlined (underlined), with the exception of section headings, is new text that is to be added.
- 

**TITLE 19 – STREETS AND SIDEWALKS**

**19.16.070 Vacations of Streets and Access Easements, Public Notification of Hearing**

- (1) Content. The director of the planning department shall prepare a public notice containing the following information:
  - (a) A statement that a request to vacate the subject property will be considered by the city council;
  - (b) A statement of the time and place of the public hearing before the city council;
  - (c) A location description in non-legal language along with a vicinity map that identifies the subject property proposed to be vacated;
  - (d) A statement that the vacation file is available for viewing at Kirkland City Hall; and
  - (e) A statement of the right of any person to submit written comments to the city council prior to or at the public hearing and to appear before the city council at the hearing to give comments orally.
- (2) Distribution of Notice of Hearing. At least twenty calendar days before the public hearing, the director of the planning department shall distribute the public notice as follows:
  - (a) A copy will be sent, by mail, to the owner of each piece of property within three hundred feet of any boundary of the subject property;
  - (b) A copy will be sent, by mail, to each resident living immediately adjacent to or on the subject property;
  - (c) A copy will be published in the official newspaper of the city, except no vicinity map shall be required;
  - (d) At least two copies will be posted in conspicuous public places in the city;
  - (e) A copy will be posted on the subject property in the manner set out in subsection (3) of this section.
- (3) *No change.*

**TITLE 22 – SUBDIVISIONS**

**22.04.020 Lot line alterations exempt**

- (a) A division made for the purpose of alteration by adjusting boundary lines between platted or unplatted lots or both, which does not create any additional lot, tract, parcel, site or division, is exempt from the provisions of this title unless

the planning director certifies in writing that the division will create a lot, tract, parcel, site or division which contains insufficient area or dimension to meet minimum requirements for width and area for a building site as established by the zoning district in which the property is located as identified on the zoning map of the zoning code.

(b) Any person proposing to make a lot line alteration for the purpose of adjusting boundary lines between platted or unplatted lots, or both, shall file with the planning director, on a form provided by the city, information concerning such proposal sufficient to show that the proposed alteration is exempt under subsection (a) of this section from the provisions of Title 22 of the Kirkland Municipal Code and Chapter 58.17 RCW (regulation of subdivision of land).

(c) The proposed lot line alteration shall meet the criteria referenced in subsection (a) of this section and the following requirements:

- (1) All requirements of the zoning code for the zoning district in which the property is located as identified on the zoning map, such as lot size and required yards, shall be complied with.
- (2) All lots shall be adjacent to, or have a legally created means of access compliant with Chapter 105 of the Zoning Code to, a street providing access to the lot or parcel.

~~(2)~~ (3) The applicant shall provide a current title report identifying all persons and entities having any interest in the real property which is the subject of the proposed lot line alteration. The approval of the proposed lot line alteration by signature of the persons or entities having an interest in the real property shall be provided as required by the planning director.

~~(d) Lot line alterations shall not be considered where the proposed boundary line adjustment would cause a major change in the nature of the real property, including change of access, substantial change in the degree of lot line orientation, changes inconsistent with the platting pattern, and where a structure straddles an existing boundary line and the proposed lot line alteration would move the boundary line and create a separate building site. (Ord. 3705 § 2 (part), 1999).~~

#### **22.04.040 Binding site plan approval – Criteria**

A division of land is a binding site plan under this section if it meets all of the following criteria:

- (a) The division is for the purposes outlined in RCW 58.17.035;
- ~~(a)~~(b) The city council ~~approves the~~ a site plan as part of a ~~discretionary zoning or other similar building land use permit that involves a public hearing before either the planning commission or hearing examiner;~~
- ~~(b)~~(c) The site plan is shown to a scale of one inch equals twenty feet;
- ~~(c)~~(d) The site plan identifies and shows the areas and locations of all streets, roads, improvements, utilities and open spaces;
- ~~(d)~~(e) The site plan contains inscriptions or attachments setting forth all limitations and conditions for the use of land as established by the city council;
- ~~(e)~~(f) The site plan contains a provision requiring that any development of the subject property be in conformance with the binding site plan;
- (g) The Planning Director verifies that the site plan conforms to the requirements of this section; and
- ~~(f)~~(h) The site plan is recorded in the King County department of elections and records to run with the subject property.

**22.04.045 Binding site plan approval – Alterations and vacations.**

Proposals for Aalterations and vacations of binding site plans shall be reviewed by the Planning Director using the criteria in Section 22.04.040 ~~follow the procedural requirements outlined in Chapter 22.26 of this code.~~

**22.08.030 Binding site plan.**

“Binding site plan” means a drawing to the scale of one inch equals twenty feet which:

- (a) Is for the purposes outlined in RCW 58.17.035;
- ~~(a)(b)~~ Identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces and any other matters specified by this title;
- ~~(b)(c)~~ Contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as established through a discretionary zoning or building permit approval review process and approved by city council; and
- ~~(c)(d)~~ Contains provisions making any development be in conformity with the site plan. (Ord. 3705 § 2 (part), 1999)

**22.12 Preliminary Plat Procedure**

## 22.12.020 Application—Contents.

The applicant may apply for a subdivision by submitting ~~the following~~ information to the planning department on the forms provided by that department. The Planning Department is hereby authorized to maintain a list of the application requirements. The list shall incorporate, at a minimum:

~~(a) the requirements of state law regarding subdivisions~~ A boundary survey of the proposed plat certified by a registered land surveyor together with five prints of the proposed preliminary plat drawn to a scale between one inch equals twenty feet and one inch equals fifty feet in ten-foot intervals, containing the following information:

- ~~(1) Proposed name of the plat;~~
- ~~(2) Location by section, township, range, and/or by other legal description;~~
- ~~(3) Name, address and phone number of the applicant and agent, if any;~~
- ~~(4) Name, address and phone number of the registered land surveyor preparing the plat;~~
- ~~(5) Scale of plat, date and north arrow;~~
- ~~(6) Existing topography of the land indicated by contours at five-foot intervals. This may be waived by the planning director if no portion of the proposed plat exceeds fifteen percent;~~
- ~~(7) Location and extent of significant natural features such as streams, wetlands, significant trees as defined in Section 5.10.860 of the zoning code, and water bodies on and immediately adjacent to the property. A report from a certified arborist may be required as part of the application to certify that the significant trees are healthy; provided, however, if the report is not required as part of the application, the city may require such a report later in the processing of the application;~~
- ~~(8) Zoning classification of the property and adjoining properties;~~
- ~~(9) The lot lines of adjoining properties for a distance of at least fifty feet;~~

~~(10) Location, dimension, and names of existing rights-of-way and easements, parks or other public spaces, structures, lots, blocks, etc., shall be shown in dotted lines in scale with the proposed plat;~~

~~(11) Existing and proposed water, sewer, power and drainage systems on, under or over the property showing size, grades and location;~~

~~(12) Layout of proposed rights-of-way and easements;~~

~~(13) Layout, number and dimensions of proposed lots;~~

~~(14) Parcels of land intended to be dedicated for public use, or reserved for use of owners of the property in the subdivision;~~

~~(15) A notation which shows the dimensioned setback of all existing structures relative to existing property lines and to proposed lot lines;~~

~~(b) Exterior boundary corners shall be indicated on the ground. Staking of proposed interior lot corners may also be required;~~

~~(c) Address labels obtained from King County containing the names and addresses of the owners of all property, including the subject property, and all other property within three hundred feet of any boundary of the proposed subdivision and any adjoining property owned by the owner of the land proposed to be subdivided. These labels shall be no more than six months old;~~

~~(d) Address labels marked "resident" or "tenant" for all property adjacent to and across the street from the property within the proposed subdivision. These labels may be prepared by the subdivision applicant;~~

~~(e) A copy of the King County assessor's map identifying the properties specified in subsections (b) and (c) of this section;~~

~~(f) A current title company certificate for the property that has been issued no more than thirty calendar days prior to the initial filing of the plat application. The certificate must include the name of all persons and entities holding any ownership interest in the property;~~

~~(g) The written certification of availability from the agency other than the city furnishing or reviewing sewage disposal and water supply;~~

~~(h) Any additional information required by the planning official;~~

~~(i) (b) The filing fee as established by ordinance;~~

~~(j) (c) All information required under the State Environmental Policies Act, Chapter 43.21C RCW, and the administrative guidelines and local ordinance adopted to implement it. (Ord. 3705 § 2 (part), 1999)~~

(d) Any additional pertinent information required at the discretion of the public works or planning directors.

~~22.12.100 Staff report—Distribution to Houghton community council.~~

~~If the Houghton community council holds a hearing on the matter, the planning official shall, prior to the community council hearing, distribute the staff report as follows:~~

~~(a) A copy will be sent to each member of the community council.~~

~~(b) A copy will be sent to the applicant. (Ord. 3705 § 2 (part), 1999)~~

~~22.12.110 Houghton community council hearing—When.~~

~~If the application is within the jurisdiction of the Houghton community council, that community council may hold a public hearing prior to the hearing examiner hearing on the matter. (Ord. 3705 § 2 (part), 1999)~~

~~22.12.120 Houghton community council hearing—Notice.~~

~~The planning official shall give public notice of the hearing as set forth in Section 22.12.070. (Ord. 3705 § 2 (part), 1999)~~

~~22.12.130 Houghton community council hearing—Recommendation.~~

~~Upon consideration of the information presented, the Houghton community council may, by a majority vote of the entire membership of the community council, make a recommendation on the matter. The planning official shall present the community council's recommendation to the hearing examiner before the hearing examiner makes his/her recommendation to the city council. (Ord. 3705 § 2 (part), 1999)~~

~~22.12.140 Houghton community council hearing—Electronic sound recording.~~

~~The community council shall make a complete electronic sound recording of each public hearing. (Ord. 3705 § 2 (part), 1999)~~

~~22.12.370 Preliminary plat approval within Houghton community council jurisdiction.~~

~~If the city council approves a preliminary plat within the disapproval jurisdiction of the Houghton community council, that approval is not effective until:~~

~~(a) A majority of the entire membership of the Houghton community council vote by resolution to approve it; or~~

~~(b) The Houghton community council fails to disapprove it within sixty calendar days after the city council adopts the resolution approving the preliminary plat. The vote to disapprove the application must be approved by a majority of the entire membership of the community council. (Ord. 3705 § 2 (part), 1999)~~

## **22.16 Final Plat**

22.16.030 Final plat—Contents.

The applicant shall submit a final plat containing the following information specified by the Planning Department. The Planning Department is hereby authorized to maintain a list of the content requirements. The list shall incorporate, at a minimum:

(a) the requirements of state law regarding subdivisions ~~Proposed name of the plat;~~

(b) ~~Location by section, township, range and/or by other legal description;~~

(c) ~~A boundary survey prepared by a registered land surveyor licensed in the state of Washington shall be shown on the proposed plat and shall reference the plat to either the Washington Coordinate System, North Zone, or the King County Coordinate System or properly determined subdivision corner referenced to either of the above with a physical description of such corners;~~

(d) ~~The name and seal of the registered land surveyor responsible for preparation of the plat, and a certification on the plat by said surveyor to the effect that it is a true and correct representation of the land actually surveyed by him/her. The exterior plat boundary and all interior lot corners shall be set on the applicant's property by the registered land surveyor, using appropriate permanent materials. All street centerline monuments (points of intersection, points of curve, points of tangency, etc.) within the plat and all intersections with existing street centerlines shall be monumented with concrete monuments in case, or other permanent material approved by the city;~~

(e) ~~The drawing shall be of legible scale, and shall include the north arrow and basis of bearings. The scale of the final plat will be at one inch equals fifty feet unless otherwise approved by the planning director in order that all distances, bearings and other data can be clearly shown;~~

- ~~(f) The boundary lines of the plat, based on an accurate traverse, with angular and linear dimensions;~~
- ~~(g) Exact location, width, number or name of all rights-of-way and easements within and adjoining the plat and a clear statement as to whether each is to be dedicated or held in private ownership;~~
- ~~(h) True courses and distances to the nearest established right-of-way lines or official monuments which will accurately locate the plat;~~
- ~~(i) Radii, internal angles, points of curvature, tangent bearings and lengths of all arcs;~~
- ~~(j) The plat will be described and corners set with a field traverse with a linear closure of one to ten thousand and corresponding angular closure as specified in WAC 332-130-070;~~
- ~~(k) Mathematical lot closures shall be submitted showing error of closures not to exceed  $0.005/n$ , where n equals number of sides and/or curves of a lot;~~
- ~~(l) All lot and block numbers and lines, with accurate dimensions in feet and hundredths of feet. Blocks in numbered additions to subdivisions bearing the same name must be numbered or lettered consecutively through the several additions;~~
- ~~(m) Accurate locations of all monuments at such locations as required by the public works department;~~
- ~~(n) All plat meander lines or reference lines along bodies of water which shall be established above, but not farther than twenty feet from the high waterline of the water or within a reasonable distance, to insure reestablishment;~~
- ~~(o) Accurate outlines and dimensions of any areas to be dedicated or reserved for public use, with purposes indicated thereon and in the dedication; and/or any area to be reserved by deed covenant for common uses of all property owners;~~
- ~~(p) A full and correct legal description of the property;~~
- ~~(q) All restrictions and conditions on the lots or tracts or other areas in the plat required by the hearing examiner and the city council;~~
- ~~(r) The signatures on the final plat document of all persons and entities having an ownership interest in the property which shall be in reproducible black ink;~~
- ~~(s) Appropriate signature blocks for the officials whose signatures are required for approval or acceptance of the plat, including any dedications;~~
- ~~(t) (b) The filing fee as established by ordinance;~~
- (c) Any additional pertinent information required at the discretion of the public works or planning directors. (Ord. 3705 § 2 (part), 1999)

#### 22.16.040 Final plat—Additional information.

- (a) The applicant must submit the following information with the final plat:
  - (1) A certification from a licensed land surveyor as to the survey data, layout of streets, alleys and other rights-of-way. Bridges, sewage, water systems and other structures together with the information provided by the land surveyor shall be approved by a licensed engineer acting on behalf of the city;
  - (2) A complete survey of the section or sections in which the plat is located, or as much thereof as may be necessary to properly orient the plat within the section or sections. A computer printout to show closures of boundary, read centerlines, lots and tracts. The maximum allowable error of closure is one foot in fifteen thousand feet;
  - (3) A certification from the proper officer in charge of tax collections that all taxes and delinquent assessments as shown on the certification under subsection (5) have been paid, satisfied or discharged;

~~(4) A certificate stating that the subdivision has been made with the free consent and in accordance with the desires of the owner or owners. If the plat includes a dedication, the certificate or a separate written instrument shall contain the dedication of all rights-of-way and other areas to the public, any individual or individuals, religious society or societies, or to any corporation, public or private, as shown on the plat, and an undertaking to defend, pay and save harmless any governmental authority, including the city, in respect of all claims for damages against any governmental authority, including the city, which may be occasioned to the adjacent land by the established construction, drainage or maintenance of said right-of-way or other areas so dedicated. Such certificate and separate dedication instrument, if applicable, shall be signed and acknowledged before a notary public by all parties having any ownership interest in the lands subdivided.~~

~~(5) A title company certification which is not more than thirty calendar days old containing:~~

~~(A) A legal description of the total parcel sought to be subdivided; and~~

~~(B) A list of those individuals, corporations, or other entities holding an ownership interest in the parcel; and~~

~~(C) Any easements or restrictions affecting the property with a description, purpose and reference by auditor's file number and/or recording number; and~~

~~(D) Any encumbrances on the property; and~~

~~(E) Any delinquent taxes or assessments on the property;~~

~~(6) Certification by the city department, or other agency with jurisdiction, that all of the required public improvements subject to its jurisdiction have been installed, inspected and accepted by such department or agency, or in the alternative, surety bond or other performance guaranty has been deposited with the city in accordance with Section 22.32.080;~~

~~(b) If lands are to be dedicated or conveyed to the city as part of the subdivision, an American Land Title Association title policy may be required. (Ord. 3705 § 2 (part), 1999)~~

## 22.20 Short Plat Procedure

### 22.20.025 Minor modifications.

~~(1) Modifications to short subdivisions after approval and prior to recording shall require a new short subdivision application pursuant to this chapter unless such modifications constitute minor modifications under the following criteria:~~

~~(a) The modification complies with all of the requirements of this Chapter; and~~

~~(a) ~~(b)~~ The modification does not involve the alteration or vacation of city easements, roads, or city-owned lands; and~~

~~(b) ~~(c)~~ The planning director determines that there will not be substantial changes in the impacts on the neighborhood or the city as a result of the change; and~~

~~(c) ~~(d)~~ The modification will not increase the number of lots; and~~

~~(d) ~~(e)~~ The modification will not significantly alter any condition of approval.~~

The consideration of the minor modification shall be made upon written request to the planning department. The planning director's decision will be the final decision of the city. (Ord. 3705 § 2 (part), 1999)

(2) If a minor modification is approved after recording, the revised mylar shall meet the standards specified in WAC332-130-050 regarding survey maps.

## 22.20.050 Application—Contents.\*

The applicant may apply for a short subdivision by submitting the following information to the planning department on the forms provided by that department. The Planning Department is hereby authorized to maintain a list of the application requirements. The list shall incorporate, at a minimum:

- (a) the requirements of state law regarding short plats;
- ~~(b) A boundary survey of (a) A certified boundary survey of the proposed plat, including five prints of the proposed plat drawn on a standard eighteen-inch by twenty-four-inch mylar at a scale between one inch equals twenty feet and one inch equals fifty feet in ten-foot intervals, containing the following information:~~
  - (1) Proposed name of the short plat;
  - (2) Location by section, township, range, and/or other legal description;
  - (3) A boundary survey prepared by a registered land surveyor licensed in the state of Washington shall be shown on the proposed plat and shall reference the plat to either the Washington Coordinate System, North Zone, or the King County Coordinate System or properly determined subdivision corner referenced to either of the above with a physical description of such corners;
  - (4) The plat will be described and corners set with a field traverse with a linear closure of one to ten thousand and corresponding angular closure as specified in WAC 332-130-070;
  - (5) Mathematical lot closures shall be submitted showing error of closures not to exceed  $0.005/n$ , where  $n$  equals the number of sides and/or curves of a lot;
  - (6) Name, address and phone number of the applicant and agent, if any;
  - (7) Name, address and phone number of the registered land surveyor preparing the short plat;
  - (8) Scale of short plat, date and north arrow;
  - (9) Existing topography of the property indicated by contours at five-foot intervals. This may be waived by the planning director if no portion of the proposed short plat exceeds fifteen percent;
  - (10) Location and extent of significant natural features such as streams, wetlands, and water bodies on and immediately adjacent to the property;
  - (11) The required information as set forth in Chapter 95 of the zoning code, Tree Management and Required Landscaping;
  - (12) Zoning classification of the property and adjoining properties;
  - (13) The lot lines of adjoining properties for a distance of at least fifty feet;
  - (14) Location, dimension, and names of existing rights-of-way and easements, parks or other public spaces, structures, lots, blocks, etc., shall be shown in dotted lines in scale with the proposed short plat;
  - (15) Existing and proposed water, sewer, power and drainage systems on, under or over the property showing size, grades and location;
  - (16) Layout, name and dimensions of proposed rights-of-way and easements;
  - (17) Layout, number, dimensions and square footage (excluding access easements) of proposed lots;
  - (18) Parcels of land intended to be dedicated for public use, or reserved for use of owners of the property in the subdivision, including the dimension and square footage of said parcels;
  - (19) A notation which shows the dimensioned setback of all existing structures relative to existing property lines and to proposed lot lines, if they are within twenty feet of existing or proposed lot lines;

~~(b) A vicinity map at a scale of one inch equals four hundred feet or larger showing the proposed short subdivision's relation to the area for a distance of at least three hundred feet on which the subject property is outlined with a bold or colored line;~~

~~(c) A current title company certificate for the property that has been issued no more than thirty calendar days prior to the initial filing of the short plat application. The certificate must include the name of all persons holding any ownership interest in the property;~~

~~(d) Any additional information required by the planning official;~~

~~(e) (b) The filing fee as established by ordinance;~~

~~(f) (c) All information required under the State Environmental Policy Act, Chapter 43.21C RCW, and the administrative guidelines and local ordinance adopted to implement it. (Ord. 4011 § 1, 2005; Ord. 3705 § 2 (part), 1999)~~

(d) Any additional pertinent information required at the discretion of the public works or planning directors.

#### 22.20.245 Appeal to city council—When.

(a) The city council will decide an appeal of the planning director's decision on a short subdivision under the following circumstances:

(1) As approved by the planning director, the short plat would result in the dedication of a new through public right-of-way (including a right-of-way designed for future connection) or the opening of an existing but previously unopened right-of-way; or

(2) The proposed short plat included a request for modification using the provisions of Chapter 22.24 for "innovative or unusual plats."

(b) In the above circumstances, this section will govern the procedure for decision on appeal of the planning director's decision on a short subdivision. Such appeals will be heard and decided by the city council rather than by the hearing examiner. The procedures set forth in Sections 145.60 through 145.110 of Title 23 of this code will still apply to the appeal; except, that whenever the term "hearing examiner" appears in those sections, the term "city council" will be substituted. (Ord. 3705 § 2 (part), 1999)

## 22.26 Alteration and Vacation of Plats

#### 22.26.050 Application—Contents.

The applicant may apply for an alteration or vacation of a plat by submitting ~~the following~~ information to the planning department on the forms provided by that department. The Planning Department is hereby authorized to maintain a list of the application requirements. The list shall incorporate, at a minimum:

~~(a) the requirements of state law regarding plat alterations and vacations; A boundary survey of the proposed alteration or vacation certified by a licensed land surveyor together with five prints of the proposed plat alteration or vacation drawn to a scale between one inch equals twenty feet and one inch equals fifty feet in ten-foot intervals containing the following information:~~

~~(1) Name of the plat;~~

~~(2) Location by section, township, range, and/or by other legal description;~~

~~(3) Name, address and phone number of the applicant and agent, if any;~~

~~(4) Name, address and phone number of registered land surveyor preparing the plat;~~

~~(5) Scale of plat, date and north arrow;~~

~~(6) Existing topography of the land indicated by contours at five-foot intervals. This may be waived by the planning director if no portion of the proposed plat exceeds fifteen percent;~~

~~(7) Location and extent of significant natural features such as streams, wetlands, significant trees as defined in Section 5.10.860 of the zoning code, and water bodies on and immediately adjacent to the property; a report from a certified arborist may be required as part of the application to verify that the significant trees are healthy; provided, however, if the report is not required as part of the application, the city may require such report later in the processing of the application;~~

~~(8) Zoning classification of the property and adjoining properties;~~

~~(9) The lot lines of adjoining properties for a distance of at least fifty feet;~~

~~(10) Location, dimension, and names of existing rights-of-way and easements, parks or other public spaces, structures, lots, blocks, etc., shall be shown in dotted lines in scale with the plat alteration or vacation map;~~

~~(11) Existing and proposed water, sewer, power, and drainage systems on, under, or over the property, showing size, grades, and location;~~

~~(12) The area to be altered or vacated, using words and illustrations which are depicted on the plat mylar;~~

~~(13) Layout of proposed rights-of-way and easements;~~

~~(14) Layout, number and dimensions of proposed lots;~~

~~(15) Parcels of land intended to be dedicated for public use, or reserved for use of owners of the property in the subdivision;~~

~~(16) A notation which shows the dimensioned setback of all existing structures relative to existing property lines and to proposed lot lines;~~

~~(17) Exterior boundary corners shall be indicated on the ground;~~

~~(b) Address labels obtained from the county containing the names and addresses of the owners of all property within three hundred feet of any boundary of the proposed plat alteration or vacation and any adjoining property owned by the owner of the land proposed to be altered or vacated;~~

~~(c) Address labels marked "resident" or "tenant" for all property adjacent to and across the street from the property within the proposed plat alteration or vacation. These labels may be prepared by the applicant;~~

~~(d) A copy of the county assessor's map identifying the properties specified in subsections (b) and (c) of this section;~~

~~(e) (b) If an application is for a plat alteration, the applicant shall submit the signatures of the majority of those persons having an ownership interest of lots, tracts, parcels, sites, or divisions in the subject subdivision or portion to be altered. If the subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the application for alteration would result in the violation of a covenant, the application shall contain an agreement, signed by all parties subject to the covenants, providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration of the subdivision or portion thereof;~~

~~(f) (c) If an application is for a plat vacation, the applicant shall submit the reasons for vacation and shall contain signatures of all parties having an ownership interest in that portion of the subdivision subject to vacation. If the subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the application for vacation would result in the violation of a covenant, the application shall contain an agreement, signed by all parties subject to the covenants, providing that the parties agree to terminate or~~

alter the relevant covenants to accomplish the purpose of the vacation of the subdivision or portion thereof;

~~(g) A current title company certificate for the property that has been issued no more than thirty calendar days prior to the initial filing of the plat application. The certificate must include the name(s) of all persons holding any ownership interest in the property;~~

~~(h) Any additional information required by the planning official;~~

~~(i) (d) The filing fee as established by ordinance;~~

~~(j) (e) All information required under the State Environmental Policies Act, Chapter 43.21C RCW, and the administrative guidelines and local ordinance adopted to implement it. (Ord. 3705 § 2 (part), 1999)~~

(f) Any additional pertinent information required at the discretion of the public works or planning directors.

#### ~~22.26.460 Documents—Contents.~~

~~The applicant shall submit a plat alteration document containing the following information:~~

~~(a) Name of the plat alteration;~~

~~(b) Location by section, township, range and/or by other legal description;~~

~~(c) A boundary survey prepared by a registered land surveyor, licensed in the state, shall be shown on the proposed plat and shall reference the plat to either the Washington Coordinate System, North Zone, or the King County Coordinate System or properly determined subdivision corner referenced to either of the above with a physical description of such corners;~~

~~(d) The name and seal of the registered land surveyor responsible for preparation of the plat, and a certification on the plat by the surveyor to the effect that it is a true and correct representation of the land actually surveyed by him/her. The exterior plat boundary and all interior lot corners shall be set on the applicant's property by the registered land surveyor, using appropriate permanent materials, before the city signs the plat alteration mylar. All street centerline monuments (points of intersection, points of curve, points of tangency, etc.) within the plat and all intersections with existing street centerlines shall be monumented with concrete monuments in case, or other permanent material approved by the city;~~

~~(e) The drawing shall be of legible scale and shall include the north arrow and basis of bearings. The scale of the final plat will be at one inch equals fifty feet unless otherwise approved by the planning director in order that all distances, bearings and other data can be clearly shown;~~

~~(f) The boundary lines of the plat, based on an accurate traverse, with angular and linear dimensions;~~

~~(g) Exact location, width, number or name of all rights-of-way and easements within and adjoining the plat and a clear statement as to whether each is to be dedicated or held in private ownership;~~

~~(h) True courses and distances to the nearest established right-of-way lines or official monuments which will accurately locate the plat;~~

~~(i) Radii, internal angles, points of curvature, tangent bearings and lengths of all arcs;~~

#### ~~22.26.470 Documents—Accompanying information.~~

~~The applicant must submit the following information with the plat alteration:~~

~~(a) A certification from a licensed land surveyor as to the survey data, layout of streets, alleys and other rights-of-way. Bridges, sewage, water systems and other structures together with the information provided by the land surveyor shall be approved by a licensed engineer acting on behalf of the city;~~

~~(b) A complete survey of the section or sections in which the plat is located, or as much thereof as may be necessary to properly orient the plat within the section or sections. A computer printout to show closures of boundary, road centerlines, lots and tracts. The maximum allowable error of closure is one foot in fifteen thousand feet;~~

~~(c) A certification from the proper officer in charge of tax collections that all taxes and delinquent assessments as shown on the certification under subsection (e) of this section have been paid, satisfied or discharged;~~

~~(d) A certificate stating that the plat alteration has been made with the free consent and in accordance with the desires of the owner or owners. If the plat includes a dedication, the certificate or a separate written instrument shall contain the dedication of all rights-of-way and other areas to the public, any individual or individuals, religious society or societies, or to any corporation, public or private, as shown on the plat, and an undertaking to defend, pay and save harmless any governmental authority, including the city, in respect of all claims for damages against any governmental authority, including the city, which may be occasioned to the adjacent land by the established construction, drainage or maintenance of the right-of-way or other areas so dedicated. Such certificate and separate dedication instrument if applicable shall be signed and acknowledged before a notary public by all parties having any ownership interest in the dedicated lands;~~

~~(e) A title company certification which is not more than thirty calendar days old containing:~~

~~(1) A legal description of the total parcel sought to be subdivided; and~~

~~(2) A list of those individuals, corporations, or other entities holding an ownership interest in the parcel; and~~

~~(3) Any easements or restrictions affecting the property with a description, purpose and reference by auditor's file number and/or recording number; and~~

~~(4) Any encumbrances on the property; and~~

~~(5) Any delinquent taxes or assessments on the property.~~

~~If lands are to be dedicated or conveyed to the city as part of the subdivision, an American Land Title Association title policy may be required;~~

~~(f) Certification by the city department, or other agency with jurisdiction, that all of the required public improvements subject to its jurisdiction have been installed, inspected and accepted by such department or agency, or in the alternative, surety bond or other performance guaranty has been deposited with the city in accordance with Sections 22.32.070 through 22.32.080. (Ord. 3705 § 2 (part), 1999)~~

#### ~~22.26.680 Vacation documents—Contents.~~

~~The applicant shall submit a plat vacation document containing the following information:~~

~~(a) Proposed name of the plat;~~

~~(b) Location by section, township, range and/or by other legal description;~~

~~(c) A boundary survey prepared by a registered land surveyor, licensed in the state, shall be shown on the proposed plat and shall reference the plat to either the Washington Coordinate System, North Zone, or the King County Coordinate~~

~~System or properly determined subdivision corner referenced to either of the above with a physical description of such corners;~~

~~(d) The name and seal of the registered land surveyor responsible for preparation of the plat and a certification on the plat by the surveyor to the effect that it is a true and correct representation of the land actually surveyed by him/her. The exterior plat boundary, and all interior lot corners, shall be set on the applicant's property by the registered land surveyor, using appropriate permanent materials, before the city signs the plat vacation mylar. All street centerline monuments (points of intersection, points of curve, points of tangency, etc.) within the plat and all intersections with existing street centerlines shall be monumented with concrete monuments in case, or other permanent material approved by the city;~~

~~(e) The drawing shall be of legible scale and shall include the north arrow and basis of bearings. The scale of the final plat will be at one inch equals fifty feet unless otherwise approved by the planning director in order that all distances, bearings and other data can be clearly shown;~~

~~(f) The boundary lines of the plat, based on accurate traverse, with angular and linear dimensions;~~

~~(g) Exact location, width, number or name of all rights-of-way and easements within and adjoining the plat and a clear statement as to whether each is to be dedicated or held in private ownership;~~

~~(h) True courses and distances to the nearest established right-of-way lines or official monuments which will accurately locate the plat;~~

~~(i) Radii, internal angles, points of curvature, tangent bearings and lengths of all arcs;~~

~~(j) The plat will be described and corners set with a field traverse with a linear closure of one to ten thousand and corresponding angular closure as specified in WAC 332-130-070;~~

~~(k) Mathematical lot closures shall be submitted showing error of closures not to exceed  $0.005/n$ , where n equals the number of sides and/or curves of a lot;~~

~~(l) All lot and block numbers and lines, with accurate dimensions in feet and hundredths of feet. Blocks in numbered additions to subdivisions bearing the same name must be numbered or lettered consecutively through the several additions;~~

~~(m) Accurate locations of all monuments at such locations as required by the public works department;~~

~~(n) All plat meander lines or reference lines along bodies of water which shall be established above, but not farther than twenty feet from the high waterline of the water or within a reasonable distance, to insure reestablishment;~~

~~(o) Accurate outlines and dimensions of any areas to be dedicated or reserved for public use, with purposes indicated thereon and in the dedication, and/or any area to be reserved by deed covenant for common uses of all property owners;~~

~~(p) A full and correct legal description of the property;~~

~~(q) All restrictions and conditions on the lots or tracts or other areas in the plat required by the city council;~~

~~(r) The signatures on the final plat mylar of all persons having an ownership interest in the property which shall be in reproducible black ink;~~

~~(s) Appropriate signature blocks for the officials whose signatures are required for approval or acceptance of the plat, including any dedications;~~

~~(t) Any additional pertinent information required at the discretion of the public works or planning directors. (Ord. 3705 § 2 (part), 1999)~~

~~22.26.690 Vacation documents—Accompanying information.~~

The applicant must submit the following information with the plat vacation prior to recording:

~~(a) A certification from a licensed land surveyor as to the survey data, layout of streets, alleys and other rights-of-way. Bridges, sewage, water systems and other structures together with the information provided by the land surveyor shall be approved by a licensed engineer acting on behalf of the city;~~

~~(b) A complete survey of the section or sections in which the plat is located, or as much thereof as may be necessary to properly orient the plat within the section or sections. A computer printout to show closures of boundary, road centerlines, lots and tracts. The maximum allowable error of closure is one foot in fifteen thousand feet;~~

~~(c) A certification from the proper officer in charge of tax collections that all taxes and delinquent assessments as shown on the certification under subsection (e) of this section have been paid, satisfied or discharged;~~

~~(d) A certificate stating that the plat vacation has been made with the free consent and in accordance with the desires of the owner or owners. If the plat includes a dedication, the certificate or a separate written instrument shall contain the dedication of all rights-of-way and other areas to the public, any individual or individuals, religious society or societies, or to any corporation, public or private, as shown on the plat, and an undertaking to defend, pay and save harmless any governmental authority, including the city, in respect of all claims for damages against any governmental authority, including the city, which may be occasioned to the adjacent land by the established construction, drainage or maintenance of the rights-of-way or other areas so dedicated. Such certificate and separate dedication instrument if applicable shall be signed and acknowledged before a notary public by all parties having any ownership interest in the lands subdivided;~~

~~(e) A title company certification which is not more than thirty calendar days old containing:~~

~~(1) A legal description of the total parcel sought to be subdivided; and~~

~~(2) A list of those individuals, corporations, or other entities holding an ownership interest in the parcel; and~~

~~(3) Any easements or restrictions affecting the property with a description, purpose and reference by auditor's file number and/or recording number; and~~

~~(4) Any encumbrances on the property; and~~

~~(5) Any delinquent taxes or assessments on the property.~~

~~If lands are to be dedicated or conveyed to the city as part of the subdivision, an American Land Title Association title policy may be required;~~

~~(f) Certification by the city department, or other agency with jurisdiction, that all of the required public improvements subject to its jurisdiction have been installed, inspected and accepted by such department or agency, or in the alternative, surety bond or other performance guaranty has been deposited with the city in accordance with Sections 22.32.070 and 22.32.080. (Ord. 3705 § 2 (part), 1999)~~

**22.28.050 Lots—Dimensions.**

Lots must be of a shape so that reasonable use and development may be made of the lot. Generally, the depth of the lot should not be more than twice the width of the lot. In no case shall a lot be less than fifteen feet in width where it abuts the right-of-way, vehicular-access easement or tract providing vehicular access to subject lot. For lots smaller than 5,000 square feet in size located in "low density zones" as defined in the Zoning Code, the lot width at the back of the required front yard shall not be less than 50 feet unless the garage is located at the rear of the lot or the lot is a flag lot. A covenant shall be signed prior to the recording of the plat to ensure that the garage will be located at the rear of the lot if this option is chosen. (Ord. 3705 § 2 (part), 1999)

**22.28.080 Access—Required.**

(a) All lots must have direct legal access as required by the zoning code, including Chapter 115.80, Legal Building Site, and Chapter ~~115.10~~ 105.10, Vehicular Access Easement ~~or~~ or Tract Standards. The city will determine whether access will be by right-of-way or vehicular-access easement or tract on a case-by-case basis.

(b) The area of a vehicular-access easement or tract shall not be included in the computation of the lot area for the servient lot. However, if the vehicular easement serves only one lot which does not abut a public right-of-way, the easement shall be included in the lot area for the servient lot; provided, that the servient lot abuts a public right-of-way and is not a flag lot. (Ord. 3705 § 2 (part), 1999)

**22.32.030 Stormwater control system—Requirements.**

The applicant shall comply with the construction phase and permanent stormwater control requirements of the ~~zoning code~~ Municipal Code. Generally, permanent stormwater control systems must be designed to accommodate all land within the subdivision. Based on unusual circumstances, the city can require or approve stormwater control systems designed and installed for individual lots or groups of lots within the proposed plat. (Ord. 3705 § 2 (part), 1999)

ORDINANCE NO. 4122  
PUBLICATION SUMMARY

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO PLANNING AND LAND USE AND AMENDING PORTIONS OF THE FOLLOWING TITLES OF THE KIRKLAND MUNICIPAL CODE: TITLE 19—STREETS AND SIDEWALKS AND TITLE 22—SUBDIVISIONS; AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. ZON06-00033.

Section 1. Identifies the specific amendments to the Kirkland Municipal Code.

Section 2. Addresses severability.

Section 3. 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.

Section 4. 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 thirty days after publication of said summary.

Section 5. 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 \_\_\_\_\_, 2007.

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

Attest:

\_\_\_\_\_  
City Clerk