



# 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 MEETING

#### City Council Chamber

**Tuesday, September 2, 2008**

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

**7:30 p.m. – Regular Meeting**

COUNCIL AGENDA materials are available on the City of Kirkland website [www.ci.kirkland.wa.us](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. Tree Regulations Update
4. *EXECUTIVE SESSION*
  - a. To Discuss Pending Litigation
  - b. To Discuss Labor Negotiations (to be conducted at the end of the meeting)
5. *SPECIAL PRESENTATIONS*
  - a. Myparksandrecreation.com Update
  - b. Special Achievement in GIS Award
  - c. Green Tips
6. *REPORTS*
  - a. *City Council*
    - (1) Regional Issues
  - b. *City Manager*
    - (1) City Council Briefings on the Touchstone (Parkplace), Orni and Altom Private Amendment Requests
    - (2) City Council Meetings with the Neighborhoods

**EXECUTIVE SESSIONS** may be held by the City Council to discuss matters where confidentiality is required for the public interest, including buying and selling property, certain personnel issues, and lawsuits. An executive session is the only type of Council meeting permitted by law to be closed to the public and news media

**ITEMS FROM THE AUDIENCE** provides an opportunity for members of the public to address the Council on any subject which is not of a quasi-judicial nature or scheduled for a public hearing. (Items which may not be addressed under Items from the Audience are indicated by an asterisk\*.) The Council will receive comments on other issues, whether the matter is otherwise on the agenda for the same meeting or not. Speaker's remarks will be limited to three minutes apiece. No more than three speakers may address the Council on any one subject. However, if both proponents and opponents wish to speak, then up to three proponents and up to three opponents of the matter may address the Council.

**P** - denotes a presentation from staff or consultant

(3) Calendar Update

7. COMMUNICATIONS

a. Items from the Audience

b. Petitions

8. CONSENT CALENDAR

- a. Approval of Minutes: (1) July 30, 2008
- (2) August 4, 2008
- (3) August 5, 2008

b. Audit of Accounts:

Payroll \$

Bills \$

c. General Correspondence

- (1) John Juge, Regarding Installing Traffic Signals
- (2) David Martin, Regarding Tree Removal
- (3) Craig Shriner, Regarding Zoning Requirements

d. Claims

- (1) Donna L. Baker
- (2) Lynda Dennemarck
- (3) Ryan and Charmaine Hagstrom
- (4) Matt Holmes
- (5) Elizabeth Hoyer
- (6) Brian Lurie
- (7) The Sign Factory, Inc.

e. Award of Bids

- (1) Kirkland City Hall Annex Renovation Project, Pattison General Contractor, Redmond, Washington

f. Acceptance of Public Improvements and Establishing Lien Period

g. Approval of Agreements

**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.

*h. Other Items of Business*

- (1) Approving Correspondence Supporting Energy Efficiency and Conservation Block Grants
- (2) Setting Public Hearing Date for 2009-2014 Transportation Improvement Program (TIP)
- (3) Approving A Regional Coalition for Housing (ARCH) Trust Fund Recommendations for Spring 2008
- (4) Accepting Park Board Youth Member Resignation
- (5) Reporting on Eastside Rail
- (6) Authorizing Submittal of Brief Regarding Federal Communications Commission Public Notice on Petition Filed by CTIA – The Wireless Association
- (7) Resolution R-4723, Relinquishing any Interest the City May Have, Except for a Utility Easement, in an Unopened Right-of-Way as Described Herein and Requested by Property Owner Ryan K. Mitchell
- (8) Resolution R-4724, Relinquishing any Interest the City May Have in an Unopened Right-of-Way as Described Herein and Requested by Property Owner Richard E. Radford
- (9) Surplus Equipment Rental Vehicles/Equipment for Sale
- (10) Report on Procurement Activities

**ORDINANCES** are legislative acts or local laws. They are the most permanent and binding form of Council action, and may be changed or repealed only by a subsequent ordinance. Ordinances normally become effective five days after the ordinance is published in the City's official newspaper.

**RESOLUTIONS** are adopted to express the policy of the Council, or to direct certain types of administrative action. A resolution may be changed by adoption of a subsequent resolution.

**PUBLIC HEARINGS** are held to receive public comment on important matters before the Council. You are welcome to offer your comments after being recognized by the Mayor. After all persons have spoken, the hearing is closed to public comment and the Council proceeds with its deliberation and decision making.

**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.

*9. PUBLIC HEARINGS*

- a.* Preliminary 2009-2014 Capital Improvement Program (CIP)

*10. UNFINISHED BUSINESS*

- a.* Parking Advisory Board Recommendation on Downtown Parking

*11. NEW BUSINESS*

- a.* Inclusionary Housing Direction
- b.* Business Partnership Policy
- c.* Endorsing A Regional Coalition for Housing (ARCH) Priority Housing Strategies

*12. ANNOUNCEMENTS*

*13. ADJOURNMENT*

**CITY OF KIRKLAND**

Planning and Community Development Department  
123 Fifth Avenue, Kirkland, WA 98033 425.587-3225  
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**MEMORANDUM**

**To:** David Ramsay, City Manager

**From:** Lauri Anderson, AICP, Consultant  
Deb Powers, Urban Forester  
Paul Stewart, AICP, Deputy Planning Director  
Eric Shields, AICP, Planning Director

**Date:** August 15, 2008

**Subject:** TREE REGULATIONS UPDATE, FILE NO. ZON08-00016

**RECOMMENDATION**

Provide direction to staff on a proposed work program for tree regulation amendments. Staff recommends that, at a minimum, the minor amendments and moderate changes in policy direction be pursued.

Three tiers of work program amendments are presented. “Minor amendments” would improve the current system but would not change the basic approach. “Moderate changes in policy direction” would result in some fairly significant regulatory or budgetary changes and might be of more concern to the public. The final tier of amendments—those discussed under the “Major Policy Questions” section of this memo—would fundamentally alter the regulations and implement new policy directions.

**BACKGROUND DISCUSSION**

In 2006, new tree protection regulations went into effect with the adoption of a completely revised Chapter 95 of the Zoning Code, “Tree Management and Required Landscaping” (see Attachment 1). These amendments were the first comprehensive rewrite of the City’s tree regulations (originally adopted in 1982) in more than 20 years.

When the amendments were adopted, the City Council requested that a two-year status report be prepared, summarizing issues that arose in the implementation and application of the regulations. Potential Code amendments also were to be identified in the report.

Staff has reviewed the tree regulations and their operation over the past two-and-a-half years and believes that some aspects of tree management in the City could be improved.

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The following sections of this memo provide information on the City's tree protection regulations and possible future directions:

- History of the Tree Regulations
- Summary of the 2006 Tree Regulations
- Data on Tree Protection Efforts
- Public Input on the Existing Regulations
- What's Working with the Regulations
- What Could be Improved: Minor Changes to the Regulations
- What Could be Improved: Moderate Changes in Policy Direction
- Major Policy Questions to be Considered
- Proposed Schedule/Approach for Changes to the Regulations

### **HISTORY OF THE TREE REGULATIONS**

Comprehensive Plan Natural Environment Policy NE-3.1 states that the City should strive to achieve an overall tree canopy coverage of 40% for the community. In 2003, it was estimated that the City's overall tree canopy coverage was approximately 32%, with as much as 70% coverage on City-owned property.

Benefits associated with the tree canopy (and described in Comprehensive Plan Policies NE-3.2 and 3.3 and Zoning Code Section 95.05) include:

- Minimizing the adverse impacts of stormwater runoff, soil erosion, land instability, and sedimentation and pollution of waterways;
- Improving air quality;
- Reducing effects of excessive noise pollution;
- Moderating temperature;
- Providing visual relief and screening buffers;
- Providing recreational benefits;
- Providing habitat, cover, food supply and corridors for a diversity of fish and wildlife; and
- Providing economic benefit by enhancing local property values and contributing to the region's natural beauty, aesthetic character, and livability.

Prior to 2006, the Zoning Code regulated trees exclusively based on size and a percentage to be saved. Certain trees were determined to be "significant" by trunk diameter/circumference and those trees were targeted for retention, if possible, during development. Separately, the City's subdivision rules required that 25% of the healthy "significant" trees on a subdivided property be kept throughout construction of the new houses. Property-owners of developed property could remove up to 5 trees per acre per year from their land.

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Concerned with ongoing tree removal during a time of significant land development, the City Council adopted a series of interim ordinances, beginning in 2002, that reduced tree removal on private property to two trees per year and required retention of all “perimeter” trees (within 10’ of the property lines) unless removal was needed for locating structures, accessways, utilities, etc.

In 2003, the City’s first Natural Resource Management Plan ([http://www.ci.kirkland.wa.us/depart/Planning/Code\\_Updates/Natural\\_Resources\\_Management.htm](http://www.ci.kirkland.wa.us/depart/Planning/Code_Updates/Natural_Resources_Management.htm)) was prepared and adopted by City Council. The plan included a section on guiding principles for the urban forest. These principles were the foundation for new policies and regulations affecting trees.

The new tree regulations were developed through an extensive multi-year review process involving the general public and the development community (see Attachment 2). The City hired its first Urban Forester to oversee this effort. The new amendments went into effect on January 1, 2006.

### **SUMMARY OF THE 2006 TREE REGULATIONS**

The goal of the 2006 tree amendments was to preserve and protect mature trees and tree canopy on private property as development density and intensity increased, given the 40% tree canopy coverage goal and that private property comprises nearly two-thirds of Kirkland’s land area. The new zoning regulations contained a number of new approaches:

#### Tree “Typing”

The regulations address trees by “type”—Type 1, Type 2 or Type 3—and provide a tiered framework for preserving trees most worthy of retention outside of a building footprint as Type 1 trees. (See Attachment 3 for the definitions of tree types.) The City’s Urban Forester makes the tree typing determination for each project, based on information from the applicant’s arborist and review of the development plans. Attachment 4 provides a graphic example of tree typing on a site. The site plan shows the Type 1, Type 2 and Type 3 trees as determined by the Urban Forester using the tree type definitions. Determining a tree type is based on a combination of factors including the condition of the tree and the location on the property in relation to development. For example, a tree could be in good condition but since it is located in an area of the property where development is anticipated, it would be a Type 3 which could then be removed.

#### Tree Removal on Developed Property

Under the new rules, an owner of developed property of any size may remove up to 2 significant trees from a property within a one-year period. Nuisance and hazardous trees don’t count toward the two-tree per year allowance. For trees that are in critical areas, buffers, easements dedicated to preserve vegetation, are the last two significant trees on the property, or are required to be maintained by other Zoning Code requirements, a Tree Plan IV is submitted for review (see next section), and replacement planting is required.

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### Tree Plans

Prior to development activity or for certain types of tree removals, a “Tree Plan” must be submitted for review and approval by the Urban Forester. The five levels of Tree Plan are linked to the type of underlying development:

**Tree Plan I** is required for trees impacted on sites with new development, redevelopment, or remodeling for one or two attached, detached, or stacked dwelling units. There are two types of Tree Plan I—Major and Minor—depending on the extent of improvements.

**Tree Plan II** is required for development permits or land surface modification resulting in site disturbance and impact to trees in required yards for three or more detached, attached, or stacked dwelling units; or any use other than residential.

**Tree Plan III** is required for new residential short plats or subdivisions and related land surface modification applications.

**Tree Plan IV** is required for tree removal on a property on which no development activity is proposed or in progress, and for removal of the last two significant trees on a site.

**Tree Plan V** is a Forest Management Plan required for developed, significantly wooded sites of at least 35,000 square feet in size. No Tree Plan Vs have been processed by the City.

The objective in reviewing the tree plans, as described in the regulations, is to “retain as many viable trees as possible on a developing site while still allowing the development proposal to move forward in a timely manner.” A basic review standard for tree plans is that tree retention is not to reduce the applicant’s development potential (lot coverage, floor area ratio, and density). Although the Planning Official is authorized to require site plan alterations to retain Type 1 trees, only minor adjustments to the locations of building footprints, driveways, walkways and utilities can be requested. For Tree Plans I and II, the focus is on the retention of Type 1 trees in required setback yards or in areas for required landscaping only.

### Minimum Tree Density

In conjunction with a tree plan review process, the 2006 tree regulations establish a minimum tree density for new and redeveloping single-family and duplex developments and new residential subdivisions and short plats, of 30 “tree credits” per acre. Existing trees over 6” trunk diameter are assigned tree credit values (see Attachment 5). Retaining 30 tree credits per acre equates to saving two trees of 38” diameter, or thirty trees of 6-10” diameter. On a standard 7,200 sq.ft. lot, the tree density requirement is 5 tree credits, the equivalent of retaining one existing 18” diameter tree, or five existing 6-10” diameter trees.

The required tree density can be met either by preserving existing trees (more credits for larger trees) or by planting new, “supplemental” trees. A supplemental tree of 2”-diameter, if deciduous, or 6’ in height, if a conifer, is worth 1 tree credit.

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#### Tree Maintenance Agreements

The 2006 amendments placed “tree maintenance agreements” over properties with a Tree Plan I-Major, Tree Plan II or Tree Plan III to ensure that retained trees are protected for 5 years. Planners conduct final inspections of all permits requiring tree retention and replanting to ensure the trees are in place after construction has occurred and to collect the signed agreements. The agreements are recorded with the County and a site plan showing the trees is entered into the City’s permit-tracking database. When the 5-year maintenance agreement expires, property owners may remove up to two trees per year.

#### City Forestry Account

The authority to establish a City Forestry Account also was part of the 2006 changes. This account, funded by code enforcement penalties and a fee-in-lieu of planting for cases where on-site and off-site locations for supplemental trees are unavailable. The City Forestry Account is to be used for acquiring, maintaining, and preserving wooded areas within the City; to plant and maintain trees within the City; to identify and maintain landmark trees; to establish a holding public tree nursery; for urban forestry education; or other purposes related to trees as determined by the City Council. Funds from the account were expended in 2007 for additional code enforcement time relating to tree issues and to host a tree-planting event for Arbor Day. The current balance in the account is \$20,980.

#### Code Enforcement

The new rules increased code enforcement penalties to discourage unauthorized removal of trees (see Attachment 6). The regulations equate severe pruning to tree removal for enforcement purposes.

### **DATA ON TREE PROTECTION EFFORTS**

Nearly 900 tree cases have been processed by the Planning Department over the last two and a half years.

To better understand the effectiveness of the new regulations, tree protection data from several case studies has been researched. Development plans were followed from the time of initial short plat application through completion of final building permits. The research effort pointed out that tree tracking systems within the City are an area needing improvement. Still, the information provides an initial picture of tree retention throughout the development process. Data from some of the case studies is included in Attachment 7.

Reviewing the case studies, along with anecdotal information from planners and more specific data on Type 1 tree retention from building permits, some generalizations can be made:

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- Tree retention is good at both the short plat and land surface modification (grading) stages. It is at the time of building permit approval that many trees are lost—primarily Type 2 trees which are required to be saved only “if feasible.”
- The retention of Type 1 trees is assessed as fair to good. Of the seven building permits studied, a total of 12 Type 1 trees were identified on-site prior to development. After building permit review, a total of 9 Type 1 trees (75%) were required to be protected during development. Very limited use has been made of the “incentives and variations to development standards” provided in the new regulations to save Type 1 trees (see Attachment 8). Staff is aware of only one case where a building footprint was “flipped” to save a Type 1 tree. Minor adjustments have been made to sidewalk, driveway and utility locations.
- The City processed 139 code enforcement cases related to trees between 2006 and the end of June 2008. Code enforcement cases related to trees in 2005 comprised 10% of the total code enforcement cases for the year. In 2006, after adoption of the new rules, this percentage jumped to 19% and it has stayed relatively stable at that level (22% in 2007, 17% through June 2008).
- Although no data is available at this point to assess whether protected trees are retained *after* the five-year maintenance period has expired, there are current code enforcement cases for unauthorized removal of trees within the maintenance period.

### **PUBLIC INPUT ON THE EXISTING REGULATIONS**

Since adoption of the new rules, the City has continued to hear from both the public and the development community about tree protection. As with the public input prior to adoption of the regulations, there are two basic positions expressed regarding tree management:

- Tree regulations, and their application, are a roadblock to efficient permit processing. Replanting rather than retention is preferred (even by single-family homeowners). The regulations should be incentive-based and tree retention requirements should be established at the beginning of the development process. (See Attachment 9 for examples of comments from this perspective.)
- There is the perception that the new regulations were supposed to save more trees when development occurs. The City needs to do more to retain large existing trees rather than allow replanting of many small trees. (See Attachment 10 for examples of comments from this perspective.)

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### **WHAT'S WORKING WITH THE REGULATIONS**

It seems clear that tree typing—rather than using size alone to identify trees worthy of preservation—is working. The best, Type 1, trees (located in required setbacks) have been identified and, for the most part, preserved.

Too, better tree information is now available earlier in the permit review process. Short plat applicants submit detailed tree information, provided by a certified arborist, and the trees on-site are identified before grading or building permits are ever submitted.

The 5-year maintenance agreements are ensuring that the trees to be saved are preserved, at least for an initial period of time. If trees are lost, replanting is generally required.

Off-site trees on properties adjacent to development projects have been protected successfully with the 2006 regulations.

Better enforcement procedures result in more serious consequences if trees are removed without authorization.

### **WHAT COULD BE IMPROVED: MINOR CHANGES TO THE REGULATIONS**

There are several changes to the 2006 tree regulations recommended by staff. These changes do not involve major shifts in policy direction.

#### Code Structure

Staff would like to simplify/reformat the code sections in Chapter 95. Although the 2006 revisions were a vast improvement over previous code language, the chapter could be reorganized to make it more user-friendly. Some definitions could be improved, and a table format could be utilized where appropriate.

A uniform template for tree inventories would aid applicants with Tree Plan requirements and result in an efficient review by staff of a recognized format.

#### Regulation Consolidation

Currently, private tree rules are found in the Zoning Code. Requirements for trees in the right-of-way are found in Municipal Code Title 19, Streets and Sidewalks. Staff believes that it would be helpful to consolidate rules for most right-of-way trees into a single location in the Zoning Code. This is particularly important as the Urban Forester in the Planning Department is now reviewing requests for removal of right-of-way trees impacted by development, as well as tree removal requests on private property. The Public Works Department continues to review removal requests for other right-of-way trees.

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#### Permit Process

Permit applicants have concluded that the tree-related requirements slow down the development review process. The City's consultant for efficient permit processing, Kurt Latimore, has concluded that an "integrated development plan" should specify tree retention requirements very early in the permit review process so that trees to be retained are known up-front, and tree removal can occur all at once, rather than at various times throughout the grading and building permit process. The mechanics of the integrated development plan as it relates to trees may be found in the Tree Plan III process, but administrative changes would be necessary to fully implement this approach. As most trees currently are saved through the short plat and land surface modification (grading) stages, and then are lost as individual building permits are approved, staff welcomes an approach that would allow a more comprehensive review at the beginning of the process when lot lines could be adjusted or other modifications to plans made to save the most valuable trees.

#### Tree Preservation

To avoid conflicts of interest and ensure the qualifications of individuals making recommendations for tree removals, staff is interested in requiring additional credentials for arborists as other jurisdictions have. Standards for tree protection fencing could be updated.

#### Tree Maintenance Agreements

The benefits of tree maintenance agreements are two-fold: they alert the homeowner that certain trees must be retained and they notify future property-owners (through appearance on the title report) that retention requirements apply. The City does not yet have data to know whether or not these agreements will work in the long-term. The first agreements under the 2006 regulations will reach the five-year mark in 2011.

Preparation of the tree maintenance agreements has proved to be a very time-intensive process for staff. Each permit requiring either tree retention or replanting must now have a final property inspection by the Planning Department. The actual agreements are drafted by the planner and then prepared by Multimedia Services. Recording fees must be collected, the cover sheets for recording must be completed, and the agreement sent to the City Clerk's office for preparation for recording with King County. A site plan showing the trees to be maintained must be entered into the permit-tracking system. When the five-year maintenance period ends, planners will again need to conduct a site inspection.

Staff believes that a simpler agreement that would notify landowners, but involve inspections only in the event of a complaint from a neighbor or the general public, is worth exploring.

#### Tree Tracking

Background research for this memo has confirmed that tracking tree cases could be improved. Consistency in tree typing between short plat, land surface modification, and building permits is important. Knowing what trees are to be saved at the beginning of a project would be useful both

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to staff and to applicants. Too, information entered into the City's permit tracking system needs to be more specific about trees saved and those planted.

### **WHAT COULD BE IMPROVED: MODERATE CHANGES IN POLICY DIRECTION**

In addition to the minor amendments discussed above, staff is recommending that as part of the update the City consider some moderate changes to policy related to the tree amendments. The following are questions to be considered during the update process.

Should integrated development plans, as they apply to trees, be mandatory rather than optional?

The goal of an integrated development plan (proposed by Kurt Latimore, the City's consultant for permit process efficiency) is to identify the trees to be saved/removed on a site at the very beginning of a project. The tree plan would then remain constant throughout the grading and building permit review process. This idea is discussed earlier in this memo under minor amendments, and current administrative efforts are focused on making such a plan optional for developers who wish to avoid multiple rounds of tree assessment/plan revisions.

The integrated development plan as it relates to trees could be made mandatory. The disadvantage to this approach is that the developer would have to identify approximate building footprints very early in the process. This is difficult for those developers who do not plan to build the final structures. The benefit of this approach, however, is that tree retention expectations are clear to all future developers and builders before lots are sold or plans prepared. This should ensure improved tree retention.

Should code enforcement fines be increased?

Although greatly increased from previous levels, code enforcement fines still may be too low. To ensure tree retention, the fines must be more than just the "cost of doing business." Currently, the \$1,000 fine for an unauthorized tree removal is not a deterrent for those intending to increase views or clear a site for development. Staff would like to explore this issue further.

How will the City monitor its tree canopy coverage?

The adopted tree regulation ordinance included a section directing the City to undertake an analysis estimating the average tree canopy coverage by December 31, 2010. With current in-house data, the City cannot determine whether progress toward the Comprehensive Plan goal of 40% canopy coverage is being achieved.

Staff points to the need for monitoring and quantifying the City's tree environment. Data should be GIS-compatible and designed for easy access and analysis. Staff would work with the City's Information Technology-GIS Department (IT-GIS) to prepare a plan for how this level of tree

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monitoring might be implemented, and formulate a procedure for incorporating citywide tree canopy statistics.

In addition, tree monitoring should aim to establish and maintain an overview of citywide tree canopy coverage. The current inventory is a generalized digital map of forest canopy, first published in 2003 as part of the Natural Resource Management Plan. Staff hired a consultant to create this thematic map from satellite imagery. Although this process is considered be state-of-the-art and highly repeatable, area calculations are assumed to have an inherent error range of plus/minus a few percentage points. In order to measure progress toward the planned canopy goal, staff recommends that a recurring cycle of analysis be established. This may have budget considerations.

IT-GIS staff could research approximate costs and also consider whether this process can reasonably be accomplished in-house rather than outsourced. Tree canopy updates could be utilized to derive other comprehensive citywide statistics as well. Staff considers it possible that the cost of an outside vendor could be shared by neighboring jurisdictions that might also benefit from the data. Is the City Council interested in pursuing this information?

### **MAJOR POLICY QUESTIONS TO BE CONSIDERED**

Balancing tree retention with increasing development density is always a challenge. Washington state will be helping formulate general strategies for urban forestry through the programs adopted in the Evergreen Communities Act, signed by the governor on April 1, 2008 (see <http://apps.leg.wa.gov/documents/billdocs/2007-08/Pdf/Bills/House%20Passed%20Legislature/2844-S2.PL.pdf>).

A brief summary of the Act, prepared by Audubon Washington, can be found at <http://wa.audubon.org/PDFs/2008-bev-issue4.pdf>.

Other municipalities, too, are struggling with tree retention in denser urban areas. See [http://seattlepi.nwsource.com/local/346352\\_trees07.html](http://seattlepi.nwsource.com/local/346352_trees07.html) for an article about local and regional efforts to preserve trees in the face of development.

The City Council may decide that Kirkland is doing all it can at this point to save trees without major changes in approach such as decreasing density, reducing structure size and/or hardscape lot coverage, or increasing setback yards to provide more room for trees. If the City Council believes that the regulations are working as intended and does not wish to revisit increased tree retention or replanting requirements, staff recommends that an amendment project address only minor adjustments to the regulations and the moderate changes in policy direction discussed above.

If, however, the City Council wishes to explore other options to preserve more trees and to maintain or expand existing tree canopy coverage, some larger policy issues could be considered.

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These issues would expand the scope of the amendment project and potentially require additional staffing and/or budget resources.

Should the tree density requirements be increased?

The 2006 tree regulations rules allow loss of the tree canopy as larger trees are replaced by smaller trees. Currently, an existing 10" diameter tree worth 1 tree credit could be replaced by a 2" diameter tree, also worth 1 tree credit. Similarly, a 24" diameter tree worth 8 tree credits could be replaced by 8 6'-tall conifers. Of course, the canopy eventually will increase again as the replacement trees grow.

To increase tree density requirements, the City would have to consider how to provide more land area for both tree retention and replanting. Increasing lot sizes, reducing maximum lot coverage, and increasing required yards might be necessary to make space for tree retention and replanting in the dense urban area.

Should more trees be retained?

A concern consistently expressed by the public is that too many mature trees are still being removed. For single-family permits reviewed with a Tree Plan I, Type 1 trees in required yards are to be retained "to the maximum extent possible." Elsewhere on-site, however, retention is merely "encouraged." Although the regulations provide opportunities for some variations to development standards to protect Type 1 trees, the Planning Official can require only minor adjustments to the location of building footprints and driveways to achieve this end.

Type 2 trees are to be retained only "if feasible," and their retention is not required. Type 3 trees are defined as those that are not viable or are in an area where "removal is unavoidable due to anticipated development activity."

To increase existing tree retention, new development would have to incorporate trees worthy of retention into their project (not always popular with the development community as it adds both time and cost), requiring modifications to the building footprint. The opportunity to significantly vary development standards, such as building setbacks, might be necessary, and clustering of structures might be required.

Exceptional or notable trees worthy of retention that are located in the building footprint are, by definition, not required to be retained. Staff recommends adding a definition that would protect rare trees, trees over 36" in trunk diameter, and/or trees with historical significance to the current regulations. Trees in the project shown in Attachment 9 are an example of this issue.

How should staffing issues be handled?

The implementation of the new regulations has resulted in a significant increase in staff time dedicated to tree issues. The Urban Forester, at a .5 FTE, now reviews all tree removal requests (900 in the past two-and-a-half years)—requiring site inspections, evaluates/assesses hazardous

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trees on public and private property, provides peer review of arborist reports, supports the code enforcement officer with tree-related issues, responds and provides information to the general public, applicants, and public officials, serves as a technical resource to City officials involving trees, provides technical review and collaborative problem-solving with other City departments regarding tree issues and CIP projects, prepares public information regarding tree issues, and assists in the development of codes and policies involving trees.

Planners inspect tree fencing, conduct final inspections of all single-family permits to check on existing and replacement trees, and prepare and record the maintenance documents. Code enforcement has seen tree issues increase from 10% of their total caseload to nearly 20%. In addition, each tree enforcement case takes an inordinate amount of time to resolve compared with other types of code enforcement cases given the additional reviews and inspections required, as well as time of year considerations.

Ensuring that arborist reports are submitted by qualified individuals and use a consistent format, use of an integrated development plan, and reducing tree maintenance agreement standards are some of the minor adjustments to the regulations that would help with this ongoing staffing issue.

### **PROPOSED SCHEDULE/APPROACH FOR CHANGES TO THE REGULATIONS**

If the City Council wishes to proceed with amendments, they would follow the Process IV zoning permit process, going to the Planning Commission and Houghton Community Council for review and recommendation prior to final consideration by the City Council. It is anticipated that this project could start in January, partly depending on the outcome of ongoing budget discussions as well as the schedule of the Planning Commission. Based on the scope of the project, a public outreach program would be developed.

#### Attachments

Attachment 1: Zoning Code Chapter 95

Attachment 2: Review Process for 2006 Amendments

Attachment 3: Tree Type Definitions

Attachment 4: Site Plan Showing Tree Typing

Attachment 5: Tree Credit Chart

Attachment 6: Code Enforcement Penalties

Attachment 7: 2006-2007 Case Studies

Attachment 8: Incentives and Variations to Development Standards

Attachment 9: Public Comment

9a Kirkland Developers Forum comments, 2006

9b Flipchart notes from Tree Study Group, Latimore project, 2008

Attachment 10: Public Comment

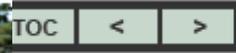
10a Letter from Citizens Against Tudor Green Short Plat, 2007

10b Memo from Kirkland Park Board, 2008

10c E-mail from Jill Keeney, Eastside Audubon, 2008



city of  
**kirkland**  
washington



## Chapter 95 – TREE MANAGEMENT AND REQUIRED LANDSCAPING

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2. General Requirements
3. Authority
4. Cease and Desist
5. Stop Work Order
6. Civil Citation
7. Civil Penalty
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9. Failure to Restore or Pay Fines
10. Appeal to Hearing Examiner
11. Hearing Examiner Decision

### **95.05 Purpose and Intent**

1. Trees and other vegetation are important elements of the physical environment. They are integral to Kirkland's community character and protect public health, safety and general welfare. Protecting, enhancing, and maintaining healthy trees and vegetation are key community values. A goal is to achieve an overall tree canopy coverage of 40 percent for the community. The many benefits of healthy trees and vegetation contribute to Kirkland's quality of life by:
  - a. Minimizing the adverse impacts of land disturbing activities and impervious surfaces such as runoff, soil erosion, land instability, sedimentation and pollution of waterways, thus, reducing the public and private costs for storm water control/treatment and utility maintenance;
  - b. Improving the air quality by absorbing air pollutants, assimilating carbon dioxide and generating oxygen;
  - c. Reducing the effects of excessive noise pollution;
  - d. Providing cost-effective protection from severe weather conditions with cooling effects in the summer months and insulating effects in winter;
  - e. Providing visual relief and screening buffers;
  - f. Providing recreational benefits;
  - g. Providing habitat, cover, food supply and corridors for a diversity of fish and wildlife; and
  - h. Providing economic benefit by enhancing local property values and contributing to the region's natural beauty, aesthetic character, and livability of the community.
2. Tree and vegetation removal in urban areas has resulted in the loss to the public of these beneficial functions. The purpose of this chapter is to establish a process and standards to provide for the protection, preservation, replacement, proper maintenance, and use of significant trees, associated vegetation, and woodlands located in the City of Kirkland.

The intent of this chapter is to:

- a. Maintain and enhance canopy coverage provided by trees for their functions as identified in KZC [95.05\(1\)](#);
- b. Preserve and enhance the City of Kirkland's environmental, economic, and community character with mature landscapes;
- c. Promote site planning, building, and development practices that work to avoid removal or destruction of trees and vegetation, that avoid unnecessary disturbance to the City's natural vegetation, and that provide landscaping to buffer the effects of built and paved areas;
- d. Mitigate the consequences of required tree removal in land development through on- and off-site tree replacement with the goals of halting net loss and enhancing Kirkland's tree canopy to achieve an overall healthy tree canopy cover of 40 percent City-wide over time;
- e. Encourage tree retention efforts by providing flexibility with respect to certain other development requirements;
- f. Implement the goals and objectives of the City's Comprehensive Plan;
- g. Implement the goals and objectives of the State Environmental Policy Act (SEPA);  
and
- h. Manage trees and other vegetation in a manner consistent with the City's Natural Resource Management Plan.

## 95.10 Definitions

The following definitions shall apply throughout this chapter unless the context clearly indicates otherwise. Definitions that apply throughout this code are also located in Chapter [5](#) KZC.

**Caliper** – The American Association of Nurserymen standard for trunk measurement of nursery stock. Caliper of the trunk shall be the trunk diameter measured six inches above the ground for up to and including four-inch caliper size and 12 inches above the ground for larger sizes.

**Critical Root Zone** – The area surrounding a tree at a distance from the trunk, which is equal to one foot for every inch of tree diameter at breast height or otherwise determined by a qualified professional.

**Crown** – The area of a tree containing leaf- or needle-bearing branches.

**Diameter at Breast Height (DBH)** – The diameter or thickness of a tree trunk measured at 4.5 feet from the ground.

**Dripline** – The distance from the tree trunk, that is equal to the furthest extent of the tree's crown.

**Impact** – A condition or activity that affects a part of a tree including the trunk, branches, and critical root zone.

**Grove** – A group of three or more significant trees with overlapping or touching crowns.

**Landmark Tree** – A tree or group of trees designated as such because of its exceptional value to the residents of the City.

**Limit of Disturbance** – The boundary between the area of minimum protection around a

tree and the allowable site disturbance as determined by a qualified professional.

Qualified Professional – An individual with relevant education and training in arboriculture or urban forestry. The individual must be an arborist certified by the International Society of Arboriculture or

a registered consulting arborist from the American Society of Consulting Arborists and for Forest Management Plans may be a certified forester by the Society of American Foresters. A qualified professional must possess the ability to perform tree risk assessments and prescribe appropriate measures necessary for the preservation of trees during land development. For Forest Management Plans, the qualified professional must have the ability to assess wooded sites and prescribe measures for forest health and safety.

Significant Tree – A tree that is at least six inches in diameter at breast height (DBH).

Significantly Wooded Site – A subject property that has a number of significant trees with crowns that cover at least 40 percent of the property.

Site Disturbance – Any development, construction, or related operation that could alter the subject property, including, but not limited to, tree or tree stump removal, road, driveway or building construction, installation of utilities, or grading.

Site Perimeter – The area of the subject property that is 10 feet from the property line.

Specimen Tree – A viable tree that is considered in very good to excellent health and free of major defects, as determined by the City's Urban Forester.

Target – Person or property that can be damaged by failure of a tree.

Tree Removal – The removal of a tree, through either direct or indirect actions, including but not limited to: (1) clearing, damaging or poisoning resulting in an unhealthy or dead tree; (2) removal of at least half of the live crown; or (3) damage to roots or trunk that is likely to destroy the tree's structural integrity.

Viable Tree – A significant tree that a qualified professional has determined to be in good health, with a low risk of failure due to structural defects, is relatively windfirm if isolated or remains as part of a grove, and is a species that is suitable for its location.

Wildlife Snag – The remaining trunk of a dying, diseased, or dangerous tree that is reduced in height and stripped of all live branches.

Windfirm – A condition of a tree in which it can withstand moderate storm winds.

## 95.15 Applicability – Permit Required

No person, directly or indirectly, shall remove any significant tree on any property within the City, except City right-of-way, without first obtaining a tree removal permit as provided in this chapter, unless the activity is exempted in KZC [95.20](#). Trees in City right-of-way are regulated pursuant to Chapter 19.36 KMC.

## 95.20 Exemptions

The following activities are exempt from the provisions of this chapter:

1. Developed Property.
  - a. Any owner of developed property may remove up to two significant trees from their property within a 12-month period; provided, that there is no current application for development activity for the site; and provided further, that the tree(s) are not:
    - 1) In easements dedicated to ensure the protection of vegetation; or in critical areas, or critical area buffers;
    - 2) Required to be retained in a special regulation contained in Chapters [15](#)

through 60 KZC;

- 3) Designated on an approved tree plan to be retained pursuant to KZC [95.35](#) and [95.50](#); or
  - 4) The last two significant trees on their property. Trees that fit the criteria in KZC [95.35](#)(4)(b) and (4)(c) for nuisance or hazard trees do not count toward the removal allowance.
- b. The Department of Planning and Community Development shall establish and maintain a tree removal request form to allow property owners to request Department review of potentially exempt tree removal for compliance with applicable City regulations.
  - c. For every significant tree that is removed, the City encourages the planting of a tree that is appropriate to the site.
2. **Emergency Tree Removal.** Any tree on private property that poses an imminent threat to life or property may be removed without first obtaining a permit. The party removing the tree will contact the City within seven days of removal to provide evidence of threat for approval of exemption. If the Planning Official determines that the emergency tree removal was not warranted, he or she may require that the party obtain a permit and/or require that replacement trees and vegetation be replanted as mitigation.
  3. **Utility Management.** Trees may be removed by the City or utility provider in situations involving immediate danger to life or property, or interruption of services provided by a utility.
  4. **Commercial Nurseries or Tree Farms.** A nursery or tree farm owner may remove trees that are being grown to be sold as Christmas or landscape trees.

### **95.25 Alternative Compliance**

All activities regulated by this chapter shall be performed in compliance with the applicable standards contained in this chapter, unless the applicant demonstrates that alternate measures or procedures will be equal or superior to the provisions of this chapter in accomplishing the purpose and intent of this chapter as described in KZC [95.05](#). Requests to use alternative measures and procedures shall be reviewed by the Planning Official, who may approve, approve with conditions, or deny the request. Examples include but are not limited to retention of specimen or landmark trees or low impact development techniques, including such programs as Green Building Design or Leadership in Energy and Environmental Design that demonstrate a significant reduction to stormwater runoff from the site.

### **95.30 City Forestry Account**

1. **Funding Sources.** All civil penalties received under this chapter and all money received pursuant to KZC [95.35](#) shall be used for the purposes set forth in this section. In addition, the following sources may be used for the purposes set forth in this section:
  - a. Agreed upon restoration payments imposed under KZC [95.55](#) or settlements in lieu of penalties;
  - b. Sale of trees or wood from City property where the proceeds from such sale have not been dedicated to another purpose;
  - c. Donations and grants for tree purposes;

- d. Sale of seedlings by the City; and
  - e. Other monies allocated by the City Council.
2. Funding Purposes. The City shall use money received pursuant to this section for the following purposes:
- a. Acquiring, maintaining, and preserving wooded areas within the City;
  - b. Planting and maintaining trees within the City;
  - c. Identification and maintenance of landmark trees;
  - d. Establishment of a holding public tree nursery;
  - e. Urban forestry education; or
  - f. Other purposes relating to trees as determined by the City Council.

### **95.35 Tree Retention, Protection and Density**

1. Introduction. The intent of this section is to successfully retain desirable trees on developing and re-developing sites and to maintain and enhance the tree canopy of Kirkland. To that end, the City requires a tree permit in conjunction with all development permits resulting in site disturbance and with any proposed tree removal on developed sites not exempted by KZC [95.20](#).

In order to make better decisions about tree retention, particularly during all stages of development, tree removal permits will require specific information about the existing trees before removal is allowed. Different levels of detail correspond to the scale of the project or activity. Specific tree plan review standards are provided in KZC [95.35](#)(4) and include tree retention priority and incentives and variations to development standards in order to facilitate preservation of healthy, significant trees.

The City's objective is to retain as many viable trees as possible on a developing site while still allowing the development proposal to move forward in a timely manner. This section includes provisions that allow development standards to be modified in order to retain viable significant trees.

The requirement to meet a minimum tree density applies to new single-family and duplex developments and major redevelopments, and new residential subdivisions and short subdivisions. If such a site falls below the minimum density with existing trees, supplemental planting is required. A tree density for existing trees to be retained is calculated to see if new trees are required in order to meet the minimum density for the site. Supplemental tree location priority is set as well as minimum size of supplemental trees to meet the density.

The importance of effective protection of retained trees during construction is emphasized with specific protection standards in the last part of this section. These standards must be adhered to and included on demolition, grading and building plans as necessary.

2. Tree Plan Required.
- a. Requirement Established. An applicant for a tree removal permit must submit a tree plan that complies with this section. A qualified professional may be required to prepare certain components of a tree plan at the applicant's

expense. If proposed development activities call for more than one tree plan level, the tree plan level with the more stringent requirements shall apply; provided, that the Planning Official may require a combination of tree plan components based on the nature of the proposed development activities. If proposed activity is not clearly identified in this chapter, the Planning Official shall determine the appropriate tree plan.

b. Tree Plan and Retention Requirements. The following sets forth the different tree plans required for development activities or removal requests requiring a tree removal permit. Applicants for development are encouraged to confer with City staff as early in the design process as possible so that the applicable tree planting and retention concepts can be incorporated into the design of the subject property. Each plan sets forth the required components and retention standards for each tree plan. The Planning Official may waive a component for a tree plan, if he or she determines that the information is not necessary.

1) Tree Plan I. Tree Plan I is required for a development permit or land surface modification resulting in site disturbance for one or two attached, detached, or stacked dwelling units.

a) Tree Plan I – Major and Minor.

i. Tree Plan I – Major shall be required for new development, redevelopment, or development in which the total square footage of the proposed improvements is more than 50 percent of the total square footage of the existing improvements on the subject property.

ii. Tree Plan I – Minor shall be required for all proposed development activities and site disturbance for which Tree Plan I – Major does not apply.

b) Tree Plan Requirements. The tree plan shall include the following:

i. Accurate location of significant trees and their driplines measured relative to visible site features (surveyed locations may be required);

ii. Size (DBH) and type or species of these trees; and

iii. General health of these trees.

iv. Approximate trunk location and measure dripline of significant trees that are on adjacent property with driplines extending over the subject property line.

v. For Tree Plan I – Minor, the above tree information shall be required only for trees potentially impacted by proposed development activity, and surveyed tree locations shall not be required.

vi. For Tree Plan I – Major, assessment by a qualified professional shall be required if any significant trees are in required yards or within 10 feet of any side property line on the subject property.

c) Additional Applicant Requirements.

i. If existing trees impacted by site disturbance are being retained, tree protection shall be shown on the grading or demolition plan and may require assistance of a qualified professional.

- ii. The applicant shall provide a final plan showing retained trees and any required trees in order to meet tree density or minimum number of trees as outlined in subsections (2)(b)(1)(d) and (2)(b)(1)(e) of this section.
  - iii. The applicant shall enter into all required tree preservation and maintenance agreements pursuant to KZC [95.50](#).
  - iv. For lots from a short subdivision, subdivision or planned unit development with an approved Tree Plan III, the tree information shall be transferred over and the applicant must comply with the applicable Tree Plan III requirements.
- d) Site Design and Retention Requirements.
- i. For Tree Plan I – Major, the applicant shall retain and protect Type 1 trees, as defined in subsection (4)(a)(1) of this section, in all required yards to the maximum extent possible. To retain Type 1 trees in required yards, the applicant shall pursue, where feasible, applicable variations in the development standards of this code as outlined in subsections (4)(a)(2) and (4)(a)(3) of this section. The applicant shall be encouraged to retain viable trees in other areas on-site.
  - ii. For Tree Plan I – Minor, the applicant is encouraged to retain viable trees and pursue applicable variations to development.
- e) Tree Density Requirements.
- i. For Tree Plan I – Major, the minimum tree density applies and shall comply with the process set forth in subsection (5) of this section.
  - ii. For Tree Plan I – Minor, a minimum of two trees must be on the lot following the requirement set forth in subsection (2)(b)(4)(b)(iv) of this section.
- 2) Tree Plan II. A Tree Plan II is required for a development permit or land surface modification resulting in site disturbance and impact to a significant tree in required yards and areas for required landscaping for three or more detached, attached, or stacked dwelling units; or any use other than residential.
- a) Tree Plan Requirements. The tree plan shall include the following:
- i. A site map depicting accurate location of significant trees and their driplines measured relative to visible site features (a survey may be required) and approximate location of significant trees on adjacent property with driplines extending over the subject property; and
  - ii. A report by a qualified professional stating the size (DBH), species, and assessment of health and determination of viable trees in the areas of required landscaping;
  - iii. The above tree information shall be required only for trees potentially impacted by proposed development activity as determined by the Planning Official.

- b) Additional Applicant Requirements.
- i. Demolition and grading plans shall depict tree protection measures, as recommended by a qualified professional, if existing trees are to be retained and their dripline is within the area of disturbance.
  - ii. Landscape plans shall show all retained trees.
  - iii. The applicant shall enter into all required tree preservation and maintenance agreements pursuant to KZC [95.50](#).
- c) Site Design and Retention Requirements. The applicant shall pursue applicable variations to development, as outlined in subsections (4)(a)(2) and (4)(a)(3) of this section, for the retention of Type 1 trees, as defined in subsection (4)(a)(1) of this section, where feasible in the required yards and landscaping areas. If removal of a Type 1 tree in required landscaping areas is proposed, the applicant shall provide reasons for the proposed removal that may require assistance from a qualified professional.
- d) Tree Plan II sites shall not have a minimum tree density requirement but shall comply with the required landscaping pursuant to KZC [95.40](#). Preserved trees in required landscaping areas shall apply toward required landscaping requirements.
- 3) Tree Plan III. A Tree Plan III is required for new residential short plats or subdivisions and related land surface modification applications.
- a) Tree Plan Requirements. The tree plan shall include the following:
- i. Surveyed location of all significant trees.
  - ii. A tree inventory prepared by a qualified professional including a numbering system of existing significant trees (with corresponding tags on trees), measured driplines, size (DBH), species and tree status (removed or retained) based on criteria in subsection (2)(c) of this section for all significant trees. The inventory shall include approximate trunk location and measured dripline of significant trees that are on adjacent property with driplines extending over the subject property line.
  - iii. A report from a qualified professional detailing:
    - (A) An indication, for each tree, of whether it is proposed to be retained or removed, based on health, risk of failure and suitability of species;
    - (B) Limits of disturbance around viable trees;
    - (C) Special instruction for work within their critical root zone; and
    - (D) Location and type of protection measures for these trees.
  - iv. A site plan utilizing the information from the tree survey, inventory and report, showing:
    - (A) The proposed development activity;

- (B) Location and limits of disturbance of viable trees to be retained according to the tree inventory and report; and
  - (C) Trees being removed for proposed development or trees being removed that are not viable.
- b) Additional Applicant Requirements.
- i. A description and location of tree protection measures during construction for trees to be retained must be shown on demolition and grading plans. Protection measures must be in accordance with subsection (6) of this section.
  - ii. Prior to permit approval, the applicant shall provide a plan showing tree density calculations pursuant to subsection (5) of this section, retained trees, trees to be removed, and any required supplemental trees to meet the minimum density. The plan must describe the details of site preparation, the installation of new trees and the maintenance measures necessary for the long-term survival and health of all trees on-site pursuant to KZC [95.45](#) and [95.50](#).
  - iii. The applicant shall submit a preservation and maintenance agreement pursuant to KZC [95.50](#), for approval prior to final plat.
- c) Site Design and Retention Requirements. The Planning Official will determine tree types as outlined in subsection (4)(a)(1) of this section, and the applicant shall pursue applicable variations to development, as outlined in subsections (4)(a)(2) and (4)(a)(3) of this section for the retention of Type 1 trees throughout the life of the project.
- d) Tree Density Requirements. The minimum tree density shall apply to the site and shall comply with the process set forth in subsection (5) of this section.
- 4) Tree Plan IV. Tree Plan IV is for tree removal on a property on which no development activity is proposed or in progress. Activity requiring a Tree Plan IV includes but is not limited to: hazard or nuisance tree removal not exempt under KZC [95.20\(1\)](#); tree removal in areas dedicated to ensure protection of vegetation, critical areas and their buffers; removal of one or both of the last two significant trees on a developed site; and requests to remove hazard or nuisance trees on undeveloped property. The plan can be developed by the applicant but may require assistance of a qualified professional.
- a) Tree Plan Requirements. The tree plan shall include the following:
- i. A site plan showing the approximate location of significant trees, their size (DBH) and their species, along with the location of structures, driveways, access ways and easements.
  - ii. For required replacement trees, a planting plan showing location, size and species of the new trees in accordance to standards set forth in subsection (5)(c) of this section.
- b) Additional Applicant Requirements.
- i. An arborist report explaining how the tree(s) fit the criteria in

- subsection (4)(b) or (4)(c) of this section if removal is based on nuisance or hazard and the nuisance or hazard condition is not obvious.
- ii. For nuisance or hazard trees in critical areas or their buffers, the planting plan must propose action to mitigate the hazard or nuisance in accordance to standards set forth in subsection (4) of this section.
  - iii. Tree removal on undeveloped property shall be approved only for hazard or nuisance trees pursuant to the criteria in subsections (4) (c) and (4)(d) of this section. The tree removal exemptions in KZC [95.20](#) are not applicable to undeveloped property.
  - iv. If the removal request is for one or both of the last two trees, even if nuisance or hazard, a one-for-one replacement is required as set forth in subsection (5)(c)(2) of this section.
- 5) Tree Plan V. Tree Plan V is a Forest Management Plan for developed, significantly wooded sites of at least 35,000 square feet in size in which tree removal is requested that is not exempt under Section [95.20](#) of this Chapter. A Forest Management Plan must be developed by a qualified professional. The Tree Plan shall include the following:
- a) A plan depicting the location of all significant trees (a tree survey is not required) with a numbering system of the trees (with corresponding tags on trees in the field). The plan shall include size (DBH), species, and condition of each tree;
  - b) Identification of trees to be removed, including reasons for their removal and a description of low impact removal techniques pursuant to subsection (4)(e) of this section;
  - c) A reforestation plan that includes location, size, species, and timing of installation;
  - d) A narrative report of prescribed, long-term maintenance activity for the site as outlined in subsection (4)(e)(8) of this section.
- c. Qualified Professional Reports. Reports prepared by a qualified professional shall contain the following, unless waived by the Planning Official:
- 1) A complete description of each tree's health and viability. If a tree is not viable for retention, the reason(s) must be soundly based on health, high risk of failure due to structure, defects, unavoidable isolation (windfirmness), or suitability of species and for which no reasonable alternative action is possible (pruning, cabling, etc.). The impact of necessary tree removal to remaining trees, including those in a grove or on adjacent properties, must also be discussed.
  - 2) The location of limits of disturbance around all trees potentially impacted by site disturbances and any special instructions for work within that protection area (hand-digging, tunneling, root pruning, maximum grade change).
  - 3) For development applications, a discussion of timing and installation of tree protection measures that must include fencing and be in accordance with the tree protection standards as outlined in subsection (6) of this section.

- 4) The suggested location and species of supplemental trees to be used when required. The report shall include planting and maintenance specifications pursuant to KZC [95.45](#) and [95.50](#).
3. Tree Plan Review Procedure and Appeals.
    - a. When an applicant proposes a development activity or project that requires a Tree Plan Level I, II or III, the tree plan shall be reviewed as part of the applicable permit application or process.
    - b. Applicants for a Level IV or V tree plan must submit a completed permit application on a form provided by the City. Within 21 calendar days, the Planning Official shall review the application and either approve, approve with conditions or modifications, deny the application or request additional information. Any decision to deny the application shall be in writing along with the reasons for the denial and the appeal process.
    - c. With respect to Level IV and Level V Tree Plans, an applicant may appeal an adverse determination to the Hearing Examiner. A written notice of appeal shall be filed with the Planning Department within 14 calendar days following the postmark date of distribution of a Planning Official's decision. The office of the Hearing Examiner shall give notice of the hearing to the applicant at least 17 calendar days prior to the hearing. The applicant shall have the burden of proving that the Planning Official made an incorrect decision. Based on the Hearing Examiner's findings and conclusions, he or she may affirm, reverse or modify the decision being appealed.
  4. Tree Plan Review Standards.
    - a. Site Design for Development. Tree retention shall be pursuant to this chapter; provided, that such tree retention will not reduce the applicant's development potential (lot coverage, floor area ratio, and density) allowed by the Kirkland Zoning Code. Tree plans shall comply with all tree retention requirements in the KZC, including but not limited to those in Chapter [85](#) KZC, Geologically Hazardous Areas, and Chapter [90](#) KZC, Drainage Basins.
      - 1) Tree Retention Standards.
        - a) Based on the tree plan information submitted by the applicant and the Planning Official's evaluation of the trees and proposed development on subject property, the Planning Official will designate each tree as:
          - i. Type 1, a viable tree that meets at least one of the criteria set forth in subsection (4)(a)(1)(b) of this section;
          - ii. Type 2, a viable tree that is to be retained if feasible; or
          - iii. Type 3, a tree that is either (1) not viable or (2) is in an area where removal is unavoidable due to the anticipated development activity.
        - b) Tree retention efforts shall be directed to the following trees if they are determined to be healthy and windfirm by a qualified professional, and provided the trees can be safely retained when pursuing alternatives to development standards in subsections (4)(a)(2) and (4)(a)(3) of this section:
          - i. Landmark trees;

- ii. Specimen trees;
  - iii. Tree groves and associated vegetation that are to be set aside as preserved groves pursuant to KZC [95.50\(3\)](#);
  - iv. Trees on slopes of at least 10 percent; or
  - v. Trees that are a part of a grove that extends into adjacent property, such as in a public park, open space, sensitive area buffer or otherwise preserved group of trees on adjacent private property. If significant trees must be removed in these situations, an adequate buffer of trees may be required to be retained or planted on the edge of the remaining grove to help stabilize.
- 2) Incentives and Variations to Development Standards. In order to retain trees, the applicant should pursue provisions in Kirkland's codes that allow development standards to be modified. Examples include but are not limited to number of parking stalls, right-of-way improvements, lot size reduction under Chapter 22.28 KMC, lot line placement when subdividing property under KMC Title 22, Planned Unit Developments, and required landscaping, including buffers for lands use and parking/driving areas.
- Requirements of the Kirkland Zoning Code may be modified by the Planning Official as outlined below when such modifications would further the purpose and intent of this chapter as set forth in KZC [95.05](#) and would involve Type 1 trees.
- a) Common Recreational Open Space. Reductions or variations of the area, width, or composition of required common recreational open space, may be granted.
  - b) Parking Areas and Access. Variations in parking lot design and/or access driveway requirements may be granted when the Public Works and Planning Officials both determine the variations to be consistent with the intent of City policies and codes.
  - c) Required Yards. Initially, the applicant shall pursue options for placement of required yards as permitted by other sections of this code, such as selecting one front required yard in the RSX zone and adjusting side yards in any zone to meet the 15-foot total as needed for each structure on the site. The Planning Official may also reduce the front or side required yards provided that:
    - i. No required side yard shall be less than five feet; and
    - ii. The required front yard shall not be reduced by more than five feet in residential zones. There shall not be an additional five feet of reduction beyond the allowance provided for covered entry porches.
  - d) Stormwater. Requirements pertaining to stormwater may be varied if approved by the Public Works Official under KMC 15.52.060.
- 3) Additional Variations. In addition to the variations described above, the Planning Official is authorized to require site plan alterations to retain Type 1 trees. Such alterations include minor adjustments to the location of building footprints, adjustments to the location of driveways and access ways, or adjustment to the location of walkways, easements or utilities. The Planning

Official and the applicant shall work in good faith to find reasonable solutions.

b. Nuisance Tree Criteria. A nuisance tree must meet the following criteria:

- 1) Tree is causing obvious, physical damage to private or public structures, including but not limited to: sidewalk, curb, road, driveway, parking lot, building foundation, roof;
- 2) Tree has been damaged by past maintenance practices, that cannot be corrected with proper arboricultural practices; or
- 3) The problems associated with the tree must be such that they cannot be corrected by any other reasonable practice. Including but not limited to the following:
  - a) Pruning of the crown or roots of the tree and/or small modifications to the site including but not limited to a driveway, parking lot, patio or sidewalk to alleviate the problem.
  - b) Pruning, bracing, or cabling to reconstruct a healthy crown.

c. Hazard Tree Criteria. A hazard tree must meet the following criteria:

- 1) The tree must have a combination of structural defects and/or disease which makes it subject to a high probability of failure and is in proximity to moderate-high frequency of persons or property; and
- 2) The hazard condition of the tree cannot be lessened with reasonable and proper arboricultural practices nor can the target be removed.

d. Trees in Critical Areas or Critical Area Buffers. The intent of preserving vegetation in and near streams and wetlands and in geologically hazardous areas is to support the functions of healthy sensitive areas and sensitive area buffers (see Chapter 90 KZC) and/or avoid disturbance of geologically hazardous areas (see Chapter 85 KZC). The property owner must submit a Level IV Tree Plan to City Planning and Community Development Department to trim or remove any tree from a critical area or critical area buffer. If a tree is considered a nuisance or hazard in a critical area or its buffer, the priority action is to create a "snag" or wildlife tree with the subject tree. If creation of a snag is not feasible, then the felled tree shall be left in place unless the Planning Official permits its removal in writing. The removal of any tree will require the planting of a native tree of a minimum of six feet in height in close proximity to where the removed tree was located. Selection of native species and timing of installation shall be coordinated with the Planning Official.

e. Forest Management Plan. For properties proposing tree removal requiring a forest management plan, the following standards shall apply:

- 1) Trees to remain should be dominant or co-dominant in the stand, healthy and wind-firm.
- 2) No removal of trees from critical areas and their buffers, unless otherwise permitted by this chapter.
- 3) No removal of landmark or specimen trees, unless otherwise permitted by this chapter.

- 4) No removal of healthy trees that would cause trees on adjacent properties to become hazardous.
- 5) The reforestation plan ensures perpetuity of the wooded areas. The size of planted trees for reforestation shall be a minimum of three feet tall.
- 6) Logging operations shall be conducted so as to expose the smallest practical area of soil to erosion for the least possible time. To control erosion, native shrubs, ground cover and stumps shall be retained where feasible. Where not feasible, appropriate erosion control measures to be approved by the City shall be implemented.
- 7) Removal of tree debris shall be done pursuant to Kirkland Fire Department standards.
- 8) Recommended maintenance prescription for retained trees with a specific timeline for such management.

5. Tree Density Requirement.

- a. Minimum Tree Density Requirement Established. The required minimum tree density is 30 tree credits per acre for development requiring a Tree Plan I – Major and Tree Plan III. For individual lots in a short subdivision or subdivision with an approved Tree Plan III, the tree density shall be calculated based on the entire short plat or subdivision. The tree density may consist of existing trees pursuant to the priority established in subsection (4)(a)(1) of this section, or supplemental trees or a combination of existing and supplemental trees pursuant to subsection (5)(c) of this section. Existing trees transplanted to an area on the same site shall not count toward the required density unless approved by the Urban Forester based on transplant specifications provided by a qualified professional that will ensure a good probability for survival.
- b. Tree Density Calculation. For the purpose of calculating required minimum tree density, City right-of-way, and areas to be dedicated as City right-of-way shall be excluded from the area used for calculation of tree density.

Tree density calculation for existing individual trees:

- 1) Diameter breast height (DBH) of the tree shall be measured in inches.
- 2) The tree credit value that corresponds with DBH shall be found in Table 95.35.1.

**Table 95.35.1**

**Tree Density for Existing Significant Trees**

**(Credits per minimum diameter – DBH)**

DBH	Tree Credits	DBH	Tree Credits	DBH	Tree Credits
3 – 5"	0.5				
6 – 10"	1	24"	8	38"	15
12"	2	26"	9	40"	16
14"	3	28"	10	42"	17

16"	4	30"	11	44"	18
18"	5	32"	12	46"	19
20"	6	34"	13	48"	20
22"	7	36"	14	50"	21

Example: a 7,200-square-foot lot would need five tree credits ( $7,200/43,560 = 0.165 \times 30 = (4.9)$  or five). The density for the lot could be met with a 16-inch tree and one six-inch tree existing on-site.

- c. Supplemental Trees Planted to Meet Minimum Density Requirement. For sites and activities requiring a minimum tree density and where the existing trees to be retained do not meet the minimum tree density requirement, supplemental trees shall be planted to achieve the required minimum tree density.
- 1) Tree Location. In designing a development and in meeting the required minimum tree density the trees shall be planted in the following order of priority:
- a) On-Site. The preferred locations for new trees are:
    - i. In preserved groves, critical areas or their buffers.
    - ii. Adjacent to stormwater facilities as approved by Public Works under KMC 15.52.060.
    - iii. Entrance landscaping, traffic islands and other common areas in residential subdivisions.
    - iv. Site perimeter.
    - v. On individual residential building lots.
  - b) Off-Site. When room is unavailable for planting the required trees on-site, then they may be planted at another approved location in the City.
  - c) City Forestry Account. When the Planning Official determines on-site and off-site locations are unavailable, then the applicant shall pay an amount of money approximating the current market value of the supplemental trees into the City forestry account.
- 2) Minimum Size and Tree Density Value for Supplemental Trees. The required minimum size of the supplemental tree worth one tree credit shall be six feet tall for a conifer and two-inch caliper for deciduous or broad-leaf evergreen tree. Additional credits may be awarded for larger supplemental trees. The installation and maintenance shall be pursuant to KZC [95.45](#) and [95.50](#) respectively.
6. Tree Protection during Development Activity. Prior to development activity or initiating tree removal on the site, vegetated areas and individual trees to be preserved shall be protected from potentially damaging activities pursuant to the following standards:
- a. Placing Materials near Trees. No person may conduct any activity within the protected area of any tree designated to remain, including, but not limited to, operating or parking equipment, placing solvents, storing building material or soil deposits, or dumping concrete washout or other chemicals. During construction, no person shall attach any object to any tree designated for protection.

b. Protective Barrier. Before development, land clearing, filling or any land alteration, the applicant shall:

- 1) Erect and maintain a readily visible temporary protective tree fencing along the limits of disturbance which completely surrounds the protected area of all retained trees or groups of trees. Fences shall be constructed of chain link and be at least four feet high, unless other type of fencing is authorized by the Planning Official.
- 2) Install highly visible signs spaced no further than 15 feet along the entirety of the protective tree fence. Said sign must be approved by the Planning Official and shall state at a minimum "Tree Protection Area, Entrance Prohibited" and provide the City phone number for code enforcement to report violations.
- 3) Prohibit excavation or compaction of earth or other potentially damaging activities within the barriers; provided, that the Planning Official may allow such activities approved by a qualified professional and under the supervision of a qualified professional retained and paid for by the applicant.
- 4) Maintain the protective barriers in place until the Planning Official authorizes their removal.
- 5) Ensure that any approved landscaping done in the protected zone subsequent to the removal of the barriers shall be accomplished with light machinery or hand labor.
- 6) In addition to the above, the Planning Official may require the following:
  - a) If equipment is authorized to operate within the critical root zone, cover the areas adjoining the critical root zone of a tree with mulch to a depth of at least six inches or with plywood or similar material in order to protect roots from damage caused by heavy equipment.
  - b) Minimize root damage by excavating a two-foot-deep trench, at edge of critical root zone, to cleanly sever the roots of trees to be retained.
  - c) Corrective pruning performed on protected trees in order to avoid damage from machinery or building activity.
  - d) Maintenance of trees throughout construction period by watering and fertilizing.

c. Grade.

- 1) The grade shall not be elevated or reduced within the critical root zone of trees to be preserved without the Planning Official's authorization based on recommendations from a qualified professional. The Planning Official may allow coverage of up to one half of the area of the tree's critical root zone with light soils (no clay) to the minimum depth necessary to carry out grading or landscaping plans, if it will not imperil the survival of the tree. Aeration devices may be required to ensure the tree's survival.
- 2) If the grade adjacent to a preserved tree is raised such that it could slough or erode into the tree's critical root zone, it shall be permanently stabilized to

prevent suffocation of the roots.

3) The applicant shall not install an impervious surface within the critical root zone of any tree to be retained without the authorization of the Planning Official. The Planning Official may require specific construction methods and/or use of aeration devices to ensure the tree's survival and to minimize the potential for root-induced damage to the impervious surface.

4) To the greatest extent practical, utility trenches shall be located outside of the critical root zone of trees to be retained. The Planning Official may require that utilities be tunneled under the roots of trees to be retained if the Planning Official determines that trenching would significantly reduce the chances of the tree's survival.

5) Trees and other vegetation to be retained shall be protected from erosion and sedimentation. Clearing operations shall be conducted so as to expose the smallest practical area of soil to erosion for the least possible time. To control erosion, it is encouraged that shrubs, ground cover and stumps be maintained on the individual lots, where feasible.

d. Directional Felling. Directional felling of trees shall be used to avoid damage to trees designated for retention.

e. Additional Requirements. The Planning Official may require additional tree protection measures that are consistent with accepted urban forestry industry practices.

## 95.40 Required Landscaping

1. User Guide. Chapters [15](#) through 60 KZC containing the use zone charts assign a landscaping category to each use in each zone. This category is either "A," "B," "C," "D," or "E." If you do not know which landscaping category applies to the subject property, you should consult the appropriate use zone chart.

Requirements pertaining to each landscaping category are located throughout this chapter, except that Landscaping Category E is not subject to this section.

Landscape Categories A, B, C, D, and E may be subject to additional related requirements in the following other chapters:

- a. Various use zone charts, in Chapters [15](#) through 60 KZC, establish additional or special buffering requirements for some uses in some zones.
- b. Chapter [85](#) KZC, Geologically Hazardous Areas, addresses the retention of vegetation on steep slopes.
- c. Chapter [90](#) KZC, Drainage Basins, addresses vegetation within sensitive areas and sensitive area buffers.
- d. Chapter [110](#) KZC and Chapter 19.36 KMC address vegetation within rights-of-way, except for the I-405, SR-520, and Burlington Northern rights-of-way.
- e. KZC [115.135](#), Sight Distance at Intersections, which may limit the placement of landscaping in some areas.
- f. Chapter 22 KMC addresses trees in subdivisions.

2. Use of Significant Existing Vegetation.

- a. General. The applicant shall apply subsection KZC [95.35\(4\)](#) to retain existing trees and vegetation in areas subject to the landscaping standards of this section. The Planning Official shall give substantial weight to the retained trees and vegetation when determining the applicant’s compliance with this section.
- b. Supplement. The City may require the applicant to plant trees, shrubs, and groundcover according to the requirements of this section to supplement the existing vegetation in order to provide a buffer at least as effective as the required buffer.
- c. Protection Techniques. The applicant shall use the protection techniques described in KZC [95.35\(6\)](#) to ensure the protection of significant existing vegetation.

3. Landscape Plan Required. In addition to the tree plan required pursuant to KZC [95.35\(2\)](#), application materials shall clearly depict the quantity, location, species, and size of plant materials proposed to comply with the requirements of this section, and shall address the plant installation and maintenance requirements set forth in KZC [95.45](#) and [95.50](#). Plant materials shall be identified with both their scientific and common names. Any required irrigation system must also be shown.

4. Minimum Land Use Buffer Requirements. The applicant shall comply with the provisions specified in the following chart and with all other applicable provisions of this chapter. Land use buffer requirements may apply to the subject property, depending on what permitted use exists on the adjoining property or, if no permitted use exists, depending on the zone that the adjoining property is in.

LANDSCAPING CATEGORY ↓	ADJOINING PROPERTY	*Public park or low density residential use or if no permitted use exists on the adjoining property then a low density zone.	Medium or high density residential use or if no permitted use exists on the adjoining property then a medium density or high density zone.	Institutional or office use or if no permitted use exists on the adjoining property then an institutional or office zone.	A commercial use or an industrial use or if no permitted use exists on the adjoining property then a commercial or industrial zone.
	↓				
A		Must comply with KZC <a href="#">95.40</a> (6)(a) (Buffering Standard 1)	Must comply with KZC <a href="#">95.40</a> (6)(a) (Buffering Standard 1)	Must comply with KZC <a href="#">95.40</a> (6)(b) (Buffering Standard 2)	
B		Must comply with KZC <a href="#">95.40</a> (6)(a) (Buffering Standard 1)	Must comply with KZC <a href="#">95.40</a> (5), (6)(a) (Buffering Standard 1)		
C		Must comply with KZC <a href="#">95.40</a> (6)(a) (Buffering Standard 1)	Must comply with KZC <a href="#">95.40</a> (6)(b) (Buffering Standard 2)		
		Must comply			

D	with KZC <a href="#">95.40</a> (6)(b) (Buffering Standard 2)		
E			
<b>Footnotes:</b>	*If the adjoining property is zoned Central Business District, Juanita Business District, North Rose Hill Business District, Rose Hill Business District, Totem Center or is located in TL 5, KZC <a href="#">95.40</a> (6) does not apply.		

5. Supplemental Plantings.

a. General. The applicant shall provide the supplemental landscaping specified in subsection (5)(b) of this section in any area of the subject property that:

- 1) Is not covered with a building, vehicle circulation area or other improvement; and
- 2) Is not a critical area, critical area buffer, or in an area to be planted with required landscaping; and
- 3) Is not committed to and being used for some specific purpose.

b. Standards. The applicant shall provide the following at a minimum:

- 1) Living plant material which will cover 80 percent of the area to be landscaped within two years. If the material to be used does not spread over time, the applicant shall re-plant the entire area involved immediately. Any area that will not be covered with living plant material must be covered with nonliving groundcover.
- 2) One tree for each 1,000 square feet of area to be landscaped. At the time of planting, deciduous trees must be at least two inches in caliper and coniferous trees must be at least five feet in height.
- 3) If a development requires approval through Process I, IIA, IIB or III as described in Chapters [145](#), [150](#), [152](#) and [155](#) KZC, respectively, the City may require additional vegetation to be planted along a building facade if:
  - a) The building facade is more than 25 feet high or more than 50 feet long; or
  - b) Additional landscaping is necessary to provide a visual break in the facade.
- 4) In RHBD varieties of rose shrubs or ground cover along with other plant materials shall be included in the on-site landscaping.
- 5) If development is subject to Design Review as described in Chapter [142](#), the City will review plant choice and specific plant location as part of the Design Review approval. The City may also require or permit modification to the required plant size as part of Design Review approval.

6. Land Use Buffering Standards. The chart in subsection (4) of this section establishes which buffering standard applies in a particular case. The following subsections establish the specific requirement for each standard:

- a. For standard 1, the applicant shall provide a 15-foot-wide landscaped strip with a six-foot-high solid screening fence or wall. Except for public utilities, the fence or wall must be placed on the outside edge of the land use buffer or on the property line when adjacent to private property. For public utilities, the fence or wall may be placed either on the outside or inside edge of the landscaping strip. A fence or wall is not required when the land use buffer is adjacent and parallel to a public right-of-way that is improved for vehicular use. See KZC [115.40](#) for additional fence standards. The land use buffer must be planted 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. The trees shall be distributed evenly throughout the buffer, spaced no more than 20 feet apart on center.
  - 2) Large shrubs or a mix of shrubs planted to attain coverage of at least 60 percent of the land use buffer area within two years, planted at the following sizes and spacing, depending on type:
    - a) Low shrub – (mature size under three feet tall), one- or two-gallon pot or balled and burlapped equivalent);
    - b) Medium shrub – (mature size from three to six feet tall), two- or three-gallon pot or balled and burlapped equivalent);
    - c) Large shrub – (mature size over six feet tall), five-gallon pot or balled and burlapped equivalent).
  - 3) Living ground covers planted from either four-inch pot with 12-inch spacing or one-gallon pot with 18-inch spacing to cover within two years 60 percent of the land use buffer not needed for viability of the shrubs or trees.
- b. For standard 2, the applicant shall provide a five-foot-wide landscaped strip with a six-foot-high solid screening fence or wall. Except for public utilities, the fence or wall must be placed on the outside edge of the land use buffer or on the property line when adjacent to private property. For public utilities, the fence or wall may be placed either on the outside or inside edge of the landscaping strip. A fence or wall is not required when the land use buffer is adjacent and parallel to a public right-of-way that is improved for vehicular use. See KZC [115.40](#) for additional fence standards. The landscaped strip must be planted as follows:
  - 1) One row of trees planted no more than 10 feet apart on center along the entire length of the buffer, with deciduous trees of two inch caliper, minimum, and/or coniferous trees at least six feet in height, minimum. At least 50 percent of the required trees shall be evergreen.
  - 2) Living ground covers planted from either four-inch pot with 12-inch spacing or one-gallon pot with 18-inch spacing to cover within two years 60 percent of the land use buffer not needed for viability of the trees.
- c. Plant Standards. All plant materials used shall meet the most recent American Association of Nurserymen Standards for nursery stock: ANSI Z60.1.
- d. Location of the Land Use Buffer. The applicant shall provide the required buffer along the entire common border between the subject property and the adjoining

property.

- e. Multiple Buffering Requirement. If the subject property borders more than one adjoining property along the same property line, the applicant shall provide a gradual transition between different land use buffers. This transition must occur totally within the area which has the less stringent buffering requirement. The specific design of the transition must be approved by the City.
- f. Adjoining Property Containing Several Uses. If the adjoining property contains several permitted uses, the applicant may provide the least stringent land use buffer required for any of these uses.
- g. Subject Property Containing Several Uses. If the subject property contains more than one use, the applicant shall comply with the land use buffering requirement that pertains to the use within the most stringent landscaping category that abuts the property to be buffered.
- h. Subject Property Containing School. If the subject property is occupied by a school, land use buffers are not required along property lines adjacent to a street.
- i. Encroachment into Land Use Buffer. Typical incidental extensions of structures such as chimneys, bay windows, greenhouse windows, cornices, eaves, awnings, and canopies may be permitted in land use buffers as set forth in [KZC 115.115\(3\)\(d\)](#); provided, that:
  - 1) Buffer planting standards are met; and
  - 2) Required plantings will be able to attain full size and form typical to their species.
- j. Modification. The applicant may request a modification of the requirements of the buffering standards of subsection (6) of this section. The Planning Official may approve a modification if:
  - 1) The owner of the adjoining property agrees to this in writing; and
  - 2) The existing topography or other characteristics of the subject property or the adjoining property, or the distance of development from the neighboring property decreases or eliminates the need for buffering; or
  - 3) The modification will be more beneficial to the adjoining property than the required buffer by causing less impairment of view or sunlight; or
  - 4) The Planning Official determines that it is reasonable to anticipate that the adjoining property will be redeveloped in the foreseeable future to a use that would require no, or a less intensive, buffer; or
  - 5) The location of pre-existing improvements on the adjoining site eliminates the need or benefit of the required landscape buffer.
- k. Outdoor use, activity, and storage ([KZC 115.105\(2\)](#)) must comply with required land use buffers for the primary use, except that the following outdoor uses and activities, when located in commercial or industrial zones, are exempt from [KZC 115.105\(2\)\(c\)\(1\)](#) and [\(2\)\(c\)\(2\)](#) as stated below:

- 1) That portion of an outdoor use, activity, or storage area which abuts another outdoor use, activity, or storage area which is located on property zoned for commercial or industrial use.
- 2) Outdoor use, activity, and storage areas which are located adjacent to a fence or structure which is a minimum of six feet above finished grade; and do not extend outward from the fence or structure more than five feet; provided, that the total horizontal dimensions of these areas shall not exceed 50 percent of the length of the facade or fence (see Plate 11).
- 3) If there is an improved path or sidewalk in front of the outdoor storage area, the outdoor use, activity or storage area may extend beyond five feet if a clearly defined walking path at least three feet in width is maintained and there is adequate pedestrian access to and from the primary use. The total horizontal dimension of these areas shall not exceed 50 percent of the length of the facade of the structure or fence (see Plate 11).
- 4) Outdoor dining areas.
- 5) That portion of an outdoor display of vehicles for sale or lease which is adjacent to a public right-of-way that is improved for vehicular use; provided, that it meets the buffering standards for driving and parking areas in subsections (7)(b)(1)(a) and (7)(b)(1)(b) of this section; and provided further, that the exemptions of subsection (7)(b)(2) of this section do not apply unless it is fully enclosed within or under a building, or is on top of a building and is at least one story above finished grade.
- 6) Outdoor Christmas tree lots and fireworks stands if these uses will not exceed 30 days, and outdoor amusement rides, carnivals and circuses, and parking lot sales which are ancillary to the indoor sale of the same goods and services, if these uses will not exceed seven days.

#### 7. Landscaping and Buffering Standards for Driving and Parking Areas.

##### a. Landscaping – General.

- 1) The following internal parking lot landscape standards apply to each parking lot or portion thereof containing more than eight parking stalls.
  - a) The parking lot must contain 25 square feet of landscaped area per parking stall planted pursuant to subsections (7)(a)(1)(b) and (c) of this section;
  - b) The applicant shall arrange the landscaping required in subsection (7)(a)(1)(a) of this section throughout the parking lot to provide landscape islands or peninsulas to separate groups of parking spaces (generally every eight stalls) from one another and each row of spaces from any adjacent driveway that runs perpendicular to the row. This island or peninsula must be surrounded by a six-inch-high vertical curb, be of similar dimensions as the adjacent parking stalls and planted pursuant to the standards in subsection (7)(a)(1)(c) of this section:
  - c) Landscaping shall be installed pursuant to the following standards:
    - 1) At least one deciduous tree, two inches in caliper or a coniferous tree five feet in height.

- 2) Groundcover shall be selected and planted to achieve 60 percent coverage within two years.
  - d) Exception. The requirements of this subsection do not apply to any area that is fully enclosed within or under a building.
  - 2) Rooftop Parking Landscaping. For a driving or parking area on the top level of a structure that is not within the CBD zone or within any zone that requires design regulation compliance, one planter that is 30 inches deep and five feet square must be provided for every eight stalls on the top level of the structure. Each planter must contain a small tree or large shrub suited to the size of the container and the specific site conditions, including desiccating winds, and is clustered with other planters near driving ramps or stairways to maximize visual effect.
  - 3) If development is subject to Design Review as described in Chapter [142](#) KZC, the City will review the parking area design, plant choice and specific plant location as part of the Design Review approval. The City may also require or permit modification to the required landscaping and design of the parking area as part of Design Review approval.
- b. Buffering for Driving and Parking Areas.
- 1) Perimeter Buffering – General. Except as specified in subsection (7)(b)(2) of this section, the applicant shall buffer all parking areas and driveways from abutting rights-of-way and from adjacent property with a five-foot-wide strip along the perimeter of the parking areas and driveways planted as follows (see Figure 95.40.A):
    - a) One row of trees, two inches in caliper and planted 30 feet on center along the entire length of the strip.
    - b) Living groundcover planted to attain coverage of at least 60 percent of the strip area within two years.
  - 2) Exception. The requirements of subsection (7)(b)(1) of this section do not apply to any parking area that:
    - a) Is fully enclosed within or under a building; or
    - b) Is on top of a building and is at least one story above finished grade; or
    - c) Serves detached dwelling units exclusively; or
    - d) Is within any zone that requires design regulation compliance. See below for Design District requirements.
  - 3) Design Districts. If subject to design review, each side of a parking lot that abuts a street, through-block pathway or public park must be screened from that street, through-block pathway or public park by using one or a combination of the following methods (see Figures 95.40.A, B, and C):
    - a) By providing a landscape strip at least five feet wide planted consistent with subsection (7)(b)(1) of this section, or in combination with the following. In the RHBD Regional Center a 10-foot perimeter landscape strip along NE 85th Street is required planted consistent with subsection

- (7)(b)(1) of this section.
- b) The hedge or wall must extend at least two feet, six inches, and not more than three feet above the ground directly below it.
  - c) The wall may be constructed of masonry or concrete, if consistent with the provisions of KZC [92.35\(1\)\(g\)](#), in building material, color and detail, or of wood if the design and materials match the building on the subject property.
  - d) In JBD zones:
    - 1) If the street is a pedestrian-oriented street, the wall may also include a continuous trellis or grillwork, at least five feet in height above the ground, placed on top of or in front of the wall and planted with climbing vines. The trellis or grillwork may be constructed of masonry, steel, cast iron and/or wood.
    - 2) If the wall abuts a pedestrian-oriented street, the requirements of this subsection may be fulfilled by providing pedestrian weather protection along at least 80 percent of the frontage of the subject property.
  - e) If development is subject to Design Review as described in Chapter [142](#) KZC, the City will review plant choice and specific plant location as part of the Design Review approval. The City may also require or permit modification to the required plant size as part of Design Review approval.
- 4) Overlapping Requirements. If buffering is required under subsection (6) of this section, Land Use Buffering Standards, and by this subsection, the applicant shall utilize the more stringent buffering requirement.

### **Perimeter Parking Lot Landscaping**

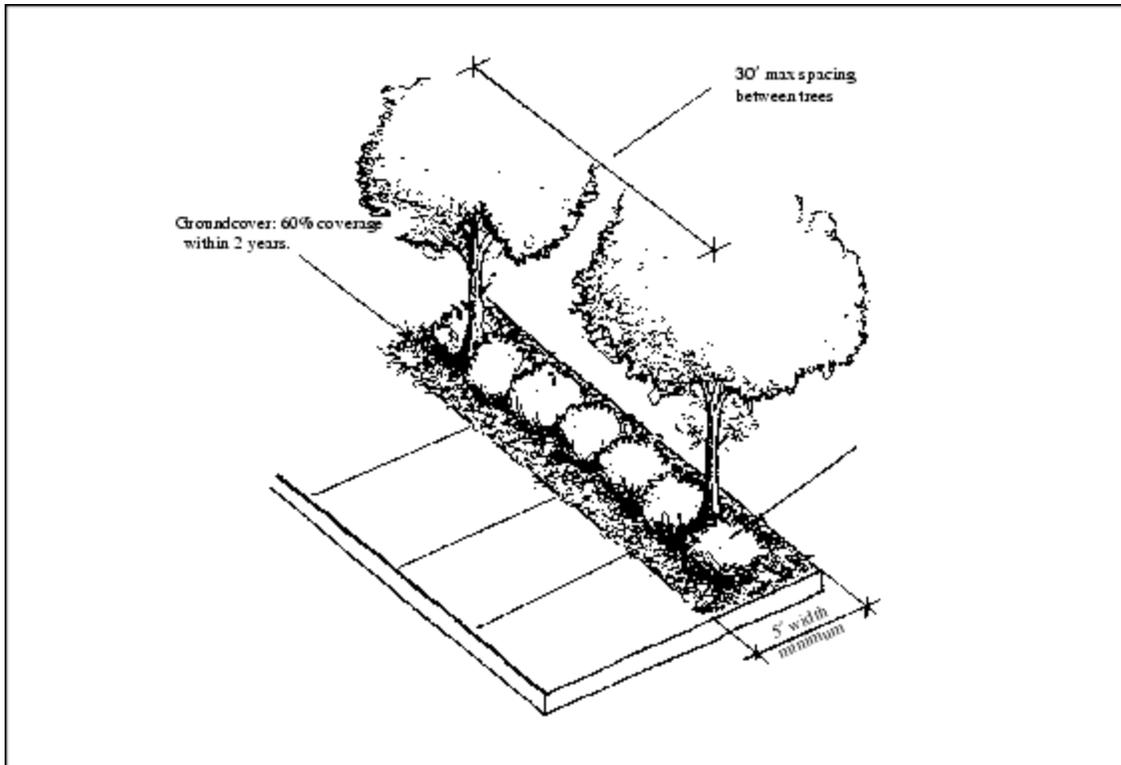


FIGURE 95.40.A

Perimeter Parking – Examples of Various Screen Wall Designs

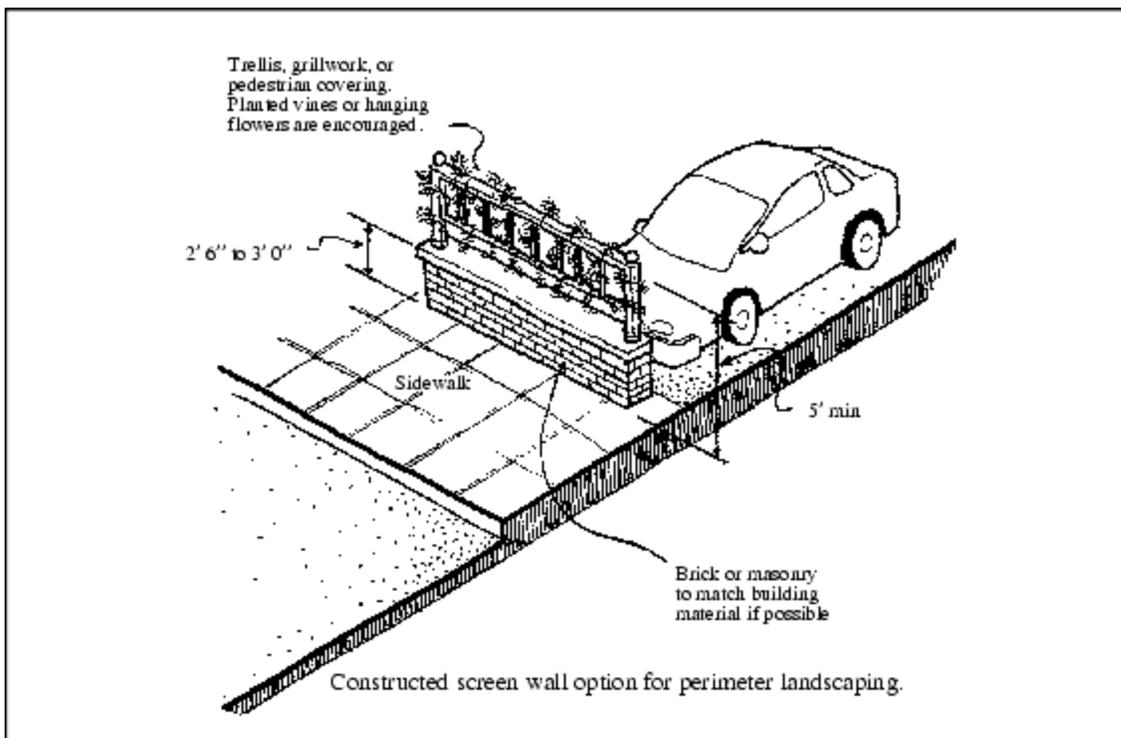
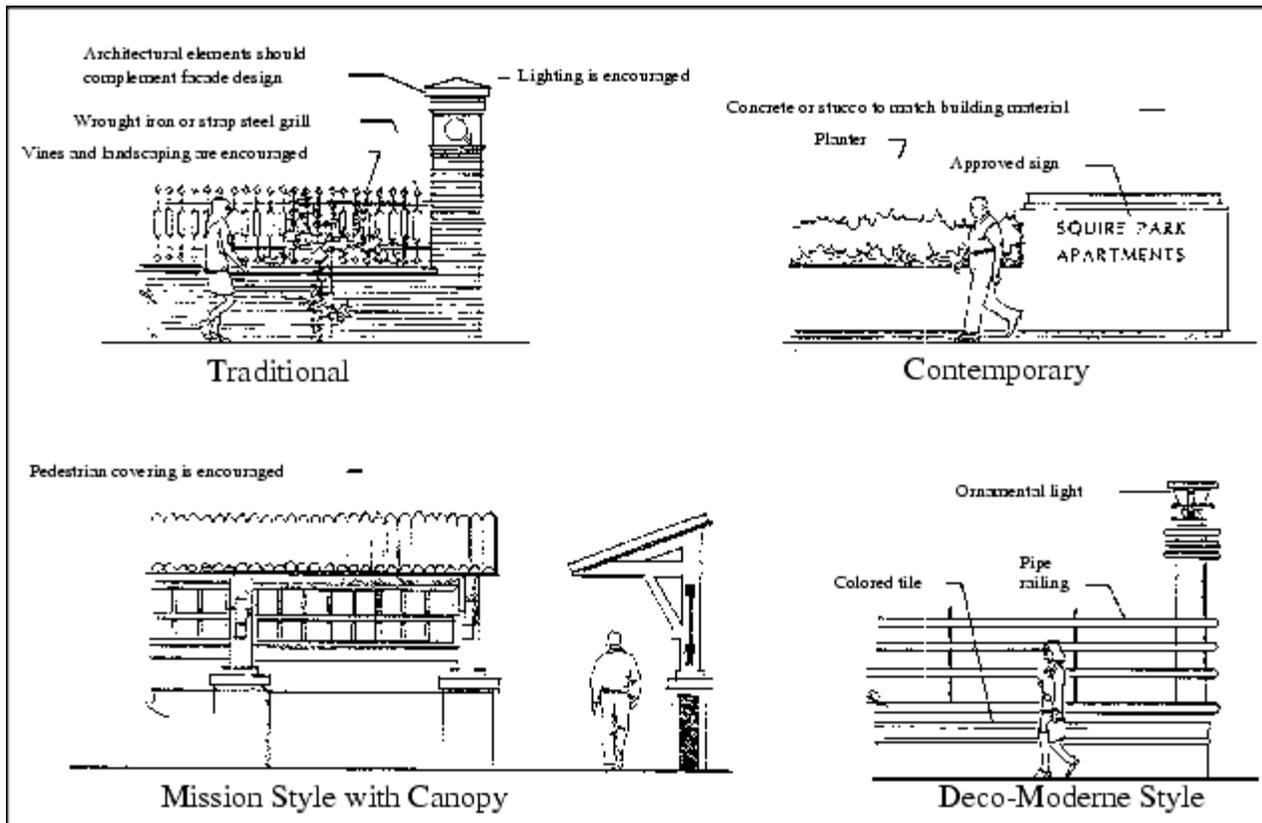


FIGURE 95.40.B

## Perimeter Parking – Examples of Various Screen Wall Designs



**FIGURE 95.40.C**

c. Modifications of Landscaping and Buffering Standards for Driving and Parking Areas.

1) Authority to Grant and Duration.

a) If the proposed development of the subject property requires approval through Design Review or Process I, IIA, IIB, or III, described in Chapters 142, 145, 150, 152, and 155 KZC, respectively, a request for a modification will be considered as part of that process under the provisions of this section. The City must find that the applicant meets the criteria listed in subsection (7)(c)(2) of this section. If granted under Design Review or Process I, IIA, IIB, or III, the modification is binding on the City for all development permits issued for that development under the building code within five years of the granting of the modification.

b) If subsection (7)(1)(a) of this section does not apply, the Planning Official may grant a modification in writing under the provisions of this section.

2) Modifications.

a) For a modification of subsection (7)(a) of this section, the landscape requirements may be modified if:

i. The modification will produce a landscaping design in the parking

- area comparable or superior to that which would result from adherence to the adopted standard; or
  - ii. The modification will result in increased retention of significant existing vegetation; or
  - iii. The purpose of the modification is to accommodate low impact development techniques as approved by the Planning Official.
- b) For a modification to subsection (7)(b) of this section, the buffering requirements for parking areas and driveways may be modified if:
- i. The existing topography of or adjacent to the subject property decreases or eliminates the need for visual screening; or
  - ii. The modification will be of more benefit to the adjoining property by causing less impairment of view or sunlight; or
  - iii. The modification will provide a visual screen that is comparable or superior to the buffer required by subsection (7)(b) of this section; or
  - iv. The modification eliminates the portion of the buffer that would divide a shared parking area serving two or more adjacent uses, but provides the buffer around the perimeter of the shared parking area.
8. Nonconforming Landscaping and Buffers.
- a. The landscaping requirements of subsections (5) and (7) of this section must be brought into conformance as much as is feasible, based on available land area, in either of the following situations:
    - 1) An increase of at least 10 percent in gross floor area of any structure; or
    - 2) An alteration to any structure, the cost of which exceeds 50 percent of the replacement cost of the structure.
  - b. Land use buffers must be brought into conformance with subsection (6) of this section in either of the following situations:
    - 1) An increase in gross floor area of any structure (the requirement to provide conforming buffers applies only where new gross floor area impacts adjoining property); or
    - 2) A change in use on the subject property and the new use requires larger buffers than the former use.

### **95.45 Installation Standards for Required Plantings**

All required trees and landscaping shall be installed according to sound horticultural practices in a manner designed to encourage quick establishment and healthy plant growth. All required landscaping shall be installed in the ground and not in above-ground containers, except for landscaping required on the top floor of a structure. When an applicant proposes to locate a subterranean structure under required landscaping that appears to be at grade, the applicant will: (1) provide site-specific documentation prepared by a qualified expert to establish that the design will adequately support the long-term viability of the required landscaping; and (2) enter into an agreement with the City, in a form acceptable to the City Attorney, indemnifying the City from any damage resulting from development activity on the subject property which is related to the physical condition of the property. The applicant shall record this agreement with the King County Department of Elections and Records.

1. **Street Trees.** Street trees are not subject to the regulations of this chapter and are not counted toward any landscaping required by this chapter. Street trees are regulated by Chapter [110](#) KZC and Chapter 19.36 KMC.
2. **Compliance.** It is the applicant's responsibility to show that the proposed landscaping complies with the regulations of this chapter.
3. **Timing.** All landscaping shall be installed prior to the issuance of a certificate of occupancy, except that the installation of any required tree or landscaping may be deferred during the summer months to the next planting season, but never for more than six months. Deferred installation shall be secured with a performance bond pursuant to Chapter [175](#) KZC prior to the issuance of a certificate of occupancy.
4. **Grading.** Berms shall not exceed a slope of two horizontal feet to one vertical foot (2:1).
5. **Soil Specifications.** Soils in planting areas shall have adequate porosity to allow root growth. Soils which have been compacted to a density greater than one and three-tenths grams per cubic centimeters shall be loosened to increase aeration to a minimum depth of 24 inches or to the depth of the largest plant root ball, whichever is greater. Imported topsoils shall be tilled into existing soils to prevent a distinct soil interface from forming. After soil preparation is completed, motorized vehicles shall be kept off to prevent excessive compaction and underground pipe damage. The organic content of soils in any landscape area shall be as necessary to provide adequate nutrient and moisture-retention levels for the establishment of plantings. See subsection (8) of this section for mulch requirements.
6. **Plant Selection.**
  - a. Plant selection shall be consistent with the Kirkland Plant List, which is produced by the City's Natural Resource Management Team and available in the Department of Planning and Community Development.
  - b. Plants shall be selected and sited to produce a hardy and drought-resistant landscape area. Selection shall consider soil type and depth, the amount of maintenance required, spacing, exposure to sun and wind, the slope and contours of the site, and compatibility with existing native vegetation preserved on the site. Preservation of existing vegetation is strongly encouraged.
  - c. **Prohibited Materials.** Plants listed as prohibited in the Kirkland Plant List are prohibited in required landscape areas. Additionally, there are other plants that may not be used if identified in the Kirkland Plant List as potentially damaging to sidewalks, roads, underground utilities, drainage improvements, foundations, or when not provided with enough growing space.
  - d. All plants shall conform to American Association of Nurserymen (AAN) grades and standards as published in the "American Standard for Nursery Stock" manual.
  - e. Plants shall meet the minimum size standards established in other sections of the KZC.
  - f. Multiple-stemmed trees may be permitted as an option to single-stemmed trees for required landscaping provided that such multiple-stemmed trees are at least 10 feet in height and that they are approved by the Planning Official prior to installation.

7. Fertilization. All fertilizer applications to turf or trees and shrubs shall follow Washington State University, National Arborist Association or other accepted agronomic or horticultural standards.
8. Irrigation. The intent of this standard is to ensure that plants will survive the critical establishment period when they are most vulnerable due to lack of watering. All required plantings must provide an irrigation system, using either Option 1, 2, or 3 or a combination of those options. For each option irrigation shall be designed to conserve water by using the best practical management techniques available. These techniques may include, but not be limited to: drip irrigation to minimize evaporation loss, moisture sensors to prevent irrigation during rainy periods, automatic controllers to insure proper duration of watering, sprinkler head selection and spacing designed to minimize overspray, and separate zones for turf and shrubs and for full sun exposure and shady areas to meet watering needs of different sections of the landscape. Exceptions, as approved by the Planning Official, to the irrigation requirement may be approved xeriscape (i.e., low water usage plantings), plantings approved for low impact development techniques, established indigenous plant material, or landscapes where natural appearance is acceptable or desirable to the City. However, those exceptions will require temporary irrigation (Option 2 and/or 3) until established.
  - a. Option 1. A permanent built-in irrigation system with an automatic controller designed and certified by a licensed landscape architect as part of the landscape plan.
  - b. Option 2. An irrigation system designed and certified by a licensed landscape architect as part of the landscape plan, which provides sufficient water to ensure that the plants will become established. The system does not have to be permanent if the plants chosen can survive adequately on their own, once established.
  - c. Option 3. Irrigation by hand. If the applicant chooses this option, an inspection will be required one year after final inspection to ensure that the landscaping has become established.
9. Drainage. All landscapes shall have adequate drainage, either through natural percolation or through an installed drainage system. A percolation rate of one-half inch of water per hour is acceptable.
10. Mulch.
  - a. Required plantings, except turf or areas of established ground cover, shall be covered with two inches or more of organic mulch to minimize evaporation and runoff. Mulch shall consist of materials such as yard waste, sawdust, and/or manure that are fully composted.
  - b. All mulches used in planter beds shall be kept at least six inches away from the trunks of shrubs and trees.
11. Protection. All required landscaped areas, particularly trees and shrubs, must be protected from potential damage by adjacent uses and development, including parking and storage areas. Protective devices such as bollards, wheel stops, trunk guards, root guards, etc., may be required in some situations.
12. Mitigation and Restoration Plantings in Critical Areas and Critical Area Buffers. Plants intended to mitigate for the loss of natural resource values are subject to the following requirements in addition to the other requirements of KZC [95.45](#). Where

these requirements conflict with other requirements of this chapter, these requirements take precedence. Refer to Chapters [85](#) and [90](#) KZC for additional requirements for these areas.

- a. Plant Source. Plant materials must be native and selected from the Kirkland Plant List. Seed source must be as local as possible, and plants must be nursery propagated unless transplanted from on-site areas approved for disturbance. These requirements must be included in the Mitigation Plan specifications.
- b. Installation. Plant materials must be supported only when necessary due to extreme winds at the planting site. Where support is necessary, stakes, guy wires, or other measures must be removed as soon as the plant can support itself, usually after the first growing season. All fertilizer applications to turf or trees and shrubs shall follow Washington State University, National Arborist Association or other accepted agronomic or horticultural standards.
- c. Fertilizer Applications. Fertilizers shall be applied in such a manner as to prevent its entry into waterways and wetlands and minimize its entry into storm drains. No applications shall be made within 50 feet of a waterway or wetland, or a required buffer as established by the City codes (such as Chapter [90](#) KZC) or Kirkland Shoreline Master Program (SMP, KMC Title 24), whichever is greater, unless specifically authorized in an approved mitigation plan or otherwise authorized in writing by the Planning Official.

### **95.50 Tree and Landscape Maintenance Requirements**

The following maintenance requirements apply to all trees and other vegetation required to be planted or preserved by the City:

1. Responsibility for Regular Maintenance. Required trees and vegetation, fences, walls, and other landscape elements shall be considered as elements of the project in the same manner as parking, building materials, and other site details. The applicant, landowner, or successors in interest shall be responsible for the regular maintenance of required landscaping elements. Plants that die must be replaced in kind.
2. Maintenance Duration. Maintenance shall be ensured in the following manner except as set forth in subsections (3) and (4) of this section:
  - a. All required landscaping shall be maintained throughout the life of the development. Prior to issuance of a certificate of occupancy, the proponent shall provide a final as-built landscape plan and an agreement to maintain and replace all landscaping that is required by the City.
  - b. Any existing tree or other existing vegetation designated for preservation on a Tree Plan I – Major, a Tree Plan II, or a Tree Plan III shall be maintained for a period of five years following issuance of the certificate of occupancy for the individual lot or development. After five years, all trees on the property are subject to [KZC 95.20](#) unless:
    - 1) The tree and associated vegetation are in a grove that is protected pursuant to subsection (3) of this section; or
    - 2) The tree or vegetation is considered to be a public benefit related to approval of a planned unit development; or
    - 3) The tree or vegetation was retained to partially or fully meet requirements of

KZC [95.40](#), Required Landscaping.

3. Maintenance of Preserved Grove. Any applicant who has a grove of trees identified for preservation on an approved tree plan pursuant to KZC [95.35\(4\)\(a\)\(1\)\(b\)](#) shall provide prior to occupancy the legal instrument acceptable to the City to ensure preservation of the grove and associated vegetation in perpetuity, except that the agreement may be extinguished if the Planning Official determines that preservation is no longer appropriate.
4. Maintenance of Critical Area and Critical Area Buffers. In critical areas and their buffers, native vegetation is not to be removed without City approval pursuant to KZC [95.35\(4\)\(e\)](#). However, it is the responsibility of the property owner to maintain critical areas and their buffers by removing non-native, invasive, and noxious plants in a manner that will not harm critical areas or their buffers. See also subsection (6) of this section and Chapters [85](#) and [90](#) KZC for additional requirements for trees and other vegetation within critical areas and critical area buffers.
5. Non-Native Invasive and Noxious Plants. It is the responsibility of the property owner to remove non-native invasive plants and noxious plants from the vicinity of any tree or other vegetation that the City has required to be planted or protected. Removal must be performed in a manner that will not harm the tree or other vegetation that the City has required to be planted or protected.
6. Pesticides, Herbicides, and Fertilizer. The use of plant material requiring excessive pesticide or herbicide applications to be kept healthy and attractive is discouraged. Pesticide, herbicide, and fertilizer applications shall be made in a manner that will prevent their unintended entry into waterways, wetlands, and storm drains. No application shall be made within 50 feet of a waterway or wetland or a required buffer as established by City codes, whichever is greater, unless done so by a state certified applicator with approval of the Planning Official, and is specifically authorized in an approved mitigation plan or otherwise authorized in writing by the Planning Official.
7. Landscape Plans and Utility Plans. Landscape plans and utility plans shall be coordinated. In general, the placement of trees and large shrubs should adjust to the location of required utility routes both above and below ground. Location of plants shall be based on the plant's mature size both above and below ground. See the Kirkland Plant List for additional standards.
8. Tree Pruning. Topping or pruning to the extent defined by tree removal in KZC [95.10](#), is not allowed. If a required tree smaller than six inches in diameter is topped, it must be replaced pursuant to the standards in KZC [95.55\(8\)](#). If a tree six inches or larger in diameter is topped, the owner must have a qualified professional develop and carry out a five-year pruning schedule.

## 95.52 Prohibited Vegetation

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 February 14, 2008. 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.

## 95.55 Enforcement and Penalties

1. Intent. These enforcement and penalty provisions have several purposes. First, they are intended to discourage damage or removal of significant trees above and beyond what is permitted under this chapter. Second, these enforcement and

penalty provisions are intended to provide complete and effective restoration of areas in which violations of this chapter occur. Finally, these regulations are intended to provide a clear and efficient process for addressing violations of this chapter.

The City may utilize one or more of several remedies when responding to violations of this chapter. In almost all cases where a violation has occurred, the City will issue a civil citation that describes the nature of the violation, the actions necessary to remedy the violation, and the amount of any civil penalty, among other things. If the acts that constitute a violation appear to be ongoing, the City may also issue a notice of cease and desist. Failure to adhere to a notice to cease and desist will result in imposition of additional civil penalties. If there is a pending development or building permit, the City may also issue a stop work order or withhold issuance of permit approval or a certificate of occupancy. Finally, additional fines may be imposed if a violator does not follow through in a timely manner with restoration work or other compliance issues.

2. **General Requirements.** Enforcement shall be conducted in accordance with procedures set forth in Chapter [170 KZC](#). Special enforcement provisions related to tree conservation are set forth below. To the extent there is a conflict between the provisions of this section and Chapter [170 KZC](#), this section shall control.
3. **Authority.** It shall be the duty of the Planning Official to administer the provisions of this chapter. The Planning Official shall have authority to enforce and carry out the provisions of this chapter.
4. **Cease and Desist.** The Planning Official may issue a notice to cease and desist using the procedure set forth in [KZC 170.30](#) if the Planning Official finds that a violation of this code has occurred. Continued illegal tree activity following issuance of a cease and desist from the City for the tree activity shall result in fines of \$1,000 per day of continued activity.
5. **Stop Work Order.** If a violation of this chapter or an approved tree plan occurs on property on which work is taking place pursuant to a City of Kirkland development or building permit, the Building Official may suspend some or all of the work as appropriate through issuance of a stop work order. The Building Official shall remove the stop work order when the City determines that the violation has been corrected or when the City has reached an agreement with the violator regarding rectification of the violation. Any stop work order issued under this section may be appealed using the procedures set forth in Chapter 21.06 KMC.
6. **Civil Citation.** The City's Code Enforcement Officer shall notify a person who violates this chapter by issuance of a civil citation. The civil citation shall be in writing, and issued by certified mail with return receipt requested, or by personal service. The civil citation shall contain the following:
  - a. The name and address of the property owner or other person to whom the civil citation is directed;
  - b. The street address or description sufficient for identification of the land upon which the violation has occurred or is occurring;
  - c. A description of the violation and a reference to the provisions of this chapter that have been violated;
  - d. A statement of the restoration action required to be taken to correct the violation as determined by the Planning Official;
  - e. A statement of the civil penalty incurred for each violation;

- f. A statement that the person to whom the civil citation is issued must correct the violation through restoration described in subsection (8) of this section and may pay the civil penalty or may appeal the civil citation as provided in this section.

Note: Section [95.55](#) continues on page 636.23.

7. Civil Penalty.

- a. A person who fails to comply with the requirements of this chapter or the terms of a permit issued hereunder, who undertakes an activity regulated by this chapter without obtaining a permit, or fails to comply with a cease and desist or stop work order issued under this chapter shall also be subject to a civil penalty as set forth in Table 95.55.1. Each unlawfully removed or damaged tree shall constitute a separate violation.
- b. Any person who aids or abets in the violation shall be considered to have committed a violation for purposes of the civil penalty.
- c. The amount of the penalty shall be assessed in accordance with Table 95.55.1. The Planning Official may elect not to seek penalties if he or she determines that the circumstances do not warrant imposition of civil penalties in addition to restoration.

**Table 95.55.1 – Penalties**

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

8. Tree Restoration.

- a. Violators of this chapter or of a permit issued thereunder shall be responsible for restoring unlawfully damaged areas in conformance with a plan, approved by the Planning Official, which provides for repair of any environmental and property damage, and restoration of the site; and which results in a site condition that, to the greatest extent practical, equals the site condition that would have existed in the absence of the violation(s). In cases where the violator intentionally or knowingly violated this chapter or has committed previous violations of this chapter, restoration costs may be based on the City-appraised tree value of the subject trees in which the violation occurred, utilizing the industry standard trunk formula method in the current edition of Guide for Plant Appraisal. If diameter of removed tree is unknown, determination of the diameter size shall be made by the Planning Official by comparing size of stump and species to similar trees in similar growing conditions. The amount of costs above the approved restoration plan will be paid into the City forestry account.
- b. Restoration Plan Standards. The restoration plan shall be in accordance to the following standards:
- 1) The number of trees required to be planted is equal to the number of tree credits of illegally removed trees according to Table 95.35.1.

- 2) The minimum size for a tree planted for restoration is 12-foot-tall conifer and three-inch caliper deciduous or broadleaf evergreen tree. The City may approve smaller restoration tree sizes at a higher restoration ratio, provided the site has capacity for the additional trees and the results of restoration at a higher restoration ratio is as good or better than at the normal ratio. The smallest allowable alternatives to the normal restoration requirements shall be two eight-foot conifers for one 12-foot conifer or two two-inch caliper deciduous for one three-inch caliper deciduous tree.
  - 3) In the event the violators cannot restore the unlawfully removed or damaged trees, the violators shall make payment to the City forestry account. Unless otherwise determined to base the restoration costs on appraised value, the amount paid will be the City's unit cost for a restoration tree multiplied by the number of outstanding tree credits. The City's unit cost is based on the current market cost of purchase, installation and three-year maintenance for a minimum-sized tree for restoration.
  - 4) The restoration plan shall include a maintenance plan and an agreement or security to ensure survival and maintenance of restoration trees for a three-year period unless the violation was on a site with an approved tree plan in which case, the maintenance period is five years.
9. Failure to Restore or Pay Fines.

- a. Prohibition of Further Approvals. The City shall not approve any application for a subdivision or any other development permit or approval, or issue a certificate of occupancy for property on which a violation of this chapter has occurred until the violation is cured by restoration or other means accepted by the Planning Official and by payment of any penalty imposed for the violation.
- b. Fines. A property owner or occupant who fails to restore or otherwise cure property on which a violation of this chapter has occurred shall be assessed a fine of \$100.00 per day for each day that restoration is incomplete. Prior to assessing fines under this subsection, the City shall issue a written notice to the property owner or that restoration has not been completed. The notice shall include the following information: (1) a description of the nature of the violation; (2) a description of what actions are required to bring the property into compliance; and (3) a date by which compliance shall be required (the "compliance date"). The compliance date shall be no less than 30 days from the date the notice is served on the property owner or occupant. If the property owner or occupant does not, in the determination of the City, bring the property into compliance by the compliance date, then the City may issue an order imposing \$100.00 per day fines at any time after the compliance date. The fines shall continue to accrue until the violation has been certified to be corrected by the Planning Department. The property owner or occupant may appeal the order imposing fines to the hearing examiner using the procedures set forth in subsection 10 of this section.

10. Appeal to Hearing Examiner.

- a. A person to whom a civil citation or order imposing fines is directed may appeal the civil citation, including the determination that a violation exists or the amount of any monetary penalty imposed, to the Hearing Examiner.
- b. A person may appeal the civil citation or order imposing fines by filing a written notice of appeal with the Department of Planning and Community Development

within 14 calendar days of the date of service of the civil citation or order imposing fines.

c. Fines that accrue on a daily basis shall not be imposed while an appeal is pending unless the Hearing Examiner determines that the appeal is frivolous or imposed solely for the purpose of delay.

d. If both a civil citation and an order to cease and desist have been issued in the same case, and both the civil citation and the order to cease and desist have been appealed, the appeals shall be consolidated for hearing.

e. The office of the Hearing Examiner shall give notice of the hearing to the appellants at least 17 calendar days prior to the hearing.

f. The Hearing Examiner shall conduct a hearing on the appeal pursuant to the rules of procedure provided for in the Administrative Procedures Act (Chapter 34.05 RCW) and in accordance with any rules for hearings promulgated by the Hearing Examiner. The City and the appellant may participate as parties in the hearing and each may call witnesses. The City shall have the burden of proof by a preponderance of the evidence that a violation has occurred.

#### 11. Hearing Examiner Decision.

a. The Hearing Examiner shall determine whether the City has proven by a preponderance of the evidence that a violation has occurred and shall affirm, vacate, suspend, or modify the amount of any monetary penalty imposed by the civil citation, with or without written conditions.

b. In the event that the Hearing Examiner determines that a violation has occurred, the Hearing Examiner shall also consider the following in making his or her decision: (1) whether the appeal is frivolous or intended to delay compliance; (2) whether the appellant exercised reasonable and timely effort to comply with applicable development regulations; and (3) any other relevant factors.

c. The Hearing Examiner shall mail a copy of his or her decision to the appellant, by certified mail, postage prepaid, return receipt requested.

d. The decision of the Hearing Examiner may be reviewed in King County Superior Court using the standards set forth in RCW 36.70C.130. The land use petition must be filed within 21 calendar days of the issuance of the final land use decision by the Hearing Examiner (see Chapter 36.70C RCW for more information).



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## TREE MANAGEMENT AND REQUIRED LANDSCAPING AMENDMENTS

### Process And Timing

*Revised 8/3/05*

1. Focus Group (Mar. – May 2004)  
To select preferred options for addressing each of the regulation topics. Include members to represent every stakeholder interest. Also, widely publicize meetings and devote a part of each meeting to allow nonmembers present to contribute opinions as well. Goal: to capture stakeholders' opinions (not striving for consensus).
2. Planning Commission Check-in (July 8, 2004)  
To review and provide comments about Focus Group outcomes.
3. City Council Check-in (Sept. 7, 2004)  
An opportunity for the Council to adjust staff's direction at a conceptual level.
4. Organize Key Amendment Concepts into Outline (Oct. 1-15, 2004)  
Staff will do this, taking into consideration stakeholder comments and following conceptual Council direction.
5. Stakeholder Check-in on Outline (Oct. 18 - Nov. 22, 2004)
  - Kirkland Chamber of Commerce Policy Committee (Nov. 23)
  - Planning Commission (Oct. 28)
  - Open House for Tree Focus Group, Master Builders, Neighborhoods and public at large (Nov. 9, 5 – 7:30 p.m.)
  - Houghton Community Council (Nov. 22)
  - Forward substantive comments to the City Council's reading file
6. Develop Draft Amendments (Jan. 2004 – Mar. 2005)
  - Staff will do this, based on direction received.
  - Brief the City Council on the status and key issues (in packet for Mar. 1 joint meeting with Planning Commission)
7. Planning Commission Study Sessions on Draft Ordinance (April/May 2005)
  - (April 21)
  - (May 26)
8. Stakeholder Comments on Draft Amendments (June 2005)
  - Kirkland Chamber of Commerce Policy Committee (May 24)
  - Kirkland Chamber of Commerce Policy Committee (June 16)
  - Tree Focus Group (June 15))
  - Houghton Community Council (June 20)
9. State Environmental Policy Act (SEPA) Review and Determination (July 2005)
10. Planning Commission Study Session on Draft Amendments (July 14, 2005)  
Edit draft ordinance in preparation for public hearing

**TREE MANAGEMENT AND REQUIRED LANDSCAPING  
AMENDMENTS  
Process And Timing**

11. Notice to WA State Department of Community Trade and Economic Development (Sept. 1)  
Due 60 days prior to City action on the amendments
12. Houghton Community Council Public Hearing (Aug 1, 2005)  
After hearing, receive direction from HCC regarding finalization of their recommended regulations
13. Planning Commission Public Hearing (Aug. 11, 2005)
  - Public Hearing on the amendments
  - Direction from Planning Commission for edits in response to public input that night, or return on August 18.
14. City Council Study Session (Sept. 20, 2005)  
City Council study recommended amendments and edit, if necessary, in preparation for action.
15. City Council Regular Meeting (Nov. 1, 2005)  
For City Council action on the ordinance to adopt the new regulations
16. Houghton Community Council Action (November or December, 2005)  
To present ordinance and get HCC action within their jurisdiction

Throughout the process, staff would keep stakeholders informed on an on-going basis through:

- City website;
- Tree Regulation Update using E-Bulletins (sign-up required)
- Neighborhood hot sheet and E-Bulletins;
- *Kirkland Courier* articles (Fall 2004);
- Mailing list;
- Cable TV announcements;
- Post in kiosks in neighborhoods, parks, downtown, City buildings, library, Sr. Center, Teen Center; and
- Give updates at regular meetings of neighborhood associations, Kirkland Chamber of Commerce Policy Committee, E. Lake WA Audubon, interdepartmental staff tree service team, natural resource management team, etc.
- Meetings and conversations with individuals

VegRegsprocessandtiming092004

### TREE TYPE DEFINITIONS

- a) Based on the tree plan information submitted by the applicant and the Planning Official's evaluation of the trees and proposed development on subject property, the Planning Official will designate each tree as:
- i. Type 1, a viable tree that meets at least one of the criteria set forth in subsection (4)(a)(1)(b) of this section;
  - ii. Type 2, a viable tree that is to be retained if feasible; or
  - iii. Type 3, a tree that is either (1) not viable or (2) is in an area where removal is unavoidable due to the anticipated development activity.

#### Section (4)(a)(1)(b):

Tree retention efforts shall be directed to the following trees if they are determined to be healthy and windfirm by a qualified professional, and provided the trees can be safely retained when pursuing alternatives to development standards in subsections (4)(a)(2) and (4)(a)(3) of this section:

- i. Landmark trees;
- ii. Specimen trees;
- iii. Tree groves and associated vegetation that are to be set aside as preserved groves pursuant to KZC [95.50\(3\)](#);
- iv. Trees on slopes of at least 10 percent; or
- v. Trees that are a part of a grove that extends into adjacent property, such as in a public park, open space, sensitive area buffer or otherwise preserved group of trees on adjacent private property. If significant trees must be removed in these situations, an adequate buffer of trees may be required to be retained or planted on the edge of the remaining grove to help stabilize.



**Table 95.35.1****Tree Density for Existing Significant Trees****(Credits per minimum diameter – DBH)**

DBH	Tree Credits	DBH	Tree Credits	DBH	Tree Credits
3 – 5"	0.5				
6 – 10"	1	24"	8	38"	15
12"	2	26"	9	40"	16
14"	3	28"	10	42"	17
16"	4	30"	11	44"	18
18"	5	32"	12	46"	19
20"	6	34"	13	48"	20
22"	7	36"	14	50"	21

Example: a 7,200-square-foot lot would need five tree credits ( $7,200/43,560 = 0.165 \times 30 = (4.9)$  or five). The density for the lot could be met with a 16-inch tree and one six-inch tree existing on-site.

**CODE ENFORCEMENT PENALTIES****Table 95.55.1 – Penalties**

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



## INCENTIVES AND VARIATIONS TO DEVELOPMENT STANDARDS

- 2) Incentives and Variations to Development Standards. In order to retain trees, the applicant should pursue provisions in Kirkland's codes that allow development standards to be modified. Examples include but are not limited to number of parking stalls, right-of-way improvements, lot size reduction under Chapter 22.28 KMC, lot line placement when subdividing property under KMC Title 22, Planned Unit Developments, and required landscaping, including buffers for lands use and parking/driving areas.

Requirements of the Kirkland Zoning Code may be modified by the Planning Official as outlined below when such modifications would further the purpose and intent of this chapter as set forth in KZC [95.05](#) and would involve Type 1 trees.

- a) Common Recreational Open Space. Reductions or variations of the area, width, or composition of required common recreational open space, may be granted.
  - b) Parking Areas and Access. Variations in parking lot design and/or access driveway requirements may be granted when the Public Works and Planning Officials both determine the variations to be consistent with the intent of City policies and codes.
  - c) Required Yards. Initially, the applicant shall pursue options for placement of required yards as permitted by other sections of this code, such as selecting one front required yard in the RSX zone and adjusting side yards in any zone to meet the 15-foot total as needed for each structure on the site. The Planning Official may also reduce the front or side required yards provided that:
    - i. No required side yard shall be less than five feet; and
    - ii. The required front yard shall not be reduced by more than five feet in residential zones. There shall not be an additional five feet of reduction beyond the allowance provided for covered entry porches.
  - d) Stormwater. Requirements pertaining to stormwater may be varied if approved by the Public Works Official under KMC 15.52.060.
- 3) Additional Variations. In addition to the variations described above, the Planning Official is authorized to require site plan alterations to retain Type 1 trees. Such alterations include minor adjustments to the location of building footprints, adjustments to the location of driveways and access ways, or adjustment to the location of walkways, easements or utilities. The Planning Official and the applicant shall work in good faith to find reasonable solutions.

**Kirkland Developers Partnership Forum**  
Meeting Notes from October 12, 2006

Tree Regulations and Reviews

- Sometimes the regulations are not reasonable. Specific example cited by Mr. Baker. Staff to follow-up.
- The tree regulations should be incentive-based
- Willingness to replant rather than retain expressed
- Consider using Landscape Architects for plans rather than arborists
- Provide a better site plan example of what City wants
- It is confusing to have drip line, fencing line, and limit of grading all required to be shown on the same site plan
- Check on fencing detail consistency between Planning and Public Works
- City requests that developers provide examples of what has gone right or wrong for use when the code is updated

## Trees

- Homeowners don't want them
- Impacts the homesite negatively
- Plant instead
- Alder example

meetings

- 1/3 is about trees

Process for now should be more efficient

## Integrated tree plans

- yes, and eliminate III / II / I method

- cut at once, 2-step not efficient  
more damage prone too

- grade the building sites now too

- we know what needs to come down

- we know the bldg envelope (max)

- curb, gutter, sidewalk, trees

- it's very predictable

## Code vs. review philosophy on trees

- minimum but encourages addition preservation

Lone (hazard) trees → allow homeowner input / deference  
increase tree credits if ITP has to be revised? A3

5 yr shelf life

arborist up front of pre sub OK

choice 150 days

Clear to the standard 45 days based on who it is

★ Allow frontage construction before the very end

Pre-sub

← in the LSM

one of the best

Eng is very good; few surprises; agreements stick

Fire is OK

Planning

↑  
UD could be improved  
So credit conflict between dept  
(penalizes front lot)

★ Bldg permits submitted < legal lot status

↳ allow the risk

↳ pay impact fees now too

Can't take down trees efficiently

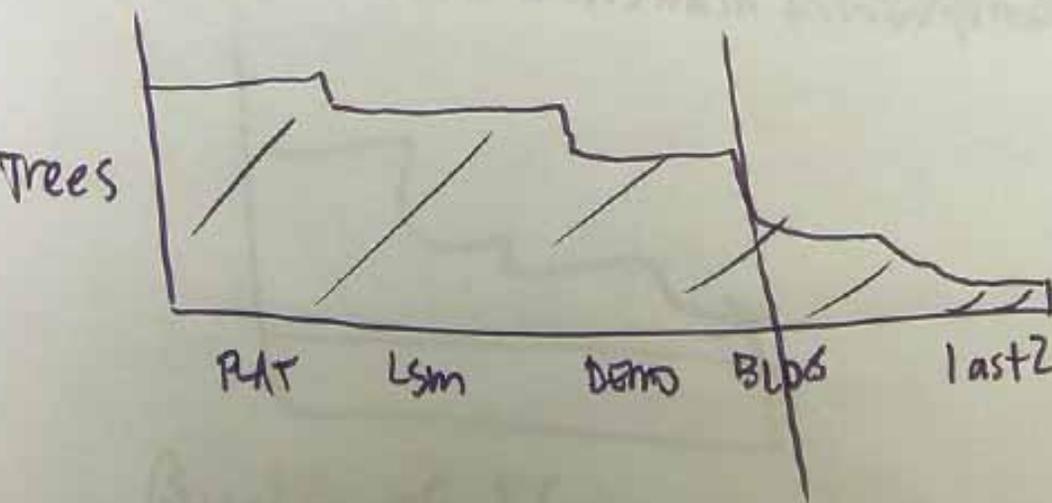
Add footprints and trees or not up front?

Clear site at this time too?

→ must be manipulable later though

remove any tree we want to ~~cut~~ inside of the setback

\$1200 arborist report → \$2000 if revisions



Important to know where the trees must be retained

Destroy roots we don't know are there → quick resolution

end up being damaged

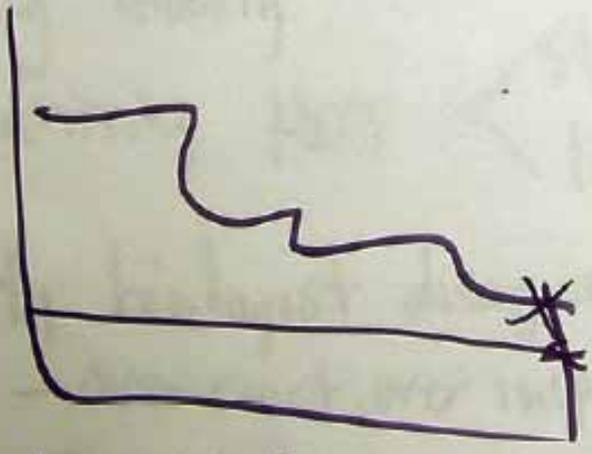
- Delay : ~3-4 wks
- Costs

Main root location not hard for arborists up front

How do we resolve "the building footprint"

Current implementation not what CC/PC  
Intended:

- preserve greenery
- not constrain development



Quality of life

- lawn won't grow
- blocks view, sun
- Limits yard layout

Arborist doesn't consider aesthetics

And every step is more \$

Planner decisions in plan view

- Construction clearances

- box installation

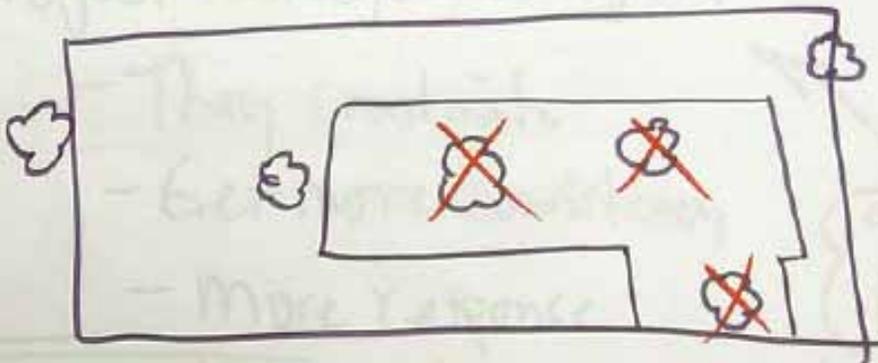
- Have to move ahead

Latitude for relief from tree plans  
Where trees are far from development

- Waiver/signoff at pre-app

Inspector says you can remove

only 12 of 24 approved removals today



AUGUST 06, 2007

TO: CITY OF KIRKLAND  
PLANNING AND COMMUNITY DEVELOPMENT  
ATTENTION MR. RON HANSON

FROM: KIRKLAND CITIZENS AGAINST  
TUDOR GREEN SHORT PLAT, FILE NO. SPL07-00021

RECEIVED  
AUG 10 2007

TO WHOM IT MAY CONCERN,

\_\_\_\_\_AM\_\_\_\_\_PM  
PLANNING DEPARTMENT  
BY \_\_\_\_\_

WE OPPOSE THIS APPLICATION FOR DEVELOPMENT (OUR NAMES ARE ATTACHED ON FOLLOWING PAPERS.) THESE TREES SHOULD NOT BE CUT DOWN FOR YET ANOTHER BUILDER. THIS NEIGHBORHOOD HAS SEEN ONE HUGE DEVELOPMENT AFTER ANOTHER, TAKING DOWN TREE AFTER TREE LEAVING NO CANOPY, NO GREEN SPACE, NO HOMES FOR ALL THE WILDLIFE ALL THE BEAUTIFUL REASONS WE CHOSE TO MAKE KIRKLAND OUR HOME.

THIS FOREST IS ONE OF THE LAST STANDING OF VIRGIN FORESTS IN OUR AREA. WHEN METRO PUT IN THE WATER STATION, IN THE WETLANDS THEY (THE CITY) SAID THE ENSUING LAND WAS TO BE KEPT AS AN UNDEVELOPED GREEN BELT.

ONE HOUSE WAS BUILT AT 10808 104th AVE. N.E. THIS LAND STARTED TO SLIDE AND GIVE WAY. THE OWNERS AT THAT TIME HAD TO INSTALL A BULK HEAD TO KEEP FROM GIVING WAY. THIS SOIL IS VERY SANDY AND PRONE TO EROSION.

THIS DEVELOPMENT WILL REMOVE MORE OF OUR ALLREADY DISAPPEARING SHADE CANOPY. WHAT DO WE HAVE KNOW 20% OR 30%? MOST CITIES ARE REALIZING THE VALUE OF THAT CANOPY AND ARE SAVING THE TREES THEY CAN AND PLANTING NEW TREES. WHY THEN ARE WE SO READY TO ERADICATE OURS? IN THE NAME OF MORE TAX REVENUE, IS IT REALLY WORTH THE COST?

THIS SMALL FOREST BACKS TO A GREENBELT OF WETLANDS IT IS HOME TO MANY ANIMALS AND WILDLIFE WE HAVE EAGLES, HAWKS, FALCONS, DOWNEY WOODPECKERS, LARGE RED HEADED WOODPECKERS, FLICKERS, NUT HATCHES, FINCHES, CHICKADEES AND MANY OTHER VARIETIES OF BIRDS AND ALSO SQUIRRELS. RACOONS, FOX, OPPOSUMS WE ALSO HAVE A FAMILY OF THREE OWLS, ALTHOUGH THE DEER WE USED TO HAVE HERE ARE GONE I WOULD LIKE TO SEE US KEEP AS MUCH WILDLIFE AS POSSIBLE.

CUTTING DOWN THIS STAND OF FOREST WILL WEAKEN ALL THE OTHER TREES IN OUR OWN BACK YARDS AND WE ARE MOST CERTAINLY TO HAVE SOME COME DOWN IN THE NEXT SEASONS WIND EVENTS. THEN EVEN MORE CANOPY WILL BE GONE. NOT TO MENTION THE DAMAGE AND INJURY TO A FALLEN TREE IN OUR HOMES.

AND LASTLY WHAT ABOUT THE DAMAGES OF CRACKED WALLS, FOUNDATIONS, WINDOWS CAUSED FROM THE CONSTANT VIBRATION OF HEAVY MACHINERY DUE TO THE NEW CONSTRUCTION NOISE POLLUTION AIR POLLUTION FROM THE BARRAGE ON THE LAND. SHAKING OUR HOMES.

WE ALL HOPE YOU WILL NOT APPROVE THIS DEVELOPMENT.

SAVE OUR ENVIROMENT, OUR CITY OUR HOME THANK-YOU

ATTACHMENT 5f  
SPL07-00021

E-Page 09  
NAME-----  
ADDRESS-----  
CITY AND ZIP-----

ATTACHMENT 10a  
COMMENTS

NAME: Jeannette Young  
ADDRESS: 11257 108<sup>th</sup> Ave NE gnet26@yahoo.com  
CITY AND ZIP: Kirkland 98033

NAME: Michael David  
ADDRESS: 11257 108<sup>th</sup> Ave NE michaelldavid@gonzaga.edu  
CITY AND ZIP: Kirkland 98033

NAME: Betty L. Stevens  
ADDRESS: 10426 NE 104<sup>th</sup> St bettylstevens@msn.com  
CITY AND ZIP: KIRKLAND WA 98033

NAME: CARYN KUPFERMAN  
ADDRESS: 10609 NE 109<sup>th</sup> St hayessz@verizon.net  
CITY AND ZIP: KIRKLAND WA 98033

NAME: Jeannine Hanson  
ADDRESS: 10613 NE 109<sup>th</sup> St. jeannine.hanson@verizon.net  
CITY AND ZIP: Kirkland, WA 98033

NAME: Casey Petersen  
ADDRESS: 10616 NE 109<sup>th</sup> Street icpetersen@msn.com  
CITY AND ZIP: Kirkland, WA 98033

NAME: Ron Wiswell  
ADDRESS: 10610 NE 109 STREET kirklandr731@aol.com  
CITY AND ZIP: KIRKLAND WA 98033

NAME: DARR WISWELL  
ADDRESS: 10610 NE 109 STREET  
CITY AND ZIP: KIRKLAND, WA 98033

NAME: Yoko Gudowari  
ADDRESS: 10809 100<sup>th</sup> CT NE  
CITY AND ZIP: Kirkland WA 98033

NAME: Dennis Duffy  
ADDRESS: 10827 106<sup>th</sup> CT NE  
CITY AND ZIP: Kirkland WA 98033

NAME: ANNE ERICKSON  
ADDRESS: 10416 NE 109th St  
CITY AND ZIP: Kirkland, WA 98033

Many of us have stayed in this area for decades. I'm afraid of what we have behind us - we were told it would not change. We have all had our share of fallen trees - we can't have more.

NAME: Paul Bilbro  
ADDRESS: 10416 NE 109th St  
CITY AND ZIP: Kirkland, WA 98033

NAME: Jane Erickson-George  
ADDRESS: 10410 NE 110th Street  
CITY AND ZIP: Kirkland, WA 98033

my sister and I have lived in this area for 31 years and bought in this area thinking it would stay somewhat the same - I'm already sickened by the other houses that have been erected here in our neighborhood

NAME: Darin Sackson-George  
ADDRESS: 10410 NE 110th St  
CITY AND ZIP: Kirkland, WA 98033

NAME: Craig Beall  
ADDRESS: 10419 NE 110th St  
CITY AND ZIP: Kirkland, WA 98033

NAME: Mary Burrell  
ADDRESS: 10419 NE 110th St  
CITY AND ZIP: Kirkland, WA 98033

NAME: John D. Erickson  
ADDRESS: 10427 NE 110th Street  
CITY AND ZIP: Kirkland, WA 98033

NAME: Kathleen Morrell  
ADDRESS: 10418 NE 110th  
CITY AND ZIP: Kirkland, WA 98033

NAME: Larry Morrell  
ADDRESS: 10418 NE 110th St  
CITY AND ZIP: Kirkland, WA 98033

NAME: Corinne Leonard  
ADDRESS: 10425 NE 110th  
CITY AND ZIP: Kirkland, WA 98033

Enough change in this beautiful area

NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
CITY AND ZIP: \_\_\_\_\_

NAME: Thane B. Hokanson  
ADDRESS: 10901 10<sup>th</sup> Ave NE  
CITY AND ZIP: Kirkland 98033

NAME: Marlys Aaltonen  
ADDRESS: 10912 104<sup>th</sup> Ave  
CITY AND ZIP: Kirkland

NAME: Leo Aaltonen  
ADDRESS: 10912 104<sup>th</sup> Ave  
CITY AND ZIP: Kirkland WA

NAME: Lisa L. Harris  
ADDRESS: 10407 N.E. 109<sup>th</sup> St.  
CITY AND ZIP: Kirkland WA 98033 CICFC@aol.com

NAME: Sandi Henry  
ADDRESS: 10803 104<sup>th</sup> Ave  
CITY AND ZIP: 98033

NAME: Cheryl Helled  
ADDRESS: 10407 NE 109<sup>th</sup> St  
CITY AND ZIP: Kirkland WA 98033 Cheryl Helled@spectrum.com

NAME: Pat + Jimm Roberts  
ADDRESS: 10815 104<sup>th</sup> Ave NE  
CITY AND ZIP: Kirkland WA 98033

E-Page NAME-----  
ADDRESS-----  
CITY AND ZIP-----

ATTACHMENT 10a

NAME: Judi Seiser  
ADDRESS: 12816 - 104th AVE  
CITY AND ZIP: Kirkland, WA 98033

ioKika2@aol.com  
Judi Seiser

NAME: Lew Grotte  
ADDRESS: 10816 - 104th AVE NE  
CITY AND ZIP: Kirkland 98033

NAME: Shirley L Young  
ADDRESS: 10417 NE 109th  
CITY AND ZIP: Kirkland WA 98033

425-822-2150  
We need to keep the green  
belts intact - for all of us  
To enjoy & stop Mega

NAME: Brenda Sierer  
ADDRESS: 10904 - 104th NE  
CITY AND ZIP: Kirkland WA 98033

425-242-1173

Houses

NAME: Guy & Diane Young  
ADDRESS: 10417 NE 109  
CITY AND ZIP: Kirkland WA 98033

We have lived here  
for 35 years, we love  
our trees & wildlife

NAME:-----  
ADDRESS:-----  
CITY AND ZIP -----

DL YOUNG 5 @ AOL.COM  
425-828-3009

NAME:-----  
ADDRESS:-----  
CITY AND ZIP -----

ADDRESS  
CITY AND STATE

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Pictures

Under Green

Short Plat

File No. SPL07-00021

Aug - 10 - 07



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**MEMORANDUM**

**To:** City Council  
**From:** Park Board  
**Date:** May 19, 2008  
**Subject:** Tree Regulations on Private Lands

The purpose of this memorandum is to respond to the City Council's request for the Park Board to submit written comments regarding the Park Board's concerns with the City's Tree Regulations.

**BACKGROUND:**

At the February 19, 2008 City Council meeting, staff presented the 20-Year Forest Restoration Plan for approval. As you know, the goal of the Green Kirkland Partnership is to restore the 372 acres of natural areas to a sustainable condition and to create an aware and energized community in which individuals, neighborhoods, nonprofit organizations, businesses and City government are working together to protect and maintain Kirkland's natural areas.

There are three main goals that summarize the program:

- Restore Kirkland's natural areas by the removal of invasive plants and the planting of native species for the sustainability of the urban forests, wetlands and their associated habitats.
- Build the community's capacity for long-term stewardship of the natural areas through increased public awareness of and engagement in protecting, restoring and helping to maintain healthy urban forests and wetlands.
- Establish resources to sustain the forest restoration program long-term.

As part of the staff presentation Colleen Cullen, Chair of the Park Board, expressed the Board's appreciation for the plan's aggressive goals to restore the publicly- owned natural forested areas. Ms. Cullen also expressed the Board's concern that Kirkland as a community needs to do more on private land to ensure tree retention and to increase the overall tree canopy. It should be noted that over 90% of the City's net acreage is in private ownership.

The City's stated goal is to achieve an overall tree canopy coverage of 40 percent for the community. However, there are areas within the tree regulations that allows for the removal of trees without requiring a tree planting plan to replace a percentage of the total canopy lost from the trees removed. The Park Board recommends that the tree ordinance be improved to include attractive incentives for property owners to retain and, where appropriate, add trees to their property. For example, a credit applied toward assessed surface water fees could be provided to property owners who plant a certain number of new trees, in recognition of the value trees provide in reducing the need for expensive infrastructure to manage surface water runoff. The Board also would like to emphasize the need for better City enforcement of tree regulations so that the trees which the community works so hard to protect are, in fact, protected long after new development projects have been completed.

The City is setting a good example with its commitment to Tree City USA and its funding of programs to restore our urban forests and to plant trees within the public rights-of-way. The combined efforts of planting on public land and improving the tree regulations to retain and increase the planting of trees on private property will significantly support the City's goal to achieve an overall tree canopy coverage of 40 percent for the community.

From: j.keeney@comcast.net [<mailto:j.keeney@comcast.net>]  
Sent: Saturday, June 14, 2008 9:03 PM  
To: City Council  
Subject: item of concern

Dear Council Members,

Have you seen the Green's Funeral Home property in the last two weeks? What a sad and shocking site. I was stunned to see the number of mature evergreens that were cut down there just two and a half weeks ago. Since I'm a member of the Eastside Audubon Society and we have our office and meetings at the Unitarian Church, I've been well aware of the changes and plans for the Green property. However, since Kirkland is a Tree City, concerned with its tree canopy, I was horrified to see the extent of the tree demolition on the site. Some of those trees must have been one hundred years old judging by their diameters. Surely some guidelines had to have been overlooked to have wrecked such devastation on what had been a beautiful piece of property. Who is responsible and what reparations can ever be made to make up for this monumental mistake? And what can I do as a caring citizen of Kirkland to make sure my voice is heard BEFORE such acts occur in the future?

Most sincerely,

Jill M. Keeney



**CITY OF KIRKLAND**  
**Department of Parks & Community Services**  
505 Market Street, Suite A, Kirkland, WA 98033 425.587.3300  
[www.ci.kirkland.wa.us](http://www.ci.kirkland.wa.us)

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## **MEMORANDUM**

**To:** David Ramsay

**From:** Carrie Hite, Deputy Director  
Jennifer Schroder, Director

**Date:** September 2, 2008

**Subject:** Myparksandrecreation.com

### **RECOMMENDATION:**

Council receive an update on the progress of Myparksandrecreation.com and be introduced to the newest addition to the site, the functionality of the trails search.

### **BACKGROUND DISCUSSION:**

Myparksandrecreation.com has long desired to become the regions connection for recreation, parks, facilities, trails and special events. The project's vision is to enhance the quality of our service to the community by providing dynamic online business to fulfill all of our customer's parks and recreation needs. Through the creation of a central web site, customers can search and register for classes and programs, access our local and regional special events, search for facility and park availability, and find parks and trails information. Since the inception in 2001 project teams have accomplished the following:

- Blended and aligned business practices
- Launched online registration in each city.
- Developed a manual entry option for those cities that do not operate the Class software system.
- Launched a dynamic search functionality that allows users to go online and search for recreation classes in six cities, and search for Parks in nine cities. Users can go online and search for Parks by city, amenity, distance from an address, keyword, or park name.
- Launched the newest functionality, a trails search.
- Aligned business policy to have all customers link directly to MPR when looking for recreation classes or parks information.

### **Next Steps**

The Project Team is excited to be working on the work plan for 2008/2009. Our work plan items for 2008/2009 include:

- Facility availability and easy on-line reservations.
- Special events search.
- Systems analysis to determine how to accomplish a fully integrated site.
- GIS mapping to determine residency
- Partnerships and advertising



**CITY OF KIRKLAND**  
Information Technology Department  
123 Fifth Avenue, Kirkland, WA 98033 425.587.3050  
www.ci.kirkland.wa.us

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## MEMORANDUM

**To:** David Ramsay, City Manager  
**From:** Brenda Cooper, Chief Information Officer  
**Date:** August 21, 2008  
**Subject:** Special Achievement in GIS Award

### RECOMMENDATION

Council acknowledge the GIS staff and other city staff for receiving ESRI's Special Achievement in GIS Award.

### BACKGROUND DISCUSSION

GIS and other city staff should be recognized for making effective use of GIS for daily decisions. Council's steady recognition of the importance of our GIS systems to many programs of the city from public safety to planning to parks is responsible for our ability to excel.

Environmental Systems Research, Inc, awarded the City of Kirkland GIS team with a Special Achievement in GIS (SAG) Award on August 6, 2008, at the 28th Annual ESRI International User Conference (ESRI UC) in San Diego, California.

The [City of Kirkland's GIS program](#) involves three components: data access, GIS products, such as digital maps and thematic atlases, and services such as project management, spatial analysis, and community outreach. A large portion of the City's 350 employees uses GIS tools regularly. Proven to be a value-added system in many ways, the City's GIS offers benefits from high quality spatial data for use in their business activities to emergency dispatch and pre-fire planning. In the future, the city plans to continue to implement GIS, expand training activities, and increase regional GIS effectiveness by embedding GIS more smoothly into city systems.

"At ESRI, we are always deeply impressed by the innovation of our users," says Jack Dangermond, ESRI president. "We want to recognize the efforts of these individuals with our Special Achievement in GIS Award. This recognition is well deserved for how they've applied geospatial technology to address the needs of their industries and communities. They are defining GIS best practices."





**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

**Date:** August 19, 2008

**Subject:** City Council Briefings on the Touchstone (Parkplace), Orni and Altom Private Amendment Requests (PARs)

Staff gave a status report on the Touchstone (Parkplace), Orni and Altom Private Amendment Requests (PARs) to the City Council at their August 8 meeting. At that meeting the Mayor asked staff to plan a briefing on the DEIS for the Council. Staff would like to suggest the following approach:

1. EIS Briefing: Schedule a Council study session for late September or early October for a briefing on the Environmental Impact Statement. A Draft EIS was published in April. A final EIS is expected to be published in early October. At this meeting, staff and consultants will make presentations on the key issues addressed in the EIS (traffic, parking, shade and shadow analysis and public services and facilities) and provide an opportunity for the Council to ask questions about potential impacts. To provide sufficient time for the information to be presented, it is suggested that this meeting be scheduled for approximately 2 hours.

It is important to note that this briefing would be for information purposes only. The Council would not be giving feedback on the substance of proposed plan and code amendments at this time because the Planning Commission would still be in the process of developing its recommendation.

2. Briefing on PC Recommendations: After the Planning Commission holds its final hearings at the end of October and makes a recommendation to the City Council, another Council study session would be held for the Council to receive and discuss recommended plan and code amendments. We have already scheduled a study session on this topic for the November 18 regular Council meeting, but again, the time available may be insufficient for the Council to fully discuss this important issue. Scheduling a longer meeting on another date, therefore, is recommended.

Please note that we are trying hard to have a final decision on these proposals by the end of the year so that it may be included in the 2008 Comprehensive Plan amendments. The review process has already taken much longer than originally expected and the Park Place applicant has indicated that further extension of the process will create difficulties in moving the project forward

**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)****MEMORANDUM**

**To:** Dave Ramsay, City Manager

**From:** Kari Page, Neighborhood Services Coordinator

**Date:** August 19, 2008

**Subject:** City Council meetings with the Neighborhoods Schedule 2008/2009

**RECOMMENDATION:**

City Council approves the following suggested dates for the City Council meetings in the neighborhoods.

**BACKGROUND:**

The City Council cycles around the City every three years meeting with four neighborhoods per year. Each household receives an invitation and a postage paid request card. *This year the letter encourages residents to enter their questions online instead of using the mail back post card for questions.* The purpose of this process is to provide staff and Council additional time to research the questions prior to the meeting. They also allow residents who cannot attend the meeting an opportunity to submit their comments. The agenda for the meeting is set based upon the issues and questions raised in the request cards. There is also time provided for additional comments and questions from the audience. A summary of all questions and answers are posted on the City's web page after the meeting. Staff will continue to structure the format of the meeting and invitations the same as the past, unless instructed by Council to change.

The City Council traditionally holds neighborhood Council meetings on the neighborhood association's regularly scheduled meeting nights to help promote involvement in the neighborhood association. This practice has occasionally coincided with regular Council meeting weeks. Council asked staff to consider other commitments for the Council when scheduling neighborhood meetings.

The proposed Juanita Neighborhoods meeting in September is scheduled on their regular meeting date and does not conflict with other Council meetings. However, the regularly scheduled Moss Bay meeting (Monday, March 16<sup>th</sup>) is the night before the Tuesday, March 17<sup>th</sup> Council meeting. In addition, the regularly scheduled Market meeting (Wednesday, May 20<sup>th</sup>) is the night after the Tuesday, May 19<sup>th</sup> Council meeting. Therefore, staff is recommending the Moss Bay and Market meetings with the City Council be moved one week to avoid back to back Council meetings. The Market neighborhood has agreed to this shift, and the Moss Bay neighborhood will discuss it at their September meeting. If the March 23<sup>rd</sup> date does not work for the Moss Bay Neighborhood, staff will find another date or move another neighborhood into this slot until a date can be found that works for both the neighborhood and Council.

<b>Meeting Date</b>	<b>Neighborhood</b>	<b>Location</b>	<b>Households</b>
<b>Thursday September 25, 2008</b>	Juanita Neighborhoods Regular meeting date	Holy Spirit Lutheran Church	5800
<b>Monday March 23 , 2009</b>	Moss Bay Not regular meeting date	Heritage Hall	2400
<b>Wednesday May 13, 2009</b>	Market Not regular meeting date	Heritage Hall	860

The schedule on the following page outlines the timeline for each of the proposed meetings these meetings if Council was to approve the dates. As usual, a list of top issues will be brought to the Council for assigning topics (dates in blue) prior to the meetings. If you have any suggestions or changes to this schedule, please let us know.



**2008-2009 Council Meetings in the Neighborhoods Schedule**

**SEPTEMBER**

Sun	Mon	Tue	Wed	Thur	Fri	Sat
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

**MARCH**

Sun	Mon	Tue	Wed	Thur	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

**OCTOBER**

Sun	Mon	Tue	Wed	Thur	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

**APRIL**

Sun	Mon	Tue	Wed	Thur	Fri	Sat
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

*BREAK*

**FEBRUARY**

Sun	Mon	Tue	Wed	Thur	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28

**MAY**

Sun	Mon	Tue	Wed	Thur	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

	Council Meeting (assign topic areas)
	Residents receive mailing and send in cards
	Directors/Council receive list of questions
	Council Receives questions and answers
	Meeting Date

**KIRKLAND CITY COUNCIL SPECIAL MEETING**

**Minutes**

**July 30, 2008**

**1. CALL TO ORDER**

Mayor Lauinger called the Special Meeting of the Kirkland City Council to order at 7:00 p.m.

**2. ROLL CALL**

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

**3. EXECUTIVE SESSION**

Council moved into executive session to receive and evaluate complaints brought against a public officer.

At the conclusion of the executive session, Council reconvened in open meeting.

**4. ADJOURNMENT**

The July 30, 2008 Special Meeting of the Kirkland City Council adjourned at 8:35 p.m.

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City Clerk

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Mayor



KIRKLAND CITY COUNCIL SPECIAL MEETING MINUTES  
August 04, 2008

1. CALL TO ORDER

The meeting was called to order at 7:07 p.m.

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. COMMUNICATIONS

a. Items from the Audience

Anna Aubry, 341 8th Street South, Kirkland, WA  
Margaret Carnegie, 11259 126th Avenue NE, Kirkland, WA  
Anna Rising, 751 8th Street South, Kirkland, WA  
Hugh Givens, 8819 123rd Place NE, Kirkland, WA  
Dean Tibbot, 109 2nd Street South, #627, Kirkland, WA  
Rob Brown, 108 2nd Avenue South, Kirkland, WA

4. NEW BUSINESS

a. Statement by Councilmember Hodgson Regarding Concerns Raised About July 1, 2008 Meeting and Agreement Resolving the Concerns

Motion to accept the statement by Councilmember Hodgson regarding concerns raised about his actions at the July 1, 2008 Kirkland City Council meeting and approving an agreement resolving the concerns.

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

Vote: Motion carried 7-0

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

5. ADJOURNMENT

The Kirkland City Council Special Meeting of August 4, 2008 was adjourned at 7:28 p.m.

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City Clerk

Mayor



KIRKLAND CITY COUNCIL REGULAR MEETING MINUTES  
August 05, 2008

1. CALL TO ORDER

2. ROLL CALL

ROLL CALL:

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

Members Absent: None.

3. STUDY SESSION

a. 2009 to 2014 Capital Improvement Program

Joining Councilmembers for this discussion in addition to City Manager Dave Ramsay were Finance and Administration Director Tracey Dunlap, Public Works Director Daryl Grigsby, Financial Planning Manager Sandi Hines, Capital Projects Manager Ray Steiger, and Senior Financial Analyst Sri Krishnan.

4. EXECUTIVE SESSION

a. To Discuss Labor Negotiations

5. SPECIAL PRESENTATIONS

a. 520 Tolling Implementation: Puget Sound Regional Council Executive Director Bob Drewel and Director of Government Relations and Communications Rick Olson

b. Sustainability Study: Kathleen O'Brien, O'Brien & Company

6. REPORTS

a. City Council

(1) Regional Issues

Councilmembers shared information regarding a recent meeting with

concerned citizens about the BNSF trail; Cascade Water Alliance; 520 Tolling meetings; Criterium bike race; Neighborhood Association picnics; Jail siting meeting with King County; and a tour of Park and Ride/Transit oriented development facilities.

b. City Manager

(1) Calendar Update

7. COMMUNICATIONS

a. Items from the Audience

Todd Boyle, 9745 128th Avenue NE, Kirkland, WA  
Odd Hauge, 11844 NE 90th Street, Kirkland, WA  
Kim Sanford, 999 Lake Drive, Issaquah, WA  
Chris Ferko, 18215 72nd Avenue South, Kent, WA  
Patrick Mullaney, 1111 3rd Avenue, Seattle, WA  
Kevin Murphy, 21214 NE 151st Street, Woodinville, WA  
Paul Nienaber, 12609 NE 5th, Bellevue, WA  
Mike Nienaber, 7829 NE 14th Street, Medina, WA  
Ben Lindekugel, 1000 North Northlake, Seattle, WA  
Bill Vadino, 401 Parkplace, Ste. 102, Kirkland, WA  
Ogan Subaykan, 11802 NE 69th Place, Kirkland, WA

b. Petitions

8. CONSENT CALENDAR

a. Approval of Minutes: July 15, 2008

b. Audit of Accounts:

Payroll \$ 2,114,547.95  
Bills \$ 3,023,988.46  
run # 761 check #'s 500419 - 500692  
run # 762 check # 500720  
run # 763 check #'s 500721 - 500829  
run # 764 check #'s 500831 - 500993

c. General Correspondence

d. Claims

(1) Angela Warmuth

e. Award of Bids

- f. Acceptance of Public Improvements and Establishing Lien Period
  - (1) Police Department Jail Kitchen Tenant Improvement Project
  - (2) 2007 Emergency Sewer Construction Program
  
- g. Approval of Agreements
  - (1) Cascade Water Alliance Membership Audit Acceptance Agreement
  
  - (2) Resolution R-4716, entitled "A RESOLUTION OF THE CITY OF KIRKLAND APPROVING THE ISSUANCE OF A PROCESS IIB PERMIT AS APPLIED FOR IN DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT FILE NO. ZON07-00039 BY KING COUNTY DEPARTMENT OF NATURAL RESOURCES AND PARKS, SOLID WASTE DIVISION BEING WITHIN A PARK ZONE, AND SETTING FORTH CONDITIONS TO WHICH SUCH PROCESS IIB PERMIT SHALL BE SUBJECT."
  
  - (3) Resolution R-4717, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING PARTICIPATION BY THE CITY IN A COOPERATIVE PURCHASING AGREEMENT WITH THE WASHINGTON STATE DEPARTMENT OF GENERAL ADMINISTRATION'S OFFICE OF STATE PROCUREMENT AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT ON BEHALF OF THE CITY OF KIRKLAND."
  
- h. Other Items of Business
  - (1) Resolution R-4718, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE SUBDIVISION AND FINAL PLAT OF JUANITA BAY TOWNHOMES BEING DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT FILE NO. FSB08-00001 AND SETTING FORTH CONDITIONS TO WHICH SUCH SUBDIVISION AND FINAL PLAT SHALL BE SUBJECT."
  
  - (2) Resolution R-4719, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND RATIFYING AMENDMENTS TO THE KING COUNTY COUNTYWIDE PLANNING POLICIES."
  
  - (3) Resolution R-4720, entitled "A RESOLUTION OF THE CITY

COUNCIL OF THE CITY OF KIRKLAND RELINQUISHING ANY INTEREST THE CITY MAY HAVE IN AN UNOPENED RIGHT-OF-WAY AS DESCRIBED HEREIN AND REQUESTED BY PROPERTY OWNERS CEDOMIR AND LUCIA IOVANOVICI."

(4) Resolution R-4721, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND RELINQUISHING ANY INTEREST THE CITY MAY HAVE IN AN UNOPENED RIGHT-OF-WAY AS DESCRIBED HEREIN AND REQUESTED BY PROPERTY OWNERS DOUGLAS J. AND LINDA M. JAMIESON."

(5) Resolution R-4722, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND RELINQUISHING ANY INTEREST THE CITY MAY HAVE IN AN UNOPENED RIGHT-OF-WAY AS DESCRIBED HEREIN AND REQUESTED BY PROPERTY OWNER THOMAS WOLTER."

(6) Remittance of Concours d'Elegance Admissions Tax Receipts to Evergreen Hospital

(7) Report on Procurement Activities

Motion to Approve the Consent Calendar.

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

Vote: Motion carried 7-0

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

Council recessed for a short break at 9:04 p.m.

9. UNFINISHED BUSINESS

None.

10. NEW BUSINESS

a. Tax Burden Study

Finance Director Tracey Dunlap introduced Brett Sheckler and Michael Hodgins of Berk and Associates, who provided background and reviewed the results of the update.

- b. Status Report on Touchstone (Parkplace), Orni and Alton Private Amendment Requests

Senior Planner Angela Ruggeri and Planning Commission Chair Byron Katsuyama reviewed the actions to date and provided a current status report on the process.

- c. Costco Wholesale Private Amendment Request

Motion to direct the Planning Commission to study the Costco Wholesale Private Amendment Request to amend the Comprehensive Plan and Zoning Code for the RH 1B zone as part of the 2008 work program.

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

Vote: Motion carried 6-1

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

No: Councilmember Dave Asher.

## 11. PUBLIC HEARINGS

- a. Resolution R-4707, Adopting Findings and Conclusions and Reversing the Decision of the Design Review Board Granting Design Review Approval to the Bank of America/Merrill Gardens Mixed Use Project at 101 Kirkland Avenue (File No.: DRC 07-0006; Appeal Case No.: APL08-0001)

Mayor Lauinger reopened the continued hearing. City Attorney Robin Jenkinson reviewed the hearing parameters and status to date. Mayor Lauinger then provided an opportunity for Councilmembers to disclose communications outside the hearing process. Councilmember Greenway disclosed a recent conversation with a citizen which she stated would not affect her ability to make a fair and impartial decision. Councilmember Asher made note of communications from the parties which had been forwarded by staff.

Testimony was provided by:

Molly Lawrence, Attorney for the applicant

Chad Lorenz, Project Architect, Runberg Architecture Group

Jim McElwee, CiViK representative

Bea Nahon, CiViK representative

The Mayor then closed that portion of the hearing and Council began deliberations. Following the motions and votes, the Mayor closed the public hearing.

Motion to modify the decision of the Design Review Board by accepting the applicant's modified proposal as shown in attachment 6, exhibits 1, 2 and 3

of the SRM response to CiViK questions dated July 18, 2008. and to accept the modified design.

Moved by Councilmember Mary-Alyce Burleigh, seconded by Councilmember Bob Sternoff

Vote: Motion failed 3 - 4

Yes: Deputy Mayor Joan McBride, Councilmember Mary-Alyce Burleigh, and Councilmember Bob Sternoff.

No: Mayor Jim Lauinger, Councilmember Dave Asher, Councilmember Jessica Greenway, and Councilmember Tom Hodgson.

Motion to Approve Resolution R-4707, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND ADOPTING FINDINGS AND CONCLUSIONS AND REVERSING THE DECISION OF THE DESIGN REVIEW BOARD GRANTING DESIGN REVIEW APPROVAL TO THE BANK OF AMERICA/MERRILL GARDENS MIXED USE PROJECT AT 101 KIRKLAND AVENUE (FILE NO. DRC 07-0006; APPEAL CASE NO. APL08-0001)."

Moved by Councilmember Jessica Greenway, seconded by Councilmember Dave Asher

Vote: Motion carried 4-3

Yes: Mayor Jim Lauinger, Councilmember Dave Asher, Councilmember Jessica Greenway, and Councilmember Tom Hodgson.

No: Deputy Mayor Joan McBride, Councilmember Mary-Alyce Burleigh, and Councilmember Bob Sternoff.

12. ANNOUNCEMENTS

None.

13. ADJOURNMENT

The Kirkland City Council Special Meeting of August 5, 2008 was adjourned at 11:26 p.m.

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City Clerk

Mayor



**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:** Dave Ramsay, City Manager

**From:** David Godfrey, P.E., Transportation Engineering Manager

**Date:** August 21, 2008

**Subject:** CORRESPONDENCE FROM MR. JOHN JUGE

RECOMMENDATION:

It is recommended that the City Council authorize the Mayor to sign a letter of response to Mr. Juge who e-mailed to propose installing traffic signals at mid-block pedestrian crossings in order to improve traffic flow.

BACKGROUND DISCUSSION:

Mr. Juge is concerned with the effects of pedestrian crossings on traffic flow. Interruptions to flow occur when moving streams of traffic are forced to stop in order to yield to crossing pedestrians. On streets with crosswalks that are between signalized intersections, for example the crosswalk on Lake Street at Park Lane, signal coordination is disrupted by random crossings. Mr. Juge suggests that these disruptions could be minimized by signalizing crosswalks so that WALK signals are shown in coordination with adjacent traffic signals.

Currently, pedestrians are afforded a certain increase in mobility because of the ability to cross without waiting for a signal. This comes somewhat at the expense of increased traffic congestion. However, even if Council wished to change the balance between mobility and congestion, signals might not be the best answer. Simply removing the mid-block crosswalks would encourage pedestrians to cross at existing signal. This would keep coordination intact and eliminate the expense of the signals. In the past, citizens have requested removal of crosswalks and Council has not wished to remove them.

**From:** John Juge [mailto:johnj@rlgloans.com]  
**Sent:** Thursday, July 31, 2008 1:08 PM  
**To:** KirklandCouncil  
**Subject:** suggestion for improving traffic flow on Lake Street in the down town core  
**Importance:** High

Good afternoon,

A thought occurred to me, that if the city installed "Walk/Don't Walk" signals at every cross walk in the downtown core, and then timed them with the local lights, it could reduce congestion considerably.

I noticed that pedestrians crossing during green lights, against traffic, caused the majority of congestion. Cars have to wait for them and by the time they get through the cross walk the light is red again... it is very frustrating, and causing a huge back up. In front of starbucks alone, that crosswalk has caused many backups all the way to Park Place on Central Way.

So would it be possible to install signals at every cross walk and time them to only allow people across during the N/S red lights?

*John Juge*

President  
Residential Lending Group,  
a division of Loan Network LLC

877-814-5333 Office  
206-686-7080 Mobile  
206-686-7080 Secure Fax

Visit us on the web at [www.RealZeroDownHome.com](http://www.RealZeroDownHome.com)

September 3, 2008

**DRAFT**

Mr. John Juge, President  
Residential Lending Group  
11215 NE 116<sup>th</sup> Place  
Kirkland, WA 98034

Dear Mr. Juge:

Thank you for your email to the Kirkland City Council concerning pedestrians and traffic congestion. As you know, Kirkland prides itself on being a walkable community by providing pedestrian-friendly amenities such as sidewalks, trails and flagged crosswalks.

You are correct that during certain times of the day and certain seasons of the year, uncontrolled pedestrian crosswalks, like the one on Lake Street at Park Lane in downtown Kirkland, may cause increased delay for traffic. To a certain extent, there is a trade-off between pedestrian mobility and automobile congestion.

It is the City's current policy is to offer pedestrians increased mobility, even if it results in delays to motor vehicles during periods of heavy traffic. Your suggestion to install "Walk/Don't Walk" signals at existing uncontrolled crosswalks in downtown is an interesting concept that raises cost issues (signals cost around \$150,000 each). Such signals would, no doubt, benefit vehicle traffic during heavy congestion times but would be less beneficial to pedestrians who would experience substantial wait times.

For many years, Kirkland has strived to become a pedestrian-friendly City that encourages transportation by means other than automobiles. Thank you again for your suggestion; we count on citizens like you that use Kirkland's streets every day, to provide fresh ideas for better operating our City.

Sincerely,  
KIRKLAND CITY COUNCIL

By James L. Lauinger, 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  
**Date:** August 20, 2008  
**Subject:** e-mail from David Martin

### **RECOMMENDATION**

Authorize the mayor to sign the proposed response letter.

### **BACKGROUND DISCUSSION**

Mr. Martin wrote to the City Council expressing concerns about tree removal in connection with a development at 8543 124<sup>th</sup> Ave NE. Mr. Martin's concerns were reviewed by the City's Urban Forester, Deb Powers. The attached response letter was prepared based on her findings.

**From:** David Martin [mailto:david.martin@otak.com]  
**Sent:** Thursday, July 24, 2008 1:05 PM  
**To:** KirklandCouncil  
**Subject:** Tree Removal at 8543 124th Avenue NE

Attached is a Tree Plan that I received in October 2006 from Jeremy McMahan of the Planning Department. The plan was for the demolition and clearing of the property at 8543 124<sup>th</sup> Avenue NE, in anticipation of the eventual construction of a condominium complex called Villa Rosa. I was happy to see that a significant number of trees were being retained on the north side of the property, effectively shielding the development from the Highlands in Kirkland complex where I live. As development has continued on the property, the trees that are shown in the plan as being retained have been systematically destroyed one by one until now there are virtually no trees left. This prompts me to ask two questions:

1. Why does the City have a Tree Ordinance when it apparently has no effect on a property owner's destruction of trees?
2. If the destruction is being done in violation of the Tree Ordinance, why is there no enforcement by City staff?

As far as I can determine, since the issuance of the demolition permit in 2006, only building permits have been issued (in January and May 2008). I do not believe there was ever a tree removal permit for this property.

Please advise.

Thank you.

David Martin  
8707 123<sup>rd</sup> Lane NE  
Kirkland, WA 98033  
425-890-7422



David Martin | Senior Project Manager  
10230 NE Points Drive, Suite 400 | Kirkland, WA 98033  
v: 425.739.7970 | c: 425.890.7422 | f: 425.827.9577  
[www.otak.com](http://www.otak.com)



at Otak, we consider the environment before printing emails.



September 3, 2008

**DRAFT**

David Martin  
8707 123<sup>rd</sup> Lane NE  
Kirkland, WA 98033

Re: City of Kirkland Tree Regulations / Villa Rosa

Dear Mr. Martin,

Thank you for your email regarding Kirkland's tree regulations and development review process for the Villa Rosa condominium project at 8543 124<sup>th</sup> Avenue NE. You are correct in your observations that tree removal occurred in multiple phases on this project, resulting in fewer trees being retained with each development phase. However, after reviewing the history of this development, the City's Urban Forester determined that there was not a violation of the City's tree regulations.

The intent of Kirkland's tree regulations is to retain desirable trees on developing sites to the extent possible, while still allowing the development to move forward in a timely manner. For the Villa Rosa development, tree preservation was reviewed prior to three phases of development; demolition, land surface modification and construction. During the demolition and land surface modification phases, a significant number of trees were required to be retained.

However, during the construction phase, removal of a number of additional trees was necessary. Since the Villa Rosa property is in a Residential Multi-family (RM) zone, the required yard on the north perimeter of the site is only five feet wide. The City's Urban Forester determined that many of the large existing Douglas fir on the project's north perimeter would not remain viable after sustaining substantial permanent root loss and severe pruning to accommodate the proposed structures.

The City has just begun the process of reviewing and potentially revising Kirkland's tree regulations. The City Council held a study meeting on this topic on September 2. Following initial direction from the Council, a more in-depth review will occur by the Planning Commission in early 2009. We welcome your input as we undertake this process.

Thank you again for offering your comments on this important subject. If you would like more information about Kirkland's tree regulations and our update process, please contact Urban Forester Deb Powers at [dpowers@ci.kirkland.wa](mailto:dpowers@ci.kirkland.wa) or 425-587-3261.

Sincerely,  
Kirkland City Council

by James Lauinger, Mayor

cc: Eric Shields, Planning Director  
Deb Powers, Urban Forester  
Susan Greene, Planner

**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  
**Date:** August 21, 2008  
**Subject:** Letter from Craig Shriner

**RECOMMENDATION**

Authorize the mayor to sign the proposed response letter to Craig Shriner.

**BACKGROUND DISCUSSION**

Mr. Shriner wrote to the City Council asking that the zoning requirement for ground floor retail use be eliminated for the commercial space he currently owns at 16 Central Way (in the Tiara De Lago Building on the NE corner of Central Way and Market St.). Mr. Shriner purchased the space to use primarily as a real estate office. Because the space is not ideally suited for retail use, the Planning Department allowed the ground floor office use subject to integrating the office with a retail art gallery. Several months ago, the real estate office was moved to the corner of 7<sup>th</sup> and Market. Since then Mr. Shriner has sought to sell the space, but has been unsuccessful in finding a buyer who is willing/ able to occupy the space with a retail use. He now has two potential buyers, neither of which qualifies as an office use. His preferred buyer is the Foster Foundation.

As the Council is aware, the City recently engaged the services of E.D. Hovee & Company to prepare a retail assessment and strategy for the downtown. A draft report has been prepared and will be transmitted to the Council in the Sept. 2 reading file. Figure 16 on page 40 of the report identifies Mr. Shriner's property as "Weak Retail – active ground floor use but weak/ limited street presence." The draft report will be discussed by the Downtown Advisory Committee (DAC) over the next few months. Based on the findings of the report, the DAC will recommend potential implementation actions to the City Council.

A Council study meeting for this purpose has been scheduled for January 20, 2009. If authorized, by the Council, zoning changes to implement the report would be referred to the Planning Commission and potentially completed by mid year, depending on other work program priorities identified by the Council. If, however, Comprehensive Plan amendments are also involved, code and plan amendments would likely be adopted at the end of the year (December, 2009).

The attached letter to Mr. Shriner assumes that the Council would like his request to be considered as part of the implementation of the Hovee retail report. However, this would defer a decision on Mr. Shriner's request well beyond the time frame he is hoping for. If the Council would like to address this request more quickly, the Council could direct the Planning Commission to consider a code amendment targeted to the Shriner property. The Commission's schedule is very full through the remainder of the year, so consideration of this amendment would either have to wait until early next year or the Council would have to reprioritize existing tasks.

Kirkland City Council,

Three years ago with the help of both Eric Shields and the City Council, I was able to purchase 16 Central Way for the purpose of opening a Windermere Real Estate office. Because of the commercial nature of our business and the requirement of retail in this space, we were able to open a very boutique style of office incorporating real estate sales and works of art. The office did very well and in a very short time we had 45 agents. However this did create some unexpected problems, namely parking. We had some agents racking up hundreds of dollars of parking fines. When the Sears building became available (7th and Market), I elected to buy that and move both my Juanita office and Central office there. Solving both location and parking problems.

I was able to sell the Juanita building quickly, but Central did not sell, so I tried the art gallery for a while and then a wine shop. The thing I discovered was, although this location was great for our office, it was not good for retail. It seems to be just out of the walking traffic that is in Kirkland. Since I tried strictly retail and it just did not work, I put the space up for sale in March. I have had a lot of interest, and a few offers, ranging from restaurants, doctors (of all types), dentists but no retail buyers. I now have 2 purchasers one is a plastic surgeon and the other is the Foster Foundation ([thefosterfoundation.org](http://thefosterfoundation.org)). I picked the Foster Foundation for three of reasons. One, having my own charitable foundation (Shoes from Santa) and the fact that Windermere has its own foundation; this is something very important to me. Two, the Foster Foundation being located in Kirkland and in this location, in my estimation, would be quite a feather in Kirkland's cap. And three, I believe the condos would be proud to have this foundation in their building.

What I am formally asking for is that the City Council relieves this space of the retail zoning burden so the Foster Foundation can make this their home.

Could you please help me and the Foster Foundation? Your help, as always is greatly appreciated.

Thank You,

Craig Shriner  
(can always be reached at 206-819-2897)

September 3, 2008

**DRAFT**

Craig Shriner  
Windermere Real Estate  
701 Market St.  
Kirkland, WA 98033

Re: Request to change ground floor retail requirement on Central Way

Dear Mr. Shriner,

Thank you for your letter to the City Council requesting a change to the zoning requirement for ground floor retail use on your property located at 16 Central Way. As you may be aware, the City recently engaged the services of a consultant to prepare a retail assessment and strategy for the downtown. A draft report designates your property as "Weak Retail – active ground floor use but weak/limited street presence" (see Figure 16, page 40). This appears to provide support for your concerns about the viability of retail uses on the site.

The draft retail strategy report will be discussed over the next few months by the Downtown Advisory Committee (DAC), an advisory group to the City Council. Your request will be forwarded to the DAC for consideration. The DAC will present recommended implementation actions to the City Council at a meeting tentatively scheduled for January 20, 2009. At that time, the City Council will determine whether to proceed with any actions, including whether to authorize further consideration of your request. Note that your request involves a change to the Zoning Code, which would require a public hearing by the Planning Commission before returning for a final decision by the City Council.

Thank you again for your request. We understand that you would prefer more immediate action. However, we believe that evaluating your request in light of a broader retail strategy for the downtown will result in a more thoughtful decision. We encourage you to read the retail strategy report and offer your comments to the City. The report may be viewed on the City's web site at: [www.ci.kirkland.wa.us/\\_shared/assets/interim\\_retail\\_report9636.pdf](http://www.ci.kirkland.wa.us/_shared/assets/interim_retail_report9636.pdf).

For more information about the report or the Downtown Advisory Committee, please contact Planning Supervisor Jeremy McMahan at [jmcmahan@ci.kirkland.wa.us](mailto:jmcmahan@ci.kirkland.wa.us) or 425-587-3229.

Sincerely,  
Kirkland City Council

by James Lauinger, Mayor

cc: Eric Shields, Planning Director  
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:** August 20, 2008  
**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) Donna L. Baker  
7512 124<sup>th</sup> Avenue NE  
Kirkland, WA 98033

**Amount:** \$1,887.19

**Nature of Claim:** Claimant states damage to property resulted from the water pressure surge in pipes after the water had been shut off.

- (2) Lynda Dennemarck  
23730 NE Salal Pl.  
Redmond, WA 98053

**Amount:** Unspecified amount

**Nature of Claim:** Claimant states injuries resulted from tripping over a raised section of sidewalk.

- (3) Ryan and Charmaine Hagstrom  
691 7<sup>th</sup> Street S.  
Kirkland, WA 98033

**Amount:** Unspecified amount

**Nature of Claim:** Claimant states damage to property resulted from a broken water main.

- (4) Matt Holmes  
15805 Waynita Way NE  
Bothell, WA 98011

**Amount:** \$4,345.20

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

- (5) Elizabeth Hoyer  
9915 119<sup>th</sup> Street NE, Apt. 204  
Kirkland, WA 98034

**Amount:** \$180.66

**Nature of Claim:** Claimant states damage to vehicle tire resulted from a screw imbedded in the roadway

- (6) Brian Lurie  
809 7<sup>th</sup> Street So.  
Kirkland, WA 98033

**Amount:** \$33,934.00

**Nature of Claim:** Claimant states damage resulted from the reversal of a property development decision.

- (7) The Sign Factory, Inc.  
815 8<sup>th</sup> Street  
Kirkland, WA 98033

**Amount:** Unspecified amount

**Nature of Claim:** Claimant states damage to property resulted from tree roots.



## 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)

Council Meeting: 09/02/2008

Agenda: Award of Bids

Item #: 8. e. (1).

## MEMORANDUM

**To:** David Ramsay, City Manager

**From:** Marilynne Beard, Assistant City Manager  
David Snider, PE, Capital Projects Supervisor

**Date:** August 21, 2008

**Subject:** City Hall Annex Renovation

### RECOMMENDATION:

It is recommended that City Council award the construction contract for the Kirkland City Hall Annex Renovation Project to Pattison General Contractor, Redmond, WA in the amount of \$1,235,562.60.

### BACKGROUND DISCUSSION:

The property known as the Kirkland City Hall Annex (Annex) is located at the northeast corner of the intersection of 1st Street and 3rd Avenue, on the southwest corner of the block occupied by the Kirkland City Hall (Attachment A.) Formerly leased to Hopelink, the building became vacant in 2007. A decision was made to renovate the building due to its historic significance and to use the building to relieve overcrowding in the current City Hall facility. The renovation of the Annex will provide 6,000 square feet of useable staff office space and will allow additional time to plan for the addition of a public safety facility. The Annex will initially house up to 30 staff and will provide additional meeting space. Possible future uses for the Annex building include public meeting spaces, a small conference center and/or a reception hall. When the City Council approved the project, they directed staff to preserve and/or restore the historic elements of the building, to incorporate public art and to apply green building practices to the project.

The Annex renovation project first appeared in the 2008 – 2013 CIP with a total project budget of \$1.8M. A preliminary design phase with programmatic study began in the fall of 2007 with the hiring of BOLA Architecture and Planning, an architectural firm specializing in historical and sustainable design. Involvement by the Heritage Society was a vital component of the preliminary study and design phase and by January, 2008 we moved into the design development and working drawing phase.

### **HISTORY**

The Annex building was originally built in 1923 by E. L. Sessions, a local undertaker, to house his mortuary business. The Sessions Mortuary also included a five-room apartment as a dwelling for the Sessions family.



According to property tax records, John R. Clark purchased the Sessions property in 1941 where he, too, operated a funeral parlor on the site – the Clark Funeral Home. In 1947, the Board of Home Missions of the Lutheran Free Church bought the property and fifteen years later the Northlake Unitarian Fellowship acquired the property. The Unitarian Fellowship owned the property for over thirty years until it was acquired by the City in 1993 where it served as interim offices for staff while City Hall was being expanded. In 2005, the building was leased to Hope Link and used as a social services facility and food bank until December 2006.

The Sessions Funeral Home is cited in the reference documents for its local significance as an early 20<sup>th</sup> century institution in Kirkland. Designed and built in a domestic style, it fit well within its original residential setting. The building's Craftsman style design contrasted to other funeral homes of the 1920s - 1940s. Changes to the building's interior have reduced its historic significance somewhat, with the exception of the original public spaces at the north side of the first floor. The building's exterior retains many of its original character-defining features, particularly on the primary west facade. The architect's design preserves and restores some of the original features of the building that had been modified over the years.



### **PROGRAM**

Given the existing condition of the building and its character-defining features, the rehabilitation design approach retained and enhanced the unique characteristics of the Kirkland Annex Building. The space programming for the building was an iterative process. Currently, the planned will be for City personnel with office work space and conference rooms. The long term plan will create a greater public use with meeting, conferencing and social gathering spaces. Consequently, the rehabilitation design took into account the future use of the building for assembly functions.

The offices in the Annex will be created primarily in open rooms subdivided by system furniture. A few small private offices and/or conference rooms are necessary to carry on group meetings and work requiring greater focus and/or privacy. A larger conference room is planned to allow for use by staff in the Annex, as well as those from the nearby City Hall. The public face of the City will continue to be in the City Hall, and reception functions will continue to occur in the main building. The Annex Building will be open to the public, but it will best serve City departments that require less interaction with public visitors than those that have greater interaction.

### **LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN (LEED)**

The design process resulted in the establishment of a base bid and six additive alternates. The work to be performed under the base bid consists of all activities necessary for the remodel of the existing building in order to function as City offices. The project scope includes upgrades to structural, mechanical, electrical and lighting systems. The project will also be a demonstration project for the City combining preservation and sustainability goals with an anticipated LEED – EB (Existing Building) Silver Certificate. In addition to the base bid, the design also established six additive alternates. The six alternates include:

1. Planting low maintenance /drought tolerant landscaping
2. Increasing the size of an existing ground floor light well
3. Providing new entry steps and railings
4. Replacing the existing roof
5. Installing awnings and a trellis on the building's south face
6. Providing areas of new matching building siding and trim.

Annex Award

Page 3

**ART**

The Cultural Council was established in 2002 to promote strategic planning and development for arts, culture and heritage. In 2006, the Cultural Council sponsored meetings with various entities to define a vision for public art in Kirkland. One of the themes that came out of the meeting is that art defines a community's character distinguishing it from neighboring communities. This ambience has been created in large part by the public art pieces that the City has acquired. To facilitate a more thoughtful and strategic plan for the arts, in 2007 the Cultural Council recommended and was granted a 1% for art allocation in the CIP budget, allowing for art to be integrated into public buildings. For the City Hall Annex, an artist selection process was held and a screenwall mural was commissioned (to be located on the southern end of the front porch.) The architect for the Annex project sat on the artist selection committee along with Robert Burke of the Kirkland Heritage Society, staff and members of the Cultural Council.

**AWARD**

The project had a construction estimate of \$1,204,186.22 for the base bid plus six additive alternates. On August 20<sup>th</sup> five contractor bids were received with Pattison being the lowest responsive and responsible bidder. A summary of contractor bids follows:

<b>CONTRACTOR</b>	<b>BASE BID</b>	<b>ALT 1</b>	<b>ALT 2</b>	<b>ALT 3</b>	<b>ALT 4</b>	<b>ALT 5</b>	<b>ALT 6</b>	<b>TOTAL</b>
<i>Estimate</i>	<i>\$947,266</i>	<i>\$19,054</i>	<i>\$13,653</i>	<i>\$43,493</i>	<i>\$24,364</i>	<i>\$40,884</i>	<i>\$16,084</i>	<i>\$1,204,186 w/tax</i>
Pattison General Con	\$ 965,284	\$ 18,510	\$ 5,730	\$ 62,752	\$ 40,624	\$ 23,182	\$ 17,461	\$1,235,563 w/tax
Roe E Dunham	\$1,129,500	\$ 5,450	\$ 5,655	\$ 59,700	\$ 32,200	\$ 22,400	\$ 11,880	\$1,380,796 w/tax
Apus Construction	\$1,116,000	\$ 22,700	\$ 11,400	\$ 90,000	\$ 17,000	\$ 17,500	\$ 22,000	\$1,413,294 w/tax
Biwell Construction	\$1,193,948	\$ 6,404	\$ 4,882	\$ 84,543	\$ 33,884	\$ 25,696	\$ 11,919	\$1,483,791 w/tax
Bayley Construction	\$1,190,000	\$ 20,300	\$ 2,200	\$ 80,800	\$ 54,600	\$ 26,800	\$ 71,000	\$1,575,813 w/tax

Based on the existing budget for the project, staff recommends that Council award the base bid plus all six alternates to the lowest responsible bidder, Pattison general Contractor, in the amount of \$1,235,562.60, which results in a remaining project budget contingency of approximately \$150,000 (Attachment B.)

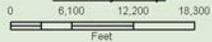
**CONSTRUCTION**

With an award of the contract by Council at their September 5<sup>th</sup> meeting, construction will begin in October with total project completion anticipated in spring, 2009.

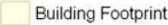
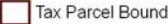
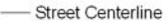
Attachments: (2)



Vicinity Map



Map Legend

-  Building Footprint
-  Tax Parcel Boundary
-  Street Centerline
-  Pavement Edge



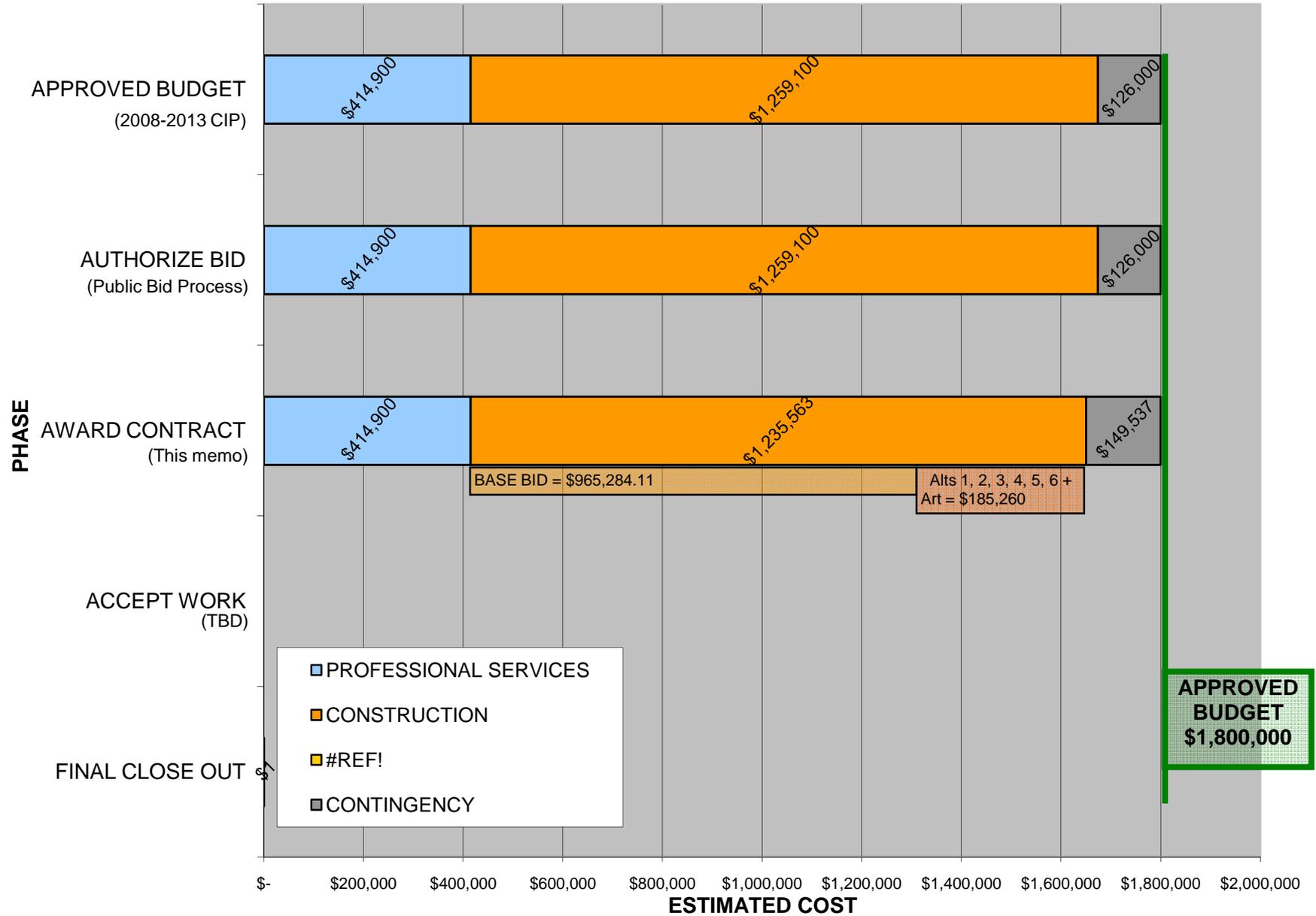
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**Annex Building Vicinity Map**

## PROJECT BUDGET REPORT

### KIRKLAND CITY HALL RENOVATION PROJECT





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

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## **MEMORANDUM**

**To:** David Ramsay, City Manager

**From:** Erin Leonhart, Intergovernmental Relations Manager

**Date:** August 19, 2008

**Subject:** LETTERS OF SUPPORT FOR FULL FUNDING FOR THE ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANTS IN ECONOMIC STIMULUS LEGISLATION

### RECOMMENDATION

It is recommended that Council authorize the Mayor to sign letters to 1<sup>st</sup> Congressional District legislators supporting the inclusion of \$2 billion for the Energy Efficiency and Conservation Block Grant (EECBG) Program, which will stimulate local economies and support environmental programs in communities across America.

### BACKGROUND DISCUSSION

In late 2007, Congress passed the Energy Independence and Security Act of 2007 providing local governments with new opportunities to combat climate change. The law includes a provision sponsored by Representative Albert Wynn (D-MD) and supported by the U.S. Conference of Mayors that creates a block grant program for cities and counties to institute programs to improve energy efficiency and reduce dependence on fossil fuels (see Attachment 1). Funding for the new Energy Efficiency and Conservation Block Grant (EECBG) program is authorized at \$2 billion annually, 68% of which goes directly to local governments. Cities with populations greater than 35,000 and counties with populations greater than 200,000 would receive direct funding determined by formula. Cities and counties with smaller populations would be eligible for competitive state funding.

While this program has been authorized under the new Energy law at \$2 billion a year, Congress must provide appropriations for the program to be funded. In June, the House Appropriations Committee appropriated \$295 million for the program in FY 2009. In July, the Senate Appropriations Committee decided not to include any funding for the EECBG program in their FY 2009 appropriations bill for the U.S. Department of Energy. Later this year or in early 2009, the House and Senate will decide upon a final funding level for the EECBG Program.

When Congress reconvenes in September, the House and Senate are planning to consider emergency economic stimulus legislation, providing another opportunity for local governments to urge Congress to provide full funding for the EECBG program. The City of Kirkland supports energy efficiency projects internally through facility projects and externally via the Kirkland Green Building Program. This program has the potential to support these efforts as well as provide economic development opportunities consistent with the Sustainability Assessment. Attachment 2 is a

draft letter to be mailed to Senator Murray, Senator Cantwell and Representative Inslee encouraging support of appropriations to fund the EECBG program.

Attachment 1 – *The Energy Efficiency and Conservation Block Grant (EECBG)* Fact Sheet

Attachment 2 – Draft Letter to Senator Cantwell, Senator Murray and Representative Inslee

## The Energy Efficiency and Conservation Block Grant (EECBG)

# The Energy Efficiency and Conservation Block Grant (EECBG)

As included in the Energy Independence and Security Act of 2007

### What is the Purpose of the EECBG Program?

To assist eligible entities in implementing energy efficiency and conservation strategies—

- ✓ to reduce fossil fuel emissions created as a result of activities within the jurisdictions of eligible entities;
- ✓ to reduce total energy use; and
- ✓ to improve energy efficiency in the transportation, building, and other appropriate sectors.

### What Activities are Eligible Under the EECBG Program?

- Developing/implementing an energy efficiency and conservation strategy;
- Retaining technical consultant services to assist in the development of such a strategy;
- Conducting residential and commercial building energy audits;
- Establishing financial incentive programs for energy efficiency improvements (e.g., *loan programs, rebate programs, waive permit fees*);
- Providing grants to nonprofit organizations to perform energy efficiency retrofits;
- Developing/implementing programs to conserve energy used in transportation (e.g., *flex time by employees, satellite work centers, promotion of zoning requirements that promote energy efficient development, transportation infrastructure: bike lanes/pathways, pedestrian walkways, and synchronized traffic signals*);
- Developing and implementing building codes and inspection services to promote building energy efficiency;
- Implementing energy distribution technologies;
- Developing public education programs to increase participation and efficiency rates for recycling programs;
- Purchasing/implementing technologies to reduce and capture methane and other greenhouse gases generated by landfills or similar sources;

- Installing light emitting diodes (LEDS);
- Developing, implementing, and installing on or in any government building of onsite renewable energy technology that generates electricity from renewable resources (solar and wind energy, fuel cells, and biomass); and
- Any other activity as determined by the Secretary of Energy in consultation with the Secretaries of Transportation and Housing and Urban Development and the Administrator of the Environmental Protection Agency.

### What are the Requirements for Direct Block Grant Recipients under the EECBG Program?

- Not later than one year after receipt of first year funding, eligible communities are required to submit to DOE Secretary a proposed Energy Efficiency and Conservation Strategy as described under eligible activities, and which includes the goals and proposed plan for the grant.
- The Strategy shall be approved or disapproved by the Secretary within 120 days or returned to the entitlement communities for revision.
- No more than 10%, or \$75,000, whichever is greater, may be expended on administrative expenses (e.g., staffing);
- No more than 20% or \$250,000, whichever is greater, may be used for the establishment of revolving loan funds.
- No more than 20% or \$250,000, whichever is greater, may be used for the sub-granting to non-governmental organizations for the purpose of assisting in the implementation of the Energy Efficiency and Conservation Strategy.

### Annual Report—

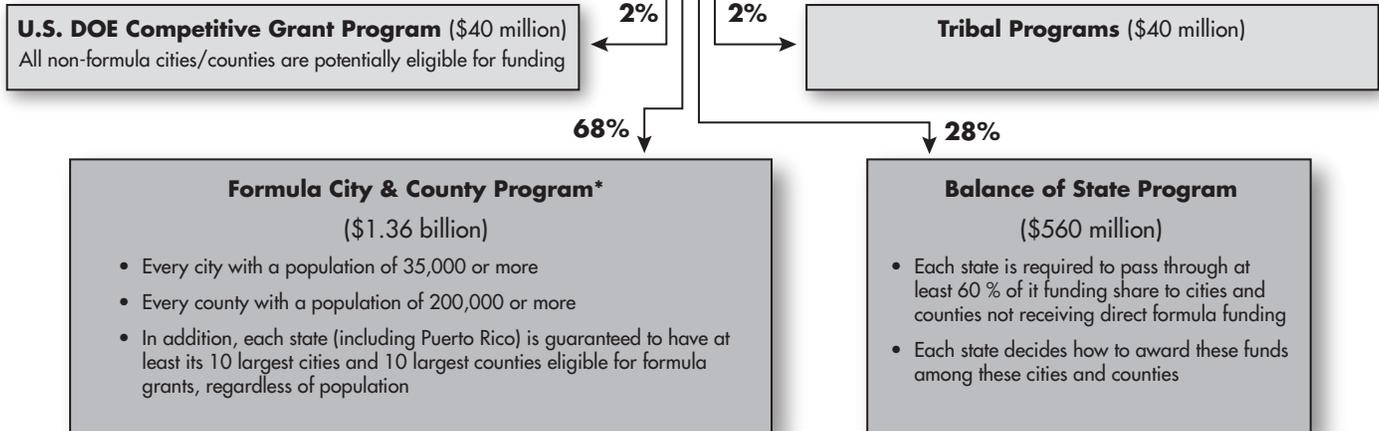
- No later than two years after the date on which funds are initially provided to eligible communities and annually thereafter, the eligible communities shall submit to the DOE Secretary a report describing—
  - ✓ the implementation of the Energy Efficiency and Conservation Strategy, and
  - ✓ energy efficiency gains.

# The Energy Efficiency and Conservation Block Grant (EECBG)

## EECBG Funding Allocations

### \$2 Billion Annual Appropriation

First year funding can be used for strategy development; funding in subsequent years is only for implementation of city and county strategies approved by U.S. DOE.



\* Law (PL 110-140) directs U.S. DOE to develop a formula for allocating block grant funds among these cities and counties, with population factors a key consideration.

### What are the Requirements for States under the EECBG Program?

- A state that receives a grant under the program shall use not less than 60 percent of the amount received to provide subgrants to non-entitlement communities no later than 180 days after the date on which the DOE Secretary approves a proposed Energy Efficiency and Conservation Strategy of the State.
- No later than 120 days after enactment of the law each state shall modify its energy conservation plan to establish additional goals for increased energy efficiency and conservation.
- Also within those 120 days, each state will submit to the DOE Secretary a proposed Energy Efficiency and Conservation Strategy that establishes a process for providing subgrants to non-entitlement communities and includes a plan for the use of their money to implement their energy conservation plan. The DOE Secretary has 120 days to approve or disapprove a proposed strategy. If a strategy is disapproved, the Secretary will provide reasons for disapproval and allow the recipient to resubmit as many times as needed until the Secretary approves a proposed strategy.)

- A state may not use more than 10 percent of amounts provided for administrative expenses.
- Each state that receives a grant under the program shall submit to the DOE Secretary an annual report that describes the status of the implementation of the State's conservation strategy, the status of the subgrant program, and the energy efficiency gains achieved.

### Who is Eligible for U.S. DOE Competitive Grants and How Do I Apply?

- Units of local governments (including Indian tribes) that are not eligible entities and consortia of those units of local government can submit an application at the time and manner that the DOE Secretary designates and includes a plan that outlines the eligible activities that they will be implementing. Priority will be given to units of local governments located in States with populations of less than 2,000,000 or to plans that carry out projects that would result in significant energy efficiency improvements or reduction in fossil fuel use.

September 3, 2008

**DRAFT**

United States Senator Maria Cantwell  
511 Dirksen Senate Office Building  
Washington, DC 20510

Dear Senator Cantwell:

As Congress prepares to consider national economic stimulus legislation this September, the Kirkland City Council would like to express support of the inclusion of \$2 billion for the Energy Efficiency and Conservation Block Grant (EECBG) Program, which will create jobs and stimulate local economies in communities across America. The City of Kirkland supports the economic and environmental opportunities this funding would provide.

As you know, last year Congress passed the Energy Independence and Security Act of 2007. The law creates a new program for cities and counties to enact strategies that reduce fossil fuel emissions, cut total energy use, and improve energy efficiency. Funding for the new EECBG program is authorized at \$2 billion annually, 68% of which goes directly to local governments. Cities with populations greater than 35,000 and counties with populations greater than 200,000 would receive direct funding determined by formula. Cities and counties with smaller populations would be eligible for state-allocated funding.

Federal support of the EECBG Program will provide an immediate economic boost to local communities across America. Local governments are ready to implement thousands of energy improvement projects including implementation of solar, wind and biomass renewable technologies, the replacement of inefficient windows, insulation and boilers, and the installation of light emitting diode infrastructure. In addition to fueling economic recovery, these projects have the additional benefit of putting the nation on a course toward energy independence and reducing greenhouse gas emissions.

The City of Kirkland encourages you to sign onto the bipartisan letter from Senators Hillary Clinton (D-NY), Susan Collins (R-ME), Robert Menendez (D-NJ), and Bernard Sanders (I-VT) to the leaders of the Senate Appropriations Committee urging them to include \$2 billion for the EECBG program in the economic stimulus legislation.

Thank you for your consideration.

Sincerely,

Kirkland City Council

by James L. Lauinger, Mayor

September 3, 2008

**DRAFT**

United States Representative Jay Inslee  
The House of Representatives  
403 Cannon House Office Building  
Washington, D.C. 20515-4701

Dear Congressman Inslee:

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Thank you for your consideration.

Sincerely,

Kirkland City Council

by James L. Lauinger, Mayor

September 3, 2008

**DRAFT**

The Honorable Patty Murray  
United States Senate  
173 Russell Senate Office Building  
Washington, DC 20510

Dear Senator Murray:

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Thank you for your consideration.

Sincerely,

Kirkland City Council

by James L. Lauinger, Mayor



**CITY OF KIRKLAND**

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:** August 21, 2008

**Subject:** 2009 – 2014 TRANSPORTATION IMPROVEMENT PROGRAM (TIP) - SET PUBLIC HEARING DATE

RECOMMENDATION:

It is recommended that the City Council establish September 16, 2008 as the date to hold a public hearing on the proposed 2009-2014 TIP.

BACKGROUND DISCUSSION:

The purpose of the hearing is to provide an opportunity for the public to comment and provide input on City transportation projects. Adoption of a six-year TIP is in accordance with RCW 35.77.010 and 47.26.210 and is used to designate transportation projects which are eligible for federal, state and/or local funding.

For the most part, the projects that are identified in the 2009-2014 TIP mirror the transportation element of the 2009-2014 CIP. An exception to this is where the TIP includes projects that are identified in the 117 street operating fund (loop detector replacement and sidewalk repair, etc.).

The proposed 2009–2014 TIP will be presented to the Kirkland Transportation Commission on August 27, 2008.



**CITY OF KIRKLAND**  
Department of Planning and Community Development  
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:** Dawn Nelson, AICP, Planning Supervisor

**Date:** August 13, 2008

**Subject:** ARCH HOUSING TRUST FUND RECOMMENDATION FOR SPRING 2008, File MIS08-00001

### RECOMMENDATION

Staff recommends that the City Council adopt a motion to approve the recommendations and conditions of approval of the ARCH Executive Board for the Spring 2008 Housing Trust Fund to allocate \$211,000 to the Housing Resource Group Kenmore Village project.

### BACKGROUND DISCUSSION

As in previous funding rounds, general funds set aside by the Council for low and moderate income housing development projects are administered through the ARCH Housing Trust Fund application process. The ARCH Executive Board has recommended that \$211,000, previously allocated from the Kirkland general fund to the ARCH Housing Trust Fund, be awarded to the Housing Resource Group Kenmore Village project. This project will provide 100 units of rental housing affordable to families earning between 30% and 60% of median income. Ten of the units will be available for homeless. The property is part of the 9.6 acre Kenmore Village by the Lake master development, which will include 70,000 square feet of retail development and up to 300 market rate housing units. The award would be made in the form of a contingent loan.

A summary of the Executive Board recommendation for this and other projects that Kirkland has not been asked to provide funding for in this round is included as Attachment 1 to this memorandum. Additional information about the projects and their financing is included as Attachment 2. Additional information regarding the proposed projects can be provided at the September 2<sup>nd</sup> City Council meeting, if desired.

Cc: Art Sullivan, ARCH, 16225 NE 87<sup>th</sup> Street, Suite A-3, Redmond, Washington 98052



## ATTACHMENT 1 ARCH HOUSING TRUST FUND

Family Resource Center Campus  
16225 NE 87<sup>th</sup> Street, Suite A-3 ♦ Redmond, Washington 98052  
(425) 861-3677 ♦ Fax: (425) 861-4553 ♦ WEBSITE: [www.archhousing.org](http://www.archhousing.org)

TO: City of Bellevue Council Members  
City of Redmond Council Members  
City of Kirkland Council Members  
City of Mercer Island Council Members  
City of Kenmore Council Members  
City of Newcastle Council Members  
City of Issaquah Council Members  
City of Woodinville Council Members  
City of Clyde Hill Council Members  
City of Sammamish Council Members

FROM: Ava Frisinger, Chair, ARCH Executive Board

DATE: July 17, 2008

RE: Spring 2008 Housing Trust Fund (HTF) Recommendation

The ARCH Executive Board has completed its review of the applications received for the Spring funding round of the 2008 Housing Trust Fund. The ARCH Executive Board recommendations this round are different than previous rounds. The ARCH Executive Board recommendations include current funding commitments totaling \$2,850,000, and keeping up to \$1,800,000 as a place holder or set-aside over the next two years for two projects (complete funding of the HRG Kenmore Village project and the planned YWCA Family Village in Issaquah Highlands). In addition, the ARCH Executive Board is recommending the allocation of up to 55 Section 8 vouchers to these three projects. A summary of the proposed funding recommendations is attached.

The ARCH's analysis and recommendation attempted to account for the potential of three larger projects, including two city initiated projects which are anticipated to proceed over the next several years. Two of these projects, HRG's Kenmore Village and St Andrews' St Margarets property, submitted a formal application in the Spring Round. The third, YWCA Family Village in Issaquah is anticipated to submit an application for its first phase in the Fall 2008 Trust Fund Round.

As a whole, the ARCH Executive Board believes all three are strong projects, and all three potentially worthy of support over the next few funding rounds. They are all well located near transit and services, and relatively large. All will apparently need a relatively large amount of local support (\$1.5+ million each) to be successful. The ARCH Executive Board has attempted to develop a funding strategy that would allow all three to be supported in the event they are ready to proceed. In addition, the ARCH Executive Board proposal leaves some current funds



## ATTACHMENT 1 ARCH HOUSING TRUST FUND

### Funding Rationale:

The ARCH Executive Board supports the concept of the proposed affordable housing project, as well as SAHG as a potential community partner. Elements of the proposal that the ARCH Executive Board supported include:

- Will include supportive housing for veterans and homeless populations;
- Is consistent with the objectives of the King County 10 Year Plan and East King County Plan to End Homelessness, including providing units for individuals as well as families.
- Long term affordability to a vulnerable population, including housing affordable at 30% of median income;
- Strong leverage of other public and private funding, including funding sources not historically used in East King County;
- The site would be located convenient to employment, shopping and transit.
- Proposal takes advantage of using underutilized church property.
- High proportion of homeless units justifies deferred loan proposal.

While a funding commitment is recommended at this time, it is acknowledged that there are some significant design and operating elements of the project that need to be more fully developed. Therefore there are several recommended conditions that will allow ARCH staff and ARCH Executive Board and City Staff to actively review the progress of the project.

### Funding Conditions:

1. The funding commitment shall continue for six (6) months from the date of Council approval and shall expire thereafter if all conditions are not satisfied. An extension may be requested to City staff no later than sixty (60) days prior to the expiration date. At that time, the applicant will provide a status report on progress to date, and expected schedule for start of construction and project completion. City staff will consider an extension only on the basis of documented, meaningful progress in bringing the project to readiness or completion. At a minimum, the applicant will demonstrate that all capital funding has been secured or is likely to be secured within a reasonable period of time. City staff will grant up to a 12 month extension. If necessary a second extension of up to 12 months may be requested by following the same procedures as the first extension.
2. The Agency may request release of funds prior to start of construction for the purpose of acquiring the site. City staff approval of such a request shall be based on such considerations as commitment of all capital and services funding, and approval of land use and design review approvals.
3. Prior to submitting a funding application for the State Housing Trust Fund, and Low Income Housing Tax Credit, the applicant shall submit a copy of the project description and updated budgets for review by City Staff. Any significant changes to the description and budget must be approved by City Staff. As part of this review, the applicant shall submit updated terms for the purchase of the property and project development fees for review and approval by City Staff. City approval of land price will account for several factors including:
  - The total number of units to be developed;

## ATTACHMENT 1 ARCH HOUSING TRUST FUND

- Incremental development costs, if any, for the housing associated with accommodating any church related uses (e.g. parking) on the portion of the property set aside for housing;
- Incremental increase in land value resulting from rezoning of the property.

The City shall not unreasonably withhold its approval to a revised budget, so long as such new budget does not materially adversely change the Project and addresses the terms of the funding conditions. Any material changes shall be approved by the ARCH Executive Board after review by the ARCH Citizen Advisory Board.

4. Funds will be in the form of a deferred loan. Loan terms will account for various factors, including loan terms from other fund sources and available cash flow. Final loan terms shall be determined prior to release of funds and must be approved by City Staff. Based on the preliminary development budget, it is anticipated that no interest will be charged and loan payments will be deferred for 30 years, with repayment in years 31 through 50. The terms will also include a provision for the Applicant to request a deferment of a payment if certain conditions are met (e.g. low cash flow due to unexpected costs). Any requested deferment of loan payment is subject to approval by City Staff, and any deferred payment would be repaid from future cash flow or at the end of the amortization period.

5. All cash flow after payment of operating expenses and debt service shall be placed into a project reserve account that can be used by the applicant for project related operating or services expenses, repayment of the deferred developer fee, or payment of an asset management fee. Any other use of these reserves funds must be approved by City staff.

6. A covenant is recorded ensuring affordability for at least 50 years, with affordability as shown in the following table. In the event, fewer than 61 units are built, the mix of homeless units, affordability levels and bedroom mix will maintain the same proportionality as in the table below unless otherwise approved by City staff. Affordability levels will be defined using the requirements for tax credits, and utility costs will be based on King County Housing Authority allowances, unless otherwise approved by City Staff.

Affordability Level	Studio	1 Bedrm	2 bedrm	Total
<b>VA Transitional Units</b>	<b>18</b> <b>30% AMI</b>	<b>4</b> <b>1@ 30% AMI</b> <b>3 @ 60% AMI</b>	<b>4</b> <b>30% AMI</b>	<b>26</b>
<b>Homeless Supportive Housing</b>	<b>6</b> <b>30% AMI</b>	<b>14</b> <b>40% AMI</b>		<b>20</b>
<b>Permanent Housing</b>		<b>6</b> <b>1@40% AMI</b> <b>5@ 60% AMI</b>	<b>8*</b> <b>1@ 30% AMI</b> <b>7@ 60% AMI</b>	<b>14</b>
<b>Total</b>	<b>24</b>	<b>24</b>	<b>12</b>	<b>60</b>

\*These may be Section 8 units.

In addition, there is a 2-bedrm manager's unit which will not be income restricted

## ATTACHMENT 1 ARCH HOUSING TRUST FUND

The transitional and homeless units shall be affordable to households at the time of occupancy with incomes at or below 30% of median income, adjusted for household size, and including an appropriate utility allowance. It is understood that City staff will have the discretion to approve modifications to the requirement related to the Transitional and Homeless supportive units in the event that support services funding is changed. The intent is that the units would remain affordable to the targeted income levels stated in the chart unless necessary to maintain the economic viability of the property. In no event will the affordability level for any unit exceed 60% of median income.

7. Prior to the end of 2008, or such later date approved by City staff, but prior to the release of funds, the applicant will complete and submit a project program manual for review by the ARCH Citizen Advisory Board. The manual must be reviewed and approved by City staff and the ARCH Citizen Advisory Board. In addition, this manual will be reviewed by an experienced homeless service provider selected by the ARCH Citizen Advisory Board. At a minimum, the manual shall address:

- tenant selection and screening procedures for the different resident populations.
- management procedures to address tenant needs:
  - including house rules and requirements,
- the duties of the resident manager
  - integration of services and management policies for different populations
- the duties of the other on-site staff, and hours and staffing levels for providing services;
- If on-site staffing is not directly provided 24 hours, procedures for responding to service needs when service staff are not available.
- Range of services residents will be able to access directly on property or through formal arrangements with other agencies.
- Description of agencies with formal service agreements to serve residents including for each agency
  - Type of services provided by agency
  - Whether services will be provided on or off-site
  - How agency will be compensated for services provided. If from agency's general budget, how agency will prioritize providing services to residents of this property versus other members of the community seeking services.
- Process for developing service program for individual residents of units serving homeless, including:
  - Lease provisions related to consequences for not participating in initial or revised services provisions.
  - Type of assistance for VA units to help secure permanent housing.
- Programs/services specifically geared to the needs of children living on-site.
- a short and long term strategy for covering operating and service expenses,
- Process for maintaining communication with neighbors,
- How parking will be managed, especially if City permits a reduction in required parking,
- Whether shuttle or other transportation service will be available to any of the residents;
- a summary of affordability requirements,
- annual monitoring procedure requirements.

**ATTACHMENT 1  
ARCH HOUSING TRUST FUND**

8. The site plan shall include a children play area whose design will account for location of play area relative to location of family and single household units.
9. The Agency shall adhere to the community outreach program submitted as part of the application process.
10. In the event that support services funding levels will be reduced, the Agency shall inform City Staff about the impacts the proposed reduction will have on the budget and plan for services to residents, and what steps shall be taken to address the impacts. A new budget or services plan must be approved by the City.
11. In the event that the proposed public capital funding sources are reduced from the proposed levels, or capital costs increase, the Agency will look toward private fundraising to cover any funding gaps.
12. Funds shall be used by St Andrews (Agency) toward project acquisition or other development costs, as approved by City Staff. Funds may not be used for any other purpose unless city staff has given written authorization for the alternate use.
13. The Agency shall submit evidence of funding commitments from all proposed public and private sources. In the event commitment of funds identified in the application cannot be secured in the time frame identified in the application, the Agency shall immediately notify city staff, and describe the actions it will undertake to secure alternative funding and the timing of those actions subject to city staff's review and approval. Prior to initiating construction on any home, the Agency shall submit evidence of all public and private resources needed to complete the home.
14. The Agency shall provide a revised development budget based upon actual funding commitments, which must be approved by city staff. If the Agency is unable to adhere to the budget, city staff must be immediately notified and a new budget shall be submitted by the Agency for the City's approval. The City shall not unreasonably withhold its approval to a revised budget, so long as such new budget does not materially adversely change the Project. This shall be a continuing obligation of the Agency. Failure to adhere to the budgets, either original or as amended, may result in withdrawal of the City's commitment of funds.
15. The Agency shall maintain documentation of any necessary land use approvals and permits required by the City.
16. In the event federal funds are used, and to the extent applicable, federal guidelines must be met, including but not limited to: contractor solicitation, bidding and selection; wage rates; and Endangered Species Act (ESA) requirements. CDBG funds may not be used to repay (bridge) acquisition finance costs.
17. Submit monitoring reports quarterly through completion of the project, and annually thereafter. Submit a final budget upon project completion. If applicable, submit initial tenant information as required by the City.

**ATTACHMENT 1  
ARCH HOUSING TRUST FUND**

**2. Housing Resources Group (HRG): Kenmore Village**

Funding Request:                 \$1,600,000 (Deferred Loan)  
  17 Section 8 Vouchers

ARCH Executive Board Recommendation: \$1,300,000 Commitment from current sources  
(1% Contingent Loan)

See attached Funding Chart for distribution of City Funds.  
Up to \$ 300,000 Reserved from 2009 funds.

ARCH Citizen Advisory Board and Executive Board  
review updated project information in Spring 2009 for any  
significant changes, additional conditions and need for up  
to \$300,000.

17 Section 8 Vouchers

**Project Summary:**

The Housing Resources Group is proposing construction of 100 units of affordable rental housing and a 6,000 square foot retail condominium as a part of the larger Kenmore's Town Center Development. The affordable housing will include 12 studios, 59 one-bedroom and 23 two-bedroom units serving low income families earning between 30 and 60 percent of the area median income (AMI) They also propose receiving an allocation of 17 Section 8 vouchers which will allow the project to serve families at deeper levels of affordability. The development will be located on a 1.35 acre portion of a 9.6 acre parcel currently owned by the City. The site currently houses an older retail commercial center, City Hall and a vacated Park n Ride Site. The City is selling the property to Kenmore Partners for a master development (Kenmore Village by the Lake) to act as a catalyst site for the creation of a town center. This overall development will include approximately 70,000 square feet of commercial space, up to 300 market-rate housing units and the 100-unit affordable housing units. A new city hall will be constructed across the street from Kenmore Village by the Lake. The City required that the development include affordable units, and in order to facilitate development of the affordable housing, Kenmore Partners is donating the land area for the affordable housing, a value of approximately \$3.5 million.

The mixed-use affordable housing building will be in a "L" shape with a Southwest facing 10,000 square foot courtyard. The bottom two floors will house 6,000 square feet of commercial space and 9 loft units with entry stoops. Above will be four floors of housing. There will be two levels of parking built below the courtyard with approximately 94 parking stalls. Loft units will have front entries set-off from the sidewalk to encourage a sense of community and connection to the neighboring community. Other on-site amenities will include common laundry rooms, community meeting space, and a dedicated play area for kids. The 6,000 square feet of commercial space and associated parking will be condominiumized and sold back to Kenmore Partners.

**Funding Rationale:**

**ATTACHMENT 1  
ARCH HOUSING TRUST FUND**

The ARCH Executive Board supported this application for the following reasons:

- Provides long term affordability at several income levels for families.
- Is located convenient to shopping, services and transit.
- Integral part of a larger community development effort that Kenmore has been pursuing for several years. City's efforts have resulted in land being made available at no cost to HRG.
- Helps to off-set the loss of rental housing in the general area resulting from condominium conversion.
- HRG is an experienced provider of affordable family housing and would be their first effort in East King County.

Potential Special / Revised Conditions:

1. The funding commitment shall continue for twelve (12) months from the date of Council approval and shall expire thereafter if all conditions are not satisfied. An extension may be requested to City staff no later than sixty (60) days prior to the expiration date. At that time, the applicant will provide a status report on progress to date, and expected schedule for start of construction and project completion. City staff will consider an extension only on the basis of documented, meaningful progress in bringing the project to readiness or completion. At a minimum, the applicant will demonstrate that all capital funding has been secured or is likely to be secured within a reasonable period of time. City staff will grant up to a 12 month extension. If necessary a second extension of up to 6 months may be requested by following the same procedures as the first extension.

2. Funds will be in the form of a contingent loan. Loan terms will account for various factors, including loan terms from other fund sources and available cash flow. Final loan terms shall be determined prior to release of funds and must be approved by City Staff. Based on the preliminary development budget, it is anticipated that loan payments will be based on a set repayment schedule, and begin in the year after repayment of the deferred developer fee (approximately 10 years). The terms will also include a provision for the Applicant to request a deferment of a payment if certain conditions are met (e.g. low cash flow due to unexpected costs). Any requested deferment of loan payment is subject to approval by City Staff, and any deferred payment would be repaid from future cash flow or at the end of the amortization period.

3. Until such time as the deferred developer fee is fully repaid, all cash flow after payment of operating expenses and debt service, shall be used to repay the deferred developer fee.

**ATTACHMENT 1  
ARCH HOUSING TRUST FUND**

4. A covenant is recorded ensuring affordability for at least 50 years, with affordability as shown in the following table. Affordability levels will be defined using the requirements for tax credits, and utility costs will be based on King County Housing Authority allowances, unless otherwise approved by City Staff.

Median Income Level	Studio	1 Bedrm	2 bedrm	Total
<b>Very Low Income 30% AMI</b>			<b>10*</b>	<b>10</b>
<b>Low Income * 31-50% AMI</b>	<b>12</b>	<b>51</b>	<b>7*</b>	<b>70</b>
<b>Moderate Income 51-60% AMI</b>		<b>8</b>	<b>12</b>	<b>20</b>
<b>Total</b>				<b>100</b>

- **\*17 of these may be Section 8 units.**
- **The manager's unit will not be income restricted**

5. Provide a copy of the final financing package for completing construction of the commercial space. Any loans or funding used to complete construction of the commercial space will not be secured by the land or the residential units. If requested, agency will provide copies of financing documents to confirm consistency with funding conditions. Confirmation of how construction of commercial space will be constructed, financed and any debt will not be secured by the residential units.

6. Submit any documentation that either a) provide any oversight by HRG on the long term use of the commercial space located on the ground floor of the building and/or b) limits the type of commercial uses that can be located in this commercial space.

7. Provide a copy of the residential market study.

8. Submit documentation of the City's approval of the provision of parking for residents.

9. HRG will give priority for 10 units (10% of total) to be available for homeless households pursuant to the following:

- The unit mix of the units prioritized for homeless households will be reviewed and approved by City staff;
- Families / residents will have to meet one of the criteria for homelessness as described in the attached document;
- Families/Residents will have their own support services, and if needed, rent buy down assistance, through HRG partner agencies that work with persons at risk for homelessness;
- Units will be held for up to two weeks while trying to find a qualified resident, if one is not found then that unit will be rented to an otherwise qualified tenant and the next available, comparable unit will be targeted to a homeless family;

**ATTACHMENT 1  
ARCH HOUSING TRUST FUND**

- HRG will continue to maintain relationships with service providers who serve homeless and chronically homeless families and will perform outreach to these service providers to try to place eligible clients in units at Kenmore.
- Working with specifically identified partner service agencies, HRG will utilize more relaxed screening criteria on these units, similar to those used in other HRG projects with
- Prior to completion of construction, HRG will work with City Staff to identify specific partner service agencies for this project. Potential partner service agencies include but are not limited to: Jewish Family Services, YWCA, YMCA, HomeStep and King County
- In the event a coordinated/centralized screening and referral system is adopted by the County and ARCH, HRG will participate in that program as a source for identifying homeless households for residency. Use of a centralized screening and referral system would be consistent with the other provisions of this condition.

10. Funds shall be used by HRG (Agency) toward project construction, design and development fees or other development costs, as approved by City Staff. Funds may not be used for any other purpose unless city staff has given written authorization for the alternate use.

11. The Agency shall submit evidence of funding commitments from all proposed public and private sources. In the event commitment of funds identified in the application cannot be secured in the time frame identified in the application, the Agency shall immediately notify city staff, and describe the actions it will undertake to secure alternative funding and the timing of those actions subject to city staff's review and approval. Prior to initiating construction on any home, the Agency shall submit evidence of all public and private resources needed to complete the home.

12. The Agency shall provide a revised development budget based upon actual funding commitments, which must be approved by city staff. If the Agency is unable to adhere to the budget, city staff must be immediately notified and a new budget shall be submitted by the Agency for the City's approval. The City shall not unreasonably withhold its approval to a revised budget, so long as such new budget does not materially adversely change the Project. This shall be a continuing obligation of the Agency. Failure to adhere to the budgets, either original or as amended, may result in withdrawal of the City's commitment of funds.

13...The Agency shall maintain documentation of any necessary land use approvals and permits required by the City.

14. The Agency shall submit a property management plan prior to release of funds. At a minimum, the property management plan will address: a description of the relationship of residents to the program and services, resident selection procedures, management procedures to address resident needs, services available for residents and a short and long term strategy for covering operating expenses. It shall also include a summary of the ARCH annual monitoring procedures. The management plan must be approved by City Staff to insure compliance with the funding conditions.

15. In the event federal funds are used, and to the extent applicable, federal guidelines must be met, including but not limited to: contractor solicitation, bidding and selection; wage rates; and Endangered Species Act (ESA) requirements.

**ATTACHMENT 1  
ARCH HOUSING TRUST FUND**

16. Submit monitoring reports quarterly through completion of the project, and annually thereafter. Submit a final budget upon project completion. If applicable, submit initial tenant information as required by the City.

## ARCH HOUSING TRUST FUND (HTF) APPLICATIONS SPRING 2008

Applicant	Funds Requested (Grant/Loan) // Recommendation	Housing Type/ # of units/ bdrms	Income Served	Project Location	Duration of benefit	Total cost per unit	HTF cost per aff. unit	Project completion
St Andrew's Housing Group St. Margaret's Apartments	\$1,550,000 (Deferred Loan)  12 Section 8  <u>Recommendation</u> \$1,550,000 (Deferred Loan)  Up to 12 Section 8	New Construction  40-61 Total  ~ 40% Studios ~ 40% One-Bedrooms ~ 20% Two-Bedrooms	30 at 30% 15 at 40% 15 at 60% 1 Mngr Unit  12 Section 8  75% Homeless Units [ ~ 60% Transitional units for homeless veterans/families / ~ 40% Permanent Supportive Homeless Units]	4228 Factoria Blvd, SE  Bellevue	50 Years	\$275,896	\$25,410 ↕ \$37,800	September 2011
Housing Resource Group (HRG) Kenmore Village by the Lake	\$1,600,000 (Contingent Loan)  17 Section 8 //  <u>Recommendation</u> \$1,300,000 – 2008 \$300,000 – 2009 (Contingent Loan)  17 Section 8	New Construction  100 Total  12 Studios 59 One-Bedrooms 29 Two-Bedrooms	10 at 30% 70 at 50% 20 at 60%  17 Section 8	6801 NE 181 <sup>st</sup> St.  Kenmore	50 Years	\$266,930  (Includes \$35,000 per unit in land value)	\$16,000	July 2011

**ARCH HOUSING TRUST FUND, SPRING 2008****Leveraging Funds - -**

	SAINT ANDREW'S Saint Margaret's		HOUSING RESOURCE GROUP Kenmore Village by the Lake		TOTAL
<b>ARCH</b>	\$1,550,000	9%	\$ 1,600,000	6%	\$3,150,000
Local Public			\$ 3,500,000 (Land)		\$3,500,000
King County HOF/HOME/CDBG 2060/2163 Veterans/Human Services Other	\$2,850,000 \$850,000		\$ 1,700,000		
<b>KC TOTAL</b>	\$ 3,700,000	22%	\$ 1,700,000	0%	\$5,400,000
WA HAP WA HTF WA HFC (Equity Fund)	\$2,000,000	12%	\$ 3,250,000	12%	
		0%			
<b>WA TOTAL</b>	\$ 2,000,000		\$ 3,250,000		\$5,250,000
Federal/HUD Section 811 McKinney Other (VA Per Diem)	\$1,170,000				
<b>FEDERAL TOTAL</b>	\$ 1,170,000		\$ -	0%	\$1,170,000
<b>Tax Credits</b>	\$6,259,624	37%	\$ 7,088,634	27%	\$13,348,258
<b>Federal Home Bank</b>	\$500,000	3%	\$ 899,900	3%	\$1,399,900
<b>Bonds</b>	\$0	0%	\$ 6,737,928	25%	\$6,737,928
<b>Bank Loans</b>	\$1,400,000	8%	\$ -	0%	\$1,400,000
<b>Deferred Developer Fee</b>	\$184,889		\$ 1,916,563		
<b>Private</b>	\$0	0%		0%	\$0
<b>Other</b>	\$65,187	0%	\$0	\$0	\$65,187
Operations	\$65,187				
<b>TOTAL COST</b>	\$ 16,829,700	92%	\$ 26,693,025	73%	\$43,522,725

## SPRING 2008 HOUSING TRUST FUND: PROPOSED FUNDING SOURCES

SOURCE	PROJECT			TOTAL
	St Andrews St Margarets	HRG Kenmore Village	YWCA Family Village	
<b>Request</b>	\$ 1,550,000	\$ 1,600,000	~\$1,500,000	
<b>ARCH Executive Board Recommendation</b>				
Current Funding	\$ 1,550,000	\$ 1,300,000		\$ 2,850,000
Reserve/Set-aside		\$ 300,000	\$ 1,500,000	\$ 1,800,000
<b>Current Funding</b>				
Sub-Regional CDBG	\$ 591,837			\$ 591,837
Bellevue				
CDBG	\$ 280,000			\$ 280,000
General Fund	\$ 678,163	\$ 500,000		\$ 1,178,163
Issaquah				
General Fund		\$ 40,000		\$ 40,000
Kirkland				
General Fund		\$ 211,000		\$ 211,000
Mercer Is.				
General Fund		\$ 20,000		\$ 20,000
Redmond				
General Fund		\$ 160,000		\$ 160,000
Newcastle				
General Fund		\$ 70,000		\$ 70,000
Kenmore				
General Fund		\$ 167,000		\$ 167,000
Sammamish				
General Fund		\$ 100,000		\$ 100,000
Woodinville				
General Fund		\$ 17,000		\$ 17,000
Clyde Hill				
General Fund		\$ 15,000		\$ 15,000
Medina				
General Fund				\$ -
Yarrow Point				
General Fund				\$ -
Hunts Point				
General Fund				\$ -
<b>TOTAL</b>	\$ 1,550,000	\$ 1,300,000	\$ -	\$ 2,850,000
CDBG	\$ 871,837	\$ -	\$ -	\$ 871,837
General Fund	\$ 678,163	\$ 1,300,000	\$ -	\$ 1,978,163

**FIGURE 1**  
**ARCH: EAST KING COUNTY TRUST FUND SUMMARY**  
 LIST OF PROJECTS FUNDED (1993 - Fall 2007)

Project	Location	Owner	# Units/Beds	Funding	% of Total Allocation	Distribution Target
<b>1. Family Housing</b>						
Andrews Heights Apartments	Bellevue	St. Andrews	24	\$400,000		
Garden Grove Apartments	Bellevue	DASH	18	\$180,000		
Overlake Townhomes	Bellevue	Habitat of EKC	10	\$120,000		
Glendale Apartments	Bellevue	DASH	82	\$300,000		
Wildwood Apartments	Bellevue	DASH	36	\$270,000		
Somerset Gardents (Kona)	Bellevue	KC Housing Authority	198	\$700,000		
Pacific Inn	Bellevue *	Pacific Inn Assoc.	118	\$600,000		
Eastwood Square	Bellevue	Park Villa LLC	48	\$600,000		
Chalet Apts	Bellevue	St Andrews	14	\$163,333		
YWCA Family Apartments	K.C. (Bellevue Sphere)	YWCA	12	\$100,000		
Highland Gardens (Klahanie)	K.C. (Issaquah Sphere)	St. Andrews	54	\$291,281		
Crestline Apartments	K.C. (Kirkland Sphere)	Shelter Resources	22	\$195,000		
Parkway Apartments	Redmond	KC Housing Authority	41	\$100,000		
Habitat - Patterson	Redmond	Habitat of EKC	24	\$446,629		
Avon Villa Mobile Home Park	Redmond **	MHCP	93	\$525,000		
Terrace Hills	Redmond	St. Andrews	18	\$442,000		
Village at Overlake Station	Redmond	KC Housing Authority	308	\$1,645,375		
Summerwood	Redmond	DASH	166	\$1,198,034		
Habitat - Bothell Site	Bothell	Habitat of EKC	8	\$170,000		
Habitat - Newcastle Site	Newcastle **	Habitat of EKC	12	\$240,837		
RoseCrest	Issaquah ***	St. Andrews	40	\$1,063,718		
Mine Hill	Issaquah	St. Andrews	28	\$450,000		
Clark Street	Issaquah	St Andrews	30	\$355,000		
Issaquah Highlands Property	Issaquah ***	SAHG/SRI	45	\$569,430		
Habitat Issaquah Highlands	Issaquah ***	Habitat of EKC	10	\$200,000		
Greenbrier Family Apts	Woodinville **	DASH	50	\$286,892		
Plum Court	Kirkland	DASH	61 /66	\$1,000,000		
Kenmore Court	Kenmore	LIHI	33	\$350,000		
ADU Loan Program	Various		6 est	\$70,000		
Homeowner Downpayment Loan	Various	KC/WSHFC/ARCH	60 est	\$415,000		
<b>SUB-TOTAL</b>			<b>1669</b>	<b>\$13,447,530</b>	<b>58.2%</b>	<b>(56%)</b>
<b>2. Senior Housing</b>						
Cambridge Court	Bellevue	Resurrection Housing	20	\$160,000		
Ashwood Court	Bellevue *	DASH/Shelter Resources	50	\$1,070,000		
Evergreen Court (Assisted Living)	Bellevue	DASH/Shelter Resources	64 /84	\$1,280,000		
Vasa Creek	K.C. (Bellevue Sphere)	Shelter Resources	50	\$190,000		
Riverside Landing	Bothell **	Shelter Resources	50	\$225,000		
Kirkland Plaza	Kirkland	St. Andrews	24	\$610,000		
Heron Landing	Kenmore	DASH/Shelter Resources	50	\$65,000		
Ellsworth House Apts	Mercer Island	St. Andrews	59	\$900,000		
Greenbrier Sr Apts	Woodinville **	DASH/Shelter Resources	50	\$131,192		
<b>SUB-TOTAL</b>			<b>417</b>	<b>\$4,631,192</b>	<b>20.0%</b>	<b>(19%)</b>

**FIGURE 1**  
**ARCH: EAST KING COUNTY TRUST FUND SUMMARY**  
 LIST OF PROJECTS FUNDED (1993 - Fall 2007)

Project	Location	Owner	# Units/Beds	Funding	% of Total Allocation	Distribution Target
<b>3. Homeless/Transitional Housing</b>						
Hopelink Place	Bellevue	**	Hopelink	20	\$500,000	
Chalet	Bellevue		St Andrews	4	\$46,667	
Kensington Square	Bellevue		Housing at Crossroads	6	\$250,000	
Dixie Price Transitional Housing	Redmond		Hopelink	4	\$71,750	
Avondale Park	Redmond		Springboard (EHA)	18	\$280,000	
Avondale Park Redevelopment	Redmond	**	Springboard (EHA)	60	\$1,502,469	
Petter Court	Kirkland		KITH	4	\$100,000	
Talus Property	Issaquah	***	St. Andrews	10	\$265,930	
Issaquah Highlands Property	Issaquah	***	SAHG/SRI	5	\$70,000	
<b>SUB-TOTAL</b>				<b>113</b>	<b>\$3,086,815</b>	13.4% (13%)
<b>4. Special Needs Housing</b>						
My Friends Place	Uninc. KC		EDVP	6 Beds	\$65,000	
Stillwater	Redmond		Eastside Mental Health	19 Beds	\$187,787	
Foster Care Home	Kirkland		Friends of Youth	4 Beds	\$35,000	
FOY New Ground	Kirkland		Friends of Youth	6 Units	\$268,000	
DD Group Home 4	Redmond		Community Living	5 Beds	\$111,261	
DD Group Homes 5 & 6	Redmond/TBD		Community Living	10 Beds	\$250,000	
United Cerebral Palsy	Bellevue/Redmond		UCP	9 Beds	\$25,000	
DD Group Home	Bellevue		Residence East	5 Beds	\$40,000	
AIDS Housing	Bellvue/Kirkland		Aids Housing of WA.	10 Units	\$130,000	
Harrington House	Bellevue		AHA/CCS	8 Beds	\$290,209	
DD Group Home 3	Bellevue		Community Living	5 Beds	\$21,000	
Parkview DD Condos III	Bellevue		Parkview	4	\$200,000	
IERR DD Home	Issaquah		IERR	6 Beds	\$50,209	
Foster Care Home	Bothell		FOY	4 Beds	\$50,000	
Oxford House	Bothell		Oxford/Compass Ctr.	8 Beds	\$80,000	
Parkview DD Homes VI	Bothell/Bellevue		Parkview	6 Beds	\$150,000	
<b>SUB-TOTAL</b>				<b>115 Beds/Units</b>	<b>\$1,953,466</b>	8.4% (12%)
<b>TOTAL</b>				<b>2314</b>	<b>\$23,119,003</b>	<b>100.0%</b>

\* Funded through Bellevue Downtown Program

\*\* Also, includes in-kind contributions (e.g. land, fee waivers, infrastructure improvements)

\*\*\* Amount of Fee Waiver still to be determined

**ECONOMIC SUMMARY: ST MARGARETS**

1. Applicant/Description: St Andrews/ New construction of 61 units for homeless with supportive services and permanent housing.

2. Project Location: 4228 Factoria Blvd. SE, Bellevue

3. Financing Information:

Funding Source	Funding Amount	Commitment
ARCH	\$ 1,550,000	Applied for Spring 2008
King County	\$ 2,850,000	Received Fall 2007
County Veterans	\$ 850,000	
State	\$ 2,000,000	Apply for Fall 2008
Tax Credits	\$ 6,259,624	Apply for Spring 2009
Private Debt	\$ 1,400,000	Apply for 2009
Federal VA Grant	\$ 1,170,000	Applied for Summer 2008
Private/Other	\$ 750,076	Apply for Fall 2008
<b>TOTAL</b>	<b>\$ 16,829,700</b>	

4. Development Budget:

ITEM	TOTAL	PER UNIT	HTF
Acquisition	\$ 1,800,000	\$ 29,500	\$1,550,000
Construction	\$ 12,301,425	\$ 201,663	
Design	\$ 670,800	\$ 11,000	
Consultants	\$ 497,509	\$ 8,155	
Developer fee	\$ 550,000	\$ 9,016	
Finance costs	\$ 281,700	\$ 4,618	
Reserves	\$ 80,670	\$ 1,322	
Permits/Fees/Other	\$ 647,596	\$ 10,609	
<b>TOTAL</b>	<b>\$ 16,829,700</b>	<b>\$ 275,890</b>	<b>\$1,150,000</b>

5. Debt Service Coverage: The project is proposed to serve primarily very low income and homeless, and provide supportive services. Therefore, debt service payments are proposed to be deferred for 30 years.

6. Security for City Funds:

- A recorded covenant to ensure affordability and use for targeted population for 50 years.
- A promissory note secured by a deed of trust. The promissory note will require repayment of the loan amount upon non-compliance with any of the loan conditions.

**ECONOMIC SUMMARY: KENMORE VILLAGE**

1. Applicant/Description: Housing Resources Group (HRG) / New construction of 100 units for very low, low and moderate income households.

2. Project Location: 6801 NE 181<sup>st</sup> Street, Kenmore

3. Financing Information:

Funding Source	Funding Amount	Commitment
ARCH	\$ 1,600,000	Applied for Spring 2008
King County	\$ 1,700,000	Apply for Fall 2008
Land Value from City	\$ 3,500,000	Committed
State Nonprofit Equity Fund	\$ 3,250,000	Apply for Fall 2008
Tax Credits	\$ 7,088,634	Apply for Spring 2009
Tax Exempt Bonds	\$ 6,737,928	Apply for Spring 2009
Federal Home Loan Bank	\$ 899,900	Apply for Fall 2008
Deferred Developer Feer	\$ 1,916,563	Committed
<b>TOTAL</b>	<b>\$ 26,693,025</b>	

4. Development Budget:

ITEM	TOTAL	PER UNIT	HTF
Acquisition	\$ 3,500,000	\$ 35,000	City
Construction	\$ 17,303,712	\$ 173,037	\$ 1,323368
Design	\$ 906,755	\$ 9,067	\$ 76,632
Permits/Fees	\$ 580,418	\$ 5,805	
Developer fee	\$ 2,915,580	\$ 29,155	\$ 200,000
Construction/Permanent Finance costs	\$ 1,054,991	\$ 10,550	
Reserves	\$ 210,696	\$ 2,107	
Other	\$ 220,874	\$ 2,208	
<b>TOTAL</b>	<b>\$ 26,693,026</b>	<b>\$ 266,930</b>	<b>\$1,600,00013 23368</b>

5. Debt Service Coverage: 1.18 ratio on private loan. City loans will be deferred for approximately 10 years (until deferred developer fee paid).. provide for deferral for certain reasons (e.g. such as loss of Section 8 assistance).

6. Security for City Funds:

- A recorded covenant to ensure affordability for 50 years.
- A promissory note secured by a deed of trust. The promissory note will require repayment of the loan amount upon non-compliance with any of the loan conditions.

**CITY OF KIRKLAND**

123 FIFTH AVENUE • KIRKLAND, WASHINGTON 98033-6189 • (425) 587-3000

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**DEPARTMENT OF FINANCE AND ADMINISTRATION  
MEMORANDUM**

**To:** David Ramsay, City Manager

**From:** Kathi Anderson, City Clerk  
Tracey Dunlap, Director, Finance and Administration

**Date:** August 27, 2008

**Subject:** Park Board Youth Member Resignation

RECOMMENDATION:

That Council acknowledge the receipt of a resignation letter from Park Board youth member Stephanie Johnson and authorize the attached correspondence thanking her for her service.

BACKGROUND DISCUSSION:

Ms. Johnson is resigning as she is attending college in Oregon. Recruitment to fill this vacancy is underway.

July 23<sup>rd</sup>, 2008

Dear Mayor and City Council,

I am writing to you in regards to my participation on the Kirkland Park Board. My appointment as the youth representative is scheduled to run through March of 2009. However, I will be attending the University of Oregon School of Architecture in the fall and will no longer be able to attend the monthly meetings and must resign, effective immediately.

I would like to thank you for the opportunity to serve the City of Kirkland. Witnessing first-hand, the time and effort the Council and the Park Board members have expended to maintain and improve the quality of life in Kirkland has been an invaluable learning experience and an inspiration. I hope to remain active in community activities when I return to Kirkland next summer and look forward to the possibility of working with the Kirkland Park Board in the future. Please feel free to contact me at school in Eugene if I can ever be of assistance.

Sincerely,

Stephanie Johnson

**DRAFT**

September 2, 2008

Stephanie Johnson  
7538 – 125<sup>th</sup> Place N.E.  
Kirkland, Washington 98033

Dear Ms. Johnson:

We have regretfully received your letter of resignation from the Kirkland Park Board.

During your tenure the City has completed a number of important park projects, including construction of several projects funded by the 2002 Kirkland Park Bond. Your perspective has been very valuable as we work together to maintain and enhance our wonderful park and recreation system.

The City Council appreciates your contributions to the Board, and we thank you for volunteering your time and talent to serve our community.

We understand that you soon will be attending the University of Oregon. Best wishes in your current and future endeavors.

Sincerely,  
KIRKLAND CITY COUNCIL

by James L. Lauinger, Mayor



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

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**To:** Dave Ramsay, City Manager

**From:** David Godfrey, P.E., Transportation Engineering Manager

**Date:** August 21, 2008

**Subject:** BNSF CORRIDOR PROCESS

RECOMMENDATION:

It is recommended that the City Council review the following information.

BACKGROUND DISCUSSION:

At their August 5 meeting, Council requested a report about the Port of Seattle's acquisition of the BNSF eastside right-of-way. The City's website now includes a page with information on most of the key elements of the project and it also includes links to other sites. The following material is excerpted from the web page [www.ci.kirkland.wa.us/eastsiderail](http://www.ci.kirkland.wa.us/eastsiderail) :

The City of Kirkland continues to monitor the land acquisition deal among the [Port of Seattle](#) (Port), [BNSF Railway Company](#) (BNSF) and [King County](#) which is now in its final stages. The eastside rail corridor is 42-miles long and stretches from the City of Renton to the City of Snohomish, including a spur from Woodinville to Redmond. The corridor passes through the City of Kirkland from [Houghton to Totem Lake mostly west of I-405](#).

**Port of Seattle & Burlington Northern Railway Company**

The deal is expected to become final in late 2008 after approval from the federal [Surface Transportation Board](#). The rail corridor within Kirkland city limits is still currently used by BNSF for occasional freight rail traffic. After the deal is finalized, rail traffic is expected to stop south of Woodinville, at least until a Regional Public Process is completed (see below). The northern portion of the corridor between [Snohomish and Woodinville](#) will continue to be used for freight service and possibly excursion service. South of Woodinville, the corridor will be rail-banked, meaning that the corridor will have a public trail in the interim to preserve the corridor in the event future freight uses are necessary. Rail-banking does not require nor prohibit removal of the tracks, and permits non-freight rail uses consistent with the public trail.

**Port of Seattle & King County**

At the same time that the Port and BNSF signed an agreement to sell the corridor to the Port, the Port and King County (County) have signed an agreement that allows the County to develop the 32 miles of the corridor south of Woodinville as a trail. The Port and County will engage in a Regional Public Process to determine how the trail should be developed and whether or not rail should be present in the short term. The public process will give residents of the region (including Kirkland city residents) a chance to provide their ideas on the uses the corridor should have.

August 21, 2008

Page 2

### **Puget Sound Regional Council & Sound Transit Rail Feasibility Study**

Last year the State Legislature passed [HB 3224](#) directing the [Puget Sound Regional Council](#) (PSRC) and [Sound Transit](#) to conduct a rail feasibility study. It will include a survey of existing studies and, as necessary, new work to evaluate the feasibility of commuter rail service between eastern Snohomish county and eastern King county. A report on the results will be provided to the transportation committees of the House of Representatives and Senate by February 1, 2009. Some preliminary ridership forecasts should be available this summer.

### **Sound Transit**

On July 24, 2008 the Sound Transit Board voted to place a [proposal](#) on the Fall 2008 ballot. The proposal does not include any funds to operate passenger rail service on the Eastside Rail Corridor. It does include a maximum contribution of \$50 million which may be used for engineering and design, and for the purchase of capital equipment and real estate that can either be sold or used on Sound Transit's existing transportation system. Sound Transit's investment is contingent upon three conditions being met prior to December 31, 2011.

1. Completion of the Sound Transit/PSRC feasibility study and determination that passenger rail on the Eastside BNSF corridor is feasible and would be a meaningful component of the region's future transportation system, as required by state law;
2. The Sound Transit Board's determination that the ridership forecasts, financing plan, and capital and operating cost estimates and operating plan are reasonable and that the service will provide substantial benefits to the regional transportation system in the Sound Transit District; and
3. Execution of an agreement with other public or private parties regarding the implementation of a passenger rail system.
4. If a partnership for passenger rail on the Eastside BNSF is not executed by December 31, 2011, the \$50 million in ST2 plan for a partnership will be reprogrammed to further implementation of BRT service on the I-405 corridor.

The [Kirkland City Council](#) has supported efforts to complete these agreements as it believes the corridor could provide a valuable recreation and transportation amenity. The Council has taken the following position on the corridor:

"The City of Kirkland has long looked upon the BNSF right-of-way as primarily a facility for non-motorized travel. However, we are also interested in an investigation of how rail transport might function alongside a trail. There are a number of unanswered questions concerning rail operations including impact on residential neighborhoods and local street traffic, ridership potential, parking accommodation and station locations."

Transportation issues are of great interest to Kirkland residents. To stay informed, please log on to the [Port of Seattle](#) website and subscribe to receive updates.

**CITY OF KIRKLAND**

City Attorney's Office

123 Fifth Avenue, Kirkland, WA 98033 425.587.3030

[www.ci.kirkland.wa.us](http://www.ci.kirkland.wa.us)

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**MEMORANDUM**

**To:** David Ramsay, City Manager

**From:** Oskar Rey, Assistant City Attorney

**Date:** August 27, 2008

**Subject:** Opposition to CTIA—The Wireless Association Petition Submitted to the FCC Regarding Preemption of Local Wireless Regulations

RECOMMENDATION

Staff recommends that the City Council authorize staff to submit a brief to the FCC objecting to a petition filed with the Federal Communications Commission ("FCC") by CTIA—The Wireless Association ("CTIA"). The petition requests that the FCC impose time limits on the processing of applications to site wireless facilities, limit the basis on which such applications may be denied and pre-empt local zoning ordinances that would require wireless carriers to obtain a variance.

POLICY IMPLICATIONS

If the FCC grants the CTIA petition, the ability of local jurisdictions to exercise land use control over cell tower sites and other wireless facilities would be substantially curtailed. Submitting a brief in opposition to the CTIA petition will document the City's opposition to the CTIA's petition before the FCC.

BACKGROUND DISCUSSION

CTIA is an association of wireless providers who have requested that the FCC issue a decision stating that under federal law, local zoning authorities are subject to certain limitations with respect to their zoning authority. Among other things, CTIA requests that the FCC rule that:

- Local zoning authorities in general must act on wireless facility applications within 75 days. Requests involving only collocation on existing facilities would need to be acted on within 45 days.
- In the event of a failure to act within the applicable 45 or 75 day period, the application would be deemed to be granted.
- Local zoning authorities are precluded from denying an application based on a determination that adequate service already exists in the service area.
- Local zoning authorities may not require wireless providers to obtain a variance as a precondition to providing wireless service in the jurisdiction.

The CTIA petition is opposed by the National Association of Telecommunications Officers and Advisors ("NATOA"). NATOA will submit a brief in opposition to the CTIA petition and NATOA has also provided local

jurisdictions with suggested comments to provide to the FCC. The deadline for filing the brief is September 15, 2008.

Procedurally, the 45 day and 75 day requirements for processing wireless applications is unreasonably short, especially in those instances where the application is subject to Process IIA or IIB. More fundamentally, NATOA disputes the notion that wireless providers are having widespread problems in receiving approvals from local zoning authorities. Finally, NATOA questions whether the FCC has the authority to issue the type of decision sought by CTIA. NATOA takes the position that the decision sought by CTIA should be the subject of congressional legislation, not an FCC decision.

Staff recommends that the Council authorize staff to prepare and submit a brief to the FCC opposing the CTIA petition. Staff will use the NATOA suggested comments as a starting point, but tailor the brief to reflect Kirkland's particular concerns. The City's brief would be signed by the Mayor and submitted to the FCC prior to September 15, 2008.

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

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**MEMORANDUM**

**To:** David Ramsay, City Manager

**From:** Katy Coleman, Development Engineering Analyst  
Daryl Grigsby, Public Works Director

**Date:** August 5, 2008

**Subject:** RESOLUTION TO RELINQUISH THE CITY'S INTEREST IN A PORTION OF UNOPENED RIGHT-OF-WAY

**RECOMMENDATION:**

It is recommended that the City Council adopt the enclosed Resolution relinquishing interest, except for a utility easement, in a portion of unopened alley being identified as the north 8 feet of the unopened alley abutting the south boundary of the following described property: Lots 6 and 7, Block 173, Town of Kirkland, according to the plat thereof recorded in Volume 6 of Plats, page 53, records of King County, Washington.

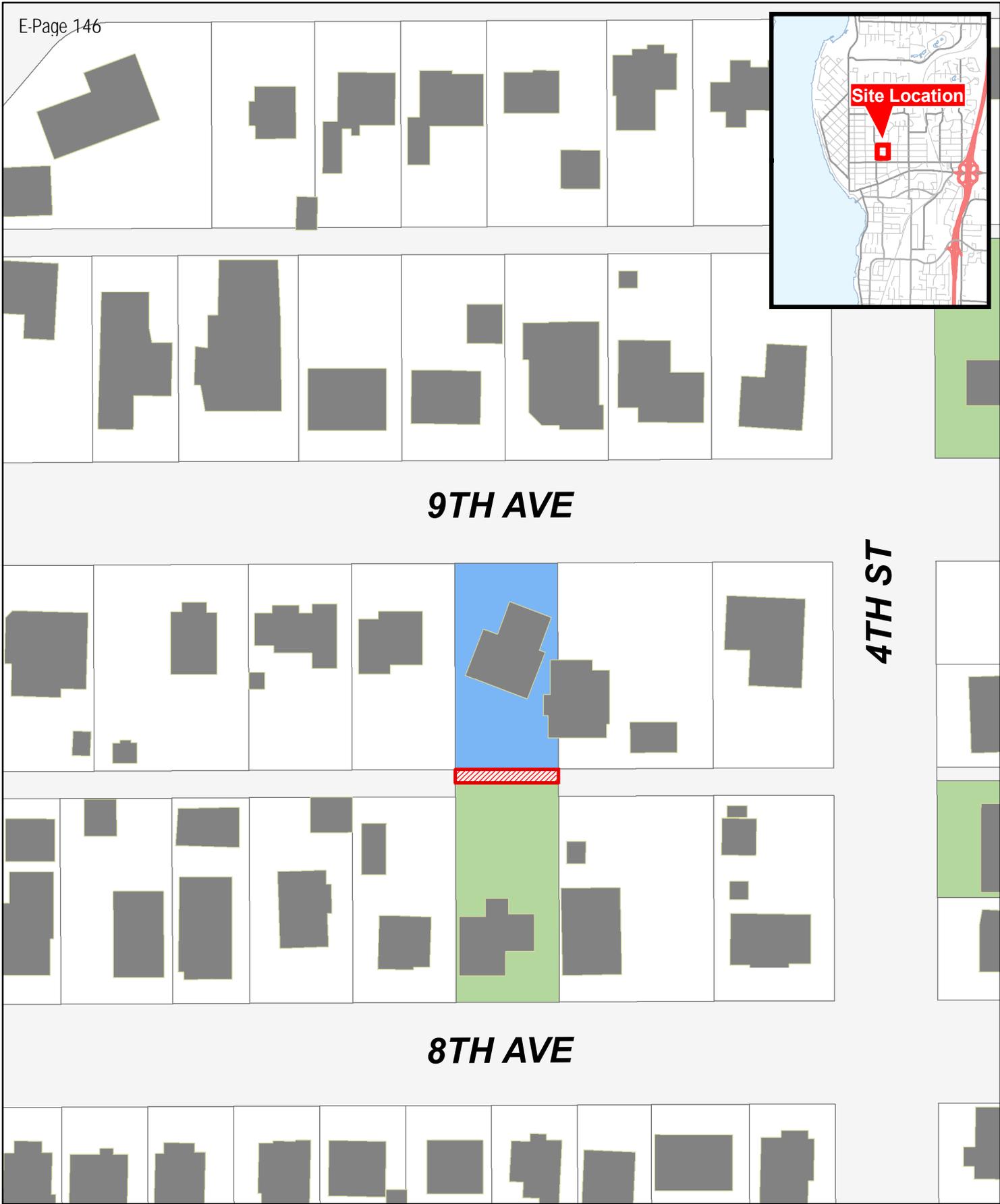
**BACKGROUND DISCUSSION:**

The unopened portion of the alley abutting the property of 331 9<sup>th</sup> Avenue was originally platted and dedicated in 1890 as Town of Kirkland. The Five Year Non-User Statute provides that any street or right-of-way platted, dedicated, or deeded prior to March 12, 1904, which was outside City jurisdiction when dedicated and which remains unopened or unimproved for five continuous years is then vacated. The subject right-of-way has not been opened or improved.

Ryan K. Mitchell, the owner of the property abutting this right-of-way, submitted information to the City claiming the right-of-way was subject to the Five Year Non-User Statute (Vacation by Operation of Law), Laws of 1889, Chapter 19, Section 32. After reviewing this information, the City Attorney believes the approval of the enclosed Resolution is permissible.

Attachments: Vicinity Maps  
Resolution

Copy: Rob Jammerman, Development Engineering Manager



**Mitchell Residence Non-User Vacation**  
**331 9TH AVE**

- Mitchell Residence
- Pedestrian Easement
- Proposed Vacation
- Building Outline
- Granted Non-User Vacations



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 Printed August 4, 2008 - Public Works GIS



**9TH AVE**



**Mitchell Residence Non-User Vacation  
331 9TH AVE**

- Mitchell Residence
- Pedestrian Easement
- Proposed Vacation
- Granted Non-User Vacations



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RESOLUTION R-4723

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND RELINQUISHING ANY INTEREST THE CITY MAY HAVE, EXCEPT FOR A UTILITY EASEMENT, IN AN UNOPENED RIGHT-OF-WAY AS DESCRIBED HEREIN AND REQUESTED BY PROPERTY OWNER RYAN K. MITCHELL

WHEREAS, the City has received a request to recognize that any rights to the land originally dedicated in 1890 as right-of-way abutting a portion of the Town of Kirkland have been vacated by operation of law; and

WHEREAS, the Laws of 1889, Chapter 19, Section 32, provide that any county road which remains unopened for five years after authority is granted for opening the same is vacated by operation of law at that time; and

WHEREAS, the area which is the subject of this request was annexed to the City of Kirkland, with the relevant right-of-way having been unopened; and

WHEREAS, in this context it is in the public interest to resolve this matter by agreement,

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

Section 1. As requested by the property owner Ryan K. Mitchell, the City Council of the City of Kirkland hereby recognizes that the following described right-of-way has been vacated by operation of law and relinquishes all interest it may have, if any, except for a utility easement, in the portion of right-of-way described as follows:

A portion of unopened alley being identified as the north 8 feet of the unopened alley abutting the south boundary of the following described property: Lots 6 and 7, Block 173, Town of Kirkland, according to the plat thereof recorded in Volume 6 of Plats, page 53, records of King County, Washington.

Section 2. This resolution does not affect any third party rights in the property, if any.

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

Signed in authentication thereof this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
MAYOR

Attest:

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



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

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## MEMORANDUM

**To:** David Ramsay, City Manager

**From:** Katy Coleman, Development Engineering Analyst  
Daryl Grigsby, Public Works Director

**Date:** August 5, 2008

**Subject:** RESOLUTION TO RELINQUISH THE CITY'S INTEREST IN A PORTION OF UNOPENED RIGHT-OF-WAY

### RECOMMENDATION:

It is recommended that the City Council adopt the enclosed Resolution relinquishing interest in a portion of unopened right-of-way being identified as the west 30 feet of the unopened right-of-way abutting the east boundary of the following described property: Lot 1 and the east 20 feet of Lot 2, Block 234, Supplementary Plat To Kirkland, according to the plat thereof recorded in Volume 8 of Plats, page 5, records of King County, Washington; together with vacated portion of alley as vacated by City of Kirkland Resolution R-3916, Recording No. 9512291014, records of King County, Washington.

### BACKGROUND DISCUSSION:

The unopened portion of the right-of-way abutting the property of 11387 NE 91<sup>st</sup> St was originally platted and dedicated in 1891 as Supplementary Plat to Kirkland. The Five Year Non-User Statute provides that any street or right-of-way platted, dedicated, or deeded prior to March 12, 1904, which was outside City jurisdiction when dedicated and which remains unopened or unimproved for five continuous years is then vacated. The subject right-of-way has not been opened or improved.

Richard E. Radford, the owner of the property abutting this right-of-way, submitted information to the City claiming the right-of-way was subject to the Five Year Non-User Statute (Vacation by Operation of Law), Laws of 1889, Chapter 19, Section 32. After reviewing this information, the City Attorney believes the approval of the enclosed Resolution is permissible.

Attachments: Vicinity Maps  
Resolution

Copy: Rob Jammerman, Development Engineering Manager



114TH AVE NE

NE 91ST ST

NE 90TH ST

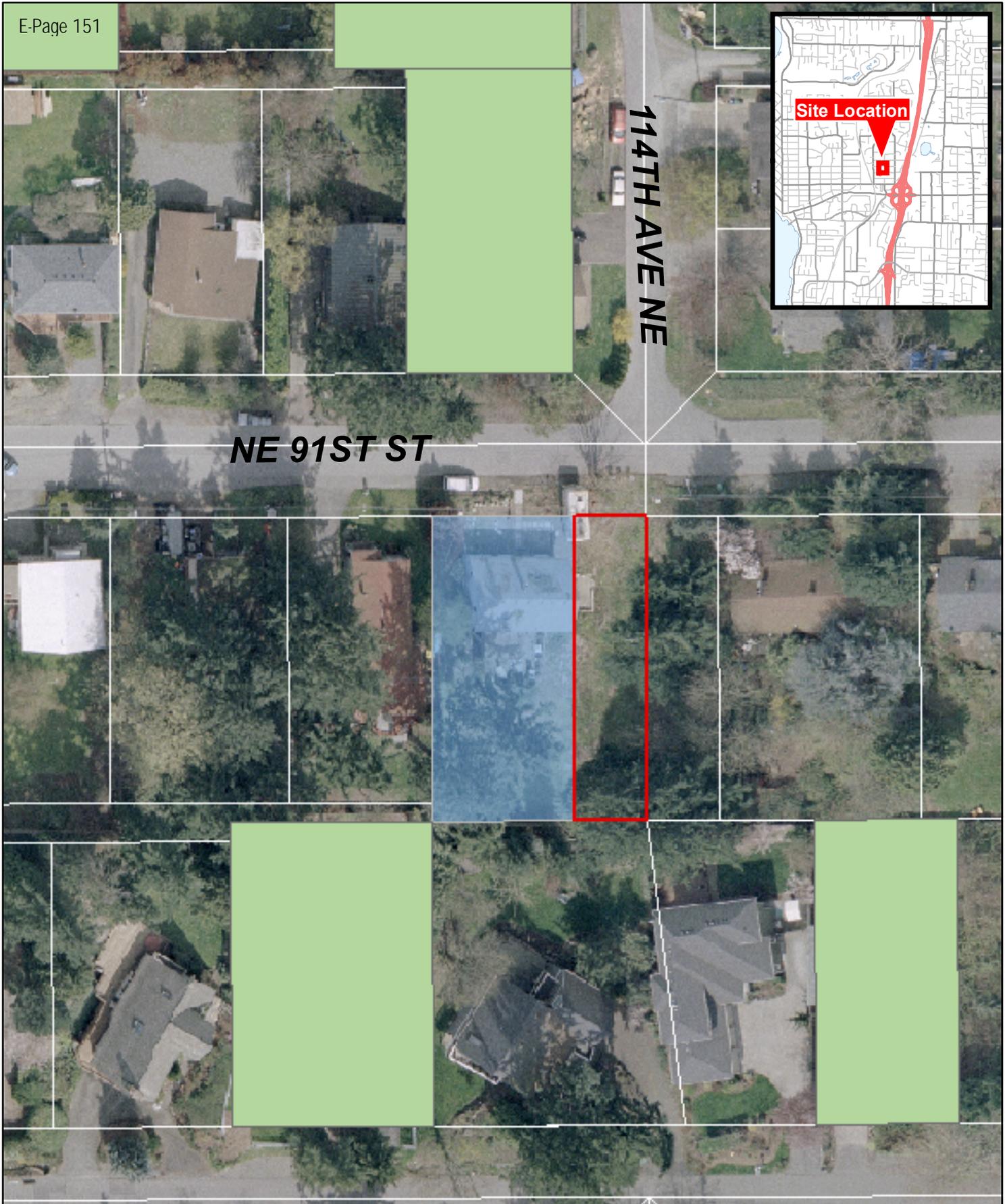
# Radford Residence Non-User Vacation

## 11387 NE 91ST ST

- Radford Residence
- Pedestrian Easement
- Proposed Vacation
- Building Outline
- Granted Non-User Vacations



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 Printed August 1, 2008 - Public Works GIS



## Radford Residence Non-User Vacation 11387 NE 91ST ST

- Radford Residence
- Pedestrian Easement
- Proposed Vacation
- Granted Non-User Vacations



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RESOLUTION R-4724

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND RELINQUISHING ANY INTEREST THE CITY MAY HAVE IN AN UNOPENED RIGHT-OF-WAY AS DESCRIBED HEREIN AND REQUESTED BY PROPERTY OWNER RICHARD E. RADFORD

WHEREAS, the City has received a request to recognize that any rights to the land originally dedicated in 1891 as right-of-way abutting a portion of the Supplementary Plat to Kirkland have been vacated by operation of law; and

WHEREAS, the Laws of 1889, Chapter 19, Section 32, provide that any county road which remains unopened for five years after authority is granted for opening the same is vacated by operation of law at that time; and

WHEREAS, the area which is the subject of this request was annexed to the City of Kirkland, with the relevant right-of-way having been unopened; and

WHEREAS, in this context it is in the public interest to resolve this matter by agreement,

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

Section 1. As requested by the property owner Richard E. Radford, the City Council of the City of Kirkland hereby recognizes that the following described right-of-way has been vacated by operation of law and relinquishes all interest it may have, if any, in the portion of right-of-way described as follows:

A portion of unopened right-of-way being identified as the west 30 feet of the unopened right-of-way abutting the east boundary of the following described property: Lot 1 and the east 20 feet of Lot 2, Block 234, Supplementary Plat To Kirkland, according to the plat thereof recorded in Volume 8 of Plats, page 5, records of King County, Washington; together with vacated portion of alley as vacated by City of Kirkland Resolution R-3916, Recording No. 9512291014, records of King County, Washington.

Section 2. This resolution does not affect any third party rights in the property, if any.

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

Signed in authentication thereof this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
MAYOR

Attest:

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



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

## MEMORANDUM

**To:** David Ramsay, City Manager

**From:** Tim Llewellyn, Fleet Supervisor  
Daryl Grigsby, Public Works Director

**Date:** August 18, 2008

**Subject:** SURPLUS EQUIPMENT RENTAL VEHICLES/EQUIPMENT FOR SALE

### RECOMMENDATION:

It is recommended that the City Council approve the surplusing of the Equipment Rental vehicles/equipment listed below:

### BACKGROUND DISCUSSION:

The surplusing of vehicles or equipment which has been replaced with new vehicles or equipment, or no longer meet the needs of the City, is consistent with the City's Equipment Rental Replacement Schedule Policy. The following equipment has been replaced by new equipment, and if approved for surplusing, will be sold in accordance with purchasing guidelines at public auction or to public agencies.

<u>Fleet #</u>	<u>Year</u>	<u>Make</u>	<u>VIN/Serial Number</u>	<u>License #</u>	<u>Mileage</u>
D-06	1992	Peterbilt 10 Yard Dump Truck	1XPFLB9X6ND315624	10695D	38,456
PU-15	1993	Dodge Caravan	1B4GH44R5PX724630	14378D	36,032
P05-09	2005	Ford Crown Victoria	2FAHP71W55X150744	39479D	84,309
GSA-1	2003	Ford Ranger Pickup 4x4	1FTZR45E83PA94214	48081D	112,033
GSA-2	2003	Chevrolet Silverado Pickup	1GCEK19V93E259713	48082D	127,509

For clarification purposes, D-06, is a 10 Yard Dump Truck belonging to Public Works Maintenance. This dump truck was retained 4 years beyond its anticipated service life of 12 years.

PU-15 began its anticipated service life of 8 years as a Facilities vehicle, and later was assigned to Public Grounds. At the end of its normal service life, it was retained for an additional 7 years as the Information Technology service vehicle.

P05-09 is a Police Patrol vehicle which exceeded its anticipated useful life of 2.5 years by an additional 1.5 years of service.

GSA-1 and GSA-2 were direct purchases of surplus GSA vehicles in Auburn for temporary use by Public Works maintenance seasonals. No surplus City vehicles were available for use during the summer. It was determined that the difference between the GSA purchase price in the spring, and the subsequent auction sale proceeds for the same vehicles in the fall, would be significantly less than renting vehicles for summer use by Public Works seasonals. The Street Department paid for the vehicles, and auction proceeds will be returned to corresponding Street Department accounts.

The City's Equipment Rental Replacement Schedule is used as a guideline for vehicle replacement and amortization of equipment. Fleet Management staff evaluates each vehicle and determines the actual replacement date according to vehicle condition.

The above vehicles will be sold at public auction.

Cc: John Hopfauf, Street Manager



**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:** David Ramsay, City Manager

**From:** Barry Scott, Purchasing Agent

**Date:** August 20, 2008

**Subject:** REPORT ON PROCUREMENT ACTIVITIES FOR COUNCIL MEETING OF SEPTEMBER 2, 2008

This report is provided to apprise the Council of recent and upcoming procurement activities where the cost is estimated to be in excess of \$50,000. This report also includes the process being used to determine the award of the contract.

Following is a report on the City's major procurement activities initiated since July 22, 2008:

	Project	Process	Estimate/Price	Status
1.	City Hall Annex Renovation Project	Invitation for Bids	\$1,235,562.60 (Base bid with alternates)	Advertised on 7/30. Bids opened on 8/20.
2.	NE 73 <sup>rd</sup> St Sidewalk Project	Invitation for Bids	\$400,000 - \$500,000	Advertised on 8/5. Bid opening on 8/27.

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

**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:** Dave Ramsay, City Manager

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

**Date:** August 22, 2008

**Subject:** **Public Hearing on the Preliminary 2009 to 2014 Capital Improvement Program**

**RECOMMENDATION:**

City Council holds a public hearing on the Preliminary 2009-2014 Capital Improvement Program (CIP).

**BACKGROUND DISCUSSION:**

The purpose of this public hearing is to solicit public comment on the Preliminary 2009-2014 CIP as submitted by the City Manager and reviewed by the City Council. The Council was presented with the Preliminary 2009-2014 CIP at the August 5, 2008 study session. Council made no amendments to the preliminary CIP projects, but wanted to examine further the funding level and sources for the Neighborhood Connections CIP. In addition, Council expressed interest in discussing project specific questions. Staff recommends that discussion of both topics take place during the public hearing, and if more time is necessary, that the CIP can be brought back to Council at an upcoming regular meeting.

The overall funded CIP total is \$136,878,300 for the six-year period. A summary of the Preliminary CIP is included as Attachment A. In addition, we have provided a breakdown of the projects funded using revenues that impact the General Fund as Attachment B.

The Council also requested additional information and several staff reports. The following is a summary of the requests that staff will be bringing back to the Council at future dates.

- **Fire –**
  - Report on utilizing water from the lake as a source of water during a disaster.
  - Continue to pursue regional efforts for a fire boat operation.
- **Public Works –**
  - With the State of the Street report, sub reports on:
    - The use of the paver and the benefits achieved.
    - Optimal life cycle costs to maintain PCI and avoid deterioration.
    - Comparison with other cities about PCI ratings.
  - Report on school walk routes – what progress has been made and what projects are currently in process.
  - Report on the Emergency Sewer Program – updated stats and discussion of how the program is helping minimize the amount of septic failures.
  - Update on the signal project at 3rd and Kirkland.

- **General –**
  - Review CIP and operating budget resources side-by-side (this is expected to be done during the budget study sessions using Attachment B).
  - Bring back CIP as item for budget study session, if necessary.
  - Document the non-motorized funding policy in the final CIP document.

Following the public hearing and any further modifications by Council, staff will either schedule additional meeting times or prepare a resolution formally adopting the CIP, which is tentatively scheduled to be adopted with the 2009-10 Budget at a regularly scheduled meeting in December, 2008.

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

**TRANSPORTATION PROJECTS**

**Funded Projects:**

Project Number	Project Title	Prior Year(s)	2009	2010	2011	2012	2013	2014	2009-2014 Total	Funding Sources				
										Current Revenue	Reserve	Debt	External Source	
ST 0006*	Annual Street Preservation Program		2,000,000	2,000,000	2,500,000	2,000,000	2,000,000	2,000,000	12,500,000	12,500,000				
ST 0057*	NE 120th Street Roadway Extension (East Section)	1,609,000	560,000		1,232,100	2,530,100			4,322,200	2,342,170	640,400		1,339,630	
ST 0059*	124th Ave NE Roadway Improvements (North Section)	1,757,500	896,000						896,000	896,000				
<b>ST 0080</b>	<b>Annual Striping Program</b>		<b>250,000</b>	<b>250,000</b>	<b>250,000</b>	<b>250,000</b>	<b>250,000</b>	<b>250,000</b>	<b>1,500,000</b>	<b>1,500,000</b>				
<b>ST 8888</b>	<b>Annual Concurrency Street Improvements</b>					<b>2,272,000</b>	<b>2,522,000</b>	<b>2,799,400</b>	<b>7,593,400</b>	<b>5,308,100</b>			<b>2,285,300</b>	
<b>ST 9999</b>	<b>Regional Inter-Agency Coordination</b>		<b>25,000</b>	<b>25,000</b>	<b>25,000</b>	<b>25,000</b>	<b>25,000</b>	<b>25,000</b>	<b>150,000</b>	<b>150,000</b>				
NM 0012	Crosswalk Upgrade Program		70,000		70,000		70,000		210,000	210,000				
NM 0034*^	NE 100th St at Spinney Homestead Park Sidewalk		56,000						56,000	19,600	36,400			
NM 0044*^	116th Avenue NE Sidewalk (Highlands)	176,000	568,000	333,000					901,000	671,000	230,000			
NM 0051*	Rose Hill Business Dist. Sidewalks	3,528,300	310,000	500,000					810,000	810,000				
NM 0057	Annual Sidewalk Maintenance Program		200,000	200,000	200,000	200,000	200,000	200,000	1,200,000	1,200,000				
NM 0060*	100th Avenue NE/99th Place NE Sidewalk	220,000	494,000						494,000	172,900	171,100		150,000	
NM 0065*	Central Way Ped. Enhancements (Phase II-So. Side)						151,800	374,100	525,900	525,900				
<b>NM 0066</b>	<b>12th Avenue Sidewalk</b>			<b>111,000</b>	<b>308,000</b>	<b>205,100</b>			<b>624,100</b>	<b>223,550</b>	<b>154,150</b>		<b>246,400</b>	
<b>NM 8888</b>	<b>Annual Non-Motorized Program</b>					<b>1,100,000</b>	<b>1,100,000</b>	<b>1,100,000</b>	<b>3,300,000</b>	<b>3,300,000</b>				
TR 0078*	NE 85th St/132nd Ave NE Intersection Imprv (Phase I)	2,066,900	450,000						450,000	450,000				
TR 0079*	NE 85th St/114th Ave NE Intersection Improvements	2,533,300	573,000						573,000	573,000				
TR 0080*	NE 85th St/124th Ave NE Intersection Improvements	1,385,300	288,000						288,000	144,400	143,600			
TR 0085	NE 68th St/108th Ave NE Intersection Improvements	650,000	672,000						672,000	562,000	50,000		60,000	
TR 0091*	NE 124th St/124th Ave NE Intersection Imprv (Phase III)	300,000			492,800	547,000	1,366,200	1,516,600	3,922,600	3,922,600				
<b>TR 8888</b>	<b>Annual Concurrency Traffic Improvements</b>					<b>1,798,400</b>	<b>1,996,300</b>	<b>2,215,900</b>	<b>6,010,600</b>	<b>3,268,300</b>			<b>2,742,300</b>	
<b>Total Funded Transportation Projects</b>			<b>14,226,300</b>	<b>7,412,000</b>	<b>3,419,000</b>	<b>5,077,900</b>	<b>10,927,600</b>	<b>9,681,300</b>	<b>10,481,000</b>	<b>46,998,800</b>	<b>38,749,520</b>	<b>1,425,650</b>	<b>0</b>	<b>6,823,630</b>

Notes  
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 Shaded year(s) = Previous timing  
 Bold italics = New projects

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

**TRANSPORTATION PROJECTS**

**Unfunded Projects:**

Project Number	Project Title	Total
ST 0055*	98th Avenue NE Bridge Replacement	10,196,000
ST 0056*	132nd Avenue NE Roadway Improvements	25,170,000
ST 0060*	118th Avenue NE Roadway Extension	6,440,000
ST 0061*	119th Avenue NE Roadway Extension	5,640,000
ST 0062*	NE 130th Street Roadway Extension	10,004,000
ST 0064*	124th Ave NE Roadway Widening Imprv (So. Sect'n)	30,349,000
ST 0070	120th Ave NE/Totem Lake Plaza Roadway Imprvmnts	3,000,000
ST 0072*	NE 120th St Roadway Improvements (West Section)	5,870,000
ST 0073*	120th Avenue NE Roadway Extension	16,392,000
<b>ST 0077</b>	<b>NE 132nd St Rdwy Imprv-Phase I (West Section)</b>	<b>1,348,000</b>
<b>ST 0078</b>	<b>NE 132nd St Rdwy Imprv-Phase II (Mid Section)</b>	<b>316,000</b>
<b>ST 0079</b>	<b>NE 132nd St Rdwy Imprv-Phase III (East Section)</b>	<b>1,119,000</b>
NM 0001***	116th Ave NE (So. Sect.) Non-Motorz'd Facil-Phase II	6,028,700
NM 0007*	NE 52nd Street Sidewalk	1,068,600
NM 0024*	Cross Kirkland Trail	6,107,400
NM 0026*	NE 90th Street Sidewalk (Phase II)	2,584,200
NM 0030*	NE 90th Street/I-405 Pedestrian/Bicycle Overpass	3,740,700
NM 0031*	Crestwoods Park/BNSFR Ped/Bike Facility	2,505,000
NM 0032*	93rd Avenue NE Sidewalk	1,047,900
NM 0037*	130th Avenue NE Sidewalk	833,600
NM 0041*	Forbes Valley Pedestrian Facility	1,996,600
NM 0045*	NE 95th Street Sidewalk (Highlands)	571,500
NM 0047*	116th Avenue NE Sidewalk (South Rose Hill)	422,100
NM 0048*	NE 60th Street Sidewalk	4,979,800
NM 0056*	NE 90th Street Sidewalk (Phase I)	1,165,700
<b>NM 0061</b>	<b>NE 104th Street Sidewalk</b>	<b>1,763,500</b>
<b>NM 0062</b>	<b>19th Avenue Sidewalk</b>	<b>814,200</b>
<b>NM 0063</b>	<b>Kirkland Way Sidewalk</b>	<b>414,500</b>
NM 0064***	Park Lane Pedestrian Corridor Enhancements	1,277,200
TR 0056*	NE 85th Street HOV Queue Bypass	841,000
TR 0057*	NE 124th Street HOV Queue Bypass	1,722,000
TR 0065*	6th Street/Kirkland Way Traffic Signal	692,000
TR 0067*	Kirkland Way/BNSFR Abutment/Intersection Imprv	6,917,000
TR 0068*	Lake Washington Boulevard HOV Queue Bypass	6,580,000
TR 0072*	NE 116th Street Eastbound HOV Queue Bypass	7,337,000
TR 0073*	NE 70th Street Eastbound HOV Queue Bypass	1,702,000
TR 0074*	NE 85th Street Westbound HOV Queue Bypass	1,775,000
TR 0075*	NE 124th Street Westbound HOV Queue Bypass	1,275,000
TR 0082***	Central Way/Park Place Center Traffic Signal	327,900
TR 0084*	100th Ave NE/NE 124th St Intersection Improvements	2,230,000
TR 0089*	NE 85th St/132nd Ave NE Intersection Imp (Phase II)	1,825,700
TR 0090*	Lake Washington Blvd/NE 38th Place Intersection Imp	2,948,100
TR 0092*	NE 116th St/124th Ave NE N-bound Dual Lft Turn Lanes	1,717,000
<b>TR 0093</b>	<b>NE 132nd St/Juanita H.S. Access Rd Intersect'n Imp</b>	<b>916,000</b>
<b>TR 0094</b>	<b>NE 132nd St/108th Avenue NE Intersect'n Imp</b>	<b>618,000</b>
<b>TR 0095</b>	<b>NE 132nd St/Fire Stn Access Dr Intersect'n Imp</b>	<b>366,000</b>
<b>TR 0096</b>	<b>NE 132nd St/124th Ave NE Intersect'n Imp</b>	<b>5,713,000</b>
<b>TR 0097</b>	<b>NE 132nd St/132nd Ave NE Intersect'n Imp</b>	<b>889,000</b>
<b>TR 0098</b>	<b>NE 132nd St/ 116th Way NE (I-405) Intersect'n Imp</b>	<b>300,000</b>
<b>Total Unfunded Transportation Projects</b>		<b>199,856,900</b>

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

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

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

**SURFACE WATER MANAGEMENT UTILITY PROJECTS**

**Funded Projects:**

Project Number	Project Title	Prior Year(s)	2009	2010	2011	2012	2013	2014	2009-2014 Total	Funding Source				
										Current Revenue	Reserve	Debt	External Source	
SD 0047	Annual Replacement of Aging/Failing Infrastructure		200,000	200,000	200,000	200,000	200,000	200,000	1,200,000	1,200,000				
SD 0051*	Forbes Creek/KC Metro Access Road Culvert Enh.	481,500							733,700	733,700				
SD 0053*	Forbes Creek/Coors Pond Channel Grade Controls	460,500				101,000	570,700	184,200	855,900	855,900				
SD 0058*	Surface Water Sediment Pond Reclamation Phase II	90,000				115,400	603,200	114,200	832,800	832,800				
SD 0065*	Cochran Springs/Plaza at Yarrow Pt Flood Control	60,000	145,800						145,800	145,800				
<b><i>SD 0067</i></b>	<b><i>NE 129th Place/Juanita Creek Rockery Repair</i></b>					<b><i>115,500</i></b>	<b><i>223,300</i></b>		<b><i>338,800</i></b>	<b><i>338,800</i></b>				
<b><i>SD 8888</i></b>	<b><i>Annual Streambank Stabilization Program</i></b>					<b><i>57,700</i></b>		<b><i>165,800</i></b>	<b><i>223,500</i></b>	<b><i>223,500</i></b>				
<b><i>SD 9999</i></b>	<b><i>Annual Storm Drain Replacement Program</i></b>					<b><i>922,600</i></b>		<b><i>923,800</i></b>	<b><i>1,846,400</i></b>	<b><i>1,846,400</i></b>				
<b>Total Funded Surface Water Management Utility Projects</b>			<b>1,092,000</b>	<b>345,800</b>	<b>200,000</b>	<b>200,000</b>	<b>1,512,200</b>	<b>2,330,900</b>	<b>1,588,000</b>	<b>6,176,900</b>	<b>6,176,900</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Unfunded Projects:**

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

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

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

**WATER/SEWER UTILITY PROJECTS**

**Funded Projects:**

Project Number	Project Title	Prior Year(s)	2009	2010	2011	2012	2013	2014	2009-14 Total	Funding Source				
										Current Revenue	Reserve	Debt	External Source	
WA 0090	Emergency Sewer Pgm Watermain Replacement Pgm		50,000		50,000		50,000		150,000	150,000				
WA 0093	Vulnerability Analysis Facility Upgrades	70,000	297,900						297,900	297,900				
WA 0116*	132nd Av NE/NE 80th St Watermn Replacement					328,600	3,503,400		3,832,000	682,000		3,150,000		
<b>WA 0117</b>	<b>20th Avenue Watermain Replacement</b>		<b>200,000</b>	<b>335,100</b>					<b>535,100</b>	<b>535,100</b>				
<b>WA 0141</b>	<b>9th Avenue Watermain Replacement</b>		<b>200,000</b>	<b>230,200</b>					<b>430,200</b>	<b>430,200</b>				
<b>WA 8888</b>	<b>Annual Watermain Replacement Program</b>							<b>457,600</b>	<b>457,600</b>	<b>457,600</b>				
<b>WA 9999</b>	<b>Annual Water Pump Station/System Upgrade Pgm</b>							<b>823,600</b>	<b>823,600</b>	<b>823,600</b>				
SS 0046	Market Street Sewermain Replacement	1,206,000	652,600						652,600	652,600				
SS 0056	Emergency Sewer Construction Program		1,400,000		1,400,000		1,400,000		4,200,000		4,200,000			
SS 0067*	NE 80th Street Sewermain Replacement (Phase II)					1,230,200	1,992,900	4,515,300	7,738,400	7,738,400				
<b>SS 0074</b>	<b>Sewer System Telemetry Upgrades</b>					<b>393,700</b>			<b>393,700</b>	<b>393,700</b>				
<b>SS 0076</b>	<b>NE 80th Street Sewermain Replacement (Phase III)</b>					<b>1,230,200</b>	<b>1,992,900</b>	<b>1,654,600</b>	<b>4,877,700</b>	<b>4,877,700</b>				
<b>SS 8888</b>	<b>Annual Sanitary Pipeline Replacement Program</b>					<b>492,100</b>			<b>492,100</b>	<b>492,100</b>				
<b>SS 9999</b>	<b>Annual Sanitary Pump Station/System Upgrade Pgm</b>					<b>344,500</b>	<b>996,500</b>	<b>1,345,200</b>	<b>2,686,200</b>	<b>2,686,200</b>				
<b>Total Funded Utility Projects</b>			<b>1,276,000</b>	<b>2,800,500</b>	<b>565,300</b>	<b>1,450,000</b>	<b>4,019,300</b>	<b>9,935,700</b>	<b>8,796,300</b>	<b>27,567,100</b>	<b>20,217,100</b>	<b>4,200,000</b>	<b>3,150,000</b>	<b>0</b>

**Unfunded Projects:**

Project Number	Project Title	Total
WA 0052*	108th Avenue NE Watermain Replacement	1,584,000
WA 0057*	116th Avenue NE Watermain Replacement	2,731,000
WA 0096*	NE 83rd Street Watermain Replacement	450,000
WA 0097*	120th Avenue NE Watermain Replacement	1,201,000
WA 0098*	126th Ave NE/NE 83rd & 84th St/128th Ave NE Watermain Replcmnt	1,197,000
WA 0104*	111th Ave NE/NE 62nd St-NE 64th St Watermain Replcmnt	1,493,000
WA 0108*	109th Ave NE/NE 58th St Watermain Replacement	504,000
WA 0109*	112th Ave NE Watermain Replacement	1,179,000
WA 0111*	NE 45th St And 110th/111th Ave NE Watermain Replcmnt	1,303,000
WA 0113*	116th Ave NE/NE 70th-NE 80th St Watermain Replcmnt	2,858,000
WA 0119*	109th Ave NE/111th Way NE Watermain Replacement	2,304,000
WA 0122*	116th Avenue NE/NE 100th Street Watermain Replacement	1,506,000
WA 0123*	NE 91st Street Watermain Replacement	453,000
WA 0128*	106th Ave NE-110th Ave NE/NE 116th St-NE 120th St Watermain Replcmnt	2,305,000
WA 0129*	South Reservoir Recoating	981,000
WA 0132*	7th Avenue/Central Avenue Watermain Replacement	907,000
WA 0133*	Kirkland Avenue Watermain Replacement	446,000
WA 0134*	5th Avenue S/8th Street S Watermain Replacement	1,420,000
WA 0135*	NE 75th Street Watermain Replacement	711,000
WA 0138*	NE 72nd St/130th Ave NE Watermain Replacement	1,476,000
WA 0139*	6th Street S Watermain Replacement	584,000
WA 0140*	NE 85th Street / 132nd Avenue NE Watermain Replacement	2,863,000
SS 0051*	6th Street South Sewermain Replacement	804,000
SS 0052*	108th Avenue NE Sewermain Replacement	5,110,000
<b>SS 0068</b>	<b>124th Avenue NE Sewermain Replacement</b>	<b>1,315,000</b>
<b>SS 0069</b>	<b>1st Street Sewermain Replacement</b>	<b>3,945,000</b>
<b>SS 0070</b>	<b>5th Street Sewermain Replacement</b>	<b>1,354,000</b>
<b>SS 0071</b>	<b>6th Street Sewermain Replacement</b>	<b>308,000</b>
<b>SS 0072</b>	<b>Kirkland Avenue Sewermain Replacement</b>	<b>1,980,000</b>
<b>SS 0075</b>	<b>Inflow And Infiltration Reduction Program</b>	<b>1,000,000</b>
<b>SS 0077</b>	<b>West Of Market Sewermain Replacement</b>	<b>21,681,000</b>
<b>Total Unfunded Utility Projects</b>		<b>67,953,000</b>

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

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

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

**PARK PROJECTS**

**Funded Projects:**

Project Number	Project Title	Prior Year(s)	2009	2010	2011	2012	2013	2014	2009-2014 Total	Funding Source				
										Current Revenue	Reserve	Debt	External Source	
PK 0049	Open Space and Pk Land Acq Grant Match Program		100,000						100,000		100,000			
PK 0056	Forbes Lake Park Development	75,000		877,500					877,500	877,500				
PK 0066	Park Play Area Enhancements		100,000	100,000	50,000	100,000	100,000	50,000	500,000	500,000				
PK 0078 600	A.G. Bell Elementary Playfields Improvements						200,000		200,000	200,000				
PK 0078 800	International Comm. School Playfield Improvements					300,000			300,000	300,000				
PK 0087	Waverly Beach Park Renovation			75,000	957,600				1,032,600	1,032,600				
PK 0113	Spinney Homestead Park Renovation				50,000	690,500			740,500	740,500				
PK 0115*	Terrace Park Renovation						76,300	323,700	400,000	400,000				
PK 0119*	Juanita Beach Park Development	550,000	1,650,000				850,000	472,300	2,972,300	2,522,300			450,000	
PK 0121	Green Kirkland Forest Restoration Program		50,000	50,000	50,000	50,000	50,000	50,000	300,000	300,000				
PK 0124*	Snyder's Corner Park Site Development					75,000		425,000	500,000	500,000				
PK 0125	Dock Renovations	100,000			50,000				50,000	50,000				
PK 0131*	Park and Open Space Acquisition Program	835,000	418,000	428,500	439,400	450,600	462,300	474,300	2,673,100	1,965,100			708,000	
<b>Total Funded Park Projects</b>			<b>1,560,000</b>	<b>2,318,000</b>	<b>1,531,000</b>	<b>1,597,000</b>	<b>1,666,100</b>	<b>1,738,600</b>	<b>1,795,300</b>	<b>10,646,000</b>	<b>9,388,000</b>	<b>100,000</b>	<b>0</b>	<b>1,158,000</b>

**Unfunded Projects:**

Project Number	Project Title	Total
PK 0086	Totem Lake Neighborhood Park Acquisition & Development	2,500,000
PK 0095 100	Heritage Park Development - Phase III & IV	2,500,000
PK 0096	Ohde Avenue Park Development	250,000
PK 0097	Reservoir Park Renovation	500,000
PK 0099	N. Juanita (East) Neighborhood Park Acquisition/Development	2,500,000
PK 0100	N. Juanita (West) Neighborhood Park Acquisition/Development	2,500,000
PK 0101	N. Rose Hill Neighborhood Park Acquisition/Development (North)	2,500,000
PK 0102	N. Rose Hill Neighborhood Park Acquisition/Development (Central)	2,500,000
PK 0103	Market Neighborhood Park Acquisition/Development	3,500,000
PK 0108	McAuliffe Park Development	7,000,000
PK 0114	Mark Twain Park Renovation	750,000
PK 0116	Lee Johnson Field Artificial Turf Installation	1,500,000
PK 0117	Lake Avenue West Street End Park Enhancement	100,000
PK 0122 100	Community Recreation Facility Construction	42,000,000
PK 0126	Watershed Park Master Planning & Park Development	1,100,000
PK 0127	Kiwanis Park Master Planning & Park Development	1,100,000
PK 0128	Yarrow Bay Wetlands Master Planning & Park Development	1,600,000
PK 0129	Heronfield Wetlands Master Planning & Development	1,600,000
<b>Total Unfunded Park Projects</b>		<b>76,000,000</b>

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

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

**Notes**

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- Bold italics = New projects

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

**PUBLIC SAFETY PROJECTS****Funded Projects:**

Project Number	Project Title	Prior Year(s)	2009	2010	2011	2012	2013	2014	2009-2014 Total	Funding Source				
										Current Revenue	Reserve/Prior Year	Debt	External Source	
PS 0061	Mobile Data Computers Replacement		227,300						227,300		168,200		59,100	
PS 0062*	Defibrillator Unit Replacement				272,000				272,000	228,480			43,520	
PS 0063	Breathing Air Fill Station Replacement			159,100					159,100	117,730			41,370	
PS 0066*	Thermal Imaging Cameras Replacement					133,000			133,000	98,420			34,580	
PS 0067*	Dive Rescue Equipment Replacement						63,100		63,100	46,690			16,410	
<b><i>PS 0068</i></b>	<b><i>Local Emergency/Public Communication AM Radio</i></b>					<b><i>127,500</i></b>			<b><i>127,500</i></b>	<b><i>127,500</i></b>				
<b><i>PS 0069</i></b>	<b><i>Critical Ham Radio Equipment</i></b>			<b><i>57,000</i></b>					<b><i>57,000</i></b>	<b><i>57,000</i></b>				
<b><i>PS 0070</i></b>	<b><i>Permanent Information Displays</i></b>		<b><i>220,000</i></b>						<b><i>220,000</i></b>	<b><i>206,900</i></b>	<b><i>13,100</i></b>			
<b><i>PS 0071</i></b>	<b><i>Self Contained Breathing Apparatus (SCBA)</i></b>							<b><i>327,200</i></b>	<b><i>327,200</i></b>	<b><i>242,130</i></b>			<b><i>85,070</i></b>	
<b>Total Funded Public Safety Projects</b>			<b>0</b>	<b>447,300</b>	<b>216,100</b>	<b>272,000</b>	<b>260,500</b>	<b>63,100</b>	<b>327,200</b>	<b>1,586,200</b>	<b>1,124,850</b>	<b>181,300</b>	<b>0</b>	<b>280,050</b>

**Unfunded Projects:**

Project Number	Project Title	Total
PS 0043*	Emergency Power (Site to be Determined)	220,000
<b>Total Unfunded Public Safety Projects</b>		<b>220,000</b>

Notes

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

**GENERAL GOVERNMENT PROJECTS**

**Funded Projects:**

Project Number	Project Title	Prior Year(s)	2009	2010	2011	2012	2013	2014	2009-2014 Total	Funding Source			
										Current Revenue	Reserve/Prior Year	Debt	External Source
<b>TECHNOLOGY</b>													
GG 0006 100*	Geographic Information Systems		243,000	266,000	160,700	227,300	292,700	350,400	1,540,100	1,540,100			
GG 0006 110	Records Management System	961,300	144,900	160,800					305,700	305,700			
GG 0006 160*	Finance and HR System Modules		88,400	83,200	113,600	113,300	58,900	60,300	517,700	517,700			
GG 0006 202*	Fire RMS System Replacement					92,000			92,000		92,000		
GG 0006 300*	Local and Wide Area Networks		280,000	507,200	428,500	670,800	396,000	427,600	2,710,100	2,563,000	147,100		
GG 0006 301*	Disaster Recovery System Improvement	150,000			133,900		68,900	178,200	381,000	381,000			
GG 0006 302	Help Desk Clientele System Replacement	100,000	31,100						31,100		31,100		
GG 0006 501	Permit Plan System Replacement	50,000	356,800	214,200					571,000		571,000		
GG 0006 803*	Recreation Registration System Replacement				88,900				88,900		88,900		
<b>FACILITIES</b>													
GG 0008*	Electrical, Energy Management & Lighting Systems		75,400	55,600	141,500	57,200	25,700	42,600	398,000		398,000		
GG 0009*	Mechanical/HVAC Systems Replacements		52,200	37,800	48,700	7,100	24,200	186,500	356,500		356,500		
GG 0010*	Painting, Ceilings, Partition & Window Replacements		265,700	229,200	476,600	62,400	20,600	321,000	1,375,500		1,375,500		
GG 0011*	Roofing, Gutter, Siding and Deck Replacements		66,100				9,600	865,500	941,200		941,200		
GG 0012*	Flooring Replacements		101,700	133,400	41,300	100,500	16,800	134,200	527,900		527,900		
GG 0035*	City Hall & Public Safety Expansion	750,000	3,000,000	6,592,000	11,632,800	11,981,800			33,206,600	800,000	8,792,000	23,614,600	
<b>GG 0037 001</b>	<b>Maintenance Center Expansion - Phase 1</b>			<b>50,000</b>					<b>50,000</b>		<b>50,000</b>		
<b>CITYWIDE</b>													
GG 0023	Neighborhood Connection Program		125,000	125,000	140,000	140,000	140,000	140,000	810,000	600,000	210,000		
<b>Total Funded General Government Projects Citywide</b>		<b>2,011,300</b>	<b>4,830,300</b>	<b>8,454,400</b>	<b>13,406,500</b>	<b>13,452,400</b>	<b>1,053,400</b>	<b>2,706,300</b>	<b>43,903,300</b>	<b>6,707,500</b>	<b>13,581,200</b>	<b>23,614,600</b>	<b>0</b>

**Unfunded Projects:**

Project Number	Project Title	Total
GG 0006 125*	Standard Reporting Tool	135,000
GG 0006 130	Customer Relationship Management System	414,000
GG 0006 203	Police CAD & RMS System Replacement	1,400,000
GG 0006 207	Police ProAct Unit NCIC Handheld Computers	52,000
GG 0006 401	Utility Billing/Cashiering System Replacement	491,700
GG 0006 402	Financial System Replacement	1,500,000
GG 0006 701*	Fleet Management Systems Replacement	80,000
<b>GG 0006 804</b>	<b>Wireless in the Parks Expansion</b>	<b>335,000</b>
<b>GG 0037 002</b>	<b>Maintenance Center Expansion - Phase 2</b>	<b>15,000,000</b>
<b>Total Unfunded General Government Projects</b>		<b>19,407,700</b>

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

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## 2009-14 CIP

## Projects Funded by General Purpose Revenues for 2009-2010

CIP Category CIP Project	Interest		Sales Tax		Gas Tax		Subtotal Gen Purpose Revenue		Reserves & Prior Year Savings		Total	
	2009	2010	2009	2010	2009	2010	2009	2010	2009	2010	2009	2010
<b>Transportation</b>												
Street Preservation Program	-	-	270,000	270,000	534,000	545,000	804,000	815,000	-	-	804,000	815,000
<b>Parks</b>												
Open Space/Pk Land Acq Grant Match	-	-	-	-	-	-	-	-	100,000	-	100,000	-
<b>Public Safety</b>												
Mobile Data Computers Repl.	-	-	-	-	-	-	-	-	168,200	-	168,200	-
Breathing Air Fill Station Repl.	-	117,730	-	-	-	-	-	117,730	-	-	-	117,730
Critical Ham Radio Equipment	-	57,000	-	-	-	-	-	57,000	-	-	-	57,000
Permanent Information Displays	206,900	-	-	-	-	-	206,900	-	13,100	-	220,000	-
<b>Information Technology</b>												
Geographic Information Systems	85,630	116,000	7,370	-	-	-	93,000	116,000	-	-	93,000	116,000
Records Management System	-	160,800	144,900	-	-	-	144,900	160,800	-	-	144,900	160,800
Finance and HR System Modules	88,400	48,690	-	-	-	-	88,400	48,690	-	34,510	88,400	83,200
Local and Wide Area Networks	-	49,780	247,730	400,000	-	-	247,730	449,780	-	-	247,730	449,780
Help Desk Clientele System Repl.	-	-	-	-	-	-	-	-	31,100	-	31,100	-
Permit Plan System Replacement	-	-	-	-	-	-	-	-	356,800	214,200	356,800	214,200
<b>Facilities</b>												
City Hall & Public Safety Expansion	-	-	-	-	-	-	-	-	3,000,000	6,592,000	3,000,000	6,592,000
<b>Neighborhood CIP</b>												
Neighborhood Connections Pgm	-	-	100,000	100,000	-	-	100,000	100,000	-	-	100,000	100,000
<b>Total</b>	<b>380,930</b>	<b>550,000</b>	<b>770,000</b>	<b>770,000</b>	<b>534,000</b>	<b>545,000</b>	<b>1,684,930</b>	<b>1,865,000</b>	<b>3,669,200</b>	<b>6,840,710</b>	<b>5,354,130</b>	<b>8,705,710</b>



**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:** August 21, 2008

**Subject:** PAY PARKING AND PARKING SUPPLY

RECOMMENDATION:

It is recommended that Council review and comment on the work of the Parking Advisory Board and the Stakeholders group that has resulted in general support for the following five points.

1. The city of Kirkland needs to increase parking supply in downtown.
2. Existing parking lots at Lake & Central and Marina Park should be converted to fully pay from 5 to 9 PM and free during the day. This should be implemented as soon as practical, as described in Attachment 1.
3. New parking revenue shall be earmarked solely for financing new parking supply.
4. The first priority for additional parking supply is construction of a new city-owned free-standing facility. However, opportunities such as buying or leasing parking in a privately developed project should also be pursued as they become available.
5. Without over-burdening a benefit district or general revenue, on-street pay parking may be needed to generate enough user revenue for the projects described in (4). On-street pay parking should only be implemented after agreements for such projects have been finalized.

BACKGROUND:

Earlier this year, the Council directed the Parking Advisory Board to convene a group of stakeholders to examine two issues: 1) pricing of parking lots at Lake & Central and Marina Park during the evening hours, and 2) exploring ways to build new parking supply downtown. This update consists of this cover memo and four attachments: 1) the recommendation to price parking at city owned lots during the evening hours, 5 to 9 PM, 2) points of agreement on building new supply, 3) a draft of an open letter to developers inviting their ideas for adding new parking supply by means of public-private ventures, and 4) comments by downtown commercial property owners concerning specific sites. We invite Council comment and suggestions regarding this information. The PAB seeks your comment and mid-course correction, if needed.

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The pricing of parking in evening hours (Attachment 1) is an important step to create a market for parking that will be needed to finance new supply. But the next step will require deciding how much of the cost of new supply will be borne by users. If users are to pay a significant share of that cost, pricing of on-street parking will generate more revenue than extending pay parking during the daytime in city owned lots. Leaving the lots free during the day may reduce opposition to the introduction of pricing on-street parking. However, extending pay parking beyond the 5 to 9 PM in city lots should only be done when new supply is firmly committed.

The extra revenue generated from the 5 PM to 9 PM plan is estimated to be \$87,000 per year. There will be one time costs associated with purchase of additional pay stations and revised signs and markings which are estimated to be \$45,000. Annual pay station maintenance costs are estimated to increase from \$2,200 per year to \$6,600 per year. Additional enforcement costs are not anticipated.

Everyone agrees there is a downtown parking problem, but there is no easy solution to it. Every site we examined for development of a stand alone parking garage has advantages and disadvantages, and there is no single best site to recommend. Attachment 2 discusses the pros and cons of potential sites, but more analysis is needed before a recommendation can be made. Meanwhile, we suggest private developers be asked for ideas and suggestions regarding private participation (Attachment 3). Downtown commercial property owners have expressed their concerns and suggestions with specific sites (Attachment 4).

#### NEXT STEPS

Based on Council comment, the Stakeholders will reconvene to finalize points of agreement and return to Council with a final plan. We seek your concurrence in our recommendation to proceed with evening pay parking. We need direction from Council before proceeding farther with increasing the supply of parking.

We would like to engage the Council in discussion of four options to increasing the supply of parking downtown:

1. Building a stand-alone parking structure in the Marina Park parking lot. This site best serves the downtown core, particularly visitors to downtown and the lakefront. But, this would be an architectural challenge and may be opposed by existing businesses and property owners whose property values may be affected. However, this proposal for a free standing garage in the Marina Park parking lot might lead to reconsideration of the Lakeshore Plaza proposal, which would better integrate parking within a redevelopment of this part of downtown.
2. Elevate Lee Johnson Field to the roof of a new parking structure. Although this location does not serve well the downtown core, it may serve to better link the downtown core with a redeveloped Parkplace, which will strengthen a greater downtown. This location may require in-lieu participation by Parkplace to reduce their parking requirements and/or locating the proposed recreation center where the

Memorandum to City Council

August 21, 2008

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- swimming pool is now. One or both of these may be needed to warrant another parking structure near the Library Parking Garage.
3. Purchase the Antique Mall or part of Kirkland Square and build a parking garage. However, the land cost may require a mixed-use development that might require most of the parking to serve the new development.
  4. Build an underground parking garage at Lake & Central and sell development rights above.
  5. Buy or lease parking from a developer. However, unless the City can negotiate the "best" area for public customer parking, this approach would be more limited to function as employee parking.

In conjunction with selecting from among these options the Council will need to develop a policy for financing the new supply. New parking supply in downtowns is normally financed with a mix of parking revenue, benefit district revenue, and general revenue. Some cities rely more on one part than another. For example, Ventura, CA prices on-street parking and not lots and garages, while Salem, OR does not price parking downtown at all, but finances parking supply with a benefit district, and Pasadena, CA and Redwood City, CA rely on pricing both on- and off-street parking to finance parking and for downtown betterment. What mix of revenue is best for Kirkland? One potential source of revenue is the amount of general fund revenue currently dedicated to retiring the Library Garage debt. Continuing the current commitment of \$400,000 in general revenue after the debt for the Library Garage is retired, would be a good, but insufficient amount for a new parking garage. We understand that Council is considering other uses for this revenue after the library debt is retired. Parking revenue and a local improvement district would also be needed.

It might be necessary to engage an architectural engineering firm to analyze these sites, functionally, economically, and visually. This would produce more tangible options to consider.

**ATTACHMENT 1 STAKEHOLDER AGREEMENT ON EVENING PAY PARKING**

The Parking Advisory Board held two stakeholder meetings on April 16<sup>th</sup> and 24<sup>th</sup> on evening pay parking. The meetings were lead by Penny Mabie from Envirolssues. The following stakeholder groups were invited to participate:

Downtown Commercial Property owners  
KDA  
Chamber  
Restaurant operators  
Gallery owners  
Salon and Spa operators  
Park Board  
Condo owners  
Moss Bay Neighborhood Association

The purpose of the meetings was to review a parking proposal converts all the parking stalls to be free from 9:00 a.m. to 5:00 p.m. -and conversion to pay parking from 5:00 p.m. – 9:00 p.m. This would be in effect Monday – Saturday in both the Lake and Central and Lakeshore Plaza parking lots.

After the stakeholder meetings concluded, we asked each stakeholder group to review what we thought we heard them say about the different proposal attributes. We also asked for their final feedback in either support of, or opposition to, the proposal along with their reasons as to why. The Chamber of Commerce representative came back with the comment:

The acceptance of the proposal could only be given if all the new revenue and a large portion of the existing revenue go to additional future parking supply and not into the general fund.

Below is the recap input sheet we asked stakeholders to comment on, which was based on Council's approval to the original Scope of discussion attributes. Only number 19 was added after the discussions began:

Attribute	Proposal Element	General Agreement	General Disagreement	Stakeholder Comments
1. Pay Parking	This is first phase of a larger plan.			Stakeholders are not in universal agreement about this. Many want to know when the next phase kicks in and what the plan is for more supply. A comment was that “we don’t want a pay parking program if it is only to raise funds to administer itself. More supply is the issue.”
2. Location	Lake & Central lot and Lakeshore Plaza Lot (also known as Marina Lot)	√		
3. How much of the lot	The entire lot, except for 30-minute free stalls and accessible stalls	√		
4. Number of always free 30-min stalls	Same as current in Lake & Central Lot. At least same as current in Lakeshore with two issues undecided.	√		Undecided: 1) Suggestion to add two 30-min. free stalls for Lakeshore Plaza Lot. 2) Should accessible stalls be increased in Lakeshore Plaza lot to meet requirements.
5. Location of always free 30-min stalls	Current locations	√		Note: If two additional 30-min free stalls are added to Lakeshore Plaza lot, they should be at the ends of the two rows that don’t currently have them, consistent with the other 30-min free stalls.
6. Hours of pay parking	5 - 9 p.m., M - Sa.	√		
7. Maximum length of stay during pay parking	4 hours	√		
8. Maximum length of stay when pay parking is not in effect, 9:00 am to 5:00 pm, Mon – Sat.	30 minutes and 3 hours	√		Many business stakeholders preferred 4 hours but agreed that 3 hours was the minimum needed. This would accommodate those who are lunching and doing errands, or visiting salons or other businesses where you typically need more than two hours. Other stakeholders and enforcement staff had concerns with lack of turnover if using 4 hours max length of stay. It was universally agreed that there should be no more than two different time limits to avoid confusion.
9. Library garage	No change.	√		

10. When will pay parking begin?	Implement the change at both lots at the same time if Council makes the decision to proceed. Begin as soon as practically possible.	√	Make as few changes as possible and all at the same time. Implement as soon as practical once the decision is made, with appropriate time taken for necessary infrastructure changes (signage, pay station installations, etc.), customer education, and problem solving to ensure a smooth transition.
11. Conditions until new pay parking is implemented	No change.	√	
12. Use of excess revenue beyond what is currently being collected	All excess revenue to go towards funding new parking supply.	√	Some stakeholders expressed concern that the amount of excess revenue may be too little to matter. Several business stakeholders expressed dissatisfaction that all revenues collected from the lots don't go to developing new supply.
13. Technology for collection	More of the same pay stations.	√	Not everyone likes the current pay and display technology. The group all agreed that new technologies should be looked at as part of bigger effort, e.g. if pay parking is expanded.
14. Seasonal variation in rates	None.	√	Suggested but not fully discussed: Consider suspending pay parking for month of December to stimulate holiday shopping.
15. Validation techniques	Use existing token program. PAB should make it part of their workplan to investigate other validation programs.	√	The group is very interested in providing the ability for easy validation.
16. ParkSmart program	No change. PAB should explore ways to improve the program.	√	Several stakeholders and enforcement staff said ParkSmart is not working as well as it could. Stakeholders offered to provide their ideas to PAB for how to improve the ParkSmart program.
18. Evaluation	Keep in place for at least one year. If possible, evaluate the program over two summers in order to collect comparative data.	√	
19. Price of paid parking in lots during 5 to 9, M - Sa	\$1 per hour.	√	Evaluation should include looking at whether the pricing stimulates turnover. Some stakeholders initially recommended higher pricing to ensure turnover.

The PAB feels it is important to keep the key points noted by the stakeholders in mind when moving forward with the proposal:

- 1) The proposal should be implemented as soon as approval is given. If installation is possible, prior to the 2008 holiday season, about mid-November, but no later than March-April 2009.

- 2) There should be at least 3-hour free parking during the day. The current 2-hour free is not conducive to the salons, lunch goers and browsers. However, there are concerns with lack of turnover if there was a 4-hour maximum length of stay.
- 3) The current \$1.00 per hour pricing may be too low to create the desired turnover.
- 4) Not all stakeholders like the current pay stations, but for now keep what is in. Looking at new technology should be considered if pay parking is expanded throughout downtown.
- 5) There is interest in the ability for an easy validation system and it should be explored.
- 6) The evaluation period of the new program should include at least one year, or over two summers in order to collect comparative data.

Even though the overall consensus is acceptance of the proposal, it behooves us to look at the positives and negatives this proposal could present:

Positives will provide...

- consistency in both parking lots; the current part pay, part free parking in the lots have caused many "confusion" complaints
- turnover which increases the number of open spaces available
- 3-hour free daytime parking vs. the current 2-hour stay
- free parking during the day addressing merchants' issues who have strongly opposed the pay parking
- a revenue stream for future additional parking supply. Currently, pay parking revenue is budgeted at \$69,000 per year. Upon implementation of this proposal net new revenue (in addition to the budgeted amount) from pay parking is estimated to be \$87,000<sup>1</sup> per year. Maintenance costs of pay stations will increase from about \$2200 per year to about \$6600 per year.
- free parking in all 30-minute spaces in both lots.
- beginning steps to a market based approach to downtown parking
- enforcement presence to effectively weed out evening employees parked in the downtown core where parking is in such high demand

Negatives may include...

- Parking rates may not be high enough to get adequate turnover.
- some customers parking prior to 5:00 PM who transition into the evening pay parking time could be confused on when to pay
- some stakeholders do not buy-in to the market based pricing for the future of downtown

### **CONCLUSIONS:**

After the stakeholder meetings, the PAB met to discuss what we heard. It is the position of the board to recommend action to move forward with the proposed parking changes to include 3-hour free parking during the daytime and evening pay parking to begin at 5:00 PM in both Lake and

---

<sup>1</sup> Estimate based on 170 stalls, utilization of 85%, 4 hours per day, 6 days per week, at a charge of \$1/hour. Credit card charges average 11% and annual maintenance costs of pay stations are estimated to be \$1100/year. Six pay stations will be needed.

Memorandum to City Council

August 21, 2008

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Attachment 1  
Pay Parking Agreement

Central and Lakeshore Plaza locations. If possible, it is our recommendation these changes be implemented by mid-November 2008.

### **Attachment 2: Downtown Parking Stakeholder's Points of Agreement**

The following are areas of agreement among the Downtown Parking Stakeholders:

1. The city of Kirkland needs to increase parking supply in downtown.
2. Existing parking lots at Lake & Central and Marina Park should be converted to fully pay from 5 to 9 PM and free during the day. This should be implemented as soon as practical.
3. New parking revenue shall be earmarked solely for financing new parking supply.
4. The first priority for additional parking supply is construction of a new city-owned free-standing facility. However, opportunities such as buying or leasing parking in a privately developed project should also be pursued as they become available.
5. Without over-burdening a benefit district or general revenue, on-street pay parking may be needed to generate enough user revenue for the projects described in (4). On-street pay parking should only be implemented after agreements for such projects have been finalized.
- 6.

The stakeholders reviewed with a consultant, Rick Williams, the construction of a generic 3-level parking garage on a parcel of land of 40,000 sq ft. The generic garage totaled 343 parking spaces and 20,000 sq. ft of ground floor retail space. The gross development cost would be nearly \$15 million, with a debt service of \$0.5 million a year after retail space income.

However, problems were encountered in applying the template to specific sites in downtown. First, we looked at city owned sites – Lake & Central, Marina Park, and under Lee Johnson Field. Lake & Central is too small (20,000 sq ft) and too valuable to be devoted solely to parking. If combined with U.S. Bank it becomes a complex mixed-use project and parking as a secondary use, not the primary use. Building a free-standing parking garage in the parking lot at Marina Park would conflict with existing buildings along Central Way and Lake Street. Better integration of parking would require redevelopment along the lines of the proposed Lakeshore Plaza, making this location for public parking problematic and not timely. Under Lee Johnson Field is the best location for a free standing parking garage, but it is not within the downtown core and would require the participation of Parkplace, in the form of in-lieu financing or a long-term lease of spaces to reduce further their parking requirements.

Privately owned sites have the problem of site acquisition costs. Either the Antique Mall or Kirkland Square sites are well located to serve both the downtown core and Peter Kirk Park. But adding \$10 to \$15 Million for site acquisition would require a mixed use project to generate more revenue to offset the land cost. Instead of the City taking the lead on a mixed use project led to discussion of buying or leasing space in a private development. However, the City would need a revenue source and an ability to respond quickly to developer initiatives.

Memorandum to City Council  
August 21, 2008  
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Attachment 3  
Draft letter to developers

DRAFT

To: Potential Downtown Kirkland Developers  
From: Ken Dueker, Chair Parking Advisory Board

The Parking Advisory Board seeks to expand parking in downtown Kirkland and invites potential developers to indicate how their project might add to parking supply available to the public. This might take the form of:

1. A developer building extra parking and leasing or selling it to the City.
2. Opening private parking to the public after daytime working hours for public use in evening.
3. Using the in-lieu option to reduce a project's parking requirement and contributing to the City's parking supply.
4. Requesting a reduction in parking supply for a project by leasing space in a public parking garage.

Whether new downtown parking supply is provided privately or publicly, cooperation and coordination is needed, and we invite you to submit ideas and initiatives.

#### **Attachment 4: Feedback from Commercial Property Owners**

Joe Castleberry, PAB member and a downtown property owner, canvassed other downtown property owners and their report follows.

##### **Marina Park Site**

Commercial property owners expressed concern with the Marina Park site for a new downtown Kirkland parking garage. The primary objection to this site is the potential loss the rental revenue from the retail that adjacent property owners now have on the parking lot level. In fact, one property owner stated they "would lose 50% of our rental space income". So, the primary objection is an economic one.

The adjacent property owners were asked what it would take to support a future parking garage with a plaza lid at that site. Three action items were identified:

1. Provide commercial property owners financial compensation for their loss of revenue that would be a result of building the Lakeshore Plaza parking garage. This compensation could take a number of different forms, one idea being that perhaps low interest rate development funds could be made available.
2. Provide property owners additional building height such that redevelopment of their property would be financial feasible. This would also enable the property owners to replace the income producing space they lost.
3. An alternative would be to provide retail space (equivalent to the retail space lost) on the parking lot lid for all the property owners adversely impacted by the new garage. This would be in lieu of a third story on Lake Street.
4. Provide the property owners the ability to purchase additional parking to support their redevelopment on a fee-in-lieu basis (in the new garage). Current City code provides a fee-in-lieu provision but there is not a current supply to draw upon.

Added traffic congestion was also a concern expressed about the Lakeshore Plaza site - this should be carefully analyzed and proper mitigation determined prior to making any final site decision.

##### **Lake & Central Site**

Despite the small size of this site, the commercial property owners are not ready to discard it from consideration. An underground parking garage could be built, expanding the size of the garage to be partially beneath the rights-of-way of both Lake and Central streets. However, this may involve relocating some utilities. The result might be a 4 or 5 story underground

parking garage with retail on the street level and one or more stories office above.

The City could lease the space or sell it outright to a developer. Either the rental income or the proceeds from the sale of the development rights could significantly offset the cost of the large underground parking facility.

Again, the potential of added traffic congestion is a real concern, especially in an area of downtown Kirkland where traffic congestion is already a problem. This would have to be thoroughly analyzed before making a final decision.

This might lead to not building anything above ground; an open plaza with a five story parking garage located beneath it. This approach would certainly make the underground garage more expensive, but it might be preferable to the citizens of Kirkland.

### **Other Sites**

The Antique Mall site is well located to develop into either an above ground (over retail) parking garage or an multiple level underground facility. The commercial property owners would be willing to talk to the owner to see if she would consider using her property for a project that would have major public benefit for the City of Kirkland and maybe be in the spirit that her father had in mind.

The baseball field is near and dear to many Kirklander's. It is the site with the least complications, but is not located as close to the downtown core area to serve well the legacy buildings. However, it is preferable to the "do nothing" alternative.

### **Other Ideas**

The commercial property owners are receptive to working with the City on these sites and other development projects wherein the City might purchase or lease 50 or more parking places to help alleviate the current parking problem. The commercial property owners want to help in creative ways of solving the downtown parking problem.

### **Summary**

A comprehensive feasibility study should be prepared for a short list of parking garage sites. The first step is to decide on the short list, and the second is a detailed feasibility study by an experienced consultant.

Funding a downtown parking garage is a big issue and there are many opinions and ideas. Again, an independent consultant could provide relevant experience and needed expertise to address the funding question.

**CITY OF KIRKLAND****Department of Planning and Community Development  
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: Dawn Nelson, Planning Supervisor  
Dorian Collins, Senior Planner  
Arthur Sullivan, ARCH Program Manager  
Eric Shields, Planning Director**

**Date: August 27, 2008**

**Subject: Inclusionary Housing Direction, File ZON07-00037**

RECOMMENDATION

Staff recommends that the City Council discuss and provide direction on the following series of questions at the September 2, 2008 meeting.

BACKGROUND DISCUSSION

At its retreat in March, the City Council created a housing committee to provide direction to staff on a variety of housing issues. The committee has met four times and has discussed the potential Transit Oriented Development at the South Kirkland Park and Ride, as well as some of the options for expanding the City's voluntary affordable housing incentives and developing some mandatory affordable housing requirements. The potential solutions for expanding the City's programs vary by zoning district and geographic location, creating a complex list of options to pursue. Zoning Code amendments will affect a variety of zones throughout the City. One of the most significant items that will be addressed is developing mandatory requirements in the Totem Lake and Multi-family zones where optional height or density bonuses already exist.

Before proceeding with the Zoning Code amendments, the housing committee requested that staff bring several questions to the full City Council for direction. Following is a short discussion of two major groupings of changes and the questions for which staff would like Council direction.

***Totem Lake***

New zoning for the Totem Lake neighborhood was adopted between 2004 and 2006 and, in many subareas, includes the option for substantial height increases in exchange for 10% of the units being developed as affordable housing. Three subareas (TL 10B, TL 10C and TL 10D) limit where

“stand-alone” housing can be located (see Attachment 1) while the Comprehensive Plan identified broader geographic areas as Housing Incentive Areas (see Attachment 2). Housing was limited when the zoning was adopted because the Council was concerned that too much incentive for housing would limit the market for office and high technology uses. No redevelopment has yet occurred under the new regulations. The Planning Department recently received a letter from Nicholas Gil, a real estate representative for potential developers of property in TL 10B, requesting that the City consider zoning changes in this area to allow stand-alone housing east of 118<sup>th</sup> Avenue NE. **Should staff and the Planning Commission study the expansion of the areas where housing is allowed in TL 10B, TL 10C and TL 10D?**

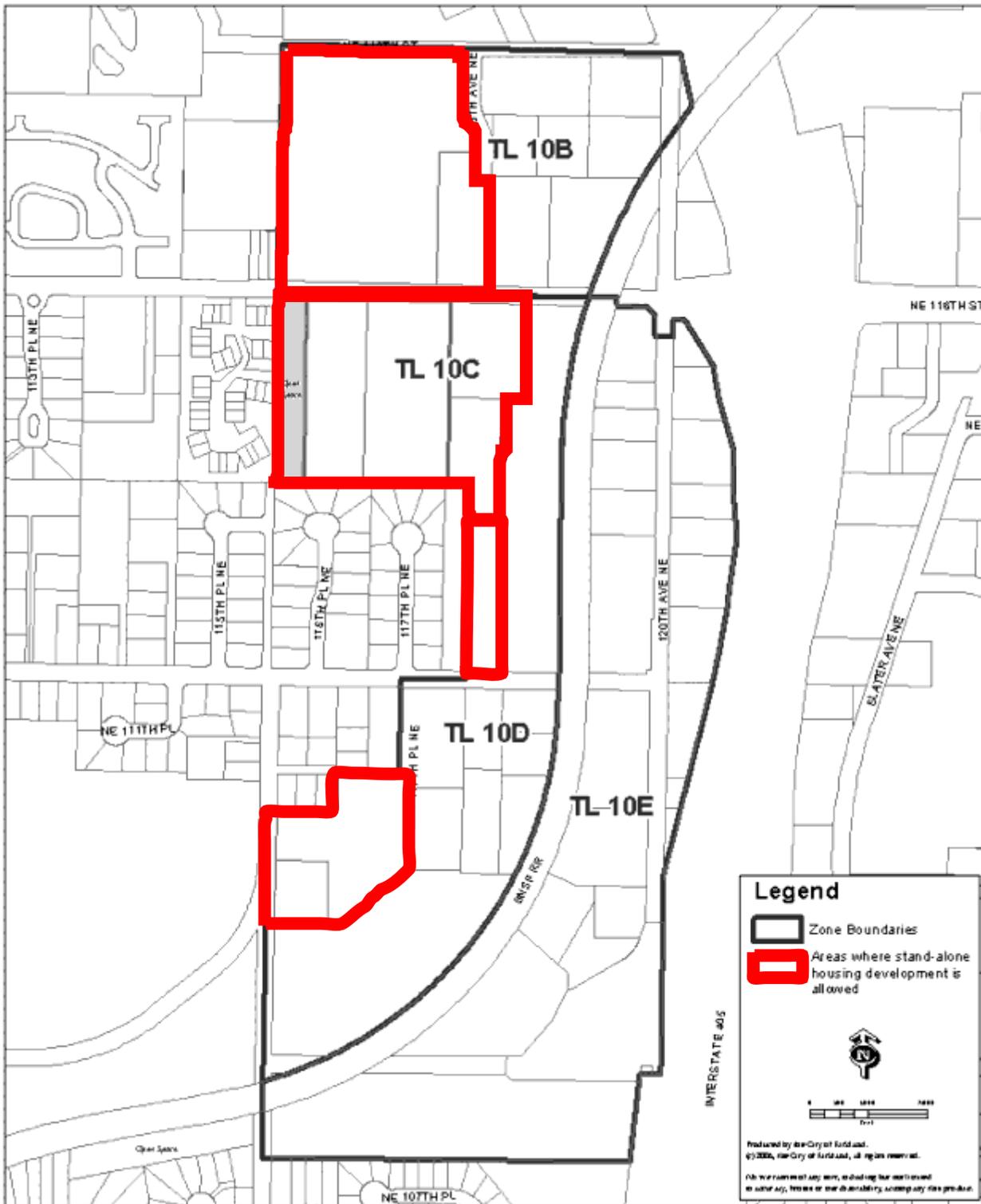
Four subareas allow housing either as a stand alone use (TL 8) or as part of a mixed commercial and residential development (TL 4A, TL 4B and TL 4C) (see Attachment 3). The height limit for all of these zones is 45 feet, with no incentive for additional height in exchange for affordable housing. Height limits for surrounding zones are taller, up to 65 feet in some instances, and these zones represent an opportunity to expand the area where height is used as an incentive for affordable housing. **Should staff and the Planning Commission study the options for additional height in exchange for affordable housing in the TL 4A, TL 4B, TL 4C and TL 8 zones?**

### ***Community Business Areas***

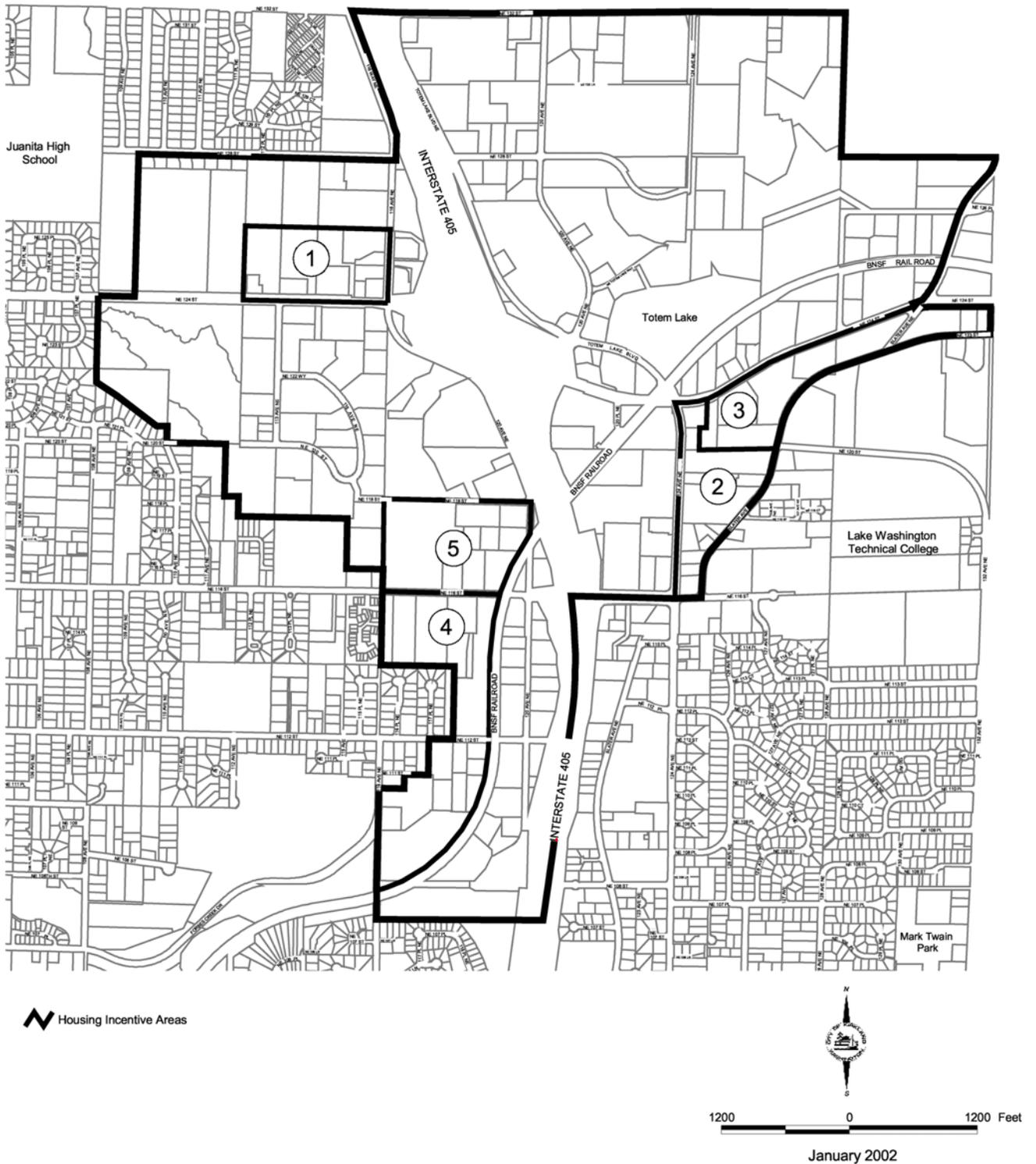
Two small areas of Community Business zoning remain in the City – the Houghton commercial district at NE 68<sup>th</sup> Street and 108<sup>th</sup> Avenue NE and the Bridle Trails commercial district at NE 70<sup>th</sup> Street and 132<sup>nd</sup> Avenue NE. Both areas are currently developed with single story mixed retail uses. Housing is currently allowed by the zoning but heights are limited 30 feet. Additional height could be allowed in exchange for affordable housing. However, allowing additional height would require a Comprehensive Plan amendment in two of the three neighborhoods (Everest and Bridle Trails) where the Community Business zoning exists. Timing is the real question with this option. **Should staff initiate conversations with the three directly affected neighborhood associations and the Houghton Community Council to pursue amendments as part of the affordable housing program? Or should the conversation be taken up as part of the separate neighborhood plans as they come up for review over the next four years?** (Central Houghton is scheduled in 2008 – 2009, Everest is scheduled in 2011 -2012, and South Rose Hill/Bridle Trails is scheduled in 2009 – 2010. However, our ability to meet this schedule is uncertain.)

### ATTACHMENTS

1. Stand-Alone Housing Areas, Plate 37 from KZC
2. Totem Lake Housing Incentive Areas, Comprehensive Plan Figure TL-7
3. Totem Lake Planning Districts, Comprehensive Plan Figure TL-11



# ATTACHMENT 2 Totem Lake Housing Incentive Areas Inclusionary Housing Direction



**Figure TL-7: Totem Lake – Housing Incentive Areas**

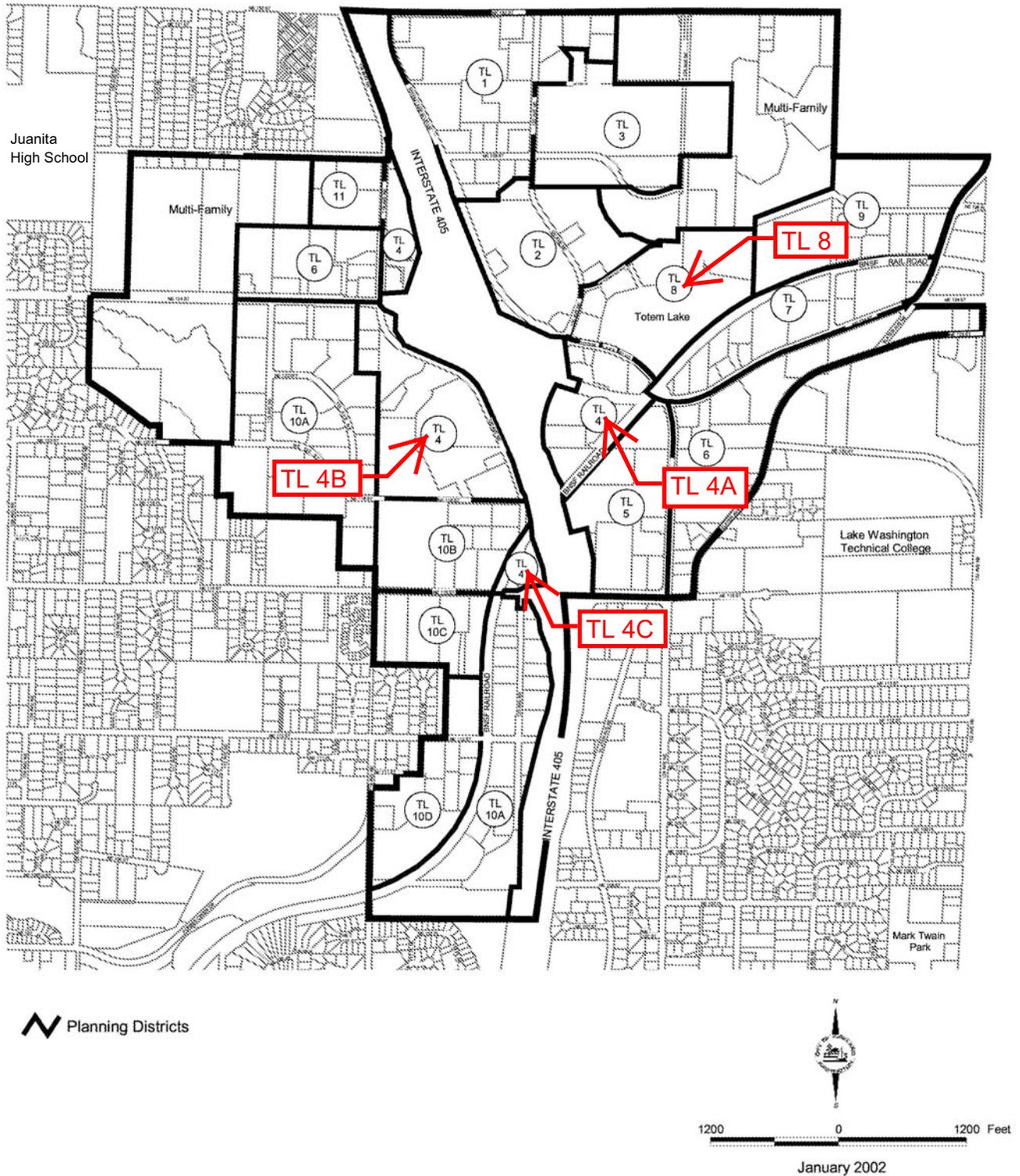


Figure TL-11: Totem Lake Planning Districts

**CITY OF KIRKLAND****123 Fifth Avenue, Kirkland, WA 98033 425.587.3000**  
**www.ci.kirkland.wa.us****MEMORANDUM**

**To:** David Ramsay, City Manager

**From:** Park Board  
Mike Metteer, Business Services Programs Manager  
Carrie Hite, Deputy Director  
Jennifer Schroder, Director

**Date:** August 21, 2008

**Subject:** Business Partnership Policy

**RECOMMENDATION**

City Council approves the Business Partnership Policy.

**BACKGROUND**

Attached is the Business Partnership Policy. The purpose of this Policy is to establish guidelines and procedures for qualified sponsors and business partners for the City of Kirkland.

The City recognizes the need and value for outside entities to support City-approved programs, projects, events, facilities, and other activities where such partnerships are done in a manner consistent with all applicable policies and ordinances set by the City. Under these conditions, and with this policy, City staff may actively pursue Business Partnerships that are mutually beneficial.

Many programs offered by the City and by the Parks and Community Services Department are supported through fees, subsidized by the general fund, and in some cases, supplemented by sponsorships. Currently, we solicit sponsorships to assist with the cost of the Summer Performing Arts Series at Marina Park, the production of the recreation brochure, the youth scholarship fund, and various youth programs. For example, this year the title sponsors for the Summer Performing Arts Series are Feek-Justice Financial and Evergreen Health Care, paying a combined \$15,000 to support this annual program.

Because of the expressed interest by local businesses and various City departments to engage in business partnerships, there is value in adopting a policy that would create consistent business practices within the City. The Business Partnership Policy outlines the guidelines and procedures for all City departments to consistently engage in business partnership opportunities.

IEG, Inc. (not an acronym, [www.sponsorship.com](http://www.sponsorship.com)) is the worldwide authority on sponsorships and the leading provider of sponsorship advisory services, valuation, and research. According to the IEG Sponsorship Report, North American businesses are expected to spend \$16.8 billion sponsoring events in 2008. That's an increase of 12.6 percent over 2007, and the largest increase since 2000. This can be credited to the increase of experimental marketing, the idea that the best way to deepen the emotional bond between a company and its customers is by creating a memorable experience. This policy will create opportunities for the City to support the local businesses who would like to create this experience for their customers, and assist the City in providing experiences for its citizens.

On April 9, 2008, the Park Board reviewed this policy. The Park Board unanimously approved the policy and is forwarding it for recommendation to be adopted by the City Council.

## **POLICY**

Subject to the terms of the Policy, certain facilities, programs and activities of the City may be made available for Business Partnerships. Special Events or any programs that the City sponsors are very visible to the public and offer the opportunity for positive exposure to interested businesses. Examples of events that could be sponsored are the Celebrate Kirkland (4<sup>th</sup> of July) 5K and 10K races, and Kirkland Uncorked.

## **PROCEDURES**

The City will solicit proposals from qualified organizations that may be interested in participating in a partnership opportunity. All Requests for Partnerships will include a summary of the partnership opportunity, benefits of participation, and a description of the competitive process and selection criteria. The City shall always have the right to reject any submitted proposal. All partnership agreements shall be subject to all state, federal and local laws, ordinances, rules and regulations while being consistent with the goals and purposes of the City.

The City will determine and use selection criteria, based upon the nature and character of each proposed agreement, to evaluate potential Business Partnership opportunities. The selection criteria used to evaluate a prospective partnership may include, but are not limited to:

- The compatibility of the business's products, customers and promotional goals with the City's mission.
- The operating and maintenance costs associated with the proposed partnership.
- The timeliness or readiness of the business to enter an agreement.

- The actual value in cash, or in-kind goods or services given to the City.
- At all times, recognition for business partners must be evaluated to ensure the City is protecting the public's interest.
- The proposal is consistent with the monetary scale of each partner's contribution.
- All agreements must protect the City's assets and interests, and result in benefits to the City and its residents. No partnership agreement will impair or diminish the authority of the City and its responsibilities with respect to any City facility, event or program that is subject to the agreement.
- All gifted products, materials, services and financial contributions require City Manager (or designee) approval and must meet the specifications and standards used by the City in the purchase of similar material.

## **RESTRICTIONS**

The City of Kirkland will not enter into Business Partnerships with any of the following:

- Partners that do not align with the City's mission and values.
- Police-regulated business, such as, but not limited to, adult businesses (activities restricted to adults); tobacco firms or marketers; groups advocating hate or violence; firms or groups advocating illegal or inappropriate use of drugs or other illegal activity; businesses or entities promoting adult materials or services or with sexual associations such as massage parlors, escort services or establishments featuring, for show or sale, X-rated or pornographic movies or materials; false, misleading or deceptive sponsorships/underwriters; businesses or entities whose materials, services or products are harmful to children.
- Parties involved in a lawsuit with the City.
- Companies that promote alcoholic beverages when the target market of the event, program or facility is under the legal drinking age.
- Parties involved in any stage of negotiations for a City contract; where a Business Partnership could impact negotiations.

This policy creates a consistent business practice internally and a valuable opportunity for our local businesses to partner and promote community values and their own businesses externally.

## Business Partnership Policy

### Chapter

### Policy

Effective Date:

#### **A. GENERAL**

The City of Kirkland is committed to enhance Kirkland as a community for living, working, and leisure, with an excellent quality of life which preserves the City's existing charm and natural amenities.

The City welcomes partnership opportunities that enhance the delivery of City services as long as the services and products of those partners are consistent with and appropriate to the City's mission and functions.

The City recognizes the need for outside agencies and entities to support City-approved programs, projects, events, facilities, and other activities where such partnerships are done in a manner consistent with all applicable City regulations and policies. This policy provides guidelines for entering into Business Partnership agreements; developing and managing municipal and private partnership goals while remaining responsive to the public's needs and values. The following guidelines are established to guide City staff in developing mutually beneficial relationships with the business sector.

#### **B. PURPOSE**

The purpose of the policy is to outline the guidelines and procedures for entering into Business Partnership agreements.

This policy recognizes that Business Partnerships provide an effective means of generating new revenues and alternative resources to support City programs and facilities.

This policy is not applicable to gifts, grants or unsolicited donations in which there is no benefit granted to the business and where no business partnership exists.

This policy is not intended to cover or address contract negotiations outside the scope of this policy, actions taken by the City in a regulatory capacity, or the City's participation in regional efforts.

#### **C. POLICY**

It is the policy of the City of Kirkland that:

1. Business Partnerships shall exist in accordance with guidelines and procedures set forth in this Business Partnership Policy.
2. Business Partnerships shall support the mission and policies of the City of Kirkland.
3. Business Partnerships will not result in any loss of the City's jurisdiction or regulatory authority.

## **D. DEFINITIONS**

### 1. The City of Kirkland Mission and Values

#### Mission:

We are committed to the enhancement of Kirkland as a community for living, working and leisure, with an excellent quality of life which preserves the City's existing charm and natural amenities.

#### Basic Values

- Integrity
- Excellence
- Respect for the Individual
- Responsiveness

### 2. Business

Any entity with a Kirkland business license that is located or doing business in the City of Kirkland.

### 3. Business Partnership

A mutually beneficial business arrangement between the City and a business entity, in which the entity provides direct financial support, contributions (i.e. pledge to raise funds) or in-kind services to the City in return for access to the commercial marketing potential associated with the City. Business Partnerships may include sponsorship of one or more of the City's programs, projects, events, facilities or activities.

A Business Partnership is distinct from corporate donations or gifts for which there is no recognition or compensation.

### 4. City

City of Kirkland and any of its full-time staff, elected and appointed officials, volunteers or anyone else representing or acting on behalf of the City of Kirkland

### 5. City Facility

All structures and real property owned by the City.

### 6. Business Services Program

A unit of the City of Kirkland Parks and Community Services Department that explores opportunities and implements marketing, partnerships, contract administration and resource development.

## 7. Interdepartmental Business Partnership Committee (IBPC)

A committee which will include members, appointed by the City Manager, from Parks and Community Services, City Manager's Office, Finance and Administration, City Attorney's Office, Planning and Community Development, and other departments, as appropriate, to review all Business Partnership requests and proposals.

## 8. Request for Partnership

An open and competitive process whereby the City of Kirkland solicits proposals from qualified organizations that may be interested in participating in a partnership opportunity. All Requests for Partnerships will include a summary of the partnership opportunity, benefits of participation, and a description of the competitive process and selection criteria.

## 9. Partnership Categories

Type A – Site-specific Business Partnership: An agreement in which a business sponsors a time-limited event or program at an individual City facility.

*i.e. – A dinner hosted at the Peter Kirk Community Center in conjunction with a specific event such as the Kirkland Steppers program.*

Type B – City-wide Business Partnership: An agreement in which a business sponsors a time-limited program that is held at multiple City facilities or has a citywide presence.

*i.e. – A ride your bike to work program with multiple sites hosting refreshments on various days throughout the bike riding season.*

Type C – Temporary Logo or Recognition Display Partnership: An agreement that includes a display of recognition on City property for more than seven calendar days and less than one year in exchange for financial support and/or goods or services.

*i.e. – The Scoreboard at Lee Johnson Baseball field displaying a logo on an annual basis*

Type D – Long-term Business Partnership: An agreement that includes a business relationship for more than one year.

*i.e. – A primary sponsor for a new indoor recreation center receiving naming rights for said facility.*

## **E. RESPONSIBILITY**

The City Manager (or designee) is authorized to enter into Business Partnership agreements.

The City Manager shall consult with City Council, City Boards and Commissions and affected departments to seek recommendations as necessary and appropriate.

The Finance and Administration department will coordinate and track all Business Partnership agreements for the City, assuring a consistent, competitive and non-duplicative process.

The City shall have the right to reject any submitted proposal. All partnership agreements shall be subject to all state, federal and local laws, ordinances, rules and regulations.

An existing City of Kirkland facility, event or program may be named by an individual, corporation, or other entity as recognition for financial support, where such naming is consistent with the City of Kirkland mission and values, and as authorized by City Council.

## **F. PROCEDURE AND PROCESS FOR DEVELOPING BUSINESS PARTNERSHIPS**

The Interdepartmental Business Partnership Committee (IBPC) will meet on an as-needed basis to review all Business Partnership solicitations and sponsorship agreements.

Partnership levels or categories for appropriate events, facilities, programs and venues will be developed by City staff annually to best maximize business partnership opportunities.

Each department soliciting a partnership will define the scope of the Business Partnership program or project, including a description of the community need, financial goals and general marketing strategy, and coordinate this with the IBPC.

The City may elect to advertise a Request for Partnership and implement an open and competitive bidding process for interested partners.

The IBPC will review and analyze all responsive proposals received through the Request for Partnership process and may recommend rejection or approval of partnership proposals to the City Manager as appropriate.

All partnership proposals shall be approved by the City Manager or designee.

The City Attorney's Office will develop and maintain a form agreement to be used for all Business Partnership contracts. The contract form shall include the contractual relationship, terms, renewal, consideration of mutual value, description of programs, projects and activities, partnership rights and benefits, and termination provisions.

Each Business Partnership contract will be routed consistent with current contract routing procedures, including approval by the City Attorney's office.

Each department administering a Business Partnership agreement will be responsible for:

- Coordinating efforts with the IBPC and the City Manager, or designee, for approval of each Business Partnership.
- Coordinating with the IBPC and all other affected City departments regarding the interpretation and application of this policy.

- Reporting all Business Partnerships entered into by said department to the Finance and Administration department for tracking purposes and to ensure consistency of business practices.
- Ensuring that all signage, displays and advertising proposed by sponsor are be reviewed by the IBPC and the City's Code Enforcement Officer.

## **G. SELECTION CRITERIA**

The City will determine and use selection criteria, based upon the nature and character of each proposed agreement, to evaluate potential Business Partnership opportunities. The selection criteria used to evaluate a prospective partnership may include, but are not limited to:

- The compatibility of the business's products, customers and promotional goals with the City's mission.
- The operating and maintenance costs associated with the proposed partnership.
- The ability of the business to perform its partnership responsibilities.
- The actual value of the funds or the in-kind goods or services given to the City.
- The proposal is consistent with the monetary scale of each partner's contribution.
- All agreements must protect the City's assets and interests, and result in benefits to the City and its residents. No partnership agreement will impair or diminish the authority of the City and its responsibilities with respect to any City facility, event or program that is subject to the agreement.
- All donated products, materials, services and financial contributions must meet the specifications and standards used by the City in the purchase of similar materials.

## **H. RESTRICTIONS OF PARTNERSHIPS**

The City of Kirkland shall not enter into Business Partnerships with any of the following:

- Partners that do not align with the City's mission and values.
- Police-regulated business, such as, but not limited to, adult businesses (activities restricted to adults); tobacco firms or marketers; groups advocating hate or violence; firms or groups advocating illegal or inappropriate use of drugs or other illegal activity; businesses or entities promoting adult materials or services or with sexual associations such as massage parlors, escort services or establishments featuring, for show or sale, X-rated or pornographic movies or materials; false, misleading or deceptive sponsorships/underwriters; businesses or entities whose materials, services or products are harmful to children.

- Parties involved in a lawsuit with the City.
- Companies that promote alcoholic beverages when the target market of the event, program or facility are youth under the legal drinking age.
- Parties involved in any stage of negotiations or a process for a City contract or regulatory approval when the proposed Business Partnership could reasonably be viewed as having an impact on the contract negotiations or regulatory approval process.
- Political or religious organizations when the proposed Business Partnership could reasonably be viewed as an endorsement of religion or of a political group, message or candidate.



**CITY OF KIRKLAND**  
**Department of Planning and Community Development**  
**123 Fifth Avenue, Kirkland, WA 98033 425-587-3225**  
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## MEMORANDUM

**To: David Ramsay, City Manager**

**From: Dawn Nelson, Planning Supervisor**  
**Arthur Sullivan, ARCH Program Manager**  
**Eric Shields, Planning Director**

**Date: August 27, 2008**

**Subject: ARCH Priority Housing Strategies, File MIS08-00001**

### RECOMMENDATION

Staff recommends that the City Council hear a brief presentation from ARCH staff regarding the Strategic Planning Workshops that were held in Spring 2007 and resulted in the development of Priority Housing Strategies. Following the presentation, staff recommends that the Council hold a brief discussion of the strategies and consider adopting a motion to endorse the strategies.

### BACKGROUND DISCUSSION

The attached Priority Housing Strategies Summary document provides an overview of the ARCH workshops held in Spring 2007, the criteria used to develop priority housing strategies, and a summary of the proposed priority strategies. ARCH staff will be attending meetings of all member City Councils this fall to encourage endorsement of the priority strategies. The rationale of having each jurisdiction endorse the strategies is outlined on page 4 of the report as follows:

The intent behind endorsing the proposed priority strategies is to increase the effectiveness of member's individual and collective efforts to address local housing needs. To maximize the effectiveness of the priority strategies, endorsing these priority strategies would have several implications for individual members and for ARCH:

1. Members will consider including these strategies in their work programs, and as appropriate, in their legislative priorities. **Endorsing these strategies is not a commitment to a particular approach or action on the specific strategies;**
2. Members are expressing an interest in working together to explore potential common approaches to these strategies among ARCH members. For example, this could include maximizing consistency of administrative procedures;
3. Endorsing these priority strategies does not suggest that the priorities are the only housing issues that the cities and ARCH will be working on; and
4. That these priorities will help shape the work program of ARCH. Member cities will have a chance to review ARCH's work program and discuss the balance between work on priority strategies and other projects

# **ARCH Strategic Planning Workshops March – May 2007**

## **PRIORITY HOUSING STRATEGIES SUMMARY**



# Contents

<b>Purpose of ARCH Workshops</b>	<b>Pg 1</b>
<b>Criteria for Housing Priority Strategies</b>	<b>Pg 3</b>
<b>Summary of Proposed Priority Strategies</b>	<b>Pg 5</b>
<b>East King County Housing Conditions and Needs Summary</b>	<b>Pg 9</b>

## Purpose of ARCH Housing Workshops

Over the past decade there have been many successful efforts by ARCH members to increase affordable housing opportunities in East King County. However, there are still additional needs and members of ARCH told us they have goals to accomplish more. During an evaluation of the ARCH Trust Fund, the ARCH Executive Board recognized that the Housing Trust Fund, while a cornerstone of local efforts, was on its own insufficient to meet our local goals, especially in the face of changing market conditions. They concluded that a Trust Fund linked to a more coordinated and comprehensive set of strategies may yield more effective results. As a first step to exploring this idea, last year the ARCH Executive Board participated in an exercise to identify a range of alternative housing strategies. These strategies were grouped in the following categories:

- *Direct Local Support* (e.g., strategies for new sources of funds for the ARCH housing trust fund as well as other types of support such as donating surplus property or property tax reductions for affordable housing)
- *Other Public/Private Sources* (e.g., coordinating other public funds with local housing objectives, private sector investment)
- *Land Use Incentives for Affordable Housing* (e.g., accessory dwelling units, incentives for including affordable housing in mixed income development)
- *General Land Use/Building Regulations* (e.g., variable unit size requirement and allowing cottages in single family areas)

Another topic raised frequently in local council discussions is that there is a need for better communication/education on local housing issues.

Building on these two themes, the ARCH Executive Board organized a series of workshops in Spring 2007 with the purpose of creating a ARCH Housing Strategies Program. These workshops created a process whereby Council members, ARCH Executive Board members, Commission members, senior planning staff of ARCH members, and invited outside stakeholders (e.g. developers, lenders) assemble to discuss and help craft a set of proposed strategies.

This first workshop included a review of the purpose and anticipated outcomes of the workshops; a discussion of the local housing conditions and needs, and efforts to date by East King County Cities to create affordable housing; and an initial discussion of potential specific strategies that can be pursued to facilitate the provision of affordable housing.

The subsequent two workshops focused on the participants developing the components of a Housing Strategy Program. The Workshops and resulting Housing Strategy Program focuses around several main components:

- Identify a short list of top priorities from each of these four categories listed above, that are most universally applicable across the ARCH membership and will yield the most practical impact ('Priority Strategies').

ATTACHMENT 1  
ARCH Priority Housing Strategies

- Develop a set of ‘best practices’ for community outreach and education on housing needs in East King County.
- Initial research for implementing the priority strategies and ‘best practices’ including evaluating if any of these could be implemented through some form of collective or simultaneous effort of the ARCH members.

The Priority Strategies are being forwarded to all the ARCH member councils for their review and possible endorsement..

This first part of this report outlines the criteria used in selecting the priority strategies, This is followed by a summary of the priority strategies identified through the workshops. The last part of this report includes a summary of housing conditions and needs in East King County. Other reports prepared as part of the workshops are 1) a more detailed descriptions and initial research for each of the priority strategies, and 2) a report providing background information and the description of an Education Best Practices program developed in the workshops. ARCH received a grant from the Washington State Department of Community Trade and Economic Development to assist in the overall process of developing the Housing Strategy Program, including the assistance received from Cedar River Group, the Campaign for Affordable Housing, and Steeplejack Associates.

## CRITERIA FOR HOUSING PRIORITY STRATEGIES

In the spring of 2007 ARCH held three workshops where council members, ARCH executive board members, commission members, senior planning staff, and invited stakeholders (e.g. developers, lenders) came together to look at existing conditions and identify potential housing strategies that could augment and expand upon our existing efforts. ARCH is now presenting these strategies to member councils for their consideration and potential inclusion in a collective effort, the ARCH Housing Strategy Program. ARCH received a grant from the Washington State DCTED to develop the Housing Strategy Program.

### Criteria for Priority Strategies

The seven shorter term strategies and 4 longer term strategies were chosen by ARCH workshop participants from a larger list of potential strategies as being the most promising, as well as best fulfilling these criteria:

- Universally applicable. Select strategies that are most universally applicable across the ARCH membership, though not necessarily applicable to the same extent in all jurisdictions, and will yield the most practical impact.
- Range of Strategies. Develop a list of strategies that utilize the full range of regulatory and assistance tools available to the community and that touch upon all of the criteria (see end of memo). The range of tools include:
  - ❖ Direct Local Support (e.g., strategies for new sources of funds for the ARCH housing trust fund as well as other types of support such as donating surplus property or property tax reductions for affordable housing)
  - ❖ Other Public/Private Sources (e.g., coordinating other public funds with local housing objectives, private sector investment)
  - ❖ Land Use Incentives for Affordable Housing (e.g., accessory dwelling units, incentives for including affordable housing in mixed income development)
  - ❖ General Land Use/Building Regulations (e.g., variable unit size requirement and allowing cottages in single family areas)
- Create Short Term and Long Term strategies. The proposed strategies include primarily short-term strategies that could be accomplished in the next 1 – 3 years and a few longer-term strategies that may take 3 – 5 years to accomplish. Generally the longer-term strategies are ones that would require legislative action by another level of government within the State (typically the State level.)
- Build upon existing efforts. It is important to keep in mind that the proposed strategies are meant to build upon the efforts already in place to create affordable housing. Work in these areas will continue but has evolved to a point where concentrated, additional efforts are not as critical. One such examples would include accessory dwelling units.
- Community Partner input. Feedback from for-profit and nonprofit developers suggest that strategy will be effective.
- Demonstrated Success. Strategies have some level of success in other jurisdictions, either locally among some ARCH members, or in other areas of the region or country.
- Impact on housing cost. The strategy will have an effect on the ultimate cost of housing.

- Address range of needs. Include strategies that address needs at both low and moderate income levels and provide ownership and rental opportunities.
- Impact Revenue and Cost. Look for strategies that address both the ‘revenue’ side and ‘cost’ side of creating housing.

### **Endorsing Priority Strategies**

The intent behind endorsing the proposed priority strategies is to increase the effectiveness of members individual and collective efforts to address local housing needs. To maximize the effectiveness of the priority strategies, endorsing these priority strategies would have several implications for individual members and for ARCH:

- 1) Members will consider including these strategies in their work programs, and as appropriate, in their legislative priorities. **Endorsing these strategies is not a commitment to a particular approach or action on the specific strategies;**
- 2) Members are expressing an interest in working together to explore potential common approaches to these strategies among ARCH members. For example, this could include maximizing consistency of administrative procedures;
- 3) Endorsing these priority strategies does not suggest that the priorities are the only housing issues that the cities and ARCH will be working on; and
- 4) That these priorities will help shape the work program of ARCH. Member cities will have a chance to review ARCH’s work program and discuss the balance between work on priority strategies and other projects.

## Proposed Housing Strategy Priorities

### SHORT TERM STRATEGIES (1- 3 Years)

#### I. Direct Local Support

I.A.	<p><b>Dedicated Funding Source for the ARCH Housing Trust Fund</b></p> <p>ARCH cities have created a trust fund to financially support housing projects in East King County. However, the funding available from ARCH and other sources falls far short of meeting housing needs, particularly for low income populations. In the ARCH workshops the group affirmed an interest to explore creating a dedicated funding source to supplement the existing general fund and CDBG contributions to the ARCH Trust Fund. The goal is to identify and implement a ‘best’ dedicated funding source in 2008-09. Concepts to be considered include:</p> <ul style="list-style-type: none"> <li>• Condo conversion tax</li> <li>• Demolition Tax for Existing housing</li> <li>• Commercial impact fee for housing</li> </ul> <p>Some criteria for evaluating different sources include: a nexus between the revenue source and addressing local housing needs, and creates a meaningful amount of revenue.</p>
I.B	<p><b>10-Year Property Tax Exemption for mixed use zones</b></p> <p>Legislation was passed this year that now extends the authority to all cities in King County over 5,000 population to utilize a short term property tax exemption on the residential improvement value of housing in mixed use areas. In addition, the legislation is now more explicit about linking affordability to the exemption depending on the level of exemption provided. State legislation allows cities that choose to adopt this program a broad range of flexibility to eligible mixed use areas, and to specify program requirements, including adopting affordability guidelines that exceed the State minimum requirements.</p>

#### II. Other Forms of Direct Support by Public/Private Sources

II.A	<p><b>Private or other public ‘surplus’ or underutilized property for housing</b></p> <p>This strategy encourages working with public and private property owners, including churches, to determine if all or a portion of their surplus or underutilized property could be used for affordable housing development. There are several potential aspects of this strategy for cities. One is to make city surplus land available for affordable housing. In making city land available for housing, a city must consider the type of funds used to acquire that land (e.g. general funds or utility funds), which may determine whether the property can be made available at no cost or below market, or must be sold at market value. A second potential city role is to be more proactive to identify private property (e.g. church property) or property owned by other</p>
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	<p>public agencies that is vacant or underutilized (e.g. Park n Ride lots, school district property) that could be appropriate for affordable housing. A final approach is to more proactively facilitate the acquisition and rehabilitation of existing privately owned rental housing by community based groups to preserve their long term affordability. All three of these approaches have been done to some degree in the past.</p>
<p>II.B</p>	<p><b>Employer Housing Program</b>                  The purpose of this strategy is to encourage some form of private sector investment in housing. One approach that has some track record in other areas is to partner with employers on a down payment assistance program, such as ARCH House Key Plus. ARCH House Key Plus currently offers \$30,000 second mortgages, however this program could be expanded or a similar program offered with employer contributions. To help incent employers to use this type of program, one idea currently being explored is State legislation that would reduce their State B&amp;O tax based on their providing a rental or ownership housing benefit to their employees.</p>

**III. Land Use Incentives for Affordable Housing**

<p>III A</p>	<p><b>Regulatory Incentives (Mandatory and/or Voluntary) Programs,</b>                  In discussing this strategy the workshop participants recognized that there are a range of approaches to link the provision of affordable housing with decisions to provide developers with some form of land use incentive. The group concluded that a ‘one size fits all’ approach was probably not appropriate. It is probably more feasible to develop a more consistent approach to creating incentive programs that can balance the goal of jurisdictions to see such incentives used, and developer interests of incentives or requirements being reasonable. A range of issues that would be explored under this strategy include:</p> <ul style="list-style-type: none"> <li>• Cities working collectively through ARCH and involving input from builders to develop a more consistent methodology for jurisdictions considering incentive programs, including alternative methods for providing affordable housing (e.g. in-lieu fees, off-site).</li> <li>• Explore range of incentives that could be utilized.</li> <li>• Adopt policies that link land use actions that will result in increased development capacity, with provisions for providing affordable housing. Consider whether policies should be mandatory or voluntary.</li> <li>• Develop consistent administrative guidelines for affordable housing created through incentive programs</li> </ul>
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**IV. General Land Use/ Building Regulations to Increase Housing Diversity**

<p>IV. A</p>	<p><b>Housing Emphasis Zones within mixed use neighborhood.</b></p> <p>Many community’s plans rely on meeting long term housing needs in their town centers and other areas that allow mixed use. Over 50% of overall housing capacity, and over 80% of all multifamily housing capacity among cities in East King County is within mixed use zones. Also, housing in mixed use area is seen as a key component to the long term vitality of these areas. In mixed use zones there can be uncertainty about what uses will ultimately develop, and whether housing can “compete” financially with other allowed commercial uses. This strategy could involve one or more components, such as:</p> <ul style="list-style-type: none"> <li>• Monitoring of development in mixed use zones to assess if development patterns are achieving community goals;</li> <li>• More explicit regulatory strategies to achieve housing in their mixed use zones. Could entail a range of efforts. One example would be to allow higher densities or FAR for developments that include housing; or require development in designated ‘housing zones’ include a certain proportion of housing units. Such approaches are being used by the City of Redmond in the Overlake neighborhood and by Kirkland in Totem Lake. Other examples could be to examine parking standards, doing district wide SEPA review or expedited permitting for developments with housing.</li> <li>• Communities could more proactively invest or develop public infrastructure in areas where they are trying to encourage housing. (e.g. upgrading local infrastructure, adding public amenities, or lowering certain impact fees).</li> </ul>
<p>IV. B</p>	<p><b>Smaller homes (innovative housing) in single family areas</b> (e.g., cottages / bungalows, duplexes)</p> <p>One way to provide more varied housing choices and potentially reduce the cost of housing is to encourage the creation of smaller homes. Historically smaller clustered units have been allowed in multi-family zones but some jurisdictions now have policies encouraging innovative forms of smaller housing, including cottages, duplexes, and zero-lot-line development in single-family neighborhoods. This strategy could be implemented potentially at two different levels.</p> <p>A) <u>Consistent Policy</u>. Cities could work more collaboratively so that when they adopt regulations allowing innovative housing, the regulations would be as consistent as possible. It is unclear to what extent ARCH could add value to such an effort. ARCH staff does not have the same level of experience or expertise as local staff. If ARCH were to have a role, it might be to help convene or facilitate collaboration of communities.</p> <p>B) <u>Demonstration Project</u>. A demonstration project can let a city test proposed regulations before they are adopted into code. In some circumstances this might be considered an important first step to</p>

	<p>allowing innovative housing. Kirkland used such an approach for evaluating allowing cottages and small lot homes at higher densities in single family zones. If there is interest in doing a demonstration project for a particular type of housing, then ARCH could potentially help facilitate such an effort. Such a role had been previously envisioned for the Homechoice Way concept. ARCH’s objective would be to help facilitate a development in a manner that multiple jurisdictions could potentially be involved, or benefit from the lessons learned from the demonstration project.</p>
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<p><b>LONGER TERM – LEGISLATIVE/REGIONAL STRATEGIES (3 – 5 Years)</b></p>
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There was discussion around the idea of looking at some strategies that would involve legislative efforts by other levels of governments which would presumably entail a longer term and different type of local investment. In the workshops it was noted that success with these strategies would require a united effort and ‘voice’ not only of ARCH members, but other interest groups from around the region and/or state. However, given the potential gain if successful, they were considered strategies worth participating in at some level of long term effort.

	<p><b>Sales Tax Exemption for Affordable Housing</b></p>
	<p><b>Tax increment financing</b></p>
	<p><b>Allow Outright ‘Waiver’ of Impact fees.</b></p>
	<p><b>Countywide/Regional Bond Issue/Levy</b> A countywide/regional bond levy would not require state legislative action, but would likely require cooperation of multiple local and County government(s) in either the County or the larger region.</p>

## East King County Housing Conditions and Needs Summary

ARCH member cities established goals in the mid 1990s (reaffirmed several years ago) for directing the allocation of resources, including the Housing Trust Fund. These goals are based on a larger effort undertaken by a range of stakeholders to define relative housing needs in Eastside communities:

<u>Target Population</u>	<u>Goal</u>	<u>Actual (through 2006)</u>
Elderly	19%	20.57%
Families (inc. Single Households)	56%	58.7%
Homeless/Transitional	13%	13.2%
Special Needs Populations	12%	7.5%

In addition, when these goals were reconfirmed several years ago, refinements were made to address emerging needs, including the following:

Very low income housing. An increasing proportion of low-income households have incomes that are below 30% of median income. Therefore, developments are encouraged that serve a variety of incomes, including units affordable at 30% of median income.

Senior Assisted Housing. The Eastside continues to see an increase in senior residents (65+) from 9.8% to 12.5% of the population. (Countywide senior population is 10.5%.) Importantly, essentially all the increased proportion of seniors is among seniors over age 75. Therefore, we should seek to provide affordable housing for seniors that includes services.

Homelessness. Based on the 2006 One Night Count, it was estimated that on any given night in King County there are approximately 7,900 homeless persons. About half are estimated to be households with children, and 30% of all homeless are estimated to be under age 18. Homeless housing efforts now are focusing more on “housing first” and supportive housing, which allows families and individuals to secure housing with services provided as needed.

Significant increases in ethnic/cultural diversity, especially Asian and Hispanic. Overall, the percentage of non-white households on the Eastside increased from under 10% to almost 19% from 1990 to 2000.

### OTHER DATA DESCRIBING HOUSING NEEDS

Available local resources are inadequate to fully address local housing needs. This implies the need to develop other local resources and/or strategies that will have a significant impact. While local resources could be focused on one or two housing needs, the Growth Management Act requires the development of strategies that address the full range of identified local housing needs. The following describes Eastside cities’ overall progress in meeting affordable housing goals and production, which is then followed by describing several other factors that could influence strategies for moving forward:

- Housing production has generally been at or above GMPC housing targets.
- Currently there is sufficient land capacity to meet 2022 housing targets.
- East King County cities have met about 30% of their housing goals for low income housing (up to 50% of median income).

- East King cities have been achieving the overall goals for moderate-income housing, though results do vary from community to community, and these have generally been smaller, rental units, thus not fully meeting the range of needs of moderate income households.

In evaluating this information there are several **potential implications** for future efforts.

- Market Efforts and Gaps. While moderate-income housing goals have been cumulatively met, gaps for moderate-income housing have included entry-level ownership and housing for families. Also a good portion of moderate-income housing in the past was created by the private market, but given trends with housing prices and rents, cities may need to be more proactive to see continued production of moderate-income housing, especially by the private sector.
- Residential Capacity. For a number of cities, their residential land capacity is relatively close to their housing target, therefore could be more of a challenge accommodating the next population goals in 2012, and/or increases the importance of creating housing in mixed-use zones.
- Housing Demand from Employment. Housing demand from new employment is expected to outpace new housing supply. The State of the Workforce Update (Feb 2007) states that while some jobs on the Top 25 list provide good wages, 73% of vacancies pay a median wage of \$10 per hour or less.
- Leveraging other Public Resources. Essentially all low-income housing requires direct public assistance, and that trend can be expected to continue. This emphasizes both the importance of local resources for housing, and the need to secure other funding sources.
- Geographic Distribution of Affordable Housing. Implicit in the GMPC Housing Goals and ARCH funding policies is to create a geographic balance of affordable housing throughout East King County. ARCH's Housing Trust Fund has allowed cities to achieve a good geographical distribution of affordable housing over time, which we would want to continue into the future.

### OTHER FACTORS AFFECTING HOUSING NEEDS AND SUPPLY

Preservation. Existing housing has been a key source of affordable housing. ARCH's objective is that funding for preservation projects continue at or above previous funding levels of approximately 30% of the distribution of funds. There are several distinct types of preservation:

- *Section 8 Preservation.* Preservation of existing federally subsidized Section 8 housing for families and seniors that is eligible to be converted to market-rate housing. Over 460 such units have been preserved, but there are still approximately 150 units that are potentially threatened.
- *Market-Rate Rental Housing.* Involves local groups (e.g., DASH, St Andrews, Housing Authority, YWCA) buying existing private rental housing which usually has low and moderate income residents. These properties are rehabilitated and variable rent levels established to be affordable to a range of families income levels.
- *Manufactured Housing Communities.* While there are relatively few manufactured housing communities in East King County, they offer an affordable form of housing that is threatened with closure. Remaining communities are primarily in the north part of the County.

Condo-conversion has increased for the last several years. Conversions reduce the number of existing rental properties, further supporting the concept of securing properties for long-term affordable rental.

Town/Urban Centers. Increasingly cities are getting housing in town centers / mixed use zones; and much of the future growth is planned for these areas. To date there has been relatively little housing for moderate- and lower-income households provided in these areas, though they are logical areas for affordable housing because of proximity to employment and transit.

Market Conditions. The Eastside market requires a group to be able to move quickly to purchase property. This situation is exacerbated by several constraints of public funding: (1) Affordable housing funds are available only once or twice a year, and often take several rounds to complete financing; and (2) Sales prices can be based more on speculative value, while public funds require justification of the purchase price with an appraisal.

Leveraging Other Public Funding Sources / Funders' Priorities City funds have been significantly leveraged by county, state, federal and private funds. Many projects are influenced by policies of other funders (Washington Housing Finance Commission, King County). In recent years priorities have included housing for very low income (i.e., 30% of median), homeless, and special populations/needs (e.g., large families, persons with disabilities).

Community Partners. One of the keys to success in addressing housing needs is the growth and success of our community partners. In the past decade, local non-profit housing groups have grown and are developing a range of housing, and the Housing Authority has increased its local efforts.