



CITY OF KIRKLAND CITY COUNCIL

Penny Sweet, Mayor • Jay Arnold, Deputy Mayor • Neal Black • Kelli Curtis
Amy Falcone • Toby Nixon • Jon Pascal • Kurt Triplett, City Manager

Vision Statement

Kirkland is one of the most livable cities in America. We are a vibrant, attractive, green and welcoming place to live, work and play. Civic engagement, innovation and diversity are highly valued. We are respectful, fair and inclusive. We honor our rich heritage while embracing the future. Kirkland strives to be a model, sustainable city that values preserving and enhancing our natural environment for our enjoyment and future generations.

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AGENDA KIRKLAND CITY COUNCIL MEETING City Council Chamber Tuesday, June 16, 2020 5:30 p.m. – Study Session 7:30 p.m. – Regular Meeting

COUNCIL AGENDA materials are available on the City of Kirkland website www.kirklandwa.gov. 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 (425-587-3190) or the City Manager's Office (425-587-3001) 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 425-587-3190. If you should experience difficulty hearing the proceedings, please bring this to the attention of the Council by raising your hand.

PLEASE CALL 48 HOURS IN ADVANCE (425-587-3190) if you require this content in an alternate format or if you need a sign language interpreter in attendance at this meeting.

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

1. CALL TO ORDER

2. ROLL CALL

3. STUDY SESSION

- a. 2021-2026 Preliminary Capital Improvement Program

4. HONORS AND PROCLAMATIONS

- a. Juneteenth Proclamation

5. COMMUNICATIONS

- a. *Announcements*
- b. *Items from the Audience*
- c. *Petitions*

6. PUBLIC HEARINGS

- a. Authorizing Allocation of the Community Development Block Grant – COVID19
 - (1) Resolution R-5428, Allocating the City's Portion of Community Development Block Grant (CDBG) COVID-19 Funds

7. SPECIAL PRESENTATIONS

- a. COVID-19 Update
- b. 2018 CAFR Award and Bond Ratings

*8. CONSENT CALENDAR*a. *Approval of Minutes*

- (1) May 28, 2020
- (2) May 29, 2020
- (3) June 2, 2020

b. *Audit of Accounts and Payment of Bills and Payroll*c. *General Correspondence*d. *Claims*

- (1) Claims for Damages

e. *Award of Bids*f. *Acceptance of Public Improvements and Establishing Lien Period*g. *Approval of Agreements*h. *Other Items of Business*

- (1) Resolution R-5429, Approving Participation by the City in an Interlocal Cooperative Purchasing Agreement with the Community Colleges of Spokane and Authorizing the City Manager to Execute said Agreement on Behalf of the City of Kirkland
- (2) Resolution R-5430, Approving an Interlocal Agreement Between the City of Kirkland and the Washington State Water/Wastewater Agency Response Network for the Providing of Mutual Aid and Assistance; and Authorizing the City Manager to Sign the Agreement on Behalf of the City of Kirkland
- (3) Designating Voting Delegate for Association of Washington Cities 2020 Annual Meeting
- (4) April 2020 Financial Dashboard Report
- (5) Procurement Report

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.

***QUASI-JUDICIAL MATTERS** Public comments are not taken on quasi-judicial matters, where the Council acts in the role of judges. The Council is legally required to decide the issue based solely upon information contained in the public record and obtained at special public hearings before the Council. The public record for quasi-judicial matters is developed from testimony at earlier public hearings held before a Hearing Examiner, the Houghton Community Council, or a city board or commission, as well as from written correspondence submitted within certain legal time frames. There are special guidelines for these public hearings and written submittals.

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.

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.

9. BUSINESS

a. Admissions Tax Rebate - Nonprofit and Performing Arts

- (1) Ordinance O-4726, Amending Chapter 5.12 of the Kirkland Municipal Code Relating to Admissions Tax and Nonprofit Tax Exempt Performing Arts Organizations; Providing for Severability; and Establishing an Effective Date

* b. Market Street Dental Clinic Variance Appeal

- (1) Resolution R-5431, Affirming the Hearing Examiner Decision Approving the Market Street Dental Clinic Variance in Department of Planning and Building File No. VAR18-00070

c. COVID-19 Emergency Directive Extension

- (1) Resolution R-5432, Ratifying City Manager Extended Emergency Directive Related to a Moratorium on Small Business Tenant Evictions and the COVID-19 Virus

d. Proposed CARES Act Funds Spending Plan

- (1) Resolution R-5433, Approving the City Manager's Coronavirus Aid, Relief, and Economic Security Act ("CARES Act") Funding Plan and Authorizing the City Manager to Implement Strategies, Actions, and Programs Consistent with That Plan

e. 2019-2020 Mid-Year Budget Adjustment

- (1) Ordinance O-4730, Amending the Biennial Budget for 2019-2020

f. Fire and Emergency Medical Services Ballot Measure Options

- (1) Ordinance O-4728, Providing for the Form of the Ballot Proposition and Specifying Certain Other Details Concerning Submission to the Qualified Electors of the City at a Special Election to be Held Therein on November 3, 2020, of a Proposition for the Issuance of its General Obligation Bonds in the Aggregate Principal Amount of Not to Exceed \$56,000,000, or so Much Thereof as May be Issued Under the Laws Governing the Indebtedness of Cities for the Purpose of Providing Funds to Finance the Construction of a New Fire Station, Modernizing and Renovations to Existing Fire Station, Modernizing and Renovations to Existing Fire Stations, and Other Public Health and Safety Improvements, and Levy Excess Property Taxes to Pay the Bonds

- (2) Ordinance O-4729, Providing for the Form of the Ballot Proposition and Specifying Certain Other Details Concerning Submission to the Qualified

Electors of the City at a Special Election to be Held Therein on November 3, 2020, of a Proposition Authorizing the City to Lift the Levy Limit Established in RCW 84.55.010 in Order to Provide Funds to Pay the Costs of Improving City Fire and Emergency Medical Services

(3) Ordinance O-4731, Providing for the Form of the Ballot Proposition and Specifying Certain other Details Concerning Submission to the Qualified Electors of the City at a Special Election to be Held Therein on November 3, 2020, of a Proposition Authorizing the City to Lift the Levy Limit Established in RCW 84.55.010 in Order to Provide Funds to Pay the Costs of Improving City Fire and Emergency Medical Services

(4) Authorization to Recruit for Potential Ballot Measure Voter Pamphlet Statement Pro/Con Committees

g. Proposed Zoning Code Amendments - Rooftop Amenities and Appurtenances

(1) Ordinance O-4720, Relating to Zoning and Land Use and Amending the City of Kirkland Zoning Code, Ordinance 3719 as Amended, Including Chapters 5, 50, and 115 Regarding Development Standards for Rooftop Appurtenances and Rooftop Amenities, and Related Definitions, and Approving a Summary for Publication, File No. CAM19-00502

ITEMS FROM THE AUDIENCE

Unless it is 10:00 p.m. or later, speakers may continue to address the Council during an additional Items from the Audience period; provided, that the total amount of time allotted for the additional Items from the Audience period shall not exceed 15 minutes. A speaker who addressed the Council during the earlier Items from the Audience period may speak again, and on the same subject, however, speakers who have not yet addressed the Council will be given priority. All other limitations as to time, number of speakers, quasi-judicial matters, and public hearings discussed above shall apply.

10. REPORTS

a. *City Council Regional and Committee Reports*

b. *City Manager Reports*

(1) Calendar Update

11. ITEMS FROM THE AUDIENCE

12. EXECUTIVE SESSION

13. ADJOURNMENT

EXECUTIVE SESSIONS may be held by the City Council only for the purposes specified in RCW 42.30.110. These include buying and selling real property, certain personnel issues, and litigation. The Council is permitted by law to have a closed meeting to discuss labor negotiations, including strategy discussions.



CITY OF KIRKLAND
Department of Finance & Administration
123 Fifth Avenue, Kirkland, WA 98033 425.587.3100
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MEMORANDUM

To: Kurt Triplett, City Manager

From: Michael Olson, Director of Finance and Administration
Sri Krishnan, Interim Financial Planning Manager
Kyle Butler, Financial Planning Supervisor
Robby Perkins-High, Senior Financial Analyst
Andrea Peterman, Budget Analyst

Date: June 3, 2020

Subject: **PRELIMINARY 2021-2026 CAPITAL IMPROVEMENT PROGRAM**

Recommendation:

City Council reviews the Preliminary 2021-2026 Capital Improvement Program (CIP) and related emerging issues and provides direction regarding the changes to be brought forward to a second CIP check-in on September 1, 2020. Final Council adoption of the CIP will occur on December 8, 2020.

Background:

At its February 7th retreat, the City Council received a staff presentation of policy priorities, many of which had a capital component, framed in a pre-COVID-19 economic environment. On May 5th, the City Council received an update on the financial impacts to Kirkland from the COVID-19 pandemic, and initial budget and Capital Improvement Program strategies which were then further detailed at the May 29 City Council financial retreat.

The May 5th presentation included the 2021-2026 Capital Improvement Program (CIP) prioritization framework that had been discussed on February 7th and introduced strategies that were being considered as a result of COVID-19.

Under normal circumstances, staff would have proposed a resolution for Council adoption based on the capital projects prioritization framework which would guide CIP development. In recognition of the disruption to economic activity caused by COVID-19, staff recommended that Council not formally adopt a resolution this year in order to give the Council flexibility to adjust the CIP as necessary to respond to current events.

Staff is providing a draft narrative and highlights memo at this time in lieu of a Preliminary CIP book, reflecting the fact that COVID-19 has increased the level of economic uncertainty with the potential for significant changes in the coming months as staff develops the 2021-2022 budget.

CAPITAL PROJECTS PRIORITIZATION FRAMEWORK

The capital projects prioritization framework, originally developed in 2018, is based on eight policy principles. Each principle is listed below along with a short explanation of the purpose of each principle.

a. Complete capital projects from the 2019-2020 City Work Plan.

Complete construction of the new Station 24, major park improvement projects to preserve and enhance quality of life in Kirkland, including Totem Lake Park and 132nd Square Park, and continue work on the Totem Lake Connector.

b. Complete public safety capital investments that help implement the Police and Fire Strategic Plans.

Improve Fire and Emergency Medical Services by pursuing a potential ballot measure in 2020 to fund fire station modernization and enhanced operations.

c. Complete transportation projects necessary to ensure the success of WSDOT and Sound Transit investments in I-405 and Kirkland.

Sound Transit and WSDOT will be investing hundreds of millions of dollars in these major transportation projects which are scheduled to be completed by 2024. To ensure the maximum benefit and minimum impact of these mega-projects, it is vital that local investments supplemental to the NE 132nd Street and the NE 85th ST/I-405 interchange be completed.

d. Complete projects necessary to ensure adequate transportation concurrency investments keep pace with development.

Major transportation projects are scheduled to be completed in the next six years, to provide multi-modal capacity and concurrency trip credits. Some key projects that will add significant trip credits include Juanita Drive improvements, 100th Avenue NE improvements, 124th Ave NE improvements, and the Totem Lake Connector bridge. Grant funding has been secured for a number of these projects and staff are pursuing further funding opportunities, including debt financing, in order to move towards completion.

e. Invest in parks projects that increase active recreation opportunities throughout the City to meet the needs of a growing population.

Complete major park improvement projects, such as Totem Lake Park and 132nd Square Park, that add recreational amenities and increase capacity. This includes smaller improvement projects such as the expansion or improvement of playgrounds and play courts.

f. Invest in water, sewer, and stormwater projects according to the priorities contained in the adopted utility Master Plans.

Because water, sewer and stormwater projects are funded by rate payers, they do not compete with general fund capital projects for funding. Utility projects are prioritized by the policy and project priorities outlined in the recently adopted master plans for each utility. Some utility projects are also prioritized when major public or private developments occur, as environmental regulations change, or as grant opportunities emerge.

g. Create measurable progress towards achieving the City Council's ten goals.

Any CIP project proposed by staff should demonstrate how it advances the accomplishment of one or more of the City Council's goals. Contingency funding is a vital component of this because unanticipated opportunities may arise that help to further these goals and having sufficient funding available to deploy will help seize these opportunities.

h. Reprioritize funds from existing projects that do not meet these priorities.

There are insufficient revenues to fund all desired projects. The current CIP will be carefully reviewed to defer projects and reallocate funds to complete priority projects.

ADDITIONAL STRATEGIES TO ADDRESS ECONOMIC IMPACT OF COVID-19

The potential financial impacts and the uncertainty of the duration and severity of the disruption caused by the pandemic has necessitated additional strategies for prioritizing capital projects.

1. Finish existing projects and don't add new projects in 2021 or 2022.

To mitigate the impact of potential revenue shortfalls, the 2021-2026 CIP should complete currently funded projects rather than adding new projects that require funding from sources impacted by the pandemic.

2. Potentially defer projects.

Identify projects that are being impacted by permitting delays, construction delays or bids exceeding budgets and determine whether to defer these projects to future years.

3. Complete projects with grant, contractual or regulatory requirements.

Determine the impact of the current situation on grant/externally funded projects and identify options to mitigate potential loss of funding or non-compliance. Review projects that reflect Kirkland's commitments to regional partners to ensure that the City is meeting contractual or other obligations.

4. Identify projects with downstream impacts and develop options.

Identify projects impacted by the pandemic that are predecessors or pre-requisites for future projects and determine options for council consideration.

The February 7th prioritization framework and the additional strategies to address the economic impacts of COVID-19 constituted the Prioritization Criteria, as established by the City Council. Staff utilized the Prioritization Criteria to develop a recommended list of projects that account for the current unique situation.

It is important to note that the preliminary CIP plan is developed while the 2021-2022 operating budget is also being developed. The CIP and the operating budget are intertwined and changes to one document may result in changes to the other. This is particularly true as projections for revenue such as sales tax, REET and one-time monies are identified throughout both processes. Neither document has yet been finalized. There are some CIP projects in these lists that are also being considered as part of the operating budget service package list, and there may be service package proposals that are more appropriately considered capital projects. The preliminary CIP reflects the best information we have as of May, but some of the CIP lists may

change over the coming months in response to Council direction, budget decisions, or new information. A second review of the CIP will occur on September 1, 2020. Any last changes will be clearly highlighted when the Final CIP plan is brought to the Council for approval on December 8, 2020.

Preliminary 2021-2026 Capital Improvement Program:

The City of Kirkland Capital Improvement Program (CIP) is a plan that addresses construction, repair, maintenance, and acquisition of major capital facilities and equipment. The CIP is the City's six-year funding plan for building, maintaining, and improving the roads, sidewalks, public buildings, parks, and other fixed assets. The funding allocations in the first two years of the CIP align with the 2021-2022 operating budget, which will be presented to the Council on October 20th in preparation for discussion at the Council Budget Work Session on October 27th.

In addition to the overarching Prioritization Criteria described above, there are a variety of sources of policy guidance that help to form the CIP.

The City's **adopted fiscal policies** provide general guidance for preparation of the CIP. A capital project is defined as the construction, acquisition or renovation of buildings, infrastructure, land and major equipment with a value greater than \$50,000 (with some limited exceptions below this threshold, such as vehicles). The fiscal policies emphasize the importance of capital investment in existing assets to avoid major costs in the future.

The six-year CIP includes projects that **replace or maintain** existing assets, provide **required capacity** needed to meet growth projections and the adopted level of service, and projects that **enhance capacity or services** to the public. Many of these projects are identified in the subject area strategic and/or master plans, most of which were updated as part of the Kirkland 2035 planning process.

Proper **maintenance** and **replacement** are the most critical elements to the CIP, since it ensures maintenance of the current service level and mitigates the need for more costly repairs in the future. The level of maintenance desired by the Council may exceed minimum requirements and should be in line with best practices and the level of infrastructure repair expected by the community. Although maintenance and replacement are essential, the level of maintenance is a policy choice.

Required capacity relates to projects needed to meet the adopted transportation level of service (LOS). The City has an obligation to maintain the adopted level of service and to provide sufficient future funding for projects needed to match projected growth and meet concurrency requirements as adopted in the City's Comprehensive Plan.

Desired **levels of service** are developed for other areas as reflected in master plans and strategic plans. They include such things as park investment, technology systems and public safety apparatus. They are essential in their own way; however, they are not required by law. From a funding priority perspective, desired service levels are addressed after basic maintenance and concurrency requirements.

The CIP process is intended to identify the funding sources available for projects prioritized in the next six years. The project costs are the **best estimates available** as of the date of the plan and can change as market conditions and project scope evolve. As project timing changes, the impacts of cost escalation can also come into play. The first two years of the CIP are

adopted as part of the biennial budget and therefore represent actual funding commitments. In general terms, the estimates for projects that appear beyond the first two years of the CIP are **preliminary programming estimates**. As a result, when the CIP is developed every other year (and updated in the intervening year), the cost estimates may change and require adjustments to the funding. There are several mechanisms in place to help address this uncertainty:

- In some cases, placeholder projects are used for outer years to recognize funding availability, for example Neighborhood Park Land Acquisition commits funding before specific site availability and costs are known. This approach allows specific project priorities and estimates to be developed based on specific needs as they are identified.
- Preliminary programming estimates generally contain larger contingencies (10% of construction or higher), which can be refined as engineering design progresses.
- Funds are set aside toward capital contingencies. These take the form of reserves in both the general and utilities capital funds. These reserves are intended to be used to supplement project budgets when actual site conditions and market pricing vary from previous assumptions. These reserves provide a planned approach to dealing with the unknowns in capital planning.

As mentioned earlier, the CIP is a **funding plan**, rather than a spending plan. The amounts shown are the funding sources that are being planned for projects, generally preceding detailed design work. For example, projects may show as funded over two years, with the first year reflecting design and the second year showing construction, but in reality, the spending to complete the project may occur over a period of three to five years. This dynamic exists for a variety of reasons, including the ability to demonstrate that funding is available to match potential grants and to allow for coordination of projects across functions (for example, timing utility projects to coincide with resurfacing the roadway). The capital carryover that occurs at the beginning of each biennium is in part the recognition that cash has been set aside for projects, but not yet been spent.

In addition to the projects funded as part of the 2021-2026 CIP, there are a large number of active projects that are currently funded and underway that were approved as part of prior CIP processes. The total remaining budget on these projects is \$134.6 million as of 6/5/2020, as summarized by function in the table below. This table includes all active projects that are in progress and projects that are complete and are candidates for close-out.

Available Balances of Active Projects by Category

Program	Total Budget	Expenses through 6/5/2020	Encumbrances through 6/5/2020	Available Balance
Transportation	127,426,306	47,759,644	8,064,197	71,602,465
Parks	41,832,868	22,596,165	8,838,438	10,398,266
General Government				
Technology	9,901,808	7,133,314	1,269,991	1,498,503
Facilities	61,314,807	48,745,269	135,145	12,434,393
Public Safety	36,572,441	19,016,640	296,480	17,259,321
Utilities				
Surface Water	25,203,507	8,725,453	1,724,015	14,754,039
Water Sewer	31,991,804	17,302,521	8,055,208	6,634,075
Total	\$ 334,243,541	\$ 171,279,006	\$ 28,383,473	\$ 134,581,061

The 2021 to 2026 CIP **inflates** each project by a percentage appropriate for that project category based on recent cost trends during the engineer's estimate process, so that the estimated future costs are taken into consideration. Likewise, some funding sources are indexed to inflation or increased annually based on historical trends, so that a similar methodology is employed on the resource and requirement sides. In many cases project amounts in the CIP are driven by available resources rather than growing costs of materials. For example, the Street Levy Street Preservation funding levels are based on the revenue projections for the 2012 Streets Levy. While inflation does not drive the funding amount, it does impact the work that can be accomplished with a given amount of funding.

For most programs where inflation does apply, the construction inflation projection falls in the 4% to 10% range. As mentioned previously, in many cases project costs are based on engineering estimates, and contingencies and reserves are in place to buffer the impact of market conditions, significant price increases, and scope changes.

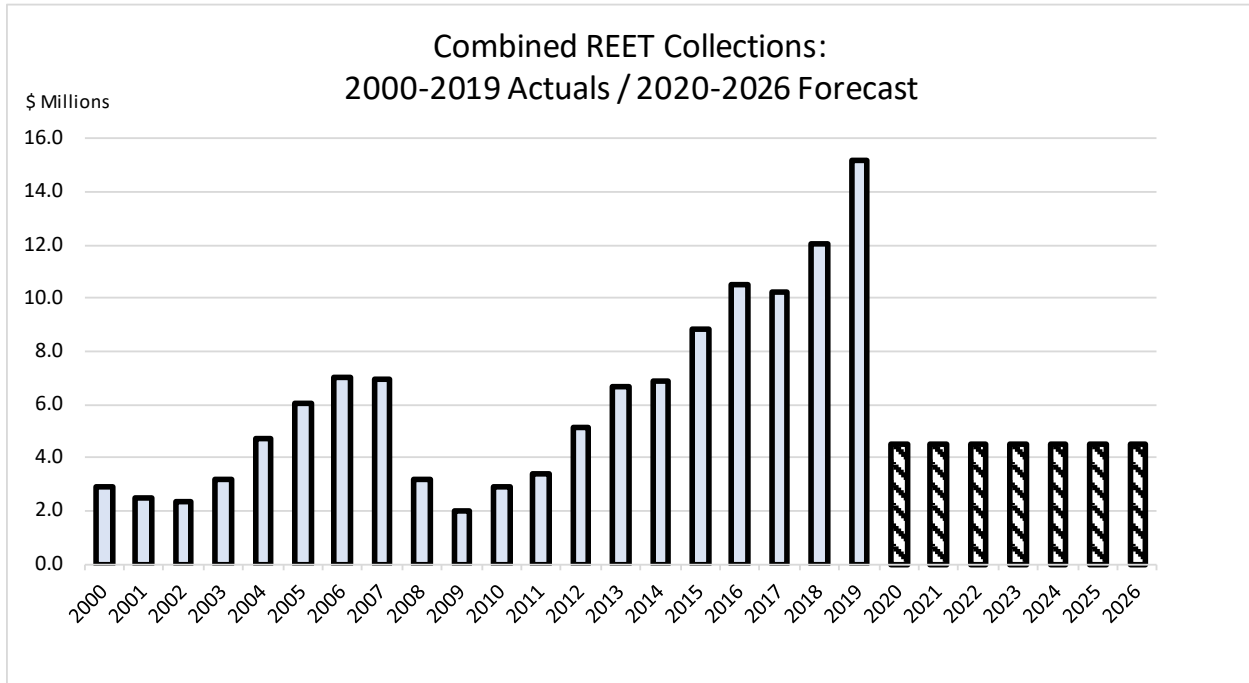
FUNDING

The revenue assumptions used to develop the Preliminary 2021-2026 CIP do not reflect the economic impact of COVID-19 because the funding projection was developed prior to the pandemic. Staff will continue to monitor the factors used to forecast the CIP revenues and modify projected funding levels and funded projects as necessary in the September 1, 2020 CIP review. Staff will include all the impacts of the COVID-19 prior to Council action in December.

Funding is established by project category that reflects legally dedicated revenue streams and Council-dedicated revenue sources. The CIP utilizes four main categories of funding sources – **current revenue, reserves, debt, and external sources**. The revenue sources that comprise these categories are described below.

Current Revenue represents estimates of annual ongoing revenue that will be received from anticipated sources. These include excise and property tax revenues, impact fees charged to new development, and utility rates and charges for existing and new customers. These are largely distinguished by the fact that they are derived from the current year's economic, development, or usage activity. Notable assumptions for major current revenue sources are highlighted below.

- **Real Estate Excise Tax (REET)** consists of two 0.25% excise taxes levied by the City against real estate sales (referred to as REET 1 and REET 2, for a total of 0.5%). Collections have been strong, consistent with the economic and real estate market strength observed in recent years. Recent REET collections have exceeded their previous high point reached in 2006, though it is worth noting that collections now include sales activity in annexed neighborhoods. Any discussion of strength in REET must also acknowledge its inherent volatility; its peak to trough drop after the collapse of the housing bubble in the mid-2000s was 71%. This is best shown by the following graph showing the trend since 2000.



A strong economy resulted in REET revenue exceeding budgeted amounts in 2017, 2018 and 2019, providing additional resources for projects. The revised 2019-2020 budget for REET assumed revenue of \$9.6 million in 2019 and \$2.5 million in 2020. The actual collections in 2019 was \$15.2 million. Staff has reserved this \$5.6 million of 2019 REET revenues above budget for two Council Work Program priorities. \$1.14 million has been reserved for Affordable Housing as allowed by the new state REET flexibility for housing championed by Kirkland. The remaining \$4.46 million has been set aside to help pay back the interfund loan used to purchase of the Fire Station 27 property if the proposed fire levy measure does not pass. Should a ballot measure pass, staff will return to the Council in the first quarter of 2021 with proposals to reinvest the REET in priority projects or to reduce proposed councilmanic debt issuance.

The strong growth has continued into the current year; through May 2020, REET collections are \$2.3 million, \$0.2 million below the budget for the year and on track to surpass budget targets. Although REET collections have been higher than budget, no additional adjustments are being proposed at this point as a conservative measure against the economic uncertainty in the post-COVID world.

To reflect the better economic growth recently experienced, the REET revenue forecast for 2021-2026 assumes an increase in the annual level from \$2.5 million (2020 budget) to \$4.5 million. In 2020 through 2026, the CIP funding plan relies on an annual amount of \$2.5 million, excluding the \$1.2 million set aside for debt service for Transportation projects. Traditionally, the Kirkland budgeting philosophy for REET has relied on conservative projections; revenue above budget has been deployed to complete projects, match grants, and fund new and/or emergent needs in successive capital plans. Retaining this conservative approach mitigates the need to defund projects if more aggressive REET projections are used and economic circumstances change.

A total of approximately \$14.4 million of new REET revenue is budgeted in the six-year CIP, including \$11.4 million for Transportation projects and \$3 million for Parks projects.

While not part of the CIP, it is worth noting that approximately \$263,500 per year has been included in past budgets to pay approved maintenance expenses in the operating budget as allowed by state law, with \$90,000 used for Transportation O&M, \$110,000 for Parks Maintenance, and \$63,500 per year for enhanced maintenance on the Cross Kirkland Corridor (CKC). The funding plan assumes that these maintenance uses will continue during the six-year CIP, though the formal continuation of these uses and the funding amounts will be reviewed as part of the 2021-2022 Biennial Budget process.

The REET forecast is deliberately conservative given the historically high level of collections and past experience of volatility in the real estate market. Any difference between the budgeted REET revenue and actual receipts is placed in the REET 1 and REET 2 reserves for use as grant matches and to supplement current revenue to fund high priority projects and facility needs. Beginning in 2021 REET revenues will be utilized for debt service payments following Council authorization and issuance of previously approved debt for transportation capital projects. The REET forecast developed as part of the 2021-2022 Budget process will include the use of REET for the debt service payments. As noted earlier, to acknowledge the growth in the last three years (2017-2019) the forecast for 2021-2026 assumes an increase in the annual level from \$2.5 million (2020 budget) to \$4.5 million. Staff will update Council on the REET assumptions used in the Final 2021-2026 CIP at the September 1, 2020 Study Session.

The following table shows the projected REET revenues available for programming and the planned uses. The data is presented in a cash flow format in order to include the estimated beginning balance in 2021, which acknowledges the receipt of REET revenues higher than budgeted in 2017, 2018, and 2019; and the expectation that 2020 revenues are also likely to be higher than budgeted. The planned increase of \$2 million annually in REET revenue, \$1 million each from REET 1 and REET 2, is highlighted below. The fund balance remains positive and grows over the 6-year planning period after accounting for the planned uses.

REET 1 Sources & Uses Table						
Sources	2021	2022	2023	2024	2025	2026
REET 1 - Estimated Starting Balance (PY Balance + Reserves)	\$ 4,734,775	\$ 1,181,429	\$ 2,327,679	\$ 2,352,929	\$ 2,713,179	\$ 2,769,429
REET 1 - Current Revenues (Budget)	\$ 1,250,000	\$ 1,250,000	\$ 1,250,000	\$ 1,250,000	\$ 1,250,000	\$ 1,250,000
REET 1 - Current Revenues (Estimate for budget revision)*	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000
REET 1 - Interest Earnings (Estimate)	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000
Total REET 1 Sources	\$ 7,084,775	\$ 3,531,429	\$ 4,677,679	\$ 4,702,929	\$ 5,063,179	\$ 5,119,429
Uses						
REET 1: Debt Service	\$ (600,000)	\$ (780,250)	\$ (780,250)	\$ (780,250)	\$ (780,250)	\$ (780,250)
REET 1: Maintenance REET Flexibility	\$ (263,500)	\$ (263,500)	\$ (263,500)	\$ (263,500)	\$ (263,500)	\$ (263,500)
REET 1: Parks CIP	\$ (160,000)	\$ (160,000)	\$ (833,000)	\$ (833,000)	\$ (500,000)	\$ (500,000)
REET 1: Public Works Transportation CIP	\$ (422,000)	\$ -	\$ (448,000)	\$ (113,000)	\$ (750,000)	\$ (750,000)
REET 1: Set Aside for FS 27	\$ (4,457,846)	\$ -	\$ -	\$ -	\$ -	\$ -
REET 1: Minimum Reserves (Policy)	\$ (1,000,000)	\$ (1,000,000)	\$ (1,000,000)	\$ (1,000,000)	\$ (1,000,000)	\$ (1,000,000)
Total REET 1 Uses	\$ (6,903,346)	\$ (2,203,750)	\$ (3,324,750)	\$ (2,989,750)	\$ (3,293,750)	\$ (3,293,750)
REET 1 Balance	\$ 181,429	\$ 1,327,679	\$ 1,352,929	\$ 1,713,179	\$ 1,769,429	\$ 1,825,679

REET 2 Sources & Uses Table						
Sources	2021	2022	2023	2024	2025	2026
REET 2 - Estimated Starting Balance (PY Balance + Reserves)	\$ 4,566,131	\$ 3,542,131	\$ 3,238,131	\$ 3,524,131	\$ 3,999,131	\$ 4,499,131
REET 2 - Current Revenues (Budget)	\$ 1,250,000	\$ 1,250,000	\$ 1,250,000	\$ 1,250,000	\$ 1,250,000	\$ 1,250,000
REET 2 - Current Revenues (Estimate for budget revision)*	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000
REET 2 - Interest Earnings (Estimate)	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000
Total REET 2 Sources	\$ 6,916,131	\$ 5,892,131	\$ 5,588,131	\$ 5,874,131	\$ 6,349,131	\$ 6,849,131
Uses						
REET 2: Debt Service	\$ (600,000)	\$ (600,000)	\$ (600,000)	\$ (600,000)	\$ (600,000)	\$ (600,000)
REET 2: Public Works Transportation CIP REET 2	\$ (1,633,000)	\$ (2,054,000)	\$ (1,464,000)	\$ (1,275,000)	\$ (1,250,000)	\$ (1,250,000)
REET 2: Affordable Housing Set-Aside	\$ (1,141,000)	\$ -	\$ -	\$ -	\$ -	\$ -
REET 2: Minimum Reserves (Policy)	\$ (1,000,000)	\$ (1,000,000)	\$ (1,000,000)	\$ (1,000,000)	\$ (1,000,000)	\$ (1,000,000)
Total REET 2 Uses	\$ (4,374,000)	\$ (3,654,000)	\$ (3,064,000)	\$ (2,875,000)	\$ (2,850,000)	\$ (2,850,000)
REET 2 Balance	\$ 2,542,131	\$ 2,238,131	\$ 2,524,131	\$ 2,999,131	\$ 3,499,131	\$ 3,999,131

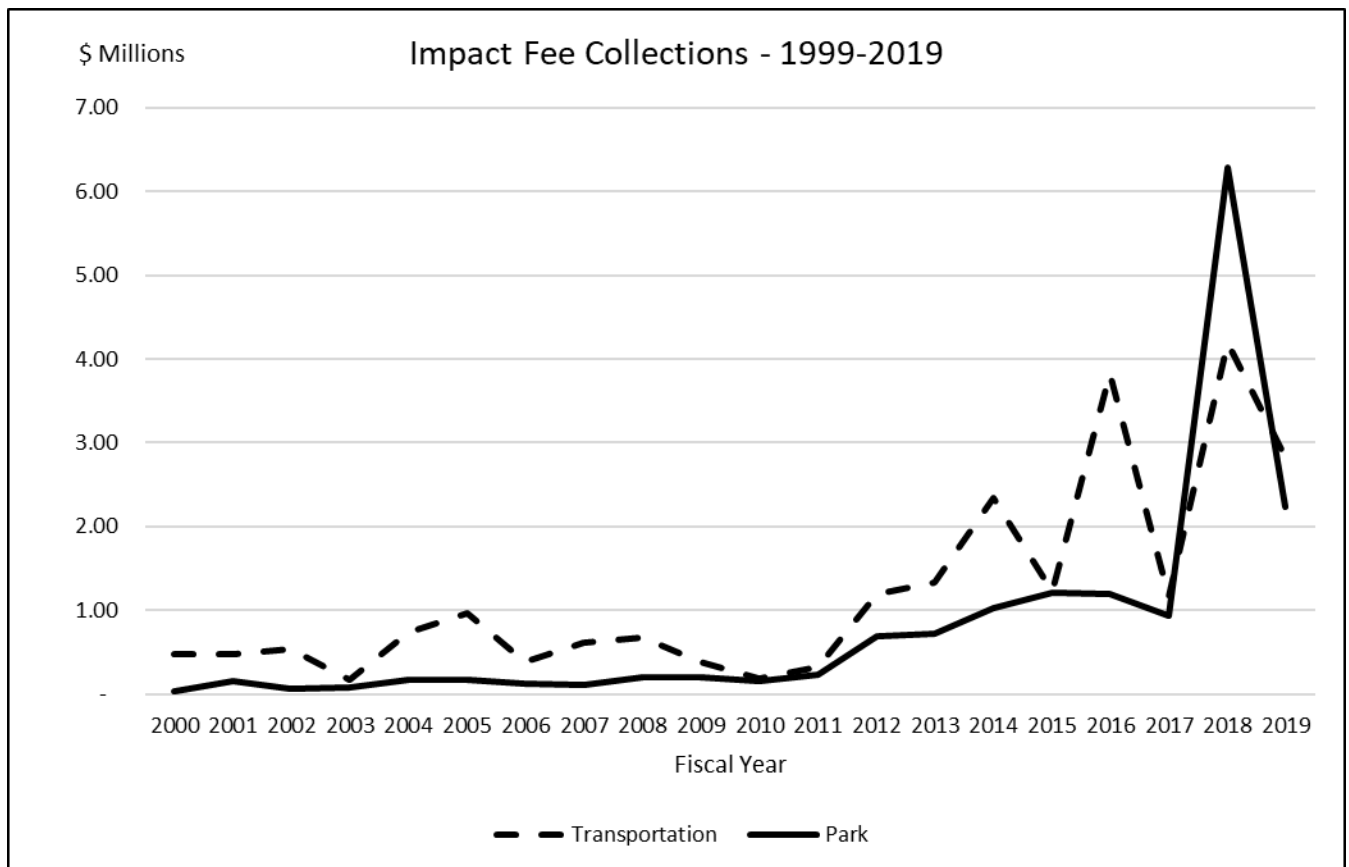
*Updates total current year REET revenues to \$4.5 million per year which is 43% of revenues from 2017 (2 year lag) - the worst single year decline in the Great Recession was 54%. Peak to trough decline (2006 to 2009) was 71%. Staff will evaluate REET revenue budget in 2021-2022 Budget Process.

- Property Tax Levy Lid Lifts** – On November 6, 2012, Kirkland voters approved two new property tax levies to support street maintenance and pedestrian safety, and parks maintenance, restoration and enhancement. In 2021 these levies are expected to generate \$3,508,200 and \$2,751,500 for these purposes, respectively. Revenues from the two levies are deposited in the Street Operating and Parks Levy Funds, and a set amount is transferred into the CIP for specific capital uses. The table below shows the projected allocation of the levy revenues between capital and operating uses in the 2021-2022 budget.

Park and Street Levy Budget Allocations		
	2021	2022
<i>2012 Street & Pedestrian Safety Levy</i>		
Total Revenue	3,508,200	3,578,400
Operating Budget	775,200	818,400
Capital Improvements Program	2,733,000	2,760,000
<i>2012 Park Levy</i>		
Total Revenue	2,751,500	2,806,600
Net Available for Operating Budget	2,501,500	2,556,600
Capital Improvement Program	250,000	250,000

Property tax growth (absent new voter-approved levies) is limited by state law to 1 percent plus the growth in value from new construction, which is assumed to be 1 percent per year through 2026. Projected growth in the Road Levy is allocated to the operating uses. For the Park Levy, in prior years revenues have been allocated such that a fixed \$1.25 million per year was allocated to capital, with the balance, including any growth, allocated to the operating budget. The 2012 ballot question for the Park Levy included a list of projects that would be completed using the new revenues from the levy. It was assumed that after these projects were completed, future revenue from the levy could be directed to operating and maintenance costs, as needed, with any residual available for capital projects. For 2020 and beyond, most of the revenue that had been allocated to capital is being made available for operating and maintenance purposes in the Parks and Community Services operating budget.

- Impact Fees** – Impact fees are charged to new development projects to provide revenue to build infrastructure to service the population growth attributed to the new development. The CIP includes funding from impact fees to build Park and Transportation projects. Like REET, Impact Fee collections have been strong in recent years, as shown in the graph on the following page.



The Preliminary 2021-2026 CIP includes \$9.16 million from Transportation Impact Fees and \$9.2 million from Park Impact Fees, based on a conservative forecast of future collections of \$1 million per year from Transportation Impact Fees and an annual average of \$1.53 million from Park Impact Fees; plus accumulated prior year revenues above expenses.

- Utility Rates, Charges, and Fees** – The utilities capital program funds equipment and infrastructure requirements of the City’s water/sewer and surface water utilities. Funding for the program comes from rates, fees, and charges assessed on current and new utility customers. The fees and rates are determined based on rate studies performed for each utility. The Preliminary 2021-2026 CIP assumes that the originally planned rate increases in 2021 will not be implemented and this might require the use of available fund balance. Staff are working with the utility rate study consultant to evaluate the impact of not having rate increases in 2021. The result of that analysis will be presented to Council later this year as part of the 2021-2022 budget development process.

Reserves are used in a variety of ways in the CIP. Reserves used in the 2021-2026 CIP have been accumulated over time for specific purposes (e.g., water/sewer capital replacement reserve and accumulated REET and impact fee balances). The CIP recommendation incorporates the use of reserves to fund matching contributions for some grant-funded transportation projects, and to fund the portion of impact fee funded projects that are not capacity related. Dedicated sinking fund reserves are also used to fund routine building repairs, vehicle replacements, and equipment purchases for public safety and information technology.

Debt represents a commitment to repay borrowed funds over an extended period of time. While the City has a relatively large legal debt capacity, the main constraint is the ability to repay the debt. Councilmanic bonded debt is supported from existing revenues, while voter approved debt comes with a new revenue stream to support debt service. An additional constraint is the time period for which the debt can be issued (limited to the life of the asset and a maximum of 30 years by current City fiscal policy). The Preliminary 2021-2026 CIP does not rely on any new debt. The revenue sources table on the following page includes the use of previously authorized debt totaling \$1.569 million, which has not been issued as of this writing.

Potential issuance of debt backed by REET – At the January 7, 2020 Study Session, staff shared that there are six projects from recent CIP processes approved by the Council with a total of \$23.6 million in debt identified as one of the funding sources, as listed in the table below. As part of the ongoing 2021-2026 CIP development process, staff will be reviewing capital revenues sources such as REET 1 and REET 2, and sales taxes above projections, to identify whether debt requirements could be reduced. Staff will also review projected REET revenues and uses to identify the amount available for repaying the debt issued for the projects listed below. At the September 1, 2020 Study Session, staff will provide updated information on revenue sources and the need for debt issuance.

Project	Project Total	Potential Debt Needed
NE 124th St/124th Ave NE Ped Bridge Design and Construction	\$ 18,290,700	\$ 10,000,000
Juanita Drive Intersection and Safety Improvements	\$ 6,805,200	\$ 4,755,200
100th Avenue NE Roadway Improvements (Mid-North Section)	\$ 5,569,300	\$ 571,100
100th Avenue NE Roadway Improvements (North Section)	\$ 3,730,500	\$ 296,000
NE 132nd St/108th Avenue NE Intersection Improvements	\$ 1,287,100	\$ 500,000
Totem Lake Public Improvements Phase II	\$ 15,000,000	\$ 7,500,000
TOTAL	\$ 50,682,800	\$23,622,300

External sources are primarily grants but can also take the form of contributions from other governments (shared projects) or from private sources (such as developers). The CIP includes

both secured funding, as well as funding that has not yet been secured, assuming a percentage consistent with successful grant receipts of prior years.

Potential New Sources include other funding mechanisms that are currently being explored as opportunities to expand the set of projects that can be constructed in the next six years. These options include:

- The potential **levy lid lift** measure if placed on the 2020 ballot would fund Fire Station modernization improvements and enhanced fire services operations, which could also include construction of a new Fire Station 27 in the Totem Lake Urban Center.

The 2021-2026 CIP is based on the recommended funding matrix shown on the following page and incorporates the aforementioned current revenue assumptions as well as existing reserves and external revenues.

The **King County Park Levy** exists to fund maintenance and operations of King County parks; acquisition, conservation and stewardship of open space, natural areas and ecological lands; acquisition and development of regional trails; major maintenance, repair, replacement and improvement of parks system infrastructure; development of trailhead facilities to increase access to parks and trails; and to support local parks system projects through a variety of programs including direct funding and community partnership and grant programs. King County directs 8% of the levy funds to assist local parks system projects and are allocated on a formula basis; 50% on population and 50% on assessed value. This is often referred to as the "pass through" portion. Kirkland was projected to receive \$353,000 annually from the levy beginning in 2020.

The King County levy funds specific projects for park infrastructure and regional trails. Motion 15378 was introduced and passed by the Metropolitan King County Council in April 2019 that provides guidelines for the use of parks levy proceeds for capital project. Attachment C of Motion 15378 specifies \$2,500,000 to the Kirkland Green Loop Trail under the Regional and Other Public Trails System projects.

In 2011, a \$300,000 **Solid Waste Street Preservation** fee was incorporated in the solid waste rates to mitigate the damage heavy solid waste collection vehicles do to Kirkland's streets. The funding is provided annually to the Public Works Capital Improvement Program (CIP) and is used for the asphalt overlay program. The initial funding amount was borrowed from the City of Bothell's prior solid waste contract and has acted as a reasonable approximation of the pavement damage. The \$300,000 in funding had not changed since 2011 nor been subject to annual inflationary increases. Based on Council action on October 2, 2018, starting with the 2019-2020 biennium, the street preservation fee was increased from \$300,000 annually to \$365,000 and \$378,000, respectively, to reflect inflation over time, thereby increasing the fee by \$143,000 over the two-year period.

The City enacted the **School Safety Zone Camera Program** in September of 2019. Per the ordinance, any fines collected in excess of program expenses are required to be used to fund traffic safety programs, personnel and projects in the Transportation Capital Improvement Plan, Neighborhood Safety Program, and Safer Routes to School Action Plans that improve school safety and pedestrian and bicycle safety. The following table shows net revenue estimates based on analysis completed in June of 2019, as well as updated figures based on the program to date. There is a high degree of variance due to the program's recent implementation as well as unknowns with the impacts of the COVID-19 virus.

Cost Estimate	2021	2022	2023	2024	2025	2026	TOTAL
Original Analysis	706,012	706,012	706,012	706,012	706,012	706,012	4,236,072
Updated Estimate	607,835	930,470	1,431,493	1,431,493	1,431,493	1,431,493	7,264,275

Updated estimate assumes actual net revenues from 2020 inputted into the original model. Additional modifications include three months of school closures in 2021, and a 35% decrease in car traffic in 2021 and 2022.

2021-2026 Revised Capital Improvement Program Revenue Sources (in thousands)							
Dedicated Revenue	2021	2022	2023	2024	2025	2026	6-Year Total
Transportation							
Gas Tax	860	873	886	847	900	900	5,266
Business License Fees	270	270	270	270	270	270	1,620
Real Estate Excise Tax (REET) 1	422	-	448	113	750	750	2,483
Real Estate Excise Tax (REET) 2	1,633	2,054	1,464	1,275	1,250	1,250	8,926
Street & Pedestrian Safety Levy	2,733	2,760	2,788	2,816	2,816	2,816	16,729
Transportation Impact Fees	1,000	702	1,298	472	1,000	1,000	5,472
Utility Rates	500	191	486	60	500	500	2,237
Solid Waste Street Preservation	386	393	401	409	417	426	2,432
REET 2 Reserve	480	1,893	215	695	-	-	3,283
Use of Previously Authorized Debt	658	911	-	-	-	-	1,569
School Zone Cameras	300	300	250	100	250	100	1,300
Secured External	3,001	3,657	1,738	-	-	-	8,396
Unsecured External - Sound Transit	1,300	13,000	2,700	-	-	-	17,000
Unsecured External Sources	706	-	2,790	4,042	603	1,676	9,817
Subtotal Transportation	13,862	27,004	15,734	11,099	8,756	9,688	86,529
Parks							
Real Estate Excise Tax 1	160	160	833	833	500	500	2,986
Park Impact Fees	1,050	1,150	1,750	1,750	1,750	1,750	9,200
Parks Levy	150	150	150	150	150	150	900
King County Park Levy	353	513	993	913	913	913	4,598
Park Facilities Sinking Fund	162	169	146	160	150	243	1,031
Subtotal Parks	1,875	2,142	3,872	3,806	3,463	3,556	18,715
General Government: Technology, Facilities & Public Safety							
General Fund Contributions for:							
Public Sfty. Equip. Sinking Fund	316	126	963	1,067	391	281	3,144
Technology Equip. Sinking Fund	200	363	130	454	180	135	1,462
Utility Rates	21	30	21	41	21	30	164
Facilities Life Cycle Reserve	629	150	947	922	385	387	3,421
General Fund	49	70	49	95	49	70	382
Subtotal General Government	1,215	739	2,110	2,579	1,026	904	8,572
Utilities							
Utility Connection Charges	865	865	865	865	865	865	5,190
Utility Rates - Surface Water	2,139	2,204	2,270	2,338	2,338	2,338	13,627
Utility Rates - Water/Sewer	5,165	5,329	5,583	5,850	5,850	5,850	33,627
Reserves	1,450	50	1,450	50	1,450	50	4,500
External Sources	1,399	1,309	-	-	-	-	2,708
Subtotal Utilities	11,018	9,757	10,168	9,103	10,503	9,103	59,652
Total Revenues	27,969	39,642	31,884	26,587	23,748	23,250	173,468

PROGRAM HIGHLIGHTS

The CIP is organized into seven major programs:

Transportation includes improvements to streets, intersections, pedestrian safety, public transit and non-motorized facilities.

Parks projects include renovation, replacement and construction of park and recreational facilities, and acquisition of park and open space lands.

General Government projects include two areas – technology system acquisition and replacement, and general government facility construction and renovation (excluding public safety facilities, as described above).

Public Safety projects address fire and police needs including the acquisition of major new equipment with a value greater than \$50,000 and the construction of facilities associated with public safety.

Water and Sewer Utility projects include replacement and enhancement of the City's water conveyance and sanitary sewer systems.

Surface Water Management Utility projects include improvements to the City's natural and constructed storm drain systems, as well as water quality and fish habitat improvements, including streambank restoration on private property.

This structure assists City staff with tracking and managing the projects by funding source and function. The project summaries are presented in these categories as **Attachment A**. The following narrative will provide project highlights to emphasize how the major recommendations fit within the Prioritization Criteria established by the City Council.

Attachment A includes a summary of **funded projects** expected to take place with available funding within the 6-year window of the 2021-2026 CIP. The CIP is balanced over the six-year period in that anticipated funding matches cash flow. The **unfunded projects** in Attachment A represent capital needs that could not be funded within the six-year period or that are not sufficiently well defined to be included in the funded portion of the CIP.

The term "unfunded" should not be interpreted to mean a project will not be funded. It simply means that a project is not funded with resources available in the six-year CIP window. Recognizing that the master plans that form the basis for the CIP identify projects that span a twenty-year horizon (or more), it makes sense that the unfunded component far exceeds the funded amount. The unfunded projects in the summary tables in Attachment A include those projects that would be candidates for funding from revenue sources after 2026 and those that are not likely to be funded without substantial external and/or new revenues. An example of the latter would be the Community Recreation Facility Construction, a \$75 million project in the Parks program which is only likely to proceed with a new ballot-approved revenue source and/or significant regional coordination.

Transportation

The proposed Transportation CIP is based on the following guidelines:

- Fit within the existing adopted funding for 2021-2024 and using conservative funding assumptions for 2025 and 2026. This assumed no new debt funding and no new revenues from Puget Sound Regional Council (PSRC) for the Totem Lake Connector Bridge (TLC) or 100th Ave NE.
 - Since the development of this proposal Kirkland was notified that the TLC (NMC0861000) has been awarded \$1.525M in federal funding through PSRC in 2020. As of this writing, staff is evaluating options for updating the proposed 2021-2026 CIP to reflect this change.
- Complete existing high priority projects – the “stars”:
 - Totem Lake Connector (TLC)
 - 100th Ave NE
 - 124th Ave NE
 - Juanita Drive
 - Railroad Bridge Warning Signage
 - Willows Road
- Complete the backlog of previously funded projects with project balances totaling \$80.2 million.
- Take care of the City’s existing assets by continuing to invest in major maintenance programs.
- Establish new local road maintenance fund. This new project will be included in the September 1 CIP update.
- Establish new “general contingency” project to set aside funds in 2023 as a placeholder for unknown cost growth.

The following table summarizes the funding sources and planned uses. The table includes the use of previously authorized debt totaling \$1.569 million, which has not been issued.

Preliminary 2021-26 Transportation CIP Balancing Table							
Dedicated Revenue (thousands)	2021	2022	2023	2024	2025	2026	6 year total
Gas Tax	860	873	886	847	900	900	5,266
RGRL	270	270	270	270	270	270	1,620
REET 1	422	-	448	113	750	750	2,483
REET 2	1,633	2,054	1,464	1,275	1,250	1,250	8,926
REET 2 Reserves*	480	1,893	215	695	-	-	3,283
Street Levy	2,733	2,760	2,788	2,816	2,816	2,816	16,729
Solid Waste	386	393	401	409	417	426	2,432
Transportation Impact Fees	1,000	702	1,298	472	1,000	1,000	5,472
Surface Water Contribution	500	191	486	60	500	500	2,237
Previously Authorized Debt	658	911	-	-	-	-	1,569
School Zone Cameras	300	300	250	100	250	100	1,300
Secured External (current CIP)	1,531	-	-	-	-	-	1,531
Unsecured External (current CIP)	706	-	2,790	4,042	-	-	7,538
Subtotal Revenue	11,478	10,347	11,296	11,099	8,153	8,012	60,385
Secured External (NEW)	1,470	3,657	1,738	-	-	-	6,865
Unsecured External - Sound Transit (NEW)	1,300	13,000	2,700	-	-	-	17,000
Unsecured External (NEW)	-	-	-	-	603	1,676	2,279
Total Revenue	14,248	27,004	15,734	11,099	8,756	9,688	86,529
Project Funding (expenses)	2021	2022	2023	2024	2025	2026	6 year total
PW Proposed CIP Projects	14,248	27,004	15,734	11,099	8,756	9,688	86,529
Balance	-	-	-	-	-	-	-

*Planned use of available balance - Assuming no new uses of REET 2 reserves, current balances and projected current year revenues are forecasted to be enough to fund planned uses of REET 2 reserves in 6-year CIP.

The other highlights from this CIP development process include:

- Total funded program decreased by \$33,056,000 compared to the adopted 2019-2024 CIP because those years included several large-scale projects that are related to regional growth and with significant external funding. Many of these projects are still active and either in construction or the late stages of design. The bulk of the funding for active projects including the Totem Lake Connector, 100th Ave NE Roadway Improvements and 124th Ave NE was approved and scheduled for 2020 or earlier.
- Projects with funding and/or timing changes
 - **STC 0591300** – 124th Ave NE Roadway Improvements NE 116th Street to NE 124th Street (North Section) Construction
 - Added funding in 2021 – 2023, totaling \$150,000
 - **STC 0831300** – 100th Avenue NE Roadway Improvements (North Section)
 - Added \$1.05 million of funding in 2022
 - **STC 0831400** – 100th Avenue NE Roadway Improvements (Mid-North Section)
 - Added \$1.575 million of funding in 2022
 - **NMC 0861000** – NE 124th St/124th Ave NE ped Bridge Design & Construction (TLC)
 - Added funding in 2021 and 2022, totaling \$2.597 million
 - **TRC 1200000** – Kirkland Intelligent Transportation System Phase 3
 - Shifted timing from 2021-2024 to 2023 – 2026
 - Added \$660,000 in net new funding
 - **PTC 0040000** – 108th Avenue NE Transit Queue Jump Phase I

- Shifted timing from 2022 – 2024 to 2023 – 2025
- **PTC 0050000** – 108th Avenue NE Transit Queue Jump Phase II
 - Shifted timing from 2022 – 2024 to 2023 – 2025
- Projects maintained as adopted in the 2019-2024 CIP:
 - **STC 0591200** - 124th Ave NE Roadway Improvements NE 116th Street to NE 124th Street (North Section) ROW
 - **STC 0890000** - Juanita Drive Intersection and Safety Improvements NE 112th St to NE 132nd St
 - **TRC 1240000** – 116th Avenue NE/NE 124th Street Intersection Improvements
 - Annual funding projects maintained at current levels:
 - **STC 0060000** – Annual Street Preservation Program – incorporating local street preservation program
 - **STC 0060300** – Street Levy Street Preservation
 - **STC 0800000** – Annual Striping Program
 - **TRC 1170300** – Neighborhood Traffic Control
 - **NMC 0061000** – Street Levy-Safe School Walk Routes
 - **NMC 0062000** – Street Levy – Pedestrian Safety
 - **NMC 0870000** – Citywide School Walk Route Enhancements – This project will be maintained at current levels with the use of \$1.3 million in School Zone Safety Camera revenues over the six-year period.
- In order to meet priority guidance to finish projects that are in progress, several annual funding programs have allocated funding to those commitments. This has resulted in the following proposed level of service reductions and deferrals for several annual programs –totaling \$4.332 million
 - **STC 9999000** – Regional Inter-Agency Coordination – Normal annual funding of \$82,000 per year is not funded in 2021
 - **NMC 0570000** – Annual Sidewalk Maintenance Program – Normal annual funding of \$200,000 per year reduced to \$100,000 per year
 - **NMC 1101000** – Citywide Accessibility Improvements – Normal annual funding of \$100,000 is not funded in 2021; funded at \$50,000 in 2023 and 2025; and funded at \$100,000 per year in 2024 and 2026. A total reduction of \$300k
 - **NMC 1130000** – Citywide Greenways Networks – Normal annual funding of \$250,000 is unfunded for four years (2021-2024); is restored to \$250,000 of funding in 2025 and 2026
 - **TRC 1160000** – Annual Signal Maintenance Program – Normal annual funding of \$200,000 per year is reduced to \$100,000 per year
 - **TRC 1170000** – Citywide Traffic Management Safety Improvements – Normal annual funding of \$100,000 per year is unfunded for four years (2021, 2022, 2024, and 2026); and is restored to \$100,000 of funding in 2023 and 2025
 - **TRC 1170300** – Vision Zero Safety Improvement – Normal annual funding of \$50,000 per year is not funded in 2021 and is funded at the normal level the other four years

The primary impact of the proposed deferrals is a delay in achieving the City's level of service in these categories. Staff will continue to monitor community needs and bring forward for Council action any life safety issues that need funding.

- **TRC 1390000** – NE 85th St/132nd Ave NE Dual Left Turn Lanes scheduled for 2020 is moved to the unfunded list resulting in a savings of \$1,258,700. This project was added to the funded list because of a neighborhood request and is not a SEPA requirement. This change is the majority of the Post-Bid funding identified for the Totem Lake

Connector Bridge at the June 2, 2020 Study Session where staff proposed the rejection of bids received and rebidding the project. Alternatives to this reduction are still being explored and options for restoration will be brought to the September 1 Council meeting.

- **NMC 0980000** – Kirkland Ave Sidewalk Improvements was moved to the unfunded list resulting in a savings of \$600,000.
- The proposed Transportation CIP is funded by:
 - Closing out completed projects and utilizing available funding from the closed projects. The capital projects close outs will be brought forward for Council action later this year.
 - Leveraging grants where possible

Parks

The Preliminary 2021-2026 Parks CIP is based on the following guidelines:

- Complete current projects.
- Deliver on promises for active amenities.
- Position the program for the future.

The Parks capital projects were prioritized using a rating scale (**Attachment B**) in order to meet the above guidelines.

The table below summarizes the funding sources and planned uses.

Preliminary 2021-2026 Parks CIP Balancing Table							
Dedicated Revenue (in thousands)	2021	2022	2023	2024	2025	2026	6-Year Total
REET 1	160	160	833	833	500	500	2,986
Kirkland Park Levy	150	150	150	150	150	150	900
Impact Fees	1,050	1,150	1,750	1,750	1,750	1,750	9,200
King Co. Park Levy	353	513	993	913	913	913	4,598
Parks Fac. Sinking Fund	162	169	146	160	150	243	1,031
Total Revenue	1,875	2,142	3,872	3,806	3,463	3,556	18,715
Project Funding (Expenses)	2021	2022	2023	2024	2025	2026	6 year total
PK Proposed CIP Projects	1,862	2,144	3,863	3,792	2,965	3,053	17,678
Balance	13	(2)	10	15	498	503	1,036

Note: funding in 2025 and 2026 exceeds current project proposal list. Staff is developing prioritized project options for those years.

The other highlights from this CIP development process include:

- The following is a list of new projects:
 - **PKC 1590000** – Off Leash Dog Areas – \$1,569,600 added in total from 2024 to 2026
 - **PKC 1610000** – McAuliffe Park Sanitary Sewer – \$325,000 added in 2025
 - **PKC 1620000** – Wayfinding and Park Signage Program Plan – \$150,000 added in 2023
 - **PKC 1630000** – Trail Upgrades – \$120,000 added in 2023

- **PKC 1700000** – ADA Compliance Upgrades – OO Denny – \$120,000 added in 2024
- Total funded program decreased by \$12,723,462 in the Preliminary 2021-2026 CIP compared to the Updated 2019-2024 CIP
- Modifications to funding and timing of projects from the 2019-2024 CIP Update compared to the Preliminary 2021-2026 CIP represent an increase of \$3,627,000
 - **PKC 0660000** – Parks, Play Areas, & Accessibility Enhancements – \$10,000 moved from 2022 to 2023; \$270,000 added in 2025, \$300,000 added in 2026
 - **PKC 1331000** – Dock and Shoreline Renovations – Funding to be used for PKC 1331001 – Brink Park. \$200,000 added in 2021 and \$225,000 added in 2022
 - **PKC 1332000** – City School Playfield Partnership (Kamiakan) – \$200,000 added in 2023; \$100,000 added in 2024 and 2026
 - **PKC 133000** – Neighborhood Park Land Acquisition – \$1 million added in 2025 and 2026
 - **PKC 1520000** – O.O. Denny Park Improvements – Picnic Shelter – \$275,000 added in 2023
 - **PKC 1540000** – Indoor Recreation & Aquatic Facility Study – \$160,000 moved from 2021 to 2023
 - **PKC 1550000** – Green Loop Master Plan & Acquisition – \$2.24 million added over the six years, all funded by King County grant
 - **PKC 1560000** – Parks Restrooms Renovation/Replacement Program – Originally \$1.583 million in 2023 now split between 2023 and 2024
 - **PKC 1570000** – Neighborhood Park Development Program – Funding reduced by \$1.283 million and moved from 2024 to 2025

General Government

This portion of the CIP includes projects related to Facilities and Technology. Both Facilities and Technology CIP use a combination of direct funding of projects and replacement reserves in Sinking Funds. Sinking Funds are used to accumulate funding from annual contributions at a rate, adequate for the replacement of City assets at the end of their useful lives.

General Government – Facilities

The Preliminary 2021-2026 Facilities CIP is based on the following guidelines:

- Close completed projects and use the resulting available balances to offset the projected needs in other projects.
- Update the Facilities Sinking Fund to include new city facilities and update estimated replacement costs and timing for existing Sinking Fund items.
- Identify potential General Fund savings to offset the anticipated shortfall in revenues as a result of the pandemic.

Preliminary CIP and Cash Flow:

The table below summarizes the funding sources and planned uses

Project Title	2021	2022	2023	2024	2025	2026	2021-2026 Total
GGC 00800 - Electrical, Energy Management & Lighting	27,200	96,400	28,400	152,600	23,400		328,000
GGC 00900 - Mechanical/HVAC Systems Replacements	14,600	12,000	406,800	299,400	141,740	51,000	925,540
GGC 01000 - Painting, Ceilings, Partition & Windows	59,900	13,500	151,500	292,232	57,000	178,900	753,032
GGC 01100 - Roofing, Gutter, Siding and Decks	355,100		337,120	20,200	8,000	7,400	727,820
GGC 01200 - Flooring Replacements	172,500	28,400	22,700	157,900	154,700	150,000	686,200
Subtotal	629,300	150,300	946,520	922,332	384,840	387,300	3,420,592

CASHFLOW	2020	2021	2022	2023	2024	2025	2026
Beginning Balance	5,206,717	5,937,643	6,111,535	6,764,427	6,621,099	6,501,959	6,920,311
Sources/Contributions							
Sinking Fund Rates	803,192	803,192	803,192	803,192	803,192	803,192	803,192
310 Reserve	133,791	-	-	-	-	-	-
Project Closure	315,444	-	-	-	-	-	-
Total Sources	6,459,143	6,740,835	6,914,727	7,567,619	7,424,291	7,305,151	7,723,503
Uses	521,500	629,300	150,300	946,520	922,332	384,840	387,300
Ending Balance	5,937,643	6,111,535	6,764,427	6,621,099	6,501,959	6,920,311	7,336,203

The other highlights from this CIP development process include:

- Planned expenditures for the 2021-2026 Sinking Fund projects are \$502,892 higher than in the 2019-2024 Updated CIP.
- The primary additions to the model are a roof replacement for the Peter Kirk Community Center (PKCC) in 2021, and a roof and AC replacement for the Parks Maintenance & Operations (PMO) building in 2024.
- The primary reductions were moving out the replacement of the KJC windows (originally scheduled in 2024) and decreased flooring costs in City Hall (reduced from \$450,000 to \$150,000).

Facilities Sinking Fund:

The current cash balance of the Facilities Sinking Fund reserves after 2020 rate revenue is added and planned project uses are subtracted is \$5,622,199. The current balance of all active sinking fund projects is \$2,627,773. Even with the addition of new projects, the sinking fund shows a positive trend, with the projected balance growing from \$5.62 million in 2020 to \$7.18 million in 2040. The annual contribution to the Facilities Sinking Fund is \$803,192 of which \$661,311 is from the General Fund and the remainder is from the Utility Funds. The contributions to the Facilities Sinking Fund can be deferred in 2020, 2021, and 2022 without adversely affecting the fund's ability to cover the expenses of scheduled replacements. A recalibration of the Facilities Sinking Fund rates is being evaluated as part of the 2021-2022 budget process.

General Government – Technology (IT)

The Preliminary 2021-2026 Technology CIP is based on the following guidelines:

- Close completed projects and use the resulting available balances to offset the projected needs in other active projects.
- Transition the Cloud Computing Services for Servers and Storage project from the CIP to the Operating Budget.
- Review and update replacement reserves and GIS funding.

Project Closures to Offset One-Time Shortfall:

The one-time shortfall in IT's capital budget in 2020 is \$572,000. This shortfall can be closed by re-allocating funds from the following sources.

No.	Funding Source	Amount
1.	2019 ending balance from IT Operating Budget	180,000
2.	2019 ending balance from ITC2000000 GIS capital project	274,154
3.	2020 ITC2000000 GIS capital project	58,000
4.	ITC0030200 Court Customer Service Upgrades project (closed at the end of 2019)	59,846
	Total	572,000

Cloud Computing Services:

The Updated 2019-2024 CIP includes investments to transition many of the City’s servers and data storage off-premises as part of the Cloud/Disaster Recovery strategy recommended by the Information Technology Strategic Plan. This is embodied by **ITC 12000 – Cloud Computing Services for Servers & Storage** (\$2.24 million) which is a replacement to the **Network Infrastructure** project included in prior capital budgets. This project provides for the necessary cyclical equipment replacements and upgrades, and contracts with external providers, to transition a portion of the City’s data processing and storage requirements to off-premises infrastructure. This project is currently funded through the IT sinking fund, which is an account in the General Capital Projects Fund that receives budgeted annual transfers of \$450,000 from the General Fund.

The Preliminary 2021-2026 CIP does not include any further funding for Cloud Computing-related expenditures because at the end of 2020, the capital project will be closed, and all related expenditures will transition to the Information Technology (IT) operating budget. In recognition of the shift in costs from the CIP to the Operating budget the annual contributions to the IT Sinking Fund will be reduced by 50% and the other 50% will be transferred to the Operating budget starting with 2021. The table below summarizes this change in funding.

Sinking Fund/Cloud Shift Summary				
Funding Sources	Prior Model (through 2020)	New Sinking Fund Contribution (starting in 2021)	Proposed Cloud Operating Contribution	Net Change
Annual General Fund Contribution	450,000	225,000	225,000	-
Annual Utilities Contribution	85,000	42,500	42,500	-
TOTAL	535,000	267,500	267,500	-

The following table summarizes the anticipated allocation of the annual Cloud operating expenses beginning in 2021. Estimated annual Cloud Computing-related operating expenditures of \$476,641 will be offset by the \$267,500 in annual funding shifted from the Sinking Fund to the Operating budget. The Operating budget deficit of \$209,141 will be further offset by a reduction of \$100,000 in ongoing operating expenses by IT. The remaining shortfall of \$109,141 will be allocated between the General Fund and Utilities based on the FTE ratio calculation from the 2014 IT Sinking Fund model, which resulted in Utilities contribution that represents 18.89% of the General Fund contribution. This ratio will be updated as part of the 2021-2022 Budget development process.

Annual Cloud Operating Expenses & Offsetting Revenue	
Estimated Annual Cloud Operating Expense	476,641
Capital Contribution shifted to Operating Budget	267,500
Operating Budget Deficit	209,141
Offset: Ongoing annual operating savings from IT	100,000
Net Operating Budget Shortfall	109,141
Allocation of shortfall:	
General Fund portion	88,525
Utilities portion	20,616

Preliminary CIP and Cash Flow:

As part of the Technology CIP development process staff reviewed and updated project costs, replacement reserve balances (Infrastructure, PC, and Copier), and the beginning balance in the IT Sinking Fund. The table below shows the proposed projects and the total planned uses for the 6-year period of 2021-2026.

Project Number	Project Title	2021	2022	2023	2024	2025	2026	2021-2026 Total
ITC 10000	Network Server and Storage Replacements				373,500			373,500
ITC 11000	Network Infrastructure	28,499	28,499	28,499	28,499	83,377	83,377	280,750
ITC 13000	Network Phone Systems	82,000	290,000	12,000	12,000	12,000	12,000	420,000
ITC 14000	Network Security	75,000	30,000	75,000	30,000	75,000	30,000	315,000
ITC 20000	Geographic Information Systems	70,000	100,000	70,000	135,000	70,000	100,000	545,000
ITC 50000	Copier Replacements	15,000	15,000	15,000	10,000	10,000	10,000	75,000
Total Funded General Government Projects - Technology		270,499	463,499	200,499	588,999	250,377	235,377	2,009,250

The following table shows the cash flow beginning in 2020 and through the end of 2026. The result is a balanced CIP across the 6-year period of 2021-2026.

CASHFLOW	2020	2021	2022	2023	2024	2025	2026
Beginning Balance	939,920	42,103	109,105	13,106	150,108	(36,391)	50,733
Sources/Contributions							
GF -- IT Sinking Fund	450,000	225,000	225,000	225,000	225,000	225,000	225,000
GF -- GIS	114,000	49,000	70,000	49,000	94,500	49,000	70,000
Utilities -- IT Sinking Fund	85,000	42,500	42,500	42,500	42,500	42,500	42,500
Utilities -- GIS	171,000	21,000	30,000	21,000	40,500	21,000	30,000
Project Closure	64,383						
Total Sources	1,824,303	379,603	476,605	350,606	552,608	301,109	418,233
Uses	1,782,200	270,499	463,499	200,499	588,999	250,377	235,377
Ending Balance	42,103	109,105	13,106	150,108	(36,391)	50,733	182,856

Unlike the Police, Fire, and Facilities Sinking Funds, the IT Sinking Fund is not in a position to forego annual contributions.

Public Safety

This portion of the CIP includes projects related to Fire and Police. Both Fire and Police CIP are funded through sinking funds.

Public Safety – Fire

The Preliminary 2021-2026 Public Safety - Fire CIP is based on the following guidelines:

- Only scheduled replacements per the Fire Sinking Fund model are included.
- All active projects are fully funded.
- Annual contribution to the Fire Sinking Fund is \$375,000.
 - The annual contribution in both 2020 and 2021 may be deferred if necessary.
 - The deferment of the annual contribution in both 2020 and 2021 would result in all the available balance being used by 2029 if no other changes are made in the future.
- **PSERN Radios.** The sinking fund model will need to be updated to follow the new timeline, which pushes the replacement year out two years to 2032. The replacement cost per radio will not be finalized until PSERN purchases the new radios in 2022. The updated costs may increase or decrease the annual General Fund contribution to the Fire Sinking Fund. This will be evaluated as part of the 2021-2022 Budget process.
- **Emergency Generators.** The previous CIP included General Fund funding of \$60,000 in 2022 for this project. Because the original scope and funding were insufficient to achieve intended outcomes, the department has recommended the project be removed from the CIP and the prior years’ project balance and 2022 funding be released to help fill the 2020 funding gap.
- Revenue assumptions based on the Fire Sinking Fund model for the 2019-2024 CIP update.
- Funding from the General Fund for emergency generators will end after 2022.

The table below summarizes the funding sources and planned uses.

Preliminary 2021-26 Public Safety-Fire CIP								
CASHFLOW	2020	2021	2022	2023	2024	2025	2026	6-year Total
Beginning Balance	961,111	946,411	753,511	1,113,311	685,511	153,711	403,711	
Sources/Contributions								
Fire Sinking Fund	-	-	375,000	375,000	375,000	375,000	375,000	1,875,000
Total Sources	961,111	946,411	1,128,511	1,488,311	1,060,511	528,711	778,711	
Uses	14,700	192,900	15,200	802,800	906,800	125,000	120,400	2,163,100
Ending Balance	946,411	753,511	1,113,311	685,511	153,711	403,711	658,311	
CIP Balance: Sources and Uses	(14,700)	(192,900)	359,800	(427,800)	(531,800)	250,000	254,600	(288,100)

The other highlights from this CIP development process include:

- Current active projects:
 - **PSC 0560000** – Disaster Supply Storage Units. Next replacement: 2028 and 2036 (outside date range for 2021-2026 CIP).
 - **PSC 0620000** – Defibrillator Unit Replacement. Project is currently on hold until new units are available. Philips suspended production due to COVID-19 and alternate vendors/models have not yet been approved by King County. Replacement will likely take place in 2021.
 - **PSC 2000000** – Fire Equipment Replacement. Replacement cycle varies depending on equipment.
 - **PSC 0630000** – Air Fill Station Replacement. Next replacement scheduled for 2024 and 2025.
 - **PSC 0660000** – Thermal Imaging Cameras. Replaced two years early in 2019. Expected life span of 10 years is assumed; next replacement will be in 2029.
 - **PSC 0710000** – SCBA Replacement. Next replacement scheduled for 2023.

- **PSC 0760000** – Fire Personal Protective Equipment. Helmets and boots are replaced annually.
- **PSC 0780000** – Fire Power Cots. One aid car is still without one.
- **PSC 0800000** – Emergency Generators. A generator for the women and children’s shelter has been the only purchase of this project. An additional emergency generator is funded in 2022.
- **PSC 0810000** – Fire Station 26 Training Prop. General Fund was used to finance this project in 2019 (Service Package 19FD05).
- **PSC 0820000** – Water Rescue Craft Storage & Lift. Ongoing funding of \$5,000 a year for maintenance (\$10,000 per biennium) was provided by Service Package 19FD09.
- **PSC 2000000** – Fire Equipment Replacement. Helmets/boots (10% of this equipment is replaced each year) and radio batteries.
- Scheduled replacements (2021-2026) – The following projects are fully funded by the Fire Sinking Fund and fall within the 2021-2026 CIP timeframe.
 - **PSC 0620000** – Defibrillator Unit Replacement. *Mandated by King County EMS.* This project was slated for 2020 but is on hold because units are not available and additional vendors/models have not been approved by King County. Replacement will likely take place in 2021 using 2020 funding. King County will provide life expectancy of replacement models once approved and this will impact the Sinking Fund model. The budget of \$143,100 may not be enough to cover costs but there are two potential grants available that could make up the difference.
 - **PSC 0630000** – Air Fill Station Replacement. Necessary when SCBAs are replaced.
 - Mobile Air Fill Station for AU21 in the fleet (\$87,900) - 2024
 - Air Fill Station replacement (\$86,200) - 2025
 - **PSC 0710000** – SCBA replacement. Mandated by National Fire Protection Association (NFPA) standard.
 - Replacement of SCBA packs, testing equipment, spare bottles, and spare masks in 2023 (\$767,100)
 - Replacement of equipment in 2024 (\$115,100) and 2026 (\$35,778)
 - **PSC 0760000** – Fire PPE. Mandated by NFPA standard.
 - Helmets and boots – replaced annually at about \$7,000 per year.
 - Bunker gear – Two sets of jackets and pants per firefighter. Scheduled for replacement in 2024 (\$671,300).
 - **PSC 0800000** – Emergency Generators (EOM). Additional planned in 2022 (\$60,000).
 - **PSC 2000000** – Fire Equipment Replacement.
 - Hoses: 2021 (\$7,857). One ladder's worth of hose every 12 years. Recommended by NFPA and WSRB.
 - Physical Fitness Equipment:
 - Rowers (\$5,412) and Elliptical (\$2,165), both in 2021
 - Treadmills (\$23,902) and Stepmills (\$28,763), both in 2026
 - Radio batteries: replaced annually at about \$8,200 per year. Recommended by NFPA, based on manufacture’s life span for batteries.
 - Extractor: 2024 (\$18,400)
 - Body Armor: 2026 (\$15,500). 10-year expected lifespan (avoids usual 5-year life span due to materials and infrequent use). Required by WAC.

- The EOC is scheduled to replace laptops in 2021 with funding from the IT Sinking Fund.
- Total funded program for Fire Public Safety (excluding Facilities projects) decreased \$1,082,200 in the Preliminary 2021-2026 CIP compared to the Updated 2019-2024 CIP.
- Fire Facilities Projects in 2019-2024 CIP Update:
 - PSC 3000000 – General Fire Station Planning
 - PSC 3001000 – Fire Station 25 Renovation – project completed
 - PSC 3002000 – Fire Station 24 Property Acquisition (Forrest House) – project completed
 - PSC 3002100 – Fire Station 24 Property Acquisition (Rite Aid) – project completed
 - PSC 3002200 – Fire Station 24 Construction
 - PSC 3003000 – Fire Station 27 Property Acquisition

Public Safety – Police

The Preliminary 2021-2026 Public Safety - Police CIP is based on the following guidelines:

- Only scheduled replacements per the Police Sinking Fund model are included.
- All active projects are fully funded.
- Annual contribution to the Police Sinking Fund is \$125,000.
 - The annual contribution in both 2020 and 2021 may be deferred.
 - The deferment of the annual contribution in both 2020 and 2021 would use all available fund balance by 2030 if no other changes are made in the future.
 - Police will also be receiving PSERN radios in 2022 that will need to be replaced in 2032. The sinking fund impacts of replacing the new radios will be evaluated as part of the 2021-2022 budget process.

The table below summarizes the funding sources and planned uses:

Preliminary 2021-2026 Public Safety-Police CIP								
CASHFLOW	2020	2021	2022	2023	2024	2025	2026	6-year Total
Beginning Balance	1,157,089	970,189	847,489	861,789	826,489	791,189	649,889	
Sources/Contributions								
Police Sinking Fund	-	-	125,000	125,000	125,000	125,000	125,000	625,000
Total Sources	1,157,089	970,189	972,489	986,789	951,489	916,189	774,889	
Uses	186,900	122,700	110,700	160,300	160,300	266,300	160,900	981,200
Ending Balance	970,189	847,489	861,789	826,489	791,189	649,889	613,989	
CIP Balance: Sources and Uses	970,189	(122,700)	14,300	(35,300)	(35,300)	(141,300)	(35,900)	(356,200)

The other highlights from this CIP development process include:

- Updated equipment pricing has driven down costs in most years.
- The replacement of 25 Automated External Defibrillators (AEDs) in 2023 would increase expenditures in that year by \$54,410 compared to the Updated 2019-2024 CIP.
- Current sinking fund balance and rates can absorb the replacement of the AEDs.

Water and Sewer Utility

The proposed Water and Sewer Utility CIP is built based on the following guidelines:

- Only include projects identified in the Comprehensive Plan and the rate study.
- Assume no rate increase in 2021 and use available fund balance as planned in the rate study.
- Stay within existing funding as adopted in the updated 2019-2024 CIP and include any available funding from project closures and external funds.

The following table summarizes the funding sources and planned uses:

City of Kirkland Proposed 2021-26 Water Sewer CIP Balancing Table							
Dedicated Revenue (thousands)	2021	2022	2023	2024	2025	2026	6 year total
Utility rates	5,165	5,329	5,583	5,850	5,850	5,850	33,627
Connection Fees	865	865	865	865	865	865	5,190
Reserves	1,400		1,400		1,400		4,200
Unsecured External (OLD)	1,111	769					1,880
Subtotal Revenue	8,541	6,963	7,848	6,715	8,115	6,715	44,897
Project Close Outs	2,400						2,400
Total Revenue	10,941	6,963	7,848	6,715	8,115	6,715	47,297
Project Funding(expenses)	2021	2022	2023	2024	2025	2026	6 year total
PW Proposed CIP Projects	4,990	10,840	9,822	6,715	8,115	6,715	47,197
Balance	5,951	(3,877)	(1,974)	-	-	-	-

The other highlights from this CIP development process include:

- Three projects totaling \$8,017,600 moved from the unfunded list to the funded list.
 - **WAC 05700** – 116th Ave NE Watermain Replacement (\$3,100,000)
 - **WAC 13700** – NE 73rd Street Watermain Replacement (\$3,100,000)
 - **WAC 14900** – Lake Washington Blvd Watermain Replacement (\$1,817,600)
- Total funded program increased by \$3,876,900 in the Preliminary 2021-2026 CIP compared to the Updated 2019-2024 CIP
- Eight projects, totaling \$11,732,400, represent the 2019 and 2020 funded amounts in the 2019-2024 CIP:
 - **WAC 10200** – 104th Avenue NE Watermain Replacement (\$594,000)
 - **WAC 12910** – South Reservoir Seismic & Recoating Pre-Design (\$52,800)
 - **WAC 13300** – Kirkland Avenue Watermain Replacement (\$1,582,500)
 - **WAC 15300** – 3rd Street Watermain Improvement (\$446,300)
 - **WAC 15800** – NE 112th Street Watermain Improvement (\$177,200)
 - **WAC 15900** – NE 113th Place Watermain Improvement (\$181,500)
 - **SSC 05200** – 108th Avenue NE Sewermain Replacement (\$6,572,300)
 - **SSC 07200** – Kirkland Avenue Sewermain Replacement (\$2,125,800)
- Modifications to funding and timing of projects from the 2019-2024 CIP Update compared to the Preliminary 2021-2026 CIP represent an increase of \$1,876,500.
 - **WAC 12900** - South Reservoir Seismic & Recoating Construction (\$4,000,000). Modification of timing.
 - **WAC 13400** - 5th Avenue S / 8th Street S Watermain Replacement (\$1,750,000). Modification of timing.
 - **WAC 15700** - 8th Avenue W Watermain Improvement (\$1,125,900). Modification of timing.
 - **WAC 16000** - 126th Avenue NE Watermain Improvement (\$1,500,000). Modification of timing.
 - **WAC 16400** - NE 116th Place Watermain Replacement (\$233,400). Modification of timing and increase of \$43,400.
 - **WAC 16700** - 11th Avenue Watermain Replacement (\$460,000). Modification of timing and increase of \$40,000.

- **WAC 16800** - 11th Place Watermain Replacement (\$650,000). Modification of timing and increase of \$45,000.
- **SSC 06200** - NE 108th Street Sewermain Replacement (\$7,774,200). Modification of timing and increase of \$496,900.
- **SSC 00600** - Trend Lift Station Elimination (\$1,748,200). Modification of timing and increase of \$1,251,300.
- Four historical placeholder projects from the 2019-2024 CIP update, with a combined cost of \$2,189,100, are slated to be removed from the 2021-2026 CIP.
 - **WAC 88880** – Annual Watermain Replacement Program (\$269,700)
 - **WAC 99990** – Annual Water Pump Station/System Upgrade Program (\$269,800)
 - **SSC 88880** – Annual Sanitary Pipeline Replacement Program (\$824,800)
 - **SSC 99990** – Annual Sanitary Pump Station/System Upgrade Program (\$824,800)

At the June 2, 2020 Study Session, staff briefed the Council on the need to relocate a watermain because of the planned construction of the WSDOT 405/Kirkland Interchange and Inline Station Project (KIISP) at the NE 85th St (85th) interchange and NE 132nd Street. The interchange construction is scheduled to begin in 2021 and to be completed in 2024. The Revised Code of Washington (RCW) identifies the replacement of the watermain to be the responsibility of the City. Staff presented four (4) options for relocating the watermain at the June 2nd Study Session and is continuing to evaluate options and costs. The list of options being considered includes the installation of earthquake resistant ductile iron pipe to improve resiliency and disaster preparedness. The Preliminary 2021-2026 CIP includes the watermain replacement project in 2021 and 2022 at a cost of \$6.5 million. Staff will provide updated information at the September 1, 2020 Study Session.

Surface Water Management Utility

In response to the current economic situation the proposed Surface Water Management Utility CIP is built based on the following guidelines:

- Only include projects identified in the Comprehensive Plan and the rate study.
- Use available fund balance as planned in the rate study.
- Stay within existing funding as adopted in the updated 2019-2024 CIP and include any available funding from project closures and external funds.

The table below summarizes the funding sources and planned uses:

City of Kirkland Proposed 2021-26 Surface Water CIP Balancing Table							
Dedicated Revenue (thousands)	2021	2022	2023	2024	2025	2026	6 year total
Utility rates	2,139	2,204	2,270	2,338	2,338	2,338	13,627
Reserves	50	50	50	50	50	50	300
Subtotal Revenue	2,189	2,254	2,320	2,388	2,388	2,388	13,927
Secured External (NEW)	288	540					828
Total Revenue	2,477	2,794	2,320	2,388	2,388	2,388	14,755
Project Funding (expenses)	2021	2022	2023	2024	2025	2026	6 year total
PW Proposed CIP Projects	1,598	1,773	2,155	2,089	3,670	2,938	14,223
Balance	879	1,021	165	300	(1,282)	(550)	532

The other highlights from this CIP development process include:

- Total funded program decreased by \$8,779,325 in the Preliminary 2021-2026 CIP compared to the Updated 2019-2024 CIP
- Ten projects, totaling \$14,273,800, represent the 2019 and 2020 funded amounts in the 2019-2024 CIP that will not continue into the 2021-2026 CIP timeframe – because they were funded in previous CIPs. The following projects were previously funded:
 - **SDC 05400** – Forbes Creek / Cross Kirkland Corridor Fish Passage Improvements (\$1,696,500)
 - **SDC 07600** – NE 141st Street / 111th Avenue NE Culvert Headwall Repair (\$905,000)
 - **SDC 08400** – Market Street Storm Main Rehabilitation (\$535,000)
 - **SDC 08800** – Comfort Inn Pond Modifications (\$465,600)
 - **SDC 08900** – NE 142nd Street Surface Water Drainage Improvements (\$588,800)
 - **SDC 09300** – Pleasant Bay Apartments Line Replacement (\$355,000)
 - **SDC 10700** – 132nd Square Park Surface Water Retrofit Facility (\$4,353,000)
 - **SDC 12100** – Kirkland Advanced Mitigation Project (\$1,300,000) - Kirkland Advanced Mitigation Project.
 - **SDC 12200** – Regional Detention Phase I - Study (\$260,000)
 - **SDC 12300** – Lake Street Stormwater Repair (\$284,900)
 - **SDC 12411** – Cedar Creek Fish Passage/Culvert Replacement (100th Ave NE) (\$2,321,000)
 - **SDC 12500** – NE 120th Street Water Quality Treatment (\$738,000)
 - **SDC 12600** – Spinney Homestead Park Regional Stormwater Facility-Design (\$471,000)
- Modifications to funding and timing of projects from the 2019-2024 CIP update to the preliminary 2021-2026 CIP represent an increase of \$63,100.
 - **SDC 05300** - Forbes Creek / Coors Pond Channel Grade Controls (\$1,040,000). Modification of timing.
 - **SDC 09000** - Goat Hill Drainage Ditch Conveyance & Channel Stabilization (\$1,082,000). Increase of \$229,000.
 - **SDC 09200** - Juanita Creek Culvert at NE 137th Street (\$1,339,000). Modification of timing and decrease of \$165,900.
- The following projects were moved from the Funded to the Unfunded list:

- **SDC 05400** - Forbes Creek / Cross Kirkland Corridor Fish Passage Improvements. In the 2019-2024 update, this project had funding of \$880,000 in 2021 and \$500,000 in 2022 that will not be included in the new CIP. A site and scoping review was conducted and determined the project needs to be rescoped and has moved down the priority list.
- **SDC 12100** - Kirkland Advanced Mitigation Project. This project originally included \$300,000 for 2021 in the 2019-2024 CIP Update that will not be included in the new CIP. The project won't need \$1 million in 2020 and can be pushed to at least 2024 because this program was built with NM 7777 in 2019 and has enough credit for at least 5 years.
- There are 19 funded projects in the 2021-2026 CIP totaling \$14,222,500. Nine projects are planned to begin during the 2021-2026 CIP timeframe; they have been identified as the next prioritized projects in the Comprehensive Plan:
 - **SDC 12700** - Storm Rehabilitation at Rose Point Lift Station (\$387,900) – has been moved out to year 2026.
 - **SDC 12800** - Stormwater Improvements at 85th St/122nd Ave, associated with NE 85th St Channelization (\$375,000)
 - **SDC 12900** - NE Juanita Drive Storm Failure Near 86th Ave NE (\$225,000)
 - **SDC 13200** - Water Quality treatment and Infiltration at NE 111th Pl / 127th Pl NE (\$1,100,000) - tied to Economic Impact Strategy 3 – grant, contractual, or regulatory requirement.
 - **SDC 13300** - Bioretention, Water Quality Treatment, and Storage at 126th Ave NE (\$200,000) - tied to Economic Impact Strategy 3 – grant, contractual, or regulatory requirement.
 - **SDC 13900** - 122th Avenue NE Storm replacement (\$992,500) - Aging and failing infrastructure.
 - **SDC 14000** - Holiday Drive Conveyance Improvement Study (\$350,000) – Conveyance system to take the water off holiday drive, down the steep slope and into Big Finn Hill Park.
 - **SDC 14100** - Storm Line Rehabilitation on NE 136th Street (\$1,050,000) - Aging and failing infrastructure
 - **SDC 14200** - 93rd Avenue NE Hillside Improvements (\$1,158,000) - Kirkland-owned open space property experiencing severe erosion down a steep hillside; project will need to include design options to remedy issue.

OTHER CIP POLICY TOPICS

WATERFRONT PARKS STRATEGY

The City owns, operates, and maintains ten (10) park facilities along the shores of Lake Washington. These waterfront parks have a variety of shoreline and in-water infrastructure including swim beaches, riprap shorelines, concrete bulkheads, boat ramps, and piers. Safe public access to the water, improved environmental and habitat conditions, and stable long-term maintenance are important aspects of stewardship of these public waterfront park facilities. In 2019, a condition and structural assessment was completed that provided a prioritized list of all necessary repairs using several criteria. A cost estimate was also included that was used to project this CIP proposal. Absent from this proposal are repairs at Marina Park which is estimated at \$3,000,000. Funding sources for Marina Park are being evaluated. The Final 2021-2026 CIP will incorporate the progress made on this issue over the next several months.

POTENTIAL FIRE LEVY BALLOT MEASURE

The Preliminary 2021-2026 CIP does not include the revenue from a potential levy measure or the related expenditure of constructing the new Fire Station 27 or seismically renovating other fire stations. This funding option is expected to be on the ballot this fall. If the measure is presented to the voters and passes, the City would use these funds to repay the interfund loan used in 2019 to purchase the land for the new station east of I-405, construct the new station, and seismically renovate existing Stations 21, 22 and 26. The capital project costs for the new Fire Station 27 and station renovations will include the cost of temporary staff required to complete the projects.

The current Station 27, located west of I-405, is 45 years old and fire stations have an expected life of between 35 and 50 years. The current station would require extensive seismic and firefighter health and safety upgrades to continue operating past its expected life. Relocating Fire Station 27 east of I-405 to improve response times for the Kingsgate and Totem Lake neighborhoods would provide continuity of emergency services east of I-405 in the event of a major seismic event, is a major priority of the 2012 Strategic Plan, and is an element that would improve the Fire Department's rating score issued from the Washington Survey & Ratings Bureau (WSRB).

The results of the ongoing Council deliberations regarding the placement of a ballot measure in November and ultimately the voters' decision on the ballot measure will determine the timing of these station projects.

Conclusion:

The Preliminary 2021 to 2026 CIP reflects the Prioritization Criteria established by the City Council and provides infrastructure investments that are important to our residents and enhance quality of life. It was developed to be responsive in an unprecedented and evolving economic environment by applying all available tools to identify where to invest the available funds to best align with public input and Council policy guidance, while supporting redevelopment opportunities and leveraging external funding sources. As previously mentioned, the preliminary CIP may undergo changes in response to Council direction, or as the final operating budget decisions are made. Issues currently under review are:

- Revenue and project cost impacts related to the pandemic
- Voter approved funding for the construction of new Fire Station 27 and seismic renovations of existing stations
- Impacts of not implementing planned utility rate increases

Based on Council direction after their review of the Preliminary 2021-2026 CIP on June 16th staff will make changes and bring back a revised Preliminary 2021-2026 CIP for Council's further consideration to the September 1, 2020 Study Session. The CIP Public Hearing is scheduled for November 4, 2020. The Final 2021-2026 CIP will be brought back to the Council for formal adoption on December 8, 2020 along with the adoption of the 2021-2022 Budget.

**City of Kirkland
2021-2026 Revised Capital Improvement Program**

Attachment A
Revised as of 6-5-2020

TRANSPORTATION PROJECTS

Funded Projects:

Project Number	Project Title	Prior Year(s)	2021	2022	2023	2024	2025	2026	2021-2026 Total	
STC 006 0000	Annual Street Preservation Program		1,836,000	1,843,000	1,851,000	1,859,000	1,867,000	1,876,000	11,132,000	
STC 006 0300	Street Levy Street Preservation		2,433,000	2,460,000	2,488,000	2,516,000	2,500,000	2,500,000	14,897,000	
STC 059 1200	124th Ave NE Roadway Improvements (North Section) ROW	1,414,700	802,000						802,000	
STC 059 1300	124th Ave NE Roadway Improvements (North Section) Construction		860,000	3,655,000	1,035,000				5,550,000	
STC 080 0000	Annual Striping Program		500,000	500,000	500,000	500,000	500,000	500,000	3,000,000	
STC 083 1300	100th Avenue NE Roadway Improvements (North Section)	3,730,500		1,055,000					1,055,000	
STC 083 1400	100th Avenue NE Roadway Improvements (Mid-North Section)	5,569,300		1,575,000					1,575,000	
STC 089 0000	Juanita Drive Intersection and Safety Improvements	3,936,700	1,850,000	1,018,500					2,868,500	
STC 105 0000 +	Kirkland Way Low Clearance Bridge at the CKC Advanced Warning Signage		100,000						100,000	
STC [NEW]	NE 85th Street Ped/Bike Connection 114th Ave NE to 6th St			13,000,000					13,000,000	
STC [NEW]	NE 85th St and 6th St Westbound Transit Queue Jump		1,300,000						1,300,000	
STC [NEW]	NE 85th Street Westbound Third Lane 120th Ave NE to 122nd Ave NE				2,700,000				2,700,000	
STC [NEW]	Transportation General Contingency				1,774,000				1,774,000	
STC 999 9000	Regional Inter-Agency Coordination			82,000		82,000	82,000	82,000	410,000	
NMC 006 1000	Street Levy-Safe School Walk Routes		150,000	150,000	150,000	150,000	150,000	150,000	900,000	
NMC 006 2000	Street Levy-Pedestrian Safety		150,000	150,000	150,000	150,000	150,000	150,000	900,000	
NMC 057 0000	Annual Sidewalk Maintenance Program		100,000	100,000	100,000	100,000	100,000	100,000	600,000	
NMC 086 1000	NE 124th St/124th Ave NE Ped Bridge Design & Construction	19,825,700	1,682,000	915,000					2,597,000	
NMC 087 0000	Citywide School Walk Route Enhancements	4,895,100	300,000	300,000	300,000	300,000	300,000	300,000	1,800,000	
NMC 110 1000	Citywide Accessibility Improvements		311,000		50,000	100,000	50,000	100,000	300,000	
NMC 113 0000	Citywide Greenways Networks		263,800				250,000	250,000	500,000	
NMC [NEW]	CKC Lighting 120th Avenue NE to NE 124th Street		650,000						650,000	
NMC [NEW]	School & Transit Connector Sidewalk		120,000						120,000	
NMC [NEW]	Juanita Drive Nonmotorized Improvements 79th Way NE to NE 120th St		650,000						650,000	
NMC [NEW]	CKC/Eastrail Crossing Study at 132nd Ave NE		100,000						100,000	
TRC 116 0000	Annual Signal Maintenance Program		872,000	100,000	100,000	100,000	100,000	100,000	600,000	
TRC 117 0000	Citywide Traffic Management Safety Improvements		511,000		100,000	100,000	100,000		200,000	
TRC 117 0200	Vision Zero Safety Improvement		305,600		50,000	50,000	50,000	50,000	250,000	
TRC 117 0300	Neighborhood Traffic Control		152,800		50,000	50,000	50,000	50,000	150,000	
TRC 120 0000	Kirkland Intelligent Transportation System Phase 3		924,800		450,000	250,000	582,000	1,128,000	2,410,000	
TRC 124 0000	116th Avenue NE/NE 124th Street Intersection Improvements		1,758,000	565,000					565,000	
TRC [NEW]	NE 100th Street / 132nd Avenue NE Intersection Improvements						206,000	2,352,000	2,558,000	
PTC 004 0000	108th Avenue NE Transit Queue Jump - Phase I				1,717,000	2,298,300	860,000		4,875,300	
PTC 005 0000	108th Avenue NE Transit Queue Jump - Phase II				2,137,300	2,593,800	909,000		5,640,100	
Total Funded Transportation Projects			44,471,000	14,248,000	27,003,500	15,734,300	11,099,100	8,756,000	9,688,000	86,528,900

Notes

Italics = Modification in timing and/or cost (see Project Modification/Deletion Schedule for more detail)

Bold = New projects

+ = Moved from unfunded status to funded status

" = Moved from funded status to unfunded status

= Projects to be funded with development-related revenues

TRANSPORTATION PROJECTS

Unfunded Projects in the Capital Facilities Plan Years 7-20

Project Number	Project Title	Total
STC 06300	120th Avenue NE Roadway Improvements	4,500,000
STC 07200	NE 120th Street Roadway Improvements (West Section)	15,780,600
STC 07700	NE 132nd St Rdwy Imprv-Phase I (West Section)	1,739,000
STC 07800	NE 132nd St Rdwy Imprv-Phase II (Mid Section)	408,000
STC 07900	NE 132nd St Rdwy Imprv-Phase III (East Section)	1,444,000
STC 08100	Totem Lake Area Development Opportunity Program	500,000
STC 08315	100th Avenue NE Roadway Improvements (Mid-South Section)	5,530,000
STC 08316	100th Avenue NE Roadway Improvements (South Section)	3,619,000
STC 09400	Holmes Point Dr NE Road Embankment Stabilization Location 1	246,000
STC 09500	Holmes Point Dr NE Road Embankment Stabilization Location 2	412,000
STC 09600	Holmes Point Dr NE Road Embankment Stabilization Location 3	503,000
STC 09700	Holmes Point Dr NE Road Embankment Stabilization Location 4	551,000
STC 09800	Holmes Point Dr NE Road Embankment Stabilization Location 5	232,000
STC 09900	Champaign Pt Road NE Embankment Stabilization	563,000
STC 10000	62nd Ave NE Road Embankment Stabilization	823,000
STC 10100	114th Ave NE Road Reconstruction	1,900,000
STC 10200	90th Ave NE Road Surface Water Drainage Repair	420,000
NMC 01299	Crosswalk Upgrade Program	4,100,000
NMC 08630	CKC Roadway Crossings	3,370,100
NMC 09011	Juanita Drive Bicycle and Pedestrian Improvements	10,650,000
NMC 11100	108th Avenue NE Bicycle Lanes Upgrade	945,000
NMC 11399	Citywide Greenway Network	4,450,000
NMC 11700	On-Street Bicycle Network Phase I	1,120,000
NMC 88881	On-street Bicycle Network	3,280,000
NMC 99991	Sidewalk Completion Program	6,096,800
PTC 00200	Public Transit Speed and Reliability Improvements	500,000
PTC 00300	Public Transit Passenger Environment Improvements	900,000
PTC 00400	108th Avenue NE Transit Queue Jump - Phase I	4,875,000
PTC 00500	108th Avenue NE Transit Queue Jump - Phase II	5,640,000
TRC 09500	NE 132nd St/Fire Stn Access Dr Intersect'n Imp	480,000
TRC 09600	NE 132nd St/124th Ave NE Intersect'n Imp	7,400,000
TRC 09700	NE 132nd St/132nd Ave NE Intersect'n Imp	1,150,000
TRC 12500	Kirkland ITS Implementation Phase 4	2,620,000
TRC 12800	6th Street S/5th Place/CKC Transit Signal Priority	2,600,000
TRC 12900	NE 53rd Street Intersection Improvements	4,345,000
TRC 13000	NE 145th Street/Juanita-Woodinville Way Intersection Imps	2,100,000
TRC 13100	NE 80th Street/120th Avenue NE Intersection Improvements	1,700,000
TRC 13200	100th Avenue NE/132nd Street Intersection Improvements	1,647,000
TRC 13300	100th Avenue NE/Juanita-Woodinville Way Intersection Imps	2,161,000
TRC 13400	100th Avenue NE/137th Street Intersection Improvements	1,475,000
TRC 13800	NE 100th Street/132nd Ave NE Intersection Improvements	1,743,000
Capacity Projects Subtotal		114,018,500
STC 00600	Annual Street Preservation Program	22,750,000
STC 00603	Street Levy Street Preservation	31,107,000
STC 08000	Annual Striping Program	500,000
STC 99990	Regional Inter-Agency Coordination	820,000
NMC 00621	Neighborhood Safety Program Improvements	3,000,000
NMC 05700	Annual Sidewalk Maintenance Program	2,600,000
TRC 11600	Annual Signal Maintenance Program	2,600,000
TRC 11700	Citywide Traffic Management Safety Improvements	1,400,000
TRC 11702	Vision Zero Safety Improvement	650,000
TRC 11703	Neighborhood Traffic Control	325,000
Non-Capacity Projects Subtotal		65,752,000
Total Transportation Master Plan Projects Yrs 7-20		179,770,500

Unfunded Projects in the Capital Facilities Plan Years 7-20 and Transportation Improvement Plan

NMC 02412	Cross Kirkland Corridor Opportunity Fund	500,000
NMC 03100	Crestwoods Park/CKC Corridor Ped/Bike Facility	2,505,000
NMC08000	Juanita-Kingsgate Pedestrian Bridge at I-405	4,500,000
NMC 10600	Citywide CKC Connection	360,000
NMC10700	CKC to Downtown Surface Connection	2,000,000
Capital Facilities Projects Not in TMP Subtotal		9,865,000
Total Capital Facilities Plan Projects Yrs 7-20		189,635,500

Unfunded Transportation Improvement Plan/External Funding Candidates

Project Number	Project Title	Total
STC 05600	132nd Avenue NE Roadway Improvements	25,170,000
STC 06100	119th Avenue NE Roadway Extension	5,640,000
STC 06200	NE 130th Street Roadway Improvements	10,000,000
STC 06400	124th Avenue NE Roadway Extension	30,349,000
STC 07300	120th Avenue NE Roadway Extension	16,392,000
STC 08600	Finn Hill Emergency Vehicle Access Connection	900,000
NMC 03000	NE 90th Street/I-405 Pedestrian/Bicycle Overpass	3,740,700
NMC 03100	Crestwoods Park/CKC Corridor Ped/Bike Facility	2,505,000
NMC 03200	93rd Avenue Sidewalk	1,047,900
NMC 04300	NE 126th St Nonmotorized Facilities	4,277,200
NMC 04600	18th Avenue SW Sidewalk	2,255,000
NMC 05000	NE 80th Street Sidewalk	859,700
NMC 05400	13th Avenue Sidewalk	446,700
NMC 05500	122nd Ave NE Sidewalk	866,700
NMC 05800	111th Avenue Non-Motorized/Emergency Access Connection	2,000,000
NMC 06200	19th Avenue Sidewalk	814,200
NMC 07400	90th Ave NE Sidewalk	353,400
NMC 08000	Juanita-Kingsgate Pedestrian Bridge at I405	4,500,000
NMC 08600	Cross Kirkland Corridor Non-motorized Improvements	65,742,000
NMC 10600	Citywide CKC Connections	360,000
NMC 10700	CKC to Downtown Surface Connection	2,000,000
TRC 06700	Kirkland Way/CKC Bridge Abutment/Intersection Imprv	6,917,000
TRC 11400	Slater Avenue NE Traffic Calming - Phase I	247,000
TRC 11704	NE 68th Street Intersection Improvements/Access Management	4,375,000
TRC 12300	Slater Avenue NE (132nd Avenue NE)/NE 124th Street	2,124,000
Subtotal Unfunded Transportation Improvement Plan/External Funding Candidates		193,882,500
Grand Total Unfunded Transportation Projects		383,518,000

Notes

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= Projects to be funded with development-related revenues

^ = Future, unfunded portion of projects funded in years 1-6

~ = Annual Programs with Candidate projects

Attachment A

Revised as of 6-5-2020

Potential Non-Motorized Projects Under Placeholders; Not Included in Totals

Project Number	Project Title	Total
NMC 88881 On-Street Bicycle Network Candidate Projects:		
NMC 00100	116th Ave NE (So. Sect.) Non-Motorz' d Facil-Phase II	3,378,000
NMC 03600	NE 100th Street Bike lane	1,644,300
NMC 99991 Sidewalk Completion Program Candidate Projects:		
NMC 01600	NE 90th Street Sidewalk (Phase II)	706,200
NMC 03700	130th Avenue NE Sidewalk	833,600
NMC 04500	NE 95th Street Sidewalk (Highlands)	571,500
NMC 04700	116th Avenue NE Sidewalk (South Rose Hill)	840,000
NMC 04800	NE 60th Street Sidewalk	500,000
NMC 04900	112th Ave NE Sidewalk	527,600
NMC 06100	NE 104th Street Sidewalk	1,085,000
NMC 06300	Kirkland Way Sidewalk	414,500
NMC 07200	NE 132nd Street Sidewalk at Finn Hill Middle School	840,000
NMC 07500	84th Ave NE Sidewalk	4,052,800
NMC 07600	NE 140th St Sidewalk - Muir Elem Walk Rt Enhan. Phase 1	1,131,000
NMC 07700	NE 140th St Sidewalk - Keller Elem Walk Rt Enhan. - N	1,185,000
NMC 07800	NE 140th St Sidewalk - Keller Elem Walk Rt Enhan. - S	747,000
NMC 07900	NE 140th St Sidewalk - Muir Elem Walk Rt Enhan. Phase 2	648,000
NMC 08800	NE 124th Street Sidewalk	376,000
NMC 09700	132nd NE Sidewalk	732,000
NMC 10100	7th Avenue Sidewalk	208,000
NMC 10300	120th Avenue NE Sidewalk	556,000
NMC 10400	NE 122nd Place/NE 123rd Street Sidewalk	1,294,000
NMC 10500	120th Avenue NE Sidewalk	812,000

**City of Kirkland
2021-2026 Revised Capital Improvement Program**

Attachment A
Revised as of 6-5-2020

PARK PROJECTS

Funded Projects:

Project Number	Project Title	Prior Year(s)	2021	2022	2023	2024	2025	2026	2021-2026 Total
			<i>PKC 0660 000</i>	<i>Parks, Play Areas & Accessibility Enhancements</i>		150,000	140,000	160,000	150,000
<i>PKC 1331 000</i>	<i>Dock & Shoreline Renovations</i>		500,000	525,000	300,000	300,000			1,625,000
<i>PKC 1332 000</i>	<i>City School Playfield Partnership (Kamiakan)</i>				200,000	100,000		100,000	400,000
<i>PKC 1333 000</i>	<i>Neighborhood Park Land Acquisition</i>		1,050,000	1,150,000	1,000,000	1,000,000	1,000,000	1,000,000	6,200,000
<i>PKC 1510 000</i>	<i>Park Facilities Life Cycle Projects</i>		162,000	169,000	146,000	160,400	150,200	243,200	1,030,800
<i>PKC 1520 000</i>	<i>O.O. Denny Park Improvements - Picnic Shelter</i>				275,000				275,000
<i>PKC 1540 000</i>	<i>Indoor Recreation & Aquatic Facility Study</i>				160,000				160,000
<i>PKC 1550 000</i>	<i>Green Loop Master Plan & Acq</i>			160,000	560,000	560,000	560,000	560,000	2,400,000
<i>PKC 1560 000</i>	<i>Park Restrooms Renovation/Replacement Program</i>				791,500	791,500			1,583,000
<i>PKC 1570 000</i>	<i>Neighborhood Park Development Program</i>						300,000		300,000
PKC 1590 000	Off Leash Dog Areas					609,600	360,000	600,000	1,569,600
PKC 1610 000	McAuliffe Park Sanitary Sewer						325,000		325,000
PKC 1620 000	Wayfinding and Park Signage Program plan				150,000			250,000	400,000
PKC 1630 000	Trail Upgrades				120,000				120,000
PKC 1700 000	ADA Compliance Upgrades - OODenny					120,000			120,000
Total Funded Park Projects			1,862,000	2,144,000	3,862,500	3,791,500	2,965,200	3,053,200	17,678,400

Notes

Italics = Modification in timing and/or cost (see Project Modification/Deletion Schedule for more detail)

Bold = New projects

+ = Moved from unfunded status to funded status

PARK PROJECTS**Unfunded Projects:**

Project Number	Project Title	Total
PKC 05610	Forbes Lake Park Trail Improvements Phase II	6,000,000
PKC 09510	Heritage Park Development - Phase III & IV	4,000,000
PKC 09700	Reservoir Park Renovation Plan	50,000
PKC 10800	McAuliffe Park Development	7,000,000
PKC 11300	Spinney Homestead Park Renovation Plan	60,000
PKC 11400	Mark Twain Park Renovation Plan	75,000
PKC 11500	Terrace Park Renovation Plan	60,000
PKC 11600	Lee Johnson Field Artificial Turf Installation	5,000,000
PKC 11902	Juanita Beach Park Development Phase II	10,000,000
PKC 12210	Community Recreation Facility Construction	75,000,000
PKC 12400	Snyder's Corner Park Site Master Plan	100,000
PKC 12600	Watershed Park Master Plan	100,000
PKC 12700	Kiwanis Park Master Plan	75,000
PKC 12800	Yarrow Bay Wetlands Master Plan	200,000
PKC 12900	Heronfield Wetlands Master Planning & Development	125,000
PKC 13100	Park & Open Space Acquisition Program	10,000,000
PKC 13310	Dock & Shoreline Renovations	3,000,000
PKC 13510	Juanita Heights Park Master Plan	150,000
PKC 13600	Kingsgate Park Master Planning and Park Development	150,000
PKC 13800	Everest Park Restroom/Storage Building Replacement	1,800,000
PKC 13903	Totem Lake Park Development Phase II	4,000,000
PKC 13904	Totem Lake Park Development Phase III	3,000,000
PKC 14100	South Norway Hill Park Site Master Plan	150,000
PKC 14300	Marsh Park Restroom Replacement	85,000
PKC 14400	Cedar View Park Improvement Plan	50,000
PKC 14500	Environmental Education Center	200,000
PKC 14800	Forbes House Renovation & Historic Preservation Plan	50,000
PKC 14900	Taylor Playfields-Former Houghton Landfill Site Master Plan	300,000
PKC 15000	North Kirkland Community Center Renovation & Expansion Plan	75,000
PKC 15300	Synthetic Turf Playfields Master Plan	135,000
Total Unfunded Parks Projects		130,990,000

Notes*Italics = Modification in timing and/or cost*

" = Moved from funded status to unfunded status

~ = Partially funded project

**City of Kirkland
2021-2026 Revised Capital Improvement Program**

Attachment A
Revised as of 6-5-2020

GENERAL GOVERNMENT PROJECTS - Technology

Funded Projects:

Project Number	Project Title	Prior Year Funding	2021	2022	2023	2024	2025	2026	2021-2026 Total
ITC 10000	Network Server and Storage Replacements					373,500			373,500
ITC 11000	Network Infrastructure		28,499	28,499	28,499	28,499	83,377	83,377	280,750
ITC 13000	Network Phone Systems		82,000	290,000	12,000	12,000	12,000	12,000	420,000
ITC 14000	Network Security		75,000	30,000	75,000	30,000	75,000	30,000	315,000
ITC 20000	Geographic Information Systems		70,000	100,000	70,000	135,000	70,000	100,000	545,000
ITC 50000	Copier Replacements		15,000	15,000	15,000	10,000	10,000	10,000	75,000
Total Funded General Government Projects - Technology			270,499	463,499	200,499	588,999	250,377	235,377	2,009,250

Notes

Italics = Modification in timing and/or cost (see Project Modification/Deletion Schedule for more detail)

Bold = New projects

+ = Moved from unfunded status to funded status

Technology Unfunded Projects:

Project Number	Project Title	Total
ITC 00201	GIS Community Information Portal	100,000
ITC 00305	"Explore Kirkland" Redesign	75,000
ITC 00403	Tyler Content Management in EnerGov Implementation	21,000
ITC 00603	Information Technology Internal Process Improvement	251,200
ITC 00701	Fleet Management Systems Replacement	110,000
ITC 00906	Television Media Equipment Upgrade	210,000
ITC 01001	CodeSmart Court Applications Replacement Evaluation	13,600
ITC 01002	License Plate Reader for Patrol Cars	120,000
ITC 01101	WiFi in the Parks Expansion	400,000
ITC 01301	Parking Improvement Solutions Support	75,000
ITC 01401	New Technology Pilot Programs	78,800
ITC 01501	Enterprise Analytics	977,400
Total Unfunded General Government Projects - Technology		2,432,000

Notes*Italics = Modification in timing and/or cost***Bold= New projects**

**City of Kirkland
2021-2026 Revised Capital Improvement Program**

Attachment A
Revised as of 6-5-2020

GENERAL GOVERNMENT PROJECTS - Facilities

Funded Projects:

Facilities Sinking Fund									
Project Number	Project Title	Prior Year(s)	2021	2022	2023	2024	2025	2026	2021-2026 Total
GGC 00800	Electrical, Energy Management & Lighting Systems		27,200	96,400	28,400	152,600	23,400		328,000
<i>GGC 00900</i>	<i>Mechanical/HVAC Systems Replacements</i>		<i>14,600</i>	<i>12,000</i>	<i>406,800</i>	<i>299,400</i>	<i>141,740</i>	<i>51,000</i>	<i>925,540</i>
<i>GGC 01000</i>	<i>Painting, Ceilings, Partition & Window Replacements</i>		<i>59,900</i>	<i>13,500</i>	<i>151,500</i>	<i>292,232</i>	<i>57,000</i>	<i>178,900</i>	<i>753,032</i>
<i>GGC 01100</i>	<i>Roofing, Gutter, Siding and Deck Replacements</i>		<i>355,100</i>		<i>337,120</i>	<i>20,200</i>	<i>8,000</i>	<i>7,400</i>	<i>727,820</i>
<i>GGC 01200</i>	<i>Flooring Replacements</i>		<i>172,500</i>	<i>28,400</i>	<i>22,700</i>	<i>157,900</i>	<i>154,700</i>	<i>150,000</i>	<i>686,200</i>
Total Funded General Government Projects - Facilities Sinking Fund		-	629,300	150,300	946,520	922,332	384,840	387,300	3,420,592

Notes

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Bold = New projects

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" = Moved from funded status to unfunded status

Note: No Unfunded Facilities Projects

**City of Kirkland
2021-2026 Revised Capital Improvement Program**

Attachment A
Revised as of 6-5-2020

PUBLIC SAFETY PROJECTS

Funded Projects:

Project Number	Project Title	Prior Year(s)	2021	2022	2023	2024	2025	2026	2021-2026 Total
FIRE									
<i>PSC 06200</i>	<i>Defibrillator Unit Replacement</i>		143,100						143,100
PSC 06300	Air Fill Station Replacement					86,200	87,900		174,100
<i>PSC 07100</i>	<i>Self Contained Breathing Apparatus (SCBA)</i>	135,400			767,100	115,100		35,800	918,000
PSC 07600	Personal Protective Equipment		6,800	6,900	7,100	678,500	7,300	7,500	714,100
PSC 20000	Fire Equipment Replacement		43,000	8,300	28,600	27,000	29,800	77,100	213,800
POLICE									
<i>PSC 10000</i>	<i>Police Equipment Replacement</i>		122,700	110,700	160,300	160,300	266,300	160,900	981,200
Total Funded Public Safety Projects		135,400	315,600	125,900	963,100	1,067,100	391,300	281,300	3,144,300

Notes

Italics = Modification in timing and/or cost (see Project Modification/Deletion Schedule for more detail)

Bold = New projects

+ = Moved from unfunded status to funded status

Public Safety Unfunded Projects:

Project Number	Project Title	Total
FIRE		
	No Unfunded Projects	
POLICE		
	No Unfunded Projects	
FACILITIES		
PSC 30040	Fire Station 21 Expansion & Remodel	4,562,000
PSC 30050	Fire Station 22 Expansion & Remodel	7,452,000
PSC 30060	Fire Station 26 Expansion & Remodel	8,040,000
PSC 30070	Fire Station 27 Replacement	15,100,000
Total Unfunded Public Safety Projects		35,154,000

Notes

Italics = Modification in timing and/or cost (see Project Modification/Deletion Schedule for more detail)

" = Moved from funded status to unfunded status

**City of Kirkland
2021-2026 Revised Capital Improvement Program**

Attachment A
Revised as of 6-5-2020

WATER/SEWER UTILITY PROJECTS

Funded Projects:

Project Number	Project Title	Prior Year(s)	2021	2022	2023	2024	2025	2026	2021-2026 Total
WAC 05200	108th Avenue NE Watermain Replacement	1,023,800	809,600						809,600
WAC 05700	116th Ave NE Watermain Replacement						400,000	2,700,000	3,100,000
WAC 12900	<i>South Reservoir Seismic & Recoating Construction</i>		1,200,000	2,800,000					4,000,000
WAC 13400	<i>5th Avenue S / 8th Street S Watermain Replacement</i>		565,400	725,000	459,600				1,750,000
WAC 13700	NE 73rd Street Watermain Replacement				1,877,400	1,222,600			3,100,000
WAC 14900	Lake Washington Blvd Watermain Replacement						500,000	1,317,600	1,817,600
WAC 15700	<i>8th Avenue W Watermain Improvement</i>			200,000	925,900				1,125,900
WAC 16000	<i>126th Avenue NE Watermain Improvement</i>			1,027,500	472,500				1,500,000
WAC 16400	<i>NE 116th Place Watermain Replacement</i>							233,400	233,400
WAC 16700	<i>11th Avenue Watermain Replacement</i>							460,000	460,000
WAC 16800	<i>11th Place Watermain Replacement</i>							650,000	650,000
WAC [NEW]	NE 85th St and I-405 Watermain Relocation		2,415,000	4,095,000					6,510,000
SSC 00600	<i>Trend Lift Station Elimination</i>	496,900					394,000	1,354,000	1,748,000
SSC 06200	<i>NE 108th Street Sewermain Replacement</i>				1,343,400	3,067,400	3,363,400		7,774,200
SSC 07710	<i>West of Market Sewermain Replacement Phase I</i>			1,092,600	3,225,000	2,425,000	3,457,400		10,200,000
SSC [NEW]	West of Market Sewermain Replacement Study			500,000					500,000
SSC [NEW]	8th Avenue W Watermain Improvement			400,000	1,518,000				1,918,000
Total Funded Water/Sewer Utility Projects		1,520,700	4,990,000	10,840,100	9,821,800	6,715,000	8,114,800	6,715,000	47,196,700

Notes

Italics = Modification in timing and/or cost (see Project Modification/Deletion Schedule for more detail)

Bold = New projects

+ = Moved from unfunded status to funded status

WATER/SEWER UTILITY PROJECTS**Unfunded Projects:**

Project Number	Project Title	Total
WAC 06700	North Reservoir Pump Replacement	644,000
WAC 09600	NE 83rd Street Watermain Replacement	477,000
WAC 09800	126th Ave NE/NE 83rd & 84th St/128th Ave NE Watermain Replacement	1,261,000
WAC 10300	NE 113th Place/106th Ave NE Watermain Replacement	885,000
WAC 10400	111th Ave NE/NE 62nd St-NE 64th St Watermain Replacement	1,571,000
WAC 10800	109th Ave NE/NE 58th St Watermain Replacement	532,000
WAC 10900	112th Ave NE Watermain Replacement	1,242,000
WAC 11100	NE 45th St And 110th/111th Ave NE Watermain Replacement	1,371,000
WAC 11300	116th Ave NE/NE 70th-NE 80th St Watermain Replacement	2,336,000
WAC 11800	112th-114th Avenue NE/NE 67th-68th Street Watermain Replacement	3,531,000
WAC 11900	109th Ave NE/111th Way NE Watermain Replacement	2,421,000
WAC 12000	111th Avenue Watermain Replacement	195,000
WAC 12200	116th Avenue NE/NE 100th Street Watermain Replacement	1,584,000
WAC 12300	NE 91st Street Watermain Replacement	479,000
WAC 12400	NE 97th Street Watermain Replacement	722,000
WAC 12600	North Reservoir Outlet Meter Addition	80,000
WAC 12700	650 Booster Pump Station	1,686,000
WAC 12800	106th Ave NE-110th Ave NE/NE 116th St-NE 120th St Watermain Replacement	2,422,000
WAC 13000	11th Place Watermain Replacement	359,000
WAC 13100	Supply Station #1 Improvements	68,000
WAC 13200	7th Avenue/Central Avenue Watermain Replacement	955,000
WAC 13500	NE 75th Street Watermain Replacement	750,000
WAC 13600	NE 74th Street Watermain Replacement	206,000
WAC 13800	NE 72nd St/130th Ave NE Watermain Replacement	1,553,000
WAC 14500	6th Street South Watermain Replacement	618,000
WAC 14600	6th Street/Kirkland Way Watermain Replacement	731,000
WAC 14700	106th Avenue NE Watermain Replacement	697,000
WAC 16500	3rd Street Watermain Replacement - Phase 2	541,000
SSC 06800	124th Avenue NE Sewermain Replacement	1,384,000
SSC 07799	West Of Market Sewermain Replacement Phase 2	10,861,000
SSC 08000	20th Avenue Sewermain Replacement	855,000
SSC 08300	111th Avenue NE Sewer Main Rehabilitation	764,000
SSC 08400	Reclaimed Water (Purple Pipe) Opportunity Fund	5,252,000
Subtotal Unfunded Water/Sewer Utility Projects		49,033,000

Notes*Italics = Modification in timing and/or cost*

**City of Kirkland
2021-2026 Revised Capital Improvement Program**

Attachment A
Revised as of 6-5-2020

SURFACE WATER MANAGEMENT UTILITY PROJECTS

Funded Projects:

Project Number	Project Title	Prior Year(s)	2021	2022	2023	2024	2025	2026	2021-2026 Total
SDC 04700	Annual Replacement of Aging/Failing Infrastructure		200,000	200,000	200,000	200,000	200,000	200,000	1,200,000
SDC 04900	Forbes Creek / 108th Avenue NE Fish Passage Improvements						595,100	728,000	1,323,100
<i>SDC 05300</i>	<i>Forbes Creek / Coors Pond Channel Grade Controls</i>	<i>260,200</i>					<i>307,900</i>	<i>732,100</i>	<i>1,040,000</i>
SDC 06300	Everest Creek - Slater Avenue at Alexander Street				430,000	520,000			950,000
SDC 08100	Neighborhood Drainage Assistance Program (NDA)	177,800	50,000		50,000		50,000		150,000
<i>SDC 09000</i>	<i>Goat Hill Drainage Ditch Conveyance & Channel Stabilization</i>		<i>359,000</i>	<i>723,000</i>					<i>1,082,000</i>
<i>SDC 09200</i>	<i>Juanita Creek Culvert at NE 137th Street</i>	<i>685,100</i>	<i>139,000</i>		<i>850,000</i>	<i>350,000</i>			<i>1,339,000</i>
SDC 10000	Brookhaven Pond Modifications						410,000	290,000	700,000
SDC 10500	Property Acquisition Opportunity Fund	389,225	50,000	50,000	50,000	50,000	50,000	50,000	300,000
SDC 10800	Maintenance Center Storm Water Pollution Prevention	1,040,000	300,000						300,000
SDC 12700	Storm Rehabilitation at Rose Point Lift Station							387,900	387,900
SDC 12800	NE 85th Street/122nd Avenue NE Stormwater Improvements					275,000	100,000		375,000
SDC 12900	NE Juanita Drive Storm Failure Near 86th Ave NE				225,000				225,000
SDC 13200	Water Quality treatment and Infiltration at NE 111th Pl / 127th Pl NE		300,000	800,000					1,100,000
SDC 13300	Bioretention, Water Quality Treatment, and Storage at 126th Ave NE		200,000						200,000
SDC 13900	122th Avenue NE Storm replacement					303,500	689,000		992,500
SDC 14000	Holiday Drive Conveyance Improvement Study				350,000				350,000
SDC 14100	Storm Line Rehabilitation on NE 136th Street					390,000	660,000		1,050,000
SDC 14200	93rd Avenue NE Hillside Improvements						608,000	550,000	1,158,000
Total Funded Surface Water Management Utility Projects		2,552,325	1,598,000	1,773,000	2,155,000	2,088,500	3,670,000	2,938,000	14,222,500

Notes

Italics = Modification in timing and/or cost (see Project Modification/Deletion Schedule for more detail)

Bold = New projects

SURFACE WATER MANAGEMENT UTILITY PROJECTS**Unfunded Projects:**

Attachment A

Revised as of 6-5-2020

Project Number	Project Title	Total
SDC 04500	Carillon Woods Erosion Control Measures	600,000
SDC 04610	Regional Detention in Forbes Creek Basin Phase I	2,000,000
SDC 04699	Regional Detention in Forbes and Juanita Creek Basins	8,600,000
SDC 05100	Forbes Creek/King County Metro Access Road Culvert Enhancement	1,400,000
SDC 06100	Everest Park Stream Channel/Riparian Enhancements	1,200,000
SDC 08501	Cross Kirkland Corridor Water Quality Retrofit	1,000,000
SDC 09400	NE 114th Place Stormline Replacement	405,000
SDC 09700	Champagne Creek Stabilization	890,000
SDC 10100	Holmes Point Pipe Replacement at Champagne Creek Basin	260,000
SDC 10200	Juanita Drive Culvert Replacement	750,000
SDC 10300	Lakeview Drive Conveyance Modification	2,800,000
SDC 11200	112th Avenue NE Pipe Repair	60,000
SDC 11300	113th Avenue NE Pipe Repair	120,000
SDC 11400	124th Avenue NE Pipe Repair	160,000
SDC 11500	Weaver's Pond Pipe Replacement	180,000
SDC 11600	NE 140th Street Pipe Replacement	100,000
SDC 11700	111th Avenue NE Pipe Repair	400,000
SDC 11800	Champagne Point Drive NE Pipe Repair	270,000
SDC 11900	NE 58th Street Pipe Repair	280,000
SDC 12000	Kingsgate Park Pipe Outfall Improvements	80,000
Total Unfunded Surface Water Management Utility Projects		21,555,000
Funding Available from Annual Programs for Candidate Projects		1,200,000
Net Unfunded Surface Water Management Utility Projects		20,355,000

Notes*Italics = Modification in timing and/or cost (see Project Modification/Deletion Schedule for more detail)***Bold = New projects**

" = Moved from funded status to unfunded status

CRITERIA FOR RANKING PARKS CIP PROJECT

	Criteria	None 0 Points	Low 1 Point	Moderate 2 Points	High 3 Points
1	Responds to an Urgent Need or Opportunity, Conforms to Legal, Contractual or Government Mandate	<ul style="list-style-type: none"> No need or urgency 	<ul style="list-style-type: none"> Suspected need with no substantiation 	<ul style="list-style-type: none"> Suspected need based upon visual inspection, public comment Suspected threat of development 	<ul style="list-style-type: none"> Report or other documentation has been prepared Confirmed threat of development Fills important gap in park system Significant public comment: survey, petition, public hearing Legal, contractual, gov't mandate
2	Health and Safety Issues	<ul style="list-style-type: none"> No known issues 	<ul style="list-style-type: none"> Suspected health or safety issue with no substantiation 	<ul style="list-style-type: none"> Suspected need based upon visual inspection, or public comment visible deterioration 	<ul style="list-style-type: none"> Documented evidence of unsanitary condition, health and safety code violations, injury
3	Fiscal Values	<ul style="list-style-type: none"> Leveraging of funds through partnerships, grants, bonds or volunteers is unlikely 	<ul style="list-style-type: none"> Leveraging of funds somewhat likely through partnerships, grants, bonds and volunteers 	<ul style="list-style-type: none"> Leveraging of at <u>least</u> 1/2 project funding available from other sources; 	<ul style="list-style-type: none"> Leveraging of <u>more</u> than 50 percent of project costs from other sources
4	Conforms to PROS Plan or Other Adopted Plan	<ul style="list-style-type: none"> Not in any plan document 	<ul style="list-style-type: none"> N/A 	<ul style="list-style-type: none"> Identified in Comprehensive or Functional plan 	<ul style="list-style-type: none"> Helps meet level of service objectives
5	Feasibility, including Public Support and Project Readiness	<ul style="list-style-type: none"> Project simply an idea No public input No other supporting information 	<ul style="list-style-type: none"> Some public involvement such as letters, workshops Professional report 	<ul style="list-style-type: none"> Schematic or conceptual level approval Property identified High public support Completed appraisal 	<ul style="list-style-type: none"> Construction documents complete Option or right of first refusal, willing seller
6	Implications of Deferring Project	<ul style="list-style-type: none"> No impact No imminent threat of development; 	<ul style="list-style-type: none"> Temporary repair measures available without significant liability or added future cost Indications of possible development Program quality limited or reduced 	<ul style="list-style-type: none"> Evidence of possible structural failure Confirmed private development sale possible Program participation limited or reduced 	<ul style="list-style-type: none"> Imminent possible structural failure, facility closure, or other similar factor Program cancellation Unable to meet level of service Imminent sale for private development

7	Non-Recreation Benefit such as Economic, Environmental, Health and Well-Being, or Community Character and Identity	<ul style="list-style-type: none"> No identified non-recreation benefit 	<ul style="list-style-type: none"> Minimal non-recreation benefit 	<ul style="list-style-type: none"> Moderate non-recreation benefit 	<ul style="list-style-type: none"> Significant non-recreation benefit
8	Number of City Residents Served	<ul style="list-style-type: none"> No residents served 	<ul style="list-style-type: none"> Only one neighborhood served 	<ul style="list-style-type: none"> More than one City neighborhood served 	<ul style="list-style-type: none"> Project will serve a City-wide population
9	Maintenance and Operations Impact	<ul style="list-style-type: none"> Requires substantial new M & O, no current budgetary commitment 	<ul style="list-style-type: none"> Resources/capacity available without additional budget commitment Requires new resources which are available or likely available in budget 	<ul style="list-style-type: none"> Has minimal or no impact on existing M & O resources Resources already allocated or planned for project in budget M & O requirements absorbed with existing resources 	<ul style="list-style-type: none"> Substantial reduction in M & O.
10	Geographic Distribution	<ul style="list-style-type: none"> Duplicates service, significant number of resources available in area, level of service overlap 	<ul style="list-style-type: none"> Adequate number of Parks are nearby, minimal level of service overlap 	<ul style="list-style-type: none"> Parks nearby, no level of service overlap, and gaps in service identified 	<ul style="list-style-type: none"> Underserved area. No facilities within service area.



CITY OF KIRKLAND
City Manager's Office
123 Fifth Avenue, Kirkland, WA 98033 425.587.3001
www.kirklandwa.gov

MEMORANDUM

To: KURT TRIPLETT, CITY MANAGER

From: DAVID WOLBRECHT, NEIGHBORHOOD SERVICES OUTREACH COORDINATOR

Date: JUNE 11, 2020

Subject: JUNETEENTH PROCLAMATION

RECOMMENDATION:

That the Mayor proclaim June 19, 2020 as Juneteenth in Kirkland, Washington.

BACKGROUND DISCUSSION:

The horrifying and tragic death of George Floyd in Minneapolis on May 25, 2020 once again demonstrates the devastating impacts of structural racism on Black and brown people in the United States. Protests in response to Mr. Floyd's death, and more broadly to police violence against Black people, are necessary to raise awareness of painful and systemic racism that still plagues our nation.

The City remains steadfastly committed to the values embodied in the February 21, 2017, resolution to be a safe, inclusive, and welcoming community. As the country struggles to live up to America's great promise of life, liberty, and the pursuit of happiness during these tumultuous times, the need for City leadership to listen, to support marginalized communities - particularly Black people and African Americans - and then to take action, has never been more important.

Proclaiming June 19, 2020 as Juneteenth in Kirkland is one such action. Acknowledging milestones in the path to justice is important for the on-going process of understanding and undoing the history of institutional racism in the United States, in Washington State, and in Kirkland.

Juneteenth recognizes and commemorates the day of June 19, 1865, when enslaved African Americans in Texas were informed by Major General Gordon Granger that they were "free," ending 246 years of chattel slavery. Despite the over 155 years have passed since chattel slavery was officially ended in the United States, people of African descent continue to have to fight to dismantle anti-Black systems and policies of oppression in our country.

By proclaiming June 19, 2020 as Juneteenth in Kirkland, the City reaffirms our strong commitment to doing the hard and necessary work to fight injustice and transform our country into one that is more equitable for all.



A PROCLAMATION OF THE CITY OF KIRKLAND

Proclaiming June 19, 2020 as "Juneteenth" in Kirkland, Washington

WHEREAS, Juneteenth recognizes and commemorates the day of June 19, 1865, when enslaved African-Americans in Texas were informed by Major General Gordon Granger that they were "free," ending 246 years of chattel slavery; and

WHEREAS, though President Abraham Lincoln enacted the Emancipation Proclamation on January 1, 1863, resistance to the Executive Order, as well as continued fighting in the state of Texas regarding the abolishment of slavery, significantly delayed the freedom of slaves; and

WHEREAS, on June 19, 1866, one year after Major Granger's announcement, the freed African American men and women in the state of Texas held the first "Juneteenth," or African American Independence Day celebration, and Juneteenth celebrations would later spread to all corners of the country; and

WHEREAS, for people of African descent in this country, Juneteenth is the closest occasion of a true "freedom day" to celebrate; and

WHEREAS, despite that over 155 years have passed since chattel slavery was officially ended in the United States, the nation continues to struggle with dismantling the lingering effects of discriminatory systems and structural racism in our country; and

WHEREAS, the recent murder of George Floyd by Minnesota police officers reminds us of the words of Dr. Martin Luther King Jr., "Injustice anywhere is a threat to justice everywhere."; and

WHEREAS, recent protests that have occurred across the nation, including here in Kirkland, have brought these continued inequities and injustices to the forefront of our collective conscious and provided us with an opportunity to make meaningful change; and

WHEREAS, the City of Kirkland strives to be a safe, inclusive and welcoming community for all, choosing to willingly engage in difficult conversations, participate in active listening about institutional racism, and taking action to address bias and injustice within our own systems;

NOW, THEREFORE, I, Penny Sweet, Mayor of Kirkland do hereby proclaim June 19, 2020 as Juneteenth in Kirkland, Washington, recognizing its historical importance and calling on our community to join us in listening, reflecting and acting so that we can finally achieve racial justice for all.

Signed this 19th day of June 2020

Penny Sweet, Mayor



CITY OF KIRKLAND
Department of Parks & Community Services
123 5th Ave., Kirkland, WA 98033 425.587.3300
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Lynn Zwaagstra, Director
Leslie R. Miller, Human Services Supervisor

Date: June 4, 2020

Subject: RESOLUTION AUTHORIZING DISTRIBUTION OF COMMUNITY DEVELOPMENT
BLOCK GRANT COVID-19 FUNDS

RECOMMENDATION:

City Council conduct a public hearing on the proposed distribution of Community Development Block Grant COVID-19 funds and approve a Resolution adopting the proposal; any changes that occur because of the hearing should be incorporated into the final document.

BACKGROUND DISCUSSION:

The primary objective of the Federal Community Development Block Grant program is to support the development of viable urban communities by providing decent housing, a suitable living environment via community facilities and public infrastructure, and expanded economic opportunities, principally for persons of low and moderate income. Funds are distributed to communities nationwide on a formula basis. The three areas where CDBG funds can be used are capital projects serving low- and moderate-income residents; public service programs serving low- and moderate-income residents; and planning and administration in support of these activities.

The City currently receives its CDBG funds through an agreement with King County as part of a CDBG Consortium of 34 cities and towns. A Joint Recommendations Committee (JRC), comprised of officials representing the participating cities, the Sound Cities Association, and King County, advises the County on CDBG funding and program decisions.

Since 2015 the City of Kirkland has chosen the option of participating within the King County Consortium as a Joint Agreement City. With this option the King County Consortium "passes through" a portion of the CDBG funds to larger member cities known as Joint Agreement cities. These cities allocate their portion of the funds to meet locally identified needs through their own allocation process. Efforts are made by the Consortium to coordinate multi-jurisdictional projects with the Joint Agreement cities. In addition to Kirkland, the cities of Burien, Redmond, Renton, and Shoreline are currently Joint Agreement cities within the County Consortium.

As a participating Joint Agreement City Kirkland and King County each receive some of the CDBG funds attributable to the City, with each having different responsibilities for program administration. The County retains half of available planning/administration funds to provide contract oversight and satisfy Federal administrative requirements. The City retains the other

half of the planning and administration allocation, which helps to pay for City staff to provide the necessary program support. The City also receives public service dollars to grant and allocates capital funds towards eligible projects that are selected by the City.

As part of the interlocal agreement with King County, Kirkland must develop a plan for allocating our portion of CDBG funds every year. Funds for public services and capital projects must be utilized to benefit those with low to moderate income and be consistent with the King County Consortium Consolidated Housing and Community Development Plan.

Distribution of Kirkland's portion of CDBG funds is determined by the City Council through a Council resolution. Traditionally Kirkland has transferred the capital CDBG funds to the ARCH Housing Trust Fund to support the creation of low-income housing and housing for those experiencing homelessness.

Special CDBG COVID-19 Funds

The Coronavirus Aid, Relief, and Economic Security (CARES) Act passed by Congress and signed into law on March 27th, 2020 included up to \$5 billion in CDBG supplemental funding. Of that amount, \$2 billion are to be distributed to states and entitlement jurisdictions using the same statutory formula used to distribute the regular, annual 2020 CDBG allocations.

Based upon the determined formula, Kirkland's allocation is \$229,016. For regular CDBG allocations, King County retains 10% of the available funds for planning and administration purposes. City staff advocated for King County to reduce the amount it retains in order to allow for as much of the money as possible to go directly to agencies providing direct services. King County reduced its percentage withholding to 2%, so \$224,436 of Kirkland's allocation is available for the City to distribute.

City staff worked closely with colleagues at the City of Bellevue and City of Redmond to coordinate distribution of our COVID-19 dollars. Because of the regulations that are attached to CDBG dollars, city staff determined that supporting COVID-19 response of our providers of homeless services were the best use of the dollars. The intent of these dollars is to reimburse for activities to prevent, prepare for, and respond to the coronavirus. The four providers of emergency shelter services on the Eastside are Catholic Community Services of Western Washington (families with children), Congregations for the Homeless (men), Friends of Youth (young adults) and The Sophia Way (women). In order to streamline the distribution of these dollars to benefit both cities and the agencies receiving the funds, the three cities decided to fund one or two agencies per city instead of all cities providing partial funding to all four agencies.

City staff determined to assign distribution in the following way:

City of Bellevue: \$244,812 to Congregations for the Homeless
\$244,811 to The Sophia Way

City of Kirkland: \$224,436 to Catholic Community Services of Western Washington

City of Redmond: \$212,736 to Friends of Youth

FUNDING DISTRIBUTION RECOMMENDATION:

City staff makes the following recommendation for the supplemental Kirkland funds:

Planning and Administration Funding Recommendation: Allocate no funding to administer the distribution of the COVID-19 funds.

Public (Human) Services Funding Recommendation: Allocate the entire available funding of \$224,436 for human services to Catholic Community Services of Western Washington.

Attachment Resolution CDBG-CV Funding

RESOLUTION R-5428

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND ALLOCATING THE CITY'S PORTION OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) COVID-19 FUNDS.

1 WHEREAS, on May 20, 2014, the City Council authorized
2 the City of Kirkland's ("City") participation in the King County
3 Community Development Block Grant and HOME Investment
4 Partnerships Program (CDBG/HOME) Consortium as a Joint
5 Agreement City and the City entered into an Interlocal Agreement
6 with King County for that purpose; and
7

8 WHEREAS, on June 6, 2017, the City Council extended its
9 Interlocal Agreement with King County as a Joint Agreement City
10 through 2020; and
11

12 WHEREAS, as a Joint Agreement City, the City receives
13 funds in support of programs and projects that directly benefit our
14 community, including but not limited to home repair, affordable
15 housing, community facilities, public infrastructure, and human
16 services; and
17

18 WHEREAS, as part of the Interlocal Agreement with King
19 County, the City must develop a plan for allocating its portion of
20 the CDBG funds; and
21

22 WHEREAS, as part of CARES Act the City received a special
23 allocation of CDBG-CV funds to support community efforts to
24 prevent, prepare for, and respond the Coronavirus; and
25

26 WHEREAS, toward developing such a plan, the City Council
27 held a public hearing on June 16, 2020, at which time the Council
28 provided an opportunity for the public to comment on
29 recommendations for the plan.
30

31 NOW, THEREFORE, be it resolved by the City Council of the
32 City of Kirkland as follows:
33

34 Section 1. Based on estimates provided by the United
35 States Department of Housing and Urban Development (HUD),
36 the City intends to allocate CDBG-CV funds as follows:
37

38 \$224,436 to Catholic Community Services of Western
39 Washington to support its eastside emergency shelter for
40 families with children experiencing homelessness

41 Passed by majority vote of the Kirkland City Council in open
42 meeting this _____ day of _____, 2019.

43

44

45

46 Signed in authentication thereof this _____ day of
47 _____, 2020.

Penny Sweet, Mayor

Attest:

Kathi Anderson, City Clerk



CITY OF KIRKLAND
Department of Finance & Administration
123 Fifth Avenue, Kirkland, WA 98033 425.587.3100
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Michael Olson, Director of Finance and Administration

Date: June 9, 2020

Subject: GOVERNMENT FINANCE OFFICERS ASSOCIATION (GFOA) CERTIFICATE OF ACHIEVEMENT FOR FINANCIAL REPORTING 2018 & CITY DEBT CREDIT RATINGS ASSIGNED

RECOMMENDATION

Mayor Penny Sweet will present the Government Finance Officers Association (GFOA) Certificate of Achievement for Financial Reporting for the City's 2018 Comprehensive Annual Financial Report.

Council receive the latest report on the City's credit ratings assigned to the 2010 Build America Bonds (BAB's) refunding.

BACKGROUND DISCUSSION

GFOA Certificate of Achievement for Financial Reporting

The City has received the Government Finance Officers Association (GFOA) Certificate of Achievement for Excellence in Financial Reporting Award for the Comprehensive Annual Financial Report (CAFR) for the fiscal year ended December 31, 2018. The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represents significant accomplishment by the City thanks to the diligent work of Maggie Eid, Accounting Supervisor and all members of accounting staff and the support of City Management and City Council. The City of Kirkland has received this award annually since 2004. The Press Release and the GFOA Certificate of Achievement follow this memo as Attachments A and B.

Update on City's Credit Ratings

The City Council approved the refunding (refinancing) of the 2010 Build America Bonds which financed the purchase and construction of the Kirkland Justice Center at the April 7, 2020 Council meeting. The refunding will save over \$4 million, about \$235,000 each year, in interest costs for the remaining 20 year life of the debt. This is a net present value of over 15% of the refunded amount.

As part of the process, the City requested two nationally recognized statistical rating organizations, Standard & Poor's (S&P) and Moody's and to provide their credit rating for this debt refunding. Each agency has affirmed its current bond rating for the City: AAA from S&P and Aaa from Moody's, which are the highest ratings for each agency.

Here is an excerpt from the Standard & Poor's Rating Report:

"We view the city as showing very strong budgetary performance, with positive general fund and total governmental fund results in the past three audited years. Although the city will wrestle with the effects of the COVID-19 pandemic and recession on revenue and operations, we believe that the city's policies and practices have positioned it well to navigate what is likely to be near-term budgetary stress. The city has maintained a trend of very strong available reserves that we believe it will sustain, despite a challenging revenue environment."

Moody's Rating Action statement made similar positive statements:

"The Aaa issuer and GOLT ratings are driven by the city's strong financial management that has led to healthy reserves that will protect the city against expected revenue declines in the near term. Also considered were the city's modest debt burden and manageable pension liabilities."

"We regard the coronavirus outbreak as a social risk under our ESG framework, given the substantial implications for public health and safety. Despite being one of the first places to experience an outbreak in the United States, the City of Kirkland has put itself in a great position to absorb the negative impacts of the outbreak and government response."

"The stable outlook reflects our expectation that the city will maintain its strong financial profile despite the projected revenue declines from the coronavirus pandemic. The stable outlook also reflects our anticipation that after some near-term slowing that the city's local economy will return to growth in the long-run."

The rating action reports follow this memo as Attachment C – S&P and Attachments D and E – Moody's Rating Action and Credit Opinion.



GOVERNMENT FINANCE OFFICERS ASSOCIATION
NEWS RELEASE

FOR IMMEDIATE RELEASE

03/12/2020

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(Chicago, Illinois)--The Certificate of Achievement for Excellence in Financial Reporting has been awarded to **City of Kirkland** by Government Finance Officers Association of the United States and Canada (GFOA) for its comprehensive annual financial report (CAFR). The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management.

An Award of Financial Reporting Achievement has been awarded to the individual(s) or department designated by the government as primarily responsible for preparing the award-winning CAFR.

The CAFR has been judged by an impartial panel to meet the high standards of the program, which includes demonstrating a constructive "spirit of full disclosure" to clearly communicate its financial story and motivate potential users and user groups to read the CAFR.

Government Finance Officers Association (GFOA) advances excellence in government finance by providing best practices, professional development, resources and practical research for more than 20,500 members and the communities they serve.



Government Finance Officers Association

**Certificate of
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for Excellence
in Financial
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Presented to

**City of Kirkland
Washington**

For its Comprehensive Annual
Financial Report
for the Fiscal Year Ended

December 31, 2018

Christopher P. Morill

Executive Director/CEO

RatingsDirect®

Kirkland, Washington; General Obligation

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Stable Outlook

Credit Opinion

Related Research

Kirkland, Washington; General Obligation

Credit Profile		
US\$26.9 mil ltd tax GO rfdg bnds ser 2020 dtd 07/01/2020 due 12/01/2040		
<i>Long Term Rating</i>	AAA/Stable	New
Kirkland ltd tax GO bnds		
<i>Long Term Rating</i>	AAA/Stable	Affirmed

Rating Action

S&P Global Ratings assigned its 'AAA' long-term rating to Kirkland, Wash.'s \$26.9 million limited-tax refunding general obligation (LTGO) refunding bonds, series 2020. At the same time, S&P Global Ratings affirmed its 'AAA' long-term rating on the city's GO debt outstanding. The outlook is stable.

The bonds are secured by the city's full faith and credit, including the obligation to levy ad valorem taxes subject to statutory limitations that include a maximum regular levy rate of \$3.49 per \$1,000 of assessed value (AV) under current conditions (the city's regular levy rate in 2020 is \$0.99), and a limitation on property tax revenue growth to 1% per year, excluding new construction). The rating is equal to our view of the city's general creditworthiness, as obligor, because the limitations do not narrow the tax base or limit the fungibility of property tax revenue for different uses.

Credit profile

We view the city as showing very strong budgetary performance, with positive general fund and total governmental fund results in the past three audited years. Although the city will wrestle with the effects of the COVID-19 pandemic and recession on revenue and operations, we believe that the city's policies and practices have positioned it well to navigate what is likely to be near-term budgetary stress. The city has maintained a trend of very strong available reserves that we believe it will sustain, despite a challenging revenue environment.

S&P Global Economics reports that the COVID-19 pandemic has caused the national economy to fall into a recession (see "An Already Historic U.S. Downturn Now Looks Even Worse," published April 16, 2020 on RatingsDirect) and "All U.S. Public Finance Sector Outlooks Are Now Negative" (published April 1, 2020). S&P Global Economics now forecasts U.S. GDP will contract 5.3% in 2020 and a historic (annualized) decline of almost 35% in the second quarter 2020, given U.S. economic activity has effectively stopped.

The city has a plan to address an estimated revenue shortfall of \$10.8 million or 7% of projected expenditures for fiscal 2020, and an estimated shortfall of \$5.2 million or 3% of estimated expenditures for fiscal 2021. After discussions with management, we believe that the city's plan to address this anticipated shortfall is reasonable and that it can adopt it quickly without the need to reduce staff or existing services.

The city, incorporated in 1905, has experienced significant growth as a residential community linked to the Seattle-Tacoma-Bellevue metropolitan statistical area (MSA). Kirkland is a suburban city with a population of 88,940 near several major transportation routes including Interstate 405 (I-405), State Route 520, and I-5. Overall, the

Washington State economy continued to expand in 2018, adding jobs, growth in sales tax, and increases in permitting activity. For fiscal 2018, the city finished the year with a surplus of 10.1% or about \$10 million. Sales tax performance strengthened in 2018 due to improved economic conditions. The city benefits from a 10-year state annexation sales tax credit, which generates about \$4 million annually through 2021. For fiscal 2019, the city finished with a surplus of 17% based on the city's estimated actuals. For fiscal 2020, the city has identified expenditure contingencies to make up for any shortfall and expects to continue to support its very strong financial position throughout the near-term. The stable outlook reflects our view of the city's improved financial performance, and our expectation the city will maintain credit quality in the near term, given its prudent management and significant reserve and liquidity position.

The rating further reflects our opinion of the city's:

- Very strong economy, with projected per capita effective buying income (EBI) at 215% and market value per capita of \$354,892, that is gaining advantage from access to a broad and diverse MSA;
- Good management, with good financial policies and practices under our Financial Management Assessment (FMA) methodology;
- Adequate budgetary performance, with operating results that we expect could deteriorate in the near term relative to fiscal 2018, which closed with operating surpluses in the general fund and at the total governmental fund level;
- Very strong budgetary flexibility, with available reserves at more than 30% of general fund expenditures for the past three years, which we anticipate will continue;
- Very strong liquidity, with total government available cash at 64.5% of total governmental fund expenditures and 21.6x governmental debt service, and access to external liquidity that we consider strong;
- Very strong debt and contingent liability profile, with debt service carrying charges at 3.0% of expenditures and net direct debt that is 21.4% of total governmental fund revenue, as well as low overall net debt at less than 3.0% of market value; and
- Adequate institutional framework score.

Our outlook reflects our view that the COVID-19 pandemic's impact on the city's economy and budgetary performance is a social rating factor that is an elevated risk relative to the sector standard. Absent the implications of COVID-19, we consider the city's ESG risk to be in line with our view of the sector standard although Western Washington State faces elevated wild fire risks.

Stable Outlook

Downside scenario

Should the city's budgetary performance and flexibility materially weaken or should the city experience a significant weakening in the economy, including an elevated unemployment rate, we could lower the rating.

Credit Opinion

Very strong economy

The city serves an established suburban area 18 miles northeast of Seattle, along the jobs-rich I-405 corridor and near the main Microsoft campus, and participates in the broad and diverse Seattle regional economy. The city's 88,940-resident economic base has a projected per capita EBI of 215% of the national level, which we view as extremely high and a positive credit factor and per capita market value of \$354,542. Overall, the city's market value grew 17.0% over the past year to \$29.5 billion in 2018. The county unemployment rate was 2.8% in 2019, but is likely to rise significantly in 2020 due to the recession. The city does not have a concentration in its top 10 taxpayers.

Good management

We have revised our opinion of city's management practices to good from strong under our FMA methodology, indicating our view that financial practices exist in most areas, but that governance officials might not formalize or regularly monitor all of them. The revision reflects our view that although the city's long-term financial planning practice is quite supportive of credit quality, the city's long-term financial plan doesn't provide enough disclosure about the individual line items and evidence was insufficient to support that the city uses more than straight line assumptions (i.e., putting percentage growth each year) in developing its plan. Highlights include:

- Use of trend analysis of the last three-to-five years for each source, coupled with economic factors, and the use of an outside firm to look at sales taxes generated in each different sector and by geography;
- The council is updated formally with budget-to-actual results every quarter and can request to be updated monthly on the entire financial operations or in specific areas;
- Annual updates to a five-year financial forecast;
- In annually updated six-year capital improvement plan, which is guided by formal capital management policy and identifies available funding sources for projects;
- Adherence to a formal investment policy, with review of investment holdings and earnings at least quarterly by the city council;
- Formal, comprehensive debt management policies; and
- A formal reserve policy requiring a 5% stabilization fund balance reserve, with which the city has historically remained in compliance.

Adequate budgetary performance

The City of Kirkland's budgetary performance is adequate, in our opinion, with operating results that we expect could deteriorate in the near term relative to fiscal 2018, which closed with an operating surplus in the general fund and at the total governmental fund level. The city had operating surpluses the past three audited fiscal years, and surplus results across all governmental funds of 9.2% in fiscal 2018 and, based on estimated 2019 actuals using a cash basis of accounting, the city finished the fiscal year with an operating surplus of 17.1% for all governmental funds. Our assessment accounts for the fact that we expect budgetary results could deteriorate from 2018 results in the near term.

The original fiscal 2020 budget called for positive general fund operations, however, due to the COVID-19 pandemic and related stay-at-home orders, we expect significant changes from the original budget although we believe the city will maintain positive operations. City management has been updating its revenue projections as new information becomes available. The city expects revenue declines in both fiscal years 2020 and 2021, which officials forecast may

be down \$10.8 million or 7% of estimated expenditures for the year. The city projects a shortfall of \$5.2 million or 3% of estimated expenditures for fiscal 2021. Management was swift to act in reducing its expenditures by implementing measureable cost savings strategies such as the use of previous years unallocated fund balance and implementing a hiring freeze. We believe that the city has additional capacity to reduce expenditures given if needed without the need to reduce services given its extremely strong budgetary flexibility.

Very strong budgetary flexibility

Kirkland's budgetary flexibility is very strong, in our view, with available reserves at more than 30% of general fund expenditures for the past three years, which we anticipate will continue. The 2018 available general fund balance was approximately \$54.3 million, or 54% of adjusted general fund expenditures. The overall general fund revenues increased due to sales tax, permit fees, and investment interest increases.

The city has seen its reserves grow considerably over the past decade and currently has very high reserve balances when compared with those of its peers. Given past performance and discussions with management, we believe available reserves will exceed 30% of expenditures in the next several years, but we think reserves could decline in the near term as the city contends with recessionary revenue effects.

Very strong liquidity

In our opinion, Kirkland's liquidity is very strong, with total government available cash at 64.5% of total governmental fund expenditures and 21.6x governmental debt service in 2018. Not included in this calculation are significant additional resources that would likely be liquid in practice, as they are invested in treasuries and agencies.

We expect the current liquidity levels will not likely fall below our very strong liquidity thresholds in the coming years even if performance weakens. In our view, the city has strong access to external liquidity if necessary due to its track record in the past 20 years of issuing bonds. Finally, the city's excess cash and investments are held in high-grade securities regulated by the city's investment policy, and we do not consider its investment exposure aggressive.

Very strong debt and contingent liability profile

In our view, Kirkland's debt and contingent liability profile is very strong. Total governmental fund debt service is 3.0% of total governmental fund expenditures, and net direct debt is 21.4% of total governmental fund revenue. Overall net debt is low at 1.4% of market value, which is in our view a positive credit factor.

The city is currently considering placing fire-levy ballot measures for the November 2020 election cycle and may include an excess levy to pay for debt service in unlimited-tax GO bonds, which would be issued in the approximate amount of \$70 million to pay for costs related to building and upgrading various city fire stations and apparatus. Kirkland is also considering issuing approximately \$7.5 million in LTGO bonds to pay for costs related to infrastructure improvements at The Village at Totem Lake.

In our analysis, we account for the city's future debt plans, which are dependent on voters' approval. We do not believe that future debt plans will materially weaken the city's financial or budget flexibility, especially given the fact that the city's overall debt burden is low.

Pension and other postemployment benefits

- We do not believe that pension and other postemployment benefits (OPEB) liability present a significant budgetary pressure at this time, as carrying charges remain manageable.
- The pension plans that the city participates in are relatively well funded, and we believe this could lead to cost pressures, even as the city consistently fully funds its required contributions.
- City employees participate in a cost-sharing multiple-employer defined benefit health insurance premium benefit plan and long-term disability plan (OPEB), which the city funds on a pay-as-you-go basis.

The city participates in the following plans funded as of June 30, 2018:

- Public Employees' Retirement System (PERS) Plan 1: 95% funded and net pension liability of \$11.0 million;
- PERS Plan 2/3: 95% funded and net pension liability of \$5.0 million;
- Law Enforcement Officers' and Fire Fighters' Retirement System (LEOFF) Plans 1 and 2/3, which have surplus funded ratios; and
- The Western Conference of Teamsters Pension Plan (WCTPP), which does not report a net pension liability, but represents a modest portion of the city's annual pension contributions.

Kirkland's combined required pension and actual OPEB contributions totaled 4.4% of total governmental fund expenditures in 2018. The city made its full annual required pension contribution in 2018.

Despite being below the actuarially determined contribution (ADC), 2019 PERS 2/3 and LEOFF 2 contractually required contributions (CRCs) exceeded both static-funding and minimum-funding progress, indicating our view of timely progress in reducing pension liabilities. The CRCs, which are developed using the same approach as the ADCs, are not updated following passage into law biennially and so can diverge from the annually updated ADCs. However, because CRCs determine funding requirements using an approach that approximates 10-15 year level percent open amortization, timely progress on reducing liabilities is still made even when ADCs increase above CRCs and so we believe costs will likely remain stable. However, the plan's 7.4% discount rate increases contribution volatility.

Related Research

Through The ESG Lens 2.0: A Deeper Dive Into U.S. Public Finance Credit Factors, April 28, 2020

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MOODY'S

INVESTORS SERVICE

Rating Action: Moody's assigns Aaa to Kirkland, WA's 2020 LTGO refunding bonds; outlook stable

02 Jun 2020

New York, June 02, 2020 -- Moody's Investors Service has assigned a Aaa rating to the City of Kirkland, Washington's Limited Tax General Obligation Refunding Bonds, 2020 in the expected amount of \$23.8 million. Moody's maintains a Aaa issuer rating and Aaa ratings on the city's \$33.9 million in outstanding general obligation debt. The outlook is stable.

RATINGS RATIONALE

The Aaa issuer and GOLT ratings are driven by the city's strong financial management that has led to healthy reserves that will protect the city against expected revenue declines in the near term. The Aaa also reflects the city's large and affluent Puget Sound tax base that we anticipate will continue to expand in the long-term. Also considered were the city's modest debt burden and manageable pension liabilities.

We regard the coronavirus outbreak as a social risk under our ESG framework, given the substantial implications for public health and safety. Despite being one of the first places to experience an outbreak in the United States, the City of Kirkland has put itself in a great position to absorb the negative impacts of the outbreak and government response. We do not see a current material credit risk though longer-term impacts will become clearer as the outbreak continues and if our view of the credit impact changes will update our opinion at that time.

The lack of rating distinction between the issuer and GOLT bonds reflects the strength of full faith and credit pledges in Washington, which Moody's generally rates at the same level as the issuer, or GOULT-equivalent, rating.

RATING OUTLOOK

The stable outlook reflects our expectation that the city will maintain its strong financial profile despite the projected revenue declines from the coronavirus pandemic. The stable outlook also reflects our anticipation that after some near-term slowing that the city's local economy will return to growth in the long-run.

FACTORS THAT COULD LEAD TO AN UPGRADE OF THE RATING

- N/A

FACTORS THAT COULD LEAD TO A DOWNGRADE OF THE RATING

- Material deterioration of the city's reserve position

- Contraction of the city's tax base

LEGAL SECURITY

The issuer rating is equivalent to a rating that we would assign to a typical general obligation unlimited tax (GOULT) debt issue and is used as a reference rating for other securities.

The outstanding GOLT bonds are secured by the city's pledge of its full faith, credit and resources to repayment of the bond.

USE OF PROCEEDS

The 2020 bonds will be used to refunding, for savings, the city's outstanding limited tax general obligation bonds, series 2010 (Taxable Build America Bonds - Direct Payment).

PROFILE

Kirkland is an affluent community in King County (Aaa stable) on the eastern shore of Lake Washington northeast of Seattle (Aaa stable) and north of Bellevue (Aaa stable). The city covers 18 square miles and serves approximately 89,000 residents.

METHODOLOGY

The principal methodology used in this rating was US Local Government General Obligation Debt published in September 2019 and available at https://www.moodys.com/researchdocumentcontentpage.aspx?docid=PBM_1191097. Alternatively, please see the Rating Methodologies page on www.moodys.com for a copy of this methodology.

REGULATORY DISCLOSURES

For further specification of Moody's key rating assumptions and sensitivity analysis, see the sections Methodology Assumptions and Sensitivity to Assumptions in the disclosure form. Moody's Rating Symbols and Definitions can be found at: https://www.moodys.com/researchdocumentcontentpage.aspx?docid=PBC_79004.

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Regulatory disclosures contained in this press release apply to the credit rating and, if applicable, the related rating outlook or rating review.

Moody's general principles for assessing environmental, social and governance (ESG) risks in our credit analysis can be found at https://www.moodys.com/researchdocumentcontentpage.aspx?docid=PBC_1133569.

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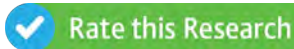
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MOODY'S

INVESTORS SERVICE

CREDIT OPINION

3 June 2020



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Kirkland (City of) WA

Update to credit analysis

Summary

[Kirkland, WA](#) (Aaa stable) is supported by a rapidly expanding tax base that benefits from its inclusion in the greater Puget Sound economy. The city socioeconomic profile is healthy with high wealth levels and low unemployment. The city's well-managed finances have resulted in consistently positive operations and growing reserves that supply considerable operational flexibility and security. Debt and pensions are modest and manageable, and positively the city contributes above our calculated tread water indicator, or the amount of contributions required to maintain the same net pension liabilities under reported assumptions.

We regard the coronavirus outbreak as a social risk under our ESG framework, given the substantial implications for public health and safety. Despite being one of the first places to experience an outbreak in the United States, the City of Kirkland has put itself in a great position to absorb the negative impacts of the outbreak and government response. We do not see a current material credit risk though longer-term impacts will become clearer as the outbreak continues and if our view of the credit impact changes will update our opinion at that time.

Credit strengths

- » Strong financial profile characterized by strong reserve levels
- » Robust financial policies
- » Large Puget Sound tax base
- » Strong socioeconomic indicators

Credit challenges

- » Near term declines in revenue
- » Economic turmoil driven by the coronavirus pandemic

Rating outlook

The stable outlook reflects our belief that the city has positioned itself well to weather the expected negative impacts from the coronavirus pandemic. Additionally, we believe that in the long term the city will continue to see healthy tax base and economic growth and that they will maintain their historically strong financial position.

Factors that could lead to an upgrade

- » Not applicable

Factors that could lead to a downgrade

- » Material deterioration of the city's reserve position
- » Contraction of the city's tax base

Key indicators

Exhibit 1

Kirkland (City of) WA	2014	2015	2016	2017	2018
Economy/Tax Base					
Total Full Value (\$000)	\$18,457,292	\$20,253,433	\$22,212,373	\$25,234,643	\$29,518,466
Population	83,320	84,721	85,812	86,772	88,079
Full Value Per Capita	\$221,523	\$239,060	\$258,849	\$290,816	\$335,136
Median Family Income (% of US Median)	168.8%	170.2%	173.1%	176.2%	178.2%
Finances					
Operating Revenue (\$000)	\$102,167	\$105,864	\$115,669	\$119,172	\$134,858
Fund Balance (\$000)	\$37,321	\$39,020	\$46,308	\$49,021	\$58,752
Cash Balance (\$000)	\$41,477	\$43,380	\$49,466	\$52,560	\$70,953
Fund Balance as a % of Revenues	36.5%	36.9%	40.0%	41.1%	43.6%
Cash Balance as a % of Revenues	40.6%	41.0%	42.8%	44.1%	52.6%
Debt/Pensions					
Net Direct Debt (\$000)	\$41,755	\$44,285	\$42,178	\$40,004	\$37,786
3-Year Average of Moody's ANPL (\$000)	\$95,858	\$135,057	\$164,096	\$171,454	\$159,961
Net Direct Debt / Full Value (%)	0.2%	0.2%	0.2%	0.2%	0.1%
Net Direct Debt / Operating Revenues (x)	0.4x	0.4x	0.4x	0.3x	0.3x
Moody's - adjusted Net Pension Liability (3-yr average) to Full Value (%)	0.5%	0.7%	0.7%	0.7%	0.5%
Moody's - adjusted Net Pension Liability (3-yr average) to Revenues (x)	0.9x	1.3x	1.4x	1.4x	1.2x

Source: City of Kirkland and Moody's Investors Service

Profile

Kirkland is an affluent community in [King County](#) (Aaa stable) on the eastern shore of Lake Washington northeast of [Seattle](#) (Aaa stable) and north of [Bellevue](#) (Aaa stable). The city covers 18 square miles and serves approximately 89,000 residents.

Detailed credit considerations

Economy and tax base: Large and growing Puget Sound tax base; strong socioeconomic indicators

The city's tax base is a credit strength despite our expectation for some near-term weakness because of the coronavirus. Kirkland's large Puget Sound area tax base has grown at a rapid rate over the past several years, and though we anticipate some slowdown in the face of the coronavirus pandemic in the long term the city's growth is likely to continue. The city of Kirkland was the epicenter for the first known outbreak of the coronavirus, but the city's quick response to curtail the outbreak should help in the recovery process. Located northeast of downtown Seattle across Lake Washington, the city is predominantly residential with a developing commercial presence. Downtown Kirkland has seen major development over the last several years with the large Kirkland Urban mixed use development, the building of Wave Broadband's headquarters and a major Google office. These companies are adding high value employment to the city which has traditionally seen the majority of its residents commute to [Redmond](#) (Aa1), Bellevue and Seattle for work.

This publication does not announce a credit rating action. For any credit ratings referenced in this publication, please see the ratings tab on the issuer/entity page on www.moody's.com for the most updated credit rating action information and rating history.

Socioeconomic indicators are well above average within the city with a median family income of 178.2% of the US and full value per capita of \$358,000 in 2020.

We expect full value growth may slow or decline in over the next few years because of economic turbulence created by the coronavirus though we expect growth to resume over the long-run. Full value grew to \$31.5 billion in 2020 which represents a healthy 7.1% growth over 2019 and has approximately tripled in size since 2011. Growth has been driven by a mix of both residential and commercial development. The city's tax base is diverse, with the 10 largest taxpayers representing just 5.1% of 2019 assessed value.

Financial operations and reserves: strong budget management and robust reserves will sustain city through pandemic

The city of Kirkland has a very strong financial profile that has been bolstered over the last few years by strong policies and fiscal management. Despite expected declines in revenue, we anticipate that the city has ample resources and capable management to weather the current crisis while maintaining its strong financial profile.

Total available operating fund balance (general, special revenue and debt Service funds) improved in fiscal 2018 to \$58.8 million or 43.6% of revenue as a result of the year end surplus of \$17.5 million (2.7% of revenue). The operating surplus is net of a \$8.7 million transfer out to various reserve and contingency funds as well as put reserves away from one-time capital needs. The city maintains robust reserves outside of the general fund that could be available for operations should the need arise. Current fiscal year 2018 projections point to further additions to fund balance conservatively projecting \$2 million in the general fund. The positive year end results stem from the conservative budgeting and management's disciplined commitment to adhere to stated policies. Unaudited fiscal year 2019 general fund results were positive showing a \$16.4 million surplus resulting in a very robust 61.8% total general fund balance. The city's policy of putting aside excess revenue for one-time purposes has led to a very robust reserve position.

Despite expectations of revenue declines in fiscal year 2020, the city has begun to make expenditure adjustments and expects to end the year without relying in reserves to balance its budget. In response to a projected shortfall of \$10.8 million in revenue in 2020 the city has begun a hiring freeze and deferral of some nonessential capital spending. Along with these expenditure reductions, the city's conservative policy of modified two year lag sales tax revenue budgeting should blunt some of the anticipated revenue declines. The city is expecting revenue to continue to come in weak in 2021 but believes that it has enough expenditure flexibility limit the need to use reserves. The city has traditionally been diligent about matching ongoing revenue to expenditures thus future budgets will not rely on new revenue to offer the same level of services. The city's adherence to its budget principals should allow it to maintain its healthy financial position even with the expectation of a weakened revenue picture.

The overall revenue picture is diverse with the city collecting 27.6% from charges for services, 21.9% sales tax (including the annexation sales tax that sunsets in 2021) and 20.8% from property taxes.

LIQUIDITY

The city has a strong cash position with current liquidity levels at \$45.2 million or 40.2% of operating revenue. Cash levels will remain at similar levels going forward as the city continues to prudently manages its cash flow.

Debt and pensions: Modest debt burden and pension liability

The city's debt burden is modest at 0.1% of 2019 full value and 0.2 times operating revenue and we anticipate it will stay relatively modest given limited future debt plans. Current plans call for approximately \$13.0 million of debt with a portion expected to be paid from real estate excise taxes. Future debt for fire department capital is also being discussed but would only be issued if the city passes a proposed fire department levy in the next election.

DEBT STRUCTURE

All of the city's debt is fixed rate and matures in 2040.

DEBT-RELATED DERIVATIVES

The city has no debt-related derivatives.

PENSIONS AND OPEB

The city has a modest and manageable pension liability that should not be a major drag on the city's future credit profile. The city participates in the Department of Retirement Systems (DRS) a cost-sharing, multiple-employer and defined benefit retirement plan

sponsored by the state. According to Moody's approach to evaluating pension liabilities, the district's three year adjusted net pension liability (ANPL) is modest at \$159.96 million, representing 0.5% of full value or 1.2 times operating revenue.

The city favorably contributed more to their pension system in fiscal 2018 than would be required to maintain the same level of liabilities according to our calculation of the "tread water" indicator. This indicator measures the annual government contribution required to prevent the reported net pension liability from growing, under reported assumptions. Contributions above this level cover all net pension liability interest plus the pay down of some principal; this is stronger from a credit perspective compared to contributions below this level.

The city has a modest adjusted OPEB liability of \$15.2 million which will remain manageable going forward.

ESG considerations

Environmental

Environmental considerations are not material drivers of the city's credit rating.

Social

Social considerations are generally positive for Kirkland, including above-average wealth and income and a growing population. We regard the coronavirus outbreak as a social risk as it relates to health and safety, though we expect minimal long-term risk overall for Kirkland compared to peers.

Governance

Washington cities have an institutional framework score of "Aa," or strong. Although cities depend on economically sensitive tax revenue (sales, business and occupation), post-recession collections have been strong, making revenue moderately predictable. Cities have a moderate ability to increase property taxes by 1% annually, subject to state statutory limits. Expenditures primarily consist of public safety costs, which are highly predictable. Expenditure-reduction ability is moderate because of modest fixed costs. Cities also have the ability to make midyear budgetary reductions not related to public safety.

We consider the city's management team to be strong and adds considerable credit strength. City management has implemented strong financial policies and conservative budgeting that have led to the currently strong financial profile. The city has adopted robust reserve policies that protect the city against revenue fluctuations and provides resources for future one-time needs

Rating methodology and scorecard factors

The US Local Government General Obligation Rating Methodology includes a scorecard, a tool providing a composite score of a local government's credit profile based on the weighted factors we consider most important, universal and measurable, as well as possible notching factors dependent on individual credit strengths and weaknesses. Its purpose is not to determine the final rating, but rather to provide a standard platform from which to analyze and compare local government credits

Exhibit 2

Kirkland (City of) WA		
Scorecard Factors	Measure	Score
Economy/Tax Base (30%) ^[1]		
Tax Base Size: Full Value (in 000s)	\$31,533,000	Aaa
Full Value Per Capita	\$358,008	Aaa
Median Family Income (% of US Median)	178.2%	Aaa
Finances (30%)		
Fund Balance as a % of Revenues	43.6%	Aaa
5-Year Dollar Change in Fund Balance as % of Revenues	17.4%	Aa
Cash Balance as a % of Revenues	52.6%	Aaa
5-Year Dollar Change in Cash Balance as % of Revenues	25.0%	Aa
Management (20%)		
Institutional Framework	Aa	Aa
Operating History: 5-Year Average of Operating Revenues / Operating Expenditures (x)	1.1x	Aaa
Debt and Pensions (20%)		
Net Direct Debt / Full Value (%)	0.1%	Aaa
Net Direct Debt / Operating Revenues (x)	0.2x	Aaa
3-Year Average of Moody's Adjusted Net Pension Liability / Full Value (%)	0.5%	Aaa
3-Year Average of Moody's Adjusted Net Pension Liability / Operating Revenues (x)	1.2x	A
	Scorecard-Indicated Outcome	Aaa
	Assigned Rating	Aaa

[1] Economy measures are based on data from the most recent year available.

[2] Notching Factors are specifically defined in the US Local Government General Obligation Debt methodology.

[3] Standardized adjustments are outlined in the GO Methodology Scorecard Inputs publication.

Source: US Census Bureau; Moody's Investors Service

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KIRKLAND CITY COUNCIL SPECIAL MEETING

Minutes

May 28, 2020

1. CALL TO ORDER

Mayor Sweet called the Special Meeting of the Kirkland City Council to order at 5:00 p.m.

2. ROLL CALL

All Members Present: Mayor Penny Sweet, Deputy Mayor Jay Arnold, Councilmembers Neal Black, Kelli Curtis, Amy Falcone, Toby Nixon, and Jon Pascal.

3. TOURISM DEVELOPMENT COMMITTEE INTERVIEW

- a. Danielle Dorland

4. HUMAN SERVICES COMMISSION INTERVIEWS

- a. Marjorie Carlson
- b. David Edwards
- c. Jory Hamilton
- d. Sarah Huntley
- e. Marella Mylet
- f. Roshan Parikh

5. PARK BOARD INTERVIEWS

- a. Tammy Cohen
- b. Jory Hamilton
- c. Kent Kollmorgen
- d. Roshan Parikh
- e. Sapna Sheth

6. PLANNING COMMISSION INTERVIEWS

- a. Peter Merz
- b. Glenn Peterson

7. EXECUTIVE SESSION

- a. To Evaluate the Qualifications of Applicants for Public Employment

Mayor Sweet announced that the Council would enter into executive session to evaluate the qualifications of applicants and would return to the special meeting at 8:10 p.m., which they did.

8. SELECTION AND APPOINTMENT OF TOURISM ADVISORY COMMITTEE, HUMAN SERVICES COMMISSION, AND PARK BOARD MEMBERS, AND PLANNING COMMISSION ALTERNATE

Following the Board and Commission interviews and discussion of the applicants' qualifications,

Councilmember Nixon moved to appoint Danielle Dorland White to the remainder of a one-year term ending 3/31/2021 on the Tourism Advisory Committee. Deputy Mayor Arnold seconded the motion, which passed unanimously.

Councilmember Falcone moved to appoint Marjorie "MJ" Carlson to the remainder of an unexpired term ending 3/31/2023, to appoint Jory Hamilton to the remainder of an unexpired term ending 3/31/2021, and to select Sarah Huntley as an alternate appointee (should an additional vacancy arise within the next six months) on the Human Services Commission. Councilmember Black seconded the motion, which passed unanimously.

Councilmember Curtis moved to appoint Roshan Parikh to a four-year term ending 3/31/2024 and to appoint Tammy Cohen to the remainder of an unexpired term ending 3/31/2022, and to select Kent Kollmoren as an alternate appointee (should an additional vacancy arise within the next six months) on the Park Board. Councilmember Pascal seconded the motion, which passed unanimously.

Councilmember Black moved to select Stewart Early as an alternate appointee (should an additional vacancy arise within the next six months) on the Planning Commission. Councilmember Nixon seconded the motion, which passed unanimously.

9. ADJOURNMENT

The May 28, 2020 Special Meeting of the Kirkland City Council was adjourned at 8:16 p.m.

Kathi Anderson, City Clerk

Penny Sweet, Mayor

KIRKLAND CITY COUNCIL SPECIAL MEETING**Minutes****May 29, 2020****1. CALL TO ORDER/ROLL CALL/AGENDA OVERVIEW**

Mayor Sweet called the Special Meeting/Retreat of the Kirkland City Council to order at 9:06 a.m.

2. ROLL CALL

All Members Present: Mayor Penny Sweet, Deputy Mayor Jay Arnold, Councilmembers Neal Black, Kelli Curtis, Amy Falcone, Toby Nixon, and Jon Pascal.

3. AGENDA OVERVIEW

City Manager Kurt Triplett introduced the topics/plan for the day.

4. FINANCIAL UPDATE & BUDGET STRATEGIES

Director of Finance and Administration Michael Olson, Deputy Director David Goldman, City Manager Kurt Triplett and Deputy City Manager Tracey Dunlap addressed the range of topics, providing an overview of each, and responded to Council questions. Police Chief Cherie Harris and Fire Chief Joe Sanford also responded to Council questions.

- a. City of Kirkland Financial Planning
- b. Economic Environment w/COVID-19
- c. 2019 Financial Results
- d. 2020 Financial Forecast w/COVID-19
- e. 2020 Budget Strategies & Future Impacts
- f. 6 Year Financial Forecast w/COVID-19
- g. Utility Rate Financial Framework
- h. 2020, 2021-2022 Budget Strategies

5. BUDGET OUTREACH

Assistant City Manager James Lopez presented information regarding the Community Survey and Budget Exercise, soliciting Council feedback and responding to Council questions.

- a. Kirkland Quad
- b. Budget Exercise

6. STATE CARES ACT FRAMEWORK

City Manager Kurt Triplett shared information and strategies for Council consideration.

7. COUNCIL BUDGET DISCUSSION

Council thanked staff for the quality of the presentation content.

8. GOOD OF THE ORDER

9. ADJOURNMENT

The May 29, 2020 Special Meeting/Retreat of the Kirkland City Council was adjourned at 1:30 p.m.

Kathi Anderson, City Clerk

Penny Sweet, Mayor



KIRKLAND CITY COUNCIL MEETING MINUTES
June 02, 2020

1. CALL TO ORDER

Mayor Sweet called the study session to order at 5:30 p.m. and called the regular meeting to order at 7:30 p.m.

2. ROLL CALL

ROLL CALL:

Members Present: Deputy Mayor Jay Arnold, Councilmember Neal Black, Councilmember Kelli Curtis, Councilmember Amy Falcone, Councilmember Toby Nixon, Councilmember Jon Pascal, and Mayor Penny Sweet.

3. STUDY SESSION

a. I-405 and Totem Lake Connector Projects Update

Transportation Manager Joel Pfundt, Utility Manager Joshua Pantzke, and Senior Project Engineer Aaron McDonald provided updates about Sound Transit and Washington State Department of Transportation projects currently under construction on the I-405 corridor as well as a briefing about related City-funded projects. An update on the Totem Lake Connector Bridge bid recommendations, on Council's regular business agenda for consideration, was also provided.

4. HONORS AND PROCLAMATIONS

• City Council Statement

Mayor Sweet read a statement from the City Council addressing events of the past week related to the death of George Floyd followed by a moment of silence for reflection.

a. Bike Everywhere Month Proclamation

Mayor Sweet asked Councilmember Pascal to read the proclamation.

b. Pride Month Proclamation

Mayor Sweet asked Councilmember Curtis to read the proclamation.

5. COMMUNICATIONS

a. Announcements

b. Items from the Audience

Pat Steinfeld
Ahmed Moustafa
Margaret Bull
Jeanne Large
Daniel Le Compte

c. Petitions

6. PUBLIC HEARINGS

None.

7. SPECIAL PRESENTATIONS

a. COVID-19 Update

City Manager Kurt Triplett shared information on a variety of issues related to COVID-19 impacts and planning, including lifeguards on the beaches, City advisory board and commission meetings; and the recent Black Lives Matter protests downtown.

b. 2020 Fire Department Strategic Plan Update

Fire Chief Joe Sanford reviewed the history of the plan and presented highlights of recently completed initiatives identified in the strategic plan.

c. Youth Council Annual Report

Kirkland Youth Council co-chairs Austin Bartoletti and Max Reisman provided an overview of the 2019-2020 school year activities.

d. Information Technology Stabilization Implementation Update #2

Information Technology Director Smitha Krishnan provided an update on the Information Technology Stabilization Project as well as an update on the department's activities to support City staff and the Kirkland Community during the COVID-19 pandemic.

8. CONSENT CALENDAR

a. Approval of Minutes

(1) May 18, 2020

(2) May 19, 2020

(3) May 26, 2020

b. Audit of Accounts and Payment of Bills and Payroll

Payroll: \$4,157,725.43
Bills: \$3,867,181.78
CA52020 checks #712759 – 712892 wire #189
CA52720 checks #712893 – 712957
LB528A wire #188, 190
LB529A wire #192
LB529B wire #191
Purch Card/April ACH

c. General Correspondence

d. Claims

e. Award of Bids

(1) 2020 Annual Striping Program

Council awarded the construction contract for the 2020 Annual Striping Program (Project) to Specialized Pavement Marking, Inc., of Tualatin, Oregon, in the amount of \$623,257.50. Schedules A, B, C, D and Alternate F are recommended for inclusion, but alternates E, G and H are not recommended for inclusion. Additionally, Council approved the use of \$75,000.00 of Citywide Traffic Management Safety Improvement Program funding to construct additional transportation safety pavement markings.

f. Acceptance of Public Improvements and Establishing Lien Period

(1) 2019 Annual Striping Program

The work on the 2019 Annual Striping Program (Project) as completed by Special Pavement Marking of Tualatin, Oregon, was accepted, thereby establishing the statutory lien period, via approval of the consent calendar.

g. Approval of Agreements

h. Other Items of Business

(1) Kirkland Allocation - Small Business Relief Fund (COVID-19)

Council approved one-time funding of \$30,000 from the Council Special Projects Reserves for the Kirkland Small Business Relief Fund via approval of the consent calendar.

(2) Resignation of Park Board Member

Council acknowledged the resignation of Rosalie Wessels from the Kirkland Park Board and authorized the attached draft response via approval of the consent calendar.

(3) April 2020 Sales Tax Report

Council acknowledged the report via approval of the consent calendar.

(4) Procurement Report

Council acknowledged the report via approval of the consent calendar.

Motion to Approve the consent calendar.

Moved by Councilmember Kelli Curtis, seconded by Councilmember Amy Falcone

Vote: Motion carried 7-0

Yes: Deputy Mayor Jay Arnold, Councilmember Neal Black, Councilmember Kelli Curtis, Councilmember Amy Falcone, Councilmember Toby Nixon, Councilmember Jon Pascal, and Mayor Penny Sweet.

Council recessed for a short break.

9. BUSINESS

a. Totem Lake Connector Bridge Rejection of Bids and Re-Advertising Project

(1) Resolution R-5426, Acknowledging Receipt of Bids for the Totem Lake Connector, Rejecting all Bids Received and Authorizing a New Call for Bids

Motion to Approve Resolution R-5426, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND ACKNOWLEDGING RECEIPT OF BIDS FOR THE TOTEM LAKE CONNECTOR, REJECTING ALL BIDS RECEIVED AND AUTHORIZING A NEW CALL FOR BIDS."

Moved by Councilmember Toby Nixon, seconded by Councilmember Neal Black

Vote: Motion carried 7-0

Yes: Deputy Mayor Jay Arnold, Councilmember Neal Black, Councilmember Kelli Curtis, Councilmember Amy Falcone, Councilmember Toby Nixon, Councilmember Jon Pascal, and Mayor Penny Sweet.

b. King County Hazard Mitigation Plan – Kirkland Annex

Emergency Manager Heather Kelly presented an overview of the Kirkland Annex to the King County Hazard Mitigation Plan and the larger County process.

- (1) Resolution R-5425, Adopting the City of Kirkland Hazard Mitigation Annex to the King County Regional Hazard Mitigation Plan

Motion to Approve Resolution R-5425, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND ADOPTING THE CITY OF KIRKLAND HAZARD MITIGATION ANNEX TO THE KING COUNTY REGIONAL HAZARD MITIGATION PLAN."

Moved by Councilmember Kelli Curtis, seconded by Councilmember Neal Black

Vote: Motion carried 6-1

Yes: Deputy Mayor Jay Arnold, Councilmember Neal Black, Councilmember Kelli Curtis, Councilmember Amy Falcone, Councilmember Jon Pascal, and Mayor Penny Sweet.

No: Councilmember Toby Nixon.

c. Admissions Tax Rebate – Nonprofit and Performance Arts

Deputy Mayor Arnold recused himself from the discussion for the appearance of fairness as his wife is a member of the Board of Directors for an organization that is impacted by this ordinance. City Manager Kurt Triplett noted that action was not being requested at this meeting. Attorney Kevin Raymond provided an overview of the ordinance and responded to Council questions.

- (1) Ordinance O-4726, Amending Chapter 5.12 of the Kirkland Municipal Code Relating to Admissions Tax and Nonprofit Organizations; Providing for Severability; and Establishing an Effective Date

d. Kirkland Way Low-Clearance Bridge at the Cross Kirkland Corridor

Transportation Manager Joel Pfundt and Transportation Engineer Iris Cabrera presented different options for reducing vehicle collisions with the Cross Kirkland Corridor/Kirkland Way bridge, responded to Council questions, and received Council direction.

e. Ratifying City Manager Emergency Directive

- (1) Resolution R-4727, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND RATIFYING CITY MANAGER EMERGENCY DIRECTIVE RELATED CRIMINAL ACTIVITIES OCCURRING TOGETHER WITH PEACEFUL PROTESTS HONORING GEORGE FLOYD AND CALLING FOR RACIAL EQUALITY AND JUSTICE."

Motion to Approve Resolution R-4727, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND RATIFYING CITY MANAGER EMERGENCY DIRECTIVE RELATED CRIMINAL ACTIVITIES OCCURRING TOGETHER WITH PEACEFUL PROTESTS HONORING GEORGE FLOYD AND CALLING FOR RACIAL EQUALITY AND JUSTICE."

Moved by Councilmember Jon Pascal, seconded by Deputy Mayor Jay Arnold

Vote: Motion carried 7-0

Yes: Deputy Mayor Jay Arnold, Councilmember Neal Black, Councilmember Kelli Curtis, Councilmember Amy Falcone, Councilmember Toby Nixon, Councilmember Jon Pascal, and Mayor Penny Sweet.

10. REPORTS

a. City Council Regional and Committee Reports

Councilmembers shared information regarding a Water Resource Inventory Area (WRIA) 8 Salmon Recovery Council meeting; the Black Lives Matter Flash Stance demonstration; the recent Board and Commission interviews; an upcoming King County-Cities Climate Collaboration meeting; an upcoming Sounds Cities Association Public Issues Committee meeting; kudos to City staff for their response during the challenges of the past four months; a King County Regional Law Justice and Safety Committee meeting; an Eastside Human Services Board meeting; an Eastside Pathways meeting; an Eastside small business support group meeting; an Eastside Renters in Crisis meeting; several Kirkland Outside the Walls meetings; a legislative work group meeting; Deputy Mayor Arnold requested and received approval to indicate the Councils' support of several policy initiatives connected to low income housing; and the recent City of Kirkland budget retreat.

b. City Manager Reports

Motion to Approve letter to Mr. Mustafa

Moved by Councilmember Kelli Curtis, seconded by Councilmember Neal Black

Vote: Motion carried 7-0

Yes: Deputy Mayor Jay Arnold, Councilmember Neal Black, Councilmember Kelli Curtis, Councilmember Amy Falcone, Councilmember Toby Nixon, Councilmember Jon Pascal, and Mayor Penny Sweet.

(1) Calendar Update

11. ITEMS FROM THE AUDIENCE

None.

12. EXECUTIVE SESSION

None.

13. ADJOURNMENT

The Kirkland City Council regular meeting of June 2, 2020 was adjourned at 11:12 p.m.

Kathi Anderson, City Clerk

Penny Sweet, Mayor



CITY OF KIRKLAND
Department of Finance and Administration
123 Fifth Avenue, Kirkland, WA 98033 425.587.3100
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager
From: Kathi Anderson, City Clerk
Date: June 16, 2020
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) Vicky LaRock
8005 NE 131st Court
Kirkland, WA 98034

Amount: \$456.00

Nature of Claim: Claimant states damages resulted from a rock thrown by a weed eater operated by a City of Kirkland employee at the North Kirkland Community Center Park on NE 124th Street which struck the passenger window of her vehicle.

- (2) Alberto Ortega
c/o Premier Law Group
1408 140th PL NE,
Bellevue, WA 98007

Amount: To be determined

Nature of Claim: Claimant states damages resulting from an alleged unspecified road defect as cause for a motor vehicle collision at or near the intersection of 116th Avenue NE and NE 132nd Street.

- (3) Ryan Wilson
8210 147th Avenue SE
Snohomish, WA 98290

Amount: \$511.15

Nature of Claim: Claimant states damages resulted from when the side mirror on his parked vehicle was struck by a City of Kirkland vehicle traveling on 120th Avenue NE near Lake Washington High School.

Note: Names of Claimants are no longer listed on the Agenda since names are listed in the memo.



CITY OF KIRKLAND
Department of Finance and Administration
123 Fifth Avenue, Kirkland, WA 98033 425.587.3000
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Greg Piland, Financial Operations Manager

Date: March 29, 2020

Subject: INTERLOCAL COOPERATIVE PURCHASING AGREEMENT WITH THE COMMUNITY COLLEGES OF SPOKANE

RECOMMENDATION:

It is recommended that the City Manager be authorized to execute an Interlocal Cooperative Purchasing Agreement with The Community Colleges of Spokane.

By taking action on this memo during approval of the consent calendar, the City Council is authorizing the City Manager to execute the agreement.

BACKGROUND AND DISCUSSION:

In March of 2019, the City conducted an Invitation for Bids (IFB) process for the purpose of procurement and installation of lighting equipment for the Kirkland Performance Center. The IFB included language to allow other government entities to piggyback on the contract that was to be awarded by the City. As a result of the IFB process, the City awarded the contract for procurement and installation of lighting equipment to Pacific Northwest Theatre Associates Acquisition Corporation (PNTA) of Seattle, WA.

The Community Colleges of Spokane County has indicated an interest in taking advantage of the pricing and terms provided by our contract with PNTA. In order for them to utilize the City's contract with PNTA, they must have an interlocal cooperative purchasing agreement in place with the City.

This interlocal agreement complies with the intergovernmental cooperative purchasing requirements set forth in KMC 3.85.180 and RCW 39.34. By itself, this agreement places no financial obligation on the City of Kirkland. This agreement is reciprocal and will allow the City of Kirkland to purchase off contracts competitively bid by The Community Colleges of Spokane, if it is determined to be in the best interest of the City to do so.

RESOLUTION R-5429

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING PARTICIPATION BY THE CITY IN AN INTERLOCAL COOPERATIVE PURCHASING AGREEMENT WITH THE COMMUNITY COLLEGES OF SPOKANE AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT ON BEHALF OF THE CITY OF KIRKLAND.

1 WHEREAS, the City of Kirkland and The Community
2 Colleges of Spokane seek to enter into an intergovernmental
3 agreement enabling the City of Kirkland to purchase goods and
4 services through The Community Colleges of Spokane purchase
5 contracts and also enabling The Community Colleges of Spokane
6 to purchase goods and services through City of Kirkland
7 purchase contracts to the extent permitted by law; and
8

9 WHEREAS, the City Council has determined it to be in the
10 best interest of the City of Kirkland to enter into such an interlocal
11 cooperative purchasing agreement; and
12

13 WHEREAS, Chapter 39.34 RCW authorizes City of Kirkland
14 and The Community Colleges of Spokane to enter into an
15 interlocal cooperation agreement to perform any governmental
16 service, activity or undertaking which each contracting party is
17 authorized by law to perform.
18

19 NOW, THEREFORE, be it resolved by the City Council of the
20 City of Kirkland as follows:
21

22 Section 1. The City Manager is authorized and directed to
23 execute on behalf of the City of Kirkland an Interlocal Agreement
24 substantially similar to that attached as Exhibit "A", which is
25 entitled "Interlocal Cooperative Purchasing Agreement."
26

27 Passed by majority vote of the Kirkland City Council in open
28 meeting this ____ day of _____, 2020.
29

30 Signed in authentication thereof this ____ day of
31 _____, 2020.

Penny Sweet, Mayor

Attest:

Kathi Anderson, City Clerk

INTERLOCAL COOPERATIVE PURCHASING AGREEMENT

THIS AGREEMENT is between _____The Community Colleges of Spokane_____, a Washington State agency, and the CITY of KIRKLAND, a municipal corporation of the State of Washington.

WITNESSETH:

WHEREAS, the Interlocal Cooperation Act, as amended, and codified in Chapter 39.34 of the Revised Code of Washington provides for interlocal cooperation between governmental agencies; and

WHEREAS, the parties desire to utilize each other's procurement agreements when it is in their mutual interest;

NOW, THEREFORE, the parties agree as follows:

1. PURPOSE: The purpose of this agreement is to acknowledge the parties' mutual interest to jointly bid the acquisition of goods and services and to authorize the acquisition of goods and services and the purchase or acquisition of goods and services under contract where a price is extended by either party's bidder to other governmental agencies.
2. ADMINISTRATION: No new or separate legal or administrative entity is created to administer the provisions of this agreement.
3. SCOPE: This agreement shall allow the following activities:
 - A. Purchase or acquisition of goods and services by each party acting as agent for either or both parties when agreed to in advance, in writing;
 - B. Purchase or acquisition of goods and services by each party where provision has been provided in contracts for other governmental agencies to avail themselves of goods and services offered under the contract.
4. DURATION AGREEMENT – TERMINATION: This agreement shall remain in force until canceled by either party in writing.
5. RIGHT TO CONTRACT INDEPENDENT ACTION PRESERVED: Each party reserves the right to contract independently for the acquisition of goods or services or disposal of any property without notice to the other party and shall not bind or otherwise obligate the other party to participate in the activity.
6. COMPLIANCE WITH LEGAL REQUIREMENTS: Each party accepts responsibility for compliance with federal, state or local laws and regulations including, in particular, bidding requirements applicable to its acquisition of goods and services or disposal of property.
7. FINANCING: The method of financing of payment shall be through budgeted funds or other available funds of the party for whose use the property is actually acquired or disposed. Each party accepts no responsibility for the payment of the acquisition price of any goods or services intended for use by the other party;
8. FILING: Executed copies of this agreement shall be filed or posted on a website as required by Section 39.34.040 of the Revised Code of Washington prior to this agreement becoming effective.

- 9. INTERLOCAL COOPERATION DISCLOSURE: Each party may insert in its solicitations for goods a provision disclosing that other authorized governmental agencies may also wish to procure the goods being offered to the party and allowing the bidder the option of extending its bid to other agencies at the same bid price, terms and conditions.
- 10. NON-DELEGATION/NON-ASSIGNMENT. Neither party may delegate the performance of any contractual obligation, to a third party, unless mutually agreed in writing. Neither party may assign this agreement without the written consent of the other party.
- 11. HOLD-HARMLESS: Each party shall be liable and responsible for the consequence of any negligent or wrongful act or failure to act on the part of itself and its employees. Neither party assumes responsibility to the other party for the consequences of any act or omission of any person, firm or corporation not a party to this agreement.
- 12. SEVERABILITY: Any provision of this agreement, which is prohibited or unenforceable, shall be ineffective to the extent of such prohibition or enforceability, without involving the remaining provisions or affecting the validity or enforcement of such provisions.

Community Colleges of Spokane

CITY OF KIRKLAND

By: Nanette Spear
Nanette Spear, Acting Purchasing Manager

By: _____
Kurt Triplett, City Manager

Approved as to form:

Approved as to form:

By: _____

By: _____
Kirkland City Attorney

ATTEST:

ATTEST:

City Clerk

DATE _____

DATE _____

**CITY OF KIRKLAND**

Public Works Department

123 Fifth Avenue, Kirkland, WA 98033 425.587.3800

www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Julie Underwood, Interim Director of Public Works
Ray Steiger, Public Works Superintendent
Heather Kelly, Emergency Manager
Josh Pantzke, Utility Manager
Dawson Van Cise, Program Assistant

Date: June 4, 2020

Subject: WASHINGTON WATER/WASTEWATER AGENCY RESPONSE NETWORK (WAWARN)
MUTUAL AID AND ASSISTANCE AGREEMENT

RECOMMENDATION:

It is recommended that the City Council adopt a resolution authorizing the City Manager to enter into a Mutual Aid and Assistance Agreement with the Washington State Water/Wastewater Agency Response Network (WAWARN). By approving the consent calendar the Council is adopting the ordinance and authorizing the City Manager to sign the agreement.

BACKGROUND DISCUSSION:

Cities and counties that are adjacent to each other typically have mutual aid agreements among first-responder agencies so that in the event of an emergency an agency can gain immediate access to additional, nearby resources provided such resources are available.

Similarly, Water/Wastewater Agency Response Networks (WARNs) are intrastate groups of water and/or wastewater utilities that recognize the benefits of coordinating response activities and sharing resources during emergency situations. WARNs exist in every state in the nation and also the "National Capital Region." Unlike a police or fire emergency, when back-up may be needed in minutes, WARNs are on a statewide basis because often the request may be for materials or equipment that are needed in a hurry but several hours or overnight is workable. As a further example, were there to be a catastrophic event on the west side of the Cascades that would cause many utility agencies to work immediately to rebuild their own systems, personnel and resources could be requested from the east side of the mountains. Having these agreements in place means a member entity can call for help without an additional step, such as a formal declaration of emergency.

In Washington State, WAWARN currently has 168 participating agencies, which are publicly-owned utility districts or municipal departments, private utility associations, cities, towns, and similar

providers. Participation in WAWARN would allow Kirkland's water and wastewater utilities to request access to personnel, materials, and/or equipment from any participating agencies when disruptions exceed the City's response capabilities at that time, though Kirkland could not compel another entity to do so. Likewise, Kirkland could be called upon to provide assistance to another member entity, but in all cases responding is not an obligation. Staff maintain full discretion whether to provide resources to another member entity. If a member entity chooses to respond, then the agreement provides for all costs incurred by the Responding Member to be reimbursed fully. The frequency of use of these agreements is low.

The proposed WAWARN Mutual Aid and Assistance Agreement provides a consistent framework of processes and procedures used by all member entities (see Attachment A). In brief, the proposed agreement has the following terms:

ADMINISTRATION. The Network is administered by a Statewide Committee and Regional Committees. Were Kirkland to join, it would have one utility staff person as its representative to the Regional Committee that serves this area. Members are not required to finance the administration of the Network (Article III).

REQUESTS FOR ASSISTANCE. The agreement details the steps to be used for a Requesting Member to ask for assistance. It also states clearly that members are not obligated to respond, that there is not "any duty to respond," and that no member shall be liable for not responding (Article V).

RESPONDING MEMBER PERSONNEL. During an event, all participating members are encouraged but not obligated to use the National Incident Management System. The agreement states that a Responding Member is an independent contractor, and that the staff of the Responding Member shall remain under the direction and control of the Responding Member. Responding Members are to be self-sufficient for up to 72 hours, including food and shelter, whenever practical. The Requesting Member shall provide communication equipment. Responding Members retain their same powers, duties, rights, privileges, and immunities (Article VI).

RIGHT TO WITHDRAW RESOURCES. A Responding Member may withdraw some or all of its resources at any time without liability (Article VII).

COST REIMBURSEMENT. Unless otherwise agreed to in writing by both members, the Requesting Member shall reimburse the Responding Member for all costs incurred: personnel, food and shelter, equipment, materials, and supplies. The Responding Member must provide an itemized bill to the Requesting Member within 90 days of the end of the event, and the Requesting Member must pay no later than 45 days from the date of the bill. Records shall be retained and accessible for at least three years (Article VIII).

EFFECTIVE DATE. The agreement is effective when it is executed by the City Manager and provided to WAWARN leadership (Article XIII).

WITHDRAWAL. Members may withdraw at any time with written notice and will have no further obligation under the agreement (Article XIV).

TERMINATION. The agreement is perpetual, but shall terminate entirely "when there are less than two Member" (Article XV).

The agreement also addresses disputes negotiation, indemnification, Worker's Compensation, notices, prohibition on third parties and assignment, and other standard contractual provisions.

Staff proposes that our membership be for the City of Kirkland, as opposed to one department or division. However, this mutual aid agreement is only for water and wastewater services.

How agencies implement this agreement during an event can vary widely. A request is initiated by going to the Network website and typing up the need, which is dispatched immediately to WAWARN leadership. After reviewing it, the request is e-mailed to contacts of all member entities. Members reply only if they can help in full or part. The nature of the event and the staff capacity of the Requesting Member help inform how the response is provided; the Requesting Member could pick the requested asset or the Responding Member could deliver it. If personnel are requested, the Responding Member usually sends them in one of its own vehicles for use during the duration of the event. In Kirkland, staff anticipates that the level of organizational involvement—from Superintendent through City Manager—would depend on the extent and value of the request.

While Kirkland staff identified some minor tweaks to the language of the agreement that we would have preferred to have seen incorporated (e.g., in Article XIII it is not explicitly clear what we do with the agreement after the City Manager signs it), WAWARN leadership replied that this agreement has been used since 2009 by each of the 168 current member, so that amendment to it would require ratification by those members.

Administratively, in Washington State the website is maintained by the City of Yakima at no charge, and all other administrative efforts are volunteered by members. Nationally, the Network is coordinated by the Environmental Protection Agency and some support is provided by the American Water Works Association.

The national and individual state websites for WARNs tend to use the phrase "utilities helping utilities" when describing these networks. The City's Office of Emergency Management joins with the Department of Public Works in supporting and recommending entering into this agreement.

Attachment A: Resolution 5430

Attachment B: Mutual Aid and Assistance Agreement for Washington State for Intrastate WARN

RESOLUTION R-5430

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF KIRKLAND AND THE WASHINGTON STATE WATER/WASTEWATER AGENCY RESPONSE NETWORK FOR THE PROVIDING OF MUTUAL AID AND ASSISTANCE; AND AUTHORIZING THE CITY MANAGER TO SIGN THE AGREEMENT ON BEHALF OF THE CITY OF KIRKLAND.

1 WHEREAS, the City of Kirkland recognizes that
2 emergencies may require aid or assistance in the form of
3 personnel, equipment, supplies, expertise, and other resources;
4 and
5

6 WHEREAS, Washington State Water/Wastewater Agency
7 Response Network ("WAWARN") has established a group of
8 agencies which allow water and wastewater systems to receive
9 rapid mutual aid and assistance from other systems in an
10 emergency, recognizing the benefits of coordinating response
11 activities and shared resources directly during emergency
12 situations; and
13

14 WHEREAS, the agencies who participate in WAWARN
15 desire to assist the other, when needed, with equipment,
16 personnel, expertise and other resources; and
17

18 WHEREAS, WAWARN includes membership from over 150
19 water/wastewater utility agencies across the state of Washington;
20 and
21

22 WHEREAS, in an emergency, a member utility agency may
23 request assistance, and provides funding for the requested
24 support; and
25

26 WHEREAS, there is no cost associated with joining
27 WAWARN and no obligation to respond to a request for
28 assistance; and
29

30 WHEREAS, the City is authorized to enter into this
31 Agreement pursuant to Chapter 39.34 RCW, the Interlocal
32 Cooperation Act; and
33

34 WHEREAS, the City desires to become a member of
35 WAWARN in order to coordinate emergency response actives and
36 share resources, as available, with other agencies when
37 assistance is needed and available.
38

39 NOW, THEREFORE, be it resolved by the City Council of the
40 City of Kirkland as follows:
41

42 Section 1. The City Manager is hereby authorized and
43 directed to execute on behalf of the City a mutual aid agreement

44 with WAWARN, substantially similar to the Agreement attached
45 hereto as Exhibit A.

46
47 Passed by majority vote of the Kirkland City Council in open
48 meeting this ____ day of _____, 2020.

49
50 Signed in authentication thereof this ____ day of
51 _____, 2020.

Penny Sweet, Mayor

Attest:

Kathi Anderson, City Clerk

**Mutual Aid and Assistance Agreement for Washington State for Intrastate
Water/Wastewater Agency Response Network (WARN)**

As of: 04/13/09

This Agreement ("Agreement") is made and entered into by public water and wastewater utilities that have executed this Agreement.

ARTICLE I
PURPOSE

Recognizing that emergencies may require aid or assistance in the form of personnel, equipment, and supplies from outside the area of impact, the signatories hereby establish an Intrastate Network for Mutual Aid and Assistance (the "Network"). Through the Network, Members (as further defined in this Agreement) may coordinate response activities and share resources during emergencies.

ARTICLE II
DEFINITIONS

A. Authorized Official – An employee or officer of a Member agency that is authorized to:

1. Request assistance;
2. Offer assistance;
3. Decline to offer assistance;
4. Decline to accept offers of assistance, and
5. Withdraw assistance under this Agreement.

B. Emergency – A natural or human-caused event or circumstance causing, or imminently threatening to cause, loss of life, injury to person or property, human suffering, significant financial loss, or damage to environment. For example, Emergencies may include fire, explosion, flood, severe weather, drought, earthquake, volcanic activity, spills or releases of oil or hazardous material, contamination, utility or transportation emergencies, disease, blight, infestation, civil disturbance, riot, intentional acts, sabotage and war that are, or could reasonably be beyond the capability of the services, personnel, equipment, and facilities of a Member to fully manage and mitigate by itself.

C. Member – Any public agency which provides supply, transmission or distribution of water; or collection, conveyance or treatment services of storm water or waste water that executes this Agreement (individually a "Member" and collectively the "Members"). The Members are further classified as follows:

1. Requesting Member – A Member who requests aid or assistance under the Network.
2. Responding Member – A Member that responds to a request for aid or assistance under the Network.

D. Period of Assistance – The period of time when a Responding Member

assists a Requesting Member in response to a Request for Assistance. The Period of Assistance commences when personnel, equipment, or supplies depart from Responding Member's facility and ends when all of the resources return to the Responding Member's facility (*i.e.*, portal to portal).

E. National Incident Management System (NIMS): The national, standardized system for incident management and response that sets uniform processes and procedures for emergency response operations.

F. Associate – Any non-utility participant approved by the Statewide Committee that provides a support role for the Network (such as the State Department of Health). An Associate does not execute this Agreement.

ARTICLE III **ADMINISTRATION**

The Network is administered through Regional Committees and a Statewide Committee.

A. Regional Committees. The State is divided into regions that are geographically the same as the existing Department of Health Office of Drinking Water regions of the state, with the exception that the eastern region is divided to create a central region. Each region has a Regional Committee. Each Member within a region may appoint one person to be a member of its Regional Committee. Only those Regional Committee members appointed by Members are entitled to vote on matters before the Regional Committee. An Associate may be a non-voting member of a Regional Committee. Each Regional Committee shall elect a Chair by majority vote of the voting members of that Regional Committee and shall meet annually to review the operations and procedures of the Network.

B. Statewide Committee. The Chairs of the Regional Committees are the voting members of the Statewide Committee. An Associate may be a non-voting member of the Statewide Committee. Further, the Statewide Committee also may include as non-voting members representatives from the Washington State Department of Health Office of Drinking Water, Washington State Department of Ecology, Washington State Emergency Management Division, Rural Community Assistance Corporation, Evergreen Rural Water of Washington, Washington State Public Health Laboratory, EPA Region 10, Washington Association of Sewer and Water Districts, and the Washington PUD Association. Under the leadership of a Statewide Committee Chair elected by majority vote of the voting members of the Statewide Committee, the Statewide Committee shall plan and coordinate emergency planning and response activities for the Network.

C. Members' administrative activities shall be voluntary and members shall not be required to finance the administration of the Network, nor shall the Network hold real or personal property.

ARTICLE IV PROCEDURES

In coordination with the Regional Committees, and emergency management and public health systems of the State, the Statewide Committee shall develop and adopt operational and planning procedures for the Network that are consistent with this Agreement. The Statewide Committee shall review these procedures at least annually and shall update them as needed.

ARTICLE V REQUESTS FOR ASSISTANCE

A. Member Information: Promptly after executing this Agreement, the signatory Member shall deliver the following to the Statewide Committee: (1) a certified copy of the action of Member's governing body that authorized the signing of this Agreement and (2) an original signed Agreement. Each Member shall identify an Authorized Official and one alternate Authorized Official. Each Member shall provide current 24-hour contact information for its Authorized Officials to the Statewide Committee, which shall maintain a current list of all Members and the contact information for their Authorized Officials. The Statewide Committee shall provide to all Members an updated version of this list annually and whenever there is an addition or withdrawal of a Member and whenever there is a change of Authorized Officials' contact information.

B. Request for Assistance. In the event of an Emergency, a Member's Authorized Official may request mutual aid and assistance from Members ("Request for Assistance"). Requests for Assistance may be made orally or in writing, provided that when a Request for Assistance is made orally, the Requesting Member shall, as soon as practicable, identify and transmit in writing the personnel, equipment and supplies requested. Requesting Members shall direct Requests for Assistance to Authorized Officials. The Statewide Committee shall provide specific protocols for Requests for Assistance as part of the procedures created pursuant to Article IV of this Agreement.

C. Response to a Request for Assistance – Members are not obligated to respond to a Request for Assistance. After a Member receives a Request for Assistance, the receiving Member's Authorized Official shall evaluate whether to respond to the Request for Assistance, whether resources are available to respond, or if other circumstances would hinder response. Following the evaluation, the Authorized Official shall inform, as soon as possible, the Requesting Member whether the Member will respond to the Request for Assistance. If the Member is willing and able to provide assistance, the Member shall inform the Requesting Member of the type of available resources and the approximate arrival time of such assistance.

D. Discretion of Responding Member's Authorized Official – No Member has any duty to respond to a Request for Assistance. When a Member receives a Request for Assistance, the Authorized Official shall have sole and absolute discretion

as to whether or not to respond to the Request for Assistance, and if responding in the affirmative, to determine the availability of resources to be made available to the Requesting Member. The response of a Member's Authorized Official regarding the availability of resources to a Requesting Member shall be final.

E. No Liability for Failure to Respond – No Member will be liable to any other Member for deciding not to respond to a Request for Assistance or otherwise failing to respond to a Request for Assistance. All Members hereby waive all claims against all other Members arising from or relating to any Member's decision to not respond to a Request for Assistance or to any Member's failure to respond to a Request for Assistance.

ARTICLE VI **RESPONDING MEMBER PERSONNEL**

A. National Incident Management System-When providing assistance under this Agreement, the Requesting Member and Responding Member are encouraged (but are not obligated) to be organized and function under NIMS.

B. Coordination and Records – Employees of the Responding Member will remain under the direction and control of the Responding Member to the fullest extent possible. The Responding Member is an independent contractor at all times. The Requesting Member's Authorized Official shall coordinate response activities with the designated supervisor(s) of the Responding Member(s). The Responding Member's designated supervisor(s) shall keep accurate records of work performed by personnel during the Period of Assistance and for the equipment and supplies provided during work.

C. Food and Shelter – Whenever practical, Responding Member personnel must be self sufficient for up to seventy-two (72) hours. Whenever practical, the Requesting Member shall supply adequate food and shelter for Responding Member personnel. If the Requesting Member is unable to provide food and shelter for Responding Member personnel, the Responding Member's designated supervisor is authorized to secure the food and shelter necessary to meet the needs of its personnel.

D. Communication – The Requesting Member shall provide Responding Member personnel with communications equipment as available, radio frequency information to program existing radios if appropriate, or telephone contact numbers, in order to facilitate communications with local responders and utility personnel. Each Requesting Member shall provide contact information for an individual with whom Responding Member's personnel may coordinate while en-route for access, staging instructions and other logistical requirements.

E. Status - Unless otherwise provided by law, the Responding Member's officers and employees shall have the same powers, duties, rights, privileges, and immunities as if they were performing their duties in the jurisdiction in which they are

normally employed.

F. Licenses and Permits – To the extent permitted by law, Responding Member personnel that hold licenses, certificates, or permits evidencing professional, mechanical, or other skills shall be allowed to carry out activities and tasks relevant and related to their respective credentials during a Period of Assistance.

ARTICLE VII **RIGHT TO WITHDRAW RESOURCES**

A. Right to Withdraw - A Responding Member may withdraw some or all of its resources at any time for any reason, as determined in the Responding Member's sole and absolute discretion. The Responding Member shall communicate written or oral notice of intention to withdraw all or some of a Responding Member's resources to the Requesting Member's Authorized Official as soon as practicable under the circumstances. To the greatest extent possible, but without limiting in any way a Responding Member's sole and absolute discretion, a Responding Member's determination to withdraw some or all of its resources provided to a Requesting Member should consider the status of the incident and incident stability, to minimize any adverse impacts from the withdrawal of resources by a Responding Member.

B. No Liability for Withdrawal - No Member will be liable to any other Member for first responding to a Request for Assistance by providing resources (such as personnel, materials, and equipment) and later withdrawing or refusing to continue to provide some or all of those resources. All Members hereby waive all claims against all Members arising from or relating to such a withdrawal or refusal.

ARTICLE VIII **COST- REIMBURSEMENT**

The Requesting Member shall reimburse the Responding Member for all costs incurred by the Responding Member during a Period of Assistance, unless otherwise agreed in writing by both Members.

A. Personnel – The Requesting Member shall reimburse the Responding Member for personnel costs incurred for work performed during a Period of Assistance. Responding Member personnel costs will be calculated according to the terms provided in their employment contracts, hourly rate schedules or other conditions of employment. The Responding Member's designated supervisor(s) shall keep accurate records of work performed by personnel during a Period of Assistance. The Requesting Member shall include in its reimbursement of the Responding Member all personnel costs, including salaries or hourly wages, costs for fringe benefits, and indirect costs.

Unless otherwise agreed in writing, the Requesting Member shall reimburse the Responding Member for all reasonable and necessary costs associated with providing food and shelter for the Responding Member's personnel, if the food and shelter are

not provided by the Requesting Member. The Requesting Member is not required to reimburse the Responding Member for food and shelter costs in excess of State per diem rates unless the Responding Member demonstrates in writing that the excess costs were reasonable and necessary under the circumstances.

B. Equipment – The Requesting Member shall reimburse the Responding Member for the use of equipment during a Period of Assistance, including, but not limited to, reasonable rental rates, all fuel, lubrication, maintenance, transportation, and loading/unloading of loaned equipment. The Requesting Member shall return all equipment to the Responding Member in good working order as soon as is practicable and reasonable under the circumstances. If equipment cannot be returned in good working order, then Requesting Member shall either provide in-kind replacement equipment to Responding Member at no cost to Responding Member or pay to Responding Member the actual replacement cost of the equipment. Reimbursement rates for equipment use will be no less than the Federal Emergency Management Agency's (FEMA) Schedule of Equipment Rates. If a Responding Member uses rates different from those in the FEMA Schedule of Equipment Rates, the Responding Member shall provide such rates orally or in writing to the Requesting Member prior to supplying the equipment. If reimbursement rates are to be different than those in the FEMA Schedule of Equipment rates, Responding Member and Requesting Member shall agree in writing on which rates will be used prior to dispatch of the equipment to the Requesting Member. Requesting Member shall reimburse for equipment not referenced on the FEMA Schedule of Equipment Rates based on actual recovery of costs. If a Responding Member is required to lease equipment while its equipment is being repaired because of damage due to use during a Period of Assistance, Requesting Member shall reimburse Responding Member for such rental costs.

C. Materials and Supplies – The Requesting Member shall reimburse the Responding Member in kind or at actual replacement cost, plus handling charges, for use of expendable or non-returnable supplies by the Responding Member during a Period of Assistance. The Responding Member shall not charge direct fees or rental charges to the Requesting Member for other supplies and reusable items that are returned to the Responding Member in a clean, damage-free condition. Reusable supplies that are returned to the Responding Member with damage will be treated as expendable supplies for purposes of cost reimbursement.

D. Payment Period – In order to be reimbursed, the Responding Member shall provide an itemized bill to the Requesting Member no later than ninety (90) days following the end of the Period of Assistance for all expenses incurred by the Responding Member while providing assistance to a Requesting Member under this Agreement. The Responding Member may request additional time to submit the itemized bill, and Requesting Member shall not unreasonably withhold consent to such a request. The Requesting Member shall pay the itemized bill in full on or before the forty-fifth (45th) day following the billing date. The Requesting Member may request additional time to pay the itemized bill, and Responding Member shall not unreasonably withhold consent to such a request, but in no event will payment in full occur later than one year after the date a final itemized bill is submitted to the

Requesting Member. If a Responding Member disputes a portion of an itemized bill, the Requesting Member shall promptly pay those portions of the bill not under dispute, pending the resolution of the payment of the disputed portion of the bill.

E. Records - Where a Responding Member provides assistance to a Requesting Member under this Agreement, both Members shall provide the other Member access to the books, documents, notes, reports, papers and other records relevant to this Agreement for the purposes of reviewing the accuracy of a cost bill or making or undergoing a financial, maintenance or regulatory audit. Both Members shall maintain these records for at least three (3) years or longer where required by law.

ARTICLE IX **DISPUTES** **NEGOTIATION**

Members shall first attempt to resolve any controversy, claim or other dispute arising out of or relating to this Agreement by direct negotiation.

MEDIATION

To the extent not resolved by direct negotiation, Members shall mediate any controversy, claim or other dispute arising out of or relating to this Agreement. Mediation is a condition precedent to arbitration. Unless the disputing Members agree otherwise, the mediation will be administered by the American Arbitration Association (AAA) under its Construction Industry Mediation Procedures. The disputing Members shall pay in equal shares the mediator's fee and any filing fees. Unless otherwise agreed by the disputing Members, the disputing Members shall (1) hold the mediation no later than thirty (30) days after a disputing Member delivers a request for mediation to the other disputing Members and (2) hold the mediation at the location of the Requesting Member. Agreements reached in mediation will be enforceable as settlement agreements.

ARBITRATION

To the extent not resolved by mediation, Members shall arbitrate all controversies, claims and other disputes arising out of or relating to this Agreement. Unless the disputing Members agree otherwise, the arbitration will be administered by the AAA in accordance with its Construction Industry Arbitration Rules in effect on the date a disputing Member makes a demand for arbitration. A disputing Member may make a demand for arbitration before negotiation or mediation if it appears that a claim might be barred by a statute of limitations if the demand were made after the negotiation or mediation. However, in such a case the arbitration will be stayed until the conclusion of negotiation and mediation. The decision and award rendered by the arbitrator(s) shall be final, and judgment may be entered upon it in accordance with applicable law in any court having jurisdiction thereof.

ARTICLE X
DUTY TO INDEMNIFY

To the extent of its fault, a Member shall defend, indemnify, and hold harmless all other Members, their elected officials, Authorized Officials, officers, employees and agents from any and all costs, claims, judgments, losses, awards of damage, injury, death and liability of every kind, nature and description, including the reasonable cost of defense and attorneys' fees, directly or indirectly arising from or relating to this Agreement (collectively, "Indemnified Claims"). This indemnity obligation extends to all Indemnified Claims against a Member by an employee or former employee of another Member, and for this purpose, by mutual negotiation, each Member hereby expressly waives, with respect to each other Member only, all immunity and limitation under any applicable industrial insurance act, including Title 51 of the Revised Code of Washington, other worker compensation acts, disability benefit acts or other employee benefit act of any jurisdiction which would otherwise be applicable in the case of Indemnified Claims.

ARTICLE XI
WORKER'S COMPENSATION AND SITE CONDITIONS

The Responding Member is responsible for providing worker's compensation benefits and administering worker's compensation for its employees. The Requesting Member is responsible for providing worker's compensation benefits and administering worker's compensation for its employees.

Each Member shall promptly identify to the other Members concerns about site safety, environmental concerns, and other working conditions. The Safety Officer appointed within the Incident Command System during the Period of Assistance shall address specific safety conditions and mitigations.

ARTICLE XII
NOTICE

Unless otherwise provided in this Agreement, all notices must be in writing. Notice to a Member must be delivered to the Member's Authorized Official.

ARTICLE XIII
EFFECTIVE DATE

This Agreement shall be effective with respect to each Member when that Member's authorized representative executes the Agreement. The Statewide Committee shall maintain a master list of all Members.

ARTICLE XIV
WITHDRAWAL

A Member may withdraw from this Agreement at any time by providing to the Statewide Committee Chair written notice of withdrawal signed by the withdrawing Member's Authorized Official or other person authorized by the withdrawing Member's governing body. Any withdrawal will be effective upon receipt by the Statewide Committee Chair of the notice of intent to withdraw. If there is no Statewide Committee Chair, the withdrawing Member shall provide written notice to each Member in its region, and the withdrawal will be effective upon delivery of those notices. Once withdrawal from this Agreement is effective, the withdrawing Member will have no further obligations under this Agreement, except that withdrawal from this Agreement will not affect any indemnification or reimbursement obligation under this Agreement that arises prior to the effective date of the withdrawal.

ARTICLE XV TERMINATION

This Agreement shall terminate in its entirety when there are less than two Members. Termination of this Agreement will not affect any indemnification or reimbursement obligation under this Agreement arising prior to the termination. The Statewide Committee Chair shall provide written notice of termination to all remaining Members of the Agreement.

ARTICLE XVI AMENDMENT

This Agreement may be amended if, after written notice of a proposed amendment to all Members, the proposed amendment is approved by a majority of Members in each region. The Statewide Committee Chair shall provide written notice to all Members of approved amendments. Approved amendments will take effect sixty (60) days after the date the notice is sent to the Members.

ARTICLE XVII SEVERABILITY

The parties agree that if any term or provision of this Agreement is declared by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular term or provision held to be invalid.

ARTICLE XVIII PROHIBITION ON THIRD PARTIES AND ASSIGNMENT OF RIGHTS/DUTIES

Notwithstanding rights of subrogation asserted by a Member's insurance provider, this Agreement is for the sole benefit of the Members and no other person or entity shall have any rights under this Agreement as a third party beneficiary nor shall any Member owe duty to a third party not a signatory of this Agreement by virtue of this Agreement. Assignments of benefits and delegations of duties created by this

Agreement are prohibited and of no effect.

**ARTICLE XIX
GOVERNING LAW**

This Agreement is governed by the law of the State of Washington, specifically RCW 39.34, Interlocal Cooperation Act.

**ARTICLE XX
EXECUTION IN COUNTERPARTS**

This Agreement may be executed in any number of counterparts and by different parties in separate counterparts. Each counterpart when so executed shall be deemed to be an original and all of which together shall constitute one and the same Agreement.

The water and wastewater utility listed below executed this Agreement on this _____ day of _____ 201 .

Water/Wastewater Utility: _____

By: _____

By: _____

Title: _____

Title _____

Please Print Name

Please Print Name

Approved as to form

By: _____

Attorney for Member

Please Print Name



CITY OF KIRKLAND
City Manager's Office
123 Fifth Avenue, Kirkland, WA 98033 425.587.3001
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Lorrie McKay, Intergovernmental Relations and Economic Development Manager

Date: June 7, 2020

Subject: ASSOCIATION OF WASHINGTON CITIES 2020 ONLINE ANNUAL BUSINESS MEETING

RECOMMENDATION:

Through approval of the consent calendar, the City Council designates Deputy Mayor Jay Arnold, Councilmember Toby Nixon and Councilmember Amy Falcone as its three voting delegates to represent the City of Kirkland at the Association of Washington Cities (AWC) 2020 online Annual Business Meeting.

BACKGROUND DISCUSSION:

The AWC 2020 Business Meeting will be held Thursday, June 25 from 10am to noon and the meeting will be held online. Designated voting delegates (or proxies) must be present at the meeting to cast a vote.

After polling all seven members of the City Council for their interest and availability, Deputy Mayor Arnold, Councilmembers Nixon and Falcone informed of their interest in serving as the City's voting delegates at this year's business meeting. The names of the City Council's designated voting delegates need to be filed with the AWC by 5pm June 23.

If any of the Council's designated delegates becomes unavailable, alternate City representative (elected or staff) may serve as a designated voting delegate or proxy, so long as their name is filed with the AWC in advance of June 25.

Next year's AWC Annual Conference and Business Meeting is scheduled for June 22-25, 2021 in Spokane

Attachments: A. [2020 Conference Schedule](#) (Updated 6/4/20)


[2020 Conference schedule](#)

All conference sessions and events are online.
Subject to change – check back often for updates.

Tuesday, June 23

All day	On-demand education sessions available
3 – 4 pm	Live networking opportunity <i>We know it's not the same as meeting in person, but let's get together online for informal discussion.</i>

Wednesday, June 24

12:30 – 2 pm General session	Welcome and live opening session  COVID-19: What every elected official needs to know <i>Stephen DiJulio, Firm Co-Chair and Principal, Foster Garvey PC</i> Join us for a candid discussion of the roles and responsibilities of the executive and legislative branches of Washington city government in the age of a pandemic.
All day	On-demand education sessions available
3 – 4 pm	Live networking opportunity <i>We know it's not the same as meeting in person, but let's get together online for informal discussion.</i>

Thursday, June 25

10 am – Noon	AWC Business Meeting – Live The AWC Business Meeting brings together hundreds of city leaders to consider proposed resolutions, elect the Board of Directors, and enact policy.
All day	On-demand education sessions available
3 – 4 pm	Live networking opportunity <i>We know it's not the same as meeting in person, but let's get together online for informal discussion.</i>

Friday, June 26

10 am – Noon General session	Advocating for cities is a year-round job: AWC Advocacy Academy
All day	On-demand education sessions available

Updated: 5/15/20



CITY OF KIRKLAND
Department of Finance & Administration
123 Fifth Ave, Kirkland, WA 98033 · 425.587.3100
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Michael Olson, Director of Finance and Administration
Kyle Butler, Financial Planning Supervisor

Date: June 4, 2020

Subject: Monthly Financial Dashboard Report through April 30, 2020

RECOMMENDATION:

It is recommended that the City Council receive the monthly Financial Dashboard Report.

BACKGROUND DISCUSSION

This report was previously provided to the Council Finance and Administration Committee and will now be presented to the City Council each month on the consent agenda.

The Financial Dashboard is a high-level summary of some of the City's key revenue and expenditure indicators. It provides a budget to actual comparison for year-to-date revenues and expenditures for the general fund, as well as some other key revenues and expenditures. The report also compares this year's actual revenue and expenditure performance to the prior year.

The impact of revenue loss due to COVID-19 is only starting to be reflected in this report. The June report shows actual results as of the end of April. However, most tax information includes a one- or two-month lag. So, the April results include tax revenues through February. The impact of any COVID-related March sales tax decline will be in next month's Dashboard. This will be the July report that highlights the May results. The May actuals will reflect the March revenues. In the interim, Financial Planning will continue to monitor and project all city revenues that will be affected by COVID-19, providing that information where needed to inform policy decisions.

April 2020 Financial Dashboard

June 3, 2020

Revenues:

- General Fund Revenues are down 2.0% from 2019, but in line with budget as many revenues are reported on a one- to two-month lag and revenues in the first few months of 2020 were strong. Increases in License & Permits are offset with decreases in Charges for Goods & Services, particularly revenues related to recreation and community activities.
- Sales Tax revenues are up slightly from 2019 by 3.9%, while year-to-date Utility Tax revenues are down 12.9%. During the Emergency Proclamation, utility billing shut-offs for non-payment (which includes utility taxes) are temporarily deferred and suspended. Gas Tax revenues are stable up 3.4% from 2019, but slightly below budget expectations.
- Business revenues remain above 2019 but may decrease in coming months due to suspension of penalties.
- Development revenues are down 7% from the previous year. In period comparison, Building, Engineering, and Fire revenues decreased while there was a slight increase in Planning revenues.

**City of Kirkland Financial Dashboard
Annual Budget Status as of 4/30/2020**

Percent of Year Complete: 33.33%

	2020 Budget	Year-to-Date Actual 2020	% Received/ % Expended	Year-to-Date Actual 2019	YTD Change: 19 to 20		Current Month	Last Month
					\$	%		
General Fund								
Total Revenues	102,699,968	34,874,267	34.0%	35,585,958	(711,691)	-2.0%		
Total Expenditures	101,323,549	34,819,567	34.4%	30,679,693	4,139,874	13.5%		
Key Indicators (All Funds)								
<i>Revenues</i>								
Sales Tax	23,130,166	8,656,303	37.4%	8,331,500	324,803	3.9%		
Utility Taxes	14,211,368	4,388,991	30.9%	5,036,581	(647,590)	-12.9%		
Business License Fees	3,662,591	1,360,310	37.1%	1,198,943	161,367	13.5%		
Development Fees	11,282,715	3,345,930	29.7%	3,624,885	(278,955)	-7.7%		
Gas Tax	1,935,654	574,867	29.7%	555,730	19,136	3.4%		
<i>Expenditures</i>								
GF Salaries/Benefits	73,117,562	23,816,674	32.6%	22,675,261	1,141,413	5.0%		
Fire Suppression Overtime	861,545	424,464	49.3%	420,129	4,335	1.0%		
Contract Jail Costs	539,630	134,831	25.0%	74,855	59,976	80.1%		
Fuel Costs	604,912	102,989	17.0%	110,839	(7,850)	-7.1%		

Status Key

Revenues are higher than expected or expenditures are lower than expected
 Revenues or expenditures are within expected range
 WATCH - Revenues lower/expenditures higher than expected range



NOTES:

(1) Excludes Fire Suppression Overtime

Expenditures:

- Year-to-date General Fund expenditures are up 13.5% over 2019 but are coming in as expected at 34% of budget year to date. April total expenditures are down 9% compared to March.
- Year to date Salaries & Benefits are in line with 2019 up 5%. Fire Suppression costs are over budget expectations due, in part, to COVID-19 backfill costs.
- Overall Corrections costs remain higher than 2019, but both years are well below budget. Compared to prior periods, March and April 2019 costs are down at 49% and 0.6% respectively.
- Fuel costs are down 7% from 2019 in parallel with decreased fuel use and are well below budget. Fuel consumption in April is down in yearly and period comparisons, 26% and 27% respectively.



CITY OF KIRKLAND

Department of Finance & Administration
123 Fifth Avenue, Kirkland, WA 98033 425.587.3100
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Greg Piland, Financial Operations Manager

Date: June 3, 2020

Subject: REPORT ON PROCUREMENT ACTIVITIES FOR COUNCIL MEETING OF June 16, 2020.

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

The City's major procurement activities initiated since the last report dated May 21, 2020 are as follows:

	Project/Purchase	Process	Estimate/Price	Status
1.	NE 132 nd ST and 136 th AVE NE Channelization project	Job Order Contracting	\$216,181.57	Work order issued to Forma Construction of Seattle, WA.
2.	2020 annual striping program project	Invitation for Bids	\$623,257.50	Contract awarded to Specialized Pavement Marking, Inc. of Tualatin, OR.
3.	UV light boxes for decontamination of first responder equipment	Direct purchase as authorized by emergency proclamation	\$55,737.02	Purchase made through Tri-Mechanical, Inc. of Bellevue, WA.

Please contact Greg Piland if you have any questions regarding this report.

**CITY OF KIRKLAND**

City Attorney's Office

123 Fifth Avenue, Kirkland, WA 98033 425.587.3030

www.kirklandwa.gov

MEMORANDUM**To:** Kurt Triplett, City Manager**From:** Kevin Raymond, City Attorney
Hillary Evans Graber, Special Assistant City Attorney**Date:** June 9, 2020**Subject:** AN ORDINANCE OF THE CITY OF KIRKLAND, AMENDING CHAPTER 5.12 OF THE KIRKLAND MUNICIPAL CODE RELATING TO ADMISSIONS TAX AND NONPROFIT TAX-EXEMPT ORGANIZATIONS.**RECOMMENDATION:**

City Council pass the attached ordinance amending Chapter 5.12 of the Kirkland Municipal Code ("KMC") to allow for nonprofit tax exempt performing arts organizations ("nonprofit organizations") who are subject to the Admissions Tax to receive a rebate of the such taxes collected. This ordinance would also allow a similar exemption to nonprofit tax-exempt community service organizations who are subject to the tax upon approval of the Council by resolution.

BACKGROUND DISCUSSION:

The original version of this ordinance was presented to the Council at the June 2 Council meeting. Comments received from the Council were that the original draft ordinance was broader than the intended purpose and allowed rebates to all non-profit organizations. The Council preferred to narrow the rebate to nonprofit tax-exempt performing arts organizations in Kirkland. The Nonprofit, tax-exempt organizations offer many significant public benefits to Kirkland residents and visitors. In particular, performing arts organizations like Studio East Mainstage Theater ("Studio East") and the Kirkland Performance Center ("KPC") provide, in addition to community-building entertainment, significant educational benefits to the community including scholarship opportunities, the generation of cultural awareness, the creation and support of various programs in local schools, community outreach, and classes and camp offerings to community youth. For example, in 2019, Studio East provided \$80,000 worth of ticket discounts and free tickets to over 11,000 school children and families attending performances in Kirkland, conducted 31 outreach projects in 19 schools serving 828 school children, and provided \$30,000 in scholarships and work study credit to students.

Similarly, the KPC provides multiple school matinees for students at free or discounted ticket prices, scholarships for students as needed, experiential education for high school and university students to develop skills in technical theater and arts administration, and hundreds of donated tickets each year to fellow nonprofit organizations to help with their fundraising efforts and connect even more people within our community.

The City's Admissions Tax currently charges five percent of the established ticket price for events within the City. By approving this Ordinance, the City Council would support the rebating that amount back to the nonprofit tax-exempt performing arts organizations in the Kirkland community, thereby supporting their programs. This rebate is already provided to KPC through its facility lease with the City. This ordinance would codify that understanding and add other similarly situated nonprofit tax-exempt performing arts organizations in Kirkland, such as Studio East.

Additionally, this ordinance creates a provision codifying the Councils' current practice of occasionally rebating Admission Tax revenue to non-profit tax-exempt community service organizations that donate the proceeds to human service agencies and other local charitable causes. The ordinance clarifies that the Council can provide this rebate on a case-by-case basis by adopting a resolution outlining the benefits to the community of providing the tax rebate to the service organization.

Please note that Chapter 5.12 KMC refers to both "admissions taxes" and "admissions charges." In the current code they are treated as synonymous. At some point, we will "clean up" this chapter to refer only to "admissions taxes," which is the term used in the ordinance now before the Council.

Attachment 1: Ordinance 4726

Attachment 2: Publication Summary

ORDINANCE O-4726

AN ORDINANCE OF THE CITY OF KIRKLAND, AMENDING CHAPTER 5.12 OF THE KIRKLAND MUNICIPAL CODE RELATING TO ADMISSIONS TAX AND NONPROFIT TAX EXEMPT PERFORMING ARTS ORGANIZATIONS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

1 WHEREAS, Chapter 5.12 of the Kirkland Municipal Code
2 contains regulations related to the City's Admissions Tax,
3 authorized pursuant to RCW 35.21.280; and
4

5 WHEREAS, the City Council recognizes that nonprofit tax
6 exempt performing arts organizations subject to the Admissions
7 Tax ("nonprofit tax-exempt performing arts organizations") offer
8 a great benefit to the residents of Kirkland by unifying the
9 community and fostering economic development; and
10

11 WHEREAS, such nonprofit tax-exempt performing arts
12 organizations also provide significant educational benefits to the
13 community by offering scholarship opportunities, generating
14 cultural awareness, creating and supporting programs in local
15 schools, engaging in community outreach, and offering classes
16 and camps to community youth; and
17

18 WHEREAS, as an example, in 2019, Studio East Mainstage
19 Theater, a nonprofit tax-exempt performing arts organization,
20 provided \$80,000 worth of ticket discounts and free tickets to over
21 11,000 school children and families attending performances in
22 Kirkland, conducted 31 outreach projects in 19 schools serving
23 828 school children, and provided \$30,000 in scholarships and
24 work study credit; and
25

26 WHEREAS, the Kirkland Performance Center, another
27 nonprofit tax-exempt performing arts organization, provides
28 multiple school matinees for students at free or discounted ticket
29 prices, provides scholarships for students as needed, offers
30 experiential education for high school and university students to
31 develop skills in technical theater and arts administration, and
32 donates hundreds of tickets each year to other community and
33 social services to help with their fundraising efforts and connect
34 even more people within our community; and
35

36 WHEREAS, the City Council believes it would be in the best
37 interests of the City to provide a rebate for any nonprofit tax-
38 exempt performing arts organizations subject to the Admissions
39 Tax; and
40

41 WHEREAS, the loss of City revenue associated with
42 establishing a rebate to nonprofit performing arts tax-exempt

43 organizations related to their events is minimal and incidental in
44 light of the significant public benefits realized by the community.

45
46 Now, Therefore, the City Council of the City of Kirkland do
47 ordain as follows:

48
49 Section 1. Kirkland Municipal Code Section 5.12.010 is
50 amended to read as follows.

51
52 **5.12.010 Definitions.**

53
54 For purposes of this chapter, words and terms shall
55 have the following meanings:

56
57 (1) "Admission charge" in addition to its usual and
58 ordinary meaning, includes but is not limited in
59 meaning to:

60
61 (A) A charge made for season tickets or
62 subscriptions,

63
64 (B) A cover charge or a charge made for use of
65 seats or tables, reserved or otherwise, and similar
66 accommodations,

67
68 (C) A charge made for rental or use of equipment
69 or facilities for purposes of recreation or
70 amusement and, where the rental of the equipment
71 or facilities is necessary to the enjoyment of the
72 privilege for which a general admission is charged,
73 the combined charge shall be considered as the
74 admission charge,

75
76 (D) A charge made for admission to any theater,
77 dance hall, amphitheater, private club, auditorium,
78 observation tower, stadium, athletic pavilion or
79 field, baseball or athletic park, circus, side show,
80 swimming pool, outdoor amusement park or any
81 similar place; and shall include equipment to which
82 persons are admitted for purposes of recreation
83 such as merry-go-rounds, ferris wheels, dodge
84 'ems, roller coasters, go carts and other rides
85 whether such rides are restricted to tracts or not,

86
87 (E) A charge made for automobile parking where
88 the amount of the charge is determined according
89 to the number of passengers in an automobile.

90
91 (2) "Nonprofit tax-exempt performing arts
92 organization" means" an organization, corporation,
93 or association:

94
95 (A) currently recognized by the United States of
96 America as exempt from federal income taxation

97 pursuant to Section 501(c)(3) of the Internal
 98 Revenue Code, as it be amended or replaced from
 99 time to time; and

100
 101 (B) primarily dedicated to benefiting the community
 102 through performing arts including acting, singing,
 103 dancing, and other forms of public entertainment;
 104 and

105
 106 (C) subject to the tax imposed under Section
 107 5.12.020.

108
 109 (3) "Person" means any individual, receiver,
 110 assignee, firm, copartnership, joint venture,
 111 corporation, company, joint stock company,
 112 association, society, or any group of individuals,
 113 acting as a unit, whether mutual, cooperative,
 114 fraternal, nonprofit or otherwise.

115
 116 Section 2. A new Section 5.12.140 of the Kirkland
 117 Municipal Code is hereby created to read as follows:

118
 119 **5.12.140 Nonprofit Tax-Exempt Performing**
 120 **Arts Organization Rebate.**

121
 122 A nonprofit performing arts tax-exempt
 123 organization may receive a rebate on any
 124 admissions taxes collected under this chapter,
 125 provided the following subsections are met:

126
 127 (1) The nonprofit performing arts tax-exempt
 128 organization:

129
 130 (A) Publicly sponsors and through its members,
 131 representatives or personnel promotes and
 132 publicizes the event; or

133
 134 (B) Publicly sponsors the event and:

135
 136 (i) Performs a major portion of the performance;
 137 or

138
 139 (ii) Supplies a major portion of the materials on
 140 exhibit; or

141
 142 (iii) When the event is a part of a season or series
 143 of performances or exhibitions, performs the major
 144 portion of the performances or exhibitions in the
 145 season or series or supplies a major portion of the
 146 materials on exhibit.

147
 148 (2) The nonprofit performing arts tax-exempt
 149 organization receives the use and benefit of the
 150 admission taxes collected.

151
152 (3) The nonprofit performing arts tax-exempt
153 organization identifies their nonprofit status in their
154 application for certificate of registration and
155 provides proof of same, as required by the director
156 of finance and administration.

157
158 Section 3. A new Section 5.12.145 of the Kirkland
159 Municipal Code is hereby created to read as follows:
160

161 **5.12.145 Nonprofit Tax-Exempt Community**
162 **Service Organization Rebate.**
163

164 (a) The city council may provide a rebate on
165 admissions taxes collected under this chapter to
166 non-profit tax-exempt organizations whose primary
167 purpose is community service, provided:
168

169 (1) The nonprofit tax-exempt community service
170 organization is currently recognized by the United
171 States of America as exempt from federal income
172 taxation pursuant to Section 501(c)(3) of the
173 Internal Revenue Code, as it be amended or
174 replaced from time to time; and
175

176 (2) The nonprofit tax-exempt community service
177 organization receives the use and benefit of the
178 admission taxes collected; and
179

180 (3) The nonprofit tax-exempt community service
181 organization identifies their nonprofit status in their
182 application for certificate of registration and
183 provides proof of same, as required by the director
184 of finance and administration.
185

186 (b) The city council provides such a rebate by
187 resolution that identifies the public benefit of the
188 use of the admission taxes collected and rebated to
189 the nonprofit tax-exempt community services
190 organization.
191

192 Section 4. If any provision of this ordinance or its
193 application to any person or circumstance is held invalid, the
194 remainder of the ordinance or the application of the provision to
195 other persons or circumstances is not affected.
196

197 Section 5. This ordinance shall be in force and effect five
198 days from and after its passage by the Kirkland City Council and
199 publication, as required by law.

200 Passed by majority vote of the Kirkland City Council in open
201 meeting this _____ day of _____, 2020.

202
203 Signed in authentication thereof this _____ day of
204 _____, 2020.

Penny Sweet, Mayor

Attest:

Kathi Anderson, City Clerk

Approved as to Form:

Kevin Raymond, City Attorney

PUBLICATION SUMMARY
OF ORDINANCE NO. 4726

AN ORDINANCE OF THE CITY OF KIRKLAND, AMENDING CHAPTER 5.12 OF THE KIRKLAND MUNICIPAL CODE RELATING TO ADMISSIONS TAX AND NONPROFIT TAX EXEMPT PERFORMING ARTS ORGANIZATIONS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

SECTION 1. Amends Kirkland Municipal Code ("KMC") Section 5.12.010 adding a definition for "Nonprofit tax-exempt performing arts organization."

SECTION 2. Adds a new KMC Section 5.12.140 related to admissions tax rebates for nonprofit performing arts tax-exempt organizations.

SECTION 3. Adds a new KMC Section 5.12.145 related to admissions tax rebates for nonprofit tax-exempt community service organizations.

SECTION 4. Provides a severability clause for the ordinance.

SECTION 5. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as five days after publication of summary.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the _____ day of _____, 2020.

I certify that the foregoing is a summary of Ordinance 4726 approved by the Kirkland City Council for summary publication.

Kathi Anderson, City Clerk



CITY OF KIRKLAND
Planning and Building Department
123 5th Avenue, Kirkland, WA 98033
425.587.3600 - www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Tony Leavitt, Senior Planner
Adam Weinstein, Planning and Building Director

Date: June 2, 2020

Subject: Market Street Dental Clinic (1009 Market Street) Variance Appeal, File No. VAR18-00070

RECOMMENDATION

Consider the appeal of the Hearing Examiner's approval of a variance for the Market Street Dental Clinic located at 1009 Market Street and take one of the following actions:

1. Direct Staff to return to the July 7, 2020 Council meeting with a final resolution to:
 - Affirm the decision of the Hearing Examiner;
 - Reverse the decision of the Hearing Examiner; or
 - Modify the decision of the Hearing Examiner.
2. In the alternative, direct that the application be considered at a rehearing before the Hearing Examiner and specify the issues to be considered at the rehearing.

In lieu of a decision on July 7, the City Council may, by a vote of at least five members, suspend the rule to vote on the matter at the next meeting and instead vote on the appeal at the June 16, 2020 meeting. A resolution affirming the decision of the Hearing Examiner is enclosed. Staff recommends that City Council affirm the decision of the Hearing Examiner.

Rules for City Council Consideration

The City Council must consider the appeal based on the decision of the Hearing Examiner. The appeal will be a closed record appeal, meaning that the scope of the appeal is limited to the specific factual findings and conclusions disputed in the letter of appeal, and City Council may only consider arguments on these factual findings and conclusions. The appeal will be considered only on the record developed in the hearing before the Hearing Examiner and no new evidence may be presented.

Only those persons entitled to appeal the decision under Kirkland Zoning Code (KZC) 150.80(1) who file an appeal under KZC 150.80(2) may participate in the appeal. The applicant may also submit a written response to an appeal filed by an appellant, regardless of whether the applicant filed an appeal.

The person filing the appeal has the responsibility of convincing the City Council that the Hearing Examiner made an incorrect decision because of erroneous findings of fact or conclusions.

The City Council may continue their consideration if, for any reason, they are unable to receive all of the comments on the appeal or if City Council determines that they need more information within the scope of the appeal. If, during City Council's consideration, the time and place of the next consideration of the matter is announced, no further notice of that consideration need be given.

BACKGROUND DISCUSSION

Project Proposal

At 1009 Market Street, the applicant is proposing to construct an approximately 5,000-square-foot dental office building with two floors of parking below (see Enclosure 1). The subject property is triangular and is bordered on all three sides by a City street, each of which requires a 20-foot front yard setback (pursuant to KZC 51.10.030). The proposal includes a variance request to allow the reduction of the three required front yard setbacks. The 3rd Street West setback would be reduced to 7.5 feet, the 10th Avenue West setback would be reduced to 15 feet, and the Market Street setback would be reduced to 0 feet.

Public Hearing

The Hearing Examiner held a public hearing for the variance application on January 30, 2020. City Staff, the applicant, and multiple neighbors testified during the hearing. Neighbors brought up concerns about impacts to traffic, vehicular sight distance, neighborhood character, and parking. All of the neighbors that testified requested that the variance be denied. In order for the City to properly address sight distance issues, the Hearing Examiner held the record open until February 13 to allow for a staff response and additional public comments. The Hearing Minutes are included as Enclosure 2. An audio recording of the hearing can be accessed here:

[http://www.kirklandwa.gov/depart/planning/Boards and Commissions/Hearing Examiner Meeting Information/hem.htm](http://www.kirklandwa.gov/depart/planning/Boards_and_Commissions/Hearing_Examiner_Meeting_Information/hem.htm)

Variance Criteria

KZC Section 120.20 states that a variance can be granted only if:

1. The variance will not be materially detrimental to the property or improvements in the area of the subject property or to the City in part or as a whole; and

2. The variance is necessary because of special circumstances regarding the size, shape, topography, or location of the subject property, or the location of a preexisting improvement on the subject property that conformed to the Zoning Code in effect when the improvement was constructed; and
3. The variance will not constitute a grant of special privilege to the subject property which is inconsistent with the general rights that this code allows to other property in the same area and zone as the subject property.

Hearing Examiner Decision

On February 21, 2020, the Hearing Examiner approved the application subject to the conditions outlined in the report (see Enclosure 3). The Hearing Examiner concluded the following:

- With the required landscaping, buffering, Design Review, and improved pedestrian circulation, there is no material detriment to the property or area improvements, or to the City more generally.
- The variance is necessary due to the site's unique triangular shape, constrained size, and the code treatment of such a site, which requires not one, but three front yard setbacks.
- Granting a variance would not result in a grant of special privilege.

Appeal of Hearing Examiner's Decision

On March 11, 2020, Nicole MacKenzie, Kenneth MacKenzie, Mark Fosdale, Lisa James, Melissa Thirloway, Barbara Loomis, and Paul Quincoses (all Parties of Record) filed a timely appeal of the Hearing Examiner's Approval Decision (see Enclosure 4).

The appellants make the following claims in their appeal:

- The City Transportation Engineer's analysis did not adequately account for the angle of the intersection, and was not consistent with the City's written Policy R-13.
- A viable commercial use may be feasible without a zero-foot setback along Market Street, and that any evidence presented to support the staff conclusion that it would be difficult to develop the site without reduced setbacks was insufficient.
- Eliminating the Market Street setback would be out of character with the area.
- The project is not consistent with the Market Street Corridor Plan.
- There is material detriment to the property or area improvements, or to the City more generally, that all three variances are not necessary and the design for this commercial building utilizes a minimum deviation from the code.

Additional Written Arguments

KZC Section 150.90.1 allows the applicant and appellants to submit written arguments to the City Council prior to the commencement of the City Council's consideration of the appeal. On June 3, Nicole and Kenneth MacKenzie (Appellant) and Craig Chaney (Applicant) submitted written arguments for the City Council's consideration. The letters are included as Enclosure 5 (Appellant Letter) and Enclosure 6 (Applicant Letter).

Staff Analysis of Appeal

KZC 150.100 requires that staff prepare an analysis of the specific factual findings and conclusions disputed in the letter of appeal. Staff provides the appeal items as presented in the appeal letter (Enclosure 4) and an analysis of those items below.

Appellant's Challenge to Finding of Fact 1.6 [Transportation Analysis]

Appellant Claim: "The Hearing Examiner finds that the City's Transportation Engineer's supplemental sight line analysis accounted for "the angle of the Market Street/10th Avenue West intersection" and that the "measurements were made consistent with how Public Works measures sight distance for other projects." The Hearing Examiner quotes from the City Transportation Engineer's analysis and states "that analysis credibly details how the project sight lines were reviewed consistent with City Public Works traffic policy."

We [appellants] dispute that the City Transportation Engineer's analysis accounted for the angle of the intersection or was properly applied or was consistent with the City's written Policy R-13."

Staff Analysis: During the Public Hearing, the appellants brought up vehicular sight distance around the project as a safety concern. In response to the issues brought up during the hearing, Thang Nguyen (Transportation Engineer) provided a response and additional analysis (see Enclosure 3, Exhibit K). The Hearing Examiner reviewed the response memo and concluded the project does not have an impact on sight distance.

Mr. Nguyen has reviewed the appellants' claims and provides the following analysis:

Appellants contend the City should have used the sight distance adjustment provided for in the City code for "skewed intersections." But an adjustment of the sight distance triangle length for a skewed intersection only applies to an intersection that does not have a stop sign control and where the travel path is increased by more than 12 feet due to the skewed angle of the intersection. In regard to the Market Street and 10th Avenue West intersection, the travel path is increased by less than 2 feet due to the skewed angle of the intersection and 10th Avenue West has a stop sign control at Market street. As a result, the adjustment for a skewed intersection does not apply to this intersection and Staff's analysis of the sight distance is consistent with the City's intersection sight distance policy.

Appellant's Challenge to Finding of Fact 1.9 [Feasibility of Development]

Appellant Claim: "The Hearing Examiner quotes the Staff Report, which made the claim that the small triangular lot and the height restrictions "makes the development of a viable commercial property within the standard setbacks unfeasible" and that "the owner has determined that they require 5000 sf office space for development of this site to be viable." The Hearing Examiner finds that "variances are a necessity for a viable commercial use," citing the Applicant's statement regarding Variance Criteria which claimed that without the zero foot setback on Market Street, "the lot remains unbuildable due to the inequitable cost per square foot, as has been demonstrated by the past several failed attempts at developing the subject property."

We [appellants] dispute that a viable commercial use is not feasible without a zero foot setback on Market Street. We further dispute that any evidence was presented to support a finding that the past prior approved developments failed."

Staff Analysis: The Hearing Examiner concluded that the front setbacks along the three adjacent rights-of-way make the development of a viable commercial property unfeasible and that the variances are necessary. While the word "feasible" is not included in the City's variance requirements, we believe this relates to the second criterion for approving a variance, which states that the variance is "necessary because of special circumstances regarding the size, shape, topography, or location of the subject property[.]" Here, this unusual property suffers from unusual restrictions due to its size, shape and location – all of which result in it being required to have front yard setbacks on all three of its triangular sides.

The applicant testified during the hearing that a 5,000 square foot building is needed on the site to make the project viable as a commercial dental building. To accommodate this size of structure on the site, front yard setback variances are required along all three property lines. The project has been designed to minimize impacts on neighboring residential properties by orienting the building towards Market Street and maintaining a 15-foot setback along 10th Avenue West and a 7.5-foot setback along 3rd Street West with landscape buffers.

The applicant testified and provided a written statement (see Enclosure 3, Exhibit A, Attachment 9) that the past project proposals for the property contained insufficient building space. The lack of building space did not justify the cost of development and prevented the completion of several past development attempts. A variance was approved for the site back in 2003 and the property has been owned by 3 different property owners in the past 17 years. The fact that the site has not been developed during that time supports a finding that previously approved developments were unable to move forward because of limitations imposed by the development regulations that applied to the site.

Appellant's Challenge to Finding of Fact 1.12 [Impacts on Character]

The Hearing Examiner found that eliminating the Market Street setback would not be out of character with the area. Again, the evidence does not support such a finding. As the only property on Market Street outside of the Historic Downtown district between

5th Ave. W and 7th Ave. W with a zero foot setback, it would necessarily be out of character with the surrounding areas.

Staff Analysis: The Hearing Examiner found that eliminating the Market Street setback would not be out character with this area, which is intended for pedestrian oriented commercial uses. As part of the Staff Advisory Report, Staff noted that the City's Design Guidelines for Pedestrian-Oriented Business Districts apply to the Market Street Corridor. The guidelines require that all building fronts along sidewalks have pedestrian-friendly features including transparent or decorative windows, public entrances, and treatment of blank walls. The applicant's current design is a result of working with Staff to address design regulations applicable to the project. The current design includes pedestrian oriented spaces, blank wall treatments, and parking garage screening treatments. Staff will conduct a full Administrative Design Review (ADR) as part of the Building Permit application, which would ensure a high-quality design. The applicant has not applied for or received ADR approval at this time because the applicant wishes to establish the potential building envelop through the variance process first.

As noted in the record by the applicant (as part of Enclosure 3, Exhibit A, Attachment 9) and by Staff in the Staff Advisory Report (Enclosure 3, Exhibit A and Exhibit C), the building is similar in size to two neighboring office projects and the zero foot setback from Market Street is consistent with several buildings south of the subject property along Market Street (around 8th Avenue) that have zero foot setbacks. These buildings, due to their high-quality design, are compatible with the greater Market Neighborhood even with no setbacks from Market Street. In walkable, commercial-oriented neighborhoods, small or no setbacks are desirable to promote street-level interest and a sense of enclosure.

The subject property is surrounded on all three sides by rights-of-way and none of the adjacent residential properties share a common property line with the property. This results in 60 feet of separation between the subject property and the low density uses located to the northwest and southwest. East of the subject property is Market Street, an 80-foot wide right-of-way. As a result, the unique triangular shaped site will continue to provide significant openness around the perimeter with the significant public rights-of-way on all three sides in addition to the setbacks that will be maintained along the northwest and southwest property lines. Therefore, the variances would not compromise the character of the Market neighborhood.

Appellant's Challenge to Finding of Fact 1.14 [Appropriate Design]

Appellant Claim: "The Hearing Examiner observed that the property is within a mixed commercial/residential corridor as described in the Market Street Corridor Plan. She found that the project "has been reviewed for traffic impacts and is designed consistent with Plan policies which support addressing sight distance and pedestrian safety, to ensure efficient and safe traffic flow" and the project is "consistent with the Plan and responds appropriately to the site and surrounding community."

"We [appellants] dispute that the evidence supports these findings."

Staff Analysis: In their appeal letter, the appellants do not provide specific examples or evidence supporting their claim, making it difficult for Staff to provide a specific analysis. However, as part of the Staff Advisory Report, Staff concluded that the Market Street Corridor goals and policies in the City's Comprehensive Plan emphasize the importance of minimizing impacts from higher intensity development adjacent to single family development (Enclosure 3, Exhibit A). The Hearing Examiner explicitly found that the Comprehensive Plan (i.e., the Market Street Corridor Plan) supports a mix of higher intensity uses while minimizing impacts on adjacent residential neighborhoods. The project is oriented towards Market Street to minimize impacts on neighboring residential properties and will be reviewed to comply with applicable design requirements. The proposed landscape buffers and subsequent Administrative Design Review will additionally help mitigate building design impacts from the office use on the adjacent single family uses.

Public Works concluded that the project complies with all traffic, sight distance and pedestrian safety requirements and the Hearing Examiner agreed. As noted previously, Public Works Staff provided a memo that summarized the City's review of these issues.

Appellant's Challenge to Conclusion of Law 2.1 [Detriment to Surroundings]

Appellant Claim: "The Hearing Examiner concludes "there is no material detriment to the property or area improvements, or to the City more generally." We [appellants] dispute this conclusion.

The Hearing Examiner further concludes "the variance is necessary due to the site's unique triangular shape, constrained size, and the code treatment of such a site, which requires not one, but three front yard setbacks." (Emphasis added.) We [appellants] dispute the conclusion that the Applicant sought a single variance (implied in the statement "the variance") and the conclusion that all three variances are necessary.

Additionally, the Hearing Examiner concludes "the design for this commercial building is the minimum necessary, given the landscape buffer, setback, and parking requirements imposed." We [appellants] dispute this conclusion."

Staff Analysis: The Hearing Examiner concludes the following in Conclusion of Law, section 2.1 to support the finding that the variance would not have adverse effects on the surroundings of the project site:

- *With the required landscaping, buffering, Design Review, and improved pedestrian circulation, there is no material detriment to the property or area improvements, or to the City more generally. While the Market Street setback is eliminated, the commercial building is oriented toward Market Street, will provide a better transition than the current vacant lot, and the building has been designed to facilitate pedestrian activity. The landscaped buffers on the other two sides address use change and provide for compatibility between the uses.*
- *The variance is necessary due to the site's unique triangular shape, constrained size, and the code treatment of such a site, which requires not one, but three*

front yard setbacks. This is due to the three rights-of-way on all sides, resulting in 20-foot setbacks on all sides. On a more standard site, side yards would be closer to five feet. As one of only three similarly situated sites within the City, one of which is a park, these do constitute special and unique circumstances.

- *Granting a variance would not result in a grant of special privilege. As the Department documented, two neighboring sites which are less constrained, and developed for office use, have greater development intensities and cover a higher percentage of the lot. With gross floor area for office use limited to 5,000 square feet, this is a minimally sized office building. As detailed in the findings, the design for this commercial building is the minimum necessary, given the landscape buffer, setback, and parking requirements imposed.*

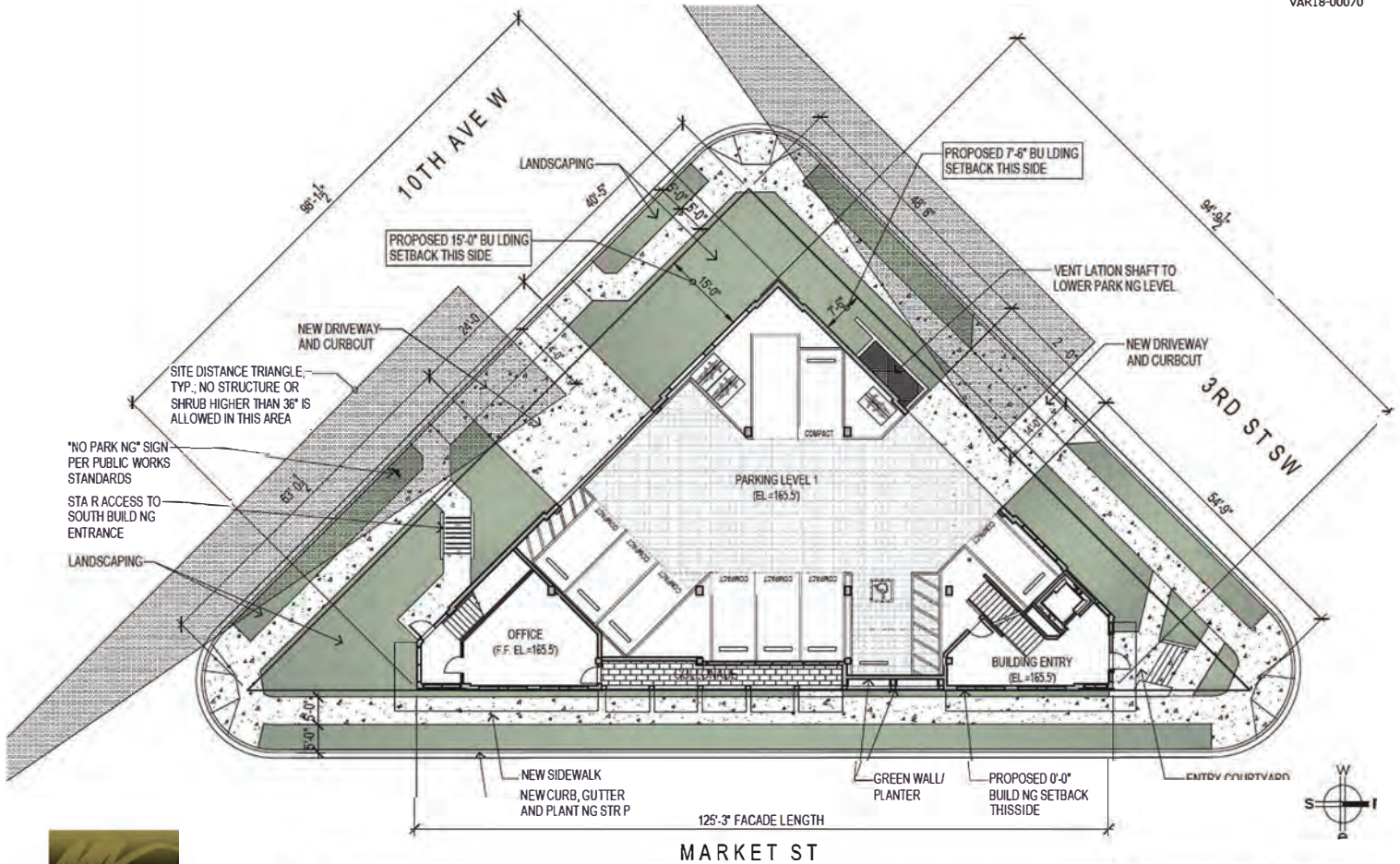
The appeal letter disputes the Hearing Examiner's conclusion that the project is not materially detrimental. But the appeal letter fails to provide any specific impact(s) that will be materially detrimental to the surrounding neighborhood or City. After review of the extensive record including Staff's response to public comments and concerns, the Hearing Examiner concluded that there was no evidence to support a conclusion that the project would be materially detrimental to neighbors or the City.

The Hearing Examiner is very clear in her decision that the zoning permit application is for three setback variances (see Findings of Fact Section 1.1). As noted in her conclusion, she is responding to the specific variance criteria as established in KZC Section 120.20.

As stated previously, the applicant testified that the design was the minimum necessary to make the project viable. The appellants provide insufficient evidence to counter this argument and do not propose any modification that would make the project smaller and still viable. While the appellants express displeasure with this project, they do not provide sufficient testimony or evidence to support their claims that it does not meet the City's variance criteria and all other applicable aspects of the City's codes.

ENCLOSURES

1. Development Plans
2. Hearing Minutes from January 30, 2020
3. Hearing Examiner Decision and Exhibits
4. Appeal Letter
5. Written Arguments from Nicole and Kenneth MacKenzie, Appellant
6. Written Arguments from Craig Chaney, Applicant



MERRICK LENTZ ARCHITECT
 ARCHITECTURE - PLANNING
 12815 NE 126th Place · Kirkland, WA · 98034

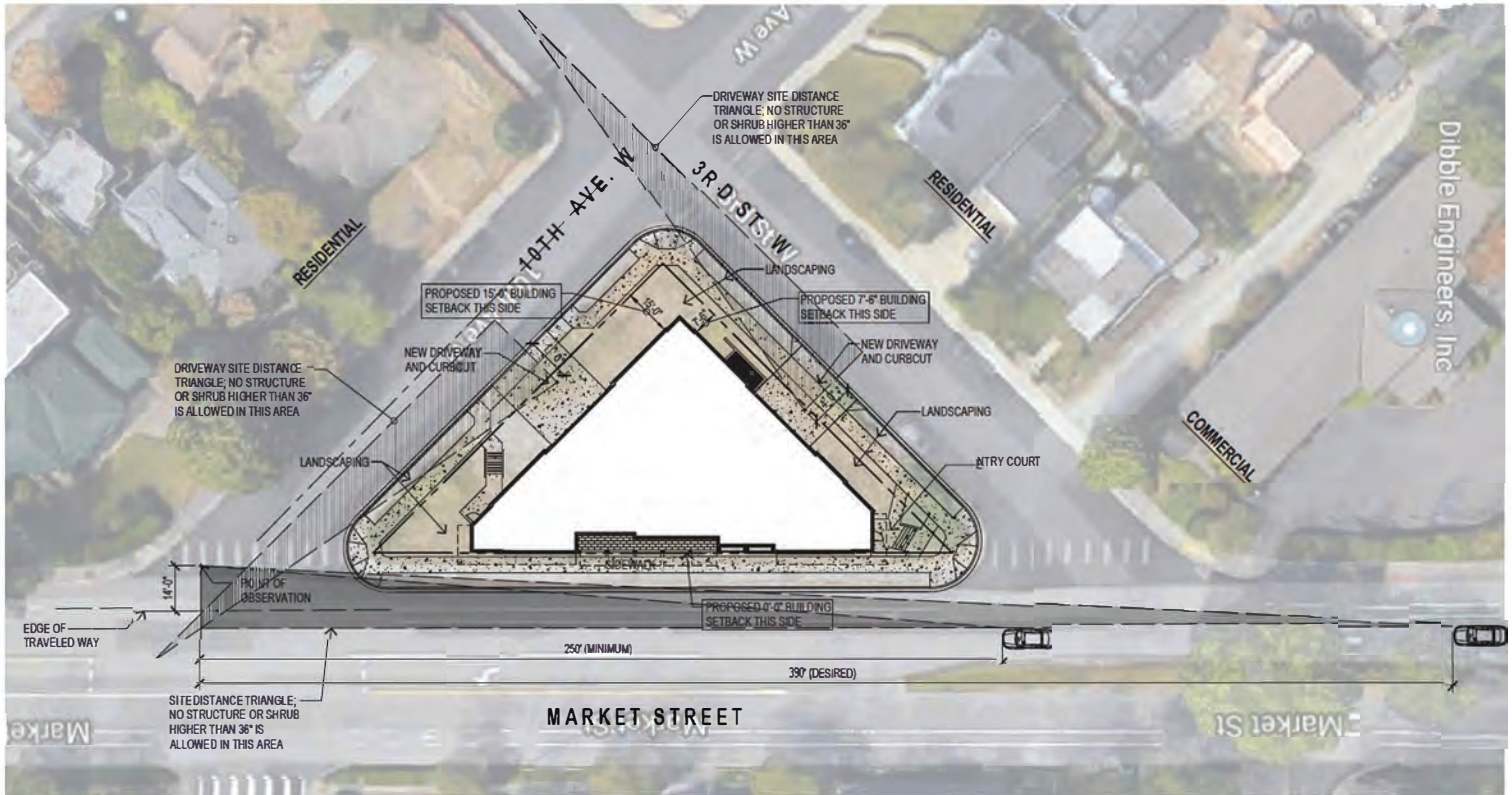
Project Name: Market Street Dental Clinic Variance - Rev 2.1

Description: Schematic Site Plan

Date: 12/2/19
 Scale: 1/16" = 1'-0"

Drawing Number: VAR1.1

VAR18-00070



Dibble Engineers, Inc

Note: Sight Distance Diagram based on City of Kirkland Policy R-13 - Intersection Sight Distance

MERRICK LENTZ ARCHITECT
 ARCHITECTURE - PLANNING
 12815 NE 128th PLACE, KIRKLAND, WA 98034

Project Name: **Market Street Dental Clinic Variance - Rev 2.1**

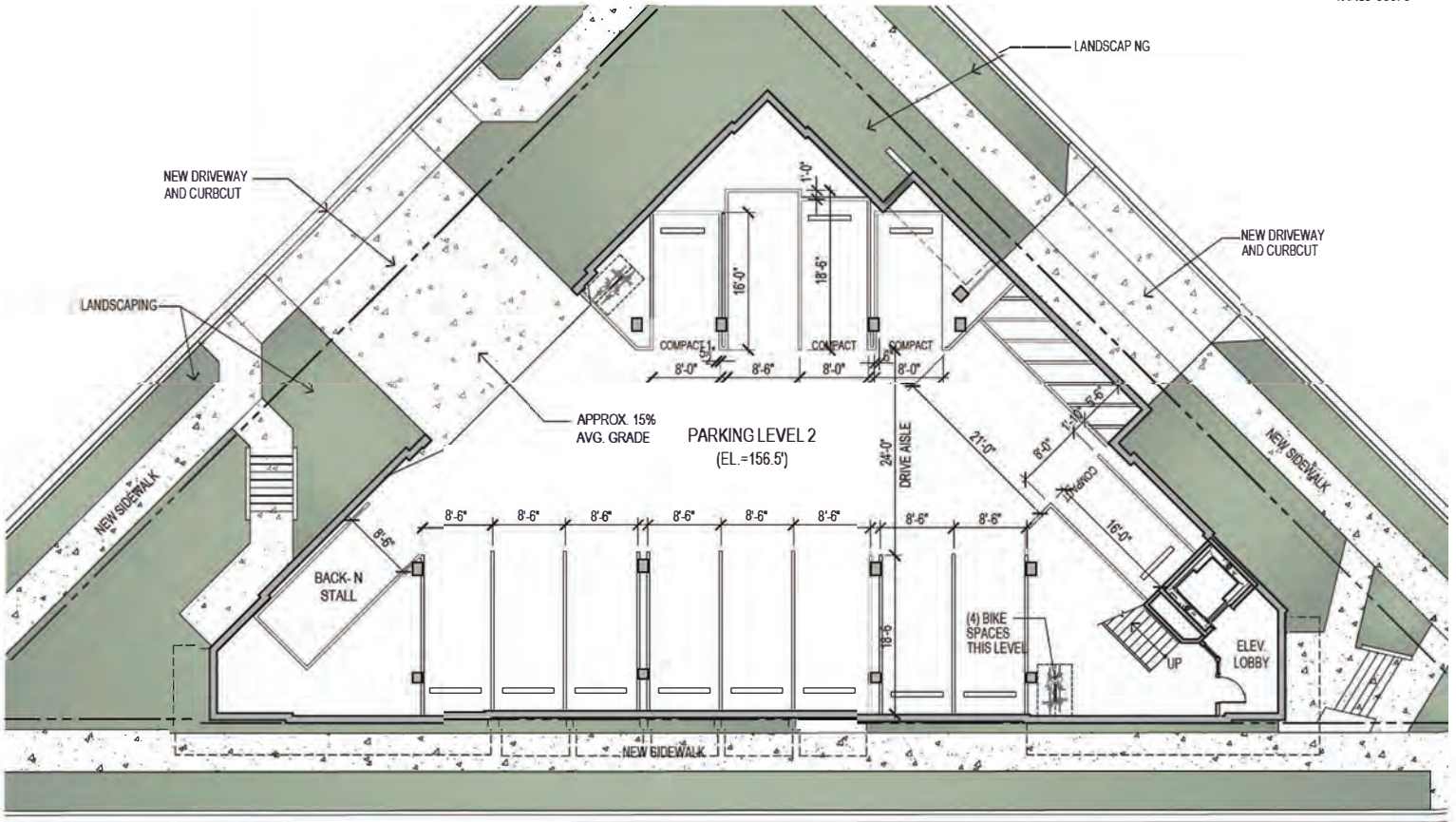
Describe: **Site Plan - Sight Distance Diagram**

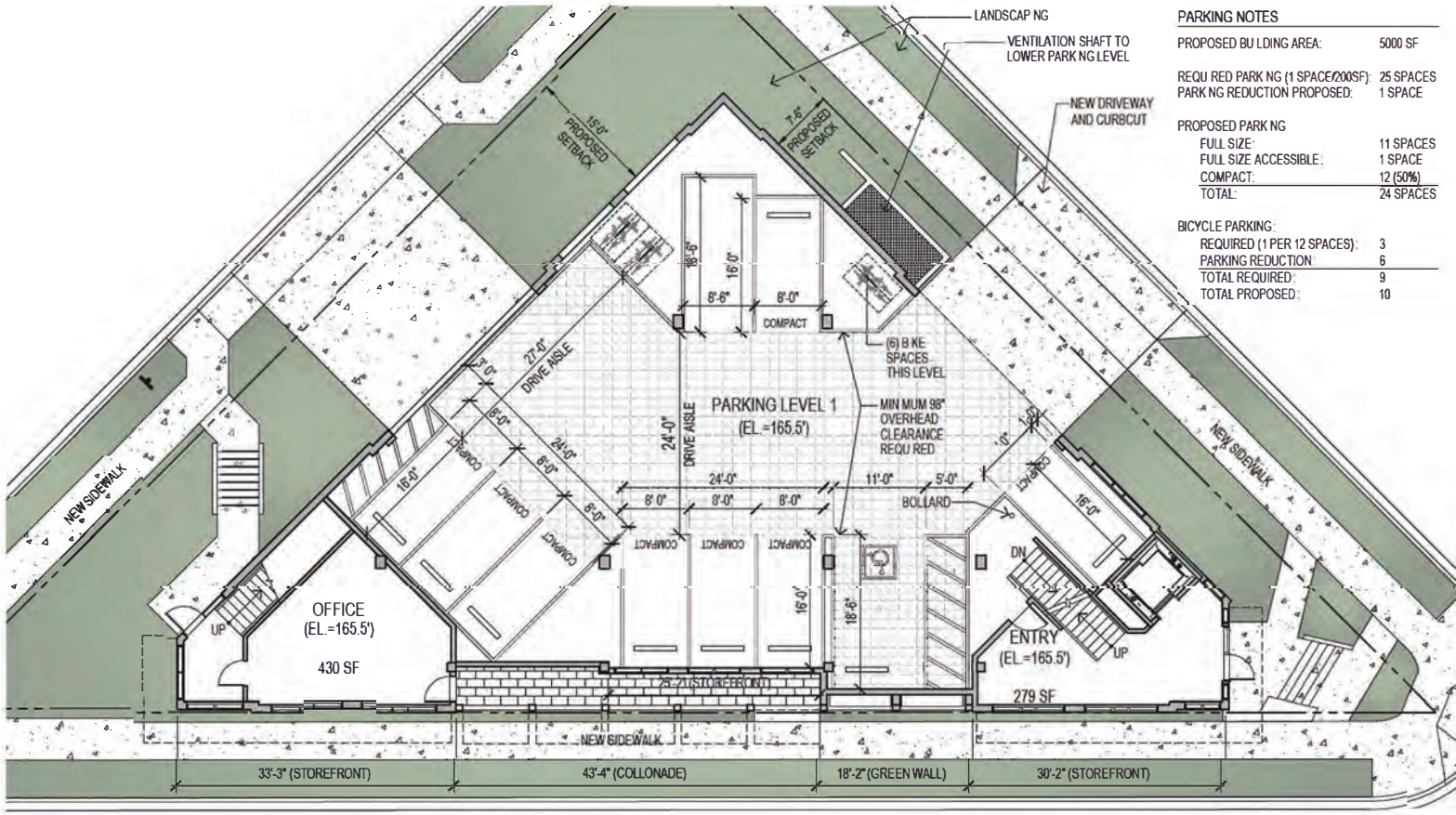
Date: 12/2/19
 Scale: 1/16" = 1'-0"

Drawing Number: **VAR1.2**



VAR18-00070





PARKING NOTES

PROPOSED BUILDING AREA:	5000 SF
REQUIRED PARKING (1 SPACE/200SF):	25 SPACES
PARKING REDUCTION PROPOSED:	1 SPACE
PROPOSED PARKING	
FULL SIZE:	11 SPACES
FULL SIZE ACCESSIBLE:	1 SPACE
COMPACT:	12 (50%)
TOTAL:	24 SPACES
BICYCLE PARKING:	
REQUIRED (1 PER 12 SPACES):	3
PARKING REDUCTION:	6
TOTAL REQUIRED:	9
TOTAL PROPOSED:	10

VAR18-00070



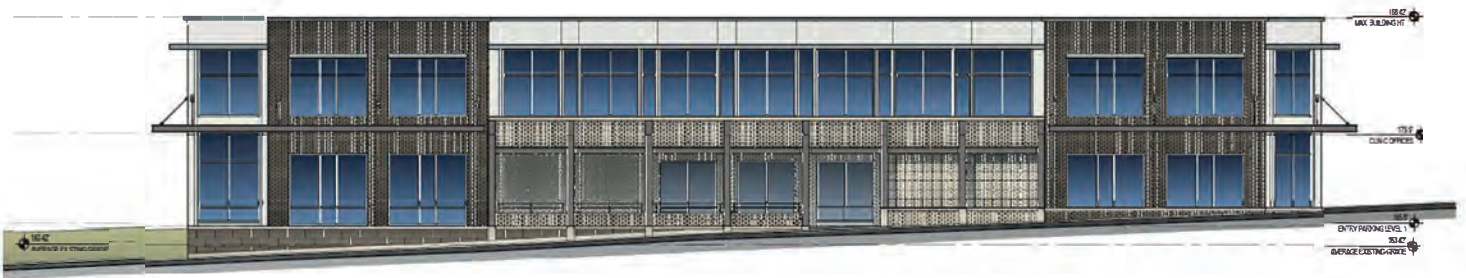
Project Name:
Market Street Dental Clinic Variance - Rev 2.1

Description:
Plan - Clinic Level

Date: **12/2/19**
Scale: **3/32" = 1'-0"**

Drawing Number:
VAR2.3

VAR18-00070



Market Street Elevation



Third Street Elevation



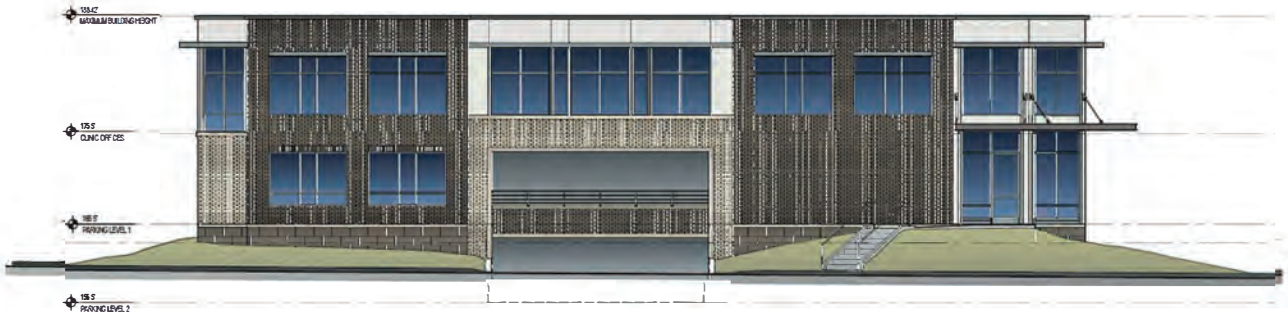
Project Name:
Market Street Dental Clinic Variance - Rev 2.1

Description:
Schematic Building Elevation

Date: 12/2/19
Scale: 3/32" = 1'-0"

Drawing Number:
VAR3.1

VAR18-00070



Tenth Avenue Elevation

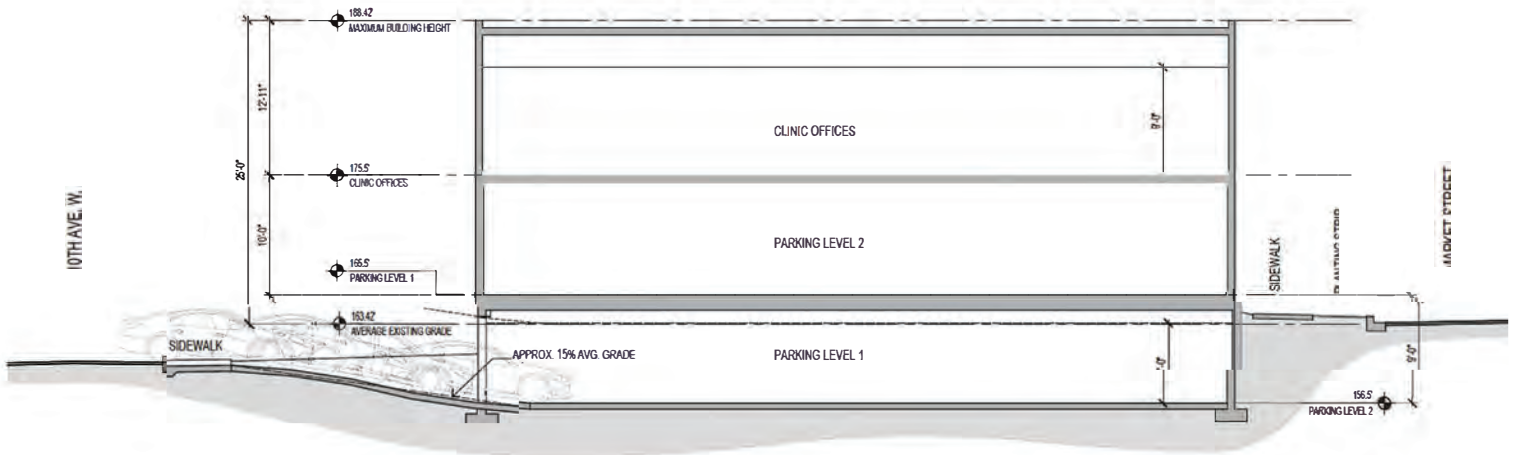


Project Name:
Market Street Dental Clinic Variance - Rev 2.1

Description:
Schematic Building Elevation

Date: 12/2/19
Scale: 3/32" = 1'-0"

Drawing Number:
VAR3.2



Project Name: **Market Street Dental Clinic Variance - Rev 2.1**

Description: **Schematic Building Section**

Date: **12/2/19**
Scale: **1/8" = 1'-0"**

Drawing Number: **VAR4.1**

VAR18-00070



Project Name:
Market Street Dental Clinic Variance - Rev 2.1

Description:
Renderings

Date: 12/2/19
Scale: 3/32" = 1'-0"

Drawing Number:
VAR5.1

VAR18-00070




MERRICK LENTZ ARCHITECT
ARCHITECTURE - PLANNING
12815 NE 126th Place, Kirkland, WA - 98034

Project Name:
Market Street Dental Clinic Variance - Rev 2.1

Description:
Renderings

Date: 12/2/19
Scale: 3/32" = 1'-0"

Drawing Number:
VAR5.2

VAR18-00070



Project Name:
Market Street Dental Clinic Variance - Rev 2.1

Description:
Renderings

Date: 12/2/19
Scale: 3/32" = 1'-0"

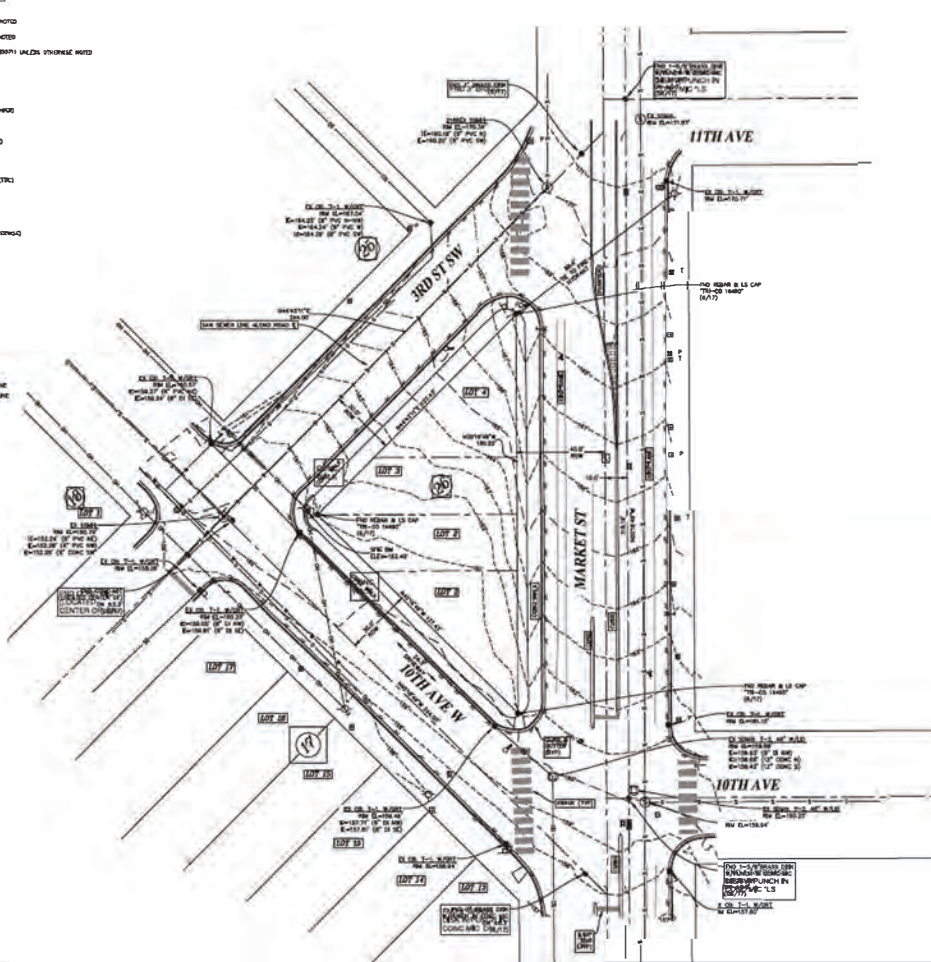
Drawing Number:
VAR5.3

BOUNDARY AND TOPOGRAPHIC SURVEY

VAR18-00070
ATTACHMENT 2

LEGEND

- FOUND CONCRETE MONUMENT AS NOTED
- SET UP REBAR/CP OR 1/2" DIA
- CONCRETE MONUMENT OR AS NOTED
- SET THE LINE
- SET THE LINE WITH BENCH MARKS/STAKE
- FOUND CONCRETE MONUMENT AS NOTED
- SET UP REBAR/CP OR 1/2" DIA
- CONCRETE MONUMENT OR AS NOTED
- SET THE LINE
- SET THE LINE WITH BENCH MARKS/STAKE
- FOUND CONCRETE MONUMENT AS NOTED
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- SET UP REBAR/CP OR 1/2" DIA
- CONCRETE MONUMENT OR AS NOTED
- SET THE LINE
- SET THE LINE WITH BENCH MARKS/STAKE



BASIS OF BEARINGS
HELD A BEARING OF NORTH 01°45' WEST BETWEEN MONUMENTS FOUND IN MARKET STREET.

REFERENCES
KIRKLAND ADDITION, VOL. 6, PP. 53-47, BOOK OF PLATS RECORDS OF KING COUNTY, WA.
RECORD OF SURVEY, RECORDED IN VOLUME 302, PAGE 195, UNDER KING COUNTY REC. NO. 201308900024.

NOTES
INSTRUMENTATION FOR THIS SURVEY WAS A TOPCON 05-103 TOTAL STATION.
PROCEDURES USED WERE FIELD OBSERVATION, MEASUREMENT OR EXISTING STANDARDS SET BY MAC 322-1-30-090
THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT PURPORT TO SHOW ALL EXISTENTS OF RECORD, OR OTHERWISE F.A.M.T.

LEGAL DESCRIPTION
LOTS 1, 2, 3 AND 4, BLOCK 25, KIRKLAND ADDITION, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 6 OF PLATS, PAGE 56, IN KING COUNTY, WASHINGTON.

VERTICAL DATUM - NAVD83
CITY OF KIRKLAND BENCHMARK UTILIZED: 84 ELEV. 420.05'

THE BENCHMARK: TOP OF A REBAR ON THE EAST FACE OF A UTILITY POLE NEAR THE WEST CORNER OF THE PROPERTY. TIN ELEV. 162.49'

BOUNDARY AND TOPOGRAPHIC SURVEY
PORTION OF THE SE 1/4 OF THE NE 1/4 OF SEC. 6, T29N, R9E, W14E.
ASSETS AND DATA PROVIDED BY: [unreadable]

KIRKLAND FAMILY DEBTISTRY
1009 MARKET ST. KIRKLAND, WA
TEL: 360-880-2055
WWW.KFDC.COM

ALL Land Surveying
Professional Corp.
1701 1st Ave NW
Seattle, WA 98107
TEL: 206-464-1111
WWW.ALLSURVEYING.COM





KIRKLAND HEARING EXAMINER
January 30, 2020

1. CALL TO ORDER (7:00 PM)

Members Present: Susan Drummond - Pro Tem Hearing Examiner.

Members Absent: None.

Staff Present: Jon Regala - Planning Supervisor, Tony Leavitt - Senior Planner, and Jeannie Dines - Recording Secretary.

2. PUBLIC HEARINGS (7:00 PM)

A. 1009 Market Street Variance

Hearing Examiner Pro Tem Susan Drummond opened the hearing at 7:00 PM. She provided the file number, VAR18-00070 and address, 1009 Market Street. She entered the Staff Report with Attachments 1-9 as Exhibit A.

She referred to a request on January 20 from Richard Aramburu, who represents Nicole and Kenneth MacKenzie, to delay the hearing and her response that hearing dates are established by staff due to noticing requirements.

Ms. Drummond advised that Mr. Aramburu and she are opposing counsel in another jurisdiction on a long term planning matter that likely will not be in litigation for a couple years. That did not affect her ability to hear this matter.

Ms. Drummond described the hearing procedures and established presentation times. There were no other procedural questions.

Ms. Drummond swore in Senior Planner Tony Leavitt. Mr. Leavitt submitted public comments received since drafting of the staff report and a copy of his PowerPoint presentation which Ms. Drummond entered as Exhibits B and C respectively.

Mr. Leavitt reviewed the proposal; proposed site plan; history of the site; public comment regarding driveway and intersection sight distance, traffic and parking impacts on neighboring streets, and building impacts on neighboring residential uses; environmental (SEPA) and traffic concurrency reviews; and zoning requirements.

Mr. Leavitt reviewed the variance request; variance criterion 1, 2, 3 and staff conclusions;

Process IIA permit criteria and staff conclusions. Staff recommends approval of the setback variance with conditions:

- Compliance with zoning permit plans
- Recording of landscape buffer agreement
- Parking restriction along 10th Ave W
- Landscape restriction in sight distance triangles

Applicant

Ms. Drummond swore in Craig Chaney, Merritt Lenz Architect. Mr. Chaney reviewed the proposed project, site conditions, site setbacks and proposed setbacks, proposed site plan, parking plan, elevations, building section, building exterior study, Market Street frontage, site access and circulation, Market Street sight distance, and variance criteria.

Mr. Cheney responded to Ms. Drummond's questions. She requested the name and address of the property owner. Mr. Cheney provided his PowerPoint which Ms. Drummond entered as Exhibit D.

Public Comment

Ms. Drummond swore in each speaker before they provided testimony.

1. Barb Loomis, Kirkland, strongly objected to the request for three variances. She submitted written comment that Ms. Drummond entered as Exhibit E.
2. Ms. Loomis read a letter from Mark Fosdal, Kirkland (included in Exhibit B), objecting to the proposed project.
3. Nicole MacKenzie, Kirkland, objected to this proposal and described several concerns with the project. She requested the variances be denied. Ms. Drummond entered Ms. McKenzie's PowerPoint as Exhibit F.
4. Ken MacKenzie, Kirkland, provided a printout from the King County Assessor's website with a timeline of the property purchases and the building permits which Ms. Drummond entered as Exhibit G. Mr. MacKenzie described his objections to the proposed project.
5. Lisa James, Kirkland, was opposed to the requested variances.
6. Melissa Thirloway, Kirkland, echoed the comments opposing the variances. She submitted written comments which were entered as Exhibit H.
7. Kathryn Grindeland, Kirkland, was opposed to the variances.
8. Jeff Thirloway, Kirkland, was opposed to the variances.
9. Paul Quincoses, Kirkland, was opposed to granting the variances.

Mr. MacKenzie requested the section of the Comp Plan that addresses the Market Street Corridor be included in the record. Ms. Drummond entered it as Exhibit I.

Ms. Loomis recommended the City purchase the property and create a pocket park.

Mr. Chaney responded to the public comments and Ms. Drummond's questions.

Mr. Leavitt addressed the public comments. He recommended the record remain open for two weeks to allow the traffic engineer to address issues raised regarding sight distances and the traffic barriers on 3rd Street.

Ms. Drummond swore in Planning Supervisor Jon Regala. Mr. Regala responded to public comment.

Ms. Drummond advised the record will remain open until 5:00 PM on February 13, 2020. She will issue a decision within eight calendar days from the close of record.

3. ADJOURNMENT (8:31 PM)

**CITY OF KIRKLAND HEARING EXAMINER
FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION**

**Market Street Dental Clinic Variance
VAR 18-00070**

February 21, 2020

1. FINDINGS OF FACT

1.1 Proposal. The project is a 25-foot tall building with one floor of medical/office space and two parking levels, one below ground. The building is proposed on a graveled, vacant lot. Originally developed with a single family home, the house was demolished, and the site has been vacant for years.

The site is unusual. The lot is an 8,120 square foot triangle, with City streets on all three sides. When setbacks are applied, 22% of the site, or about 1,749 square feet, is left.¹ This is due to the adjacent City streets. All are treated as front yards, requiring 20-foot setbacks from all lot lines. This contrasts with the typical lot, with a single front yard setback, and two side yard setbacks.² Due to the lot's irregular shape, constrained size, and limited buildable area, the Applicant requested a zero-lot line along Market Street and setback reductions from 20 feet to 7.5 feet on 3rd St. W., and to 15 feet on 10th Ave. W.

1.2 Applicant and Location.

Applicant: Craig Chaney, Merrick Lentz Architect
12815 NE 126th Place, Kirkland, WA
Site Address: 1009 Market Street, Kirkland, WA

1.3 Hearing. A hearing was held on January 30.³ The City of Kirkland Planning and Building Department summarized the proposal. The Department summary was followed by an Applicant presentation and public comment. Public comment is summarized below. The record was kept open through February 13, at Department request, and to allow for additional citizen input.

1.4 Exhibits. The Examiner admitted these exhibits without objection:

- Exhibit A: Staff Report, with Attachments 1-9
- Exhibit B: Public Comments (Mr. Aramburu, Mr. Fosdal, Mr. and Ms. Harris, Ms. Hunt, Mr. Nickerson)

¹ The Planning Department calculated 1,753; the Applicant, 1,749. Exhibits C, D. Either way, the percentage left is 22%.

² Here, five foot minimums, but totaling 15 feet together.

³ Before the hearing, a neighbor, through counsel, requested hearing rescheduling based on counsel availability. The Examiner explained that while she may continue a hearing once convened, or keep the record open, the Department schedules hearing dates on permit matters. Exhibit B (Correspondence from counsel for Mr. and Ms. MacKenzie, January 20, 2020); Examiner's e-mail response on January 22 and 23, 2020.

- Exhibit C: Power Point, Planning Department
- Exhibit D: Power Point, Applicant
- Exhibit E: Comment, Ms. Loomis (January 30, 2020)
- Exhibit F: Power Point, Mr. and Ms. MacKenzie
- Exhibit G: King County Dept. of Assessments, Data
- Exhibit H: Comment, Mr. and Ms. Thirloway (January 30, 2020)
- Exhibit I: Comprehensive Plan, Market Street Corridor Section
- Exhibit J: Comment, Mr. and Ms. Thirloway (February 4, 2020)
- Exhibit K: Department Traffic Engineer Analysis (February 13, 2020)
- Exhibit L: Comment, Mr. and Ms. MacKenzie, Enc. 1-7 (February 11, 2020)
- Exhibit M: Comment, Ms. Loomis (February 13, 2020)

1.5 Hearing Testimony, Summary.

1.5.1 Citizen Comment.

Ms. Loomis strongly objected. She stated the proposal is for an oversized office building on a small lot, which would change the neighborhood character. She expressed concern about view corridor loss, and project inconsistency with other buildings, excepting the historic buildings with zero lot lines, all but one built in 1891. The proposal is dangerous for pedestrians, bikers, and cars. The left hand turn to go north on Market is impossible, except at very low volume times (early Sunday morning). She was concerned parking will be on street. This is based on her discussions and experience with a similar use, the Dibble building. Project design, mass, and scale is not consistent with the residential neighborhood. A Process IIA application must be consistent with development regulations and Comprehensive Plan (if there are not applicable development regulations), and with the public health, safety and welfare. The project is not. It may meet the goal of infill office development, but the project does not minimize impacts on adjacent neighbors, so should be denied.

Ms. Loomis then read a letter from Mr. Fosdal, at 1010 3rd Street W., at his request, as he could not be present. He had been approached by a couple gentleman and recalls signing a paper on January 3, 2017.⁴ After settling in and getting to the know the area, he now has reservations about the project. His experience with the Dibble building illustrates the parking issues. While his signature is notarized, he does not remember a notary being present.

Ms. MacKenzie supports parcel development, as long as it is consistent with the zoning code. This project is not, and presents materially detrimental impacts. She provided a power point presentation, which her presentation followed. She noted that the question of zero lot lines along Market Street was the subject of a public survey. The majority of those responding opposed the approach. The Market Street vision is consistent with the survey results. It provides for a leafy, comfortable, spacious mixed-use setting. Also, there are traffic safety issues with the proposal. This is a particular concern with rush hour traffic, and on days with reduced vision (due to light and weather), which exacerbate problems with judging distance and seeing bicyclists. Errors she identified included:

⁴ This was the consent to the requested variance. Exhibit A (Staff Report), p. 204 of packet.

- Errors in the sight line analysis, which measured sight lines from the wrong location, and inconsistent with City Policy R-13.
- Given the 5% grade, there should have been an adjustment to the sight lines, per R-13. That did not happen.
- There is a concern with the awning and landscaping encroaching into the required sight line.
- This is a “skewed” intersection (meaning one not at 90 degrees), yet no adjustment or allowance was made for that.
- There was an incomplete analysis of the 3rd Street driveway situation. The 35 MPH speed limit/45 degree turn causes danger to a car waiting to turn into the driveway.

She addressed project history from 2003 and previous variances granted. A Market Street front yard variance was not requested, just variances for the other two street setbacks. She then referenced a 2007 proposal.⁵ She stated that this prior permitting demonstrates a project could occur without a Market Street variance. Also, the recently developed Dibble building is set back, which better fits with the area vision.

Mr. MacKenzie provided information from the King County Assessor’s Office website on the property (Exhibit G). He emphasized that this is not a “commercial” area. The Market Street Corridor encourages a mix of uses, including residential. Within the Corridor, there are existing and planned uses which include multi-family, and some townhouse. The property was originally residential and is perfectly suitable for same, or mixed use. The property owner would have known about the setback constraints when the property was bought.

Ms. James stated she is against the variances as presented. She feels it would be detrimental to properties in the area. She has seen many negative impacts from the Dibble building due to its size. Parking is a key detrimental impact. She sees people parking on streets who are not local residents. Parking spaces are small in the Dibble building, so many customers park on the street. She noticed in this plan there are a lot of compact spaces, which would create a similar issue here. There is a significant road safety hazard on 3rd Street. There is a traffic barrier on 3rd to prohibit left turns. Yet, she sees people driving on the wrong side of the road onto the alley to access the Dibble parking lot. With that use, more delivery trucks come to the area; this will happen with this building. The other issue is noise. The larger a building, the louder an HVAC system. This has been a huge issue with the Dibble building. Also, 24-7 lighting comes from the building, creating light pollution. She would much rather see a single family home, like there once was, on this site.

Ms. Thirloway noted the many construction trucks which have used the vacant project sight as staging over the last 15 years. She expressed her respect for the earlier comments, which she supports. She does not have a lot to add, but has particular concern about 10th Avenue West, which will no longer be residential in nature. Parking along one side of the street will be gone. A spot on her side of the street is not available due to a fire hydrant, so with the project, space will be even more limited. She recalled that with the 2003 variance, there was a setback on 10th

⁵ Department staff later clarified that this was the same project, but at the building permit stage.

Avenue West, which specified that certain trees/bushes were required. She saw nothing in this presentation on that.⁶

Ms. Grindeland faces a similar situation to Mr. Fosdal. She relocated to the Market Neighborhood in August of 2016, and in 2017 was approached by property owners about consenting to the setback variance. She did not appreciate the impacts at the time. She is a single parent with young children, so is concerned about safety. With non-residents parking in the neighborhood, there is not sufficient space. She definitely oppose the variance.

Mr. Thirloway, a 40-year resident, has seen adverse change since the house came down. He has seen the variance go through twice. Construction crews prepared the site, and then stopped. Dirt was removed, and then put back due to sidewalk buckling. There have been three major protracted construction projects. There have been people at 6:30 AM with diesel engines idling and huge trucks parked on side streets. He is concerned about a “25 foot monolith” right in front of his home. The site has not been properly managed.

Mr. Quincoses has lived in the neighborhood for 14 years and has witnessed all these construction problems on the vacant lot. He is very concerned about the traffic patterns. There will be more employees and customers, and as seen with other buildings, then tend not to park in the parking garage. He would like to see adequate planning for how people really behave. He is also concerned about significant visual impacts, lighting impacts, and noise (as an example, the Dibble HVAC load has significant noise issues). His concerns are similar to other neighbors, and he hopes they will be addressed.

Mr. MacKenzie requested that the Kirkland Comprehensive Plan section addressing the Market Street Corridor be added to the record. It was added as Exhibit I.

Ms. Loomis had one follow up comment. She feels the City owes the neighborhood after putting an industrial use on the property for 2 ½ years, with all the trucks and the noise. She feels the City should buy the property and turn it into a pocket park.

1.5.2 Applicant Response to Citizen Comment. Mr. Chaney addressed the comments, many of which relate to traffic impacts and parking. He stated the proponent wants to be a good neighbor and is sensitive to community needs. The Dibble building was referred to a lot. That building is more than twice as large as the project. And, parking requirements for that space are about 40% lower. This project has to have almost twice as much. The Dibble building was required to have one space per 350 square feet. This project must have one space per 200 square feet. So, it provides significantly more parking per square foot. In the record and Staff Report there are reports from the traffic engineer and Applicant's traffic study determining the access points do not pose a significant conflict or safety concern. The left turn from 10th Avenue is not an easy turn, but the building is located so that it will not exacerbate the situation. Mr. Chaney detailed the various distances, and concluded that the building should not encroach into the sight triangle. Also, the analysis, including the diagram submitted by the transportation engineer, should be consistent with the City's R-13 Policy referenced in comment.

⁶ The Planning Department provided supplemental information on these requirements, consistent with the earlier Staff Report analysis.

1.5.3 Planning Department Clarifications. Mr. Leavitt provided background on the earlier permitting processes. The Hearing Examiner approved a variance in 2003, with building permit applications submitted in 2007. Typically, a zoning permit has a five year period of validity, and the 2007 permitting processes were implementing the earlier variance approval. Then, that building permit expired.

As for landscape buffers, what is being proposed is the same as what was outlined in 2003. Typically, the 15 foot buffer requires trees planted 20 feet on center and landscaping to fill that in. While not shown in plans, code compliant landscaping is required as a part of the building permit review.

During Ms. MacKenzie's presentation, she raised questions on how site distance was measured. As the City traffic engineer was not present, Mr. Leavitt asked for the opportunity for the engineer to review the material submitted and provide a memo. He requested that the record be kept open for two weeks to allow for that review.

Mr. Regala, the City of Kirkland Planning Supervisor, addressed the Dibble project. He stated that on noise, HVAC must meet certain decibel levels, so if there are concerns, citizens should feel free to submit an online complaint and the City can investigate and determine if baffling or other measures are needed. Lighting is the same because the City has adopted code requirements limiting lighting and glare. Regarding this project, these impacts will be reviewed during the building permit stage for code consistency.

1.6 Supplemental Sight Line Analysis. To address public comment on sight lines, the City's Transportation Engineer prepared supplemental analysis, which addressed project entry and exit (Exhibit K). The analysis accounted for Market Street grade (5%), the angle of the Market Street/10th Avenue West intersection (found to not affect sight distance looking north on Market Street), and the building awning (found to not obstruct sight distance as the sight distance triangle is outside the property line). The measurements were made consistent with how Public Works measures sight distance for other projects. The analysis concluded the variance will:

[H]ave no impact on the sight distance for vehicles entering Market Street from 10th Avenue West and that the proposed project driveways on 3rd Street West and 10th Avenue West have adequate site distance. ... The proposed building will have no impacts on existing sight distance conditions and will not create safety issues for vehicles accessing the site and driving on adjacent streets⁷

The analysis concluded that the measured sight distance on the Market Street/10th Avenue West intersection is over 500 feet, which exceeds the 275 foot minimum.⁸ The required stopping sight distance for a driver turning onto 3rd Street West from Market Street was also found to be exceeded, and to provide greater protection than the earlier (2002/2003) project. The measurements taken were illustrated through several figures, with the approach being consistent

⁷ Exhibit K (Supplemental Transportation Engineer Analysis), Cover Memo, p. 1.

⁸ Exhibit K (Supplemental Transportation Engineer Analysis), p. 3 ("Realistically, there is approximately another eight feet from the point of measurement for a driver to move forward to increase the sight distance without encroaching into the travel lane.").

with Public Works' standard practices. That analysis credibly details how the project sight lines were reviewed consistent with City Public Works traffic policy. The Department's analysis was prepared by a traffic engineer, with expertise in applying the City's adopted policies, including Policy R-13, which was attached to the engineer's memo. Technical analysis was also submitted from Mr. and Ms. MacKenzie, prepared by a transportation planning consultant.

The planning consultant took a different view. His position was that the site distance at 10th Ave. W./Market Street should be 412 feet, based on the need for turning traffic to cross two lanes (through lane and center left-turn lane) and should be measured 14 feet back from the traveled way. He added:

With no setback on Market Street, the proposed building comes right up to and may even interfere with the driver's line of sight. A more definitive determination requires more precise drawings than have been provided to date.⁹

These more precise plans will be submitted at the building permit stage. At that point, the Department will have the opportunity to compare its analysis against those plans, including confirming building plan consistency with Policy R-13. This should be added as a condition, to confirm this process will occur. The consultant also raised concerns about the "skewed intersection" and potential obstacles from the parking and landscaping.

While the city's "Design Guidelines for Pedestrian Oriented Business Districts" indicates that street trees should be considered for the west side of Market Street, the street slope and the planting strip's location within the sight triangle suggest that street trees would not be appropriate on this frontage since they could restrict sight-distance. These two factors compound the difficulty of all drivers obtaining a clear line of sight from the intersection's skewed angle. It would be prudent to prohibit parking along the project's frontage and to limit the height of landscaping to no more than 36" above grade.¹⁰

As was noted in hearing testimony from the Applicant's architect, Mr. Chaney, street tree location could change during final building permit review. However, language should be added to the above noted condition to ensure these considerations are accounted for in that review. And, while there are already parking restrictions in place, if anything additional is appropriate, added restrictions could be imposed at that juncture.

With respect to the 3rd St. W. driveway, the consultant recommended, "right-in/right-out only traffic flow," be considered as a condition. The stated rationale is that the driveway falls short of the 75-foot spacing from the adjacent intersection at Market Street. He added:

While analysis has shown sight-distance to be adequate at this driveway, the case of multiple arriving vehicles does not appear to have been tested. This problem

⁹ Exhibit L (Comment, Mr. and Ms. MacKenzie), Enc. 1, p. 1.
¹⁰ Exhibit L (Comment, Mr. and Ms. MacKenzie), Enc. 1, p. 2.

could be avoided by restricting the driveway's movements so that vehicles would not be pausing on 3rd Street after turning off of Market Street.¹¹

As the City's engineering analysis found adequate site-distance, this should not be imposed as a required condition. However, during building permit review, the Planning and Building Department should consider this concern, and may elect to impose such a requirement, or to reserve the option of imposing same, at a later date, if necessary. This should be clarified in the condition addressing these sight distance concerns. The new condition is probably not necessary, given the credibility of the City traffic engineer's analysis. However, the building permit submittals will have added detail, and it is reasonable to ensure that the City's analysis, as well as the identified concerns, are considered against those building plans.

1.7 SEPA. The project is exempt from SEPA and traffic concurrency reviews.¹²

1.8 Zoning: Site and Surrounding Area. The vacant, relatively flat lot is within the Market Neighborhood, and zoned Market Street Corridor, MSC 1, which provides for commercial use, and allows dental and medical offices outright. As a multi-story project, Administrative Design Review is required. Surrounding zoning and uses are:

- North: MSC 1 and RS 7.2 (multi-story office building and single family homes)
- West: RS 7.2 (single family homes)
- South: RS 7.2 (single family homes)
- East: MSC (office and multi-family)

1.9 Impact of Setback Requirements and Relationship with Market Street. If the 20-foot setbacks were applied on all three sides, that would leave a 1,749 square foot triangle, with the remaining 6,371 square feet unbuildable due to the setbacks.

This very small pad – with acute angles at 2 of the 3 corners – and the 25' height limit makes the development of a viable commercial property within the standard setbacks unfeasible. Further, the code places strong restrictions on parking in required yards, so the provision of parking in support of a commercial building further impacts the building limits. The owner has determined that they require 5000 sf of office space for development on this site to be viable, and has proposed modified buffers that provide just enough buildable area for that requirement. Even with the proposed setback adjustments limited to provide this buildable area the project will still require two floors of under-building parking to meet the City's parking requirements for the 5000 sf clinic.¹³

Given these restraints, variances are a necessity for a viable commercial use. The project has been designed to provide a transitions from Market Street to the residential area, while also allowing for reasonable use.

¹¹ Exhibit L (Comment, Mr. and Ms. MacKenzie), Enc. 1, p. 2.

¹² KMC 24.02.065; KMC 25.08.010; Exhibit C (Department Power Point), p. 7; Testimony, Mr. Leavitt.

¹³ Exhibit A (Staff Report), Attachment 6, p. 189 (Applicant Response to Public Comment, prepared by Mr. Chaney, the project architect).

Without this 0 foot setback on Market Street, the lot remains unbuildable due to the inequitable cost per square foot, as has been demonstrated by the past several failed attempts at developing the subject property. In its undeveloped state, the lot currently provides no buffer to neighboring residences from the noise and automobile headlights caused by traffic along Market Street. The requested variances, including the 0 foot request at Market St, would improve the residential buffer and protection from these elements, enhancing the transition from the commercial activity of Market Street to adjoining residential homes. ... As Policy MS-6.3 states, "commercial development which is oriented toward Market Street will have less impact on the adjacent low-density residential areas in the surrounding neighborhoods." A 0 foot setback on Market Street allows for an equitable development while limiting the setback variance needed along 10th Ave W that is adjacent to low density residential areas and where the neighbors prefer to keep the 15 foot landscape buffer.¹⁴

1.10 Landscape Buffer. A 15-foot wide landscape buffer is required along 10th Ave. W. and 3rd St. W., but not along Market Street, due to its principal arterial designation.¹⁵ The project includes the 15-foot buffer on 10th Ave. W, and a 7.5 foot buffer along 3rd St. W. This reduction is allowed administratively in various circumstances, including where there is neighboring property owner consent.¹⁶ With the setbacks/buffers, the structure would be 67.5 feet from properties along 3rd St. W, with the structures on those properties set back 18 and 13 feet. As authorized by code, the Department concluded that the landscape buffer along 3rd Street West is consistent with KZC Section 95.46.1 because the adjoining owners agreed in writing to the modification in and the "distance of development from the neighboring property decreases or eliminates the need for buffering."¹⁷

1.11 Written Public Comment. The initial public comment period ran for about a month in May/June of 2018. The Department addressed comments, which focused on three primary concerns, driveway and intersection sight distance; traffic and parking impacts; and, impacts on neighboring residential uses.

1.11.1 Site Distance and Driveway Access. The City's Transportation Engineer required a driveway variance to allow two access driveways (from 10th Ave. W. and 3rd St. W.) and to allow the driveways to be less than 75 feet from the adjacent intersections. Public Works approved the two driveways with conditions, including an on-street parking restriction on a portion of 10th Ave. W., and a limitation on structure and landscaping height to preserve sight angles. Public Works determined that as conditioned, the approach was consistent with Public Works Pre-Approved Plan Policy R-13, addressing sight distance for driveways and intersections.

¹⁴ Exhibit A (Staff Report), Attachment 9 (Application), p. 1 of Application, p. 209 of packet.

¹⁵ KZC 95.42 (Landscape Category C required in MSC 1 zone); Exhibit A (Staff Report), p. 6 of packet.

¹⁶ KZC 95.46.1; Exhibit A (Staff Report), p. 7 and Attachment 8.

¹⁷ Exhibit A (Staff Report), p. 7 of packet.

The Applicant also addressed public comments, including those on sight distance on Market Street to the north from the 10th Avenue stop sign. The Applicant noted a construction fence had been erected on the property. The fence was installed around the perimeter on the sidewalk's back side, and within Kirkland right-of-way, and is not consistent with where the building will be. The property line is 4'6" behind the back of the sidewalk along Market Street. The building's south end will be about 38' north of the back side of the sidewalk at the south intersection. The Applicant prepared a site distance analysis diagram based on Policy R-13 - Intersection Site Distance. The analysis showed "that the sight distance from the stopping area at 10th Avenue for Market Street traffic coming from the north not only exceeds the City's required minimum distance for a 35 mph street but exceeds the desired minimum distance as well, by several hundred feet."¹⁸

1.11.2 Traffic. The use is estimated to generate 19 trips during the PM peak hour. With two levels of parking served by separate driveways, each would generate less than ten trips during the PM peak hour when adjacent street traffic volume is highest. PM peak hour counts on 10th Ave. W. and 3rd St. W., are less than 30 trips for each street. The City's Transportation Engineer determined the traffic flow impact would not be significant.

1.11.3 Parking. The project will provide one stall per 200 square feet of gross floor area, with one space substituted for bike facilities, as allowed by code. 5,000 gross square (clinic level is 4,291 SF) would require 25 parking stalls. With secured bicycle storage, a 5% or 1.25 stall reduction is allowed.¹⁹ With 24 stalls, preliminary plans show compliance. Parking adequacy will be confirmed during building permit review.

1.11.4 Neighboring Residences. Along 3rd Street W., the setback would be reduced to 7.5 feet, with the adjacent neighbors previously agreeing to the approach. The setback on 10th Ave. W. would be 15 feet, with a landscape buffer of the same dimensions. While treated as a front yard, if viewed as a side yard, the setbacks would be closer to five-feet. The buffer areas will be landscaped, with trees planted at one per 20 linear feet, with deciduous trees of 2.5" caliper, and/or eight-foot coniferous trees installed. Shrubs are planted to attain 60% coverage within two years, and coupled with living ground cover, meeting code requirements.²⁰

The structure must also meet the City's Design Guidelines for Pedestrian-Oriented Business Districts. The Guidelines require that all building fronts along sidewalks have pedestrian-friendly features including transparent or decorative windows, public entrances, and treatment of blank walls. The design includes pedestrian oriented spaces, blank wall treatments, and parking garage screening treatments. Administrative Design Review will occur as part of the building permit application. Also, the triangular shaped site will continue to provide openness around the perimeter, given the public rights-of-way on all sides.

While subject to Design Review, the project architect, Mr. Chaney, further described the architectural features expected to ensure the building is compatible with the surrounding area and

¹⁸ Exhibit A (Staff Report), Applicant's Response to Public Comments, p. 190 of packet.

¹⁹ KZC 105.34.

²⁰ KZC 51.10 (Landscape Category C required in MSC-1 zone); KZC 95.42 (landscaping requirements).

supports pedestrian activity. This includes using building materials such as brick and steel, which would be modulated to add interest. This would be coupled with a green wall or landscape trellis wall, and stucco/glass, to activate the building front. Similar facades would be carried around the building. Steel awnings would be placed along the façade. The windows behind would have reduced visual transmittance, to reduce sight lines into the garage, but would not be reduced so much as to become a mirror. These measures would bring the scale of the building down and orient it toward the pedestrian.

1.12 Comparison with Other Projects. The site is one of three triangular shaped parcels with rights-of-way on all three sides within the City. The other two are developed with an office and a park (1715 Market and near 1300 Block of Market). The office is a legal nonconforming structure with a staircase and awning extending into the front yard setback, though on a much larger parcel with greater buildable area.

The office project is similar in size to two neighboring office projects developed on more standard lots. Neither project required a code variance, though with one, during design review, the front yard setbacks were reduced by four to six feet.²¹

Project	Gross Floor Area	Property Size	Prop. Size Percent
Project	5,000	8,120	61.58
1029 Market Office	11,931	15,001	79.54
312 11th Avenue	5,687	8,880	64.04

The Department mapped other buildings along Market Street, to illustrate the structures to the south directly fronting it.²² Eliminating the Market Street setback would not be out of character with this area, which is intended for pedestrian oriented commercial uses. Overall, the project would improve transitioning between the Market Street Corridor and residential areas.

1.13 Development Background. In 2003, a variance was granted for an office building which would have reduced setbacks to five feet and ten feet, with the Market Street setback maintained at 20-feet. The variances would have allowed a 4,200 square foot office building, but with only 14 parking stalls.²³ Building permits were applied for, but the project was never built.²⁴ Following these events, in 2017, the property owner secured consent from two neighboring residents, both on 3rd Street West, at 925 and 1010. The consent stated:

As neighbors to the undeveloped lot at 1009 Market Street, we would like to voice our approval of the proposed new building for Kirkland Family Dentistry. We have reviewed the architectural renderings and understand the proposed landscape barriers / setback variances to be 7.5ft at 3rd St W, 7.5ft at 10th Ave W, and 0ft at Market Street.

²¹ Exhibit A (Staff Report), pp. 10-11 of packet.

²² Exhibit C (Power Point, Department), p. 14.

²³ See earlier Decision at Exhibit A (Staff Report), Attachment 4, pp. 1 and 4 of Decision, pp. 37 and 40 of packet.

²⁴ Testimony, Mr. Leavitt.

We have growing concern over the noise and automobile headlight pollution in our neighborhood, and accordingly we support a 0ft setback at Market Street to provide a buffer from these problems

Due to the triangular shape of the lot and proposal of a parking structure that will inhibit the need for street parking, we encourage the aforementioned setback variances that are necessary to obtain the proper square footage for an equitable, owner-occupied dental office site.²⁵

1.14 Comprehensive Plan. The Plan supports a mix of higher intensity uses along the Market Street Corridor while minimizing impacts on adjacent residential neighborhoods.²⁶

The Market Street Corridor is an attractive, economically healthy area that accommodates neighborhood-oriented businesses, office uses and multifamily housing. The commercial uses provide convenient shopping and services for residents of both the Market and Norkirk Neighborhoods. The corridor is bounded by single-family residential neighborhoods to the north, east and west and a vibrant Central Business District to the south. Design of new development along the corridor incorporates landscaped buffers, site design and architectural treatments that complement and protect the adjacent residential neighborhoods.²⁷

The site is within this mixed commercial/residential corridor area. The site is designated for office-multifamily uses. Commercial development is encouraged to orient towards Market Street to reduce impacts on adjacent low-density residential areas. The project includes this orientation, and is coupled with Design Review, modulation, landscaping, sidewalk improvements, and other mitigation. It has been reviewed for traffic impacts, and is designed consistent with Plan policies which support addressing sight distance and pedestrian safety, to ensure efficient and safe traffic flow. With the Public Works review, and forthcoming Design Review, the project is consistent with the Plan and responds appropriately to the site and surrounding community.

1.15 Conditions/Staff Report. The Applicant did not object to the Staff Report's propose conditions, which should be included to ensure project consistency with code requirements, the Applicant's submittals, and these findings. Except as modified, that Staff Report is incorporated. As addressed above, a condition addressing the line of sight concerns should be added (Condition 5).

2. CONCLUSIONS OF LAW

2.1 The Hearing Examiner is authorized to review the requested variance.²⁸ The Applicant has the burden of proof.²⁹ To grant a variance, these criteria must be met.

²⁵ Exhibit A (Staff Report), pp. 202-207.

²⁶ Exhibit A (Staff Report), pp. 11-12; Plan Goal MS-2 and Policy MS-6.3.

²⁷ Exhibit I (Comprehensive Plan, Market Street Corridor), p. 1.

²⁸ KZC 120.10.

²⁹ KZC 150.45.

1. The variance will not be materially detrimental to the property or improvements in the area of the subject property or to the City in part or as a whole; and
2. The variance is necessary because of special circumstances regarding the size, shape, topography, or location of the subject property, or the location of a preexisting improvement on the subject property that conformed to the Zoning Code in effect when the improvement was constructed; and
3. The variance will not constitute a grant of special privilege to the subject property which is inconsistent with the general rights that this code allows to other property in the same area and zone as the subject property.³⁰

With the required landscaping, buffering, Design Review, and improved pedestrian circulation, there is no material detriment to the property or area improvements, or to the City more generally. While the Market Street setback is eliminated, the commercial building is oriented toward Market Street, will provide a better transition than the current vacant lot, and the building has been designed to facilitate pedestrian activity. The landscaped buffers on the other two sides address use change and provide for compatibility between the uses.

The variance is necessary due to the site's unique triangular shape, constrained size, and the code treatment of such a site, which requires not one, but three front yard setbacks. This is due to the three right-of-ways on all sides, resulting in 20-foot setbacks on all sides. On a more standard site, side yards would be closer to five feet. As one of only three similarly situated sites within the City, one of which is a park, these do constitute special and unique circumstances.

Granting a variance would not result in a grant of special privilege. As the Department documented, two neighboring sites which are less constrained, and developed for office use, have greater development intensities and cover a higher percentage of the lot. With gross floor area for office use limited to 5,000 square feet, this is a minimally sized office building. As detailed in the findings, the design for this commercial building is the minimum necessary, given the landscape buffer, setback, and parking requirements imposed.

2.2 General Zoning Criteria. Given the review process being used, the City Code also requires that these criteria be met:

- a. It is consistent with all applicable development regulations and, to the extent there is no applicable development regulation, the Comprehensive Plan; and
- b. It is consistent with the public health, safety and welfare.³¹

³⁰ KZC 120.20.

³¹ KZC 150.65.3.

City regulations, which fully regulate the proposal, are complied with. Even if applicable, as the findings articulate, the approval is consistent with the Comprehensive Plan, including the Market Street Corridor section; and, redevelopment of the site is consistent with the public health, safety, and welfare.

DECISION

The Hearing Examiner, pursuant to the above Findings of Fact and Conclusions of Law, approves the requested variance, subject to these conditions.

1. This application is subject to the applicable requirements contained in the Kirkland Municipal Code, Zoning Code, and Building and Fire Code. It is the responsibility of the applicant to ensure compliance with the various provisions contained in these ordinances. Exhibit A, Staff Report, Attachment 3, Development Standards, was provided to familiarize the applicant with some of the additional development regulations. This attachment does not include all of the additional regulations. When a condition of approval conflicts with a development regulation in Attachment 3, the condition of approval shall be followed.

2. As part of the application for a building permit, the applicant shall submit the construction plans demonstrating compliance with the approved zoning permit plans (*see* Exhibit A, Staff Report, Conclusion II.F.5).

3. Prior to issuance of the building permit, the applicant shall submit a signed agreement for the modification of the required landscape buffer as provided by the City (*see* Exhibit A, Staff Report, II.E.4).

4. Public Works Staff has reviewed the request for a driveway variance and approved the project driveways with the following conditions (*see* Exhibit A, Staff Report, Conclusion II.E.5):

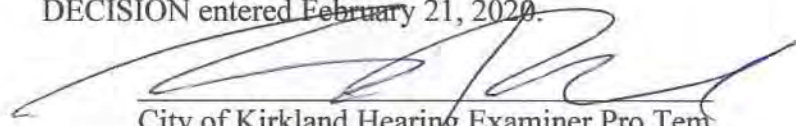
a. Paint the curb east of the project driveway red to restrict on-street parking east of the project driveway on 10th Avenue West.

b. All landscaping and structures within the sight triangles for both driveways must be no higher than three feet measured from the grade of the driveway located 14 feet back from the back of the sidewalk.

5. The Planning and Building Department shall review its traffic engineering sight line analysis against building permit plans, once submitted. As part of this review, the placement of street trees, vegetation height, and any need for parking restrictions along project frontage shall be considered. With respect to the project's 3rd Street W. driveway, the Planning and Building Department will consider whether a further restriction, such as a "right-in/right-out only traffic flow" is needed or appropriate, or whether the authority to impose such as condition should be reserved. *See* technical analysis in Exhibits K and L.

Unless timely appealed, this Decision is final.³²

DECISION entered February 21, 2020.



City of Kirkland Hearing Examiner Pro Tem
Susan Elizabeth Drummond

³² See KZC 150.80, which allows for appeal to the City Council, if a written appeal is properly made per code requirements within 14 days. The Staff Report (Exhibit A), at p. 12 of the packet, also notes these procedures.

Hearing Examiner Decision

Exhibit A, Staff Advisory Report and Attachments

<https://www.kirklandwa.gov/Assets/Planning/Planning+PDFs/Hearing+Examiner/1009+Market+Street+Variance+HE+Packet+01302020+--+VAR18-00070.pdf>

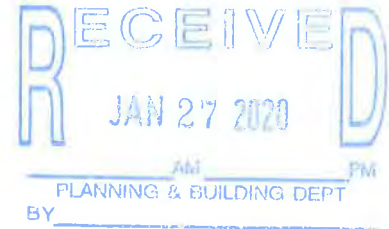
LAW OFFICES OF J. RICHARD ARAMBURU PLLC

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Telephone 206.625.9515
Facsimile 206.682.1376

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January 20, 2020

City of Kirkland Hearing Examiner
Planning & Building Department
123 5th Avenue
Kirkland WA 98033



Re: Market Street Dental Clinic Variance, File Number VAR18-00070
Hearing Scheduled for January 30, 2020

Dear Hearing Examiner:

This office has been contacted by Nicole and Kenneth MacKenzie, who reside at 236 7th Avenue West in Kirkland, regarding the above referenced variance request. The MacKenzies reside near the subject property and provided a detailed comment on this application on June 12, 2018, shortly after receiving the Notice of Application.

On January 16, 2020, the MacKenzies received a notice that the hearing on the variance request is scheduled for January 30, 2020; they have contacted me to represent them at this hearing. However, during the week of January 27, 2020 I will be relocating my office which will require a substantial effort, not allowing sufficient time for me to prepare for this hearing. Indeed, the short notice also severely limits preparation time for the MacKenzies, especially with an intervening holiday (Martin Luther King Day). Accordingly, my clients request the hearing on File No. VAR18-00070 be continued a brief time to allow adequate time to prepare for the hearing. Setting the hearing for February 20, 2010, a delay of only 21 days, would allow sufficient preparation time. This matter has been pending for more than a year and a half and allowing a brief continuance to allow an impacted community member to participate in the hearing does not appear to create substantial prejudice to the applicant.

Thank you in advance for your consideration of this request.

Sincerely,

J. Richard Aramburu

JRA:cc

cc: Nicole & Kenneth MacKenzie
Kurt Triplett, City Manager, ktriplett@kirklandwa.gov
Dawn Nelson, Planning Manager, dnelson@kirklandwa.gov
Susan Drummond, susan@susandrummond.com

Tony Leavitt

From: Mark Fosdal <mark.fosdal@gmail.com>
Sent: Thursday, January 30, 2020 1:56 PM
To: Tony Leavitt
Subject: Case Number VAR18-00070

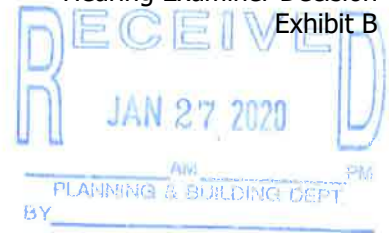
Tony,

In regards to the notice of hearing on Jan 30th to Case Number VAR18-00070, I would like to verbalize my concerns about this project. After I recently moved to the residence of 1010 3rd St W in Kirkland, I was approach by a couple gentlemen that explained the project and recall signing a paper on Jan 3rd, 2017. After settling in and getting to know the area, I have reservations about the building project in the lot across my street regarding the new expansion of the building as well as the lack of parking this will provide for both its customers and the employees. The access cars on our streets (with the Dibble Engineering buliding recently finished) and the the street parking has was not a factored in when I had the initial discussion on Jan 3rd. I would ask this project not move forward with the present plans in place.

I will be away tonight on a business trip so I cannot attend the meeting but can certainly stop by for a more formal discussion if needed. Thank you again for your time and effort with this project.

Regards,

Mark Fosdal



January 21, 2020

Kirkland Hearing Examiner
123 5th Avenue
Kirkland, WA 98033

Subject: Case Number VAR18-00070, 1009 Market Street

We live at 526 10th Avenue West, Kirkland. My wife and I access Market Street at the intersection of 10th Avenue West and Market Street daily. With extremely heavy traffic starting as early as 6 AM and extending well past 6 PM, entering Market Street requires patience, luck and drivers willing to "let you in to traffic".

In 2019, The City of Kirkland allowed the property at 1009 Market Street to be used as a construction staging area for an extended period. During this time, construction vehicles parked on Market Street, blocking views of Market traffic, looking to the north. The City also allowed the contractor to install eight-foot-high construction fencing at the edges of the property, further blocking vision of on-coming vehicles. Even in ideal circumstances, drivers have an extremely short period to identify traffic flow and speeds and then merge in to the traffic from 10th Avenue West on to Market Street. This gave us a clear idea of what it would be like to have a zero set-back on Market Street.

We are adamantly against reducing the set back on Market Street from 20 feet to 0 feet. By allowing this, the City of Kirkland will be creating a driving hazard and a dangerous condition to all drivers exiting 10th Avenue West on to Market. The City is under no obligation to maximize the property owner/builders building footprint to allow for greater square footage.

As the Kirkland Hearing Examiner, we request that you require the original 20-foot set-back as per the original zoning.

Sincerely,

Patrick and Shannon Harris

526 10th Avenue West

Kirkland, WA 98033

PGHarris58@aol.com

425-822-2478

Tony Leavitt

From: Liz Hunt <liz@starwhite.net>
Sent: Wednesday, January 29, 2020 12:30 PM
To: Adam Weinstein; Tony Leavitt
Cc: Liz Hunt
Subject: VAR18-00070 - MARKET STREET DENTAL CLINIC VARIANCE

To: Tony Leavitt, Senior Planner
To: Adam Weinstein, Director of Planning and Building
To: Kirkland Hearing Examiner

<NOTE: PLEASE FORWARD TO THE HEARING EXAMINER; I AM UNABLE TO FIND AN EMAIL ADDRESS FOR THAT ROLE.>

I have a question concerning the variance for the property at 1009 Market St:

Will the owner of the property compensate the City (and the neighborhood?) for the increase in value to the property if the requested setback reductions are allowed?

Thank you.

Liz Hunt
Resident
1704 8th St W
Kirkland, WA 98033

Tony Leavitt

From: Mark Nickerson <markni@outlook.com>
Sent: Wednesday, January 29, 2020 3:58 PM
To: Tony Leavitt
Subject: RE: January 30, 2020 Hearing Examiner Meeting

Mr. Leavitt:

Including parking studies, neighborhood comments, etc. from 2002 is not relevant, that's 17-18 years ago. The Hearing Examiner has to wade through 165 pages before she gets current commentary from the neighborhood. Your information packet is definitely misleading.

Please forward this e-mail to the Hearing Examiner.

Thank you,
Mark

From: [Tony Leavitt](#)
Sent: Wednesday, January 29, 2020 3:46 PM
To: [Mark Nickerson](#)
Subject: RE: January 30, 2020 Hearing Examiner Meeting

Mark,

The staff report includes information from the 2002 for reference (pages 37-165). The project did not require a traffic review since the project is exempt from SEPA.

The Hearing Examiner will base her decision on the decisional criteria after reviewing the packet and comments presented at tomorrow's meeting.

Tony Leavitt, Senior Planner

City of Kirkland Planning and Building Department
123 5th Avenue; Kirkland, WA 98033
Phone: 425.587.3253
Fax: 425.587.3232

tlevitt@kirklandwa.gov

Work Hours:

M-F: 7am to 3:30pm

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GIS mapping system now available to public at <http://maps.kirklandwa.gov>

From: Mark Nickerson <markni@outlook.com>
Sent: Friday, January 24, 2020 8:52 AM
To: Tony Leavitt <TLeavitt@kirklandwa.gov>
Cc: Shailene Dahl <SDahl@kirklandwa.gov>
Subject: FW: January 30, 2020 Hearing Examiner Meeting

Thank you. I think my e-mail of 2/7/2019 proposes a good compromise. I'm concerned that no one is watching out for the best interests of the entire neighborhood.

From: [Tony Leavitt](#)
Sent: Friday, January 24, 2020 7:29 AM
To: [Mark Nickerson](#)
Cc: [Shailene Dahl](#)
Subject: RE: January 30, 2020 Hearing Examiner Meeting

Mr. Nickerson,
Your initial comments are included (see Pages 169 thru 171 of the packet). I did just find an email that you sent on 2/7/19 that I will enter into the record and forward to the Hearing Examiner for her review before the hearing. You can also submit additional comments up until the close of the hearing or testify at the hearing. Thanks.

Tony Leavitt, Senior Planner
City of Kirkland Planning and Building Department
123 5th Avenue; Kirkland, WA 98033
Phone: 425.587.3253
Fax: 425.587.3232
tleavitt@kirklandwa.gov
Work Hours:
M-F: 7am to 3:30pm

“Kirkland Maps” makes property information searches fast and easy.
GIS mapping system now available to public at <http://maps.kirklandwa.gov>

From: Mark Nickerson <markni@outlook.com>
Sent: Thursday, January 23, 2020 6:01 PM
To: Shailene Dahl <SDahl@kirklandwa.gov>
Cc: Tony Leavitt <TLeavitt@kirklandwa.gov>
Subject: Re: January 30, 2020 Hearing Examiner Meeting

I submitted several e-mails objecting to the variances. I don't see that my objections have been registered and noted in your report. I think you need to amend your report and postpone the hearing making sure your report is inclusive.

Thank you,
Mark E. Nickerson
307 10th Ave West, Kirkland

From: Shailene Dahl <SDahl@kirklandwa.gov>
Sent: Thursday, January 23, 2020 2:21:17 PM
Cc: Tony Leavitt <TLeavitt@kirklandwa.gov>
Subject: January 30, 2020 Hearing Examiner Meeting

Attached for your information are the agenda and meeting packet for the January 30, 2020 Hearing Examiner Meeting regarding the 1009 Market Street Variance, File Number VAR18-00070.

If you have any questions, please contact **Senior Planner, Tony Leavitt at 425-587-3253 or tleavitt@kirklandwa.gov**.

Thank you,

Shailene Dahl 

Office Specialist
Planning & Building Department
City of Kirkland
425-587-3238

NOTICE: This e-mail account is part of the public domain. Any correspondence and attachments, including personal information, sent to and from the City of Kirkland are subject to the Washington State Public Records Act, Chapter 42.56 RCW, and may be subject to disclosure to a third party requestor, regardless of any claim of confidentiality or privilege asserted by an external party.

Tony Leavitt

From: Mark Nickerson <markni@outlook.com>
Sent: Thursday, February 07, 2019 8:12 AM
To: Tony Leavitt
Subject: RE: Market Street Variance

Dear Mr. Leavitt:

I didn't receive the report that you mentioned in your e-mail of January 25th and I unfortunately, I won't be able to attend tonight's hearing. Please accept this e-mail has my position to be read into the record at tonight's hearing.

Adverse impact on values of surrounding residences: I purchased my home relying on the zoning restrictions and setback requirements of the City of Kirkland. In turn, the purchaser of 1009 Market Street was fully aware of those restrictions and requirements at the time of his purchase. For the City to now grant substantial variances to setback requirements such that a massive office building could be built is wrong. The City would be prioritizing the value of the 1009 Market Street over the surrounding residences. The City needs to act in the interest of the entire neighborhood.

I understand that in September 2002, the City granted limited setback variances to the then owner of the property such that a 4,200 SQF office building could be built. I think that is a good compromise and the City should not grant the current application for variances on all three sides such that a 5,400 SQF office building could be built.

Increased traffic: There is substantial traffic and speeding at the intersection of 3rd West Street and 10th Avenue West. I have called this issue to attention of the City a number of times. Granting the application for a large building means more traffic. Once again, this is not in the best interest of the entire community.

Illegal uses of the property: The current owner of the property has been cited for zoning infractions on his property. Most recently, in October 2018, he used his property as a waste transfer station. (The Code Enforcement group of the City can provide you with the details.) For me, this sets the tone for any representation of the owner or his architect that he concerned about the neighborhood. He is merely trying to maximize the value of this property. The City acting for the entire neighborhood should just tell him "No" to his application.

Please let me know if you have any questions.

Thank you,
Mark E. Nickerson
307 10th Avenue West

Market Street Dental Clinic Variance
Permit No VAR18-0070
1009 Market Street

I want to express my opposition to the proposed setback variances for the above property. I live on 10th AVE West and am concerned that the proposed setbacks will reduce sightlines critical for cars entering safely onto Market St. Additionally, I am concerned that the proposed parking for a building that size would not be adequate and the overflow cars would park on our street, which is already congested.

Sincerely,

A handwritten signature in cursive script that reads "Sandy Roberts". The signature is written in black ink and is positioned above the typed name and contact information.

Sandy Roberts
315 10th AVE W
Kirkland WA 98033
Roberts.family@frontier.com

Market Street Dental Clinic Variance

Public Hearing
January 30, 2020
File No. VAR18-00070



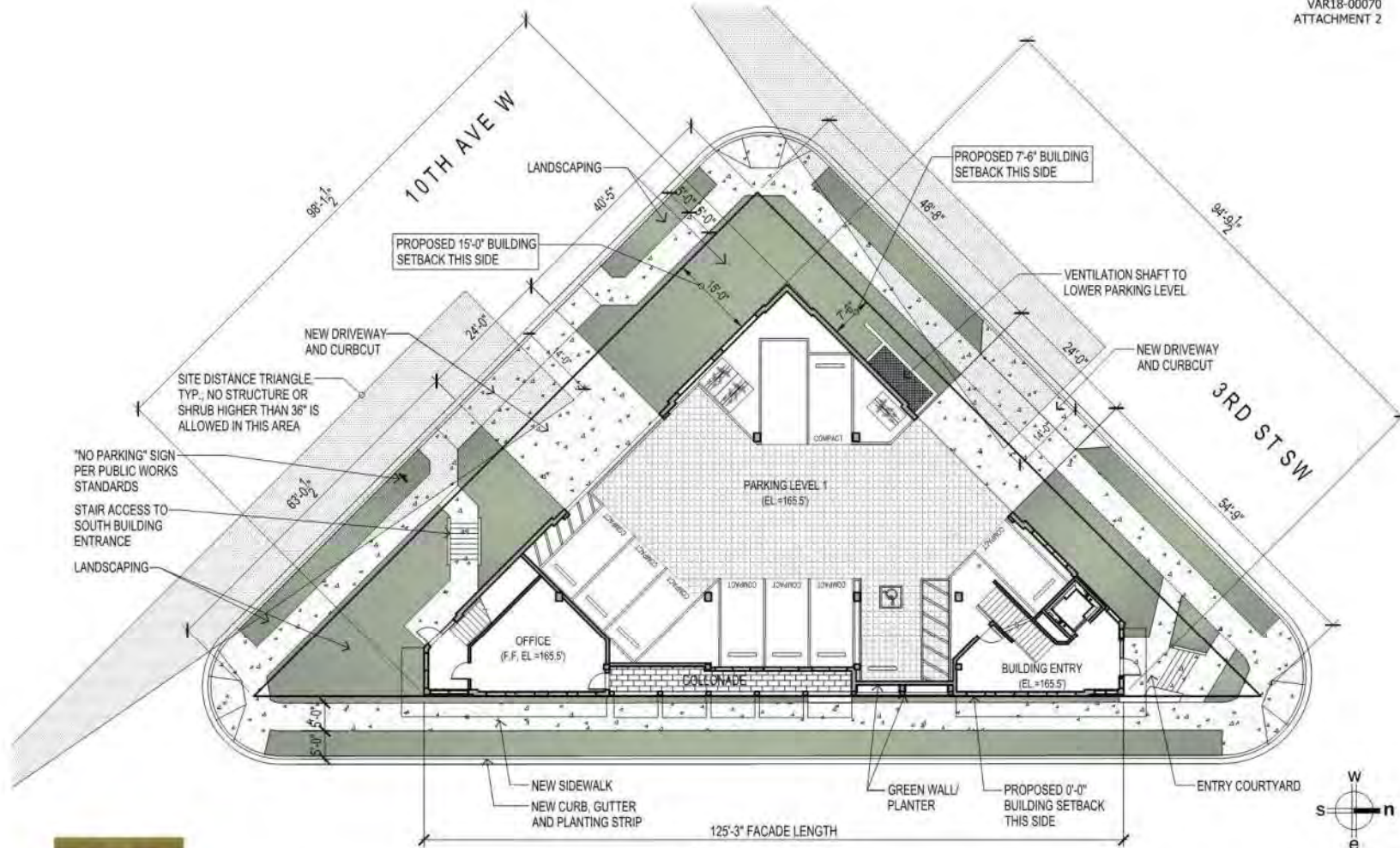
Proposal

- Variance to allow the reduction of the three required front yard setbacks.
 - 3rd Street West setback reduced from 20 feet to 7.5 feet
 - 10th Avenue West setback reduced from 20 feet to 15 feet
 - Market Street setback reduced from 20 feet to 0 feet
- Proposed office structure would be 5,000 square feet plus two levels of parking below.
- Parking garage entrances from 3rd and 10th needed to access each parking level.
- Landscape Buffer Reduction along 3rd Street West



Proposed Site Plan

VAR18-00070
ATTACHMENT 2



MERRICK LENTZ ARCHITECT
ARCHITECTURE PLANNING
12815 NE 126th Place · Kirkland, WA · 98034

Project Name:
Market Street Dental Clinic Variance - Rev 2.1

Description:
Schematic Site Plan

Date: 12/2/19
Scale: 1/16" = 1'-0"

Drawing Number:
VAR1.1



History of Site

- Variance Approved in 2003
 - Reduced 3rd Street West setback to 5 feet
 - Reduced 10th Avenue West setback to 10 feet
 - No reduction of Market Street Setback but had a below grade parking garage extending to the property line
- Lapse of Approval Expired before Construction
- Included as Attachment 4 for reference



Public Comments

- Driveway and Intersection Sight Distance Issues



VAR18-00070
ATTACHMENT 2

Dibble Engineers, Inc

Note: Sight Distance Diagram based on City of Kirkland Policy R-13 - Intersection Sight Distance

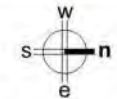
MERRICK LENTZ ARCHITECT
ARCHITECTURE - PLANNING
12915 NE 126th PLACE, KIRKLAND, WA 98034

Project Name: Market Street Dental Clinic Variance - Rev 2.1

Description: Site Plan - Sight Distance Diagram

Date: 12/2/19
Scale: 1/16" = 1'-0"

Drawing Number: VAR1.2



Public Comments

- Traffic and Parking Impacts on Neighboring Streets
 - The City’s Transportation Engineer Review concluded that the additional trips created by the project would not significantly impact the traffic flow on neighboring streets.
 - The project will need to provide onsite parking as required by the Zoning Code.
- Building Impacts on Neighboring Residential Uses
 - Siting of the building closer to Market Street, required landscape buffers, and adjacent rights-of-way help to reduce impacts on neighboring residential uses.
 - Design Regulations, reviewed with ADR, will help to reduce bulk and scale of the building



Environmental (SEPA) and Traffic Concurrency Reviews

- KMC Section 24.02.065 exempts the following projects from SEPA review:
 - The construction of an office building with twelve thousand or fewer square feet of gross floor area, and with associated parking facilities designed for forty or fewer automobiles.
- KMC Section 25.08.010 exempts any project that Section 24.02.065 exempts from Traffic Concurrency.
- As a result of these exemptions, a traffic report was not required for the project.



Zoning Requirements

- Building Height
 - Project limited to 25 feet in height
- Parking
 - 1 stall per 200 square feet for Office Use or 25 stalls
 - Per KZC Section 105.34, 1 stall reduction for Onsite Covered and Secured Bicycle Storage
 - 24 stalls being provided onsite
 - Staff will confirm compliance with Building Permit



Zoning Requirements

- Driveway Modification
 - Needed to approve two driveways to serve the site and for distance from intersection (less than 75 feet)
 - Multiple driveways needed to accommodate two parking levels
 - Administrative Approval by Public Works Department
- Administrative Design Review
 - Review will be done prior to or as part of the Building Permit Review
 - Final Design of the Building could change as a result of this review



Variance Request

- Zoning Code Chapter 120 sets forth the mechanism whereby a provision of the Code may be varied on a case-by-case basis if the application of the provision would result in an unusual and unreasonable hardship.
- Zoning Code section 120.20 establishes three decisional criteria with which a variance request must comply in order to be granted.
- Applicant addresses the criteria in Attachment 6 and 9 of the Staff Report



Variance Criterion 1

- The variance will not be materially detrimental to the property or improvements in the area of the subject property or to the City, in part or as a whole.
- Potential Impacts
 - Loss of perceived openness of the street corridors
 - Impacts to Market Street pedestrian experience
 - Traffic impacts on neighboring streets



Variance Criterion 1

- Staff Conclusions:
 - Reduction of the 3rd Street West setback is offset by adjacent right-of-way. Additionally neighbors along this street have agreed to a landscape buffer modification.
 - Reduction of 10th Avenue West setback is offset by 15 foot landscape buffer and right-of-way separation.
 - Reduction of the Market Street setback results in a “pedestrian friendly” building front as required by design guidelines for the neighborhood.
 - Pedestrian friendly building fronts include transparent or decorative windows, public entrances, murals, display windows, seating, and treatment of blank walls.



Variance Criterion 1

- Staff Conclusions:
 - The City's Transportation Engineer Review concluded that the additional trips created by the project would not significantly impact the traffic flow on neighboring streets.
 - The proposed building, with a footprint of approximately 5000 sf and limited in height to under 25 feet, is consistent in scale with other office buildings in the immediate area.
 - While a majority of the buildings in the area have the standard street setback, on the west side of Market Street zero setback buildings are located one long block to the south.





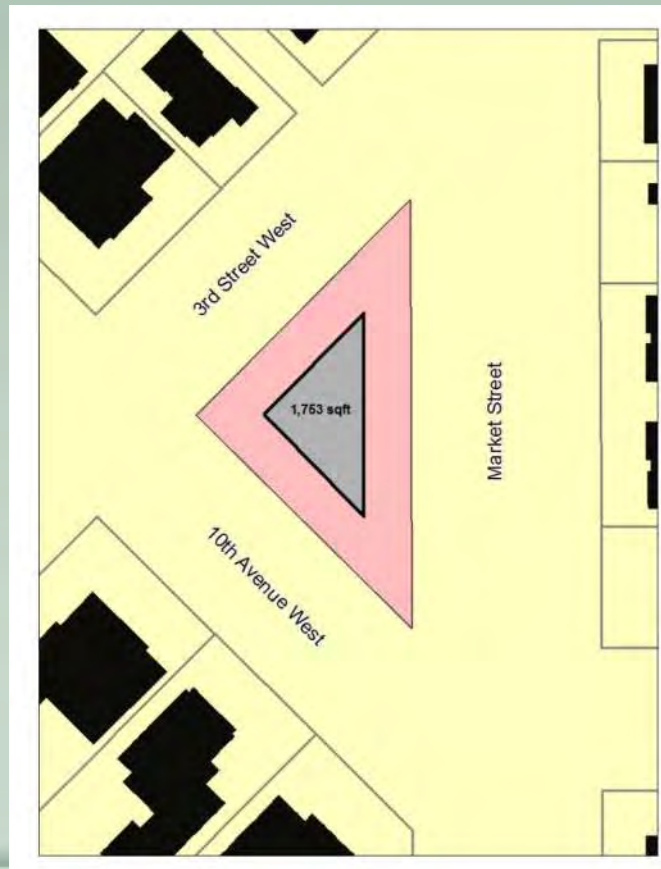
Variance Criterion 2

- The variance is necessary because of special circumstances regarding the size, shape, topography, or location of the subject property, or the location of preexisting improvements on the subject property that conformed to the Zoning Code in effect when the improvement was constructed.
- Staff Conclusions:
 - Required setbacks result in the subject property having a total area of approximately 1,753 square feet or 21.6% of the total lot area, referred to as “buildable area”, that is not located within a required setback yard.



Variance Criterion 2

- Staff Conclusions:
 - A variance is necessary due to special circumstances due to location, size, and shape of the subject property.



Variance Criterion 3

- The variance would not constitute a grant of special privilege to the subject property which is inconsistent with the general rights that this Code allows for other properties in the same area and zone as the subject property.
- Staff Conclusions:
 - The subject property is highly unique for the City of Kirkland. It is one of three triangular shaped parcels with rights-of-way on all three sides that are within the City of Kirkland.



Variance Criterion 3

- Staff Conclusions:
 - The proposed office building would be similar in size to two neighboring office projects at 1029 Market Street and 312 11th Avenue West

Project	Gross Floor Area	Property Size	GSF/ Prop. Size %
1009 Market Office	5,000	8,120	61.58
1029 Market Office	11,931	15,001	79.54
312 11th Avenue Office	5,687	8,880	64.04



Process IIA Permit Criteria

- Zoning Code section 150.65.3 states that a Process IIA application may be approved if:
 - It is consistent with all applicable development regulations and, to the extent there is no applicable development regulation, the Comprehensive Plan; and
 - It is consistent with the public health, safety, and welfare.



Process IIA Permit Criteria

- Staff Conclusions:
 - Consistent with Development Regulations and Comprehensive Plan
 - The proposed development will create infill office development while meeting the goals of the Comprehensive Plan for the Market Neighborhood.
 - The project will not significantly impact the traffic flow on neighboring streets.



Staff Recommendation

- Approval of Setback Variance with Conditions
- Conditions Outlined in Staff Report
 - Compliance with Zoning Permit Plans
 - Recording of Landscape Buffer Agreement
 - Parking Restriction along 10th Avenue West
 - Landscape restriction in sight distance triangles



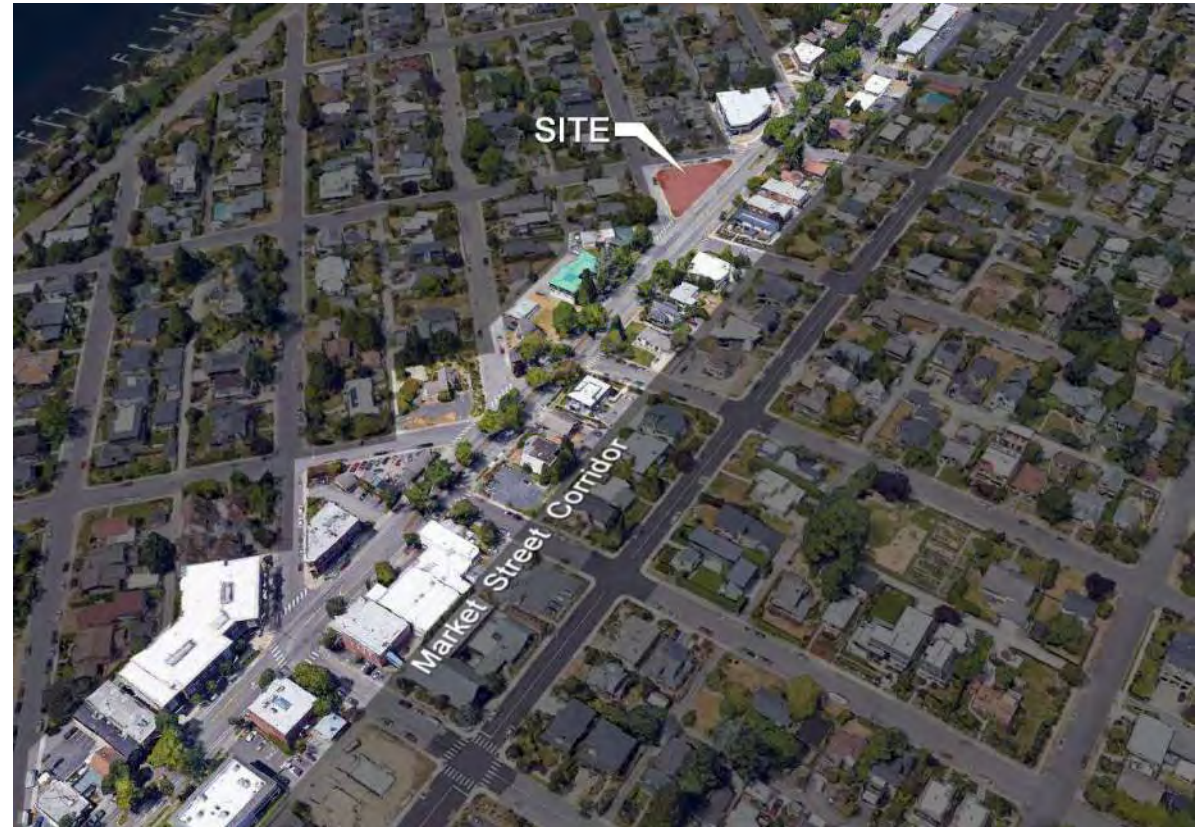
Market Street Clinic

Address:
1009 Market Street

Zoning:
MSC1 (Market Street Corridor)

Site Area:
8120 sf (0.186 ac)

Proposed Use:
A new 5000 sf dental clinic with 24 parking spaces on two levels, on a vacant lot.





Site Context

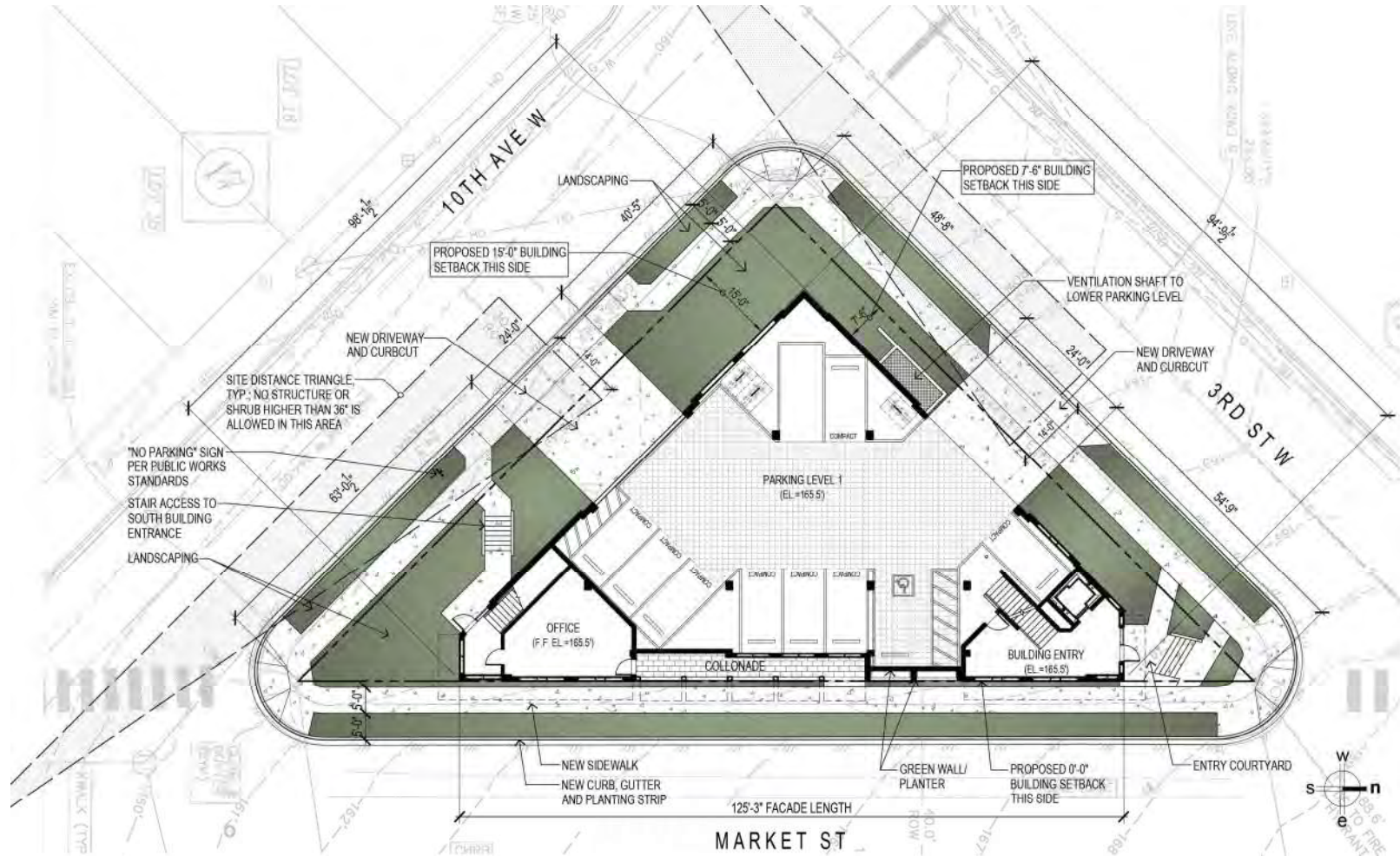
Market Street Clinic



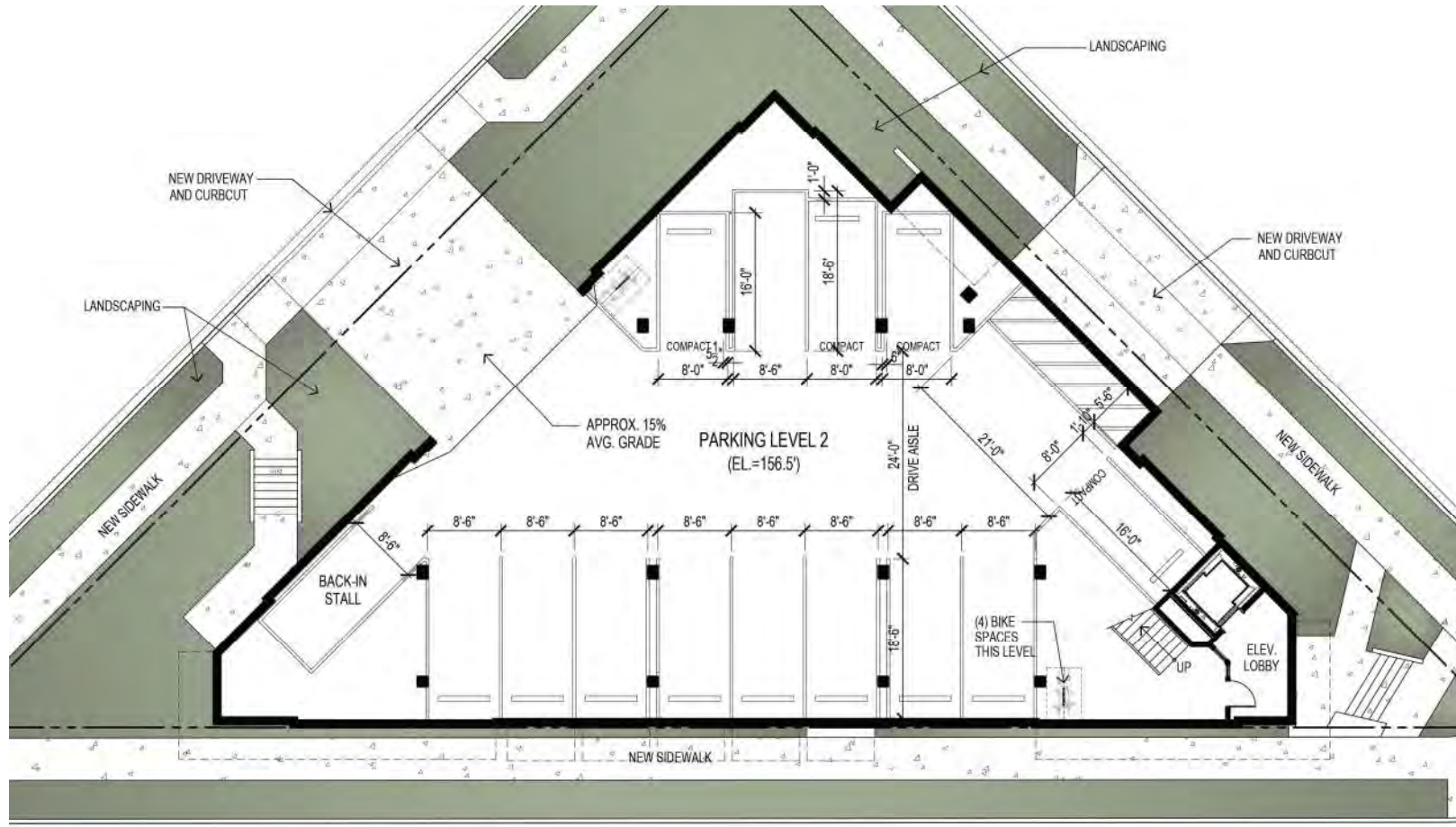
Site Setbacks



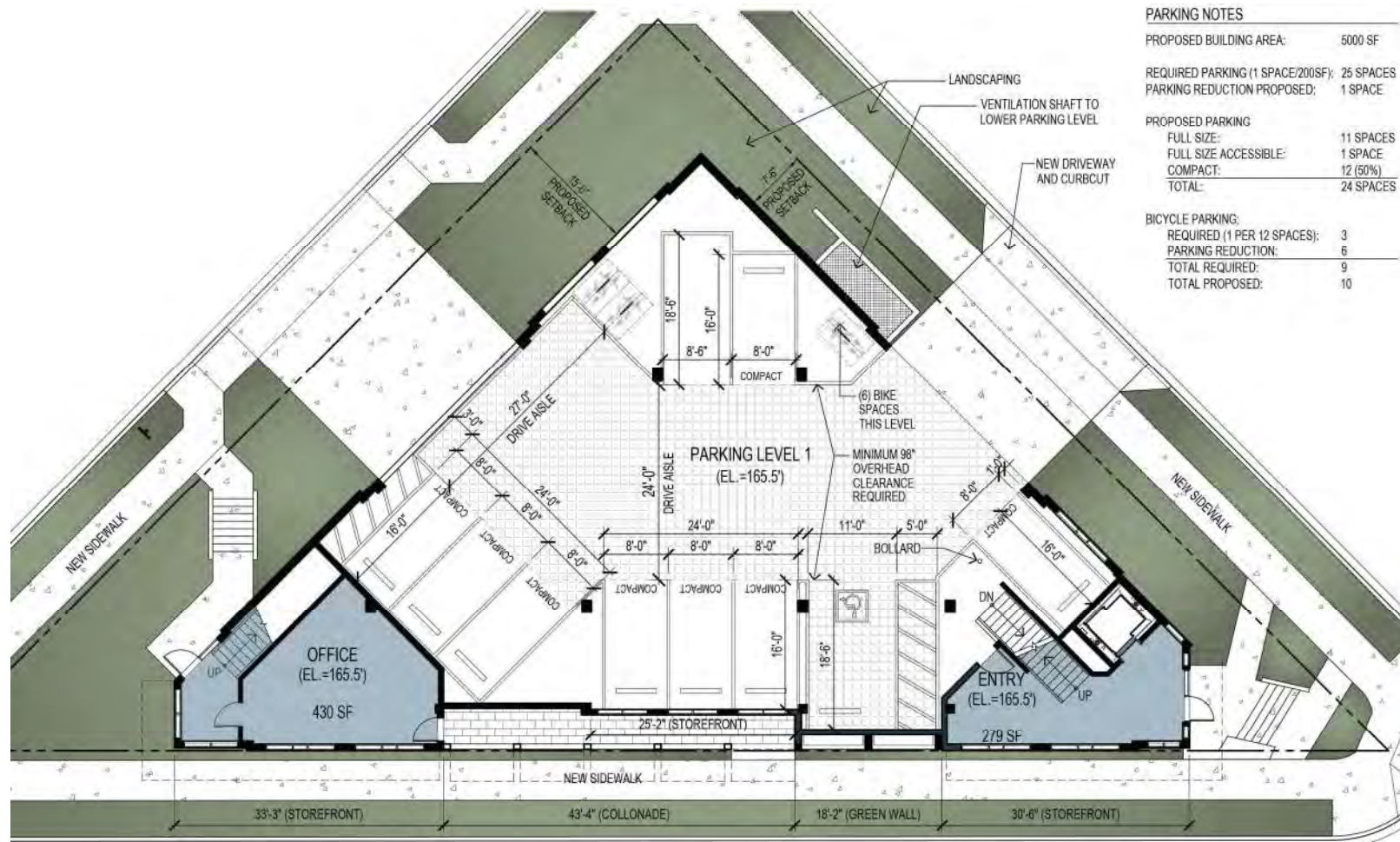
Proposed Setbacks



Proposed Site Plan



Proposed Lower Parking Plan



PARKING NOTES

PROPOSED BUILDING AREA:	5000 SF
REQUIRED PARKING (1 SPACE/200SF):	25 SPACES
PARKING REDUCTION PROPOSED:	1 SPACE
PROPOSED PARKING	
FULL SIZE:	11 SPACES
FULL SIZE ACCESSIBLE:	1 SPACE
COMPACT:	12 (50%)
TOTAL:	24 SPACES
BICYCLE PARKING:	
REQUIRED (1 PER 12 SPACES):	3
PARKING REDUCTION:	6
TOTAL REQUIRED:	9
TOTAL PROPOSED:	10

Proposed Main Level Plan



Proposed Upper Level Plan



Market Street Elevation



Perspective - Market Street Looking South

Proposed Elevations

Market Street Clinic



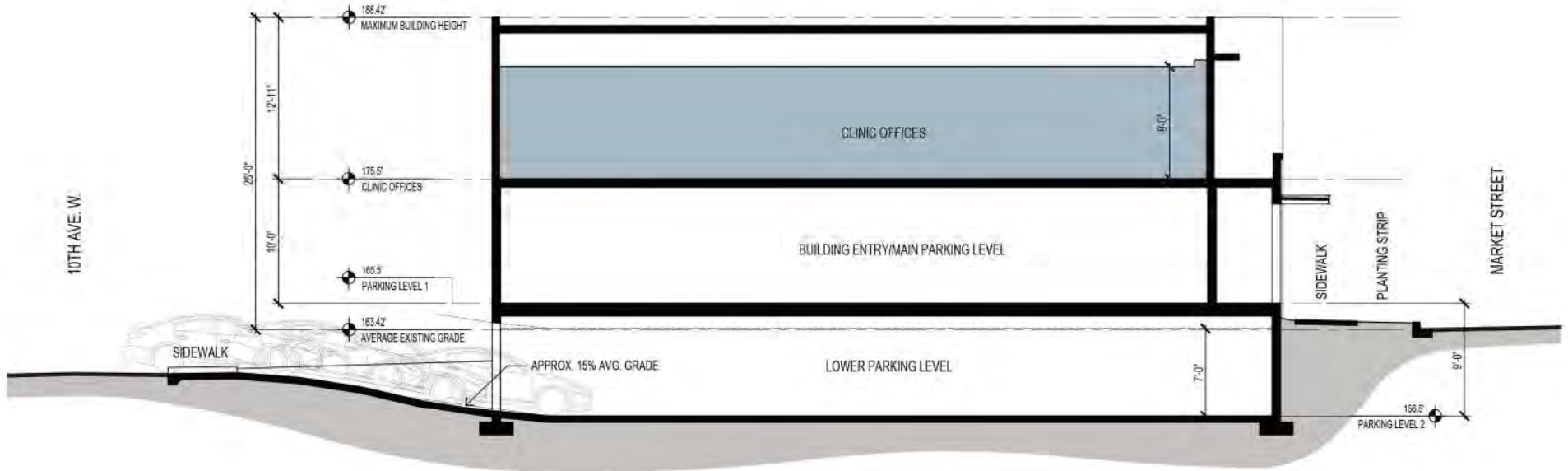
Third Street Elevation



Tenth Avenue Elevation

Proposed Elevations

Market Street Clinic



Proposed Building Section

Market Street Clinic



Market Street

3rd Street W

Aerial View



Market Street

View from Market Street

Building Exterior Study

Market Street Clinic



3rd
Street
W

10th
Ave W

Aerial View from West

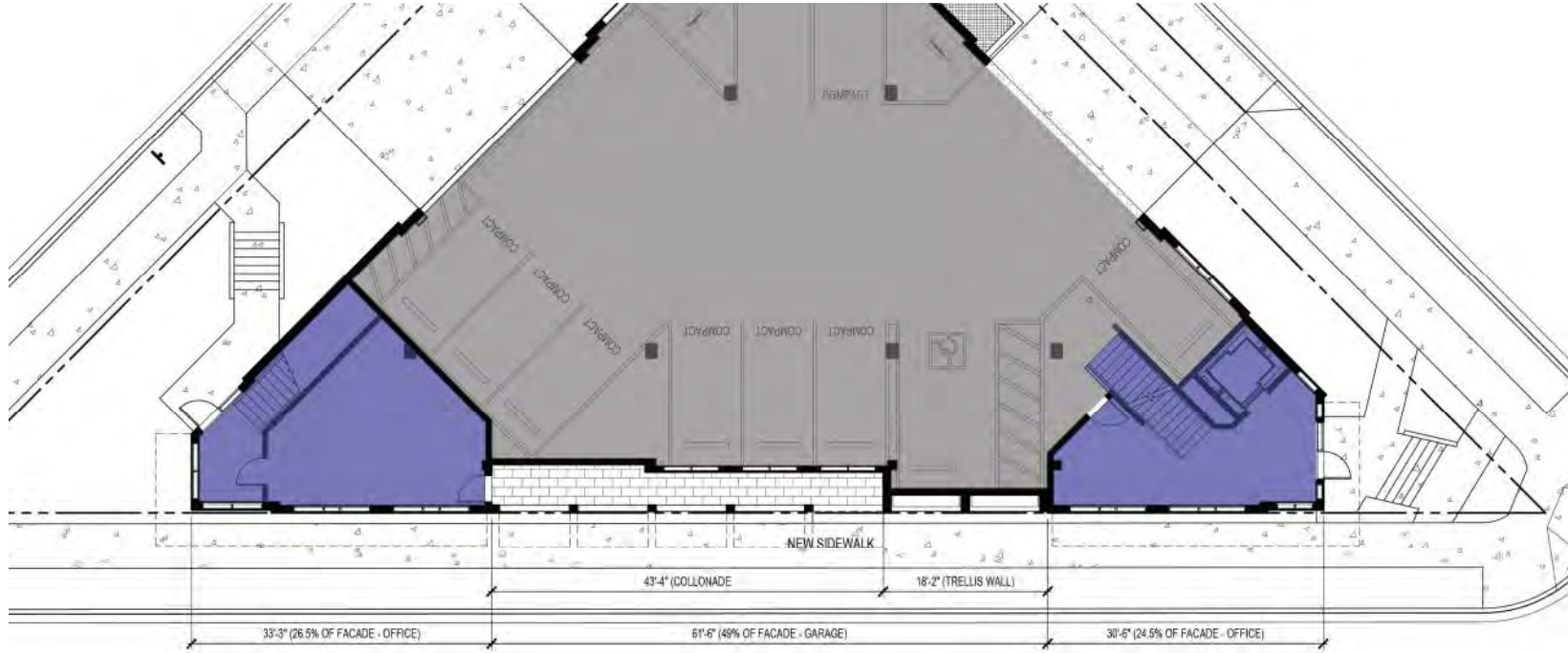


Market Street

View from South

Building Exterior Study

Market Street Clinic



Market Street Frontage Plan



Market Street Frontage Elevation

Proposed Market Street Frontage

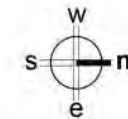
Market Street Clinic



Site Access and Circulation



Note: Sight Distance Diagram based on City of Kirkland Policy R-13 - Intersection Sight Distance



Market Street Sight Distance

Market Street Clinic

Variance Criteria

Per Kirkland Zoning Code Section 120.20 the City may grant a variance only if it finds that:

1. The variance will not be materially detrimental to the property or improvements in the area of the subject property or to the City in part or as a whole; and
2. The variance is necessary because of special circumstances regarding the size, shape, topography, or location of the subject property, or the location of a preexisting improvement on the subject property that conformed to the Zoning Code in effect when the improvement was constructed; and
3. The variance will not constitute a grant of special privilege to the subject property which is inconsistent with the general rights that this code allows to other property in the same area and zone as the subject property.

Barbara Loomis
304 8th Ave. W.
Kirkland, WA 98033

January 30, 2020

City of Kirkland
Tony Leavitt, Senior Planner
Planning and Building Department
Kirkland, WA 98033

Re: Market Street Dental Clinic Variance
Case Number: VAR18-00070

Dear Mr. Leavitt,

I strongly object to the application for three variances for the property at 1009 Market Street. To put an oversized office building on that small triangular lot will forever change the character of our residential neighborhood and is also a public safety issue because of the sightlines that will be blocked.

The applied for variances are inconsistent with the rest of the residential neighborhood. One of the Kirkland's principles is to provide view corridors of Lake Washington and Seattle. A 20 foot setback on 3rd Street West maintains that corridor and is consistent with the neighborhood setbacks.

The 20 foot setback on Market Street is consistent with the rest of Market Street except where the historic buildings are. Those buildings were built in 1891 (except one) and were supposed to be the center of the town with no setbacks. And, not all the traffic we now have. A zero setback on Market Street is dangerous for pedestrians, bikers, and cars. If cars and trucks are parked on Market Street it's very hard to see the traffic coming down the hill – and, forget about making a left turn to go North on Market or to go straight across.

The Dibble building has already created a parking problem in our residential neighborhood. We don't need another building that would compound the issue further.

I went to Dr. Green's dental office about 1.5 years ago. I asked staff how many people worked there – twenty plus something. I also asked where they all parked – the reply was on the street. Even with 24 parking places in this proposed project there are clients who must park. Personally – I don't care to park in garages – especially underground

ones. (I've quit going to the QFC because of that!) That leaves parking in the street. A couple days ago I went to Green's current office building. I spoke with a gentleman who lives in the neighborhood. He says parking is a problem – that they always park on the street. I went there again today. There were some empty places in the garage and there were also about 13 cars parked on the street. It really isn't fair or right to take up all the street parking in a residential neighborhood because of an office use that shouldn't even be there.

The Comprehensive Plan states in Policy MS-6.3 that commercial development which is oriented toward Market Street will have less impact on the adjacent low-density residential areas in the surrounding neighborhoods. I contend that is not true in this case. Granted the front door is on Market Street but the two driveways to the parking garages are both on residential streets. And, the design, mass and scale of the building impacts the neighborhood and is inconsistent with a residential neighborhood.

Zoning Code section 150.65.3 states that a Process IIA application may be approved if:

- (1) It is consistent with all applicable development regulations and, to the extent there is no applicable development regulation, the Comprehensive Plan; and
- (2) It is consistent with the public health, safety, and welfare.

I Conclude that the proposal is NOT CONSISTENT with the Comprehensive Plan nor is it consistent with the public health, safety, and welfare because of the potential danger to pedestrians, bikers, and cars. It may meet the goal of the infill office development but it CERTAINLY DOES NOT meet the goals of the Comp Plan to minimize impacts on the adjacent residential Market neighborhood. Therefore this project should be denied for all setback variances.

Thank you,
Barbara Loomis

Market Street Dental Clinic Hearing

Nicole and Ken MacKenzie

January 30, 2020

We Support Development of this Parcel

- Within the thoughtfully-enacted and time-tested MSC-1 zoning code
- Consistent with the surrounding residential neighborhood

The Variance Would be Materially Detrimental to the City and Surrounding Area

The City's Spring 2019 Neighborhood Survey

- Conducted in preparation for an update cycle for three City Neighborhood Plans
 - Market
 - Market Street Corridor
 - Highlands
 - Norkirk
- Asked about locating buildings closer to the curb along Market Street
 - 72% (210 of 290 responses) objected to buildings closer to the Market Street sidewalk
 - 14% responded that it's OK to build closer to the sidewalk
 - 14% responded that they weren't concerned

The Variance Would be Materially Detrimental to the City and Surrounding Area

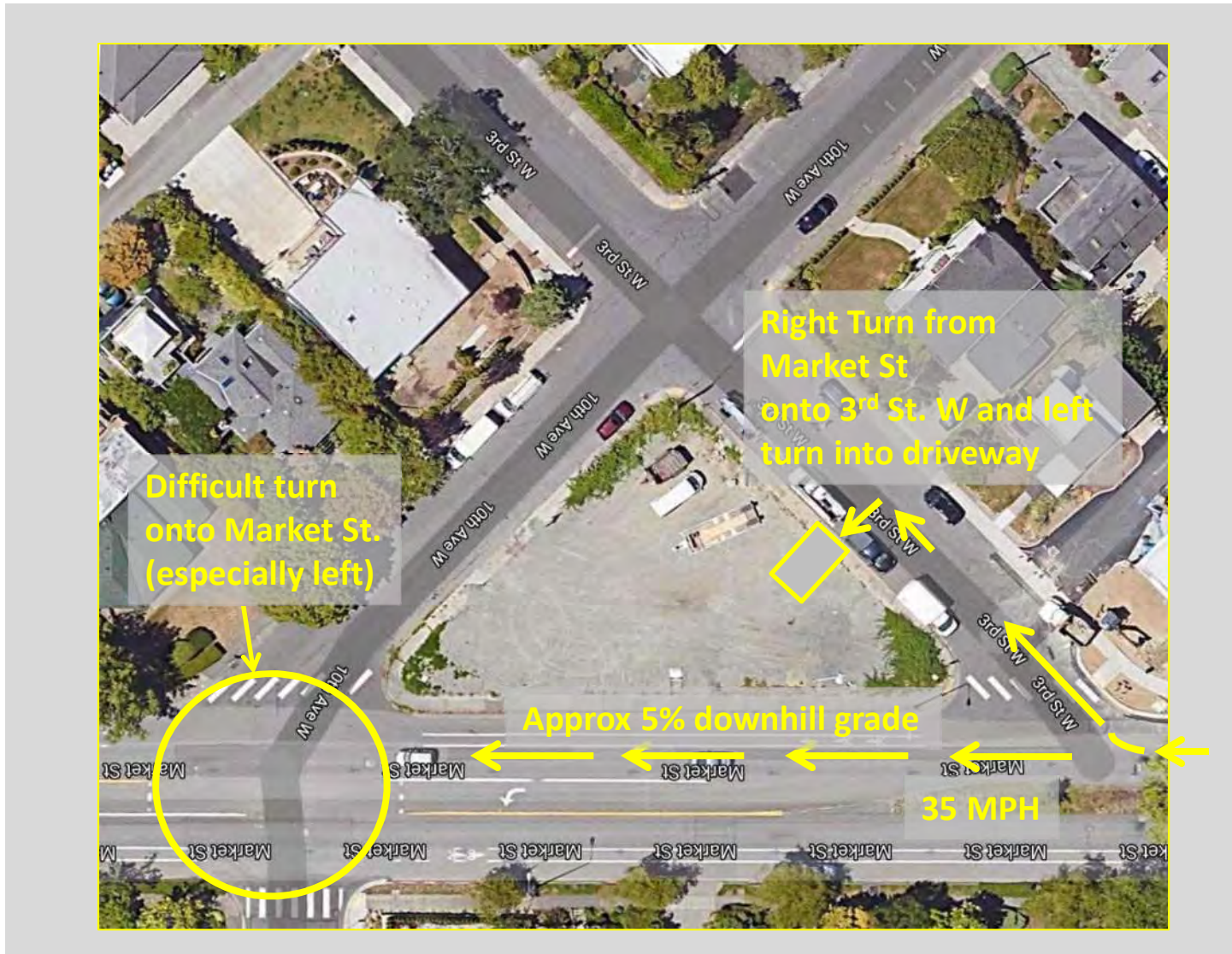
The Market Street Corridor Neighborhood Plan

- Update is now available in draft form and scheduled for Planning Commission review in April
- Developed jointly by citizens and City staff
- Favors mixed Commercial/Residential land use
- Clarifies that Market Street is not an urban area (except the 7th Ave historic district)
- Re-emphasizes neighborhood blend and building spacing that is consistent with surrounding low density residential neighborhoods
 - A zero front yard setback on Market Street is inappropriate
 - The Market Street Corridor vision is leafy, comfortable, spacious, and mixed use.

The Variance Would be Materially Detrimental to the City and Surrounding Area

1. The intersection of Market Street and 10th Ave S is made unsafe if the variance for a zero setback on Market Street is granted
2. The driveway onto 3rd Street W is unsafe

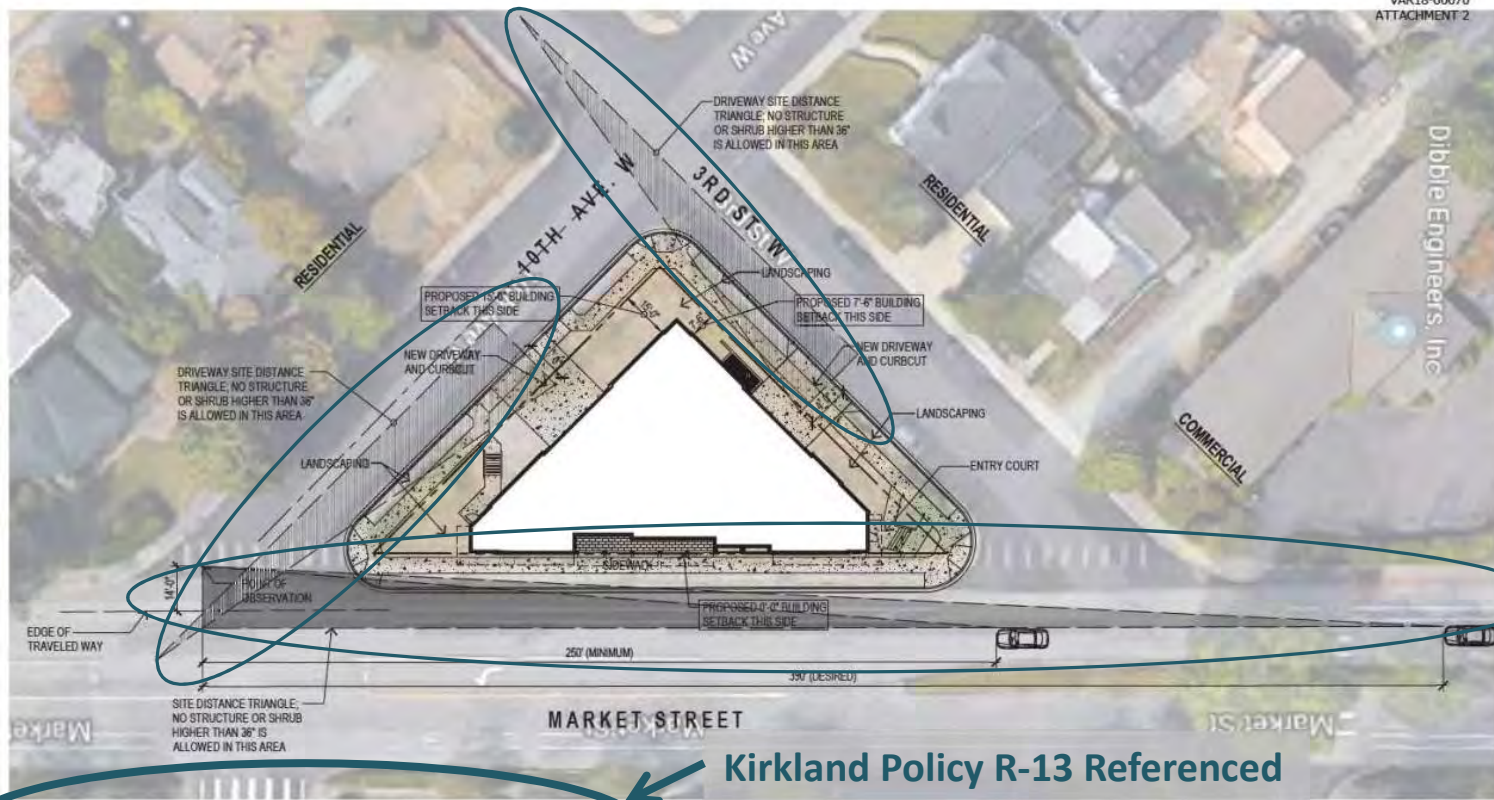
Intersection Challenges



Intersection Challenges

1. Steady Market Street rush hour traffic with rare gaps suitable for crossing or turning
2. Dense: 35 MPH slowing to 25 MPH a few blocks downhill
 - Compression of space between cars
 - Makes judging speed truly difficult
 - On dark or rainy days, just see headlights
 - Bike riders nearly invisible in front of the auto headlight parade
- Cited as a safety problem in multiple public comment letters

Applicant Submitted Sight Distance Triangles Purportedly Pursuant to City Policy R-13



Note: Sight Distance Diagram based on City of Kirkland Policy R-13 - Intersection Sight Distance



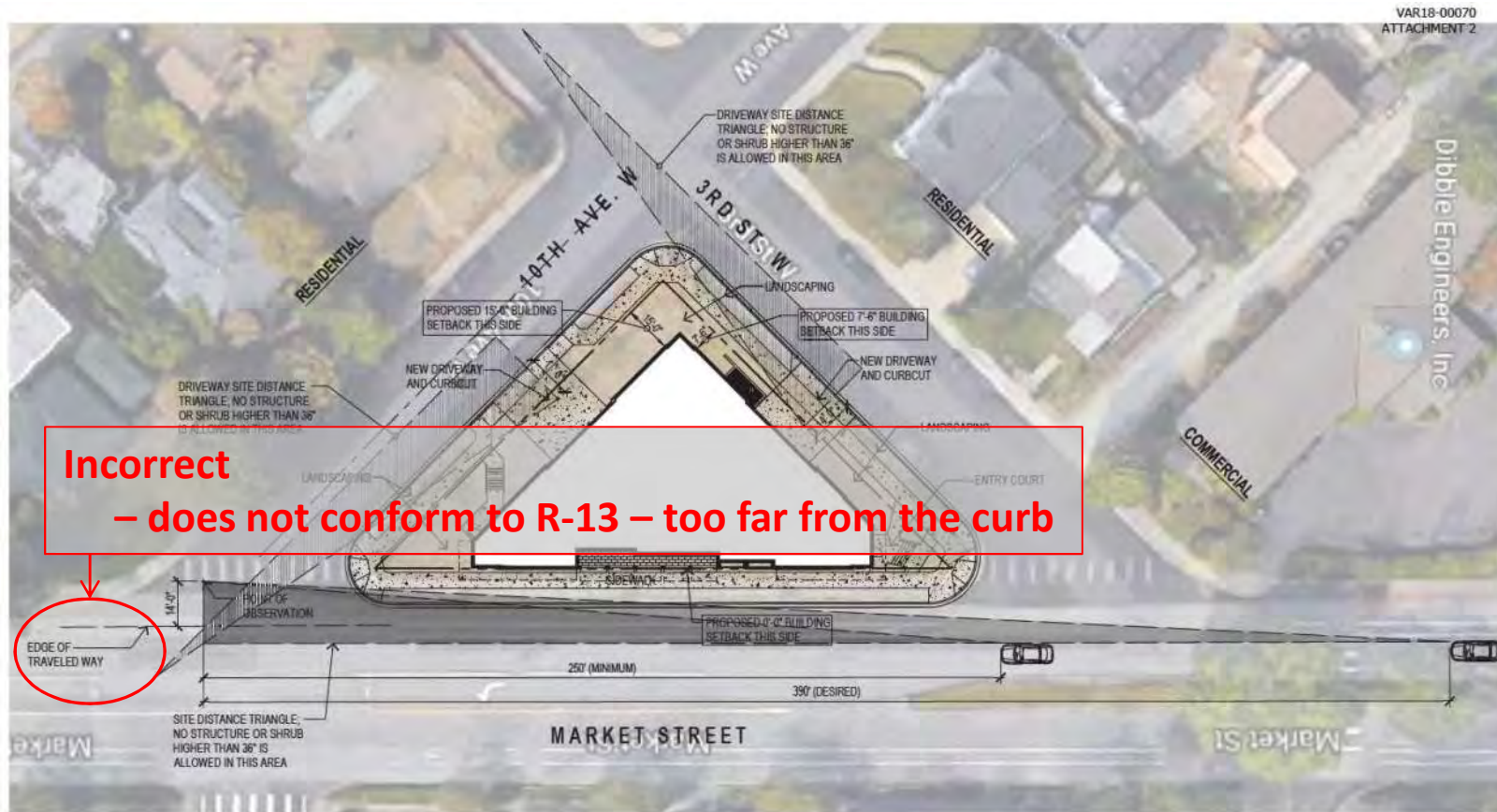
Policy R-13 Defines “Edge of Major Road’s Traveled Way”

Type B – Stop Controlled Intersections

Type B intersections are those at which the minor street approaches are controlled by stop signs. Sight distance triangle to the left is the shaded area bounded by segments A-B, B-C2 and A-C2; whereas sight distance triangle to the right is the shaded area bounded by the A-B, B-C1 and A-C1 segments as shown in Figure 2 below. Point A, or decision point, is located in the center of the minor street approach lane, 14 ft. from the edge of the major road’s traveled way. **The traveled way is the portion of the road intended for the movement of vehicles and bicycles, exclusive of shoulders and turning lanes.** Point B is located on the center of the through lane on the major street (or in the center of the major street approach if more than one lane exists), a specific distance left and right from Points C1 and C2. The distance C1-B (same as C2 –B) is the required sight distance, which can be found in Table 2 on page 2.

Although it is not typical to do so, if a parking lane exists on the major street, it may be excluded from the traveled way in special cases. Usually these are cases where volumes and speeds are low and therefore the overall safety risk at the intersection is considered low.

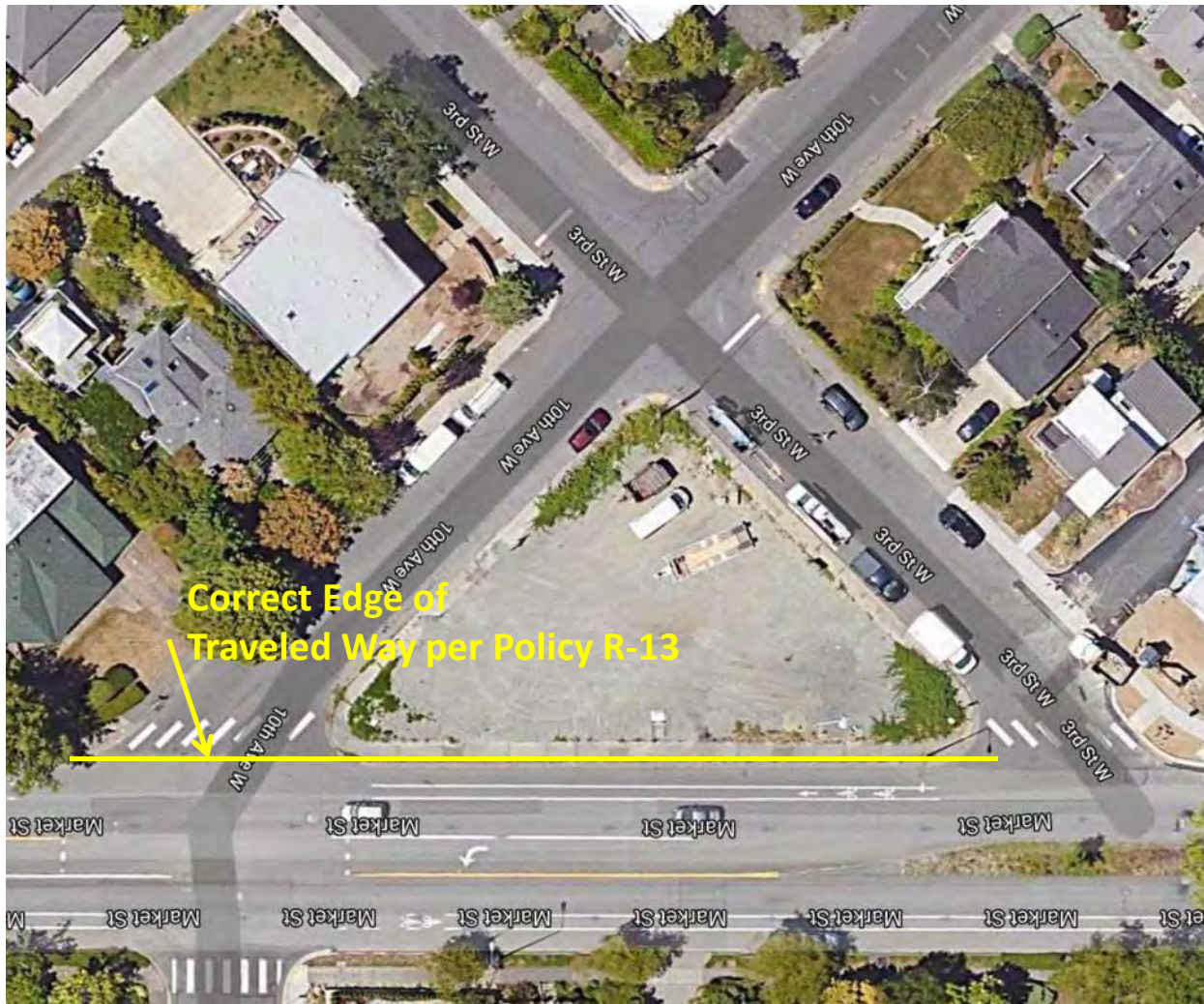
Incorrect "Edge of Travelled Way"



Note: Sight Distance Diagram based on City of Kirkland Policy R-13 - Intersection Sight Distance



Correct “Edge of Travelled Way”



Policy R-13 Defines “Decision Point”

Type B – Stop Controlled Intersections

Type B intersections are those at which the minor street approaches are controlled by stop signs. Sight distance triangle to the left is the shaded area bounded by segments A-B, B-C2 and A-C2; whereas sight distance triangle to the right is the shaded area bounded by the A-B, B-C1 and A-C1 segments as shown in Figure 2 below. Point A, or **decision point**, is located in the center of the minor street approach lane, 14 ft. from the edge of the major road’s traveled way. **The traveled way is the portion of the road intended for the movement of vehicles and bicycles, exclusive of shoulders and turning lanes.** Point B is located on the center of the through lane on the major street (or in the center of the major street approach if more than one lane exists), a specific distance left and right from Points C1 and C2. The distance C1-B (same as C2 –B) is the required sight distance, which can be found in Table 2 on page 2.

Although it is not typical to do so, if a parking lane exists on the major street, it may be excluded from the traveled way in special cases. Usually these are cases where volumes and speeds are low and therefore the overall safety risk at the intersection is considered low.

Incorrect "Decision Point"



Incorrect
- does not conform to R-13

Note: Sight Distance Diagram based on City of Kirkland Policy R-13 - Intersection Sight Distance



MERRICK LENTZ ARCHITECT
ARCHITECTURE - PLANNING
12815 NE 128th PLACE, KIRKLAND, WA 98034

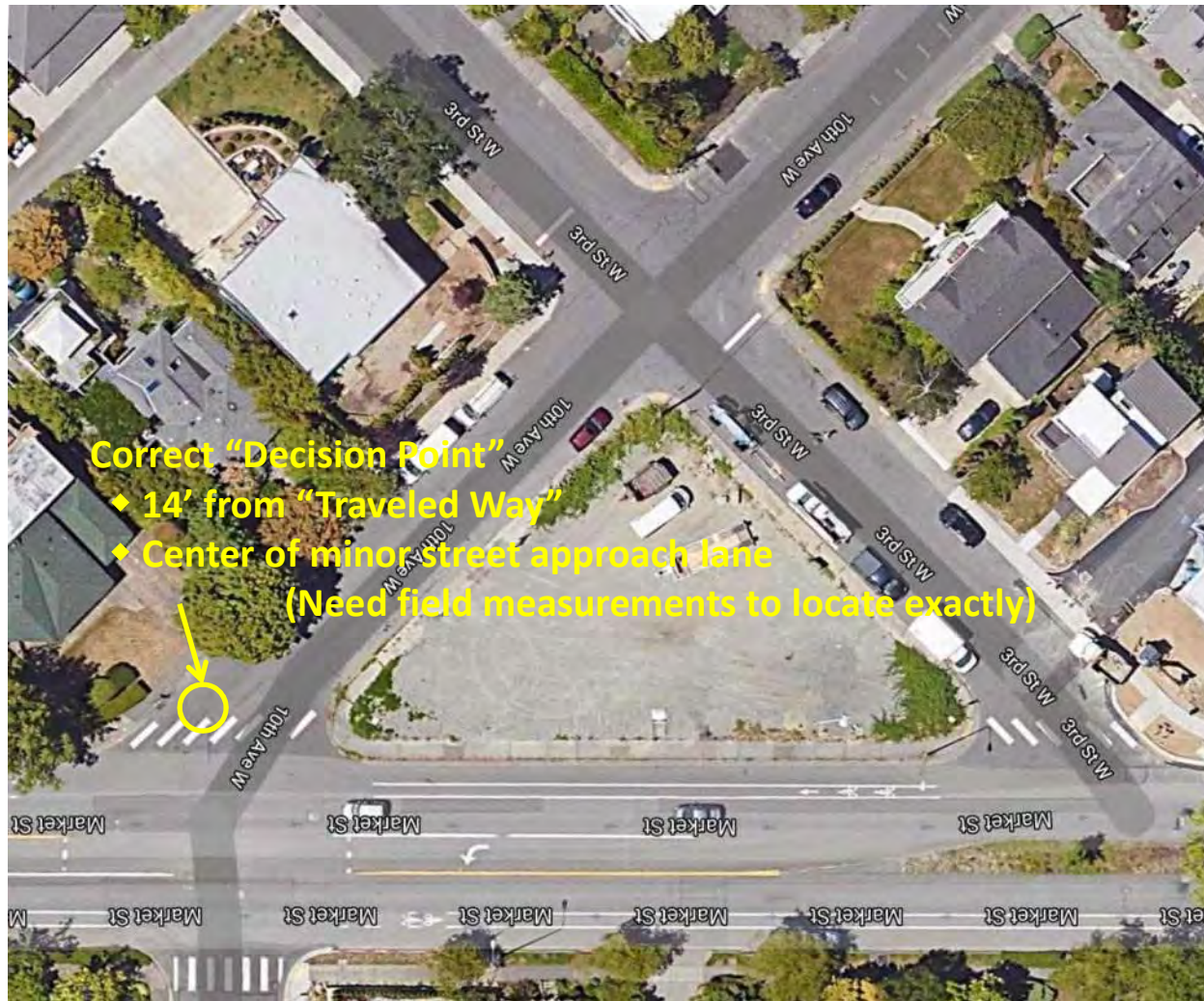
Project Name: Market Street Dental Clinic Variance - Rev 2.1

Design No: Site Plan - Sight Distance Diagram

Date: 12/2/19
Scale: 1/16" = 1'-0"

Drawing Number: VAR1.2

Correct “Decision Point”



Policy R-13 Defines “Sight Distance Triangle”

Critical Footnote

TABLE 2: Sight Distance Triangle Guidelines

Type of Intersection or Driveways	Distance from Edge of Traveled Way (ft)	Major Street (Street Entered Upon)			
		Average Daily Traffic	Speed Limit (MPH)	Sight Distance Value (ft) (a)	
				Recommended (Desirable)	Minimum (Required) (d)
A – Uncontrolled (See Figure 1)	115 (b)	<1000	25	115	115
B - Stop Control on Minor Street (See Figure 2)	14	Any	25	280	150
			30	335	200
			35	390	250
C - Yield Sign On Minor Street					
C-1: Four-Legged Intersection (See Figure 3.a)	130 (c)	<1000	25	295	295
			30	355	355
			35	415	415
C-2: T- Intersection (See Figure 3.b)	80 (c)	<1000	25	295	295
			30	355	355
			35	415	415
D – Signalized Intersection (See Figure 2)	14	Any	25	240	150
			30	290	200
			35	335	250
E1 – E4 Driveways (See Figure 2)					

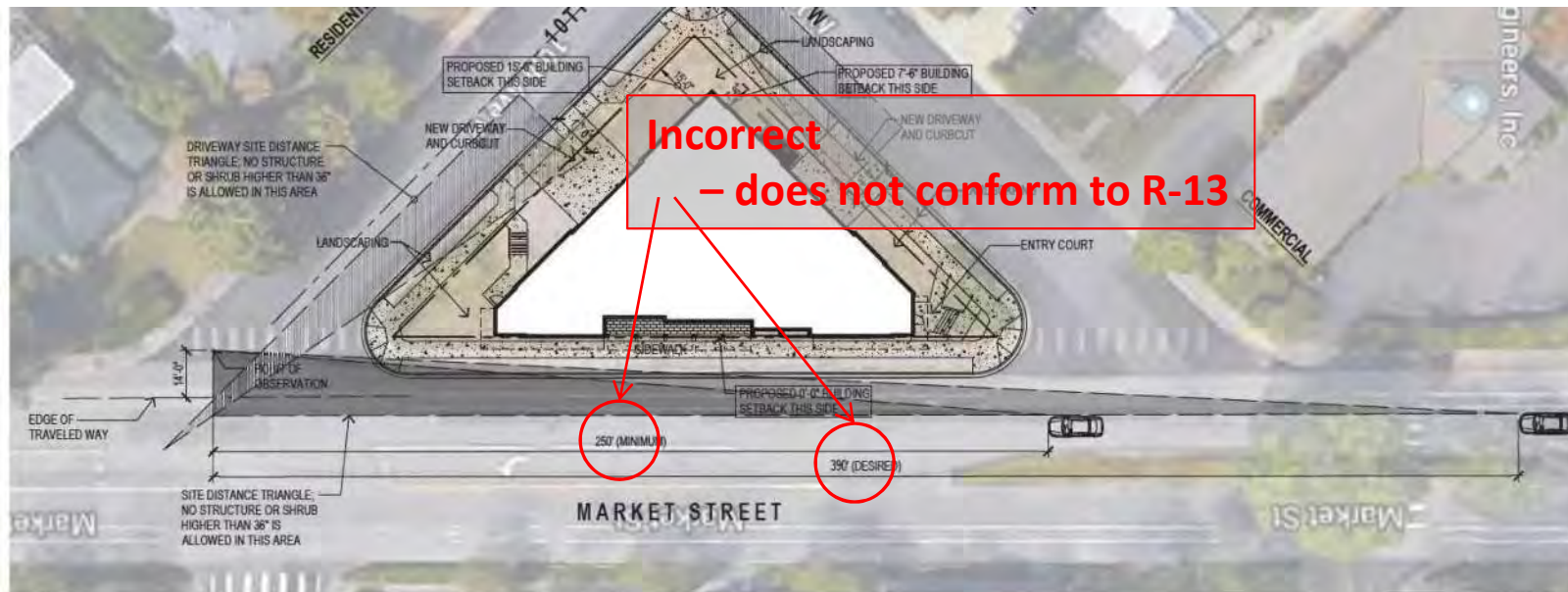
Policy R-13 Footnotes to Table 2

Footnotes:

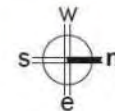
- (a) These values should be adjusted for grades with slopes of a magnitude of grade greater than 3%, number of lanes greater than two, for skewed intersections or for design vehicles other than passenger cars, using the intersection sight distance procedures in Chapter 9 of a Policy on Geometric Design, AASHTO, 4th Edition
- (b) Distance back from center of intersection.
- (c) Distance back from point C1 or C2 for types C-1 and C-2 intersections.
- (d) Minimum (Required) only permitted if Recommended (Desired) is not possible (see page 3 for further explanation).
- (e) Distance from back of the sidewalk.
- (f) Distance parallel to the sidewalk from the center of the driveway.

Incorrect “Sight Distance Triangle”

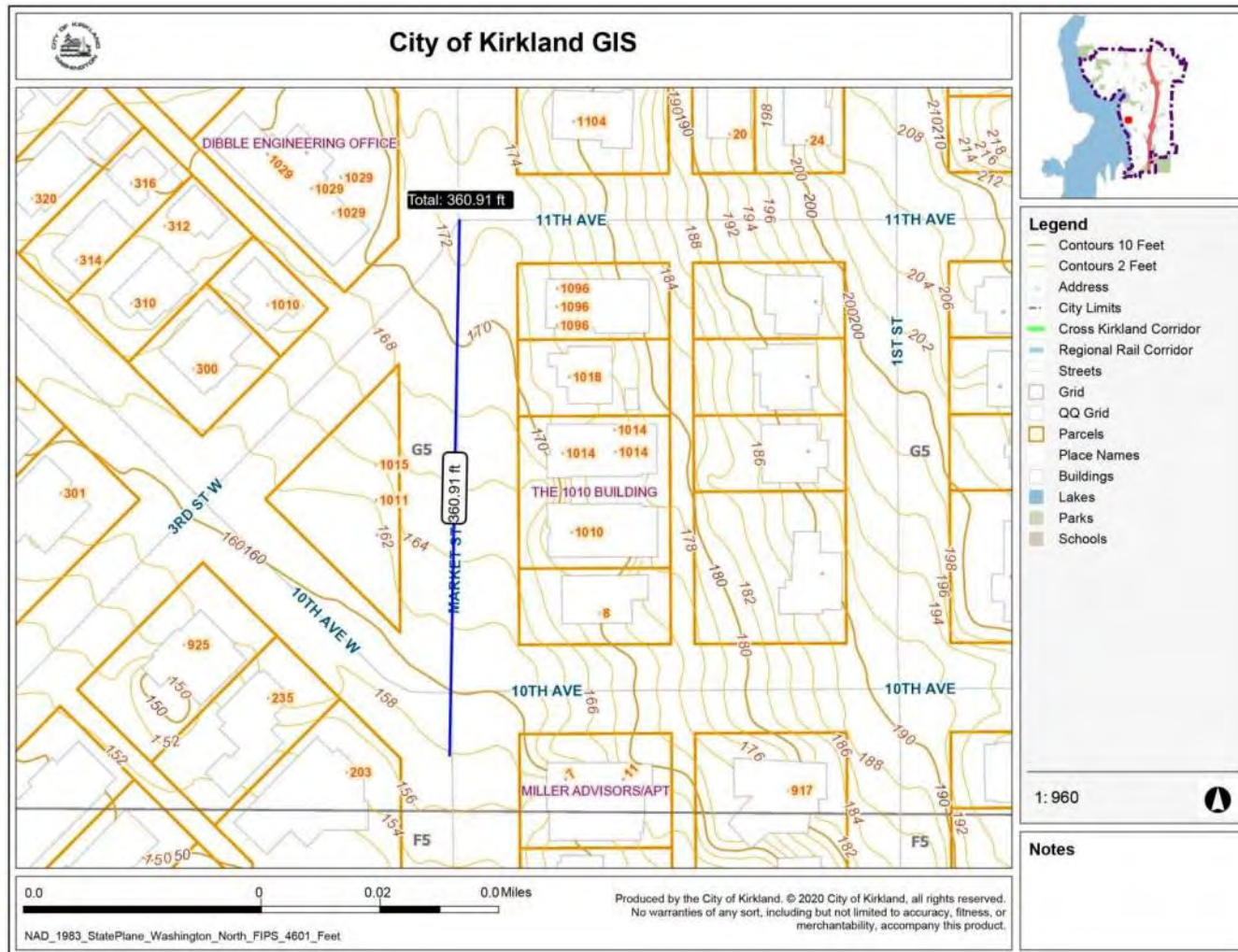
- Slope not shown for Market Street
- No Sight Distance allowance for slope



Note: Sight Distance Diagram based on City of Kirkland Policy R-13 - Intersection Sight Distance



Neighborhood Topographical Map



Market Street Slope

- Market Street slope down to 10th Ave W appears to be about 5% - perhaps a 14' rise from 10th Ave W to 3rd St W
- The adjustment requirements of footnote (a) to Table 2 are triggered but not included in the analysis
- Believed to add at least 21 feet to required sight distance
- Presence of slope indicates need for additional study of building features that overhang above sidewalk and landscaping which may interfere with the sight triangle

Building Front Awning/Overhang



Project Name:
Market Street Dental Clinic Variance - Rev 2.1

Description:
Renderings

Date: 12/2/19
Scale: 3/32" = 1'-0"

Drawing Number:
VAR5.3

27

Overhang likely interferes with sight triangle due to

- Zero setback along Market St
- Slope of Market St

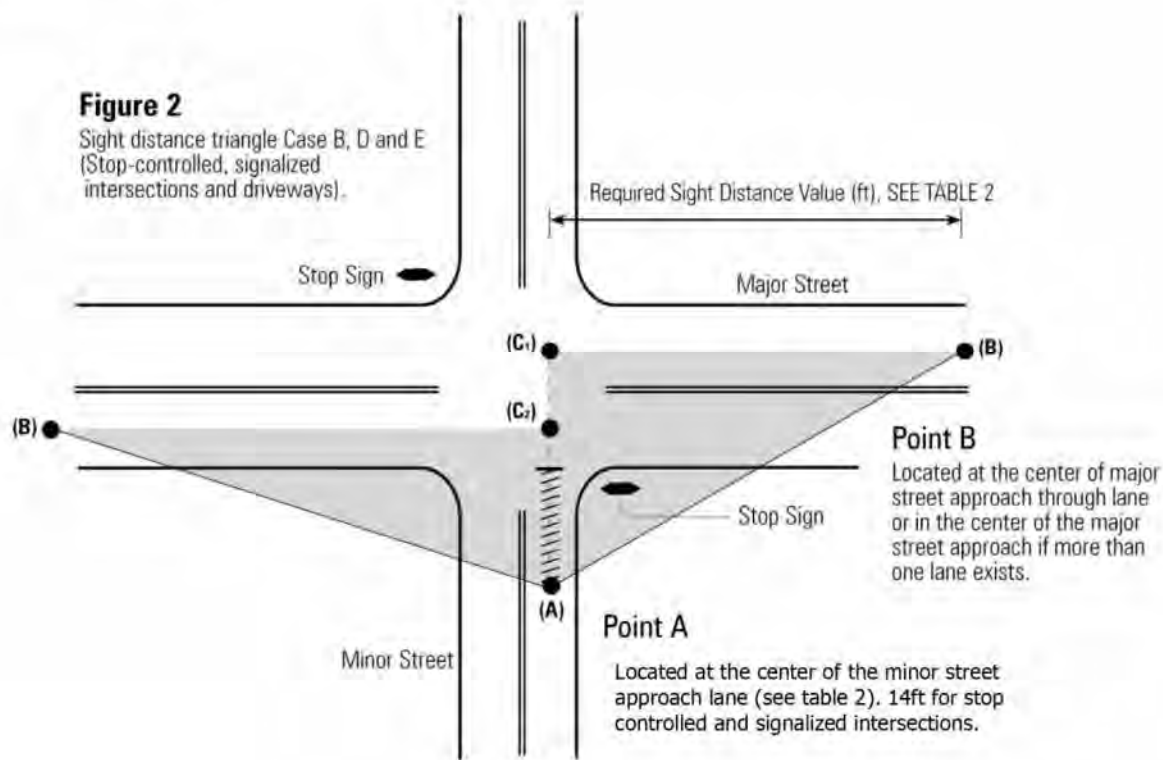
Proposed Landscaping/Barrier Interferes with Sight Triangle

VAR18-00070
ATTACHMENT 2



Policy R-13 Drawing Shows a Right Angle Intersection

Pre-Approved Plans, Policy R-13
January 2020



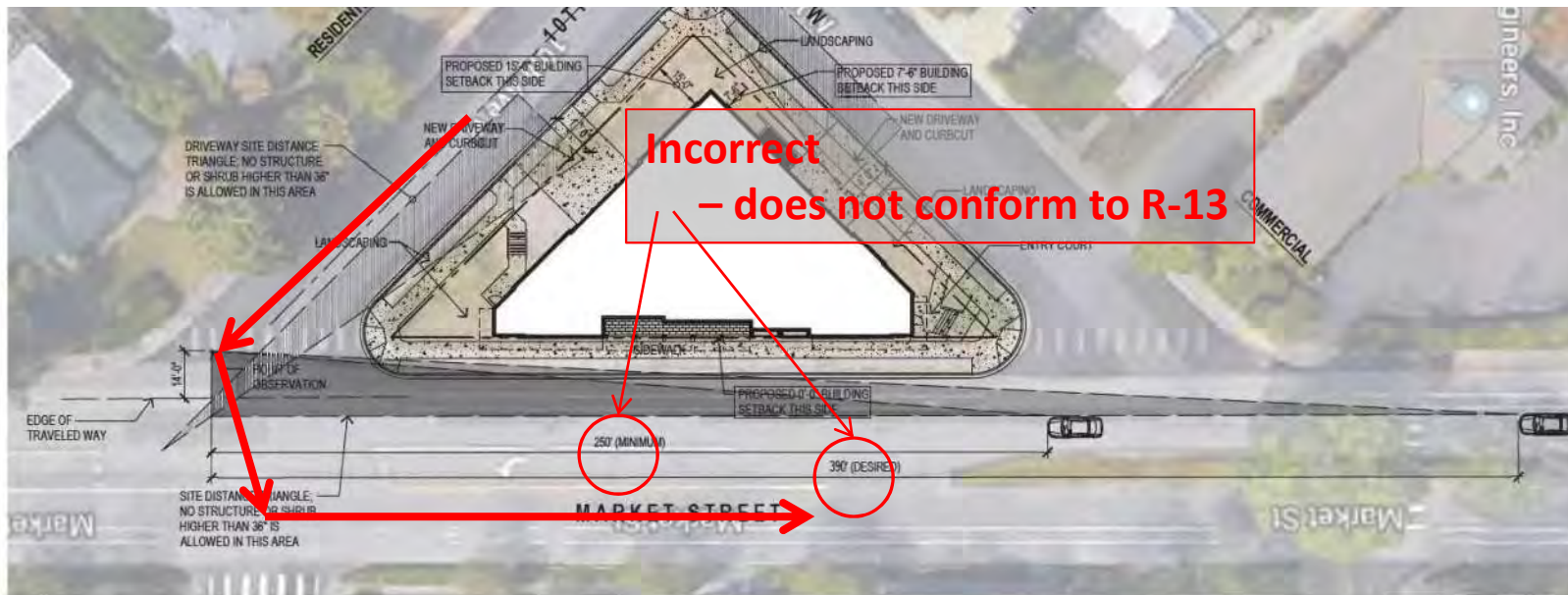
Policy R-13 Footnotes to Table 2

Footnotes:

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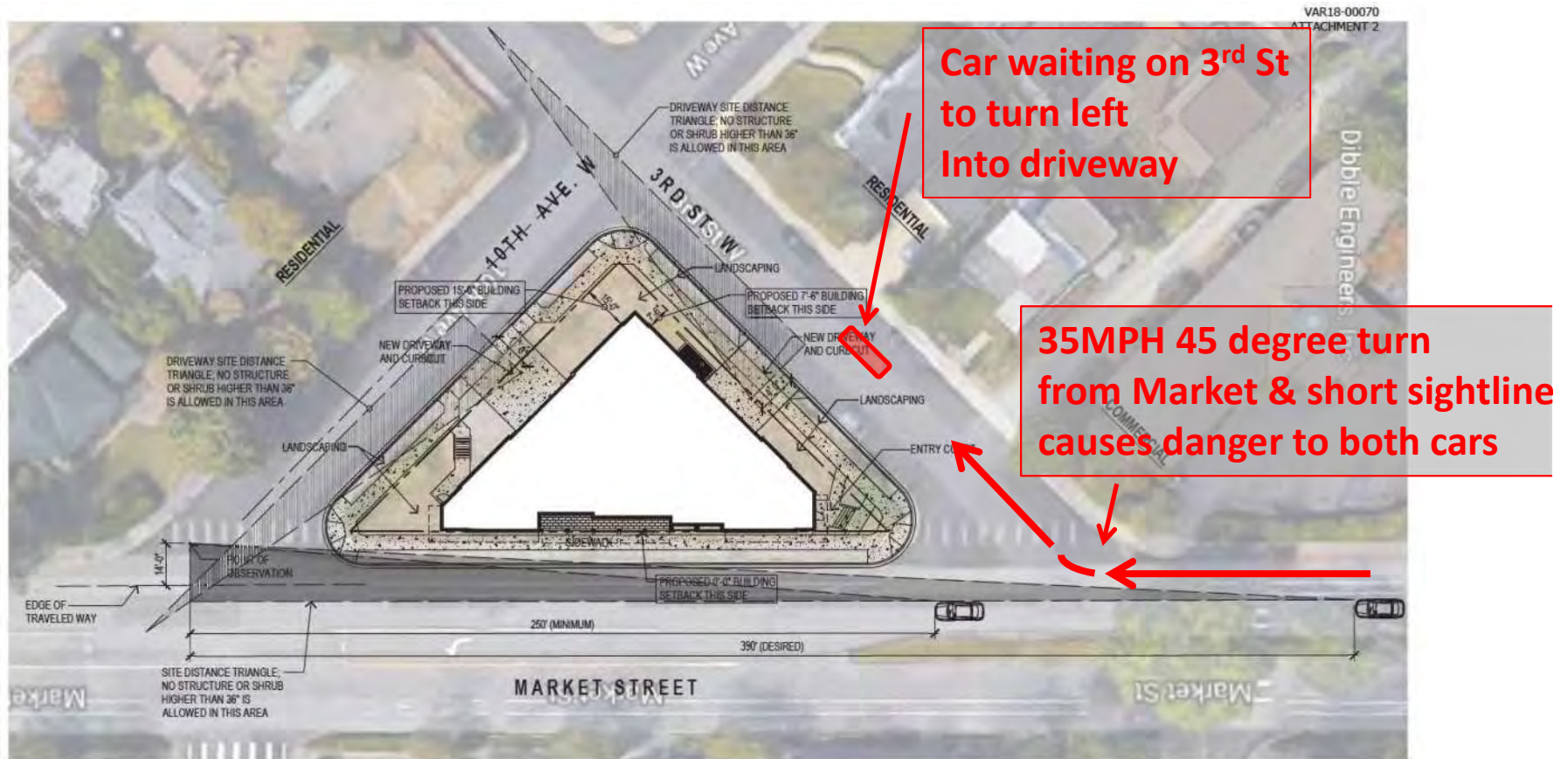
Incorrect “Sight Distance Triangle”

- No sight distance allowance/increase for this “skewed intersection”
- Note especially complicated left turn to northbound Market St



Note: Sight Distance Diagram based on City of Kirkland Policy R-13 - Intersection Sight Distance

Incomplete Analysis of 3rd Street Driveway Situation



Note: Sight Distance Diagram based on City of Kirkland Policy R-13 - Intersection Sight Distance



3rd Street Driveway Approach Safety Study & Remediation Needed

Reference Hearing Packet Page 115, 10/31/02
Memorandum from Thang Nguyen, Transportation Engineer, to Tony Leavitt

Driveway Operation & Safety

It is forecasted that the project driveways will operate with good level of service. Sight distances at the driveways meet minimum requirements. The traffic report recommended that on-street parking on the north side of 10th Avenue West between the project driveway and Market Street be removed to maintain sight distance. Similarly, it was recommended that on-street parking on the east side of 3rd Street West between the project driveway and Market Street be removed to maintain sight distance.

The location of the project driveway on 3rd Street West is close to Market Street. There is not enough sight distance for vehicles heading south and turning right from Market Street onto 3rd Street West to see a vehicle stopping on 3rd Street West to make a left-turn into the disable parking stall. Although this is not a desirable situation, the traffic volume on 3rd Street West is low and the likelihood of this happening is rare. However, the City may require C-curd in the future to eliminate left-turn into the site if it becomes a problem.

3rd Street Driveway Approach Safety Study & Remediation Needed

- Traffic on Market is considerably more congested now than in 2002 and will get worse in the future.
- The left turn from the alley across 3rd Street is now prohibited due to traffic safety issues studied during the approval cycle for the Dibble Engineering Building.
- As stated in the 2002 memo, this driveway is unsafe for traffic turning right from southbound Market St onto 3rd St W when a car is stopped or slowed to turn left into the driveway.

Variance For Market Street Setback Is Not Necessary

1. Single family residence existed on site from 1949 to 2007
2. Variances to setbacks **only** on 3rd Street W and 10th Ave. W granted in 2003
3. Building Permit issued with no apparent variances in 2007

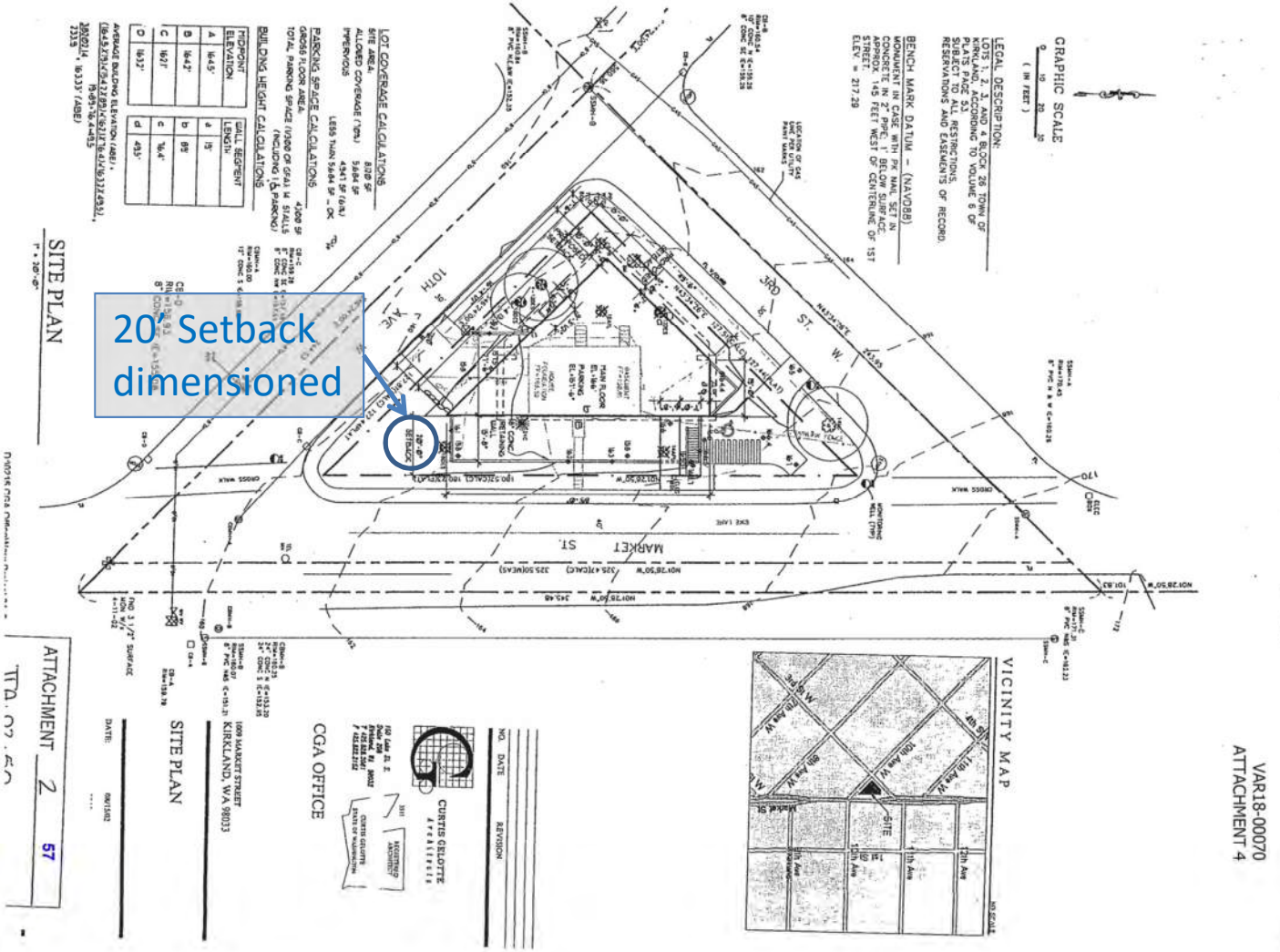
2003 Project

- Variance Requested at Hearing on February 6, 2003 (per page 45 of this hearing packet)

“Applicant is requesting a Variance to allow the **reduction of two of the three required front yard setbacks** (see Attachment 2). The 3rd Street required front yard setback would be reduced from the required 20 feet to 5 feet and the 10th Avenue required front yard setback would be reduced from the required 20 feet to 10 feet. The subject property currently contains one single-family residence. The existing residence is proposed to be demolished and replaced with a 4,200 square foot office building. Parking for the office building will be located in an underground garage (13 stalls) and one stall will be above ground. Access to the garage will be from a driveway off 10th Avenue West.”

- **No setback variance is requested on the Market Street front yard**
 - 3rd Street W setback request is 5 feet (from 20 feet)
 - 10th Ave W setback request is 10 feet (from 20 feet)
- Parking Access via a driveway off 10th Avenue West

2003 Project



2007 Project

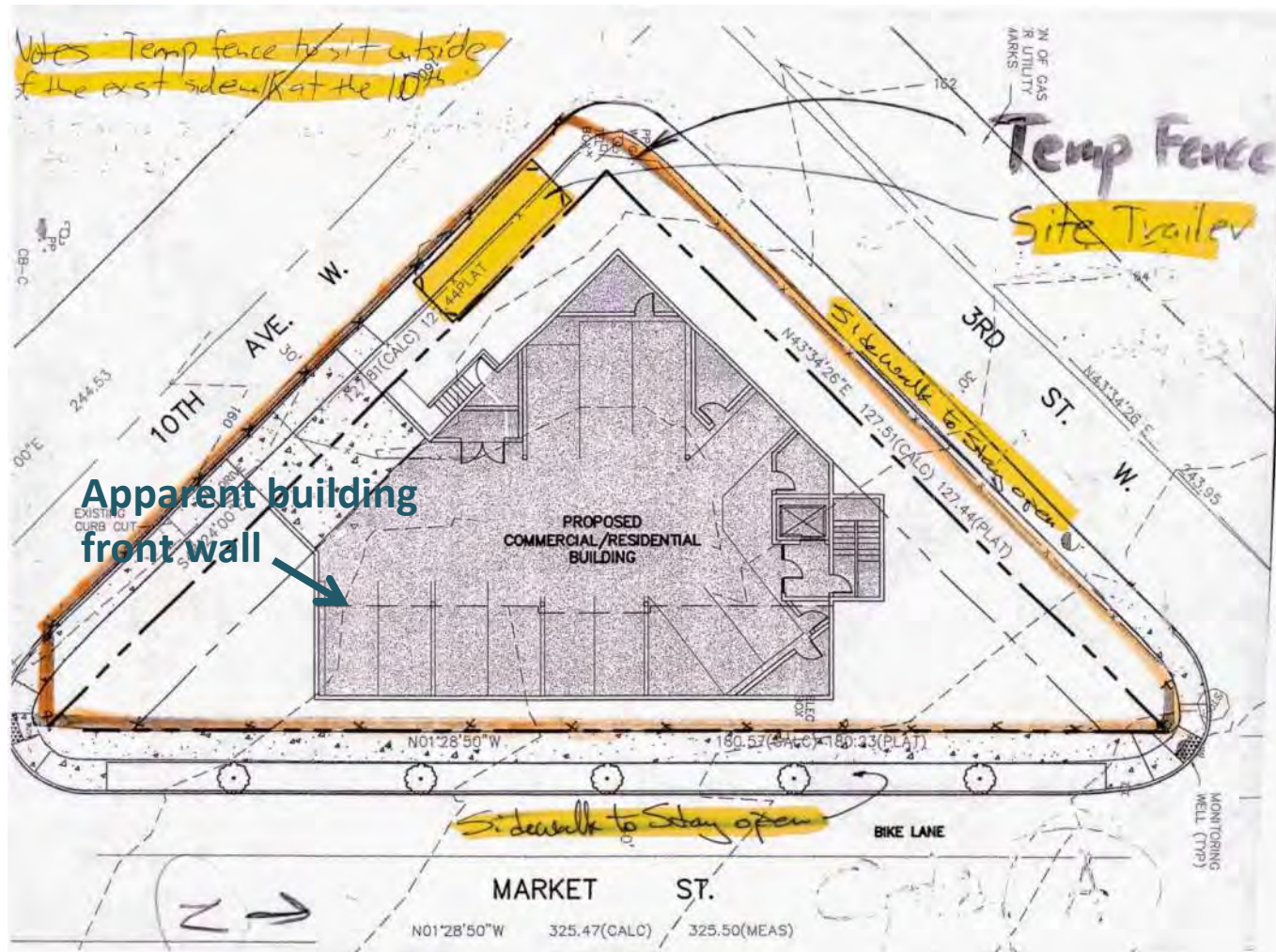
- Permit BLD07-00107
Type: Building Non Residential - BNR, Class: New

To build a mixed use building with 13 car garage below, 1st floor 2,700sq. ft. shell for 1 office , and 2nd floor 2,700 sq. ft for 1 residential unit.

PROJECT: IIA-02-50

- No evidence of any zoning variance has been found specific to this building proposal

2007 Building Permit Appears to Conform to Zoned Setbacks



Drawing from Development Services Department File for BLD07-00107

Denial of the Front Yard Market Street Variance is Requested

- Kirkland policy R-13 has been erroneously and incompletely applied
- There is no development hardship - parcel history demonstrates that development is possible with no Market Street setback variance
- Market St is not an urban area (except the 7th Ave historic district)
- The current Market Street Corridor Neighborhood Plan draft emphasizes neighborhood blend and building spacing that is consistent with surrounding low density residential
 - A zero front yard setback on Market Street is inappropriate
 - The Market Street Corridor vision is leafy, comfortable, spacious, and mixed use.
- The recently developed Dibble Engineering building across 3rd Street West is nicely setback from Market Street with some variance (granted by the Design Review Board) and complements its neighborhood



Department of Assessments

500 Fourth Avenue, Suite ADM-AS-0708, Seattle, WA 98104

Office Hours: Mon - Fri 8:30 a.m. to 4:30 p.m.

TEL: 206-296-7300 FAX: 206-296-6107 TTY: 206-296-7888

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- [Property Tax Advisor](#)
- [Washington State Department of Revenue \(External link\)](#)
- [Washington State Board of Tax Appeals \(External link\)](#)
- [Board of Appeals/Equalization](#)
- [Districts Report](#)
- [iMap](#)
- [Recorder's Office](#)
- [Scanned images of surveys and other map documents](#)
- [Scanned images of plats](#)
- Notice mailing date: 07/04/2019

PARCEL DATA

Parcel	388590-2055	Jurisdiction	KIRKLAND
Name	KIRKLAND FAMILY DENTISTRY	Levy Code	1701
Site Address	1009 MARKET ST	Property Type	C
Geo Area	85-65	Plat Block / Building Number	28
Spec Area		Plat Lot / Unit Number	1-2-3-4
Property Name	VACANT SITE	Quarter-Section-Township-Range	NE-9 -25-5

Legal Description
KIRKLAND ADD
Plat Block: 28
Plat Lot: 1-2-3-4

LAND DATA

Click the camera to see more pictures

Highest & Best Use As if Vacant	MULTI-FAMILY DWELLING
Highest & Best Use As Improved	OTHER
Present Use	Vacant(Multi-family)
Land SqFt	6,120
Acres	0.19

Percentage Unusable	
Unbuildable	NO
Restrictive Size Shape	NO
Zoning	MSC 1
Water	WATER DISTRICT
Sewer/Septic	PUBLIC
Road Access	PUBLIC
Parking	ADEQUATE
Street Surface	PAVED

Views	
Rainier	
Territorial	
Olympic	
Cascades	
Seattle Skyline	
Puget Sound	
Lake Washington	
Lake Sammamish	
Lake/River/Creek	
Other View	

Waterfront	
Waterfront Location	
Waterfront Footage	0
Lot Depth Factor	0
Waterfront Bank	
Tide/Shore	
Waterfront Restricted Access	
Waterfront Access Rights	NO
Poor Quality	NO
Proximity Influence	NO

Designations	
Historic Site	
Current Use	(none)
Nbr Bldg Sites	
Adjacent to Golf Fairway	NO
Adjacent to Greenbelt	NO
Other Designation	NO
Deed Restrictions	NO
Development Rights Purchased	NO
Easements	NO
Native Growth Protection Easement	NO
DNR Lease	NO

Nuisances	
Topography	
Traffic Noise	HIGH
Airport Noise	
Power Lines	NO
Other Nuisances	NO
Problems	
Water Problems	NO
Transportation Concurrence	NO
Other Problems	
Environmental	
Environmental	NO

BUILDING

TAX ROLL HISTORY

--	--	--	--	--	--

Account	Valued Year	Tax Year	Omit Year	Lavy Code	Appraised Land Value (\$)	Appraised Imps Value (\$)	Appraised Total Value (\$)	New Dollars (\$)	Taxable Land Value (\$)	Taxable Imps Value (\$)	Taxable Total Value (\$)	Tax Value Reason
388580205507	2019	2020		1701	812,000	0	812,000	0	812,000	0	812,000	
388580205507	2018	2019		1701	890,200	0	890,200	0	890,200	0	890,200	
388580205507	2017	2018		1701	841,400	0	841,400	0	841,400	0	841,400	
388580205507	2018	2017		1700	592,700	0	592,700	0	592,700	0	592,700	
388580205507	2015	2018		1700	552,100	0	552,100	0	552,100	0	552,100	
388580205507	2014	2015		1700	552,100	0	552,100	0	552,100	0	552,100	
388580205507	2013	2014		1700	552,100	0	552,100	0	552,100	0	552,100	
388580205507	2012	2013		1700	552,100	0	552,100	0	552,100	0	552,100	
388580205507	2011	2012		1700	552,100	0	552,100	0	552,100	0	552,100	
388580205507	2010	2011		1700	608,000	0	608,000	0	608,000	0	608,000	
388580205507	2009	2010		1700	608,000	0	608,000	0	608,000	0	608,000	
388580205507	2008	2009		1700	592,700	0	592,700	0	592,700	0	592,700	
388580205507	2007	2008		1700	349,000	33,000	382,000	0	349,000	33,000	382,000	
388580205507	2008	2007		1700	291,000	34,000	325,000	0	291,000	34,000	325,000	
388580205507	2005	2008		1700	243,000	58,000	301,000	0	243,000	58,000	301,000	
388580205507	2004	2005		1700	221,000	49,000	270,000	0	221,000	49,000	270,000	
388580205507	2003	2004		1700	201,000	57,000	258,000	0	201,000	57,000	258,000	
388580205507	2002	2003		1700	183,000	82,000	245,000	0	183,000	82,000	245,000	
388580205507	2001	2002		1700	170,000	58,000	228,000	0	170,000	58,000	228,000	
388580205507	2000	2001		1700	150,000	112,000	262,000	0	85,000	85,800	150,800	FS
388580205507	1999	2000		1700	134,000	92,000	228,000	0	85,000	85,800	150,800	FS
388580205507	1998	1999		1700	125,000	71,000	196,000	0	85,000	85,800	150,800	FS
388580205507	1997	1998		1700	0	0	0	0	85,000	85,800	150,800	
388580205507	1996	1997		1700	0	0	0	0	85,000	85,800	150,800	
388580205507	1994	1995		1700	0	0	0	0	85,000	85,800	150,800	
388580205507	1992	1993		1700	0	0	0	0	82,800	88,200	150,800	
388580205507	1990	1991		1700	0	0	0	0	78,700	88,200	148,900	
388580205507	1988	1989		1700	0	0	0	0	25,400	42,500	87,900	
388580205507	1986	1987		1700	0	0	0	0	22,500	37,400	59,900	
388580205507	1984	1985		1700	0	0	0	0	21,500	33,200	54,700	
388580205507	1982	1983		1700	0	0	0	0	18,700	34,800	53,300	

SALES HISTORY

Exclude Number	Recording Number	Document Date	Sale Price	Seller Name	Buyer Name	Instrument	Sale Reason
2284512	20070515901655	5/4/2007	\$1,035,000.00	GHOEBANIAN ABRAHAM+SOLTANI ZAHRA	GREENE BENJAMIN J	Statutory Warranty Deed	None
2228087	20060808002552	8/7/2006	\$850,000.00	COFFEEHOUSE BUILDING LLC	GHOEBANIAN ABRAHAM+SOLTANI ZAHRA	Statutory Warranty Deed	None
2119231	20050429001001	4/26/2005	\$750,000.00	MCGEOUGH BREFFNI J+HOLLY A	COFFEEHOUSE BUILDING LLC	Statutory Warranty Deed	None
2007979	20031215001617	12/12/2003	\$525,000.00	1009 MARKET STREET DEVELOPMENT LLC	MCGEOUGH BREFFNI J+HOLLY A	Statutory Warranty Deed	None
1957582	20030509002758	10/16/2002	\$0.00	GELLOTTE CURTIS E	1009 MARKET STREET DEVELOPMENT LLC	Quit Claim Deed	Other
1898396	20020718000530	7/12/2002	\$400,000.00	PHILLIPS THERESA T	GELLOTTE CURTIS	Statutory Warranty Deed	None

REVIEW HISTORY

PERMIT HISTORY

Permit Number	Permit Description	Type	Issue Date	Permit Value	Issuing Jurisdiction	Reviewed Date
BLD07-00102	Build a mixed use bldg. with 13 car garage below, 1st floor 2,700 sq. ft. shell for 1 office & 2nd floor 2,700 sq. ft. for 1 residential unit	Building, New	10/9/2007	\$834,000	KIRKLAND	8/17/2010
BLD07-00726	Demolish SFR	Demolition	8/15/2007	\$0	KIRKLAND	12/13/2007

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January 30, 2020

Tony Leavitt, Project Planner
City of Kirkland
Planning and Building Department
123 Fifth Avenue
Kirkland, Washington 98033

Re: Case # VAR18-00070

Dear Mr. Leavitt,

Jeff and I have resided at 235 10th Ave West since 1980. When we first moved in, there was a residence located at 1009 Market Street and our neighborhood flourished. Sadly, when that family moved out and that property sold to architect Curtis Gelotte, our sense of residential community began to suffer, and has continued to suffer for some 20 years. When Ben Green purchased the property, he also purchased the plan with variances Gelotte had had approved by the City of Kirkland, but Dr. Green was unable to bring that building to fruition. For many years, it has been used as a staging area for heavy machinery, often staging building or utility projects for the city. The noise, dirt, inconvenience and intrusion into our lives -- sometimes it appeared semi-trucks with trailers were going to drive right up our pathway and into our front door -- has been interminable. Literally.

We favor a permanent building over continuing construction projects, as long as that building does not impact the residential quality of our lives. We are primarily concerned about parking, traffic, and a sense of barrier between the dental building and the neighborhood's homes. We have these questions related to those concerns:

- How will traffic be routed into the parking area?
 - Will it be routed through the neighborhood streets (3 St. W. and 10th Ave. W.)?
 - How many cars per day does this mean?

- How many parking places will be available under this building?
 - How many dental patients will be seen per day at this building?
 - How many employees will work in this building?
 - How many of those employees will park in those parking spaces?
 - Where will dental patients and employees park if not under the building?

- How will street parking be impacted?
 - Will employees be parking on the street? Will they be encouraged by their employer to do so? If so, does that become part of the scope of the project to be approved?
 - How much of the curb around the dental building will be redlined out? How does that affect the number of parking spaces available on the block surrounding the building, and how far into the neighborhood will the parking extend?
 - We believe there is a sight issue looking northward on southbound Market from the intersection of 10th Ave W and Market St. Will there be redlined curb going north on Market and will it be substantial enough to see oncoming cars – often it is quite difficult to merge into traffic going south on Market, and we need good visibility to make good judgments.
- Regarding the zero setback on Market, how will this impact the look-and-feel of the neighborhood? I notice that the building on the southwest corner of Market and 7th Ave. W. has indentations in the building façade facing Market to include planters, which mitigates a full on frontal assault on Market. Will this be considered as part of this plan?
- Regarding the setback on 3rd St. W., how will a setback of only 7.5 feet be mitigated to prevent the commercial building from impacting the residences along that street, the adjacent streets, and into the neighborhood?
- Regarding the setback on 10th Ave. W., the original variance for Gelotte included a landscaping barrier. This might in some way mitigate the impact of this building on the residential buildings along 10th Ave. W. With no landscape barrier required, it would be a stark contrast to the homes currently there. We very much hope that a landscaping barrier will be required.
 - If a landscape barrier is required, how will it be designated and how will it be monitored for compliance? For example, with the Gelotte variance, there were trees specified to remain as part of the barrier, but the owner did not care for the trees and in fact cut into their roots to such an extent that they became unviable and were never replaced. If the landscape barrier is required, we hope it will include some form of explicit guarantees that it will be honored.

We suspect that answers to the questions above will show that the impact of this building to the surrounding residential neighborhood in fact harms them, in these ways:

- Street parking on 3rd St. W. and 10th Ave. W. and into the surrounding neighborhood will be adversely impacted by employees and clients of the building
- Traffic will spike on 10th Ave. W. with access to the parking lot located on 10th Ave. W.
- Visibility to Market to merge onto southbound Market will be impacted and cause safety concerns, particularly during heavy traffic times

- There will be no way to mitigate the impact of this large, commercial building on the bordering residential community. And even if landscaping barriers are required, there is an open question of whether the design of such barriers are adequate and how they will be enforced over time.

Given that we anticipate a strongly negative impact of allowing the variances requested in this case, we propose the city purchase this land and use it as a public park. We feel that Kirkland's reputation for its parks and recreational areas is a source of city pride and encourages tourism. We believe turning this lot into a park is a benefit to the city.

Sincerely,



Melissa and Jeff Thirloway
235 10th Ave. W.
Kirkland, WA 98033
thirloway@gmail.com

XV.L. Market Street Corridor

1. Overview

The [Market Street Corridor](#) is centered on Market Street. It includes properties along the eastern border of the [Market Neighborhood](#) and the western border of the [Norkirk Neighborhood](#). The [Market Street Corridor](#) extends from 19th Avenue on the north to the Central Business District on the south. Market Street has a development pattern that includes a mix of commercial and residential uses and it is recognized as a transportation link serving both regional and local users.

2. Vision Statement

The [Market Street Corridor](#) is an attractive, economically healthy area that accommodates neighborhood-oriented businesses, office uses and multifamily housing. The commercial uses provide convenient shopping and services for residents of both the Market and [Norkirk Neighborhoods](#). The corridor is bounded by single-family residential neighborhoods to the north, east and west and a vibrant Central Business District to the south. Design of new development along the corridor incorporates landscaped buffers, site design and architectural treatments that complement and protect the adjacent residential neighborhoods.



Market Street Corridor

Market Street provides efficient access to both the Market and [Norkirk Neighborhoods](#), while continuing to function as a principal north/south arterial for local and regional traffic. Bicyclists and pedestrians use the [Market Street Corridor](#) as a connection between the Market and [Norkirk Neighborhoods](#), and to the Central Business District and the region as a whole.

The historic 1890s buildings at the intersection of Market Street and 7th Avenue represent the original town center and are still a focal point for Kirkland's history. This historic district reflects the City's past through both its old and new buildings and its streetscape, including street trees, public seating and street lights.



Sears Building at 701 Market Street

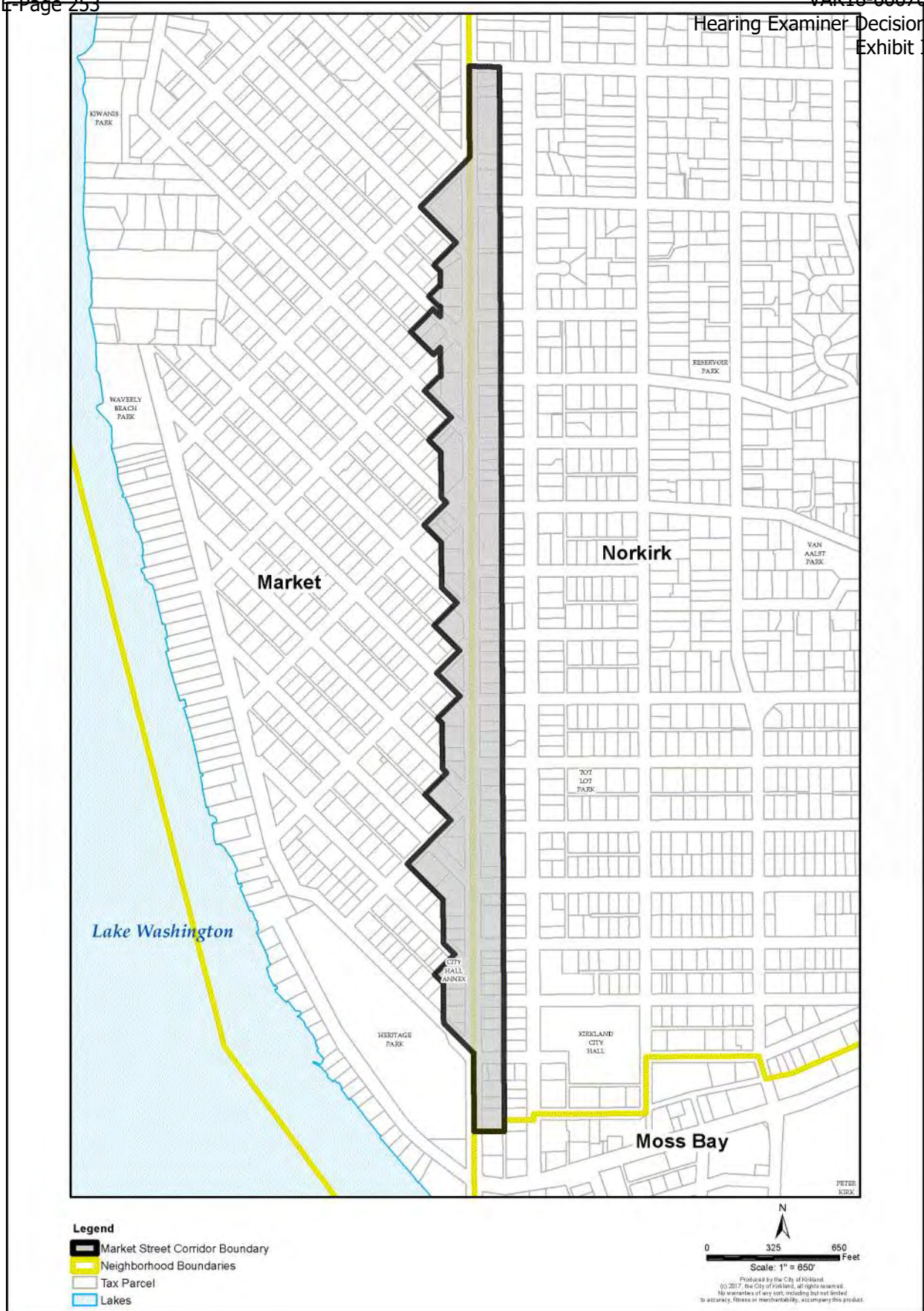


Figure MS-1: Market Street Corridor Boundary

3. Historic Context

Between 1888 and 1890, Peter Kirk's Kirkland Land and Improvement Company purchased much of the land that had been homesteaded in the 1870s to begin the proposed new city. This new city was to support the construction of the steel mill on Rose Hill near Forbes Lake. The new town center was at the intersection of Market Street and Piccadilly, which is now 7th Avenue. This intersection, with four remaining 1891 brick buildings, three of which are on the National Register of Historic Places, is one of the most historically significant in Kirkland. An alternative street plan was also developed which included a large square at this intersection and a hotel on what is now Heritage Park at the corner of Market and Waverly Way. The cluster of historic properties at the intersection of Market Street and 7th Avenue form an important historical link and entrance to both the Market and [Norkirk Neighborhoods](#).

Goal MS-1: Encourage preservation of structures and locations that reflect Kirkland's heritage.

Policy MS-1.1: Provide incentives to encourage retention of identified buildings of historic significance.

The City should include incentives in the Zoning and Building Codes for maintenance of the historic buildings at the 7th Avenue and Market Street Historic District. These incentives can help to make the maintenance of the historic structures more economically viable.



The Peter Kirk Building

620 Market Street

Policy MS-1.2: Provide markers and interpretive information for the historic sites located in the historic district at 7th Avenue and Market Street.

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

4. Land Use

Goal MS-2: Support a mix of higher intensity uses along the Market Street Corridor while

E-Page 255
minimizing impacts on adjacent residential neighborhoods.

Policy MS-2.1: Encourage a mix of uses within the Market Street Corridor that include multifamily and office development as well as neighborhood oriented shops and services.

The majority of the corridor is developed with a mixture of small-scale multifamily residences at a density of 12 units/acre and office development. It is also appropriate to have other neighborhood businesses interspersed throughout. This scale and pattern of development for the corridor fits well with the adjoining neighborhoods.



Neighborhood Shopping Area

The area south of 6th Avenue and 5th Avenue West acts as a connection between the City's historic district and the Central Business District (CBD). Small-scale multifamily and office development are also allowed here, but some of the area is at a higher density than the 12 units/acre allowed north of the historic district. On the east side of Market Street, multifamily density can go up to 24 units/acre. This helps the area to make a better transition into the CBD.



Office Development on Market Street

There is also a node of neighborhood-oriented businesses located on the west side of Market Street, north of 14th Avenue West. This small shopping area provides convenient shopping and services for residents in the area. If redevelopment of this site occurs, the buildings and site should be designed so that their appearance blends with the character of the adjoining single-family neighborhood. The landscaping can be used to soften and separate the commercial uses on-site from the adjoining residential uses.

Policy MS-2.2: Designate the historic district between 8th Avenue/2nd Street West and 6th Avenue/5th Avenue West as a special planning area of the corridor.

This area should remain a business commercial zone allowing residential, office and retail uses, and should include special regulations that reinforce the historic nature of the intersection at 7th Avenue and Market Street.

Hearing Examiner Decision Exhibit I

Policy MS-2.3: Restrict the development of new commercial and multifamily structures to locations within the limited boundaries designated for the Market Street Corridor.



Multifamily and commercial development should remain in designated areas within the [Market Street Corridor](#) and not extend into the single-family residential core of the Market and [Norkirk Neighborhoods](#) or beyond 19th Avenue to the north. The slope and alley parallel to the east side of Market Street provide a break between the corridor and the residential core of the [Norkirk Neighborhood](#). The break is not as well defined on the west side of the street between the corridor and the [Market Neighborhood](#) residential core; however it is generally located adjacent to properties that directly abut Market Street.

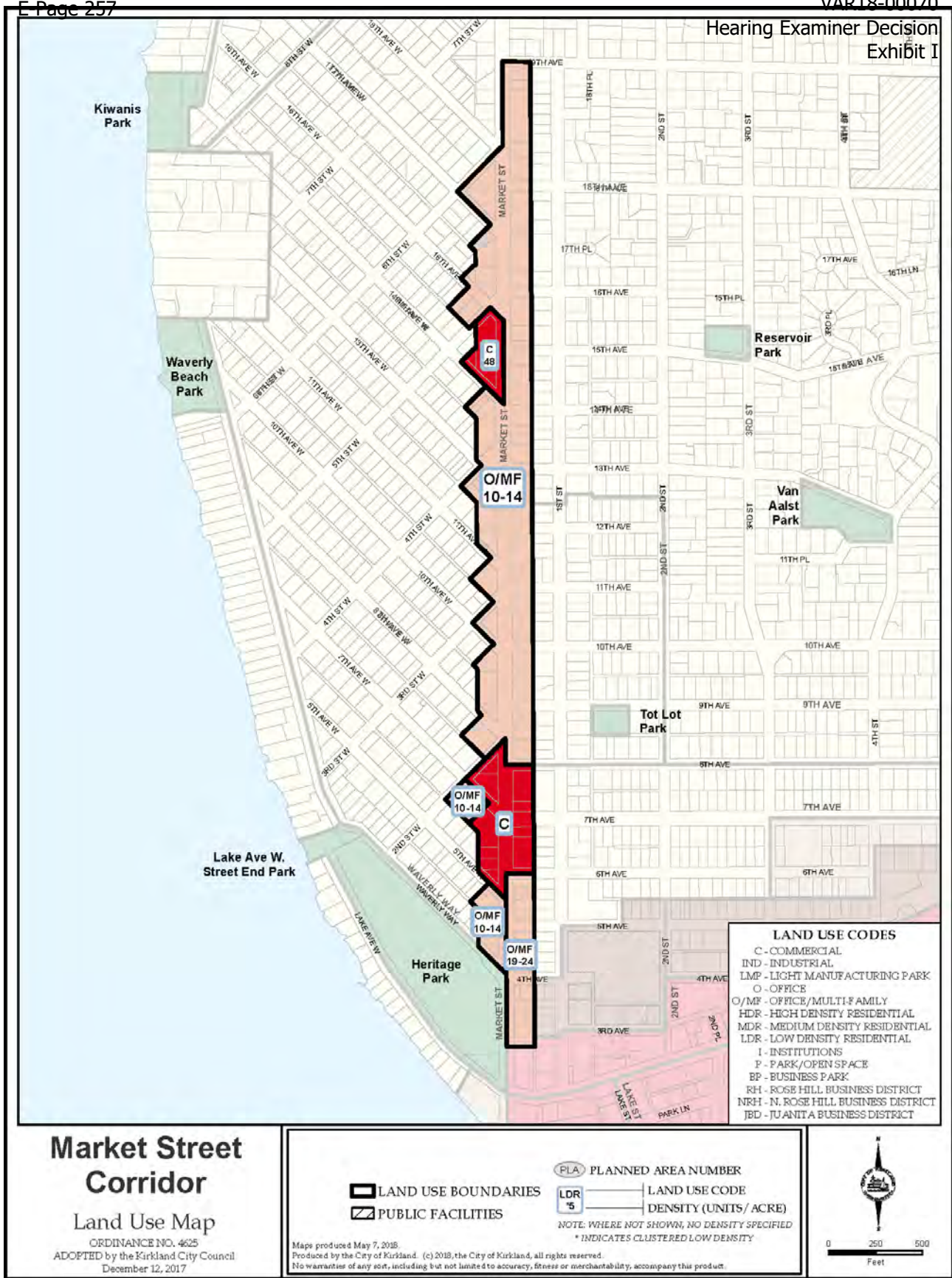


Figure MS-2: Market Street Corridor Land Use

5. Transportation

Market Street is a principal arterial that is the most traveled route into and along the borders of both the Market and [Norkirk Neighborhoods](#). It also plays an important Citywide role since it is the only principal arterial west of Interstate 405 between NE 85th Street and NE 116th Street. Most of Market Street is fully improved with one lane in each direction, and a series of left turn pockets. The street is fully developed with curbs, gutters, sidewalks, a landscape strip and bike lanes. A landscape median provides additional green space while controlling left-turn movements. A center turn lane north of the 7th Street West intersection extends to Forbes Creek Drive.

Goal MS-3: Maintain Market Street as a transportation corridor with a balance among transportation modes.

Policy MS-3.1: Promote transportation improvements that adequately support the existing and planned land uses in the Market Street Corridor and the adjoining neighborhoods.

Transportation improvements should maintain vehicular capacity on Market Street; minimize traffic delays; enhance connectivity between the Market and [Norkirk Neighborhoods](#); and discourage shortcuts through the neighborhoods.

Policy MS-3.2: Improve local access to Market Street from the Norkirk and Market Neighborhood residential areas.

Initial research indicates that such issues as pedestrian safety, sight distance problems, short acceleration lanes, speeding, lack of gaps for entry traffic, and transition to a 25 mph zone near the downtown all contribute to general traffic flow problems, particularly during peak hours. Possible solutions include: simplifying intersections; creating gaps in the traffic; and calming or slowing traffic on Market Street. Ongoing observation and study will be necessary to ensure that Market Street will continue to function as a principal arterial while providing efficient access to adjacent neighborhoods.



Pedestrian amenities

Policy MS-3.3: Encourage the use of nonmotorized transportation modes by providing facilities for pedestrians and bicyclists throughout the subarea.

Pedestrian improvements, including adequate pedestrian crossings between the Market and [Norkirk Neighborhoods](#), should be installed at appropriate locations to improve pedestrian safety and enhance the pedestrian environment. The installation of these improvements should be funded by the City and, when appropriate, also required as new development occurs.

Transit service is an important element of the City’s transportation system. Metro Transit serves the Market and [Norkirk Neighborhoods](#) with routes along Market Street that provide service to the Kirkland Transit Center, Downtown Seattle, Totem Lake, Bellevue and other surrounding areas. As automobile traffic increases, alternative modes of transportation become more necessary. The [Market Street Corridor](#) is one of the main north/south connections through the City and is also a main transit route.



Bus shelter on Market Street

6. Urban Design

Goal MS-4: Identify and enhance the distinct characteristics of the different sections of the Market Street Corridor.

Policy MS-4.1: Maintain and enhance the character of the historic intersection at 7th Avenue and Market Street.



Intersection at 7th Avenue and Market Street

Existing historic resources should be considered when adjacent structures are being rebuilt or remodeled. The scale and design features of the historic buildings at the intersection of Market Street and 7th Avenue should be taken into account when development in that area occurs.

Policy MS-4.2: Utilize design review to administer building and site design standards in appropriate sections of the Market Street Corridor.

Design review is appropriate for the area surrounding the Market Street and 7th Avenue intersection (see Figure MS-3). It can also be a practical tool for other multifamily and commercial development along the corridor. The design review process can be used to review site and building design issues such as building placement, landscaping, and building details, as well as public improvements including sidewalk width and street furniture.



Goal MS-5: Provide streetscape, gateway and public art improvements that contribute to a sense of identity and enhanced visual quality.

Policy MS-5.1: Provide streetscape improvements that tie together the various sections of the Market Street Corridor.

Historic street lights, a consistent street tree plan, and pedestrian seating can all be used to add character and reflect the feeling of the corridor. The landscape strip on the east side of Market Street adds interest and provides

a more secure pedestrian environment. Additional street trees should be considered on the west side of Market Street. The City should also consider funding historic street lights within the historic district and possibly other areas of the corridor.

Policy MS-5.2: Construct and improve gateway features at the locations identified in the Market and Norkirk Neighborhood Plan Urban Design Sections.

Desired gateway feature locations are indicated on Figure MS-3. Improvements such as landscaping, signs, public art, and other features that identify the neighborhood can be included if they are appropriate for a location. Public investment will be necessary in most instances, but the City can also pursue opportunities to work with private property owners to install gateway features as part of future development.

Goal MS-6: Provide transitions between low-density residential uses within the neighborhoods and the commercial and multifamily residential uses along Market Street.

Policy MS-6.1: Promote development regulations that address transitions and protect neighborhood character.

The building mass and/or height of the higher density structures should not overwhelm adjoining low-density uses. Landscape buffers should be used to soften and separate uses by creating a transition zone. Some of the existing buildings may also need enhanced landscaping in order to prevent commercial structures from having a negative impact on adjoining residential uses.

Policy MS-6.2: Establish multifamily building and site design standards that enhance neighborhood compatibility.

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

Policy MS-6.3: Orient commercial uses toward Market Street.

Commercial development which is oriented toward Market Street will have less impact on the adjacent low-density residential areas in the surrounding neighborhoods.





Figure MS-3: Market Street Corridor Urban Design Features

The Kirkland Municipal Code is current through Ordinance 4713, passed December 10, 2019.

Disclaimer: The City Clerk's Office has the official version of the Kirkland Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

City Website: <http://www.kirklandwa.gov/> (<http://www.kirklandwa.gov/>)

City Telephone: (425) 587-3000

Code Publishing Company (<https://www.codepublishing.com/>)

Tony Leavitt

From: Melissa Thirloway <Thirloway@msn.com>
Sent: Tuesday, February 04, 2020 7:44 PM
To: Tony Leavitt
Cc: thirloway; Jeff Thirloway
Subject: Additional comments, Case # VAR18-00070

Tony Leavitt, Project Planner
City of Kirkland
Planning and Building Department
123 Fifth Avenue
Kirkland, Washington 98033

Re: Case # VAR18-00070

Dear Mr. Leavitt,

Since the hearing examiner allowed two weeks for additional remarks, we'd like to submit these follow-up remarks to hearing of this case on January 30th, 2020.

During the hearing on 1/30/20, traffic problems were discounted as an impediment to granting the requested variances. However, traffic patterns were presented as if in a neutral environment and not with real-world consequences. While there may be more, we anticipate at least two such consequences in addition to those presented on 1/30/20:

- During evening rush hour when Market Street northbound is moving at a crawl (it has taken ten minutes to drive one block at this time of night), the employees of the dental building will be ending their day and going home. This means at this peak time, clients' and employees' cars will be leaving the neighborhood and the garage and may be attempting to turn left from 10th Ave. W. onto northbound Market. The often relentless onslaught of northbound traffic will prohibit them from doing so, and traffic will build up at the stop sign on 10th Ave. W., and sit idling for long periods of time in front of the houses on 10th Ave. W. This will add to noise and air pollution for those homes along 10th Ave. W.
- It has been our experience that drivers, eager to turn left onto Market St. from 10th Ave. W., wait at the stop sign while their car has crossed over the unlined mid-point of 10th Ave. W. This hinders cars turning left from northbound Market onto 10th Ave. W., creating a driving hazard.

More history on the 2003 and 2007 building proposals:

- There was also some discussion at the 1/30/20 hearing about the history of variances on this site. One was granted to Curtis Gelotte in 2003, which allowed for a five-year option to build as approved. In 2007, an agent for Ben Green approached us and wanted to negotiate building a different building on this site, which required different set-backs. In exchange for our agreement to reduce the 15 foot

variance-approved set-back on 10th Ave. W., they were going to pay to move the fire hydrant then (as it is currently) located at 235 10th Ave. W. to 1009 Market St., freeing up another parking space on the 200 block of 10th Ave. W. The city had knowledge of this agreement and documents were prepared. However, we had reason to doubt the motives and sincerity of the builders, and never signed this agreement. Excavation for this new building was begun anyway.

- We do not remember a new variance request, or a hearing for such, or other any public notification in 2007. This omission prohibited other interested parties from becoming aware of the change of plans, or presenting any testimony on the change of plans and subsequent approval of a change of variance.

As a way to discount and deflect our concerns about the impact of this building on our neighborhood, during his rebuttal testimony on 1/30/20, the architect presenting the variance request stated that Dr. Green wants to be a good neighbor. Here are several examples of why we question this statement:

- After years of objections, Dr. Green has not demonstrated substantive concern about the objections of those of us who live in the neighborhood and have first-hand experience of the flow of traffic, the parking issues, and an interest in maintaining the character of the neighborhood. Since purchasing the Gelotte plan with approved variances, which we assumed he planned to build, he has only increased the size and impact to the neighborhood of each of the successive buildings he has proposed building.
- He doesn't proactively care about the safety of his neighbors – he repeatedly has allowed weeds and grass to grow to dangerous heights during the fire season. This has prompted neighbors to go to the city to make sure he cuts them down, particularly before the 4th of July when random fireworks present a dangerous possibility of starting a fire on his lot, threatening our homes.
- He did not conform to the language of the original variance, which required existing trees to be incorporated into the landscape barrier required by the variance. Instead, he neglected them, and even excavated so close to their root balls that they died. Since landscape barriers offer a major mitigation of the impact to the character of the bordering residential neighborhood, Dr. Green's commitment to following the decisions of this process remain a huge concern.
- He has destroyed the character of the neighborhood by placing huge temporary signs on this site advertising his business north on Market. I have no idea if these signs met code, or were approved by the city. They did not stay up long so I'm assuming they did not.

About the landscaping barrier along 10th Ave. W.:

- After almost 20 years of talking about what developing this property would mean, oddly it never occurred to us until now that a driveway cannot be landscaped – we just envisioned landscaping would separate this building from our home and reduce its impact. This project's driveway on 10th Ave. W. is directly opposite our front door. The way this building will look to us is a 25-foot-high wall stretching the entire north-south length of the lot, with a two-car-wide driveway pointed right at us. Since you can't plant concrete, there would have to be significant landscaping plans to hide or obscure the driveway to make it fit into a residential neighborhood. If a variance is allowed, landscaping design to mitigate the impact of the driveway should be specifically stated, as well as a process for redress if not carried out and maintained.

- Another solution would be to move the driveway access to 1009 Market from its current location on 10th Ave. W. to a spot further north on 10th Ave. W. The home on the corner of 10th Ave. W. and 3rd St. W. (facing onto 3rd St. W.) has its own landscaping barrier along their property on 10th Ave. W. and the negative visual impact to them would be less.

Additional concerns raised by testimony on 1/30/20:

- After hearing about the impact of light and noise from the Dibble Building, we, too, would be concerned that light, noise, and detritus (dust, odors, chemical fumes) from the dental building would flood nearby homes.

Again, given that we anticipate a strongly negative impact of allowing the variances requested in this case, we propose the city purchase this land and use it as a public park. We feel that Kirkland's reputation for its parks and recreational areas is a source of city pride and encourages tourism. We believe turning this lot into a park is a benefit to the city.

Sincerely,

Melissa and Jeff Thirloway

Melissa and Jeff Thirloway
235 10th Ave. W.
Kirkland, WA 98033
thirloway@gmail.com; jlthirloway@msn.com

Sent from [Mail](#) for Windows 10



CITY OF KIRKLAND
Planning and Building Department
123 5th Avenue, Kirkland, WA 98033
425.587.3600- www.kirklandwa.gov

MEMORANDUM

To: Susan Drummond, Kirkland Hearing Examiner Pro Tem

From: Tony Leavitt, Senior Planner

Date: February 13, 2020

Subject: **MARKET STREET DENTAL CLINIC VARIANCE, VAR18-00070**

At the Public Hearing on January 30th, the Hearing Examiner requested that the record remain open until 5pm on February 13th in order to allow the Public Works Transportation Engineer time to review and respond to the presentation that Nicole and Ken MacKenzie gave during the public hearing. Additionally, the record was kept open for any additional public comments.

Attached is a memorandum from Thang Nguyen (City of Kirkland Transportation Engineer) that concludes that the proposed building, with a setback of zero feet from the front property line, will have no impact on the sight distance for vehicles entering Market Street from 10th Avenue West and that the proposed project driveways on 3rd Street West and 10th Avenue West have adequate sight distance.

As noted in the Staff Advisory Report dated January 23rd, the project must comply with the Process IIA Zoning Permit Approval Criteria which states that an application may be approved if it:

- (1) It is consistent with all applicable development regulations and, to the extent there is no applicable development regulation, the Comprehensive Plan; and
- (2) It is consistent with the public health, safety, and welfare.

Based on the sight distance review memorandum provided by the Public Works Department, Planning Staff concludes that the proposed application complies with these criteria and should be approved with conditions as outlined in the Staff Advisory Report. The proposed building will have no impacts on the existing sight distance conditions and will not create safety issues for vehicles accessing the site and driving on adjacent streets. The project is not required to mitigate any existing traffic conditions. Neighbors may contact the City's Neighborhood Traffic Coordinator to resolve any traffic concerns that they may have.

Enclosures

1. Public Works Memo with Attachment



CITY OF KIRKLAND
Department of Public Works
123 Fifth Avenue, Kirkland, WA 98033 425.587.3800
www.kirklandwa.gov

MEMORANDUM

To: Tony Leavitt, Senior Planner
From: Thang Nguyen, Transportation Engineer
Date: February 10, 2020
Subject: Market Street Clinic Sight Distance

The purpose of this memo is to clarify the sight distance measurement requirements for the proposed project and to respond to the presentation made at the public hearing by Nicole and Kenneth MacKenzie. Staff also reviewed the information provided in a letter from Ross Tilghman.

Staff Summary

- The applicant is not required to mitigate the sight distance at an existing intersection (Market Street/10th Avenue West).
- The location to measure sight distance at Market Street/10th Avenue West is 14 feet from the edge of the bike lane closest to the curb.
- Stopping sight distance (minimum sight distance) is the requirement for the project.
- Accounting for the grade on Market Street, the measured stopping sight distance at Market Street/10th Avenue West exceeds the requirement.
- The building's awning will not block the required stopping sight distance.
- There is adequate sight distance for the project driveways.
- There is no correlation between increase traffic volumes and traffic crashes when there is adequate sight distance.

Sight Distance Measurements

The applicant is required to provide adequate sight distance at the project driveways. The applicant is not required to provide or mitigate the sight distance at an existing public intersection, but any new structures or landscaping may not obstruct the sight distance

The intersection of Market Street and 10th Avenue West is required to meet sight distance for a Type-B intersection (see Attachment 1). For an existing intersection that is not a high accident location, the sight distance required is the "minimum" stopping sight distance listed in Table 2 of Policy R-13 of the Public Works Pre-Approved Plans. The required stopping sight distance for a 35 miles per hour street with up to 3% grade is 250 feet and for grades from 3% to 6% it is 275 feet (based on 2018 AASHTO Green Book 7th Edition). The grade on Market Street is approximately 5%. The sight distance looking north on Market Street is not affected by the skewed angle of the intersection of

Market Street and 10th Avenue West, therefore the adjustment for a skewed angle intersection is not applicable.

The location of the sight distance triangle is measured 14 feet back from the closest edge of the travel lane. If there is no on-street parking, it is 14 feet back from the face of curb. If there is on-street parking and bike lane, it is measured 14 feet from the edge between the bicycle travel lane and the parking lane. Figure 1 illustrates the locations where the sight triangle is measured from relative to the right-of-way lane configurations. Market Street has a 7-foot wide parking lane and a 5-foot wide bicycle lane. The intersection of Market Street and 10th Avenue West is a low accident intersection; therefore, it is appropriate to exclude the parking area from the travel way for the sight distance measurement.

Figure 1. Example of Sight Distance Measurements

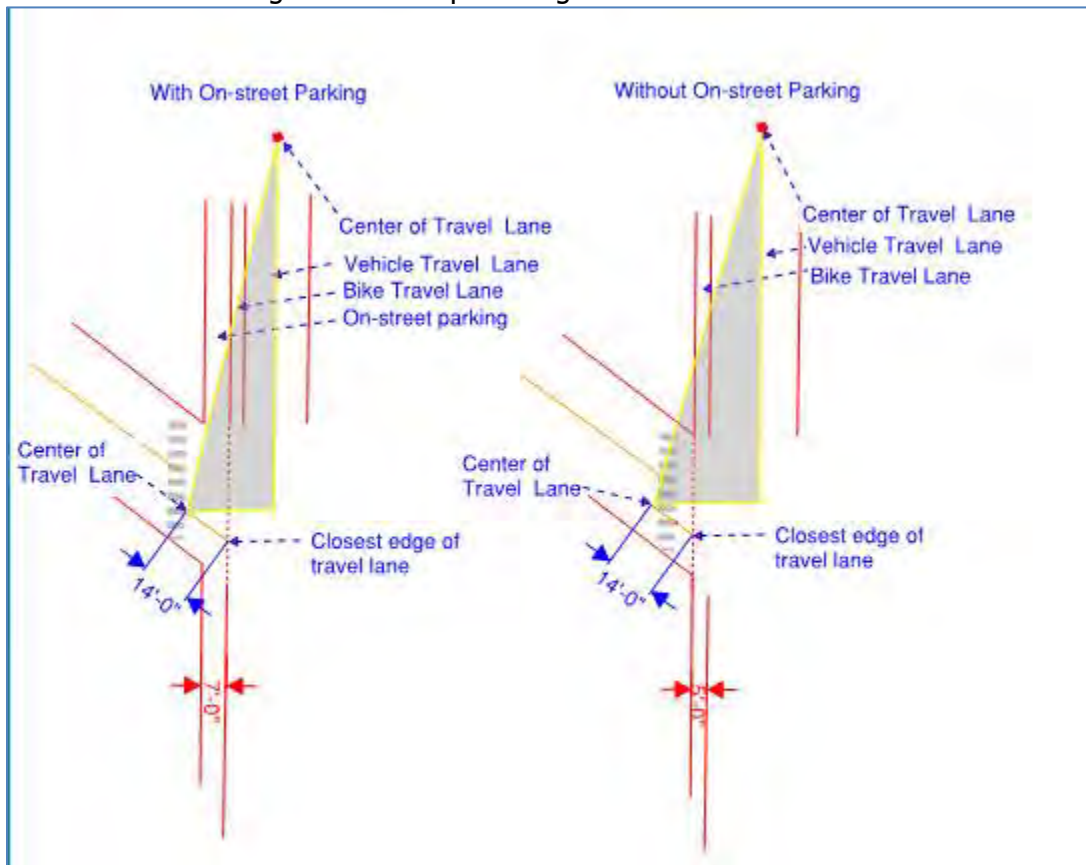
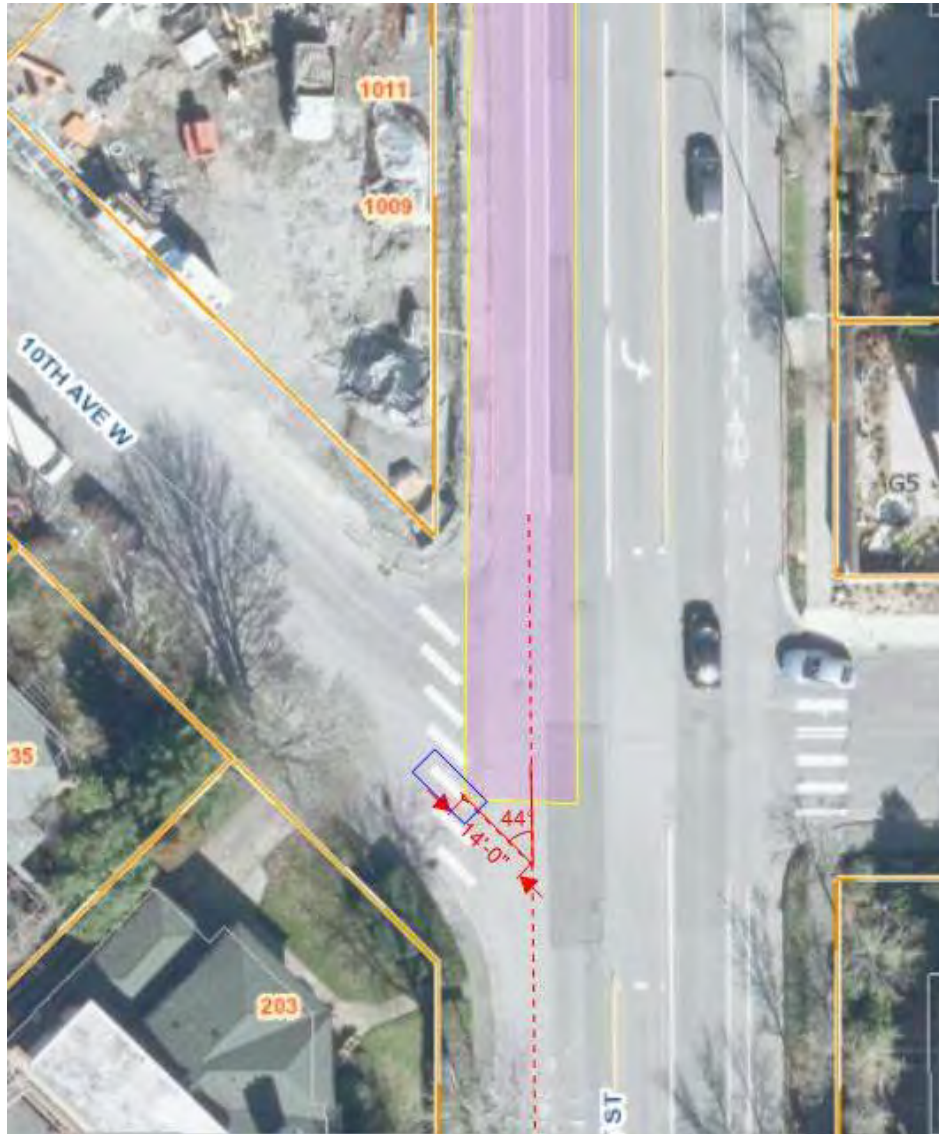


Figure 2 illustrates the point where the sight distance is to be measured. This approach is consistent with the approvals for other developments along Market Street. The MacKenzie's assertion that the measurement should be taken 14 feet from the face of curb is not consistent with how Public Works staff measures sight distance.

Figure 2. Point of Sight Distance Measurement



The measured sight distance at this intersection of Market Street/10th Avenue West is over 500 feet, which exceeds the required minimum sight distance of 275 feet. Realistically, there is approximately another eight feet from the point of measurement for a driver to move forward to increase the sight distance without encroaching into the travel lane.

As shown in Figure 2, the sight distance triangle is outside of the property line. Therefore, the awning of the proposed building will not obstruct the sight distance at the intersection of Market Street/10th Avenue West. Furthermore, on-street parking on Market Street is prohibited within 70 feet of the intersection of Market and 10th Avenue

West. This will provide a clearer view of vehicles approaching 10th Avenue West from the north.

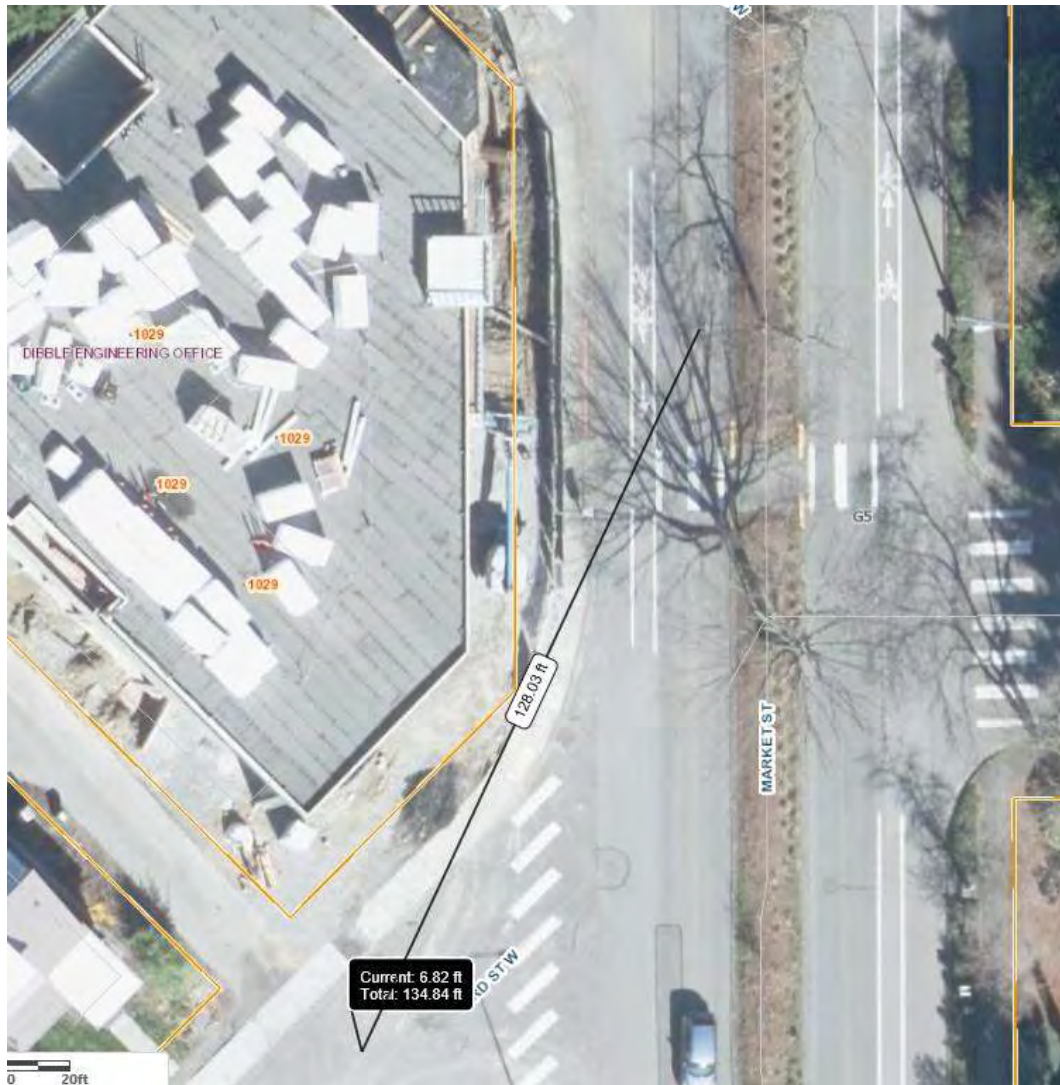
The required stopping sight distance for a driver turning onto 3rd Street West from Market Street is approximately 127 feet, adjusted for the grade on Market Street (based on 2018 AASHTO Green Book 7th Edition). As shown in Figure 3, with a vehicle waiting on 3rd Street West to turn into the project site, the measured site distance is approximately 167 feet.

Figure 3. Stopping Sight Distance for The Driveway on 3rd Street West



Figure 4 shows the sight distance needed for two vehicles stopping on 3rd Street West. The stopping sight distance is 128 feet, which meets the required stopping sight distance for the 3rd Street West.

Figure 4. Sight Distance



There is no evidence to suggest that increased traffic on Market Street will increase vehicle crashes when adequate sight distance is provided at the intersections in question.

The 2002 development proposal proposed a driveway on 3rd Street West that was much closer to Market Street and did not have adequate stopping sight distance and it was conditioned that it may have required a c-curb to eliminate left turns into the site. The current proposed driveway meets the safe sight distance requirements and would not require a c-curb. It should be noted that a c-curb has been installed with a neighboring office development.

Attachments:

1. Public Works Pre-Approved Plans Policy R13

CITY OF KIRKLAND

123 FIFTH AVENUE • KIRKLAND, WASHINGTON 98033-6189 • (425) 587-3800

**DEPARTMENT OF PUBLIC WORKS
PRE-APPROVED PLANS POLICY****Policy R-13: INTERSECTION SIGHT DISTANCE****Sight Distance at Intersections**

1. General – These guidelines establish the sight distance triangle that must be kept clear of sight obstructions for all intersections and driveways pertaining to new developments. They are also applicable to the investigation of sight-distance complaints at existing intersections and driveways. The sight distance triangle depends primarily on the required visibility for drivers and pedestrians at intersections and driveways. It is determined by the type of intersection control (stop or yield sign, traffic signal or no control) and the speed limit on the major road or street entered upon. In the following sub-sections, the sight distance requirements used to properly establish sight distances triangles at various types of intersections and driveways are presented. Table 2 on page 2 lists recommended (desirable) and minimum (required) sight distances values and Figures 1, 2, 3a, 3b and 4 on pages 5 through 8 show corresponding sight distance triangles.
2. Types of Intersections and Driveways. – Table 1 below summarizes the characteristics of various types of intersections and driveways.

TABLE 1: Types of Intersections and Driveways. Use this table to determine type (A through F)

All cases except driveways			
Type	Average Daily Traffic (ADT) on Major Street or Street Entered Upon.	Control Type	Speed Limit (MPH) on Major Street or street entered upon.
A	< 1000	None	25
B	Any	Stop sign	Any
C1	< 1000	Yield (four-legged intersection)	25
C2	< 1000	Yield (T intersection)	25
D	Any	Signal	any
F	Cases not covered by Types A through D		
Driveways (includes vehicular access easements and tracts)			
Type	Driveway PM Peak Volume	Major Street Average Daily Traffic	
E1	<10	<6000	
E2	10 ≥ and < 50	Any	
E3	50 ≥ and ≤ 200	Any	
E4	> 200	Any	
F	Cases not covered by Types E1 through E4		

3. How to Establish Sight Distance Triangles– Sight distance triangles for various types of intersections and driveways are shown in **Figures 1, 2, 3a and 3b** on pages 5 through 7. In these figures, the sight distance triangles are represented by the shaded areas. Point A, or driver's decision point, represents the location of the driver; Point B is located on the major road at a specific distance (to the right and to the left) from the driver. This distance, referred to as the required sight distance, represents how far (on the major road) the driver should be able to see so as to safely exit a minor road or driveway or to make a right turn on red at a signalized intersection. In Figure 4 on page 8 the driver/pedestrian sight distance triangle also referred to as "pedestrian/driver inter-visibility area" is represented by the shaded area. This is the area that must be kept free of obstructions thus drivers exiting a driveway can see approaching pedestrians on the sidewalk and vice versa. Figure 4 does not apply to entrance to buildings and/or parking lots located inside buildings. **Table 2** on page 2 shows (in the right most columns) the sight distances values that need to be used to determine the sight distance triangle at various types of intersections and driveways.

For **uncontrolled intersections** (no traffic light, stop sign or yield sign described in **Type A/Figure 1**) or a **yield-controlled intersection** described in **Type C/Figure 3a**, contact **Iris Cabrera**, City Transportation Engineer, at **425-587-3866** to have the Public Works Department determine the required sight distance triangle.

TABLE 2: Sight Distance Triangle Guidelines

Type of Intersection or Driveways	Distance from Edge of Traveled Way (ft)	Major Street (Street Entered Upon)			
		Average Daily Traffic	Speed Limit (MPH)	Sight Distance Value (ft) (a) (B-C1) and (B-C2)	
				Recommended (Desirable)	Minimum (Required) (d)
A – Uncontrolled (See Figure 1)	115 (b)	<1000	25	115	115
B - Stop Control on Minor Street (See Figure 2)	14	Any	25	280	150
			30	335	200
			35	390	250
C - Yield Sign On Minor Street					
C-1: Four-Legged Intersection (See Figure 3.a)	130 (c)	<1000	25	295	295
			30	355	355
			35	415	415
C-2: T- Intersection (See Figure 3.b)	80 (c)	<1000	25	295	295
			30	355	355
			35	415	415
D – Signalized Intersection (See Figure 2)	14	Any	25	240	150
			30	290	200
			35	335	250
E1 – E4 Driveways (See Figure 2)					

E1 (<10 Peak Hour Trips)	10	<6000	25	150	150
			30	200	200
E2 (10-49 Peak Hour Trips)	14	<6000	25	150	150
			30	200	200
			35	250	250
		>6000	25	280	150
			30	335	200
			35	390	250
E3 (50-200 Peak Hour Trips)	14	<6000	25	150	150
			30	200	200
	14	>6000	25	280	150
			30	335	200
			35	390	250
			35	390	250
E4 (>200 Peak Hour Trips)	14	<6000	25	280	150
			30	335	200
	14	>6000	25	280	150
			30	335	200
			35	390	250
			35	390	250
E1-E4 (See Figure 4)	80 (e)	NA	NA	22 (f)	NA

Footnotes:

- (a) These values should be adjusted for grades with slopes of a magnitude of grade greater than 3%, number of lanes greater than two, for skewed intersections or for design vehicles other than passenger cars, using the intersection sight distance procedures in Chapter 9 of a Policy on Geometric Design, AASHTO, 4th Edition
- (b) Distance back from center of intersection.
- (c) Distance back from point C1 or C2 for types C-1 and C-2 intersections.
- (d) Minimum (Required) only permitted if Recommended (Desired) is not possible (see page 3 for further explanation).
- (e) Distance from back of the sidewalk.
- (f) Distance parallel to the sidewalk from the center of the driveway.

- a. The values in **Table 2** on page 2, referred to as **Recommended (Desirable)** sight distance are based on the intersection sight distance procedures in Chapter 9 of A policy on Geometric Design, AASHTO, 4th Edition.
- b. The values on **Table 2 on** page 2, referred to as **Minimum (Required)** sight distance are based on the stopping sight distance values in Chapter 3 of A policy on Geometric Design, AASHTO, 4th Edition.
- c. The **Recommended** values are required. If the **Recommended** values cannot be reasonably obtained due to the presence of fixed structures that cannot be removed or roadway features such as horizontal and vertical curves then the driveway shall be relocated or designed to maximize sight distance, but in no way can the sight distance be less than the **Minimum** value. The **Minimum** values may be permitted, on a case-by-case basis, on streets that allow angle parking and have 25 MPH speed limit.

- d. To determine the **Average Daily Traffic for Intersections A, B, C, C-1, C-2 and D**, see the Traffic Count Summary attached to the instructions (see Attachment 2), or the "Sight Distance Procedures" section in the Public Works home page on the City's web site at www.kirkland.wa.gov go to City Departments (blue tabs on left side), Public Works (listing on right side), Transportation and Streets (blue tabs on left side), Streets, Sight Distance Procedures.
- e. To determine the **Average Daily Traffic for Driveways E1 through E4**, use the PM Peak Trips Calculation Spreadsheet under the "Sight Distance Procedures" section in the Public Works home page on the City's web site at www.kirkland.wa.gov (go to City Departments (blue tabs on left side), Public Works (listing on right side), Transportation and Streets (blue tabs on left side), Streets, Sight Distance Procedures). Using the spreadsheet, insert the size of the project and the formula will calculate the average daily trips for the use(s) on the subject property.

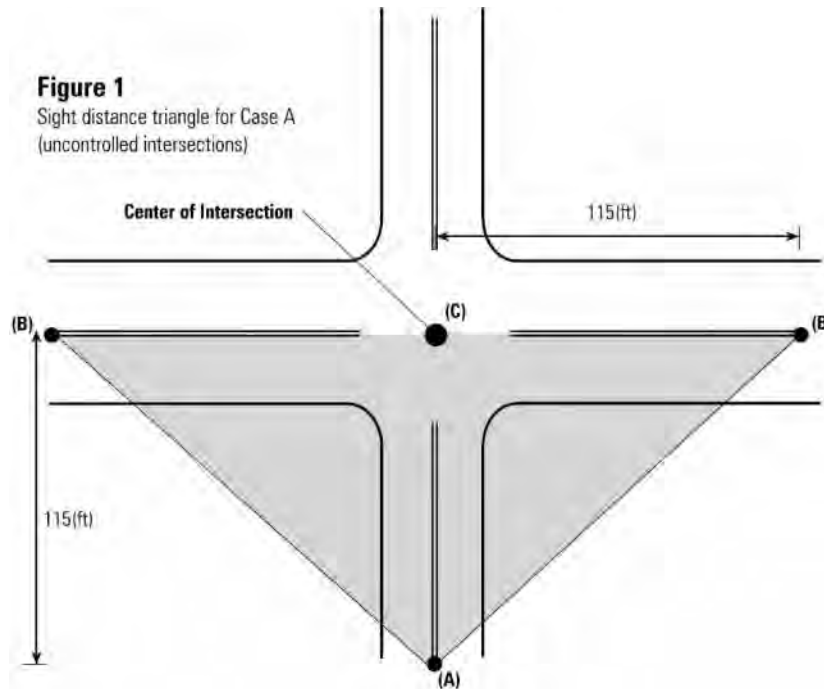
4. Permissible Intrusion in the Area To Be Kept Clear of Sight Obstruction

- a. General – Except as stated in subsection (4)(b) of this section or unless specifically approved by the Public Works Director, no structure, improvement, vegetation or other objects may be within the area to be kept clear of sight obstructions between three (3) feet and eight (8) feet above the elevations of the pavement edge of each intersecting street, private driveway, or vehicular access easement or tract where that street, driveway or vehicular access easement or tract meets the points of the triangle that form this area furthest away from the intersection.
- b. Exceptions – The following are permitted to be within the area that must be clear of sight obstructions:
Natural and fabricated objects and natural topography of the ground if the Public Works Director determines that adequate visual access is available. However, to fulfill the intent of this section, the Public Works Director may require land surface modification as part of any development activity on the subject property.

Type A – Uncontrolled Intersections

Uncontrolled intersections are not controlled by either stop or yield signs.

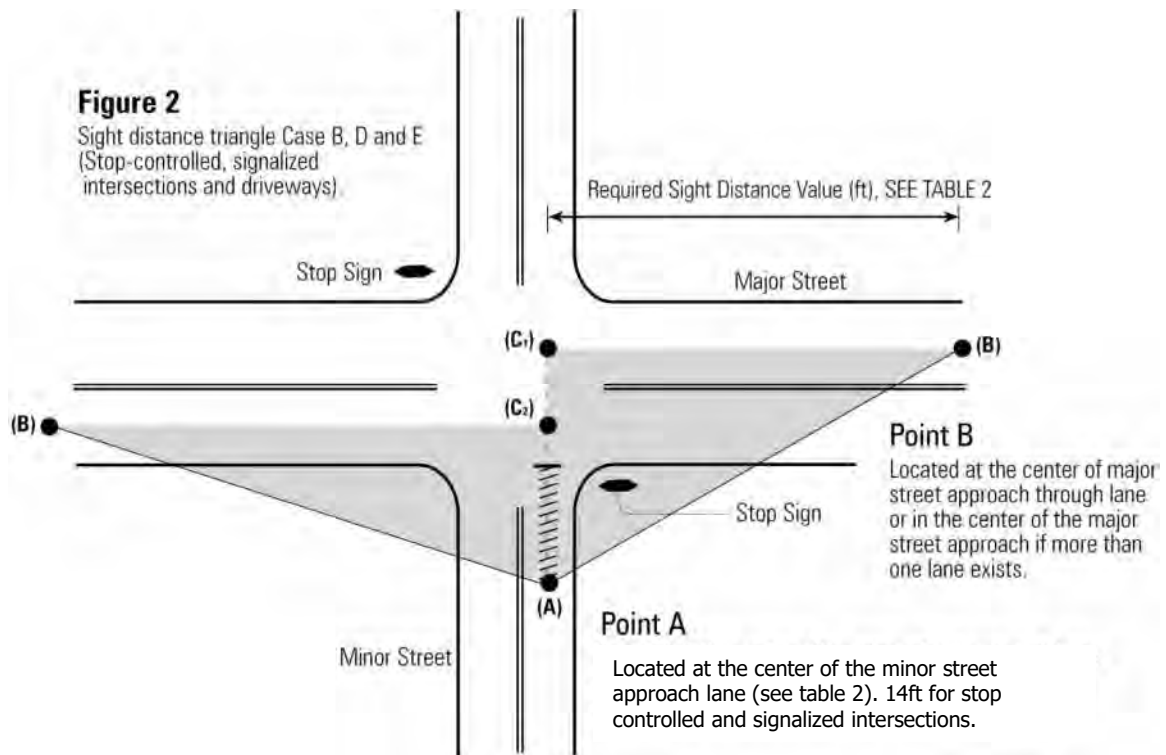
They are usually located on streets that carry very low volumes and have a 25 MPH speed limit. Figure 1 below shows the sight distance triangle for this type of intersection. In this Figure, Point A and point B are each located on the center of the intersecting street approaches, 115 ft from Point C, which is located at the center of the intersection. The sight distance triangle area that must be kept free of sight obstructions is the shaded area limited by segments AC, BC and AB.



Type B – Stop Controlled Intersections

Type B intersections are those at which the minor street approaches are controlled by stop signs. Sight distance triangle to the left is the shaded area bounded by segments A-B, B-C2 and A-C2; whereas sight distance triangle to the right is the shaded area bounded by the A-B, B-C1 and A-C1 segments as shown in Figure 2 below. Point A, or decision point, is located in the center of the minor street approach lane, 14 ft. from the edge of the major road's traveled way. **The traveled way is the portion of the road intended for the movement of vehicles and bicycles, exclusive of shoulders and turning lanes.** Point B is located on the center of the through lane on the major street (or in the center of the major street approach if more than one lane exists), a specific distance left and right from Points C1 and C2. The distance C1-B (same as C2 -B) is the required sight distance, which can be found in Table 2 on page 2.

Although it is not typical to do so, if a parking lane exists on the major street, it may be excluded from the traveled way in special cases. Usually these are cases where volumes and speeds are low and therefore the overall safety risk at the intersection is considered low.



Type C – Yield Controlled Intersections

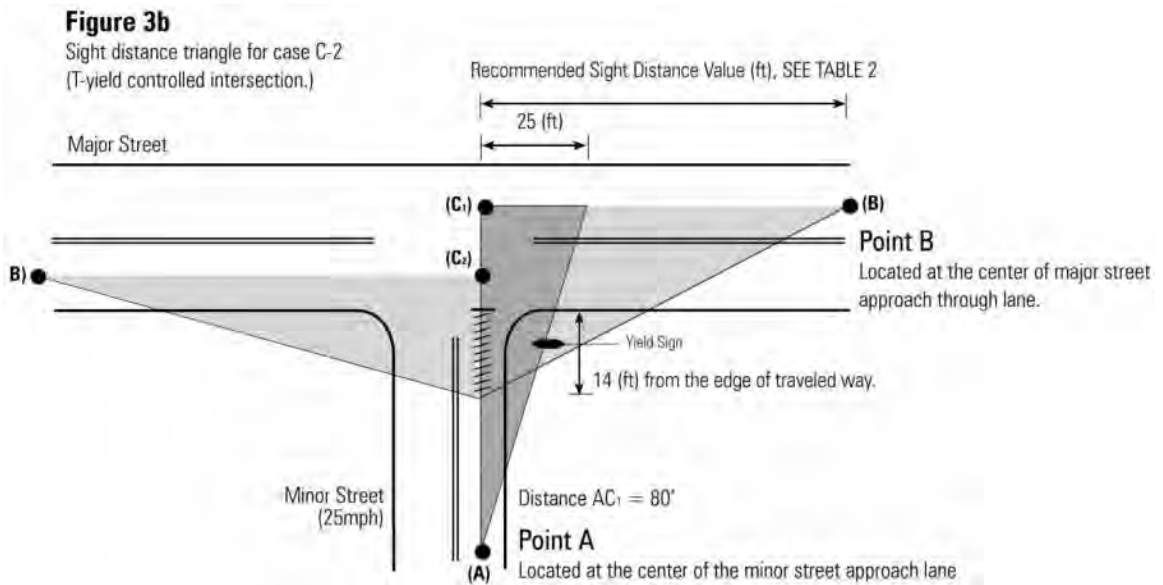
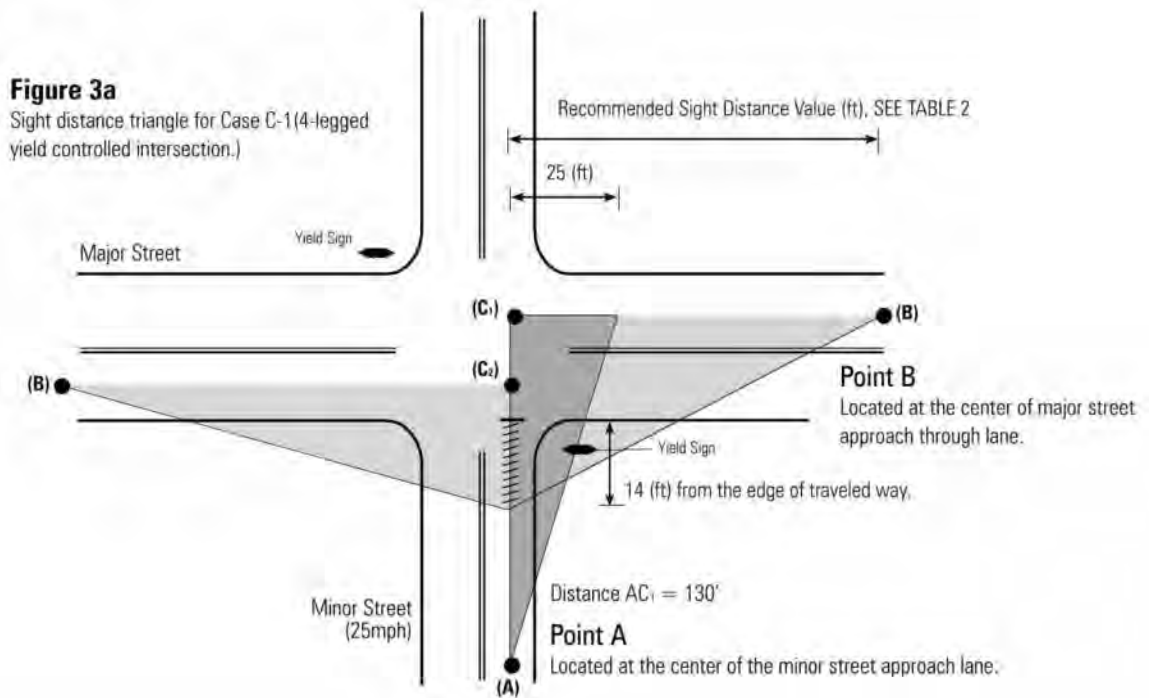
Two sight distance triangles need to be considered for Yield-controlled intersections: approach and departure sight distance triangles. **The approach sight distance triangle is the area that must be free of obstructions that may block an approaching vehicle's view of potentially conflicting vehicles. The departure sight distance triangle is the area that must be clear of obstructions that may block the view of a stopped vehicle.** These sight distance triangles are shown in Figures 3a and 3b on page 7 respectively for Types C-1, Yield-controlled Four Legged and C-2, Yield-controlled T intersections.

Figure 3a shows the approach sight distance triangles in dark shade and the departure triangle in light shade. Within the approaching sight distance triangle Point A is located in the center of the minor street approach lane, 130 ft from Point C₁, which is located at the center of the major street approach lane. The driver should be able to clearly see from Point A, a distance equal to 25 ft from C₁. At Yield –controlled T intersections (shown in Figure 3b) on page 4, the recommended distance from Point A to C₁ is 80 ft.

The departure sight distance triangle (shown as the light shaded area) at both types of yield controlled intersection is similar to the sight distance triangle at stop controlled intersections (Type B above on page 3) The driver's decision point or Point A is located in the center of the minor street approach lane, 14 ft. from the edge of the major road's traveled way. The **traveled way is the portion of the road intended for the movement of vehicles and bicycles, exclusive of shoulders and turning lanes.** Point B is located on the center of the major street approach through lane (or at the center of the major street approach if more than one lane exists), a specific distance to

the left and to the right of Points C1 and C2. This distance is the recommended sight distance, which can be found in Table 2 on page 2.

Although it is not typical to do so, if a parking lane exists on the major street it may be excluded from the traveled way in special cases. Usually these are cases where volumes and speeds are low and therefore the overall safety risk at the intersection is considered low.



Type D- Signalized Intersections and Signalized Driveways

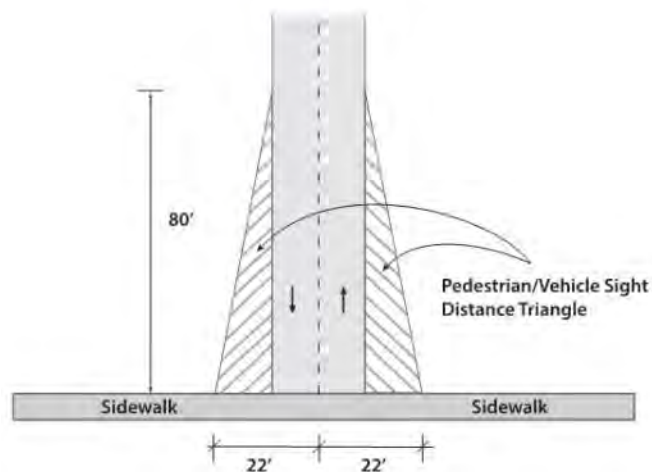
At signalized intersections and signalized driveways, in order to turn right on red, drivers should be able to clearly see vehicles approaching from the left; the applicable sight distance triangle is the shaded area bounded by the A-B, B-C1, and A-C1 setback lines shown in Figure 2 on page 6. Sight distance (B-C1) values are summarized in Table 2 on page 2.

Type E1 through E4 – Driveways not Controlled by Traffic Signals

Driveways not controlled by traffic signals operate as Type B, Stop-Controlled Intersections; therefore, the applicable sight distance triangles are shown in Figure 2 on page 6. For driveways Type E1, Point A is located 10 ft from the edge of the major route's traveled way. For driveway Types E2 through E4, Point A is located 14 ft from the edge of the major route's traveled way. Sight distances values (B-C1, B-C2) are summarized in Table 2 on page 2.

Additionally, drivers emerging from driveways must be able to see approaching pedestrians on the sidewalk and vice versa. In Figure 4 the shaded areas on each side of the driveway show the pedestrian/vehicle sight distance triangle or pedestrian/vehicle inter-visibility area which must be kept free of obstructions per Section 4 of these guidelines. The driver's point of view is located at the center of the driveway 80 feet from the back of the sidewalk. 80 feet is the stopping sight distance for a vehicle traveling at 10 MPH. The required sight distance is measured parallel to the sidewalk 22 feet from the center of the driveway. This distance is based on the driver's effective field of vision.

Figure 4
Pedestrian/Vehicle Sight Distance
Triangle at Driveways



Type F- Intersections and Driveways not Covered in Types A-E.

The sight distance triangle for intersections and driveways that do not fit any of the types previously described are to be analyzed on a case by case basis.

Nicole and Kenneth MacKenzie
kirklandcity@screamforicecream.net
236 7th Ave W
Kirkland, WA 98033

February 11, 2020

Tony Leavitt, Senior Planner - tleavitt@kirklandwa.gov
City of Kirkland Planning and Building Department
123 5th Avenue
Kirkland, WA 98033

Ref: File Number VAR18-00070 – 1/30/2020 Hearing before the Kirkland Hearing Examiner
Regarding Market Street Dental Clinic Variance at 1009 Market St

Dear Mr. Leavitt,

We submit this letter and the attachments to the public record of the above-referenced matter in further support of the points we and others made during the January 30th hearing – the request for a setback variance on the Market St. front yard of this development does not meet the required criteria and should be denied.

Specifically, the variance request is contrary to all three variance criteria.

Criteria 1: Would granting the variance be materially detrimental to the property or improvements in the area of the subject property or to the City in part or as a whole?

See attached letter report of traffic engineer Ross Tilghman.

Criteria 2: Is the Variance necessary because of special circumstances regarding the size, shape, topography, or location of the subject property; or the location of a pre-existing improvement on the subject property that conformed to the Zoning Code in effect when the improvement was constructed?

A variance on Market St is unnecessary as there are no special circumstances that require it. Yes, the property is oddly shaped and offers challenges to some kinds of development. However, the history of the parcel reveals that development is possible:

Date	Event	Description	Source
1946	Single family house constructed	From available photos, it appears to be a classic "Kirkland Rambler"	Attachments 2 & 3
2/14/2003	Setback variance granted by Hearing Examiner	4,200 square foot office building with underground parking for 13 cars proposed with driveway onto 10 th Ave W <ul style="list-style-type: none">• 3rd St W setback reduced to 5'• 10th Ave W setback reduced to 10'• Market St setback unchanged at 20'	January 30, 2020 Hearing Examiner Packet pages 37 & 46.
2/7/2007	Application for Building Permit BLD07-00107 submitted	"To build a mixed use bldg. with 13 car garage below; 1 st floor 2,700 sq. ft. shell for 1 office & 2nd floor 2,700 sq. ft. for 1 residential unit" (Total 5,400 sq. ft.)	Attachment 2
5/14/2007	Statutory Warranty Deed recorded	Transfer property to Benjamin J Green	Attachment 3

8/15/2007	BLD07- 00756 Issued	Demolish single family residence	Attachment 3
10/9/2007	BLD07-00107 Issued	5,400 sq. ft. mixed use building referenced above	Attachments 2 & 3
12/20/2007	LSM07-00055_P Issued	Land Surface Modification permit issued for application that included a site plan showing no Market St setback variance.	Attachment 4
12/16/2009	Request to cancel BLD07-00107	Letter from Dr. Benjamin Green to City of Kirkland Building Division referring to “my building permit”.	Attachment 5

This trail of requests and approvals documents clearly that a useful building can be constructed on this parcel while maintaining the required 20 foot front yard setback on Market St. – neither the 4,200 square foot office building contemplated in the 2003 variance request nor the 5,400 square foot mixed office and residential building which was the subject of the 2007 permit application required a Market St. setback variance. Mr. Green purchased the property while the building permit application for the 5,400 square foot building was pending. More than 2 years elapsed from the time the building permit was issued to Mr. Green and his request to cancel it. Nine years later, Mr. Green submitted an application for three variances, including for the Market St. setback, in order to build a 5,387 square foot dental clinic – a building smaller than that of the 2007 building permit.

The point here is not to debate whys and wherefores about the building size and configuration. The history of the parcel and the various development requests made and granted by the City clearly and definitively defeat the conjecture that the geometry, layout, or circumstances of the parcel require a Market St setback variance. Indeed, the applicant may want a variance for some reason, but that is not part of the criteria. Nor do the criteria ask if a variance is necessary to accommodate a specific use – such as a medical office building – but whether one is necessary in order to accommodate *any* approved use for the designated Zone.

The applicant has clearly not met and cannot meet the requirements of variance request criteria 2.

Criteria 3: How would the Variance not constitute a grant of special privilege to the subject property which is inconsistent with the general rights that this Code allows to other property in the same area and zone as the subject property?

This property is part of the MSC-1 zone which applies to most all of the Market Street Corridor. MSC-2, MSC-3, and MSC-4 are small scattered zones along Market St where different rules apply for historical or land use reasons. Contrary to the applicant’s statement supporting the variance application and available on MyBuildingPermits.com (attachment 6), no buildings in MSC-1 have a zero front yard setback along Market St.

Granting the requested variance along Market St would create a visual and land use discontinuity along the Market Street Corridor that would be at odds with the “Market Street Corridor Neighborhood Plan” vision and specification. This plan is part of chapter 15 of the City’s “Comprehensive Plan.”

The most recent nearby development in MSC-1 is the Dibble Engineering Building which is located on Market St. just across 3rd St W from the subject property. On February 6, 2017, the Design Review Board approved what it termed “a minor variation to allow reduced front yard setbacks on Market ST, 3rd ST W and 11th Ave W” (see attachment 7). The approved setback for most of the parcel along Market St. is 14’, the approved setback along 11th Ave. W is a constant 15’ 6”, and the approved setback along 3rd St. W is a constant 16’.

Conclusion

Since the burden of proof that a variance request is appropriate lies with the applicant and since the applicant has clearly failed to demonstrate compliance with any of the three requirements for granting a variance, the variance for a 0' front yard setback on Market Street must be denied.

Regards,


Nicole MacKenzie


Kenneth E. MacKenzie

Attachments:

1. Letter from Ross Tilghman of the Tilghman Group reporting traffic safety issues at the intersection of Market St and 10th Ave W related to the proposed development.
2. Application for building permit BLD07-00107 with associated information about the existing single family house and proposed site plan.
3. Print out of a "Property Detail" report for 1009 Market St created on January 17, 2020 using the King County Department of Assessments web.
4. Site plan for Land Surface Modification permit LSM07-00055_P submitted to the City on 12/19/2007 and approved on 12/20/2007 (see page 2) showing the outline of the proposed building with 20' Market St front yard setback.
5. Letter from Dr. Green (owner of the subject property and ultimate applicant for the setback variance request) dated December 16, 2009 to the City of Kirkland Building Division requesting cancellation of building permit BLD07-00107.
6. Kirkland Land Use Application # 517552 for "Market Street Clinic" and associated "Supplemental" information regarding "Variance Criteria".
7. Design Review Board Decision 1029 Market ST, DRV16-03090.



10 February 2020

Hearing Examiner
City of Kirkland
Kirkland, WA

re: VAR18-00070 – 1009 Market Street Dental Clinic Variance

Dear Hearing Examiner:

I am writing on behalf of Ken and Nicole MacKenzie, neighbors of the proposed project, to express safety concerns about the project's effect on intersection sight distance at 10th Avenue W and Market Street, and the location of the project's 3rd Street W driveway. In making these comments, I have visited the site, measured sight distance and have reviewed the site plan and documents submitted for the January 30th hearing.

10th Ave W/Market Street

- 1. The sight-distance requirement at this intersection is 412 feet, following Kirkland's Pre-Approved Plans Policy R-13: Intersection Sight Distance.** This is greater than the applicant's assumption of 390 feet. The difference is due to the fact that traffic turning left from 10th Avenue W to Market Street must cross two lanes (the through lane plus the center left-turn lane) for which drivers need additional time. Per Policy R-13, specific adjustments for the number of lanes are found in *A Policy on Geometric Design of Highways and Streets*, AASHTO, 7th ed., 9-44 and 9-45. Applying those adjustments yields a sight-distance of 412 feet. Additionally, the correct point of measurement for sight-distance is 14 feet back of the traveled way – effectively the edge of the road since the parking lane is rarely excluded from the traveled way. This, too, differs from the applicant's previous sight-distance diagram. Consequently, the sight triangle covers virtually all of the project's sidewalk and planting strip along Market Street.
- 2. The requested setback variance puts the building too close to a driver's line of sight to see traffic on Market Street safely.** As shown on Figure 1, when measured from the correct point on 10th Avenue W, per Policy R-13, the driver's line of sight to the left (uphill on Market) crosses over the subject property. With no setback on Market Street, the proposed building comes right up to and may even interfere with the driver's line of sight. A more definitive determination requires more precise drawings than have been provided to date. Any limitation or interference in this sight triangle would violate Policy R-13's requirement "that no structure, improvement, vegetation or other objects may be within the area to be kept clear of sight obstructions between 3 feet and 8 feet above the elevations of the pavement edge of each intersecting street..."

Tilghman Group
4618 44th Ave South
Seattle, Washington 98118
Voice: 206-577-6953 email: ross@tilghmangroup.com



Figure 1.

- 3. The skewed intersection creates additional complications for obtaining unobstructed sight-distance.** 10th Avenue W intersects Market Street at a sharp 45-degree angle. This angle results from the intersection of divergent street grids in Kirkland many decades ago and greatly exceeds design guidance for intersections that encourage intersecting angles of 75-degrees or more (see *A Policy on Geometric Design of Highways and Streets*, AASHTO, 7th ed., 9-33). Drivers must therefore crane their necks to see on-coming traffic to the left. Not all drivers possess such good range of motion so the look over the shoulder can be difficult. The sharp angle indicates that additional caution is prudent when considering the adequacy of sight-distance at this intersection.
- 4. The parking lane and landscaping present obstacles to maintaining clear sight-distance.** Vehicles parked along the project's Market Street frontage would block a driver's sightline to on-coming traffic since the parking lane falls in the middle of the required sight-triangle. Wider and taller vehicles such as large SUV's, vans, or RV's would exacerbate the blockage. Landscaping taller than a low shrub would also fall within the sight-triangle and potentially obstruct a driver's sightline, particularly given the slope of the street in which drivers must literally look up the hill. While the city's "Design Guidelines for Pedestrian Oriented Business Districts" indicates that street trees should be considered for the west side of Market Street, the street's slope and the planting strip's location within the sight triangle suggest that street trees would not be appropriate on this frontage since they could restrict sight-distance. These two factors compound the difficulty of all drivers obtaining a clear line of sight from the intersection's skewed angle. It would be prudent to prohibit parking along the project's frontage and to limit the height of landscaping to no more than 36" above grade.

3rd Street W Driveway

1. **The project's driveway on 3rd Street should be considered for right-in/right-out only traffic flow.**
The argument for this restriction is that the driveway falls far short of the required 75-foot spacing from the adjacent intersection at Market Street, leaving little room for traffic turning from Market to stop for a vehicle that might be waiting to enter the driveway. While analysis has shown sight-distance to be adequate at this driveway, the case of multiple arriving vehicles does not appear to have been tested. This problem could be avoided by restricting the driveway's movements so that vehicles would not be pausing on 3rd Street after turning off of Market Street.

Thank you for your consideration of this important safety matter

Sincerely,



Ross Tilghman

Ross Tilghman is a transportation planning consultant with his own firm, the **Tilghman Group**. He has 35 years of experience in analyzing transportation demands for a wide variety of land uses and in developing solutions to meet transportation needs. A full member of the Urban Land Institute, Mr. Tilghman is a frequent participant in ULI Advisory Service Panels working in communities around the country and has been active in developing ULI's Building Healthy Communities initiative. He currently serves on ULI's Suburban Development and Redevelopment Council. Tilghman recently completed five years as a Commissioner on the Seattle Design Commission, including a year as Chair.



CITY OF KIRKLAND BUILDING PERMIT APPLICATION Permit # BA18000107

Hearing Examiner Decision

Exhibit I

- NEW COMMERCIAL/INDUSTRIAL/MULTIFAMILY** **COMMERCIAL ADDITIONS/ALTERATIONS**
 MULTIFAMILY ADDITIONS/ ALTERATIONS **NEW SITE-BUILT STRUCTURE**

#1 Site Address: 1009 + 1011 MARKET ST MULTIFAMILY- 1015A and 1015B Project Name: G HORBANIAN COMMERCIAL SITE
 Property Owner ABRAHAM SHORBANIAN Phone 425-450-5008
 Property Owner's Address 22106 SE 51ST PLACE City, Zip Code ISSAQUAH, WA 98029
 Describe Job to be Done 13 CAR GARAGE BELOW 2,000 # OFFICE BELOW 2,000 # RES.

#2 Contractor's Name TBD Contractor's Reg. # _____
 (Company Name) Expiration Date _____
 Contractor's Address _____ State UBI # _____
 City, Zip Code _____ Phone _____

OR

I have read Chapter 18.27.010 relating to definitions of general contractors and specialty contractors and Chapter 18.27.110, which prohibits issuing permits without proof of registration.

OWNER/CONTRACTOR SIGNATURE:

#3 Contact Person GREG SETLER DR. Ben Greene Daytime Phone 425-822-0245
710 2ND AVE. SUITE 1260 Alt. Phone 206-660-0803
 City SEATTLE State WA ZIP 98104 Fax 206-287-1531
 Email GCS@SIENNAARCHITECTURE.COM

#4 Sewer District KIRKLAND Septic: Yes No Water District _____

#5 Total Estimated Project Cost \$ ~~400K~~ 500K Existing Building Valuation _____
 Lender own cash
 Address _____ Phone _____

#6 Property Tax Account Number (Parcel #) 388590-2055
 Legal Description LOTS 1, 2, 3 AND 4 BLOCK 26 TOWN OF KIRKLAND, ACCORDING TO VOLUME 6 OF PLATS PAGE 53.
 Please submit 3 separate 8 1/2 x 11 copies of the legal description with this application if it will not fit in space provided above.

#7 Type of Work:
 New Commercial Building - Total Building Square footage: _____ Commercial Addition - Sq ft. added: _____
 Commercial Alteration: Scope of work - _____
 New Mixed-Use Building (No. of Units 2) - Total Retail/Commercial Square footage: 2,134 #
 New Multi-Family Building (No. of Units _____) Multi-Family Addition Multi-Family Alteration
 Other _____
 (Detention vault, Shoring, Rockeries, New Cellular facility, Comm/Multi-family Swimming pool, etc.)

#8 Will any structures be demolished as part of this permit? YES NO _____ How many structures? ONE
 Describe structures to be demolished: 800 # 1 SINGLE FAMILY HOME
 Show structures to be demolished on site plan. Attach the completed Demolition checklist (included in this application), and supporting required documents. **You must contact the Puget Sound Clean Air Organization regarding Asbestos requirements:**
 by phone 1-800-552-3565 - or online: <http://www.pscleanair.org/asbestos/asbe-cont-info.shtml> for full details and to obtain asbestos forms, instructions, regulations or other questions. Failure to comply with asbestos requirements may result in penalties.

DEMO BLD07-00108

NOTE : ANY DEMOLITION PERMITS OBTAINED SEPARATELY FOR THIS PARCEL MUST BE FINALED PRIOR TO ISSUANCE OF A BUILDING PERMIT

NOTE: The City of Kirkland is responsible for providing all Electrical permits. If electrical service is needed, please advise your Electrical Contractor to obtain an electrical permit prior to doing any work. If located in an RH zone in the Rose Hill Business District please refer to the RHBD Exterior Lighting Requirements for (KZS section 115.85) Questions? Call the Planning Department 425-587-3225.

Hearing Examiner Decision
 Exhibit 1

MECHANICAL INCLUDED IN PROJECT? Yes No
 NOTE: IF MECHANICAL WORK WILL BE DONE, AND IS NOT INCLUDED IN THIS APPLICATION, A SEPARATE PERMIT IS REQUIRED.

PLUMBING INCLUDED IN PROJECT? Yes No
 NOTE: IF PLUMBING WORK WILL BE DONE, AND IS NOT INCLUDED IN THIS APPLICATION, A SEPARATE PERMIT IS REQUIRED.

#9 Number of Mechanical Appliances: (G = Natural Gas, E = Electric, OT = Other)			Fuel type	Size (BTU/kW)	#10 Number of Plumbing Fixtures (including rough-ins):			
New	Move	Existing			New	Move	Existing	
					4			Bar Sink
								Bathtub or Combo Bath/Shower
					2			Bidet
8		X			2			Clothes washer, Domestic
8		X	E	10				Dishwasher, Domestic
			E					Hose Bibb, First
								Hose Bibb, Each Additional
					2			Kitchen Sink, Domestic
								Laundry Sink
					6			Lavatory (Bathroom Sinks)
								Lawn Sprinkler, Each Head
2		X	E					Shower (Stand Alone)
2			E		6			Water Closet, (Toilet)
								Medical Gas System (Inlets/Outlets)
								Traps (Other than above items)
					3			Water Heater
								Other- Describe _____
Estimated cost, mechanical portion only (excluding fire protection and plumbing) \$					TOTAL FIXTURES: 25			

#11 **Water Department Service**
 (proposed) Meter Size _____

#12 **Sewer Service**
 Side Sewer Contractor _____
 Contractor's Address _____
 City, Zip _____ Phone _____

#13 **Street Use**
 Contractor's License No. _____ Work to be done: _____

#14 **Will significant trees be removed as part of this project? How many? FIVE** 4 copies of the Site Plan are required with this application. The Site Plan must show all of the significant trees, and you may be required to provide a certified arborist report. See the 2006 Tree Regulations (attached) for Tree plan II for new Commercial/Industrial, commercial Tenant Improvement, and Multi-Family construction, or contact the Planning Department (425-587-3225) for further guidance regarding tree retention regulations.

#15 **If you THINK that this Construction project MAY take more than one year:** you must provide a Construction Schedule prior to permit issuance. The schedule is subject to approval by the Building Official. Ref. KMC 21.06.255.
 Will you be submitting a Construction Schedule? YES NO

#16 **By signing this application, I authorize employees/agents of the City of Kirkland to enter onto the property which is the subject of this application during regular business hours. The sole purpose of entry is to make any examination of the property which is necessary to process this application.**
By signing this application, I acknowledge that I understand and will comply with the Puget Sound Clean Air Organization's requirements regarding Asbestos Abatement.

I certify under penalty of perjury that the information furnished by me is true and correct to the best of my knowledge and, further, that I am authorized by the owner of the above premises to perform the work for which permit application is made. I further agree to save harmless the City of Kirkland as to any claim (including costs, expenses, and attorney's fees incurred in investigation and defense of such claim), which may be made by any person, including the undersigned, and filed against the City of Kirkland, but only where such claim arises out of the reliance of the City, including its officers and employees, upon the accuracy of the information supplied to the City as a part of this application.

OWNER/AGENT: _____ DATE: 2-1-07

NOTE: Permit Applications requiring plan review are accepted Monday-Tuesday-Thursday-Friday 8-4:00, Wednesday 10:30-4:00

City of Kirkland 123 5th Avenue Kirkland WA 98033 Phone: 425-587-3600 FAX: 425-587-3651
 CITY WEB SITE: www.ci.kirkland.wa.us PERMIT INFORMATION: www.kirklandpermits.net ONLINE PERMITS: www.MyBuildingPermit.com

Please complete #17 if adding plumbing fixtures (including rough-ins)

#17 Water Supply Piping

- A. Fixture Units: Number of Fixtures x Fixture Unit multiplier = Total Fixture Units (Public or Private)
- B. Distance from meter to most remote outlet: 60 feet.
- C. Difference in elevation between meter and highest fixture: 10 feet above meter or _____ feet below meter.
- D. Pressure in street main: _____ psi. (Measure with pressure gauge or check with water district).

Plumbing Fixtures	Public		Private – Multi-Family 3 Dwelling Units or more	Total Fixture Units
	Heavy Use Assembly	General Use	Total dwelling unit counts	
Bar Sink		_____ x 2.0	_____ x 1.0	
Bathtub or Combination Bath/Shower - 1/2" Branch		_____ x 4.0	<u>4</u> x 4.0	<u>16</u>
Bathtub or Combination Bath/Shower - 3/4" Branch		_____ x 10.0	_____ x 10.0	
Bidet		_____ x 1.0	_____ x 1.0	
Clinic Sink		_____ x *		
Clotheswasher, Domestic		_____ x 4.0	<u>2</u> x 4.0	
Dental Unit, Cuspidor		_____ x 1.0		
Dishwasher, Domestic		_____ x 1.5	<u>2</u> x 1.5	<u>3</u>
Drinking Fountain or Water Cooler	_____ x 0.75	<u>2</u> x 0.5	_____ x 0.5	<u>1</u>
Hose Bibb, First		_____ x 2.5	_____ x 2.5	
Hose Bibb, Each Additional		_____ x 1.0	_____ x 1.0	
Kitchen Sink, Domestic		_____ x 1.5	_____ x 1.5	
Laundry Sink		_____ x 2.0	_____ x 1.5	
Lavatory (Bathroom Sink)	_____ x 1.0	<u>2</u> x 1.0	<u>4</u> x 1.0	<u>6</u>
Service Sink or Mop Basin		_____ x 3.0	_____ x 1.5	
Shower (List Each Head)		_____ x 2.0	_____ x 2.0	
Urinal, 1.0 GPF Flushometer - See 610.10	_____ x 5.0	_____ x 4.0		
Urinal, Flush Tank	_____ x *	_____ x 2.0	_____ x 2.0	
Wash Fountain, Circular Spray		_____ x 4.0		
Washup Sink, Each Set of Faucets		_____ x 2.0		
Water Closet, 1.6 GPF Gravity Tank	_____ x 3.5	<u>2</u> x 2.5	<u>4</u> x 2.5	<u>10</u>
Water Closet, 1.6 GPF Flushometer Valve - 1/2" Branch	_____ x *	2 x *	2 x *	
Water Closet, 1.6 GPF Flushometer Valve 1" Branch -see 610.10	_____ x *	_____ x *	_____ x *	

• Refer to Table 6-4, 2003 UPC

Hydraulic Analysis attached

Total Fixture Units:	<u>36</u>
Total if Using Table L-1:	

Plumbing Appendix L Table L-1 may be used for Multifamily 3 or more dwelling units instead of the multiplier above (L-1 worksheet next page)

Number of plumbing fixtures must be entered in table above on all applications – you do not have to complete the multiplier when using Table L-1.

OFFICE USE ONLY (PLEASE DO NOT WRITE BELOW THIS LINE)

MINIMUM METER SIZE: _____ INCHES MINIMUM BUILDING SUPPLY: _____ INCHES PRV. NEEDED? YES _____ NO _____



CITY OF KIRKLAND
UNIFORM PLUMBING CODE – WATER SUPPLY FIXTURE UNITS
ALTERNATE PLUMBING SYSTEMS – TABLE L-1

Serving 3 or more Dwelling Units

Bathroom Groups having 1.6 GPF Gravity or Pressure Tank Water Closets	Number	Total Units
Half-Bath or Powder Room	_____ x	2.5 _____
1 Bathroom Group	_____ x	3.5 _____
1 ½ Bathrooms	_____ x	6.0 _____
2 Bathrooms	_____ x	7.0 _____
2 ½ Bathrooms	_____ x	8.0 _____
3 Bathrooms	_____ x	9.0 _____
Each additional ½ Bath	_____ x	0.5 _____
Each additional Bathroom Group	_____ x	1.0 _____
Bath Group (1.6 GPF Flushometer Valve)	_____ x	4.0 _____
Kitchen Group (Sink and Dishwasher)	_____ x	1.5 _____
Laundry Group (Sink and Clothes Washer)	_____ x	3.0 _____
Additional units not on Table L-1		
Bidet	_____ x	1.0 _____
Bar sink	_____ x	1.0 _____
Hose Bib, First	_____ x	2.5 _____
Hose Bib, Each Additional	_____ x	1.0 _____
Additional Units not listed, use table 6-4 for fixture count	_____ x	_____
Total Fixture Units		_____

Notes:

- 1. A bathroom group, for the purpose of this table, consists of one water closet, up to two lavatories, and either one bathtub or one shower.**
- 2. A half-bath or powder room, for the purposes of this table, consists of one water closet and one lavatory.**
- 3. See Appendix L for scope and application of alternate plumbing systems.**

**King County**[Home](#)[News](#)[Services](#)[Comments](#)[Search](#)***By law this information may not be used for commercial purposes.*****Assessor Real Property Records:**

Taxpayer	KIRKLAND FAMILY DENTISTRY	Parcel Number	3885802055
		Account Number	388580205507
Tax Year	2007	Levy Code	1700
Tax Status	TAXABLE	Taxable Value Reason	NONE OR UNKNOWN

Appraised Land Value	\$291,000	Taxable Land Value	\$291,000
Appraised Improvement Value	\$34,000	Taxable Improvement Value	\$34,000

Taxpayer	KIRKLAND FAMILY DENTISTRY	Parcel Number	3885802055
		Account Number	388580205507
Tax Year	2008	Levy Code	1700
Tax Status	TAXABLE	Taxable Value Reason	NONE OR UNKNOWN

Appraised Land Value	\$349,000	Taxable Land Value	\$349,000
Appraised Improvement Value	\$33,000	Taxable Improvement Value	\$33,000

Assessor Property Sales Records:

Tip: Use the [Recorders Office: Excise Tax Affidavits Report](#)
to see more sales records details

Sale Date	5/4/2007	Sale Price	\$1,035,000
Seller Name	GHORBANIAN ABRAHAM+SOLTANI ZAHRA		
Buyer Name	GREENE BENJAMIN J		
Sale Date	8/7/2006	Sale Price	\$850,000
Seller Name	COFFEEHOUSE BUILDING LLC		
Buyer Name	GHORBANIAN ABRAHAM+SOLTANI ZAHRA		
Sale Date	4/26/2005	Sale Price	\$750,000
Seller Name	MC GEOUGH BREFFNI J+HOLLY A		
Buyer Name	COFFEEHOUSE BUILDING LLC		
Sale Date	12/12/2003	Sale Price	\$525,000
Seller Name	1009 MARKET STREET DEVELOPMENT LLC		
Buyer Name	MC GEOUGH BREFFNI J+HOLLY A		
Sale Date	10/16/2002	Sale Price	\$0
Seller Name	GELOTTE CURTIS E		

Buyer Name	1009 MARKET STREET DEVELOPMENT LLC		
Sale Date	7/12/2002	Sale Price	\$400,000
Seller Name	PHILLIPS THERESA T		
Buyer Name	GELOTTE CURTIS		

Assessor Parcel Records:

District Name	KIRKLAND		
Property Name		Property Type	RESIDENTIAL
Plat Name	KIRKLAND ADD	Present Use	Single Family (Res Use/Zone)
Plat Block	26	Water System	WATER DISTRICT
Plat Lot	1-2-3-4	Sewer System	PUBLIC
Lot Area	8,120 SqFt (0.19 acres)	Access	PUBLIC
Section/Township/Range	NE 6 25 5	Street Surface	PAVED

Assessor Legal Description Records:

Legal Description	KIRKLAND ADD
-------------------	---------------------

Assessor Residential Building Records:

Address	1009 MARKET ST 98033		
Building Grade	Low Average	Building number	1
Condition	Average	Bedrooms	3
Year Built	1949	Baths	1
Year Renovated	0	1/2 Baths	0
Total Living SqFt	1590	3/4 Baths	0
1st Floor SqFt	910	Stories	1
Half Floor SqFt	0	Single Story Fireplace	0
2nd Floor SqFt	0	Multi Story Fireplace	1
Upper Floor SqFt	0	Free Standing Fireplace	0
Total Basement SqFt	910	Basement Garage SqFt	230
Total Finished Basement SqFt	680	Attached Garage SqFt	0
Finished Basement Grade	Fair	Open Porch SqFt	0
Daylight Basement	Y	Enclosed Porch SqFt	0
Heat System	Forced Air	Deck SqFt	0

Heat Source | Oil | Percent Brick Stone | 0

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King County Assessor: Submit a request to correct this information
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King County: Districts and Development Conditions Report
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King County Assessor: Quarter Section Map Report (PDF format requires Acrobat)
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July 25, 2007

Sienna Architecture
Gregory Seiler
710 – 2nd Avenue Suite 1260
Seattle, WA 98104

Re: Kirkland Marketplace Tree Retention Evaluation and Report (Tree Plan II)

Dear Mr. Seiler:

The Jay Group, Inc has been retained for the purpose of conducting an evaluation and assessment of the eight significant trees located at the proposed project site. The project site is one triangular-shaped parcel (Tax ID: 3885802055) located at the intersection of Market Street, 3rd Street W. and 10th Avenue W. in the City of Kirkland, WA. The site visit and tree assessment were performed on July 24, 2007.

Project Description

The proposed project is a multi-use development consisting of commercial and residential space, parking, utilities, vehicle and pedestrian access. The existing single family home will be removed under the current site plan. New sidewalks and streetscapes are proposed on all sides of the development.

The area of study for this evaluation was limited to the eight existing significant trees (Trees T-1 through T-8 for the purposes of this report) growing throughout the subject parcel. The City of Kirkland defines a significant tree as a tree that is at least 6" in diameter at breast height (DBH), 4.5' above ground level. The eight trees were evaluated with the purpose of determining which trees would be suitable for retention on the site following development, in relation to the locations of roadways, pedestrian access, utility corridors, proposed building footprints, and overall site grading. Trees which are located in areas that physically allow retention can be retained if 1) the tree is of suitable health and lacks specific hazard features which would pose an unreasonable hazard to life and property; and 2) tree retention guidelines for construction and development can be followed.

Kirkland Marketplace Tree Evaluation

For the purposes of this assessment, the above ground portions of each tree surveyed were evaluated, including the occasional use of an increment borer to determine the presence and extent of crown rot where such conditions were suspected. No inspection below the root crown was performed, and no excavations were done to assess root health. The visual assessment of the above ground portions of the trees focused on specific hazard indicators such as the degree of lean, co-dominant leaders, dead wood and/or breakage in the crown or trunk, and the overall health and vigor of the tree.

In order for a tree to present a potential hazard, two things must be present: 1) there must be a target within range of the tree; and 2) there must be some indication that the tree(s) in question have a significant risk of failure. Given the existing structures and proposed development plans for the site, all eight trees evaluated will have targets within range, imparting great importance to the condition evaluation with respect to potential tree failure. This hazard tree assessment follows the methodology outlined in *Evaluation of Hazard Trees in Urban Areas* (Matheny and Clark, 1994).

An additional assessment was performed with respect to the site development plans, to evaluate potential impacts associated with grading for roads and structures, as well as site contouring in general. Cuts and fills associated with these grading activities can result in damage to below-ground portions of trees, causing eventual decline and death (with associated hazards to human health and safety) if certain precautions and construction techniques are not adhered to during development.

The result of the evaluation of the eight trees is summarized below.

Tree Retention Evaluation

Eight trees meeting the City's definition of significant were identified during the field investigation (see Table 1 for tree details). Seven of the trees either have physiological or structural defects that render them unsuitable for retention, or are located in areas of the site where structures or grading are proposed that would render the trees unsafe following the completion of construction.

Four of the trees would currently be considered hazardous, with significant structural or health issues contributing to a high short-term likelihood of failure. The only suitable candidate for retention, based on the construction activities and building footprint proposed, is the Crimson King maple, identified on the plan and in the table as T-5. This tree is currently healthy and structurally sound, and located in an area that will be between the proposed building and new sidewalk location. Whether or not this tree will actually be able to be retained will not be ascertainable until construction is in progress, and it can be determined what the impacts will be to the existing root system. It also appears, based on the dripline width, that there will be some interference with the exterior wall of the proposed building. Some pruning to minimize this is acceptable, but again the exact impact cannot be determined until construction is in progress. Generally, loss of more than a third of the canopy of an existing tree is undesirable, and removal is preferable. It is recommended that an arborist visit the site during construction to inspect

Kirkland Marketplace Tree Evaluation

the actual impacts to the tree before a final recommendation for removal or retention is made, if the tree is proposed for retention.

Tree ID Number	Species	DBH (inches)	Condition	Retention
T-1	Black walnut (<i>Juglans nigra</i>)	16.5	90% dead, unsuitable for retention	Yes
T-2	Lawson false cypress (<i>Chamaecyparis lawsoniana</i>)	18	Located within proposed footprint, unable to be retained	No
T-3	Apple (<i>Malus sp.</i>)	16	Located within proposed footprint, unable to be retained	No
T-4	Sugar maple (<i>Acer saccharum</i>)	19	Significant structural defect, large fissure, unsuitable for retention	Yes
T-5	Norway maple (<i>Acer platanoides</i> 'Crimson King')	14	Outside development footprint, suitable for retention	No
T-6	Apple (<i>Malus sp.</i>)	10	Located within proposed footprint, unable to be retained	No
T-7	Mountain ash (<i>Sorbus aucuparia</i>)	24	Extensive fungal infection, 50% dead, unsuitable for retention	Yes
T-8	Mountain ash (<i>Sorbus aucuparia</i>)	11	Likely fungal infection, unsuitable for retention	Yes

Tree Retention and Protection Guidelines

These guidelines pertain to any trees retained near any of the proposed clearing, grading and excavation limits. Extensive clearing and grading to any depth (within the dripline) is considered a disturbance and may be detrimental to the health of trees.

Stakes delineating the clearing and grading limits will be set in the field before any clearing and grading activities occur. After the stakes are placed, the consulting arborist will make a final determination of the trees that will be preserved depending on the construction limits and expected impacts to major roots. Clearing limits may be adjusted in the field by the consulting arborist if such adjustments are warranted for proper protection of the tree(s) roots.

A tree protection barrier shall be installed in the field as directed by the consulting arborist. The barrier shall be constructed of orange construction fencing attached to firmly placed stakes or supports. The consulting arborist, together with the contractor,

Kirkland Marketplace Tree Evaluation

shall determine the extent and method of clearing near retained trees. No parking, storage, dumping, or burning of materials is permitted within 15 feet of the tree protection barrier, and no signage shall be attached to any live trees.

Where vehicular or equipment access is required within the protected area of any preserved tree, the soil (and tree roots) shall be protected from compaction with at least 10-inches of wood chips placed over the path of the vehicle, and removed when access is no longer needed. Any landscaping within 1.5 times the maximum dripline extent of each retained tree shall be done with care. Precautions shall be taken to ensure that all roots, trunks and branches of any retained trees shall not be damaged. This may necessitate the use of hand, as opposed to mechanized, labor in these areas. The area consisting of 1.5 times the maximum dripline is necessary to adequately protect the shallower feeder roots of retained trees. This area is referred to as the root protection zone.

Any roots of retained trees damaged during site grading shall be re-cut with a hand pruning saw following excavation so as to provide a cleanly cut surface, which will promote faster and more successful healing of these wounds. Unwanted vegetation within the root protection zone will be removed by hand, and will be indicated as such to the contractor by the consulting arborist. Stumps of trees to be removed within the root protection zone of preserved trees will be ground down to below ground surface and not excavated, but preferably left in place. The consulting arborist will determine to what extent backfilling is allowed within the root protection zone of a retained tree on a case-by-case basis.

All recommended tree maintenance, including deadwood and low limb removal, cabling and bracing, and any other arboricultural procedures shall be completed after clearing and before landscaping. An ISA Certified Arborist shall be preferred as the contractor for performing all arboricultural procedures. ANSI A300 American Standards for Pruning shall be followed, unless other standards are required by the local jurisdiction. The usage of preservation measures such as tree wells, rockeries, or aeration piping in areas of fill will be determined at the time of inspection of the clearing and grading limits. The trees proposed for retention on this project should have a high probability of survival and future landscape value if the above listed retention recommendations are followed.

Use and Limitations of this Report

This Tree Evaluation and Retention Report has been prepared for the applicant, as a means of determining, to the most thorough extent practicable, conditions of the existing trees on the subject property and recommending a course of action relative to these trees through the development and construction process. This report is based primarily on readily observable and ascertainable conditions, with limited use of invasive means to evaluate tree condition.

There are several conditions that can affect a tree's health that may be pre-existing and unable to be ascertained with a surficial analysis. These conditions include root and stem

Kirkland Marketplace Tree Evaluation

rot, internal cracks, structural flaws or construction damage to roots, which may be hidden beneath the soil. Additionally, post-construction circumstances can cause a relatively rapid deterioration of a tree's condition. This report has been prepared as an assessment of the current condition of trees on the project site, and may not be valid during or after construction. Every reasonable means has been used to examine the trees on the site, however, this report is a professional opinion and no expressed or implied guarantee is made of tree conditions on the site. No attempt has been made to determine the presence of hidden or concealed conditions which may contribute to the hazard or failure potential of trees on the site. The work for this report conforms to the standard of care employed by ISA Certified Arborists. No other representation or warranty is made concerning the work or this report and any implied representation or warranty is disclaimed.

Respectfully submitted,



Kevin Karlson
ISA Certified Arborist #PN-2649A
Attachments: Site photos



Figure 1: Black walnut (T-1); extensive canopy death



Figure 2: T-2, Lawson cypress, within proposed new building footprint



Figure 3: T-3, apple within proposed new building footprint



Figure 4: T-4, sugar maple with significant structural flaw (trunk fissure)

Kirkland Marketplace Tree Evaluation



Figure 5: T-5, Crimson King maple possibly suitable for retention



Figure 6: T-6, apple within proposed new building footprint

Kirkland Marketplace Tree Evaluation



Figure 7: T-7, mountain ash with significant fungal infection and dead wood, unsuitable for retention



Figure 8: T-8, mountain ash within site grading area, unsuitable for retention

LOTS 1,2,3 AND 4 BLOCK 26 TOWN OF KIRKLAND,
 ACCORDING TO VOL. 6 OF PLATS PAGE 53 TAX #388580-2055



KIRKLAND
 MARKETPLACE

APPLICANT/CONTACT

SEMA ARCHITECTURE / GREGORY SELER
 710 2ND AVE, STE. 1200
 SEATTLE, WA 98104 206.278.1512

CITY OF KIRKLAND
 PLANNING AND DEVELOPMENT SERVICES
 APPROVED FOR CONSTRUCTION

By: _____
 R/W PERMIT NO: _____

SCALE: 1"=20'
 DATE: 1-25-07
 TAG: FILENAME: S:\2006\Landscape\PLANS\07_0662_LP.dwg

REVISIONS

REV#	DESCRIPTION	BY	DATE
1	CITY COMMENTS	KJM	7-25-07

TREE
 RETENTION PLAN

SHEET

L-3
 OF 5

TREE PROTECTION REQUIREMENTS

ALL VEHICLE TRAFFIC SHALL BE ROUTED AWAY FROM SIGNIFICANT TREES DURING CONSTRUCTION TO AVOID EXCESSIVE SOIL COMPACTION. WHERE VEHICULAR TRAFFIC IS REQUIRED THE SOIL SHALL BE PROTECTED WITH A 10" LAYER OF WOODCHIPS AND/OR PLYWOOD PLACED OVER THE PATH OF THE VEHICLE. THE WOODCHIPS MAY BE REMOVED WHEN NO LONGER NEEDED.

ALL SIGNIFICANT TREES TO BE SAVED AND/OR RETAINED SHALL BE PROTECTED WITH A 5' HIGH CHAINLINK OR PLASTIC NET FENCING PLACED 5' BEYOND TREE DRIP LINES DURING CONSTRUCTION. THE FENCING SHALL NOT BE REMOVED WITHOUT THE AUTHORIZATION OF THE CONSULTING ARBORIST OR SITE SUPERVISOR.

TRENCHING WITHIN TREE DRIP LINES SHALL BE AVOIDED. TUNNELING AROUND PRIMARY TREE ROOTS IS PERMITTED WHEN DISTURBANCE WITHIN DRIP LINES IS NECESSARY.

STUMP PULLING OF ALL TREES TO BE REMOVED IN THE VICINITY OF SIGNIFICANT TREES TO BE RETAINED SHALL BE AVOIDED. STUMP GRINDING IS PERMITTED AS NECESSARY.

IT MAY BE NECESSARY TO PROVIDE SUPPLEMENTAL IRRIGATION DURING DRY PERIODS WITHIN THE CONSTRUCTION PROCESS, AND MULCHING OVER THE ROOTS OF ANY OR ALL PRESERVED TREES.

EXISTING CONDITIONS

- (5) Trees, located within the perimeter of the developed areas, to be removed.
- (4) Existing Significant Trees, within open space, to remain

Tree Replacement Calculations

8,167 Total SF
 8,167 SF / 43,560 SF = .187 x 30 = 5.62 Trees

Required Tree Credits = 6 Trees

Quantity of Trees, located within perimeter of the developed areas, to be removed = 7 Trees

Quantity of Significant Trees retained within open space landscaping = 1 Trees

Retained Trees Credits = 8 Trees

(1) 8" DBH = 1 Tree Credit +

= 1 Retained Tree Credits

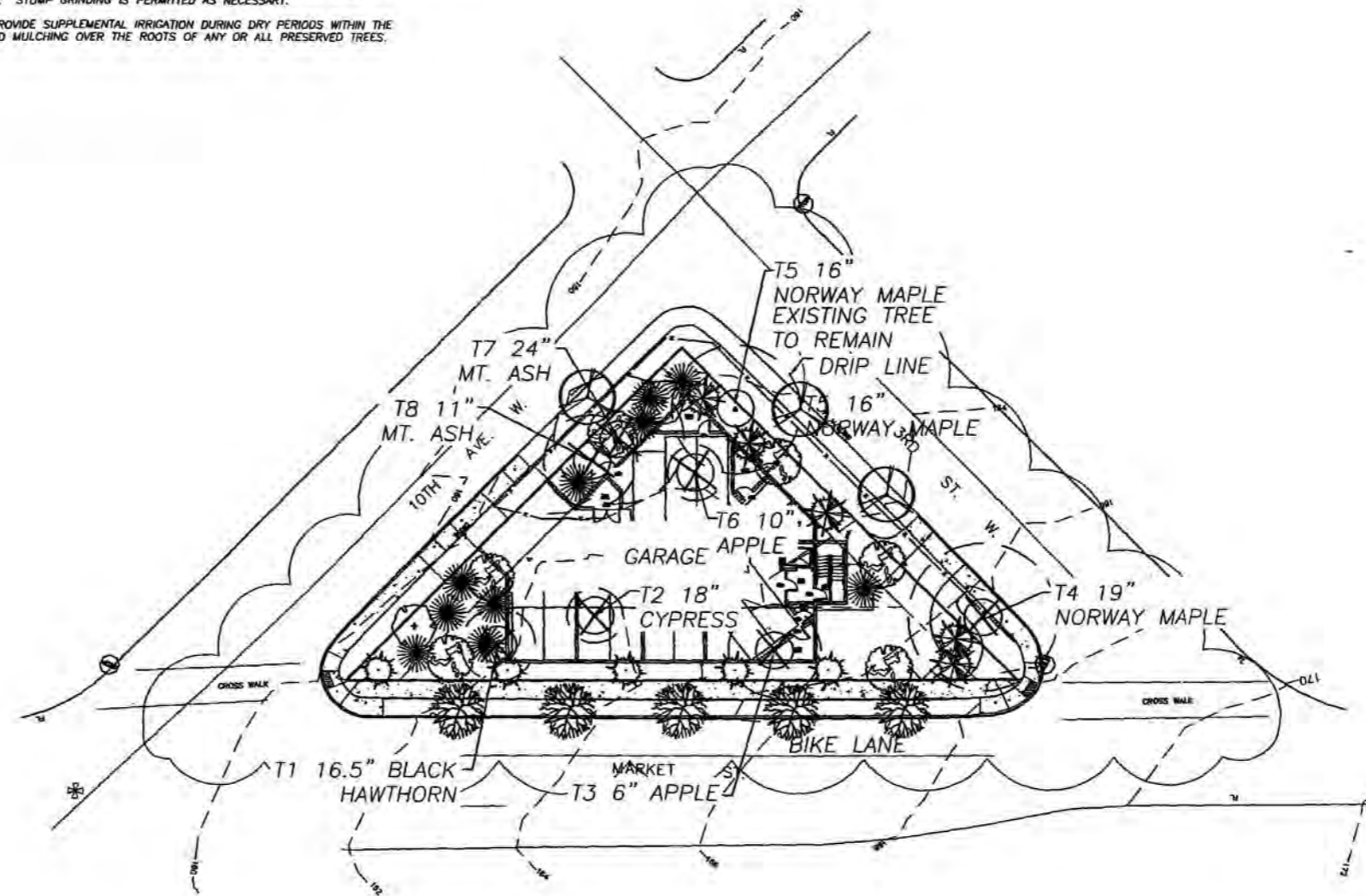
Required Replacement Trees = 5

1 Retained Tree Credits - 6 Required Tree Credits

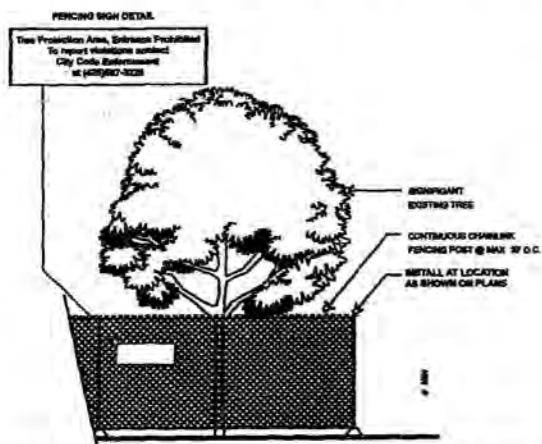
Quantity of New Trees Required: 5 Trees

Quantity of New Trees Provided: Total = 36
 Conifers = 20
 Deciduous = 16

Note: See Sheet L-2 For Species, Size, Quantity, Placement, and Condition.



1 TREE RETENTION PLAN
 SCALE: 1"=20'



1. MINIMUM FOUR (4) FOOT HIGH TEMPORARY CHAINLINK FENCE SHALL BE PLACED AT THE CRITICAL ROOT ZONE OR DESIGNATED LIMIT OF DISTURBANCE OF THE TREE TO BE SAVED. FENCE SHALL COMPLETELY SURROUND TREE. (B) INSTALL FENCE POSTS USING PEER BLOCK ONLY. AVOID POINT OR STAKED INTO MAJOR ROOTS. MODIFICATIONS TO FENCING MATERIAL AND LOCATION MUST BE APPROVED BY PLANNING OFFICIAL.
2. TREATMENT OF ROOTS EXPOSED DURING CONSTRUCTION: FOR ROOTS OVER ONE (1) INCH DIAMETER DAMAGED DURING CONSTRUCTION, MAKE A CLEAN STRAIGHT CUT TO REMOVE DAMAGED PORTION OF ROOT. ALL EXPOSED ROOTS SHALL BE TEMPORARILY COVERED WITH DAMP BURLAP TO PREVENT DRYING, AND COVERED WITH SOIL AS SOON AS POSSIBLE.
3. NO STOCKPILING OF MATERIALS, VEHICULAR TRAFFIC, OR STORAGE OF EQUIPMENT OR MACHINERY SHALL BE ALLOWED WITHIN THE LIMIT OF THE FENCING. FENCING SHALL NOT BE MOVED OR REMOVED UNLESS APPROVED BY THE CITY PLANNING OFFICIAL. WORK WITHIN PROTECTION FENCE SHALL BE DONE MANUALLY UNDER THE SUPERVISION OF THE ON-SITE ARBORIST AND WITH PRIOR APPROVAL BY THE CITY PLANNING OFFICIAL.
4. FENCING SIGNAGE AS DETAILED ABOVE MUST BE POSTED EVERY FIFTEEN (15) FEET ALONG THE FENCE.

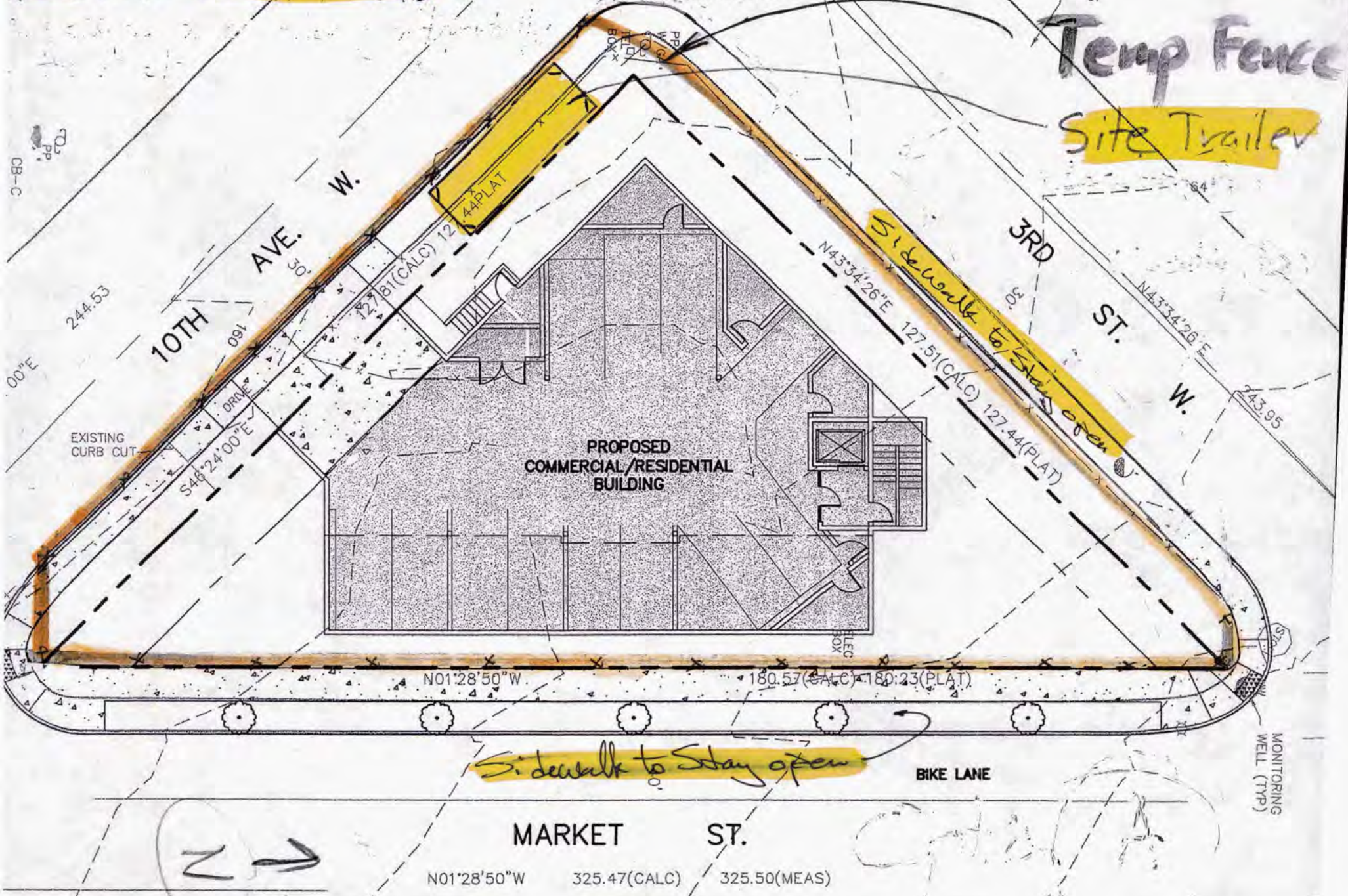
2 TREE PROTECTION FENCING DETAIL
 (For public & private trees)

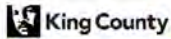
3 TREE PROTECTION FENCING DETAIL
 SCALE: NTS

Notes - Temp fence to sit outside of the exist sidewalk at the 10th

File: VAR18-000701009
Market Street Dental Clinic Variance
MacKenzie Comments 2/11/2020
Attachment 2

VAR18-00070
Hearing Examiner Decision
Exhibit L





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PARCEL DATA

Parcel	38880-2055	Jurisdiction	KIRKLAND
Name	KIRKLAND FAMILY DENTISTRY	Levy Code	1701
Site Address	1009 MARKET ST	Property Type	C
Geo Area	85-65	Plat Block / Building Number	26
Spec Area		Plat Lot / Unit Number	1-2-3-4
Property Name	VACANT SITE	Quarter-Section-Township-Range	N1E-6-2S-5

Legal Description
 KIRKLAND ADD
 PLat Block: 26
 Plat Lot: 1-2-3-4

LAND DATA

Click the camera to see more pictures.

Highest & Best Use As If Vacant	MULTI-FAMILY DWELLING	Percentage Unusable	
Highest & Best Use As Improved	OTHER	Unbuildable	NO
Present Use	Vacant(Multi-family)	Restrictive Size Shape	NO
Land SqFt	8,120	Zoning	MSC 1
Acres	0.19	Water	WATER DISTRICT
		Sewer/Septic	PUBLIC
		Road Access	PUBLIC
		Parking	ADEQUATE
		Street Surface	PAVED

Views

Rainier	
Territorial	
Olympics	
Cascades	
Seattle Skyline	
Puget Sound	
Lake Washington	
Lake Sammamish	
Lake/River/Creek	
Other View	

Waterfront

Waterfront Location	
Waterfront Footage	0
Lot Depth Factor	0
Waterfront Bank	
Tide/Shore	
Waterfront Restricted Access	
Waterfront Access Rights	NO
Poor Quality	NO
Proximity Influence	NO

Designations

Historic Site	
Current Use	(none)
Nbr Bldg Sites	
Adjacent to Golf Fairway	NO
Adjacent to Greenbelt	NO
Other Designation	NO
Deed Restrictions	NO
Development Rights Purchased	NO
Easements	NO
Native Growth Protection Easement	NO
DNR Lease	NO

Nuisances

Topography	
Traffic Noise	HIGH
Airport Noise	
Power Lines	NO
Other Nuisances	NO

Problems

Water Problems	NO
Transportation Concurrence	NO
Other Problems	NO

Environmental

Environmental	NO
---------------	----

BUILDING

TAX ROLL HISTORY

Reference Links:

- [King County Tax Links](#)
- [Property Tax Advisor](#)
- [Washington State Department of Revenue \(External link\)](#)
- [Washington State Board of Tax Appeals \(External link\)](#)
- [Board of Appeals/Equalization](#)
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- [Scanned Images of surveys and other map documents](#)
- [Scanned Images of plats](#)
- Notice mailing date: 07/04/2019**

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Account	Valued Year	Tax Year	Omit Year	Levy Code	Appraised Land Value (\$)	Appraised Imps Value (\$)	Appraised Total Value (\$)	New Dollars (\$)	Taxable Land Value (\$)	Taxable Imps Value (\$)	Taxable Total Value (\$)	Tax Value Reason
388580205507	2019	2020		1701	812,000	0	812,000	0	812,000	0	812,000	
388580205507	2018	2019		1701	690,200	0	690,200	0	690,200	0	690,200	
388580205507	2017	2018		1701	641,400	0	641,400	0	641,400	0	641,400	
388580205507	2016	2017		1700	592,700	0	592,700	0	592,700	0	592,700	
388580205507	2015	2016		1700	552,100	0	552,100	0	552,100	0	552,100	
388580205507	2014	2015		1700	552,100	0	552,100	0	552,100	0	552,100	
388580205507	2013	2014		1700	552,100	0	552,100	0	552,100	0	552,100	
388580205507	2012	2013		1700	552,100	0	552,100	0	552,100	0	552,100	
388580205507	2011	2012		1700	552,100	0	552,100	0	552,100	0	552,100	
388580205507	2010	2011		1700	609,000	0	609,000	0	609,000	0	609,000	
388580205507	2009	2010		1700	609,000	0	609,000	0	609,000	0	609,000	
388580205507	2008	2009		1700	592,700	0	592,700	0	592,700	0	592,700	
388580205507	2007	2008		1700	348,000	33,000	382,000	0	349,000	33,000	382,000	
388580205507	2006	2007		1700	291,000	34,000	325,000	0	291,000	34,000	325,000	
388580205507	2005	2006		1700	243,000	58,000	301,000	0	243,000	58,000	301,000	
388580205507	2004	2005		1700	221,000	49,000	270,000	0	221,000	49,000	270,000	
388580205507	2003	2004		1700	201,000	57,000	258,000	0	201,000	57,000	258,000	
388580205507	2002	2003		1700	183,000	62,000	245,000	0	183,000	62,000	245,000	
388580205507	2001	2002		1700	170,000	58,000	228,000	0	170,000	58,000	228,000	
388580205507	2000	2001		1700	150,000	112,000	262,000	0	85,000	65,800	150,800	FS
388580205507	1999	2000		1700	134,000	92,000	226,000	0	85,000	65,800	150,800	FS
388580205507	1998	1999		1700	125,000	71,000	196,000	0	85,000	65,800	150,800	FS
388580205507	1997	1998		1700	0	0	0	0	85,000	65,800	150,800	
388580205507	1996	1997		1700	0	0	0	0	85,000	65,800	150,800	
388580205507	1994	1995		1700	0	0	0	0	85,000	65,800	150,800	
388580205507	1992	1993		1700	0	0	0	0	82,800	68,200	150,800	
388580205507	1990	1991		1700	0	0	0	0	78,700	68,200	146,900	
388580205507	1988	1989		1700	0	0	0	0	25,400	42,500	67,900	
388580205507	1986	1987		1700	0	0	0	0	22,500	37,400	59,900	
388580205507	1984	1985		1700	0	0	0	0	21,500	33,200	54,700	
388580205507	1982	1983		1700	0	0	0	0	16,700	34,600	53,300	

SALES HISTORY

Excise Number	Recording Number	Document Date	Sale Price	Seller Name	Buyer Name	Instrument	Sale Reason
2284512	30070516001655	5/4/2007	\$1,035,000.00	GHORBANIAN ABRAHAM+SOLTANI ZAHRA	GREENE BENJAMIN J	Statutory Warranty Deed	None
2223087	30080808002552	8/7/2006	\$850,000.00	COFFEEHOUSE BUILDING LLC	GHORBANIAN ABRAHAM+SOLTANI ZAHRA	Statutory Warranty Deed	None
2119231	30050428001001	4/26/2005	\$750,000.00	MCGEOUGH BREFFNI J+HOLLY A	COFFEEHOUSE BUILDING LLC	Statutory Warranty Deed	None
2007979	30031215001617	12/12/2003	\$625,000.00	1009 MARKET STREET DEVELOPMENT LLC	MCGEOUGH BREFFNI J+HOLLY A	Statutory Warranty Deed	None
1957582	30030508002756	10/16/2002	\$0.00	GELOTTE CURTIS E	1009 MARKET STREET DEVELOPMENT LLC	Quit Claim Deed	Other
1688386	30020718000530	7/12/2002	\$400,000.00	PHILLIPS THERESA T	GELOTTE CURTIS	Statutory Warranty Deed	None

REVIEW HISTORY

PERMIT HISTORY

Permit Number	Permit Description	Type	Issue Date	Permit Value	Issuing Jurisdiction	Reviewed Date
BL-007-00107	Build a mixed use bldg with 13 car garage below, 1st floor 2,700 sq. ft. shell for 1 office & 2nd floor 2,700 sq. ft. for 1 residential unit	Building, New	10/9/2007	\$524,000	KIRKLAND	8/17/2010
BL-007-00756	Demolish SFR	Demolition	8/15/2007	\$0	KIRKLAND	12/13/2007

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ELEVATION MIDPOINT	SEGMENT LENGTH
A = (163.2') x	a (50') = 8,180
B = (164.5') x	b (19') = 3,125.5
C = (164.2') x	c (89') = 14,613.8
D = (162.2') x	d (76') = 12,327.2
	234 38,226.5
<hr/>	
$\frac{38,226.5}{234} = 163.36$	ABE = 163.36

File: VAR18-000701009
Market Street Dental Clinic Variance
MacKenzie Comments 2/11/2020
Attachment 4



1009 Market Street

Kirkland, Washington



Permit Re-submittal #2



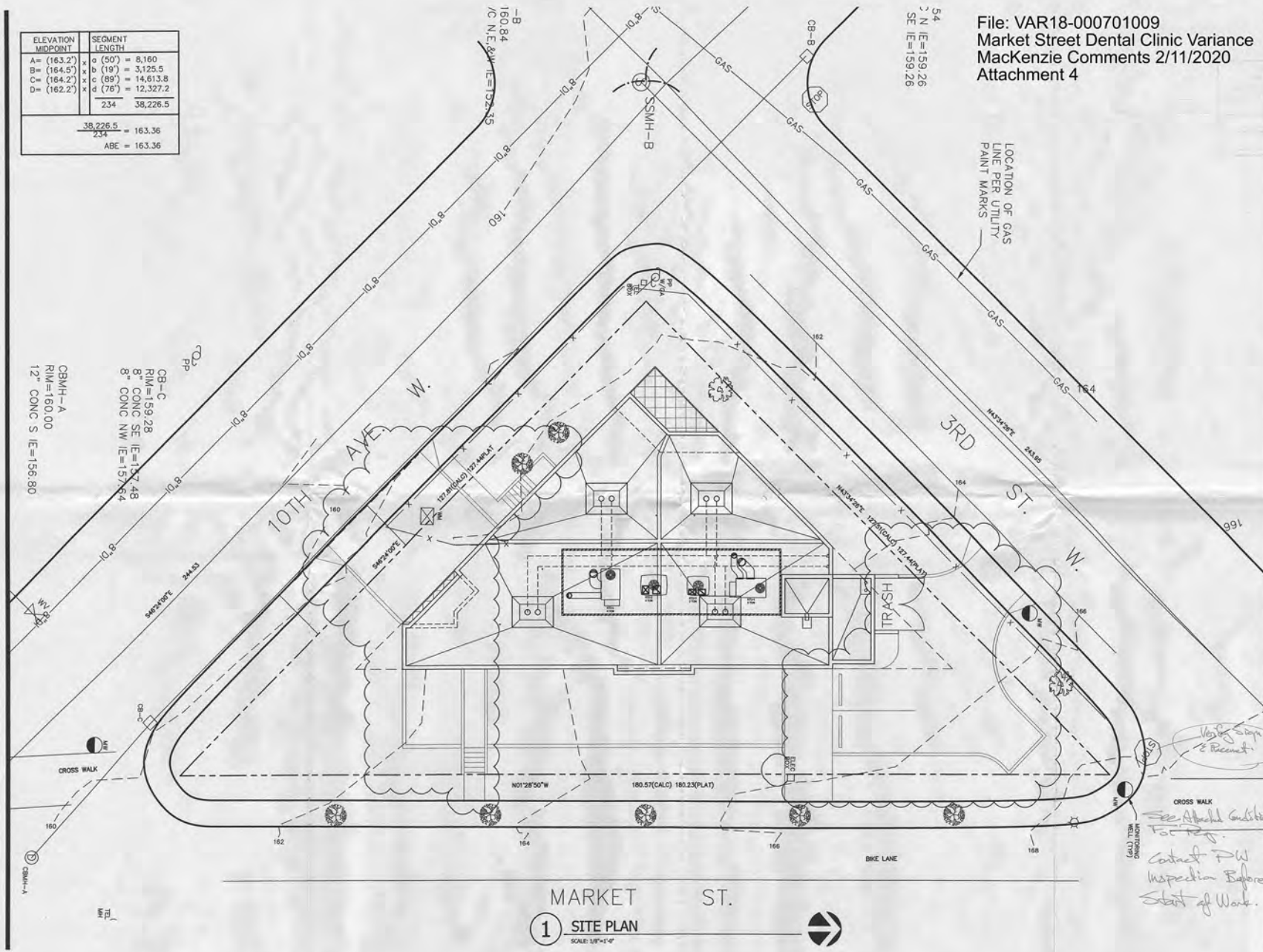
Date	Project Number
April 1, 2007	07004.00
Revision	
6-1-07	Schematic Progress Set
6-12-07	Schematic Progress Set
7-24-07	Permit Re-submittal / Bid Set
9-10-07	Progress Set
9-14-07	Permit Re-submittal #2

Drawn By: kc, ab Checked By: kc, sh

SITE PLAN & DETAILS

Scale: AS NOTED
Sheet Number:

A-1.00



1 SITE PLAN
SCALE: 1/8"=1'-0"

CITY OF KIRKLAND APPROVED FOR SUBMITTAL	
	Type of Review
Building	<input checked="" type="checkbox"/> DP <input type="checkbox"/> FT <input type="checkbox"/> MSF
Planning	<input type="checkbox"/>
Public works	<input type="checkbox"/>

*OTC
Lsm permit*

File: VAR18-000701009
Market Street Dental Clinic Variance
MacKenzie Comments 2/11/2020
Attachment 4

Build Copy

CITY OF KIRKLAND BUILDING DEPARTMENT	
PERMIT #	LSM07-20055
ADDRESS	1017 MARKET ST
PLANS FOR LAND SURVEY ASSOCIATION	
PROJECT	GENERAL
OWNER	OTC
DATE SUBMITTED	12/22/2019
DATE APPROVED	12/22/2019
APPROVED BY	<i>[Signature]</i>

*to Rachel
Re. Excavation
See Attached
Conditions*

1715 Market Street, Suite 104
Kirkland, WA 98033

December 16, 2009

Steve Lybeck, Permit Technician Supervisor
City of Kirkland Building Division
123 5th Avenue
Kirkland, WA 98033

Dear Steve,

I wish to cancel my permit number BLD07-00107 and would like a refund of all refundable fees, associated with the project.

Sincerely,



Benjamin J. Greene
D.D.S., P.S.

RECEIVED
DEC 16 2009
BUILDING



CITY OF KIRKLAND

Land Use Application #517552 - Market Street Clinic

Applicant				
First Name	Last Name		Company Name	
Craig	Chaney		Merrick Lentz Architect	
Number	Street	Apartment or Suite Number		E-mail Address
12815	NE 126th Place			craigc@mlarch.com
City	State	Zip	Phone Number	Extension
Kirkland	WA	98034	4257473177	
Contractor				
Company Name				
Number	Street	Apartment or Suite Number		
City	State	Zip	Phone Number	Extension
State License Number	License Expiration Date	UBI #	E-mail Address	
Project Location				
Number	Street	Floor Number	Suite or Room Number	
1009	MARKET ST			
City	Zip Code	County Parcel Number		
KIRKLAND	98033	3885802055		
Associated Building Permit Number		Tenant Name		
Additional Information (i.e. equipment location or special instructions):				
Work Location				
Property Owner				
First Name	Last Name or Company Name			
Family Dentistry	Kirkland			
Number	Street	Apartment or Suite Number		
1715	MARKET ST	104		
City	State	Zip		
KIRKLAND	WA	98033		
Certification Statement - The applicant states:				
I certify that I am the owner of this property or the owner's authorized agent. If acting as an authorized agent, I further certify that I have full power and authority to file this application and to perform, on behalf of the owner, all acts required to enable the jurisdiction to process and review such application. I have furnished true and correct information. I will comply with all provisions of law and ordinance governing this type of application. If the scope of work requires a licensed contractor to perform the work, the information will be provided prior to permit issuance.				
Date Submitted:	1/31/2018	Submitted By:	Craig Chaney	



CITY OF KIRKLAND

Land Use Application #517552 - Market Street Clinic

Project Contact

Company Name: Merrick Lentz Architect

Name: Craig Chaney **Email:** craigc@mlarch.com

Address: 12815 NE 126th Place **Phone #:** 4257473177
Kirkland WA 98034

Project Type	Activity Type	Scope of Work
Any Project Type	Deviations, Modifications, Variances, or Waivers	Variance - Process IIA

Project Name: Market Street Clinic

Description of Work: Variances are requested to the required Building and Landscape Setbacks for this MSC-1 zoned property, for the future construction of an approximately 5387 sf dental clinic building with 2 floors of parking below.

Project Details

Project Information

Sign company name for public notice signs. Market Street Clinic

Quantity and Size Specifications

Gross floor area of new nonresidential	5387
Number of proposed new residential units	0
Property size in square feet	8120

Additional Project Information

Date preapplication meeting was held. 7/19/2016



Jurisdiction: Kirkland
 Project Name: Market Street Clinic
 Application ID: 517552

Supplemental Name: Variance Criteria

An answer to each of the following questions must be submitted with any application:

1. How would the Variance not be materially detrimental to the property or improvements in the area of the subject property or to the City in part or as a whole?

Since the property is completely isolated and bordered on all sides by city streets, no adjacent property shares a property line nor directly borders the subject property. This unique and unusual situation creates 60 feet of space between the subject property and the closest neighboring properties. In addition, proposed landscape buffers and building setbacks of 15 feet on 10th Ave W and 7.5 feet on 3rd St W will further soften the transition from the proposed building to the neighboring properties. This space will ensure that the proposed structure does not overwhelm adjoining low-density uses as described in MS-6.1.

2. How is the Variance necessary because of special circumstances regarding the size, shape, topography, or location of the subject property; or the location of a pre-existing improvement on the subject property that conformed to the Zoning Code in effect when the improvement was constructed?

The subject property, zoned MSC-1, is irregular and highly unique for the City of Kirkland. It is one of just two privately owned triangular shaped parcels with right-of-ways on all three sides. Each of the three property lines currently requires a 20 foot front yard setback. The other privately owned triangular property, located at 1715 Market St, is developed with an office building. The lot at 1715 Market St is 25,853 Ft2 and is not proportionally as affected by the 20 foot front yard setbacks on all three sides as the subject lot, which is less than one third the size of the property at 1715 Market Street. Consequently, the current zoning requirements prevent the construction of an equitable project on this 8,120 ft2 lot, as these landscape buffers and setbacks remove a much higher proportion of buildable square footage than for other lots along the Market Street Corridor. Insufficient buildable space to justify the cost of development has prevented the completion of the past several development attempts on the irregularly shaped subject property. In order to achieve an equitable square footage, we are requesting variances that enable development of a 5,387 ft2 long-term home for Kirkland Family Dentistry. A dental office building this size does not exceed the 70% lot coverage allowed by MSC-1 zoning. This can be achieved in a combination of ways by granting variances on any of the 3 sides of the irregularly shaped lot. With the requested landscape strips and setbacks of 7.5 feet on 3rd St W and 15 feet on 10th Ave W, we are requesting a 0 foot landscape buffer and setback on Market Street to achieve the necessary square footage to develop the property. Without this 0 foot setback on Market Street, the lot remains unbuildable due to the inequitable cost per square foot, as has been demonstrated by the past several failed attempts at developing the subject property. In its undeveloped state, the lot currently provides no buffer to neighboring residences from the noise and automobile headlights caused by traffic along Market Street. The requested variances, including the 0 foot request at Market St, would improve the residential buffer and protection from these elements, enhancing the transition from the commercial activity of Market Street to adjoining residential homes. The neighbors adjacent to the subject property on 3rd St W have supported in a notarized document the reduction of the 20 foot front setback and 15 foot landscape strip to each be reduced to the 7.5 feet as proposed on 3rd St W. The neighbors adjacent to the subject property on 10th Ave W prefer to maintain the 15 foot landscape buffer. Therefore, the required 15 foot landscape buffer will be maintained as part of this proposal, though the 20 foot front setback would be reduced to 15 feet as proposed on 10th Ave W. Not reducing the landscape buffer on the 10th Ave W side of the building necessitates a 0 foot setback and 0 foot landscape buffer on Market Street to attain the equitable square footage needed for development. As Policy MS-6.3 states, "commercial development which is oriented toward Market Street will have less impact on the adjacent low-density residential areas in the surrounding neighborhoods." A 0 foot setback on Market Street allows for an equitable development while limiting the setback variance needed along 10th Ave W that is adjacent to low density residential areas and where the neighbors prefer to keep the 15 foot landscape buffer. The City of Kirkland has already approved setback variances for this lot in the past. The City approved a 5 foot setback with 7.5 foot landscape strip at 3rd St W, as well as a 10 foot setback at 10th Ave W. The setback variances previously approved at 3rd St W and 10th Ave W each allowed a building to have closer proximity to the lot lines than the proposed variances would on these respective streets. We are requesting lesser variances for the building setbacks on these two streets in conjunction with a 0 foot Market Street setback. This combination of variances would allow for a building with equitable square footage on the subject lot, and is also in line with the aforementioned Policy MS-6.3; "commercial development which is oriented toward Market Street will have less impact on the adjacent low-density residential areas in the surrounding neighborhoods."

3. How would the Variance not constitute a grant of special privilege to the subject property which is inconsistent with the general rights that this Code allows to other property in the same area and zone as the subject property?

The proposed variances would not constitute special privilege based on the wording in the KZC 120.05 which states, "the provisions of this code can be varied on a case-by-case basis if the application of these provisions would result in an unreasonable and unusual hardship." This is applicable as can be seen by several failed development attempts on the subject property in the past. Therefore, without variances to allow an equitable square footage for the subject property, "provisions would result in an unreasonable and unusual hardship." Due to the irregular, triangular shape of the subject property, MSC-1 zoning that requires 20 foot front yard setbacks on all three property lines removes a disproportionate amount of buildable square footage compared to all properties along the Market Street Corridor. A 0 foot landscape strip and setback along the Market St property line has been allowed in the past for several buildings along the Market Street Corridor. As the only undeveloped and smallest privately owned triangular lot along the Market St Corridor, granting a 0 foot setback would not set precedent for other properties which are more regular in shape, have existing structures, and do not have front yard setbacks on all sides. Granting a 0 foot setback and 0 foot landscape buffer along Market Street would enable the cost effective development of a dental office building within the 70% lot coverage allowed by current MSC-1 zoning.

Supplemental Name: Right to Enter Property/Hold Harmless Agreement

AUTHORITY TO ENTER PROPERTY/HOLD HARMLESS AGREEMENT -- READ CAREFULLY BEFORE CLICKING AGREE AND



Jurisdiction: Kirkland
Project Name: Market Street Clinic
Application ID: 517552

ENTERING NAME BELOW

I/we acknowledge that by clicking Agree below and submitting this application I/we are authorizing employees or agents of the City of Kirkland to enter onto the property which is the subject of this application during the hours of 7:00 a.m. to 5:00 p.m., Monday through Friday, for the sole purpose of making any inspection of the limited area of the property which is necessary to process this application. In the event the City determines that such an inspection is necessary during a different time or day, the applicant(s) further agrees that City employees or agents may enter the property during such other times and days as necessary for such inspection upon 24 hours notice to applicant(s), which notice will be deemed received when given either verbally or in writing.

I/we acknowledge that by clicking agree below and submitting this application I/we certify under penalty of perjury, the truth and/or accuracy of all statements, designs, plans and/or specifications submitted with said application and hereby agrees to defend, pay, and save harmless the City of Kirkland, its officers, employees, and agents from any and all claims, including costs, expenses and attorney's fees incurred in investigation and defense of said claims whether real or imaginary which may be hereafter made by any person including the undersigned, his successors, assigns, employees, and agents, and arising out of reliance by the City of Kirkland, its officers, employees and agents upon any maps, designs, drawings, plans or specifications, or any factual statements, including the reasonable inferences to be drawn therefrom contained in said application or submitted along with said application.

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Agree

Enter Full Name of Person(s) Agreeing with Statements Above:

Jonathan Everett



CITY OF KIRKLAND
Planning and Building Department
123 5th Avenue, Kirkland, WA 98033
425.587.3600 ~ www.kirklandwa.gov

DESIGN REVIEW BOARD DECISION

DATE: February 13, 2017
FILE NUMBER: DRV16-03090
PROJECT NAME: 1029 Market ST Office
APPLICANT: Chris Amonson, Freiheit and Ho Architects
PROJECT PLANNER: Janice Coogan, Senior Planner

I. SUMMARY OF DECISION

On February 6, 2017, the Design Review Board (DRB) voted to approve the plans to construct a new two story, 11,931 sq. ft. office building with associated parking for 40 stalls at 1029 Market ST. Freiheit and Ho Architects are the applicants on behalf of Robb Dibble. The Board approved a minor variation to allow reduced front yard setbacks on Market ST, 3rd ST W and 11th Ave W (See Attachment 2, Plans).

The application includes a modification to Public Works Department policies for the driveway location distance to intersections (see Attachment 1, Development Standards). The original application included a request to reduce the number of parking stalls on site and utilize on street parking, however, this is no longer proposed. A height variance to calculate the average building elevation using historical grade rather than existing grades is being processed under a separate Process IIA zoning permit. After holding a public hearing, the Hearing Examiner will make a final decision on the variance.

The project as shown on the plans dated February 6, 2017 is subject to the following conditions and Attachment 1, Development Standards:

- A. This application is subject to the applicable requirements contained in the Kirkland Municipal Code, Zoning Code, and Building and Fire Code. It is the responsibility of the applicant to ensure compliance with the various provisions contained in these ordinances. Attachment 1, Development Standards, intended to familiarize the applicant with some of the additional development regulations. This attachment does not include all of the additional regulations.
- B. As part of the application for a building permit the applicant shall submit the following:
 1. Construction plans demonstrating compliance with the project plans approved by the DRB including:
 - a. Building and plaza materials, paint colors and lighting fixtures called out on plans.
 - b. Reduced front yard setbacks along the following streets:

Market ST: 6 ft. encroachment for most of facade (14 ft. setback from the property line) and 9 ft. 4 inch encroachment for the elevator (12 ft. wide) (11 ft. 4 inches setback from the property line).

11th Ave West: 5 ft. 6 inches encroachment for façade (15 ft. 6 inches setback from the property line).

3rd ST West: 4 ft. encroachment (16 ft. setback from property line).

- c. Signed agreements from three adjoining property owners agreeing to any landscape buffer modification.
 2. Parking calculations.
 3. Detailed plans and materials for the garbage/recycling enclosure and rooftop appurtenance screening for staff review. For the rooftop screening enclosure, revise plans to show a material and color as directed by the DRB (lighter in material and structure, of a matt finish to reduce glare and a color that blends in with the roof or façade color).
 4. Cornerstone or plaque that meets the requirements of KZC 92.92.35.7.
- C. Prior to final inspection of a building permit by the Planning Official, the project architect shall submit a letter stating that they have evaluated the project to ensure it is consistent with the plans approved through Design Board Review and no modifications have been made that were not previously approved by the City.

II. DESIGN RESPONSE CONFERENCE MEETINGS

A. Background Summary

Below is a summary of the Board's discussions at the two Design Response Conferences held on January 23, 2017 and February 6, 2017. Staff reports for each meeting can be found online at the following web address:

[http://www.kirklandwa.gov/depart/planning/Boards and Commissions/DRB Meeting Information.htm](http://www.kirklandwa.gov/depart/planning/Boards%20and%20Commissions/DRB%20Meeting%20Information.htm)

January 23, 2017 conference: The Design Review Board reviewed the plans submitted by Freiheit and Ho Architects dated January 23, 2017. Staff provided an overview of the Zoning Code for the MSC 1 zone and the key design issues for the project. Staff's memo dated January 11, 2017 provides an analysis of project consistency with the Zoning regulations, and Design Guidelines for Pedestrian Oriented Districts and unique to the Market Street Corridor.

After receiving public comment on the project and deliberating, the Board discussed the request for reduced front yard setback and the need for the project to show that the request results in superior design, especially at the front entrance. The Board requested the project show less of an encroachment on 11th Ave West to be compatible with the openness of the single family residential on 11th Ave West. The Board requested the applicant to return for a second meeting to respond to the following DRB comments regarding:

- Decorative sidewalk details
- Sunshade design and material
- Other building elevations including along alley
- Building materials and paint color details
- HVAC screening design and materials

- Window glazing
- Sidewalk details
- Garage openings and door details
- ADA access at front entrance and potential design changes
- Landscape plan details. Check to be sure landscaping meets sight distance requirements. Verify street tree variety.

February 6, 2017 conference: The Architects presented how the revised plans dated February 6, 2017 had changed to respond to the Board's comments at the previous meeting. The Board discussed the following design changes:

- Main entrance revisions including canopy, distressed corten panels around elevator and door, plaza elimination of stairs, stamped concrete plaza, bench materials and color and sculpture
- Elevations on each side of building
- Building material details and colors
- Window colors
- Sunshade material details
- Roof membrane color, rooftop screening enclosure material
- Sculpture materials and color
- Landscape plan showed the revised street tree and low growing vegetation for landscape strip to meet sight distance triangle requirements at driveway entrances

The Board discussed the changes and at the conclusion of the meeting voted to approve the project with conditions. See Section III below for more information regarding the Board's discussion and conclusions.

B. Public Comment

All public comment letters and e-mails received related to the Design Response Conference meetings were forwarded to the Board for consideration. Oral comments from the public were given at the meetings. All comments are contained in the City's official file. Below is a summary of the general public comment themes that emerged through the design review process:

- Transportation and access issues
 - Locations of driveways on 11th Ave West and alley/3rd ST West rather than a preferred driveway on Market ST
 - Use of alley and lower parking garage entrance on 3rd ST West potential conflicts with drivers on 3rd ST West
 - Potential sight distance issues from cars exiting out of alley onto 3rd ST W because of on-site landscaping and design of extended curb on 3rd ST W.
- Potential safety conflicts with increased number of vehicles from the office building traveling north on alley and kids playing in the alley.
- Precedence setting decision of approving reduced front yard setbacks with future requests from properties along Market ST.
- Building too large for size of lot.
- Parking modification to reduce number of parking stalls on-site and use of street parking for employees.

Staff Comments: Throughout the design review process the property owner/applicant reached out personally to many of the property owners surrounding the subject property to discuss their

concerns. Letters of both support and concern were received. The project was reduced in size so that all required parking will be provided on site and below the threshold for SEPA review.

Many of the concerns were transportation related and not within the authority of the Design Review Board. The applicant did submit a traffic impact analysis to show compliance with City Public Works transportation, driveway, circulation and sight distance policies. The City's transportation engineer did review the applicant's traffic engineer reports for compliance with City regulations and policies and did make recommendations for conditions related to the approval of the project described in Attachment 1. The building permit application will need to show compliance with those conditions.

III. DESIGN REVIEW BOARD DISCUSSION AND CONCLUSIONS

The Design Review Board reviews projects for consistency with Design Guidelines for Pedestrian-Oriented districts as adopted in the Kirkland Municipal Code Chapter 3.30. There are a few guidelines unique to the Market Street Corridor regarding minimizing impacts to low density uses, streetscape design, increased street trees along Market ST. With recommended conditions of approval, the DRB concludes that the proposed project is consistent with applicable design guidelines.

Below is a summary of the key issues and conclusions reached by the Design Review Board during the design review process. For more background on these issues and evaluation of how the project meets the Zoning Code and Design Guidelines see staff advisory reports from the design response conferences contained in File DRV16-03090.

A. MINOR VARIATION TO REDUCE FRONT YARD SETBACKS

Zoning Code MSC 1 zone requires structures provide a minimum 20' front yard setback from the property line on all three streets (Market, 3rd ST West and 11th Ave West). As part of design review, KZC Section 142.37.1.a allows an applicant to request minor variations to the minimum required setbacks in the MSC 1 zone. The DRB may grant a minor variation only if it finds that the following criteria are met (KZC Section 142.37.4):

- 1. The request results in superior design and fulfills the policy basis for the applicable design regulations and design guidelines;*
- 2. The departure will not have any substantial detrimental effect on nearby properties and the City or the neighborhood.*

The approved plans dated February 6, 2017 show the following encroachments and reduced front yard setbacks:

Market ST: 6 ft. encroachment for most of facade (14 ft. setback from the property line) and 9 ft. 4 inch encroachment for the elevator (12 ft. wide).

11th Ave West: 5 ft. 6 inches encroachment for facade (14 ft. 6 inches setback from the property line).

3rd ST West: 4 ft. encroachment (16 ft. setback from property line).

The applicant's response to the criteria is contained in Attachment 3.

DRB Discussion: The applicant revised the plans from the Conceptual Design Conference in response to the Board's request to provide a greater setback on 11th Ave W to be more

consistent with the single family zoned residential street. The DRB discussed how the applicant's plans meet the criteria and implications of approving reduced front yard setbacks.

DRB conclusions: The DRB concluded that the project meets the criteria. The Board was more comfortable supporting reduced setbacks rather than total elimination of front yard setbacks. The Board discussed the importance of keeping wider setbacks to keep the openness along the single family residential streets. The Board concluded the project as designed provides superior design for a greater public benefit and will not have any substantial impacts on nearby properties, City or neighborhood. The Board concluded that the following elements provide a superior design to justify the reduced front yard setbacks:

Market Street facade: The building's main entrance and elevator tower shows use of quality materials with different textures. The entrance contains a pedestrian oriented plaza with decorative scored concrete pavement connects to provide a wider sidewalk in the right of way, concrete benches, planters with landscaping on either side of entrance and art sculpture. The additional protrusions of the elevator and entry canopy help break up the façade along Market Street to provide superior architectural and pedestrian scale.

Market, 3rd ST West and 11th Ave West Streets: Superior landscaping is provided between the building frontage and property line on all three streets. The landscape strips along all three streets go beyond what code requires by providing low growing vegetation and street trees.

B. BUILDING HEIGHT, ARCHITECTURAL AND HUMAN SCALE

MSC 1 allows a maximum height of 25 feet measured above the existing average grade. General Regulation for MSC 1, 51.08.3 and KZC 115.136 establishes that within 30 feet of a low density zone, any portion of structure greater than 15 feet in height shall be no greater than 50 feet in length. The property adjoins low density zones to the northwest and southwest, and therefore the maximum building height is 25 feet and the maximum building façade length requirement of 50 ft. applies to the west and southwest facades.

Rooftop appurtenances and screening may exceed the height limit by a maximum of four feet if the area of all appurtenances and screening does not exceed 10 percent of the total area of the building footprint.

The applicant is proposing solar panels on the roof. Solar panels on flat roof forms may exceed height limits by a maximum of 20 inches.

Under a separate review process, the applicant is requesting to use the historical grade of the property to measure the average building elevation and maximum height. The difference between the existing and historical grades which would be a difference of approximately 1 ft. 8.16 inches. The Hearing Examiner will review the height variance request through a Process IIA zoning permit.

DRB Discussion: The Board's discussion focused on the design of the roof, rooftop appurtenances, and lower level of the building entrance as it meets the Market ST.

DRB Conclusions: The design complies with the maximum horizontal façade requirements adjacent to a low density use. With submittal of the most recent plans, the DRB concluded the project was consistent with the guidelines and regulations related to architectural and human scale. The Hearing Examiner will make a final decision on the height variance after holding a public hearing on the request. The applicant will need to show compliance with the maximum building height, maximum height of rooftop appurtenance, solar panels and screening requirements with the building permit application.

C. VEHICULAR AND PEDESTRIAN ACCESS

Location for the vehicular access driveways are constrained by the shape of the corner lot, volume of traffic along Market ST, and close proximity to the Market ST intersection. The applicant's transportation consultant evaluated the project's turning movements and circulation within the neighborhood, distance to intersections, sight distance compliance and other issues. The location of the driveway distances to the intersections needed a variance from city policies and review by the City's Transportation Division. The driveway access along the alley to the lower garage was redesigned to an angled position to encourage use of 3rd ST West and discourage vehicles to travel north on the alley through the residential area. Transportation related conditions are described in Attachment 1. Pedestrian access is available at the main entrance, rear entrance along the alley and within the garage. A canopy provides overhead weather protection at the main entrance.

DRB discussion: At the first meeting, the DRB noticed that that plans needed to show ADA accessibility to the main entrance. Revised plans eliminated the main entrance stairs to allow for ADA wheelchair access.

DRB conclusions: Transportation impact analysis is beyond the Board's decisional authority. As part of the building permit application the plans with need to show compliance with Building Code ADA requirements and compliance with the recommendations from the Transportation Engineer in Attachment 1.

D. SIDEWALK AND LANDSCAPE STRIP

There is an existing 5' wide sidewalk located next to the curb and trees along the property line. Market Street Corridor Design Guidelines encourage a well-designed streetscape with wider sidewalks and new street trees. To provide greater protection for the pedestrian from Market ST, the new landscape strip with street trees is shown to be located next to the curb as recommended by staff. A minimum 5 ft. wide sidewalk is required, however, a wider sidewalk is shown along Market ST tapering to 5 ft. along 3rd ST and 11th Ave W. A wider landscape strip on 3rd ST West was recommended as a mitigation measure to slow vehicles turning west from Market ST onto 3^{rs} West (see Attachment 1). The proposed landscape plan shows low growing landscaping in addition to new street trees.

DRB discussion: The DRB discussed the proposed landscape plan and street trees. The variety of street tree was changed to provide higher start of the canopy and lower vegetation in the landscape strip to meet sight distance requirements.

DRB conclusions: The DRB approved the proposed sidewalk and landscape plan.

E. BUILDING MATERIALS, COLOR AND DETAIL

Below is a summary of the approved plans building materials shown on Attachment 2, pages 8, 9 and 14:

- Building: Precast concrete in brown for lower panels and light grey for upper panels.
- Main Entrance/Elevator tower: Stained cedar underneath metal black steel canopy, horizontal weathered steel Corten with vertical metal panel for elevator tower.
- Roof: grey roof membrane
- Windows: blue tint glazing with spandrel and clear at entrance

- Accents: aluminum light shelf, sunshade periodically placed along building; not on north facade
- Patio: two toned stamped concrete with border. Concrete bench (2).
- HVAC: Per DRB, revise the corrugated steel panel to a different pattern, matt finish and color to blend in with the roof parapet surround color
- Garage entrances: lower garage secured mesh gate; upper open.

DRB discussion: The DRB discussed the proposed building materials, color and detail for the building. The proposal includes the following building materials:

DRB conclusions: The Board agreed with the proposed building materials and colors as compliant with the Design Guidelines.

F. LANDSCAPING

KZC 95 requires a 15 ft. landscape buffer along the west and northwest property lines. The landscape plan shown on Attachment 2, page L-1 and 2 shows supplemental plantings to the existing trees on the northwest property line. Along the alley, the applicant requested a modification to reduce the buffer to 10 ft. Three property owners submitted agreements approving the reduced width. The Planning Official may approve a landscape buffer modification if criteria in KZC 95 are met. The proposed landscape buffer meets the modification criteria and adjacent property owners have agreed to the reduced buffer. The agreements will need to be recorded with King County prior to issuance of the building permit. The proposed landscape plan was reviewed to be sure it met sight distance from the driveway policies and it does.

DRB discussion: The DRB had very little discussion about the proposed landscape plan.

DRB conclusions: The DRB agree with the planned landscaping plan.

IV. DEVELOPMENT REVIEW COMMITTEE

Comments and requirements placed on the project by City departments are found on the Development Standards, Attachment 1.

V. SUBSEQUENT MODIFICATIONS

Modifications to the approval may be requested and reviewed pursuant to the applicable modification procedures and criteria in effect at the time of the requested modification in KZC 142.50.

VI. APPEALS OF DESIGN REVIEW BOARD DECISIONS AND LAPSE OF APPROVAL

Appeals

Section 142.40 of the Zoning Code allows the Design Review Board's decision to be appealed to the Hearing Examiner by the applicant or any person who submitted

written or oral comments to the Design Review Board. The appeal must be in the form of a letter of appeal and must be delivered, along with a fee (\$219.00) to the Planning and Building Department by 5:00 p.m., 3/3/17, fourteen (14) calendar days following the postmarked date of distribution of the Design Review Board's decision. The letter of appeal must contain a clear reference to the matter being appealed and a statement of the specific elements of the Design Review Board decision disputed by the person filing the appeal.

Only those issues under the authority of the Design Review Board as established by Kirkland Zoning Code 142.35(3) and (4) are subject to appeal.

Lapse of Approval (KZC 142.55)

The applicant must begin construction or submit to the City a complete building permit application for the development activity, use of land or other actions approved under this chapter within five (5) years after the final approval of the City of Kirkland on the matter, or the decision becomes void.

The applicant must substantially complete construction for the development activity, use of land or other actions approved under this chapter and complete the applicable conditions listed on the notice of decision within seven (7) years after the final approval on the matter or the decision becomes void.

VII. ATTACHMENTS

1. Development Standards
2. Approved Plans dated February 6, 2017
3. Applicant response to minor variation criteria

VIII. PARTIES

The parties of record list of people who have submitted written or oral comment to the DRB is contained in the official file.

IX. APPROVAL



Chair, Design Review Board
Date: 2/14/17

CC: Parties of Record List in DRV16-03090

Barbara Loomis
304 8th Ave. West
Kirkland, WA 98033
bloomis304@gmail.com

February 13, 2020

Tony Leavitt, Senior Planner
tleavitt@kirklandwa.gov
City of Kirkland Planning and Building Department
123 5th Avenue
Kirkland, WA 98033

Ref: File Number VAR1800070 – 1/30/2020
Hearing before the Kirkland Hearing Examiner
Regarding Market Street Dental Clinic Variance at 1009 Market St

Dear Mr. Leavitt,

I just wanted to comment on some of the testimony at the hearing January 30, 2020. The applicant DOES NOT have any neighborhood support contrary to what the architect said at the hearing. There were three notarized letters in the file from a previous application that were signed by some of the neighbors in 2017. The letters being written by a couple dentists stating that the neighbors supported modifications to the required landscape buffer. This application (VAR1800070) is different from the one submitted in 2017 when the letters were signed.

A lot can happen in three years! I've talked to the residences of those properties and all of them are now opposed to this application: VAR18-00070 and this building. Kathryn Keegan Grindeland at 925 3rd Street West is opposed and testified to that effect the night of the hearing. Mark Fosdale at 1010 3rd Street West is also opposed and sent an email that I read into the record. Julie Muller at 300 10th Ave. West told me she has just signed a five year lease and is opposed to the project. The owners of her house have moved out of the country. Both Kathryn and Mark said they didn't really understand what the project entailed.

And, NO ONE – all neighbors, who testified at the public hearing, were in support of this project including myself.

For about 2.5 years those of us who live in this residential neighborhood had to put up with an industrial use on this piece of property. It was a staging area for a City project to put in sewers on 1st Street across Market Street in the Norkirk Neighborhood. Dibble Engineers were denied use of this property to do their staging for their new building. They were told that an industrial use was not allowed on this property. But the City of Kirkland allowed the contractor that they hired to use the property for staging of a City project!!

This application should be denied! It will be a health and welfare detriment to the neighbors in both the Market Neighborhood and the Norkirk Neighborhood. And to the bikers, walkers, and cars who heavily utilize Market Street every day. The City of Kirkland should buy this property and turn it into a small neighborhood park – they owe us that much after violating their own codes for 2.5 years.

Respectfully submitted,
Barbara Loomis

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March 10, 2020

Tony Leavitt, Senior Planner - tlevitt@kirklandwa.gov
City of Kirkland Planning and Building Department
123 5th Avenue
Kirkland, WA 98033

Ref: VAR18-00070 – 2/21/2020 Findings of Fact, Conclusions of Law, and Decision of Kirkland
Hearing Examiner Regarding Market Street Dental Clinic Variance at 1009 Market St

Dear Mr. Leavitt,

We submit this letter of appeal to the City of Kirkland Hearing Examiner's February 21, 2020 Findings of Fact, Conclusions of Law, and Decision regarding VAR-18-00070 for Market Street Dental Clinic Variance at 1009 Market Street.

RECEIVED
12:50 pm
MAR 11 2020

City of Kirkland
Planning & Building Dept.

MC

Specifically, this appeal disputes the following Findings of Fact and Conclusions of Law of the Hearing Examiner:

Finding of Fact 1.6

The Hearing Examiner finds that the City's Transportation Engineer's supplemental sight line analysis accounted for "the angle of the Market Street/10th Avenue West intersection" and that the "measurements were made consistent with how Public Works measures sight distance for other projects." The Hearing Examiner quotes from the City Transportation Engineer's analysis and states "that analysis credibly details how the project sight lines were reviewed consistent with City Public Works traffic policy." We dispute that the City Transportation Engineer's analysis accounted for the angle of the intersection or properly applied or was consistent with the City's written Policy R-13.

Finding of Fact 1.9

The Hearing Examiner quotes the Staff Report, which made the claim that the small triangular lot and the height restrictions "makes the development of a viable commercial property within the standard setbacks unfeasible" and that "the owner has determined that they require 5000 sf office space for development of this site to be viable." The Hearing Examiner finds that "variances are a necessity for a viable commercial use," citing the Applicant's statement regarding Variance Criteria which claimed that without the zero foot setback on Market Street, "the lot remains unbuildable due to the inequitable cost per square foot, as has been demonstrated by the past several failed attempts at developing the subject property." We dispute that a viable commercial use is not feasible without a zero foot setback on Market Street. We further dispute that any evidence was presented to support a finding that the past prior approved developments failed.

Finding of Fact 1.12

The Hearing Examiner found that eliminating the Market Street setback would not be out of character with the area. Again, the evidence does not support such a finding. As the only property on Market Street outside of the Historic Downtown district between 5th Ave. W and 7th Ave. W with a zero foot setback, it would necessarily be out of character with the surrounding areas.

Finding of Fact 1.14

The Hearing Examiner observed that the property is within a mixed commercial/residential corridor as described in the Market Street Corridor Plan. She found that the project "has been reviewed for traffic impacts, and is designed consistent with Plan policies which support addressing sight distance and pedestrian safety, to ensure efficient and safe traffic flow" and the project is "consistent with the Plan and responds appropriately to the site and surrounding community." We dispute that the evidence supports these findings.

Conclusion of Law 2.1

The Hearing Examiner concludes "there is no material detriment to the property or area improvements, or to the City more generally." We dispute this conclusion.

The Hearing Examiner further concludes "*the* variance is necessary due to the site's unique triangular shape, constrained size, and the code treatment of such a site, which requires not one, but three front yard setbacks." (Emphasis added.) We dispute the conclusion that the Applicant sought a single variance (implied in the statement "the variance") and the conclusion that all three variances are necessary.

Additionally, the Hearing Examiner concludes "the design for this commercial building is the minimum necessary, given the landscape buffer, setback, and parking requirements imposed." We dispute this conclusion.

This letter is only intended to meet the requirements of Kirkland Zoning Code Section 150.80 Appeals. We specifically reserve our right under Kirkland Zoning Code Section 150.90 Participation in the Appeal to submit written arguments in support of our position to the City Council prior to the commencement of the City Council's consideration of the appeal and to appear in person at the City Council's consideration of the appeal and provide oral and/or written arguments directly to the City Council.

Regards,



Nicole R. MacKenzie



Kenneth E. MacKenzie



Mark Fosdale



Kathryn Grindelard



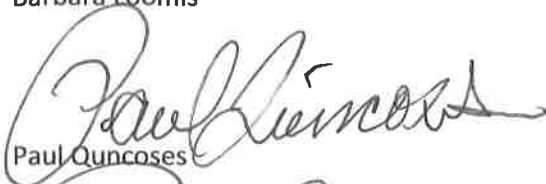
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June 3, 2020

Kirkland Mayor Sweet
Kirkland Deputy Mayor Arnold
Kirkland City Councilmembers
123 5th Avenue
Kirkland, WA 98033

Ref: VAR18-00070 – 2/21/2020 Findings of Fact, Conclusions of Law, and Decision of Kirkland Hearing Examiner Regarding Market Street Dental Clinic Variance at 1009 Market St

Dear Mayor Sweet, Deputy Mayor Arnold, and Councilmembers,

We submit these written arguments in support of our letter of appeal to the City of Kirkland Hearing Examiner's February 21, 2020 Findings of Fact, Conclusions of Law, and Decision regarding VAR-18-00070 for Market Street Dental Clinic Variance at 1009 Market Street.

Kirkland Zoning Code §120.20 governs the criteria for granting a variance and specifies that the City may grant a variance only if all three of the following criteria are met.

1. The variance will not be materially detrimental to the property or improvements in the area of the subject property or to the City in part or as a whole; and
2. The variance is necessary because of special circumstances regarding the size, shape, topography, or location of the subject property, or the location of a preexisting improvement on the subject property that conformed to the Zoning Code in effect when the improvement was constructed; and
3. The variance will not constitute a grant of special privilege to the subject property which is inconsistent with the general rights that this code allows to other property in the same area and zone as the subject property.

For the reasons set forth herein, none of the three criteria have been met and the Hearing Examiner's decision should be reversed entirely or modified as supported by the correct Findings of Fact and Conclusions of Law.

I. The variances sought will be materially detrimental to the property or improvements in the area of the subject property or to the City in part or as a whole.

The Hearing Examiner makes several incorrect Findings of Fact with respect to the first required criterion which much be met.

First, in Finding of Fact 1.6, the Hearing Examiner finds that the City's Transportation Engineer's supplemental sight line analysis accounted for "the angle of the Market Street/10th Avenue West intersection" and that the "measurements were made consistent with how Public Works measures sight distance for other projects" and the variance would "have no impact on the sight distance for vehicles entering Market Street from 10th Avenue W." The Hearing Examiner quotes from the City Transportation

Engineer’s analysis and states “that analysis credibly details how the project sight lines were reviewed consistent with City Public Works traffic policy.”

The City Department of Public Works Pre-Approved Plans Policy R-13, which may be found at https://www.kirklandwa.gov/depart/Public_Works/DevelopmentServices/Pre-Approved_Plans/Roadway.htm, governs intersection sight distances. Policy R-13, **the only publicly published written policy on sight distances**, “establish[es] the sight distance triangle that **must** be kept clear of sight obstructions for all intersections and driveways pertaining to new developments.” Policy R-13 section 1 (emphasis added.) Policy R-13 sets forth clear rules for establishing sight distance triangles for the various types of intersections and driveways. The required sight distance is defined to be “how far (on the major road) the driver should be able to see so as to **safely** exit a minor road or driveway....” R-13 section 3 (emphasis added.) Table 2 in the Policy shows the sight distance values that need to be used to determine the sight distance triangle at various types of intersections and driveways.

TABLE 2: Sight Distance Triangle Guidelines*

Type of Intersection or Driveways	Distance from Edge of Traveled Way (ft)	Major Street (Street Entered Upon)			
		Average Daily Traffic	Speed Limit (MPH)	Sight Distance Value (ft) (a) (B-C1) and (B-C2)	
				Recommended (Desirable)	Minimum (Required) (d)
A – Uncontrolled (See Figure 1)	115 (b)	<1000	25	115	115
B - Stop Control on Minor Street (See Figure 2)	14	Any	25	280	150
			30	335	200
			35	390	250

*Table truncated here for space.

Footnotes:

- (a) These values should be adjusted for grades with slopes of a magnitude of grade greater than 3%, number of lanes greater than two, for skewed intersections or for design vehicles other than passenger cars, using the intersection sight distance procedures in Chapter 9 of a Policy on Geometric Design, AASHTO, 4th Edition
- (b) Distance back from center of intersection.
- (c) Distance back from point C1 or C2 for types C-1 and C-2 intersections.
- (d) Minimum (Required) only permitted if Recommended (Desired) is not possible (see page 3 for further explanation).
- (e) Distance from back of the sidewalk.
- (f) Distance parallel to the sidewalk from the center of the driveway.

The intersection of 10th Avenue W and Market Street is a stop controlled intersection on the minor street and therefore is a Type B Intersection. Since the speed limit on Market Street at that point is 35 mph, the recommended site distance is 390 feet. Per Footnote (d), the minimum required distance of 250 feet is permitted **only if** the recommended site distance is not possible, as clarified by R-13 section 3.c. R-13 section 3.c. specifies that “[t]he **Recommended** values are **required**” and only if they cannot be reasonably obtained due to the presence of fixed structures that cannot be removed or roadway features shall the driveway be relocated or designed to **maximize** sight distance and in no case shall it be less than the minimum value. Further, Footnote (a) requires that the values be adjusted for grades with slopes of a magnitude greater than 3% and for skewed intersections.

City Staff and specifically the City Transportation Engineer acknowledges that the grade on Market Street up from the intersection with 10th Avenue. W is approximately 5%. (See City Memorandum dated February 13, 2020 with attached Public Works Memo dated February 10, 2020.) The engineer further acknowledges that the **minimum** required site distance for a 35 mph street with grades from 3% to 6% is 275 feet based on the 2018 AASHTO Green Book, 7th Edition. *Id.* However, applying the adjustments in

2018 AASHTO, 7th Ed., 9-44 and 9-45, the **Recommended**, and therefore per Policy R-13, the *required* distance is **412 feet**. (See Tilghman Group report dated 2/10/2020 which is Attachment 1 to MacKenzie Comment Letter dated 2/11/2020.) The engineer's analysis did *not* properly account for the Market Street grade since it did not reference the Recommended, i.e. *required*, 412 feet sight line distance.

Additionally, acknowledges that the intersection angle at 10th Avenue W and Market Street is skewed, but dismisses it saying, *without any supporting evidence or authority*, that *sight distance* looking north on Market Street is not affected by the skewed angle and therefore adjustment for a skewed angle intersection is not applicable. In fact, per Public Works' own published policy, the required sight distance values *necessarily must be adjusted for skewed intersections*. The Tilghman Group report notes that 10th Avenue W intersects with Market Street at a sharp 45 degree angle which greatly exceeds the design guidance for intersections that encourage intersecting angles of 75 degrees or greater. (Citing to *A Policy on Geometric Design of Highways and Streets*, AASHTO, 7th Ed., 9-33.)

Drivers on 10th Avenue W at the intersection must severely crane their necks to see on-coming traffic to the north of the intersection. Clearly a driver's sight line and sight distance are significantly impacted by the skewed intersection such that *if* that were the criteria for determining whether the adjustments for a skewed angle intersection are applicable, the answer is a resounding yes. They would be further negatively impacted by the presence of a permanent structure with no setback on Market Street encroaching in the sight distance triangle. Thus, the Hearing Examiner's finding that the City's Transportation Engineer's supplemental sight line analysis accounted for "the angle of the Market Street/10th Avenue West intersection" is incorrect on its face.

Policy R-13 section 4 states "no structure, improvement, vegetation or other objects may be within the area to be kept clear of sight obstructions between three (3) feet and eight (8) feet above the elevations of the pavement edge of each intersecting street ... where that street ... meets the points of the triangle that form this area furthest away from the intersection." One of the clear purposes of front yard setbacks and policy R-13 is to make certain, long before plans are drawn and building permits are requested, that the perimeter of every new structure is set safely and does not create a traffic hazard by obstructing any line of sight.

For a Type B controlled intersection, it specifies that the "decision point" is located at the center of the minor street approach lane at a distance of 14 feet from the edge of the traveled way. Traveled way is defined as "the portion of the road intended for the movement of vehicles and bicycles, exclusive of shoulders and turning lanes." Notably, Policy R-13 provides the following additional clarification.

Although it is not typical to do so, if a parking lane exists on the major street, it *may be excluded* from the traveled way in special cases. ***Usually*** these are cases ***where volumes and speeds are low and*** therefore the ***overall safety risk*** at the intersection is considered ***low***.

There is both a bicycle lane and a parking lane on Market Street. As noted previously, the speed limit on Market Street at the subject intersection is 35 mph and the City has acknowledged in many different contexts, including the recently updated Market Street Corridor Plan, that Market Street is a transportation link serving both regional and local users and that traffic volume on the Corridor is high. Thus, this intersection does not fall within the circumstances that allow for the rare exclusion of the parking lane from the traveled way.

It is also abundantly clear that the increasing traffic loads, together with the ever-increasing need to provide efficient transit service on Market Street will likely result in the existing parking lane being repurposed for a bus-only lane or another regular traffic lane (*see e.g.* southbound Market Street at Forbes Creek Drive). Any analysis concerning the safety of this intersection and the location of a new permanent structure would be short-sighted and inappropriate if it ignored this obvious likely occurrence.

The safety of bicyclists, bus passengers, and auto passengers on southbound Market Street at this intersection requires that the City's policy be faithfully and wisely applied.

Despite the fact that the practice of excluding parking lanes from the traveled way is clearly disfavored by the Public Works' own published policy, the traffic engineer claims that it is appropriate to exclude on-street parking lanes from the traveled way and measure the decision point from the edge between the bicycle travel lane and the parking lane if both on-street parking and a bike lane exist. In failing to follow Public Works' written published policy with respect to determining the applicable required sight distance and the location of the decision point, the City's Transportation Engineer reached incorrect and improper conclusions about whether the requested variances, including specifically for a zero foot setback along Market Street, result in the proposed improvement encroaching the sight distance triangle.

Contrary to the Hearing Examiner's findings, the City's Transportation Engineer's measurements and analysis were not made consistent with written published City Public Works traffic policy. The 412 foot site line distance from the correct decision point **required** by proper application of City policy R-13 to this particular intersection is clearly and obviously not possible should a building be located according to the requested Market Street front yard zero foot setback variance.

Second, in Finding of Fact 1.10, the Hearing Examiner finds that the 7.5 foot landscape buffer along 3rd Street W is "consistent with KZC Section 95.46.1 because the adjoining owners agreed in writing to the modification in and the 'distance of development from the neighboring property decreases or eliminates the need for buffering.'" As noted in Section 1.5.1 of the Hearing Examiner's Findings of Fact, Conclusions of Law, and Decision, the neighbors who had initially consented to the modification did not fully appreciate at the time what was being proposed and have now expressed in writing and on the oral record opposition to the proposed modification. Therefore, even by the Hearing Examiner's own account, the adjoining owners *do not agree* to the modification or that the need for buffering is decreased or eliminated.

Third, in Finding of Fact 1.12 the Hearing Examiner found that eliminating the Market Street setback would not be out of character with the area. Again, the evidence does not support such a finding. The property is part of the MSC-1 zone which applies to most all of the Market Street Corridor. MSC-2, MSC-3, and MSC-4 are small zones scattered along Market Street where different rules apply for historical or land use reasons. Contrary to the applicant's statement supporting the variance application and available on MyBuildingPermits.com, no buildings in MSC-1 have a zero front yard setback along Market Street. (See also MacKenzie letter dated 6/12/2018 at pp. 172-180 of the 1009 Market Street Variance HE Packet 01302020 – VAR18-00070 and MacKenzie letter dated 2/11/2020.) As the only property on Market Street outside of the Historic Downtown district between 5th Avenue W and 7th Avenue W with a zero foot setback, it would necessarily be out of character with the surrounding areas.

The Hearing Examiner, in Finding of Fact 1.14, observed that the property is within a mixed commercial/residential corridor as described in the Market Street Corridor Plan. She found that the project "has been reviewed for traffic impacts, and is designed consistent with Plan policies which support addressing sight distance and pedestrian safety, to ensure efficient and safe traffic flow" and the project is "consistent with the Plan and responds appropriately to the site and surrounding community."

However, Policy MS-3.2 of the Market Street Corridor Plan (Exhibit I to the 1009 Market Street Variance HE Packet 01302020 – VAR18-00070) notes that there are general traffic flow problems on Market Street that are impacted by sight distance problems, short acceleration lanes, speeding, lack of gaps for entry traffic, and transition to a 25 mph zone near the downtown.

Though not specifically discussed in Policy MS-3.2, the previously noted increased traffic volume and importance of the Corridor to mass transit offerings and the resulting safety implications are among the issues contemplated by the Policy. Possible solutions identified in the Policy include simplifying intersections, creating gaps in the traffic, and calming or slowing traffic on Market Street. Allowing

variances that make already challenging intersections even more difficult to navigate (see discussion above) is in direct conflict with the Plan and Policy MS-3.2.

Likewise, the Plan calls 1) for promotion of development regulations that address transitions and protect neighborhood character, noting that building mass of higher density structures should not overwhelm adjoining low-density uses and landscape buffers should be used to soften and separate uses (MS-6.1); and 2) for establishing multifamily building and site design standards that enhance neighborhood compatibility by addressing issues such as building placement on the site, site access and on-site circulation by vehicles and pedestrians, building scale, landscaping, and buffers between multifamily developments and single-family housing (MS-6.2). The three variances requested are not consistent with Plan Policies MS-3.2, MS-6.1, or MS-6.2.

Since the Hearing Examiner's Findings of Fact 1.6, 1.10, 1.12, and 1.14 are incorrect as discussed fully above, her Conclusion of Law 2.1 that "there is no material detriment to the property or area improvements, or to the City more generally" is not supported by the evidence or correct Findings of Fact.

II. The variances are not necessary because of special circumstances regarding the size, shape, topography, or location of the subject property, or the location of a preexisting improvement on the subject property that conformed to the Zoning Code in effect when the improvement was constructed.

The Hearing Examiner, in Finding of Fact 1.9, quotes the Staff Report, which made the claim that the small triangular lot and the height restrictions "makes the development of a viable commercial property within the standard setbacks unfeasible" and that "the owner has determined that they require 5000 sf office space for development of this site to be viable." The Hearing Examiner finds that "variances are a necessity for a viable commercial use," citing the Applicant's statement regarding Variance Criteria which claimed that without the zero foot setback on Market Street, "the lot remains unbuildable due to the inequitable cost per square foot, as has been demonstrated by the past several failed attempts at developing the subject property."

Disregard for the requisites established by ordinance for the granting of a variance justifies a conclusion the decision-maker acted in an arbitrary and capricious fashion. *Cooper-George Co. v. City of Spokane*, 3 Wn.App. 416, 418, 475 P.2d 568, (Div. 3 1970). KZC §120.20 requires that the requested variance(s) be "necessary" due to special circumstances. The City's choice of the word "necessary" is a more restrictive standard than other standards customarily applied to variances by other jurisdictions, such as "practical difficulty," or "undue hardship," or "unnecessary hardship." *Cooper-George Co.* at 418. Here, there is no substantial evidence to support the Applicant's claim or the Hearing Examiner's finding that 5000 square feet of office space must be provided for the Applicant's dental office to be economically viable. No evidence is provided as to whether prevailing rental rates in the community would be sufficient to amortize costs for a conforming structure, residential or commercial.

Furthermore, the criteria is whether the variance(s) is necessary for any development allowable under the applicable zoning, not whether it is necessary for the property owner's desired development. "Necessary" is related only to the condition of the property, not to the wishes of an individual property owner. The standard is objective, not subjective. *St. Clair v. Skagit County*, 43 Wn.App. 122, 127, 715 P.2d 165, (Div. 1 1986). A nontechnical statutory term is typically given its dictionary meaning. In this case, the dictionary defines the term "necessary" to mean "indispensable" or "[a]bsolutely required" or "[n]eeded to bring about a certain effect or result." *Cooper Point Ass'n v. Thurston County*, 108 Wn.App. 429, 440, 31 P.3d 28 (2001)(quoting WEBSTER'S II NEW COLLEGE DICTIONARY 731 (1999)). *Thurston County v. Cooper Point Ass'n*, 148 Wn.2d 1, 17, 57 P.3d 1156, (2002). The record indicates that the front yard variance on Market Street is not "indispensable" because a building permit for proposal has been issued that did not include a front yard variance on Market Street.

“Necessary” should be construed to assure regulations do not deprive the owner of “all or substantially all economic use of the land.” *Estate of Friedman v. Pierce County*, 112 Wn.2d 68, 78, 768 P.2d 462, (1989). The history of the parcel reveals that economic uses exist given the expense and effort of preparing the necessary materials.

Date	Event	Description	Source
1946	Single family house constructed	From available photos, it appears to be a classic “Kirkland Rambler”	Attachments 2 & 3 to MacKenzie Comment Letter of 2/11/2020
2/14/2003	Setback variance granted by Hearing Examiner	4,200 square foot office building with underground parking for 13 cars proposed with driveway onto 10th Ave W <ul style="list-style-type: none"> • 3rd St W setback reduced to 5’ • 10th Ave W setback reduced to 10’ • Market St setback unchanged at 20’ 	January 30, 2020 Hearing Examiner Packet pages 37 & 46.
2/7/2007	Application for Building Permit BLD07-00107 submitted	“To build a mixed use bldg. with 13 car garage below; 1st floor 2,700 sq. ft. shell for 1 office & 2nd floor 2,700 sq. ft. for 1 residential unit” (Total 5,400	Attachment 2 to MacKenzie Comment Letter of 2/11/2020
5/14/2007	Statutory Warranty Deed recorded	Transfer property to Benjamin J Green	Attachment 3 to MacKenzie Comment Letter of 2/11/2020
8/15/2007	BLD07- 00756 Issued	Demolish single family residence	Attachment 3 to MacKenzie Comment Letter of 2/11/2020
10/9/2007	BLD07-00107 Issued	5,400 sq. ft. mixed use building referenced above	Attachments 2 & 3 to MacKenzie Comment Letter of 2/11/2020
12/20/2007	LSM07-00055_P Issued	Land Surface Modification permit issued for application that included a site plan showing no Market St setback variance.	Attachment 4 to MacKenzie Comment Letter of 2/11/2020
12/16/2009	Request to cancel BLD07-00107	Letter from Dr. Benjamin Green to City of Kirkland Building Division referring to “my building permit”.	Attachment 5 to MacKenzie Comment Letter of 2/11/2020

This trail of requests and approvals documents clearly that a useful building can be constructed on this parcel while maintaining the required 20 foot front yard setback on Market St. – neither the 4,200 square foot office building contemplated in the 2003 variance request nor the 5,400 square foot mixed office and residential building which was the subject of the 2007 permit application required a Market St. setback variance.

Mr. Green purchased the property while the building permit application for the 5,400 square foot building was pending. He should have known what the applicable setbacks were for the property and what variances had been granted that would apply to the then pending proposed development when he purchased the property. More than 2 years elapsed from the time the building permit was issued to Mr. Green and his request to cancel it. Nine years later, Mr. Green submitted the **current application for three variances**¹, including for the Market Street setback, in order to build a 5,387 square foot dental clinic – a building smaller than that of the 2007 building permit.

¹ The Applicant and City Staff treated the requests as seeking a single variance in addressing whether each of the three criteria for granting variances are met. By treating the three requests as one, they were able to argue that no commercial development is viable without “the” variance. Each variance requested should properly be evaluated separately to whether each meets all three of the required criteria for granting each one.

There is no evidence in the record as to why the prior owners decided to seek a building permit for a 5,400 square foot mixed use building rather than moving forward with construction of the 4,200 square foot office building. Nor is there any evidence in the record as to why Mr. Green decided not to pursue construction of the already approved 5,400 square foot building.

The history of the parcel and the various development requests granted by the City clearly and definitively defeat any argument that the geometry, layout, or circumstances of the parcel require a Market Street setback variance. Denial of the Market Street setback variance does not deprive Mr. Green of "all or substantially all economic use of the land" (*Estate of Friedman at 78, supra*), nor is the variance indispensable to development of the parcel.

While it is possible that the combination of setback requirements and parking requirements may preclude certain kinds of development of this property, there are other conceivable uses and developments and therefore there is no requirement that all *three front yard setback variances* be granted. The Hearing Examiner's Conclusion of Law 2.1 that "*the variance is necessary due to the site's unique triangular shape, constrained size, and the code treatment of such a site, which requires not one, but three front yard setbacks*" is an indication that the Examiner likewise treated the application as seeking a single variance and failed to evaluate each requested variance individually against the three criteria. As such, the conclusion is unsupported by the evidence and must be overturned.

- III. **The variance will constitute a grant of special privilege to the subject property which is inconsistent with the general rights that this code allows to other property in the same area and zone as the subject property.**

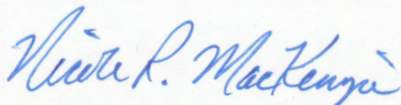
As noted above, Finding of Fact 1.12 asserted that eliminating the Market Street setback would not be out of character with the area. As previously discussed, the property is part of the MSC-1 zone which applies to most all of the Market Street Corridor and *no* buildings in MSC-1 have a zero front yard setback along Market Street. As the only property on Market Street outside of the Historic Downtown district between 5th Avenue W and 7th Avenue W with a zero foot setback, the Market Street setback variance would necessarily be out of character with the area and constitute a grant of special privilege that is inconsistent with the general rights the City's Codes allow to other properties in the same area and zone.

Conclusion

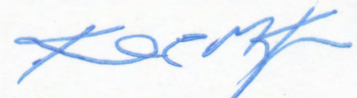
As demonstrated in great detail, the Hearing Examiner's Findings of Fact 1.6, 1.9, 1.10, 1.12, and 1.14 and Conclusion of Law 2.1 are not supported by the evidence in the record and must therefore be reversed or modified to conform to the evidence. Further, since KZC §120.20 requires that all three of the stated criteria must be met in order for a variance to be granted and the Market Street setback variance fails to meet any of the criteria, the variance for a zero foot front yard setback on Market Street must be denied.

We specifically reserve our right under Kirkland Zoning Code Section 150.90 to submit additional written arguments to the City Council prior to the hearing and to appear in person at the hearing and provide oral and/or written arguments directly to the City Council.

Regards,



Nicole R. MacKenzie



Kenneth E. MacKenzie



MERRICK LENTZ ARCHITECT
ARCHITECTURE - PLANNING

June 3, 2020

Mr. Tony Leavitt, Senior Planner
City of Kirkland Planning and Building Department
123 5th Avenue
Kirkland, WA 98033

RE: Applicant Response to Letter of Appeal
VAR18-00070
Market Street Clinic, 1009 Market Street

Dear Mr. Leavitt,

The owners to the above-named project are pursuing a variance for the property at 1009 Market Street to allow the construction of a 5000 square foot dental office building. The site is a small triangular lot on Market Street, fronted on all three sides by streets, and has been vacant since 2007. The site is located in the Market Street Corridor zone (MSC-1), in which development of multi-family or office buildings along Market Street is encouraged. With the front yard setbacks applied on all sides the total buildable area of the site without variance is 1749 square feet, about 22% of the 8120 square foot property. The variance requests a reduction of the standard front yard setback on all three sides as required to create a building footprint large enough to provide for the proposed 5000 square foot building. The variance hearing was held on January 30, 2020 and the record held open until February 13, 2020. The City of Kirkland Hearing Examiner issued the Findings of Fact, Conclusions of Law and Decision for Variance VAR180-00070 on February 21, 2020 approving the requested variance with conditions. Seven neighboring residents have appealed the decision and provided the City a Letter of Appeal, dated March 10, 2020, as required by KZC Section 150.80, indicating the specific findings that are being disputed by the appellants.

The appellants have disputed 4 Findings of Fact and 1 section of the Conclusions of Law. The disputed Sections are included in the discussion that follows, along with the Applicant's response to the disputed determination.

Finding of Fact 1.6

From the appeal letter: *The Hearing Examiner finds that the City's Transportation Engineer's supplemental sight line analysis accounted for "the angle of the Market Street/10th Avenue West*

intersection" and that the "measurements were made consistent with how Public Works measures sight distance for other projects." The Hearing Examiner quotes from the City Transportation Engineer's analysis and states "that analysis credibly details how the project sight lines were reviewed consistent with City Public Works traffic policy." We dispute that the City Transportation Engineer's analysis accounted for the angle of the intersection or properly applied or was consistent with the City's written Policy R-13.

Applicant response: The appellants provide no basis for their assertion that the City Transportation Engineer was in error in analyzing the sight lines at the intersection of Market Street and 10th Avenue West. The Examiner left the record open to specifically address this issue and permit the City Transportation Engineer to prepare supplemental analysis of the sight lines. Per the decision the engineer's analysis "credibly details how the project sight lines were reviewed consistent with City Public Works traffic policy. The Department's analysis was prepared by a traffic engineer, with expertise in applying the City's adopted policies, including Policy R-13, which was attached to the engineer's memo." The City Transportation Engineer, in analyzing the Market Street grade, intersection configuration, and building and awning location and configuration determined that the measured sight distance from the Market Street/10th Avenue West intersection exceeds 500', far exceeding the required 275 foot minimum. Further he asserted that granting the Variance would have "no impact on the sight distance for vehicles entering Market Street from 10th Avenue West and that the proposed project driveways on 3rd Street West and 10th Avenue West have adequate site distance. ... The proposed building will have no impacts on existing sight distance conditions and will not create safety issues for vehicles accessing the site and driving on adjacent streets." As discussed in the meeting a great deal of care will be required during permitting to ensure that street trees and landscaping do not block lines of sight from the intersection, but as clearly demonstrated by the applicant and confirmed by the Transportation Engineer the building will not impact sight lines and create a safety problem at this intersection.

Finding of Fact 1.9

From the appeal letter: The Hearing Examiner quotes the Staff Report, which made the claim that the small triangular lot and the height restrictions "makes the development of a viable commercial property within the standard setbacks unfeasible" and that "the owner has determined that they require 5000 sf office space for development of this site to be viable." The Hearing Examiner finds that "variances are a necessity for a viable commercial use," citing the Applicant's statement regarding Variance Criteria which claimed that without the zero foot setback on Market Street, "the lot remains unbuildable due to the inequitable cost per square foot, as has been demonstrated by the past several failed attempts at developing the subject property." We dispute that a viable commercial use is not feasible without a zero foot setback on Market Street. We further dispute that any evidence was presented to support a finding that the past prior approved developments failed.

As noted above and in testimony at the variance hearing, the small, triangular site has a very small buildable area, 1749 sf (square feet), within the standard front yard setbacks on all sides. As testified, without a variance granted the building and all surface parking improvements would

by code be required to be within this 1749 sf footprint. The applicant testified to the property owner's determination that 5000 square feet of building would be required to make this a viable commercial project at this site. Given the medical use the parking requirements are significant, and two under-building parking levels are necessary to provide the required parking. As noted in the hearing a smaller building does not provide the revenue sufficient to support the expensive construction of multiple levels of parking. Also as testified, the applicant proposed reduced buffers that provided just enough buildable property for the 5000sf office building. The decision was made to reduce the setbacks on the residential sides as little as possible in deference to the neighbors, and request the largest setback reduction along Market Street, given that the MSC zone is designed to encourage orientation to pedestrian activity along Market Street, there are zero setback properties one long block to the south, and a reduced setback at the office building immediately to the north. As indicated in the Examiner's report, "A 0 foot setback on Market Street allows for an equitable development while limiting the setback variance needed along 10th Ave W that is adjacent to low density residential areas and where the neighbors prefer to keep the 15 foot landscape buffer."

The appellants have offered only an unsubstantiated assertion and no evidentiary testimony that the project is commercially viable without setback modifications. The owner has testified to the negative impacts the undeveloped property has on the adjacent properties, and the appellants agreed with their testimony. The vacant site supports the finding that prior attempts to develop the property commercially have not succeeded.

Finding of Fact 1.12

From the appeal letter: The Hearing Examiner found that eliminating the Market Street setback would not be out of character with the area. Again, the evidence does not support such a finding. As the only property on Market Street outside of the Historic Downtown district between 5th Ave. W and 7th Ave. W with a zero foot setback, it would necessarily be out of character with the surrounding areas.

As testified, the proposed project is located in the Market Street Corridor zone, in an area designated for commercial uses. It will be less than half the size of the office building immediately to the north, and smaller than the nearby office at 312 11th Avenue. Additionally, the City Planner testified that the percent of lot coverage is less than both of those referenced buildings. The applicant testified that the building would use high quality materials consistent with development in the area, and would use modulation of form and material to lessen the impacts of the proposed reduced setbacks. As noted in the Examiner's finding "(e)liminating the Market Street setback would not be out of character with this area, which is intended for pedestrian oriented commercial uses." Additionally, the applicant and the City Planner testified that there are zero setback properties in the surrounding area.

Finding of Fact 1.14

From the appeal letter: The Hearing Examiner observed that the property is within a mixed commercial/residential corridor as described in the Market Street Corridor Plan. She found that the project "has been reviewed for traffic impacts, and is designed consistent with Plan policies

which support addressing sight distance and pedestrian safety, to ensure efficient and safe traffic flow" and the project is "consistent with the Plan and responds appropriately to the site and surrounding community." We dispute that the evidence supports these findings.

The Planning Department staff report testifies to the purpose of the Market Street Corridor, to support "a mix of higher intensity uses along the Market Street Corridor while minimizing impacts on adjacent residential neighborhoods." The site is located within this mixed commercial/residential corridor area, and the zone is specifically intended to encourage developments of this kind. As indicated in the Examiner's report, the proposed building is oriented toward Market Street, will undergo Design Review, and includes "modulation, landscaping, sidewalk improvements, and other mitigation." The applicant has prepared a traffic study to ensure safe movement to and from the property vehicular access points. The transportation engineer has reviewed the study, and performed additional sight line analysis during the open record period after the hearing, as discussed previously. The Examiner concludes the project "responds appropriately to the site and surrounding community", and the appellants provided no testimony or evidence to substantiate the assertion that this project is not consistent with the Comprehensive Plan.

Conclusion of Law 2.1

From the appeal letter: *The Hearing Examiner concludes "there is no material detriment to the property or area improvements, or to the City more generally." We dispute this conclusion.*

The Hearing Examiner further concludes "the variance is necessary due to the site's unique triangular shape, constrained size, and the code treatment of such a site, which requires not one, but three front yard setbacks." (Emphasis added.) We dispute the conclusion that the Applicant sought a single variance (implied in the statement "the variance") and the conclusion that all three variances are necessary.

Additionally, the Hearing Examiner concludes "the design for this commercial building is the minimum necessary, given the landscape buffer, setback, and parking requirements imposed." We dispute this conclusion.

The appellants offer no evidence to support the assertion that the application fails to meet burden of proof criteria number 1, "The variance will not be materially detrimental to the property or improvements in the area of the subject property or to the City in part or as a whole;" As noted by the Examiner, the City staff report and Applicant demonstrated that "(w)ith the required landscaping, buffering, Design Review, and improved pedestrian circulation, there is no material detriment to the property or area improvements, or to the City more generally. While the Market Street setback is eliminated, the commercial building is oriented toward Market Street, will provide a better transition than the current vacant lot, and the building has been designed to facilitate pedestrian activity. The landscaped buffers on the other two sides address use change and provide for compatibility between the uses."

Regarding burden of proof criteria 2, the appellant appears to argue that the variance request is not one variance action, but three variance actions. First, this is not an argument that was put forward during the hearing, and we've seen no evidence it was made during the open period

following the hearing, and therefore should not be considered as an argument in support of the appeal. Per KZC 150.95 “The appeal will be considered only on the record developed in the hearing before the Hearing Examiner. No new evidence may be presented.” This assertion should be struck from the appeal as an attempt to introduce new evidence. Additionally, the City has accepted this as a single Variance action, addressing the setbacks on each frontage of the property.

Second, the City staff report and the Applicant clearly demonstrated that the variance is necessary because of special circumstances regarding the size and shape of the property. As summarized by the Examiner, “(t)he variance is necessary due to the site's unique triangular shape, constrained size, and the code treatment of such a site, which requires not one, but three front yard setbacks... As one of only three similarly situated sites within the City, one of which is a park, these do constitute special and unique circumstances.”

Addressing burden of proof criteria 3, the City staff report and applicant have clearly demonstrated that the granting of the Variance does not constitute a grant of special privilege to the subject property which is inconsistent with the general rights this code allows to other property in the same area and zone at the subject property. As was testified, this is a modestly sized office building, scaled appropriately with the property size, and consistent with nearby commercial buildings. The Examiner concluded that “(a)s detailed in the findings, the design for this commercial building is the minimum necessary, given the landscape buffer, setback, and parking requirements imposed. The appellants have offered no evidence in support of their assertions to the contrary.

For the reasons noted above we believe the decision of the Hearing Examiner is clearly and demonstrably correct and should be upheld by City Council.

As a final note, the appellants Letter of Appeal is a general document disputing 5 findings of fact by the Hearing Examiner, but it does not provide any substantive supporting arguments for claiming the Examiner’s findings are in error. The letter has the form of a place-holder, by the appellants’ own admission:


“This letter is only intended to meet the requirements of Kirkland Zoning Code Section 150.80 Appeals. We specifically reserve our right under Kirkland Zoning Code Section 150.90 Participation in the Appeal to submit written arguments in support of our position to the City Council prior to the commencement of the City Council's consideration of the appeal and to appear in person at the City Council's consideration of the appeal”

Section 150.90 provides the applicant the right to submit a written response to the appeal as indicated: “Only those [persons](#) entitled to appeal the decision under KZC [150.80](#)(1) who file an appeal under KZC [150.80](#)(2) may participate in the appeal; *provided, that the applicant may submit a written response to an appeal filed by an appellant...*” (Emphasis added.)

To date, no additional written arguments supporting their position have been submitted and it appears that the appellants will not do so prior to the Applicant’s deadline for providing their response to the appeal. Given the general nature of their appeal letter, lacking evidence and arguments supporting their assertions, it appears this may be a strategy to deny the applicants the

opportunity to exercise their right under Section 150.90 to file a considered, written response to the appellants' arguments. To date the appellant has failed to provide any evidence from the meeting record and arguments presented that the Hearing Examiner's determination was in error, beyond their assertion to that effect. The Applicant would like to reserve the right provided for in KZC 150.90 to provide a written response to any additional arguments submitted by the appellants.

Respectfully Submitted on behalf of the property owners,

A handwritten signature in black ink, appearing to read 'Craig Chaney', with a long horizontal flourish extending to the right.

MERRICK LENTZ ARCHITECT
Craig Chaney

RESOLUTION R-5431

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND AFFIRMING THE HEARING EXAMINER DECISION APPROVING THE MARKET STREET DENTAL CLINIC VARIANCE IN DEPARTMENT OF PLANNING AND BUILDING FILE NO. VAR18-00070.

1 WHEREAS, Craig Chaney filed an application with the
2 Department of Planning and Building for approval, through Process IIA
3 review, of a variance located within a Market Street Corridor (MSC) 1
4 zone; and

5
6 WHEREAS, the Hearing Examiner held an open record public
7 hearing on January 30, 2020, and issued her decision to approve the
8 application for the variance on February 21, 2020; and

9
10 WHEREAS, Nicole MacKenzie, Kenneth MacKenzie, Mark
11 Fosdale, Lisa James, Melissa Thirloway, Barbara Loomis, and Paul
12 Quincoses filed a timely appeal with the City Council of the Hearing
13 Examiner's decision to approve the application for the variance on March
14 11, 2020; and

15
16 WHEREAS, the City Council, in a closed record appeal hearing
17 held during the June 16, 2020 meeting, carefully considered the appeal,
18 the staff report on the appeal, and any oral and written arguments of
19 the persons entitled to participate in the appeal hearing, and have
20 determined the variance request to be consistent with relevant criteria
21 in the Kirkland Zoning Code and consistent with relevant policies in the
22 City's Comprehensive Plan.

23
24 NOW, THEREFORE, be it resolved by the City Council of the City
25 of Kirkland as follows:

26
27 Section 1. The Hearing Examiner's decision approving the
28 Market Street Dental Clinic Variance entered on February 21, 2020 and
29 filed in the Department of Planning and Building File No. VAR18-00070
30 is affirmed by the City Council.

31
32 Passed by majority vote of the Kirkland City Council in open
33 meeting this ____ day of _____, 2020.

34
35 Signed in authentication thereof this ____ day of _____,
36 2020.

Penny Sweet, Mayor

Attest:

Kathi Anderson, City Clerk



CITY OF KIRKLAND

City Attorney's Office

123 Fifth Avenue, Kirkland, WA 98033 425.587.3030

www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Kevin Raymond, City Attorney

Date: June 10, 2020

Subject: RESOLUTION RATIFYING CITY MANAGER EMERGENCY DIRECTIVE RELATED TO EXTENSION OF MORATORIUM ON SMALL BUSINESS TENANT EVICTIONS AND THE COVID-19 VIRUS

RECOMMENDATION:

City Council pass the attached Resolution ratifying the City Manager's emergency directive extension dated June 10, 2020, extending a moratorium on small business and nonprofit organization evictions in Kirkland due to nonpayment of rent or the expiration of leases during the pendency of the COVID-19 and civil unrest proclamations of emergency. The initial emergency eviction moratorium directive expired at the end of May. The City Manager's extension would last until the proclamations have been rescinded or for 60 days, whichever occurs sooner.

BACKGROUND DISCUSSION:

Through a series of actions taken by the Washington Governor to help slow the spread of the COVID-19 virus throughout the state, most notably including the order to close all non-essential businesses and projects, numerous businesses and residents of the state and Kirkland have suffered and will continue to suffer significant financial damages, including loss of business income, layoffs and reduced hours for a significant percentage of the workforce.

Jurisdictions across the nation, including the City of Seattle, have implemented eviction prevention measures to provide small business and nonprofit organization stabilization support during this unprecedented public health emergency. The extension of the City's temporary moratorium on small business and nonprofit tenant evictions during the COVID-19 outbreak will protect the public health, safety, and welfare by providing small businesses with stable locations from which to operate during and immediately after the public health emergency, thus reducing the number of small businesses declaring bankruptcy and closing during the economic downturn caused by the public health emergency. The City Manager's initial eviction moratorium dated March 31, 2020 was ratified by the City Council through Resolution R-5414 on that same date.

In addition, on June 1, 2020 the City Manager proclaimed an emergency to exist in Kirkland due to civil unrest related to the death of George Floyd while in police custody in Minneapolis and subsequent nation-wide protests related to systemic racism and injustice in this country. These demonstrations have been peaceful in Kirkland but have impacted the ability of small

businesses in Kirkland to operate normally from time to time.

Article XI, Section 11 of the Washington State Constitution grants the City broad police powers to "make and enforce within its limits all such local police, sanitary and other regulations as are not in conflict with general laws," including during public health emergencies and disasters. The Resolution ratifying the City Manager's emergency directive extension will confirm City Council's agreement that such directive represents an appropriate, interim exercise of the City's police power authority.

Attachments: Resolution
Emergency Directive Extension

RESOLUTION R-5432

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND RATIFYING CITY MANAGER EXTENDED EMERGENCY DIRECTIVE RELATED TO MORATORIUM ON SMALL BUSINESS TENANT EVICTIONS AND THE COVID-19 VIRUS.

1 WHEREAS, Kirkland Municipal Code ("KMC") Section
2 3.20.090 grants the City Manager the authority to take action on
3 behalf of the City of Kirkland ("City") in the event of an emergency
4 or disaster subject to ratification by the City Council as soon as
5 practicable; and
6

7 WHEREAS, in the exercise of such authority the City
8 Manager did execute a Proclamation of Emergency related to the
9 COVID-19 virus dated February 29, 2020; and
10

11 WHEREAS, such Proclamation of Emergency was ratified by
12 the City Council through Resolution R-5411 on March 3, 2020; and
13

14 WHEREAS, in the exercise of his authority under KMC
15 3.20.090 the City Manager did issue an Emergency Directive Re
16 Moratorium on Small Business Tenant Evictions on March 31,
17 2020; and
18

19 WHEREAS, such Emergency Directive was ratified by the
20 City Council through Resolution R-5414 on March 31, 2020; and
21

22 WHEREAS, the City Manager did execute a second
23 Proclamation of Emergency on June 1, 2020 related to the death
24 of George Floyd while in police custody and the resulting civil
25 unrest around the nation, including in Kirkland, related to
26 incidents of police brutality and racial injustice; and
27

28 WHEREAS, such second Proclamation of Emergency related
29 to such civil unrest was ratified by the City Council through
30 Resolution R-5427 on June 2, 2020; and
31

32 WHEREAS, in the exercise of his authority under KMC
33 3.20.090 the City Manager did issue an Extended Emergency
34 Directive Re Moratorium on Small Business Tenant Evictions in
35 light of both emergencies on June 10, 2020; and
36

37 WHEREAS, the City Council wishes to ratify the above-
38 referenced Extended Emergency Directive and the acts of City
39 departments and staff that have been and will be taken in
40 connection with such emergency directive.
41

42 NOW, THEREFORE, be it resolved by the City Council of the
43 City of Kirkland as follows:
44

45 Section 1. Any and all acts undertaken by City departments
46 and staff consistent with the Extended Emergency Directive Re

47 Moratorium on Small Business Tenant Evictions issued by the City
48 Manager dated June 10, 2020 and prior to the effective date
49 hereof are hereby ratified and confirmed.

50
51 Section 2. Any and all acts undertaken by City departments
52 and staff consistent with the Extended Emergency Directive Re
53 Moratorium on Small Business Tenant Evictions issued by the City
54 Manager dated June 10, 2020 and following the effective date
55 hereof are hereby authorized until the earlier of the termination
56 of the proclamations of emergency dated February 29 and June
57 2, 2020 or sixty (60) from the effective date of such extended
58 directive unless such extended directive has been amended,
59 rescinded or otherwise terminated by the City Manager or City
60 Council.

61
62 Passed by majority vote of the Kirkland City Council in open
63 meeting this ___ day of ___, 2020.

64 Signed in authentication thereof this __ day of ___, 2020.
65

Penny Sweet, Mayor

Attest:

Kathi Anderson, City Clerk

EXTENDED EMERGENCY DIRECTIVE RE MORATORIUM ON SMALL BUSINESS TENANT EVICTIONS

An Extended Emergency Directive from Kurt Triplett, City Manager of the City of Kirkland, directing that a moratorium on small business and nonprofit tenant evictions for non-payment of rent or due to the expiration of a lease's term previously imposed within the city of Kirkland on March 31, 2020 is hereby extended until the earlier of the termination of the City's proclamations of emergency dated February 29 and June 1, 2020 or 60 days from the effective date of this extended emergency directive.

WHEREAS,

- a. In my capacity as City Manager, I proclaimed an emergency exists in the City of Kirkland on February 29, 2020. That proclamation of emergency was ratified by the Kirkland City Council through Resolution R-5411 on March 3, 2020. I issued a second proclamation of emergency dated June 1, 2020 related to civil unrest across the nation, including in Kirkland, following the death of George Floyd while in police custody in Minneapolis and subsequent largely peaceful protests that have nevertheless impacted the operating hours of many small businesses in Kirkland. That second proclamation of emergency was ratified by the City Council through Resolution R-5427 on June 2, 2020.
- b. The facts stated in the proclamations of emergency continue to exist, necessitating utilization of emergency powers granted to the City pursuant to Kirkland Municipal Code 3.20 and Chapter 38.52 RCW.
- c. On March 31, 2020, in my capacity as City Manager, I issued an emergency directive imposing a moratorium on small business and nonprofit tenant evictions for non-payment of rent or due to the expiration of a lease's term for up to 60 days, which emergency directive was ratified by the City Council through Resolution R-5414 on March 31, 2020.
- d. The facts stated in the emergency directive continue to exist necessitating continued utilization of emergency powers granted to the City.
- e. As of June 7, 2020, Public Health – Seattle and King County announced a total of 8,465 cases of COVID-19 in King County residents, including 566 deaths. As of that same date, the state of Washington had 23,729 confirmed cases of COVID-19, including 1,159 deaths statewide.
- f. On March 16, 2020, the Washington Governor and the Local Health Officer for Public Health - Seattle & King County issued parallel orders temporarily shutting down restaurants, bars, and other entertainment and food establishments, as well as prohibiting public gatherings of 50 or more people.
- g. On March 11, 2020, the Washington Governor and the Local Health Officer for Public Health - Seattle and King County issued parallel orders prohibiting gatherings of 250 people or more for social, spiritual and recreational activities in King County.

- h. The COVID-19 crisis has had a significant impact on the local economy impacting the retail, restaurant and other industries resulting in economic hardship for small business owners due to loss of business income, layoffs and reduced work hours for a significant percentage of this workforce. Even though social distancing restrictions for small business and nonprofit tenants have slowly begun to ease of as this month, these economic hardships and job impacts remain cumulative and acute.
- i. Jurisdictions across the nation, including the City of Seattle, have implemented eviction prevention measures to provide small business stabilization support during this unprecedented public health emergency.
- j. Art. XI, Sec. 11 of the Washington State Constitution grants cities like the City broad police powers to "make and enforce within its limits all such local police, sanitary and other regulations as are not in conflict with general laws."
- k. A temporary and extended moratorium on small business tenant evictions during the COVID-19 outbreak and this time of unrest will protect the public health, safety, and welfare by providing small businesses with stable locations from which to operate during and after the public health emergency, thus reducing the number of small businesses declaring bankruptcy and closing during the economic downturn caused by the public health emergency.
- l. KMC 3.20.070 gives the City the broadest authority and greatest discretion consistent with state law with respect to emergency response and operation.
- m. KMC 3.20.090 gives the City Manager the authority to take such actions subject to ratification by the City Council as soon as practicable.
- n. The COVID-19 and civil unrest emergencies require the issuance of an extended directive that is specifically aimed at a moratorium on small business tenant evictions during these civil emergencies in order to keep small businesses from economic collapse and protect the public safety, health and welfare as set forth in this extended directive.
- o. It in the public interest that the exercise of certain rights be temporarily limited in the least restrictive means reasonably possible as set forth in this extended directive.

NOW, THEREFORE, BE IT PROCLAIMED BY THE CITY MANAGER OF THE CITY OF KIRKLAND THAT:

I, KURT TRIPLETT, CITY MANAGER OF THE CITY OF KIRKLAND, ACTING UNDER THE AUTHORITY OF KMC 3.20, THE CITY MANAGER PROCLAMATIONS OF EMERGENCY DATED FEBRUARY 29 AND JUNE 1, 2020 AND CITY COUNCIL RATIFICATIONS THEREOF, HEREBY DIRECT:

SECTION 1:

- A. A moratorium order on small business and nonprofit tenant evictions for non-payment of rent or due to the expiration of a lease's term is hereby extended until the earlier of the termination of the emergency declared in the proclamations of emergency dated February 29 and June 2, 2020 or sixty (60) days from the effective date of this extended directive. Any decision to further extend the moratorium shall be evaluated and determined by the City Manager based on public health necessity and subject to ratification by the City Council;
- B. For purposes of this moratorium, "small business" shall have the same meaning as in RCW 19.85.020(3): "'Small business' means any business entity, including a sole proprietorship, corporation, partnership, or other legal entity, that is owned and operated independently from all other businesses, and that has fifty or fewer employees" per establishment or premises; and provided further, that for purposes of this directive "small business" includes franchises in Kirkland that are independently owned and operated;
- C. For purposes of this moratorium, a "nonprofit" shall mean an entity that: (1) is a "not for profit corporation" or "nonprofit corporation" under RCW 24.03.005(16) or is designated a "public benefit not for profit corporation" or "public benefit nonprofit corporation" under RCW 24.03.490 or (2) holds tax-exempt status under 26 U.S.C. § 501(c)(3);
- D. During this moratorium, an owner of property also shall endeavor to enter into a payment plan, or other workout agreement to assist a distressed small business or nonprofit in rent relief, including but not limited to the deferred payment of rent, discount to rent, or other strategies to address the economic disruption caused by the COVID-19 emergency. Further, no small business or nonprofit tenant shall incur late fees, interest, or other charges due to late payment of rent during the moratorium; and
- E. For any eviction action for the non-payment of rent or lease expiration, it shall be a defense to any eviction action that the eviction of the small business tenant would occur during the moratorium. Given the public health emergency and public safety issues, a court may grant a continuance for a future hearing date in order for the eviction action to be heard after the end of the moratorium.

SECTION 2:

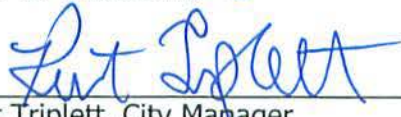
All City Manager proclamations and directives presently in effect shall remain in full force and effect except that, insofar as any provision of any such prior proclamation or directive is inconsistent with any provision of this directive, then the provision of this directive shall control.

SECTION 3:

This extended directive shall be subject to ratification by the City Council as soon as practicable, and if rejected this directive shall be void; however, any such rejection or modification shall not affect any actions previously taken.

Dated this 10th day of June, 2020.

CITY OF KIRKLAND <



Kurt Triplett, City Manager



CITY OF KIRKLAND

City Manager's Office

123 Fifth Avenue, Kirkland, WA 98033 425.587.3001
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: James Lopez, Assistant City Manager
Lorrie McKay, Intergovernmental Relations & Economic Development Manager
Leslie Miller, Human Services Supervisor
Kari Page, Senior Neighborhood Services Outreach Coordinator
David Wolbrecht, Neighborhood Services Outreach Coordinator

Date: June 9, 2020

Subject: PROPOSED CARES ACT FUNDING PLAN

RECOMMENDATION

Council adopt the attached resolution approving the City Manager's proposed CARES Act Funding Plan and authorizing the City Manager to:

1. Direct CARES Act funding in substantially equally parts toward City COVID-19 related reimbursable expenses pertaining to City general operations, Human Services needs, and Small Business assistance;
2. Invest CARES Act funding consistent with the programs, policies, and initiatives outlined in the proposed CARES Act Funding Plan (Plan), including redirecting existing staff work programs consistent with the Plan; and
3. Use CARES Act funding to hire temporary or contract positions with a termination date of October 31, 2020, to support the proposed Plan.
4. Pilot individual policies, programs and partnerships outlined in the Plan to support City operations, Human Services needs and Small Business assistance.

BACKGROUND

The first reported death related to the COVID-19 coronavirus occurred in Kirkland on February 29, 2020. As confirmed cases continued to rise in Kirkland and throughout King County, confirmed cases began appearing in other states. On March 23, 2020, Governor Jay Inslee signed a statewide "Stay Home, Stay Healthy" order, which prohibited all social and recreational activities, requiring all residents to remain at home unless pursuing an essential activity, and closing all businesses except those deemed essential to maintaining critical services during the emergency.

Many work functions in all sectors were deemed unessential under the order, and the resulting closure of business operations led to an unprecedented volume of unemployment claims and impacts to business bottom lines. Financial Planning staff from the Finance and Administration Department continue to closely monitor and forecast anticipated financial impacts from COVID-19. The most up-to-date information was presented to Council at its May 29, 2020, Financial Retreat, including possible economic scenarios related to recovery and strategies to fill anticipated gaps in the City's current and anticipated budgets.

Public Health – Seattle & King County data illustrates the disproportionate impacts COVID-19 is having on communities of color across the county¹. This data validates anecdotal experiences shared with staff by community members through various outreach, and it also reinforces early findings from the CDC². Although county-wide, the data from Public Health – Seattle & King County nonetheless supports the importance for a continued commitment to the City's efforts around being a safe, welcoming, and inclusive place for all people.

City Response to COVID-19

In response to the first reported COVID-19 death, the City Manager proclaimed a State of Emergency in Kirkland on February 29, 2020 and activated the City's Emergency Operations Center (EOC) to coordinate the City's actions through the pandemic. Generally, the work of the EOC focused on two areas: 1) supporting the Fire Department and Police Department personnel who had been potentially exposed to the coronavirus, and 2) communicating urgent public health information and City operations updates to the public. This EOC work was accompanied by support for residents in need of human services and the business community, which was coordinated by the City Manager's Office. As the course of the pandemic in Kirkland continued, and in response to the Governor's "Stay Home, Stay Healthy" order, City operations adjusted to provide services remotely, and many work teams transitioned to alternative shift schedules. EOC staff continued to support the City's first responders who were in quarantine, assisted in the various operational transitions, and maintained the increased level of service of outreach and communication.

During this time, the Council made several responsive decisions to support the community through the COVID-19 pandemic, including:

- Enacting a moratorium on commercial evictions for small businesses and nonprofits (Resolution 5414).
- Allowing for the temporary deferral and suspension of utility charges (Ordinance 4722).
- Implementing a Human Services Stabilization Initiative to support our human services providers (Resolution 5415).
- Approving a plan for Summer Parks operations and programming to slow COVID-19 spread and meet human services' needs (Resolution 5424).

Human Services Support for COVID-19

Anticipating the potential impacts that COVID-19 could have on Kirkland residents who are particularly vulnerable to economic instability, the Human Services Supervisor and staff in the City Manager's Office immediately began collaborating on ways to support COVID-19-related issues at the outset of the COVID-19 emergency in Kirkland. Since March 1, 2020, the work of this ad hoc "Human Services Strike Team" has consisted of several components, described below.

City staff reached out to agencies both through a survey and individual conversations to understand the needs of both the nonprofit agencies and the residents they served. Learning from this assessment outreach included:

- Significant lost revenue due to cancelled fundraising events. These events often are the number one fundraising opportunity for agencies.
- Inability to provide their services safely led to lost revenue.

¹ Source: "New Analysis Shows Pronounced Racial Inequities Among COVID-19 Cases, Hospitalizations and Deaths". Public Health Insider, Official Insights from Public Health – Seattle & King County. Accessed June 8, 2020.

<https://publichealthinsider.com/2020/05/01/new-analysis-shows-pronounced-racial-inequities-among-covid-19-cases-hospitalizations-and-deaths/>

² Source: "COVID-19 in Racial and Ethnic Minority Group". Centers for Disease Control and Prevention. Accessed June 8, 2020.

<https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/racial-ethnic-minorities.html>

- For those who could offer their services online, some needed to make significant purchases of hardware and software to support staff working from home.
- Others, such as emergency shelter and day center providers needed to spend a great deal of money to continue to provide life-safety services.
- Some clients had lost their jobs so were in immediate need for emergency financial and food assistance.

In response to these needs, the City Council adopted the Human Services Stabilization Fund that provided grants to providers of emergency shelter and day center services, food, rental assistance and behavioral health. This Council legislation also provided the flexibility of agencies to request their 2020 grant immediately instead of asking for reimbursement throughout the year.

In addition to supporting existing programs that served residents, City staff collaborated with Sound Generations to stand up a new program. Because of the pandemic, older adults and those who were medically fragile needed to stay at home. City staff were concerned that residents who did not have access to a social network for assistance or did not have access to the internet would not know how to access assistance. At the same time, members of the community were reaching out asking how they could help their neighbors. City staff worked with Sound Generations to create both a hotline for residents to request food delivery and a hotline for residents who wished to become volunteer delivery drivers. Sound Generations then matched residents who needed either donated food or a grocery store pickup with those who could either pick up a Hopelink food box or complete a grocery store trip and deliver.

In order to get word to the community as broadly as possible, the City sent out a mailing to all residential addresses in Kirkland in four languages providing the phone numbers for the food hotline, the state public health COVID-19 information line, and King County's 24/7 mental health crisis line.

During this time, staff have been coordinating with the providers of emergency shelter and day center services, other Eastside cities, and the County to identify the funding and facility needs in order to serve neighbors experiencing homelessness. This complex issue took substantial staff time to navigate. Staff have also been working with partner organizations and other cities to determine how the City can address the needs of those in our community disproportionately impacted by the pandemic.

Small Businesses Support for COVID-19

Anticipating the economic impacts that COVID-19 could have on the Kirkland business community, the City's Economic Development staff immediately shifted its workplan to support COVID-19-related issues at the outset of the COVID-19 emergency in Kirkland. Since March 1, 2020, the work of this ad hoc "Business Strike Team" has consisted of several components, described below.

The first major workplan item was a business impact survey published online on March 4, 2020. Staff used the survey results to help understand the financial and operational impact COVID-19 was having on local businesses and nonprofits during the early stages of the pandemic. This information was shared with Representative DelBene, who had inquired with the City's Intergovernmental Relations staff in early March about how Kirkland's small businesses and nonprofits were faring.

Concurrent with launching the survey, staff created an 8-page business resource packet (Attachment A) which was mailed to the approximately 5,800 licensed businesses in Kirkland. The packet included critical public health recommendations related to COVID-19, a letter from the City Council, a sample template for tracking expenses during the pandemic, and key local,

state, and federal contact phone numbers. Elements of the packet were translated into Spanish, Chinese (simplified), and Russian.

In mid-March, City staff convened and partnered with a team of representatives from Google, the Greater Kirkland Chamber of Commerce (Chamber), and Banner Bank's Kirkland branch to create a Kirkland Small Business Relief Fund (Relief Fund), a new program, administered by the Chamber, intended to provide immediate grants to qualifying small businesses and small nonprofits in Kirkland impacted by COVID-19. City staff led and implemented a robust communications effort to announce the Relief Fund, as well as promote the application window, targeted to all of Kirkland's businesses licensed within its borders. First round funding from the philanthropic arm of Google in the amount of \$250,000 was dispersed equally to 250 Kirkland small businesses and nonprofits on April 10. The Chamber is currently raising funds for a second round of funding and the City Council provided \$30,000 in funding from the Council Special Projects reserve on June 2 in support of these efforts.

City staff also worked with our regional partners from Startup425 supporting businesses on the Eastside through the COVID-19 pandemic. Under the name (re)STARTUP425, the City, in partnership with the cities of Bellevue, Redmond, Renton, and Issaquah, contracted with Business Impact NW, a local nonprofit Community Development Financial Institution, to provide for free, one-on-one business support for businesses and nonprofits in navigating relief funding options from the federal, state, a local sources. Available in multiple languages, this business response team has been the principle tactic of the (re)STARTUP425 effort in supporting businesses and nonprofits to access needed funding. As of June 3, this business response team has received 267 inquiries (86 from Kirkland) from business or nonprofit leaders.

An additional tactic of (re)STARTUP425 has been the collaborative creation of the "What's Open Eastside" map (<https://re.startup425.org/restaurants/>). Developed by staff at the City of Redmond with input from City of Kirkland staff and others, the "What's Open Eastside" map provides businesses and nonprofits of all types a single platform to communicate with customers the details of their business operations under current conditions of the Governor's "Safe Start" reopening plan. Both the "What's Open Map" and the Business Response Team have been, and will continue to be, heavily marketed to the Kirkland business community through the City's various communication platforms.

Finally, staff has also posted an online survey targeted to the business community to help the City prioritize the several strategies described below. The survey is currently scheduled to close on June 23, 2020. The survey can be accessed here: <https://www.research.net/r/C9FNLJG>.

CARES Act Funding

Throughout March and April, the Mayor and the City's Intergovernmental Relations staff participated on numerous conference calls with Representative DelBene, Governor Inslee, and the Mayors of the Eastside's cities about the impacts of the COVID-19 outbreak on our communities, collectively and individually. In late April, the Governor notified cities that the State would distribute CARES Act funding to its individual cities on a per capita basis, which amounts to approximately \$2.6 million for the City of Kirkland. The funding distribution will be contracted through the Department of Commerce. This funding is provided on a reimbursement basis for documented COVID-19 related expenses only, and it cannot be used to replace lost revenue. This funding must be used by October 31, 2020.

DISCUSSION

As presented by the City Manager at Council's Financial Retreat on May 29, 2020, the City Manager's proposed CARES Act Funding Plan divides the approximately \$2.6 million into substantially equal parts, with approximately \$867,000 being allocated to each of the three following categories:

- City General Operations COVID-19 reimbursement and preparedness;
- Human Services COVID-19 related expenses; and
- Kirkland Small Business COVID-19 related expenses.

A key element of the City Manager's plan involves hiring or contracting several temporary, full-time staff to support the strategies associated with the three categories through October 31, 2020. Staff in the City Manager's Office and in other departments have drastically reprioritized work plans to support COVID related issues in the community. Several of those work plan items are high priority and profile with time limitations, such as outreach and engagement on the biennial budget, the human services grant process, and preparations for the upcoming legislative session(s). By funding temporary support staff, CMO and other department staff will be able to return to needed work plan items that were previously placed on hold.

Due to the uncertain and shifting nature of the pandemic, the below plan does not have specific dollar amounts associated with each strategy. Staff's intention is to be as responsive to emerging needs as possible and put CARES Act dollars into the most effective actions. Further, all the strategies outlined below are pursuant to on-going, relevant review to ensure federal compliance with CARES Act reimbursement criteria. CARES Act funding will be considered a federal grant and therefore subject to sub-recipient monitoring and oversight. The City would be responsible for that service to receive reimbursement, and a portion of the proceeds will be designated to achieve this outcome. Recent interpretations by the state indicate that these rules will be strictly construed. As a result, the City will be prepared to modify any of the strategies listed below accordingly.

1. CITY GENERAL OPERATIONS COVID-19 REIMBURSEMENT AND PREPAREDNESS

The City has identified several needed areas for COVID-19 reimbursement and preparedness. Many of the below strategies support the City's "Period of Uncertainty Planning" (PUP) efforts, including work from home support, obtaining PPE for staff, and accommodations for at-risk personnel.

A. Staff Support for Enhanced Outreach to the Community.

As the Governor's phased approach to re-opening continues to unfold and City operations are updated accordingly, outreach coordination across all departments will be critical to ensure our community is informed about COVID-related issues. To maintain the increased level of service for outreach and communications that CMO and other departmental staff have been maintaining since the onset of the pandemic, an additional temporary full-time staff person will be needed. Staff presents several considerations supporting this request.

First, the City is experiencing a significant increase in the need to coordinate and support outreach and communication activities across departments. Addressing issues related to public health, emergency response, implementing each departments COVID adapted business operations plans such as the "Play it Safe" program in Parks and Community Services, and general support to CARES Act related strategic initiatives have become a daily priority in the CMO and represents a significant new demand on staff time.

The City has also identified the need for additional resources to support evolving COVID related work programs in the CMO. This work includes responding to the increasing volume of OUR Kirkland requests and providing support for the roll out of multiple virtual town halls and community meetings capable of effective two-way communication and follow up.

Finally, this position will provide critical support to meet the growing demand for internal communications and outreach to staff involving COVID related policies and practices such as personal protection equipment (PPE) requirements, individual safety protocols and physical office space plans necessary to adhere to safe distancing.

This temporary position would expire on or before October 31, 2020 and would be entirely funded by CARES Act funds.

B. Funding to Provide Necessary CARES Federal Grant Sub-Recipient Monitoring and Oversight.

C. Expenses Related to Ongoing City Operations during COVID-19

Staff are anticipating needed expenses in the following categories.

- a. Cost share for the Federal Emergency Management Agency's (FEMA) Public Assistance Program.
- b. Continuity of Operations plan materials – telecommuting resources, physical facility changes, increased cleaning.
- c. Pandemic leave.
- d. Stockpiling of personal protection equipment (PPE) and cleaning supplies for the next six months.
- e. PPE specific to Police Department and Fire Department first responders.

2. HUMAN SERVICES COVID-19 RELATED EXPENSES

City staff have identified several needs related to human services funding. To help address the disproportionality of impact to communities of color, staff continue to explore ways to ensure that the strategies and tactics employed in Kirkland's human services responses to COVID-19 are done so equitably, including considering issues like funding for community-based organizations, language barriers, and on-going needs of communities of color during the pandemic.

A. Staff Support for Human Services COVID-19 Response.

The City's Human Services division and other staff have been providing an increased level of service to Kirkland's nonprofit agencies and the populations they serve since the beginning of the pandemic. As the health and financial impacts of COVID-19 continue to unfold, the City better understands the changing needs of residents who are vulnerable to financial instability. Staff anticipate the need for continued coordination with service agencies, community-based organizations, and neighboring cities to address the emerging needs of the community, as well as the need for additional support to communities of color due to the disproportionate impacts of COVID-19. An additional temporary, full-time staff position will be needed to maintain this heightened level of service and meet this community need.

This role will support various human services initiatives established in response to the pandemic, as described below. This position will be able to provide support to service provider agencies, community-based organizations, and residents in need, with a focus on addressing the needs of community members and organizations disproportionately impacted by the pandemic.

This temporary position would expire on or before October 31, 2020 and would be entirely funded by CARES Act funds.

- B. Reimbursement of Human Services Stabilization Initiative Funding**
Utilizing CARES Act funding to reimburse the funding provided for in the Human Services Stabilization Initiative allows for the flexibility to use that General Fund money if new needs arise in the last two months of the year when CARES Act funding is not available to be used. The state's restrictive view CARES funds use may impact this reimbursement unless agencies are already federally compliant.
- C. Survey of Communities of Color to Understand Impacts of Pandemic**
In order to better serve communities of color during the pandemic, this strategy would fund two surveys: one of the Latinx community and one of the Black and African American community. Both surveys will be used for the City to better understand how the pandemic is affecting these communities within Kirkland. City staff have been in preliminary conversations with the organization Eastside Refugee and Immigrant Coalition to have that organization subcontract with members of the Latinx community versed in outreach work to conduct the Latinx survey.
- D. Cultural Navigation to Access Resources for Communities of Color**
Recognizing the disproportionate impacts the pandemic is having on communities of color, this strategy would fund culturally appropriate guidance to connect people of color, with special attention to the Latinx, Black, African American, immigrants, refugees and Indigenous communities, with the resources available to them.
- E. Rental Assistance Program**
The City is working on a rental assistance program to address the impacts of the eviction moratorium expiration. This program must also be implemented carefully to maintain compliance with CARES Act federal grant requirements.
- F. Training in Fair Housing Laws for Shelter and Temporary Housing Providers**
This strategy would fund additional training for shelter and temporary housing providers to be conducted by the Fair Housing Center of Washington. This will help with potential impacts of the pandemic on issues of housing discrimination and will support testing for compliance with fair housing for prospective renters and follow up training as needed.
- G. Increased Expenses to Provide Social Distancing for Day Center and Overnight Emergency Shelter Programs**
The required social distancing in place to help slow of the spread of the coronavirus become especially complicated for day center and overnight emergency shelter programs. Staff anticipate additional expenses for these programs as the phases of the Governor's "Safe Start" continue.
- H. Reimbursement Grants for Increased Expenses Due to COVID-19**
Nonprofit agencies have been spending their limited resources on personal protection equipment, increased staffing to meet client needs, and technology. This strategy would provide for reimbursement grants to help service providers cover those costs.

I. Additional Support for Families with Children in the Lake Washington School District

Staff see the need to partner with the Lake Washington School District and nonprofit providers to support children and families due to limited summer programming.

3. KIRKLAND SMALL BUSINESS COVID-19 RELATED EXPENSES

City staff have identified several needs related to small business and nonprofit support funding. Like the approach to human services support, staff continue to explore ways to equitably implement strategies and tactics to help address the disproportionate impact of COVID-19 on communities of color. This includes considering issues like language barriers, access to information and resources, and trust (or lack thereof) of government.

A. Staff Support for Economic Development COVID-19 Response.

The Governor's phased approach to re-opening presents numerous challenges to small businesses, including understanding the requirements of the current phase, communicating with employees and customers, and reorganizing their interior space in response to occupancy restrictions. The City's Economic Development team and other staff have been providing a high level of service to Kirkland's small businesses and nonprofits since the outset of the pandemic and anticipate the need for support to increase as the duration of the "Safe Start" phases continue for several months. An additional full-time staff position will be needed to maintain this heightened level of service.

This role will support small businesses through phone, email, and Our Kirkland constituent responses, by providing in-depth, one-on-one orientation on best practices, and providing coordinating support on any "Outside the Walls" actions (described below). Additionally, this position will help develop print and digital resources and communications regarding safe business practices based on current health recommendations and on relief or other resources available to businesses.

This temporary position would expire on or before October 31, 2020 and would be entirely funded by CARES Act funds.

B. Kirkland Small Business Relief Fund Contribution

The Kirkland Small Business Relief Fund was a collaborative effort between the City, Google, the Greater Kirkland Chamber of Commerce, and the Kirkland branch of Banner Bank. The first round of grants resulted in 250 businesses each being awarded \$1,000 grants. The Kirkland Chamber Foundation, the administrator for the fund, is currently raising funds for a second round of funding. This strategy may also include rent relief for businesses.

C. Purchase and/or Distribute PPE for Small Businesses

Small businesses are expressing concerns about sourcing and affording the personal protection equipment (PPE) necessary to keep their employees and customers safe. To the extent supplies can be reliably sourced before October 31, 2020, the City could supply PPE, such as masks, sanitation stations, and/or face shields, to Kirkland small businesses and nonprofits.

D. Funding for Cultural Navigators to Connect Small Businesses with Resources

Over the last two months, staff have been on various conference calls and community-based virtual meetings to listen and learn about needs in the community. Among other insights, staff have received feedback from various regional community-based organizations (CBOs) that serve residents in Kirkland that there is a need for culturally appropriate guidance to connect small business owners with the

resources available to them. Although CBOs had been sharing resource opportunities with their communities, there were unintended barriers to resource usage by members of those communities, including language barriers, trust (or lack thereof) of government, and technology access. Similar to the Human Services COVID-19 strategy mentioned above, one strategy to overcome those barriers is to identify and contract with trusted messengers within those CBOs to connect small business owners with resources available to them. Such organizations include, but aren't limited to, India Association of Western Washington, Chinese Information and Service Center, and Muslim Community and Neighborhood Association. Contracting with CBOs organizations for "cultural navigators" would be a culturally responsive way to demonstrate the City's support of being safe, inclusive, and welcoming for all people.

- E. Communication Materials on Best Practices for Safe Business Operations**
Kirkland's small business community looks to the City for guidance on best practices to keep their employees and customers safe during the various phases of the Governor's "Safe Start". Like the business resource packet mailed to businesses in mid-March, City staff anticipate the need to develop and distribute additional resource materials on best practices for businesses and nonprofits. Staff plan on translating these materials into various languages and, like the original resource packet, anticipate mailing materials to each Kirkland business licensee.
- F. Shop Local Kirkland Initiative**
Staff are evaluating the extent to which costs incurred from this strategy will be reimbursable. Staff from the City Manager's Office and Finance & Administration Department have been exploring ways to support businesses in having online purchasing options for their customers. Staff have met with the Small Business Liaison from the Governor's Office and with local web startup companies to discuss an idea to create a website portal that provides the opportunity for each business in Kirkland to be listed and easily searchable. Key features of this concept include a central inventory search across Kirkland businesses, same-day delivery of purchases through third-party services, and a means for businesses to tell their story. Included in this initiative is free, dedicated technical support to assist businesses in loading their business information into this new website. This concept also would tie-in with branded signage and would involve a comprehensive communications plan.
- G. "Outside the Walls" Task Force Recommendations**
Staff are evaluating the extent to which costs incurred from this strategy will be reimbursable. The "Outside the Walls" Task Force started as a group of business owners and neighbors who came together to develop a strategy of potential quick actions the City might take for the preservation and survival of Kirkland's small businesses, particularly in the downtown area, within the guidelines and restrictions of the Governor's "Safe Start" plan. The overall goal of the task force has been to free up public and private streets, sidewalks, and plazas for businesses to utilize while maintaining safe social distancing.

The group met five times between May 7 and June 4, 2020, and has conducted outreach through presentations to KAN, Moss Bay and Everest Neighborhood Associations, the Eastside Restaurant Support Group, and various social media platforms. Their discussions took into consideration lessons learned from last year's Summer Sundays on Park Lane pilot project and was informed by recent innovative strategies from other cities around the country to deal with COVID-19 social distancing. City staff participated in the discussions of the task force. However, it should be noted that staff made it clear that they were present to listen, learn, and

provide options to the Council, not to suggest recommendations to the task force. A full list of task force membership is included in Attachment B.

Below is a summary of the core recommendations from the task force for Council review. Many of these ideas were inspired by other communities, and Attachment C includes definitions and examples of some of the ideas.

I. Public Property

Park Lane: Building off the work from the Summer Sundays on Park Lane pilot project of 2019, this task force recommendation includes closing the west half of Park Lane to all vehicle traffic (Main to Lake Street). Park Lane could then be utilized as a streatery and parklet (see Attachment C for definitions), wherein restaurants, retailers, and service providers could expand into the sidewalk and the street's travel lane could be used for seating and walking. This recommendation would leave the east half of Park Lane open, which would help with needed parking. Also, as observed from the Summer Sunday's pilot, this section of Park Lane was particularly difficult to activate due to the orientation of the businesses. In coordination with the Liquor Control Board, the possible implementation of a beer garden -style area could also be explored.

Requests for the City: the task force identified several specific requests related to closing Park Lane to transportation uses:

- a. Provide picnic benches, tables and chairs
- b. Install canopy or rain shelter
- c. Create attractive entrances celebrating the public space (using permanent bollards, banners, and flags)
- d. Provide hand washing/sanitizing stations and public restrooms
- e. Provide assistance with getting permits from the Liquor Control Board

2. **Lake and Central Parking Lot:** the task force recommends the City consider optimizing the use of the Lake and Central parking lot. This area could be used as for designated drop-off and pick-up spots (temporary parking), and/or drive-through pick-up and drop-off. Additional opportunities include expanding a Park Lane streatery with tables and chairs onto the southernmost portion of the lot for use by take-out customers of the rest of the downtown core. Like other options, this recommendation would need review and recommendation by relevant City staff. The group discussed the possibility of in-car dining but held off making a specific recommendation.

3. **City Facilities and Parks:** Allow businesses to use parks (e.g., Marina Park Pavilion, Heritage Park) or parking lots (e.g., Maintenance Center or City Hall) for providing services, supplemental retail space, or restaurant dining. One specific idea

was to activate Marina Park Pavilion with exercise classes for local gyms, yoga studios, and other workout businesses. This idea would require a reservation system for interested businesses, and the City could install permanent outdoor speakers for sound to be used by instructors. Other ideas include allowing possible "pop-up uses" like food, retail, or nonprofit organizations (e.g. foodbank drop-off, social services) at various public space opportunities city-wide, and adding additional tables in Marina Park to support outdoor, physically distant park usage.

4. **Marina Park parking lot:** Add tables in the area of the Plaza of Champions for people for eating take-out meals.
5. **Lake Street/Lake Washington Boulevard:** Remove parking along the west side of Lake Street/Lake Washington Boulevard south of 2nd Street to provide more room for bicycles and pedestrians with social distancing. Perhaps experiment with traffic cones to balance cost and maintenance concerns, as well as flexibility in allowing for overnight parking.
6. **Merchant designated parking:** Provide designated drop-off and pick-up parking for single or groups of businesses needing nearby space; alternatively provide a simplified means for this to occur by businesses upon request.
7. **Lake Street and Central Way:** Consider restricting parking on the west side of Lake Street from Central Way to the crosswalk to allow social distancing for businesses or designated drop-off and pick-up parking. City Engineering analysis and recommendation needed.

II. Private Property:

1. **Encourage and simplify permit process** for use of private parking lots and streets to be used by restaurants, service providers, and retail businesses. (see Attachment C for definitions of streateries and parklets). Examples of where this might be used include within Juanita Village, the Village at Totem Lake, and Kirkland Urban.
2. **Lower or temporarily suspend required parking ratios** to accommodate pedestrian and dining space. This could be justified by State requirements for reduced occupancy in businesses during Washington's "Safe Start".

III. Parking:

1. Encourage downtown businesses to have all employees park at the Wester Lot.
2. Request that churches adjacent to the downtown allow for public parking when not being used by the church. Limitations on church gatherings naturally frees up some parking even during services.

In order to help Council make a decision about the level of implementation for the above recommendations, staff have developed a framework for "Outside the Walls" options. This framework allows Council to consider the impacts on pre-existing work plans by staff in various departments. It is also generalized, such that the specific strategies could be considered and applied to other areas of the city. The specific application of any of these strategies may need to be vetted with relevant City, County, and/or State regulations. The framework of options is attached (Attachment D).

For any of the framework options outlined, there would be two parts to the action: program development and administration. The program development stage would include a review of applicable regulations, developing an application process for businesses who are interested in utilizing this resource, creating necessary criteria, and promoting the program. The program administration stage would include processing applications, physical maintenance of the space, and responding to calls or emails from community members. Each stage would have its own level of complexity with associated impacts on staff work programs.

Staff are basing the staffing level needed for the framework options on the 2019 Summer Sundays on Park Lane pilot project. Staff had intended to present a final summary report on the pilot project to Council in March 2020. This presentation was delayed due to the pandemic. The Summer Sundays report is attached to this memo for reference (Attachment E), as is the online survey findings for the pilot project (Attachment F).

Finally, an additional issue for Council consideration is the matter of parking. Removing parking options will likely have the consequence of business-related parking onto nearby residential streets. Another consideration related to parking is the tension between providing extra space for businesses while businesses simultaneously need pick-up and drop-off spaces. These parking-related complexities would likely be a result of any of the framework options. This may be counterbalanced by the reduced allowed indoor occupancy for customers and therefore lower overall demand for parking, however, that is an unknown. As emphasized in the Summer Sundays pilot project report, it cannot be overstated that, generally, there is substantial concern among retail businesses along Park Lane and on nearby streets related to the impact to their businesses due to the removal of parking stalls. Staff will continue to be in dialogue with all businesses on Park Lane related to parking and will continue to explore creative solutions to the issue of parking and ways in which the use of outdoor space could assist in the recovery efforts for businesses.

NEXT STEPS

Staff is seeking Council feedback on the elements of the CARES Act funding plan.

Staff is seeking approval of the resolution to authorize implementation of the plan and proceed with bringing on temporary resources to support the plan.

Staff seek Council direction on which, if any, of the "Outside the Walls" options should be acted upon.

With Council approval of the resolution, staff will immediately begin implementing the various strategies outlined in the CARES Act Funding Plan.

Attachment A – Business Resource Packet

Attachment B – “Outside the Walls” Task Force Member List

Attachment C – Examples of Other Community Responses to COVID-19

Attachment D – Framework for “Outside the Walls” Options

Attachment E – Summer Sundays on Park Lane Pilot Project Report

Attachment F – Summer Sundays on Park Lane Pilot – Online Survey Findings

Attachment G – Resolution



Please Open:

COVID-19 Resource Packet for Kirkland Businesses

Novel coronavirus (also known as "COVID-19") is a new virus strain spreading from person-to-person.

The City of Kirkland has prepared this packet to help our business community respond to COVID-19.

Published March 12, 2020

Do not go to the emergency room unless essential.

If you have symptoms like cough, fever, or other respiratory problems, contact your regular doctor first.

Information is changing frequently. Check Public Health's website for more information:

www.kingcounty.gov/covid

What are the symptoms?

People who have been diagnosed with novel coronavirus have reported symptoms that may appear in as few as 2 days or as long as 14 days after exposure to the virus.

Fever



Cough



Difficulty breathing



¿Cuáles son los síntomas?

Las personas que han sido diagnosticadas con el nuevo coronavirus han informado tener síntomas que pueden aparecer en tan solo 2 días o hasta 14 días después de haber estado expuestas al virus.

Fiebre



Tos



Dificultad para respirar



有哪些症狀？

被診斷患有新型冠狀病毒的人報告說，他們在接觸病毒後 2 天或 14 天內可能出現的症狀包括：

發燒



咳嗽



呼吸困難



Información para negocios acerca del Coronavirus: Para información en Español acerca del Coronavirus por favor dirigirse a www.kirklandwa.gov/BusinessSupportCOVID

与商务相关的COVID - 19信息：需要中文版的与商务相关的COVID - 19信息，可前往此网址查询：
www.kirklandwa.gov/BusinessSupportCOVID

Информация о COVID вирус для бизнесов: Для переведённой информации на Русский язык пожалуйста передите на следующую ссылку www.kirklandwa.gov/BusinessSupportCOVID



Letter from the City Council

Dear Kirkland Business Owner,

Our businesses are more than just the economic engine of Kirkland, they are essential to the fabric of our community. We are so grateful that you have chosen to do business in Kirkland.

We are reaching out to let you know that the City of Kirkland is here for you as our businesses, our community, and the world face the challenges and uncertainty of the COVID-19 (coronavirus) outbreak. We understand that while the economic impacts of COVID-19 are already rippling across the nation, many Kirkland businesses are experiencing the immediate effects of this challenging situation. We want to work together now to address the impacts during this emergency, and we will partner with you in the future when the focus turns to recovery.

The first reported death from COVID-19 in the United States occurred at EvergreenHealth Hospital in Kirkland on February 29, 2020. This tragic loss of life and the ensuing events at the Life Care Center thrust our community into the national spotlight as the epicenter of COVID-19 in the United States. As your City Council, the safety and well-being of the Kirkland community is our top priority. The outbreak remains a quickly evolving event, and, at this time, we don't know how long we will be in an emergency situation.

To assist businesses affected by the COVID-19 outbreak, the City of Kirkland has compiled information and resources that will be immediately useful during this emergency and for the future when we can work toward recovery.

Several resources are included with this flyer, and additional resources for businesses can be found at www.kirklandwa.gov/BusinessSupportCOVID. We are also quickly working to find other ways to support and partner with businesses, and we want to hear from you (please see Section E).

In this packet, you will find:

- A** Health & Hygiene for Employees & Businesses
- B** Immediate Strategies for Businesses
- C** Business Impact Analysis Worksheet
- D** Example of Customer messaging
- E** We Want to Hear from You
- F** Key Local, State, and Federal Contacts

The City's first responders and other personnel are acting quickly, effectively, and with great courage to do everything possible to make sure our community is safe and healthy. The City's Emergency Operations Center continues to collaborate closely with regional, state, and national health departments and our neighboring cities. This work is the highest priority of the City and will continue for as long as needed. Regular updates about the City's response are available at www.kirklandwa.gov/coronavirus. Please refer to Public Health - Seattle & King County and the Washington State Department of Health for the most current information about the COVID-19 outbreak.

In this time of uncertainty, it is important that we remember our community's values of being safe, inclusive, and welcoming. No race, nationality, or ethnicity is more likely to have coronavirus. Speak up if you hear, see, or read harassment, and avoid spreading misinformation.

We are all in this together, and we all have a role to play. **The City of Kirkland is here to support you throughout this difficult time and will be doing everything possible to ensure the success of Kirkland businesses into the future.**

Your City Council,

Penny Sweet Mayor	Jay Arnold Deputy Mayor	Neal Black Councilmember	Kelli Curtis Councilmember	Amy Falcone Councilmember	Toby Nixon Councilmember	Jon Pascal Councilmember
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For more information

>> www.kirklandwa.gov/BusinessSupportCOVID
>> KirklandBusinessSupport@kirklandwa.gov

Current Public Health Recommendations for Workplaces

1. Encourage staff to telework.
2. Expand sick leave policies.
3. Implement social distancing measures, e.g.:
 - Spacing workers at the worksite
 - Staggering work schedules
 - Decreasing social contacts in the workplace (limit in-person meetings)
 - All break areas must accommodate distancing with regular disinfection of all eating surfaces
4. Eliminate large work-related gatherings (e.g., staff meetings, after-work functions).
5. Postpone non-essential work travel.
6. Regular health checks on arrival each day (e.g., temperature and respiratory symptom screening) of staff and visitors entering buildings.
7. Implement extended telework arrangements (when feasible).
8. Ensure flexible leave policies for staff who need to stay home due to school/childcare dismissals and to encourage individuals to stay home if they are sick.
9. Cancel work-sponsored conferences, tradeshow, etc.

Source: www.kingcounty.gov/covid/retail - March 12, 2020

Actively Encourage Sick Employees to Stay Home

- Employees who have symptoms of acute respiratory illness (e.g., cough, shortness of breath) are recommended to stay home and not come to work for 72 hours after fever is gone and symptoms get better.

Establish Compliant Sick Leave Policies

- Ensure policies are flexible and consistent with public health guidance and that employees are aware of these policies.
- Do not require a healthcare provider's note for employees who are sick with acute respiratory illness to validate their illness or to return to work, as healthcare providers may be extremely busy.
- If an employee is confirmed to have COVID-19 infection, employers should inform fellow employees of their possible exposure to COVID-19 in the workplace but maintain confidentiality as required by the Americans with Disabilities Act (ADA).
- Employees who are well but who have a sick family member at home with COVID-19 should notify their supervisor and refer to CDC guidance for how to conduct a risk assessment of their potential exposure. Family medical leave or other legal contracts may apply.

Separate Employees Who Become Ill at Work

- CDC recommends that employees who appear to have acute respiratory illness symptoms (e.g., cough, shortness of breath) upon arrival to work or become sick during the day should be separated from other employees and be sent home immediately.

Perform Routine Environmental Cleaning

- Routinely clean all frequently touched surfaces in the workplace (e.g., doorknobs, keyboards, remote controls, desks).
- Provide disposable wipes and hand sanitizer in multiple locations for employee and customer use, as well as soap and disposable paper towels at sinks and restrooms.

Educate Employees About Hand and Respiratory Hygiene

- Place posters that encourage staying home when sick, cough and sneeze etiquette, and hand hygiene at the entrance to your workplace and in other workplace areas where they are likely to be seen.
- Provide tissues and no-touch disposal receptacles for use by employees.
- Instruct employees to clean their hands often with an alcohol-based hand sanitizer that contains 60-95% alcohol, or wash their hands with soap and water for at least 20 seconds.
- Stop handshaking – use other noncontact methods of greeting.
- Advise employees to avoid touching their eyes, nose, and mouth with unwashed hands.
- Provide soap and water and alcohol-based hand rubs in the workplace.

Stay Up to Date

This information is accurate as of March 12, 2020. Check updates from public health agencies to follow evolving recommendations in Washington State and King County:

- >> www.doh.wa.gov/Coronavirus
- >> www.kingcounty.gov/covid

New Unemployment Rules

New unemployment benefits and relief of benefit charges went into effect on March 10, 2020:

- >> www.esd.wa.gov

B

Immediate Strategies for Businesses

This list is adapted from the Public Health - Seattle & King County webpage, "Planning for a Coronavirus Pandemic: A guide for businesses and organizations, February 2020."

For more information, visit: www.kingcounty.gov/covid



Apply Infection Control Measures

- Place posters that communicate best practices for hygiene and insist on frequent handwashing
- Provide soap, water, and alcohol-based hand rubs in multiple locations
- Supply tissues and no-touch waste bins
- Routinely clean commonly touched surfaces



Prepare for Social Distancing and Remote Working

- Allow telecommuting where possible
- Permit flexible work hours (e.g. staggered shifts)
- Ensure that you have the technology and infrastructure to support multiple employees working from home: phone forwarding, webmail portal, shared online work platform



Plan to Separate Sick Employees

- Employees who report feeling unwell or who become sick during the work day should be separated from others and immediately sent home
- Ensure all managers and employees are aware of this policy
- Designate an area to temporarily isolate sick employees if possible



Communicate with your Audiences

- Be proactive and transparent in communications and responsive to your different audiences
- Audiences include: Customers; Employees & Their Families; Immediate Community; Company Management, Directors & Investors; Government Officials, Regulators & Employees; Suppliers, News Media
- Utilize social media channels to communicate your efforts and engagement



Assess your Essential Functions

- What jobs are needed to carry on day-to-day activities?
- Who are your key partners, suppliers, and contractors?
- What raw materials does your business need to function?
- How will your business adjust if resources are constrained?



Check your Business Insurance Coverage

- Call your insurance provider to ascertain whether you have Business Interruption Insurance
- If you have Business Interruption Insurance, follow policies carefully for documenting economic impacts on your business



Document Economic Impacts on your Business

- Keep records and documentation that could be required for insurance claims or potential relief programs in the future
- Track the duration, nature, and financial impact of the pandemic on your business (e.g., customer traffic, supplier disruption, employee leave, revenue numbers)



SAMPLE TEMPLATE

Business Impact Analysis Worksheet

Future financial assistance and insurance claims rely on business financial impact tracking. This worksheet is provided as a service to help you track the economic impacts of the COVID-19 outbreak on your business. This is for your temporary use. The City, as well as State and Federal agencies, recommend economic impact tracking in times of emergency.

Operational & Financial Impacts

Disrupting Event	Business activity affected	Operational impact	Financial loss	Duration of Impact
Example: Key supplier closed	Unable to make product	Product shortage	\$_____hours/days/weeks	3 days

Event: Identify the event causing economic impact

Business Activity Affected: Operations center(s) impacted

Operational Impact:

- Lost sales & income
- Negative cashflow due to delayed sales
- Increased Expenses (overtime, outsourcing, expediting etc.)
- Regulatory fines
- Contractual penalties
- Customer dissatisfaction/defection
- Delays in growth plans

Financial loss: Dollar amount lost, specified in increments (hours, days, weeks, etc.)

Duration of Impact: How long did the event impact the business

Graph Source: TechTarget

Adapted from ready.gov/business



Example of Customer Messaging

Signaling compliance with public health recommendations in the workplace is a key message to your customers that it's safe to visit your establishment. Below is sample language for display or other communications to ensure people that you follow recommended practices.

IMPORTANT: Only describe activities that you are actually undertaking.

WE CARE ABOUT YOUR HEALTH AND SAFETY

We are committed to helping protect the well-being of our customers and employees. Responding to the COVID-19 outbreak and following recommendations by Public Health – Seattle & King County and the Center for Disease Control (CDC), we have implemented the following measures:

- Installed hand-sanitizing stations with disinfectant wipes in multiple locations
- Ensured soap and disposable paper towels are present next to all sinks
- Conduct frequent cleaning of high-volume, high-touch areas, including counters and door handles
- Distributed COVID-19 prevention information to staff
- Maximized telecommuting of employees when possible
- Enforce recommended health protocols regarding employees:
 - Prohibiting employees from coming to work when sick
 - Isolating employees who become sick while at work
- Monitor health departments at the county, state, and federal levels to ensure we receive and implement the latest updates and protocols

Thank you for your business and patronage!

We Want to Hear from You



The City of Kirkland is exploring all options to support businesses during the COVID-19 outbreak, and we want to work with you. To begin with, here are some ways that we will be in touch:

Survey: We sent a survey to our business listserv seeking early information on the impacts of COVID-19 on local businesses. Thank you for taking the time to respond and for your thoughtful comments. We encourage all businesses to respond to this preliminary survey, and we are taking your suggestions seriously.

Informational Workshops: The City of Kirkland is exploring virtual workshops, webinars, and other platforms to provide information, answer questions, and learn from our business community.

Economic Impact Assessment: The City, as well as State and Federal agencies, recommend economic impact tracking in times of emergency. Announced Small Business Administration small business emergency loans, insurance claims, and possible grants all rely on business financial impact tracking. We encourage you to use the enclosed template (Section C) to help you track the economic impacts of COVID-19 outbreak on your business. This tool is for your temporary use while programs, rules, and guidelines are being formed.

Go to:

www.kirklandwa.gov/BusinessSupportCOVID

- Fill out the City's **survey**.
- Sign up for more information on **informational workshops**.
- Download the template for a **Business Impact Analysis Tracker**.

Please visit www.kirklandwa.gov/BusinessSupportCOVID for more information about:

- ✔ **Health Recommendations:** As the situation continues to evolve, we want to make sure Kirkland businesses have access to the most up-to-date workplace recommendations from Public Health - Seattle & King County, the Washington State Department of Health, and the Centers for Disease Control.
- ✔ **Business Continuity Ideas:** There are things you can do now to help your business weather this emergency.
- ✔ **Employer and Worker Assistance:** The Washington State Employment Security Department (ESD) can provide support in the form of unemployment benefits, and new rules went into effect on March 10, 2020.
- ✔ **Insurance:** Some economic impacts of the COVID-19 outbreak may be covered by insurance, depending on your business's plan. The Washington State Insurance Commissioner can help answer questions about insurance coverage for damages related to COVID-19.
- ✔ **Financial Assistance:** There are local, state and federal resources for businesses impacted by COVID-19. For example, the Washington State Department of Revenue (DOR) can work with impacted companies that request an extension on tax filing.

The City of Kirkland is actively seeking additional resources for businesses impacted by COVID-19 and will continue to update information on the webpage as it becomes available.



Key Local, State, and Federal Contacts

COVID-19 HOTLINE 206-477-3977

Call if you are in King County and believe you were exposed to a confirmed case of COVID-19, or if you're a healthcare provider with questions about COVID-19.

Current Health Recommendations

Public Health – Seattle & King County
>> www.kingcounty.gov/depts/health
>> 206-296-0100

Washington State Department of Health
>> www.doh.wa.gov/Emergencies/Coronavirus
>> 360-236-4501

Unemployment Assistance

Washington State Employment Security Department
>> www.esd.wa.gov
>> 360-902-9500

Emergency Loans

Small Business Administration
>> www.sba.gov
>> 206-553-7310

Insurance & Healthcare Access

Washington State Insurance Commissioner
>> www.insurance.wa.gov
>> 800-562-6900

Tax Assistance

Department of Revenue
>> www.dor.wa.gov
>> 360-705-6705

Kirkland Questions

City of Kirkland
>> www.kirklandwa.gov/BusinessSupportCOVID
>> KirklandBusinessSupport@kirklandwa.gov
>> 425-587-3000

Important Phone Numbers for My Business

For more information

>> www.kirklandwa.gov/BusinessSupportCOVID
>> KirklandBusinessSupport@kirklandwa.gov

“Outside the Walls” Task Force Membership

City Councilmembers:

- Mayor Penny Sweet
- Councilmember Amy Falcone

City of Kirkland staff:

- Jim Lopez, Assistant City Manager
- Lorrie McKay, Intergovernmental Relations & Economic Development Manager
- Kari Page, Senior Neighborhood Services Outreach Coordinator
- David Wolbrecht, Neighborhood Services Outreach Coordinator
- David Gourlie, Engineering Program Assistant
- Kim Scrivner, Transportation Planner

From the Chamber of Commerce:

- Samantha St John
- Beth Gale

From the Kirkland Downtown Association:

- Anne Hess
- Christina Roberts

From the business community:

- Daryl Reichstein (Rosen Harbottle Commercial Real Estate)
- Jovana Rodriguez (Casa Ricardo)
- Yakov Gorshkov (Seattle Thread Co.)

From the Kirkland Youth Council:

- Max Reisman
- Robin Ying

Community Members:

- Bea Nahon
- Bruce Nahon
- Kirstin Larson
- Greg Gunther
- Karen Story
- Amanda Judd
- Judy Elkin
- Josh Elkin
- Rep. Amy Walen

Parklets and Streateries FAQ

What's a parklet?

A parklet is a small segment of the right-of-way that has been converted from a private automobile parking space to a public space for all to enjoy. Parklets are generally one or two parking spaces long, although they can stretch for an entire block face or more.

What's a streatory?

You can think of a streatory as a combination of a parklet and a sidewalk café. For most hours of the day, a streatory is an open space constructed in the parking lane outside a local business (like a parklet). During the hosting restaurant's business hours, a streatory provides space for table service and is used exclusively by the business, like a sidewalk café. Streateries are a new way to activate Seattle's parklets and promote the economic vitality of commercial districts. They provide space for café seating in neighborhoods with narrow sidewalks and support our vibrant café culture.

What's the purpose of parklets and streateries?

We live in a city with a limited number of neighborhood parks and open spaces. Parklets provide valuable privately-funded and privately-maintained public spaces for people to read, sip a cup of coffee, enjoy a bite to eat, and socialize. Parklets convert on-street parking spaces into community gathering places, creating more vibrant commercial districts. Streateries are a new way to support these goals while also responding to the demand for more outdoor café seating in Seattle, particularly in areas where sidewalks are too narrow for sidewalk cafés.

How do I apply for a parklet or streatory?

To apply for a parklet or streatory, please read through the Parklet Handbook and Streatory Supplement to learn about the application process and see what you'll need to consider when building a parklet or streatory. Once you're ready to apply, you can submit your initial application package to parklets@seattle.gov or in person on the 23rd floor of the Seattle Municipal Tower at 700 5th Ave.

Additional questions about the application process can be directed to parklets@seattle.gov.

Are parklets open to the public? What about streateries?

Parklets are free and open for everyone to enjoy 24 hours a day. Streateries are open to the public at all hours outside of café service hours. Each streatory will feature a sign indicating which hours are for business customers and which hours the space is public.

How did parklets and streateries begin in Seattle?

Local businesses interested in building parklets began approaching us in 2011. While receptive to the idea, we lacked a program (or any guidelines or requirements) for parklet development. After discussions with the Mayor, the City Council, and several City of Seattle departments, SDOT launched a Pilot Parklet Program in the summer of 2013. The pilot program began with only three parklet hosts before it was extended through 2014 to explore how well parklets would serve Seattle's diverse neighborhoods. Following a successful evaluation of the pilot program, we made the Parklet Program permanent in 2015 and launched the Streatery Pilot Program to test new activation opportunities for parklets. The streateries will be evaluated before a permanent program is considered.



*The streatery at Montana Bar on Capitol Hill started as a parklet and was the first to open in Seattle.
Photo by: Seattle Bike Blog*

How does SDOT decide where to build parklets and streateries? Does the City impose them on neighborhoods?

SDOT doesn't build parklets or streateries. Local businesses, community organizations, and other hosts apply for and construct their own parklets and streateries. An application may be denied if the proposed site is not fit to host a parklet or streatery; if there's insufficient parking supply in the neighborhood; or if there is a lack of community support. But SDOT never imposes a parklet or streatery on a neighborhood; parklets and streateries are always community-initiated, neighborhood-driven, and privately-funded projects.

Do parklets and streateries require community support for approval?

Yes. As part of the parklet application process, potential hosts need to provide at least three letters of community support and submit proof that they have contacted their local neighborhood or business association. For streateries, one additional letter—four total—is required, and streatery hosts must also submit a petition of support.

A 14-day public comment period is required after your concept design is complete. SDOT will issue a public notice of the application and begin the comment period. Notices will be mailed to all street-level businesses and residents within 200 feet of the proposed parklet or streaterly location, posted in the window of the hosting or adjacent business, and listed on our website. Comments may be submitted to SDOT either by emailing parklets@seattle.gov or in writing to:

Seattle Department of Transportation
Attn: Public Space Management Program
PO Box 34996
Seattle, WA 98124-4996.

We will consider all public feedback when making a final decision on a parklet or streaterly application.

Are parklets and streateries temporary or permanent?

Parklets and streateries are not permanently affixed to the roadway or sidewalk in any fashion. However, if it remains well-maintained, the parklet or streaterly host may apply for annual renewals. SDOT will carefully consider any community feedback when evaluating renewal applications, and may require replacement of elements experiencing routine wear-and-tear.

Who pays for parklets and streateries?

Parklets and streateries are paid for privately. Hosts pay for design, materials, construction, and maintenance costs, as well as for review and permit fees. Additionally, hosts pay a square foot occupation fee and a paid parking replacement fee each year in exchange for being able to use their streaterly for private café seating during their hours of operation.

Can residents and community organizations host parklets and streateries, or just businesses?

Anyone can apply to host a parklet. However, a streaterly can only be hosted by a business that is licensed to serve food and/or alcohol and offers table service. We recommend that all parklet and streaterly hosts consider hiring professional design services to ensure that their projects meet safety, accessibility, and design standards. Hosts also need to consider their ability to maintain their parklet or streaterly after it's installed.



The Uptown Parklet at SIFF Cinema is hosted by the Uptown Alliance, a local community group.

Do parklets and streateries close at night?

Parklets are free to (responsibly!) enjoy 24 hours a day, and streateries are open to the public during non-serving hours.

Can I drink alcoholic beverages in a parklet or streatory?

Parklets are public spaces, just like a plaza or a park, so you can't drink in a parklet. If the hosting business has a liquor license to serve alcohol to their customers, you would be able to drink alcohol during their serving hours – after hours, the same rules as parklets apply.

Can I smoke in a parklet or streatory?

No. Out of respect for other users, smoking is prohibited in parklets and streateries.

Who is responsible for maintaining parklets and streateries?

The parklet or streatory host. The host must ensure the parklet or streatory is clean and free of rubbish daily, as well as keep elements in a state of good repair. Streatory hosts are required to store all serving items outside the seating area when the streatory is open to the public.

What about parking? How does SDOT ensure there will still be ample parking in neighborhoods served by parklets and streateries?

Balancing use of the right of way is always tricky, and parking availability is a factor we consider when reviewing parklet and streatory applications. We have parking data for neighborhoods throughout the city, which we use to help make our decisions.

Is there a cap on the number of parklets or streateries allowed per block or per neighborhood?

There is no set limit on the number of parklets or streateries that are allowed per block or per neighborhood. However, we give priority to parklets and streateries that are proposed in areas of the city with less open space and/or limited sidewalk space. We also require that hosts exhibit a strong level of support from their local community. If a neighborhood believes that a certain area has already reached a sufficient density of parklets or streateries, that will be taken into consideration when applications are evaluated for the area.

I'm a business owner who loves my neighborhood and would really like to provide my community with a parklet or streatory, but the initial costs are kind of intimidating. Do businesses who sponsor parklets and streateries tend to see any benefits?

Parklet and streatory hosts in Seattle have reported significant benefits from their parklets and streateries. Based on our evaluations of these programs, we've found that both hosts and nearby businesses have experienced an increase in foot traffic and an increase in sales due to the installation of a parklet or streatory on their block. Additionally, 100 percent of parklet and streatory hosts have said they would recommend the program to other Seattle businesses. The evaluation report online provides more information about the business impact of parklets and streateries.

We also have several funding resources available to help reduce the cost of your project, found on our parklets and streateries program page.

How does SDOT ensure that parklets and streateries are safe?

Safety is our highest priority when reviewing parklet and streatory applications. Every parklet and streatory is subject to specific design and siting standards to ensure that it will remain safe for its users and the traveling public. As standard features, every parklet and streatory is required to have wheel stops and flexible delineator posts on its outside edges to increase awareness of the space and prevent cars from hitting it. Parklet and streatory applications are also reviewed by SDOT's Traffic Engineers to ensure that they will not obstruct sightlines or impact safety for other users of the street.

For further questions, please contact us at parklets@seattle.gov or at (206) 684-5267.



Guidance for Restaurants and Food Services

RESTAURANT AND FOOD SERVICES - PICK UP ONLY

GUIDANCE FOR PICK-UP SPACE	GUIDANCE REGARDING EMPLOYEES	GUIDANCE TO PROTECT CUSTOMERS
<ul style="list-style-type: none"> ● Limit restaurant service to walk-up/ window/ curbside pick up, or delivery only. ● All bars must remain closed to in-person patrons (take-out permitted, e.g. beer sales/cocktail kits from a brewery). ● Elevate and increase frequency of cleaning practices, including disinfection of high-touch areas. ● Conduct daily disinfection and full cleaning in-between shifts in accordance with CDPHE guidance ● Implement symptom monitoring protocols (including workplace temperature monitoring and symptom screening questions) where possible. (Additional Guidance) and encourage sick employees to use the CDPHE Symptom Tracker ● Post signage for employees and customers on good hygiene and other sanitation practices ● Clearly designate pick-up waiting areas with markers for proper distancing between parties, and ensure they do not interfere with in-establishment dining - whether indoors or outside. 	<ul style="list-style-type: none"> ● Provide guidance and encouragement on maintaining 6 foot distancing between employees. ● Wear face coverings during customer interactions ● Wear gloves and face coverings whenever possible during meal-prep and cleaning. ● Institute frequent breaks to wash hands. ● Require employees to stay home when showing any symptoms or signs of sickness. ● Employers are encouraged to provide high-quality face coverings 	<ul style="list-style-type: none"> ● Implement 6 foot distancing measures (i.e., marked space in check-out lines) ● Provide contactless payment options whenever possible. ● Make accommodations for individuals unable to adhere to mask and physical distancing requirements, such as takeout, curbside or delivery.

RESTAURANT AND FOOD SERVICES - INDOOR AND OUTDOOR ON-PREMISE DINING

*The intent of this guidance is to open establishments for the primary purpose of dine-in service, or what is colloquially referred to as “restaurants.” Any establishment that can adhere to the guidelines below and ensure access to food for on-premise consumption can open. The provision of food/meals must be from a licensed retail food establishment. **Other kinds of establishments that do not serve food will be evaluated in June.***

GUIDANCE FOR FOOD SERVICE SPACE

- Restaurants are encouraged to continue curbside pick-up/delivery, including alcohol pick-up/delivery.
- **Outdoor dine-in service is encouraged. Please work with local authorities to get authorization for expanding space to accommodate outdoor dine-in for adjacent or nonadjacent public or private spaces.** The following requirements must be met:
 - Patrons in different parties must be a minimum of 6 feet apart. The spacing of tables may need to be 6 feet or more to ensure proper physical distancing between diners from different parties.
 - All employees must wear face coverings.
 - Disinfecting and deep-cleaning of all shared surfaces between seatings.
- **Indoor dine-in service can be held at a 50% of the posted occupancy code limit and a maximum of 50 patrons,** if the following requirements can be met:
 - Patrons in different parties must be a minimum of 6 feet apart. The spacing of tables may need to be 6 feet or more to ensure proper physical distancing between diners from different parties.
 - All employees must wear face coverings.
 - Ensure maximum ventilation by opening windows and minimizing air conditioning to the extent possible.
 - Deep clean and disinfect all shared surfaces between parties/at each turnover.
 - Keep parties together, and do not allow them to mingle with each other..
- Limit party size to **eight people or fewer.**
- Make efforts to reduce congregating inside and outside the establishment including:
 - Encouraging reservations, and preferably requiring reservations, if feasible..
 - Waiting parties must not congregate in entrance areas and should wait in their cars or off premises until seating is available.
 - No communal seating.
 - No self-service stations or buffets.
 - No seat-yourself options to ensure that a table has been disinfected prior to a new patron.
 - Do not seat people in the bar if it is being used to prepare food or drink. If the bar area is not being used to prepare food or drink, parties could sit there under the same distancing requirements as a regular table.
 - Clearly mark floor and ground to delineate 6-foot spacing for people in lines, and mark how foot traffic should move. Clearly mark closed tables not available for seating customers.

GUIDANCE REGARDING EMPLOYEES

- Implement symptom monitoring protocols (including workplace temperature monitoring and symptom screening questions) where possible ([Additional Guidance](#)) and encourage sick employees to use the [CDPHE Symptom Tracker](#).
- Appoint one employee per shift to monitor staff and public for adherence to safety measures.
- Require employees to stay home and refer to employer or state support when showing any symptoms or signs of sickness ([Information about emergency sick leave pay](#)).
- Provide guidance, training, and ongoing training on maintaining 6 foot distancing between employees to the greatest extent possible in all areas of operation.
- Implement systems to minimize staff interactions, such as work flows, shift cohorting (same staff on each shift), staggering of shifts, shift changes, and breaks.
- Require employees to wear face coverings while in the establishment.
- Require facel coverings for vendors, suppliers, and contract workers entering the licensed establishment.
- Require gloves or frequent handwashing. Encourage frequent breaks to wash hands (at least every 30 minutes) including upon arrival and departure.
- Adhere strictly to the hygienic practices listed in the [Colorado Retail Food Regulations](#) including:
 - Not working when sick
 - Frequent hand washing
 - Changing gloves between tasks
 - Using a fresh pair of gloves after each handwashing.

GUIDANCE TO PROTECT CUSTOMERS

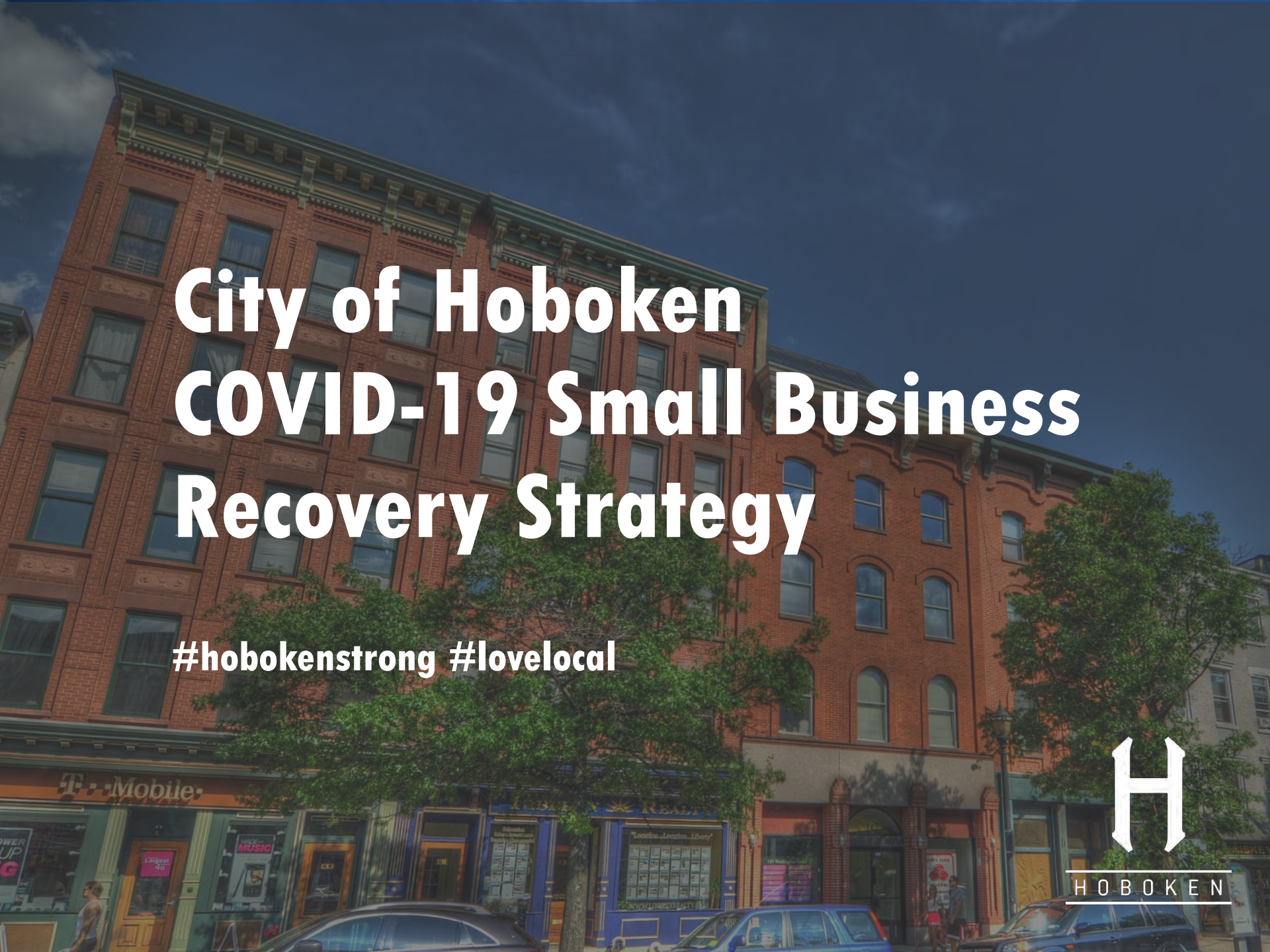
- Provide an option for customers to “sign in” to facilitate notifying them if an exposure occurs.
- Provide contactless payment or prepayment options whenever possible.
- Establish customer waiting areas, outdoors if possible, that maintain proper physical distancing from other guests.
- Restrict standing and/or congregating in the bar area, entrance/exit, and any interior spaces.
- Continue curbside pick up/delivery options and recommend them for vulnerable individuals.
- Request customers to wear face coverings when not eating or drinking, e.g., walking past other tables to get to delivery areas or restrooms. .
- Consider refusing service to customers who refuse to adhere to hygiene and physical distancing requirements
- Make accommodations for individuals unable to adhere to masking and physical distancing requirements, such as takeout, curbside or delivery.

- Post clear signs notifying patrons and employees of hygiene and sanitation expectations, including not entering if they or anyone in their household is experiencing any symptoms of illness.
- Minimize objects touched by multiple patrons including:
 - Remove/close games and dance floors that require or encourage standing around (darts/pool tables/shuffleboard, arcade games); remove board games.
 - Discontinue use of tablecloths, or move to single-use, or remove and replace laundered tablecloths between patrons.
- Disinfect any shared objects such as check presenters and POS machines thoroughly between uses.
- Increase cleaning and disinfection protocols and track with publicly posted cleaning logs including:
 - Use disposable single-use menus, menu boards, or create online menus for guests to review from their electronic device.
 - Provide single-use or single serving condiments.
 - Disinfect restrooms every hour.
 - Block off stalls and urinals with proper signage to support 6 feet between patrons. This may require reduced bathroom capacity or even only one person in a bathroom at a time.
- Provide hand sanitizer at check-in area and throughout the venue.

- Consider modifying the menu to create additional space in the kitchen and promote physical distancing. Implement physical distancing where practicable.
- “All staff” meetings must follow physical distancing. Consider virtual meetings or meetings outside with appropriate distancing.
- Require employees to take home all belongings, including water bottles, after every shift.
- Provide high-quality face coverings for employees as much as possible.

IF THERE IS A CONFIRMED CASE OF COVID-19 AMONG CUSTOMERS OR EMPLOYEES

- The restaurant **must** notify and cooperate with their local public health agency on next steps.
- Local public health agency contacts can be found [here](#).
- Outbreak guidance for non-healthcare facilities can be found [here](#).



City of Hoboken COVID-19 Small Business Recovery Strategy

#hobokenstrong #lovelocal



HOBOKEN

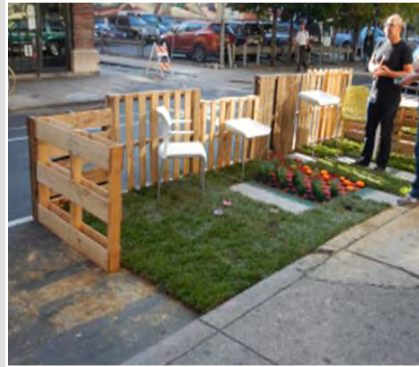
Gradual Business Reopening

- **Within phases, allow businesses to reopen at their discretion**
- **Require patrons and employees to wear face coverings**
- **Implement strict cleaning and disinfecting standards consistent with CDC guidelines**
- **Adjust workplace hours and shifts as needed to reduce density**
- **Limit occupancy to maintain 6 ft of social distancing (36 SF per person); post temporary occupancy on the entrance so patrons are informed**
- **Expand outdoor capacity to create a destination for local businesses and Hoboken residents to safely enjoy**

Expanded Capacity

- **Restaurant, Retail Businesses and Services**
- **Expand outdoor capacity through October 15, may be extended pending weather forecast**
- **Provide several options for expanding capacity that allow flexibility**
- **Encourage sharing outdoor capacity**
- **6-foot separation must be met between backs of chairs and for any lines of patrons**
- **Intended to help businesses recoup lost inside capacity, not to create a gathering or social space**

Expanded Capacity Options



SIDEWALK CAFÉ EXPANSION

- Daily use of sidewalk area in front of business for restaurant seating or retail

strEATERY

- Daily shared public space that converts curbside parking space into an area specifically intended for outdoor dining where take-away food and beverages may be consumed

PARKLET

- Seasonal shared public seating platform that temporarily converts curbside parking space into a mini-park built as an extension of the sidewalk

OPEN STREETS

- Temporary scheduled closure of certain blocks of streets for restaurant seating or retail

Retail Use of Sidewalks

- **Retail businesses and services are encouraged to use the area in front of their stores to display merchandise**
- **Maintain 6 ft sidewalk width; other accommodations to be reviewed on a case by case basis**
- **Sidewalk displays during regular business hours and must be removed overnight**
- **Waive approval process for 2020**
- **Other guidelines of Chapter 168 Article IV still apply**

Sidewalk Café Expansion

- **Expansion of outdoor café, maintaining 6 ft sidewalk width; accommodations on a case by case basis**
- **Hours of operation: extended 1 hour Thurs, Fri, Sat**
- **Encourage shared cafés among adjacent businesses**
- **Modified barriers; waived on a case by case basis**
- **Tables spaced 6-ft apart measured from backs of chairs**
- **Relaxed requirement for daily removal of café equipment**
- **Other guidelines of Chapter 168 Article IV still apply**
- **Expedited approval; insurance only**
- **Fees waived for 2020; paid licenses will be credited in 2021**

Sidewalk Café Liquor Licenses

- **Establishments with either “33” or “32” liquor licenses can continue business as usual so long as sidewalk café has been previously outlined in the establishment’s most recent State ABC application on file**
- **If café area is expanded, existing Licensee must file a “Petition to Extend Licensed Premises” permit application for approval by the NJ State ABC**
- **If sidewalk café is being obtained for the first time and has not been licensed for consumption, licensee must file an “Amendment of Application on File” on their State ABC application**

StrEATERY

- **Daily shared public space that temporarily converts curbside parking into an area for outdoor dining where take-away food and beverages may be consumed**
- **Hours of operation: 8 AM – 9 PM in residential zones, 8 AM – 11 PM in commercial zones; adjust per street sweeping schedule**
- **Encourage shared strEATERIES among adjacent businesses**
- **Must remove daily**
- **Expedited approval by Engineering Division**
- **Fees \$0.50/LF/Day (\$10/day) possibly offset by donations**

StrEATERY Design

- **Delineated from adjacent parking spaces and travel lane using temporary crowd control barriers, bollards, planters, or other approved barriers possibly offset by donations**
- **Road covered with synthetic turf, outdoor carpeting, or other approved street covering possibly offset by donations**
- **Temporary ADA ramps**
- **Tables spaced 6-ft apart measured from backs of chairs**
- **Anchored shade coverings such as umbrellas, canopies**
- **Not allowed within 25 feet of crosswalks, 10 ft of fire hydrants, in fire zones, in handicapped parking spaces, or loading zones**

Sample StrEATERY Materials



Billboard Barricades



Bollards and Poles



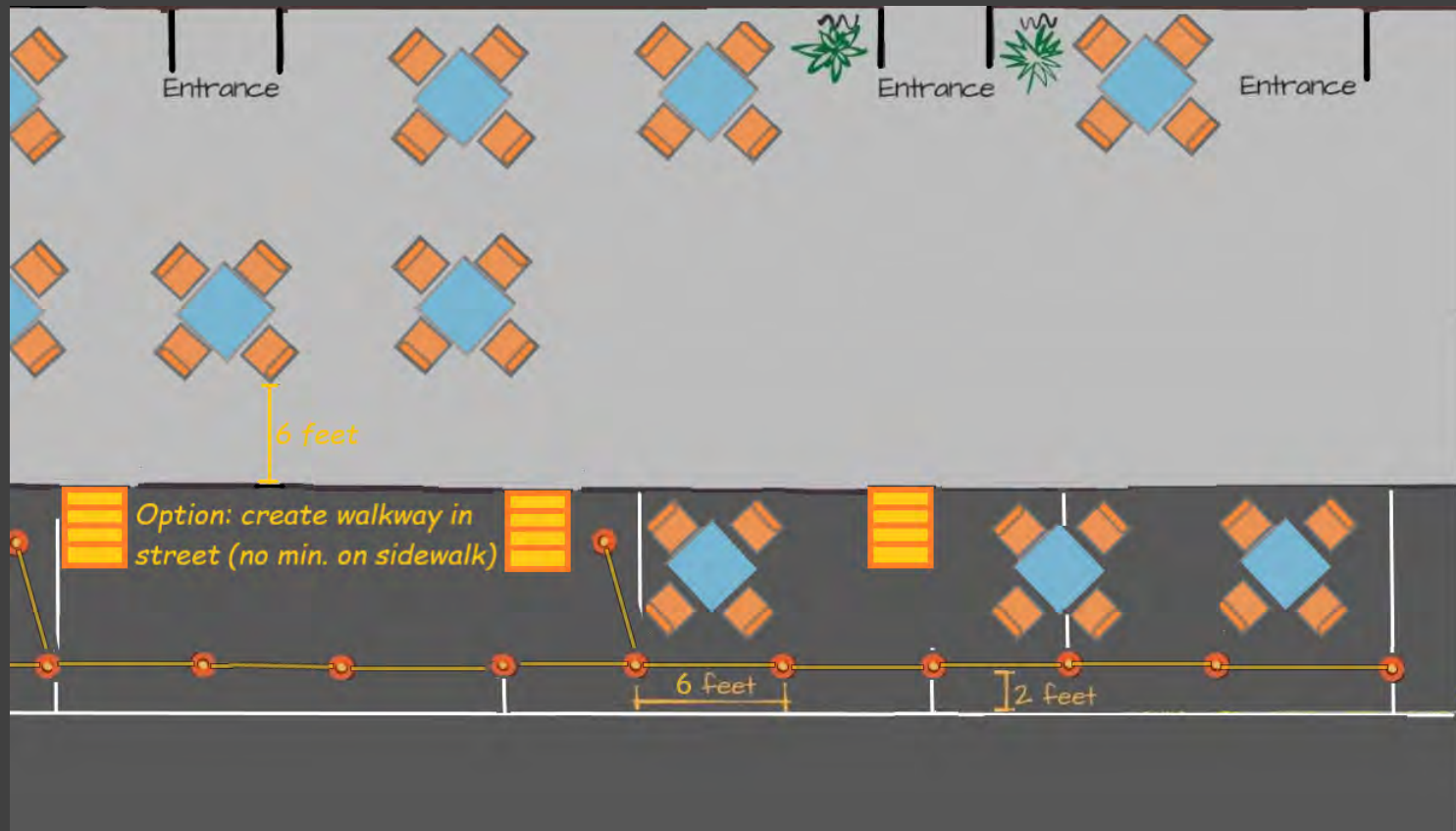
ADA Curb Ramp



Moveable Planters

Sample Designs

EXPANDED SIDEWALK CAFÉ



StrEATERY Liquor Licenses

- Existing Licensee must file a “Petition to Extend Licensed Premises” permit application for approval by the NJ State ABC
- StrEATERY must be specific to the existing licensee in which alcohol will be served/consumed
- No alcohol can be served/consumed from a retail consumption “33” licensed establishment in public strEATERY—BYOB only if authorized by way of ordinance

Parklet

- **Seasonal public seating platform that converts curbside parking into a mini-park as an extension of the sidewalk**
- **Encourage shared parklets among adjacent businesses**
- **Semi-public parklet built in partnership between the city and a specific local business for their exclusive use shall be subject to a public hearing**
- **April 15 – October 15, removed in winter**
- **Hours of operation: 8 AM – 9 PM in residential zones, 8 AM – 11 PM in commercial zones**
- **Expedited approval by Engineering Division**
- **Fees \$0.50/LF/Day (\$10/day) possibly offset by donations**

Parklet Design

- **Enclosed from adjacent parking spaces and travel lane using safety barrier such as built-in planter, bench, wall, railings, bollards**
- **Anchored platform level with the curb/sidewalk that doesn't impede drainage**
- **Tables spaced 6-ft apart measured from backs of chairs**
- **Removable or retractable shade coverings such as umbrellas, awnings**
- **Not allowed within 25 feet of crosswalks, 10 ft of fire hydrants, in fire zones, in handicapped parking spaces, or loading zones**

Sample Parklets



Parklet Liquor Licenses

- **Existing Licensee must file a “Petition to Extend Licensed Premises” permit application for approval by the NJ State ABC**
- **Parklet must be specific to the existing licensee in which alcohol will be served/consumed**
- **No alcohol can be served/consumed from a retail consumption “33” licensed establishment in public parklet—BYOB only if authorized by way of ordinance**

City Open Streets



Jefferson Street Pilot, May 9-10

Business Open Streets



Business Open Street Events

- **Sponsored closure of up to 3 contiguous blocks of streets for restaurant or retail**
- **April 15 – October 15**
 - **Thursday evenings 6 PM – 11 PM**
 - **Sundays 9 AM – 8 PM**
- **Events to help businesses expand capacity, not to create a gathering or social space**
- **Expedited approval similar to event approval process**
- **Fees for temporary no parking, sanitation, traffic control possibly offset by donations**

Business Open Streets Design

- **Open streets schedule coordinated by City to minimize traffic congestion, first come first serve application process**
- **City sets up barricades, posts no parking signs, provides sanitation services, and traffic control**
- **Tables spaced 6-ft apart measured from backs of chairs**
- **Anchored shade coverings such as umbrellas, canopies**
- **Access for emergency vehicles must be provided**
- **City may cancel any event for reasons of public safety**

Open Streets Liquor Licenses

- **Liquor licensee will file for a “Petition to Extend Licensed Premises” permit application for approval by the NJ State ABC**
- **Area in which alcohol will be served/consumed shall be gated from the rest of the "open street"**
- **Security from licensed establishment shall secure the entry and exit of said area to ensure identifications are checked upon entry for legal age and liquor does not leave gated area**

Get Started

Links to be added soon:

- **Sidewalk Café Application**
- **strEATERY Application**
- **Parklet Application**
- **Open Streets Event Application**



www.hobokennj.gov



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H O B O K E N

Framework for "Outside the Walls" Options

Strategy	Change of Use	Staff Positions Involved	Complexity
<i>Public Right of Way</i>			
Designated Pickup and Dropoff Spots	From parking to short term parking	City Manager's Office Public Works Transportation	Program Development: LOW Program Administration: LOW
Sidewalk café - sidewalk used for cafés, tables, and retail sales of produce only to the extent that such uses promote and display Kirkland business districts as pedestrian and people-oriented areas. Special regulations allow for retail use on Park Lane. <i>Ref: KMC 19.04.060, KMC 19.04.069</i>	From sidewalk to restaurant, retail, or services (expanded uses beyond current code)	City Manager's Office Public Works Transportation Public Works Engineering Planning	Program Development: LOW Program Administration: MEDIUM
Parklets – Small segment of the right-of-way that has been converted from an automobile parking space to a public space for all to enjoy. Parklets are generally one or two parking spaces long, although they can stretch for an entire block or more.	From parking to retail, services, restaurant, or public space (pedestrian and bicycle)	City Manager's Office Public Works Transportation Public Works Engineering Public Works Street Maintenance Public Works Recycling and Waste Planning Fire Marshall Police Parks	Program Development: MEDIUM-HIGH Program Administration: MEDIUM-HIGH
Streeteries – Combination of a parklet and a sidewalk café. For most hours of the day, streatory is an open space constructed in the parking lane outside a local business (like a parklet). During the hosting business' hours, a streatory provides space for table service and is used exclusively by the business, like a sidewalk café.	From parking and sidewalk to retail, service, or restaurant	City Manager's Office Public Works Transportation Public Works Engineering Public Works Street Maintenance Public Works Recycling and Waste Planning Fire Marshall Police	Program Development: MEDIUM-HIGH Program Administration: MEDIUM-HIGH
Park Lane Option 1 Streatory	From parking and sidewalk to retail, service, or restaurant	City Manager's Office Public Works Transportation Public Works Engineering Public Works Street Maintenance Public Works Recycling and Waste Planning Fire Marshall Police	Program Development: MEDIUM Program Administration: MEDIUM
Park Lane Option 2 Closure	Complete closure to automobiles	City Manager's Office Public Works Transportation Public Works Engineering Public Works Street Maintenance Public Works Recycling and Waste Planning Fire Marshall Police Parks	Program Development: HIGH Program Administration: HIGH
<i>Parks</i>			
Reserving Park Facilities		Parks & Community Services	Program Development: MEDIUM Program Administration: MEDIUM
<i>Private Property</i>			
Parklet or Streatory	Parking and sidewalk to to retail, service, or restaurant	Planning Public Works Transportation	Program Development: MEDIUM-HIGH Program Administration: MEDIUM-HIGH


CITY OF KIRKLAND
City Manager's Office

123 Fifth Avenue, Kirkland, WA 98033 425.587.3001

www.kirklandwa.gov
MEMORANDUM

To: Kurt Triplett, City Manager
From: Lorrie McKay, Intergovernmental Relations & Economic Development Manager
Date: June 5, 2020 *(prepared originally for March 2020. Postponed due to COVID-19 outbreak)*
Subject: SUMMER SUNDAYS ON PARK LANE PILOT PROJECT REPORT

SUMMER SUNDAYS ON PARK LANE PILOT PROJECT:

The City of Kirkland completed renovations to Park Lane in 2015 that were intended to enhance the public lane as a regional destination, encourage economic vibrancy and ensure equitable access. Throughout the public participation process, the public expressed wide support for street closures for fairs, festivals and markets, creating a pedestrian corridor where people can shop, eat, socialize and exercise, and it would build connections between businesses and build connections with the community.

At its April 16, 2019 regular meeting, the Kirkland City Council authorized the Summer Sundays on Park Lane Pilot Project, which closed Park Lane to vehicular traffic on 17 consecutive Sundays from June 2, 2019 through September 22, 2019 from 7 am – 11:30 pm. The project was directed by the City Council as a response to community feedback and initiative favoring a pedestrian-only Park Lane on certain days during summer, in order to inform future street closure policy.

Staff Resources and Costs:

2019 Summer Sundays Pilot Project – April 17 through September 22

Summer Sundays Pilot Project Staffing	Staff Hours	Estimated Cost
Organizing & Stand-Up	122	\$7,125
Implementation	118	\$6,395
Totals	240	\$13,521

** Cost does not account for equipment costs, benefits, post-pilot outreach and survey work, etc. Nor does it account for the many volunteer hours contributed by community volunteers. For planning purposes, it took (2) staff a little over an hour to set-up/take down signs, wagons, shrubbery, chairs.*

STANDING UP THE PILOT PROJECT (April 19 through June 1)

Following Council's authorization of the pilot project, the City Manager's Office (CMO) Economic Development, Communications and Engagement divisions took responsibility for implementation of the Pilot. Led by the Intergovernmental Relations and Economic Development Manager, staff immediately began interdepartmental coordination and outreach to the business community and marketing.

Interdepartmental coordination to stand up the Pilot was initiated with Parks, Street Maintenance, Traffic Control, Recycling and Waste, Police, the Fire Marshall and Planning to align with Council's April 16 direction. Ultimately, staff delayed the start date of the pilot until June 2 to allow for more time to address issues around traffic, parking, signage and marketing. On Friday, May 31 staff delivered promotional posters and business metrics tracking sheets to businesses on Park Lane. During these visits, business owners/managers that were contacted in person appeared to skew more positive than the previous visit.

LEARNINGS FROM THE 2019 PILOT

The Summer Sundays Pilot Project revealed both opportunities and challenges associated with a pedestrian-only Park Lane. Further, the pilot revealed distinct primary stakeholder groups, and spotlighted fundamental differences of opinion among them regarding the positive and negative impacts of Park Lane street closure on the community. The divergent experiences of stakeholder groups throughout the Summer Sundays Pilot complicated efforts to determine a clear approach to Park Lane street closure in the future. What benefited some stakeholders seemed detrimental to others.

To understand the pilot's impact and inform ways to improve during the term of the pilot, City staff conducted outreach and collected feedback monthly from business owners as well as the broader community throughout the course of the 17-week pilot. Feedback indicated that stakeholders could be organized into four overlapping but nevertheless distinct groups:

- a) Park Lane retail merchants and business owners;
- b) Park Lane restaurant and gallery owners;
- c) The community at large (usually represented by the Kirkland Association of Neighborhoods KAN); and
- d) City staff (inclusive of all departments)

Each of these groups views the costs and benefits of the Summer Sundays Park Lane street closure through a different lens, each feels the impact of the street closure differently, and as a result each group articulated different measures of the pilot's successes and challenges. For example:

- Park Lane retail and downtown retail business owners felt negatively about closing Park Lane to traffic and losing prime parking spaces;
- Park Lane restaurant and gallery owners generally felt positively about closing Park Lane to traffic;
- The broader community (as generally represented by the KAN) felt positive about closing Park Lane to traffic;
- City staff felt the burden of the unexpected number of staff hours required--across multiple departments
- Some business owners expressed interest in being included in the planning of the pilot in order to provide programming in the street for community members.

FEEDBACK:

Park Lane Retail Businesses/Kirkland Downtown Association (KDA) Merchants' Meetings Attendees

Staff from the City Manager's Office initiated eight separate outreach efforts between May 1st and September 25th to Park Lane merchants and the KDA via KDA Merchants' Meetings to gather feedback on the pilot. Outreach took the form of hand-delivered surveys and field visits; attendance and interviews at monthly KDA Merchants' Meetings and KDA Board meetings; small group meetings with constituents on request; phone calls and emails.

Both the outreach and collected responses were narrative in nature, gathered on written-response surveys as well as via conversations (face-to-face, phone and email). Conversations were recorded in writing by staff. The narrative responses proved repetitive and informative over the duration of the outreach effort, and tended to coalesce into eight general topics:

- **Process, Planning & Inclusivity;**
- **Street Programming;**
- **Marketing, PR & Beautification;**
- **Parking;**
- Sales Impact;
- Theft;
- Permitting

The topics in bold indicate those with the most frequent mention, which emerged as the topics of most concern to Park Lane retail merchants and KDA Merchants' Meeting attendees. These same topics, with the exception of Process, Planning & Inclusivity, dominated the feedback from all stakeholder groups, albeit with notably different emphases. Respondents felt that much improvement is needed in these areas, should Summer Sundays be considered beyond term of the pilot project.

- **Process, Planning & Inclusivity:** The number one repeated complaint on the part of merchants related to feelings of dis-inclusion in the process that led to the April 16, 2019 Council authorization of the Summer Sundays pilot project. Merchants reported feeling disregarded in the decision process and planning for a pilot program that directly impacts their businesses. Many merchants perceived that they were presented with a *fait accompli*, rather than a valued seat at the planning table. Some reported a deep mistrust of the results of the original community conducted survey of Park Lane merchants (March 2019), which reported that 54 of 69 Park Lane business owners polled indicated strong support for Park Lane street closure on Summer Sundays. Further, Park Lane and KDA Merchants' Meeting attendees perceive that neighborhood/community representatives were unjustly empowered to initiate and steer a pilot program that deeply impacts the downtown business community rather than the neighborhoods. Further, some articulated anger that this was allowed without any sharing of potential costs of that decision with business owners. There was a strong sentiment that while street closure might be favorable to residents and restaurant owners, it is unfavorable to retail business, and business owners must be meaningfully involved in such decisions.
- **Street Programming:** The second most-referenced topic by businesses was a lack of quality programming on the closed Park Lane street (this sentiment was shared across

stakeholder groups). While KAN organized buskers, local musicians, a juggler, a balloon man and similar small acts, as well as some street activities like corn hole, feedback indicated strongly that without strong, attractive, quality programming to create a 'draw' to the closed street, people wouldn't come, the wide empty street was off-putting to visitors, the vibe was 'low-end', devoid, and confusing. The communicated sentiment was that if there is to be a street closure, there should be a reason why, and that the City (or others) must invest in attractive programming if closure is to be successful. Ideas for programming included non-competitive vendors like artisans, flowers, entertainment and product demonstrations.

- **Marketing, Public Relations & Beautification:** The third most cited concern by business owners related to Summer Sundays publicity, street amenities and signage. It should be noted that these topics relate directly to programming considerations (above). Confusion and dissatisfaction were widely reported about signage of all kinds, including parking, ADA parking, street closure, restrooms, programming, business participants, etc. Merchants expressed a desire for clearer, branded, more attractive signage that is welcoming and inviting for visitors. For example, respondents felt that 'Street Closed' signs were off-putting to pedestrians as well as cars, turning away rather than welcoming visitors. Staff responded immediately to some of these concerns after the opening Sunday on June 2nd, but the need for a more intentional, proactive approach to publicity was shared across all respondents. Beautification concerns included well thought signage, and extended to landscaping, a strong and often repeated need for non-proprietary seating and tables, shade protection, and amenities to boost the appeal of the street center and alleviate an empty look.

Parking: The fourth most commonly mentioned concern relates to the elimination of 30 bays of parking along Park Lane during Summer Sundays. These concerns were reflected among proprietors of all types of businesses, and some community members. Very often the mentions were about parking confusion (signage for alternative parking, parking maps) rather than the actual lack of parking. Some merchants believe the loss of parking costs them revenue and is a disincentive to shoppers and restaurant patrons. Other business owners feel that closure to vehicular traffic enhanced foot traffic and provided opportunities for sidewalk cafes and outdoor merchandise stands, improving business. It should be noted that since 2017 downtown's parking inventory has increased. The Voda apartment building on Park Lane and Main Street opened in the spring of 2018 and has 60 parking spaces available to the public for \$1 per hour, and the City opened the Wester Lot just north of downtown which is available for free to the public after 5PM and on weekends. Kirkland Urban is also now open with ample underground parking, and the library has available underground parking – although some cite safety concerns about the library garage -- and is a short distance from Park Lane. In summary, while parking concerns were cited numerous times in the feedback narrative, parking may be something of a 'red herring' in comparison to other merchant concerns. If the streets were full of patrons and shoppers supporting the bottom lines of local businesses, it is unlikely that parking inconvenience would be a major complaint of merchants.

FEEDBACK:

Park Lane Restaurants & Park Lane Gallery

Park Lane restaurant businesses, Park Lane Gallery owners, and some fitness businesses felt generally positive about the Summer Sundays street closures, reporting benefits to their businesses from the pedestrian-only experience. Restaurants benefitted from diners and families attracted by the lack of cars and exhaust fumes both during the day and in the evening, the space for children to play, and the quieter atmosphere. Most, but not all restaurant owners polled were consistently positive about the pilot. Perceived exclusion from the planning process seemed less acute among those who felt the pilot benefitted their operations. Complaints about the lack of programming were fewer but not altogether absent. The owner of a fitness business mentioned in more than one feedback session that had he been included in planning, he would have liked to organize free fitness classes in the streetscape. Some proprietors passed along parking complaints on the part of a few patrons.

Permitting for sidewalk café expansion and expanded alcohol consumption areas was a topic of confusion and importance among food and beverage proprietors. A powerful way to activate the street center is to allow food and beverage businesses to expand their operations into the street during Summer Sundays. The pilot highlighted broad confusion regarding requirements and procedures for such expansions, both for sidewalk café operations and alcohol consumption (controlled by the Washington State Liquor & Cannabis Board, or via City special events permitting). Staff attempted to clarify some of these issues, but detailed coordination and further clarification is needed for any future iterations of Summer Sundays.

FEEDBACK:

Kirkland Alliance of Neighborhoods (KAN) and the broader community

Kirkland Alliance of Neighborhoods representative Karen Story conducted informal outreach before, during and after the Summer Sundays Pilot Project. Outreach included businesses, KAN representatives and frequent weekly reports of feedback from community attendees of Summer Sundays on Park Lane. Ms. Story's feedback reported strong support for the street closure from the population at large, which she polled on site on at least five Sundays during the pilot. Narrative data cites community enjoyment of the open, family friendly pedestrian space in the center of downtown, and many suggestions for improvements. Most commonly suggested improvements related to the following topics, consistent with feedback from other stakeholder groups:

- **Marketing, PR & Beautification**

Strongest and most frequent feedback advocated for improved amenities for visitors to the street such as and especially non-proprietary seating, tables, shade protection, games, signage, parking alternatives;

- **Street Programming**

A sizeable number of responses requested more and higher-quality programming and 'reason to be there'. Suggestions included non-competitive vendors, quality entertainment, product demonstrations, art projects and installations, etc. The sentiment seemed to be not to create a festival, but instead a vibrant, enticing walking street and a connector between Kirkland Urban, Peter Kirk Park and the Kirkland waterfront.

City staff conducted a round table focus group with KAN representatives on December 16, 2019. Feedback from that session reinforced the most pressing issues outlined above, and also

offered alternative approaches to street closure ranging from once monthly, to nighttime only (night market concept) to permanent closure. Several responses specifically referenced the importance of inclusion and partnership with Park Lane businesses in order to plan and produce any future iterations of Summer Sundays and a Park Lane pedestrian street.

To supplement the extensive in-person outreach to Park Lane and other downtown businesses, City staff published an online community survey on the Summer Sundays on Park Lane pilot. The purpose of the survey was to identify insights and themes that could inform further decisions regarding a potential 2020 program. Staff collected a total of 668 survey responses between January 3 and February 3, 2020 (Pilot Project Community Survey and Survey Findings – Attached). Survey respondents had the option to self-identify on several behavioral and demographic questions. During analysis, staff cross-tabulated survey results by some behavioral or demographic indicators to identify themes.

While the survey indicated a strong interest from the community for the continuation of Summer Sundays (or a variation thereof), it cannot be overstated that, generally, there is substantial concern among retail businesses along Park Lane and on nearby streets related to the impact to their businesses due to the removal of parking stalls. This concern was expressed to City staff before, during, and after the pilot. This same sentiment emerged as a theme in the general comments from some survey respondents. As such, it is recommended that any potential action regarding a 2020 program should thoroughly involve the business community to explore concerns and possible strategies to address them.

FEEDBACK:

City Staff

An unexpected effect of initiating and managing the Summer Sundays Pilot Program was the large number of City staff hours required to plan for and stand-up the pilot across many city departments, as well as for ongoing implementation. While simply closing the street and erecting bollards on consecutive Sundays might have seemed a small and simple way to pilot street closure on Park Lane, the reality revealed a demanding attention from City staff, the costs of which warrant careful attention. In fact, coordination and implementation proved to be more demanding on staff time than anticipated, the result being a substantial expenditure of human hours to ensure an inclusive, timely, safe and responsive pilot implementation and evaluation.

Interdepartmental coordination included discussion and coordination with Parks, Street Maintenance, Recycling and Waste, Police, Fire Marshall and Planning and Public Works. As staff responded throughout the pilot to community feedback regarding traffic flow, parking, safety, signage, garbage, permitting, programming, marketing and outreach, demands on staff time across departments broadened and, in some instances deepened.

It is not possible to know conclusively the cost in staff hours of the Summer Sundays pilot, but a reasonable estimate based on a staff activities tracker reveals that between April 17 and late September 2019, Kirkland City staff devoted approximately 240 staff hours to the pilot effort, (122 hours to stand it up and 118 hours to implement the pilot). At an average salary of \$ 54 per hour, an estimated cost of staff time only from April 17 through September 25 is \$13,521. This does not account for equipment costs, benefits, post-pilot outreach and survey work, etc. Nor does it account for the many volunteer hours contributed by community members.

SUMMER SUNDAYS ON PARK LANE PILOT – ONLINE SURVEY FINDINGS

To supplement the extensive in-person outreach to Park Lane and other downtown businesses, City staff published an online community survey on the Summer Sundays on Park Lane pilot. The purpose of the survey was to identify insights and themes that could inform further decisions regarding a potential 2020 program. Staff collected a total of 668 survey responses between January 3 and February 3, 2020.

<i>Question 1: Did you attend one or more Summer Sundays on Park Lane?</i>	Yes	493 73.8%
	No	147 22.0%
	Not sure	28 4.2%
Total		668 100%

It should be noted that not every survey respondent answered every question. As such, raw counts of responses may add up to less than 668, which is the total amount of surveys received.

Analysis and Cross Tabulation

Survey respondents had the option to self-identify on several behavioral and demographic questions. During analysis, staff cross-tabulated survey results by some behavioral or demographic indicators to identify themes. Those cross-tabulations and other analyses are summarized below, by question.

Question 2 - Please select the option that best describes why you did not attend any of the Summer Sundays on Park Lane

If survey respondents answered "No" to whether they attended a 2019 Summer Sunday, they were asked to identify the option for why they did not attend. Results indicated that lack of awareness about the events were the main reason people did not attend. Scheduling conflict, lack of perception that there was enough to do, and concerns of lack of parking were generally similar in response. "Other" responses did not yield any apparent themes.

Question 3 - What was the most successful part of your Summer Sundays on Park Lane experience?

If survey respondents answered "Yes" to whether they attended a 2019 Summer Sunday, they were asked to identify the most successful element of the event. Dining outside on a pedestrian-only plaza ranked the highest, followed by a sense of community. Performances and activities and games were lowest. "Other" responses generally indicated two themes: being able to be on Park Lane without cars was enjoyable, and an increase in programming would be helpful.

Question 4 - If Summer Sundays on Park Lane occurred in 2020 as it did in the 2019 pilot, how likely are you to attend?

Cross Tabulation: Attendance at a 2019 Summer Sunday by Likelihood of attending a potential 2020 Summer Sunday		<i>Likelihood of attending a potential 2020 Summer Sunday</i>			Total
		Likely	Unlikely	Neither unlikely nor likely	
<i>Did you attend one or more Summer Sundays on Park Lane?</i>	Yes	431 90.5%	25 5.3%	20 4.2%	476 77.8%
	No	77 56.6%	30 22.1%	29 21.3%	136 22.2%
Total		524 82.8%	55 8.7%	54 8.5%	633 100.0%

Overall, survey responses indicated an overwhelming likelihood that community members would attend a 2020 event. Of those that attended, an overwhelming majority indicated they would very likely or likely attend the event in 2020. Of those that did not attend, a majority indicated they would very likely or likely attend.

Question 5 - Do you agree or disagree with the following statement: Summer Sundays on Park Lane was helpful to support a sense of community and community gathering place.

Cross Tabulation: Attendance at a 2019 Summer Sunday by Agreement with: Summer Sundays helpful for community building		<i>Agreement with: Summer Sundays helpful for community building</i>			Total
		Agree	Disagree	Neither agree nor disagree	
<i>Did you attend one or more Summer Sundays on Park Lane?</i>	Yes	416 87.2%	29 6.1%	32 6.7%	477 77.9%
	No	67 49.6%	14 10.4%	54 40.0%	135 22.1%
Total		499 78.8%	43 6.8%	91 14.4%	633 100.0%

Supporting a sense of community was one of the main objectives of the event, the other being to enhance the volume of shopping and other business activities. Staff asked this question to gauge community members' perspectives about the event's success in supporting a sense of community.

Generally, the sentiment of survey respondents was that the event was helpful to support a sense of community and community gathering space. Of those that attended, an overwhelming majority indicated they agreed that the event pilot was helpful to support a sense of community. Of those that did not attend, approximately half indicated they thought it was helpful to support a sense of community despite not experiencing the event firsthand.

Question 6 - Do you agree or disagree with the following statement: Summer Sundays on Park Lane was helpful to local businesses.

Cross Tabulation: Attendance at a 2019 Summer Sunday by Agreement with: Summer Sundays helpful for local businesses	Agreement with: Summer Sundays helpful for local businesses			Total
	Agree	Disagree	Neither agree nor disagree	
Did you attend one or more Summer Sundays on Park Lane? Yes	371 77.9%	35 7.4%	70 14.7%	476 77.9%
No	70 51.9%	7 5.2%	58 43.0%	135 22.1%
Total	499 78.8%	43 6.8%	91 14.4%	633 100.0%

Enhancing the volume of shopping and other business activities was one of the main objectives of the event, the other being to support a sense of community. As the actual helpfulness to local businesses will only be known by individual businesses, staff asked this question to gauge the perception by community members as to the event’s helpfulness to local businesses.

Overall, the results indicated a very strong perception that the event was helpful to local businesses. Those that did attend were overwhelming in their perception that it was helpful for businesses. Those that did not attend any Summer Sundays were strongly ambivalent about the event’s helpfulness.

Staff also asked respondents to identify the general location of where they work and/or live, with the option to self-select all applicable categories. Staff cross-tabulated those indicators against Question 6: *Do you agree or disagree with the following statement: Summer Sundays on Park Lane was helpful to local businesses.*

Cross Tabulation: Work and/or Live Location by Agreement with: Summer Sundays helpful for local businesses		Agreement with: Summer Sundays helpful for local businesses			Total
		Agree	Disagree	Neither agree nor disagree	
<i>Please select all that apply:</i>	I work at or own a downtown Kirkland business.	64% 29	20% 9	16% 7	6% 45
	I work at or own a business on Park Lane.	74% 17	13% 3	13% 3	3% 23
	I work at or own a business in another part of Kirkland.	58% 32	7% 4	35% 19	8% 55
	I live in North Kirkland	70% 127	6% 11	24% 44	25% 182
	I live in Central Kirkland	73% 178	7% 17	20% 49	33% 244
	I live in South Kirkland	76% 108	3% 5	21% 30	20% 143
	I live outside of Kirkland	85% 33	5% 2	10% 4	5% 39
Total	73% 457	7% 41	21% 132	630 100.0%	

Of the 45 respondents that indicated they “work at or own a downtown Kirkland business”, 29 indicated agreement that the events were helpful to local businesses, while 9 disagreed. Somewhat similarly, of the 23 respondents that indicated they “work at or own a business on Park Lane”, 17 indicated agreement that the events were helpful to local businesses, while 3 disagreed.

Based on staff’s individual outreach to the business owners, staff observed a theme that restaurant or other food or drink businesses were generally much more supportive the events than were retail or service providers. It is worth noting that this survey did not collect information about the type of business (e.g. retail, restaurant, services, etc.), and there may be a difference in sentiment for whether the event was supportive for local businesses based on their type of business.

CONCLUSION

Despite the survey indicating a strong interest from the community for the continuation of Summer Sundays (or a variation thereof), it cannot be overstated that, generally, there is substantial concern among retail businesses along Park Lane and on nearby streets related to the impact to their businesses due to the removal of parking stalls. This concern was expressed to City staff before, during, and after the pilot. This same sentiment emerged as a theme in the general comments from some survey respondents. As such, it is recommended that any potential action regarding a 2020 program should thoroughly involve the business community to explore concerns and possible strategies to address them.

RESOLUTION R-5433

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE CITY MANAGER'S CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT ("CARES ACT") FUNDING PLAN AND AUTHORIZING THE CITY MANAGER TO IMPLEMENT STRATEGIES, ACTIONS, AND PROGRAMS CONSISTENT WITH THAT PLAN.

1 WHEREAS, the coronavirus identified as COVID-19 has
2 reached pandemic proportions throughout the world, including
3 the United States and the state of Washington; and
4

5 WHEREAS, the State of Washington and King County have
6 each proclaimed an emergency to exist as a result of COVID-19;
7 and
8

9 WHEREAS, the City Manager proclaimed an emergency to
10 exist in Kirkland as a result of COVID-19 on February 29, 2020,
11 which proclamation was ratified by the City Council through
12 Resolution R-5411 on March 3, 2020; and
13

14 WHEREAS, the President of the United States has declared
15 an emergency to exist as a result of COVID-19 and issued a major
16 disaster declaration for the state of Washington in connection
17 therewith; and
18

19 WHEREAS, the facts giving rise to such proclamations and
20 declarations continue to exist; and
21

22 WHEREAS, City operations have shifted dramatically to
23 implement necessary health recommendations and requirements,
24 provide needed City services remotely, and schedule alternating
25 shifts for crews; and
26

27 WHEREAS, among those most hurt by COVID-19 and
28 needing immediate assistance are individuals in Kirkland needing
29 food and shelter, mental health and domestic violence services,
30 and other critical human services; and
31

32 WHEREAS, the Kirkland's small businesses, including
33 human service provider agencies and community-based
34 organizations, have experienced considerable economic impacts
35 as a result of the pandemic, and such impacts are anticipated to
36 continue for at least several months; and
37

38 WHEREAS, City staff have prioritized support for general
39 COVID-19 related issues, human services, and the business
40 community since the beginning of the pandemic, resulting in
41 considerable impacts to some department work plans; and
42

43 WHEREAS, the federal government passed the Coronavirus
44 Aid, Relief, and Economic Security Act ("CARES Act"), which

45 provides direct financial relief to states and local government
46 entities with populations of 500,000 or more; and
47

48 WHEREAS, the Governor of Washington notified cities and
49 counties with populations that fall below the 500,000-population
50 threshold that the State would distribute CARES Act funding to its
51 individual cities on a per capita basis, which amounts to
52 approximately \$2.6 million for the City of Kirkland; and
53

54 WHEREAS, the State’s funding is provided on a
55 reimbursement basis for COVID-19 related expenses and cannot
56 be used to replace lost revenue; and
57

58 WHEREAS, the CARES Act funding must be used by
59 October 31, 2020; and
60

61 WHEREAS, Public Health – Seattle & King County has
62 published data that illustrates the disproportionate impacts
63 COVID-19 is having on communities of color across the county;
64 and
65

66 WHEREAS, although county-wide, the data from Public
67 Health – Seattle & King County supports the importance for a
68 continued commitment to the City’s efforts around being a safe,
69 welcoming, and inclusive community; and
70

71 WHEREAS, the City Manager has developed a plan to
72 allocate available CARES Act funding for COVID-19 support
73 strategies for the three categories of (1) City operations, (2)
74 human services, and (3) small business assistance, which includes
75 the hiring of temporary City staff or contractors to support such
76 strategies.
77

78 NOW, THEREFORE, be it resolved by the City Council of the
79 City of Kirkland as follows:
80

81 Section 1. The City Manager is hereby authorized to direct
82 available CARES Act funding in substantially equally parts toward
83 City COVID-19 related reimbursable expenses pertaining to City
84 general operations, Human Services needs, and Small Business
85 assistance.
86

87 Section 2. The City Manager is authorized to invest CARES
88 Act funding consistent with the intention of the programs, policies,
89 and initiatives outlined in the proposed CARES Act Funding Plan
90 (“Plan”), including redirecting existing staff work plans consistent
91 with the Plan.
92

93 Section 3. The City Manager is authorized to use CARES
94 Act funding to hire temporary or contract positions with a
95 termination date of October 31, 2020, to support the proposed
96 Plan.
97

98 Section 4. The City Manager is authorized to pilot individual
99 policies, programs and partnerships outlined in the Plan to support

100 City operations, Human Services needs and Small Business
101 assistance.

102
103 Passed by majority vote of the Kirkland City Council in an
104 open meeting this ___ day of ___, 2020.

105
106 Signed in authentication thereof this ___ day of
107 _____, 2020.

Penny Sweet, Mayor

Attest:

Kathi Anderson, City Clerk



CITY OF KIRKLAND
Department of Finance & Administration
123 Fifth Avenue, Kirkland, WA 98033 425.587.3100
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Michael Olson, Director of Finance and Administration
Kyle Butler, Financial Planning Supervisor
Robby Perkins High, Senior Financial Analyst
Kevin Pelstring, Budget Analyst

Date: June 16, 2020

Subject: **JUNE 2020 BUDGET ADJUSTMENT**

RECOMMENDATION:

Council approves the attached ordinance adjusting the budget for the 2019-2020 biennium.

BACKGROUND DISCUSSION:

This memo recommends mid-year budget adjustments needed to meet unanticipated needs, recognize additional resources, and update housekeeping adjustments.

MID-YEAR BUDGET ADJUSTMENTS

State law prohibits expenditures from exceeding the budgeted appropriation for any fund and requires the City to adjust appropriations when:

1. Unanticipated revenue exists and will potentially be expended;
2. New funds are established during the budget year which were not included in the original budget; or
3. The City Council authorizes positions, projects, or programs not incorporated into the current year's budget.

This budget adjustment allows for appropriation increases where it is anticipated that total expenditures may be in excess of the adopted 2019-2020 budget.

Unless there is an immediate need, budget adjustments that represent ongoing increases in the level of service are generally not introduced at mid-year. Rather, they are submitted as service package requests during the budget preparation for the upcoming 2021-2022 biennial budget. Total appropriation adjustments result in a net budget increase (appropriation change) of \$18,018,035. The budget adjustment summary (Attachment A) lists appropriation changes by fund. Appropriation adjustments change the total budget and require adoption of an ordinance. When reviewing the budget adjustments in Attachment A, it is important to note the distinction between a budget adjustment and an appropriation change. In simple terms, not all budget adjustments will require a change in the appropriation. For example, a budget increase that is funded from an expenditure decrease within the same fund, has the effect of changing the City's

spending plan but does not result in any net new resources needing appropriation. Similarly, an adjustment funded from existing reserves does not require an appropriation increase, since the City appropriates its reserves as part of the biennial budget. In contrast, an adjustment that is funded with new internal or external revenues requires an appropriation increase to accommodate the increase in total resources.

Total budget adjustments as described in Attachment A reflect the following broad categories:

- ***Council Directed/Other Requests and Previously Approved Adjustments*** – This category includes any additional changes identified by Council and City staff and formalizes previously approved actions (fiscal notes, etc). Some of these requests have been approved by the Council since the budget was adopted or are related to the 2020 financial gap options presented at the May 29th Council retreat, but the formal appropriation adjustment is occurring as part of the June 2020 budget update. Major adjustments in this category include:

General Fund

- Additions to General Fund of \$1,131,874:
 - Return General Fund and settlement revenue from Juanita Beach Project to GF (\$516,000)
 - RGRL (Business License Tax) Return to General Fund (\$270,000)
 - Return Generator Project funds to General Fund (\$102,032)
 - Recognize 2020 Rental Revenues from Dental Office (\$160,000)
 - Refunding of general fund contribution to Fire Station Land purchases - Sale of 13213 100th Place NE property (\$83,842)
- Pandemic-related items: Council approved the following actions to support the community and mitigate the economic impact of COVID-19:
 - COVID-19 Stabilization of Human Services Grantees (\$265,000)
 - Transfer to Kirkland Small Business Relief Fund (\$30,000)
- Transfer to ARCH – Sale of 13213 100th Place NE property (\$209,777)
- CARES Act:

The Coronavirus Aid, Relief, and Economic Security Act, also known as the CARES Act, is a law intended to address the economic fallout of the COVID-19 pandemic. The City has been notified that it will be reimbursed \$2,668,200 through the CARES Act. To acknowledge the CARES Act eligible expenditures and the related reimbursement, the City Manager has included the following as part of this budget adjustment:

 1. Create a separate new CARES Act Reserve
 2. Transfer \$2,668,200 from Revenue Stabilization Reserve to CARES Act Reserve
 3. Upon receipt of the CARES Act money, scheduled for later this year, replenish the Revenue Stabilization Reserve
 4. Estimated cost of the Environmental Safety Professional Services Contract to hire a COVID Safety Officer (\$61,600)

Attachment A – the Budget Adjustment Summary reflects this direction by listing the cost of the Environmental Safety Professional Services Contract (\$61,600) and the remaining \$2,606,600 (\$2,668,200 less the \$61,600) in the new COVID-19 Reserve. The use of \$2,668,200 from the Revenue Stabilization Reserve to create the COVID-19 Reserve will reduce the balance in this reserve from \$3,662,632 to \$954,432, but this transaction is not an appropriation change because it is an adjustment funded from existing reserves, which the City appropriates as part of the biennial budget.

Capital Funds

The following items adjust appropriations in the Capital Projects funds based on Council approvals since December 2019:

- Fee-in-Lieu (FIL) Revenue from Kirkland Urban South developer rental of park space for site access (\$147,676)
 - GGC1100000 – Fire 27 Station Roof Replacement (\$153,000)
 - PKC1390200 – Reduction of Grant Revenue for Totem Lake Park (\$325,000)
 - NMC0860000 – PSRC grant for Totem Lake Connector Bridge (\$1,535,000)
- ***Housekeeping Items*** – Necessary adjustments to budget accounts, fund balances, etc. Major adjustments in this category include:
 - Appropriation Adjustments to recognize additional revenue in the General Fund:
 - King County Emergency Medical Service (KCEMS) Basic Life Support (BLS) Grant update – Actual allocations higher than budget (\$75,495)
 - 19CM07 Correction - Port of Seattle (\$65,000), King Co. Libraries (\$18,000)
 - Emergency Management Preparedness Grant (EMPG) – (\$48,617)
 - Impact Fees Fund:
 - Transportation Impact Fee Reserve Balancing (\$600,000)
 - Parks Impact Fee recognize new revenue (\$400,000)
 - Real Estate Excise Tax Fund (REET):
 - REET 1 recognize new revenue in 2019 (\$2,300,000)
 - REET 2 recognize new revenue in 2019 (\$2,300,000)
 - As outlined in the CIP study session memo, these REET funds are being reserved for the Station 27 acquisition interfund loan repayment should there be no successful ballot measure. If there is a successful ballot measure, staff will return to the Council with options to reinvest these REET funds in the first quarter of 2021.
 - New Grant Funding for 132nd Square Park Surface Water Retrofits - SDC1070000 (\$226,700)

ADMINISTRATIVE MANAGEMENT OF EXPENSES IN RESPONSE TO COVID-19 ECONOMIC IMPACTS

Staff has been directed by the City Manager to restrict spending in response to the COVID-19 shutdowns and related economic recession in 2020. These steps include the restriction of professional services, travel, hiring freezes of select vacancies, a Voluntary Separation Incentive Program (VSIP) and other tools outlined in the May 29th, 2020 Council Retreat. These are administrative actions that do not require budget adjustments.

SUMMARY

The budget is adopted at the fund level which sets the total expenditure authority for the biennium for each fund. A summary of the adjustments and 2019-2020 revised budget by fund type is included in the following table:

Fund Type	2019-2020 Current Budget	Appropriation Adjustments	2019-2020 Amended Budget
General Government:			
General Fund	263,233,267	4,580,631	267,813,898
Other Operating Funds	239,958,815	7,466,419	247,425,234
Internal Funds	80,720,292	93,685	80,813,977
Non-Operating Funds	66,807,976	5,600,000	72,407,976
Utilities Funds:			
Water/Sewer	113,687,058	31,500	113,718,558
Surface Water	54,660,638	245,800	54,906,438
Solid Waste	39,108,580	-	39,108,580
Total Budget	858,176,626	18,018,035	876,194,661

The final opportunity to adjust the 2019-2020 Biennial Budget is at the Council Meeting on December 8, 2020.

The attached ordinance O-4730 adopts the revised 2019-2020 Budget as proposed by the City Manager.

City of Kirkland
2019-2020 Budget
2020 Mid-Year Budget Adjustment Summary

Adjustment Type	Dept.	Description	Adjustments	Appropriation Adjustment	Funding Source				Funding Source/Notes
					Internal Transf./Chrg.	Reserves/Fund Balance	Debt	External Revenue	
General Fund (010)									
Council & Other	CM	Fiscal Note -- KDA: Self-Watering Flower Pots	3,000			3,000			Council Special Projects Reserve
Housekeeping	CM	Volunteer Coordinator .25 FTE Increase MSP	7,254		7,254				Economic Development: Position 19 (Vacant)
Council & Other	CM	Kirkland Fire & EMS Measures Survey	35,000			35,000			Council Special Projects Reserve
Housekeeping	PK	Wages for .5 Aquatics Coordinator	(25,009)		(25,009)				Correction - move to 128 fund
Housekeeping	PK	Benefits for .5 Aquatics Coordinator	(51,682)		(51,682)				Correction - move to 128 fund
Housekeeping	CM	19CM07 Correction - Port of Seattle	65,000	65,000	65,000				Regional Economic Development Grant
Housekeeping	CM	19CM07 Correction - King Co. Library Grant	18,000	18,000	18,000				Regional Economic Development Grant
Housekeeping	PW	Intrafund: Development Laptops for COVID WFH	18,975			18,975			Dev. Svcs. Technology Reserve
Housekeeping	ND	Affordable housing fee in-lieu - pass thru payment to Bellevue	326,765					326,765	
Housekeeping	PK	Return Settlement Funds from Juanita Beach Project to GF	150,000	150,000	150,000				From PKC1190100.
Council & Other	PK	Returning funds from Juanita Beach Project to GF	366,000	366,000	366,000				From PKC1190300.
Council & Other	FD	Environmental Safety Prof Services Contract - CARES Act	61,600	61,600				61,600	Portion of CARES Act Funding (balance below)
Council & Other	ND	CARES Act Funding Allocation	2,606,600	2,606,600				2,606,600	CARES Act Funding (total allocation \$2,668,200)
Council & Other	ND	Authorize Use of Revenue Stabilization Reserve for COVID-19 Response	2,668,200			2,668,200			Establish COVID-19 Reserve
Housekeeping	PW	Eastrail Partners Funding and Service Agreement	9,299	9,299				9,299	
Housekeeping	FD	Emergency Management Preparedness Grant (EMPG)	48,617	48,617				48,617	FY 2019 Award
Housekeeping	FD	KCEMS BLS Grant update - Actual allocations	75,495	75,495				75,495	KCEMS BLS Allocations for Core Svcs, Training
Council & Other	PD	Police Commissioned 2020 Contract Settlement Adjustments	700,646			700,646			Undist. Personnel Cost Rsv / Working Capital
Council & Other	PD	Police Lieutenants 2020 Contract Settlement Adjustments	69,878			69,878			Undist. Personnel Cost Rsv.
Housekeeping	PB	Temp Assistant Planner (MSP)	148,264		104,218	44,046			Dev. Svcs Reserve/Salary Savings
Housekeeping	PW	Extend Temp Transp. Program Coordinator (MSP)	62,871	31,436		31,436		31,436	Dev. Eng. Reserve/King County Metro
Housekeeping	FA	Extend Temp CAA-BL .75 FTE (MSP)	38,971	38,971				38,971	False Alarm Program & Business License Rev
Housekeeping	PK	Extend Innovation Intern (MSP)	2,430		2,430				Salary Savings
Housekeeping	PD	Extend Innovation Intern (MSP)	9,500		6,621			2,879	State Work Study/Salary Savings
Housekeeping	PW	Extend Temp Transp. Program Engineer (MSP)	23,748			23,748			Dev. Eng. Reserve
Housekeeping	PB	Temp Admin Supervisor Increase 0.15 FTE (MSP)	3,832			3,832			Dev. Svcs. Tech. Reserve
Housekeeping	FI	Asst Fire Marshall Over Hire (MSP)	6,156			6,156			GF Working Capital
Council & Other	PW	Leasehold Excise Tax Receipts - Kirkland Urban South developer rental	18,962	18,962				18,962	Leasehold Excise Tax Receipt from Developer
Council & Other	CM	Recognize 2020 Rental Revenues from Dental Office	160,000	160,000				160,000	Rental Revenue from 13118 121st Way NE
Council & Other	CM	COVID-19 Stabilization of Human Services Grantees	265,000	265,000				265,000	2019 Sales Tax Revenues above budget
Council & Other	ND	Transfer to ARCH - Sale of 13213 100th Place NE property	209,777	209,777				209,777	Sale of 13213 100th Place NE property
Council & Other	ND	Reimbursement of fund balance	83,842	83,842				83,842	Sale of 13213 100th Place NE property
Council & Other	ND	Transfer to Kirkland Small Business Relief Fund	30,000			30,000			Council Special Projects Reserve
Council & Other	ND	Return Emergency Generator Project Funds (PSC0800000)	102,032	102,032	102,032				'20 Fiscal Gap - returning GF funds (310 fund)
Council & Other	PW	RGRL Return to General Fund	270,000	270,000	270,000				'20 Fiscal Gap - from Street Pres. (320 fund)
General Fund Total			8,589,023	4,580,631	1,014,864	3,644,216	-	3,929,944	
OTHER FUNDS									
Parks Levy Fund (128)									
Housekeeping	PK	Wages for .5 Aquatics Coordinator	25,009			25,009			Budget Correction
Housekeeping	PK	Benefits for .5 Aquatics Coordinator	51,682			51,682			Budget Correction
Parks Levy Fund			76,691	-	-	76,691	-	-	

Adjustment Type	Dept.	Description	Adjustments	Appropriation Adjustment	Funding Source				Funding Source/Notes
					Internal Transf./Chrg.	Reserves/Fund Balance	Debt	External Revenue	
Impact Fees Fund (156)									
Housekeeping	ND	Parks Impact Fee recognize new revenue	400,000	400,000				400,000	CIP Update/Correction to Reserve Balancing
Housekeeping	ND	Transportation Impact Fee Reserve Balancing	600,000	600,000				600,000	CIP Update/Correction to Reserve Balancing
Impact Fees Fund Total			1,000,000	1,000,000	-	-	-	1,000,000	
Real Estate Excise Tax Fund (190)									
Housekeeping	ND	REET 1 recognize new revenue (2019)	2,300,000	2,300,000				2,300,000	CIP Update/Correction to Reserve Balancing
Housekeeping	ND	REET 2 recognize new revenue (2019)	2,300,000	2,300,000				2,300,000	CIP Update/Correction to Reserve Balancing
Real Estate Excise Tax Fund Total			4,600,000	4,600,000	-	-	-	4,600,000	
General Capital Projects Fund (310)									
Housekeeping	PK	Transfer in for Park Project Funding - from GF	208,311	208,311	208,311				Correction from 12/10/2019 Adj.
Council & Other	PK	Transfer Settlement Funds from Juanita Beach Project to GF	150,000		150,000				
Council & Other	PK	Transfer of General fund cash from Juanita Beach Project to GF	366,000		366,000				
Housekeeping	ND	Parks Impact Fee transfer for capital projects	400,000	400,000	400,000				
Housekeeping	ND	REET 1 transfer for capital projects	2,300,000	2,300,000	2,300,000				
Housekeeping	PW	SW fee-in-lieu (FIL) receipt from Village at Totem Lake Park	20,000	20,000				20,000	FIL from Village at Totem Lake Park
Council & Other	PK	Fee-in-lieu (FIL) Revenue from Kirkland Urban South developer rental of par	147,676	147,676				147,676	FIL from Kirkland Urban South developer
Council & Other	CM	Fire 27 Station Roof Replacement (GGC1100000)	153,000	153,000	153,000				Transfer from GEMT Revenues
Council & Other	PW	Reduction of Grant Revenue for Totem Lake Park (PKC1390200)	(325,000)	(325,000)				(325,000)	Correction
Housekeeping	IT	IT Project Redistribution	104,400		104,400				
General Capital Projects Fund Total			3,524,387	2,903,987	3,681,711	-	-	(157,324)	
Transportation Capital Projects Fund (320)									
Housekeeping	ND	Transportation Impact Fee transfer for capital projects	600,000	600,000	600,000				CIP Update
Housekeeping	ND	REET 2 transfer for capital projects	2,300,000	2,300,000	2,300,000				CIP Update/Correction to Reserve Balancing
Council & Other	PW	Design & Construction of RRFB Crosswalk (NMC0062100)	123,157	123,157	123,157				GF School Safety Zone Camera Program
Council & Other	PW	Totem Lake Connector Federal Grant (Construction Phase)	1,535,000	1,535,000				1,535,000	PSRC 2020 Contingency Funding Award
Council & Other	PW	Final TIB Grant Receipt Balancing for TRC0920000	(81,225)	(81,225)				(81,225)	Correction
Council & Other	PW	Developer Fee in Lieu - 100th Ave Rd Corridor Improvements	85,500	85,500				85,500	STC0831100
Transportation Capital Projects Fund			4,562,432	4,562,432	3,023,157	-	-	1,539,275	
Water/Sewer Utility Operating Fund (411)									
Housekeeping	PW	Temp Program Assistant (MSP)	89,889	31,500	36,000		22,389	31,500	Cascade Water Alliance External Funding
Water/Sewer Utility Operating Fund Total			89,889	31,500	36,000		22,389	31,500	
Water/Sewer Capital Fund (413)									
Council & Other	PW	108th Watermain - WAC0520000	1,096,975		1,096,975				108th Watermain/Sewermain rebalance
Council & Other	PW	108th Sewermain - SSC0520000	(1,096,975)		(1,096,975)				108th Watermain/Sewermain rebalance
Water/Sewer Capital Fund Total			-	-	-	-	-	-	

Adjustment Type	Dept.	Description	Adjustments	Appropriation Adjustment	Funding Source				Funding Source/Notes
					Internal Transf./Chrg.	Reserves/Fund Balance	Debt	External Revenue	
Surface Water Operating Fund (421)									
Housekeeping	PW	Rate Correction for Dept of Ecology SW Permits	11,156			11,156			
Housekeeping	PW	Dept of Ecology Spill Equipment Grant	19,100	19,100				19,100	Dept of Ecology
Surface Water Operating Fund Total			30,256	19,100	-	11,156	-	19,100	
Surface Water Capital Fund (423)									
Housekeeping	PW	New Grant Funding for SDC10700	226,700	226,700				226,700	CIP Update
Council & Other	PW	Cedar Creek Culvert Replacement (SDC1240000)	99,370			99,370			Surface Water Construction Reserves Use
Surface Water Capital Fund Total			326,070	226,700	-	99,370	-	226,700	
Solid Waste Fund (431)									
Housekeeping	PW	Reclass Recycling Programs Coordinator (MSP)	7,411			7,411			
Solid Waste Fund Total (431)			7,411	-	-	7,411	-	-	
Information Technology Fund (522)									
Housekeeping	IT	Geographic Information Systems (GIS) Staffing	80,000	80,000	80,000				ORG: 421+521 to OBJECT: 397101
Housekeeping	IT	Extend Sr. Apps Analyst (MSP)	85,380			85,380			19IT02 Service Package
Housekeeping	IT	IT Intern Extension (MSP)	3,184		3,184				IT operating budget for computer hardware
Housekeeping	IT	Extend Temp Design Specialist (MSP)	25,439	13,685	13,685	11,754			Police SP 19PD06/IT Salary Savings
Information Technology Fund Total			194,003	93,685	96,869	97,134	-	-	
TOTAL OTHER FUNDS			14,411,139	13,437,404	6,837,737	314,151	-	7,259,251	
TOTAL ALL FUNDS			23,000,162	18,018,035	7,852,601	3,958,367	-	11,189,195	

ORDINANCE O-4730

AN ORDINANCE OF THE CITY OF KIRKLAND AMENDING THE BIENNIAL BUDGET FOR 2019-2020.

1 WHEREAS, the City Council finds that the proposed adjustments to the
 2 Biennial Budget for 2019-2020 reflect revenues and expenditures that are
 3 intended to ensure the provision of vital municipal services at acceptable levels;
 4

5 NOW, THEREFORE, the City Council of the City of Kirkland do ordain
 6 as follows:
 7

8 Section 1. The June 2020 adjustments to the Biennial Budget of the
 9 City of Kirkland for 2019-2020 are hereby adopted.
 10

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

Funds	Current Budget	Adjustments	Revised Budget
General	263,233,267	4,580,631	267,813,898
Lodging Tax	1,045,558		1,045,558
Street Operating	23,468,557		23,468,557
Cemetery Operating	1,153,586		1,153,586
Parks Maintenance	3,719,806		3,719,806
Park Levy	7,717,789		7,717,789
Contingency	6,292,477		6,292,477
Impact Fees	15,284,539	1,000,000	16,284,539
Excise Tax Capital Improvement	32,794,862	4,600,000	37,394,862
Limited General Obligation Bonds	9,515,637		9,515,637
Unlimited General Obligation Bonds	1,431,110		1,431,110
General Capital Projects	79,910,851	2,903,987	82,814,838
Transportation Capital Projects	122,942,668	4,562,432	127,505,100
Water/Sewer Operating	74,804,920	31,500	74,836,420
Water/Sewer Debt Service	923,742		923,742
Utility Capital Projects	37,958,396		37,958,396
Surface Water Management	29,895,047	19,100	29,914,147
Surface Water Capital Projects	24,765,591	226,700	24,992,291
Solid Waste	39,108,580		39,108,580
Health Benefits	20,147,917		20,147,917
Equipment Rental	27,679,222		27,679,222
Information Technology	16,786,919	93,685	16,880,604
Facilities Maintenance	16,106,234		16,106,234
Firefighter's Pension	1,489,351		1,489,351
Total All Funds	858,176,626	18,018,035	876,194,661

14 Section 3. This ordinance shall be in force and effect five days from
 15 and after its passage by the Kirkland City Council and publication pursuant to
 16 Section 1.08.017, Kirkland Municipal Code in the summary form attached to the
 17 original of this ordinance and by this reference approved by the City Council.
 18

19 Passed by majority vote of the Kirkland City Council in open meeting
20 this 16th day of June, 2020.

21
22 Signed in authentication thereof this 16th day of June, 2020.

Penny Sweet, Mayor

Attest:

Kathi Anderson, City Clerk

Approved as to Form:

Kevin Raymond, City Attorney

PUBLICATION SUMMARY
OF ORDINANCE NO. 4730

AN ORDINANCE OF THE CITY OF KIRKLAND AMENDING THE BIENNIAL BUDGET FOR 2019-2020.

SECTION 1. Adjusts the 2019-2020 Biennial Budget of the City of Kirkland.

SECTION 2. Sets forth, in summary form, the totals of estimated revenues and appropriations for each separate fund and the aggregate totals for all such funds combined.

SECTION 3. Provides a severability clause for the ordinance.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the _____ day of _____, 2020.

I certify that the foregoing is a summary of Ordinance 4730 approved by the Kirkland City Council for summary publication.

Kathi Anderson, City Clerk



CITY OF KIRKLAND
City Manager's Office
 123 Fifth Avenue, Kirkland, WA 98033 425.587.3001
 www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Joe Sanford, Fire Chief
 Andreama Campbell, Management Analyst

Date: June 4, 2020

Subject: POTENTIAL FIRE AND EMERGENCY MEDICAL SERVICES BALLOT MEASURE DRAFT ORDINANCE OPTIONS, DRAFT BALLOT TITLE LANGUAGE, AND FINAL RECOMMENDATION REVIEW TEAM UPDATE.

BACKGROUND

At their May 19 meeting, Council received an update of estimated project and staffing costs from the Recommendation Review Team (RRT), and survey results from two Fire and Emergency Medical Services (EMS) surveys. The RRT estimated a \$9 million-dollar increase in capital costs and a \$500 thousand-dollar annual increase in operating costs. The overall combined total increased from \$0.225/\$1,000 of assessed valuation (AV) to \$0.268/\$1,000AV and \$164 dollars to \$195 dollars annually for the median-valued home.

As mentioned during the presentation of the May 19 Council meeting, the RRT has begun identifying whether some of the permitting and environmental costs for the capital projects are due to City codes or policies that the City has discretion to change. With this analysis, staff has identified savings in capital costs of \$2.2 million dollars. This brings the new and final RRT estimated capital costs from \$67 million dollars to \$65 million dollars and lowers the overall total from \$0.268/\$1,000AV to \$0.264/\$1,000AV and \$195 to \$192 dollars annually. The chart below shows the original ComSAG estimate of the investments they recommended, compared to the latest estimates from the RRT.

ComSAG RECOMMENDATION				
	Total	Annual Cost	Rate	Median Home
Capital	\$58,017,000	\$3,200,000	\$0.10133	\$73.97
Operating	\$3,900,000	\$3,900,000	\$0.12380	\$90.37
Total		\$7,100,000	\$0.22513	\$164.34
FINAL RECOMMENDATION REVIEW TEAM ESTIMATES				
	Total	Annual Cost	Rate	Median Home
Capital	\$64,900,000	\$3,580,000	\$0.12283	\$89.69
Operating	\$4,410,000	\$4,410,000	\$0.14161	\$102.21
Total		\$7,990,000	\$0.26444	\$191.90

Also, at the May 19 meeting, the Council received the results of two Fire and EMS surveys. The first was a statistically valid telephone survey conducted by EMC Research that soft-launched April 21 and was in the field

through April 28 and received 400 responses. The second was the City’s online version of EMC Research’s survey that was in the field from May 6 through May 15 and received 418 responses.

The final RRT cost estimates are below \$200/year. However, after receiving the results of the two surveys, considering the uncertain financial impacts of COVID-19, Council directed staff to bring back two options for Council consideration:

- Option 1) A bond measure and a levy measure that together do not exceed the original ComSAG recommendation cost of \$0.225/1000AV
- Option 2) A single combined measure to fund both operating and capital ballot measure elements keeping the overall cost at or below the ComSAG’s original recommendation of \$0.225/\$1,000AV.

RECOMMENDATION

Following Council’s request to keep estimated costs as close to the ComSAG’s original \$0.225/\$1,000AV, the City Manager has developed recommendations for which elements to prioritize for the ballot and which to defer to future years. Staff prioritized elements based on:

- Improved response time and firefighter health and safety;
- The ComSAG’s element prioritization;
- Kirkland Fire Department review of near-term needs versus longer-term investments;
- Support for each element on EMC Research’s statistically valid telephone survey;
- Support for each element on the City’s online version of the statistically valid survey;

Because a successful ballot measure is required to secure any of these elements, the perceived importance both with the ComSAG and the community at large, was a key criterion in the final decision making.

Ultimately, staff recommends deferring the training building near new station 24, the second ladder truck, and the 12-hour EMS transport (4 firefighter/EMTs). These elements have value and should be revisited in the future. Deferring these three elements in the two measure (bond and levy) option actually comes in slightly below the ComSAG threshold at \$0.21251. Below is the list of elements staff is recommending be included in both the single measure option and two-measure option.

Capital Elements	
Juanita Station 27 design, build, and relocate east of I-405	\$28,500,000
Houghton Station 22 renovation and modernization	\$9,600,000
Forbes Creek Station 21 renovation and modernization	\$6,100,000
N. Rose Hill Station 26 renovation and modernization	\$8,400,000
Temporary Fire Station Facility	\$3,200,000
Total	\$55,800,000
Operating Elements	FF/EMTS
Dedicated Aid Car at Fire Station 22 in Houghton	10
Cross staff new Station 24 in N. Juanita	5
Additional Firefighter/EMT	5
New Facilities Operating Costs	

This updated list decreases the total capital estimate from \$64.9 million dollars to \$55.8 million dollars and decrease the operating estimate from \$4.4 million dollars to \$3.6 million dollars.

The chart below shows the comparison of the original ComSAG estimates to the final RRT estimates subtracting out the recommended deferred elements. The annual costs assume a median home value of \$730,000 determined by the King County Assessor’s Office for 2020.

ComSAG RECOMMENDATION				
	Total	Annual Cost	Rate	Median Home
Capital	\$58,000,000	\$3,200,000	\$0.10133	\$73.97
Operating	\$3,900,000	\$3,900,000	\$0.12380	\$90.37
Total		\$7,100,000	\$0.22513	\$164.34
REPRIORITIZATION AND FINAL ESTIMATES				
	Total	Annual Cost	Rate	Median Home
Capital	\$55,800,000	\$3,000,000	\$0.09686	\$70.71
Operating	\$3,600,000	\$3,600,000	\$0.11565	\$84.43
Total		\$6,600,000	\$0.21251	\$155.14

DRAFT ORDINANCES:

Staff has provided draft ordinances supporting both Council requested options.

- For the “Bond and Levy” option, a 30-year bond ordinance for capital investments is included as Attachment A, and a permanent levy to fund operating investments included as Attachment B.
- For the “Combined Measure” option, both capital and operating investments are funded with a permanent levy included as Attachment C.

The “combined measure” option would be set equal to the ComSAG original recommended estimate of \$0.225/\$1,000AV and \$164.34 annually for a median home. This recommendation is shown in the chart below. The combined measure still dedicates \$0.11565/\$1,000AV to hiring 20 firefighter/EMTs and ongoing operations and maintenance. Staff recommends dedicating the remaining \$0.01249 to capital as it will be difficult to bond for capital facilities since it would be a permanent levy requiring only 50% voter approval. The additional \$0.01249 would generate \$390,000 each year. Every dollar will count to accomplish building new Fire Station 27 and renovating Station 22 by the 2023 target year.

REPRIORITIZATION AND FINAL ESTIMATES				
	Total	Annual Cost	Rate	Median Home
Capital	\$55,800,000	\$3,000,000	\$0.09686	\$70.71
Operating	\$3,600,000	\$3,600,000	\$0.11565	\$84.43
Total		\$6,600,000	\$0.21251	\$155.14
REPRIORITIZATION AND FINAL ESTIMATES				
	Cost	Annual Revenue	Tax Rate	Median Home
Capital	\$55,800,000	\$3,390,000	\$0.10935	\$79.82
Operating	\$3,600,000	\$3,600,000	\$0.11565	\$84.43
Total		\$6,990,000	\$0.22500	\$164.25

BALLOT OPTION #1 "Bond and Levy":

In ballot option #1, the chart shows the impact if the Council were to place to separate measures on the ballot, one 30-year capital bond and one permanent levy.

With voter approval, the City may issue unlimited tax general obligation bonds – also known as UTGO bonds – for capital purposes (see RCW 84.52.056 and article VII, section 2(b) of the state constitution). Once the bond has been approved and issued, it is repaid through annual excess levies for the duration of the bond, which in this case would be 30 years. When the bonds are paid off, the excess levy expires and is no longer included in taxpayers’ property taxes. Approval of an excess levy requires a 60% approval rate and “validation” which indicates that at least 50% of the voters that voted in the most recent general election also vote for the measure.

The advantage of a UTGO bond is that excess levies provide a stable revenue stream to repay debt. They are automatically sized to pay the principal and interest on the bonds, and as soon as the debt has been repaid, the excess levies cease. Furthermore, they are not subject to the 1% annual levy lid limit like permanent or multi-year levies are, and each year the levy amount is calculated according to the length of the obligation and the associated amortization schedule prepared at the time of the bond sale. The downside of UTGO bonds is that they do require a higher voter approval threshold at 60% and can only be used for capital investments.

Also included in ballot option #1 is a second measure to fund staffing and operating costs with a permanent levy. A permanent levy lid lift increases the annual property tax levy by the amount requested (in this case, \$0.115/\$1,000AV). After the first year, the levy is subject to the one percent property tax levy limitation.

The advantage of the permanent levy lid lift is that the measure never expires, and the levy lid never reverts. The levy lid lift also requires a lower voter approval threshold than the capital bond, of 50% plus 1 vote. However, the downside of permanent single-year lid lifts is that future annual increases may not exceed 1% without going to the voters for another lid lift. This means at some point in the future the purchasing power of the additional 1% becomes less as inflation increases.

BALLOT OPTION #1 – Two Measures					
Capital Elements		Sequenced Cost	Debt Service	Tax Rate/ \$1,000AV	Annual Impact to Median-Valued Home
30-year Capital Bond		\$55,800,000	\$3,000,000	\$0.09686	\$70.71
Operating Elements	FF/ EMTS	Cost in 2021	Annual Cost	Tax Rate/ \$1,000AV	Annual Impact to Median-Valued Home
Perm. Operating Levy	20	\$3,600,000	\$3,600,000	\$0.11565	\$84.43
Total			\$6,600,000	\$0.21251	\$155.14

BALLOT OPTION #2 "Combined Measure":

For ballot option #2, the Council would place only one combined measure on the ballot. The measure would be a permanent levy to fund both capital and operating investments. This option does not generate the \$55.8 million in capital in the first year like the capital bond. In order to avoid a levy increase beyond \$0.225/\$1,000AV, a "pay-as-you-go" (PAYG) option keeps costs nearly identical to the two-measure option. The tradeoff of PAYG is that the revenue will be generated slowly over time, meaning it will take longer for the City to complete the entirety of the suggested capital projects. Ultimately, this option allows the City the possibility of completing all capital projects in the future because it provides a permanent, dedicated ongoing revenue source. The combined measure can also change the balance of capital and operating over time, with more of the revenue shifting to support staffing levels should future Councils choose to do so.

To address the slower influx of revenue, staff would work with the Finance Department, Bond Counsel, and the City Attorney's Office to bring creative recommendations to the Council that would allow the City to complete Stations 27 and 22 in the first three years of the permanent levy. Again, the focus is on those two stations as they are the most expensive and as the two busiest stations, their investments provide the greatest improvements to response times and firefighter health and safety.

In this PAYG option, staff worked with bond Counsel to structure a levy that utilizes the entirety of the \$0.225/\$1,000AV threshold, generating \$3.39 million dollars a year for capital and \$3.6 million dollars a year for operating. This would allow the City to fund all elements listed in the chart on page 2 and provide the option for completing the training building and other capital projects in the future. Ballot option #2 provides the Council the possibility of bringing a measure to the ballot that affordably achieves the same goal of the two-measure approach while needing only a 50%+1 voter-approval threshold.

BALLOT OPTION #2 – One Measure				
Capital & Operating Elements	FF/EMTS	Annual Revenue Generated	Tax Rate/ \$1,000AV	Annual Impact to Median-Valued Home
Capital		\$3,390,000	\$0.10935	\$79.82
Operating	20	\$3,600,000	\$0.11565	\$84.43
One Permanent PAYG Levy	20	\$6,990,000	\$0.22500	\$164.25

CONSIDERATIONS:

There are tradeoffs within and across each approach. The chart on the next page outlines the tradeoffs of placing one PAYG permanent levy to fund capital and operating investments on the ballot versus placing one 30-year bond to fund capital costs and one permanent levy to fund operating costs on the ballot. Highlights represent the same tradeoffs across both options.

Financing	Pro	Con
Ballot Option #1: One Capital Bond AND One Perm. Levy	<ul style="list-style-type: none"> If either measure passes, or there is a net gain for the Fire Dept and residents. Bonding for capital allows projects to be completed sooner. Increases in taxes from the bond cease after 30 years. Levy requires a lower voter threshold than the bond. The levy is a non-expiring resource for annual operating and maintenance costs 	<ul style="list-style-type: none"> Capital requires 60% voter approval. Capital projects not included in the original measure will not be built in the future through the revenue generated with this. Levy is limited to a 1% increase/year and loses purchasing power over time.
Ballot Option #2: PAYG Perm. Levy	<ul style="list-style-type: none"> Levy requires a lower voter approval threshold (50%+1) to pass. Only one vote required to approve capital and staffing elements. Non-expiring resource for annual operating and maintenance costs. Once capital projects are complete, the entire generated revenue can be used toward ongoing operating and maintenance costs. AND/OR Capital projects can still be considered in the future as this measure would have permanent dedicated funding for capital. 	<ul style="list-style-type: none"> Limited to a 1% increase/year and loses purchasing power over time. Capital projects will take longer to accomplish. Increase in taxes never cease, even after capital projects are complete.

DRAFT BALLOT TITLE EXEMPTION LANGUAGE:

At the May 19 meeting, Council evaluated incorporating RCW 84.36.381 into the language of the levy lid lift ordinance, whether one measure or two. This RCW allows certain senior citizens, disabled veterans, and other people with disabilities to apply for exemptions from the tax increase. The language must be written into the the levy lid lift ballot measure title in order for citizens to be able to apply. Currently as written, it adds eleven words to the seventy-five-word limit. However, it does not need to be written into the language of the bond title for citizens to apply. As a reminder, RCW 84.38.030 which provides a property tax *deferral* for certain senior citizens, disabled veterans, and other people with disabilities, is available to citizens to apply to without having the RCW written into the language of either ballot title.

Staff has provided Council with the financial impact of including RCW 84.36.381. Since the revenue needed in both options is less, so has the impact of RCW 84.36.381. Below shows the new estimated impact.

	Kirkland's AV	Capital Rate/\$1000	Operating Rate/\$1000	Ann. Cap. Impact	Ann. Op. Impact
Impact of RCW	(\$364,090,648)	\$0.0011	\$0.0013	\$0.84	\$0.97

*The RRT Final Estimate does not include training building option B, a second ladder truck, or a 12-hour EMS transport.

Including the exempt properties decreases Kirkland's overall assessed valuation by roughly \$364,000,000. This has an impact of about an additional tenth of a penny on the bond and a tenth and a third of a penny on the levy. This adds an additional \$0.84 per year on the bond and \$0.97 per year on the levy. Since the annual revenue generated in the single PAYG option is the same as the combined total of the annual debt service and generated revenue for the two-measure option, the RCW impact is equal for all options.

With these parameters in mind, staff has worked with the City Attorney's Office and the City Manager to begin drafting three ballot measure titles. Tonight, staff is asking for Council's feedback on:

- Which ballot measure option to carry forward into July;
- Whether to include the RCW 84.36.381 exemption language.

The exemption language is currently written into the ballot title of the Option 1 levy lid lift (Attachment B) and the ballot title of the Option 2 levy lid lift (Attachment C) draft ordinances.

NEXT STEPS:

At the March 17 meeting, Council received a preliminary update on the ComSAG's recommendation. At the April 7 meeting, Council received the full report along with the final fire and EMS community survey questions incorporating Council's feedback. At the April 21 meeting, Council accepted the ComSAG report by adopting Resolution R-5413. On May 19 staff received Council's feedback and direction after being presented the survey results from both EMC Research and the City's online version of the survey.

At the June 16 meeting, staff will be previewing draft ordinances and draft ballot title language for the Council. Preliminary ballot title language for both options is below. After Council has decided which option they would like to move forward to July, staff will continue working with the City Attorney's Office and Bond Counsel to refine the next iteration of the authorizing ordinances and optimize ballot titles. Discussion of ballot titles will occur at the July 7 meeting. The Council must act by July 21st to place measures on the November ballots.

Option 1 "Bond and Levy" Draft Ballot Titles

CITY OF KIRKLAND PROPOSITION NO. 1
GENERAL OBLIGATION BONDS
FIRE STATION AND PUBLIC SAFETY IMPROVEMENTS

The City Council of the City of Kirkland adopted Ordinance _____ concerning a proposition for fire and EMS. This proposition authorizes the City to construct and equip a fire station; renovate and modernize existing fire stations; improve firefighter/EMT health and safety; improve response times throughout the City; and issue up to \$56,000,000 of general obligation bonds maturing within a maximum of 30 years to finance such projects; and levy annual excess property taxes to repay the bonds, as provided in Ordinance _____.

CITY OF KIRKLAND PROPOSITION NO. 1
LEVY LID LIFT FOR
FIRE AND EMERGENCY MEDICAL SERVICES AND OPERATIONS

The City Council of the City of Kirkland adopted Ordinance _____ concerning funding for fire and emergency medical services. This proposition would provide funding for fire and EMS, including stockpiling Personal Protection Equipment, hiring additional firefighter/Emergency Medical Technicians, acquiring equipment, improving facilities and response times by increasing the City's regular property tax by \$0.11565/\$1,000 to a maximum rate of \$_____/ \$1,000 of assessed valuation for collection in 2021. The 2021 levy amount will be used as the basis to calculate subsequent levies, consistent with RCW 84.55. Seniors and other individuals qualifying under RCW 84.36 would be exempt.

Option 2 “Combined Measure” Draft Ballot Title

CITY OF KIRKLAND PROPOSITION NO. 1 LEVY LID LIFT FOR FIRE AND EMERGENCY MEDICAL SERVICES AND OPERATIONS

The City Council of the City of Kirkland adopted Ordinance _____ concerning funding for fire and emergency medical services. This proposition would provide funding for fire and EMS, including stockpiling Personal Protection Equipment, hiring additional firefighter/Emergency Medical Technicians, constructing and equipping a fire station, improving existing facilities and response times by increasing the City’s regular property tax by \$0.22500/\$1,000 to a maximum rate of \$1.22500/\$1,000 of assessed valuation for collection in 2021. The 2021 levy amount will be used as the basis to calculate subsequent levies, consistent with RCW 84.55. Seniors and other individuals qualifying under RCW 84.36 would be exempt.

At the June 16 meeting, staff will seek authorization for the recruitment of both pro and con committees.

Calendar	Item
April 21	Council Adopted Resolution R-5413 Accepting Final ComSAG Report
April 22	EMC Research to Begin the Fire/EMS Community Survey
May	Staff to Receive Top Line Results from Survey
May 19	Council Received Survey Responses
June 16	Staff to Bring Draft Ordinance(s) and Draft Ballot Title Language to Council
June 16	Authorize Recruitment for Ballot Measure Voter Pamphlet Statement Pro/Con Committees
June 30	Deadline for Statements of Interest for Pro/Con Committee appointment
July 7	Staff to Bring Further Refined Draft Ordinance(s) and Ballot Title Language to Council for review
July 7	Appointment of Ballot Measure Voter Pamphlet Statement Pro/Con Committees
July 7 or 21	Public Hearing on Proposed Ballot Measure Ordinances
July 21	Last Council Meeting to Adopt Ballot Measure Ordinances
August 4	Pro/Con Committee notice of appt due to King County Elections
August 4	Ballot Measure Resolution due to King County Elections
August 7	Explanatory Statement due to King County Elections
August 11	Pro/Con Statements due to King County Elections
November 3	General Election

ORDINANCE O-4728

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KIRKLAND, WASHINGTON, PROVIDING FOR THE FORM OF THE BALLOT PROPOSITION AND SPECIFYING CERTAIN OTHER DETAILS CONCERNING SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY AT A SPECIAL ELECTION TO BE HELD THEREIN ON NOVEMBER 3, 2020, OF A PROPOSITION FOR THE ISSUANCE OF ITS GENERAL OBLIGATION BONDS IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$56,000,000, OR SO MUCH THEREOF AS MAY BE ISSUED UNDER THE LAWS GOVERNING THE INDEBTEDNESS OF CITIES FOR THE PURPOSE OF PROVIDING FUNDS TO FINANCE THE CONSTRUCTION OF A NEW FIRE STATION, MODERNIZATION AND RENOVATIONS TO EXISTING FIRE STATIONS, AND OTHER PUBLIC HEALTH AND SAFETY IMPROVEMENTS, AND LEVY EXCESS PROPERTY TAXES TO PAY THE BONDS.

1 WHEREAS, in 2011, the City Council (the "Council") of the City
2 of Kirkland (the "City") engaged the services of Emergency Services
3 Consulting International ("ESCI") to conduct an organizational review of
4 the City Fire Department; and
5

6 WHEREAS, since 2012, Fire Department staff has worked with
7 other City departments and the City Manager's Office to implement
8 certain ESCI recommendations, including through the budget process;
9 and
10

11 WHEREAS, the Council completed a Fire Strategic Plan in 2012
12 to identify needed investments in staffing, equipment and technology to
13 provide for better response times for fire and Emergency Medical
14 Services ("EMS"); and
15

16 WHEREAS, on February 21, 2017, the Council approved
17 Resolution R-5239 adopting the City's 2017-2018 Work Program to
18 "explore potential ballot measures for fire station modernization and
19 public safety operations to further the goals of Public Safety,
20 Dependable Infrastructure, and Financial Stability"; and
21

22 WHEREAS, on December 12, 2017, the Council adopted
23 Resolution R-5290, revising the 2017-2018 City Work Program to defer
24 exploration of a fire facilities and operations ballot measure to at least
25 2020 due to public concerns about the cumulative financial impact of
26 property tax increases due to state and regional legislation; and

27
28 WHEREAS, the Council subsequently implemented a two-phased
29 approach to addressing public safety needs; and

30
31 WHEREAS, phase one included a sales and use tax for enhanced
32 police and public safety services, which was approved by the voters at
33 an election held in November 2018, and phase two includes a bond
34 and/or levy lid lift for fire station seismic renovation, capacity expansion,
35 and additional firefighter/EMT staffing; and

36
37 WHEREAS, on February 19, 2019, the Council adopted the 2019-
38 2020 City Work Program which ranked "exploring a potential ballot
39 measure in 2020 to fund Fire Station modernization and enhanced
40 operations to further the goal of Public Safety" as its number one
41 priority; and

42
43 WHEREAS, the City has and expects to continue to experience
44 unprecedented growth and development, with new types of commercial
45 and residential structures that need fire/EMS services; and

46
47 WHEREAS, providing fire/EMS services that match this economic
48 growth and redevelopment are challenged by the expiration of the
49 annexation sales tax credit in 2021, resulting in the loss of nearly \$4
50 million annually from the City's general fund; and

51
52 WHEREAS, to sustainably fund these potential fire/EMS
53 investments, the City must either identify new revenues or significantly
54 reprioritize existing general fund programs such as parks maintenance
55 and street maintenance that also rank as high priorities with City
56 residents; and

57
58 WHEREAS, in 2019, the Council convened the Community Safety
59 Advisory Group ("ComSAG") to review options to improve response
60 times, keep Fire/EMS stations seismically sound, and improve firefighter
61 health and safety; and

62
63 WHEREAS, in February 2020, ComSAG recommended building a
64 new fire station 27 in Totem Lake, renovating fire station 21 in Forbes
65 Creek, station 22 in Houghton, station 26 in North Rose Hill, and
66 constructing a new training building at the site of new station 24 in
67 North Juanita; and

68

69 WHEREAS, since the ComSAG completed their recommendation
70 in February 2020, the City proclaimed an emergency to combat the
71 COVID-19 pandemic and has been grappling with the escalating social
72 and economic impact of the virus and related public health and safety
73 orders on the community; and

74
75 WHEREAS, the capital and operating elements in the proposed
76 ComSAG recommendation would have significantly improved the City's
77 response to COVID-19, and the budget challenges created by the
78 economic impacts of the outbreak curtails the City's ability to fund
79 any of these additional public safety investments without a voter
80 approved revenue source; and

81
82 WHEREAS, at their May 19, 2020 Council meeting, the Council
83 directed staff to reprioritize the capital and operating elements funded
84 within the ballot measure(s) to be no more than the ComSAG's
85 recommendation of \$0.225 per \$1,000 of assessed valuation; and

86
87 WHEREAS, in order to provide the level of service identified by
88 the ComSAG, and refined by Council, the training building at new station
89 24 was removed from the elements to be funded by the proposed capital
90 bond; and

91
92 WHEREAS, to finance such capital costs, it is deemed necessary
93 and advisable by the Council that the City issue and sell one or more
94 series of unlimited tax general obligation bonds in the principal amount
95 of not to exceed \$56,000,000 (the "Bonds"); and

96
97 WHEREAS, the Constitution and laws of the State of Washington
98 provide that the question of whether such Bonds may be issued and
99 sold for such purposes and taxes levied to pay such Bonds must be
100 submitted to the qualified electors of the City for their ratification or
101 rejection;

102
103 NOW, THEREFORE, the City Council of the City of Kirkland does
104 ordain as follows:

105
106 Section 1. Findings. The Council hereby finds that the best
107 interests of the residents of the City require the City to construct,
108 develop, equip, upgrade, acquire, and improve its public health and
109 safety facilities, including but not limited to the following projects
110 (together, the "Projects"):

- 111
- 112 • Construct and equip a new fire station and related
113 facilities; and
- 114 • Renovate, improve, and equip existing fire stations and
115 related facilities, including but not limited to Fire Stations
116 22, 21, and 26.

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The Projects shall include the acquisition of real property as necessary to locate such facilities. The City shall complete the Projects at the time, in the order and in the manner deemed most necessary and advisable by the Council. Costs of the Projects, which are estimated to be more than \$56,000,000, will be paid from proceeds of the Bonds authorized herein and other available funds of the City.

The cost of all necessary appraisals, negotiation, property acquisition, closing, architectural, engineering, project management, financial, legal and other consulting services, inspection and testing, demolition, relocation, administrative and relocation expenses, permitting, mitigation, construction, and other costs incurred in connection with the foregoing capital improvements shall be deemed a part of the capital costs of such Projects. Such Projects shall be complete with all necessary real property, equipment and appurtenances.

The Council shall determine the exact specifications for the Projects, and the components thereof, as well as the timing, order and manner of completing the components of the Projects. The Council may alter, make substitutions to, and amend such components as it determines are in the best interests of the City and consistent with the general descriptions provided herein. The Council shall determine the application of moneys available for the various Projects so as to accomplish, as nearly as may be, all of the Projects.

If the Council shall determine that it has become impractical to design, construct, improve, obtain permits, renovate, acquire, develop, or equip all or any component of the Projects by reason of changed conditions, incompatible development, costs substantially in excess of the amount of Bond proceeds or tax levies estimated to be available, or acquisition by or dependence on a superior governmental authority, the City shall not be required to provide such component or components. If all of the Projects have been constructed or acquired or duly provided for, or found to be impractical, the City may apply remaining proceeds of the Bonds authorized herein (including earnings thereon) or any portion thereof to other public safety capital purposes or to the redemption of the Bonds as the Council, in its discretion, shall determine.

In the event that the proceeds from the sale of the Bonds, plus any other money of the City legally available for such purpose, are insufficient to accomplish all of the Projects, the City shall use the available funds for paying the cost of those portions of the Projects deemed by the Council most necessary and in the best interest of the City.

165 Section 2. Authorization of Bonds. For the purpose of providing
166 all or a portion of the funds necessary to finance the costs of the
167 Projects, together with incidental costs and costs of issuance of the
168 Bonds, the City shall issue and sell its unlimited tax general obligation
169 bonds in the aggregate principal amount of not to exceed \$56,000,000
170 (the "Bonds"). The Bonds shall be issued in an amount not exceeding
171 the amount approved by the electors of the City and not exceeding the
172 amount permitted by the Constitution and laws of the State of
173 Washington. The balance, if any, of the cost of the Projects shall be
174 paid out of any other legally available funds. The Bond proceeds (and
175 earnings thereon) shall be used to finance the costs of the Projects,
176 together with incidental costs and costs related to the sale and issuance
177 of the Bonds, and shall not be used for the replacement of equipment
178 or for a purpose other than a capital purpose.

179
180 Section 3. Details of the Bonds. The Bonds provided for in
181 Section 2 hereof shall be issued in such amounts and at such time or
182 times as deemed necessary and advisable by the Council and as
183 permitted by law. The Bonds may be issued in one or more series and
184 shall bear interest payable at a rate or rates authorized by the Council.
185 The Bonds shall mature in such amounts and at such times within a
186 maximum term of 30 years from date of issue of a series, all as
187 authorized by the Council and as provided by law. The Bonds shall be
188 unlimited tax general obligations of the City and, unless paid from other
189 sources, both principal of and interest on the Bonds shall be payable out
190 of annual tax levies to be made upon all the taxable property within the
191 City without limitation as to rate or amount and in excess of any
192 constitutional or statutory tax limitations. The exact date, form, terms,
193 maturities, covenants and manner of sale of the Bonds shall be as
194 hereafter fixed by ordinance or ordinances of the Council.

195
196 In anticipation of the issuance of the Bonds, the City may issue
197 short-term obligations as otherwise authorized by chapter 39.50 RCW.
198 Such obligations may be paid or refunded with proceeds of the Bonds.
199 The proceeds of the Bonds may also be used to reimburse the City for
200 expenditures previously made for such Projects.

201
202 Section 4. Bond Election. It is hereby found that the best
203 interests of the inhabitants of the City require the submission to the
204 qualified electors of the City of a proposition authorizing the City to issue
205 Bonds for the purposes of funding the Projects, at an election to be held
206 on November 3, 2020. The King County Director of Records and
207 Elections (the "Director"), as *ex officio* supervisor of elections in King
208 County, Washington, is hereby requested to assume jurisdiction of and
209 to call and conduct the election to be held within the City and to submit
210 to the qualified electors of the City the proposition hereinafter set forth.
211 Such election shall be conducted by mail.

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The City Clerk is hereby authorized and directed to certify the proposition to the Director in substantially the following form:

CITY OF KIRKLAND PROPOSITION NO. 1
GENERAL OBLIGATION BONDS
FIRE STATION AND PUBLIC SAFETY IMPROVEMENTS

The City Council of the City of Kirkland adopted Ordinance 4728 concerning a proposition for fire and EMS. This proposition authorizes the City to construct and equip a fire station; renovate and modernize existing fire stations; improve firefighter/EMT health and safety; improve response times throughout the City; and issue up to \$56,000,000 of general obligation bonds maturing within a maximum of 30 years to finance such projects; and levy annual excess property taxes to repay the bonds, as provided in Ordinance 4728.

Should this proposition be approved:

YES?

NO?

For purposes of receiving notice of the exact language of the ballot proposition required by RCW 29A.36.080, the City Council hereby designates: (a) the City Clerk and (b) the City Attorney, as the individuals to whom such notice should be provided. The City Attorney and City Clerk are each authorized individually to approve changes to the ballot title, if any, deemed necessary by the Director.

The City Clerk is authorized to make necessary clerical corrections to this ordinance including, but not limited to, the correction of scrivener's or clerical errors, references, numbering, section/subsection numbers, and any reference thereto.

The proper City officials are authorized to perform such duties as are necessary or required by law to submit the question of whether the Bonds shall be issued, as provided in this ordinance, to the electors at the November 3, 2020 election.

Section 5. Voters' Pamphlet. The preparation and distribution of a local voters' pamphlet providing information on the foregoing ballot measure is hereby authorized. The pamphlet shall include arguments

259 advocating approval and disapproval of the ballot measure. In
 260 accordance with RCW 29A.32.280, the arguments advocating approval
 261 and rejection of the ballot measure shall be prepared by committees
 262 appointed by the City Council by resolution not later than forty-five days
 263 before the publication of the pamphlet. Each committee shall be
 264 composed of not more than three persons; however, a committee may
 265 seek the advice of any person or persons. The committee advocating
 266 approval shall be composed of persons known to favor the ballot
 267 measure, and the committee advocating rejection shall be composed of
 268 persons known to oppose the ballot measure.

269
 270 Section 6. Ratification. Any act consistent with the authority
 271 and prior to the effective date of this ordinance is hereby ratified and
 272 confirmed.

273
 274 Section 7. Effective Date. This ordinance shall be in full force
 275 and effect five days from and after its passage by the Kirkland City
 276 Council and publication of a summary of this ordinance in accordance
 277 with Kirkland Municipal Code 1.08.017.

278
 279 Passed by majority vote of the Kirkland City Council in open
 280 meeting this ___ day of _____, 2020.

281
 282 Signed in authentication thereof this ___ day of _____,
 283 2020.

 Penny Sweet, Mayor

Attest:

 Kathi Anderson, City Clerk

Approved as to Form:

 Pacifica Law Group LLP, Bond Counsel

CERTIFICATE

I, the undersigned, City Clerk of the City of Kirkland, Washington, and keeper of the records of the City Council, DO HEREBY CERTIFY:

1. That the attached Ordinance is a true and correct copy of Ordinance No. 4728 of the City (the "Ordinance"), as finally adopted at a regular meeting of the City Council held on _____, 2020, and duly recorded in my office.

2. That said meeting was duly convened and held in all respects in accordance with law, and to the extent required by law, due and proper notice of such meeting was given; that quorum of the City Council was present throughout the meeting and a legally sufficient number of members of the City Council voted in the proper manner for the adoption of said Ordinance; that all other requirements and proceedings incident to the proper adoption or passage of said Ordinance have been duly fulfilled, carried out and otherwise observed, and that I am authorized to execute this certificate.

Dated this ____ day of _____, 2020.

CITY OF KIRKLAND, WASHINGTON

Kathi Anderson, City Clerk

ORDINANCE O-4729

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KIRKLAND, WASHINGTON, PROVIDING FOR THE FORM OF THE BALLOT PROPOSITION AND SPECIFYING CERTAIN OTHER DETAILS CONCERNING SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY AT A SPECIAL ELECTION TO BE HELD THEREIN ON NOVEMBER 3, 2020, OF A PROPOSITION AUTHORIZING THE CITY TO LIFT THE LEVY LIMIT ESTABLISHED IN RCW 84.55.010 IN ORDER TO PROVIDE FUNDS TO PAY THE COSTS OF IMPROVING CITY FIRE AND EMERGENCY MEDICAL SERVICES.

1 WHEREAS, in 2011, the City Council (the "Council") of the City
2 of Kirkland (the "City") engaged the services of Emergency Services
3 Consulting International ("ESCI") to conduct an organizational review of
4 the City Fire Department; and
5

6 WHEREAS, since 2012, Fire Department staff has worked with
7 other City departments and the City Manager's Office to implement
8 certain ESCI recommendations, including through the budget process;
9 and
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11 WHEREAS, the Council completed a Fire Strategic Plan in 2012
12 to identify needed investments in staffing, equipment and technology to
13 provide for better response times for fire and Emergency Medical
14 Services ("EMS"); and
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16 WHEREAS, on February 21, 2017, the Council approved
17 Resolution R-5239 adopting the City's 2017-2018 Work Program to
18 "explore potential ballot measures for fire station modernization and
19 public safety operations to further the goals of Public Safety,
20 Dependable Infrastructure, and Financial Stability"; and
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22 WHEREAS, on December 12, 2017, the Council adopted
23 Resolution R-5290, revising the 2017-2018 City Work Program to defer
24 exploration of a fire facilities and operations ballot measure to at least
25 2020 due to public concerns about the cumulative financial impact of
26 property tax increases due to state and regional legislation; and
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28 WHEREAS, the Council subsequently implemented a two-phased
29 approach to addressing public safety needs; and
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31 WHEREAS, phase one included a sales and use tax for enhanced
32 police and public safety services, which was approved by the voters at

33 an election held in November 2018, and phase two includes a bond
34 and/or levy lid lift for fire station seismic renovation, capacity expansion,
35 and additional firefighter/EMT staffing; and
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37 WHEREAS, on February 19, 2019, the Council adopted the 2019-
38 2020 City Work Program which ranked "exploring a potential ballot
39 measure in 2020 to fund Fire Station modernization and enhanced
40 operations to further the goal of Public Safety" as its number one
41 priority; and
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43 WHEREAS, the City has and expects to continue to experience
44 unprecedented growth and development, with new types of commercial
45 and residential structures that need fire/EMS services; and
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47 WHEREAS, providing fire/EMS services that match this economic
48 growth and redevelopment are challenged by the expiration of the
49 annexation sales tax credit in 2021, resulting in the loss of nearly \$4
50 million annually from the City's general fund; and
51

52 WHEREAS, further, Washington State law limits the annual
53 increase of a city's regular property tax levy to 1% plus an allowance
54 for new construction, unless the voters of a city approve a levy lid lift
55 permitting the collection of regular property taxes in a greater amount;
56 and
57

58 WHEREAS, to sustainably fund these potential fire/EMS
59 investments, the City must either identify new revenues or significantly
60 reprioritize existing general fund programs such as parks maintenance
61 and street maintenance that also rank as high priorities with City
62 residents; and
63

64 WHEREAS, in 2019, the Council convened the Community Safety
65 Advisory Group ("ComSAG") to review options to improve response
66 times, keep Fire/EMS stations seismically sound, and improve firefighter
67 health and safety; and
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69 WHEREAS, in February 2020, recommended hiring 24 new
70 firefighter/EMTs to provide a dedicated aid car at fire station 22 in
71 Houghton, fully staff fire station 24 in north Juanita, provide daily 12
72 hour dedicated patient transport during peak hours, and fund five new
73 firefighter/EMTs to improve response times throughout the City; and
74

75 WHEREAS, since the ComSAG completed their recommendation
76 in February 2020, the City proclaimed an emergency to combat the
77 COVID-19 pandemic and has been grappling with the escalating social
78 and economic impact of the virus and related public health and safety
79 orders on the community; and
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81 WHEREAS, the capital and operating elements in the proposed
82 ComSAG recommendation would have significantly improved the City's

83 response to COVID-19, and the budget challenges created by the
84 economic impacts of the outbreak curtails the City’s ability to fund
85 any of these additional public safety investments without a voter
86 approved revenue source; and

87
88 WHEREAS, at their May 19, 2020 Council meeting, the Council
89 directed staff to reprioritize the capital and operating elements funded
90 within the ballot measure(s) to be no more than the ComSAG’s
91 recommendation of \$0.225 per \$1,000 of assessed valuation; and

92
93 WHEREAS, in order to provide the level of service identified by
94 the ComSAG, and refined by Council, four potential new firefighter/EMTs
95 and a second ladder were removed from the elements to be funded by
96 the levy lid lift; and

97
98 WHEREAS, it is deemed necessary that the City increase its
99 regular property tax levy rate to \$0.11565 per \$1,000 of assessed value
100 for collection in 2021 and thereafter to use the resulting levy amount as
101 the basis for computing the limitations for subsequent levies as allowed
102 by chapter 84.55 RCW; and

103
104 WHEREAS, the Council deems it necessary to submit to the
105 voters of the City the proposition of whether or not the City shall levy
106 regular property taxes for collection in 2021 in excess of the limit factor
107 provided for in chapter 84.55 RCW;

108
109 NOW, THEREFORE, the City Council of the City of Kirkland does
110 ordain as follows:

111
112 Section 1. Findings. The Council hereby finds that the best
113 interests of the residents of the City require the City to provide additional
114 funds to pay for the costs of City operations, facilities and services,
115 including but not limited to the following (“Fire and EMS Services”):

- 116
117 • Public safety services and operations, such as a dedicated
118 aid car at Fire Station 22, additional staff at Fire Station 24, and
119 one additional firefighter/EMT, as necessary;
120 • Construction, maintenance and improvement of existing and
121 new City public safety facilities; and
122 • Other City public safety operations, maintenance,
123 improvements, equipment, and services as determined to be
124 necessary from time to time.

125
126 The City Council shall determine the timing, order and manner of
127 funding the Fire and EMS Services and other uses of levy proceeds. The
128 cost of all compensation, benefits, training, support services,
129 equipment, vehicles, infrastructure, facilities, and/or administrative
130 expenses and other costs incurred in connection with the Fire and EMS
131 Services shall be deemed a part of the costs of such Fire and EMS
132 Services.

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Section 2. Calling of Election Regarding the Levy of Additional Regular Property Taxes. It is hereby found and declared the best interests of the City require the submission to the qualified electors of the City of the proposition whether the City shall levy regular property taxes above the levy limitations established in RCW 84.55.005 and RCW 84.55.010 for their ratification or rejection at an election to be held on November 3, 2020. For the purpose of providing funds to pay the costs of the Fire and EMS Services, the King County Director of Records and Elections (the "Director"), as *ex officio* supervisor of elections in King County, Washington, is hereby requested to call and conduct such election to be held on such day and to submit to the qualified electors of the City for their approval or rejection a proposition to increase the City's regular property tax levy by up to \$0.11565 per \$1,000 of assessed valuation (to a total rate not to exceed \$_____ per \$1,000 of assessed valuation) for collection in 2021, as allowed by chapter 84.55 RCW. The 2021 levy amount will be used as the basis to calculate subsequent levy limits.

Upon approval of the voters of the proposition hereinafter set forth, the City may use proceeds of such levy to pay the costs of the Fire and EMS Services as more particularly described herein.

Section 3. Election. The City Clerk is hereby authorized and directed to certify the following proposition to the Director, in substantially the following form. Such election shall be conducted by mail.

CITY OF KIRKLAND PROPOSITION NO. 1
LEVY LID LIFT FOR
FIRE AND EMERGENCY MEDICAL SERVICES AND OPERATIONS

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The City Council of the City of Kirkland adopted Ordinance 4729 concerning funding for fire and emergency medical services. This proposition would provide funding for fire and EMS, including stockpiling Personal Protection Equipment, hiring additional firefighter/Emergency Medical Technicians, acquiring equipment, improving facilities and response times by increasing the City's regular property tax by \$0.11565/\$1,000 to a maximum rate of \$ [redacted] /\$1,000 of assessed valuation for collection in 2021. The 2021 levy amount will be used as the basis to calculate subsequent levies, consistent with RCW 84.55. Seniors and other individuals qualifying under RCW 84.36 would be exempt.

Should this proposition be approved:

YES?

NO?

For purposes of receiving notice of the exact language of the ballot proposition required by RCW 29A.36.080, the City Council hereby designates: (a) the City Clerk and (b) the City Attorney, as the individuals to whom such notice should be provided. The City Attorney and City Clerk are each authorized individually to approve changes to the ballot title, if any, deemed necessary by the Director.

The City Clerk is authorized to make necessary clerical corrections to this ordinance including, but not limited to, the correction of scrivener's or clerical errors, references, numbering, section/subsection numbers, and any reference thereto.

The proper City officials are authorized to perform such duties as are necessary or required by law to submit the question of whether the regular property tax shall be increased, as provided in this ordinance, to the electors at the November 3, 2020 election.

Section 4. Exemption. If the ballot proposition set forth herein is approved by the voters, as authorized by RCW 84.36.381, senior citizens, disabled veterans, and other people with disabilities (as defined

207 in RCW 84.36.381) shall be exempt from the tax increase resulting from
208 such levy lid lift.

209
210 Section 5. Voters' Pamphlet. The preparation and distribution
211 of a local voters' pamphlet providing information on the foregoing ballot
212 measure is hereby authorized. The pamphlet shall include arguments
213 advocating approval and disapproval of the ballot measure. In
214 accordance with RCW 29A.32.280, the arguments advocating approval
215 and rejection of the ballot measure shall be prepared by committees
216 appointed by the City Council by resolution not later than forty-five days
217 before the publication of the pamphlet. Each committee shall be
218 composed of not more than three persons; however, a committee may
219 seek the advice of any person or persons. The committee advocating
220 approval shall be composed of persons known to favor the ballot
221 measure, and the committee advocating rejection shall be composed of
222 persons known to oppose the ballot measure.

223
224 Section 5. Ratification. Any act consistent with the authority
225 and prior to the effective date of this ordinance is hereby ratified and
226 confirmed.

227
228 Section 6. Effective Date. This ordinance shall be in full force
229 and effect five days from and after its passage by the Kirkland City
230 Council and publication of a summary of this ordinance in accordance
231 with Kirkland Municipal Code 1.08.017.

232
233 Passed by majority vote of the Kirkland City Council in open
234 meeting this ___ day of _____, 2020.

235
236 Signed in authentication thereof this ___ day of _____,
237 2020.

Penny Sweet, Mayor

Attest:

Kathi Anderson, City Clerk

Approved as to Form:

Pacifica Law Group LLP, Bond Counsel

CERTIFICATE

I, the undersigned, City Clerk of the City of Kirkland, Washington, and keeper of the records of the City Council, DO HEREBY CERTIFY:

1. That the attached Ordinance is a true and correct copy of Ordinance No. 4729 of the City (the "Ordinance"), as finally adopted at a regular meeting of the City Council held on _____, 2020, and duly recorded in my office.

2. That said meeting was duly convened and held in all respects in accordance with law, and to the extent required by law, due and proper notice of such meeting was given; that quorum of the City Council was present throughout the meeting and a legally sufficient number of members of the City Council voted in the proper manner for the adoption of said Ordinance; that all other requirements and proceedings incident to the proper adoption or passage of said Ordinance have been duly fulfilled, carried out and otherwise observed, and that I am authorized to execute this certificate.

Dated this ____ day of _____, 2020.

CITY OF KIRKLAND, WASHINGTON

Kathi Anderson, City Clerk

ORDINANCE O-4731

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KIRKLAND, WASHINGTON, PROVIDING FOR THE FORM OF THE BALLOT PROPOSITION AND SPECIFYING CERTAIN OTHER DETAILS CONCERNING SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY AT A SPECIAL ELECTION TO BE HELD THEREIN ON NOVEMBER 3, 2020, OF A PROPOSITION AUTHORIZING THE CITY TO LIFT THE LEVY LIMIT ESTABLISHED IN RCW 84.55.010 IN ORDER TO PROVIDE FUNDS TO PAY THE COSTS OF IMPROVING CITY FIRE AND EMERGENCY MEDICAL SERVICES.

1 WHEREAS, in 2011, the City Council (the "Council") of the City
2 of Kirkland (the "City") engaged the services of Emergency Services
3 Consulting International ("ESCI") to conduct an organizational review of
4 the City Fire Department; and
5

6 WHEREAS, since 2012, Fire Department staff has worked with
7 other City departments and the City Manager's Office to implement
8 certain ESCI recommendations, including through the budget process;
9 and
10

11 WHEREAS, the Council completed a Fire Strategic Plan in 2012
12 to identify needed investments in staffing, equipment and technology to
13 provide for better response times for fire and Emergency Medical
14 Services ("EMS"); and
15

16 WHEREAS, on February 21, 2017, the Council approved
17 Resolution R-5239 adopting the City's 2017-2018 Work Program to
18 "explore potential ballot measures for fire station modernization and
19 public safety operations to further the goals of Public Safety,
20 Dependable Infrastructure, and Financial Stability"; and
21

22 WHEREAS, on December 12, 2017, the Council adopted
23 Resolution R-5290, revising the 2017-2018 City Work Program to defer
24 exploration of a fire facilities and operations ballot measure to at least
25 2020 due to public concerns about the cumulative financial impact of
26 property tax increases due to state and regional legislation; and
27

28 WHEREAS, the Council subsequently implemented a two-phased
29 approach to addressing public safety needs; and
30

31 WHEREAS, phase one included a sales and use tax for enhanced
32 police and public safety services, which was approved by the voters at
33 an election held in November 2018, and phase two includes a bond
34 and/or levy lid lift for fire station seismic renovation, capacity expansion,
35 and additional firefighter/EMT staffing; and

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WHEREAS, on February 19, 2019, the Council adopted the 2019-2020 City Work Program which ranked "exploring a potential ballot measure in 2020 to fund Fire Station modernization and enhanced operations to further the goal of Public Safety" as its number one priority; and

WHEREAS, the City has and expects to continue to experience unprecedented growth and development, with new types of commercial and residential structures that need fire/EMS services; and

WHEREAS, providing fire/EMS services that match this economic growth and redevelopment are challenged by the expiration of the annexation sales tax credit in 2021, resulting in the loss of nearly \$4 million annually from the City's general fund; and

WHEREAS, further, Washington State law limits the annual increase of a city's regular property tax levy to 1% plus an allowance for new construction, unless the voters of a city approve a levy lid lift permitting the collection of regular property taxes in a greater amount; and

WHEREAS, to sustainably fund these potential fire/EMS investments, the City must either identify new revenues or significantly reprioritize existing general fund programs such as parks maintenance and street maintenance that also rank as high priorities with City residents; and

WHEREAS, in 2019, the Council convened the Community Safety Advisory Group ("ComSAG") to review options to improve response times, keep Fire/EMS stations seismically sound, and improve firefighter health and safety; and

WHEREAS, in February 2020, recommended hiring 24 new firefighter/EMTs to provide a dedicated aid car at fire station 22 in Houghton, fully staff fire station 24 in north Juanita, provide daily 12 hour dedicated patient transport during peak hours, and fund five new firefighter/EMTs to improve response times throughout the City; and

WHEREAS, since the ComSAG completed their recommendation in February 2020, the City proclaimed an emergency to combat the COVID-19 pandemic and has been grappling with the escalating social and economic impact of the virus and related public health and safety orders on the community; and

WHEREAS, the capital and operating elements in the proposed ComSAG recommendation would have significantly improved the City's response to COVID-19, and the budget challenges created by the economic impacts of the outbreak curtails the City's ability to fund any of these additional public safety investments without a voter

86 approved revenue source; and

87
88 WHEREAS, at their May 19, 2020 Council meeting, the Council
89 directed staff to reprioritize the capital and operating elements funded
90 within the ballot measure(s) to be no more than the ComSAG's
91 recommendation of \$0.225 per \$1,000 of assessed valuation; and

92
93 WHEREAS, in order to provide the level of service identified by
94 the ComSAG, and refined by Council, four potential new firefighter/EMTs
95 and a second ladder were removed from the elements to be funded by
96 the levy lid lift; and

97
98 WHEREAS, it is deemed necessary that the City increase its
99 regular property tax levy rate to \$0.22500 per \$1,000 of assessed value
100 for collection in 2021 and thereafter to use the resulting levy amount as
101 the basis for computing the limitations for subsequent levies as allowed
102 by chapter 84.55 RCW; and

103
104 WHEREAS, the Council deems it necessary to submit to the
105 voters of the City the proposition of whether or not the City shall levy
106 regular property taxes for collection in 2021 in excess of the limit factor
107 provided for in chapter 84.55 RCW;

108
109 NOW, THEREFORE, the City Council of the City of Kirkland does
110 ordain as follows:

111
112 Section 1. Findings. The Council hereby finds that the best
113 interests of the residents of the City require the City to provide additional
114 funds to pay for the costs of City operations, facilities and services,
115 including but not limited to the following ("Fire and EMS Services"):

- 116 • Public safety services and operations, such as a dedicated
- 117 aid car at Fire Station 22, additional staff at Fire Station 24, and
- 118 one additional firefighter/EMT, as necessary;
- 119 • Construction, maintenance and improvement of existing and
- 120 new City public safety facilities; and
- 121 • Other City public safety operations, maintenance,
- 122 improvements, equipment, and services as determined to be
- 123 necessary from time to time.
- 124

125
126 The City Council shall determine the timing, order and manner of
127 funding the Fire and EMS Services and other uses of levy proceeds. The
128 cost of all compensation, benefits, training, support services,
129 equipment, vehicles, infrastructure, facilities, and/or administrative
130 expenses and other costs incurred in connection with the Fire and EMS
131 Services shall be deemed a part of the costs of such Fire and EMS
132 Services.

133
134 Section 2. Calling of Election Regarding the Levy of Additional
135 Regular Property Taxes. It is hereby found and declared the best

136 interests of the City require the submission to the qualified electors of
137 the City of the proposition whether the City shall levy regular property
138 taxes above the levy limitations established in RCW 84.55.005 and
139 RCW 84.55.010 for their ratification or rejection at an election to be held
140 on November 3, 2020. For the purpose of providing funds to pay the
141 costs of the Fire and EMS Services, the King County Director of Records
142 and Elections (the "Director"), as *ex officio* supervisor of elections in
143 King County, Washington, is hereby requested to call and conduct such
144 election to be held on such day and to submit to the qualified electors
145 of the City for their approval or rejection a proposition to increase the
146 City's regular property tax levy by up to \$0.22500 per \$1,000 of
147 assessed valuation (to a total rate not to exceed \$1.22500 per \$1,000
148 of assessed valuation) for collection in 2021, as allowed by chapter
149 84.55 RCW. The 2021 levy amount will be used as the basis to calculate
150 subsequent levy limits.

151
152 Upon approval of the voters of the proposition hereinafter set forth, the
153 City may use proceeds of such levy to pay the costs of the Fire and EMS
154 Services as more particularly described herein.

155 Section 3. Election. The City Clerk is hereby authorized and
156 directed to certify the following proposition to the Director, in
157 substantially the following form. Such election shall be conducted by
158 mail.

CITY OF KIRKLAND PROPOSITION NO. 1
LEVY LID LIFT FOR
FIRE AND EMERGENCY MEDICAL SERVICES AND OPERATIONS

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The City Council of the City of Kirkland adopted Ordinance 4731 concerning funding for fire and emergency medical services. This proposition would provide funding for fire and EMS, including stockpiling Personal Protection Equipment, hiring additional firefighter/Emergency Medical Technicians, constructing and equipping a fire station, improving existing facilities and response times by increasing the City's regular property tax by \$0.22500/\$1,000 to a maximum rate of \$1.22500/\$1,000 of assessed valuation for collection in 2021. The 2021 levy amount will be used as the basis to calculate subsequent levies, consistent with RCW 84.55. Seniors and other individuals qualifying under RCW 84.36 would be exempt.

Should this proposition be approved:

YES?

NO?

For purposes of receiving notice of the exact language of the ballot proposition required by RCW 29A.36.080, the City Council hereby designates: (a) the City Clerk and (b) the City Attorney, as the individuals to whom such notice should be provided. The City Attorney and City Clerk are each authorized individually to approve changes to the ballot title, if any, deemed necessary by the Director.

The City Clerk is authorized to make necessary clerical corrections to this ordinance including, but not limited to, the correction of scrivener's or clerical errors, references, numbering, section/subsection numbers, and any reference thereto.

The proper City officials are authorized to perform such duties as are necessary or required by law to submit the question of whether the regular property tax shall be increased, as provided in this ordinance, to the electors at the November 3, 2020 election.

Section 4. Exemption. If the ballot proposition set forth herein is approved by the voters, as authorized by RCW 84.36.381, senior

207 citizens, disabled veterans, and other people with disabilities (as defined
208 in RCW 84.36.381) shall be exempt from the tax increase resulting from
209 such levy lid lift.

210
211 Section 5. Voters' Pamphlet. The preparation and distribution
212 of a local voters' pamphlet providing information on the foregoing ballot
213 measure is hereby authorized. The pamphlet shall include arguments
214 advocating approval and disapproval of the ballot measure. In
215 accordance with RCW 29A.32.280, the arguments advocating approval
216 and rejection of the ballot measure shall be prepared by committees
217 appointed by the City Council by resolution not later than forty-five days
218 before the publication of the pamphlet. Each committee shall be
219 composed of not more than three persons; however, a committee may
220 seek the advice of any person or persons. The committee advocating
221 approval shall be composed of persons known to favor the ballot
222 measure, and the committee advocating rejection shall be composed of
223 persons known to oppose the ballot measure.

224
225 Section 5. Ratification. Any act consistent with the authority
226 and prior to the effective date of this ordinance is hereby ratified and
227 confirmed.

228
229 Section 6. Effective Date. This ordinance shall be in full force
230 and effect five days from and after its passage by the Kirkland City
231 Council and publication of a summary of this ordinance in accordance
232 with Kirkland Municipal Code 1.08.017.

233
234 Passed by majority vote of the Kirkland City Council in open
235 meeting this ___ day of _____, 2020.

236
237 Signed in authentication thereof this ___ day of _____,
238 2020.

Penny Sweet, Mayor

Attest:

Kathi Anderson, City Clerk

Approved as to Form:

Pacifica Law Group LLP, Bond Counsel

CERTIFICATE

I, the undersigned, City Clerk of the City of Kirkland, Washington, and keeper of the records of the City Council, DO HEREBY CERTIFY:

1. That the attached Ordinance is a true and correct copy of Ordinance No. 4731 of the City (the "Ordinance"), as finally adopted at a regular meeting of the City Council held on _____, 2020, and duly recorded in my office.

2. That said meeting was duly convened and held in all respects in accordance with law, and to the extent required by law, due and proper notice of such meeting was given; that quorum of the City Council was present throughout the meeting and a legally sufficient number of members of the City Council voted in the proper manner for the adoption of said Ordinance; that all other requirements and proceedings incident to the proper adoption or passage of said Ordinance have been duly fulfilled, carried out and otherwise observed, and that I am authorized to execute this certificate.

Dated this ____ day of _____, 2020.

CITY OF KIRKLAND, WASHINGTON

Kathi Anderson, City Clerk



CITY OF KIRKLAND
Department of Finance & Administration
123 Fifth Avenue, Kirkland, WA 98033 425.587.3100
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Kathi Anderson, City Clerk
Michael Olson, Director of Finance and Administration

Date: June 8, 2020

Subject: Potential Ballot Measure Pro/Con Committee Authorization to Advertise

RECOMMENDATION:

That the City Council authorize staff to initiate the public process to call for community volunteers to prepare statements in favor of and in opposition to a potential Fire and Emergency Medical Services ballot measure which the City Council may place before voters at the November 3, 2020 general election.

BACKGROUND DISCUSSION:

The City Council received a report from the City Manager at the May 19, 2020 regular meeting reviewing options for a potential Fire and Emergency Medical Services ballot measure for the November 2020 general election. While the Council has not yet decided whether to proceed with a measure, and would still need to decide what elements would be included in any measure, there are some process timelines that have to be met in order to place a measure on the ballot. The process timeline was included in the May 19th presentation.

That timeline included options for the proposed authorization for recruitment of pro and con statement volunteers at a meeting no later than July 7th and appointment no later than the July 21st meeting, in order to allow sufficient time for such volunteers to express their interest and, subsequently, to meet and prepare their arguments for submittal to King County Elections before the voters' pamphlet statement deadline of August 11, 2020. The reason staff is proposing to initiate recruitment before the Council makes a final decision is that it can be difficult to reach and recruit potential volunteers during the summer holidays, and for the committees to have sufficient time to meet the required deadlines.

For these reasons, if the Council decides to conduct a public hearing and to proceed with a ballot measure at a July 2020 regular meeting, it would be optimal if Council has already received statements of interest to enable them to concurrently appoint members to the statement committees at that meeting.

Authorization to proceed with recruitment can be made by a motion and passed by a voice vote.



CITY OF KIRKLAND
Planning and Building Department
123 5th Avenue, Kirkland, WA 98033
425.587.3600- www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Allison Zike, AICP, Senior Planner
Jeremy McMahan, Deputy Planning & Building Director
Adam Weinstein, Planning & Building Director

Date: June 4, 2020

Subject: Amendments to the Kirkland Zoning Code (KZC) Related to Rooftop Amenities and Appurtenances
File Number CAM19-00502

Staff Recommendation

Adopt the enclosed ordinance amending KZC Chapters 5, 50, and 115 related to existing rooftop appurtenance regulations and proposing new regulations for rooftop amenities and rooftop common rooms.

Background

The City Council directed the Planning Commission (PC) and staff to study rooftop amenity regulations as part of the adopted Planning Work Program to determine if they should be amended.

As Kirkland's multifamily, office, and mixed-use districts become denser and more compact, there is an increasing need for outdoor amenity space for residents and workers. One option is to make better use of the roof space on buildings so that, rather than serving a strictly utilitarian function, these spaces can be accessed as a place for building occupants to be outside and interact as a community. In some cases, to gain access to this roof space, code amendments may be needed to allow things like elevator overruns, stairway enclosures, and railings to exceed current height limits. The scope of the proposed code amendments focused on exploring how to provide more flexibility for rooftop amenities on multi-family and commercial structures, while clarification of the existing rooftop appurtenance codes was studied for all property types.

Existing regulations for rooftop appurtenances are described in KZC 115.120. The complete KZC text, with proposed amendments, is included as Exhibit A of the enclosed ordinance. A summary of the existing regulations, history of granted rooftop appurtenance modifications, evaluation of barriers to rooftop amenity provisions in the existing regulations, and further background was provided in the staff memos within the PC packets for the previous study sessions, hyperlinked below:

PC Study Session #1: [September 26, 2019 Meeting Packet](#)

PC Study Session #2: [January 9, 2020 Meeting Packet](#)

Through evaluating the existing regulations for rooftop appurtenances, staff identified three main barriers to providing rooftop amenities and used these to guide the drafting of code amendments. The barriers in the existing code are briefly summarized below, and more extensively discussed in the PC Study Session #1 Meeting Packet linked above.

Barriers to Rooftop Amenity Provision in Existing Regulations

- **Railings Must Comply with Maximum Building Height:**
The existing code does not allow railing to extend above maximum structure height; a building must be constructed under the maximum building height if a rooftop deck and the required railing are desired.
- **No Allowance for Amenities to Extend Above Maximum Building Height:**
Existing code only has an allowance for items meeting the definition of "rooftop appurtenances" to extend above the maximum building height. Because amenity features are not defined as a rooftop appurtenance, there is currently no code allowance for them to extend above the maximum building height.
- **Elevator Overruns:**
The existing height allowance for elevators to extend above the maximum structure height is oftentimes insufficient to allow the elevator cab, and the necessary equipment within the elevator overrun, to reach the rooftop deck. This is at least partially due to the fact that the existing code allowance through a rooftop appurtenance modification limits the height of appurtenances to the lesser of 15 feet or the height of the floor below, and the height of the floor below is typically significantly less than 15 feet and serves as the limiting height factor.

Recommended Code Amendments

Following consideration of public comments, and Houghton Community Council (HCC) recommendations, the PC is recommending adoption of code amendments to clarify existing regulations for rooftop appurtenances and to increase flexibility for the provision of rooftop amenities on multi-family and commercial buildings. The PC recommends amending KZC 5, KZC 50.62, KZC 115.115, and KZC 115.120 (see Exhibit A of enclosed ordinance) as follows:

1. Add a definition for "Rooftop Amenities";
2. Add a definition for "Rooftop Common Room";
3. Add an intent section for Rooftop Appurtenances and Rooftop Amenities;
4. Clarify screening requirement hierarchy for rooftop appurtenances;
5. Revise regulations to allow elevator/stair equipment up to 15 feet above the maximum building height by right (without a modification process) when necessary to access rooftop amenity spaces (a modification process would be

required for elevator/stair equipment up to 15 feet above maximum building height on portions of buildings adjoining low-density residential zones);

6. Add a new section to allow rooftop amenities, including railings, to exceed the maximum building height and set forth the allowed height and area for those amenities;
7. Within new rooftop amenity code section, allow rooftop common rooms, considered to be enclosed rooms or covered areas, and set forth maximum height and area standards and required design elements for such rooms (rooftop common rooms would be prohibited on portions of structures adjoining low-density residential zones);
8. Add language specifying that any projects requiring land use review (e.g., Process IIA, Design Review) will use that same process to review any rooftop appurtenance/amenity modifications;
9. Move screening and location standards for mechanical units that are not on a rooftop to KZC 115.115 Required Yards; and
10. Revise KZC 50.62 to allow rooftop appurtenances, rooftop amenities, and rooftop commons rooms through a modification process in the CBD 1A and 1B zones.

Below is a table summarizing the proposed allowances for rooftop appurtenances and amenities, including an indication of whether they would be allowed by right or require a modification process.

ALLOWED BY RIGHT*		
Item	Maximum Height	Maximum Area
Rooftop Appurtenances – Elevators and Equipment/Stair Enclosures <u>not</u> adjoining low-density residential zones	15 feet above max. building height	Minimum necessary (elevator overrun can include min. exit vestibule necessary); must be counted in total footprint of all rooftop appurtenances
Rooftop Appurtenances – Other**	4 feet above max. building height	10% of building footprint
Rooftop Amenities	4 feet above max. building height	None
Railings	Minimum necessary for Building Code compliance, but no more than 4 feet above max. building height	None. Must be setback 5 feet from building edge
ALLOWED WITH MODIFICATION*		
Item	Maximum Height	Maximum Area
Rooftop Appurtenances – Elevators and Equipment/Stair Enclosures adjoining low-density residential zones	15 feet above max. building height	Minimum necessary (elevator overrun can include min. exit vestibule necessary); must be counted in total footprint of all rooftop appurtenances
Rooftop Appurtenances - Other**	Not to exceed height of story below	25% of building footprint
Rooftop Common Room***	Not to exceed height of story below	500 square feet or 10% of building footprint, whichever is less

* See recommended code amendments for special regulations in the CBD 1A and 1B zones

** Same as current code

***Not allowed adjoining low-density residential zones

Public Outreach & Feedback

A complete record of public comment received, and considered, prior to the PC recommendation is included as Attachment 1. Public comments received after the PC’s recommendation are included as Attachment 2. Staff began outreach for these code amendments in July 2019. In preparation for the PC and HCC study sessions, staff conducted targeted outreach to individuals identified as neighborhood leaders, neighborhood groups, design professionals, and development applicants to help understand existing and/or perceived issues with the existing regulations. After receiving direction from the PC and HCC in their respective study sessions in September and October 2019, staff revisited these stakeholders and attended Kirkland Association of Neighborhoods (KAN) and Norkirk Neighborhood Association meetings to relay the HCC and PC direction, along with an overview of the drafted code amendments. Throughout the project, staff offered to meet with neighborhood associations or resident groups which requested further discussion about the proposed amendments.

In summary, public comments indicated general support of the provision of rooftop amenities, and additional regulatory flexibility to facilitate such features, in areas of the City already perceived as more "urban" with building heights of four-stories or higher. While residents engaged with the project identified areas of the City, or types of development, where more rooftop amenities seemed appropriate, there were also areas of the City where residents cited concerns about impacts of more rooftop amenities. Several public comments expressed concern about the possible impact of rooftop amenities above the maximum structure height where eligible structure-types (i.e., multi-family and commercial buildings) are directly adjacent to low-density residential zones. Several residents of the Market and Norkirk neighborhoods identified the Market Street Corridor as an area where new rooftop appurtenance regulations could result in adverse impacts. These residents cited concerns such as the potential for impacts to views and privacy for single-family homes that may be next to multi-family or commercial buildings with rooftop decks.

Consideration of Properties Adjoining Low-Density Residential Zones

The PC and HCC considered the above-mentioned concerns, discussed the Market Street Corridor and other areas of the City where low-density residential zones abut denser residential or commercial zones, and directed staff to revise the proposed code amendments to place more restrictions on rooftop amenities on portions of structures adjoining (within 100 feet of) low-density residential zones. A summary of the PC consideration of these issues is below and provides the reasoning behind the additional restrictions mentioned above, that are proposed to apply city-wide.

PC concurs with an HCC recommendation that the defined term of "adjoining" is relevant to the proposed code amendments and would sufficiently encompass the area of concern where low-density residential zones may interface with zones that may allow rooftop amenities above the maximum structure height. The public comment and HCC's direction to consider these areas of impact - particularly regarding rooftop common rooms - is reasonable considering that rooftop amenities are not currently allowed to extend above maximum structure height at all. A more incremental approach could begin by allowing rooftop common room modifications only for portions of structures not adjoining low-density residential zones.

The HCC's final concern related to the proposal to allow elevators and equipment and/or stair enclosures to extend up to 15 feet above the maximum structure height "by right" rather than through a modification process - specifically where adjoining a low-density residential zone. This code amendment was originally drafted by staff per PC and HCC direction to provide more flexibility for stacked multi-family and commercial structures to provide access to rooftop amenity spaces. The proposed code allows these rooftop appurtenances to be more than 4 feet above maximum structure height "by right" when they are necessary to access rooftop amenity spaces. However, the PC recommendation is to require a rooftop appurtenance modification when elevators and equipment and/or stair enclosures (more than 4 feet above maximum structure height) are adjoining

low-density residential zones. The modification process would not necessarily prohibit such appurtenances from being located on portions of structures adjoining low-density residential zones, but may serve to encourage or incentivize them to be located on areas of the structure further from these zones. At a minimum, if a modification process is required, it would serve to provide notice to adjacent properties, and would require the applicant to provide information to show that the visibility of the appurtenance from adjacent properties is minimized and aesthetic impacts are considered in their design.

The PC considered the exhibit below as an example of how the “adjoining” provision would apply along the Market St. Corridor. The exhibit shows low-density zoning highlighted in red, with the boundary of “adjoining” property shown as a bold, red line. The area between the red line and the low-density zoning highlighted in red is considered to be adjoining low-density residential zoning, where the PC has recommended more stringent regulations for rooftop appurtenances and amenities.



Additional analysis for Council’s consideration is included as Attachment 3, which depicts the ‘adjoining buffer’ City-wide. Attachment 3 shows which portions of properties adjoining low-density residential zones would be impacted by the section of the

amended code proposing more stringent regulations for rooftop amenities and appurtenances in these areas. As depicted by the bold, red line on the map in Attachment 3, the Zoning Code-defined measurement of “adjoining” is measured as 100 feet from the property line of a low-density residential zoned property and the adjoining buffer only applies to that portion of a parcel. As proposed in the subject code amendments, if a parcel is only partially impacted by an adjoining buffer, the more stringent rooftop amenity regulations apply to the portion of a structure within 100 feet of a low-density residential property, but allow rooftop amenities to be placed on other portions of a structure that are more than 100 feet from the low-density property.

A more restrictive option that Council could consider involves applying the more stringent proposed “adjoining” regulations to the *entire* parcel if any portion of that parcel is adjoining a low-density residential zone, thus avoiding a scenario where one parcel is subject to two different rooftop appurtenance regulations. Attachment 3 shows (in hatched, grey shade), the additional areas of the City that would have more stringent rooftop amenity regulations if that options were chosen.

Criteria for Amending the Text of the Zoning Code

Pursuant to KZC 160.60 and KZC 135.25, the City may amend the text of the Zoning Code only if it finds that:

1. The proposed amendment is consistent with the applicable provisions of the Comprehensive Plan; and
2. The proposed amendment bears a substantial relation to public health, safety, or welfare; and
3. The proposed amendment is in the best interest of the residents of Kirkland; and
4. When applicable, the proposed amendment is consistent with the Shoreline Management Act and the City’s adopted shoreline master program.

The proposed Zoning Code amendments are consistent with the Comprehensive Plan, bear a substantial relation to public health, safety, or welfare, and are in the best interest of the residents of Kirkland because they are intended to clarify existing regulations for rooftop appurtenances, as well as provide more flexibility for multifamily and commercial structures to access underutilized rooftops for recreation and social connectivity. The proposed amendments would result in more rooftop open space throughout the City, potentially reducing the use of local parks and creating more community gathering spaces.

Environmental Review

An addendum to the City of Kirkland 2015 Comprehensive Plan Update – Draft and Final Environmental Impact Statement (EIS) was issued for the proposed amendments on February 24, 2020, file no. SEP20-00093. The impacts of the proposal are within the range of impacts identified and evaluated in the EIS, and no new significant environmental impacts were identified.

Houghton Community Council Recommendation

On February 13, 2020, the PC and HCC held a joint public hearing on the proposed rooftop amenity code amendments to KZC Chapters 5, 50, and 115. The purpose of the

public hearing was to take public comments on the proposed code amendments. Following the close of the joint public hearing, the HCC held their deliberations on the proposed code amendments.

The HCC suggested revisions to the draft code covering three main areas of concern: 1) noise from rooftop amenity spaces; 2) lighting from rooftop amenity spaces; and 3) rooftop appurtenances and amenities adjoining low-density residential zones.

Planning Commission Recommendation

The PC deliberated on the topic at their February 27, 2020 meeting, during which they considered all public comments received, the HCC recommendation, and staff's recommendation. PC principally adopted the recommendations of the HCC and directed staff to amend the draft code amendments as follows:

1. Revise the proposed code text to include a direct reference in new code section KZC 115.122 for rooftop amenities to comply with the noise regulations in KZC 115.95.
2. Revise the proposed code text to include a direct reference in the new code section KZC 115.122 for rooftop amenities to comply with existing lighting regulations, require all exterior lighting to be shielded and directed downward, and set hours limiting exterior lighting.
3. Revise the proposed code text per the below to address concerns about the impacts of rooftop amenities near low-density residential zones using the existing defined term of "adjoining" which is measured as 100 feet from the boundary of a low-density residential zoned property:
 - a. Amend the draft code to utilize the defined term "adjoining" and replace any use of the term "adjacent" with "adjoining";
 - b. Prohibit rooftop common rooms on portions of structures that are "adjoining" low density zones; and
 - c. For structures adjoining low-density residential zones, require any rooftop appurtenance more than 4 feet above the maximum structure height, including elevators and equipment and/or stair enclosures, to be reviewed through a rooftop appurtenance modification process rather than allow them by right.

The proposed code amendments (see Exhibit A of enclosed ordinance) include the above-referenced revisions.

Attachments:

1. Public Comments Received Prior to PC Recommendation
2. Public Comments Received After PC Recommendation
3. City-wide Adjoining Map

cc: File Number CAM19-00502
Interested Parties/Parties of Record
Planning Commission
Houghton Community Council

From: Jeremy McMahan
Sent: Thursday, February 27, 2020 4:33 PM
To: Allison Zike
Subject: FW: MSC and Norkirk plan

From: tanya dimpsey <tanyaschulte@LIVE.COM>
Sent: Thursday, February 27, 2020 4:24 PM
To: Janice Coogan <JCoogan@kirklandwa.gov>
Cc: Planning Commissioners <planningcommissioners@kirklandwa.gov>
Subject: MSC and Norkirk plan

As the Planning Commission looks to adopt the Market Street Corridor Plan and the Norkirk Neighborhood Plan I would like to call attention to the fact the city is in the process of adopting code amendments that are in direct conflict with policy points in the Norkirk Neighborhood Plan and Market Street Corridor Plan.

N-25
Address transition impacts and protect nearby low-density residential character with site and building development regulations for the industrial area, Planned Area 7, and the Market Street Corridor. The building mass and/or height of higher density structures should complement rather than dominate or overwhelm adjoining low-density uses. Landscape buffers are used to soften and separate uses by creating a transition zone. In addition, the building mass and height of higher density structures should be restricted to prevent overwhelming adjoining low density uses.

MS-14
Administer development standards and design guidelines that address transitions between low-density residential areas and the commercial and multifamily residential uses along Market Street. The building mass and/or height of higher density structures should complement rather than dominate or overwhelm adjoining low-density uses. Landscape buffers, vertical or horizontal building modulation such as upper story step backs or architectural treatments should be used to soften and separate uses by creating a transition zone. Some of the existing buildings may also need enhanced landscaping in order to prevent commercial structures from having a negative impact on adjoining residential uses.

These above policy points reflect the strong desire of stakeholders that the neighborhood zoning codes remain unchanged.

However, the city is pursuing proposed code amendments, CAM19-00502 , which allows for rooftop decks and appurtenances, which is in direct conflict with the aforementioned policy points. Adding a rooftop deck, appurtenances and a common room is not consistent with N-25 or MS-14 policy points.

I request that the Planning Commission work through the draft of the Neighborhood Plans, in particular, the MSC Plan, prior to moving forward with (CAM19-00502).

Lastly, as someone who participated in the neighborhood survey and the Market Street Focus group, I am seriously concerned that the city didn't inform focus group members as to the proposed zoning changes that would dramatically affect the MSC.

Regards,

Tanya Dimpsey

From: tanya dimpsey <tanyaschulte@LIVE.COM>
Sent: Thursday, February 27, 2020 2:05 PM
To: Allison Zike
Cc: Planning Commissioners
Subject: CAM19-00502

Dear Ms. Zike,

I am writing to let you know that I am opposed to CAM19-00502. These proposed code amendments effectively hand material benefit to commercial property owners at the expense of homeowners without significant public benefit. Most im, there has been little to no outreach to external stakeholders regarding these zoning code changes.

The proposal states that staff conducted “targeted outreach to individuals identified as neighborhood leaders, neighborhood groups, design professionals, and development applicants to help understand existing and/or perceived issues with the existing regulations”. This statement that targeted outreach was made is deceptive.

At a time when the City was seeking public input regarding Neighborhood Plan updates for the Norkirk, Market Street and Highlands neighborhoods, these code amendments were not presented. The City convened a focus group regarding the Market Street Corridor and failed to bring this to the attention of focus group members. Any discussion regarding the future and plan of the Market Street Corridor should have included these proposed zoning code changes.

While the Planning Department has been working on these proposed zoning code amendments since at least 9/2018, KAN was only briefed on this at a meeting on 1/9/2020. Norkirk Neighborhood Association members would have only learned about these zoning code changes if they attended the Neighborhood Association meeting on 2/7. Norkirk neighbors then had less than a week to submit public comment to the Planning Commission. Less than one week from notification is an insufficient time to allow for public comment and discussion from stakeholders especially given the fact the City has been working on these zoning code amendments since 2018 and at a time when the city is already doing a lot of outreach regarding the Neighborhood Plan.

There should outreach to external stakeholders and an opportunity for the public to weigh in on CAM19-00502 before this moves forward to the City Council. The proposed code amendments (CAM19-00502) are in direct conflict to the feedback the City received from residents from the Neighborhood Plan survey. This survey clearly shows that stakeholders do not want to change zoning codes to add height to properties along the Market Street Corridor. Additionally, feedback from Market Street focus group members was to maintain the current zoning codes along the MSC.

If the Planning Commission decides to move forward without taking input from external stakeholders, they should restrict the proposed zoning code amendments to:

1. Preserve the existing zoning concerning rooftop amenities and appurtenances for buildings throughout the City where the development is either:
 - a. Located on a lot adjacent to a lot zoned for low density residential
 - b. Located on a lot across an alley or street from a lot zoned for low density residential
 - c. Zoned for 4 or fewer stories

I welcome the opportunity to engage on this topic further.

Regards,

Tanya Dimpsey

From: robert dimpsey <rtdimpsey@hotmail.com>
Sent: Thursday, February 27, 2020 11:47 AM
To: Allison Zike
Cc: Planning Commissioners
Subject: Zoning Change CAM19-00502

Dear Ms. Zike,

I am writing to voice my strong opposition to the proposed zoning change CAM19-00502 (code for allowing rooftop amenities) along the market street corridor.

I am a Kirkland homeowner living at 1517 1st st which is abutting a property effected by the proposed zoning change. This change would severely impact me and my neighbors for no discernable public good. It would have negative impacts on my standard of living, my quality of life and my property values as it would likely increase noise, significantly reduce my privacy, and clearly impact my view. My house is designed and focused around a westward-facing view and when I purchased it I clearly checked the zoning rules so that it would not be obscured. I welcome any members to stop by and see the impact this change will have.

As a resident of Kirkland I look to the planning commissioners and city council to put the needs and priorities of residents above those of developers. The community participants in the market street corridor focus group were clearly united in not changing this zoning. The planning survey (Neighborhood Plan) completed by the neighborhood stakeholders also decidedly was opposed to rezoning of the market street corridor.

There should be no confusion as to what the current residents of the neighborhood want: No Zoning Change. Yet, the proposed zoning change is making progress and very few of the residents along 1st street even know it's being discussed. It seems to me that the City Council and Planning Commission are not representing or listening to current residents.

The proposed re-zoning accomplishes no overall public benefit and it is opposed by the residents in the neighborhood. It is just a transfer of value from a current resident to a future developer without any redeeming larger, community value.

Robert Dimpsey
1517 1st st, Kirkland

From: cpierce456@yahoo.com
Sent: Wednesday, February 26, 2020 8:54 PM
To: Allison Zike
Subject: Rooftop Appurtenances

The proposed rooftop appurtenances will be an eyesore for the stakeholders. The addition of undesirable amenities will most definitely devalue the neighboring residential property's while increasing the value of the commercial property.

As a residential property owner, I can't put a living space on my roof, a dog run, a bbq, a fire pit, lights, a garden or a 15 foot elevator enclosure!

And why does an office building need a rooftop recreational area?

This is a benefit to the commercial building—not to The neighborhood—and not to MY neighborhood.

Another question...

I don't understand why you use language like "stakeholders" and "penthouse". It seems deceptive.

Regard,
Carol Pierce
1405 1st Street
Kirkland,WA
98033

Sent from my iPhone

From: Alice Dobry <aedobry@gmail.com>
Sent: Wednesday, February 26, 2020 3:26 PM
To: Allison Zike
Cc: Andy Kispert
Subject: Rooftop Amenities, CAM19-00502 discussion

Follow Up Flag: Follow up
Flag Status: Completed

Dear Allison,

Thank you for meeting with my husband and I last Friday morning at City Hall to discuss CAM19-00502, Rooftop Amenities Request. You have been most helpful.

I noticed in the February 20, 2020, draft document that Planning is recommending to the Planning Commission (PC) to remove the option for rooftop common rooms when the building adjoins low-density single-family homes. This is helpful, but we are still concerned because the 4-foot above-maximum-height perimeter railing (with a 5-foot setback) is still allowed by right. Although via a modification-request only, the elevator/stair overrun/transition area appurtenances would be likely still in building designs due to required access to this new space because compliance is need with the American Disability Act . I hope you can still discuss with the PC tomorrow evening either removing the elevator appurtenance allowance and 4-foot railing when adjoining low-density housing or recommend additional community outreach.

Given that proposed rooftop railing can encompass almost all of the building footprint, the usage possibilities for these decks seems very flexible. Building owners can and would likely fill up these roofs with amenities (outdoor kitchens, sizable dog park areas, benches for performances or parties, sizable privacy vegetation, etc.) Also, it seems possible to me that rooftop "pop-up" businesses, such as bars and restaurants could be unregulated or allowed by code, including near low-density housing. I bring up this point because buildings may have this now on rooftops, but it's more practical currently to keep these uses inside or at street-level.

Finally, will you consider conveying to the PC that there should be a new outreach to the "external stakeholders" (a term I found in earlier draft)? With the allowance for one-story rooftop elevator structures and 4-foot railing above maximum building height (and possibly Common Rooms), stakeholders such as myself will be routinely subject to noise disturbances from these commercial/tenant rooftops. Since the usable area for tenant "community living" will become almost the entire rooftops, I think that this amounts to new, additional building height in order "capture the view" and "Allowing Developers and Owners to maximize the view add value to their properties...", and comes at the expense and enjoyment of the surrounding stakeholders. At minimum, the City should conduct a mail-out notice to City residents outlining the proposed amendment, because public documents regarding the extent of the changes have only been available, from what I can tell, for not quite 2 months (January 2, 2020, draft). In my case, I learned about this less than a month ago from a Nextdoor Market posting, not KAN. The next day I attended your February 6th presentation during a Kirkland Neighborhood

PUBLIC COMMENTS RECEIVED PRIOR TO PC RECOMMENDATION

Association meeting. I know now Planning had made outreach to KAN, but my immediate neighbors and I had not heard of KAN.

Finally, I approached a few neighbors a few blocks to the south along 1st Street about a week ago. I hadn't met any before that day. Two of the four whom I spoke to recently moved into their homes. No one knew about the proposed changes, and three seemed to feel they would be negatively impacted and from the fourth I couldn't judge. From what I can tell about about speaking to these and a few additional neighbors, Kirkland's residents seem uninformed or maybe only very recently informed about these upcoming changes.

Thank you, Allison, for reading and considering my email. I hope PC will study this further and not press forward with sending this amendment request for approval in its current version to City Council. I welcome any feedback from you about our concerns.

Sincerely,
Alice Dobry
Andy Kispert
1419 1st Street
Kirkland, WA

From: Jeremy McMahan
Sent: Wednesday, February 12, 2020 8:00 AM
To: Allison Zike
Subject: FW:

From: Armene T Wegener <armenew@gmail.com>
Sent: Tuesday, February 11, 2020 9:10 PM
To: Planning Commissioners <planningcommissioners@kirklandwa.gov>
Subject:

bcc: Carol, bcc: tanyaschulte, bcc: aedobry

Not in support of Rooftop Appurtenances Amendments, File No. CAM 19-00502

Dear City of Kirkland Planning Commission,

I would like to express my opposition to the proposed Rooftop Appurtenance Amendments.

I feel that the proposed additions of penthouse stairs, additional elevator height, 4 foot parapet wall on top of room and enclosed gathering spaces would have a negative impact to surrounding neighbors, view corridors, building massing and zone transitions.

I feel that there may be alternative ways to integrate many of these proposed features within the current height limit. For example, there may be opportunity to increase lot coverage allowance if a green roof is proposed allowing additional space within the building footprint to accommodate many of these features(not above the current height limit) This would also provide opportunities for a structure to be "stepped back" providing a pleasant streetscape.

Allowing proposed rooftop features above the current allowed height limit seems to be an extreme solution.

Thank you for your consideration.

Sincerely yours,

Armene Wegener
1325 1st Street
Kirkland, WA 98033

From: Ken MacKenzie <kirklandcity@screamforicecream.net>
Sent: Wednesday, February 12, 2020 1:07 PM
To: Houghton Council; Planning Commissioners
Cc: Allison Zike; Jeremy McMahan; Laura Harding; Jennifer Greenberg
Subject: Proposal Concerning Rooftop Amenity Code Amendments - CAM19-00502

Hi folks!

Sorry that I can't be at the Feb 13 meeting - the school district is closed so I'll be traveling to visit possible colleges with my son. Normally, I like to be at the meeting to participate and learn from the discussions.

I enjoyed being at the January 9 Planning Commission meeting concerning rooftop Rooftop Appurtenances Code Amendments and learned lots about it in the process.

I noticed that the developer interest at that meeting seemed very much aimed at tall, dense, and large multifamily and commercial developments.

I spent some time talking with people who live in low density neighborhoods adjacent to areas that are currently zoned office, commercial, and multi-family, e.g., Market and Norkirk neighborhoods near the Market Street Corridor. I found out that many are really worried about the the possibility of taller development next door. They want to support increased density and also preserve the value of the their property and their privacy, their peace, and the sunlight they currently enjoy because of the current building height regulations.

It seems that everyone interest and concerns might be addressed by including these enhancements to the proposal:

1. Preserve the existing zoning concerning rooftop amenities and appurtenances for buildings throughout the City where the development is either:

- a. Located on a lot adjacent to a lot zoned for low density residential
- b. Located on a lot across an alley or street from a lot zoned for low density residential
- c. Zoned for 4 or fewer stories

2. Proceed based on the City staff recommended approach to allow more rooftop amenities and taller appurtenances elsewhere – generally for tall buildings located within high density commercial or high density multi-family areas. In these situations, the increased height and mass of the structures on top of these buildings is both a smaller fractional increase compared to the overall building and it is sufficiently above the street level and from people so the impact on the neighborhood is reduced and manageable.

Would you please discuss this proposal at the meeting and give it due consideration?

The idea is to allow to give both groups the key elements they are looking for - the developers get a way to add further value to large buildings in dense areas and existing low density neighborhood residents continue to have a valuable, predictable, private, and peaceful environment.

Thank you,

-Ken MacKenzie

From: Jeremy McMahan
Sent: Thursday, February 13, 2020 7:55 AM
To: Allison Zike
Subject: FW: Rooftop Appurtenance

Follow Up Flag: Follow up
Flag Status: Flagged

From: cpierce456@yahoo.com <cpierce456@yahoo.com>
Sent: Wednesday, February 12, 2020 5:39 PM
To: Planning Commissioners <planningcommissioners@kirklandwa.gov>
Cc: Carol Pierce <cpierce456@yahoo.com>
Subject: Rooftop Appurtenance

Not in support of Rooftop Appurtenances Amendments, File No. CAM [19-00502](#)

Dear City of Kirkland Planning Commission,

I would like to express my opposition to the proposed Rooftop Appurtenance Amendments.

The proposed additions of stairs, elevator height, 4 foot wall on top of room and enclosed gathering spaces would have a negative impact to surrounding neighbors and view corridor.

There may be alternative ways to integrate many of these proposed features within the current height limit.

Allowing proposed rooftop features above the current allowed height limit seems to be an extreme proposal.

Sincerely,
Carol Pierce
1405 1st Street
Kirkland, WA
98033
Sent from my iPhone

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From: Alice Dobry <aedobry@gmail.com>
Sent: Thursday, February 13, 2020 9:43 AM
To: sreusser@kirkland.gov; rrutherford@kirkland.gov; ssinghal@kirkland.gov;
jtymczynsyn@kirkland.com; cbagg@kirkland.gov; ccullen@kirkland.gov;
arozmyn@kirkland.gov; Allison Zike
Subject: Rooftop Amenity Amendments, File # CAM19-00502

Dear Members of Kirkland Planning Commission,

Last Thursday evening, 02/07/20, I heard a useful presentation by city planner Allison Zike regarding several proposed amendments to the code affecting commercial and multi-family buildings. The purpose of my email is to express that I am Not in support of these proposed changes.

My family and I are a resident on 1st Street, east of Market Street, in the Norkirk Neighborhood. We are in a single-family home, zoned RS 7.2. We are adjacent or close to some office, commercial properties, and apartments along Market Street.

I am opposed to the amendment request changes for the following reasons:

The proposed 4-foot railings above allowed height that have no area limit, except 5 feet setback from building edge, would amount to, it seems to me, as another furnished floor to the footprint. Within this new railing areas could be landscape planters, seating, play equipment, animal runs and fire pits, etc. (proposed KZC 5.10.816). Trees in planter containers and umbrellas and furniture in these areas can give the appearance of an extra floor. For example, some of privacy shrubs could be installed to provide along one of more less-attractive sides of the rooftop.

According to proposed KZC 115.120(4)(c), one of the reasons the Planning Official can approve a modification to subsection (4)(a) for an Applicant is when the height of the appurtenance does not exceed the story below and does not exceed 25% of the building footprint. According to 5.10.817, this means HVAC, stairs, elevator overruns, and penthouses, could be approved. Whether it's screened or not, this seems to me to amount to an additional floor being added above allowed height. Although one of the criteria would be that neighbors' views would not be significantly blocked by the appurtenance, this concerns me because that is a subjective standard. Also, the comment period is only a minimum of 7 calendar days.

I also do not agree with proposed KZC 115.122, as it relates to Rooftop Common Rooms. These rooms, given that, in practice will be close to 15 feet high and up 500 s.f., would negatively impact my view corridor, due mainly to their height. I am also concerned about barbecues and the noise from gatherings from and these Common Rooms. Subsection (3)(e) of this code also states that the Room could be used for public access as retail, restaurant, or similar space-- features such as this I would object to being close to my house due to noise.

Please do not recommend approval of this code amendment request, as it seems to cover all of Kirkland except single-family homes. It effectively raises the height of these apartment/commercial buildings, and some of the features (taller elevator/stair overruns) don't seem to me to beautify a rooftop. Why can't building property owners obtain the desired sense of community they are needing by utilizing the current 4 to 5-foot allowance over height limit for appurtenances and rooftop forms already allowed in 115.20?

Sincerely,
Alice Dobry
1419 1st Street
Kirkland, WA 98033

Habitability and
Sustaining Quality
Design and Livability in
the CBD

Roof-Top Amenities in the City of Kirkland

Overall Goals

- Economic Stability of Projects in the Affected Zones
- Higher Level of the Built Environment
- Create a Code That Promotes Inspired Design and Sustainability Initiatives
- Quality of Life for Residents and Employees
- Increased Opportunity to Impact the Sustainability Goals of the City

Economic Stability of Projects in the Affected Zones

- Use previously untapped area to improve outdoor opportunities and provide relief for existing public spaces
- Provide an environment that fosters the occupants use of rooftop areas to enjoy and connect with the surrounding area.
- Providing convenient quality space that encourages residents to occupy the project on a sustained basis.
- Increased employment and sustained residency in the CBD contributes to the livability of the downtown, supporting surrounding businesses and community organizations.



Higher Design Level of the Built Environment

- Typical zoning codes place an emphasis on “open space” and “yards;” the reality is that these areas are often small, cramped and oddly shaped areas located next to streets or parking areas.
- Without rooftop amenities, surrounding properties will be greeted by large flat TPO-covered roofs with mechanical equipment, metal screens, piping, wires, antennas, etc.
- Without the amenity, residential occupancy will turn-over at a higher rate – losing these tenants to other locations (in other cities) where development of these areas is already a reality; this is a negative impact on the City’s economy.



Create a Code That Promotes Inspired Design and Sustainability Initiatives

- Until now, projects have not been able to realize a similar benefit to their occupants that surrounding properties enjoy, in the form of outdoor spaces.
- Those that make the effort to provide such amenities end up making small and limited efforts that, in most cases, go unused. This is because they do not create proportional experience for their end users.



Create a Code That Promotes Inspired Design and Sustainability Initiatives

- Concise and considered code language that promotes quality design and encourages the insightful integration of new projects into the surrounding community.



Quality of Life for Residents and Employees

- Kirkland has realized recent and considerable growth of projects that provide for citizens to work and live in the downtown area.
- These are amenities to the residents (or employees,) providing a means to facilitate a connection to the outdoors in the only area available to them; essentially acting as the “yard” environment.
- This aspect of lifestyle (until now) has been something denied for downtown residents.



Increased Opportunity to Impact the Sustainability Goals of the City

- Green roof (biofiltration; air quality; acoustic impacts; lifestyle environment influences.)
- Accommodation for utilizing alternative energy sources.
- Providing indoor/outdoor spaces on-site and reducing demand on existing public facilities in the area.
- The amenity provides the occupants the opportunity to see and experience the sustainability measures and understand what they do for their lives and the environment at large.

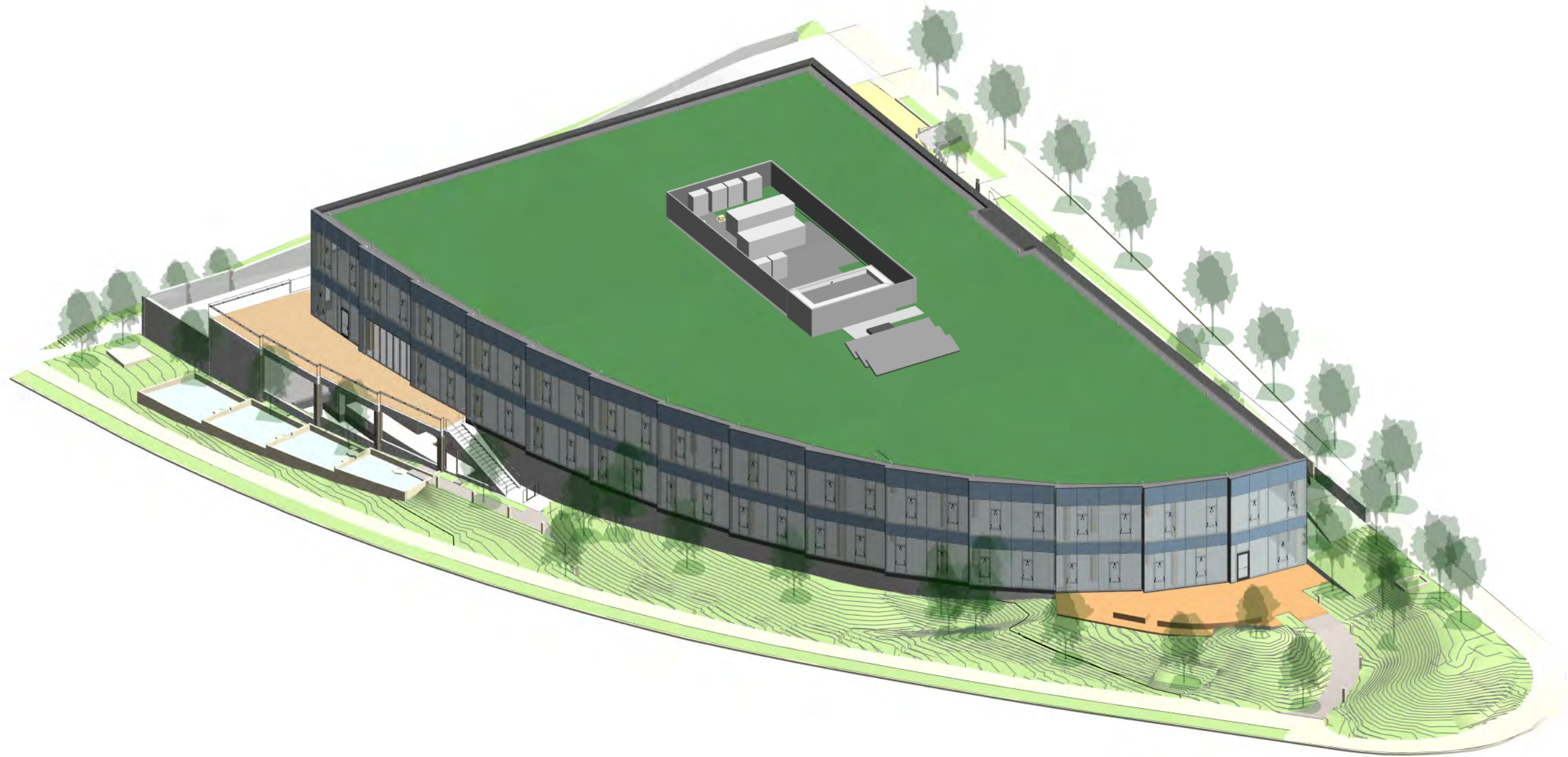


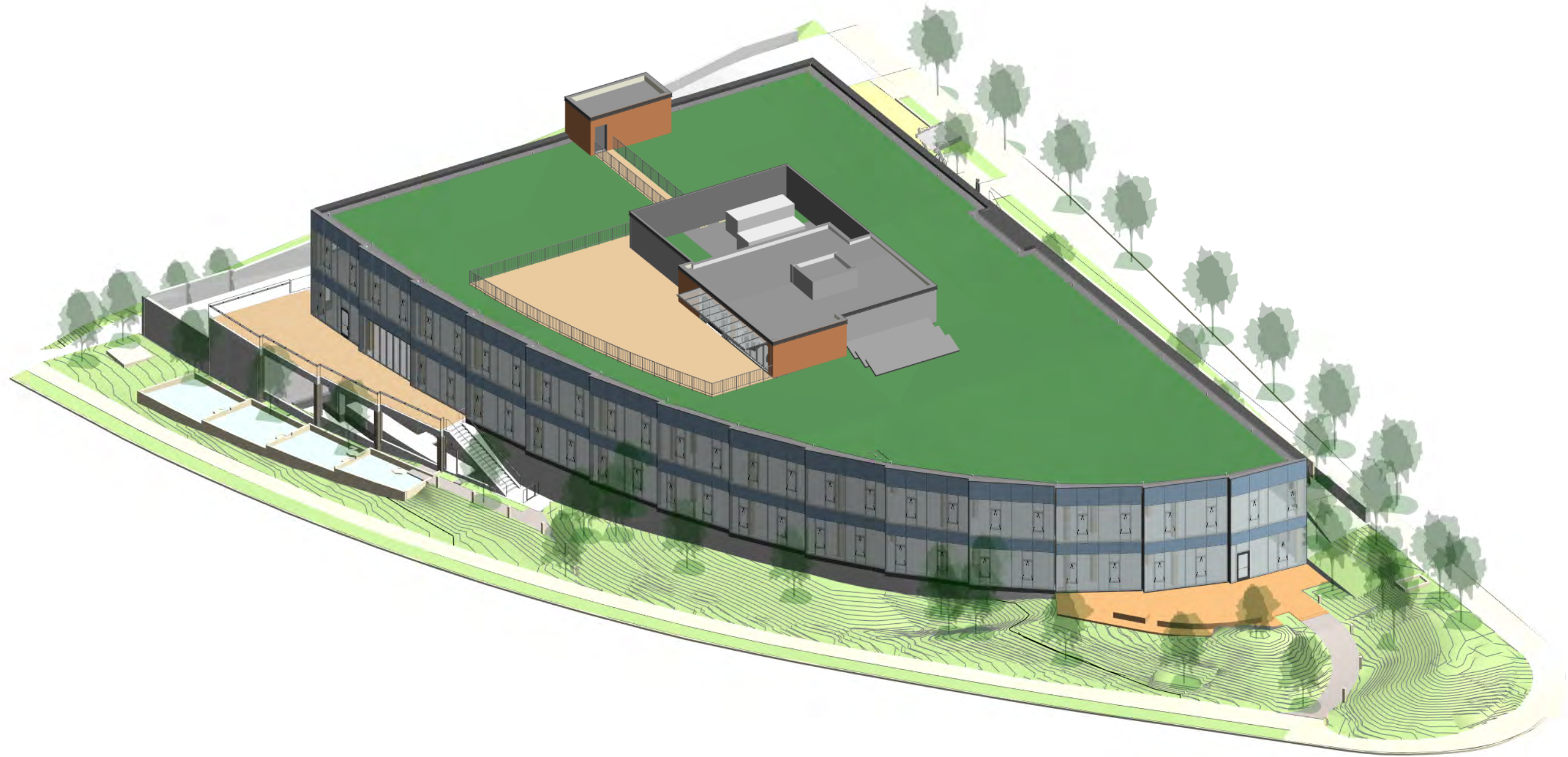
5501 Lakeview Drive Office Building

Under Construction

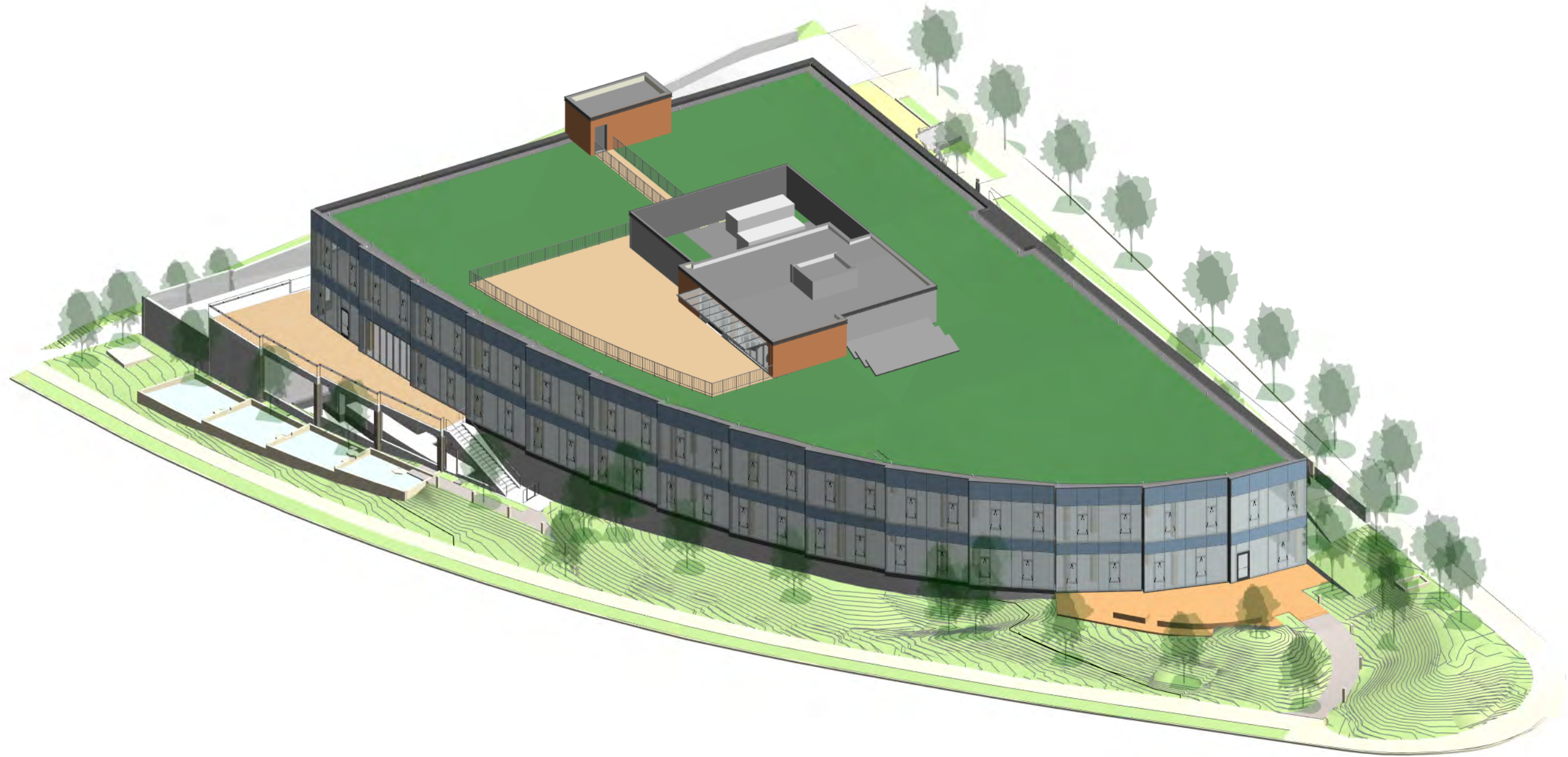
Structure has been designed to accommodate a rooftop amenity, project team would like to include if allowed.











Community Benefits:

- **Additional assessed value of ~\$1MM = additional \$9,000 / year to Kirkland, County, schools & public services**
- **Far less stress on existing public parks in the area**
- **Better employee retention for office tenants, making Kirkland a more desirable place to live and work**
- **Incentive for developers to create higher-quality buildings**
- **Green roofs that people can enjoy**
- **Spaces where office, retail, and residential occupants can easily enjoy the outdoors, connect with nature**
- **For these reasons, this project supports the draft code from the January 9th meeting**





January 29, 2020

City of Kirkland
c/o Ms. Allison Zike, Project Planner
Planning and Building Department
123 Fifth Avenue
Kirkland, WA 98033

Public Notice for a Letter of Support – Rooftop Appurtenances KZC Amendments, Case No. CAM19-00502

Dear: City of Kirkland
Project Planner, Ms. Allison Zike
The Houghton Community Council

I would like to lend my support to approving Rooftop Appurtenances Amendment.

We support and encourage utilizing each land value and structures on property through more efficiency.

Allowing Developers and Owners to maximize the views add value of our properties and promote residents and guests to step outside and take in the beauty of our area on rooftop spaces that would otherwise not be used.

The value gained from increased areas to enjoy the outside are priceless with the reduced with the ever-reducing ground level areas.

Thank you for allowing this input. I believe this to be a positive step for many future projects to be considered before the Planning/Zoning committees.

Sincerely,
DIBBLE ENGINEERS, INC.

Robb A. Dibble

Robb A. Dibble, PE
Property Owner
1029 Market Street, Kirkland
10220 E 43rd Street, Kirkland
Principal
robb@dibbleengineers.com

Allison Zike

From: Debbie and Jerry <debbieandjerry@yahoo.com>
Sent: Wednesday, January 8, 2020 9:52 PM
To: Planning Commissioners
Cc: Allison Zike
Subject: common outdoor rooms in rooftop amenities code

Follow Up Flag: Follow up
Flag Status: Completed

Hello,

At tonight's KAN meeting, Ms. Zike presented proposed changes to allow more rooftop amenities in stacked and commercial development. Overall I think this is a great idea, but I'm very concerned about the proposed common outdoor rooms. She showed some conceptual images of outdoor rooms, and they were uniformly light and airy, with most having just a roof and not walls. Given the decks that developers have put on houses, decks that are completely enclosed except for one open side, I think that would happen with common rooms as well and they could end up being massive. The code needs to be carefully written so that common rooms don't become a surrogate for an extra, albeit partial, extra floor.

Some ideas: start with just the code changes that allow for an elevator and railing and such, but no common rooms. See how these codes are used before carefully considering allowing a covered structure.

Require three sides to be open, so a roof and one wall, but the rest have to be open.

If covered outdoor rooms are permitted, as part of the design review process consider the impact on nearby property owners.

Ms. Zike spoke right after a tree code update. Have you considered requiring container trees?

Thank you for your service to our city.

Regards,
Debbie Ohman

236 7th Ave W
Kirkland, WA 98033

January 9, 2020

City of Kirkland
Planning Commission
123 5th Avenue
Kirkland WA 98033

Ref: Rooftop Amenity Amendments - CAM19-00502

Dear Members of the Planning Commission,

Thank you for the opportunity to comment on the proposal to update the Kirkland Zoning Code (KZC) sections related to rooftop appurtenance regulations.

Please accept this letter conveying recommendations which I offer as a Board Member of the Market Neighborhood Association and a recognized active participant in the current project undertaken by the City Planning Department to update the Neighborhood Plans for the Market, Market Street Corridor, Norkirk, and Highlands neighborhoods.

Background

I am working here to reflect the views of the neighborhoods as expressed in:

- The results of a significant survey of Market, Market Street Corridor, Norkirk, and Highlands residents, business owners, employees, and visitors conducted by the City in the Spring of 2019.
- A “Neighbor to Neighbor Workshop” held by the City Planning Department on June 19, 2019.
- Discussions at Meetings of the Market Neighborhood Association general membership and Board.

- Discussions at and consensus positions determined from meetings of the Market Street Corridor Focus Group that was convened by the Planning Department during September – November 2019.

I want to avoid pre-empting the future discussion of the three Neighborhood Plan updates that will be covered at future Planning Commission meeting. Instead, this letter is aimed at relating lessons being learned during work on the Neighborhood Plan update process to the active effort to consider changes to the Rooftop Amenity Amendments being contemplated. This letter will focus on the Market Street Corridor because it is directly impacted by possible Rooftop Amenity Amendments. At the same time, it's clear that the Norkirk Light Industrial Area is similarly impacted by Rooftop Amenity Amendments being considered. Indeed, there are common concerns anywhere in the City that large and multi-story development abuts low density residential areas.

Basis

A Market Street Corridor “Focus Group” organized by the Planning Department to develop input into the draft update of the Market Street Corridor Neighborhood. This group consisted of 10-15 people drawn by the Planning Department from:

- Market Street Corridor business and building owners
- Market Street Corridor Residents
- Market Neighborhood Residents
- Norkirk Neighborhood Residents

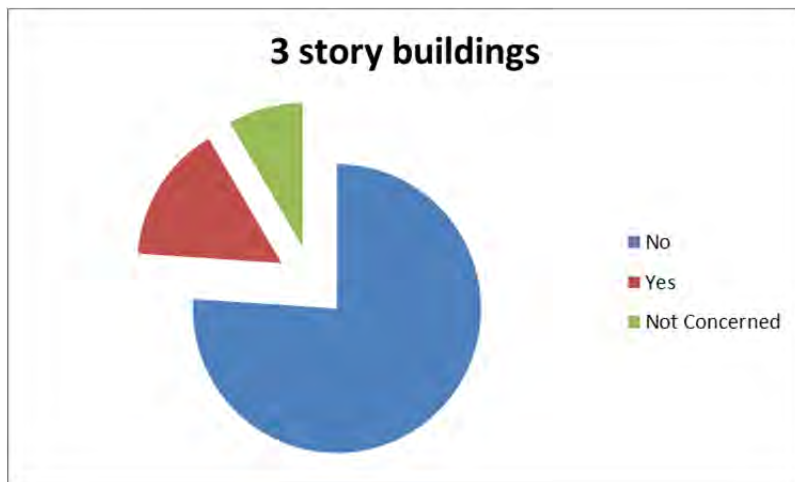
The “Focus Group” wrestled mightily with two major issues:

- Traffic congestion, in particular on Market Street
- Divergent priorities of developers of commercial/multi-family building and neighborhood peace, tranquility, and livability.

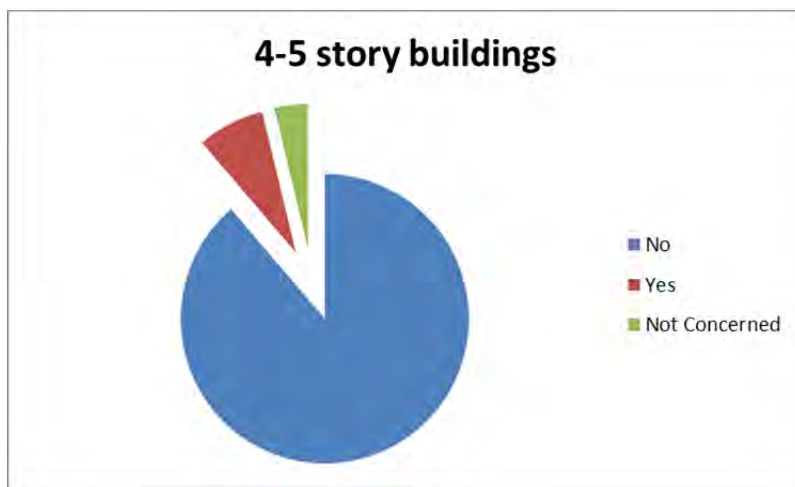
The first item is clearly outside the scope of this letter and is mentioned only for completeness.

Data

One of the data points considered by the Focus Group was the results of 2 questions in a Spring 2019 Neighborhood Survey concerning building types/uses, specifically height. The survey proposed “3 story buildings” and “4-5 story buildings” and asked respondents to choose either “I’m not concerned”, “I don't support this”, “Good enough as it is”, or “Needs to be improved”. These relates directly to the consideration of Rooftop Amenities. Simplifying to combine “I don't support this” and “Good enough as it is” as “No” and “Needs to be improved” as “Yes”, the following pie charts can be drawn:



(284 Total Responses)



(292 Total Responses)

Results

The Market Street Corridor Focus group achieved a strong consensus that building height in the Corridor should remain as-is – no changes to the zoning code concerning building height. This resulted from a health desire to retain the neighborhood “look and feel” of the corridor and limit the impact of commercial development on the peace and tranquility and livability of the surrounding Norkirk and Market Neighborhoods.

The boundary between neighborhood and commercial areas is critical as both integration and separation is required. The current MSC zoning code does a good job here and the resident neighbors like the status quo.

The focus group specifically discussed rooftop amenities as a developer/owner participant talked about the importance of being able to “capture the view”. The neighboring residents pushed back with the idea that they didn’t want the view to be captured at the expense of their view (those uphill from Market Street in Norkirk) or their peace and privacy (those downhill in Market). In the end, the consensus of the focus group was that the existing MSC zoning concerning both building height and rooftop amenities should be preserved.

The Norkirk participants in the Market Street Corridor Focus Group were all from areas close to Market Street. So we don’t know much about the views of Norkirk residents near the Light Industrial areas. Based on the results of the neighborhood survey conducted by the City, it seems highly likely they have similar views.

It’s clear from the less formal survey information included in the September 19, 2019 Planning Commission meeting packet that residents elsewhere in the City have similar concerns about the impact of increased rooftop amenities and taller appurtenances would have on issues such as peace, privacy, sunlight, and views.

Recommendation

Please consider the following recommendation:

1. Preserve the existing zoning concerning rooftop amenities and appurtenances for buildings throughout the City where the development is either:
 - a. Located on a lot adjacent to a lot zoned for low density residential
 - b. Located on a lot across an alley or street from a lot zoned for low density residential
 - c. Zoned for 4 or fewer stories
2. Proceed based on the City staff recommended approach to allow more rooftop amenities and taller appurtenances elsewhere – generally for tall buildings located in high density commercial or high density multi-family areas. In these situations, the increased height and mass of the structures on top of these buildings is sufficiently removed from the street and from people so the impact on the neighborhood is reduced and manageable.

Thank you.

Sincerely,



Kenneth E. MacKenzie

Cc: Allison Zike, AICP, Senior Planner
Janice Coogan, Senior Planner
Laura Harding, Market Neighborhood Association Co-President
Jennifer Greenberg, Market Neighborhood Association Co-President

Allison Zike

From: Jin <kensou@gmail.com>
Sent: Tuesday, January 7, 2020 2:43 PM
To: Planning Commissioners; Allison Zike
Subject: Rooftop Amenity Amendments - CAM19-00502

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Planning Commission:

My name is Jin, 8527 126th Ave NE. I don't know whether I'll be able to make it in person to the planning commission meeting this Thursday so I wanted to submit this comment via email at the very least.

I just wanted to point out 2 scenarios that I feel the proposed amendments should try to take into consideration.

The first one is for medium and high density parcels being built as "detached, attached or stacked". The rooftop amenity amendments as written today would not apply to detached dwelling units. Personally I feel the spirit of these amendments is to encourage rooftop amenities as it seems there's a consensus that is a desirable feature which maximizes the usage of a roof. Having these amendments apply to buildings based on whether they have shared walls or not seems inconsistent with this spirit. I think whether the development is about attached or detached dwelling units, they should apply just the same way as the mitigation of possible impacts would also apply in the same way for both types of developments.

The second scenario, although possibly less important and more complex, is for developments regulated by chapter 113. In particular, 2/3 unit homes. I think by definition of a multifamily dwelling unit, I feel that a 2/3 unit home qualifies as you literally have 2 or 3 units in a single building.

Thank you for your time.

Jin



January 7, 2020

Planning Commission
City of Kirkland
123 5th Ave
Kirkland, WA 98033

RE: Rooftop Amenity Amendments, File Number CAM 19-00502

Dear Commissioners;

I am submitting this letter based on my understanding that the Planning Commission is considering amendments to the Kirkland Zoning Code, KZC 115.120, regarding rooftop amenity amendments. I am in support of this and specifically the City proposed draft code amendments to same. As stated by others and staff, I believe it is important to have such spaces to help occupants to "have a sense of place interact as a community".

As this process continues, I would ask that zones PLA 5C, PLA 6A and HENC 2 be included in these amendments. We have future redevelopment properties in each of these zones and they all share similar urban settings and need for places to gather and for spaces and opportunities to establish a sense of place and community.

Sincerely,

Doug Waddell
President



Continental Properties Inc.
Specialists in quality real estate development

December 18, 2019.

Planning Commission
City of Kirkland
123 5th Ave
Kirkland, WA 98033

Re: Rooftop Appurtenance Amendments

Dear Commissioners;

We are submitting this letter because we understand the Planning Commission is considering amendments to the Kirkland Zoning Code (KZC 115.120), specifically regarding rooftop appurtenances, that would result in access to rooftops and allow the use of rooftops for outdoor common spaces. We support this effort because we believe semi-private common areas are a vital component in creating livable communities for residents in the core of a city. Unique to Kirkland, residents will be able to enjoy one of its greatest assets, it's stunning views of Lake Washington. This letter is submitted as a request that the Planning Commission include the CBD 1A and 1B zones in these amendments.

Currently in the land use code, CBD 1A and 1B zones are treated differently than other multi-family and mixed-use zones with building height provisions and permitted exceptions being addressed in a separate article (50.62.3). Specifically, the last sentence of 50.62.3.c excludes CBD 1 zones from the Rooftop Appurtenance modifications allowed under KZC 115.120. This is significant because if 50.62 is not addressed in the proposed rooftop appurtenance amendments, the downtown core residential zones (namely CBD 1A and 1B) would effectively be excluded as well. The applicable text of the KZC CBD 1 zone (KZC 50.62.3) is provided below for reference.

50.62 Building Height Provision in the CBD

3. The following exceptions to height regulations in CBD zones are established:
 - a. Decorative parapets may exceed the height limit by a maximum of four (4) feet; provided, that the average height of the parapet around the perimeter of the structure shall not exceed two (2) feet.
 - b. For structures with a peaked roof, the peak may extend five (5) feet above the height limit if the slope of the roof is greater than three (3) feet vertical to 12 feet horizontal and eight (8) feet above the height limit if the slope of the roof is equal or greater than four (4) feet vertical to 12 feet horizontal.
 - c. Within CBD 1A and 1B, the height of rooftop appurtenances and related screening shall not exceed the maximum applicable height limitation beyond the height exceptions established in subsections (3)(a) and (3)(b) of this section. In addition, the appurtenances and screening shall be integrated into the design of the parapet or

Tel: 425.462.0700
Fax: 425.462.0760
600 108th Avenue NE, Suite 1010
Bellevue, Washington 98004

peaked roof form. The height of rooftop appurtenances and the height of related screening may not be modified through KZC 115.120.

One of the fundamental principles in urban planning practices is that greater densities for residential and mixed-use development occur in the downtown "core" of a city. There are many tenets that support density in the city core, a few of which include the following: a) in-place infrastructure has the capacity to accommodate greater demand, b) employment and business is concentrated in the core area of cities and c) a variety of public amenities such as restaurants, libraries, shopping and entertainment are within short distances.

While there are benefits of increased density for housing in a downtown setting, it is vital to provide residents with spaces and opportunities to establish a sense of place or community. One of the things typically found in the most livable cities are outdoor places where residents can gather and begin to associate with their community. Outdoor rooftop spaces often function as such a place for those living in the heart of a city, and they afford all of a building's residents an opportunity to enjoy similar amenities and views.

In the heart of Kirkland, the CBD 1 zones are where the greatest residential density occurs and where it is being developed. It is in this central core where it is most important that residents have access to outdoor "neighborhood" spaces. Outdoor rooftop spaces will provide such a place. It is imperative therefore that the central areas of the city are afforded the same opportunity for common rooftop amenity spaces as other multi-family and mixed-use zones.

As the Planning Commission moves forward we ask that they not overlook the CBD zones and include amendments to the KZC (specifically article KZC 50.62.3) such that the CBD 1A and 1B zones have the same opportunities for rooftop spaces as other multi-family and mixed use zones. The amendments should be drafted to permit such elements as elevator overruns, stair towers, guardrails, railings and overhead canopies, to extend above the height limitations, so that proper access and life safety measures can be accommodated.

In summary, enabling access to building rooftops for use as outdoor community spaces will greatly improve the livability of downtown residential projects. It is vital that the most dense residential areas in the city are able to include such spaces. We thank you for your consideration and look forward to contributing however we can to enhancing the livability of downtown Kirkland.

Kind regards,



Ed Segat
Development Manager

From: Michels, Steve {PBC} <Steve.Michels@pepsico.com>
Sent: Wednesday, April 22, 2020 10:25 AM
To: Allison Zike
Cc: terry dessert
Subject: RE: City of Kirkland Rooftop Amenity Code Amendments

Follow Up Flag: Follow up
Flag Status: Completed

Good morning Allison:

Hope you are safe and well.

As a neighbor in the vicinity who has lived here for over 20 years., I am concerned about the proposed project.

We need to try and maintain current levels of roof tops as much as possible.

The town has undergone rapid expansion of growth over the past few years. I am not sure it's in the best interest of all to push maximum ceiling levels along market street to accommodate builders and companies like Dibble who back the idea. I think we should all be heard before, new height levels are whisked by and approved.

When is the next meeting on the subject? Will it be a zoom invite open to the public?
Please advise, thank you,

Steve Michels,

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

From: terry dessert <terrydessert1@gmail.com>

Sent: Saturday, April 4, 2020 9:10 AM

To: AZike@kirklandwa.gov

Cc: psweet@kirklandwa.gov; jarnold@kirklandwa.gov; nblack@kirklandwa.gov; kcurtis@kirklandwa.gov; afalcone@kirklandwa.gov; tnixon@kirklandwa.gov; jpascal@kirklandwa.gov

Subject: City of Kirkland Rooftop Amenity Code Amendments

Hello Allison,

I don't know if the City Council meeting will take place on April 7th but I wanted to weigh in on this topic and had also hoped to be able to speak at the meeting.

My husband Ross and I live on the West side of First Street so this code would effect us very directly. I understand that some "Community Leaders" were consulted about the issues surrounding

this proposed plan but that none of them live on First Street and will not be directly impacted by the outcome. We also understand that Dibble Engineering group is very involved in promoting this change. Dibble Group.

has a strong financial and business interest with their commercial building just a block North of us on 11th and Market as well as an eye on further commercial development on the Market corridor.

The Amendment refers to any impact to "single family residential properties" which, more personally put, is our beautiful home in our wonderful neighborhood and the best neighbors in Kirkland. After leaving the Navy in

1978, my husband Ross and I came to Kirkland to visit friends and we never left. Our house at 917 1st Street is our 4th home in Kirkland and is our forever home in every way. This code change appears to be establishing

a harder and more obvious boundary between the Market neighborhoods. Up until recently, there were a number of low impact style commercial businesses but this code change would adversely effect the neighborhood

feel and landscape in an otherwise residential zone. More personally, we and our neighbors will lose our mountain and lake vistas which may be replaced by rooftop parties, common rooms, distracting lights and noise

pollution. As faithful Kirkland citizens and longtime taxpayers, it is not clear how this new code would benefit anyone but select commercial developers who wish to claim Market as the new high rise zone.

It appears that this decision would give an advantage to few and penalize those of us who live in the shadow of their future encroachment.

Terry Dessert
917 1st street
Kirkland Wa

From: Zhan Xiao <zhan.xiao@gmail.com>
Sent: Wednesday, March 25, 2020 7:49 PM
To: Allison Zike
Subject: CAM19-00502 Rooftop Amenities and Appurtenances

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Allison,

My family and I live on 1st Street. We just became aware of city's planned Code Amendment Request (CAM19-00502 Rooftop Amenities and Appurtenances) in the past few days through our brave neighbors, Andy and Alice.

I would like to submit our comments for city council's review as well if this is not too late.

We would like to request the city council to table CAM19-00502 for the time being, if possible at all, for the following reasons:

1. Given our property is adjacent to commercial buildings along the Market Street Corridor, my family and I are very concerned about the impact this Code Amendment is likely to bring;
2. Most of our neighbors seemed to have no knowledge of the proposed changes and therefore had not provide their comments;
3. The COVID-19 pandemic is not only making communication with neighbors very difficult, but is also diverting people's attention away from this matter to juggling household health issues, full time babysitting duties, and still trying to work at home to keep their jobs.

This is a time of uncertainty for us all. Given the gravity of the pandemic, the amount of stress it puts on the city council and residents. I, again, kindly request the city council to consider postponing this matter to a much later time.

Best Regards and please stay safe!
Zhan, Yuki, Aaron, Yuqi, and Adrian
1121 1st Street
Kirkland, WA 98033

From: Gary Bleeker <gbleeker@gmail.com>
Sent: Wednesday, March 25, 2020 8:34 PM
To: Allison Zike
Subject: Rooftop Appurtenances Amendments, File No. CAM 19-00502

Dear Kirkland City Council

I would like to express my opposition to the proposed Rooftop Appurtenance Amendments and ask the Council to not approve the Amendments as submitted. While I am not opposed to the Rooftop Appurtenance Amendment as proposed for high density commercial areas such as the Central Business District, the proposed amendments are not appropriate for properties adjacent low density residential zoned property.

The proposed addition of roof top common rooms and rooftop amenities for areas such as the Market Street corridor will have a significant negative impact on adjacent residential neighborhoods. Many properties east of Market Street Corridor are elevated. The proposed amendment will allow an increase of as much as a 15 feet in building heights and will have a direct negative impact on the view corridor of these properties. This will not only impact property values but the presence of common rooms and garden facilities on the roof of low rise structures will result in increased roof activity creating noise and privacy issues.

As I have reviewed this amendment, I have become aware that several people are interested in attending the April 7 council meeting to state their opposition to the amendment as proposed. With the stay home directive of the State and current restriction on meetings, it would be appropriate to delay any action on this amendment until all concerned can attend the council meeting and express their concerns.

I strongly request that the City Council not approve the proposed amendment as submitted. These amenities may be appropriate for taller structures located in high density commercial or high density multifamily areas, but the amendment is not appropriate for properties adjacent low density residential neighborhoods. I strongly recommend that the council not approve the Rooftop Appurtenance Amendments as submitted and instruct staff to modify the amendments to apply to only high density commercial and multifamily areas.

Sincerely

Gary Bleeker

1223 1st ST

Kirkland WA 98033

gbleeker@gmail.com

206-390-0150

From: Allison Zike
Sent: Friday, March 20, 2020 2:41 PM
To: Allison Zike
Subject: FW: Outreach, public input and Rooftop Appurtenance Amendments, CAM19-00502

From: tanya dimpsey <tanyaschulte@LIVE.COM>
Sent: Tuesday, March 17, 2020 3:43 PM
To: City Council <citycouncil@kirklandwa.gov>
Subject: Outreach, public input and Rooftop Appurtenance Amendments, CAM19-00502

Dear Kirkland City Council,

I am writing out of concern regarding outreach and public input on Rooftop Appurtenance Amendments, CAM19-00502

I am concerned by the lack of transparency and outreach regarding these code amendments. Developers and commercial property owners were made aware of these potential changes well in advance of the residents who will be impacted. Although the Planning Department contends that targeted outreach was done, I do not believe this was the case.

These code amendments were not mentioned to the Market Street Corridor Focus group and yet these code amendments directly impact the MSC. To be clear, I participated in the MSC Focus and never once were these code amendments discussed. Additionally, the city conducted a considerable amount of outreach regarding updating the neighborhood plans for the Market Neighborhood, Norkirk Neighborhood and the Market Street Corridor and these code amendments were never mentioned.

Rooftop Appurtenance Amendments, CAM19-00502 was only brought to the attention of KAN on 1/9 where Ms. Zike gave a brief overview of the proposed changes. One member of KAN responded that she was led to believe these code amendments would only affect high-density areas, not along the Market Street Corridor.

Norkirk residents were only made aware of these code amendments on 2/3 by a brief posting on Nextdoor regarding a neighborhood meeting. At the Norkirk Neighborhood meeting on 2/5, where there were only a dozen people in attendance, Ms. Zike presented a brief overview of the code amendments. Residents then had less than a week from that meeting to provide public comment to the Planning Commission before the public comment period ended on 2/11.

This does not constitute outreach especially given the fact that the city began discussing this issue in September of 2019 and likely quite earlier than this. How is it that developers and commercial property owners have over a year to make comments to the proposed code amendments (CAM19-00502) and residents have less than one week? I'm disappointed with the City and the planning department that an issue like this is handled in such a way it seems shrouded in secrecy.

Lastly, there is no mention of these proposed code amendments on the city website
https://www.kirklandwa.gov/depart/planning/Code_Updates/Projects.htm

The lack of public input regarding these amendments robs the community of an opportunity to create the Kirkland they would like to see in the future. It doesn't give those housing advocates fighting for the 'missing middle' and opportunity to provide comment nor does it give my Norkirk neighbors an opportunity to have their voice heard.

Sincerely,

Tanya Dimpsey
1517 1st Street

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From: Alice Dobry <aedobry@gmail.com>
Sent: Tuesday, March 17, 2020 2:02 PM
To: Penny Sweet; Jay Arnold; Neal Black; Kelli Curtis; Amy Falcone; Toby Nixon; Jon Pascal
Cc: Allison Zike; Kurt Triplett
Subject: Code Amendment Request (CAM19-00502)

Dear City Council members,

My family and I live on 1st Street, adjacent to the 4-D Architects building and across from Zip Mart on Market Street.

I already filed written comments in February and March regarding the above Code Amendment Request.

According to the City Council Agenda Calendar, members will be taking up and possibly approving the above Code Amendment request. From what I see, the Council's meeting calendar was last revised on March 5th, 2020.

For the following reasons, can you recommend to City Council, a postponement of this item on the April 7th agenda due to the following --

- As I'm sure you have know already, recent health fears due to Covid-19 has caused an unprecedented amount of disruption, including widespread closures and caused health and economic disruption (reduced in-person communication, fear of sickness, and of course, school and business closures). Also, our neighbors' daily lives have been relatively up-ended reducing their time to meet with and process up-coming City proposed changes.
- Neighborhood members, who are in close proximity to buildings that will implement these code changes are uninformed. My husband and I along with a few of our neighbors are attempting to educate other 1st street property owners about the nature of these proposed changes, so that they can provide comment. Incidentally, no 1st Street property owner that we spoke to has any knowledge of your targeted outreach; hence the reason they're completely in the dark about CAM19-00502, and the limited input that has been provided to both City Planning and the Planning Commission.
- Speaking for myself and the neighbors (who are concerned about this matter) neither understood nor knew to use the City's reach-out via online technology that the City uses to provide updates about planned City code updates; not to mention in this time of lock-down providing input to a City Council hearing.

In light of the above, can you impress to Planning and City Council to table CAM19-00502 for the time being, preferably until the June, 2nd, 2020, meeting.

Thank you,
Alice Dobry
Andy Kispert
1419 1st Street
Kirkland, WA 98033

From: Michael Brockman - SRJO <m.brockman@srjo.org>
Sent: Monday, March 9, 2020 7:51 PM
To: Allison Zike; Planning Commissioners
Cc: robert dimpsey; Penny Sweet; Toby Nixon
Subject: Re: Zoning Change CAM19-00502

Dear Ms. Zike, and members of the City of Kirkland Planning Commission,

I am writing to voice my strong opposition to the proposed zoning change CAM19-00502 (code for allowing rooftop amenities) along the market street corridor. I am the owner of a home on First Street, which is abutting a property effected by the proposed zoning change. I will be negatively and greatly impacted by the proposed zoning change. I URGE you to refuse these request for zoning changes, on the grounds that it is simply not fair to anyone surrounding Market Street.

Commercial buildings should not be allowed to exceed normal height restrictions simply because they want to add rooftop amenities. Further, the idea that having rooftop amenities should include an "common room" that is built on top of a building, and exceeds normal height restrictions, is absurd. No matter what name you use to give it, an additional structure built on top of a building, and that exceeds the normal height limit is an additional floor of constructed building, and is not fair to anyone else. This is, quite simply, allowing commercial buildings to grossly exceed the height restrictions that everyone else must adhere to.

The ignoring and changing of height restrictions for business interests is damaging to everyone else in the neighborhood who must conform to normal height restrictions. The restrictions are there for a reason---and for the good of the community, we all must live within those restrictions, and stop letting *some* people get around those restrictions.

The zoning change proposed in CAM19-00502 would severely impact me and my neighbors for no discernable public good. It would have negative impacts on my standard of living, my quality of life and my property values: in addition to permanently blocking view, it would likely increase noise, and significantly reduce my privacy. My house is designed and focused around a westward-facing view and when I purchased it I clearly checked the zoning rules so that it would not be obscured. I welcome any members to stop by and see the impact this change will have.

As a 27-year resident of Kirkland, I look to the planning commissioners and city council to put the needs and priorities of residents above those of developers. The community participants in the market street corridor focus group were clearly united in not changing this zoning. The

planning survey (Neighborhood Plan) completed by the neighborhood stakeholders also decidedly was opposed to rezoning of the market street corridor.

There should be no confusion as to what the current residents of the neighborhood want: No Zoning Change. Yet, the proposed zoning change is making progress and very few of the residents along 1st street even know it's being discussed. It seems to me that the City Council and Planning Commission are not representing or listening to current residents.

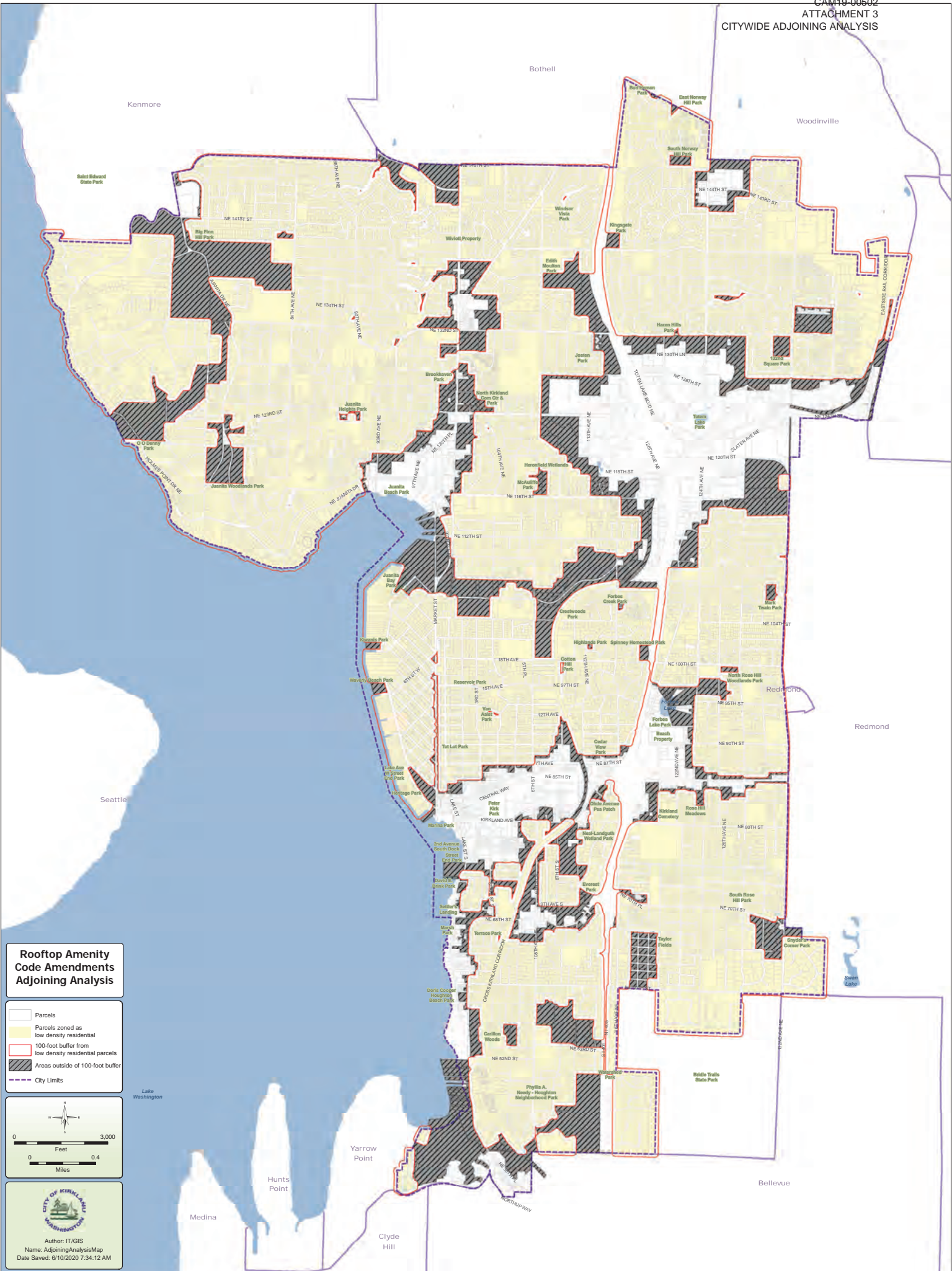
The proposed re-zoning accomplishes no overall public benefit and it is opposed by the residents in the neighborhood. It is just a transfer of value from a current resident to a future developer without any redeeming larger, community value.

I am sending a copy of this message to Kirkland City Council members whom I personally know, hoping they can bring a halt to the proposed change.

Sincerely,

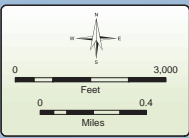
Michael Brockman

27 year resident of Kirkland, and owner of: 1313 First Street, Kirkland



Rooftop Amenity Code Amendments Adjoining Analysis

- Parcels
- Parcels zoned as low density residential
- 100-foot buffer from low density residential parcels
- Areas outside of 100-foot buffer
- City Limits



Author: IT/GIS
Name: AdjoiningAnalysisMap
Date Saved: 6/10/2020 7:34:12 AM

ORDINANCE O-4720

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING AND LAND USE AND AMENDING THE CITY OF KIRKLAND ZONING CODE, ORDINANCE 3719 AS AMENDED, INCLUDING CHAPTERS 5, 50, AND 115 REGARDING DEVELOPMENT STANDARDS FOR ROOFTOP APPURTENANCES AND ROOFTOP AMENITIES, AND RELATED DEFINITIONS, AND APPROVING A SUMMARY FOR PUBLICATION, FILE NO. CAM19-00502.

1 WHEREAS, the City Council has received a recommendation
2 from the Kirkland Planning Commission to amend a portion of the City
3 of Kirkland Zoning Code, Ordinance 3719, as amended, as set forth in
4 that the report and recommendation of the Planning Commission dated
5 March 26, 2020 and bearing Kirkland Planning and Building Department
6 File No. CAM18-00258; and
7

8 WHEREAS, prior to making the recommendation, the Planning
9 Commission and Houghton Community Council, following notice thereof
10 as required by RCW 35A.63.070, held a joint public hearing on February
11 13, 2020, on the amendment proposals. The Houghton Community
12 Council considered the comments received at the hearing and developed
13 a recommendation to the Planning Commission at its deliberation
14 meeting on February 13, 2020, and the Planning Commission considered
15 the comments received at the hearing and the recommendation of the
16 Houghton Community Council and developed its recommendation to the
17 City Council on February 27, 2020; and
18

19 WHEREAS, pursuant to the State Environmental Policy Act
20 (SEPA), there has accompanied the legislative proposal and
21 recommendation through the entire consideration process, a SEPA
22 addendum to Existing Environmental Documents issued by the
23 responsible official pursuant to WAC 197-11-625; and
24

25 WHEREAS, in open public meeting on April 7, 2020 the City
26 Council considered the environmental documents received from the
27 responsible official, together with the report and recommendation of the
28 Planning Commission.
29

30 NOW, THEREFORE, the City Council of the City of Kirkland do
31 ordain as follows:
32

33 Section 1. Zoning Code Amended: The specified sections in
34 Chapters 5, 50, and 115 of the Kirkland Zoning Code are amended as
35 set forth in Exhibit A to this ordinance and incorporated by reference.
36

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

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Section 3. To the extent that the subject matter of this Ordinance is subject to the disapproval jurisdiction of the Houghton Community Council as created by Ordinance 2001, the Ordinance shall become effective within the Houghton community either upon approval of the Houghton Community Council, or upon failure of the Community Council to disapprove this Ordinance within 60 days of its passage.

Section 4. Effective Date: Except as to Section 3 above, this ordinance shall be in full force and effect five days from and after its passage by the City Council and publication, pursuant to Kirkland Municipal Code 1.08.017 in the summary form attached to the original of this ordinance and by this reference approved by the City Council as required by law.

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

Passed by majority vote of the Kirkland City Council in open meeting this ____ day of _____, 2020.

Signed in authentication thereof this ____ day of _____, 2020.

Penny Sweet, Mayor

Attest:

Kathi Anderson, City Clerk

Approved as to Form:

Kevin Raymond, City Attorney

PUBLICATION SUMMARY
OF ORDINANCE NO. 4720

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING AND LAND USE AND AMENDING THE CITY OF KIRKLAND ZONING CODE, ORDINANCE 3719 AS AMENDED, INCLUDING CHAPTERS 5, 50, AND 115 REGARDING DEVELOPMENT STANDARDS FOR ROOFTOP APPURTENANCES AND ROOFTOP AMENITIES, AND RELATED DEFINITIONS, AND APPROVING A SUMMARY FOR PUBLICATION, FILE NO. CAM19-00502.

SECTION 1. Amends Chapters 5, 50 and 115 to the Kirkland Zoning Code relating to rooftop appurtenances and amenities.

SECTION 2. Provides a severability clause for the ordinance.

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

SECTION 4. Authorizes the publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as five days after publication of the summary.

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

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the ____ day of _____, 2020.

I certify that the foregoing is a summary of Ordinance 4720 approved by the Kirkland City Council for summary publication.

Kathi Anderson, City Clerk

Kirkland Zoning Code – Chapter 5 - Definitions

5.10.816 Rooftop Amenities

Structures such as landscape planters, guards or railings, decking material, seating, play equipment, kitchen and/or barbeque elements, hot tubs, animal runs, fire pits, umbrellas, trellises, and similar temporary or permanent items that are on a building rooftop, available to all building occupants, and do not provide exclusive use to any specific units/suites or group of units/suites.

5.10.817 Rooftop Appurtenances

HVAC equipment, mechanical or elevator equipment and penthouses, roof access stair enclosures, and similar equipment or appurtenances that extend above the roofline of a building, but not including personal wireless service facilities as defined by KZC 117.15 or solar panels as defined by KZC 5.10.881.1. (Ord. 4350 § 1, 2012; Ord. 3919 § 1, 2003)

5.10.818 Rooftop Common Room

An exterior covered area or an interior enclosed space on a building rooftop that is available to all building occupants and does not provide exclusive space to any specific units/suites or group of units/suites.

Kirkland Zoning Code – Section 115.120 – Rooftop Appurtenances

The intent of these rooftop appurtenance regulations is to specify height allowances for such items above the maximum height of structure. Regulations for rooftop appurtenances recognize that the rooftop can be a practical place for building utilities and that access to rooftops often requires additional height.

1. Scope – The regulations contained in this section apply to all construction except: (a) single-family residential, and (b) personal wireless service facilities regulated by Chapter 117 KZC.

For properties within jurisdiction of the Shoreline Management Act, see Chapter 83 KZC.

2. Abandonment – Rooftop appurtenances which are abandoned or no longer serve the building or tenant space with which they are associated shall be removed by the building owner within 90 days of the date they were abandoned or discontinued service.
Appurtenances associated with buildings or tenant spaces which are vacant but which are undergoing renovation and/or are available for lease or rent shall not be considered abandoned.
3. Required Screening for Rooftop Appurtenances
 - a. New construction shall, to the extent feasible, visually screen rooftop appurtenances by incorporating them into the roof form, or by using architectural designs such as clerestories having a slope of at least three (3) feet vertical to 12 feet horizontal or roof wells. Such roof forms and architectural designs may extend five (5) feet above the height limit (see Plate 30).
 - b. New or replacement appurtenances on existing buildings and new appurtenances on new buildings where compliance with subsection (3)(a) of this section is not feasible shall be surrounded by a solid screening enclosure equal in height to the appurtenances being screened. The screen must be integrated into the architecture of the building.
 - c. A rooftop appurtenance screened by alternative measures, including but not limited to landscaping maintained at a height equal to the height of the appurtenance, painting to match the building roof and/or façade, or the use of pre-manufactured self-screening appurtenances, is exempt from the requirements of subsections (3)(a) and (b) of this section if the Planning Official determines that such alternative screening will be as effective in minimizing rooftop clutter as a solid screening enclosure.**
 - d. Exemptions**
 - 1) Rod, wire, and dish antennas approved pursuant to KZC 115.60(2) are exempt from the requirements of subsections (3)(a) and (b) of this section where screening would interfere with the effective operation of these antennas.

~~2) A rooftop appurtenance screened by alternative measures, including but not limited to landscaping maintained at a height equal to the height of the appurtenance, painting to match the building roof, or the use of pre-manufactured self-screening appurtenances, is exempt from the requirements of subsections (3)(a) and (b) of this section if the Planning Official determines that such alternative screening will be as effective in minimizing rooftop clutter as a solid screening enclosure.~~

4. Allowable Height and Size – **Rooftop Appurtenances**

a. **Any** rooftop appurtenances may exceed the ~~applicable height limitation~~ **maximum height of structure** by a maximum of four (4) feet if the area of all appurtenances and screening does not exceed 10 percent of the total area of the building footprint (see Plate 31). **Elevators and equipment and/or stair enclosures allowed under subsection 4(b), below, shall be included in the area calculation towards the maximum 10%.**

b. For stacked dwelling units and commercial buildings, rooftop appurtenances necessary to access rooftop amenities, such as elevators and associated equipment and/or stair enclosures, may extend above the maximum height of structure for the zone beyond the allowance in subsection 4(a), provided:

1) The elevator and associated equipment and/or stair enclosure height is the minimum necessary for rooftop amenity access and does not exceed 15 feet above the maximum height of structure; and

2) Elevators and associated equipment may include an enclosed entry/exit vestibule matching the height of the elevator, but not exceeding the minimum area required by the building code.

3) The stair enclosure, including the top landing of stairs, does not exceed the minimum area required by the building code.

4) Rooftop appurtenances necessary to access rooftop amenities, such as elevators and associated equipment and/or stair enclosures, proposed on portions of

structures adjoining low-density residential zones may only be approved through the modification process in KZC 115.120.4(c) below.

bc. The Planning Official may approve a modification to the standards of subsection (4)(a) of this section if:

- 1) No reasonable alternatives to the increased height or size **exists**, such as utilizing alternative equipment design or technology or locating the appurtenances at or below grade or within the structure, ~~exists~~, and the amount of increase and the size of the appurtenance and its screening is the minimum amount necessary; and
- 2) The applicant submits accurate graphic representations or other information that demonstrates that:
 - a) Views from ~~adjacent~~ **adjoining** properties will not be significantly blocked **by the appurtenance(s)**; and
 - b) Visibility of the appurtenances from ~~adjacent~~ **adjoining** properties and streets will be minimized; and
 - c) Aesthetic impacts resulting from the increased height and/or area will be minimized through appropriate screening, architectural integration, and/or location or consolidation of the appurtenance(s); and
- 3) The height of the appurtenance, ~~including the combined height of mechanical equipment or elevator penthouse overrun and appurtenances mounted on top of the penthouse overrun~~, shall in no event exceed ~~the lesser of the following~~:
 - a) ~~The~~ height of the story immediately below the appurtenance, ~~or~~
 - b) ~~Fifteen feet above the applicable height limitation~~; and
- 4) In no event shall the total area occupied by rooftop appurtenances or enclosed within their screening exceed 25 percent the total area of the building footprint.

ed. The Planning Official shall not approve or deny a modification pursuant to subsection (4)(~~bc~~) of this section without first providing notice of the modification request to the

owners and residents of each adjoining property and providing opportunity for comment. ~~The Planning Official shall use mailing labels provided by the applicant, or, at the discretion of the Planning Official, by the City.~~ Said comment period shall not be less than seven (7) calendar days. The fee for processing a modification request shall be as established by City ordinance.

5. Optional Locations – As an option to placing appurtenances on the roof, appurtenances may be located as follows:

~~a. At or below grade, subject to the following:~~

~~1) The appurtenances are surrounded by landscaping or a solid screening enclosure, or is located in such a manner that they are not visible from adjacent properties or rights of way; and~~

~~2) The appurtenances will not violate KZC 115.95 (Noise Regulations) or KZC 115.100 (Odor), or create undue heat or vibration on the adjoining property; and~~

~~3) The appurtenances may be located in a required side or rear yard, if:~~

~~a) The appurtenances comply with subsections (5)(a)(1) and (2) of this section; and~~

~~b) The appurtenances are reviewed as part of a Process I or II zoning permit for the use or structure they will serve; and~~

~~c) If the use or structure the appurtenance will serve does not require review through Process I or II, the Planning Official may allow an appurtenance to be located in a required side or rear yard using the process described in subsection (4)(c) of this section. In such event, only the owners and residents of the property located immediately adjacent to the required yard in which the appurtenance is proposed to be located shall be provided notice; and~~

~~d) Insufficient at or below grade space exists elsewhere on the site to locate the appurtenances; and~~

~~e) The required yard is not adjacent to a residential zone; and~~

- f) ~~The appurtenances are the minimum size necessary.~~
- 4) ~~Appurtenances located at or below grade shall not be counted toward allowable lot coverage.~~

[continued from above...] in a parking structure, subject to the following:

- 1) The appurtenances are located or screened in such a manner that they are not visible from ~~adjacent~~ **adjoining** properties or rights-of-way; and
- 2) The appurtenances will not violate KZC 115.95 (Noise Regulations) or KZC 115.100 (Odor) or create undue heat or vibration on the adjoining property.
- 3) If the parking structure would otherwise contain 10 or more parking stalls, the parking may be reduced by the amount necessary, but by no more than two (2) parking stalls, to provide the physical space required to accommodate the appurtenances.

See also KZC 115.115.3(p).

6. Review Authority

If a rooftop appurtenance modification requiring approval through a Planning Official decision pursuant to subsection 4(c), is part of a proposal that requires additional approval through Design Review, Process I, Process IIA or Process IIB, the entire proposal shall be decided upon using that other process.

115.122 Rooftop Amenities and Rooftop Common Rooms

The intent of these rooftop amenity and common room regulations is to specify height and size allowances for such items above the maximum height of structure. Allowances for rooftop amenities and rooftop common rooms are intended to encourage the provision of common space on the rooftop to serve stacked dwelling units and commercial building occupants.

1. **Scope – The regulations contained in this section apply to structures containing stacked dwelling units and/or commercial uses.**

2. Noise – Rooftop amenities and amenity spaces, and rooftop common rooms, are subject to the noise regulations described in KZC 115.95.
3. Lighting – Rooftop amenities and amenity spaces, and rooftop common rooms, are subject to the below lighting standards:
 - a. Lighting regulations described in KZC 115.85.1;
 - b. All exterior light fixtures shall be directed downward and use “fully shielded cut off” fixtures as defined by the Illuminating Engineering Society of North America (IESNA), or other appropriate measure to conceal the light source from adjoining uses. Manufacturer specification sheets for the lighting fixtures including photometric data shall be included with lighting plans; and
 - c. All exterior lighting associated with rooftop amenities and amenity spaces, and rooftop common rooms, shall be turned off after business hours or 10:00 p.m., whichever is later, with the exception of necessary lighting for site security. On portions of property adjoining low density residential zones, such lighting shall be turned off after business hours or 10:00 p.m., whichever is earlier. Outdoor lighting used to illuminate walkways and building entrances may remain on after 10:00 p.m.
4. Allowable Height and Size – Rooftop Amenities
 - a. Rooftop amenities surrounded by approved guards or railings may exceed the maximum height of the structure for the zone by a maximum of four (4) feet.
 - b. Guards or railings enclosing rooftop amenities space may exceed the maximum height of the structure for the zone by a maximum of four (4) feet and shall be setback from the building edge a minimum of 5 feet. Railings shall be of a transparent or majority-open design such as glass, cabling, picket, or other similar types of railings. Where the applicable zone allows parapets to exceed the maximum height of structure, setback and transparency standards do not apply to the parapet when it is used as the railing.

5. Allowable Height and Size – Rooftop Common Room

The Planning Official may approve the addition of a rooftop common room if:

- a. The applicant submits accurate graphic representations or other information that demonstrates that:**
- 1) The rooftop common room is not located on a portion of the structure adjoining a low-density residential zone; and**
 - 2) Views from adjoining properties will not be significantly blocked by the rooftop common room; and**
 - 3) The location and orientation of the rooftop common room is such that the visibility of the rooftop common room from adjoining properties and streets will be minimized; and**
 - 4) All walls of the rooftop common room must contain transparent windows comprising at least 75 percent of the area of the facade between two feet and seven feet above floor level. This requirement does not apply to elevators and stair enclosures attached to a rooftop common room; and**
 - 5) The rooftop common room is architecturally integrated with the building design; and**
- b. The height of the rooftop common room shall not exceed 15 feet or the height of the story immediately below the rooftop common room, whichever is less; and**
- c. The area of the rooftop common room, measured to the outermost exterior element, shall not exceed 500 square feet or 10% of building footprint, whichever is less. The minimum floor area required by building code for elevators and associated equipment and/or stair enclosures shall be exempt from the maximum area calculation for the rooftop common room; and**
- d. The rooftop common room is setback from any building edge at a distance equal to the height of tallest point of the room above the roof deck; and**
- e. The applicant provides one of the following items in addition to the rooftop common room:**

- 1) A landscaped area on the rooftop equal to the square footage of the rooftop common room, or
- 2) A street-level public plaza equal to the square footage of the rooftop common room, or
- 3) Public use of the rooftop common room, either as public access or as use of the rooftop common room as publicly accessible retail, restaurant, or similar space

d. The Planning Official shall not approve or deny the addition of a rooftop common room pursuant to this subsection without first providing notice of the modification request to the owners and residents of each adjoining property and providing opportunity for comment. Said comment period shall not be less than seven (7) calendar days. The fee for processing a modification request shall be as established by City ordinance.

6. Review Authority

If a rooftop common room requiring approval through a Planning Official decision pursuant to subsection 3, is part of a proposal that requires additional approval through Design Review, Process I, Process IIA or Process IIB, the entire proposal shall be decided upon using that other process.

Kirkland Zoning Code – Section 115.115.3 – Required Yards, Structures and Improvements

p. HVAC and similar types of mechanical equipment may be placed no closer than five (5) feet to a side or rear property line, and shall not be located within a required front yard; provided, that such equipment may be located in a storage shed approved pursuant to subsection (3)(m) of this section or a garage approved pursuant to subsection (3)(o)(2) of this section. All HVAC and similar types of mechanical equipment shall ~~be baffled, shielded, enclosed, or placed on the property in a manner that will ensure compliance with the noise provisions of KZC 115.95~~ meet the standards below: ~~Also see KZC 115.120(5) concerning alternative locations for mechanical equipment.~~

- 1) For properties other than single-family residential, HVAC and similar types of mechanical equipment shall be surrounded by landscaping or a solid screening

enclosure, or located in such a manner that they are not visible from adjoining properties or rights-of-way; and

2) The HVAC and similar types of mechanical equipment shall not violate KZC 115.95 (Noise Regulations) or KZC 115.100 (Odor), or create undue heat or vibration on the adjoining property.

Kirkland Zoning Code – Section 50.62 – Building Height Provisions in the CBD

1. Height shall be measured above the point of measurement (e.g, above average building elevation, or above right-of-way) as specified in the particular use zone charts. For purposes of measuring building height above the abutting right(s)-of-way, alleys shall be excluded.
2. Where retail frontage is required along an abutting street and along pedestrian-oriented streets (see Plate 34H), the minimum ground floor story height for retail; restaurant and tavern; entertainment, cultural, and/or recreational facility uses shall be 15 feet; provided, however, that in CBD 1A and CBD 1B, any buildings proposed and built after April 1, 2009, or buildings that existed prior to April 1, 2009, which are 10 feet or more below the permitted maximum height of structure, shall be required to provide a minimum 13-foot ground floor story height.
3. The following exceptions to height regulations in CBD zones are established:
 - a. Decorative parapets may exceed the height limit by a maximum of four (4) feet; provided, that the average height of the parapet around the perimeter of the structure shall not exceed two (2) feet.
 - b. For structures with a peaked roof, the peak may extend five (5) feet above the height limit if the slope of the roof is greater than three (3) feet vertical to 12 feet horizontal and eight (8) feet above the height limit if the slope of the roof is equal or greater than four (4) feet vertical to 12 feet horizontal.
 - c. Within CBD 1A and 1B, the height of rooftop appurtenances and related screening shall not exceed the maximum applicable height limitation beyond the height exceptions established in subsections (3)(a) and (3)(b) of this section. **Rooftop** ~~In addition, the~~

appurtenances and screening shall be integrated into the design of the parapet or peaked roof form. **However, the City may approve modifications for elevators and associated equipment and/or stair enclosures subject to the standards in KZC 115.120.4(b) and the rooftop appurtenance modification criteria and procedures in KZC 115.120.4(c) and (d) and 115.120.6.** The height of **any other** rooftop appurtenances and the height of related screening may not be modified through KZC 115.120.

d. Within CBD 1A and 1B, the height of rooftop common rooms shall not exceed the maximum applicable height limitation beyond the height exceptions established in subsections (3)(a) and (3)(b) of this section unless approved by the Planning Official pursuant to the standards and modification process described in KZC 115.122.5 through 6.